

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
February 8, 2017**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF January 11, 2017

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

1061/1063 Lowell Avenue (Application #PL-16-03328) - The purpose of this plat is to vacate Lot 1 from the Northstar subdivision, which current holds a duplex and has a deed line running through it. This plat amendment is synonymous with application #PL-16-03221; removing Lot 1 from the Northstar subdivision will possibly allow the following application to subdivide the current lot into 4 lots (becoming its own subdivision) for 4 single family homes.
Public hearing and continuation to date uncertain

PL-16-03328 81
Planner
Hawley

1061/1063 Lowell Avenue (Application #PL-16-03321) - The purpose of this plat is to subdivide one lot with a current duplex on it, separating it into 4 lots for 4 single family homes. This plat amendment is contingent on the approval of the 1061/1063 Lowell Avenue PL-16-03328 plat amendment, which proposes to vacate Lot 1 from the Northstar Subdivision.
Public hearing and continuation to date uncertain

PL-16-03321 82
Planner
Hawley

Treasure Hill Conditional Use Permit, Creole Gulch and Town Lift Mid-station Sites – Sweeney Properties Master Plan - PL-08-00370
Public hearing and consideration of motion to continue public hearing to a future date

PL-08-00370 83
Planner
Astorga

CONSENT AGENDA - All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.

422 Ontario Avenue – Steep Slope Conditional Use Permit for an Addition to a Historic House.
Public hearing and possible action

PL-16-03246 87
Planner
Grahm

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

Request by Deer Crest Associates to amend the Deer Crest Settlement Agreement/Master Planned Development approved on December 29, 1995, to eliminate a required physical disconnect of Deer Hollow Road (aka Keetley Road) at the Slalom Village development parcel location.

PL-16-03209 117
Planner
Whetstone

Public hearing, discussion, and continuation to March 22, 2017

Request for a one Lot and one Parcel subdivision plat, located at 9300 Marsac Avenue, to create a platted lot for development of Parcel B2 East of the Parcel B2 Master Planned Development Phase II, and to create a non-development parcel for ski area uses located on Twisted Branch Road (Application #PL-16-03338).

PL-16-03338 282
Planner
Whetstone

Public hearing and possible recommendation to City Council on March 2, 2017

Request for a three lot subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and Marsac Avenue east of the Silver Strike chair lift, to create platted lots within the approved Village at Empire Pass Master Planned Development for Buildings 3 and 4, and for the Horseshoe Parcel townhouses located on the north side of Marsac Avenue across from the base of the Silver Strike chair lift (Application #PL-16-03293).

PL-16-03293 352
Planner
Whetstone

Public hearing and possible recommendation to City Council on March 2, 2017

ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 11, 2017

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Planning Director, Bruce Erickson; Francisco Astorga, Planner; Anya Grahm, Planner; Ashley Scarff, Planner; Polly Samuels McLean, Assistant City Attorney;

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

December 14, 2016

Commissioner Joyce referred to page 8, third paragraph, last line, and changed, “which is was” to correctly read, “which **it** was.” On the top of page 10, Commissioner Joyce changed, “Planner Astorga said we will simply go from three” to correctly read, “...will simply go from **there**”.

MOTION: Commissioner Joyce moved to APPROVE the Minutes of December 14, 2016 as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that the Planning Commission would only have one meeting in January due to Sundance. The next meeting was scheduled for February 8, 2017.

Commissioner Suesser disclosed that she lives on Lowell Avenue; however, she did not believe it would affect her judgment or objectivity regarding the application.

CONTINUATIONS – public hearing and continue to date specified

1. Request for a one Lot and one Parcel subdivision plat, located at 9300 Marsac Avenue, to create a platted lot for development of Parcel B2 East of the Parcel B2 Master Planned Development Phase II, and to create a non-development parcel for ski area uses located on Twisted Branch Road
(Application PL-16-03338).

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to Continue the plat amendment at 9300 Marsac Avenue to February 8, 2017. Commissioner Band seconded the motion.

2. Request for a three lot subdivision plat, known as Village at Empire Pass North Subdivision, located at the intersection of Village Way and Marsac Avenue east of the Silver Strike chair lift, to create platted lots within the approved Village at Empire Pass Master Planned Development for Buildings 3 and 4, and for the Horseshoe Parcel townhouses located on the north side of Marsac Avenue across from the base of the Silver Strike chair lift. (Application PL-16-03293).

Chair Strachan opened the public hearing. There were no comments. Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 7520-7570 Royal Street East - Deer Valley MPD, to November 9, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

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

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

Chair

Strachan: I'm anticipating, Francisco, we're going to follow the same format we've done in the past.

Francisco
Astorga
(Planner)

Yes.

Chair

Strachan: All right. I was kind of looking at this as sort of an introduction to the traffic issue, and with many more meetings to come, I don't know how much ground you planned on covering. But maybe a quick overview of that. And if, and correct me if I'm wrong that we're going to do just kind of an introduction and then get into the more of the meat and bones in the meetings to follows.

Planner

Astorga: You got it.

Chair

Strachan: Okay, great.

Planner

Astorga: That's it. So I'd like to just have a quick overview of the Staff report. I won't take long. But I do believe that Shawn Ferrin will want to speak, and also Gary Horton. And I think they could join us if they'd like at this stage.

So, this is like you said, Mr. Chair, this is information. I'll just provide the introduction to the transportation, traffic and parking. We've followed the same conditional use permit criteria, criterions that were used back in '09, which are 2, 4, 5 6 and 13, as they're all related to traffic, transportation, circulation, and so forth. I've got the exact language of those on page 116 of the Staff report. The same page, we've got 20 different hyperlinks that show the original traffic study that was conducted in July of 2004, and all of the corresponding addendums, plus additional information submitted by their traffic engineer, as well as their engineering firm. I hope that it, it worked out this way with the 20 hyperlinks. I know that it was a lot of reading. And the other benefit of doing it this way is so the public can, can also have access to all of them that were presented at each Planning Commission at a different stage. So we tried to come up with this one place to find all of them.

We also simply did a copy and paste job from the 1985/1986 Sweeney Master Plan, the Sweeney Properties Master Plan. And we copied and pasted every development parameter and restriction as written, as the Planning Commission has to find compliance with the original master plan. And that's what starts on page 117 through 120. We'll be more than happy to answer any questions regarding those. We copied them word for word.

And then towards the middle of the Staff report on page 120, we did the same thing with the section that was identified in 1985 as major issues. And those include access, traffic, circulation, easements and rights-of-way, Norfolk Avenue, fire safety and trails. Then we did place hyperlinks from what took place in 2009 through the three Planning Commission meetings that took place on February 11th, 2009; April 22nd, 2009; and the last transportation meeting that took place was on July 22nd of 2009. And because that was the last meeting regarding this topic, we also added that entire Staff report and the Work Session notes as an exhibit. We decided to print those out for you instead of adding the hyperlink. We apologize. We hope that you didn't have to do too much reading; however, we did prep the Planning Commission during that last December and gave you a big chunk, a big preview of what was to come.

We did a summary of the meeting Minutes, and at the same time we have the actual adopted Minutes which---yeah, I'll just leave it at that. Again, if you guys have any questions---if the Commission has any questions you can go ahead and ask me.

While the---we did also add a quick blur on the 2011 Traffic and Transportation Plan that the City Engineer's office is utilizing as it was currently on their schedule to rebuild Lowell Avenue a few years ago. Empire Avenue was also, it was already rebuilt. And as a guiding document, obviously, the City utilized that, that adopted Master Plan.

To wrap up my portion of my quick presentation, we indicated on page 127 as an update, that we were trying to schedule a meeting between the City's, I'm calling them the transportation consultants, consisting of the City Engineer and the Transportation Planning Manager. And we tried to schedule a meeting prior to this, which did take place. And we provided some notes and comments regarding what we need to provide an official recommendation to the Planning Commission. The applicant has been,

has had a few days to reflect on that. And we'll just, we'll just leave it at that until they formally respond to our concerns.

Exhibit D is a traffic study summary prepared by Triton. That was submitted to the City on Friday, so we were able to place it on the packet late Friday. However, we didn't have an opportunity to provide any comments on, as it came in Friday. And the same applies for Exhibit E, which is Treasure Hill's response to issues raised at that last December meeting, and that corresponding executive summary.

I'll be more than happy to expand on it. I do apologize that the list that we gave you in December was simply in alphabetical order, and it may have not made much sense. For that purpose, we created the same list in chronological order to better tell the story of what took place at which, at which specific time. And we did also update that list that we gave you in December, and we added five additional documents that we didn't have in the same set in December. So I do apologize about that, but we are---it's a lot of information that I have to put together as I had to, I had to verify when it was presented to the Planning Commission, and to make sure that I had that document filed in the, the City records.

I don't have anything else to add. I don't think Bruce does, either. But I, I suggest that we turn the time over to the applicant for their quick presentation.

Chair
Strachan: Sure. Shawn?

Shawn
Ferrin: Great. Thank you. I'm Shawn Ferrin, one of the people working with MPE on the Treasure Hill application. I know you're all thinking, oh, great, they've brought the lawyer back.

Chair
Strachan: I was.

Shawn
Ferrin: Yeah. Thank you. I appreciate that.

Chair
Strachan: Just kidding.

Shawn
Ferrin:

We do appreciate the City reaching out to us and setting up a meeting that occurred on Monday with respect to traffic issues. We're looking at the list of things they wanted us to address, and we'll respond to them quickly about that to see if we can get on the same page to make sure that they have what they need to thoroughly evaluate traffic issues. You did get in our packets a position statement and an executive summary.

If you'll bear with me before getting to traffic, I want to conduct a couple of housekeeping matters. The first, we want to respond to questions certain of you have raised with respect to whether or not the applicant is willing to consider design changes in response to the concerns you have shared with us. We understand from the meetings we've had to date, your primary concerns involve massing, cliffscapes, excavation, building efficiencies, amount of accessory space, stepping of the project. The applicant, MPE, is evaluating those, and trying to figure out if there are feasible ways to make refinements and changes to the project. Changes that will be responsive to your concerns. We're going to formulate a complete response to that and get it to you, rather than do it in an ad hoc or piecemeal basis. It's going to take us a little time. It's a big project. But we will get back to you in the next several months about some things we think we can do to refine the project in response to what you have said your concerns are.

Top two for me tonight is, is telling you, it's really a second housekeeping matter, but we want you to know that we're keeping track of the questions you have asked us. And it is our intent---I mean, the questions you have asked us, the questions that Staff has asked, the questions the public have asked, and it's our intent to respond to those. As you know, some of them come up again and again, some of them are not really ready to be addressed yet because they involve things like traffic or other topics we will get to. But we will respond, whether at a presentation or specifically in writing. We understand that we're not doing our job if we're not answering your questions. So that will be coming to you.

Topic three for me tonight is setting the record straight on a couple of issues. The Treasure Hill Master Plan approval was a very long process. The CUP approval is a very long process, and there are mountains of information. Staff reports, I think almost 33 at this point, meeting minutes, submittals by the applicant. And there are times in this public hearing

process when there's pieces of information, they may be factual or they may be legal, and they're misplaced. Or they're taken out of context and used in an argument where they really don't fit. Sometimes things are just kind of knocked off track, but sometimes concept are really high-jacked and applied in ways they shouldn't be applied. So I want to take just a few minutes and talk about a few of those areas where we would like to set the record straight to make sure that we're all talking about the same things, the same facts, and the same legal requirements.

An example occurred in the last meeting in December. I was at the back and we started talking about the topic of building area boundaries. Staff made its presentation and I wanted to raise my hand and say, uh, there's a couple of things that are missing there. That discussion morphed from building area boundaries, which in 1986 the master plan approval contemplated as building envelopes. But the terms changed quickly to construction boundaries, and then even more quickly, limits of disturbance. And I wanted to raise my hands when it got to construction boundaries, and I wanted to jump out a window when it got to limits of disturbance. So that was an example of where things got knocked off track. They're discussed in detail on our position statement and the executive summary, but let me hit the high points.

Four topics. Building area boundaries versus limits of disturbance. So here's the fact. The 1986 master plan approval did not establish construction boundaries or limits of disturbance. The 1986 master plan approval only established envelopes to identify maximum building heights. Sheet 22 from that approval was never intended to address the limits of disturbance. Instead, it sets forth the areas where MPE is allowed to construct buildings that are taller than the zoning otherwise allows. Staff conclusion that Sheet 22 defines limits of disturbance is contrary to the master plan approval and numerous prior Staff reports. The 1985 master plan Staff report specifically explains, and I'm going to quote, "Building heights shall be limited to the maximum envelope described on the restriction and requirements exhibit. That's Sheet 22. At the time of conditional use approval, projects shall be reviewed for conformance with the heights prescribe thereon. In addition, the 1985 describes Sheet 22 this way. "An exhibit defining building envelopes has been developed to define areas where increased building heights can be accommodated with the least amount of impact". The MPD approval also says limits of disturbance will be determined at the conditional use permit process. We will get to that. I remind you in that context that only 2.5% of the property

MPE has for development as Treasure Hill will be used for buildings. They have a lot of other land that won't be impacted.

Topic Two. Unanticipated or excessive excavation. Here's the facts. Development of the project that was contemplated by the Woodruff drawings would have required significant excavation. And the 1986 master plan approval contemplated that excavation. There has been discussion that Woodruff would not have required excavation, and that's just not true. Staff's estimation of the amount of excavation required for the Woodruff buildings is based upon flawed assumptions that are contrary to the woodruff drawings. The Woodruff drawings were not developed for the purposes of evaluating excavation. They would have required significant excavation. In addition to what's shown on those drawings, there would have been significant excavation for fire protection and for access. If you look at the master plan Staff report, it demonstrates that that was specifically what was contemplated. Significant excavation for the project.

Topic Three. The project must fit the site. We've heard it a lot from public. Here's the facts. There is no legal requirement that the Treasure Hill project must be designed to fit the site. Members of Staff---excuse me, members of the public have brought it, have brought it up and stated that it is a requirement. The project should be designed to fit the site, not the site designed to fit the project. That is from the 2004 LMC, and that provision is specific to new master planned developments. It does not apply to CUP applications. That said, if you go through and you look at the requirements that are put in there, Treasure Hill conforms to the concepts as if it was a new MPD. For example, the first criteria that's set forth when trying to ensure that a project fits the site is that, quote, "Units should be clustered on the most developable and least visually sensitive portions of the site". As we've talked about, that's what we have done with Treasure Hill. We've clustered the project into the best places to develop it, and the least visually impactful.

Topic Four, the last of my setting the record straight topics. Hotel type uses were contemplated from the very beginning of the approval for Treasure Hill. The master plan approval specifically contemplated that Treasure Hill could have hotel type developments. Members of the public have questioned that. At the time of the approval of the master plan, as part of the approval the Staff report noted, "The building forms and massing as well as the locations of Treasure Hill lend themselves to hotel

type developments”. Although future developers of projects within the master plan had the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared towards the visitor looking for more destination type of housing. So we will probably do that going forward when we find that topics get high-jacked or knocked off the, off track a bit. Thank you for your time to let me talk about those.

So to get to traffic. I work on projects throughout the Western United States, and traffic is always a huge issue, especially for retail projects that I work on. And I find that the problem with traffic is that we all think we’re traffic experts. We all drive cars. We all get stuck in traffic. Last week I was driving from downtown Salt Lake to my home with my 91-year-old father. It’s a drive I take sometimes multiple times in a day, but six or seven times in a week. He doesn’t drive. And during that ten-minute trip he told me numerous times which way he thought it was best for me to get from point A to point B. And like a dutiful son, we went his route and it took us a little longer than it would have taken because I feel like I know it better. But we all think we’re experts. The emotional response, which we all have to traffic, is not a fair basis for evaluating traffic for a project. Traffic needs to be evaluated based upon scientific criteria; not based upon emotions. Not based upon emotions when we’re not going as far as we want to go because we’re stuck in traffic.

Before I turn the time over to Gary, I want to read to you from the 2014 Park City General Plan, the Number One Goal. “Our community is faced with the decision of how the City should grow in the face of development pressures. Simply saying no to development and re-development is not an option in light of the development agreements, master planned developments, re-development area, and development rights allowed by the current zoning. The current estimate is that at least 3,444 residential unit equivalents, and 2,557 commercial unit equivalents remain unbuilt within Park City’s limits. These numbers indicated that Park City is only 73% built out for residential development, and 43% built out for commercial development. This is continuing in the quote, “Simply stated, there is a significant amount of growth that is yet unrealized within the City”. Treasure Hill is less than 1% of that remaining growth.

So let me introduce you to Gary Horton. Gary has more than 20 years experience planning and analyzing traffic engineering projects. Gary’s traffic engineering experience includes transportation master plans,

interchange analysis, corridor studies, large scale developments, travel planning, forecasting, alternative analysis, traffic signal design, intersection design, phasing and timing. His knowledge in the methodologies and applications of traffic analysis, his experience, has been gained through experience, and a variety of analysis, and a modeling software. Gary has put together a report that was part of your packet. I'll now turn the time over to him to summarize the materials for Treasure Hill's traffic.

Gary

Horton: So, I'll give you my background on this project. While at a previous firm, I have completed tra-, the original traffic study and the subsequent addendums that I'll summarize here over the next, hopefully, five to ten minutes. I'm going to try and keep it brief. As I go through each one of those, if you have questions or you'd like me to elaborate, I can. But I know that information is available to you, and I don't want to repeat something that you might have already heard.

First and foremost, I always like to make sure my audience understands. As Shawn had mentioned, there are standards and engineering standards and practices that are used to create traffic studies. And I always like to make sure that my audience is comfortable with what those general methodologies and practices area. And if you want me, I can go through that. It's a two-minute exercise, but if you feel comfortable I'm going to go right into the first study. I'll leave it up to your discretion. I just want to make sure my audience is aware that I'm not jumping.

Commissioner

Phillips: I'd like to hear that.

Commissioner

Joyce: I was going to stay. I'll, I'll stand up. Sure, go ahead. Two minutes.

Commissioner

Suesser: Two minutes. Yeah.

Gary

Horton: Okay. All right. So a typical traffic study when a proposed development comes in. I tend---I meet with the City or the approving agency. I identify, based on the size of the development, what they think are the potential impacted intersections and roadways. Everybody knows traffic can go on

for a long ways, but there is a limit to every study that we try to define. At that point, we go out and gather traffic counts at those intersection and--- intersections and roadways; typically in the a.m. peak period and in the p.m. peak period. We then analyze those intersections using traffic modeling software, and there's a variety out there, to determine a level of service for those intersections. Typically, our roadways are driven by the intersections. Intersection---the intersection is generally where the stopping occurs, so that generally drives how well the network is functioning. So when I say we analyze, it typically focuses on the intersection. A level of service is given from a level of A to F. Just like school, A is a good report card, meaning traffic flows freely. F means we're failing, and there's a lot of congestion and there's a lot of waiting around to get to where you need to go.

So after you do that existing analysis, then we determine what are the trips that are going to be generated by the project. It is not just my assumptions or guesses. There is what's called an Institute of Transportation Engineers Trip Generation Manual. They've been around for at least 30 years. They're updated every five to ten years. What they do is they go gather data. And I'll give you an example of a general office space. They'll gather data on the size of the building. How many cars are leaving in the a.m. peak period, and then how many are arriving in the a.m. and leaving in the a.m.; both in the p.m.---sorry, back up. In the a.m. peak period they will gather information on cars entering and also cars leaving. Same thing in the p.m. peak period; cars that might be entering and cars that might be leaving. They do that on a wide variety and a large area. So when a development comes along they have everything from retail to, you know, you name it, sports facilities. You look in that book and it give you based on the data over history, how many trips are going to be generated from a specific type of development. So you take those trips, we then assign them to those intersections in the study area based on the similar traffic movements that were found in the existing counts of most of the car are going here, and based on where the development is and where we feel vehicles are going to go. Then you combine existing traffic with a project generated traffic, and run another analysis and determine what the level of service might be after the project is built and occupied. At that point, then you also look at potential recommendations to keep the intersections and roadways functioning in an appropriate manner. So that's kind of a basic traffic study. There are a lot of other things within that, but that's kind of the two to three-minute synopsis of

how you create a traffic study. There is not just anybody's own opinion of how things are done. It's all based on facts and---

Chair

Strachan: Can, can you say those last three again?

Gary

Horton: The last what?

Chair

Strachan: Yeah. After you guys do a trip generation calculation based on the established publication, then what are the next steps?

Gary

Horton: Sorry. I'll slow down. You take those trips that are generated from the development, you combine them with the existing trips, so the counts that were done previously, to identify what would be the anticipated trips at the intersections in the roadway if that development were built. After you do that, you run the analysis again with both existing and project generated trips. And with that you can find out if the level of service has changed, if it remains the same, what might need to be modified to keep the intersections and roadways flowing in an efficient and appropriate manner.

Commissioner

Suesser: I have a question. I didn't hear you mention anything about weather conditions or pedestrian traffic. Are those contemplated in these studies?

Gary

Horton: Once again, that's like a two-minute synopsis. So there are a lot of things that are not within that. Pedestrians can come into the existing traffic counts. So, depending on the number of pedestrians, we will count those because they generally control, especially at signalized intersections, how long a signal needs to operate because they time those for those people who are handicapped that need to cross that specific intersection. So yes, in a certain---

Commissioner

Suesser: And weather conditions are factored in?

Gary

Horton: Weather conditions not always. Only because you can never determine what the weather conditions will be in any given scenario. If you're trying to generate an industry standard, it's hard to say, you know, or snow, there's a lot of subjective. How well is it snowplowed, when it is snowplowed, is it half an inch of snow, is it rain, is it, you know, hurricane. You know, so weather conditions aren't typically factored into it. Are they definitely a factor in the ability to move, yes, but not---

Commissioner

Suesser: In a mountain town, sure.

Gary

Horton: Yeah.

Chair

Strachan: And so is there any like publication that you have that has these steps and explains them?

Gary

Horton: I'm not sure. I'll look into it and, and respond to the Staff if I can find it.

Chair

Strachan: Where, you say everybody follows these steps. Like where did you learn them?

Gary

Horton: Growing up in---being a traffic engineer in the industry. UDOT has standards of what they like to see. A lot of municipalities actually generate a, "here's what we want to see when we have a traffic study". I'm not sure if Park City has that. Sometimes you want to bend it to what the development is, as well. What you want to see. Because there are, like I said, that's the very basics of it. There are other things that could be added into it.

So, with that synopsis, the---I'm going to run through the studies and the subsequent addendums that I created as part of this project traffic analysis. So, back in 2004, July of 2004, we complete this study, similar to what I just explained. There's some additional details but I won't bore you with them. The, the analysis that came out of it was the p.m. peak is definitely the most critical time frame. Generally, we try to determine if

a.m. or p.m. creates the larger concern. In this area, p.m. peak is the larger concern. There were two intersections that became of significant concern, and it's the Park Avenue/Empire Avenue intersection. I don't think it's a surprise to anyone. Existing conditions, there became Level of Service E, so that's a significant level of delay just under existing conditions. And that was in 2004. And then the other intersection that under existing conditions created concern at times was the Em-, Silver King/Empire intersection. That got to a Level of Service D under existing conditions. When you add the project, Treasure Hill project generated traffic to it as well, they still reach the same Level of Service, E and D, at those same intersections. So, the project didn't change the level of service or the general effect that most people would feel when they're driving through those intersections. And that was during the winter p.m. peak.

Commissioner

Thimm: Can I ask a quick question here?

Gary

Horton: Sure.

Commissioner

Thimm: So you are reference traffic counts, p.m. being the most concerning in 2004.

Gary

Horton: Correct.

Commissioner

Thimm: We're sitting in 2017. And so would you say that a number of years have passed and we should be relooking at this freshly?

Gary

Horton: That's actually my summarizing comment that---yes. We, yeah. That's one of the things we anticipate doing. Hold that thought, though, and I'll, I will get to it.

Commissioner

Thimm: Okay.

Gary

Horton: But yes, we are anticipating doing that, to answer the question.

The other intersections that were identified that need to be studied in the area all operate at a Level of Service A or B. So, very free flowing, both in existing conditions and with the project generate traffic as well. So, they operated very well. Basically, Treasure Hill had minimal impacts. The major impact to the intersection, no surprise, is the day skiers. That outlet from the day skiers is a significant impact to the intersections and mobility around the area.

So shortly after that, Addendum Number One, it was simply identifying what wayfinding signs to help motorists direct them to Treasure Hill where those should be placed. Most of those locations already have some type of wayfinding signs. That was in essence like a two or three-page addendum just to identify those. So, I'm going to focus on the more important addendums.

Number Two, so as I mentioned, the original study was done in the summer of 2004. And I mentioned that the larger concern, there's a big peak, as everybody knows here, between summer and winter. Winter is definitely our peak. So we went out and gathered traffic counts during the President's Day weekend to identify what was the real traffic versus what we projected it to be. The original was projected based on hotel basing or hotel housing in June. So we looked at it and I think it was like 50 or 40% were available in June. And then we looked at those numbers, what they were supposed to be in February, took an expectation of what they should be, the traffic numbers should be. So, that was a guess in that past summer. So in February of 2005 we went out and counted on Presidents Day weekend.

The other thing to note, is in traffic up here in Park City, there are two weekends that are significant peaks where we have the most traffic; Christmas week and Presidents Day week. So, to be conservative, to make sure we were capturing that peak, we went and gathered traffic counts during the, that time frame. I'm not going to bore you with all the numbers, but if you look at these, the actual compared to the projected, in every situation I think except one, the actual counts were significantly lower than what the projected counts were when we did the original study. So even when I talked about those Level of Service with work, with

existing plus project, actuality, it was even less cars out on the road than what we had thought there would be.

Planner
Astorga: Gary, can I interrupt you right now? I apologize for this, but I think on page 202 there's a typo.

Gary
Horton: Yes.

Planner
Astorga: Okay. So it was, it's the number we see here, the 3868 for the Park Avenue/Deer Valley projected afternoon count.

Gary
Horton: Correct.

Planner
Astorga: I just wanted to---

Gary
Horton: And I apologize. From that I had to take all these addendums and roll them down, but I, so I noticed my tables all looked different. So I tried to make them look the same and I did not transcribe that number correct. But if you look at the original report, those are the numbers from the original report.

Commissioner
Thimm: So where is the correction, again?

Planner
Astorga: The correct part, if I may, it's on page 202 of your Staff report, which is the Triton summary that was submitted. It is under the very first intersection, Park Avenue/Deer Valley projected. It has the number 2392 twice. That second number I think, Gary, please correct me, it should be 3,868.

Gary
Horton: Yes.

Planner
Astorga: Okay.

Gary
Horton: What you see on your screen is the correct number on my---

Planner
Astorga: I, I caught that, so I had that question for you.

Commissioner
Phillips: 3,868?

Planner
Astorga: Yeah.

Gary
Horton: That's what we projected it to be. And the actual counts were 3,503. If you, if you see what's on the screen, that's the correct one.

Commissioner
Phillips: Oh, yeah. Okay.

Gary
Horton: I apologize for that.

Commissioner
Phillips: Okay.

Gary
Horton: So as you can see, like in the next intersection at p.m. peak, we had projected 1,003 to be at the intersection of Silver King Drive and Empire. Actual counts were only 438 on Presidents Day weekend. So, in some cases significant. The next one. Unless, and once again, sorry, any questions on that. I'm rushing through this, but I'm trying to be respectful of your time.

Chair
Strachan: Yeah, what level---go back to that exhibit. What level of service would the Park Avenue and Deer Valley Drive be at, at 3,868 cars in the p.m. projected? What level of service would that be?

Gary

Horton: That's, they were reaching a Level of Service E during sometimes. That's the projected, that was the original study, so we found it to be E.

Chair

Strachan: All right. And then the actual, that would still be E?

Gary

Horton: E. Maybe a D. You'd still be bordering---it would still be a significant delay.

Chair

Strachan: All right. So, and is that true as you just go down.

Gary

Horton: Some of them---

Chair

Strachan: I mean, do they, does the level of service kind of stay the same.

Gary

Horton: The only thing that I---and we didn't go back and modify it because we found the existing problems, and Treasure Hill didn't really change it. So it was really an existing condition problem. But Silver King Drive might not have dropped to a Level of Service D. That's the only one because of the significant change in more than half off.

Commissioner

Phillips: So, can I ask you another question? So all these different levels, is there like a certain range of numbers of what is the trigger per level? Because I'm just kind of curious, are we at D-, D+, D? Are we right, ten cars away from the next, next letter?

Gary

Horton: So, there is a range of the---the letter corresponds with a range of delay. So typically we don't, in traffic engineering we don't say a D-, but I could say you're close to getting to E, and it could be an E+ versus a flat E. But it kind of projects a range of delay from like 15 to 25 seconds is B.

Commissioner

Band: So what's E?

Gary

Horton: I need to go back and look at the original study. I know it's in there but---

Commissioner

Band: You didn't bring the [inaudible].

Gary

Horton: I don't memorize it. I know I should. Apologize.

Chair

Strachan: Does it vary by study?

Gary

Horton: No. No, no. That is---

Chair

Strachan: That should be standard, right?

Gary

Horton: That is a standard.

Chair

Strachan: Okay.

Planning Director

Erickson: So, Commissioners---

Gary

Horton: So I can provide that.

Director

Erickson: The City Transportation Planner and the City Engineer are in the back of the room. I, I believe they're hearing your questions. And then when they prepare their reports based on this information. You'll have the ranges of level of service, you'll have the correlation co-efficients between the ITE studies and the actual trip generations. Because there are some ranges even in how many times ITE studies a particular use. So all that information will be given to you in, in the, in the review that's coming back from our team and the updated information coming from the Treasure Hill folks. That was the purpose of the meeting on Monday was to get to the

bottom of these technical details. So I appreciate you putting those questions out there. Both Alfred and Matt are taking notes furiously. Also, Julia, our new Transportation Planner. So, they're going to bring this stuff back for you and you'll be able to see it.

Commissioner

Phillips: We will, we will learn more, then?

Director

Erickson: You will know more about traffic than you want to know. And your math skills will improve.

Gary

Horton: And I do know, some of those are in the original study. I just, for space sake, I didn't, I tried to summarize. Tried to catch the highlights.

The next addendum. Sorry, it wasn't an addendum. So after that, back in 2005 the City retained a third independent party consultant to review the traffic analysis that we had completed at the time. And I'll let you read for yourself exactly, that the third party consultant found that our conclusions on our results were in line with what they found as well.

Moving on. Addendum Number Three. So we jump a few years. That was in 2005. We jumped to 2008. Addendum Number Three was regarding sidewalk improvements. There was brought to, the, brought to us the concern regarding accommodations for pedestrians. So this map, and it's in your packet, I'm not going to go through all the details of it, was our recommendations back to the City with the understanding it is the City's roadway. And I didn't feel like it was our right to tell them what to do, but these were recommendations or options that they could consider to improve pedestrian accommodations in that area.

Addendum Number Four. There was a refinement---in April 2009 there was a refinement in the project, so they asked to complete a modified trip generation. This one, once again, identifies with the changes that were made. There was an actual reduction in the trips that would be generated from the project. Not significant, overall. Minus---less than 28 entering, plus three leaving, so a net change of 25 reduction. And in the p.m., zero more would be entering, but 15 less would be exiting.

Addendum Five was a parking generation study based on that modified, the modification to the land use and to the project in June of 2009. A couple things I want to point out here. The, the parking identified, the parking needs identified from this addendum are less than required in the Code. Significantly less. And it's always a concern that an appropriate amount of parking is provided for the amount of development. Sometimes there's a confusion. If we don't---if we remove parking, somehow it will remove trips. Not always the case. There is still a need for people to get places. If I can't take, if I need a car for whatever reason and I was living on the site or whatever, and I want to get to Smith's or whatever may need to be. If I don't have the means to get there I have Uber, I have taxi, I have other things, which would in essence add to the number of trips, because a calculation from our trip generation is I'm going to go to Smith's and then come back. A taxi could end up coming, going, and dropping and leaving. So it could actually double some of the trips.

Another thing I wanted to point out is in this parking study we also identified that there are times that Cabriolet would be used. But because the Cabriolet is used doesn't mean I don't need a parking spot; because if I live on site I may need my car to get there, but I may choose to go to lunch using the Cabriolet. But that doesn't mean the parking spot still isn't necessary. So, a reduction in trips doesn't always equate to a reduction in parking. They're two separate needs and two separate demands. That was, in essence, what Addendum Number Five was about.

Commissioner

Thimm: So, so if we kind of ferret through the numbers, it talks about the raw parking data, as well as the reduced parking data. Is the presumption then, that the absolute parking need would be the reduced parking data on weekend, the 435?

Gary

Horton: We found, yeah, during the weekend, I think, 435 is the parking that is necessary to facilitate the needs of that development. Of this development.

Planner

Astorga: And if I could, if you could clarify, Gary. When you said the code that was utilized for this, that was an ITE Parking Generation Code. It was not the Land Management Code or, or it, it was---could you please speak to that.

Gary
Horton: Yeah. No, this was a Land Management Code, what typically would be required for this type of a facility.

Planner
Astorga: So this was the 2004 Land Management Code.

Gary
Horton: Correct.

Planner
Astorga: Regarding parking ratios.

Gary
Horton: Correct.

Planner
Astorga: Thank you.

Gary
Horton: Correct. Addendum Number Six was a request from the City to look at shifting the traffic from Empire to Lowell. And we ran an analysis. Bottom line, you take the traffic that would potentially be on one road and move it on the other. There was a decreased delay on some and an increased delay on others. But they still operate on an acceptable level of service, but that was their request and that's what was found from that study.

The---almost done. The other item I want to point out, not our addendum, but a study was done by Interplan for the anticipated Lowell project. I April of 2015 they produced their results. That, those results included the Treasure Hill project along with the anticipated what potential would be built at Bamberger. And the results of those, or the conclusion of that study was that Lowell had sufficient capacity to handle the needs of both those projects and existing with the cross section that's shown here, which replicates the Master Plan, or the Transportation Master Plan.

So, in summary, what was found from these, the original study and the subsequent addendums, the major challenge to traffic during the p.m. peak is the day skier and the leaving of that day skier. They generate a significant demand on the network. If you account---if there's a means to account for the day skier, there's definitely sufficient capacity not just for

regular traffic, but also for Treasure Hill. And as I mentioned before, Commissioner Thimm, is we are going to gather traffic counts once again on Presidents Day weekend of this year. We want to make sure that comparison was apples, to apples, to apples. So we gathered that Presidents Day weekend back in 2005. We want to make sure we gather them again at that same time frame in 2017. So that is, along with some of the other conversations we've had with Staff, that is one we already had anticipated doing a couple of months ago.

Chair

Strachan: Great. Hey, Francisco, where is that 2015/2017 Interplan Traffic Study?

Planner

Astorga: That study was commissioned by the City Engineer's Office. He can come up and speak to that. We just simply have placed hyperlinks to the 2011 Transportation Plan. That's where that exhibit comes from as that, that street roadway cross section comes from.

Chair

Strachan: But not the whole report, right?

Planner

Astorga: The whole report, no. But we can, we can certainly include it. I believe it is public record. I don't know if Matt is coming up or not, but we can place it in the future or---

Chair

Strachan: Yeah, that would be good to have. I'd like to look at that. All right. Anything more from the applicant? My plan was probably to have Matt come up and talk about your meeting and address, at least in part, some of the things the City is going to look to you guys to provide in order to update some of these traffic numbers. So, unless you have anything more to add, I'd like to hear from Matt.

Gary

Horton: No.

Chair

Strachan: Okay.

Gary

Horton: Make a correction to something I said, because my math was wrong. Bruce is going to help me with my math going forward. When I was talking about the residential and commercial development left, the 1% tied to Treasure Hill is for, is for commercial. The residential strictly tied to Treasure Hill is 7% of that remaining category of unbuilt development. So I just wanted to clarify my mis-statement there.

Chair

Strachan: All right. All right, yeah. Good. Alfred, thanks for coming up and chime in where necessary. I know you guys had kind of a lengthy meeting on Monday, so I look forward to hearing what you can expect.

Planner

Astorga: Before we let, before we let Mr. Matt Cassel and possibly Alfred Knotts, speak to some of the information that we've been discussing with the applicant, we do want to say that we created a list of information, and we haven't fully received an answer as to if 100% can be accomplished. So we just wanted to indicate such. And I think that Matt will go over some of these components that Staff would like to see.

City Engineer

Cassel: Good Evening. Matthew Cassel. We came up with seven additional pieces of information we needed. And I apologize. As we put this together we wrote it in engineering-ese, so I may have to explain some of the stuff. So I'll read it and go from there. First item talked a little bit about, which was providing updated traffic counts as submitted counts may be outdated. They need to be updated in order for the modeling to be adequate. Gary had noted that the two most important periods where we see what we call our peak/peak traffic periods as Christmas and Presidents, we have Presidents holiday. And the collection of information they had prior to Presidents holiday was in the summer and they tried to correlate it back to those periods. We recognize that's sometimes a difficult endeavor because it's easily picked apart, and once you pick data apart the modeling and the other information you're trying to achieve goes away. So we know that information needs to be a lot more real. And taking information from 2004 and trying to correlate it to 2016 can be difficult, especially since we've gone through recession and now we're coming up through some, what I think are peak periods and traffic movements. So, that's one of the first things we need to see is, is go, get

out there and get a feel of what's out there today and, and use that information so we can better understand impacts from today forward.

One of the things I think that we need to see a better idea of is, demonstrate how a traffic model needs to consider cumulative future developments.

There's a lot of things happening at PCMR, Lower Park, Treasure; and all those influence the intersections, the roads, how people move and where people move. And what we're struggling with is that as Treasure looked at the road network, they looked at how their individual project impacted the roads. And sometimes the cumulative effect is, is an important element in that Treasure will cause an increase in traffic, will cause intersections to start to get close to failure. But if you put all the other things that are happening, built out and things like that, Treasure may be the catalyst, may not be the catalyst to take it to a failure where then something has to happen to mitigate it even more than, than what's proposed. And so that's a difficult piece in trying to figure out cumulatively how Treasure and everything else that's going on impacts our road networks. And the reason we want to look at it cumulatively is, not to say that Treasure will be responsible for 100% of everything, but we need to sit there and understand, you know, is this their problem, is this our problem, is this PCMR's problem. Whose problem is this, and try to assign a percentage or ownership of that problem.

Chair

Strachan: And do you think you can reach a conclusion on that?

City Engineer

Cassel: I think it's, I think it's out there. And one of the things I think needs to be stressed, is that when we model, we're modeling in the world of theory. It's not an actual. It's not actual. And so it's trying to get a feel based on information we've had in the past, looking forward to the future, and trying to guess where we're going to go with everything that happens. And so it's very difficult. We have a 2011 Master Plan that's already time for it to be updated. Usually about every five years. But being the first master plan, it's good but it can get better. If this was a third or fourth iteration, we have a ton of confidence in whatever master plan we have as being, giving us a better answer of what's going to happen. But that's the whole goal of it, is try to look into the future without knowing what's going to

happen in the future, and protect what's going to happen, and mitigate and/or build to address what's going to happen.

Commissioner

Joyce: One, one of the things that I was concerned about, we saw a proposal back when, well, kind of the pre-Vail days when it was Powdr Corp. and they were bringing the Woodward School in. And we started getting into the General Plan there, and the consensus, I guess with what the City was working with Powdr on and has kind of still got a hand out to Vail with this, was to basically move all the lower parking lot up to the upper parking lot and build a parking deck and a bus transit center. So all the things we're talking about right there at Manor Way and Lowell and Manor Way and Empire, is all of sudden we're, we're bringing a bunch of traffic up the hill into that spot and concentrating it. And so, I would assume when you're talking about, you know, kind of future things, it's not sheer volume. It's that it's not in the same place it is today. I mean as soon as, assuming they build that out the way it is in the master plan. It's pretty specific what's in the master plan. All that parking is now up in the upper lot.

Transportation

Alfred Knotts: And that's how you would do the methodologies. You would take all the entitled projects that are within that sphere of influence and put those into the model. So that would be things that are entitled right now. So, that would be PCMR, PCMR development, it would be lower Park Avenue. The densities are all approved in there. Those would be all the inputs that Matt was referring to. And then you can see when does it fail. So, when this project comes online, or any other project, and then the other project does get approved and the other trip generations are analyzed, then you can see when that trigger hits to F, E or D at that time.

And as Matt mentioned, too, that's when you look at the, what type of appropriate mitigations are required. Is a roundabout required at Silver King and Empire right now? Maybe not. We can be able to analyze that. But when the other projects come on, that would be the trigger of when you construct that type of mitigation.

Commissioner

Joyce: And so the, the other one I just saw for the proposal being done down at the Canyons site from Vail, is that Vail is project five, roughly 5% increase in skier visits year to year for the foreseeable future. Would that get included in that as well? I mean, because that's not, that's not tied to a

development, but that's a planned increase in occupancy and everything else.

Matt

Cassel: That would be, the hope is that when we look at the accumulative effects, we look at kind of the business models and, and the goals of, of the ski resorts and what they want to do.

Commissioner

Joyce: Okay, so it's not just construction? It's---

Alfred

Knotts: It's a, it's a difficult growth rate which does average, depending on the economy. And a lot of times when you see the economy go down you see VMT and traffic volumes go down. But at a typical progression, you usually see a three to five percent growth rate. And that's something, you know, that we're always looking at. We're going back out and getting traffic counts and recalibrating to see what those numbers that were projected are actually reflective, reflective of reality.

Commissioner

Joyce: Okay, thank you.

Matt

Cassel: Item Number Three. I said there were seven. Item Number Three is, you talked about this a little bit. Determining if the traffic studies use now outdated ITE Manual ratios. They need to be simply updated for adequacy. So ITE is to traffic engineering, as Gary had mentioned, has numbers they put out on about five, four or five-year basis, updating based on their research. And so those numbers change and we just want to make sure we're using the most recent addition.

Item Number Four, I think is, I'll read it first. "Provide specific information regarding the reduction of trips based on a proposed Main Street Cabriolet and hours of operation, capacity, weather considerations like, [inaudible], wind, etcetera, employee transportation parking and are there satellite parking options available.

As we were talking in 2009 and moving forward in that discussion in 2009, that's one piece I don't think ever got to the point where there was comfort level as how the Cabriolet and how employees were going to be handled.

It could be very beneficial to the project. It could be detrimental to Main Street. Without any additional information, really, outlining how that Cabriolet will operate, who it will operate for, how employees will be handled, where they will park, how they will be moved to the site and moved off the site, it's very tough to understand if it will create an effect or cause problems elsewhere in the City. And so that's one of the elements that we have asked for is to better flesh out the Cabriolet and how it's going to operate, and how you're going to manage and handle your employees.

Number Five was, "Need to be able to confirm how vehicle trips are being converted into pedestrian trips". And that one comes from---in 2009 we started talking in great detail about a sidewalk being on the downhill side of Empire and uphill side of Lowell. And as we move forward, and if this was the Fall of 2017, Lowell would be built and there would be no sidewalk. Empire has been rebuilt and there is no sidewalk. And we were operating in 2009 without a vision of where we wanted our streets to go. The 2009 discussion was kind of the, the one that really got us thinking that we do need a master plan to give us guidance of where we wanted to go so we would think these things out fully. And one of the things we realized is, because of the unique characteristics of Park City and the slopes and the hills---the standard in most towns is that a quarter mile isn't a reasonable distance that people walk to get to and from places. And now we're talking about a development that's on a hillside that's even steeper. We have people on Main Street that can't make it up and down Main Street without using a trolley because being out of town and not used to the altitude, have a difficult time walking. And now we expect people to walk to and from Treasure. And so we just need to have a feel of whether it's reasonable to convert vehicle trips to pedestrian trip. And if so, it is, and if not, then we need to look at that a little deeper and make sure that that's being handled, either on the Cabriolet, better pedestrian facilities, or how we handle that.

Number Six, Traffic Models Need to Have Different Scenarios; 100%, 70%, 50%. One of the things that Park City Mountain Resort is doing is, and this is just as an example to give you, give you a sense of what we're talking about here, is on a usual weekday in the middle of February, in a non-peak period, employees for the most part are probably parking up on Park City Mountain Resort and just walking to work. During Christmas, during Presidents weekend, during Martin Luther weekend, the Resort requires them to park off-site and provides busing transportation to the

site. And they are strictly forbidden to park on-site. And so Item Number Six is really in that line, which is, you know, there's going to be peak periods, Christmas, where it makes sense that employee parking should be not on site. And what is that trigger that we can put in as part of a mitigation plan, part of the plan for Treasure that would make it a requirement that on certain dates, certain times, certain peak periods, employees are most definitely not allowed to travel to Treasure. So that's, that's, want to look at, at the modeling and looking at different scenarios. It helps us understand as we try to break things down, how to manage and how to create mitigation measures that work and are not just put on a piece of paper. It's stuff I would think would be better to be able to manage.

Alfred, anything on that?

Alfred
Knotts:

That, that is a component of it. We want to be able to monitor these mitigation measures. You know, when we do have these assumptions that we'll bus in 50% or 100% of our employees and that will reduce X amount of trips, how are we going to be able to track that to see if it's actually working. And that's the component we've also talked about is having an annual mitigation and monitoring reporting requirement, also. That there might be additional triggers if things aren't working. If certain incentives or disincentives aren't working, then we go and do an additional level of mitigation. And those are enacted at a certain level. So, when it's a 50% modeling effort, maybe, you know, all the employees can park on site. We're always trying to reduce the trips, but maybe there's still that capacity there. But we want to be able to have these triggers in place and certain mitigation measures at certain levels of service that the resort or the hotel will be operating at.

Matt
Cassel:

Then the last one, Item Seven, I'll let Alfred talk about it, but it's, "Are there transportation demand management strategies being proposed".

Alfred
Knotts:

Yes. And a few months ago we did adopt a Transportation Demand Management Plan. So we do have an adopted plan by the City. It does have very prescribed mitigation measures or strategies that you can expect to have reductions based on the TDM Strategies. Since we have adopted this plan, we did develop this plan and it is supported by policies

in the General Plan, also, to have a TDM plan and strategies. We would like to see start to be incorporated into all of our projects, and this being one of them as well.

So, I think, you know, what Matt was speaking to and what we really want to see is more specificity in what's that mitigation. An example would be the Cabriolet. Well, the Cabriolet will, you know, take guests down to Main Street. Well, is the Cabriolet going to operate until 1:00 in the morning or is going to operate until 9:00 in the evening. If it operates until 9:00 in the evening, people are still going to tend to, to drive their car because they know they can't get back. You can see that happening right now at the Canyons. It operates until 7:00 p.m. People know that they can't get up in the bus past 7:00 p.m. by the Cabriolet. So it doesn't have its maximum efficiency, and we want to see that very well defined on how these things will operate.

Matt
Cassel:

So those are the seven items we had sat down and discussed with the Treasure people. I mean, they are all over the place, but what we're doing is looking at the information provided and, and trying to round out that information so we can get a better understanding of that information, plus what we've asked for.

Chair
Strachan:

And is that all you need? Do, do you feel like you can do the analysis you feel is necessary with that information, or would you like more?

Alfred
Knotts:

Well, the, the first request of updating the model with this project, the other projects in the area, will give us really what the total trip generation expected based on these land uses are at, at full build out. And then as we go down the list, the idea is, you know, what these assumptions are, we've built in these mitigation measures, we've built in these other project elements, then we can actually see what those reductions are---should be accounted for. You know, whether it's a 10%. If we say 100% of the people are going to arrive or employees are going to arrive by the Cabriolet, like Matt said, well how are they getting to the Cabriolet. You know, there's an impact probably down at Main Street that wasn't identified or analyzed also. So I think if we have all, what the full impacts are into this model, and then we can apply mitigation measures and project elements to improve the project, then we can actually quantify

what those reductions are and feel comfortable about what those levels of service are for this project and 20-year. When we, when we talked about the three to five percent growth rate, we can look 20 years down the road, also, and see what those impacts are also. So I think if we get the model updated to account for all those cumulative impacts, then we can start to whittle away at what the, the actual mitigation is.

Director

Erickson: Right. So there's, there's a couple of factors here that I want to bring forward. First of all, these seven items were a synthesis of the review of mainly the 2008 and 2009 Planning Commission Minutes that you have in your packet, and all the information that were requested by the previous Commissions. They were then synthesized down by the experts, Alfred and Matt, into something cogent. And they've been presented to the applicant. All right. The applicant gets an opportunity to respond. How much information, how much information has already been out there. So whether or not all of the information comes back in, that's a question outstanding. When that information gets back and our folks and, and the applicants have an opportunity to evaluate that information and deliver it succinctly to you, there's a timing component in this one that I don't think we can answer right now. But that's where that list of seven came from and, and how we got there, was mainly the 2008/2009 Planning Commission Minutes, and then our review of those things. So, know that it won't happen by next month.

Commissioner

Joyce: Could I maybe throw a potential eighth out on your, on your work list?

Matt

Cassel: Sure.

Commissioner

Joyce: Not that you don't have enough, but for the same reason that you have concerns about employees and employee trips and where they park and how they actually got there and everything, and what, what kind of alternatives there are that can be provided. I have the same concerns for the commercial space. I mean, we originally started with 19 UEs of commercial and we're now up, you know, we've added tens of thousands of more support commercial. And I think from a trip generation and parking standpoint, it was kind of written off as the commercial that's part of Treasure is there to support Treasure, which would mean, you know,

somebody who is staying there eats there or shops at the store or whatever it is. I like that concept. I've never seen that anywhere else, certainly here in Park City. I mean, if you look at the St. Regis or the Montage, or Hotel Park City or whatever, I mean, they all have restaurants, they all draw people in. They all advertise in the paper, come to our spa, come to our restaurants, come for happy-hour and all this kind of stuff. And all of those were kind of put in place for the same thing, which was its here to serve, you know, that particular hotel or establishment, whatever. And somewhere along the way that goes away and stops working that way. And for business reasons they're trying to fill their restaurant and fill their spa and everything.

So I guess I'd like to see either a plan that really addresses in a different way than we've seen before, how you're really, really honest to God going to limit commercial to Treasure, or I'd like to see parking and trip generation that's matching what's currently in there. Because basically, right now it almost all just kind of gets written off as they don't need to park because they're all there already, and they don't need trips because they're all staying there already. And quite frankly, I can't, I haven't see that work and I haven't seen a plan that makes that happen yet. And I've seen evidence from all the other places that that's not what happens.

Alfred
Knotts:

And this is, essentially what we were talking about was the most mitigation monitoring to make sure that there is effectiveness monitoring that is put on by the applicant and the developer.

Commissioner
Joyce:

So I want, I want to see that beforehand, whether it's part of what you guys do or not. I mean, we've got 50,000 square feet of commercial in there that essentially doesn't have parking or trips. And if you don't build the parking when you build the underground parking, you're done. You blew it, you know. You don't get to go back and dig deeper or something. Or at least I, I think they'd be unlikely to do that. So, I, I, I want to see all this worked out ahead of time. I don't want to see this be an annual review thing. That's obviously a way to maybe fine tune or mitigate things, but if the answer is, you know, they're filling up 50,000 feet of commercial with outside people, all our numbers are off. Way off. I mean, that's big.

Alfred

Knotts: Yeah. No. And when I mentioned that we, we, the, the mitigation in itself would be very explicit and it would be very defined on how they would accomplish that. And then the reporting would be to see how that's doing. So it wouldn't be something that would be entered down the road, by any means. So it would be very defined at the time of approval. And then we would set up a mitigation and monitoring reporting program also.

Commissioner

Joyce: Okay. So, I, I would love for you guys to be comfortable. When we get to a---whenever the right point is, I'd like the two of you to be comfortable explaining to us why you think it, it really will be different than what we have at every other, you know, hotel, major hotel and everything in town now. So, and that could be that there's a good plan that you buy into and, and we're there.

Chair

Strachan: Or that it won't be different and so they've, you're requiring this in terms of mitigation from the applicant.

Commissioner

Joyce: Right.

Alfred

Knotts: Yes.

Commissioner

Joyce: One way or the other. Thank you.

Alfred

Knotts: Yep.

Chair

Strachan: Great. Mr. Cassel, anything further?

Alfred

Knotts: That was it.

Chair

Strachan: Great. Okay. I want to get to public comment as quickly as possible. Anything further from the applicant or Francisco?

Planner
Astorga: Nothing from me.

Chair
Strachan: Anything, any more questions from Commissioners before we open public comment. I'd like to go right into it. I know we've got a big agenda tonight, and I know the public's waiting. So---

Commissioner
Joyce: Can I do one question?

Chair
Strachan: Sure.

Commissioner
Joyce: Everything we're talking about for modeling and everything is kind of post construction. And at what point do we get into kind of the differentiation, this is more of, you know, all the work trucks and construction and storage and that kind of stuff, and how that's going to work. Because, I mean, we've been told this is a, you know, probably a ten-year construction plan or something like that, so it's not like this instantly pops up. Where does that fit into our schedule?

Planner
Astorga: It fits in within this portion of the review.

Commissioner
Joyce: Okay. Okay.

Planner
Astorga: Obviously, we're not ready to prepare today to talk about it, as this is an intro, but it, it's part of this traffic/transportation/parking six, five or six criteria that we've added together.

Commissioner
Joyce: I saw it there, and just for what it's worth, as I went through and read the, the long list of, you know, comments from Planning Commissions and Staff reports and all that kind of stuff, I didn't see anything in that list of things that we're talking about construction traffic, volumes, and special issues about construction traffic in snow and all that kind of stuff, and

which roads they would take. It all seemed to be addressing kind of post-construction day to day trip generation. So, I didn't see it in any of the stuff we were looking at other than just the CUP requirements.

Matt

Cassel: In 2009 we never made it to construction, and we started---at the end there started talking about snow and management of snow on Lowell. But we didn't make it to construction.

Commissioner

Joyce: Okay.

Alfred

Knotts: Yeah, and typically a framework would be to have temporary mitigation measures versus permanent mitigation measures.

Matt

Cassel: Correct.

Commissioner

Joyce: Okay. Thanks.

Chair

Strachan: Okay. Great. Anything else from Commissioners before we open public comment? All right. Let's open the public comment on Treasure Hill. And as we've done in the past, it's best that we focus the discussion on the issues of traffic. However, the applicant did have a couple of topics where he set the record straight. And so if the public wants to address that, this is certainly an opportunity to do so. I don't think we'll need to limit the time frame for each public comment, but I will say that if we get down the line and we're looking at an hour or more we'll probably take a break. So if I interrupt your public comment and take a break its no offense. We've just been sitting here for quite some time and, so that's why.

And with that, we'll open the public comment for the Treasure Hill CUP. Anyone from the public wishing to speak, please come forward and sign in.

Public Comment

Nikki

DeForge: Thank you for taking the time to hear us out this evening. My name is Nikki DeForge. I am an attorney with the law firm of Fabian VanCott, so yes, another attorney. Hopefully one maybe a little better looking, but maybe not. And I am stepping into the shoes of my colleague, Charles Stormont, who has gone on to bigger and better things, and in representing THINC, the, the non-profit group that is comprised of hundreds of Park City residents, business owners, and homeowners. And as you're aware, they're very concerned about the profound impacts of this development on the Park City community, and particularly the Historic Old Town community.

Before jumping into the traffic issues, I too, would like to, to follow Mr. Ferrin's lead and talk a little bit about what they've raised in their Exhibit B. Specifically two issues that they raised there, and those are the issue of limits of disturbance versus building area boundary, and also the issue of excavation and grading. Now in that exhibit, if you've had a chance to look at it, the applicant really very strongly attacks the Planning Staff's commissions---or excuse me, conclusions on both of these points, and unfairly so. And frankly, these attacks are, are really based on some mischaracterizations about what the Planning Staff actually concluded with respect to those two issues. So I, I just want to clarify that.

First, regarding the issue of limits of disturbance versus building area boundaries. The Planning Staff was absolutely correct in concluding that those cliffscapes and retaining walls in the latest development plans would be located outside the building area boundary. The building area boundary defines the area in which the permanent structures for the development must be confined. Now there's no question that these cliffscapes and retaining, retaining walls are permanent structures. There's no question that these permanent structures would be located outside of the building area boundaries, and in fact, on property now zoned as Recreation Open Space. That was the conclusion that the Planning Staff reached. Now instead, the applicant kind of gives us this little bait and switch and says, well, we're attacking these conclusions by casting this as an argument of limits of disturbance. And that really wasn't what the, the Planning Staff said. They, they said that rather than, again being an issue of limits of disturbance, it's a concern about the building area boundary. The limits of disturbance, as you know, defines the area

in which temporary construction activity may take place. Whereas, the building area boundary, again, deals with permanent structures outside the building area boundary. And these are two very different issues. So the Staff's concern with these cliffscapes and retaining walls being located outside the building area boundary has little to do with this issue of limits of disturbance, but instead with the fact that there, in fact, will be permanent structures outside of that area.

Now the applicant also argues about whether Sheet 22 actually marks the limits of, excuse me, actually marks the boundary of the limits of disturbance. But that, again, is not what's relevant here. That's not the issue. Rather, the Staff correctly noted that the line Sheet 22 reflects the boundary between the recreation open space designation and the developable land. And because those structures are located outside of that, that line on Sheet 22, that reflects building improperly outside of the building area boundary. Now, the applicant says, well, Sheet 22 was only intended to define the area subject to specific height limitations. Now even if that were true, which it is not, those height limitations are also expressly tied to the visibility requirements on page 11 of the original master plan. And these permanent cliffscapes and retaining walls outside of that boundary would also create tremendous visibility problems and is, therefore, contrary to the original master plan approval. Now regardless of what the line was intended to define in Sheet 22, again, the fact remains that that line accurately demarcates the boundary between the developable land and the recreation open space. So any permanent structures located outside of that line here, is outside of the building area boundary and is contrary to the master plan approval. So the Staff got it absolutely right in that regard.

Now about ex-, ex-, excuse me, excavation and grading. There, there's also a mischaracterization here. The Planning Staff did not conclude that the master plan contemplated no grading and no excavation. Surely there will be both for this project. Rather, the Staff correctly noted that the master plan did not contemplate this massive excavation and the complete regrading of the hillsides that we are seeing with this new plan. And that massive excavation and grading would permanently alter the natural slope and destroy the topography of the site in direct violation of CUP Criteria #15. So that is the concern there; both that it wasn't contemplated in the master plan approval, and that it is not, does not, it cannot really be mitigated under the CUP Criteria 15. And that's the

material point. It doesn't, it is, this is not what was approved 30 years ago and also does not apply with this CUP Criteria. Or comply, rather.

Moving on to traffic. This is not merely an emotional issue for the THINC members. There are factual and legal issues that must be addressed that the applicant has not addressed and cannot address. So we know that there's no updated traffic study from the applicant since 2009. They have referenced this 2015 study from the City, but they have not mitigated or resolved any of those issues that were raised in the older studies. And then additionally, every study, including this 2015 study, suffers from the same fatal flaws with respect to the current CUP application. They are based on what was approved for Treasure Hill in the master plan approval in 1985. And is, as Commissioner Joyce mentioned, that is not what they are seeking now. We are talking about first, 19 units of commercial. And now we're talking about 194 units of commercial. So this is under counting the commercial space by a factor of about 20. This 2015 study is based on 19,000 square feet of commercial. The current plan calls for something closer to 194,000 square feet of commercial with this additional accessory space. The 2015 study is based on a total developable square footage of 413,000 square feet, while the current plans are for 771,000, if you exclude the parking area. If you don't exclude that, you're over a million square feet in developable square footage. So none of these studies actually reflects the true impact of this currently proposed development on Park City and on Old Town.

And none of these, as the study clearly indicates---incidentally, the, the fact that these, these traffic studies that the applicant directed its engineers to do the studies based on 19 commercial also is very instructive to the fact that now they're claiming they get 194 under those same approval plans. If they thought it was 19 back then, why do they think it's 194 now.

The second problem also, I think, highlighted by Commissioner Joyce, is that even just 19 units of commercial would generate traffic going to and from the site in violation of the master plan. Imagine what 194 will do. Now in paragraph three of the master plan it mandates that, quote, "All support uses shall be oriented and provide convenience service to those residing within the project, and not designed to serve off-site or attract customers from other area. Yet the traffic studies that we do have, even these older ones, they project traffic coming off the site to the onsite commercial uses. And even the applicant conceded in that January 6th

letter in Exhibit E, that the project will indeed draw and serve off-site customers from other areas. The best they can say is that only, quote “a large portion of the visitors to the support commercial areas will be patrons, residents, and employees”. But even this is not compliant with the master plan. The master plan said it cannot be designed to serve off-site customers or attract them to the site. And in fact, their traffic study shows real off-site traffic to the project, and this will absolutely hurt historic Old Town and Main Street.

Another point mentioned by Commissioner Joyce that I want to highlight is this issue of construction traffic. None of these traffic studies deal with that at all, and paragraph nine of the master plan says that at the time of conditional use review approval, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans. All of this is required in the master plan to ensure that the construction traffic impacts will be minimized. And because the applicant has not provided any of this detailed information, the Planning Staff cannot evaluate at this stage. Hopefully that will be provided. And not just hopefully. It must be provided under the master plan approval

Similarly, the section on traffic in the master plan states that in order to evaluate impact, traffic impacts, including both construction and future automobile demand, many related issues also come into play, such as efforts to minimize site grading and waste export. Yet, with respect to site grading, excavation, and waste export, the current plan bears no resemblance to what was contemplated in the master plan, as we’ve already addressed, and also these, the traffic impacts simply cannot be adequately evaluated under the CUP criteria without that. So all of those issues as well have to come into play now at this stage in the traffic. We’ve got to know about the excavation plans, we’ve got to know about the grading, all of that in a detailed way in order to evaluate the CUP criteria, and in order to comply with the master plan.

The fourth point that I want to highlight for consideration as we go through this traffic, this traffic evaluation process, is that the so called traffic solutions that have been proposed to date actually create more historic design problems. In the applicant’s 2008 third addendum to their traffic studies, it states as follows: “It would appear, based upon comments presented at the Planning Commission, that the City has a need for roadway widening with pedestrian and parking snow storage enhancements. However, local residents and the desire for a specific Old

Town ambiance conflicts with such improvements". Again, Old Town ambiance conflicts with such improvements. So the master plan also requires that all buildings shall be reviewed for conformance with Historic District Design Guidelines and related architectural requirements. So off-site mitigation of historic streets and neighborhoods to accommodate new traffic flows is not true mitigation. It simply creates greater non-compliance issues and impacts as the traffic engineers themselves concede. The solutions to traffic problems created by this project cannot come at the expense of Park City's Old Town ambiance. Both of those factors have to be met. One cannot be used to offset the other without creating more problems with the master plan approval and with the CUP criteria.

As for the pedestrian off-street parking, snow storage enhancements to Lowell and, and Empire, there's still, there is no solution that's been proposed. And anyone who's driven down those streets knows that they cannot accommodate the necessary construction for massive excavation and the vehicle traffic that will come from this development, particularly in the middle of winter.

In 2009, the applicant proposed to mitigate traffic on Lowell by adding four to five foot sidewalks to address pedestrian safety concerns. But as we've seen today, that's not in the works for Lowell. There, there are no sidewalks there proposed, and even the, the width of the traffic lanes don't accommodate two cars passing one another. So these issues are very real and have not been addressed in any way. And we need to focus on that as we go forward.

In summary, until the applicant provides current traffic studies based on their current plans, and provides all of the additional details and information that is required by the master plan, the Planning Commission cannot simply accurately assess the true impact to this new proposal on traffic and related issues. What we do know is that the applicant's current plans do not comply with the master plan criteria and approvals in regards to the traffic related issues. And they do not successfully mitigate the traffic related criteria for a conditional use permit. And keep in mind that this is not just an issue of what percentage of total residential development or commercial development is taken up by this, this proposed development. What is critical is the location of this development in the middle of Historic Old Town and on, and, and---that will be accessed by these historic old streets in historic old neighborhoods. The

development that might take place outside of historic Main Street in Old Town is a different story. And we have no idea what percentage of what's left to be developed that will impact directly Old Town is, is going to be brought to pass by Treasure Hill. And that's a key point to keep in mind as we look at this traffic as well, is where is this project located, what will it impact. It's the Historic Old Town area and we have to be particularly sensitive to that and to those issues.

Thank you for your consideration. We appreciate the opportunity to be heard tonight.

Chair

Strachan: Thank you. Anyone else from the public?

Anne Louis

Garda: Our property is at the top of Lowell adjacent to the Treasure project. Two things. One is, I would, I'm just curious with the study that's been done at intersections at peak times, what hours they include. I mean, is it from 4:00 to 4:30 or is it from 3:30 to 5:30. Does it include the whole time when there's lots of traffic there. The other thing I would like to urge is that a much stronger consideration be given to pedestrians than is included in these reports. There's no count of pedestrians and a count of pedestrians at intersections doesn't tell the whole story. On Empire and Lowell, every person that rents or lives in that area walks up the street. They don't cross an intersection. They go up to get on to the little road that goes from the switchback over to Creole, and yet those people's lives are in danger with some of the things that happen on that street. We made our way down tonight from our home on Lowell which is only one lane tonight. And at 5:00 passed three different groups of people who had on ski boots and were carrying skis and trying to make their way up this single lane with us and other people coming down. If there were trucks delivering food or delivering linens or any construction equipment it just couldn't happen safely. So I hope that a lot more attention will be given to pedestrians on those two streets.

Chair

Strachan: Thank you.

Arnie

Rusten: My name's Arnie Rusten. I live on 1058 Lowell Avenue. Just want to make a comment. If in the modeling you look at Empire and Lowell as two-way streets, I assure, they are not. They may, in the cross section show that, but in reality it is totally unrealistic. You only need to drive--- you can drive there now after this meeting. Go take a look. It simply doesn't work that way. I don't know how many times I have had to back down coming home because there is someone coming down that may not be equipped or that may be a truck, and I have to stop and back way down. It simply does not flow. So, looking at this huge development, when I first saw it, recognizing and saw that Empire and Lowell was going to be the access, I was going what in the world are they thinking. And I come from 40 years of engineering and planning background. And the very first thing you've got to pay attention to when you develop is access. This does nothing other than create tremendous problems. And it will be problems for that development, too. I don't see how you're going to get people to and from, materials to and from, and certainly construction vehicles to and from. It is just not going to work. It has to be some other solution. And, and I don't know. Maybe you can talk to Vail and make a tunnel that goes through the mountain on the backside and down. Maybe that's what you should do. But you cannot possibly think that Lowell and Empire is going to support this development. It just is not workable. So I urge you to look for other options if this is in fact what you desire to build. It does not fit. Thank you.

Mark

Sletton: May name is Mark Sletton. I don't live in the Old Town area, I live in Park Meadows, but I've had an office in the Old Town area, specifically the Park City Mountain Resort for a little over 20 years now. In fact, I sat where you guys are sitting back in the mid-2000s when we were looking at this whole thing. And I, just like you do, I took special care to really follow up on some of the things that this last speaker was speaking to, and that is access on Lowell and Empire on a snow day. All those cross sections show flowers and trees, and nothing like we're experiencing out there right now. Fortunately, we're finally seeing snows again like we used to experience back in the, in that period of time. And I will tell you, I had a Suburban at the time, which is a big truck but it's small by comparison to an ambulance or a fire truck or any kind of those large emergency vehicles. And as he said, it's generally impossible to get two-way traffic going up and down either Lowell or Empire, depending on which way you're going. I usually circle up Lowell and around and back Empire. So

make sure that as you get into these traffic studies you don't look at the best of cases, but also at the worst of cases, and what we would do if there was a severe emergency up there, trying to get EMTs or emergency vehicles up and down either one of those streets on a heavy snow day. So that's my input. And I am thankful for---I know the amount of hours you are putting in for this one, but it's---you know, one extra thing is, he said you can drive up there tonight. Go get a real good sense of what it is in the worst of cases.

Chair

Strachan: Anyone else from the public?

John

Hilton: I'm John Hilton. I have had a home on Norfolk between the 9th and 10th blocks, in that general area. And I just want to express that it's not just going to affect Lowell and Empire and just a small section of Old Town where there's a lot of condos. Norfolk and Woodside are the preeminent, you know, Old Town, the aesthetic of Old Town. And those streets will also be greatly impacted. And what will happen is, as the traffic is increased on Lowell and Empire, people will be taking shortcuts. And the only way to get up there if you're taking Norfolk or Woodside is to go up Crescent Tram Road, and that would just be an absolute disaster, and you'd have to completely rebuild those roads. People would be, there'd be so much more increased traffic from Woodside and Norfolk going up or down 8th Street and Crescent Tram. And when that road gets icy, you see like they talked about, people walking up with skis. I mean, I've seen people leaping out of the way as the road is icy and you're sliding down. And if there was a truck, there's just no way that could be two-way traffic. And so I just want you guys to consider as well, the, the greater impacts beyond just Empire and Lowell. The whole of that section of Old Town would be greatly impacted. Thank you.

John

Stafsholt: Hi. John Stafsholt, 633 Woodside. First, I would just say that, you know, we urge the Planning Commission, the current Planning Commission to require a new comprehensive 2017 traffic study. You know, not just a day, a few days, but probably for a week at a peak time. Personally, I, I'd pick tomorrow to be a good day to start. To make it short and everything because there's many parts of the CUP that have to do with traffic. I know we'll be back, so I just want to talk about the 2004 traffic study by Project Engineering Consultants (PEC). The PEC study was in July 2004 and

the whole study is based on data obtained on one day, June 16, 2014. That's without the St. Regis, Montage, and over a couple billion dollars of new construction since that time. It doesn't include Treasure Hill, either. The traffic pattern on a single day in June 2004 can't possibly be extrapolated to a winter traffic pattern in 2017 or beyond. The PEC methodology was to multiple the traffic that they observed by a ratio of the occupancy rates on ski days versus that one day in June.

Some of the assumptions. They assume no construction traffic from Treasure Hill, and the developers say up to 300 heavy trucks per day going round trip. They assume no construction worker traffic. Assume no buses to the project, no taxis to the project. Assume zero traffic from the project on the Crescent Tramway. Another assumption is that all traffic from the project to Main Street will go that 14 blocks out of their way to go downtown; seven blocks in each direction. And we all know that people aren't going to do to. It also assumes no delivery traffic for commercial space, no ski resort traffic to the resort, no ski resort traffic to other resorts; Deer Valley, the Cottonwood Canyons. It assumes no non-skier vehicular trips. Nobody's going to leave to go shopping, groceries, dining, anything like that. Another assumption is no pedestrian activities on Lowell, Empire or Crescent Tramway, etcetera.

With all these assumptions, and I'm estimating 2,628 pillows, and the many different uses, including commercial that hasn't been approved, the PEC consultant estimated a maximum at 100% occupancy, vehicle trips would be 185 in the morning and 246 in the afternoon. Then somehow, the consultants lowered the estimates by 30% due to alternative modes of transportation. So, PEC put in writing that those trips are only 133 in the morning now and 162 in the afternoon. Remember all the assumptions I gave you. Okay. It's hard to believe as it is, remember the trips are each way. So that means that the trips are actually half the number they used, because people coming in are going back out. So, it's kind of crazy, you know, that only 60 vehicles will leave Treasure Hill in the morning with 100% occupancy in peak winter times.

So how can a reasonable person understand the assumptions and the conclusions from PEC. There's only one answer that's reasonable, that the PEC study was paid for by the developers to come to a favorable conclusion that's favorable to their development. End of story.

Later on, to their credit, a previous Planning Commission requested the Engineering Department at Park City Municipal to conduct a review of the PEC traffic study. So this review was done in 2005 by Fehr and Peers, and it was limited in scope as a review and assessment of the study only. Okay. Some of the Fehr and Peers study findings regarding the PEC study that we're using is the PEC study assumes zero Treasure Hill generated trips will use the Crescent Tramway. And that all patrons will either walk, use the Cabriolet, or drive 14 blocks out of their way to avoid the Crescent Tramway. Certainly that's not true, and we all know the taxis are never going to do that. Another finding. Park Avenue and Deer Valley Driver intersection is under the control of UDOT. And Park City is at their mercy and approve and fund any changes or upgrades. That's a big deal. We don't have any control over the main intersection. Fehr and Peers also found that the PEC survey underestimated the total delay for that intersection, Park Avenue and Deer Valley. With 2005 traffic, Fehr and Peers rated that intersection without Treasure Hill traffic a D on a scale of A to F; F being failing. That's 2005. Certainly it's failing since that time. Empire Avenue/Silver King Drive intersection was rated as an F, failing back in 2005 at peak hours without increased background construction traffic or the Treasure Hill development. In 2005, Fehr and Peers recommended an additional traffic light on Empire Avenue due to the failing grade of that intersection.

Some of the other things they brought up as so called mitigations from their December report is, they require both streets to be expanded to 37-1/2 half feet wide. That's Empire and Lowell. I think anybody living on Empire and Lowell might have a say in that. They only allow parking on one side of the street, and that parking should be 8 feet wide. So if you have a house without a garage on your side of the street, I don't know, talk to your neighbor across the street. Emergency vehicles required 10' travel lanes in each direction. It's a finding. That's not being met. Snow storage requires six-foot minimum on one side of the road. That's after you remove all the parking on that side of the road. Pedestrian access also requires another five-foot minimum on one side of the road. If you tell everyone they have to walk on one side of the road. And parking requires 8-foot minimum. So, thinking about that a little bit, parking on one side of the street can only be allowed on half of the length of both Lowell and Empire. That's not a mitigation. That's an impact. Many homes have no parking and will have to park in front of neighbor's houses. Huge conflicts with neighbors. It's a huge change just to help the developers at the impact of the neighborhood.

So again, I would just urge everyone to do a really---to require a really comprehensive traffic study now, especially with Vail here, cheap season passes. Anybody who's been up skiing, you know how many more people there are here. Thank you for your time.

End of Public Comment

Chair

Strachan: Anyone else from the public. All right. Seeing now one we'll close the public hearing. I think what we'll do at this point is take a short break, a five-minute break, and then we'll move into the Commissioner's comments. We've been at it a better part of almost two hours, so we'll take a quick recess.

Break

Chair

Strachan: All right. Let's call the meeting back to order. If everybody could take their seats we'd appreciate it. All right. Francisco, it looked shortly before the break like you had one small item to add. Is that true? Okay.

Planner

Astorga: I did. I just wanted to say that in this last month maybe we received four or five written comments, and we, we update those on the website. And I just wanted to let you---report once again that we're fully updated. And the other thing is that we've housed the model here for 31 days. As a result, we received three on-the-fly written comments. And that's all I needed to add.

Chair

Strachan: Great. And how's the model going? Everybody filing in and out, getting a chance to look at it? No complaints as to its availability or anything like that?

Planner

Astorga: They're, they're asking some questions. My front office is doing a good job answering questions. And, of course, just to get comments in writing, we always tell people to just send us an email at that treasure.com@parkcity.org.

Chair

Strachan: Great. Okay. All right. We'll move into the Commissioner's comments. Let's start with Commissioner Thimm.

Commissioner

Thimm: Okay. Well, let's see. Don't have a whole lot to add. I, I really appreciated this seven, perhaps eight additional pieces of information that were, were requested. They were things that kind of hit me as I went through all of those hyperlinks. Thank you for those, Francisco. Just, just a couple of things. Concerning lane widths and access and that sort of thing. And, and the, some of the people from the public brought this up, but I, I, I think when the, the updated traffic impact study is done, in addition to the eight items, I would really like to see the impact of the situation if we do have an emergency on a snow day, and how that impacts the lane widths as outlined, and can we really serve the public safety and welfare with the lane widths that are there on a heavy snow day.

The other thing is I, I noted, and I'm glad that the City back in the 2005 time frame had a third party review. I would presume that with these seven or eight items that are going to be considered in this updated traffic count analysis, that I, I guess I hope, I'll put it that way, that the City would consider having once again a third party review that. There were some interesting things that I felt were brought out I the Fehr and Peers report, the 2005 document. You know, it had on pages 25 and 26 a number of very detailed findings. And it would be interesting to see how those factor in to the updated report that, that comes out. So, I think that's all I have.

Chair

Strachan: Great. Thank you. Commissioner Band.

Commissioner

Band: As awesome as it was spending my morning reading about traffic from 2004 instead of skiing, I actually really look forward to the updated traffic report. And I don't think I have anything to add.

Chair

Strachan: Commissioner Campbell?

Commissioner

Campbell: I'm still waiting for the utility stuff because that's the most important thing that I'm hoping we're going to get to take a look at. The, the utility items like gas and power, water. I don't know enough about the traffic to ask any more specific questions, although I think everybody in the room is going to want to see something that is more relevant than 2004.

Chair

Strachan: Commissioner Joyce.

Commissioner

Joyce: Just a couple of quickies. First, earlier in the meeting I had commented about wanting to see parking and traffic and mitigation impacts on commercial. And then we had a person come up and speak and kind of say, as Mr. Joyce said. And there was a number of 194,000 square feet of commercial. And I just want to make sure---that's not what I was talking about. What I was talking about is the 19 UEs of commercial plus the 33,000 square feet of support commercial. I was not lumping in the accessory space or anything like that. So just to make clear what I'm calling commercial is what I think we call commercial. That should be 52,000 square feet I think, roughly.

As I went through, just things that I'd like to see kind of updated. One of the ones that was kind of lost in the traffic and roads and everything is the storm runoff. We've had a lot of tightening requirements in the City lately about what we can do with runoff and how much runoff we can put, and how clean it has to be before we can give it to the fish and things like that. I don't know, I would expect that that may need some update. And I don't know if that's on the list of things to do.

There seemed to be a lot of debate about sending people up and down Lowell instead of Empire. And just putting up some signs and stuff. I will want to see something that sounds like it's really going to work for both people not using Crescent Tram and people actually using Lowell instead of Empire because it's not going to take a rocket scientist to realize that Empire goes straight there, and Crescent Tram, you have to make a right turn and a left turn in the middle of a lot of traffic, and no one's going to want to do that. And so it didn't seem like it made big traffic differences in the numbers, but if that's our working assumption for how we're going to model our traffic, something's got to actually make traffic go that way,

because it's not going to by nature. It's going to take Crescent Tram, it's going to take Empire.

There was a whole bunch of stuff over the years of staircases being required for going up and down 8th Street and all this kind of stuff. And then later on it seemed like some of them were being removed for reasons I couldn't quite figure out. And so I, I couldn't piece together in the history where we still need staircases and where we don't. And for the ones that got removed, why. So as part of the whole pedestrian thing, if somebody could kind of boil that down to a half page, that would help me a lot, because I, I could not figure it out.

Just, just for the public suggestion of go up and see what it's like, I actually did that in the middle of the day, so it wasn't at peak hours. And in fact at two points in time I had to pull over and wait and let somebody go the other way. So, I think that's really a statement of snow removal as much as anything. There's tons and tons and tons of snow there, but of course, there's tons and tons of snow everywhere right now. So I'd like to---I guess it's mostly back to the City, if the City is going to own snow removal and snow storage, is to hear a much better plan that, I think the words in there were "make it a priority". Because the answers right now, I think those are single lane roads and they will continue to be, unless something dramatically different is done.

Same kind of thing on Manor way. There was some truck turn kind of things. And those were the only truck turns. A truck turns off of 224 and Deer Valley and stuff looks fine, but the truck turns off of Empire, up Manor Way and then on Manor Way up to, to Lowell looked kind of tight on a nice, sunny June day. In, in the snow conditions and stuff, I can't imagine how they would get around that turn with a semi. And obviously, there's going to be a lot of construction traffic and then deliveries and stuff up there. So I'd like to see that chart with something other than ideal clear roads out to the 2-1/2 foot rolled gutters and stuff.

And the last thing is, just o---it seemed like it was left in some state of debate as to where the sidewalks would go. The City kept trying to take Lowell sidewalks and put them on one side, and the proposal from the applicant kept putting them on the other. And didn't sound like it ever got resolved. So, whenever we get to that point and start talking about walkability, we should get something a little bit more crisp from the two sides about what's going to happen. And certainly putting them on the

sides where most of the driveways are there's---on Lowell it's not as bad, but on Empire there's a bunch of really short driveways. And I would see as I just drove up there that, you know, you park something as big as like a, a, you know, a pickup truck or an SUV or something in one of these short driveways. It's sticking out almost to the road. It's not in the road but it's almost to the road. And so if the assumption was you were going to grab four or five feet out of that and make it sidewalk, then you've got a sidewalk with, you know, trucks and cars and stuff sticking out in it all the time. And that clearly doesn't serve its purpose. So, I guess when we get into all the sidewalk things, there seems like a lot of unresolved issues between the City and the applicant, and then just mystery questions which no one's seemed to figure out how to solve yet. That's it.

Commissioner

Suesser: Okay. I'll just reiterate Commissioner Thimm's and Commissioner Joyce's comments.

Chair

Strachan: All right. Commissioner Phillips?

Commissioner

Phillips: Let's see. I'll try to eliminate a couple of my comments here. But, yeah, public safety during a snow storm, I mean, obviously that's not anything a traffic study can quantify. And, and that, those are my biggest concerns are what, are, what, what are these studies not catching. What are the, the unintended consequences, the shortcuts. And part of it is just a growing problem in Park City. If traffic backs up I think more people are beginning to use some of these other streets, especially taxis. You know, I mean, and it's going to get worse and worse. And it's not just because of this project, but some of the unintended consequences. And I do agree that Crescent is going to be heavily used. I know the taxicab drivers are all over that. And if they're shuttling people up and down. But I'm sure there's solutions. So, but public safety during the snow storm and if there's any way to do---I know you can't put numbers to it, but just kind of stepping back and looking at what, what do we do in the worst case scenario. And not just a storm but a storm cycle, kind of like we're dealing with now. So I think that's probably why it's on a lot of our minds as we're dealing with it at the moment.

So, let's see here. You know, just a thought. On keeping the commercial space limited to the, the people on-site, and, and it ties into traffic

because we're trying to prevent that from being used in other ways. And I don't know if the idea has been thrown out there, but instead of allowing any establishment in there to receive cash or credit cards or anything like that, maybe currency could be exchanged through room cards only. Something to that effect. I don't know.

Let's see. Snow. I know, you know, as I've read through a lot of this stuff, snow removal, what about the trucks that are hauling the snow. It seems like a lot of work, a lot of money, whether, who, whoever takes the responsibility in the end. Another thought, because I'm always trying to think outside the box, so I apologize if some of these are just blanks. But I'll throw them out there anyways. What about a snow melting station on Treasure's site to where loaders, instead of hauling into trucks, can go dump into a hot pot and just get rid of the water that way? Because those trucks are going to be going on all of the roads out of town. And it doesn't happen every year but---and there's been bigger years than this. I, I've seen, I've seen bigger years, so.

Let's see. You know, I did go up there today as well. It was difficult but I also know that there's going to be a whole different set of plans on how to deal with everything. You know, I know it's going to be a priority for snow removal. So it, it is, you know, I mean, it's one thing to go up there and look at it and see what the condition is today. I know that there will be, you know, it will be a priority snow removal, but even at that it's still, it is still hard to see this occurring right through this residential neighborhood.

And then one more crazy thought. Is there any way to tunnel in from like the Town Lift garage, you know, go down below and through the mountain and into the place, and just get all of the traffic off of that road? That would be, that would be cool. So, let's see, what else do I got here? Any more crazy ideas. I'll leave it at that.

Chair

Strachan: Great. Yeah, I don't really have anything to add. I thought the public comment tonight was very good. This is kind of where we left off in 2009 when I was pretty much new to the Commission. So we're treading new ground here. And I just would ask Francisco to move carefully in that regard. We don't have the benefit of prior Commissioners having looked at these issues as deeply as we're about to.

And, you know, I think on that note, letting the City Engineer and the City Transportation Director, Alfred Knotts, take the lead on what we should require from the applicants is probably the wisest thing to do. I'm not sure it is wise to require the applicants to submit a quote, unquote "comprehensive traffic study" because that may not give the professionals, Alfred and Matt, what they need to assess the impacts. I'd rather have them tell the applicant's what they need to assess the impacts, not the applicants telling us what they think the impacts are in the form of a new traffic study.

I also want to be particularly careful moving forward that we specify the impacts attributable to Treasure, rather than sort of accumulate them all together and blame them all on Treasure. And by that, I mean, you know, when you go down Deer Valley Drive and it's backed up all the way to the traffic circle, and then you say to yourself, well god dammit, Treasure's going to make this even worse. Well, we got ourselves here. We got ourselves to the point where Deer Valley Drive's backed up to the traffic circle. That wasn't Treasure's fault. And so I want to be careful that we don't blame this applicant and attribute impacts to this applicant that are either pre-existing or can't be attributed to them through the evidence. So I, I caution Staff not to make that mistake, although I doubt Francisco would ever do that. But it's something that I think is easy to do, and it's something that we've got to be vigilant about.

Other than that, you know, I appreciate the new info. And we've got some more meetings ahead of us on this and so we'll, we'll get into it. That's all I have.

Anything else, Commissioners? All right. Moving on then. Oh, we need a motion to Continue. Yeah, I always forget that.

Commissioner

Thimm: Do we continue to February 8th?

Chair

Strachan: Yeah. Wait. Which meeting will it be, because we don't have another on in January.

Planner

Francisco: And if we did, we wouldn't be---

Chair

Strachan: Yeah, it wouldn't be Treasure anyway.

Planner

Francisco: We wouldn't be ready. Yeah.

Chair

Strachan: I'm just wondering whether our agenda on February 8th is going to get backed up because we're lacking a meeting.

Commissioner

Suesser: So lacking a meeting on the 25th?

Planner

Francisco: And I'm not sure how effective we would be without seeing the update that's being proposed now for Presidents Day 2017. I don't know if--- Bruce?

Shawn

Ferrin: Do you want to continue to the 8th and we'll have a discussion with Staff about what's next on the agenda. And if we're back, great, and if we're not you can continue it again.

Chair

Strachan: That sounds fair. Yeah, that sounds fair.

Shawn

Ferrin: We can at least have it [inaudible].

Chair

Strachan: Yeah, that's fine. All right. Motion to Continue then to February 8th.

MOTION: Commissioner Thimm moved to CONTINUE the Treasure Hill Conditional Use Permit to February 8th, 2017. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. **622, 652, and 660 Rossie Hill Drive as well as the BLM-owned parcels, request for Zone Change from Residential Medium (RM) District to Historic**

Residential Low-Density (HRL) and Recreation Open Space (ROS) as well as from Estate (E) to ROS. **(Application PL-16-03323)**

Planner Anya Grahm reported that this request was to rezone the BLM properties, as well as the three historic houses that are at approximately 622, 652, and 660 Rossi Hill Drive. Planner Grahm explained that they were talking about rezoning Parcels 1, 2 and 3 from RM to ROS.

Parcel #1 is owned by the City and provides the linkage between Rossi Hill Drive on to Deer Valley Drive. Parcel #2 is a portion of the Fox Glove Cottages PUD Subdivision. The PUD identifies all the common space as open space. Changing the zoning to ROS was not much different because it was already identified to remain open space. Parcel #4 is also owned by the BLM, and currently the parcels are zoned E for Estate. The density on Estate is one unit per three acres. Therefore, this parcel is not able to be developed because of the density requirement, and the Planning Department was suggesting changing it to ROS for Recreation Open Space.

Planner Grahm stated that Parcel #3 is partially owned by the City, and partially in a Title of Color litigation with the BLM by the Dennis family.

Planner Grahm showed what the map would look like if the proposed zoning change occurs. She pointed out the current zoning versus the proposed zoning. Planner Grahm remarked that it would blend with the HRL District, which is Historic Residential Low Density.

Planner Grahm noted that there have been questions about whether or not this zoning change would set a precedent. She stated that there are other cases where the zoning has a similar situation of creating a pocket of a different zone within a larger neighborhood. One example was the Library Field, which is designated as ROS. She also commented on an annexation parcel that was zoned Estate even though it was surrounded by Single Family and RD development. Another example was the rezone of the Sunnyside Subdivide. In that case the residents came forward with a request to change from RD to Single Family to eliminate the opportunity for nightly rentals. In doing so, it left a pocket of RD that could continue to be used as residential.

Planner Grahm had received public comments that was forwarded to the Planning Commission via email, and the Commissioner were also given hard copies of those comments as well.

Assistant City Attorney McLean explained that the standard the Planning Commission was looking at is whether it promotes the general welfare. It has to be a rationally

based decision under State Case Law. The Commissioners need to balance their decision on good cause and the rationality behind it. The findings should be on whether or not this promotes the general welfare. Ms. McLean noted that the Planning Commission has done zone changes, but not frequently. It is covered under Section 10-9A-801, which is the appeal section that talks about how those decisions are reviewed. The State Code states that the zoning promotes the purpose of the chapter being the Land Use Chapter. The Courts interpret it as for the general welfare.

Chair Strachan thought the direction from the City Council was unclear. Director Erickson stated that the Council's goal was three-fold. One was to bring the property more in compliance with the General Plan as the transition zone between the historic district and Deer Valley. Second was to provide a mechanism to restore the three houses. And third was to do the best possible to maximize the amount of open space on the property without removing property rights from the Color of Title action. Director Erickson remarked that the City Council had asked for a rigorous start towards those goals, and the Planning Department came up with low density zoning alternatives, including the RD zone, which is three units per acre. It would have effectively taken away most of the development rights. The HRL, which is the proposed solution, could yield as many as eight units, including restoration of the three houses. Director Erickson noted that there may be additional open space opportunities when the Color of Title action is complete.

Commissioner Joyce asked how the rezone helps with the transition from Historic Old Town to Deer Valley, when at least a quarter to a half mile on both sides is packed with condos. Director Erickson replied that the Staff position is that the rhythm and pattern is maintained by the protection of the three houses in that location, as well as the restoration and the provision of the open space on the hillside, which becomes a pocket park consistent with the Library Field, the City Park at the south end of Main Street, and Creekside Park. Director Erickson stated that it works very much like the undeveloped street rights-of-way in the Historic District. He explained that they could develop the site, but those three houses would not remain in the same existing historic agricultural context. A limited amount of development may achieve that goal, consistent with a few other historic houses on the other side of the street.

Chair Strachan opened the public hearing.

Robert Gurse stated that he and his wife are full-time residents of Park City at 654 Rossi Hill Drive, directly behind the BLM property. Mr. Gurse remarked that Park City's historic architecture is the most important factor that makes Park City Park City. He volunteers at the Park City Museum giving tours of Main Street in the summer. From personal experience, he knows that a lot of people come to Park City because of its

history. Having preserved that history, Park City is able to stand out among other Mountain West resort town that little more than condominiums and high priced homes and tourist shops. Mr. Gurse stated that the mining era homes on Rossi Hill area a unique remnant of Park City's history. He often sees tourists stop on the road to take pictures of these homes. He has also seen people set up an easel and paint pictures of the homes and their surroundings. Mr. Gurse believed these homes were historic treasures for Park City, not only because they are in nearly original form, but because they are probably the only remaining Park City historic homes in their original semi-rural setting. He stated that at one time small homes dotted the hills around Park City, often surrounded by gardens and small pastures. Most of those homes that remain have been completely engulfed by condominiums and other modern structures with no remnants of their original setting. Mr. Gurse believed it was essential for the City to take this opportunity to protect these rare vestiges of its history by preserving these historic homes and the surrounding open space. He thought the Planning Department had done a good job addressing this issue, and he applauded their efforts. The current proposal for HRL zoning for Parcel #3 containing the three historic homes is a major improvement over the existing zoning of RM, which would allow the entire parcel to become a huge condominium complex. However, according to the proposal by the Planning Department, even with the HRL zoning, up to five new homes for a total of eight could be built on this parcel based on the total acreage. The actual number of new structures would be limited by the location of the current homes and other factors, but the potential for five new homes on this land mostly likely behind the current homes is troublesome. It would take away much of the semi-rural setting that makes these homes so special. Mr. Gurse noted that the Planning Department's proposal points to the recommended ROS zoning of other portions of the BLM land, including Parcel #4, as a way to preserve the open space relative to the historic homes. He and his neighbors support that; however, additional steps should be made to protect the open space immediately surrounding these homes to the extent possible whether it is through rezoning or through strict enforcement of relevant historic guidelines. Mr. Gurse stated that the original Planning Department to the City Council on December 22nd divided Parcel #3 into two parts, with the southern portion as ROS. He asked the Planning Commission to at least consider drawing a similar line with the northern downhill portion of that parcel zoned HRL, and the southern uphill portions zoned ROS, along with Parcel #4 and Parcel 1 and 2. Such a division would better preserve both the historic homes and their unique original setting.

Bryce Panzer, stated that he was an attorney representing Richard Dennis and his two daughters who own the three historic cabins. He has been involved with this since the initial meeting that Mr. Gurse mentioned. Mr. Panzer stated that this came up in the context of an adjacent property seeking to establish a record lot for the Bertagnole cabin, which is in a Color of Title Action, which is similar to what the Dennis family has

been involved in for the last ten years. He remarked that the neighbors were upset that anything would be done with this pristine area, which they have come to understand is a city park and believe it should be maintained as a park. As Mr. Gurse had indicated, one of the proposals floated was to make much of the parcel that the Dennis' claim as ROS. Mr. Panzer understood that the Planning Department examined this and ultimately concluded that the proposal that had been floated would make the remaining cabin properties non-complying, and would confiscate all possible development rights. It would make it uneconomical and unattractive for anyone to do anything with the cabins which have fallen into disrepair. When the Planning Department come up with the proposal of converting the parcel to HRL, his client thought it made sense. He wanted to see the cabins preserved and believe this proposal provided a mechanism for doing it. Mr. Panzer pointed out that Richard Dennis was born in one of these cabins, and his family has owned the three cabins for the last 100 years or so. Mr. Panzer remarked that what the neighbors suggested was a laudable goal, but if the City wants to preserve the land as a pocket park, they should purchase the property or acquire in some fashion, rather than restrict the development. Mr. Panzer pointed out that this does not create a transition zone between Old Town and Deer Valley because of the existing development. However, in essence it is a compromise. It is a solution that his clients are agreeable to, and that fits with what they think the future development of this property should be.

Jeff Camp, a resident at 590 Coalition View Court, stated that he has lived adjacent to the BLM property for 25 years. He pointed out that no one ever raises the issue of animals. Having live there for 25 years he watches the animals over and over again. It used to be a corridor for the animals to go down and cross Deer Valley Drive and up into the open space in the Aerie. A wall has been built but the animals still squeeze through it. Mr. Camp noted that an elk herd used to come through there but he has not seen them in years since the two duplexes were built on the opposite side of Deer Valley Drive. Mr. Camp remarked that all the animals need water. The deer and moose are very prevalent on that land because it is the only place where they can get to the water. Walls of condominiums prevent them from getting to the Deer Valley ponds, and the creek runs underground at the intersection of Rossi Hill Road. Mr. Camp believed the issue was more about saving a place for the animals. He commended the City for wanting to zone the upper parts ROS, and he also liked the HRL zone for the Dennis parcel. However, he agreed with Mr. Gurse that the remainder of Parcel #3 should be ROS as well. He noted that in terms of the BLM, the use has always been ROS. Mr. Camp stated that the BLM is supposed to preserve open space, but now they were divesting their property. Mr. Camp has been in touch with the BLM for a number of years and watching their intentions for that property. He provided copies of a document he obtained from the BLM several years ago. When he first started living there the BLM land was one large parcel, but over time it was divided

into smaller lots. Mr. Camp believed the Dennis family was claiming property rights to property that they do not own. They own the shacks that are on top of the ground, but they do not own the land. It is Color of Title. The Bertagnole family fought it 30 years and he suggested that the Dennis family may fight it for another 10 years. Mr. Camp requested that the Planning Commission give the Dennis family the smaller parcel and let it be HRL, as proposed, and make the remainder of Parcel #3 ROS to protect the animals.

Diane Bernhardt, a resident at 630 Coalition View Court, stated that she represented the Save Rossi Hill Historic Open Space Alliance, whose mission is to promote the creation of a long range vision and action plan for the protection of the historic open space on Rossi Hill. The first goal of this mission is to advocate for and facilitate the protection of the open space and the historic miners' cabins located on BLM parcel 18. To that end, the organization created a petition representing community support for the preservation of the parcel. Those supporting the petition declared that: 1) they support the restoration and preservation of the historic mining era homes; 2) they support the preservation of the irreplaceable open space for future generations; 3) they request a rezone to ensure the protection of this open space from new land development. Ms. Bernhardt stated that the response to this petition was extraordinary. It was first circulated on August 11th, and six days later it had gathered 297 signatures. As of yesterday, the petition had 359 signatures in the affirmative, of which 241 are from Park City or its suburbs, 28 are from Utah, and 16 are out-of-state Park City property owners or frequent visitors. Ms. Bernhardt remarked that through the sensational support of the petition, the community has made it abundantly clear that preservation of this unique open space is very important. The Save Rossi Hill Historic Open Space Alliance thanked the Planning Staff for this considered zoning amendment proposal. It makes appreciable progress towards the goal of protecting these remarkable acres. The HRL designation provides significantly more defense for the miners' cottages than the current zone, but still permits development that will overpower the quaint homes and remove them from their historical context. The organization supports the approval of the zoning amendment in order to provide immediate increased protection. However, the also respectfully requested that the Planning Commission recommend to the City Council that further protections are required to truly protect this land using tools such as additional zoning changes, amendments to the General Plan, strengthening of historic guidelines, or the municipal acquisition of this land for the benefit of the community. Ms. Bernhardt urged the Planning Commission to forward a positive recommendation to the City Council to approve the zoning map amendment request as proposed by Staff, with additional recommendation that further protective measures are required to fully safeguard this iconic Park City landscape. She thanked the Commissioners for the opportunity to provide input from the members of Save Rossi Hill, and from the 359 petitioners calling for this rezone and for further protections.

Christina Schiebler, a resident at 638 Coalition View Court, agreed with her neighbors and the Rossi Hill Open Space Alliance.

Chair Strachan closed the public hearing.

Commissioner Phillips was pleased to see that the Dennis family was not wanting to maximize development. It is extremely important to preserve these old buildings, but in some ways it felt like they were downzoning to accomplish that goal. Commissioner Phillips was trying to see the other side as well, to make sure no mistakes were being made. He recalled that the Lilac Subdivision was approved by the Planning Commission, but he was unsure what happened with it at the City Council level.

Director Erickson reported that the plat was approved by the City Council and created one lot of record. Planner Grahm explained that when the City Council reviewed the Lilac Hill Subdivision, which is the burnt out house at 632 Deer Valley Loop, added conditions of approval included a requirement to provide 40% open space. Another condition was to make sure that any development on that site or any future subdivided parcels or lots created out of that site had to comply with the design guidelines. Planner Grahm noted that as discussed by the Planning Commission, any work to the historic house would have to comply with the guidelines; however, new construction on new lots would not have to comply because it is outside of the historic districts. Planner Grahm stated that the added condition of approval makes sure that work on the historic house, as well as any new development, must comply with the guidelines to help promote that historic character. She recalled that another added condition of approval talked about not blocking the view to the historic house so the hillside would maintain its existing look and feel. Planner Grahm remarked that those were the primary conditions for why the Planning Staff recommended the HRL. Even though that parcel would remain RM and would not be rezoned to HRL, the HRL zone carries over the design guidelines and some of the requirements that keep the historic context.

Commissioner Phillips stated that in reading the Staff report there was reference to 22 units, and then it talked about the amount of allowed units being based off of the square footage. He asked to what extent the Dennis family was informed of what they could actually do, as opposed to the actual number that could fit. Planner Grahm replied that the Staff did not look what could be allowed because they did not want to draw subdivision lines and try to estimate what the development could be. That was the reason for basing it off the square footage of the lot as a whole.

Commissioner Phillips favored the proposal because it would definitely help preserve the structures. However, if the Dennis family were to build other buildings on this site,

he asked if the City would look at limiting the other buildings to be more consistent with the same mass and scale of the existing structures. Planner Grahn believed the design guidelines would dictate that. She pointed out that height requirements in the LMC stipulates a maximum height of 27'. Commissioner Phillips pointed out that 27' would tower over the existing structures, and he asked if they could require a lower height or if it was a given based on the requirements. Planner Grahn did not believe it was a given; but when the building comes in with the Design Guidelines, the Staff would mitigate it at that point to make sure it would not overpower the historic buildings.

Commissioner Suesser asked if the Staff had considered isolating the three cottages to the HRL section, and keeping the remainder of Parcel 3 ROS. Planner Grahn replied that the Staff had looked at that, but the concern was that some development has to be allowed on the site in order to rehab the houses and make it financially feasible. The Staff also looked at the historic Sanborn maps from 1927 and at that time this hillside had ten small houses on it. It helped the Staff understand what should be built there and to keep that context. Commissioner Suesser understood that anything else built on Parcel 3 would have to comply with HRL guidelines. Planner Grahn replied that she was correct. It would have to comply with that section of the LMC in addition to the Design Guidelines.

Commissioner Joyce stated that he lives up the hill from this parcel and he looks at those structures every day. He wanted to see the structures preserved, but at the same time what they want cannot influence what they do. Commissioner Joyce was uncomfortable creating a little zoning island of one lot of one land owner; and at some level downzoning them. He was looking for good excuses as to why that was acceptable, but he thought the transitional reason was ludicrous. Commissioner pointed out that two feet from one of the historic houses, the City approved an 8,000 square foot duplex on one side and Foxpoint was on the other side. Commissioner Joyce was not in favor of micro-zoning. In his opinion, it was a bad use of the zoning tool and they should not make it a habit. He clarified that the only reason he would vote to support this was because the landowner supports it. He would recommend to the City Council that if they want to preserve these houses they should purchase them. If they want to make it a park, the City should buy it. Otherwise, if the landowner comes back wanting to build 27' houses, he would support their proposal because the zoning allows it and he believes it is reasonable. Commissioner Joyce reiterated that his original intent was to vote no on this proposal because he believes micro-zoning is wrong.

Commissioner Campbell agreed with Commissioner Joyce. He was opposed to what was clearly the downzoning of the other lot and he voted against it. He would have voted against this one as well. Commissioner Campbell was not sure the owner being

in favor swayed him, but he backed Commissioner Joyce 100% that everyone gets great satisfaction out of seeing those structures as they drive up and down the road. The only way it will remain is if the City buys it. Commissioner Campbell suggested that the Planning Commission let the City Council know that they agree to approve this request, but in return they would like the Council to look at purchasing the structures to preserve them.

Commissioner Band concurred with Commissioners Campbell and Joyce. Open space that is privately owned is not open space; it is privately owned land. She shared the sentiment that if the City wants it preserved they should purchase it. Commissioner Band believed this proposal was a great compromise, and that many of the neighbors shared her opinion. She personally favored spot zoning. It is a great tool if people are creative and she thought Park City should look at it in the future.

Assistant City Attorney McLean stated that spot zoning or micro-zoning does not exist in Utah. It is a matter of finding the right zone for a particular area. Zoning cannot be done only for economic reasons.

Commissioner Thimm concurred with the other Commissioners with respect to zoning. His decision was swayed by the historic structures. Commissioner Thimm did not believe that creating the non-contiguous zoning islands was a good practice and he thought they should be careful about doing that. He felt this proposal would create a district that is set up by the existing historic structures in trying to modulate the scale of what is occurring in that area. Creating open space by zoning towards the ROS would preserve that ground in an appropriate way. Commissioner Thimm supported the proposal.

Commissioner Phillips was in favor of a City purchase, but he would be uncomfortable changing the zoning before the purchase. He preferred to purchase first and then change the zoning. Commissioner Phillips stated that he still had some misgivings, but he was willing to support the proposal.

Director Erickson remarked that the effect of this particular zone change reduces trip generation on Deer Valley Drive from 22 units x 10 to 8 units x 10. He explained that doing the zoning to protect the context of these historic houses is much closer to form based code in saying that this is the character we want to preserve in this location for X, Y and Z reasons. Director Erickson stated that this was more than a strict downzone. It was a careful enactment of progressive non-Euclidian technics and growth management on Deer Valley Drive, and protection of the neighborhood values. When the Staff looked at this rezone proposal, the number one mission was to protect the houses.

Commissioner Campbell referred to Silver Star, the Rio Grande and similar places that were deteriorating but there were plans for preservation; however, a commercial piece behind it paid for the preservation. It was a model he would like to see and he was certain that the City, the Planning Staff and the public could get behind it.

Commissioner Campbell clarified that he did not believe that model would work in this case because no one would want additional commerce in that area. His intent was to make sure that commercial components are considered in places where it would work.

Director Erickson stated that the mechanism already exists for historic houses where commercial uses such as a café could occur. As lower Park Avenue redevelops, he anticipated one or two additional coffee shops in that zone.

Commissioner Campbell wanted it on the record that his vote would be in favor of anything that would keep the historic buildings from demolition by neglect. It is never the intent, but it does happen to many structures if rebuilding them does not make sense.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to approve the zoning map amendment request from RM to HRL and ROS at 622, 652 and 660 Rossi Hill Drive, and the BLM parcels, as well as additional zone changes from Estate to ROS for the BLM parcels above Rossi Hill, based on the Findings of Fact and Conclusions of Law as found in the draft ordinance.

Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Zoning Map Amendment

1. The property is identified as Summit County parcels M244-24, PC-750-1-X, M-244-23, PC-537-X, and the un-assessed BLM triangle parcel that is located to the south and east of Rossie Hill Drive and south of Coalition View Court.
2. The property is currently zoned Residential Medium-Density (RM) and the triangle parcel is zoned Estate (E).
3. There are currently three historic houses located at 622, 652, and 660 Rossie Hill Drive. These are located on parcel PC-537-X. These houses are designated as Landmarks on the City's Historic Sites Inventory.
4. This rezone also includes the northwestern half of the Foxglove Cottages PUD

Subdivision, which was recorded in 1997. This subdivision included a provision that the common area is master planned open space, and may not be sold separately. The eastern half of the property is designated as open space on the subdivision.

5. This property is not contiguous to the existing HRL Zone District, which is located approximately 750 feet to the west / southwest along Rossie Hill Drive.
6. The size of the proposed rezoning area is approximately 15% of the total size of the entire existing HRL Zone District along McHenry Road.
7. The access to the sites is from Rossie Hill Drive and Coalition Court.
8. The ROS District lists Conservation Activity as the only allowed use.
9. The requested Zoning Map Amendment from RM to HRL and ROS is appropriate in that the zone change will meet City Council's goals of preserving the hillside and promoting redevelopment of the historic houses and is consistent with the General Plan.
10. This zone change proposes rezoning parcel PC-537-X from RM to HRL. The RD zone only allows up to 8 single family units of development; under the RM zone, the density is roughly 24 units of development consisting of a mix of multi-unit dwellings over four units.
11. This zone change proposes rezoning the remainder of PC-537-X and the other parcels to Recreation Open Space (ROS) which encourages preserving and enhancing environmentally sensitive lands, encouraging sustainability, conservation, and renewable energy.
12. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood and protects the historic properties along Deer Valley Drive through the HRL zoning regulations, meeting the goals of the General Plan.

Conclusions of Law – Zoning Map Amendment

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed

Zoning Map Amendment.

5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

3. **1846 Prospector Avenue – Conditional Use Permit application for the construction of six (6) residential units within two (2) new floors above an existing one-story commercial building at 1846 Prospector Avenue. All residential uses are Conditional Uses within the General Commercial (GC) district. (Application PL-16-03356)**

Planner Ashley Scarff reviewed the request for a conditional use permit to construct two new floors with residential use above an existing one-story commercial building at 1846 Prospector Avenue. Each new floor would contain three new residential units; one Two-bedroom and two one-bedroom units per level. The first floor currently houses Black Tie skies and it will maintain that use. However, the exterior of the entire building will be updated. The applicant has indicated that the plan is for the residential units to be rentals.

The Staff had reviewed the project against all 16 conditional use review criteria and found that no major unmitigated impacts would be caused by the project.

Planner Scarff remarked that she had made an incorrect statement twice in the Staff report when she said that zero lot line development with maximum density of the 2.0 floor area ratio has been anticipated since the Prospector Square Subdivision was first platted in 1974. She clarified that the Prospector Overlay Zone outlining these regulations was not added to the LMC until 1996. Therefore, that level of intensity was not anticipated in 1974.

Planner Scarff stated that the six new residential units only creates a need for six off-street parking spaces, which is minimal when compared to other uses which are expressly allowed in common in the General Commercial District. In addition, the Staff looked at the amount of available shared parking throughout the Subdivision, as well as past parking studies focused on the area. The Staff maintains that no unmitigated parking impacts would be created by this specific project.

Planner Scarff had received written public comment and printed copies were provided to the Planning Commission this evening.

The property owner, Josh McConnell, his representative, Brandon Schofield with CDR Development, and the project architect, Ben Berry with Black Box Design, were present to answer questions.

Commissioner Joyce suggested that the Commissioners take a moment to read the public comment from Pamela Hilbert if they had not already done so. Director Erickson noted that the comment from Ms. Hilbert related to an existing solar installation adjacent to this building. They provided information from the solar technology company as to the effect of the project.

Chair Strachan thought this project was good positive, infill development in Prospector. He recognized that there are always impacts, and those have been mitigated. He personally felt they should be doing more of this type of development because building up is the alternative to building out. As Chairman, he does not vote unless there is a tie; but he would support it if he could vote.

Commissioner Campbell disclosed that his office is next door to this building. He gets there early and has no problem parking, but when his employees arrive later there is never parking. Commissioner Campbell stated that parking was his only concern. Otherwise, he agreed with Chair Strachan that this was exactly the ideal to accomplish live/work/play. He pointed out that there were no signs in the lots prohibiting overnight parking. Commissioner Campbell asked if the applicant had thought about parking.

Brandon Schofield understood the parking issues. They believe that people in the residential units would be gone during the day and there would be adequate parking when they return in the evening. Mr. Schofield did not assume there would be multiple cars per unit. He was unsure about overnight parking.

Mr. McConnell remarked that the Prospector Square HOA issues overnight permits to certain levels. They will work with the HOA to address that issue.

Commissioner Joyce agreed that the parking lots are constantly full during the work day. He was concerned that each time they build up, at what point do they decide that Prospector has a parking problem. Commissioner Joyce wanted to know how that would be determined.

Director Erickson stated that Planner Scarff had reviewed the parking studies for Prospector Square that established the final ratios of parking. The Staff was in negotiations with the HOA to clear up one of the problems that was never considered in the parking study, which are the service and delivery vans and the RV vehicle storage. Director Erickson explained that there are regulatory mechanisms with the HOA to clean up these issues, unrelated to the potential reduction of parking demand by not doing commercial on the second and third levels.

Commissioner Band stated that at a certain point in time the commercial space will become too valuable and some of those businesses would likely move to Silver Creek and other areas. The spaces would then become offices and restaurants, and the parking problem might resolve itself.

Planner Scarff reported that in her research the most recent parking study she found for that area was done in 2003. It compared peak times versus non-peak times, and the study found that a lot of the lots were not at their full capacity. The City Engineer had said it was more of a distribution issue more than a parking availability issue. Planner Scarff thought it was up to the POA to find a way to redistribute who parks where.

Commissioner Band stated that she frequents that area often at different hours and for a variety of reasons, and she has never had trouble finding a parking spot. She was unsure whether that area was totally at capacity.

Commissioner Joyce explained that his concern were the impacts that would be created by future projects. Commissioner Campbell reiterated his belief that parking is self-regulating. If it is too difficult to park, no one will want to rent the units.

Commissioner Thimm noted that there are parking guidelines within the LMC and that should give some guidance. Director Erickson remarked that per the LMC, in Prospector Square Lots A through K are specifically dedicated to parking, and they are allowed to use the floor area ratio to determine the amount of parking for the area. He did not believe the City had regulated clearly on letting people move parking spaces around and shift them from one lot to another. The distribution problem is valid in that they can expect to see some lots with storage of units, and the lots next to the Rail Trail are never full.

Director Erickson stated that after the Planning Commission takes action on this application, they could ask the Staff to look at when the parking plan for Prospector should be reviewed.

Assistant City Attorney McLean suggested adding a Finding related to the 2003 parking study. Based on this discussion, it is a key fact that goes into this analysis. The Commissioners were not comfortable referencing a 13-year-old study. Commissioner Band thought the 2003 parking study was irrelevant.

Commissioner Suesser commented on the letter regarding the neighboring solar installation, and how this project would shade it and they would lose the solar generation from their project. She asked if the Staff had looked at that concern and whether the City has a way to address it. Planner Scarff replied that it was a civil issue

because there is nothing in the Code that protects a landowner's access to solar energy. Commissioner Campbell asked if the Planning Commission was allowed to add a condition of approval requiring the two parties to work out an agreement. Ms. McLean answered no because the conditional use permit has to do with the residential use. The owner is entitled to build to three stories.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to APPROVE the conditional use permit for the construction of six residential units within two new floors at 1846 Prospector Avenue. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1846 Prospector Avenue

1. The subject property is located at 1846 Prospector Avenue, lot 28A of the Prospector Square Amended plat.
2. The property is located within the Prospector Overlay of the General Commercial (GC) zoning district.
3. The lot currently contains a one-story commercial structure with a floor area of 2,296 sf.
4. The applicant proposes to construct two (2) stories of residential use above the existing one-story commercial structure. Each new floor is to contain three rental units (one two-bedroom and two one-bedroom) for a total of six (6) new units within the project. The first floor will maintain its Retail and Service Commercial use.
5. Residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC), and require approval by the Planning Commission.
6. The Prospector Overlay allows for zero lot line development and a maximum Floor Area Ratio of 2.0. The applicant is proposing a total floor area of 7,106

sf on a 3,600 sf lot, resulting in a FAR of 1.97. The structure will be limited to the maximum zone height of 35 feet (35') from existing grade, and is currently proposed at 34 feet, 10 inches.

7. The existing floor area of the first level will be reduced by approximately 132 sf to accommodate an exterior stairway and elevator to serve as access to the residential units. The first level floor area is proposed at 2,794 sf, and the second and third floors are proposed at 2,156 sf, each.

8. The existing commercial unit requires three (3) off-street parking spaces and the six (6) residential units will require six (6) spaces (1 space required for each unit less than 1,000 sf in area). The Prospector Square Subdivision contains thirteen (13) shared parking lots with a total of 1,096 shared spaces. Parking Lot H to the west of the site contains 66 spaces, and Lot K to the east contains 85 spaces.

9. Traffic and parking impacts are minimized by the construction of the residential uses rather than other prevalent, expressly allowed uses within the zone, such as an Office use, which would require 5 off-street parking spaces for every 1,000 sf of net leasable floor area.

10. Utilities necessary for this use are available at or near the site. Comments regarding fire riser size and capacity of sewer laterals were gathered at the Development Review Committee meeting, and will be addressed prior to the issuance of a building permit.

11. The proposed development will not interfere with access routes for emergency vehicles.

12. Existing internal vehicular and pedestrian circulation systems will not be impacted by this project.

13. No outdoor storage of goods or mechanical/utility equipment is proposed or allowed onsite. No fencing has been proposed.

14. The structure will nearly reach the maximum FAR of 2.0, as well as the maximum zone height of 35 feet (35') from existing grade; however, there are other nearby structures, including those that front Prospector Avenue, with similar massing and bulk.

15. This project will not impact any existing open space, nor create additional

open space.

16. No signs are proposed at this time.
17. Exterior lighting will be reviewed at the time of the building permit review.
18. The proposal falls within the Park City Soil Ordinance Boundary and any soil disturbance or landscaping will require compliance with Park City Municipal Code 11-15-1.
19. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law – 1846 Prospector Avenue

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-15);
2. The use, as conditioned, will be compatible with surrounding structures in use, scale, mass, and circulation;
3. The Applicant complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 1846 Prospector Avenue

1. All standard conditions of project approval shall apply to this project.
2. The structure shall comply with the General Commercial (GC) zone maximum building height of 35 feet (35') from existing grade.
3. All required utility upgrades must be completed concurrently with the City's re-build of Prospector Avenue in the summer of 2017, or the applicant will need to wait two (2) years to cut into the right-of-way and make the improvements.
4. Any new above ground utility structures will need to be located within private property, or within the Prospector Square POA's common area.

5. All signs associated with the use of the property must comply with the City's Sign Code and require a separate sign permit issued by the Planning Department prior to installation.
6. No outdoor storage of goods or mechanical equipment is allowed on-site.
7. A final utility plan shall be approved by the City Engineer and SBWRD prior to issuance of building permits for the new construction.
8. Any soil disturbance or proposed landscaping shall adhere to Park City Municipal Code 11-15-1.
4. **1264 Aerie Drive plat combination – The purpose of this plat is to combine two adjacent lots in the Aerie Subdivision to build one house across the two combined lots.** (Application PL-16-03362)

Due to a conflict, Commissioner Campbell recused himself from this item and left the room.

Planner Makena Hawley reviewed the application for a plat amendment for the Kipp Subdivision, which would be the Second Amendment to the Aerie Phase I Subdivision. The applicant owns Lots 5 and 6 and he was proposing to combine both lots.

Planner Hawley stated that the owner intended to build his house on Lot 6, but the hill was too steep for the planned design. The applicant decided to combine the two lots in order to build the house on the flatter portion and closer to the existing houses.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council on the plat amendment for 154 and 1276 Aerie Drive, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Band seconded the motion.

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

Findings of Fact – 1265 Aerie Drive

1. The Kipp Subdivision being a Second Amendment to The Aerie Phase One Subdivision, Amending Lot 5 and 6 is located within the Single Family (SF) District.
2. On November 20, 2016, the City received a complete application to amend the Aerie, Phase 1 Subdivision by combining lots 5 and 6.
3. Summit County recognizes 1264 Aerie Dr. as Parcel AER-5 and 1276 Aerie Drive as Parcel AER-6 (Tax IDs).
4. Currently Lot 5 holds a single family dwelling and Lot 6 is vacant.
5. An easement exists on Lots 5 and 6 which consists of a concrete driveway leading to 1156 Aerie Drive. This easement was recorded in 1983 as Entry No. 211399 in Book 274 Page 168. This easement will remain unchanged.
6. The existing Aerie Phase 1 Subdivision only had one note which referred to a settlement agreement recorded as Entry No. 179581
7. In 1997 a Lot Line Adjustment to modify Lots 10 and 11 was approved to create the Olch Replat.
8. The proposed plat amendment combines two (2) existing parcels to create one (1) lot of record consisting of 1.67 acres (72,863 square feet)
9. The proposed plat amendment will combine Lots 5 and 6, with current lot widths of 98 feet each, to create one (1) lot of record with a width of 196 feet.
10. Front yard setbacks in the SF district are 20 feet minimum, 25 feet for front facing garages.
11. Due to the lot bordering a street on both the back and front, per 15-4-17 both sides must have a front setback.
12. Side yard setbacks in the SF district are 12 feet minimum.
13. Height in the SF district is 28 ft. from existing grade. An additional 5' are granted for a gabled roof 4:12 or greater.

14. As stated in the LMC Single Family District, as part of a Master Planned Development, or a subdivision, the Planning Commission may designate maximum house sizes to ensure Compatibility.

15. The property is not within the soils ordinance boundary. In the event that mine wastes or impacts are encountered, the applicant is responsible for handling the material properly.

16. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations, or any remnant parcels.

17. Any new structures must comply with applicable LMC requirements

18. The proposed plat amendment will not cause undo harm to adjacent property owners.

Conclusions of Law – 1264 Aerie Drive

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

Conditions of Approval – 1264 Aerie Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers will be required for new construction by the Chief Building

Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

4. A 10 foot Public Snow Storage Easement will be required along both roads on the North and South side of the property.
5. Any land disturbances over 1.0 acres will require the applicant to abide by the City's storm water MS4 permit program.
6. All above ground utility infrastructures shall be located on the applicant's property.

Commissioner Campbell returned to the meeting.

5. **1061/1063 Lowell Avenue (Application #PL-16-03328) - The purpose of this plat is to vacate Lot 1 from the Northstar subdivision, which current holds a duplex and has a deed line running through it. This plat amendment is synonymous with application #PL-16-03221; removing Lot 1 from the Northstar subdivision will possibly allow the following application to subdivide the current lot into 4 lots (becoming its own subdivision) for 4 single family homes.** (Application PL-16-03328)
6. **1061/1063 Lowell Avenue (Application #PL-16-03321) - The purpose of this plat is to subdivide one lot with a current duplex on it, separating it into 4 lots for 4 single family homes. This plat amendment is contingent on the approval of the 1061/1063 Lowell Avenue PL-16-03328 plat amendment, which proposes to vacate Lot 1 from the Northstar Subdivision.** (Application PL-16-03321)

The Planning Commission discussed these items together.

Planner Hawley reported that these items were originally noticed for action. However, after receiving considerable feedback on the Staff report, the Staff decided that it was best to handle these items as a work session this evening. Planner Hawley recommended that the Planning Commission take public input and continue these items to February 8, 2017.

Planner Hawley reported that the two plat amendments; one to vacate the Northstar Subdivision and the second to subdivide the lot into four different lots are dependent on each other and should be viewed together.

Planner Hawley stated that the lot is zoned HR-1, and compared to the HR-1 LMC requirements, these four lots can meet the requirements for lot size, etc. However, good cause is also required for plat approval. She noted that the density would be increased by two because a duplex exists on the lot. The question is whether four lots is better than one lot, and whether four units are better than a duplex. In looking through the good cause portion, a number of issues were raised, such as whether or not restrictions should be placed on the density. If the density is allowed to increase for Lot 1 of the Northstar Subdivision, which is made up of very large lots, another question is the precedent they would be setting if they allowed all of those lots to subdivide and create additional density.

The applicant's representatives, Scott Jaffa, David Ostrander, Joe Ostrander and Jon Turkula were present to answer questions.

Chair Strachan opened the public hearing on the plat amendment and the subdivision.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce understood that the applicant thought that piece of land was already out of the HOA; and had gone through all the steps except for approval by the City. Planner Hawley clarified that it is out of the HOA, but it was still part of the subdivision.

Commissioner Joyce stated that a number of issues in town are predominantly traffic based, but it all comes down to density. A large number of projects are already committed through master plans, unbuilt lots, or commercial in areas such as BoPa which have a huge potential for increased development. He was reluctant to approve any type of subdivision to add density to a place that is already allotted and, in this case, should be a single family lot. Commissioner Joyce remarked that given the situation in town, the good cause would have to be something very important before he could support multiplying the density. He agreed with the concern of setting precedent for the other lots. At this point, Commissioner Joyce could not find good cause for increasing the density. He clarified that it was not just this project because he has stated the same concerns about adding density in Bonanza Park and other areas.

Commissioner Joyce stated that the only way he would consider subdividing the property would be to truly have a community benefit that outweighs the extra density, and that would help them apply it so it would not set a precedent.

Commissioner Campbell asked Commissioner Joyce why this request was different from the six apartments they approved this evening at Prospector. In his opinion, six units above a ski rental added more density than adding another ski shop.

Commissioner Joyce stated that the previous applicant had the right to build three stories of commercial as an allowed use without coming to the Planning Commission. He believed that would create be more density than what was approved, which was six residential units on floors two and three. Commissioner Campbell explained why he believed it was adding density and additional traffic. Chair Strachan agreed that it added density, but it was less density than what was allowed under the current Code.

Commissioner Phillips understood that Commissioner Joyce was speaking to the precedent they would be setting with this request. Commissioner Phillips asked if they were searching for good cause just to they could allow this. If so, searching for good cause would be setting the bar low for future requests. In his mind, good cause would be affordable housing or accessory units that could be deeded affordable housing.

Commissioner Band noted that if someone was building a \$3 million home, it most likely would not be in the rental pool and affordable housing would not be a viable option. Commissioner Phillips clarified that he used that as an example in looking for the gets.

Commissioner Thimm pointed out that the Staff had changed the format on these items to a work session discussion; and the purpose of a work session is to provide guidance to the applicant. When he read through the Staff report his first thought was that there would have to be a compelling "get" for the City in exchange for the "give" of additional density. Commissioner Thimm believed the burden was on the applicant to come back with a compelling "get" for the City. It was not up to the Planning Commission to find the compelling reason. His recommendation to the applicant was to come back with something compelling enough to show good cause for approving a four-unit development.

Mr. Jaffa understood the comments regarding traffic and parking because they have had the same discussions amongst themselves. Mr. Jaffa thought this project worked well for a number of reasons. It is a private drive and no cars would be parked on the street. Doing an infill project in town in that location minimizes traffic more than a project out in the suburbs. People will be there to ski and walk to Old Town, and they would rather walk than drive. The existing duplex and some of the surrounding structures do not belong in Old Town and do not fit within the fabric of Old Town. Mr. Jaffa stated that they were trying to do something that fits, which are 25' x 75' lots with smaller houses that are compatible with the historic fabric. Mr. Jaffa pointed out that

not one structure on Lowell is a historic structure; however, it fits in with the historic district and it feels historic. Instead of building one big house or renovating a duplex, Mr. Jaffa thought it was better to replace it with good architecture that could add to the City and Old Town, as well as the expansion at the ski resort.

Commissioner Campbell did not believe there would be much difference in size between what exists and the four proposed units.

Mr. Ostrander thought the difference in the traffic that the Commissioners discussed with an earlier project regarding deliveries and transient traffic at a hotel, is much different from traffic that occurs in areas where people actually live. It was noted that two parking spots are provided for each unit in the conceptual design.

Mr. Ostrander stated that he and his brother are both Park City residents and they intend to live in the units on the property. It is more than just an investment and they are being very careful and cognizant of the implications it would have on Old Town in terms of design and impacts to Lowell Avenue. They want to be good stewards of the street and the area, particularly with the potential implications of Treasure Hill.

Mr. Jaffa stated that it also raised the issue of whether they wanted to push for sprawl or urban infill. He believed those were the two options for development. He noted that many towns around the Country are looking for urban infill and filling in available spaces.

Director Erickson stated that during the October 26, 2016 meeting when LMC changes were discussed, there were two clauses going forward. One had to do with the pre-MPD discussion and the other was a discussion to discourage increasing density in existing approved projects. For this particularly application, while cleaning up difficult architecture as noted in the Staff report is on a substandard driveway, the Planning Staff was not comfortable coming forward with a recommendation without hearing from the Planning Commission on the issues of infill and substandard access. The applicant would have to clean up the fire access and an existing gate poses a problem. Director Erickson believed there was some merit in talking about the architecture because it would have to go through the HDDR process.

Commissioner Phillips asked if the units would require CUPs. Planner Hawley replied that it would require a steep slope CUP.

Director Erickson commented on the need for Planner Hawley to be able to draft Findings of Fact, Conclusions of Law and Conditions of Approval, including good cause for the subdivision.

Mr. Jaffa commented on the fire access and stated that the gate Director Erickson mentioned may have been put in with a building permit. However, whether they build four units or do nothing at all, that gate is a fire hazard, and after meeting with Scott Adams and there needs to be fire turnaround. Regardless of what is done, the gate is a hazard to all of the existing structures. Mr. Jaffa stated that Scott Adams was comfortable with the width and the steepness of the driveway, and it meet all the requirements for a fire truck. The only recommendation is to have an access to turnaround for the houses on the north side and the duplex.

Commissioner Suesser asked who owns the gate. Planner Hawley replied that the owner of Lot 2 owns the gate. Commissioner Suesser assumed that resolution of the gate would have to be specified in a condition of approval. Planner Hawley stated that it was brought up when they were looking into required access for the four units. She assumed the gate was put up illegally because she was unable to find a building permit or electric permit for it. She reiterated that the gate would have to be removed regardless of what happens with this application.

Assistant City Attorney McLean thought the Staff should follow up with Building Code Enforcement or the Fire District regarding the gate.

Director Erickson stated that the Staff and the applicant were looking for direction on the plat amendment to remove Lot 1 from the Northstar subdivision, which is a different matter from potentially re-subdividing the lot into four lots. If they remove the lot from Northstar, it continues to have the underlying zoning.

Chair Strachan did not believe the Commissioners had issues with removing the lot from the subdivision. He noted that sometimes in work sessions the direction is not as clear as they would like and the opinions are not unanimous. Chair Strahan believed the Commissioners had given their comments and opinions, and it was up to the applicant to work with the Code and work the project as best as possible to hopefully get it where it needs to be.

MOTION: Commissioner Joyce moved to CONTINUE 1061/1063 Lowell Avenue, the removal from the Northstar Subdivision to February 8, 2017. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

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MOTION: Commissioner Joyce moved to CONTINUE 1061/1063 Lowell Avenue potential subdivision plat amendment to February 8, 2017. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:21 p.m.

Approved by Planning Commission: _____



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: Northstar Subdivision First Amended
– Vacating Lot 1
Address: 1061 and 1063 Lowell Avenue
Author: Makena Hawley, Planner
Project Number: PL-16-03328
Date: February 8, 2017
Type of Item: Legislative – A vacation plat from the Northstar Subdivision and a plat to subdivide 1 lot into 4 lots which is contingent on this vacation plat.

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the hearing of the Northstar Subdivision First Amended – Vacating Lot 1, to a date uncertain so that Staff and the applicant may continue research and determine a direction for the proposal.

Description

Applicant: Illuminus Property Holdings represented by Jon Turkula,
Jaffa Group Architecture
Location: 1061 & 1063 Lowell Avenue
Lot 1, Northstar Subdivision
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council review and action.

Summary of Proposal

The property owner is requesting to vacate Lot 1 of the Northstar Subdivision in order to create a new subdivision, subdividing the existing lot into four (4) lots of record. The proposed subdivision plat (application PL-16-03221) is being reviewed concurrently and relies on this application to move forward.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 1061 Lowell Avenue Subdivision
Address: 1061 and 1063 Lowell Avenue
Author: Makena Hawley, Planner
Project Number: PL-16-03221
Date: February 8, 2017
Type of Item: Legislative – Plat proposal to subdivide 1 lot into 4 lots which is concurrent and dependent on the plat vacation of Lot 1 from the Northstar Subdivision (PL-16-03328).

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the hearing of the 1061 Lowell Avenue Subdivision, to a date uncertain so that Staff and the applicant may continue research and determine a direction for the proposal.

Description

Applicant: Illuminus Property Holdings represented by Jon Turkula,
Jaffa Group Architecture
Location: 1061 & 1063 Lowell Avenue
Lot 1, Northstar Subdivision
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: A subdivision plat requires Planning Commission review and City Council review and action

Summary of Proposal

The property owner is requesting to vacate Lot 1 of the Northstar Subdivision in order to create a new subdivision (1061 Lowell Avenue Subdivision), subdividing the existing lot into four (4) lots of record. The new proposed subdivision is concurrent and dependent on the plat vacation of Northstar under application PL-16-03328.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Treasure
Project #: PL-08-00370
Author: Francisco Astorga, AICP, Senior Planner
Date: 08 February 2017
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and continue the Treasure Conditional Use Permit (CUP) to the March 8, 2017 Planning Commission meeting.

Description

Property Owner: Sweeney Land Company and Park City II, LLC represented by Patrick Sweeney
Location: Creole Gulch and Mid-station Sites
Sweeney Properties Master Plan (SPMP)
Zoning: Estate (E) District – Master Planned Development
Adjacent Land Use: Ski resort area and residential
Topic of Discussion: CUP Criterion 5: location and amount of Off-Street parking
Reason for Review: Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission

Background

On February 1, 2017, the applicant communicated to the City that they are working on updating the traffic report for the Treasure project based upon comments from Staff and the Planning Commission. The updated traffic counts will be conducted in mid-February and they anticipate having the update available for presentation in April 2017. That presentation will also include parking issues. With those timing constraints, the applicant thinks it makes sense not to proceed with a presentation at the Planning Commission's February 8th hearing.

Hyperlinks

[Link A - Public Comments](#)

[Link B - Approved Sweeney Properties Master Plan \(Narrative\)](#)

[Link C - Approved MPD Plans](#)

[Link D - Proposed Plans – Visualization Drawings1](#)

Sheet BP-01 The Big Picture
Sheet V-1 Illustrative Plan
Sheet V-2 Illustrative Pool Plaza Plan
Sheet V-3 Upper Area 5 Pathways
Sheet V-4 Plaza and Street Entry Plan
Sheet V-5 Building 4b Cliffscape Area

Sheet V-6	Exterior Circulation Plan
Sheet V-7	Parking and Emergency Vehicular Access
Sheet V-8	Internal Emergency Access Plan
Sheet V-9	Internal Service Circulation
Sheet V-10	Site Amenities Plan
Sheet V-11	Usable Open Space with Development Parcels
Sheet V-12	Separation-Fencing, Screening & Landscaping
Sheet V-13	Noise Mitigation Diagrams
Sheet V-14	Signage & Lighting
Sheet V-15	Contextual Site Sections - Sheet 1
Sheet V-16	Contextual Site Sections - Sheet 2

[Link E - Proposed Plans – Visualization Drawings2](#)

Sheet V-17	Cliffscapes
Sheet V-18	Retaining Systems
Sheet V-19	Selected Views of 3D Model - 1
Sheet V-20	Selected Views of 3D Model – 2
Sheet V-21	Viewpoints Index
Sheet V-22	Camera Viewpoints 1 & 2
Sheet V-23	Camera Viewpoints 3 & 4
Sheet V-24	Camera Viewpoints 5 & 6
Sheet V-25	Camera Viewpoints 7 & 8
Sheet V-26	Camera Viewpoints 9 & 10
Sheet V-27	Camera Viewpoint 11
Sheet V-28	Illustrative Plan – Setback

[Link F - Proposed Plans – Architectural/Engineering Drawings 1a](#)

Sheet VM-1	Vicinity & Proposed Ski Run Map
Sheet EC.1	Existing Conditions
Sheet SP.1	Site & Circulation Plan Sheet
Sheet GP.1	Grading Plan
Sheet HL.1	Height Limits Plan
Sheet HL.2	Roof Heights Relative to Existing Grade
Sheet FD.1	Fire Department Access Plan

[Link G - Proposed Plans – Architectural/Engineering Drawings 1b](#)

Sheet P.1	Level 1 Use Plan
Sheet P.2	Level 2 Use Plan
Sheet P.3	Level 3 Use Plan
Sheet P.4	Level 4 Use Plan
Sheet P.5	Level 5 Use Plan
Sheet P.6	Level 6 Use Plan
Sheet P.7	Level 7 Use Plan
Sheet P.8	Level 8 Use Plan
Sheet P.9	Level 9 Use Plan
Sheet P.10	Level 10 Use Plan
Sheet P.11	Level 11 Use Plan
Sheet P.12	Level 12 Use Plan
Sheet P.13	Level 13 Use Plan

Sheet P.14 Level 14 Use Plan
Sheet P.15 Level 15 Use Plan
Sheet P.16 Area, Unit Equivalent & Parking Calculations

[Link H – Proposed Plans – Architectural/Engineering Drawings 2](#)

Sheet E.1AC2.1 Buildings 1A, 1C& 2 Exterior Elevations
Sheet E.1B.1 Building 1B Exterior Elevations
Sheet E.3A.1 Building & Parking Garage Exterior Elevations
Sheet E.3BC.1 Building 3BC Exterior Elevations
Sheet E.3BC.2 Building 3BC Exterior Elevations
Sheet E.3BC.3 Building 3BC Exterior Elevations
Sheet E.4A.1 Building 4A Exterior Elevations
Sheet E.4A.2 Building 4A Exterior Elevations
Sheet E.4B.1 Building 4B Exterior Elevations
Sheet E.4B.2 Building 4B Exterior Elevations
Sheet E.4B.3 Building 4B Exterior Elevations
Sheet E.4B.4 Building 4B Exterior Elevations
Sheet E.5A.1 Building 5A Exterior Elevations
Sheet E.5B.1 Building 5B Exterior Elevations
Sheet E.5C.1 Building 5C Exterior Elevations
Sheet E.5C.2 Building 5C Exterior Elevations
Sheet E.5D.1 Building 5D Exterior Elevations
Sheet S.1 Cross Section
Sheet S.2 Cross Section
Sheet S.3 Cross Section
Sheet S.4 Cross Section
Sheet S.5 Cross Section
Sheet S.6 Cross Section
Sheet S.7 Cross Section
Sheet S.8 Cross Section
Sheet S.9 Cross Section
Sheet UP.1 Concept Utility Plan

[Link I – Applicant's Written & Pictorial Explanation](#)

[Link J – Fire Protection Plan \(Appendix A-2\)](#)

[Link K – Utility Capacity Letters \(Appendix A-4\)](#)

[Link L – Soils Capacity Letters \(Appendix A-5\)](#)

[Link M – Mine Waste Mitigation Plan \(Appendix A-6\)](#)

[Link N – Employee Housing Contribution \(Appendix A-7\)](#)

[Link O – Proposed Finish Materials \(Appendix A-9\)](#)

[Link P – Economic Impact Analysis \(Appendix A-10\)](#)

[Link Q – Signage & Lighting \(appendix A-13\)](#)

[Link R – LEED \(Appendix A-14\)](#)

[Link S – Worklist \(Appendix A-15\)](#)

[Link T – Excavation Management Plan \(Appendix A-16\)](#)

[Link U – Project Mitigators \(Appendix A-18\)](#)

[Link V – Outside The Box \(Appendix A-20\)](#)

Additional Hyperlinks

[2009.04.22 Jody Burnett MPD Vesting Letter](#)

[Staff Reports and Minutes 2016](#)

[Staff Reports and Minutes 2009-2010](#)

[Staff Reports and Minutes 2006](#)

[Staff Reports and Minutes 2005](#)

[Staff Reports and Minutes 2004](#)

[2004 LMC 50th Edition](#)

[1997 General Plan](#)

[1986.10.16 City Council Minutes](#)

[1985.12.18 Planning Commission Minutes](#)

[1986 Comprehensive Plan](#)

[1985 Minutes](#)

[1985 LMC 3rd Edition](#)

[1983 Park City Historic District Design Guidelines](#)

[Parking, Traffic Reports and Documents](#)

MPD Amendments:

[October 14, 1987 - Woodside \(ski\) Trail](#)

[December 30, 1992 - Town Lift Base](#)

[November 7, 1996 – Town Bridge](#)

Planning Commission Staff Report



Subject: 422 Ontario Avenue
Project #: PL-16-03246
Author: Anya Grahn, Historic Preservation Planner
Date: February 8, 2017
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 422 Ontario Avenue, conduct a public hearing, and approve the Steep Slope CUP for 422 Ontario Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Owner/ Applicant: Hamilton Easter, represented by architect William Mammen
Location: 422 Ontario Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of an addition to an existing historic single-family home in excess of 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater.

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of an addition to a historic single-family home, when the Building Footprint of the addition is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater. The site has been designated as Significant on the Historic Sites Inventory (HSI) and currently has a historic house on the south half of the lot. The applicant is proposing to build an addition on the north side of the historic house creating a total house size of 2,833 square feet, including the basement area and two-car tandem garage. The existing footprint of the historic house and its non-historic additions is 847 square feet; the proposed footprint of the house following construction of the addition is 1,440 square feet. The construction is proposed on a slope greater than 30%, and in some areas, the slope is approximately 69.3%.

Background

On July 20, 2016, the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 422 Ontario Avenue; the application was deemed complete on November 21, 2016. The property is located in the Historic Residential (HR-1) District. The lot contains 4,464 square feet. It is an uphill lot.

This application is a request for a Conditional Use Permit (CUP) for construction of a new addition to an existing historic single-family house. Because the proposed

footprint of this addition is in excess of 200 square feet and the proposed footprint is located upon an existing slope of greater than 30%, the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

The property is located at 422 Ontario Avenue on a developed lot. The site is designated as Significant on the City's Historic Sites Inventory (HSI). The applicant's request for an exterior exploratory demolition permit fell under the August 2015 pending Historic Preservation Ordinance, and the Historic Preservation Board (HPB) reviewed and granted the removal of non-historic exterior asphalt shingle and Bricktex siding on the north and south facades on October 21, 2015 [[Report \(page 57\)](#)+ [Minutes \(page 7\)](#)].

The Park City Council approved the Sorensen Plat Amendment at this location on December 3, 2015, to combine the north one-half of Lot 5, all of Lot 6, the south one-half of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey. The final plat has not yet been recorded and it is undergoing our internal Mylar review. The applicant has requested an extension to this plat amendment. The City is working with the applicant to finalize the plat recordation and is recommending an extension be granted by the Council. The extension will be heard by City Council in the near future.

On June 21, 2016 ([Report](#) + [Minutes](#)), the Board of Adjustment (BOA) granted variances for the following:

1. A variance to LMC Section 15-2.2-3 (E), to the required twelve foot (12') side yard setbacks to allow a zero foot (0') setback to the front property line (due to a hardship created by the location of platted Ontario Avenue).
2. A variance to LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a three foot (3') setback to the north property lines (due to the steepness of the hillside and the need to retain the slope of the existing grade. The BOA found that it was necessary to reduce the side yard setback in order to place the single-car garage door at a point on the wall where it would create sufficient interior height but also allow the garage to be buried below grade.)
3. A variance to LMC Section 15-2.2-5 (A) to the required maximum height of thirty five feet (35') to allow a maximum height of forty-one feet (41') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters (due to unique conditions created by the existing historic house and its location above the street. The increased interior height allowed the applicant to bury the two-car tandem garage underground and reduce the overall bulk and mass of the new addition to the historic house.)

A Historic District Design Review (HDDR) application was submitted for the addition, on July 20, 2016, and deemed complete on October 17, 2016. The application is being reviewed concurrently with this Steep Slope CUP.

Purpose

The purpose of the Historic Residential (HR-1) District is to:

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,

- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed house will contain a total of 2,833 square feet, including basement area. The proposed footprint of the historic house and its new addition will be 1,440 square feet; the lot size currently allows a footprint of 1,736.8 square feet. The new development complies with all setbacks and building footprint, as outlined in the following table.

This is an uphill lot with an average slope of the lot of about 26.6%. The slope climbs steeply in the front yard up to the historic house that sits on a flatter portion of the lot. Behind the historic house, the slope rises steadily again but levels out at the back of the lot. The steepest slope is through the middle of the lot, starting at the southeast corner of the historic house. The slope here reaches 69.3%.

There is currently a concrete retaining wall 30" from the rear wall of the historic house. The slope of the grade above this retaining wall has caused snow and water to drain into the back of the house, causing the historic back wall to rot. The applicant is proposing to re-terrace the backyard to create a series of outdoor living spaces. In doing so, the applicant proposes to relocate the retaining wall further back from the rear wall of the house. The architect believes this will alleviate the drainage issue and allow compliance with the Uniform Building Code (UBC). As proposed, the design does not change grade more than four feet (4') from Existing Grade, as will be outlined later in this report.

The new construction meets the allowed height. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	4,464 square feet, <u>complies.</u>
Building Footprint	1,736.8 square feet maximum	1,440 square feet, <u>complies.</u>
Front Yard	12 feet minimum *	0 feet, <u>(variance was granted).</u>
Rear Yard	12 feet minimum	House: 16 feet, <u>complies.</u> Historic Shed: 0 feet, <u>complies**</u>
Side Yard	5 feet minimum, 18 feet total*	North side: 3 feet, <u>(variance was granted).</u> South side: 2 feet,

		<u>complies</u> **
Height	27 feet above existing grade, maximum.	18 feet, <u>complies</u> .
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.*	41 feet, <u>(variance was granted)</u> .
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the north and south elevations; <u>complies</u> .
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.*	There is a 10 foot horizontal step in the downhill façade, <u>complies</u> .
Roof Pitch	Between 7:12 and 12:12.	The main roof has 7:12 pitch, <u>complies</u> .
Parking	Per LMC 15-2.2-4, Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks,	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, <u>complies</u> .

	Building Footprint, driveway location standards and Building Height.	
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**Variance-granted exception to this requirement.*

***Per LMC 15-2.2-4 Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.*

The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law. Staff has included this as Condition of Approval #12.

LMC § 15-2.1-6(A)(2) requires a Steep Slope Conditional Use Permit (CUP) for construction of any new construction when the Building Footprint of the addition is in excess of 200 square feet, if the building of the footprint is located upon an existing slope of 30% or greater. As previously noted, the historic house and new addition will have a footprint of 1,431.2 square feet and the construction is proposed on a slope of approximately 66%, towards the front and middle of the lot.

Criteria 1: Location of Development.

Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The historic house will remain in its existing location. The applicant is proposing to construct an addition to the north side of the house, which will also face Ontario Avenue. On its lowest level, the garage appears to be largely buried underground, behind the existing retaining wall. The new addition will appear above ground at the same level as the historic house and consist of two levels above grade on the hill. From the street view, the façade of the new addition is setback from the façade of the historic house in order to allow the historic house to be the focal point. As the addition extends to the east (back yard), the addition is reduced in height to one story above grade as the slope moves uphill.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a photographic visual analysis, including street views, to show the proposed streetscape and cross canyon views. As demonstrated by the visual analysis, the proposed addition fits within the context of the slope, neighboring structures, and existing vegetation. There is only one existing mature tree on this property, which is located in front of the historic house. The applicant is proposing to maintain this existing evergreen tree.

The visual analysis, streetscape, and cross canyon view demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass to surrounding structures, and visual impacts are mitigated. By stepping the structure up the hill, the mass and scale have been broken up and largely minimized. The side yard will be re-vegetated following construction. The only new retaining wall proposed will be located on the north and south elevations, towards the rear of the building, where the most grade change occurs, and along the new driveway.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. The garage sits below the street level reducing the fill needed to access the garage and the front door. Common driveways and Parking Areas, and side Access to garages are strongly encouraged. **No unmitigated impacts.**

The historic house currently does not have a driveway or garage from Ontario Avenue. The owner currently parks in an asphalt parking pad parallel to Ontario Avenue and accesses the house via stairs and paths (Exhibit B). This space is not approved private parking for 422 Ontario Avenue, but is in the City right-of-way and is public parking. The owner proposes to construct a new garage in order to provide a driveway and off-street parking for two (2) vehicles in tandem configuration; the façade of the new garage will also serve as a retaining wall for the site. The proposed garage will eliminate the public parking available on this site in order to create a driveway into the new garage.

The LMC requires a 12 foot front yard setback to the property line and the BOA granted the applicant a variance for a 0 foot front yard setback and 3 foot side yard setback to accommodate the garage, allowing the front wall of the garage to maintain the location of the existing concrete and boulder retaining wall. The retaining wall is located 13 to 16 feet from the edge of paved Ontario Avenue, and 5 to zero feet from the right-of-way. The east edge of Ontario Avenue is constructed approximately 11 feet west of the east edge of paved Ontario Avenue. The existing retaining wall along Ontario Avenue varies in height from about 14 feet to about 5 feet from north to south as the grade on Ontario rises uphill.

Any new construction above the garage will comply with the required 12 foot front yard setback and 5 foot side yard setback. The applicant is proposing to construct two (2) additional levels above the proposed garage. The second level of the new addition will be above ground and at the same floor level as the one-story historic house.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **Discussion Requested.**

In the front yard, the applicant is proposing to reconstruct the concrete and boulder wall along Ontario Avenue. In doing so, the overall height of the wall will be terraced above the new below-grade garage to create planter beds. These beds will be landscaped with taller vegetation in order to mitigate the appearance of the walls and help “ground” the mass of the new addition above grade.

In the rear yard, the slope increases dramatically uphill directly behind the historic house. This has caused drainage issues in the backyard and has damaged the rear wall of the historic house. To address this, the applicant is proposing to terrace the grade in order to create a flat patio space directly behind the historic house; this will keep the soil from abutting the historic house and the moisture from deteriorating the wood siding. The retaining walls step up the hill to the flat section of the lawn at the back of the yard. The areas between the retaining walls will be planted with aspen trees and small shrubs. A set of stairs will be constructed to connect the lower area to the upper area and open onto a set of patios. Final Grade will be changed no more than four feet (4') from the Existing Grade on site in order to create these terraces.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The new structure's building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. As previously noted, the house is located on a steep hillside, with the greatest grade changes occurring at the front of the lot. The placement of the new addition and its design steps with existing grade and is compatible with the neighborhood. The majority of the bulk and mass of the new addition will be concealed below grade as part of the basement-level garage. The areas above grade will appear to be one to two stories in height, which is compatible with the existing house and the neighborhood overall.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

Staff finds that the building mass of the new addition is consistent with the existing historic house. As previously noted, the majority of the mass is buried below grade. The basement-level garage will be the lowest level of the structure, and the garage will be concealed behind the retaining wall. Above grade, the addition is two stories in height at the street, but is only one-story in height above grade as it terminates in the back yard. The new addition is stepped back from the façade of the historic house, allowing the historic house to be the focal point of the project as well as preventing the sizeable addition from looming over the historic house. Buried underground, the garage is subordinate to the historic house and its new addition.

Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The house steps uphill with the lot through a series of retaining walls, starting at the basement-level garage. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. The Historic District Design Review (HDDR) application is currently in review. Further, the applicant has designed a 12 foot (12') driveway in order to reduce the visual impact of the one-car garage element, consistent with the Design Guidelines.

Exterior elements of the new development—roofs, entrances, eaves, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and the style of architecture selected. The scale and height of the new structure follows the predominant pattern of the neighborhood. Further, this style of this house is consistent with the Design Guidelines.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

As previously described, the Board of Adjustment granted two (2) variances to reduce the front yard setback to zero feet and the side yard setback to 3 feet along the north property line in order to accommodate the underground garage. The new addition will comply with the front, rear, and side yard setbacks above grade.

Front setbacks as proposed are currently twelve feet (12'), though the front property line is setback a minimum of thirteen feet (13') from the eastern edge of Ontario Avenue. The visual impacts of the new two-car tandem garage and new entry way have been mitigated by stepping back the upper stories to prevent a wall effect. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the new structure and does not create a wall effect along the street front or rear lot line.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the

structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed new construction meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The height of the new addition is approximately twenty-two feet (22') above existing grade, and the remainder of the addition becomes buried in the hillside as the grade steps uphill towards the rear of the lot. The roof has been designed to allow for a front-gable along the street front, consistent with adjacent structures.

Again, the Board of Adjustment granted an exemption to the criteria outlined in LMC 15-2.2-5(A) stating that the structure shall have a maximum height of forty-one feet (41') instead of thirty-five feet (35') measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The height from the lowest finished floor plane to the highest wall plate is forty-one feet (41'), and the overall height of the proposed structure is less than twenty-seven feet (27') in height above existing grade; the majority of the structure is only eighteen feet (18') above existing grade.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. The applicant has submitted a Historic District Design Review (HDDR) application; however, this has not yet been approved.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet on January 25, 2017. Legal notice was also published in the Park Record in accordance with requirements of the LMC on January 28, 2017.

Public Input

No input has been received regarding the Steep Slope CUP.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 422 Ontario Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted, developed residential lot that contains native grasses and shrubs.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 422 Ontario Avenue and conduct a public hearing. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 422 Ontario Avenue. The legal description is the north ½ of Lot 5 and all of Lot 6 of Block 58 of the Park City Survey.
2. The Park City Council approved the Sorensen Plat Amendment at this location on December 3, 2015; the plat has not yet been recorded.
3. On July 21, 2016, the Board of Adjustment (BOA) granted variances for the following:
 - a. LMC Section 15-2.2-3 (E), to the required twelve foot (12') side yard setbacks to allow a zero foot (0') setback to the front property line.
 - b. LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a three foot (3') setback to the north property lines.
 - c. LMC Section 15-2.2-5 (A) to the required maximum height of thirty five feet (35') to allow a maximum height of forty-one feet (41') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
4. A Historic District Design Review (HDDR) application is currently under review.
5. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
6. A single family dwelling is an allowed use in the HR-1 District.
7. Following recording of the plat amendment, the lot will contain 4,464 square feet. This is an uphill lot with an average slope of approximately 26.6%. The greatest slope on the property occurs in the center of the property, where the slope can reach up to 69.3%.
8. Access to the property is from Ontario Avenue, a public street.
9. Two (2) parking spaces are proposed on site. The applicant is proposing a two-car tandem garage to the north of the historic house.

10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the east, uphill side of the road, is dominated by garages and pedestrian entryways.
11. The proposal will create a single family dwelling of approximately 2,833 square feet, including the basement area and one-car garage.
12. An overall building footprint of 1,440 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 1,736.8 square feet.
13. The proposed addition complies with the front and rear yard setbacks, as granted by the variance. The minimum front and rear yard setbacks are 12 feet; the applicant is proposing a 16 foot rear yard and the variance permitted a 0 foot front yard to accommodate the below-grade garage.
14. The proposed addition complies with the side yard setbacks, as granted by the variance. The minimum side yard setbacks are 5 feet. The historic house has a 2 foot side yard setback, and the basement level of the new addition will have a 3 foot side yard setback on the north side as permitted by the variance.
15. The proposed addition complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than twenty seven feet (27') in height.
16. The proposed addition has an interior height of 41 feet, as granted by the variance.
17. The proposed development is located on the lot in a manner that reduces the visual and environmental impacts of the structure. The majority of the mass and bulk of the building will be below grade, so that only a one- to two-story addition will appear above grade on the hillside.
18. The applicant submitted a visual analysis, cross valley views, and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Ontario Avenue streetscape. The proposed house is compatible with the surrounding structures as the majority of the mass and bulk of the house will be buried underground based on this analysis.
19. Access points and driveways have been designed to minimize grading of the natural topography and reduce the overall building scale. Staff finds that the majority of the bulk and mass of this structure is located below grade. The architect has designed a two-car tandem garage that will be built below grade. The garage will sit at street level with only the front wall of the garage being visible from Ontario Avenue. Furthermore, the façade of the garage will also act as a retaining wall to step the hillside above.
20. The project has incorporated terracing to regain Natural Grade. In the front yard, the applicant is proposing to reconstruct the existing concrete and boulder wall along Ontario Avenue. The reconstructed wall will serve as both the front wall of the garage with terraced landscaped beds above it to help "ground" the mass of the new addition with vegetation. In the rear yard, a series of retaining walls will be introduced to create outdoor living spaces and an outdoor landscaped stair that climbs from the back of the house on the west side to the flat area on the east side of the lot. In addition to maintaining the grade, the terracing will also help with drainage issues that are currently rotting the back of the historic house.
21. Buildings, access, and infrastructure are located to minimize cut and fill that would alter the perceived natural topography of the Site. The new development has been located in such a way as to minimize cut and fill. As proposed, the design steps with the existing grade and is compatible with the neighborhood. The majority of the bulk

and mass of the new addition will be concealed below grade as part of the basement-level garage. The areas above grade will appear to be one- to two-stories in height, which is compatible with the existing house and neighborhood.

22. The building mass is oriented with the lot's existing contours. The proposed development steps with the grade and is broken into a series of individual smaller components that are compatible with the district. The building maintains a low profile as it steps with the existing contours and much of its bulk and mass is concealed below grade. The proposal is consistent with the Design Guidelines for Historic Districts and Historic Sites.
23. The applicant has incorporated setback variations to prevent a wall effect and reduce the building scale and setbacks on adjacent structures.
24. The proposed design is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.
25. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
26. On July 20, 2016, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on November 21, 2016.
27. The property was posted and notice was mailed to property owners within 300 feet on January 25. Legal notice was also published in the Park Record in accordance with requirements of the LMC on January 28, 2016.
28. The property is located outside of the Soils Ordinance.
29. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B)
2. The CUP, as conditioned, is consistent with the 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 Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting adjacent structures.
3. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. No building permit shall be issued until the Sorenson Plat Amendment at 422 Ontario Avenue is recorded.
5. This approval will expire on February 8, 2018, if a building permit has not been issued by the building department before the expiration date, unless an extension of

this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

6. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on February 8, 2017, and the Final HDDR Design.
7. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
8. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
9. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
10. Construction waste should be diverted from the landfill and recycled when possible.
11. Final landscape plan shall be provided at the time of the building permit and shall include existing vegetation, and include a replacement plan for any significant vegetation proposed to be removed.
12. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
13. Historic buildings which are lifted off the foundation must be returned to the completed foundation or basement within 45 days of lifting the building. Failure to do so will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation could take place. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he determines that it is necessary based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.
14. The Preservation Plan must include a review and stamp by a licensed and registered structural engineer on the proposed cribbing or shoring methods. If the contractor makes a revision to the cribbing or shoring plan, the structural engineer must approve the change in writing. Cribbing or shoring must be of engineered materials. Screw-type jacks for raising and lowering the building are not allowed. The owner (or through its agent or the contractor) is responsible for notifying the Planning Department if changes are made.
15. All excavation work to construct the foundation shall start on or after April 15th and be completed on or prior to October 15th. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, determines that it is necessary based upon the need to immediately stabilize an

existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

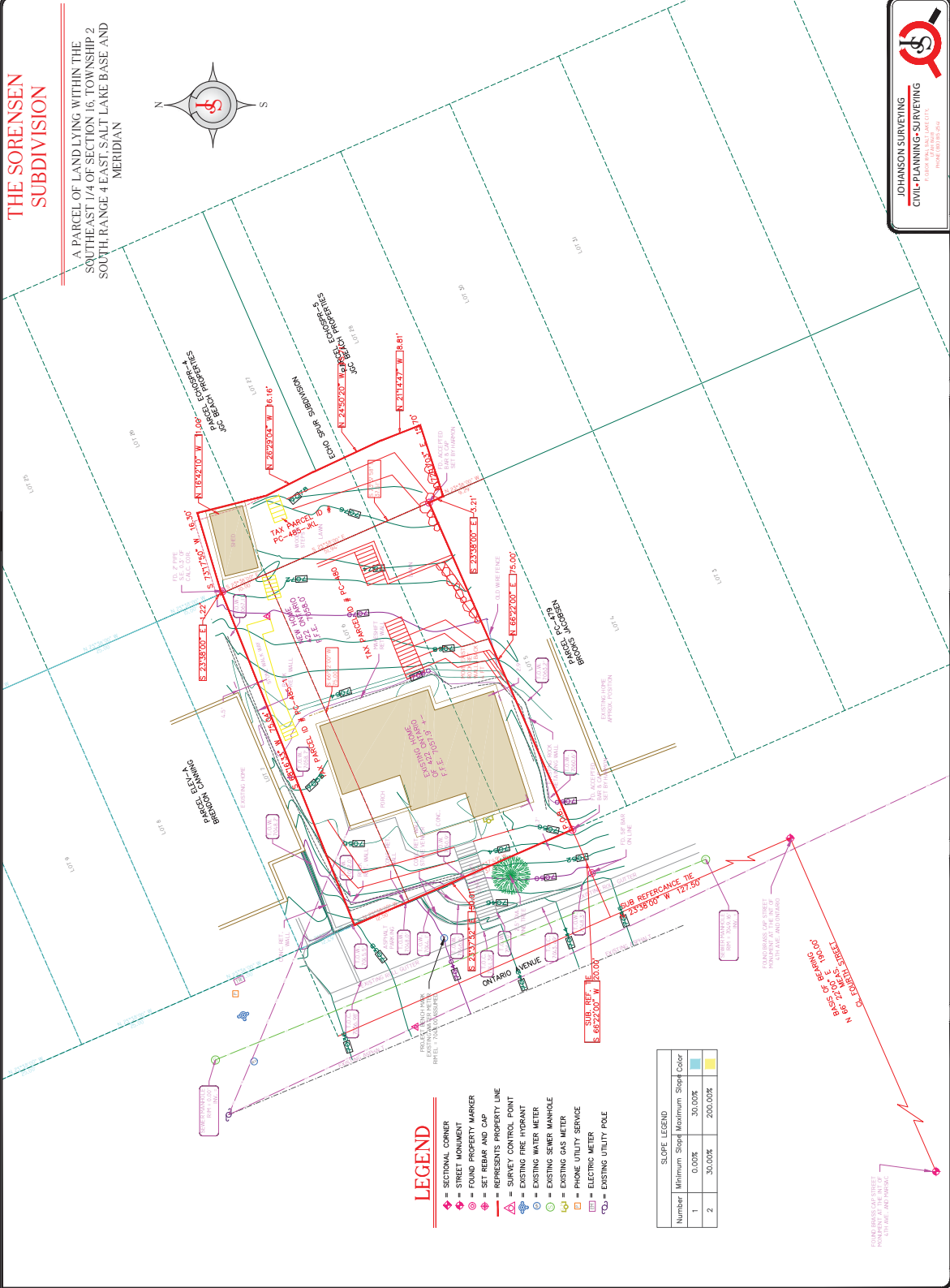
16. The built infrastructure currently located in the Ontario Avenue right-of-way, including the planter and block retaining wall, shall be removed as part of this renovation.
17. No building permit shall be issued for the renovation of the historic house and construction of the addition until the plat has been recorded with the Summit County Recorder's Office.

Exhibits

Exhibit A- Existing Conditions Survey

Exhibit B- Plans (existing conditions, site plan, elevations, floor plans)

Exhibit C- Visual Analysis/Streetscape



THE SORENSEN SUBDIVISION

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, Shona Johanson do hereby certify that I am a Land Surveyor, and that I hold certificate No. 70514, as prescribed under the laws of the State of Utah. I further certify that by authority of the State of Utah, County of Summit, I have caused to be made and recorded this subdivision map, and that the same is a true and correct copy of the original map, and that the same is a true and correct copy of the original map, and that the same is a true and correct copy of the original map.

LEGAL DESCRIPTION

A parcel of land located within the Salt Lake Meridian, and Township 2 South, Range 4 East, Salt Lake Base, and Meridian, containing 4.444 square feet or 0.10 acres, more or less, beginning at a point that is 12.50 feet South 22°38' 00" East from the Southwest corner of Lot 6, Salt Block 50, of the Park City Survey, on the within the official records of Summit County, Utah, and thence North 23°37'52" West, a distance of 50.00 feet; thence North 68°16'33" East, a distance of 73.00 feet; thence North 23°38'00" East, a distance of 122 feet; thence North 72°17'00" East, a distance of 16.16 feet; thence South 4°20'00" East, a distance of 15.71 feet; thence South 1°14'14" East, a distance of 8.81 feet; thence South 72°17'00" East, a distance of 13.70 feet; thence North 23°38'00" East, a distance of 12.50 feet; thence South 22°38'00" West, a distance of 12.50 feet to the point of beginning.

Containing 4.444 square feet or 0.10 acres, more or less.

OWNER'S DEDICATION

Know all men by these presents that _____ the undersigned owner(s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as _____

THE SORENSEN SUBDIVISION

On this day of _____ A.D. 20____, personally appeared before me _____ who being by me duly sworn did depose and say that the foregoing instrument was signed voluntarily for said corporation and for the uses and purposes herein mentioned.

My commission expires: _____

Notary Public

residing at: _____

ACKNOWLEDGMENT

STATE OF UTAH
County of SUMMIT

On the _____ day of _____ A.D. 20____, personally appeared before me _____ who being by me duly sworn did depose and say that the foregoing instrument was signed voluntarily for said corporation and for the uses and purposes herein mentioned.

My commission expires: _____

Notary Public

residing at: _____

THE SORENSEN SUBDIVISION

A PARCEL OF LAND LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

ENGINEERS CERTIFICATE

I, _____, Engineer, do hereby certify that this map was prepared by me or under my direct supervision, and that I am a duly licensed Engineer in the State of Utah.

APPROVED AS TO FORM
THIS _____ DAY OF _____, 20____.

BY: _____
PARK CITY ENGINEER

CERTIFICATE OF ATTEST

I, _____, do hereby certify that this map was prepared by me or under my direct supervision, and that I am a duly licensed Engineer in the State of Utah.

APPROVED AS TO FORM
THIS _____ DAY OF _____, 20____.

BY: _____
PARK CITY RECORDER

SYNDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF _____, 20____.

BY: _____
S.E.W.R.D.

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 20____.

BY: _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____, 20____.

BY: _____
PARK CITY ATTORNEY

JOHANSON SURVEYING

CIVIL PLANNING - SURVEYING

1000 S. 1000 E. SALT LAKE CITY, UT 84143

PHONE: 313-1111 FAX: 313-1111

JOHANSON SURVEYING

CIVIL PLANNING - SURVEYING

1000 S. 1000 E. SALT LAKE CITY, UT 84143

PHONE: 313-1111 FAX: 313-1111

SCALE

1" = 40' (IN FEET)

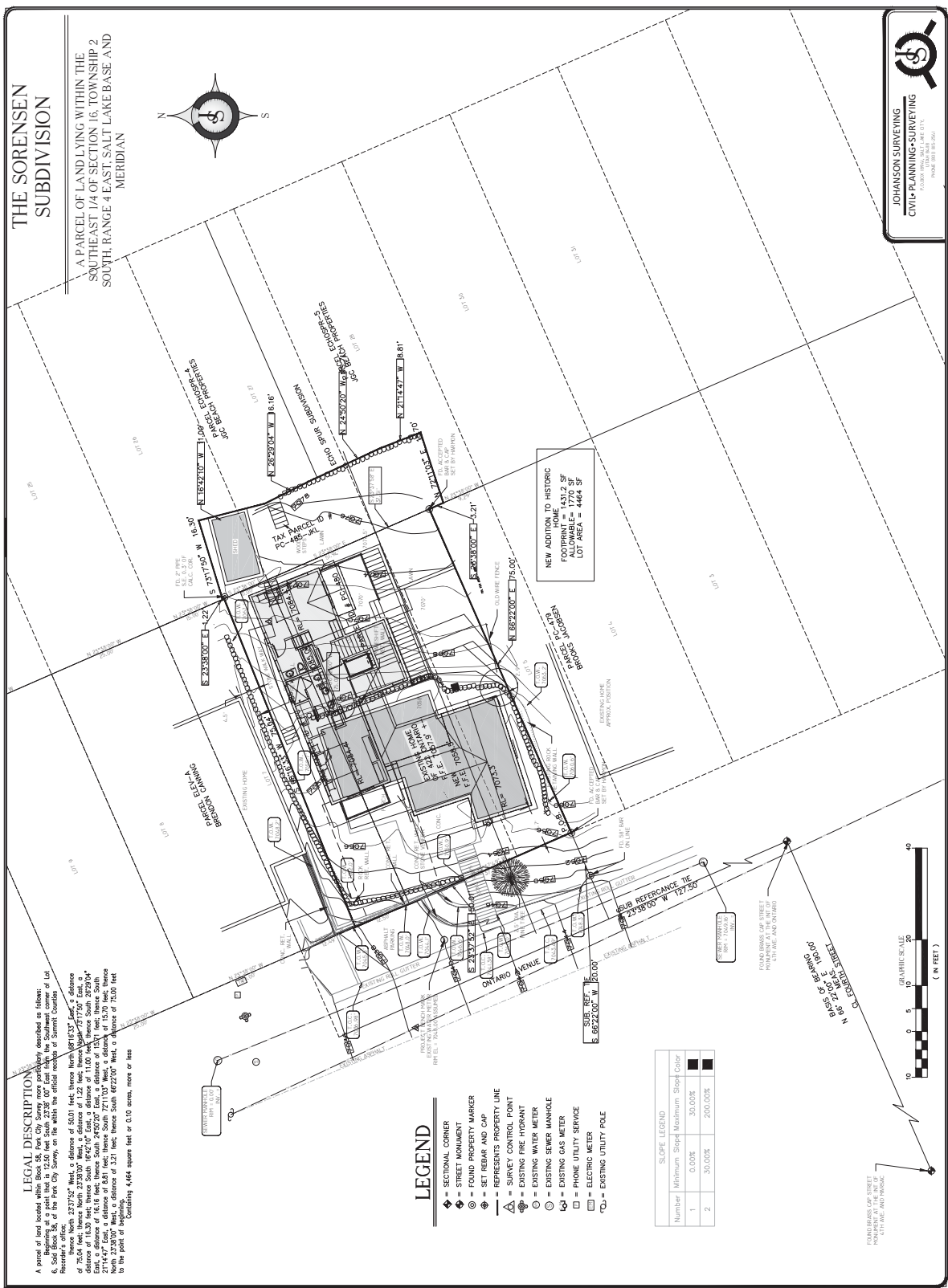
1" = 160' (IN FEET)

LEGEND

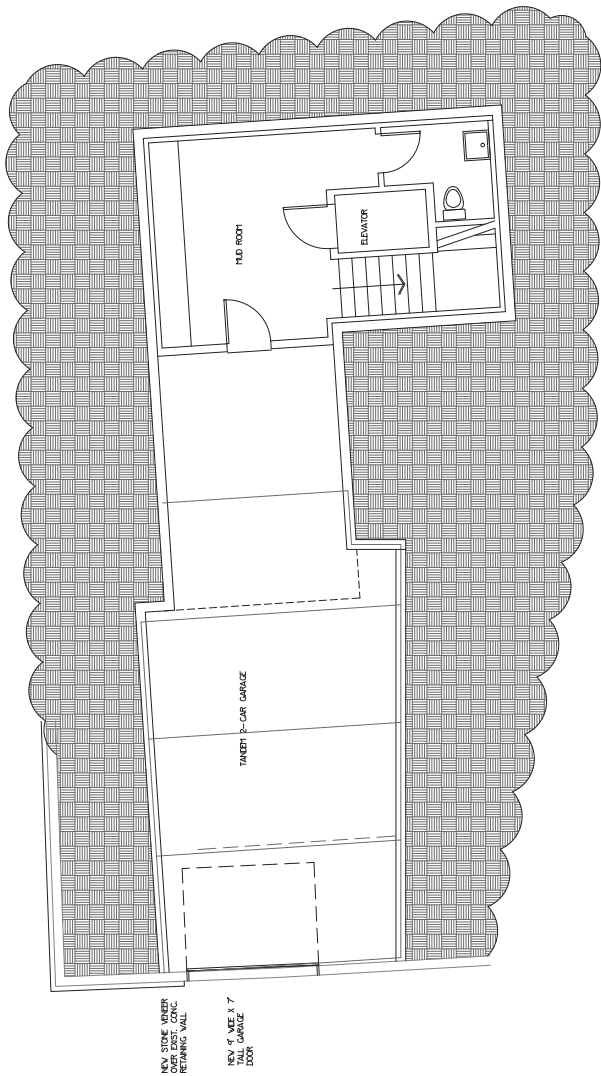
Number	Minimum Slope	Maximum Slope	Slope Color
1	0.00%	30.00%	Blue
2	30.00%	200.00%	Yellow

LEGEND

- SECTIONAL CORNER
- STREET MONUMENT
- FOUND PROPERTY MARKER
- SET REBAR AND CAP
- SURVEY CONTROL POINT
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING SINKER MANHOLE
- EXISTING GAS METER
- PHONE UTILITY SERVICE
- ELECTRIC METER
- EXISTING UTILITY POLE







GARAGE FLOOR AREA = 622 SF FIN. FLOOR AREA = 338 SF

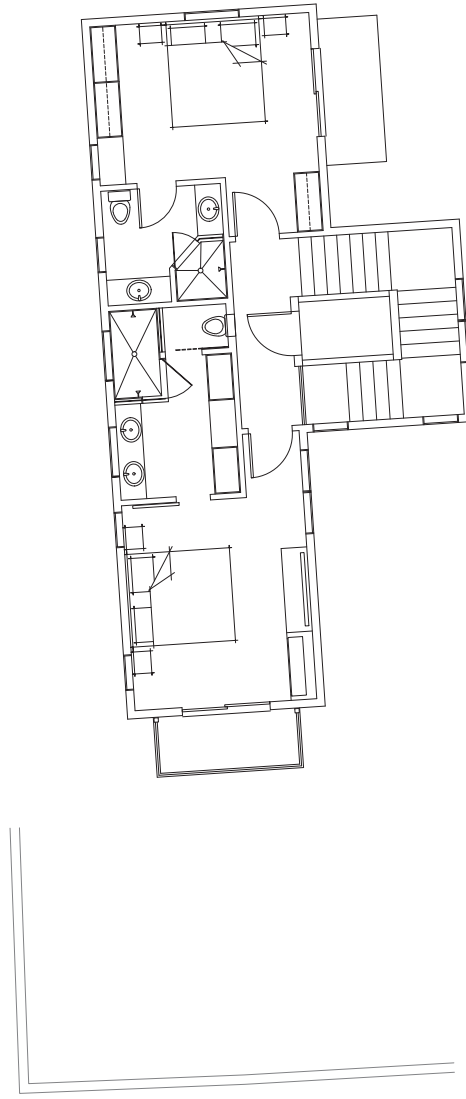


4222 ONTARIO RESIDENCE	GARAGE FLOOR PLAN
DATE: 07-18-2018	DRAWN BY: WPM
JOB NO.: 08-15-03	CHECKED BY: WPM

A1.1

1 BASEMENT FLOOR PLAN
 A1.1 SCALE: 1/4"=1'-0"

William P. Henderson
 Architect
 101 Kensington
 Drive
 Suite 100
 Oakville, Ontario
 L6M 3K2
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 (905) 335-1111
 2001 Lakeshore Blvd.
 Suite 1000
 Oakville, Ontario
 L6M 3K2



FIN. FOR AREA = 638 SF



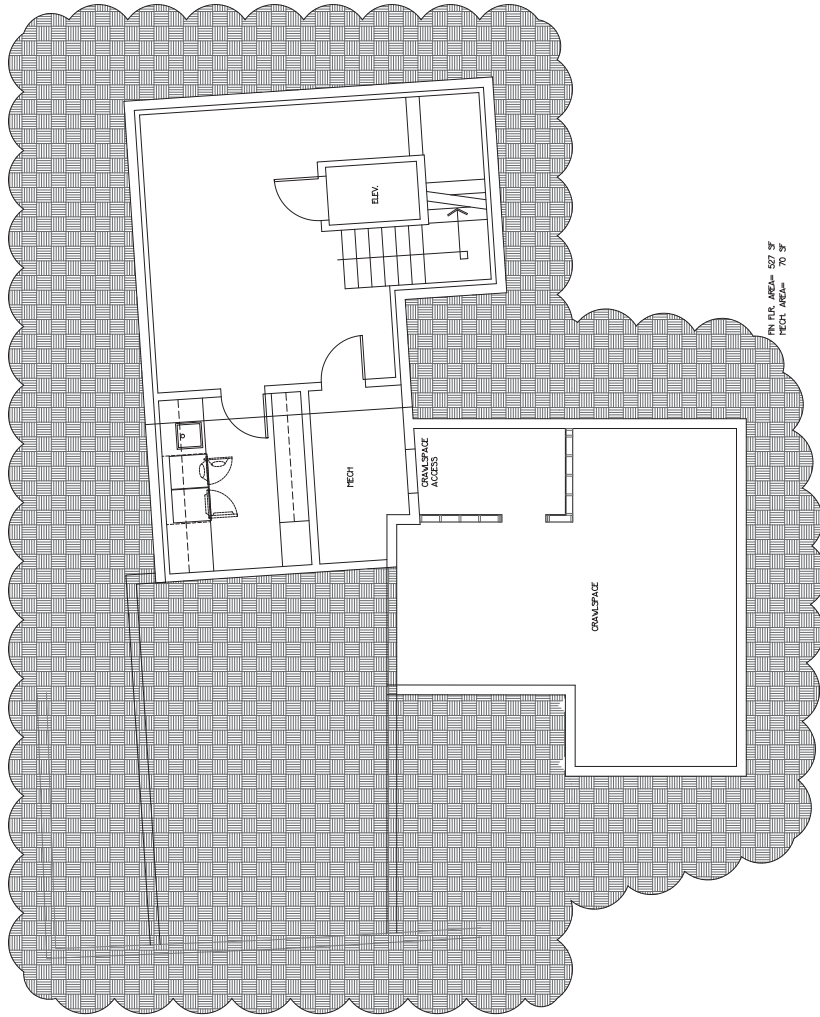
4222 ONTARIO RESIDENCE
 2nd FLOOR PLAN
 DATE: 07-18-2018
 JOB NO.: 08-15-03
 DRAWN BY: WPH
 CHECKED BY: WPH

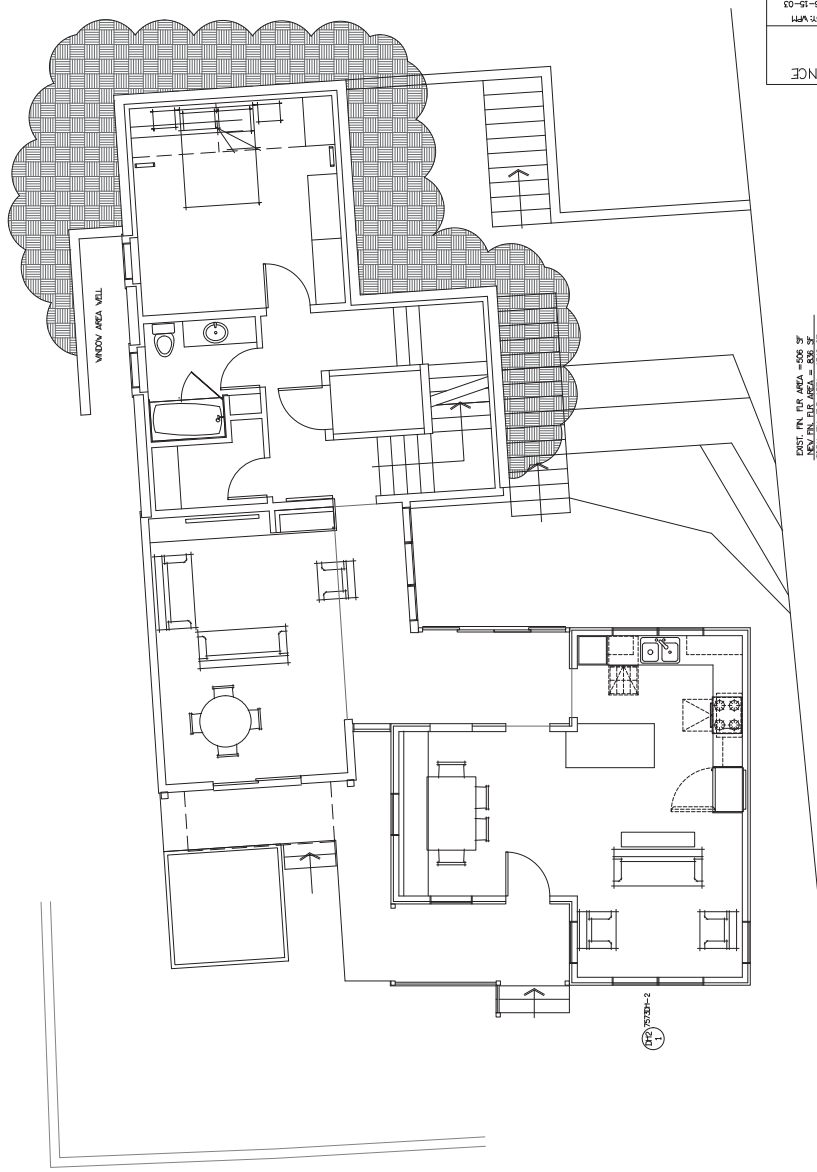
A1.4

1 2nd LEVEL FLOOR PLAN
 A1.4 SCALE 1/8" = 1'-0"



1 BASEMENT FLOOR PLAN
 A1.2 SCALE: 1/4"=1'-0"





EXIST. FIN. FLOOR AREA = 508 SF
 NEW FIN. FLOOR AREA = 100 SF
 TOTAL FIN. FLOOR AREA = 608 SF
 TOTAL FOOTPRINT = 1440 SF



4222 ONTARIO RESIDENCE
 1st FLOOR PLAN
 DATE: 07-18-2018
 JOB NO.: 08-15-03
 DESIGNED BY: WPH

A1.3

1st LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"

5	PARTIAL EAST ELEVATION
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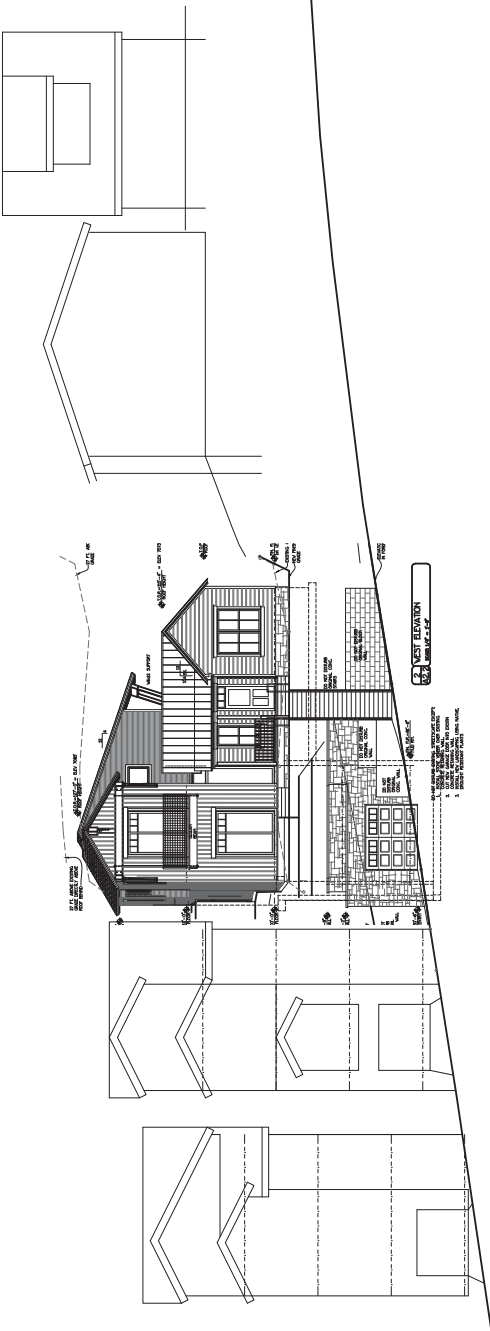
A2.3 SCALE: 1/4" = 1'-0"

4 EAST ELEVATION

4	LACI LILVAI
23	SCHEFFELER - 11.28

A2.5

EASTER RESIDENCE
STREET ELEVATION
DRAWN BY: WTH
DATE: 02-25-16
JOB NO: 05-15-03
CHECKED BY: WTH



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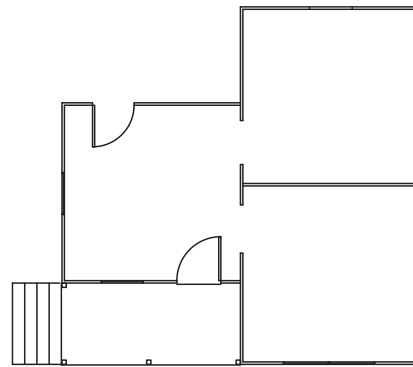
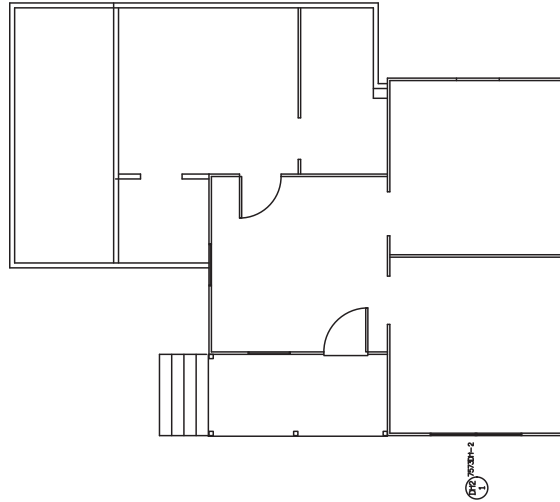


EASTER RESIDENCE TWO
 EXISTING FLOOR PLAN
 DATE: 05-11-16
 JOB NO.: 08-15-03
 DRAWN BY: WPH

X1.1



1 EXISTING FLOOR PLAN
 X1.1 SCALE: 1/8" = 1'-0"



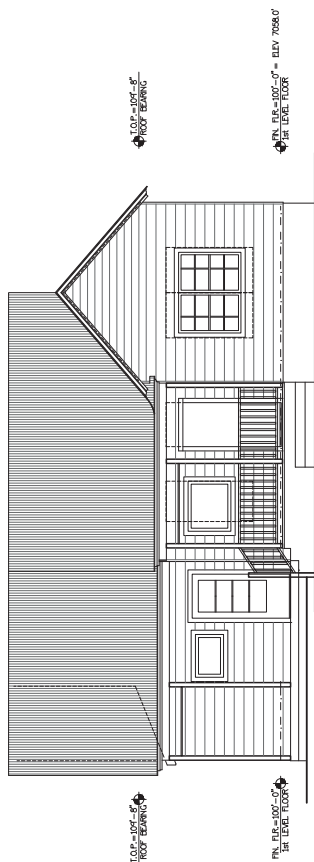
0' 1' 2' 3' 4' 5' 10' 15'

2 HISTORIC FLOOR PLAN
 X1.1 SCALE: 1/8" = 1'-0"

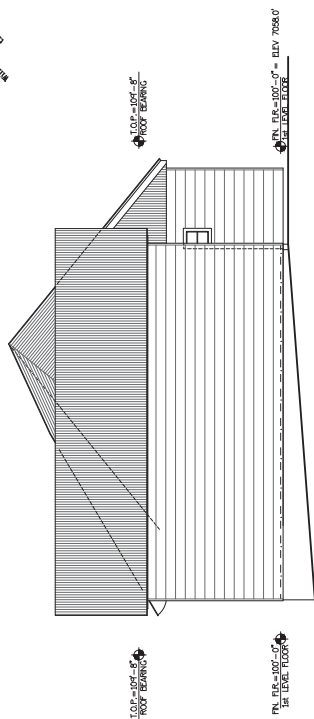


EASTER RESIDENCE TWO	EXISTING ELEVATIONS
DATE: 01-11-15	DRAWN BY: WPM
CHECKED BY: WPM	JOB NO.: 06-15-03

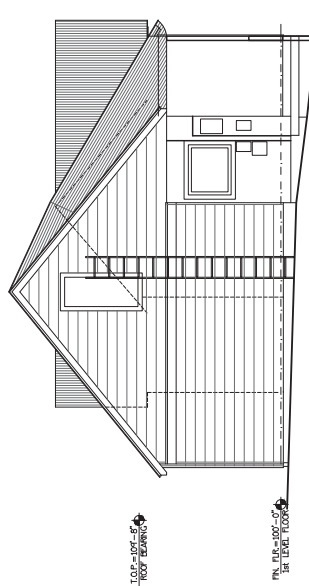
X2.1



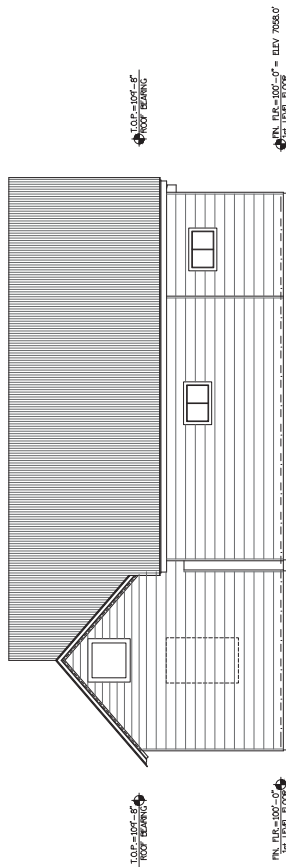
2 WEST ELEVATION
A2.1 SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION
A2.1 SCALE: 1/4" = 1'-0"



1 NORTH ELEVATION
A2.2 SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
A2.2 SCALE: 1/4" = 1'-0"



30
Residential
From 6:00 AM
To 6:00 PM
Between
Houses





Planning Commission Staff Report



Application #: PL-16-03209
Subject: Deer Crest Master Planned Development and Settlement Agreement (Third Amendment to the Settlement Agreement)
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: February 8, 2017
Type of Item: Master Planned Development/Settlement Agreement Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and discuss a request to amend the Deer Crest Master Planned Development and Settlement Agreement to remove a requirement that Deer Hollow Road be physically disconnected at the time of development of the Slalom Village parcel. Staff recommends discussion of the items listed below and requests continuation to March 8, 2017 to allow City Staff time to draft appropriate findings and potential conditions to support direction provided by Planning Commission, following an opportunity for public input. **Staff requests discussion on the following items (see also Analysis section of this report).**

1. Consider potential impacts of allowing Deer Hollow Road to function as it currently does (e.g. without a disconnection) versus requiring a permanent, physical disconnect within the Slalom Village parcel. East and west perimeter control gates are to remain in place, owned and managed by the Deer Crest Master Owner's Association in perpetuity, per agreements in place (see Exhibit A - applicant's letter requesting removal of the disconnect requirement (and exhibits to the letter) and Exhibit B- location map).
2. Consider conditions or additional agreement language to ensure perpetual maintenance and existence of the gates, such as a condition that if the east and west perimeter gates are ever abandoned or otherwise fail to operate per the agreements in place, a physical disconnect across Deer Hollow Road shall be installed.
3. Discuss the potential for allowing overflow traffic use of Deer Hollow Road, for traffic emergencies declared by the Park City Police Department and or Park City Fire District, with certain conditions such as outbound only from Park City to US 40 using Deer Hollow Road, as well as official designation as to who has authority to allow this emergency use.
4. Review and discuss whether the proposed MPD Amendment satisfies applicable MPD review criteria (as reviewed in this report) and whether required conclusions of law for approval of an MPD can be made.
5. Are there other conditions of approval or related amendments to the Settlement

Agreement that the Planning Commission wishes to discuss and provide in recommendation to the City Council? Staff recommends adding conditions related to Mine Hazards and Mine Soil that shall be addressed with any Conditional Use Permit application for the Slalom Village (aka Deer Hollow Village) development. These MPD criteria were recently added to the Land Management Code and it is customary to add them when an MPD is reopened.

Description

Applicant:	Deer Crest Associates I, L.C., represented by Thomas G. Bennett, Ballard Spahr Law
Location:	Deer Hollow Road in the vicinity of the Deer Crest Chairlift, within the Deer Crest Master Planned Development
Zoning:	Recreation Commercial- Master Planned Development (RC-MPD)
Adjacent Land Uses:	Deer Valley Resort, St. Regis Hotel and Residences, single family homes of Snowtop and Deer Crest Estates, and open space.
Reason for Review:	Amendments to Master Planned Developments require Planning Commission review, public hearing, and final action by the Planning Commission. Settlement Agreement amendments require City Council review and final action, with recommendation from Planning Commission (as requested by the City Council).

Proposal

The applicant, Deer Crest Associates I, L.C., developer of the Deer Crest Master Planned Development community, is successor in interest to Trans Wasatch Company, L.L.C. and Park City Consolidated Mines Company in matters related to the Deer Crest Settlement Agreement (Settlement Agreement) dated December 29, 1995.

The applicant submitted a request for a Third Amendment to the Settlement Agreement (which acts as the Master Planned Development for the property) to eliminate the requirement for a physical disconnection of Keetley Road (aka Deer Hollow Road) in the vicinity of a development parcel known as the Slalom Village parcel (aka Deer Hollow Village). Purpose of the disconnect requirement was to prevent direct through traffic between Jordanelle basin/US 40 and Park City. During development of Deer Crest permanent gates were installed on the east and west entrances. These gates are guard controlled and are known as the east and west perimeter gates. According to the City Engineer, in 2009 or 2010 a crash gate was installed at the disconnect site but has since been removed.

The Deer Crest Master Association (DCMA) is supportive of the Amendment and believes it is in the best interest of the Deer Crest community to eliminate this requirement, provided however, that the east and west perimeter control gates remain in place and managed in compliance with the agreements. Wasatch County, Deer Valley Resort, JSSD special service district, and several home owners within Deer Crest Estates have submitted letters in support (See Exhibit E). See also Staff Report Exhibit

A, applicant's letter and the following exhibit attachments provided by the applicant:

- Exhibit A- Excerpt from Settlement Agreement (existing disconnect language)
- Exhibit B- Queen Ester Settlement Agreement and Release
- Exhibit C- Letter to Mark Harrington dated August 1, 2013 with attachments
- Exhibit D- Answers to Planning Department Questions
- Exhibit E- Letter dated November 18, 2015 to Queen Ester HOA Board
- Exhibit F- Letter to Park City Council from Wasatch County dated November 3, 2015
- Exhibit G- Proposed language for the Third Amendment to the Settlement Agreement

Background

The Deer Crest Settlement Agreement (Agreement) by and between Park City Consolidated Mines Company and Trans-Wasatch Company, L.L.C and Park City Municipal Corporation was executed on December 29, 1995. A requirement for a physical disconnection of Keetley Road (aka Deer Hollow Road) in the vicinity of a development parcel known as the Slalom Village parcel (aka Deer Hollow Village) was included in the Agreement. The original purpose of the disconnect requirement was to prevent public access between the Jordanelle basin (Wasatch County)/Highway US 40 and Park City.

A First Amendment to the Agreement (aka the First Amendment to the Telemark Park Settlement Agreement) was approved by City Council on April 8, 1997 (Exhibit F). Items of the First Amendment included the following: 1) clarified density, use and configuration, and location of the development areas; 2) addressed timing of annexation of and permit issuance for the Snowtop/Hidden Hollow, Slalom Village, and Roosevelt Gap Areas; 3) moved the previous 20,000 sf ski academy (and parking limitation) from the Slalom Village Area to Telemark Park Village (aka Jordanelle Village Resort) outside of the east perimeter gate and increased the single family lots by one to five (5); 4) added right to construct ski runs and lifts to the section pertaining to the right to construct roads under certain conditions, and 5) included additional stipulations related to ski lifts, ski runs, open space, trails, other road construction, gates, utilities, and ski runs.

A Second Amendment to the Agreement (aka the Second Amendment to the Telemark Park Settlement Agreement) was approved by City Council on April 6, 2001 (Exhibit G). The purpose of the Second Amendment was to increase by the density of Hidden Hollow subdivision by one single family lot, thus increasing the total number of single family lots lying west of the east perimeter gate by one to 151 (from 150) and increasing the total number of units by one to 546 units (from 545); amending related exhibits, and amending the annexation agreement for Alternative A for the Roosevelt Gap/Snow Park Hotel Area (now known as the St. Regis Resort approved with the Deer Crest Hotel Conditional Use Permit) to allow the Planning Commission to approve up to 105 overnight parking spaces at Roosevelt Gap.

The Settlement Agreement property consists of approximately 678 acres, of which 523 are located within Wasatch County and 155 acres are located within Summit County. The property is generally located between Deer Valley Drive East and US 40. At the time of the Agreement a majority of the property was located within the unincorporated

areas of these counties. The Settlement Agreement requires Property Owner and/or Homeowners' Association responsibility for the permanent maintenance of all perimeter gates, roads, hard surfaced pedestrian and bike pathways, including snow removal.

On December 17th, 1998, Park City annexed 253 acres of this property as the Deer Crest Annexation (Ordinance 98-53) and 84 acres as the Hidden Hollow Annexation (Ordinance 98-52) (See Exhibit I). The remaining property was developed in unincorporated Wasatch County. Access to a majority of the Deer Crest Community is from US 40 at the Mayflower interchange via the east perimeter control gate (also known as the Jordanelle gate house). Access from Park City to the Deer Crest Community is from Deer Valley Drive to Queen Ester Drive and to Deer Hollow Road via the west perimeter control gates (also known as the Queen Ester gate house). (See Exhibits B and C- location maps and aerial photo of the Deer Crest area).

Two other parcels were developed in Park City, namely the Roosevelt Gap parcel with the St. Regis Hotel and the Snow Park Hotel parcel with the funicular connecting to Roosevelt Gap, parking, and two employee housing units and one residential condominium unit within the funicular building. Phases 2 and 3 of the St. Regis Hotel (aka Deer Crest Hotel CUP) (future residential condominiums) are also approved at the Snow Park Hotel site but have not been constructed. Parking and access through the west perimeter gates for the St. Regis Hotel (approved as the Deer Crest Hotel CUP) is subject to the Settlement Agreement, as amended, and is reflected in the CUP conditions of approval (Exhibit H). Access through the gates is also described in the Queen Ester Settlement Agreement (Exhibit B to Exhibit A).

This proposed Third Amended Settlement Agreement does not request changes to the Deer Crest Hotel CUP. Subject property, e.g. the general location of the required disconnect, is zoned Recreation Commercial- Master Planned Development (RC-MPD).

During construction of the St. Regis Hotel in 2007-2010, a temporary disconnect (metal crash gates and boulders) was removed. The Chief Building Official at that time made a determination that for health and safety reasons Keetley Road (aka Deer Hollow Road) should be opened and continually paved as long as the east and west perimeter gates were installed as permanent gates and monitored per the Agreements. The disconnection on Keetley Road was not re-installed as the east and west gates provided the controlled access to and from US 40 and Park City. Language in the Settlement Agreement remains describing the requirement for a permanent connection to be incorporated into design of the future hotel development at Slalom Village (aka Deer Hollow Village).

On June 9, 2016, the applicant submitted an application for an amendment to the Deer Crest MPD and Third Amendment to the Settlement Agreement (see Exhibit A and attachment exhibits A-G). The application was deemed complete upon submittal of a revised surrounding property owner mailing list and envelopes on November 22, 2016.

Purpose of the RC Zone

The purpose of the Recreation Commercial (RC) District is to:

- A. allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities,
- B. allow for resort-related transient housing with appropriate supporting commercial and service activities,
- C. encourage the clustering of Development to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services,
- D. limit new Development on visible hillsides and sensitive view Areas,
- E. provide opportunities for variation in architectural design and housing types,
- F. promote pedestrian connections within Developments and to adjacent Areas,
- G. minimize architectural impacts of the automobile,
- H. promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs,
- I. promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- J. promote the preservation and rehabilitation of Historic Buildings

Process

Approval or denial of this request to amend the MPD by the Planning Commission constitutes Final Action that may be appealed to City Council following procedures found in Land Management Code § 1-18. Previous amendments to the Agreement were reviewed by the Planning Commission at the time of the proposed Deer Crest and Hidden Hollow Annexations and the Planning Commission made a recommendation to City Council on amendments to the Settlement Agreement items.

Amendments to the Settlement Agreement require a Planning Commission recommendation to City Council and final action by the City Council.

Analysis

Settlement Agreement Amendment

The original purpose of the disconnect was to prevent Keetley Road (aka Deer Hollow Road) from becoming a through way for public access between Jordanelle basin/Highway US 40 and Park City. Historically the road was an unpaved county road. With development proposals for the Deer Crest property being reviewed by Wasatch County (aka Telemark Park) this required disconnect was seen as necessary to prevent through traffic and public access. The requirement was memorialized as part of the 1995 Settlement Agreement. With the Deer Crest development permanent manned control gates at the east and west entrances to the property were constructed.

The applicant contends that these manned gates effectively prevent public access through Deer Crest and this disconnect requirement at Slalom Village is no longer necessary (See Exhibit A- applicant's letter and exhibits) and create issues with emergency access and internal circulation.

In 1996 a Settlement Agreement and Release was executed between the Queen Ester Village Project Owners Association, Trans Wasatch LLC, Deer Crest Associates I, L.C., and Park City Consolidated Mines (PCCM) (Trans Wasatch, Deer Crest and PCCM were the developers) (see Exhibit A- applicant's letter and exhibits). Included in this Queen Ester Settlement Agreement was a provision that allowed the removal of the physical disconnect at Slalom Village, if approved by Park City, "so as to permit and encourage the use of the east control gate as the point of entry and exit for commercial, oversized or trailering vehicles, and vehicles operating outside of specified hours of operation, subject to Developer's agreement to implement gate controls no less stringent than those set forth on Exhibit B hereto in the master covenants, conditions and restrictions for the Deer Crest Project..." (See Exhibit B to the Queen Ester Settlement Agreement). **Discussion requested.**

Master Planned Development Review Criteria

Master Planned Developments, and amendments to them, are to be reviewed according to the following applicable items as outlined in Section 15-6-5 of the Land Management Code (*LMC language in italics, staff analysis in bold- only applicable criteria are included*).

(A) **DENSITY.** *The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.*

No changes are proposed to the approved densities outlined in the Settlement Agreement, as amended. Slalom Village is one of the remaining undeveloped areas of the MPD. Section 5.2.3.1 states the density "shall not exceed 83 multi-family units (maximum 2,400 square feet per unit) with support commercial space up to 5% of the gross square footage and appropriate amenities and five (5) single-family lots (per 1st Amendment)". Alternatively, the Agreement states "in the event Property Owners elect not to construct the development described in Section 5.2.3 above, then Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. .. The twelve (12) single-family lots are in addition to the five (5) lots (per 1st Amendment)..."

(B) **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 AND HR-2 DISTRICTS. (Not applicable)**

(C) **SETBACKS.** *The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. (No changes)*

(D) **OPEN SPACE.** *All Master Planned Developments shall contain a minimum of sixty percent (60%) open space with open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2)*

zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). **(No changes)**

(E) **OFF-STREET PARKING.** The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. **(No changes)**

(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make findings, as stated in the LMC. **(Not applicable)**

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Clustering of units is provided for within the MPD with the Slalom Village development parcel identified and the area around it designated for open space.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

This requirement is also discussed in the Settlement Agreement/MPD with specific grading plans to be reviewed at the time of any Conditional Use Permit. This may be impacted if the disconnect is required and turn around areas are needed on each side of the disconnection for snow plows. Existing slopes are steep and large turn around areas will require large retaining structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

This requirement, pertaining to Buildings, will be reviewed at the time of any Conditional Use Permit and/or subdivision plat. The MPD Amendment doesn't change the location of roads relative to Existing Grade, or cuts and fills, however if disconnect is required the turnaround areas for snow plows will require additional cut and fills.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails are recorded on the subdivision plat. Construction of any new trails will be required consistent with the Park City Trails Master Plan.

The MPD Amendment will not make changes to trails or trail easements. If the disconnect is required to remain, pedestrian and cyclist access should not be restricted.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

The proposed MPD Amendment allows internal vehicular and pedestrian/bicycle circulation for residents within the Deer Crest/Hidden Hollow/Snowtop/St Regis Hotel Neighborhood area, by keeping the loop open within the area (keeping the perimeter gates in place). There will continue to be relatively direct access between the various subdivisions and hotels. Additionally, service and delivery, employee vans, guests and owners of the St. Regis Hotel, approaching from US 40 and the east gate, will take a more direct route using Deer Hollow Road, as opposed to Deer Crest Estates Drive, a more circuitous route through a residential neighborhood. Creation of two dead end roads interrupts a loop route for internal circulation within (inside the two gates) the Deer Crest/Hidden Hollow/Snowtop/St. Regis Hotel Neighborhood.

The Settlement Agreement does include a provision for a gated emergency /utility road (one that does not allow general public access, but it is not clear whether it would allow service and delivery vehicles) to by-pass the disconnect, but this provision is only identified in Section 5.2.3.5 and 5.2.3.8 specific to the conditions of development without annexation to Park City, and therefore these sections don't currently apply. If the MPD Amendment is not approved, pedestrian and bicycle access should be provided around any physical disconnect.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan allows for snow storage Areas. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Snow removal and snow storage for the Slalom Development parcel are not changed with the proposed MPD Amendment. Specifics of snow removal and snow storage are reviewed at the time of the Conditional Use Permit review. Creation of two dead end roads interrupts a more efficient loop route for snow removal services, and requires two large turn around areas to be constructed. The road is relatively steep (about 10%) in this area and the terrain within the Slalom Village parcel slopes down from north to south at a 50-60% slope with the north side of the road steeper than the south.

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

Creation of two dead end roads at Slalom Village interrupts a loop route for refuse and recycling collection within the Deer Crest neighborhood. Specifics of trash dumpsters and recycling containers, and the screening of these facilities, are reviewed at the time of the Conditional Use Permit review. The Settlement Agreement does include a provision for a gated emergency /utility road (one that does not allow general public access) to by-pass the disconnect, but this provisions is only identified in Section 5.2.3.5 and 5.2.3.8 which are specific to the conditions of development without annexation to Park City, and therefore don't currently apply. If the MPD Amendment is not approved the Commission could request such a by-pass road for specific use as an alternative to construction of two large turn around areas for these large vehicles (snow plows, trash trucks, emergency fire trucks, etc.).

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

The MPD encourages reduction of vehicular trips. A more direct route from US 40 to the Hotel for van and shuttle service and employee shuttles is more conducive to successful reduction in vehicular trips within the MPD.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Site specific items regarding service and delivery and loading/unloading areas are reviewed at the time of a Conditional Use Permit. See #5 for service and delivery vehicle circulation within the MPD.

(H) LANDSCAPE AND STREETScape. A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5 (M) Landscaping. All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review. **(Not Applicable)**

(I) SENSITIVE LANDS COMPLIANCE. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21. **(Not Applicable)**

(J) **EMPLOYEE/AFFORDABLE HOUSING.** *MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application. The applicant is current on affordable housing requirements to date. (No changes)*

(K) **CHILD CARE.** *A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care. (No changes)*

(L) **MINE HAZARDS.** *All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.*

The approved MPD and Settlement Agreement do not include conditions related to this item. Staff recommends a condition be added to require this MPD criteria be addressed with the Conditional Use Permit application for Slalom village development in the future. Mine Hazards were added as review criteria when the LMC was recently amended.

(M) **HISTORIC MINE WASTE MITIGATION.** *For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.*

The approved MPD and Settlement Agreement do not include conditions related to this item. Staff recommends a condition be added to require this MPD criteria be addressed with the Conditional Use Permit application for Slalom village development in the future. Historic Mine Waste Mitigation was added as review criteria when the LMC was recently amended.

(N) **GENERAL PLAN REVIEW.** *All MPD applications shall be reviewed for consistency with goals and objectives of the Park City General Plan, however such review for consistency shall not alone be binding.*

Consider in review of the amendment the following items.

- **Maintain Park City's resort and neighborhood character**
- **Protect neighborhoods from impacts of development**
- **Provide pedestrian amenities and connections**
- **Efficient provisions of services and emergency response**
- **Efficient vehicular circulation/best transportation practices/no conflicts with transportation /reduction of trips**

(O) **HISTORIC SITES.** *All MPD applications shall include a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report, as further described on the MPD application. The Historic Structures Report shall be prepared by a Qualified Historic Preservation Professional.*

The approved MPD and Settlement Agreement do not include conditions related

to this item. Staff recommends a condition be added to require this MPD criteria be addressed with the Conditional Use Permit application for Slalom village development in the future. Historic Sites criteria were added as review criteria when the LMC was recently amended.

Conclusions of Law required for Master Planned Developments

In reviewing this application, Staff and the Commission should incorporate into the discussion and consider whether the following findings, if applicable, can be made before taking any final action on this application. **The Commission should also consider whether additional conditions of approval are needed in order to make these conclusions:**

1. The MPD complies with all the requirements of the Land Management Code.
2. The MPD meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD provides the highest value of open space, as determined by the Planning Commission.
4. The MPD strengthens and enhances the resort character of Park City.
5. The MPD compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
6. The MPD is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility and protects residential neighborhoods and Uses.
7. The MPD provides amenities to the community so that there is no net loss of community amenities.
8. The MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD meets the provisions of the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable Land and least visually obtrusive portions of the Site.
10. The MPD promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
11. The MPD has been noticed and public hearing held in accordance with this Code.
12. The MPD incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building programs and codes adopted by the Park City Building Department in effect at the time of the Application.
13. The MPD addresses and mitigates Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

Department Review

This project has gone through an interdepartmental review at a Development Review meeting consisting of various City Departments and various service providers. Service providers at the meeting, both emergency service and utility providers, expressed support for the elimination of the disconnection, for reasons of better emergency

access and more efficient delivery and provision of services to the area (or to keep the current situation intact).

Concerns regarding operation and monitoring of the east and west perimeter vehicle control gates were discussed, as well as the opportunity to include additional mechanisms and conditions in order to have better oversight as to management of these gates. Responsibility for operation and maintenance of the perimeter gates belongs to the Deer Crest Master association.

There was also discussion about the potential for overflow traffic and emergency evacuation use of Deer Hollow Road, for specific events and situations, provided specific conditions are met. It was requested that these item be discussed by the Planning Commission at the public hearing.

On November 12, 2013, the Deer Crest Interlocal Development Services Committee met. One of the agenda items was a presentation from the applicant's attorney, Mr. Thomas Bennett. Following discussion of the Settlement Agreement amendment related to the disconnection of Deer Hollow Road, the committee expressed support for the amendment to permanently remove a required disconnection and rely on the east and west perimeter gates to control access. The Development Services Committee is scheduled to meet on February 7th. Staff will provide a report of that meeting to the Commission.

Notice

On November 30, 2016, the property was posted and notices of the public hearing were mailed to property owners within the Deer Crest HOA as well as to property owners within 300 feet of the lower west perimeter gate, including the Queen Ester and lower Solamere neighborhoods. Legal notice was published in the Park Record, on the City Website, and on the Utah Public Notice Website on November 26, 2016.

Public Input

Planning Staff mailed out approximately 400 letters to property owners within the Deer Crest community as well as those within 300 feet of the west perimeter control gate. Staff received numerous letters in support of the amendment (see Exhibit E).

Recommendations

Staff recommends the Planning Commission conduct a public hearing and discuss a request to amend the Deer Crest Master Planned Development and Settlement Agreement to remove a requirement that Deer Hollow Road be physically disconnected at the time of development of the Slalom Village parcel. Staff recommends continuation to March 8, 2017, to allow City Staff time to draft appropriate findings and potential conditions to support direction provided by Planning Commission, following an opportunity for public input.

Exhibits

Exhibit A- Applicant's letter and letter Exhibits A-G

Exhibit B- Location maps

Exhibit C- Aerial photo overview of Deer Crest area and topographic map

Exhibit D- Additional background information

Exhibit E- Public input received to date

Exhibit F- First Amended Settlement Agreement

Exhibit G- Second Amended Settlement Agreement

Exhibit H- Deer Crest Hotel CUP approval (and most recent amendment) action letters

Exhibit I – Annexation ordinances from 12/17/1998.

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June 8, 2016

Via E-mail

Ms. Kirsten A. Whetstone
Senior Planner
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

Re: Proposed Amendment to 1995 Deer Crest Settlement Agreement

Dear Kirsten:

As you are aware, on August 1, 2013 and December 11, 2015 I submitted letters to Mark Harrington requesting an amendment to the Settlement Agreement dated December 29, 1995 between Trans-Wasatch Company, L.L.C., Park City Consolidated Mines Company and Park City Municipal Corporation (as amended, the "Settlement Agreement"). Those letters requested a modification to Section 5.2.3.4 of the Settlement Agreement to eliminate the requirement that there be a permanent disconnect preventing east-west access between Highway 40 and Park City through the Deer Crest community via Deer Hollow Drive, which was formerly known as "Keetley Road." You recently indicated that it would be necessary to submit an Application for an Amendment to an MPD in order for the City to process this request. Accordingly, enclosed please find the following:

1. Application for Amendment to Master Planned Development.
2. My letter dated December 11, 2015, which is submitted to satisfy the requirement for a written statement describing the request (item 3 of the Application form). In your February 26, 2016 email you indicated that this would be sufficient. That letter also includes multiple exhibits which provide additional documentation supporting this request.
3. Copy of the Settlement Agreement, in satisfaction of submittal item 4 of the Application.
4. The following drawings and photographs which you previously indicated would be sufficient to satisfy submittal requirement for item 6 of the Application:
 - a. Aerial photo showing the approximate location of the disconnect as originally intended;

DMWEST #14481401 v1



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Thomas G. Bennett
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Fax: 801.531.3001
bennett@ballardspahr.com

December 11, 2015

Via FedEx

Mark Harrington
Park City Municipal Corporation
445 Marsac Avenue
Post Office Box 1480
Park City, UT 84060

Re: Deer Hollow Road (f/k/a Keetley Road) Disconnect

Dear Mark:

This firm represents Deer Crest Associates I, L.C. ("DCA"), the developer of the Deer Crest community ("Deer Crest"), in the matters that follow. DCA is the successor in interest to Trans-Wasatch Company, L.L.C. and Park City Consolidated Mines Company with respect to the Settlement Agreement dated December 29, 1995 (as amended, the "Settlement Agreement") with Park City Municipal Corporation ("City"). The purpose for this letter is to re-engage with the City on a proposal to amend the Settlement Agreement to eliminate the requirement for the physical disconnection of Keetley Road (now known, and in this letter referred to, as "Deer Hollow Road") as it passes through Deer Crest at the approximate location of a development parcel referred to in the Settlement Agreement as "Slalom Village".

As you will recall, Section 5.2.3.4 of the Settlement Agreement requires the permanent physical disconnection of Deer Hollow Road at the Slalom Village location, which is east of the St. Regis Hotel (the "Disconnect"), at such time as the primary structure for Slalom Village is constructed. A copy of this section of the Settlement Agreement is attached to this letter as Exhibit "A". In terms of my involvement, the impact of the Disconnect first came to light in 2009 in connection with an amendment to the CUP for the St. Regis Deer Valley Hotel (the "St. Regis"). At that time both Park City and Wasatch County expressed support for eliminating the Disconnect requirement out of concerns that implementation of the Disconnect would adversely affect emergency access to and from the St. Regis and many homes in the Deer Crest development. Over the course of the past six years there have also been negotiations between DCA and the Deer Crest Master Association ("DCMA") over the transfer of roads and open space parcels within Deer Crest from DCA to DCMA. In the course of those negotiations, which were finalized and implemented earlier this year, DCA and DCMA agreed that it was in the best interests of both to seek an amendment of the Settlement Agreement to eliminate the Disconnect requirement.

DMWEST #11347934 v4

Ms. Kirsten A. Whetstone
June 8, 2016
Page 2

- b. A map showing all roadways within Deer Crest, including Deer Hollow Drive;
- c. "Deer Crest Direction Map", which is another map of the roads within Deer Crest;
and
- d. Topographical map of existing conditions along Keetley Road.

You have indicated that submissions will not be required for items 7-11 of the Application Submittal Requirements. The Application fee of \$560 will be paid by phone as soon as you provide us with a permit number. As I previously mentioned to you, we have ordered a title report for this section of the road, but it will not be available until the middle of next week. I will have that delivered to you as soon as I receive it, together with the names and stamped envelopes for all property owners within 300 feet of this property.

Very truly yours,



Thomas G. Bennett

Enclosures



The original purpose for the Disconnect was to assure that Deer Hollow Road did not become used for public access between the Jordanelle basin of Wasatch County and Park City. However, in the development of Deer Crest control gates were constructed at the east and west entrances to Deer Crest. These gates have effectively prevented public access through Deer Crest, and it is generally recognized that disconnecting Deer Hollow Road is unnecessary to prevent public access between Highway 40 and Park City. Keeping Deer Hollow Road intact also allows trucks and other large commercial delivery vehicles serving the St. Regis to enter exclusively through the Jordanelle gate into Deer Crest, rather than entering through the western gate in Deer Valley. Most importantly, keeping Deer Hollow Road as a thoroughfare provides substantially quicker access for emergency vehicles to the St. Regis and many of the homes in Deer Crest. As you may recall from the meeting we had with City officials on November 12, 2013, all of the public safety representatives present at that meeting from Park City and Wasatch County were supportive of eliminating the Disconnect requirement, as they felt that keeping Deer Hollow Road connected was important for emergency access.

There has been some question as to whether the Deer Crest control gates could at some point in the future be removed or left open, but such action would be a violation of the Master Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Deer Crest ("Master Declaration"). Specifically, Section 4.5(c)(iii) of the Master Declaration requires that "permanent control gates at the East and West entrances" shall be constructed and operated continuously. Owners of homes in Deer Crest see a substantial value in being a "gated community" and would strongly object to any efforts to remove the control gates. Removal of the gates might also violate the Settlement Agreement and Release dated August 1, 1996 between DCA and the Queen Esther Owners Association, a copy of which is attached hereto as Exhibit "B" ("Queen Esther Settlement Agreement"), which also requires, in Section 1.f., that permanent control gates be maintained at the east and west entrances to Deer Crest.

Our original request to amend the Settlement Agreement to eliminate the Deer Hollow Road Disconnect requirement was made in my letter to you dated August 1, 2013, a copy of which is attached as Exhibit "C". Following that letter, the Planning Department raised a few questions, which we have summarized and answered on attached Exhibit "D".

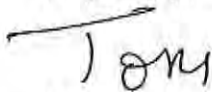
You have strongly suggested that we contact the Queen Esther community about this request. We have notified the Board of Directors of Queen Esther Village Project 1 Owners Association, in writing, of our intent to proceed with this request to have the Disconnect requirement eliminated. A copy of that letter is attached as Exhibit "E". In response to that letter I have had a phone call with Jerry Chizevar, an attorney and member of the board of the Queen Esther owners' association. He had a number of questions concerning the proposal and indicated that he did not expect the board to object to the elimination of the Disconnect requirement, although it is important to them that the east and west control gates into Deer Crest remain in place.

Eliminating the Disconnect requirement preserves the current traffic flow through Deer Crest, which has been operating effectively since the initial development of Deer Crest in 1997. This action is supported by public safety officials in Park City and Wasatch County, as well as by the Deer Crest Master Owners Association. A copy of a recent letter of support from Wasatch County is attached as Exhibit "F".

To proceed with the removal of the Disconnect requirement, we propose that an amendment to the Settlement Agreement, in the form attached as Exhibit "G", be reviewed and approved by the City Council. We respectfully request that such amendment be reviewed by staff and placed on the City Council's agenda for action. If there is any additional information needed in order to address this issue, please let me know.

If you have any questions or concerns about the foregoing, I would be happy to discuss them with you.

Very truly yours,



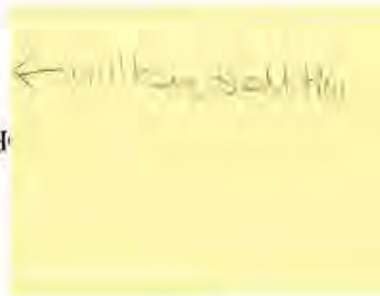
Thomas G. Bennett

TGB:mc

cc: Gregson Perry
Diane H. Banks
Diane Foster

List of Exhibits:

- A—Excerpt from Settlement Agreement
- B— Queen Esther Settlement Agreement
- C—Letter to Mark Harrington dated August 1, 2013
- D--Exhibit "E" to Deer Crest Master Declaration —
- E—Answers to Questions from Planning Dept.
- F--Letter dated November 18, 2015 to Queen Esther H
- G—Wasatch County Letter dated November 3, 2015
- H—Proposed Amendment to Settlement Agreement



Area to Telemark Park Village outside the eastern perimeter controlled access gate, in exchange for an increase of up to ten (10) multi-family units being added to the Snow Park Hotel Site, upon Park City's consent.

5.2.3.3 Development Alternative to Slalom Village. In the event Property Owners elect not to construct the development described in Section 5.2.3 above, then Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. The twelve (12) lots shall be platted in Wasatch County and may be recorded within the Slalom Village development envelope with limits of disturbance established by Wasatch County and as generally depicted in Exhibit "S." The Park City staff and City Council have reviewed Exhibit "S," and found said exhibit to be generally acceptable as to density, use and configuration. The twelve (12) single-family lots are in addition to the four (4) lots shown on Exhibits "C" and "F" and the 20,000 square foot Ski Academy. Property Owners shall have the right to develop the 12 single-family lot subdivision and the 20,000 square foot Ski Academy as a Wasatch County development. In the event Property Owners elect to develop the twelve (12) single-family lot subdivision, then Property Owners shall realign and construct Keetley Road as depicted on Exhibit "S," wherein Slalom Village becomes a cul-de-sac that is not accessible from the eastern portion of Keetley Road except via St. Louis Drive.

5.2.3.4 Disconnection of Keetley Road at Slalom Village
Location. A permanent physical disconnection of Keetley Road shall occur at the Slalom Village Area location, which disconnection shall be accomplished as follows: (a) Upon the

platting of lots in the Little Baldy neighborhood or upper St. Louis neighborhood. Property Owners shall disconnect, either by steel gates and/or boulders and natural vegetation, Keetley Road so as to prevent vehicular through traffic in the Slalom Village Area; and (b) disconnection shall be permanent at the Slalom Village location upon the construction of the Primary Village Structure at Slalom Village (the footprint of which shall partially be within the historic configuration of Keetley Road right-of-way, such that the right-of-way is completely obstructed) or the construction of the cul-de-sac configuration described in Section 5.2.3.3. Upon the permanent physical disconnection, there shall be no reconnection of Keetley Road at the Slalom Village location. Nothing herein shall preclude the parking and internal circulation at the Primary Village Structure as described in Section 5.2.3.7.

5.2.3.5 Conditions of Development Absent Park City

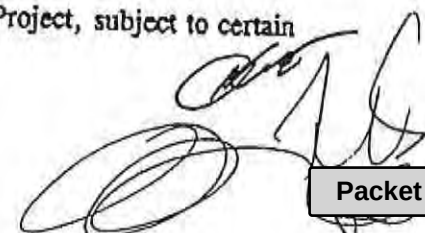
Annexation. If the Slalom Village Area is not annexed into Park City pursuant to Sections 5.2.3.1 and 5.2.3.2, Property Owners may proceed to develop Slalom Village as a Wasatch County development so long as (a) the Property Owners seek development approval in Wasatch County for density in accordance with the configuration and development restrictions described herein and depicted in Exhibits "C," "F" or "S," (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure prior to the issuance of a certificate of occupancy for any portion of Slalom Village, (c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) the same area designated for dedication and conservation easements shall be preserved by conservation easements granted to and accepted by a public entity or a

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SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (the "Agreement") is executed as of August 1, 1996 by and between, The Queen Esther Village Project 1 Owners Association ("Queen Esther"), Trans Wasatch Company, L.L.C. ("Trans Wasatch"), Deer Crest Associates, I, L.C. ("Deer Crest"), and Park City Consolidated Mines ("PCCM") (Trans Wasatch, Deer Crest and PCCM are collectively referred to herein as the "Developers").

RECITALS

- A. Queen Esther is an incorporated association of homeowners within a part of the Queen Esther Condominium Project (the "Queen Esther Project"), a portion of which is in close proximity to a presently unimproved portion of Keetley Road located within Park City. Queen Esther has asserted both contractual rights and rights pursuant to Park City approvals with respect to certain land adjacent to the Queen Esther Project that is included within the approved master plan area for the Queen Esther Project including portions of the unimproved Keetley Road.
- B. Developers are successors in interest to the original developers of the Queen Esther Project in the ownership of the land adjacent to the Queen Esther Project. Developers desire to improve Keetley Road to provide access to a new real estate development to be known as Deer Crest (the "Deer Crest Project").
- C. Park City Municipal Corporation ("Park City") and Trans Wasatch and PCCM have engaged in litigation with respect to the right of the Developers to improve Keetley Road, and those parties have entered into a settlement agreement (the "Original Settlement Agreement") that would allow the improvement of Keetley Road as a private road in connection with the development of the Deer Crest Project, subject to certain
- 

conditions, including the vacation by Park City of any public rights of vehicular access in Keetley Road.

D. Queen Esther has asserted that the implementation of the Original Settlement Agreement and the improvement of Keetley Road would violate the rights and interests of Queen Esther in the event certain provisions of the Original Settlement Agreement were not amended or added and in the event direct enforcement rights were not extended to Queen Esther to protect the interests of homeowners within the Queen Esther Project.

E. Queen Esther and Developers desire now to settle the dispute between them and to permit Keetley Road to be vacated by Park City and improved by Developer subject to the terms of this Agreement.

AGREEMENT

In consideration of the recitals and mutual promises contained herein, Queen Esther and Developers, and each of them, agree as follows:

1. Covenants and Agreements of Developers. Developers agree to the following covenants and other terms. Developers warrant that Deer Crest is the fee title holder and, where applicable, the long-term lessee of the real property within the Deer Crest Project. All obligations of Developers from and after the date of this Agreement shall be performed by Deer Crest, and its affiliates, partners, operators, successors and assigns, and TransWasatch and PCCM shall be released from liability for non-performance of those obligations. To the extent the following provisions conflict with the obligations of Developers under the Original Settlement Agreement, the parties to this

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Agreement intend that the terms of this Agreement shall govern between Queen Esther and Developers, and their affiliates, partners, operators, successors and assigns:

a. Approved Drawings; Limits of Disturbance. The 10 pages of engineering drawings identified on Exhibit A hereto (the "Approved Drawings") for the Keetley Road segment located within Park City and adjacent to the Queen Esther Project (the "Park City Keetley Road Segment") shall be the basis for the construction of the Park City Keetley Road Segment other than with respect to the design of the control gate areas and the portions of any wall above the level of asphalt on the roadway. Developers represent that the base of the downhill retaining wall adjacent to the Queen Esther Project as shown on the Approved Drawings leaves not less than 5.0 feet of distance between the downhill face of the wall and the highest existing uphill aspen tree below the road and agree that the 5.0 foot area adjacent to the base of the wall shall constitute the limits of downhill area that will be disturbed in connection with the construction, maintenance or reconstruction of the Park City Keetley Road Segment (the "Limits of Disturbance Area"). The Limits of Disturbance Area specified by this Agreement shall control over any inconsistent specification of a limits of disturbance area in the Approved Drawings. Developers shall install surveyed construction stakes identifying the base of the downhill retaining wall and the Limits of Disturbance Area and provide Queen Esther with not less than 10 days notice prior to the commencement of construction and the installation of those stakes in order to afford Queen Esther the opportunity to confirm that the proposed construction of the road and the location of the Limits of Disturbance Area conform to the locations specified in this paragraph 1.a. Developers further agree to install temporary

fences pursuant to specification G-10 on the first page of the Approved Drawings within the Limits of Disturbance Area. Developers further agree that the retaining wall shall be constructed pursuant to detail KW1 on page G-10 of the Approved Drawings in order to reasonably minimize construction-related downhill impacts. Modifications to the Approved Drawings shall be subject to the approval of Queen Esther. Queen Esther acknowledges that Developers contemplate submitting to Queen Esther for its approval a redesign of the control gates shown on the Approved Drawings.

b. Wall Landscaping and Landscape Maintenance. The landscaping plan attached as part of the Approved Drawings shall be modified in general by locating the Picea Pungens evergreens, of a height of at least 12 feet at the time of installation, at a distance of from 7 to 15 feet from the base of the downhill retaining wall and from 15 to 20 feet apart. The particular location of trees shall be jointly decided by Developers and Queen Esther so as to minimize disturbance to existing trees and to maximize visual screening of the retaining wall from directly affected properties within the Queen Esther Project. Installation of the landscaping shall occur before the end of the next occurring spring or fall planting season following completion of the downhill retaining wall for Keetley Road adjacent to the Queen Esther Project. Developers agree to maintain the installed landscaping along the base of the downhill retaining wall, including watering, the removal of aspen to allow evergreen growth (with the approval of Queen Esther), and dead tree replacement, for the longer of 5 years after planting or the period necessary to establish the trees for survival without watering. In the absence of further notice from Queen Esther, for purposes of the approvals contemplated by paragraphs 1.a. and 1.b.,

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the President of the Queen Esther homeowners' association, who is presently Franklin Drake, shall be the authorized representative of Queen Esther.

c. Trash Removal. Developers shall remove trash at the base of the downhill retaining wall on a regular basis for the duration of the Deer Crest Project.

d. Park City Municipal Transportation. The use of Keetley Road for Park City municipal transportation (other than emergency vehicles) or buses shall not be allowed.

e. Oversized Vehicle and Time of Day Limitations on Use of Park City Keetley Road Segment. All RV's, vehicles pulling trailers, tractor-trailer rigs and other vehicles with three axles and all construction traffic (other than vehicles responding to an emergency situation and other than snow removal equipment) shall be prohibited from using the Park City Keetley Road Segment for any purpose other than for the purpose of constructing that road segment, and shall be required to enter and exit the Deer Crest Project at the east control gate on the Wasatch County side of the Deer Crest Project. Certain categories of vehicles trips not prohibited by the preceding sentence on the Park City Keetley Road Segment (other than vehicles responding to an emergency situation and other than snow removal equipment) shall be regulated in one or more respects by requiring a prior appointment, by imposing a time-of-day limitation or by imposing a size of vehicle limitation as applicable under the gate control regulations attached hereto as Exhibit B (the "Regulations"). Any trips not meeting all of the stated requirements of the Regulations shall be required to enter and exit the Deer Crest Project at the east control gate on the Wasatch County side of the Deer Crest Project.

f. Gate Control Regulations, Procedures and Protocols. Developers covenant that the permanent control gates shall be configured and operated in accordance with the Regulations. Developers further agree (i) that the Park City Keetley Road Segment will be used only by the authorized users contemplated by the Original Settlement Agreement as further restricted by this Agreement and as amended by the relocation of the ski academy outside of the east control gate, and (ii) that adequate records will be kept in the operation of the gates for not less than fifteen months to allow Queen Esther periodically to audit and verify compliance with the regulations.

g. Comparable Private Access or Amenity Rights. Developers hereby grant to Queen Esther, for the benefit of its homeowners, any rights of access or other recreational amenity benefits associated with the Deer Crest Project to the extent those rights or recreational amenity benefits have been granted by Developers to the public pursuant to the Original Settlement Agreement. Further, Developers agree to grant to Queen Esther, for the benefit of its homeowners, any rights of access or other recreational amenity benefits associated with the Deer Crest Project on a basis no less favorable than the rights or benefits that may be granted by Developers in the future to any third party amenity holder. For purposes of this Agreement, a third party amenity holder shall mean any person or non-governmental entity other than an owner or lessee of property within the Deer Crest Project or other person with pre-existing permanent access rights within the portion of the Deer Crest Project where public access is controlled pursuant to the Original Settlement Agreement. The requirement of Developers to grant to Queen Esther the rights or benefits indicated in this subparagraph 1.g. shall not apply

to or include temporary promotional or other temporary rights granted on a non-recurring basis, rights of access granted in connection with the operation of facilities within the Deer Crest Project by third parties, or the creation of rights-of-way or easements for utilities or ski runs or other similar interests essential to the development or operation of facilities within the Deer Crest Project.

h. Deed Restricted Open Space. The area below the Park City Keetley Road Segment and adjacent to the Queen Esther Project boundary as shown on Exhibit D (the "Open Space Area") shall be preserved by Developers as open space by an instrument recorded in favor of Queen Esther. Contemporaneously with the staking of proposed construction work on the Park City Keetley Road Segment, Developers, at Developers' expense, shall cause a registered land surveyor to complete a survey of the Open Space Area. The instrument in favor of Queen Esther shall be recorded within 15 days after the completion of the survey. The preservation of the Open Space Area as open space shall mean the preservation of the Open Space Area generally in its natural state as a visual buffer without above ground improvements. The classification of the Open Space Area as open space shall not preclude Developers from constructing, maintaining, or reconstructing the Park City Keetley Road Segment at its designated location as shown on the Approved Drawings or limit the right of Developers to work within the Limits of Disturbance Area in connection with such construction, maintenance or reconstruction or to install or irrigate vegetation within the Open Space Area. Further, Developers agree to maintain vegetation within the Open Space Area at a level that is at least equivalent to the extent of vegetation presently existing within the Open

Space Area. Developers may, at their option, improve upon the level of vegetation within the Open Space Area with the prior approval of Queen Esther.

2. Mutual Agreements.

a. Support for Amended Development Configuration. In the event Developers elect to pursue the modifications to the Original Settlement Agreement generally described below, Queen Esther, subject to being reimbursed for its out-of-pocket costs and expenses, agrees to support the following modifications to the Original Settlement Agreement that would require the approval of Park City: (i) the removal of the physical disconnect at Slalom Village, so as to permit and encourage the use of the east control gate as the point of entry and exit for commercial, oversized or trailering vehicles and vehicles traveling outside of specified hours of operation, subject to Developer's agreement to implement gate controls no less stringent than those set forth on Exhibit B hereto in the master covenants, conditions and restrictions for the Deer Crest Project, and (ii) the allowance of not more than 155 total parking spaces at the Roosevelt Gap Lodge and the permitted use of not more than 105 of those spaces for overnight resident stay within a condominium unit at the rate of one parking space for each condominium unit, subject to Developers' agreement to construct and operate not more than 105 condominium style hotel units. Any units for which a parking space is provided at the Roosevelt Gap Lodge would not be subject to a unit equivalency adjustment notwithstanding the availability of any such adjustment under the Park City Development Code. Any additional parking spaces for the Roosevelt Gap Lodge beyond the parking spaces addressed in this paragraph shall be provided at the Snow Park Lodge hotel site or

at another site adjacent thereto. Spaces associated with a condominium unit contemplated under this paragraph shall be used only in connection with occupancy of the unit.

b. Recordable Memorandum. Within 30 days following the execution and delivery of this Agreement, Deer Crest and Queen Esther shall cause to be recorded with the Summit County Recorder's Office and Wasatch County Recorder's Office a Memorandum of Agreement substantially in the form attached as Exhibit C-1. Developers may submit to legal counsel for Queen Esther proposed Covenants, Conditions and Restrictions ("CC&Rs") covering the Deer Crest Project for review and approval that the CC&R's incorporate and making binding on the proposed homeowners association the applicable ongoing covenants and obligations of Developer under this Agreement. The costs of Queen Esther's legal counsel in connection with the review and approval contemplated by this subparagraph 2.b. shall be borne by Developers. Developers may also submit to Queen Esther evidence that the proposed homeowners association is financially capable to perform the applicable ongoing covenants and obligations of Developer under this Agreement. Subject to the prior approval by Queen Esther of the CC&Rs and the financial capability of the proposed homeowners association, and subject further to the prior recording by Deer Crest of the CC&Rs against the property within the Deer Crest Project, Queen Esther agrees to release and terminate such Memorandum of Agreement, and each of the parties hereto covenants and agrees to execute and record an instrument to evidence the release and termination of this Memorandum of Agreement in the form attached hereto as Exhibit C-2. In the event Developers provide Queen Esther with copies of documents and other information necessary to allow Queen Esther to

approve or disapprove of the CC&Rs and the financial capability of the proposed homeowners association at least 30 days in advance of the earliest date that Developers contemplate recording the CC&Rs, Queen Esther shall use reasonable efforts to approve or disapprove of the matters described in the paragraph in writing and to execute and deliver the release of the Memorandum within 30 days following submittal of the documents and information to Queen Esther. Neither the execution, delivery or recordation of a release of the Memorandum shall release or be deemed a satisfaction of the Developers' obligations in this Agreement, which obligations shall continue and survive the recordation of the release. In the event Queen Esther does not approve the CC&Rs or the financial capability of the proposed homeowners association within the stated period of time, Developers shall have the right at its discretion to record the CC&Rs with the applicable county recorder's office, and in such an event the Memorandum remains in full force and effect.

3. Fees and Expenses.

Except as provided in paragraphs 2.a., 2.b. and 7, the parties each shall bear their own respective costs and expenses, including attorneys' fees, incurred in connection with this Agreement.

4. Release by Queen Esther.

a. Except as otherwise provided in Paragraph 4.c. below, Queen Esther hereby releases and forever discharges the "Developer Releasees," consisting of each of the Developers executing this Agreement, and, where applicable, their respective parents, subsidiaries, divisions, officers, directors, owners, associates, predecessors,

successors, heirs, assigns, agents, partners, employees, insurers, representatives, lawyers, or any of them, of and from any and all manner of action or actions, cause or causes of action, in law or in equity, and any suits, debts, liens, contracts, agreements, promises, liabilities, claims, demands, damages, losses, costs, or expenses, of any nature whatsoever, known or unknown, fixed or contingent, except such claims as may arise in the future under the Original Settlement Agreement or this Agreement (hereinafter "Claims"), that Queen Esther now has against the Developer Releasees, or any of them, by reason of any matter, cause, or thing whatsoever arising out of, based upon, or in any way relating to the use and development of the Park City Kectley Road Segment.

b. Queen Esther represents and warrants that there has been no assignment or other transfer of any interest in any Claim which it may have against any of the Developer Releasees and Queen Esther agrees to indemnify and hold the Developer Releasees, and each of them, harmless from any liabilities, claims, demands, damages, costs, expenses, and attorneys' fees incurred by the Developer Releasees, or any of them, as a result of any person asserting any such assignment or transfer.

c. The release set forth herein shall not extend to or be construed as releasing the Developer Releasees, or any of them, from their express representations set forth in this Agreement or as releasing Deer Crest, or its affiliates, partners, operators successors or assigns from their responsibilities, promises, obligations, covenants, and agreements under or arising out of this Agreement or the Original Settlement Agreement as the same may be amended.

5. Release by Developers.

a. Each of the Developers hereby releases and forever discharges the "Queen Esther Releasees," consisting of Queen Esther, and its respective officers, directors, unit owners, associates, predecessors, successors, heirs, assigns, agents, employees, insurers, representatives, lawyers, or any of them, of and from any and all manner of action or actions, cause or causes of action, in law or in equity, and any suits, debts, liens, contracts, agreements, promises, liabilities, claims, demands, damages, losses, costs, or expenses, of any nature whatsoever, known or unknown, fixed or contingent (hereinafter "Claims"), that any of the Developers now has against the Queen Esther Releasees, or any of them, by reason of any matter, cause, or thing whatsoever arising out of, based upon, or in any way relating to the use and development of the Park City Keetley Road Segment.

b. Each of the Developers represents and warrants that there has been no assignment or other transfer of any interest in any Claim which any of them may have against the Queen Esther Releasees, or any of them, and each of the Developers agree to indemnify and hold the Queen Esther Releasees, and each of them, harmless from any liabilities, claims, demands, damages, costs, expenses, and attorneys' fees incurred by the Queen Esther Releasees, or any of them, as a result of any person asserting any such assignment or transfer.

6. Inspection.

Queen Esther acting through its duly authorized representatives shall have an easement over Keetley Road into and through the Deer Crest Project to monitor

compliance with this Agreement. For the purpose of this paragraph, "duly authorized representatives" shall mean the individual owners, from time to time, of Units 1 and 2 in the Queen Esther Project (being the two units in closest proximity to Keetley Road and therefore the units most affected by any misuse of Keetley Road), the President of Queen Esther, and no more than one additional trustee of Queen Esther as may be designated from time to time by the President of Queen Esther.

7. Enforcement of Agreement.

If any party to this Agreement brings an action or proceeding to enforce its rights hereunder, the prevailing party shall be entitled to recover its costs and expenses, including court costs and attorneys' fees, if any, incurred in connection with such action or proceeding. All parties recognize that damages to Queen Esther are not an adequate remedy for the breach of this Agreement. It is therefore agreed among all parties that injunctive relief is an appropriate remedy available to Queen Esther for the breach of any such provision.

8. Successors and Assigns.

This Agreement shall be binding on, and shall inure to the benefit of, the parties hereto and their respective successors and assigns.

9. Construction of Agreement.

This Agreement shall be construed as a whole in accordance with its fair meaning and in accordance with the laws of the State of Utah. The terms of this Agreement have been negotiated by the parties, and the language of the Agreement shall not be construed in favor of or against any particular party. The headings used herein are

for reference only and shall not affect the construction of this Agreement.

10. Entire Agreement.

This Agreement and any exhibits attached hereto represent the sole and entire agreement between the parties and supersede all prior agreements, negotiations, and discussions between the parties hereto and/or their respective counsel with respect to the subject matter covered hereby.

11. Agreement May Be Executed In Counterparts.

This Agreement may be executed in counterparts, which together shall constitute a fully executed original.

12. Severability.

In the event that any provision in or obligation under this Agreement shall be invalid, illegal, or unenforceable in any jurisdiction as to either Queen Esther or any of the Developers, the validity, legality, or enforceability of other provisions in or obligations under this Agreement shall not in any way be affected or impaired thereby.

13. Amendment to Agreement.

An amendment to this Agreement must be in a writing signed by duly authorized representatives of the parties hereto and stating the intent of the parties to amend this Agreement.

14. Notices.

Any notice or demand to be given by one party to the other shall be given in

writing by personal service, telecopy, express mail, FedEx, DHL, or any other similar form of courier or delivery service, or mailing in the United States mail, postage prepaid, certified and return receipt requested, and addressed to such party as follows:

If to Queen Esther:

Francis C. Brown, Jr.
1155 Avenue of the Americas, 28th Floor
New York, New York 10036-2711
Telecopier: (212) 302-4988

and to:

Franklin G. Drake
Chairman and CEO
Drake Management Company
2121 S.W. Broadway, Suite 320
Portland, OR 97201-3182
Telecopier: (503) 295-6467

with a required copy to:

Thomas A. Ellison, Esq.
Stoel Rives LLP
One Utah Center
201 South Main Street, Suite 1100
Salt Lake City, UT 84111-4904
Telecopier: (801) 578-6999

If to Trans Wasatch or PCCM:

Trans Wasatch Company, L.L.C.
Park City Consolidated Mines Company
614 Main Street, Suite 202
P.O. Box 497
Park City, UT 84060
Attention: Harry Reed, President
Telecopier: (801) 649-8207

with a required copy to:

Jeffrey S. Williams, Esq.
Giauque, Crockett, Bendinger & Peterson
170 South Main Street, Suite 400
Salt Lake City, UT 84101
Telecopier: (801) 531-1486

If to Deer Crest:

Deer Crest Associates, I, L.C.
c/o LCC Properties Group, L.C.
2121 Avenue of the Stars, Suite 1700
Los Angeles, CA 90067
Attention: David M. Luber
Telecopier: (310) 552-3229

and to:

Deer Crest Associates I, L.C.
c/o LLC Properties Group, L.C.
Gateway Center
136 Heber Avenue, Suite 308
Park City, UT 84060
Telecopier: (801) 655-8120

with a required copy to:

Jonathan K. Butler, Esq.
Parsons Behle & Latimer
201 South Main Street, Suite 1800
P.O. Box 45898
Salt Lake City, UT 84145-0898
Telecopier: (801) 536-6111

Any party may change the address at which such party desires to receive notice on written notice of such change to the other parties. Any such notice shall be deemed to have been given, and shall be effective, on delivery to the notice address then applicable for the party to which the notice is directed; provided, however, that refusal to accept delivery of

a notice or the inability to deliver a notice because of an address change which was not properly communicated shall not defeat or delay the giving of a notice.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the first date written above.

The Queen Esther Village
Project 1 Owners Association:

By: [Signature]
Its: [Signature]

Trans Wasatch Company, L.L.C.

By: [Signature]
Its: Chief Operating Officer

Park City Consolidated Mines Company:

By: [Signature]
Its: President

Deer Crest Associates, I, L.C.
a Utah limited liability company

By: LCC Properties Group, L.C.
a Utah limited liability company,
Managing Member

By: [Signature]
David M. Luber, Managing Member

EXHIBIT A

APPROVED DRAWINGS

Plans for Keetley Road dated December 1995 and stamped on December 29, 1995 prepared for TransWasatch Company by Alliance Engineering. The plans consist of 10 sheets identified as:

1. Title Sheet
2. Layout and Utility Plan
3. Keetley Road --Sta 0+00 to 6+00
4. Keetley Road --Sta 6+00 to 12+00
5. Keetley Road --Sta 12+00 to 18+00
6. Keetley Road --Sta 18+00 to 20+46.16
7. Cross Sections
8. Cross Sections
9. Landscape Plan [12/28/95]
10. Details

Handwritten signatures and initials in the bottom right corner of the page. There are several overlapping signatures, including one that appears to be 'RSC' and another that looks like 'HRC'.

EXHIBIT B

GATE CONTROL CONFIGURATION, REGULATIONS, PROCEDURES AND PROTOCOLS

LIMITATIONS ON ACCESS TO PARK CITY KEETLEY ROAD SEGMENT AND REQUIRED USE OF EAST CONTROL GATE

TYPE OF TRAFFIC	APPT ¹	HOURS ²	VEH SIZE ³	EAST GATE ONLY
Emergency Vehicle and Government entities	No	no limit	no limit	n/a
Lodge or Ski Operations and Maintenance Vehicles	No	no limit	3/4 T + 9 ⁴	vehicles above size limit
Owners/Invitees/House Staff all properties within gates	No	no limit	no limit	n/a
Residential Services, housekeeping, babysitting	No	8 a-8 p	3/4 T + 9	vehicles above size limit or off-hour trip
Commercial Owners/ Lessees & Customers	No	no limit	3/4 T + 9	vehicles above size limit
Commercial Deliveries	No	8 a-8 p	3/4 T + 9	vehicles above size limit or off-hour trip

¹Traffic allowed on Park City Keetley Road Segment by prior appointment confirmed with control gate operator

²Traffic allowed on Park City Keetley Road Segment only within this range of hours

³Traffic allowed on Park City Keetley Road Segment only if vehicle this size or smaller

⁴Traffic must enter and exit controlled portion of Deer Crest Project from the east control gate if the traffic meets any one of these requirements. All construction traffic, RV's, vehicles pulling trailers, semi tractor-trailer rigs and all other vehicles with three or more axles (except emergency vehicles and snow removal equipment) must enter and exit from the east control gate.

³3/4 Ton pick-up or nine passenger vehicle in size

Courier Deliveries	No	8 a-8 p	UPS van size	vehicles above size limit or off-hour trip
Vendor Residential Deliveries	Yes	no limit	3/4 T + 9	vehicles above size limit
Repairman Residential	Yes	no limit	3/4 T + 9	vehicles above size limit
Taxi and Airport Vans	Yes	no limit	3/4 T + 12 ⁶	vehicles above size limit
Construction Traffic	Yes	6:30 a-6:30 p	no limit	all traffic-no trips outside of hours limit
R.E. Sales Traffic	Yes	8 a-8 p	3/4 T + 9	vehicles above size limit or off-hour trip

Methods for Implementation and Control

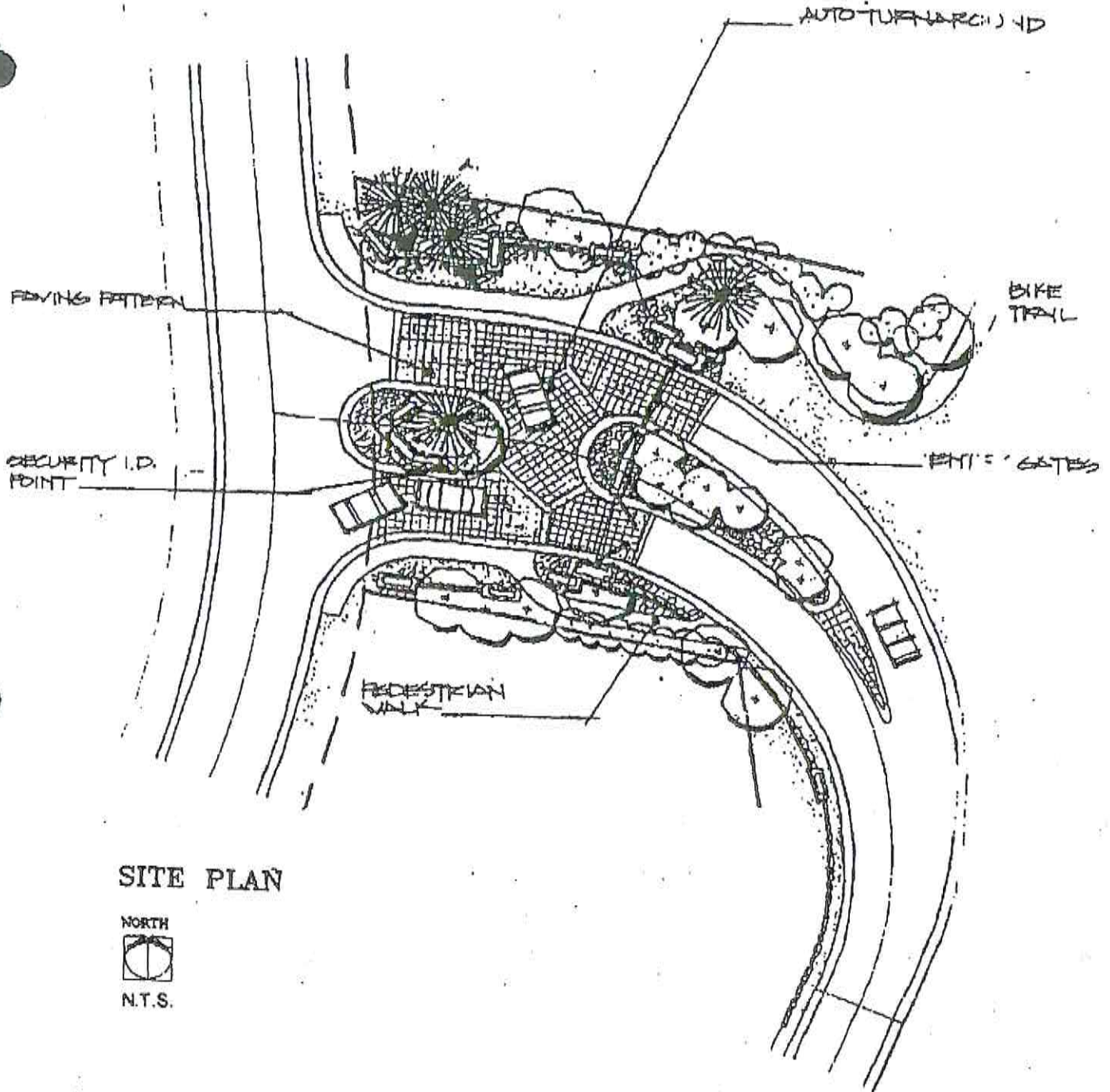
Traffic on the Park City Keetley Road Segment shall be controlled by a 24 Hour manned gate to be provided at McKinley Gap Main Gate and by a lower gate at Queen Esther Drive as generally shown on the attached plan. Guard will have audio and video control of lower Queen Esther Gate. Guard will hand log in and out the appointment traffic. New guard training will overlap by 2 weeks old guard's departure. Guard will control traffic attempting to exit to the west in order to assure that traffic required to exit from the east control gate does so.

Programmable keycards will be issued in appropriately limited quantities to Owners, Lessees, and on-site staff. Replacement price for lost cards will be set at in excess of \$50 per card. A verifiable continuous electronic log will be provided with system.

Window decals, numbered, will be issued to Owners, Lessees and on-site staff for ready identification of vehicles lacking such decals.

A system for notification, penalty, and revocation of privileges will be enforced by HOA (note: these are private streets). HOA will engage regular security patrols.

3/4 Ton pickup or 12 passenger van



SITE PLAN



EXHIBIT B MAP
LOWER QUEEN ESTHER GATE

08/01/96 11:17

TX/RX NO.

0102

P02

[Handwritten signatures and initials]

EXHIBIT C-1

MEMORANDUM

When Recorded, Return To:

MEMORANDUM OF AGREEMENT

NOTICE IS HEREBY GIVEN that Deer Crest Associates I, L.C., a Utah limited liability company, Transwasatch Company, L.L.C, a Utah Limited Liability Company, Park City Consolidated Mines Company (collectively referred to herein as the "Developers") and The Queen Esther Village Project 1 Owners Association, a Utah non profit corporation, ("Queen Esther") as Buyer, have entered into that certain Settlement Agreement and Release dated as of _____, 1996, respecting the real property situated in Summit County, Utah, and Wasatch County, Utah as more particularly described on Exhibit "A" attached hereto (the "Property"). All of the terms and provisions of the Settlement Agreement and Release are hereby incorporated herein by reference.

DATED this ____ day of ____, 1996.

DEER CREST ASSOCIATES I, L.C.,
a Utah limited liability company

By L&C Properties Group, L.C., a Utah
liability company, Managing Member

By _____

Its _____

TRANSWASATCH COMPANY, L.L.C,
a Utah Limited Liability Company,

By _____

Its _____

One Utah Center, Suite 800
201 South Main Street
Salt Lake City, UT 84111-2221
TEL 801.531.3000
FAX 801.531.3001
www.ballardspahr.com

Thomas G. Bennett
Tel: 801.531.3060
Fax: 801.531.3001
bennett@ballardspahr.com

August 1, 2013

Via E-Mail and First Class Mail

Mark D. Harrington
City Attorney
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Re: Amending 1995 Deer Crest Settlement Agreement to Eliminate Keetley Road Disconnect

Dear Mark:

This firm represents Deer Crest Janna, LLC ("DCJ"), the developer and operator of the St. Regis Deer Valley hotel ("St. Regis"), and Deer Crest Associates I, L.C. ("DCA"), the developer of the Deer Crest residential and commercial project ("Deer Crest"), in the matters that follow.

As you are aware, Park City Municipal Corporation ("City") entered into a Settlement Agreement dated December 29, 1995 (as amended, the "Settlement Agreement") with Trans-Wasatch Company, L.L.C. ("Trans-Wasatch") and Park City Consolidated Mines Company ("ParkCon"). The Settlement Agreement resolved a number of issues regarding the long-term development of Deer Crest. It is my understanding that DCA is the successor in interest to Trans-Wasatch and ParkCon under the Settlement Agreement, having acquired all of the land previously owned by Trans-Wasatch and ParkCon within Deer Crest.

As a follow up to numerous conversations over the past several years with various department heads and staff at Park City, as well as Wasatch County officials, DCJ and DCA are proposing an amendment to the Settlement Agreement to eliminate the requirement for the physical disconnection of Keetley Road as it passes through Deer Crest at the approximate location of a development parcel referred to in the Settlement Agreement as "Slalom Village." In order to avoid confusion with current maps, Keetley Road will be referred to in this letter by its current name, Deer Hollow Drive. A map of the Deer Crest road system is attached for your reference.

Section 5.2.3.4 of the Settlement Agreement requires the permanent physical disconnection of Deer Hollow Drive at the Slalom Village location, which is downhill to the east of the St. Regis. Under the Settlement Agreement, the disconnect was required to be made, initially, upon the platting of lots in the Little Baldy neighborhood or upper St. Louis neighborhood, and permanently upon

DMWEST #9374016 v7

construction of the primary structure at Slalom Village. While there have been lots platted in the Little Baldy and upper St. Louis neighborhoods, there has been no development at the Slalom Village site other than the installation of the Mountaineer Express ski lift.

Deer Hollow Drive was previously a public road, but the public dedication was vacated and the road became part of the common area of Deer Crest. At the east and west borders of Deer Crest, DCA has installed manned access gates to regulate entry into Deer Crest and to minimize through traffic between Highway 40 and Park City. The gates have been extremely effective in controlling traffic through Deer Crest, and in achieving the desired objective of the Deer Hollow Road disconnect, which was to prevent Deer Hollow Road from becoming a frequently used back door access to Deer Valley and Park City.

Because of the success of the access gates and the road design within Deer Crest, DCA and DCJ believe that disconnecting Deer Hollow Road at the Slalom Village location is now unnecessary to reduce through traffic between Highway 40 and Park City. Additionally, this road is important for emergency vehicle access as it allows for a quicker response time from Highway 40 to the St. Regis and to other properties in Deer Crest. Moreover, guests, employees and delivery vehicles for the St. Regis may only use the east (Jordanelle) gate, and Deer Hollow Road provides a direct route from the east gate to the St. Regis, which means a lower impact on Deer Crest home owners than if those vehicles had to use Deer Crest Estate Drive. For these reasons, the Deer Crest Master Owners' Association is also in favor of amending the Settlement Agreement to remove the disconnect requirement. We have also had discussions with Wasatch County officials who have expressed support for such an amendment.

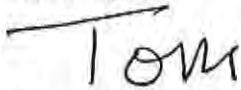
As you know, the owners within the Queen Esther Village Project have also, in the past, had an interest in road and traffic issues with respect to Deer Crest. The Queen Esther Owners Association is not a party to the Settlement Agreement, but it is a party to a separate Settlement Agreement and Release dated August 1, 1996 with DCA, Trans-Wasatch and ParkCon. Pursuant to that Settlement Agreement the Queen Esther Village Project 1 Owners Association agreed to support removal of the disconnect requirement. Section 2.a. of that Settlement Agreement provides as follows:

In the event Developers elect to pursue the modifications to the Original Settlement Agreement generally described below, Queen Esther, subject to being reimbursed for its out-of-pocket costs and expenses, agrees to support the following modifications to the Original Settlement Agreement that would require the approval of Park City: (i) the removal of the physical disconnect at Slalom Village, so as to permit and encourage the use of the east control gate as the point of entry and exit for commercial, oversized or trailering vehicles and vehicles traveling outside of specified hours of operation, subject to Developer's agreement to implement gate controls no less stringent than those set forth on Exhibit B

We would like to meet with you, representatives from the Planning Dept., Public Safety, and others as you deem appropriate to discuss the eliminating Deer Hollow Road disconnect. Enclosed with this letter is a proposed amendment to the Settlement Agreement that would achieve this objective. Please let me know if you have any questions or comments regarding the proposed amendment.

Mark D. Harrington
August 1, 2013
Page 3

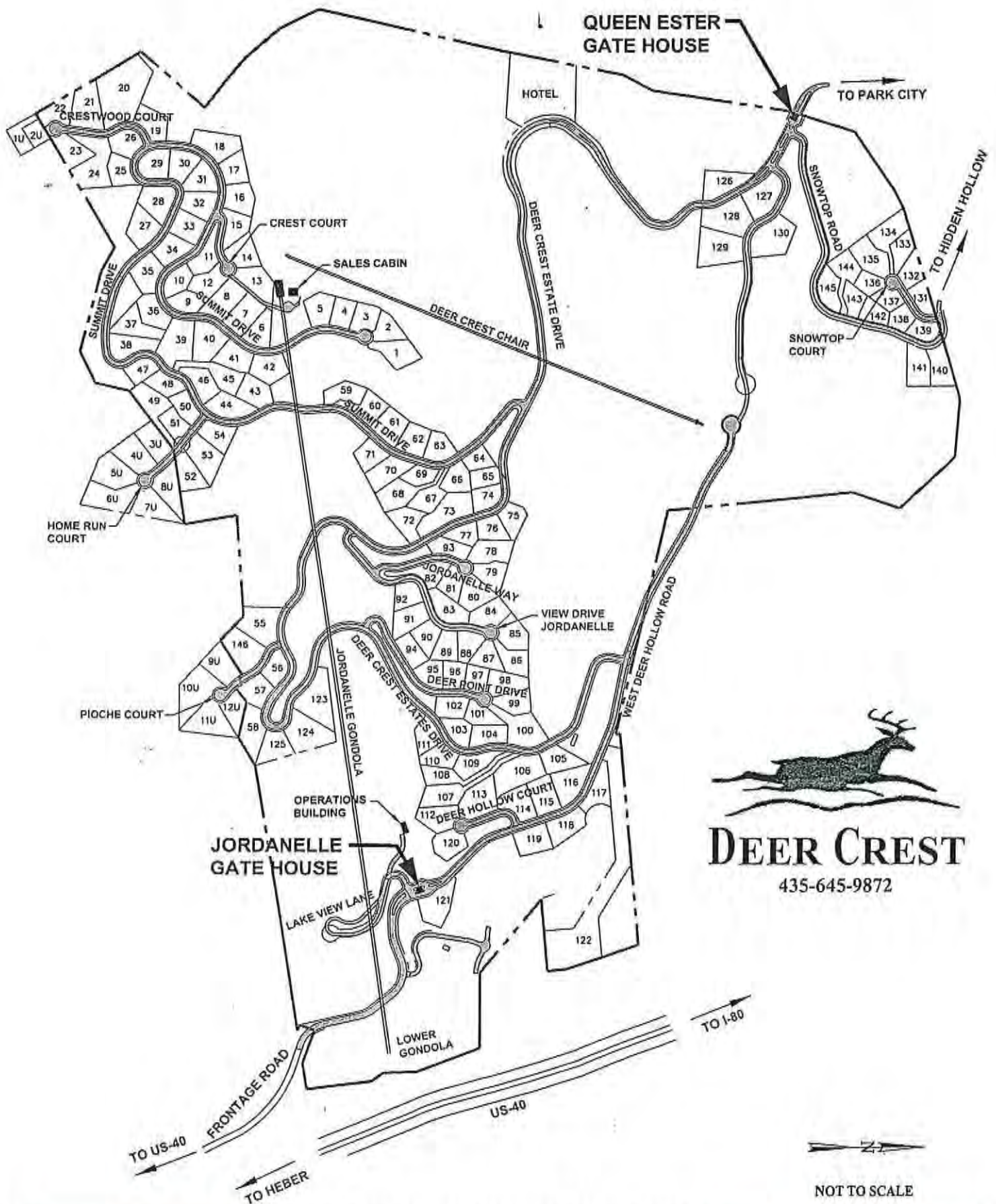
Best regards,

A handwritten signature in black ink, appearing to read "Tom", with a horizontal line above the first few letters.

Thomas G. Bennett

TGB:mrc

cc: Michael Zaccaro
Greg Perry
Thomas Eddington
Mike Davis
Polly Samuels McLean



THIRD AMENDMENT TO SETTLEMENT AGREEMENT

This THIRD AMENDMENT TO SETTLEMENT AGREEMENT ("Amendment") is made and executed as of _____, 2013 by and among DEER CREST ASSOCIATES I, L.C., a Utah limited liability company ("DCA") and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah ("City").

RECITALS

A. DCA, the City, Trans-Wasatch Company, L.L.C., a Utah limited liability company ("Trans-Wasatch"), and Park City Consolidated Mines Company, a Utah corporation ("ParkCon") entered into that certain Telemark Park Settlement Agreement dated December 29, 1995, as amended by that certain First Amendment to the Telemark Park Settlement Agreement dated April 8, 1997, and that certain Second Amendment to the Telemark park Settlement Agreement dated April 6, 2001 (collectively, the "Settlement Agreement"), which agreement governed certain development rights within a residential development known as Deer Crest ("Project").

B. DCA acquired all of the interest of Trans-Wasatch and ParkCon in and to the Project, including all rights and obligations of Trans-Wasatch and ParkCon under the Settlement Agreement.

C. The Settlement Agreement contemplated that Keetley Road within the Project (now known as Deer Hollow Drive) would be disconnected and that physical improvements would be placed on the historic location of such road in order to prevent through traffic use of Keetley Road.

D. The parties believe that it is in the best interest of the Project and the City that Keetley Road be preserved as a means of access through the Project, including access by emergency vehicles.

E. The parties desire to remove from the Settlement Agreement any requirement to create a physical disconnect in order to prevent through traffic over Keetley Road, either temporarily or permanently, and to remove any requirement that improvements be built in the historic location of such road.

F. DCA and the City desire to amend the Settlement Agreement as set forth herein.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, DCA and the City hereby agree as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Amendment shall have the meaning or meanings given to them in the Settlement Agreement. The foregoing recitals are true and correct and are incorporated herein by reference.

2. Continued Use of Keetley Road. Keetley Road, now known as Deer Hollow Drive, shall remain a main road within the Project for use by the owners, guests, and invitees within the Project; provided, however, that the access gates on the east and west sides of the Project shall continue to be used in accordance with the Settlement Agreement to prevent general public access through the Project between Highway 40 and Park City.

3. Right to Relocate Keetley Road. DCA and its designees shall have the right to relocate portions of Keetley Road, at their sole cost and expense, to accommodate the eventual development of Slalom Village and other properties within the Project.

4. Removal of Disconnect Requirement. The parties hereby agree that there shall be no requirement in the Settlement Agreement that Keetley Road be physically disconnected, either temporarily or permanently, and that there shall be no requirement that the Primary Village Structure developed as part of Slalom Village be built to physically disconnect Keetley Road. Notwithstanding any specific reference, or lack thereof, in Section 5 of this Amendment, the Settlement Agreement is hereby amended to reflect the foregoing intent and agreement of the parties. Any provision of the Settlement Agreement inconsistent with this Section 4 is hereby terminated or amended to be consistent with this Section 4.

5. Specific Amendments. Without limiting the generality of the provisions of Section 4 above, the Settlement Agreement is hereby amended as follows:

5.1. Section 4.4 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect. Notwithstanding the foregoing, the access gates on either end of Keetley Road shall continue to be operated in accordance with the Settlement Agreement.

5.2. Subsection (c) of Section 5.2.3.2 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect.

5.3. The final sentence of Section 5.2.3.3 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect.

5.4. Section 5.2.3.4 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect.

5.5. Subsection (c) of Section 5.2.3.5 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect.

5.6. Section 5.2.3.8 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect.

5.7. The second and third sentences of Section 5.2.3.10 of the Settlement Agreement are hereby deleted in their entirety and are of no further force and effect.

5.8. Section 5.3.7 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect.

6. Settlement Agreement Remains in Effect. This Amendment shall be considered supplemental to the Settlement Agreement. Except as expressly amended by the foregoing, the Settlement Agreement shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by this Amendment.

7. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be an original, and all of which together shall constitute a single instrument.

[Signatures on Following Page]

IN WITNESS WHEREOF, this THIRD AMENDMENT TO SETTLEMENT AGREEMENT is entered into as of the date first set forth above.

DCA:

DEER CREST ASSOCIATES I, L.C.,
a Utah limited liability company

By: Grand Harvest Ventures, LLC, its
Managing Member

By: _____
Angela C. Sabella, Manager

CITY:

PARK CITY MUNICIPAL CORPORATION, a
political subdivision of the State of Utah

By: _____
Name: _____
Its: _____

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

EXHIBIT D

Answers to Questions from Planning Department

1. Do the third-party agreements with Weilenmann, Land der Berg, United Park City Mines, and Deer Valley need to be amended to accommodate the disconnect?

No amendments to these agreements are necessary. These agreements each provide procedures to be followed in the event of a disconnect, but these procedures would be unnecessary if the disconnect requirement is removed. Pursuant to these agreements, United Park, Weillenman, and Land der Berg all have the right to use Deer Hollow Road, and such use rights are further documented in an exhibit to the Master Declaration.

2. Are guests at the St. Regis using the Deer Valley Snow Park parking lots?

It should be noted that questions 2 and 3 address issues at the St. Regis, while this request to eliminate the Disconnect requirement is coming from DCA, with support from the DCMA. Nevertheless, we can report that St. Regis operating policy, and directions to its guests, prohibit guest parking in the Deer Valley lots. Management at the St. Regis is not aware of any such use, and has not received any complaints from Deer Valley, alleging such use.

3. Can you provide operational data to confirm how the parking and circulation is working?

An updated traffic and parking study for the St. Regis was presented to the Planning Commission at its January 11, 2012 meeting. The parking study showed that less than 50% of the parking spaces beneath the St. Regis were being used on even the busiest days of the year. Both staff and the Planning Commission agreed that the parking plan and traffic patterns at the St. Regis were working smoothly, and without any complaints from the community.

4. Can you clarify who can use the west gate?

All Deer Crest lots are subject to the Master Declaration, which has a table outlining limitations on use of the west gate (see Exhibit "E" to this letter). Owners and guests have been operating consistent with this table. The proposed amendment to the Settlement Agreement would preserve the status quo, which has been successful both to serve owners within Deer Crest and prevent through traffic.

5. How would the Queen Esther development be impacted by an amendment to the Settlement Agreement?

We do not believe that the proposed amendment to the Settlement Agreement would have any impact on the Queen Esther development. In fact, Section 2.a. of the Queen Esther Settlement Agreement provides that the Queen Esther Phase 1 Owners Association will support a modification to the Settlement Agreement to eliminate the disconnect

requirement, so long as the control gates are maintained and operated consistent with the requirements of the Master.

One Utah Center, Suite 800
201 South Main Street
Salt Lake City, UT 84111-2221
TEL 801.531.3000
FAX 801.531.3001
www.ballardspahr.com

Thomas G. Bennett
Tel: 801.531.3060
bennett@ballardspahr.com

November 18, 2015

By Federal Express

Board Of Directors
The Queen Esther Village Project I Owners Association
c/o Gerald M. Chizever
3861 Breawood Ct.
Tarzana, CA 91356

Re: Deer Hollow Road (f/k/a Keetley Road) Disconnect

Ladies and Gentlemen:

This firm represents Deer Crest Associates I, L.C. ("DCA"), the developer of the Deer Crest community ("Deer Crest"), in the matters that follow.

DCA is a party to, and successor to the interests of Trans-Wasatch Company, L.L.C. and Park City Consolidated Mines Company with respect to, the Settlement Agreement and Release dated August 1, 1996 (the "Queen Esther Settlement Agreement") with The Queen Esther Village Project I Owners Association ("Association"), as well as the Settlement Agreement dated December 29, 1995 (as amended, the "Park City Settlement Agreement") with Park City Municipal Corporation ("City").

The Park City Settlement Agreement included a requirement that Deer Hollow Road (formerly known as Keetley Road), which is the most direct east/west route through Deer Crest, have a physical barrier (the "Keetley Road Disconnect") constructed at a location approximately a quarter mile east of the St. Regis Deer Valley hotel, for the purpose of discouraging east/west travel through Deer Crest by non-Deer Crest owners and guests. As you are aware, subsequent to the Queen Esther Settlement Agreement entry gates were installed at the east and west entries to Deer Crest in lieu of constructing the Keetley Road Disconnect. In addition, provisions were included in the CC&Rs for Deer Crest, restricting access to Deer Crest and the use of each entry gate in a manner that was at least as restrictive as the requirements of the Queen Esther Settlement Agreement.

The Deer Crest entry gate system has operated effectively for nearly 20 years to curtail public access between Park City and Wasatch County over Deer Hollow Road. Further, Wasatch County and Park City emergency service providers (fire, police and paramedics) believe that implementing the Keetley Road Disconnect would have an adverse effect on public safety, since it would delay access to many of the homes in Deer Crest, as well as to the St. Regis Deer Valley hotel. Both DCA and the Deer Crest Master Owners Association ("Master Association") believe that the entry gates are a

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much better solution to limiting access through Deer Crest than constructing the Keetley Road Disconnect. Accordingly, DCA, with the support of the Master Association, is going to make a formal request that the City amend the Park City Settlement Agreement to eliminate the Keetley Road Disconnect requirement. The existing entry gate system will then remain in place and become the permanent solution for regulating access through Deer Crest.

The Queen Esther Settlement Agreement contemplated that this would likely occur, and Section 2.a, of that Agreement provides that the Association will support such a modification to the Park City Settlement Agreement. For your convenience, a copy of the Queen Esther Settlement Agreement is attached. Also attached is a copy of a letter from Wasatch County, expressing support for eliminating the Keetley Road Disconnect requirement.

We anticipate that the process for eliminating the requirement to implement the Keetley Road Disconnect will move forward over the next few months. This will be a public process involving one or more public hearings, with respect to which the Association should receive advance notice from the City. In the meantime, I would be glad to answer any questions that the Association or its members may have regarding this issue. I can be reached by email at bennett@ballardspahr.com, or by phone at (801) 531-3060.

Best regards,

Thomas G. Bennett

TGB:mc

Cc: P.M.A., Registered Agent

Enclosures

COUNTY MANAGER
Michael K. Davis



COUNTY COUNCIL
Kipp Bangerter
Kendall Crittenden
Danny Goode
Steve Farrell
Michael I. Kohler
Greg McPhie
Michael Petersen

November 3, 2015

City Council
Park City Municipal Corporation
Post Office Box 1480
Park City, UT 84060

Andy
Cindy
Dick
Liza
Tim
Jack

Re: Deer Hollow Road (f/k/a Keetley Road) Disconnect

Dear Council Members:

This letter is written in support of the application of Deer Crest Associates I, L.C. ("DCA"), the developer of the Deer Crest community ("Deer Crest"), with respect to removal of the requirement to disconnect the Deer Hollow Road thoroughfare through Deer Crest.

We understand DCA is the successor in interest to Trans-Wasatch Company, L.L.C. and Park City Consolidated Mines Company with respect to the Settlement Agreement dated December 29, 1995 with Park City Municipal Corporation ("Settlement Agreement"). The Settlement Agreement required the physical disconnection of Deer Hollow Road as it passes through Deer Crest at the approximate location of a development parcel referred to in the Settlement Agreement as "Slalom Village" (approximately one-quarter mile east of the St. Regis Deer Valley). In the intervening years guard gates were constructed at the east and west entrances to Deer Crest, and created effective barriers to members of the public using Deer Hollow Road for direct access between Wasatch County and Park City. Wasatch County is in favor of the Settlement Agreement being amended to remove the disconnect requirement, as implementation of the disconnect requirement would impair the ability of Wasatch County ("County") to respond to emergencies in Deer Crest and the existing gates accomplish the intended purpose of the disconnect requirement.

As you know, the County provides fire and other emergency services to Deer Crest pursuant to an Interlocal Agreement with Park City. Currently Deer Hollow Road provides direct access from Highway 40 to nearly all of the lots and developments within Deer Crest, including the St. Regis Deer Valley hotel. Without the ability to use Deer Hollow Road to reach the western areas of Deer Crest, emergency response times would be significantly increased.

Based on these and other reasons, Wasatch County would encourage Park City to adopt an amendment to the Settlement Agreement, removing the requirement for a permanent physical disconnect of Deer Hollow Road. If you need any additional information from Wasatch County as you consider this issue, please contact me.

Sincerely,

Mike Davis
County Manager

ASSESSOR Maureen Buff Griffiths	ATTORNEY Scott Sweat	CLERK/AUDITOR Brent Titcomb	RECORDER Elizabeth M. Palmier	SHERIFF Todd Bonner	SURVEYOR James Kaiserman	TREASURER Karl McDonald	JUSTICE COURT JUDGE Brook Sessions
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THIRD AMENDMENT TO SETTLEMENT AGREEMENT

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RECITALS

A. DCA, the City, Trans-Wasatch Company, L.L.C., a Utah limited liability company ("Trans-Wasatch"), and Park City Consolidated Mines Company, a Utah corporation ("ParkCon") entered into that certain Telemark Park Settlement Agreement dated December 29, 1995, as amended by that certain First Amendment to the Telemark Park Settlement Agreement dated April 8, 1997, and that certain Second Amendment to the Telemark Park Settlement Agreement dated April 6, 2001 (collectively, the "Settlement Agreement"), which agreement governed certain development rights within a residential development known as Deer Crest ("Project").

B. DCA acquired all of the interest of Trans-Wasatch and ParkCon in and to the Project, including all rights and obligations of Trans-Wasatch and ParkCon under the Settlement Agreement.

C. The Settlement Agreement contemplated that Keetley Road within the Project (now known as Deer Hollow Drive) would be disconnected and that physical improvements would be placed on the historic location of such road in order to prevent through traffic use of Keetley Road.

D. The parties believe that it is in the best interest of the Project and the City that Keetley Road be preserved as a means of access through the Project, including access by emergency vehicles.

E. The parties desire to remove from the Settlement Agreement any requirement to create a physical disconnect in order to prevent through traffic over Keetley Road, either temporarily or permanently, and to remove any requirement that improvements be built in the historic location of such road.

F. DCA and the City desire to amend the Settlement Agreement as set forth herein.

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3. Right to Relocate Keetley Road. DCA, its successors and assigns, shall have the right to relocate portions of Keetley Road, at their sole cost and expense, to accommodate the eventual development of Slalom Village and other properties within the Project.

4. Removal of Disconnect Requirement. The parties hereby agree that there shall be no requirement that Keetley Road be physically disconnected, either temporarily or permanently, and that there shall be no requirement that the Primary Village Structure developed as part of Slalom Village be built to physically disconnect Keetley Road. Notwithstanding any specific reference, or lack thereof, in Section 5 of this Amendment, the Settlement Agreement is hereby amended to reflect the foregoing intent and agreement of the parties. Any provision of the Settlement Agreement inconsistent with this Section 4 is hereby terminated or amended to be consistent with this Section 4.

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7. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be an original, and all of which together shall constitute a single instrument.

[Signatures on Following Page]

IN WITNESS WHEREOF, this THIRD AMENDMENT TO SETTLEMENT AGREEMENT is entered into as of the date first set forth above.

DCA:

DEER CREST ASSOCIATES I, L.C.,
a Utah limited liability company

By: Grand Harvest Ventures, LLC, its
Managing Member

By: _____
Angela C. Sabella, Manager

CITY:

PARK CITY MUNICIPAL CORPORATION, a
political subdivision of the State of Utah

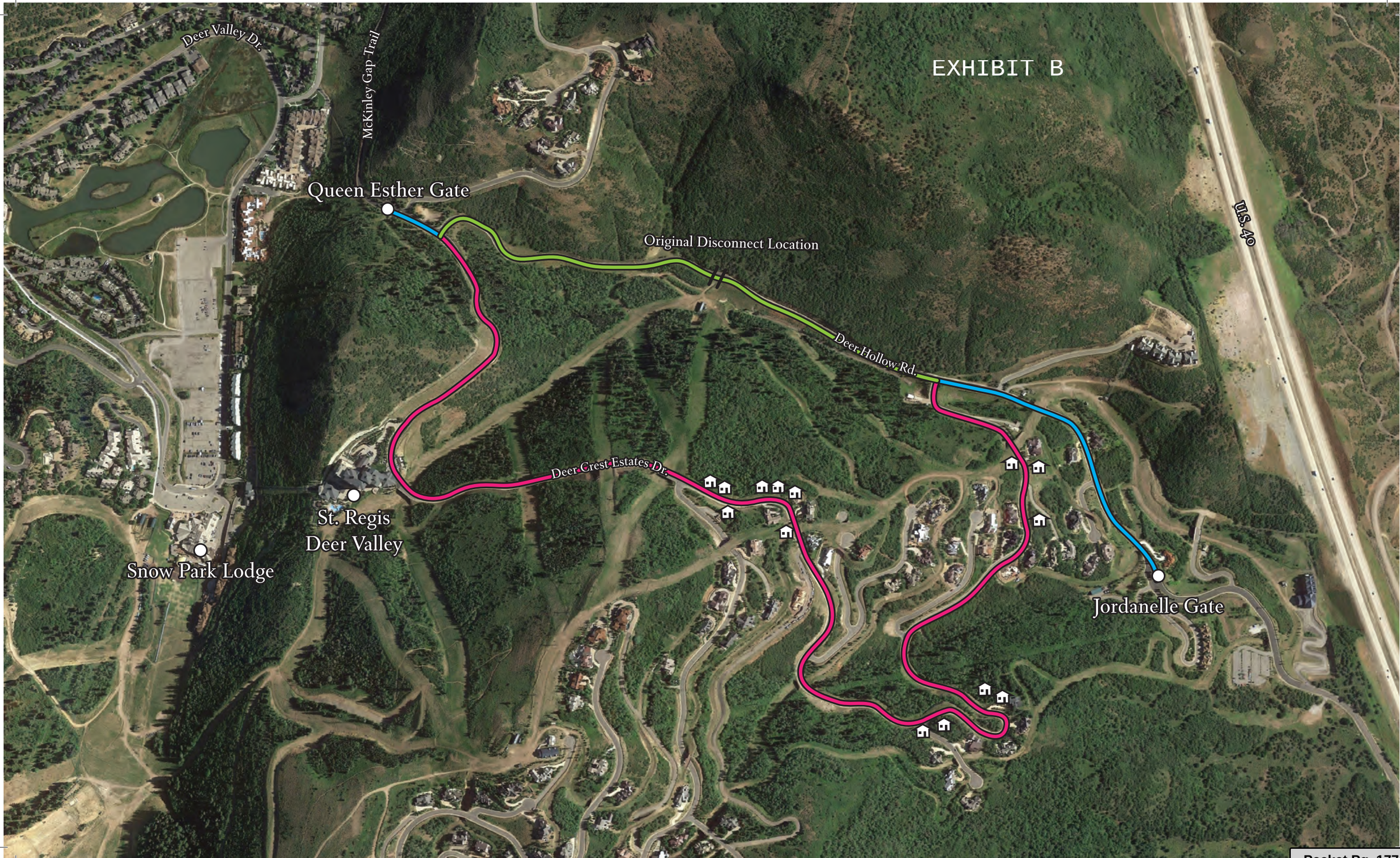
By: _____
Name: _____
Its: _____

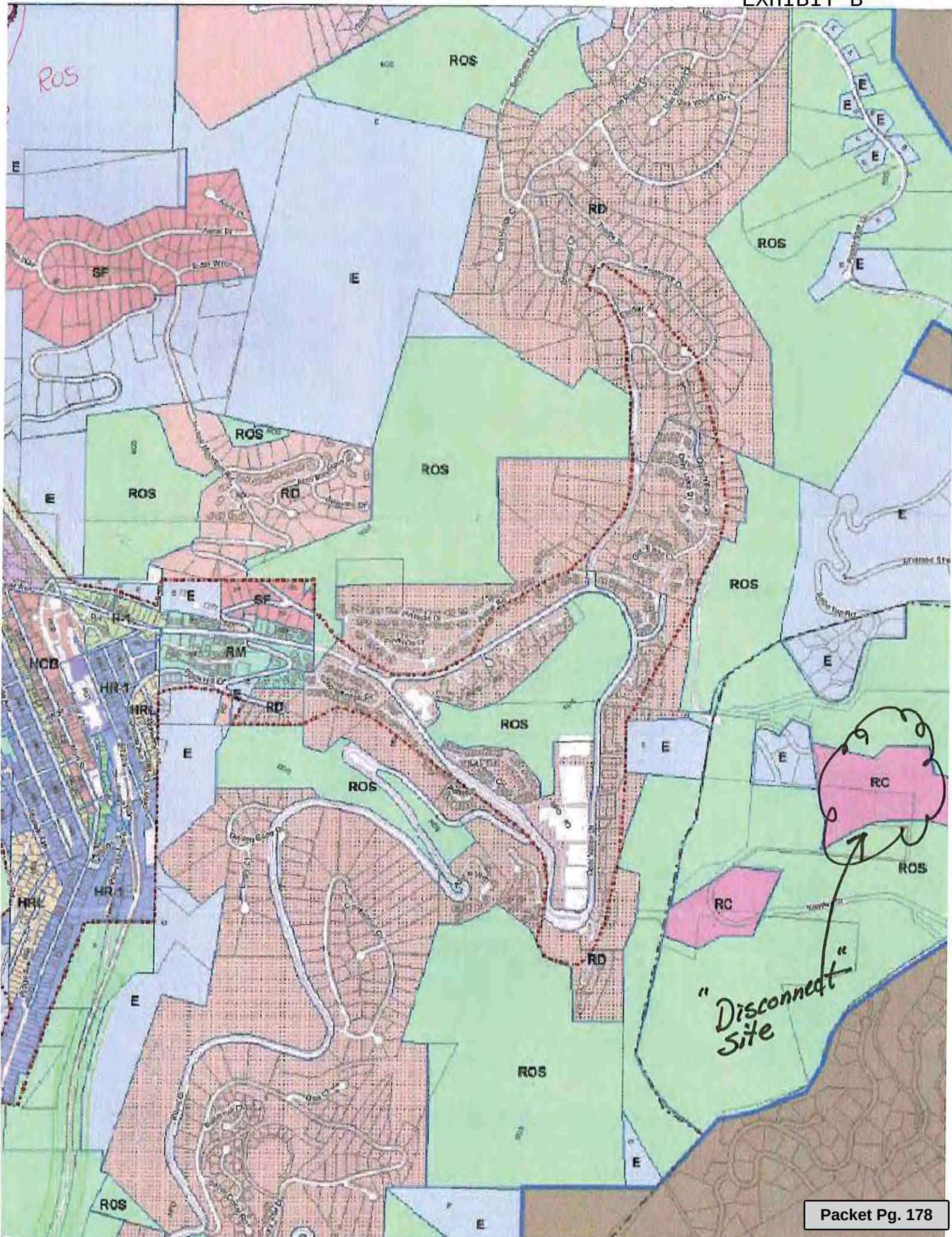
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney





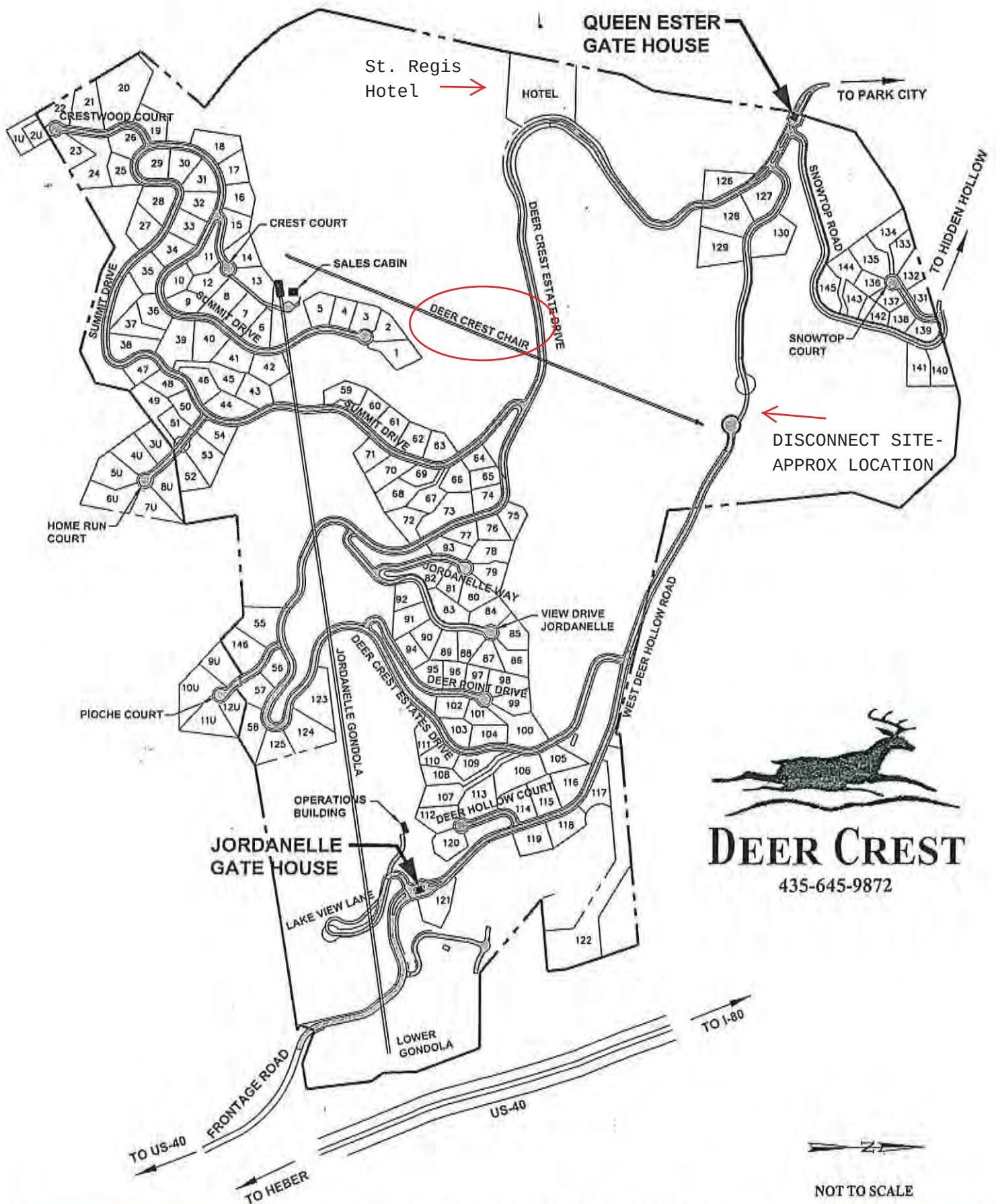
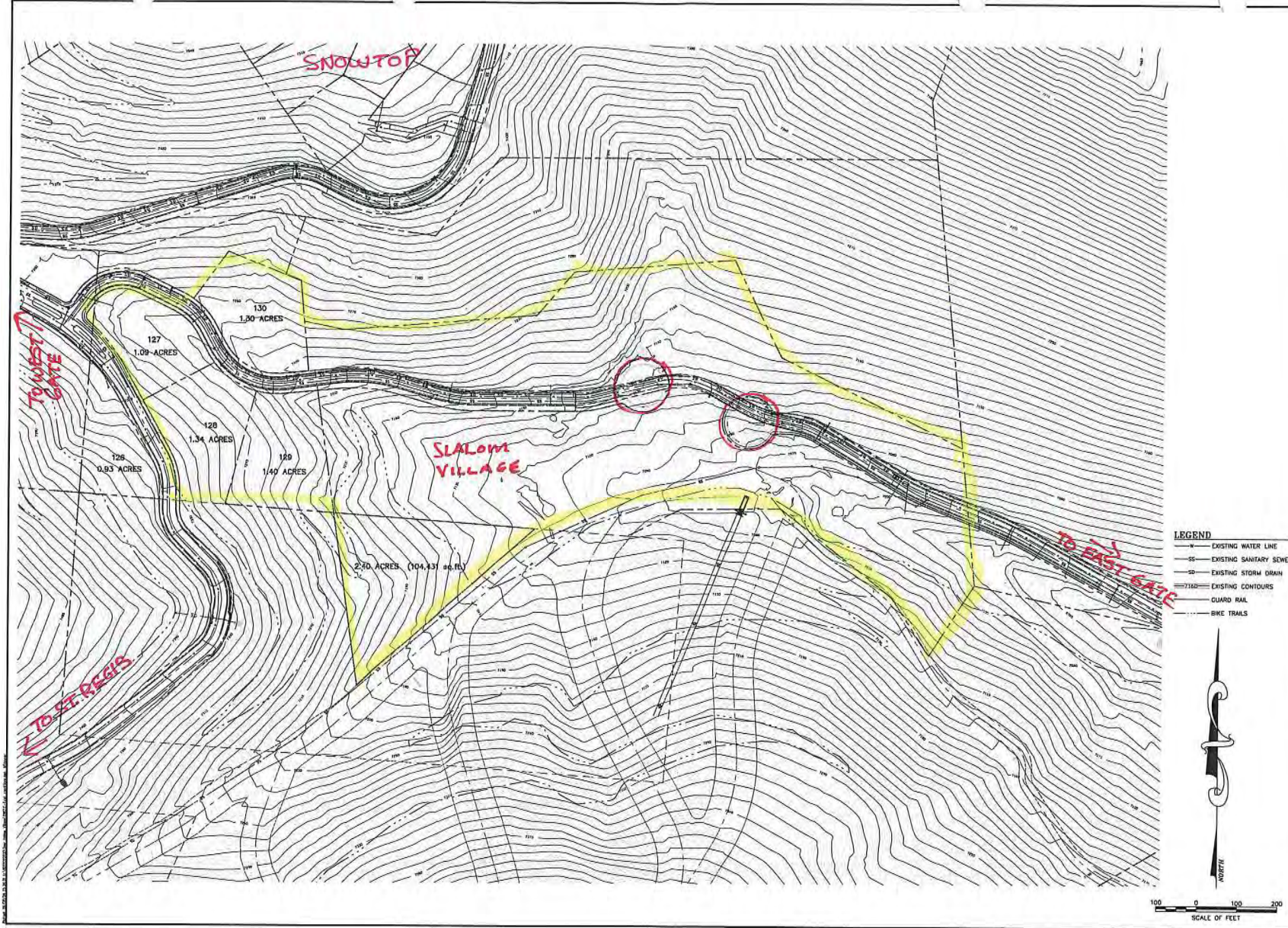


EXHIBIT C

↑
N





DATE: JUNE 2004
DRAWN BY: [blank]
CHECKED BY: [blank]
SCALE: 1" = 100'

DEER HOLLOW VILLAGE
EXISTING CONDITIONS

PSOMAS
2355 East Colfax Avenue, Suite 100
Salt Lake City, Utah 84143
(801) 245-9177 (801) 245-9182 (fax)

DATE	BY	CHKD
3/25	JMS	[blank]



CITY COUNCIL REPORT

DATE: April 29, 1999
DEPARTMENT: Planning
AUTHOR: Nora Shepard, Special Projects Planner
TITLE: Deer Crest Settlement Agreement Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Consider and act on the proposed amendment to the Deer Crest Settlement Agreement to allow the Planning Commission to consider allowing a transfer of development rights to increase in Residential Unit Equivalents for the Roosevelt Gap/Snow Park Hotel project (aka Deer Crest Grande Lodge).

DESCRIPTION:

A. Topic. Deer Crest Settlement Agreement.

B. Background.

In 1991, Wasatch County granted a density determination for Telemark Park, a residential resort development on 524 acres. The approval consisted of chairlift and ski run development along with residential development in 6 "neighborhoods." The developer also controls an additional 84 acres within unincorporated Summit County and 70 within the Park City limits. The development plan for the entire property consists of not more than 545 units (150 single family and 395 multifamily) with 42,000 gross square feet of commercial space and a 20,000 gross square foot Ski Academy.

After several years of litigation, the developer (Park City Consolidated Mines Company and Trans-Wasatch Company) and Park City entered into a settlement agreement in order to settle the outstanding disputes and to redefine certain rights and obligations. A copy of the Settlement Agreement is available at your request.

The Settlement Agreement addresses density, limited access on Keetley Road, and options for partial annexation to Park City.

On December 17, 1998, the City Council approved annexation of three portions of the project, now known as Deer Crest, as was contemplated in the 1995 Settlement Agreement. At that time, the City Council approved an amendment to the Settlement Agreement which would allow Planning Commission to consider an increase in parking spaces at Roosevelt Gap.

Deer Crest, LLC has been working on plans for the Deer Crest Grand Lodge, which consists of the Roosevelt Gap site and the Snow Park site. At this time, the developer would like the City Council to further amend the 1995 Settlement Agreement to allow the Planning Commission to consider additional density for the Grand Lodge.

According to the Settlement Agreement, the Roosevelt Gap parcel is entitled to 105 residential unit equivalents and 5% support commercial, if it is developed jointly with the Snow Park Hotel and connected by a Funicular. If there is no such connection, the Roosevelt Gap site is entitled to 5 single family parcels. There is no maximum building height specified in the agreement, but there is a requirement that the project not be visible from the Stew Pot Restaurant deck (with the exception of the funicular).

The Snow Park Hotel Site is entitled 25 residential unit equivalents and 5% support commercial, with an option to increase to 35 residential unit equivalents if the density is transferred from the Deer Hollow site and Park City approves the revised plans. The maximum allowed building height is 45 feet.

C. Analysis.

The Grand Lodge is proposed to be a five star hotel and would offer a product which Park City does not currently have. The developer is currently working with Ritz Carlton. Because of the unique nature of this project, the proposed condominium units are large and there is a great deal of space required for "back of house" and support uses. The developer asserts that the larger units and square footage will not result in an increased impact, but will result in a higher end product.

At this time, the developer is requesting that the City Council amend the 1995 Settlement Agreement to allow the Planning Commission to evaluate the project and give the Planning Commission the option to recommend that additional residential unit equivalents be transferred to the Roosevelt Gap site.

The applicant is still working on the proposal. At this time, it appears that the Roosevelt Gap portion of the project exceeds the permitted 105 unit equivalents by about 12 unit equivalents. The Snow Park portion, as proposed contains 35 unit equivalents. The applicant is willing to explore the transfer of units from

elsewhere in the project, or from Deer Valley. The City Council would have to grant final approval for the project.

In the past, the applicant indicated that numerous amendments to the Settlement Agreement may be requested. The project has been revised so that only an increase in residential unit equivalents is necessary. The City Council previously authorized the Planning Commission to consider additional parking at Roosevelt Gap.

The applicant intends to request a height variation as provided for in the Land Management Code. That does not require an amendment to the Settlement Agreement. The variation will require Planning Commission and City Council action.

D. Department Review.

The staff has only preliminarily reviewed the plans in order to give the City Council an idea of the nature of the request being made by the applicant.

ALTERNATIVES

A. Amend the Settlement Agreement to allow the Planning Commission to consider additional residential unit equivalents for the Grand Lodge. This would allow the developer to go through the Planning Commission process with the plans as they are currently proposed. The developer is prepared to address any additional impacts resulting from the additional unit equivalents. The Planning Commission would make a recommendation to the City Council for any transfer.

B. Deny the request of Deer Crest to amend the Settlement Agreement. This would result in the developer having to redesign the plans to meet the unit equivalents as currently outlined in the Settlement Agreement prior to proceeding with the Planning Commission process.

C. Request additional information of the developer and/or staff prior to making a determination on the amendment to the Settlement Agreement.



CITY COUNCIL REPORT

DATE: December 14, 1998
DEPARTMENT: Planning
AUTHOR: Nora Shepard, Special Projects Planner
TITLE: Deer Crest Annexation
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Approve the Annexation Ordinance, the Zoning Ordinance, the revision to the 1995 Settlement Agreement and the Deer Crest Interlocal Agreement.

DESCRIPTION:

A. Topic.

Deer Crest LLC has requested annexation of a portion of the Deer Crest Project. In order to approve the annexation, the City Council must consider and approve:

1. The Annexation Ordinance,
2. A Zoning Ordinance amending the Park City Zone Map to include and zone the property,
3. An amendment to the 1995 Settlement Agreement, and
4. The Deer Crest Interlocal Agreement between Wasatch County and Park City.

B. Background.

Deer Crest LLC has filed an annexation petition consistent with the 1995 Settlement Agreement between Telemark Park and Park City. When the petition was first filed, it included 11 amendments to the 1995 Settlement Agreement that the developer felt were

necessary. The Planning Commission reviewed the annexation request and several of the planning-related amendments to the Settlement Agreement. The Planning Commission forwards a positive recommendation on the annexation with several conditions relating to the amendments of the Settlement Agreement which are no longer tied to the annexation. Those recommendations are still a matter of record and will be considered if Deer Crest comes back before the Planning Commission and City Council with amendments which are project related.

The current request for annexation is to annex the Deer Hollow, Roosevelt Gap and Snowtop portions of the Deer Crest project, as they are described in the 1995 Settlement Agreement with one modification. For more specific information, please refer to the Staff Report for the Public Hearing.

Concurrent with the annexation, the applicant is requesting one amendment to the Settlement Agreement. The Settlement Agreement allows for the development of hotel units (105 units of 2,000 sq. ft. in size) at the Roosevelt Gap site, if it is developed in conjunction with the Snow Park Hotel site and is connected to the Snow Park Hotel by a funicular. Access to the Roosevelt Gap portion of the hotel was to occur primarily from the Snow Park site via the funicular. Only 50 day parking spaces were allowed at the Roosevelt Gap site in an effort to minimize vehicle trips on Keetley Road.

The applicant now requests an additional 105 overnight spaces at Roosevelt Gap. The applicant has agreed to modify other areas of the project and to propose a parking management plan to ensure that this increase in parking will not result in an increase in traffic on Keetley Road. Any Council action to amend the Settlement Agreement to allow the 105 additional spaces could be based upon a condition that the project be otherwise modified to result in a net decrease in the vehicle trips on Keetley Road.

As property is annexed, it must be zoned. Concurrent with annexation, the Council will be asked to amend the official Zoning Map for Park City. The zoning designated for the property will refer to the densities set forth in the Settlement Agreement. The development areas in Roosevelt Gap and Deer Hollow will be zoned Recreation Commercial - Master Planned Development (RC-MPD). The areas outside the development areas will be zoned Recreation Open Space - Master Planned Development (ROS-MPD). The building envelop areas in Snowtop will be zoned Estate - Master Planned Development (E-MPD) and the areas outside the building areas will be zoned ROS-MPD.

C. Analysis

The proposed annexation was anticipated in the 1995 Settlement Agreement. The three development areas being considered for annexation are the areas closest to Park City. They are separated from the rest of the development by a large expanse of open space, ski runs and a ridgeline. The Deer Hollow and Roosevelt Gap developments are anticipated to provide skier bed base. The annexation will allow for the development of the 105 units

at Roosevelt Gap, if it is connected to the Snow Park Hotel site via a funicular. Without annexation and without the funicular, the entitlement for Roosevelt Gap is 5 single family parcels. Restricted access to Park City via the Keetley road will be available to these three developments whether or not annexation occurs. If annexed, both the Roosevelt Gap/Snow Park Hotel and the Deer Hollow development will be required to go through site specific conditional use review with the Planning Commission.

The Snowtop Subdivision is immediately adjacent to Park City and residents will have access to Park City via the Keetley Road. The final plat for the Snowtop Subdivision has been approved by Wasatch County and the lots could be sold and built upon regardless annexation. By annexing the properties prior to construction, the City will receive a variety of revenues according to the provisions of the Deer Crest Interlocal Agreement.

A fiscal impact analysis has been submitted by the applicant which indicates strongly positive fiscal impact on Park City if the property is annexed.

The requested amendment to the Settlement Agreement to allow 105 overnight spaces at Roosevelt Gap would be allowed only if it is considered appropriate by the Planning Commission in conjunction with a luxury hotel development and if it can be shown that it would not result in an increase in traffic on Keetley Road. The amendment would not be specifically tied to any single operator or project, but would be evaluated during the Conditional Use Review.

D. Department Review.

The interlocal agreement was the subject of extensive review by various City departments and is described under separate cover. The annexation documents have been reviewed by the Legal and Community Development Departments for compliance with state law, city regulations and the 1995 Settlement Agreement.

ALTERNATIVES

- A. Approve the Annexation with the requested revision to the Settlement Agreement.
- B. Approve the Annexation without the requested revision to the Settlement Agreement.
- C. Deny the Annexation Request.
- D. Continue the item and request further information.

SIGNIFICANT IMPACTS:

Annexation and execution of the Deer Crest Interlocal Agreement would have a positive fiscal impact on Park City and will establish a mechanism of intergovernmental

coordination with Wasatch County. It will also facilitate the development of a major luxury hotel at the Snow Park Hotel/Roosevelt Gap site.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Without annexation, Roosevelt Gap would be allowed to construct 5 single family homes in Wasatch County. The Deer Hollow and Snowtop developments would proceed as approved by Wasatch County.

RECOMMENDATION:

The staff recommends that the City Council proceed with the Annexation, Zoning, Amendment to the Settlement Agreement and Deer Crest Interlocal Agreement.



CITY COUNCIL REPORT

DATE: November 23, 1998
DEPARTMENT: Planning
AUTHOR: Nora L. Shepard, Special Projects Planner
TITLE: Deer Crest Annexation
TYPE OF ITEM: Annexation

SUMMARY RECOMMENDATIONS: Public Hearing on proposed annexation and amendment to the Park City Zoning Map.

DESCRIPTION:

A. Topic:

PROJECT STATISTICS:

Applicant:	Deer Crest Associates I, L.C.
Location:	East of Deer Valley
Zoning:	Wasatch County RF-1 with an approved Density Determination
Adjacent Land Uses:	Ski Area, Vacant Land
Date of Application:	July 10, 1998
Project Planner:	Nora Shepard

B. Background:

In 1991, Wasatch County granted a density determination for Telemark Park, a residential resort development on 524 acres. The approval consisted of chairlift and ski run development along with residential development in 6 "neighborhoods." The developer also controls an additional 84 acres within unincorporated Summit County and 70 within the Park City limits. The development plan for the entire property consists of not more than 545 units (150 single family and 395 multifamily) with 42,000 gross square feet of commercial space and a 20,000 gross square foot Ski Academy.

After several years of litigation, the developer (Park City Consolidated Mines Company and Trans-Wasatch Company) and Park City entered into a settlement agreement in order to settle the

outstanding disputes and redefine certain rights and obligations. A copy of the Settlement Agreement is available at your request. The Settlement Agreement addresses density, limited access on Keetley Road, and options for partial annexation to Park City. The applicant has submitted a petition for annexation consistent with the Settlement Agreement.

C. Project Description

Annexation Request

Deer Crest proposes to annex the following parcels of land which are contiguous to each other and which are contiguous to the existing easterly boundary of Park City:

*Snowtop - a 39.51 acre parcel that has received final approval by Wasatch County for the subdivision of 15 residential building lots. The Snowtop parcel consists of 67% open space.

*Roosevelt Gap - a 60.87 acre parcel that has received density determination approval by Wasatch County for 105 condominium lodge units of 2,000 square feet, plus 5% support commercial,¹ and final master parcel plat approval (authorizing the recordation of a plat for ownership purposes but not for purposes of further development). The Roosevelt Gap Master Parcel consists of 84% open space.

*Deer Hollow Village - a 97.71 acre parcel that has received final approval by Wasatch County for the subdivision of 5 residential lots on 8.51 acres, and, on the balance of the acreage, density determination approval by Wasatch County for 83 residential units of 2,400 square feet, plus 5% support commercial, and final master parcel plat approval (authorizing the recordation of a plat for ownership purposes but not for purposes of further development). The Deer Hollow Village Master Parcel consists of 77% open space.

Amendment to the Settlement Agreement

Concurrent with the Annexation, the applicant is requesting one amendment to the Settlement Agreement. The Settlement Agreement allows for the development of hotel units (105 units of 2,000 sq. ft. in size) at the Roosevelt Gap site, if it is developed in conjunction with the Snow Park Hotel site and is connected to the Snow Park Hotel by a funicular. Access to the Roosevelt Gap portion of the hotel was to occur primarily from the Snow Park site via the funicular. Only 50 day parking spaces were allowed at the Roosevelt Gap site in an effort to decrease vehicle trips on Keetley Road.

The applicant now requests an additional 105 overnight spaces at Roosevelt Gap. The applicant has agreed to make modifications to other areas of the project and to propose a parking

¹Applicable square footages are calculated as provided in the applicable Wasatch County Density Determination and exclude certain spaces such as circulation space, lobbies, mechanical spaces and other spaces necessary for building function.

management plan to ensure this increase in parking will not result in an increase in traffic on Keetley Road. Any Council action to amend the Settlement Agreement to allow the 105 additional spaces could be based upon a condition that the project be otherwise modified to result in a net decrease in the vehicle trips on Keetley Road.

Interlocal Agreement

The Deer Crest Project was approved in Wasatch County and the majority of it is being developed under Wasatch County's jurisdiction. Park City and Wasatch County have been negotiating an interlocal agreement to cover those areas which would be annexed into Park City.

That interlocal agreement would have to be acted on by the City and the County prior to, or concurrent with, annexation.

Zoning

As property is annexed, it must be zoned. Concurrent with annexation, the Council will be asked to amend the official Zoning Map for Park City. The zoning designated to the property will refer to the densities set forth in the Settlement Agreement. The development areas in Roosevelt Gap and Deer Hollow will be zone Recreation Commercial - Master Planned Development (RC-MPD). The areas outside the development areas will be zoned Recreation Open Space - Master Planned Development (ROS-MPD). The building envelop areas in Snowtop will be zoned Estate - Master Planned Development (E-MPD) and the areas outside the building areas will be zoned ROS-MPD.

D. Analysis

Planning Commission Action

The Planning Commission was asked to review the proposed annexation and those amendments to the Settlement Agreement which would affect the annexation areas. The Planning Commission therefore considered square footage modifications (which are not now a part of the annexation request) and the increase in parking at the Roosevelt Gap Lodge. The Planning Commission forwarded a positive recommendation to the City Council as follows:

1. The Planning Commission received and reviewed information on the proposed Annexation of a portion of the Deer Crest Project.
2. A public hearing was held before the Planning Commission on the proposed Annexation on August 26, 1998.
3. The Planning Commission has reviewed and discussed traffic information submitted by the developer and by the City's consultant.

Based upon the above findings, the Planning Commission recommends to the City Council that the Roosevelt Gap, Deer Hollow and Snowtop areas of Deer Crest should be annexed to the City prior to development and consistent with the Wasatch County approvals.

The Planning Commission further recommends to the City Council that the proposed revisions to the Settlement Agreement relative to increased square footage, increased commercial square footage and increased parking at Roosevelt Gap are appropriate and that traffic impacts have been

adequately addressed by () or modifications to the project proposed by the developer.

The recommendation is based upon the following assumptions and conditions:

1. This approval does not constitute final plat approval for the Snow Top Subdivision or MPD approval for Roosevelt Gap or Deer Hollow. If the property is annexed to the City, the normal review procedures shall commence.
2. If the annexation is consummated and an MPD is entered into, the applicant will submit a detailed and enforceable plan for the management of traffic on Keetley Road with the objective of reducing, to the greatest degree possible, non-guest traffic on Keetley Road and emphasizing the use of the funicular. This includes management of the gate and through access, identification of how the gate will be managed and who will go through it, restrictions on employee parking at the Roosevelt Gap site, and other mechanisms designed to reduce non-guest traffic on Keetley Road.
3. A reversion clause shall be inserted in the amended settlement agreement that, if the project is not constructed as proposed in Roosevelt Gap, funicular, and Snow Park in some time certain, the revisions to the settlement agreement being recommended tonight shall revert back to the original settlement agreement.
4. There shall be no variation in height within the annexation area as a direct result of the increases in square footage which the Planning Commission is recommending to City Council.
5. Employee housing standards shall be revised to meet Park City Employee Housing Standards, and additional employee housing shall be reviewed before the additional square footage being proposed at the Roosevelt Gap site.

Process After Annexation

If this annexation is approved, Roosevelt Gap and Deer Hollow will be required to go through the normal Planning Commission review process.

E. NOTIFICATION REQUIREMENTS

The Annexation Petition was accepted by the City Council, was Certified by the City recorder after consultation with both Wasatch and Summit Counties. Notification of Certification was conducted according to the state statute.

The City Council is required to hold a Public Hearing prior to annexation. This Public Hearing was noticed according to state law. The City Council could take action on the Annexation Petition, the Interlocal Agreement and the Amendment to the Settlement Agreement on December 10 or 17, 1998.

Kirsten Whetstone

From: Gary Holloway <GHolloway@gmh-inc.com>
Sent: Wednesday, January 18, 2017 10:26 AM
To: Kirsten Whetstone
Subject: Letter for Deer Crest Annual Meeting
Attachments: Letter to Park City Planning Commission.pdf

Kristen, attached is my letter that was requested.

Thank you,
Gary Holloway

Park City Planning Commission
445 Marsac Avenue
Park City, Utah 84060
Email: kirsten@parkcity.org

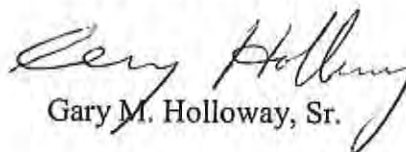
RE: Application #PL-16-03209 affecting Slalom Village parcel within Deer Crest Master
Planned Development

Dear Planning Commissioners:

As a homeowner in the Deer Crest development, I am writing in support of the application of Deer Crest Associates to eliminate the disconnect requirement presently affecting Deer Hollow Road. This requirement, if maintained, will adversely impact the delivery of emergency services to Deer Crest, which substantially increases the likelihood of harm to the residents and their property in the unfortunate event such services are needed. Traffic through Deer Crest residential areas and the Queen Esther Gate will substantially increase if the disconnect remains in effect. Finally, the original rationale of the disconnect – preventing vehicles from using Deer Hollow Road as a shortcut from Highway 40 to Deer Valley and Park City – is more than adequately addressed with the presence of manned gates at Queen Esther entrance and at the Jordanelle entrance. In short, the benefits of the disconnect (if any) are substantially outweighed by its detriments.

Your attention to this letter is greatly appreciated.

Respectfully submitted,


Gary M. Holloway, Sr.



Kirsten Whetstone

From: Steve Issowits <sisowits@deervalley.com>
Sent: Tuesday, January 17, 2017 3:25 PM
To: Kirsten Whetstone
Subject: Letter to Planning - Re: Deer Hollow Rd Disconnect
Attachments: 20170117152010663.pdf

Hi Kirsten - Please find the attached letter on behalf of Deer Valley Resort as it relates to our support of removing the requirement to physically disconnect Deer Hollow Rd. I would like this to be made part of the public record. If you could please confirm receipt and also let me know if you have any questions or comments, I would appreciate that. Thank you,

Steve

Steven J. Issowits
 Director - Real Estate and Resort Planning
steve@deervalley.com
 435-645-2630 direct | 435-640-9854 cell
 435-645-6538 fax

Deer Valley Resort
 PO Box 1000
 Park City, UT 84060
www.deervalley.com

Deer Valley Resort is honored to be ranked #1 for Access, Guest Service, Grooming, Lodging, Dining, On-mountain Food and Kid-Friendliness by the readers of SKI Magazine for 2017.

C.W. HENDERSON

& ASSOCIATES, INC.

INVESTMENT COUNSELORS SPECIALIZING
IN TAX-EXEMPT MUNICIPAL SECURITIES

January 24th, 2017
Park City Planning Commission
445 Marsac Avenue
Park City, Utah 84060

Dear Members of the Park City Planning Commission,

It has come to my attention that there is an impending meeting regarding the Deer Hollow Road disconnect. As a current resident at 10127 Summit View Drive in the Deer Crest community, I would like to advocate my strong objection to the Deer Hollow disconnect requirement. The disconnect requirement would impair emergency services to Deer Crest which is not only hazardous to the residents of Deer Crest, but also the guests residing at the St. Regis Hotel.

However, the largest issue with the disconnect requirement is the degree to which it will increase the traffic throughout Deer Crest residential areas. It will also dramatically increase the traffic through the Queen Esther Gate. As a community member, this is a considerable concern to myself as well as many other residents.

I have read over the Deer Hollow Road disconnect requirement in great lengths and have drawn the conclusion that there is no benefit in requiring the construction of the two cul de sacs because Deer Crest is, and always will be, a gated community. This is one of its features that heavily attracts residents and should be taken into great account.

I appreciate your time and hope we can eliminate the disconnect requirement which is—in my opinion—what is best for both Park City, our safety and the community!

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Henderson", with a stylized, flowing script.

Craig Henderson



DEER VALLEY

January 16, 2017

Planning Department – Attn: Kirsten Whetstone
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Re: Deer Hollow Road Disconnect

Dear Ms. Whetstone:

Please accept this letter written in support of the recent application by Deer Crest Associates I, L.C. ("DCA"), as it relates to removal of the requirement to create a physical disconnect along Deer Hollow Road through the Deer Crest Master Planned Development community ("Deer Crest").

It is my understanding with respect to the Settlement Agreement dated December 29, 1995 with Park City Municipal Corporation ("Settlement Agreement") as referenced by your recent Staff Report, such agreement required the physical disconnection of Deer Hollow Road (formerly known as Keetley Road) as it passes through Deer Crest at the approximate location of a development parcel referred to in the Settlement Agreement as Slalom Village. Through subsequent installation of guarded gate houses at the east and west entrances to Deer Crest, an effective barrier was created to eliminate the ability for public use of Deer Hollow Road for direct access between Wasatch County and Park City. It is in Deer Valley Resort's opinion that such gate houses appropriately control traffic through Deer Crest and accomplishes the original intent of the physical disconnect. It is also our opinion that upholding such physical disconnect requirement would alternatively place unnecessary traffic flow onto Deer Crest Estates Drive resulting in undesirable and less safe conditions for the community, while providing no benefit to Park City.

Additionally and as you may be aware, Deer Valley Resort utilizes Deer Hollow Road to access, operate and maintain certain areas of the resort. This includes, but is not limited to the Jordanelle Gondola, Mountaineer chairlift, Jordanelle snowmaking pump house and various ski runs, summer trails and infrastructure. Physically disconnecting Deer Hollow Road would significantly impair the needs of Deer Valley Resort staff and create additional vehicle miles traveled to access the same locations as needed to maintain and operate the resort.

Based on these and other reasons, Deer Valley Resort is in favor of the Settlement Agreement being amended to remove the disconnect requirement and encourages Park City to adopt an amendment to the Settlement Agreement to accomplish this. I appreciate your consideration and am requesting this letter be shared with the Planning Commission members as you see fit. Thank you.

Sincerely,

Steve Issowits

Deer Valley Resort

Director of Real Estate & Resort Planning

Kirsten Whetstone

From: Bob Jones <bob.jonesying@gmail.com>
Sent: Wednesday, January 11, 2017 9:09 PM
To: Kirsten Whetstone; Don Taylor, Deer Crest Ops Manager
Subject: Deer Hollow disconnect

Hi,

I am a Deer Crest resident (3516 W Crest Ct) and wanted to express my support for eliminating the disconnect requirement for Deer Hollow road. Keeping the road open will make it easier for commercial and emergency traffic to navigate our community, while reducing traffic for both residents of Deer Crest and the communities near the Queen Esther Gate. Also, since Deer Crest is a private community, there is no risk Deer Hollow will ever become a short cut from town to Highway 40.

Thanks,

--

=====
Bob Jones
3516 W Crest Ct
Park City, UT 84060
908-313-9614 (c)
bob.jonesying@gmail.com

Kirsten Whetstone

From: James Asali <jasali@gmh-inc.com>
Sent: Tuesday, January 10, 2017 2:23 PM
To: Kirsten Whetstone
Cc: Gary Holloway
Subject: RE: Deer Crest Application

Thank you.

From: Kirsten Whetstone [mailto:kirsten@parkcity.org]
Sent: Tuesday, January 10, 2017 4:22 PM
To: James Asali
Cc: Gary Holloway
Subject: RE: Deer Crest Application

Thank you for your letter regarding the Deer Crest disconnect issue.
 I will include it with the others in the packet when the Planning Commission discusses this issue on February 8th.

Kirsten

Kirsten A. Whetstone, MS, AICP
 Senior Planner

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



From: James Asali [mailto:jasali@gmh-inc.com]
Sent: Tuesday, January 10, 2017 1:40 PM
To: Kirsten Whetstone
Cc: Gary Holloway
Subject: Deer Crest Application

Please see the attached correspondence from Mr. Gary Holloway, Sr.

Regards,

James T. Asali
 Vice President and General Counsel
 GMH Associates
 10 Campus Boulevard | Newtown Square, PA | 19073
 P: 610-355-8224 | F: 610-355-8524
jasali@gmh-inc.com
<http://www.gmhassoc.com>

January 9, 2017

Park City Planning Commission
445 Marsac Avenue
Park City, UT 84060

RE: Application #PL-16-03209 affecting Slalom Village parcel within Deer Crest Master Planned Development

Gentlemen:

We are residents in the Deer Crest Development of Deer Valley at Snow Top Court. Having recently learned of the Park City Planning Commission's upcoming review of Deer Crest Associates (DCA) application to eliminate the Deer Hollow Road Disconnect ("the disconnect"), we are sending this letter to voice our support of the of this application. In other words, we are TOTALLY against the road disconnect.

We travel to Provo and Heber City on a regular basis, and "the disconnect" would be an extreme inconvenience forcing us to drive through the development using Deer Crest Estates Drive. Our concerns are as follows:

- Lack of safety for both traffic and other Deer Crest residents
- An impairment to emergency services (fire and life-safety 911 calls) to several areas including our residence on Snow Top Court
- An increase in traffic through the Queen Ester Gate and adjacent Deer Valley neighborhoods
- Increase in traffic through Deer Valley and Park City via Kearns Blvd.
- Increase in heavy construction vehicle traffic on Deer Crest Estates Drive, and throughout the development
- A decrease in potential property value

We currently use the Jordanelle Gate for access to Provo and Heber City. It is significantly more accessible, and a safer route when leaving our home.

We believe that since this is a gated community at both Jordanelle Gate and Queen Ester Gate, the thru traffic from Hwy 40 to Deer Valley and Park City (short-cut) is not an issue, and that "the disconnect" would serve no useful purpose. It would only increase traffic and lessen residential and life-safety issues.

If you have further questions regarding our concerns, please call me at 650-892-5213 or email to: bhammond@accoes.com

Sincerely,



Robert T. Hammond
3461 W. Snow Top Court
Park City, UT 84060



Kirsten Whetstone

From: Brian Sterrett <briansterrett@hotmail.com>
Sent: Saturday, January 07, 2017 12:32 PM
To: Kirsten Whetstone
Subject: PL-16-03209 Deer Crest Associates

Hi Kirsten,

We are Deer Crest residents and support the proposal to eliminate the disconnect. This feels like a "no-brainer" given the investment in the manned gatehouses, successful status quo, and the horrible inconveniences and safety risks to our community if Deer Hollow didn't go through.

Brian & Jane Sterrett
Townhome 11
331.213.8227

Kirsten Whetstone

From: Cari WELLIVER <welliver@cox.net>
Sent: Tuesday, January 03, 2017 5:09 PM
To: Kirsten Whetstone
Subject: Feb 8th Hearing on Deer Crest Association application to remove disconnect

To: Park City Planning Commission
 445 Marsac Ave
 Park City, UT 84060

From: Cari Welliver
 11271 N Snowcap Road
 Park City, UT 84060

I am writing today to express my interest in making sure the commission recommends to the City Council the removal of the disconnect requirement in the Deer Crest Homeowners association.

The disconnect, in my view will create significant problems in the DCA and requiring a disconnect as currently established would do the following:

- 1) It will significantly impair emergency services to Deer Crest**
- 2) It likely will increase traffic through the Queen Esther Gate, and therefore through the Queen Esther area
- 3) It will increase the traffic through Deer Crest Residential areas, as opposed to being able to transit a street with very few residential properties being affected
- 4) As far as I can see, there is no benefit to Park City to have a disconnect in this location, as the community is gated and the gates are not going to be removed.

I will follow this up with a letter to you as well.

Sincerely,

Cari Welliver

From: Tonya <tlcumbee@comcast.net>
Sent: Tuesday, January 03, 2017 10:43 PM
To: Kirsten Whetstone
Subject: Feb 8th Hearing on Deer Crest Association application to remove disconnect

To: Park City Planning Commission
445 Marsac Ave
Park City, UT 84060

From: Tonya Cumbee
11289 Snowtop Road
Park City, UT 84060

I am writing today to express my interest in making sure the commission recommends to the City Council the removal of the disconnect requirement in the Deer Crest Homeowners association.

The disconnect, in my view will create significant problems in the DCA and requiring a disconnect as currently established would do the following:

- 1) It likely will increase traffic through the Queen Esther Gate, and therefore through the Queen Esther area
- 2) It will increase the traffic through Deer Crest Residential areas, as opposed to being able to transit a street with very few residential properties being affected
- 3) It will significantly impair emergency services to Deer Crest**
- 4) As far as I can see, there is no benefit to Park City to have a disconnect in this location, as the community is gated and the gates are not going to be removed.

Sincerely,

Tonya Cumbee

6154193777

01/03/2017

To: Park City Planning Commission
445 Marsac Ave
Park City, UT 84060

From: William Welliver
11271 N Snowcap Road
Park City, UT 84060

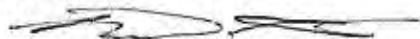
I am writing today to express my interest in making sure the commission recommends to the City Council the removal of the disconnect requirement in the Deer Crest Homeowners association.

The disconnect, in my view will create significant problems in the DCA and requiring a disconnect as currently established would do the following:

- 1) It likely will increase traffic through the Queen Esther Gate, and therefore through the Queen Esther area
- 2) It will increase the traffic through Deer Crest Residential areas, as opposed to being able to transit a street with very few residential properties being affected
- 3) It will significantly impair emergency services to Deer Crest**
- 4) As far as I can see, there is no benefit to Park City to have a disconnect in this location, as the community is gated and the gates are not going to be removed.

I will follow this up with a letter to you as well.

Sincerely,



William Welliver
will@hirehonest.com
(949) 689-7195

JAN 03 2017

01/03/2017

To: Park City Planning Commission
445 Marsac Ave
Park City, UT 84060

From: Cari Welliver
11271 N Snowcap Road
Park City, UT 84060

I am writing today to express my interest in making sure the commission recommends to the City Council the removal of the disconnect requirement in the Deer Crest Homeowners association.

The disconnect, in my view will create significant problems in the DCA and requiring a disconnect as currently established would do the following:

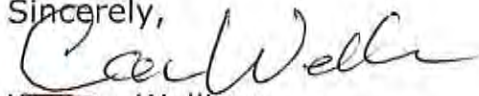
- 1) It likely will increase traffic through the Queen Esther Gate, and therefore through the Queen Esther area
- 2) It will increase the traffic through Deer Crest Residential areas, as opposed to being able to transit a street with very few residential properties being affected

3) It will significantly impair emergency services to Deer Crest

- 4) As far as I can see, there is no benefit to Park City to have a disconnect in this location, as the community is gated and the gates are not going to be removed.

I will follow this up with a letter to you as well.

Sincerely,



Cari, ~~Will~~ Welliver
will@hirehonest.com
(949) 689-7195



Kirsten Whetstone

From: Nelly Weldon <nellyweldon@gmail.com>
Sent: Tuesday, January 03, 2017 11:31 AM
To: Kirsten Whetstone
Subject: Deer Crest Disconnect

Hello Kristen,

I am one of few full time residents of Deer Crest and as such, I am extremely upset at the possibility of a Disconnect between the two gates. The agreement is archaic and invalid in present time due to the existence of the two gates. There is no need to disconnect as traffic flow is a non factor in present day. The only thing it will effect is the residents lives as I travel to Heber quite a bit and this would prevent me to do so in a timely manner.

I would like the record to state that I oppose such an action and if that was to take place, I will likely look for new residence.

Regards,

Nelly Weldon
Sent from my iPad Pro

Kirsten Whetstone

From: Shannon Horvath <shannon@sdrtrans.com>
Sent: Tuesday, January 03, 2017 9:56 AM
To: Kirsten Whetstone
Subject: Deer Crest Association Application #PL-16-03209

Attn:
 Park City Planning Commission
 445 Marsac Avenue
 Park City, Utah 84060

RE: Application #PL-16-03209 affecting Slalom Village parcel within Deer Crest Master
 Planned Development

I am a new resident of Deer Crest and was made aware of the application to eliminate the disconnect requirement at the Annual Homeowners Meeting.

I would like to go on record in favor of eliminating the disconnect for the following reasons:

1. **It will impair emergency services to Deer Crest if the disconnect is required.**
2. **It will increase traffic through Deer Crest residential areas if the disconnect is required.**
3. **It will increase traffic through the Queen Esther Gate if the disconnect is required.**
4. **There is no benefit in requiring the disconnect since Deer Crest is and always will be a gated community.**

Thank you in advance for your time.

Shannon & Dan Horvath
 Lot 48 - Deer Crest
 (901) 277-7017

Kirsten Whetstone

From: will@hirehonest.com
Sent: Tuesday, January 03, 2017 1:35 PM
To: Kirsten Whetstone
Subject: Feb 8th Hearing on Deer Crest Association application to remove disconnect

To: Park City Planning Commission
 445 Marsac Ave
 Park City, UT 84060

From: William Welliver
 11325 N Snowcap Road
 Park City, UT 84060

I am writing today to express my interest in making sure the commission recommends to the City Council the removal of the disconnect requirement in the Deer Crest Homeowners association.

The disconnect, in my view will create significant problems in the DCA and requiring a disconnect as currently established would do the following:

- 1) It likely will increase traffic through the Queen Esther Gate, and therefore through the Queen Esther area
- 2) It will increase the traffic through Deer Crest Residential areas, as opposed to being able to transit a street with very few residential properties being affected
- 3) **It will significantly impair emergency services to Deer Crest**
- 4) As far as I can see, there is no benefit to Park City to have a disconnect in this location, as the community is gated and the gates are not going to be removed.

I will follow this up with a letter to you as well.

Sincerely,
 William Welliver
www.hirehonest.com
will@hirehonest.com
 (949) 689-7195

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Kirsten Whetstone

From: will@hirehonest.com
Sent: Tuesday, January 03, 2017 1:29 PM
To: Kirsten Whetstone
Subject: Feb 8th Hearing on Deer Crest Association application to remove disconnect

To: Park City Planning Commission
 445 Marsac Ave
 Park City, UT 84060

From: William Welliver
 11271 N Snowcap Road
 Park City, UT 84060

I am writing today to express my interest in making sure the commission recommends to the City Council the removal of the disconnect requirement in the Deer Crest Homeowners association.

The disconnect, in my view will create significant problems in the DCA and requiring a disconnect as currently established would do the following:

- 1) It likely will increase traffic through the Queen Esther Gate, and therefore through the Queen Esther area
- 2) It will increase the traffic through Deer Crest Residential areas, as opposed to being able to transit a street with very few residential properties being affected
- 3) It will significantly impair emergency services to Deer Crest**
- 4) As far as I can see, there is no benefit to Park City to have a disconnect in this location, as the community is gated and the gates are not going to be removed.

I will follow this up with a letter to you as well.

Sincerely,

William Welliver
will@hirehonest.com
 (949) 689-7195

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Kirsten Whetstone

From: Sorin, Robert J. <Robert.Sorin@friedfrank.com>
Sent: Monday, January 02, 2017 1:05 PM
To: Kirsten Whetstone
Subject: Application #PL-16-03209 affecting Slalom Village parcel within Deer Crest Master

To: Park City Planning Commission
 445 Marsac Avenue
 Park City, Utah 84060

To Whom it May Concern:

My name is Robert Sorin, and I am the owner of Lot 19 in Deercreek, 3631 Crestwood Court, Park City, Utah 84060. I understand that on February 8, 2017, the Park City Planning Commission is scheduled to hear the Deer Crest Association's application to eliminate the disconnect requirement regarding Deer Hollow Road. While the original intent of that requirement was to prevent vehicles from using Deer Hollow Road as a shortcut from Highway 40 to Deer Valley and Park City, that requirement pre-dates the establishment of manned gates at Queen Esther entrance and at the Jordanelle entrance, which makes the disconnect requirement unnecessary.

Please eliminate the disconnect requirement because:

- 1. It will impair emergency services to Deer Crest if the disconnect is required.**
- 2. It will increase traffic through Deer Crest residential areas if the disconnect is required.**
- 3. It will increase traffic through the Queen Esther Gate if the disconnect is required.**
- 4. There is no benefit in requiring the disconnect since Deer Crest is and always will be a gated community.**

Thank you for your consideration.

Robert Sorin

Robert J. Sorin
Partner
Robert.Sorin@friedfrank.com | Tel: +1 212 859 8487

Fried, Frank, Harris, Shriver & Jacobson LLP
 One New York Plaza, New York, NY 10004
friedfrank.com

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Kirsten Whetstone

From: Shon Boney <shonboney@gmail.com>
Sent: Monday, January 02, 2017 1:05 PM
To: Kirsten Whetstone
Cc: Don Taylor
Subject: Deercrest disconnect elimination

To whom it may concern,

Our house is located at 2997 Deercrest Estates Drive and we are in favor of eliminating the disconnect requirement because:

1. **It will impair emergency services to Deer Crest if the disconnect is required.**
2. **It will increase traffic through Deer Crest residential areas if the disconnect is required.**
3. **It will increase traffic through the Queen Esther Gate if the disconnect is required.**
4. **There is no benefit in requiring the disconnect since Deer Crest is and always will be a gated community.**

Thanks,

Shon Boney
 858-367-8407
 Sent from my iPad

Kirsten Whetstone

From: Chris O'Brien <chrisjobrien@optonline.net>
Sent: Monday, January 02, 2017 12:57 PM
To: Kirsten Whetstone

Park City Planning Commission
[445 Marsac Avenue](#)
[Park City, Utah 84060](#)

RE: Application #PL-16-03209 affecting Slalom Village parcel within Deer Crest
Master
Planned Development

My name is Chris O'Brien at I live at 2681 West Deer Hollow Drive in Deer Crest. I have been alerted to an issue coming up before the Commission relating to a historical requirement requiring disconnecting certain roads here in Deer Crest and I am writing in support of eliminating this disconnect requirement.

Please eliminate the disconnect requirement because:

1. **It will impair emergency services to Deer Crest if the disconnect is required.**
2. **It will increase traffic through Deer Crest residential areas if the disconnect is required.**
3. **It will increase traffic through the Queen Esther Gate if the disconnect is required.**
4. **There is no benefit in requiring the disconnect since Deer Crest is and always will be a gated community.**

Thank you for your consideration.

Chris O'Brien

Sent from my iPhone

Kirsten Whetstone

From: Marc Spellman <marc@metalsguy.com>
Sent: Monday, January 02, 2017 7:54 PM
To: Kirsten Whetstone

Kirsten,

My family purchased a home in Deer Crest 4 years ago. One of the reasons we bought there was the access it provided to us. There is no benefit to keeping the disconnect requirement in place. Because Deer Crest is a gated community where access is carefully controlled and monitored, and there are also a number of historic agreements that require Deer Crest to continue to be a gated community, that original purpose is implemented by the gates and there would be no additional benefit by requiring a disconnect.

Please eliminate the disconnect requirement because:

1. **It will impair emergency services to Deer Crest if the disconnect is required.**
2. **It will increase traffic through Deer Crest residential areas if the disconnect is required.**
3. **It will increase traffic through the Queen Esther Gate if the disconnect is required.**
4. **There is no benefit in requiring the disconnect since Deer Crest is and always will be a gated community.**

Marc Spellman
Tri State Metal Company
Imperial Zinc Corp.

Sent from my iPad

Kirsten Whetstone

From: sgmacey@gmail.com
Sent: Monday, January 02, 2017 2:22 PM
To: Kirsten Whetstone
Subject: Application #PL-16-03209

To: Park City Planning Commission

RE: Above application affecting Slalom Village parcel within Deer Crest Master Planned Development

As a Deer Crest resident, we would like to request voting to eliminate the disconnect requirement because

- 1) it will increase traffic through Deer Crest (DC) residential areas if the disconnect is required.
- 2) it will significantly impair emergency services to DC, thereby putting residents in increased danger in case of an emergency.
- 3) It will increase traffic through the Queen Esther Gatehouse if the disconnect is required
- 4) DC is, and always will be, a gated community. Therefore, there is no benefit in requiring the disconnect.

Sincerely,
 William and Sharon Macey
 Lot 47, Summit View Drive,
 Deer Crest

Typos and strange thoughts by iPad

Kirsten Whetstone

From: Michelle Leader <mbjleader@gmail.com>
Sent: Monday, January 02, 2017 2:20 PM
To: Kirsten Whetstone

Please eliminate the disconnect requirement because:

1. It will impair emergency services to Deer Crest if the disconnect is required.
2. It will increase traffic through Deer Crest residential areas if the disconnect is required.
3. It will increase traffic through the Queen Esther Gate if the disconnect is required.
4. There is no benefit in requiring the disconnect since Deer Crest is and always will be a gated community

Thank you.
MichelleLeader
Lot 38

Kirsten Whetstone

From: Neill Brownstein <neillb@wcrescent.com>
Sent: Monday, January 02, 2017 1:15 PM
To: Kirsten Whetstone; Don Taylor; Linda Brownstein; Neill Brownstein; Jim Tozer
Subject: From Neill & Linda Brownstein, 3611 Crestwood Ct, Park City 84060

Dear Park City Planning Commission ---

RE: Application #PL-16-03209 affecting Slalom Village parcel within Deer Crest Master Planned Development

Neill and Linda Brownstein are residents of Deer Crest since inception.

Please advise --on this topic which drastically impacts our neighborhood.

Please eliminate the disconnect requirement because:

- 1. It will impair emergency services to Deer Crest if the disconnect is required.**
- 2. It will increase traffic through Deer Crest residential areas if the disconnect is required.**
- 3. It will increase traffic through the Queen Esther Gate if the disconnect is required.**
- 4. There is no benefit in requiring the disconnect since Deer Crest is and always will be a gated community.**

Park City Planning Commission
[445 Marsac Avenue](#)
[Park City, Utah 84060](#)

Their email address is: kirsten@parkcity.org

.....
 Neill & Linda - Park City, Utah

Kirsten Whetstone

From: Eric Seuthe <ebseuthe@sbcglobal.net>
Sent: Monday, January 02, 2017 1:54 PM
To: Kirsten Whetstone
Cc: Don Taylor
Subject: pl-16-03209

to park city
i am a land owner in deer crest and american flag
there is no need whatsoever for the disconnect
eric seuthe

Kirsten Whetstone

From: Mark Weldon <mweldon@wioem.com>
Sent: Sunday, January 01, 2017 2:18 PM
To: Kirsten Whetstone; nellyweldon@gmail.com; don taylor
Subject: deer crest road termination

Kirsten,

It has been brought to my attention that park city is requiring us to comply the main road disconnect in deer crest.

My family has lived in Deer crest for 6 years and I work in Utah County. I have to commute to Utah County daily and it is a long drive. I have to make the drive at 5:00 am in the morning and it is dark, cold, time consuming and dangerous during the winter. I purchased our home in deer crest for a number of reasons but mainly the access to route 40 which a quick drive out the back gate. No where did anyone disclose the requirement of the road closing. The commercial hotel that is in the community would need to close as we can not have commercial trucks driving on the roads in deer crest as it is a hazard for homeowners and residents.

Bottom line there are about 50 good reasons just to leave the road issue alone and manage the situation via the gate control and let the association manage their own affairs. I sure failure to comply will result and a bunch of law suits.

Our family will take legal action to protect our rights to preserve the property values and the access to the road that was promised to us when we purchased our home.

I hope that you reconsider your position and support our request. If there is a going to be a vote on this in the near future we will need to be notified. If their is a deadline I want the right to get a legal injunctive relief to protect the use of our road as it is safe with the correct size for traffic, correctly positioned for bad weather and large commercial trucks and vans, well lit, security patrolled and it was represented by the real estate community, association and everyone that the road would be in place forever.

Thank you for supporting the community needs.

Mark Weldon
Weldon Industries
Wi Commercial Properties
813-248-9800 office
813-787-5910 cell



December 9th, 2016

Park City Planning Commission
445 Marsac Avenue
Park City, Utah 84060

RE: Application #PL-16-03209 affecting Slalom Village parcel within Deer Crest Master Planned Development

To Whom It May Concern:

The Deer Crest Master Association supports Application #PL-16-03209 by Deer Crest Associates (DCA), the original Deer Crest developer, seeking to eliminate the requirement for a physical disconnect within Deer Hollow Drive (formerly Keetley Road) as it passes through the Slalom Village Development Parcel. The disconnect requirement was included in the original settlement agreement between Park City and DCA in order to restrict traffic from the freeway on the east, through Deer Crest and into Park City. The language in that settlement agreement requires a "disconnect" of Deer Hollow Drive by having it dead end at a cul-de-sac halfway down as you travel east from the western gate (commonly referred to as the Queen Esther Gate). There would be another dead end at a second cul-de-sac traveling up Deer Hollow Drive from the eastern gate (commonly referred to as the Jordanelle Gate). Both cul-de-sacs on Deer Hollow Road were expected to be within the Slalom Village Development Parcel, which is owned by DCA.

The disconnect requirement was included in the original settlement agreement before the Queen Esther and Jordanelle gates were contemplated. Those gates were constructed as part of the original development and now serve the same purpose of restricting access that was the basis for the disconnect provision. If the disconnect requirement is not eliminated and is ultimately enforced, it would require all traffic entering Deer Crest from the Jordanelle Gate to drive through the Deer Crest residential neighborhoods instead of up Deer Hollow Drive. This would include a number of heavy delivery vehicles that travel from the Jordanelle Gate to the hotel. It would also make access in and out of Deer Crest more difficult and more time consuming for many Deer Crest homeowners.

Construction of the cul-de-sacs would also impede and significantly extend the time required for fire and life safety vehicles to reach the hotel and more than half of the Deer Crest residences. All the foregoing issues would be exacerbated in winter weather when driving conditions are more treacherous.

DEER CREST MASTER ASSOCIATION

3672 W. DEER CREST ESTATES DR. • PARK CITY, UT • 84060 • PHONE: (435) 655-8215 • FAX: (435) 613-9157





DEER CREST

Not only would construction of the cul-de-sacs result in an increase of traffic within Deer Crest residential neighborhoods, but cul-de-sacs would actually increase traffic through the Queen Esther Gate. For example, even though some private vehicles and chauffeured vehicles coming from the airport or Salt Lake City are entitled to access Deer Crest through Park City and the Queen Esther Gate, they more typically access Deer Crest from Highway 40 through the Jordanelle Gate since it is faster, more direct and avoids getting caught up in Deer Valley ski traffic. If the cul-de-sacs were in place, such vehicles would instead use the Queen Esther Gate because the more cumbersome access through the Jordanelle side would be a less desirable alternative.

For all of these reasons, the Deer Crest Master Association supports this application. We urge you to make a recommendation to the City Council to eliminate the disconnect requirement. Thank you for your consideration.

Very truly yours,



W. James Tozer, Jr.
President, Deer Crest Master Association

Cc: Thomas Bennett
Diane H. Banks

4824-5956-0765, v. 2

DEER CREST MASTER ASSOCIATION

3672 W. DEER CREST ESTATES DR. • PARK CITY, UT • 84060 • PHONE: (435) 655-8215 • FAX: (435) 615-9157

Kirsten Whetstone

From: Jill Kaufman <jillbradandkids1@bellsouth.net>
Sent: Friday, December 02, 2016 2:20 PM
To: Kirsten Whetstone
Subject: Application #PL-16-03209; Project - Slalom Village parcel of the DeerCrest Annexation

Dear Kirsten - my husband, Bradford David Kaufman, and myself, Jill Ellen Kaufman, are the property owners of 3438 W. Snow Top Court, Park City, Utah. 84060. I am writing you to express our support of the proposed amendment to the Deer Crest Settlement Agreement and MPD dated December 29, 1995, to eliminate a requirement for a physical disconnect of the Deer Hollow Road as it passes through Deer Crest development at the approximate location of the Slalom Village Development Parcel. It is our desire that the permanent east and west gates remain and continue to function as they currently do to prevent unauthorized traffic on Keetley Road, per the Agreement.

We cannot attend the public hearing on December 14, 2016 and would appreciate your forwarding this email to the Planning Commision.

Thank you.

Sincerely, Jill Ellen Kaufman

Sent from my iPad

Kirsten Whetstone

From: Melinda Schlueter <mschlueter@provincegroup.com>
Sent: Wednesday, November 30, 2016 11:49 AM
To: Kirsten Whetstone
Subject: Application #PL-16-03209
Attachments: 20161130104625183.pdf

Ms. Whetstone,

Pursuant to the request of Mark Kerslake attached is a letter regarding Application PL-16-03209. Would you please forward it on to the Planning Commission.

Thank you.

Melinda Schlueter
Province Group/Newport Equities LLC
 26 Corporate Plaza, Suite 260
 Newport Beach, California 92660
 Phone (949) 553-4800 ext. 8210
 Fax (949) 706-7979
mschlueter@provincegroup.com



Mark J. Kerslake
3127 West Deer Crest Estates Drive
Heber, Utah 84032

November 30, 2016

Planning Commission
Park City

RE: Application PL-16-03209

Dear Commissioners:

I am a homeowner in the Deer Crest community (Lot 125) and have been for a number of years. I am writing to express my support that you vote to eliminate the disconnect requirement of Deer Hollow Road. Deer Hollow Road functions quite well as it is and the disconnect would needlessly force more traffic through the residential areas of Deer Crest. Disconnecting Deer Hollow Road would also make it more difficult and time-consuming for emergency and snow removal vehicles to access our neighborhoods and the St. Regis Hotel. I'm not sure of the genesis of the disconnect requirement, but it seems non-sensical to me. Therefore, I respectfully request that the Planning Commission vote to eliminate the disconnect requirement and make such recommendation to City Council. Thank you for your thoughtful consideration of this matter.

Very Truly Yours,


Mark J. Kerslake

Kirsten Whetstone

From: Letty Callinan <otcb@aol.com>
Sent: Wednesday, November 30, 2016 12:44 PM
To: Kirsten Whetstone
Cc: jim.callinan@osterweis.com
Subject: Re: Application PL-16-03209

Kirsten,

That is what I thought. Thank you for spelling it out so clearly.

Letty

Letty Callinan
otcb@aol.com
(415) 407-9405

-----Original Message-----

From: Kirsten Whetstone <kirsten@parkcity.org>
To: Letty Callinan <otcb@aol.com>
Cc: jim.callinan <jim.callinan@osterweis.com>
Sent: Wed, Nov 30, 2016 10:03 am
Subject: RE: Application PL-16-03209

Hi Letty,

Does this help?

There is not an exact dislocation.

The zoning map I sent shows two RC Zoned properties.

The Slalom Village site is the one that is not the St. Regis Hotel (ie. the other RC Zoned property).

It is in the general location of the end of the Ski Lift noted on this attachment.

The Slalom village site is on both sides of the Deer Hollow Road (aka Keetley Road) – generally near the bottom of the Deer Crest Chair lift.

Kirsten

Kirsten A. Whetstone, MS, AICP
Senior Planner

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

From: Letty Callinan [mailto:otcb@aol.com]
Sent: Tuesday, November 29, 2016 9:47 PM

To: Kirsten Whetstone
Cc: jim.callinan@osterweis.com
Subject: Re: Application PL-16-03209

Kirsten,

Thank you for sharing the maps. I have to admit I still find it a bit confusing as to where the Slalom Village is planned. The Location Map has no reference points.

Letty
 Letty Callinan
otcb@aol.com
 (415) 407-9405

-----Original Message-----

From: Kirsten Whetstone <kirsten@parkcity.org>
 To: Letty Callinan <otcb@aol.com>
 Cc: jim.callinan <jim.callinan@osterweis.com>
 Sent: Tue, Nov 29, 2016 7:55 pm
 Subject: RE: Application PL-16-03209

Hi Letty

I've included the map that might help you with this. The pink zoned RC parcels are 1) St. Regis Hotel and 2) unbuilt Slalom Village (as a note- we do not have a development application for the Slalom village parcel, but there is a Master Plan for future development there- would still require planning commission permission and public hearing prior to any construction).

The disconnect is a current requirement of the Deer Crest Master Planned Development (MPD) and Settlement Agreement- that Keetley Road (which I think is now called West Hollow Road) is disconnected so through traffic from US 40 to Park City is not allowed.

Deer Crest Associates is requesting an amendment to that MPD to allow the existing east and west perimeter gates to continue as permanent gates, operated as they currently do, to create that disconnect instead.

Their request is for West Hollow Road to function as it does today- where traffic from US 40, East Gate to St. Regis, Snow Top, Hidden Hollow, and to the West Gate can continue as it does today.

If the request is not approved then all of this traffic would have to take Deer Crest Estates Road (the one that winds through the Deer Crest Estates neighborhood) to get to the St. Regis, Snow Top, etc.

Anyone authorized to go on to Park City from Deer Crest, would be able to take West Hollow Road.

When the MPD was approved they did not anticipate the east and west gates becoming the permanent disconnect of traffic from US 40 to Park City (that is for those not authorized to travel through).

Let me know if you have questions.
 It is confusing!

Sincerely,

Kirsten

Kirsten A. Whetstone, MS, AICP
Senior Planner

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

From: Letty Callinan [mailto:otcb@aol.com]
Sent: Monday, November 28, 2016 11:17 PM
To: Kirsten Whetstone
Cc: jim.callinan@osterweis.com
Subject: Application PL-16-03209

Dear Kirsten,

I am a homeowner in Deercreek (Lot 5U and 6U) and received your Notice of Public Hearing regarding the request to amend the Deer Creek Settlement Agreement to eliminate the requirement for a physical disconnect of Deer Hollow Road as it passes through Deercreek.

After reviewing all of the information I could find online, I am still very confused. Could you please provide me with the following:

- A map showing the location of the Slalom Village Parcel and the proposed usage
- The exact location of the planned disconnect. Am I to assume that the existing Deer Hollow Road which currently runs from the West gate entrance up to Deer Creek Estate Drive is to become disconnected so that we can no longer travel from one end to the other?

Thank you for your clarification.

Warmly,

Letty and Jim Callinan

Letty Callinan
otcb@aol.com
(415) 407-9405

First Amendment to the Telemark Park Settlement Agreement

This First Amendment to the Settlement Agreement by and between Park City Consolidated Mines Company, Inc., a Utah corporation, Trans-Wasatch Company, L.L.C., and Utah limited liability company (collectively, the Property Owners) and Park City Municipal Corporation, a political subdivision of the State of Utah, dated December 29, 1995 (the Telemark Park Settlement Agreement or the Settlement Agreement), is entered into this 8 day of April, 1997 by and between Deer Crest Associates I, L.C., the successors in interest to the settling Property Owners and Park City Municipal Corporation (Park City). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Deer Crest Associates I, L.C., the successor in interest to the Property Owner's interest in the Settlement Agreement, and Park City Municipal Corporation hereby agrees to modify the Telemark Park Settlement Agreement as follows:

1. Add new paragraph 3.14 to define the terms construct and construction as follows:

3.14 **Construction.** The term "construct" or "construction" means and refers to any development or construction activity (vertical or horizontal, combustible or non-combustible) for which a permit would be required by Wasatch County or Park City.

2. Paragraph 5.2 is hereby revised to read as follows:

5.2 **Density, Use and Configuration.** The Development Plan for the entire Property as anticipated in this Agreement shall not exceed 545 units (150 single-family, 395 multi-family units) with 42,000 gross square feet of commercial space and a 20,000 gross square foot Ski Academy. The parties agree that there shall not be more than:

- (a) 338 residential units,
- (b) support commercial space up to 5% of the gross square footage of the Slalom Village Area multi family units and the Roosevelt Gap Development,
- (c) 10,000 square feet of support commercial space at the Little Baldy Neighborhood, and
- (d) amenities and recreation facilities as generally identified and depicted herein,

all within the perimeter gates of the Property with access to Park City via Keetley Road through the west perimeter gate. Approximately an additional 182 multi-family units and a 20,000 square foot Ski Academy located within the Telemark Park Village shall have vehicular access to Park City only via U.S. Highway 40 and S.R. 248.

Units Lying West of East Perimeter Gate

	<u>Single Family</u>	<u>Multi-Family</u>	<u>Maximum Size Per Multi-Family Unit</u>
Snowtop	15	0	
Hidden Hollow	4	0	
Roosevelt Gap Dev.	0	105	2,000 sq. ft./unit
Little Baldy	60	0	
Slalom Village	5	83	2,400 sq. ft./unit
St. Louis	66	0	
Sub-Total	150	188	

Units Lying East of East Perimeter Gate

	<u>Single Family</u>	<u>Multi-Family</u>	
Telemark Park Village	0	182*	varied sq. ft.
*Density may increase as provided herein			

Snow Park Hotel Site

Snow Park Hotel Site	25*	2,000 sq. ft./unit
*Density may increase as provided herein		

3. Paragraph 5.2.1 is hereby revised to read as follows:

5.2.1 Snowtop/Hidden Hollow. The Amended Density Determination contains an approval for 19 single family lots in the Snowtop/Hidden Hollow neighborhoods. Property Owners will prepare a plat for the development of 15

single family lots in the Snowtop neighborhood which they will submit to Wasatch County for review and consideration, with timely written notice and copies of all materials submitted to Wasatch County to Park City. The Hidden Hollow property comprises roughly 84 acres, upon which Property Owners propose to develop four single family Estate lots, with building envelopes, areas of disturbance, limits of disturbance and open space conservation easements, all as generally depicted on the map (for both Snowtop and Hidden Hollow) attached hereto as Exhibit "D,"

4. Paragraph 5.2.1.1 is hereby revised to read as follows:

5.2.1.1 Annexation Procedure for the Snowtop/Hidden Hollow Area. Upon dismissal of the Action with prejudice, temporary physical disconnection of the Keetley Road (as provided in Section 4.4 above), Property Owners may submit a complete application for annexation of the Snowtop/Hidden Hollow Area. Upon Wasatch County's approval of the final plat for a 15 lot subdivision of the Snowtop neighborhood, Property Owners shall submit to Park City a complete petition for annexation, as limited by this Section, for the Snowtop/Hidden Hollow Area, with irrevocable offers of dedication of designated open space and conservation easements of contiguous property (the Snowtop/Hidden Hollow Area), all as depicted on Exhibits "D" and "N." The parties agree and acknowledge that if the portion of the complete petition for annexation for the Snowtop neighborhood is submitted in the form of a final unrecorded plat, Property Owners shall be entitled to an expedited annexation review process (Expedited Petition), more fully described below. Property Owners' Expedited Petition for annexation for the Snowtop/Hidden Hollow Area may be submitted without a visual analysis or annexation

fee. Any petition for annexation of the Snowtop/Hidden Hollow Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing obligation for the Snowtop/Hidden Hollow area shall be one (1) unit. Property Owners' affordable employee housing obligation can be satisfied anywhere on the Property, at Property Owners' discretion. The Park City staff and the City Council have reviewed Exhibit "D" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of an Expedited Petition for annexation and irrevocable offer for dedication, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information requested by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the Expedited Petition within which to annex the Snowtop/Hidden Hollow Area. Prior to application for annexation, and during annexation review, Property Owners shall not engage in any construction activity within the Snowtop/Hidden Hollow Area. Property Owners will attempt to supply the additional information necessary for its consideration, review and approval of the Expedited petition for annexation. Upon the expiration of the 120 day period following the submission of an Expedited Petition for annexation, Property Owners may record the final plat and obtain building permits from Wasatch County for the construction of the Snowtop Neighborhood as a Wasatch County development, but the irrevocable offers of dedication of designated open space and conservation easements made pursuant to this Section 5.2.1.1 shall continue in force.

Property Owners will not object to or interfere with Park City's efforts to annex the Snowtop neighborhood after the lesser of one year or the completion and/or installation of the infrastructure.

5. Paragraph 5.2.3 is hereby revised to read as follows:

5.2.3 **Slalom Village.** Property Owners will seek to amend the 1991 Density Determination to allow for the development of the Slalom Village Area, with no more than 83 multi-family units (2,400 sq. ft/unit, which shall not be deemed unit equivalents under *Park City Land Management Code*) (of which not less than 60% of the units developed shall be concentrated into a single structure (the "Primary Village Structure")), with support commercial up to five percent (5%) of the gross square footage of the Slalom Village structures and appropriate amenities, all within the Slalom Village development envelope, along with five (5) single-family lots, and a ski chair lift which base terminal may be located in any reasonable location within a 1,100 foot radius of Slalom Village all as depicted in Exhibit "F."

Paragraph 5.2.3.1 is hereby revised to read as follows:

5.2.3.1 **Annexation Procedure for the Slalom Village Area.** Property Owners may submit an application for annexation of the Slalom Village Area at any time. Upon the approval of a final plat or record of survey in Wasatch County for any portion of the Slalom Village Area, but in all cases prior to application for a building permit for any portion of the Slalom Village, Property Owners will deliver to Park City a petition for annexation of the Slalom Village Area to Park City which shall be entitled to expedited

done

review (the Expedited Petition). Any petition for annexation of the Slalom Village Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing shall be four percent (4%) of the total number of units within the Slalom Village Area. At their own discretion, Property Owners' affordable employee housing obligation can be satisfied within any unincorporated area of the Property. The Park City staff and City Council have reviewed Exhibit "F" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the Expedited Petition for annexation, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information requested by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the petition within which to annex the Slalom Village Area. The complete Expedited Petition delivered to Park City as outlined above shall be exclusive to Park City for 120 days, and during such period Property Owners shall not pull building permits or engage in any construction activity except as explicitly described herein. Upon the expiration of the 120 day period, following submission of an Expedited Petition, Property Owners may obtain building permits from Wasatch County for the construction of Slalom Village as a Wasatch County development, but will not object to or interfere with Park City's efforts to annex Slalom Village Area after the lesser of one year or the completion and/or installation of the infrastructure. Park City shall promptly commence and process the annexation review upon complete petition filed by Property Owners.

7. Paragraph 5.2.3.2 is hereby revised to read as follows:

5.2.3.2 **Annexation Agreement.** If Slalom Village is annexed into Park City, then the following conditions of development shall bind the parties: (a) the density of Slalom Village Area shall not exceed 83 multi-family units (maximum 2,400 sq. ft./unit) with support commercial space up to 5% of the gross square footage and appropriate amenities, five(5) single-family lots, (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure at Slalom Village prior to the issuance of a certificate of occupancy for any portion of the Slalom Village Area, (c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) the Property Owners shall irrevocably grant limited conservation easements to the ski run(s) and remaining areas, as so depicted in Exhibit "N." Property Owners shall offer, but Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier. As more fully described in Section 5.2.2.1 above, Property Owners may transfer up to ten (10) single-family and/or multi-family units from the Slalom Village Area to Telemark Park Village outside the eastern perimeter controlled access gate, in exchange for an increase of up to ten (10) multi-family units being added to the Snow Park Hotel Site, upon Park City's consent. 

8. Paragraph 5.2.3.3 is hereby revised to read as follows:

5.2.3.3 **Development Alternatives to Slalom Village.** In the event Property Owners elect not to construct the development described in Section 5.2.3 above, then

Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. The twelve (12) lots shall be platted in Wasatch County and may be recorded within the Slalom Village development envelope with limits of disturbance established by Wasatch County and as generally depicted in Exhibit "S." The Park City staff and City Council have reviewed Exhibit "S," and found said exhibit to be generally acceptable as to density, use and configuration. The twelve (12) single-family lots are in addition to the five (5) lots shown on Exhibits "C" and "F". Property Owners shall have the right to develop the 12 single-family lot subdivision as a Wasatch County development. In the event Property Owners elect to develop the twelve (12) single-family lot subdivision, then Property Owners shall realign and construct Keetley Road as depicted on Exhibit "S," wherein Slalom Village becomes a cul-de-sac that is not accessible from the eastern portion of Keetley Road except via St. Louis Drive.

9. Paragraph 5.2.3.7 is hereby revised as follows:

5.2.3.7 **Ski Academy.** The parties understand and agree that the 20,000 square foot Ski Academy, which Deer Crest Associates I, L.C. may construct at Telemark Park Village (now known as Jordanelle Village Resort), shall be used as an academic athletic institution and/or ski training facility whose students/attendees are expected to reside within the Telemark Park Village and/or Amended Telemark Park Resort (now known as Deer Crest). Alternatively, Property Owners may use the 20,000 square foot Ski Academy or other approved structure in a manner that will result in similar impacts to the area within the Property.

10. Paragraph 5.2.3.10 is hereby revised as follows:

5.2.3.10 Slalom Village Parking. Property Owners may construct no more parking stalls underneath the Slalom Village multi-family unit structure than are required to service that structure as may be required by the appropriate Wasatch County official(s). The parking structure at Primary Village Structure may be accessible from Park City so long as the connection between the parking levels is designed to Park City's reasonable satisfaction in such a manner that sufficiently discourages the tendency to use the Keetley Road as a means of vehicular travel from U.S. 40 to Park City. It is contemplated that such will be accomplished by the construction of a multi-level structure with vertical separation between the east and west parking entrances, and an internal ramping and gate system.

11. Paragraph 5.2.6 is hereby revised as follows:

5.2.6 Telemark Park Village. Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the Telemark Park Village shall contain a density of 188 multi-family units, a 20,000 square foot ski academy and identified commercial space. Property Owners may increase the density of the Telemark Park Village as described in Sections 5.2.2.1 and 5.2.6.2.

12. Paragraph 5.3.1 is hereby revised follows:

5.3.1 Timing of Annexation of Snowtop/Hidden Hollow Area, Roosevelt Gap Development and Slalom Village. As more particularly described in Sections

5.2.1.1, 5.2.2.4 and 5.2.3.1, Property Owners contemplate submitting petitions of annexation, as more fully described herein, for the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area and Slalom Village Area to Park City. With respect to the Snowtop Neighborhood and Slalom Village Area, these development areas will be petitioned for annexation either as agreed, or as platted or surveyed (and depicted in Exhibits "D" and "F") in Wasatch County. Park City shall have a specified number of days in which to annex the area(s) submitted on Expedited Petitions. Park City may, but is not required to, allow Property Owners to pursue not more than two (2) Expedited Petitions for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap Development or the Slalom Village Area concurrently, simultaneously, or within the same time period.

13. Paragraph 5.3.1.2 is hereby revised as follows:

✓ 5.3.1.2 **Track II for Annexation by Park City.** In the event Property Owners are not prepared to record plats or records of survey and have not secured all necessary utilities for the Snowtop Neighborhood Area or Slalom Village Area in Wasatch County, Property Owners may submit petitions for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area or the Slalom Village Area to Park City sequentially, in any order as determined by Property Owners, with no two petitions being considered by Park City for approval simultaneously without prior approval from Park City. After the passage of the time period in which Park City shall have the exclusive right to review and approve a petition for annexation (120 or 180 days as defined herein), Property Owners may submit for review and consideration a second

petition for annexation of any additional annexation area as contemplated herein. If Property Owners request Park City's assistance in securing utility services and/or other development infrastructure for the Snow Top/Hidden Hollow Area or Slalom Village Area, then the annexation period may be extended for an additional six months at Park City's discretion.

14. Paragraph 5.11.1 is hereby revised as follows:

5.11.1 Right to Construct Roads, Ski Runs, Lift and Related Appurtenances.

The parties acknowledge and agree that certain roads, six (6) ski runs, one (1) ski access trail, one (1) ski lift and certain lift and related appurtenances within the areas contemplated for annexation herein are necessary for the development of areas not contemplated for annexation. In the event Property Owners proceed to develop non-annexation areas prior to Property Owners' petition for annexation, Park City agrees not to interfere with the construction of improvements identified below pursuant to Wasatch County approvals and building permits. Such construction shall not alter the Property Owners' obligations, as set forth and contemplated herein, to offer the first annexation of those areas prior to February 2, 1998 (and the last offer no later than October 31, 1998) and to not construct any further infrastructure or improvements within the proposed annexation areas prior to the determination of annexation, as provided in this Settlement Agreement. The roads, utilities, ski runs, ski lifts and related appurtenances which may be constructed prior to any petition for annexation, or any plat or record of survey approved within the annexation areas are depicted on the attached Exhibits "Z-1" and "Z-

2" and are more particularly described in Paragraph 5.11.1.1, 5.11.1.2 and 5.11.1.3, below:

5.11.1.1 **Ski Lift, Ski Runs and Related Improvements.** Deer Crest Associates I, L.C. intends to add ski terrain to Deer Valley Resort for the 1997-98 ski season. To complete the work Deer Crest Associates I, L.C. will commence work in early Spring 1997 before completing any annexation process. Accordingly, Deer Crest Associates I, L.C. may proceed to complete construction of six (6) ski runs and one (1) ski access trail, including grading and widening, plus any utilities and facilities (i.e., Deer Crest Chairlift) located in the areas shown on Exhibits "Z-1" and "Z-2." The acreage of said runs will be approximately 34 acres. Also, Homerun ski trail (portions of which were constructed Summer '96) may be widened and/or constructed consistent with Paragraph 5.11.1.3 below and Exhibit Z-2. The first step will be a "line of sight" survey for the Deer Crest Chair Lift. Construction will include related improvements such as snowmaking/irrigation/fire protection lines (one common "green line") and equipment, electric power to operate the lifts, transformer housings, telephone lines, an inconspicuously placed maintenance/storage building not exceeding 500 square feet, drainage and water quality control devices, etc., as well as a 250 square foot temporary office at the base of the lift for the use by the operator of the ski facilities (not to be used for real estate sales or promotion). Deer Crest Associates I, L.C. may also construct water and sewer lines along the side of the Kid's Delight run adjacent to Lots 1 through 5, water

lines along the side of the Weasel Run to Roosevelt Gap, and the sewer line along the Deer Hollow Run from Roosevelt Gap to Deer Hollow Road.

5.11.1.2 **Other Open Space Improvements.** Deer Crest Associates I, L.C. will construct or restore in the open space and annexation areas contemporaneously with the construction identified in subparagraph 5.11.1.1 above, biking and hiking trails as shown on Exhibit "Z-2," (i.e., restoration and/or construction of super spin and spin cycle).

5.11.1.3 **Roads Serving Non-Annexation Areas.** Deer Crest Associates I, L.C. may proceed with construction of Deer Hollow Road (formerly known as Keetley Road), Summit Drive (formerly known as Little Baldy Road) and Deer Crest Estates Drive (formerly known as St. Louis Drive) all of which access a non-annexation area. Also, Home Run will serve as the temporary secondary access to such areas and may have to be widened in places. Road construction will also include the permanent west gates and gate house as well as utilities (sanitary sewer, water, irrigation, storm water, power, telephone, gas, and cable tv) in the roadway corridors, and improvements associated with the roadways such as retaining walls, guardrails, lighting, signs, and certain utilities that must be placed in the roadway or adjacent open space areas.

5.11.1.4 **Mini-Review Process.** Deer Crest Associates I, L.C. will provide Park City with plans and applications relating to the construction activities provided under this Section 5.11.1, twenty-one (21) days in advance of filing the same with

Wasatch County for Park City's substantive review and comment for conformance with the Settlement Agreement, as amended.

5.11.1.5 Review Fees. Upon submitting any application under 5.11.1.4 Property Owner shall pay all Park City Community Development permit review fees associated with permitted construction activity within the annexation areas.

15. Add new paragraph 5.13 to define terms of timing annexation applications as follows:

5.13 Timing of Annexation Applications. Pursuant to subparagraphs 5.2.1.1, 5.2.2.4 - 5.2.2.6, 5.2.3.1 Deer Crest Associates I, L.C. is obligated to submit complete applications for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap Development Area, and Slalom Village Area. Property Owners may submit an application for annexation to Park City of one or all of these areas at anytime, but shall submit the first application for annexation to Park City of these areas no later than February 2, 1998 and the last application for annexation to Park City of these areas no later than October 31, 1998.

16. Paragraph 7.4 is hereby revised to read as follows:

7.4 Notice. Except where a longer period is provided in Section 5.11.1 above, Deer Crest Associates I, L.C. will provide Park City with copies of plan packages and other processing documents (i.e. building permit applications) to be filed by

Deer Crest Associates I, L.C. in Wasatch County ten (10) days in advance of filing with the County. Upon receipt, Deer Crest Associates I, L.C. will promptly provide Park City with copies of any written communications from Wasatch County in response to such submittals. Deer Crest Associates I, L.C. will attempt to accommodate Park City's comments under Paragraph 5.11.1.4 and this Paragraph 7.4 in the spirit of good faith and cooperation before any submittal is made to Wasatch County. To the extent notice is required by this Agreement, such notice shall be given in writing and personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the parties at the following addresses:

Deer Crest Associates I, L.C.:

c/o LCC Properties Group, L.C.
David M. Luber
Managing Member
136 Heber Ave. Suite 308
P.O. Box 8888
Park City, Utah 840060

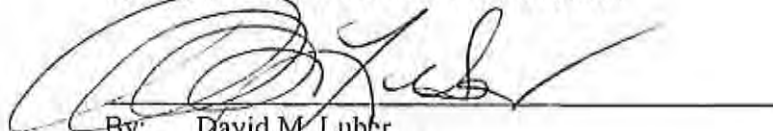
Park City Municipal Corporation

Toby Ross
City Manager
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

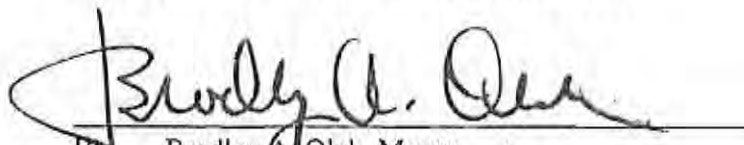
Executed this 8 day of April, 1997.

DEER CREST ASSOCIATES I, L.C.

By: LCC PROPERTIES GROUP, L.C.


By: David M. Lubber
Managing Member

PARK CITY MUNICIPAL CORPORATION


By: Bradley A. Olch, Mayor

ATTEST:


Jan Scott, City Recorder



APPROVED AS TO FORM:


Jodi Hoffman, City Attorney

EXHIBIT "B"

DEVELOPMENT PLAN

SECOND AMENDMENT TO THE TELEMARK PARK SETTLEMENT AGREEMENT

This Second Amendment to the Telemark Park Settlement Agreement (this "Second Amendment") is entered into this 6th day of April, 2001 by and between Hidden Hollow Associates, LLC, a Utah limited liability company ("Hidden Hollow"), Deer Crest Associates I, L.C., a Utah liability company ("Deer Crest") and Park City Municipal Corporation, a political subdivision of the State of Utah ("Park City").

Recitals

A. Pursuant to a Settlement Agreement between Park City Consolidated Mines Company, Inc., a Utah corporation ("Consolidated Mines"), Trans-Wasatch Company, L.L.C., a Utah limited liability company ("Trans-Wasatch"), and Park City dated December 29, 1995 (the "Settlement Agreement"), the parties thereto made reciprocal promises affecting among other parcels, the parcel of land described in Exhibit "A" (the "Hidden Hollow Property").

B. The parties to the Settlement Agreement agreed that four (4) single family Estate lots would be permitted on the Hidden Hollow Property, with building envelopes, configurations, and other features further specified within the Settlement Agreement and its Exhibits.

C. Pursuant to a First Amendment to the Settlement Agreement between Deer Crest, the successor in interest to Consolidated Mines and Trans-Wasatch with respect to a portion of the subject property, and Park City dated April 8, 1997 (the "First Amendment"), the parties thereto made certain revisions of and clarifications to the Settlement Agreement.

D. Deer Crest and Park City approved additional revisions of and clarifications to the Settlement Agreement in December of 1998, but never recorded said amendments in written form. The parties now wish to include those revisions in this Second Amendment (Paragraph 5, below).

E. Hidden Hollow owns the Hidden Hollow Property and is the successor in interest to all of the rights and obligations in the Hidden Hollow Property which resulted from the Settlement Agreement and the First Amendment.

F. Upon Hidden Hollow's application to Park City to subdivide the property, Hidden Hollow expressed its willingness to redesign the subdivision based upon input from the Park City Community Development staff and the Park City Planning Commission. Several of the more visible building envelopes were eliminated, thereby decreasing opportunities for building sites. In exchange for this concession, Park City agreed to allow five (5) single family Estate lots on the Hidden Hollow Property with the building envelopes, configurations, and other features further specified in this Second Amendment.

G. The parties to this Second Amendment wish to amend the Settlement Agreement and the First Amendment to reflect Park City's decision to allow five (5) single family Estate lots on the Hidden Hollow Property with the building envelopes, configurations, and other features further specified in this Second Amendment. Park City wishes to do so without decreasing the total number of lots permitted to the owners of other real property parcels which were subject to the Settlement Agreement.

Agreement

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties to this Second Amendment, intending to be legally bound, hereby agree as follows:

1. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to four (4) single family Estate lots on the Hidden Hollow Property, and references to five (5) single family Estate lots on the Hidden Hollow Property are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraphs 5.2 to 5.2.1.5, inclusive; Exhibit B, "Develop. Density Table"	Paragraphs 2 and 3

2. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to one hundred fifty (150) total single family units lying West of the East Perimeter Gate, and references to one hundred fifty-one (151) total single family units lying West of the East Perimeter Gate are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraph 5.2(e)	Paragraph 2

3. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to five hundred forty-five (545) units, and references to five hundred forty-six (546) units are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraph 5.2	Paragraph 2

Any other references in the Settlement Agreement and First Amendment to unit numbers which should be increased by virtue of the increase in total single family units from one hundred fifty (150) to one hundred fifty-one (151) shall be deemed so increased.

4. The map attached hereto as Exhibit "B" supersedes any inconsistent exhibits contained in the Settlement Agreement and First Amendment for the Hidden Hollow and Snow Top property, including, but not limited to, Settlement Agreement Exhibits "B", "D", "N" and "U" and First Amendment Exhibits "B", "D", "N" and "U". Accordingly, for purposes of the Settlement Agreement, as amended, and development of the Hidden Hollow and Snow Top properties, Exhibit "B" controls over other plats and maps.

5. Paragraph 5.2.2.5 of the Settlement Agreement is hereby deleted, and replaced by the following amended Paragraph 5.2.2.5, approved by the City Council of Park City in December of 1998:

5.2.2.5 Annexation Agreement for Alternative A for the Roosevelt Gap/Snow Park Hotel Area. If the Roosevelt Gap/Snow Park Development Area is annexed into Park City under Alternative A, then the following conditions of development shall bind the parties: (a) the density of the Roosevelt Gap Lodge shall not exceed 105 Park City Unit equivalents; (b) the funicular tramway shall be installed at the earliest opportunity; (c) Property Owners shall make offers of dedication of conservation easements, and shall designate development envelopes, all as depicted in Exhibit "N" attached hereto; (d) the remainder of the Roosevelt Gap/Snow Park Development Area shall be dedicated open space to Park City as depicted in Exhibit "N" attached hereto; and (e) there shall be no overnight parking at Roosevelt Gap Lodge unless the Planning Commission approves overnight parking at Roosevelt Gap Lodge in conjunction with a Master Planned Development of a luxury resort hotel, upon Property Owner's demonstration that the remainder of the Project has been modified to result in no net increase of traffic on the Keetley Road as a consequence of the provision of overnight parking at Roosevelt Gap. The Planning Commission may approve up to 105 overnight parking spaces at Roosevelt Gap without further Council action.

6. Any references within the Settlement Agreement or the First Amendment which are inconsistent with the intent of the parties to this Second Amendment, as set forth in paragraph "G" in the "Recitals" section and paragraphs 1, 2, and 3, above of this Second Amendment, are hereby reformed and shall be construed to be consistent with this Second Amendment.

IN WITNESS WHEREOF, the parties have executed this Second Amendment as of the date first written above.

APPROVED AS TO FORM:

PARK CITY MUNICIPAL CORPORATION


Mark Harrington, City Attorney


By: Bradley A. Olch, Mayor

ATTEST:

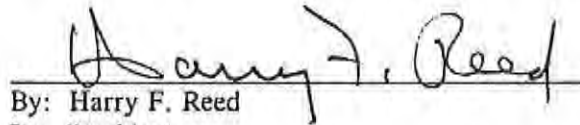

Jan Scott, City Recorder



HIDDEN HOLLOW ASSOCIATES, LLC

By: Skyline Land Company, Inc.

Its: Manager


By: Harry F. Reed
Its: President

DEER CREST ASSOCIATES I, L.C.

By: Grand Harvest Venture, LLC

Its: Manager


By: Angela C. Sabella
Its: Manager

**EXHIBIT "A" To Second Amendment to
Telemark Park Settlement Agreement**

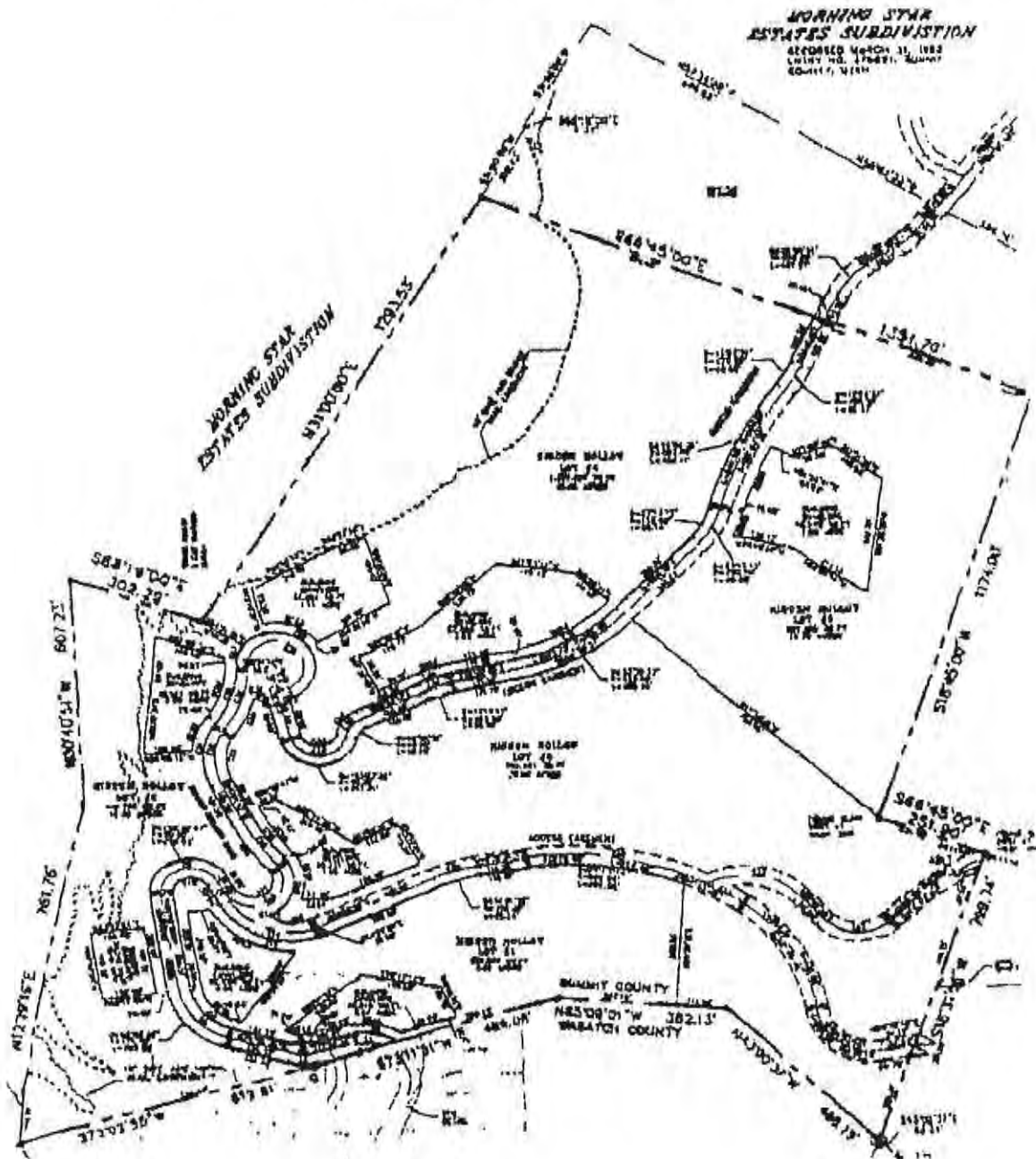
Beginning at a point on the Summit-Wasatch County line, said point being South 0°30'11" West 529.16 feet along the section line and East 5719.73 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 4°33'29" East 142.89 feet; thence North 12°19'16" East 761.76 feet; thence North 0°40'51" West 620.11 feet more or less; thence along the South line of the Republican Mining Claim (MS 4980) South 68°19'00" East 310.72 feet more or less; thence along the East line of the Republican Mining Claim North 31°00'00" East 1281.41 feet more or less; thence along the North line of the Queen Esther No. 5 Mining Claim (MS 6979) South 66°45'00" East 1350.12 feet more or less; thence along the East line of the Queen Esther No. 4 and the Queen Esther No. 5 Mining Claims South 18°45'00" West 1174.00 feet more or less; thence along the North line of the Queen Esther No. 3 Mining Claim South 66°45'00" East 251.90 feet more or less; thence along the East line of the Queen Esther No. 3 Mining Claim South 18°31'53" West 799.74 feet; thence along the Summit-Wasatch County line the following 4 courses: 1) North 43°00'37" West 488.15 feet; thence 2) North 85°09'01" West 382.13 feet; thence 3) South 73°11'51" West 485.08 feet; thence 4) South 73°02'55" West 812.81 feet to the point of beginning.

TOGETHER WITH all rights-of-way and easements appurtenant to such real property set forth in the Declaration of Easements, Covenants and Restrictions, recorded July 1, 1996 as Entry No. 457356 in Book 975 at Page 335 of the official records of the Summit County Recorder.

TOGETHER WITH Water Right No. 35-8833, Certificate No. 3006, as such right is more particularly defined in the records of the Utah Division of Water Rights.

EXHIBIT "B"

To Second Amendment to Telemark Park Settlement Agreement





April 18, 2016

Deer Crest Janna, LLC
500 Mamaroneck Ave, Suite 406
Harrison, NY 10528

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-16-03101
<u>Subject</u>	St Regis Deer Valley
<u>Project Address</u>	2300 Deer Valley Drive
<u>Description</u>	Amended Deer Crest Hotel Conditional Use Permit
<u>Action Taken</u>	Approved as amended at the Planning Commission meeting.
<u>Date of Action</u>	April 13, 2016

On April 13, 2016, the Park City Planning Commission conducted a public hearing and approved an application for an amendment to condition #14 of the June 18, 2009, amended Deer Crest Hotel Conditional Use Permit (CUP), also amending conditions of approval #3 and #4 of the April 23, 2014, amended Deer Crest Hotel CUP regarding timing of construction for Phases 2 and 3 at the Snow Park site. Final action is subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014. The City Council denied an appeal of the April 22nd approval on June 18, 2009.

2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.

3. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.

4. A total of 244 parking spaces are required for the entire CUP, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000, traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the existing parking, with the surface parking lots at Snow Park, is adequate to meet the demands of the existing uses.

5. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

6. A one- year review of the parking and traffic situation, after certificates of occupancy were issued, was conducted by the applicant and presented to the Planning Commission on January 11, 2012 to evaluate actual traffic and parking impacts of this project. No additional issues were raised and the traffic and parking impacts were found to be mitigated as approved.

7. It is the desire of the developer to build this project in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The total density approved for Snow Park is 30.5 UE.

8. During construction of the North Snow Park site when the 56 surfaces spaces are not available and until the north parking structure is complete, there will be a possible shortage of parking spaces at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere/drop off area at Snow Park.

9. Staff has reviewed this application for an amendment to condition of approval #14 (of the 2009 CUP approval) as described in this staff report, and as amended with the April 2014 CUP approval and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended. Staff has also reviewed the request for an amendment to condition of approval #4 of the

2014 amended CUP approval and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended.

10. The surface parking was constructed to the requirements of a permanent surface parking lot, including paved surface, physical dimensions, landscaping, lighting, storm water, and a final finish treatment was applied to the retaining wall as previously conditioned.

11. Staff finds that these amendments provide clarity in terms of construction phasing and provision of an updated parking study.

12. The regulations and language in the Land Management Code regarding Conditional Use Permit review as well as Lot and Site regulations in the Residential Development (RD) District code have not substantially changed since the CUP approval and there has been no change in circumstance of the property that would necessitate submittal of a new Conditional Use Permit application.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.

2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.

3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.

4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.

5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.

2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.

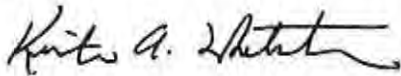
3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), and April 23, 2014, shall continue to apply, with the exception of Condition #14, amended again, with this April 13, 2016 CUP Amendment as follows:

14. The applicant shall submit a complete application and building plans for construction of the Phase 2 parking structure and condominium units at Snow Park South, on or prior to December 31, 2017. If plans are not submitted within this date, the prior CUP approval for Snow Park South shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of such building plans for the Snow Park Site. A complete building permit application for Phase 3 shall be submitted by December 31, 2020.

4. Prior to issuance of a building permit for Phase 2 the applicant shall submit for review by the Planning Department Staff an updated parking study for the St. Regis Deer Valley Hotel and an interim-parking layout, to be approved by the Planning Department Staff, addressing any temporary parking shortages that may occur due to loss of surface parking during construction at Snow Park.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner

Cc File



March 7, 2011

Greg Griffin
Deer Crest Janna, LLC
PO Box 4493
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-11-01189
<u>Subject</u>	2300 Deer Valley Dr. East
<u>Address</u>	2300 Deer Valley Dr. East
<u>Description</u>	CUP for Amenity Club
<u>Action Taken</u>	Approved with Conditions
<u>Date of Action</u>	February 23, 2011

On February 23, 2011, the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the Conditional Use Permit for an Amenity Club at the St. Regis Resort according to the findings of fact, conclusions of law and conditions of approval as follows:

Findings of Fact

1. On February 3, 2011, the City received a complete application for a conditional use permit for an amenities club to be located within the St Regis Resort hotel and to utilize existing hotel amenities, including the restaurant, bar, spa, ski lockers, fitness center, and pool. A total of 195 memberships are requested for the initial one year review period with a limit of 150 members residing outside of the Deer Crest gates. Membership is expected to include owners of units at the St. Regis Resort, homeowners in the Deer Crest residential area, and others from the community. Membership is for singles, couples, and families.
2. This application is reviewed under Section 15-1-10 (E) of the Land Management Code.
3. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
4. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
5. The property is located within the Recreation Commercial (RC) zoning district and is subject to the Deer Crest Settlement Agreement and the revised Deer Crest Hotel CUP as approved by the Planning Commission on April 22, 2009.
6. Amenity Clubs require a Conditional Use Permit in the RC zone.
7. No physical changes are proposed to the existing restaurant, bar, spa, fitness center or pool to increase the posted capacity limits. No exterior changes are

- proposed to the building or site.
8. The applicant provided a parking analysis (Exhibit B) demonstrating that there is adequate parking available for the parking requirements of the Club activities. During the busiest weeks (Christmas and Sundance) when the hotel was at its maximum occupancy the parking use was at 46% of capacity.
 9. The approved Deer Crest Hotel CUP for the St. Regis Resort allows for a total of 146 parking spaces at Roosevelt Gap (105 spaces for overnight use and 41 day use spaces) and 67 valet parking spaces at Snow Park with access to Roosevelt Gap via the funicular. There are 185 parking spaces at the Jordanelle lot serviced by the employee and guest shuttle.
 10. The St. Regis Resort utilizes a guest shuttle service. The shuttle service is available for Amenity Club members for transportation to and from the St. Regis.
 11. The Amenity Club will be operated and managed in accordance with provisions of the Membership Agreement. Access to the Amenity Club uses shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. Restrictions on access to the Hotel and parking requirements that are consistent with the conditions of approval of the Deer Crest Hotel CUP will be spelled out in the Membership Agreement.
 12. The St Regis hotel has a total of approximately 225 pillows. One or two additional employees are anticipated for the Club.
 13. No additional signs or lighting are proposed with this application.
 14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned is consistent with the Park City General Plan.
3. The Use, as conditioned is compatible with 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. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1, 10 review criteria for Conditional Use Permits.

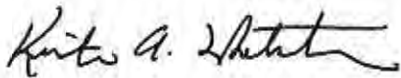
Conditions of Approval

1. A Membership Agreement shall be reviewed and approved by the City, as to form and compliance with the conditions of approval, prior to commencing operation of the Amenity Club. Access shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. The Agreement shall reiterate conditions of approval of the Deer Crest Hotel CUP regarding access to the hotel and parking requirements and restrictions.
2. The applicant is responsible for management of the club and enforcement of the Membership Agreement.
3. The applicant stipulates to a condition of approval limiting this Conditional Use Permit approval to a maximum of 195 memberships with a limit of 150 memberships allowed for members residing outside of the area bounded by the Deer Crest gates.

4. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
5. All conditions of approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.
6. The applicant shall submit to the City Planning Department for review by the Planning Commission, a one-year review of the club, including the use, operation, membership, parking and traffic impacts, and a summary of complaints received regarding impacts of the club on the hotel operations, guests and owners of adjacent or nearby property. In the event that such review reveals impacts that have not been sufficiently mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5066 or kirsten@parkcity.org.

Sincerely,



Kirsten Whetstone
Senior Planner



Building • Engineering • Planning

June 26, 2009

Deer Crest Janna, LLC
PO Box 4151
Suite 325
Park City, UT 84060

NOTICE OF CITY COUNCIL ACTION

Project Name: Deer Crest Hotel CUP- amendment
Project Description: Request to 1) amend condition of approval #3 regarding parking at Snow Park and 2) revise phasing at Snow Park
Date of Action: June 18, 2009

Action Taken by City Council: The City Council upheld the Planning Commission approval and **APPROVED** the amendment to a conditional use permit for 2300 Deer Valley Drive, the Deer Crest Hotel CUP, according to the following findings of fact, and conclusions of law.

Appeal A (submitted by Jeri Rice, Deer Crest home owner)

Findings of Fact:

1. The subject property is located at 2300 Deer Valley Drive.
 2. On February 28, 2001, the Planning Commission approved the Deer Crest Hotel Conditional Use Permit (formally known as the Rosewood CUP). The CUP was subsequently amended on July 25, 2001; March 24, 2004; and May 11, 2005.
 3. On December 2002 a grading and soil nail wall permit was issued for Roosevelt Gap. This work was completed in the fall of 2003. On September 22, 2005, building permits were issued for grading and shoring/retaining wall construction at Snow Park. Footings and foundation permits were issued on June 7, 2006. The shell permit was issued on January 26, 2007 and the full building permit was issued for construction of the hotel in October of 2007. The hotel has been under construction for approximately 6 ½ years.
 4. On October 15, 2008, the applicants submitted a request to amend and clarify conditions of the May 11, 2005, CUP approval regarding structured parking at Snow Park (Exhibit A) related to timing of issuance of certificates of occupancy and phasing of construction at Snow Park. The applicants specifically requested an amendment to condition of approval #3 to allow issuance of certificates of occupancy for the Roosevelt Gap units based on completion of a surface parking lot at Snow Park, rather than completion of
- Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906

the parking structure. The applicant proposed the following amendments to Condition #3 of the May 11, 2005 amended CUP:

3. No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking structure lot at the North Snow Park site is complete and approved for occupancy.
5. On April 22, 2009, the Planning Commission conducted a public hearing and approved the specific amendment as described in Finding #4 for the Deer Crest Hotel CUP.
6. On April 30, 2009, two appeals, one by Jeri Rice, homeowner in Deer Crest Estates Subdivision, and a second by Powder Run at Deer Valley Owner Association were received by the Park City Recorder. Both appellants are represented by attorney, Eric P. Lee, who submitted the appeals.
7. Pursuant to Land Management Code (LMC) Section 15-1-18, Appeals and Reconsideration Process- final actions by the Planning Commission on CUPs may be appealed to the City Council. Appeals must be made within ten calendar days of the Final Action (LMC 15-1-18(E)). Both appeals were filed within the ten day required time limit.
8. Staff duly and properly noticed this appeal hearing by placing a legal advertisement in the Park Record, posting required notice, and sending written notice as a courtesy to adjacent and affected property owners.
9. The italicized staff responses above to the Substance of Appeals are hereby incorporated as findings as fact.
10. On June 18, 2009, the City Council conducted a quasi judicial hearing to review the appeal.

Conclusions of Law

1. The Planning Commission was correct in approving an application to amend the Deer Crest Hotel CUP.

Order

1. The appeal from Jeri Rice, filed with the Park City Recorder on April 30, 2009, is denied.

Appeal B (submitted by the Powder Run HOA) – this appeal was withdrawn prior to the meeting.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or send an e-mail to Kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner



May 15, 2006

Park City Municipal Corp
Attn. Kirsten Whetstone
455 Marsac Avenue
Park City UT 84060

RE: Deer Crest Hotel – CUP Condition # 16 Parking Plan

Dear Kirsten,

In response to your questions and comments in your e-mail of April 17, 2006 relating to the parking plan referenced in Condition #16 of the May 2005 CUP for the Deer Crest Hotel, we have prepared this letter which incorporates some additional information in order to answer your questions and provide more clarity concerning the proposed management of the parking needs for the project. Please be advised that information described herein is based on data included in a draft version of the Parking and Traffic Analysis being prepared by IBI, and that adjustments to this information may occur when the Analysis is finalized.

Traffic Trip Estimates

It is currently anticipated that peak hour traffic will consist of approximately 25-30 trips through the Queen Esther Gate and approximately 20-25 vehicles on Deer Hollow Drive. Peak Day traffic volumes are estimated at 250-270 and 240-260 vehicles through the Queen Esther Gate and Deer Hollow Drive respectively. These traffic estimates are based on the sum of both incoming and outgoing traffic.

Employee Projections

It is anticipated that the hotel will employ approximately 280-290 employees across all shifts, comprising 15-20 management employees using on-site parking and 260-270 regular employees using off-site parking. It is anticipated that the peak shift will include up to approximately 140 regular employees including management employees. Most of these employees will be assigned to work at the Roosevelt Gap building. It is anticipated that 50% of the management employees will park at Snow Park and 50% at Roosevelt Gap.

Special Events and Multi Use Parking

The hotel will host various functions as part of its regular operations. It is anticipated the larger events will occur in the evening hours. The Deer Crest resort also hosts a ticket sales location and day skier parking at the Deer Valley Gondola. Because these two parking demands peak at different times, the long term parking plans for the Deer Crest area are to provide a multi use shared parking area for both day skiers and special event needs in the Jordanelle Village area. This shared parking area is not finalized in its configuration but a concept drawing was provided with our April 11, 2006 letter.



Parking On Site

Parking is currently designed for approximately 233 on site parking spaces. This includes 142 at Roosevelt Gap and 91 at Snow Park.

<u>Roosevelt Gap</u>	<u>Snow Park Phase 1</u>	<u>Snow Park Phase 2</u>
55 basement level garage	33 basement garage	16 level 1 garage
69 lower level garage	23 main level garage	19 level 2 garage
2 in the loading dock	<u>10 surface parking</u>	<u>-10 surface parking</u>
8 in the porte-cochere	66 Total phase 1	25 net increase Phase 2
<u>8 at the cooling towers</u>		
142 Total R Gap		

Parking Off Site

Off site employee parking needs are estimated at 120-130 spaces. These off site parking needs are currently anticipated to be provided in the Jordanelle Village Area as described on our letter of April 11, 2006. Most employees will be expected to park off site. During the smaller employee shifts, the additional parking will be available for use as determined by the hotel operator. In addition to the offsite employee parking to be provided for employee needs, current plans are to provide approximately 300 multi use parking to be shared between day skiers, residents and special event needs.

Shuttle Services

During busy days, shuttles will be operated regularly to transport employees and guests from offsite parking areas to the hotel. Shuttles will also be available to move people between Snow Park and Roosevelt Gap. On less busy days, the shuttle schedule will be dependent upon demand, as determined by Hotel Management.

Parking Enforcement

Peak parking uses within the Snow Park and Roosevelt Gap buildings will be controlled by hotel operations by the use of valet parking. The parking structures at both buildings will be controlled by automatic gates. The residence owners will have access to the garage because they will have assigned parking stalls. All other access to the parking garage will be controlled through the valet service.

Updated Traffic Study

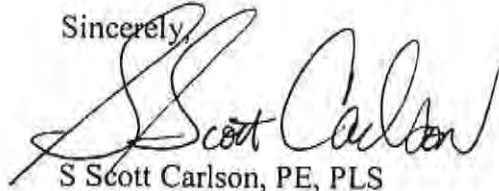
As mentioned previously, Deer Crest is in the process of obtaining an updated traffic study to address current development conditions. This study is expected to compare current projections with previous studies and to discuss the reasons for any modifications. The study will provide more details on peak parking demand, employee parking in general and at Jordanelle, special event parking, and parking enforcement within the parking structure

Deer Crest Parking Plan
DC Hotel CUP Condition 16
May 15, 2006
Page 3 of 3

consistent with the requirements of the CUP Condition #16. This study will provide the foundation for the ongoing parking plan.

If you have any further questions, please contact either me or Tom Ellison. Tom can be reached at (801) 578-6957. Thank you for your attention to this matter.

Sincerely,



S Scott Carlson, PE, PLS
Twin Peaks, P.C.

cc: Greg Perry
Tom Ellison
Mark Taylor
Lynda Fetter
Peter Pillman



May 23, 2005

Mark Taylor
Deer Crest Associates I, L.C.
PO Box 4151
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Amended Conditional Use Permit for Deer Crest Hotel at Snow Park and Roosevelt Gap parcels of the Deer Crest Properties MPD, known as the Deer Crest Hotel CUP (St. Regis Resort at Deer Crest)

Project Address: 2300 Deer Valley Drive

Date of Action: May 11, 2005

Action Taken by Planning Commission: The Planning Commission approved the amended Deer Crest Hotel CUP, in accordance with the Conditions of Approval as stated below:

Conditions of Approval

1. All standard project conditions shall apply (Exhibit A).
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. No certificates of occupancy for the Deer Crest Hotel shall be issued until the funicular is fully operational and the parking structure at the Snow Park site is complete and approved for occupancy.
4. A final exterior lighting and landscaping plan shall be submitted to and approved by the Planning Department prior to issuance of any full building permits. All exterior lighting shall conform to requirements of the City's lighting ordinance and shall be subdued in nature.
5. The applicant shall submit architectural details and materials to the Planning Commission for review and approval prior to the issuance of full building permits. Those materials reviewed and approved by the Planning Commission shall constitute exhibits as part of this conditional use approval.
6. A detailed review against specific requirements of the Uniform Building and Fire Codes is a condition precedent to issuance of a building permit. As a condition precedent to the issuance of

any building permits, the developer shall provide the Chief Building Official with information regarding all existing mine shafts that could complicate foundation construction.

7. A Construction Mitigation Plan (CMP) submitted to and approved by the Planning, Building, and Engineering Departments is required prior to issuance of any building permit. The CMP shall address construction phasing, staging, storage, circulation, parking, delivery, re-vegetation of disturbed areas, temporary signs and lighting, dust, mud, and dirt, and clean water standards if applicable. The CMP shall also call for disposal of all excavated materials to be on Deer Crest property hauled via the shortest feasible route. A limit of disturbance plan shall be submitted as part of the CMP. The CMP shall address maintenance or rerouting of existing pedestrian and trail access during construction. The CMP shall include a detailed phasing plan and an interim-landscaping plan, as necessary to re-vegetate and landscape disturbed areas.

8. A financial guarantee, in a form and amount acceptable to the City, for the value of all public improvements, pedestrian amenities and trails, and landscaping (including all landscaping required to re-vegetate and re-landscape all roads, utility installations and trails) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

9. A final record of survey plat must be submitted to the City for review and approval by the City Council and must be recorded at the County prior to closing on any sale of individual condominium unit. The record of survey plat shall address compliance with the ADA, including the potential for all ADA compliant units to be indicated on the record of survey plat as common space in perpetuity. Conditions, Covenants, and Restrictions for this development shall be submitted to the City Attorney for review and approval and shall be recorded at the time of record of survey plat recording.

10. A final subdivision plat (currently in the process of being recorded at Summit and Wasatch Counties) must be reviewed and approved by the Planning Commission and City Council and recorded prior to issuance of a footing and foundation permit.

11. Any change in the access location at the Snow Park site may require additional easements and agreements with the adjacent property owners. These easements shall be in place prior to issuance of any building permits for the relocated access drive.

12. All signs for this project shall comply with the Park City sign code. All signs shall be on-premise. Each sign requires a sign permit, reviewed and approved by the Planning and Building Departments prior to installation. The Planning Director prior to the issuance of individual sign permits shall approve a master sign plan.

13. The City Engineer shall review and approve all associated access, utility, public improvements, grading, and drainage plans for compliance with City standards as a condition precedent to building permit issuance and subdivision plat recordation. The final utility plans shall be consistent with the preliminary utility plan on file with the City.

14. The Snyderville Basin Sewer Improvement District's review and approval of the sewer plans is a condition precedent to final plat recording and building permit issuance.

15. The Jordanelle Special Service District's review and approval of sewer plans and water plans for the Roosevelt Gap site and an inter-local agreement for water service, as necessary for the Snow Park Site is a condition precedent to final plat recording and building permit

issuance. Prior to building permit issuance the applicants shall provide will serve letters from both the Snyderville Basin Sewer District and the Jordanelle Special Service District. As a condition precedent to the issuance of any building permit for the Deer Crest Hotel CUP the State Engineer shall sign off on any water transfer requests, if required. If necessary, the Snow Park site shall be formally de-annexed from the Park City water district by the applicant. If the City agrees to provide water service, in whole or in part to the Snow Park site, all water issues related to that service, including water capacity, pressure, fire flows, utility easements, etc. shall be resolved prior to issuance of any building permits or plat recordation.

16. The final parking plan will be reviewed and approved by the Planning Department prior to issuance of any foundation building permits and shall be consistent with the traffic and parking study approved by the Planning Commission on February 28, 2001 and March 124, 2004. The parking plan shall provide details on peak parking demand, employee parking in general and at Jordanelle, special event parking, and parking enforcement within the parking structure.

17. A shuttle system shall be in place and operational prior to issuance of any certificates of occupancy for the hotel. The shuttle system is a condition of approval and the Conditional Use Permit shall be considered void if the shuttle system is terminated unless alternative transportation and parking plans are reviewed and approved by the Planning Commission as an amendment to the CUP.

18. A one-year review of the parking and traffic situation, one year after certificates of occupancy are issued for the hotel, shall be conducted by the staff and presented to the Planning Commission. Modifications to the parking and/or traffic plan may result from the review. Further annual reviews may be required. In addition, any change of unit configuration or form of ownership which increases parking demands or traffic, beyond that considered in the December 12, 2000, Sear-Brown traffic and parking study, and amended with the March 10, 2004 plans, shall require subsequent Planning Commission review and approval.

19. Final location and dimensions of all trails must be delineated in their approximate locations on the final plat with guarantees for completion in place prior to granting any building permits for construction.

20. Final approval regarding snow shedding from roofs and porches will be granted after the Chief Building Official reviews the final architectural and structural plans and finds them in compliance with the City's snow shedding requirements. Final approval for the funicular will be granted only after the Chief Building Official reviews the plans for compliance with all applicable Building Codes.

21. The Deer Crest affordable housing plan, approved by the Planning Commission on December 21, 2001, shall remain in full force and effect unless amended and approved by the Planning Commission. No certificates of occupancy shall be issued for this Deer Crest Hotel CUP until all affordable housing obligations (10% of the approved u.e.'s) have been satisfied for each phase, ie. in-lieu fees paid and any built units certified for occupancy. Phase I in the approved affordable housing plan shall mean the Roosevelt Gap site and Phase II shall mean the Snow Park site.

22. All retaining walls shall be pedestrian in scale and consistent with the Park City Design Guidelines. Retaining walls should be compatible in form, scale, and materials with the architectural details and materials of nearby buildings. Stepping of retaining walls and landscaping shall be incorporated into the design.

23. All mechanical equipment and vents shall be screened for both visible and audible impacts.

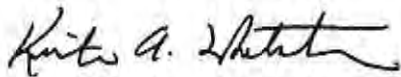
24. All loading and unloading delivery areas shall be screened from view of adjacent property and public right-of-way. Detailed plans shall be reviewed and approved by the Planning, Engineering, and Building Departments prior to issuance of building permits.

25. A phasing plan shall be reviewed by the City prior to the issuance of a footing and foundation permit to ensure that any phase constructed stands on its own in terms of architecture, design, utilities, trails and circulation, landscaping, parking, and access and is consistent with the approved CUP, in the interim of construction of the remaining phases. The phasing plan shall address maintaining public access to the trail system during construction, subject to the Chief Building Official's approval and closures due to health, safety, and welfare.

26. At the time of building permit submittal, the plans shall include a landscape and irrigation plan detailing the landscape, or other temporary finish treatment of the top of the north parking structure, to be approved by the City prior to issuance of a building permit.

If you have any questions or concerns, please do not hesitate to call me at 435-615-5066.

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, AICP
Senior Planner
Cc. file



Ordinance No. 98-53

**AN ORDINANCE ANNEXING APPROXIMATELY
253 ACRES OF THE DEER CREST PROPERTY
LOCATED ADJACENT TO DEER VALLEY
INTO THE CORPORATE LIMITS OF PARK CITY, UTAH**

WHEREAS, a petition was filed by Deer Crest LLC requesting Park City to annex a portion of the Deer Crest Project (the Property, Exhibit A) to the City on July 10, 1998;

WHEREAS, the petition was determined to be complete upon receipt of the required fiscal impact analysis on August 21, 1998;

WHEREAS, the petition is generally consistent with the 1995 Settlement Agreement which applies to the property;

WHEREAS, the Planning Commission conducted a public hearing on August 26, 1998 and forwarded a positive recommendation on the requested annexation on September 23, 1998;

WHEREAS, the annexation petition was accepted by the City Council on September 24, 1998 and certified by the City Recorder on October 21, 1998;

WHEREAS, the City Council conducted a public hearing on December 3, 1998;

WHEREAS, the Property is not included within any other municipal jurisdiction and there have been no protests filed by any other jurisdictions;

WHEREAS, Park City and Wasatch County have negotiated the Deer Crest Interlocal Agreement relating to the Property;

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

SECTION 1. ANNEXATION. The property is hereby annexed to the corporate limits of Park City, Utah according to the annexation and zoning plat executed in substantially the same form as it is attached hereto as Exhibit A. The Property so annexed shall enjoy the privileges of Park City and shall be subject to all City levies and assessments as described in the terms of the 1995 Settlement Agreement (as amended) and the Deer Crest Interlocal Agreement between Wasatch County and Park City. The Property shall be subject to all City laws, rules and regulations upon the effective date of this ordinance.

SECTION 2. COMPLIANCE WITH STATE LAW. This annexation, in the judgement of Park City, meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code.

SECTION 3. GENERAL PLAN CONSISTENCY. This annexation is consistent with the Park City General Plan.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect upon recordation of the annexation plat.

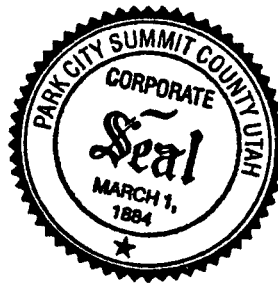
DATED this 17th day of December, 1998

PARK CITY MUNICIPAL CORPORATION

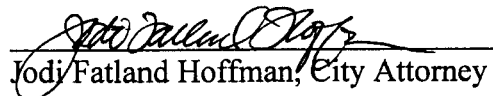

BRADLEY A. OLCH, MAYOR

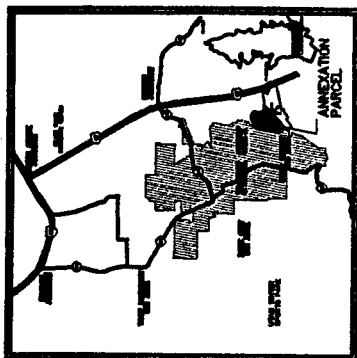
ATTEST:


Jan Scott, City Recorder



APPROVED AS TO FORM:


Jodi Fatland Hoffman, City Attorney

[illegible]

UNDERSTAND THE CONCEPT

JACK DEMON, DO HENRY CERRY THAT I AM A RESPECTABLE LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 14704 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LIMA, DECEMBER OF THE ASSOCIATION AND THAT THE INFORMATION SHOWN ON THIS PLAT IS CORRECT BASED UPON THE BEST INFORMATION AVAILABLE TO ME.

MONITORING

1

ANNEXATION PLAN for
DEER CREST PROPERTIES
LYING WITHIN WASATCH COUNTY, UTAH

LOCATED IN SECTIONS 14, 15, 22 AND 23 OF
TOWNSHIP 8 SOUTH RANGE 4 EAST.
SALT LAKE BASIN AND MERIDIAN

RECORDED

IN _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER

**THE JACK
JOHNSON
COMPANY**

1310 Prospector Avenue • Park City, Utah 84060
Phone 435-2000 • Fax 435-2001 • 1997-1998

RECEIVED

DEC 11 1998

PARK CITY
PLANNING DEPT

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____
DAY OF _____, 19____, A.D.

CITY ATTORNEY

ENGINEER

APPROVED AND ACCEPTED BY THE
PARK CITY ENGINEERING DEPARTMENT
ON THIS _____ DAY OF _____
19 _____

BEYOND APO

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY
COUNCIL THIS _____ DAY OF _____
19 __, A.D., AT WHICH TIME THIS ANNEXATION
PLAT WAS APPROVED.

QUALITY

VEGETABLES ARE



00548173 Bk01286 Pg01149-01151
9-24 CW
ALAN SPRIGGS, SUMMIT CO RECORDER
1999 SEP 09 09:26 AM FEE \$.00 BY DMG
REQUEST: PARK CITY MUNICIPAL CORP

Ordinance No. 98-52

**AN ORDINANCE ANNEXING, APPROXIMATELY
84 ACRES OF PROPERTY KNOWN AS HIDDEN HOLLOW
LOCATED ADJACENT TO DEER VALLEY
INTO THE CORPORATE LIMITS OF PARK CITY, UTAH**

WHEREAS, a petition was filed by Hidden Hollow Associates, LLC requesting Park City to annex Hidden Hollow (the Property, Exhibit A) to the City on July 22, 1998;

WHEREAS, the annexation request is consistent with the 1995 Settlement Agreement which applies to the property;

WHEREAS, the property will be served with sewer and water by the Jordanelle Special Improvement District (JSSD) and all road maintenance will be the responsibility of the owners;

WHEREAS, the Planning Commission conducted a public hearing on August 26, 1998 and forwarded a positive recommendation on the requested annexation on September 23, 1998;

WHEREAS, the annexation petition was accepted by the City Council on September 24, 1998 and certified by the City Recorder on October 21, 1998;

WHEREAS, the City Council conducted a public hearing on December 3, 1998;

WHEREAS, the Property is not included within any other municipal jurisdiction and there have been no protests filed by any other jurisdictions;

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

SECTION 1. ANNEXATION. The property is hereby annexed to the corporate limits of Park City, Utah according to the annexation plat executed in substantially the same form as it is attached hereto as Exhibit A. The Property so annexed shall enjoy the privileges of Park City and shall be subject to all City levies and assessments as described in the terms of the 1995 Settlement Agreement (as amended). The Property shall be subject to all City laws, rules and regulations upon the effective date of this ordinance.

SECTION 2. COMPLIANCE WITH STATE LAW. This annexation, in the judgement of Park City, meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect upon recordation of the annexation plat.

DATED this 17th day of December, 1998

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

ATTEST:

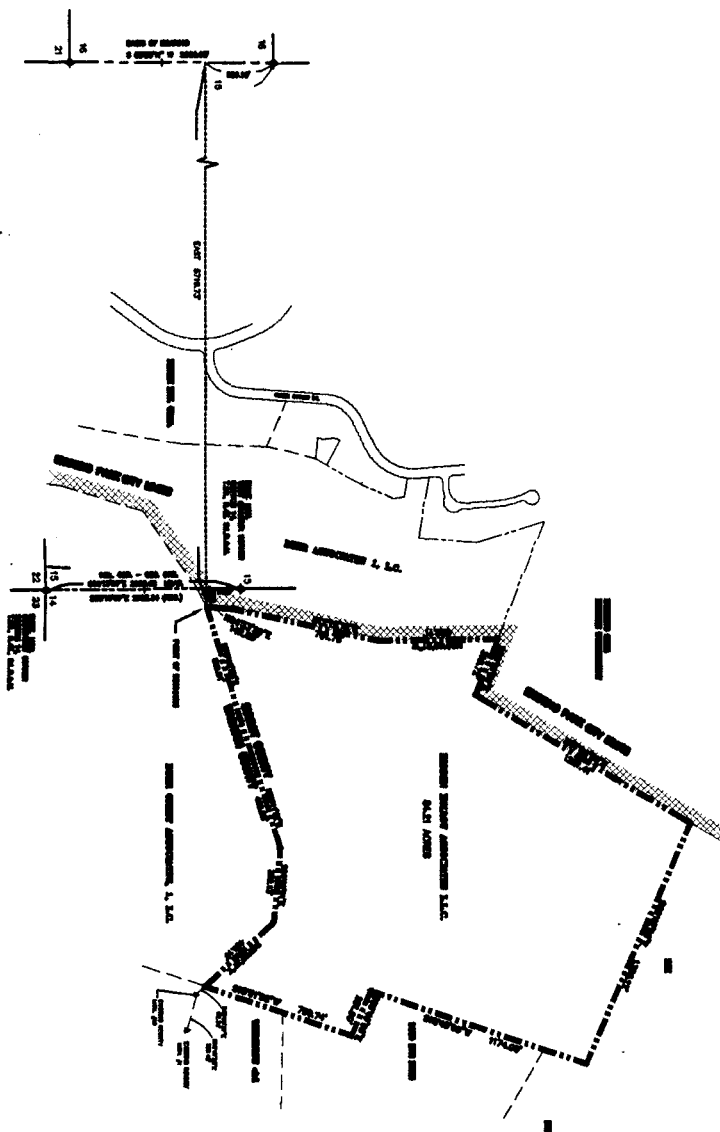

Janet M. Scott, City Recorder



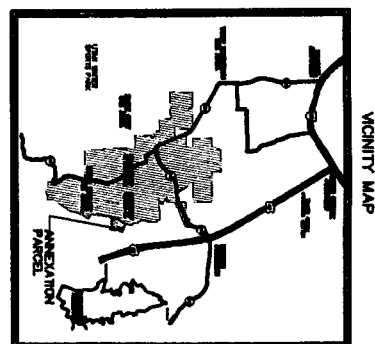
APPROVED AS TO FORM:


Jodi Fatland Hoffman, City Attorney

00548173 Bk01286 Pg01150



00548 173 Bk01286 Pg01151

[illegible]

REGISTERED CERTIFICATE.
I, JACK JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 14358 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LEGAL DESCRIPTION OF THE AMERICAN AREA, AND THE INFORMATION SHOWN ON THIS PLAT IS CORRECT BASED UPON SAID LEGAL DESCRIPTION.

DA

Volume 10

ANNESTON PLANT & PARK CITY
HIDDEN HOLLOW TRAINING DEPT.
LIVING WITHIN STUART COUNTY, GA.
LOCATED IN THE BEST HUNTING & SCOUTING AC.
TOWNSEND & SCOTT, HUNTERS & SCOUTS.
SALT LICK RISE AND BURNING

DEC 11 1998

RECEIVED

CITY COUNCIL APPROVALCITY ENGINEERCITY PLANNING COMMISSION

APPROVAL AS TO FORM

RECORDED

THE JACK



Ordinance No. 98-51

**AN ORDINANCE AMENDING THE ZONING MAP OF PARK CITY
TO INCLUDE THE DEER CREST ANNEXATION AREAS
LOCATED ADJACENT TO THE CURRENT CORPORATE BOUNDARIES
OF PARK CITY, UTAH**

WHEREAS, Deer Crest LLC petitioned to annex a portion of the Deer Crest project to the City; and

WHEREAS, the annexation is consistent with the 1995 Settlement Agreement between Park City and the property owners; and

WHEREAS, the Planning Commission held a public hearing on August 26, 1998 and forwarded a positive recommendation to the City Council on the Annexation and Zoning on September 23, 1998; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code and Utah State Law; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, on December 3, 1998, the City Council held a public hearing to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to amend the Official Zoning Map of Park City to include the property within the City's regulatory boundary.

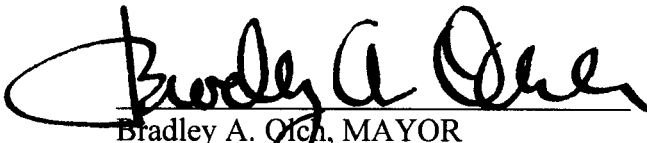
NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. Zoning Map Amended. The Zoning Map of Park City as adopted by section 1.9 of the Park City Land Management Code, is hereby amended to include the annexed portions of the Deer Crest project as depicted in Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon recordation of the annexation plat.

PASSED AND ADOPTED this 17th day of December 1998.

PARK CITY MUNICIPAL CORPORATION


Bradley A. Orr, MAYOR

ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:

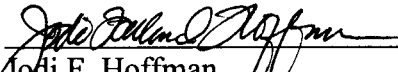
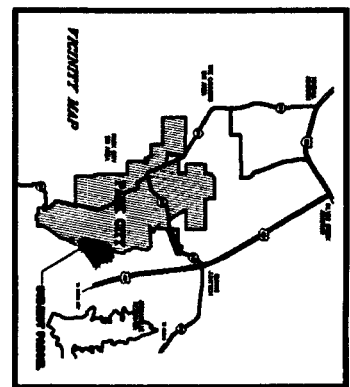
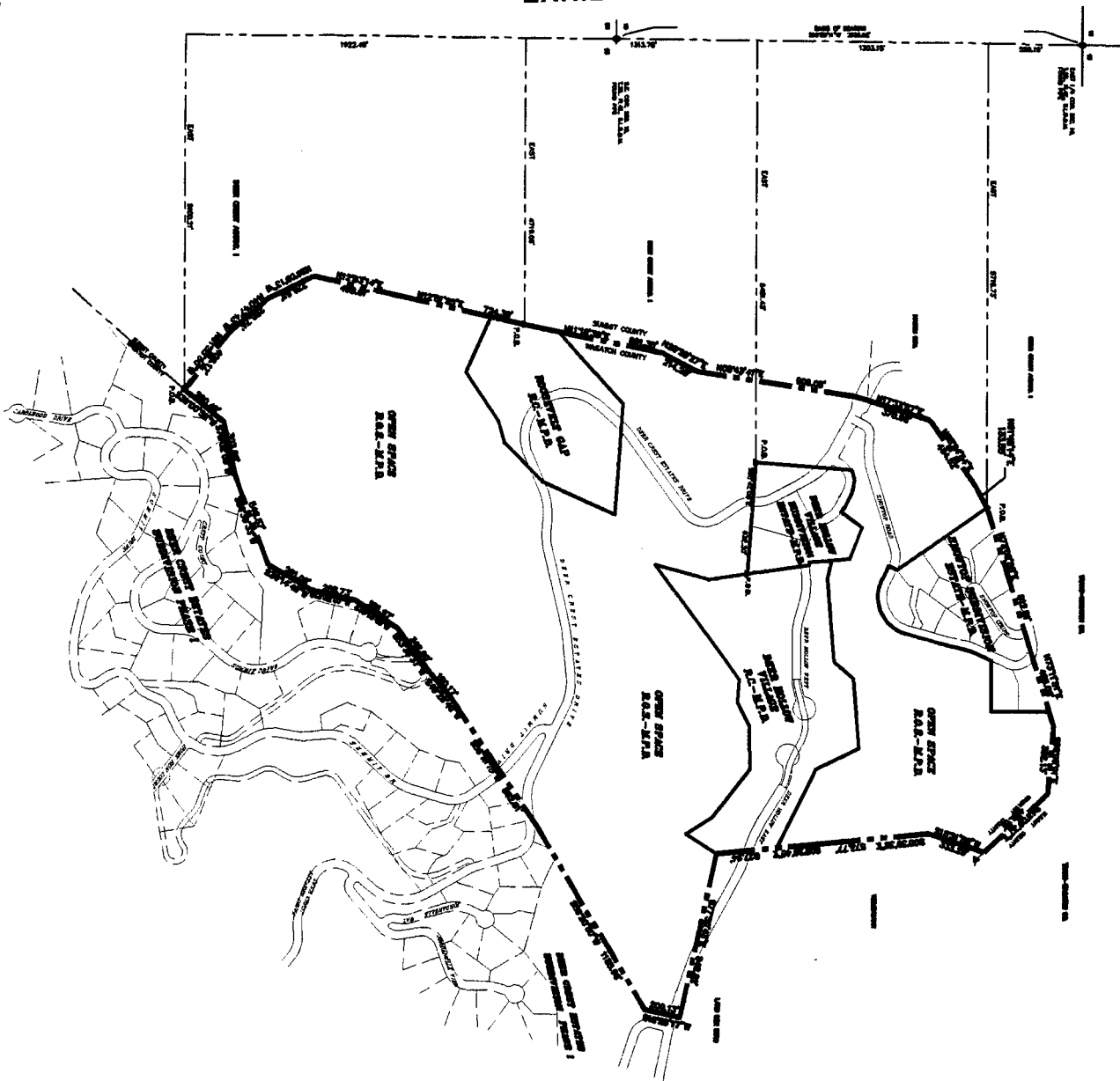

Jodi F. Hoffman



EXHIBIT A



GENERAL INFORMATION:

This map is a plan of the land within the boundaries of the City of Park City, Utah, and is intended to show the zoning designations for the land. The map is based on the official zoning map of the City of Park City, Utah, and is intended to show the zoning designations for the land. The map is based on the official zoning map of the City of Park City, Utah, and is intended to show the zoning designations for the land.



LEGEND:

RES - RESIDENTIAL DEVELOPMENT
 COM - COMMERCIAL DEVELOPMENT
 IND - INDUSTRIAL DEVELOPMENT
 AGR - AGRICULTURAL DEVELOPMENT
 PLE - PLEASURE DEVELOPMENT
 M - MOUNTAIN DEVELOPMENT

**PARK CITY
 DEER CREST PROPERTIES**

SAVING EXHIBIT MAP, AS
 LIVING WITHIN VASLAVE COUNTY, UTAH
 LOCATED IN SECTION 14, T.4N.37R AND 38
 TOWNSHIP & SOUTHERN PLANNING & LAND
 SLAT LANE BLVD AND HIGHLAND

RECEIVED

DEC 11 1998

PARK CITY
 PLANNING DEPT.

**DEER CREST - PARK CITY
 ZONING EXHIBIT MAP**

FOR DEER CREST ASSOC.

JOB NO. 314568.05

DATE 12/09/98

BY

DATE 12/09/98
 BY R. SORENSON
 CHECKED BY R. SORENSON

DATE	BY	REVISION
		COMMENTS

THE JACK JOHNSON COMPANY

1777 Sun Peak Drive • Park City, UT 84302
 (801) 646-0000 • fax (801) 646-0001



Ordinance No. 98-50

**AN ORDINANCE AMENDING THE ZONING MAP OF PARK CITY
TO INCLUDE HIDDEN HOLLOW
LOCATED ADJACENT TO THE CURRENT CORPORATE BOUNDARIES
OF PARK CITY, UTAH**

WHEREAS, Hidden Hollow Associates, LLC petitioned to annex a project to the City; and

WHEREAS, the annexation is consistent with the 1995 Settlement Agreement between Park City and the property owners; and

WHEREAS, the Planning Commission held a public hearing on August 26, 1998 and forwarded a positive recommendation to the City Council on the Annexation and Zoning on September 23, 1998; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code and Utah State Law; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, on December 3, 1998, the City Council held a public hearing to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to amend the Official Zoning Map of Park City to include the property within the City's regulatory boundary.

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

SECTION 1. Zoning Map Amended. The Zoning Map of Park City as adopted by section 1.9 of the Park City Land Management Code, is hereby amended to include Hidden Hollow as depicted in Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon recordation of the annexation plat.

PASSED AND ADOPTED this 17th day of December 1998 .

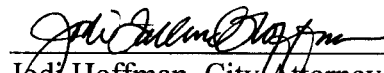
PARK CITY MUNICIPAL CORPORATION


Bradley A. Olson, MAYOR

ATTEST:


Janet M. Scott, City Recorder

APPROVED AS TO FORM:


Jodi Hoffman, City Attorney





U.S.A. - WATER PLANTED DEVELOPMENT
R.O.S. - RECREATION OPEN SPACE
R.L. - RECREATION CONSTRUCTION

**PARK CITY
ZONING EXHIBIT MAP FOR
HIDDEN HOLLOW
LYING WITHIN SOUTHWEST CORNER, 0718
LOCATED IN THE WEST HALF OF SECTION 14,
TOWNSHIP 3 NORTH, RANGE 4 EAST,
STATE LAND BASE AND NEARBY**

~~DEC 11 1998~~

PARK CITY
PLANNING DEPT.

**THE JACK
JOHNSON
COMPANY**

1777 Sam Peck Drive • Park City, Utah 84098
(801) 646-8000 • Fax (801) 646-1878

Planning Commission Staff Report



Application: PL-16-03338
Subject: B2 East Subdivision
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: February 8, 2017
Type of Item: Legislative – subdivision plat

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and forward a positive recommendation to City Council regarding the B2 East Subdivision pursuant to the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Description

Owner: REDUS Park City LLC
Applicant: Alliance Engineering (representing owner)
Location: 9300 Marsac Avenue within the Pod B2 Empire Pass Master Planned Development (MPD)
Zoning: Residential Development (RD-MPD) District, subject to the Flagstaff Annexation and MPD and Pod B2 Empire Pass MPD
Adjacent Land Uses: Deer Valley Resort, Empire Day Lodge, Montage Hotel and Residences, and open space areas.

Proposal

This is a request for a final subdivision plat (Exhibit A) to create a platted lot of record for a 7.85 acre metes and bounds described parcel located within the Empire Pass Pod B2 Master Planned Development, approved by Planning Commission on March 14, 2007. The lot has frontage on Marsac Avenue (State Highway 224). No new public or private streets are proposed. The subdivision consists of a 6.91 acre Lot 1, for future development of 81 UE of residential condominiums, and a 0.94 acre Parcel A. Existing recorded and proposed utility, snow storage, storm water, and access easements are shown on the plat. No density is assigned to Parcel A that is to be used in connection with Deer Valley Resort and similar activities.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development

Agreement (Agreement) was amended and recorded in March 2007(Exhibit B).

The 2007 Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units does not exceed 60. The Mountain Village is also allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village (Pods A, B1 and B2) must be clustered within the primary development pod (Pod A). The three development pods must be linked by transit. A fourth pod, pod D is allowed 30 single family lots (this area was platted with the Red Cloud Subdivision, for 30 single family home sites) (See Exhibit K).

The Agreement required the applicant to submit 14 specific technical reports for review and approval by the City. The 14 reports, along with the Land Management Code and the amended Development Agreement form the standards under which the subject subdivision plat, and subsequent Conditional Use Permit, will be reviewed (Exhibit J – technical reports).

Pod B2 at Empire Pass Master Planned Development

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A. The VMPD was the first step in the development process for Pod A. A separate MPD for Pod B1 was approved in May 2002 and amended in 2008. On March 14, 2007, the Planning Commission approved a Master Planned Development (MPD) for Pod B2 at Empire Pass as an amendment to the July 28, 2004 Village at Empire Pass MPD (VMPD) (See Exhibit C).

The purpose of the VMPD was to establish unit mix and density for the Mountain Village, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location. Building volumetric diagrams were approved with the Pod B2 MPD (Exhibit I). Prior to building permit issuance for any construction, the applicant must receive site-specific Conditional Use Permit approval from the Planning Commission.

The Pod B2 MPD approved 192 hotel rooms utilizing 69.6 Unit Equivalents (UE) and 94 hotel condominiums utilizing 114 UE, on the west side parcel (aka Montage Resort). An additional 81 UE of residential condominiums were assigned to the east side parcel (See Exhibit C), aka B2 East. The applicant requests a plat note identifying the maximum density allowed on Lot 1 as 81 UE configured in no more 70 individual residential condominium units.

The Pod B2 MPD approved Resort Support Commercial uses for 35,000 sf of Spa floor area and 28,059 sf for restaurants, bar, and retail space within the Montage Resort and Spa building. The MPD approved 15,000 sf of meeting/conference space and lounge

area based on the total floor area of the building, not including the parking garage, for the Montage Resort.

Concurrent with the MPD, the Planning Commission approved a Conditional Use Permit (CUP) for Phase I of the MPD for the Montage Resort and Spa. The Montage Resort and Spa is complete and has full occupancy permits for 174 hotel rooms and 84 condominium units were constructed with the Montage as recorded with the Hotel and Residences at Empire Canyon Resort Condominium plat, utilizing a total of 182 UE.

Subdivisions

On March 29, 2007, the City Council approved the Parcel B-2 Empire Village Subdivision creating three lots of record for Parcel B-2 (West) (Exhibit D). The Parcel B-2 Empire Village Subdivision amended and consolidated parcel A of the previous Empire Village Subdivision for the Empire Day Lodge, created Lot B, site of the Daly West head frame and access to JSSD underground mine tunnels, and created Lot C, site of the Montage Resort and Spa CUP.

Parcel B-2 Empire Village Subdivision plat was recorded on May 23, 2007. The Staff report for Parcel B-2 Subdivision indicated that a future subdivision will encompass the proposed (81 UE) condominiums to the southeast of the Empire Day Lodge. The current application requests approval of the B2 East Subdivision to create a lot of record for the 81 UE, in not more than 70 individual condominium units, as identified by the Pod B-2 Master Planned Development and Subdivision.

Mine soil removal

In September 2016, the applicant began working under an Administrative Settlement and Order on Consent for Removal Action with the EPA permit to remediate and remove mine soil on the site and to close an old mine shaft/adit on the property. After the mine shaft closure was completed, this work was halted in November 2016 on account of the weather. Some contaminated soil remains on site in the area of the former and remaining parking lot. Staff recommends a condition of approval that prior to building permit issuance for development on Lot 1 or Parcel A, the mine shaft shall be fully closed and remediation under EPA supervision completed. Documentation certifying that this work is complete shall be presented to the Chief Building Official and Planning Director.

Submittal

This subdivision plat application was submitted on October 4, 2016, and deemed complete on October 5, 2016. Staff requested additional time to review the Flagstaff Annexation and Empire Pass MPD approvals to understand the status of approved/platted Units and Unit Equivalents and to do an audit of all outstanding obligations required by the Development Agreement. The applicant also requested a continuation to have time to review staff's recommendation and conditions.

The subdivision is to be known as the B2 East Subdivision. The applicant requests a plat note identifying the maximum density allowed on Lot 1 as 81 UE configured in no more than 70 individual units, subject to final Conditional Use Permit review.

Purposes of the RD District

The purpose of the Residential Development (RD) Zoning District is to:

- (A) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) Minimize impacts of the automobile on architectural design,
- (E) Promote pedestrian connections within Developments and between adjacent Areas; and
- (F) Provide opportunities for variation in architectural design and housing types.

Proposed Subdivision Description

The applicant requests approval of a subdivision plat for a 7.85 acre metes and bounds described parcel (Exhibits E, F and G). The subdivision consists of a 6.91 acre Lot 1, for future development of 81 UE of residential condominium units, configured as no more than 70 individual units, and a 0.94 acre Parcel A, for Deer Valley Resort ski area related activities. Parcel A has no assigned density and is not developable in terms of residential units or UEs. By recordation of a Development Covenant, the applicant intends to allocate 3,600 sf of Resort Support Commercial (from the MPD Development maximum of 75,000 sf) to Lot 1.

The property has frontage on Marsac Avenue, a State Highway and utilities are available to Lot 1. On January 23, 2017, the applicant received approval for a Line Extension Agreement extending a sewer line to Parcel A. SBWRD recommends conditions and plat notes to address their concerns (Exhibit H). Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Any necessary utility easements, based on final building design and approval, shall be recorded prior to building permit issuance.

All existing and required easements will be recorded on the plat, including utilities, drainage, access, snow storage, etc. No changes are proposed to existing streets. There is an existing curb cut off Marsac Avenue. Staff recommends a condition of approval that the final location of access off Marsac to the future buildings be approved by UDOT and the City Engineer.

Land Management Code (LMC) and Pod B2 MPD Analysis

The subdivision plat has been reviewed for compliance with lot and site requirements of the RD Zoning District as described in the table below:

	RD Zoning District and/or Pod B-2 Empire Pass MPD Requirements
Lot Size	No minimum lot size. Lot 1 is approximately 6.91 acres and Parcel A is 0.94 acres. Total property consists of 7.85 acres. Complies.
Uses	Residential multi-family condominium uses, Resort Support Commercial uses, and residential accessory uses, as further described in the Development Agreement and LMC are allowed with an approved Conditional Use Permit. Up to 81 UE of residential condominiums (configured as no more than 70 units) were approved with the MPD. (See below for analysis of commercial uses.) Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff Agreement tracks both UEs (each 2,000 sf) as well as total number of units (see Exhibit K). Complies.
Front yard setbacks	LMC requires a minimum of 25 feet to front facing garages, 20 feet to the building (LMC exceptions apply). Reviewed at time of CUP application.
Rear yard setbacks	LMC requires a minimum of 15 feet (LMC exceptions apply). Reviewed at time of CUP.
Side yard setbacks	LMC requires a minimum of 12 feet (LMC exceptions apply). Reviewed at time of CUP.
Building Height and Volumetric	Per Pod B2 MPD Volumetric and Height (reviewed at time of CUP): Volumetric and Height Exceptions were approved with the MPD allowing the B2 East buildings to range from 2 1/2 to 5 1/2 stories and to be composed of multiple structures in a series of elements that create variation in building mass and bulk. The MPD approval included building volumetric diagrams, similar to the ones approved for Pod A, and allows building heights of up to 82 feet above natural grade.
Parking	The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Parking calculations to be determined with the Conditional Use Permits.
Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5 Architectural Design Guidelines with review conducted at the time of the CUP and Building Permits.

Residential Units (see Exhibit K) 785 UE maximum multi-family(MF) 550 dwelling units maximum (MF) (of which 60 can be PUD). 16 single family (SF) home sites (not including 30 SF in Pod D). At least 50% of the residential units within the Mountain Village (Pods A, B1 and B2) must be in Pod A (not including SF home sites). Final approval of the buildings and UEs is subject to approval of a Conditional Use Permit.	81 UE of residential condominium units are allocated for B2 East parcel, with the Empire Pass Pod B2 MPD. Applicant requests a note on the plat limiting future development of Lot 1 to 81 UE in no more than 70 Units. No density/units are assigned to Parcel A. Total UE platted to date = 588.742 UE (196.258 remain) Total units platted to date = 382 units (52 are PUD) (168 units remain) Total single family approved/platted = 16 Total multi-family units approved/platted in Pod A = 258 (condos, PUD style, townhouses) 67.5% of units are within Pod A (258/382). 258/452 = 57.07% (when the 70 proposed units on B2East Lot 1 are constructed) Total units with this plat and 23 Village North Lot 3 units = 475 and 59.2% of units are within Pod A (281/475). Complies with Development Agreement as there are sufficient units and UE remaining.
MPD Resort Support Commercial space. 75,000 maximum with Agreement 35,000 sf approved for Montage Spa with the Empire Pod B2 MPD. 28,059 sf approved for Montage restaurants, kitchen, retail, etc. 63,059 sf total approved Montage 3,379 sf total approved Tower Club 1,275 sf total approved Grand Lodge 7,287 sf remaining.	The Development Agreement states a maximum of 75 UE (75,000 sf) of Resort Support Commercial uses are allowed within the Village at Empire Pass MPD (Pods A, B1, and B2). 63,059 sf have been allocated to the Montage by the Empire Pass B-2 MPD. Tower Club Phase I CUP in Pod A includes 2,264 sf of private dining room, kitchen and store. The approved dining room addition adds 1,115 sf. Tower Club CUP is approved for 3,379 sf of MPD Resort Support Commercial. Applicant intends to record a Development Covenant on Lot 1 allocating 3,600 sf of the remaining 7,287 sf Resort Support Commercial uses to Lot 1. Complies with Development Agreement as there are sufficient square feet remaining.
Residential accessory uses	Common amenity areas can be proposed through the Conditional Use application for storage areas, locker rooms, fitness area, recreation and game rooms, lounge and lobby areas, children's room and small business center areas for exclusive use by guest and owners.

This application meets the necessary subdivision requirements of Land Management Code (LMC) Section 15-7 of the Park City Municipal Code for lot layout, utility easements, dedications, and street layout. Final utility plans will be provided with a future Conditional Use Permit application.

On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report (24.75 AUE total on-site). This plat identifies an on-site housing obligation of 4.2 AUE (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into the building (s) and noted on the plat. All deed restricted units are to be identified on the condominium plat prior to recordation of that plat.

All requirements of the Agreement, including transportation (gondola payments and shuttles), affordable housing, environmental (soils and mine hazards), etc. shall be reviewed and verified for compliance during the Conditional Use Permit application review for development of Lot 1 and completed prior to issuance of certificates of occupancy. Some of these obligations are triggered based on the number of certificates of occupancy issued. All trails are complete and there are no trail head improvements required by the Master Planned Development that are associated with this property. The mid-mountain trail through the B2East property was re-routed to the preferred location during the summer of 2016 as approved by the City.

A Construction Mitigation Plan shall be submitted with the Conditional Use Permit application and in advance of issuing the Building Permits.

Resort Support Commercial/meeting space

The Flagstaff Annexation and Development Agreement states a maximum of 75 UE (75,000 square feet) of Resort Support Commercial uses are allowed within the Village at Empire Pass MPD (Pods A, B1 and B2). A total of 28,059 sf of restaurant, kitchen, bar, lounge, retail space and a total of 35,000 sf of Spa space were approved for the Montage Resort and Spa with the Pod B2 MPD. A total of 2,264 sf of kitchen, dining, and store space have been constructed at the Tower Club and an additional 1,115 sf were recently approved for the dining room addition. A total of 1,275 sf were approved with the Grand Lodge Condominium plat. Therefore a total of 67,713 sf of Resort Support Commercial are allocated, leaving 7,287 sf remaining to be allocated.

The applicant intends to allocate 3,600 sf of Resort Support Commercial density to Lot 1 through a Development Covenant to be recorded on the land. The MPD has sufficient remaining Resort Support Commercial square feet available for Lot 1.

Resort Support Commercial, support meeting space, and residential accessory uses are finalized and determined at the time of review of a Conditional Use Permit for the residential buildings on Lot 1.

Good Cause

Staff finds good cause for this subdivision plat as it is consistent with the Land Management Code, Flagstaff Annexation and Development Agreement, and the Pod B-2 Empire Pass Master Planned Development. The subdivision plat provides a lot of record, utility and access easements, and snow storage easements for the orderly development of Phase 2 of Pod B-2 Empire Pass MPD.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the plat and conditions of approval.

Notice

The property was posted and notices were mailed to property owners within 300 feet on November 30, 2016. A legal notice was published in the Park Record, the City website, and the Utah Public Notice website, on November 30th and December 28th, 2016 and January 21, 2017.

Public Input

Staff received several phone calls requesting information about the location of these parcels and future development plans. No public input was provided at the previous public hearings.

Alternatives

1. The Planning Commission may forward a positive recommendation to City Council to approve the subdivision plat, as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to deny the subdivision plat and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with conditions of approval consistent with the Flagstaff Agreement, technical reports, and Master Planned Development.

Consequences of not taking the Suggested Recommendation

No building permits can be issued.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and forward a positive recommendation to City Council regarding the B2 East Subdivision pursuant to findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Exhibits

Ordinance

Exhibit A – Proposed subdivision plat

Exhibit B – Flagstaff Development Agreement (2007) sections [\(link\)](#)

Exhibit C – Pod B-2 Village at Empire Pass MPD and Village at Empire Pass MPD action letters

Exhibit D – Recorded Pod B-2 Empire Pass Subdivision plat

Exhibit E – Existing conditions survey

Exhibit F – Aerial photo

Exhibit G – Photos of the Site

Exhibit H – SBWRD letter and Line Extension Agreement approval letter

Exhibit I – Volumetric diagrams from the MPD

Exhibit J – Technical Reports ([link](#))

Exhibit K – Flagstaff Development Agreement Density and Uses chart

Ordinance 17-XX

AN ORDINANCE APPROVING THE B2 EAST SUBDIVISION, LOCATED WITHIN THE POD B-2 EMPIRE PASS MASTER PLANNED DEVELOPMENT AT 9300 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, owners of the property known as Pod B2 East, located at 9300 Marsac Avenue in Park City, Utah, have petitioned the City Council for approval of a final subdivision plat; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on November 26th and December 28th, 2016, and January 21, 2017, and the property was posted on November 30, 2016, according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to surrounding property owners on November 30, 2016, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held public hearings on December 14, 2016, and January 11th and February 8th, 2017, to receive input on the subdivision plat; and

WHEREAS, the Planning Commission, on February 8, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on March 9, 2017, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the B2 East subdivision.

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

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

Findings of Fact

1. The property is located at 9300 Marsac Avenue.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and the Village at Empire Pass B2 MPD (RD-MPD).
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use, maximum

densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.

5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units do not exceed 60. The Mountain Village is allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).
8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).
9. With approval of 81 UE (and up to a total of 70 multi-family condominium units) on Lot 1 of the B2 East Subdivision, there will be 669.742 UE platted, 452 (or fewer) units platted, and 57% of the units of Pods A, B1 and B2 will be located within Pod A. The numbers for UE and units do not include the UE and units proposed on the Village North Subdivision under concurrent review. There would then be 88.258 UE and 98 units available for the Village North subdivision, as well as for the un-built Tower Residential (Building One of the Village at Empire Pass MPD).
10. On March 14, 2007, the Planning Commission approved a Master Planned Development for Pod B2 at Empire Pass. The MPD approved 192 hotel rooms utilizing 69.6 Unit Equivalents (UE) and 94 hotel condominiums utilizing 114 UE, on the west side parcel (Montage Resort and Spa). An additional 81 UE of residential condominiums were assigned to the B2 East parcel.
11. The Pod B2 MPD approved Resort Support Commercial uses for the 35,000 sf of Spa space and 28,059 sf for restaurants, bar, and retail space. The MPD approved 15,000 sf of meeting/conference space and lounge area based on the floor area of the building, not including the parking garage.
12. The Development Agreement allows a total maximum of 75,000 sf of MPD Resort Support Commercial floor area within Pods A, B1 and B2.
13. The Tower Club CUP in Pod A includes 2,264 sf of private dining room, kitchen and store and was approved for an amendment to the CUP for a dining room addition of 1,115 sf. The Tower Club CUP is approved for 3,379 sf of MPD Resort Support Commercial.
14. The Grand Lodge Condominium plat approved a total of 1,275 sf of MPD Resort Support Commercial.
15. There exists a total of 7,287 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2. With approval of the proposed application, 3,600 sf of Resort Support Commercial will be allocated to Lot 1, leaving a balance of 3,687 sf unallocated Resort Support Commercial available under the Flagstaff Development Agreement.
16. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permit and memorialized in the final condominium plat(s).
17. On March 29, 2007, the City Council approved the Parcel B-2 Empire Village

Subdivision creating three lots of record for Parcel B-2 (West). The Parcel B-2 Empire Village Subdivision amended and consolidated parcel A of the prior Empire Village Subdivision for the Empire Day Lodge and created Lot B, site of the Daly West head frame and access to JSSD underground mine tunnels, and Lot C, site of the Montage Resort and Spa CUP.

18. Subject property is a metes and bounds parcel and is not part of the Parcel B-2 Empire Village Subdivision plat.
19. The staff report for the Parcel B-2 Empire Village Subdivision indicates that the Parcel B-2 East would have to be platted to create a legal lot for development of 81 UE of residential condominiums.
20. Parcel B-2 Empire Village Subdivision plat was recorded on May 23, 2007.
21. The proposed B2 East Subdivision plat creates one lot and one parcel for the B-2 East parcel. Lot 1 is 6.91 acres in area and Parcel A is 0.94 acres in area. Total property consists of 7.85 acres.
22. Lot 1 has frontage on Marsac Avenue, a State Highway and utilities are available to the lot. A Line Extension Agreement approval letter was issued by SBWRD on January 24, 2017.
23. All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets.
24. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.
25. There is an existing curb cut off Marsac Avenue. Any relocation of this curb cut for future buildings requires review and approval by the City Engineer and UDOT.
26. There is no minimum or maximum lot size or lot width in the RD District.
27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and Pod B2 at Empire Pass MPD.
28. A height exception and building volumetric were approved with the Pod B2 at Empire Pass MPD.
29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
31. In September 2016, the applicant began working under an EPA permit to remediate and remove mine soil from the property and to decommission an old mine shaft/tunnel/adit. After the mine shaft closure was completed, this work was halted in November 2016 on account of the weather. Some contaminated soil remains on site in the area of the former and remaining parking lot.
32. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 4.2 AUE (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into the building (s) and noted on the plat.

33. Requirements of the Flagstaff Development Agreement will be reviewed and verified for compliance during the Conditional Use Permit application review for development of Lot 1. This includes transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.
34. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development and the Pod B-2 Master Planned Development shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. A ten foot (10') wide public snow storage easement is required along the public street frontage of the Lot and Parcel.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.

10. No building permits shall be issued on Lot 1 or Parcel A until the mine shaft has been decommissioned and the EPA permitted mine soil remediation has been completed. Prior to issuance of any building permits, documentation certifying the work is complete shall be presented to the Chief Building Official and Planning Director.
11. Prior to building permit issuance, documentation from UDOT showing approval of any curb cuts onto Marsac Avenue, a state highway, is required. If documentation of the existing curb cut does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.
12. Any modifications to existing curb cuts for access to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
13. A Conditional Use Permit approval is required prior to issuance of a building permit for the residential building proposed on Lot 1.
14. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permit for development on Lot 1, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
15. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
16. Requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 1 has an on-site affordable housing obligation of 4.2 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. All deed restricted units shall be identified on the final condominium plat prior to recordation of such plat.
17. Wastewater service to B2 East Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement approval letter was provided by SBWRD on January 24, 2017. The Owner shall be responsible for extending the public wastewater system within Lot 1 according to requirements of the Line Extension Agreement. Easements associated with this agreement are to be depicted on the plat.
18. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
19. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
20. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
21. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lot 1, unless otherwise conditioned herein (e.g. soil and mine remediation to be complete prior to building permit issuance). This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate

transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.

22. A Construction Mitigation Plan shall be submitted with the Conditional Use Permit application and in advance of issuing building permits.

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

PASSED AND ADOPTED this _____ day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Proposed subdivision plat

EXHIBIT A

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of B2 EAST SUBDIVISION has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTIONS

A parcel of land located in the west half of Section 28 and the southeast quarter of Section 29, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 00°30'49" West 2213.49 feet along Section Line and East 56.55 feet from the southwest corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the southerly line of the Marsac Avenue Right of Way, according to the official plat thereof on file in the office of the Recorder, Summit County, Utah, and on a curve to the left having a radius of 80.00 feet, of which the radius point bears North 34°38'59" East; and running thence along the southerly line of the Marsac Avenue Right of Way the following five (5) courses: 1) easterly along the arc of said curve 147.00 feet through a central angle of 105°16'44" to a point on a reverse curve to the right having a radius of 15.00 feet, of which the radius point bears South 70°37'45" East; thence 2) northeasterly along the arc of said curve 16.15 feet through a central angle of 61°42'18" to a point on a curve to the left having a radius of 100.00 feet, of which the radius point bears North 38°55'27" West; thence 3) northeasterly along the arc of said curve 112.21 feet (chord bears North 48°55'52" East 106.41 feet) through a central angle of 64°17'22"; thence 4) North 16°47'11" East 56.03 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 73°12'49" East; thence 5) northeasterly along the arc of said curve 355.31 feet through a central angle of 38°46'34"; thence South 55°36'18" East 101.33 feet to a point on a curve to the left having a radius of 525.00 feet thence southerly along the arc of said curve 44.31 feet (chord bears South 04°37'35" West 44.30 feet) through a central angle of 4°50'10"; thence South 02°12'30" West 119.72 feet to a point on a curve to the right having a radius of 30.00 feet, of which the radius point bears North 87°47'30" West; thence southerly along the arc of said curve 35.43 feet through a central angle of 67°39'38" to a point of reverse curve to the left having a radius of 85.00 feet, of which the radius point bears South 20°07'52" East; thence southerly along the arc of said curve 139.33 feet through a central angle of 93°54'58"; thence South 24°02'49" East 418.18 feet to a point on a curve to the right having a radius of 596.00 feet, of which the radius point bears South 65°57'11" West; thence along the arc of said curve 229.98 feet through a central angle of 22°06'32" to a point of compound curve to the right having a radius of 460.00 feet, of which the radius point bears South 88°03'42" West; thence southerly along the arc of said curve 4.79 feet through a central angle of 00°35'48"; thence South 36°44'43" West 144.31 feet; thence North 47°13'14" West 486.28 feet; thence North 61°52'36" West 311.67 feet; thence North 35°40'02" West 47.30 feet; thence North 34°38'59" East 143.26 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that REDUS Park City LLC, the undersigned owner of the herein described tract of land, to be known hereafter as B2 EAST SUBDIVISION, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2016.
REDUS Park City LLC, a Delaware limited liability company

By: REDUS Properties, Inc., a Delaware corporation
Its: manager

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

State of _____ ss: _____
County of _____
On this _____ day of _____, 2016, _____ personally appeared before me, the

undersigned Notary Public, in and for said state and county. Having been duly sworn, _____ acknowledged to me that he is an authorized signatory of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

NOTES:

- This plat is subject to the Conditions of Approval in Ordinance 2016-_____.
- Wastewater service to B2 East Subdivision shall be provided by The Snyderville Basin Water Reclamation District ("District"). A Line Extension Agreement with the District may be required for Lot 1. If necessary, it shall be the responsibility of the Owner to extend the public wastewater system with Lot 1 according to the requirements of the Line Extension Agreement.
- Conditional use permit approval will be required prior to construction on Lot 1.
- A declaration of condominium and a recorded condominium map will be required for the purpose of the sale of individual units within the single development lot shown hereon.
- The lot and parcel described on this plat are subject to the Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel and Iron Mountain dated as of March 2, 2007, and recorded on March 2, 2007 as Entry No. 00866100 in Book 1850, Page 1897 (the "Development Agreement"). By separate Declaration of Development Covenants, recorded _____ as Entry No. _____ in the official records of the Summit County Recorder, Lot 1 has been allocated the right to develop 81 Unit Equivalents within 70 multifamily dwelling units and the obligation to locate 4.2 Affordable Unit Equivalents thereon, as each of those capitalized terms is defined in the Development Agreement. Declaration of Development allocates a maximum of 3,600 square feet (3.6 commercial Unit Equivalents) for Resort Support Commercial within Lot 1. The foregoing confirmation of the allocation of commercial Unit Equivalents does not include the 5% additional support commercial allowed by existing codes, which number shall be determined and added to the entitlement for Lot 1 at such time as the owner of Lot 1 obtains a conditional use permit approval. No Unit Equivalents will be allocated to Parcel A as Parcel A is to be used in connection with resort and similar activities.
- Owners and potential buyers of any parcel, unit or land within the lot or parcel depicted on this plat are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by errant skiers, snowboarders, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.
- [Utility Easement dedication - await comments from PCMC regarding Waterline]
- The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
- A 10' snow storage easement is hereby dedicated to the Master Association along the frontage of the single development lot depicted hereon.
- Fire sprinklers will be required within all dwellings constructed on the single development lot depicted hereon.

SHEET 1 OF 1

10/26/17 JOB NO.: 12-2-16 FILE: X:\Empire\dwg\an\plat2016\120216-B2 East.dwg

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017
OF _____, 2017
BY _____
PARK CITY RECORDER

RECORDED

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

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017
BY _____
MAYOR

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, 2017
BY _____
PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE

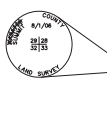
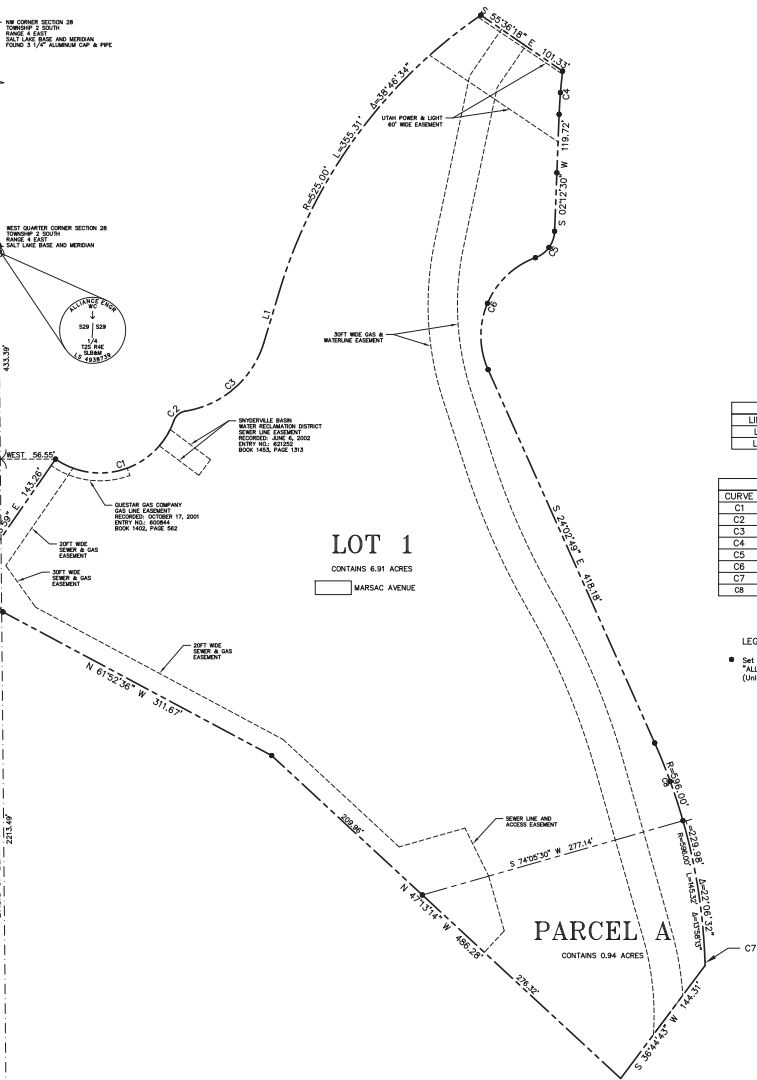
FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2017
BY _____
PARK CITY ENGINEER

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016
BY _____
CHAIR

B2 EAST SUBDIVISION

LOCATED IN THE WEST HALF OF SECTION 28 & THE SOUTHEAST QUARTER OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

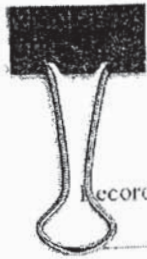


Alarce
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street, P.O. Box 2664 Park City, Utah 84060-2664
(435) 648-9487

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2017
BY _____
S.B.W.R.D.

See link for entire doc

Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060



Recorded this ____ day of
____, 2007
at Book # ____ Page # ____

ENTRY NO. 00806100

03/02/2007 02:42:51 PM B: 1850 P: 1897

Agreement PAGE 1 / 49

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



AMENDED AND RESTATED DEVELOPMENT AGREEMENT

FOR FLAGSTAFF MOUNTAIN,

BONANZA FLATS, RICHARDSON FLATS,

THE 20-Acre QUINN'S JUNCTION PARCEL

AND IRON MOUNTAIN

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

- A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

- B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;
- C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;
- D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;
- E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;
- F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;
- G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

- H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and
- I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

- 1.1 **"Annexation Property"** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.
- 1.2 **"Bonanza Flats"** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, constituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

- 1.5 **"Inaction"** provisionally¹ means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally² means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
 - 1.6.2 Banquet Storage Areas
 - 1.6.3 Banquet Prep Areas Storage Areas
 - 1.6.4 Common A/V Storage Areas
 - 1.6.5 Coat Check Areas
 - 1.6.6 Public Restrooms
 - 1.6.7 Public Telephone Areas
 - 1.6.8 Public Hallways
 - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B₁, and B₂) and maximum densities, unit equivalencies and configuration more fully described herein.

¹ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **"Northside Neighborhood"** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **"Northside Neighborhood Property Owners"** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **"Pedestrian Village"** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **"Planned Unit Development" or "PUD"** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **"Pod Z"** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **"Project"** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **"Residential Accessory Uses"** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **"Resort Accessory Uses"** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
- 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
- 2.1.3. Specific Transit Plan;
- 2.1.4. Parking Management Plan;
- 2.1.5. Detailed Open Space Management Plan;
- 2.1.6. Historic Preservation Plan;
- 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
- 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
- 2.1.9. Private Road Access Limitation Procedures;
- 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
- 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
- 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
- 2.1.13. Wildlife Management Plan; and
- 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 Mountain Village: The Mountain Village is constrained as follows:

- 2.2.1.1 Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.
- 2.2.1.2. Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.
- 2.2.1.3. Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.
- 2.2.1.4. Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.
- 2.2.1.5. Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute 1/4 Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,



March 15, 2007

The DV Luxury Resort LLC
136 Heber Avenue, Suite 204
Park City UT 84060

Sent via email

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u>	Pod B-2, Empire Pass
<u>Project Description</u>	Master Planned Development
<u>Date of Meeting</u>	March 14, 2007

Action Taken By Planning Commission: The Planning Commission APPROVED the proposed Empire Pass B-2 Master Planned Development based on the following:

Analysis

All Master Planned Developments shall contain the following minimum requirements in accordance with Section 15-6-5 of the Land Management Code.

*(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations.*

Complies

During the Olympic break in 2002, a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33-foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved

development pods without the necessity of a height increase above the 33-foot RD zone height limit; and

Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

The additional 80 Unit Equivalents proposed for B-2 can be absorbed within the Empire Pass project in Code compliant 33-foot height buildings as shown on Exhibit A. The total number of units approved with this MPD are 192 hotel rooms using 69.6 Unit Equivalents (UEs) and 94 hotel condominiums (114 UEs) in the west side and 81 condominiums (81 UEs) on the east side.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable)

(C) SETBACKS. *The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.*

Complies

The annexed area of Flagstaff Mountain was granted a large-scale MPD at the time of annexation with specific development pods. The Planning Commission and staff have consistently maintained that the setback requirement is fulfilled at the annexation boundary and does not need to be met within the defined development pods.

(D) OPEN SPACE. *All Master Planned Developments shall contain a minimum of sixty percent (60%) open space.*

Complies

As with the setback requirement in (C) above, the annexation area contains more than the minimum 60% requirement. The development of the Village (pods A, B-1 and B-2) is limited to 87 acres, as amended, within the original 1550 acres or 5% of the land area.

(E) OFF-STREET PARKING. *The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.*

Complies

The Flagstaff Development Agreement stipulates that parking will be reduced by 25% below the Code requirements. The parking plan submitted meets this requirement and exceeds it. Based on the proposed residential unit sizes, hotel rooms and commercial spaces, the parking at B-2 West (west of the Empire Day Lodge, the site for the Montage Hotel) would require 742 spaces, reduced 25% to

561. The applicant is proposing a further reduction at B2 West to 530 stalls because valet parking will be mandatory for guests. The valet parking will be in a tandem configuration. The Planning Commission will need to make a finding that tandem parking for 192 spaces is acceptable with a valet program. Parking at B-2 East (east of the Empire Day Lodge and site of 81 condominiums and two employee housing units) would require by Code 165 spaces plus the 75 for the Empire Day Lodge. The 165 would be reduced 25% to 124 spaces. Each of the residential condominium units will be allowed to have one space assigned to the unit.

*(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:*

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

Complies

Please refer to section (A) Density above for discussion on the density built at the 33-foot zone height. Exhibit B is the applicant's narrative on each of the criteria for additional height. Square footage is governed by the Development Agreement, as amended. Code requirements for façade and roof variation will apply. The applicant is requesting a maximum building height of 114 feet above the USGS datum at the entry to the Montage and a maximum building height of 82 feet for the east side condominiums. As each of these sites have been or will be heavily disturbed for the mine soils mitigation, no "natural grade" can be established.

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

Complies

The only existing structure is the Empire Day Lodge. The lodge is situated between the Montage Hotel to the west and the additional residential condominiums to the east. Neither of the proposed buildings will have an effect on the solar access to the day lodge. The major controlling factor in B2 is the ridgelines to the east, south, and west. Proposed are greater setbacks from the buildings to the day lodge than would be allowed by the LMC thereby allowing greater air flow through the project area.

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

Complies

The Montage hotel to the west of the day lodge is approximately 170 feet away; the condominium buildings to the east are approximately 70 away from the day lodge. The RD zone requirement is 12 feet for side yard setbacks. The conceptual landscape plan has significant landscaping between these buildings.

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

Complies

The Flagstaff Annexation clustered the development of the project into several development pods, leaving 88% of the area as open space. Most of this open space is used for ski terrain, other recreation, and wildlife habitat.

(5) MPD's which include the additional height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 9 Architectural Guidelines or Historic District Design Guidelines if within the Historic District; and

Complies

The applicant has provided conceptual renderings and detailed volumetrics for the Montage hotel and east side condominiums. The roof elements are substantially stepped and provide architectural interest.

(6) Structures within the HR-1 District which meets the standards of development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

This section is not applicable.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) SITE PLANNING. *An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:*

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies

The Montage hotel on the west side is placed within a heavily disturbed site. The east side condos are sited over the existing sales office and East-West development office. This area has significant regulated soils that are required to be removed and would necessitate the removal of the aspens in this area. There is significant space

between the Montage and the Empire Lodge and the Lodge and the condo buildings to the east. These gaps provide visual corridors to the ridgeline behind.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

Complies

Significant excavation will be required; however, the buildings will fill the excavated areas with underground parking and service facilities. There are several retaining structures and a bridge into the entry court to the Montage. Generally, the buildings step with the site without the need of large or numerous retaining structures. The outdoor amenities to the buildings will flow at grade into the existing landscape. The ski run around the east and north side of the Hotel will require substantial grading; however, this is already a disturbed site from previous mining and remediation activities.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Complies

Minimal road work is required. An access road to the Montage is proposed to intersect State Route 224 just before the traffic circle. A bridge will span the drainage gully in this area. The buildings will step with the grade requiring minimal walls and cut/fill slopes.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

Complies

The Mid-Mountain trail loops behind (south) of the project site. Although not a specifically identified trail on the Mountain Trails Foundation 2006 Trail Map, the emergency access road up Empire Canyon from the top of Daly Avenue is used by hikers and bikers. The site plan shows a proposed ski trail to the future pod Z lift in the area as well.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

Complies

No new streets are being created except for the short access road into the project site.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back

from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies

There are minimal hard surfaces as all parking is underground. The hard surfaces proposed (entry drives, porte cochere, and patios) will be heated eliminating the need for snow storage.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

Complies

All refuse storage facilities will be underground in the garages of the buildings. Hotel staff will handle refuse and recycling collection.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

Complies

The Flagstaff Mountain annexation included 15 Technical Reports, one of which is the Transit Plan. The Transit Plan has been amended and updated with the inclusion of the Montage. The Montage project has additional transportation elements for guests and employees as found in the November 27, 2006 Technical Memorandum submitted by Fehrs and Peers, Transportation Consultants, on behalf of the developer.. Both the east and west phases will have drop-off/pick-up areas outside of the circulation pattern for the garages.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Complies

Service and delivery, particularly for the Montage hotel, are located within the garage level. The garage door and loading areas can accommodate a semi-truck.

*(H) **LANDSCAPE AND STREETSCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.*

Complies

Minimal vegetation currently exists due to the mining activities associated with the site. Landscaping will be accomplished using native and other appropriate drought-

tolerant plant materials in accordance with the Flagstaff Design Guidelines. A small formal lawn area is proposed on the south side of the Montage. Irrigation will be principally by drip.

*(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.*

Complies

The Flagstaff Annexation is not included in the Sensitive Lands Overlay. However, there is one locally rare native plant that has been identified by the Utah Native Plant Society. The applicant has been in contact with the UNPS to identify the location of the plant colony and to take steps to preserve it. The plant is not located within the development area.

*(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.*

Complies

Additional employee/affordable housing is required with the increased 80 Unit Equivalents. The mitigation rate in the original Development Agreement would increase the housing requirement by 5.7 Affordable Employee Units (AEUs). In accordance with the Development Agreement, 25% of the required housing must be on-mountain. The Montage is programming 10 units on-site which include the 5.7 and additional AEUs for the rest of Empire Pass.

*(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.*

Complies

Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care demands will be generated by the hotel and condominiums.

Approval: The Planning Commission based their decision on the Analysis, above, and the following:

Findings of Fact

1. The Master Planned Development (MPD) is for Pod B-2 of the Flagstaff Mountain Resort Annexation area, now known as Empire Pass.
2. The MPD is located in the RD-MPD zoning district.
3. 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.

4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, 192 hotel rooms (included in the 80 UEs) and the allowable units by 77.5, to be located in the B-2 MPD.
5. Concurrent with this application and approval, the Planning Commission approved the Conditional Use Permit for Phase I of this MPD on March 14, 2007. Phase I is the Montage Hotel to be located on the west side of the Empire Day Lodge (B-2 West).
6. Concurrent with this application, the Planning Commission forwards a positive recommendation to the City Council for the amended Pod B-2 Empire Village Subdivision.
7. The total number of units approved with this MPD are 192 hotel rooms using 69.6 Unit Equivalents (UEs) and 94 hotel condominiums (114 UEs) in the west side of the Empire Day Lodge (B-2 West) and 81 condominiums (81 UEs) on the east side of the Empire Day Lodge (B-2 East). In addition, there is 35,000 square feet of spa space, 28,059 square feet of bar/restaurant/retail space and approximately 15,000 square feet of meeting/conference space and lounge areas.
8. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception to 114 feet above a benchmarked grade (USGS 8346') is requested.
9. The volumetrics as shown in the exhibits dated April 24, 2006, and reviewed by the Planning Commission provide the façade shifts and roof shifts necessary to create architectural interest and break the building into smaller components.
10. 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.
11. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
12. The Development Agreement requires the Master Developer to provide water source capacity.
13. The Flagstaff Mountain Resort Development Agreement, as amended, requires reclamation of mine hazards.
14. The **Analysis** section of this staff report is incorporated herein.

Conclusion of Law:

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.

6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.
13. The MPD, as conditioned, is consistent with the approved Flagstaff Mountain Resort Development Agreement, as amended.

Conditions of Approval:

1. The building plans and volumetrics for the project shall meet substantial compliance with the drawings dated April 24, 2006, and as reviewed by the Planning Commission.
2. A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for the east side condominiums to 82 feet above benchmarked grades (USGS 8330' for north datum point and 8380' for south datum point) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission.
3. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the B-2 Master Planned Development area. The utility plan may include temporary utilities that must be removed (not just abandoned) upon completion of permanent utilities.
4. All regulated soils will be removed from the site and transported via SR 224 and SR 248 to the engineered repository at Richardson Flats. A specific hauling plan, similar to the previous soils hauling operation, must be approved by the Chief Building Official and will incorporate safety inspections, daily reports, and coordination between the City Police and Utah Highway Patrol.
5. Prior to issuance of any building permits for that unit or building which causes overall water consumption at Empire Pass to exceed 150 gallons per minute (approximately 75 units), the Master Developer shall have provided adequate water source capacity satisfactory to the City Attorney and Public Works Director.
6. A revised Mine Soils Hazard Remediation Technical Report (Exhibit 1 of the Technical Reports) shall be submitted to the Chief Building Official. Approval of the revised plan shall have been made by the Building Official prior to any building permit being issued. Prior to vertical construction of the project, UPCM

shall provide acknowledgement from the State of compliance with State mining regulations regarding operation, reclamation, surety, and post-mining land use permit requirements.

7. A revised Emergency Response Plan (Exhibit 7 of the Technical Reports) shall be submitted to the Chief Building Official. Approval of the revised plan shall have been made by the Building Official prior to any building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the Montage.
8. The revised Transit Plan dated November 27, 2006, as submitted by Fehr and Peers, Transportation Consultants, on behalf of the applicant will be implemented at Certificate of Occupancy for the Montage Hotel.
9. The \$1.8 million bond for the Richardson Flats Park and Ride, in a form approved by the City Attorney, shall be posted prior to any building permit issuance.
10. The 30 acres at Richardson Flats for the Park and Ride and future recreation facilities will be dedicated to the City (unless the City agrees to a lease), in a form approved by the City Attorney, prior to building permit issuance.
11. The additional 20 Employee Housing Units will begin construction within 24 months from the effective date of the amended Development Agreement (March 2, 2007) or post a financial guarantee in a form acceptable to the City Attorney equal to 10 percent of the estimated construction costs of the additional Affordable Units.

Sincerely,

Brooks T. Robinson
Principal Planner

Ordinance No. 09-

AN ORDINANCE APPROVING THE HOTEL AND RESIDENCES AT EMPIRE CANYON RESORT RECORD OF SURVEY PLAT LOCATED AT 9100 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Hotel and Residences at Empire Canyon Resort record of survey plat, Lot C of the Parcel B-2 Empire Village Subdivision, have petitioned the City Council for approval of the Hotel and Residences at Empire Canyon Resort record of survey plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 13, 2009, to receive input on the Hotel and Residences at Empire Canyon Resort record of survey plat;

WHEREAS, the Planning Commission, on May 13, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 28, 2009, the City Council held a public hearing on the Hotel and Residences at Empire Canyon Resort record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Hotel and Residences at Empire Canyon Resort Record of Survey.

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 Hotel and Residences at Empire Canyon Resort record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 9100 Marsac Avenue, Lot C of the Parcel B-2 Empire Village Subdivision
2. The Hotel and Residences at Empire Canyon Resort record of survey plat is located in the Residential Development zoning district as part of the Flagstaff Mountain Master Planned Development (RD-MPD).
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development

Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, including the 192-room Montage Hotel.
5. The Planning Commission approved the B-2 Master Planned Development on March 14, 2007. The Montage is Phase I, while a second, residential, project will be Phase II.
6. The City Council approved the Parcel B-2 Empire Village Subdivision on March 29, 2007.
7. The proposed Hotel and Residences at Empire Canyon Resort record of survey plat is for a 174 room hotel with an additional 84 condominiums utilizing a total of **181.7 Unit Equivalents**. In addition, there is 59,765 square feet of Commercial Space (**59.8 Commercial UEs**) and approximately 15,000 square feet of meeting/conference space and lounge areas (up to 39,000 square feet or 5% of building allowed). Total square footage, excluding the garage, is approximately 780,173 square feet. For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.
8. The proposed record of survey is consistent with the approved Master Planned Development and Conditional Use Permit for Pod B-2.
9. Talisker will be signing the initial condo unit deeds (DV Luxury signing purchase agreements) as Grantors and getting payment with each condo unit sale. DV Luxury agrees each unit sale is subject to the transfer fund.
10. Ten Employee Housing Units (EHUs) totaling 6,235 square feet (**7.8 AUEs**) are provided within the hotel. The EHU units are platted as private space and are proposed to be owned by the Montage, although this is not a requirement.
11. Five ADA units are provided, three owned by the hotel and two within the for sale units. All five are platted as Private and counts towards the unit counts and UEs.
12. Parking is provided at less than 75% of the Code requirement consistent with the Development Agreement.

Conclusions of Law:

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats and with the approved Master Planned Development and Conditional Use Permit for the Montage Resort and Spa at Pod B-2.
3. Neither the public nor any person will be materially injured by the proposed record of survey.
4. Approval of the record of survey, 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 record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Montage Resort Master Planned Development and the Parcel B-2 Empire Village Subdivision plat shall continue to apply.
4. Applicant DV Luxury Resort, LLC shall comply with the terms of the EPA Agreement, the provisions of the Construction Work Plan for Montage Hotel, Empire Canyon, and EPA's requirements for post-construction site maintenance. DVLRL shall record with the Summit County Recorder's Office a notice of the EPA Agreement, in a form consistent with Paragraph 37 of the EPA Agreement and approved by the EPA, which notice shall identify the EPA Agreement and EPA-approved requirements for post-construction site maintenance as the working institutional controls. The EPA-approved Post-Closure Site Control Plan will be placed as an addendum to the Mine Soils Hazard Mitigation Plan. DVLRL will also provide environmental disclosure to the buyers of residential units at the property.
5. A plat note shall be added requiring the maintenance of the approved fire protection plan.

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

PASSED AND ADOPTED this ___th day of ___, 2009.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Record of Survey plat

SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 34999, as provided under the laws of the State of Utah. I further certify that by the authority of the State of Utah, I have surveyed and established the boundaries of the land described herein and subdivided said tract of land into lots, and that the same have been duly recorded in the office of the County Recorder, Summit County, Utah, under the name of PARCEL B-2, EMPIRE VILLAGE SUBDIVISION and that the same have been correctly surveyed on the ground as shown on this plat.



BOUNDARY DESCRIPTION 1

All of Parcel A of the PARCEL A EMPIRE VILLAGE SUBDIVISION according to the official plat thereof on file in the office of the Summit County Recorder, Summit County, Utah, Recorded 6-28-02 as Entry No. 623454.

BOUNDARY DESCRIPTION 2

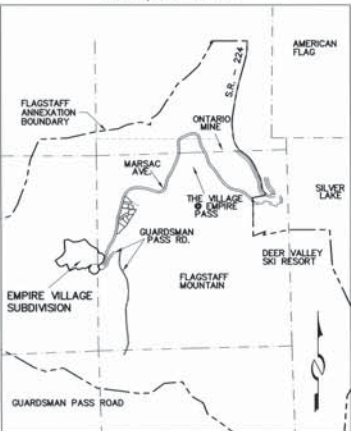
A parcel of land located in the southeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian. Beginning at a point North 07°02'49" West 217.24 feet along Section Line and West 783.87 feet from the southeast corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 64°07'17" East 70.70 feet; thence North 25°54'49" West 112.30 feet; thence South 64°05'11" West 70.70 feet; thence South 25°54'49" East 112.30 feet to the point of beginning.

BOUNDARY DESCRIPTION 3

A parcel of land located in the west half of Section 28 and the east half of Section 29, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 07°02'49" East 78.89 feet along section line and East 188.75 feet from the west corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; said point also being the westerly boundary of Marsac Avenue, right-of-way, running to the official plat thereof on file in the office of the recorder, Summit County, Utah, entry #623454, thence along the westerly right-of-way of said Marsac Avenue the following four (4) courses: 1) South 15°42'08" West 159.40 feet to a point on a non-tangent curve to the right having a radius of 175.00 feet, of which the radius point bears North 74°16'24" West; thence 2) along the arc of said curve 113.64 feet through a central angle of 37°27'27" to a point on a non-tangent curve to the right having a radius of 10.00 feet, of which the radius point bears North 37°04'08" West; thence 3) westerly along the arc of said curve 5.37 feet through a central angle of 30°47'13" to a point on a non-tangent curve to the left having a radius of 80.00 feet, of which the radius point bears South 08°04'44" East; thence 4) southeasterly along the arc of said curve 91.38 feet through a central angle of 62°02'37" to a point on a non-tangent curve to the left having a radius of 360.43 feet, of which the radius point bears South 47°32'39" West; said point being on the northern boundary of Parcel A, Empire Village Subdivision, according to the official plat thereof on file in the office of the recorder, Summit County, Utah, entry #623454, thence along the northerly boundary of said Parcel A the following two (2) courses: 1) northeasterly along the arc of said curve 85.00 feet through a central angle of 35°04'08"; thence 2) South 79°42'31" West 122.55 feet; thence South 57°07'50" West 183.11 feet; thence North 7°11'55" West 81.19 feet; thence South 75°24'49" West 11.84 feet; thence South 58°44'50" West 34.84 feet; thence South 77°50'50" West 63.11 feet; thence North 58°49'30" West 75.63 feet to a point on a curve to the right having a radius of 305.00 feet, of which the radius point bears North 31°07'23" East; thence along the arc of said curve 6.47 feet through a central angle of 81°14'11"; thence South 64°05'11" West 103.49 feet; thence North 25°54'49" West 112.30 feet; thence North 11°17'02" West 70.70 feet; thence North 25°54'49" West 22.85 feet; thence North 11°17'02" West 59.82 feet to a point on a non-tangent curve to the left having a radius of 240.25 feet, of which the radius point bears South 17°12'02" East; thence southeasterly along the arc of said curve 112.50 feet through a central angle of 28°04'42" to a point on a non-tangent curve to the right having a radius of 155.02 feet, of which the radius point bears North 28°02'37" West; thence westerly along the arc of said curve 108.81 feet through a central angle of 32°32'36"; thence North 47°32'31" West 64.77 feet; thence North 37°14'14" West 133.02 feet; thence North 54°14'14" East 23.81 feet; thence North 32°10'40" East 136.83 feet; thence North 02°54'42" West 302.23 feet; thence North 78°05'24" East 99.99 feet; thence South 63°53'51" East 163.50 feet; thence North 85°22'37" East 142.18 feet; thence North 68°17'11" East 180.20 feet; thence South 43°21'28" East 230.70 feet; thence South 62°07'29" East 202.20 feet; thence South 34°09'49" East 127.44 feet; thence East 68.61 feet; thence South 46°04'15" East 115.10 feet to the point of beginning.

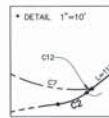
VICINITY / SECTION MAP



NOTES

1. Lot A consists of PARCEL A of the PARCEL A EMPIRE VILLAGE SUBDIVISION (recorded June 28, 2002, Entry #623454) with certain boundaries removed and relocated as shown on the face of this plat.
2. It is anticipated that the Park City Municipal Corporation Water Line Easement depicted on the face of this plat will be relocated at or about the time construction of improvements on LOT C commences.
3. It is anticipated that the Jordanelle Special Service District Area Easement depicted on the face of this plat will be relocated at or about the time construction of improvements on LOT C commences.
4. It is anticipated that the Jordanelle Special Service District Area Easement depicted on the face of this plat will be relocated at or about the time construction of improvements on LOT C commences.
5. It is anticipated that the Deer Valley Resort Company Diversion Easement depicted on the face of this plat will be relocated at or about the time construction of improvements on LOT C commences.
6. Water service to Lot B is not available.
7. A 10' snow storage easement is hereby dedicated upon the frontage of Marsac Avenue.
8. It is anticipated that the existing Snyderville Basin Water Reclamation District Sewer Line Easement depicted on the face of this plat will be relocated at or about the time construction of improvements on LOT C commences.
9. All conditions of approval of the Empire Pass Master Planned Development and the Plat B-2 Master Planned Development shall continue to apply.
10. No vacant parcel created hereby is separately buildable.
11. No building permits shall be issued on Lot C until the Revised Technical Reports on Mine Site Remediation (Exhibit 1 of the Technical Reports), evidence of Mine Site Remediation pursuant to Section 2.2.1.6 of the Development Agreement, as amended, and the Emergency Response Plan (Exhibit 7 of the Technical Reports) shall have been approved by the Chief Building Officer.

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	175.00	113.64	37°27'27"
C2	10.00	5.37	30°47'13"
C3	80.00	194.18	139°04'17"
C4	300.00	6.47	17°41'11"
C5	240.25	112.50	28°04'42"
C6	155.02	106.81	39°28'36"
C7	25.00	75.36	81°15'27"
C8	42.50	77.54	71°02'10"
C9	212.50	202.53	238°04'42"
C10	15.00	38.05	39°38'11"
C11	17.00	2.42	87°09'38"
C12	175.00	1.11	07°14'48"



PARCEL B-2 EMPIRE VILLAGE SUBDIVISION

INCLUDING THE AMENDMENT AND CONSOLIDATION OF FORMER PARCEL A EMPIRE VILLAGE SUBDIVISION

A SUBDIVISION LOCATED IN THE WEST 1/2
OF SECTION 28, AND THE EAST 1/2 OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN

CONSENT TO RECORD

WELLS FARGO BANK, NATIONAL ASSOCIATION, as a Trust Deed Beneficiary, in its capacity as Administrative Agent on behalf of and for the benefit of lenders, hereby consents to the recording of this plat.

Executed this 15th day of May, 2007.

WELLS FARGO BANK, NATIONAL ASSOCIATION,
Red Estate Group

By: *Shawn Nelson*
Shawn Nelson

ACKNOWLEDGMENT

State of Utah

County of Salt Lake

On the 15th day of May, 2007, personally appeared before me, Shawn Nelson who being by me duly sworn, did say that he is the Vice President of WELLS FARGO BANK, NATIONAL ASSOCIATION, Red Estate Group, and that the within foregoing Consent to Record was signed on behalf of said company and did acknowledge to me that said company executed the same.

Reading in Orkney, Utah

My commission expires: 12-01-07



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS that the undersigned is the Owner of the herein described tract of land and hereby coveys the same to be divided into lots together with easements and public rights-of-way as set forth on the plat, hereafter to be known as PARCEL B-2 EMPIRE VILLAGE SUBDIVISION.

Also, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, and dry utilities easements and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication, maintenance, use, and eventual replacement.

The owner, or his/her representative, hereby irrevocably offers for dedication to the City of Park City all the streets land for local, government uses, easements, parks, required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set his hand on this 15th day of May, 2007.

MOUNTAIN DEVELOPMENTS I, INC., a DELAWARE CORPORATION
A Delaware Corporation

By: *David J. Smith* TITLE: AUTHORIZED SIGNING OFFICER

ACKNOWLEDGMENT

State of Utah

County of Salt Lake

This instrument was acknowledged before me this 16th day of May, 2007 by DAVID J. SMITH, the

AUTHORIZED SIGNING OFFICER of MOUNTAIN DEVELOPMENTS I, Inc., a Delaware Corporation, that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

Reading in Orkney, Utah My commission expires: 12-01-07

By: *David J. Smith* *Lorrie J. Haggan*
David J. Smith Lorrie J. Haggan

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS that the undersigned is the Owner of the herein described tract of land and hereby coveys the same to be divided into lots together with easements and public rights-of-way as set forth on the plat, hereafter to be known as PARCEL B-2 EMPIRE VILLAGE SUBDIVISION.

Also, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, and dry utilities easements and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication, maintenance, use, and eventual replacement.

The owner, or his/her representative, hereby irrevocably offers for dedication to the City of Park City all the streets land for local, government uses, easements, parks, required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set his hand on this 16th day of May, 2007.

DEER VALLEY RESORT COMPANY, a Utah Limited Liability Corporation
By: *Robert W. Wells* TITLE: General Partner

Reading in Orkney, Utah My commission expires: 12-01-07

By: *Robert W. Wells* *Lorrie J. Haggan*
Robert W. Wells Lorrie J. Haggan

ACKNOWLEDGMENT

State of Utah

County of Salt Lake

This instrument was acknowledged before me this 16th day of May, 2007 by ROBERT W. WELLS, the Vice President of DEER VALLEY RESORT COMPANY, a Utah Corporation, that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

Reading in Orkney, Utah My commission expires: 12-01-07

By: *Robert W. Wells* *Lorrie J. Haggan*
Robert W. Wells Lorrie J. Haggan

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS that the undersigned is the Owner of the herein described tract of land and hereby coveys the same to be divided into lots together with easements and public rights-of-way as set forth on the plat, hereafter to be known as PARCEL B-2 EMPIRE VILLAGE SUBDIVISION.

Also, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, and dry utilities easements and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication, maintenance, use, and eventual replacement.

The owner, or his/her representative, hereby irrevocably offers for dedication to the City of Park City all the streets land for local, government uses, easements, parks, required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set his hand on this 16th day of May, 2007.

JORDANELLE SPECIAL SERVICE DISTRICT
By: *David J. Smith* TITLE: General Partner

Reading in Orkney, Utah My commission expires: 12-01-07

By: *David J. Smith* *Lorrie J. Haggan*
David J. Smith Lorrie J. Haggan

ACKNOWLEDGMENT

State of Utah

County of Salt Lake

This instrument was acknowledged before me this 16th day of May, 2007 by DAVID J. SMITH, the

AUTHORIZED SIGNING OFFICER of MOUNTAIN DEVELOPMENTS I, Inc., a Delaware Corporation, that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

Reading in Orkney, Utah My commission expires: 12-01-07

By: *David J. Smith* *Lorrie J. Haggan*
David J. Smith Lorrie J. Haggan



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 15th DAY OF May, 2007 A.D.

By: *B.R.W.R.D.*
B.R.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 14th DAY OF May, 2007 A.D.

By: *Michael Smith*
CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12th DAY OF May, 2007 A.D.

By: *Michael Smith*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 22nd DAY OF May, 2007 A.D.

By: *David J. Smith*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 22nd DAY OF May, 2007 A.D.

By: *David J. Smith*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 22nd DAY OF May, 2007 A.D.

By: *David J. Smith*
MAYOR

JOB NO. 11-1-01 FILE(X)\Empire.dwg\Talker\plat\p2 b2_01-23-07.dwg

814178 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED IN THE OFFICE OF THE COUNTY CLERK, DATE 5-23-07, TIME 2:00 PM, BOOK PAGE 330

By: *David J. Smith*
RECORDER

EXHIBIT E

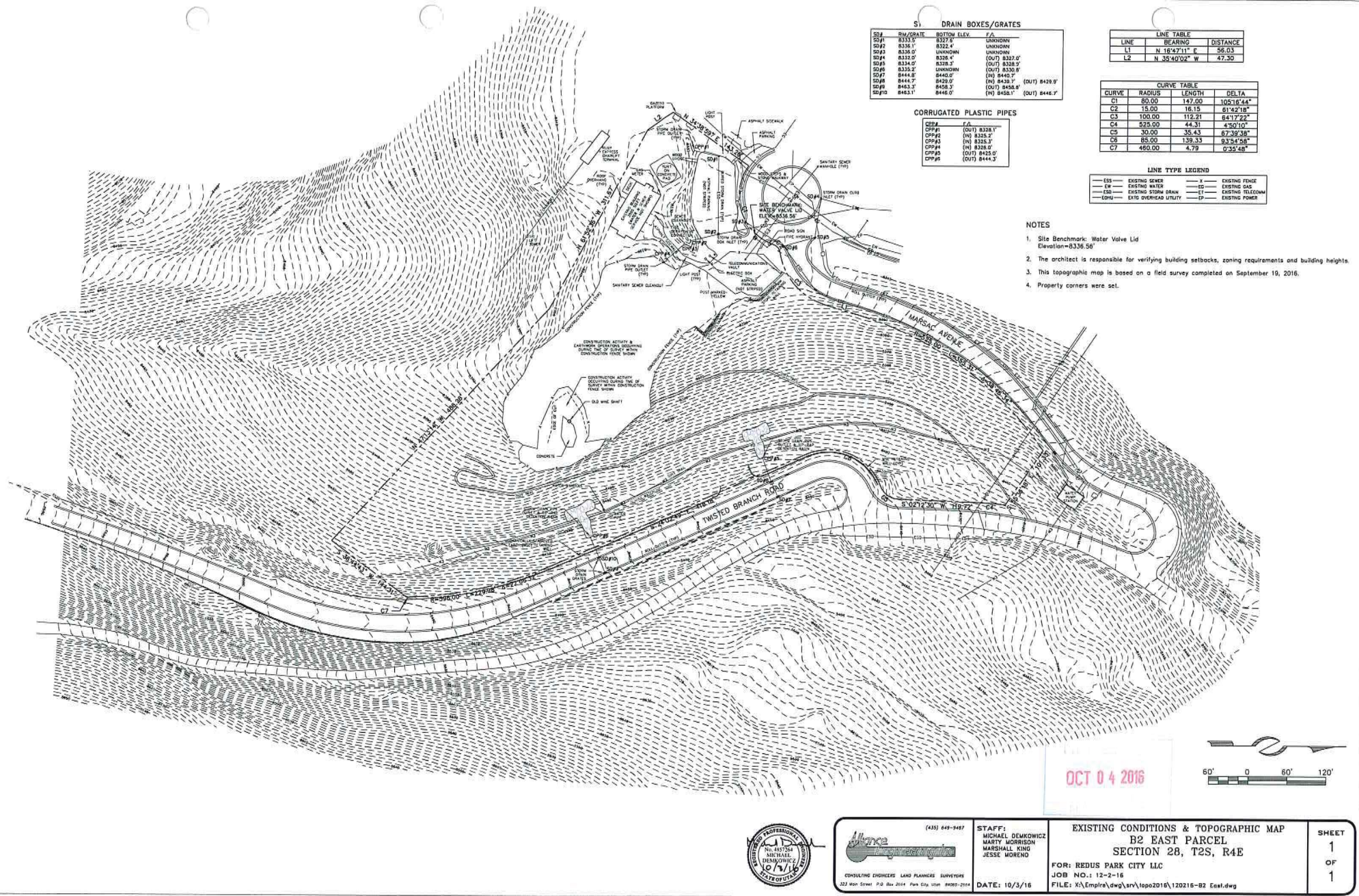


EXHIBIT F



 (435) 543-3467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 1221 Main Street, P.O. Box 2164 Park City, Utah 84050-2164	STAFF: MICHAEL ODZKOWICZ JESSE MORENO	AERIAL PHOTOGRAPH B2 EAST PARCEL SECTION 28, T2S, R4E FOR: REDUS PARK CITY LLC JOB NO.: 12-2-16 FILE: X:\Empire\dwg\Exhibit\F2 East-aerial.dwg	SHEET 1 OF 1
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✓ **B2 East Subdivision**

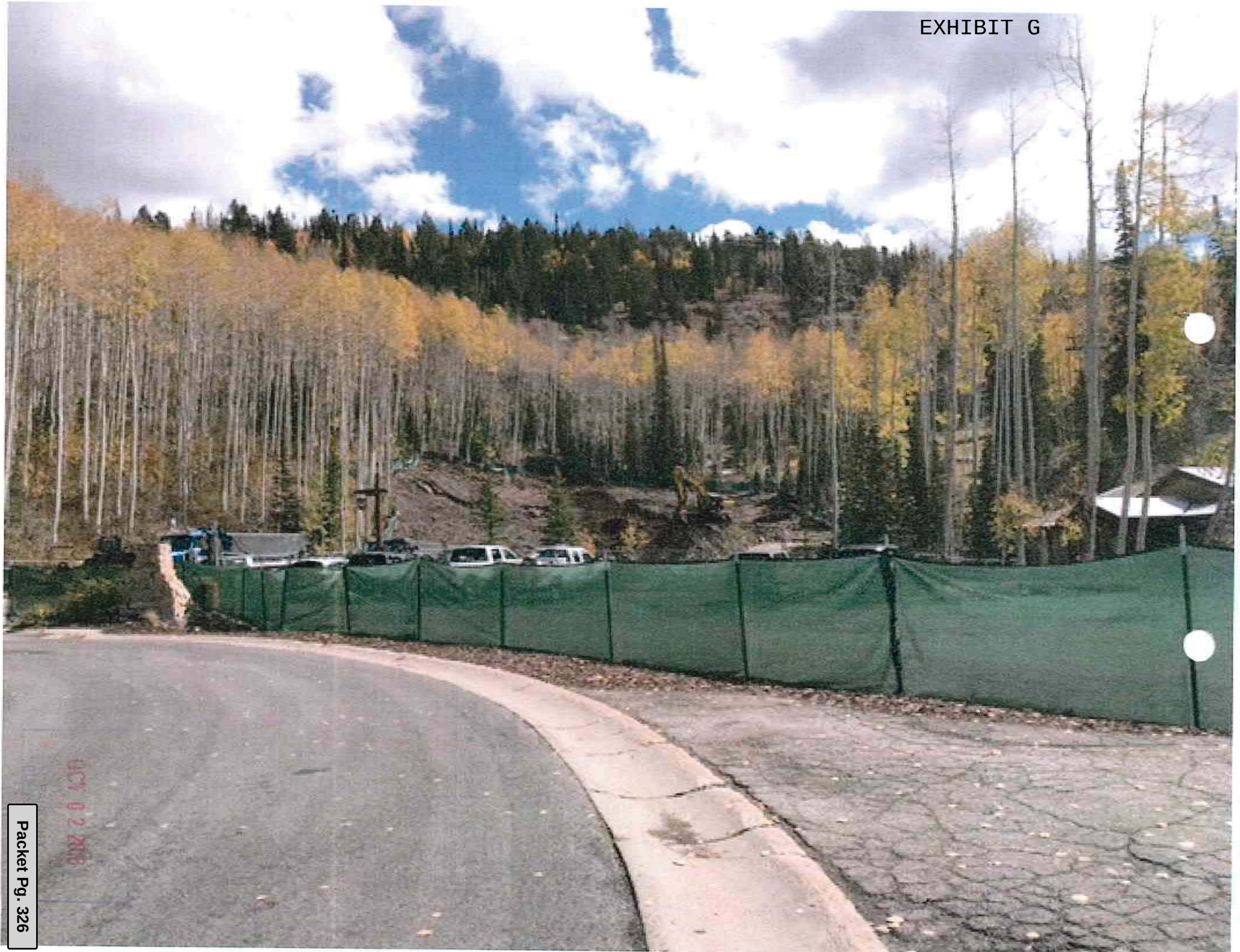
Plat Application

October 4th, 2016

The B2 East site is part of the Flagstaff Annexation Area with development governed by the Amended Flagstaff Development Agreement. The Small Scale MPD for Pod B2 was approved on March 14th, 2007 with approved volumetrics established for condominium buildings at that time. The Montage was platted in January 2010 leaving B2 East as the remaining development site in Pod B2.

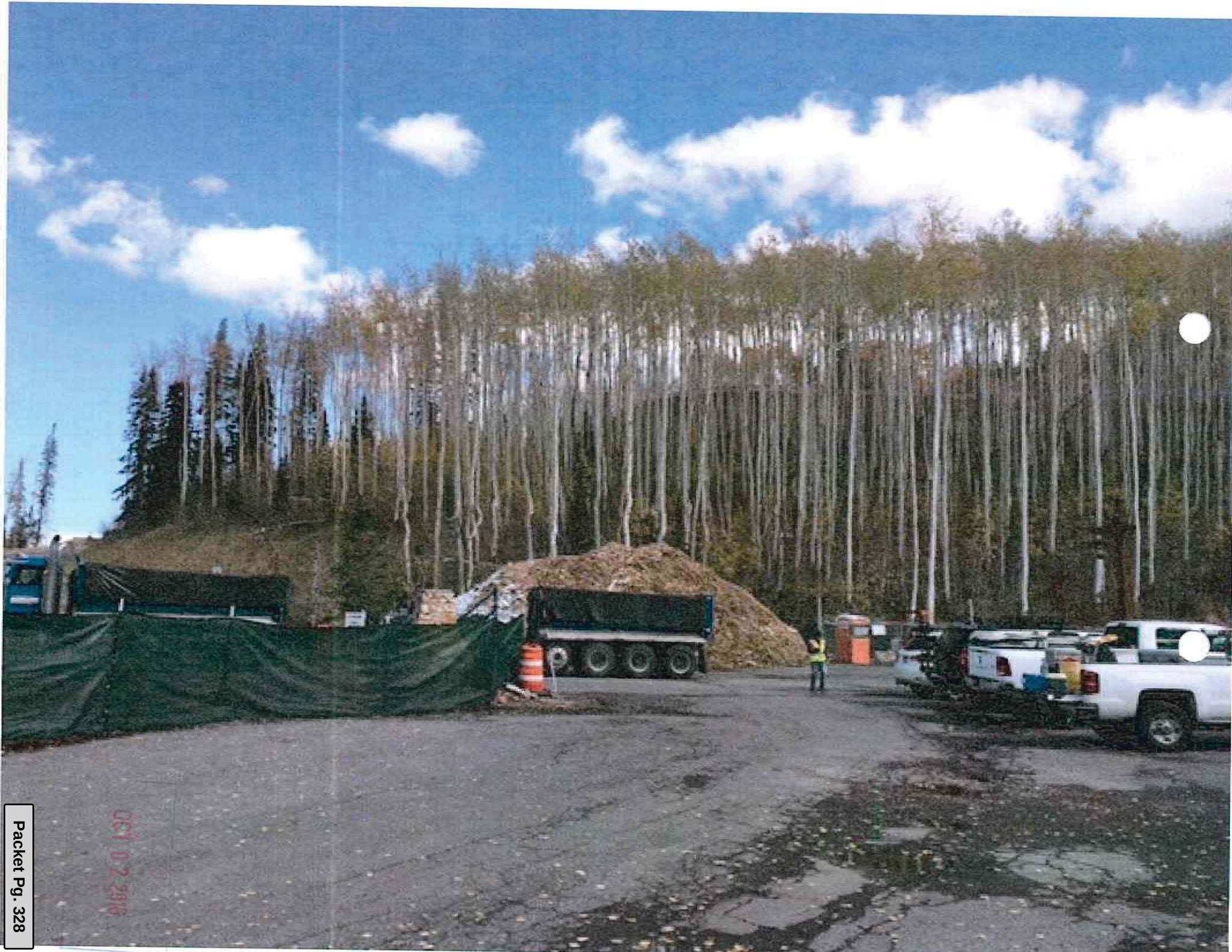
As the holder of the balance of entitled development land in Pod B2 and the Village at Empire Pass, REDUS Park City LLC (REDUS) desires to record the B2 Subdivision to create a lot of record for the remaining development site, along with a non-buildable remainder parcel. The proposed plat will also serve to record the maximum permitted density on the platted lot and a restriction against building development on the remainder parcel, with development still subject to Planning Commission approval. The proposed parcelization is consistent with that shown at the time of MPD approval.

OCT 04 2016



UCI 022018





001 02 2316





RECEIVED
OCT 02 2015



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

January 24, 2017

Mr. David Ash
REDUS Park City LLC
333 Market St, 3rd Floor
San Francisco, CA 94150

RE: B2 East
Line Extension Agreement Acceptance

Dear Mr. Ash:

The Line Extension Agreement (LEA) for the above referenced project was accepted by the Snyderville Basin Water Reclamation District (SBWRD) Board of Trustees at their January 23, 2017 meeting. A copy of the LEA is enclosed. With this acceptance you may now submit design drawings to SBWRD for review.

Please contact Kevin Berkley with any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Enclosure

cc: Douglas Ogilvy, Clachan Development
Michael Demkowicz, Alliance Engineering
Project File





Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

WILLIAMS & WILSON ARCHITECTS		Project No. 10000
Client: Mr. & Mrs. J. P. Poirer	Date: 10/1/80	Sheet No. 01 of 01
10000 DEER VALLEY MOUNTAIN RESORT AND SPA ARCHITECTURAL DRAWINGS		Scale: 1/8" = 1'-0"
10000 DEER VALLEY MOUNTAIN RESORT AND SPA ARCHITECTURAL DRAWINGS		CO.01

Montage Resort and Spa at Deer Valley

B-2 MPD Village Master Plan at Empire Pass

PARK CITY, UTAH



April 24, 2006

SHEET INDEX

A	0.01	SHEET INDEX
A	1.01	PERSPECTIVE B2-W AND B2-E FROM SKI AREA
A	1.02	PERSPECTIVE B2-W HOTEL APPROACH
L	1.01	CONCEPTUAL LANDSCAPE PLAN
LW	1.02	SITE SECTION AT HOTEL B2-W
AW	3.01	VOLUMETRICS PLAN HOTEL B2-W
AW	3.02	VOLUMETRICS PLAN VIEW EAST - HOTEL B2-W
AW	3.03	VOLUMETRICS PLAN VIEW NORTH - HOTEL B2-W
AW	3.04	VOLUMETRICS PLAN VIEW WEST - HOTEL B2-W
AW	3.05	VOLUMETRICS PLAN VIEW SOUTH - HOTEL B2-W
AE	3.06	VOLUMETRICS PLAN CONDOMINIUM B2-E
AE	3.07	VOLUMETRICS PLAN VIEW NORTH - CONDOMINIUM B2-E
AE	3.08	VOLUMETRICS PLAN VIEW SOUTH - CONDOMINIUM B2-E
C	1.01	SITE PLAN & VICINITY MAP
C	1.02	B2 WEST & B2 EAST CONCEPT UTILITY PLAN

HG

HILL GLACIER
ARCHITECTS
PARK CITY, UTAH
360.633.1111
WWW.HILLGLACIERARCHITECTS.COM

Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	10001
Date	09/12/2010
Sheet	A-001
Scale	A-001



PERSPECTIVE B2-W AND B2-E FROM SKI AREA



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH



Sheet No.	1000
Date	10/11/00
By	AS 10/11/00
Project No.	A101



PERSPECTIVE B2-W HOTEL APPROACH



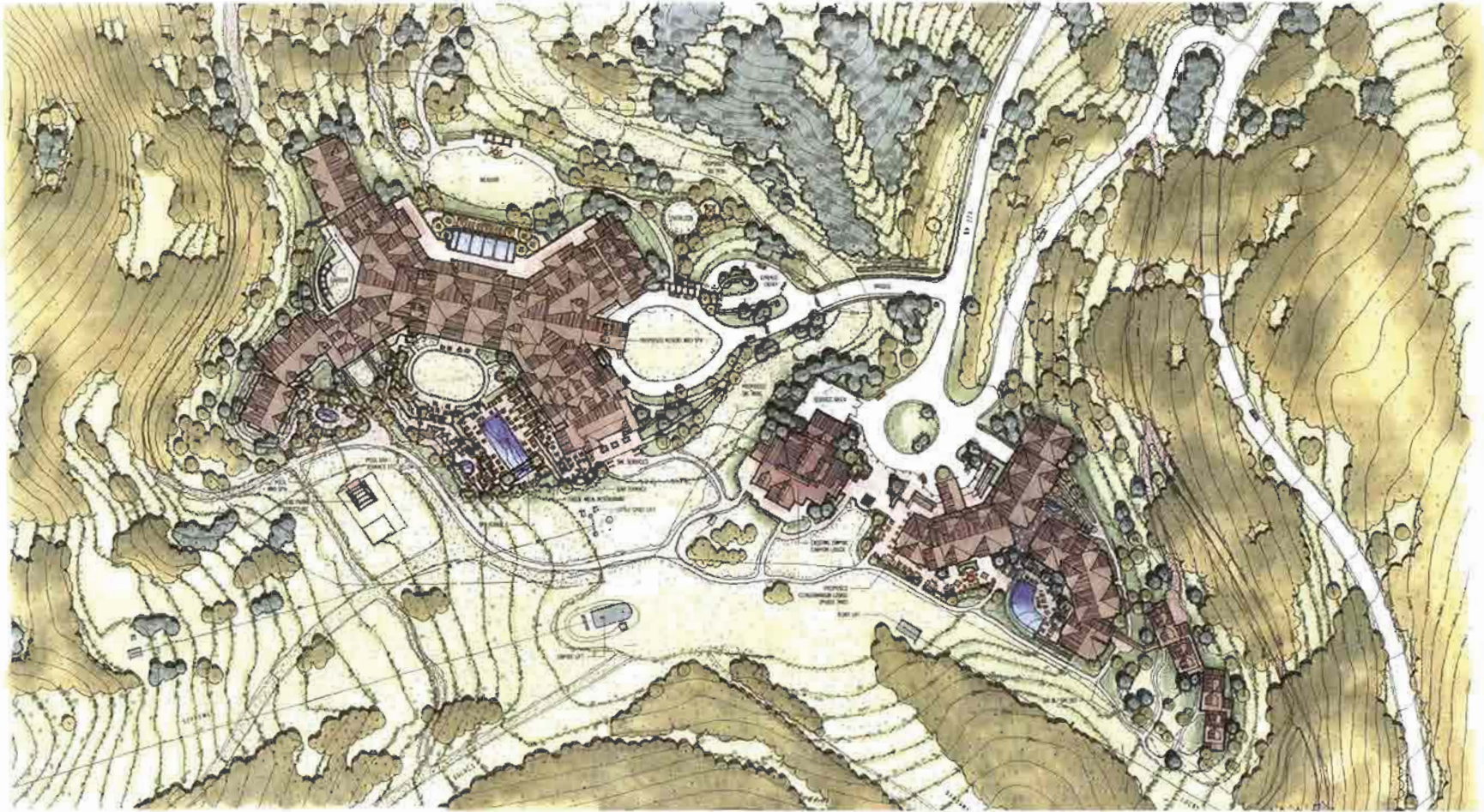
HILLIER GROUP ARCHITECTS INC. 2011

Montage Resort and Spa at Deer Valley

PARK CITY, UTAH



Project No.	10000
Date	10/11/2011
Sheet	MT 1010
Scale	A102



CONCEPTUAL LANDSCAPE PLAN

Montage Resort and Spa at Deer Valley

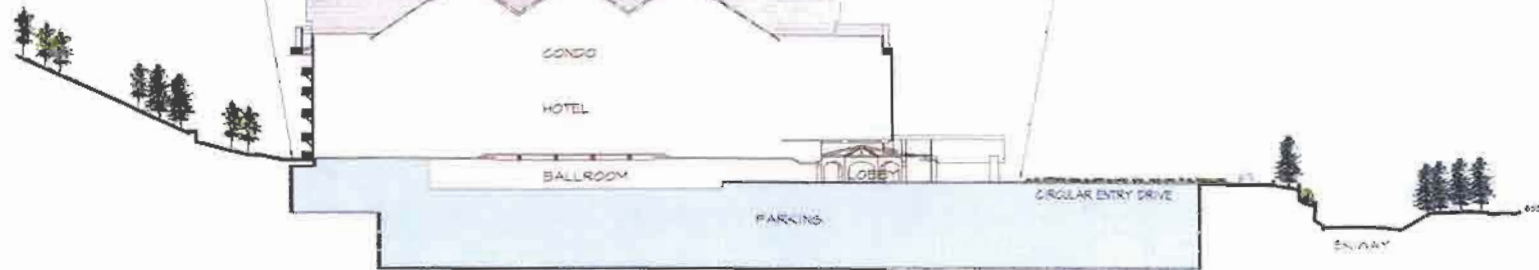
PARK CITY, UTAH



Project No.	07200
Date	APRIL 14, 2008
Scale	1/8" = 100'
Sheet No.	L 101

WEST ELEVATION DATUM POINT 8354

8346 EAST ELEVATION DATUM POINT

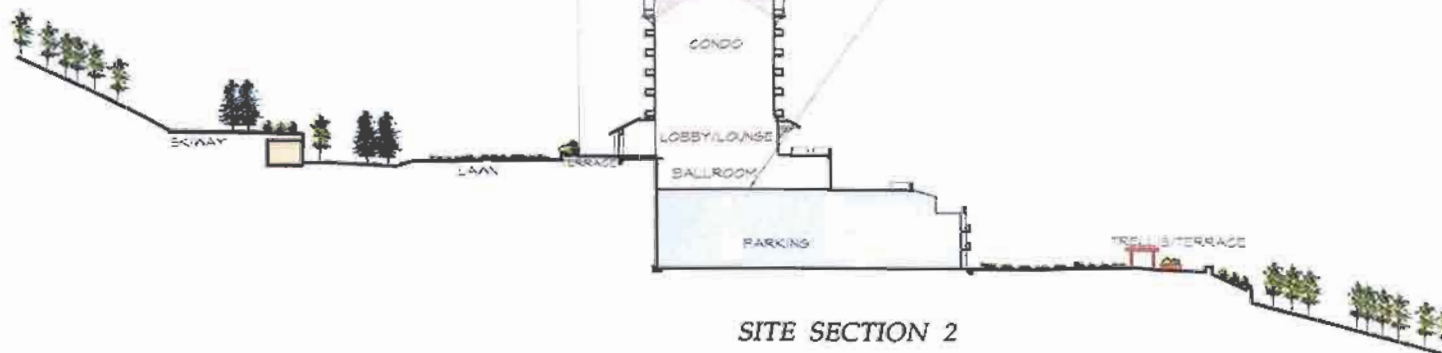


SITE SECTION 1

1" = 30'-0"

SOUTH ELEVATION DATUM POINT 8359

8346 NORTH ELEVATION DATUM POINT



SITE SECTION 2

1" = 30'-0"

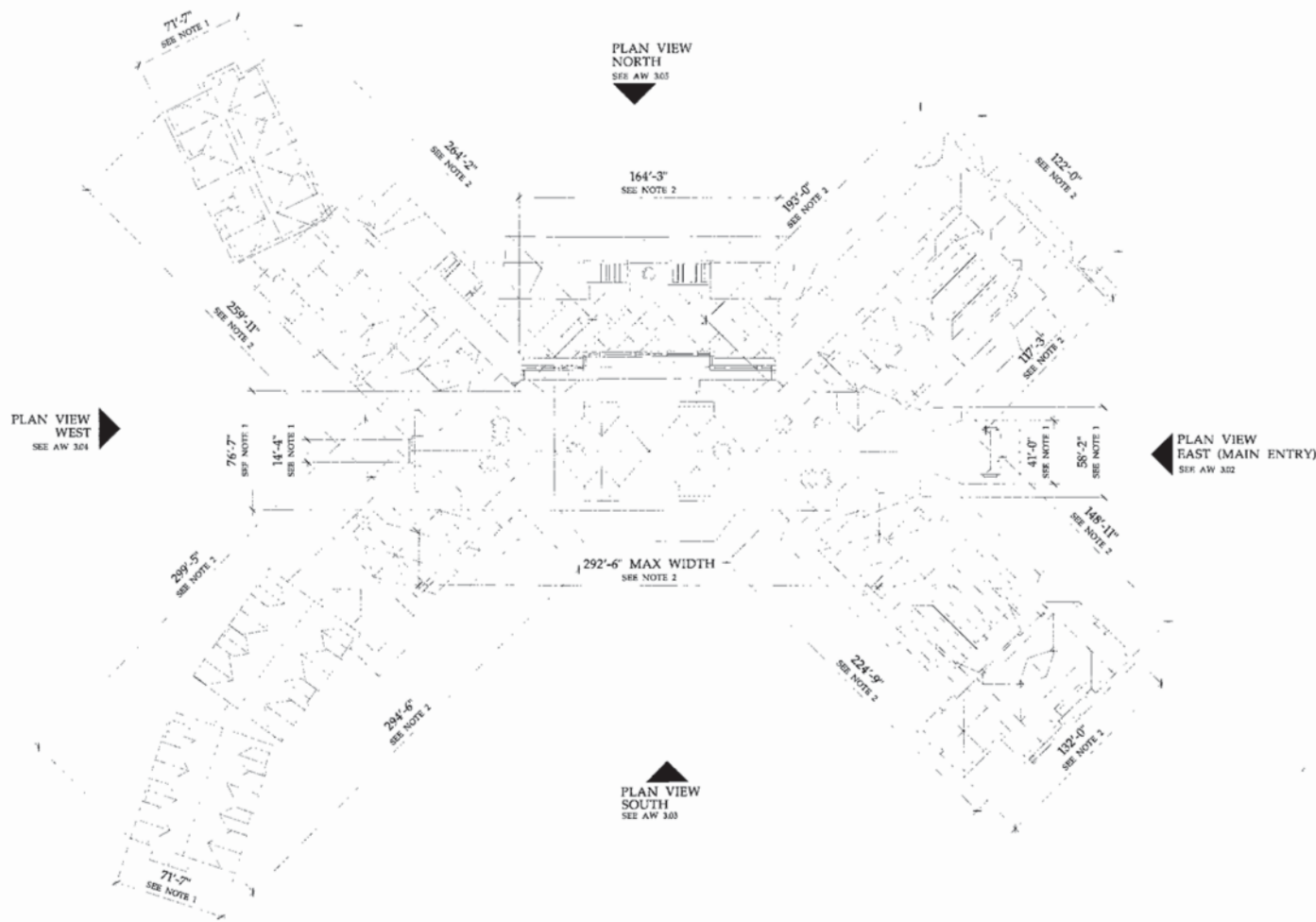


MONTAGE RESORT AND SPA AT DEER VALLEY

PARK CITY, UTAH

Project No.	1308
Date	APR 14, 2004
Drawn	S. BLO
Sheet No.	LWL02

DRAWING NO. 14-17-00001-01-0000 THE FOLLOWING INFORMATION IS FOR THE ARCHITECT'S USE ONLY. IT IS THE ARCHITECT'S RESPONSIBILITY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE INFORMATION PROVIDED BY THE CLIENT.



FACADE LENGTH AND VARIATIONS NOTES

1. Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in roof line height, or a combined change in facade and roof line totaling ten feet (10').

2. Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in roof line. A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.

VOLUMETRICS OVERALL PLAN VIEW

HG
HILL GLAZIER
ARCHITECTS

1000 WEST 1000 SOUTH, SUITE 100
SALT LAKE CITY, UT 84119
TEL: 801-457-0000 FAX: 801-457-0001

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Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No. 0308
Date: APR. 14, 2004
Scale: 1/8" = 1'-0"
Sheet No. AW 3.01

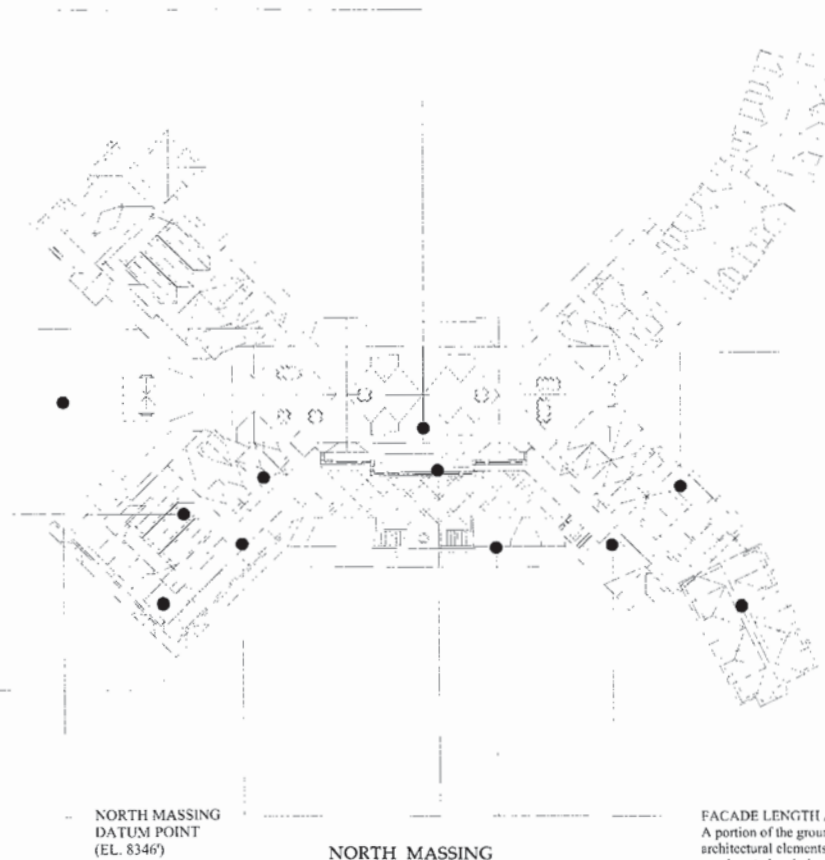
25% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
5 LEVELS RESIDENTIAL
1 LEVEL HOTEL SUITES
2 LEVELS HOTEL PUBLIC AREA
1 LEVEL HOTEL SPA
3 LEVELS HOTEL SUITES
(MAX HT. 114')

20% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
1 LEVEL HOTEL PUBLIC AREA
4 LEVELS HOTEL SUITES
(MAX HT. 85')

10% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
2 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
1 LEVEL HOTEL PUBLIC AREA
4 LEVELS HOTEL SUITES
(MAX HT. 76')

5% AT MAXIMUM HEIGHT OF
1 LEVEL HOTEL PUBLIC AREA
4 LEVELS HOTEL SUITES
(MAX HT. 23')

NOTE:
Due to the site characteristics, native grade cannot be determined. The maximum heights are measured from a finished grade datum point at the Entry.



10% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
1 LEVEL HOTEL PUBLIC AREA
1 LEVEL HOTEL SPA
3 LEVELS HOTEL SUITES
(MAX HT. 85')

20% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
4 LEVELS HOTEL SUITE
(MAX HT. 92')

FACADE LENGTH AND VARIATIONS:
A portion of the ground level is to have architectural elements, such as covered porches, to break down overall scale.
(Major balconies, Entry gables, Spa skylight)

VOLUMETRICS
PLAN VIEW NORTH



Montage Resort and Spa at Deer Valley

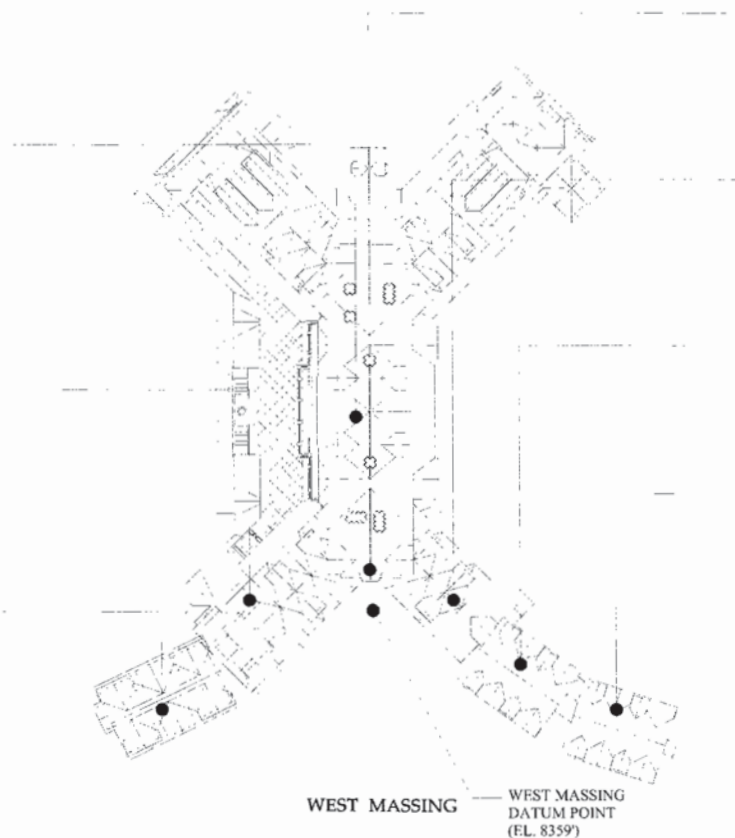
PARK CITY, UTAH

Project No.	19078
Date	07/11/14
Scale	AS NOTED
Drawn by	AW 3.03

(PERCENT INCLUDED IN LOWER ADJACENT MASSING)
AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
5 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
2 LEVELS HOTEL PUBLIC AREA (BELOW GRADE)
1 LEVEL HOTEL SPA (BELOW GRADE)
3 LEVELS PARKING (BELOW GRADE)
(MAX HT. 101')

5% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
1 LEVEL HOTEL SUITES (DOWN SLOPE)
1 LEVEL SPA (BELOW GRADE)
(MAX HT. 72')

30% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
4 LEVELS HOTEL SUITES (DOWN SLOPE)
(MAX HT. 79')



(PERCENT INCLUDED IN LOWER ADJACENT MASSING)
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
1 LEVEL HOTEL PUBLIC AREA (BELOW GRADE)
1 LEVEL HOTEL SPA (BELOW GRADE)
3 LEVELS PARKING, B.O.H (BELOW GRADE)
(MAX HT. 97')

45% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
3 LEVELS RESIDENTIAL
2 LEVELS HOTEL SUITES
(MAX HT. 72')

5% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
2 LEVEL RESIDENTIAL
(MAX HT. 72')

15% AT MAXIMUM HEIGHT OF
1 LEVEL RESIDENTIAL ROOF
2 LEVELS RESIDENTIAL
(MAX HT. 72')

NOTE:
Due to the site characteristics, native grade cannot be determined. The maximum heights are measured from a finished grade datum point.

VOLUMETRICS PLAN VIEW WEST



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Page No.	0708
Rev.	07/14/2016
Scale	AS SHOWN
Sheet No.	AW 3.04

(PERCENT INCLUDED IN ADJACENT MASSING)
 1 LEVEL RESIDENTIAL ROOF
 4 LEVELS RESIDENTIAL
 1 LEVEL HOTEL PUBLIC AREA
 1 LEVEL HOTEL (BELOW GRADE)
 1 LEVEL HOTEL SPA (BELOW GRADE)
 3 LEVELS PARKING (BELOW GRADE)
 (MAX HT. 97')

25% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 3 LEVELS RESIDENTIAL
 2 LEVELS HOTEL SUITES
 (MAX HT. 72')

15% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 2 LEVELS RESIDENTIAL
 1 LEVEL HOTEL SUITES
 (MAX HT. 72')

10% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 2 LEVELS RESIDENTIAL
 (MAX HT. 72')

SOUTH MASSING
 DATUM POINT
 (EL. 8359')

FACADE LENGTH AND VARIATIONS:
 A portion of the ground level is to have architectural elements, such as covered porches, to break down overall scale.
 (Major balconies, Pool house)

SOUTH SIDE MASSING

20% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 5 LEVELS RESIDENTIAL
 2 LEVEL HOTEL SUITES
 1 LEVEL HOTEL PUBLIC AREA
 1 LEVEL HOTEL (BELOW GRADE)
 1 LEVEL HOTEL SPA (BELOW GRADE)
 3 LEVEL PARKING, B.O.H./SUITES (BELOW GRADE)
 (MAX HT. 101')
 *ELEVATORS OVERRUN IN THE FORM OF CHIMNEY ELEMENTS AND ARE NOT REPRESENTED IN MAX HEIGHTS

(PERCENT INCLUDED IN ADJACENT MASSING)
 AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 4 LEVELS RESIDENTIAL
 1 LEVEL HOTEL PUBLIC AREA
 1 LEVEL HOTEL SPA (BELOW GRADE)
 3 LEVELS PARKING (BELOW GRADE)
 (MAX HT. 97')

30% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 3 LEVELS RESIDENTIAL
 2 LEVELS SUITES
 2 LEVELS B.O.H. (BELOW GRADE)
 3 LEVELS PARKING (BELOW GRADE)
 (MAX HT. 72')

10% AT MAXIMUM HEIGHT OF
 1 LEVEL RESIDENTIAL ROOF
 2 LEVELS RESIDENTIAL
 2 LEVELS HOTEL SUITES
 2 LEVELS B.O.H. (BELOW GRADE)
 3 LEVELS PARKING (BELOW GRADE)
 (MAX HT. 63')

5% AT MAXIMUM HEIGHT OF
 1 LEVEL HOTEL DINNING
 1 LEVEL B.O.H. (BELOW GRADE)
 3 LEVEL PARKING (BELOW GRADE)
 (MAX HT. 11')

NOTE:
 Due to the site characteristics, native grade cannot be determined. The maximum heights are measured from a finished grade datum point at the Lobby Terrace

VOLUMETRICS
 PLAN VIEW SOUTH



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Page: 14
 Date: 4/10/13
 Scale: 1/8"=1'-0"
 Sheet No: AW 3.05



1. Structures greater than sixty feet (60'), but less than 120 feet in length must exhibit a prominent shift in the facade of the Structure so that no greater than seventy five percent (75%) of the length of the Building Facade appears unbroken. Each shift shall be in the form of either a ten foot (10') change in Building Facade alignment or a ten foot (10') change in roof line height, or a combined change in facade and roof line totaling ten feet (10').
2. Structures which exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in roof line. A combination of both a roof line and facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
3. No variation required.

VOLUMETRICS
OVERALL PLAN VIEW



HG
HILL GLAZIER

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PARK CITY, UTAH

Project No.	330
Job	MR, 24 ft
Scale	#2 50
Sheet No.	AE 3.0

NOTE:
Due to the site characteristics, native grade cannot be determined. The maximum heights are measured from a finished grade datum point at the Entry.

HG
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ARCHITECTS
625 Jule Street, Berkeley, CA 94701-0406
TELE 850-817-0384 FAX 850-817-0378

Project No.	630
Date	APR. 14 1961
Scale	AS NOTED
Sheet No.	AE 3.07



SITE PLAN & VICINITY MAP

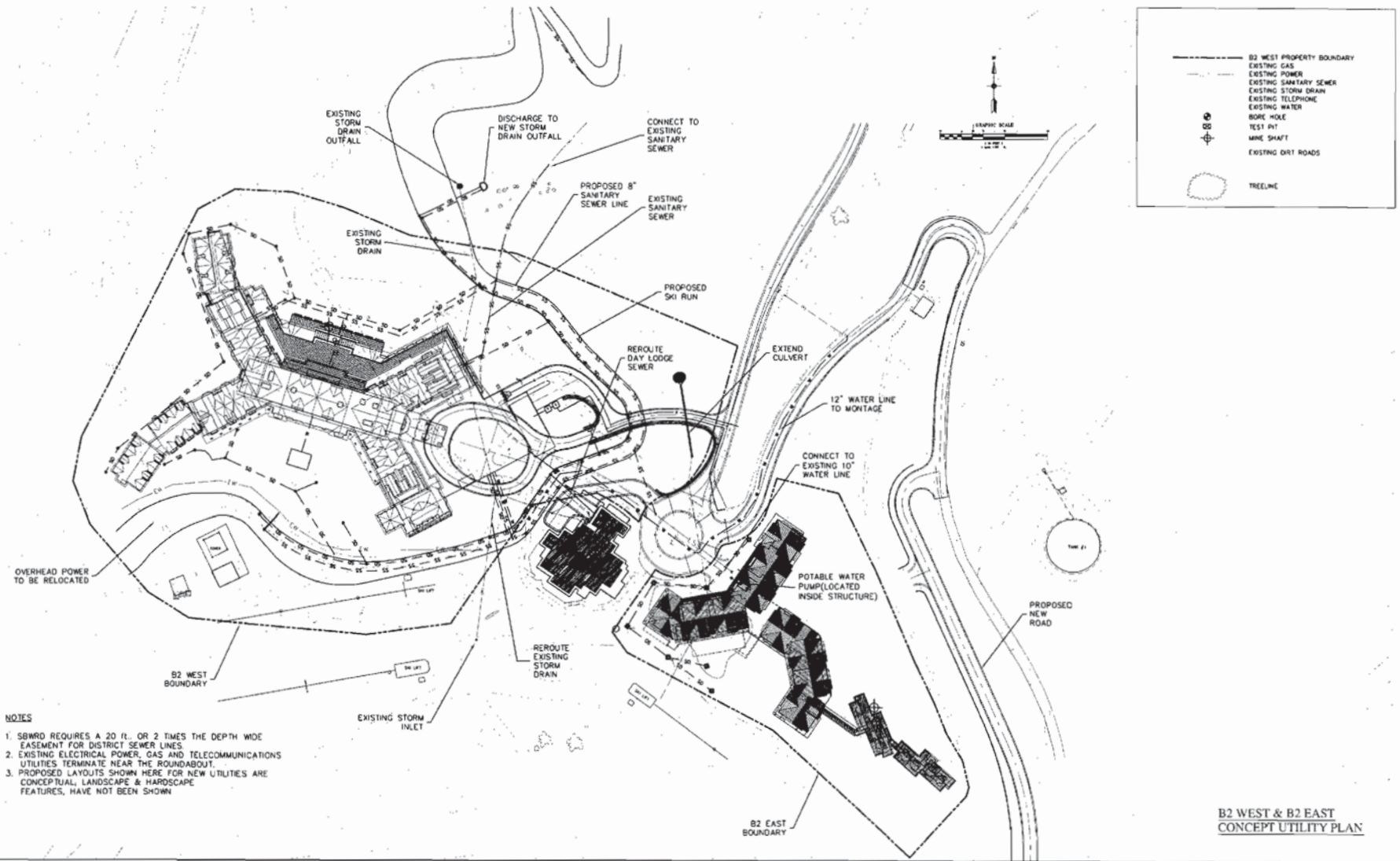


Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	13000
Date	APRIL 10, 2008
Scale	1" = 80'
Sheet No.	C 1.01

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HG
HILL GLAZIER
ARCHITECTS

5500 South 500 West Park City, UT 84050-5000
Tel: 435-933-1000 Fax: 435-933-1001



Montage Resort and Spa at Deer Valley

PARK CITY, UTAH

Project No.	8308
Date	APR. 28, 2008
Scale	1" = 80'
Sheet No.	C 1.02

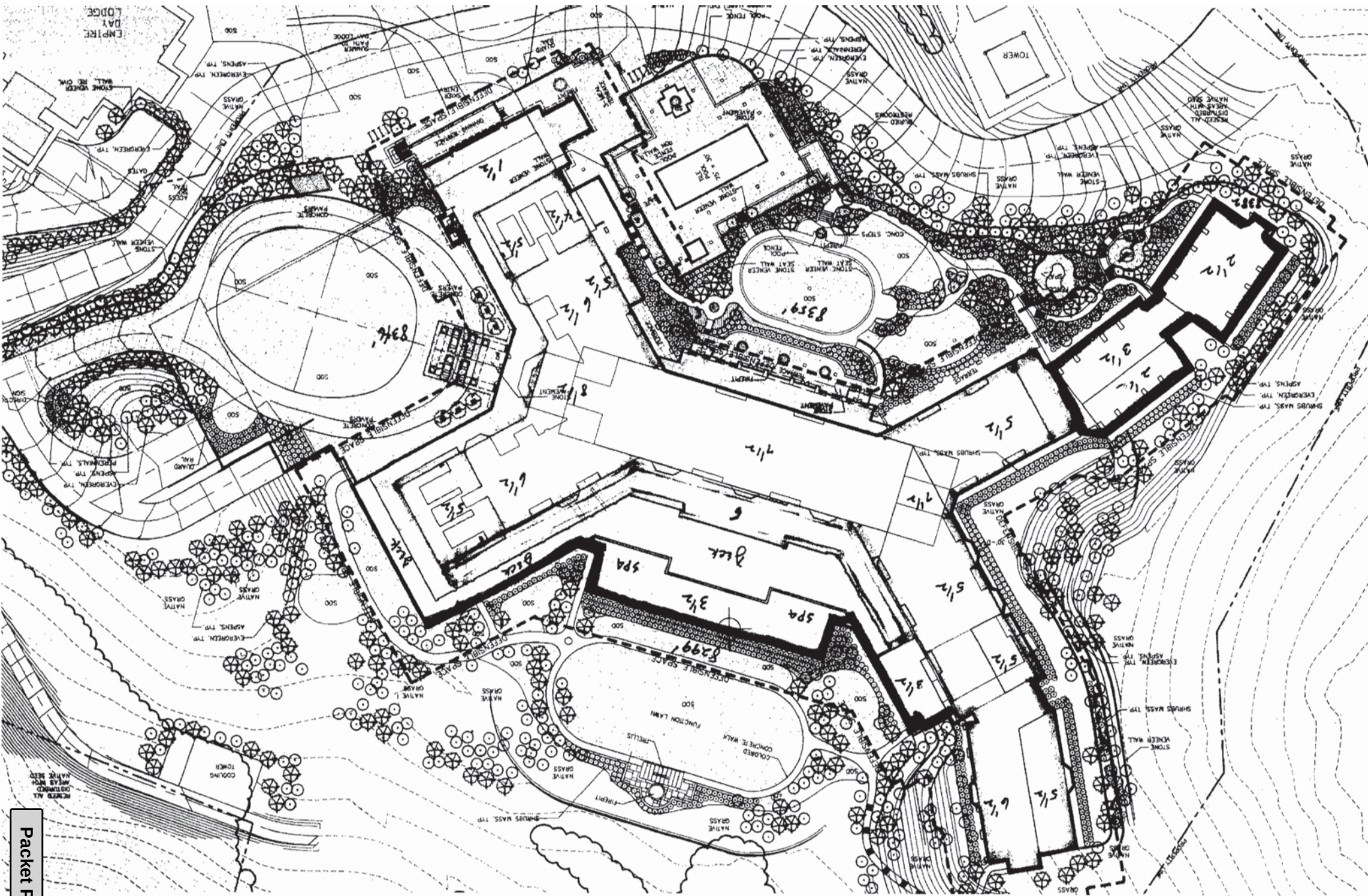


EXHIBIT J
SEE LINK

Empire Pass Units and Unit Equivalents Updated 1/31/2017

POD	Single Family	Allowed SF lots	SF Permits	SF CO #'s
A	Banner Wood-platted	6	4	4
B1	Northside-platted	10	10	10
D	Red Cloud-platted	30	12	11
Total		46	26	25

	Multi-family	Units Approved/Proposed	Square Feet Platted	Units Platted	UE Approved/Proposed	UE Platted	MF Units as PUDs	ADA	EHU/AUE	CO UE's	CO Units	Status
A	Horseshoe Townhouses on Lot 1 VEPN plat TDB	0		0		0			0	0		Plat under review
A	Lot 3 VEPN plat-(Bldg 3) Proposed	23		0	23.5	0	0	1	1 EHU/1.1 AUE	0		Plat under review
A	Lot 2 VEPN plat-(Bldg 4) TBD	0		0		0	0	2	1 EHU/2.0 AUE	0		Plat under review
A	Tower Residential- platted lot/no condo plat (Bldg 1)	25		0	38.9	0	0	1	1 EHU/0.84 AUE	0		CUP expired/not platted
A	Shooting Star-platted lot and condo (Bldg 2)	21	36,109	21	18.3	18.055	0	1	0	18.1	21	Completed
A	One Empire Pass-platted lot and condo (Bldg 5)	27	65,026	27	32.8	32.513	0	1	1 EHU/1.125 AUE	0	0	Under Construction
A	Silver Strike-platted lot and condo (Bldg 6)	34	71,305	34	35.6	35.653	0	2	1 EHU/1.1 AUE	35.7	34	Completed
A	Flagstaff -platted lot and condo (Bldg 7)	37	73,506	37	35.9	36.753	0	2	2 EHU/1.6 AUE	36.8	37	Completed
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	46,458	28	24.5	23.229	0	2	3 EHU/ 2.85 AUE	23.3	28	Completed
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	48,746	28	25.7	24.373	0	2	0	24.4	28	Completed
A	Grand Lodge-platted lot and condo (Bldg H)	27	65,344	27	33	32.672	0	2	1 EHU/1.2 AUE	32.7	27	Completed
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	48,693	15	24.4	24.347	6	0	0	24.4	15	Completed
A	Larkspur West Townhouses-all platted/condo	12	41,273	12	20.7	20.637	0	0	0	20.7	12	Completed
A	Paintbrush PUDs- all platted /condo	12	63,076	12	31.9	31.538	12	0	0	32	12	Completed
A	Belles PUDs- all platted/condo	17	90,000	17	45	45	17	0	0	37.85	14 14	Completed
B1	Nakoma PUDs- phase 1 platted/condo	17	90,000	17	45	45	17	0	0	35	13 13	Completed
B1	Ironwood- all platted/condo	24	73,944	23	37.4	36.972	0	1	1 EHU/1 AUE	37.1	23	Completed
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	hotel rooms		hotel rooms	69.6	72.665	0		see condos	72.4		Completed
B2	B2 West Montage condos- platted (apprvd 94)	94	218,669	84	114	109.335	0	5	10 EHU/ 7.8 AUE	109.3	84	Completed
B2	B2 East- B2East Subdivision-proposed	70		0	81	0		2	4 EHU/4.2 AUE	0		Plat under review
Totals (Multi-family only)		511	1032149	382	737.2	588.742	52	24	26 EHU/24.815 AUE 24.725 AUE on mountain	539.75	348	
Maximum Allowed by Flagstaff Development Agreement		550		550	785	785	60	n/a				
Remaining UE/Units/AUE		39		168	47.80	196.258	8	n/a	5.085 (5.175 -.09) AUE off mountain remaining			

MF Totals by POD only apprvd or platted (not SF lots)	Units Approved	Units Platted	UE Approved	UE Platted	MF Units as PUD
A (not including Lot 3 and Tower CUP)	258	258	327.8	324.77	35
B1	41	40	82.4	81.972	17
B2 (plus 174 hotel rooms) not including B2East	94	84	183.6	182	0
A, B1, B2	393	382	593.8	588.742	52

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

67.50%

SF- Single family lot/house
MF- Multi-family/condominium units
PUD- Planned Unit Development Style MF

EHU- Employee Housing Unit
AUE- Affordable Unit Equivalent (1 AUE = 800 sf)
UE- Unit Equivalent (1 UE = 2,000 sf residential)

ADA- American Disability Act required units
VEPN- Village Empire Pass North Subdivision plat
CO- Certificate of Occupancy

Planning Commission Staff Report



Application: PL-16-03293
Subject: Village at Empire Pass North Subdivision
Author: Kirsten Whetstone, MS, AICP, Sr. Planner
Date: February 8, 2017
Type of Item: Legislative – subdivision plat

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and forward a positive recommendation to City Council regarding the Village at Empire Pass North Subdivision plat pursuant to findings of fact, conclusions of law, and conditions of approval in the draft Ordinance.

Description

Owners: REDUS Park City LLC and Empire Residences LLC
Applicant: Alliance Engineering (representing Owners)
Location: Marsac Avenue and Village Way within Village at Empire Pass Master Planned Development (MPD)
Zoning: Residential Development (RD-MPD) District, subject to the Flagstaff Annexation and MPD and Village at Empire Pass MPD
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and other development parcels of the Village at Empire Pass Pod A MPD, and open space areas.

Proposal

This is a request for a final subdivision plat (Exhibit A) to create three platted lots of record for development parcels of the Village at Empire Pass Pod A Master Planned Development approved on July 28, 2004, and a remnant adjacent Parcel A. The lots have frontage on existing platted Marsac Avenue (State Highway 224) and Village Way (a private street). No new public or private streets are proposed. Existing recorded and proposed utility, snow storage, storm water, ski lift, and access easements are shown on the plat. The applicant requests a plat note identifying the maximum density allowed on Lot 3 as 23.5 UE configured in no more than twenty three (23) individual units, subject to final Conditional Use Permit review. Maximum density on Lots 1 and 2 is subject to remaining density of the Flagstaff Annexation Development Agreement to be determined during future Conditional Use Permit review. No density is assigned to Parcel A that is to be used in connection with Deer Valley Resort and similar activities.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of

development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement (Agreement) was amended and recorded in March 2007 (Exhibit B).

The 2007 Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units does not exceed 60. The Mountain Village is allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A). The three development pods must be linked by transit. A fourth pod, pod D is allowed 30 single family lots (this area was platted with the Red Cloud Subdivision for 30 single family home sites) (See Exhibit K).

The Agreement required the applicant to submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the amended Development Agreement form the standards under which the subject subdivision plat, and subsequent Conditional Use Permit, will be reviewed (Exhibit C – technical reports).

Village at Empire Pass Master Planned Development

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A. (Exhibit D- Staff report and Action letter). The VMPD was the first step in the development process for Pod A. A separate MPD for Pod B1 was approved in May 2002 and amended in 2008. On March 14, 2007, the Planning Commission approved a Master Planned Development for Pod B2 at Empire Pass.

The purpose of the VMPD was to establish unit mix and density for the Mountain Village, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location (Exhibits E and F). Prior to building permit issuance for any construction, the applicant must receive site-specific Conditional Use Permit approval from the Planning Commission.

Construction to date

Six lodge buildings have been built to date within Pod A (Exhibit F), namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Larkspur and Paintbrush units are complete. Four Banner Wood homes are complete. One Belles PUD style lot is vacant, 2 are under construction, and 14 are completed.

Three of the large lodge buildings (Buildings 1, 3, and 4) as well as approximately 19 additional townhouse units remain to be constructed within the Village MPD Pod A. A Conditional Use Permit for the Tower Residential (Building 1) was approved however

the approval expired. A Conditional Use Permit for the Tower Club (aka Talisker Club) was approved on a portion of the Building 1 lot and was constructed as a private club with private dining, exercise facilities, common swimming pool and hot tubs, ski lockers, changing rooms, restrooms exclusively for owners/members, as well as a small convenience store. A central shuttle/transit shelter was constructed on the adjacent Larkspur property for use by the entire Flagstaff Development.

Within Village MPD Pod B1 ten Northside single family homes have been platted and constructed. All seventeen of the Nakoma PUD style units have been platted and thirteen are complete. Finally 23 townhouse units were constructed at Ironwood.

The subsequent Conditional Use Permits (CUPs) required by the VMPD for each multi-family parcel and/or building are intended to provide final architectural review by the Park City Planning Department Staff and Planning Commission and to demonstrate compliance with the Village MPD and Large Scale MPD (LSMPD) documented in Flagstaff Annexation and Development Agreement.

Subdivisions

The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD (west side). Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.

The subdivision plat notes require compliance with RD District zone setbacks, approval of a CUP for each building prior to issuance of a building permit, a declaration of condominium and a record of survey prior to individual sale of units, requires membership of the owner in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 10 foot wide snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

Submittal

This subdivision plat application was submitted on August 30, 2016 and deemed complete on September 27, 2016. Staff requested additional time to review the Flagstaff Annexation and Empire Pass MPD approvals to understand the status of approved/platted Units and Unit Equivalents and to do an audit of all outstanding obligations required by the Development Agreement. The applicant also requested a continuation to have time to review staff's recommendation and conditions.

The subdivision is to be known as the Village at Empire Pass North Subdivision. The applicant requests a plat note identifying the maximum density allowed on Lot 3 as 23.5 UE configured in no more than 23 individual condominium units, subject to final Conditional Use Permit review. Maximum density on Lots 1 and 2 is subject to remaining density of the Flagstaff Annexation Development Agreement to be determined during future Conditional Use Permit review.

Purpose of the RD District

The purpose of the Residential Development (RD) Zoning District is to:

- (A) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) Minimize impacts of the automobile on architectural design,
- (E) Promote pedestrian connections within Developments and between adjacent Areas; and
- (F) Provide opportunities for variation in architectural design and housing types.

Proposed Subdivision Description

The applicant requests approval of a subdivision plat of three metes and bounds described parcels (PCA-S-98-BB, PCA-S-98-DD, PCA-S-98-DD-EE, and PCA-S-98 EE) located to the north and east of the Village at Empire Pass Phase I Subdivision. These parcels include a total of 5.34 acres that were not included with any of the previous subdivisions of Pod A. The subdivision consists of a 3.0 acre Lot 1, for future townhouse units, a 1.57 acre Lot 2 for Lodge Building 4, and a 0.67 acre Lot 3 for future Lodge Building 3. The Lodge Buildings were described in the Village at Empire Pass MPD. Parcel A is a 0.10 acre remnant parcel to be used in conjunction with Deer Valley Resort ski operations and similar uses. No density will be assigned to Parcel A.

The subdivision plat creates three buildable lots of record for Village at Empire Pass MPD Lodge Buildings 3 (Lot 3) and 4 (Lot 2) and the Horseshoe townhouses (Lot 1). Lodge buildings 3 and 4 are designated for multi-family, stacked flat buildings in the Village Master Plan. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings and the townhouses.

Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Lots 2 and 3 will access off Village Way. Lot 1 will access off Marsac Avenue in an approved UDOT and City location. Townhouses on Lot 1 will not have direct access off Marsac but will access to a private driveway off Marsac. Staff recommends a condition and plat note that the final location of access off Marsac to the future buildings be approved by UDOT and the City.

Utilities are available in the vicinity of these lots. Snyderville Basin Water Reclamation District (SBWRD) recommends conditions and plat notes to address their concerns (Exhibit H). Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Any necessary utility

easements, based on final building design and approval, shall be recorded prior to building permit issuance

All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets. Staff recommends a condition of approval and plat note that the final location of access off Marsac shall be approved by UDOT and the City.

An aerial photo, existing conditions survey, and photos of the site were submitted with the application (Exhibits G, H, and I). The same requirements and conditions of the West Side Subdivision plat noted above are proposed for this subdivision.

Land Management Code (LMC) and Village MPD Analysis

The subdivision plat has been reviewed for compliance with lot and site requirements of the RD Zoning District as described below:

	RD Zoning District and/or Village at Empire Pass MPD
Lot Size	No minimum lot size. Total property is 5.34 acres. Lot 1 – 3.0 acres, Lot 2 – 1.57 acres, Lot 3 – 0.67 acres, Parcel A – 0.10 acres. Complies.
Uses	Residential multi-family condominiums and Townhouses are allowed uses subject to Conditional Use Permit review. Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Applicant requests a maximum of 23.5 UE configured as no more than 23 units for Lot 3. Density for Lots 1 and 2 is subject to CUP review and remaining density per the Flagstaff Agreement, as amended. (See below for analysis of commercial uses.) Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff Agreement tracks both UEs (each 2,000 sf) as well as total number of units (see Exhibit K). Complies.
Front yard setbacks	LMC requires a minimum of 25 feet to front facing garage, 20 feet to building (LMC exceptions apply). Reviewed at time of CUP.
Rear yard setbacks	LMC requires a minimum of 15 feet (LMC exceptions apply). Reviewed at time of CUP.
Side yard setbacks	LMC requires a minimum of 12 feet (LMC exceptions apply). Reviewed at time of CUP.

Building Height and Volumetric	Per Village MPD Volumetric and Height (reviewed at time of CUP): Lot 3 (MPD Building 3) - 55% of the building to reach 82' above existing grade, and 45% of the building to reach 74' above existing grade. The volumetric diagram allows Building 3 to be four to five stories. Lot 2 (MPD Building 4)- 20% of the building to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 4 to be four to six stories. Townhouses- 28' height plus 5' additional for 4:12 or greater roof pitch.
Parking	The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Parking calculations to be determined with the Conditional Use Permits.
Architectural Design	All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the CUP and Building Permits.
Residential Units (see Exhibit K) 785 UE maximum multi-family(MF) 550 dwelling units maximum (MF) (of which 60 can be PUD). 16 single family (SF) home sites (not including 30 SF in Pod D). At least 50% of the residential units within the Mountain Village (Pods A, B1 and B2) must be in Pod A (not including SF home sites). Final approval of the buildings and UEs is subject to approval of a Conditional Use Permit.	The plat assigns Lot 3 a maximum of 23.5 UE (residential unit equivalent) configured in no more than 23 units. Assignment of maximum UE for Lots 1 and 2 will be determined during Conditional Use Permit application review for these Lots. No density/units are assigned to Parcel A. Total UE platted to date = 588.742 UE (196.258 UE remain) Total units platted to date = 382 units (52 are PUD) (168 units remain) Total single family approved/platted = 16. Total multi-family units approved/platted in Pod A = 258 (condos, PUD style, townhouses). 67.5% of units are within Pod A (258/382). Total multi-family units in Pod A with this plat =281 73.6% of units are within Pod A (281/382). Total units with this plat and B2East approval= 475 59.2% of units are within Pod A (281/475). 91.758 UE and 75 dwelling units remain for Lots 1 and 2 of this subdivision, Building 1 (Tower Residential), and VEMP 1-1, VEMP 1-2 (after 23.5 UE (23 units) are built on Lot 3 and 81 UE (70 units) are built on B2East Lot 1). Complies with Development Agreement as there are sufficient units and UE remaining.

MPD Resort Support Commercial 75,000 sf maximum with Agreement 35,000 sf approved for Montage Spa with the Empire Pod B2 MPD. 28,059 sf approved for Montage restaurants, kitchen, retail, etc. 63,059 sf total approved Montage 3,379 sf total approved Tower Club 1,275 sf total approved Grand Lodge 7,287 sf remaining.	No MPD Resort Support Commercial uses are requested with this subdivision plat. There are Resort Support Commercial square feet remaining.
Residential accessory uses	Common amenity areas can be proposed through the Conditional Use application for storage areas, locker rooms, fitness area, recreation and game rooms, lounge and lobby areas, children's room and small business center areas for exclusive use by guest and owners.

This application meets the necessary subdivision requirements of Land Management Code (LMC) Section 15-7 of the Park City Municipal Code for lot layout, utility easements, dedications, and street layout. Final utility plans will be provided with a future Conditional Use Permit application.

On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report (24.725 AUE total on-site). This plat identifies an on-site housing obligation on Lot 2 (2.0 AUE) and Lot 3 (1.1 AUE) (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into Lodge Buildings 4 (Lot 2) and 3 (Lot 3) and noted on the plat. There is still an outstanding requirement of 0.84 AUEs that will be constructed in the Tower Residences (Lodge Building 1 of the MPD). The remaining on-site affordable units (4.2 AUE) are allocated to Lot 1 of the B2East Subdivision, currently under review. All deed restricted units are to be identified on the condominium plats prior to recordation of those plats.

All requirements of the Agreement, including transportation (gondola payments and shuttles), affordable housing, environmental (soils and mine hazards), etc. shall be reviewed and verified for compliance during the Conditional Use Permit application review for development on Lots 1, 2 and 3 and completed prior to issuance of certificates of occupancy. Some of these obligations are triggered based on the number of certificates of occupancy issued. All trails are complete and there are no trail head improvements required by the Master Planned Development that are associated with this property.

A Construction Mitigation Plan shall be submitted with the Conditional Use Permit application and in advance of issuing the Building Permits.

Resort Support Commercial/meeting space

The Flagstaff Annexation and Development Agreement states a maximum of 75 UE (75,000 square feet) of Resort Support Commercial uses are allowed within the Village at Empire Pass MPD (Pods A, B1 and B2). A total of 28,059 sf of restaurant, kitchen,

bar, lounge, retail space and a total of 35,000 sf of Spa space were approved for the Montage Resort and Spa with the Pod B2 MPD. A total of 2,264 sf of kitchen, dining, and store space have been constructed at the Tower Club and an additional 1,115 sf were recently approved for the dining room addition. A total of 1,275 sf were approved with the Grand Lodge Condominium plat. Therefore a total of 67,713 sf of Resort Support Commercial are allocated, leaving 7,287 sf remaining to be allocated.

At this time no Resort Support Commercial, support meeting space, or residential accessory uses are requested for this plat. Determination of these uses will be reviewed at the time of review of Conditional Use Permits for Lots 1, 2 and 3.

Good Cause

Staff finds good cause for this subdivision plat as it is consistent with the Land Management Code, Flagstaff Annexation and Development Agreement, and the Village at Empire Pass Pod A Master Planned Development. The subdivision plat provides lots of record, utility and access easements, and snow storage easements for the orderly development of Lodge Buildings 3 and 4 and the Horseshoe parcel townhouses.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the plat and conditions of approval.

Notice

The property was posted and notices were mailed to property owners within 300 feet on November 30, 2016. A legal notice was published in the Park Record, the City website, and the Utah Public Notice website, on November 30th and December 28th, 2016 and on January 21, 2017.

Public Input

Staff received a few phone calls requesting information about the location of these parcels and future development plans. No public input was provided at the previous public hearings.

Alternatives

1. The Planning Commission may forward a positive recommendation to City Council to approve the subdivision plat, as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to deny the subdivision plat and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement, technical reports, and Master Planned Development.

Consequences of not taking the Suggested Recommendation

No building permits can be issued.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and forward a positive recommendation to City Council regarding the Village at Empire Pass North Subdivision pursuant to findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

Exhibits

Ordinance

Exhibit A – Proposed subdivision plat

Exhibit B – Development Agreement sections [\(link to full document\)](#)

Exhibit C – [Link to Technical Reports](#)

Exhibit D – Village at Empire Pass MPD approvals

Exhibit E – MPD approved building volumetric and map

Exhibit F – Village map

Exhibit G – Aerial photo of site

Exhibit H – Existing conditions survey

Exhibit I – Photos of the property

Exhibit J – Sewer District (SBWRD) letter

Exhibit K – Flagstaff Development Agreement Density and Uses Chart

Ordinance 17-XX

AN ORDINANCE APPROVING THE VILLAGE AT EMPIRE PASS NORTH SUBDIVISION, LOCATED WITHIN POD A OF THE VILLAGE AT EMPIRE PASS MASTER PLANNED DEVELOPMENT, PARK CITY, UTAH.

WHEREAS, owners of the property known as PCA-S-98-BB, PCA-S-98-DD, and PCA-S-98-DD-EE, and PCA-S-98 EE located to the north and east of the Village at Empire Pass Phase I Subdivision at Marsac Avenue and Village Way in Park City, Utah, have petitioned the City Council for approval of a subdivision plat; and

WHEREAS, these parcels include a total of 5.34 acres that were not included with any of the previous subdivisions of the Village at Empire Pass Pod A Master Planned Development. The subdivision consists of a 3.0 acre Lot 1 for future townhouse units, a 1.57 acre Lot 2 for Lodge Building 4, a 0.67 acre Lot 3 for future Lodge Building 3, and a 0.1 acre remnant Parcel A; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on November 26th and December 28th, 2016, and on January 21, 2017, and the property was posted on November 30, 2016, according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to surrounding property owners on November 30, 2016, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2016 and January 11th and February 8th 2017, to receive input on the subdivision plat; and

WHEREAS, the Planning Commission, on February 8, 2017, forwarded a recommendation to the City Council; and,

WHEREAS, on March 9, 2017, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass North subdivision.

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

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

Findings of Fact

1. The property is located at Marsac Avenue and Village Way within Pod A of the Master Planned Development for the Village at Empire Pass. Addresses will be assigned prior to plat recordation.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and Village at Empire Pass MPD area (RD-MPD).
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units do not exceed 60. The Mountain Village is also allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).
8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).
9. With approval of 23.5 UE (up to a maximum of 23 units) on Lot 3 of the Village at Empire Pass North Subdivision, there will be 612.242 UE platted (up to 405 MF units), and 69.4% of MF units in Pods A, B1 and B2 located within Pod A. If 81 UE (70 units) are also built on Pod B2 (see request for B2 East Subdivision at this same meeting) there will then be a total of 693.242 UE and 475 units with 59.2% of MF units located within Pod A.
10. Upon Conditional Use Permit approval of the 23.5 UE for Lot 3 and 81 UE for B2East, 91.758 UE and 75 dwelling units would remain to be allocated to remaining residential development sites in Pod A. The remaining sites include Lots 1 and 2 of this subdivision, Lodge Building 1 (Tower Residential), and Lots 1 and 2 of the Village at Empire Pass Phase 1 subdivision.
11. The applicant is not requesting allocation of any MPD Resort Support Commercial for this subdivision at this time. There exists a total of 7,287 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2.
12. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permits and memorialized with the final condominium plats.
13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Pod A), known as the Village Master

Planned Development (VMPD) Pod A.

14. The purpose of the VMPD was to establish unit mix and density for the Village Master Plan, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location.
15. The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD (west side).
16. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.
17. Six lodge buildings have been built to date within Pod A namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units are remaining to be permitted and constructed. Additionally 4 PUD units within Nakoma in Pod B1 are remaining to be permitted and constructed.
18. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as additional townhouse and PUD style units remain to be constructed within the Village MPD Pod A.
19. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 3.0 acre Lot 1, for future townhouse and PUD units, a 1.57 acre Lot 2 for Lodge Building 4, a 0.67 acre Lot 3 for future Lodge Building 3, and a 0.10 acre Parcel A. The property consists of a total of 5.34 acres.
20. Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Parcel A has access to Village via a proposed access easement across Lot 2.
21. Lots 2 and 3 will take access off Village Way. Location of access off Marsac Avenue requires review and approval by UDOT and the City Engineer, as Marsac Avenue is currently a state highway.
22. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings, PUD units, and townhouses.
23. Utilities are available to the lots. SBWRD recommended conditions and plat notes to address their concerns.
24. All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets.
25. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.
26. There is no minimum or maximum lot size or lot width in the RD District.

27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and the Village at Empire Pass MPD.
28. A height exception and building volumetric were approved with the Village at Empire Pass Pod A Master Planned Development for the Lodge Buildings (Lots 2 and 3).
29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
31. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 1.1 AUE for Lot 3 and 2.0 AUE for Lot 2 (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into MPD Lodge Buildings 3 and 4 and noted on the plat. Also 0.84 AUE are an outstanding requirement of the Tower Residences to be constructed in MPD Lodge Building 1. No AUE are planned or identified for Lot 1 of this subdivision.
32. Requirements of the Flagstaff Agreement will be reviewed and verified for compliance during the Conditional Use Permit applications reviewed for development on Lots 1, 2 and 3. This transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.
33. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.

3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. A ten foot (10') wide snow storage easement is required along the private street frontages of the lots and a ten (10') wide public snow storage easement is required along public street frontages.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. Prior to building permit issuance, documentation from UDOT showing approval of access to Lot 1 off Marsac Avenue is required. If documentation does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.
11. Any proposed curb cuts for access directly to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
12. A Conditional Use Permit approval is required prior to issuance of building permits on Lots 1, 2 and 3.
13. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permits for development on Lots 1, 2 and 3, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
14. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
15. All requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 3 has an on-site affordable housing obligation of 1.1 AUE and Lot 2 has an on-site affordable housing requirement of 2.0 AUE, to be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. Lot 1 has no on-site obligation. All deed restricted units shall be identified on the final condominium plats prior to recordation of such plats.
16. Wastewater service to Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lot 1. If a line extension is necessary, it shall be the responsibility of the Owner to extend the public wastewater system within Lot 1 according to the requirements of the Line Extension Agreement.

17. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
18. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
19. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
20. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lots 1, 2, and 3, unless otherwise conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.
21. A Construction Mitigation Plan shall be submitted with the Conditional Use Permit applications and in advance of issuing building permits.

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

PASSED AND ADOPTED this _____ day of March, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

ATTEST:

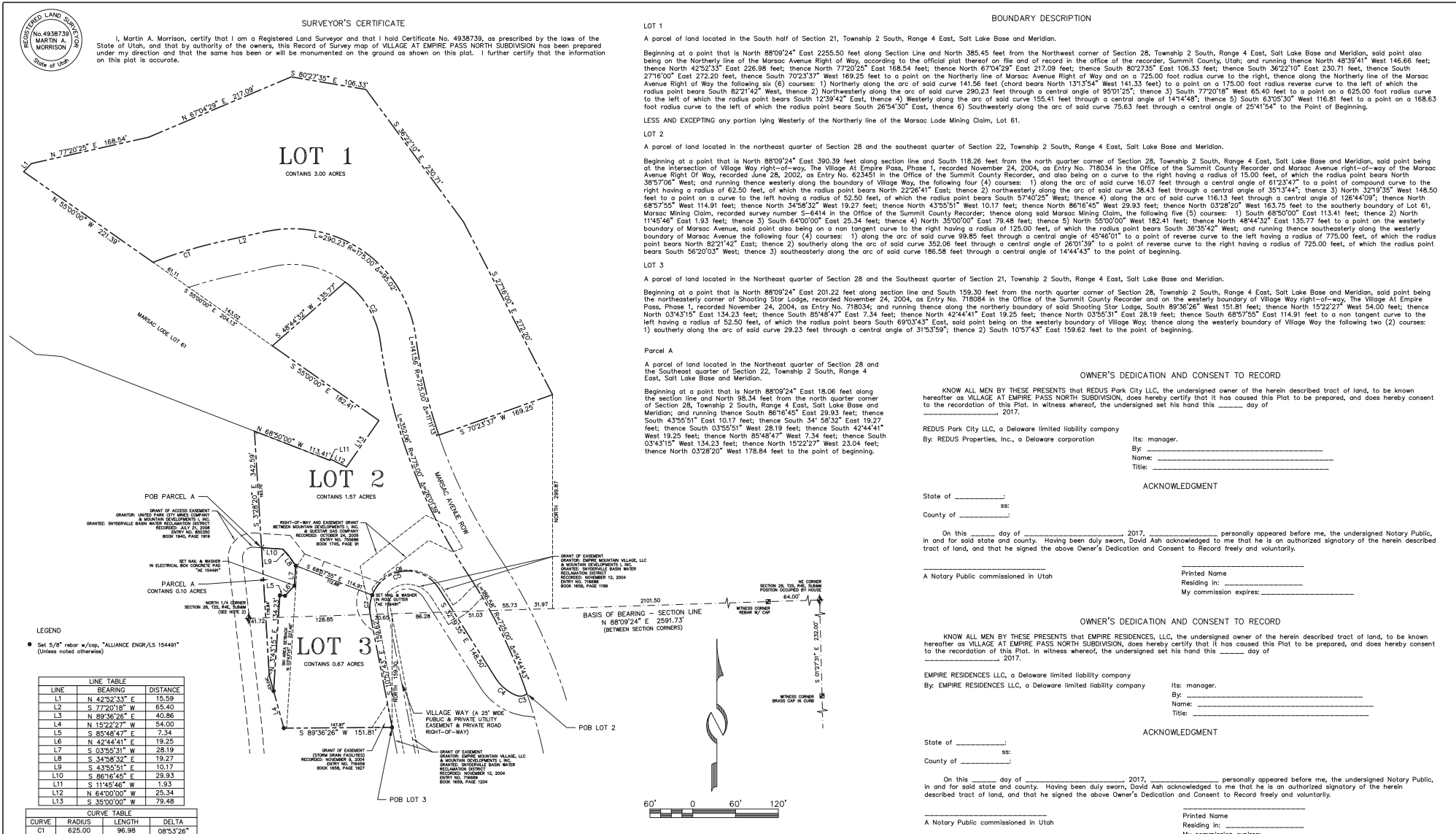
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Proposed subdivision plat

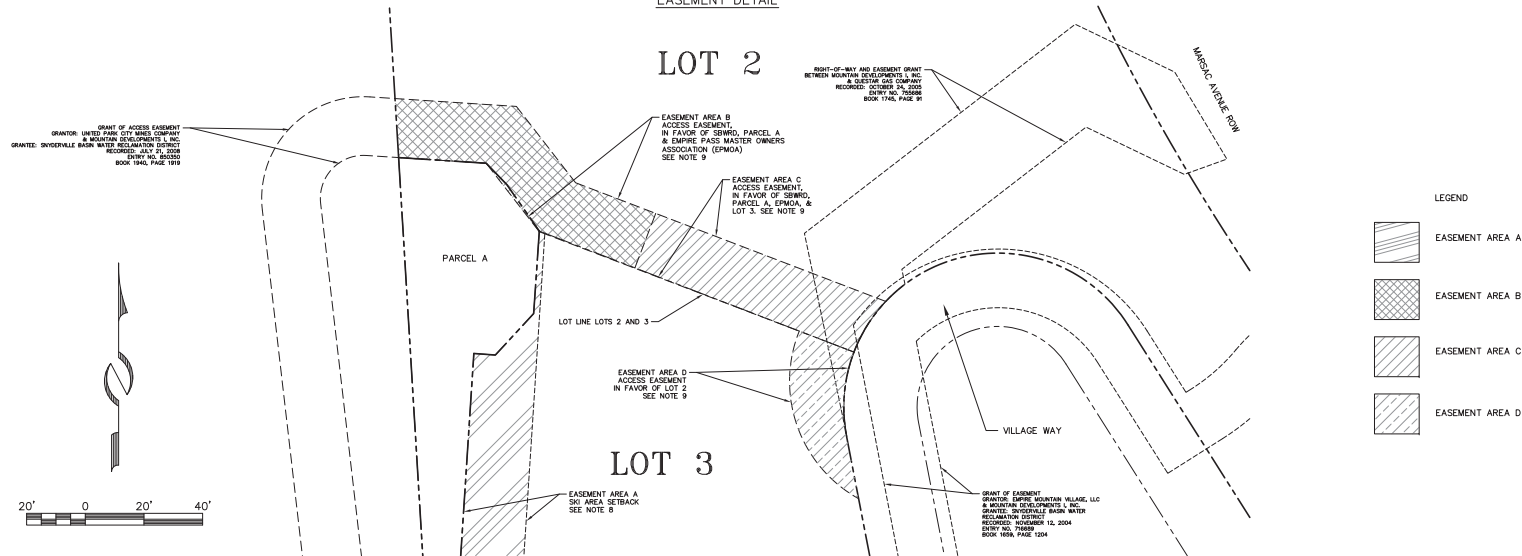


VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

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

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664 Park City, Utah 84002-2664	(435) 648-9487	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2017 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER
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EASEMENT DETAIL



NOTES:

- This plot is subject to the Conditions of Approval in Ordinance 2016-_____.
- The position of North $\frac{1}{4}$ corner of Section 28, Township 2 South Range 4 East SLBM, as shown on this survey, is from the dependent re-survey of Section 28, 29, 31, 22 & 33 performed by Robinson, Blehn & Blehn Inc. in 2000 (Rec.# S-3819, Summit County Recorder's Office). The $\frac{1}{4}$ corner corner has since been destroyed by the construction of the Silver Strike Ski Lift.
- Conditional use permit approval will be required prior to construction on each of the development lots shown hereon.
- A declaration of condominium and a record condominium map will be required for the purpose of the sale of individual units within the development lots shown hereon.
- The lots described on this plot are subject to the Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel and Iron Mountain dated as of March 2, 2007, and recorded on March 2, 2007 as Entry No. 00806100 in Book 1850, Page 1897 (the "Development Agreement"). By separate Declaration of Payment and Development Covenants, recorded 01055133 as Entry No. October 4, 2016 in the official records of the Summit County Recorder, Lot 3 has been allocated the right to develop 23.5 Unit Equivalents within no more than 23 dwelling units and the obligation to locate 1.1 Affordable Unit Equivalents thereon, as each of those capitalized terms is defined in the Development Agreement. Lot 2 has been allocated the obligation to locate 2.0 Affordable Unit Equivalents thereon and Lot 1 has no on-site affordable housing obligation. The allocation of Unit Equivalents to Lot 2 and Lot 1 may be done at a future date by separate recorded document. No Unit Equivalents will be allocated to Parcel A, as Parcel A is a parcel to be used in connection with resort and similar activities and no lot or parcel within this plot has been allocated any commercial Unit Equivalents.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.
- Owners and potential buyers of any parcel, unit or land within the lots depicted on this plot are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and personal injury and death caused by errant skiers, snowboarders, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.
- The owner of Lot 3 hereby grants a non-exclusive resort and access easement over the approximately west twenty feet (20') of Lot 3, as depicted on this plot as the "Ski Area Setback", for the benefit of Parcel A to allow ski lift maintenance access and the right to conduct resort activities, including to locate movable safety fences.
- This plot also depicts the following easements, each of which may be amended, relocated or revised, without amendment hereto, in accordance with each such easement's terms:
 - Agreement and Covenant of Cooperation (Ski Access/Storm Drainage) Entry No. 665956 Summit County Recorder's Office; affects Lots 2 and 3 of this plot.
 - Right-Of-Way and Easement Grant (Gas Utility) Entry No. 755686 Summit County Recorder's Office; potentially affects Lot 2 and 3 of this plot.
 - Grant of Access Easement (Sewer Utility) Entry No. 850350 Summit County Recorder's Office; affects Lot 2.
 - Grant of Easement (Sewer Utility) Entry No. 716688 Summit County Recorder's Office; affects Lot 2.
 - Grant of Easement (Storm Drain Facilities) Entry No. 716459, Summit County Recorder's Office; affects Lot 3.
 - Reciprocal Easement Agreement (Resort and Access) to be recorded in advance of or contemporaneously with this plot in the Summit County Recorder's Office; affects Lots 2 and 3 and Parcel A.
- Public safety access and public utility easements are hereby dedicated for all public and private roadways, emergency access roads, and private driveways.
- The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
- A ten foot (10') wide snow storage easement is hereby dedicated to the Master Association along the frontage of all lots.
- Wastewater service to the Village of Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lots 1 & 2. It shall be the responsibility of the Owner of each lot to extend the public wastewater system within the lot being developed according to the requirements of the Line Extension Agreement.
- Village Way is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Village Way is not a public road or right-of-way.
- A UDOT Conditional Access Permit or city permit, depending upon the ownership of Marsoc Avenue, will be required prior to construction on Lot 1 and for vehicle access to Lot 2 directly from Marsoc Avenue.
- Fire sprinklers will be required within all dwellings constructed on the lots.

VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

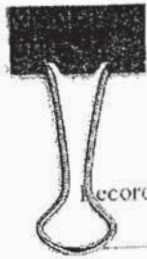
LOCATED IN THE SOUTH HALF OF SECTION 21 & THE NORTH HALF OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 2

1/16/17 JOB NO.: 12-2-16 FILE: X:\Empire\dwg\ans\plot2016\120216-VAEP North Sub

 (435) 648-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2017 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
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Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060



Recorded this ____ day of
____, 2007
at Book # ____ Page # ____

ENTRY NO. 00806100

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



**AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR FLAGSTAFF MOUNTAIN,
BONANZA FLATS, RICHARDSON FLATS,
THE 20-Acre QUINN'S JUNCTION PARCEL
AND IRON MOUNTAIN**

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

- A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

- B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;
- C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;
- D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;
- E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;
- F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;
- G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

- H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and
- I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

- 1.1 **"Annexation Property"** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.
- 1.2 **"Bonanza Flats"** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, constituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

- 1.5 **"Inaction"** provisionally¹ means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally² means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
 - 1.6.2 Banquet Storage Areas
 - 1.6.3 Banquet Prep Areas Storage Areas
 - 1.6.4 Common A/V Storage Areas
 - 1.6.5 Coat Check Areas
 - 1.6.6 Public Restrooms
 - 1.6.7 Public Telephone Areas
 - 1.6.8 Public Hallways
 - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B₁, and B₂) and maximum densities, unit equivalencies and configuration more fully described herein.

¹ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **"Northside Neighborhood"** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **"Northside Neighborhood Property Owners"** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **"Pedestrian Village"** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **"Planned Unit Development" or "PUD"** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **"Pod Z"** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **"Project"** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **"Residential Accessory Uses"** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **"Resort Accessory Uses"** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
- 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
- 2.1.3. Specific Transit Plan;
- 2.1.4. Parking Management Plan;
- 2.1.5. Detailed Open Space Management Plan;
- 2.1.6. Historic Preservation Plan;
- 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
- 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
- 2.1.9. Private Road Access Limitation Procedures;
- 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
- 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
- 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
- 2.1.13. Wildlife Management Plan; and
- 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 Mountain Village: The Mountain Village is constrained as follows:

- 2.2.1.1 Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.
- 2.2.1.2. Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.
- 2.2.1.3. Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.
- 2.2.1.4. Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.
- 2.2.1.5. Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute 1/4 Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,

EXHIBIT C

Technical Reports

See Link in Exhibit list.

Planning Commission Staff Report



Author: Brooks T. Robinson
Subject: Village at Empire Pass,
 Master Planned Development
Date: July 28, 2004
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Village at Empire Pass (formerly known as Flagstaff Mountain Resort)
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, State Route 224

Background

On June 24, 1999, Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved development pods without the necessity of a height increase above the 33-foot RD zone height limit; and
2. Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

Proposal

The applicant seeks Master Planned Development (MPD) approval for the Mountain Village (Pods A, B-1, and B-2), now called the Village at Empire Pass. Pod B-1 was previously approved in May 2002. B-2 is not far enough along in the planning process to have a clear idea of that part of the development. However, residual units and unit equivalents remain for a future B-2 MPD.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

On May 22, 2002, the Planning Commission approved an MPD and final plats for portions of the Mountain Village including:

Lot	Unit Equivalents	Actual Units	Acres
Ten single family homes	Does not count towards 705 total		6.40 acres in Pod B-1

A: Empire Day Lodge	None currently. Commercial activities outside of Day Skier use may require use of Commercial UEs.		1.33 acres in Pod B-2
B: PUD-style homes	27 UEs	18	16.99 acres in Pod B-1
C: Ironwood Townhomes	37.5 UEs	25	3.63 acres in Pod B-1
D: Building H	33 UEs plus 1UE Support Commercial	22	1.34 acres in Pod A
Larkspur Townhomes (currently approved is a tri-plex and a duplex)	7.1 UEs or 14,052 sf	5	Pod A
Paintbrush PUD-style SFD	18.1 UEs or 36,139 sf	7	Pod A
TOTAL: 77 units (10 SFD homes do not count towards total)	123.7	77	28.35 acres outside of Pod A

Proposed Pod A Village (excludes Building H which is in Pod A; includes already approved Paintbrush and Larkspur units)

Lot	Unit Equivalents	Actual Units	Units as PUDs	Single Family
Buildings 1-9	225.6 UEs	217 Units		
PUD-style	85.4	30	30	
Townhomes	64	51	8	
Banner SFD				6
Total	375	298	38	6

Analysis

Master Planned Development Review

Staff has performed a final review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments–MPD Requirements.

Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals

Conditional use permit approval including a specific density (square foot) allocation will be required prior to the construction of the PUD-style single-family units and the multi-family units. No conditional use permit is required for the proposed 6 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

With the current approvals noted above, Pod A and the development parcel of Pod B-2 outside of the Empire Day Lodge is limited to 55.65 acres, 393 residential units and 563.3 Unit Equivalents. Pod A has 34 units (9 PUDs, 3 townhomes, and 22 condo-lodge units in Building H) already approved of the 306 residential units that are required to be in Pod A. Proposed for Pod A is 321.5 Units, which includes the 34 units, leaving up to 105.5 units unallotted. In addition, the remaining 6 single-family lots of the 16 allowed in the Village are proposed in Pod A.

Marsac Claim/Mayflower

Please refer to the July 14, 2004 report for discussion on the Marsac Claim and Mayflower holdings. The Court issued a ruling in the partition case between Mayflower and Unite Park. Staff will update the Commission as necessary, but it does not impact this application or approval.

Pod B-1

The density table allocates 90,000 square feet or 45 Unit Equivalents to Lot C. The previous MPD approval for these 18 PUD-style homes allocated 27 UEs to this lot, with each unit being up to 5,000 square feet. The footprints and sections that were reviewed by the Planning Commission were concepts of 5,000 square foot units. An amendment to the MPD will be required to adjust this number, however the density table recognizes that up to 90,000 square feet may be assigned to Lot C.

Pod B-2

The developer is unsure what this last development piece may look like. Several alternatives were presented in the Planning Commission binder. An MPD will be required when a UPK has a better idea of how this pod will develop. This MPD approval only applies to Pod A.

Setbacks

The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Village MPD complies with this standard. Within the Village, the Planning Commission may reduce the RD zone setbacks. Exhibit 10 (Setback Exhibit) shows potential areas for setback reductions based on the conceptual site plans. Specific setbacks will be considered during the Conditional Use Permit process.

Open Space

The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Within each of the pods, Conservation Easements will be placed on several lots to restrict development on platted lots. Staff finds that this restriction is consistent with the development acreage restriction and will not count the Conservation Easement areas as part of the development acreage.

Off-Street Parking

The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area that include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units and any commercial area will be subject to more specific analysis during the subsequent conditional use permit review process.

Building Height

The single-family (both PUD and non-PUD) and townhouse units will be constructed pursuant to the 33' RD-zone height limitation. Height exceptions are being requested for the nine stacked-flat condo-lodges including the Empire (Alpine) Club. The applicant's request and discussion of the four required findings for additional height are discussed in the Volumetrics Analysis section of the application binder. The Planning Commission gave a final review of the Visual Analysis and building heights at the July 14, 2004 hearing and preliminarily determined the proposed heights comply with these criteria.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission can make the following four findings. The findings are listed below with Staff comments.

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

Complies. In January 2002, a Planning Commission subcommittee and staff met with the applicant over the course of several meetings to review a base zone height analysis of the Flagstaff Mountain Resort (now Empire Pass) project. The

analysis was conducted to determine whether or not the density authorized in Development Agreement and Large-Scale MPD could be designed to meet the RD District 33-foot building height limits. Based on this analysis, it was determined that the Mountain Village area (Pods A, B-1, and B-2) could be designed utilizing 2-3 story, relatively-flat roof structures (4:12 roofs) and meet all necessary LMC height, setback, and facade shift requirements without the necessity of height exceptions. The result of such a design approach to the Mountain Village would be significantly greater site disturbance and loss of significant areas of vegetation. At the March 27, 2002 meeting, the Planning Commission reviewed the analysis and concluded that additional building height could be considered for multi-unit dwellings provided that proposal was consistent with the LMC.

Consistent with the base zone height analysis previously reviewed by Staff and the Planning Commission, the proposed buildings 1-9 volumetrics result in a unit count and overall square footage consistent with the density assigned to the Mountain Village area pursuant to the Development Agreement and Large-Scale MPD approval. Therefore, there is no increase in density or square footage as a result of the height increase. The additional height is also offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures originally located in the area, provide increased vertical breaks in the building mass, and increased architectural interest beyond that provided by a relatively flat roof building.

2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. No structures currently exist on the neighboring properties. Townhouses and Single Family/PUD-style units are proposed to the south, east and west of the nine building core. The conceptual site plan is designed to orient the multi-family units to the central ski run and to mountain views to the west and east.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The proposed building exceeds the RD District setback requirements. The setback requirements of the RD District are 20 feet for front yards, 15 feet for rear yards, and 12 feet for side yards. The proposed setbacks are 25-55 feet for the front yard setback, 15-25 feet for the rear setback, and 15-30 feet for the side yard setback. Staff finds that sufficient building separation between each

structure is provided. A specific landscaping/buffer plan will be required as part of the conditional use permit review for each of the nine buildings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The Mountain Village design clusters the majority of the Empire Pass density into Pods A, B-1, and B-2 in exchange for larger areas of project open space. The LMC requirement for MPD open space is 60%. Approximately 88% open space is provided pursuant to the Development Agreement. The bulk of the project open space is utilized for passive recreation areas, trails, ski terrain and improvements, wildlife areas, and sensitive terrain preservation.

In addition to the criteria outlined above, the Planning Commission subcommittee identified several vantage points during the Olympic break that are to be used during MPD and subsequent PUD reviews. The vantage points include views from King Road, two points from Stein Eriksen Lodge, the Marsac Building, Guardsman Road/Guardsman Road Connection intersection, the Daly West head frame, and American Flag Subdivision. A visual analysis of the Village from these vantage points has been included with this report as an attachment. As demonstrated by the visual analysis, the nine buildings are partially visible from the subcommittee's vantage points, but are mitigated by the current and potential tree canopy and the backdrop of the mountains behind. The buildings do not break any significant ridgelines.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The open space areas designated in the Development Agreement are respected with this plan.

Roads

The roadway system has been reviewed by staff and is much preferable to the previous configurations. Three roads plus a frontage road on the north end townhouses serve Pod A. The previous configuration had dead-end cul de sacs serving the interior larger buildings. The present configuration allows for greater tree buffer along Marsac Avenue and reduced grading. However, a cul de sac in excess of 650 feet is created in the southwest quadrant. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall finds the plan to comply with the necessary standards for fire access and safety. The end of the cul de sac continues as an emergency access point as part of the Emergency Response Plan. The Commission reviewed this issue at the work session of April 14, 2004 and was

accepting of the Fire Marshall's recommendation. Approval of the proposed cul de sac will require a specific finding of the Planning Commission.

Trails

Existing and new trails are accommodated with the proposed plan. All "back-country" work is to be coordinated with the Mountain Trails Foundation. The proposed trail work is consistent with the Trails Master Plan adopted by the Planning Commission on October 24, 2001.

Overall pedestrian circulation is outlined in the applicant's packet. The internal pedestrian paths are intended to keep users off the roads as much as possible and to link the Empire Club with the outlying areas. There may be instances, particularly at the north and south ends, where sidewalks along the streets would be required in order to meet the subdivision regulations. The Planning Commission discussed this issue on April 14, 2004 and agreed to waive this requirement. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

Landscape and Streetscape

Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All streetlights will be privately maintained. Staff has added a Condition of Approval that each CUP application include a preliminary landscape plan with water-efficient irrigation systems.

Sensitive Lands Compliance

The Sensitive Lands (overlay) Zone did not specifically apply to the Empire Pass Large-Scale MPD and annexation; however, the locations of the development pods are based on Sensitive Lands principles.

Employee/Affordable Housing

Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. Review of the employee housing units and specific conditions of approval will take place during the conditional use permit review process.

Recommendation: The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval for the Village at Empire Pass as follows:

Findings of Fact

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
 - no more than 75,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.

7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 Unit Equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
9. The 14 technical reports/studies, along with the Land Management Code and the Development Agreement (99-30) form the standards which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B) Volumetric Analysis (dated July 5, 2004, Exhibit D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), and Supplemental Plans including Building Height Diagram, Vegetative Buffer, Trails, and Construction Sequencing (Exhibit H). Together with the Site Plans dated July 21, 2004 (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count towards the PUD limit of 60.
15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for Six (6) single-family homes.
16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count towards the development acreage.
17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.

18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac.
20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June June 15, 2004.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
23. The applicant has requested additional building height for the structures proposed as Buildings 1-9, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.
25. Proposed Buildings 1-9 has been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 on includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;

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

Conditions of Approval

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.

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

Exhibits

- A – Master Plan Development Project Description (8 pages)
- B – Supplemental Project Description and Conditions (3 pages)
- C - Conceptual Plans (10 pages)
- D – Volumetric Analysis (3 pages)
- E – Volumetrics, Buildings 1-9 (19 pages)
- F – Visual Analysis (5 pages)
- G – Architectural Character (6 pages)
- H – Supplemental Plans

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

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

Conclusions of Law

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

Conditions of Approval

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

6. Empire Pass Master Planned Development

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

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

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

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

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

Findings of Fact - Empire Pass

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

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

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

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

Conclusions of Law - Empire Pass

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

Conditions of Approval - Empire Pass

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

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

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

Ordinance No. 04-42

**AN ORDINANCE APPROVING A SUBDIVISION PLAT FOR THE VILLAGE AT
EMPIRE PASS, PHASE I, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Village at Empire Pass, Phase I have petitioned the City Council for approval of the subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 22, 2004, to receive input on the subdivision plat;

WHEREAS, the Planning Commission, on September 22, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 30, 2004 the City Council approved the subdivision plat; and

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

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

SECTION 1. APPROVAL. The subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Village at Empire Pass Phase Plat is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. Two parcels with eleven (11) lots are created with this subdivision plat.

5. A maintenance agreement addressing snow removal and maintenance of the water system exists between Park City Municipal Corporation and the Village at Empire Pass Master Homeowners Association.
6. The Planning Commission held a public hearing on this application on September 22, 2004, and forwarded a positive recommendation to the City Council.

Conclusions of Law

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

Conditions of Approval

1. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
2. The subdivision plat will include a plat note requiring water-efficient irrigation systems, limited turf and disturbance.
3. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
4. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
5. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
6. The final plat shall contain a note that Village Way is a private road and another note that the maintenance of the water system is the private responsibility of the Village at Empire Pass Master Homeowners Association.

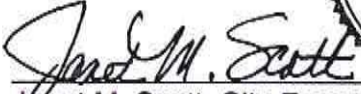
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of September, 2004.

PARK CITY MUNICIPAL CORPORATION

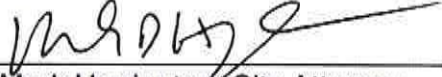

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:


Mark Harrington, City Attorney

Ordinance No. 05-32

AN ORDINANCE APPROVING THE VILLAGE AT EMPIRE PASS WEST SIDE SUBDIVISION PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Village at Empire Pass West Side subdivision plat have petitioned the City Council for approval of the Village at Empire Pass West Side subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on May 25, 2005, to receive input on the Village at Empire Pass West Side subdivision plat;

WHEREAS, the Planning Commission, on May 25, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 26, 2005 the City Council approved the Village at Empire Pass West Side subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass West Side subdivision plat.

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

SECTION 1. APPROVAL. The Village at Empire Pass West Side subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Village at Empire Pass West Side Plat is located in the Residential Development (RD) -MPD District.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.

3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The MPD and subdivision are subject to the 14 Technical Reports approved on December 12, 2002.
5. On July 28, 2004 the Planning Commission approved a Master Planned Development for the Village at Empire Pass, also known as Pod A. Included in this MPD approval are nine multi-family, stacked-flat, buildings. The plat creates lots for Lodges 5-9, inclusive. In addition, two lots are created for future townhouse and PUD-style condominium projects and one lot as a Conservation Easement.
6. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). The Planning Commission granted height exceptions to the nine Lodges in the Village Master Plan.
7. The applicant's prior dedication of the realigned SR 224 is subject to a claim resulting from ownership of the Marsac Claim. The applicant and UDOT have committed to maintaining public access and taking necessary corrective action.
8. Legal and safe road access is necessary for the public health, safety and welfare.
9. The pedestrian trail system is internal to the Village. A sidewalk on Empire Club Drive was not considered necessary in the approved Trails section of the Village Master Plan.
10. The Planning Commission discussed this plat at its regular meeting of May 25, 2005, and forwards a positive recommendation to the City Council.

Conclusions of Law

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

Conditions of Approval

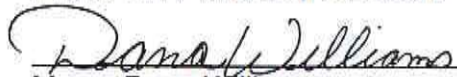
1. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation. The utility plan shall show sewer lines no deeper than 12 feet. The master Empire Pass storm drain detention structure must be completed prior to occupancy of any structure within the Village at Empire Pass (Pod A) West Side Subdivision.
2. Both utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.

3. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the west side infrastructure. No snow hauling off site will be permitted.
4. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer. All street improvements are privately maintained.

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

PASSED AND ADOPTED this 26th day of May, 2005.

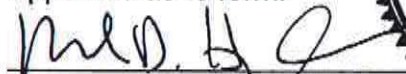
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



John Demkowicz
John Demkowicz

6/15/05

PARCEL 1

[illegible]

Description contains 10.52 acres, more or less.

- At all building outlets from property owners are to be the residential development zone (RD) minimum unless approved otherwise by the Village at Empire Falls Master Plan Development.
- Conditional use permit approval will be required prior to construction on each of the development lots shown herein.
- A description of easements, and a record of survey of condominiums will be required for the purpose of the sale of individual units within the development lots shown herein.
- All utility and title documents adjacent to or traversing across the lots, as shown herein, are for public use. No improvements may be made to such utilities without the written consent of the appropriate authority.
- The Empire Falls Master Owners Association, Inc. ("the Master Association") together with the Master Declaration of Condominiums, Covenants, and Restrictions of Empire Falls ("Master Declaration") requires the membership of each lot owner. Members are subject to the terms of its articles of association and its covenants, conditions and restrictions that may be established from time to time by the master association, including amendments and transfer fees as provided therein.
- The operation and maintenance responsibilities for the public air, hiking, and biking trails that may be established across the lots shown herein are set forth in the Master Declaration.
- Public safety access and public utility easements are hereby dedicated to all public and private roadsways, emergency access roads, and private utility easements.
- The property is located within a water source protection zone. All sewer construction must comply with the State of Ohio drinking water protection rules.
- A 20' storm storage easement is hereby dedicated along the backstop of all lots.
- A low stream equivalent (LEX) will be required to be filed with Snyderdale Basin Water Reclamation District (SBWRD) with the development of each lot.
- Each Club Drain at a private road will be owned, operated, maintained and regulated by the Master Association for the use and benefit of the members of the Empire Falls of Deep Valley in accordance with the Master Declaration. Empire Club Drain is not a public road or right-of-way; it is a private road used exclusively for the drainage of the lots abutting it. The Master Association shall have no liability for damages caused by the Park City Municipal Corporation to maintain or repair Empire Club Drain. All such use and maintenance shall be governed by the policies and provisions of the Master Declaration. The Master Association shall be responsible for the maintenance of the Club Drains from time to time [between] Park City Municipal Corporation, United Park City Works Company, West Leaps Corporation and the Master Association.
- At the time of any resurfacing of Empire Club Drain, the Master Association is responsible to adjust wastewater manholes to grade according to the existing ground surface elevation. Any adjustments to the manhole elevations above private roadsides included as part of sewer line developments shall be the responsibility of the homeowners association for such development.
- The Master Association reserves interests adjacent to Empire Club Drain and the SBWRD easement shown herein. The Master Association shall have the right to assess the cost of such easement and require to pay said(s), unit(s), or condominium associations served by such facilities, in accordance with, the Master Declaration.
- The easement is a portion of the Snyderdale Special Service District (SSD) for a water drip tunnel situated approximately 900 feet below the surface of the property.
- All property owners are to set siding Empire Club Drain will be set at the intersection of the 8.5' wide public and private utility easement and the centerline of the driveway.
- Any landscaping shall utilize neither an irrigation nor water efficient irrigation, limited turf and include drought-tolerant plants.
- The maintenance of the water system is the priority responsibility of the Empire Falls Master Homeowners Association.
- The utility of the Village of Empire Falls West Side is served by a Common Utility Lateral Wastewater Line. The Empire Falls Master Association

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

		(435) 640-0407 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>22ND</u> DAY OF <u>August</u> , 2005 A.D. DAY OF <u>June</u> , 2005 A.D. BY <u>B.D. [Signature]</u> C.S.E.W.R.D.		PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS <u>18</u> DAY OF <u>August</u> , 2005 A.D. CHAIRMAN <u>[Signature]</u>		ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>22ND</u> DAY OF <u>July</u> , 2005 A.D. BY <u>[Signature]</u> PARK CITY ENGINEER		APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>11TH</u> DAY OF <u>August</u> , 2005 A.D. BY <u>[Signature]</u> PARK CITY ATTORNEY		CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2005 A.D. BY <u>[Signature]</u> PARK CITY RECORDER		COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2005 A.D. BY <u>[Signature]</u> MAYOR		7407944 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Park City Title</u> DATE <u>8-30-05</u> TIME <u>11:23am</u> BOOK _____ PAGE _____ <u>6440</u> <u>[Signature]</u> EFF. _____	
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KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as the VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 16th day of June, 2005.

EMPIRE MOUNTAIN VILLAGE, LLC,
A Delaware limited liability company
By: HF HOLDING CORP., II,
A Colorado corporation,
Its Manager

By: J. A. H.
Title: ice President

State of Mass
County of Suffolk ss.

This instrument was acknowledged before me this 14th day of June, 2005 by Tim Hill the Vice President of H HOLDING CORP., a Colorado corporation, Manager of EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company.

A Notary Public commissioned in Utah

Printed Name LORRIE J. HOGGAN

Residing in: Oakley, Utah
My commission expires: 10-11-07

KNOW ALL MEN BY THESE PRESENTS THAT UNITED PARK CITY MINES COMPANY, a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and declaration this 16th day of June, 2005.

UNITED PARK CITY MINES COMPANY
A Delaware corporation

By: [Signature]
Title: VPA Director

State of Idaho
County of Jerome ss.

This instrument was acknowledged before me this 16th day of January, 2005 by T. Scott Indersul, the Vice President of UNITED PARK CITY MINES COMPANY, a Delaware corporation.

Valerie Higgins
A History Public, commissioned in Utah

Printed Name LORENZO J. HERRERA

Residing in: Corley, Utah
My commission expires: 10-6-57

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation, the owner of a portion of the tract of land described herein as the VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 16th day of June, 2005.

MOUNTAIN DEVELOPMENTS I, INC.
A Delaware corporation
By Mark B. Hill

By: [Signature]
Title: Vice President

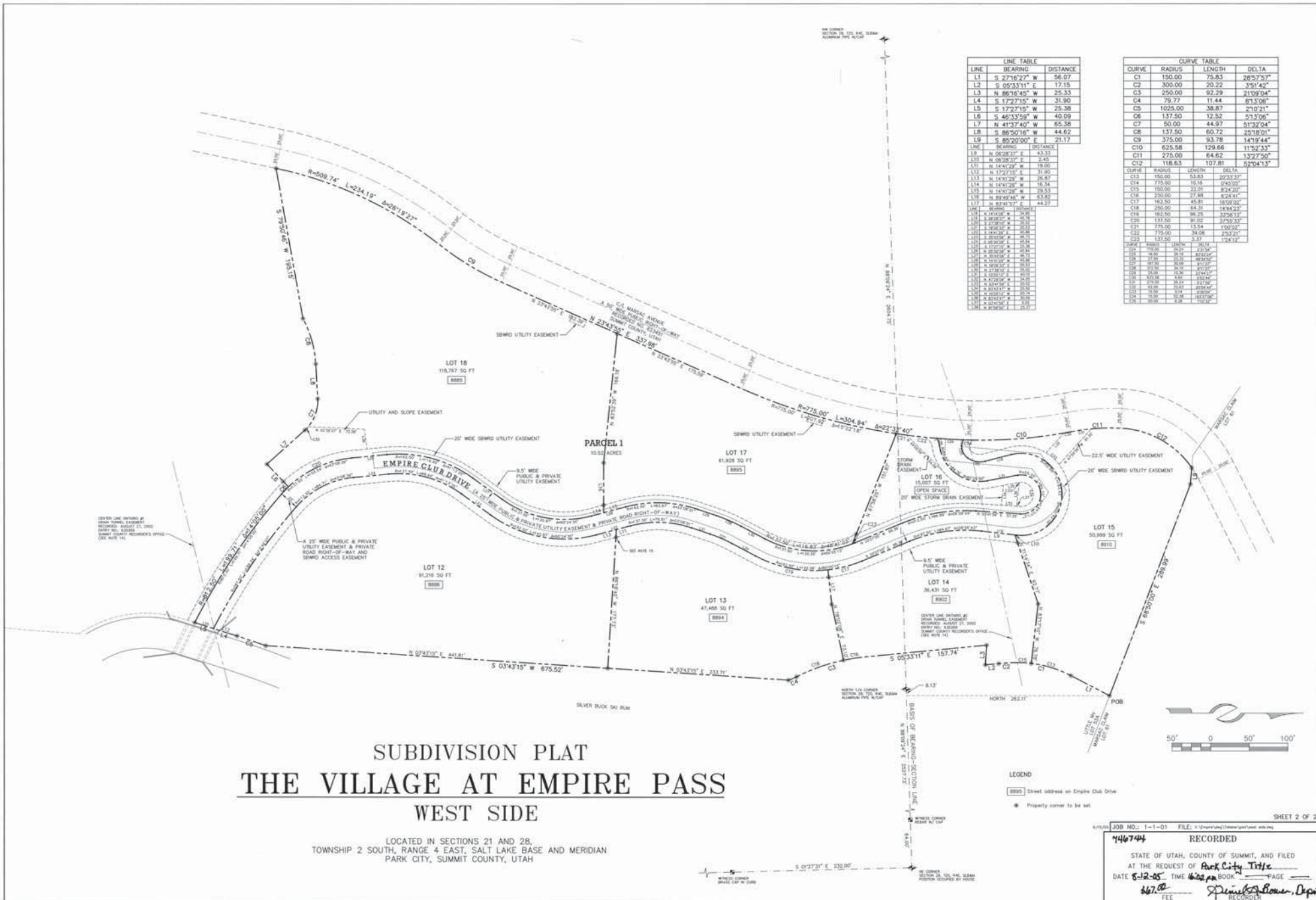
State of Utah
County of San Juan

This instrument was acknowledged before me this 16th day of June, 2005 by Mark R. Moore the Vice President of MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation.

A History Public Commissioned by Utah

Printed Name James J. Hengst

Residing in: Albany, Utah
My commission expires: 10-11-07



LINE	BEARING	DISTANCE
L1	S 27°16'27" W	56.07
L2	S 05°33'11" E	17.15
L3	N 86°16'45" W	25.53
L4	S 17°27'15" W	31.90
L5	S 17°27'15" W	25.38
L6	S 46°33'59" W	40.09
L7	N 41°37'40" W	65.58
L8	S 36°30'18" W	44.62
L9	S 85°20'00" E	21.17

LINE	BEARING	DISTANCE
L10	N 06°28'37" E	43.53
L11	N 06°28'37" E	2.45
L12	N 14°41'29" W	19.00
L13	N 12°27'15" E	31.90
L14	N 14°41'29" W	26.87
L15	N 14°41'29" W	18.54
L16	N 14°41'29" W	29.53
L17	N 89°49'46" W	63.88
L18	N 87°43'32" E	64.72
L19	S 14°14'38" W	24.00
L20	S 26°24'30" W	16.00
L21	S 14°14'38" W	16.00
L22	S 14°14'38" W	16.00
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L81	S 14°14'38" W	16.00
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L96	S 14°14'38" W	16.00
L97	S 14°14'38" W	16.00
L98	S 14°14'38" W	16.00
L99	S 14°14'38" W	16.00
L100	S 14°14'38" W	16.00

CURVE	RADIUS	LENGTH	DELTA
C1	150.00	75.83	28°57'37"
C2	300.00	20.22	3°51'42"
C3	250.00	92.29	21°09'04"
C4	75.77	11.44	8°33'08"
C5	1025.00	38.87	2°10'21"
C6	137.50	12.52	5°37'08"
C7	50.00	44.97	51°32'04"
C8	137.50	60.72	28°18'01"
C9	375.00	93.78	14°19'44"
C10	625.58	129.66	11°52'33"
C11	275.00	64.62	13°27'50"
C12	118.63	107.81	52°04'13"

CURVE	RADIUS	LENGTH	DELTA
C13	150.00	53.83	20°43'37"
C14	775.00	10.16	0°40'00"
C15	150.00	22.01	8°24'20"
C16	150.00	77.88	8°24'40"
C17	162.50	45.81	18°00'00"
C18	250.00	64.31	14°34'23"
C19	162.50	96.25	33°56'31"
C20	137.50	91.02	37°52'31"
C21	775.00	13.54	1°00'00"
C22	775.00	39.08	2°53'21"
C23	137.50	3.37	1°28'32"

CURVE	RADIUS	LENGTH	DELTA
C24	150.00	10.16	0°40'00"
C25	150.00	22.01	8°24'20"
C26	150.00	77.88	8°24'40"
C27	162.50	45.81	18°00'00"
C28	250.00	64.31	14°34'23"
C29	162.50	96.25	33°56'31"
C30	137.50	91.02	37°52'31"
C31	775.00	13.54	1°00'00"
C32	775.00	39.08	2°53'21"
C33	137.50	3.37	1°28'32"

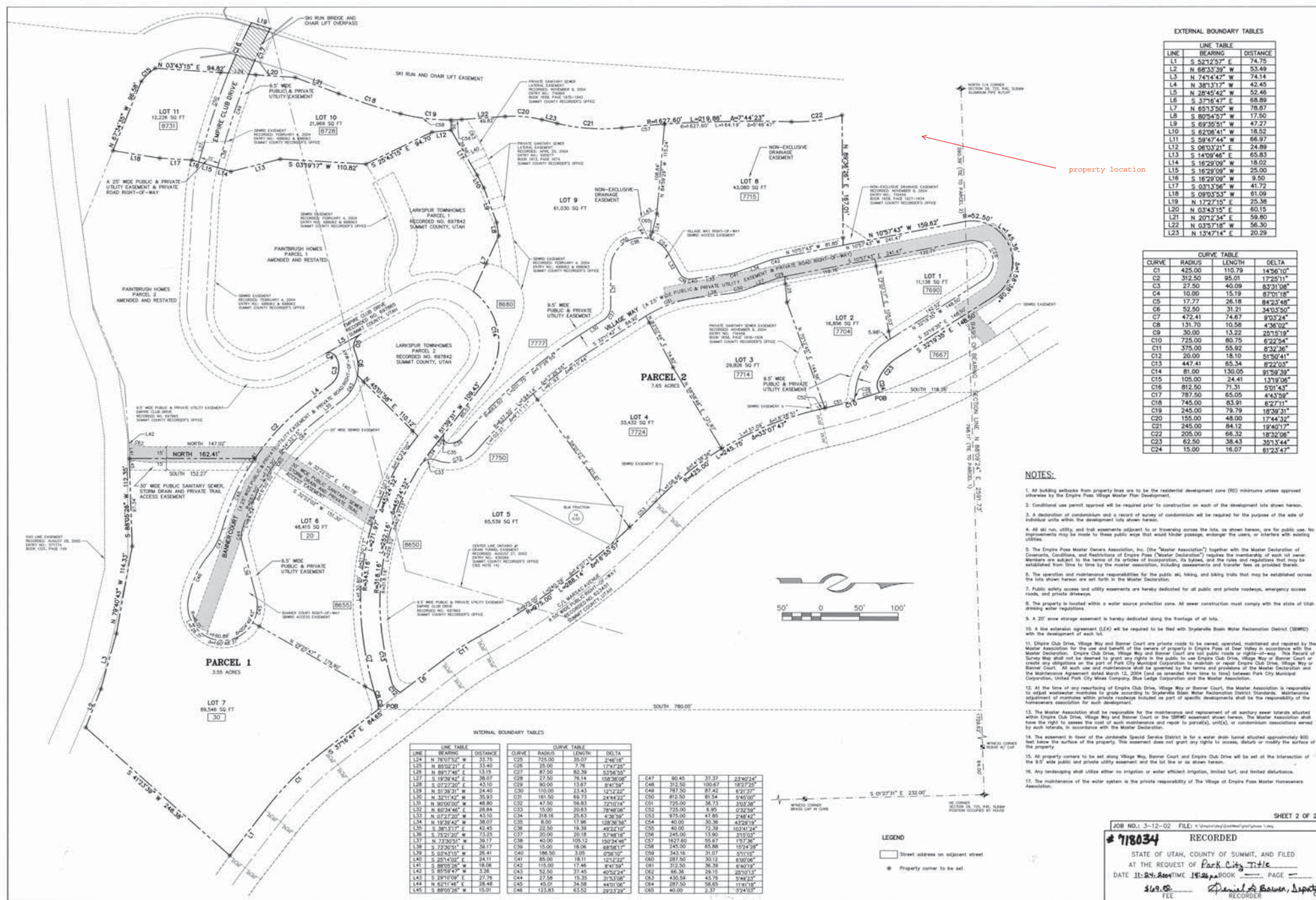
CURVE	RADIUS	LENGTH	DELTA
C34	150.00	10.16	0°40'00"
C35	150.00	22.01	8°24'20"
C36	150.00	77.88	8°24'40"
C37	162.50	45.81	18°00'00"
C38	250.00	64.31	14°34'23"
C39	162.50	96.25	33°56'31"
C40	137.50	91.02	37°52'31"
C41	775.00	13.54	1°00'00"
C42	775.00	39.08	2°53'21"
C43	137.50	3.37	1°28'32"

CURVE	RADIUS	LENGTH	DELTA
C44	150.00	10.16	0°40'00"
C45	150.00	22.01	8°24'20"
C46	150.00	77.88	8°24'40"
C47	162.50	45.81	18°00'00"
C48	250.00	64.31	14°34'23"
C49	162.50	96.25	33°56'31"
C50	137.50	91.02	37°52'31"
C51	775.00	13.54	1°00'00"
C52	775.00	39.08	2°53'21"
C53	137.50	3.37	1°28'32"

CURVE	RADIUS	LENGTH	DELTA
C54	150.00	10.16	0°40'00"
C55	150.00	22.01	8°24'20"
C56	150.00	77.88	8°24'40"
C57	162.50	45.81	18°00'00"
C58	250.00	64.31	14°34'23"
C59	162.50	96.25	33°56'31"
C60	137.50	91.02	37°52'31"
C61	775.00	13.54	1°00'00"
C62	775.00	39.08	2°53'21"
C63	137.50	3.37	1°28'32"

CURVE	RADIUS	LENGTH	DELTA
C64	150.00	10.16	0°40'00"
C65	150.00	22.01	8°24'20"
C66	150.00	77.88	8°24'40"
C67	162.50	45.81	18°00'00"
C68	250.00	64.31	14°34'23"
C69	162.50	96.25	33°56'31"
C70	137.50	91.02	37°52'31"
C71	775.00	13.54	1°00'00"
C72	775.00	39.08	2°53'21"
C73	137.50	3.37	1°28'32"

JOB NO. 1-1-01	FILE: 1-1-01-01
RECORDED	1446744
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED	
AT THE REQUEST OF Park City Title	
DATE 6-12-05 TIME 4:02 PM BOOK PAGE	
667.00	RECORDER



Development Site
per MPD

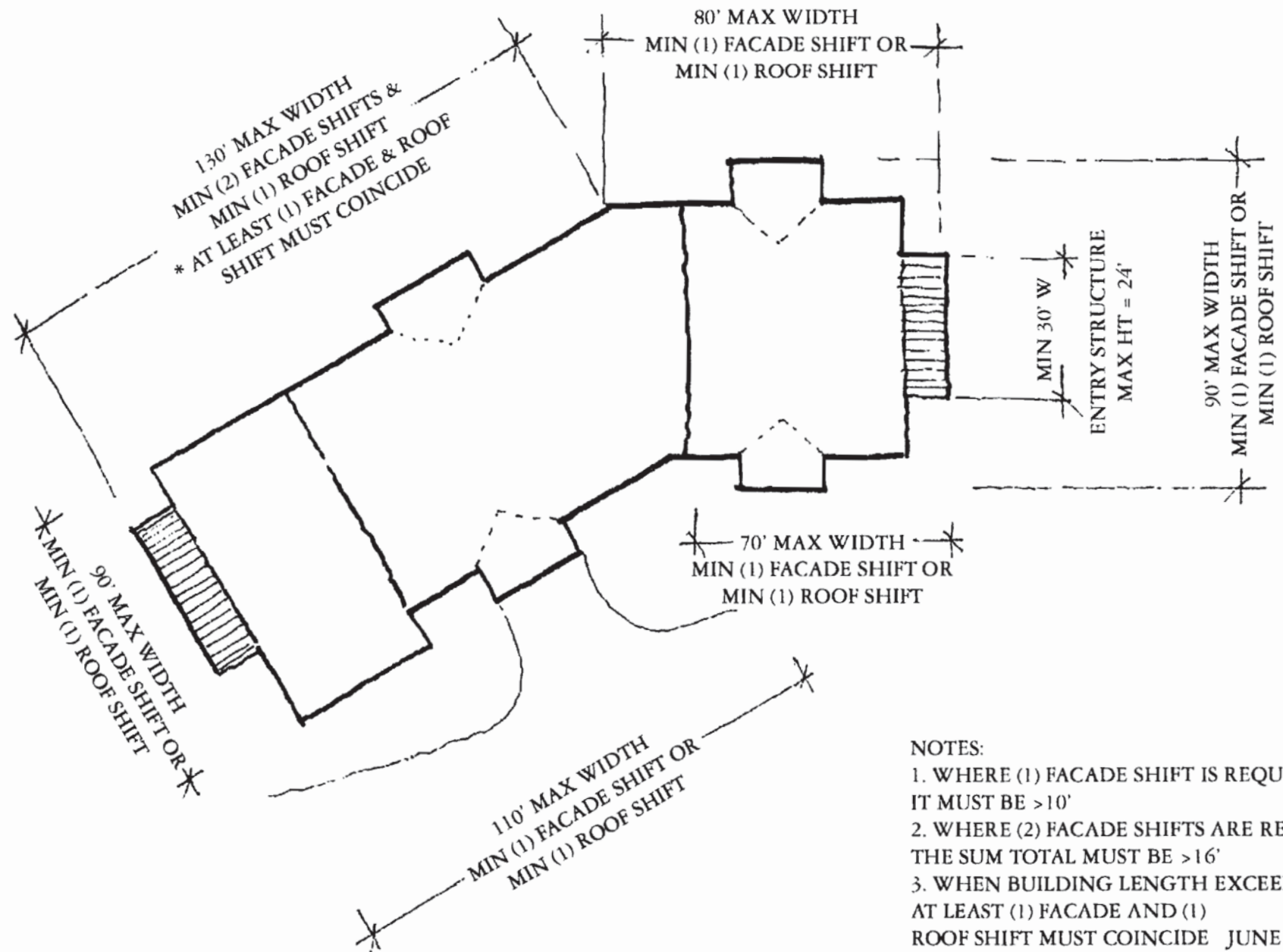


May 6, 2006
HART HOWERTON
Landscape Architecture
1000 North Main Street
Salt Lake City, UT 84102

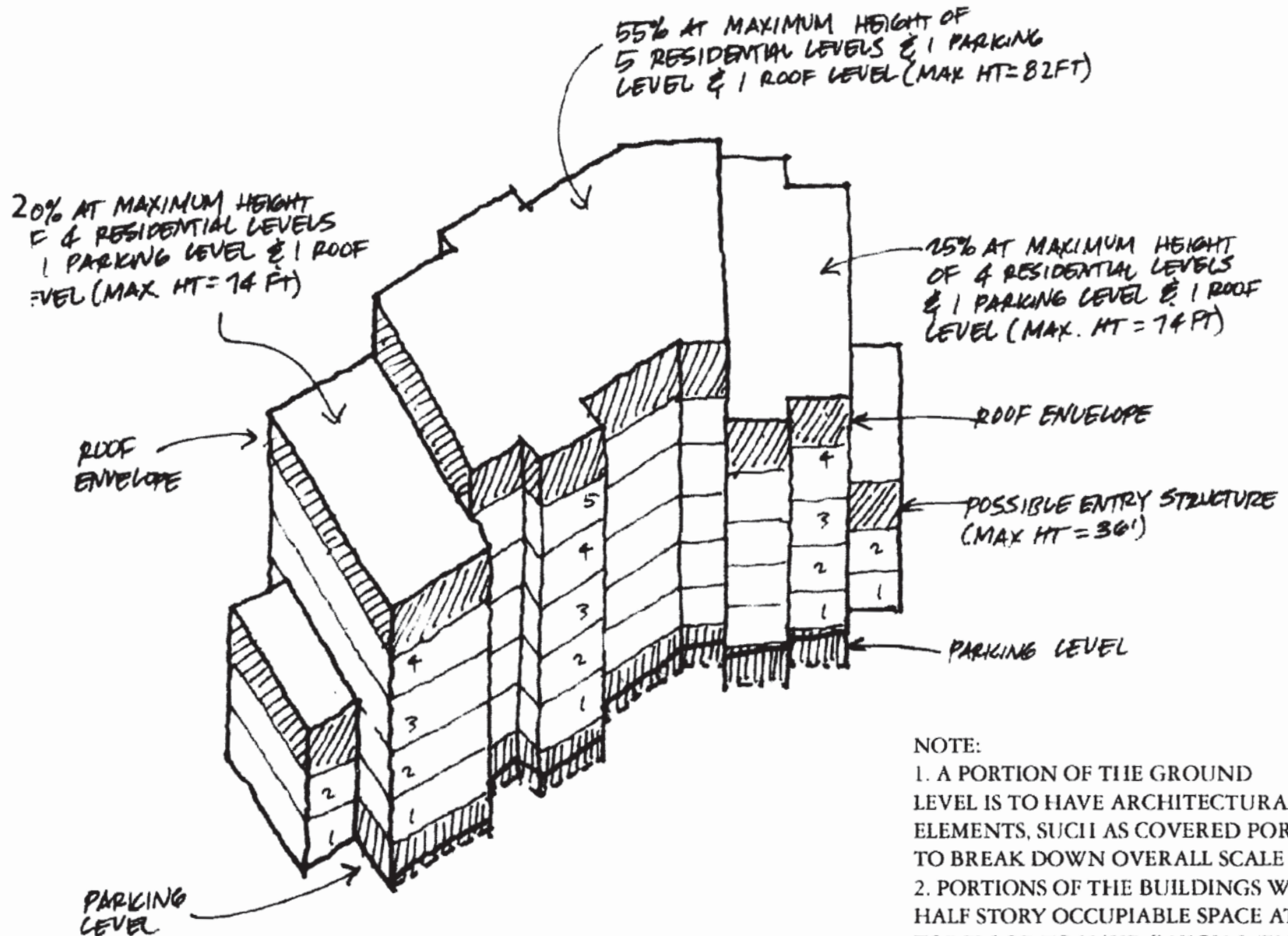
THE VILLAGE AT EMPIRE PASS
Park City, Utah

Master Plan - Summer

Building 3 Volumetrics Plan View



Building 3 Volumetrics Isometric View

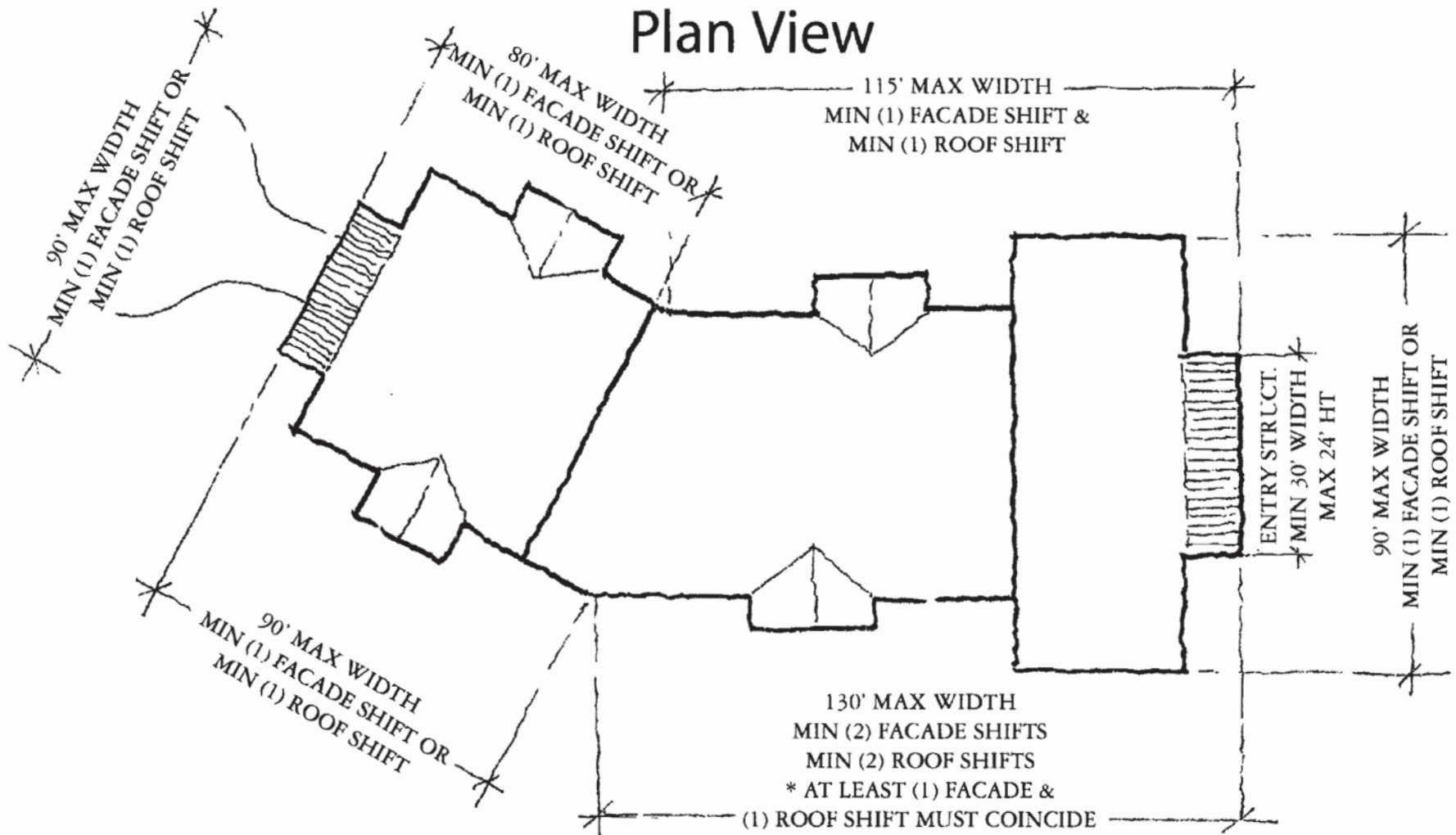


NOTE:

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

Building 4 Volumetrics Plan View



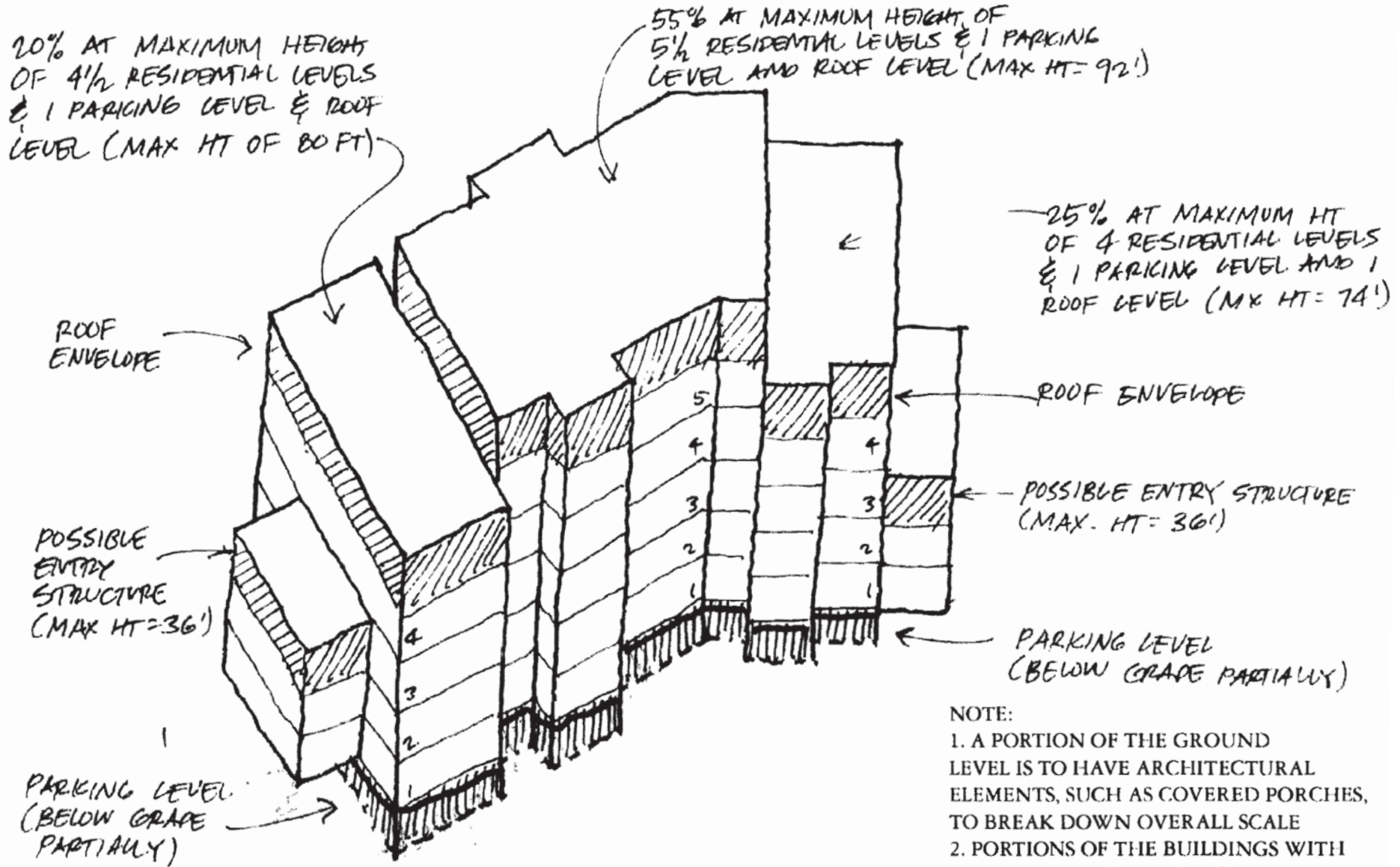
NOTES:

1. WHERE (1) FACADE SHIFT IS REQUIRED IT MUST BE >10'
2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
3. WHEN BUILDING LENGTH EXCEEDS 120' AT LEAST (1) FACADE AND (1) ROOF SHIFT MUST COINCIDE

JUNE 17, 2004

Building 4 Volumetrics

Isometric View



JUNE 17, 2004



Master Plan - Summer

May 6, 2006

HART HOWERTON
Landscape Architecture
1000 North Main Street, Suite 200
Salt Lake City, UT 84102

THE VILLAGE AT EMPIRE PASS
Park City, Utah

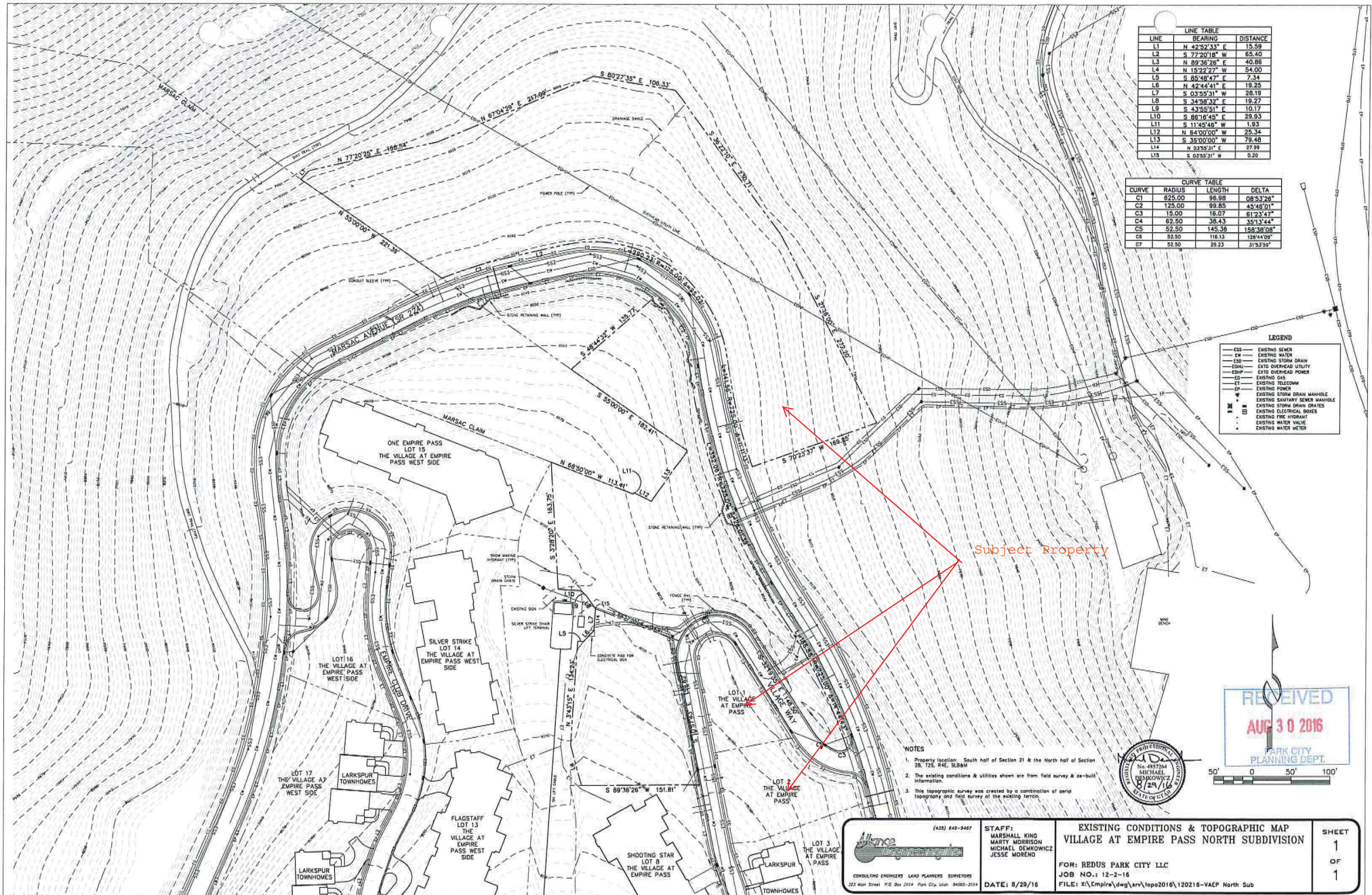


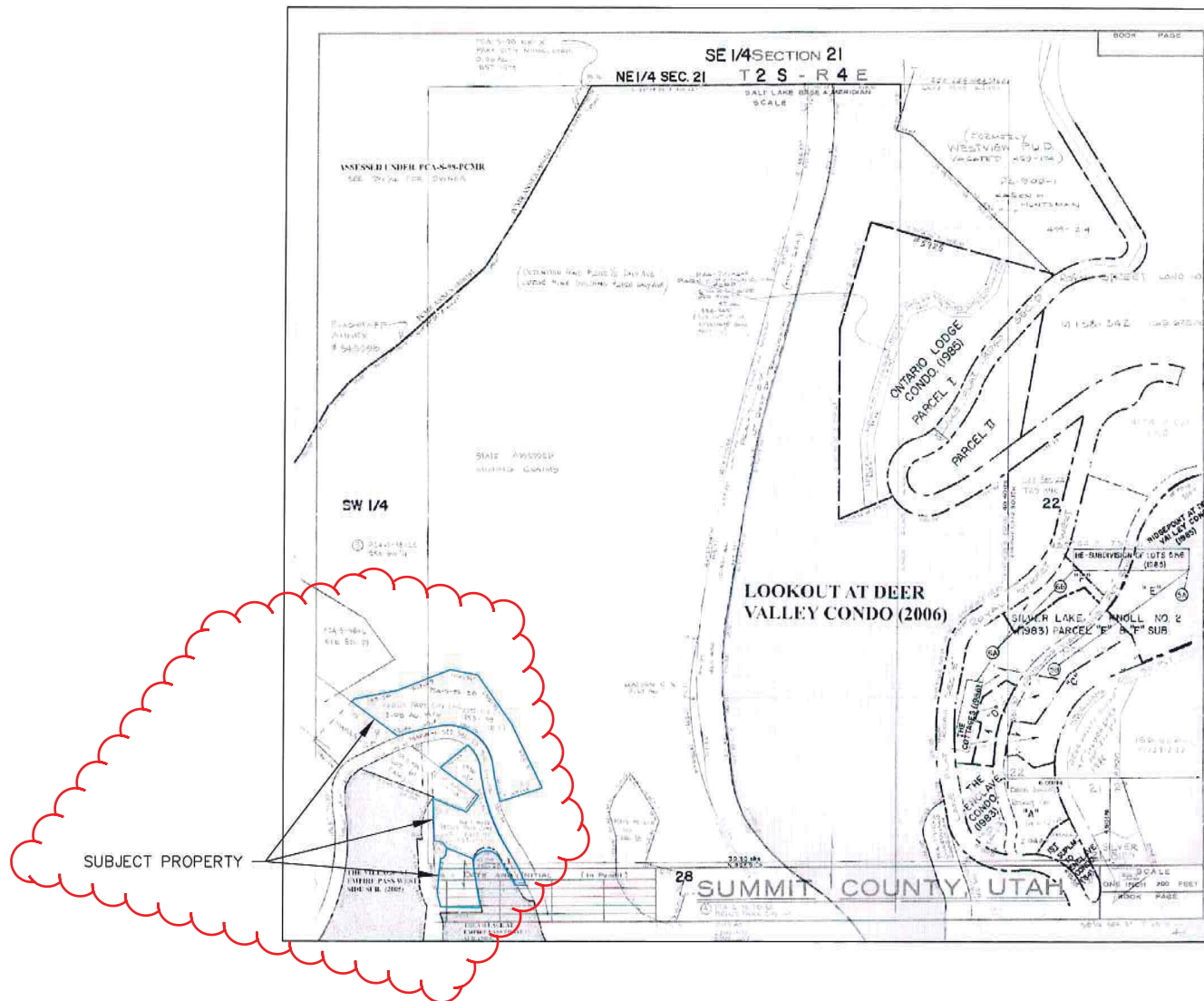
Subject Property

RECEIVED
AUG 30 2016
CITY OF
EDT

100' 0 100' 200'

(435) 848-9487 alliance Engineering CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 220 Main Street, P.O. Box 2054 Park City, Utah 84050-2054	STAFF: MARSHALL KING MARTY MORRISON MICHAEL DEMKOWICZ JESSE MORENO	AERIAL PHOTOGRAPH VILLAGE AT EMPIRE PASS NORTH SUBDIVISION FOR: REDUS PARK CITY LLC JOB NO.: 12-2-16 FILE: K:\Empire\dwg\ExhibitA\VAEP North Sub-aerial.dwg	SHEET 1 OF 1
DATE: 8/25/16			





(435) 649-9487 Altura Engineering CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 422 West Street, P.O. Box 2024 Park City, Utah 84002-2024	STAFF: MARSHALL KING MARTY MORRISON MICHAEL DEMKOWICZ JESSE MORENO	OWNERSHIP PLAT VILLAGE AT EMPIRE PASS NORTH SUBDIVISION FOR: REDUS PARK CITY LLC JOB NO.: 12-2-16 FILE: X:\Empire\dwg\Exhibits\VAEP North Sub-ownership map	SHEET 1 OF 1
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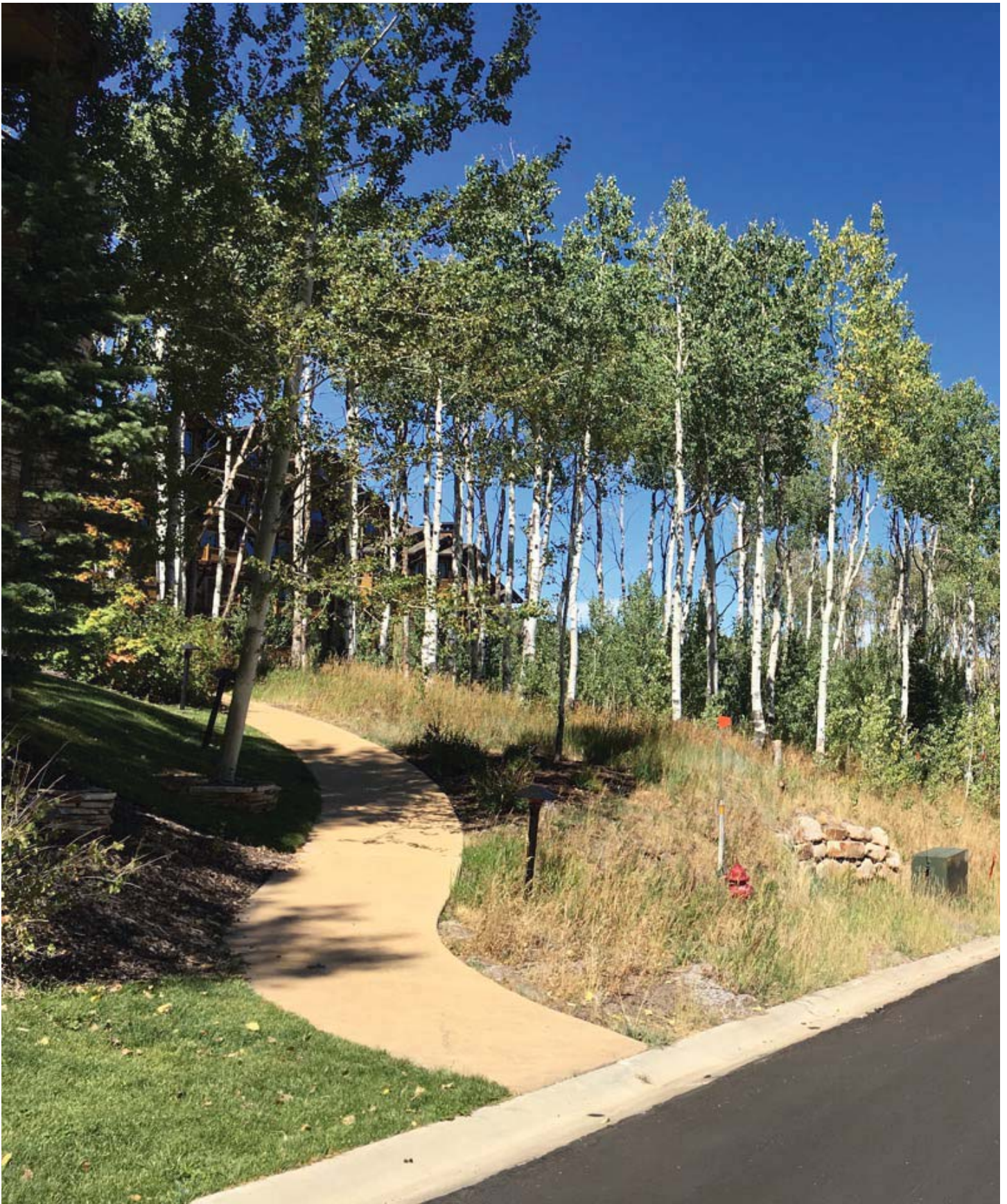
Looking west from Marsac to Lot 2



Looking north from Marsac to Lot 1 (right of road)



Looking northwest from Marsac - Lot 1 is on the right.



Looking northwest to Lot 3 from Village Way



Looking northwest to Lots 2 and 3 from Village Way.



Looking west from Lots 2 and 3 to Silver Strike Lift





SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

October 31, 2016

Mr. Michael Demkowicz
Alliance Engineering
323 Main St.
P.O. Box 2664
Park City, UT 84060

RE: Village at Empire Pass North Subdivision
Plat Review

Dear Mr. Demkowicz:

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat.
Please revise the plat as follows:

1. Change the page number for the recorded SBWRD Grant of Easement (Entry #716688) from pg. 1203 to pg. 1199.
2. Add the following note:

Wastewater service to the Village at Empire Pass North Subdivision shall be provided by The Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lots 1 & 2. It shall be the responsibility of the Owner of each lot to extend the public wastewater system within the lot being developed according to the requirements of the Line Extension Agreement.

Please let me know if you have any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

cc: Doug Ogilvy, REDUS Park City LLC
Project File

Empire Pass Units and Unit Equivalents Updated 1/31/2017

POD	Single Family	Allowed SF lots	SF Permits	SF CO #'s
A	Banner Wood-platted	6	4	4
B1	Northside-platted	10	10	10
D	Red Cloud-platted	30	12	11
Total		46	26	25

	Multi-family	Units Approved/Proposed	Square Feet Platted	Units Platted	UE Approved/Proposed	UE Platted	MF Units as PUDs	ADA	EHU/AUE	CO UE's	CO Units	Status
A	Horseshoe Townhouses on Lot 1 VEPN plat TDB	0		0		0			0	0		Plat under review
A	Lot 3 VEPN plat-(Bldg 3) Proposed	23		0	23.5	0	0	1	1 EHU/1.1 AUE	0		Plat under review
A	Lot 2 VEPN plat-(Bldg 4) TBD	0		0		0	0	2	1 EHU/2.0 AUE	0		Plat under review
A	Tower Residential- platted lot/no condo plat (Bldg 1)	25		0	38.9	0	0	1	1 EHU/0.84 AUE	0		CUP expired/not platted
A	Shooting Star-platted lot and condo (Bldg 2)	21	36,109	21	18.3	18.055	0	1	0	18.1	21	Completed
A	One Empire Pass-platted lot and condo (Bldg 5)	27	65,026	27	32.8	32.513	0	1	1 EHU/1.125 AUE	0	0	Under Construction
A	Silver Strike-platted lot and condo (Bldg 6)	34	71,305	34	35.6	35.653	0	2	1 EHU/1.1 AUE	35.7	34	Completed
A	Flagstaff -platted lot and condo (Bldg 7)	37	73,506	37	35.9	36.753	0	2	2 EHU/1.6 AUE	36.8	37	Completed
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	46,458	28	24.5	23.229	0	2	3 EHU/ 2.85 AUE	23.3	28	Completed
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	48,746	28	25.7	24.373	0	2	0	24.4	28	Completed
A	Grand Lodge-platted lot and condo (Bldg H)	27	65,344	27	33	32.672	0	2	1 EHU/1.2 AUE	32.7	27	Completed
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	48,693	15	24.4	24.347	6	0	0	24.4	15	Completed
A	Larkspur West Townhouses-all platted/condo	12	41,273	12	20.7	20.637	0	0	0	20.7	12	Completed
A	Paintbrush PUDs- all platted /condo	12	63,076	12	31.9	31.538	12	0	0	32	12	Completed
A	Belles PUDs- all platted/condo	17	90,000	17	45	45	17	0	0	37.85	14	14 Completed
B1	Nakoma PUDs- phase 1 platted/condo	17	90,000	17	45	45	17	0	0	35	13	13 Completed
B1	Ironwood- all platted/condo	24	73,944	23	37.4	36.972	0	1	1 EHU/1 AUE	37.1	23	Completed
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	hotel rooms		hotel rooms	69.6	72.665	0		see condos	72.4		Completed
B2	B2 West Montage condos- platted (apprvd 94)	94	218,669	84	114	109.335	0	5	10 EHU/ 7.8 AUE	109.3	84	Completed
B2	B2 East- B2East Subdivision-proposed	70		0	81	0		2	4 EHU/4.2 AUE	0		Plat under review
Totals (Multi-family only)		511	1032149	382	737.2	588.742	52	24	26 EHU/24.815 AUE 24.725 AUE on mountain	539.75	348	
Maximum Allowed by Flagstaff Development Agreement		550		550	785	785	60	n/a				
Remaining UE/Units/AUE		39		168	47.80	196.258	8	n/a	5.085 (5.175 -.09) AUE off mountain remaining			

MF Totals by POD only apprvd or platted (not SF lots)	Units Approved	Units Platted	UE Approved	UE Platted	MF Units as PUD
A (not including Lot 3 and Tower CUP)	258	258	327.8	324.77	35
B1	41	40	82.4	81.972	17
B2 (plus 174 hotel rooms) not including B2East	94	84	183.6	182	0
A, B1, B2	393	382	593.8	588.742	52

% of MF Total A, B1 and B2 that are in POD A (MPD requires minimum of 50%) 67.50%

SF- Single family lot/house
MF- Multi-family/condominium units
PUD- Planned Unit Development Style MF

EHU- Employee Housing Unit
AUE- Affordable Unit Equivalent (1 AUE = 800 sf)
UE- Unit Equivalent (1 UE = 2,000 sf residential)

ADA- American Disability Act required units
VEPN- Village Empire Pass North Subdivision plat
CO- Certificate of Occupancy