



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
February 13, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Park City, Utah will hold its regularly scheduled meeting at the City Council Chambers, 445 Marsac Ave Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, February 13, 2019.

MEETING CALLED TO ORDER AT 5:30 PM.

I. ROLL CALL

II. MINUTES APPROVAL

- II.A. Consideration to approve Planning Commission Meeting Minutes from January 23, 2019.
[January 23, 2019 Minutes](#)

III. PUBLIC COMMUNICATIONS

IV. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

V. REGULAR AGENDA

- V.A. 8680 Empire Club Drive Residences at the Tower Conditional Use Permit
(A) Public Hearing (B) Possible Action
[Staff Report pg. 16](#)
[Exhibits pg. 35](#)
- V.B. 8680 Empire Club Drive Residences at the Tower Condominium Plat
(A) Public Hearing (B) Recommendation to City Council
[Staff Report pg. 118](#)
[Exhibits pg. 127](#)

VI. ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Planning Commission 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 City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See:
www.parkcity.org

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 23, 2019

COMMISSIONERS IN ATTENDANCE:

Vice-Chair John Phillips, Sarah Hall, John Kenworthy, Mark Sletten, Doug Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

ROLL CALL

Vice-Chair Phillips called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Suesser, who was excused.

Vice-Chair Phillips welcomed the new Commissioner, Christin Van Dine, to the Planning Commission.

ADOPTION OF MINUTES

January 9, 2019

Commissioner Thimm referred to page 20, first full paragraph, and revised the 5th sentence to correctly read, "In looking at the Exhibit on page 108 of the Staff report, its apparent that the whole hillside has been disturbed **rather** than staying undisturbed, but **it will never be** undisturbed again".

MOTION: Commissioner Sletten moved to APPROVE the Minutes of January 9, 2019 as amended. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the next Planning Commission meeting was scheduled for February 13, 2019.

Director Erickson had parking validations available for anyone who parked in China Bridge to attend this meeting.

Commissioner Kenworthy disclosed that he is a landlord to Deer Valley and houses many of Deer Valley's winter employees. The landlord/tenant relationship has been in place for over a decade and he did not believe it would affect his decision this evening. Commissioner Kenworthy reported that Steve Issowitz is involved on the operation side of Deer Valley and he had communicated with Mr. Kenworthy regarding the matter on the agenda this evening. Commissioner Kenworthy stated that he had not responded to Mr. Issowitz's communication.

Commissioner Kenworthy also disclosed that his campground is right next door to JSSD and he works with Ron Phillips on a regular basis. In addition, Doug Ogilvy toured him on a mine site in recent years that is owned by JSSD and Talisker. Commissioner Kenworthy disclosed and he and Sandra Morrison have served together on HPCA, and he was Chair of the Historic Preservation Board in the past. He did not believe that any of those associations were cause to recuse himself from the items on the agenda.

Commissioner Hall disclosed that she had given a charitable contribution to the Friends of Mining History and the Historical Society.

Commissioner Sletten disclosed that he owns property in the sister community to the item on the agenda. He did not believe it posed a reason to recuse himself.

WORK SESSION

Flagstaff Mountain Development Agreement – Open Space Management Plan (Technical Report #5), Historic Preservation Plan (Technical Report #6)

Planner Whetstone introduced Jeff Butterworth and Rich Wagner with Storied Development Deer Valley. She noted that both were applicants on the Tower Residences application on the agenda, but they were also voting members of the Empire Pass Master Owners Association. Also present was Doug Ogilvy, representing Redus Park City LLC, and President of the Empire Pass Owners Association.

Planner Whetstone reported that on December 12th, during the Tower Residences applications, the Planning Commission received public input regarding the Flagstaff Development Agreement; specifically, the historic preservation portions of the agreement. The Planning Staff spent four weeks researching various documents and

maps. A summary of information was provided in the Staff report. During the December meeting, the Planning Commission requested that the Staff return for a work session on January 23, 2019 to respond to public input and to discuss steps moving forward. The Staff had outlined a framework for the discussion this evening.

Director Erickson noted that because this was a work session, the Commissioners could ask questions throughout the discussion. A public hearing is not required for a work session, but the Planning Commission has the discretion to take public input. Director Erickson noted that the items on the Regular Agenda that were continued from the December meeting were noticed for public hearing.

Director Erickson remarked that the Planning Commission had requested that the Staff conduct a status update on Technical Report #5, Open Space Management Plan; and Technical Report #6, Historic Preservation Plan. Following their research, the Staff concluded that the Historic Preservation Plan is a 127-page document. A 196-page document shows "draft" on the cover in very small letters. The difference between the two is that a number of sites that were reviewed in the 196-page document that were not part of the final development agreement area for Flagstaff. The information on mine sites were removed from the 196-page document. Therefore, the matrix and the 127-page document is the actual Historic Preservation Plan.

Director Erickson noted that the Open Space Plan and the Historic Preservation Plan need to be read together because they both control access to the sites and the recommendations for the sites.

Director Erickson stated that in responding to the questions and comments from the public and the Planning Commission, the Master Owners Association had submitted a draft plan for compliance with the two technical reports. The draft plan was included in the Staff report. The Staff had conversations with the Historical Museum and the Friends of Ski Mining History about the report and the fact that they would discuss the elements of that report moving forward. Director Erickson remarked that the Staff opinion is that the report sets up fairly reasonable architecture for beginning negotiations. In addition, it is similar to other documents that the City has done with other organizations.

Director Erickson explained that in most cases when they do these agreements, the ski area continues to exist. However, in this case, once the property is sold, the Master Association will take over many of the obligations under the development rights. Director Erickson believed the best approach would be to run the agreement through the Master Owners Association to make sure there is long term continuity on the management of all 15 technical reports.

Director Erickson reported that the Master Owners Association offered reimbursement for the Little Bell Ore Bin stabilization costs. In the document submitted, Storied Development offered to repair the roof on the Judge Mining and Smelting Office.

Director Erickson reported that while there have been discussions about which mine sites, it is clear that the Master Owners' Association will take responsibility for the Judge Mining and Smelting Office, the Explosives Bunker, the Daly West fire hydrant shacks, and the Little Bell Ore Bin. He noted that other sites mentioned at the last meeting are not in the Development Agreement area. The Alliance Mine is on United Park City Mines property and covered by a lease with Park City Mountain Resort. The Judge is on United Park Lands and not covered by a conservation easement. The White Pine site at the top of the ridge is on Deer Valley property. The Naildriver is on Deer Valley property and not subject to the development agreement. The Flagstaff Mine site is on another mining company property outside the development agreement and outside the Deer Valley boundary.

Director Erickson remarked that the current plan is to have an interim agreement and the one-time reimbursements complete by a date certain. He noted that Vail VRPC agreement took approximately six months, but there were more sites on the property. Director Erickson anticipated conversations about funding levels and ongoing funding for vandalism and maintenance. There were broad differences on missing signs, and which locations were missing signs. All parties need to be involved in those discussions, including United Park City Mines and the Museum. The Staff was proposing an inventory, as outlined on page 69 of the Staff report, which was a summary of the offer from the Master Owners' Association.

Director Erickson stated that the goal is to have long-term funding and a compliance plan by a date certain. He anticipated approximately one year.

Director Erickson reported on a conversation regarding potential additional conditions of approval on the Storied Deer Valley applications, which is the Talisker Club. Currently, they are in negotiations to put together a signed Memorandum of Understanding outlining the conditions for the short-term and long-term before the February 13th meeting. It would be signed by the Empire Pass Master Owners' Association and binding on them. The idea is to keep the Talisker approvals as severed as possible from these other things and put the onus on the Master Association. Director Erickson believed that placing additional conditions on the Storied project would create a great deal of consternation. The goal is to put the MOU agreement together before February 13th so the Planning Commission can review the terms.

Director Erickson stated that they were also talking about additional curation on the Judge Mining and Smelter site to understand what was there. It is important to make

sure they have records from the Museum on that site. He anticipated a thorough conversation regarding the obligations for stabilization versus restoration on the other sites.

Vice-Chair Phillips understood that it would take six months to assess everything, and that there will be discussions on funding. He asked whether this would come back to the Planning Commission or whether it would be handled administratively. Director Erickson replied that it would come back to the Planning Commission similar to how the Vail Agreement came back. The Planning Commission will need to find compliance with Technical Reports #5 and #6 of the Development Agreement. When it comes back, the public will have the opportunity to provide input.

Director Erickson explained that the short-term agreement is between the City and the Empire Pass Master Owners' Association. The long-term agreement brings the other parties to the table. There needs to be conclusions on how to do long-term licenses or preservation easements on those structures. He noted that the declarant does not own the structures. In the case of Park City Mountain Resort they used the licensing agreement because those were United Park City mines and structures.

Director Erickson stated that this was a two-step process. Once they get an agreement with the Master Association and get the reimbursement completed, they will bring in the remaining parties to the table and then come back to the Planning Commission for approval and ratification.

Vice-Chair Phillips understood that the Staff was looking for one or two Commissioners to be involved in the process. He asked if there would be conflict issues since the Planning Commission would be taking action at the end of the process. City Attorney Harrington stated that it would not be a conflict as long as it is disclosed. The Commissioners involved would be a liaison in terms of being able to represent how the Planners follow up on the commitments as planned.

Vice-Chair Phillips asked if there was added value to having the Commissioners involved early in the process. Director Erickson replied that there was no advantage between now and February 13th. However, between February 13th and the six-month period, it would put the continuity and momentum into the mission that needs to be accomplished and carried over into the long-term agreement. At that point there would be a better understanding of the issues and the negotiating points; as well as input from the Master Owners' Association and the other property owners and the declarants. Director Erickson stated that after February 13th, the Planning Commission should motion to appoint specific Commissioners as liaisons. Vice-Chair Phillips asked the Commissioners to think about whether or not they might be interested in filling the liaison role.

Commissioner Kenworthy thanked Director Erickson and the Staff for the amount of work they did in a very short time. Commissioner Kenworthy reiterated his previous comment that this needs to be solved as a community. He also appreciated the effort the applicants put forth for this meeting.

Vice-Chair Phillips opened the public hearing.

Sandra Morrison, with the Park City Historical Society and Museum, thanked the Staff for following up on all the requirements in the Flagstaff Development Agreement. She appreciated their efforts. Ms. Morrison also thanked the Master Owners Association for agreeing to reimburse them for the work that was done on the Little Bell Ore Bin.

Commissioner Thimm asked if the \$60,000 that was mentioned in the Staff report completed the work, or whether it was still a work in progress.

Director Erickson replied that the Planning Department signed the certificate and he had signed off on some of the technical matters. Ms. Morrison stated that they had also received a \$5,000 grant for the structural engineering. She would actually be invoicing the Master Owners Association for \$65,000.

Ms. Morrison commented on the short-term pre-agreement. She remarked that the single point was signage. The Historic Society designed, created, researched photographs, and paid for the signs. This was done in 1999-2000, and she was surprised to see that the signs were included in the 2000 Historic Preservation Plan. Ms. Morrison found in the records that Hank Rothwell gave a check for \$20,900 in 2004. When she looked back at all the costs, she discovered that the donation did not cover the full cost of the signs, and that grant money was also used to cover the cost of the signs. Ms. Morrison was requesting reimbursement for all of the signs. According to the Staff report, they provided 22 interpretative signs at a cost of \$2,400 each, for a total cost of \$52,800. Subtracting Mr. Rothwell's donation, the final bill for signs was \$31,900.

Ms. Morrison noted that Storied Development agreed to make a one-time payment to re-roof the Judge Office Building. They figured out what they could bring to the table and she appreciated it. Ms. Morrison had some concern because the 2000 Preservation Plan noted that the roof was in bad shape. Therefore, the roof has been leaking for 20 years. Ms. Morrison pointed out that no one has any idea of what internal structural problems may exist. She questioned the merit of putting a new roof on a building that cannot handle the load. Ms. Morrison asked if the pre-agreement could include a structural investigation of the interior to make sure they do not collapse an iconic historic building.

Ms. Morrison commented on the Development Agreement. The expectation was that the Judge Office Building would be restored as required by the Annexation and the Development Agreement. It was a fabulous offer from the developer and she thought they should accept it. It is a mining history that makes Park City unique, and the office building is still physically present demonstrating their history. Ms. Morrison was concerned about losing this treasure to neglect. It is an important part of the town's history and culture, and it is constantly being explored by bikers, hikers, cross-country skiers, and many others. Ms. Morrison suggested that the ugly dilapidated trailer parked next to the building for all these years could finally be removed, and that use could move inside the restored office building. Ms. Morrison believed there were many opportunities for this building, and she did not want to give up the restoration they all agree on.

Regarding the pre-agreement, Ms. Morrison understood that the Planning Staff would continue to review the plat amendments, CUPs, and building permits for another year until the Memorandum of Understanding is in place. She wanted to know what happens in that year and whether every developer, including Redus, hurries through their application because they are not governed by the pre-agreement. Ms. Morrison asked about a moratorium.

Vice-Chair Phillips preferred to continue with the public hearing and answer all the questions at the end.

Ms. Morrison commented on the Memorandum of Understanding. She thought an updated Historic Preservation Plan was a great idea. However, she thought they should also add a timeline stating when the stabilization efforts would be completed. She noted that Vail spent a considerable amount of money on a Historic Preservation Plan for PCMR in 2016, but there were no timelines attached and only two structures have been completed.

Ms. Morrison read from the Staff report, "The work plan will require the Master Owners Association to meet with the Planning Staff in the Spring to identify the structure to be stabilized during the summer". Ms. Morrison asked if only one structure would be stabilized in that time. She noted that the Historic Preservation Plan included the three fire hydrant shacks. She was still unclear as to why the two logs cabins at White Pine were not included in this Memorandum of Understanding; as well the Dynamite Building and the D and E water tanks at the Ontario. Ms. Morrison pointed out that it will take eight years to rehabilitate eight structures if they only do one per year. After 20 years of deferred maintenance, she did not think they could afford to wait another eight years to complete all the structures.

Ms. Morrison read from the Staff report regarding the funding Sources. "The Master Owners Association would offer \$5,000 per year for maintenance". She questioned why the Memorandum of Understanding needed to establish a limit. She felt that after 20 years of deferred maintenance, the MOU should not limit the amount spent on each of these unique structures per year. She noted that the Preservation Plan states that maintenance and ongoing protection efforts for these buildings will become the responsibility of the Master Owners Association. Ms. Morrison requested that the Planning Commission not put a financial limit on the Master Owners Association responsibility; particularly since there is an ongoing funding source. She noted that the 2007 Amended Development Agreement provided the Open Space and Transit Management Fund. She read, "50% of the open space and transit management fee shall belong to the Flagstaff Mountain Master Resort Association to reduce Master Resort Association dues associated with the obligations assumed herein". Ms. Morrison pointed out that it was not just open space obligations. It is all the obligations, which includes historic preservation. Maintenance of history structures is one of those obligations. Ms. Morrison stated that the obligation in the Development Agreement also includes conserving the protected open space as identified in the Open Space Technical Report #5. She remarked that these historic structures are all identified as protected open space. Ms. Morrison pointed out that the Master Owners Association would have collected the same amount of money that the City collected over the past 20 years because the money is split 50/50. It is an ongoing fund and the collection continues.

Ms. Morrison understood that the intent of the Flagstaff Development Agreement was that the Daly West would be preserved. Park City has three head frames and currently only two are still standing. She spoke with a structural engineer who said they could do a floating foundation for \$30,000. Planner Grahn had obtained a quote of approximately \$100,000 to repair the head frame and stand it back up. Ms. Morrison stated that Section 4.2.5 of the Open Space Management Plan identifies the Daly West Mine site and states, "This site is considered protected open space". She read from Article 9 of the Master Declarations of Covenants, Conditions and Restrictions of Flagstaff, a planned community. "The Master Association shall apply all funds for the common good and benefit of Flagstaff." She further read, "The following are some, but not all, of the areas in which the Master Owners Association may provide the common benefit...". She noted that one was compliance with the Development Agreement. Ms. Morrison believed the funds could be used for the Daly West Head Frame. Ms. Morrison remarked that the City is collecting the other half of the 1% transfer fee. She read from Section 3.2 of the 2007 Amended Development Agreement, "50% of the open space transit management fund shall be paid to the City to assist in the cost and expenses for transportation to the project, recreation improvements, and/or open space

acquisition, maintenance and preservation". Ms. Morrison urged the Planning Commission to look at these funds. She noted that the head frame fell over from lack of maintenance, and the Daly West is protected open space. She thought they should use this fund to stand it back up again; and the Master Owners Association and the City could split the cost.

Ms. Morrison urged the Planning Commission to interpret the Flagstaff Development Agreement by focusing on the intent of the Agreement; which is to preserve Park City's history and preserve these last remaining structures. She reiterated that the Commissioners should direct the Staff to use all these opportunities for funding in an effort to save these structures for future generations.

Vice-Chair Phillips closed the public hearing.

City Attorney Harrington responded to the question regarding a moratorium. He stated that they need to continue to look at the information the Planning Department provides in terms of what has been done in the past and the background that led to this point. Mr. Harrington remarked that he would never talk about overall enforcement pros and cons in private business or debate either side in public. The Legal Department would make a recommendation at the next meeting on whether or not to support the Staff recommendation, and he would provide a basis for that recommendation. Mr. Harrington stated that the City has express authority in State Code to do moratoriums in one scenario; but this was not that scenario. Therefore, they were only looking at an enforcement action or a violation of the Development Agreement action; and those have their own processes that need to be followed. The Staff is evaluating what has and has not been followed and they will provide a recommendation to the Planning Commission at the next meeting. Mr. Harrington did not anticipate recommending a moratorium. He encouraged the Planning Commission to support the Staff's efforts and ratchet it down with the parameters of the longer term agreement. Mr. Harrington stated that the City is continuing to dialogue with Steve Issowitz, who was noticed about this meeting. Mr. Issowitz had reviewed the Staff report and provided documents for review. Mr. Harrington stated that there were numerous transaction documents in addition to the Development Agreement where the parties have tried to splice responsibility amongst themselves. The City is just now getting that information and it may or may not be relevant in the analysis. Mr. Harrington stated that he and Jody Burnett have been working with the Planning Department and they will continue to do so in an effort to come back with a comprehensive recommendation.

Mr. Harrington had requested the budget information on the transfer fee. He noted that the City has a different take in terms of intent and how it is currently written. However, regardless of how the documents are interpreted, the Planning Commission has the

purview to make a recommendation to either alter those documents or to rededicate or use other funds, should they desire to increase the prioritization of the funding for the City. Mr. Harrington stated that the Planning Commission has the purview to forward a fiscal recommendation to the City Council and he encouraged them to do that.

Director Erickson appreciated the time and effort the Museum and the Friends of Mining History had spent on this matter. He clarified that the intention was not to limit rehabilitation to one building per year. The intention is to have a meeting twice a year to determine what funds are available from all the funding sources, and which is the highest priority action to take to maintain the stabilization consistent with the technical reports. Director Erickson stated that they have not agreed to any funding limits at this point and that will be a hard conversation. They have asked for an inventory in the first six months to make sure they understand the applications of the Development Agreement and what they can hold the applicant accountable for; as well as the intentions of the Development Agreement for deferred maintenance and stabilization versus restoration.

Director Erickson stated that currently they were reviewing the options on the Judge site. As indicated, the Judge is owned by United Park City Mines in a different way; therefore, it was not a Redus obligation at this point. Director Erickson stated that from a professional standpoint, he was unsure whether adaptive reuse was the right thing to do; however, he would look into her suggestion for using the Judge office. Director Erickson remarked that the Daly West was a complicated situation and he would make sure to address it in the six-month cycle. It involves another party that is not a member of the declarants for the Flagstaff Mountain project. Regarding the water tanks, Director Erickson needed to see what authority they would have to address those.

Jeff Butterworth with Storied Development thanked the Staff for doing a phenomenal job in a very short time. He appreciated their effort. Vice-Chair Phillips expressed appreciation for the applicant's cooperation as well.

Doug Ogilvy, representing Redus and the Master Owners Association, stated that they were trying to find resolution that addresses the community's interest in historic preservation and their own obligations in order to move things forward. Mr. Ogilvy remarked that at the last meeting he made the comment that the Historical Society had not reached out to the MOA. Subsequent to this meeting, he realized that the Historical Society had reached out to the property manager, but there was no formal communication with the Board or the management teams. Mr. Ogilvy clarified that Ms. Morrison was correct when she said they had attempted to communicate with the MOA.

Commissioner Kenworthy asked City Attorney Harrington if it was possible to put a time limit on when the preservation should be completed that aligns with the certificate of occupancy. Mr. Harrington replied that it meets the need, but it might take a number of different forms. He needed to make sure it was clearly defined and enforceable in the short term. Mr. Harrington thought the Certificate of Occupancy might present a problem because pending legislation is expected during this Legislative Session that may impact the ability to add further conditions on Certificates of Occupancy. However, they would keep that on the table as they move forward with discussions. He pointed out that they were also looking at other things in terms of teeth in the document.

Vice-Chair Phillips thought this had come a long way since the last meeting. He believed the Staff and the applicants had achieved the framework the Commissioners had requested.

Commissioner Thimm stated that as he read through the Staff report, everything came down to the teeth that exists in Historic Preservation Plan Exhibit 36. That was his focus as he tried to prepare for this meeting. Commissioner Thimm appreciated that the applicant wanted to do the right thing and he believed it was beginning to occur.

Commissioner Thimm thought there were points lacking that needed to be understood in the Development Agreement, and he was pleased with the Memorandum of Understanding. If more entities were involved, he wanted to know if efforts were being made to bring other entities to the table. Director Erickson answered yes. They reached out to United Park City Mines and they had a fairly successful meeting with Kerry Gee. The City Executive Department will have conversations with the Jordanelle Special Service District because the City has water agreements with JSSD. He noted that the Executive Office understands the importance of the Daly West Head Frame. Commissioner Thimm thought it was important to get everyone to the table.

Commissioner Thimm referred to Exhibit 6. He thought everything from a scheduling standpoint was tied to the first phase of the Flagstaff Development. He stated that unless they were still waiting for the first phase of the Flagstaff Development they were behind schedule. Director Erickson remarked that Planner Grahn and Planner Whetstone had provided information about the first conditional use permit. He recalled that the first conditional use permit was the Master Plan for Empire Pass Pod A. Two subdivisions were approved in advance of Pod A because of negotiations with the City. Director Erickson noted that the first CUP was issued in 2004. The Development Agreement was re-ratified in 2007. Director Erickson explained that the City was in intensive negotiations with Empire Pass related to an ownership shift. The City approved two subdivisions and then approved the Master Plan for Empire Pass in 2004. The first CUP was issued in 2004 in this area. Director Erickson had the records of the

Planning Commission action on that CUP, as well as the request to change three of the Technical Reports in the 2007 document. Planner Whetstone reported that the North side MPDs and CUPs occurred in 2001.

Commissioner Thimm asked about having a schedule in the MOU that could include a description of all the sites that are impacted by this group. He requested an outline of site identification and main routes to the site; a detailed description of each site, including its historic backstory; the current conditions; identification of the responsible party; a detailed description of the effort required and the need to mitigate ownership issues; a schedule for a completion date; a description of who inspects and accepts the completed work; an outline of ongoing observation and inspection reports and maintenance; and consequences if the work is not completed.

Director Erickson appreciated the list Commissioner Thimm outlined, and he believed it matched the Staff's intentions. In addition, they would try to figure out why all three reports name the sites differently. He noted that several sites have different names and they are accounted for differently. Director Erickson remarked that Planner Grahn did a good job of summarizing the compliance in the Staff report; however, there was more work to do and continued discrepancies that needed to be resolved.

Commissioner Sletten referred to page 25 of the Staff report and noted that there was no discussion of how things would be enforced. He agreed with the list of items Commissioner Thimm had requested.

Commissioner Hall recognized that the Staff had done a great job in a short period of time. She was thankful that the Planning Commission was able to have a work session this evening because it was very helpful.

Director Erickson noted that the Staff was requesting that the two items on the agenda for 8680 Empire Club Drive be continued to February 13th. If the Commissioners did not have additional questions for the Staff to resolve before February 13th, the Staff reports in the packet this evening would be the same reports for the February 13th meeting; unless they do not get sufficient answers on compliance with Technical Reports #5 and #6.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 8680 Empire Club Drive Residences at the Tower Conditional Use Permit.

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

MOTION: Commissioner Thimm moved to CONTINUE 8680 Empire Drive Residences at the Tower CUP to February 13, 2019. Commissioner Sletten seconded the motion.

VOTE: The motion passed unanimously.

2. 8680 Empire Club Drive Tower Residences Condominium Plat.

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

MOTION: Commissioner Thimm moved to CONTINUE 8680 Empire Drive Tower Residences Condominium Plat to February 13, 2019. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 6:30 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: Residences at the Tower – Lodge
Building #1 and addition to the Tower Club
Author: Kirsten Whetstone, MS, AICP - Senior Planner
Date: February 13, 2019
Type of Item: Administrative – Conditional Use Permit (CUP) for a multi-unit residential building and addition to the private Tower Club at Empire Pass

Project Number:	PL-18-03984
Applicant:	Storied Deer Valley, LLC- Rich Wagner
Location:	8680 Empire Club Drive
Zoning:	Residential Development (RD) as part of the Flagstaff Annexation and Master Planned Development (MPD) and the Village at Empire Pass MPD (VEP MPD)
Adjacent Land Uses:	Deer Valley Resort, condominiums, townhouses, vacant development parcels of the Village at Empire Pass Pod A and open space
Reason for Review:	Conditional Use Permits (CUPs) require a public hearing and final approval by the Planning Commission.

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and discuss the request for a Conditional Use Permit (CUP) for a multi-unit residential building, police substation and an expansion of the private Empire Club building located at 8680 Empire Club Drive. Findings of fact, conclusions of law, and conditions of approval are provided herein for the Commission's consideration.

Proposal

This is a request for approval of the Residences at the Tower Conditional Use Permit for 14 multi-family residential units (42,453 sf) utilizing 21.227 unit equivalents (UE), one ADA unit (737 sf) and one 737 sf deed restricted employee housing unit (EHU), a 509 sf police substation, and an expansion of the private Talisker Club located at 8680 Empire Club Drive. The property is located within the Residential Development (RD) zoning district on a 1.53 acre lot, Lot 9 of the First Amended Village at Empire Pass Phase 1 Subdivision and is known as Building #1 of the Village at Empire Pass Master Planned Development (VEP MPD), approved by the Planning Commission on July 28, 2004, ([Exhibit J link to VEP MPD approval](#)).

The building is currently known as the Talisker Club. The approved CUP was called the Tower Club CUP consistent with a previous name change from Empire Club to Tower Club, during approval of the Phase II CUP for the residential units. It was also known as the Alpine Club. **This current proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE) from the previously approved Phase II CUP.**

The application consists of a project description and volumetric analysis, site plan, floor plans, elevations, landscape plan, photos of the site, and existing subdivision plat (**Exhibits A- G**). Civil plans (existing conditions survey, utility, grading, demolition plans, storm water, etc.) (**Exhibit H**) and a construction mitigation plan (**Exhibit I**) were also submitted. The Design Review Board for Empire Pass provided review and comments on the design (**Exhibit N**). An application for the Residences at the Tower Condominiums is under concurrent review.

Background / Timeline

June 24, 1999 – City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre 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 and amenities for each parcel. The Agreement was amended in **March of 2007** and includes 14 technical reports associated with the Empire Pass development area. See [Exhibit L- Flagstaff Development Agreement](#) and **Exhibit M - Technical Reports**).

July 28, 2004 – Planning Commission approved the Village at Empire Pass Master Planned Development. The purpose of the VEP MPD was to establish unit mix and density for the Mountain Village as well as addressing overall project infrastructure throughout the Annexation Area. The VEP MPD established building volumetric diagrams, including specific height exceptions, density and development location and requires CUP approval for the Lodge buildings prior to building permit issuance for construction. The 2007 Amended Agreement, 14 technical reports, the Land Management Code and the Village at Empire Pass MPD, form standards by which this CUP is reviewed. [Exhibit J – Village at Empire Pass MPD \(VEP MPD\) approval.](#)

September 30, 2004 – City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass (**Exhibit G**). Proposal is located on Lot 9.

April 13, 2005 – Planning Commission approved the Tower Club Phase I CUP for approximately 8,880 square feet consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool, hot tubs, etc. The Club was constructed in **2005 and 2006**.

February 13, 2008 – Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by Planning Commission on **March 11, 2009**. A building permit for Phase II was not issued and the CUP expired. **This current CUP proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE).**

January 6, 2011 – City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on **January 4, 2012 (Exhibit G)**.

December 14, 2016 – Planning Commission approved an amendment to the Tower Club Phase I CUP to allow an expansion of the private dining area, outdoor patio and residential accessory uses. The CUP expanded the existing Tower Club dining area by 1,115 sf and providing approximately 1,000 sf of locker rooms in the basement area below a new extended patio. Indoor dining was expanded to 92 seats and the MPD Resort Support Commercial use was increased from 2,264 sf to 3,379 sf. Construction of the expansion was completed in **2018**. The CUP expansion increased the MPD Resort Support Commercial on Lot 9 to 3,379 sf. The current building consists of approximately 10,995 sf of total floor area.

November 9, 2017 – City Council approved a second amendment to the VEP Phase 1 Subdivision combining Lots 1 and 2 into Lot A of the Second Amended Village at Empire Phase 1. The amended plat was recorded on April 10, 2018 and is the location of the Larkspur Townhomes 6 condominium plat approved by City Council on November 29, 2018.

October 9, 2018 - the City received a complete application for the Residences at the Tower Condominium plat and CUP (see this packet for the plat report).

December 12, 2018 – Planning Commission reviewed the application, conducted a public hearing and continued the hearing to January 23, 2019 for further discussion related to the Flagstaff Development Agreement and Technical Reports.

January 23, 2019 – Planning Commission reviewed the application, conducted a public hearing and continued the hearing to February 13, 2019.

Purpose

The purpose of the Residential Development (RD) Zoning District can be found in [LMC Section 15-2.13-1](#).

Land Management Code (LMC) and VEP MPD Analysis

The proposal complies with LMC lot and site requirements of the RD Zoning District and the VEP MPD as described below.

Analysis

Zoning of the property is Residential Development (RD), subject to the VEP MPD. LMC lot and site requirements of the RD District and the VEP MPD are described below.

	RD District and/or VEP MPD
Lot Size	No minimum lot size. Lot 9 is approximately 1.53 acres (66,711 sf).

Front yard setbacks LMC setback exceptions apply.	Minimum 25 feet to front facing garage, 20 feet to building. Proposed front setback is 20' and 25' (garage is 25'). <u>Complies.</u>
Rear yard setbacks LMC setback exceptions apply.	Minimum 15 feet rear setbacks. Proposed minimum rear setback is 75'. <u>Complies.</u>
Side yard setbacks LMC setback exceptions apply.	Minimum 12 feet side setbacks. Proposed minimum setback is 12'. <u>Complies.</u>
Building Height Zone allows 28 feet (33 feet for pitched roof 4:12 or greater). Village MPD Volumetric and Height Exception allows up to 86 feet above existing natural grade as follows: 20% of the building is permitted to reach max height of 74' (north end), 55% may reach 86' (central portion) and 25% (south end) may reach max height of 74'.	Proposed building does not exceed 86' in height with 20% (north) at or less than 74', and 55% at or less than 86', and 25% (south) is less than 74'. The plat is consistent with the VEP MPD building heights and volumetric as described herein. <u>Complies.</u>
Parking The Flagstaff Transit and Parking Management Plan approved with the MPD requires a 25% reduction in parking from what would be normally required by the LMC and the Empire Pass HOA is required to provide shuttle services for the private Talisker Club.	Per LMC, based on unit sizes, 29 spaces are required for the 14 units, one ADA and one EHU. With the 25% reduction, 22 spaces are required. The underground parking structure has 22 spaces (including 1 ADA). There are 3 surface spaces along Village Way, 2 to be reserved as required for the police substation and one for service and delivery. Each unit is assigned one space as limited common and the remaining spaces are common. <u>Complies.</u>
Architectural Design All construction is subject to Village at Empire Pass Design Review Board (DRB) approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit.	The addition matches the architectural character and materials of the existing building and complies with the Village MPD regarding architectural character, articulation, volumetric and height. A report and letter from the DRB was provided on October 26, 2018 (Exhibit N) from their review on October 12 th . The applicant has amended the design to address DRB and staff concerns. The glass railings were replaced with metal railings to match existing buildings, low roof and stone were added to the east façade, window details were added to the larger east facing windows, and stone and roof elements were added to north elevation. <u>Complies.</u>

Residential Units Previous CUP approval on this Lot was 25 units totaling 67,625 sf (33.81 UE). The current CUP represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE). (See below for residential density Summary)	14 market rate multi-family units are proposed, ranging in area from 1,806 sf to 4,229 sf (total of 42,453 sf) (21.227 UE). Deed restricted unit (Unit 3) is 737 sf. ADA unit (Unit 2) is 737 sf. Total all residential is 43,927 sf. Market rate multifamily unit sizes (sf) are as follows: Unit 1- 3,014 Unit 4- 2,403 Unit 5- 3,010 Unit 6- 2,403 Unit 7- 2,195 Unit 8- 1,810 Unit 9- 1,806 Unit 10- 2,132 Unit 11- 4,229 Unit 12- 4,166 Unit 13- 4,229 Unit 14- 4,166 Unit 15- 3,624 Unit 16- 3,266 Complies.
MPD Resort Support Commercial 75,000 sf allowed. <u>Allocated by CUP or plat</u> Montage Spa- 35,000 sf Montage retail, restaurants/kitchens, bar, etc. -28,059 sf Grand Lodge- 1,275 sf Tower Club dining/kitchen/store- 3,379 sf <u>Remaining (prior to this application)</u> 7,287 sf	Existing- as approved with the Amended Tower Club CUP- 3,379 sf (kitchen, dining, convenience store) Proposed expansion- 2,424 sf (kitchen, dining, spa) Total ,including this CUP expansion: 5,803 sf Sufficient MPD Resort Support Commercial exists for the proposed private club expansion and 4,863 sf will remain if this expansion is approved. <u>Complies.</u>
Residential and Club Accessory uses (Guest amenities)	Common residential and club accessory uses are provided on levels one and two, including storage areas, locker rooms, fitness and recreation, kids club, lounge/après/meeting room, ski prep area, lobby, and other areas for the use by club, residents and guests. No UE are required for these uses. Total accessory area is approximately 14,021 sf. <u>Complies.</u>

Density Summary The Development Agreement approved the Mountain Village (Pods A, B1 and B2) for a maximum of 785 UE (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units were approved as part of the overall multi-family units. To date 509 multi-family units (757.28 UE) have been approved, platted and/or built within the Mountain Village. Constructed Lodge buildings include Shooting Star, Silver Strike, Flagstaff, Arrow Leaf A and B, One Empire Pass and Grand Lodge. Empire Residences are under construction.	This CUP proposes the following: Residential- 14 market rate multi-family units (42,453 sf (21.227 UE), 1 ADA and 1 EHU = 43,927 sf total residential. There is sufficient remaining density for the proposed residential density. (See Exhibit K- Density Summary). <u>Complies.</u>
Affordable Housing Amended Development Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf. This Lodge Building was assigned 0.75 AUE (600 sf) per the Developer. Off-mountain housing has been satisfied. On-mountain housing required is 24.725 AUE and is partially complete with 16.675 AUE built and 8.05 AUE remain to be built. These remaining AUE are assigned to Buildings 1, 3, 4 and B2 East.	One 737 sf deed restricted affordable unit, or EHU, is provided within the building consisting of 0.921 AUE. This unit is platted as common area and will be available at the same time the other units in the building are available, upon issuance of a certificate of occupancy for the entire building, and conditions of approval. Staff recommends conditions that the deed restriction outline and resolve any issues or concerns regarding maintaining affordability of the unit and include language that limits the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees. <u>Complies.</u>

Analysis of Conditional Use Criteria

Conditional Uses are subject to review according to the following criteria set forth in the LMC 15-1-10(E). Staff's analysis is in *italics*.

(1) Size and location of the Site;

Empire Residences consists of a single multi-story building with 14 residential units, ranging in area from 1,806 sf to 4,229 sf (total of 42,453 sf) (21.227 UE). Deed restricted unit is 737 sf. ADA unit is 737 sf. Total all residential is 43,927 sf. Total building area is 85,812 sf (88,149 sf gross). Subject property is Lot 9 of the First Amended Village at Empire Pass Phase One Subdivision, located south of the Shooting Star and One Empire Pass buildings, adjacent to the Silver Strike lift and ski run. The lot consists of approximately 1.53 acres (66,711 sf).

The site slopes steeply up from Village Way and is level with and slopes away from Empire Club Drive and gradually along the adjacent ski run. The design proposes a single level underground parking structure with access off Village Way, with five and six

levels of residential units. The size and location of the site comply with parameters of the MPD. No setback exceptions are requested. **No unmitigated impacts.**

(2) Traffic considerations including capacity of the existing Streets in the Area;
The site is accessed from Village Way and Empire Club Drive; private roads that connect to Marsac Avenue, a public Right-of-Way. A traffic management plan was approved as part of the Technical Reports for the Flagstaff Annexation and Development Agreement to reduce overall traffic generated from the development. Parking has been reduced by 25%. A final Construction Mitigation Plan is required at the time of Building Permit issuance in compliance with Technical Report #15- CMP. The Construction Mitigation Plan shall address truck routing, hauling of excavated materials, construction staging and parking, as well as all standard conditions to mitigate impacts of construction in a residential area. The Development Agreement requires excavated materials to remain within the Annexation Area. **No unmitigated impacts, as conditioned.**

(3) Utility capacity;
Sewer, electric, gas, water and phone service is available at the site. A final storm water plan, as well as final utility and grading plans, is required prior to issuance of a building permit. Applicant will need to verify that capacity still exists in the detention pond below this property and will need to maintain run-off sufficient to support the existing tree stands. All above ground utility infrastructure (transformers, ground sleeves, telephone boxes, cable boxes, etc.) are to be located on the property. Staff recommends a condition of approval related to the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property is shown and these items can be adequately screened. Showing dry utilities on the final plans allows verification from utility companies that the location shown on the plans is viable for their installation. **No unmitigated impacts, as conditioned.**

(4) Emergency vehicle Access;
Primary emergency access is from Village Way as well as Empire Club Drive that winds through the Village area with two access points onto Marsac Avenue. Village Way intersects both Empire Club Drive and Marsac Avenue providing multiple routes for emergency access. **No unmitigated impacts.**

(5) Location and amount of off-Street parking;
The Transit and Parking Management Plan approved with the MPD and Flagstaff Development requires a 25% reduction in parking from what would be normally required by the LMC. A total of twenty-nine (29) spaces are required for the 14 units, the EHU and the ADA unit. The 25% reduction rounds to a required 22 spaces. The underground parking structure has 22 spaces. Additionally, 3 surface spaces are provided along Village Way, 2 for the police substation and 1 for short term service and delivery. **No unmitigated impacts.**

(6) Internal vehicular and pedestrian circulation system;
Access to the project is from Empire Club Drive and Village Way, which are private streets. A drop-off area is located in the front of the building at the existing private club

entrance as well as along Village Way. The primary residential entrance is on the south side adjacent to the club entrance. The pedestrian path system is consistent with the Village Master Plan of Trails with connections to surrounding property, the Club, surrounding trails, and to the shuttle stop area. **No unmitigated impacts.**

(7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
*A final landscape plan that is consistent with the plan reviewed with this CUP is required as a condition precedent to building permit issuance. Landscaping and irrigation are proposed to be water efficient, utilizing drought tolerant plantings, limited turf area, and drip irrigation. **No unmitigated impacts.***

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

This building is one of nine multi-story Lodge buildings master planned to be grouped within Pod A and oriented along the Silver Strike lift and ski run and central to the Mountain Village. A majority of the mass, bulk, height and density of the Flagstaff Development is located within these 4, 5 and 6 story buildings.

To the west, there are four existing buildings of a similar size, height, and volumetric (One Empire Pass, Silver Strike, Arrow Leaf A and Arrow Leaf B, Flagstaff). On the adjacent lot to the north there is an existing building (Shooting Star) of similar massing. To the north of Shooting Star is Building 3, Empire Residences, which was recently approved with similar mass, bulk and height.

The existing Tower Club building is primarily 1 and 2 stories with an architectural tower element that is approximately 24' taller than the highest existing building ridge. Existing Larkspur townhouse units are located to the east and south of the proposed building. These townhouse units are two and three stories with heights not exceeding 33' from existing grade. On the south side, the Larkspur units are primarily oriented across from the one story club building. On the east side, a Larkspur Townhouse building consisting of three attached units is located across Village Way from the proposed building and further down Village Way a second Larkspur Townhouse tri-plex is located across from Shooting Star.

The proposed building contains 6 levels of residential units within the new portion to be constructed east of (and connecting to) the existing two story Talisker Club building. Four (4) levels of residential units are visible on the south elevation, with 6 levels visible on the east and north elevations and 3 and 4 levels visible on the west.

The south and west elevation masses are broken up by the existing 2 story club building and tower element they are constructed behind. A portion of the north elevation massing is broken up with a one story element that ties the building to the open space plaza and recreation uses of the club building. The sixth story on the north façade steps back approximately 30' from the face. The applicant revised the north elevation to break up the vertical plane by incorporating additional stonework on the lower floors.

The upper two stories of the east façade step back approximately 14' from the face and the northern and southern units on the east façade exhibit horizontal and vertical stepping and articulation. The maximum building height is located in the central section stepped back from eastern façade by 35-40'. The front setback from the street is greater than the required minimum 20' for the central portion of the front (east) façade.

Visually, there are one, two, four and six stories, in addition to the parking level, as the building is viewed from surrounding vantage points. The mass of the building steps down as the lot slopes down to the north. The building is articulated both horizontally and vertically with low shed roofs and extended balconies on the lower stories providing a sense of pedestrian scale at the street. Building articulation and massing are consistent with previously approved Lodge buildings and the approved VEP MPD building heights and volumetrics. The applicant revised the original plans to address the DRB and staff concerns regarding articulation and architectural details of the north and east elevations to further mitigate the difference in mass and scale between this building and the Larkspur Townhouse buildings to the east. This difference in mass and scale is reflective of the approved VEP MPD volumetric.

*The following heights are permitted by the MPD volumetric: 20% of the building was permitted to reach 74' above existing grade (north end), 55% of the building to reach 86' above existing grade, and 25% of the building (south end) to reach 74' above existing grade. Staff reviewed the proposed building for compliance with the MPD volumetric and maximum building height allowed and finds that the building complies with the maximum allowable building height. Proposed building has 50% of the building at 86' or less, 25% (south) is less than 74', and 20% (north) is at or less than 74'. Staff finds that the building complies with the required building height Volumetrics. **No unmitigated impacts.***

(9) Usable Open Space:

*Both passive and active Open Space is provided in excess of 88% within the overall Flagstaff Annexation and Development boundary. The individual lots were not required to provide open space. Due to the private club located on Lot 9, the CUP includes a large outdoor area for active and passive recreation. **No unmitigated impacts.***

(10) Signs and lighting:

*Signs and lighting are conditioned to conform with the Park City codes and the Flagstaff Mountain Resort Design Guidelines with final review at the time of the building permit and prior to certificate of occupancy. All exterior signs require a separate sign permit approved by the Planning Department. Any sign shown on the plans is for illustration only and does not indicate approval. Any proposed street lights must be approved by the City Engineer (LED, 48 watt, 2700 K in a style consistent with Park City street lights) and if installed, will be privately maintained. **No unmitigated impacts.***

(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:

In the immediate area, there are five existing similarly sized multi-story residential condominium buildings (Silver Strike, Shooting Star, One Empire Pass, Flagstaff, and

Arrow Leaf), as well as the two story Larkspur town homes and Paintbrush PUD style homes (single-family detached homes). The original master developer reviewed the design, volumetric and building heights and coordinated design elements for all phases of the project. All developments are required to have approval by the Flagstaff Architectural Design Review Board. The Design Review Board provided a letter from the review on October 12, 2018 (Exhibit N). The applicant revised the original plans to address the DRB and staff comments concerning the glass railings and additional architectural elements and articulation. Glass railings have been replaced with metal railings consistent with the existing building.

Staff reviewed approvals for Silver Strike, Flagstaff, One Empire Pass and Empire Residences. In all cases these Lodge buildings were approved with areas of 6 residential levels (stories) in addition to a parking garage and roof envelope area. Prior approvals specifically indicate that residential uses may be incorporated into the roof envelope area and emphasize building articulation and maximum building heights for various portions of the building. Based on review of the MPD Volumetrics as well as prior Lodge building approvals within the Village, staff finds there has been a consistent interpretation of the MPD building height and Volumetrics. **No unmitigated impacts.**

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

The building is both a residential building and a private club with outdoor uses (dining, pool, hot tubs, etc.). It is expected that there will be some noise impacts on neighboring residents. Mechanical equipment is proposed to be primarily below final grade and when at grade is proposed to be screened with landscaping and fencing. Any allowed roof top mechanical is proposed to be centrally located and screened. Staff recommends conditions of approval related to screening of exterior mechanical equipment and protrusions as well as requiring posted hours of operation for dining and outdoor recreation and amenity areas, such as pools and spas. **No unmitigated impacts.**

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

Service and delivery is for residential and the resort support commercial component in the building. It is anticipated that laundry/maid service will be needed on a weekly basis throughout the Village. Trash enclosure is located within the parking structure at the garage entry. Existing parking spaces off Empire Club Drive will remain for loading and unloading and three additional spaces off Village Way will provide for police parking and for short term drop off and delivery. **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;

The project will be platted as a condominium. Nightly rental is a permitted use within the RD zoning district. These units will primarily be second homes and it is unlikely that many will be full-time residences, although this possibility is not precluded. **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 Lands within or adjoining the site. The building is located on a flat to steeply sloping lot within the Pod A. The site is currently developed with a private club building and outdoor recreation amenities. There aspen trees and shrubs on the site that if removed will be mitigated with replacement trees and shrubs per the landscape plan.* **No unmitigated impacts.**

(16) Review for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding. *The application is subject to the restrictions and conditions of the Flagstaff Annexation and Development Agreement. In terms of the General Plan, this property was annexed, zoned, master planned and platted to be consistent with the goals and objectives of the Park City General Plan. The Conditional Use Permit is consistent with the Development Agreement and provides resort based lodging and guest amenities in close proximity to Deer Valley Resort, is an in-fill site with growth clustered and directed into an existing neighborhood "The Village" with existing utilities and amenities, provides on-site affordable housing and location for a police substation, has a reduced parking requirement to reduce traffic generation with clustered development in the Village, has shuttle service within the development and is in close proximity to Park City transit on Marsac Avenue, and does not impede surrounding open space or trails.* **Consistent with applicable goals and objectives as outlined below:**

Small Town

- [Goal 1: Park City will protect undeveloped lands; discourage sprawl, and direct growth inward to strengthen existing neighborhoods.](#)
Objective 1A - 1D
- [Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small-town character.](#)
Objective 3A – 3C

Natural Setting

- [Goal 4: Open Space: Conserve a connected healthy network of open space for continued access to and respect for the natural setting.](#)
Objective 4A - 4E

Sense of Community

- [Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City.](#)
Objectives 8A - 8C

Process

Approval of this application by the Planning Commission constitutes Final Action that may be appealed following procedures found in Land Management Code § 15-1-18.

Department Review

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

Notice

On October 31st and November 28th, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and Utah Public Notice website on October 27th and November 28th, 2018.

Public Input

Staff received public input concerning compliance with the Flagstaff Development Agreement regarding historic preservation (Exhibit P). Staff is currently reviewing historic preservation work completed within the Flagstaff Development area to date, including 1) installation of interpretative signs, 2) re-vegetation of mine sites, 3) conservation easements on the open space parcels where mine sites are located, and 4) preservation work done on the structures listed in Technical Report #6 (see link to [Technical Reports](#)- Volume 1.5 of 2).

Public input was provided at the [December 12, 2018 meeting \(see Exhibit Q- will link start p. 19\)](#) with concerns raised regarding whether requirements of the Flagstaff Development Agreement and Technical Reports for Historic Preservation and Open Space Management have been met. Addressing this input was the focus of the January 23, 2019 work session (see Minutes 1.23.19 in this packet).

Alternatives

- Planning Commission may approve the Residences at the Tower CUP as conditioned or amended, or
- Planning Commission may deny the Residences at the Tower CUP and direct staff to make Findings for this decision, or
- Planning Commission may continue this item to a future date.

Significant Impacts

There are no significant fiscal or environmental impacts of this application that have not been addressed by the Development Agreement and/or conditions of approval.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and consider approving the request for a Conditional Use Permit (CUP) for a multi-unit residential building and an expansion of the private Empire Club building located at 8680 Empire Club Drive based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. The Residences at the Tower Conditional Use Permit (CUP) includes 14 private market rate multi-family residential units totaling 42,453 sf, utilizing 21.227 UE, as well as 1 ADA unit and 1 deed restricted affordable unit (EHU), a police sub-station,

approximately 9,200 sf expansion of the private Talisker Club and underground parking.

2. The property is located at 8680 Empire Club Drive.
3. The CUP is proposed on Lot 9 of the First Amended Village at Empire Pass Phase I subdivision within Pod A of the Village at Empire Pass Master Planned Development (VEP MPD).
4. Lot 9 is located in the RD-MPD zoning district and contains 1.53 acres.
5. Lot 9 is currently partially developed with the private Talisker Club that includes a kitchen, dining, lounge and other indoor and outdoor amenities for members.
6. Access to the property is from Village Way and Empire Club Drive, which are both private streets.
7. The market rate multi-family residential units range in size from 1,806 sf to 4,229 sf with an average unit size of approximately 3,032 sf. The 737 sf ADA unit is required to be platted as common area. The 737 sf EHU is also proposed to be platted as common area.
8. A 509 sf police sub-station is proposed on the lower level as a requirement of the Emergency Response Plan Exhibit #7 of the Flagstaff Development Agreement. The police sub-station will be delivered to the City as a “white box” with two parking spaces.
9. The property is subject to the Flagstaff Mountain Annexation and Development Agreement (Amended Agreement) approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007, as well as associated Technical Reports and the Village at Empire Pass MPD.
10. The Amended Agreement is the equivalent of a Large-Scale Master Plan and sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
11. The Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided that the number of PUD units (such as Belles, Paintbrush, Nakoma and Moon Shadow) does not exceed 60. PUD units are included in the totals for multi-family units.
12. To date, approximately 509 multi-family units (757.28 UE) (including 60 as PUD style units and the remaining as townhouse units and multi-family units within Lodge buildings) and 16 single family units have been approved, platted and/or built within Pods A, B1 and B2. This number includes the 70 units noted in the plat notes for the B2 East Subdivision, the Empire Residences CUP units currently under construction as Building 3, and the Moon Shadow Condominiums for 8 PUD style units pending plat recordation. This number also includes all Larkspur Townhome units, including Larkspur Townhomes 6 (3 units), which condominium plat is currently under review.
13. Constructed Lodge buildings include Shooting Star, One Empire Pass, Silver Strike, Flagstaff, Arrow Leaf A and B, Grand Lodge and Ironwood. Lodge buildings still to be approved within Pod A are: Building 1- Residences at the Tower (subject property) and Building 4. Empire Residences (Lodge Building 3) are under construction.

14. There is sufficient density remaining within Amended Agreement and VEP MPD for the proposed 14 multi-family units (21.227 UE).
15. Amended Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf. A total of 94.175 off-mountain AUE and 24.725 on-mountain AUE are required. Off-mountain housing has been satisfied. On-mountain housing is partially complete with 16.675 AUE built and 8.05 AUE remaining. These remaining AUE are assigned to Lodge Buildings 1, 3, 4 and B2 East.
16. Lodge Building 1 was assigned 0.75 AUE (600 sf) per the Developer at time of sale.
17. The proposed affordable unit consists of 737 sf (0.921 AUE) (not including dedicated storage areas located separate from the unit) platted as common area and shall be deed restricted per requirements of the Housing Resolution prior to plat recordation.
18. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area for Lodge buildings grouped around the Silver Strike lift and ski runs, various townhouses making up a second tier of units, with PUD style detached units and single family lots on the perimeter. A common amenity building, known as the Tower Club, was central to the VEP MPD. A common mail area, indoor and outdoor recreation facilities, pedestrian connections and transportation pick-up/drop-off area were included. The VEP MPD also approved heights and Volumetrics for the Lodge buildings.
19. On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass.
20. On April 13, 2005, the Planning Commission approved the Tower Club Phase I CUP for approximately 8,880 square feet consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small convenience store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool, hot tubs, etc.). The Club was constructed in 2005 and 2006.
21. On February 13, 2008, the Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by the Planning Commission on March 11, 2009. A building permit for Phase II was not issued and the CUP expired. This current CUP proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE) from the 2008 approval.
22. On January 6, 2011, the City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on January 4, 2012.
23. On December 14, 2016, the Planning Commission approved an amendment to the Tower Club Phase I CUP to allow a 1,115 sf expansion of the private dining area, as well as expanded outdoor patio area, 1,000 sf of expanded basement area for accessory uses. The CUP expansion increased the MPD Resort Support Commercial on Lot 9 to 3,379 sf. Construction of the expansion was completed in 2018. The building is currently consists of approximately 10,995 sf.
24. On October 9, 2018, the Planning Department received a complete application for a Condominium plat and a Conditional Use Permit for a fourteen (14) multi-family unit residential building to be located on Lot 9 of the First Amended Village at Empire Pass Phase One Subdivision.

25. The property is subject to subdivision plat notes that require compliance with the Amended Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each Lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
26. The Amended Agreement allows a maximum of 75,000 sf of MPD Resort Support Commercial uses. Lot 9 currently is approved, with the Amended Tower Club CUP for 3,379 sf (kitchen, dining, small store) of MPD Resort Support Commercial Uses. Montage Resort was approved for 63,059 sf of MPD Resort Support Commercial and Grand Lodge for 1,275 sf.
27. Total MPD Resort Support Commercial in this building with this CUP expansion is 5,803 sf, adding 2,424 sf of Resort Support Commercial uses.
28. There is sufficient MPD Resort Support Commercial remaining for the proposed private club expansion and 4,863 sf will remain if this project is approved. This space is identified on the plat as part of the Club Unit. A table of the Resort Support Commercial space will be included on the plat.
29. The Emergency Response Plan requires a police sub-station to be dedicated within the Empire Club building in Pod A. The Plan calls for a facility with 3 office spaces, approximately 12' by 12' each, with a combined square footage of not less than 500 sf, plus two reasonably proximate parking spaces. The unit is to be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued for the rest of the building and residential units. This space will be identified as a Commercial Unit specifically for the police substation that can be transferred to the City.
30. Guest amenity areas (exercise and recreation areas, locker rooms, lobby and reception area, lounge/après ski, restrooms, etc.) are proposed on the first and second levels. Common accessory uses do not require use of UEs.
31. The Transit and Parking Management Plan approved with the VEP MPD requires a 25% reduction in parking from what would normally be required by the LMC. Based on unit sizes, twenty-nine (29) spaces would be required for the 14 units, affordable unit, and ADA unit. The 25% reduction rounds up to 22 spaces. The underground parking structure has 22 parking spaces. Two spaces are provided along Village Way for the police sub-station and 1 space is provided for short term pick-up and drop-off.
32. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village at Empire Pass Master Plan Development. Specific volumetric diagrams were approved for each Building. For Building 1, 20% of the building (north side) was permitted to reach 74' above existing grade, 55% of the building (central) to reach 86' above existing grade, and 25% of the building (south side) to reach 74' above existing grade.
33. The proposed building does not exceed 86' in height with 20% (north) at or less than 74', and 55% at or less than 86', and 25% (south) is less than 74'. The building is consistent with the approved VEP MPD building heights and Volumetrics. All building heights will be verified at time of building permit review.

34. The building contains 6 levels of residential units within the new portion to be constructed east of the existing Club building. Four (4) levels of residential units are visible on the south elevation, with 6 levels are visible on the east and north elevations. The west elevation of the residential building is broken up by the 2 story club building and tower element. The north elevation is broken up with a one story element that ties the building to the open plaza and recreation uses of the club building. The maximum building height is located in the central section stepped back from eastern façade. There are visually one, two, four and six stories, in addition to the parking level, as one views the building from surrounding viewpoints. Building articulation and massing are consistent with previously approved Lodge buildings and the VE MPD volumetric.
35. The building complies with RD District zone setbacks maintaining a 20' front setback (25' to the garage door), 12' side setbacks and 15' rear setbacks. LMC exceptions to the setbacks are allowed as specified in LMC Section 15-2.13-3.
36. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of initial building permits within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
37. Excavated soil will remain within the Flagstaff Annexation area unless an exception is approved by the City as allowed in the Amended Construction Mitigation Plan (Technical Report #15). A final Construction Mitigation Plan will be submitted with the building permit application to be approved by the Chief Building Official.
38. The property is part of a common development that exceeds one acre and thus has MS4 requirements to meet.
39. The Tower Club Phase I included a store as stated in the CUP approval condition, "The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store". A small store is included within the Club building (at the ski valet); however, according to the applicant, it has not seen much success, even when opened to the general public as per a condition of Tower Club Phase II. The store remains open in winter months, but merchandise sold is primarily ski accessories (hats, goggles, gloves, lip balm, sun screen etc.), kid's camp provisions, snacks and drinks, along with other soft goods. The previous CUP approval included a condition that the store be open to the public.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development and Technical Reports, and the Park City Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.

2. This Conditional Use Permit shall expire one year from the date of Planning Commission approval, if a building permit has not been issued prior to this date, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
3. The final building plans and construction details submitted with the building permit application shall substantially comply with the plans reviewed by the Planning Commission on December 12th, 2018, January 23rd and February 13th, 2019.
4. Final architectural design approval from the Empire Pass Design Review Board is a precedent to building permit issuance.
5. Materials and color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on December 12, 2018, January 23, 2019, and February 13, 2019. Plans reviewed by the Planning Commission reflect revisions to replace glass railings with metal railings similar to existing buildings, additional stonework and roof elements added to the north elevation to break up the vertical plane, additional mullions added to the large east facing windows, and additional stone and architectural elements on the east façade.
6. All exterior lighting shall be shielded and down directed in compliance with the LMC and the Flagstaff Mountain Resort Design Guidelines. 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.
7. Exterior signs require an approved sign permit prior to installation.
8. All exterior mechanical equipment shall be screened from public view with landscaping and/or fencing/grating materials. Exposed wall and roof top vents and protruding pipes and mechanical equipment shall be painted to match the adjacent wall or roof to minimize impacts on public view. Screening for noise reduction is required.
9. All utility facilities must be located on the property, unless specific easements have been provided on the recorded plat. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and the utility boxes can be screened with landscaping and/or fencing.
10. An approved and recorded condominium plat is required prior to sale of individual units.
11. Final utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
12. Affordable housing provided with this Conditional Use Permit shall comply with all requirements and stipulations of the Flagstaff Development Agreement prior to issuance of a certificate of occupancy for the building. The affordable unit (EHU) shall be indicated on the final condominium plat prior to recordation of such plat and shall be completed prior to issuance of a certificate of occupancy for the building.
13. A deed restriction for the EHU unit, acceptable to the City, shall be recorded with or prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns regarding maintaining affordability of the unit.
14. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a

lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.

15. The EHU and ADA units shall be available for occupancy at the same time as the entire building and when the market rate units are issued a certificate of occupancy.
16. Conditions of approval of the Village at Empire Pass MPD shall continue to apply.
17. Conditions of approval of the Flagstaff Annexation and Development Agreement and Technical Reports continue to apply, including the restrictions on solid wood burning fireplaces, removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, reduced parking, provision of required ADA and affordable housing units, architectural design and building volumetric, and limits on residential density and Resort Support Commercial uses.
18. A Final Construction Mitigation Plan (CMP) shall be submitted for approval by the Planning, Building, and Engineering Departments prior to issuance of a building permit. The CMP shall indicate where and how excavated soils will be hauled and/or stored, hours of construction, truck routes, phasing and staging of construction, road closures, parking, lighting, and other items required by the Building Department and consistent with the Amended CMP Technical report.
19. Interior fire sprinklers are required for new construction and shall meet requirements of the Chief Building Official at the time of review of the building permit.
20. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
21. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
22. All requirements and conditions of the Park City Fire District regarding emergency egress, access, fire hydrants, etc. shall be met prior to building permit issuance.
23. The deed restricted unit shall be a minimum of 737 sf (0.921 AUE) as shown on the proposed condominium plat. One AUE is equivalent to 800 sf according to the Development Agreement.
24. The total MPD Resort Support Commercial area approved for this building, including the 2,424 sf approved with this CUP, is 5,803 sf and includes the kitchen, dining, lounge, store and spa. The store shall be open to the public, as previously conditioned.
25. This development is part of a common development that is greater than one acre. This development shall meet the MS4 storm water requirements. Prior to building permit issuance, the applicant shall verify that capacity exists in the existing detention pond utilized by Pod A and shall demonstrate that sufficient run-off will remain on site to support existing tree stands within the Pod.
26. Development of this property is subject to the conditions of approval, plat notes, easements and restrictions of the recorded First Amended Village at Empire Pass Phase 1 Subdivision plat.
27. A note shall be included on the condominium plat prior to recordation stating that the police substation commercial unit is restricted as a police substation. In the event that the police substation is vacated by the City, the HOA may apply to amend the condominium plat and the CUP for common or limited area storage, mechanical or other similar uses. No commercial, non-police office or residential uses are allowed unless additional density/UEs is acquired and the addition of such density and change of use is approved by plat and CUP amendment.

28. Pool and outdoor amenity hours are limited to 7AM to 10PM and compliance with the Park City noise ordinance is required. A sign shall be provided at the pool and outdoor recreation and amenity areas stating these hours of use and referencing the noise ordinance.

Exhibits

Exhibit A – Applicant's Project Description

Exhibit B – Site Plan

Exhibit C – Floor Plans

Exhibit D – Architectural Elevations

Exhibit E – Landscape Plans

Exhibit F – Photographs

Exhibit G – VEP Phase 1 Subdivision and First Amended Subdivision plats

Exhibit H – Civil plans

Exhibit I – Construction Mitigation Plan

Exhibit J – [Village at Empire Pass MPD approval July 28, 2004](#) (including Volumetrics and Village Map)

Exhibit K – Density Summary

Exhibit L – [Development Agreement \(2007\)](#)

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

Exhibit N – Design Review Board letter of preliminary review

Exhibit O – Previous approvals action letters

Exhibit P - Public input

Exhibit Q – [Minutes of the December 12th 2018 PC meeting- will link](#) (start p. 19)

Exhibit R – Minutes of the January 23rd, 2018 PC work session- in this packet



September 25, 2018

To: Park City Planning Department
Attn: Kirsten Whetstone

Re: Residences at the Tower (Talisker, Building 1 of Empire Pass)
Supplementary CUP submittal information for volumetric analysis

Project Description

The proposed Residences at the Tower project is located on within Pod A of the Flagstaff Annexation and Development Area. The proposed project is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.

This project will consist of 14 condominium units, 1 affordable unit, 1 ADA unit, additional club amenities, and an expansion to the existing Tower Club.

This project is similar in nature to the surrounding condominium lodge style buildings such as Shooting Star, Arrowleaf A&B, Grand Lodge, Silver Strike, One Empire Pass, and the recently approved Empire Residences.

Specifically, the Residences at the Tower is located on Lot 1 in the Village at Empire Pass and is consistent with the volumetrics per the approved 2007 Village at Empire Pass MPD. This project will be constructed similar to other surrounding condominium projects and will not emit unwarranted noise, dust, glare, pollutants, or odors.

At this time, there are no special issues that need to be mitigated.

MPD Compliance Description

- Whole ownership condominium units
 - Allowable Sellable SF = 43,510; 21.76 UE
 - Actual Sellable SF = 43,509; 21.75 UE
 - Allowable Multi-Family Units = 25
 - Actual Multi-Family Units = 14
- ADA Unit (767sf)
 - Required = 1
 - Actual = 1

- Deed-Restricted Affordable Unit
 - 1 AUE = 800sf
 - Required AUE = 644sf; .84 AUE
 - Actual AUE = 767sf; .96 AUE
- New Club Amenities/Expansion
 - Allowable Resort Support Commercial = 3,687sf
 - Actual Resort Support Commercial = 3,521sf
 - Spa – Resort Support Commercial
 - 3,189sf
 - Kitchen Expansion – Resort Support Commercial
 - 332sf
 - Pool/3 soaking tubs
 - Fitness Expansion
 - Wildstar Kid’s Facility
 - Conference
 - Lounge
 - Club Office/Mech/Storage

Volumetric Description

The proposed Residences at the Tower project complies with MPD volumetric requirements as shown in the roof plan, elevations, and sections provided. For clarity the following information has been provided or added on the following plans;

- Roof Plan
 - All proposed ridge heights labeled in addition to added existing grade elevations below for use in determining building height.
- Elevations
 - All proposed ridge heights labeled in addition to description of 20% & 25% end ridge height steps at the ends of the building.
- Sections
 - Building sections showing 74’ and 86’ offset of existing grade for reference in determining building height.

Please let me know if there is anything else I can provide for additional clarity. Thank you,

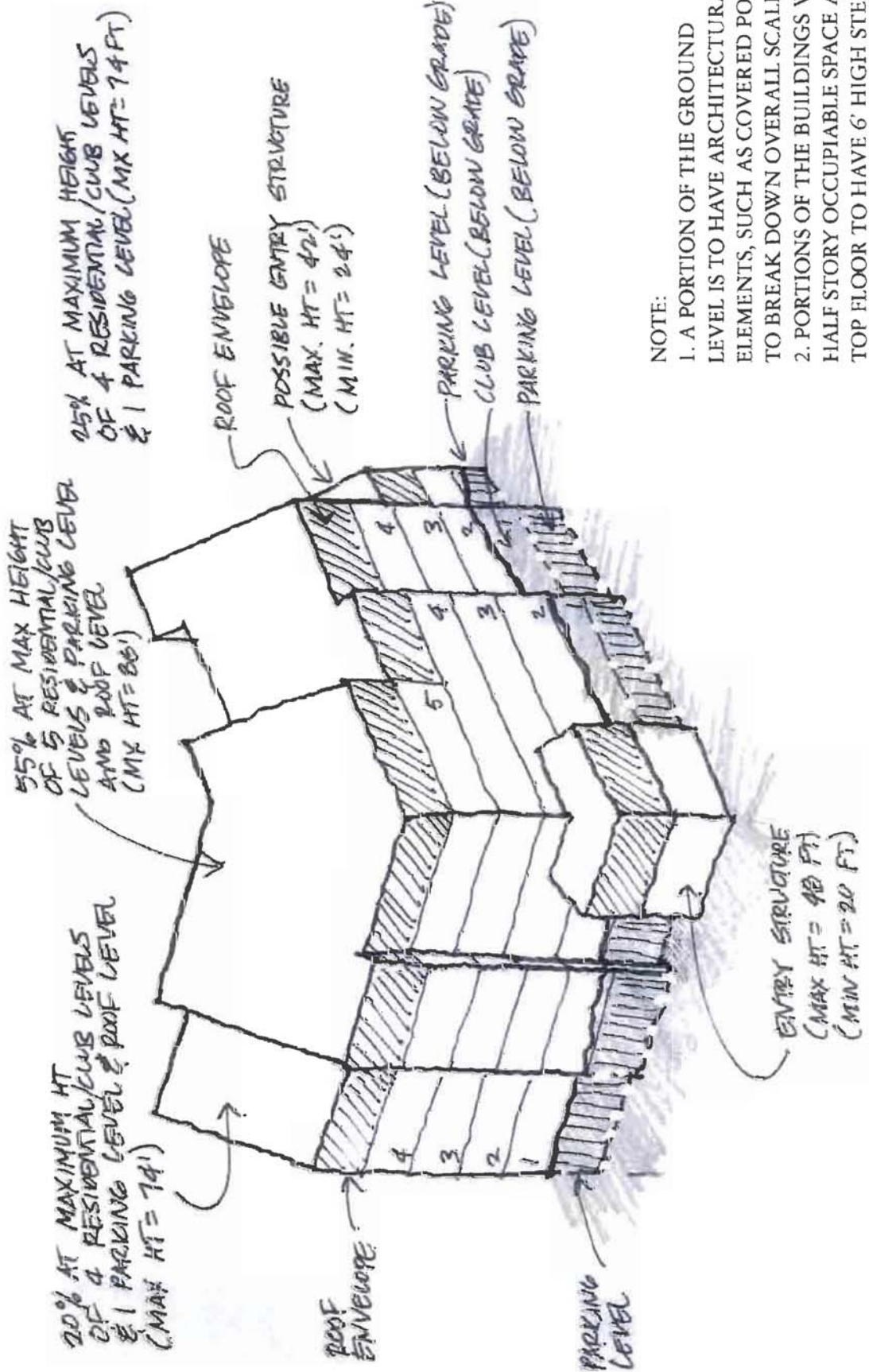
Brent Harris
Project Manager, Swaback

Alpine Club Volumetrics

EXHIBIT A
VOLUMETRIC STUDY

(Building 1)

Isometric View



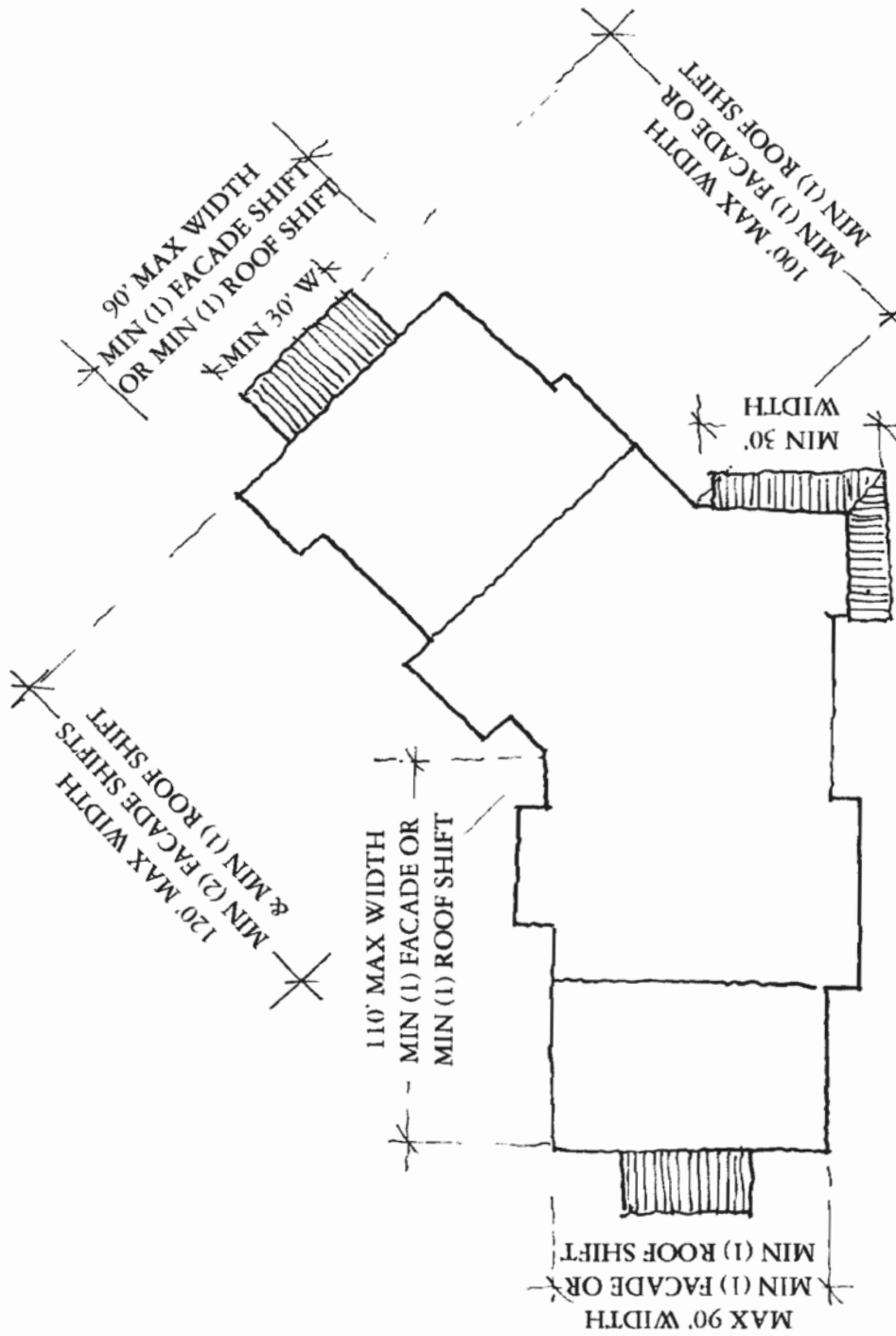
NOTE:

1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE
2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004

Alpine Club 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



Master Plan

March 18, 2004



PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☐	JURISDICTION REVIEW
☐	ISSUE FOR BD SET
☐	ISSUE FOR CONSTRUCTION

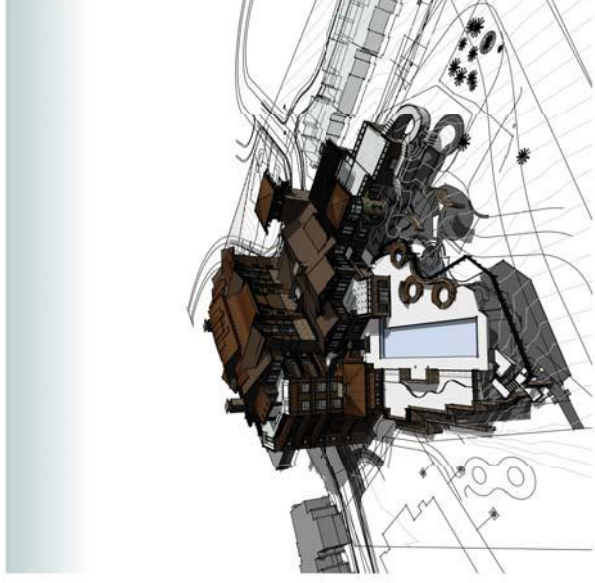
REVISIONS	
NO.	DESCRIPTION

RESIDENCES AT THE TOWER
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
PERSPECTIVE VIEWS

DRAWN	
CHECKED	
DATE	October 31, 2018
SCALE	
JOB NO.	0727
SHEET	A-7.6



3 PERSPECTIVE 3
SCALE



2 PERSPECTIVE 2
SCALE



1 PERSPECTIVE 1
SCALE



4 PERSPECTIVE 4
SCALE

PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☐	JURISDICTION REVIEW
☐	ISSUE FOR BID SET
☐	ISSUE FOR CONSTRUCTION

REVISIONS	
NO.	DESCRIPTION

RESIDENCES AT THE TOWER

8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
FOG STUDY

1-17/2018 4:52:33 PM

DRAWN

CHECKED

DATE October 31, 2018

SCALE

JOB NO. 0727

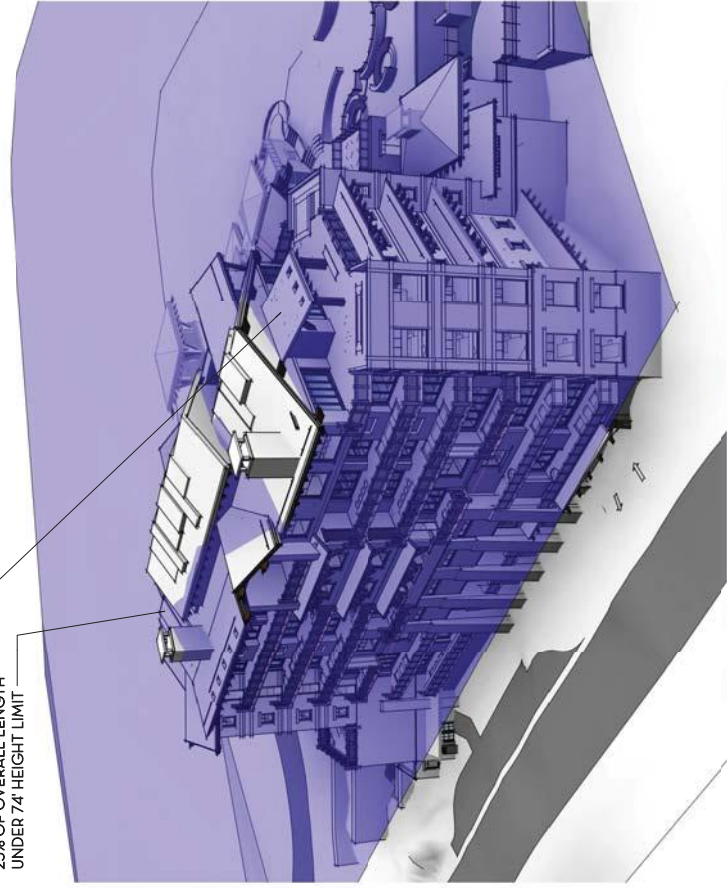
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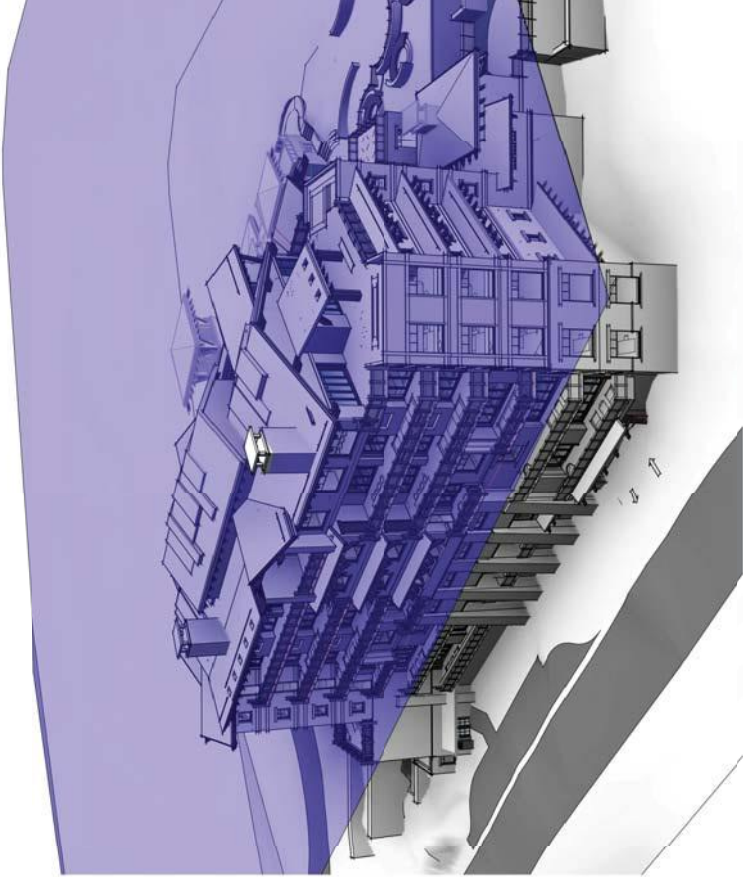
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20% OF OVERALL LENGTH
UNDER 74' HEIGHT LIMIT

25% OF OVERALL LENGTH
UNDER 74' HEIGHT LIMIT



1 FOG STUDY 74'
SCALE
45% OF BUILDING HEIGHT TO BE
WITHIN 74' OF EXISTING GRADE.
EXISTING GRADE SHOWN OFFSET 74'



2 FOG STUDY 86'
SCALE
55% OF BUILDING HEIGHT TO BE
WITHIN 86' OF EXISTING GRADE.
EXISTING GRADE SHOWN OFFSET 86'

PROJECT PHASE	
CONSTRUCTION DOCUMENTS	
JURISDICTION REVIEW	
ISSUE FOR BID SET	
ISSUE FOR CONSTRUCTION	

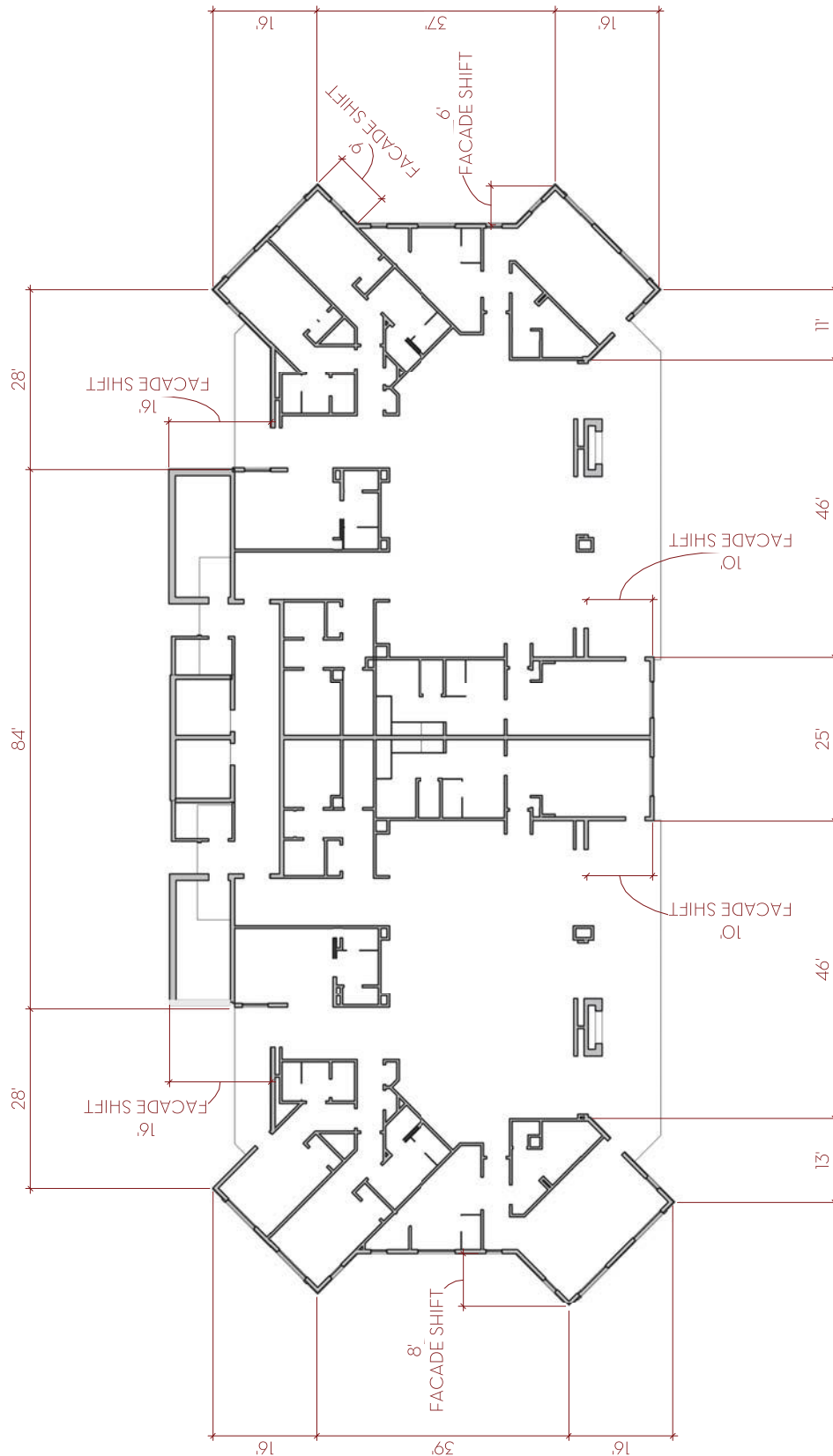
REVISIONS	
NO.	DESCRIPTION

RESIDENCES AT THE TOWER
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
FACADE SHIFT SUMMARY

CHECKED	
DATE	October 31, 2018
SCALE	1/8" = 1'-0"
JOB NO.	0727
SHEET	

A-7.7

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1 TYPICAL FACADE SHIFT STUDY

November 7, 2018

To: Park City Planning Department
Attn: Kirsten Whetstone

Re: Residences at the Tower (Talisker, Building 1 of Empire Pass)
Supplementary CUP submittal information regarding Conditional Use Criteria

Conditional Use Criteria

The following summarizes the conditional use criteria as outlined in the Planning Commission Staff Report and associated responses.

(1) Size and location of the Site;

No unmitigated impacts.

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

No unmitigated impacts, as conditioned.

A final Construction Mitigation Plan will be provided at time of building permit issuance.

(3) Utility capacity;

No unmitigated impacts, as conditioned.

Final storm water, utility, and grading plans will be provided before permit issuance.

Visible dry utility facilities to be screened.

(4) Emergency vehicle access;

No unmitigated access.

(5) Location and amount of off-street parking;

No unmitigated impacts.

(6) Internal vehicular and pedestrian circulation system;

No unmitigated impacts.

(7) Fencing, screening, and landscaping to separate the use from adjoining uses;

No unmitigated impacts.

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

Condition of additional articulation of the north elevation should be considered.

The north and south elevations have two 8' façade shifts at the angled corners of the building, with roof projections, exposed structure and battered stone bases at the lower levels. The north elevation also has a significant roof shift in recessing the upper roof approximately 25'.

The west elevation currently shows two 10' façade shifts and two 5' façade shifts. These occur at the stair towers which are provided with significant window elements. The north elevation has been provided with additional articulation at the area between these two stair elements. The east elevation currently shows two 12' façade shifts approximately 52' long, and several other façade shifts that vary between 8-12'.

Condition of additional low roof elements, tapered stone columns, or other design elements be considered on the east elevation to mitigate the difference in mass between this building and the Larkspur Townhouse building.

Tapered stone bases have been incorporated at the major building corners, column forms and building masses. This taper is ¼":12 to match tapered stone elements on the existing building. A low roof mass has been added to the garage entry with exposed structure detailing to match the existing building. An additional roof form has been added over the exterior door to the garage level. We will continue to look for opportunities to further integrate this building with the existing adjacent buildings.

(9) Usable open space;

No unmitigated impacts.

(10) Signs and lighting;

No unmitigated impacts.

(11) Physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;

Staff recommends that the upper story glass railings be replaced with railings that are more architecturally compatible with the existing building and materials.

We agree with this recommendation and have removed the glass railings, replacing them with railings consistent with the existing building and craftsman detailing. No glass railings to be used on the project.

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;

No unmitigated impacts.

(13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas;

No unmitigated impacts.

(14) Expected Ownership and management of the property as primary residences, condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing 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;

No unmitigated impacts.

(16) General Plan;

Consistent.

Thank you for your consideration of our request for Conditional Use Permit approval.

Brent Harris

Project Manager, Swaback



GENERAL PROJECT DESCRIPTION

- EXISTING OF ACTUAL LIVING STORIES
- ADDITION OF NEW CONCEPTS OF ACTUAL LIVING STORIES
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- ADDITION OF NEW CONCEPTS OF ACTUAL LIVING STORIES
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- ADDITION OF NEW CONCEPTS OF ACTUAL LIVING STORIES

KEYNOTES

- 1. NEW CONCEPTS OF ACTUAL LIVING STORIES
- 2. EXISTING OF ACTUAL LIVING STORIES
- 3. ADDITION OF NEW CONCEPTS OF ACTUAL LIVING STORIES
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- 87. ADDITION OF NEW CONCEPTS OF ACTUAL LIVING STORIES
- 88. EXISTING OF ACTUAL LIVING STORIES
- 89. ADDITION OF NEW CONCEPTS OF ACTUAL LIVING STORIES
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- 98. EXISTING OF ACTUAL LIVING STORIES
- 99. ADDITION OF NEW CONCEPTS OF ACTUAL LIVING STORIES
- 100. EXISTING OF ACTUAL LIVING STORIES

PROJECT PHASE
CONSTRUCTION DOCUMENTS
CONSTRUCTION REVIEW
REVIEW FOR BID SET
REVIEW FOR CONSTRUCTION

REVISIONS		
NO.	DESCRIPTION	DATE
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RESIDENCES AT THE TOWER

8650 Empire Club Drive

DARK CITY, UTAH 84050

SITE PLAN

11/20/2018 4:40:04 PM

DATE: October 31, 2018

BY: As indicated

DATE: 07/27

A-1.1



RECEIVED

NOV 20 2018

PROJECT

8650 Empire Club Drive

DARK CITY, UTAH 84050

1 SITE PLAN

NOV 20 2018



CONCEPTUAL REDEFINING

RESIDENCES AT THE TOWER
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
COVER SHEET

COVER SHEET
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060

PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☒	JURISDICTION REVIEW
☐	ISSUE FOR BID SET
☐	ISSUE FOR CONSTRUCTION

REVISIONS		
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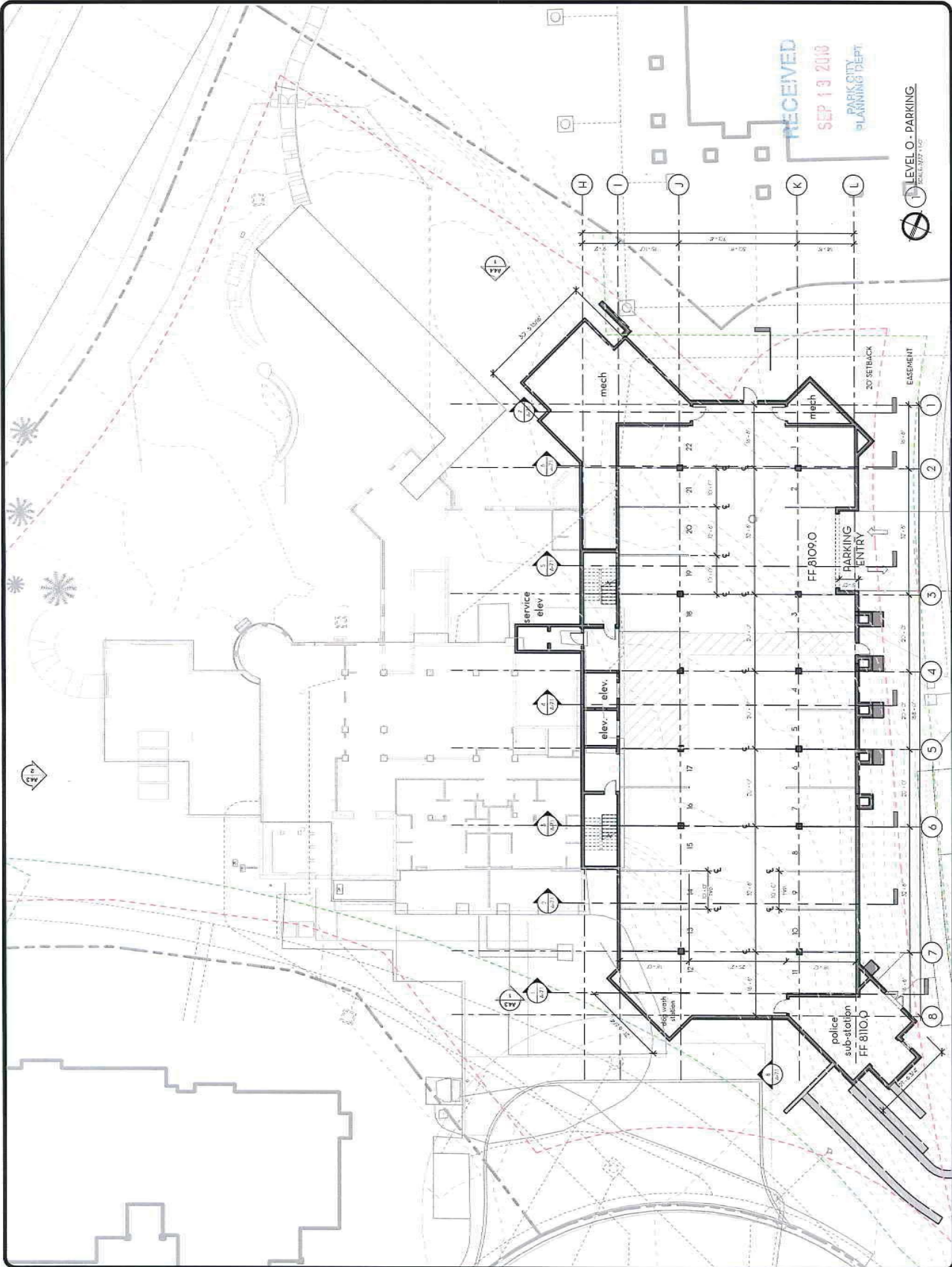
DRAWN	
CHECKED	
DATE	October 31, 2018
SCALE	
JOB NO.	0727
SHEET	A-00

PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☐	PERMIT APPLICATION
☐	PERMIT FOR RED SET
☐	PERMIT FOR CONSTRUCTION

REVISIONS	
NO.	DESCRIPTION

RESIDENCES AT THE TOWER
8880 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84090
LEVEL 0 - PARKING

DRAWN	DATE	SEP 13 2018
CHECKED	DATE	SEP 13 2018
SCALE	3/32" = 1'-0"	
JOB NO.	BD 08564	
SHEET	A-2.1	

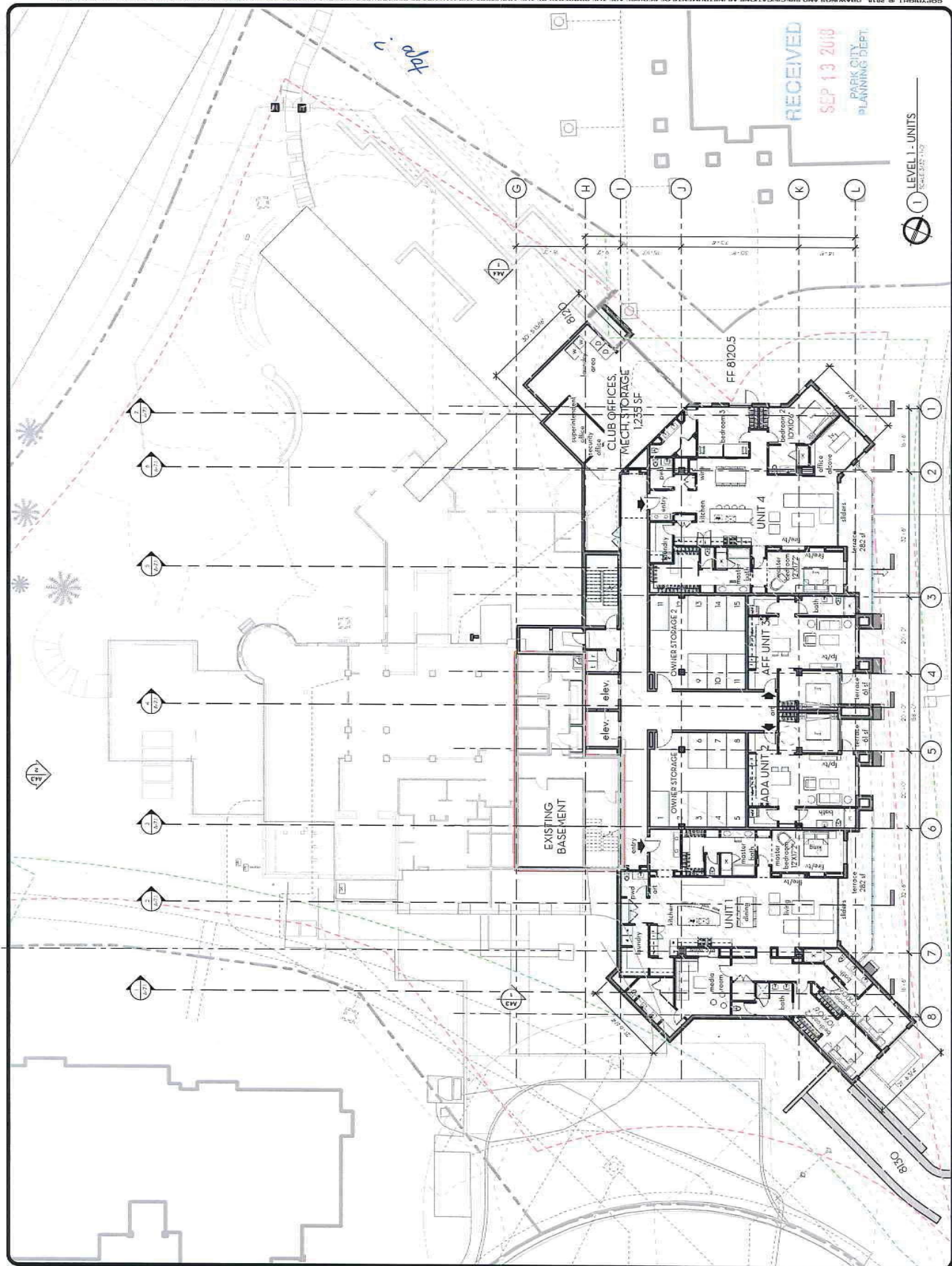


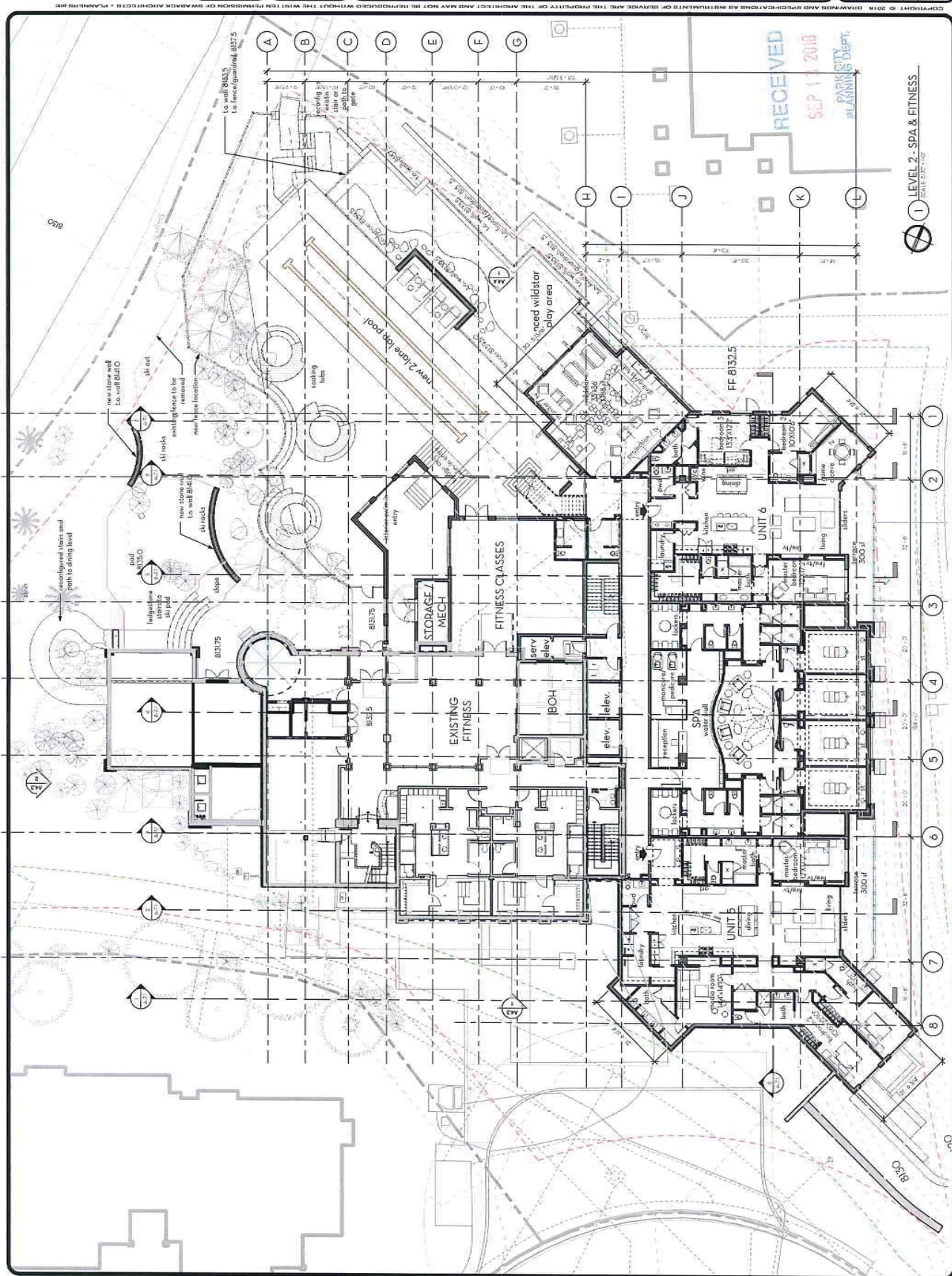
PROJECT PHASE	CONSTRUCTION DOCUMENTS
☐	CONSTRUCTION REVIEW
☐	ISSUE FOR BIDDING
☐	ISSUE FOR CONSTRUCTION

REVISIONS	DESCRIPTION	DATE
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RESIDENCES AT THE TOWER
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
LEVEL 1 - UNITS

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DATE: September 06, 2018	SCALE: 3/32" = 1'-0"
JOB NO. BI 36854	
SHEET NO. A-2.2	





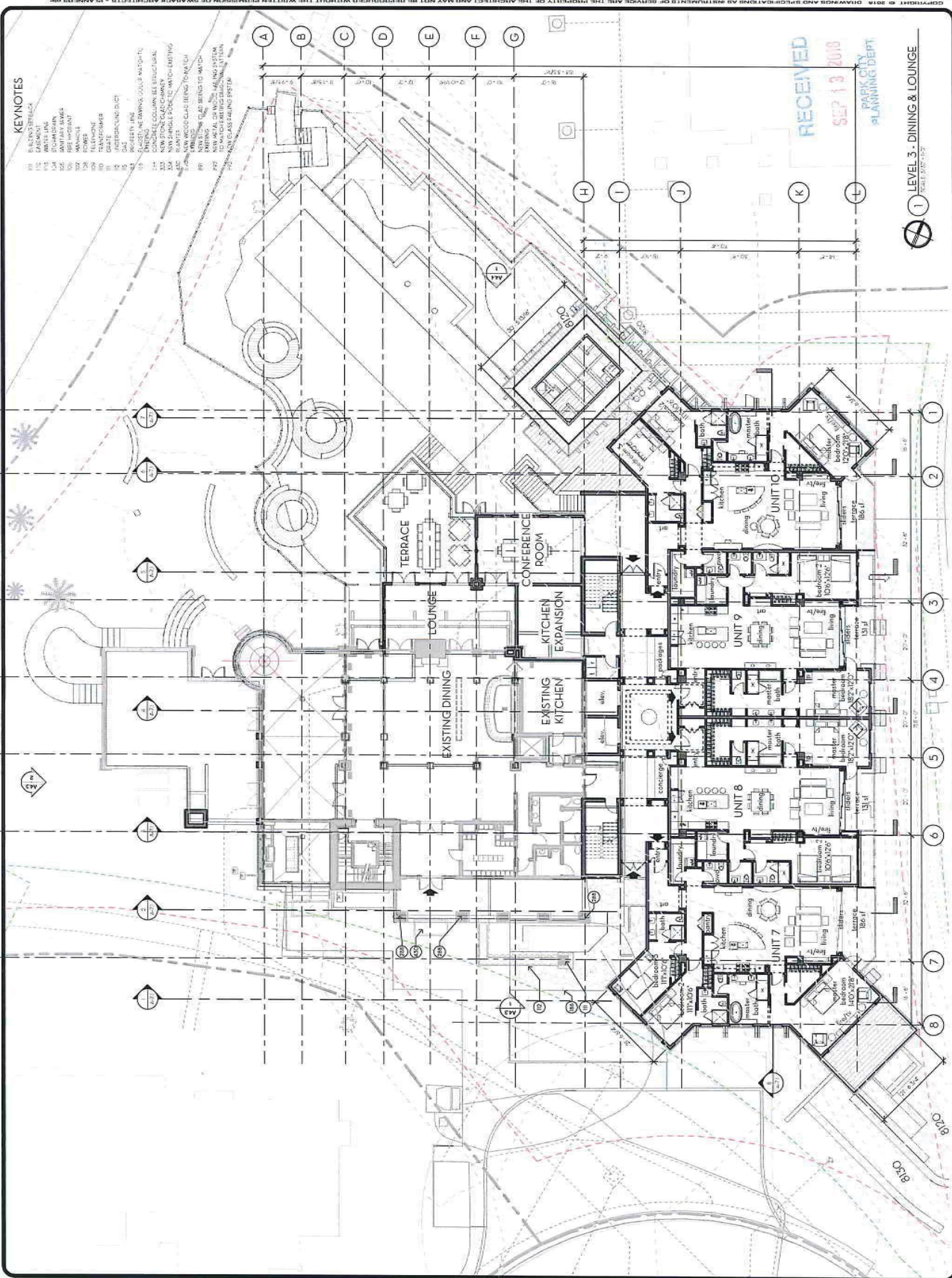


PROJECT PHASE
CONSTRUCTION DOCUMENTS
PERMIT REVIEW
ISSUE FOR BID SET
BID SET FOR CONSTRUCTION

REVISIONS		
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RESIDENCES AT THE TOWER
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
LEVEL 3 - DINING & LOUNGE

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CHECKED BY: [blank]
DATE: September 06, 2018
SCALE: 3/32" = 1'-0"
JOB NO.: 18-0854
SHEET: A-2.4

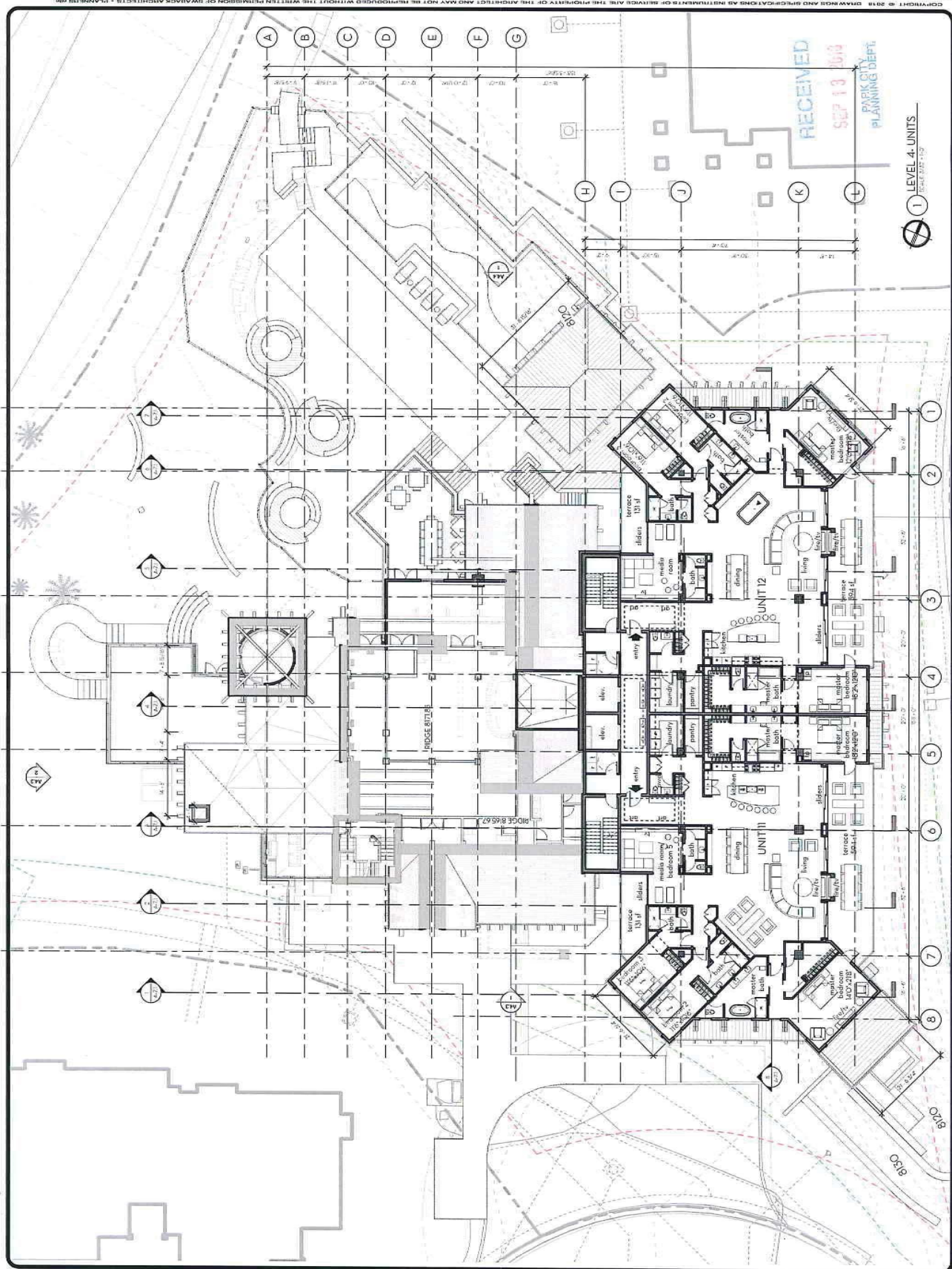


PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☐	JURISDICTION REVIEW
☐	ISSUE FOR BID SET
☐	ISSUE FOR CONSTRUCTION

REVISIONS	
NO.	DESCRIPTION

RESIDENCES AT THE TOWER
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
LEVEL 4 - RESIDENTIAL UNITS

DATE: September 06, 2018
SCALE: 3/32" = 1'-0"
JOB NO. BI 36854
DRAWN BY: A-2.5

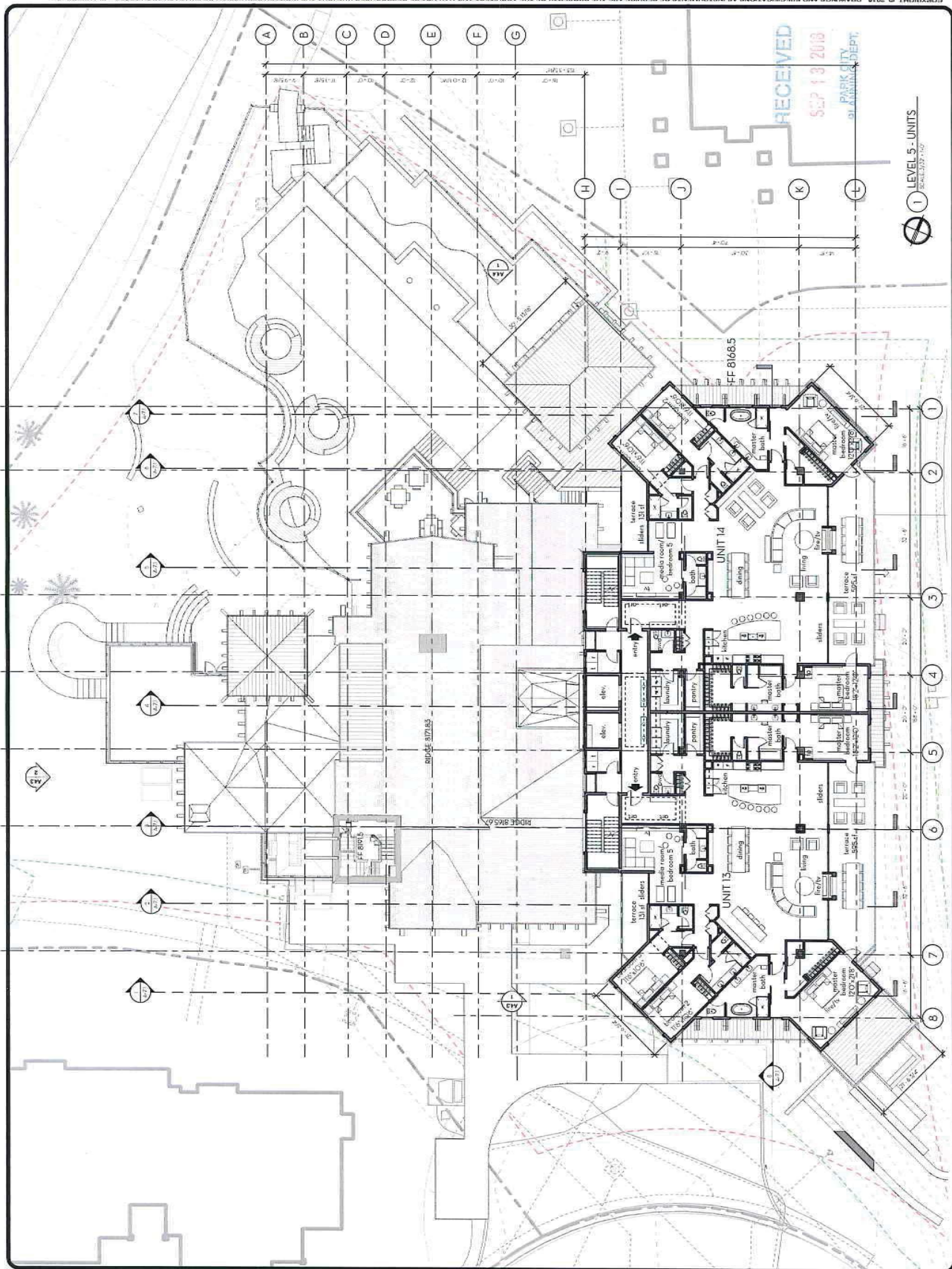


PROJECT PHASE	CONSTRUCTION DOCUMENTS
0	CONSTRUCTION REVIEW
1	ISSUED FOR BIDDING
2	RESULT FOR CONSTRUCTION

REVISIONS	DATE
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RESIDENCES AT THE TOWER
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
LEVEL 5 - RESIDENTIAL UNITS

DRAWN	CHECKED
DATE: September 06, 2018	SCALE: 3/32" = 1'-0"
JOB NO.: 1813054	SHEET: A-2.6

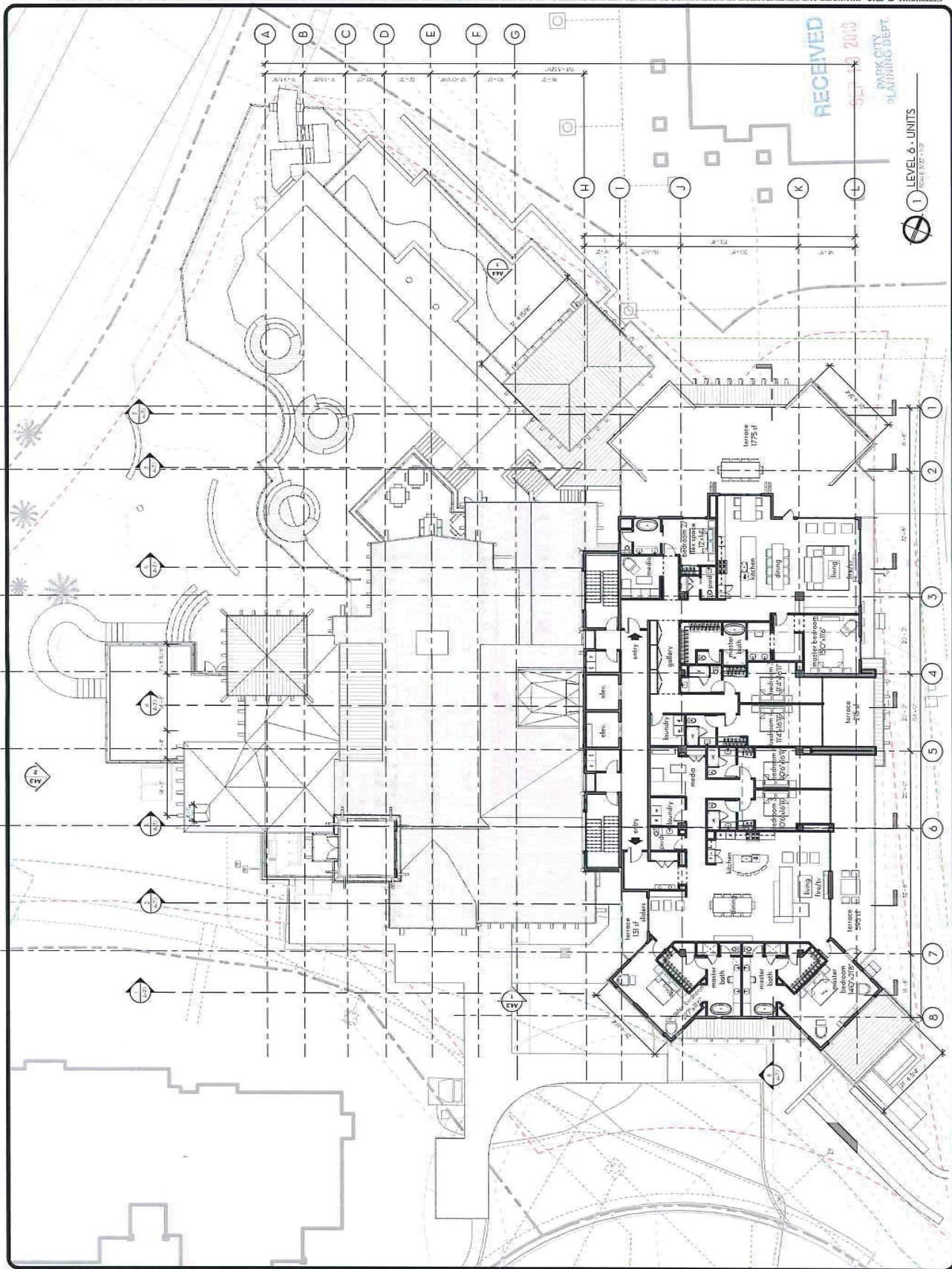


PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☐	PERMIT REVIEW
☐	ISSUE FOR BID SET
☐	ISSUE FOR CONSTRUCTION

REVISIONS	
NO.	DESCRIPTION

RESIDENCES AT THE TOWER
8680 EMPIRE CLUB DRIVE
PARK CITY, UTAH 84060
LEVEL 6 - RESIDENTIAL UNITS

DATE: September 06, 2018
SCALE: 3/32" = 1'-0"
JOB NO.: 18130664
SHEET: A-2.7





Architects • Planners
715 O & McDermid Closes
Southside Atlanta 30325
404.367.2002 | www.parksideatl.com

PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☒	ARCHITECTURE REVIEW
☐	ISSUE FOR BID SET
☐	ISSUE FOR CONSTRUCTION

REVISIONS		
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PLANNING DEPT

RESIDENCES AT THE TOWER

8680 EMPIRE CLUB DRIVE
DARK CITY, UTAH 84060

DRAWN: _____
CHECKED: _____
DATE: September 10, 2018
SCALE: 3/32" = 1'-0"
JOB NO.: BU 30654
SHEET: A-3.1





SWABACK
Architects • Planners
2500 E. McDowell Street
Scottsdale, Arizona 85253
480.347.2000 | www.swaback.com

PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☒	AUCTION REVIEW
☐	ISSUE FOR BID SET
☐	ISSUE FOR CONSTRUCTION

REVISIONS		
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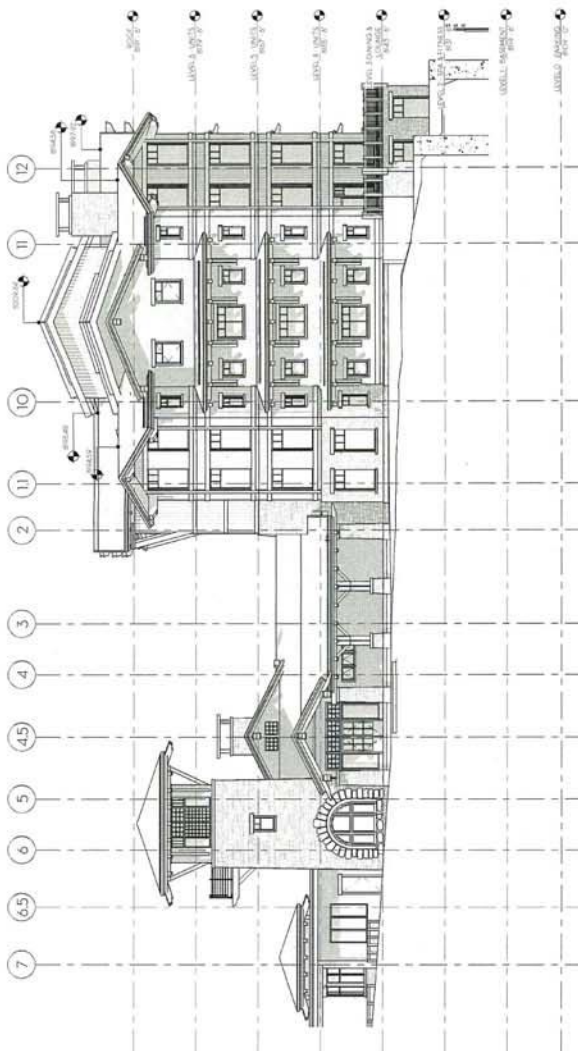
RESIDENCES AT THE POWER
ELEVATIONS
8880 EMPIRE CLUB DRIVE
DARK CITY, UTAH 84050

DRAWN *	
CHECKED *	
DATE	October 31, 2018
SCALE	3/32" = 1'-0"
FOR PCD	0727
SHEET	A-4.1

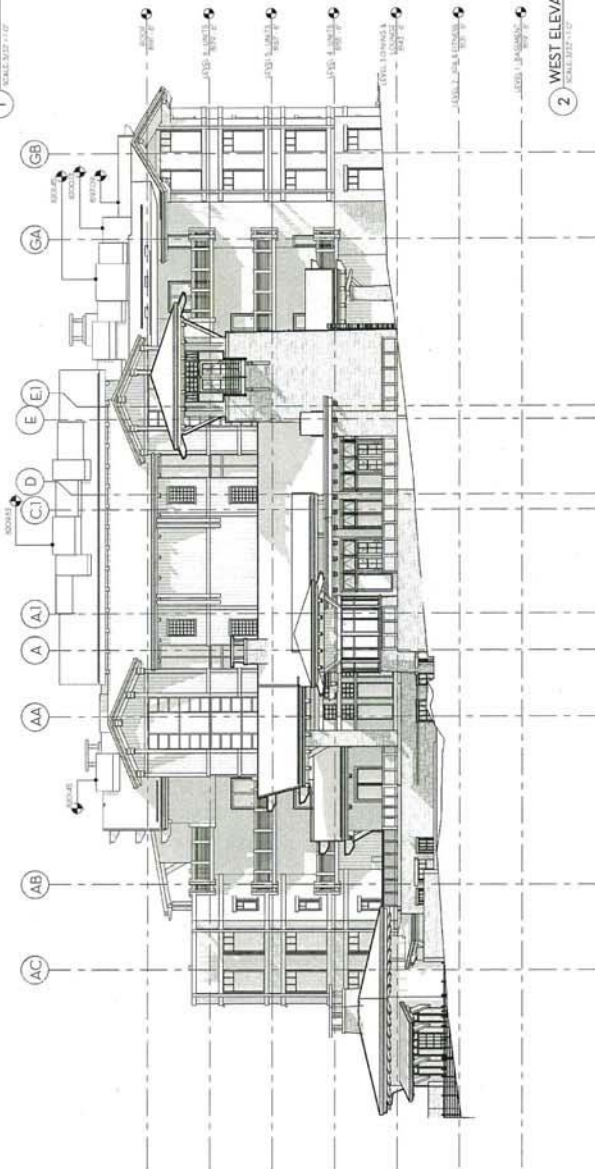
A-4.1

* sat
Revised
Comments

① SOUTH ELEVATION



WEST ELEVATION



MATERIAL LEGEND

-



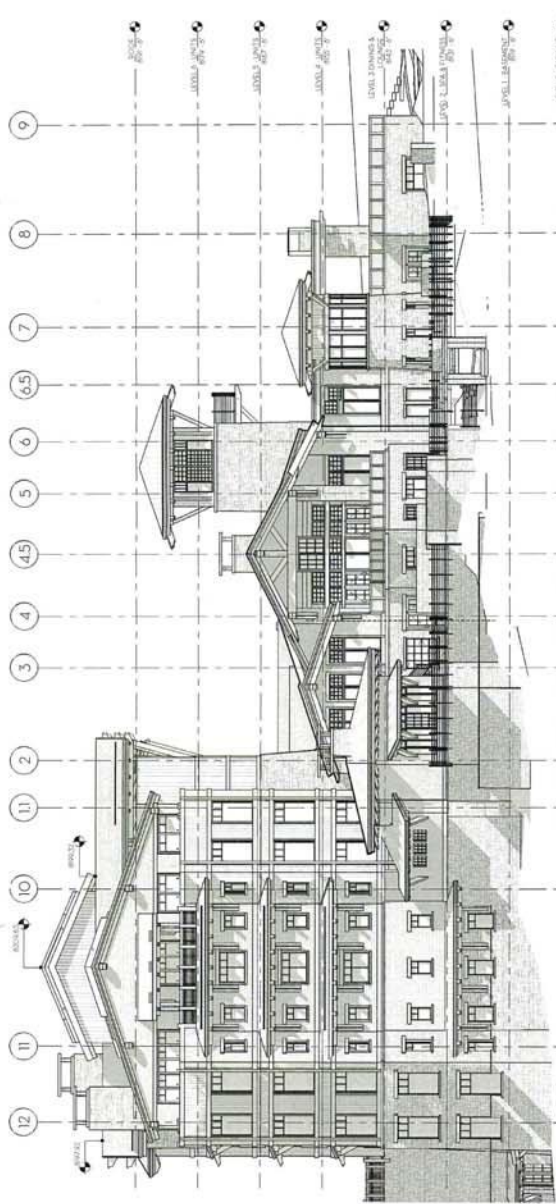
PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☐	ARCHITECTURE REVIEW
☐	MEET FOR SET
☐	MEET FOR CONSTRUCTION

REVISIONS	
NO.	DESCRIPTION

RESIDENCES AT THE TOWER
 8880 EMPIRE CLUB DRIVE
 PARK CITY, UTAH 84060
ELEVATIONS

11/27/2018 4:47:38 PM
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 DATE: October 31, 2018
 SCALE: 3/32" = 1'-0"
 JOB NO: 180727
A-4.2

KEYNOTES



1 NORTH ELEVATION
 SCALE 3/32" = 1'-0"

MATERIAL LEGEND

	STONE VENEER TO MATCH EXISTING
	VERTICAL LAP SIDING
	SHINGLE SHAKE SIDING TO MATCH EXISTING
	METAL STANDING SEAM ROOFING SYSTEM TO MATCH EXISTING
	WOOD SHAKE ROOFING SYSTEM TO MATCH EXISTING



2 EAST ELEVATION
 SCALE 3/32" = 1'-0"

KEYNOTES



PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☐	PERMIT FOR REVIEW
☐	PERMIT FOR BUILD
☐	PERMIT FOR CONSTRUCTION

REVISIONS	
NO.	DESCRIPTION
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RESIDENCES AT THE TOWER

880 E. HYPER CLUB DRIVE
PARK CITY, UTAH 84060

COLOR ELEVATIONS

DATE: 11/07/2018 5:01:13 PM

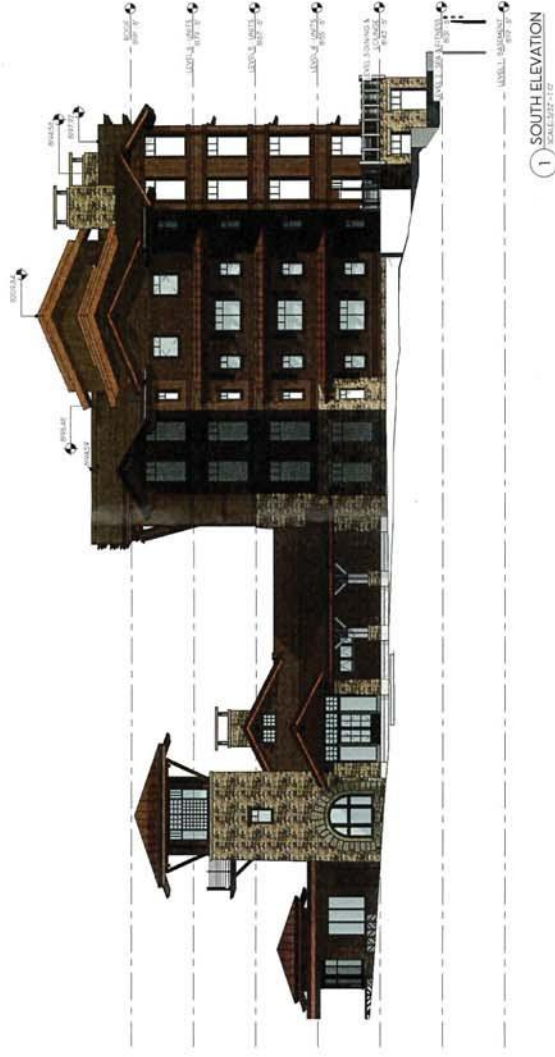
DESIGNED BY: SWABACK

DATE: October 31, 2018

SCALE: 3/32" = 1'-0"

PROJECT NO: 0727

A-4.3



MATERIAL LEGEND

- STONE VENEER TO MATCH EXISTING
- VERTICAL LAP SIDING
- SHINGLE SHAKE SIDING TO MATCH EXISTING
- METAL STANDING-SEAM ROOFING SYSTEM TO MATCH EXISTING
- WOOD SHAKE ROOFING SYSTEM TO MATCH EXISTING

KEYNOTES



PROJECT PHASE	
☐	CONSTRUCTION DOCUMENTS
☐	LANDSCAPE REVIEW
☐	PERMITS FOR REVIEW
☐	PERMITS FOR CONSTRUCTION

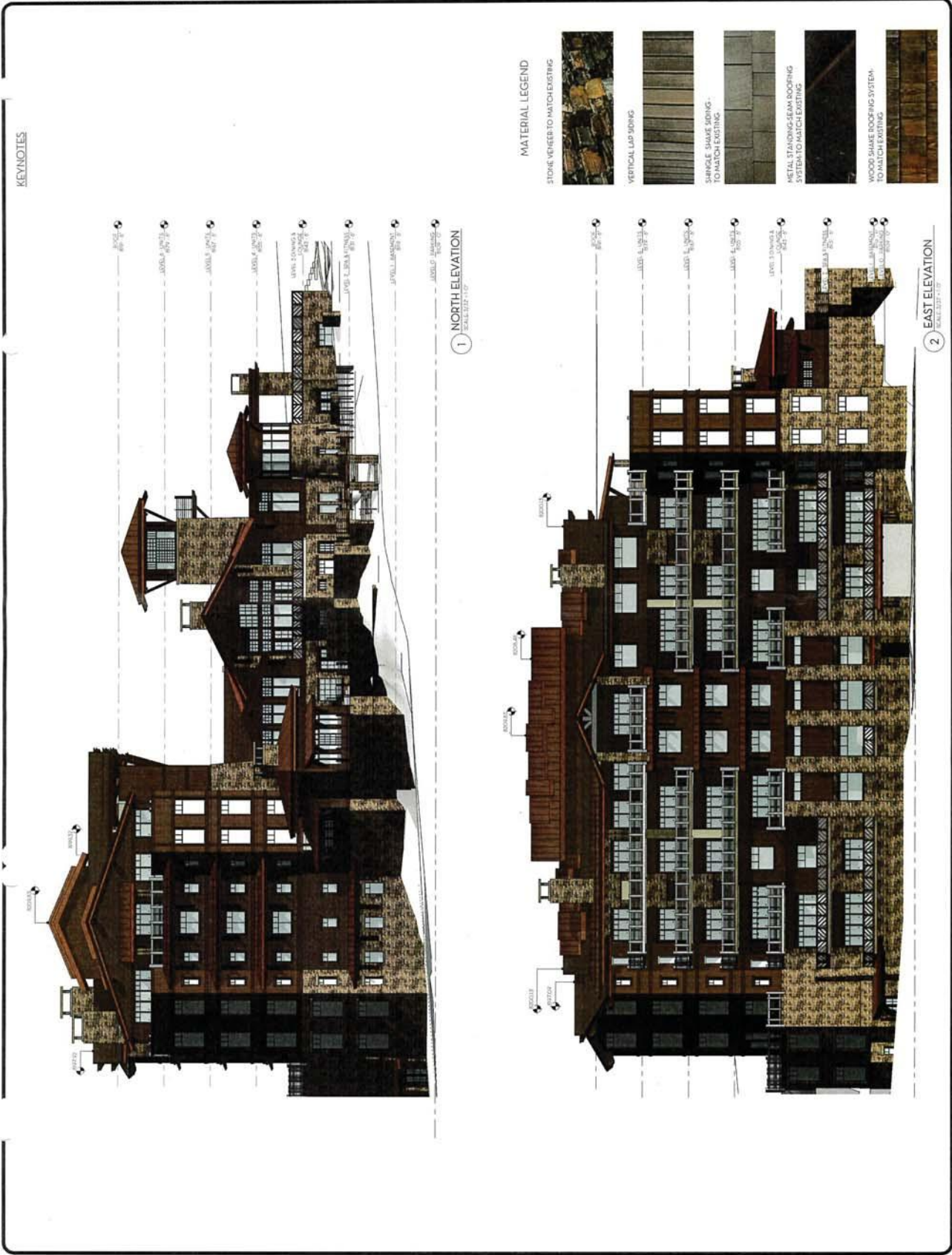
REVISIONS	
NO.	DESCRIPTION

RESIDENCES AT THE TOWER

8880 EPHRAIM CLUB DRIVE
PARK CITY, UTAH 84060

COLOR ELEVATIONS

DATE: October 31, 2018
SCALE: 3/32" = 1'-0"
JOB NO: 0727
SHEET: A-4.4



MATERIAL LEGEND

- STONE VENEER TO MATCH EXISTING
- VERTICAL LAP SIDING
- SIMPLE SHAKE SIDING TO MATCH EXISTING
- METAL STANDING-SEAM ROOFING SYSTEM TO MATCH EXISTING
- WOOD SHAKE ROOFING SYSTEM TO MATCH EXISTING

PROJECT PHASE	DATE
CONSTRUCTION DOCUMENTS	
ARCHITECTURAL REVIEW	
ENGINEERING REVIEW	
PERMITS FOR REVIEW	
READY FOR CONSTRUCTION	

REVISIONS	DATE
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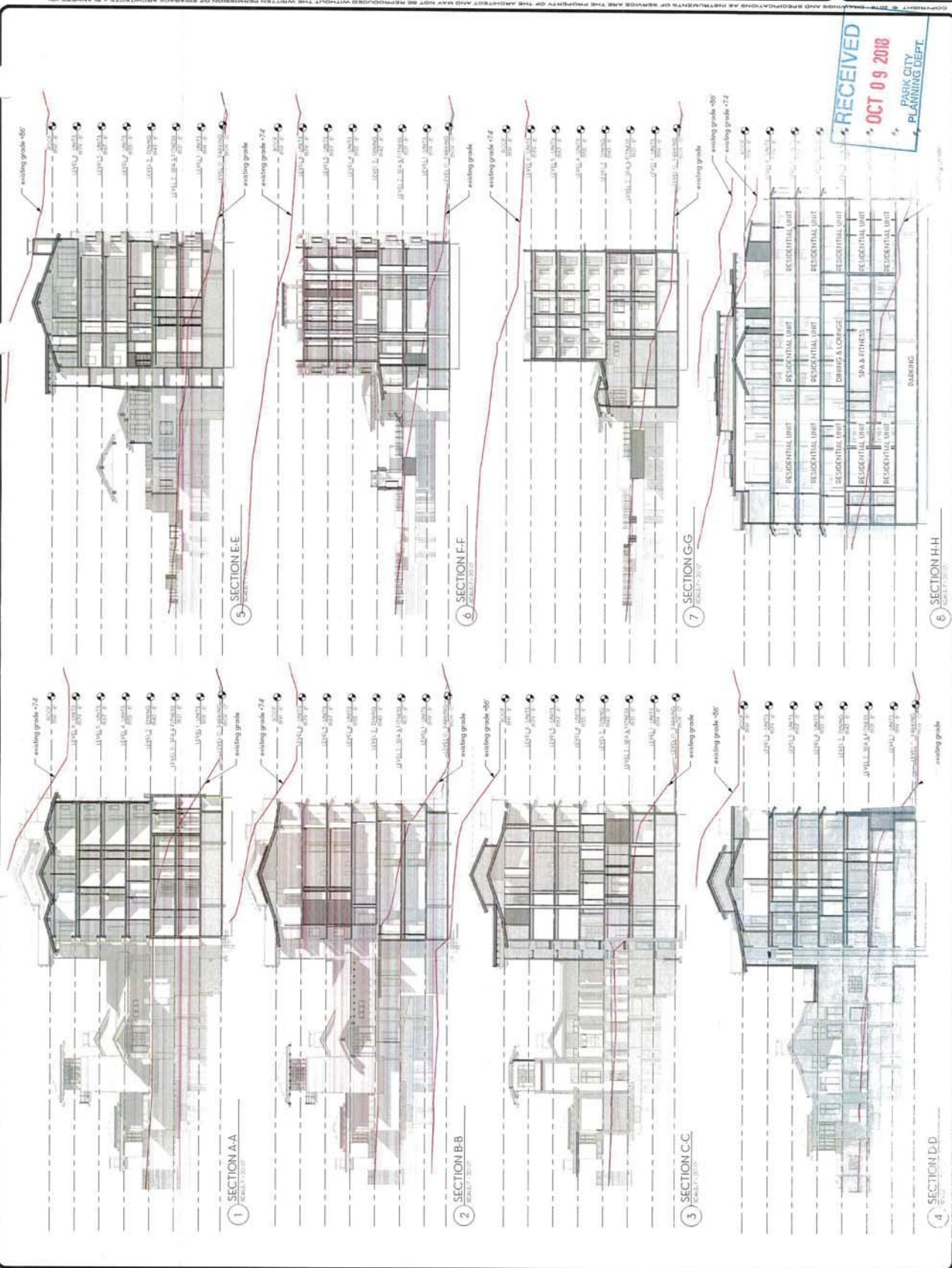
RESIDENCES AT THE TOWER

8600 Empire Club Drive Park City, UT 84060

BUILDING SECTIONS

PROJECT	A-7.1
DATE	September 19, 2018
SCALE	1" = 20'-0"
JOB NO.	BB 38654

Cr





3081 Teepee Road
Bozeman, Montana 59714
781-465-0438
aj@redbarnmontana.com



TALISKER CLUB
EMPIRE PASS • TUMAYE

Residences at the Tower

8680 Empire Club Drive
Park City, UT

Project For:

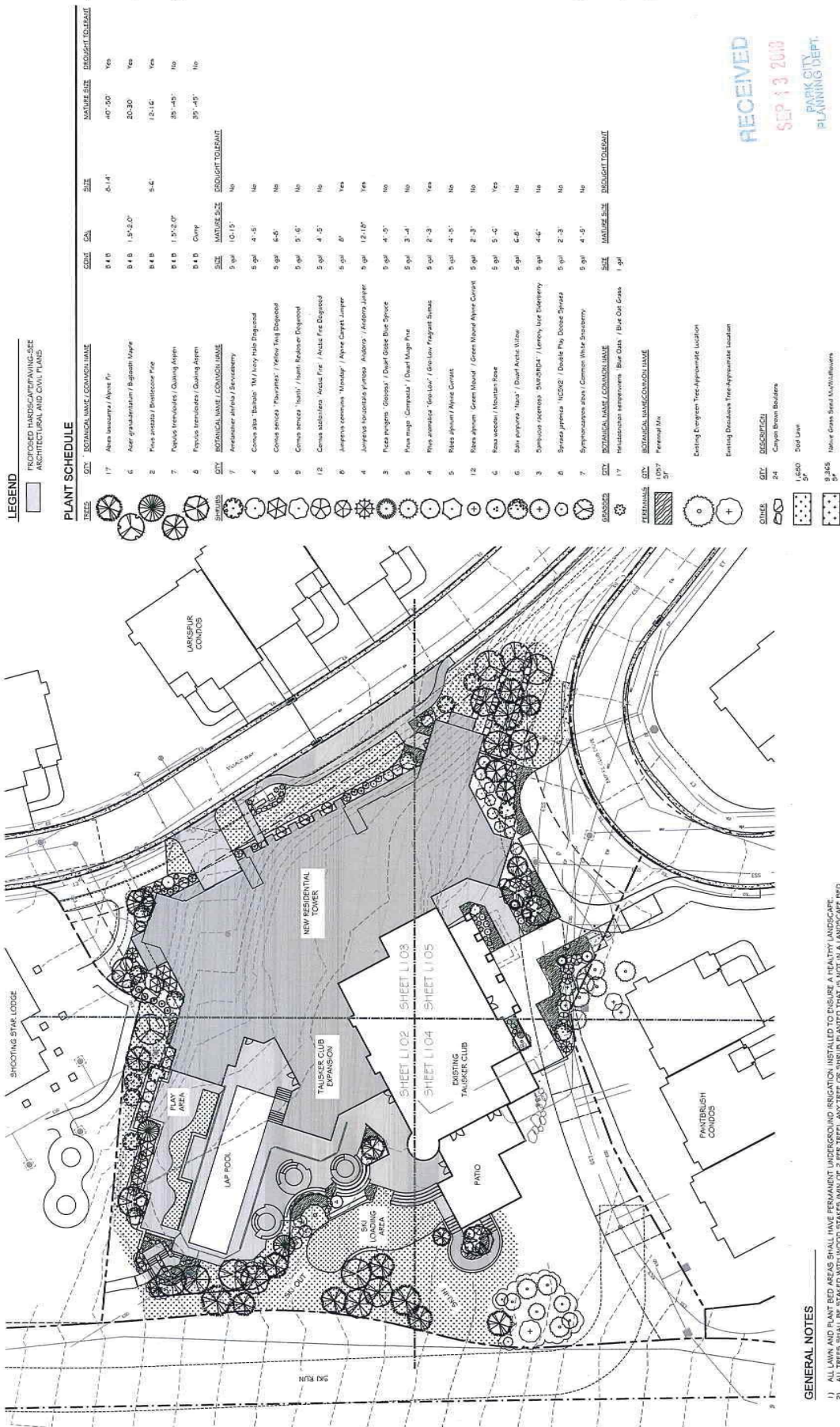


Date	Issue
9/11/18	CDP Summary



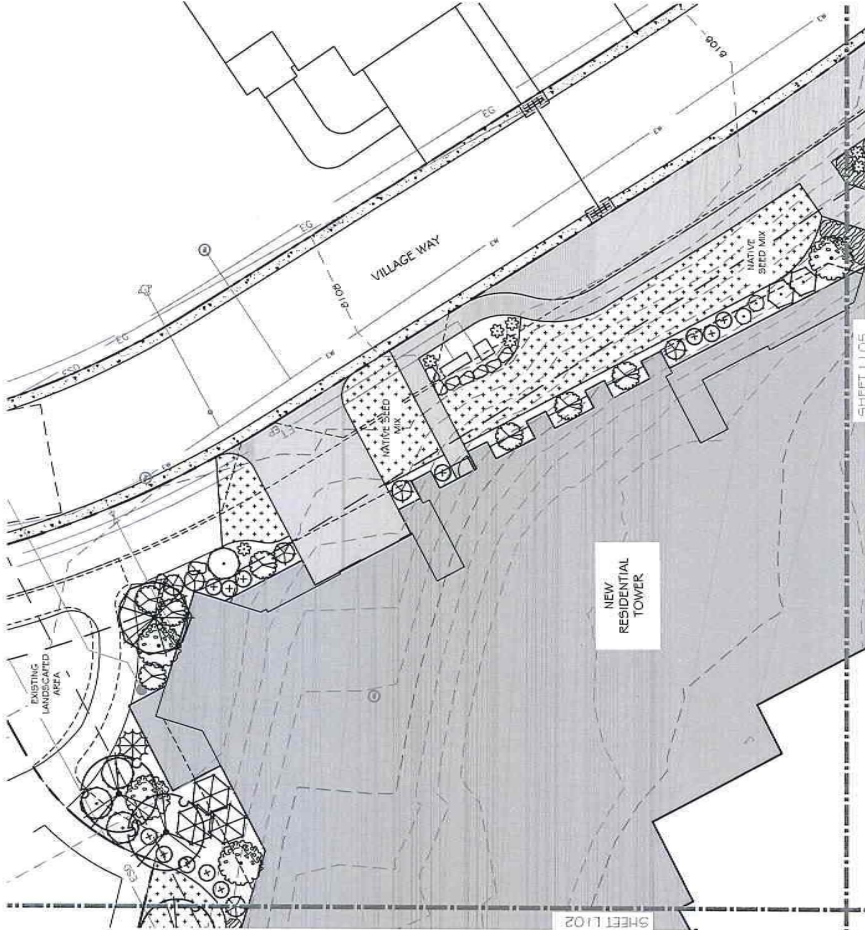
L101

SCALE: 1"=20'-0"



GENERAL NOTES

- 1) ALL LAWN AND PLANT BED AREAS SHALL HAVE PERMANENT UNDERGROUND IRRIGATION INSTALLED TO ENSURE A HEALTHY LANDSCAPE.
- 2) ALL TREES SHALL BE SPECIES APPROPRIATE TO THE CLIMATE AND SOIL TYPE. ANY TREE OR SHRUB PLANTED THAT IS NOT IN A LANDSCAPE BED SHALL BE PLANTED IN A BED. ALL TREES SHALL BE PLANTED WITH A MINIMUM OF 18" OF ORGANIC MULCH. ANY DAMAGE TO EXISTING UTILITIES OR TO ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY TO REMEDY.
- 3) ALL TREES SHALL BE PLANTED WITH A MINIMUM OF 18" OF ORGANIC MULCH. ANY DAMAGE TO EXISTING UTILITIES OR TO ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY TO REMEDY.
- 4) ALL TREES SHALL BE PLANTED WITH A MINIMUM OF 18" OF ORGANIC MULCH. ANY DAMAGE TO EXISTING UTILITIES OR TO ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY TO REMEDY.
- 5) ALL PLANT MATERIAL IS TO BE REALITY SPECIMENS FREE FROM DISEASE OR DAMAGE.
- 6) ALL AREAS DISTURBED BY CONSTRUCTION ON SITE SHALL BE RE-GRASSED, ROCK HOUNDED AND SEEDS AND/OR PLANTED AND MAINTAINED TO PREVENT WEED GROWTH. NATIVE SEED AREAS TO RECEIVE TEMPORARY IRRIGATION FOR 2 YEARS FOR SEED ESTABLISHMENT.
- 7) ALL AREAS DISTURBED BY CONSTRUCTION ON SITE SHALL BE RE-GRASSED, ROCK HOUNDED AND SEEDS AND/OR PLANTED AND MAINTAINED TO PREVENT WEED GROWTH. NATIVE SEED AREAS TO RECEIVE TEMPORARY IRRIGATION FOR 2 YEARS FOR SEED ESTABLISHMENT.
- 8) CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INSTALLATION, EXCAVATION, OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES OR TO ADJACENT PROPERTY SHALL BE CONTRACTOR'S RESPONSIBILITY TO REMEDY.
- 9) CONTRACTOR TO VERIFY PLANT QUANTITIES. IF THERE IS A DISCREPANCY BETWEEN THE PLAN AND TABLE, THE PLAN SHALL DICTATE COUNT.
- 10) ALL LANDSCAPE BEDS SHALL BE MULCHED WITH 3-4" DEPTH OF ORGANIC WOOD MULCH, MATERIAL T.B.D.
- 11) ALL EDGING TO BE METAL (PREF. EDGE STEEL/ALUMINUM).
- 12) ALL PLANTING TO BE COMPLETED WITHIN 90 DAYS OF START OF CONSTRUCTION.
- 13) TREES ARE TO BE PLANTED IN THE SAME LOCATION AND SIZE FOR A NATURAL LOOK.
- 14) SEE CIVIL FOR PROPOSED GRADING.

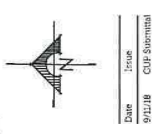


PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME / COMMON NAME	SIZE	CA	SIZE	MAINTENANCE	WATER TOLERANT
	1"	Aster lanceolatus / Aster Pk	5-14"	5-14"	40'-50'	Yes	
	2	Aster grandidentatus / Dogtooth Violet	5-14"	5-14"	20-30'	Yes	
	6	Prunella americana / Blackberry Tree	5-14"	5-14"	15-16'	Yes	
	7	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	8	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	9	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	10	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	11	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	12	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
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	14	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	15	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	16	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
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	19	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	20	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	21	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
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	84	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	85	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	86	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	87	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	88	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	89	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	90	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	91	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	92	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	93	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	94	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	95	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	96	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	97	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	98	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	99	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	
	100	Populus tremuloides / Quaking Aspen	5-14"	5-14"	35'-45'	No	



Project For:
Residences at the Tower
8680 Empire Club Drive
Park City, UT



RECEIVED
SEP 13 2018
PARK CITY
PLANNING DEPT.

Northeast
Enlarged
Landscape
Plan

SCALE: 1"=10'-0"

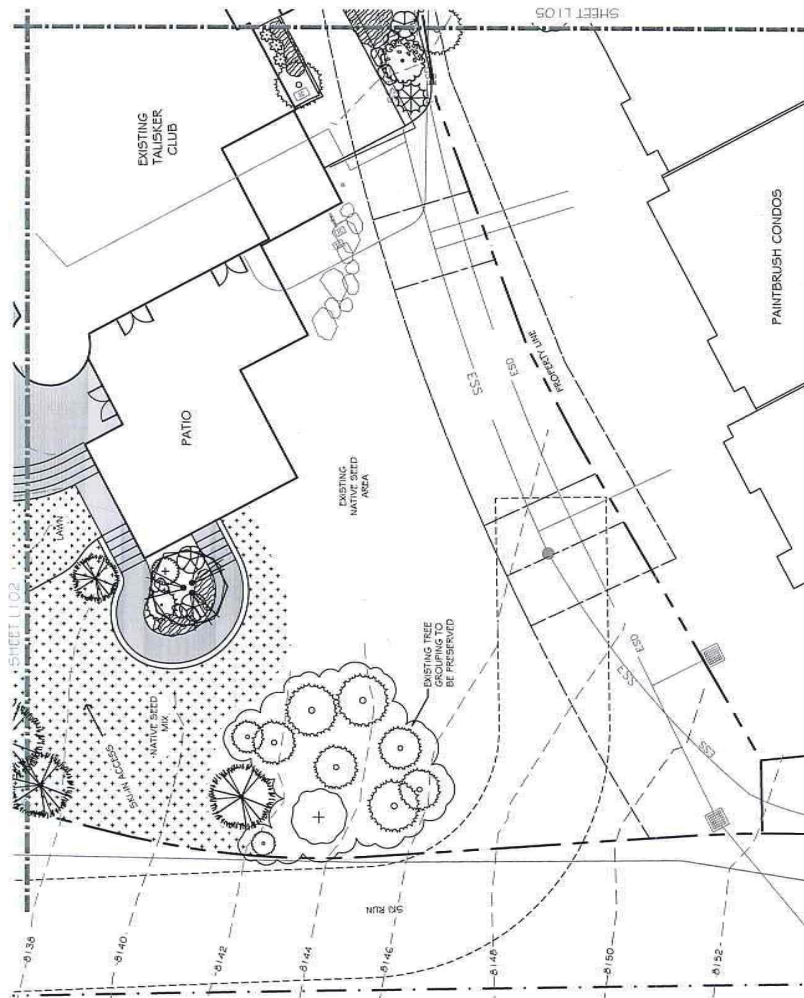
L103

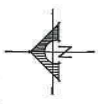


RECEIVED
SEP 13 2018
PARK CITY
PLANNING DEPT

SCALE: 1"=10'-0"

QTY	NOTAUSUAL NAME (COMMON NAME)	COIT	CA	SIZE	MATURE SIZE	DROUGHT TOLERANT
17	Abies balsamea (Alpine Fir)	8' x 8'	1.5' x 2.0'	8' x 14'	40' x 50'	Yes
6	Acer glaberrimum (Dotted Maple)	8' x 8'	1.5' x 2.0'	20' x 30'	20' x 30'	Yes
6	Pinus ponderosa (Bottlebrush Pine)	8' x 8'	1.5' x 2.0'	12' x 16'	12' x 16'	Yes
7	Populus tremuloides (Quaking Aspen)	8' x 8'	1.5' x 2.0'	25' x 45'	25' x 45'	No
6	Populus tremuloides (Quaking Aspen)	8' x 8'	1.5' x 2.0'	25' x 45'	25' x 45'	No
QTY	NOTAUSUAL NAME (COMMON NAME)	COIT	CA	SIZE	MATURE SIZE	DROUGHT TOLERANT
7	Arbutus menziesii (Strawberry)	5' gal	10' x 15'	No		
4	Cornus alba (Dogwood) / Very True Dogwood	5' gal	4' x 5'	No		
6	Cornus amomum (Thornless) / Yellow Twig Dogwood	5' gal	4' x 5'	No		
9	Cornus sericea (Ribbon) / North Redstart Dogwood	5' gal	4' x 5'	No		
12	Cornus stolonifera (Ribbon) / Arctic Fire Dogwood	5' gal	4' x 5'	No		
5	Juniperus communis (Mophead) / Alpine Crystal Juniper	5' gal	4' x 5'	Yes		
4	Juniperus horizontalis (Mophead) / Andromeda Juniper	5' gal	4' x 5'	Yes		
5	Pinus pungens (Gothic) / Dwarf Gothic Blue Spruce	5' gal	4' x 5'	No		
5	Pinus mugo (Mugo) / Dwarf Mugo Pine	5' gal	3' x 4'	No		
4	Rosa pratincola (Climber) / Climber Playland Climber	5' gal	2' x 3'	Yes		
5	Rosa alba (Alpine) / Alpine Climber	5' gal	4' x 5'	No		
12	Rosa alba (Green Mound) / Green Mound Alpine Climber	5' gal	2' x 3'	No		
6	Rosa lucida (Mountain Rose)	5' gal	5' x 6'	Yes		
6	Spiraea alba (Hale) / Dwarf Arctic Willow	5' gal	6' x 8'	No		
3	Sambucus racemosa (Sambucus) / Lumina Rose Elantery	5' gal	4' x 5'	No		
6	Syringa patula (Nectar) / Double Play Garden Spruce	5' gal	2' x 3'	No		
7	Syringa patula (Nectar) / Double Play Garden Spruce	5' gal	4' x 5'	No		
QTY	NOTAUSUAL NAME (COMMON NAME)	COIT	CA	SIZE	MATURE SIZE	DROUGHT TOLERANT
17	Helianthus scaberrimus (Blue Oak) / Blue Oak Grass	1' gal				
QTY	NOTAUSUAL NAME (COMMON NAME)	COIT	CA	SIZE	MATURE SIZE	DROUGHT TOLERANT
17	Helianthus scaberrimus (Blue Oak) / Blue Oak Grass	1' gal				
QTY	NOTAUSUAL NAME (COMMON NAME)	COIT	CA	SIZE	MATURE SIZE	DROUGHT TOLERANT
17	Helianthus scaberrimus (Blue Oak) / Blue Oak Grass	1' gal				





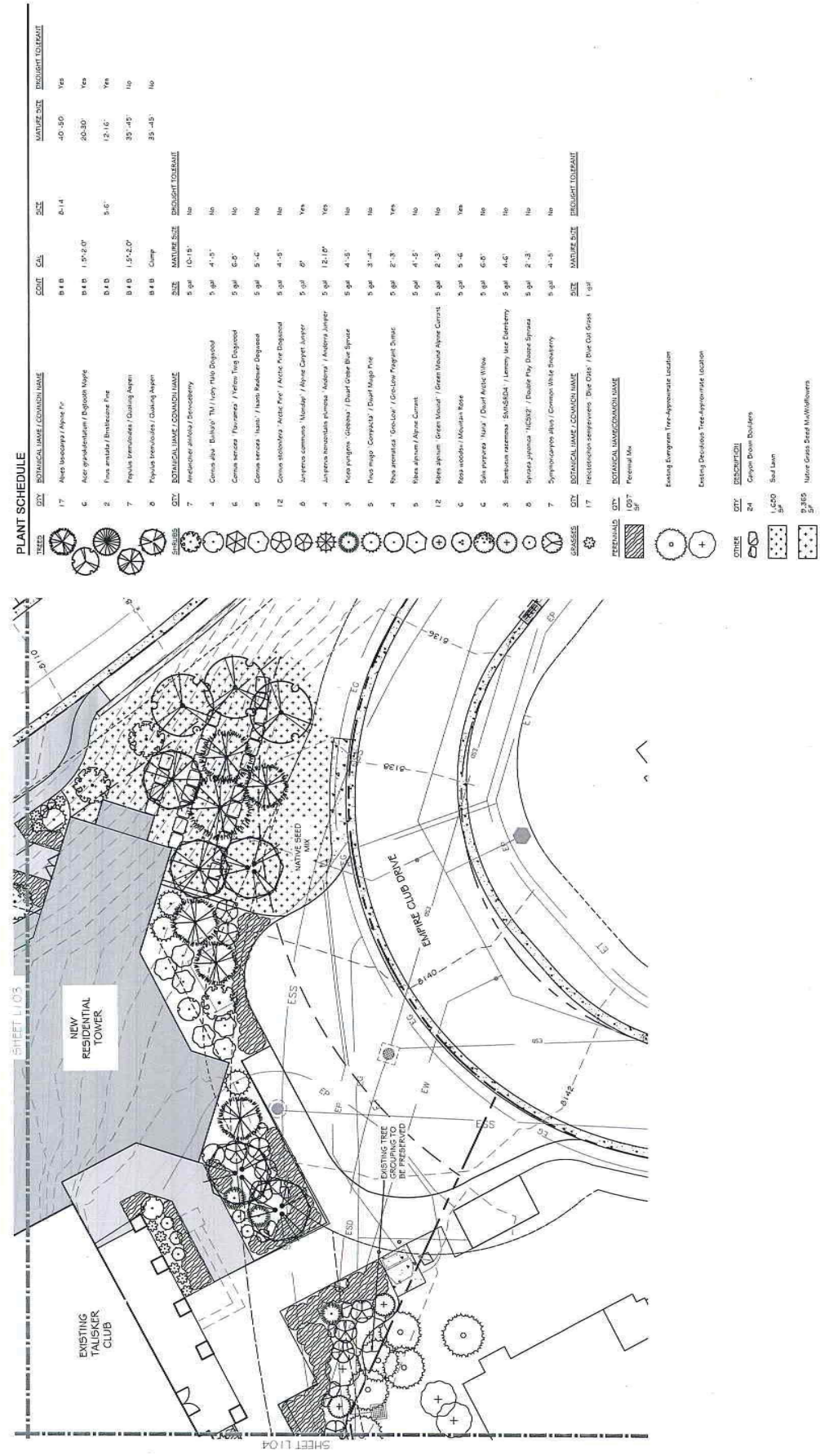
Date: 10/20/18
Issue: 01/20/19
WJZ/B: CLP/Sammal

RECEIVED
SEP 13 2019
PARK CITY
PLANNING DEPT.

Southeast
Enlarged
Landscape
Plan

SCALE: 1"=10'-0"

L105





Tower Club – looking Northeasterly



Tower Club – looking Southeasterly



Tower Club – looking Southwesterly



Tower Club – looking Northwesterly



Tower Club – looking Northwesterly



Tower Club – looking Northerly

EXHIBIT G

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 124499, as prescribed under the laws of the State of Utah, 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 CAMPBELL PASS, PHASE I and that the same has been or will be correctly located on the ground as shown on this plat.

John Demkowicz 11-10-04
Date

BOUNDARY DESCRIPTIONS

[illegible]

ABSTRACT 2

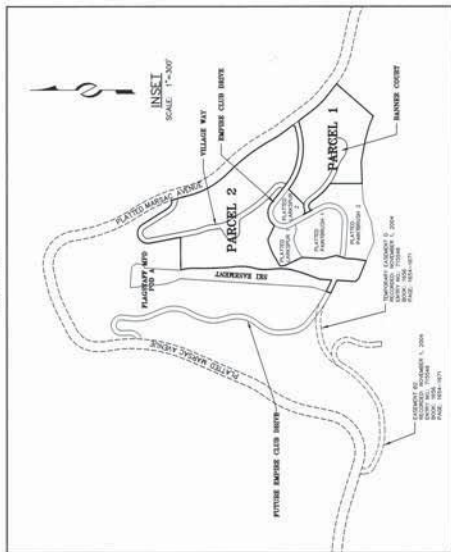
[illegible]

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

JOB NO. 3-17-02 FILE # 2-1999-2002-Park City permit - 1 mg

(435) 648-3447 Suzanne K. Hinkle CONSULTING ENGINEER / LAND PLANNERS DIVISION Utah State Office Bldg. Rm. 2007 Park City Utah 84002-0044	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REQUESTED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>11th</u> DAY OF <u>November</u> , 2004 A.D. BY <u>Dyke D.</u> BY <u>S.K.H.</u> CHAIRMAN	PLANNING COMMISSION I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>12th</u> DAY OF <u>November</u> , 2004 A.D. BY <u>John P. O'Brien</u>	ENGINEER'S CERTIFICATE I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>12th</u> DAY OF <u>November</u> , 2004 A.D. BY <u>Brian M. O'Brien</u> BY <u>P.O.B.</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>15th</u> DAY OF <u>November</u> , 2004 A.D. BY <u>Wesley C. Hinkle</u> BY <u>W.C.H.</u> PARK CITY CLERK	CERTIFICATE OF ATTEST I CERTIFY THE RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>10th</u> DAY OF <u>October</u> , 2004 A.D. BY <u>Christina J. Smith</u> BY <u>Christina J. Smith</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>30th</u> DAY OF <u>September</u> . BY <u>Randy Williams</u> MAYOR	# <u>718034</u> RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Park City Title</u> DATE <u>11-24-2004</u> <u>MEADOWCROOK</u> PAGE <u>—</u> <u>\$16.00</u> FEE <u>Quintrell Brown Deputy Recorder</u>
---	---	---	---	--	---	---	---



OWNER'S DEDICATION AND CONSENT TO RECORD

NOTICE ALL WHO BY THESE RECORDS HAVE INTEREST IN THE VILLAGE AT EMPIRE, LLC, a Delaware limited liability company, the manager of the Village at Empire, LLC, has received from the Village at Empire, LLC, a Delaware corporation, 25 copies of the public and private utility easements and Private Road Right-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifying that it has caused this Right-of-Way Plan consisting of two (2) sheets to be prepared, done and signed by the recordation authorities in the State of New York, and that the said Right-of-Way Plan was posted in property situated on either side of Village Way, Banner Court and Empire Club Drive on or about the date hereinafter stated.

In witness whereof the undersigned has executed this certificate and declaration this 10th day of May, 2004.

ANTHONY RESOURCES, LLC

Rev. (Miss) [unclear]

ACKNOWLEDGMENT

This instrument was acknowledged before me this 10th day of Nov., 2004, by JAMES M. HILL, the Vice President of HF HOLDING CORP. II, a Colorado corporation, Manager of PANTBUSH RESIDENCES, LLC, a Delaware limited liability company.

State of Utah
County of Summit

Victory Road
May 1944
Residing in: Park City
6-13-2008

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT SHOOTING STAR RECORDINGS, 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 two 25 acre state public, a Private Utility Tract, and the Paramount & Friends Road Right-of-Way to be known as EMPIRE PASS, PHASE II, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has executed this Subdivision Map consisting of two (2) sheets to be prepared, shown hereby consent to the recordation of this Subdivision Plat, and that the said Subdivision Map and plat have been duly approved by the State Engineer and Planning Board of the County of Volusia, Florida.

In witness whereof the undersigned
SHOOTING STAR RESIDENCES, LLC
A Delaware limited liability company

Sy: HF Holding Corp., its Manager
By: _____
Title: Vice President

ACKNOWLEDGMENT

This instrument was acknowledged before me this 10th day of Nov., 2004 by JAMES M. HILL the
State of Utah
County of Summit ss.
Nice Pridemont
at HEARING CORP., INC., a Delaware limited liability company,
the undersigned authority.

liability company
Mary J. Carney
 Notary Public
 Residing in Park City
 My commission expires: 6/13-2000

ENGINEER'S CERTIFICATE

I FIND THIS PLAY TO BE IN
CONFORMANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 11TH
OF NOVEMBER, 2004 A.D.
BY Eric W. O'Brien
PARK CITY ENGINEER

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 17
DAY OF November, 2003 A.D.,
BY Jane Ford
CHAIRMAN

ER RECLAMATION DISTRICT

TO SNYDERVILLE BASIN WATER
STANDARDS ON THIS 11th
day, 2004 A.D.
60

9447	SNYDERVILLE BASIN
------	-------------------

REVIEWED FOR CONFORMANCE
RECLAMATION DISTRICT
DAY OF
BY



CONSULTING ENGINEERS LAND PLANNERS
123 Main Street P.O. Box 2004 Portland, ME 04112
(405) 555-1234

72

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154497, 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 plot and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as FIRST AMENDMENT, THE VILLAGE AT EMPIRE PASS, PHASE 1, LOT 9 and that the same has been or will be correctly located on the ground as shown on this plot.

12-23-2011

130878

Lot 9, The Village at Empire Pass, Phase I, according to the official plat thereof, on file and of record in the office of the recorder, Summit County, Utah, recorded November 24, 2004, as Entry No. 718034.

PARCEL 2

[illegible]

Parcels 1 & 2 contain 66.711 square feet.

[illegible]

8. The joint amendment does not approve any changes to the Conditional Use or Master Planned Development approvals on the property.

**James
Engineering Inc.**

BY B.A. KO

BY  CHAIRMAN
PLANNING COMMISSION THIS 8TH
DAY OF DECEMBER, 2010 A-D.

BY [Signature] PARK CITY ENGINEER
IN ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 27th
DAY OF December, 2011 A.D.

BY Colin S. Mc
SARAH J. STOBLEY

WAS APPROVED BY PARK CITY
COUNCIL THIS 6 DAY
OF JANUARY 2011 A.D.
BY [Signature]
PARK CITY RECORDER

COUNCIL THIS 6TH DAY OF JANUARY,
2011 A.D.
BY *Ronald Williams*
MAYOR

937021
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF COALITION TITLE
1/1/12 TIME 9:24AM BOOK PAGE
308
D. Wayne Swartzell
BOOKKEEPER

74

EXHIBIT H



GENERAL NOTES

1. Field work for this survey was completed November 10, 2017, and is in compliance with generally accepted surveying standards for accuracy.
2. Site Benchmark: Sanitary Sewer Manhole Elevation=841.37' as shown.
3. Set "The Village At Engine Pass Phase 1 Lot 9 First Amendment", recorded January 4, 2012, as City No. 23028 in the Summit County Recorder's Office for boundary information.

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PARK CITY
PLANNING DEPT.



LINE TYPE LEGEND

---	EXISTING 1/4" IN	---	EXISTING GAS
---	EXISTING 1/2" IN	---	EXISTING 1/2" IN
---	EXISTING 3/4" IN	---	EXISTING 3/4" IN
---	EXISTING 1" IN	---	EXISTING 1" IN
---	EXISTING 1 1/2" IN	---	EXISTING 1 1/2" IN
---	EXISTING 2" IN	---	EXISTING 2" IN
---	EXISTING 3" IN	---	EXISTING 3" IN
---	EXISTING 4" IN	---	EXISTING 4" IN
---	EXISTING 6" IN	---	EXISTING 6" IN
---	EXISTING 8" IN	---	EXISTING 8" IN
---	EXISTING 10" IN	---	EXISTING 10" IN
---	EXISTING 12" IN	---	EXISTING 12" IN
---	EXISTING 14" IN	---	EXISTING 14" IN
---	EXISTING 16" IN	---	EXISTING 16" IN
---	EXISTING 18" IN	---	EXISTING 18" IN
---	EXISTING 20" IN	---	EXISTING 20" IN
---	EXISTING 22" IN	---	EXISTING 22" IN
---	EXISTING 24" IN	---	EXISTING 24" IN
---	EXISTING 26" IN	---	EXISTING 26" IN
---	EXISTING 28" IN	---	EXISTING 28" IN
---	EXISTING 30" IN	---	EXISTING 30" IN
---	EXISTING 32" IN	---	EXISTING 32" IN
---	EXISTING 34" IN	---	EXISTING 34" IN
---	EXISTING 36" IN	---	EXISTING 36" IN
---	EXISTING 38" IN	---	EXISTING 38" IN
---	EXISTING 40" IN	---	EXISTING 40" IN
---	EXISTING 42" IN	---	EXISTING 42" IN
---	EXISTING 44" IN	---	EXISTING 44" IN
---	EXISTING 46" IN	---	EXISTING 46" IN
---	EXISTING 48" IN	---	EXISTING 48" IN
---	EXISTING 50" IN	---	EXISTING 50" IN
---	EXISTING 52" IN	---	EXISTING 52" IN
---	EXISTING 54" IN	---	EXISTING 54" IN
---	EXISTING 56" IN	---	EXISTING 56" IN
---	EXISTING 58" IN	---	EXISTING 58" IN
---	EXISTING 60" IN	---	EXISTING 60" IN
---	EXISTING 62" IN	---	EXISTING 62" IN
---	EXISTING 64" IN	---	EXISTING 64" IN
---	EXISTING 66" IN	---	EXISTING 66" IN
---	EXISTING 68" IN	---	EXISTING 68" IN
---	EXISTING 70" IN	---	EXISTING 70" IN
---	EXISTING 72" IN	---	EXISTING 72" IN
---	EXISTING 74" IN	---	EXISTING 74" IN
---	EXISTING 76" IN	---	EXISTING 76" IN
---	EXISTING 78" IN	---	EXISTING 78" IN
---	EXISTING 80" IN	---	EXISTING 80" IN
---	EXISTING 82" IN	---	EXISTING 82" IN
---	EXISTING 84" IN	---	EXISTING 84" IN
---	EXISTING 86" IN	---	EXISTING 86" IN
---	EXISTING 88" IN	---	EXISTING 88" IN
---	EXISTING 90" IN	---	EXISTING 90" IN
---	EXISTING 92" IN	---	EXISTING 92" IN
---	EXISTING 94" IN	---	EXISTING 94" IN
---	EXISTING 96" IN	---	EXISTING 96" IN
---	EXISTING 98" IN	---	EXISTING 98" IN
---	EXISTING 100" IN	---	EXISTING 100" IN

STAFF: MICHAEL D. KOWALSKI
RYAN BEITZ

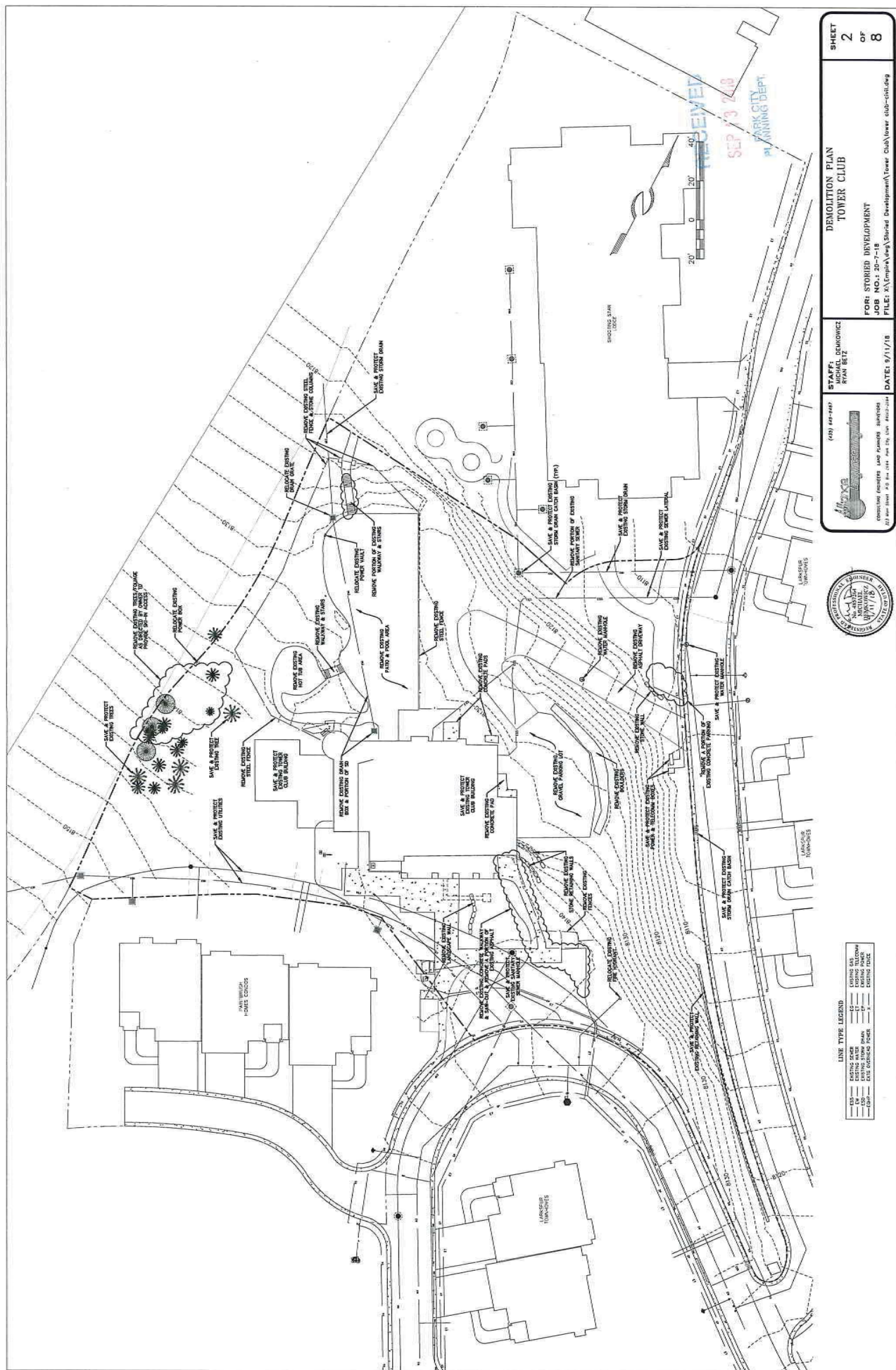
DATE: 9/1/18

EXISTING CONDITIONS AND TOPOGRAPHIC MAP
TOWER CLUB

FOR STORED DEVELOPMENT

FILE: K:\C:\Users\michael.d.kowalski\Documents\Tower Club\Tower Club-building

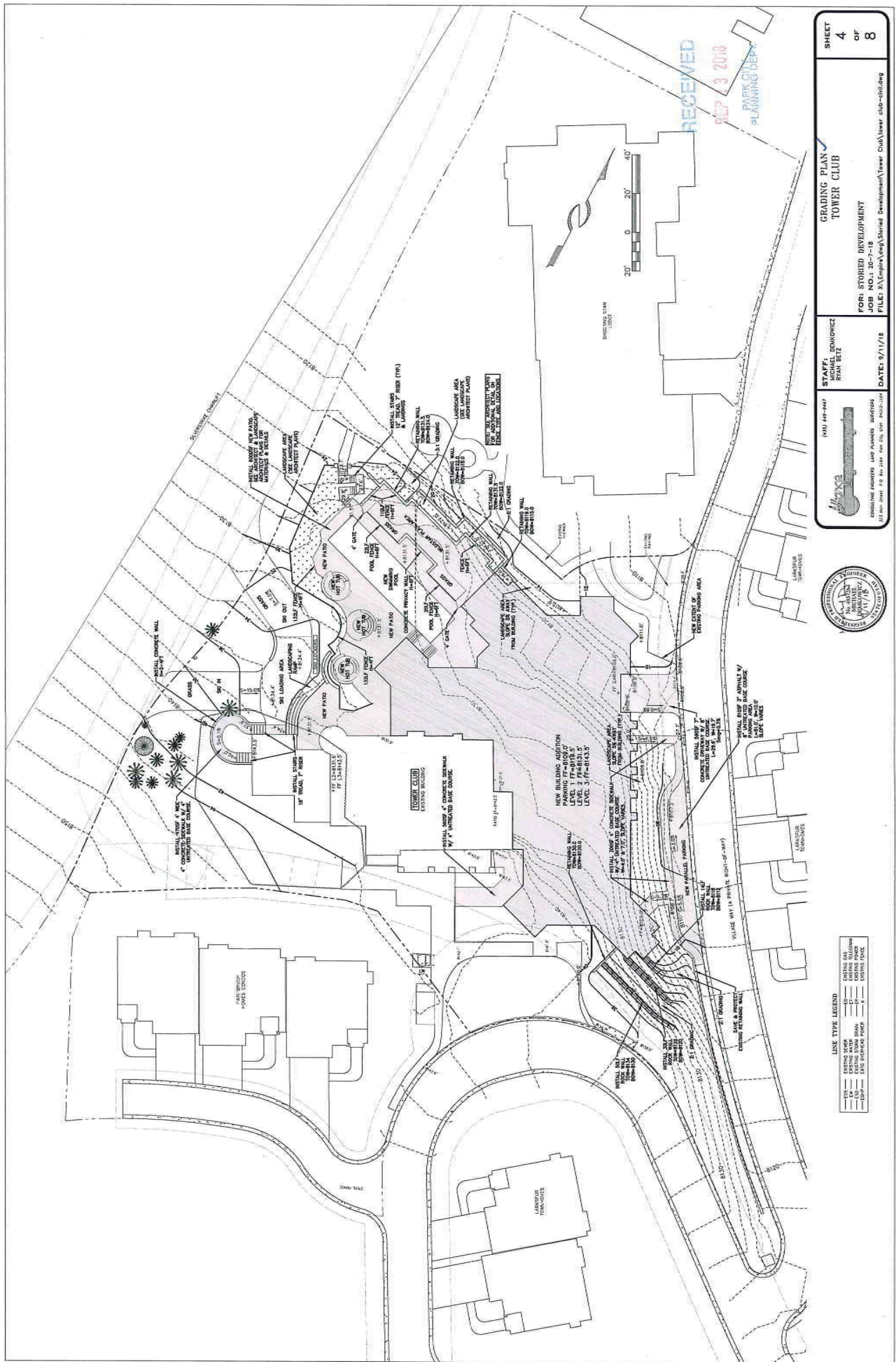
SHEET 1 OF 8





 323 West Street, 2nd Floor, Salt Lake City, UT 84102-2044 (801) 533-1111 michael@demowicz.com	STAFF: MICHAEL DEMOWICZ RYAN MELZ	SITE PLAN TOWER CLUB	SHEET 3 OF 8
	FOR: STORED DEVELOPMENT JOB NO.: 20-7-15 FILE: K:\Engine\4-4\Stored Development\Tower Club\Tower Club.dwg		





STAFF:
MICHAEL DEMKOWICZ
RYAN BETZ

DATE: 8/1/18

FILE: K:\Projects\Long\Staged Development\Tower Club\Tower Club-Grading.dwg

FOR STAGED DEVELOPMENT

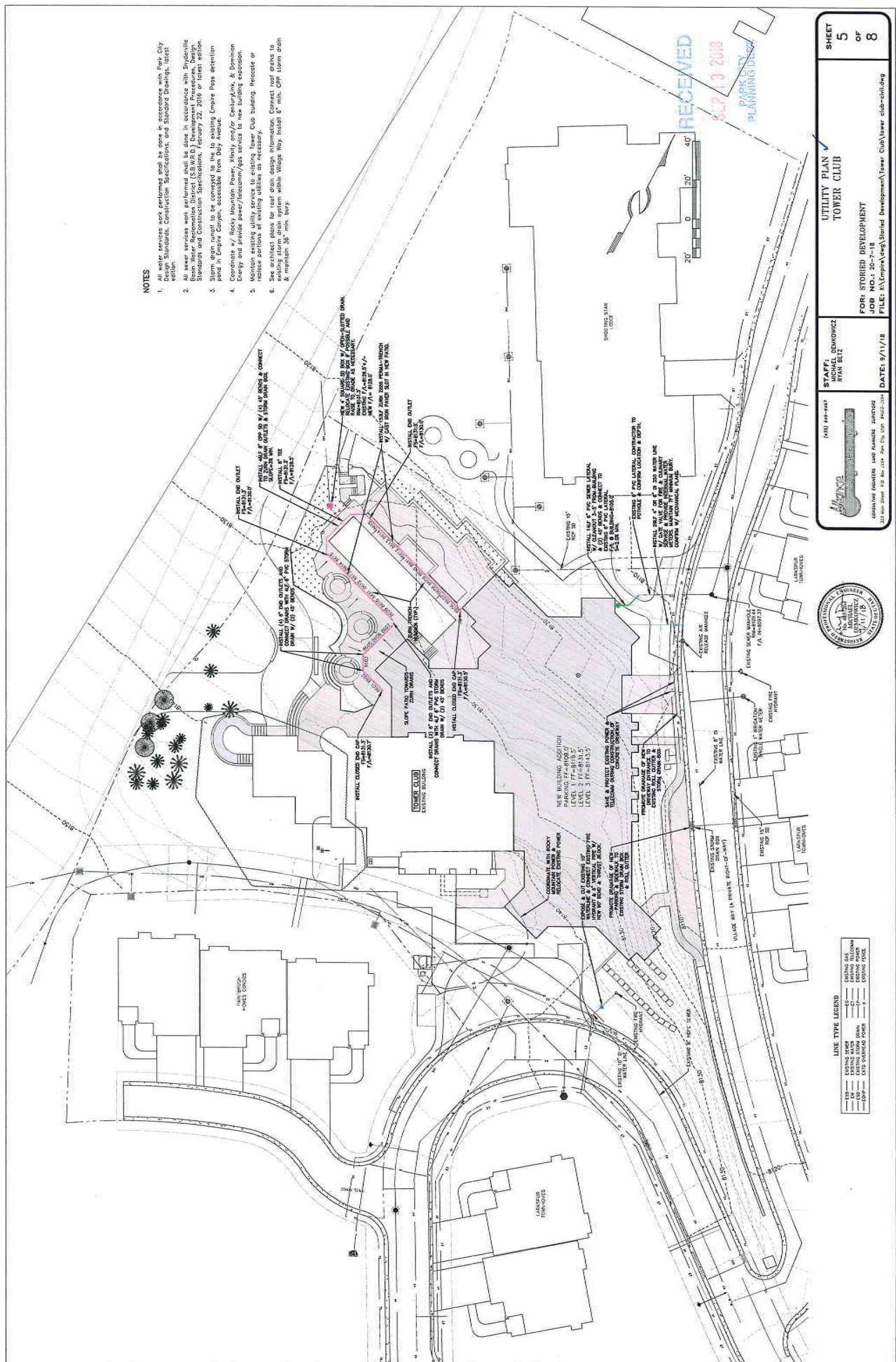
DATE: 8/1/18

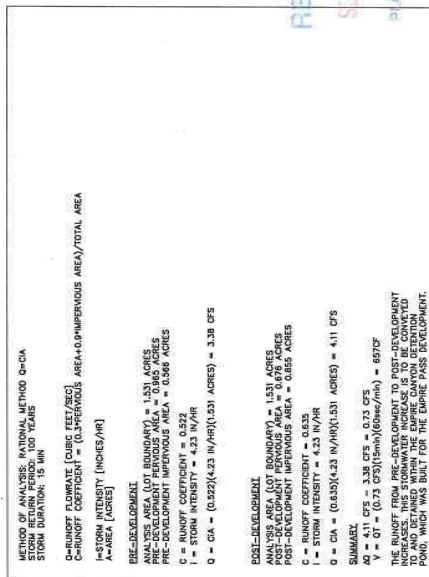
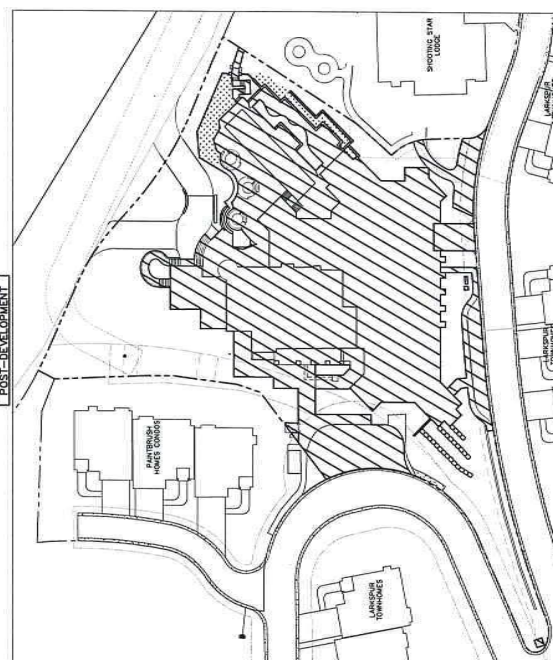
FILE: K:\Projects\Long\Staged Development\Tower Club\Tower Club-Grading.dwg



LINE TYPE LEGEND

---	EXISTING GRADE	---	EXISTING DRAIN
---	EXISTING PAVING	---	EXISTING TIE
---	EXISTING FLOOD DRAIN	---	EXISTING TIE
---	EXISTING FLOOD DRAIN	---	EXISTING TIE
---	EXISTING FLOOD DRAIN	---	EXISTING TIE

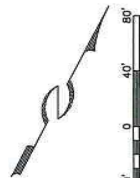


[illegible]

LEGEND

PERVIOUS SURFACE

IMPERVIOUS SURFACE



RECEIVED
SEP 13 2013
PARK CITY
PLANNING DEPT

Alvex
ECONOMICS
(415) 610-0001

STAFF:
MICHAEL DEMKOWICZ

FOR: STORIED DEVELOPMENT

FILE: X:\Empire\dwg\Stored Development\Tower Club\tower club-cl\ll.dwg

SHEET
6 OF 8

Construction Mitigation Plan

The Residences at the Tower

November 1, 2018

Project Location: 7777 Village Way, Park City, UT 84060

Building Permit#

Contractor: Big-D Construction

1389 Center Drive, Suite 360

Park City, UT 84098

Contact: Shawn Albretsen, Project Manager

Cell – 801.420.0333

Email – Salbretsen@big-d.com

1. Hours of Operation:

Typical hours of construction operations are 7:00am to 6:00pm, Monday through Friday, 8:00am to 6:00pm on Saturday, and no work on Sundays. With this structure being primarily cast in place concrete, occasional longer work hours may be needed for critical concrete placements. Big-D Construction will notify the neighboring residents and Park City Building Department, if wanted, ahead of time of these concrete placement durations.

2. Parking:

There is limited onsite parking. This will be reserved for visitors and Big-D Construction project management personnel. All other construction workers shall park off site and be bused to and from the construction site. The worker parking location is TBD, but could be near the Mine Bench or Richardson Flat. The parking plan assumes there is no on street parking on Village Way or Empire Club Drive.

3. Deliveries:

Deliveries to the site will be only during construction operation hours. Typically, deliveries will be just-in-time for the materials to be incorporated into the ongoing construction progress.

4. Stockpiling and Staging:

Given the site location, access, and building footprint coverage of the site, there is limited area for stockpiling and staging materials. Materials will have to be delivered to the project just-in-time to incorporate into the construction work. This means and method is similar to building a multistory building in a downtown urban setting. It is Big-D Construction's responsibility to coordinate with subcontractors to minimize problems due to the limited staging and stockpiling areas.

5. Construction Phasing:

No construction phasing is planned. All construction is to complete in one continuous time period between April 2019 and December 2020.

6. Trash Management & Recycling:

The construction debris dumpster shall be located within the fenced construction boundary. Its remaining capacity will be monitored daily and the dumpster emptied on a regular basis to prevent over flowing and accumulation of debris around the construction site. If available, a construction debris service will be utilized that will sort the contents of each dumpster and recycle items such as paper, cardboard, wood, and metals.

7. Dust & Mud Control:

Access to the site is from one side of the project. This project frontage along Village Way is planned to be graveled entirely to help eliminate dirt and mud from being tracked on to the paved street. Streets will be monitored daily and cleaned as needed to keep them free of dirt and mud. The majority of excavation work will take place in the spring /early summer. This work is not expected to generate much dust. A water source will be available to keep dust down as needed.

8. Noise:

Noisy work shall be kept within the approved project work hours. Big-D Construction will have a decibel meter on site to monitor the noise level of construction activities. No radios will be allowed on the construction project.

9. Grading & Excavation:

The mass excavation for this project is over 10,000 cubic yards. This is one of the first construction activities. The planned haul route utilizes Marsac Avenue. Flagmen will be used as required at the intersection of Marsac Avenue and Village Way to help manage the truck traffic. The haul hours will be limited to between 7:00am and 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday. Excavated soils are to be taken to an approved dump site, location of to be finalized, but may be Hot Creek. All suitable soils to be re-used for backfill will be stockpiled on site as required.

10. Temporary Lighting:

Exterior construction lighting will be kept as minimal as possible. The lighting will be turned off as much as possible during non-work hours. Occasional temporary lighting will be needed for morning concrete placements. This lighting will be accomplished by using portable light plants that are set up only for a specific concrete placement, then moved off site. Temporary interior lighting will be used during construction work hours and turned off to leave a minimal amount of lighting for egress and emergency access.

11. Construction Sign:

A project information sign will be posted at the entrance to the construction site. It will comply with the size regulations and include: Big-D Construction Company, 1389 Center Drive, Suite 360 Park City, UT 801-420-0333, Emergency Contact: Shawn Albretsen. No other construction signs are planned.

12. Other issues:

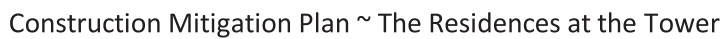
Dogs or pets are not allowed on Big-D Construction projects. Firearms, alcohol, and drugs are prohibited as well. Visitors must check in at the construction project office and be authorized to be on site with the proper personal protective equipment (hard hat, safety vest, safety glasses, etc.).

13. Soils Ordinance:

Big-D Construction will comply with the Soils Ordinance if the project site is considered within the ordinance boundary.

14. Erosion Control:

Big-D Construction is enlisting the services of Big-D Construction and Alliance to help draft and maintain a SWPPP and erosion control program throughout the project duration. This plan will be submitted prior to start of construction. Cut and fill areas and utility trenches will be backfilled and revegetated as soon as practical to help minimize erosion (Refer to SWPPP & CMP plan on next page).



Flagstaff Annexation and Empire Pass Units and Unit Equivalents

As of 10.25.18: Reflects Empire Residences platted, Silver Strike amendment and (Larkspur Townhouse (3 units) , Moonshadow 8 PUD (31 UE), Tower Res (14 units) plats under review)

SINGLE FAMILY LOTS

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

MULTI-FAMILY UNITS

POD	Multi-family	Units Approved/Proposed	UE Approved/Proposed	Units Platted or under review	UE Platted or under review	SF Platted or under review	PUD units (SF/duplex use UE)	ADA provided/r equired	CO UE's to date	CO Units to date
A	Moon Shadow Condo 8 PUD on Lot 1 VEPN apprvd	8	31.00	8	31	62,000	8	0	0	0
A	Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved)	21	24.50	21	24.49	48,981	0	1	0	0
A	Lot 2 VEPN plat-(Bldg 4) TBD	TBD	TBD				0	TBD	0	0
A	Lot A VEMPI 3 townhomes condo plat to CC 11/29/18	3	5.75	3	5.75	11,500	0	0	0	0
A	Tower Resid. (Bldg 1)- platted lot/CUP/Condo plat to PC 11/14/18	14	21.23	14	21,226	42,453	0	1	18.1	21
A	Shooting Star-platted lot and condo (Bldg 2)	21	18.30	21	18,055	36,109	0	1	32.8	27
A	One Empire Pass-platted lot and condo (Bldg 5)	27	32.80	27	32,513	65,026	0	1	35.7	34
A	Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend)	34	35.60	34	35,653	71,305	0	2	36.8	37
A	Flagstaff -platted lot and condo (Bldg 7)	37	35.90	37	36,753	73,506	0	2	23.3	28
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	24.50	28	23,229	46,458	0	2	24.4	27
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	25.70	28	24,373	48,746	0	2	32.7	28
A	Grand Lodge-platted lot and condo (Bldg H)	27	33.00	27	32,672	65,344	0	2	24.4	15
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	24.40	15	24,347	48,693	6	0	20.7	12
A	Larkspur West Townhouses-all platted/condo	12	20.70	12	20,637	41,273	0	0	32	12
A	Paintbrush PUDs- all platted /condo	12	31.90	12	31,538	63,076	12	0	37.85	16
A	Belles PUDs- all platted/condo	17	45.00	17	45	90,000	17	0	35	12
B1	Nakoma PUDs- all 17 are platted condo but 5 unbuilt	17	45.00	17	45	90,000	17	0	72.4	1
B1	Ironwood- all platted/condo	24	37.40	23	36,972	73,944	0	1	109.3	84
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	hotel rooms	69.60	n/a (hotel rooms)	72,665	218,669	0	5	0	0
B2	B2 West Montage condos- platted (apprvd 94)	94	114.00	84	109,335		0	TBD	572.55	377
B2	B2 East- B2East Subdivision approved/No condo plat yet	70	81.00				0			
Totals	(Multi-family (MF) only)	509	757.28	428	671,208	1,197,083	60	20		
Maximum (MF) Allowed by Flagstaff Development Agreement		550	785.00	550	785	n/a	60	n/a		
Remaining MF Units/UE (to be approved and/or platted)		41	27.72	122	113,792	n/a	0	n/a		

MF Totals by POD- apprvd/platted/proposed, includes PUDs, not SF lot

	Units	UE	Units Platted (or plat under review)
A (includes unbuilt Empr Res, Larkspur, Moon Shadow, Tower Residential)	304	410.28	304
B1	41	82.4	40
B2 (plus 174 hotel rooms for units, hotels rooms included in UE)	164	264.60	84
Totals Multi-family (MF)	509	757.28	428
% of MF units total in Pods A, B1 and B2 that are in POD A (MPD requires minimum of 50%)	59.72%		71.03%

PROJECT STATUS- Multi-family/PUD		
POD	Multi-family	Status
A	Moonshadow PUD on Lot 1 VEPN 8 PUD style	Condo plat apprvd
A	Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved)	Condo plat recorded
A	Lot 2 VEPN plat-(Bldg 4) TBD	Sub Plat recorded
A	Lot A VEMP1 (Combo of Lots 1 and 2 VEMP1) plat recorded/ACUP apprvd	Condo plat under review
A	Tower Residential- platted lot/no condo plat (Bldg 1) -TBD	Condo plat under review
A	Shooting Star-platted lot and condo (Bldg 2)	Completed
A	One Empire Pass-platted lot and condo (Bldg 5)	Completed
A	Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend)	Completed
A	Flagstaff -platted lot and condo (Bldg 7)	Completed
A	Arrow Leaf A-platted lot and condo (Bldg 8)	Completed
A	Arrow Leaf B- platted lot and condo (Bldg 9)	Completed
A	Grand Lodge-platted lot and condo (Bldg H)	Completed
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	Completed
A	Larkspur West Townhouses-all platted/condo	Completed
A	Paintbrush PUDs- all platted /condo	Completed
A	Belles PUDs- all 17 are platted condo	16 Completed
B1	Nakoma PUDs- all 17 are platted condo	12 Completed
B1	Ironwood- all platted/condo	Completed
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	Completed -see note
B2	B2 West Montage condos- platted (apprvd 94)	Completed
B2	B2 East- B2East Subdivision approved/No condo plat yet	Sub plat recorded

AFFORDABLE HOUSING					
POD	Multi-family	Unit required	AUE required	AUE not yet built	
A	Moonshadow Condos 8 PUD Style Lot 1 VEPN	0	0		
A	Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved)	1	1.1 AUE	1.1	
A	Lot 2 VEPN plat-(Bldg 4) TBD	TBD	2.0 AUE	2	
A	Lot A VEMP1 Triplex Admin CUP	0	0		
A	Tower Residential- platted lot/no condo plat (Bldg 1)	1	0.75	0.75	
A	Shooting Star-platted lot and condo (Bldg 2)	0	0		
A	One Empire Pass-platted lot and condo (Bldg 5)	1	1.125		
A	Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend)	(1)*	1.1 *		
A	Flagstaff -platted lot and condo (Bldg 7)	2	1.6		
A	Arrow Leaf A-platted lot and condo (Bldg 8)	3	2.85		
A	Arrow Leaf B- platted lot and condo (Bldg 9)	0	0		
A	Grand Lodge-platted lot and condo (Bldg H)	1	1.2		
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	0	0		
A	Larkspur West Townhouses-all platted/condo	0	0		
A	Paintbrush PUDs- all platted /condo	0	0		
A	Belles PUDs- all platted/condo	0	0		
B1	Nakoma PUDs- all 17 are platted condo but 5 unbuilt	0	0		
B1	Ironwood- all platted/condo	1	1		
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	0	0		
B2	B2 West Montage condos- platted (apprvd 94)	10	7.8		
B2	B2 East- B2East Subdivision approved/No condo plat yet	TBD	4.2	4.2	
Totals		TBD	24.725*	8.05	
*Silver Strike unit transferred out for CUP					
Total MPD AUE required		Total off Mtn AUE required	Total off Mtn AUE built	Total on Mtn AUE required	Total on Mtn AUE owed
118.9		94.175	89*	24.725	16.675
					8.05

SF- Single family lot/house
MF- Multi-family/condominium units
PUD- Planned Unit Development Style MF (duplex or single detached)
VEMP1- Village Empire Pass Phase 1 Subdivision plat
Note- This information is from the recorded Condominium plats (sf, units, ue, ada, ehv) verified with Ordinances, MPD/Plat/CUP action letters, available at the Planning Department.

EHU- Employee Housing Unit (no min number)
AUE- Affordable Unit Equivalent (1 AUE = 800 sf)
UE- Unit Equivalent (1 UE = 2,000 sf residential)
*Off Mountain requirements now met with 2017/2018 Agreements? Need the final documentation of this.

ADA- American Disability Act required units
VEPN- Village Empire Pass North Subdivision plat
CO- Certificate of Occupancy (hotel rooms counted as 1 CO total)

November 7, 2018

To: Empire Pass Design Review Board

Re: Residences at the Tower (Talisker, Building 1 of Empire Pass)
Staff Recommendation comment responses

Empire Pass Design Review Criteria

Empire Pass design review staff have reviewed the Residences at the Tower on October 12, 2018. Following are those conditions and our response to them. We agree with staff recommendations and look forward to working with them on continuing the design review process to approval.

- 1. Provide a site plan inclusive of utility routes, connection points, limits of disturbance, and erosion control measures.**
Will be provided with final submittal.
- 2. Submit color and texture sample for concrete drive areas, which requires DRB approval prior to installation;**
Will be provided prior to installation.
- 3. Understand all boulder materials must match closely the DRB approved stone for the building;**
Noted.
- 4. Applicants understand that no faux or manufactured materials may be used as finished exterior product, this would include glue-lam beams, faux stone, bare concrete, vinyl siding, etc.;**
Noted.
- 5. Resolve any encroachment issues, including parcel boundary between this project and the Shooting Star lodge project;**
Function of existing sidewalk leading to Shooting Star Lodge to be preserved. Route to be altered to accommodate new building.
- 6. Applicants to provide complete lighting plan, including cut sheets and specifications for all exterior light fixtures proposed;**
Lighting plan to be provided with final review.
- 7. Applicants to provide complete landscape plan, including counts and planting specs, for DRB review;**
Landscape plan provided with Preliminary submittal.

- 8. Submit for review and approval a complete construction management plan;**
Construction Management Plan to be provided with final review.
- 9. The applicant shall submit a detailed sign program to the DRB for review and approval prior to installation of the same;**
Sign program to be provided and approved prior to installation.
- 10. Building height, volumetrics and square footage calculations to be addressed to the satisfaction of the DRB and the City;**
Height, volumetrics and square footage compliant as stated in Conditional Use Permit Staff Report analysis.
- 11. The composition of the windows should be reviewed for a more craftsman appearance and setbacks should be reviewed. DRB to review the overall window patterns to determine if there are too many and provide lintel detail;**
Windows, in particular on the east elevation, have been updated to show mullion patterns consistent with the existing building. All other windows are developed using consistent mullion and trim detailing as the existing building.
- 12. The applicant to review with the DRB the articulation of the building, in particular the north elevation which has no façade shifts;**
*The west elevation currently shows two 10' façade shifts and two 5' façade shifts. These occur at the stair towers which are provided with significant window elements. The north elevation has been provided with additional articulation at the area between these two stair elements. The east elevation currently shows two 12' façade shifts approximately 52' long, and several other façade shifts that vary between 8-12'.
The north and south elevations have two 8' façade shifts at the angled corners of the building, with roof projections, exposed structure and battered stone bases at the lower levels. The north elevation also has a significant roof shift in recessing the upper roof approximately 25'.*
- 13. The DRB to review with the applicant the roof pitches, which include flat roofs, which would require a variance;**
The project proposes a variety of roof pitches to match the existing club which has a variety between 3.5:12 and 6:12. There is a portion of flat roof on the existing building but no flat roof areas are proposed on the new structure.
- 14. The DRB to review the proposed siding materials and colors;**
Material samples to be provided with final design review.
- 15. The DRB should determine if the presented structural materials are appropriately expressed around the building;**
We strongly believe that structural materials be expressed and will continue to incorporate this expression consistent with the existing building.

16. The applicant to submit deck and railing detail for DRB review and approval;
Detail to be provided at final design review.

17. Applicant understands the requirement to provide an on-site mock-up of exterior materials, colors and construction techniques for further DRB review and approval prior to installation of the same.
On-site mockup of exterior materials to be provided for review and approval prior to installation.

Thank you for your consideration of our request for Design Review approval.

Brent Harris
Project Manager, Swaback

Empire Pass Design Review
 Staff Report-Tower Residences
 Meeting date: October 12, 2018

Residences at the Tower
 Preliminary Plan Review
 Architect: Swaback pllc
 Presented by: Storied Development, Rich Wagner

INTRODUCTION

The applicant is requesting Preliminary Plan Approval from the Empire Pass Design Review Board (DRB) for the Residences at the Tower located at 7777 Village Way. This review will also include the expansion of the Tower Club and outdoor improvements.

This staff report is based off plans dated September 6, 2018. This lot is 1.53 acres. There are 16 residential units, which include 1 ADA and 1 EHU unit. The residences consist of 6 floors of units over one floor of parking located at basement level.

The addition to the existing Talisker Club Tower includes: expansion of kitchen, dining and fitness area, addition of new children's play area, renovation of existing pool to create new pool, multiple soaking tubs, addition of new spa area and reconfigured hardscape area.

RESIDENCES PROJECT SUMMARY

	<u>Proposed</u>	<u>Maximum/Allowable</u>
Floor Area	43,509 saleable sq. ft.	Per DA
Units	16	
Building Height	77 ft.	86 ft.
Roof Pitch	4:12 to 5:12	4:12 to 6:12
Parking	22 enclosed, 3 outside	

DESIGN CONSIDERATIONS:

1. Building mass is in line with master plan and site massing study.
2. Building addition design follows the detailing of the existing Tower Club.
3. Addition has a strong stone base and a mix of wood siding that matches the existing building.
4. Stone does not have a tapered base. DRB to discuss if significant corners should be battered.
5. DRB to review stone base as the current proposal does not have any stepping or interest.

6. Stone walls are only shown in a single battered column. DRB to discuss.
7. Siding proposed is vertical board on board with wood shingles and is compliance with the guidelines.
8. Roof pitches range from 3 1/2, 4, 5 and 6:12. Roof utilizes gable ends and lower hip roof forms that align with the existing roof.
9. Building steps at north end and to the west taking in the existing massing. The building does not have any stepping at the shortened south façade. This façade is reduced to 4 stories.
10. Applicant to verify the 60 foot length and show off set requirements per Park City LMC. The façade shows multiple steps in plane, but it is not clear with provided dimensions if in compliance.
11. The building has similar roof forms, long horizontal lines at walls, roof plans with vertical elements, balconies and dormers to blend with adjacent condominium buildings. The grounds tie into community walkways and amenities.
12. The building lacks a sense of entrance. There is a strong entrance to the existing building. The applicant to review condo building entrance as it appears the residence enters through the existing restaurant.
13. The building height proposed appears to be at 77 feet, which complies with the building height limitations for this property. Building height will need to be verified for Final Review. Staff review of the Volumetric study requires 55% at maximum height of 5 ½ residential levels and 1 parking level and roof level (maximum height is 92 feet). The applicant is proposing a 5-6 level building over a parking level and should be discussed with the DRB. The parking level and level 1 are below grade.
14. Sheet A-7.1 demonstrates the proposed building meets the height limit requirements. Allowed 92' from the lowest level. Proposed structure is 77' above grade plane.
15. Building is 5 and 6 stories and is stepped.
16. Roof ridges step down a half story across the center portion of the building.
17. Roof ridge steps down one story at the north end of the building.
18. DRB to discuss there are no lower roofs on the east façade which faces the road.
19. Existing roof material consists of natural patina metal and wood shakes. Proposed materials will match existing.
20. Roof overhangs are a minimum of 24" and show a sheltering effect.
21. No roof overhang is within 7' of finish grade.
22. Dormers are expressed in shed form.
23. Roofs appear to protect pedestrians below.
24. DRB to review the east façade for areas that may need additional lower roofs.
25. Applicant to show snow guards, gutters and downspouts for final review.
26. Gutter shape to be traditional or half round.
27. Decks and balconies and roof structure are expressed in timber work.
28. DRB to review window fenestrations as they do not match the existing building.
29. Windows at the east façade are large panes of glass without mullions or details.
30. DRB to review roof covering at garage entry.
31. Applicant to provide materials board.

32. DRB to review deck structure and determine if structure expression should be added.
33. Decks are shown with exposed concrete edge. Applicant to discuss.
34. Chimney massing, caps and penetrations are in compliance.
35. Fireplaces to be reviewed and approved by PC building department.
36. Proposed railings on lower levels match the existing craftsman style railings.
37. Railings on upper levels use a contemporary glass rail, which is not in compliance with the guidelines. DRB to determine if a variance should be granted.
38. Timber detailing, trim bands, roof eaves and color proposed appear to be in compliance and match existing building.

STAFF RECOMMENDATION

Staff recommends that DRB approve the Preliminary plan submittal. and determine if the applicants have met all requirements necessary for Preliminary Plan approval. If such a determination is made, DRB approval should include the following conditions:

1. Provide a site plan inclusive of utility routes, connection points, limits of disturbance, and erosion control measures.
2. Submit color and texture sample for concrete drive areas, which requires DRB approval prior to installation;
3. Understand all boulder materials must match closely the DRB approved stone for the building;
4. Applicants understand that no faux or manufactured materials may be used as finished exterior product, this would include glue-lam beams, faux stone, bare concrete, vinyl siding, etc.;
5. Resolve any encroachment issues, including parcel boundary between this project and the Shooting Star lodge project;
6. Applicants to provide complete lighting plan, including cut sheets and specifications for all exterior light fixtures proposed;
7. Applicants to provide complete landscape plan, including counts and planting specs, for DRB review;
8. Submit for review and approval a complete construction management plan;
9. The applicant shall submit a detailed sign program to the DRB for review and approval prior to installation of the same;
10. building height, volumetrics and square footage calculations to be addressed to the satisfaction of the DRB and the City;
11. the composition of the windows should be reviewed for a more craftsman appearance and setbacks should be reviewed. DRB to review the overall window patterns to determine if there are too many and provide lintel detail;
12. the applicant to review with the DRB the articulation of the building, in particular the north elevation which has no façade shifts;
13. the DRB to review with the applicant the roof pitches, which include flat roofs, which would require a variance;

14. the DRB to review the proposed siding materials and colors;
15. the DRB should determine if the presented structural materials are appropriately expressed around the building;
16. the applicant to submit deck and railing detail for DRB review and approval;
- 17.** applicant understands the requirement to provide an on-site mock-up of exterior materials, colors and construction techniques for further DRB review and approval prior to installation of the same.



December 19, 2016

Brian Straight, General Manager
 Talisker Club LLC
 PO Box 3439
 Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-16-03177
<u>Address</u>	8680 Empire Club Dr
<u>Description</u>	Conditional Use Permit
<u>Action Taken</u>	Approved with conditions
<u>Date of Action</u>	December 14, 2016

On December 14, 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. The Tower Club Phase 1 Conditional Use Permit (aka Empire Club Phase I Conditional Use Permit) is located at 8680 Empire Club Drive.
2. The property is located in the Residential Development (RD-MPD) zoning district on Lot 9 of the Village at Empire Pass Phase One Subdivision.
3. The property is located within Pod A of the Village at Empire Pass Master Planned Development and is subject to the Flagstaff Mountain Annexation and Development Agreement.
4. Empire Club Drive is a private street with access to Marsac Avenue, which is a public street.
5. The Village at Empire Pass Phase One Subdivision was approved by Council on September 30, 2004, and recorded at Summit County November 24, 2004.
6. Lot 9 was amended with the First Amendment to the Village at Empire Pass Phase I Lot 9 subdivision plat on January 6, 2011 and recorded at Summit County on January 4, 2012.
7. Lot 9 consists of 66,711 square feet of lot area and is currently developed with the 8,880 square foot Tower Club building. The building contains a private dining room with 60 indoor seats, kitchen area, small store, residential support amenities,

circulation, and storage, in addition to an outdoor patio and other outdoor recreation amenities (swimming pool, hot tubs, etc.).

8. The Flagstaff Mountain Annexation and Development Agreement was approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
9. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement set forth maximum project densities (residential and support commercial), location of densities, and developer-offered amenities for the annexation area.
10. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The Village MPD (known as Mountain Village) was later amended to include Pod B2 (Montage).
11. The Mountain Village MPD (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. No residential uses are proposed with this amended Conditional Use Permit and no change in residential UE is proposed.
12. The Flagstaff Annexation and Development Agreement approved a maximum of 75,000 square feet (sf) of Resort Support Commercial uses for Village MPD (Pods A, B1, and B2).
13. To date 65,323 sf of Resort Support Commercial uses have been approved within Pods A and B2) as follows:
 - Montage Spa- 35,000 sf
 - Montage retail, restaurants/kitchens, bar, etc. -28,059 sf
 - Tower Club dining/kitchen/store- 2,264 sf
 - Total approved Resort Support Commercial (with Tower Club addition) - 66,438 sf
14. The existing dining room, kitchen and store consist of 2,264 square feet and were permitted with the Tower Club CUP Phase I building (2,173 square feet (sf)) of private dining uses, including the kitchen, and 91 square feet (sf) of convenience store). The approval for the Tower Club CUP does not provide analysis or describe whether the private club dining room, kitchen and store were consider Resort Support Commercial, support commercial, or residential accessory commercial.
15. A total of 1,115 sf of Resort Support Commercial uses are requested with this CUP amendment for an addition to the dining room and kitchen.
16. The applicant stipulates to the conditions of approval to allocate MPD Resort Support Commercial for the dining room, kitchen and store.
17. No support commercial uses based on residential floor area are proposed with this permit.
18. With approval of the addition, a total of 66,438 sf of Resort Support Commercial uses will be approved and 8,562 sf remain for use within the Village MPD (Pods A, B1 and B2).
19. On May 17, 2016, the Planning Department received an application for an amendment to the Tower Club Phase I Conditional Use Permit for approval to expand the existing Tower Club dining area by 1,115 square feet by enclosing an existing elevated outdoor patio area, constructing a new elevated patio area to the west, and providing approximately 1,000 square feet of ski/boot locker room in the basement area below the new patio. The request increases indoor seating capacity

by approximately 32 seats for a total of 92 seats and increases the MPD Resort Support Commercial from 2,264 square feet to 3,379 square feet. The building footprint increase by approximately 1,000 square feet for the expanded basement and new outdoor patio.

20. There are sufficient remaining Resort Support Commercial and support commercial uses available within the Village at Empire Pass MPD (Pods A, B1 and B2) for the proposed addition.
21. The application was deemed complete on June 1, 2016 upon receipt of additional materials. The application was amended on September 23, 2016.
22. The property is subject to subdivision plat notes that require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units (for residential uses), membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscaping, and includes other utility and maintenance provisions.
23. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC for residential uses. The Tower Club Phase I Conditional Use Permit was approved with no on-site parking and no on-site parking is proposed with the addition.
24. The elevation and climate of the Flagstaff area creates a harsh environment for utilities and their maintenance.
25. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Tower Club Phase I is part of Building 1, the remaining portion of this building was approved for 25 residential units as the Tower Club Phase II. The residential portion has not yet been constructed and the CUP approval and extensions have expired. Underground parking will be required with the residential building.
26. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase One. The plat was recorded on November 24, 2004. An amended plat for Lot 9 was approved on January 6, 2011 and recorded at Summit County on January 4, 2012. The Tower Club Phase I building and this proposed addition are located on amended Lot 9. Amended Lot 9 consists of approximately 1.53 acres (66,711 square feet).
27. The Tower Club Phase I Conditional Use Permit was approved by the Planning Commission on March 11, 2009, for approximately 8,880 square feet. There are approximately 2,264 sf of private dining club, kitchen, and small convenience store uses and 6,616 square feet of residential (and resort) accessory uses (ski lockers, recreation amenities, kids club and programming, etc.), circulation, and storage. A separate building was constructed on the site for use as a transit center for the Empire Pass transportation dial a ride shuttle.
28. The Tower Club Phase I approval required the store as stated in the CUP approval condition, "The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store".
29. A store of this type is included within the Club building, along with a store for the kid's camp supplies; however it has not seen much success, even when opened to

the general public as per a condition of Tower Club Phase II.

30. The store will remain open in winter months, but merchandise sold is more ski accessories (hats, goggles, gloves, lip balm, sun screen etc.) and snacks, along with some soft goods). Talisker Club found limited demand for traditional convenience store merchandise.
31. The maximum building height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was granted for the existing building and residential building per the Village at Empire Pass Master Plan. The existing building includes a tower element that has a height of approximately 50 feet above natural grade.
32. The main pitched roof remains at approximately 33' from natural grade. Roof elements of the addition have a lower building height. All roof elements comply with the zoning requirement except the tower element that complies with the height exceptions approved with the MPD.
33. The addition has been reviewed and approved with conditions by the Empire Pass Design Review Board.
34. The proposed addition complies with the height, setbacks, and volumetric diagrams approved with the MPD.
35. Yard setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear, and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property lines, platted streets, or existing curb or edge of street.
36. The building complies with these setback requirements with minimum proposed setbacks of 20' front (south), 40' side (west), and 125' rear (north) for new construction. No changes are proposed to existing 20' minimum setbacks on the east side.
37. The existing building is also known now as the Talisker Club.
38. As conditioned, the proposed amendments to the Tower Club Phase I Conditional Use Permit are consistent with the approved Master Planned Development for the Village at Empire Pass.
39. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents.

Conclusions of Law

1. The proposed amendments to the Tower Club Phase 1 CUP are consistent with the Flagstaff Annexation and Development Agreement, The Village at Empire Pass Master Planned Development, and the Park City Land Management Code.

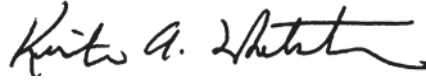
2. The proposed uses, as conditioned, are compatible with the surrounding structures in use, scale, mass, and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan is required prior to building permit issuance. The landscape plan shall indicate trees to remain, trees to be relocated, and trees to be replaced in kind. The proposed landscaping shall maintain a buffer between the Tower Club building and residential buildings and adjacent ski run, to the greatest extent possible. Landscaping and irrigation shall be water efficient, utilizing drought tolerant plantings and limited turf area, similar to what currently exists on the site. The landscape plan shall meet defensible space requirements to the satisfaction of the Building Department.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Non-complying exterior lighting shall be brought into compliance with the Land Management Code prior to issuance of a certificate of occupancy.
4. All exterior signs require a separate sign permit reviewed by the Planning and Building Departments.
5. Materials, color samples, and final design details must be approved by Staff prior to building permit issuance for consistency with the plans reviewed by the Planning Commission.
6. The final building plans and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on December 14, 2016.
7. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
8. All utility facilities must be located on site. A plan must be provided at the time of the building permit application showing all proposed utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and proposed utility boxes can be screened.
9. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof and/or screened from public view.
10. A final Construction Mitigation Plan must be approved by the Planning and Building Departments prior to issuance of a building permit.
11. Conditions of approval of the Village at Empire Pass MPD shall continue to apply.
12. Conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply.
13. Conditions of approval of the Tower Club Phase I CUP continue to apply.
14. A total of 3,379 sf of MPD Resort Support Commercial shall be allocated to this property, to include the 1,115 square feet dining room addition and the 2,264 square feet of existing dining room, kitchen, and store.

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,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten Whetstone, MS, AICP
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

Cc Doug Ogilvy

February 14, 2008

United Park City Mines Company
P.O. Box 1450
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u>	Empire Pass Tower Club Residential
<u>Project Description</u>	Conditional Use Permit

<u>Date of Action</u>	February 13, 2008
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Action Taken By the Planning Commission: The Planning Commission APPROVED the proposed Empire Pass Tower Club Residential based on the following:

Findings of Fact:

1. The Tower Club Phase II Conditional Use Permit is located on Empire Club Drive in the RD-MPD zoning district of Pod A of the Village at Empire Pass.
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 Development Agreement requires the Master Developer to provide water source capacity.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Tower Club Phase II is part of Building 1.
5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Tower Club Phase II project is located on lot 9.
6. The proposed Tower Club Phase II Conditional Use Permit is for 25 residential units totaling 67,625 square feet or 33.9 Unit Equivalents and one ADA unit of 650 square feet.
7. The proposed Conditional Use Permit is consistent with the approved Master Planned Development for the Village at Empire Pass.
8. The Tower Club Phase II will be platted as a condominium.

9. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
10. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was requested and granted in the Master Plan. The proposed building complies with the granted height exception.
11. The Planning Commission finds the proposed building in compliance with the volumetrics approved in the MPD; specifically, the façade shifts and roof shifts create architectural interest and break the building into smaller components.
12. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street. With a required re-plat of the boundary between lot 9 and 8 (Shooting Star) the building will comply with these setback requirements.
13. The Construction and Development Phasing Plan was revised on April 13, 2005.
14. The revised Phasing Plan required a Police Facility of at least 500 square feet with three 12x12 spaces.
15. A Construction Mitigation Plan reiterates downhill construction truck traffic will use Royal Street.

Conclusions of Law:

1. The CUP is consistent with the Village at Empire Pass Master Planned Development, the Construction and Development Phasing Plan as amended on April 13, 2005, and the Park City Land Management Code.
2. The CUP is consistent Park City General Plan.
3. The proposed use will be 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 water efficient landscape and irrigation plan that indicates snow storage areas and meets the defensible space requirement is required prior to building permit issuance.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines.
4. All exterior signs require a sign permit.
5. Materials color samples and final design details must be approved by staff prior to building permit issuance.
6. The final building plans and construction details for the project shall meet substantial compliance with the drawings dated October 23, 2007, as submitted and reviewed by the Planning Commission.
7. Utility and grading plans must be approved by the City Engineer prior to Building Permit issuance.

8. The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store.
9. A re-platting of the boundary between Lot 9, a private right of way turnaround and Lot 8 (Shooting Star) is a condition precedent to building permit.
10. Nine temporary surface parking spaces were created with Phase I. Removal of the temporary parking in front of the Club is required with Phase II construction.
11. The Police facility of at least 500 square feet with three twelve by twelve working spaces is required to be completed to a paint ready state prior to Certificate of Occupancy of the main building.
12. The ADA unit will be platted as common as it is appurtenant to all units and can not be separately rented without renting another unit.
13. A maximum of 48 parking spaces is permitted. This figure is derived from the anticipated unit count and sizes and reducing by 25% from the LMC requirements.

Sincerely,

Brooks T. Robinson
Principal Planner

March 12, 2009

United Park City Mines Company
P.O. Box 1450
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u>	Tower Club Phase II
<u>Project Description</u>	Conditional Use Permit Extension

<u>Date of Action</u>	March 11, 2009
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Action Taken By the Planning Commission: The Planning Commission APPROVED the proposed Tower Club Phase II Conditional Use Permit Extension based on the following:

Findings of Fact:

1. The Tower Club Phase II Conditional Use Permit is located on Empire Club Drive in the RD-MPD zoning district of Pod A of the Village at Empire Pass.
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 Development Agreement requires the Master Developer to provide water source capacity.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Tower Club Phase II is part of Building 1.
5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Tower Club Phase II project is located on lot 9.
6. The proposed Tower Club Phase II Conditional Use Permit is for 25 residential units totaling 67,625 square feet or 33.9 Unit Equivalents and one ADA unit of 650 square feet.
7. The proposed Conditional Use Permit is consistent with the approved Master Planned Development for the Village at Empire Pass.

8. The Tower Club Phase II will be platted as a condominium.
9. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
10. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 86 feet above natural grade was requested and granted in the Master Plan. The proposed building complies with the granted height exception.
11. The Planning Commission finds the proposed building in compliance with the volumetrics approved in the MPD; specifically, the façade shifts and roof shifts create architectural interest and break the building into smaller components.
12. The setbacks within the RD zone are twenty feet (20') in the front (25 feet to front facing garage), fifteen feet (15') to the rear and twelve feet (12') on the side. Setbacks are the minimum distance between the closest of the following: property line, platted street, or existing curb or edge of street. With a required re-plat of the boundary between lot 9 and 8 (Shooting Star) the building will comply with these setback requirements.
13. The Construction and Development Phasing Plan was revised on April 13, 2005.
14. The revised Phasing Plan required a Police Facility of at least 500 square feet with three 12x12 spaces.
15. A Construction Mitigation Plan reiterates downhill construction truck traffic will use Royal Street.
16. The CUP was approved on February 13, 2008.
17. An extension application was received by the City on January 8, 2009, requesting an extension of the CUP approval to July 1, 2010.

Conclusions of Law:

1. The CUP, and extension of its approval, is consistent with the Village at Empire Pass Master Planned Development, the Construction and Development Phasing Plan as amended on April 13, 2005, and the Park City Land Management Code.
2. The CUP, and extension of its approval, is consistent Park City General Plan.
3. The proposed use will be 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.
5. No change in the LMC or circumstance requiring mitigation has occurred subsequent to the original approval.

Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A water efficient landscape and irrigation plan that indicates snow storage areas and meets the defensible space requirement is required prior to building permit issuance.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines.
4. All exterior signs require a sign permit.
5. Materials color samples and final design details must be approved by staff prior to building permit issuance.

6. The final building plans and construction details for the project shall meet substantial compliance with the drawings dated October 23, 2007, as submitted and reviewed by the Planning Commission.
7. Utility and grading plans must be approved by the City Engineer prior to Building Permit issuance.
8. The store will include a refrigerated case for milk, juice and sodas, and the shelves will have snacks commonly found in a convenience store. The store will be open to the general public and must be installed by September 1, 2009.
9. A re-platting of the boundary between Lot 9, a private right of way turnaround and Lot 8 (Shooting Star) is a condition precedent to building permit.
10. Nine temporary surface parking spaces were created with Phase I. Removal of the temporary parking in front of the Club is required with Phase II construction.
11. The Police facility of at least 500 square feet with three twelve by twelve working spaces is required to be completed to a paint ready state prior to Certificate of Occupancy of the main building.
12. The ADA unit will be platted as common area as it is appurtenant to all units and can not be separately rented without renting another unit.
13. A maximum of 48 parking spaces is permitted. This figure is derived from the anticipated unit count and sizes and reducing by 25% from the LMC requirements.
14. This approval expires on February 13, 2010, unless an application for a building permit has been received by the City.

Sincerely,

Brooks T. Robinson
Principal Planner

Kirsten Whetstone

From: Anya Grahn
Sent: Tuesday, November 13, 2018 7:52 AM
To: Bruce Erickson; Kirsten Whetstone
Subject: FW: Wednesday at 5:30 p.m. Council Chambers
Attachments: PCLegalNotice111418.pdf; Planning commission 11.18 copy.rtf

FYI

From: Sally Cousins Elliott [mailto:sallycousinselliott@gmail.com]
Sent: Monday, November 12, 2018 5:11 PM
To: Sally Elliott
Subject: Wednesday at 5:30 p.m. Council Chambers

Some of us have long believed that the agreement with Empire Pass to create development also included responsibility for historic preservation. Planning Commission will be hearing a development request from Empire. We need to show up to defend Sandra's letter. Donald is out of town, but I plan to attend. If you're available, please join us for the discussion. See attachments.

--

Sally Elliott
2690 Sidewinder Dr.
Park City, UT 84060
phone: 435-640-3759
sallycousinselliott@gmail.com

Kirsten Whetstone

From: Sandra Morrison <smorrison@parkcityhistory.org>
Sent: Monday, November 12, 2018 4:06 PM
To: Melissa Band; Sarah Hall; Laura Suesser; John Phillips; Mark Sletten; Douglas Thimm; John Kenworthy
Cc: Bruce Erickson; Kirsten Whetstone; Anya Grahm; Sally Cousins Elliott
Subject: Public input for Wednesday Nov 14 Planning Commission meeting - 8680 Empire Club Drive
Attachments: Planning commission 11.14.18.pdf

Planning Commissioners:

Recently I had a long conversation with Nann Worel regarding the historic preservation requirements of the Flagstaff Annexation and Development Agreement and the absence of any stabilization or preservation efforts since its adoption 20 years ago. She advised that at the next agenda item for Flagstaff, I come to Planning Commission and express my concern.

Please find attached my letter detailing the intent of the Agreement and what has actually happened.

Our mining history needs to be saved. It's too important as part of our town's history and culture to ignore any longer. Our mining history is what makes Park City unique and much is still physically here. But we are losing these Treasures to neglect. The Park City Historical Society & Museum and our volunteer committee Friends of Ski Mountain Mining History is working to save whatever we can. But we can't do it alone. We need the developer to live up to their promises in the Flagstaff Annexation and Development Agreement.

Please don't hesitate to contact me with any questions.

Sandra Morrison
Park City Historical Society & Museum/Friends of Ski Mountain Mining History.

From: Sandra Morrison
Executive Director, Park City Historical Society & Museum --
Friends of Ski Mountain Mining History committee.
Subject: 8680 Empire Club Drive - Residences at the Tower and Tower Club CUP for 14
residential units and addition to the Tower Club, and Condominium Plat -
November 14, 2018 Hearing
Date: November 12, 2018
To: Planning Commission
cc: Anya Grahn, Kirsten Whetstone, Bruce Erickson

Dear Planning Commission,

The applications regarding further development at 8680 Empire Club Drive do not comply with all requirements and stipulations of their controlling Flagstaff Development Agreement and associated Technical Reports, because none of the previously agreed to and required provisions for preservation of historic/cultural sites in the Development Agreement have been met.

The agenda for the November 14, 2018 Planning Commission meeting includes two items for consideration at 8680 Empire Drive. The first is an Administrative item involving a Conditional Use Permit (CUP) for a multi-unit residential building and addition to the Private Tower Club at Empire Pass. The second item is Legislative and is a Condominium Plat amendment for the Tower Condominiums. Neither of these items should be approved until the original requirements and stipulations of the Flagstaff Development Agreement and associated Technical Reports are satisfied.

I. Controlling Development Documents

As stated in the Staff Reports for these applications, these applications are subject to the restrictions and conditions of the **Flagstaff Annexation and Development Agreement and Technical Reports**. Specifically:

- Both staff reports on page 2 under Background state: “The 2007 Amended Agreement, 14 Technical Reports, and the Land Management Code, form the standards under which this development is reviewed.
See **Exh. L** [or Exh.F link] - **Flagstaff Development Agreement** and **Exh. M** [or Exh.G link] - **Technical Reports**.”
- Staff’s analysis of Conditional Use Criteria #16 on page 10
“16. The application is subject to the restrictions and conditions of the **Flagstaff Annexation and Development Agreement**.”
- In the staff report’s Findings of Fact #9 on page 12:
“9. The property is subject to the **Flagstaff Mountain Annexation and Development Agreement** (Amended Agreement) approved by City Council per Resolution no. 99-30 on June 24, 1999 and amended on March 2, 2007, **as well as associated Technical Reports**.”

- Under the Conditions of Approval on page 17 :
 “17. **Conditions of approval of the Flagstaff Annexation and Development Agreement and Technical Reports continue to apply, . . .**”

II. The Controlling Flagstaff Development Agreement Contained Specific Requirements for Mine Mitigation, Open Space Management and Historic Preservation

Looking at the Amended and Restated Development Agreement for Flagstaff Mountain Pages 7-8 (Exh. L):

“SECTION II. LARGE SCALE MPD - FLAGSTAFF MOUNTAIN

Section 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, ...to submit and ultimately to obtain (upon modification, if necessary) City approval of satisfactory plans detailed below:

2.1.1 **Mine/Soil Hazard Mitigation Plan;**

...

2.1.5 **Detailed Open Space Management Plan;**

2.1.6. **Historic Preservation Plan;**

...”

All three of these plans (now known as the Technical Reports) address retaining and saving the historic mine sites.

On Page 18, under Section 2.9 Flagstaff Mountain Mitigation/Amenities: *are the DEVELOPER-offered amenities*

“At the City’s request, the DEVELOPER shall deliver the following mitigation and amenities as an inducement to execute this Development Agreement:”

Thereafter follows a listing of the community benefits offered by the Developer that included constructing public trails, parking lot at Richardson Flat, limiting wood burning fireplaces to one per home, putting a conservation easement on the land designated open space, etc.

These mitigation and amenities also include section 2.9.3 (see pages 19-20):

“ 2.9.3 **Historic Preservation.** The Historic Preservation Plan, at a minimum, shall contain an inventory of historically significant structures located within the Project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City, with respect to any such historically significant structures. The head frame at the Daly West site is historically significant.”

Technical report #6 is that **Historic Preservation Plan** which was approved in December 2001. Under Executive Summary on page 1 the report states:

“The Historic Preservation Plan dated August 2000 is a 127-page detailed document

produced for Flagstaff Mountain by SWCA, Inc., Environmental Consultants.

Accompanying this plan summary is a chart that reviews the same information in an abbreviated format. It includes a brief description of every important site within the Boundary, together with a short history, an overview of the existing conditions, and recommendations for preservation work associated with each.

Additionally, the chart includes information regarding a proposed phasing timeline for restoration or remediation of the sites together with a proposed signage format.”

(Interestingly, the chart differs at various times from the full page report).

The Executive Summary goes on to state:

“Concurrent with the first CUP authorizing construction of residential units, FMP will submit to Staff a plan detailing the repairs and stabilization of the historic structures and public protection plan for these structures and mining features.”

III. NONE of the Specific Requirements in the Flagstaff Development Agreement for Historic Preservation Have Been Met

I think we can all agree that **no** stabilization or preservation efforts have happened at the now Empire Pass Development, although the required Inventory identified **twenty-two (22)** historic mine sites.

For example:

1. Little Belle Ore Bin

The Little Belle Ore Bin is one of the sites identified in the plan. The “chart” discussed above, on page 3 of the Developer’s Historic Preservation Plan provides the plan for the Little Bell Ore Bin:

“Existing Conditions: The overall effect of the damage to the ore bin is that the entire structure is supported only by the central supports and cross braces at the front and rear of the structure, making its support base effectively much smaller and creating a precarious and dangerous situation.”

“Work recommendation: With the first phase of the Flagstaff development, the Little Bell Ore Bin will be provided a permanent shelter in the form of all-weather roofing.... Additional building stabilization will occur in the summer of 2001.”

“General notes: Since the condition of this structure poses a safety hazard, actions should be taken as soon as possible to temporarily stabilize the structure until permanent repairs can be made.”

Four pages of the Full report are dedicated to describing the mitigation/stabilization work and give the work “High” priority. Interestingly the full report does not mention a permanent shelter in the form of all-weather roofing.

The Developer never performed any of the planned preservation work, and there is no

permanent shelter with the all-weather roofing.

17 years later, this summer, the Park City Museum and our volunteer committee Friends of Ski Mountain Mining History decided it was now or never to save this fabulous mining structure. We spent \$60,000 -- hiring both Calder Richards Engineering to develop construction plans and Contractor Clark Martinez to stabilize the structure. The now-stabilized Little Belle Ore Bin currently stands proudly on Bandana ski run for everyone to enjoy for decades to come!

None of the other Work recommendations in the Developer's Historic Preservation "Chart" or the full technical report have been completed either.

For example:

2. Judge Mining & Smelting Office:

"Existing Conditions: All the building's walls plus at least one internal wall are constructed of poured concrete. The exterior walls are finished with stucco which shows no evidence of paint and retains its natural appearance. The stucco appears to be original and has the logo "J.M. & S. Co - 1920" incised into the front gable above the original entrance"

"Work recommendation: The building site will be cleaned of debris in summer 2001. With the first phase of the Flagstaff development, the restoration of the building will be initiated. . . .After restoration, the building is anticipated to serve as an office and recreation uses for the Flagstaff development."

8 pages (pp. 85-93 in the full report) describe the stabilization/preservation work at the Judge office building in detail. The condition of the structure is described as "fair" and the work given "high" priority.

However, and again, **none of the recommended work was done by the Developer.**

IV. Specific Requirements in the Flagstaff Development Agreement for MINE HAZARD MITIGATION Have Not Been Met

The historic mine structures are also identified in the other technical reports attached to the Flagstaff approval. Here are two examples:

Technical report – Exhibit 1: PHYSICAL MINE HAZARDS MITIGATION PLAN
references

#11 Daly West

"Recommended further action:

Fencing, removal, stabilization or other security measures for dilapidated structures."

The 1970's non-historic hoisting works shed has been removed and a fence installed, but no stabilization of the Daly West headframe occurred. It has since toppled.

#21 Little Bell ore bin is identified as a Potential Physical Hazard that includes a dilapidated wooden structure and recommends the action of **stabilizing the structure.**

V. Specific Requirements in the Flagstaff Development Agreement for OPEN SPACE MANAGEMENT Have Not Been Met

Technical Report – Exhibit 5: OPEN SPACE MANAGEMENT PLAN

recognizes the importance of the historic mine sites and designates them as PROTECTED

Section 4.2 Designated Protected Open Space (POS) :

“Protected Open Space (POS) refers to portions of the Plan Area that will be preserved for their outstanding natural and/or cultural resource characteristics.”

“Another type of POS within the Plan Area is associated with specific cultural resource sites. **These include a number of mining sites considered sensitive due to their historic value**, vulnerability to vandalism, and/or the hazard they pose to an uninformed public (Figure 2). Brief descriptions of these sites and why they qualify for POS are provided in this plan. More detailed management considerations for these sites are provided in the Flagstaff Mountain Resort Historic Preservation Plan (Exhibit 6 to this LSMPD).”

“The primary purpose of POS is to promote useable, public, non-improved, noncommercial, connected, and contiguous open space for community benefit; promote the preservation of undisturbed open lands; prohibit construction on ridge lines and steep slopes, or in wetlands, watersheds, and view sheds; **promote the preservation of historic sites**; and preserve the vegetation and habitat of natural areas. More detailed descriptions of the Recreational and Protected Open Space classes are provided below.”

Further Technical report #5 goes on to say:

“The management objective of cultural resource POS is to **preserve and maintain the cultural integrity** of a given site.”

The Open Space Technical report #5 identifies the same historic sites as the Historic Preservation Technical report #6 and reinforces the expectation of saving and retaining them. Two samples from the report:

“4.2.3 Little Bell Mine Site

The Little Bell Mine Site contains an old ore bin with both historic and aesthetic importance. Consequently, this site is considered POS. For a detailed history of this site and a discussion of historic preservation concerns regarding the ore bin in particular, refer to the Flagstaff Mountain Resort HPP. Management of this site is expected to involve **stabilization of the ore bin** and installation of interpretive signage explaining the role of the ore bin in the mining process.”

“4.2.6 Judge Mine Complex

As defined for the purposes of this Open Space Plan, the Judge Mine Complex consists of the Judge Drain Tunnel, the Judge Mining & Smelting Company office building, the Judge Mining & Smelting Company explosives bunker, a wooden house, the remains of the Daly-Judge Mill, and the Judge aerial tramway towers. **The historical and aesthetic**

importance of the office building, remaining rail tracks, and the explosives bunker and the huge industrial operation for which these and the other facilities are the only vestige warrant designation of this area as POS. Detailed information on the historical context of this site may be found in the Flagstaff Mountain Resort HPP. Detailed stabilization, restoration, and management actions are also provided in the HPP. These facilities, particularly the office building and wooden house, have been severely - vandalized. Thus, **at a minimum**, management will include installation of interpretive and cautionary signage designed to educate the public on the historical importance of these facilities and foster a sense of stewardship in order to minimize future vandalism.”

The Developer hasn't even achieved the “at a minimum” agreed-to requirements. Instead, this summer our Museum volunteers spent a day partnering with Mountain Trails Foundation to clean up the years of graffiti accumulation on this site.

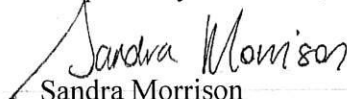
VI. Conclusion

I'll stop here. Obviously I could keep quoting all the requirements from the Historic Preservation Plan, the Open Space Management Plan and the Physical Mine Hazards Mitigation Plan – technical reports #1, #5 and #6 of the Flagstaff Development Agreement. The intent of this Agreement was to stabilize and preserve the historic mine sites and historic mine structures. I ask your help to finally make this happen. Development at Empire Pass continues with no discussion about the original commitment by the Developer to preserve our town's remarkable history. Instead these unique mine structures have fallen into such tremendous disrepair that we are in jeopardy losing them forever. The Daly West Headframe, now lying on the ground, amply demonstrates the peril.

The Park City Museum and our volunteer committee Friends of Ski Mountain Mining History cannot halt the demise alone. We need everyone's help – especially the Developer who through the Flagstaff Development Agreement has committed to their stabilization, preservation and maintenance for future generations.

No further development should be approved under the Flagstaff Development Agreement until the previously existing and agreed-to requirements for Historic Preservation, Open Space and Mine Mitigation plans have been met, or at the very least a plan put in place to actually meet those requirements.

Respectfully submitted,



Sandra Morrison

Park City Historical Society & Museum
Friends of Ski Mountain Mining History

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Residences at the Tower
Condominiums
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: February 13, 2019
Type of Item: Legislative- Condominium Plat

Project Number:	PL-18-04006
Applicant:	Storied Development, LLC
Location:	8680 Empire Club Drive
Zoning:	Residential Development (RD) as part of the Flagstaff Annexation and Master Planned Development (MPD) and the Village at Empire Pass MPD (VEP MPD)
Adjacent Land Uses:	Deer Valley Resort, condominiums, townhouses, vacant development parcels of the Village at Empire Pass Pod A and open space
Reason for Review:	Plat amendments require public hearing and recommendation by the Planning Commission with final action by City Council.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Residences at the Tower condominium plat, and consider forwarding a positive recommendation to City Council pursuant to findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Proposal

This is a request for approval of the Residences at the Tower condominium plat (**Exhibit A**) for 14 multi-family residential units (42,453 sf) utilizing 21.227 unit equivalents (UE), one ADA unit (737 sf) and one 737 sf deed restricted employee housing unit (EHU), a 509 sf police substation, and the private Talisker Club located at 8680 Empire Club Drive. The plat includes the existing and proposed expansion to the private Talisker Club Support Commercial uses as well as club and residential accessory uses, parking, circulation, mechanical and storage space. The property is subject to the Village at Empire Pass Master Planned Development (VEP MPD), approved by the Planning Commission on July 28, 2004 ([Exhibit E](#)).

The City Attorney's office and Planning have completed an **Memorandum of Agreement (Exhibit L)** that specifies that the Empire Pass Master Owners Association (EPMOA) is the responsible party for compliance with those sections of Technical Report #5 Historic Preservation and Technical Report #6 Open Space. The agreement will require a review by Planning Commission and an action by the City Council. In summary, EPMOA will contribute \$20,000 annually out the Open Space /Transit Management Fee for the next 10 years, with a 10 year extension, for historic preservation activities. EPMOA will retain a matching \$20,000 for the City share of the Open Space / Transit Management Fee. The fee will be placed in a Maintenance fund

that will be distributed after a yearly review by EPMOA and the City. Expenditures will need approval from the City. Funds may be distributed to other parties to complete preservation work. The update to Technical Report #5 and #6 to reflect current ownership and mine operations will be completed by EPMOA and the City within six months. This will be a Condition of Approval to the pending REDUS Twisted Branch Road Subdivision or other REDUS subdivision action, whichever comes first. The City is currently in discussions with Deer Valley regarding additional contributions. Separate agreements are pending for the one-time contributions from Storied Deer Valley, LLC. and REDUS for stabilization of the Little Bell ore bin and repairs to the roof of the Judge Mining and Smelting office as previously discussed.

The application is further described in the applicant's letter (**Exhibit B**) and the CUP report. Existing conditions survey, aerial photo and photos of the site were submitted with the application, see **Exhibits C and D**. A preliminary construction mitigation plan was submitted as well, see **Exhibit J**.

The building is currently known as the Talisker Club. It was also previously known as the Tower Club or Alpine Club. **This current proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE)** from the previously approved Phase II CUP.

Construction of these units and expansion of the Talisker Club (aka Tower Club) is subject to approval of the Residences at the Tower Conditional Use Permit (CUP) and subsequent building permits. The property is located within the Residential Development (RD) zoning district on a 1.53 acre Lot 9 of the First Amended Village at Empire Pass Phase 1 Subdivision (**Exhibit H**). This condominium plat memorializes density, uses and configuration of units, and identifies areas of private and common ownership.

Background / Timeline

June 24, 1999 – City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre 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 and amenities for each parcel. The Agreement was amended in **March of 2007** and includes 14 technical reports associated with the Empire Pass development area. The 2007 Amended Agreement, 14 technical reports, VEP MPD, and the Land Management Code, form the standards under which this development is reviewed. See [**Exhibit F- Link to Flagstaff Development Agreement**](#) and **Exhibit G - Link to Technical Reports**).

July 28, 2004 – Planning Commission approved the Village at Empire Pass Master Planned Development (VEP MPD). The purpose of the VEP MPD was to establish unit mix and density for the Mountain Village as well as addressing overall project infrastructure throughout the Annexation Area. The VEP MPD established building volumetric diagrams, including specific height exceptions, density and development location and requires CUP approval for lodge buildings prior to building permit issuance.

[Exhibit E – Village at Empire Pass Planned Development \(VEP MPD\) approval \(link\)](#)

September 30, 2004 – City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass (**Exhibit H**). Proposal is located on Lot 9.

April 13, 2005 – Planning Commission approved the Tower Club Phase I CUP for approximately 8,880 square feet consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small convenience store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool, hot tubs, etc.). The Club was constructed in **2005 and 2006**.

February 13, 2008 – Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by Planning Commission on **March 11, 2009**. A building permit for Phase II was not issued and the CUP expired. This **current CUP proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE)**.

January 6, 2011 – City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on **January 4, 2012 (Exhibit I)**.

December 14, 2016 – Planning Commission approved an amendment to the Tower Club Phase I CUP to allow an expansion of the private dining area, outdoor patio and accessory uses. The CUP expansion increased the MPD Resort Support Commercial to 3,379 sf. Construction of the expansion was completed in **2018**.

November 9, 2017 – City Council approved a second amendment to the VEP Phase 1 Subdivision combining Lots 1 and 2 into Lot A of the Second Amended Village at Empire Phase 1. The amended plat was recorded on April 10, 2018 and is the location of the Larkspur Townhomes 6 condominium plat currently under review.

October 9, 2018 - the City received a complete application for the Residences at the Tower Condominium plat and CUP (see this packet for the CUP report).

December 12, 2018 – Planning Commission reviewed the application, conducted a public hearing and continued this item to January 23, 2019, due to continuation of the associated Conditional Use Permit.

January 23, 2019 – Planning Commission reviewed the applicant, conducted a public hearing and continued this item to February 13, 2019.

Purpose

The purpose of the Residential Development (RD) Zoning District can be found in **[LMC Section 15-2.13-1](#)**.

Land Management Code (LMC) and VEP MPD Analysis

The proposal complies with LMC lot and site requirements of the RD Zoning District and the VEP MPD as described below.

Analysis

Zoning of the property is Residential Development (RD) subject to the VEP MPD. LMC lot and site requirements of the RD District and the VEP MPD are described below.

	RD District and/or VEP MPD
Lot Size	No minimum lot size. Lot 9 is approximately 1.53 acres (66,711 sf).
Front yard setbacks LMC setback exceptions apply.	Minimum 25 feet to front facing garage, 20 feet to building. Proposed front setback is 20' and 25' (garage is 25'). <u>Complies.</u>
Rear yard setbacks LMC setback exceptions apply.	Minimum 15 feet rear setbacks. Proposed minimum rear setback is 75'. <u>Complies.</u>
Side yard setbacks LMC setback exceptions apply.	Minimum 12 feet side setbacks. Proposed minimum setback is 12'. <u>Complies.</u>
Building Height Zone allows 28 feet (33 feet for pitched roof 4:12 or greater). Village MPD Volumetric and Height Exception allows up to 86 feet above existing natural grade as follows: 20% of the building is permitted to reach max height of 74' (north end), 55% may reach 86' (central portion) and 25% (south end) may reach max height of 74'.	Proposed building does not exceed 86' in height with 20% (north) at or less than 74', and 55% at or less than 86', and 25% (south) is less than 74'. The plat is consistent with the VEP MPD building heights and volumetric, as further described in the Conditional Use Permit. <u>Complies.</u>
Parking The <u>Flagstaff Transit and Parking Management Plan</u> approved with the MPD <u>requires</u> a 25% reduction in parking from what would be normally required by the LMC and the Empire Pass HOA is required to provide shuttle services for the private Talisker Club.	Per LMC, based on unit sizes, 29 spaces are required for the 14 units, one ADA and one EHU. With the 25% reduction, 22 spaces are required. The underground parking structure has 22 spaces (including 1 ADA). There are 3 surface spaces along Village Way, 2 to be reserved as required for the police substation and one for service and delivery. Each unit is assigned one space as limited common and the remaining spaces are common. <u>Complies.</u>
Architectural Design All construction is subject to Village at Empire Pass Design Review Board (DRB) approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit.	The addition matches the architectural character and materials of the existing building and complies with the Village MPD regarding architectural character, articulation, volumetric and height as further described in the CUP report. A report and letter from the DRB is an Exhibit to the CUP report. <u>Complies.</u>
Residential Units (Previous CUP approval on this Lot was 25 units totaling 67,625 sf (33.81 UE)).	14 market rate multi-family units are proposed, ranging in area from 1,806 sf to 4,229 sf (total of 42,453 sf., 21.227 UE). Deed restricted unit is 737 sf. ADA unit is 737 sf. Total all residential is 43,927 sf. Current proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE). <u>Complies.</u>

MPD Resort Support Commercial 75,000 sf allowed. <u>Allocated by CUP or plat</u> Montage Spa- 35,000 sf Montage retail, restaurants/kitchens, bar, etc. -28,059 sf Grand Lodge- 1,275 sf Tower Club dining/kitchen/store- 3,379 sf <u>Remaining (prior to this application)</u> 7,287 sf	Existing- as approved with the Amended Tower Club CUP- 3,379 sf (kitchen, dining, store, spa) Proposed expansion- 2,424 sf (kitchen, dining, spa) Total including this CUP expansion: 5,802 sf Sufficient MPD Resort Support Commercial exists for the proposed private club expansion and 4,863 sf will remain if this expansion is approved. <u>Complies.</u>
Residential Accessory uses (Guest amenities)	Common residential and club accessory uses are provided on levels two and three, including locker rooms, storage, fitness and recreation, kids club, lounge/après/meeting room, ski prep area, lobby, and other areas for the use by club, residents and guests. No UE are required for these uses and these areas are platted as common/limited common for the residential accessory and Club area for the club accessory uses. Total accessory area is approximately 14,021 sf. <u>Complies.</u>
Density Summary The Development Agreement approved the Mountain Village (Pods A, B1 and B2) for a maximum of 785 UE (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units were approved as part of the overall multi-family units. To date 509 multi-family units (757.28 UE) have been approved, platted or built within the Mountain Village, including One Empire Pass. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrow leaf A and B, One Empire Pass and Grand Lodge. Empire Residences are under construction.	This CUP proposes the following: Residential- 14 market rate multi-family units (42,453 sf (21.227 UE), 1 ADA and 1 EHU = 43,927 sf total residential. There is sufficient remaining density for the proposed residential density. (Exhibit K- Density Summary). <u>Complies.</u>

Affordable Housing Amended Development Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf. This Lodge Building was assigned 0.75 AUE (600 sf) per the Developer. Off-mountain housing has been satisfied. On-mountain housing required is 24.725 AUE and is partially complete with 16.675 AUE built and 8.05 AUE remain to be built. These remaining AUE are assigned to Buildings 1, 3, 4 and B2 East.	The plat identifies one 737 sf deed restricted affordable unit, or EHU, within the building consisting of 0.921 AUE. This unit is platted as common area and will be available at the same time the other units in the building are available, upon issuance of a certificate of occupancy for the entire building. A deed restriction for the EHU unit, acceptable to the City, shall be recorded with or prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns regarding maintaining affordability of the unit. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees. <u>Complies.</u>
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The platted area includes the following:

Unit #	Floor Area (sf)	Parking required
Private Residential Units		
Unit 1	3,014	2
Unit 4 (see Units 2 and 3 below)	2,403	2
Unit 5	3,010	2
Unit 6	2,403	2
Unit 7	2,195	2
Unit 8	1,810	1.5
Unit 9	1,806	1.5
Unit 10	2,132	2
Unit 11	4,229	2
Unit 12	4,166	2
Unit 13	4,229	2
Unit 14	4,166	2
Unit 15	3,624	2
Unit 16	3,266	2
14 Residential Units platted as private residential area	42,453 (21.227 UE)	27
Unit 2 (ADA) platted as common area	737 sf	1
Unit 3 (EHU) platted as common area	737 sf	1
MPD Resort Support Commercial platted as the	5,803 sf	n/a

Club area (kitchen, dining, store, spa, and lounge).	(adding 2,424 sf to existing 3,379 sf for kitchen, dining, lounge, store, spa)	
Residential and Club accessory uses- admin office, mechanical, storage, meeting room, circulation, residential/ guest accessory amenities, fitness, kids club, locker rooms, fitness and recreation area, swim entry area, etc. – common area for residential accessory and Club area for club accessory.	14,021 sf	n/a
Common circulation, vents, mechanical, housekeeping closets, etc. – common area and Club area.	10,385 sf	n/a
Police substation- platted as commercial area and restricted by conditions of approval and plat notes.	509 sf	2 space required by the Development Agreement and provided along Village Way
Parking garage area (includes parking spaces, drive aisles, mechanical, circulation) - platted as common and limited common appurtenant to residential units.	11,168 sf	22 spaces (25% of 29)
Total Building Area- of the Condominium plat (doesn't include walls, chases, and other structural spaces).	85,813 sf	n/a
Gross building area from Architects Plans , includes all platted building area and chases, walls, attics and other structural elements.	88,149 sf	n/a

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following procedures found in Land Management Code § 15-1-18.

Good Cause

There is good cause for this condominium plat, as conditioned, as it is consistent with the development pattern envisioned in the amended Flagstaff Development Agreement and associated Technical Reports and the Village at Empire Pass MPD. Residential units are required to be platted as condominiums to memorialize density (units and UE). The condominium plat allows for the sale of individual units, provides one affordable,

deed restricted employee housing unit on site and space for the police substation as required by the Emergency Response Plan of the Amended Development Agreement.

Department Review

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

Notice

On October 31st and November 28th, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and the Utah Public Notice website on October 27th and November 28th, 2018.

Public Input

Staff has not received any public input on the condominium plat application at the time of this report that was in addition to input received on the conditional use permit application.

Alternatives

- Planning Commission may forward a positive recommendation to City Council for the Residences at the Tower condominium plat as conditioned or amended, or
- Planning Commission may forward a negative recommendation and direct staff to make Findings for this decision, or
- Planning Commission may continue the item to a future date.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been addressed by the Development Agreement and/or conditions of approval. Platting the condominium units allows units to be sold separately, memorializes the density in terms of units and UE, and identifies private, common, and limited common area.

Recommendation

Staff recommends the Planning Commission conduct a public hearing for the Residences at the Tower condominium plat, for fourteen (14) market rate multi-family residential units, 1 American Disability Act (ADA) unit, 1 deed restricted employee housing unit (EHU), a police substation, and the private Talisker Club (including proposed expansion) and consider forwarding a positive recommendation to the City Council pursuant to findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed plat

Exhibit B – Applicant's letter

Exhibit C – Existing Conditions survey and aerial photo

Exhibit D – Photos of the site

[Exhibit E – Village at Empire Pass Planned Development \(VEP MPD\) approval \(link\)](#)

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

[Exhibit G – Technical reports \(link\)](#)

Exhibit H – Village at Empire Pass Phase 1 Subdivision plat

Exhibit I – First Amended Village at Empire Pass Phase 1 Subdivision plat

Exhibit J – Construction Mitigation Plan preliminary

Exhibit K – Flagstaff Density Summary

Exhibit L – Memorandum of Agreement

Draft Ordinance No. 2019-XX

AN ORDINANCE APPROVING THE RESIDENCES AT THE TOWER CONDOMINIUM PLAT LOCATED AT 8680 EMPIRE CLUB DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Residences at the Tower Condominiums, located at 8680 Empire Club Drive, petitioned the City Council for approval of the Residences at the Tower Condominiums plat; and

WHEREAS, on October 31, 2018 and November 28, 2018, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on October 27, 2018 and November 28, 2018, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on December 12, 2018, January 23, 2019, and February 13, 2019, to receive input on the Residences at the Tower Condominium plat;

WHEREAS, the Planning Commission, on February 13, 2019, forwarded a recommendation to the City Council; and,

WHEREAS, the City Council on _____, 2019, held a public hearing and took final action on the condominium plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Residences at the Tower Condominium plat consistent with the Village at Empire Pass Master Planned Development, the 2007 Amended Flagstaff Development Agreement and Technical Reports and the Residences at the Tower Conditional Use Permit.

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 Residences at the Tower Condominium 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. Residences at the Tower condominium plat identifies 14 private market rate multi-family residential units totaling 42,453 sf, utilizing 21.227 UE, as well as 1 ADA unit and 1 deed restricted affordable unit, a police substation and the private Talisker Club located on Lot 9 of the First Amended Village at Empire Pass Phase I subdivision.
2. Lot 9 is located in the RD-MPD zoning district and contains 1.53 acres and is addressed as 8680 Empire Club Drive.

3. Access to the property is from Village Way and Empire Club Drive, which are both private streets.
4. Lot 9 is currently partially developed with the private Talisker Club that includes dining and other indoor and outdoor amenities for members.
5. The market rate multi-family residential units range in size from 1,806 sf to 4,229 sf with an average unit size of approximately 3,032 sf. The 737 sf ADA unit is required to be identified as common area. The 737 sf EHU is also platted as common area.
6. A 509 sf police sub-station, platted as commercial area, is proposed on the lower level as a requirement of the Emergency Response Plan Exhibit #7 of the Flagstaff Development Agreement.
7. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007, as well as associated Technical Reports.
8. The Amended Agreement is the equivalent of a Large-Scale Master Plan and sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
9. The Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units does not exceed 60, and PUD units are included in the totals for multi-family units.
10. To date approximately 509 multi-family units (757.28 UE) (of which 60 are PUD style units) and 16 single family units have been approved, platted and/or built within Pods A, B1 and B2. This number includes the 70 units noted in the plat notes for the B2 East subdivision and also includes Empire Residence CUP units currently under construction as Building 3 and Moon Shadow Condominiums for 8 PUD units pending plat recordation). This number also includes all of the Larkspur Townhomes, including Larkspur Townhomes 6 which condominium plat is currently under review.
11. Constructed lodge style buildings include Shooting Star, One Empire Pass, Silver Strike, Flagstaff, Arrow Leaf A and B, Grand Lodge and Ironwood. Lodge buildings still to be approved within Pod A are: Building 1- Residences at the Tower (subject property) and Building 4. The Empire Residences (Lodge Building 3) are currently under construction.
12. There is sufficient density remaining within Amended Agreement and VEP MPD for the proposed 14 multi-family units (21.227 UE).
13. Amended Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf. A total of 94.175 off-mountain AUE and 24.725 on-mountain AUE are required. Off-mountain housing has been satisfied. On-mountain housing is partially complete with 16.675 AUE built and 8.05 AUE remaining. These remaining AUE are assigned to Buildings 1, 3, 4 and B2 East.
14. Lodge Building 1 was assigned 0.75 AUE (600 sf) per the Developer at time of sale.
15. The proposed affordable unit consists of 737 sf (0.921 AUE) (not including dedicated storage areas located separate from the unit) platted as common area and shall be deed restricted per requirements of the Housing Resolution prior to plat recordation.
16. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area for Lodge Buildings grouped

around the Silver Strike lift and ski runs, various townhouses making up a second tier of units, with PUD style detached units and single family lots on the perimeter. A common amenity building, known as the Tower Club, was central to the VEP MPD. A common mail area, indoor and outdoor recreation facilities, pedestrian connections and transportation pick-up/drop-off area were included. The VEP MPD also approved heights and Volumetrics for the Lodge buildings.

17. On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass.
18. On April 13, 2005, the Planning Commission approved the Tower Club Phase I CUP for approximately 8,880 square feet consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small convenience store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool, hot tubs, etc.). The Club was constructed in 2005 and 2006.
19. On February 13, 2008, the Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by the Planning Commission on March 11, 2009. A building permit for Phase II was not issued and the CUP expired. This current CUP proposal represents a reduction in density and size by 11 units and 25,000 sf (12.58 UE) from the 2008 approval.
20. On January 6, 2011, the City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on January 4, 2012.
21. On December 14, 2016, the Planning Commission approved an amendment to the Tower Club Phase I CUP to allow a 1,115 sf expansion of the private dining area, as well as expanded outdoor patio area, 1,000 sf of expanded basement area for accessory uses. The CUP expansion increased the MPD Resort Support Commercial on Lot 9 to 3,379 sf. Construction of the expansion was completed in 2018. The building currently consists of approximately 10,995 sf.
22. On October 9, 2018, the Planning Department received a complete application for a Condominium plat and a Conditional Use Permit for a fourteen (14) multi-family unit residential building to be located on Lot 9 of the First Amended Village at Empire Pass Phase One Subdivision.
23. The property is subject to subdivision plat notes that require compliance with the Amended Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
24. The proposed condominium plat memorializes the density, size and configuration of units to be construction in one phase and identifies areas of private, common and limited common ownership, and private club area.
25. The Amended Agreement allows a maximum of 75,000 sf of MPD Resort Support Commercial uses. Lot 9 currently is approved, with the Amended Tower Club CUP for 3,379 sf (kitchen, dining, small store) of MPD Resort Support Commercial Uses. Montage Resort was approved for 63,059 sf of MPD Resort Support Commercial and Grand Lodge was approved with 1,275 sf.

26. Total utilized MPD Resort Support Commercial Uses for this building, including this CUP expansion, is 5,803 sf (adding approximately 2,424 sf of Resort Support Commercial uses for Spa, addition to kitchen, and lounge).
27. There is sufficient MPD Resort Support Commercial remaining for the proposed private club expansion and approximately 4,863 sf will remain if this project is approved. This space is identified on the plat as part of the Club Unit with additional lines and labels calling out the specific square feet of these areas. A table of the Resort Support Commercial space shall also be included on the plat.
28. The Emergency Response Plan requires a police sub-station to be dedicated within the Empire Club building in Pod A. The Plan calls for a facility with 3 office spaces, approximately 12' by 12' each, with a combined square footage of not less than 500 sf, plus two reasonably proximate parking spaces. The unit is to be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued for the rest of the building and residential units. This space will be identified as a Commercial Unit specifically for the police substation that can be transferred to the City.
29. Guest amenity areas (exercise and recreation areas, locker rooms, lobby and reception area, lounge/après ski, restrooms, etc.) are proposed on the first and second levels. Common residential accessory uses do not require use of UEs.
30. Based on unit sizes, a minimum of 22 parking spaces are required when taking into consideration the 25% parking reduction (from the 29 required spaces) per the Flagstaff Development Agreement and MPD.
31. An underground parking structure provides 22 parking spaces, including 1 ADA spaces, as well as limited common storage areas for each unit. Two surface spaces are provided at the street for the police sub-station. One surface space will be provided for short term pick-up and drop-off.
32. Each unit has one assigned limited common parking space and the remaining spaces are common.
33. The plat is consistent with the approved Village at Empire Pass Master Planned Development and the Residences at the Tower Conditional Use Permit in terms of density, units, UE, building height, uses, setbacks, and parking.
34. The MPD requires Construction Mitigation Plans to be submitted with each CUP and building permit addressing all requirements of the Amended Agreement and Technical Reports.
35. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of the initial building permits within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
36. The condominium plat allows for the sale of individual units.

Conclusions of Law

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the 2007 Amended Flagstaff Annexation and Development Agreement, the Village at Empire Pass MPD, the First Amended Village at Empire Pass Phase 1 Subdivision, the Park City Land Management Code and applicable State laws regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, 2007 amended Flagstaff Development Agreement, Village at Empire Pass MPD and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at 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 request for an extension is submitted in writing and approved by the City Council.
3. City Engineer and SBWRD approval of the final infrastructure and utility plans is a condition precedent to plat recordation.
4. Development within Empire Pass is governed by that certain Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and Iron Mountain entered into by and between United Park City Mines Company, Deer Valley Resort Company, and Park City Municipal Corporation, a third class city of the State of Utah, and recorded on March 2, 2007, as Entry No. 806100 in Book 1850 at Page 1897 in the records of the Summit County Recorder, as amended or supplemented from time to time ("Development Agreement"). The Development Agreement required the Developer, as such term is defined in the Development Agreement, to develop a Historic Preservation Plan, which said 127 page Historic Preservation Plan was prepared by SWCA, Inc., on August 2000 and is entitled, *Historic Preservation Plan for Flagstaff Mountain Association, Park City, Summit County, Utah*, as amended or supplemented from time to time including by that certain *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)(collectively, the "Historic Preservation Plan"). The *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)("Exhibit 6") identified historic preservation work needed at 21 historic mining sites within the Flagstaff Mountain Annexation Boundary and specified that the master homeowner association was responsible for maintaining any site that was not part of an ongoing operation.
5. The Agreement between the Empire Master Owner's Association and Park City attached at Exhibit __ ("Agreement") to set forth a plan for the Association to address the Maintenance, as defined herein, needs of certain historic mining sites thereby achieving substantial compliance with the Historic Preservation Plan for the time periods set forth herein. The Agreement shall be executed in full and ratified by the City Council prior to recordation of the Twisted Road Subdivision or other REDUS plat, whichever comes first.
6. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD), First Amended Village at Empire Pass Phase 1 Subdivision, and the Residences at the Tower Conditional Use Permit (CUP) apply to this plat.
7. All applicable required and recorded utility, access, snow storage, trails, etc. easements shall be indicated on this condominium plat prior to recordation and

- building permit issuance.
8. The plat shall note that public safety access and public utility easements are hereby dedicated for all private streets and that the private streets shall be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration.
 9. The plat shall note that a Construction Mitigation Plan, including truck routing, is a submittal requirement of the building permit application.
 10. The deed restricted employee housing unit (EHU) shall be a minimum of 737 sf (0.921 AUE), exclusive of additional storage area to be dedicated to this unit. One AUE is equivalent to 800 sf according to the 2007 Development Agreement.
 11. The EHU and ADA units shall be platted as common area.
 12. A deed restriction for the EHU unit, acceptable to the City, shall be recorded with or prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns regarding maintaining affordability of the unit. The plat shall note that the EHU is subject to a deed restriction. The EHU and ADA units shall be available for occupancy at the same time as the entire building and when the market rate units are issued a certificate of occupancy.
 13. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
 14. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
 15. Conditions related to the police sub-station unit shall be described in the CCRs, and/or by separate agreement with the City, prior to recordation, consistent with language in the Emergency Response Plan of the Amended Flagstaff Agreement.
 16. The plat shall note that fire sprinklers are required for new construction on the Lot per the Chief Building Official at the time of review of building permits and all requirements for emergency access according to the Park City Fire District and Park City Building Department shall be addressed prior to building permit issuance.
 17. The plat shall note the number and square footages of all residential units and shall indicate the total square footage and Unit Equivalents of the 14 market rate units.
 18. The plat shall note the Resort Support Commercial square footage and a table of the Resort Support Commercial space shall be included on the plat.
 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. A plat note shall restrict the Resort Support Commercial areas and associated Club accessory areas as a Private Club for members and shall not be sold or used as a commercial or retail establishment for the public, with the exception of the store area.
 21. A plat note shall restrict the police substation commercial unit as a police substation. In the event that the police substation is vacated by the City, the HOA may apply to amend this plat and the CUP for common or limited area storage, mechanical or other similar uses. No commercial, office or residential use is allowed unless additional density/UEs are acquired and the addition of such is approved by plat and CUP amendment.

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

PASSED AND ADOPTED this ____ day of_____, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

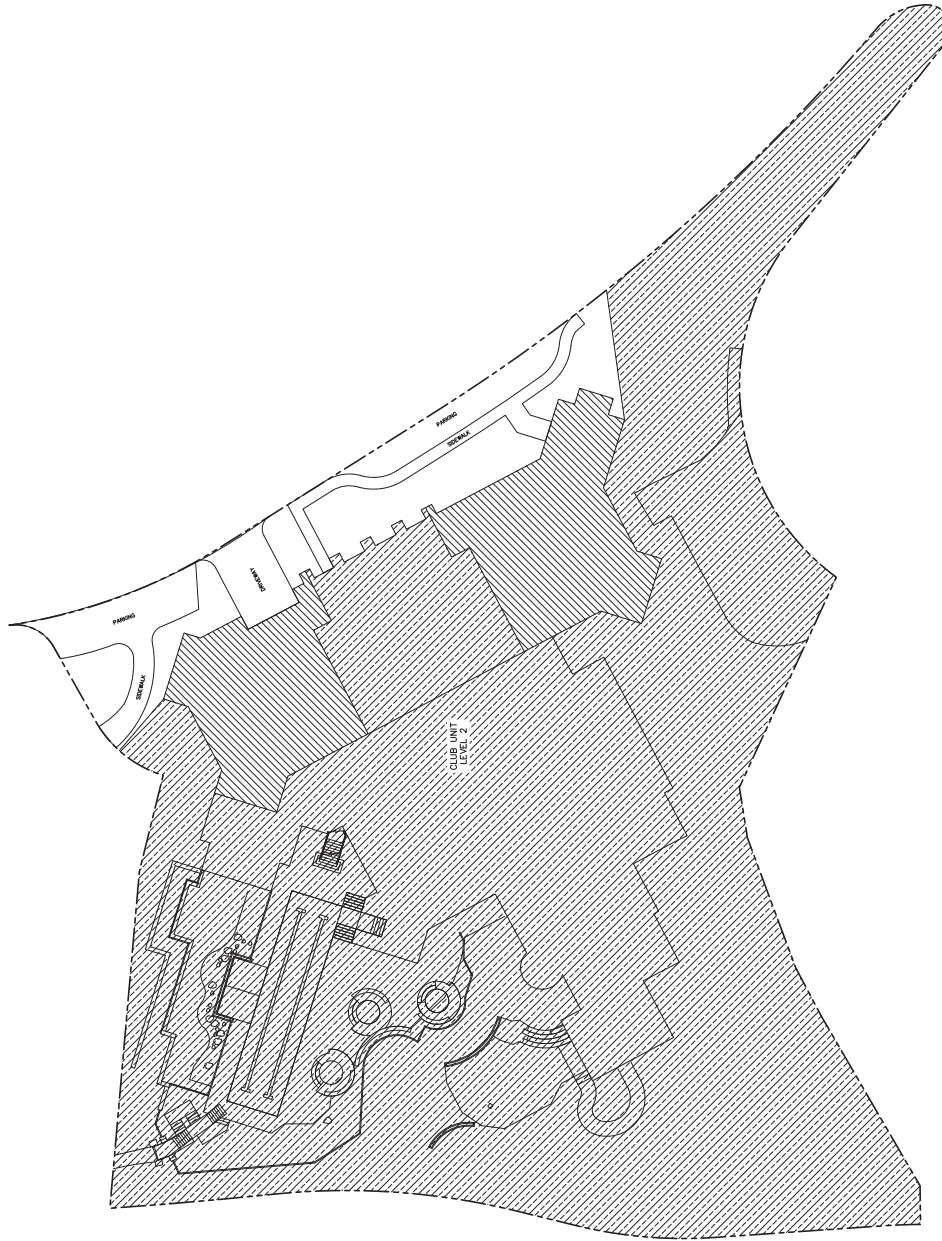
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit

Exhibit A – Condominium plat

Exhibit B – Memorandum of Agreement (see Exhibit L of staff report)



NOTE:
The primary purpose of this sheet is to illustrate the overall Club Unit ownership. See other sheets for specific ownership details.

- COMMON AREA
- RESIDENTIAL UNIT
- LIMITED COMMON RESIDENTIAL
- COMMERCIAL UNIT
- RESORT SUPPORT COMMERCIAL / CLUB UNIT

RESIDENCES AT THE TOWER CONDOMINIUMS

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

CONCRETE ENGINEER - LAND PLANNING SUBDIVISION
 222 Main Street, 10th Floor, Salt Lake City, Utah 84102-3600
 (801) 524-4477



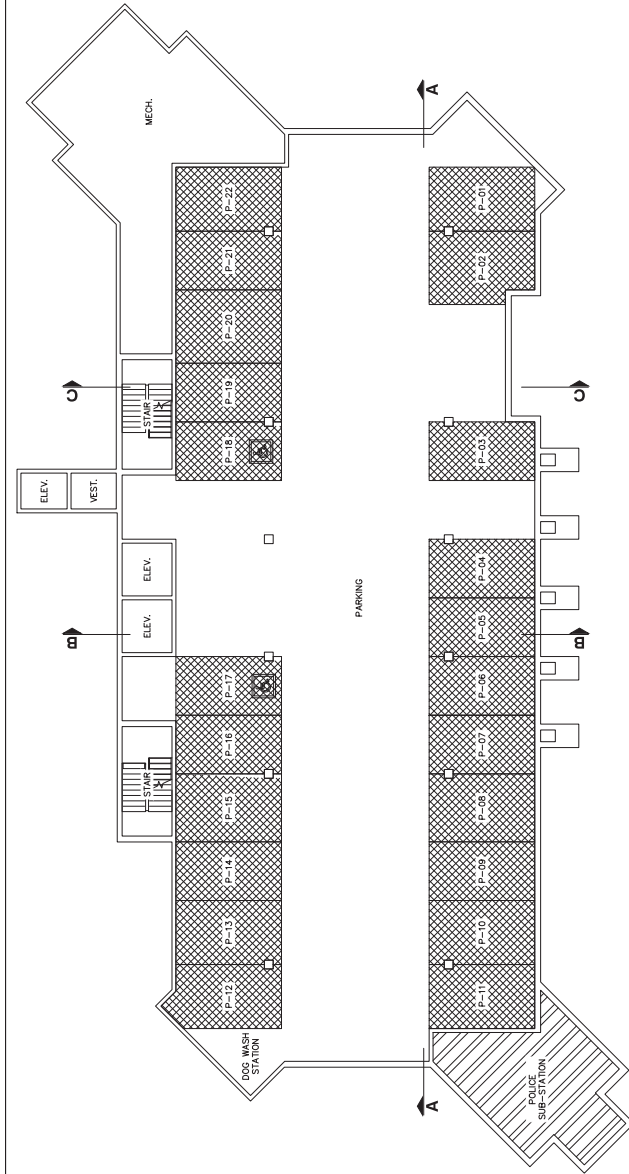
SHEET 2 OF 8

JOB NO. 20-7-18 FILE: 23-Enricha.dwg 12/9/18 12/9/18

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF

FEE DATE TIME
REORDER ENTRY NO.

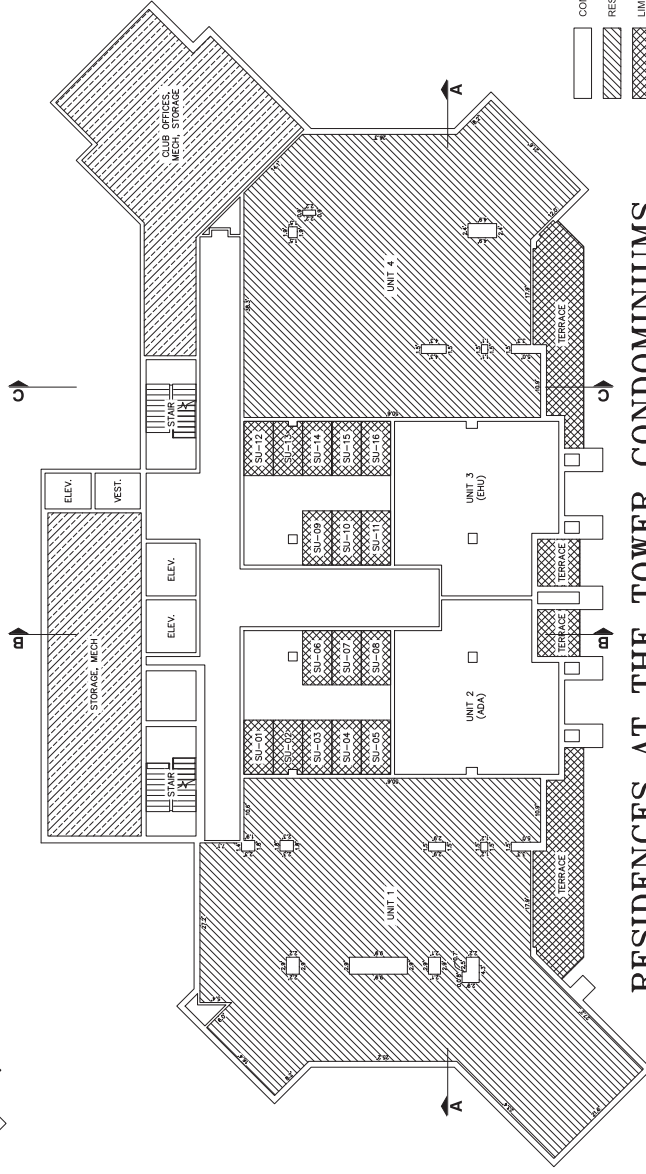
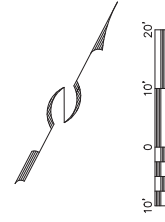


LEGEND:
EHU = EMPLOYEE HOUSING UNIT
ADA = AMERICAN DISABILITIES ACT
SU = SERVICE UNIT
P = PARKING

LEVEL 1
SCALE: 1" = 10'

LEVEL 1 SQUARE FOOTAGE TABLE

UNIT	SQUARE FOOTAGE
1	3,014 SF
2 (ADA)	737 SF
3 (EHU)	737 SF
4	2,403 SF



- COMMON AREA
- RESIDENTIAL UNIT
- LIMITED COMMON RESIDENTIAL
- COMMERCIAL UNIT
- RESORT SUPPORT COMMERCIAL / CLUB UNIT

RESIDENCES AT THE TOWER CONDOMINIUMS

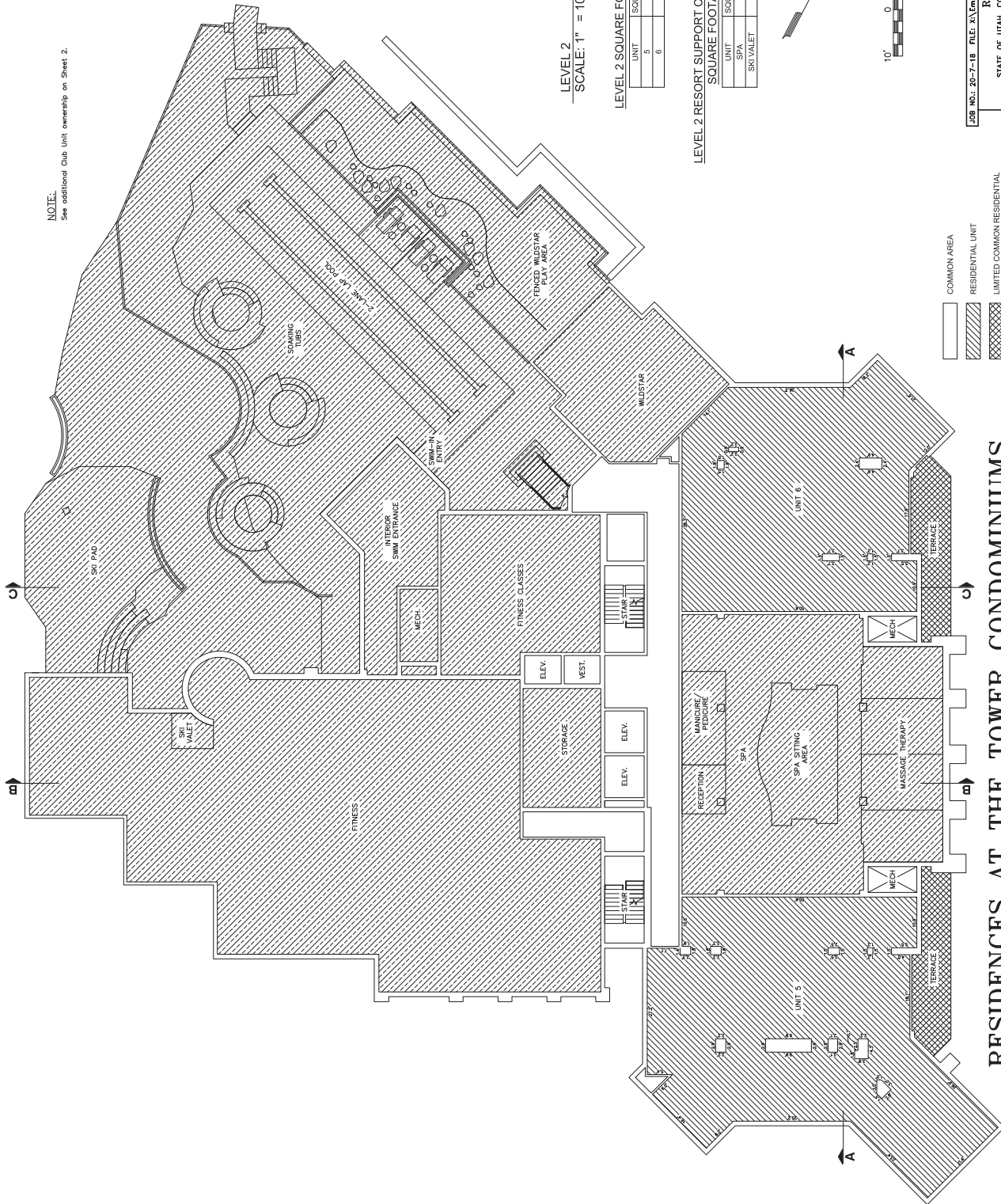
LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 10 EAST, SALIN AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH


 2022 State Surveyors License
 2022 State Surveyors License
 2022 State Surveyors License

JOB NO. 20-7-18 FILE: 33-Emphire.dwg
 SHEET 3 OF 8
 12/9/18

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 FEE _____
 DATE _____
 TIME _____
 ENTRY NO. _____

NOTE:
See additional Cui Unit ownership on Sheet 2.



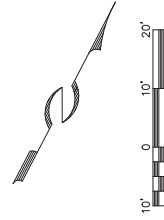
LEVEL 2
SCALE: 1" = 10'

LEVEL 2 SQUARE FOOTAGE TABLE

UNIT	SQUARE FOOTAGE
5	3,010 SF
6	2,403 SF

LEVEL 2 RESORT SUPPORT COMMERCIAL / CLUB UNIT
SQUARE FOOTAGE TABLE

UNIT	SQUARE FOOTAGE
SPA	1,550 SF
SKI VALET	60 SF



- COMMON AREA
- RESIDENTIAL UNIT
- LIMITED COMMON RESIDENTIAL
- COMMERCIAL UNIT
- RESORT SUPPORT COMMERCIAL / CLUB UNIT

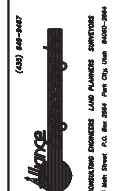
RESIDENCES AT THE TOWER CONDOMINIUMS

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 10 EAST, SALINE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO. 20-7-18 FILE: 33-Emphick.dwg 12/20/18 12/20/18 SHEET 4 OF 8

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____





Alliance
(435) 848-3636

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
Main Street P.O. Box 2684 Port City, Utah 84050-2684

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 20-7-18 FILE: X:\Empire\dwg\srp\plot\2018\200718.dwg

TIME _____ FEE _____ DATE _____

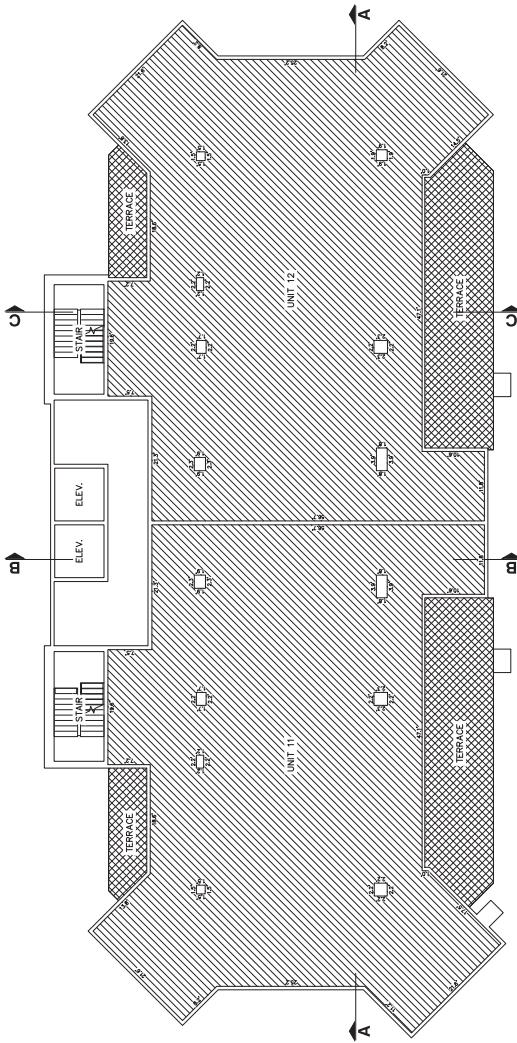
LEVEL 3 RESORT SUPPORT COMMERCIAL / CLUB UNIT SQUARE FOOTAGE TABLE

UNIT	SQUARE FOOTAGE
DINING	2,880 SF
KITCHEN	752 SF
LOUNGE	561 SF

LEVEL 4
SCALE: 1" = 10'

LEVEL 4 SQUARE FOOTAGE TABLE

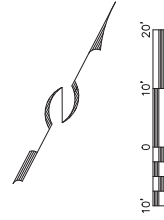
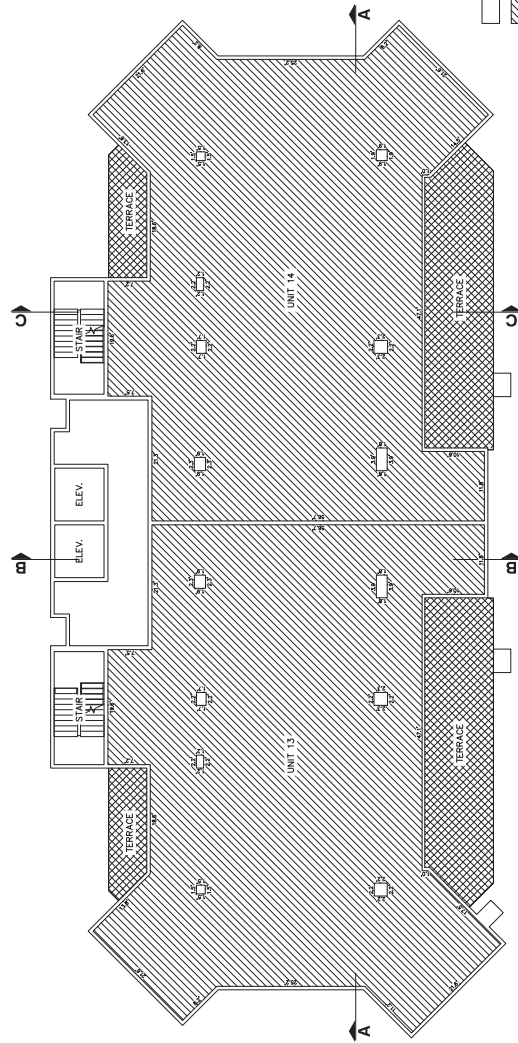
UNIT	SQUARE FOOTAGE
11	4,228 SF
12	4,168 SF



LEVEL 5
SCALE: 1" = 10'

LEVEL 5 SQUARE FOOTAGE TABLE

UNIT	SQUARE FOOTAGE
13	4,228 SF
14	4,168 SF



- COMMON AREA
- RESIDENTIAL UNIT
- LIMITED COMMON RESIDENTIAL
- COMMERCIAL UNIT
- RESORT SUPPORT COMMERCIAL / CLUB UNIT

JOB NO. 20-7-18 FILE: \A\English.dwg 12/9/18 SHEET 6 OF 8
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF
FEE
DATE
TIME
ENTRY NO.

RESIDENCES AT THE TOWER CONDOMINIUMS

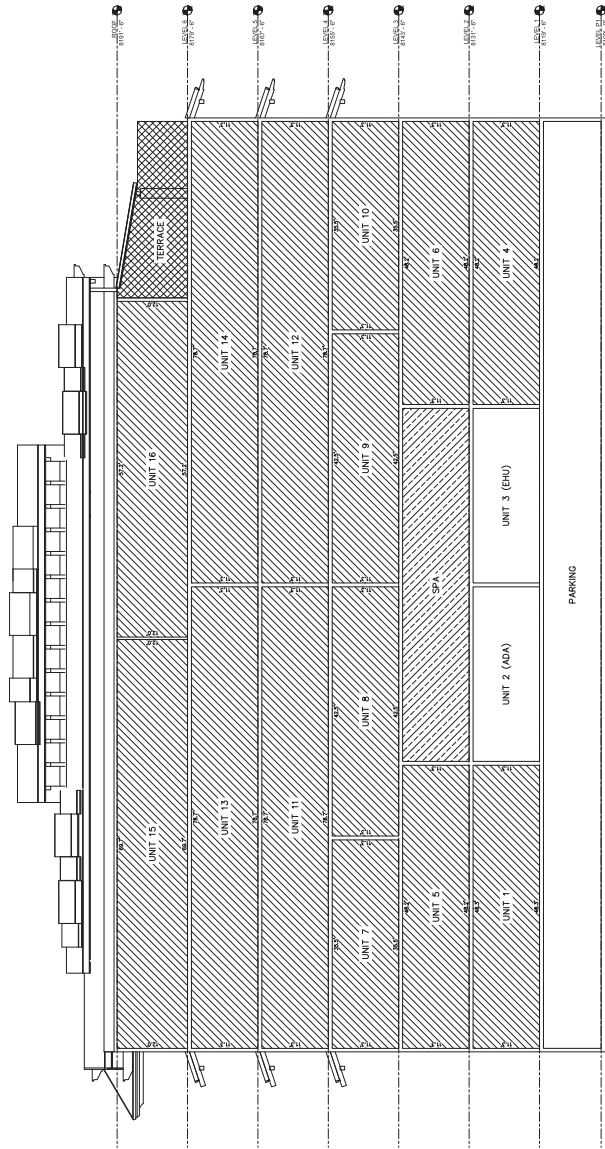
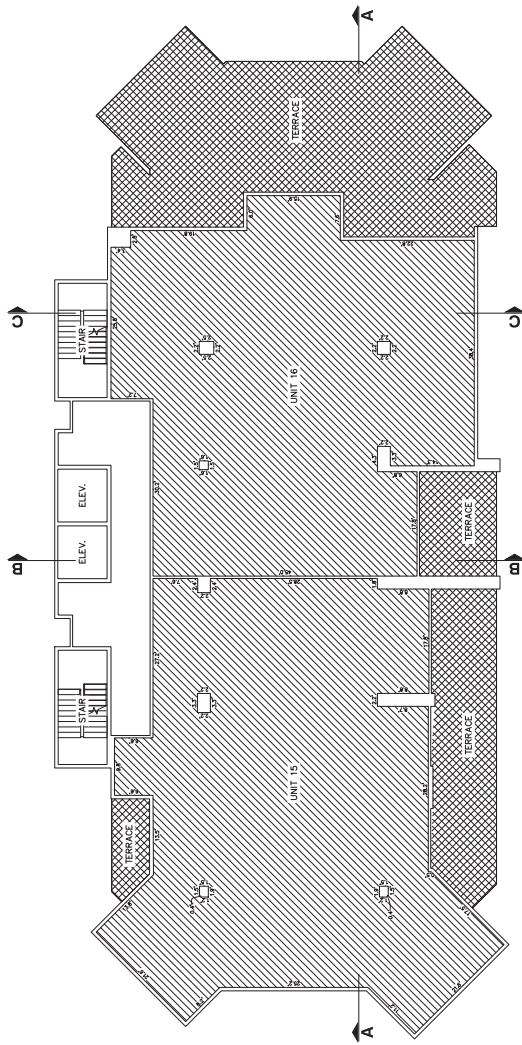
LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 12 EAST, SALIN AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

Utah 844-3447
CONCRETE CONCRETE LAND PLANNING ARCHITECTURE
222 Main Street, 1000 Park City, Utah 84002-3447

LEVEL 6
SCALE: 1" = 10'

LEVEL 6 SQUARE FOOTAGE TABLE

UNIT	SQUARE FOOTAGE
15	3,024 SF
16	3,205 SF

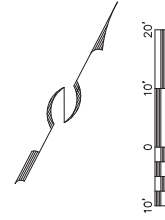


SECTION A-A

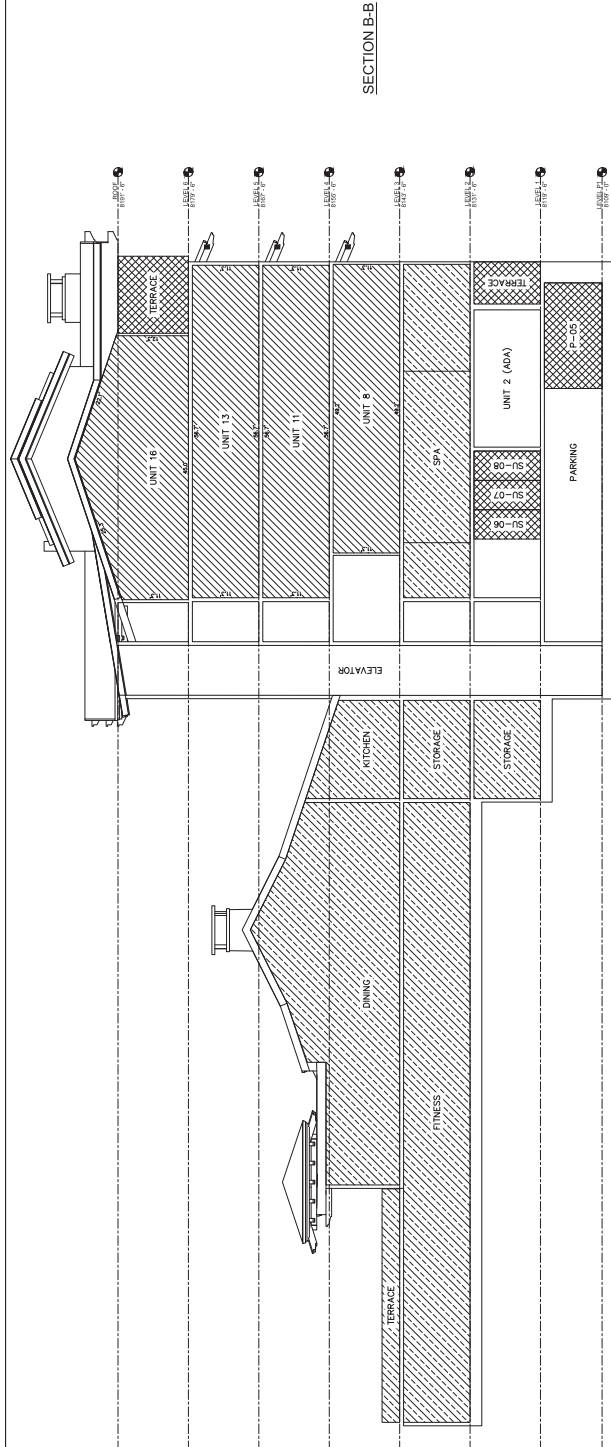
RESIDENCES AT THE TOWER CONDOMINIUMS

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 11 EAST, SALT LAKE BASIN AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

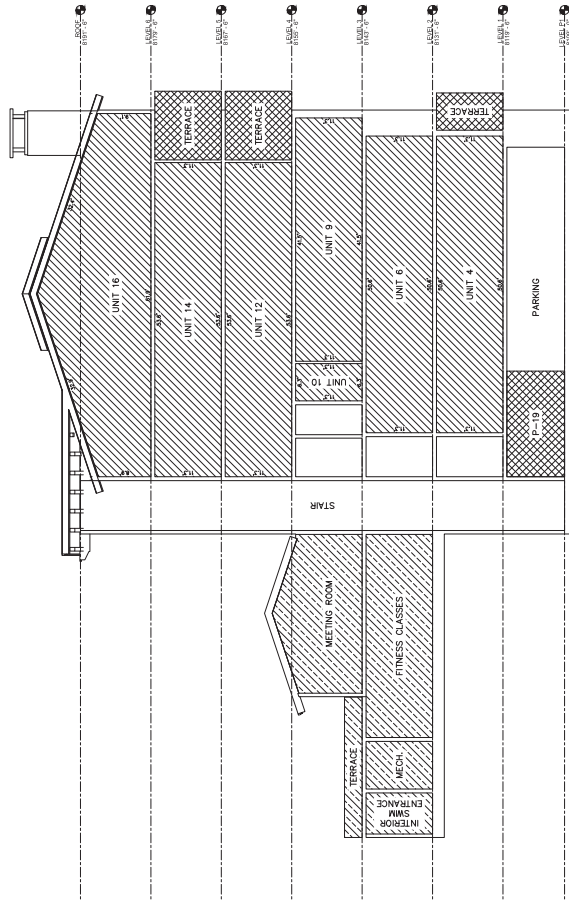
- COMMON AREA
- RESIDENTIAL UNIT
- LIMITED COMMON RESIDENTIAL
- COMMERCIAL UNIT
- RESORT SUPPORT COMMERCIAL / CLUB UNIT



JOB NO. 20-7-18 FILE: \A\Residences.dwg 12/9/18 SHEET 7 OF 8
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF
FEE
DATE
TIME
ENTRY NO.



SECTION B-B



SECTION C-C

- COMMON AREA
- RESIDENTIAL UNIT
- LIMITED COMMON RESIDENTIAL
- COMMERCIAL UNIT
- RESORT SUPPORT COMMERCIAL / CLUB UNIT



CONSULTING ENGINEER: JAMES J. HARRIS, P.E.
 222 Main Street, 10th Floor, Park City, Utah 84302-3600
 (435) 764-4477

RESIDENCES AT THE TOWER CONDOMINIUMS LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 12 EAST, SALT LAKE BASIN AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



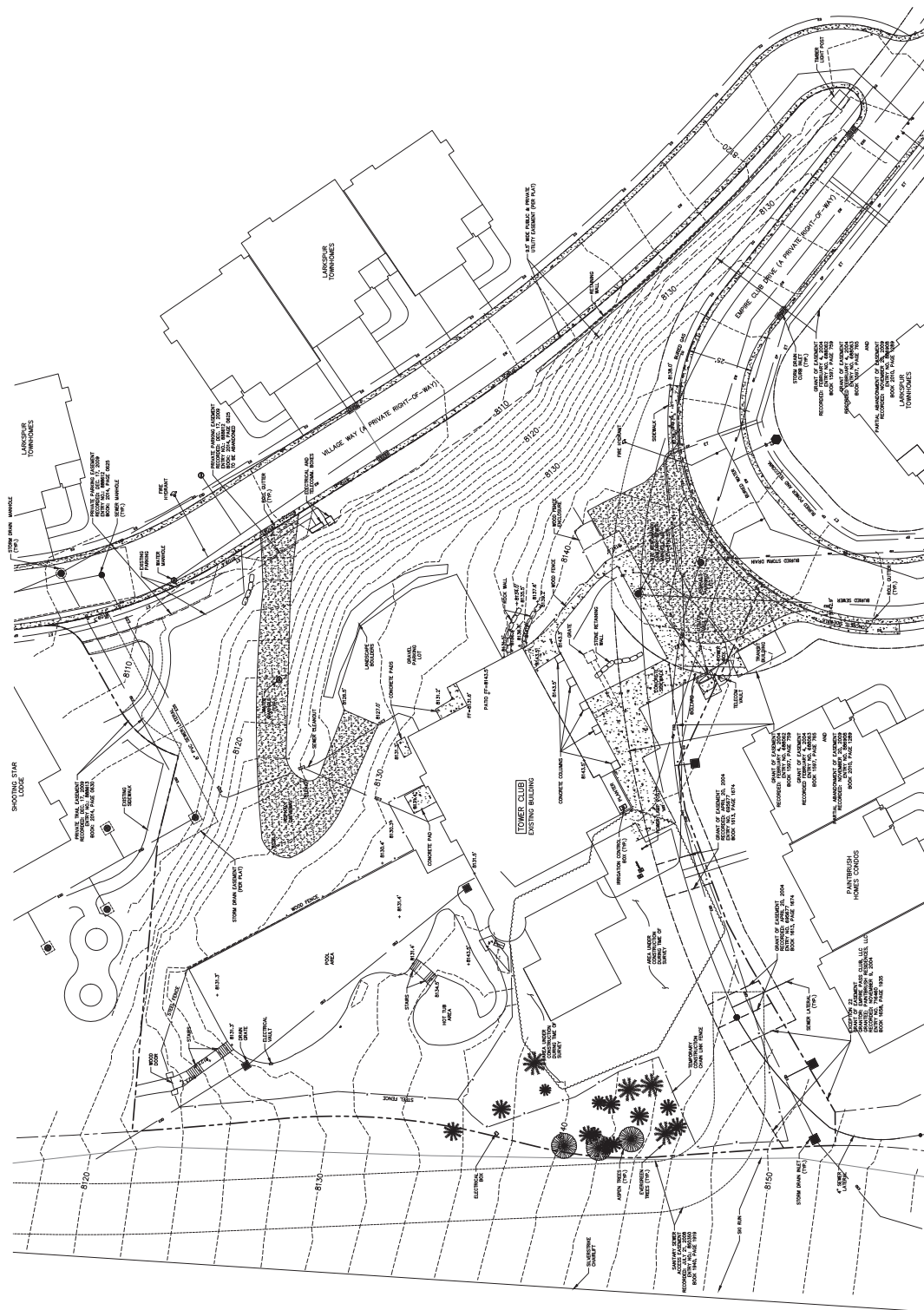
SHEET 8 OF 8
 JOB NO. 20-7-18 FILE: \A\Projects\20-7-18\2021\8.dwg
 RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 FEE _____
 TIME _____ DATE _____
 REORDER _____
 ENTRY NO. _____

Residences at the Tower Condominiums

October 9, 2018

Project Description

The Residences at the Tower Condominiums is located on Lot 9 of the Village at Empire Pass adjacent to Deer Valley Resort and the Silver Strike chairlift. The existing Tower Club building is located on the property and provides service for Talisker Club members. The current project proposal is to expand the existing Tower Club building and provide additional area for club amenities as well as construct a new 16-unit condominium building with privately owned units consistent with the Flagstaff (Empire Pass) MPD.



GENERAL NOTES

1. Field work for this survey was completed November 10, 2017, and is in compliance with generally accepted industry standards for accuracy.
2. Site Benchmark: Sanitary Sewer Manhole Elevation=8141.57' as shown.
3. See "The Village At Empire Phase I Lot 9 First Amendment", recorded January 4, 2012, as Entry No. 937021 in the Summit County Recorder's Office for boundary information.



Alliance
Lockdown 2017 Jan
(435) 640-9467

STAFF:
MICHAEL DEMKOWICZ
RYAN BETZ

**EXISTING CONDITIONS AND TOPOGRAPHIC MAP
TOWER CLUB**

FOR: STORIED DEVELOPMENT

JOB NO.: 20-7-18

FILE: X:\Empire\dwg\Stored Development\Tower Club\tower club-civil.dwg

STAFF:
MICHAEL DEMKOW
RYAN BETZ

DATE: 9/14/18

DATE: 9/14/18



LINE TYPE LEGEND	
ESS —	EXISTING SEWER
EW —	EXISTING WATER
E3D —	EXISTING DRAIN
E3D —	EXISTING STORM DRAIN
E3D —	EXISTING OVERHEAD POWER
E3D —	EXISTING POWER
E3D —	EXISTING TELECOMM
E3D —	EXISTING GAS
E3D —	EXISTING FENCE



	STAFF: DUSTIN J. CARRISH	DATE: 9/28/18	SHEET 1 OF 1
	AERIAL PHOTOGRAPH RESIDENCES AT THE TOWER CONDOMINIUMS FOR: STORIED DEVELOPMENT JOB NO.: 20-7-18 FILE: X:\Empire\dwg\eshhna\Tower Club Aerial.dwg		



Tower Club – looking Northeasterly



Tower Club – looking Southeasterly



Tower Club – looking Southwesterly



Tower Club – looking Northwesterly



Tower Club – looking Northwesterly



Tower Club – looking Northerly

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 land shown on this plot and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as FIRST AMENDMENT, THE VILLAGE AT EMPIRE PASS, PHASE 1, LOT 9 and that the same has been or will be correctly plotted on the grid as shown on this plot.

John Demkowicz
John Demkowicz

12-26-2011

AMENDED LOT 9
BOUNDARY DESCRIPTION

130878

Lot 9, The Village at Empire Pass, Phase I, according to the official plat thereof, on file and of record in the office of the recorder, Summit County, Utah, recorded November 24, 2004, as Entry No. 718034.

PARCEL 2

[illegible]

Parcels 1 & 2 contain 66.711 square feet.

NOTES:

[illegible]

5. Village life is a people risk.

(435) 649-9487

**James
Engineering Inc.**

E. BASIN WATER RECLAMATION

DAY OF Dec., 2011 A.D.
BY B. D. P.

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS 8TH
DAY OF DECEMBER, 2010 A.D.
BY  CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN
CONCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS 27th
DAY OF December, 2011 A.D.

APPROVAL AS TO FORM

MOVED AS TO FORM THIS 30th
OF December, 2011 A.D.
BY Colleen
CLERK OF COURT

CERTIFICATE OF ATTEST

CERTIFY THIS RECORD OF SURVEY
WAS APPROVED BY PARK CITY
COUNCIL THIS 6 DAY
OF JANUARY 2011 A.D.
BY [Signature]
PARK CITY RECORDER

COUNCIL APPROVAL AND AC

PROVAL AND ACCEPTANCE BY THE
COUNCIL THIS 6TH DAY OF JAN
2011 A.D.
BY Ronald Williams
MAYOR

TANCE

CITY _____
STATE OF UTAH _____
AT THE REQUEST OF _____
DATE 1/4/12 TIME 3:08 PM

FILED
AGE —
Russell-
dout

153

Construction Mitigation Plan

The Residences at the Tower

November 1, 2018

Project Location: 7777 Village Way, Park City, UT 84060

Building Permit#

Contractor: Big-D Construction

1389 Center Drive, Suite 360

Park City, UT 84098

Contact: Shawn Albretsen, Project Manager

Cell – 801.420.0333

Email – SAlbretsen@big-d.com

1. Hours of Operation:

Typical hours of construction operations are 7:00am to 6:00pm, Monday through Friday, 8:00am to 6:00pm on Saturday, and no work on Sundays. With this structure being primarily cast in place concrete, occasional longer work hours may be needed for critical concrete placements. Big-D Construction will notify the neighboring residents and Park City Building Department, if wanted, ahead of time of these concrete placement durations.

2. Parking:

There is limited onsite parking. This will be reserved for visitors and Big-D Construction project management personnel. All other construction workers shall park off site and be bused to and from the construction site. The worker parking location is TBD, but could be near the Mine Bench or Richardson Flat. The parking plan assumes there is no on street parking on Village Way or Empire Club Drive.

3. Deliveries:

Deliveries to the site will be only during construction operation hours. Typically, deliveries will be just-in-time for the materials to be incorporated into the ongoing construction progress.

4. Stockpiling and Staging:

Given the site location, access, and building footprint coverage of the site, there is limited area for stockpiling and staging materials. Materials will have to be delivered to the project just-in-time to incorporate into the construction work. This means and method is similar to building a multistory building in a downtown urban setting. It is Big-D Construction's responsibility to coordinate with subcontractors to minimize problems due to the limited staging and stockpiling areas.

5. Construction Phasing:

No construction phasing is planned. All construction is to complete in one continuous time period between April 2019 and December 2020.

6. Trash Management & Recycling:

The construction debris dumpster shall be located within the fenced construction boundary. Its remaining capacity will be monitored daily and the dumpster emptied on a regular basis to prevent over flowing and accumulation of debris around the construction site. If available, a construction debris service will be utilized that will sort the contents of each dumpster and recycle items such as paper, cardboard, wood, and metals.

7. Dust & Mud Control:

Access to the site is from one side of the project. This project frontage along Village Way is planned to be graveled entirely to help eliminate dirt and mud from being tracked on to the paved street. Streets will be monitored daily and cleaned as needed to keep them free of dirt and mud. The majority of excavation work will take place in the spring /early summer. This work is not expected to generate much dust. A water source will be available to keep dust down as needed.

8. Noise:

Noisy work shall be kept within the approved project work hours. Big-D Construction will have a decibel meter on site to monitor the noise level of construction activities. No radios will be allowed on the construction project.

9. Grading & Excavation:

The mass excavation for this project is over 10,000 cubic yards. This is one of the first construction activities. The planned haul route utilizes Marsac Avenue. Flagmen will be used as required at the intersection of Marsac Avenue and Village Way to help manage the truck traffic. The haul hours will be limited to between 7:00am and 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday. Excavated soils are to be taken to an approved dump site, location of to be finalized, but may be Hot Creek. All suitable soils to be re-used for backfill will be stockpiled on site as required.

10. Temporary Lighting:

Exterior construction lighting will be kept as minimal as possible. The lighting will be turned off as much as possible during non-work hours. Occasional temporary lighting will be needed for morning concrete placements. This lighting will be accomplished by using portable light plants that are set up only for a specific concrete placement, then moved off site. Temporary interior lighting will be used during construction work hours and turned off to leave a minimal amount of lighting for egress and emergency access.

11. Construction Sign:

A project information sign will be posted at the entrance to the construction site. It will comply with the size regulations and include: Big-D Construction Company, 1389 Center Drive, Suite 360 Park City, UT 801-420-0333, Emergency Contact: Shawn Albretsen. No other construction signs are planned.

12. Other issues:

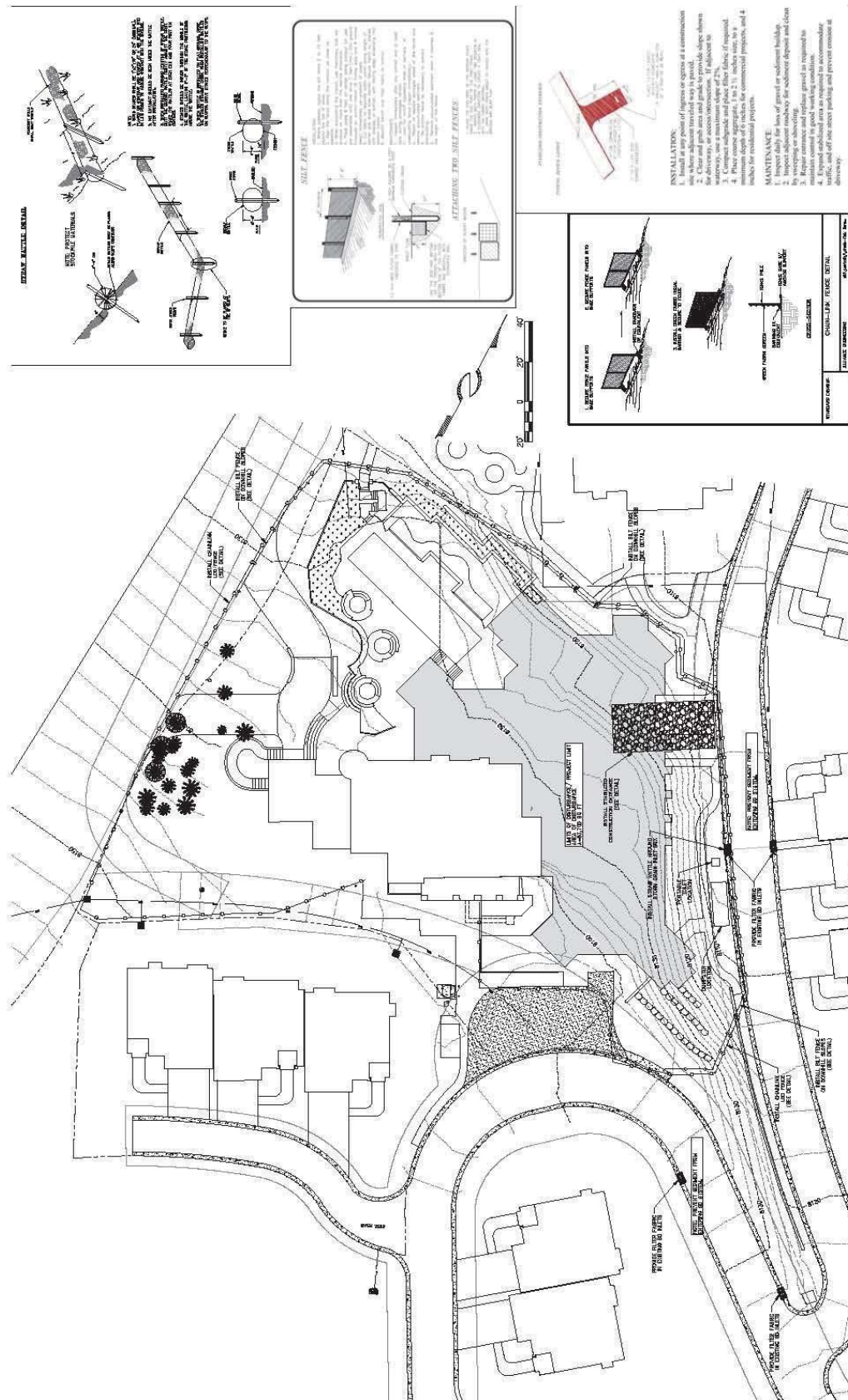
Dogs or pets are not allowed on Big-D Construction projects. Firearms, alcohol, and drugs are prohibited as well. Visitors must check in at the construction project office and be authorized to be on site with the proper personal protective equipment (hard hat, safety vest, safety glasses, etc.).

13. Soils Ordinance:

Big-D Construction will comply with the Soils Ordinance if the project site is considered within the ordinance boundary.

14. Erosion Control:

Big-D Construction is enlisting the services of Big-D Construction and Alliance to help draft and maintain a SWPPP and erosion control program throughout the project duration. This plan will be submitted prior to start of construction. Cut and fill areas and utility trenches will be backfilled and revegetated as soon as practical to help minimize erosion (Refer to SWPPP & CMP plan on next page).



	(410) 542-4600 FAX (410) 542-4601	STAFF: MURALI RESHMA MURIL R.E.	SHEET 7 OF 8
	CONSTRUCTION MITIGATION PLAN & SWPPP TOWER CLUB	FOR: STORMED REVELOPMENT JOB NO. 12-7-18 FILED: C:\projects\storm\storm development\tower club\tower club-01.dwg	DATE: 11/1/18



- ### CMP NOTES
1. Construction vehicles may not block the street without a permit. (available from the Engineering Division)
 2. Must blocked out onto the street must be cleaned prior to the end of the work day.
 3. The construction site must be maintained in a neat manner. Trash and other debris may not accumulate outside the dumpster.
 4. Roadside parking is not allowed from November 1st to April 1st.

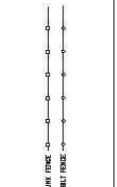


EXHIBIT K

Flagstaff Annexation and Empire Pass Units and Unit Equivalents

As of 10.25.18: Reflects Empire Residences platted, Silver Strike amendment and (Larkspur Townhouse (3 units) , Moonshadow 8 PUD (31 UE), Tower Res (14 units) plats under review)

SINGLE FAMILY LOTS										
POD	Single Family	Approved SF lots	Cert of Occupancy to date	Remaining lots to CO						
A	Banner Wood-platted	6	4	2						
B1	Northside-platted	10	10	0						
D	Red Cloud-platted	30	11	19						
Totals	(Single Family only)	46	25	21						
Maximum SF Allowed by Flagstaff Development Agreement										
Remaining Units/UE to Plat		46								
		0								
MULTI-FAMILY UNITS										
POD	Multi-family	Units Approved/Proposed	UE Approved/Proposed	Units Platted or under review	UE Platted or under review	SF Platted or under review	PUD units (SF/duplex use UE)	ADA provided/r equired	CO UE's to date	CO Units to date
A	Moon Shadow Condo 8 PUD on Lot 1 VEPN apprvd	8	31.00	8	31	62,000	8	0	0	0
A	Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved)	21	24.50	21	24.49	48,981	0	1	0	0
A	Lot 2 VEPN plat-(Bldg 4) TBD	TBD	TBD				0	TBD	0	0
A	Lot A VEMP1 3 townhomes condo plat to CC 11/29/18	3	5.75	3	5.75	11,500	0	0	0	0
A	Tower Resid. (Bldg 1)- platted lot/CUP/Condo plat to PC 11/14/18	14	21.23	14	21,226	42,453	0	1	0	0
A	Shooting Star-platted lot and condo (Bldg 2)	21	18.30	21	18,055	36,109	0	1	18.1	21
A	One Empire Pass-platted lot and condo (Bldg 5)	27	32.80	27	32,513	65,026	0	1	32.8	27
A	Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend)	34	35.60	34	35,653	71,305	0	2	35.7	34
A	Flagstaff -platted lot and condo (Bldg 7)	37	35.90	37	36,753	73,506	0	2	36.8	37
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	24.50	28	23,229	46,458	0	2	23.3	28
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	25.70	28	24,373	48,746	0	2	24.4	28
A	Grand Lodge-platted lot and condo (Bldg H)	27	33.00	27	32,672	65,344	0	2	32.7	27
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	24.40	15	24,347	48,693	6	0	24.4	15
A	Larkspur West Townhouses-all platted/condo	12	20.70	12	20,637	41,273	0	0	20.7	12
A	Paintbrush PUDs- all platted /condo	12	31.90	12	31,538	63,076	12	0	32	12
A	Belles PUDs- all platted/condo	17	45.00	17	45	90,000	17	0	37.85	16
B1	Nakoma PUDs- all 17 are platted condo but 5 unbuilt	17	45.00	17	45	90,000	17	0	35	12
B1	Ironwood- all platted/condo	24	37.40	23	36,972	73,944	0	1	37.1	23
B2	B2 West Montage- 174 hotel rooms platted/apprvd 192)	hotel rooms	69.60	n/a (hotel rooms)	72,665		0	1	72.4	1
B2	B2 West Montage condos- platted (apprvd 94)	94	114.00	84	109,335	218,669	0	5	109.3	84
B2	B2 East- B2East Subdivision approved/No condo plat yet	70	81.00				0	TBD	0	0
Totals (Multi-family (MF) only)		509	757.28	428	671,208	1,197,083	60	20	572.55	377
Maximum (MF) Allowed by Flagstaff Development Agreement										
Remaining MF Units/UE (to be approved and/or platted)		550	785.00	550	785	n/a	60	n/a	n/a	
		41	27.72	122	113,792	n/a	0	n/a	n/a	
MF Totals by POD- apprvd/platted/proposed , includes PUDs, not SF lot										
		Units	UE	Units Platted (or plat under review)						
A	(includes unbuilt Empr Res, Larkspur, Moon Shadow, Tower Residential)	304	410.28	304						
B1		41	82.4	40						
B2	(plus 174 hotel rooms for units, hotels rooms included in UE)	164	264.60	84						
Totals	Multi-family (MF)	509	757.28	428						
% of MF units total in Pods A, B1 and B2 that are in POD A (MPD requires minimum of 50%)										
		59.72%		71.03%						

PROJECT STATUS- Multi-family/PUD		
POD	Multi-family	Status
A	Moonshadow PUD on Lot 1 VEPN 8 PUD style	Condo plat apprvd
A	Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved)	Condo plat recorded
A	Lot 2 VEPN plat-(Bldg 4) TBD	Sub Plat recorded
A	Lot A VEMP1 (Combo of Lots 1 and 2 VEMP1) plat recorded/ACUP apprvd	Condo plat under review
A	Tower Residential- platted lot/no condo plat (Bldg 1) -TBD	Condo plat under review
A	Shooting Star-platted lot and condo (Bldg 2)	Completed
A	One Empire Pass-platted lot and condo (Bldg 5)	Completed
A	Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend)	Completed
A	Flagstaff -platted lot and condo (Bldg 7)	Completed
A	Arrow Leaf A-platted lot and condo (Bldg 8)	Completed
A	Arrow Leaf B- platted lot and condo (Bldg 9)	Completed
A	Grand Lodge-platted lot and condo (Bldg H)	Completed
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	Completed
A	Larkspur West Townhouses-all platted/condo	Completed
A	Paintbrush PUDs- all platted /condo	Completed
A	Belles PUDs- all 17 are platted condo	16 Completed
B1	Nakoma PUDs- all 17 are platted condo	12 Completed
B1	Ironwood- all platted/condo	Completed
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	Completed -see note
B2	B2 West Montage condos- platted (apprvd 94)	Completed
B2	B2 East- B2East Subdivision approved/No condo plat yet	Sub plat recorded

AFFORDABLE HOUSING					
POD	Multi-family	Unit required	AUE required	AUE not yet built	
A	Moonshadow Condos 8 PUD Style Lot 1 VEPN	0	0		
A	Lot 3 VEPN plat-(Bldg 3) (Empire Residences approved)	1	1.1 AUE	1.1	
A	Lot 2 VEPN plat-(Bldg 4) TBD	TBD	2.0 AUE	2	
A	Lot A VEMP1 Triplex Admin CUP	0	0		
A	Tower Residential- platted lot/no condo plat (Bldg 1)	1	0.75	0.75	
A	Shooting Star-platted lot and condo (Bldg 2)	0	0		
A	One Empire Pass-platted lot and condo (Bldg 5)	1	1.125		
A	Silver Strike-platted lot and condo (Bldg 6) (subject to plat amend)	(1)*	1.1 *		
A	Flagstaff -platted lot and condo (Bldg 7)	2	1.6		
A	Arrow Leaf A-platted lot and condo (Bldg 8)	3	2.85		
A	Arrow Leaf B- platted lot and condo (Bldg 9)	0	0		
A	Grand Lodge-platted lot and condo (Bldg H)	1	1.2		
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	0	0		
A	Larkspur West Townhouses-all platted/condo	0	0		
A	Paintbrush PUDs- all platted /condo	0	0		
A	Belles PUDs- all platted/condo	0	0		
B1	Nakoma PUDs- all 17 are platted condo but 5 unbuilt	0	0		
B1	Ironwood- all platted/condo	1	1		
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	0	0		
B2	B2 West Montage condos- platted (apprvd 94)	10	7.8		
B2	B2 East- B2East Subdivision approved/No condo plat yet	TBD	4.2	4.2	
Totals		TBD	24.725*	8.05	

*Silver
Strike unit
transferred
out for CUP

Total MPD AUE required	Total off Mtn AUE required	Total on Mtn AUE built	Total on Mtn AUE owed	Total on Mtn AUE owed
118.9	94.175	89*	24.725	16.675
				8.05

SF- Single family lot/house
MF- Multi-family/condominium units
PUD- Planned Unit Development Style MF (duplex or single detached)
VEMP1- Village Empire Pass Phase 1 Subdivision plat
Note- This information is from the recorded Condominium plats (sf, units, ue, ada, ehv) verified with Ordinances, MPD/Plat/CUP action letters, available at the Planning Department.

EHU- Employee Housing Unit (no min number)
AUE- Affordable Unit Equivalent (1 AUE = 800 sf)
UE- Unit Equivalent (1 UE = 2,000 sf residential)
*Off Mountain requirements now met with 2017/2018 Agreements? Need the final documentation of this.

ADA- American Disability Act required units
VEPN- Village Empire Pass North Subdivision plat
CO- Certificate of Occupancy (hotel rooms counted as 1 CO total)

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT ("Agreement") is made and entered into effective as of the ____ day of _____, 2019, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and body politic ("City"), and EMPIRE PASS MASTER OWNERS ASSOCIATION, INC., a Utah nonprofit corporation ("Association"), each a "Party" and collectively the "Parties" herein.

Recitals

A. The area known as Empire Pass ("Empire Pass") is a residential mountain development located in Park City, Summit County, Utah, a portion of which is located within the boundaries and jurisdiction of the City.

B. Empire Pass is governed by the covenants, conditions, and easements set forth in that certain *Certificate of Amendment and Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass* recorded on December 14, 2004 as Entry No. 719855 in Book 1666 at Page 1054 in the records of the Summit County Recorder, as amended and supplemented from time to time (collectively, "Declaration"). The Association is a Utah nonprofit corporation organized to administer and enforce the terms of the Declaration and to exercise the rights, powers, and duties set forth in the Declaration.

C. Development within Empire Pass is governed by that certain *Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and Iron Mountain* entered into by and between United Park City Mines Company, Deer Valley Resort Company, and Park City Municipal Corporation, a third class city of the State of Utah, and recorded on March 2, 2007, as Entry No. 806100 in Book 1850 at Page 1897 in the records of the Summit County Recorder, as amended or supplemented from time to time ("Development Agreement").

D. The Development Agreement required the Developer, as such term is defined in the Development Agreement, to develop a Historic Preservation Plan, which said 127 page Historic Preservation Plan was prepared by SWCA, Inc., on August 2000 and is entitled, *Historic Preservation Plan for Flagstaff Mountain Association, Park City, Summit County, Utah*, as amended or supplemented from time to time including by that certain *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)(collectively, the "Historic Preservation Plan"). The *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)("Exhibit 6") identified historic preservation work needed at 21 historic mining sites within the Flagstaff Mountain Annexation Boundary and specified that the master homeowner association was responsible for maintaining any site that was not part of an ongoing operation.

E. The Parties desire to enter into this Agreement to set forth a plan for the Association to address the Maintenance, as defined herein, needs of certain historic mining sites thereby satisfying the requirements of the Historic Preservation Plan for the time periods set forth herein.

NOW THEREFORE, in consideration of the foregoing Recitals and the mutual covenants set forth herein, the Parties agree as follows:

1. Recitals. The Recitals A through E are incorporated herein and made a part hereof.

2. Definition. As used herein, the term “Maintenance” or “Maintain” shall mean the maintenance work required to stabilize a structure to arrest decay but not to stop a structure’s decay completely. The term “Maintenance” or “Maintain” does not require that any work be performed to make a structure habitable or compliant with any code, regulation, statute, or law. The term “Maintenance” or “Maintain” refers to recommended repairs, stabilization and public protection options in Exhibit 6, and does not require that a structure be restored to habitability.

3. Payments. Association agrees to cause the following payments to be made, within 30 days of execution of this Agreement as follows:

(a) To Park City Museum & Historical Society, the amount of Sixty-Five Thousand Dollars (\$65,000), to reimburse the society for amounts expended in preserving the Little Belle Mine Ore Bin facilities in summer 2018.

(b) To City, from Storied Deer Valley LLC, a Delaware limited liability company (“Storied”), and Redus Park City, LLC, a Delaware limited liability company (“Redus”), the amount of Forty Thousand Dollars (\$40,000.00) each, for a total of Eighty Thousand Dollars (\$80,000.00), to be held by City in escrow for costs incurred by the Association in completing the roof stabilization and related structure protection work at the Judge M + S building during the summer of 2019, and other priorities identified by the Director and agreed to by the Association.

(c) The escrow described in Subsection 3(c) shall be distributed to Association, by City, within 14 days of Association supplying City with evidence of paid invoices for work performed on the Judge M + S building, and other priorities identified by the Director and agreed to by the Association.

4. Process for Determining Maintenance Work to Be Done on Sites. From 2019 through 2029, the Association agrees to meet with the City’s staff (“Staff”), at a minimum, once a year, on or before each March 1st (the “Annual Meeting”) to discuss prior construction season’s Maintenance work and project prioritization and scope of any Maintenance work (“Scope of Work”) to be done during the upcoming construction season on any historic mining sites identified on Exhibit 6, with a priority being those projects identified on Exhibit “A” hereto (“Sites”). The Parties acknowledge that the Sites upon which it was mutually agreed that Maintenance work would take place are not located on land owned by or under long term lease to the Association. Notwithstanding any other provision of this Agreement to the contrary, the Parties agree that this Agreement shall be applicable to those Sites to the extent that legal access is provided to the Association, and as may be required to permit the Association to satisfy its obligations hereunder.

- (a) At each Annual Meeting, the Parties shall discuss, at a minimum, the following:
- (i) Review of the process, timeline and costs associated with the most recent construction season’s project(s);
 - (ii) Determination of Scope of Work, process, responsibility and timeline for documenting and recording the project’s work;
 - (iii) Determination if additional work is needed for the following year for the recently maintained, stabilized or completed Site(s);
 - (iv) Review of potential need to secure any Sites to which no Maintenance work has been done in order to deter vandalism, damage or destruction, or to stabilize such Sites;

- (v) Assessment of remaining funds and identification of funding strategies for the next year's budget;
- (vi) Review and update of projects and Sites;
- (vii) Preparation by the Staff, after consultation with the Association, of an annual report to the Community Development Director;
- (viii) The results of City inspection of the Sites to evaluate their condition and potential work to be performed;
- (ix) Selection of projects for upcoming construction season;
- (x) Communication and coordination, as necessary, with the Friends of Ski Mountain Mining History ("FSMMH"); and
- (xi) Determination of the necessary permitting process, including timelines and responsible parties.

(b) After the completion of the meeting, the Parties shall agree on the Scope of Work to be done during the upcoming construction season.

5. Performance of Work on Sites.

(a) Upon the agreement by the Parties of the Scope of Work to be undertaken during each construction season, Association shall be responsible for project management, oversight and payment of contractors. Association shall provide City with project accounting at end of each construction season.

(b) Unless otherwise agreed in writing, the Association shall be the contracting party on the mutually agreed Maintenance work on the Sites. The Association may apply its customary policies, procedures and requirements, including without limitation, insurance and workmen's compensation requirements, to all contractors, subcontractors and materialmen working at a Site or accessing a Site through Empire Pass.

(c) In connection with, or prior to, any work being performed, the Association shall submit work plans and cost estimates to a City-employed individual designated by the Staff. Association shall be responsible for processing and payment of invoices for approved Scope of Work. In the event that any work is performed directly by Association, Staff shall review and approve any payments to Association from Maintenance Funds. At its option, the Association may also require lien/payment bond waivers from contractors paid from previous draw requests or disbursements (*e.g.*, lien waivers provided "in arrears"), in accordance with ordinary and customary construction practices.

6. Inspection, Maintenance, and Securing of Sites. The obligation to inspect the Sites for the purposes of this Agreement shall be upon the City, and the Association shall have no obligation to inspect or to monitor the Sites. Each construction season, Association shall diligently pursue the completion of Scope of Work agreed to in the Annual Meeting with Staff. To the extent funds on hand are not sufficient to pay for contemplated annual Scope of Work, the Association and City will agree on a revised "Scope of Work" and estimated cost budget for such Maintenance work for the upcoming year based on funds available, subject to the following terms and conditions:

(a) On an annual basis for ten (10) years, on or before May 1st each year, the Association shall contribute half of the annual amount required to establish a maintenance fund in the amount of Forty Thousand Dollars (\$40,000.00) (“Maintenance Fund”). In consideration of the Association entering into this Agreement, the City agrees to forego, annually, Twenty Thousand Dollars (\$20,000.00) of “Open Space/Transit Management Fee” (“OSTM Fee”) income owed to the City each year from transactions according to Section 7.15 of the Declaration. OSTM Fee income foregone by City shall be added to the Maintenance Fund and City shall allow the Association to utilize such OSTM Fee money for purposes of discharging the obligations described in this Agreement. The Association shall have the option, in its sole discretion, to pay all or a portion of its annual maintenance contribution in advance, and to credit the amount of prepaid maintenance contributions against the next year’s or years’ maintenance contributions that would otherwise be payable by the Association.

(b) The Association’s initial obligation to contribute towards the Maintenance Fund shall be ten (10) years from the first maintenance contribution by the Association. On or before the ninth (9th) anniversary of the first maintenance contribution by the Association, the Parties agree to meet to discuss future ongoing funding levels appropriate to continue to satisfy Association’s obligations under Exhibit 6 to the Development Agreement, and a possible extension of this Agreement in furtherance thereof. Unless otherwise agreed, the Association and City contribution shall automatically renew for an additional ten (10) years, provided that the total annual Maintenance Fund amount shall be reduced to \$20,000.00 (\$10,000 each) unless otherwise agreed by the Parties.

(c) The Association shall have the right, but not the duty, to spend monies out of the Maintenance Fund on other historical mining projects other than the Sites so long as such historical mining projects are located within the boundaries and jurisdiction of the City and such expenditure is approved in advance by both the Association and the City. After the first ten (10) years, the Association shall have the right, but not the duty, to spend monies out of the Maintenance Fund for open space responsibilities, including funding for the Conservation Easement grantees [City and Summit Land Conservancy] consistent with express purposes of the OSTM pursuant to the Development Agreement, and Open Space Technical Report.

(d) Maintenance contributions made by the Association for these purposes during this ten (10) year period which are not spent for such purposes within the calendar year in which they are contributed will be carried over and combined with the maintenance contribution for the following year, to be applied toward the mutually agreed Scope of Work for the following year, so that yearly maintenance contributions can accumulate to fund larger Maintenance projects, if necessary. Maintenance contributions will be held by the Association in the Maintenance Fund, and disbursed to pay for work upon mutual agreement of the Association and Staff.

(e) Unless otherwise agreed in writing between the Parties, the Association shall be the contracting party for all required Maintenance work to be performed for the agreed ten (10) year period on Sites, and the Association may require such licenses, bonding, insurance and other conditions and requirements for third parties performing such work on behalf of the Parties as the Association customarily imposes on third party contractors working at Empire Pass. The City shall waive any permit, inspection and other fees applicable to work contracted for by the Association or the City pursuant to this Agreement. Nothing in the Association’s status as the “contracting party” shall impose any payment obligations or other financial liability on the Association, except as otherwise expressly set forth herein with respect to the maintenance contribution described above. The Association will use reasonable efforts to solicit three (3) quotes for any third party work and will inform the City Implementation Department of the status of any solicitation for work.

(f) Nothing herein shall be deemed to impose any obligation or legal liability on the Association for Maintenance of Sites, except as expressly provided in the Development Agreement/ Historic Preservation Plan and as mutually agreed between the Association and the City, and no ongoing obligations beyond those exist.

7. Obligations of the Parties. The Parties agree that no later than six (6) months after execution of this Agreement by the Parties, the Parties shall have worked in good faith to prepare and shall have executed an updated historic preservation plan identifying outstanding work requirements on the Sites (the “New Exhibit”). The update will take the form of an amendment to Exhibit 6, and require Planning Commission public hearing and approval, and a written acknowledgment of acceptance from both Parties.

8. Long Term Maintenance License(s) and Access Rights. Association and City shall make best efforts to secure long term maintenance and access rights required for Association to perform maintenance work on third party Sites as prescribed in Section 4 of this Agreement. Association will be the initial point of contact with applicable property owners.

9. Open Space Obligations. To clarify management responsibilities assigned under Section 4.4 of *Flagstaff Mountain Resort Open Space Management Plan, Exhibit 5* dated May 2001 (and subsequently Revised and Approved December 2001)(“Exhibit 5”), the Parties hereby agree and acknowledge that the Association is only responsible for managing any open space areas owned by the Association.

10. No Assumption of Environmental Liability. Nothing in this Agreement or in the Association’s acting as contracting party for any of the work contemplated by this Agreement, shall be deemed an assumption of, or impose any liability on the Association, financial or otherwise, for any environmental remediation or clean-up related to the Sites, or the pre-existing conditions thereon.

11. Due Authorization and Execution. Each Party hereto represents and warrants to the other Party that execution and delivery of this Agreement has been duly authorized by all necessary action.

12. Successors and Assigns. The terms, covenants and conditions of this Agreement shall be binding on and inure to the benefit of the successors and assigns of the Parties.

13. Notices. All notices under this Agreement must be in writing and delivered to the notice address below (i) by registered, express, or certified mail, (ii) by courier or messenger service, or (iii) by electronic mail with acknowledgement of receipt. Notice is deemed given on the date delivered or attempted but delivery is refused.

If to the Association:

Empire Pass Master Owners Association, Inc.
Attn: President
4188 SR 248
P.O. Box 99 Kamas, Utah 84036

With a copy to:

Douglas C. Shumway, Esq.
Miller Harrison Lawyers
50 W. Broadway, Ste 450

Salt Lake City, UT 84101

If to the City:

Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060
Attention: Planning Department

With a copy to:

Park City Attorney's Office
PO Box 1480
Park City, Utah 84060

Either Party may change its addresses for notices pursuant to a written notice which is given in accordance with the terms hereof. The foregoing notice requirements are subject to the provisions below. As used herein, the term "business day" shall mean any day other than a Saturday, a Sunday, or a legal holiday for which U.S. mail service is not provided. Whenever any date or the expiration of any period specified under this Agreement falls on a day other than a business day, then such date or period shall be deemed extended to the next succeeding business day thereafter.

14. No Third Party Beneficiaries. Nothing in this Agreement is intended to create an enforceable right, claim or cause of action upon any third party that is not a Party to this Agreement, with the exception of the intended third party beneficiaries Redus Park City LLC and Storied.

15. Miscellaneous.

(a) Counterparts; Facsimile Transmission. This Agreement may be executed by facsimile and/or in any number of counterparts, any or all of which may contain the signatures of less than all the parties, and all of which shall be construed together as but a single instrument and shall be binding on the parties as though originally executed on one originally executed document. All facsimile counterparts shall be promptly followed with delivery of original executed counterparts.

(b) Due Authorization and Execution. Each Party represents and warrants to the other Party that execution and delivery of this Agreement have been duly authorized by such Party, and that this Agreement is valid and binding upon such Party. This Agreement is subject to approval by the City Council within forty-five (45) days of execution.

(c) No Partnership. The parties do not by this Agreement, in any way or for any purpose, become partners or joint venturers of each other in conduct of their respective businesses or otherwise.

(d) Severability. If any clause or provision of this Agreement shall be held to be invalid in whole or in part, then the remaining clauses and provisions, or portions thereof, shall nevertheless be and remain in full force and effect.

(e) Waivers and Amendments. No provision of this Agreement may be waived to any extent unless and except to the extent the waiver is specifically set forth in a written instrument executed by the Party to be bound thereby. This Agreement may be amended or modified only by an instrument to that effect executed by the parties hereto, and only to the extent expressly set forth therein.

(f) Captions. The captions of each section are added as a matter of convenience only and shall be considered of no effect in the construction of any provision of this Agreement.

(g) Attorneys' Fees. If any Party hereto shall bring any suit or action against another for relief, declaratory or otherwise, arising out of this Agreement, the prevailing Party shall have and recover against the other Party, in addition to all court costs and disbursements, such sum as the applicable court may adjudge to be reasonable attorneys' fees.

(h) Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Utah.

(i) Time of the Essence. Time shall be of the essence with respect to the performance and observance of the covenants, agreements, terms, conditions and provisions set forth herein.

(j) No Default. Upon their execution of this Agreement, the Parties each acknowledge and agree that neither the Association, nor Redus, nor Storied are in Default under the Historic Preservation Plan. So long as the Parties perform the obligations set forth in this Agreement, including diligently pursuing any additional maintenance or preservation work identified in the New Exhibit with available funding from the Maintenance Fund, there shall be no default under the Historic Preservation Plan.

(k) Interpretation of this Agreement. The Parties agree that the purpose of this Agreement, with its New Exhibit, shall be to modify, clarify and implement the Historical Preservation Plan and to confirm the responsibilities for implementation of the preservation purposes described in the Development Agreement.

[Remainder of page intentionally left blank]

[Signatures on following pages]

EXECUTED AS OF THE DATE FIRST WRITTEN ABOVE.

“CITY”

Park City Municipal Corporation, a Utah
municipal corporation and body politic

By: _____
Mayor

Attest:

By _____
City Recorder

Approved as to Form:

By _____
City Attorney's Office

“ASSOCIATION”

EMPIRE PASS MASTER OWNERS ASSOCIATION,
INC., a Utah non- profit corporation

By: _____

EXHIBIT “A”

SITES-

a) *Judge Mining & Smelting Company Office*. Because this structure is owned by a third party, any Maintenance required on this structure is contingent on the Association having secured easements from the third party owner to perform such Maintenance work. The Parties will work together to determine the scope of the required roof repair and other required Maintenance efforts.. The Parties agree that the Association’s Maintenance efforts will be limited to the building structure, and that the Association shall not be required to restore the interior in any way or to pursue any adaptive reuse of this structure.

b) *Daly West Mine Fire Hydrant Shacks*. The Parties hereby agree that this structure is still in good condition. There is no apparent need for immediate work other than ongoing Maintenance. Because this structure is owned by a third party, any Maintenance required on this structure is contingent on the Association having secured easements from the third party owner of the structure to perform such repair work.

c) *Little Bell Mine Ore Bin*. The Parties hereby agree that this structure is still in good condition. There is no apparent need for immediate work other than ongoing Maintenance. Because this structure is owned by a third-party, any maintenance required on this structure is contingent on the Association having secured easements from the third-party owner of the structure to perform such repair work.

d) *Interpretive Signs*. The Parties hereby agree that the Association shall install, maintain, and replace those interpretive signs agreed to by the Parties in fulfilment of interpretive signage obligation in the Historic Preservation Plan.