



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF December 9, 2015

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

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

Snyderville Basin Planning Commission and Park City Municipal Planning Commission will meet in a Special joint work session to discuss transportation issues.

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

CONTINUATIONS

152 Sandridge Road, Plat Amendment —Subdivision to create a legal lot of record from a metes and bounds parcel.	PL-15-02952	45
<i>Public hearing and continuation to date uncertain</i>	<i>Planner Grahm</i>	

2900 Deer Valley Drive, The Lodges at Deer Valley Phase 1, First Amended, Record of Survey Amendment – Proposal to change the 62 parking spaces from convertible space to common ownership.	PL-15-02943	46
<i>Public hearing and continuation February 10, 2016</i>	<i>Planner Hawley</i>	

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

1251 Kearns Boulevard – The Yard Townhomes Master Planned Development PRE-Application determination consisting of 21 residential townhomes, 2 residential flats for determination of compliance with General Plan and zoning.	PL-15-02911	47
<i>Public hearing and possible action</i>	<i>Senior Planner Astorga</i>	

7520-7570 Royal Street East- Conditional Use Permit and Plat Amendment for 38 residential units on Lots F, G and H of the Silver Lake Subdivision plat as part of the Silver Lake Community of the Deer Valley Master Planned Development.	PL-15-02966	73
<i>Public hearing and continuation to February 10, 2016</i>	PL-15-02977 <i>Senior Planner Whetstone</i>	

900 Round Valley Drive- Request to amend the Intermountain Health Care Master Planned Development to allow the Peace House facility to be constructed on Lot 8 of the IHC/USSA Subdivision plat, as partial fulfillment of required affordable housing, and other administrative changes	PL-15-02999	137
<i>Public hearing and possible action</i>	<i>Senior Planner Whetstone</i>	

700 Round Valley Drive- Conditional Use Permit for new construction of the Peace House facility to be located on a portion of Lot 8 of the IHC/USSA Subdivision plat for an emergency shelter, transitional housing and support uses.	PL-15-03000	259
<i>Public hearing and possible action</i>	<i>Senior Planner Whetstone</i>	

8910 Empire Club Drive- Conditional Use Permit for construction of Building 5 of the Village at Empire Pass Master Planned Development, consisting of 27 residential units, 1 ADA unit, and 1 deed restricted unit located on Lot 15 Village at Empire Pass West Side Subdivision. <i>Public hearing and possible action</i>	PL-15-02983 <i>Senior Planner</i> <i>Whetstone</i>	287
8910 Empire Club Drive- Condominium record of survey plat for 27 residential units within Building 5 of the Village at Empire Pass Master Planned Development. <i>Public hearing and possible recommendation to City Council on February 11, 2016</i>	PL-15-03003 <i>Senior Planner</i> <i>Whetstone</i>	379

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
DECEMBER 9, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm, Nann Worel

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

November 11, 2015

Commissioner Worel referred to 22 of the Staff report and the Motion to Continue the density discussion on the IHC pre-MPD to December 9, 2015. She noted that she had made the motion and it was seconded by Commissioner Phillips; however, the minutes did not show that it was voted on. Commissioner Worel recalled that a vote was taken and the motion passed. She corrected the minutes to reflect their vote pending verification with the recording.

Commissioner Worel pointed out that the density discussion for the IHC pre-MPD was not on the agenda this evening even though it was continued to December 9th. Director Erickson stated that the item would be re-noticed when it is scheduled as an agenda item.

MOTION: Commissioner Phillips moved to APPROVE the minutes of November 11, 2015 as amended. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson referred to the Steep Slope CUP applications on the agenda and noted that Condition #15 was a new condition of approval that was reviewed by the City Council three weeks ago. The condition prohibits excavation in the historic districts after October 15th and before April 15th on a Steep Slope CUP. The reason for the condition was to protect the neighborhoods because it is nearly impossible to do erosion control and minimize storm water runoff and materials. This would avoid having big open holes all winter long. Director Erickson clarified that the new policy is now a condition of approval for steep slope applications.

Director Erickson stated that another policy change implemented by the City Council was to change the criteria in the preservation plans for historic homes that are being lifted. The criteria requires that a structural engineer approve the shoring plan and approve any modifications to the shoring plan. In addition, a structure must be lifted and put back on the foundation within 60 days.

Commissioner Thimm disclosed that he previously worked with Greg Brown of DHM Design, who would be presenting the Alice Claim project this evening. His business relationship occurred several years ago outside of Utah and he did not believe that association would affect his decision on the Alice Claim project.

Commissioner Joyce asked about a second Planning Commission meeting in January. Director Erickson stated that currently the agendas were organized so there would not be a second meeting in January. However, depending on the outcome of the joint meeting with the Snyderville Basin Planning Commission on January 13th, a second meeting may be scheduled. Director Erickson remarked that it was also a matter of organizing Staff time to prepare the Staff reports.

Commissioner Joyce reported that the people at the National Ability Center heard that the Planning Commission needed a place to meet during Sundance. They were kind enough to offer their facilities if the decision is made to schedule a second meeting in January.

City Council Member Liza Simpson asked if the Planning Commission had questions about the recent City Council decision to reverse some of the recommendations for the sign code.

Chair Strachan stated that he was unaware of the changes, but he was not offended that their recommendation was changed. He remarked that the sign code is a thorny area of law and the Code and he was not surprised that the City Council had looked at it differently. He assumed the Council had specific reasons for making changes and he

respected that as the final decision. Chair Strachan appreciated the fact that Ms. Simpson had informed the Commissioners and gave them the opportunity to respond or ask questions.

Council Member Simpson thanked the Commissioners for their service. She has enjoyed her eight years on the City Council, but she would never want to be on the Planning Commission because it is hard work and very detail oriented. Ms. Simpson appreciated the care, consideration and thoughtfulness that all the Commissioners bring to their role.

Chair Strachan expressed appreciation to Ms. Simpson for her eight years on the City Council and he wished her well.

Commissioner Phillips disclosed that due to past working relationships with the applicant, he would be recusing himself from the Alice Claim matter this evening. He also disclosed that the architect for 347 Ontario had spoken with him regarding the project and there was a slight chance that he may be the contractor. For that reason he would recuse himself from that item on the Consent Agenda.

Assistant City Attorney McLean stated that 347 Ontario was on the Consent Agenda and it should be removed from the Consent Agenda for a separate vote.

Chair Strachan noted that this was Commissioner Worel's last meeting as a Planning Commissioner, as she would be moving on to the City Council. She will be missed. Chair Strachan stated that he has served with Commissioner Worel for a long time and he has nothing but respect and praise for her. He was certain she would do a great job on the City Council.

WORK SESSION

Alice Claim aka Alice Lode Subdivision and Plat Amendment – Gully Site Plan Discussion (Application PL-08-00371)

Commissioner Phillips recused himself and left the room.

Planner Francisco Astorga stated that this was a work session discussion regarding the Alice Claim subdivision and Plat Amendment. He pointed out that in an effort to reduce the size of the Staff report he had included three hyperlinks to the previous Staff reports and Minutes. Unless the Planning Commission objected, the Staff would like to use this type of format moving forward since most of the Commissioners read the Staff report electronically. All of the Commissioners supported the new format.

Planner Astorga reported that the Planning Commission had forwarded a negative recommendation to the City Council on August 12, 2015. On October 8, 2015 the City Council conducted a work session/site visit and took public input. The City Council remanded this application back to the Planning Commission on October 29, 2015.

Planner Astorga explained that the negative recommendation that the Planning Commission had forwarded was not on the current proposal being presented this evening. The current proposal is an alternate plan that was submitted to the City following the negative recommendation.

Planner Astorga stated that pages 47 and 48 of the Staff report contained an analysis regarding compliance with the general provisions and development standards within the HR-1, as well as the Estate District. Planner Astorga had the negative recommendation plan available if the Commissioners needed it for reference. He also had the certified topo boundary survey, the slope analysis, the currently proposed Gully site plan. Planner Astorga also had the 2009 Gully site plan available if needed. He stated that the current proposal takes a sliver from the Ridge Avenue subdivision, and that was available; as well as two exhibits he had prepared showing the negative recommendation plan and the current plan on one sheet for comparison.

Planner Astorga remarked that the Planning Department had made an effort to be responsive and transparent. Letters were sent to property owners within 300 feet in addition to posting the site. They were not required to do so by State law since this was only a work session; however, based on the history of this application the Staff thought it was best to be transparent. As a result of the noticing, one letter was received from two neighbors and a second letter came in this afternoon. The letter had gone directly to the Commissioners and he had not had the opportunity to provide a copy to the applicant. Planner Astorga noted that the letters would become part of the public record and future Staff reports and public hearings will include all documents.

Planner Astorga requested that the Planning Commission focus their discussion this evening on the Gully Site Plan. The objective of the Staff and the applicant was to get significant input and direction from the Commissioners.

Greg Brown with DHM Design represented the applicant. He introduced Mark Deemer from his office and Joe Tesch, legal counsel. Jerry Fiat, the applicant, was also in attendance and he was prepared to make comments or answer questions as needed.

Mr. Brown stated that after receiving a negative recommendation from the Planning Commission they met with the City Staff to discuss a potential Gully Plan. He believed the

new plan resolves the concerns of the Planning Department and the Planning Commission that have been expressed over many years, and particularly this last year. Mr. Brown remarked that the Gully Plan was presented to the City Council and they were asked to come back to the Planning Commission with the new plan. The Gully Plan has significant changes from the previous plans, and he hoped it was a plan that the Commissioners could support.

Mr. Brown provided a brief presentation. He clarified that any mention of the “current plan” would actually be referencing the plan that the Commissioners previously saw and forwarded the negative recommendation.

Mr. Brown noted that the Staff report mentioned Site Plan B, which was done in 2009. There were actually three plans that that were drawn by the City Staff at that time. The plans were given to the applicant as something that might be more appropriate. Mr. Brown stated that in making the revisions to the current plan they pulled out Plan B and used it as a basis for the Gully Plan. He remarked that substantial changes were made to the Option B plan. The Gully Plan proposed smaller lots than what was shown in Option B, which also creates smaller building footprints. The houses are pushed further down the hill from what shown in that plan. Lot 1 is the Estate Lot location that was changed several months ago and they were showing that in a new location that was suggested by the Planning Commission. Lots 7 and 8 were moved further down the hillside.

Mr. Brown emphasized that the Gully Plan was an iteration of a plan that many people liked, and it also has added advantages beyond that plan.

Mr. Brown presented an overlay of the current plan and the gully plan. The red was the current plan and the gully plan sites were shown in blue. He thought the overlay comparison showed how the gully plan pulls everything down along the road, it eliminates the upper road completely, and it pulls all of the houses that were on the hillside down along the gully. Mr. Brown was prepared to explain how they proposed to accomplish some of that later in his presentation. He thought the gully plan was a more compact design.

Mr. Brown had data to show they had significantly reduced the disturbance on the site. He believed this plan addresses the compatibility issue that was previously discussed, because the Gully Plan is more compatible with the HR-1 zoning rather than the surrounding neighborhood. Mr. Brown presented a slide showing how all of the houses access off of Alice Court. An emergency vehicle turnout was provided at the transition between the HR-1 zone and the Estate Lot. He noted that the Fire Department has seen the plan but they were not far enough into the process to get their comments. The

applicant would go through the review process with the Fire Department to make sure it is designed to their satisfaction.

Mr. Brown summarized that the plan proposes 8 lots within the HR-1 District. The maximum lot size gives a maximum footprint of 1,750 square feet per the LMC. The one lot in the Estate Zone will be developed per the LMC and the defined disturbance envelope will be much smaller within the 3 acre parcel. Mr. Brown noted that more evergreen trees would be preserved than in the previous plan. However, two trees will be lost at the entry and one on the Estate lot. Mr. Brown stated that the footprints are the maximum size, but there will be more articulation within the façade of the house. He thought the houses could potentially end up smaller than what was actually shown.

Mr. Brown indicated the piece of property that would be dedicated to the City for the roadway. It is a little over a third of an acre. The lots that exit on that piece are zoned HRL, and that will be dedicated to the City. Mr. Brown noted that Lots 123 and 129 are owned by King Development. He clarified that Lot 123 is actually owned by an affiliate company of King Development. He pointed out that for the purposes of the proposed land swap, all parties were in agreement.

Mr. Brown presented a slide showing the open space and trails. They were still proposing trails through the project. The open space was increased because they pulled the houses down and made the lots smaller. The open space for the entire site was a little over 85% of the land, which is a 10% increase over the previous plan.

Mr. Brown noted that the site is 8.65 acres as mentioned in the Staff report. However, there was also .38 acres of HRL site. Combined the total was 9.03 acres for the entire project.

Mr. Brown indicated the area of the lower lots. He stated that Lot 123 was the triangular piece shown in white and tan. Alice Claim was the white area with Lots 8 and 9 and the blue area. They would like to swap the land that is now in the Alice Claim and add it on to Lot 123, and take the land that is in Lot 123 and add it on to Alice Claim. That would allow them to create two very nice building lots, Lots 8 and 9. It would be an even swap and the area would remain the same at 2,050 square feet.

Assistant City Attorney McLean clarified that it was not called Lot 123. It is Lot 1 of the existing Ridge Avenue Subdivision.

Mr. Brown outlined the key points of the gully plan. The homes are moved to the bottom of the gully, several of the upper homes are now 60 feet lower in elevation, all of the homes sites will access off the existing road alignment. The upper private drive has been eliminated. The HR1 lots were reduced to a tenth of an acre, which allows a maximum

building footprint of 1,750 square feet. The Estate Lot has a disturbance envelope of slightly more than 8,000 square feet that is carved within the three acre Estate Lot. Mr. Brown commented on General Plan compliance. He noted that the site was a brownfield and the General Plan talks about being green and Park City wants to be the leader in green development. Mr. Brown stated that a brownfield development is at the top of the list in being green. As seen in previous photos and those who experienced the site before the cleanup knows that it was a serious brownfield. Mr. Brown stated that the plan was clustered to preserve open space and all of the easements would be platted as open space. All of the development was moved to the toe of the slope, the homes will be Leed for Homes rated, and access will be provided to the City's gold rated trails system.

On the issue of finding for good cause, Mr. Brown stated that public amenities and benefits, resolutions of existing issues related to historic uses, and the mining cleanup were at the top of the list for good cause. The new plan was much more compact and it was a very low density plan considering the full size of the site. Open space and trails were benefits, as well as cleanup and minimal impact for health, safety and welfare.

Mr. Brown stated that the mine tailings were cleaned up, the open mine shaft was sealed, the areas were revegetated, and the stream bed was cleaned up which helped water quality in the City. The bike trail easements will be formalized. Access up to the City water tank is improved with a new road. The road was realigned on to City property during the cleanup. The density has been reduced from what would be allowed from a zoning standpoint. Mr. Brown noted that the applicants have been through a thorough Planning Commission and City Council process to achieve this plan. They used Best Planning Practices and Design for the new plan. All of the large evergreen trees will be preserved with the exception of two at the entry and one by the Estate lot. Mr. Brown noted that the compact design further reduced the development portion down to 16% of the site. The rest of the site is open space.

Mr. Brown stated that the applicants previously requested a CUP for the retaining walls. They would need to ask for the CUP again and follow whatever process is required to bring it back. They still plan on using the legal access off of Sampson. He provided an image showing the existing Sampson platted right-of-way where their road would come off of that and into the project. Mr. Brown noted that no other retaining walls over six feet were proposed for the project.

Mr. Brown requested that the Planning Commission support the Gully Plan as proposed and allow them to move quickly to redesign and resubmit this plan. He stated that all of the planning documents and all engineering documents would be redesigned for this new plan. The applicant's engineers and consultants have spoken with the City Engineer and some of the Districts and they all generally see this as an improvement from a utilities standpoint.

The current plat would have to be re-drawn and submitted to Staff for a thorough review. The next step would be to request a hearing before the Planning Commission as early as possible in 2016.

Chair Strachan understood that the new lot size was a tenth of an acre. He asked for the lot size under the 2009 plan. Mr. Brown was not completely sure but he thought it was .22. Chair Strachan asked if it was also .22 in what the applicant was calling the "current plan". Mr. Brown answered yes. He recalled that they were trying for the same size houses in the old Option B plan.

Chair Strachan noted that the Gully Plan moved the Estate Lot further up to the south. Mr. Brown stated that moving the Estate Lot helped from a circulation standpoint. He noted that the other plan had a T-intersection that connected to a specific area. The T-intersection was eliminated in order to pull the units down and create the emergency vehicle turnout. Chair Strachan asked if there was any reasoning for putting the lot where the tree is and on the steeper part of the slope. He thought they could move the lot closer to the road, which would save the tree and put the lot on a lesser slope. Mr. Brown agreed and offered to look at reconfiguring the lot.

Chair Strachan asked for the number of retaining walls and the heights under the Gully Plan. Mr. Brown stated that the retaining walls for the entry would not change. He recalled that they were three walls at 10' each. Chair Strachan clarified that it would be the same CUP request.

Commissioner Worel understood that there would be no parking on roads that are less than 26' wide. She asked Mr. Brown to show which roads would be less than 26' wide. Mr. Brown replied that it was potentially the road that goes up past the Estate lot. It is a gravel road that accesses the water tank. The roads within the development will be 26'.

Commissioner Thimm asked if the paving ends at the dashed line that goes across the road. Mr. Brown stated that the plan is to take the road improvement up to that area, and the driveway for Lot 1 would come off that improved road section. Commissioner Thimm clarified that anything beyond that would remain a gravel road. Mr. Brown replied that it would be the existing gravel road.

Commissioner Worel asked Assistant City Attorney McLean about the procedure for the CUP for the retaining wall since the Planning Commission already denied it. Ms. McLean stated that the CUP has been appealed to the City Council, and both parties have stipulated to have that be heard after a decision on the subdivision application. She remarked that the Planning Commission could review the subdivision with the

understanding that the entryway would have to be dealt with and that there is as an open appeal before the City Council.

Commissioner Joyce thought it would be nice for the Planning Commission to have the opportunity to review the CUP again and to provide comments to the City Council since the Planning Commission denied the CUP because they had not approved the subdivision plat. Commissioner Joyce clarified that when the Planning Commission denied the CUP they did not go through the CUP review process.

Assistant City Attorney McLean stated that the denial included Findings of Fact and Conclusions of Law that were not solely based on the fact of the subdivision being denied. She thought they could look at whether or not they could legally find a way to bring back the CUP. Commissioner Joyce stated that if there he a mechanism to re-examine the CUP he would like the opportunity to look at it as a relevant application separate from the subdivision. Ms. McLean reiterated that she would see if there is a legal way to bring it back. However, the current stance is that the Planning Commission made a decision on the CUP, it has been appealed and the City Council stipulated it to be heard after the subdivision. She pointed out that because the entrance way is part of the subdivision, the Planning Commission could provide input as part of their review of the Gully Plan. Ms. McLean clarified that she did not agree with Commissioner Joyce's assessment of the CUP because the Planning Commission voted with Findings of Fact and Conclusions of Law. It was associated with the subdivision and the two clearly go hand in hand. However, she understood his concern and she would look into it.

Commissioner Thimm recalled there were other walls in the earlier plan that were 6' or more in height. Mr. Brown replied that he was correct. Commissioner Thimm asked that if there was a change in the retaining walls in this newly proposed plat compared to the old plat. Mr. Brown stated that an earlier plan in July showed 6' walls within the development. However, the site was regraded and those walls were reduced to 6' and lower. Commissioner Thimm clarified that the walls as currently shown were in the same configurations in the "current" plan. Mr. Brown answered yes.

Assistant City Attorney McLean believed that even though the prior plan did not have retaining walls that required CUPs, there was still extensive retainage that is no longer needed. Mr. Brown agreed, but they were not part of the CUP. Ms. McLean clarified that the new plan removes a significant amount of the retaining walls. Mr. Brown replied that the entire upper road had retaining walls and they were redesigned at heights under 6'.

Planner Astorga noted that one retaining wall between Lots 3 and 4 is six-feet tall; and three retaining walls between Lots 4 and 5 range from four feet to six feet.

Commissioner Campbell pointed out that Mr. Brown first said the site was regraded to reduce the height of the retaining walls, but later said the walls were redesign to reduce the height. He asked for clarification and whether there has been grading since the Planning Commission last saw the plan. Mr. Brown explained that the plan that was recommended for denial had an upper road with retaining walls. At one time those retaining walls were larger than 6'. The road was regraded to achieve a series of smaller walls. Planner Astorga ask for clarification of regrading versus redesigning. Mr. Brown stated that it was regraded on paper. The site had not been regraded and still looked the same as what the Commissioners had seen.

Commissioner Joyce asked about the mechanism for approving a subdivision with a plat amendment/land swap. Ms. McLean explained that the applicant would submit a plat amendment to Lot 1 of the Ridge Avenue subdivision, which is the subdivision where Lot 123 sits, and that would be heard contemporaneously with this plat amendment. If the Alice Claim comes back under this gully plan with this concept, the Commissioners would also see an amendment to the other subdivision at the same time.

Chair Strachan opened the public hearing.

Charlie Wintzer, an Old Town resident, stated that he has attended every meeting for this process for the last ten years. He still has not heard the Staff address the issue of adding density to substandard roads. Mr. Wintzer had taken the square footage of the footprint of the buildings and multiplied it by ten feet, assuming that was the average cuts, the math calculates to 1500 loads of dirt that would be carried down on substandard roads. In addition, he factored in over-excavation for safety and working space, the importing of gravel, sand, bedding materials, deliveries of construction materials and other things that would result in thousands of truck trips up and down these substandard roads. It is the cost endured by the neighbors to have this project extended. Mr. Wintzer was unsure why they did not talk about the size and number of lots in the beginning. He had researched all the previous minutes and was never able to find where the question was proposed or a discussion on how to address the substandard roads. Mr. Wintzer stated that before they look at site plans the City needs to decide whether or not this piece of property and the streets that connect it to the town can support this kind of traffic.

Mr. Brown noted that the City Engineer has mentioned in previous meetings that he does not see any fatal flaws in the transportation up to the project. The applicant was working with the City Engineer on the intersection design in response to his request for further studies.

Tom Gannick, a resident on Daly Avenue, stated that his concerns were also related to substandard roads. He noted that it is impossible for a car to turn around on Ridge Road.

King Road is slightly better because you can pull into someone's driveway to turn around. In the interest of public safety and the presence of snow, ice and standard conditions, it will be very difficult for normal traffic to move through. If there is an emergency of a flood or fire, it would definitely not work and people could die.

Chair Strachan closed the public hearing.

Mr. Brown noted that dirt transport was also mentioned by Mr. Wintzer. He stated that during the cleanup project a lot of dirt was moved off the site without a single incident or complaint. Mr. Brown remarked that another advantage of this site is its size. It can accommodate staging areas with room to build.

Chair Strachan asked if the applicant had considered phasing. Mr. Brown replied that phasing had not been discussed with the gully plan. The applicant wanted to input from the Planning Commission on the plan itself before getting too far into the details. He assumed Mr. Fiat had thoughts on what he sees happening first. Mr. Brown remarked that the infrastructure needed to go in before anything else could be done. As far as which houses get built first has not been discussed.

Commissioner Worel thought it was a positive improvement to move the houses down and to eliminate the upper road. Her concerns have always been the intersection, the retaining walls, and the roads in and out of the site; and she did not believe those concerns were mitigated with the gully plan. From a safety standpoint her concerns with the "current" plan still exist.

Commissioner Joyce was happier with this proposal. He thought the plat map was more what the Commissioners had wanted with the previous plan in terms of moving the houses off the hill, more compact clustering, and smaller house sizes. He believed the 1750 square feet, the layout and the massing was compatible with the Historic District. In his opinion, the applicant had fixed most, if not all, of his issues on those matters. Commissioner Joyce thought it was still unfortunate that the retaining walls were still required at the entrance. It would be better if the applicants could find a way to bring the road in straight and eliminate the need to be a 30' retaining wall. Commissioner Joyce stated that in terms of other issues he thought filling in the mine had been resolved and the setbacks were the same. In terms of roads, he thought it was unfortunate that Park City has so many tiny roads, but they need to be careful because the City has never stopped people from building on Sampson, Norfolk and similar roads in the past. They have approved many subdivisions on Ridge Road and on steep slopes. Commissioner Joyce thought the important fact was that the City Engineer had given his professional opinion that did not believe the addition of nine houses would change the standards for the road. The City Engineer was also confident that an intersection could be built that makes it all

work. Commissioner Joyce stated that as a Planning Commissioner he trusts the City Engineer. He encouraged the applicant to continue to work with the City Engineer on a proposal to clean up the HRL section and utilize the extra space they have. In his mind, it would go a long way towards making him feel more comfortable with the entry way. In terms of the general plat map, Commissioner Joyce thought the applicants did all the right things and he thanked them for their efforts.

Mr. Brown asked for clarification on cleaning-up the HRL section. Commissioner Joyce replied that he was suggesting that they utilize the additional space as part of building the entryway to improve that little section from a traffic standpoint. Mr. Brown stated that the City Engineer is still not completely satisfied with their plan and he wants them to continue working on it. However, the City Engineer felt it was possible to achieve a satisfactory option. Commissioner Joyce requested that the applicants put a priority on resolving the road issue sooner rather than later.

Commissioner Thimm agreed with Commissioner Joyce with respect to the roadway and doing everything possible to improve the situation. He noted that in addition to the City Engineer, an outside traffic engineer had provided a report that was agreed to by the City Engineer indicating that there is not a fatal flaw. Recognizing that it is not a normal design goal, sometimes it is the best you can get under certain circumstances. Commissioner Thimm thought the plan appeared to be a more recognizable planning pattern in comparison to other HR-1 zoning district sites. With the ability to save more of the trees and not to disturb further up the slopes, he believed it was far superior to the original plan. Commissioner Thimm liked the land swap and the idea of thinking out of the box because it softens the plan, which is also an improvement.

Commissioner Thimm understood from the presentation that the Fire Department still had not fully reviewed the plan. He assumed that review would take place before this comes back to the Planning Commission. He recalled a comment about there being room on-site to build and stage and being able to spoil soil on the site. He hoped they would not spoil any untouched site and leave the lesser disturbed areas in this plan to a bare minimum.

Commissioner Campbell thought this was a great example of how the process is supposed to work. It was evident that the applicants listened to what the Planning Commission tried to infer at the last meeting. This new plan feels more like the Historic District and it was much closer to something he could support. Commissioner Campbell agreed with comments from other Commissioners regarding the safety issues, and he would also like to see more done to mitigate those issues. Commissioner Campbell had pulled up Google maps which happened to catch a large dump truck trying to make the turn on King Road, and how the truck was all the way into the other lane. He believed that was a problem for everyone and not just the applicant. He was unsure whether the Planning Commission

had the right require the applicant to fix it, but they would appreciate it if the applicant could help find a good way to fix it.

Chair Strachan stated that substandard roads were his biggest concern. He believed that the City Engineer saying that there is not a fatal flaw was different than saying there are impacts that need to be mitigated under the Code. Chair Strachan remarked that the impacts are real and obvious. It is the increase of cars, the potential for cars sliding down the hill, snow plows and dump trucks getting in and out, and emergency vehicle access. He echoed Commissioner Preston in asking the applicants to show how they intend to mitigate those impacts. If that can be done, he believed the gully plan is a good plan that comes closer to the intent and design of the HRL zone; with the exception being the Estate Lot. Chair Strachan recalled that from the beginning he has always opposed the Estate Lot. The hill is too steep and he did not like the fact it kills the tree. Chair Strachan was not convinced that the Estate lot needed to be there. All of the houses are aligned as prescribed by the HRL zone, but the Estate house sticks out. He suggested that pulling it down toward the road might resolve some of the issues.

Chair Strachan stated that before they could get to the point of approval, the applicant needed to show serious evidence of what was done to mitigate the impacts on the substandard roads. Chair Strachan recommended that the applicant agree to bring back the CUP to the Planning Commission and either waive the appeal or give it up entirely. He pointed out that it could present a problem since the Planning Commission sent up a denial of a CUP for the exact same retaining walls that they were again being asked to approve. Chair Strachan thought the applicants were closer to getting through the process with the gully plan, and if that were the case they might get an approval of the CUP. For purposes of the Planning Commission and for clarity of the record it would be better to have the CUP approved by the Planning Commission rather than a denial of the CUP contrasted against a potential approval of the subdivision and plat amendment.

Commissioner Campbell referred to Chair Strachan's comment that he would be looking to the applicant to mitigate the substandard roads. He was unsure whether they could ask the applicant to fix all the roads leading up to the development. Chair Strachan clarified that he was only asking the applicant to show how they were mitigating the impacts. Commissioner Campbell and Chair Strachan agreed that the City did not have the right to prevent them from developing solely on the reason of not wanting 9 additional families traveling those roads.

Jerry Fiat stated that the dump trucks used for construction will be smaller than normal dump trucks and they will not have an issue negotiating the turn. He pointed out that the only two issues on the road were due to people trying to run oversized trucks on the roads. Mr. Fiat remarked that the problems have been with large equipment going to the resorts.

Assistant City Attorney McLean remarked that this item would be re-noticed if the applicants submit a complete amended application. Planner Astorga pointed out that it would also include the amendment to the Ridge Avenue Lot 1 application. Mr. Brown offered to work with the Staff to compile the correct documents for a full review.

8910 Empire Club Drive – One Empire Pass Conditional Use Permit for 27 residential units, one affordable unit and one ADA unit on Lot 15, the Village at Empire Mass MPD (Application PL-15-02983)

Commissioner Phillips returned to the meeting.

Planner Kirsten Whetstone reported that this was a work session item for 8910 Empire Club Drive. It was Pod A within the Village of Empire Pass west side subdivision, and part of the Flagstaff Master Plan Development. She noted that the Flagstaff development agreement was amended on March 2, 2007. The Sections that apply to the Mountain Village were outlined on page 123 and 124 of the Staff report. Also included was the approval of the Village at Empire Pass, a small scale MPD, of which this is a required conditional use permit for a single building.

Bill Fiveash, the managing partner for East/West Partners Utah, introduced Joe Drew with IBI architecture and Eric Debrew, the Vice President of Design and Development.

Mr. Fiveash stated that the objective this evening was to get input from the Planning Commission on some of the concerns they might have regarding the conditional use permit application that was submitted on October 27th and scheduled on the agenda for January 13th.

Mr. Fiveash provided a brief presentation. He noted that East/West Partners have been working on this project since 2002. The original entitlements were granted in 1999 to United Park City Mines. In 2002 East/West Partners purchased land from UPCM and began development in the Empire Pass area. In 2004 they finished the first townhome project, and subsequent condominium stacked flat buildings were completed in 2006, 2007, 2008 and 2009. The project that exists today was mostly completed by 2010, including the 191 residents of which East/West Partners was the developer on the majority of those, with the exception of Silver Strike Lodge. East/West Partners has owned Pad 5 since 2005, when the parcel was transferred to them. It was in the development cycle in 2007; however with the downturn of the economy it was put on hold. When the market started to return in 2014 they started the concepting of the building. By early 2015 they had the first meeting with Staff to make sure they understood all the parameters inside the MPD development rights. IBI Architecture was hired in early April 2015 and they have

been working on this project all summer. It was present to the Staff in August to make sure they were on track to get the project designed for approval. Mr. Fiveash stated that the official conditional use application was submitted on October 27th and between this work session and the January 13th meeting they hope to achieve approval for both the conditional use permit for the building, as well as the subsequent plat application.

Mr. Fiveash reviewed the Village at Empire Pass map to make sure everyone was familiar with the site. He indicated Pad 5 on the nose of the Empire Pass Village. All the buildings shown in gray were completed. The buildings in green and blue were proposed. He presented an aerial from June 2015. Mr. Fiveash stated that the parcel itself was cleared and grubbed in 2005 as part of the construction of the Flagstaff Building and the Silver Strike Building. He pointed out that the entire site has already been cleared. Mr. Fiveash stated that East/West Partners had figured out their entitlements and what they own, which is 65,537 square feet of residential use according to the MPD. The design parameter was to design a building with that residential component as well as support space for the Empire Pass ski experience, such as the lobby area, the ski valet area and parking. The shape of the building is subject to a volumetric study that was added to the MPD in 2004, and gave the parameters for height in addition to the initial RD zoning, based on the clustering of the density on that site. Mr. Fiveash stated that the design is also subject to the Empire Pass Design Guidelines. After meeting with the Staff in August they submitted the design to the Empire Pass HOA. A pre-requisite of the MPD is to obtain approval from the HOA. That HOA approval was granted and included in the Staff report.

Joe Drew with IBI Group, the project architect, noted that the site sits at the end of Empire Pass as the bookend to all of the buildings, and it has great views over Park City and the entire Valley. Mr. Drew presented an aerial showing how the site was cleared as a staging and lay down area for past buildings. Therefore, the perception of what exists today will not be changed other than to construct the building approved through the MPD. Mr. Drew pointed out that the infrastructure needed to service the building was already in place, such as sewer laterals and power transformers, and they would tie into what already exist. Mr. Drew stated that the strategy was to place a building on the site as sensitively as possible, with respect to the Marsac Road, and to make that the driveway into the underground parking garage is as minimal and subtle as possible. Mr. Drew reviewed the circulation and parking plan. The requirement is 42 parking stall for the number of units proposed, and currently they exceed that requirement. All of the mechanical and guts of the building were placed in the parking garage and underneath a small portion of an amenity deck.

Mr. Drew presented the floor plans, and noted that there were three grades to the project. The lower was the underground parking structure. Up one level a portion of the building starts to daylight around the perimeter units. The rest of the building would be service and ski locker areas. An amenity terrace comes out to a spa and hot tubs with a small fitness

area adjacent. The next floor plate is the skier entrance into the building. The rest of the floor plates are fairly repetitive all the way up to the upper floor. Mr. Drew reviewed the elevations and noted that they worked hard to respect the massing. The building steps down as it approaches the corners. The intent is to step down the building as it goes towards Marsac to avoid the appearance of a large building towering over the roadway. Mr. Drew remarked that the building was also designed with stepping to be sensitive to the neighbors. He indicated the grade difference between the ski lift location and the roadway.

Mr. Drew stated that the project has gone through the DRT review process and he believed it fully complied in terms of the materials and the craftsman look. Photo studies were conducted to show the how this building would look in context with the adjacent building.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan thought the proposal reflected the designs of the existing buildings. He was around during the Flagstaff Agreement, as well as Director Erickson; and he believed Mr. Erickson understood the agreement and the history as well as anyone. From his recollection, Chair Strachan did not believe this proposal runs afoul of the Agreement. However, he was still personally astounded at the density that was allowed under the Flagstaff agreement, but that was not a battle for this project.

Commissioner Thimm thought the building design appeared to be consistent and fitting, and part of a composition of buildings that will occur at Empire Pass. The fact that there would be further disturbance beyond what was already graded is an advantage. Commissioner Thimm commented on the volumetrics and asked if the building matched the number of stories on the end.

Mr. Drew replied that the volumetric was applied to several of the building in the MPD. However, it contemplates a number of things that were not feasible for the site as it currently sits. He explained that they looked at the volumetric and worked through the same questions and concerns with the Design Review Team. He referred to various portions of the building and noted that they were conforming to those heights and in most cases significantly less than the existing heights. Mr. Drew believed all of the existing buildings were steel frame buildings. If this building were to be steel frame it would most likely exceed those heights. He pointed out that the proposed building will be a concrete frame which allowed them to shrink down the building per floor plate and have a much thinner and narrower structure. Mr. Drew remarked that the setbacks would not allow a

third story piece on the building because of site constraints. The third story piece is missing but the rest of that element remains.

Commissioner Thimm asked if the actual submission would include building volumetrics that shows that compliance. Mr. Drew offered to do an overall massing comparison based on their analysis. Commissioner Thimm thought that comparison would be helpful.

Planner Whetstone noted that the Staff had not yet done their full analysis in terms of volumetrics. They first needed to work through the agreements to get this project to the point of a work session. Planner Whetstone stated that the Staff would review it against the volumetric guidelines and point out any issues or concerns when this comes back for a public hearing.

Commissioner Worel asked if the applicant intended to build more than the required 42 parking spaces. Mr. Drew stated that they were still in the design stages. They would at least build the required 42 spaces, and they were potentially looking at adding a few more. They would not know that for certain until the design and location of the mechanical system is finalized. Commissioner Worel stated that in an effort to keep cars off the road, her preference would be to only build what was required. Planner Whetstone pointed out that the 42 required spaces reflects the 25% reduction that is required in the Agreement. However, at the same time they need to make sure that the parking would be sufficient to keep cars off the street.

The Commissioners had no further comments. Assistant City Attorney McLean requested that the applicant provide Planner Whetstone with a copy of their presentation for the record.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 152 Sandridge Road, Plat Amendment – Subdivision to create a legal lot of record from a metes and bounds parcel (Application PL-15-02952)

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

MOTION: Commissioner Joyce moved to CONTINUE 152 Sandridge Road Plat Amendment to January 13, 2016. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 2900 Deer Valley Drive, the Lodges at Deer Valley Phase 1, First Amended, Record of Survey Amendment - Proposal to change the 62 parking spaces from convertible space to common ownership (Application PL-15-02943)

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

MOTION: Commissioner Joyce moved to CONTINUE 2900 Deer Valley Drive, Lodges at Deer Valley Phase I to January 13, 2016. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

Chair Strachan moved 347 Ontario Avenue from the Consent Agenda for a separate motion.

347 Ontario Avenue, Steep Slope CUP – Addition to non-historic house on a slope greater than 30%. (Application PL-15-02940)

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

MOTION: Commissioner Joyce moved to APPROVE 347 Ontario Avenue Steep Slope CUP based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioner Phillips abstained from the vote.

Findings of Fact – 347 Ontario Avenue

1. The property is located on 347 Ontario Avenue. The legal description is Lot B of the Ontario Three Subdivision, recorded with Summit County on July 17, 2015.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. There is an existing single-family home on this site; the applicant is proposing to construct approximately 568 square feet of new space, not including the elevator. The proposed footprint of this addition is 212.75 square feet.

4. A single family dwelling is an allowed use in the HR-1 District.
5. The lot contains 2,273 square feet. This is a downhill lot with a slope of approximately 56%.
6. The lot currently contains an existing house, constructed in 2000. The applicant is proposing to construct an addition to the existing house.
7. A Historic District Design Review (HDDR) application is currently under review.
8. Access to the property is from Ontario Avenue, a public street.
9. Two (2) parking spaces are proposed on site. The applicant will renovate an existing entrance into garage space to create a two-car side-by-side parking configuration. A new entrance will be constructed as part of the addition.
10. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes, and duplexes. The streetscape on the west, downhill side of the road, is dominated by garages and pedestrian entryways.
11. The proposal will create a single family dwelling of approximately 2,771 square feet, including the basement area and two-car garage.
12. The mouth of the existing driveway is 16.5 feet. The applicant does not propose to modify the existing driveway within the public right-of-way. The driveway within the property line will be extended to accommodate the two-car garage. A portion of the driveway bridge extends into the public right-of-way.
13. An overall building footprint of 937.75 square feet is proposed following construction of the addition. The maximum allowed footprint for this lot is 1,000.3 square feet.
14. The proposed addition complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').
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 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 Norfolk Avenue streetscape. Staff finds that the proposed house is

compatible with the surrounding structures based on this analysis.

17. The 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. There is no existing significant vegetation on the lot. The applicant will plant two (2) new trees in the front yard and re-vegetate the side yard following construction.

18. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the area that exceeds 30% slope.

19. The design includes setback variations as well as lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet (27') in height. The rear roofline slopes west with the downhill slope.

20. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

21. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and two-car garages.

22. 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.

23. The findings in the Analysis section of this report are incorporated herein.

24. On September 18, 2015, the Planning Department received an application for a Steep Slope Conditional Use Permit (CUP); the application was deemed complete on October 8, 2015.

25. The property was posted and notice was mailed to property owners within 300 feet on November 25, 2015. Legal notice was also published in the Park Record in accordance with requirements of the LMC on November 21, 2015.

Conclusions of Law – 347 Ontario Avenue

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 – 347 Ontario Avenue

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, including the historic house to the west from damage.
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. This approval will expire on December 9, 2016, 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.
5. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on December 9, 2015, and the Final HDDR Design.
6. 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.
7. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
8. 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.

9. Construction waste should be diverted from the landfill and recycled when possible.

10. All excavation work 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, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

11. The applicant shall enter into an encroachment agreement with the City Engineer's Office for the existing bridge in the right-of-way.

950 Empire Avenue, Steep Slope CUP – Construction of a new single-family dwelling on a vacant lot on a slope greater than 30%. (Application PL-15-02842)

MOTION: Commissioner Thimm moved to APPROVE the remaining item on the Consent Agenda. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 950 Empire Avenue

1. The property is located at 950 Empire Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. On July 1, 2015 the City received an application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 950 Empire Avenue. The application was deemed complete on August 28, 2015.
4. The property was posted and notice was mailed to property owners within 300 feet on November 25, 2015. Legal notice was also published in the Park Record in accordance with requirements of the LMC on November 21, 2015.

5. A single family dwelling is an allowed use in the HR-1 District.
6. The property is described as Lots 21 and the northerly one-half ($\frac{1}{2}$) remnant lot of Lot 22 of Block 15 of the Snyder's Addition to the Park City Survey.
7. The lot contains 2,812.5 square feet.
8. The total Building Footprint exceeds 200 square feet and the construction is proposed on a slope of 30% or greater.
9. The lot is currently vacant.
10. A Historic District Design Review (HDDR) application is currently being reviewed by the Planning Department and has not yet been approved.
11. There is minimal existing vegetation on this lot. This is a downhill lot.
12. Access to the property is from Empire Avenue, a public street.
13. Two (2) parking spaces are proposed on site. Two (2) separate single-car garage doors lead to a two (2) car garage compliant with the required dimensions.
14. The neighborhood is characterized by a mix of historic and non-historic residential structures, single-family homes and duplexes.
15. The proposal consists of a single-family dwelling of 3,586 square feet, including the basement area and garage.
16. The driveway is designed with a maximum width of twelve feet (12') before expanding to accommodate the two (2) single-car garages. The driveway is approximately twenty-four feet (24') in length from the garage(s) to the existing edge of Empire Avenue. The single-car garage doors comply with the maximum height and width. The proposed driveway has an overall slope of 7.6% as measured from the front of the garage to the edge of the paved street.
17. An overall building footprint of 1,201 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
18. The proposed structure complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').

19. The proposed structure 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.

20. 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 Empire Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.

21. The 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.

22. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the area with a slope greater than 30%.

23. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet (27') in height.

24. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.

25. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

26. This property is required to have independent utility services for water, sewer, power, etc.

27. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.

28. The findings in the Analysis section of this report are incorporated herein.

29. The applicant stipulates to the conditions of approval.

Conclusions of Law- 950 Empire Avenue

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 – 950 Empire Avenue

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 the historic house to the west from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance. .
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.

7. This approval will expire on December 9, 2016, 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.

8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission on December 9, 2015, and the Final HDDR Design.

9. 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.

10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

11. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.

12. 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.

13. Construction waste should be diverted from the landfill and recycled when possible.

14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

15. All excavation work 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, he determines that it is necessary based upon specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 823 Norfolk Avenue, Plat Amendment – Combining Lot 6 and parts of Lots 5 and 7, Snyder’s Addition to the Park City Survey. (Application PL-15-02996)

Planner Anya Grahm reviewed the plat amendment for Lots 5, 6 and a portion of Lot 7, Block 14 of Snyder’s Addition at 823 Norfolk Avenue. The plat will remove interior lot lines. An existing historic house encroaches over the lot lines. Snow storage easements will be obtained along Crescent Tram and Norfolk Avenue, as well as encroachment agreements to resolve existing encroachments.

Planner Grahm stated that the historic house is largely over footprint and the Staff was working with the applicant to find a way to reduce the footprint and possibly allow a second story addition.

Planner Grahm modified Finding of Fact #9 on page 189 of the Staff report to remove the duplicate “width is”.

The Staff recommended that the Planning Commission conduct a public hearing for the 823 Norfolk Plat Amendment located at the same address, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan requested that they not lose the chain link from the bicycle on the historic structure. If it was no longer there, he would like to see a bike fabrication.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 823 Norfolk Avenue Plat Amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance and as amended to remove the second “width is” from Finding #9. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 823 Norfolk Avenue

1. The property is located at 823 Norfolk Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lots 5 and 6 and a portion of Lot 7, Block 14, Snyder's Addition to Park City. The proposed plat amendment creates one (1) lot of record.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Landmark.
5. The Plat Amendment removes two (2) lot lines going through the historic structure.
6. The proposed Plat Amendment combines the property into one (1) lot measuring 3,925.25 square feet.
7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
9. The proposed lot width is 50.01 feet along Norfolk Avenue and 50.00 along Crescent Tram; this property has two frontages.
10. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement.
11. The maximum building footprint allowed based on proposed lot size is 1,574.15 square feet. The house, historic shed, and non-historic shed equate to a footprint of approximately 1,830. The historic structures are valid non-complying.
12. The minimum front/rear yard setbacks are twelve feet (12'). The minimum total front/rear yard setbacks are twenty-five feet (25').
13. The minimum side yard setbacks are five feet (5').
14. The existing historic structure does not meet the north side yard setback or the west rear yard setback along Crescent Tram. Per LMC § 15-2.2-4 indicates that historic

structures that do not comply with building setbacks are valid complying structures.

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

Conclusions of Law – 823 Norfolk

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

Conditions of Approval – 823 Norfolk

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Norfolk Avenue and Crescent Tram frontages of the property.
4. The property owner shall resolve the historic shed encroachment over the rear property line and concrete stairs, concrete retaining wall, and stone retaining wall over the front property line into the City Right-of-Way (ROW) by entering into an encroachment agreement with the City Engineer.
5. The remaining stone retaining walls and stone steps encroaching over the north and south property lines into private property shall either be removed or the applicant shall enter into an encroachment agreement with their neighbors for these improvements.
6. 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.

7. Ten foot (10') public snow storage easements shall be granted along the front and rear property lines on Norfolk Avenue and Crescent Tram.

8. No vehicular driveway access is permitted off of Crescent Tram.

2. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB) and associated definitions in Chapter 15-15, Defined Terms (Application PL-15-02810)

Chair Strachan believed the Commissioners understood the proposed amendment, with the exception of which buildings would not be affected by the ordinance. He asked Planner Whetstone to identify which particular buildings would be under the ordinance and which ones would not. The buildings were pointed out on a map.

Planner Whetstone recalled that the Planning Commission had also talked about the private event facility. She explained that "private events" was removed and replaced with "private event facilities", which was added as a conditional use but prohibited in store fronts. Another primary change was the definition of "storefront" identified on page 310 of the Staff report.

Planner Whetstone noted that the addresses on the right-hand side of the map exhibit were within the Summit Watch project. It was the section where Main Street comes in from Deer Valley. All of the Summit Watch addresses are currently excluded because they either do not front on Main Street or they are more than 8-feet above. The only exception was 738 Main Street which is directly opposite the Caledonian.

Director Erickson explained that the idea was to regulate the Main Street side of the building but not the plaza side. Chair Strachan asked why they had carved out 804. Mr. Erickson stated that 804 was the entrance to the parking garage and that building plaza elevation is higher than 8' above the street, which is outside of the regulatory area. It was the same with 890 Main Street except where it comes back down to the road on Main and comes back to the street. Mr. Erickson noted that Mustang and Vinto are less than 8 feet above the street as it comes around the corner. The Staff did not want to over-regulate in the Marriott zones and they wanted to keep Vinto and Mustang in that location.

Planner Whetstone pointed out that those buildings are not currently within the vertical ordinance and Staff had originally proposed adding them to the regulations. Director Erickson stated that it was more consistent that once they crossed Harry Reid's bridge to

be out of the vertical zoning. The Staff thought it was best to keep the office uses to the south of Mustang and in 890 Main to remain in this particular operation. Planner Whetstone noted that 875 Main Street was primarily a condominium building; however, it has one commercial space on the elevated town lift plaza level above Main Street. It also has one space which received a conditional use permit for the private ski club. The windows in that space are higher and it is the only access on Main Street. Planner Whetstone stated that 820 Park Avenue was the new development Rio Grande CUP, which has an allowance for an office use in a storefront on Park Avenue. The Staff had left it out and she asked whether the Commissioners thought it should be included and subject to the vertical zoning. Planner Whetstone pointed out that another change since the last meeting is that the Flying Sumo and the Town Lift are proposed to be included in the vertical ordinance. She noted that the owner of the Flying Sumo agreed that it made sense to be regulated by vertical zoning because he did not anticipate anything but retail uses in those storefronts on Park Avenue and Main Street.

Chair Strachan asked the Commissioners for input on whether 900, 890, and 875 should or should not be included in the vertical zoning.

Commissioner Phillips agreed with what was proposed; however, he thought that 820 should also be included. He understood that there was an existing CUP, but if that were to change in the future he preferred to be pro-active. Director Erickson explained that the regulatory outcome would be a legal non-conforming use. Commissioner Campbell asked if the use changed whether the applicant would have to come back for another CUP. Director Erickson replied that they would not have to come back for a CUP. He pointed out that a new use might be a permitted use.

Planner Whetstone agreed that 820 should be included. Commissioner Joyce agreed with 820, but he was also struggling with 875 and 804. He gets nervous any time they talk about zoning that is aimed at a particular constituent or zoning that applies to one building but not another. Commissioner Joyce presented different scenarios to explain his concerns. He preferred to move 875, 820 and the Main Street side of 804 into the vertical zoning. Director Erickson understood Commissioner Joyce's logic. Extending the vertical zoning to 804 would address the private club use. Planner Whetstone was comfortable with his suggestion. She clarified that 804 is currently excluded; and 820 was not included because there is not a storefront there.

Commissioner Joyce clarified that it would be the Main Street side of 804 and all of 820 and 875. Planner Whetstone replied that he was correct, and it would bring the line up to 9th Street. Director Erickson stated that they were not negotiating, but rather moving vertical zoning across the platform.

Chair Strachan asked if the Commissioners had concerns with the language in the proposed changes to the LMC. There were no concerns or changes. Chair Strachan noted that the language needed to be changed to reflect the new boundary lines.

Chair Strachan opened the public hearing.

Mike Sweeney had read through the document and he complimented Planner Whetstone on a fabulous job. He thought the wordsmithing was clear and concise and he did not have any issues with it. Mr. Sweeney stated that he always thought his property on the west side of Main Street was commercial, and it was built that way for a reason. They did not put commercial on the top of the plaza. They essentially donated property to the City in the sense of protecting the view corridor by never building on the deck. Mr. Sweeney wants it to remain as it exists today and he was comfortable with the Code changes.

Chair Strachan asked if Mr. Sweeney had an issue with the boundary line change. Mr. Sweeney answered no.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a positive recommendation to the City Council regarding LMC Amendments to Zoning Chapters 2.5, 2.6 and Chapter 15, according to the Findings of Fact and Conclusions of Law in the draft ordinance, and as amended to include 820, 875 and the Main Street side of 804 in the vertical zoning per the discussion this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendments in Chapter 15-2.6-3(D) – Main Street Balcony Enclosures to allow Main Street restaurant owners to construct winter enclosures on balconies of non-historic buildings from November 15th – April 15th which will allow winter dining on those enclosed decks.
(Application PL-15-02031)

Planner Grahn reported that over the past year the Staff has been working with the City Council and the Historic Preservation Board to determine whether or not it was appropriate to enclose Main Street balconies over the winter months. All parties found that it was appropriate. Planner Grahn noted that the history of their discussions was outlined and documented with Exhibit in the Staff report. The intent is to create a pilot program to enclose the balconies with temporary but semi-permanent structures to replace white tents from November 15th through April 30th, and not to exceed 30 days. However, to do so requires an amendment to the Land Management Code.

Planner Grahm noted that the proposed changes were outlined on page 372 of the Staff report. The Staff requested that the Planning Commission review the changes and forward a positive recommendation to the City Council.

Commissioner Campbell asked if others besides Riverhorse were requesting this. Planner Grahm replied that it was only Riverhorse at this time. The balcony enclosure would have to be directly accessible to the restaurant space and; therefore, other than Riverhorse only Waso and 501 Main Street could currently meet that requirement.

Chair Strachan asked Planner Grahm to summarize the input from the HPB and the City Council. Planner Grahm stated that the first concern was whether or not it was appropriate on historic buildings, because removing and constructing the temporary structures creates a lot of wear and tear. Therefore, it was decided to limit it only to balconies that were on non-historic buildings. Planner Grahm reported that the HPB had mixed reactions, but the majority of the Board felt it was an improvement from the white tents that remain up all winter. The HPB was not concerned that the balcony enclosures would appear permanent and misleading to people viewing Main Street in the winter months. They also thought it would help enhance the level of customer service and the restaurant experience.

Commissioner Joyce understood that this was being proposed as a trial program. He noted that currently a CUP can be applied for to leave up a temporary structure for 180 days. He asked why the Staff was proposing a zoning change instead of the current CUP process. Planner Grahm replied that under the CUP process a structure could not be left up for 180 consecutive days. The applicant would come to the Planning Commission to have a tent approved for up to 14 days five times a year, or 70 days. She noted that exceptions have been made for some of the resorts to leave tents up for a longer period during the summer time for weddings, etc. Planner Grahm pointed out that the a balcony enclosures is different because it is attached to the building and not a freestanding tent.

Commissioner Joyce thought it was unusual to be making a zoning change for a trial. He thought a better approach would be to allow the same exception under the CUP that is made for wedding tents during the summer.

Assistant City Attorney McLean replied that the Code does not allow for balcony enclosures; therefore, it would not be allowed under the current CUP process. The only way for this temporary program to move forward is through a Code change.

Chair Strachan wanted to know if they would have to amend the Code again if they determine that the trial period is not successful. Ms. McLean explained that the City

Council could decide not to allow balcony enclosures in the right-of-way; or they could implement another Code change to reverse it.

Commissioner Worel questioned how the City Council could make that decision if it was allowed by Code. Ms. McLean understood that if someone applied for a balcony enclosure they would need an encroachment agreement. Planner Grahn explained that most of the balconies already encroach over the right-of-way and require an encroachment agreement. Some have an agreement and others do not. However, when people come in to make changes to their balcony, they are required to get an encroachment agreement if they do not already have one. Planner Grahn remarked that the City Council also has to review any changes to balconies regardless of whether it is a new balcony or a modification to an existing balcony. It also requires an HDDR by the Planning Department.

Planner Grahn explained that for the purpose of the pilot program, the process will be to do an Administrative CUP, which is consistent with the summer dining deck program. The CUP would run with the land but they would be required to apply for a building permit to construct it and to demolish it every year. It would involve two building permits. She pointed out that if someone came in with a request to enclose their balcony, they would get an encroachment agreement with the City at the same time.

Commissioner Thimm understood that an applicant would have to obtain CUP approval for the enclosure, put up the enclosure and take it down. He asked if the applicant would be covered under the same CUP to put it up again the next year. Planner Grahn replied that they would not have to reapply for the CUP but they would have to apply for new building permits. Chair Strachan asked about the encroachment agreement. Planner Grahn believed that the encroachment agreement also runs with the land. Ms. McLean explained that encroachment agreements are generally licenses which can be revoked at any time.

Commissioner Phillips asked if the CUP would expire with the trial period. Ms. McLean stated that the Staff could phrase it to have a sunset for the conditional use. Planner Grahn favored a sunset because they would want the opportunity to revoke balcony enclosures if it does not work out.

Commissioner Joyce asked if the Planning Department and the Historic Preservation Board were comfortable with enclosed balconies. Planner Grahn stated that the Planning Department was not in support. However, the HPB liked the idea because it was an improvement over white tents. The HPB supports it from the standpoint of aesthetics. Commissioner Joyce remarked that if white tents are the problem, he did not believe it made sense to fix the problem by allowing balcony enclosures. The City Council has put historic preservation as one of the top six priorities. There is a view walking down Main Street and they have tried to preserve that view. One balcony enclosure breaks the view

and changes everything. Commissioner Joyce remarked that everything he read about enclosing balconies states that they are not part of the historic look, they block off other buildings, and they should not be done. He referred to documents on page 413 of the Staff report showing that the Planning Department was opposed when this idea was previously presented. He pointed out that what was being presented this evening was the same exact plan. The only difference is that the City Council has now decided to try it.

Commissioner Joyce stated that if these things are not good because it hurts their historic image, making them temporary does not change anything. He believed that a permanent enclosure could be made to look more historic and fit in better than a plastic temporary enclosure. He pointed out that as proposed the balcony enclosures are only temporary, but they are allowed to be up during the four most important months in Park City. Those are the peak months with all the tourists. Commissioner Joyce noted that this proposal was being driven by one restaurant who fundamentally wants to accommodate 20 additional people for dinner. He thought it was counter to not only his view, but how the Planning Department viewed it and initially thought it should not be allowed. Commissioner Joyce was unsure at what point the City decided to give in to one constituent, because it was counter to everything the City has done to try to preserve the Main Street corridor.

Commissioner Phillips agreed with Commissioner Joyce, and added that it would also be an “energy hog”.

Commissioner Joyce was surprised when he read the minutes that the HPB was concerned about patrons being turned away from the restaurant during the peak season, and that was their logic for approving balcony enclosures. As a Board that is supposed to be preserving the historic character and mining heritage of Park City, he could not understand why the HPB would find this acceptable.

Planner Grahn stated that the Staff raised many of the same issues when they met with the Building Department. They also had concerns that it would look like the plexiglass tent on the Blue Plate Diner in Salt Lake. Planner Grahn remarked that the Planning Department has been working with Riverhorse and the enclosure will be glass and steel to blend in with the design of the buildings. Commissioner Joyce asked where there were other glass and steel buildings along Main Street. He questioned whether a glass and steel building would be approved under the current design guidelines. Planner Grahn clarified that if a balcony enclosure is requested it would have to compliment and be consistent with the design of the building. Since Riverhorse is already a steel and glass building, an enclosure would fit in better than if it was attached to a wood frame building.

Director Erickson clarified that the opinion of the HPB was that a balcony enclosure was aesthetically better than a white tent. He noted that it was an ongoing discussion with the

HPB and the City Council. Mr. Erickson suggested that the Planning Commission forward their opinion to the City Council to be considered when the Council makes the final decision. He noted that this was a difficult issue for the Planning Department because their mission is to preserve the street. Mr. Erickson pointed out the Staff's previous recommendation and he stood by the former Planning Director's recommendation. He emphasized that the Staff was following direction from the City Council to come up with a compromise for allowing enclosures.

Chair Strachan stated that he agreed with Commissioner Joyce substantively. However, he has never viewed his role on the Planning Commission to be looking at what is historic and what is not. He does not have the skill set or the knowledge to say one way or another whether a temporary structure fits with the form and feel of historic Main Street. Chair Strachan stated that from a planning perspective he did not believe balcony enclosures should be allowed. He was concerned that allowing one would open the door for many more.

Commissioner Joyce wanted to know why permanent balcony enclosures would not be allowed if temporary enclosures are allowed. If balcony enclosures are acceptable, why would they have to be removed in April. In his opinion it would be better to allow the owners to build a nice enclosure that fits in better, is insulated, and has good snow shed.

Director Erickson explained that the planning argument for taking down the enclosures is that during the summer the balconies would obscure the view of the other buildings and disrupt the rhythm and pace of the second floor. Mr. Erickson acknowledged that it could also be a reason for not allowing enclosures during the winter.

Chair Strachan thought it was a policy decision that the City Council would make. He did not believe it was an issue for the Planning Commission or a Code issue. He was not opposed to sending a recommendation to the City Council, recognizing that the Council decides what could occur on Main Street.

Commissioner Campbell asked if the Planning Commission could forward a neutral recommendation. Chair Strachan replied that it the vote had to be aye or nay or a continuation.

Chair Strachan opened the public hearing.

Seth Adams, representing the Riverhorse, clarified that the Riverhorse originally approached the idea for a permanent balcony enclosure; however, that was rejected because it is over City property and the City did not want something permanent in the right-of-way. That created the situation for a temporary enclosure for 180 days. Mr. Adams

noted that they do not have the capability for deck dining during the summer because they do not have a Main Street spot on the street. For that reason, they approached it as a winter time enclosure because they need it more in the winter. Mr. Adams noted that the enclosure would be built by a very reputable company. It was designed to be built as a permanent enclosure, but it was be redesigned to allow it to be put up and taken down. Mr. Adams remarked that it would be well-built and would not look cheap. His preference would be to leave it up 365 days, but since that was not an option he was willing to accept a temporary time period so they could prosper as a restaurant and accommodate larger crowds during the peak season.

Ruth Meintsma, a resident at 305 Woodside, focused on the energy issue related to the enclosures. She commented on an interview with Matt Abbott earlier that day where he spoke about the City's current effort towards zero carbon footprint. The City was also moving forward with sensitive issues such as outdoor fire pits and wood fireplaces. Ms. Meintsma did not believe the proposed balcony enclosures accomplish what the City is trying to accomplish. She had researched solariums and greenhouses, which was the closest she could find similar to what was being proposed, and they are very energy inefficient. Ms. Meintsma referred to language on page 5 of the Staff report which states, "A building permit will insure that the enclosure addresses energy efficiency". She thought that was vague and asked if standards or specific criteria would be adhered to. Page 6 of the Staff report under significant impacts states that there are no significant environmental impacts; however Ms. Meintsma did not believe they know at this point whether there would be environmental impacts. Ms. Meintsma referred to Exhibit 1 of the ordinance, and noted that the fourth Whereas states, "The City's goals include sustainability". This structure does not necessarily accomplish sustainability. The ninth Whereas states, "This amendment is consistent with the General Plan." Ms. Meintsma questioned whether it was consistent with the General Plan. She believed there were still a lot of unanswered questions that they could not know at this point. Ms. Meintsma referred to Item 10 which states that the design must address snow shedding. She pointed out that if the enclosure on the Riverhorse sheds at all it would shed on to the sidewalk. She thought aggressive snow melt should be included in the energy efficiency evaluation of the structure. Ms. Meintsma referred to number 19, materials, and thought it needed to go further than just materials that complement the existing structure. She suggested that the criteria should be a material that actually accomplishes a certain level of energy efficiency.

Mike Sweeney, stated that as a person sitting in the audience who has done a lot of permitting in front of the Planning Commission, he was offended by the outrage that Mr. Adams with the Riverhorse would build a "crappy" building. Mr. Sweeney did not believe that was fair.

Commissioner Joyce agreed and he apologized to Mr. Adams and Mr. Sweeney. Commissioner Joyce clarified that his frustration was more with the City not allowing a nice permanent structure that would meet normal development guidelines; and instead allowing one that must meet difficult requirements of being temporary and having the ability to be pulled apart and packed up. Commissioner Joyce stated that if Mr. Adams was allowed to build a permanent structure he was confident that he would build something that was nicer, solve more engineering problems, be better insulated to address energy concerns, and look better on the historic street. He acknowledged that he had used a poor choice of words.

Mr. Sweeney stated that with all the concerns about energy and everything else is involved for this type of structure, the Riverhorse was doing their best and using the best technology available. He understood that the Riverhorse is not the most energy efficient, and there are other buildings in the community that are less energy efficient than what the Riverhorse was trying to accomplish. Mr. Sweeney referred to Commissioner Joyce's comment about the historic district and whether or not it was acceptable to have balconies on Main Street. He stated that Main Street has had balconies since for as long as he could remember.

Commissioner Joyce stated that he was aware that balconies are allowed on Main Street and clarified that his comment related to enclosed balconies.

Mr. Sweeney remarked that if the real issue is enclosed balconies, he believed that in the 1800s people put up something to enclose their balconies to protect themselves.

Brian Markenan stated that he was an architect in town who was helping Mr. Adams move this request through the process. Mr. Markenan understood that energy was an issue for everyone. Since Mr. Adams would be paying for that energy, he was motivated to build and complement that building. Mr. Markenan pointed out that this was a pilot program to determine what will and will not work for the City and the Riverhorse. He remarked that snow shedding would be remedied. The enclosure will have a low pitch to avoid fast slides into the street. It would be held a foot and a half to two feet from the edge of the balcony so a lot of the snow will dump on the side. A lot of snow will melt off and they will be dealing with the runoff of the roof in a much different way than snow just sliding off. Mr. Markenan stated that they anticipate using cleats and snow bars to hold back much of the snow. He pointed out that it was not a cheap structure. It is an engineered metal and glass building with a polycarbonate top that will withstand snow loads. It is also built to IBC standards. Mr. Markenan stated that they have been working with the Building and Planning Departments and he felt they had come to a good place for this trial.

Commissioner Thimm asked if this type of structure would comply with the State Energy Code. Mr. Markenan was hesitant to say that it complies with the State Energy Code. He

pointed out that it is a stand-alone structure. Commissioner Thimm noted that the Code was a measuring stick in terms of sustainability that is required by the State. Mr. Markenán replied that it was lacking in terms of having an R-49 roof. He suggested the possibility of sliding in different panels in the future.

Chair Strachan closed the public hearing.

Commissioner Campbell did not believe the balcony enclosures would sweep all the way up Main Street, and he did not see it as a gigantic stain on the visual character of Main Street. Chair Strachan noted that some of the Commissioners differed in that opinion. He did not think there would be an abundance of enclosures but he felt certain that the number would increase if the pilot program is passed. Commissioner Campbell suggested crafting the language to limit the number. Commissioner Joyce asked how they could justify allowing it for one non-historic building to serve food and deny it for another person with a non-historic building who wants to enclose their balcony for storage or other uses. Commissioner Campbell thought it would be easy to make that distinction because the vibrancy a restaurant brings to the area benefits everyone. Chair Strachan thought it would put the Staff in a difficult position of saying yes to some and no to others based on vibrancy.

Planner Grahn noted that the City Council was only proposing the pilot program for restaurants. The program would have to be adjusted to expand it to retail, office space, private residences, etc.; and that would require going back to the HPB and the Planning Commission.

Commissioner Joyce remarked that at some level the City was making a judgment of whether or not to allow enclosed decks. Under the current constraints there was a possibility for three and only one was currently interested in doing it. However, once it is approved and the next person wants to enclose their balcony for a different entertainment use, it keeps growing and growing. He thought the decision the City Council should be making is whether or not enclosed balconies are okay. If the answer is yes, they should be allowed to be permanent and done well.

Commissioner Campbell suggested that if the pilot program runs for three years, after that time they could determine whether or not to allow permanent enclosures. He asked if Commissioner Joyce would be more comfortable with that approach. Commissioner Joyce clarified that he personally did not think enclosed balconies belong because they are not part of the Historic Design Guidelines. He thought the decision needed to be consistent. He could not justify saying it was fine for the five prime months but not for the rest of the year. If the City Council thinks enclosed balconies are fine, then they should be allowed all year long or not allowed at all.

Commissioner Phillips wanted to make sure that the CUP would have a sunset date. Assistant City Attorney McLean stated that they could make that recommendation as part of the motion.

MOTION: Commissioner Joyce moved to forward a Negative Recommendation to the City Council on the Main Street balcony enclosure amendments. Commissioner Worel seconded the motion.

VOTE: The motion passed 3-2. Commissioners Joyce, Thimm and Worel voted in favor of the motion. Commissioners Phillips and Campbell voted against the motion.

WORK SESSION

The Planning Commission returned to work session for Annual Legal Training on the Public Meeting Act.

Assistant City Attorney McLean stated that the Open Meetings Act is primarily about the importance of transparency and openness in government so the constituents in the community understand that decisions are being made in the public and not behind closed doors.

Ms. McLean reminded the Commissioners to keep their disclosure forms updated with the City Recorder.

Ms. McLean clarified that “Open” means “in public”. State Code requires the Planning Commission to follow the rules and requirements of the Open Public Meetings Act. She noted that the lesser Boards and Commissions follow the Act as well, including the Art Board.

Ms. McLean commented on what constitutes a meeting. For the Planning Commission, it is four members including the Chair. However, it was preferable to have more members than just a quorum making decisions. She thanked the Commissioners for their diligence in attending most meetings. Ms. McLean requested that they contact the Staff if they know they will not be attending to make sure they have a quorum. A meeting cannot be held without a quorum.

Chair Strachan asked the Commissioners to also let him know if they will not be attending; however, he preferred that they use his personal email because he does not check his

Park City email as often as he should. Ms. McLean suggested that they also email the Planning Director and Louis in the Planning Department.

Ms. McLean clarified that if the Vice-Chair is acting as the Chair, he or she can vote on all items. Chair Strachan asked if the Vice-Chair has to vote if it is not to break a tie. Ms. McLean replied that the Vice-Chair must vote on all items.

Ms. McLean discouraged the Commissioners from discussing any City business, even generally, if they are at a social gathering. She stated that email between the Commissioners is permitted but it should not be about substantive matters. Ms. McLean reminded the Planning Commission that their personal or business email could be subject to a Grama request if they use it to conduct City business. That was the reason for giving all the Commissioners a City email. She pointed out that the iPads they were given are not City equipment, but the emails on the iPad are subject to these laws. Ms. McLean stated that the Commissioners are allowed to text each other but not during a meeting.

Ms. McLean noted that electronic meetings are allowed as long as the City has an adopted policy. Chair Strachan recalled that the Planning Commission had rejected electronic participation. Ms. McLean thought the Planning Commission had a limited policy but it was not a preferred process. She offered to look into it. Chair Strachan thought electronic participation was a terrible idea. Commissioners Worel and Campbell agreed.

Ms. McLean discussed closed meetings, which typically do not occur at the Planning Commission level. If a Commissioner has an issue he or she is uncomfortable raising in a public meeting, they should contact her or City Attorney Mark Harrington prior to the meeting to discuss it.

Ms. McLean commented on noticing requirements and public hearings. All meetings are recorded and the recordings are kept indefinitely. Minutes are taken of all meetings. The only exception to recording is a site visit.

Ms. McLean stated that violation of the Public Meetings Act is a Class B misdemeanor and it would be enforced by the Attorney General or the County Attorney. She advised the Commissioners to keep their discussions clear and concise so their comments can be defended if necessary.

The Park City Planning Commission Meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 152 Sandridge Road Subdivision
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-02952
Date: January 13, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to a date uncertain, to allow additional time for internal review. Staff has requested that the surveyor provide additional analysis and clarification on conflicts regarding the property boundaries. These updates have not been submitted. Staff will re-notice the public hearing for this plat amendment when a Planning Commission hearing date is determined.

Description

Applicant: Joseph and Linda Armstrong
Location: 152 Sandridge Road
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Single-family residences
Reason for Review: Plat amendments require Planning Commission review and City Council action



Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: The Lodges at Deer Valley – Phase One – First Amended
Author: Makena Hawley, Planner
Date: January 13 2016
Type of Item: Legislative – Amendment to the Record of Survey

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and continue the requested Amendment to the Record of Survey for The Lodges at Deer Valley, Phase One, First Amended to February 10, 2016, to allow Staff additional time to work through the application.

Description

Applicant: The Lodges at Deer Valley represented by Marshall King
Location: 2900 Deer Valley Drive
Zoning: Residential Development (RD) District
Adjacent Land Uses: Recreation open space
Reason for Review: Amendments to the Record of Survey require Planning Commission review and recommendation with final action by the City Council

Proposal

The Lodges at Deer Valley are proposing to change the 62 parking spaces from convertible space to common ownership which requires a Record of Survey.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: The Yard Townhomes
Author: Francisco Astorga, AICP, Senior Planner
Project #: PL-15-02911
Date: 13 January 2016
Type of Item: Master Plan Development Pre-Application Conference

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider making a finding of preliminary compliance with the purpose of the General Commercial District and the General Plan of the Master Planned Development Pre-Application for 23 residential units to be located at 1251 Kearns Boulevard, The Yard Townhomes, based on the findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: MJF 1998 Investment Partnership LP, Mark Fischer represented by Elliott Workgroup Architecture, Craig Elliott
Location: 1251 Kearns Boulevard, aka "The Yard"
Zoning: General Commercial (GC) District
Adjacent Land Uses: Multi-unit housing to the west across Homestake Road. Recycling center and power substation to the east. Warehouse/storage, offices, retail, and housing to the south on Ironhorse Drive. Restaurants and an event space to the north, within the same site.
Reason for Review: Master Plan Development Pre-Applications require Planning Commission review and findings of compliance with the Park City General Plan prior to submittal of the full Master Planned Development application. Any residential project with ten (10) or more residential unit equivalents (20,000 square feet) require a Master Planned Development.

Proposal

The applicant requests review of a Master Planned Development (MPD) Pre-Application for a twenty-one (21) residential townhomes, two (2) residential flats, and a small amenities space proposed to be constructed on the southern half of the site known as "The Yard", specifically on the existing commercial parking area. See Exhibit B – Pre-MPD Plans.

The MPD Pre-Application is submitted for Planning Commission review prior to submittal of the MPD Application. The requested residential housing, the Multi-Unit Dwellings, requires approval of a Conditional Use Permit (CUP) by the Planning

Commission. The required CUP has not been submitted to the City for review.

Process

A requirement for any MPD is a Pre-Application public meeting and determination of compliance with the Park City General Plan and the specific zoning district. At the pre-Application public meeting, the Applicant has an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review is to focus on the General Plan and zoning compliance for the proposed MPD. The LMC indicates that the public is to be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD. This is the purpose of this meeting.

Staff recommends that the Planning Commission review the preliminary information for compliance with the General Plan. As indicated on the LMC the Planning Commission is to make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.

Background

On August 28, 2015, Staff received this MPD Pre-Application. The property is located within the GC District. The subject property is located at 1251 Kearns Boulevard. The site contains 4.60 acres (200,376 square feet). The subject MPD site contains 2.03 acres (88,317 square feet). The site had seven (7) parcels that were combined into one lot of record in 2010 as the Yard Subdivision. Currently the site includes the main building which presently houses the Blind Dog and Bone Yard restaurants/bars as well as an event space. In June 2009 the City approved a Conditional Use Permit for an Indoor Entertainment Facility and a Commercial Parking Lot. The proposed housing project takes place over the approved commercial parking lot.

Purpose

The purpose of the General Commercial (GC) District is to:

- A. allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- B. allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- C. protect views along the City's entry corridors,
- D. encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- E. allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials,

- architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- F. encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- G. encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

General Plan Compliance

Park City has nine (9) defined neighborhoods within its corporate boundaries. Each neighborhood represents a unique area of town that is separated from another by definable landmarks. Within the 2014 General Plan, Bonanza Park is included as part of the Bonanza Park & Prospector Neighborhood.

In January 2012, the City prepared the second draft of an Area Plan titled “Bonanza Park, the Evolution of Place” known as the Bonanza Park Area Plan. This document was completely separate from the General Plan. The City also hired Gateway Planning to assist the City in developing a form-based code within Bonanza Park. The City was to undertake a comprehensive approach to the redevelopment of the Bonanza Park District. However, that specific Area Plan was not adopted by the City and neither were form-based codes in Bonanza Park Neighborhood.

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in *italics* below:

Small Town

- *Goal 1: Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods.*

The proposed project is in the middle of the Bonanza Park Neighborhood. It is a complimentary land use and sited in an existing neighborhood that has available infrastructure and resource capacity. The proposed project encourages opportunities to enhance livability with access to daily needs, i.e., nearby supermarkets, trails, bus access. The proposal includes a pocket park to meet the needs of residents within the project.

- *Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning.*

Only Objective 2D applies relating to materials and methods of construction exhibiting a continuity of history and culture and compatibility with the local character and community identity.

- *Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character.*

The proposal includes two (2) driveway access points off Homestake Road internally connected. The internal driveway wraps around and provides direct vehicular access to every single unit to Homestake Road. The site also has a similar sidewalk system. The internal sidewalk is opposite to the driveway within the perimeter of the pocket park. Due to the low volume traffic of the site, staff does not find that a separate internally dedicated bike path is essential. The site is within a quarter of mile (or less) of several bus stops, grocery store, pharmacy/sundries store, and several retail shops. The current proximity to the mentioned retail foster pedestrian and bicycle modes of transportation.

As part of the future CUP and MPD applications staff recommends traffic analysis on the two (2) proposed access points on Homestake Road. Staff also recommends working with the Applicant regarding reviewing a pedestrian/bicycle corridor for the possibility of a Rail trail extension through Bonanza Park, also in conjunction with the future CUP/MPD applications.

Natural Setting

- *Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting.*

The proposed site is currently used as a commercial parking lot with insignificant amount of vegetation compared to its size. The submitted preliminary Landscape Plans keeps the seven (7) existing trees on the west end adjacent to the street and adds forty-eight (48) Lanceleaf Cottonwoods, sixteen (16) Flame Amur Maples, eight (8) Austrian Pines, and three (3) Bigtooth Maples, plus a good amount of shrubs. The proposed plan provides a pocket park/passive open space within the development.

- *Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020.*

The applicant listed in their project description that the design results in a concept that is very energy efficient due to the reduced perimeter of exterior wall space.

Discussion requested. Should the applicant provide additional information regarding their energy efficiency?

Information could specifically be related to encouraging development practices that decrease per capita carbon output, decrease vehicle

miles traveled, increase carbon sequestration, protect significant existing vegetation and contribute to the community emission reduction goal (see Objective A). Should the City and the applicant look into LEED accreditation or similar energy efficiency/conservation building techniques, etc?

- *Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change.*

Not Applicable to this proposed development.

Sense of Community

- *Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents.*

The proposed project consists of twenty one (21) residential townhomes and two (2) residential flats. Additionally, sixteen (16) of the townhomes are to have the ability to have a one-bedroom flat as a lock-out or independent residential unit on the lower level. The one-bedroom units could be added to the townhomes or created to be a separate individual unit. These units would provide flexibility in use and size to the townhomes. As indicated on the applicant's Project Description, they could be used as a guest residence, an apartment for a parent, an apartment for a boomerang child, a home office, or even as a family/theater room.

- *Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City.*

The current concept contemplates that some portion of these one-bedroom flats will be identified as affordable housing. Park City's Affordable Housing Resolution 13-15 requires fifteen percent (15%) of the total residential units constructed to be affordable housing units. The proposed twenty three (23) residential units yield 3.45 Affordable Unit Equivalents.

- *Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.*

The site is located in the middle of the neighborhood and has several opportunities for various forms of transportation to get to parks and recreation sites. The site will have a pocket park.

- *Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community.*

The site is located in the middle of the neighborhood and has several opportunities for various forms of transportation to get to events and other destinations.

- *Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience.*

The proposal is a residential Multi-unit Building development. The ownership of the project has not been specified. Nightly rentals are an allowed use within the district that may support the continued success of multi-seasonal tourism economy.

- *Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.*

Not applicable.

- *Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression.*

Not applicable.

- *Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region.*

Not applicable.

Historic Character

- *Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.*

Not applicable.

- *Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.*

Not applicable.

Volume II of the General Plan contains information that supports the goals outlined in Volume I. This includes the methodology recommended for accomplishing strategies, neighborhood section, and appendix with trends, analysis, and data for the City and region. Staff requests to point out the following items listed under the

neighborhood section copied in *italics* below:

- **3.1 Bonanza Park and Snow Creek: A mixed use neighborhood in which locals live and work.**

The Bonanza Park & Snow Creek Neighborhood contains a variety of housing types as well as commercial development. Ranging from the single-family dwelling units that make up Snow Creek Cottages located adjacent to the Shopping Center, to the multifamily dwelling units that make up Homestake, Claimjumper, and Fireside Condominiums, the area is diverse in terms of housing units and is home to many of the City's more affordable units - not all deed restricted, but de facto affordable units.

One of the greatest threats to the relatively affordable Bonanza Park neighborhood is gentrification. As the City adopts new policies to create a diverse neighborhood for locals, it is imperative that the locals be included in the planning. The overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units. In the case of redevelopment, any displacement of existing affordable units should be required to incorporate those units within the new development area. In an effort to support local start-up businesses and services, it is also essential to maintain affordable leases in the area.

This neighborhood is also home to the City's only Light Industrial zoning district where automotive shops can coexist with a car wash, all within walking proximity of residential units. These types of uses should be preserved as the City moves forward with the concept of Form Based Code for this district. The City's draft Bonanza Park Area Plan recommends similar strategies to preserve this neighborhood's character.

As outdated buildings are replaced and existing buildings expand, the neighborhood will evolve into a local, mixed-use district. The Rail Trail State Park provides a main pedestrian spine for connectivity at the eastern end of the district (Prospector Square). As the area redevelops, it is envisioned that this spine will extend through the Bonanza Park Area.

As the neighborhood continues to evolve, multifamily residential uses should be concentrated within the Bonanza Park redevelopment area. By directing higher density redevelopment to this area, the neighborhood has the potential to provide more Life-cycle Housing opportunities for Parkites, including starter and empty nester (step down) housing.

The Area Plan for this neighborhood should include a limit on nightly rentals if this district is to be protected as a locals neighborhood.

As indicated in this section above the overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable

housing units. The site does not contain any existing housing units; however, as indicated on this preliminary application affordable housing is attempted by creating smaller units with shared amenities and common area that could attract workforce populations. The proposed residential multi-unit buildings comply with the said concentration within the redevelopment area.

- **3.2[.1] Bonanza Park: An authentic neighborhood.**

Authenticity during redevelopment can be a challenge. Incentives to further subdivide properties to create multiple property owners within the district will help create a truly authentic place. Also, consideration to human scale, infusion of design elements representative of residents' diverse roots, contemporary design, and consideration for the local history of the district, can add to placemaking and authenticity. The evolution of architectural design created over time will lead to an authentic, diverse district. Also, the introduction of Form Based Code will require incorporation of design elements found in a traditional urban neighborhood, including sidewalks, landscaping, public art, and building interest at pedestrian eye level.

Staff recommends that the applicant in their future MPD Application keeps in mind placemaking and authenticity by emphasizing human scale, infusion of design elements representative of residents' diverse roots, contemporary design, etc.

- **3.2[.2] Bonanza Park and Prospector: The local employment hub.**

To reach the goal of creating more diverse jobs for Parkites, a collaborative partnership approach to redevelopment must exist between the City, property owners, local residents, and business owners. Participation from all parties is necessary to create a desirable mixed use neighborhood in which existing and new businesses choose to call home. The City has a goal to utilize economic development tools to attract new businesses in cooperation with investors. Private property owner participation is necessary for dedication of right-of-ways to transform the neighborhood into a connected neighborhood with public amenities. Infrastructure improvements that attract local residents and businesses must be explored and negotiated, including technology infrastructure, public utilities, sidewalks, bike lanes, trails, public parks, roads, transit, and parking.

Section above not applicable to the proposal.

- **3.3 Bonanza Park: A model for sustainable redevelopment.**

The Bonanza Park & Snow Creek Neighborhood will be a model for green, sustainable redevelopment in balance with nature. The Bonanza Park Area Plan is a blueprint for environmentally sensitive development. Many of the principles identified in the Bonanza Park Area Plan reflect those emphasized by the U.S. Green Building Council's Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) rating system. LEED-ND evaluates

neighborhoods on a variety of principles within three categories: Smart Location and Linkage, Neighborhood Pattern and Design, and Green Infrastructure and Buildings. The Bonanza Park Area Plan incorporates all of the highest ranking LEED-ND principles, plus a few extras, from each of these categories. Consideration should be given by the City to expand the Bonanza Park Area Plan and Form Based Code to include the entire Bonanza Park and Prospector neighborhood. Due to limits on density within the Prospector neighborhood, this area could become a receiving zone for TDR credits and further alleviate growth pressures on Greenfield development.

Discussion requested: The entire neighborhood is to become a model for green sustainable redevelopment according to the General Plan. The City is no longer pursuing the Bonanza Park Area Plan, which was supposed to be a blueprint for development and many of its principles were reflected/emphasized by the LEED-ND rating system. The Bonanza Park Area Plan was also to incorporate the highest ranking LEED-ND principles. Because the City was counting on the Bonanza Park Area Plan to assist this neighborhood in providing LEED-ND principles, the only remaining principle in the adopted General Plan specific statement is that that Bonanza Park Neighborhood will be a model for green, sustainable redevelopment in balance with nature as stated in this General Plan Neighborhood Section.

- **3.4 Bonanza Park: Connected via new roadways, sidewalks, trails and a park system.**

Connectivity is lacking throughout the district. The existing pattern of roads is disconnected, yet there is a great opportunity to fix this disconnection as part of an overall redevelopment plan for the area. The BoPa Area Plan introduces new rights-of-way opportunities, sidewalks, an extension of the rail trail leading to a central park, and trails connections within and around the district.

Beyond the importance of creating additional rights-of-way (ROWS) for vehicular access throughout the BoPa district is the need to utilize these ROWs for pedestrian and cyclist movement. This will allow for alternative modes of transportation thereby creating “complete streets.”

In addition to these connectivity recommendations for Bonanza Park, focus should be given to improving the connection between BoPa and Prospector Square. Bonanza Drive, running north/south within the eastern section of BoPa is heavily trafficked as a vehicular corridor. Improved pedestrian connections across Bonanza Drive should be considered. The idea of a new under (or bridge over) Bonanza Drive to bring the rail trail further west into BoPa could create ease of access as well as a sense of entry to this district.

Discussion Requested: The current application is for about a two (2) acre site and will not assist in the mentioned existing pattern of disconnected

roads. As mentioned in this GP section the Area Plan was to introduce ROWs opportunities, sidewalks, etc. The focus was to allow for alternative modes of transportation thereby creating “complete streets.”

- **3.5 Bonanza Park: Explore as a central hub for public transportation.**
With the neighborhood centrally located within the City, a future public transportation hub should be considered. Transportation routes that save commuters time also result in saving the City money. To realize a change in the preferred transportation options from the car to walking, biking, and public transportation, a new look at the time efficiency of trips should be studied. Connectivity from the Bonanza Park central district to the resorts would alleviate traffic issues throughout the City. For example, a Bus Rapid Transit (BRT) or streetcar/trolley system connecting Bonanza Park to Kimball Junction and Main Street would begin to change local commuting patterns.

Discussion Requested: The City was looking at this specific site as the central hub for public transportation in the Bonanza Park Area Plan.

- **3.6 Bonanza Park: An important part of the Park City entry experience.**
Due to its location along both of the entry corridors to Park City, the Bonanza Park & Snow Creek Neighborhood is geographically tied to the Park City entry experience. The scenic views that are currently afforded to those entering the City are a defining characteristic of our town and should be preserved and enhanced.

Currently, three sides of the Bonanza Park & Snow Creek Neighborhood are located within the Frontage Protection Zone (FPZ). The FPZ helps to preserve scenic view corridors by providing a significant landscaped buffer between development and highway uses and by restricting the location and height of structures in the zone. The FPZ also allows for future pedestrian and vehicular improvements along the highway corridors.

In addition to investigating measures that would strengthen the FPZ, the City should also look at ways to enhance the entry experience. This might include installing public art, improving lighting or adding other elements that would improve the entry corridors.

The subject area is not located along the two (2) entry corridors.

- **3.7: The aesthetic of the Bonanza Park area should be true to the current character and the vision.**
There are a four dominant architectural styles within the Bonanza Park district. The entryway along Park Avenue and Deer Valley Drive emphasizes the ties to the resort with repeated use of shed roofs, gables, and timbers. As one wanders to the center of the district, known locally as Iron Horse, a more industrial design is apparent, with split block, horizontal siding, and metal decorative elements,

garage doors, and roofing. Residential areas have front porches with recessed garages. The commercial buildings are traditional with exterior materials of brick, stucco, or horizontal siding with symmetry of windows on the upper stories. The niches within the neighborhoods shall become more defined as the area is redeveloped.

The future MPD/CUP application would have to show a more defined character than the current dominant architectural styles within the District.

General Commercial District Compliance

The proposal complies with the following lot and site requirements of the GC District:

- **Uses.** All uses listed in LMC § 15-2.18-2 (B) Conditional Uses, including residential uses, require approval by the Planning Commission. Residential projects with 10 or more units require a Master Planned Development.

The required CUP has not been submitted to the City for review. Staff recommends adding a condition of approval Multi-Unit Dwellings concurrently or prior to the full MPD application. This MPD Pre-Application does not guarantee an approved CUP as specific CUP codes have not been reviewed at this time.

- **Lot Size.** No minimum lot size.

The current lot is 4.60 acres (200,376 square feet). It should be noted that the applicant only included the south portion of the lot to be included in the MPD Pre-Application totaling 2.03 acres, (88,317 square feet). Staff recommends adding a condition of approval which indicates that the site shall be subdivided as the north portion of the site is not included in this MPD Pre-Application. The Plat Amendment Application is handled through a Planning Commission review and recommendation to the City Council. The applicant shall apply for a Plat Amendment application concurrently or prior to the full MPD application. During Plat Amendment and/or MPD Application all utilities must be identified on the plan as the City Engineer will need verification that the dry utilities will locate their facilities in the designated location. This MPD Pre-Application does not guarantee an approved Plat Amendment as specific subdivision codes have not been reviewed at this time.

- **Setbacks.** The minimum setback around the exterior boundary of an MPD is twenty five feet (25') for parcels one acre in size. Front Yard Setbacks. The Planning Commission may decrease the required perimeter Setback to the zone Setback if it is necessary to provide desired architectural interest and variation. It should be noted that the property to the east is a Rocky Mountain Power (RMA) sub-station. Staff recommends that the applicant contact RMP to determine their possible expansion needs in the future.

The minimum (zone) front yard setback is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking is at the rear of the Property or underground. The minimum (zone) Rear Yard and Side Yard setbacks is ten feet (10').

The applicant requests a twenty foot (20') front yard setback and a ten foot (10') side and rear yard setbacks. While the proposal complies with the GC District setbacks, once the MPD application is submitted and deemed complete, the Planning Commission would have to make the findings for such setback reduction.

- **Snow Release.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official. This is a MPD Pre-Application request. Plans are not required to be shown in detail enough to determine such compliance.
- **Clear View of Intersection.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. This provision must not require changes in the Natural Grade on the Site.

This is a MPD Pre-Application request. Plans are not required to be shown in detail enough to determine such compliance. Once the MPD application is submitted, the Planning Department will be able to provide a thorough review.

- **Building Height.** The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination. At MPD Application 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 summarized 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...
 2. Buildings have been positioned to minimize visual impacts on adjacent Structures. [...]
 3. There is adequate landscaping and buffering from adjacent Properties and Uses. [...]
 4. The additional Building Height results in more than the minimum Open Space required...
 5. The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural

Guidelines...

The GC District indicates that no Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

Applicable building height exceptions include:

1. Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
2. Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).
3. Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
4. Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
5. An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

This is a MPD Pre-Application request. Plans are not required to be shown in detail enough to determine such compliance. It appears that an increase in Building Height based upon a site specific analysis and determination will be requested as there is a portion of the site that is over forty feet (40'), (35' max. + exception #1 above). Once the MPD application is submitted, the Planning Department will be able to provide a thorough review of the height as specified on the LMC MPD section and will be able to make a recommendation to the Planning Commission.

- **Architectural Review.** Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

This is a MPD Pre-Application request. Plans are not required to be shown in detail enough to determine such compliance.

- **Vegetation Protection.** The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

The submitted Landscape Plan shows does not show any significant vegetation to be removed during development activity.

At full MPD Application the City will expect the Applicant to address all of the MPD requirements outlined in LMC §15-6-5 which includes:

- | | |
|------------------------|-----------------------------------|
| A. Density. | H. Landscape/Street Scape. |
| B. Footprint. | I. Sensitive Lands Compliance |
| C. Setbacks | J. Employee/Affordable Housing |
| D. Open Space. | K. Child Care |
| E. Off-street parking. | L. Mine Hazards |
| F. Building Height. | M. Historic Mine Waste Mitigation |
| G. Site Planning. | |

Department Review

This project has gone through an interdepartmental review at a Development Review Committee meeting. No further issues were brought up at that time.

Notice

On December 30, 2015, the property was posted and public hearing courtesy notices were mailed to property owners within three hundred feet (300'). Legal notice was published in the Park Record on December 26, 2015.

Public Input

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

Alternatives

- The Planning Commission may approve the MPD Pre-Application as conditioned or amended.
- The Planning Commission may deny the MPD Pre-Application and direct staff to make Findings for this decision.
- The Planning Commission may continue the MPD Pre-Application to a date certain (or uncertain) and provide staff and the applicant with direction on additional information required in order to make a final decision.

Significant Impacts

There are no significant impacts to the City or neighborhood as a result of the MPD Pre-Application.

Consequences of not taking the Suggested Recommendation

If the Planning Commission is not able to make a finding that the project complies with the General Plan, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider making a finding of preliminary compliance with the purpose of the General

Commercial District and the General Plan of the Master Planned Development Pre-Application for 23 residential units to be located at 1251 Kearns Boulevard, The Yard Townhomes, based on the findings of fact, conclusions of law, and conditions of approval for the Commission's consideration

Findings of Fact

1. The site is located at 1251 Kearns Boulevard.
2. The site is located within the General Commercial (GC) District.
3. The proposal is currently known as The Yard Townhomes.
4. The applicant requests review of a Master Planned Development (MPD) Pre-Application for twenty-one (21) residential townhomes, two (2) residential flats, and a small amenities space.
5. Sixteen (16) of the townhomes are proposed to have the ability to have a one-bedroom flat as a lockout or independent residential unit on the lower level.
6. A lockout unit is an allowed use within the GC District.
7. The submitted project description indicates that some of the one-bedroom units will be identified as affordable housing.
8. The townhomes are approximately 2,300 gross square feet in area with a garage of approximately 530 square feet.
9. The one-bedroom flats add approximately 620 gross square feet, each.
10. Access to the property is from Homestake Road, an existing public street.
11. The subject site is currently being used as commercial parking area.
12. The MPD Pre-Application is submitted for Planning Commission review prior to submittal of the full MPD Application.
13. Multi-Unit Buildings are a Conditional Use within the GC District.
14. The required Conditional Use Permit (CUP) has not been submitted to the City for review.
15. Staff recommends adding a condition of approval that a CUP application for Multi-Unit Dwellings is submitted concurrently or prior to the full MPD application.
16. There is no minimum lot size in the GC District.
17. The current lot is 4.60 acres (200,376 square feet).
18. The applicant only included the south portion of the lot to be included in the MPD Pre-Application.
19. The proposed MPD area is 2.03 acres (88,317 square feet).
20. In order to process an MPD on a portion of the lot, the site shall be subdivided as the north portion of the site is not included in this MPD Pre-Application.
21. The applicant requests a twenty foot (20') front yard setback and a ten foot (10') side and rear yard setbacks.
22. The proposal complies with the GC District minimum setbacks.
23. Once the full MPD application is submitted and deemed complete, the Planning Commission would have to make the findings for such setback reduction if adopted criteria is met.
24. Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.
25. No visual obstruction in excess of two feet (2') in height above Road Grade shall

- be placed on any Corner Lot within the Site Distance Triangle.
26. The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination.
 27. At full MPD Application 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.
 28. Once the full-MPD application is submitted, the Planning Department will be able to provide a thorough review of the height as specified on the LMC MPD section.
 29. The Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.
 30. The submitted Landscape Plan does not show any significant vegetation to be removed during development activity.
 31. At full MPD Application the City will expect the Applicant to address all of the MPD requirements outlined in LMC §15-6-5.
 32. Within the 2014 General Plan, Bonanza Park is included as part of the Bonanza Park & Prospector Neighborhood.
 33. In January 2012, the City prepared the second draft of the Bonanza Park Area Plan.
 34. The Bonanza Park Area Plan was not adopted by the City.
 35. Volume I of the General Plan contains goals for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character.
 36. The proposal complies with the Small Town goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.
 37. The proposal complies with the Natural Setting goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.
 38. The proposal complies with the Sense of Community goals as proposed (in the form of a MPD Pre-Application), and/or as conditioned.
 39. The proposal complies with the Historic Character goals as proposed (in the form of a MPD Pre-Application) and/or as conditioned.
 40. Volume II of the General Plan contains information that supports the goals outlined in Volume I.
 41. The overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units (GP BOPA § 3.1).
 42. The site does not contain any existing housing units; however, as indicated on this preliminary application affordable housing is attempted. The proposed residential multi-unit buildings comply with the said concentration within the redevelopment area (GP BOPA § 3.1)
 43. Staff recommends that the applicant in their future full MPD Application keep in mind placemaking and authenticity by emphasizing human scale, infusion of design elements representative of residents' diverse roots, contemporary design, etc. (GP BOPA § 3.2)
 44. The entire neighborhood is to become a model for green sustainable redevelopment according to the General Plan (GP BOPA § 3.3).

45. The subject area is not located along the two (2) entry corridors (GP BOPA § 3.6).
46. The future MPD/CUP application would have to show a more defined character than the current dominant architectural styles within the District (GP BOPA § 3.7).

Conclusions of Law

1. The preliminary MPD-Pre Application plans for the 23 residential units to be located at 1251 Kearns Boulevard within the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the purpose statements of the General Commercial (GC) District zoning.

Exhibits

Exhibit A – Applicant's Project Description
Exhibit B – MPD Pre-Application Plans



ELLIOTT WORKGROUP

August 28, 2015

The Yard Townhomes

Project Description

The project site is located in the General Commercial Zone (GC). It is surrounded by GC zone on all property boundaries. Immediately to the west are two properties with multi-family housing. To the west is the current Recycle Center and Rocky Mountain Power substation. To the south is primarily warehouse and storage buildings. Offices, commercial and housing also are located to the south. The north is primarily commercial in nature and includes several restaurants and an event space.

The project consists of 21 residential townhomes, 2 residential flats, and a small amenities space. Additionally, 16 of the townhomes, have the ability to have a one-bedroom flat as a lock-out or independent residential unit on the lower level. The current concept contemplates that some portion of these one-bedroom flats will be identified as affordable housing.

The townhomes are approximately 2,300 gross square feet in area with a garage are of approximately 530 gross square feet.

The one-bedroom flats add approximately 620 gross square feet. These units could be added to the townhomes or created to be a separate individual unit. These units provide flexibility in use and size to the townhomes. They could be used as a guest residence, an apartment for a parent, an apartment for a boomerang child, a home office, or even as a family/theater room.

The site is designed with a service drive around the perimeter of the site adjacent to the substation and the garage doors of the neighboring storage units. This allows the site to focus on a common green space that opens up to the west. This open space also responds positively to the neighboring multi-family residential, providing a green buffer to the new buildings.

The common green space becomes the public entry to the townhomes and a common gathering area, creating a space for the new community to gather. The design results in a concept that is very energy efficient due to the reduced perimeter of exterior wall space. Additionally, the design provides approximately 38% open space, of which a large portion of the open space is meaningful in the form of a common green.



MJF 1998 Investment Partnership, LP

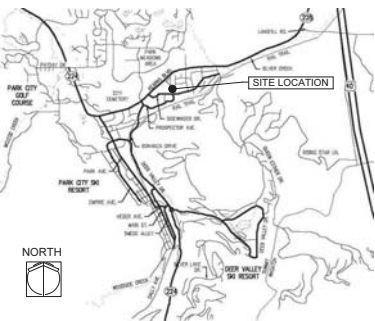
The Yard Townhomes

1251 Kearns Blvd.
Park City, Utah 84068

Pre - MPD

August 28, 2015

VICINITY MAP



PROJECT CONTACT INFORMATION

OWNER	ARCHITECT	BUILDER
	ELLIOTT WORKGROUP 384 MAIN STREET P.O. BOX 3419 PARK CITY, UT 84060 801-415-1839 CONTACT: CRAIG ELLIOTT, AIA	
CIVIL ENGINEER	INTERIOR DESIGN	LANDSCAPE ARCHITECTURE
STRUCTURAL ENGINEER	PLUMBING ENGINEER MECHANICAL ENGINEER	ELECTRICAL ENGINEER

SERVICE CONTACTS

Rocky Mountain Power 201 South Main St, Suite 2300 Salt Lake City, UT 84111 (866) 870-3419	Qwest Phone Company Salt Lake City, UT (800) 922-7387
Park City School District 2700 Kearns Blvd Park City, UT 84060 (435) 645-5600	Park City Fire Department 730 Blinn Rd Park City, UT 84098 (435) 649-6706
Park City Municipal Corp 1354 Park Ave Park City, UT 84060 (435) 658-9471	Comcast Cable 1777 Sun Peak Dr. #105 Park City, UT 84098 (435) 649-4020
Qwestar Gas P.O. Box 45360 Salt Lake City, UT 84145 (800) 941-2624	Division of Water Quality 288 South 1460 East Salt Lake City, UT 84112 (801) 538-6146
Snyderville Post Office 6440 Hwy 224 Park City, UT 84098 (800) 275-8777	Snyderville Basin Water Reclamation District 2800 Homestead Rd Park City, UT 84098 (435) 649-7993

LMC ANALYSIS

Existing Zone General Commercial (GC)
Total Site Area 2.03 Acres (88317 SQ FT)
Total Unit Equivalents (UE) 88,317 - 26,495 (30% Open Space) = 61,822 61,822 x 3 (Total Floor Levels) = 185,466 185,466 / 2000 (LMC 15-6-5 Unit Equivalents) = 92.73 Allowed UE's
21 Units at 2300 SQ FT = 1.15 UE 1 Flat at 3500 SQFT = 1.75 UE 1 Flat at 2500 SQFT = 1.25 UE
Total = 27.15 Proposed UE's
Parking Required LMC 15-3-11 Single Family Dwelling Requires 2 Parking Spaces A Lockout Unit Requires 1 Per Bedroom
3 (Spaces) x 16 (Townhomes w/Lockout Unit) = 48 Spaces Required 2 (Spaces) x 5 (Townhomes) = 10 Spaces Required 2 (Spaces) x 2 (Flats) = 4 Spaces Required
Total = 62 Spaces Required
Total = 67 Spaces Proposed

MPD DRAWING INDEX

MPD Package	
MPD-001	Cover Sheet
MPD-002	Aerial View
MPD-003	Project Surrounding Properties
MPD-004	Site Suitability
MPD-005	Landscape Plan
MPD-006	Elevations
MPD-007	Elevations
MPD-008	Perspectives

Pre - MPD

August 28, 2015

ELLIOTT WORKGROUP

Elliot Workgroup Architecture, LLC
384 Main Street, P.O. Box 3419
Park City, Utah 84060
(435) 649-1039 or (801) 415-1839
elliottworkgroup.com

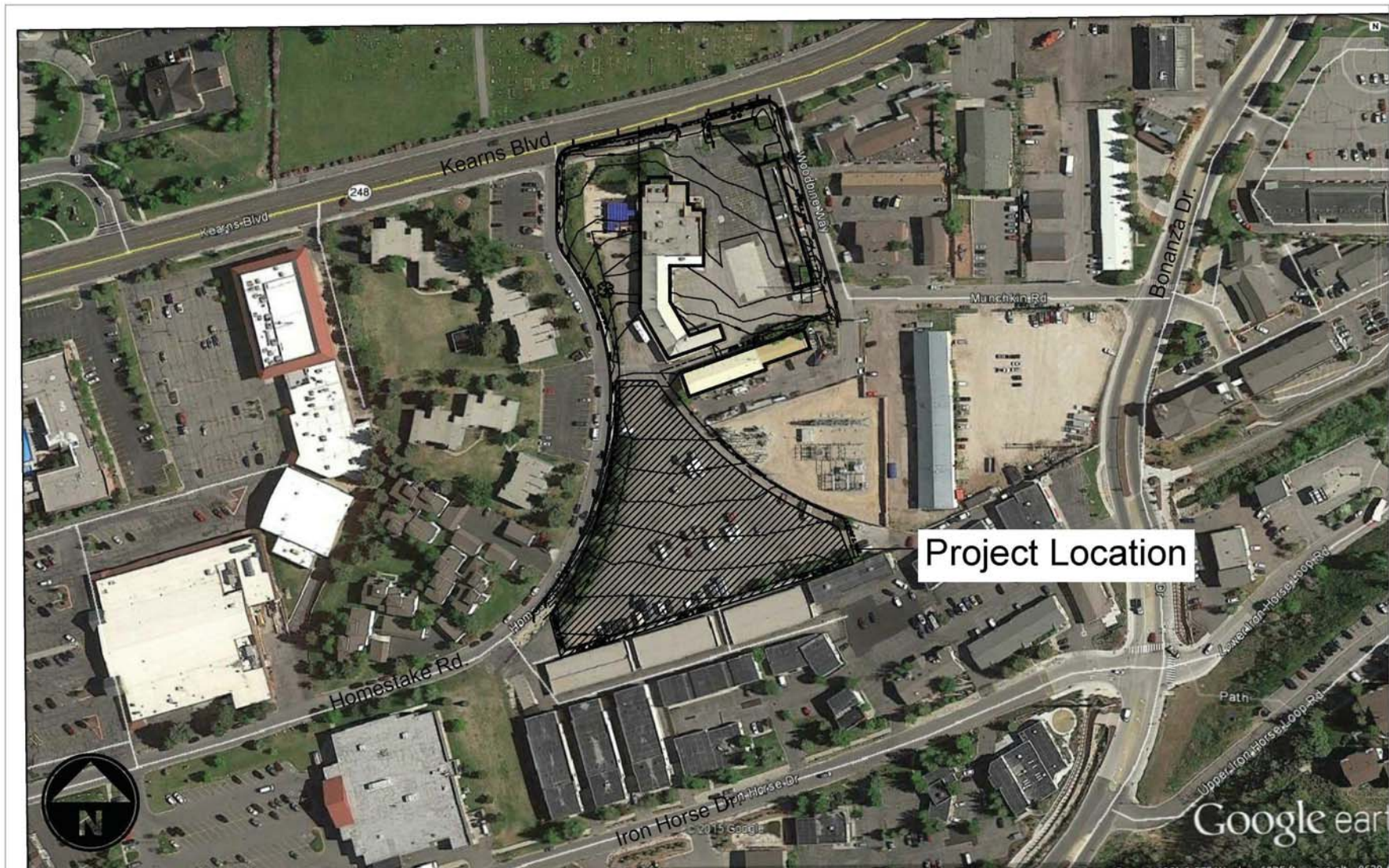
MJF 1998 Investment Partnership, LP

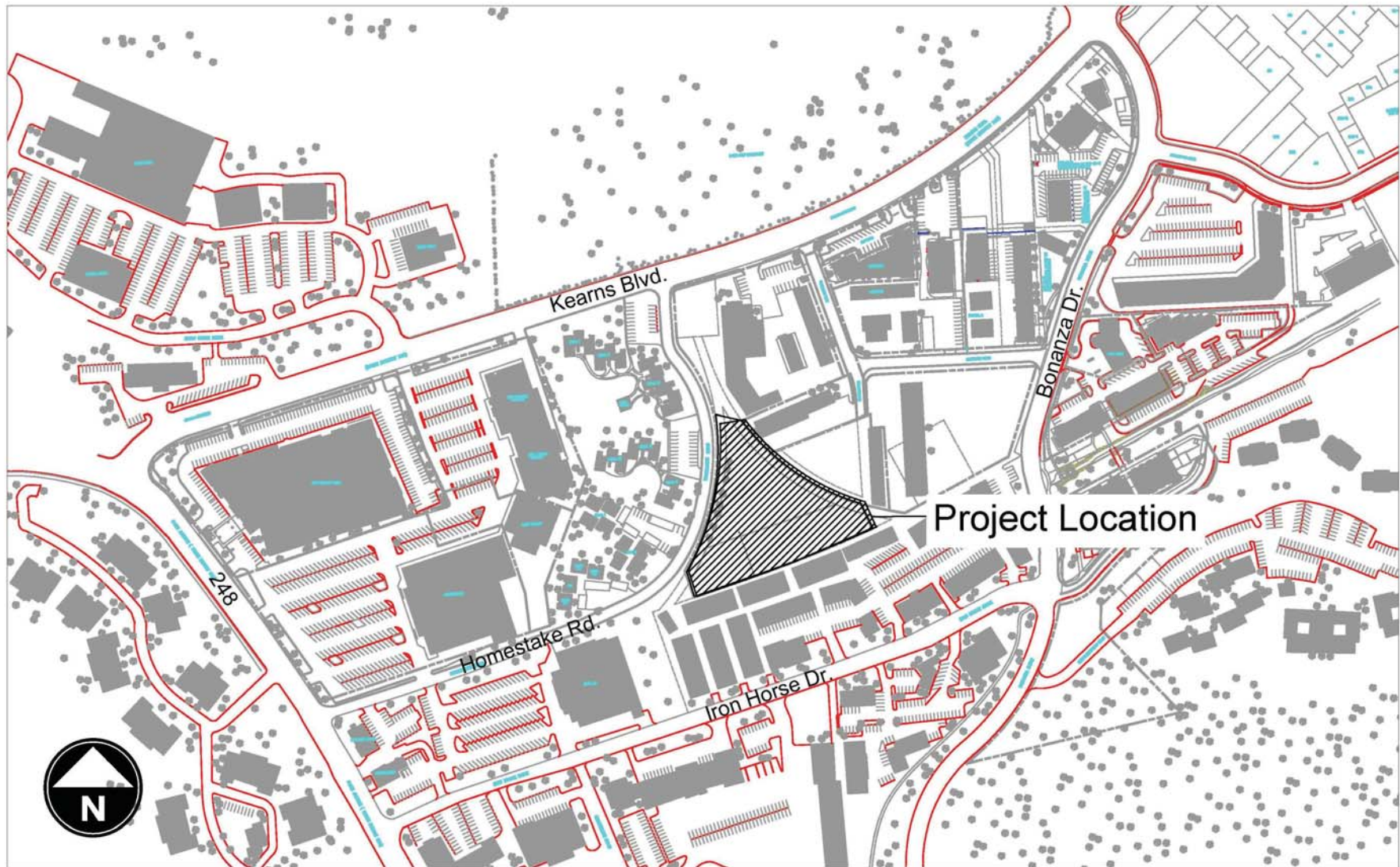
The Yard Townhomes

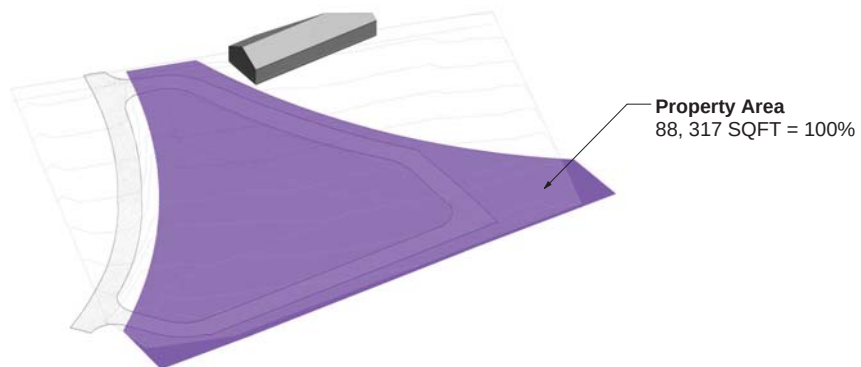
1251 Kearns Blvd.
Park City, Utah 84068

Cover Sheet

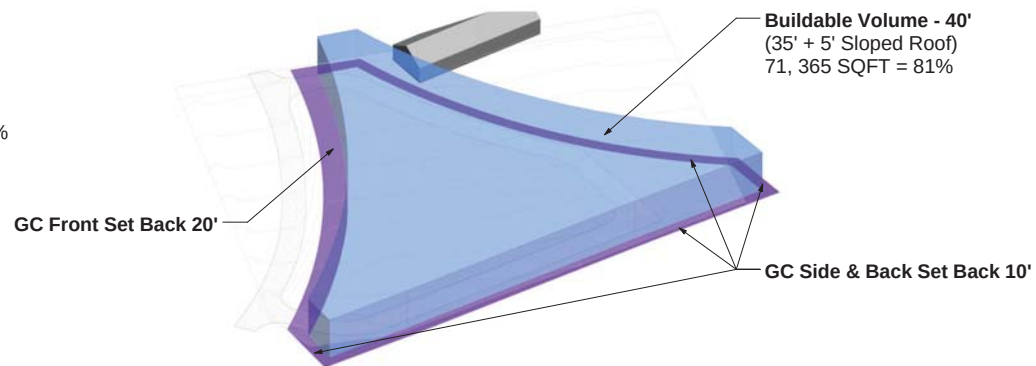
MPD-001



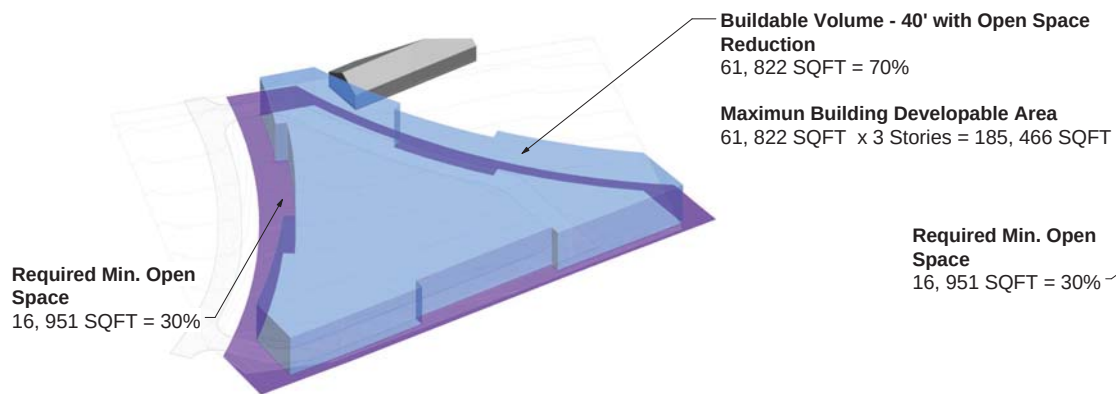




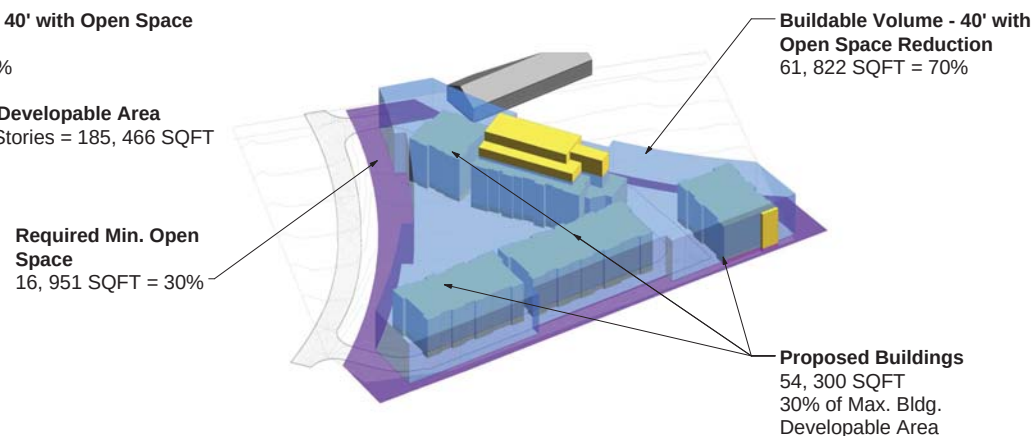
PROPERTY



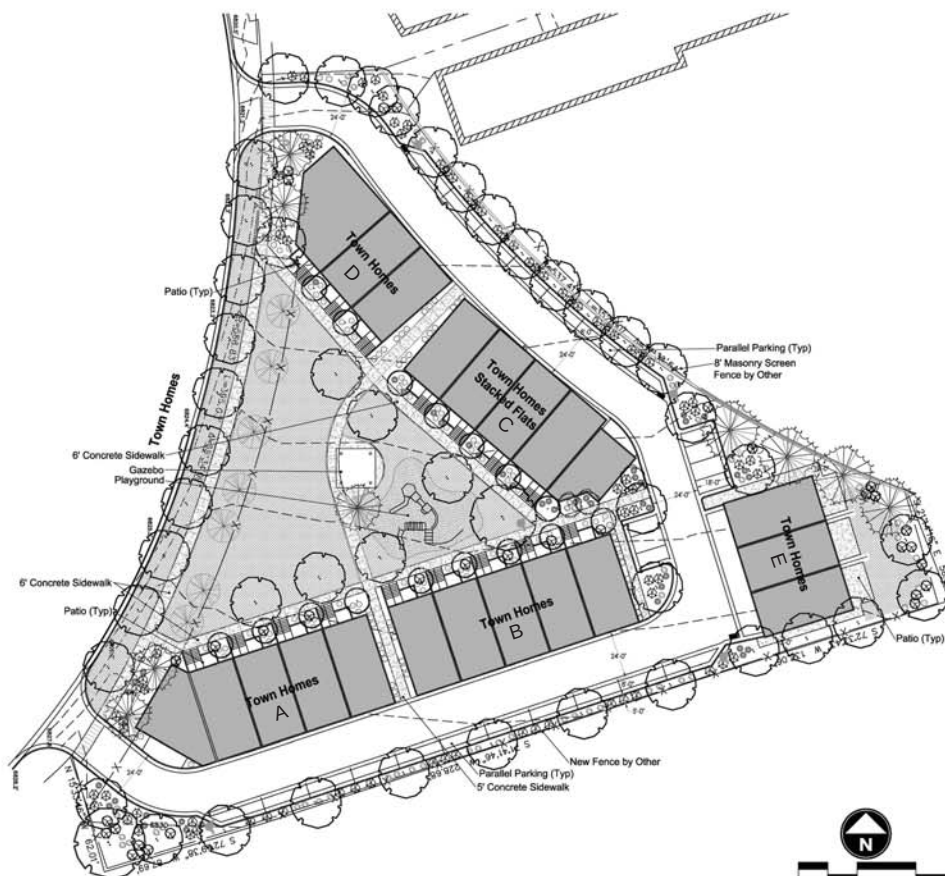
BUILDABLE VOLUME



BUILDABLE VOLUME WITH OPEN SPACE REQUIREMENT



BUILDABLE VOLUME W/ OPEN SPACE REQ. & PROPOSED BLDGS.



PLANTING LIST				
SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES				
		Acer Grandidentatum	Bigtooth Maple	2" CAL.
		Pinus nigra	Austrian Pine	8"-10" Height
		Populus tremula	Lanceleaf Cottonwood	2" CAL.
		Acer glabrum	Flame Amur Maple	2" CAL.
SHRUBS				
		Cornus sericea "Ravens"	Doyle Red Cedar Dogwood	5" CAL.
		Ribes alpinum "green mound"	Alpine Currant	
		Symphoricarpos albus	Snowberry	
		Prunus cistena	Purple Sand Cherry	
		Salvia perovskia	Russian Sage	
		Physocarpus opulifolius "Nanus"	Dwarf Ninebark	
PERENNIALS				
		Ornamental Grass	Ornamental Grass	1" CAL.
NOTES: (Consult with Landscape Architect for appropriate variety and species of Ornamental Grasses for this site.)				
Other up the plants equity				
		Aster alpinus	Alpine Aster	
		Chrysanthemum superbum "Alaska"	Alaska Chrysanthemum	
		S. spectabilis "Old Fashioned"	Shrubbery	
		Prunella subcordata emerald blue	Emerald Blue Drooping Prunella	
		Salvia purpurea	Purple Salvia	
		C. sanguinea Black Choke	Black Choke	
		P. reptans Touch of Class	Joel's Ladder	
		L. moultum Pink Peeler	Doyle Red Cedar Dogwood	
		Asperula pedunculata variegata	Doyle Red Cedar Dogwood	
Grass				
EXISTING PLANTS TO REMAIN				
		Existing Plants to Remain		
		Existing Tree to be Removed		



Playground Example



Gazebo Example

Note: The Slope Across the Site is 1.5%

Trees



Lanceleaf Cottonwood



Flame Amur Maple



Bigtooth Maple



Austrian Pine

Shrubs



Dogwood



Alpine Currant



Snowberry



Purple Sand Cherry



Russian Sage

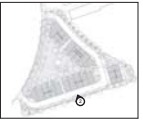


Dwarf Ninebark

Note: The Slope Across the Site is 1.5%



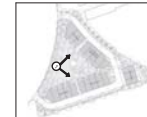
North Elevation Townhomes A & B



South Elevation Townhomes A & B



West Elevation Townhomes & Stacked Flats C & D



3D View 1

Planning Commission Staff Report



Application #s: PL-15-02966 and PL-15-02967
Subject: Goldener Hirsch Hotel and Residences CUP and Plat Amendment
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: January 13, 2016
Type of Item: Conditional Use Permit and Plat Amendment- Work Session and Public Hearing

Summary Recommendations

This is an introductory work session discussion and public hearing to review the Goldener Hirsch Hotel and Residences CUP and Plat Amendment applications. No action is requested. Staff recommends that the Planning Commission provide input and direction to Staff and the applicant regarding the proposed site plan, architecture, transfer of density, and parking. Following discussion Staff recommends the Commission continue the public hearing to the February 10, 2016 Planning Commission meeting.

Description

Applicant: EccKids LLC, owner, represented by Christopher M. Conabee
Location: 7520-7570 Royal Street East, Deer Valley Resort, Silver Lake Village Lots D, F, G and H
Zoning: Residential Development (RD) District subject to the 11th Amended and Restated Large Scale Master Planned Development Permit (Deer Valley MPD).
Adjacent Land Uses: Deer Valley Resort, Park City Fire District Station, and residential and commercial condominiums such as Royal Plaza, Mount Cervin, the Inn at Silver Lake, Stein Ericksen Lodge, Chateaux at Silver Lake, and Black Bear Lodge.

Project

The proposal, known as the Goldener Hirsch Hotel and Residences, consists of 1) amendments to the existing Goldener Hirsch Hotel located at 7570 Royal Street (Lot D) and 2) construction of 38 residential condominium units within a single multi-story building proposed on Lots F, G and H of the Deer Valley MPD. A plat amendment application was also submitted requesting to combine Lots F, G and H into one 1.17 acre lot of record. The property is located within the Residential Development (RD) Zoning District.

The project includes removing 2 existing residential units, 843.48 sf total, from the Goldener Hirsch Hotel to accommodate circulation connecting the new units to the Goldener Hirsch Hotel and Silver Lake plaza area. Approximately 843 sf of residential space is proposed to be transferred from the Goldener Hirsch Hotel to the new building. A total of 68,843 sf of new residential construction is proposed for 38 residential units ranging in size from 576 to 2,350 sf. The total residential floor area includes the 843 sf transferred from the existing hotel. A 2,190 sf ADA unit is proposed on Level One to be common area. Approximately 3,200 sf of meeting space is proposed for the new building, along with common amenities. No commercial uses are proposed within the new building.

Lots F, G, and H are undeveloped; however, they are currently utilized as surface parking at Silver Lake primarily for Deer Valley Resort. Two levels of underground parking, total of 109 spaces, are proposed with access off Sterling Court, a private street that also provides access to the existing Goldener Hirsch Hotel and adjacent condominium properties of Mount Cervin, Royal Plaza, and the Inn at Silver Lake. The porte cochere area for the new building provides 3 to 4 additional surface parking spaces. Sixty-eight (68) spaces are required for the proposed building.

Background

The Silver Lake Village subdivision is part of the Deer Valley MPD. The MPD was approved originally on September 27, 1977 and most recently amended on March 23, 2011. This 11th Amended and Restated Large Scale Master Planned Development Permit (Deer Valley MPD) assigns densities for the lots within the Silver Lake Village subdivision. (See Exhibit 1 of the MPD document (Exhibit G). Lot F is allowed 11 Units, Lot G is allowed 11 Units and Lot H is allowed 12 Units for a total of 34 Units.

The Deer Valley MPD allows these Units to be constructed as "Deer Valley Units" without a size limitation, or as Unit Equivalents (UE), using the Land Management Code definition of Unit Equivalents as 1 UE is equivalent to 2,000 square feet of residential floor area that can be broken up into various sized units with the total square footage not to exceed 2,000 sf multiplied by the number of UEs.

The applicant is requesting a total of 38 units utilizing the 34 UEs and 68,000 sf of gross residential area, plus an additional 843 sf transferred from the Goldener Hirsch. An additional 5% (3,400 sf) is allowed for support commercial uses and another 5% for meeting rooms. The existing Goldener Hirsch Hotel, located on Lot D is allowed 6 Units (12,000 sf) of residential area. The Hirsch currently has a total of 12,000 sf, in addition to 3,221 sf of commercial space for the restaurant.

The Deer Valley MPD also approved a height exception for these lots as described in footnote "A" of the Exhibit 1 of the Deer Valley MPD. The MPD states that the development height limitation is tied to a base elevation of 8122' with peak of roof not to exceed 8186' (USGS topographic elevation). Allows a height of 59' with a 5' allowance for the peak of the roof to 64'.

Purpose

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.

Land Management Code (LMC) and DV MPD Analysis

The proposal is reviewed for compliance with the lot and site requirements of the RD Zoning District and the Deer Valley MPD as described below.

	RD Zoning District and DV MPD
Lot Size	No minimum lot size. Plat amendment to combined Lots F, G, and H is proposed to create one lot of record that is 1.17 acres (50,785 square feet) Staff requests discussion regarding the combination of Lots F, G and H.

Building Footprint- Floor Area Ratio (FAR)	No FAR required. Density is per the Deer Valley MPD: Lot F- 11 units Lot G- 11 units Lot H- 12 units (Lot D- 12 units (12,000 sf- 12 UE)) The proposed CUP on F, G, and H proposes 38 units (68,000 sf), utilizing 34 (UE). One ADA unit is also proposed to be held as common area. 843 sf are transferred from Lot D to the CUP for a total of 68,843 sf on Lots F, G, and H. Lot D is reduced by 843 sf to 11,157 sf. Staff requests discussion regarding the transfer of 843 sf (0.42 UE) from Lot D to Lots F, G, and H.
Front yard setbacks	LMC- minimum of 25 feet, to front garage, 20 feet to building. Silver Lake Village plat- 25 feet along Royal Street and 15 feet along Sterling Court. Staff requests discussion regarding the applicant's request for a 20' front setback on Royal Street (complies with the current LMC) and a 10' setback on Sterling Court to accommodate parking structure, bridge span, and Porte Cochere. The first level meets the 15' setback and the upper levels extend out 5' to provide articulation. 10' setbacks for levels 2-5 are requested for portions of the building. The LMC allows the Planning Commission to reduce side setbacks to 10' between buildings in MPDs and subdivisions.
Rear yard setbacks	LMC- minimum of 15 feet. Silver Lake Village plat- 15 feet. Minimum of 15 foot rear setbacks are proposed along south property line.
Side yard setbacks	LMC- 12 feet. Silver Lake Village plat- 12 feet. Minimum of 12 foot side setbacks are proposed along west property line.

Building Height	Per Deer Valley MPD Exhibit 1 footnote (Exhibit G) The Deer Valley MPD states that the development height limitation is tied to a base elevation of 8122' with peak of roof not to exceed 8186' (USGS topographic elevations). Allows a height of 59' with a 5' allowance for the peak of the roof to 64'. Staff requests discussion regarding the request to extend to the 64' building height (elevation 8186') for the elevator and stair access to the pool area, as well as for restroom/changing rooms at pool level. The height of the roof over the circulation and changing rooms complies with a 59' height over existing grade line.
Parking	Based on unit sizes, sixty-eight (66) parking spaces are required for the 38 units (some units require 1 space, others 1.5 spaces, and others 2 spaces). Plus two spaces for ADA unit is sixty-eight (68 spaces required). Two levels of parking provide 109 parking spaces plus 3-4 surface space for a total of 112 spaces. Providing 44 extra parking spaces (for general parking at Silver Lake and Deer Valley Resort). Staff requests discussion regarding provision of 44 extra parking spaces within the parking structure for DV Resort parking. Currently there are 70-100 cars using these lots at the peak times. From Staff's measurements there are really about 45-50 code compliant spaces (18' by 9') with 24' wide drive aisles, landscaped buffer areas, and proper turning areas being utilized by up to 100 cars.

Architectural Design	All construction is subject to the Deer Valley Architectural Design Review Board. The plans have been reviewed by the Board and found to comply with the Deer Valley Guidelines. Staff will review final plans for compliance with LMC Chapter 15-5- Architectural Design Guidelines, in terms of general design, materials, articulation, fenestration, lighting, mechanical equipment, trash enclosure, bike parking, etc. and will verify that plans submitted for building permit approval are in compliance with the final approved CUP plans. Staff requests discussion regarding the general architectural design as well as the amount of glazing proposed, which is more than typically found within the MPD. The applicant will present a model of the proposed building for Commission review.
Residential Units	38 units ranging in size from 576 sf to 2,350 sf and one 2,190 sf ADA unit
Commercial space	No commercial space is proposed.
Support space	Common amenity areas are provided for the unit owners, including storage areas, locker rooms, fitness and pool area, lounge and lobby areas, recreation room, and small business center areas. 3,200 sf of support meeting space is proposed.

Analysis

Within the Deer Valley MPD, each individual development is reviewed as a Conditional Use Permit prior to issuance of any building permits. Conditional Use Permit applications are reviewed based on the following criteria (Staff's preliminary analysis is in *italics*):

(1) size and location of the Site;

The Goldener Hirsch Hotel and Residences consists of a three multi-story buildings proposing 38 residential units ranging in size from 1,850 sf to 2,400 sf and 8 single bedroom hotel rooms with 576 square feet each, and one 2,190 sf ADA unit. It is located west of the Existing Goldener Hirsch Inn on Royal Street on Lots F, G and H of the Silver Lake Village Subdivision. The lots consist of approximately 1.17 acres (50,999 square feet). Excluding the ADA unit, the total residential floor area is 69,916 sf, utilizing 34 unit equivalents (UE). The MPD allows up to 68,000 sf of residential floor area on this Lot. The site slopes down slightly from Royal Street along Sterling Court (private) and the design proposes two levels of underground parking structure with five stories of residential units above parking on the north and south building masses along with a

center building mass of six stories built into a hill on the west side of the lot. The garage entrance is at grade with street and built into the slope of the lot so that the back of the garage is underground. The building pad is relatively level and undeveloped, though utilized as surface parking for Silver Lake area and Deer Valley Resort.

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

The site is served by Royal Street, a public road that connects to Marsac Avenue. The current use of the site is as a parking lot for over 70 vehicles. The applicant is proposing a total of 109 stalls in a single garage to allow parking for the project as well as provide some parking for Deer Valley Resort. Traffic may decrease as the availability of parking for daily skiers is reduced and owners of the units are within walking distance of the resort. Bus service is provided to this area. At this time the applicants are not certain the project will have a shuttle service. This density has been anticipated since approval of the Deer Valley MPD in 1997. A Construction Mitigation Plan is required at the time of Building Permit issuance to describe how excavated materials will leave the site. The Chief Building Official and City Engineer recommend a condition that downhill truck traffic use Marsac Avenue as part of the CMP.

(3) utility capacity;

The applicant is working with SBWRD to relocate sewer utilities into Sterling court. The resulting relocation will also address platting of easements for existing utilities on Sterling Court. A final approved utility and grading plan is required prior to issuance of a building permit. Adequate sewer, electric, gas, and phone service is available. Dry utility locations need to be shown on the plans to ensure that the areas are sufficient and that they can be adequately screened.

(4) emergency vehicle Access;

Primary emergency access is from Royal Street with two access points into the area. The applicant is proposing a bridge and coordinated heights of 14 ft minimum with PCFD in order to allow appropriate access into Sterling Court.

(5) location and amount of off-Street parking;

Sixty-eight (68) off-Street parking spaces are required for the 38 units and one ADA unit. The applicant indicates that 18 spaces will be vacated by the existing Goldener Hirsch Inn due to improvements within the existing garage. The Goldener Hirsch will continue to meet the parking requirements for the remaining residential units. The proposed underground parking structure will have 109 spaces and 2-3 surface spaces will be provided near the front drop-off area. Approximately 44 extra parking spaces are provided for the Silver Lake area of Deer Valley Resort.

(6) internal vehicular and pedestrian circulation system; Access to the Goldener Hirsch

Hotel and Residences is from Sterling Court, a private street. A drop-off area is located in the front of the building and a bus stop is located nearby on Royal Street. A pedestrian path system is proposed consistent with the MPD with extension of the existing sidewalks and pathways.

(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;

A landscape plan that provides a buffer between buildings and uses on adjacent lots will be submitted for review by the Commission at the next meeting. Landscaping and irrigation will be water efficient, utilizing drought tolerant plantings, limited turf area, and drip irrigation.

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

The North building is oriented at an angle to Royal Street. The South Building is oriented with the Adjacent Mount Cervin and Stein Ericksen Spa to the west. The site is broken into three masses in order to match the scale of the surrounding buildings. The north building contains sixteen units and an ADA unit. The center building contains six units including lobby and amenities. The south building contains sixteen units comprised of eight 576 sq ft hotel rooms and eight units ranging from 1800-2400 sq ft. The Goldener Hirsch Hotel and Residences has five floors of residential units with two levels of parking structure under the building. Thirty eight (38) units are proposed with a total of 68,843 residential square feet, not including the 2,190 square foot deed restricted ADA unit. Setbacks requested are 20 foot front (Royal Street) and 10 foot front along Sterling Drive, 12 foot west side, 15 foot rear setback (south) To the south there are two existing buildings of a similar size, height, and volumetric, (Mount Cervin and The Inn at Silver Lake). To the North, there is one building with larger size and volumetric (The Chateaux). To the East is a single building with smaller volume and size (The existing Goldener Hirsch Inn). To the west is a building(s) with larger volumetric and height than the proposed project (The Stein Ericksen Lodge).

(9) usable Open Space;

Both passive and active Open Space is provided in the Deer Valley Master Plan. The individual lots were not required to provide open space. The site plan includes plaza areas and a bridge connecting the new building to the existing Silver Lake plaza provides useable area for circulation and outdoor activities.

(10) signs and lighting;

Signs and lighting must be in conformance with the Park City codes and the Deer Valley Resort Design Guidelines. Signs require a separate sign permit. Street lights must be approved by the City Engineer and will be privately maintained.

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

In the immediate area there are five existing similarly sized multi-story residential condominium buildings (The Goldener Hirsch Inn, The Stein Ericksen Lodge, Mount Cervin, The Inn at Silver Lake and The Chateaux. A connection bridge has been proposed in order to connect the existing property with the proposed expansion. The applicant is working with the current Silver Lake Village HOA to install pavers and radiant heat to Sterling Court (private road). The owner is coordinating design elements and all developments require approval by the Deer Valley Design Review Board. Staff has reviewed the proposed building for compliance with the Volumetrics. Staff continues to work with the applicant on the architectural detailing, in particular the larger than typical amount of glazing proposed.

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; *All uses are inside the residential building and there are no*

expected impacts on people or Property Off-Site. Staff will recommend conditions of approval related to screening of mechanical equipment.

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

Service and delivery will be minimal as there is no additional commercial component in the building. It is anticipated that laundry/maid service will be needed on a weekly basis throughout the Village and will be accommodated by existing services already used by the Goldener Hirsch Inn. Trash pickup will be divided from existing locations on Sterling Court and relocated to a maintenance drive off of Royal Street.

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

The project will be platted as a condominium. Nightly rental is a permitted use within the RD zoning district. These units will primarily be second homes and managed by the existing Goldener Hirsch Inn. It is unlikely that many will be full-time residences, although this possibility is not precluded. The project has a total of 31 lockouts associated with the 38 units to facilitate the viability of existing hotel operations.

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

There are no Environmentally Sensitive Lands within or adjoining the site. The building is located on relatively level ground along Royal Street and sloping ground to the south and west. The site is currently a parking lot with little significant vegetation as it was

used during construction of Stein Ericksen Residences, The Inn at Silver Lake, The Chateaux and the Black Bear Lodge.

Department Review

This project has gone through an interdepartmental review. Staff is working with the applicant to address utility easement issues with the plat. No further issues were brought up at that time.

Notice

The property was posted and notices mailed to property owners within 300 feet on December 30, 2015. A legal notice was published in the Park Record on December 26, 2015.

Public Input

The applicant has held two open house meetings, one on November 18, 2015 and a second on December 2, 2015. Presentations have been given to the following HOA's; Silver Lake Village, Stein Ericksen Lodge, Mount Cervin, The Chateaux and Black Bear Lodge. Staff received several phone calls requesting information about the proposal.

Future Process

Approval of a Conditional Use Permit application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Final action on the subdivision plat amendment is made by the City Council upon recommendation by the Planning Commission. A condominium record of survey plat is required prior to selling individual units.

Summary Recommendations

This is a work session and public hearing on the Goldener Hirsch Hotel and Residences Conditional Use Permit and plat amendment applications. No action is requested. Staff recommends continuation to February 10, 2016.

Exhibits

- Exhibit A – Applicants Letters and Unit Chart
- Exhibit B – Existing Conditions
- Exhibit C – Existing Subdivision
- Exhibit D – Proposed plat amendment
- Exhibit E – Proposed Plans
- Exhibit F – Architectural Elevations, perspectives, cross sections
- Exhibit G – 11th Amended and Restated Large Scale MPD (aka Deer Valley MPD)

APPLICATION FOR CONDITIONAL USE PERMIT

Planning, Programming, and Architectural Design Partnership for the Goldener Hirsch Hotel and Residences



October 15, 2015

Park City Municipal Corporation
Planning Department
445 Marsac Ave
PO Box 1480
Park City, UT 84060

**RE: REQUEST FOR CONDITIONAL USE PERMIT (CUP) to partner in Site Planning,
Programming, and Architectural Design for the Goldener Hirsch Hotel and Residences**

Utah Development and Construction is pleased to submit an application to PCMC to partner in Planning, Programming, and Architectural Design for the Goldener Hirsch Hotel and Residences in Silver Lake Village, Deer Valley, Utah.

INTRODUCTION

The Goldener Hirsch Hotel proposes to build additional hotel rooms, amenities and residences on a parcel of property located next to the existing hotel on Royal Street. Designers will assist the Client with the vision of competing more effectively and efficiently in delivering world class hospitality to it's growing customer base. The new facility will promote the growth of existing demand for new real estate and will allow the Goldener Hirsch to continue to grow room rental revenue in a highly competitive environment.

The current entitlement allows for 34 UE's spread across three adjacent lots. The new premises will have an estimated build of 72,198 square feet of hotel and residence space and 3,400 square feet of commercial space and 3,400 square feet of meeting space on approximately 1.17 acres. Total square footage above entitlement (4,198) is requested potentially available from existing and unused density from Parcel D. The Client wishes construction to be completed end of 2018.

Feel free to contact me at (801) 935-0254 if further information is required.

Respectfully,



Christopher M. Conabee



Principal
Utah Development and Construction
cconabee@gmail.com



SILVER LAKE VILLAGE

LOTS F, G AND H
DEVELOPMENT PROPOSAL



CONFIDENTIAL

RECEIVED

OCT 16 2015

PARK CITY
PLANNING DEPT.

DEER VALLEY RESORT

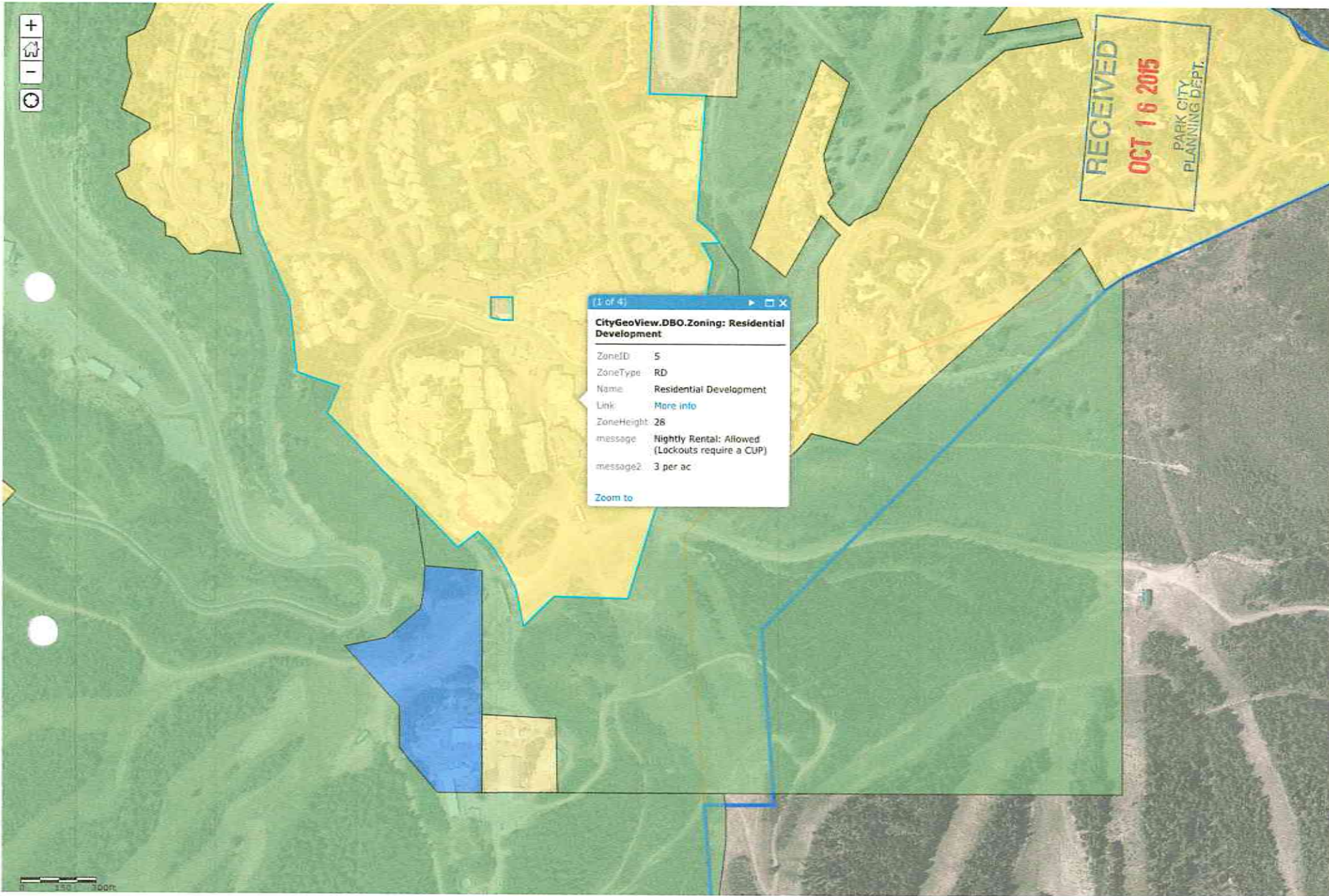
11TH AMENDED LARGE MASTER PLAN DEVELOPMENT LOTS F, G AND H

SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	6	20	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	11	0		59 (A)	0.35
Silver Lake Village Lot G	11	0		59 (A)	0.38
Silver Lake Village Lot H	12	0		59 (A)	0.44
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Cottages Single Family	11	11		28	7.06

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OCT 16 2015

PARK CITY
PLANNING DEPT.



APPLICATION FOR PLAT AMMENDMENT AND AMMENDMENT TO RECORD OF SURVEY



Combination of Lots F, G and H of Silver Lake Village No. 1 Subdivision



October 15, 2015

Park City Municipal Corporation
Planning Department
445 Marsac Ave
PO Box 1480
Park City, UT 84060

**RE: REQUEST FOR CONDITIONAL USE PERMIT (CUP) to partner in Site Planning,
Programming, and Architectural Design for the Goldener Hirsch Hotel and Residences**

Utah Development and Construction is pleased to submit an application to PCMC to partner in Planning, Programming, and Architectural Design for the Goldener Hirsch Hotel and Residences in Silver Lake Village, Deer Valley, Utah.

INTRODUCTION

The Goldener Hirsch Hotel proposes to build additional hotel rooms, amenities and residences on a parcel of property located next to the existing hotel on Royal Street. Designers will assist the Client with the vision of competing more effectively and efficiently in delivering world class hospitality to it's growing customer base. The new facility will promote the growth of existing demand for new real estate and will allow the Goldener Hirsch to continue to grow room rental revenue in a highly competitive environment.

In order to facilitate the proposed building it will be necessary to seek the combination of Lots F, G, and H and issuing a new record of survey for Lot D.

Feel free to contact me at (801) 935-0254 if further information is required.

Respectfully,



Christopher M. Conabee
Principal
Utah Development and Construction
cconabee@gmail.com



SILVER LAKE VILLAGE

LOTS F, G AND H
DEVELOPMENT PROPOSAL



CONFIDENTIAL

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PARK CITY
PLANNING DEPT.

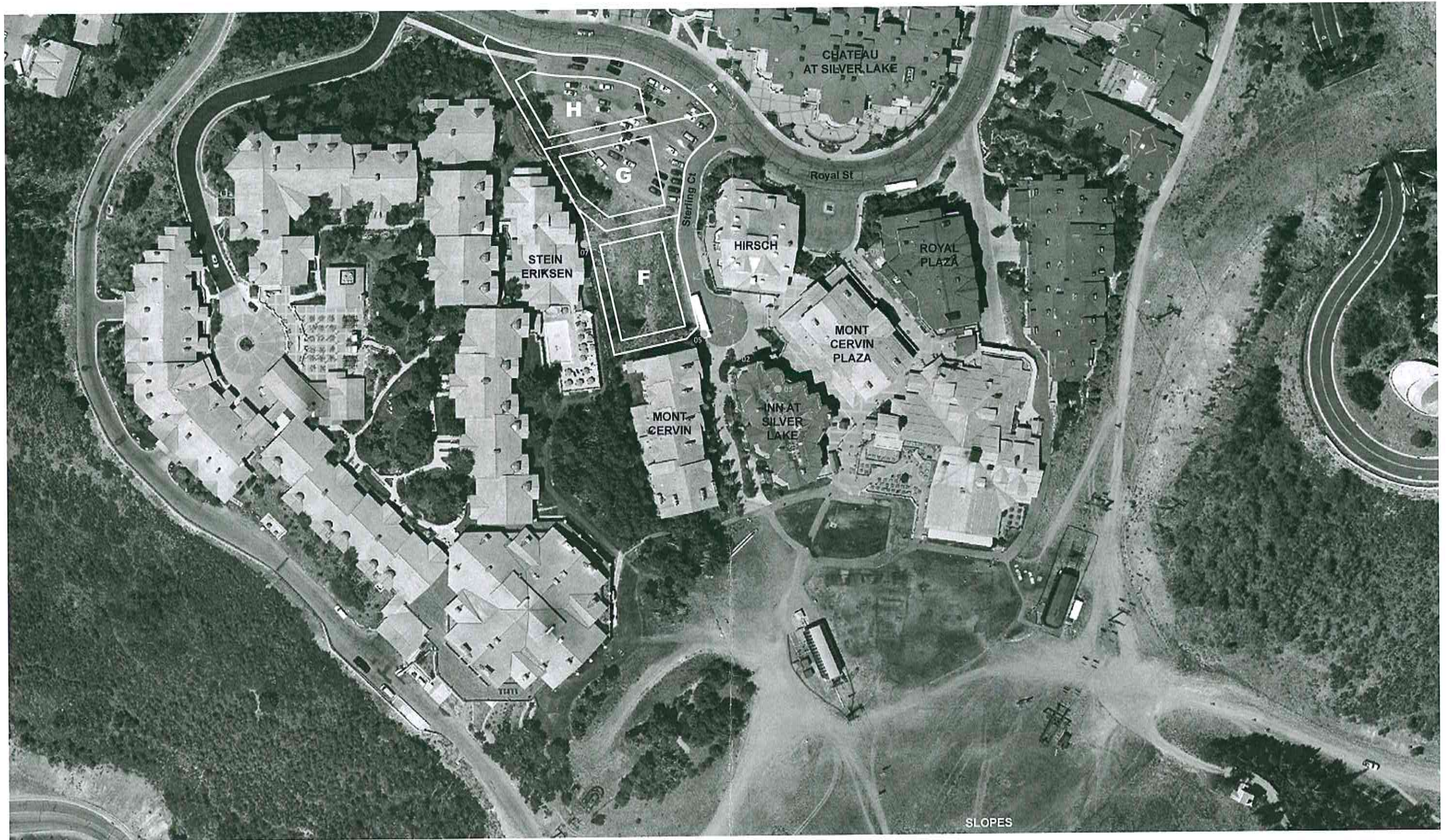
Goldener Hirsch
Unit Square Footage Schedule
2016.01.05

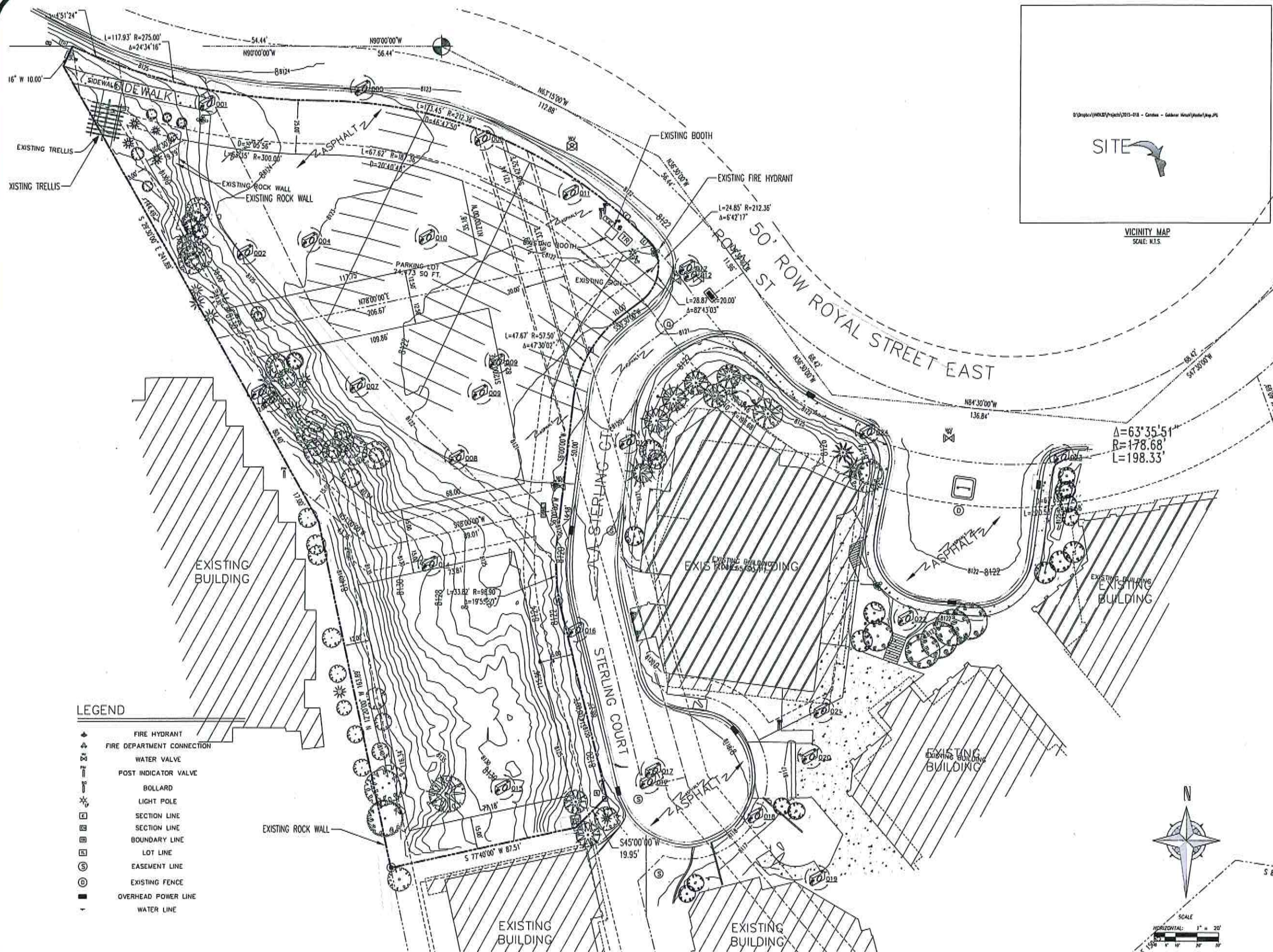
Level 1	Area	Bedroom	Bath	Lockout
Unit #				
ADA 101	2,190	3	3.5	1
0	2,190	3		1
Level 2	Area	Bedroom	Bath	Lockout
201	2,175	3	3.5	1
202	2,175	3	3.5	1
203	2,175	3	3.5	1
204	2,175	3	3.5	1
205	576	1	1	0
206	576	1	1	0
207	1,790	2	2.5	1
208	2,175	3	3.5	1
8	13,817	19		6
Level 3	Area	Bedroom	Bath	Lockout
301	2,175	3	3.5	1
302	2,175	3	3.5	1
303	2,175	3	3.5	1
304	2,175	3	3.5	1
305	2,350	3	3.5	1
306	2,175	3	3.5	1
307	576	1	1	0
308	576	1	1	0
309	1,790	2	2.5	1
310	2,175	3	3.5	1
10	18,342	25		8
Level 4	Area	Bedroom	Bath	Lockout
401	2,175	3	3.5	1
402	2,175	3	3.5	1
403	2,175	3	3.5	1
404	2,175	3	3.5	1
405	2,350	3	3.5	1
406	2,175	3	3.5	1
407	576	1	1	0
408	576	1	1	0
409	1,790	2	2.5	1

	410	2,175	3	3.5	1	
	10	18,342	25		8	
Level 5	Area	Bedroom	Bath	Lockout		
501	2,175	3	3.5	1		
502	2,175	3	3.5	1		
503	2,175	3	3.5	1		
504	2,175	3	3.5	1		
505	2,350	3	3.5	1		
506	2,175	3	3.5	1		
507	576	1	1	0		
508	576	1	1	0		
509	1,790	2	2.5	1		
510	2,175	3	3.5	1		
	10	18,342	25		8	
Totals						
Unit count	Total Sellable	Total bedroom		Total Lockouts		Total Keys
38	68,843	97		31		69

Existing Inn units to be removed		
	Platted Area	
Unit 103	461.03	sq. ft.
Unit 206	382.45	sq. ft.
Total	843.48	sq. ft.

Existing Inn Commercial space		
C1	3,066	
C2	155	sq. ft.
Total	3,221.01	sq. ft.





Project Information

GOLDENER HIRSCH INN 7570 ROYAL ST, PARK CITY, UT 84060 TOPOGRAPHY SURVEY

No.	Revision/Issue	Date

Client Name and Address

D:\projects\2015-018 - Golden Hirsch Inn\Map\Map.dwg

5693 S 675 E - MURRAY, UT 84107
801-707-1012

Project 2015-018	Sheet 1
Date 07/9/2015	1
Scale 1" = 20'	



01_Hirsch main entry from Royal St traffic circle



02_Hirsch garage entrance at Sterling Ct



03_Sterling Ct circle looking north



04_View south to slopes from parking lot on Lot H

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PARK CITY
PLANNING DEPT.

EXISTING SITE AND PANORAMIC VIEWS



05_Panoramic at Sterling Ct (from L to R: Hirsch, Mont Cervin Plaza, Inn at Silver Lake, Mont Cervin)



06_Panoramic from across Royal St looking towards Hirsch and empty lots

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EXISTING SITE AND PANORAMIC VIEWS



07_Panoramic to Hirsch and Sterling Ct from hill at Stein Eriksen



08_Panoramic from Hirsch to empty lots and up hill to Stein Eriksen

OCT 16 2015

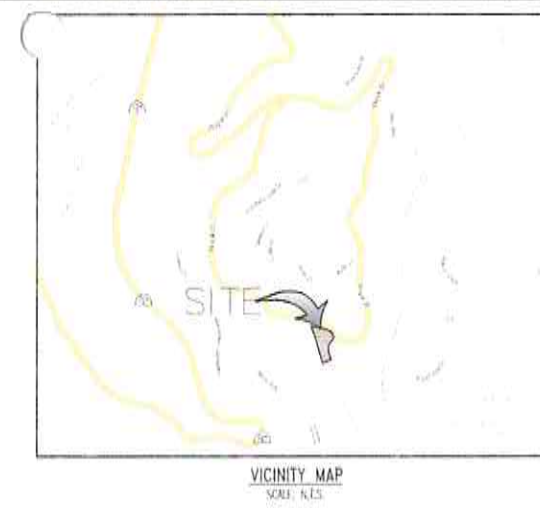
PARK CITY
PLANNING DEPT.

EXISTING SITE AND PANORAMIC VIEWS

HIRSCH HOTEL & RESIDENCES | 2015 OCTOBER 16

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OCT 16 2015
PARK CITY
PLANNING DEPT.

SILVER LAKE VILLAGE NO. 1 SUBDIVISION
LOCATED IN THE S.W. 1/4 OF SECTION 22, TOWNSHIP 2 SOUTH,
RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, IN PARK CITY, SUMMIT
COUNTY, UTAH



VICINITY MAP
SOUTH, N.E.S.

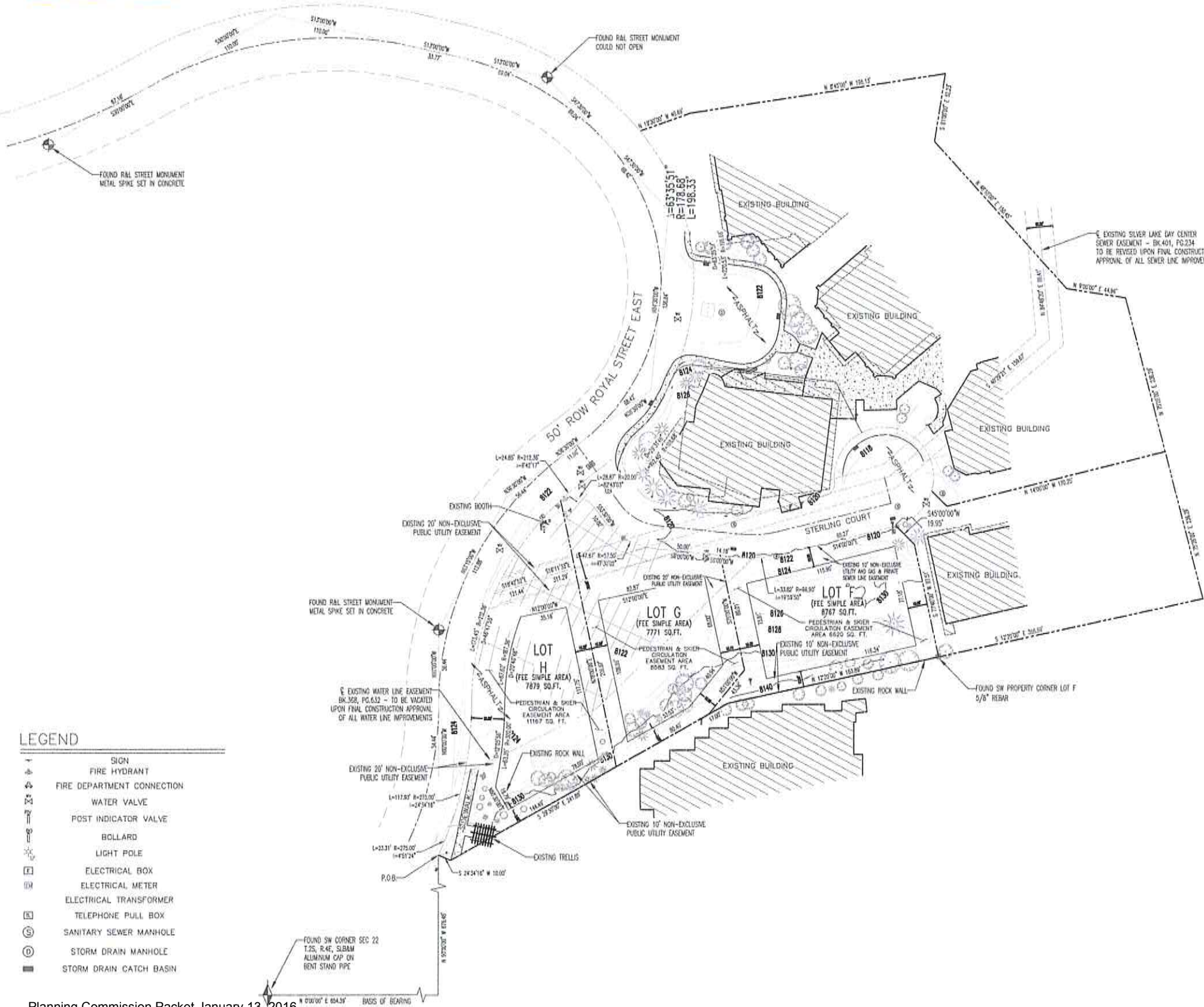
SURVEYOR'S CERTIFICATE

I, CLAY TOLBERT, DEPOSE AND SAY THAT I AM A DULY REGISTERED LAND SURVEYOR
ACCORDING TO THE RULES AND REGULATIONS OF THE STATE OF UTAH. I FURTHER STATE
THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECT SUPERVISION AND
THE RESULTS OF THAT SURVEY ARE DEPICTED HEREON.

DATE:

I, CLAY TOLBERT
LICENSE NO. 354381

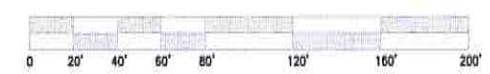
THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON VISIBLE
EVIDENCE AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND
UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN. ADDITIONAL BURIED
UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE
PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. ALL UTILITY
COMPANIES AND BLUE STAKES SHOULD BE CONTACTED FOR ACTUAL LOCATIONS.



- LEGEND
- SIGN
 - FIRE HYDRANT
 - FIRE DEPARTMENT CONNECTION
 - WATER VALVE
 - POST INDICATOR VALVE
 - BOLLARD
 - LIGHT POLE
 - ELECTRICAL BOX
 - ELECTRICAL METER
 - ELECTRICAL TRANSFORMER
 - TELEPHONE PULL BOX
 - SANITARY SEWER MANHOLE
 - STORM DRAIN MANHOLE
 - STORM DRAIN CATCH BASIN



SCALE: 1" = 40'



Project Information

GOLDENER HIRSCH INN

7570 ROYAL ST, PARK CITY, UT 84060

BOUNDARY SURVEY

No.	Revision/Issue	Date

Client Name and Address

ARA 3D
GEOSPATIAL SOLUTIONS
5693 S 675 E MURRAY, UT 84107
801-707-1012

2015-018	1
10/15/2015	
1" = 40'	1

EXHIBIT C

SURVEYOR'S CERTIFICATE

I, James G. Went, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 3082 as prescribed under the laws of the State of Utah. I further certify that I have made a survey of the tract of land shown on this plat and described as follows:

A re-subdivision of Lots No. 1 and No. 2 of Silver Lake Village No. 1 Subdivision recorded as Entry No. 309534 on June 21, 1989, in the Office of the Recorder, County of Summit, State of Utah.

I further certify that I have subdivided said lots into 5 lots, designated A, B, F, G and H, all inclusive, and the said lots have been surveyed and staked on the ground as shown on this plat.

I further certify that, in my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

James G. Went
James G. Went



OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into lots, together with easements as set forth on the attached plat, hereafter to be known as Re-subdivision of Lots No. 1 and No. 2, Silver Lake Village No. 1 Subdivision.

Also, the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Executed this 23 day of October, 1989.

Deer Valley Resort Company, a Utah Limited Partnership
By Royal Street of Utah, a General Partner
Robert M. Wells, Vice President

ACKNOWLEDGEMENT

State of Utah)
County of Summit)

On the 23 day of October, 1989 personally appeared before me Robert M. Wells who, being by me duly sworn, did say that he is a Vice President of Royal Street of Utah, a Utah Corporation, which is a General Partner of Deer Valley Resort Company, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and consent to Record was signed on behalf of said corporation as such general partner, and said Robert M. Wells duly acknowledged to me that said partnership executed the same.

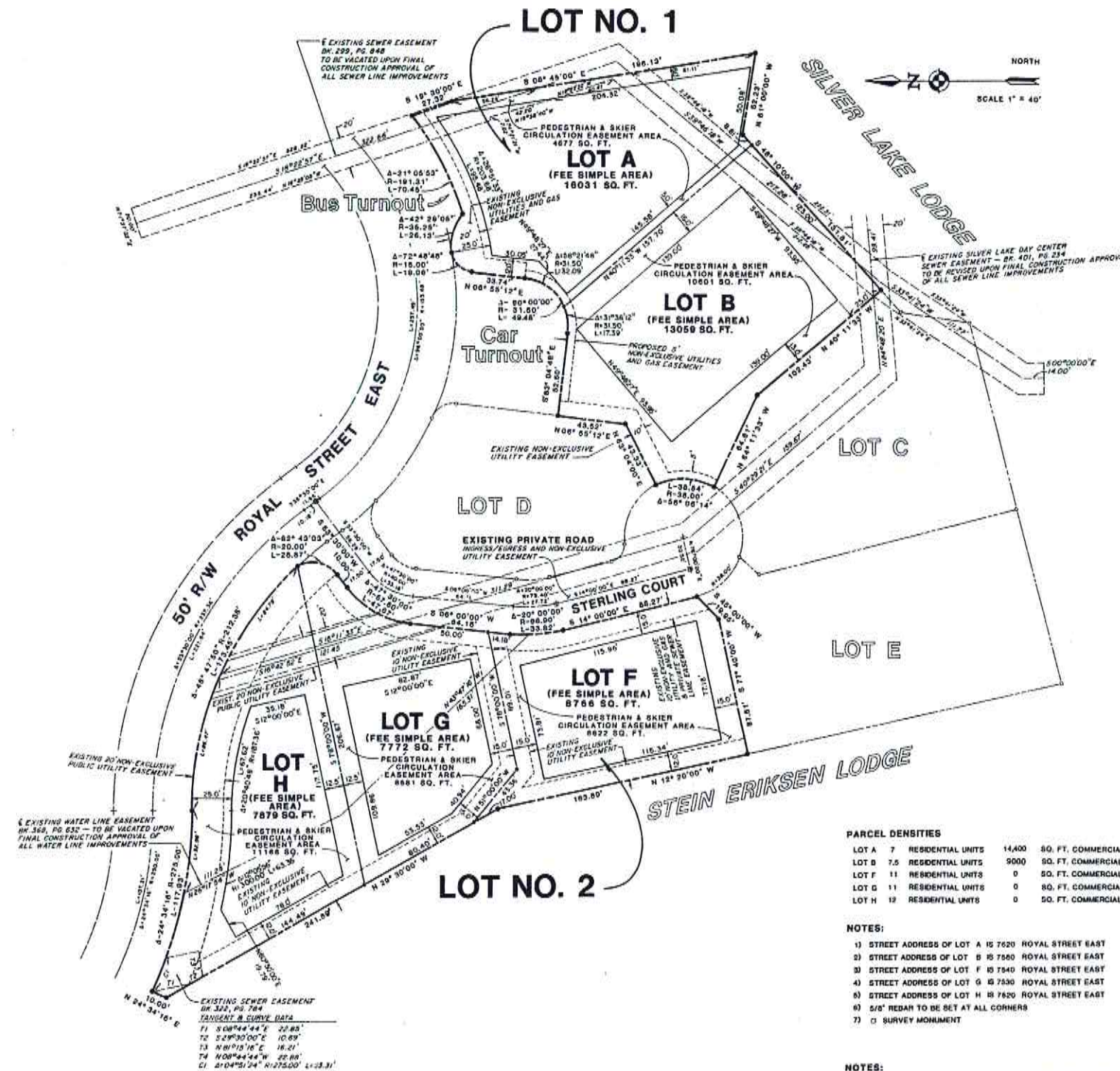
James G. Went
Notary Public



My commission expires: 8/30/91
Residing at: Park City, UT

A RE-SUBDIVISION OF LOTS NO. 1 AND NO. 2 SILVER LAKE VILLAGE NO. 1 SUBDIVISION

A RE-SUBDIVISION OF LOTS NO. 1 AND NO. 2
SILVER LAKE VILLAGE NO. 1 SUBDIVISION
RECORDED AS ENTRY NO. 309534 JUNE 21, 1989
LOCATED IN THE S.W. 1/4 OF SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



PARCEL DENSITIES			
LOT A	7	RESIDENTIAL UNITS	14,400
LOT B	7.5	RESIDENTIAL UNITS	9,000
LOT F	11	RESIDENTIAL UNITS	0
LOT G	11	RESIDENTIAL UNITS	0
LOT H	12	RESIDENTIAL UNITS	0

- NOTES:
- 1) STREET ADDRESS OF LOT A IS 7620 ROYAL STREET EAST
 - 2) STREET ADDRESS OF LOT B IS 7580 ROYAL STREET EAST
 - 3) STREET ADDRESS OF LOT F IS 7540 ROYAL STREET EAST
 - 4) STREET ADDRESS OF LOT G IS 7530 ROYAL STREET EAST
 - 5) STREET ADDRESS OF LOT H IS 7620 ROYAL STREET EAST
 - 6) 5/8" REDAN TO BE SET AT ALL CORNERS
 - 7) SURVEY MONUMENT

NOTES:
EIGHT-INCH SANITARY SEWER LATERAL FROM SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT MAP 2-A-27-A SERVING LOT, NO. 1 (LOT A) IS A PRIVATE LINE.
DRY STANDPIPE FIRE PROTECTION SYSTEMS MAY BE REQUIRED FOR EACH PARCEL DEVELOPMENT.
A 24" EAVE ENCROACHMENT BEYOND THE FEE SIMPLE AREA IS ALLOWED.

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 5TH DAY OF OCTOBER A.D. 1989, AT WHICH TIME THE RECORD OF SURVEY WAS APPROVED

MAYOR

CITY ENGINEER

APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS 2ND DAY OF NOVEMBER A.D. 1989

Eric W. DeHaan PE
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS 31st DAY OF OCTOBER A.D. 1989

Donald R. White
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 7th DAY OF November A.D. 1989

Thomas L. Lee
CITY ATTORNEY

RECORDED

11-8-89 2:40pm
RECORDED AS ENTRY NO. 309534
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
Creston Title Company
FEE \$22.00
Alain Brizze
COUNTY RECORDER

THE SEAR-BROWN GROUP
FULL SERVICE DESIGN PROFESSIONALS
1101 South Valley Drive, Suite 200, Park City, Utah 84098
(801) 466-1111 FAX (801) 466-1112

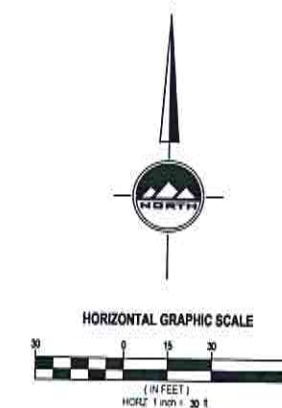
AN AMENDMENT TO A RE-SUBDIVISION OF LOTS NO. 1 AND NO. 2 SILVER LAKE VILLAGE NO. 1 SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	275.00	117.93	24°34'10"	S77°42'52"E	117.03
C2	212.30	173.45	46°47'50"	S60°30'00"E	108.67
C3	20.01	28.96	82°41'31"	S12°08'45"W	28.43
C4	57.50	47.67	47°00'00"	S25°45'00"W	46.32
C5	96.00	33.62	20°00'00"	S4°00'00"E	33.00

LEGEND	
	EXISTING STREET MONUMENT
	SECTION CORNER SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSGN ENG. & LAND SURV."
	PUE = PUBLIC UTILITY & DRAINAGE EASEMENT
	BOUNDARY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT LINE
	LOT LINE
	ADJACENT PROPERTY LINE
	SETBACK LINE



SURVEYOR'S CERTIFICATE
I, PATRICK M. HARRIS, do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate No. 20682, as prescribed under laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land and the following description correctly describes the land surface upon which the work of will be constructed, hereafter to be known as AN AMENDMENT TO A RE-SUBDIVISION OF LOTS NO. 1 AND NO. 2, SILVER LAKE VILLAGE NO. 1 SUBDIVISION. In accordance with the Utah Condominium Ownership Act, I further certify that the condominium plat for said project is accurate and complies with the provision of Section 37-4-13 (1) of the Utah Condominium Ownership Act. Reference markings as shown on this plat are located as shown and are sufficient to readily replace or reestablish this survey.

BOUNDARY DESCRIPTION
All of Lots F, G and H of a Re-Subdivision of Lots No. 1 and No. 2, Silver Lake Village No. 2 Subdivision as found on file in the Office of the Summit County Recorder.

DATE _____ PATRICK M. HARRIS
PLS. 20682

OWNER'S DEDICATION AND CONSENT TO RECORD
Know all men by these presents that SR Silver Lake, LLC, a Utah limited liability company, as Declarant under that certain Declaration of Condominium for North Silver Lake Condominiums ("Declaration"), hereby certifies that it has caused this survey to be made of this Plat consisting of forty (40) sheets to be prepared, and does hereby unconditionally adopt this Plat and consent to the recording hereof without the joinder or consent of any other Unit Owner pursuant to Section 37-4-4 of the Declaration.
In witness whereof, the undersigned has executed this Owner's Declaration and Consent to Record as of the ____ day of _____, 2015.
SR Silver Lake, LLC, formerly known as North Silver Lake Lodge, LLC, a Utah limited liability company.

By _____
Name: Jeff Dinkin
As: Authorized Signatory

ACKNOWLEDGMENT
On this ____ day of _____, 2015, Jeff Dinkin personally appeared before me, the undersigned notary public, in and for said state and county. Having been duly sworn, Jeff Dinkin acknowledged to me that SR Silver Lake, LLC is the owner of the herein tract of land and that he, as Authorized Signatory of SR Silver Lake, LLC, is authorized to sign the above Owner's Declaration and Consent to Record freely and voluntarily.
Authorized Signatory of SR Silver Lake, LLC, a Utah limited liability company.

Notary Public _____

My Commission Expires _____
Residing in _____

AN AMENDMENT TO A RE-SUBDIVISION OF LOTS NO. 1 AND NO. 2 SILVER LAKE VILLAGE NO. 1 SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN

RECORDED # _____
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE
REQUEST OF: _____ Page 102 of 406.
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ SUMMIT COUNTY RECORDER

SHEET 1 OF 1

PROJECT NUMBER 8772
MANAGER ROE
DRAWN BY BOG
CHECKED BY BOG
DATE OF PREPARATION 10/1/2015



SALT LAKE CITY
45 West 10000 South
Suite 500
Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449
WWW.ENSGNUTAH.COM

LAYTON
Phone: 801.547.1100
TOOELE
Phone: 435.843.3500
CEDAR CITY
Phone: 435.802.1453

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS
APPROVED BY PARK CITY COUNCIL THIS ____ DAY
OF ____ 20____
PARK CITY RECORDER _____

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS ____ DAY OF ____ 20____
MAYOR _____

CITY ENGINEER

I FIND THIS PLAT TO BE IN ACCORDANCE WITH
INFORMATION ON FILE IN MY OFFICE
THIS ____ DAY OF ____ 20____
CITY ENGINEER _____

CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION
THIS ____ DAY OF ____ 20____
OWNER _____

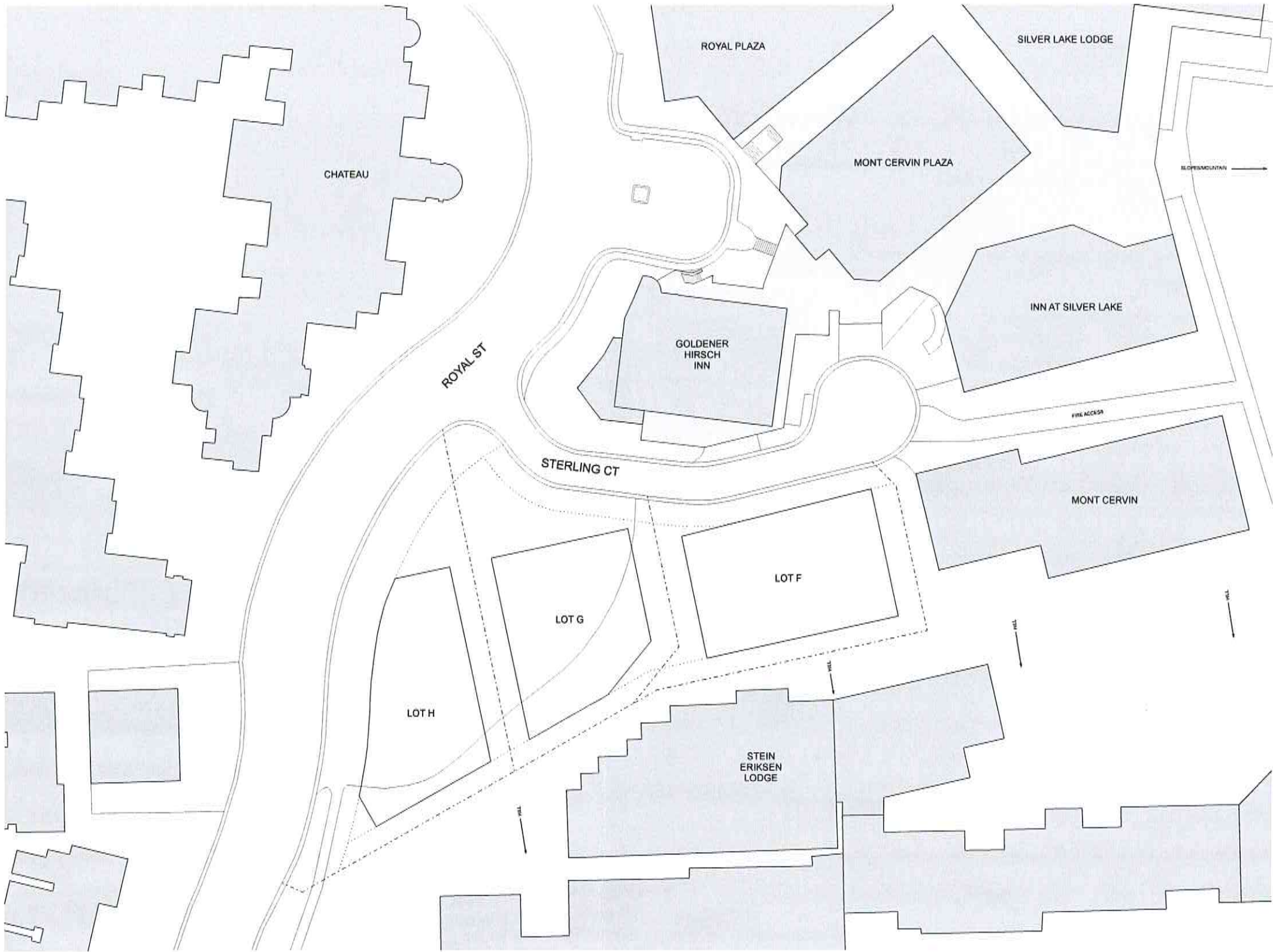
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS ON THIS
____ DAY OF ____ 20____
S&WRD _____

PARK CITY ATTORNEY APPROVAL AS TO FORM

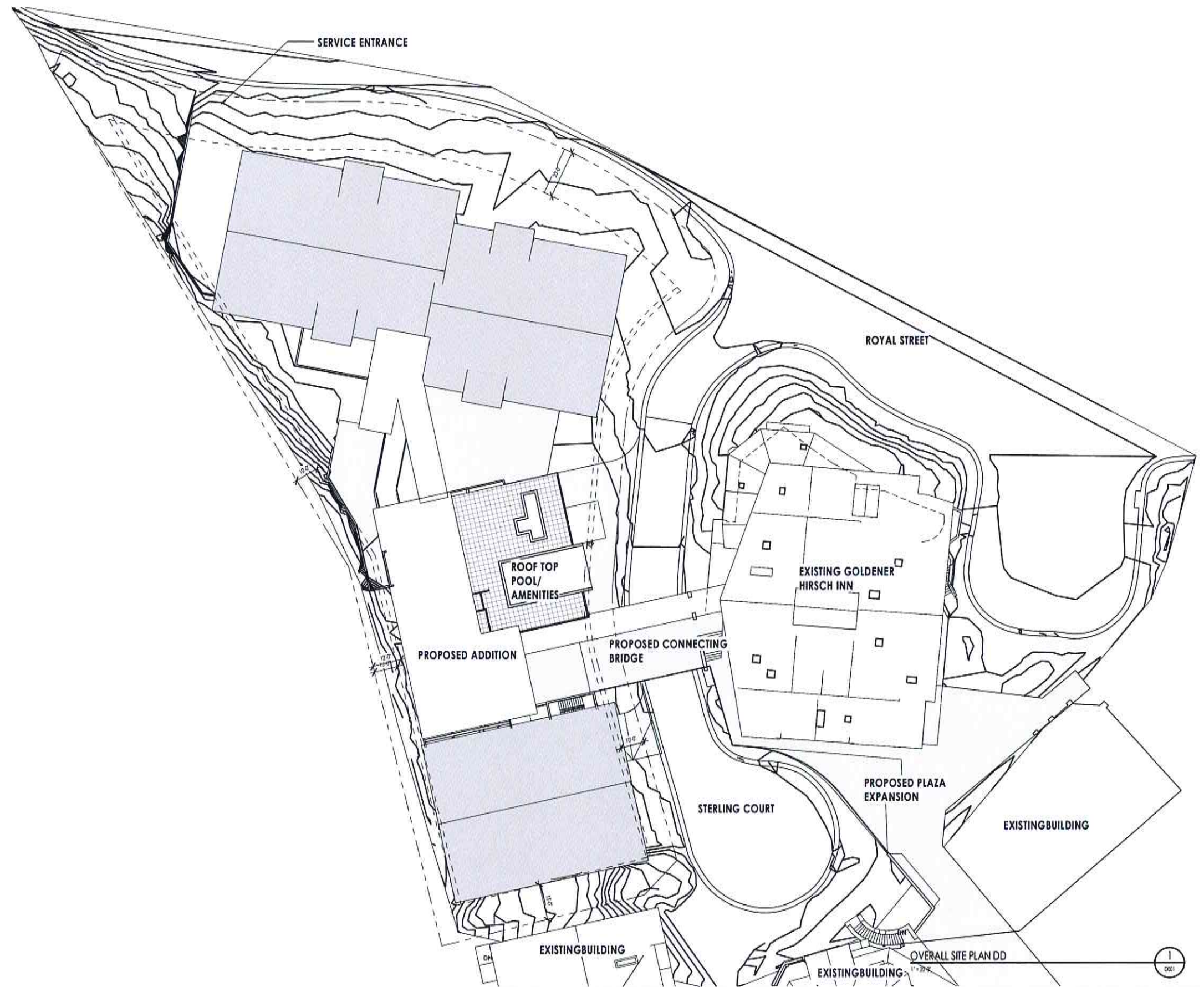
APPROVED AS TO FORM THIS ____ DAY
OF ____ 20____
CITY ATTORNEY _____

EXHIBIT E



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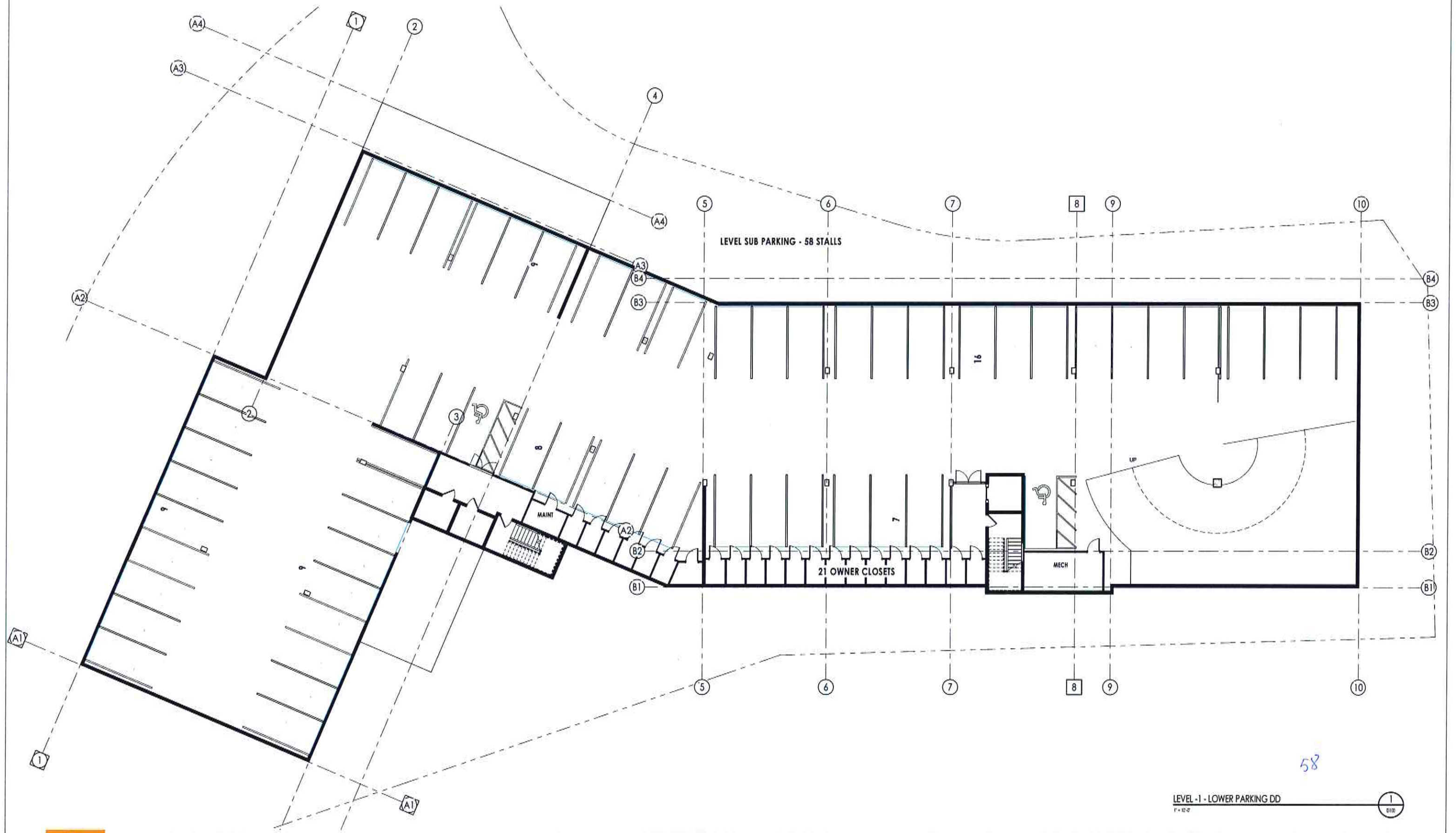
CURRENT SITE PLAN



GOLDENER HIRSCH

DEER VALLEY, UTAH

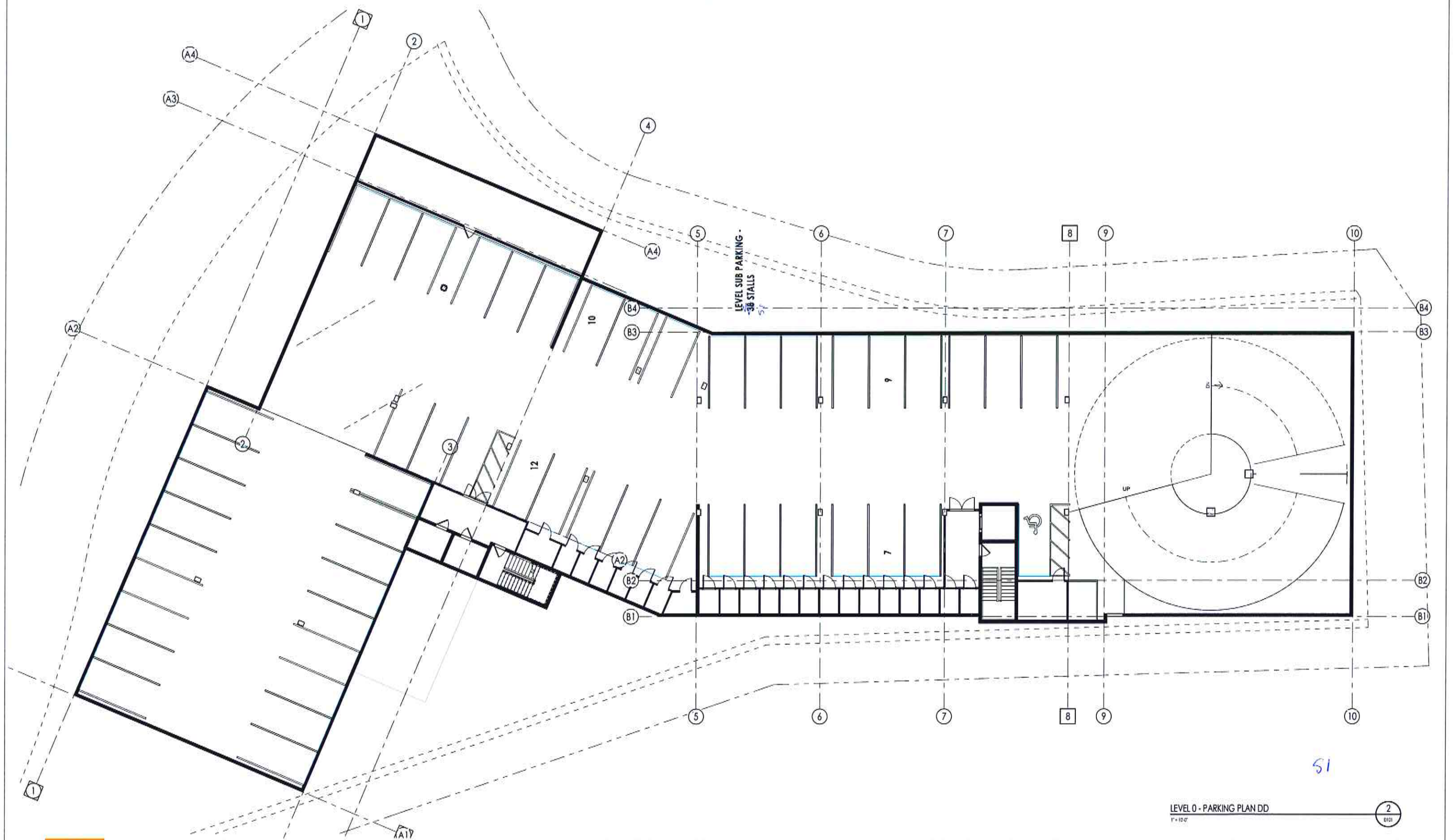




GOLDENER HIRSCH

DEER VALLEY, UTAH

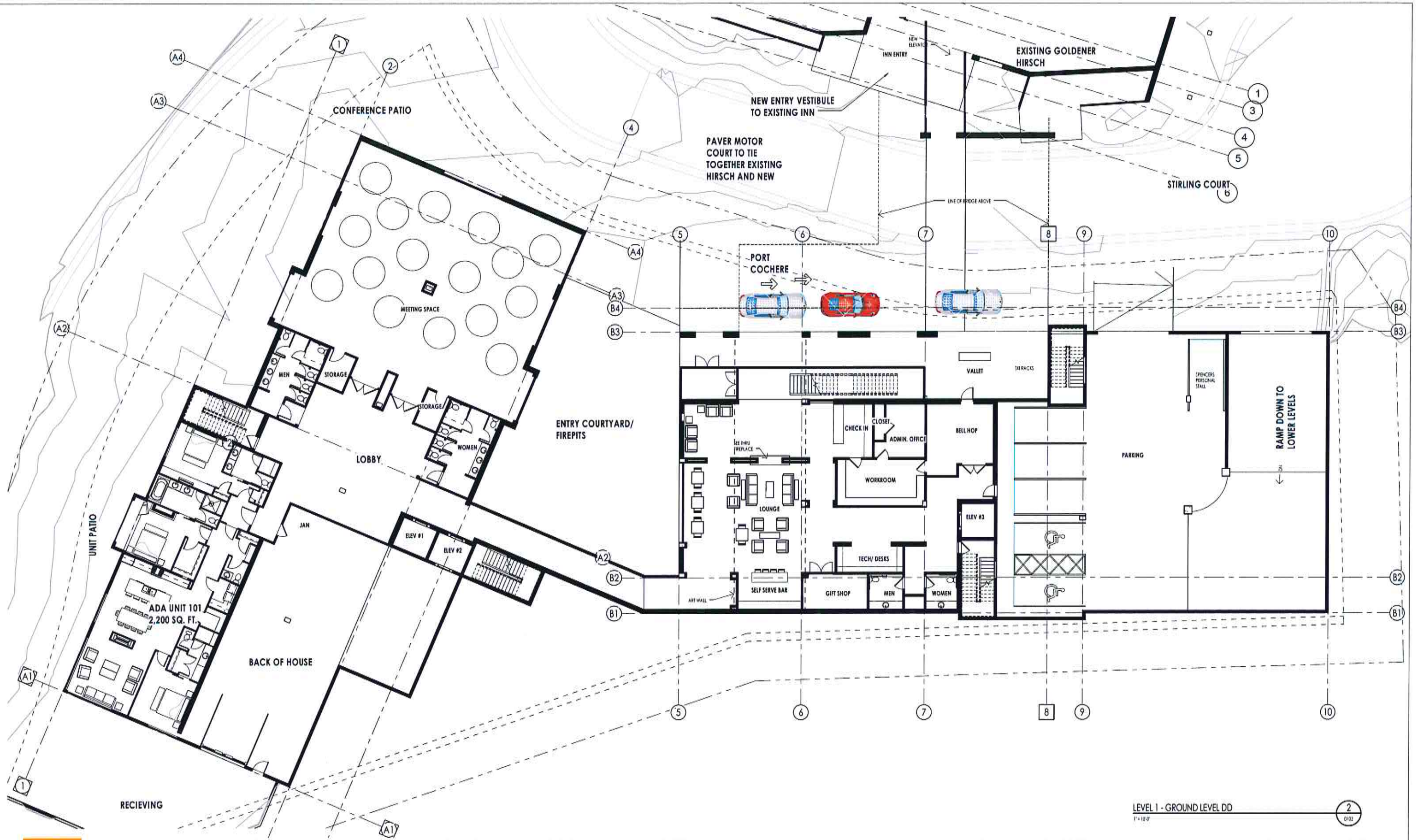




GOLDENER HIRSCH

DEER VALLEY, UTAH

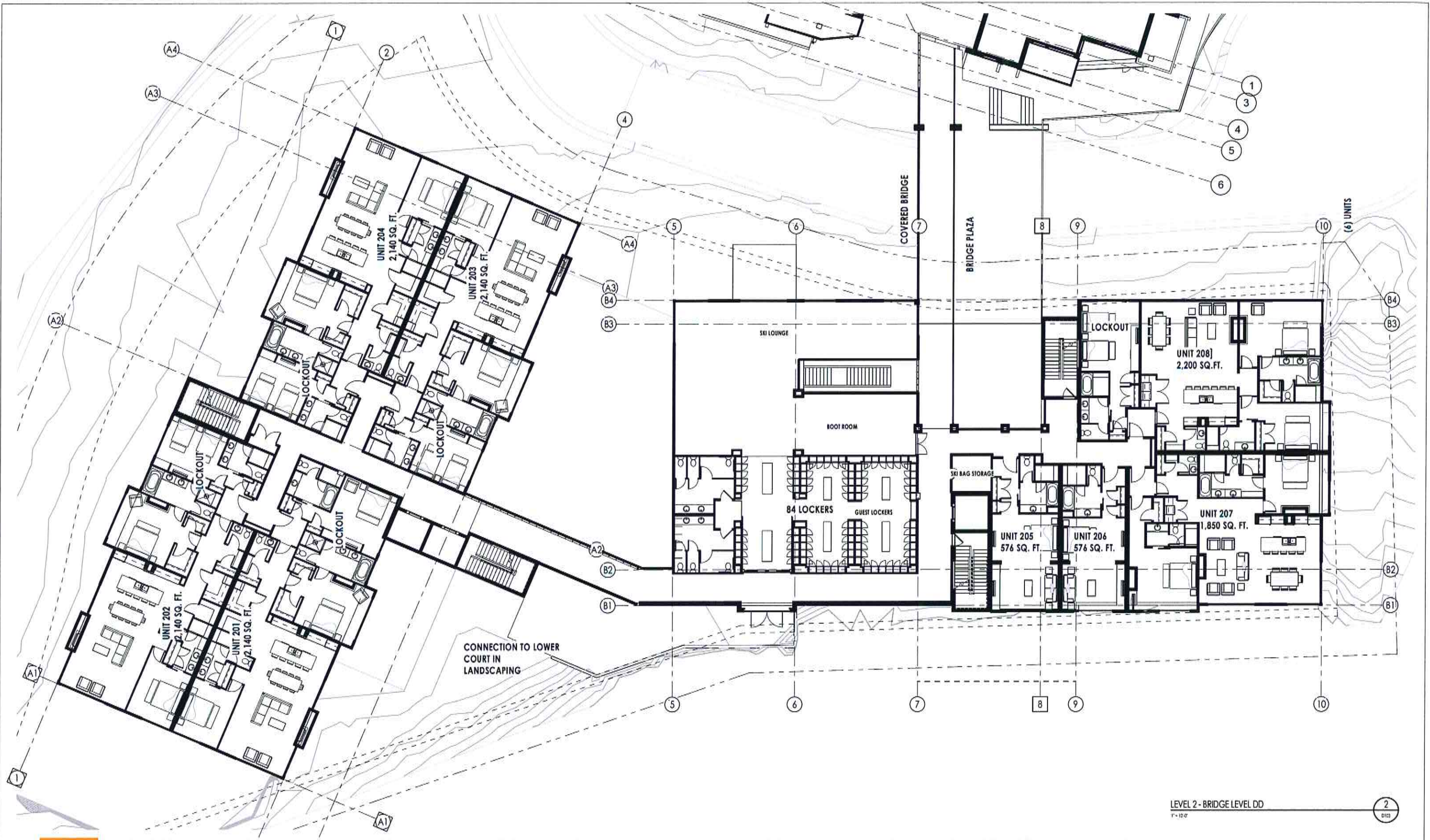




GOLDENER HIRSCH

DEER VALLEY, UTAH





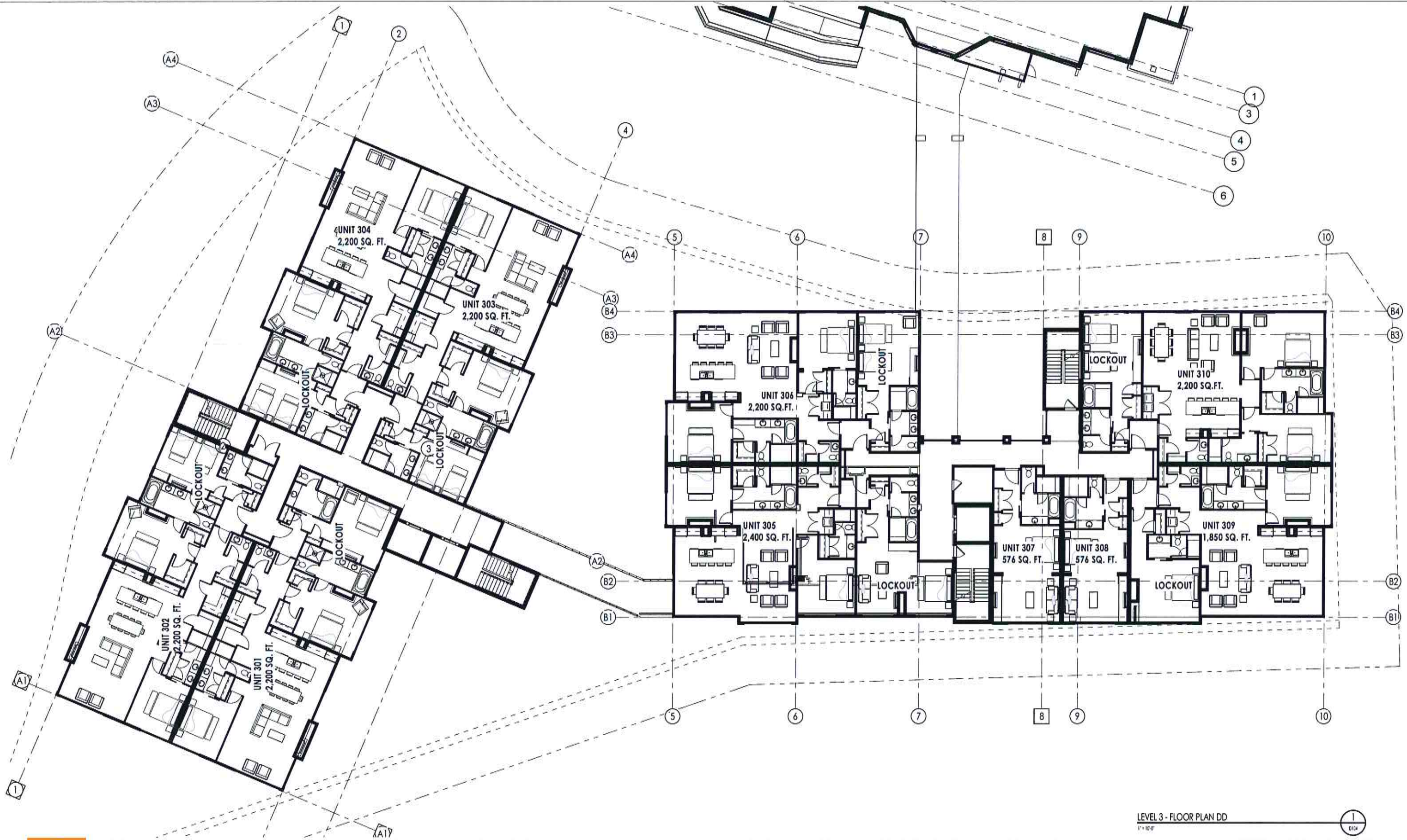
GOLDENER HIRSCH

DEER VALLEY, UTAH

LEVEL 2 - BRIDGE LEVEL DD
1" = 10'-0"

2
D102





GOLDENER HIRSCH

DEER VALLEY, UTAH

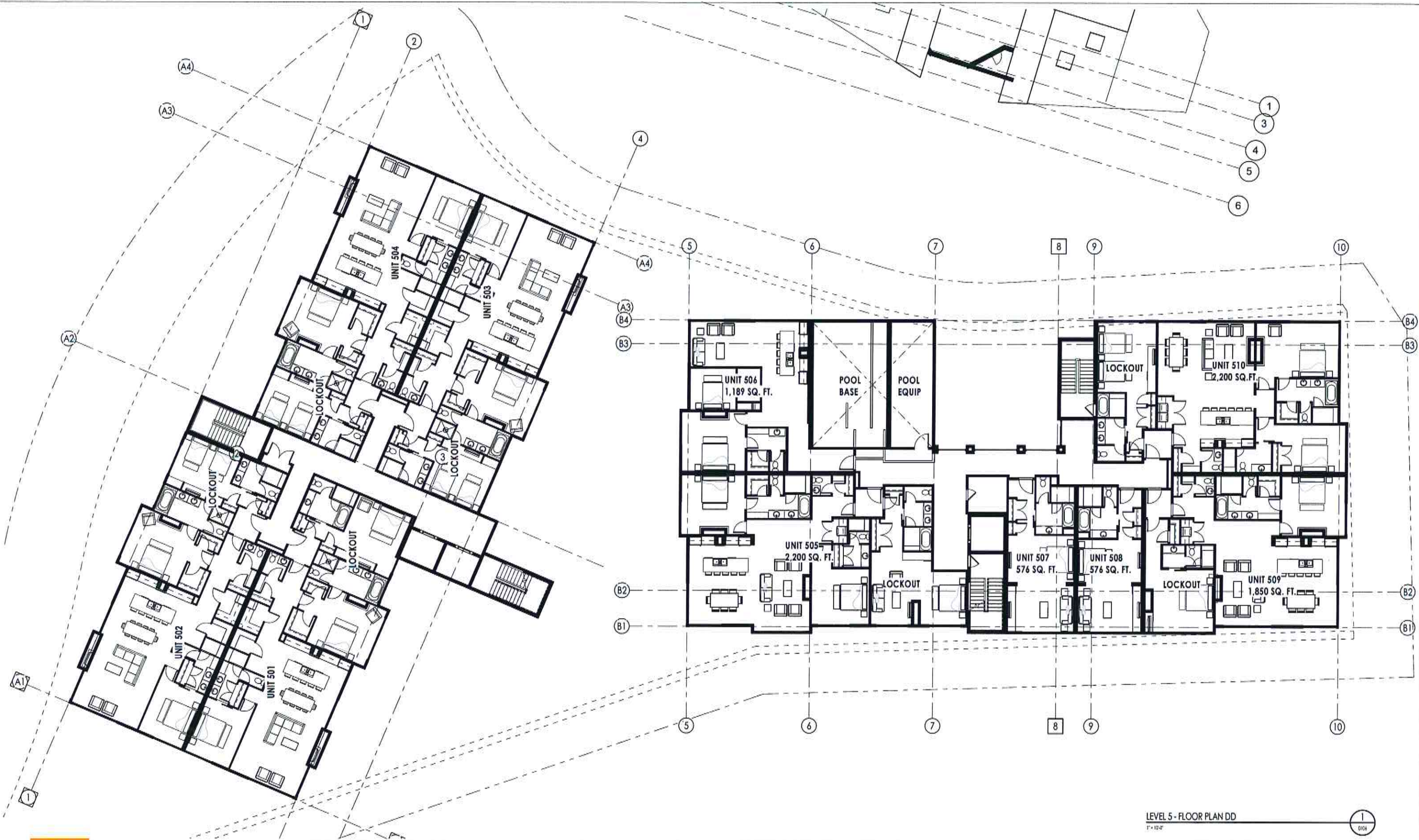




GOLDENER HIRSCH

DEER VALLEY, UTAH



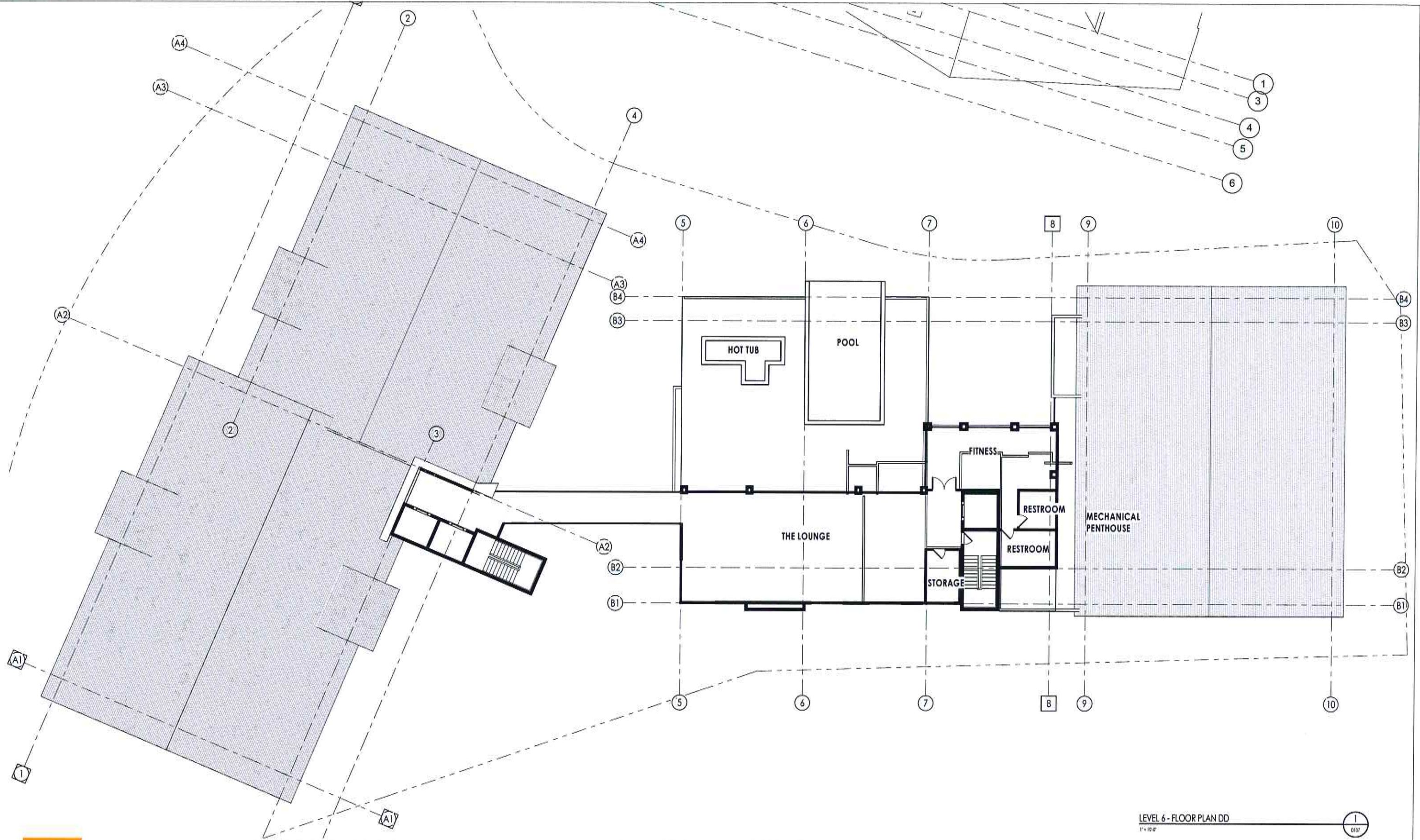


LEVEL 5 - FLOOR PLAN DD
 1" = 12'-0"
 0104

GOLDENER HIRSCH

DEER VALLEY, UTAH



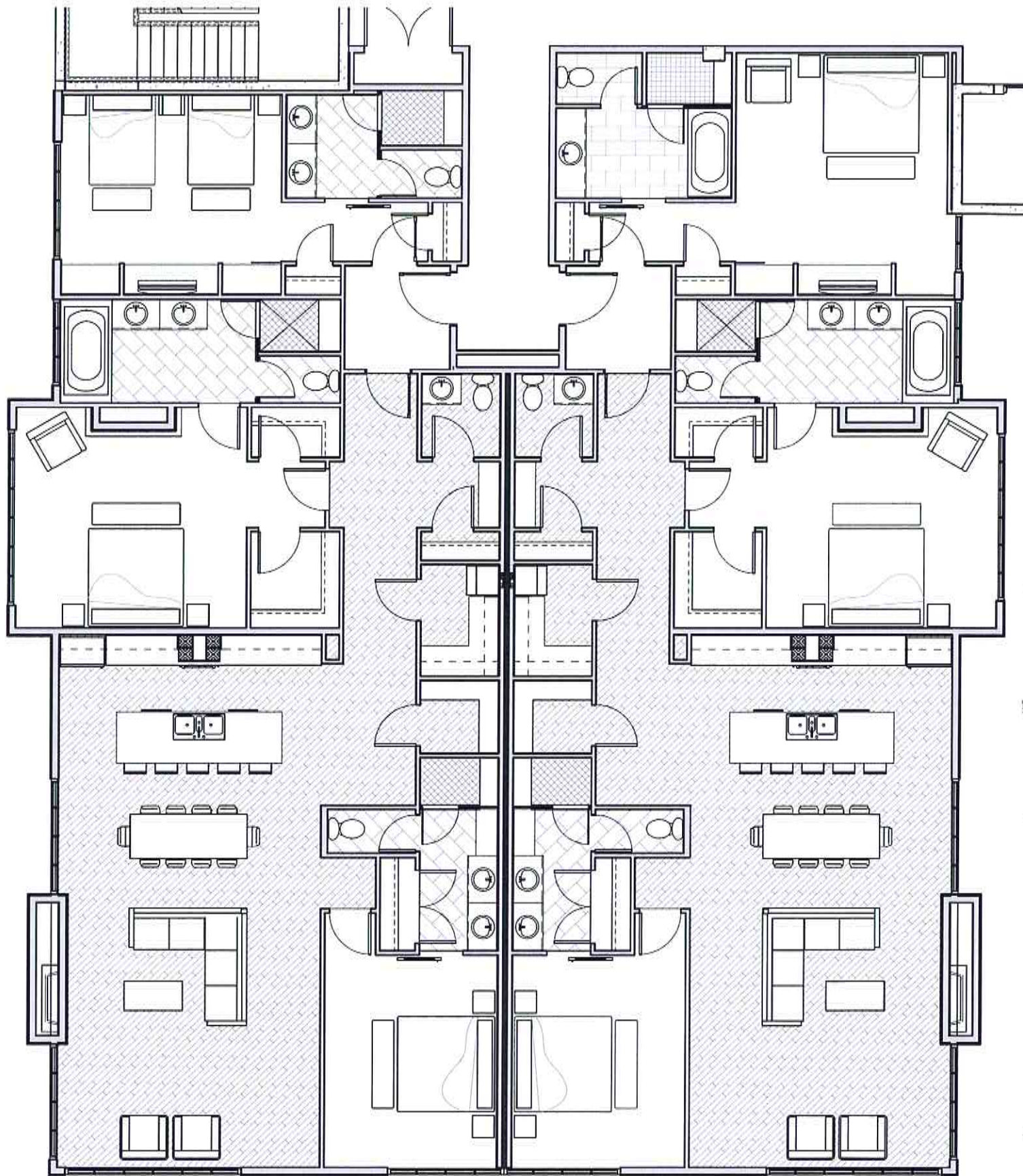


GOLDENER HIRSCH

DEER VALLEY, UTAH

LEVEL 6 - FLOOR PLAN DD
1" = 10'-0"



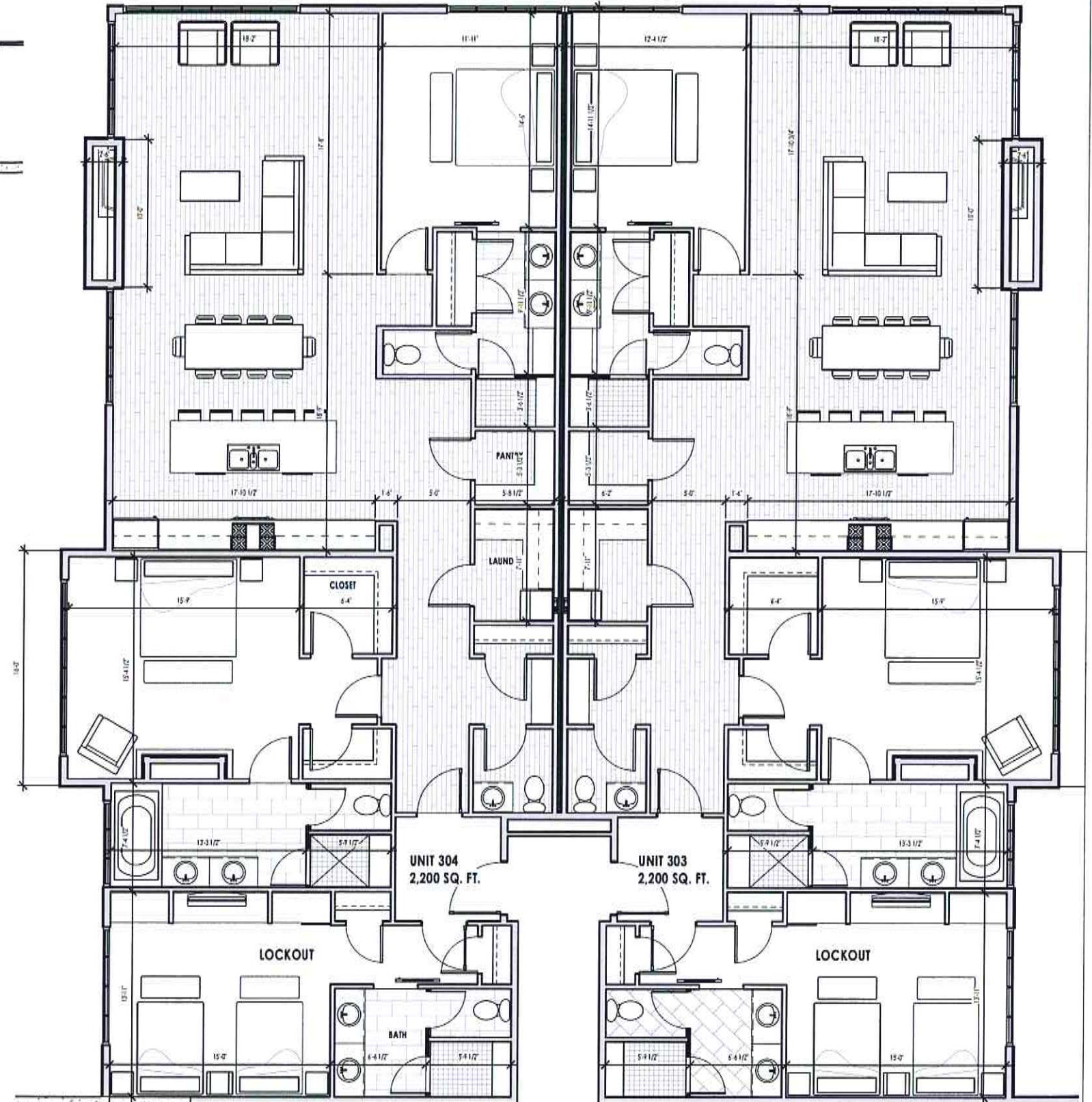


UNITS 301-302
1/4" = 1'-0"

2
018

GOLDENER HIRSCH

DEER VALLEY, UTAH

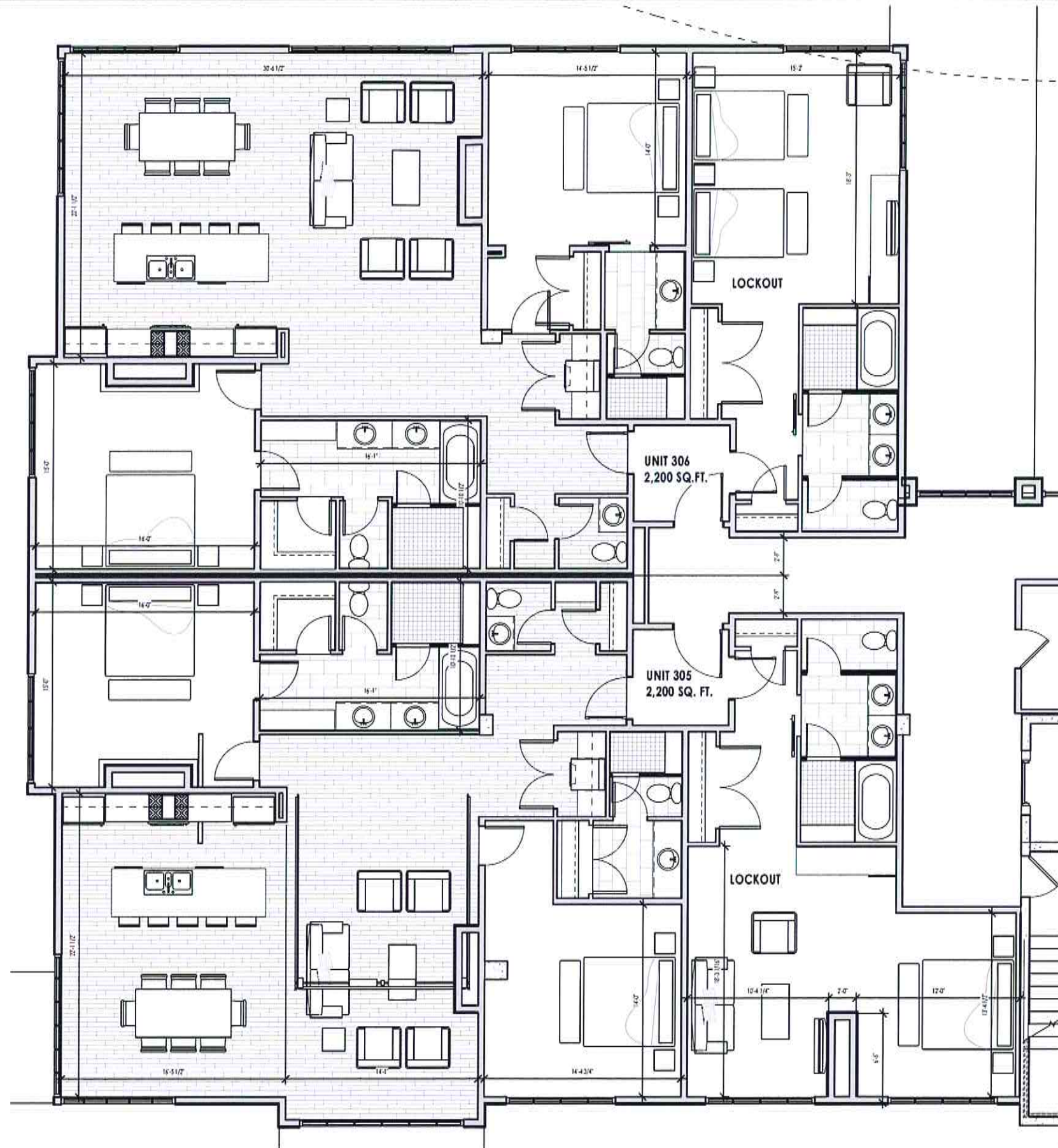


UNITS 303-304
1/4" = 1'-0"



Think
Architecture

Planning Commission Packet January 13, 2016



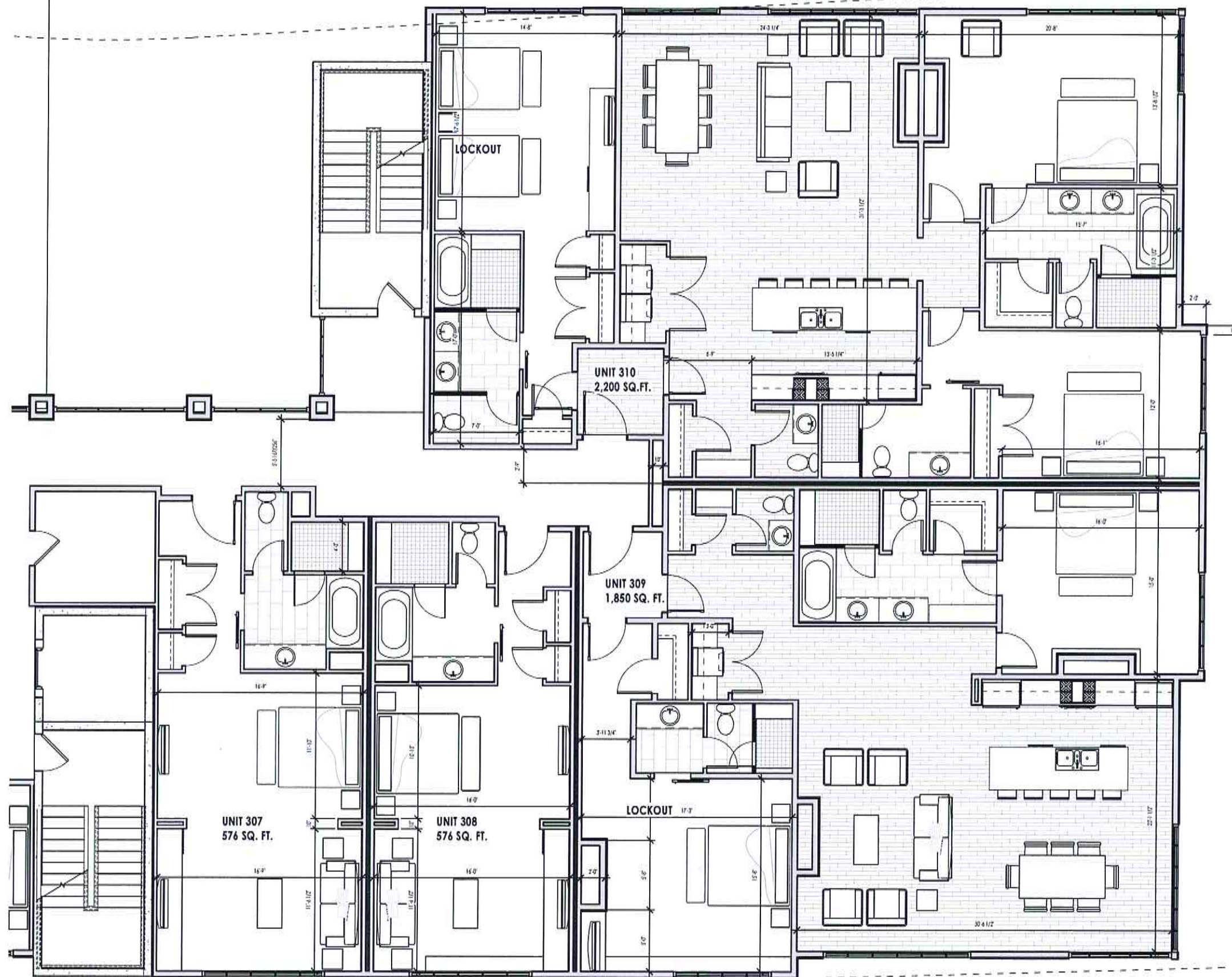
UNITS 305-306
1/8" = 1'-0"

2
0109

GOLDENER HIRSCH

DEER VALLEY, UTAH





UNITS 307-310
1/4" = 1'-0"

1
0110

GOLDENER HIRSCH

DEER VALLEY, UTAH





ENTRY PLAZA



PORT COCHERE



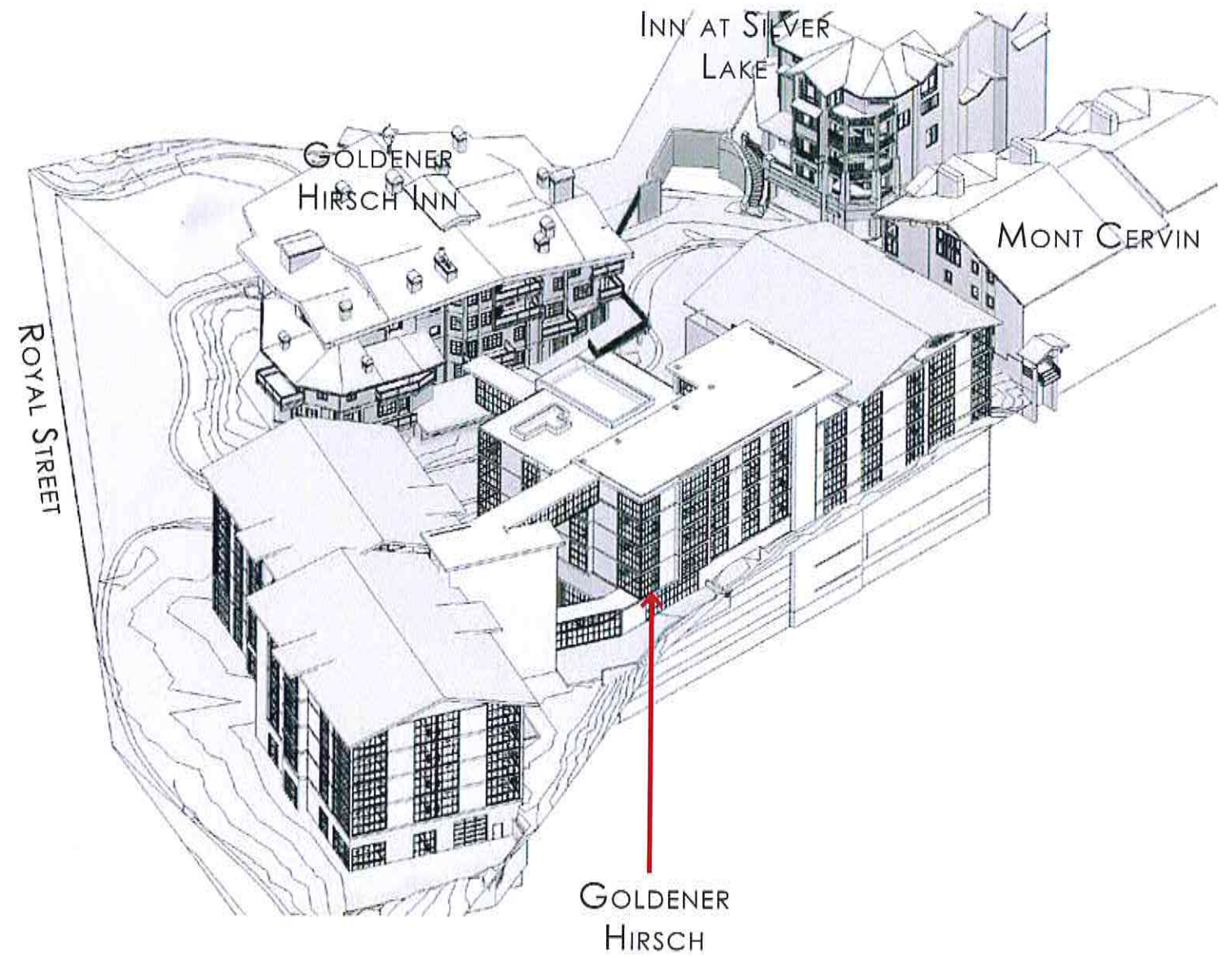
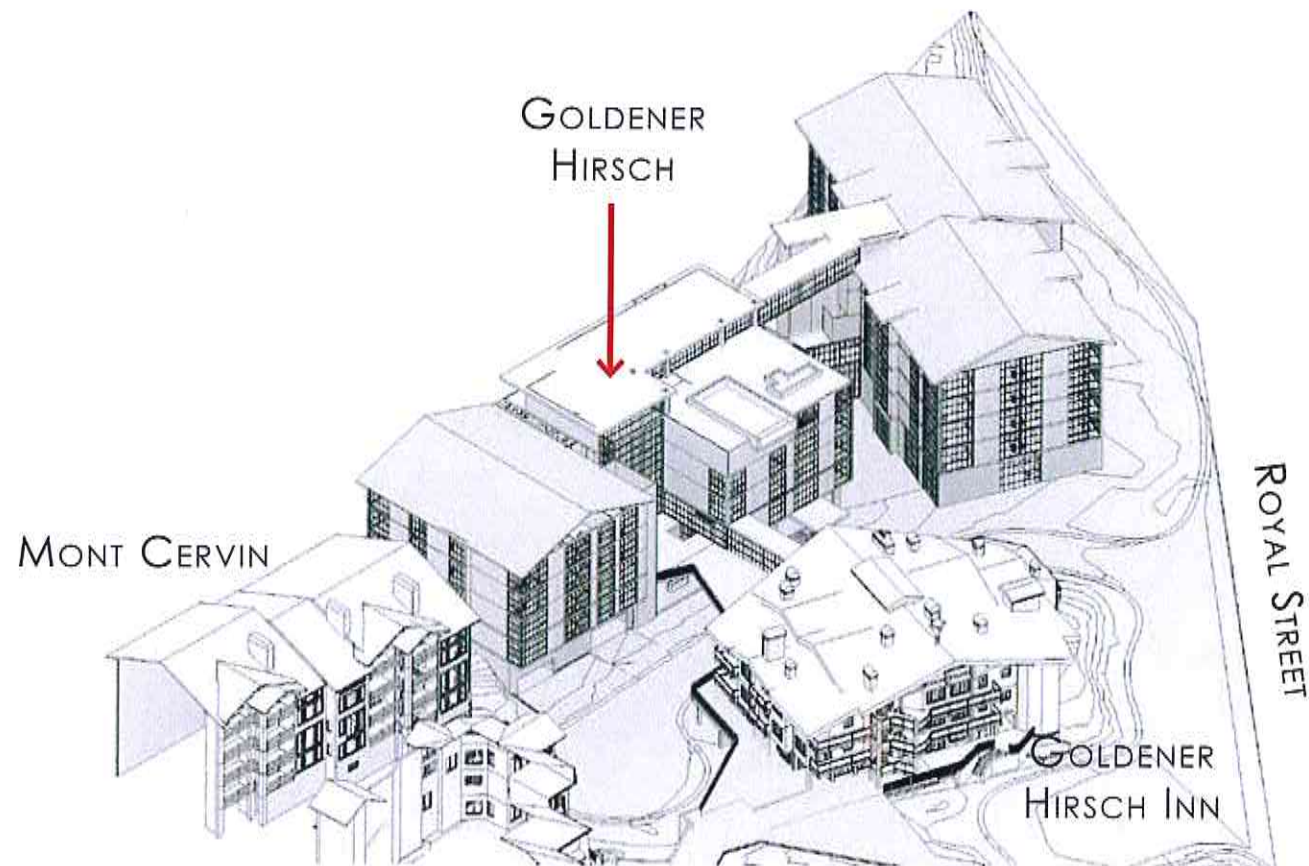
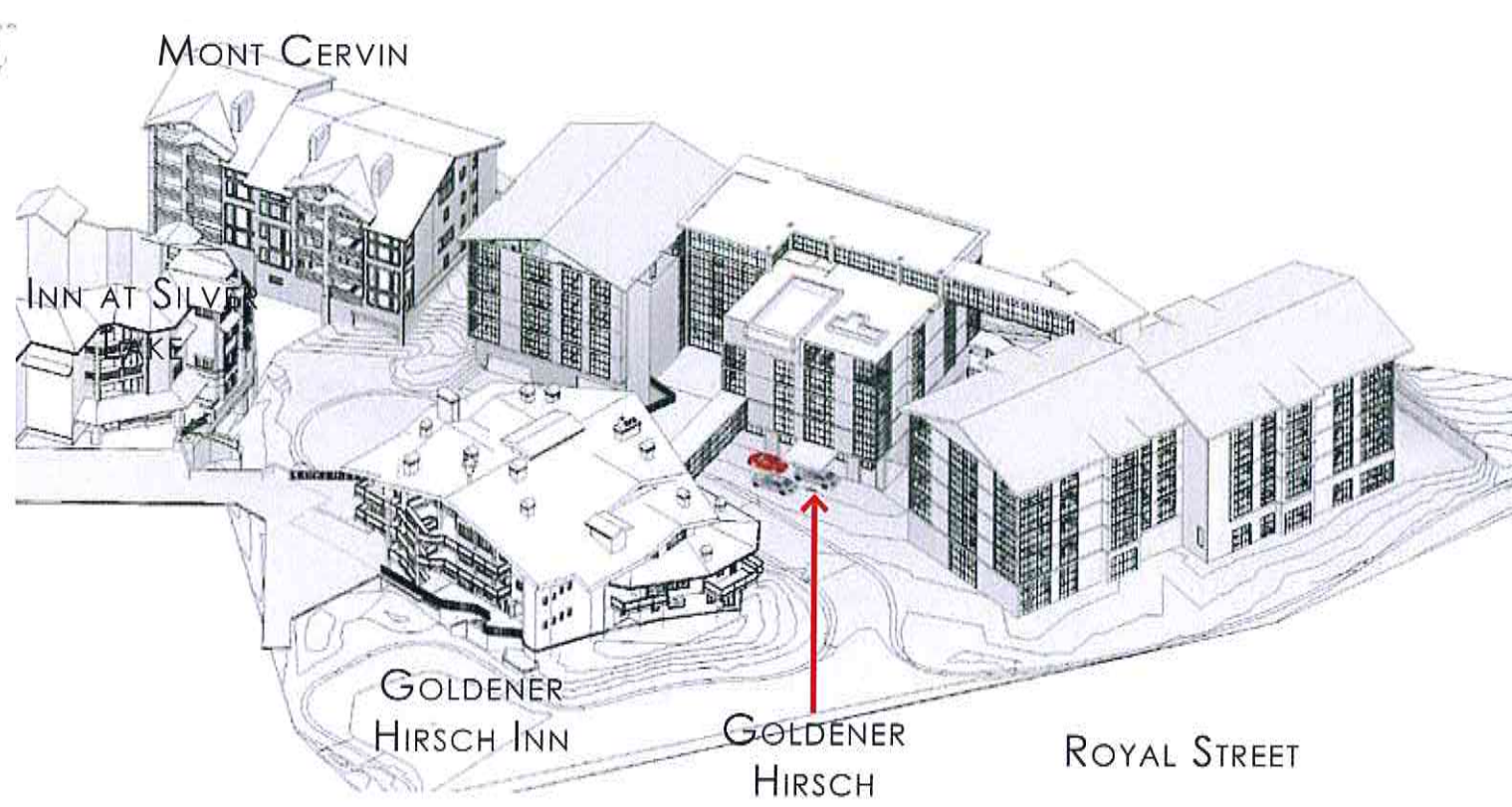
VIEW NORTH ALONG STERLING COURT



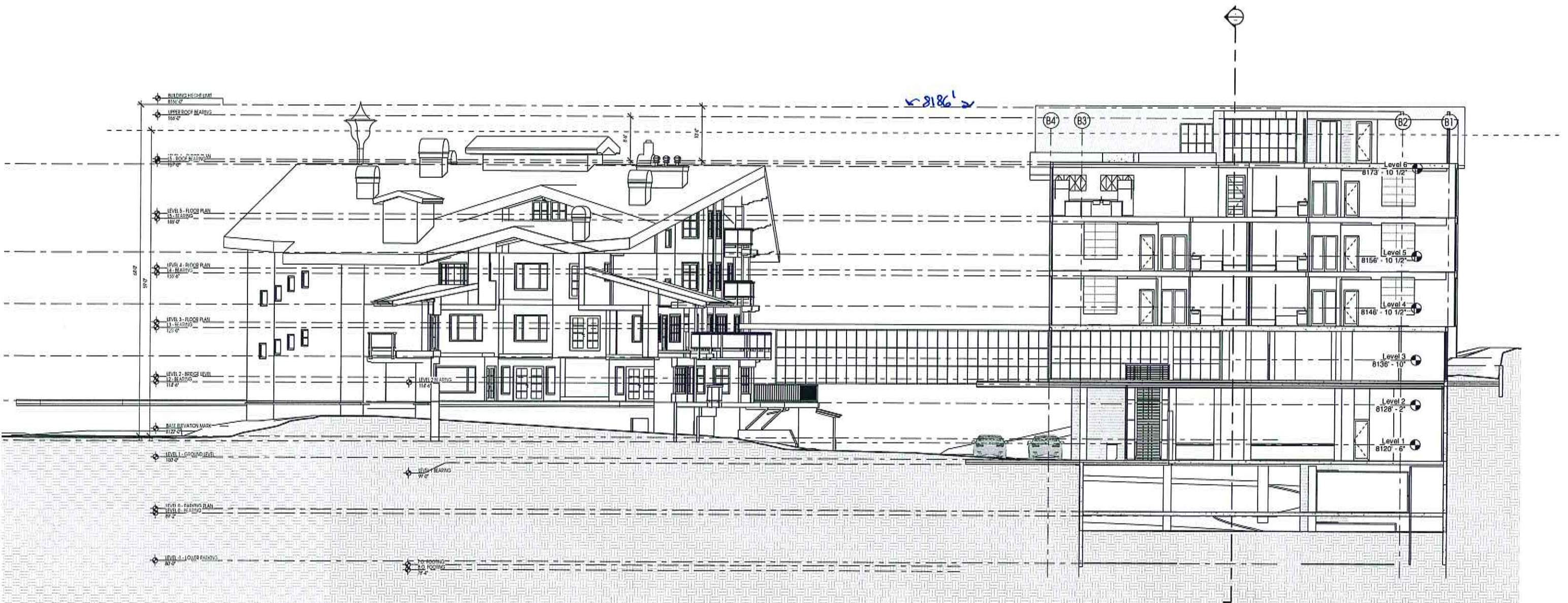
VIEW FROM ROYAL STREET



ROOFTOP POOL



MASSING STUDIES



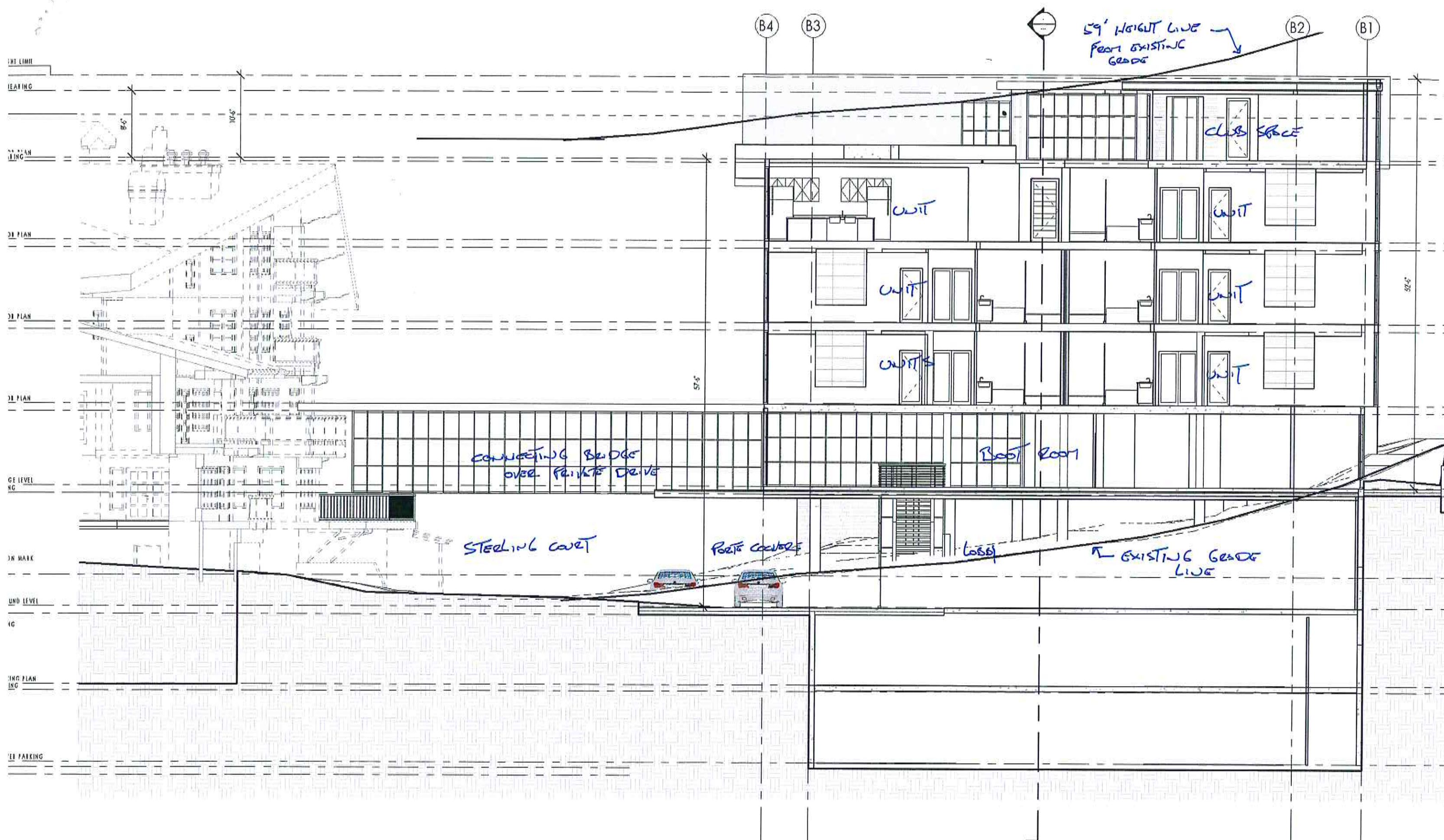


EXHIBIT G

ELEVENTH AMENDED AND RESTATED LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT MARCH 23, 2011

WHEREAS, Royal Street Land Company, a Utah corporation ("Royal Street") heretofore submitted to the Planning Commission of Park City ("Commission") certain items with relation to a residential, commercial, and recreational development project known as Deer Valley / Lake Flat Area Development ("Project") which items were listed in the original Permit granted for the Project by Commission and are incorporated herein by reference; and

WHEREAS, Commission found that such items submitted by Royal Street complied with and satisfied all applicable requirements of the Park City Land Management Code as then in force, to permit the construction of the Project as a planned unit development pursuant to the planned unit development exception then contained in the Park City Land Management Code; and

WHEREAS, Commission heretofore issued to Royal Street a Special Exception Permit dated September 27, 1977, with relation to the Project, which Special Exception Permit was amended by an Amended Special Exception Permit dated June 27, 1979 issued to Royal Street and by a Second Amended and Restated Special Exception Permit dated January 27, 1982, a Third Amendment to Special Exception Permit dated May 17, 1984, a Fourth Amendment to Special Exception Permit dated February 21, 1985, a Fifth Amended and Restated Special Exception Permit dated December 23, 1986, a First Amendment to Fifth Amended and Restated Special Exception Permit dated November 29, 1989, a Second Amendment to Fifth Amended and Restated Special Exception Permit dated April 11, 1990, a Sixth Amended and Restated Special Exception Permit dated October 10, 1990, a Seventh Amended and Restated Large Scale Master Planned Development Permit dated April 14, 1993, an Eighth Amended and Restated Large Scale Master Planned Development Permit dated April 25, 2001, a Ninth Amended and Restated Large Scale Master Planned Development Permit dated June 28, 2006, and a Tenth Amended and Restated Large Scale Master Planned Development Permit dated August 12, 2009, which were issued to Deer Valley Resort Company ("Permittee"), as assignee and successor to the rights of Royal Street under the Special Exception Permit; and

WHEREAS, Permittee and Commission desire to further amend and restate the Large Scale Master Planned Development Permit to reflect actions approved by the Commission with respect to the transfer of one Residential Unit Equivalent from the Snow Park Village Parcel covered by the Permit amendment to the Silver Baron Lodge parcel covered by the Permit (Silver Baron Lodge being a portion of the original Northeast Multi-Family site covered by the Permit) to bring said Silver Baron Lodge into compliance with the Permit.

WHEREAS, Permittee has requested modification to the Large Scale Master Planned Development Permit and Commission is willing to grant said modification as herein set forth; and

WHEREAS, Commission finds that it is in the best interest of Park City and its citizens that Permittee be granted the right to construct and develop the Project as a Master Planned Development in accordance with the Park City Land Management Code passed and adopted December 22, 1983, effective January 1, 1984 as the same has been amended by Ordinance to the date hereof (herein designated the "Code") and in accordance with the Large Scale Master Planned Development Permit as amended and restated hereby.

NOW THEREFORE, the Large Scale Master Planned Development Permit is hereby amended and restated to authorize and grant the right, and Permittee is hereby authorized and granted the right, to develop and construct the Project as outlined and detailed in this: (A) Eleventh Amended and Restated Large Scale Master Planned Development Permit ("Permit") including the Exhibits hereto and those documents and items submitted by Permittee as aforesaid, as a Master Planned Development pursuant to the Master Planned Development provisions contained in the Code; and, (B) the Agreement dated July 12, 1978 between Park City, as "City", and Royal Street, as "Royal Street", as

amended by an Amendment to Agreement dated May 29, 1978, a Second Amendment to Agreement dated April 3, 1980, a Third Amendment to Agreement dated August 21, 1980, as amended and restated in its entirety by a Fourth Amendment and Restatement of Agreement, a Fifth Amendment to Agreement dated May 17, 1984, and a Sixth Amendment to Agreement dated February 21, 1985, which are all incorporated herein by reference and which Agreement as so amended is herein referred to as the "Agreement", and as such Agreement may hereafter be further amended from time to time. Park City is hereinafter referred to in this Permit as "City".

A. Densities. For purposes of determining densities in the Project:

(1) Insofar as the following portions of the Project are concerned, the authorized densities shall be as follows:

<u>Parcel Designation</u>	<u>Units</u>	<u>Authorized Dwelling</u>
Northwest Multi-Family (Fawn grove)		80
North Entrance Multi-Family (Pinnacle)		40
North Hillside Multi-Family (Pinnacle)		46
Southwest Multi-Family (Aspenwood)		30
Southwest Multi-Family (Courchevel)		13.5
Northwest Hillside Multi-Family (Daystar)		24
South Entrance Multi-Family (Stonebridge)		50
South Multi-Family (Lakeside)		60
West Multi-Family (Pine Inn and Trails End)		40
Total		383.5

For purposes of determining densities on the parcels designated in this Subparagraph (1), a single family home or an apartment containing two bedrooms or more constituted a dwelling Unit, a one-bedroom apartment constituted one-half of a dwelling Unit, and a hotel room or lodge room constituted one-half of a dwelling Unit. The parcels in this subparagraph have all been developed as of the date hereof.

(2) Insofar as all portions of the Project other than the nine parcels containing 383.5 dwelling Units identified in Subparagraph A. (1) above are concerned, an apartment Unit containing one bedroom or more shall constitute a dwelling Unit and a hotel room or lodge room shall constitute one-half of a dwelling Unit.

(3) If approved in advance by Commission and Permittee, the owner of any development parcel in the Project shall have the right to have the densities permitted on said development parcel calculated in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) or in accordance with the Unit Equivalent formula contained in Section 10.12 of the Code, as said Unit Equivalent formula may from time to time be amended or modified. In the event of election of an owner to utilize said Unit Equivalent formula and approval thereof by Commission and Permittee, the maximum number of Unit Equivalents which may be contained in the structures built upon said development parcel shall not exceed the permitted number of dwelling Units to be constructed thereon determined in accordance with Subparagraph A. (1) or Subparagraph A. (2) above and/or with Exhibit 1 attached hereto (whichever is applicable) and the number of Unit Equivalents as constructed on said development parcel shall for all purposes hereof be deemed the number of units constructed thereon. Approval of use of the Unit Equivalent formula by

Commission and Permittee shall not, and cannot, alter or release any private land use covenants between the owner and Deer Valley, or others, concerning development of the property or the density permitted thereon.

(4) Insofar as the following portions of the Project are concerned, the authorized densities permitted on the development parcels are required to be calculated in accordance with the Unit Equivalent Formula contained in Section 10.12 of the Code as said Unit Equivalent formula may from time to time be amended or modified:

<u>Parcel Designation</u>	<u>Authorized Number of Residential Unit Equivalents</u>
Snow Park Village	209.75
Total	209.75

B. Unit Size. Except for units with relation to which the owner elected or elects to or is required to utilize the Unit Equivalent formula, there shall be no size limitation for Units constructed on any parcel provided that following construction the parcel proposed to be developed contains a minimum of 60% open space and otherwise complies with MPD and all applicable zoning regulations.

C. Development Parcel Designations. Development parcel designations, prescribed densities, parcel sizes, building height limitations (the height limitation for each parcel will be determined by reference to the Code in effect at time of application for approval of the development of the parcel) and the status of development of the parcels as of the date hereof are reflected on Exhibit 1. Permittee shall have the right to develop a total of 2,110 residential Units (exclusive of employee housing Units) within the Project. Permittee shall have the right to develop 209.75 Unit Equivalents within the Snow Park Village, subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the following:

(1) **Conditional Use Review.** Prior to the sale by Permittee of the Snow Park Village, Permittee shall submit a site-specific plan with relation to such parcel to the Commission requesting approval for construction on the parcel. In addition, the Permittee shall request the establishment of building site conditions with relation to the parcel. Accordingly, Permittee or persons acting on its behalf shall file with the Community Development Department of City a completed application form supported by the information set forth in Section 15-6 of the Code, as the same may be amended from time to time. The procedure for the approval or disapproval of any site-specific plan shall be based upon the provisions of this Permit and the conditional use criteria of the Code in effect on the date of application. Components of the Project, other than land development parcels, are listed on Exhibits 2 and 3.

D. Subdivision of Development Parcels. Prior to the sale of any individual lots on any parcel listed on Exhibit 1 developed for residential use as a "subdivision" as defined by the City subdivision ordinance and state statute, the party electing to establish a subdivision on said parcel shall comply with all applicable provisions of the City subdivision ordinance in effect at the time of application. The procedure for the approval or disapproval of any subdivision application shall be based upon the procedure provided in the City subdivision ordinance in effect at the time of application.

Prior to the filing of a record of survey map and declaration of condominium to establish a condominium on any parcel listed on Exhibit 1, the party electing to establish a condominium shall comply with all applicable provisions of any City condominium ordinance in effect at the time of application. The procedure for the approval or disapproval of any condominium shall be based upon the Utah Code and any City condominium ordinance in effect at the time of application.

E. Applicability of Sensitive Area Overlay Zone. For projects within the Deer Valley Large Scale Master Planned Development, the density limitations of the Sensitive Area Overlay Zone do not apply because Master Planned Developments approved prior to the adoption of the Sensitive Area Overlay Zone are vested in terms of density. Site planning standards can be applied only to the extent that they do not unequivocally reduce vested density. Limits of disturbance, vegetation protection, and building design standards do apply.

F. Relationship to National Standards. The provisions of the Code and any other applicable zoning and development ordinances including national standards with respect to engineering or building requirements as adopted by City, in effect in City on the date hereof, shall govern the development within the Project, except as otherwise provided herein.

G. Off-Street Parking. Parking required with relation to each portion of the Project shall be based upon Code as in effect at the time application for a building permit for such portion of the Project as is filed with City. For purposes of calculating required parking, the Project shall be deemed to be zoned Residential Development District (RD) Master Planned Developments (MPD). Parking for each separate development parcel in the Project shall be determined in accordance with the Code at the time of application for Conditional Use approval. Any additional parking shall not encroach into zoned open space.

If the capacity of the surface parking lots in the Snow Park Community is exceeded on 10% or more of the days during any single ski season the need for constructing additional parking in said area shall be reviewed by the Commission.

H. Commercial Space, Support Commercial, and Meeting Space. Exhibit 2 hereto lists commercial and support space allotted to the Project. The General Snow Park Commercial category is restricted in utilization within the Project to the following parcels in the Snow Park area:

- Pine Inn Multi-Family Parcel
- Snow Park Lodge Multi-Family Parcel (Black Diamond Lodge)
- Snow Park Village (Combination of Snow Park Hotel Parcel and Snow Park Parking Area Parcel)
- Snow Park Day Center Parcel

Utilization of portions of the General Snow Park Commercial category within any of the above listed parcels is subject to the specific approval of both Permittee and Commission.

In addition to the Exhibit 2 Commercial Space permitted in the Project, Support Commercial shall be permitted and used as defined in the Code, as amended, at the time of application.

I. Employee Housing. Permittee has been required to cause the development of 112 employee (affordable) housing units pursuant to prior editions of this Permit. Prior to the date of this Permit, Permittee has developed or caused to be developed units qualifying under the low and moderate income housing exception of the Code as follows:

<u>Project Location</u>	<u>Number of Qualifying Units</u>
A. Units in Deer Valley:	
Little Belle Manager Unit	1
Stag Lodge Manager Unit	1
Sterlingwood Manager Unit	1
Bald Eagle Caretaker Units	2
Mt. Cervin Manager Unit	1
Deer Valley Club Manager Unit	1

B. Units Other Than in Deer Valley:

Parkside Apartments	42
Fireside Apartments / Condos	42
Washington Mill Apts.	8
Peace House	3
Aspen Villas / Silver Meadows (Participation)	9
Fawn grove Employee Unit	1
Total	112

Deer Valley shall be obligated to comply with all applicable ordinances of City relating to the creation and construction of employee housing, including ordinances that are adopted after the date of this Permit. Deer Valley will be given credit for the previously developed units identified above when computing the employee housing obligation under applicable ordinances. The City acknowledges full satisfaction of Deer Valley's current obligation in the Employee Housing Agreement dated October 6, 1995 executed in conjunction with Deer Valley's contribution to the Silver Meadows project. If, at the time a new employee / affordable housing ordinance is adopted, the number of existing employee / affordable housing units built by Deer Valley or persons acting on its behalf exceeds the number of units required by the new ordinance, credit shall be given against the ordinance imposed obligation, but in no event shall City be obligated to reimburse Deer Valley for any excess, or to permit the assignment of the excess to other parties with a similar employee housing requirement. If, at the time a new employee / affordable housing ordinance is adopted, the number of existing units built by Deer Valley or those acting on its behalf falls short of the newly imposed ratio of employee units to conventional units, Deer Valley agrees to be bound by the provisions of the newly adopted ordinance; provided, however, that the new ordinance shall apply only to those Units on which site specific approval is granted after the adoption of the employee / affordable housing ordinance.

J. **Technical Reports.** Permittee shall submit updated technical reports with regard to traffic monitoring, water systems, and sewer systems for review by Commission as significant changes occur in those systems and as needed for specific project review as required by the Community Development Director and Public Works Director prior to density approval.

K. **Public Use of Ski Facilities.** Use of all ski facilities shall be open to the general public and shall not be restricted to owners of property located in Deer Valley or to members of any private club. Furthermore, all charges, fees and costs paid by the general public for the use of such facilities shall not exceed the charges, fees and costs paid by owners of property located in Deer Valley.

L. **Trails.** There are 4 types of trails in Deer Valley:

- (1) Bicycle paths located within street rights-of-way;
- (2) Pedestrian paths connecting parcels together within a community;
- (3) Connecting paths connecting communities together; and
- (4) Hiking trails to provide access to the mountain.

Bicycle paths shall be located within street rights-of-way dedicated to City and shall be operated and maintained by City as shown on the Deer Valley Trails Master Plan and the City Trails Master Plan.

Pedestrian paths shall be hard surfaced, a minimum of five feet wide, a maximum of six feet wide and built to public sidewalk specifications. These paths shall connect development parcels together and connect development parcels to commercial nodes. At the time of conditional use approval of a particular development parcel, the developer of said parcel shall provide a pedestrian

path across said parcel connecting to the paths on the adjoining parcels. The location of these paths shall be determined by the parcel developer and by City staff with the Deer Valley Trails Master Plan used as a guide. The locations shall be modified as necessary to take into consideration topography and existing trails, and shall tie into the bus system which serves Deer Valley. These paths shall form a year-round system. Maintenance shall be the responsibility of the parcel owner. A 10 to 15 foot wide easement (easement size shall be determined at the time of site specific conditional use approval) for each pedestrian path shall be dedicated to City and is required to be shown on the recorded plat for the applicable development parcel.

It is recognized by the parties that the property within the Deer Valley Resort is private property. Public access to ski runs is at the discretion of Permittee. Summer public access and non-destructive summer use which includes casual hiking on ski runs shall be allowed by Permittee subject to reasonable rules and regulations.

In the event that City in its sole discretion determines that City should hold any easements for hiking, City shall make a request that an easement be granted for any or all of the hiking trails that City desires to hold within or adjacent to ski runs shown on the Trails Master Plan. In the event that City obtains a formal agreement, City agrees to maintain such hiking trails, and Permittee will provide legal descriptions, signage and grant to City an easement (minimum of 10 feet to maximum of 15 feet wide) to maintain such hiking trails without hard surface and without winter maintenance. If City desires to upgrade the hiking trails beyond that which currently exists, City agrees to bear the cost of those improvements. The Trails Master Plan shall serve as a general guide in determining the final location of said hiking trails. In the event City obtains and holds formal easements for hiking trails, City shall indemnify and hold Permittee and its successors and assigns harmless from and against any loss, damage, injury or responsibility with relation to any such trail and any claims, demands or causes of action from any person resulting from injuries sustained while utilizing any hiking trails for which City has obtained and holds easements. Said public easement shall also be subject to such additional reasonable rules and regulations as Permittee deems appropriate to eliminate possible interference with the operation and maintenance of the ski resort, or in the interest of safety or security.

M. Open Space. With the exception of those parcels identified on Exhibit 1 and those areas and items listed on Exhibit 2 as "commercial and support space", all remaining property in the Project is hereby designated "landscaped open space" as that term is defined in the Code as presently in effect and shall remain substantially free from structures, roads and parking lots except as otherwise approved by City or permitted by the Code as presently in effect. The "landscaped open space" shall be maintained and operated by Permittee at Permittee's sole cost and expense.

N. Fire Considerations. All buildings or structures located within the Bald Eagle, Silver Lake, and North Silver Lake Communities shall be fire sprinkled in accordance with UBC 38-182.

O. Water Improvements .Permittee agrees that, as a condition of and concurrently with issuance to Permittee of a building permit for the construction of any buildings or structures comprising a portion of the Project, Permittee shall be obligated to agree in writing to construct and convey to City storage facilities, pumping facilities, and transmission lines, as agreed upon and approved by the Public Works Director and City Engineer at the time of issuance of said building permit, to the extent necessary to store and transmit culinary water, irrigation water, and water for fire flows to the buildings and structures covered by the building permit and to connect the same to the water system of City, and shall evidence to the satisfaction of City the ability of Permittee to comply with such agreements.

Permittee agrees that completion of the action required by this Section O with relation to any building or structure included in the Project shall be deemed a condition precedent to the right to occupy and utilize the building or structure. Commission and Permittee agree that the general level of water facilities construction for the Project required by this Section O has been heretofore accomplished by Permittee.

The existing agreement relating to water rights and water facilities for Deer Valley development entered into November 17, 1988 between Permittee as "DVRC", Royal Street as "Royal Street", and City as "Park City" and the Deer Valley Water Facilities Improvement Agreement dated March 31, 1994 between City, Royal Street and Permittee (as "DVRC") and the Amendment to the 1994 Deer Valley Water Facilities Improvement Agreement dated May 12, 2006 between City as "Park City", Royal Street and Permittee (as "DVRC") are made a part of this Permit by reference.

P. Sewer Considerations .Although City has no responsibility for sewer approvals; the Snyderville Basin Sewer Improvement District has indicated the following with respect to sewerage in Deer Valley: Projected flow calculations are based on average wastewater flow from residential units and make no distinction regarding size. In other words, the Sewer District does not follow the "unit equivalent" concept as does City.

The Sewer District has previously reviewed both the Upper and Lower Deer Valley sewer systems and made the following comments: Upper System (American Flag / Silver Lake Community) - There are two sections of sewer within the American Flag Subdivision that limit upstream, new growth to approximately 325 additional residential units. There are several sections with only slightly greater capacity. This concern or limitation was eliminated by construction of a new sewer trunk line from Royal Street through the Westview Parcel in 1988. Lower System (Solamere, Queen Esther, Fawn grove) - A portion of the trunk sewer serving this area was replaced in 1985 to provide greater capacity for Hanover and Park Con projects as well as Deer Valley's. These three developers executed an agreement with the District which identified their anticipated development and the percentage of the cost they would fund to "reserve" capacity in the sewer system. Of the present sewer capacity of approximately 1385 units, Deer Valley has approximately 200 units available for future development. However, there are downstream sections of sewer that have less capacity than the new Deer Valley North Road sewer. This problem will be pursued with the developers as necessary.

Q. Separability. If any provision or provisions of this Permit shall be held or deemed to be, or shall, in fact, be illegal, inoperative, or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent, whatsoever.

R. Term of Permit. The term of this Permit is governed by the Twenty-Ninth Edition of the Land Management Code of Park City as revised as of April 1, 1993.

Approved this 23 day of March, 2011____.

PARK CITY PLANNING COMMISSION

By



Chairman

**DEER VALLEY RESORT
ELEVENTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Northeast Multi-Family:					12.65
Lodges @ Deer Valley	73.25	85	3	28-35	
Silver Baron Lodge	42.75	50	12	28-35	
Snow Park Village (Snow Park Hotel & Parking Sites)	209.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belletierre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	6	20	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	11	0		59 (A)	0.35
Silver Lake Village Lot G	11	0		59 (A)	0.38
Silver Lake Village Lot H	12	0		59 (A)	0.44
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Knoll Single Family	11	11			

**DEER VALLEY RESORT
ELEVENTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 1
DEVELOPMENT PARCELS**

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Alta Vista Subdivision	7	7		35	6.02
Woods Multi-Family	16	7	8	28-35	2.41
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	38	38		28-35	5.60
Total Silver Lake Community	614.8715				
BALD EAGLE COMMUNITY					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
TOTAL CONVENTIONAL UNITS	2110.6215				
EMPLOYEE HOUSING UNITS					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
TOTAL EMPLOYEE HOUSING UNITS	7				

NOTES:

1. These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
 2. One small unit was separately permitted in this project using .5 unit of density.
 3. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (85) than base permitted density (73.25).
 4. This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
 5. This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
 6. Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
 7. This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
 8. This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
 9. This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
 10. The development density on these parcels is less than the original permitted density at the election of the developer.
 11. The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
 12. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (50) than base permitted density (42.75). The transfer of 1 Unit Equivalent to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on March 23, 2011.
- A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

DEER VALLEY RESORT
ELEVENTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 2
COMMERCIAL AND SUPPORT SPACE

LOCATION	RETAIL	RESTAURANT (3)	COMM'L OFFICES	ADMIN., SUPPORT & OTHER	TOTAL	TRANSFER TO RESIDENTIAL DEVELOPED	REMAINING
SNOW PARK LODGE	13807	26958		85578	126343	126343	0
SNOW PARK TICKET SALES BUILDING				5112	5112	5112	0
SNOW PARK PLAZA BUILDING	3100		16000	4180	23280	23280	0
GENERAL SNOW PARK COMMERCIAL (1)	21890				21890	0	21890
SILVER LAKE LODGE	1200	29160		15790	46150	46150	0
EMPIRE LODGE (4)		22456		12544	35000	30453	4547
SILVER LAKE COMMUNITY (2)	27962		4265	12938	45165	1243	31954
NORTH SILVER LAKE COMMUNITY	8000			6525	14525	0	14525
MAINTENANCE, WHSE, & SHOPS				31724	31724	31724	0
TOTAL	75959	78574	20265	174391	349189	295016	52930

NOTES:

(1) General Snow Park Commercial may only be utilized on certain parcels with approval of Commission and Permittee.
18110 square feet of General Snow Park Commercial has previously been allocated to and is included in totals for Snow Park Lodge.

(2) 10125 square feet of Silver Lake Community commercial has previously been allocated to and is included in totals for Silver Lake Lodge (1994 Silver Lake Lodge expansion 6990 sf and 1998 Silver Lake Lodge expansion 3135 sf).

Remainder of Silver Lake Community commercial consists of:

Developed Space:

Royal Plaza	14312
Mt. Cervin Plaza	8080
Goldener Hirsch Inn	2062
Chateaux at Silver Lake	7500
Total	31954
Transferred to Royal Plaza Residential	1243
Allocated but Undeveloped Space:	
Silver Lake Village Lot C	7000
Remainder Unallocated	4968
Total	45165

(3) Includes kitchen, receiving and storage.

(4) Maximum size of Empire Lodge is 35000 sf of which 30453 sf has been developed.

DEER VALLEY RESORT
ELEVENTH AMENDED AND RESTATED
LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
EXHIBIT 3
OTHER PROJECT COMPONENTS

ITEM	WITHIN PARK CITY	OUTSIDE PARK CITY
SKI AREA (1)		
CHAIRLIFTS	15	5
GONDOLA		1
SKI TRAILS AND BOWLS	63	34
SNOWMAKING	X	X
SKI PATROL / UTILITY STATIONS:		
BALD EAGLE MTN.	X	
BALD MTN.	X	
FLAGSTAFF MTN.	X	
LITTLE BALDY		X
JORDANELLE BASE		X
EMPIRE CANYON	X	
AMENITIES		
SNOW PARK LAKES & MEADOWS	X	
SNOW PARK PARKING LOTS	X	
PEDESTRIAN TRAIL SYSTEM	X	X
MOUNTAIN BIKING TRAILS SYSTEM	X	X
SOLAMERE SWIM & TENNIS FACILITY	X	
SNOWSHOE TOMMYS CABIN	X	
CUSHINGS CABIN	X	
BIRDSEYE CABIN	X	
JORDANELLE BASE		X
SNOW PARK CONCERT AMPHITHEATRE	X	

(1) ADDITIONAL SKI AREA FACILITIES AS DEMAND DICTATES, SUBJECT TO PROVISIONS OF PARK CITY LAND MANAGEMENT CODE AND OTHER APPLICABLE JURISDICTIONS.

Planning Commission Staff Report



PLANNING DEPARTMENT

Application #: PL-15-02999
Subject: Second Amended Intermountain
Healthcare (IHC) Master Planned Development
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: January 13, 2016
Type of Item: Master Planned Development Amendments

Summary Recommendations

Staff recommends Planning Commission review proposed amendments to the Intermountain Healthcare Master Planned Development (IHC MPD) and conduct a public hearing. Staff has prepared findings of fact, conclusions of law and conditions of approval for the Commission's consideration. Staff recommends approval of these amendments.

Description

Applicant: IHC Hospital, Inc. represented by Morgan D. Busch
Locations: 700 and 900 Round Valley Drive
Zoning District: Community Transition (CT) Zoning District
Adjacent Land Uses: Park City Recreation Complex, USSA training facility, US Highway 40, and open space.
Reason for Review: Master Planned Development amendments require Planning Commission review, a public hearing, and final action by the Planning Commission.

Summary of Proposal

On November 10, 2015, Intermountain Healthcare Hospital Inc. submitted an application to amend the Intermountain Healthcare Master Planned Development (IHC MPD) (see applicant's letter- Exhibit A). Requested amendments include the following:

- Allow the Peace House facility to be located on Lot 8 of the IHC/USSA subdivision plat to fulfill a portion of the remaining affordable housing obligation for the IHC MPD. A Conditional Use Permit (CUP) is required prior to building permit issuance. A CUP application was submitted for concurrent review with the MPD Amendment application.
- Allow Lot 8 to be subdivided into two lots with the eastern 3.6 acres proposed to be leased to the Peace House as Lot 8 and the western 6.334 acres to become a new Lot 12 retained by the Intermountain Healthcare with no density assigned to it (see proposed subdivision of Lot 8- Exhibit B). A plat amendment application is required and has not yet been submitted.
- Add 50 Unit Equivalents (UE) of density as 50,000 square feet of support medical offices/clinics to the overall IHC MPD to be located on Lot 1. **(Note- this item was continued for further analysis and discussion with Staff recommendation to bring it back to the Planning Commission later in 2016.)**

- Make administrative corrections to conditions #16 and #17 of the October 8, 2014, approval of the First Amended IHC MPD (Exhibit C – action letter).
- Include a condition of approval requiring recordation of a Development Agreement to cover all items of the original MPD as well as the First and Second Amendments.

At the August 26th, October 28th, and November 11th meeting, the Commission reviewed the pre-MPD application for these amendments, and found, with the exception of the request for additional density, that the amendments are consistent with the purpose statements of the Community Transition (CT) Zoning District and the goals of the Park City General Plan (See Exhibit D- Planning Commission minutes).

Based on input received at the pre-MPD application meetings, the applicant submitted a complete application for a second amendment to the IHC MPD on November 10, 2015, consistent with the pre-MPD application, with the exception that the request for additional density has been tabled for future consideration (See Exhibit A- applicant's letter).

On November 10, 2015, an application for a Conditional Use Permit (CUP) for the Peace House was submitted with the MPD Amendment application for concurrent review. A separate staff report for the Peace House CUP, located at 700 Round Valley Drive, and proposed on the eastern portion of Lot 8, is included in this packet for Commission review.

Background

On May 23, 2007, the IHC MPD was approved by the Planning Commission. The MPD includes an Intermountain Healthcare Hospital with a total of 300,000 square feet (180 Unit Equivalents [UEs]) for hospital uses and a total of 150,000 square feet (150 UEs) of Support Medical Office space subject to the approved Annexation Agreement recorded at Summit County on January 23, 2007. (See Exhibits F and H).

On May 23, 2007, the Planning Commission approved a Conditional Use Permit for Phase I of the IHC MPD which included a 122,000 square foot hospital building (with an additional 13,000 square feet of constructed, unfinished shell space) with 50,000 square feet of medical offices (18,000 square feet are constructed). Two separate medical support buildings were also proposed in the initial phase of development, including the Physician's Holding building on Lot 7 and the People's Health Center/Summit County Health offices building on Lot 10 (25,000 sf each were approved). These separate buildings have their own CUPs and the buildings are constructed.

On June 30, 2014, applications for the first MPD amendment and a Conditional Use Permit for the second phase of development at the Park City Medical Center were submitted. On October 8, 2014, the Planning Commission conducted a public hearing and approved the First Amended IHC MPD and the Conditional Use Permit. Construction of the second phase is currently underway (see Exhibit C).

The IHC Master Planned Development is located on Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the Seconded Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision plat, with Lot 2 of the subdivision plat dedicated as open space, Lot 3 (not part of the IHC MPD) is the location of the USSA Headquarters and Training Center MPD, Lot 4 was the original location of 28 affordable townhouse units incorporated into the Park City Heights neighborhood during the Park City Heights MPD approval leaving Lot 4 as an open space lot, Lot 5 was dedicated and transferred to the City for future recreation uses, Lots 6 and 8 were approved for medical support, but that density was transferred to Lot 1 with the first MPD amendment. Lot 7 is the location of the Physician Holdings Medical Office Building, Lot 9 contains a small Questar gas regulating facility, Lot 10 is the location of the Summit County Health Department and People's Health Clinic, and Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density (see Exhibit H).

	Approved per IHC MPD	Approved per CUPs and built	Approved First IHC MPD Amendment	Remaining to be built
Hospital Uses On Lot 1	300,000 SF	122,000 SF (with an additional 13,000 shell space currently being finished) for 135,000 sf built	300,000 SF (no change)	165,000 SF
Total Support Medical Office	150,000 SF	150,000 SF	150,000 SF (no change)	0 SF
Total SF	450,000 SF	185,000 SF	450,000 SF (no change)	165,000 SF
Breakdown of Support Uses				
Support Medical Office on Lot 1	50,000 SF	100,000 SF	100,000 SF (additional 50,000 sf on Lot 1 from Lots 6 and 8)	0 SF
Support Medical Office on Lots 7 and 10	50,000 SF	Approx. 50,000 SF	Approx. 50,000 SF (no change to existing buildings)	0
Support Medical Office on Lots 6 and 8	50,000 SF	No CUP	transferred 50,000 SF from Lots 6 and 8 to Lot 1	0
Total Support Medical office	150,000 SF	150,000 SF	150,000 SF	0 SF

The Annexation Agreement also included 85,000 SF for the USSA training facility which was not included in the Hospital MPD. The USSA building was built on Lot 3 and is subject to a separate MPD and CUP.

Proposed MPD Amendments

Peace House on Lot 8

The Peace House Facility proposed for Lot 8 consists of an emergency shelter for victims of domestic violence, transitional housing, and support uses consistent with the mission of the Peace House such as child care, counseling, common kitchen facilities, training facilities, administrative offices, secured parking, etc.

On June 4, 2015, the Park City Housing Authority approved the facility to be considered for fulfillment of a portion of the IHC affordable housing obligation and no Unit Equivalents (UEs) are required for this use per the Housing Resolution and Land Management Code Section 15-6-8.

The Peace House includes approximately 25,964 sf of emergency shelter and transitional housing, 8,622 square feet of shelter and housing support uses related to the Peace House mission, 2,096 square feet of circulation and back of house uses (mechanical, storage, etc.), and 4,096 square feet. The proposed building also includes a 4,096 square foot parking structure for a gross building size of approximately 41,000 square feet.

On June 4, 2015 the Park City Housing Authority approved an amended Housing Mitigation Plan outlining the affordable housing strategy for the IHC MPD and approved the Peace House as part of that strategy (see Exhibit I).

The June 4, 2015 Housing Authority approval included a condition of approval that future density increases for the IHC Medical Campus at Park City Medical Center will be reduced by 10 AUEs or 8,000 square feet to address the issue that a portion of the Peace House facility is provided as satisfaction of an affordable housing obligation for the Tanger Outlet expansion through the Summit County approvals.

The June 4, 2015, Housing Authority approval also included a condition that if the Peace House ceases operation of their program on Lot 8 prior to 50 years from the date of signing the amended Housing Mitigation Plan agreement, IHC will owe the City 12.5 AUEs.

The Park City Housing Authority is the decision making body responsible for approving a final revised IHC MPD Affordable Housing Mitigation Plan and for determining the number of AUEs the Peace House facility will count for. A final Housing Mitigation Plan will be reviewed by the Park City Housing Authority based on uses, residential units, and square footages of the final approved Peace House CUP.

No changes are proposed to the overall density for the IHC MPD. A Conditional Use Permit (CUP) application was submitted with these MPD Amendments for concurrent review by the Planning Commission for the Peace House facility on Lot 8.

Subdivision of Lot 8

The applicant requests an amendment to the MPD to allow Lot 8 to be subdivided into two lots with the eastern 3.6 acres proposed to be leased to the Peace House as Lot 8 and the western 6.334 acres to become a new Lot 12 retained by the Intermountain Healthcare with no density assigned to it (see proposed subdivision of Lot 8- Exhibit B). A plat amendment application is required and has not yet been submitted. The Commission reviewed this request at the pre-MPD hearings and was supportive of the request.

Amending Conditions #16 and #17 of the October 8, 2014 MPD Amendment approval

The Commission discussed the request to delete Condition #16 and amend Condition #17 at the August 26th 2015 pre-MPD meeting (see Exhibit D).

Condition #16 was left over from the original MPD approval and states that “prior to issuance of a building permit for any future phases of construction, the applicant and Staff shall verify that all items agreed to by the applicant listed in Finding of Fact #21 (of the original approval), as mitigation for the loss of the use of the planned ball field at the Park City Recreation Complex, have been completed.” The applicant and Staff verified that these items were completed and this condition is not necessary and should not be included in the language of the Development Agreement. At the pre-MPD meetings the Planning Commission was supportive of this amendment.

Condition #17 required a parking study to be conducted and presented to the Commission one year after issuance of a certification of occupancy for the next phase of construction (which is the current construction) and described what the study should look at. At the August 26th pre-MPD meeting, the Commission discussed the timing of the parking study and determined that the study was not needed with the Second Phase of construction but should be included with any application for future construction of the Medical Center. At the pre-MPD meetings the Planning Commission was supportive of this amendment.

Staff recommends amending Conditions #16 and #17 of the October 8, 2014 First Amended IHC MPD as follows:

- a) Condition #16 shall be deleted.
- b) Condition #17 shall be amended to state the following: The applicant shall submit a parking study as part of an application for the next Medical Center expansion. The study shall include qualified transportation professionals recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of underutilized parking areas. Along with impacts to street intersections out to and including SR-248.

The **Community Transition Zone** requirements are:

15-2.23-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width and depth as required, and frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private

easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) LOT SIZE. There is no minimum Lot size in the CT District.

Complies. *The total MPD area is 152 acres. The entire Annexation Area is 157 acres. Lot 8 is 9.934 acres and is proposed to be subdivided into two lots with the eastern 3.6 acres to become Lot 8 and the western 6.334 acres to become a new Lot 12.*

(B) FRONT, REAR AND SIDE YARDS. Unless otherwise further restricted by Frontage Protection Overlay standards and/or Master Planned Development conditions of approval, all Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

Complies. *The Peace House facility complies with the 25' setbacks.*

(C) CLEAR VIEW OF INTERSECTION. No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

Complies. *A landscape plan is required with the Conditional Use Permit. Such plan will be reviewed for compliance with this requirement.*

15-2.23-4. DENSITY.

The base Density of the CT District is one (1) unit per twenty (20) acres.

(A) DENSITY BONUS - ONE (1) UNIT/ACRE. The base Density of the CT District may increase up to one (1) unit per acre provided the following standards are incorporated through a Master Planned Development.

The annexation provided a density at 2.64 units per acre utilizing the density bonus of up to three (3) units per acre as outlined below. No changes to the density are proposed with this MPD Amendment. The MPD meets the criteria in (B) below in addition to the following eight criteria:

(1) OPEN SPACE. The Master Planned Development shall provide seventy percent (70%) transfer of open space on the project Site. **Complies.** No changes to the open space area are proposed. With the Peace House facility on Lot the open space for the MPD will be approximately 85%.

(2) FRONTAGE PROTECTION ZONE NO-BUILD SETBACK. The Master Planned Development shall include a two hundred foot (200') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way.

Complies. All development is setback more than 200' from the highway Right-of-Way.

(3) PARKING. Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of forty percent (40%) of the

Master Planned Development's required project parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the forty percent (40%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

Complies. See discussion on (B) (3) below.

- (4) PUBLIC TRANSIT FACILITIES. The Master Planned Development shall include the Development of a public transit hub facility within the Development Area. The Planning Commission may consider waiving this requirement if a Developer/Applicant contributes funding for an existing or proposed transit hub that is located within a close walking distance from a proposed Development.

Complies. Two transit stops are provided on the property; one near the USSA intersection and a second close to the hospital. A sidewalk links the transit stop to nearby buildings, including the proposed Peace House.

- (5) ENHANCED PUBLIC BENEFIT DEDICATION. The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development activity.

Complies. See discussion on (B) (4) below.

- (6) PUBLIC TRAILS AND PEDESTRIAN IMPROVEMENTS. The Master Planned Development shall provide public dedicated pedestrian improvements and enhanced trail connections to adjacent open space and/or public ways.

Complies. Dedication and construction of public trails was a requirement of the Annexation Agreement. The dedication of the trails occurred with the amended subdivision plat. Trails between IHC and the Recreation Complex and to the adjacent Property Reserve Inc (PRI) property to the north were completed with the first phase of hospital construction.

- (7) SENSITIVE LANDS OVERLAY STANDARDS. The Master Planned Development shall comply with all requirements set forth in Section 15-2.21 Sensitive Lands Overlay. **Complies.** The access road crosses two areas of wetlands that were mitigated in conformance with the Army Corp of Engineers permit. No sensitive slopes or ridgelines are identified. The Peace House plans demonstrate that the building can comply with the required 50' buffer from delineated wetlands.

- (8) AFFORDABLE HOUSING. The Master Planned Development provided an additional five percent (5%) Affordable Housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. No additional density is requested at this time and the MPD Amendment is in part to provide the Peace House on Lot 8 in partial fulfillment of the remaining housing obligation. **Complies.** See discussion on (B) (5) below.

- (B) DENSITY BONUS - THREE (3) UNITS/ACRE. The base Density of the CT District

may increase up to three (3) units per acre provided that all Density bonus requirements set forth in Section 15-2.23(A) Density Bonus - One (1) Unit/Acre are met and the following additional standards are incorporated into the Master Planned Development. No changes to density are proposed and these criteria were satisfied with the original MPD.

- (1) OPEN SPACE. The Master Planned Development shall provide eighty percent (80%) open space on the project site.

Complies. With the Peace House facility as proposed, *open space for the MPD area is approximately 85%.*

- (2) FRONTAGE PROTECTION ZONE NO-BUILD SETBACK. The Master Planned Development shall include a three hundred foot (300') Frontage Protection Zone no-build Setback measured from the closest edge of the highway Right-of-Way. The Planning Commission may consider allowing encroachments into the three hundred foot (300') Frontage Protection Zone requirement based on existing Site topography in locating roads and other infrastructure in order to achieve optimum Site circulation.

Complies. *The Hospital is nearly 2,000 feet from the Frontage Protection zone. Only the access road is within the 300 foot requirement, as permitted. No changes are proposed to the existing roads and the proposed Peace House exceeds the 300' no-build setback from the FPZ.*

- (3) PARKING. Parking for the Master Planned Development is subject to the requirements set forth in Section 15-3. A minimum of sixty percent (60%) of the Master Planned Development's required project parking shall be in structured/tiered parking so as to limit the visibility of Parking Areas and parking lot lighting. The Planning Commission may consider reducing the sixty percent (60%) minimum structured/tiered parking requirement based on existing Site topography in locating exterior surface parking to achieve maximum screening of parking from entry corridor Areas and/or to achieve optimum Site circulation and/or shared parking.

Complies. *The parking for the Peace House is divided into 3 separated parking areas. Fifteen spaces are provided in a secure structure, seventeen spaces are in a southern surface lot setback 150' from Round Valley Drive and are screened with berms and vegetation, and twenty five spaces are provided in a northern surface lot setback approximately sixty feet from Round Valley Drive. This lot will also be screened on the north and south with berms and vegetation.*

- (4) ADDITIONAL ENHANCED PUBLIC BENEFIT DEDICATION. The Master Planned Development shall provide the inclusion of public recreation facilities and/or land for public and/or quasi-public institutional Uses reasonably related to the General Plan goals for the Area, and impacts of the Development beyond that provided to achieve a project Density of up to one (1) unit per acre by a factor reasonably related to the Density increase sought.

Complies. *The Annexation and initial subdivision created a lot (Lot 5) and IHC dedicated to the City for additional recreation and open space. This lot is adjacent to the existing Park City Ice Complex. The Medical Support building (25,000 square*

feet), located on Lot 10 was considered a community benefit; for the Peoples Health Clinic and the Summit County health facility. The MPD Amendment does not change these provisions, but adds the provision of a ground lease for the Peace House facility as another public benefit.

- (5) **AFFORDABLE HOUSING.** The Master Planned Development shall provide an additional five percent (5%) affordable housing commitment beyond that required by the City's Affordable Housing Resolution in effect at the time of Application. This is in addition to that provided in Section 15-2.23(A) (8).

Complies. The Annexation Agreement provides for the total requirement of the Affordable Housing, including the additional five percent (5%) required for the density bonus and this amendment does not change the Affordable Housing requirements or density of the MPD. The Peace House facility qualifies to fulfill a portion of the IHC MPD affordable housing mitigation obligation (See Exhibit I for the Amended Affordable Housing Mitigation Plan approved by the Park City Housing Authority on June 4, 2015).

15-2.23-5. MAXIMUM BUILDING HEIGHT.

The maximum zone Building height is twenty eight feet (28') from Existing Grade.

Complies. No building height exceptions are requested for the Peace House CUP.

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.** No changes are proposed to the number of units or Density with these MPD Amendments.

(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 Peace House complies with the 25' setbacks to property lines.

(D) **OPEN SPACE.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space. **Complies.** The annexation identified over 80% of the entire 157 acres as open space. The proposed MPD Amendment adds building floor area within the areas previously disturbed with buildings and/or parking, or proposed to be disturbed with such uses, and located within the outer loop road of the hospital and additional development area is not proposed. With the Peace House CUP the open space is at 85%.

(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.** No changes to required parking spaces are requested.

(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.* **Complies.** No height increase is proposed for the Peace House.

(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.* **Complies.** No changes to the approved MPD site plan are proposed for the Peace House and specific site planning objectives for the Peace House will be reviewed by the Planning Commission with the Peace House. The MPD originally had a similarly sized support medical offices building proposed on Lot 8.

(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. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.* **Complies.** Outside of the immediate area around the hospital and parking areas the existing vegetation is undisturbed. A preliminary landscape plan for the Peace House CUP includes native and drought tolerant plant materials and re-vegetation with appropriate plant materials. Parking lot lighting will be required to meet the City lighting standards. The final landscape plan must be approved by Planning Department staff prior to building permit issuance.

(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.* **Complies.** The Peace House plans demonstrate that they can maintain the required fifty foot buffer from delineated wetlands on Lot 8 and Staff recommended a condition of approval that the wetlands be re-delineated and approved by the Army Corp prior to building permit issuance. A storm water plan is required with the building permit application.

(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.** The annexation agreement identifies the required affordable housing obligations for the IHC

MPD. An amended housing mitigation plan was approved by the Park City Housing Authority on June 4, 2015 (see Exhibit I). The Housing Authority determined that the Peace House qualifies as fulfilling a portion of the required IHC affordable housing obligation as it provides emergency and transitional housing and is a qualifying 301 (c) (3). In addition to the emergency and transition housing and support uses, one affordable caretakers unit is proposed.

*(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.*** Support child care services for residences and employees are proposed as part of the residential support uses for the Peace House facility.

Department Review

The project has been reviewed by the Development Review team of City Departments as well as utility providers.

Notice

On December 30, 2015, the property was posted and notice was mailed to property owners within 300 feet. On December 26, 2015, legal notice was posted on the City website and published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received at the time of this report. A public hearing has been legally noticed for this meeting and the public or interested parties may provide input at this meeting.

Alternatives

- The Planning Commission may approve the MPD Amendments as conditioned and/or amended; or
- The Planning Commission may deny the MPD Amendments and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Future Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of a Conditional Use Permit for the Peace House facility is required prior to construction. Subdivision of Lot 8 is not necessary prior to construction and can be proposed at a later date if the owners desire.

Recommendations

Staff recommends Planning Commission review proposed amendments to the Intermountain Healthcare Master Planned Development (IHC MPD) and conduct a public hearing. Staff has prepared findings of fact, conclusions of law and conditions of

approval for the Commission's consideration. Staff recommends approval of these amendments.

Findings of Fact

1. On November 10, 2015, the City received a complete application for an MPD Amendment for the Intermountain Healthcare Master Planned Development (IHC MPD).
2. The proposed MPD Amendment includes the following items:
 - Allow the Peace House facility to be located on Lot 8 of the IHC/USSA subdivision plat to fulfill a portion of the remaining affordable housing obligation for the IHC MPD. A Conditional Use Permit (CUP) is required prior to building permit issuance. A CUP application was submitted for concurrent review with the MPD Amendment application.
 - Allow Lot 8 to be subdivided into two lots with the eastern 3.6 acres proposed to be leased to the Peace House as Lot 8 and the western 6.334 acres to become a new Lot 12 retained by the Intermountain Healthcare with no density assigned to it. A plat amendment application is required and has not yet been submitted.
 - Add 50 Unit Equivalents (UE) of density as 50,000 square feet of support medical offices/clinics to the overall IHC MPD to be located on Lot 1. **(Note- this item was continued for further analysis and discussion with Staff recommendation to bring it back to the Planning Commission later in 2016.)**
 - Make administrative corrections to conditions #16 and #17 of the October 8, 2014, approval of the First Amended IHC MPD.
 - Include a condition of approval requiring recordation of a Development Agreement to cover all items of the original MPD as well as the First and Second Amendments.
3. The IHC MPD was approved by the Planning Commission on May 23, 2007.
4. A First Amended IHC MPD was approved by the Planning Commission on October 8, 2014, transferring assigned medical support density from Lots 6 and 8 to Lot 1, along with other amendments related to Phase 2 of the Medical Center construction.
5. The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the Second Amended Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility Subdivision (IHC/USSA Subdivision) approved and recorded at Summit County on November 25, 2008.
6. The property is generally located on Round Valley Drive west of US 40 and east of Round Valley in the Quinn's Junction neighborhood of Park City.
7. The approved IHC MPD includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) located on Lot 1 and Support Medical Office space of 150,000 square feet (150 Unit Equivalents) located on Lots 1, 7, and 10.
8. Lot 2 of the IHC/USSA Subdivision plat is dedicated as open space.
9. Lot 3 is not part of the IHC MPD and is the location of the USSA Headquarters and Training Center MPD.
10. Lot 4 was the original location of 28 affordable, deed restricted townhouse units incorporated into the Park City Heights neighborhood during the Park City Heights MPD approval. Lot 4 currently has no designated density and is an open space lot.
11. Lot 5 was dedicated and transferred to the City for future recreation uses.

12. The density initially designated for Lot 6 was transferred to Lot 1 with the First Amendment to the MPD.
13. Lot 7 contains the 25,000 sf medical support office density and is also known as Physician Holdings or MOB (Medical Office Building).
14. The density initially designated for Lot 8 was transferred to Lot 1 with the First Amendment to the MPD.
15. Lot 9 contains a small Questar gas regulating facility.
16. Lot 10 is the location of the Summit County Health Department and People's Health Clinic utilizing 25,000 sf of support medical office density. Summit County has a ground lease from IHC on this lot.
17. Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density.
18. This MPD amendment is being processed concurrent with a Conditional Use Permit application submitted for the Peace House proposed to be located on the eastern portion of Lot 8 with a ground lease to the property from IHC.
19. The Peace House includes approximately 25,964 sf of emergency shelter and transitional housing, 8,622 square feet of shelter and housing support uses related to the Peace House mission, 2,096 square feet of circulation and back of house uses (mechanical, storage, etc.), and 4,096 square feet. The proposed building also includes a 4,096 square foot parking structure for a gross building size of approximately 41,000 square feet.
20. On June 4, 2015 the Park City Housing Authority approved an amended Housing Mitigation Plan outlining the affordable housing strategy for the IHC MPD and approved the Peace House as part of that strategy.
21. The June 4, 2015 Housing Authority approval included a condition of approval that future density increases for the IHC Medical Campus at Park City Medical Center will be reduced by 10 AUEs or 8,000 square feet to address the issue that a portion of the Peace House facility is provided as satisfaction of an affordable housing obligation for the Tanger Outlet expansion through the Summit County approvals.
22. The June 4, 2015 Housing Authority approval also included a condition that if the Peace House ceases operation of their program on Lot 8 prior to 50 years from the date of signing the amended Housing Mitigation Plan agreement, IHC will owe the City 12.5 AUEs.
23. The Park City Housing Authority is the decision making body responsible for approving any amendments to the IHC MPD Affordable Housing Mitigation Plan and for determining the number of AUEs the Peace House facility will count for. A final Housing Mitigation Plan will be reviewed by the Park City Housing Authority based on uses, residential units, and square footages of the final approved Peace House CUP.
24. The IHC MPD is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007.
25. A plat amendment application is required to be submitted for review by the Planning Commission with final action by the City Council in order to subdivide Lot 8.
26. An Annexation Agreement for this property was recorded on January 23, 2007.
27. The Annexation Agreement is currently the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the IHC/USSA

subdivision plat, such as roads, utilities, and trails.

28. The property is located in the Community Transition (CT) Zone.
29. The maximum Building Height in the CT Zone is 28 feet (33 feet with a pitched roof). The IHC MPD provided height exceptions for the Park City Medical Center on Lot 1. The remaining lots are subject to the CT Zone Height. No changes to MPD approved heights are proposed.
30. The proposed Peace House building on Lot 8 complies with the maximum Building Height of the CT Zone.
31. The setbacks within the CT Zone are twenty five feet (25') in the front, rear, and sides. The proposed Peace House building complies with these setback requirements.
32. There is no minimum lot size in the CT Zone.
33. The base density in the CT Zone is 1 unit per 20 acres. Maximum density allowed in the CT Zone for non-residential projects is 3 units per acre provided that all Density bonus requirements set forth in LMC Section 15-2.23 A are met and the additional standards are incorporated into the Master Planned Development. This MPD Amendment does not change the allocated density within the IHC MPD.
34. Eighty percent (80%) open space is required for approved density and this MPD Amendment does not change the total open space within the MPD. With construction of the Peace House facility the open space for the entire annexation area will be at approximately 85%.
35. Trails and linkages to trails as shown on the approved IHC MPD comply with the City's Master Trail Plan. No changes to the trails or linkages are proposed with this MPD Amendment.
36. A pre-MPD application for these MPD Amendments was submitted on September 14, 2014 and reviewed by the Planning Commission on April 8th, August 26th, October 28th, and Nov 11th, 2015. The Planning Commission conducted public hearings on these dates and made findings that the proposed MPD Amendments initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) Zoning District.
37. Green Building requirements are part of the Annexation Agreement and continue to apply to the Peace House CUP.
38. Administrative corrections to conditions #16 and #17, of the October 8, 2014 approval of the First Amended IHC MPD, are included as part of these MPD amendments.
39. Condition #16 was left over from the original MPD approval and states that prior to issuance of a building permit for future phases the applicant and Staff shall verify that all items agreed to by the applicant (as listed in Finding of Fact #21 of the original approval), as mitigation for the loss of the use of the planned ball field at the Park City Recreation Complex, have been completed. The applicant and Staff verified that these items have been satisfied and this Condition is not necessary and should not be included in the language of the Development Agreement.
40. Condition #17 states that the applicant shall conduct and present to the Planning Commission a parking study of the Medical Center site as part of the October 8th Amendments. The Commission discussed the timing of the study and determined that the study was not needed with the Second Phase of construction but should be included with any applications for future construction of the Medical Center.

41. A condition of approval requiring recordation of a Development Agreement to cover items of the original MPD as well as the First and Second Amendments is included as part of this amended MPD.
42. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
9. The MPD amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD amendment, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
2. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Second Amended subdivision plat shall apply.
3. Construction of the Peace House facility on Lot 8 shall be subject to an approved Conditional Use Permit, as well as to all applicable conditions of approval of the MPD, as amended, the Annexation Agreement, and the Subdivision plat.
4. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission within 6 months of final action on the MPD Amendment application.
5. The Development Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings,

conclusions, and conditions of approval of the MPD, included the approved amendments.

6. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.
7. All construction within the IHC MPD is subject to the plat notes and conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008, as well as conditions of approval of the IHC MPD, as amended, including amendments to Conditions #16 and #17 of the October 8, 2014 MPD Amendment approval, as described in #8 below.
8. Conditions #16 and #17 of the October 8, 2014 approval of the First Amended IHC MPD shall be amended, and reflected in the development agreement, as follows:
 - a) Condition #16 shall be deleted.
 - b) Condition #17 shall be amended to state the following: The applicant shall submit a parking study as part of an application for the next Medical Center expansion. The study shall include qualified transportation professionals recommendations addressing the potential impact of reduced parking ratios in future phases and a comprehensive program to increase utilization of underutilized parking areas. Along with impacts to street intersections out to and including SR-248.
9. In order to create a separate lot of record for the Peace House, a plat amendment application would be required to be submitted to the City.

Exhibits

Exhibit A- Proposed MPD Amendments –applicant’s letters of February 15, 2015 and November 15, 2015

Exhibit B- Concept subdivision of Lot 8

Exhibit C- Action letter of October 8, 2014 approved First Amended MPD

Exhibit D- Commission minutes of August 26th, October 28th, and Nov 11th, 2015

Exhibit E- Second Amended IHC/USSA Subdivision plat (current subdivision plat)

Exhibit F- Annexation Agreement (not including the exhibits)

Exhibit G- May 23, 2007 approved IHC Master Planned Development (action letter)

Exhibit H- Site plan with Lots and Tables with Density per Lots

Exhibit I – June 4, 2015 Housing Authority Meeting report and minutes

**PARK CITY MEDICAL CENTER
MEDICAL CAMPUS**

**MASTER PLAN DEVELOPMENT AMENDMENT
PARK CITY PLANNING COMMISSION**

NOVEMBER 10, 2015

Background

The Park City Planning Commission approved an MPD amendment for the Park City Medical Center on October 8, 2014. This MPD amendment was made to facilitate the building of the Medical Support Building attached to the hospital. One of the conditions of approval was for Intermountain Healthcare to return to the Planning Commission within 6 months with a revised affordable housing phasing plan to address options for the location of the remaining approximately 23.3 affordable housing units associated with the MPD. Intermountain Healthcare submitted a pre-MPD application to the Park City Planning Department on February 18, 2015 requesting MPD amendments to:

1. Address part of the affordable housing obligation by leasing land on lot 8 to Peace House for the construction of a new Peace House facility
2. Subdivision of Lot 8 into two lots, the eastern portion of lot 8 to be leased to Peace House, and the western portion of lot 8 to become lot 12 and retained by Intermountain Healthcare
3. Add 50 units of additional density
4. Make corrections to conditions 16 and 17 of the October 8th, 2014 conditions of approval
5. Have a development agreement covering all items of the original MPD and all amendments

On June 4th, Peace House and Intermountain met with the Park City Housing Authority to review the questions about Peace House being considered as affordable housing. The Park City Housing Authority did approve Peace House as an affordable housing use. They also approved 12.5 units of affordable housing that would count towards Intermountain Healthcare's affordable housing obligation for the next phases of construction on campus.

On August 26th, the Park City Planning Commission reviewed the pre-MPD application and approved the concept of Peace House on lot 8 and the corrections to number 16 and number 17 of the conditions of approval from October 8th, 2014.

On October 28th, the Park City Planning Commission reviewed the pre-MPD requests for the subdivision of lot 8 and additional density. The commission accepted the subdivision request and will take formal action at their November 11th meeting. The commission continued the discussion of additional density.



The Planning Commission also requested that Intermountain consider moving ahead with the Peace House, subdivision, and corrections as one MPD amendment, and allow the Planning Commission, the city, and Intermountain more time to address the questions about the additional density request before taking action. Intermountain has accepted the Planning Commission's recommendation, based on the Planning Commission's assurance that the request for additional density will continue to be reviewed in the pre-MPD process, and after that process is concluded, then Intermountain can decide whether to submit another MPD amendment for the additional density. This MPD amendment submission covers the affordable housing request to locate a new Peace House facility on Lot 8, the subdivision of Lot 8, and the two corrections to the Oct 2014 conditions of approval.

Since this application deals just with the Peace House proposal, Peace House and Intermountain have requested that the Planning Department fees for the MPD amendment and the CUP be waived by Park City.

Affordable Housing – Peace House Facility

Intermountain Healthcare is working with Peace House to develop a new Peace House facility. Intermountain is providing the location for the shelter on part of lot 8 of the subdivision at a cost of \$1 per year. Peace House is planning to build a facility with transitional housing, shelter housing and support services. The total project would be about 38,000 square feet. Part of the funding for the Peace House project is coming from Summit County to fulfill other affordable housing requirements. Peace House's agreement with Summit County requires them to start construction by March 1, 2017.

Since Peace House is an affordable housing project, then density is not needed according to the terms of the original annexation agreement. The Housing Authority did note that if additional density is granted to Intermountain, then the density associated with the part of Peace House funded to fulfill off site affordable housing would be counted against any additional density.

The Housing Authority determined that the elements of the Peace House project that fulfill affordable housing for Intermountain Healthcare future phases on the Medical Campus, would count as 12.5 affordable housing units. These units would meet all of Intermountain's affordable housing for the next phase of campus development (estimated to be 9.5 affordable housing units), currently planned for 2019 to 2025. The affordable housing units not needed for the next phase would satisfy part of the full build out phase.

The remaining affordable housing obligation is tied to the full build out phase of the campus development after 2025. Intermountain's plan for any remaining affordable housing AUEs would be to have these units developed off-campus.

Intermountain requests approval of the Peace House project on Lot 8 as fulfillment of the affordable housing requirement for the next phase of development.

Intermountain is offering to Peace House 3.6 acres of buildable land on the eastern portion of lot 8, immediately north of the Summit County Public Health Building. Therefore, lot 8 will need to be subdivided so that the remainder of lot 8 (the wetlands and the portion of the lot west of the trail become a new lot 12) can be retained by Intermountain Healthcare.

The attached exhibit from Great Basin Engineering shows the current Lot 8 with the proposed new lots described as parcels. Parcel 1 on the exhibit is the land that would be named Lot 8 and used by Peace Lot. Parcel 2 on the exhibit is the new lot, to be named Lot 12 and retained by Intermountain Healthcare.

Intermountain requests approval of subdividing lot 8 into an eastern portion to be ground leased to Peace House, and a western portion to be retained by Intermountain.

October 8th, 2014 Conditions of Approval

In the published conditions of approval there were two items that Intermountain Healthcare feels were inaccurate and would like the Planning Commission to correct as part of this application.

Condition #16 – This condition states that staff and the applicant shall verify that all items agreed to by the applicant listed in Findings of Fact #21, as mitigation for the loss of the use of a planned ball field have been completed.

During the hearing, staff acknowledged that Intermountain had completed all the items. This condition was part of the original staff report and not corrected in the final report.

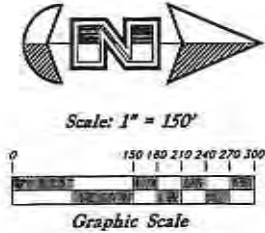
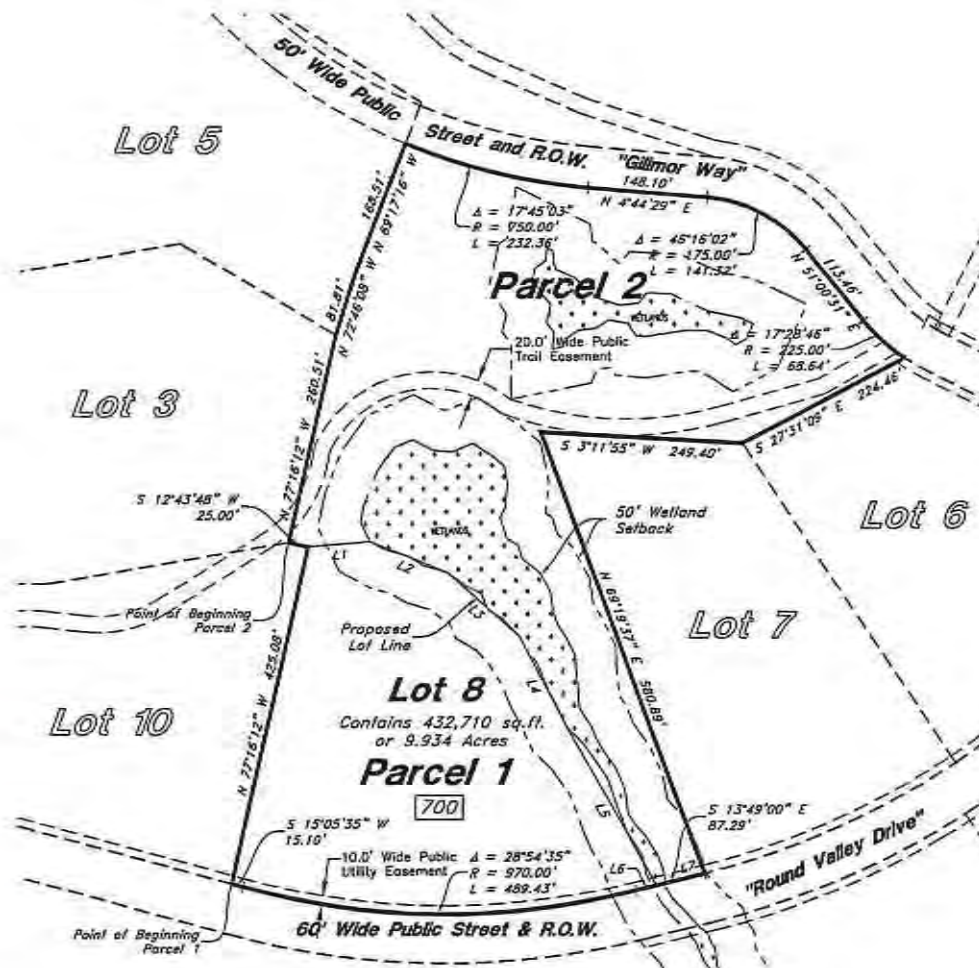
Intermountain requests that condition 16 be corrected to state that Intermountain has completed all the mitigation for the loss of the planned ball field.

Condition #17 – This condition states that the applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site.

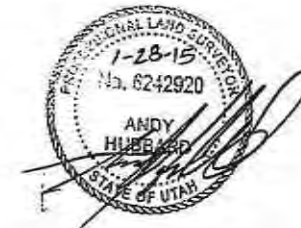
During the hearing, the Planning Commission stated that such a parking study was not needed. This condition was part of the original staff report and not corrected in the final report.

Intermountain requests that condition 17 be corrected to state that a parking study is not needed in connection with the Oct 8th, 2014 MPD amendment.

EXHIBIT B



LINE DATA		
Line	Bearing	Length
L1	N 4°45'05" W	76.55'
L2	N 21°59'07" E	102.66'
L3	N 41°50'31" E	118.44'
L4	N 62°24'38" E	125.65'
L5	N 60°04'52" E	225.33'
L6	S 13°49'00" E	25.92'
L7	S 13°49'00" E	61.37'



Sheet No. 1 of 1

Job Name: Lot 8, Intermountain Healthcare Park City Medical Campus /
USSA Headquarters and Training Facility
Job No: 04/287
Date: 2 Dec, 2014

GREAT BASIN ENGINEERING
1475 E. 1400 S. SUITE 100, PARK CITY, UT 84302
PHONE: 435.266.1000 FAX: 435.266.1001
WWW.GREATBASINENGINEERING.COM



EXHIBIT C

October 28, 2014

Morgan Busch
36 South State Street, 8th Floor
Salt Lake City, UT 84111

Tanya Davis
VCBO Architecture
524 South 600 East
Salt Lake City, UT 84102

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-13-01932
<u>Address</u>	900 Round Valley Drive
<u>Description</u>	IHC Master Planned Development amendment
<u>Action Taken</u>	Approved with conditions
<u>Date of Action</u>	October 8, 2014

On October 8, 2014, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved your application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact:

1. The Intermountain Healthcare Master Planned Development is located on Lots 1, 2, 6, 7, 8, and 10 of the Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility and includes 127 acres. Lot 2 (8.492 acres) is dedicated as open space.
2. The Annexation Agreement and proposed Master Planned Development for IHC includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) and Support Medical Office space of 150,000 square feet (150 Unit Equivalents).
3. The City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area.
4. The applicant requests that the 50,000 square feet of Support Medical Office uses

- identified for Lots 6 and 8 be incorporated within the Medical Center building on Lot 1.
5. The applicant requests that a revised phasing plan be approved for the amended MPD. The amended phasing plan includes phasing of uses (Hospital Uses and Support Medical Office uses, parking, and affordable housing). The amended phasing plan was reviewed by the Planning Commission on October 8, 2014.
 6. The property is located in the Community Transition (CT) zoning district.
 6. The MPD is being processed concurrent with a Conditional Use Permit for the Second Phase of construction.
 7. This property is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007. An Annexation Agreement for this property was recorded on January 23, 2007.
 8. The Annexation Agreement is the Development Agreement for the MPD and sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat, such as roads, utilities, and trails.
 9. A final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County on November 25, 2008.
 10. The Master Planned Development and Conditional Use Permit for Phase Two were submitted for concurrent review and approval.
 11. The maximum Building Height in the CT District is 28 feet (33 feet with a pitched roof).
 12. Additional Building Height is requested as part of this MPD amendment to allow the same height exceptions as were previously approved with the original MPD for Phase 2 construction. The main entry/clerestory is proposed at 15'-4" over the zone height with a chimney at 19'-9" over height. No floor area is increased by these architectural elements. A lobby clerestory (+10'-3") and pitched mechanical screening roof (+16'-7") also are not adding floor area. The two wings that house inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point. The building could meet zone height if spread out further on the site. Because of the need in a hospital for exceptional mechanical systems, particularly air handling, the floor to floor height is 14 feet, as compared to a usual 9-10 feet floor to floor construction in residential and commercial construction. Phase 2 heights are similar to those granted with the original MPD.
 13. Additional building height, as reviewed by the Planning Commission on August 27, 2014 and October 8, 2014, complies with the criteria for additional building height per LMC Section 15-6-5 (F).
 14. The proposed Phase 2 addition is in compliance with the LMC criteria in Chapter 6 regarding additional height that can be granted for a Master Planned Development, specifically, the façade shifts and building articulation, materials, and details create architectural interest and break the building into areas of varying height and mass. Landscaping and setbacks provide mitigation of visual impacts from adjacent properties.
 15. The CT zoning district requires a minimum of 60% of the parking for an MPD to be

provided in a structured or tiered parking configuration. A parking structure is proposed in the rear of the hospital and the applicant is requesting the phased approach for compliance at full build-out continue to apply to this MPD amendment. The initial phase is for 92 structured spaces and 327 surface spaces (419 total). The 92 structured is only 22 percent of the total in the first phase. Following the second phase there would be 304 structured or screened spaces (35.2%) and 863 total spaces. Following the third phase there would be 460 (45%) structured or screened spaces and 1019 total spaces. At final build-out the phasing calls for 855 (60.5 %) structured or screened spaces and a total of 1,414 spaces. The Planning Commission discussed the phase request at the October 8, 2014 meeting. The MPD amendment changes the phasing of the final structured parking due to construction phasing of the of the hospital uses to the final phases.

16. The setbacks within the CT zone are twenty five feet (25') in the front, rear, and sides. The building complies with these setback requirements.
17. Construction is subject to plat notes and all conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat recorded at Summit County on November 25, 2008 regarding trails, access, and utility easements and
18. Trails and linkages to trails shown on the City's Master Trail Plan shall be maintained in accordance with the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended plat and conditions of the Annexation Agreement.
19. A redundant water system is necessary for the health, safety and welfare of the development. IHC paid \$16,000 per ERU to the City for water within 10 business days of the original MPD approval in accordance with Section 8 of the Annexation Agreement. In addition, IHC contributed \$800,000 for development of a second, redundant, source of water as provided in the amended water agreement pursuant to Section 8 of the Annexation Agreement.
20. A signalized intersection with location and associated improvements to State Route 248 approved by the Utah Department of Transportation was finalized with the amended subdivision plat. Other traffic mitigation measures and costs associated with those measures were approved by agreement between parties in accordance with the annexation agreement and have been completed.
21. As part of the initial IHC MPD the following items were agreed to by the applicant as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex for the access road. These items have been satisfied by the applicant:
 - a. IHC was required to pay Park City Municipal Corporation \$50,000 to compensate the city for actual costs the city incurred to prepare the ground for the future ball field.
 - b. IHC was required to pay Park City Municipal Corporation the actual costs incurred by the city for a way finding sign at the junction of Round Valley Drive and the road leading to the recreation complex and the National Ability Center (F. Gillmor Drive).
 - c. IHC was required to pay for and construct an 8' wide paved trail connection on the recreation complex property. This trail connection will

connect: the paved trail at the south west corner of the recreation complex with the paved trail to be built by Intermountain on our property, adjacent to both USSA and the hospital

- d. IHC was required to enter into a shared parking agreement with Park City. The hospital will share up to 300 parking spaces at full build-out on weekends for park and ride lots for city events. IHC and the City will work together to establish a Parking Management and Phasing Plan to manage the use of these 300 spaces and establish a phasing plan for use of fewer spaces prior to full build-out. Intermountain would have the ability to reduce this number through the Management Plan or if both parties agree in writing based on lack of availability through normal use or ultimate build out of the Medical Campus. The Plan would include anticipate use schedule to allow notification of employees when certain lots would not be available for employee use on weekends. (This plan needs to be formalized).
- e. IHC will replace the storm water detention basin that will be removed through the construction of the road.
- f. IHC will construct a temporary, paved driveway from SR 248 to existing Gillmor Drive, as it runs east to west at the south west corner of the recreation parcel, just south of the proposed signalized intersection. This will facilitate temporary access for the NAC and recreation complex while the road improvements and infrastructure are being built. Exact location and design are subject to UDOT and Park City approvals.
- g. It is likely that due to the new road alignment, the City will have to modify the Recreation Subdivision to locate the new Round Valley Drive road within a platted right-of-way. Should this be necessary, the City will coordinate necessary drawings and approvals, but Intermountain will be responsible for the cost of all necessary submittal documents and plats. The amended subdivision, if necessary, would be required prior to issuance of full permits for either USSA or the Hospital.
- h. IHC will design and construct 30 trailhead parking spaces to the reasonable satisfaction of the City Engineer on the Park City Recreation Complex. The exact location will be determined by Park City, but will be in the general vicinity of the approved plan, adjacent to the new road.

22. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

- 1. The MPD amendment, as conditioned, complies with all the requirements of the Land Management Code.
- 2. The MPD amendment, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.

3. The MPD amendment, as conditioned, is consistent with the Park City General Plan.
4. The MPD amendment, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD amendment, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD amendment, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD amendment, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility.
8. The MPD amendment provides amenities to the community so that there is no net loss of community amenities.
9. The MPD amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD amendment, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site.
11. The MPD amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD amendment has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All standard conditions of approval apply to this MPD amendment.
2. All applicable conditions of approval of the IHC/USSA Annexation Agreement shall apply to this MPD amendment.
3. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat shall apply.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required prior to building permit issuance for all construction phases subject to the MPD amendment.
5. 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. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.
6. All exterior lights must conform to the City lighting ordinance and shall be submitted for review and approval with Building Permit plans for construction subject to this MPD amendment. Parking lot lighting shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be indicated on the Building Permit plans and inspected and approved by staff prior to issuance of a certificate of occupancy.
7. All exterior signs require a separate sign permit. Application for a sign permit shall

be made to the Planning Department prior to installation of any temporary or permanent signs.

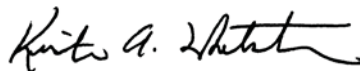
8. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on October 8, 2014, match and/or complement the existing building, and shall be approved by staff prior to building permit issuance.
9. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on October 8, 2014. The Planning Department shall review and approve the final Landscape Plan.
10. Utility and grading plans, including all public improvements, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, to be determined by the City Engineer, is required prior to issuance of a full building permit.
11. A Construction Mitigation Plan must be approved by staff as a condition precedent to issuance of any building permits.
12. A storm water run-off and drainage plan shall be submitted with the building plans and approved by the City Engineer prior to issuance of any building permits, to mitigate impacts on adjacent property. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.
13. Approval of a fire protection plan for the building shall have been made by the Building Official prior to any full 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 building.
14. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
15. Trail access shall be maintained to the greatest extent possible during construction of future phases of the MPD. Any damage to existing paved trails shall be repaired prior to issuance of a certificate of occupancy for each phase of development.
16. Prior to issuance of a building permit for any future phases of construction, the applicant and Staff shall verify that all items agreed to by the applicant listed in Findings of Fact # 21, as mitigation for the loss of the use of a planned ball field at the Park City Recreation Complex, have been completed.
17. One year after issuance of a certificate of occupancy for the next phase of construction the Applicant shall conduct and present to the Planning Commission, a parking study of the Medical Center site (parking utilization for various uses, parking utilization of various lots, use of alternative modes of transportation, etc.). The study shall include professional recommendations addressing the potential impact of reduced parking ratios for in future phases and a comprehensive program to increase utilization of any underutilized parking areas.
18. A Development Agreement specifically for the IHC Master Planned Development, as amended, shall be ratified by the Planning Commission prior to issuance of a building permit for the next phase of development. The Agreement shall reiterate all applicable requirements of the Annexation Agreement, as well as zoning requirements related to findings, conclusions, and conditions of approval of the

MPD. The Development Agreement shall include the revised phasing plan for all future construction and uses, parking, affordable housing, landscaping, and public improvements. The Development Agreement shall include an express reservation of the future legislative power and zoning authority of the City, a copy of the approved MPD plans and any other plans that are a part of the Planning Commission approval, a description of all Developer exactions or agreed upon public dedications, an agreement to pay all specified impact fees; a description of the form of ownership anticipated for the project; and a list and map of all known Physical Mine Hazards on the property.

19. The applicant agrees to return to the Planning Commission, within six months of this approval, with a revised affordable housing phasing plan to address options for the location of the remaining approximately 23.3 AUEs (Affordable Unit Equivalents).

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone".

Kirsten Whetstone
Senior Planner

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

Planning Commission Meeting
August 26, 2015
Page 11

1. 900 Round Valley Drive – Pre-Master Planned Development review for an amendment to the IHC Master Planned Development (Application PL-15-02695)

Commissioner Worel disclosed that her office is located on the IHC Campus; however, that would not affect her ability to discuss and vote on this item.

Planner Whetstone reviewed the request for an amendment to the Intermountain Healthcare MPD. This was a MPD pre-application, which IHC is required to present to the Planning Commission and the public prior to submitting a formal Master Planned Development amendment application. Planner Whetstone explained that the Code tasks the Staff and the Planning Commission with finding that the requested concept is generally consistent with the zone, the existing Master Plan and Development Agreement, and with the General Plan. She noted that the IHC Campus is located in the Commercial Transition (CT) Zone. Planner Whetstone remarked that this pre-application request was being reviewed under the newly adopted General Plan. The Staff had conducted an analysis for compliance with the General Plan.

Planner Whetstone noted that the Staff report outlined five amendments; two of which the Staff was requesting to be continued. The three items for consideration this evening were 1) the Affordable Housing Plan and the question of locating the Peace House on Lot 8; 2) The subdivision of Lot 8 in to two lots; and 4) Administrative adjustments to conditions and the Development Agreement. The Staff report contained background information on the action the Housing Authority took in terms of the Peace House and how it could satisfy a portion of the remaining affordable housing obligation. Planner Whetstone commented on the request to subdivide Lot 8, which is where the Peace House is proposed to be located. It is a large lot and the request is to subdivide Lot 8 into one smaller parcel and one larger parcel; and to provide a lease on the smaller portion for the Peace House. The last item for discussion this evening related to the previous Master Planned Development approval amendment and the Conditional Use Permit that the Planning Commission recently approved. She noted that currently there is only an Annexation Agreement and they would like to turn that into a Development Agreement in order to address all of the issues on the campus.

Planner Whetstone stated that the Staff was requesting continuance on Item 3) a request for an additional 50,000 square feet of density for the Park City Medical Center for support medical uses; and 5) the appropriateness of a Park City Fire District station within the MPD. The Staff needed additional time to research these items and would bring them back to the Planning Commission on September 9th with Findings.

The Staff recommended that the Planning Commission conduct a public hearing on Items 1, 3 and 4 and discuss these items to determine whether or not there is consistency with the General Plan.

Morgan Bush, representing IHC, referred to page 101 of the Staff report regarding the Affordable Housing component. He stated that during a meeting last Fall the Planning Commission requested that IHC do more due diligence and talk about affordable housing for future phases of expansion on the hospital campus. Mr. Bush reported that since that meeting they have been working with Peace House to consider locating Peace House on a portion of the hospital campus. IHC has signed a lease with Peace House for Lot 8. It is a 40 year ground lease with a ten year extension for \$1 a year. He explained that the intent is to use 3.6 acres of Lot 8 on Round Valley Drive, the back loop road that is the fire road that should not be used by the public. They would like to eventually subdivide that portion and retain it as part of IHC property.

Mr. Bush stated that IHC went to the Park City Housing Authority to get questions clarified as to how much affordable housing credit IHC could get for the Peace House. He understood that because Peace House received \$980,000 funding from the County as part of the Tanger Outlet Mall, that portion of the project could not be used by IHC for affordable housing because it was already satisfying another affordable housing obligation. Mr. Bush stated that for the remainder of the project the Housing Authority determined that there were 12.5 affordable housing units that would be available for IHC to use as part of their additional affordable housing. Mr. Bush proposed that those 12.5 units be considered as the next phase of their Affordable Housing; and that it be the only affordable housing placed on this campus. He emphasized that IHC would not want to provide additional residential units on-site because it is not consistent with how the campus works.

Mr. Bush stated that the 12.5 units would meet all of the projected need. As the hospital plans for future expansion in the next three to ten years, they have identified up to 90,000 square feet of additional hospital expansion, and that density already exists under the annexation agreement. However, the affordable housing needs to be provided before IHC can proceed with that expansion. Mr. Bush remarked that IHC was proposing that Peace House be allowed to proceed and be the affordable housing component of the plan for Phase 2 of the hospital expansion projects. In terms of the remaining affordable obligations that would be required for full buildout after 2025, IHC has been talking with the City Sustainability Department regarding the possibility of either participating in an employee support program for affordable housing, or they would have to purchase units in another housing project to satisfy those requirements. Therefore, the intent would be that the remaining 10.8 units of affordable housing associated with the full buildout phase would be provided off campus. Mr. Bush remarked that this was the affordable housing concept

they were proposing in fulfillment of the request by the Planning Commission last fall.

Doug Clyde, representing Peace House, stated that he has been involved in developing the site plan for Peace House. He remarked that it has been a long and cooperative relationship with IHC that meets the needs of the future of the Peace House. Mr. Clyde explained that the mission of the Peace House was changing going forward. Peace house is currently a small 3,000 square foot facility at an undisclosed location. It has been there over 20 years and it works well for the current need of interrupting violence. Mr. Clyde stated that the future of organizations like the Peace House is to provide a more complete facility. The Peace House plan for the IHC campus is to provide a facility that provides not only a short-term interruption of violence, but to also provide a platform for a transition back to normal life. Mr. Clyde stated that in addition to the current short-term component where people stay two weeks to two months, there would also be a larger component of transitional housing in which they would stay one to two years. Transitional housing and the associated support elements do more than just interdict immediate violence. It enables people to put their lives back together.

Mr. Clyde stated that under the proposed plan the emergency shelter portion would move out and expand, there would be twelve units of transitional housing, and a larger amount of support, which includes child care, counseling, recreation facilities, staff for the Peace House, as well as other uses. Mr. Clyde pointed out that it would be a different Peace House in a 40,000 square foot facility.

Mr. Clyde provided a handout outlining the Mission of Peace House, as well as the Overview of the Peace House Community Campus. The back page of the handout contained a site plan for the Peace House. Mr. Clyde explained the process up to this point. They were now selecting a final architect and getting ready to do hard architecture. They would be coming back to the Planning Commission with a conditional use permit application.

Mr. Clyde reviewed the site plan and noted that the space on Lot 8 would give Peace House a public face. People from the street can learn about who they are and it will be a place where their Boards could meet. It will be a place to educate the public as well as protect and transition the victims. Mr. Clyde stated that being in a location with public access is important, but it is also important to be in a location with safe surroundings. He noted that a potential fire station is under consideration, which would be another benefit in terms of safety and security.

Mr. Bush commented on the three conditions from the last MPD meeting. He noted that Condition #16 states that, "The Staff and the applicant shall verify that all items relating to the planned ballfield mitigation had been completed". Mr. Bush stated that it was noted

during the meeting that it had been completed; however, the Condition did not match what was discussed in the hearing. He requested that it be corrected for the record.

Mr. Bush noted that Condition #17 states, "The applicant shall conduct and present a parking study one year after occupancy of the north building". He recalled that it was recommended by Staff, but based on their discussion he understood that instead of doing the parking study now, it should be done in conjunction with the next hospital expansion. Mr. Bush requested that it be corrected for the record.

Mr. Bush stated that Condition #18 relates to a Development Agreement. IHC supports having a Development Agreement that incorporates the Annexation Agreement, the MPD and the two amendments so everything is in one document. It would make it easier for IHC and the Staff to monitor to make sure they were fulfilling all the obligations that were agreed to.

Mr. Bush summarized that the items for discussion this evening were the Peace House, Affordable Housing and the corrections to the Conditions of Approval from October 2014.

Commissioner Worel stated that in looking at the proposed site plan the campus appeared to be fenced. Mr. Clyde replied that there would be multiple layers of security but there would be no perimeter fencing.

Commissioner Joyce wanted to know what would happen with the building if for any reason the Peace House might go away in the future. Mr. Clyde stated that if Peace House were to fail the facility would default to the landlord, and they would be responsible to continue using it to fulfill their affordable housing obligation.

Commissioner Joyce questioned why Peace House had chosen this location for transitional housing when there were no support services in the area other than medical. Mr. Clyde stated that it was a complicated issue. They want a public face but it still needs to be sequestered from the general public. It would be impractical to implement the type of security that Peace House needs inside an urban environment. Transitional housing is a secure site and no outside visitors are allowed, except under special circumstances. In many respects they have to blend the need for different levels of security with how to interface with the public.

Chair Strachan understood that 40,000 square feet was the intended structure. He asked for the number of total AUs. Mr. Clyde replied that without having a hard number on the square footage he estimated approximately 20 AUs. There would be 12 transitional studio units with lockout bedrooms, which would be slightly over 1 UE; and eight emergency shelter units with lockouts as well. However, the emergency shelter units would not have

cooking facilities. Chair Strachan clarified that 12 units would go to the Hospital and 8 units would go to Summit County for a total of 20 AUs. Mr. Clyde answered yes.

Commissioner Joyce noted that the Hospital has been operational for quite a while and the second phase was fast approaching; however, they have not built any of the 28 affordable housing units that IHC was putting in Park City Heights to fulfill their obligation. He understood that part of the delay was tied to delays in Park City Heights. Commissioner Joyce remarked that a few months ago he heard that some of the Park City Heights units were starting to be sold, and that the affordable housing units would be sold over the next five to ten years. Commissioner Joyce found it unacceptable to have a hospital project with an affordable housing commitment that goes from being built and open for years to being expanded without seeing one unit of affordable housing. The Peace House would be the first affordable component primarily because Peace House has a deadline to meet.

Commissioner Joyce understood that the City was doing a lot of work with Affordable Housing, but he was frustrated with the process. Another example was the obligation for worker housing for PCMR that was never built. Commissioner Joyce suggested that the City should begin to require that the affordable housing be built and occupied before a certificate of occupancy is issued for the remainder of the project.

Mr. Bush recalled that Commissioner Joyce had made this same comment at the October meeting. He understood that moving forward IHC needs to have the affordable housing projects or programs in place before they bring plans for any future hospital expansion. Mr. Bush stated that IHC was committed to working with partners in the community to meet their affordable housing obligation.

Commissioner Joyce appreciated that Mr. Bush understood his concern. He emphasized that the problem was not just with the Hospital, and that it was important to establish a policy that would apply to every project with an affordable housing obligation.

Mr. Erickson reported that he and Planner Whetstone were already looking into the delays at Park City Heights. He asked Mr. Bush to explain IHC's agreement with Park City Heights on building the first set of affordable units. Mr. Morgan stated that it goes back to the Annexation Agreement and the agreement that was struck as part of the Annexation. He explained that the IHC Board has said that Intermountain Health Care is not in the housing business and they should partner with other entities to build the affordable housing units. Mr. Bush stated that Burbidge and Ivory Development took the responsibility for the required 44.78 affordable units as part of the Annexation and Sales Agreement for the land. Therefore, IHC has not been involved in the actual Park City Heights projects. He noted that Burbidge had to put up a bond as part of the Park City Heights project, and Lot 4

of the IHC campus was deeded to the City as part of the affordable housing contribution. That was the extent of what IHC was obligated to do under the Annexation.

Mr. Erickson stated that building the affordable housing required of this project was critical and it would be resolved before the City allows the next phase of this pre-master plan. He offered to come back with more specific information for the Planning Commission at the next meeting. In addition, the Commissioners were welcome to visit the Planning Department to discuss the matter. Mr. Erickson agreed with Commissioner Joyce's suggestion to amend the LMC to build the affordable housing units early in the project; and he was willing to have that discussion.

Planner Whetstone noted that the Annexation Agreement was included in the Staff report, and pages 130 and 131 contained a section on affordable housing. Planner Whetstone reported that she was currently working with Rhoda Stauffer, the City Affordable Housing Specialist, on a training program for the Planning Commission regarding the affordable housing resolutions and the program itself. She thought it would be helpful for the Planning Commission to understand the resolutions and all the amendments, and they would schedule that training as soon as possible. Chair Strachan thought it would be helpful if Ms. Stauffer could attend the next scheduled meeting with IHC.

Chair Strachan referred to Ms. Stauffer's report in the Staff report, and noted that the City Council, as the Housing Authority, was asked whether they supported granting the exemption of density for the Summit County units with the understanding that any future density granted would be reduced by those units. He wanted to know how the Housing Authority had responded. Planner Whetstone replied that the Housing Authority agreed that if IHC is successful in gaining density, the County units should be taken from that density. However, it was only their recommendation and the Planning Commission would make the final decision.

Mr. Clyde pointed out that money from Summit County was building some of the density. In looking at the global picture, he thought the City might want to take a more generous view on that issue. The County is spending money to put affordable housing in the City that would service the City and the County. He suggested that it may be unreasonable to tell the County that they need to spend money to buy units to transfer in to cover the affordable housing units the County was building for the City's benefit. He thought there might be a more cooperative way to handle the issue.

Mr. Erickson bifurcated the Lot 8 and Peace House issues this evening. The remaining items would be continued to a future meeting.

Chair Strachan thought the Lot 8 subdivision was tied to the Summit County units and the two could not be separated. Mr. Clyde stated that based on the nature of the lease, Peace House is not dependent on the subdivision of Lot 8. If the subdivision is not approved, Peace House has the entire lot. Mr. Bush remarked that the only entitlement that Peace House is required to get for the lease is the MPD amendment making it a permitted use for affordable housing, and approval of the CUP. Mr. Bush explained that IHC would like to subdivide Lot 8, but it would not affect the lease with Peace House.

Chair Strachan agreed with Mr. Clyde that the City needs to give a little as well. He was concerned about double-dipping where IHC would benefit from both the County and the City's affordable housing obligations. Chair Strachan was uncomfortable with the language in the Staff report stating, "Through agreements with other entities and transfer of development on certain parcels, the housing obligation was reduced by 22.37 AUEs." He thought it emphasized Commissioner Joyce's point about building the affordable units. Chair Strachan understood the give and take between the City and County, but at the same time IHC needed to understand that the Planning Commission expected to see built units. They cannot keep shifting things around and transferring parcels. Chair Strachan anticipated a problem with the subdivision because it could increase the density.

Mr. Bush clarified that the purpose of the subdivision was to enable them to keep the required 80% open space on site. It was not planned for development. Planner Whetstone pointed out that the parcel was mostly wetlands. Mr. Bush reminded the Commissioners that the density on Lot 8 was transferred last Fall; therefore, there is no density on Lot 8. The request for additional density for support medical was an item for a future conversation. Chair Strachan believed the two were intertwined. By giving the Peace House a generous lease of \$1 per year, he assumed that IHC would need to recoup the money somehow by finding additional square footage on a different piece of the campus.

Chair Strachan pointed out that this was a pre-MPD and there would be time to have the necessary in-depth discussions. At this point he could not find anything that would deny their request, but there was still a lot of work to resolve the issues.

Commissioner Thimm referred to a number of places in the report indicating that the Staff was seeking commentary. Mr. Erickson stated that if the Commissioners provided commentary this evening it should focus on Lot 8 and Peace House. He was also interested in hearing their comments regarding affordable housing. Planner Whetstone provided some background on deferments and transfers related to the affordable housing obligation.

Commissioner Band asked Planner Whetstone to walk through the site plan to orient the Commissioners to the entire site and the lots. Planner Whetstone did not have a site plan available, but she reviewed the plat and identified the specific lots and general layout of the site.

Per the questions on page 102 of the Staff reports, Chair Strachan asked if anyone had concerns regarding the location of the Peace House. The Commissioners had no issues. Chair Strachan asked if the Commissioners thought the Peace House was consistent with the General Plan. Commissioner Thimm supported the use. The Commissioners had no issues. Based on previous comments, Chair Strachan tabled the questions regarding the subdivision of Lot 8 to another meeting. The Commissioners concurred.

Chair Strachan reviewed the Conditions of Approval of the October 8th, 2014 approval. Condition #16 addressed the mitigation for the loss of use of the planned ballfield. The Staff report indicated that the Condition was a carryover from the MPD and that the applicant had satisfied the Condition as stated in Finding of Fact #21. The Commissioners were comfortable with the Staff's response.

Condition #17 related to the parking study. Commissioner Joyce recalled a lengthy discussion regarding the parking study. The question at that time was whether the applicant should come back in one year with a traffic study. During that discussion the Planning Commission determined that nothing would change in a year and a study would be pointless. He recalled that the Planning Commission decided not to require a parking study until IHC comes back with a relevant proposal to expand the hospital. IHC would be required to submit a parking study as part of the application for the next expansion. The Commissioners had the same recollection.

Mr. Erickson thought they should include a time threshold when they write the Master Planned Development Agreement and incorporate the Annexation. Mr. Bush suggested that they tie the parking study to the next Hospital CUP. Commissioner Joyce favored that approach because it was more in line with their previous decision. The Commissioners concurred.

Chair Strachan noted that Condition #18 was a Development Agreement question with affordable housing obligations. He suggested that they table the discussion until they have the affordable housing discussion at the next meeting. Mr. Bush was not opposed to tabling the discussion. He remarked that the intent is to have a Development Agreement at the conclusion of this MPD amendment process. He thought it was better to wait until they could have a more detailed discussion and talk about all the potential elements of amending the MPD.

Chair Strachan asked the Commissioners for their thoughts on the question about locating a Park City District fire station within the IHC MPD. Commissioner Band stated that she has been talking to Paul about this for over a year. As a real estate agent she was trying to help him find a parcel because the District is in desperate need of a fire station. They need a lot of space, but they also need to be close to roads and intersections. The Fire District found space on City property but she believed they would rather deal with a private entity if possible. Commissioner Band personally did not think the fire station should be counted as density because it is a public service.

Commissioner Thimm agreed that essential public services should be located when and where they are needed. He noted that part of the question is whether or not the CT zone allows for a fire station use. His reading of the zone is that it allows public and quasi-public, civic and municipal uses; and he believed that a fire station would fall somewhere within that category. Commissioner Thimm stated that it would be a conditional use that would come before the Planning Commission and he would support it. Commissioner Thimm did not think the area of the fire station should detract from the allowed density that was approved.

Mr. Erickson believed the density issue required cross discussion with other City departments and the people who crafted the density equation. The Staff would bring this back to the Planning Commission for further discussion. Commissioner Band wanted to know why the Annexation Agreement had a different density number than the MPD. Mr. Erickson stated that he and the Staff were looking into why that happened. He did not have an answer this evening, but he hoped to be able to answer that question at a later date. Another question he would like to be able to answer is how many unit equivalents are in the Quinn's Junction area total, and how many have been used up by the hospital in this particular development. Mr. Erickson remarked that the Staff would research the background on the UEs and report back to the Planning Commission.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

The Commissioners were prepared to make a motion but needed guidance on how to phrase it.

Based on their discussion, Mr. Erickson suggested that the Planning Commission motion should be to find that the Pre-MPD application was consistent with the General Plan and Zoning for the location and use of the Peace House on Lot 8; Administrative adjustments to

Conditions #16 and #17 in the Development Agreement, but not Condition #18; and for a Park City fire station generally within the MPD as discussed this evening.

MOTION: Commissioner Joyce made the motion as phrased by the Interim Planning Director Bruce Erickson, to find that the Pre-MPD application was consistent with the General Plan and Zoning for the location and use of the Peace House on Lot 8; Administrative adjustments to Conditions #16 and #17 in the Development Agreement, but not Condition #18; and for a Park City fire station generally within the MPD as discussed this evening. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Items 1, 2 and 4

1. On February 18, 2015, the City received a completed application for a pre-Application for a Master Planned Development amendment located at 750 Round Valley Drive.
2. The proposed MPD Amendment includes the following main items:
 - Fulfillment and phasing of the IHC MPD Affordable Housing Obligation
 - Subdivision of Lot 8 into two lots
 - Additional 50 units of density to bring total density to 3 units/acre from the existing density of 2.64 units/acre (continue to Sept 9)
 - Corrections to conditions of the October 8, 2014 approvals (MPD Amendment)
 - Amendment to the Development Agreement
 - Consideration of inclusion of a Fire Station within the MPD (Continue to September 9)
3. A full MPD application, and a Conditional Use Permit for construction of the Peace House, will be required to include a site plan, landscaping plan, a phasing plan, utility and grading plans, traffic and parking study updates, open space calculations, architectural elevations, view shed studies, sensitive lands analysis, affordable housing mitigation plan, soils/mine hazard studies as applicable, density analysis, and other MPD requirements as outlined in LMC Chapter 6, including any additional items requested by the Planning Commission at the pre- MPD meeting.
4. The property is zoned Community Transition (CT).
5. There is no minimum lot size in the CT zone.
6. The base density in the CT Zone is 1 unit per 20 acres. Maximum density allowed in the Community Transition (CT) Zoning District for non-residential projects is 3 units per acre provided that all Density bonus requirements set forth in LMC Section 15-

- 2.23A are met and the additional standards are incorporated into the amended Master Planned Development.
7. The MPD Amendment includes a proposal to locate the Peace house, with transitional housing, shelter housing and support services, to the eastern 3.6 acres of Lot 8 to satisfy 12.5 AUEs of remaining 23.32 AUEs of housing obligation (not including any additional requirements associated with any approved additional density). IHC offers the lot for Peace House use at a nominal cost of \$1 per year as a "ground" lease.
 8. The above affordable housing strategy for the Peace House was approved by the Park City Housing Authority on June 4, 2015.
 9. Access to the property is from Round Valley Drive, a public street.
 10. The property is subject to the IHC/USSA/Burbidge Annexation plat and Annexation Agreement recorded at Summit County on January 23, 2007.
 11. On May 23, 2007, the Planning Commission approved a Master Planned Development for the IHC aka Park City Medical Center as well as a Conditional Use Permit for Phase One. Phase One included a 122,000 square foot hospital building (with an additional 13,000 square feet of constructed, unfinished shell space) with 50,000 square feet of medical offices. Two separate medical support buildings were proposed in the initial phase of development, including the Physician's Holding building on Lot 7 and the People's Health Center/ Summit County Health offices building on Lot 10 (25,000 sf each).
 12. On November 25, 2008, a final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County
 13. On October 8, 2014 the Planning Commission approved MPD amendments for Phase 2 construction. These MPD Amendments transferred 50,000 sf of support medical clinic uses to Lot 1 from Lots 6 and 8 (25,000 sf each).
 14. A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the purpose and uses of the zoning district (CT) in this case.
 15. The CT zone per LMC Section 15-2.23-2 allows for a variety of uses including conservation and agriculture activities; different types of housing and alternative living situations and quarters; trails and trailhead improvements; recreation and outdoor related uses; public, quasi public, civic, municipal and institutional uses; hospital and other health related services; athlete training, testing, and related programs; group care facilities, ancillary support commercial uses; transit facilities and park and ride lots; small wind energy systems; etc.
 16. It was determined at the time of the annexation and approval of the MPD that the Intermountain Healthcare Hospital (aka Park City Medical Center) and associated support medical offices are consistent with the purpose and uses of the zone.

17. The proposed Peace House use is consistent with existing uses and is consistent with the CT Zone and Goals of the General Plan for the Quinn's Junction Neighborhood.
18. The Land Management Code (LMC 15-6-4(B)) describes the pre- Application process for MPDs and MPD amendments.
19. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.
20. IHC is located in the Quinn's Junction neighborhood, as described in the new Park City General Plan.
21. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Uses contemplated for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.
22. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area.
23. Amendments to the IHC MPD are a compatible use in this neighborhood. Development is setback from the Entry Corridor to preserve the open view from SR 248. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.
24. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged and the MPD/CUP for the Peace House will need to describe alternative transportation related to the Peace House operations and residents.
25. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to provide a public location for the Peace House and support the existing IHC uses and mission. The housing proposed is short term transitional housing and emergency shelter housing in support of the Peace House mission.
26. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services. Studies of transit and transportation in

- the Quinn's area will be important in evaluating the merits of the MPD amendments and considerations for permanent bus routes in the area.
27. The IHC and proposed Peace House Lot 8 are located on the City's trail system and adjacent to Round Valley open space and medical services.
 28. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.
 29. With the proposed changes the MPD would require a minimum of 80% open space, excluding all hard surface areas, parking, driveways, and buildings.
 30. The proposed MPD amendments include relocating the existing Peace House to a location where the mission can be expanded and enhanced.
 31. Green building requirements are part of the existing Annexation Agreement and would continue to apply to the Peace House facility.
 32. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.
 33. A primary reason for the proposed MPD amendments is to provide improvements and enhancements to allow the Peace House to relocate to a public location to continue to be successful and to carry out their mission. The proposed transitional housing will complement the shelter.
 34. On April 8, 2015, the Planning Commission opened a public hearing and continued the item to a date uncertain to allow City Staff to work out issues related to the affordable housing obligation. No public input was provided at the meeting.
 35. On August 12, 2015 the property was re-posted and letters were mailed to neighboring property owners per requirements of the Land Management Code.
 36. On August 8, 2015 a legal notice of the public hearing was published in the Park Record and placed on the Utah public meeting website.
 37. On August 26, 2015, the Planning Commission conducted a public hearing and discussed the pre-MPD for the IHC MPD amendment.
 38. At the pre-Application public meeting, the Applicant presented the preliminary concepts for the proposed Master Planned Development. This preliminary review focused on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD.

Conclusions of Law – Items 1, 2 and 4

1. The proposed MPD Amendments to the Intermountain Healthcare Hospital MPD initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) zone.

2. A full MPD application is required to be submitted and reviewed by City Staff with a recommendation provided to the Planning Commission prior to issuance of any building permits for construction related to these amendments.
3. The full MPD application will include typical MPD studies such as an updated traffic/intersection study, updated utility capacity study (including water, sewer, gas/electric, communications, etc.), a revised phasing plan, an affordable housing plan for remaining and new obligation, reports on any additional mine hazard or soils issues for revised building footprints, open space calculations, updated sensitive lands and wildlife reports, Frontage Protection Zone setback exhibit, parking analysis, and public benefits analysis.
4. A Conditional Use Permit application for construction of any phase of development within the MPD will be required prior to issuance of a building permit.
5. Typical CUP requirements include site plan, landscaping plan, phasing of construction, utility and grading plans, storm water plans, parking and circulation plans, open space calculations, architectural elevations and visual studies, materials and colors, specific geotechnical studies, etc.).
6. The MPD will be reviewed for compliance with the MPD requirements as outlined in LMC Chapter 6, the Annexation Agreement, the CT zone requirements, as well as any additional items requested by the Planning Commission at the pre-MPD meeting.
7. Finding a Pre-MPD application consistent with the General Plan and general purposes of the zone, does not indicate approval of the full MPD or subsequent Conditional Use Permits.
8. These findings are made prior to the Applicant filing a formal MPD Application.

The Park City Planning Commission Meeting adjourned at 7:10 p.m.

Approved by Planning Commission: _____

12. The applicant does not have the ability to use the main Dwelling Unit or the Accessory Apartment as a Nightly Rental.

4. **900 Round Valley Drive Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development (Application PL-15-02695)**

Commissioner Worel disclosed that her office is located in the Summit County Health Department Building which is on the IHC Campus, but it would not affect her ability to discuss this item.

Planner Whetstone reported that this item was a pre-master planned development application which requires the Planning Commission to review and find initial compliance with the General Plan. Morgan Bush and Si Hunt, representing Intermountain Healthcare, were present to explain why they were before the Planning Commission with this request, and why they believed the initial concept complies with the General Plan. This item was also noticed for a public hearing. The Staff had prepared draft findings of fact, conclusions of law and conditions of approval for this pre-MPD application to be considered as part of the discussion. No action was expected or required this evening. Planner Whetstone requested that the Planning Commission continue this item to November 11, 2015.

Planner Whetstone reported that the applicants were requesting two amendments. One was the Subdivision of Lot 8 to split the 9.93 acre lot into a 3.6 acre lot, which would remain as lot 8, and create an open space lot from the remaining 6.33 acres, which would be Lot 12. Planner Whetstone noted that Lot 8 was anticipated for the Peace House conditional use permit with a ground lease from IHC. Lot 12 would remain open space.

Planner Whetstone stated that the second request was to increase the density of the MPD. The applicant was requesting the addition of 50 unit equivalents. It would be 50,000 square feet based on the calculation of 1,000 square feet per unit equivalent for support medical offices. IHC originally talked about doing a combination with hospital use. However, a hospital use with this MPD was 1.667 density, which would make the 50 UE approximately 83,000 square feet. The applicant was no longer pursuing that proposal. Planner Whetstone noted that IHC was requesting to put the additional density for support medical on either Lot 1 or Lot 6.

Planner Whetstone stated that prior to submitting for an MPD Amendment, the applicant is required to submit for a pre-MPD to be reviewed by the Planning Commission. The pre-MPD process allows for initial discussion and direction before an applicant gets too far into the design process. However, in this case, IHC was not proposing the actual construction

but rather an amendment to the actual Annexation and Development Agreements that governs the MPD. The pre-MPD process requires a review of the MPD and the zoning, as well as review of the General Plan. Planner Whetstone noted that IHC is in the Community Transition zone (CT).

Planner Whetstone stated that the Staff looked at the General Plan in terms of the Quinn's neighborhood, which identified small town, sense of community and natural setting as items for discussion.

Planner Whetstone stated that if the Planning Commission finds initial compliance with the General Plan, the applicant could then submit the MPD Amendment application for a full review by the Planning Commission and public hearings. Per the Code, if there is not a finding of general compliance the applicant could amend the concept plan or withdraw it. The applicant would also have the option to request a General Plan amendment.

Planner Whetstone reported that the January 2007 Annexation Agreement identifies an allowed density of 2.64 unit equivalents per acre. The Annexation Agreement talks about the entitlement and requirements and uses and lots. Planner Whetstone noted that the Hospital is on Lot 1. Lot 2 in the southwest corner is open space. Lot 5 is the 15 acres of City parcel, which is adjacent to the ice rink and runs on both sides of the street. The USSA is located to the east of Lot 5 and the Summit County Health Building and the People's Health Clinic is located on Lot 10. Lot 8 is to the north.

Planner Whetstone reviewed a table on page 189 of the Staff report that identified the lots, the lot areas and the densities to give the Planning Commission an idea of how the 415 UEs were achieved. The entire annexation lot area was 157.24 acres. The allocated densities were broken down by lot. Planner Whetstone noted that dividing the total lot area calculates to 2.64 UEs per acre. Planner Whetstone presented another table which showed the hospital uses, the support uses and where they are located. The previous MPD amendment moved 25 unit equivalents that were on Lot 6 and 25 unit equivalents on Lot 8 and placed them on Lot 1. Planner Whetstone noted that the 50,000 square feet of support medical offices was currently being constructed. All of the support medical office talked about in the MPD was either already constructed or was being constructed. The hospital has approximately 162,000 square feet or 97 hospital unit equivalents remaining.

Planner Whetstone commented on the Community Transition Zone and noted that the base zoning is one unit per 20 acres. A bonus density allows up to three units per acre for non-residential and one unit per acre for residential if approved.

Planner Whetstone reviewed the goals and strategies in the General Plan for the Quinn's neighborhood. The General Plan also identifies planning principles for the Quinn's area.

Planner Whetstone stated it may require a discussion on whether the General Plan provides the guidance needed to answer the questions. The primary question is whether or not adding 50,000 square feet or 50 unit equivalents to the MPD, which would take the density to the maximum allowed in the CT zone, is consistent with the General Plan. If the answer is yes, the next question is where it should be located. Planner Whetstone stated with all of the density allocated to the 2.64 unit equivalents, there was no density allocated to the 15 acres owned by the City on Lot 5. The agreement specifies that it was dedicated to the City for recreation and open space. Lot 5 is adjacent to the Ice Rink and there have been discussions about a second ice sheet or some other recreation facilities. The question is whether the Planning Commission thinks those types of uses require unit equivalents. Planner Whetstone recalled discussions in the past regarding the fire station and noted that a fire station is a public benefit and does not generate revenue.

Planner Whetstone had reviewed the Code for both the CT and the ROS zone and there was not a requirement for recreation uses to use unit equivalents. The CT zone only talks about commercial and residential unit equivalents. Planner Whetstone stated that Chapter 6 – Master Planned Developments, talks about unit equivalents for residential and commercial uses.

Planner Whetstone requested that the Planning Commission discuss whether the General Plan needed to be amended to provide more guidance on this issue.

Morgan Bush commented on the Lot 8 subdivision and the additional density. He noted that the trail bifurcated Lot 8. He stated that all of the land that IHC would retain in Lot 12 east of the trail was already delineated as wetlands. The west side of Lot 8 has also been delineated a wet lands. The rest of Lot 8 was not wetland. Mr. Bush stated that after further consideration, IHC realized that it was unlikely in the next phase of development that they would want to go through the Corp of Engineers to mitigate the wetland to make the west part of the campus buildable, since Lot 6 has not been built on and there were possibilities on Lot 1. That was the reason for amending the request to ask for additional density on Lot 1 or Lot 6. Mr. Bush emphasized that IHC has no intention at this time to build on Lot 8 because of the wetlands issue.

Mr. Bush noted that the Staff report mentioned the idea of the open space being dedicated. He had not thought about taking that route primarily because in the long term looking to 2050, if they have the need for additional growth and can work out a TDR agreement with the City, the intent would be to contain most of the development within the system, except for the hospital. Mr. Bush stated that in the long term IHC may want to come back with a request for additional density with a TDR to place density on Lot 12. That was the reason why IHC was not intending to dedicate the open space on Lot 12. Mr. Bush was open to considerations on the best way to develop the campus.

Mr. Bush explained that the intent of the subdivision of Lot 8 is to permit Peace House to have the land they need for their project and retain the remainder of the site.

Mr. Bush stated that the north building maxes out the construction of all the medical support on campus, but they still have over half of the allotted density for the hospital. The proposed potential projects for 2018 through 2022 would still only use about half of the 162,000 square feet. Mr. Bush noted that there was still enough hospital density for 2030 and beyond. Initially, they were asking for additional density with maximum flexibility, but the Staff had asked them to be more specific about what was needed and why and when it might be needed. Mr. Bush stated that IHC looked at the needs for additional physicians from now through 2040. The north building will be able to accommodate all current needs plus all future growth needs up to 2020, which will allow IHC to recruit needed physicians to the community for another five years. After 2020 they would run out of office space for physicians.

Mr. Bush remarked that IHC projects the need to add 20 new physicians between 2020 and 2030. As the hospital expands the hospital facilities, there will be a demand for additional physician office space. Of the 20 needed physicians nine are specialists who would definitely want to be housed on campus. Seven of the needed physicians are primary care physicians who could be located on campus or in other locations around the community. Mr. Bush noted that it would actually depend on which physician groups in the community want to grow their practices. If they are Intermountain Health Care physicians they would want to be on campus. Independent primary care physicians could be located with other practices. Mr. Bush stated that four of the needed physicians are hospital-based doctors such as ER doctors, radiologists, and pathologists who would be housed within the hospital and would not need additional medical support space. Mr. Bush remarked that the need to house the 16 additional physicians between 2020 and 2030 was driving the discussion on what it would take to acquire additional density for medical support on campus. The amendment request was amended to focus on the need for the additional physicians. Mr. Bush reiterated that the time frame would be 2020 through 2030.

Mr. Bush stated that IHC was open to having conversations regarding uses, etc., to make sure it fits the needs of IHC and not just a blank check to allow further development that may or may not be consistent with the campus.

Chair Strachan asked why the needs from 2020 to 2030 could not be addressed on Lot 1. Mr. Bush replied that it could be as one option. He explained that the biggest reason for going through this process was to hear whether the Planning Commission had preferences, and to take them into consideration as they work on their application and revise the site plan.

Commissioner Worel asked if the physician practices that are housed within the hospital count as medical support square footage or hospital uses square footage. Mr. Bush replied that the radiology group has an office in the hospital Radiology Department. Pathology has their office inside the hospital because they read specimens from the OR. IHC provides offices for those types of physicians within the hospital space itself. Si Hunt, representing IHC, clarified that all the other uses would be considered medical support. Commissioner Worel assumed the large orthopedic room would be medical support. Mr. Hunt answered yes. Mr. Bush stated that the radiologists, pathologists, ER doctors and anesthesiologists are the only ones who work in the hospital space and do not need separate offices.

Commissioner Worel asked if the 50,000 square feet being requested for support medical offices would come out of the 162,000 square feet for hospital uses. Mr. Bush replied that they were asking for an additional 50,000 square feet. He stated that based on their projections they know that all of the 162,000 square feet of hospital space will be used by 2040.

Chair Strachan understood that the additional 50,000 would satisfy the need until 2050. Mr. Bush answered no because the hospital and physician offices were different needs. He explained that as healthcare was changing the need for hospital services was slowing and the need for outpatient physician services was growing faster. Therefore, the original plan projected to 2040 for the hospital is fine in terms of the approved density. The shortage was on the medical support side because they had to use the density faster than anticipated in trying to grow the medical specialties in the community. Mr. Bush noted that IHC has two hospitals; one in Heber City and one in Park City. Most of the specialists prefer to practice in Park City. If the density is capped, IHC would have to develop different strategies and determine which services would be shifted to Heber City and balance the two campuses on an equal basis. Currently, Park City is the larger hospital and has more demand for services. Mr. Bush stated that this was their opportunity to have a conversation with the City to understand what IHC needs to do in order for the community to feel comfortable having additional density.

Commissioner Thimm thought that 2.64 UEs per acre appeared to be an arbitrary number, and he asked how that number was reached when the original density bonus was put in place. He wanted to know why it was not 3.00 UEs if that was what the basic conditions allow. Planner Whetstone replied that it was a good question and one the Staff has tried to research without success. They looked through Minutes and the language in the Annexation Agreement but there is nothing to indicate why the number was 2.64 UEs; other than the fact that it is stated specifically in the Annexation Agreement.

Mr. Bush recalled that the 330 UEs that were approved for the hospital were based on IHC's best estimate in 2004 as to their long term needs for both the hospital and medical support. The City was willing to grant what they needed, but they did not want to grant extra density that might not be needed. When the projections were calculated the density came out to 2.64 UEs of density. Planner Whetstone pointed out that it also included the 85 unit equivalents for USAA.

Chair Strachan asked Mr. Bush to explain why the medical support could not be within the 162,000 square feet on Lot 1. Mr. Bush stated that the medical support could go on Lot 1, but if they start using the hospital space for medical support, at some point they would run out of hospital space.

Planner Whetstone noted that Exhibit J in the Staff report showed the phasing in terms of already built, being built, and what is proposed for the next phase. Commissioner Campbell asked if the entire 50,000 square feet could go on Lot 1 or whether it had to be spread out to Lots 6, 7 8 and 10. He was told that it could all go on Lot 1. Planner Whetstone asked if the Planning Commission wanted to make that determination now, or if they wanted the applicants to come back with additional information to show how that would look.

The Commissioners and Mr. Bush discussed different scenarios for placing the additional 50,000 square feet on and off of Lot 1. Commissioner Band thought the Planning Commission could decide whether or not it was appropriate to allow the additional 50,000 square feet of density this evening and wait until they could actually see plans to decide where it should be located. It would also allow the applicant the opportunity to decide what worked best for their needs and come back with a proposal.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Campbell did not think the Planning Commission should micro manage where IHC puts the 50,000 square feet. They should have the flexibility to put it all on Lot 1 or to spread it out. Commissioner Band pointed out that the Planning Commission might have a definite opinion about where to locate it once they see the actual proposal. Without seeing a proposal any determination made this evening would be based on assumption. Commissioner Band thought the Commissioners should focus on 1) whether to allow the additional density up to the allowed amount in the zone; and 2) whether it fits within the General Plan, which calls for clustering. Commissioner Campbell believed there was

consensus among the Commissioners to keep the density as tight as possible to keep as much open space as possible.

Chair Strachan stated that if the Planning Commission approved the additional 50,000 square feet and let the applicants decide where to put it, they should not allow it to go on Lot 5 because it would take all the UEs on Lot 5 and the City would not have the ability to expand the ice rink.

Assistant City Attorney McLean pointed out that the UEs are associated with the entire MPD and not individual lots. Chair Strachan read from the Staff report, "If density in terms of UEs is required for construction of a similarly sized public facility, and this additional density is granted to the IHC and utilized on Lot 5, then there would be little to no UEs available for expansion of the hospital and vice-versa." He interpreted vice-versa to mean expansion of the City's public facilities. Planner Whetstone explained her intent when she wrote the Staff report. If the UEs were used on Lot 5 there would be nothing left for the Ice Rink. That was one reason for requesting the discussion on whether or not the General Plan provides enough guidance to say that the City recreation facility requires unit equivalents. Planner Whetstone stated that locker rooms, circulation, etc. are considered support uses. Chair Strachan felt that recreation facilities were definitely UEs because they are an intensive use utilized by the public.

Commissioner Joyce stated that his primary concern was that the CT zone was meant to be very open and under certain circumstances it allows 3 UEs per acre. He believed that adding 50,000 square feet would basically max out for the zoning. Commissioner Joyce noted that Peace House does not count against UEs, but just like the ice rink, the facility exists and it requires parking, power and other components. In addition, they were talking about a fire station and a rec center. Commissioner Joyce was less concerned about meeting the hospital needs and more concerned about solving the whole problem for the entire space. In his opinion all the uses take up UEs. Without counting IHC, the Peace House, the Ice Rink and Fire Station would max out the zone. Commissioner Joyce remarked that the issue was deciding how real is the cap of 3 UEs and whether they were willing to make exceptions for things that do exist and take up space visually and physically.

Planner Whetstone stated that the Agreement is very clear that any affordable housing provided on the site is not counted against the density. That would include Peace House. However, the Housing Authority specifically said that if additional density was granted, the density portion of the Peace House related to the Tanger Outlets requirement that was paid to Summit County and that Summit County provided to Peace House would need to come out of any additional density that was granted. Planner Whetstone clarified that the 8,000 square feet for Peace House would have to come out of the 50,000 square feet.

Commissioner Joyce understood that IHC needed an answer for their long term plans, but he thought the real challenge for the Planning Commission was deciding the long term look for that space and how much density they were willing to tolerate, as well as what the City wanted to do with its parcel. Commissioner Joyce was unsure how the Commissioners could give the applicant a good answer. He asked if the other Commissioners had ideas on how to proceed.

Assistant City Attorney McLean asked for clarification what would happen to the Peace House project if the Planning Commission decided not to amend the MPD. Planner Whetstone replied that even if IHC does not get additional density they would still accept Peace House because of the overall benefit of counting as affordable housing for the Basin. Mr. Bush explained that the condition the Housing Authority place stated that if IHC were granted additional density the UEs would apply. However, if there was no additional density they would accept the project as is. Ms. McLean asked if the 8,000 square feet was calculated in the presentation. Mr. Bush stated that the reason for having this conversation with the Planning Commission was to get clarity so they could begin making better decisions. If they need to bring in a medical office building project for approval, they wanted to know what conditions IHC would have to satisfy in order to have a favorable review.

Commissioner Joyce clarified that if the Planning Commission grants 50,000 square feet they would actually be giving them 42,000 square feet because the other 8,000 would go to Peace House. Planner Whetstone pointed out that IHC would still have an affordable housing obligation after Peace House. Mr. Bush stated that Peace House would take them through the next phase of hospital construction to 2018 through 2022, but they would still have to provide additional affordable housing prior to the final hospital expansion.

Planner Whetstone stated that it was a difficult decision but there were options. They could look at amending their request, amending the zone, or amending the General Plan to provide more clarity. Chair Strachan stated that amending the General Plan was not a good option. It is a long process and he would be uncomfortable amending the General Plan because it was triggered by one specific project.

Commissioner Joyce recommended that they not get bogged down in the details of the implementation. He thought they should try to define what they wanted as an end result and how to achieve it.

Commissioner Worel suggested looking at it in terms of open space since the goal is to have 80% open space. Mr. Bush noted that there is 86% open space with the current plan. Depending on which option they choose for the additional 50,000 square feet, they would

submit the proposed site plan for different options with the MPD application and identify the amount of open space and how they would address the other density bonuses. Mr. Bush stated that there were five requirements: open space, additional community benefit, affordable housing, frontage protection. He pointed out that frontage protection would not apply.

Commissioner Joyce was unsure how the applicant could deal with all the other pieces. Commissioner Band understood the point Chair Strachan and Commissioner Joyce had made about existing buildings, but she did not think IHC should have to take something like the fire station out of their UEs because the fire station is a public benefit. She understood what they were saying because those building do exist. Commissioner Band pointed out that Quinn's is a development node identified as such by the General Plan. If they see that the community needs a fire station or another field house and ice sheet, the question is whether they want to keep density with density. Chair Strachan believed those were the types of structures that warrant the density bonus. He did not think that a highly profitable organization that does not exclusively provide a public benefit should be entitled to a density bonus. In his opinion, when there are competing interests such as a public ice rink versus a for-profit organization like a hospital, the community facilities should win out and they should get the density bonus.

Commissioner Band believed that hospitals are non-profit. She thought the argument could be made that having a nice medical campus is a huge benefit to the community. Chair Strachan remarked that there were competing interests trying to "suck up" the rest of the UEs, and IHC was coming to them first because they projected farther out than any of the other interests. If they give it to IHC because they got there first, they might regret that decision later if something else is needed but the UEs are gone. Commissioner Campbell pointed out that if that were to occur they would have the option to rezone. Chair Strachan replied that it was zoned CT for a purpose.

Assistant City Attorney McLean recalled that this was initially IHC's MPD. She asked if the City was given that acreage as a benefit of the MPD or whether the City purchased it. Planner Whetstone stated that the 15 acres was dedicated to the City with the Annexation, along with Lot 2. Mr. Bush clarified that Lot 2 remained with Intermountain but it was dedicated as open space. Planner Whetstone remarked that the Annexation Agreement specifically says that Lot 5 was dedicated to the City for open space and recreation, but density was never allocated to Lot 5.

Commissioner Campbell struggled with overturning a previous agreement that was made by a previous Planning Commission. However, he did not believe they were bound by the 2.64 UEs per acre since Mr. Bush had indicated that it was a number calculated on a projected need. Commissioner Joyce remarked that once they get past the difference

between 2.63 and 3.00 UEs, they would have maxed out the zone, and now they were mentioning a zoning change. Chair Strachan pointed out that the next zone up was the GC commercial zone.

Mr. Bush stated that when IHC originally proposed the hospital the GC zone was the only zone that would permit a hospital. They did not want to be in the GC zone because it opened it up to neighbors that are not compatible with a hospital. Mr. Bush remarked that the CT zone helps protect the hospital's environment as well as the type of campus they all want.

Planner Whetstone noted that the density language allowed for future expansion but it was not specific. Chair Strachan believed the reason for the 2.64 UEs instead of starting with 3.00 UEs was to allow for a density bonus under certain conditions. Commissioner Joyce pointed out that per the Code, 3.00 UEs is the absolute maximum allowed in the CT zone. He emphasized that going to 3.00 UEs was the bonus for commercial uses.

Planner Whetstone asked whether a fire station would be considered a commercial use. Commissioner Thimm thought the issue was intensity of use rather than type of use. Setting 3.00 UEs as the maximum limits the intensity of use. He agreed with Commissioner Joyce that if they allow 3.00 UEs, the issue is where to locate the additional allocation. Commissioner Thimm suggested that there may have been wisdom in setting the 2.64 number and allowing for additional allocation for other types of uses in the future as the needs became apparent.

Planner Whetstone noted that PCMR and Deer Valley do not require UEs for their locker room, ski patrol, ski school, employee rooms, etc. She thought that should also be considered. Commissioner Band thought it was a good point because those uses exist.

Assistant City Attorney McLean suggested that another discussion point might be whether the Land Management Code needed to be amended to provide guidance.

Chair Strachan noted that the two questions this evening was whether to subdivide Lot 8 into two lots, and whether or not to grant the additional 50,000 square foot density bonus. Based on the comments, he believed the answer was yes on the subdivision and no on the density bonus. He clarified that the density question would be continued for more discussion because nothing had been concluded and potential Code changes were being suggested. Chair Strachan stated that a continuation would allow the applicant to come back with a solid reason as to why IHC needs the additional density over anyone else.

Commissioner Band thought they also needed to have a deeper discussion on UEs and what should count as a UE. She recalled from the previous meeting that the Planning

Commission had decided the fire station should not count towards the UEs because it was a public benefit. Commissioner Joyce had the same recollection. He had searched the Minutes and their discussion about the fire station being for the public good was reflected, but the Minutes said nothing about not counting as UEs. Commissioner Band specifically recalled saying that the UEs should not count for the fire station and that the fire station was not part of the hospital. Commissioner Worel recalled that discussion as well. Commissioner Band thought the Commissioners had agreed that the UEs did not count for the fire station.

Chair Strachan thought it should be a case by case analysis. A fire station does not have a high intensity of use and the UEs allocated to the fire station could be a lesser number. In contrast, a locker room and similar facilities have a much higher intensity of use. Commissioner Band pointed out that currently uses such as locker rooms do not count as UEs which has already set the precedent. Chair Strachan suggested that the Commissioners focus their discussion on the application that was before them this evening, and have a more general discussion at a later time.

Chair Strachan believed the direction to the applicant was that they could not have the density bonus, at least at this stage. Commissioners Band and Campbell did not think they had reached that conclusion. Commissioner Band personally felt that the Planning Commission could not address the density question without first having the UE discussion. She pointed out that if they determine that a locker room and a fire station are zero UEs, then possibly a rec center could also be zero UEs. Commissioner Band agreed with Commissioner Joyce's comment about maxing out the zone because the uses exist; however, those uses have not been counted in the past and if they were not counted now, then IHC could be granted the additional density.

Chair Strachan did not believe they needed to have the UE discussion in the context of this specific application because they knew for sure that what IHC plans do so with the density will take the UEs. Assistant City Attorney McLean stated that the Code is unclear and it could use more clarity in terms of whether those other uses use up UEs. She did not think it was fair to tell this applicant that the City was putting aside some extra UEs for other uses that may or may not need UEs. Ms. McLean thought that should be a different discussion. Chair Strachan pointed out that the Commissioners know for certain that what IHC plans to do with the density uses UEs. He believed the Planning Commission could make a decision based on that fact and provide direction to the applicant.

Commissioner Band agreed with Ms. McLean that if they hold back UEs for uses they anticipate might occur in the future, but those uses do not count as UEs, then they would have denied this applicant for no reason.

Assistant City Attorney McLean suggested that Planner Whetstone come back to the Planning Commission with more history. This is IHC's MPD and if they bring forth a certain amount of development, it would not be fair to withhold density for other uses unless it was part of the initial agreement. Commissioner Joyce noted that the original agreement was exactly the number of UEs that IHC has. The issue was that IHC was asking for more. If they build the UEs they were originally allotted, then they should not be allowed anything more because the additional 50,000 square feet was not part of the agreement. Commissioner Joyce pointed out that the absolute maximum the zoning could support was different than the agreement. The Annexation Agreement and the MPD said IHC could have 2.64 UEs per acre.

Assistant City Attorney stated that the Planning Commission needed to reassess the request for additional density and review it under the Code. There is a provision in the CT zone for additional enhanced public benefit dedication. IHC initially gave it as land, but the provision also talks about the inclusion of public recreation facilities or public and/or quasi-public institutional uses reasonably related to the General Plan Goals. Ms. McLean remarked that the lack of clarity was whether those enhanced benefits require density, whether they need to help pay for it, or dedicate land. Unless it was associated with the other public benefit dedication, she was unsure if the City could step on their MPD and take the UEs that are potentially still available for the zone.

Commissioner Joyce wanted it clear that the density allowed in the Development Agreement was done. Therefore, no one was taking anything away from the applicant or the MPD. The applicant was now asking to open the agreement and get more density. Chair Strachan agreed, noting that their request was under the auspices of the density being allowed in the zone. Commissioner Joyce pointed out that there was a maximum identified in the zone and there were still multiple landowners that might be interested in wanting more UEs than were part of that Development Agreement. Without changing the zoning there were still UEs to be given out. Commissioner Band reiterated that those uses may or may not need UEs. Commissioner Joyce remarked that there was still a pocket of UEs that were left to give out, but no one has a right to them and no one has earned them. He acknowledged that some uses may not require UEs and they may have some left over to give to IHC, but he did not think that should be confused with the fact that IHC, the City or anyone else has earned the right to have them. He reiterated that the only two agreements currently in place was the maximum capacity as defined by the CT zone and the Development Agreement.

Planner Whetstone stated that it was a quandary. The application was submitted in February and the Staff has been researching and discussing it since then. The applicant had asked to bring it to the Planning Commission to get their direction. Planner Whetstone stated that since the agreement was between IHC and the City Council, she asked if the

Planning Commission thought they should take it to the City Council. Commissioner Band did not like the vagueness in terms of what does or does not get a UE. She thought Chair Strachan was correct in saying that the Planning Commission was not prepared to provide direction on the additional density this evening. She personally would like clarity to understand what they were looking at.

Commissioner Joyce agreed that the Planning Commission needed more clarity before making a final decision, but he thought it was a Planning Commission issue and they should work with the Planning Department to get it clarified. If the clarification regarding UEs requires a change to the LMC for more specificity, then the Planning Commission should propose it. He did not believe they needed to involve the City Council. Commissioner Band did not disagree with Commissioner Joyce; however, since the City Council sets the direction she thought it might be beneficial to have them weigh in on the matter.

Planner Whetstone pointed out that if they choose to amend the LMC, it would go to the City Council before it was adopted.

Commissioner Joyce understood that the rush was for the Peace House. He asked Mr. Bush if IHC was in sudden need of the additional density, or whether it would be reasonable to split the subdivision from the density question. Mr. Bush replied that IHC took the opportunity to come before the Planning Commission because Peace House helped get it on the agenda. In talking with the City, IHC also wanted clarity so they could make their decisions. Mr. Bush acknowledged that in order to keep Peace House on schedule, IHC may have to split the issues. However, if that were to occur, IHC would like a game plan for getting answers to address the potential growth scenario for the hospital. Mr. Bush stated that there was no pressing need for IHC to have the density question answered within the next 90 days, but they wanted to make sure it will be heard so they can understand the ground rules and can make good decisions in their planning process.

Commissioner Phillips thought it was good that IHC was forcing the Planning Commission to think long and hard about this and to have that discussion. Mr. Bush stated that clarity would help everyone get the great campus they all desire and it would be a win for everybody.

Commissioner Campbell was willing to give some density in exchange for IHC giving something back to the City. He was not suggesting granting the entire 50,000 square feet, but possibly some additional density for a benefit. Commissioner Campbell asked if there was agreement among the Commissioners for that direction. Having been on the applicant side of the table he understood the frustration of leaving without having something to work with. Commissioner Campbell thought it was important to give the applicant some direction

on what the Planning Commission might be willing to do if the City gets something in return.

Assistant City Attorney McLean noted that this MPD was different because when it was initially annexed there was just a Development Agreement and the MPD was related to that agreement. Planner Whetstone stated that the MPD came in later and went before the Planning Commission.

Commissioner Thimm agreed that there might be some ratio of UEs for other users. He also agreed that some portion of the requested additional density could be given to IHC but he was interested in knowing the gives and gets.

Commissioner Joyce was not ready to give any additional density without knowing what else might come along that would need the UEs. He liked what IHC was proposing and he thought it would be nice to build out on the campus. However, in his mind they need to consider what the City wants to do with its land. Until he has the answers he was not prepared to say how much density he would even be willing to give. Commissioner Joyce felt that IHC deserved an answer and he believed there were things that could be done quickly to resolve some of the issues. He thought it was important to understand the rules of how UEs can be used in different ways or whether it needs to be standardized.

Chair Strachan agreed with Commissioner Joyce, with the exception that he was not willing to give any additional density. He felt confident that the City would eventually need that land for something and he was not willing to give away the UEs.

Commissioner Worel agreed, but she liked the idea of looking at the overall space and determining the use for the entire parcel and not just individual lots. Commissioner Worel believed the UE discussion was necessary so they could apply it not only to what the City might want to do, but also what IHC was doing. She pointed out that they might find they do not need all the UEs once they determine which uses are not a UE. Commissioner Worel favored the idea of having an overall view of what people would like to see happen with that land.

Commissioner Phillips stated that he was not in the position of giving much until they know what they could afford to give.

Commissioner Band stated that she would be inclined to give the additional density if she understood UEs and knew whether or not a fire station or an ice sheet would count as a UE. Commissioner Band would like to see IHC expand their campus, but until she understands UEs, she did not believe there was anything to give.

Commissioner Phillips stated that he also has the desire to see IHC get what they want because ultimately it would create a better campus and a better hospital for future generations.

Mr. Bush appreciated the opportunity to listen to their discussion. It helps IHC understand the issues so they can be a participant with the City in trying to find the right answers. He had learned a lot this evening in terms of how to grow and develop because he better understood the concerns and the issues. Mr. Bush remarked that IHC wanted to continue being a good partner with the City in figuring out a win-win scenario for making Quinn's an icon for how development should occur. Mr. Bush appreciated their time and candor.

Chair Strachan expressed appreciation to Mr. Bush for their cooperation in working with the City. Commissioner Worel suggested that everyone with an interest in that area should be at the table to have that discussion. She asked if there was a process for bringing everyone together. Chair Strachan replied that the City was the only other landowner and they needed to work with IHC to determine everyone's needs. He thought it was important to have representatives from several City departments involved to talk about how to divide up the UEs based on long term projections. Planner Whetstone noted that there was already a task for the ice sheet comprised of staff from different departments.

Commissioner Joyce commented on the importance of defining what counts as a UE. Commissioner Band agreed that it was the number one priority. Commissioner Joyce was concerned that it would still be obscure because it was not defined in the Code. He asked Mr. Bush to continue to use their application to push for a solution.

Commissioner Joyce thought the process should start with the Staff coming back to the Planning Commission with a discussion about UEs, and the Planning Commission could take action to define them correctly. Once that is done, the next step would be for the City to project what they plan for the future because that information is critical in the context of UEs. Commissioner Joyce noted that Mr. Bush had mentioned the possibility of TDRs, but he could see reasons why TDRs may or may not be an option. Commissioner Joyce stated that if they were trying to do strategic planning for the City and IHC, as well as the Planning Commission's strategic plan for that property, they need to think about whether it is a TDR zone. If the answer is if it maxes out the zoning, then it would not be a TDR zone.

Commissioner Band had researched TDRs several years ago and she recalled that there is a density bonus that goes over and above the hard cap in areas designated as a TDR receiving zone. However, the bonus is only from the TDRs and up to a certain point. Commissioner Band explained how she thought they could potentially create a market for TDRs.

Commissioner Worel believed TDRs should be a future discussion. She was more interested in addressing the current issue of UEs. Commissioner Worel suggested a dual track and directing the Staff to come up with a list of who from the City needed to be at the table to participate in that discussion. Commissioner Joyce thought Director Erickson should talk with Diane Foster and let them decide who needed to be involved. Commissioner Band suggested that Ann Laurent, the new Community Development Director, should also be involved. Chair Strachan pointed out that Director Erickson had to leave the meeting early and Ms. Laurent was present and heard their comments. Commissioners Band and Joyce emphasized that the Planning Commission needed to discuss and make a determination on the UEs before bringing others into the conversation.

Assistant City Attorney McLean summarized that the direction was for the Staff to come back with a work session to discuss UEs in the CT zone compared to other zones, with the potential of clarifying the CT zone to specify what uses UEs and what do not. Ms. McLean pointed out that the Code already excludes certain uses from UEs, such as affordable housing. Planner Whetstone noted that on-site affordable housing is always exempt from UEs.

Planner Whetstone stated that IHC could submit an application to amend their MPD to allow the Peace House on Lot 8 and the Staff would revise the Findings specific to Lot 8 and exclude not the density. They could keep the pre-application open for the density or they could close it and submit a new one once the UE question has been resolved.

Mr. Bush wanted to make sure the density question would not drop from the agenda and that there was a plan to keep it moving forward.

MOTION: Commissioner Joyce moved to CONTINUE the MPD pre-application for 900 Round Valley Drive to November 11, 2015; and that the Planning Commission finds initial compliance with the General Plan for the subdivision for Lot 8. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:15 p.m.

Approved by Planning Commission: _____

use of the subject site but rather for public general use.

7. 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. 1893 Prospector Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development
(Application PL-15-02698)

Planner Kirsten Whetstone requested that the Planning Commission review the Central Park City Condominiums Master Planned Development Agreement and consider ratifying this agreement to memorialize the MPD that was approved on July 8, 2015. The MPD was for 11 residential dwelling units within the 110,000 square foot building. The project is located at 1893 Prospector Avenue. Two affordable units are included in the total to meet the applicant's obligation under the Housing Resolution.

The Staff recommended that the Planning Commission approve the Development Agreement. The final form of the Development Agreement would be approved by the City Attorney.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to Ratify the Development Agreement to memorialize the MPD approval granted by the Planning Commission on July 8, 2015 for 1893 Prospector Avenue. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

5. 900 Round Valley Drive-Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development
(Application PL-15-02695)

Planner Whetstone stated that at the last meeting the Planning Commission made a motion to continue the discussion regarding the density issue of the pre-MPD. In a separate motion the Planning Commission found that the pre-MPD complied with the General Plan. However, the Findings of Fact, Conclusions of Law and Conditions of

Approval that the Staff had drafted for the last meeting also included the density. Planner Whetstone had revised the Findings, Conclusions and Conditions specific to the motion that the subdivision of Lot 8 was consistent with the General Plan.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report to memorialize the finding made at the October 28th meeting that the subdivision of Lot 8 was initially consistent with the General Plan and the CT Zone requirements as conditioned.

Director Erickson noted that the Staff was also requesting that the Planning Commission continue the discussion on the additional density to December 9th.

Morgan Bush, representing the applicant, stated that based on a request by the Planning Commission IHC had submitted the MPD application for the Peace House. He reported that IHC Management has approved delaying the MPD application for density until they work through the pre-MPD process.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Thimm recalled a lengthy discussion regarding the 2.64 units per acre that were granted with the overall project. However, the Staff report was now talking about 3.0 units per acre. He asked if there was a reason why it was not consistent.

Director Erickson stated that it was one reason for requesting a continuance. He explained that basically the underlying zone density with public benefits would allow up to three units per acre. The current applied MPD approval was for 2.64 units; however, the applicant has the right to try to provide additional public benefits to allow 3.0 units per acre. Mr. Erickson remarked that since the Staff was still reviewing that information the density issue was bifurcated from the Peace House, which does not require unit equivalents by resolution of the Housing Authority.

MOTION: Commissioner Joyce moved to Ratify the Findings of Fact, Conclusions of Law and Conditions of Approval that memorialize the motion made on October 28th, 2015 that the request to subdivide Lot 8 is in initial compliance with the General Plan and CT Zone requirements. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE to December 9, 2105 the Pre-Master Planned Development discussion and public hearing regarding a request to add 15 UEs of support medical office use to the Intermountain Healthcare Master Planned Development. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Joyce recalled in the previous discussion talking about City uses of the potential UEs and IHC uses. He noted that their discussion did not include the Ski and Snowboard Association, the Summit County Health Building or other property owners who potentially may want to expand. Director Erickson stated that those facilities were included in the Staff discussions in terms of deciding whether or not unit equivalents are the correct currency of measure for that MPD; and if they are correct, whether to adjust the zoning to allow more unit equivalents in the CT zone or make some other adjustment to the LMC. Mr. Erickson pointed out that it was a complex process and it was one of three alternatives they were considering.

Findings of Fact - Subdivision of Lot 8

1. On September 21, 2015, the City received a revised application for a Pre-Master Planned Development application for amendments to the IHC Master Planned Development to subdivide Lot 8 into two lots, Lot 8 would become 3.6 acres to provide a separate lot for the Peace House and Lot 12, created from the remaining 6.33 acres, would be dedicated as an open space lot, preserving wetlands and open space within the MPD.
2. The property is zoned Community Transition- Master Planned Development (CTMPD).
3. There is no minimum lot size in the CT zone.
4. Access to the property and to Lot 8 is from Round Valley Drive, a public street.
5. The property is subject to the IHC/USSA/Burbidge Annexation plat and Annexation Agreement recorded at Summit County on January 23, 2007.
6. On May 23, 2007, the Planning Commission approved a Master Planned Development for the IHC aka Park City Medical Center as well as a Conditional Use Permit for Phase One construction.

7. On November 25, 2008, a final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County.

8. On October 8, 2014, the Planning Commission approved MPD amendments for Phase 2 construction. These MPD Amendments transferred 50,000 sf of support medical office uses to Lot 1 from Lots 6 and 8 (25,000 sf each).

9. An amendment to the IHC Master Planned Development (MPD) requires a Pre-MPD application and review for initial compliance with the Park City General Plan and the purpose and uses of the CT Zoning District as described in Land Management Code (LMC 15-6-4(B)).

10. The CT zoning district, per LMC Section 15-2.23-2, allows for a variety of uses including conservation and agriculture activities; different types of housing and alternative living situations and quarters; trails and trailhead improvements; recreation and outdoor related uses; public, quasi-public, civic, municipal and institutional uses; hospital and other health related services; athlete training, testing, and related programs; group care facilities, ancillary support commercial uses; transit facilities and park and ride lots; small wind energy systems; etc.

11. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.

12. IHC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.

13. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Sensitive wetland areas

should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed uses.

14. Uses contemplated in the Joint Planning Principles for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

15. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood as the development will be located on existing lots, setback from the Entry Corridor to preserve the open view from SR 248, and the impacts of parking and traffic can be mitigated per requirements of the CT zone, pedestrian connections can be maintained and enhanced by providing additional trails and open space, and the architectural character can be maintained with authentic materials and building design required to be compatible with the existing buildings.

16. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.

17. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to ensure that the Medical Campus can continue to serve the needs of the community into the future.

18. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services as a benefit for all of the uses in the area. Studies of transit and transportation in the Quinn's area will be important in evaluating the merits of the MPD amendments and considerations for permanent bus routes in the area.

19. The Medical Campus is located on the City's trail system and adjacent to Round Valley open space.

20. Natural Setting Goals of the General Plan include conserving a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

21. Green building requirements are part of the existing Annexation

Agreement.

22. On August 26, 2015, the Planning Commission conducted a public hearing and discussed the pre-MPD application and took action on the request to locate the Peace House on the eastern portion of Lot 8 as partial fulfillment of the affordable housing obligation for the Medical Campus.

23. On August 26, 2015, The Commission continued discussion on the proposed amendments regarding the subdivision of Lot 8 and the request for additional density.

24. On September 21, 2015, the applicant submitted a revised application regarding the subdivision of Lot 8, stating that Lot 12 would be an open space lot, and requested the 50 UE of density be restricted to Support Medical Uses to be located only on Lots 1 and 6.

25. On October 10, 2015, a legal notice of the public hearing was published in the Park Record and placed on the Utah public meeting website.

26. On October 14, 2015, the property was re-posted and letters were mailed to neighboring property owners per requirements of the Land Management Code.

27. On October 28, 2015, the Planning Commission found the proposal to subdivide Lot 8 per the revised application, to be in preliminary compliance with the General Plan. The Commission continued the density issue to November 11, 2015.

Conclusions of Law - Subdivision of Lot 8

1. The proposed MPD Amendments to the Intermountain Healthcare Hospital MPD initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) zone.
2. These findings are made prior to the Applicant filing a formal MPD Application.
3. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood.

4. Finding a Pre-MPD application consistent with the General Plan and general purposes of the zone, does not indicate approval of the full MPD or subsequent Conditional Use Permits.

Conditions of Approval - Subdivision of Lot 8

1. The full MPD and Conditional Use Permit applications are required to be submitted for review and approval by the Planning Commission prior to issuance of any building permits for construction related to the Peace House on Lot 8.

2. The MPD will be reviewed for compliance with the MPD requirements as outlined in LMC Chapter 6, the Annexation Agreement, the CT zone requirements, as well as any additional items requested by the Planning Commission at the pre-MPD meeting.

3. The plat amendment to subdivide Lot 8 will include Lot 12 as a platted open space lot.

6. **Sign Code changes to increase clarity, bring the Code into compliance with recent US Supreme Court decisions and provide for developed recreation area freestanding signs.**

Planning Technician, Makena Hawley, reported that in July 2015 the Planning Department began research to make changes and clarifications to Title 12, the Park City Sign Code. Since then the US Supreme Court Decision with Reed v Gilbert presented the need for cities to amend their sign codes in order to bring them into compliance to support neutral content based regulations.

Ms. Hawley stated that the Planning Commission was tasked with three separate recommendations this evening. The first is a recommendation to amend Title 12 to bring it into compliance with the Supreme Court decision. The second is a recommendation for amendments Chapters 2 and 9 creating greater allowances for free-standing signs in developed recreation areas. The third is a recommendation for amendments through Title 12 making minor changes for clarity and style.

Ms. Hawley introduced Assistant City Attorney Tricia Lake and Law Clerk Aaron Benson who would be giving a presentation this evening. The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

[illegible]

APPROVAL AS TO FORM
on the form on file 28th day of November, 1988.
[Signature]
State Dry Office

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
Reviewed for compliance by Snyderville Basin Water
Reclamation District on 12/28/88
on 800 1st day of Dec.
[Signature]
S.B.W.R.D. Authorized Personnel

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When recorded, please return to:

PARK CITY MUNICIPAL CORPORATION
City Recorder
P O Box 1480
Park City UT 84060

and to:

Guy P. Kroesche, Esq.
STOEL RIVES LLP
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Salt Lake City, Utah 84111

and to:

Charles R. Brown, Esq.
CLYDE SNOW SESSIONS & SWENSON
201 South Main Street, Suite 1300
Salt Lake City, Utah 84111

and to:

Ira B. Rubinfeld, Esq.
RAY QUINNEY & NEBEKER
36 South State Street, Suite 1400
Salt Lake City, Utah 84145

ENTRY NO. 00802747

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORPORATION



ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT (this "Annexation Agreement") is made by and between Park City Municipal Corporation (hereinafter, the "City") and Burbs, L.L.C., a Utah limited liability company (hereafter, the "Petitioner") to set forth the terms and conditions under which the City will annex certain land owned by the Petitioner, consisting of approximately 157 acres and located in unincorporated Summit County, Utah, at the northwest corner of State Road 248 and Highway 40 (as further defined below, the "Property"), into the corporate limits of the City and extend municipal services to the Property. This Annexation Agreement is made under authority of §§ 10-2-401 et. seq. of the Utah Code, Annotated 1953, as amended, and shall serve as a supplemental annexation policy declaration when executed by all parties.

WHEREAS, the Petitioner entered into that certain Real Estate Acquisition Agreement, dated as of October 21, 2004, as amended by that certain Amendment to Real Estate Acquisition Agreement, dated as of October 21, 2005, as further amended by that certain Second Amendment to Real Estate Acquisition Agreement, dated as of October 27, 2005, as amended by that certain Third Amendment to Real Estate Acquisition Agreement, dated as of April 27, 2006, as amended by that certain Fourth Amendment to Real Estate Acquisition Agreement, dated as of August 11, 2006, as amended by that certain Fifth Amendment to Real Estate Acquisition Agreement, dated as of August 25, 2006, as amended by that certain Sixth Amendment to Real Estate Acquisition Agreement, dated as of September 27, 2006, as amended by that certain Seventh Amendment to Real Estate Acquisition Agreement, dated as of October 27, 2006, and as amended by that certain Eighth Amendment to Real Estate Acquisition Agreement, dated as of November 30, 2006, (collectively, the "Real Estate Acquisition Agreement"), for the sale of a portion of the Property (the "Intermountain Healthcare Property") to IHC Health Services, Inc., a Utah nonprofit corporation ("Intermountain Healthcare");

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WHEREAS, the Petitioner has previously notified to the United States Ski and Snowboard Association, a Utah nonprofit organization (the "USSA"), that the Petitioner desires to donate five (5) acres of the Property (the "USSA Property") to USSA, and USSA is willing to accept such donation;

WHEREAS, in furtherance of the foregoing, the Petitioner desires to annex the Property into the corporate limits of the City and, to that end, an annexation petition (the "Annexation Petition") for the Property was filed with the City on November 3, 2004, and accepted by the City on November 18, 2004;

WHEREAS, in connection with any such annexation (the "Annexation"), the Property is proposed to be zoned Community Transition District - Master Planned Development ("CT-MPD"), a new City zoning district that allows for a community hospital/medical facility, support medical offices, public/quasi-public institutional uses, United States Ski and Snowboard headquarters and a sports training complex, public recreation uses, affordable/employee housing, and open space land uses on the Property;

WHEREAS, to these ends, the City has issued certain Findings and Conditions with respect to the Property, which are attached as Exhibit "A" (the "Findings and Conditions");

WHEREAS, the parties understand, acknowledge and agree that the Annexation of the Property is conditioned upon, among other matters, the satisfaction of the terms and conditions set forth in the Findings and Conditions and this Annexation Agreement, as well as the completion of the master plan development for the Intermountain Healthcare Property or the USSA Property, as the case may be (in either case an "MPD") and subdivision (the "Subdivision") of the Property, all to the satisfaction, in their respective discretion, of the Petitioner, Intermountain Healthcare, USSA, and the City, as applicable, and as evidenced by the Subdivision plat for the Property (as accepted by the City and filed in the official real estate records of Summit County, Utah, the "Subdivision Plat"); and

WHEREAS, except as otherwise defined herein, capitalized terms shall be as defined in the Findings and Conditions;

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of the City's agreement to annex the Property and in consideration of the mutual promises contained herein, as well as the mutual benefits to be derived herefrom, the parties agree that the terms and conditions of Annexation shall be as follows:

1. **Property.** The Property to be annexed is approximately 157 acres in size, as depicted on the annexation plat attached as Exhibit "B" (the "Annexation Plat") and as more fully described in the legal description attached as Exhibit "C."

2. **Zoning.** Upon Annexation, the Property will be zoned CT-MPD, as shown on Exhibit "B."

3. **Master Plan Approval; Phasing.** Pursuant to Land Management Code Section 15-8-3 (D), an application for a Master Planned Development of the Property (as submitted, the "MPD"), a copy of which is attached as Exhibit "D," was filed with the City on November 3, 2004, and accepted by the City on November 18, 2004. This Annexation Agreement does not represent approval or vesting of the MPD. Rather, the MPD and the use and development of the Intermountain Healthcare Property and the USSA Property shall be governed by the zoning designations provided herein and, consistent with this Annexation Agreement and the Findings and Conditions, shall be finalized (and, as necessary, amended) as soon as reasonably practicable following completion of the Annexation pursuant to Utah Code Annotated § 10-2-425(5) (as applicable to the Intermountain Healthcare Property, the USSA Property or the remainder of the Property, the "Final MPD").

Any substantive amendments to the MPD or this Annexation Agreement shall be processed in accordance with the Park City Land Management Code. Further, as part of the MPD review and approval process, again consistent with this Annexation Agreement and the Findings and Conditions, the phasing of the development of the Intermountain Healthcare Property or the USSA Property, as the case may be, shall be determined, to ensure the adequacy of public facilities that may be required to support any such development.

4. **Trails.** A condition precedent to the Annexation and the Final MPD for the Intermountain Healthcare Property or the USSA Property, as the case may be, is the grant to the City of public easements (collectively, the "Trail Easements") for the construction of non-vehicular pedestrian trails (collectively, the "Trails"), the location, width and use of which shall be determined during the MPD review and approval process, and which shall be documented in one or more development agreements for the Intermountain Healthcare Property the USSA Property, as the case may be, or any portions thereof (in any case, a "Development Agreement"). The Trail Easements shall include, but are not limited to, those easements necessary to extend and/or relocate certain of the existing non-vehicular pedestrian trails to connect to other public trail easements existing on adjacent properties. Any obligations with respect to the construction of any such trails shall be governed by the terms and conditions of the Development Agreement for the USSA Property, the Intermountain Healthcare Property or any other part of the Property, as the case may be, and, further, unless otherwise provided in any such Development Agreement, shall be the responsibility of the owner of the USSA Property, the Intermountain Healthcare Property, or any other part of the Property, as the case may be.

5. **Fire Prevention Measures.** Because of significant wild land interface issues on the Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, and to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes.

6. **Roads, Road Design and Access.** All streets and roads within the Property shall be designed according to the City's road design standards and, as soon as reasonably practicable following the construction thereof (to the extent, as determined during the MPD review and approval process, to be dedicated to the City), shall be dedicated to the City for purposes of public thoroughfares and, upon acceptance thereof by the City, the maintenance and repair thereof by the City. Until such time as any such streets and roads shall be dedicated to, and accepted by, the City pursuant to the City's applicable ordinances governing any such dedication, maintenance and repair of all such streets and roads shall remain with the Petitioner (or, as specified in connection with any such assignment, its assigns). All roads and streets within the Property shall be not less than thirty feet (30') wide, back of curb to back of curb, unless, consistent with this Annexation Agreement, applicable City ordinances and the Findings and Conditions, otherwise reduced by the City for pedestrian traffic calming or other public purposes. The terms and conditions of grading and constructing access roads and streets across any City property shall be agreed to as part of the MPD review and approval process.

Notwithstanding any other term or condition of this Annexation Agreement and as and to the extent reasonably necessary or appropriate for, consistent with this Annexation Agreement and the Findings and Conditions, use of the Intermountain Healthcare Property, the City, without additional consideration therefor, agrees to (a) by means of (i) a publicly-dedicated roadway and/or (ii) a nonexclusive, perpetual easement and right of way for the benefit of the Intermountain Healthcare Property, provide access to and from the Intermountain Healthcare Property to State Road 248 in Summit County, Utah (all as shown on attached Exhibit "E" road design plan, prepared by Horrocks Engineers on November 6, 2005, and approved by the City Engineer), for main and primary vehicular and pedestrian access (the "Main Access Roadway"), and (b) by means of a nonexclusive, perpetual easement and right of way for the benefit of the Intermountain Healthcare Property, provide access to and from the Intermountain Healthcare Property for emergency and secondary vehicular and pedestrian access (the "Secondary Access

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Easement"). The Main Access Roadway and the Secondary Access Easement each shall be not less than thirty feet (30') wide, back of curb to back of curb, exclusive of any sidewalks or other improvements and, further, shall be in such locations as shall be mutually acceptable to the City and Intermountain Healthcare. Except as and to the extent consistent with the use of the Intermountain Healthcare Property (and as, to the extent practicable, confirmed in connection with the sale and acquisition of the Intermountain Healthcare Property), neither the Main Access Roadway nor the Secondary Access Easement shall be subject to any use restrictions, conditions, limitations, or encumbrances (other than, to the extent the Secondary Access Easement shall not be on the City's property, general property taxes or assessments not yet due and payable) and, in addition, shall provide insurable access to and from the Intermountain Healthcare Property; provided, however, that, as specified during the MPD review and approval process, a locked gate may restrict use of the Secondary Access Easement to emergency and fire use only.

The Petitioner (or, except as otherwise may be agreed in writing in connection with any such assignment, its assigns) shall not have any obligation or liability for the Main Access Roadway or the Secondary Access Easement until review and approval by the City of the Final MPD. The City further agrees that roadway and street construction costs and expenses incurred by the Petitioner (or its assigns) shall be credited against any other impact or other development fees and costs for which the Petitioner (or its assigns) may be liable by reason of this Annexation Agreement or, consistent with the Findings and Conditions, otherwise with respect to the Intermountain Healthcare Property, the improvement of State Road 248, or the USSA Property, including without limitation any costs or expenses incurred in connection with the obligations under Section 17, below. The Petitioner (or, as specified in connection with any such assignment, its assigns) may require other or third parties to enter into a latecomer's agreement to reimburse the Petitioner for a portion of its costs in extending roads, traffic infrastructure and access to the Property.

7. **Sanitary Sewer, Line Extensions and Related Matters.** Construction and alignment of the sanitary sewer shall be determined as part of the MPD review and approval process. The preferred alignment of the sanitary sewer shall be that which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District. Further, as part of a Development Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall enter into a latecomer's agreement to reimburse the City for a portion of its costs in extending sewer facilities adjacent to the Intermountain Healthcare Property or the USSA Property, as the case may be.

8. **Water Rights and Water Source Capacity.** The Petitioner (or, as specified in connection with any such assignment, its assigns) hereby agrees to purchase culinary water and, as appropriate, irrigation water from the City, subject to the provisions of this Section 8. The City shall and hereby agrees, upon payment therefor as specified in and contemplated under this Section 8, to provide such culinary water and, as appropriate, irrigation water, as shall be sufficient to meet the projected peak daily water demand for (a) the Intermountain Healthcare Property, which the parties understand, acknowledge and agree is 101,528 gallons per day at full build-out (the "Intermountain Healthcare Peak Water Demand") and (b) the USSA Property, which the parties understand, acknowledge and agree is 8,759 gallons per day at full build-out (the "USSA Peak Water Demand"). The Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to pay the City for such water in the amount of SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000) per Equivalent Residential Unit ("ERU"), inclusive of (i) a proportionate share of any capital costs incurred by the City through the Snyderville Importation Project, (ii) any water share acquisition costs for water from the Weber Basin Water Conservancy District, (iii) a proportionate share of any water treatment costs based on the Intermountain Healthcare Peak Water Demand and the USSA Peak Water Demand, (iv) any City water impact fees therefor, and (v) any City water connection impact fees (collectively, the "Water Cost").¹ Such Water Cost, respectively, shall be paid to the City within ten (10) business days following the Final MPD. Based

¹ The Water Cost was calculated by the City, as shown on attached Exhibit "G."
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upon the peak water demand figures submitted to the City by Intermountain Healthcare and the USSA, at the City's request, the City calculated and hereby confirms that, the number of ERUs respectively, is equivalent to 63.455 ERUs and 5.47 ERUs.

The City shall not be obligated to provide any water in excess of (A) the Intermountain Healthcare Peak Water Demand for the Intermountain Healthcare Property and (B) the USSA Peak Water Demand for the USSA Property and, notwithstanding any other term or condition hereof, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall not be obligated to pay any amounts in excess of SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000) per ERU. Further, the Petitioner (or, except as otherwise may be agreed in writing in connection with any such assignment, its assigns) and the City agree to enter into a separate agreement, mutually acceptable to the parties thereto, which shall document and provide for the implementation of the material terms of Sections 8, 9, and 10 of this Annexation Agreement, before the Final MPD; provided, however, that the Petitioner (or its assigns) shall not have any obligation or liability to purchase any water from the City until after the Final MPD. The Petitioner (or, as specified in connection with any such assignment, its assigns) is separately responsible for any redundant water rights, source capacity and/or systems as may be required in connection with the use and development of the Intermountain Healthcare Property or the USSA Property, as the case may be, and as required by applicable laws, rules or regulations relating thereto.

In conjunction with the construction of the Units by Petitioner on the City Donated Parcel or the Alternative Affordable Housing Location, as further described in Section 11, the City agrees that it will provide culinary water and, as appropriate, irrigation water, as shall be sufficient to meet the projected peak daily water demand for the Units, as ultimately determined by Petitioner and the City and approved for construction by the City. Petitioner agrees to pay to the City normal and customary charges for such water, which Water Cost shall not be in excess of the Water Cost to be paid the City for water to the Intermountain Healthcare Property and USSA Property, as set forth above in this Section 8.

9. **Water Impact Fees and Credits.** The City confirms that the total water impact fee was calculated by the City in the same manner and in the same comparative amount as with other developments within municipal boundaries. Any applicable credits that the Petitioner (or its assigns) may be eligible for will be determined by the City in the same manner and in the same comparative amount as with other developments within the City.

10. **Other Water Facilities, Infrastructure and Systems Costs.** As a condition precedent to the effectiveness of this Annexation Agreement, certain water facilities and systems, including an upgrade to the Fairway Hills pump station, shall be required to be constructed to service the Intermountain Healthcare Property and the USSA Property, and, to the extent to be dedicated to the City, easements therefor granted to the City, all of which shall be determined, and agreed to, by the affected parties and the City during the MPD review and approval process (the "Water Facilities and Systems"). Any and all such Water Facilities and Systems shall be constructed in accordance with specifications reasonably required by the City Engineer. Notwithstanding any term or condition of this Annexation Agreement, the City shall be responsible for the cost of any over-sizing of any Water Facilities and Systems, and, as and to the extent the Petitioner (or its assigns) shall pay or be liable for any such costs, the Petitioner (or, as applicable, Intermountain Healthcare or USSA) shall receive an appropriate credit or contribution from the City (as determined during the MPD review and approval process) for any over-sized Water Facilities and Systems designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity.

In connection with the MPD and the Subdivision² review and approval processes, on-site storm runoff detention facilities, or approved alternatives, as approved by the City Engineer, may be required. The timing for the construction of such storm run-off improvements shall be determined during the MPD review and approval process (the "Storm Detention Facilities"). The City shall be responsible for the cost of any over-sized on-site Storm Detention Facilities required as determined as part of the MPD (as sized and located to the reasonable satisfaction of Intermountain Healthcare and USSA), and, as and to the extent the Petitioner (or its assigns) shall pay or be liable for any such costs, the Petitioner (or, as applicable, Intermountain Healthcare or USSA) shall receive an appropriate credit or contribution from the City (as determined by the Petitioner and the City during the MPD review and approval process) for any such facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity.

As part of the MPD review and approval process, the Petitioner (or, as specified in connection with any such assignment, its assigns), the City and the affected parties shall determine and agree on the proportionate costs and/or appropriate credits or contributions from the City for the installation, construction, repair, and maintenance of any excess length, size or capacity storm sewer and/or sanitary sewer lines, power, sewer, and other utility line extensions and related facilities (including without limitation the Storm Retention Facilities and the Water Facilities and Systems, the "Sewer and Related Facilities"), which may be required for the use and development of the Property, or any part thereof, and the provision of municipal services related thereto (with the understanding that the Petitioner (or, as applicable, the respective owners of the Intermountain Healthcare Property or the USSA Property) shall receive an appropriate credit or contribution from the City for the cost of any Sewer and Related Facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity. The extent to which such Sewer and Related Facilities shall be dedicated to the City, and the required granting of easements therefor, shall also be determined, and agreed to, by the Petitioner (or, as specified in connection with any such assignment, its assigns), the affected parties and the City during the MPD review and approval process.

11. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the Findings and Conditions (the "Employee/Affordable Housing"), with the understanding and agreement of the parties that:

a. The Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital (300,000 square feet) is 44.78 "Affordable Unit Equivalents" (as defined in the City's Land Management Code) (the "Units"). Petitioner previously notified the City that it desires to and will donate five (5) acres of the Property (the "City Donated Parcel") to the City. Intermountain Healthcare, the City and the Petitioner have agreed that the foregoing Employee/Affordable Housing requirement shall be satisfied by the Petitioner's donation of the City Donated Parcel to the City as previously committed to by Petitioner, and the other terms and conditions of this Section 11. Within twelve (12) months of the effective date of this Agreement, the City shall determine if the Units are to be located on the City Donated Parcel or at some alternate location within the City, as agreed to by Petitioner (or its assignees), which agreement shall not be unreasonably withheld, conditioned or delayed, (an "Alternate Affordable Housing Location"); provided that, in the event of an Alternate Affordable Housing Location, the Petitioner (and any assignee thereof) shall not have any obligation, cost or otherwise, for the acquisition of any such Alternate Affordable Housing Location; and provided that, in the event the Units are located on any Alternate Affordable Housing Location, the Petitioner (or any assignee thereof) shall not

² The Subdivision review and approval process will be a two-part process. The first part of the Subdivision review and approval process will establish the lot lines of the Intermountain Healthcare Property, the USSA Property, the City Donated Parcel, and the City Recreation/Open Space Parcel and, in that connection, allow for the recording of the Subdivision Plat in the official real estate records of Summit County, Utah. The second part of the Subdivision review and approval process will include an amendment to the Subdivision Plat, which will be processed during the MPD review and approval process and, to the extent appropriate, will incorporate any necessary requirements of this Section 10.

incur, or be obligated for, any costs or expenses in excess of those that would be incurred if the Units were located and constructed on the City Donated Parcel. Subject to the foregoing, within twenty-four (24) months of the effective date of this Agreement, the Petitioner (or any assignee thereof) shall either (i) begin construction of the Units on the City Donated Parcel or at the Alternate Affordable Housing Location or (ii) post a financial guarantee in favor of the City in a form, on terms and in the amount set forth in attached Exhibit "F" (the "Financial Guarantee").³

The City shall not issue building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet until (A) the commencement of construction of the Units on the City Donated Parcel or an Alternate Affordable Housing Location within twenty-four (24) months following the Annexation, (B) a decision is made to locate the Units on property other than the City Donated Parcel, (C) the satisfaction of the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital by financing or some other arrangement, or (D) the delivery by Petitioner (or its assigns) and acceptance by the City of the Financial Guarantee.⁴ Any such Units constructed shall be sold or rented by the Petitioner (or any assignee thereof) at deed restricted prices or otherwise financed consistent with the City affordable housing guidelines.

b. The Employee/Affordable Housing requirement for development associated with the a proposed United States Ski and Snowboard Association, a Utah nonprofit organization ("USSA") facility (85,000 square feet) is 10.71 Affordable Unit Equivalents. The Petitioner previously notified USSA that it desires to and will donate the USSA Property, upon which USSA intends to construct its facilities, to USSA. A total deferral of the required 10.71 Affordable Unit Equivalents will be granted by the City upon, and in exchange for, the donation of the USSA Property by the Petitioner to USSA as previously committed to by Petitioner. The deferral is contingent upon continued ownership and occupancy by the facility by USSA or another community-based nonprofit organization. Any change in use to a non-community-based nonprofit organization may require that the deferred Employee/Affordable Housing requirements be met by the owner of the USSA Property as contemplated under the Affordable Housing Guidelines and Standards Resolution 10-06.

c. The Employee/Affordable Housing requirement for development associated with the Support Medical Office area (150,000 square feet) is 34.98 Affordable Unit Equivalents. This requirement shall be satisfied with either on-site or off-site units as determined in connection with the development of the Property to which such area relates and, in any case, shall not reduce the square footage available for the Support Medical Office area. The units shall be sold or rented at deed restricted prices or otherwise financed consistent with the City's affordable housing guidelines. Construction of the affordable units may be phased with the construction of the Support Medical Office area; provided that no certificate of occupancy for the Support Medical Office area in excess of 25,000 square feet shall be issued unless construction has commenced on the required Affordable Unit Equivalents hereunder or a financial guarantee (see footnote no. 2, above) has been posted therefor in a form and in an amount acceptable to the City.

³ The form and amount of any bond or other financial assurance required by the City hereunder shall be determined by reasonably estimating the City's administrative costs (which are estimated to be ten percent (10%) of the total cost of construction of the Units), if the City were required to proceed with construction of the Units or any other affordable housing units/equivalents hereunder, and no more.

⁴ By the execution hereof, the City hereby acknowledges and confirms, as of the Effective Date, the delivery by the Petitioner and the acceptance by the City of the Financial Guarantee for the Units, which is in the form, on terms and in an amount required by the City. With the Financial Guarantee, the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital has been satisfied in its entirety and, as such, is not a condition precedent to the issuance of building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet.

d. If the "Units" (as defined in subsection 11(a), above), in fact, are located on the City Donated Parcel, the "Units" will be situated, designed and constructed on the City Donated Parcel in a manner approved, in writing and in advance, by Intermountain Healthcare, in Intermountain Healthcare's reasonable discretion. Any proceeds from the sale or lease of the "Units" on the City Donated Parcel or any Alternate Affordable Housing Location, following their design and construction, shall be retained by and constitute the exclusive property of the entity which constructs the "Units," being either the Petitioner, or any assignee thereof, as the case may be. All utilities shall be stubbed to the City Donated Parcel or any Alternate Affordable Housing Location, on which the Units may be constructed, at no cost to Petitioner (or its assigns) or any other party hereto. Further, neither the Petitioner (and its assigns) nor any other party hereto shall have any obligation, cost or otherwise, for any water rights or interests, nor for any other public fees, except for standard planning review and building permit fees necessary for construction of the Units on the City Donated Parcel (or any Alternate Affordable Housing Location).

12. **Planning Review Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in this Annexation Agreement, or as part of the MPD review and approval process (including without limitation any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City from time to time.

13. **Impact and Building Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in Sections 8, 9 and 10 of this Annexation Agreement, or as part of the MPD review and approval process (including any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Intermountain Healthcare Property, the USSA Property or the remainder of the Property at the time of application for any building permits.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the applicable City ordinances and, further, the City's final approval of the construction of any such public improvements, those roads, streets, water facilities, utilities, and easements as may be agreed by the City, Intermountain Healthcare and/or USSA in connection with the MPD review and approval process (the "Public Improvements"), shall be conveyed and dedicated to the City, for public purposes. Following any such dedication, the City shall be responsible for the maintenance, repair and replacement of any and all such Public Improvements.

15. **Snow Removal and Storage.** Other than as the City may determine necessary or appropriate for the Trails, the City shall not be obligated to remove snow from roads, streets or similar improvements within the Property, until acceptance of the dedication thereof pursuant to the applicable City ordinances or this Annexation Agreement.

16. **Fiscal Impact Analysis.** The fiscal impact analysis prepared by the City Budget, Debt and Grants Department was reviewed, accepted and approved by the City Planning Commission on November 10, 2005. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property and it is hereby accepted and approved by the City as part of this Annexation Agreement.

17. **Traffic Mitigation.** A comprehensive traffic review and analysis of the surrounding properties and jurisdictions was performed by a traffic consultant, Horrocks Engineers, and additional analysis was performed by the City's consultant, Rosenthal and Associates (together referred to herein as the "Traffic Studies"). Any such mitigation measures (inclusive of the "Roadway Access Costs" (as defined below and contemplated under the Findings and Conditions, the "Traffic Mitigation Measures")) shall be implemented in a manner consistent with the Findings and Conditions; provided that any costs or expenses shall be proportionately allocated among all affected persons and entities, including without limitation the City; and provided that neither the Petitioner nor its assigns shall be obligated to take or

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cause to be taken any such measures until such time as they shall be satisfied that the measures shall have been adequately specified, the costs (and the allocation) thereof determined, the persons and entities participating therein identified, and the payment of any such costs assured to the reasonable satisfaction of the City and the Petitioner (and, as specified in connection with any such assignment, its assigns). Subject to the Findings and Conditions, the parties anticipate that the Petitioner (or, as specified in connection with any such assignment, its assigns) shall incur the financial costs, except land acquisition costs, for the construction of a signalized intersection on State Road 248 and the connection of that intersection with a roadway to the Property, all as shown in the analysis of Horrocks Engineers. The total cost of any and all Traffic Mitigation Measures shall not exceed TEN MILLION AND NO/100 DOLLARS (\$10,000,000), and the Petitioner's (or, as specified in connection with any such assignment, its assigns') proportionate share of the Traffic Mitigation Measures shall be between eleven percent (11%) and twenty-one percent (21%) and, further, shall be determined and documented as part of the MPD review and approval process.

18. **Effective Date.** This Annexation Agreement is effective as of the date the City Council adopts a resolution authorizing the execution of this Annexation Agreement and, further, the City provides notice of the adoption of such resolution to the parties to this Annexation Agreement.

19. **Governing Law; Jurisdiction and Venue.** The laws of the State of Utah shall govern this Annexation Agreement. Jurisdiction and venue are proper in Summit County.

20. **Real Covenant, Equitable Servitude.** This Annexation Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Annexation Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Annexation Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Annexation Agreement, a certified copy of the ordinance approving the Annexation (the "Annexation Ordinance"), and the Annexation Plat shall be recorded in the official real estate records of Summit County, Utah.

21. **Assignment.** Neither this Annexation Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Annexation Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to the Petitioner or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Annexation Agreement, in whole or in part, to Intermountain Healthcare (or any affiliate thereof) or to USSA, upon written notice to the City; and provided that, in connection with and to the extent specified in any such assignment, the Petitioner shall not have any further rights or responsibilities under this Annexation Agreement as and to the extent accruing from and after the date of any such assignment.

22. **Compliance with the City Code.** Notwithstanding Section 18 of this Annexation Agreement, from the time of the City Council (the "City Council") approves of this Annexation Agreement and upon completion of the Annexation, the Property shall be subject to compliance with any and all of the City's Codes and Regulations pertaining to the Property.

23. **Full Agreement.** This Annexation Agreement, together with the recitals and exhibits attached to this Annexation Agreement (which are incorporated in and made a part of this Annexation Agreement by this reference), contains the full and complete agreement of the City and the Petitioner regarding the Annexation of the Property into the City. Only a written instrument signed by all parties hereto, or their successors or assigns, may amend this Annexation Agreement.

24. **No Joint Venture, Partnership or Third Party Rights.** This Annexation Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto. Except as otherwise specified herein, this Annexation Agreement, the rights and benefits under this Annexation Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

25. **Vested Rights.** Subject to the provisions of this Annexation Agreement, the Petitioner (or its assigns) shall have the right to use and develop the Intermountain Healthcare Property, the USSA Property or the remainder of the Property, as the case may be, in accordance with the uses, densities, intensities, and general configuration of development approved by these Findings and Conditions and, subject to the Findings and Conditions unless otherwise agreed by any affected parties, the Final MPD, subject to and in compliance with other applicable ordinances and regulations of the City.

26. **Reserved Legislative Powers.** The Petitioner acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited, and the Petitioner shall ensure that each of its assigns is aware of such restriction in connection with any assignment of any rights or obligations hereunder. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the Land Management Code and zoning Map of the City, as in existence on the date hereof, copies of which have been provided or otherwise made available by the City to the Petitioner, Intermountain Healthcare and USSA on or before the date hereof, and which are applicable to the Property under the terms of this Annexation Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Property and terms and conditions of this Annexation Agreement applicable to the Property shall be of general application to all development activity in the City; and, unless the City declares an emergency, the Petitioner, Intermountain Healthcare and USSA (and their respective assigns) shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine.

27. **Severability.** If any part or provision of this Annexation Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Annexation Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Annexation Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law. Notwithstanding the foregoing, given the interdependence of many of the provisions of this Annexation Agreement, this Section 26 shall only be applied to the extent the purpose and intent of this Annexation Agreement is not frustrated.

28. **Quinn's Junction Area Study.** The City hereby confirms that the Property is located within the Quinn's Junction Area Study ("QJAS") and the findings and conclusions of the QJAS are consistent with the provisions of this Annexation Agreement and the Findings and Conditions.

1st IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement as of the
day of JANUARY, 2006. 7

[signature pages follow]

PARK CITY MUNICIPAL CORPORATION

By: Dana Williams
Dana Williams, Mayor

DATED this 1st day of January, 2007.

ATTEST: City Clerk

By: Janet Scott
Janet Scott, City Recorder

DATED this 1st day of January, 2007.

APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

DATED this 1st day of January, 2007.

PETITIONER:

Burbs, L.L.C., a Utah limited liability company

Vaughn Burbidge
By: Vaughn Burbidge
Title: Manager

DATED this 1 day of January, 2007.

David Burbidge
By: David Burbidge
Title: Manager

DATED this 1 day of January, 2007.



ACKNOWLEDGEMENT AND CONSENT TO AGREEMENT

By the execution hereof and as of the 27 day of November, 2006, the undersigned, hereby acknowledges and consents to the terms of this Annexation Agreement, with the understanding and agreement of the City, USSA and the Petitioner that (a) Intermountain Healthcare shall have the right to review and approve, in advance, any matters which affect any part or all of the Intermountain Healthcare Property and any adjacent property to be owned, used and/or developed by the undersigned, (b) Intermountain Healthcare shall not have any liability or obligation of any kind or nature under this Annexation Agreement except as and to the extent specified and agreed by Intermountain Healthcare in a partial assignment from the Petitioner of the Annexation Agreement (the "Assignment"), and (c) Intermountain Healthcare shall not have any obligation under the Assignment until the terms and conditions thereof shall have been agreed to by Intermountain Healthcare, the Petitioner and USSA.

IHC HEALTH SERVICES, INC., a Utah nonprofit corporation

By: Jon D. Hodges
Name: Jon D. Hodges
Title: Regional Vice President

DATED this 27 day of November, 2006

ACKNOWLEDGEMENT, CONSENT AND JOINDER TO AGREEMENT

By the execution hereof and as of the ____ day of _____, 2006, the undersigned, hereby acknowledges, consents to and joins in the terms of this Annexation Agreement, with the understanding and agreement of the City, USSA and the Petitioner that (a) USSA shall have the right to review and approve, in advance, any matters which affect any part or all of the USSA Property, (b) USSA shall not have any liability or obligation of any kind or nature under this Annexation Agreement except as and to the extent specified and agreed by USSA in a partial assignment from the Petitioner of the Annexation Agreement (the "Assignment"), and (c) USSA shall not have any obligation under the Assignment until the terms and conditions thereof shall have been agreed to by Intermountain Healthcare, the Petitioner and USSA.

UNITED STATES SKI AND SNOWBOARD ASSOCIATION, a Utah nonprofit organization

By: _____
Name: _____
Title: _____

DATED this ____ day of _____, 2006

Exhibits:

- A) Findings and Conditions
- B) Annexation Plat
- C) Legal Descriptions
- D) Copy of MPD Application
- E) Road Design Plans
- F) Form, Terms and Amount of Financial Guarantee

ACKNOWLEDGEMENT AND CONSENT TO AGREEMENT

By the execution hereof and as of the ____ day of _____, 2006, the undersigned, hereby acknowledges and consents to the terms of this Annexation Agreement, with the understanding and agreement of the City, USSA and the Petitioner that (a) Intermountain Healthcare shall have the right to review and approve, in advance, any matters which affect any part or all of the Intermountain Healthcare Property and any adjacent property to be owned, used and/or developed by the undersigned, (b) Intermountain Healthcare shall not have any liability or obligation of any kind or nature under this Annexation Agreement except as and to the extent specified and agreed by Intermountain Healthcare in a partial assignment from the Petitioner of the Annexation Agreement (the "Assignment"), and (c) Intermountain Healthcare shall not have any obligation under the Assignment until the terms and conditions thereof shall have been agreed to by Intermountain Healthcare, the Petitioner and USSA.

IHC HEALTH SERVICES, INC., a Utah nonprofit corporation

By: _____
Name: _____
Title: _____

DATED this ____ day of _____, 2006

ACKNOWLEDGEMENT, CONSENT AND JOINDER TO AGREEMENT

By the execution hereof and as of the ____ day of _____, 2006, the undersigned, hereby acknowledges, consents to and joins in the terms of this Annexation Agreement, with the understanding and agreement of the City, USSA and the Petitioner that (a) USSA shall have the right to review and approve, in advance, any matters which affect any part or all of the USSA Property, (b) USSA shall not have any liability or obligation of any kind or nature under this Annexation Agreement except as and to the extent specified and agreed by USSA in a partial assignment from the Petitioner of the Annexation Agreement (the "Assignment"), and (c) USSA shall not have any obligation under the Assignment until the terms and conditions thereof shall have been agreed to by Intermountain Healthcare, the Petitioner and USSA.

UNITED STATES SKI AND SNOWBOARD ASSOCIATION, a Utah nonprofit organization

By: William C. Maxwell
Name: William C. Maxwell
Title: President CEO

DATED this 22 day of November, 2006

Exhibits:

- A) Findings and Conditions
- B) Annexation Plat
- C) Legal Descriptions
- D) Copy of MPD Application
- E) Road Design Plans
- F) Form, Terms and Amount of Financial Guarantee

Intermountain Healthcare/USSA/Burbs Annexation Agreement

Findings/Annexation Agreement Points⁴

1. Burbs, L.L.C. (the "Petitioner"), IHC Health Services, Inc. ("Intermountain Healthcare"), and the United States Ski and Snowboard Association ("USSA") filed an Annexation Petition on November 3, 2004.
2. The City Council of Park City Municipal Corporation (the "City Council") accepted the Annexation Petition on November 18, 2004.
3. The City Council established the Intermountain Healthcare/USSA/Petitioner Annexation Task Force on July 14, 2005 (Resolution No. 21-05) for purposes of formulating specific recommendations relating to the annexation's proposed zoning, land uses, affordable housing, transportation, and community economics/fiscal impacts.
4. On October 27, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on a new zoning district to apply to the annexation area, the Community Transition District - Master Planned Development ("CT-MPD"), which includes specific provisions addressing affordable housing.
5. On November 10, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on the economic impact/fiscal analysis relating to the Annexation.
6. On December 8, 2005, the Task Force forwarded a unanimous positive recommendation to the Planning Commission on traffic and transportation impacts and mitigation.
7. The Property subject to the Annexation Petition (the "Annexation Property") is currently vacant, 157 acres in size, and located in unincorporated Summit County, Utah, at the northwest corner of the State Road 248/Highway 40 interchange.
8. The Annexation Property currently is zoned in Summit County Developable Lands (DL), with a base density of 1 unit/20 acres and 1 unit/40 acres (depending on the extent of any environmentally sensitive lands, which need to be managed or preserved in compliance with any applicable laws, rules and regulations, including without limitation the City's Sensitive Lands Overlay code.
9. The Annexation Property is to be zoned, as shown on the attached Annexation Plat, Community Transition District-Master Planned Development ("CT-MPD"). The CT-MPD has a base density of 1 unit/20 acres. The Community Transition District permits density bonuses up to a maximum of 3 units/acre provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities.
10. The land uses proposed on the Annexation Property include a community hospital/medical facility; support medical offices; public/quasi-public and institutional uses; United States Ski and Snowboard (USSA) headquarters and sports training complex; public recreation uses; affordable/employee housing; and open space.
11. The MPD shall substantially comply with the Annexation Plat. The proposed total density at build-out for the Annexation area is 535,000 square feet (gross), equates to 2.64 units/acre and consists of the following:

<u>Intermountain Healthcare Hospital:</u>	<u>300,000 square feet (180 Unit Equivalents)</u>
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⁴ Except as otherwise defined herein, capitalized terms shall be as defined in the Annexation Agreement.

United States Ski and Snowboard Offices
and Training Center:

85,000 square feet (85 Unit Equivalents)

Support Medical Office:

150,000 square feet (150 Unit Equivalents)

12. The City has agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City identified a public policy preference that up to 50,000 square feet of the Support Medical Office area should primarily be utilized for public/quasi-public and other institutional uses reasonably related to the Support Medical Office area, including without limitation, athletic national governing body offices, non-profit community wellness facilities, and/or education uses. A specific allocation of such uses shall be determined and agreed to by the Petitioner (or its assigns) and the City as part of the MPD review and approval process.

13. The Petitioner has previously notified the United States Ski and Snowboard Association (USSA) that the Petitioner desires to donate five (5) acres of the Property (the "USSA Property") to USSA for the purposes of developing an 85,000 square foot athletic national governing body (NGB) and training complex. Land uses within the USSA Property are limited to USSA administrative, athlete training, and/or other national governing body uses, with deed restrictions to that effect to be recorded against such property. Subject to any such deed restrictions, the City shall have the right of first refusal to purchase the USSA Property and facilities in the event that, as an authorized assignee of the Petitioner, USSA sells and/or relocates from such property. In addition to the deed restrictions, any change of use will require approval of an amended Master Planned Development and Conditional Use Permit. Further, any uses other than athletic national governing body office/training facilities, public/quasi-public, institutional, and/or recreation uses will require employee/affordable housing mitigation conforming to the Affordable Housing Guidelines and Standards Resolution in effect at the time of application.

14. The Property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 17-99, as amended. The base employee/affordable housing requirement for development associated with the Intermountain Healthcare hospital (300,000 square feet) is 44.78 Affordable Unit Equivalents. The base employee/affordable housing requirement for development associated with USSA (85,000 square feet) is 10.71 Affordable Unit Equivalents. The base employee/affordable housing requirement for development associated with the Support Medical Office (150,000 square feet) is 34.98 Affordable Unit Equivalents. The total Affordable Unit Equivalents required for the Property is 90.47. Intermountain Healthcare, as an authorized assignee of the Petitioner, shall be entitled to, and has received, a reduction of 27.49 Affordable Unit Equivalents for the hospital portion of the development of the Intermountain Healthcare Property, in recognition of the non-commercial, non-residential nature of the hospital portion of the development. One Affordable Unit Equivalent equals 800 square feet.

15. The City agrees that a deferral of the required 10.71 Affordable Unit Equivalents of employee/affordable housing for the USSA Property will be granted to USSA in consideration of, as previously agreed to by the Petitioner, the donation by the Petitioner of five (5) acres of the Property to USSA, as a community-based nonprofit organization, upon which USSA intends to construct its facilities. This deferral is contingent upon the continued ownership and occupancy of the facility by USSA or another community-based nonprofit organization approved by the City. Any change in use to a non-community-based nonprofit organization may require USSA to meet the deferred employee/affordable housing requirements. In addition, any change in use or redevelopment of the USSA Property that creates additional presumed "employee generation" on the USSA Property (as contemplated under the Affordable Housing Guidelines and Resolution 10-06) may require an employee/affordable housing contribution to address that increment of presumed employee generation.

16. The City agrees that the 44.78 Affordable Unit Equivalent requirement associated with the Intermountain Healthcare hospital (300,000 square feet) shall be satisfied by, as previously agreed to by the Petitioner, the donation by the Petitioner of a five (5) acre parcel of the Property to the City and the other terms and conditions of Section 11 of the Annexation Agreement, in any case, shall conform to the Affordable Housing Guidelines and Standards Resolution 17-99, as amended. Further, with the City's approval, as part of the MPD review process or otherwise, additional Affordable Unit Equivalents may be included in the five (5) acre parcel and shall be applied toward the 34.98 Affordable Unit Equivalents associated with the Support Medical Office.

17. In addition to the five (5) acre donation referenced in Section 11 of the Annexation Agreement and Section 16 herein above, the Petitioner has previously notified the City that the Petitioner desires to and will donate a separate, additional fifteen (15) acres of the Annexation Property to the City for public recreation and open spaces purposes (the "City Recreation/Open Space Parcel").

18. On December 8, 2005, the Task Force forwarded a unanimous recommendation to the Planning Commission on traffic and transportation mitigation. The Task Force recommendation is based, in part, on an access study provided by the Petitioner's traffic consultants--Horrocks Engineers (dated November 6, 2005) and additional analysis prepared by the City consultant, Rosenthal and Associates (dated November 7, 2005). It was the Task Force recommendation that it is reasonable for all developers within the City Annexation boundary to pay for or otherwise offset their share of costs (to the City) of all roadway and other necessary traffic mitigation improvements. The Task Force determined that the proposed medical campus, offices, and athletic training complex require access to SR248 intersection improvements. The current design and anticipated traffic generation from the City recreation and ice rink complex does not warrant a signalized intersection.

19. Except as otherwise specified in the Annexation Agreement, the Petitioner (or, as specified in connection with any such assignment, its assigns) will be responsible for providing all necessary access to the property from SR 248 and all necessary intersection improvements including, but not limited to, one (1) signalized intersection at SR 248. The Petitioner (or, as specified in connection with any such assignment, its assigns) will be responsible for all coordination and costs associated with providing access to the Property, other than land acquisition costs for the Main Access Roadway and Secondary Access Easement (the "Roadway Access Costs"), as required in the Subdivision Chapter of the LMC Sections 15-7.2 & 15-7.3, including the Traffic Mitigation Measures, all of which shall be determined and agreed to as part of the MPD review and approval process. The total cost of the Traffic Mitigation Measures shall not exceed TEN MILLION AND NO/100 DOLLARS (\$10,000,000) and the Petitioner's (or, as specified in connection with any such assignment, its assigns) proportionate share shall be between eleven percent (11%) and twenty-one percent (21%). To the extent the Property is adjacent to a frontage road to Silver Summit, the Petitioner (or, as specified in connection with any such assignment, its assigns) shall cooperate with the City in the dedication of a nonexclusive right-of-way over and across the Property to access such frontage road.

20. The Petitioner (or, as specified in connection with any such assignment, its assigns) will proportionally share in the cost for future necessary road improvements to SR 248, as and to the extent specified and agreed by the Petitioner or any affected parties from time to time. In addition to the cost of any Traffic Mitigation Measures, the City agrees to apply the costs associated with installing the traffic signal at the future Annexation Property access/SR 248 intersection towards the proportional share of future overall SR 248 improvements.

21. The Petitioner (or, as specified in connection with any such assignment, its assigns), in addition to the other reimbursement, credit or contribution rights, reserves the right to develop a latecomers agreement or take or cause to be taken such other actions as may be necessary or appropriate to recover and/or ensure reimbursement for any costs incurred by in connection with the Traffic Mitigation Measures, the Main Access Roadway, the Secondary Access Easement, the Roadway Access Costs, as well as the cost of any

water impact fees and any water connection fees, and, further (as confirmed by the City's execution of the Annexation Agreement), any obligation of the Petitioner (or, as specified in connection with any such assignment, its assigns) in this regard shall be subject thereto.

22. The City has agreed to consider other potential cost-sharing traffic and transportation mitigation strategies which may include, but are not limited to the development of additional employee/affordable housing linked to the community transit system; physical improvements such as, but not limited to a transit hub, park and ride lot, and van/shuttle programs; and/or employee traffic/transit programs, adjusted shift times and ridesharing incentives, without any obligation, cost or otherwise, to the Petitioner (or its assigns).

23. The Petitioner, Intermountain Healthcare, USSA, and the City have agreed that, as contemplated hereunder, final approval of detailed traffic and transportation mitigation and any cost sharing for road/highway improvements shall be agreed to by the affected parties and approved through a technical report approved by the Planning Commission and the City Council as a part of the MPD review and approval process.

24. The Planning Commission held a public hearing on the Annexation Agreement on May 10, 2006.

25. The City, the Petitioner and any affected parties, including Intermountain Healthcare and USSA, shall and hereby acknowledge and agree that, except as may be otherwise specified in the Annexation Agreement with respect to the Annexation, the vested uses, densities, intensities, and general configuration of development approved in the Annexation, the Annexation Agreement and these Findings and Conditions, the Water Rights, the Main Access Roadway and the Secondary Access Easement, the Annexation, the Annexation Agreement and the obligations of the Petitioner (and its successors or assigns) hereunder are subject to, all as acceptable to the parties in their respective, reasonable discretion, confirmation, determination and agreement of the parties with respect to the Final MPD and Subdivision Plat; any necessary Development Agreements for each parcel of the Property; Construction Mitigation; Landscaping Plans; Lighting; and Related Access, Development and Use Matters.

October 12, 2006 IHC Water Cost Calculation

The idea is that PCMC would agree to provide culinary water to IHC from PCMC's existing sources. PCMC would charge a total water impact fee based on PCMC's cost to replace that water with Weber Basin Water Conservancy District (WBWCD) water to be delivered through the Snyderville Importation Project and treated by PCMC.

The total water impact fee would be \$16,000 per ERU, calculated as follows (numbers are based on engineer's estimates and rounded up):

Total Capital Costs for the pipeline project:	\$14,743,000
<u>59 acre feet IHC Demand</u>	
2,500 acre feet total project	2.36% of total project size
2.36% X Total Capital Cost of \$14,743,000	\$347,935
WBWCD Share Cost (assumes \$150/share X 59 ac ft X 3% annual increase over 50 year project life)	\$227,708
Added to IHC's capital cost contribution of \$347,935	\$575,643
Water Treatment Cost (Assuming 3,000 gpm (4.3M gpd) capacity; and excluding land acquisition costs)	\$8,000,000
<u>IHC Peak Day Demand of 101,528 gpd</u>	2.36%
Total Treatment Capacity of 4.3M gpd	
2.36% X Water Treatment Cost	\$188,800
Added to IHC's capital cost contribution and WBWCD Share Cost	\$764,443
<u>\$764,443</u>	
IHC's Demand of 63.455 ERU's*** (Equals the Water Development Impact Fee)	\$12,049
Add Water Connection Impact Fee	\$3834
Total Water Impact Fee per ERU	\$15,883
*** ERU's were determined by dividing IHC's Peak Day Demand of 101,528 gpd by 1,600 gpd, which is the amount of water provided per ERU.	

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16. Per the Annexation agreement and subject to any such deed restrictions, the City shall have the right of first refusal to purchase the USSA property and facilities in the event that, as an authorized assignee of the Petition, USSA sells and/or relocates from such property.
17. The Planning Commission approval of the MPD/CUP shall be put into the form of a Development agreement prior to issuance of a full building permit.
18. The amended Subdivision plat must be approved prior to full building permit.
19. Any change in sue to a non-community-based nonprofit organization may require that the deferred Employee/Affordable Housing requirements be met by the owner of the USSA Property as contemplated under the Affordable Housing Guidelines and Standards Resolution 10-06.
20. Trash enclosures will be provided for all trash receptacles and adequately screened. Materials will be architecturally compatible with the building.
21. The pedestrian walkway between the bus stop and the parking lot as shown on the site plan will be provided prior to the issuance of a final certificate of occupancy.
22. IHC Conditional Use Permit and Master Planned Development

Commissioner Pettit recused herself from this item.

Planner Robinson requested that the Planning Commission review the CUP and the MPD separately and take two separate actions. He suggested that they begin with the MPD application.

Planner Robinson reported on changes to the findings of facts and conditions of approval. Finding of Fact #15 was modified to read, "The amended subdivision plat must be approved prior to full building permit. Excavation and footings and foundation may proceed prior to approval of the amended subdivision plat."

Planner Robinson noted that the applicant submitted amended building elevations after previous direction from the Planning Commission. Planner Robinson stated that IHC owns lots one and two of the current subdivision plat, which currently includes 132.2 acres. That size will be slightly reduced with the amended subdivision plat.

The Staff report provided detail on the MPD criteria for the Community Transition Zone, and outlined their findings for compliance. He believed this answered some of the questions raised during the USSA discussion. He commented on the original road layout

with a signalized intersection at Highway 248, as required by the annexation agreement. The annexation agreement required the details to be addressed with the MPD; however, the City Attorney has agreed to postpone that to the subdivision. Planner Robinson stated that the subdivision originally scheduled for this evening will be continued. He noted that one of the fields at the complex would be lost with the realignment of the intersection and the road improvements.

Planner Robinson commented on a letter from IHC that is memorialized in Condition of Approval #17, outlining mitigation for the loss of the planned ballfield at the Recreation Complex, as well as other mitigation requirements from the annexation agreement, particularly redundancy water for the hospital. Planner Robinson stated that the City will be putting in that water line with a contribution from IHC. He noted that a hard surface trail will be constructed on site by IHC with a contribution from USSA. The annexation agreement called for construction of the trail and dedication to the City as a public trail.

Planner Robinson modified Condition of Approval #9 by striking "...issuance of a full building permit and/or prior to..." from the last sentence. The revised sentence would read, "A guarantee for all public improvements, including trails and required landscaping, is required prior to recordation of the final subdivision plat."

Morgan Bush, representing the applicant, stated that the City had asked IHC to put together a site plan that includes the annexation area to be developed, as well as the recreation complex. They felt it was beneficial to have a master plan that takes in the entire Quinn's area and not just one particular piece. Mr. Bush remarked that they tried to address all the issues related to the USSA, the impacts on the fields complex, and the IHC MPD.

Mr. Bush reviewed the site plan and the intersection that UDOT has approved. He outlined the direction Round Valley Drive would take to enter into the IHC campus and access the USSA facility. He indicated the area behind the Ice Sheet that would be dedicated as City streets. Mr. Bush identified the two planned bus stops with shelters and the facilities they would serve. He commented on the trails and pointed out the proposed trail on IHC property. Mr. Bush stated that there will be paved trails from the furthest north point on the campus to the existing Rail Trail system in the City. He noted that they are still working with City Staff on the exact trail location.

Commissioner Sletten asked if the trails were memorialized in the conditions of approval. Planner Robinson replied that they were addressed as a bullet point under Condition of Approval #17.

Mr. Bush commented on the shared parking. He noted that IHC had proposed to share 110 spaces based on the initial discussion. The City wanted 310 spaces based on the full

build out. They still need to work out the agreements but their concept is to make two lots available to the City on weekends.

Commissioner Wintzer asked if the parking issue was based on final build out. Mr. Bush replied that the 300 spaces would be at final build out. He explained that they only have 397 total spaces and they intend to work out the exact numbers for phasing with the City. Mr. Bush believed it was in the best interest of everyone to maximize the appropriate use of that resource.

Chair Pro Tem Barth re-opened the public hearing.

Carol Potter, representing Mountain Trails Foundation, stated that she spoke with Michael Barille at the County about connecting trails from IHC to Trail Side. She wanted the Planning Commission to know that the County supports this idea.

Chair Pro Tem Barth asked Ms. Potter if Mountain Trails could work with the trails system as proposed. Ms. Potter answered yes. Planner Robinson remarked that a second trail, which is memorialized in Condition of Approval #14, goes from IHC to the north to the PRI church owned property. Once a development resolution is reached for that property and a plan is submitted to the County, the second phase trail will be constructed following that resolution.

Chair Pro Tem Barth closed the public hearing.

Commissioner Russack asked about a bus stop to service the fields and the ice sheet. Planner Robinson stated that currently there is no bus service to the fields, except for on demand service. He expected that transit service will be started to that area once everything is built out. City Engineer, Eric DeHaan, noted that the parking lot next to the ice sheet is designed to accommodate bus circulation and drop off at the door of the ice sheet. It takes the critical mass to justify bus service and he did not anticipate that would happen until the other facilities are on line.

Commissioner Russack asked if the existing entrance is eliminated with the new road scheme. Mr. DeHaan replied that the current entrance would be eliminated. Commissioner Russack asked Mr. Bush if zone lighting would be considered for the parking lots at IHC; similar to what was suggested for USSA. Mr. Bush replied that a condition of approval requires a parking plan that includes timing of lighting to be approved by City Staff.

Commissioner Wintzer remarked that this project has been a pleasant process and he has enjoyed working with the applicants. They always responded to the Planning

Commissions' comments and concerns and came back every time with the right information. Commissioner Sletten concurred.

MOTION: Commissioner Sletten moved to APPROVE the Intermountain Healthcare Hospital master planned development, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report and amended as follows: Finding of Fact #15, "The amended subdivision plat must be approved prior to full building permit. Excavation and footings and foundation may proceed prior to approval of the amended subdivision plat." Condition of Approval #9, the last sentence is modified to read, "A guarantee for all public improvements, including trails and required landscaping, is required prior to recordation of the final subdivision plat." Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously. Commissioner Pettit was recused.
Findings of Fact- IHC MPD

1. The Intermountain Healthcare Master Planned Development is located on Lots 1 and 2 of the Subdivision Plat for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility and includes 132.2 acres. The amended Subdivision Plat currently proposes lot area of 107.5 acres for the two lots.
2. The Annexation Agreement and proposed Master Planned Development for IHC includes an Intermountain Healthcare Hospital of 300,000 square feet (180 Unit Equivalents) and Support Medical Office space of 150,000 square feet (150 unit equivalents).
3. The City agreed that up to 50,000 square feet of the total Support Medical Office area may be developed within, and in addition to, the 300,000 square foot hospital. The City also agreed that up to 50,000 square feet may be utilized for public/quasi public and other institutional uses reasonably related to the Support Medical Office area.
4. The property is located in the Community Transition (CT) zoning district.
5. The MPD is being processed concurrent with a Conditional Use Permit. No additional conditional use permit are required prior to issuance of building permits for the proposed uses. A change of use, from that described by this application may require a separate conditional use permit.
6. This property is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007. An Annexation Agreement for this property was recorded on January 23, 2007.

7. The Annexation Agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat, such as roads, utilities, and trails.
8. A final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility is currently being reviewed by the Planning Commission and City Council. The Master Planned Development and Conditional Use Permit were submitted for concurrent review and approval.
9. The maximum building height in the CT District is 28 feet (33 feet with a pitched roof).
10. The main entry/clerestory is proposed at 15'-4" over the zone height with a chimney at 19'-9" over height. No floor area is increased by these architectural elements. A lobby clerestory (+10'-3") and pitched mechanical screening roof (+16'-7") also are not adding floor area. The two wings that house inpatient care and medical offices are 12'-9" and 10'-3", respectively, over zone height at the highest point.
11. Additional building height, as reviewed by the Planning Commission on May 23, 2007, complies with the criteria for additional building height per LMC Section 15-6-5(F).
12. The Planning Commission reviewed a visual analysis and discussed the additional building height and finds the proposed building is in compliance with the LMC Criteria in Chapter 6 regarding additional height that can be granted for a Master Planned Development, specifically, the facade shifts and building articulation, materials, and details create architectural interest and break the building into areas of varying height and mass. Landscaping and setbacks provide mitigation of visual impacts from adjacent properties.
13. The CT zoning district requires a minimum of 60% of the parking for an MPD to be provided in a structured or tiered parking configuration. A parking structure is proposed in the rear of the hospital and the applicant is requesting a phased approach for compliance at full build-out. The initial phase is for 92 structured spaces and 327 surface spaces (419 total). The 92 structured is only 22 percent of the total in the first phase. The Planning Commission discussed the phase request at the March 28 meeting and found the phasing plan acceptable.
14. The setbacks within the CT zone are twenty five feet (25') in the front, rear, and sides. The building complies with these setback requirements.

15. The amended subdivision plat must be approved prior to full building permit. Excavation and footings and foundation may proceed prior to approval of the amended subdivision plat.
16. Trails and linkages to trails shown on the City's Master Trail Plan shall be constructed in accordance with the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended plat and conditions of the Annexation Agreement.
17. A redundancy water system is necessary for the health, safety and welfare of the development.
18. A signalized intersection with location and associated improvements to State Route 248 approved by the Utah Department of Transportation will be finalized with the amended subdivision plat. Other traffic mitigation measures and costs associated with those measures must be approved by agreement between parties in accordance with the annexation agreement.
19. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law - IHC MPD

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 provision 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.

Conditions of Approval - IHC MPD

1. All standard conditions of approval apply to this MPD.
2. All applicable conditions of approval of the IHC/USSA Annexation shall apply to this MPD.
3. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat shall apply.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required prior to building permit issuance.
5. All exterior lights must conform to the City lighting ordinance and shall be in substantial conformance with the plans reviewed by the Commission on May 23, 2007. Parking lot lighting shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be approved by Staff prior to issuance of a certificate of occupancy.
6. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.

7. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color, and material details exhibits and photos reviewed by the Planning Commission on May 23, 2007.
8. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on May 23, 2007.
9. Utility and grading plans, including all public improvements and trails, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, including trails and required landscaping, is required prior to recordation of the final subdivision plat.
10. The Construction Mitigation Plan must be approved by Staff as a condition precedent to issuance of any building permits. The plan shall be consistent with the plan reviewed by the Planning Commission on May 23, 2007.
11. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits, to mitigate impacts on adjacent wetlands. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.
12. Approval of a fire protection plan for the building shall have been made by the Building Official prior to any full 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 building.
13. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
14. The trail connections to the Park City Recreation Complex as required by the Annexation Agreement and conditions of approval of the final subdivision plat shall be constructed prior to issuance of a final certificate of occupancy for the building. The public dedication of the trails will occur with the amended subdivision concurrently being reviewed by the City. Construction and paving of the trail between IHC and the Recreation Complex will occur with the first phase of hospital construction. The second phase trail will be constructed with the resolution of the development potential (construction or open space/trails) of the adjacent PRI property to the north.
15. IHC will pay \$16,000 per ERU to the City for water within 10 business days of this MPD approval in accordance with Section 8 of the Annexation Agreement. In

addition, IHC will contribute \$899,000 for development of a second, redundant, source of water as provided in the amended water agreement pursuant to Section 8 of the Annexation Agreement.

16. IHC will bear the cost of traffic mitigation measures as provided in the Annexation Agreement in an amount to be agreed prior to the approval of the amended subdivision plat.
17. The following items are agreed to by the applicant as mitigation for the loss of the use of a planned ballfield at the Park City Recreation Complex:
 - IHC will pay Park City Municipal Corporation \$50,000 to compensate the City for actual costs the City incurred to prepare the ground for the future ball field.
 - IHC will pay Park City Municipal Corporation the actual costs incurred by the city for a way finding sign at the Junction of Round Valley Drive and the road leading to the recreation complex and the National Ability Center (F. Gillmor Drive).
 - IHC will pay for and construct an 8' wide paved trail connection on the recreation complex property. This trail connection will connect: the paved trail at the southwest corner of the recreation complex with the paved trail to be built by Intermountain on our property, adjacent to both USSA and the hospital.
 - IHC will enter into a shared parking agreement with Park City. The hospital will share up to 300 parking spaces at full build-out on weekends for park and ride lots for city events. IHC and the City will work together to establish a Parking Management and Phasing Plan to manage the use of these 300 spaces and establish a phasing plan for use of fewer spaces prior to full build-out. Intermountain would have the ability to reduce this number through the Management Plan or if both parties agree in writing based on lack of availability through normal use or ultimate build out of the Medical Campus. The Plan would include anticipate use schedule to allow notification of employees when certain lots would not be available for employee use on weekends.
 - IHC will replace the storm water detention basin that will be removed through the construction of the road.
 - IHC will construct a temporary, paved driveway from SR248 to existing Gillmor Drive, as it runs east to west at the south west corner of the recreation parcel, just south of the proposed signalized intersection. This will facilitate temporary access for the NAC and recreation complex while the road improvements and infrastructure

are being built. Exact location and design are subject to UDOT and Park City approvals.

- It is likely that due to the new road alignment, the City will have to modify the Recreation Subdivision to locate the new Round Valley Drive road within a platted right-of-way. Should this be necessary, the City will coordinate necessary drawings and approvals, but Intermountain will be responsible for the cost of all necessary submittal documents and plats. The amended subdivision, if necessary, would be required prior to issuance of full permits for either USSA or the Hospital.

- IHC will design and construct 30 trailhead parking spaces to the reasonable satisfaction of the City Engineer on the Park City Recreation Complex. The exact location will be determined by Park City, but will be in the general vicinity of the approved plan, adjacent to the new road.

6. IHC - Conditional Use Permit

Commissioner Pettit recused herself from this item.

Planner Robinson commented on additional findings and conditions related to Phase 1 of the building, its size and use, and the parking. He indicated one change in Condition of Approval #9 to specifically name the roads. The first sentence was modified to read, "The applicant, at its expense, will install a signalized intersection on SR 248 and improvements to SR 248, Round Valley Drive, and Florence Gilmore Way as reasonably required by the City Engineer". The remainder of Condition #9 stayed as written.

Chair Pro Tem Barth re-opened the public hearing.

There was no comments.

Chair Pro Tem Barth closed the public hearing.

MOTION: Commissioner Sletten moved to APPROVE the Intermountain Healthcare Hospital conditional use permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report with the amendment to Condition #9 as stated by Planner Robinson. Commissioner Wintzer seconded the motion.

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

Findings of Fact - IHC - CUP

IHC Master Planned Development Vicinity Map EXHIBIT H

Legend

- Road Edges
- City Limits
- Parcels
- Streets

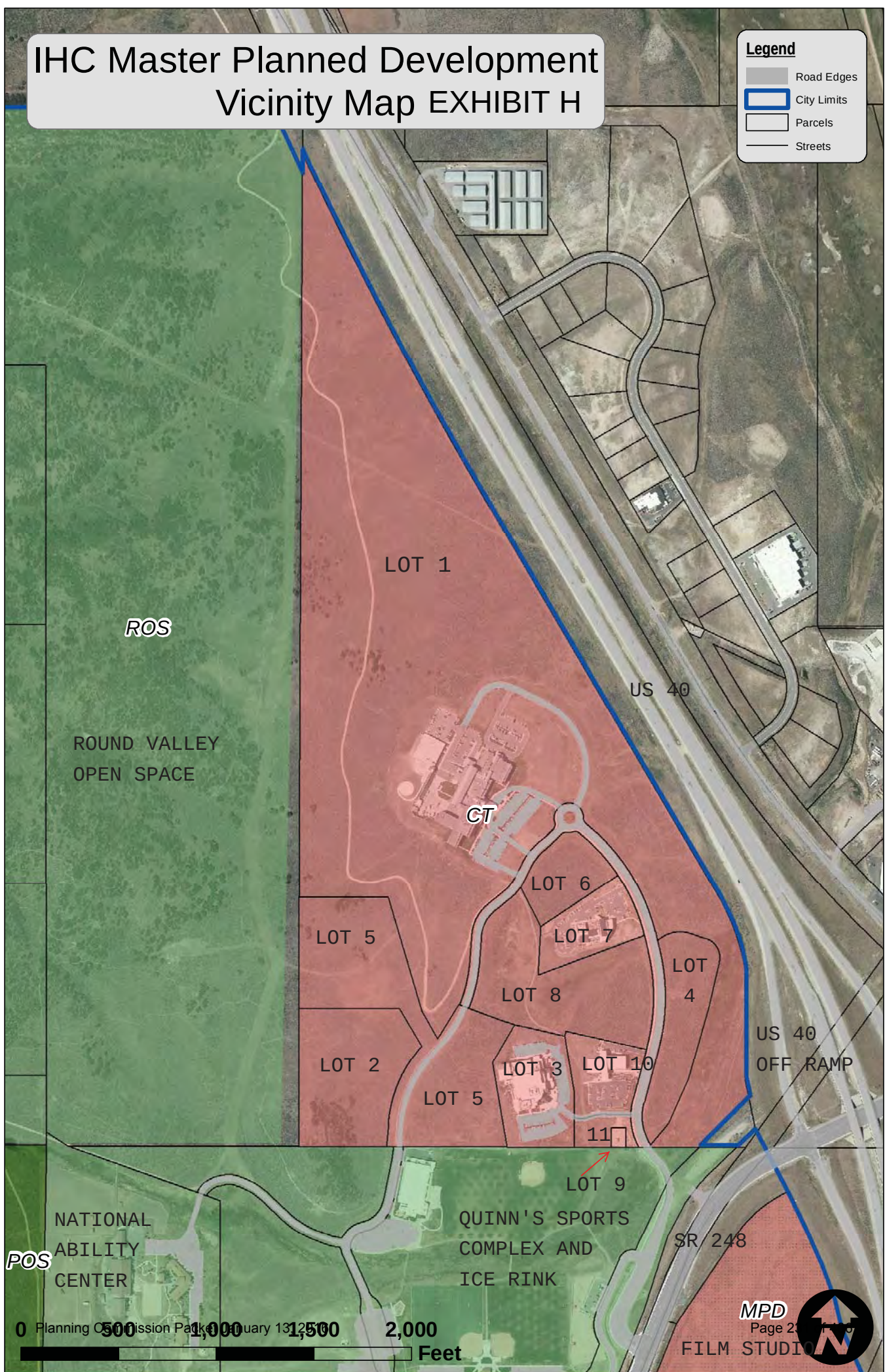


EXHIBIT H

Table 1

Density of IHC MPD	Approved per IHC MPD and 1 st Amendment	Approved and built or under construction	Remaining to be built (includes possible SF if MPD is amended)
Hospital Uses On Lot 1	300,000 SF (square feet) (180 UE)*	137,800 SF (82.68 UE)	<u>162,200 SF (97.32 UE)</u>
Total Support Medical Offices on Lots 1, 6, 7, 8, and 10	150,000 SF (150 UE)**	150,000 SF (150 UE) (68,000 SF existing with 82,000 SF under construction.)	<u>0 SF to 50,000 SF (50 UE) ***</u>
Lots 2, 3, 4, 5, 9, and 11	85 Unit Equivalents identified for Lot 3, 28 affordable units on Lot 4, 0 UE identified for Lots 2, 5, 9, and 11	85,000 SF (85 UE) for USSA Center of Excellence on Lot 3 28 affordable units on Lot 4 - transferred to Park City Heights and under construction.	<u>0 SF- (UE needed for for a public recreation facility?)</u>
Total Includes Hospital Uses/ Support Medical Office on Lots 1, 6, 7, 8 and 10 and USSA on Lot 3	535,000 SF (415 UE) 450,000 SF (330 UE) plus 85,000 SF (85 UE)	287,800 SF (232.68 UE)	<u>162,200 SF (97.32 UE) of Hospital Uses</u> <u>0-50,000 SF (50 UE)</u> <u>Support Medical Office Uses***</u>

Table 2

Medical Support Offices on Lot 1	100,000 SF (100 UE)	100,000 SF (100 UE)	<u>0 SF to 50,000 SF (50 UE) ***</u>
Support Medical office Lots 7 and 10	50,000 SF (50 UE)	50,000 SF (50 UE)	<u>0 SF</u>
Support Medical office Lot 6	25,000 SF (25 UE) transferred to Lot 1 with 1 st MPD Amendment)	0 SF	<u>0 SF to 50,000 SF (50 UE) ***</u>
Support Medical office Lot 8	25,000 SF (25 UE) transferred to Lot 1 with 1 st MPD Amendment)	0 SF	0 SF (Peace House UE for portion of Summit CO affordable units)

*1 UE= 1666.67 sf of hospital use per the annexation agreement.

**1 UE= 1,000 sf of Support Medical Office Use.

*** Subject to approval of MPD Amendment for additional 50 UE as 50,000 sf of Support Medical Office Uses.

The overall density of the Annexation area is 2.64 UE per acre for the allocated Unit Equivalents identified in the Annexation Agreement. There are a total of 415 UE specified on the 157.243 acres of the entire Annexation area. If an additional 50,000 sf (50 UE) of Support Medical Office Uses are approved, then the overall density would be 2.957 UE per acre (465 UE on 157.243 acres). Hospital Use at 50 UE would result in 83,333.5 sf; however this use is no longer being requested. Density is discussed in greater detail in the Analysis section below.

Density Allocation of Annexation/MPD

Table 3

<u>Lot #</u>	<u>Lot Area (acres)</u>	<u>Density (UE)</u>	<u>Ownership</u>
<u>1</u>	<u>99.06</u>	<u>280</u>	<u>IHC</u>
<u>2</u>	<u>8.49</u>	<u>n/a (open space)</u>	<u>IHC</u>
<u>3</u>	<u>5.0</u>	<u>85</u>	<u>USSA</u>
<u>4</u>	<u>5.0</u>	<u>n/a (was affordable housing parcel)</u>	<u>PCMC</u>
<u>5</u>	<u>15.0</u>	<u>n/a (open space and recreation uses)</u>	<u>PCMC</u>
<u>6</u>	<u>3.04</u>	<u>0 (25 were transferred to Lot 1)</u>	<u>IHC</u>
<u>7</u>	<u>3.40</u>	<u>25</u>	<u>IHC/MOB</u>
<u>8</u>	<u>9.93</u>	<u>0 (25 were transferred to Lot 1)</u>	<u>IHC</u>
<u>9</u>	<u>0.17</u>	<u>n/a</u>	<u>Questar</u>
<u>10</u>	<u>3.09</u>	<u>25</u>	<u>IHC (Summit CO/Peoples Health)</u>
<u>11</u>	<u>0.95</u>	<u>n/a</u>	<u>IHC</u>
<u>Roads</u>	<u>4.11</u>	<u>n/a</u>	<u>PCMC- ROW</u>
<u>TOTAL</u>	<u>157.24</u>	<u>415 UE</u>	

Proposed MPD Amendments

1. Subdivision of Lot 8

The applicant is requesting an MPD amendment to allow a subdivision of the existing 9.934 Lot 8 into two lots (Exhibit F). Lot 8 is located directly north of the Summit County Health Department Building. The 3.6 acre eastern portion of Lot 8 would remain as Lot 8 and a new Lot 12 would be created from the remaining 6.334 acres. IHC would retain ownership of Lot 12 as a dedicated open space lot and Lot 8 would be encumbered with a ground lease for the Peace House. The western portion (Lot 12) is primarily wetlands and wetlands buffer. There is no minimum lot size in the CT zone and setback requirements of the zone can be met. A formal plat amendment application is necessary to split the existing lot into 2 lots, with review and recommendation by Planning Commission and final action by the City Council. The applicant has revised the pre-MPD application to stipulate that Lot 12 would be deeded as an open space Lot as an additional public benefit for the MPD.



Park City Housing Authority Staff Report

Subject: Approval of Amended Affordable Housing Mitigation Plan for The Medical Campus at Park City Medical Center
Author: Rhoda Stauffer
Department: Sustainability
Date: June 4, 2015
Type of Item: Administrative

SUMMARY RECOMMENDATION: Staff recommends that the Housing Authority conduct a public hearing, discuss and approve the IHC Affordable Housing Mitigation Plan Approval – Exhibit B.

EXECUTIVE SUMMARY: Intermountain Healthcare (IHC) has a housing obligation balance of 23.32 Affordable Unit Equivalents (AUEs) from the original Annexation Agreement and are proposing that up to 12.5 of them be fulfilled through a land-lease agreement with Peace House for a new multi-purpose housing and shelter campus. Council in its role as Park City Housing Authority has the authority to approve Housing Mitigation Plans for housing obligations resulting from MPDs and Annexation Agreements.

Definitions of Acronyms used in this Report:

AUE = Affordable Unit Equivalent
 IHC = Intermountain Healthcare
 MPD = Master Planned Development
 SF = Square Feet

BACKGROUND:

As a result of an Annexation Agreement recorded on January 23, 2007, the Applicant incurred a housing obligation totaling to 90.47 AUEs. To date, no units have been completed; however 44.78 AUEs will be fulfilled in the construction of 28 townhomes in the Park City Heights development which is scheduled to break ground in the next month. Through agreements with other entities, and transfer of development on certain parcels, the housing obligation was also reduced by 22.37 AUEs resulting in the current balance owed of 23.32 AUEs.

A partial plan for the balance– 23.32 AUEs – is in the attached Affordable Housing Mitigation Plan (Exhibit “A”). To date, all the build-out on the Medical Campus incurs a housing obligation of 43.7 AUEs which means that the 44.78 AUEs included in the Park City Heights project fulfills all existing IHC development. Approvals here are sought for future development.

IHC Housing Obligation numbers		Annexation Agreement
	1. Hospital (300,000 sf)	44.78
	2. USSA (85,000 sf)	10.71
	3. Support Medical (150,000 sf)	34.98
		90.47
Reductions/Waivers/Deferrals		
	Deferral of USSA obligation	10.71
	Transfer to SC for Health Building	5.83
	Transfer to Physician's Holding	5.83
		22.37
Balance of IHC Housing Obligation		68.1
Fulfillment Strategies		
	Park City Heights (28 townhomes -1600 to 2000 sf)	44.78
	Total proposed	44.78
Balance owed		23.32

The Applicant's Housing Obligation is based in Housing Resolution 17-99 which defines an AUE as a two-bedroom unit of 800 square feet.

The Applicant has signed a 40-year lease (with two possible 5-year extensions) with Peace House at the cost of one dollar annually, for just over three buildable acres in Lot 8 of their campus. Lot 8 was originally designated for construction of a medical support building. Peace House is planning to build a campus that includes 12 transitional housing units, 7,200 s.f. of shelter space, one 800 s.f. employee apartment and 7,000 s.f. of office and administrative space. Peace House is also scheduled to be the beneficiary of a Summit County-based housing and community amenity obligation in the form of an in-lieu fee. An expansion of retail space at the Tanger Outlet Center resulted in a Housing Obligation that is equal to 10 AUEs along with obligations for trails and transportation amenities which totals to \$960,000. The 10 AUEs will not be counted as part of IHC's fulfillment of City housing obligations.

ANALYSIS:

Several policy issues are associated with the Applicant's proposal as outlined below. :

1. Housing Resolution 17-99

Although established in more recent Housing Resolutions, Resolution 17-99 (attached as Exhibit "D") does not address the option of constructing transitional housing or emergency shelters in fulfillment of affordable housing obligations. In order to assist organizations such as Peace House, the option was added to subsequent Housing Resolutions beginning in 2007. In the spirit of the intent of later Housing Resolutions establishing support of the concept, Staff recommends that this be approved. ***Is the***

Housing Authority in support of utilizing the provision from later Housing Resolutions to consider transitional housing and emergency shelter construction a viable option for fulfillment of housing obligations?

2. Term of Affordability and Term of Land Lease

Housing Resolution 17-99 requires a minimum of 40 years for the term of affordability with the preference for program existence and/or affordability in perpetuity. The current Housing Resolution (02-15) requires an initial 40 year term with consecutive ten (10) year terms unless the City determines, based on independent housing needs assessment, that the unit/program is no longer needed. The Applicant has signed a 40-year lease with the option for two five-year extensions. Staff recommends approval since the lease term meets the 17-99 Housing Resolution and is only slightly different from the current Housing Resolution. ***Does the Housing Authority accept the Applicant's request to limit the term of affordability to the terms established in the lease agreement? If not, what term would be acceptable to the Housing Authority?***

3. Density Calculations

In accordance with Housing Resolution 17-99, the units that fulfill the Applicant's housing obligation do not count towards density. However, the Peace House campus will benefit from a housing obligation incurred by the expansion of the Tanger Outlets in 2014. In an agreement with Summit County, the new campus planned by Peace House will fulfill the Tanger Outlet housing obligation (10 units) if the following occurs:

- a.** Secure property by 2015 (fulfilled by a lease agreement with IHC signed in February of this year);
- b.** Entitlements for construction by March of 2016; and
- c.** Construction begun by March of 2017.

In exchange, Peace House will receive the in-lieu fee of \$960,000 (combination of 10 AUEs and other community amenity obligations from Tanger Outlet Center) to build their campus. In a recent revision to the MPD for the Medical Campus, IHC moved all density off Lot 8. The Applicant is now requesting that Council grant an exemption for the County housing density in consideration of the higher community purpose addressed by a new Peace House campus. The Applicant has also indicated that they will be returning to the Planning Commission with another request to amend the MPD and request maximum density be assigned to IHC for potential future development. Staff is concerned about the precedent this may establish of eroding density guidelines allowing not only affordable housing waivers and then layering density from other jurisdictions as well. Staff recommends that in future considerations, if additional density is granted, the total be reduced by the density required for the Summit County units (10 AUEs equaling 8,000 square feet). Staff does not recommend that the administrative and support space be counted in density due to the need for it in support of the overall program. ***Is the Housing Authority supportive of granting the exemption of density for the Summit County units with the understanding that any future density granted will be reduced by these units?***

IHC will return with a plan for fulfillment of the remaining balance of AUEs – 11.82 AUEs – at a future date. Discussions have begun on the potential for partnering with the City to establish a loan pool for down-payment assistance or partnership with other local developers for construction of units. Staff is recommending that these discussions continue in order to bring a more refined proposal to the Housing Authority at a future time.

Department Review:

This report was reviewed by the Community Affairs Manager, the City Attorney and the City Manager.

Alternatives:

A. Approve Staff's Recommendation: The IHC Affordable Housing Mitigation Plan Approval – Exhibit B – is approved including Staff's recommended conditions of approval and plans for the new Peace House campus can move forward. This is **Staff's Recommendation**.

B. Deny: Denying the proposal and requesting that the agreement be revised will add time to the process that may jeopardize the Peace House project due to time constraints placed by the County in order to release the in-lieu fees to the project.

C. Modify: Modification could add time to the process and could jeopardize the Peace House project due to time constraints placed by the County in order to release the in-lieu fees to the project.

D. Continue the Item: Modification could add time to the process and could jeopardize the Peace House project due to time constraints placed by the County in order to release the in-lieu fees to the project.

E. Do Nothing: Same result as B above – denial of the request.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Reduced municipal, business and community carbon footprints (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Residents live and work locally (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	+ Streamlined and flexible operating processes (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Positive 	Very Positive 	Positive 

Comments: Allowing the Applicant to work with the Peace House provides a highly valuable resource to the community.

Funding Source: There is no funding source needed for this item.

Consequences of not taking the recommended action: The Applicant won't be able to fulfill their affordable housing obligation and the Peace House could lose a valuable resource in the development of a new campus for their program.

SUMMARY RECOMMENDATION: Staff recommends that the Housing Authority conduct a public hearing, discuss and approve the attached IHC Affordable Housing Mitigation Plan approval – Exhibit B.

Attachments:

- Exhibit A:** Affordable Housing Mitigation Plan submitted by IHC
- Exhibit B:** Draft Housing Plan Approval
- Exhibit C:** Excerpt from Annexation Agreement for IHC's PC Medical Campus
- Exhibit D:** Housing Resolution 17-99

EXHIBIT A

**PARK CITY MEDICAL CENTER
MEDICAL CAMPUS**

**HOUSING MITIGATION PLAN
PARK CITY HOUSING AUTHORITY**

MAY 13, 2015

Background

The annexation agreement between Park City and Intermountain Healthcare included the elements of affordable housing that needed to be provided as part of the development of the annexation area. The base employee affordable housing associated with the hospital at full build out was 44.78 units. This part of the affordable housing obligation was to be satisfied by the donation of Lot 4 of the subdivision to Park City, and the construction of the units. These units were eventually relocated from Lot 4 and included in the Park City Heights project.

The affordable housing obligation for Lot 7 was assumed by Physician Holdings when they purchased that lot from Intermountain. The affordable housing obligation for Lot 10 was assumed by Summit County when Lot 10 and its density were ground leased to Summit County for the Public Health/People's Health Building.

The Planning Commission approved an MPD amendment for the Park City Medical Center on October 8, 2014. This MPD amendment was made to facilitate the building of a Medical Support Building attached to the hospital. This project brought the affordable housing of all construction on campus to 43.7 affordable housing units, nearly matching the Park City Heights units.

There is an additional 23.3 units of affordable housing, part of the annexation agreement. Additional affordable housing needs to be provided before the occupancy of unbuilt density on the campus. One of the conditions of approval by the Planning Commission was for Intermountain Healthcare to return to the Planning Commission with a revised affordable housing phasing plan to address options for the location of the remaining approximately 23.3 affordable housing units associated with the MPD.

Current Proposal

Intermountain Healthcare is working with Peace House to develop a new shelter. Intermountain has entered into a ground lease with Peace House to provide the location for the shelter on part of lot 8 of the subdivision at a cost of \$1 per year. Peace House is planning to build a facility with transitional housing, shelter housing and support services. The total project would be about 25,000 square feet. Part of the funding for the Peace House project is coming from Summit County to fulfill other affordable housing

requirements. Peace House's agreement with Summit County requires them to start construction by March 1, 2017.

The remainder of transitional housing, the shelter housing, and employee housing components of the Peace House project would qualify as affordable housing for Intermountain Healthcare future phases on the Medical Campus. It is estimated that the Intermountain portion of the transitional housing is 2 affordable housing units, the shelter housing is 8.75 affordable housing units, and the employee housing is 1 affordable housing unit. The Peace House project would meet all of Intermountain's affordable housing for the next phase of campus development (9.5 affordable housing units), currently planned for 2019 to 2025. The project also would provide 2.3 affordable housing units to address the obligation of the full build out phase of density approved in the annexation agreement.

Intermountain Healthcare and Peace House are proposing that the new shelter be considered as an affordable housing project. However, before the project can move forward there are some policy issues that the Housing Authority needs to provide direction.

Issue 1

The annexation agreement was written under the 17-99 affordable housing resolution. That version of the resolution did not specifically include transitional housing as a permitted type of affordable housing. In later versions of the affordable housing resolution the Housing Authority did include transitional housing projects as permitted uses. Intermountain Healthcare and Peace House recommend that the Housing Authority approve this project as a permitted use under the 17-99 resolution.

Issue 2

The ground lease between Intermountain Healthcare and Peace House has an initial term of 40 years. In addition, Peace House has 2 extensions of 5 years each at their discretion. Intermountain and Peace House recommend that the Housing Authority approve the term of the ground lease as acceptable for affordable housing purposes.

Issue 3

The annexation agreement states that affordable housing to mitigate the development on the hospital campus may be located there without additional density being required. Therefore the portion of the Peace House project associated with the Intermountain Healthcare affordable housing requirement is exempt from density requirements for the CT zone. The issue relates to the portion of Peace House that is associated with Summit County affordable housing. Is the Housing Authority willing to grant an exemption from density for the county portion of the project? Intermountain Healthcare and Peace House are recommending that this exemption be granted.

Issue 4

There is an administrative space component to the project. This space is support for the Peace House's mission. Since support space is space that does not exist independent of the primary purpose, Intermountain and Peace House recommend that the administrative space be considered as support to affordable housing and therefore exempt for density purposes.

Future Affordable Housing

The remaining affordable housing obligation of 11.5 affordable housing units is tied to the full build out phase of the campus development after 2025. Intermountain's plan for any remaining affordable housing AUEs would be to have these units developed off-campus. One option under consideration is to participate with Park City Municipal Corporation if the city develops a shared equity program or other affordable housing assistance program for employees. The second option would be to participate with a private housing development off campus.

Exhibit B

Draft Approval for Affordable Housing Mitigation Plan The Medical Campus at Park City Medical Center

FINDINGS, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL FOR AN AMENDED AFFORDABLE HOUSING MITIGATION PLAN FOR THE MEDICAL CAMPUS AT PARK CITY MEDICAL CENTER

WHEREAS, the owners of the Medical Campus at Park City Medical Center located on Round Valley Drive have a total housing obligation of 90.47 AUEs established within the Annexation Agreement recorded January 23, 2007;

WHEREAS, 44.78 AUEs are fulfilled through development of 28 townhomes within the Park City Heights development and 22.37 AUEs are deferred or transferred through land deals, a total of 23.32 AUEs remain to be fulfilled; and

WHEREAS, the owner submitted a proposed updated housing mitigation plan on May 13, 2015 requesting that a land lease with Peace House be considered as fulfillment of 12.5 AUEs;

NOW, THEREFORE, the Housing Authority of Park City, Utah hereby approves the Housing Mitigation Plan as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Housing Mitigation Plan submitted by the Owner is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The original Annexation Agreement was recorded January 23, 2007.
2. The Housing Authority approved an overall housing obligation equal to 90.47 AUEs in accordance with Housing Resolution 17-99.
3. Construction of 28 affordable townhomes within the Park City Heights development will fulfill 44.78 AUEs.
4. Deferral of units resulting from the construction of the USSA facility equals 10.47 AUEs.
5. Transfer of development rights for one 25,000 square foot medical support building to Summit County for the Health Department and People's Health Clinic equals 5.83 AUEs.
6. Transfer of development rights for one 25,000 square foot medical support building to Physicians Holdings, LLC equals 5.83 AUEs.
7. To date, a balance of 23.32 AUEs remains to be fulfilled.
8. The Owner proposes to lease land to the Peace House for a campus that includes a minimum of the following: 12 transitional housing units of 800 square

feet or larger, 7,200 square feet or more of shelter space, and one employee apartment of a minimum of 800 square feet.

9. The Peace House campus equals a total of 22.5 AUEs of which 10 are in fulfillment of a Summit County housing obligation and therefore removed from the calculation resulting in 12.5 AUEs to count towards the balance remaining in the Owner's housing obligation.
10. The provision of shelter and transitional housing is not offered as an option for fulfillment in Housing Resolution 17-99.
11. The Owner's lease agreement with Peace House is a slight deviation from the current requirements for terms of affordability however they meet the terms required in Housing Resolution 17-99.
12. Lot 8 on which the Peace House campus will be constructed retains no density.

Conclusions of Law:

1. IHC's updated Housing Mitigation Plan requests several exceptions to Housing Resolution 17-99.
2. The Owner will fulfill 12.5 AUEs with this Approval.
3. The Owner will have a balance of 11.82 AUEs still to be fulfilled following the completion of this plan.

Conditions of Approval:

1. Future density increases for the IHC Medical Campus at Park City Medical Center will be reduced by 10 AUEs or 8,000 square feet.

SECTION 2. EFFECTIVE DATE. This approval shall take effect upon adoption and execution.

PASSED AND ADOPTED this ____ day of _____ 20__.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

Attest:

Marci Heil, City Recorder

Approved as to Form:

Mark Harrington, City Attorney

EXHIBIT C

In connection with the MPD and the Subdivision² review and approval processes, on-site storm runoff detention facilities, or approved alternatives, as approved by the City Engineer, may be required. The timing for the construction of such storm run-off improvements shall be determined during the MPD review and approval process (the "Storm Detention Facilities"). The City shall be responsible for the cost of any over-sized on-site Storm Detention Facilities required as determined as part of the MPD (as sized and located to the reasonable satisfaction of Intermountain Healthcare and USSA), and, as and to the extent the Petitioner (or its assigns) shall pay or be liable for any such costs, the Petitioner (or, as applicable, Intermountain Healthcare or USSA) shall receive an appropriate credit or contribution from the City (as determined by the Petitioner and the City during the MPD review and approval process) for any such facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity.

As part of the MPD review and approval process, the Petitioner (or, as specified in connection with any such assignment, its assigns), the City and the affected parties shall determine and agree on the proportionate costs and/or appropriate credits or contributions from the City for the installation, construction, repair, and maintenance of any excess length, size or capacity storm sewer and/or sanitary sewer lines, power, sewer, and other utility line extensions and related facilities (including without limitation the Storm Retention Facilities and the Water Facilities and Systems, the "Sewer and Related Facilities"), which may be required for the use and development of the Property, or any part thereof, and the provision of municipal services related thereto (with the understanding that the Petitioner (or, as applicable, the respective owners of the Intermountain Healthcare Property or the USSA Property) shall receive an appropriate credit or contribution from the City for the cost of any Sewer and Related Facilities designed, constructed or configured for the benefit of or to accommodate the needs of the City or any other person or entity. The extent to which such Sewer and Related Facilities shall be dedicated to the City, and the required granting of easements therefor, shall also be determined, and agreed to, by the Petitioner (or, as specified in connection with any such assignment, its assigns), the affected parties and the City during the MPD review and approval process.

11. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the Findings and Conditions (the "Employee/Affordable Housing"), with the understanding and agreement of the parties that:

a. The Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital (300,000 square feet) is 44.78 "Affordable Unit Equivalents" (as defined in the City's Land Management Code) (the "Units"). Petitioner previously notified the City that it desires to and will donate five (5) acres of the Property (the "City Donated Parcel") to the City. Intermountain Healthcare, the City and the Petitioner have agreed that the foregoing Employee/Affordable Housing requirement shall be satisfied by the Petitioner's donation of the City Donated Parcel to the City as previously committed to by Petitioner, and the other terms and conditions of this Section 11. Within twelve (12) months of the effective date of this Agreement, the City shall determine if the Units are to be located on the City Donated Parcel or at some alternate location within the City, as agreed to by Petitioner (or its assignees), which agreement shall not be unreasonably withheld, conditioned or delayed, (an "Alternate Affordable Housing Location"); provided that, in the event of an Alternate Affordable Housing Location, the Petitioner (and any assignee thereof) shall not have any obligation, cost or otherwise, for the acquisition of any such Alternate Affordable Housing Location; and provided that, in the event the Units are located on any Alternate Affordable Housing Location, the Petitioner (or any assignee thereof) shall not

² The Subdivision review and approval process will be a two-part process. The first part of the Subdivision review and approval process will establish the lot lines of the Intermountain Healthcare Property, the USSA Property, the City Donated Parcel, and the City Recreation/Open Space Parcel and, in that connection, allow for the recording of the Subdivision Plat in the official real estate records of Summit County, Utah. The second part of the Subdivision review and approval process will include an amendment to the Subdivision Plat, which will be processed during the MPD review and approval process and, to the extent appropriate, will incorporate any necessary requirements of this Section 10.

incur, or be obligated for, any costs or expenses in excess of those that would be incurred if the Units were located and constructed on the City Donated Parcel. Subject to the foregoing, within twenty-four (24) months of the effective date of this Agreement, the Petitioner (or any assignee thereof) shall either (i) begin construction of the Units on the City Donated Parcel or at the Alternate Affordable Housing Location or (ii) post a financial guarantee in favor of the City in a form, on terms and in the amount set forth in attached Exhibit "F" (the "Financial Guarantee").³

The City shall not issue building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet until (A) the commencement of construction of the Units on the City Donated Parcel or an Alternate Affordable Housing Location within twenty-four (24) months following the Annexation, (B) a decision is made to locate the Units on property other than the City Donated Parcel, (C) the satisfaction of the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital by financing or some other arrangement, or (D) the delivery by Petitioner (or its assigns) and acceptance by the City of the Financial Guarantee.⁴ Any such Units constructed shall be sold or rented by the Petitioner (or any assignee thereof) at deed restricted prices or otherwise financed consistent with the City affordable housing guidelines.

b. The Employee/Affordable Housing requirement for development associated with the a proposed United States Ski and Snowboard Association, a Utah nonprofit organization ("USSA") facility (85,000 square feet) is 10.71 Affordable Unit Equivalents. The Petitioner previously notified USSA that it desires to and will donate the USSA Property, upon which USSA intends to construct its facilities, to USSA. A total deferral of the required 10.71 Affordable Unit Equivalents will be granted by the City upon, and in exchange for, the donation of the USSA Property by the Petitioner to USSA as previously committed to by Petitioner. The deferral is contingent upon continued ownership and occupancy by the facility by USSA or another community-based nonprofit organization. Any change in use to a non-community-based nonprofit organization may require that the deferred Employee/Affordable Housing requirements be met by the owner of the USSA Property as contemplated under the Affordable Housing Guidelines and Standards Resolution 10-06.

c. The Employee/Affordable Housing requirement for development associated with the Support Medical Office area (150,000 square feet) is 34.98 Affordable Unit Equivalents. This requirement shall be satisfied with either on-site or off-site units as determined in connection with the development of the Property to which such area relates and, in any case, shall not reduce the square footage available for the Support Medical Office area. The units shall be sold or rented at deed restricted prices or otherwise financed consistent with the City's affordable housing guidelines. Construction of the affordable units may be phased with the construction of the Support Medical Office area; provided that no certificate of occupancy for the Support Medical Office area in excess of 25,000 square feet shall be issued unless construction has commenced on the required Affordable Unit Equivalents hereunder or a financial guarantee (see footnote no. 2, above) has been posted therefor in a form and in an amount acceptable to the City.

³ The form and amount of any bond or other financial assurance required by the City hereunder shall be determined by reasonably estimating (the City's administrative costs (which are estimated to be ten percent (10%) of the total cost of construction of the Units), if the City were required to proceed with construction of the Units or any other affordable housing units/equivalents hereunder, and no more.

⁴ By the execution hereof, the City hereby acknowledges and confirms, as of the Effective Date, the delivery by the Petitioner and the acceptance by the City of the Financial Guarantee for the Units, which is in the form, on terms and in an amount required by the City. With the Financial Guarantee, the Employee/Affordable Housing requirement for development associated with the Intermountain Healthcare hospital has been satisfied in its entirety and, as such, is not a condition precedent to the issuance of building permits for development of the Intermountain Healthcare hospital in excess of 149,000 square feet.

d. If the "Units" (as defined in subsection 11(a), above), in fact, are located on the City Donated Parcel, the "Units" will be situated, designed and constructed on the City Donated Parcel in a manner approved, in writing and in advance, by Intermountain Healthcare, in Intermountain Healthcare's reasonable discretion. Any proceeds from the sale or lease of the "Units" on the City Donated Parcel or any Alternate Affordable Housing Location, following their design and construction, shall be retained by and constitute the exclusive property of the entity which constructs the "Units," being either the Petitioner, or any assignee thereof, as the case may be. All utilities shall be stubbed to the City Donated Parcel or any Alternate Affordable Housing Location, on which the Units may be constructed, at no cost to Petitioner (or its assigns) or any other party hereto. Further, neither the Petitioner (and its assigns) nor any other party hereto shall have any obligation, cost or otherwise, for any water rights or interests, nor for any other public fees, except for standard planning review and building permit fees necessary for construction of the Units on the City Donated Parcel (or any Alternate Affordable Housing Location).

12. **Planning Review Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in this Annexation Agreement, or as part of the MPD review and approval process (including without limitation any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City from time to time.

13. **Impact and Building Fees.** Except as otherwise agreed by the City, otherwise specified in a Development Agreement or in Sections 8, 9 and 10 of this Annexation Agreement, or as part of the MPD review and approval process (including any applicable credits and/or "in lieu of tax payments"), the Petitioner (or its assigns) shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Intermountain Healthcare Property, the USSA Property or the remainder of the Property at the time of application for any building permits.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the applicable City ordinances and, further, the City's final approval of the construction of any such public improvements, those roads, streets, water facilities, utilities, and easements as may be agreed by the City, Intermountain Healthcare and/or USSA in connection with the MPD review and approval process (the "Public Improvements"), shall be conveyed and dedicated to the City, for public purposes. Following any such dedication, the City shall be responsible for the maintenance, repair and replacement of any and all such Public Improvements.

15. **Snow Removal and Storage.** Other than as the City may determine necessary or appropriate for the Trails, the City shall not be obligated to remove snow from roads, streets or similar improvements within the Property, until acceptance of the dedication thereof pursuant to the applicable City ordinances or this Annexation Agreement.

16. **Fiscal Impact Analysis.** The fiscal impact analysis prepared by the City Budget, Debt and Grants Department was reviewed, accepted and approved by the City Planning Commission on November 10, 2005. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property and it is hereby accepted and approved by the City as part of this Annexation Agreement.

17. **Traffic Mitigation.** A comprehensive traffic review and analysis of the surrounding properties and jurisdictions was performed by a traffic consultant, Horrocks Engineers, and additional analysis was performed by the City's consultant, Rosenthal and Associates (together referred to herein as the "Traffic Studies"). Any such mitigation measures (inclusive of the "Roadway Access Costs" (as defined below and contemplated under the Findings and Conditions, the "Traffic Mitigation Measures")) shall be implemented in a manner consistent with the Findings and Conditions; provided that any costs or expenses shall be proportionately allocated among all affected persons and entities, including without limitation the City; and provided that neither the Petitioner nor its assigns shall be obligated to take or

EXHIBIT D



Resolution 17-99

RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the City Council adopted Resolution No. 37-91 on December 5, 1991 which establishes policies to support and increase affordable housing in Park City; and

WHEREAS, in 1994 the City Council convened a Housing Advisory Task Force to review and make recommendations on the City's housing strategies due to the dramatic increase in land costs and a concomitant rise in the cost of all housing in the community; and

WHEREAS, The Housing Advisory Task Force and annual housing studies conducted by the City concluded that the rise of housing costs has outpaced the increase in wages in the service sector areas of the resort based economy and has resulted in making housing unaffordable to working residents of the City; and

WHEREAS, the Task Force and Council targeted the population to be served by these efforts as essential services workers such as police, teachers, firemen, service workers and long time community residents; and

WHEREAS, the out-migration of service and community based workers has resulted in a deterioration of community character and threatens the city's economic success; and

WHEREAS, it is in the best interest of the community to formulate guidelines and standards to establish consistent criteria for review of project applications, annexation petitions, resort or ski area expansions, and other development actions where affordable housing is needed to mitigate the impact of the project on the community; and

WHEREAS, the Council has considered standards in other resort communities, and those implemented by State and Federal Housing and Community Development Departments and has conducted local rental and residential market studies for Park City, and solicited input from the Affordable Housing Task Force; and

WHEREAS, the cost of providing affordable housing should not be disproportionately borne by any single sector of the community and any solutions should equitably apportion the costs based on impact generation, growth inducement and the underlying goal to

provide a cross section of units in our community in order to maintain a healthy economy and diverse population; and

WHEREAS, the City Council supports at this time the creation of for-sale properties versus rental properties because of the overwhelming demand for affordable residential homes.

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. The following housing standards and guidelines are hereby adopted:

SECTION 2. DEFINITIONS/APPLICABILITY.

A. Application: These standards shall apply to all new housing obligations as noticed in Resolution No. 6-94. Prior agreements on density or configuration shall take precedence over these standards. However, all rental and for-sale guidelines and time limitations as described below shall apply.

B. Purpose: The purpose of this Resolution is to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain the social, economic and political fabric of its community character. The purpose is also to ensure that the affordable housing requirement is satisfied in direct proportion to the original sale of lots or square footage within the project.

C. Review: This ordinance shall be reviewed by the Housing Authority every two years to ensure that these standards are meeting the housing goals and objectives as determined by the City Council.

D. Definition of Affordability: Housing that is deed restricted in perpetuity to limit its end-user costs (rent or mortgage plus taxes and utility allowance) to 30 percent or less of the gross household income. (Household means one or more persons living together as a single housekeeping unit.)

E. Housing Authority: The Housing Authority is composed of the Park City Municipal City Council members and meets according to Utah State statute.

F. Single Room Occupancy - SRO. A single room with shared kitchen and/or living room facilities. Congregate type living for groups of unrelated individuals.

SECTION 3. CITY ASSISTED PROJECTS

Minimum Unit Size Standards for City Assisted Projects

SRO	200 square feet
Studio	400 square feet
1 bedroom	600 square feet
2 bedroom	800 square feet
3 bedroom	1,200 square feet

4 bedroom 1,400 square feet

Modifications to the minimum unit standards may be made by the Housing Authority based upon such factors as housing configuration (detached vs. attached), provisions of public benefits, such as shared common living areas, or additional project amenities such as communal facilities and/or open space areas.

Unit Types for City Assisted Projects

Specific product types shall be determined by the Park City Housing Authority with advice from Mountainlands Community Housing in accordance with site constraints, the market need as outlined in the annual Housing Affordability update published by the City, and the procedures and standards in this resolution. The following are provided as guidelines on appropriate housing types:

Types of Units to serve seasonal employees:

Rental:

Dormitories
Efficiency Apts.
Single Room Occupancy (SRO)
Studios
Accessory Apartments
2/3 bedrooms

Types of Units to serve long - term employees:

For Sale:

Duplex/Triplex
Twinhomes
Detached units
Condominium units
Mixed bedroom size
Assisted/Independent living units

Maximum Rent Guidelines:

The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income.

The maximum rent guidelines will be annually adjusted administratively by using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

For Sale Guidelines:

The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income.

City Assistance Standard.

The Housing Authority may provide financial assistance up to \$5,000 per unit regardless of unit size or configuration. Land lease or land acquisition is also negotiable.

Target Groups

Policies and programs should be developed for those who live and work in the Park City area. The Park City area is defined as the Park City School District limits which includes Snyderville Basin. While it is recognized that different solutions will be necessary for different groups and that some individuals may fit several groups, the following target groups should be given priority in any city assisted project.

- A. "Essential" public and private service workers: Park City School District, Park City Fire District, Park City Municipal Corporation, Snyderville Basin Sewer Improvement District.
- B. Full time (30 hours of employment per week) employees of businesses located in the City limits.
- C. A resident of the City for the prior 24 months.
- D. An owner or owner's representative of a business within City limits.
- E. Senior citizens
- F. Physically and/or mentally challenged individuals.

Limitation Period.

Limitations shall remain in effect for a minimum of 21 years. First right of refusal and/or option to purchase shall be granted to the Housing Authority. The Authority shall have 90 days to respond or assign the above-described rights. Longer terms of limitation may be negotiated on individual projects as directed by the Housing Authority. This limitation period may also be reduced based upon the provision of additional public benefits such as preservation of historic structures or other community benefits as negotiated by the Housing Authority.

Review

The Housing Authority shall review and approve the housing plan if it complies with these standards, addresses the need for affordable housing, and is consistent with the General Plan and Land Management Code. The Housing Authority may require a bond or other security approved by the City Attorney guaranteeing compliance with the Plan. The Housing Authority shall invite Mountainlands Community Housing to make a formal recommendation to the Housing Authority prior to adoption of the plan. Specific unit types, mix and targeted incomes shall be determined through this process.

a) Criteria for Review

1. Define the need for units at the time the project is proposed.
2. Define the population served.
3. Define how the plan integrates, not segregates, various product types and income levels.
4. How do Mountainlands Community Housing recommendations relate to the plan?

5. Is the developer's participation at least of equal value to the financial commitment made by the Housing Authority?

SECTION 4. ANNEXATIONS AND MASTER PLANNED DEVELOPEMENTS.

Applicability

This section shall apply to:

1. Annexations; and,
2. Master Planned Developments,(MPD), of 50 residential units or more and/or commercial mixed use projects of 5,000 square feet of space (gross).

Mitigation Required

Any development subject to this section shall mitigate for impacts to affordable housing by satisfying the requirements set forth below.

Housing Mitigation Plan

A Housing Mitigation Plan shall be submitted to the Housing Authority for review. The Housing Mitigation plan shall be evaluated based on the following:

1. compliance with the standards set forth below;
2. ability to address the need for affordable housing; and,
3. consistency with the General Plan and Land Management Code.

Implementation

The strategy for meeting the housing obligation must be specified in the annexation or MPD agreement. Phasing and satisfaction of this obligation shall be described in the annexation agreement for each project and/or further described under the Housing Mitigation Plan. Construction of the restricted units shall be concurrent with the development of market rate units unless other alternatives are specifically agreed upon by the City Council during the annexation process.

Standards:

The following standards shall be met when developing and implementing a Housing Mitigation Plan:

1. Mitigation Requirements

Fifteen percent (15%) of the total residential units constructed shall be provided for affordable housing. Housing shall also be provided for twenty percent (20%) of employees generated by the retail, restaurant, hotel, and office components of the project.

The Housing Authority reserves the right to increase or decrease the mitigation percentages (by amending this resolution) based on the Annual Housing Affordability Update conducted by City and other compelling market data as presented by the staff and community.

2. Unit equivalents, type and size and Maximum rent and for sale restrictions of affordable units

The following table outlines the unit type and maximum rent and sale price for the residential and commercial component of a project. Projects may construct any combination of affordable unit types contained in Table 1 provided that the total required affordable housing unit equivalent is met. The housing unit types, and sizes shall be delineated through the Planning Commission process with advice from Mountainlands Community Housing.

Option A. Average generation and Median Wage Income for project.

The following average project generations are made by the City and may be selected by the developer for satisfaction of the rental/for sale maximums.

Table 1. 1999 Affordable Housing Unit Standards
Average generation and Median wage/income for Projects

<u>Unit Type</u>	<u>Unit Equivalent</u>	<u>Square Footage</u> Note 4	<u>Rent Calculation</u> Note 1 & Note 2	<u>Employee Equivalent</u>	<u>Max. rent monthly</u> Note 3	<u>Purchase Price</u> Note 3
SRO	.25	200	17680 x .30/12 x .57	1	\$252	\$38,329
Studio	.50	400	17680 x .30/12 x .91	1	\$402	\$59,781
1 BR	.75	600	17680 x .30/12 x 1.24	1	\$548	\$80,662
2 BR	1	800	17680 x .30/12 x 1.49	2	\$658	\$96,394
3 BR	1.25	1200	17680 x .30/12 x 1.74	3	\$769	\$112,269
4BR	1.50	1400	17680 x .30/12 x 2.07	4	\$915	\$133,150

Note 1. Employment Factor = 2.9 employees per thousand sf of commercial space is an average of data produced by Rosenthal & Associates after an employee generation study was commissioned by Park City Municipal in 1997. Median Wage \$8.50 - annualized wage is \$17,680 (8.50 x 2080(hours)). The data are based on survey information, interviews with local businesses, Chamber/Bureau data, and State Labor information. Supporting data and assumptions are included in the Park City Housing Data Handbook 1999.

Note 2. Rent calculations assumptions are explained in the Park City Housing Data Handbook 1999. Income adjustments for households are made by adjusting the same factors that the Department of Housing and Urban Development uses for local market conditions.

Note 3. Rent/mortgage will be no more than 30% of the resident's income as defined in Section 2 (D). Purchase price is maximum mortgage for unit type. The maximum rent and purchase price guidelines will be adjusted administratively, annually, using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

Note 4. In order to meet the unit obligation common area and common facility configuration must accommodate unrelated individuals and be according to City health and safety standards.

Example:

A mixed use project with 184 residential unit equivalents (UE's) and 90,000 square feet of commercial space.

The Residential Requirement:

184 UE's X 10%=18.4 units which could be satisfied with a variety of unit configurations (see examples below).

<u>SRO</u>	<u>Studio</u>	<u>1 Bedroom</u>	<u>2 Bedroom</u>	<u>3 Bedroom</u>	<u>4 Bedroom</u>	<u>Total UE's</u>
	1		18			18.5
10	6	4	3	3	2	18.5
		1	1	10	3	18.75

The Commercial Requirement:

90,000 sf X 20% X 2.9 = 52.2 =53 employees which could be satisfied with a variety of unit configurations (see examples below).

<u>SRO</u>	<u>Studio</u>	<u>1 Bedroom</u>	<u>2 Bedroom</u>	<u>3 Bedroom</u>	<u>4 Bedroom</u>	<u>Total E.E.'s</u>
	1		26			53
10	6	4	8	3	2	53
		5	1	10	4	53

Option B - Median Wage for Project

This alternative would calculate the actual median wage for the project and direct 100% of the required mitigation to this target group. An employee generation study would be calculated and then the median wage would be determined based on the number of employees generated. The data provided in the Park City Housing Data Handbook 1999 allows the developer and staff to calculate the employee generation numbers and the estimated annual average earnings for workers.

The housing unit type, and sizes shall be delineated through the Planning Commission process with direction from Mountainlands Community Housing. Projects may construct any combination of affordable unit types contained in Table 1 provided that the total required affordable housing unit equivalent is met.

Example: See Table 1 and adjust as noted below

Employment factor - calculate employee generation for specific project (see Park City Housing Data Handbook 1999 for numbers)	Median Wage - calculate from handbook once employees types and numbers are known
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Decrease in Required units

If the developer elects to provide units below 45% of the Summit County Median Income (SCMI), and the rental or purchase price is below the average wage assumption alternative or independent

calculation, then the Housing Authority may reduce the total obligation of units required by the developer based on the following table:

<i>Median Income Summit County 1999 \$64,260</i>	<i>Rent calculation (2 bed standard)*</i>	<i>Maximum Mortgage (2 bed standard)*</i>	<i>Unit reduction per unit equivalent or employee equivalent</i>
45% \$28,890	\$577	\$84,929	.25
40% \$25,680	\$513	\$75,513	.50
35% \$22,470	\$449	\$66,092	.75
30% \$19,260	\$385	\$56,671	1
Median Income data can be found at http://www.huduser.org	* Income adjustments for households are made by adjusting the same factors that the Department of Housing and Urban Development.	*Calculation methodologies are detailed in the Park City Housing Data Handbook 1999	

Suggested Unit Types

The following are provided as guidelines on appropriate housing types:

Types of Units for seasonal employees:

Rental:

Dormitories
Efficiency Apts.
Single Room Occupancy (SRO)
Studios
Accessory Apartments
2/3 bedrooms

Types of Units for long-term employees:

For Sale:

Duplex/Triplex
Twinhomes
Detached units
Condominium units
Mixed bedroom size

3. Location/Development alternatives.

Affordable Housing units shall be constructed on the project site, unless the developer can demonstrate to the Housing Authority compelling evidence (density or design) that the project should not accommodate on-site units. Subject to Housing Authority approval, the following location alternatives, in order of preference, are available:

1. Construction of affordable units within the Park City limits;
2. Construction of affordable units within the School District boundaries;
3. Land donation;
4. Acquisition of off-site units within Park City limits subject to Housing Authority approval; and,
5. Payment of in lieu fees. The fee is structured on the subsidy gap that is required to construct rental and for-sale units, not on the actual cost of construction. For 1999 the figure is \$59,828 per unit.

These figures are based on 1999 costs and will need to be administratively adjusted to reflect market costs at the time of project approval. The in-lieu fee figure can be reduced by the Housing Authority if the payment occurs in the first two years of the development process and results in a partnership that leverages the immediate production or purchase of units. Methodology for the in lieu fee calculation can be found in the Park City Housing Data Handbook 1999.

4. Design/Site criteria

Projects shall be integrated in design and in income. Large scale projects that provide the same unit type at the same price or rent and that are isolated from community services and public transportation are discouraged. Smaller projects located near community services that provide for mixed income levels are mixed unit types are preferred.

5. Limitation Period.

Rental rates and resale price limitations shall remain in place for a minimum of 40 years, with perpetuity being the preferred alternative. First right of refusal and/or option to purchase shall be granted to the Housing Authority. The Authority shall have 90 days to respond or assign the above-described rights. Longer terms of limitation may be negotiated on individual projects as directed by the Housing Authority. This limitation period may also be reduced based upon the provision of additional public benefits such as preservation of historic structures or other community benefits as negotiated by the Housing Authority.

SECTION 5. INDEPENDENT CALCULATION

An applicant may submit an application for independent calculation requesting modification to the following:

- a) Unit Standards;
- b) Limitation Standards;
- c) Unit Equivalents; and,
- d) In Lieu Guidelines cost calculations.

The application for independent calculation shall be reviewed by the Housing Authority. If the material in the application demonstrates by substantial competent evidence that there is reasonable basis to modify the standards listed above because of unique circumstances related to the proposed

development, the Housing Authority shall approve the independent calculation and make the relevant modification.

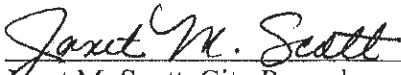
SECTION 7. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council.

PASSED AND ADOPTED this 17th day of June, 1999.

PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Orch.

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Josh Hoffman, City Attorney



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**conclusions of law,
and conditions of approval in a form approved by
the city attorney to June 18, 2015
Council member Simpson seconded
Approved unanimously**

8. Consideration of the 327 Woodside Amended Subdivision Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

**Council member Simpson moved to continue consideration of the 327 Woodside amended subdivision pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the city attorney
Council member Henney seconded
Approved unanimously**

VI. ADJOURNMENT INTO HOUSING AUTHORITY MEETING

**Council member Simpson moved to adjourn
Council member Henney seconded
Approved unanimously**

VII. HOUSING AUTHORITY MEETING

1. Roll Call - Mayor Jack Thomas called the meeting of the Housing Authority to order at approximately 6:57 p.m. at the Marsac Municipal Building on Thursday, June 4, 2015. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Marci Heil, City Recorder; Karen Anderson; Rhoda Stauffer, Sustainability
2. Consideration of the IHC Housing Plan

Rhoda Stauffer, Sustainability; Morgan Bush, IHC; Doug Clyde, Peace House; and Cy Hut, Park City Medical Center, joined Council to discuss the IHC Housing plan policy decisions to include: term of land lease, density considerations and shelter and transitional housing fulfillments to meet the housing obligation.

The land lease for Peace House is for 40 years at \$1 per year with 5 year extensions. Stauffer outlined that there was a change to findings of fact number 8 to read "totaling to 9,600 square feet or more." Council member Matsumoto asked, when the lease is up, does the hospital still fulfill the housing requirement. Morgan states yes, it's an ongoing requirement. Council member Simpson asked why have two 5-year leases instead of one 10-year lease. Bush explains this is a standard IHC lease agreement but the option lies with Peace House, not IHC.

Regarding the density calculation, Stauffer explains Staff recommends that if future density is granted to the hospital for future development, we deduct the Summit County units from that density calculation.

Lastly, if Council approves the plat of approval, Staff recommends changes Item 8 to "the owner proposes to lease land to the Peace House for a campus that includes a minimum of 12 transitional housing units totaling to 9,600 square feet or more, 7200 square feet or more of shelter space and one employee apartment of a minimum of 800 square feet" to allow Peace House more flexibility with the size of their units. Council member Beerman asks if Summit County is on board with the transaction, to which Stauffer explains they have already worked everything out on their end.

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Mayor Thomas opened for public hearing. No comments made. Mayor Thomas closed the public hearing.

**Board member Peek moved to approve the IHC
Housing Plan with amended language
Board member Beerman seconded
Approved unanimously**

Simpson moved to adjourn. Beerman seconded. Approved.

Approved unanimously as amended to include the change to findings of fact number 8

3. Adjournment

**Board member Simpson moved to adjourn
Board member Beerman seconded
Approved unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 1:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were; Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager. **Council member Henney moved to close the meeting to discuss Property, Litigation and Personnel. Council member Simpson seconded. Motion carried.**

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Karen Anderson, Deputy City Recorder

Planning Commission Staff Report



PLANNING DEPARTMENT

Application #s: PL-15-03000
Subject: Peace House Conditional Use Permit
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: January 13, 2016
Type of Item: Administrative

Summary Recommendation

Staff recommends the Planning Commission discuss the Conditional Use Permit (CUP) application for the Peace House and conduct a public hearing. Staff has prepared findings of fact, conclusions of law and conditions of approval for the Commission's consideration.

Description

Applicant: Peace House, Inc., represented by Doug Clyde and Intermountain Healthcare Health Services, Inc. (IHC), represented by Morgan Busch
Location: 700 Round Valley Drive
Zoning District: Community Transition (CT)
Surrounding Land Uses: IHC Park City Medical Clinic, Summit County Health Department and People's Health clinic, USSA Training Facility, Physician Holdings Medical offices, Quinn's Recreation and Park City Ice Rink complex, US 40, and open space and public trails.
Reason for Review: Final action on a Conditional Use Permit application is made by the Planning Commission following a public hearing.

Summary of Proposal

This application is a request for a Conditional Use Permit (CUP) for new construction of a shelter for victims of domestic violence with administrative offices, support uses, and emergency and transitional housing. The CUP is located on Lot 8 of the Second Amended Intermountain Health Care Medical Campus/USSA Headquarters and Training Facility. Lot 8 contains a total of 9.934 acres (Exhibits A, B, C, E, F and G). The Peace House facility is proposed on the eastern approximately 3.6 acres of Lot 8.

Background

On May 23, 2007, the Planning Commission approved a Master Planned Development (MPD) for the Park City Medical Center (aka IHC MPD). A Conditional Use Permit (CUP) for Phase 1 of the IHC MPD was also approved on May 23, 2007. The Phase 1 CUP included a 122,000 square foot hospital building (with an additional 13,000 square feet of constructed, unfinished shell space) with 50,000 square feet of medical offices (18,000 square feet are constructed). The IHC MPD and subsequent CUPs are subject to the Annexation Agreement, recorded at Summit County on January 23, 2007.

The annexation property was zoned into the Community Transition (CT) Zoning District and platted with the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision plat. The subdivision plat was amended twice since the original approval. The Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility subdivision plat (IHC/USSA plat) was recorded at Summit County on November 25, 2008.

The IHC MPD consists of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 of the IHC/USSA plat. Lot 1 of the subdivision plat is the location of the Park City Medical Clinic, Lot 2 is dedicated as open space as part of the MPD. Lot 3 is the location of the USSA Headquarters and Training Center MPD and is not part of the IHC MPD. Lot 4 was originally designated for 28 townhouse affordable units that were incorporated into the Park City Heights MPD. Lot 5 was transferred to the City for future recreation uses. Lots 6 and 8 were originally designated for 25,000 sf of support medical offices each, which were transferred to Lot 1 with the First Amended IHC MPD. Lot 9 contains a small Questar gas regulating facility, and Lot 11 is the one acre lot around Lot 9, owned by IHC and not designated as to use or density. Lot 7 was developed by Physician Holdings, Inc. for medical support offices (aka Medical Office Building or MOB) and Lot 10 was developed by Summit County for the Summit County Health Department and People's Health Clinic.

On February 18, 2015 IHC submitted a pre-MPD application for various amendments to the IHC MPD. On June 18, 2015 a revised pre-MPD application was submitted with a specific request for consideration of the Peace House facility to be located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015. The Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.

On November 10, 2015, applications for a second amendment to the IHC MPD (consistent with the pre-MPD application reviewed on August 26th) and the Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted. The applications were considered complete on November 10, 2015.

Staff's recommendation to approve this CUP for the Peace House is based on discussion of the pre-MPD applications as well as anticipated approval of the proposed IHC MPD amendments allowing the Peace House on Lot 8. Lot 8 was initially identified as the location of 25,000 sf of support medical offices with the IHC MPD approvals. The first amended MPD transferred the 25 UE of support medical offices to Lot 1 leaving Lot 8 without density. The Second MPD Amendment clarifies that Lot 8 may be the site of the Peace House as fulfillment of the on-site affordable housing obligation.

Analysis

The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

- (1) the Application complies with all requirements of this LMC;
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
- (3) the Use is consistent with the Park City General Plan, as amended; and
- (4) the effects of any differences in Use or scale have been mitigated through careful planning.

The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use Permit application, as conditioned, mitigates impacts of and addresses the following items:

(1) size and location of the Site;

Lot 8 consists of 9.934 acres. The Peace House will have a ground lease from IHC (as property owner) on approximately 3.6 acres. IHC has requested an MPD Amendment to allow Lot 8 to be subdivided into two separate lots however a plat amendment to create the two lots of record has not yet been submitted. If Lot 8 is subdivided the Conditional Use will not be impacted, provided that the new lot lines allow required setbacks and provide necessary utility and access easements. The proposed 3.6 acres is of sufficient size to accommodate the proposed use and parking.

The property is located at 700 Round Valley Drive. Round Valley Drive is a public street that is accessed from State Route 248, near its intersection with US 40. The two story structure contains a total of approximately 37,600 square feet, excluding the structured parking. Included within this structure are eight emergency housing units (352 sf to 482 sf), twelve transitional housing units (615 sf to 770 sf), a 460 sf advocates apartment, communal kitchen and dining areas, communal laundry area, a childcare area, client support meeting and classroom areas, and administrative offices. The site is of sufficient size for the proposed building and uses.

On June 4, 2015, the City's Housing Authority approved the Peace House facility, including the emergency and transitional housing uses as well as the support uses, to satisfy affordable housing mitigation requirements for the IHC MPD.

The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8. The IHC Annexation and MPD is subject to the 17-99 Housing Resolution, however the Housing Authority invoked the language of the current Housing Resolution Section 8 (G) (4) that includes a provision to allow emergency shelters for victims of domestic violence that provide emergency and transitional housing, as well as required support uses associated with a federally recognized 501 (c)(3), such as the Peace House, to satisfy affordable housing requirements, if

specifically approved by the City. The Housing Authority also did not require the use of UEs for the support uses within the Peace House facility. **No unmitigated impacts.**

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

The site is served by Round Valley Drive via State Route 248 and a public road through the Park City Recreation Complex. The Annexation Agreement identified a limit of the total cost of Traffic Mitigation Measures at \$10 Million. The applicant constructed road improvements and the signalized intersection with SR 248. Two bus shelters were also constructed on site, one within 300 feet of this property, to accommodate dial a ride bus service until full service is warranted. Traffic mitigation required with the Annexation Agreement and satisfied prior to Phase 1 of the MPD, is sufficient for the proposed Peace House uses. **No unmitigated impacts.**

(3) utility capacity;

Utilities are available to serve the project. A final utility, storm water, and grading plan will be required prior to Building Permit issuance to coordinate location of utilities on the site. **No unmitigated impacts.**

(4) emergency vehicle Access;

Emergency vehicle access to the site is directly from Round Valley Drive. Round Valley Drive loops through the IHC MPD site with a second emergency access point connecting to Gilmore Way near the Ice Rink. The loop is gated at the ice rink allowing only emergency vehicles to drive the entire loop. **No unmitigated impacts.**

(5) location and amount of off-Street parking;

Twelve (12) structured and secure parking spaces are proposed within the main level garage and two surface parking lots provide twenty-five (25) and seventeen (17) additional spaces. The north lot serves as visitor and employee parking while the structured parking and secured south lot serves as resident and as additional employee parking. A total of 54 spaces are provided. As a mixed use building with some overlap of parking demand Staff has determined that approximately 50 spaces are required by the Land Management Code. Adequate parking is provided for the proposed residential units and support uses. **No unmitigated impacts.**

(6) internal vehicular and pedestrian circulation system;

A public road (Round Valley Drive) provides access to the site from SR 248. Sidewalks and paved public trails exist to connect the site to the Park City Recreation Complex, medical clinics, hospital, bus shelters, and trails within the Round Valley open space area. A six foot wide walkway is proposed to connect the front entrance to the public sidewalk. **No unmitigated impacts.**

(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;

Existing vegetation is mostly sage brush, grasses, and wetland sedges. Proposed landscaping is proposed to minimize the use of turf grass and use appropriate, drought tolerant plant materials to re-vegetate disturbed areas. Wetland areas and the fifty foot (50') buffer area around them will remain undisturbed. A water efficient irrigation

system is required as a Condition of Approval to be reviewed with the final landscape plan prior to issuance of a building permit. The conceptual landscape plan has significant landscaping around the building and parking lots. Additional berming and landscaping is required on the final landscape plan in order to adequately screen parking areas from Round Valley Drive. **No unmitigated impacts.**

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

The proposed Peace House building is approximately 40,778 gross square feet including enclosed parking. The building consists of 25,964 sf of emergency shelter housing and transitional housing, 8,622 sf of support uses specific to Peace House mission, 2,096 sf of circulation and back of house (mechanical, storage, etc.) uses, and 4,096 sf of structured parking. The two story building complies with the zone height of 28' and setbacks of 25', as well as requirements for horizontal and vertical building articulation and is compatible in orientation to Buildings on adjoining Lots with the "L" shaped design oriented to allow the enclosed courtyard/play area a sunny southeastern exposure. **No unmitigated impacts.**

(9) usable Open Space;

The IHC annexation identified over 80% of the entire 157 acres (annexation area) as open space. Most of the open space will be left in native vegetation or restored with native materials; however, trails are provided through the site to adjoin with existing neighboring trails. The building footprint and parking comprise approximately 40,220 sf. Approximately 118,000 square feet (75%) of the total 3.63 acre site (158,193 square foot) remains undeveloped. The proposed CUP does not decrease required open space within the MPD area as construction is proposed within an anticipated development lot. **No unmitigated impacts.**

(10) signs and lighting;

Signs and lighting are required to meet the Park City Land Management Code and will be reviewed and verified prior to issuance of a building permit. A separate sign application is required prior to installation of exterior signs. Parking lot lighting is proposed that meets the standards of the lighting section of the Off-Street Parking chapter of the Land Management Code (15-3-3(C)) and the IHC Master Planned Development. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy. Security lighting is an important element of this CUP and Staff recommends a condition of approval that a security lighting plan be submitted for review prior to issuance of a Building Permit. **No unmitigated impacts.**

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

Buildings in the general neighborhood, such as the NAC buildings, the Park City Ice Rink, the Park City Medical Clinic, and the proposed USSA building are relatively large buildings, generally three stories or more in elevation. The building more closely relates to the smaller buildings, such as the Summit County Health Department to the south

and the Medical Office Building to the north. A variety of styles is represented within the medical campus neighborhood. The proposed building is two stories and compatible in style, design, and architectural detailing. The use of metal panels, stucco accents, Hardi-board, timbers/stone at the entry, sloped roof, and various textured CMU block sections break up the building facades. The building is well articulated in terms of massing both vertically and horizontally and complies with LMC Section 15-5-8. See Exhibits B, F, and G for plans, materials, and perspectives. **No unmitigated impacts.**

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

No disturbing mechanical factors, such as noise, vibration, odors, steam, or dust are anticipated after construction is complete. Dry utility infrastructure must be located on the property prior to building permit issuance to ensure that utility companies verify that area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping. **No unmitigated impacts.**

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

Delivery, trash, and service vehicles will access the building on the south side entry and parking lot. A secure delivery door is located near the secured enclosed parking structure. Special consideration will be made for delivery vehicles to access the secure area. Client pick-up and drop-off will occur at the front entry from the north parking lot, which is also the entry point for most of the employees and support staff. The trash dumpsters are located in a screened area within the south parking lot. **No unmitigated impacts.**

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

Peace House, Inc. is funding the building and will occupy the facility as owners, however there will be a ground lease to IHC for the property, as IHC will continue to own the land. **No unmitigated impacts.**

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

There are no Environmentally Sensitive slopes or ridge lands. There are delineated wetlands on a portion of Lot 8 to the north and west of the proposed building site. The plans indicate compliance with the 50' required buffer setback from wetlands. The affordable housing resolution requires all new construction or substantial rehabilitation projects that satisfy affordable housing requirements to demonstrate that it meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products. See Exhibit E for Green Building concept. **No unmitigated impacts.**

Department Review

The project has been reviewed by the Planning, Building, Engineering and Legal departments as well as the utility providers. Issues raised during the review process have been addressed with plan revisions and/or by conditions of approval.

Notice

On December 23, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on December 26, 2015.

Public Input

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

Alternatives

- The Planning Commission may approve the application for the Peace House CUP as conditioned and/or amended; or
- The Planning Commission may deny the CUP application and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Future Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18.

Summary Recommendations

Staff recommends the Planning Commission discuss the Conditional Use Permit (CUP) application for the Peace House 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. This Conditional Use Permit is for the Peace House facility proposed on a 3.6 acre portion of Lot 8 of the Second Amended Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility Subdivision plat approved by the City Council and recorded at Summit County on November 25, 2008.
2. Lot 8 includes a total lot area of approximately 9.934 acres. Peace House has recently entered into a 50 year ground lease from IHC on the eastern 3.6 acres of Lot 8.
3. The property is subject to the Amended Intermountain Healthcare Master Planned Development (IHC MPD), originally approved on December 7, 2006 and amended in 2014 to transfer support medical office uses from Lots 6 and 8 to Lot 1.
4. On February 18, 2015, IHC submitted a pre-MPD application for various amendments to the IHC MPD. On June 18, 2015 a revised pre-MPD application was submitted with a specific request for consideration of the Peace House facility to be

located on Lot 8 as fulfillment of the affordable housing requirements for the next phase of construction of the IHC Park City Medical Center.

5. The revised pre-MPD application was reviewed by the Planning Commission on August 26, 2015 and the Planning Commission made a finding that the proposed MPD amendments specific to the Peace House on Lot 8 were generally consistent with the purpose statements of the CT Zoning District and the goals and objectives of the General Plan.
6. On November 10, 2015, applications for a second amendment to the IHC MPD and this Conditional Use Permit for the Peace House on a portion of Lot 8 were submitted to the Planning Department.
7. The applications were considered complete on November 10, 2015.
8. The property is located in the CT Zoning District.
9. The property is currently undeveloped and consists of native grasses and low vegetation with an area of delineated wetlands located to the north and west of the proposed building.
10. The wetlands delineation was done more than five years ago and will need to be updated, re-delineated and re-submitted to the Corp.
11. The proposed Peace House facility consists of approximately 37,600 square feet of new construction for an emergency shelter for victims of domestic violence; including emergency and transitional housing, support uses (day care, counseling, training, common kitchen and living areas, laundry, storage, and administrative offices), and twelve structured parking spaces. An additional 42 surface parking spaces in two separated lots are proposed. An enclosed landscaped courtyard is proposed for outdoor activities.
12. As a mixed use building the Land Management Code requires in the range of 45-50 parking spaces. A total of 54 spaces are proposed.
13. The building is two stories and at the tallest point is 27'10" above existing grade and complies with the 28' height restrictions of the CT Zoning District. The proposed building complies with required horizontal and vertical articulation.
14. The proposed mass and scale of the building, as well as the architectural design, materials, and colors are consistent with adjacent buildings in the surrounding area.
15. Adjacent to the north is the two story Physician Holdings support medical offices and clinic building and adjacent to the south is the two story Summit County Public Health and People's Health Clinic building.
16. The proposed building is setback more than 25' from all property lines and complies with the minimum 25' setbacks from property lines required by the CT Zoning District. The building and parking area comply with the required 50' setbacks from delineated wetlands located to the north and west of the proposed building.
17. Access to the site is from Round Valley Drive, an existing public street that intersects with State Road 248 at a signalized intersection approximately a half mile to the south.
18. Two driveway entrances are proposed for the facility. The southern driveway is proposed as a shared driveway with Summit County Health. This driveway currently exists and is proposed to become a secured access to the structured and secured surface parking. A northern driveway, separated by approximately 300' from the southern driveway, provides access to the main parking area and building's front

entrance. An access easement agreement is required prior to using the shared driveway.

19. There are existing sidewalks along the street frontage as well as interconnecting paved trails throughout the subdivision. The site plan proposes a 6' sidewalk connecting the front entrance to the existing sidewalk on Round Valley Drive.
20. The proposed Conditional Use Permit is consistent with the Second Amended IHC MPD that identifies Lot 8 as an approved location for the Peace House as an emergency shelter with emergency and transitional housing, as well as support uses, to satisfy a portion of the remaining IHC MPD affordable housing obligation.
21. On June 4, 2015, the City's Housing Authority approved the amended IHC MPD Housing Mitigation plan allowing the Peace House facility, including housing and support uses, to satisfy affordable housing mitigation requirements for the IHC MPD.
22. The Peace House facility does not require the use of Unit Equivalents because the Peace House facility satisfies the affordable housing requirements on-site for the MPD per LMC Section 15-6-8.
23. The **Analysis** section of this staff report is incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the IHC Master Planned Development, as amended, and the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use, as conditioned, is compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final landscape plan shall be submitted with the building permit application. The Planning Department shall review and approve the final landscape plan prior to issuance of a building permit. The plan shall include water efficient landscaping and irrigation, snow storage areas, defensible space requirements, and additional berming and landscaping to screen parking and security walls from Round Valley Drive.
3. All exterior lighting, including parking lot lighting, must comply with the City's lighting requirements as outlined in LMC Chapter 5. Final compliance with the City's lighting requirements will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. A security lighting plan shall be submitted with the building permit application for Planning Department review and approval.
5. All exterior signs require a sign permit, approved by the Planning and Building Departments, prior to installation.
6. The final building plans (site and landscape plans, building design, articulation, materials, colors, and design details) shall be in substantial compliance with the plans and drawings reviewed by the Planning Commission on January 13, 2016.

7. Final utility, storm water, and grading plans must be approved by the City Engineer prior to Building Permit issuance.
8. The Park City Housing Authority has the final authority to approve the IHC Housing Mitigation Plan and to determine how the Peace House Facility fulfills affordable housing obligations required by the IHC Annexation and Amended IHC Master Planned Development.
9. The wetlands delineation shall be updated and re-submitted to the Corp for approval prior to issuance of a building permit.
10. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
11. Terms of the ground lease shall include a time frame of 40 years or longer and shall stipulate that any future changes to the use of the building or property will require a Conditional Use Permit and may, depending upon the use, require an amendment to the IHC MPD Housing Mitigation Plan and the provision of additional affordable housing.
12. The applicant shall demonstrate at the time of Building Permit application that the building plans and construction meets the NAHB Green Standards or a LEED Certificate level. All appliances and products, including light bulbs shall be Energy Star qualifying products.
13. The access easement agreement for the shared driveway with Summit County Health Department shall be recorded at Summit County prior to issuance of a certificate of occupancy for the Peace House.

Exhibits

Exhibit A- Applicant's Letter

Exhibit B- Proposed CUP plans

Exhibit C- IHC/USSA Amended Subdivision plat

Exhibit D- Standard Conditions of Approval

Exhibit E- Green Building Intent

Exhibit F- Materials description

Exhibit G- Rendering

Note- see IHC MPD Amendment Staff Report in this packet for additional related exhibits.



DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

P.O. Box 561
5258 N. New Lane
Oakley, UT 84055

September 30, 2015

Project Description
For
The Peace House Community Campus
November 10, 2015

Overview

Existing Facility

The Peace House currently operates inside the City Limits of Park City in a facility of roughly 2,500 sq. ft. plus garage space which is used as storage. The facility was built twenty years ago on land donated by Deer Valley. It has been servicing short-stay victims of domestic violence ever since. The existing facility is essentially a single-family dwelling used to house multiple residents, with shared facilities such as; kitchen, laundry, storage and communal living room.

The residents of the Peace House are considered trauma victims, the services offered are categorized as “trauma informed” and the facility is an “Emergency” shelter. The current mission of the shelter is one of interdicting violence on an immediate need basis. The people housed in the shelter are done so on a short term basis. The people served by this emergency shelter have needs that are analogous to people without health insurance who must wait until an illness becomes an emergency before they can receive help. As a result, and as a continuation of this analogy, the users of this facility are almost always repeat visitors.

The Staff and outreach offices associated with the Shelter are located in a separate facility. Administration and some victim services are provided from these offices. The location of the existing shelter is not a matter of public knowledge for security purposes.

The shelter has generally been at capacity for most of its existence and turns away victims continuously for lack of space. This problem is exacerbated when it comes to large families. The shelter is staffed around the clock by Peace House personnel. While the shelter attempts to offer counseling and provide links to government services, these services are generally inadequate to induce meaningful change in the victims’ lives on a long-term basis.

Mountain Resort Consulting Services, LLC
Douglas Clyde its Managing Member
Phone: 435-333-8001 - Fax: 435-333-8002 - email: dcltyde@allwest.net

Proposed Facility

The Project, as proposed, is a new and significantly expanded facility both in form and function. The new facilities will expand its role to provide for more holistic care for victims of domestic violence through the following facilities:

1. Provide expanded short term housing in a total of eight Emergency Shelter units with multiple bedrooms within each unit and a common kitchen
2. Provide 12 new Transitional Housing units for people who have terminated their violent relationships and need to rebuild their lives as emancipated individuals or families
3. Combine all therapy, training, childcare and support facilities for all residents in one location
4. Allow for outpatient uses for people transitioning in or out of the facility
5. Provide Staffing facilities for public outreach

The overall purpose of this expansion is not simply a larger facility of increased capacity, but rather a transition to a comprehensive care facility. Rather than simply interrupting violence, the new facility will concentrate on changing people's lives so that they can leave the cycle of violence.

Facility Description

Building and Uses

The new facility is approximately 38,000 sq feet (exclusive of parking) composed primarily of residential uses and Support facilities for those residents. The project is composed of eight Emergency shelter units that can house up to approximately 20 people when fully utilized. In addition, there will be 12 Transitional Housing units that will have a total capacity of roughly 30 people. Each Emergency or Transitional unit will contain only one family. A victims' advocates sleeping facility and office are in addition to these 20 units. Consequently the total nightly residence is in the range of 50 people at one time.

Support Facilities

The Transition and Emergency housing requires support facilities such as child care, common kitchen, laundry and storage. Additional Support is provided in the forms of counseling, training, exercise and common living area. Personnel to staff these functions will be officed on site. These Support facilities are in all senses considered "Support" as defined in the LMC.

Building Occupancy and Construction

The residential uses are of R1 and R2 in building classification with the remainder of the space (office, meeting rooms, etc) being type B (office). The

building will be of type IV construction. The material choices, insulation values, HVAC, and related items will be designed to a maximum level on energy conservation to the greatest extent practical. Details of the building energy design and durable/sustainable materials are provided in a separate memo from the Project's architect.

Parking and Transportation

The Project's parking is primarily for Staff and residents. Parking will be divided into three locations consisting of 12 stalls of enclosed parking and two separate surface lots. The enclosed parking and the surface lot to the south (rear) of the building are secure parking for residents and limited Staff. The parking in the front of the building will be used by Staff, outpatient services and some limited public interaction with Staff and visitors to the residents.

Transportation to the site is by private auto and on-demand transit. An existing bus shelter is located on the adjacent lot occupied by the County Health Clinic. With the development of this facility and in conjunction with the County Clinic, the People's Health Clinic, USSA, the NAC, the Park City recreational facilities and the other medical services in the IHC compound, the opportunity for regularly scheduled transit is optimal given the clustering.

Parking demand is generally driven by Staff and residents. The residential component of this demand is well known and is, on average, less than one car per family. For the purposes of Staff demand, a typical rate of 1.2 people per car would be considered normal. In addition, it is anticipated during the peak demand period that as many as 10 individuals may be visiting the facility, either as volunteers or outpatients. A conservative estimate for the latter uses would be an average of ~ 2 people per car given that they normally contain family members as well. With all of these factors considered the total parking demand is estimated to range between 35 and 45 spaces. While parking is segregated for residents, Staff will be allowed to use either secured parking or public parking. Evening uses of the facility may include up to 20 people for outpatient services (counseling and education) but will not be coincident with peak day time uses. Hence the comingled parking should result in the typical efficiencies observed in multiuse parking. A precise count of Code related parking is to some degree a matter of interpretation as AH units are parked on a one stall per bedroom rate which is not in any way comparable to the type of occupancy in this facility. The parking for office uses by code would likely be 3 per thousand of net leasable. While multiple and complex analyses of the parking per the LMC is possible, in general it would be a number in excess of 50 stalls. In the case of the uses within this facility, the number of employees, residents and people per car would produce numbers substantially less than the possible LMC requirements. As the project has sufficient land for abundant parking, a minimalist approach is proposed at the onset. More parking can be added if required in the future.

Shared Driveway

The facility will have two entrances and two separate parking facilities, as noted above. The back-of-house parking will be secured by gates and monitored by cameras. As this entrance is adjacent with the County Health facility, we have discussed using a common driveway. As the County has similar concerns over security with their own facility, it is likely that we will share a common and secured driveway.

Security

The overall security plan for the facility is multilayered and provides different levels of security for the range of exposures that are encountered within the population of the facility. A completed discussion of this is not appropriate for a public document.

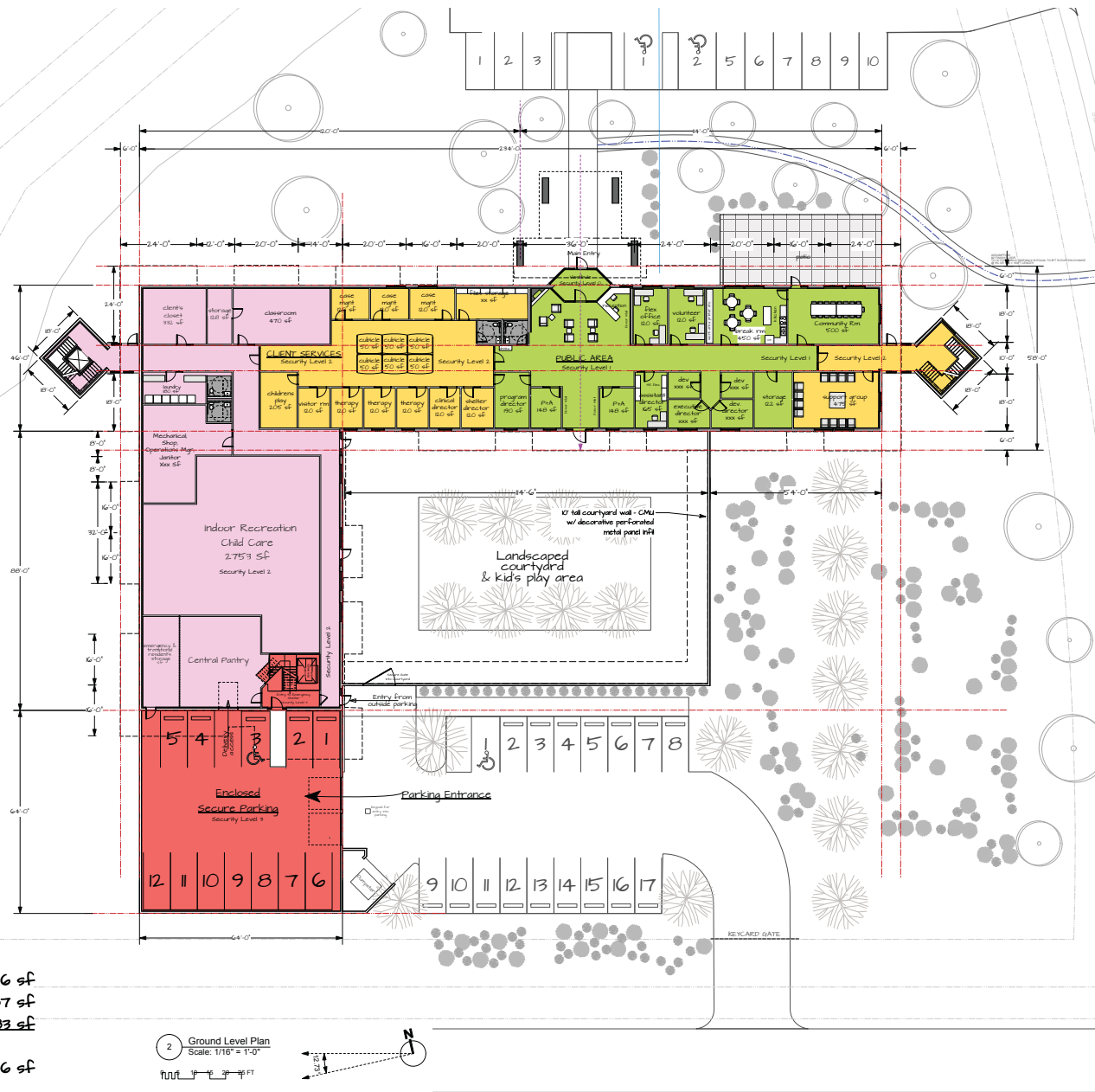
Entitlements

The project is composed of transient and permanent residences, all of which are considered Affordable Housing (AH) units as per the LMC. The support facilities are integral to the residential uses along with the Staff offices. While some small amount of uses could be construed as not integral to Support they, at a minimum, are a subset of the Support uses and are likely not discernable in any meaningful way.

Affordable House Unit Entitlements

The Project's AH units are to be assigned to the IHC AH requirements. The existing Peace House facility is not a part of any other project's AH requirement and that existing usage will terminate when the new facility is built. Monies for the project will be, in part, funded by donations, the lease from IHC (1 \$/year) and an existing grant by the County that is subject to a contract between the County and Peace House. The County monies that are to be used by the Peace House are not associated with a specific requirement to supply AH units and are therefore free to be assigned to mitigation with any project as long as the monies are used by the Peace House as prescribed by that contract. The IHC AH requirement is based on 800 sq. ft. per AHU.

EXHIBIT B



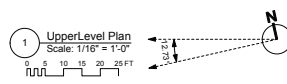
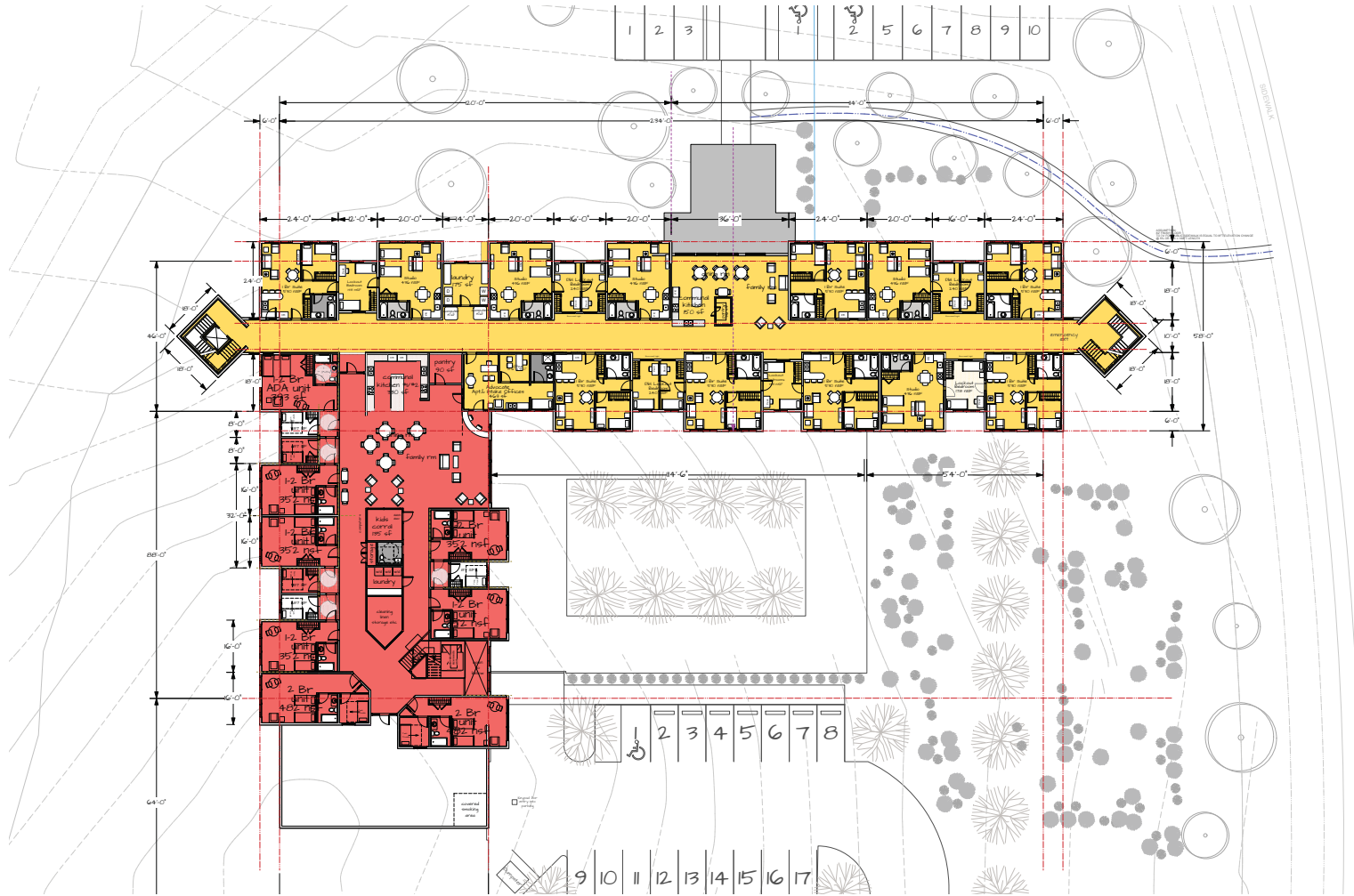
PEACE HOUSE PARK CITY, UTAH

Author	Revised
Drawn	Checked
Project No.	Project Name
Scale	Sheet No.
Revision	Revision

Peters+Newell, P.C. Architects
 1234 S. 900 E.
 Salt Lake City, UT
 801-541-8890

The Peace House
 Park City, Utah
 Ground Level Plan w/gridlines

A-100.1
 of



Nov 9, 2015
Peace House_V8.4.vwx

Author	Project	Revision
Designer	Project No.	Revision No.
Checker	Project Name	Revision Date
Reviewer	Project Location	Revision Description
Project Manager	Project Status	Revision Number

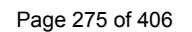
Project Name	Project Location
Project Number	Project Status
Project Manager	Project Date
Project Designer	Project Location

Project Name	Project Location
Project Number	Project Status
Project Manager	Project Date
Project Designer	Project Location

Designed By	Drawn By	Checkd By	Project ID	Revision	Date
Reviewed By	Reviewed By	Reviewed By	Reviewed By	Reviewed By	Reviewed By
Submitted By	Submitted By	Submitted By	Submitted By	Submitted By	Submitted By
Project Manager	Project Manager	Project Manager	Project Manager	Project Manager	Project Manager
00000000	00000000	00000000	00000000	00000000	00000000

The Peace House
Park City, Utah

A-102





③ East Elevation
Scale: 3/32" = 1'-0"



③ South Elevation
Scale: 3/32" = 1'-0"

EXTERIOR MATERIALS KEY

- ① CONCRETE MASONRY UNITS - Combination Of Textures And Colors To Be Determined
- ② Metal Panel Or Hardboard Siding - Color And Profile To Be Determined
- ③ Stucco Accent - EIFS System - Color And Texture To Be Determined
- ④ Standing Seam Metal Roofing - Color and profile to be determined
- ⑤ Heavy Timber or Engineered Timber - Selection to be determined



Stucco w/ mptal panel or hardboard concept



Metal panel concept



Honed-face CMU concept



Split-face CMU concept



CMU texture concept

Nov 9, 2015
Peace House_V8.4.1.vwx

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**PEACE HOUSE
PARK CITY, UTAH**

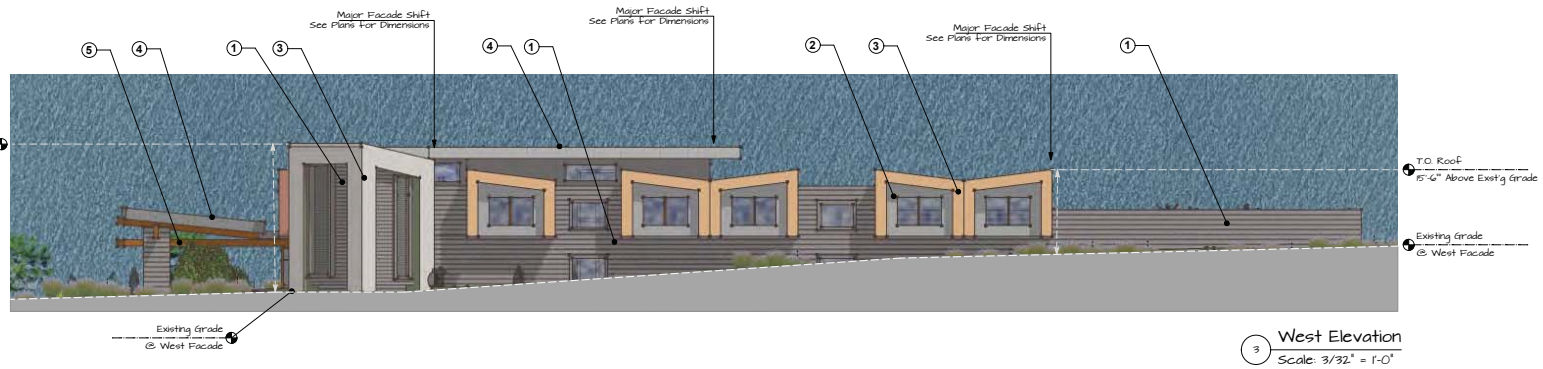
Date	Revision
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Project No.	Project Name
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Project No.	Project Name
000000	Peace House V8.4.1.vwx

Project No.	Project Name
000000	Peace House V8.4.1.vwx

Project No.	Project Name
000000	Peace House V8.4.1.vwx

A-201.1
of



West Elevation
Scale: 3/32" = 1'-0"



North Elevation
Scale: 3/32" = 1'-0"

EXTERIOR MATERIALS KEY

- ① CONCRETE MASONRY UNITS -
Combination Of Textures And
Colors To Be Determined
- ② Metal Panel Or Hardboard Siding -
Color And Profile To Be
Determined
- ③ Stucco Accent -
EIFS System - Color And
Texture To Be Determined
- ④ Standing Seam Metal Roofing -
Color and profile to be
determined
- ⑤ Heavy Timber or Engineered Timber -
Selection to be determined

Nov 9, 2015
Peace House_V8.4.1.vwx

Subdivision Plat (Second Amended) for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility

SUMMIT COUNTY RECORDER

ENTRY NO. 859976 FEE PAID 44.00

FILED FOR RECORD AND
RECORDED Equity Title AT
IN BOOK OF OFFICIAL
RECORDS, PAGE RECORDED
FOR DATE 11-25-08
TIME 4:43 P.M.

SUMMIT COUNTY RECORDER

BY Dennis A. Bowen, Deputy
DEPUTY

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012



GREEN BUILDING STRATEGIES
FOR THE
NEW PEACE HOUSE FACILITY
PARK CITY, UT

It is the intent of Peace House that its new building be as environmentally responsible as it can feasibly be. Peace House thinks that their new facility should set an example of the level of green building that can - and should - be achieved in Park City.

During the design process the design team has referenced the standards set by the USGBC in LEED v4. Accordingly, the new facility for Peace House will incorporate many of the latest green building strategies, systems and materials. The primary, large-scale green components are described below. A checklist for LEED compliance is also included.

The basic green design concept for the building is rather simple:

Make the building envelope as super-insulated and airtight as possible; heat and cool the building with a high-performance and energy-efficient HVAC system; reduce electrical loads as much as possible.

The major building elements of Peace House that work together to achieve this are as follows:

Envelope:

- Super-insulated exterior walls with continuous insulation
- Super-insulated roof system
- High-performance fiberglass windows
- Air barrier building wrap

HVAC System:

- Ground-source heat pump (GSHP) - operating efficiency exceeds 300% - powering a highly-efficient Variable Refrigerant Flow (VRF) heating and air conditioning system

Electrical System:

- LED lighting and energy-efficient electric motors
- Provisions for future installation of roof-mounted photovoltaic (PV) system

Additional green building elements incorporated into the Peace House design are listed below. They are noted in order of their appearance in the LEED documentation protocol. (Please note that the Peace House project is not seeking LEED certification). For the sake of simplicity and to allow us to focus on the most important green building element not all LEED point items are listed:

Location and Transportation:

- Protection of wetlands
- Access to mass transit
- Bicycle facilities - bike racks, showers, changing rooms
- Green vehicle parking and plug-in's

Sustainable Sites:

- Rainwater catchment and re-use
- Heat island reduction - cool roofing materials
- Light pollution reduction - complying exterior light fixtures

Water Efficiency:

- Reduction of outdoor water use - xeriscaping and native plants
- Indoor water use reduction - low flow fixtures and water metering

Energy and Atmosphere:

- Optimize energy performance - see above for HVAC system description
- Advanced energy metering to track HVAC performance and adjust for efficiency
- Green power and carbon offsets - Rocky Mountain Power Blue Sky enrollment or future PV system installation

Materials and Resources:

- Storage and collection of recyclables during building operation
- Construction waste recycling
- Maximize use of regionally-sourced construction materials

Indoor Environmental Quality

- Use materials that do not degrade indoor air quality - i.e. non-VOC and low VOC
- Thermal comfort - provide occupants with operable windows and localized control of heating and cooling
- Daylight - excellent daylighting is provided to most areas of the building



LEED v4 for BD+C: New Construction and Major Renovation Project Checklist

Project Name: Peace House - Park City, UT
Date: 1/8/16

Y ? N

Y	?	N	Credit	Integrative Process	1
---	---	---	--------	---------------------	---

4	0	0	Location and Transportation		16
		0	Credit	LEED for Neighborhood Development Location	16
1			Credit	Sensitive Land Protection	1
		0	Credit	High Priority Site	2
		0	Credit	Surrounding Density and Diverse Uses	5
1			Credit	Access to Quality Transit	5
1			Credit	Bicycle Facilities	1
		0	Credit	Reduced Parking Footprint	1
1			Credit	Green Vehicles	1

10	0	0	Sustainable Sites		10
Y			Prereq	Construction Activity Pollution Prevention	Required
1			Credit	Site Assessment	1
2			Credit	Site Development - Protect or Restore Habitat	2
1			Credit	Open Space	1
3			Credit	Rainwater Management	3
2			Credit	Heat Island Reduction	2
1			Credit	Light Pollution Reduction	1

4	0	0	Water Efficiency		11
Y			Prereq	Outdoor Water Use Reduction	Required
Y			Prereq	Indoor Water Use Reduction	Required
Y			Prereq	Building-Level Water Metering	Required
2			Credit	Outdoor Water Use Reduction	2
1			Credit	Indoor Water Use Reduction	6
		0	Credit	Cooling Tower Water Use	2
1			Credit	Water Metering	1

20	0	0	Energy and Atmosphere	33
Y			Prereq Fundamental Commissioning and Verification	Required
Y			Prereq Minimum Energy Performance	Required
Y			Prereq Building-Level Energy Metering	Required
Y			Prereq Fundamental Refrigerant Management	Required
1			Credit Enhanced Commissioning	6
14			Credit Optimize Energy Performance	18
1			Credit Advanced Energy Metering	1
2			Credit Demand Response	2
0	0		Credit Renewable Energy Production	3
1			Credit Enhanced Refrigerant Management	1
1			Credit Green Power and Carbon Offsets	2

7	0	0	Materials and Resources		13
Y			Prereq	Storage and Collection of Recyclables	Required
Y			Prereq	Construction and Demolition Waste Management Planning	Required
3			Credit	Building Life-Cycle Impact Reduction	5
1			Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
1			Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
1			Credit	Building Product Disclosure and Optimization - Material Ingredients	2
1			Credit	Construction and Demolition Waste Management	2

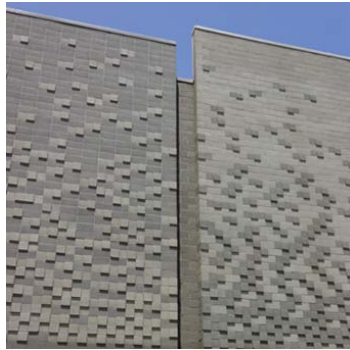
13	0	0	Indoor Environmental Quality		16
Y			Prereq	Minimum Indoor Air Quality Performance	Required
Y			Prereq	Environmental Tobacco Smoke Control	Required
1			Credit	Enhanced Indoor Air Quality Strategies	2
3			Credit	Low-Emitting Materials	3
1			Credit	Construction Indoor Air Quality Management Plan	1
1			Credit	Indoor Air Quality Assessment	2
1			Credit	Thermal Comfort	1
1			Credit	Interior Lighting	2
3			Credit	Daylight	3
1			Credit	Quality Views	1
1			Credit	Acoustic Performance	1

2	0	0	Innovation		6
1			Credit	Innovation	5
1			Credit	LEED Accredited Professional	1

1	3	0	Regional Priority		4
1			Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1
	1		Credit	Regional Priority: Specific Credit	1

61	3	0	TOTALS	Possible Points: 110
Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110				

EXHIBIT F



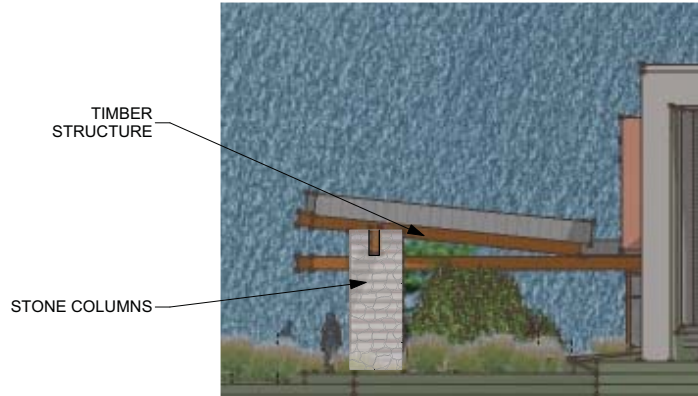
CONCRETE MASONRY UNITS - TEXTURE CONCEPT
SHIFTS IN BLOCK FOR SHADOWS AND
CHANGES IN FACE TEXTURE FOR PATTERN
COLORED, NOT GRAY



MATERIAL CONCEPTS



STUCCO ACCENT WITH HARDIBOARD OR METAL SIDING



TIMBER AND STONE ENTRY CONCEPT



PEACE HOUSE PARK CITY, UTAH

Project No.	000000
Project Name	Peace House V8.0.wvt
Project Location	Peace House V8.0.wvt
Project Date	00/00/00

Project No.	000000
Project Name	Peace House V8.0.wvt
Project Location	Peace House V8.0.wvt
Project Date	00/00/00

Project No.	000000
Project Name	Peace House V8.0.wvt
Project Location	Peace House V8.0.wvt
Project Date	00/00/00

Project No.	000000
Project Name	Peace House V8.0.wvt
Project Location	Peace House V8.0.wvt
Project Date	00/00/00

EXHIBIT G



AERIAL VIEW FROM SOUTHWEST



VIEW FROM SOUTHEAST



AERIAL VIEW FROM SOUTHEAST



AERIAL VIEW FROM NORTHWEST



AERIAL VIEW FROM WEST



VIEW FROM NORTHEAST

1 Exterior Perspectives

Jan 7, 2016
Peace House_V8.4_JN/KP.vwx



PEACE HOUSE
PARK CITY, UTAH

[illegible]

Planning Commission Staff Report



Application #s: PL-15-02983
Subject: One Empire Pass
Author: Kirsten Whetstone, AICP, Sr. Planner
Date: January 13, 2016
Type of Item: Administrative - Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing, consider public input, and discuss the Conditional Use Permit for One Empire Pass (Building 5) of the Village at Empire Pass MPD. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: Guardsman Lodge, LLC, represented by Bill Fiveash, managing partner
Location: 8910 Empire Club Drive- Pod A, Lot 15 Village at Empire Pass West Side Subdivision (Building 5)
Zoning: Residential Development (RD) District as part of the Flagstaff Annexation and Master Planned Development (MPD)
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and vacant development parcels of the Village at Empire Pass Pod A

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Flagstaff Development Agreement was amended on March 2, 2007 (Exhibit H).

On July 28, 2004, the Planning Commission approved a MPD for the Village at Empire Pass (Pods A and B1), known as the Village Master Planned Development (VMPD) amended to include Pod B2 (Montage) (Exhibit F). As part of the 2004 Commission review of the VMPD, volumetric diagrams for the buildings within the VMPD Pod A were approved. A height exception was granted for Building 5 per these volumetric diagrams (Exhibit F).

Six buildings have been built, namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. Additionally, Larkspur East and Larkspur West and Ironwood Townhouses (attached homes) have been constructed. Paintbrush, Belles, and Nakoma PUD style homes, as well as 6 Bannerwood and 10 Northside single family homes have been platted and are

constructed. Four of the large lodge style buildings remain to be constructed, including the proposed One Empire Pass building. There are also approximately 24 attached homes remaining to be approved and constructed as part of the Village MPD (Exhibits I and J).

The VMPD was the first step in the development process for Pod A. 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 volumes, density, and location. The sale of this site by owner of the VMPD allows up to 65,537 sf of residential floor area on this Lot. The total residential floor area, excluding the affordable and ADA units, is 64,374 sf (32.2 UE).

The subsequent Conditional Use Permits (CUPs) required by the VMPD and subdivision plat, 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 (Exhibit H).

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. The One Empire Pass CUP is proposed to be located on Lot 15 of the Village at Empire Pass West Side Subdivision. Lot 15 consists of 50,999 square feet of lot area. The subdivision 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 20 foot snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

On October 26, 2015, the Planning Department received an application for a CUP for a 27 unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision (Exhibits A-E). The building is identified as Building 5 on the Village at Empire Pass MPD. The application was deemed complete on October 30, 2015. An application for a condominium plat was submitted on November 13, 2015 for concurrent review.

At the Planning Commission work session on December 9, 2015, the applicant presented an over view of the project and reviewed the site plan, building plans, and volumetric. Approved volumetric and building height diagrams are attached as Exhibit F.

Purpose

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.

Land Management Code (LMC) and Village MPD Analysis

The proposal complies 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. Lot is approximately 1.17 acres (50,999 square feet)
Building Footprint- Floor Area Ratio (FAR)	Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Building 5 site was sold with up to 65,537 net residential square feet (32.8 UE). The proposed CUP is for 27 units (64,374 sf, utilizing 32.2 unit equivalents (UE). Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff annexation and Development Agreement tracks both UEs (each 2,000 sf) as well as total number of units. The gross building is 113,293 sf, including the parking garage, mechanical, circulation, common areas, storage, and other areas that do not use UE.
Front yard setbacks	25 feet to front facing garage, 20 feet to building. Minimum of 25 foot front setbacks are proposed.
Rear yard setbacks	15 feet. Minimum of 15 foot rear setbacks are proposed.
Side yard setbacks	12 feet. Minimum of 12 foot side setbacks are proposed.

Building Height	Per Village MPD Volumetric and Height Exception Diagrams (Exhibit F) For Building 5, 20% of the building was permitted 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 5 to be four to six stories.
Parking	The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-five (55) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area.
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 Building Permit. The building complies with the Village MPD volumetric, including articulation and height exceptions.
Residential Units	27 units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit.
Commercial space	No commercial space is proposed.
Support space	Common amenity areas are provided for the unit owners, including storage areas, locker rooms, fitness area, lounge and lobby areas, children's room, and small business center areas.

Density Summary	The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built within the Mountain Village. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5. There is sufficient remaining density in the MPD (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.19 UE) as 27 units in a lodge style building. (see Exhibit J)
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Analysis of Conditional Use Criteria

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

(1) Size and location of the Site;

One Empire Pass consists of a single multi-story building with 27 residential units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. It is located north of the Silver Strike Lodge on Lot 15 of the Village at Empire Pass West Side Subdivision. The lot consists of approximately 1.17 acres (50,999 square feet). Excluding the affordable and ADA units, the total residential floor area is 64,374 sf, utilizing 32.19 unit equivalents (UE). The Village MPD identified a pool of 785 residential Unit Equivalents for the Mountain Village (Pods A, B1 and B2) for a maximum total of 550 units. A total of 65,537 sf of residential floor area (32.8 UE) was purchased by this applicant from the MPD (owner).

The site slopes up from the street and the design proposes a single level underground parking structure with up to six stories of residential units above. The garage entrance is at grade with the street and built into the slope of the lot so that the back of the garage and first story is underground. The building pad is relatively level as it was graded and used during construction of surrounding buildings.

*The building plan complies with setbacks, height, density, and parking. The building size and location are appropriate for the site and comply with parameters of the MPD. **No unmitigated impacts.***

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

*The site will be served by Empire Club Drive, a private road that connects to Marsac Avenue, a public Right-of-Way. A traffic management plan was approved as part of the Technical Reports for the Flagstaff Annexation and Development Agreement to reduce overall traffic generated from the development. A Construction Mitigation Plan is required at the time of Building Permit issuance in compliance with the Flagstaff Development Agreement that reiterates that downhill truck traffic will use Royal Street, unless use of Marsac Avenue is approved by the City Engineer and Chief Building Official. The Construction Mitigation Plan shall also address where excavated materials will be hauled if they are not used on this site. The Development Agreement requires excavated materials to remain within the Annexation Area. **No unmitigated impacts.***

(3) Utility capacity;

*A storm water plan is being reviewed by the City Engineer (Exhibit G). A final approved storm water plan, as well as a utility and grading plan, is required prior to issuance of a building permit. Adequate sewer, electric, gas, and phone service is available. **No unmitigated impacts.***

(4) Emergency vehicle Access;

*Primary emergency access is from Marsac Avenue and Empire Club Drive that winds through the Village area with two access points onto Marsac Avenue. **No unmitigated impacts.***

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

*The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Fifty-five (55) spaces would be required for the 27 units and one ADA unit. The 25% reduction is rounded to 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area. **No unmitigated impacts.***

(6) Internal vehicular and pedestrian circulation system;

*Access to One Empire is from Empire Club Drive, a private street. A drop-off area is located in the front of the building and a bus stop is located nearby on Marsac Avenue. A pedestrian path system is proposed consistent with the Village Master Plan of Trails. **No unmitigated impacts.***

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

*A landscape plan that provides a buffer between buildings to the greatest extent possible is required as a condition precedent to Building Permit. Landscaping and irrigation will be water efficient, utilizing drought tolerant plantings, limited turf area, and drip irrigation. **No unmitigated impacts.***

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

This building is one of ten lodge buildings clustered within Pod A. One Empire Pass has four to six floors of residential units with a single level parking structure under the building. Gross building area, including parking and all common areas is 113,293 square feet. Twenty-seven (27) units are proposed with a total of 64,374 square feet, not including the 900 square foot deed restricted affordable housing unit and the 944 square foot ADA unit. All zone required setbacks will be maintained. To the south, there are five existing buildings of a similar size, height, and volumetric, with four still to be constructed, for a total of ten similar lodge style buildings within the VMPD. The mass of the building steps across the lot and is well articulated both horizontally and vertically.
No unmitigated impacts.

(9) Usable Open Space;

Both passive and active Open Space is provided in excess of 88% within the annexation boundary. The individual lots were not required to provide open space. The proposal includes useable open space plaza areas in the front, as well as adjacent to the ski run/lift area.
No unmitigated impacts.

(10) Signs and lighting;

Signs and lighting must be in conformance with the Park City codes and the Flagstaff Mountain Resort Design Guidelines. Signs require a separate sign permit. Street lights must be approved by the City Engineer and will be privately maintained.
No unmitigated impacts.

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

In the immediate area, there are four existing similarly sized multi-story residential condominium buildings (Silver Strike, Flagstaff (aka Snowberry), Shooting Star, and Talisker Tower Club), as well as the two story Larkspur town homes and Paintbrush PUD style homes (single-family detached homes). The master developer is coordinating design elements for all phases of the project and all developments require approval by the Flagstaff Architectural Design Review Board. Staff has reviewed the proposed building for compliance with the Volumetric Diagram and height exceptions and finds that the building complies. The building is 4 to 6 stories and is lower in height by 8' to 15' from the allowed height exceptions. The building also complies with required horizontal and vertical building articulation.
No unmitigated impacts.

(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; *All uses are inside the residential building and there are no expected impacts on people or Property Off-Site. Staff recommends condition of approval related to the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property is shown and can be adequately screened. Showing dry utilities on the final plans allows verification from*

*utility companies that the location shown on the plans is viable for their installation. Staff recommends conditions of approval related to screening of mechanical equipment. **No unmitigated impacts.***

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

*Service and delivery will be minimal as there is no commercial or support commercial component in the building. It is anticipated that laundry/maid service will be needed on a weekly basis throughout the Village. Trash pickup will be in the parking garage. **No unmitigated impacts.***

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

*The project will be platted as a condominium. Nightly rental is a permitted use within the RD zoning district. These units will primarily be second homes and it is unlikely that many will be full-time residences, although this possibility is not precluded. **No unmitigated impacts.***

(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

*There are no Environmentally Sensitive Lands within or adjoining the site. The building, as with most of the Village, is located on the flatter slopes within the Pod. The site is currently vacant with little significant vegetation as it was used during construction of the surrounding buildings, ski lift, and ski run. **No unmitigated impacts.***

Department Review

This project has gone through an interdepartmental review. Staff is working with the applicant to address storm water issues. No further issues were brought up at that time.

Notice

The property was posted and notices were mailed to property owners within 300 feet on December 23, 2015. A legal notice was published in the Park Record on December 26, 2015. No public input has been received at the time of this report.

Alternatives

1. The Planning Commission may approve the Conditional Use Permit for One Empire Pass as conditioned or amended, or
2. The Planning Commission may deny the Conditional Use Permit for One Empire Pass and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Conditional Use Permit for One Empire Pass.

Significant Impacts

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement and Master Planned Development conditions.

Recommendation

Staff recommends that the Planning Commission hold a public hearing, consider public input, and discuss the Conditional Use Permit for One Empire Pass (Building 5) of the Village at Empire Pass MPD. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

Findings of Fact:

1. The One Empire Pass Conditional Use Permit (CUP) is located in the RD-MPD zoning district, within Pod A of the Village at Empire Pass Master Planned Development.
2. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
3. 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 for the annexation area.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage). The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built.
5. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.19 UE) as 27 units in a lodge style building.
6. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.

7. One affordable AUE is proposed as part of the One Empire Pass condominium plat, as part of the sale agreement for the 32.8 UEs the applicant purchased from the owner.
8. On October 26, 2015, the Planning Department received an application for a Conditional Use Permit for a twenty seven unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision.
9. The application was deemed complete on October 30, 2015.
10. Access to the property is from Empire Club Drive, a private street, via Marsac Avenue, a public street.
11. The property is also known as Lot 15 of the Village at Empire Pass West Side Subdivision, approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.
12. The property is subject to subdivision plat notes that require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.
13. The proposed One Empire Pass CUP consists of a single multi-story building with 27 residential units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. The gross building area is 113,293 sf, including the parking garage, storage, mechanical, trash and recycling area, fire command closet, pool mechanical, and entry lobby, as well as circulation elevators and stairs, and common amenities on the upper floors that do not utilize UEs.
14. The building consists of 64,374 square feet of residential uses and utilizes 32.19 Unit Equivalents. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. are proposed at the south end of levels one and two. Common amenity areas do not require use of UEs.
15. No commercial uses are proposed.
16. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-five (55) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area.
17. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
18. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development. Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted 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 5 to be four to six stories.

19. The proposed building complies with the granted height exceptions and percentages, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).
20. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.
21. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
22. The Construction Mitigation Plan for the Mountain Village reiterates downhill construction truck traffic for this Conditional Use Permit will use Royal Street, as opposed to Marsac Avenue.
23. Excavated soil will remain within the Flagstaff Annexation area as required by the Annexation Agreement.

Conclusions of Law:

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

Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Departments.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. All exterior signs require a sign permit prior to installation.
5. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 13, 2016.
6. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof.

7. All utility facilities must be located on site. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and the utility boxes can be screened.
8. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 13, 2016.
9. The applicant shall record a condominium Record of Survey prior to selling individual units.
10. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
11. Affordable housing provided with this Conditional Use Permit shall comply with all requirements and stipulations of the Flagstaff Development Agreement and the City's affordable housing resolution in effect at the time of the Development Agreement prior to issuance of a certificate of occupancy for the building.
12. All conditions of approval of the Village at Empire Pass MPD shall continue to apply.
13. All conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply, including the restrictions on solid wood burning fireplaces, removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of any required ADA and affordable housing units.

Exhibits

- Exhibit A – Project Description
- Exhibit B – Existing Conditions
- Exhibit C – Subdivision plat
- Exhibit D – Site and Landscape Plans and Floor Plans
- Exhibit E – Architectural Elevations and Materials
- Exhibit F – Village at Empire Pass MPD approval and Volumetric Diagrams
- Exhibit G – Utility Plans
- Exhibit H – Flagstaff Annexation Agreement (related sections)
- Exhibit I – Village Map
- Exhibit J– Density Summary

EXHIBIT A

EXHIBIT A

BUILDING 5 EMPIRE PASS

east west partners

Guardsman Lodge - Park City, Utah

Architect:
IBI Group
10 Exchange Place, Suite 112
Salt Lake City, UT 84111
T: 801.532.4233
F: 801.532.4231
Contact: Joe Geroux, AIA



IBI Project # 38654

CONDITIONAL USE PERMIT

OCTOBER 26, 2015

OWNER:

Owner:
east west partners
126 Riverfront Lane,
5th Floor
Avon, CO 81620
T - 970.845.9200

CONSULTANTS:

Landscape Architect:
IBI Group
10 Exchange Place, Suite 112
Salt Lake City, Utah 84111
T - 801.532.4233
F - 801.532.4231

Civil Engineer:
Alliance Engineering Inc
323 Main Street
Park City, Utah 84060-2664
T - 435.649.9467
F - 435.649.9475

Structural Engineer:
Dunn Associates Inc
380 W 800 S, Suite 100
Salt Lake City, Utah 84101
T - 801.575.8877
F - 801.575.8875

Mechanical Engineer:
CCI Mechanical
2345 CCI Way
Salt Lake City, Utah 84119
T - 801.973.9000
F - 801.975.7204

Electrical Engineer:
Envision Engineering
240 E Morris Ave, Suite 200
Salt Lake City, Utah 84115
T - 801.534.1130

SHEET INDEX:

GENERAL
COVER SHEET / SHEET INDEX

CIVIL
1 OF 1 EXISTING CONDITION & TOPOGRAPHIC MAP
1 OF 1 ALTA / ASBM LAND TITLE SURVEY
C100 GRADING & UTILITIES PLAN
C101 DETAILS

LANDSCAPE
L100 MASTER SITE PLAN
L101 ENLARGED SITE PLAN AUTOCOUNT
L102 ENLARGED SITE PLAN ANNUITY DECK
L200 PLANTING PLAN
L301 ENLARGED SITE PLANTING PLAN
L302 ENLARGED SITE PLANTING PLAN

ARCHITECTURAL
A200 FINISHING LEVEL PLAN
A201 LEVEL 1 PLAN
A202 LEVEL 2 PLAN
A203 LEVEL 3 PLAN
A204 LEVEL 4 PLAN
A205 LEVEL 5 PLAN
A206 LEVEL 6 PLAN
A207 ROOF PLAN
A301 BUILDING ELEVATIONS
A302 BUILDING ELEVATIONS
A401 BUILDING SECTIONS
N40 COLOR EXTERIOR ELEVATIONS
S01 CONCEPT RENDERINGS
N02 CONCEPT RENDERINGS

VICINITY MAP:



EMPIRE PASS



CONCEPTUAL RENDERING

RECEIVED
OCT 26 2015
PARK CITY
PLANNING DEPT.



Guardsman Lodge, LLC

PO Box 682023
Park City, Utah 84060
Phone: 435.714.0267
E-Mail: bfiveash@ewpartners.com

To: Park City Planning
From: Bill Fiveash OBO Guardsman Lodge, LLC
Date: October 21, 2015
Re: VEPWS - 15 - CUP Written Statement

Memo

Guardsman Lodge LLC is seeking a Conditional Use Permit for the development and construction of a residential building on VEPWS-15 at Empire Pass. The site is part of the land subject to the Amended and Restated Development Agreement for Flagstaff Mountain recorded in March 2007 which granted the Developer/Owner of the property a Large Scale Master Planned Development. This application seeks to move forward the approvals as required in the development agreement to the level considered a Small Scale Master Plan, for which, we believe a CUP is required.

Guardsman Lodge LLC is proposing to build a 109,479 SF structure consisting of 27 residential for sale properties (Not exceeding 65,537 SF), 1 Accessible Unit as required by town code (1 ADA Unit), 1 Employee Housing Unit (1 EHU Unit), 42 total parking spaces, and various Residential Accessory Uses as defined in the Development Agreement.

Below are answers to specific questions required in the CUP Application:

How will the proposed use "fit-in" with surrounding uses?

The development of a resort style condominium property was specifically contemplated for this site within the previously granted MPD. The proposed building fits the approved massing and square footage allowances per previous approvals.

What type of service will it provide to Park City?

The property is part of the resort residential development of Empire Pass Village.

Is the proposed use consistent with the current zoning district and with the General Plan?

The proposed development is consistent with the Development Agreement recorded in March 2007 for Flagstaff Mountain.

Is the proposed use similar or compatible with the other uses in the same area?

Yes, the proposed property has received preliminary approval from the Empire Pass HOA Design Review Board as being compliant with the expected design and use of the property.

Is the proposed use suitable for the proposed site?

Yes, the proposed property fits within the prescribed massing and maximum SF.

Will the proposed use emit noise, glare, dust, pollutants, and odor?

The proposed use is similar in design to the other condominium buildings in Empire Pass Village. There are no extraordinary uses or mechanical systems that one would expect to produce any emissions dissimilar to the other existing properties.



What will be the hour of operation, and how many people will be employed?

As a residential property, it is expected to be occupied during all hours of the day. The developer is proposing to have Deer Valley Lodging operate the HOA and thus will employ at least one FTE employee as a lodge keeper, plus other support employees from existing staff of DV Lodging.

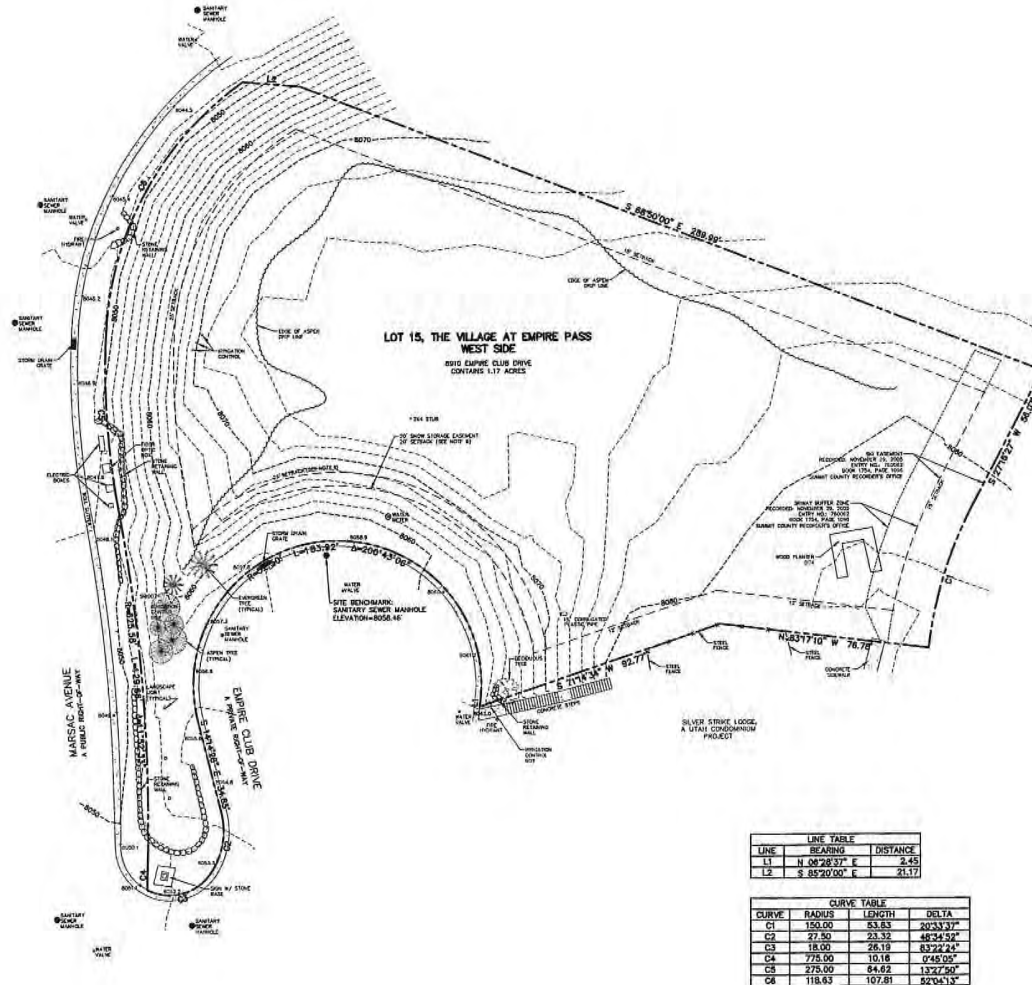
Are other special issues that need to be mitigated?

No.



EXHIBIT B

EXHIBIT B

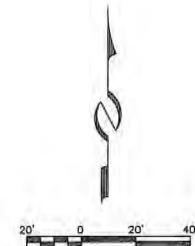


SURVEYOR'S CERTIFICATE

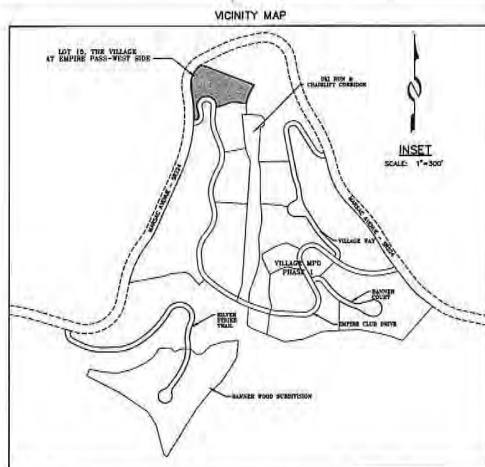
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify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

NOTES

1. Site Benchmark Sanitary Sewer Manhole Elevation=8058.46'
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey performed on June 19, 2015.
5. Property corners were set or found during a previous survey.
6. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown herein are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.



 (435) 644-8887 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 123 Main Street, P.O. Box 2014, Park City, Utah 84060-2014	STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY DATE: 6/26/15	EXISTING CONDITIONS & TOPOGRAPHIC MAP LOT 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, 8910 EMPIRE CLUB DRIVE FOR: EAST WEST PARTNERS JOB NO.: 7-2-15 FILE: X:\Empire\dwg\topo\topo2015\070215.dwg	SHEET 1 OF 1
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NARRATIVE

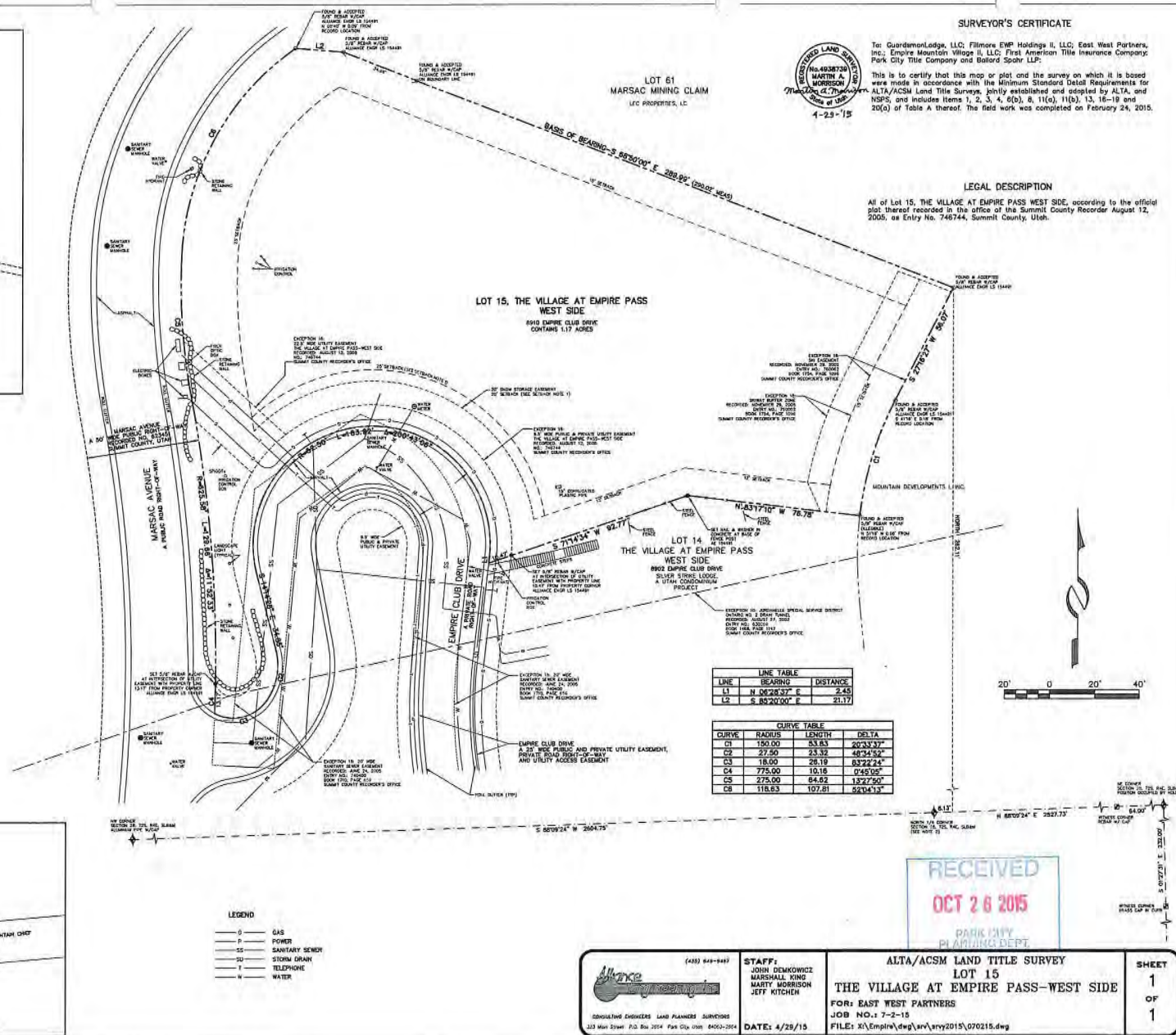
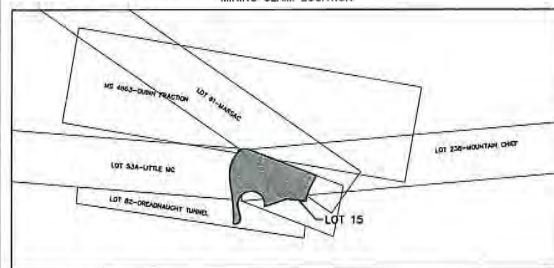
- The underground utilities shown on this survey are from construction drawings.
- This survey is performed in conjunction with a Commitment for Title Insurance issued by Park City Title Company dated February 10, 2015, as File No. 20594.
- The following exceptions in Schedule B, Section II of the Title commitment dated February 10, 2015, as File No. 20594 are not addressed by this survey: 1, 2, 5-8, 11-14, 15.
- A relocation survey of Sections 28, 29, 31, 32 and 33 was performed by RBB Land Surveyors. The section corners shown on this survey are based on the RBB survey. See recorded survey no. 5-3819, Summit County, Utah, and recorded survey no. 09C-024-028-5-1020, Wasatch County, Utah. The aluminum pipe w/cap set at the north 1/4 corner of Section 28 during the RBB survey no longer exists.
- The subject property is located in Flood Insurance Rate Map Panel 49043C1125C and is in Zone X, which is determined to be outside the 0.2% annual chance floodplain.
- The subject property is zoned RD and is part of a Master Planned Development (MPD) and may have building requirements specific to the approval of this MPD. See Park City Municipal Corporation for information regarding requirements and restrictions.
- The property was vacant at the time of the survey.
- There is no observed evidence of current earth moving work or building construction.
- There are no known proposed changes to street right-of-way lines nor is there any evidence of recent street or sidewalk construction or repairs.
- There is no observed evidence of the site being used as a solid waste dump, pump or sanitary landfill.
- There are no wetland areas on the property.

SETBACK NOTE

(as approved by Park City Municipal Corporation Empire Pass Village Master Plan, July 21, 2004.)

- The required 25' setback for master planned developments is measured from the Rugged/annexation boundary. The internal setback lines shown hereon are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

MINING CLAIM LOCATION



SURVEYOR'S CERTIFICATE



To: Quartermaster, LLC, Filmore EMP Holdings II, LLC, East West Partners, Inc., Empire Mountain Village II, LLC, First American Title Insurance Company, Park City Title Company and Boland Spahr LLP.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the Minimum Standards Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA, and NSPS, and includes items 1, 2, 3, 4, 6(b), 8, 11(c), 11(b), 13, 16-19 and 20(a) of Table A thereof. The field work was completed on February 24, 2015.

LEGAL DESCRIPTION

All of Lot 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, according to the official plat thereof recorded in the office of the Summit County Recorder August 12, 2006, as Entry No. 746744, Summit County, Utah.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 06°28'37" E	2.45
L2	S 88°20'00" E	21.17

CURVE TABLE		
CURVE	RADIUS	LENGTH
C1	150.00	53.83
C2	27.50	23.33
C3	18.00	26.19
C4	775.00	10.16
C5	275.00	64.62
C6	115.63	107.81

(435) 646-8443

STAFF:
JOHN DEMKOWICZ
MARSHALL KING
MARTY MORRISON
JETT KITCHEN

DATE: 4/25/15

ALTA/ACSM LAND TITLE SURVEY
LOT 15
THE VILLAGE AT EMPIRE PASS--WEST SIDE
FOR: EAST WEST PARTNERS
JOB NO.: 7-2-15
FILE: X:\Empire\dwg\larry\larry2015\070215.dwg

SHEET
1
OF
1

EXHIBIT C

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereinafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE and that the same has been or will be correctly located on the ground as shown on this plat. I further certify that this plat accurately represents the surveyed property.

John Demkowicz
Date

1/15/16
Date

BOUNDARY DESCRIPTION

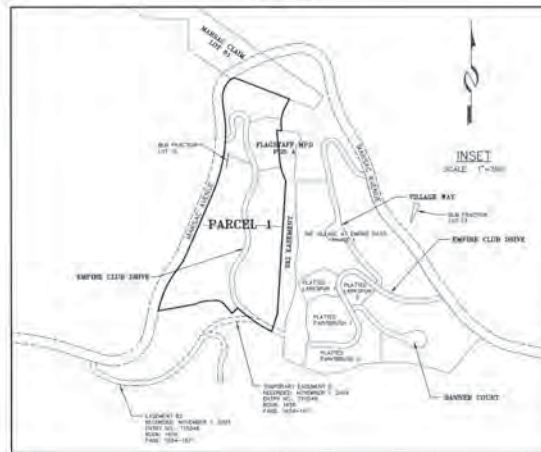
PARCEL 1

A parcel of land located in the south half of Section 21 and the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 81.3 feet along section line and North 262.11 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 27°16'27" West 56.07 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 62°43'33" East; thence along the arc of said curve 75.63 feet through a central angle of 28°57'57" to a point of compound curve to the left having a radius of 300.00 feet, of which the radius point bears North 88°18'30" East; thence southerly along the arc of said curve 20.22 feet through a central angle of 0°51'42", thence South 05°33'11" East 17.15 feet; thence North 88°16'45" West 25.32 feet; thence South 02°31'11" East 167.74 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North 84°26'49" East; thence along the arc of said curve 62.28 feet through a central angle of 2°19'04" to a point of reverse curve to the right having a radius of 79.77 feet, of which the radius point bears South 63°19'44" West; thence southeasterly along the arc of said curve 11.44 feet through a central angle of 0°51'30", thence South 03°42'15" West 67.55 feet to a point on a non-tangent curve to the left having a radius of 1025.00 feet, of which the radius point bears South 70°22'23" East; thence southerly along the arc of said curve 38.87 feet through a central angle of 0°21'02", thence South 17°27'15" West 31.90 feet to a point on the northerly right-of-way of Empire Club Drive as shown and dedicated on the Village at Empire Pass, Phase 1, recorded November 24, 2004, as 8718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence South 17°27'15" West 25.38 feet to a point on the southerly right-of-way of Empire Club Drive, said point also being on a non-tangent curve to the right having a radius of 812.50 feet, of which the radius point bears North 27°15'53" East; thence northeasterly along the arc of said curve 199.71 feet through a central angle of 14°55'00" to a point of compound curve to the right having a radius of 137.50 feet, of which the radius point bears North 41°20'53" East; thence southeasterly along the arc of said curve 12.52 feet through a central angle of 0°51'30", thence South 46°33'59" West 40.09 feet; thence North 41°37'40" West 63.38 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 48°22'29" West; thence along the arc of said curve 44.97 feet through a central angle of 51°32'04", thence South 86°50'15" West 44.82 feet to a point on a curve to the left having a radius of 137.50 feet, of which the radius point bears South 03°09'44" East; thence along the arc of said curve 60.72 feet through a central angle of 2°16'01", thence South 79°50'45" West 195.15 feet to a point on a non-tangent curve to the right having a radius of 509.74 feet, of which the radius point bears South 79°19'48" East, said point also being on the westerly boundary of Mayfield Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded 8623426; thence along the easterly boundary of Mayfield Avenue Right-of-Way the following seven (7) courses: 1) northeasterly along the arc of said curve 234.19 feet through a central angle of 26°19'27" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 51°58'21" West; thence 2) northeasterly along the arc of said curve 93.78 feet through a central angle of 14°19'44", thence 3) North 23°43'50" East 337.26 feet to a point on a curve to the left having a radius of 775.00 feet, of which the radius point bears North 68°16'55" West; thence 4) along the arc of said curve 304.94 feet through a central angle of 22°32'40" to a point of compound curve to the left having a radius of 825.58 feet, of which the radius point bears North 58°45'45" West; thence 5) northeasterly along the arc of said curve 129.65 feet through a central angle of 11°52'35" to a point of reverse curve to the right having a radius of 275.00 feet, of which the radius point bears North 79°18'42" East; thence 6) northeasterly along the arc of said curve 84.82 feet through a central angle of 15°27'30" to a point of compound curve to the right having a radius of 118.53 feet, of which the radius point bears South 87°13'28" East; thence 7) northeasterly along the arc of said curve 167.81 feet through a central angle of 52°04'13" to a point on the northerly side of the Little Mc Mining claim, Lot 536 in the Little Mc Mining District; thence along the northerly side of the Little Mc Mining claim the following two (2) courses: 1) South 45°20'00" East 21.19 feet; thence 2) South 68°50'00" East 289.99 feet to the point of beginning.

Description contains 10.55 acres, more or less

VONITY MAP



NOTES:

1. All building setbacks from property lines are to be the minimum setback shown (R) according to the zoning ordinance for the site.
2. Conditional use permit approval will be required prior to construction on lots in the development site shown herein.
3. A description of subdivision and a report of survey of same shall be required by the purpose of the law to be submitted only within the development site shown herein.
4. All utility and final easements (except for a driveway across the lots, as shown herein, and all public use for transportation) shall be shown to the public use that shall show easements, whether the easements are shown or otherwise with existing plans.
5. The Empire Pass Master Deed Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass (the "Master Declaration") reserves the ownership of each lot owner. Members are subject to the terms of its articles of incorporation, its bylaws, and the rules and regulations that may be established from time to time by the master association, including easements and transfer fees to be provided herein.
6. The operation and maintenance responsibilities for the public lot, including, but not limited to, the lot, shall be established under the rules and regulations of the Master Declaration.
7. Public safety access and public utility easements are hereby dedicated for all public and private purposes, emergency access roads, and private easements.
8. The property is located within a state source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
9. A 20' snow storage easement is hereby dedicated along the frontage of all lots.
10. A lot subdivision agreement (SEA) will be required to be filed with the Summit County Recorder's Office (SCRO) with the subdivision of each lot.
11. Empire Club Drive is a private road to be owned, operated, maintained and improved by the Master Association for the use and benefit of the owners of property in Empire Pass of Deer Valley as described with the Master Declaration. Empire Club Drive is not a public road or right-of-way. This Road of Survey Map shall not be deemed to grant any rights to the public to use Empire Club Drive or create any obligations on the part of Park City Municipal Corporation to maintain or repair Empire Club Drive. All such use and maintenance shall be governed by the rules and provisions of the Master Declaration and the Maintenance Agreement dated March 15, 2006 and as amended from time to time between Park City Municipal Corporation, United Park City Water Company, Deer Valley Corporation and the Master Association.
12. In the event of any easement of Empire Club Drive, the Master Association will be responsible to adjust watermeter readings to reflect the amount of water used by the Master Association. Maintenance obligations of members shall be adjusted to reflect the amount of water used by the Master Association.
13. The Master Association shall be responsible for the maintenance and improvement of all utility lines located within Empire Club Drive or the (EMPD) easement shown herein. The Master Association shall have the right to access the cost of such maintenance and repair to parcel(s) owner(s) or conditional easement holders by such means, in accordance with the Master Declaration.
14. The easement is for use of the domestic water system (DWSS) for a water main (as shown) approximately 300 feet (under the portion of the property).
15. All property owners to be set along Empire Club Drive will be set at the intersection of the S.E. side public and private utility easement and the lot line or on other easement.
16. Any easement shall follow within its original or better defined original, but not be defined otherwise.
17. The maintenance of the water system is the entire responsibility of the Empire Pass Master Deed Association.
18. The rules of the Village of Empire Pass West Side are set by a Village Public Utility Watermaster. The Village Public Utility Watermaster shall be responsible for the operation, maintenance and improvement of all domestic water lines located within the Village.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, duly signed, and duly submitted to the recorder of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 25 foot wide portion of property situated on either side of Empire Club Drive as shown herein.

It is hereby acknowledged that the undersigned has executed this certificate and declaration this 15th day of January, 2016.

EMPIRE MOUNTAIN VILLAGE, LLC
A Delaware limited liability company
By: *[Signature]*
Its Manager

File: *[Signature]*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

Subscribed and sworn to before me this 15th day of January, 2016, by *[Signature]* the *Manager* of the *EMPIRE MOUNTAIN VILLAGE, LLC*, a Delaware limited liability company.

My commission expires *12/31/2016*

Notary Public, State of Utah

Witnessed by *[Signature]*

Witnessed by *[Signature]*

Witnessed by *[Signature]*

Witnessed by *[Signature]*

Witnessed by *[Signature]*

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SUBDIVISION PLAT THE VILLAGE AT EMPIRE PASS WEST SIDE

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 2

DATE: 01/13/2016	SYNDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM THIS PLAT	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	7467944 RECORDED
REVIEWED FOR CONFORMANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 10th DAY OF August, 2016 A.D.	RAY OF <i>[Signature]</i> , 2005 A.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 10th DAY OF August, 2016 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22nd DAY OF August, 2016 A.D.	APPROVED AS TO FORM THIS PLAT THIS 11th DAY OF August, 2016 A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 11th DAY OF August, 2016 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11th DAY OF August, 2016 A.D.	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <i>Park City Title</i> DATE 8-18-05 TIME 11:02 AM JUDGE PAGE 1619
CONDUCTED FIELDWORK AND FORWARDED SURVEYOR	DATE OF <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	DATE 8-18-05 TIME 11:02 AM JUDGE PAGE 1619
1011 West 2000 South, Salt Lake City, Utah 84119-1000	DATE OF <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	BY <i>[Signature]</i> , 2005 A.D.	DATE 8-18-05 TIME 11:02 AM JUDGE PAGE 1619

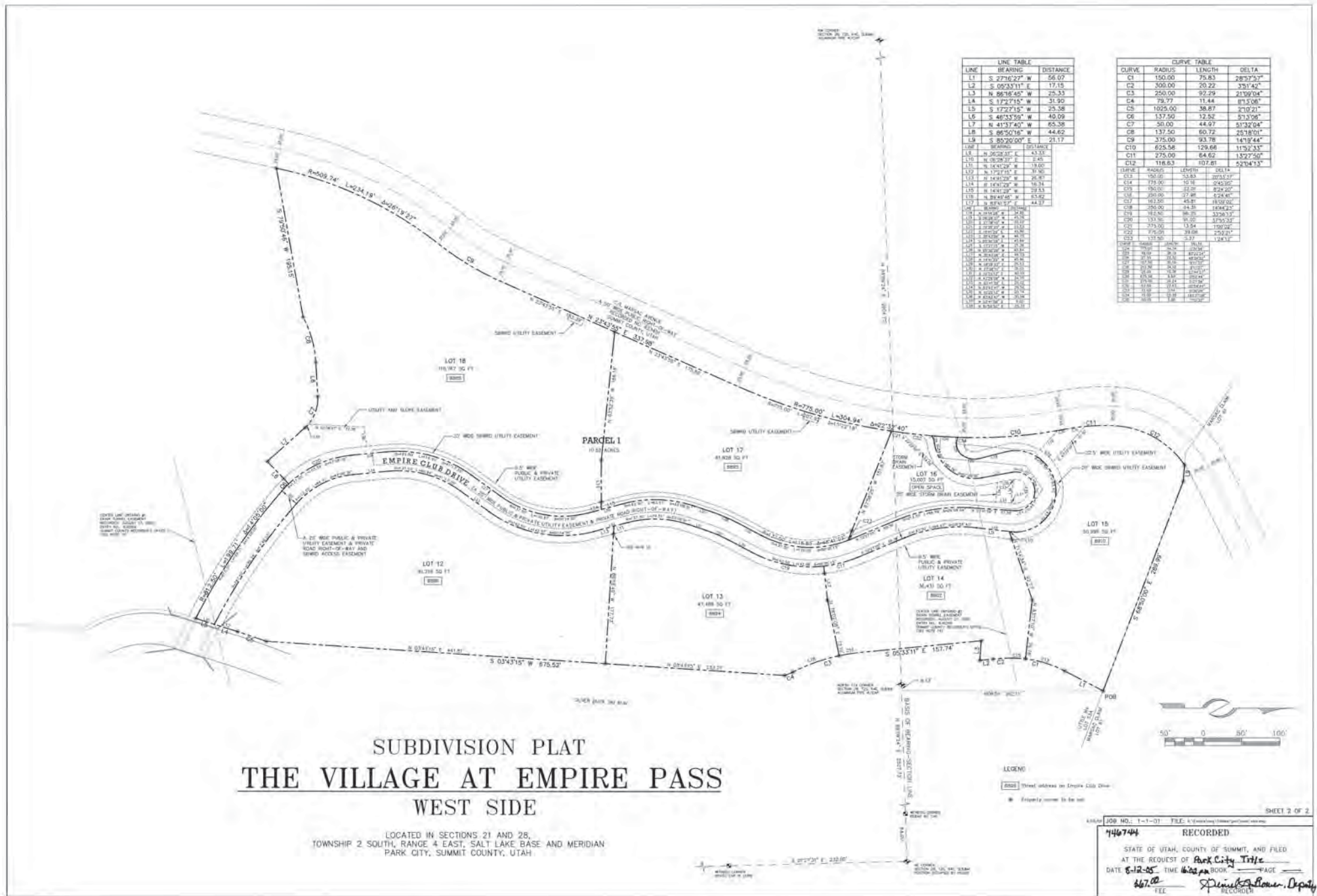
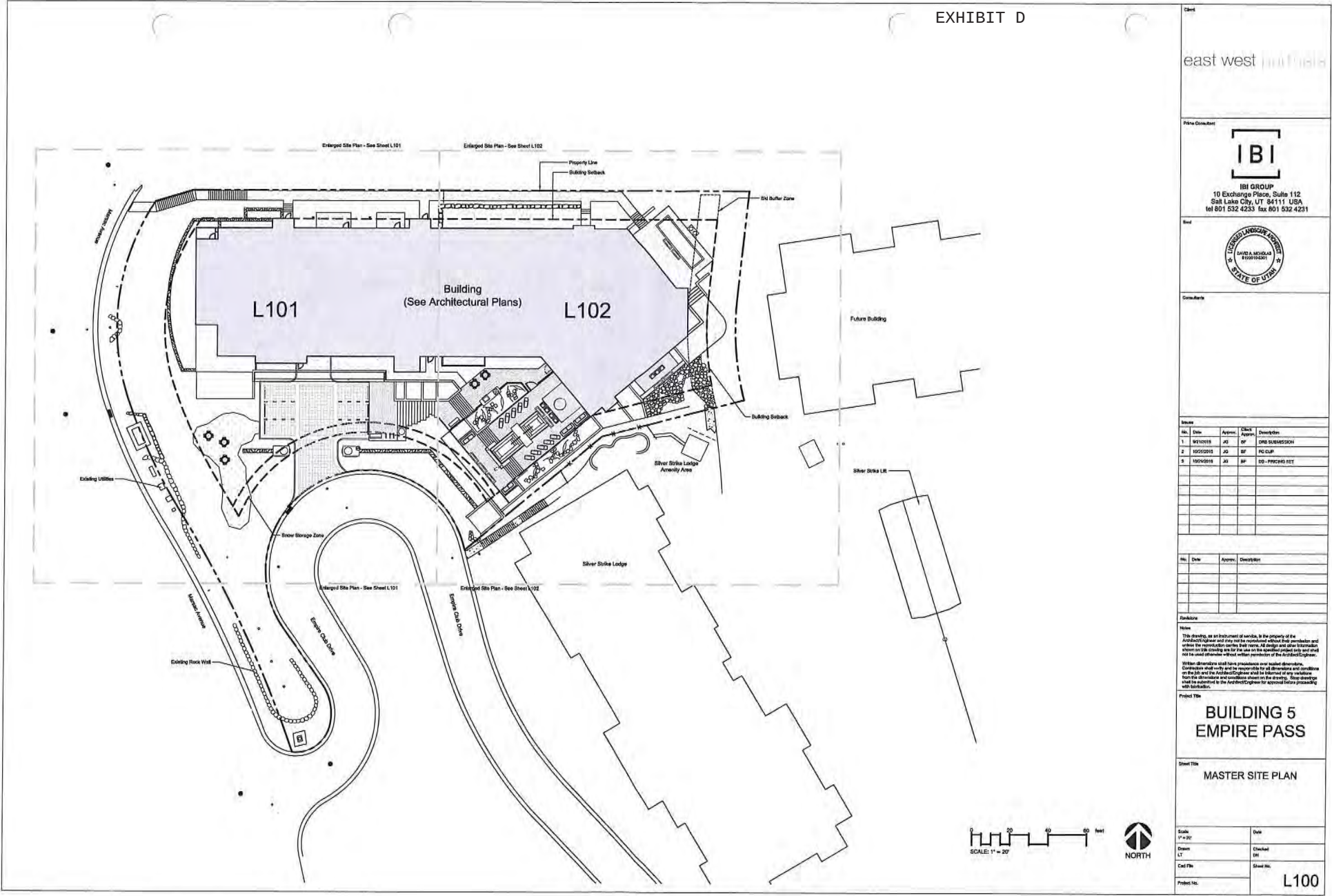
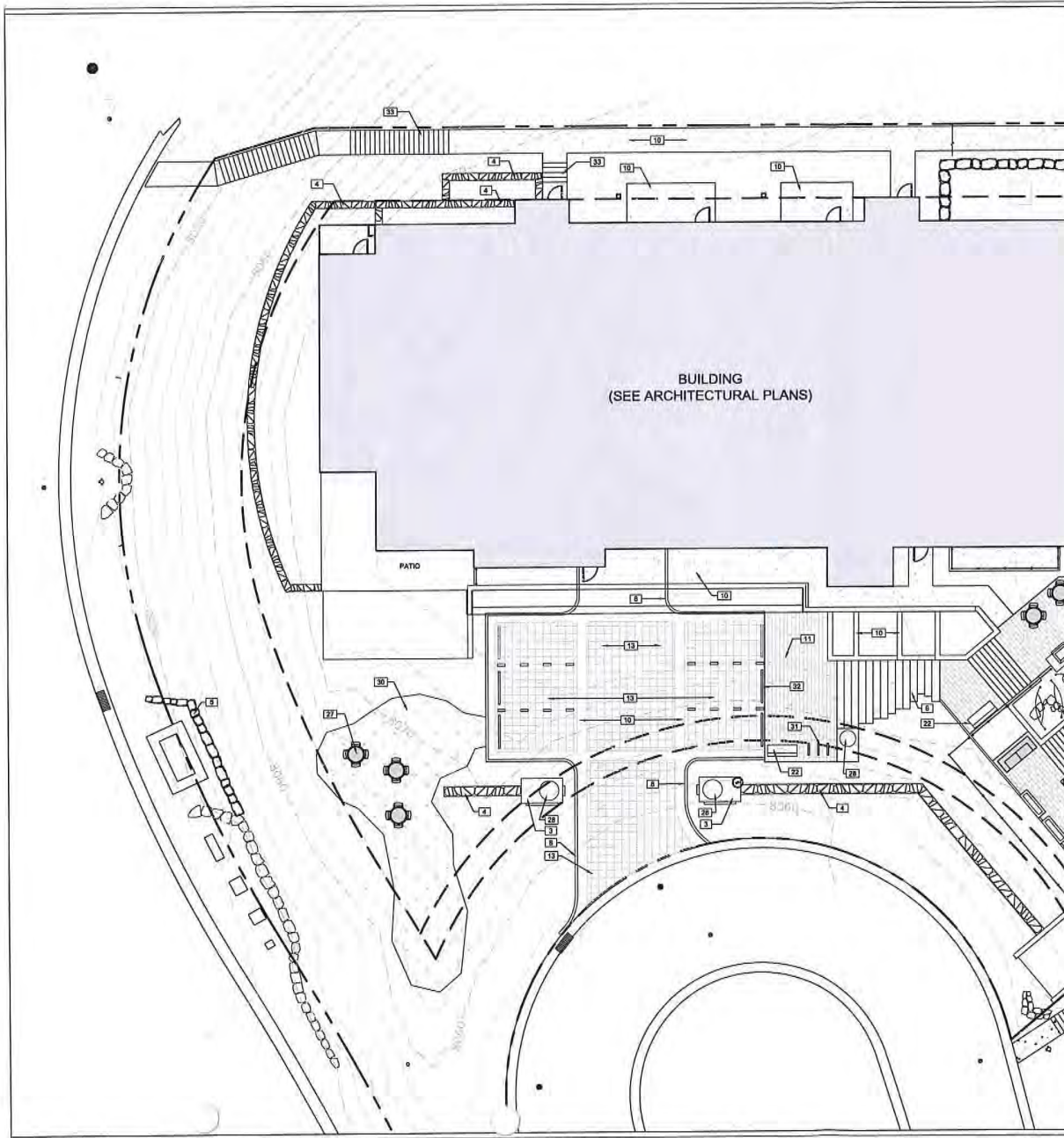


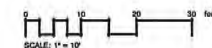
EXHIBIT D





REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY	DETAIL
11	STONE VENEER RETAINING WALL - SHORT/ERRADES		
12	STONE VENEER RETAINING WALL - TALL		
13	STONE VENEER MONUMENT		
14	STACKED STONE RETAINING WALL		
15	BOULDER WALL		
16	STONE STAIR		
17	OUTDOOR KITCHEN		
18	CONCRETE CURB		
19	STONE CURB		
20	4" CONCRETE PAVING/SAID		
21	2" CONCRETE PAVERS OVER 4" CONCRETE BASE W/1" SAND SETTING BED WITH HYDROKING SNOW MELT		
22	2" CONCRETE PLANK PAVERS OVER 4" CONCRETE BASE W/1" SAND SETTING BED WITH HYDROKING SNOW MELT		
23	3 1/2" CONCRETE PAVERS OVER 4" CONCRETE BASE WITH 1" SAND SETTING BED WITH HYDROKING SNOW MELT		
24	FLAGSTONE		
25	HOT TUB		
26	HOT TUB FENCE - DECORATIVE		
27	HOT TUB FENCE - STANDARD		
28	HAMMOCK GARDEN COLUMNS		
29	FIRE TABLE		
30	BENCH		
31	CHAIR LOUNGE CHAIR		
32	OUTDOOR FURNITURE		
33	TABLE AND CHAIRS		
34	SAUCER PLANTER/FIRE BOWL		
35	SOCCER BALL COURT		
36	LAWN AREA		
37	BIKE RACKS		
38	CONCRETE WHEEL STOP		
39	CONCRETE STAIR WITH HANDRAILS		



Client: east west

Prime Consultant: IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
Tel 801 532 4233 fax 801 532 4231

Consultant: IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
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Consultants: IBI GROUP
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Salt Lake City, UT 84111 USA
Tel 801 532 4233 fax 801 532 4231

No.	Date	Appr.	Check	Description
1	02/10/15	JD	BP	DRB SUBMISSION
2	10/05/15	JD	BP	PC CLIP
3	10/29/15	JD	BP	DD - PRELIM SET

Revision:

Notes:

This drawing is an instrument of service. It is the property of the Architect/Engineer and may not be reproduced without their permission and without the reproduction of their name. All design and other information shown on this drawing are for the use on the specified project only and shall not be used elsewhere without written permission of the Architect/Engineer.

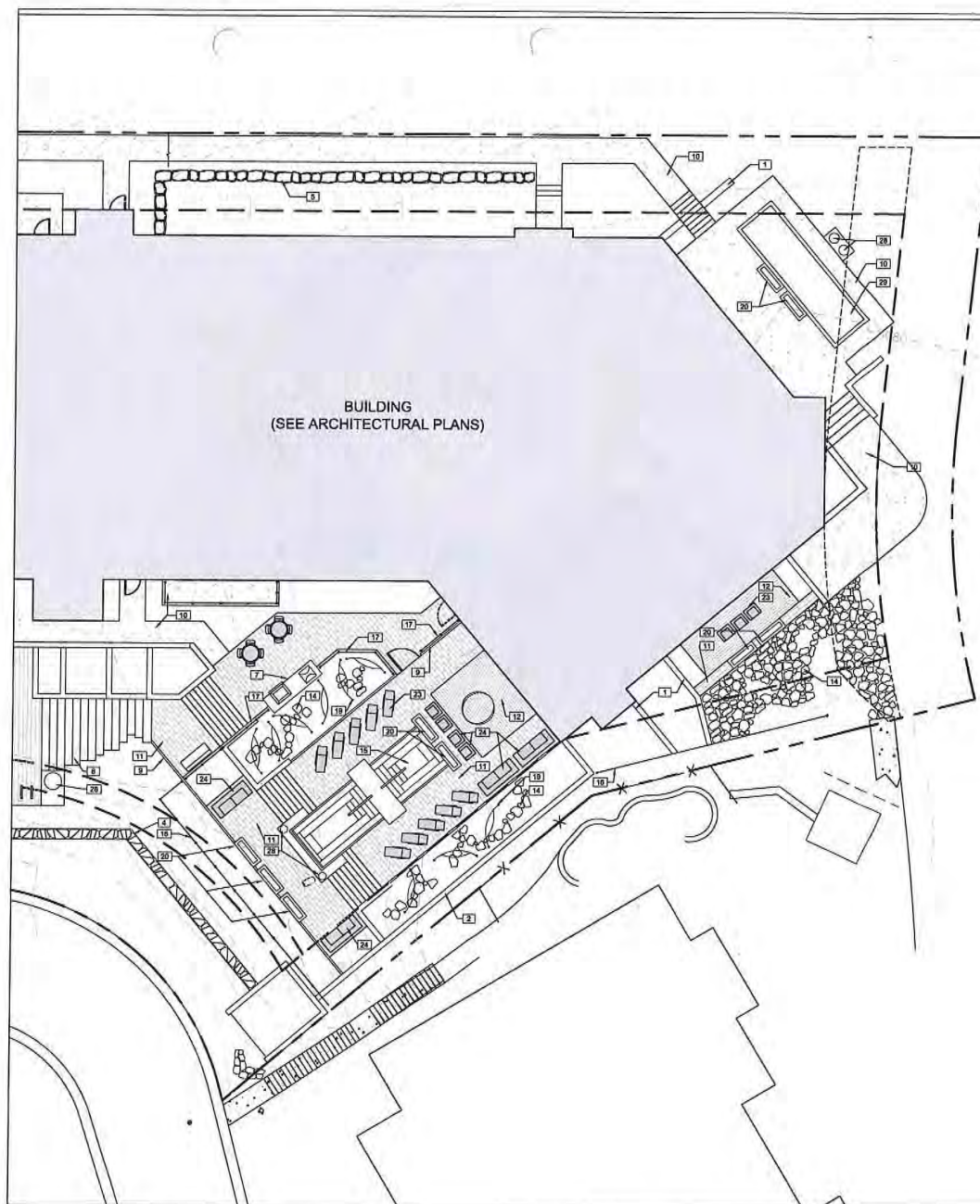
Within dimensions shall have precedence over scaled dimensions. Corrections shall only be made by the Architect/Engineer and shall be in accordance with the dimensions and conditions shown on the drawing. Any drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title: BUILDING 5 EMPIRE PASS

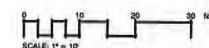
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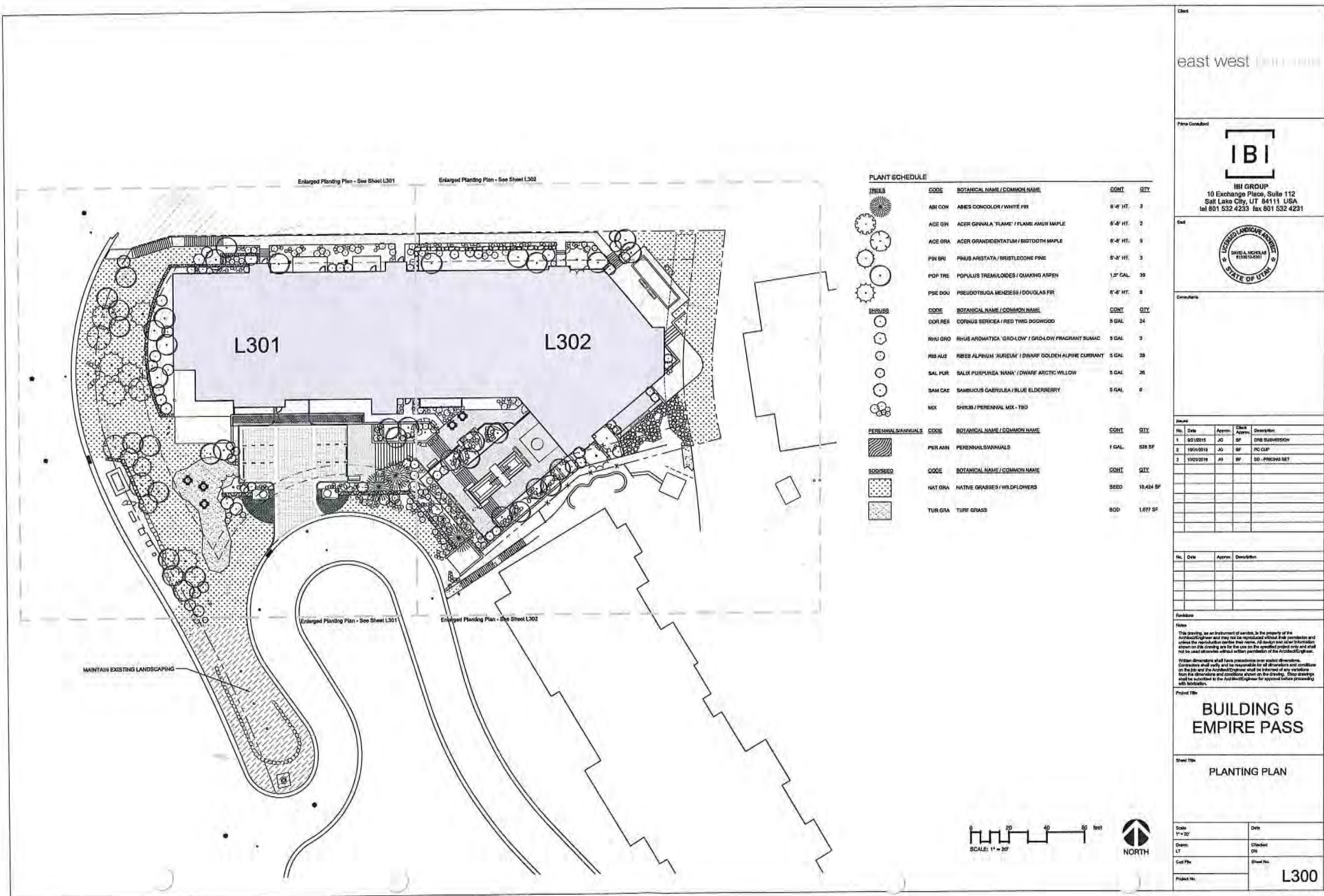
Date	Check	Sheet No.
02/10/15	JD	17

Project No.: L101



REFERENCE LISTEN SCHEDULE		QTY	UNIT
[]	STONE VENEER RETAINING WALL - SHORTTERMINES		
[]	STONE VENEER RETAINING WALL - TALL		
[]	STONE VENEER MONUMENT		
[]	STACKED STONE RETAINING WALL		
[]	ROULDER WALL		
[]	STONE STAIR		
[]	OUTDOOR KITCHEN		
[]	CONCRETE CURB		
[]	STONE CURB		
[]	4" CONCRETE PAVING&AND		
[]	2" CONCRETE PAVERS OVER 4" CONCRETE BASE W/1" BAND SETTING BEDDING WITH HYDROKON SH&OW MELT		
[]	2" CONCRETE PLANK P&AVERS OVER 4" CONCRETE BASE W/1" SAND SETTING BEDDING WITH HYDROKON SH&OW MELT		
[]	3 1/2" CONCRETE PAVERS OVER 4" CONCRETE BASE WITH 1" SAND SETTING BEDDING WITH HYDROKON SH&OW MELT		
[]	PL&ASTER&ONE		
[]	HOT TUB		
[]	HOT TUB FENCE - DECORATIVE		
[]	HOT TUB FENCE - STANDARD		
[]	H&AMMOCK G&ARDEN C&OLL&UMNS		
[]	FIRE TABLE		
[]	B&ENCH		
[]	CHAISE LO&UN&GE CH&AIR		
[]	OUTDO&OR F&URNIT&URE		
[]	TABLE AND CH&AIRS		
[]	SA&UCE&R PL&ANTEN&FIRE B&OWL		
[]	RO&CK&E BALL C&OURT		
[]	L&AWN A&REA		
[]	B&IKE P&ATH&S		
[]	CONCRETE W&HEEL S&TOP&S		
[]	CONCRETE S&T&AIR WITH H&AND&R&AILS		

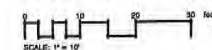
[illegible]





PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
	ABI COH	ABIES CONCOLOR WHITE FIR	6'-4" HT.	3
	ACE GR	ACER GINNALA 'FLAME' / FLAME AMAR MAPLE	6'-4" HT.	2
	ACE GRA	ACER GRABIGIDENTATUM / NETTOOTH MAPLE	6'-4" HT.	6
	PH RR	PIRUS ARISTATA / BRISTLECOCK PINE	6'-4" HT.	3
	POP TRE	POPULUS TREMULOIDES / QUAKING ASPEN	1.5" CAL.	39
	PSE DOU	PSEUDOTSUGA MENZIESII / DOUGLAS FIR	6'-4" HT.	6
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
	COR RES	CORNUS SERICEA / RED TWIG DOGWOOD	5 GAL	24
	RHU GRD	RHUS AROMATICA 'GRO LOW' / GRO-LOW FRAGRANT SUMAC	5 GAL	3
	RIB AU2	RIBES ALPNUM 'AUREUM' / DWARF GOLDEN ALPINE CURRANT	5 GAL	28
	SAL PUR	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL	28
	SAM GAE	SAMBUCUS CAERULEA / BLUE ELDERBERRY	5 GAL	6
	MIX	SHRUB / PERENNIAL MIX - TBD		
PERENNIALS/ANNUALS	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
	PER ANN	PERENNIALS/ANNUALS	1 GAL	525 SF
SEEDS	CODE	BOTANICAL NAME / COMMON NAME	QTY	QTY
	NAT GRA	NATIVE GRASSES / WILDFLOWERS	SEED	10,424 SF
	TUR GR	TURF GRASS	SOD	1,077 SF



east west | w | l

IBI GROUP
10 Exchange Place, Suite 112
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No.	Date	Appr.	Client	Description
1	08/10/2010	JD	WF	URS SUBMISSION
2	10/26/2010	JD	WF	PC CLP
3	10/22/2010	JD	WF	DD - PAVING SET

No.	Date	Appr.	Description

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Contract documents shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be alerted of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

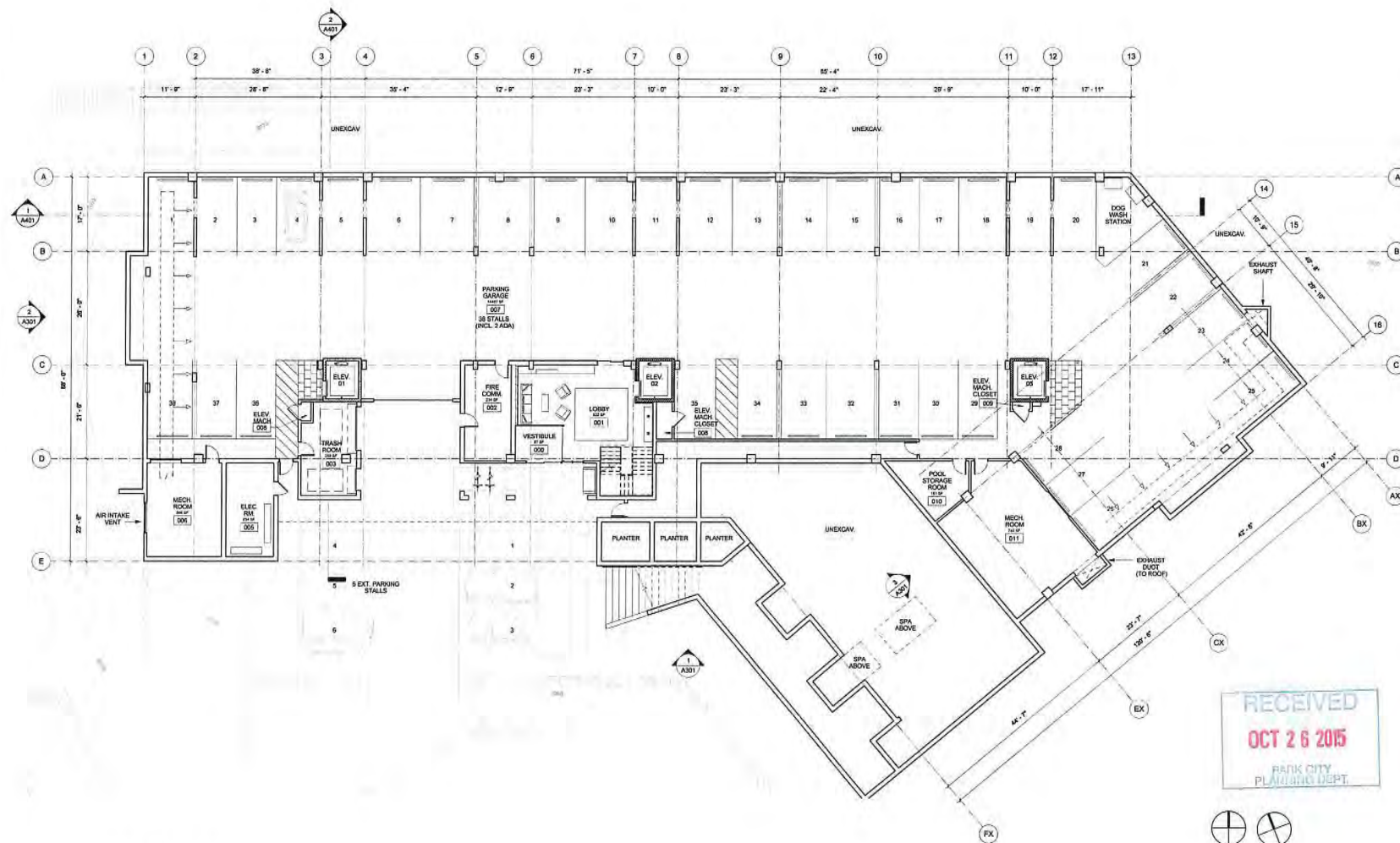
Project Title
**BUILDING 5
EMPIRE PASS**

Client Title
**ENLARGED
PLANTING PLAN**

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Drawn: LT	Checked: DH
Card File:	Sheet No.:
Project No.:	

L302

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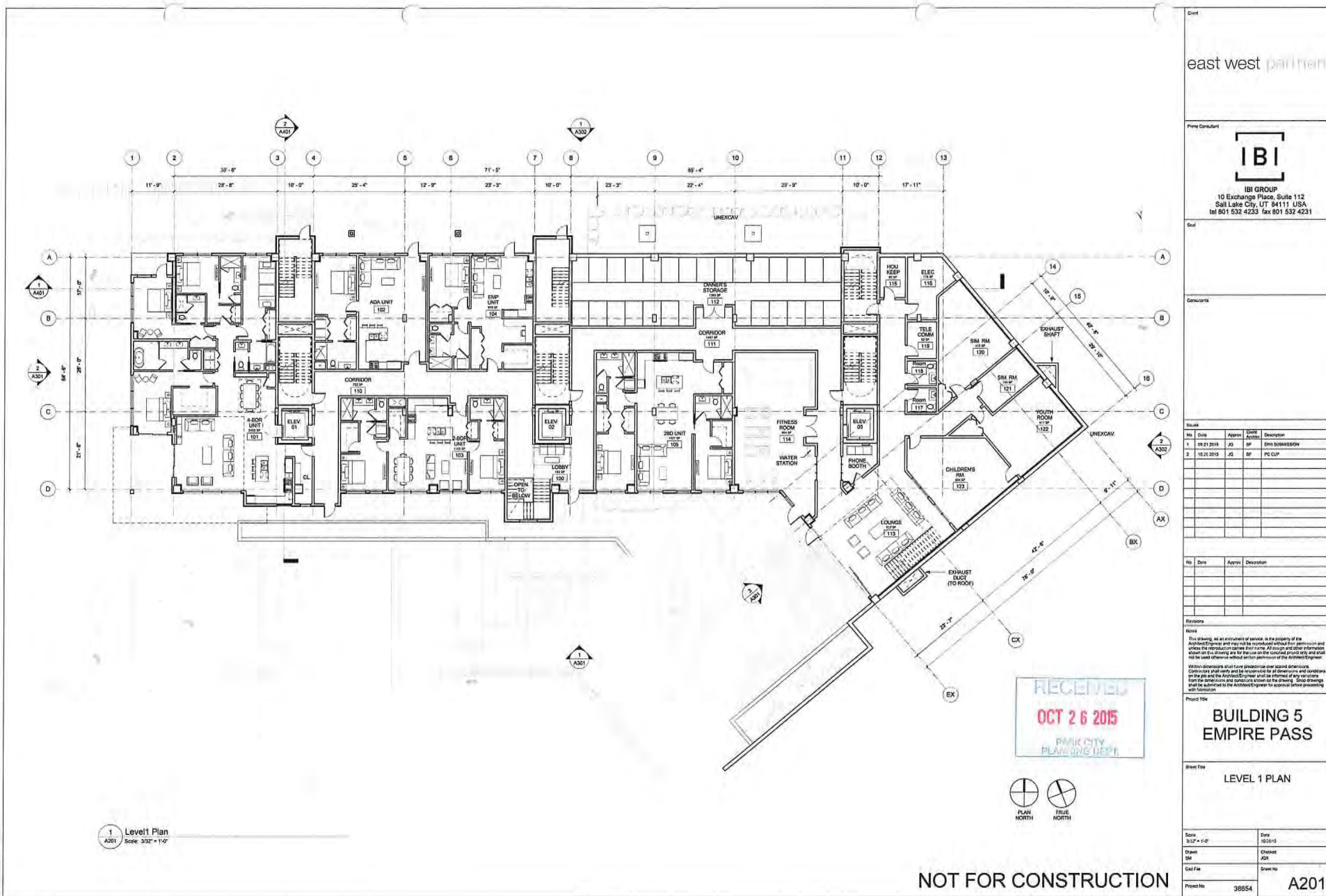


1 Parking Level_P1 Plan
Scale: 3/32" = 1'-0"

NOT FOR CONSTRUCTION

east west partners	
Prime Consultant	
[BI]	
IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA tel 801 532 4233 fax 801 532 4231	
Scriber	
Comments	
Revisions	
Notes	
This drawing is an instrument of service, is the property of the Architect/Engineer and may not be reproduced without their permission and unless the reproduction carries their name. All design and other information shown on this drawing are for the use of the project only and shall not be used for any other purpose without the written consent of the Architect/Engineer.	
Without dimensions that have precedence over actual dimensions.	
Contractors shall verify and be responsible for all dimensions and conditions on the ground. The Architect/Engineer shall be informed of any variations from the dimensions and conditions shown on the drawing. Any drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.	
Project Title	
BUILDING 5 EMPIRE PASS	
Sheet Title	
PARKING LEVEL PLAN	
Scale	Date
3/32" = 1'-0"	10/26/15
Drawn	Checked
DM	JMK
Cap File	Drawn/No
Project No	38654
A200	

10/23/2015 3:01:15 PM



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IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
tel 801 532 4233 fax 801 532 4231

Consultants

No.	Date	Appr.	Notes	Description
1	08/21/2015	JG	AP	DRG SUBMISSION
2	10/22/2015	JG	AP	PC CLP

No.	Date	Appr.	Description

Revisions

Notes
This drawing, as an instrument of service, is the property of the Architect/Engineer and may not be reproduced without the permission and written consent of the Architect/Engineer. All drawings and other information shown on this drawing are for the use of the local project only and shall not be used for any other purpose without the written permission of the Architect/Engineer.
Vertical dimensions shall have precedence over horizontal dimensions.
Dimensions shall apply to the exterior face of all dimensions and dimensions on the plan and the Architect/Engineer shall be informed of any variance from the exterior face and shall be shown on the drawing. Once drawings are submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title

**BUILDING 5
EMPIRE PASS**

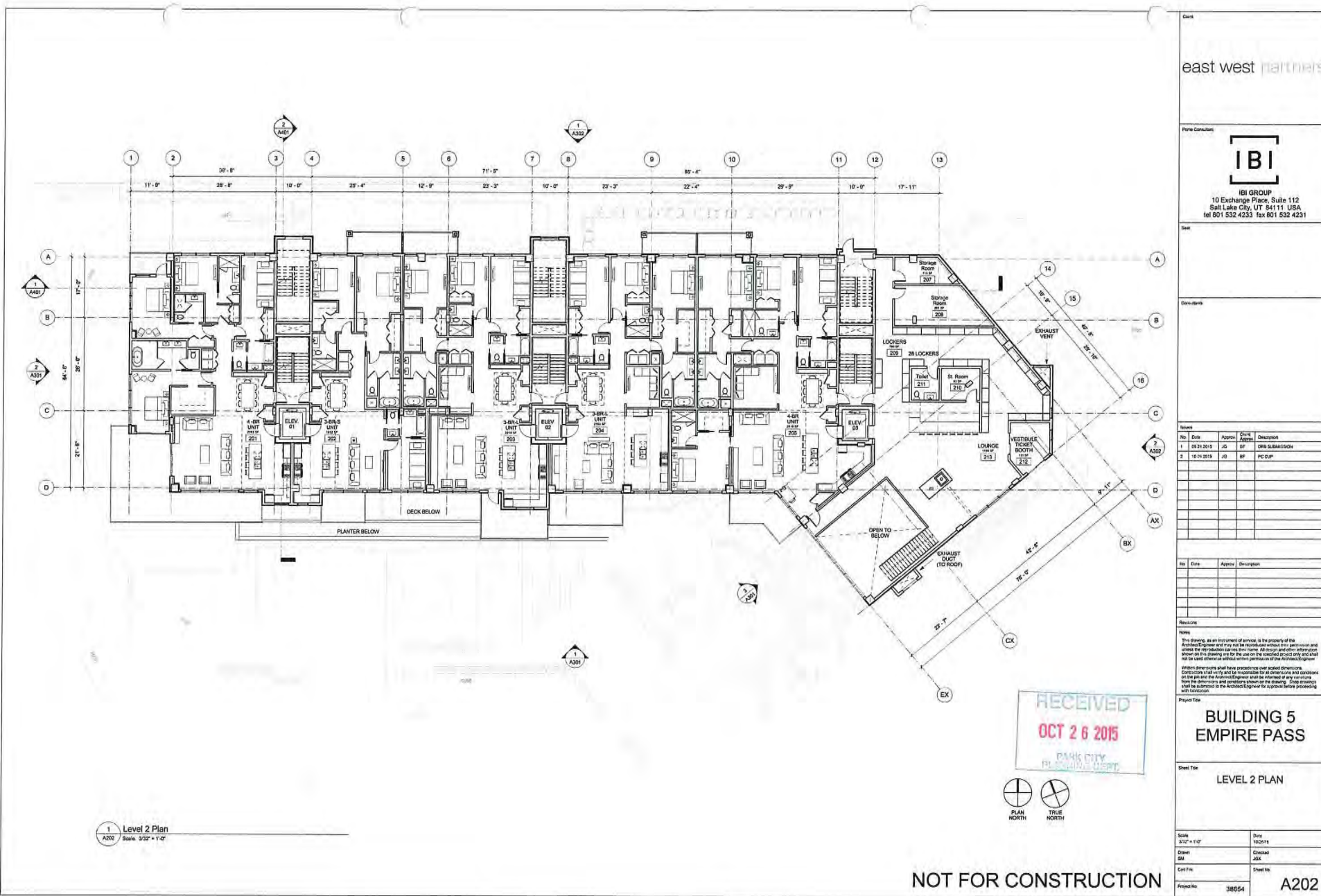
Sheet Title

LEVEL 1 PLAN

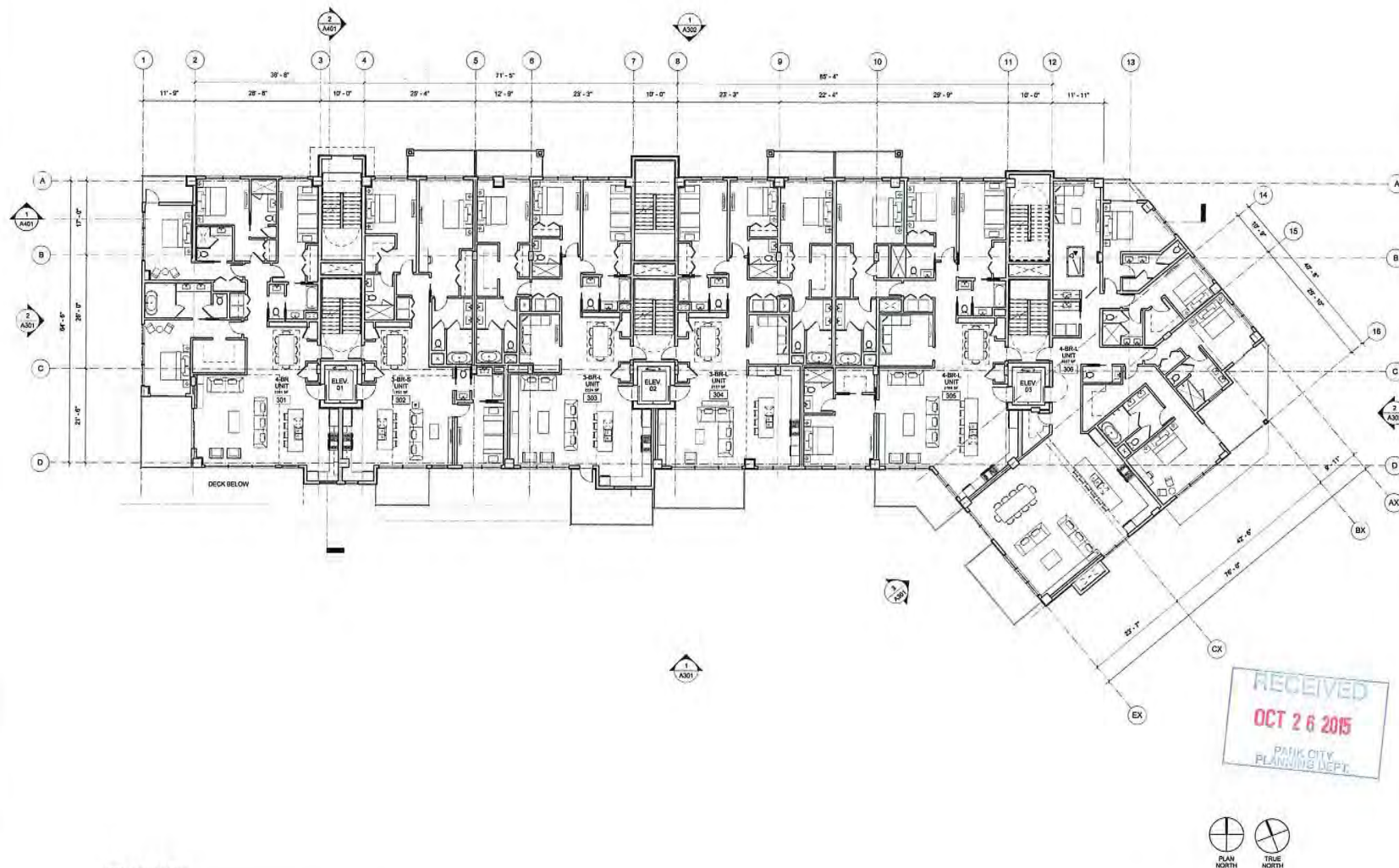
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Drawn SM	Checked SM
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Project No 38654	A201

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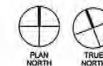
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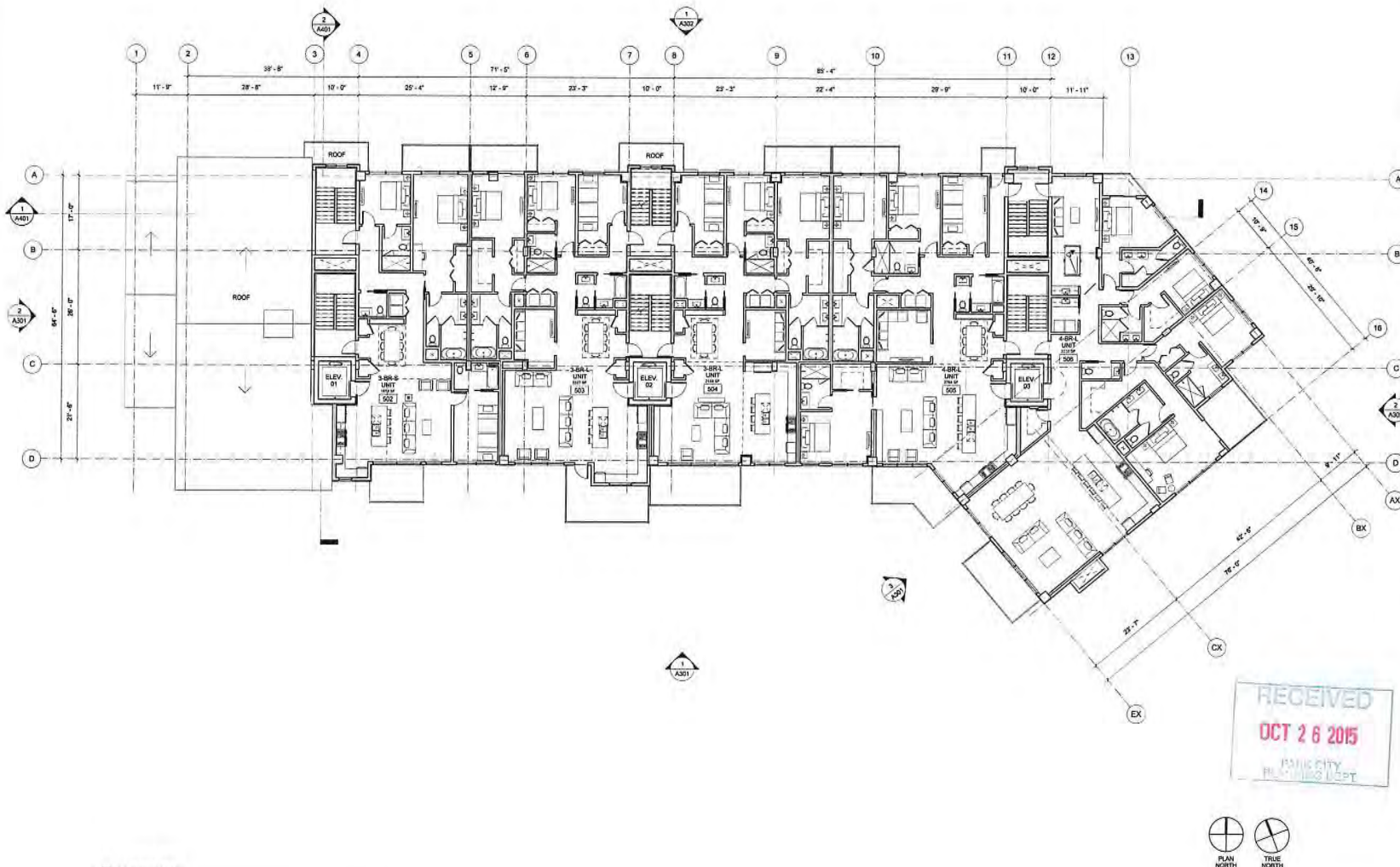
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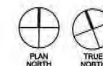
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Client													
east west architects													
Project Consultant													
 IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA Tel 801 532 4233 Fax 801 532 4231													
Notes													
No.	Date												
1	09/21/2015												
2	10/21/2015												
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No.	Date	Appr.	Descr.										
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2	10/21/2015	JG	PC DCP										
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Project Title													
BUILDING 5 EMPIRE PASS													
Sheet Title													
LEVEL 3 PLAN													
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3/32" = 1'-0"	A203												
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Project No.	Sheet No.												
38554	A203												

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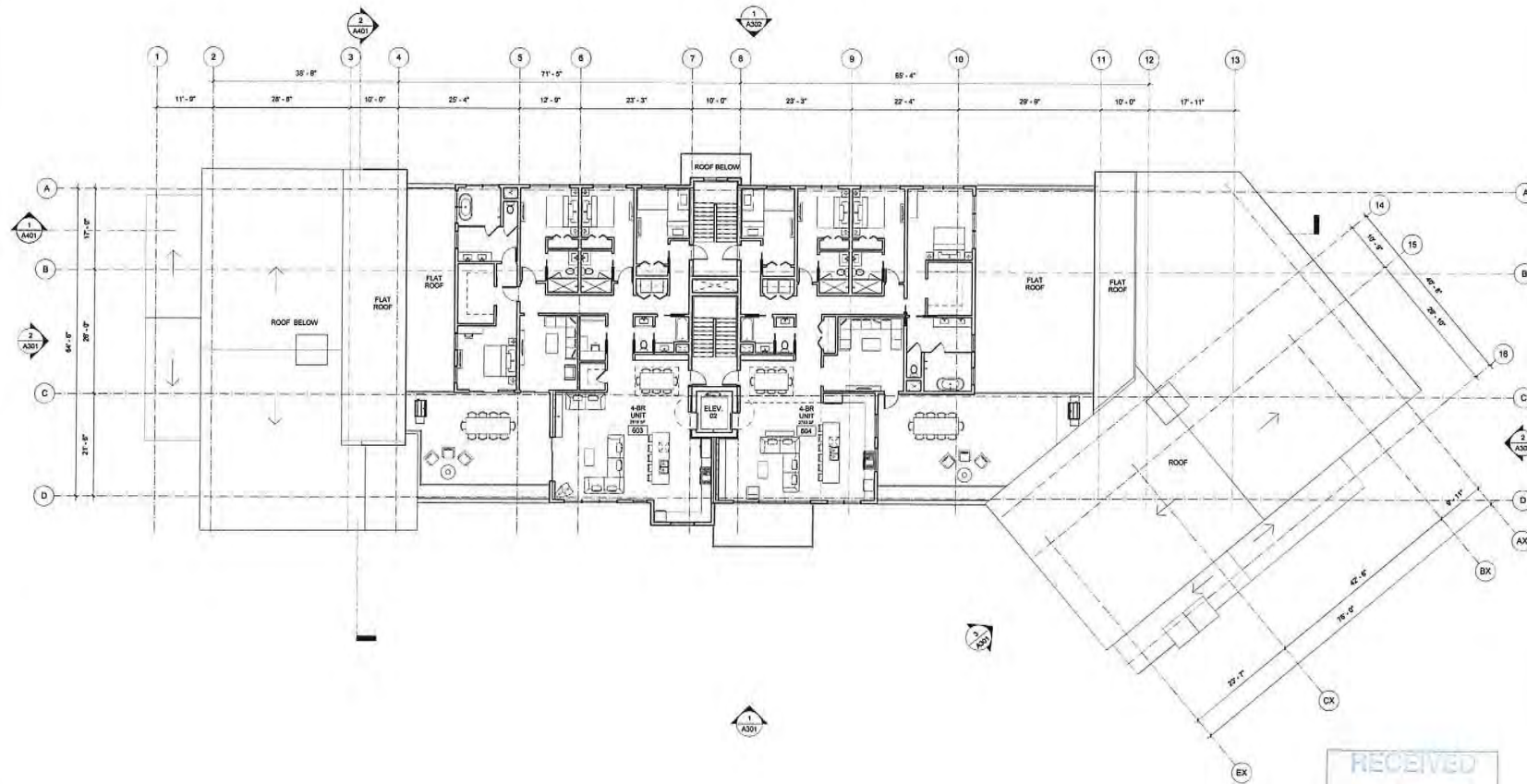
1 Level 5 Plan
A205 Scale: 3/32" = 1'-0"



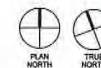
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Date																					
east west partners																					
 IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA tel 801.532.4233 fax 801.532.4231																					
Rev																					
<table border="1"> <thead> <tr> <th>No</th> <th>Date</th> <th>Appr</th> <th>Disc</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10/21/2015</td> <td>JG</td> <td>SP</td> <td>DRS Submittal</td> </tr> <tr> <td>2</td> <td>10/21/2015</td> <td>JG</td> <td>SP</td> <td>PG CUP</td> </tr> </tbody> </table>		No	Date	Appr	Disc	Description	1	10/21/2015	JG	SP	DRS Submittal	2	10/21/2015	JG	SP	PG CUP					
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2	10/21/2015	JG	SP	PG CUP																	
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No	Date	Appr	Description																		
Notes This drawing, as an instrument of service, is the property of the Architect/Engineer and may not be reproduced without their permission and shall be returned to them upon completion. All rights and other information shown on this drawing are for the use of the Local/State/County only and shall not be used elsewhere without written permission of the Architect/Engineer. Vertical dimensions shall have precedence over horizontal dimensions. Dimensions shall be taken from the centerline of all dimensions and conditions on the plan and the Architect/Engineer shall be responsible for any corrections. All dimensions and conditions shown on this drawing shall be submitted to the Architect/Engineer for approval before proceeding with construction.																					
Project Title BUILDING 5 EMPIRE PASS																					
Sheet Title LEVEL 5 PLAN																					
Scale 3/32" = 1'-0"	Date 10/21/15																				
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Project No 38654																					

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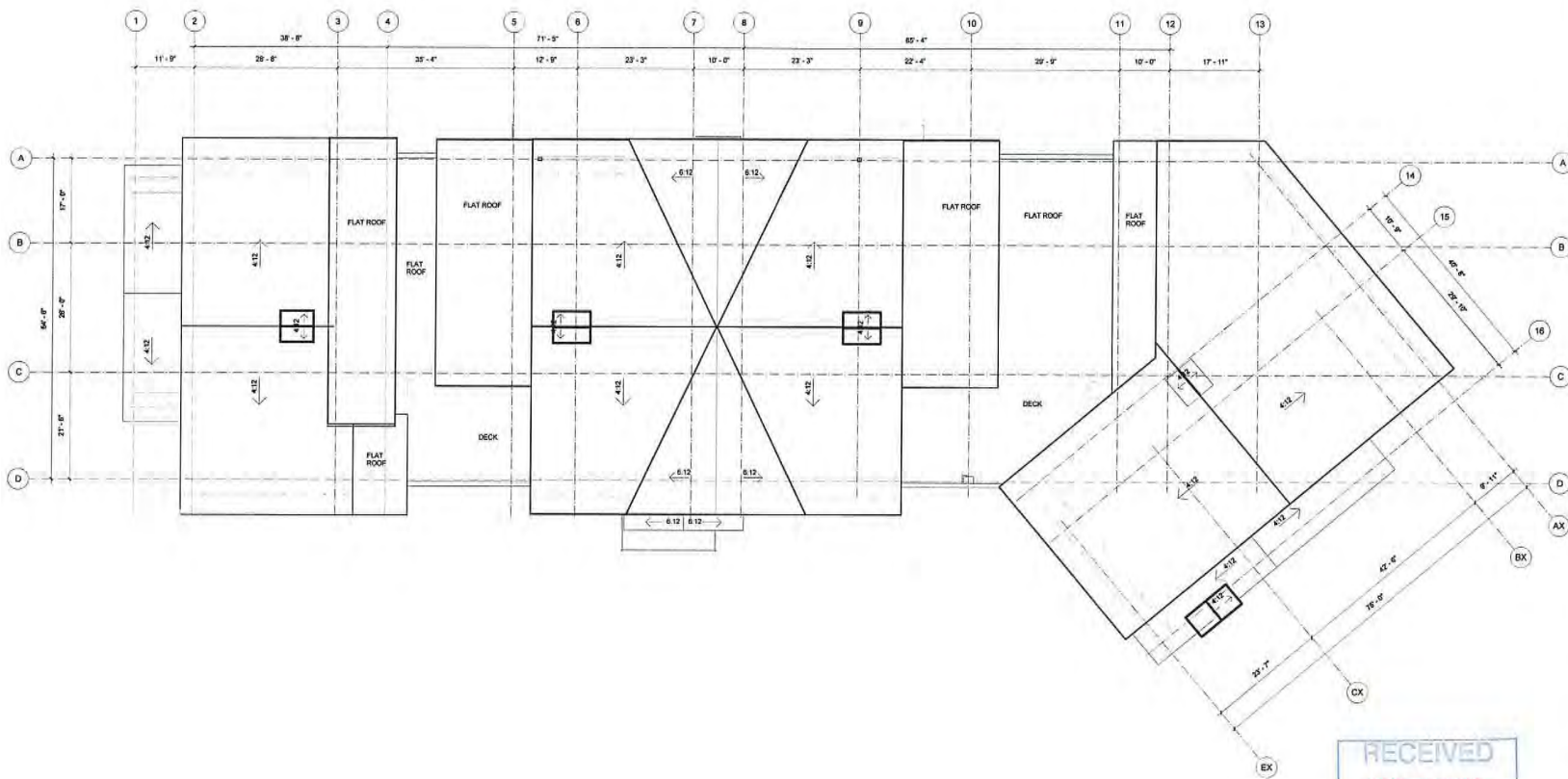
1 Level 6 Plan
A206 Scale: 3/32" = 1'-0"



NOT FOR CONSTRUCTION

east west PARTNERS													
IBI IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA tel 801 532 4233 fax 801 532 4231													
Scale													
Comments													
Revisions <table border="1"> <thead> <tr> <th>No</th> <th>Date</th> <th>Appr</th> <th>Descr</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>09/23/2015</td> <td>JG</td> <td>DRG SUBMISSION</td> </tr> <tr> <td>2</td> <td>10/26/2015</td> <td>JG</td> <td>PG-00P</td> </tr> </tbody> </table>		No	Date	Appr	Descr	1	09/23/2015	JG	DRG SUBMISSION	2	10/26/2015	JG	PG-00P
No	Date	Appr	Descr										
1	09/23/2015	JG	DRG SUBMISSION										
2	10/26/2015	JG	PG-00P										
Notes This drawing, as an instrument of service, is the property of the Architect/Engineer and may not be reproduced without the Architect/Engineer's written consent. It is to be used only for the project and location shown on this drawing and for the use and in the specified project only and shall not be used elsewhere without written permission of the Architect/Engineer. Written dimensions shall have precedence over spatial dimensions. Conflicts shall be noted and corrected for the drawings and conditions on the job and the Architect/Engineer shall be relieved of any liability from the dimensions and conditions shown on the drawing. Design drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.													
Project Title BUILDING 5 EMPIRE PASS													
Sheet Title LEVEL 6 PLAN													
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Drawn DA	Checked AKA												
Client 38654	Sheet No A206												

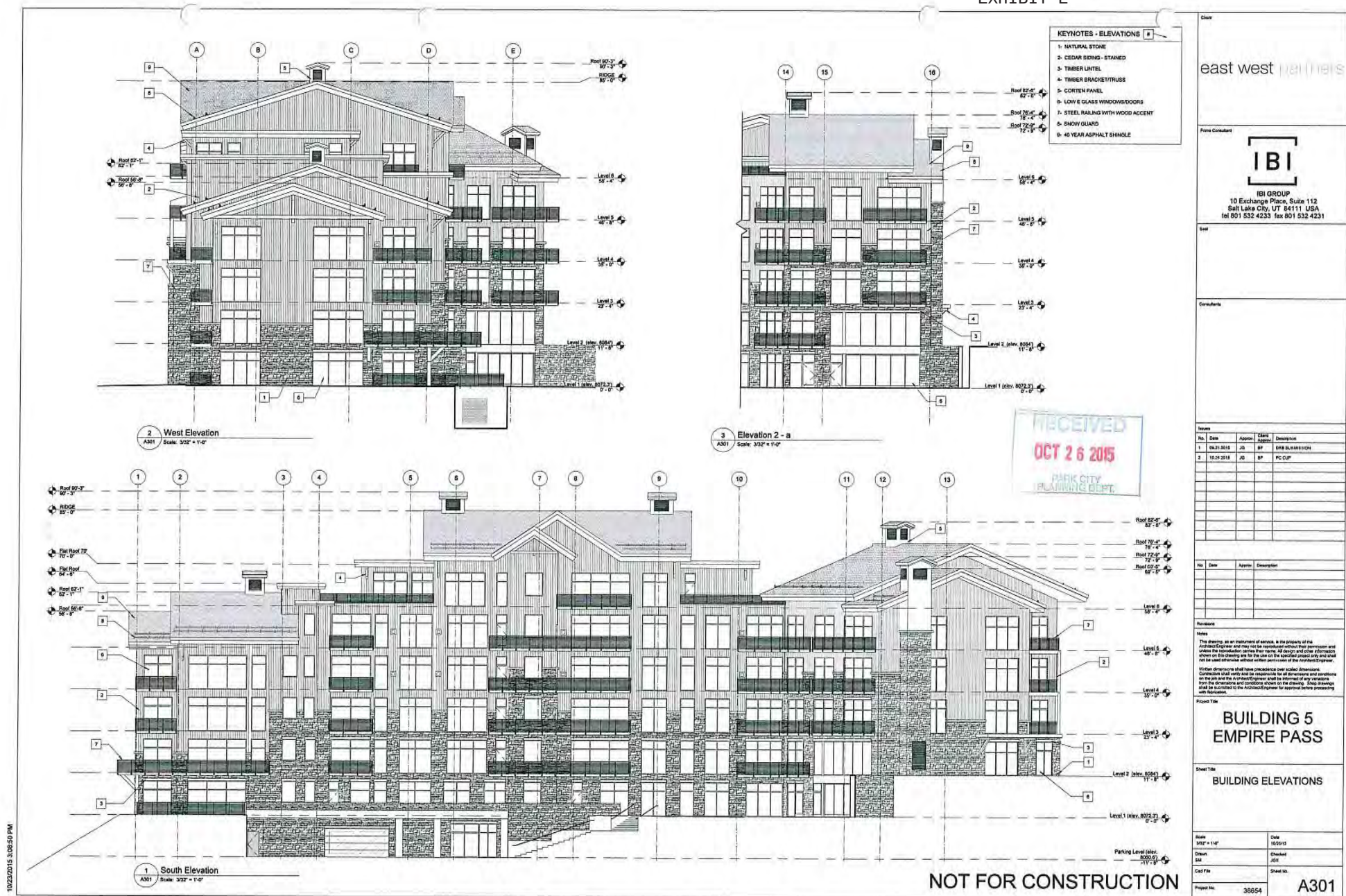
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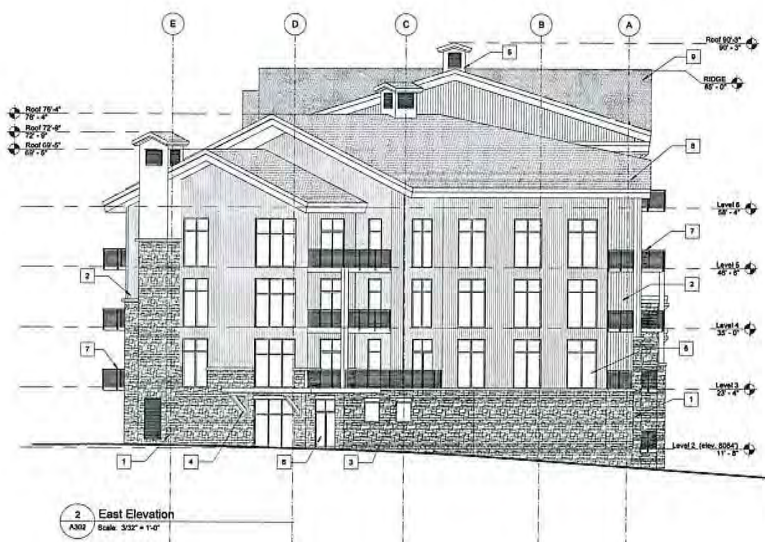
1 Roof Plan
A207 Scale: 3/32" = 1'-0"

east west ARCHITECTS 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA Tel: 801 532 4233 Fax: 801 532 4231	
Project Name BUILDING 5 EMPIRE PASS	
Project Title ROOF PLAN	
Scale 3/32" = 1'-0"	Date 10/16/15
Drawn JSA	Checked JSA
Client Project No. 38654	Sheet No. A207

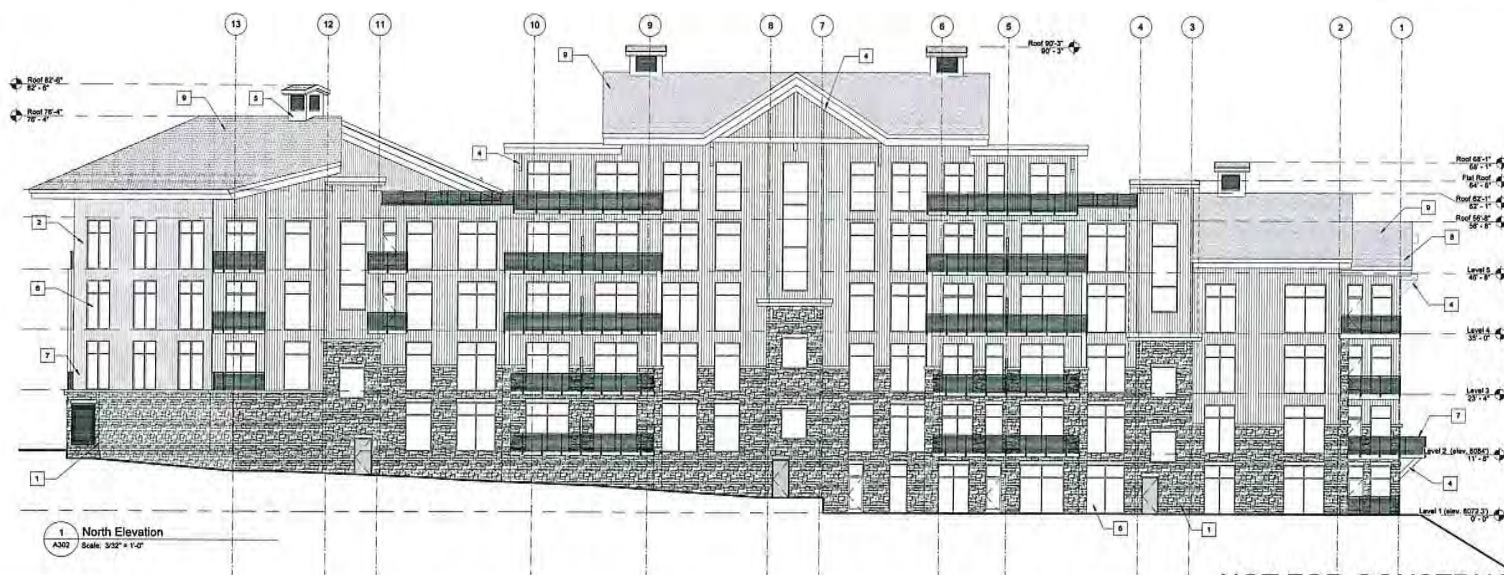
EXHIBIT E



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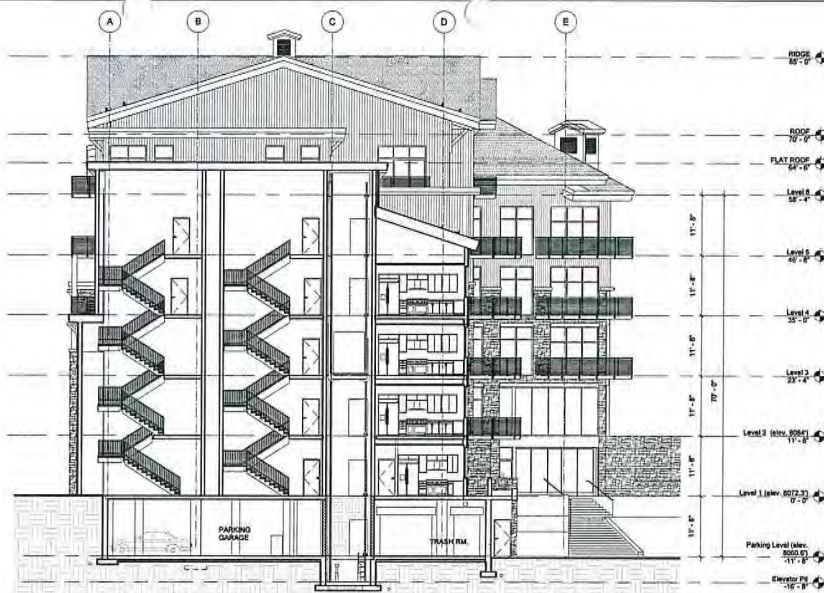


- KEYNOTES - ELEVATIONS**
1. NATURAL STONE
 2. CEDAR SIDING - STAINED
 3. TIMBER UNTEL
 4. TIMBER BRACKET/TRUSS
 5. CORTEN PANEL
 6. LOW E GLASS WINDOWS/DOORS
 7. STEEL RAILING WITH WOOD ACCENT
 8. SNOW GUARD
 9. 40 YEAR ASPHALT SHINGLE

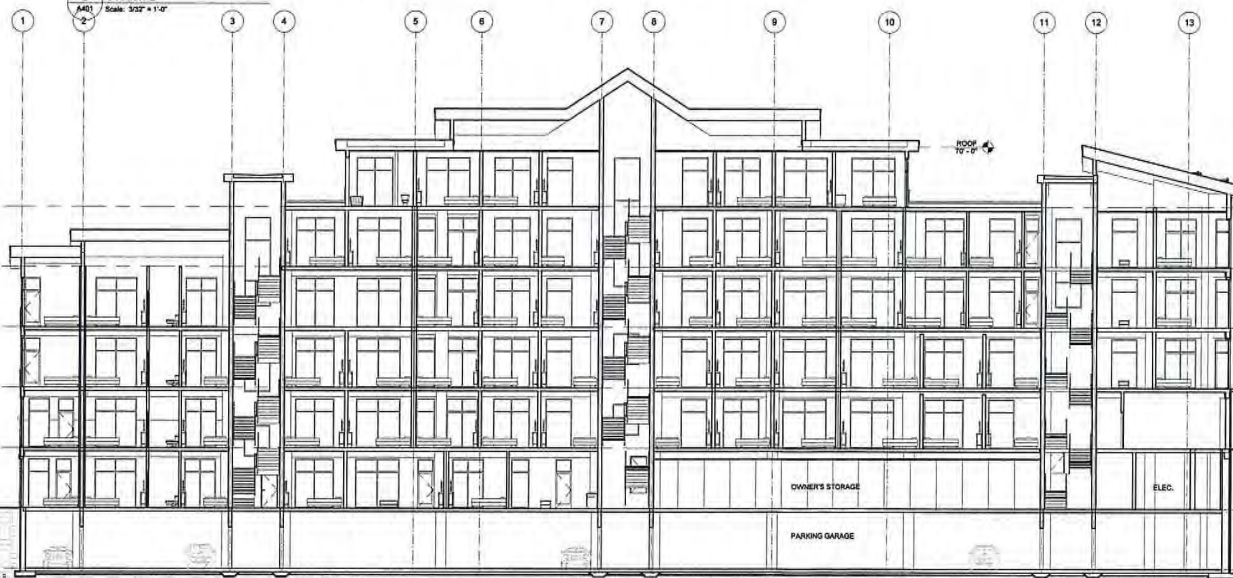


NOT FOR CONSTRUCTION

Client	
east west architects	
IBI IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA Tel: 801.532.4233 Fax: 801.532.4231	
Date: _____ Drawn: _____ Checked: _____ Title: _____	
Project Title: BUILDING 5 EMPIRE PASS	
Sheet Title: BUILDING ELEVATIONS	
Scale: 3/32" = 1'-0" Date: 10/26/15 Drawn: JDC Checked: JDC Title: A302	Project No.: 38654



Section 2
A401
Scale: 3/32" = 1'-0"



Section 1
A401
Scale: 3/32" = 1'-0"

NOT FOR CONSTRUCTION

Client	
east west partners	
Project Consultant	
 IBI GROUP 10 Exchange Place, Suite 112 Salt Lake City, UT 84111 USA Tel 801 532 4233 Fax 801 532 4231	
Notes	
No.	Date
1	08.21.2015
2	10.28.2015
1 08.21.2015 JS BP DRG SUBMISSION 2 10.28.2015 JS BP PC CUP	
Revisions	
No.	Date
1 08.21.2015 JS BP DRG SUBMISSION 2 10.28.2015 JS BP PC CUP	
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Violation of these terms shall have precedence over scaled dimensions.	
Contractors shall verify and be responsible for all dimensions and locations on the job and the Architect/Engineer shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.	
Project Title	
BUILDING 5 EMPIRE PASS	
Sheet Title	
BUILDING SECTIONS	
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Calc File	Sheet No.
Project No.	38654
A401	





NORTH ELEVATION
SCALE



WEST ELEVATION
SCALE



SOUTH ELEVATION

SCALE 0 5 10 15 20 25



EAST ELEVATION

SCALE

	Client
--	--------

east west partners

Prime Consultant



IBI GROUP
10 Exchange Place, Suite 112
Salt Lake City, UT 84111 USA
tel 801 532 4233 fax 801 532 4231

Seal

Consultoria

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No	Date	Apprv	Description

Figure 1

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Project Title

BUILDING 5
EMPIRE PASS

Sweet Vine

COLOR
EXTERIOR
ELEVATIONS

Scale	Date 10/25/18
Drawn SM	Checked JGX
Cad File	Sheet No
Project No 38654	500

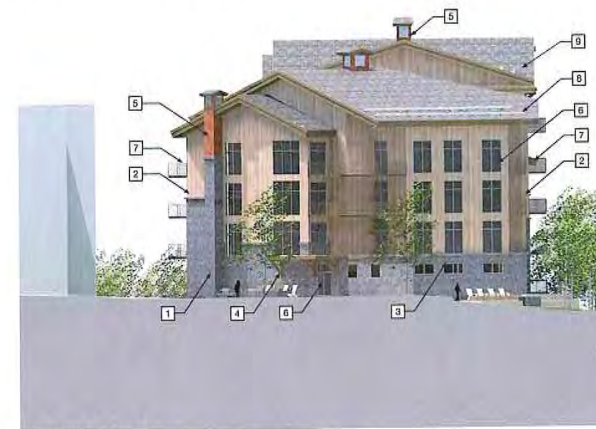
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Boiler	Date 10/21/15
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Cad File	Sheet No
Project No 38654	501



Scale	Date 10/25/11
Drawn SM	Checked JGX
Cell File	Sheet No 502
Project No 38854	



- KEYNOTES - ELEVATIONS**
1. NATURAL STONE
 2. CEDAR SIDING - STAINED
 3. TIMBER LINTEL
 4. STEEL BRACKETS - ROUGH SAWN WOOD TRUSSES
 5. ZINC PANEL - PATINA
 6. LOW E GLASS WINDOWS/DOORS
 7. STEEL RAILING WITH WOOD ACCENT
 8. SNOW GUARD
 9. 40 YEAR ASPHALT SHINGLE

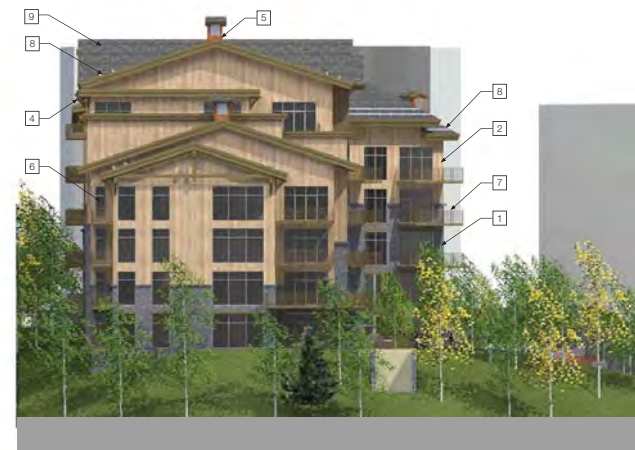
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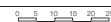
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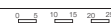
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WEST ELEVATION
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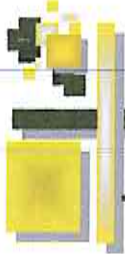


EAST ELEVATION
SCALE



KEYNOTES - ELEVATIONS			
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3-	TIMBER LINEL		
4-	STEEL BRACKETS - ROUGH SAWN WOOD TRUSS		
5-	ZINC PANEL - PATINA		
6-	LOW E GLASS WINDOWS/DOORS		
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DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

P.O. Box 561
5258 N. New Lane
Oakley, UT 84055

MEMO

To: Kirsten Whetstone

Re: Building 5 Volumetric Analysis

Date: 12/15/15

Kirsten, following up on our meeting of last week, I have attached some drawings that detail the façade and roof shifts in building number 5 of Empire Pass. The data in these drawings correspond to the volumetric analysis in that MPD approval. In short, the building meets or exceeds those design elements that were contemplated in the MPD. The volumetric analysis is essentially broken down into building height and façade shifts the dimensions of which are called out on the attached drawings. Beyond the volumetrics, the project square footage is controlled by the unit equivalent formula (UE) and the total unit count, which is a unique requirement of the Empire Pass approval. UEs and units float within the Village MPD approval and are not specific to any building. In short, every building can have as many units and UEs as can be contained in the volumetrics.

Building Height:

Maximum building height was detailed for each building and further broken down within each building to provide stepping of the building at each end. The height of the building was determined from existing grade and corresponded to visual analysis that was presented during the MPD approval. As can be seen in the attached drawing, the building is substantially under the maximum heights in all reaches of the building.

Volumetrics:

Each building (1-9) within the Village was associated with a specific volumetric drawing and subject to the Supplemental Project Description. The drawings themselves are representative of the anticipated forms and are sometimes repeated from one to another, albeit that no two buildings were meant to be identical.

Mountain Resort Consulting Services, LLC
Douglas Clyde its Managing Member
Phone: 435-333-8001 - Fax: 435-333-8002 - email: dclcyde@allwest.net

The Volumetric section of the Supplemental Project Description noted, among other things:

"The intent of the volumetric analysis is to define the architectural massing of a building and insure that the mass of the building is broken up by significant façade and roofline shifts.... "

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

With respect to Building 5, the architecture in the CUP closely follows the volumetric diagram, so no extrapolation is required to interpret the building mass per se. The building has several façade and roof shifts that meet or exceed the expectations of the MPD approval and its overall height as a percentage of length is likewise compliant. Further, while the overall height of the building is lower than the total allowance, the mass of the building shifts as specified. See attached drawings.

There has been some specific questions about the roof zone (the "1/2 story") and what its utility is in the overall approval. The purpose of defining this zone was to prevent penthouse units from having large vaulted ceilings with associated glazing. In short, glazing and ceiling height were limited by the restriction on stem wall height or physical limitations on the size of dormers. If dwelling units were in the roof zone, this would drive roof forms that were consistent with "mountain" architecture. In addition, and for the same purpose, the floor to floor height restriction was also incorporated, again primarily to avoid excessive glazing and forms that were not in the vernacular of traditional mountain architecture. By and large, this restriction has caused the typical building in Empire Pass to avoid residential units in the "roof zone". Such is the case with this CUP.

Attachments:

Building 5 façade shift and height analysis
Flagstaff MPD with attachments (Supplemental Project Description)

Village MPD Supplemental Project Description and Conditions

Site Plan

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

Volumetrics

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

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

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

Building Height

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

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

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

Floor to Floor Height

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

The Roof Zone

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

Ground Floor Architectural Elements

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

Building Appurtenances and Exceptions

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

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

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

Conservation Easements and Conservation Parcels

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



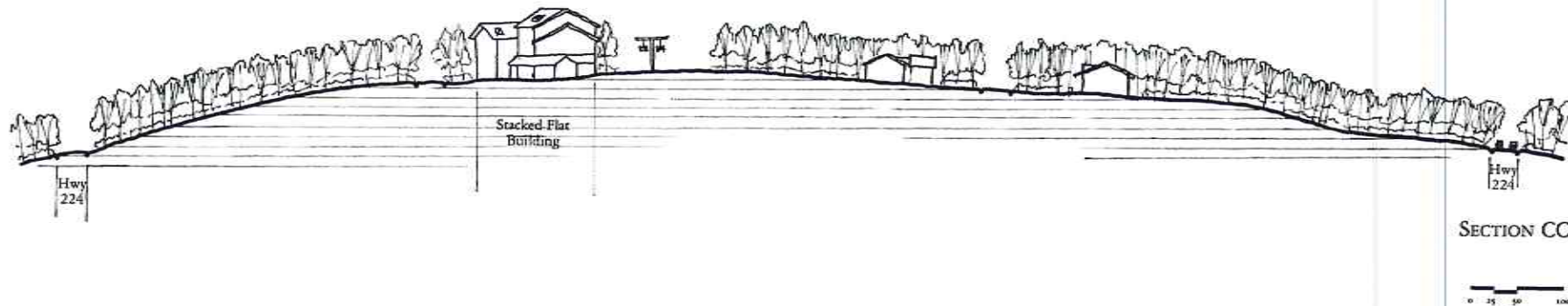
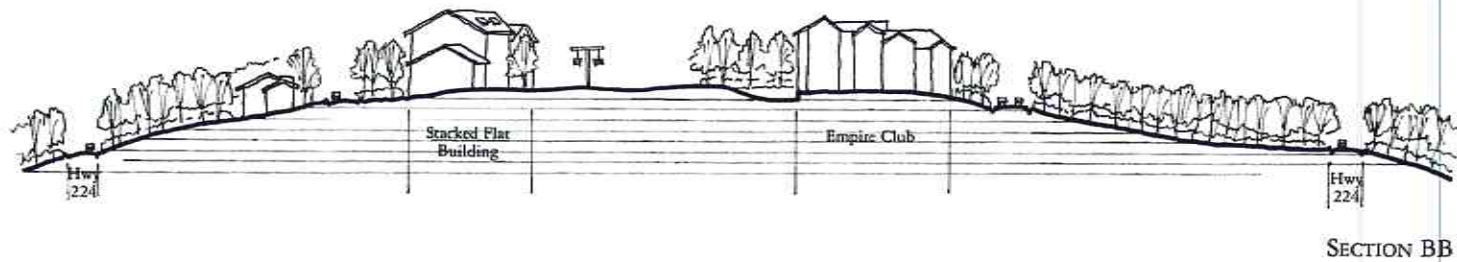
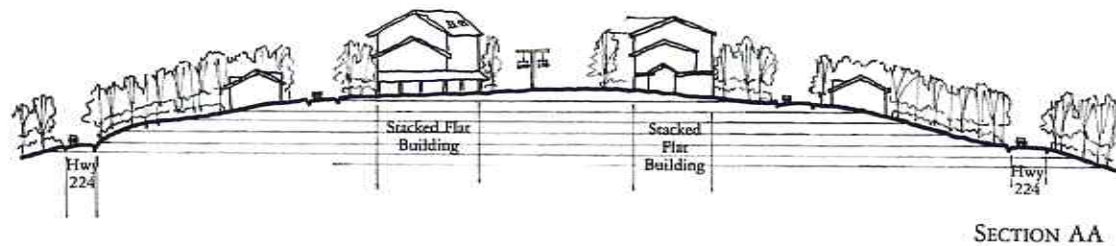
May 6, 2004

HART HOWERTON
PLANNING & DESIGN
1000 PARK AVENUE, SUITE 100
DENVER, COLORADO 80202

THE VILLAGE AT EMPIRE PASS
Park City, Utah

Building Height Diagram

* Revised Building Height Diagram as requested by the Park City Planning Commission.



May 6, 2004

United Park City Mines Company

HART HOWERTON
PLANNING ENGINEERS
2400 E. 1000 N.
SALT LAKE CITY, UT 84143

THE VILLAGE AT EMPIRE PASS
Park City, Utah

*Pod A Preliminary Sections
Volume Analysis*

20% PERMITTED TO 80'-0"

55% PERMITTED TO 92'-0"

25% PERMITTED TO 74'-0" (AS PER VOLUMETRICS)

92'-0" ABOVE EXISTING GRADE

80'-0" ABOVE EXISTING GRADE

74'-0" ABOVE EXISTING GRADE



20% PERMITTED TO 80'-0"

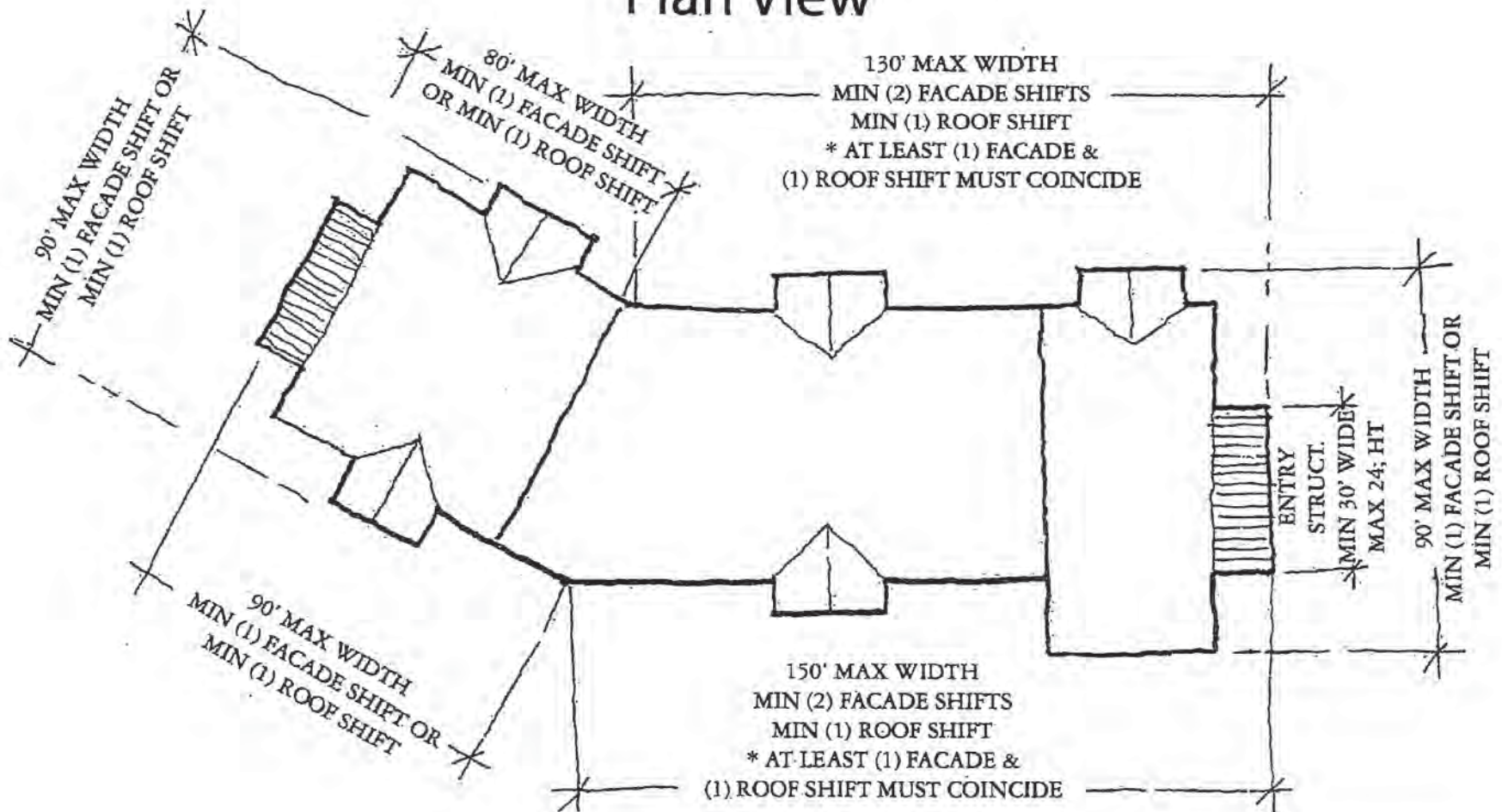
55% PERMITTED TO 92'-0"

25% PERMITTED TO 74'-0"





Building 5 Volumetric Plan View

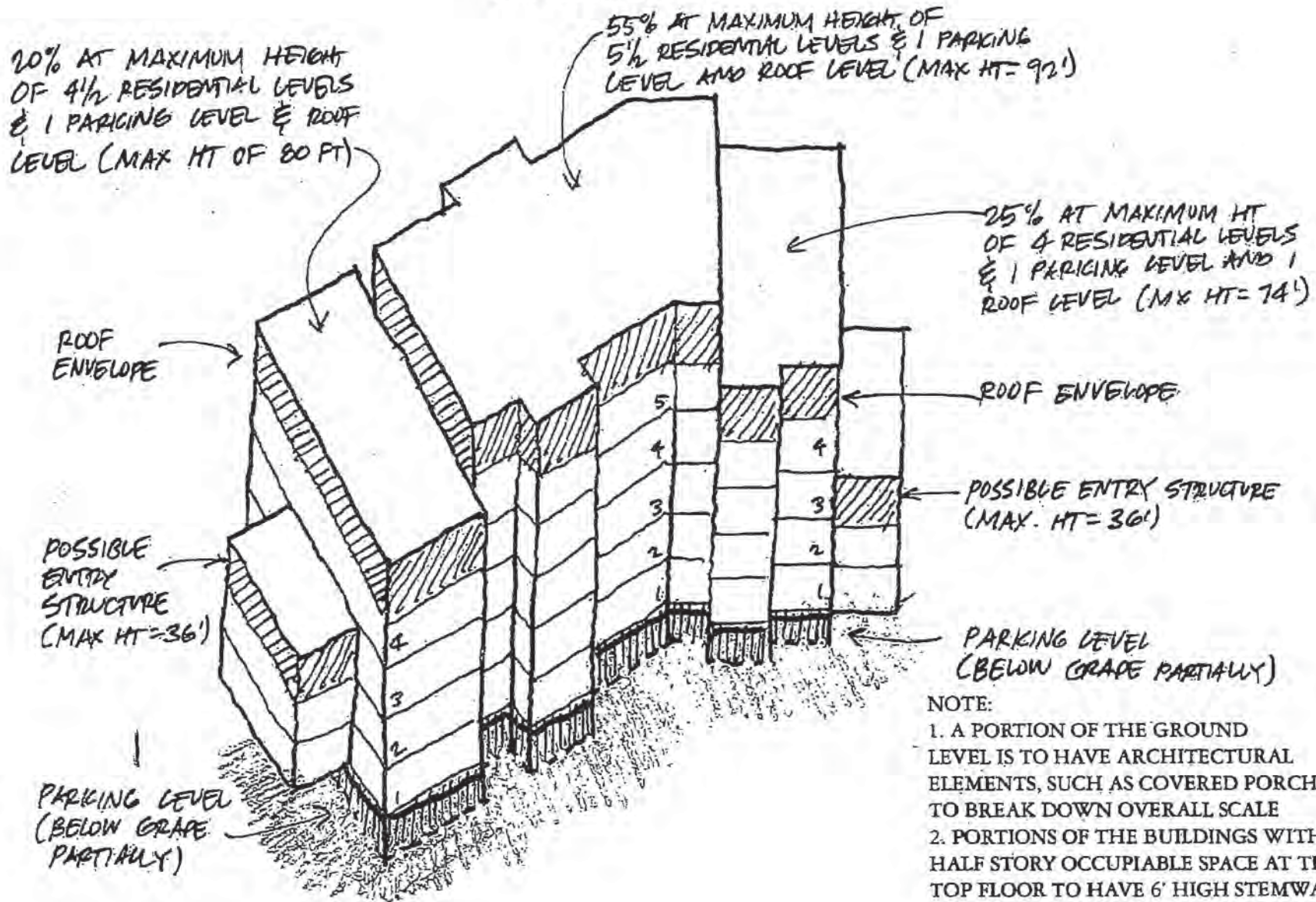


NOTES:

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 5 Volumetrics Isometric View



JUNE 17, 2004

EXHIBIT F

Planning Commission Staff Report



Author: Brooks T. Robinson
Subject: Village at Empire Pass,
Master Planned Development
Date: July 28, 2004
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Village at Empire Pass (formerly known as Flagstaff Mountain Resort)
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, State Route 224

Background

On June 24, 1999, Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved development pods without the necessity of a height increase above the 33-foot RD zone height limit; and
2. Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

Proposal

The applicant seeks Master Planned Development (MPD) approval for the Mountain Village (Pods A, B-1, and B-2), now called the Village at Empire Pass. Pod B-1 was previously approved in May 2002. B-2 is not far enough along in the planning process to have a clear idea of that part of the development. However, residual units and unit equivalents remain for a future B-2 MPD.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

On May 22, 2002, the Planning Commission approved an MPD and final plats for portions of the Mountain Village including:

Lot	Unit Equivalents	Actual Units	Acres
Ten single family homes	Does not count towards 705 total		6.40 acres in Pod B-1

A: Empire Day Lodge	None currently. Commercial activities outside of Day Skier use may require use of Commercial UEs.		1.33 acres in Pod B-2
B: PUD-style homes	27 UEs	18	16.99 acres in Pod B-1
C: Ironwood Townhomes	37.5 UEs	25	3.63 acres in Pod B-1
D: Building H	33 UEs plus 1UE Support Commercial	22	1.34 acres in Pod A
Larkspur Townhomes (currently approved is a tri-plex and a duplex)	7.1 UEs or 14,052 sf	5	Pod A
Paintbrush PUD-style SFD	18.1 UEs or 36,139 sf	7	Pod A
TOTAL: 77 units (10 SFD homes do not count towards total)	123.7	77	28.35 acres outside of Pod A

Proposed Pod A Village (excludes Building H which is in Pod A; includes already approved Paintbrush and Larkspur units)

Lot	Unit Equivalents	Actual Units	Units as PUDs	Single Family
Buildings 1-9	225.6 UEs	217 Units		
PUD-style	85.4	30	30	
Townhomes	64	51	8	
Banner SFD				6
Total	375	298	38	6

Analysis

Master Planned Development Review

Staff has performed a final review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments–MPD Requirements.

Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals

Conditional use permit approval including a specific density (square foot) allocation will be required prior to the construction of the PUD-style single-family units and the multi-family units. No conditional use permit is required for the proposed 6 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

With the current approvals noted above, Pod A and the development parcel of Pod B-2 outside of the Empire Day Lodge is limited to 55.65 acres, 393 residential units and 563.3 Unit Equivalents. Pod A has 34 units (9 PUDs, 3 townhomes, and 22 condo-lodge units in Building H) already approved of the 306 residential units that are required to be in Pod A. Proposed for Pod A is 321.5 Units, which includes the 34 units, leaving up to 105.5 units unallotted. In addition, the remaining 6 single-family lots of the 16 allowed in the Village are proposed in Pod A.

Marsac Claim/Mayflower

Please refer to the July 14, 2004 report for discussion on the Marsac Claim and Mayflower holdings. The Court issued a ruling in the partition case between Mayflower and Unite Park. Staff will update the Commission as necessary, but it does not impact this application or approval.

Pod B-1

The density table allocates 90,000 square feet or 45 Unit Equivalents to Lot C. The previous MPD approval for these 18 PUD-style homes allocated 27 UEs to this lot, with each unit being up to 5,000 square feet. The footprints and sections that were reviewed by the Planning Commission were concepts of 5,000 square foot units. An amendment to the MPD will be required to adjust this number, however the density table recognizes that up to 90,000 square feet may be assigned to Lot C.

Pod B-2

The developer is unsure what this last development piece may look like. Several alternatives were presented in the Planning Commission binder. An MPD will be required when a UPK has a better idea of how this pod will develop. This MPD approval only applies to Pod A.

Setbacks

The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Village MPD complies with this standard. Within the Village, the Planning Commission may reduce the RD zone setbacks. Exhibit 10 (Setback Exhibit) shows potential areas for setback reductions based on the conceptual site plans. Specific setbacks will be considered during the Conditional Use Permit process.

Open Space

The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Within each of the pods, Conservation Easements will be placed on several lots to restrict development on platted lots. Staff finds that this restriction is consistent with the development acreage restriction and will not count the Conservation Easement areas as part of the development acreage.

Off-Street Parking

The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area that include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units and any commercial area will be subject to more specific analysis during the subsequent conditional use permit review process.

Building Height

The single-family (both PUD and non-PUD) and townhouse units will be constructed pursuant to the 33' RD-zone height limitation. Height exceptions are being requested for the nine stacked-flat condo-lodges including the Empire (Alpine) Club. The applicant's request and discussion of the four required findings for additional height are discussed in the Volumetrics Analysis section of the application binder. The Planning Commission gave a final review of the Visual Analysis and building heights at the July 14, 2004 hearing and preliminarily determined the proposed heights comply with these criteria.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission can make the following four findings. The findings are listed below with Staff comments.

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

Complies. In January 2002, a Planning Commission subcommittee and staff met with the applicant over the course of several meetings to review a base zone height analysis of the Flagstaff Mountain Resort (now Empire Pass) project. The

analysis was conducted to determine whether or not the density authorized in Development Agreement and Large-Scale MPD could be designed to meet the RD District 33-foot building height limits. Based on this analysis, it was determined that the Mountain Village area (Pods A, B-1, and B-2) could be designed utilizing 2-3 story, relatively-flat roof structures (4:12 roofs) and meet all necessary LMC height, setback, and facade shift requirements without the necessity of height exceptions. The result of such a design approach to the Mountain Village would be significantly greater site disturbance and loss of significant areas of vegetation. At the March 27, 2002 meeting, the Planning Commission reviewed the analysis and concluded that additional building height could be considered for multi-unit dwellings provided that proposal was consistent with the LMC.

Consistent with the base zone height analysis previously reviewed by Staff and the Planning Commission, the proposed buildings 1-9 volumetrics result in a unit count and overall square footage consistent with the density assigned to the Mountain Village area pursuant to the Development Agreement and Large-Scale MPD approval. Therefore, there is no increase in density or square footage as a result of the height increase. The additional height is also offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures originally located in the area, provide increased vertical breaks in the building mass, and increased architectural interest beyond that provided by a relatively flat roof building.

2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. No structures currently exist on the neighboring properties. Townhouses and Single Family/PUD-style units are proposed to the south, east and west of the nine building core. The conceptual site plan is designed to orient the multi-family units to the central ski run and to mountain views to the west and east.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The proposed building exceeds the RD District setback requirements. The setback requirements of the RD District are 20 feet for front yards, 15 feet for rear yards, and 12 feet for side yards. The proposed setbacks are 25-55 feet for the front yard setback, 15-25 feet for the rear setback, and 15-30 feet for the side yard setback. Staff finds that sufficient building separation between each

structure is provided. A specific landscaping/buffer plan will be required as part of the conditional use permit review for each of the nine buildings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The Mountain Village design clusters the majority of the Empire Pass density into Pods A, B-1, and B-2 in exchange for larger areas of project open space. The LMC requirement for MPD open space is 60%. Approximately 88% open space is provided pursuant to the Development Agreement. The bulk of the project open space is utilized for passive recreation areas, trails, ski terrain and improvements, wildlife areas, and sensitive terrain preservation.

In addition to the criteria outlined above, the Planning Commission subcommittee identified several vantage points during the Olympic break that are to be used during MPD and subsequent PUD reviews. The vantage points include views from King Road, two points from Stein Eriksen Lodge, the Marsac Building, Guardsman Road/Guardsman Road Connection intersection, the Daly West head frame, and American Flag Subdivision. A visual analysis of the Village from these vantage points has been included with this report as an attachment. As demonstrated by the visual analysis, the nine buildings are partially visible from the subcommittee's vantage points, but are mitigated by the current and potential tree canopy and the backdrop of the mountains behind. The buildings do not break any significant ridgelines.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The open space areas designated in the Development Agreement are respected with this plan.

Roads

The roadway system has been reviewed by staff and is much preferable to the previous configurations. Three roads plus a frontage road on the north end townhouses serve Pod A. The previous configuration had dead-end cul de sacs serving the interior larger buildings. The present configuration allows for greater tree buffer along Marsac Avenue and reduced grading. However, a cul de sac in excess of 650 feet is created in the southwest quadrant. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall finds the plan to comply with the necessary standards for fire access and safety. The end of the cul de sac continues as an emergency access point as part of the Emergency Response Plan. The Commission reviewed this issue at the work session of April 14, 2004 and was

accepting of the Fire Marshall's recommendation. Approval of the proposed cul de sac will require a specific finding of the Planning Commission.

Trails

Existing and new trails are accommodated with the proposed plan. All "back-country" work is to be coordinated with the Mountain Trails Foundation. The proposed trail work is consistent with the Trails Master Plan adopted by the Planning Commission on October 24, 2001.

Overall pedestrian circulation is outlined in the applicant's packet. The internal pedestrian paths are intended to keep users off the roads as much as possible and to link the Empire Club with the outlying areas. There may be instances, particularly at the north and south ends, where sidewalks along the streets would be required in order to meet the subdivision regulations. The Planning Commission discussed this issue on April 14, 2004 and agreed to waive this requirement. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

Landscape and Streetscape

Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All streetlights will be privately maintained. Staff has added a Condition of Approval that each CUP application include a preliminary landscape plan with water-efficient irrigation systems.

Sensitive Lands Compliance

The Sensitive Lands (overlay) Zone did not specifically apply to the Empire Pass Large-Scale MPD and annexation; however, the locations of the development pods are based on Sensitive Lands principles.

Employee/Affordable Housing

Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. Review of the employee housing units and specific conditions of approval will take place during the conditional use permit review process.

Recommendation: The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval for the Village at Empire Pass as follows:

Findings of Fact

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
 - no more than 75,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.

7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 Unit Equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
9. The 14 technical reports/studies, along with the Land Management Code and the Development Agreement (99-30) form the standards which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B) Volumetric Analysis (dated July 5, 2004, Exhibit D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), and Supplemental Plans including Building Height Diagram, Vegetative Buffer, Trails, and Construction Sequencing (Exhibit H). Together with the Site Plans dated July 21, 2004 (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count towards the PUD limit of 60.
15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for Six (6) single-family homes.
16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count towards the development acreage.
17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.

18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac.
20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June June 15, 2004.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
23. The applicant has requested additional building height for the structures proposed as Buildings 1-9, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.
25. Proposed Buildings 1-9 has been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 on includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;

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

Conditions of Approval

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.

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

Exhibits

- A – Master Plan Development Project Description (8 pages)
- B – Supplemental Project Description and Conditions (3 pages)
- C - Conceptual Plans (10 pages)
- D – Volumetric Analysis (3 pages)
- E – Volumetrics, Buildings 1-9 (19 pages)
- F – Visual Analysis (5 pages)
- G – Architectural Character (6 pages)
- H – Supplemental Plans

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EXHIBIT F

Planning Commission Meeting
Minutes of July 28, 2004
Page 10

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

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

Conclusions of Law

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

Conditions of Approval

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

6. Empire Pass Master Planned Development

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

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

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

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

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

Findings of Fact - Empire Pass

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

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

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

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

Conclusions of Law - Empire Pass

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

Conditions of Approval - Empire Pass

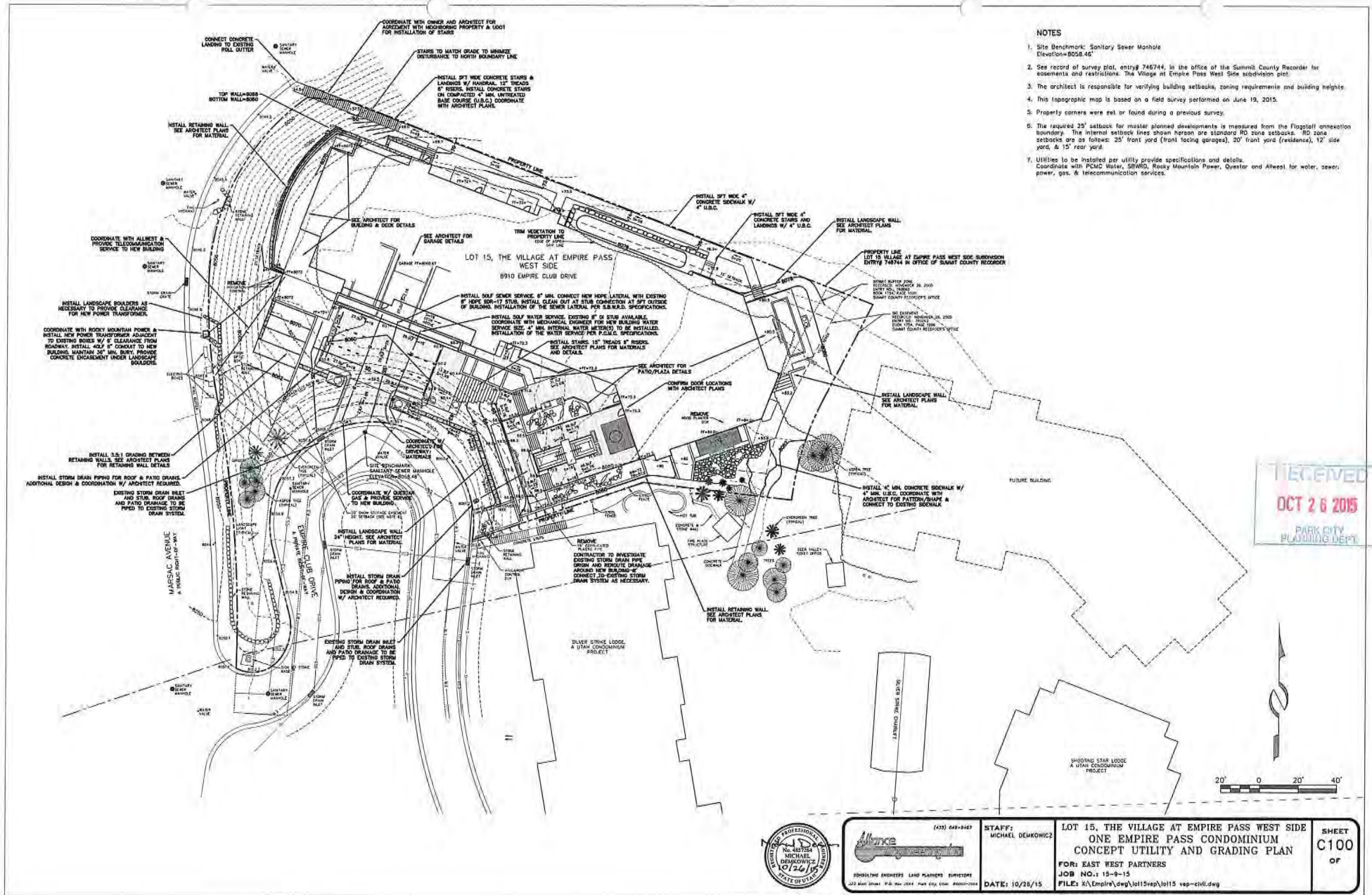
1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family

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

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

EXHIBIT G

EXHIBIT G





CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

12/10/15

Mr. Cassel
Park City Engineer
Po Box 1480
Park City Utah, 84060

RE: One Empire Pass storm water management

Dear Mr. Cassel:

As a follow up to our meeting on December 3, 2015, the purpose of this letter is to address the storm water management for the One Empire Pass lodge located on Lot 15, the Village at Empire Pass west side subdivision.

The master plan approval of Empire Pass and the subsequent infrastructure, including roads, utilities and a storm water detention pond occurred more or less between 2000 and 2007. The design for the detention pond located just south of the water tank in Empire Canyon (Daly Avenue) was to contain the increase runoff for the 100 year storm event due to the entire Empire Pass Development, which includes all of Village at Empire Pass, the development adjacent to the Northside chairlift at Deer Valley as well as the Montage and the Red Cloud Subdivision. The detention pond accounted for all hardscape areas of the development. The detention pond and the storm drain piping and inlets have been installed and the system is currently operating.

The proposed plan for One Empire Pass is to utilize the existing storm drain system for the driveway and south plaza area for storm water runoff as originally intended for the development. Portions of the building area, such as the north, east and west side of the building is proposed for on-site storm water detention and infiltration within the landscape areas outside of the building that is consistent with current Park City storm water management requirements.

The storm water management of One Empire Pass is consistent with the original and current Park City storm water management requirements and will utilize the storm drain and detention pond system as well as isolate areas of the new development for on-site detention and infiltration within the landscape areas.

Sincerely,

ALLIANCE ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Michael Demkowicz", written in a cursive style.

Michael Demkowicz, PE

EMPIRE PASS STORM WATER MANAGEMENT LOT 15 VILLAGE AT EMPIRE PASS

THIS EXHIBIT ILLUSTRATES THE STORM WATER MANAGEMENT SYSTEM FOR EMPIRE PASS (FORMERLY KNOWN AS FLAGSTAFF MOUNTAIN). THE EXISTING DETENTION POND IN EMPIRE CANYON, SOUTH OF DALY AVENUE, WAS DESIGNED TO ACCOMMODATE INCREASE IN STORM WATER FOR THE ENTIRE DEVELOPMENT. THE DETENTION POND WAS CONSTRUCTED IN THE MID 2000'S. THE POND RECEIVES STORM WATER RUNOFF FROM THE ROCK-LINED STREAM CHANNEL SOUTH OF THE DETENTION POND AS WELL AS A PIPING SYSTEM ALONG THE EXISTING DIRT ROAD FROM EMPIRE CANYON TO THE ONTARIO MINE.

THE PROPOSED STORM WATER PLAN FOR ONE EMPIRE PASS CONDOMINIUMS IS TO COLLECT ALL BUILDING ROOF AREA, HEATED DRIVEWAY AND PLAZA AREAS AND DRAIN TO THE EXISTING INLET LOCATED AT THE PROPOSED DRIVEWAY CONNECTION TO EMPIRE CLUB DRIVE. SOME PLAZA AND SIDEWALK AREAS ON THE NORTH & EAST SIDE OF THE BUILDING WILL RUNOFF TO LANDSCAPE AREAS FOR STORM WATER RETENTION.

EMPIRE CANYON
ROCK-LINED EPHEMERAL
STREAM CHANNEL

STORM DRAIN
INLET/MANHOLE
(TYPICAL)

STORM DRAIN PIPE
(TYPICAL)

SOUTH & WEST OF THE
DELINEATION LINE SHOWN, THE
STORM WATER MANAGEMENT IS A
COMBINATION OF SITE SPECIFIC
STORM WATER DETENTION
FEATURES, NATURAL DRAINAGE,
& STORM DRAIN PIPING THAT
DRAINS TO EMPIRE CANYON
ROCK-LINED EPHEMERAL STREAM

EMPIRE CANYON
DETENTION POND

TO DALY AVENUE
DETENTION POND

EXISTING EPHEMERAL
STREAM CHANNELS

TO MARSAC AVENUE
DETENTION PONDS

EXISTING EPHEMERAL
STREAM CHANNELS

STORM DRAIN PIPE
(TYPICAL)

PROPOSED ONE EMPIRE
CONDOMINIUMS AT LOT 15
VILLAGE AT EMPIRE PASS.

STORM DRAIN
INLET/MANHOLE
(TYPICAL)

EMPIRE PASS &
DEER VALLEY
SKI RESORT

DELINEATION LINE

NORTH & EAST OF THE
DELINEATION LINE, THE
STORM WATER MANAGEMENT
IS A COMBINATION OF
NATURAL DRAINAGE &
STORM DRAIN PIPING
THAT DRAINS TO THE
EMPIRE CANYON
DETENTION POND

SUMMIT COUNTY
WASATCH COUNTY

Planning Commission Packet January 13, 2016

1000'

(435) 649-9467-PHONE
(435) 649-9475-FAX

**Alliance
Engineering Inc.**

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

Page 362 of 406

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EMPIRE PASS STORM WATER MANAGEMENT LOT 15 VILLAGE AT EMPIRE PASS

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EMPIRE CANYON DETENTION POND

EMPIRE CANYON
ROCK-LINED EPHEMERAL
STREAM CHANNEL

STORM DRAIN
INLET/MANHOLE
(TYPICAL)

STORM DRAIN PIPE
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SOUTH & WEST OF THE
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ONTARIO
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SUMMIT COUNTY
WASATCH COUNTY

Planning Commission Packet January 13, 2016

1000'

Alliance Engineering Inc.

(435) 649-9467-PHONE
(435) 649-9475-FAX

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2684 Park City, Utah 84060-2684

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EXHIBIT H



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 superceded 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.

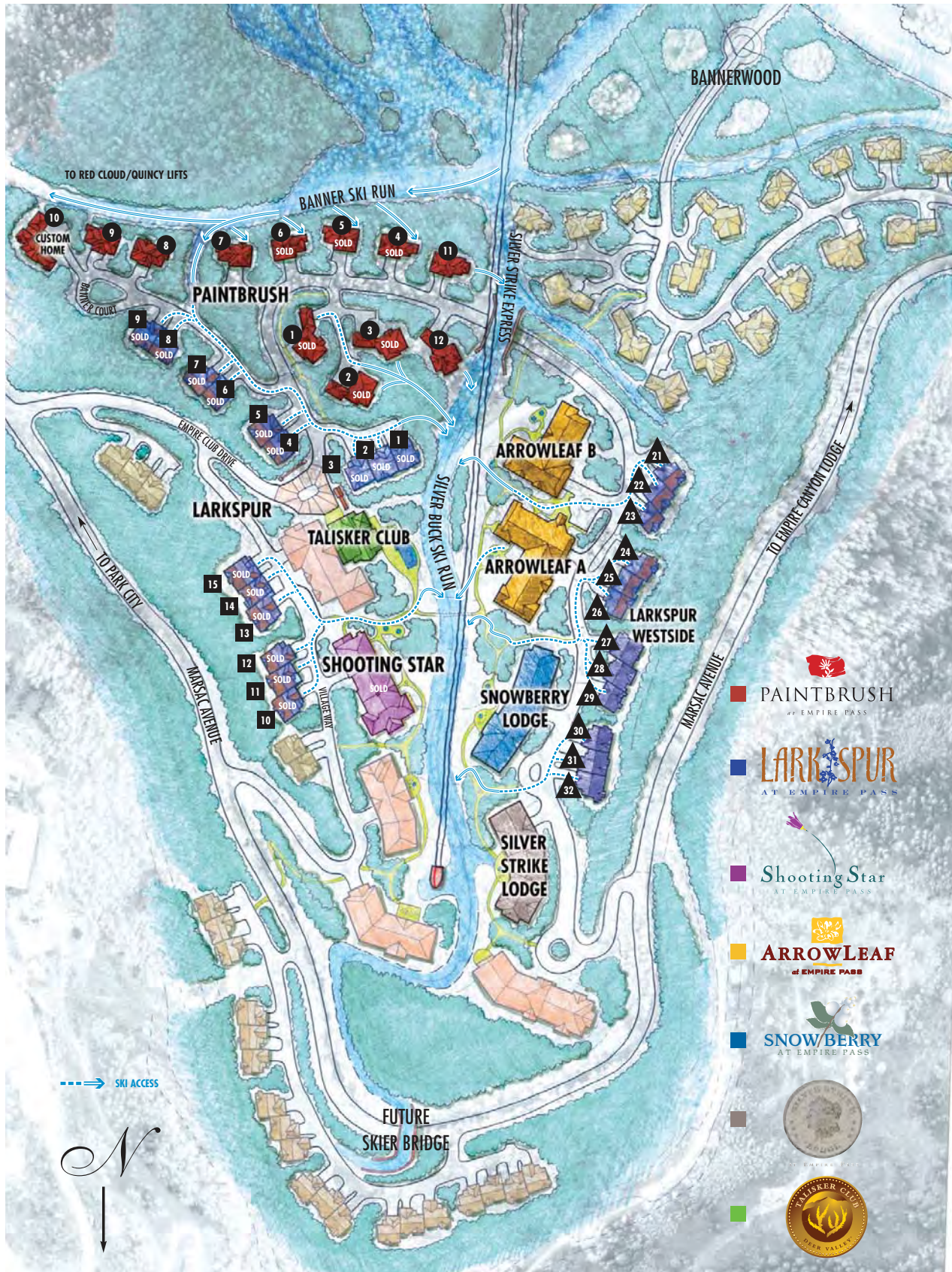
2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" 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 I

THE VILLAGE AT EMPIRE PASS





Master Plan - Summer

May 6, 2004

HART HOWERTON
landscape architecture
 1000 East Main Street
 Park City, Utah 84060

THE VILLAGE AT EMPIRE PASS
 Park City, Utah

Empire Pass within Flagstaff Development Agreement Density Summary

12/22/15

1. Residential

Location Pod	Building or lot	Desc.	Average Sq Ft per Unit	Type	MF Total Net sq ft	MF Unit Equivalent total per proj	Total MF Units Lodge, PUD, TH	Total MF Units as PUDs	Total Single Family	Notes
PLATTED / COMPLETED / UNDER CONSTRUCTION/SOLD										
A	2	Shooting Star	1,719	Lodge	36,109	18.1	21	0	0	
A	5*	East West One Empire Pass (aka Snowberry)	2,427	Lodge	65,537	32.8	27	0	0	Plus 1 ADA unit plus 1 EHU (Employee Housing Unit)
A	6	Silver Strike (Koson)	2,097	Lodge	71,305	35.7	34	0	0	Plus 1 ADA unit plus 2 EHU.
A	7	Flagstaff Lodge	1,987	Lodge	73,506	36.8	37	0	0	Plus 1 EHU.
A	8	Arrowleaf A	1,659	Lodge	46,458	23.3	28	0	0	Plus 3 EHU
A	9	Arrowleaf B	1,741	Lodge	48,746	24.4	28	0	0	Plus 2 ADA
A	H	Grand Lodge	2,420	Lodge	65,344	32.7	27	0	0	Plus 1 ADA unit
A	13-30	Belles (aka Friends of Bannerwood) PUD	5,294	PUD	90,000	45.0	17	17	0	Max SF per PSA. 17 homes platted.
A	1-12	Paintbrush PUD style	5,256	PUD	63,074	31.6	12	12	0	Includes garages over 600 sf
A	1-15	Larkspur East Townhouses	3,246	TH	48,696	24.4	15	6	0	Duplex TH use two PUDs.
A	21-32	Larkspur West Townhouses	3,439	TH	41,273	20.7	12	0	0	
A	SF	Bannerwood- Single Family	10,000	SF			0	0	6	1 SF = 1 UE
B1	Lot B	Nakoma (aka Spagot) PUD style	5,294	PUD	90,000	45.0	17	17	0	Max SF per PSA. 17 homes platted.
B1	Lot C	Ironwood Townhouses	3,223	TH	74,130	37.1	23	0	0	Plus 1 EHU. Platted as 24 units, but two combined.
B1		Northside Village- Single Family		SF			0	0	10	1 SF = 1 UE
Empire Village Subtotal (Pods A and B1)					814,178	407.6	298	52	16	
D		Red Cloud Subdivision all Single Family (not part of the MV)	10,000	SF					30	1 SF = 1 UE
										All platted, 8 built/being built (6 COs)- double check
B2	West	Montage Hotel 174 rooms	809		139,150	69.6		0	0	Counts as 1 CO
B2	West	Montage 81 Condos	2,812		227,800	113.9	81	0	0	As built stats from condo map.
B2 Subtotal					366,950	183.5	81	0	0	All built and platted
Mountain Village (Pods A, B1 and B2)										
Totals Density Platted or Sold (includes One Empire Pass)					1,181,128	591.1	379	52	16	
MV only Development Agreement Limits					1,570,000	785.0	550	60	16	
Remaining Density = 179 units					388,873	193.9	171	8	0	

Totals **Certificates of Occupancy with One Empire Pass (without One Empire Pass) = 395 (368)** **MF= 346** **SF= 22** Total Units Pods A, B1, B2, (minus 3 Belles, 4 Nakoma) Plus 6 CO issued in Pod D

Notes: 1. The remaining unplatted and/or unbuilt buildings are Empire Village Sites 1 (Tower Residence), 3, 4, and 5 (One Empire Pass); Nakoma (4 left); Belles (3 left); Marsac Horseshoe (TH); VEMP-1-1 and VEMP-1-2 (TH); and POD B2 East (MF). Larkspur "18-20" will not be built by EWP as EW used density elsewhere and recorded no-build restriction on land. Ironwood was originally platted as 24 units but 2 were combined. Nakoma and Belles each platted as 17 units (45 UE).

2. Net Square Footage refers to the interior square footage of a condominium (that which is privately owned) and excludes exterior hallways, and other common and limited common space within the building.

3. Total UE (built/platted) in Pods A, B1 and B2 = 607.1 Total UE (built/platted) in Pod A (includes One Empire Pass) = 331.5 (>50%)

Planning Commission Staff Report



Application #s: PL-15-03003
Subject: One Empire Pass
Author: Kirsten Whetstone, AICP, Sr. Planner
Date: January 13, 2016
Type of Item: Legislative - Condominium Record of Survey Plat

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing, consider public input, and forward a positive recommendation to the City Council for the One Empire Pass Condominiums record of survey plat. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: Guardsman Lodge, LLC, represented by Bill Fiveash, managing partner
Location: 8910 Empire Club Drive- Pod A, Lot 15 Village at Empire Pass West Side Subdivision (Building 5)
Zoning: Residential Development (RD) District as part of the Flagstaff Annexation and Master Planned Development
Adjacent Land Uses: Deer Valley Resort, condominiums, townhouses, and other development parcels of the Village at Empire Pass Pod A

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain Area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Flagstaff Development Agreement was amended on March 2, 2007.

On July 28, 2004, the Planning Commission approved a MPD for the Village at Empire Pass (Pods A and B1), known as the Village Master Planned Development (VMPD) amended to include Pod B2 (Montage). As part of the 2004 Commission review of the VMPD, volumetric diagrams for the buildings within the VMPD Pod A were approved. A height exception was granted for Building 5 per these volumetric diagrams. (See CUP report for these Exhibits).

Six buildings have been built, namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. Additionally, Larkspur East and Larkspur West and Ironwood Townhouses (attached homes) have been constructed. Paintbrush, Belles, and Nakoma PUD style homes, as well as 6 Bannerwood and 10 Northside single-family homes have been platted and are constructed. Four of the large lodge style buildings remain, including the proposed One Empire Pass building. There are also approximately 24 attached homes remaining to

be approved and constructed as part of the VMPD.

The VMPD was the first step in the development process for Pod A. 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 volumes, density, and location. The VMPD allows up to 65,537 sf of residential floor area on this Lot. The total residential floor area, excluding the affordable and ADA units, is 64,374 sf (32.19 UE).

The subsequent Conditional Use Permits (CUPs) required by the VMPD and subdivision plat, 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.

The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005 (Exhibit C). This subdivision platted Lots 12-18 of the VMPD. The One Empire Pass CUP is proposed to be located on Lot 15 of the Village at Empire Pass West Side Subdivision. Lot 15 consists of 50,999 square feet of lot area. The Village at Empire West Side Subdivision notes require compliance with RD 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 Home Owner's Association (HOA), identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

On November 13, 2015, the Planning Department received an application for a Condominium Record of Survey plat (Exhibit A) for a twenty seven unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision (Exhibit C). The building is identified as Building 5 on the Village at Empire Pass MPD. The application was deemed complete on November 20, 2015. An application for a CUP was submitted on October 26, 2015, and is being reviewed concurrent with the record of survey plat. An existing conditions survey, aerial photo, and photos of the site were also submitted with the application (Exhibits B and D).

Purpose

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.

Land Management Code (LMC) and Village MPD Analysis

The proposal complies 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. Lot 15 is 1.17 acres (50,999 square feet)
Building Footprint- Floor Area Ratio (FAR)	Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Building 5 site was sold with up to 65,537 net residential square feet (32.8 UE). The proposed CUP is for 27 units (64,374 sf, utilizing 32.19 unit equivalents (UE). Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff Annexation and Development Agreement tracks both UEs (each 2,000 sf) as well as total number of units. The gross building is 113,293 sf, including the parking garage, mechanical, circulation, common areas, storage, and other common areas that do not use UE.
Front yard setbacks	25 feet to front facing garage, 20 feet to building. Minimum of 25 foot front setbacks are proposed.
Rear yard setbacks	15 feet. Minimum of 15 foot rear setbacks are proposed.
Side yard setbacks	12 feet. Minimum of 12 foot side setbacks are proposed.

Building Height	Per Village MPD Volumetric and Height Exception Diagrams (See CUP report) For Building 5, 20% of the building was permitted 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 5 to be four to six stories.
Parking	The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-five (55) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area.
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 Building Permit.
Residential Units	27 units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit.
Commercial space	No commercial space is proposed.
Support space	Common amenity areas are provided for the unit owners, including storage areas, locker rooms, fitness area, lounge and lobby areas, children's room, and small business center areas.

Density Summary	The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, aka Building 5. There is sufficient remaining density in the MPD (226.7 UE), or 198 units, to accommodate the density of Building 5 (31.8 UE) as 27 units in a lodge style building.
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This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code and is consistent with the CUP application for One Empire Pass Lodge.

The total residential square footage is 64,374 sf, utilizing 32.2 Unit Equivalents (UEs). In addition, an Employee Housing Unit (EHU) of 900 square feet (Unit #104) and one ADA accessible unit of 944 square feet (Unit #103) are provided. The applicant requests that the EHU unit be platted as private space so that the unit can be managed and rented out by the project owners/applicant rather than turn it over to the 27 members of the future HOA. The applicant has had good success leasing the affordable units in their other buildings, typically to a manager of the property or to someone employed in the Empire Pass area. A deed restriction for the EHU unit, acceptable to the City, is a Condition of Approval prior to plat recordation. The deed restriction should outline and resolve concerns that may have come up on other affordable units platted as private. The ADA unit is platted as Common Area.

Parking is provided at 75% of the Code requirement consistent with the Development Agreement that requires a 25% reduction in parking.

Staff finds good cause for this record of survey as this condominium plat is consistent with the development pattern envisioned in the MPD and the 14

Technical Reports.

Department Review

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the application and conditions of approval.

Notice

The property was posted and notices were mailed to property owners within 300 feet on December 23, 2015. A legal notice was published in the Park Record on December 26, 2015. No public input has been received at the time of this report.

Alternatives

1. The Planning Commission may forward a positive recommendation to City Council to approve the Condominium Record of Survey plat for One Empire Pass Condominiums, as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to deny the Condominium Record of Survey plat and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Condominium Record of Survey plat One Empire Pass Condominiums 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 and Master Planned Development conditions and recommended conditions of approval.

Consequences of not taking the Suggested Recommendation

The units could not be separately sold.

Recommendation

Staff recommends that the Planning Commission hold a public hearing, consider public input, and forward a positive recommendation to the City Council regarding the One Empire Pass Condominiums record of survey plat. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Exhibits

Ordinance

Exhibit A – Proposed record of survey plat

Exhibit B – Existing Conditions

Exhibit C – Subdivision plat

Exhibit D – Photos of the Site

Note- for other Exhibits please refer to the Staff Report and Exhibits for the One Empire Pass Conditional Use Permit in this same packet.

Ordinance 16-

AN ORDINANCE APPROVING THE ONE EMPIRE PASS CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 8910 EMPIRE CLUB DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the One Empire Pass, located at 8910 Empire Club Drive, Lot 15 of the Village at Empire Pass West Side Subdivision, have petitioned the City Council for approval of the One Empire Pass Condominiums record of survey; and

WHEREAS, the property was noticed on December 26, 2015 and posted on December 23, 2015, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on December 23, 2015; and

WHEREAS, the Planning Commission held a public hearing on January 13, 2016, to receive input on the One Empire Pass Condominiums record of survey;

WHEREAS, the Planning Commission, on January 13, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on February 10, 2016, the City Council held a public hearing on the One Empire Pass Condominiums record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the One Empire Pass Condominiums 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 One Empire Pass Condominiums record of survey 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 One Empire Pass Condominiums are proposed on Lot 15 of the Village at Empire Pass West Side Subdivision, within Pod A of the Village at Empire Pass Master Planned Development.
2. The property is located at 8910 Empire Club Drive.
3. The property is in the Residential Development (RD) Zoning District.
4. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 as amended on March 2, 2007.

5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage).
6. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multi-family units) and 16 single-family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
7. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built within the Mountain Village.
8. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Condominium record of survey plats have been approved and recorded for these buildings.
9. Still to be approved as Conditional Use Permits are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5.
10. A Conditional Use Permit application for One Empire Pass, aka Building 5 was received on October 26, 2015 and is being reviewed concurrently with this application.
11. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (31.8 UE) as 27 units in a lodge style building.
12. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.
13. On November 13, 2015, the Planning Department received an application for a Condominium Record of Survey plat for the 27 unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision.
14. The application was deemed complete on November 20, 2015.
15. The Village at Empire Pass West Side Subdivision was approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.
16. The property is subject to subdivision plat notes that require compliance with RD District zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.
17. The proposed One Empire Pass Lodge building is a multi-story building with 27 residential units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. The ADA unit is platted as Common Area. The affordable unit is platted as Private Area and a deed restriction acceptable to the City will be recorded prior to recordation of the plat.

18. The proposed gross building area, including parking and all common areas is 113,293 square feet. The total residential area subject to Unit Equivalents is 64,374 square feet utilizing 32.19 Unit Equivalents. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. are proposed at the south end of levels one and two. No commercial uses are proposed.
19. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, 55 spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area.
20. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development. Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted 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 5 to be four to six stories.
22. The proposed building complies with the granted height exceptions and percentages, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).
23. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.
24. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
25. Staff finds good cause for this record of survey plat as the proposed condominium building and development is consistent with the development pattern envisioned in the MPD and the 14 Technical Reports.

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.
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 plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. The record of survey plat will note that all conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass West Side subdivision plat, and the One Empire Pass Conditional Use Permit shall continue to apply.
4. A deed restriction for the Employee Housing Unit acceptable to the City is required prior to plat recordation. The plat will note that the EHU is subject to a deed restriction. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
5. The plat will note the Employee Housing Unit and the ADA accessible unit.

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

PASSED AND ADOPTED this _____ day of February, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

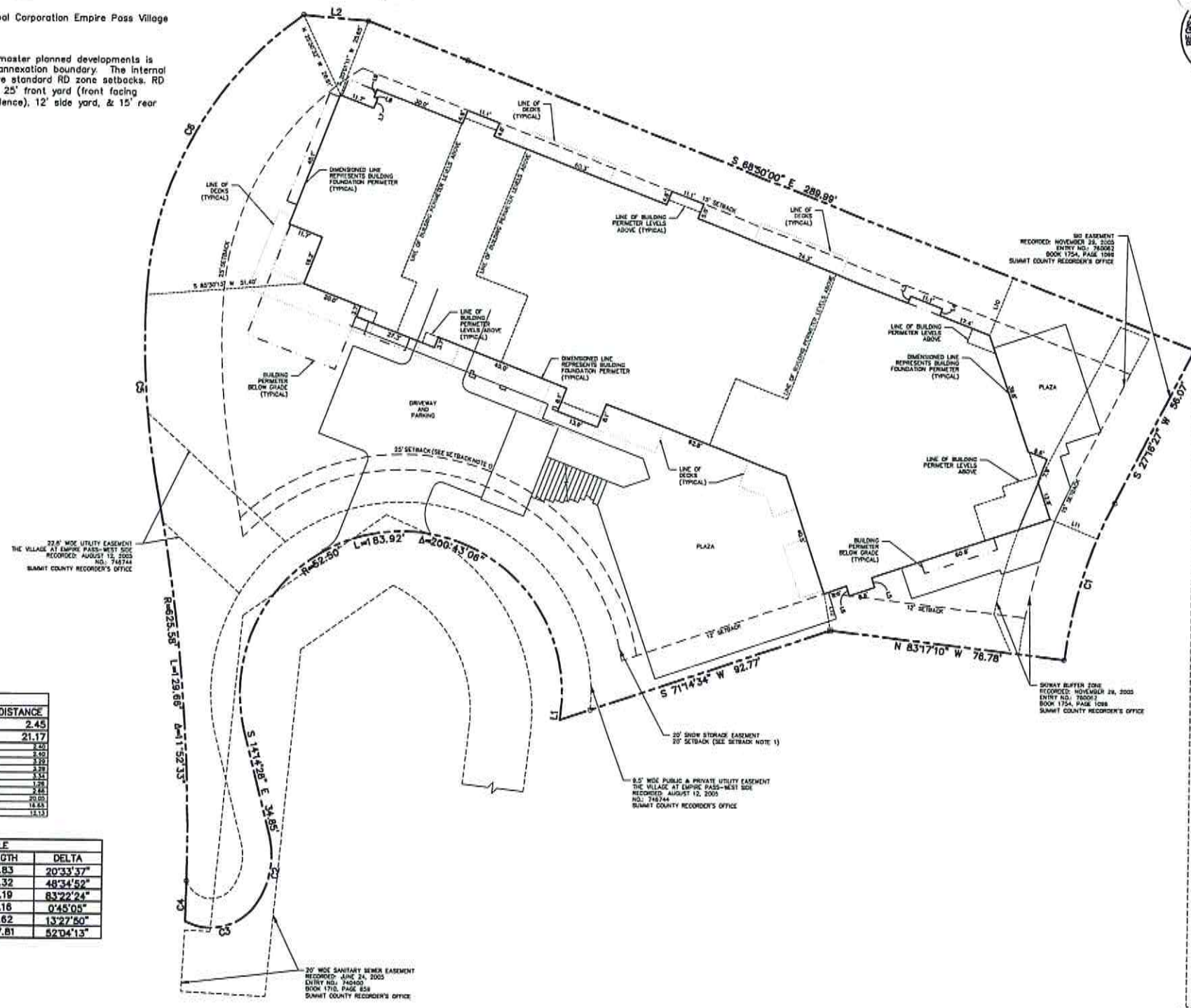
Exhibits

Exhibit A – Proposed record of survey plat

SETBACK NOTE

(as approved by Park City Municipal Corporation Empire Pass Village Master Plan, July 21, 2004.)

- The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown hereon are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.



LINE	BEARING	DISTANCE
L1	N 08°28'37" E	2.45
L2	S 85°20'00" E	21.17
L3	N 21°02'00" E	2.50
L4	S 21°02'00" E	2.50
L5	S 18°42'25" E	1.93
L6	N 18°42'25" W	2.39
L7	N 21°02'00" E	1.52
L8	N 88°20'00" E	1.28
L9	N 21°02'00" E	2.66
L10	N 21°02'00" E	20.00
L11	S 87°40'07" E	18.65
L12	S 10°28'12" E	13.33

CURVE	RADIUS	LENGTH	DELTA
C1	150.00	63.83	20°33'37"
C2	27.50	23.32	48°34'52"
C3	18.00	26.19	83°22'24"
C4	775.00	10.16	0°45'05"
C5	275.00	64.62	13°27'50"
C6	118.63	107.81	62°04'13"

NW CORNER
SECTION 26, T2S, R4E, S34W
ALUMINUM PIPE W/CAP

LEGEND

- Set nail and washer, AE 154491
- Set 5/8" rebar w/cap, ALLIANCE ENOR/L5 154491



SURVEYOR'S CERTIFICATE

EXHIBIT A

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, I have prepared this Record of Survey map of ONE EMPIRE PASS CONDOMINIUMS has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plot. I further certify that the information on this plot is accurate.

LEGAL DESCRIPTION

LOT 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that (Company Name), LLC, a limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as _____ does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his/her hand this _____ day of _____, 2015.

_____, Manager
_____, LLC, a _____ limited liability company

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2015, _____ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, _____ acknowledged to me that he/she is the managing member of _____, LLC, a _____ limited liability company, and that he/she 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: _____

NOTE

- The dimensions of the private spaces and square footage calculations are based on drawings supplied by IBI Group. The square footages shown on this plot are calculated in accordance with the Utah Condominium Act and the Declaration of Condominium for One Empire Pass. A Utah Condominium Project. Such calculations typically differ somewhat from the square footages determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the units will be as constructed.
- All common structural elements are designated as Common Areas and Facilities, as described in the Declaration of Condominium.
- Building lines on this sheet are from the property line to the building foundation as shown.
- All Common Area and Facilities is dedicated as non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Service District, and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
- Access to the units is by private roads and is not warranted by Park City.
- The units of One Empire Pass Condominium Development are served by a Common Private Lateral Wastewater Line. The Empire Pass Master Owners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of said Private Lateral Wastewater Line serving One Empire Pass. The cost of such maintenance and replacement shall be paid by the One Empire Pass Owners Association, Inc. as part of the common expenses.
- The property corners at Empire Club Drive are set at the intersection of the 9.5' wide public and private utility easement and the lot line or as shown hereon.
- Unit 104: Deed Restricted Employee/Affordable Housing Unit (EHU).
- All conditions of approval of the Village at Empire Pass (Pod A) Master Planned Development, the Village at Empire Pass West Side Subdivision Plat, and the One Empire Pass Conditional Use Permit shall continue to apply.
- At the time of resurfacing of Empire Club Drive, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- The Ski Easement and Skiway Buffer Zone shown on this plot identifies certain portion of the Common Area that may be used for summer and winter access to trails, ski runs, and other adjacent recreation areas. The Ski Easement and Skiway Buffer Zone may be used by all owners of The Village at Empire Pass development, and as otherwise permitted in the Declaration of Condominium for One Empire Pass.

CONDOMINIUM PLAT FOR ONE EMPIRE PASS CONDOMINIUMS

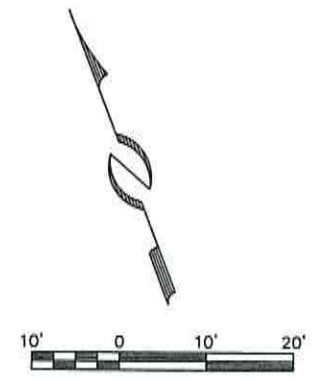
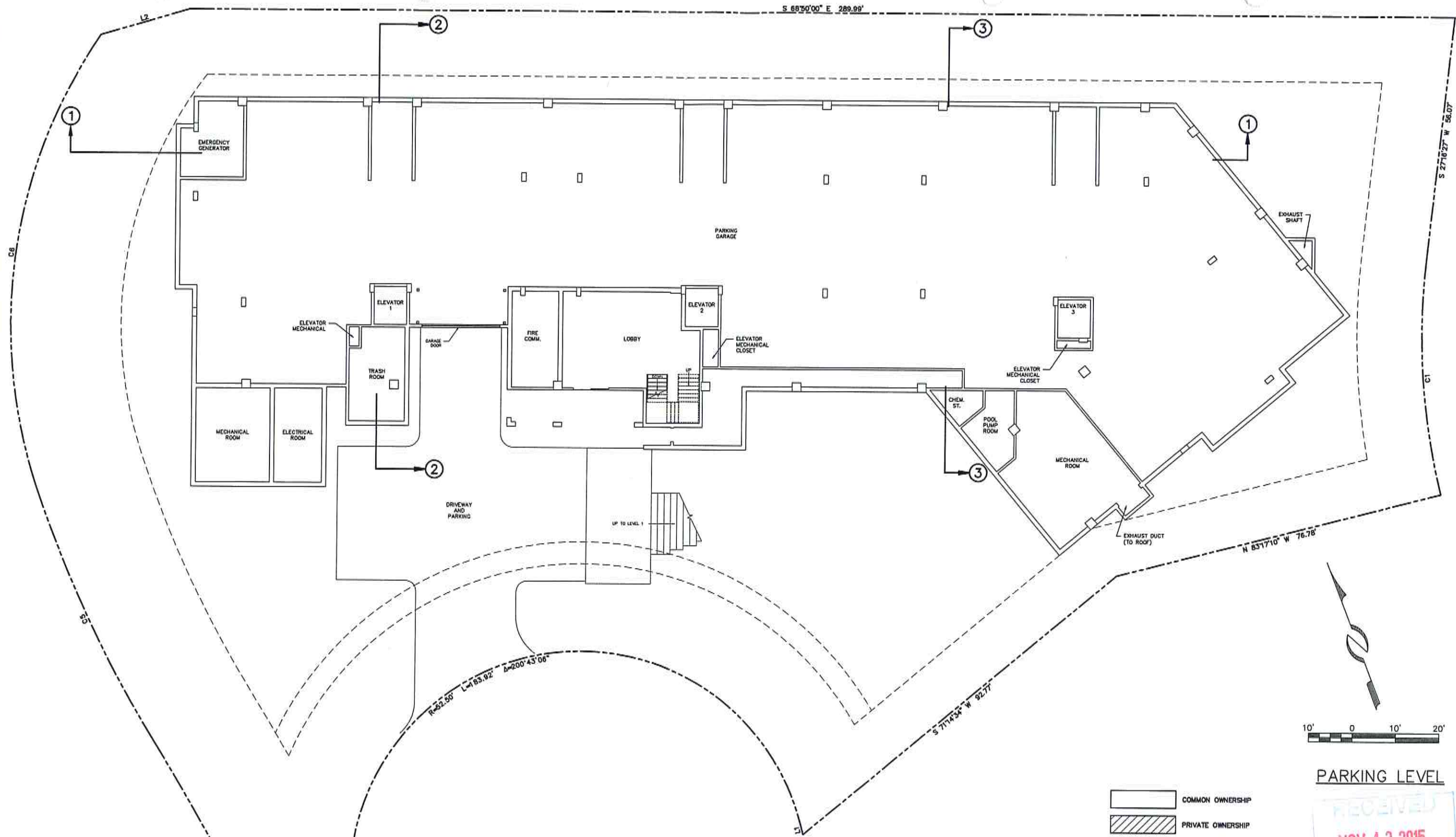
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



20' 0 20' 40'

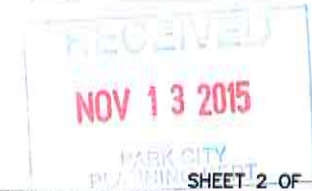
SHEET 1 OF 10

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2604 Park City, Utah 84060-2604	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____
	JOB NO.: 15-9-15 FILE: X:\Empire\dwg\ar\plat2015\150915.dwg 11/13/15						



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

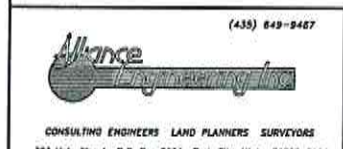
PARKING LEVEL

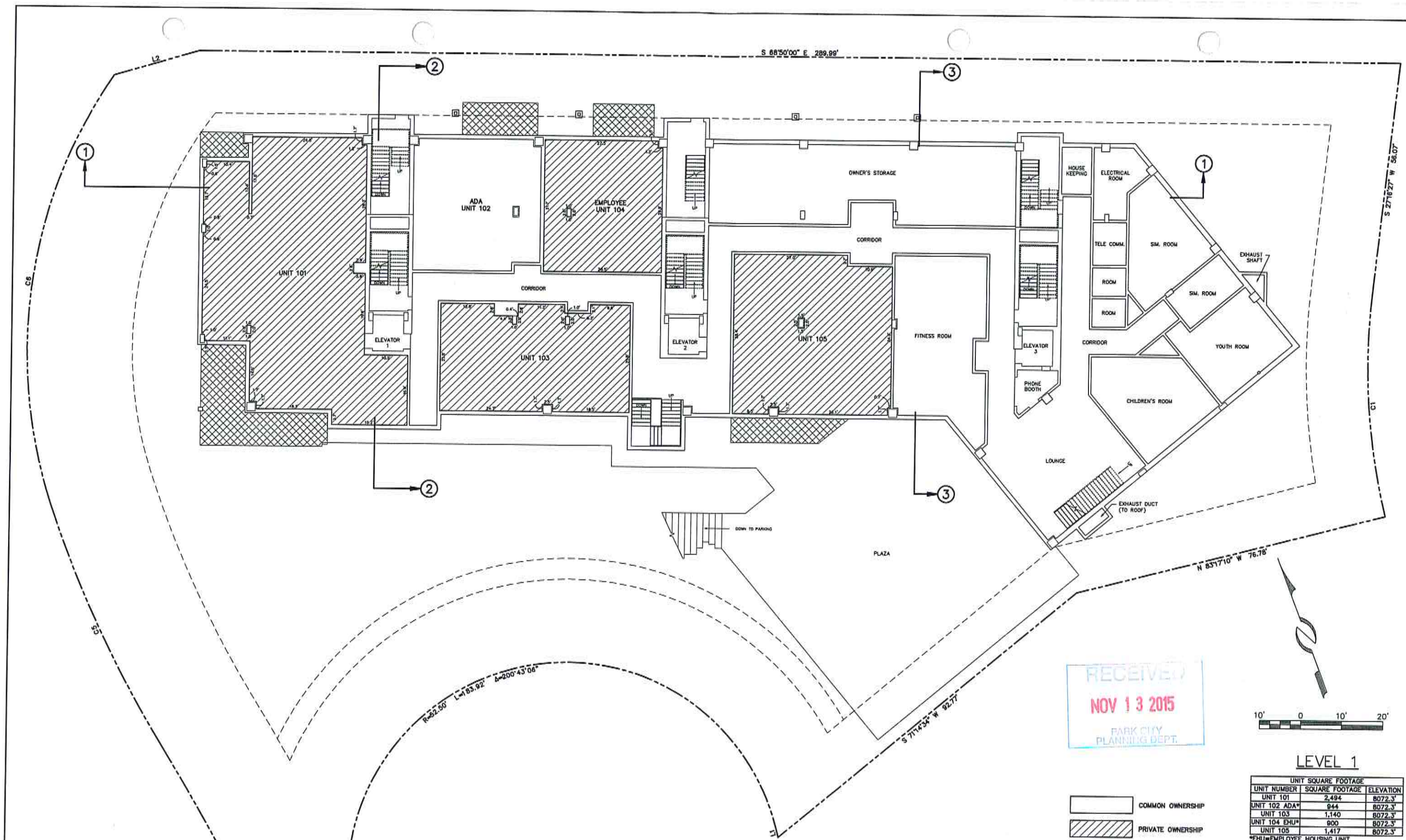


ONE EMPIRE PASS CONDOMINIUMS

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

11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\svr\plat2015\150915.dwg	
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AT THE REQUEST OF _____	
DATE _____	TIME _____
ENTRY NO. _____	
FEE _____	Page 390 of 406 RECORDED





CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTH HALF OF SECTION 21
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
UNIT 101	2,494	8072.3'
UNIT 102 ADA*	944	8072.3'
UNIT 103	1,140	8072.3'
UNIT 104 EHU*	900	8072.3'
UNIT 105	1,417	8072.3'

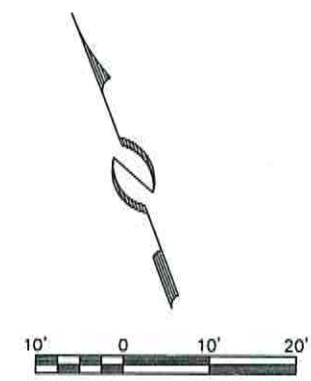
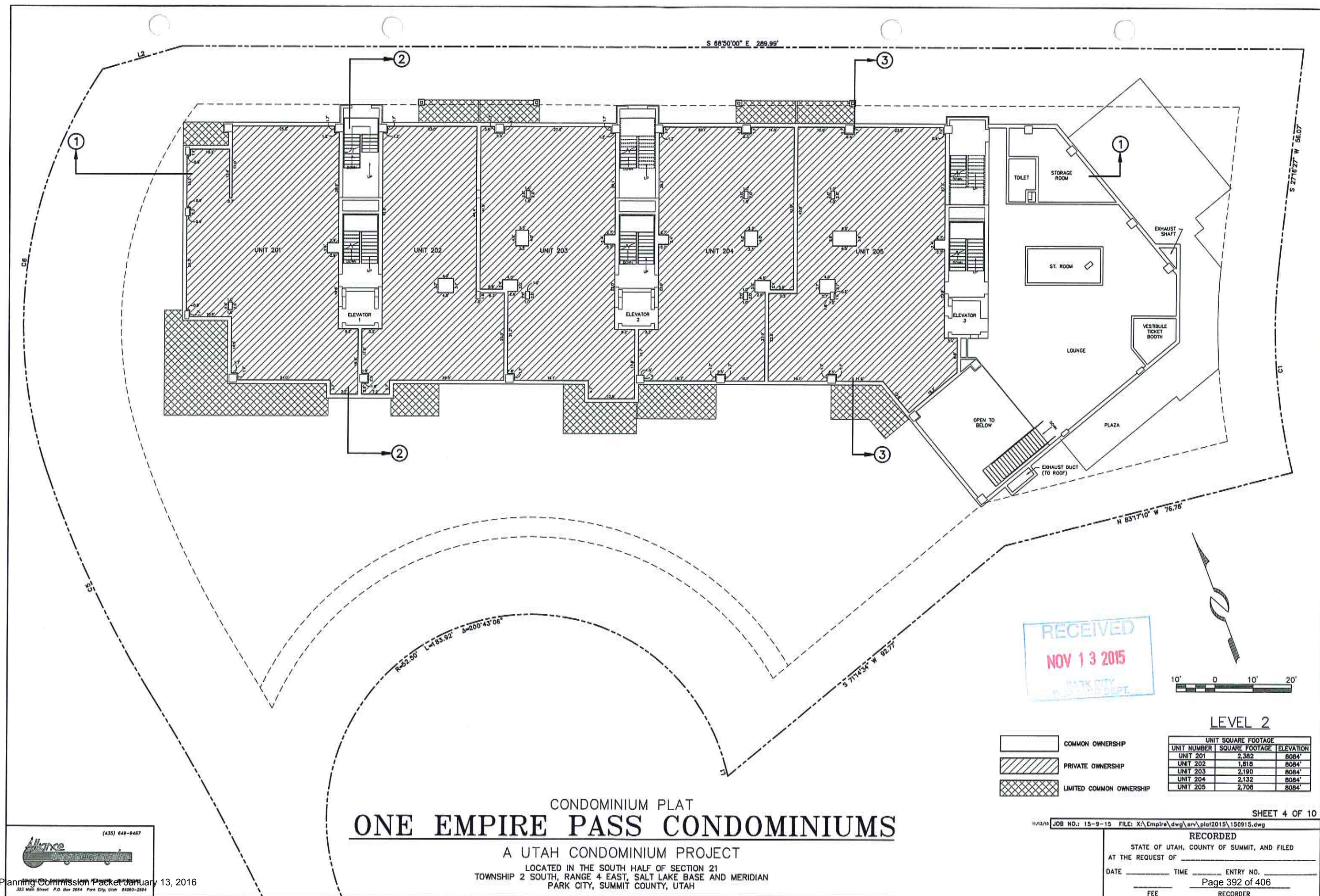
*EHU=EMPLOYEE HOUSING UNIT (SEE NOTE 8 ON SHEET 1)

*ADA=AMERICAN DISABILITY ACT

(435) 648-9487
Alliance Engineering Inc.
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 Planning Commission Packet January 13, 2016

SHEET 3 OF 10

JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plat2015\150915.dwg
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- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

LEVEL 2		
UNIT SQUARE FOOTAGE		
UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
UNIT 201	2,382	8084'
UNIT 202	1,818	8084'
UNIT 203	2,190	8084'
UNIT 204	2,132	8084'
UNIT 205	2,708	8084'

CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS

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

SHEET 4 OF 10

11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plot\2015\150915.dwg

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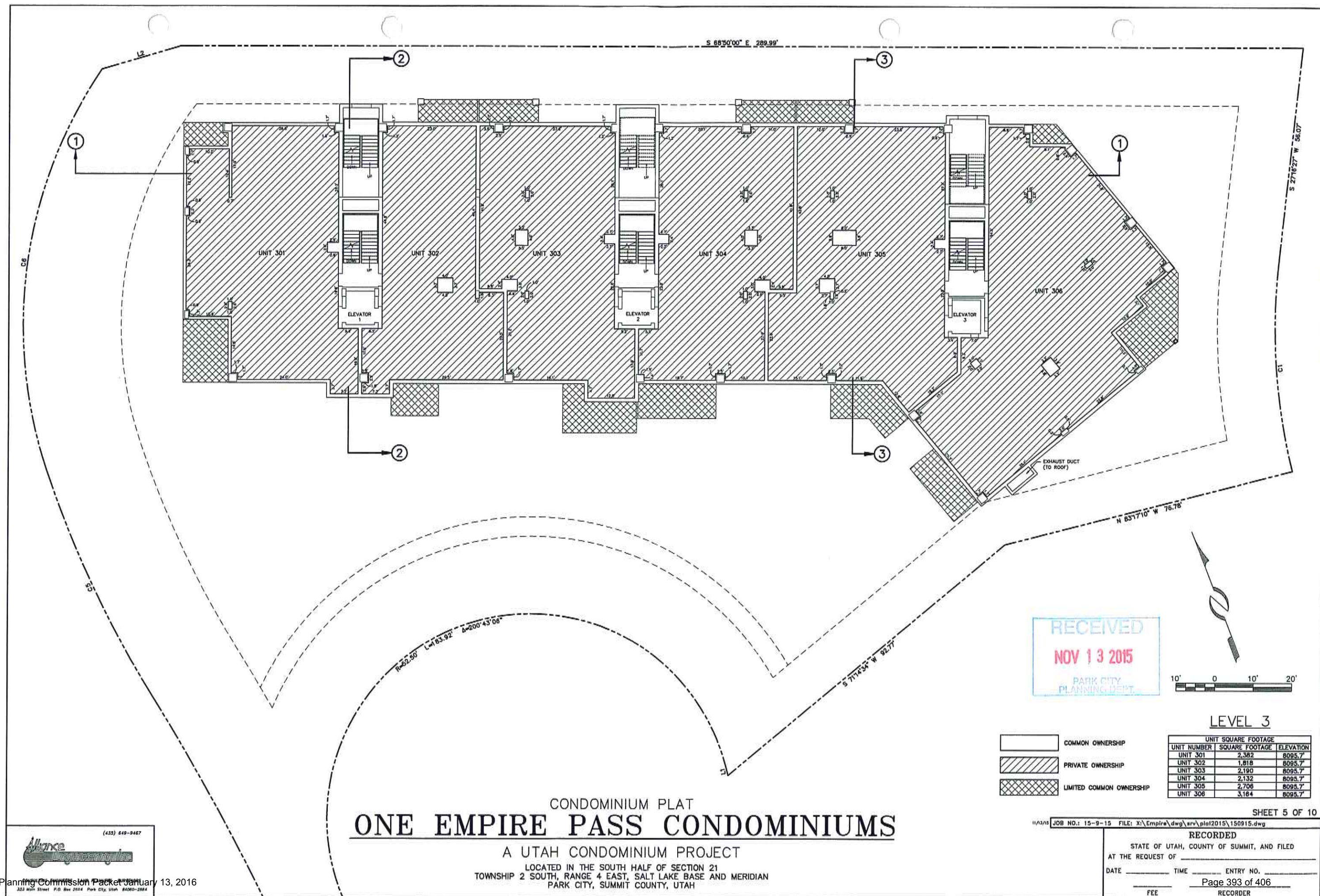
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DATE _____ TIME _____ ENTRY NO. _____

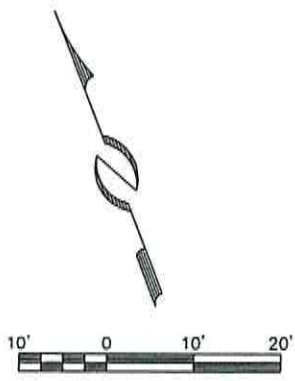
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- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

LEVEL 3

UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
UNIT 301	2,382	8095.7
UNIT 302	1,818	8095.7
UNIT 303	2,190	8095.7
UNIT 304	2,132	8095.7
UNIT 305	2,708	8095.7
UNIT 306	3,164	8095.7

CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 5 OF 10

11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\ar\plat2015\150915.dwg

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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

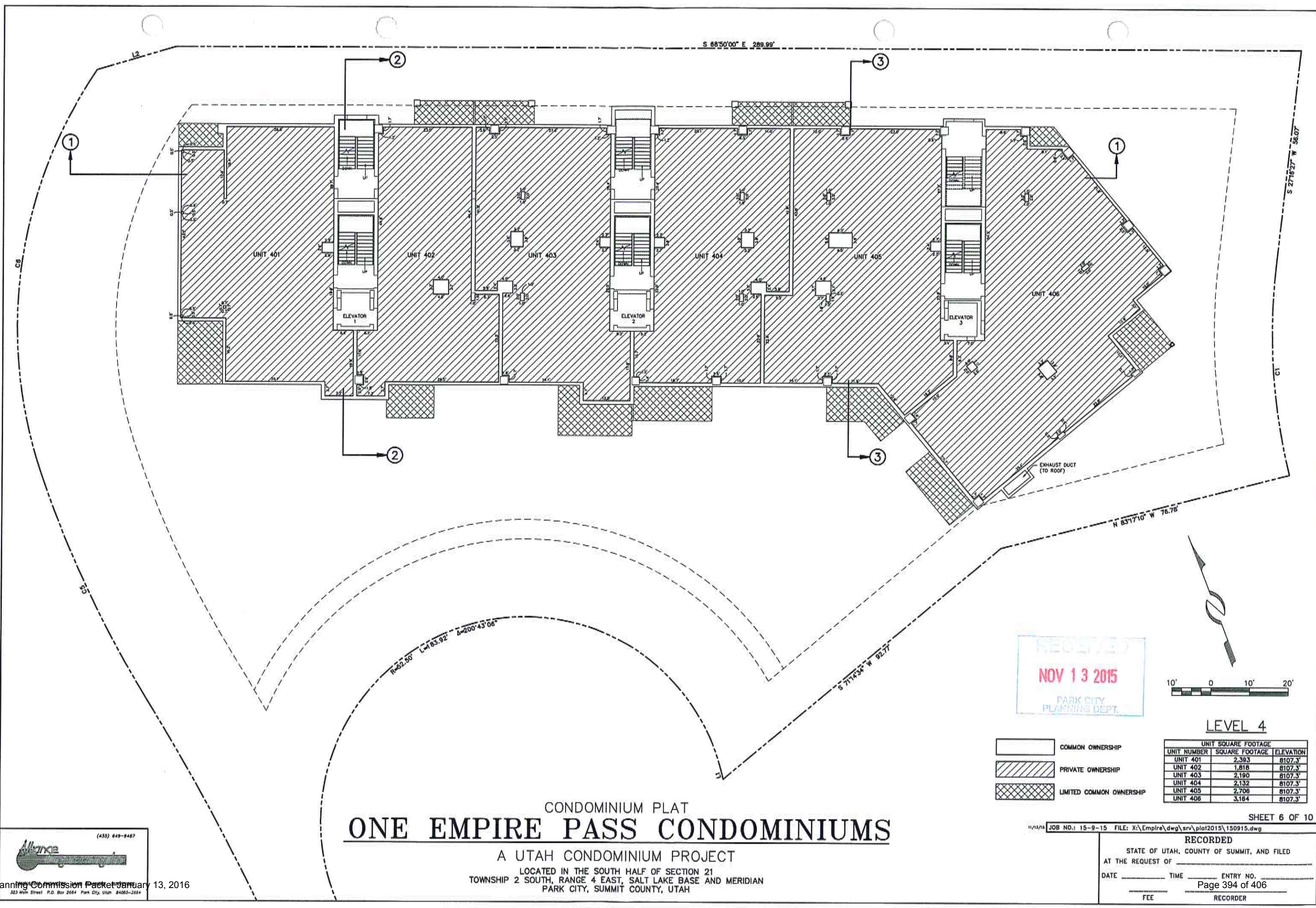
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DATE _____ TIME _____ ENTRY NO. _____

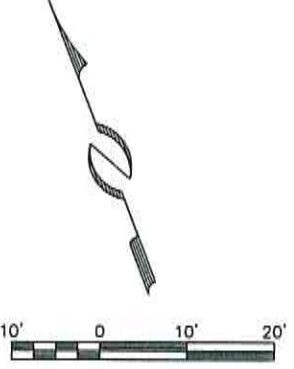
Page 393 of 406

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PLANNING DEPT.



- [White Box] COMMON OWNERSHIP
- [Hatched Box] PRIVATE OWNERSHIP
- [Cross-hatched Box] LIMITED COMMON OWNERSHIP

UNIT SQUARE FOOTAGE		
UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
UNIT 401	2,393	8107.3
UNIT 402	1,818	8107.3
UNIT 403	2,190	8107.3
UNIT 404	2,132	8107.3
UNIT 405	2,706	8107.3
UNIT 406	3,164	8107.3

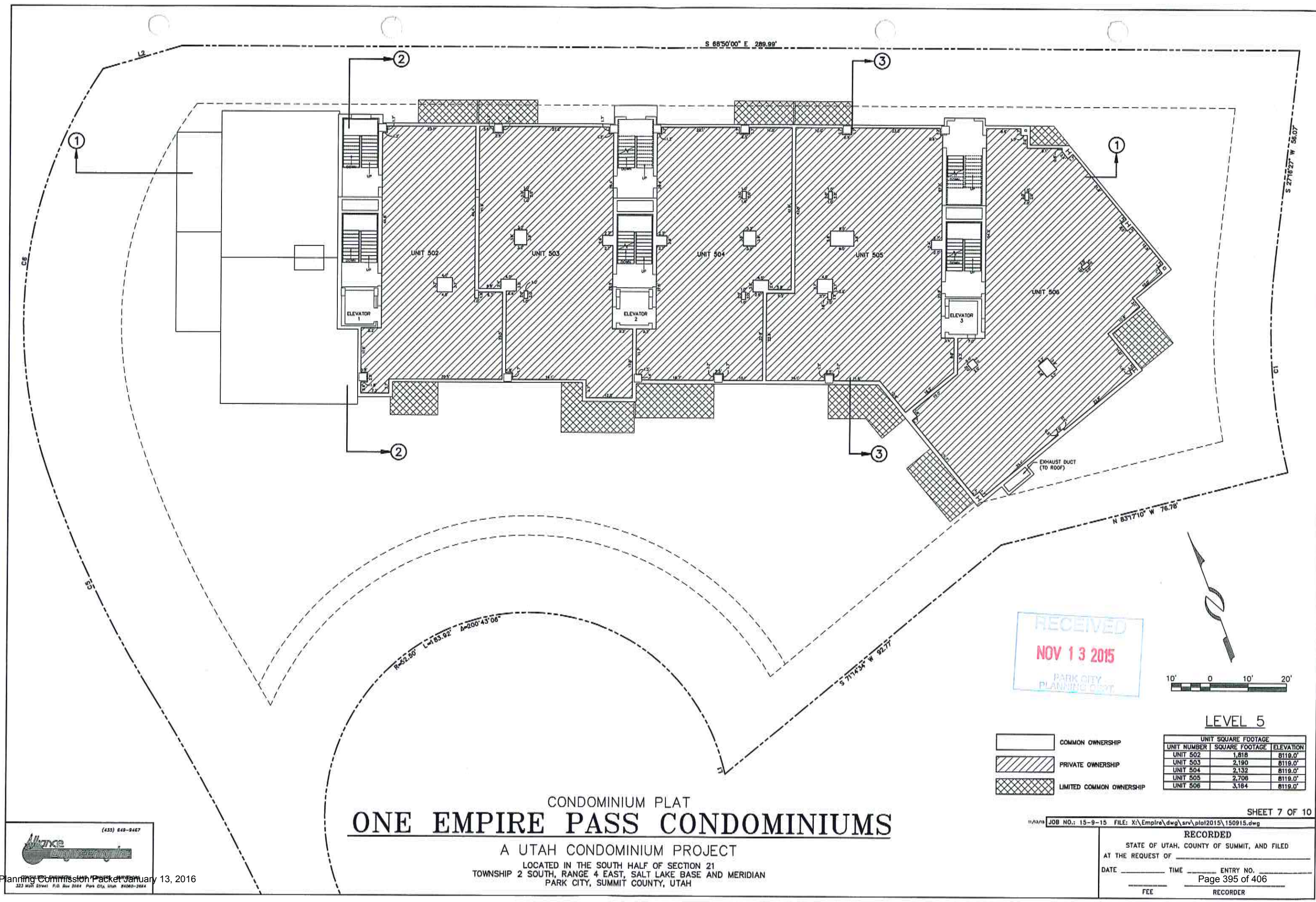
CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS

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

11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\ar\plot2015\150915.dwg

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PLANNING COM.



LEVEL 5

- [White Box] COMMON OWNERSHIP
- [Hatched Box] PRIVATE OWNERSHIP
- [Cross-hatched Box] LIMITED COMMON OWNERSHIP

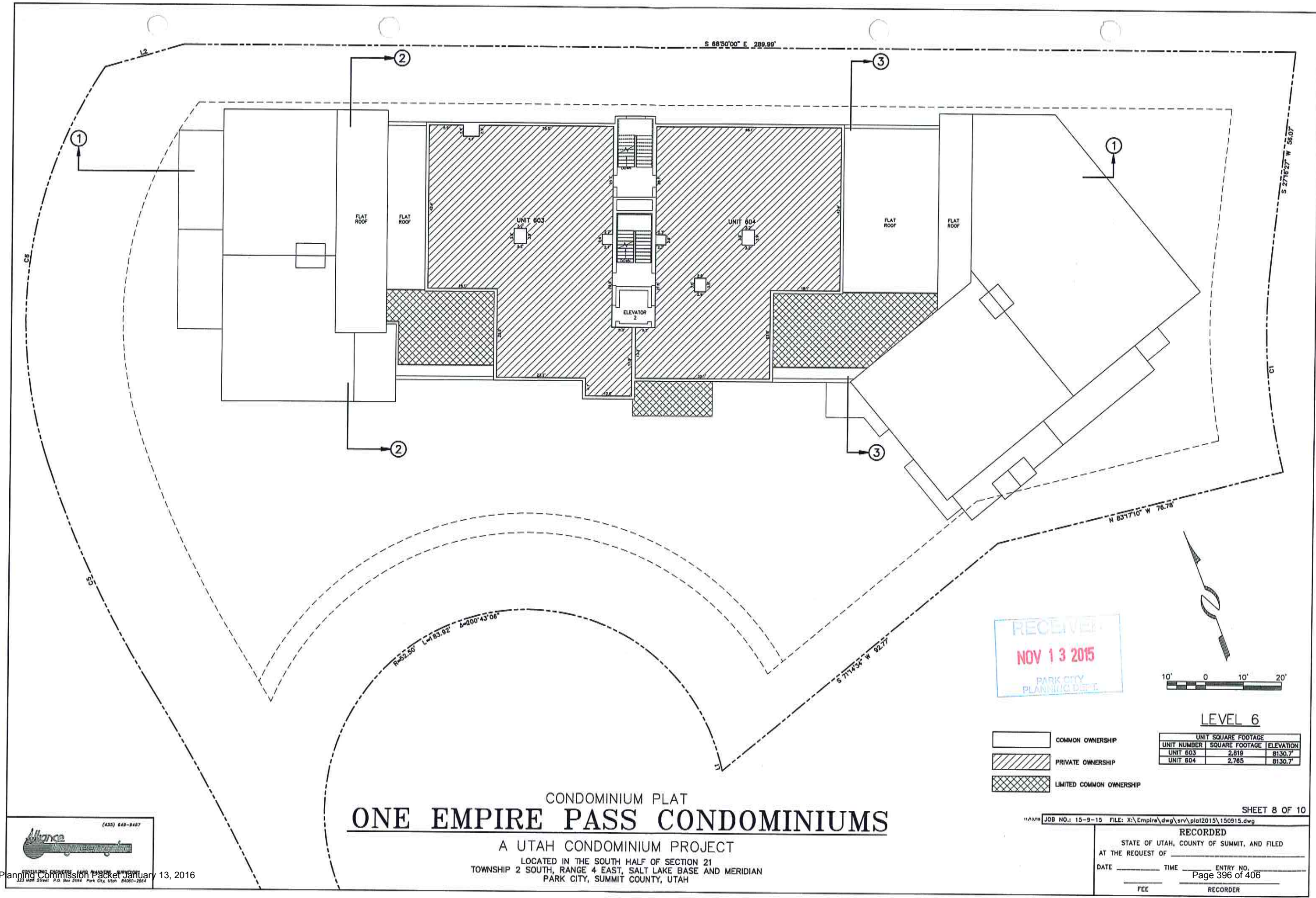
UNIT SQUARE FOOTAGE		
UNIT NUMBER	SQUARE FOOTAGE	ELEVATION
UNIT 502	1,818	8119.0'
UNIT 503	2,190	8119.0'
UNIT 504	2,132	8119.0'
UNIT 505	2,708	8119.0'
UNIT 506	3,184	8119.0'

CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

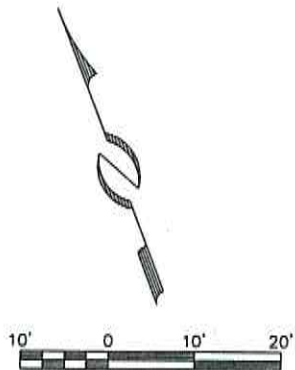
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RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
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NOV 13 2015
PARK CITY
PLANNING DEPT.



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

UNIT SQUARE FOOTAGE			
UNIT NUMBER	SQUARE FOOTAGE	ELEVATION	
UNIT 603	2,819	8130.7	
UNIT 604	2,785	8130.7	

CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\sr\plat2015\150915.dwg

SHEET 8 OF 10

RECORDED

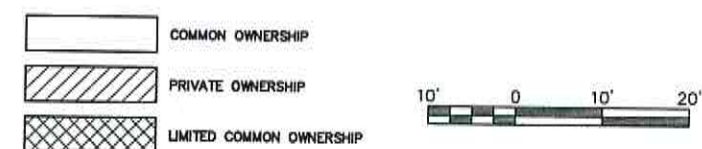
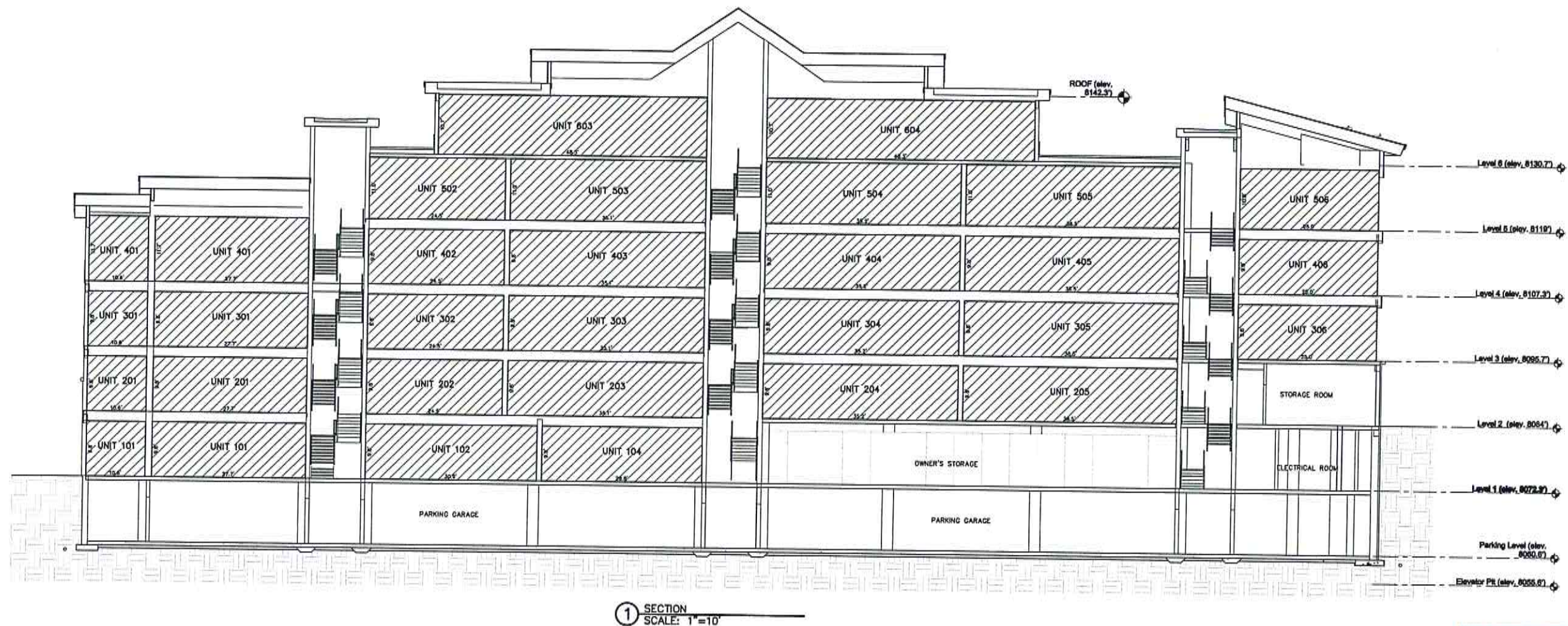
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

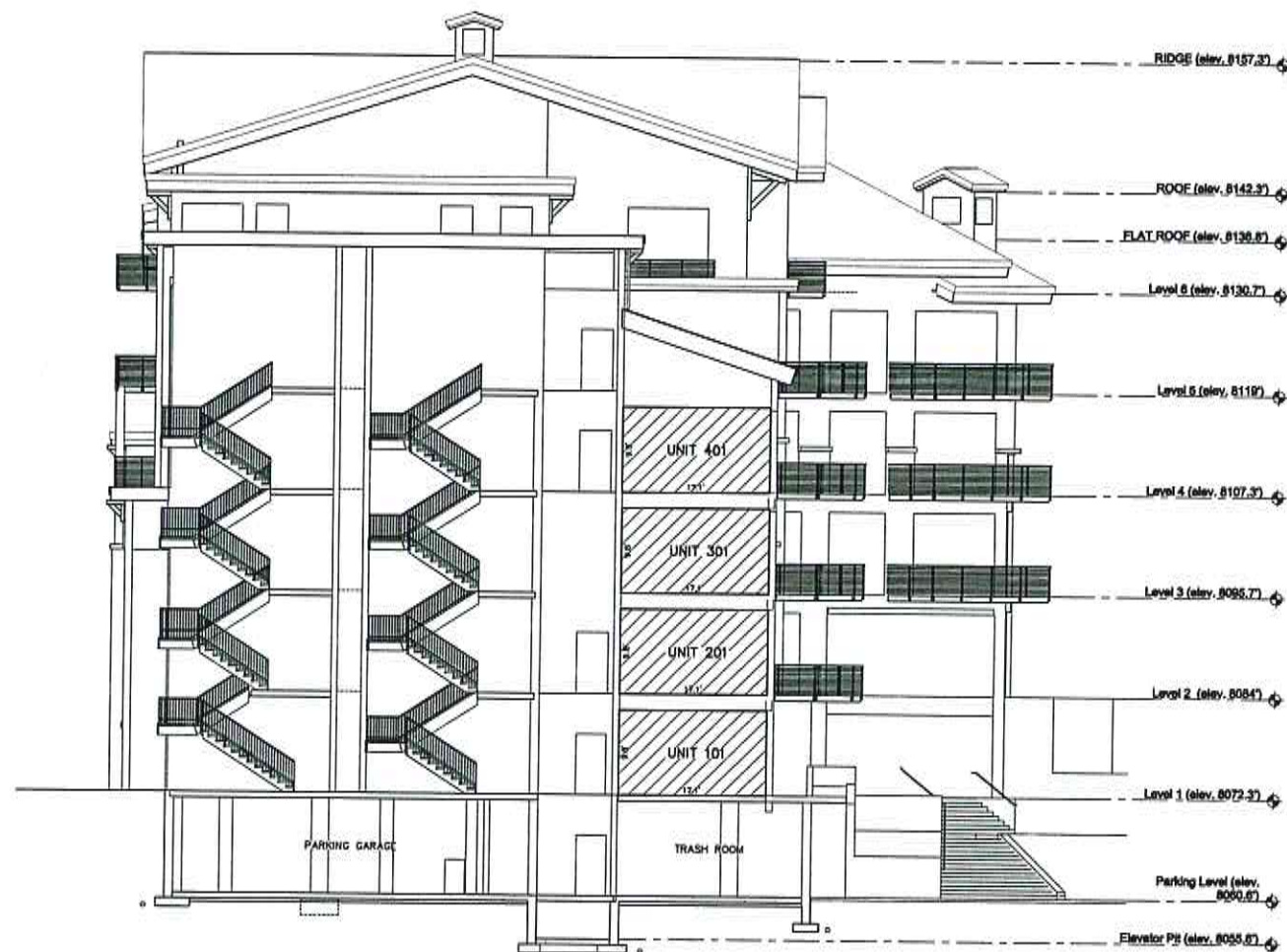
Page 396 of 406

FEE _____ RECORDER _____

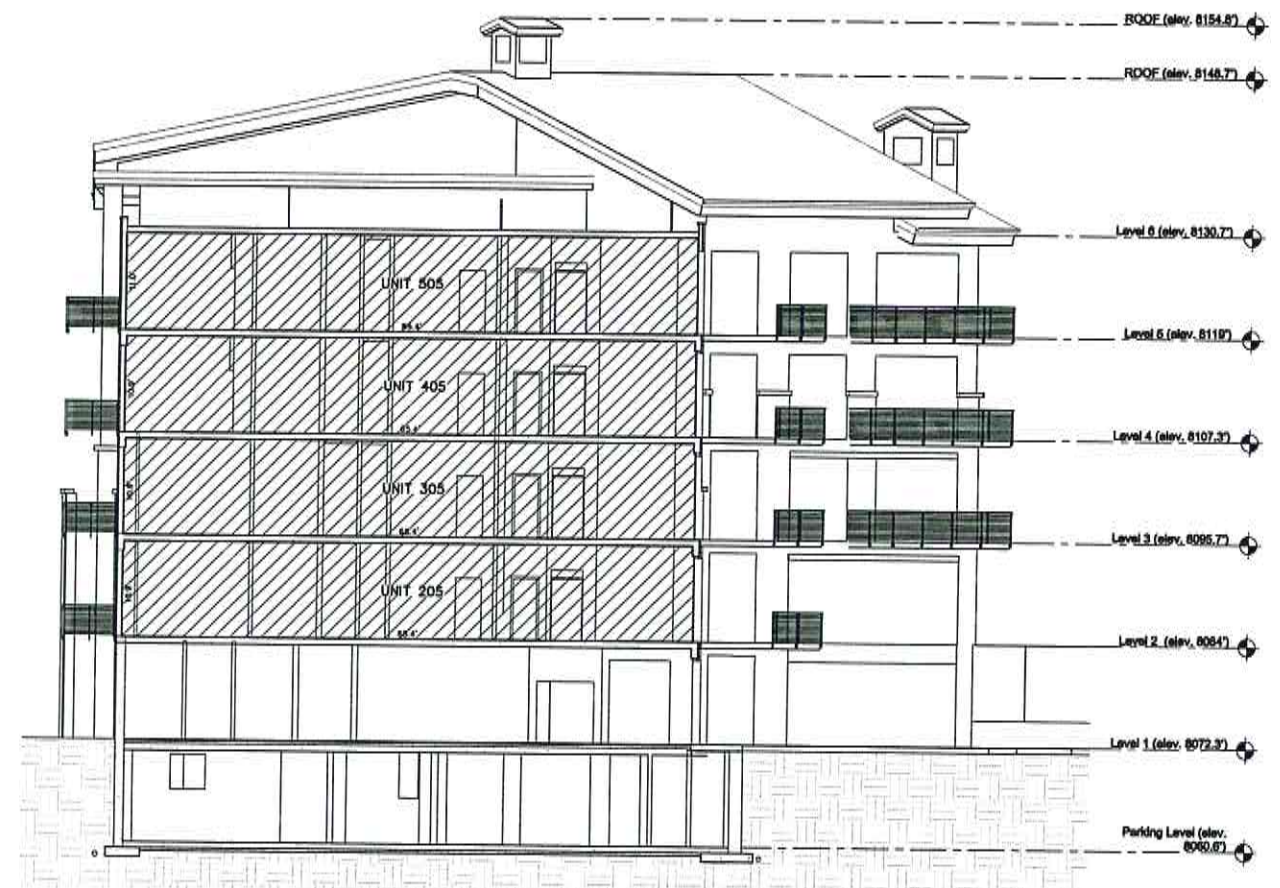


CONDOMINIUM PLAT **ONE EMPIRE PASS CONDOMINIUMS**

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



SECTION 2
SCALE: 1"=10'



SECTION 3
SCALE: 1"=10'

COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

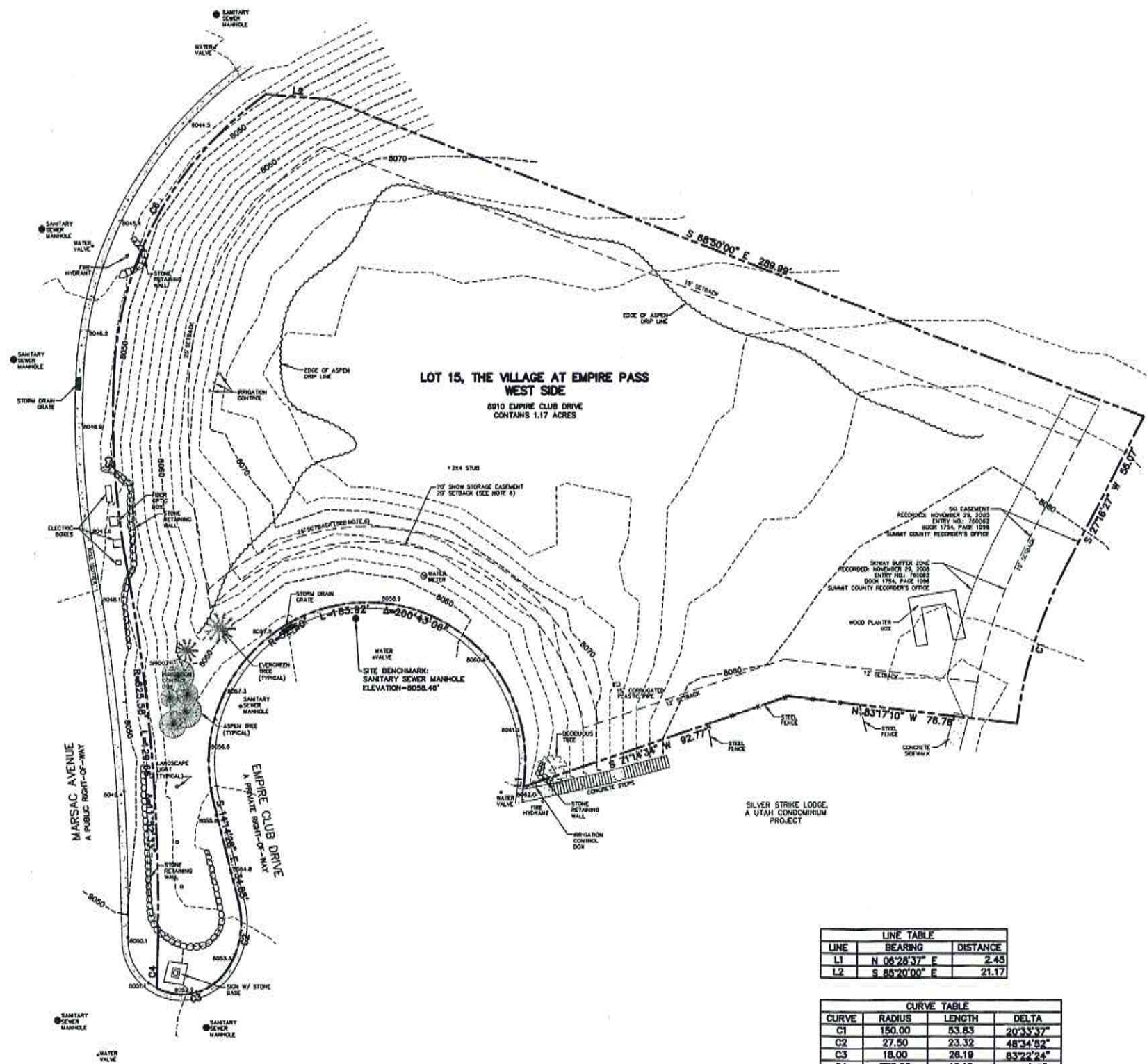
10' 0 10' 20'

CONDOMINIUM PLAT
ONE EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTH HALF OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 10 OF 10
JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plat2015\150915.dwg

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF
DATE TIME
FEE RECORDER

EXHIBIT B



SURVEYOR'S CERTIFICATE

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

NOTES

1. Site Benchmark: Sanitary Sewer Manhole Elevation=8058.48'
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey performed on June 19, 2015.
5. Property corners were set or found during a previous survey.
6. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown hereon are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

LINE	BEARING	DISTANCE
L1	N 08°28'37" E	2.45
L2	S 85°20'00" E	21.17

CURVE	RADIUS	LENGTH	DELTA
C1	150.00	53.63	20°33'37"
C2	27.50	23.32	48°34'52"
C3	18.00	26.19	83°22'24"
C4	775.00	10.18	0°45'05"
C5	275.00	64.62	13°27'50"
C6	118.63	107.61	52°04'13"

(435) 648-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISON
HARRISON HOLLEY

DATE: 6/28/15

EXISTING CONDITIONS & TOPOGRAPHIC MAP
LOT 15, THE VILLAGE AT EMPIRE PASS
WEST SIDE, 8910 EMPIRE CLUB DRIVE

FOR: EAST WEST PARTNERS
JOB NO.: 7-2-15
FILE: X:\Empire\dwg\sn\topo2015\070215.dwg

SHEET
1
OF
1

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SUBJECT PROPERTY

1-3-2015

60' 0 60' 120'

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 1023 Main Street, P.O. Box 2064, Park City, Utah 84060-2064	(435) 848-9467	STAFF: MICHAEL DEMKOWICZ MARSHALL KING	ONE EMPIRE PASS CONDOMINIUM	SHEET 1
			AERIAL PHOTOGRAPH 8910 EMPIRE CLUB DRIVE	
		DATE: 11/13/15	FOR: EAST WEST PARTNERS JOB NO.: 15-0-15 FILE: x:\empire\dwg\env\plat2015\150915.dwg	

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE and that the same has been or will be correctly located on the ground as shown on this plat. I further certify this plat accurately represents the surveyed property.

John Demkowicz
John Demkowicz

6/15/05
Date

BOUNDARY DESCRIPTION

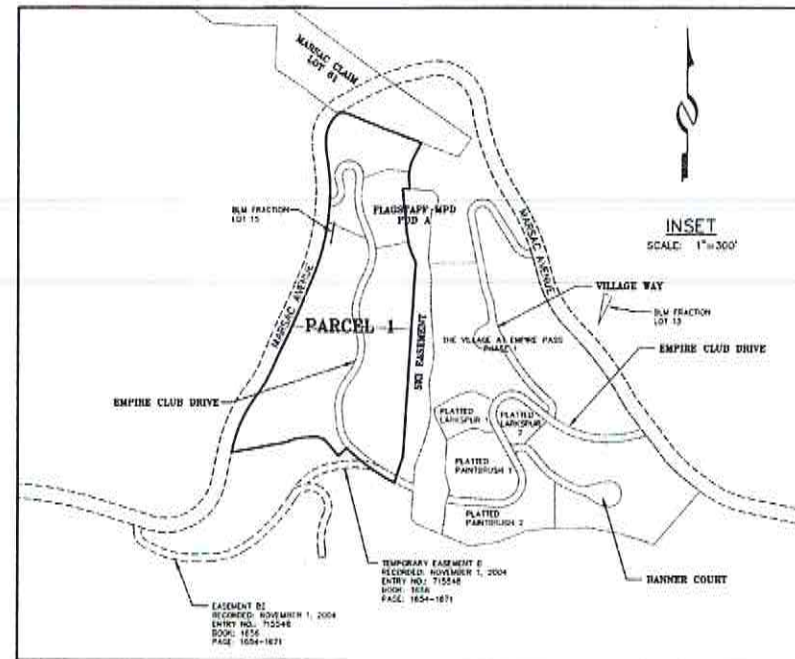
PARCEL 1

A parcel of land located in the south half of Section 21 and the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 8.13 feet along section line and North 262.11 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 27°16'27" West 55.07 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 62°43'33" East; thence along the arc of said curve 75.83 feet through a central angle of 28°57'57" to a point of compound curve to the left having a radius of 300.00 feet, of which the radius point bears North 88°18'30" East; thence southerly along the arc of said curve 20.22 feet through a central angle of 03°51'42"; thence South 05°33'11" East 17.15 feet; thence North 86°16'45" West 25.33 feet; thence South 05°33'11" East 157.74 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North 84°26'49" East; thence along the arc of said curve 92.29 feet through a central angle of 21°09'04" to a point of reverse curve to the right having a radius of 79.77 feet, of which the radius point bears South 63°17'44" West; thence southeasterly along the arc of said curve 11.44 feet through a central angle of 08°13'06"; thence South 03°43'15" West 675.52 feet to a point on a non tangent curve to the left having a radius of 1025.00 feet, of which the radius point bears South 70°22'23" East; thence southerly along the arc of said curve 38.87 feet through a central angle of 02°10'21"; thence South 17°27'15" West 31.90 feet to a point on the northerly right-of-way of Empire Club Drive as shown and dedicated on The Village at Empire Pass, Phase I, recorded November 24, 2004, as #718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence South 17°27'15" West 25.38 feet to a point on the southerly right-of-way of Empire Club Drive, said point also being on a non tangent curve to the right having a radius of 812.50 feet, of which the radius point bears North 27°15'53" East; thence northwesterly along the arc of said curve 199.71 feet through a central angle of 14°05'00" to a point of compound curve to the right having a radius of 137.50 feet, of which the radius point bears North 41°20'53" East; thence northwesterly along the arc of said curve 12.52 feet through a central angle of 05°13'06"; thence South 46°33'59" West 40.09 feet; thence North 41°37'40" West 65.38 feet to a point on a curve to the left having a radius of 50.00 feet, of which the radius point bears South 48°22'20" West; thence along the arc of said curve 44.97 feet through a central angle of 51°32'04"; thence South 86°50'16" West 44.62 feet to a point on a curve to the left having a radius of 137.50 feet, of which the radius point bears South 03°09'44" East; thence along the arc of said curve 60.72 feet through a central angle of 25°18'01"; thence South 79°50'46" West 195.15 feet to a point on a non tangent curve to the right having a radius of 509.74 feet, of which the radius point bears South 78°16'48" East, said point also being on the easterly boundary of Marsoc Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded #623451; thence along the easterly boundary of Marsoc Avenue Right-of-Way the following seven (7) courses: 1) northeasterly along the arc of said curve 234.19 feet through a central angle of 26°19'27" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 51°56'21" West; thence 2) northeasterly along the arc of said curve 93.78 feet through a central angle of 14°19'44"; thence 3) North 23°43'55" East 337.98 feet to a point on a curve to the left having a radius of 775.00 feet, of which the radius point bears North 66°16'05" West; thence 4) along the arc of said curve 304.94 feet through a central angle of 22°32'40" to a point of compound curve to the left having a radius of 625.58 feet, of which the radius point bears North 88°48'45" West; thence 5) northerly along the arc of said curve 129.66 feet through a central angle of 11°52'33" to a point of reverse curve to the right having a radius of 275.00 feet, of which the radius point bears North 79°18'42" East; thence 6) northerly along the arc of said curve 64.62 feet through a central angle of 13°27'50" to a point of compound curve to the right having a radius of 118.63 feet, of which the radius point bears South 87°13'28" East; thence 7) northeasterly along the arc of said curve 107.81 feet through a central angle of 52°04'13" to a point on the northerly sideline of the Little Mc mining claim, Lot 53A in the Utah Mining District; thence along the northerly sideline of the Little Mc mining claim the following two (2) courses: 1) South 85°20'00" East 21.17 feet; thence 2) South 68°50'00" East 289.99 feet to the point of beginning.

Description contains 10.52 acres, more or less.

VICINITY MAP



NOTES:

- All building setbacks from property lines are to be the residential development zone (RD) minimums unless approved otherwise by the Village of Empire Pass Master Plan Development.
- 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 of survey of condominium will be required for the purpose of the sale of individual units within the development lots shown hereon.
- All utility and trail easements adjacent to or traversing across the lots, as shown hereon, are for public use. No improvements may be made to these public ways that would hinder passage, endanger the users, or interfere with existing utilities.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass ("Master Declaration") requires the membership of each lot owner. Members are subject to the terms of its articles of incorporation, its bylaws, and the rules and regulations that may be established from time to time by the master association, including assessments and transfer fees as provided therein.
- The operation and maintenance responsibilities for the public air, hiking, and biking trails that may be established across the lots shown hereon are set forth in the Master Declaration.
- 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 20' snow storage easement is hereby dedicated along the frontage of all lots.
- A line extension agreement (LEA) will be required to be filed with Snyderville Basin Water Reclamation District (SDWRD) with the development of each lot.
- Empire Club Drive is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Empire Club Drive is not a public road or right-of-way. This Record of Survey Map shall not be deemed to grant any rights in the public to use Empire Club Drive or create any obligations on the part of Park City Municipal Corporation to maintain or repair Empire Club Drive. All such use and maintenance shall be governed by the terms and provisions of the Master Declaration and the Maintenance Agreement dated March 17, 2004 (and as amended from time to time) between Park City Municipal Corporation, United Park City Mines Company, Blue Ledge Corporation and the Master Association.
- At the time of any resurfacing of Empire Club Drive, the Master Association is responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards. Maintenance adjustment of manholes within private roadways included as part of specific developments shall be the responsibility of the homeowners association for such development.
- The Master Association shall be responsible for the maintenance and replacement of all sanitary sewer laterals situated within Empire Club Drive or the SDWRD easement shown hereon. The Master Association shall have the right to assess the cost of such maintenance and repair to parcel(s), unit(s), or condominium associations served by such laterals, in accordance with the Master Declaration.
- The easement in favor of the Jordanville Special Service District is for a water drain tunnel situated approximately 900 feet below the surface of the property.
- All property corners to be set along Empire Club Drive will be set at the intersection of the 9.5' wide public and private utility easement and the lot line or up shown hereon.
- Any landscaping shall utilize either no irrigation or water efficient irrigation, limited turf, and limited disturbance.
- The maintenance of the water system is the private responsibility of the Empire Pass Master Homeowners Association.
- The units of The Village of Empire Pass West Side are served by a Common Private Lateral Wastewater Line. The Empire Pass Master Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.

SUBDIVISION PLAT

THE VILLAGE AT EMPIRE PASS

WEST SIDE

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the 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: *Joe Haggan*
A Colorado corporation,
Its Manager

By: *Joe Haggan*
Title: *Vice President*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 16th day of June, 2005 by *Joe Haggan*, the *Vice President* of EMPIRE MOUNTAIN VILLAGE, LLC, a Colorado corporation, Manager of EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company.

Joseph J. Haggan
A Notary Public commissioned in Utah

Joseph J. Haggan
Printed Name

Residing in: *Canby, Idaho*

My commission expires: *11/16/07*

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT UNITED PARK CITY MINES COMPANY, a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the 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.

UNITED PARK CITY MINES COMPANY
A Delaware corporation
By: *Joe Haggan*
Title: *Vice President*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 16th day of June, 2005 by *Joe Haggan*, the *Vice President* of UNITED PARK CITY MINES COMPANY, a Delaware corporation.

Joseph J. Haggan
A Notary Public commissioned in Utah

Joseph J. Haggan
Printed Name

Residing in: *Canby, Idaho*

My commission expires: *11/16/07*

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the 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 R. Brown*
Title: *Vice President*

ACKNOWLEDGMENT

State of *Utah*

County of *Summit*

This instrument was acknowledged before me this 16th day of June, 2005 by *Mark R. Brown*, the *Vice President* of MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation.

Mark R. Brown
A Notary Public commissioned in Utah

Mark R. Brown
Printed Name

Residing in: *Canby, Idaho*

My commission expires: *11/16/07*

SHEET 1 OF 2

6/15/05 JOB NO.: 1-1-01 FILE: C:\Users\jag\My Documents\jag\West side.dwg

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 221 West Third Street, Suite 200, Park City, Utah 84302-1000 Phone: (435) 649-9487	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>22nd</u> DAY OF <u>June</u> , 2005 A.D. BY <u>B.O.R.</u> <u>O.S.B.W.R.D.</u>	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>16th</u> DAY OF <u>August</u> , 2005 A.D. BY <u>B.O.R.</u> (B21th) CHAIRMAN	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>Joe Haggan</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>Mark R. Brown</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>11th</u> DAY OF <u>August</u> , 2005 A.D. BY <u>Joe Haggan</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>11th</u> DAY OF <u>August</u> , 2005 A.D. BY <u>Dana Williams</u> MAYOR	746744 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Park City Title</u> DATE <u>8-12-05</u> TIME <u>16:02</u> BOOK <u>1000</u> PAGE <u>1</u> FEE <u>\$164.00</u> <u>Chris R. Brown</u> Page 401 of 406
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The Village at Empire Pass – West Side, Lot 15 looking northerly



The Village at Empire Pass – West Side, Lot 15 looking southeasterly



The Village at Empire Pass – West Side, Lot 15 looking easterly



The Village at Empire Pass – West Side, Lot 15 looking westerly