



PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
August 23, 2023

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A Consideration to Approve the Planning Commission Meeting Minutes from July 26, 2023
[PC 07.26.23 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. REGULAR AGENDA

- 5.A **401 Silver King Drive, Unit 70 (Snowflower Condominiums) – Plat Amendment** – The Applicant Proposes to Convert Common Area Attic Space Into Private Area Living and Storage Space for the Benefit of Unit 70. PL-23-05560 (20 mins.)
(A) Public Hearing; (B) Possible Recommendation for Council's Consideration on September 14, 2023.
[401 Silver King Drive, Unit 70 Staff Report](#)
[Exhibit A: Draft Ordinance and Proposed Plat](#)
[Exhibit B: Existing Plat](#)
[Exhibit C: Applicant Narrative](#)
[Exhibit D: Snow Flower Condominium HOA Approval Letter](#)
- 5.B **2002 Eagle Way – Conditional Use Permit** – The Public Utilities Department Proposes To Replace the Existing Communications Tower and Equipment Shed in the Estate Zoning District and Sensitive Land Overlay. PL-23-05762 (20 mins.).
(A) Public Hearing; (B) Action
[2002 Eagle Way CUP Staff Report](#)
[Exhibit A: 2002 Eagle Way Final Action Letter Utilities](#)
[Exhibit B: 2009 Final Action Letter](#)
[Exhibit C: Applicant's Support Memorandum and Visual Impact Study](#)

- 5.C **2525 North Fairway Village - Plat Amendment** - The Applicant Requests an Amendment to the Fairway Village No. 1 Plat Amending Lot 40 to Record and Reflect Existing Conditions. PL-23-05784 (15 mins)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on September 28, 2023
[2525 Fairway Village Drive Unit 40 Staff Report](#)
[Exhibit A: Draft Ordinance 2023-XX](#)
- 5.D **2310 Deer Valley Drive East – Condominium Plat** – The Applicant Proposes To Plat the Phase 3 Snow Park Residences, Which Is the Final Phase of the St. Regis Hotel Conditional Use Permit in the Residential Development Zoning District and Deer Crest Master Planned Development. PL-23-05743 (30 mins.).

(A) Public Hearing; (B) Possible Recommendation for Council's Consideration on September 14, 2023

[Snow Park Residences Phase 3 Staff Report](#)
[Exhibit A: Ordinance 2023-XX](#)
[Exhibit B: Hotel CUP Action Letters](#)
[Exhibit C: St Regis Approved Housing Mitigation Plan](#)
[Exhibit D: Settlement Agreement Including Amendments](#)
[Exhibit E: Amenity Club CUP Action Letters](#)
[Exhibit F: Trip Generation and Parking Study 2019](#)
[Exhibit G: St. Regis Phase 3 Parking Exhibit](#)
[Exhibit H: St. Regis Final Parking Plan Updated August 2023](#)
- 5.E **Parcel ASR-1 – Meadows Drive Trailhead & Parking Area Conditional Use Permit** – The Applicant Proposes to Construct a Hard-Surfaced Parking Area with Greater than Five Parking Spaces on Parcel Number ASR-1, at the Existing Meadows Drive Trailhead. PL-23-05575

(A) Public Hearing; (B) Action
[Staff Report Meadows Drive Trailhead](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: Summit County Recorder Entry No 349163](#)
[Exhibit C: Proposed Plans](#)
[Exhibit D: Vegetative Cover Map](#)
[Exhibit E: Fence Specifications](#)
[Exhibit F: Meadows Drive Habitat Areas](#)
[Exhibit G: Draft Easement Agreement](#)
- 5.F **Parcel SSC-A-X – McLeod Creek Trailhead & Parking Area Conditional Use Permit** – The Applicant Proposes to Construct a Hard-Surfaced Parking Area with Greater than Five Parking Spaces on Parcel Number SSC-A-X. PL-23-05574

(A) Public Hearing; (B) Action
[Staff Report McLeod Creek Trailhead](#)
[Exhibit A: Draft Final Action Letter](#)
[Exhibit B: Park City Trails Master Plan](#)
[Exhibit C: Proposed Plans](#)

[Exhibit D: Vegetative Cover Map](#)
[Exhibit E: Fence Specifications](#)
[Exhibit F: Wildlife Habitat Map](#)

5.G

Land Management Code Amendments – Lot Combinations – The Planning Commission Will Review a Pending Ordinance on Lot Combinations for Residential Development in the Historic Residential – 1, Historic Residential – 2, Historic Residential Low – Density, and Historic Residential Medium Zoning Districts. PL-23-05655

(A) Public Hearing; (B) Continuation to September 27, 2023

[August 23, 2023 Lot Combination Staff Report](#)
[Exhibit A: Draft Pending Ordinance](#)
[Exhibit B: Public Input](#)

6. ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
July 26, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, Vice Chair Sarah Hall, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Spencer Cawley, City Planner; Jaron Ehlers, City Planner; Mark Harrington, City Attorney

1. CALL TO ORDER

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She announced that all Commissioners were present, and noted that Commissioner Sarah Hall and Commissioner Henry Sigg were appearing remotely. She stated that Commissioner Rick Shand was expected to join the meeting shortly.

Chair Suesser reported that the Commission just returned from a site visit and that the meeting would proceed, as there was a quorum.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from June 14, 2023.

MOTION: Commissioner Bill Johnson moved to APPROVE the Planning Commission Meeting Minutes from June 14, 2023. Commissioner Christin Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Rick Shand abstained from the vote.

B. Consideration to Approve the Planning Commission Meeting Minutes from June 21, 2023.

Commissioner Johnson stated that since he was not present for this meeting, he would recuse himself from the vote.

MOTION: Commissioner Van Dine moved to APPROVE the Planning Commission Meeting Minutes from June 21, 2023. Commissioner John Frontero seconded the motion.

VOTE: The motion passed with unanimously with one abstention. Commissioner Johnson abstained from the vote.

3. PUBLIC COMMUNICATIONS

Laine Fuller stated that she was appearing for her husband, Dell Fuller. Their zip code is 84060. She explained that as adjoining property owners to Lot 2 in the Willow Ranch Subdivision, they collectively had critical concerns about the tree planting and disturbances in the open space behind their homes. There was a documented precedent that validated their concerns regarding the disturbance of the wetlands and wildlife corridor within the Sensitive Land Overlay on Lot 2 in the Willow Ranch Subdivision.

Speaker Fuller expressed that Park City has a long documented history of valuing and protecting open space, view corridors, and wildlife. Those concerns were applied to the creation of the Willow Ranch Master Planned Development in 1992 and 1993. At that time, the Army Corps of Engineers set forth limitations and restrictions for development in these designated wetlands. At the same time, Speaker Fuller recalled that Park City Municipal took over stewardship of these wetlands with the creation of the Sensitive Land Overlay Ordinance to include all of Willow Ranch. The City declared that it wished “to work with the developers to obtain open space of high visual and environmental value for the citizenry.”

Speaker Fuller stated that Section (B)(1) of the Sensitive Land Overlay Ordinance in the Land Management Code (“LMC”), required a visual assessment of the property from vantage points designated by the Planning Department depicting conditions before and after the proposed development, including the proposed location, size, design, landscaping and other visual features of the project. She reported that on May 26, 1999, during a Willow Ranch Plat Amendment for Lot 2, Planning Staff submitted the following statement to City Council:

‘To address the Commission’s concerns regarding impacts on the neighborhood, Staff visited the site to determine whether any mountain views from the surrounding neighborhoods would be obstructed by the proposed amendment. Given that the homes to the north are more than 400 feet from the proposed Building Pad and that they are higher on the hill than Lot 2, and that the view corridor for these homes looks across four 6 – 8 acre Lots plus a 10.5-acre open parcel, Staff determined that the existing view of the mountains from the houses to the north will not be diminished as a result of the Plat Amendment.’

Speaker Fuller asked why there had not been enforcement of these Ordinances regarding the visual disturbances on Lot 2 to the homes to the east, which is the Park Meadows Subdivision. She stressed that they were greatly impacted by the trees and the disturbances that have occurred on Lot 2. She referenced the photographs and charts in the handout provided to the Commission, which she felt documented the truth and reality of these claims.

Michael Watts reported that he resides in zip code 84060. He is a long-time neighbor to Lot 2 in Willow Ranch. He submitted a letter to the Commission that detailed what he believed to be significant violations of the LMC, the Sensitive Land Overlay District, and the wetlands. He highlighted the following from his packet. Page 1 of his packet showed that the Army Corps of Engineers issued a nationwide permit, No. 26, to create Building Pads/Islands within the wetlands of Lot 2 in Willow Ranch. These areas defined the Area of Disturbance allowed on this Lot and were used to define the Limits of Disturbance (“LOD”) shown on the Plat. He noted that pages 2 and 3 showed the areas of Lot 2 on which work had been performed outside the defined Limits of Disturbance and within possible wetlands areas within the Sensitive Land Overlay District.

Speaker Watts stated that they could calculate the disturbed area outside of the 17,000 square foot Limit of Disturbance. He guessed that the prior and present disturbed areas were 3 to 4 times greater than the allowed 17,000 square feet, or approximately 68,000 square feet.

Speaker Watts urged the Commission to review the photographs that illustrated well drilling, plantings, and the plantings in the wetlands. He listed the claimed infractions as including drilling the well outside of the LOD, planting trees in the wetlands, building berms, creation of ponds and paths, trenching for irrigation, and plantings that would completely block the view corridors.

Speaker Watts commented that the original Master Planned Development ("MPD") approval document from 1993 was clear that view corridors, wetlands protection, and preservation of open space and undeveloped land was the main objective in allowing the development to proceed. He commented that working in the wetlands and outside the LOD was not in compliance with this objective.

Chair Suesser referenced the packet provided to the Commission and asked Speaker Watts to clarify the Aspen and pine trees that screen views, as set forth on pages 3 and 4. She noted these trees were planted in 2005 through 2006.

Speaker Watts stated that there had been a long history and mentioned the ponds and the features on the southern edge. He claimed that the new plantings from last year were more into the fields and represented in the photographs as highlighted in red on page 4.

Chair Suesser asked if in terms of challenging the activities of the current homeowner, it was the planting of the red trees. Speaker Watts stated that it was the combination of all things since all things were outside of the LOD. Whether it was done in 2005 or 2022, it was all outside the LOD and should have been reviewed in relation to the ordinance. He added that all of it was within wetlands designated by the Army Corps of Engineers. Chair Suesser asked if the Army Corps of Engineers ever filed a violation. Speaker Watts stated that it was the responsibility of the landowner to ask whether they had permission to do something.

Kate Nelli reported that she resides in 84060, and lives catty-corner to Lot 2. They learned from the Hall's landscaper on the day that work began that the Halls were planning to plant an apple orchard, increase the height of berms and plant large perimeter trees. She asked the Halls, through their landscaper, if they would reconsider the perimeter trees, as these trees would block all of their views. The Halls responded that they would move trees up to 6 inches in either direction, but their objective was to block the houses from their back Lot view. Speaker Nelli emphasized that this would be the Hall's back view, not the mountain direction view. She also noted that these trees would be large, so six inches was not going to make much of a difference. She referenced page 23 of the submission to the Commission which showed what the view would look like when the trees reach maturity.

Speaker Nelli expressed shock for a number of reasons. First, the owners would be willing to take away the mountain views of multiple houses because they did not like looking at houses in an in-town neighborhood like Park Meadows. Second, she stated it was well known that a sizable portion of that Lot was designated wetlands by the Army Corps of Engineers, and is an important wildlife corridor. She added that neighbors regularly share daily sightings of deer, moose, foxes, bobcats, sand hill cranes, owls, and more.

Speaker Nelli commented that when they raised this with the landscaper, the Halls, and “Alex” from the Planning Department, they were told that the Halls could do what they would like with the land. She stressed this was not true. She argued that the neighbors had gathered information from the Plat and past history information, which proved that there were several rules governing what could be done, as well as the proper actions necessary to make any changes on Lot 2. She reported that the Plat states that no landscaping may be done to block the view corridors of adjacent homes. This was a critical foundational piece at the inception of that Subdivision.

Additionally, Speaker Nelli averred that there was a precedent that the owners should have conducted a Sensitive Land Overlay Analysis, which she believed would have found that the drilling and landscaping would have detrimental effects on the natural state of the land and wetlands. She felt it was obvious from her Lot’s view, and drone pictures, how far the owners had gone beyond their land disturbance allowances.

Speaker Nelli reported that her husband met with Jerry Hall, they have called the Planning and Building Departments, sent letters, and attended meetings over the last year to try and resolve this issue. They asked City officials to investigate and enforce the rules, and no action had been taken to compel the Halls to comply with the LMC. She added that it was unclear why this was so, as they felt that once the appropriate people saw the evidence of illegal work, action would have been taken to enforce the rules. She expressed that it felt especially wrong that they say they are a City that values open space and wildlife, but there is a member of the Planning Commission who blatantly flouts the LMC governing those things on her property.

To remedy these infractions, Speaker Nelli requested the Halls remove the perimeter trees, and conduct a Sensitive Land Overlay Analysis. She added that the neighbors also requested assurances from the City that they would monitor this project to ensure that the Halls had received proper permits and inspections related to any additional building and landscaping. She stressed that this request was made particularly in light of the fact that they planned to use the newly drilled well to irrigate the property, which would require more land disturbances beyond which they had already exceeded.

Chair Suesser asked Speaker Nelli to orient the Commission on the images shown on page 4 of the packet and asked when the apple trees were planted. Speaker Nelli stated that work started on planting the apple trees last summer. Speaker Nelli also clarified that she was primarily concerned with the perimeter trees highlighted in red. She added that they are close to the fence line, and once they grow they would completely block the sun and the views. She noted that the Aspen were almost at maturity, and while they likely will not grow higher, they still blocked the neighbor’s views in 2005 and 2006. Chair Suesser also asked about the location of the well in relation to the information in the packet. An unidentified speaker highlighted the location of the well. Speaker Nelli noted the general location of the six apple trees. She also commented that they placed woodchips around the trees.

Stacey Sayers reported that she resides in 84060. She stated that she owns a property that adjoins Lot 2 in the Willow Ranch Subdivision. She expressed concern about several projects and activities occurring on Lot 2 and the surrounding area. Speaker Sayers focused on the obstruction to the view corridor and land disturbances on the wetlands. She stated that the newly planted trees on Lot 2 would obstruct her views. She indicated that she purchased her home in 2005, largely due to the views. The prior owner of the Hall residence planted Aspens and evergreens along the fence line. She reported that these trees now formed a wall and impacted

many of the neighbors' views. This view obstruction should never have occurred, and should not be repeated with the current tree planting on Lot 2, which would block views.

Speaker Sayers reached out to the Halls and personally asked that they not plant the trees. She stated this was to no avail. The original MPD approved in 1993 clearly stated that neighbors' view corridors would be protected. The 1999 Plat Amendment reinforced this objective. She requested that the newly planted trees be removed to comply with the approved MPD.

Speaker Sayers continued by stating that Willow Ranch Subdivision was located within the Sensitive Land Overlay District according to a City Council Staff Report in 1999. There have been many disturbances in the soil, including tree planting and the drilling of the well. She asked whether there was a professional analysis of the impact of these projects on the wetlands. She also asked if the permitting process protected Sensitive Lands.

Speaker Sayers requested a thorough review of all activities on Lot 2 in Willow Ranch, and the wetlands surrounding Lot 2 through a Sensitive Land Overlay Analysis, assuming it was never done. She also requested a determination of the total square footage of the disturbance. Speaker Sayers felt that a professional analysis would provide recommendations to protect the land and identify any violations. She stressed the importance of Lot 2 to local wildlife. Speaker Sayers argued that the entire space was a wildlife corridor. She commented that the growth of Park City had put pressure on wildlife. She listed the number of species that were seen on Lot 2 and stated that it had been a gift to experience the wildlife on this land. She added that the hidden refuge and passageway served them all, and she hoped they could just let it be.

Jim Hoffmeister read a statement on behalf of Frode Jensen, who resides at 2812 Holiday Ranch Loop, which is adjacent to the property:

'I join my neighbors, who live in clear site of the estate at 2750 Meadows Creek Drive, in objecting not only to the owners' plan to block our neighbors' clear views of the majestic Park City Ridgeline, which they have enjoyed for decades but also to the owners' plan to landscape the natural fields and the meadows and wetlands, which the City undertook to absolutely protect when the development of the Subdivision was approved in 1992.

This development project should never have been granted a Building Permit nearly two years ago. One of the owners, a lawyer, and a sitting Planning Commissioner since this project was conceived, should have known this, or else she doesn't know the requirements of our Land Management Code well enough to sit on the Planning Commission. The Planning Department should have known this too, since it has approved a project, which inexplicably violates the maximum residential square footage clearly set forth in the Plat. It ignores the express requirements for development of a Sensitive Lands area and has freely allowed for development of a sacrosanct wetland in our climate-challenged high country. These are in addition to numerous other problems. I would be complaining about this illegal development proposed by a sitting Planning Commissioner, of all people, even if it were the only development I knew of in town, which runs roughshod over our land use laws, but it's not.

There are numerous examples over the last few years of illegal development approved by the Planning Department. I, and others have tried to call these to the attention of the Mayor and the City Council with only limited success. Now, based on the adversarial approach the City has recently taken to objections to the Commissioner's project, it seems

the City doesn't agree that there is a problem. Many of us who live here disagree, and I hope that the City Council will closely examine our concerns.'

Bob Theobald went over the documents presented to the Commission by the previous speakers and those presented by him. He expressed his belief that there was sufficient evidence supporting probable cause necessary to begin an in-depth investigation into coincidental incompetence or complicit deception. He referenced the submission, acceptance, and processing of plat amendments in April 2021, a subsequent Building Permit in October 2021, and several other consequential events.

Speaker Theobald focused on a document he submitted that showed the Building Permit for the home on Lot 2 in 1999. He stated there should be no question about the size of the home, as the Building Permit lists it as 9,830 square feet. He argued there were months of deceit as to the size of the house. He offered that it was not disclosed as part of the 2021 Plat Amendment to get a flexible ratio between the barn square footage and the house square footage. The Planning Department and an attorney who is a sitting Planning Commissioner should have known this information.

Speaker Theobald stated there were three other places where the City could have obtained the information regarding the square footage and known that it exceeded 9,300 square feet as platted. No one did anything about it, and he expressed certainty that Commissioner Hall was aware of this information as she was paying taxes on 12,000 square feet. She also had the Building Permit and access to the Multiple Listing Service information. He referenced a drawing in his submission that was taken from the County Assessor's Office. He claimed that this drawing was sent to the County Tax Assessor, who calculated the square footage at 11,597 square feet. By subtracting the square footage of the garage, there would be 10,997 square feet.

Referencing this drawing, he highlighted the area marked "attic," which was shown above the garage. He averred that was the plan submitted by Commissioner Hall. He next referenced a page showing a plan submitted by John Thompson in 1999, which showed there was not an attic over the garage; rather, there was a bathroom, a closet, a vanity, a bed, a fireplace, French Doors, a balcony, and a deck. He stressed that was in the home, not what Commissioner Hall supplied for review.

Speaker Theobald argued that the Planning Commission had the authority and the obligation to look into this because Commissioner Hall could not have done this on her own. He felt there had to be participation by Staff. He reiterated that he has obtained documents from the Army Corps of Engineers pursuant to his Freedom of Information Act ("FOIA") request, and he knew when the trees were planted and whether permits were given. He also referenced his Government Records Access and Management Act ("GRAMA") request for all e-mails between Commissioner Hall and Planner Ananth and he is aware of the communications. Speaker Theobald stated that it was the Planning Commission's job to figure this out, as it had gone on for two years.

Gerry Hall identified himself as the owner of Lot 2. He stated that he had not planned to speak this evening, as he was not informed that this big of an event would be occurring during this meeting. He stated there were a number of gross mischaracterizations by the neighbors, and he felt it was unfortunate that they had taken this tactic and general viewpoint toward what should be an easily rectifiable situation.

Speaker Hall reported that they purchased the house three years ago. The house was built 20 years ago and landscaped without any complaint. All they had done since then was to pull a remodel permit. They made the house smaller than the one they purchased. He added that they planted approximately 20 trees on a property that already had at least 200 trees, all of which were planted by previous owners. He pointed out there was no view protection for the neighbors in either the Plat, the LMC, or the Covenants, Conditions & Restrictions ("CC&Rs"). He stressed that any such implication otherwise was false.

Speaker Hall stated he had spoken to most of the neighbors who spoke during this meeting, and offered to move trees. They also changed plantings in which they planted smaller juniper bushes where they intended to plant taller trees. He added that they also moved trees at least 20 feet for the Nelli's, not six inches as Speaker Nellie stated. He noted that was a great cost as it had already been planted.

In terms of the well and other issues, Speaker Hall explained there were a number of places within the LMC, the Plat, and within various agreements with the City over the years that allowed for irrigation of the property. He noted that in addition to irrigating the property, these documents also explicitly allowed for various uses they chose not to do, including grazing horses, building fences, and paths.

Speaker Hall stated that the permit for the house that Speaker Theobald complained about so vociferously was for a remodel. They were in the process of that remodel for almost one year before Speaker Theobald raised any complaints. He noted that the complaints only came after they planted a handful of trees on a property that was already full of trees. He wanted the Commission to be aware that at the end of the day, this came down to a handful of neighbors wanting to protect their mountain views, which he understood. He noted these neighbors did not necessarily have a legal right to those views, but he understood the desire for them to hold onto them. He met with Patrick Nelli and offered to put a view easement on the property that would allow them to continue their views if they would stop harassing the Halls. He noted that the offer had gone unheeded, and instead, they chose this path.

Speaker Hall commented that Speaker Theobald had gone after three other neighbors over the last two years. He did not feel that this type of bullying activity should be how the City functions. He stressed that he was still open to working with the neighbors and helping to alleviate their concerns about the views, as it is really the only thing they are concerned about. He did not feel this was the forum to accomplish that.

Chair Suesser asked if there was an understanding that the 20 trees he planted were planted appropriately and outside of the wetlands-restricted area. Speaker Hall explained there was a very specific area on the Plat map called the "Wildlife Corridor," that is protected and which they are not allowed to disturb. He stated it was essentially Limits of Disturbance defined in the negative. In that area, they were not allowed to plant trees, dig, or run irrigation within that area. The rest of the area is their yard, and Speaker Hall stated that Code Enforcement had been to the house approximately 15 times in the past year and found zero violations. He reiterated that the other 200 trees on the property were planted in the same land use area as the 20 trees they planted. He stressed that the last four owners over the past 25 years had done exactly the same thing, and to accuse them of receiving special treatment simply because his wife sits on the Planning Commission was very offensive. He reiterated that they had done nothing different than any of the previous owners had done over the past 20 years. Speaker Theobald stated he would

be sending an electronic notice of response. He felt it was just another example of misreading Code and Staff not knowing what is out there.

There was no further public communications. Chair Suesser closed this portion of the meeting.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director, Rebecca Ward reported that they had a great community meeting for the Bonanza Park Small Area Plan and the City's Five Acre Feasibility Study on July 19, 2023. The meeting was well attended by over 200 community members. There was a survey online at www.BonanzaPark.com that was available in English and Spanish. She encouraged community members to complete that survey.

Chair Suesser echoed that there was a great turnout and a few of the Commissioners were also present for that meeting.

Chair Suesser welcomed back Commissioner Johnson.

Commissioner Sigg stated that he would recuse himself from 958 Woodside Avenue item on tonight's agenda. He reported that he is personally acquainted with the owner of that property, and also has a business relationship with the owner, who is his neighbor.

A. Pursuant to Land Management Code Section 15-12-6, the Planning Commission Will Elect One of Its Members to Serve as Chair for a Term of One Year.

Chair Suesser reported that she has served as Planning Commission Chair for the last year and would like to step down from that position.

Commissioner Van Dine referenced prior discussions about appointing a Vice-Chair who would assume the role of Chair if the Chair were unable to attend a meeting in person. She also mentioned the possibility of designating someone else who could run the meeting in person if the Chair and Vice-Chair were either absent or on Zoom.

Chair Suesser liked the idea and noted that the other item on tonight's agenda was to elect a Vice-Chair as well. She felt that having the Chair or Vice-Chair run the meetings in person would be helpful with the understanding that if the Chair was attending via Zoom, the Chair would still not vote but the Vice-Chair would. She added that they could arrange a third person on-the-fly if needed, and would not necessarily need to designate that person now.

Commissioner Frontero offered that since the current Vice-Chair was Commissioner Hall, he wanted to hear from her whether she was interested in being elevated to Chair. If she were, he would be in favor. Chair Suesser agreed and added that Commissioner Van Dine would make a great Vice Chair, if willing. Commissioner Van Dine also agreed with elevating Commissioner Hall to Chair and expressed her willingness to serve as Vice Chair.

Commissioner Hall stated she would defer to the consensus of the Commission. She added she would serve in any position. Commissioner Johnson asked Commissioner Hall if she wanted to serve as Chair. Commissioner Hall stated that if there was a consensus, she was willing to serve as Chair. She noted there were many good Commissioners and would support the consensus.

MOTION: Commissioner Frontero moved to NOMINATE Commissioner Hall to serve as Chair of the Planning Commission and nominate Commissioner Van Dine to serve as Planning Commission Vice Chair. Commissioner Shand seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

5. CONTINUATIONS

- A. **544 Deer Valley Loop Road - Condominium Plat Amendment - The Applicant Proposes to Increase the Private Area Square Footage of Each Unit, and to Expand Unit A and Unit B. PL-23-05695.**

Chair Suesser opened the public hearing with the understanding that this item would be continued. There was no public comment. Chair Suesser closed the public hearing.

MOTION: Commissioner Johnson moved to CONTINUE 544 Deer Valley Loop Road – Condominium Plat Amendment, and the public hearing thereon to August 9, 2023. Commissioner Sigg seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

Commissioner Sigg left the meeting.

6. REGULAR AGENDA

- A. **958 Woodside Avenue - Plat Amendment - The Applicant Proposes to Create Two Lots in the Historic Residential - 1 Zoning District. PL-23-05561.**

City Planner, Spencer Cawley reported that the applicant's representative, Martina Nelson, was present. He reported that the Planning Commission previously reviewed this application in April 2023. The proposal before the Commission had been amended and he stated that he would present the prior proposal for the purpose of comparing it to the amended proposal. The original proposal was to combine 2 ½ Old Town Lots to create one Lot of Record for a total of 4,670.5 square feet. That would have allowed for a Building Footprint of 1,801 square feet and would create a Lot with a width of 62.5 feet. He stated that the existing Footprint of the non-Historic Structure on the site was 913 square feet. At the previous meeting, he reported that the Planning Commission indicated that this proposal was not cohesive with the neighborhood scale or with the Historic District. The applicant, therefore, amended the proposal to create two Lots.

Planner Cawley explained that Lot 1 would create 1,875 square feet, which is a standard Old Town Lot. Lot 2 would be comprised of 1½ Lots for a total of 2,812.5 square feet. He noted that the Building Footprint for both Lots would be much smaller. The Building Footprint for Lot 1 would be 843.75 square feet, and Lot 2 would be 1,200.67 square feet in size. He added that the width of Lot 1 would be 25 feet, and the width of Lot 2 would be 37.5 feet.

Planner Cawley reported that the amended proposal complied with the Pending Ordinance regarding Lot Combinations. He presented an image of the proposed Plat Amendment showing Lots 1 and 2 at 958 Woodside Avenue.

Chair Suesser asked if the proposal included any changes to the Lot lines. Planner Cawley answered in the negative and explained that the only change would be the removal of the one Lot line to combine the 1 ½ Lots.

Planner Cawley reported that the proposal, as amended, complied with LMC Chapter 15-2.2 for the Historic Residential-1 ("HR-1") Zoning District. He stated that future development would be required to meet the Building Height requirements. He noted that the current structure did not meet the Building Height requirements. He added that there was no off-street parking provided by the existing structure, so each Lot would be required to provide two off-street parking spaces as required by the Land Management Code.

Planner Cawley noted the proposal would increase unit density; however, it would decrease the Building Footprint per Lot. He noted that one of the requests from the prior meeting was to see a streetscape in order to better visualize the compatibility with the surrounding neighborhood. He presented images showing both sides of Woodside Avenue and noted 958 Woodside Avenue as it currently existed. He also noted the images showing the proposed Lots 1 and 2 and noted the amended proposal was more in conformance with the neighboring properties along Woodside Avenue.

In response to Chair Suesser's inquiry, Planner Cawley reported that the existing structure straddled the two current Lots. He confirmed that the structure would need to be removed if this application were approved, and referenced the Condition of Approval that required demolition of the existing structure prior to recordation of the Plat. He noted this Plat Amendment would not create a Non-Conformity.

With regard to good cause, Planner Cawley stated that this proposal would resolve an existing Non-Conformity in that the current house was constructed over the Lot line common to Lots 20 and 21. The character of the HR-1 Zoning District would be retained. In addition, he noted that the overall Building Mass would be reduced and it would maintain the transition from the condominiums adjacent to these Historic properties. He added that the new development must comply with the Design Guidelines; specifically, both new structures would be required to go through the Historic District Design Review ("HDDR") process. Planner Cawley added that no public street or Right-of-Way would be vacated or amended, and no easement would be vacated or amended.

Martina Nelson, owner of Park City Surveying, did not have much to add but offered to answer any questions.

Chair Suesser asked if the applicant could build a Single-Family Home on Lot 2 and something like a barn on Lot 1 if this application were approved. Planner Cawley reported that it would be reviewed specific to the zoning requirements for an Accessory Structure, which would require it to be limited to no more than half of the new Lot size. There would also be restrictions on where it could be placed from the Lot lines, as well as structure height. Planner Cawley noted that the owner could potentially propose the example mentioned by Chair Suesser, but it would need to meet the regulations.

Chair Suesser commented that based on Planner Cawley's response, the applicant would not be required to build a Single-Family Home on the smaller Lot. Planner Cawley recalled that a barn was not an allowed use in the Historic District. Assistant Director Ward explained that a Single-Family Dwelling would be allowed, and anything such as a garage or other Accessory Structure

to the Dwelling would have to be on that one Lot. Therefore, the residential use would be on each Lot, and any Accessory Use would have to be added to the Lot in compliance with the Code.

Chair Suesser observed that if this application were approved and there was any new development, it would have to be two Single-Family homes. Senior City Attorney Mark Harrington added that there could also be another permitted use in the zone.

Assistant Director Ward reported that in the HR-1 zone, the allowed uses were Single-Family Dwellings. A Duplex was also an allowed use, but these Lots would not meet the Minimum Lot Size requirement. Therefore, the only allowed uses for these Lots would be Single-Family homes, allowed Accessory Structures.

Commissioner Shand understood there would be two separate Plats, and each Lot would be subject to Setbacks and Code requirements that attach to a separately platted Lot. Planner Cawley confirmed this understanding to be correct. Surveyor Nelson clarified that there would be one Plat with two Lots. Because there would be two Lots, Setbacks and other regulations would still apply to each Lot.

Chair Suesser reiterated that there would have to be two Single-Family homes developed on these two Lots. Assistant Director Ward reported that there were additional Conditional Uses within the HR-1 Zoning District that include a bed and breakfast, boarding house, or minor hotel, but those would require review by the Planning Commission. As far as allowed structures, it would be a Single-Family Dwelling.

Chair Suesser wondered if they were getting to where they wanted to get following the last meeting. She recalled concerns raised about the scale and character of a Single-Family home being built on 2½ Lots. She noted that with the amended proposal, the applicant was increasing density.

City Attorney Harrington clarified that the applicant could propose a structure that would fit under an allowed use in the zone. He noted that 90% of the other uses allowed in the zone appeared to be Accessory-related to a primary use. He noted there could be a parking area use and some agricultural uses. He stressed that he did not want to preclude anything other than a Single-Family Dwelling.

Chair Suesser did not feel the Commission's goal was to increase density by requiring two Lots and not allowing the applicant to build on 2 ½ Lots; rather, it was more the scale of the home that the Commission was trying to regulate.

Surveyor Nelson reported that they took the feedback from the Planning Commission to heart. They heard that the Commission did not feel that a 62.5-foot wide Lot would fit in this neighborhood, and a Single-Family home built to the Maximum Square Footage on the 2 ½ Lots would be too big. She noted that she had seen a change in Old Town going from less density and bigger homes to more density and smaller homes. She reiterated that they took the comments from the last meeting to heart, which was why they proposed a two Lot Plat Amendment for two Single-Family homes. The applicant agreed these two homes would fit in better with the scale of that block. Surveyor Nelson stressed that the applicant was not asking for anything special or outside of the LMC. She made clear that all development would be approved according to City standards.

Commissioner Frontero agreed that the Commission provided feedback that a Single-Family home built to the maximum of the 2 ½ Lots would be out of character. He was glad to see that the amended application was more in line with that feedback. He thanked the applicant for listening to the Commission's feedback and coming back with an application that was more in line with the neighborhood, the general guidelines, and the LMC. He liked this plan better than the original. He spoke with Planner Cawley about Condition of Approval 8 regarding off-street parking and asked Planner Cawley to provide the definition of two off-street parking spaces.

Planner Cawley read the definition of off-street parking from the Code as being: "Entirely outside of any City Right-of-Way, street, access easement, or any private access drive or street required by this Title."

Commissioner Frontero noted that presumably the off-street parking would include a driveway that could fit two vehicles, or there would be a garage and a driveway.

Commissioner Shand reported that he visited the site and observed the other homes along the block. He agreed with former Commissioner John Kenworthy that a home of the size proposed for the larger Lot would have been out of keeping with the neighborhood. He agreed with Commissioner Frontero and liked this plan better, and liked that Lot 1 was the smaller of the two Lots and was located on the end cap of the neighborhood. He also liked the fact that the larger Lot was next to another Lot that appeared to be approximately 37.5 feet wide.

Commissioner Johnson appreciated the Planner's work on this and noted the Staff Report was well done. He had no questions or comments regarding the application.

Commissioner Van Dine agreed with the prior comments and had nothing to add.

Commissioner Hall had no comments or questions.

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

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation for City Council's consideration on August 22, 2023, for 958 Woodside Avenue – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance as follows:

Findings of Fact

1. The property is located at 958 Woodside Avenue.
2. The property is listed with Summit County as parcel numbers SA-17-A and SA-18 and consists of Lots 19, 20, and the North half of Lot 21 in the Snyder's Addition.
3. The property is in the Historic Residential-1 (HR-1) Zoning District.
4. The Applicant seeks to create two Lots of record.
5. Lot 1 will remain 958 Woodside Avenue, and Lot 2 will be 954 Woodside Avenue.

6. The site contains an existing Non-Historic Structure built in 1972.
7. The current minimum Lot Size in the HR-1 Zoning District is 1,875 square feet. The Proposed Lot 1 is 1,875 square feet and Lot 2 is 2,182.5 square feet.
8. The current minimum Lot Width in the HR-1 Zoning District is 25 feet. The Proposed Lot 1 25 feet wide and Lot 2 is 32.5 feet wide.
9. No remnant Parcels are created with this Plat Amendment.
10. The Proposed Lot Sizes are consistent with adjacent Lots.
11. The Building Footprint of the existing Structure is 913 square feet.
12. Proposed Lot 1 will have a Maximum Building Footprint of 843.75 square feet and proposed Lot 2 will have a Maximum Building Footprint of 1,200.67 square feet.
13. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District.
14. The Front and Rear Setback is ten feet each. The existing Structure is set back 19 feet from the Front Property line and 23 feet from the Rear Property line.
15. The Side Setback is three feet each side. The existing Structure is set back five feet from the west Property line and 29 feet from the east Property line.
16. The HR-1 Zone height is 27 feet from existing grade. The existing Structure is legal non-complying and has a height of 37 feet.
17. Maximum Building Footprints for each Lot are more in-scale with the neighborhood.
18. Each Lot requires two off-street Parking Spaces.
19. There is Good Cause for this Plat Amendment because it resolves an existing nonconformity, present Land Uses and the Character of the HR – 1 Zoning District are retained, no public street or Right-of-Way is vacated or amended, and no easement is vacated or amended.
20. Snyderville Basin Water Reclamation District notes that the existing private lateral wastewater line is shared with 950 Woodside Avenue and crosses 962 Woodside Avenue, out to 10th Avenue.
21. Notice was published on the City's website, the Utah Public Notice website, mailed courtesy notices to property owner within 300 feet, and posted notice to the property on June 28, 2023.
22. *The Park Record* published notice on June 28, 2023.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, Historic Residential (HR-1) Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The Plat shall note that fire sprinklers are required for all new construction.
4. A non-exclusive ten-foot (10') public snow storage easement on Woodside Avenue shall be dedicated on the Plat.
5. The plat shall note the Maximum Building Footprint for Lot 1 is 843.75 square feet and Lot 2 is 1,200.67 square feet.
6. The non-historic Structure shall be demolished prior to recordation of the Plat.
7. New construction on Lot 1 and Lot 2 shall comply with the LMC in effect at the time of Building Permit application.
8. Each Lot shall have a minimum of two Off-Street Parking spaces.
9. Prior to redevelopment, the applicant must provide a survey of significant vegetation and submit a landscape plan that justifies replacement of the vegetation as outlined in LMC 15-5-5(N).
10. Any development on Lots 1 and 2 must undergo the Historic District Design Review Process for Compliance with LMC § 15-13-8 Design Guidelines for Historic Districts and Historic Sites.

11. Any development on Lot 1 or Lot 2 shall require wastewater service be routed to Woodside Avenue, which shall include the installation of an injector waste pump.
12. The Plat shall note that this Lot is subject to Ordinance 2023-XX.
13. The Engineering Department shall review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Sigg did not participate in the vote.

After a brief recess, Chair Suesser called the meeting back to order. Commissioner Sigg rejoined the meeting.

B. 2346 Park Avenue - Conditional Use Permit - The Peaks Hotel Proposes Changes to an Existing Conditional Use Permit to Install a Tent in the Hotel's Rear Courtyard for Private Events and Hotel Guests. PL-23-05669.

Planner Cawley reported that last June, the Planning Commission approved The Peaks Hotel to install a courtyard tent in the rear courtyard 12 times per year, 5 days per installation. The Commission also granted a parking reduction based on a Parking Management Plan. In addition, he recalled that the Conditional Use Permit ("CUP") included approvals for hotel events and outdoor use for Versante on the Lawn. Versante on the Lawn also received an Administrative CUP for their outdoor use. He noted that a Fire Permit was required, as well as an inspection for each installation.

Planner Cawley reported that one of the Conditions of Approval in the Final Action Letter required The Peaks Hotel to return to the Planning Commission within one year to review this application and to see if there were any further mitigations needing to be imposed. He stated that The Peaks Hotel proposed additional changes to the existing CUP. He reported that Versante on the Lawn had terminated, and would not be activated moving forward. With regards to the tent approved for 12 times per year, 5 days per installation, the applicant requested two installations. The first installation would be for a summer use from the last week of May to the first week of October, not to exceed 180 days.

Planner Cawley explained that the winter use would be an installation the last week of November, and removal in the second week of April. This use would likewise not exceed 180 days. He reported that the original approval included a Traffic Demand Management Plan, in which the Hotel agreed to do several things. One of those was to give the guests of the hotel contracted parking information, which included the location of additional parking, parking underground, and parking requirements for events held at the Hotel. He added that the Hotel was required to keep a current towing contract. In addition, the Hotel painted the curb along Jupiter View Drive red and installed "No Parking" signs on the road along the Hotel's property.

In addition, the Hotel ran ads three times per week on KPCW in which they provided information regarding public transit and active transportation opportunities for Versante on the Lawn's

activation. This also included incentives for discounts on food. Planner Cawley added that the applicant was required to complete an updated parking review during the summer months, including statistical numbers for Versante on the Lawn. He reported that the Planning Commission must review and approve a proposal to install a temporary tent on site for periods longer than 14 days and more than five times per year. He referenced the table in the Staff Report that showed compliance with both the Residential Development-Medium ("RDM") and Frontage Protection Zone ("FPZ") Setback requirements.

Planner Cawley explained that the FPZ was specifically enacted to protect the scenic view corridors of the City, and Park Avenue is one of those scenic corridors. He stated that the tent would be located in the rear courtyard and not visible from Park Avenue. As conditioned, the proposal complied with the LMC Section regarding Temporary Structures, Tents, and Vendors. He added that the International Building Code requires an operation or fire permit to be issued by the Building Department prior to installation. The Fire Marshal must also conduct an inspection prior to use of the tent. He reported that this proposal was for two installations per year, not to exceed 180 days. The applicant also requested ongoing annual use. He noted the Conditions of Approval in the Final Action Letter that were specific to following the Municipal Code on noise. There were no proposals for signs or lighting and the applicant agreed to adhere to the State, County, and City requirements regarding mass gatherings. In addition, the Conditions include the requirements for compliance with the International Building Code.

Planner Cawley reported that the proposal, as conditioned, complied with the Conditional Use Permit criteria. Conditions of Approval 6 – 10 were specific to the installation criteria. He reiterated that the summer installation was limited to the last week of May with removal in the first week of October. The winter installation would be from the last week of November to the second week of April. He added that during the summer months, only the tent frame was allowed to remain installed; therefore, the applicant would be required to install the top panels one day before and remove them one day after a summer private event at the Hotel.

Additionally, at the end of the installation period, the frame must be dismantled and removed from the site. He noted the Condition that a fire permit was required prior to installation of the tent, and inspection by the Fire Marshal after installation every two weeks. This requirement applied to both installations. In terms of parking, Planner Cawley referenced a table that outlined the uses on the site. He mentioned the Hotel, the restaurant, and the tent use. For all of those uses, there would be a total of 168.2 required off-street parking spaces. He noted there were 135 parking spaces available on-site; therefore, the applicant requested a reduction of 33 parking spaces.

Planner Cawley mentioned that the approval from last year included a reduction of 41 total parking spaces. He reported that the applicant had been using certain strategies to regulate the off-street parking. There was parking for 36 bikes with on-site bike racks. He added that the garage remained open to the public for use during Hotel invite-only events, and was not limited to Hotel guests.

Additionally, the applicant would maintain the towing contract, the "No Parking" signs, and the painted red curb. He reported that the applicant also had security that helped manage traffic during private events at the Hotel, and the Hotel installed signs directing parking to the garage entrance in the south lot. Planner Cawley noted that typically the north lot filled up first, and many attendees did not realize there was additional parking in the garage or the south lot.

With regard to the Parking Study, Planner Cawley explained that the applicant conducted the study between July 7th and August 1st of last year. The highest average parking occurred on July 16th, which was a Saturday. The average was 84 parked cars and the lowest average parking was on Tuesday, July 26th with 38 parked cars. He added that the Parking Study showed that Friday, July 8th was the only time the lot reached full capacity of 135 parking spaces at 6:00 p.m. He referenced the Staff Report that cited the Parking Study information that the following hour it dropped back down and then increased once again at 8:00 p.m. without reaching full capacity.

Planner Cawley highlighted Conditions of Approval 13 and 14 that were a carryover from last year's approval. These provide that the Planning Director reserves the right to revoke the CUP, reduce attendance to an event, terminate programming, or create additional mitigation strategies to keep parking on site. He also noted the Condition of Approval that the applicant was required to continue to provide guests with detailed information regarding the underground parking and requirements for parking during events. Additionally, the towing contract shall be maintained.

Planner Cawley reported that the Planning Commission could approve the CUP for the tent only, approve the CUP for the tent and grant a parking reduction, or deny the CUP. The Planning Commission could also request additional information and continue the discussion to a date certain.

Chair Suesser asked about the dimensions of the proposed 800-square-foot tent. Planner Cawley reported it would be a 20' x 40' tent, which is the same size as the current tent. He confirmed that the proposal would not expand the size of the tent, only the frequency of use.

Chair Suesser referenced the slide that mentioned the garage would be open for use by the public during Hotel invite-only events and requested clarification. Planner Cawley reported that last year, part of the discussion was that the underground parking was only for Hotel guests. The events that use the tent would be for Hotel guests and their invited guests. Therefore, Staff required that the garage remain open during those events so that those who were not staying at the Hotel would still be able to park in the garage.

In response to Chair Suesser's inquiry, Planner Cawley presented an image of the signage directing people to park in the garage. She recalled her recommendation that the Hotel guests be required to park in the garage to free up the surface parking for guests coming to Versante on the Lawn. She reiterated that recommendation for this application.

Chair Suesser felt the garage was not being utilized to its capacity by the public, because it was not clear that the public could park there for free.

The applicant's representative, Sean Rayner reported that the parking garage door was opened every Friday afternoon and left open through the weekend.

Commissioner Johnson observed that the applicant proposed using the tent for 10 months of the year. He wondered why the Planning Commission did not request an updated Parking or Transportation Plan that included the winter months. He noted this was a long-term use and the Study from last year was from July 7th to August 1st and contemplated Versante on the Lawn. He noted that was a huge community benefit considered by the Planning Commission in allowing a 41-car parking reduction. He asked the applicant if the Hotel was contemplating a permanent structure to accommodate this proposed use, and if so, what the timeframe would be. Applicant

Rayner believed that the Hotel was contemplating something out there, but there was no time frame at this point.

Applicant Rayner added that in addition to the parking count last summer, they also conducted one in February. Commissioner Johnson suggested including that as an additional exhibit or that the information be sent to the Commission. Applicant Rayner reported that they typically have fewer cars during the winter months because people use airport transportation or Uber. The car count was way down in the winter as compared with the summer.

Commissioner Johnson reiterated that he would like to see that information. He added that as the Hotel was expanding this into more of a regular use, he would like to know more about the expansion of events and the need for a longer-term tent. Commissioner Van Dine agreed with Commissioner Johnson and recalled that when they reviewed the prior application they based some of the parking reduction on the community benefit and the summer use of Versante on the Lawn. Now that that use was completely gone, which she noted was disappointing, she would like to see the parking numbers. She noted that the neighboring Homeowners' Association ("HOA") was okay with the framing and the tent. She recalled that the HOA was not supportive of this previously and wanted to know about the change of heart. Commissioner Van Dine also questioned having the metal frame up for an additional two months and echoed Commissioner Johnson's question about a more permanent structure.

In response to an additional inquiry from Commissioner Van Dine, Planner Cawley reported that if there were a tent outside of the courtyard, the applicant would need separate approval. If this application were approved, it would allow the applicant to use the tent for any permitted event. Commissioner Van Dine clarified that she was referencing those times when the tent was removed, and asked if the applicant would be precluded from any events during those shoulder months. Planner Cawley stated that during the times when the tent was removed, there could not be any events and the tent could not be installed. She requested further information on the HOA's support for having the tent up for 10 months out of the year.

Commissioner Shand asked for a breakdown of the number of parking spaces in the garage versus on-surface lots. He asked if the intent of opening the garage parking to non-Hotel guests would make more efficient use of the garage parking space.

Applicant Rayner reported that many of the Hotel guests do not use the parking garage in the summer. He noted that many who come to Versante now use the garage because they know about it. He echoed Commissioner Van Dine's inquiry regarding the neighboring HOA and asked if the applicant had a letter of support. Applicant Rayner stated he did not have a letter.

Assistant Director Ward stated there were representatives of the HOA present to provide public input. Commissioner Frontero noted that this request is a far cry from what was currently allowed. He asked the applicant why the change was necessary.

Applicant Rayner stated it was a timing issue with the company that installs the tent. He stated the applicants could not install the tent themselves. Additionally, they have events virtually every weekend, and it costs \$1,800 to install the tent, and \$1,800 to remove it. Commissioner Frontero understood that the proposal was to leave the structural posts up and remove the top in between events. He asked about the inclusion of the 180 days. Planner Cawley explained that came from the International Building Code, which provides that a temporary structure cannot be installed for more than 180 days. Commissioner Frontero asked to reduce it because he did not want the

Hotel to have the option to leave the tent up for 180 days in the summer and another 180 days in the winter. He suggested tightening the time frame to reflect the months included in the application.

Commissioner Frontero reported that he drove by this structure and agreed that it was not very intrusive. He was not surprised that the HOA wrote a letter stating they were not disturbed by it. However, he agreed with the other comments that expressed the need to move towards a more permanent structure. He noted this seemed to be a part of the Hotel's new business philosophy towards a more wedding/event-driven site, and he expressed that it should be incorporated into the Hotel going forward.

Given that, Commissioner Frontero was not comfortable with the request without having the applicant return each year for re-approvals. He understood the current Code would require the applicant to return each year. Planner Cawley stated that was up to the Planning Commission. Commissioner Frontero stated he did not want to be overly onerous on the applicant, but would be more comfortable having the applicant return each year, or every other year until this became permanent. Applicant Rayner was agreeable with returning each year.

Commissioner Frontero asked if the Planning Director could conduct the annual review. City Attorney Harrington reported that there was already a Condition of Approval specific to the parking review. If a full review was requested, they typically included a Condition that the Planning Commission shall conduct that full review. He stated the Planning Commission could require annual Planning Director review. Applicant Rayner reported that he would be willing to come in every six months if he had to.

With regard to parking, Commissioner Frontero understood there was a reduction approved in the prior application when the Commission found that Versante on the Lawn was a community benefit. He noted that had changed, and because the number of hotel rooms had not decreased, the parking requirement was still 176 spaces pursuant to the Code.

Commissioner Johnson understood from the Staff Report that 135 parking spaces were approved, and anything above 135 for this proposed use would be an exception. Planner Cawley explained that the 176 parking spaces included the use of Versante on the Lawn. Without Versante on the Lawn, the parking requirement is reduced to 168.2 parking spaces required by the Code. The applicant requested a reduction of 33 parking spaces from the 168.2 required spaces.

Commissioner Frontero asked why the applicant needed a reduction in parking. Planner Cawley explained that the applicant's property did not meet the requirement for all uses on the property; therefore, the applicant requested the reduction so that they could have this tent use on the property. Commissioner Frontero asked what happens when the parking is at capacity, as reported for July 8th. Applicant Rayner could not answer that question. He noted they had one day where they reached capacity at 135, but most of the people who attend events stay at the Hotel. If event guests are not staying at the Hotel, the applicant requests the event organizer to rent buses or shuttles for the off-site guests. Applicant Rayner added that the Hotel explains to event organizers that there is limited parking and no street parking. However, he could not answer where excess cars would park.

Commissioner Hall asked if there was a Condition of Approval requiring instructions to event organizers regarding parking. Applicant Rayner stated that it is an internal policy. He added that the Hotel also hires security during those functions to monitor parking and make sure no one

parks on the back street. Commissioner Hall agreed with the prior comments and specifically referenced Commissioner Frontero's questions. She did not support a parking reduction and noted that she was part of the Commission that approved the prior parking reduction because the predominant users of the lawn were biking or walking. She felt that was a different clientele from the one that was looking to utilize the event center for weddings. She would like additional Conditions of Approval if the Commission felt a parking reduction was warranted. She stressed that these were two very different parking reductions based on the type of use.

Chair Suesser agreed with Commissioner Hall's comments but felt that the elimination of Versante on the Lawn reduced some of the parking demand. She added that out-of-town guests attending events under this tent were more likely to take shuttles or ride shares. She felt it balances in terms of the 135 spaces and did not foresee that being a strain on parking without Versante on the Lawn.

Chair Suesser added that the elimination of Versante on the Lawn was a loss for the community.

Commissioner Sigg was interested in hearing from the Parkview Condominium HOA beyond what was submitted at the last public hearing. He commented that a reduction of parking fell in line with supporting transportation initiatives for the local population. If the parking was driven by the events under the tent, he wanted to have a better understanding of how the bus system and transportation stops functioned in that area. He stated the biggest parking issue for him was Jupiter View Drive as a dedicated City street, and he would not want that to become an overflow-parking road.

Commissioner Sigg asked if the applicant could have events even when the tent was removed but the framing remained. He wanted to see language that would address lighting and the use of the skeleton facility. In response to Commissioner Sigg's inquiry, Applicant Rayner confirmed that the tent was installed on a concrete slab. Applicant Rayner also explained that event guests used the facilities within the Hotel and the applicant does not bring in porta-potties. Applicant Rayner reported that there were two sets of restrooms on the first floor of the Hotel. Commissioner Sigg felt the numbers were important so they would not get into a situation where there were insufficient facilities for event guests.

Commissioner Sigg commented that Versante on the Lawn was a different paradigm than what was proposed currently, and his biggest concern was that Jupiter View Drive would become overflow parking for this use. Applicant Rayner stated that there were "No Parking" signs on both sides of the street. The Hotel owns 1/3 of the street, and the other two properties own a 1/3 each, and he stressed it was a private road. Chair Suesser added that the curb was painted red in conjunction with the Commission's approval of the Versante on the Lawn parking reduction last year. She understood there was not parking on Jupiter View Drive, and that had been adequately enforced.

Commissioner Sigg asked who enforced the parking. Applicant Rayner stated the hotel does, and when they have events, they hire security to monitor the road and the parking lots. They tow any vehicle parked illegally. Chair Suesser reiterated her suggestion of requiring guests to park in the garage and allow non-hotel guests to utilize the surface parking lots. She asked Planner Cawley to review the suggested changes to the Conditions of Approval.

Commissioner Johnson asked about the breakdown between garage parking spaces and surface parking spaces. Commissioner Shand felt the applicant demonstrated that no overflow parking

would end up on Jupiter View Drive. Even though the applicant performed the Parking Study, he found the number of cars parked at the hotel believable. Based on his experience, more people were taking other types of transportation to the hotel. He was interested in the input from the Parkview HOA regarding the location of the tent. He observed that the tent was shielded on three sides, was not visible from Park Avenue, and he did not know how it could be further shielded. He opined that the Parkview HOA would likely have the most to say about the tent. Planner Cawley reported that the north lot has 40 parking spaces, the south lot has 32 parking spaces, and the garage has 63 parking spaces.

Chair Suesser opened the public hearing.

Derek Howard identified himself as the Secretary and Treasurer of the Park View HOA. He explained they changed their position from last year because Versante on the Lawn was a “pain in the butt.” He understood that people loved it, but it brought local traffic in that parked everywhere, including inside Parkview. Because Versante on the Lawn was gone, the extra traffic and parking was also gone. He reported that Parkview HOA owns two-thirds of Jupiter View Drive and the Peaks owned one-third. The HOA placed “No Parking” signs on their two-thirds of the road, they patrol it and have no issues. When the hotel has events, the HOA puts orange cones at their entrances to prevent event guests from parking in their lot, and he stated it had been remarkably successful.

Speaker Howard stated that The Peaks Hotel has been having events this year and there had been no issues on the road. With regard to the visual of the tent, he explained that they changed their position from last year because the owners who were objecting last year realized it wasn’t that much of an issue. This year, there was excess growth on the trees and the tent was just not an issue.

Speaker Howard also stated that noise had never been an issue. The main issue for them last year was the parking on Jupiter View Drive, and it appeared to have been solved with the removal of Versante on the Lawn. He commented that the City was not correctly placed to try and enforce CUP conditions immediately. He stressed that The Peaks had the HOAs support for the tent. There would be no issue having the tent up for 180 days in the summer or the winter. He reiterated that parking was addressed and the HOA had no issues.

There were no further public comments. Chair Suesser closed the public hearing.

Commissioner Frontero noted that there was only one peak day on July 8, 2022, during Versante on the Lawn. Applicant Rayner stated that many people walked and rode bikes, but there were a lot of people who drove. He explained that was part of the reason they eliminated it for the summer because they wanted to keep the tent and have events out back. Doing both did not work. Applicant Rayner reported that he counted the cars for the Traffic Study. He explained that he started at 8:00 a.m. and counted the cars in each lot every hour until 5:00 p.m. After 5:00 p.m., the front desk counted cars until 9:00 p.m.

Commissioner Van Dine addressed Commissioner Sigg’s comments regarding lighting by stating that it was covered by the Code. She did not feel the Commission needed to address lighting or noise in the Conditions because it was already regulated by Code. Chair Suesser asked if the applicant would be prohibited from hosting an event on the concrete slab without a tent. Planner Cawley stated that without the frame, the applicant could still hold events; however, they would still be required to meet the Noise Ordinance and the Lighting Code. Applicant Rayner reported

the hotel did not sell any events outside October/November or in April/May during the times when the tent is removed.

In response to Commissioner Johnson's question, Applicant Rayner reported that the hotel had utilized an outdoor tent on the property for approximately three years. Commissioner Johnson reiterated his prior comment that this would go to a 10-month use on the property as opposed to 12 times per year. He understood the cost factor; however, he wanted them to work towards a permanent solution versus a constant temporary solution for this use. Commissioner Johnson noted that the applicant had found a use that was profitable and was a great venue, but it should be a permanent use. He mentioned updating the Building Footprint. Applicant Rayner stated a new company purchased the hotel last April. He stated the prior owner had plans to build out there, and the new owner was planning to do a remodel next year. He was aware there was a plan for outside, but he did not know the details of that plan.

Chair Suesser observed they were going from 60 days of allowed use to 240 days. Commissioner Shand noted that this was the progression in building a permanent structure. He stressed that the location of the tent was hidden from everyone except the hotel and Parkview HOA. Commissioner Sigg concurred with Commissioner Shand regarding the location of the tent and stated that it was as well concealed as it could be. He also agreed with the comments regarding a permanent structure but understood there was likely to be redevelopment.

With regard to the 240 days, he questioned whether it would actually be used that entire time. Because of the location and Parkview HOA's position, Commissioner Sigg was leaning toward approval of this CUP.

Planner Cawley next addressed the suggested changes to the Conditions of Approval. He added Condition of Approval 16 requiring that the applicant shall return every year. City Attorney Harrington suggested having the first review at the end of the winter season, and then one year after that. The Commission could then decide where to go from there. There was discussion regarding language and there was consensus to require the initial review within four weeks of the end of the winter season.

Planner Cawley asked if the Commission wanted to see the original winter parking study, and an updated parking study as part of the review. Commissioner Johnson answered in the affirmative and suggested that it be done during a peak week in the winter such as President's week.

With regard to Commissioner Frontero's concern about the 180 days, Planner Cawley reported that the last week of May to the first week of October was approximately 120 days. November to April was also roughly 120 days. The applicant stated he was okay with the change to eliminate the reference to 180 days.

Planner Cawley asked Commissioner Hall about her suggested Conditions regarding the parking reduction. Commissioner Hall suggested something stating why they were approving a parking reduction. She noted the attached contract was not incorporated into the Conditions of Approval in terms of requiring guests to take alternative modes of transportation. She stressed that the prior reduction was based on the type of use, and this would be an entirely different use for the parking reduction.

Chair Suesser expressed confusion in that they approved a parking reduction for the outdoor tent and Versante on the Lawn, and now they have eliminated Versante on the Lawn and they would not have the cars they had for Versante on the Lawn.

Commissioner Hall recalled that a significant part of the discussion on the prior approval, as well as her anecdotal experience was that most people were biking or walking to Versante on the Lawn. Therefore, the parking reduction seemed more justified in that circumstance. Even though the hotel was eliminating that use, she felt that the parking reduction was based on the fact that so many people would bike and walk to that use.

Chair Suesser reasoned that the prior application was for the outdoor tent and Versante on the Lawn, and they allowed the parking reduction. One of those uses was now eliminated, so they eliminated the need for any parking for that use. Commissioner Hall agreed but felt that much of the support for the parking reduction was that the sheer volume of people using the lawn were non-car users. She felt there was nothing in the Conditions of Approval that referenced the attached exhibit regarding event use and suggested incorporating that into the Conditions. She also suggested a Condition that the hotel guests utilize the underground parking.

On Commissioner Hall's last point, Chair Suesser stated that if more guests were coming to the venue more frequently to use the event space, that would increase the desire for the hotel guests to park in the garage thereby allowing the public to use the surface lots. Chair Suesser expressed support for a requirement to have the overnight hotel guests park in the parking garage. She asked if there was a consensus on this point, and noted that she raised this last year and there was no consensus.

Commissioner Van Dine stated they could build that into the parking contract they already have for guests, but was unsure how the hotel could enforce such a requirement. She felt the applicant had done a good job delineating where people should park, and did not know how much this requirement would add. Commissioner Van Dine also noted that parking at the hotel had not been an issue, and knowing that at any time this application could be administratively reviewed and possibly revoked, she felt such a requirement unnecessary.

Commissioner Shand noted that Commissioner Hall suggested making parking in the garage mandatory for hotel guests, but he felt the applicant approached it from the other standpoint of making the garage parking available for the public. He noted the applicant's Parking Study demonstrated that the parking was underutilized, and Staff noted there was quite a bit of overlap between hotel guests and visitors. He stated that despite the Code requirement for a certain number of parking spaces for the listed uses, there was quite a bit of overlap.

Commissioner Shand added there are a lot of places where people may park overflow, but the private road was not one of those places. Applicant Rayner stated that if they just wanted the garage parking for hotel guests, they would leave the door closed and the guests would need a key to get into the garage. He commented that due to the age of the building, the parking garage is so low that many vehicles could not use the parking garage.

City Attorney Harrington suggested modifying Condition of Approval 13 to add a requirement that the applicant shall submit a Parking Management Plan that prioritizes the availability of the underground parking to the Planning Director. He would add to the next sentence "If the Planning Director determines the Parking Plan is not managing the parking..." If they wanted to add

additional parking mitigation strategies to the plan for their consideration, the Commission could do so.

Chair Suesser noted that anecdotally, she was in this area often, and the garage is almost always closed and requires a key to open. She stated it was often difficult to find a parking spot in the surface lot. She suggested that be addressed in the future, as she felt it had not been adequately open to the public to date. Applicant Rayner acknowledged that the garage was not open on the weekdays. Instead, they open the garage on Fridays and Saturdays.

Chair Suesser confirmed that they would like to make the changes to Condition of Approval 13, as suggested by City Attorney Harrington.

City Attorney added that another option for the parking counts, he asked if they wanted to specify that the Commission wanted counts broken down by the three areas so they know the percentage for each usage. Applicant Rayner stated that he broke down the parking counts by north lot, south lot, and underground parking.

Commissioner Van Dine added that those counts would need to be available for review following the winter season. Chair Suesser questioned whether the Parking Management Plan and the parking counts were providing enough information regarding how the lots were being utilized and whether there was space available for people going to Versante and whether hotel guests were utilizing the underground garage. With regard to Condition of Approval 1, Commissioner Johnson asked if it should reference 55dBA based on the hotel's location in the RD Zone. He referenced Municipal Code Chapter 6-3.9(A). He asked whether the applicable provision was based on commercial use or the zone.

Planner Cawley explained that the Code reads that it should be measured at or within the property line of the receiving property, which to him meant the residential properties. Commissioner Johnson stressed the chart and stated he was fine either way. He just wanted to confirm what information was correct.

City Attorney Harrington acknowledged that the chart referenced District rather than Use, and felt that Commissioner Johnson was correct. Planner Cawley presented the redline changes to the Conditions of Approval.

Commissioner Hall liked the addition to Condition of Approval 13. She referenced page 7 of the Staff Report and the CUP criteria in regard to traffic. There are specifics as to mitigation methods used to justify the parking reduction. She stated that if the Commission was satisfied with how it was written, she felt it was a good improvement from the initial Draft Ordinance. However, she felt that the justifications for the parking reduction that were included in the Staff Report were not included in the Conditions of Approval. Commissioner Hall agreed that deferring to a plan overseen by the Planning Director was a good practice. Chair Suesser added that she often liked to include those in the Conditions of Approval as well. She asked the Commissioners whether they wanted to further edit the Conditions. Commissioner Van Dine supported the current language, as amended because the Commission would review it after the winter season. Commissioner Frontero concurred.

MOTION: Commissioner Johnson moved to APPROVE 2346 Park Avenue – Conditional Use Permit, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended, and outlined in the Draft Final Action Letter:

Findings of Fact

1. On June 15, 2022, the Planning Commission approved a Conditional Use Permit (CUP) to allow the Peaks Hotel to install a tent in the rear courtyard area 12 times per year for five days for each installation. The Planning Commission also approved a parking reduction for the site.
2. The Peaks Hotel was constructed in 1985.
3. The Peaks Hotel is located on Lot 1 of the Parkview Subdivision and is in the Residential Development – Medium Density (RDM) Zoning District.
4. The hotel contains 127 rooms, 135 Off-Street Parking spaces, and the Versante Restaurant.
5. The site is approximately 60,000 square feet (1.3 acres).
6. Temporary structures, or tents, are a Conditional Use in the RDM Zoning District.
7. Condition of Approval 17 of the Final Action Letter dated June 15, 2022, requires the Applicant to complete a one-year review with the Planning Commission. This review may require changes to the CUP approval or the Traffic Demand Management (TDM) plan to ensure compliance and mitigation of impacts. If the CUP is not reviewed then the approval for a parking reduction and the outdoor uses may be revoked. The Planning Commission reviewed the plan in 2022 and found mitigation was sufficient.
8. The Peaks Hotel requests that the Planning Commission modify the CUP approval to allow for the tent in the rear courtyard area to remain up for more than the approved five-day period. Due to the cost of installing and dismantling the tent, the Applicant requests to install the tent at the start of the Summer and remove the top panels when the tent is not in use.
9. Summer installation is the last week of May to the first week of October.
10. The Applicant also requests to install the tent for a second period during the Winter.
11. Winter installation is the last week of November to the second week of April.
12. During the Summer installation period, the tent is for private, invite-only events at the Peaks Hotel.
13. During the Winter installation period, the tent is for the use of hotel guests.
14. The location of the tent remains the same as approved by the Planning Commission in 2022 – the hotel's rear courtyard.

15. The tent complies with RDM Front, Rear, and Side Setbacks.
16. The Site is in the Frontage Protection Zone (FPZ). The tent location is more than 30 feet from SR 224/Park Avenue and is shielded by the hotel on three sides.
17. The proposal, as conditioned, complies with LMC § 15-4-16 Temporary Structures, Tents, and Vendors.
 - a. Parking. Complies – Installation of the tent will not reduce the site's Off-street Parking.
 - b. Pedestrian Circulation, Emergency Access, Public Safety. Complies – Due to the location of the tent in the hotel's rear courtyard area, the tent will not impede pedestrian circulation. Park City Fire District reviewed the proposal on June 6, 2023, and did not have any concerns with the proposal. The Applicant is required to ensure proper emergency Access is maintained through inspections with the City's Fire Marshal. The tent requires an operations (fire) permit prior to installation. The Applicant is also required to maintain fire land and emergency access for personnel, vehicles, and equipment in the vicinity of the tent, and adjacent permanent Structures. Emergency clearance shall be to the satisfaction of the Fire Marshal.
 - c. Noise. Condition of Approval 1 – Wedding events in the courtyard have amplified music. All music is directed inward rather than toward the Parkview Condominiums. The Applicant indicates that all activity in the courtyard is over by 9:45 PM and hotel quiet hours start at 10:00 PM.
 - d. Signs and Lighting. Conditions of Approval 2 & 3 – Signs and exterior lighting are not proposed with this application.
 - e. Health Code, Fire Code, and Mass Gatherings. Condition of Approval 4.
 - f. International Building Code. Condition of Approval 5 – Section 3103 of the 2018 IBC regulates Temporary Structures installed for less than 180 days. "Tents, umbrella structures and other membranes structures erected for a period of less than 180 days shall comply with the International Fire Code" (IFC). Section 105.6.47 of the 2018 IFC says, "An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet".
18. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).
 - a. Size and Location of Site. Complies – The tent is 20 feet by 40 feet. During the warm months, the tent does not have walls. In cold months, the tent will be enclosed with temporary walls. The tent is installed in the rear courtyard and is surrounded by the hotel on three sides—north, east, and south.

- b. Traffic. Complies – In the Summer, the tent is used for events, such as weddings, and will be utilized by guests of the hotel. The event planner is required by the hotel to hire a private shuttle service to pick up any event guests not staying at the Peaks Hotel. These event guests stay at other hotels in the area or a nightly rental. The private shuttle schedules times to pick up event guests, making only one trip to drop off at the private event. So far this year, the Peaks Hotel has held ten private events, and no private shuttle service was needed. In the Winter, the tent will be used by hotel guests only and will not create additional traffic.
- c. Utility Capacity. Complies – The Water Department and Public Utilities reviewed the proposal and do not have concerns.
- d. Emergency Vehicle Access. Complies – Park City Fire District reviewed the proposal and does not have concerns with access. The hotel's north parking lot is large enough for emergency vehicle access. The Applicant is also required to maintain fire lane and emergency access for personnel, vehicles, and equipment in the vicinity of the Temporary Structures, and adjacent permanent Structures. Emergency clearance shall be to the satisfaction of the Fire Marshal.
- e. Location and Amount of Off-Street Parking. See Findings of Fact 17 through 26.
- f. Internal Circulation. Complies – The location of the tent does not impact vehicles or pedestrians on site.
- g. Fencing, Screening, and Landscaping. Complies – The tent is surrounded on three sides by the hotel. The top of the tent is visible over the berm from Jupiter View Drive and is visible from the Park View Condominiums. Peaks Hotel added trees to their property to help screen the tent from the properties across Jupiter View Drive. However, the tent is still visible.
- h. Building Mass, Bulk, and Orientation. Complies – The tent is appropriately sized for the location of the courtyard. The Building's mass helps to shield the tent on three sides.
- i. Open Space. Complies – The tent is installed on an existing concrete pad and does not interfere with Open Space.
- j. Signs and Lighting. Conditions of Approval 2 & 3 – New signs are not proposed with this modification. New temporary or permanent signs require a sign permit. No exterior lighting is proposed or approved with this CUP. Exterior lighting must be Fully Shielded and cannot exceed 3,000 degrees Kelvin. Any exterior lighting must be reviewed and approved by the Planning Department prior to installation. String lights are permitted year-round on decks, porches, and patios, but are not allowed in landscaping.

- k. Physical Design and Compatibility. Conditions of Approval 6 through 10 – The tent is compatible with the courtyard in a temporary nature. All mechanical equipment is screened, and the tent is screened by the hotel on three sides. The view from Jupiter View Drive impacts the neighbors' view from across Jupiter View Drive as noted above. The Applicant requests to keep the frame of the tent up and remove the top panels when not in use for an event during the Summer installation period. The Applicant requests to keep the tent top panels and walls installed during the Winter installation period. Pursuant to the IBC and the IFC, a temporary structure can be installed for 180 days and requires an operational (fire) permit.
 - l. Noise. Condition of Approval 1 - Outdoor Uses must comply with the Park City Noise Ordinance. Wedding events in the courtyard have amplified music. All noise is directed inward rather than toward the Parkview Condominiums. Since approval last year, neither the City nor the Hotel received noise complaints. The Applicant indicates that all activity in the courtyard is over by 9:45 PM and hotel quiet hours start at 10:00 PM. During the Winter, a heater is added to the tent to keep guests warm. The heater is screened from neighboring properties. No other mechanical factors are proposed for the tent.
 - m. Delivery and Service Vehicles. Complies – Delivery and Service Vehicles will operate as normal. The tent does not modify the operations of the hotel as related to deliveries, loading, or unloading.
 - n. Ownership and Management. Complies – The tent and all activity associated with the tent is managed by the Applicant.
 - o. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site. Complies – The Peaks Hotel is outside the Soil Ordinance Boundary and the Sensitive Land Overlay. The location of the courtyard is level and does not connect to any neighboring Structure.
 - p. Consistency with the Goals and Objectives of the Park City General Plan. Complies – The Peaks Hotel is located in the Park Meadows Neighborhood. It is significant to the Park City entryway corridor. Park Meadows is also the neighborhood with the highest population of full-time residents. The neighborhood has a high-quality aesthetic that the General Plan says should be preserved. The tent will be significantly shielded by the hotel to protect the entryway corridor and neighborhood appeal.
- 19. The Peaks Hotel has 135 parking spaces between the north lot, south lot, and parking garage.
 - 20. The Site has the following uses and requires the following number of Off-Street Parking spaces:

- Hotel, Minor and Major – 127 spaces
 - Meeting/Conference Space – 8.2 spaces
 - Temporary Structure (tent) – 4 spaces • Restaurant, Standard and Bar – 29 spaces
 - TOTAL – 168.2 spaces
21. LMC § 15-3-7 authorizes the Planning Commission to reduce parking requirements.
 22. The Applicant was approved for a reduction of 41 spaces in 2022. The Applicant is now requesting a reduction of 33 spaces because Versante on the Lawn is discontinued, and the Peaks Hotel is no longer utilizing the outdoor space for the restaurant.
 23. The Applicant conducted a parking study from July 7, 2022, to August 1, 2022. A count of parked cars was taken at every house, from 8:00 AM until 9:00 PM.
 24. The day with the highest average parking was Saturday, July 16 with an average of 84 parked cars.
 25. The day with the lowest average parking was Tuesday, July 26 with an average of 38 parked cars.
 26. Friday, July 8 at 6:00 PM was the only time to reach a parking capacity of 135 cars. The count dropped to 84 cars at 7:00 PM and increased to 129 at 8:00 PM.
 27. The Applicant uses the following strategies to regulate Off-Street Parking:
 - Two on-site bike racks (parking for 36 bikes)
 - Garage remains open to public for use during hotel invite-only events
 - Maintains a towing contract
 - “No Parking” signs and a painted red curb along the hotel’s side of Jupiter View Drive.
 - Security to manage traffic during hotel events
 - Signs directing parking to the garage entrance and south lot
 28. The parking study indicates that during peak summer season, there is sufficient Off-Street Parking available and the TDM plan is an effective parking mitigation tool.
 29. The Development Review Committee reviewed the proposal and finds it complies with the required standards.
 30. Staff posted notice on the City’s website and the Utah Public Notice website, and posted to the property on June 14, 2023. Staff mailed a courtesy notice to property owners with 300 feet on June 14, 2023.

31. *The Park Record* published a notice on June 14, 2023. 32. The review of the proposal and the public hearing was continued to July 26, 2023. The property was again noticed on July 12, 2023.

Conclusions of Law

1. The Application, as conditioned, complies with LMC § 15-1-10(E) Conditional Use Permit Criteria, LMC Chapter 15-2.14 Residential Development – Medium Zone, LMC § 15-4-16 Temporary Structures, Tents, and Vendors, and LMC § 15-3-6(B) Parking Ratio Requirement for Non-Residential Uses.
2. The proposed Use, as conditioned, is compatible with the surrounding structures in Use, scale, mass, and circulation.
3. The effect of any differences in Use or scale has been mitigated through careful planning.

Conditions of Approval

1. The Applicant shall comply with Municipal Code Chapter 6-3 Noise, which establishes a maximum of 55 dBA from 6:00 AM through 10:00 PM.
2. New temporary or permanent signs shall require a sign permit.
3. Exterior lighting shall be Fully Shielded and cannot exceed 3,000 degrees Kelvin. Any exterior lighting shall be reviewed and approved by the Planning Department prior to installation. String lights are permitted year-round on decks, porches, and patios, but are not allowed in landscaping. Seasonal lights are permitted from November 1 to March 1 and must be turned off by midnight.
4. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gatherings.
5. The Use shall not violate the International Building Code or the International Fire Code.
6. Installation of the tent for the Summer is limited to the last week of May to the first week of October, and cannot exceed 120 days.
7. Installation of the tent for the Winter is limited from the last week of November to the second week of April, and cannot exceed 120 days.
8. Only the tent frame is allowed to remain installed during the Summer installation. The applicant shall install the top panels one day before and remove the top panels one day after a Summer, private event.
9. At the end of the installation period, the frame must be dismantled and removed from the site.

10. A Fire Permit is required prior to installation of the tent and inspection by the Fire Marshall after installation every two weeks.
11. The tent shall not exceed 20 feet by 40 feet or 800 square feet.
12. Operation of the tent with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to install and use the tent.
13. The Applicant shall submit a parking management plan to the Planning Director, which includes prioritizing the underground parking for hotel guests. If the Planning Director determines the Parking Plan is not managing the parking for all Uses on Site, including hotel, restaurant, events, and employees, the Planning Department will provide notice to the Applicant and they may be required to reduce attendance to an event, terminate programming, or create additional mitigation strategies to keep all parking on-site. If parking cannot be maintained on-site for hotel events, the Planning Director reserves the right to revoke this CUP.
14. The Applicant committed to and shall continue to provide guests with detailed information regarding underground parking and requirements for parking during hotel events. The hotel shall continue to operate its towing contract to ensure off-site parking regulations are enforced.
15. The Applicant shall provide an updated winter parking demand study for President's Day Week 2024 for review by the Planning Commission at the end of the Winter season.
16. The applicant shall return for review with the Planning Commission within four weeks of the end of the Winter season.

Commissioner Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

C. 395 Deer Valley Drive - Plat Amendment - The Applicant Proposes to Remove Internal Lot Lines to Create One Lot in the Residential - 1 Zoning District. PL-22- 05370.

City Planner, Jaron Ehlers reported that 395 Deer Valley Drive was located just beyond the roundabout, and within the Residential – 1 Zoning District. Planner Ehlers explained that the applicant's proposal was to create one Lot and remove internal Lot lines to allow for the creation of a new garage and relocate the existing driveway. It would also allow for a lower grade. He stated that the applicant proposed to move the driveway 40 feet to the west and reduce it from its current 19% grade to a 9% grade.

Planner Ehlers reported that the house was built in 1978, and was located 18.6 feet from the property line. The property line was the Heber Avenue unplatted Right-of-Way. Additionally, he stated that the house was 51.6 feet from the platted Deer Valley Drive Right-of-Way. He presented a graphic that illustrated the Heber Avenue ROW in red, and the Deer Valley ROW in

blue. He reiterated that the current driveway slope was 19 degrees, which was Non-Compliant pursuant to the current Code. He explained that in the R-1 Zoning District, there is a requirement for a 20-foot Setback for garages and a 15-foot Setback for the main dwelling. The Board of Adjustment ("BOA") approved a variance that allowed the garage Setback to be 4 feet from the property line. Planner Ehlers presented a diagram that depicted part of the existing streetscape. He noted the neighboring driveways were set lower on the respective properties and had flatter driveways.

Commissioner Frontero observed what the other homes had done and asked if the proposal was to build a garage that pulled it down towards the street. Planner Ehlers confirmed and stated the applicant's proposal would reduce the size of the driveway and reduce the grade. Commissioner Frontero asked if the garage would take up some of the vegetation that currently existed. Planner Ehlers reported that significant vegetation would be removed and he would address that later on in the presentation.

Chair Suesser asked if the driveway would be widened in addition to being moved 40 feet. Planner Ehlers stated the driveway would be widened. Planner Cawley added that the proposed driveway would be 15 feet at the entrance to Deer Valley Drive. It would then expand to the allowed maximum of 27 feet as it approached the garage.

Commissioner Frontero asked if the proposal would ultimately reduce the asphalt. Planner Ehlers reported that there would be an overall reduction of 120 square feet. Planner Ehlers reported that the Lot met the Lot Size requirements in that it was 8,437 square feet. The variance only reduced the Setback for the garage. Any other addition to the structure beyond the garage would have to meet the 15-foot Setback. He noted that retaining walls would likely be required as part of the construction of the new driveway. Any retaining walls that exceed 4 feet in the Front Setback would require an Administrative CUP.

Planner Ehlers also stated that the garage could not be larger than 18 feet in height. He reported that the applicant indicated that this property would be used for Nightly Rentals, so there were Conditions of Approval that require a Nightly Rental Business License that is renewed annually.

Chair Suesser asked Planner Ehlers to walk through the reduction of the Front Setback to 4 feet. Planner Ehlers reported that the reduced Setback was measured from the property line. In response to Chair Suesser's inquiry regarding Heber Avenue, Planner Ehlers explained that as part of the original platting of this area, Heber Avenue was platted but never built, and the ROW remained.

On behalf of the applicant, Marshall King, Alliance Engineering, reported that a portion of the new structure would be a garage, and a portion would be a pedestrian entrance, and would measure 30'10" wide.

Commissioner Shand asked Planner Ehlers to point out on the graphic the width of the driveway and garage, and the cut on Deer Valley Drive. Planner Ehlers explained that the top of the current driveway had a large turnaround area. The proposed driveway would not exceed the 27-foot maximum, and the garage would be larger than the driveway. He pointed out where planters would be installed to fill in the dead space.

Mr. King identified the location of the pedestrian entrance. He confirmed that stairs would be added to the side to be able to access what was now the current garage level and the house. The

current garage would be made into living space. Commissioner Shand identified the Lot line on the north side.

Planner Ehlers stated that the current LMC only allowed for a 14% slope, which made the current driveway Non-Compliant. Additionally, the maximum width of driveways was 27 feet. The proposal would result in a decrease of 120 square feet. The entrance would be 15 feet wide, and increase to 27 feet. He reported that the proposed amendment complied with the Code. Staff found good cause because it involved a Non-Conformity, would be consistent with previous plat amendments, and would improve traffic safety along Deer Valley Drive. Several of the neighboring Lots had gone through plat amendment processes to remove internal Lot lines. He referenced the Staff Report that identified three plat amendments that included specific development and architectural guidelines. Staff requested input from the Planning Commission on whether to include those as additional Conditions of Approval. He explained further that several Lots in the neighborhood had gone through plat amendment processes, and as part of those, various Conditions were added as identified in the Staff Report. Chair Suesser offered to review the Conditions.

Planner Ehlers continued by stating that no public streets or ROWs would be vacated or amended, nor would any easement be vacated or amended. The Engineering Department requested several Conditions of Approval. He referenced Condition of Approval 9 governing what would be required should Deer Valley Drive be expanded.

Condition of Approval 10 would require the applicant to obtain permits from the City Engineer before any construction in the two ROWs. He noted that Condition of Approval 11 required encroachment permits for any retaining walls, stairways, and any portion of the driveway in the ROW. Planner Ehlers commented that part of those ROWs became part of a parcel currently held by Summit County, so the applicant would need encroachment permits from the City and the County for construction within the ROWs.

Planner Ehlers mentioned Condition of Approval 12 which required the City Engineer to approve grading, utility, public improvements, and a shoring plan for any construction within the ROWs.

Planner Ehlers reported that the Forestry Board reviewed this proposal and requested Condition of Approval 13. He noted that the Forestry Board considered the two trees were dead. Condition of Approval 13 required that any Significant Vegetation that is removed as part of the construction of the new driveway must be replaced either on the applicant's property or on the unplatted ROW.

Chair Suesser asked if the dead trees needed to be replaced. Planner Ehlers reported that the applicant would be required to replace the dead trees. Chair Suesser asked if the Forestry Board weighed in on the healthy vegetation on the property and required that it remain.

On behalf of the applicant, Rob White reported that the Forestry Board did not tell the applicant that there was any healthy vegetation they wanted to be replaced, but the applicant intended to submit a full Landscape Plan that would cover the ROW up to Deer Valley Drive, and that would include the City approved plantings and irrigation requirements typical for a project like this.

Chair Suesser asked for more information about the Forestry Board's recommendations in response to this application. Planner Ehlers reported that the Forestry Board suggested the Condition of Approval that any removed Significant Vegetation must be replaced. The applicant

must also work with the Engineering Department in this regard. He added that the Forestry Board also requested the old driveway be re-vegetated.

Chair Suesser asked if the applicant understood whether the replacement of the dead trees was included in the Forestry Board's request. Applicant's representative White requested further clarification on whether they would be required to install a certain type of tree. He stated they had not received a specific direction as to the type of vegetation to replace any that is removed. Using the photograph, he believed the tree on the far left of the image would remain. He mentioned the utility boxes, and would likely not do a lot of different landscaping by those boxes.

Chair Suesser expressed particular concern regarding the vegetation on this site, and would not want the applicant to duplicate what the adjoining neighbors did with their properties. She noted the neighbors essentially had no vegetation between the homes and the street. She added they were trying to avoid it looking like a parking lot.

Applicant representative White explained they were at the schematic phase and once the internal Lot lines were removed and they could lower the garage to make the driveway usable, they could then get more specific regarding the landscaping. He understood they would be removing the dead trees, and the landscaping would definitely be a part of the further development of the project.

Planner Ehlers understood the Condition of Approval as requiring replacement of the Significant Vegetation, even if it were dead Significant Vegetation. Commissioner Frontero agreed with Planner Ehlers' interpretation of Condition of Approval 13 and felt that Chair Suesser's concerns were covered by that Condition. Planner Ehlers added that any landscaping plan goes back to the Forestry Board for approval.

Commissioner Van Dine referenced the Conditions of Approval for the neighboring properties, and specifically referenced 415 Deer Valley Drive that stated, "The 'no-build' areas shall preclude the owner from constructing building fences or similar structures." She asked what would be considered the 'no-build area' on this property.

Planner Ehlers explained that for that property, the rear area was very steep, but the property was located outside the Sensitive Land Overlay ("SLO"), therefore they created a 'no-build area' for 415 Deer Valley Drive. For 505 Deer Valley Drive, they instead conditioned it on a 70-foot Setback.

Commissioner Van Dine noted that the applicant's property already encroached on the Rear Setback with the deck. Planner Ehlers agreed but noted that the deck was compliant with the current Setback.

Commissioner Johnson liked the Conditions from 415 Deer Valley Drive so there would be a 'no build' area on the rear part of the parcel, and they could still include the existing deck. He would support a similar plat note for this application. Commissioner Van Dine agreed.

Commissioner Shand observed that the existing driveway extended across City-owned and County-owned property. He asked if it did so with a Right-of-Way or encroachment agreement. Planner Ehlers was unaware whether there was an encroachment agreement.

Mr. King posited there likely was not an encroachment agreement, because when the house was built in 1978, the City was not concerned with encroachment agreements for putting a driveway into a street.

Commissioner Shand assumed that the existing configuration of the driveway was such to reduce the grade to 19% instead of being steeper if it were taken off of Deer Valley Drive. Engineer King stated it was 19% now, and the new driveway would be at a 9% grade. Planner Ehlers added that at the bottom it was essentially a shared driveway with the neighbor. Mr. King stated that as it existed currently, it was not an easy driveway to back out, and it was pretty tight to allow a vehicle to pull out in a forward direction. Planner Ehlers clarified that the new driveway would no longer be shared with the neighbor.

Commissioner Van Dine asked about the property line with 415 Deer Valley Drive and how that would impact re-vegetation. If the applicant were to re-vegetate the existing driveway, Chair Suesser wanted to know the distance between the property line and the beginning of the new driveway. In other words, she wanted to know how much of the existing driveway would be re-vegetated.

Mr. King responded that it would likely be around 10 feet. He explained that if you extended the east property line toward the street, they would probably have about 10 feet from the edge of the new driveway to the property line that was directly in front of 395 Deer Valley Drive.

Commissioner Van Dine asked if the pavement would remain in front of the stairs at the shared part of the driveway. Mr. King explained that area where the neighbor's stairs come down was located in the Heber Avenue ROW. He added that while normally you would landscape directly in front of each property; however, this area happens to be the widest portion with the greatest distance between the residents and Deer Valley Drive. He noted that a good portion of the existing driveway was located in front of the neighbor's property, and it was an issue of whether the neighbor does anything with that land.

Commissioner Van Dine wanted to know how much cement would remain and how much the applicant would be responsible to re-vegetate. Mr. King stated the applicant would remove a good portion of that because right now the driveway came across and in front of the neighbor's property but it was within the Heber Avenue ROW. He stated that all of the asphalt would be removed and would be re-vegetated, but as far as what the neighbors would do would be a different story. He explained that they did not show the area at the stairway on the existing conditions map because it was located on the neighboring property. He noted that the bottom of the 415 Deer Valley Drive steps was at about the center of the neighbor's property.

Mr. King confirmed that the landscaping next to the stairs in the photograph was on the neighboring property, 415 Deer Valley Drive. There was discussion of the image showing where the new driveway would be constructed.

Chair Suesser asked what the neighboring property on the other side looked like because she wanted to see the impact of the proposed driveway. Commissioner Sigg asked if the existence of the current driveway going over into the ROW in front of the neighboring house would create any type of prescriptive easement. City Attorney Harrington stated there would not be a prescriptive easement within the City's ROW. He was unsure whether there was a permissive or express use agreement over the adjacent property, but an owner could not create prescriptive use over a City ROW. Commissioner Sigg felt there was nothing that would force the adjacent

owner to correct the asphalt in that location, and they were just hoping the adjacent owner would not want any remaining asphalt in that area. City Attorney Harrington agreed.

Chair Suesser asked if the proposed garage would be as close as the neighbors' to Deer Valley Drive. Planner Ehlers stated it would still be set back and demonstrated the location of the garage and driveway on an image. He pointed to a box that would be removed. Commissioner Sigg asked about the purpose of the hammerhead where it indicated "relocate electric box." Planner Ehlers reported that the planter was noted because it would exceed the allowed driveway length.

Commissioner Sigg clarified that he was asking why the driveway showed a flare-out at Deer Valley Drive. He specifically referenced the blue and red drawing and the area where it states, "relocate electric box." He also referenced elevation marker 7059.1 and asked why the "install planter" line did not extend down Deer Valley Drive.

Mr. King explained the primary reason for the flare-out was to keep it from being greater than 27 feet, and by the time the driveway would come down it narrows to meet the width requirement. If they did not include the planter, then the driveway would be greater than 27 feet. He added that they need approximately 12 feet for the entrance, and they were at 12 to 14 feet.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed the public hearing.

Chair Suesser inquired about the size of the Lot by removing the Lot line. Mr. King stated the square footage of the Lot would be 8,437 square feet and the width of the Lot would be 56.25 feet. Commissioner Shand understood that the Lot lines were not being adjusted; rather the application only sought to move the driveway. Mr. King explained the proposal was to remove the Lot lines to unify this into one Lot of record. He explained that if this had been done before any construction took place, they probably would not be here. They have to remove the Lot lines, and someone could have done it years ago without any planning. Based on his experience, the removal of the Lot lines typically involves those who plan on doing something within a year or two.

Commissioner Johnson asked if the proposed Plat Amendment needed further crafting to ensure that the hillside portion of the new Lot would have some sort of protection. Planner Ehlers asked if they wanted to make clear where they wanted the 'no build' area to start.

Commissioner Johnson explained that they requested a plat note that would essentially provide a 'no build' area on a section of the new Lot. He wondered if they had to define where that was and add that to the plat note, or how they wanted to calculate it. He asked what the applicant would be willing to allow. He noted the pitch was pretty steep. Mr. King stated that after a day of skiing, one would not want to go up there even without snow on the steps.

Commissioner Johnson asked if they could delineate the area of the removed north/south Lot line as the 'no build' area. Commissioner Johnson also asked about snow storage since it was all being stored in the Summit County or Park City ROW. He wondered whether they wanted to add to Condition of Approval 11 to read, "Encroachment Permits are required for retaining walls, stairways, driveways, and snow storage in the platted ROW." Planner Ehlers responded that the City Engineer did not have interest in a dedicated snow storage easement, but noted that all storage would be on County property. Commissioner Johnson agreed to leave Condition of Approval 11 as is.

Mr. King sought clarification that the Commission wanted a 40-foot 'no build' zone from the back of the Lot toward the street. He noted the total length of the Lot was 150 feet. Assistant Director Ward reported that the 415 Deer Valley plat included a 'no build' area as a 60-foot Setback from the rear Lot line.

Commissioner Johnson asked the applicant if they were amenable to a 60-foot 'no build' area, in order to be consistent with 415 Deer Valley Drive. Applicant's representative White stated it was a tough call to make since they were not the owners of the property. He felt better about 40 feet. Commissioner Van Dine was agreeable with the 40-foot 'no build' area. Commissioner Hall had no further comments. Commissioner Sigg was comfortable with it. Commissioner Frontero understood that the idea behind the 'no build' area was to protect some of the land in the back.

Mr. King noted that the slope is likely 40 to 50 percent and set further back on the property. He noted that anything over a 30% slope required a Steep Slopes CUP. Commissioner Sigg stated that it was unlikely there would be an addition in the back of the property due to its' steepness. He noted they were trying to hold the driveway to a certain grade, which would force everything down. Assistant Director Ward clarified that the home is not in the Historic Residential Zone, so it would not require a Steep Slopes CUP. Planner Ehlers added that the Sensitive Land Overlay starts at the top of the property.

Commissioner Van Dine reiterated her position that the 40-foot 'no build' area was reasonable. There was consensus among the Commission.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation for City Council's consideration on August 22, 2023, for 395 Deer Valley Drive – Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance, as amended:

Findings of Fact

1. The property is located at 395 Deer Valley Drive in the Residential – 1 Zoning District.
2. The property is in Block 65, Amended Plat of Park City Survey, and consists of all of Lots 9 & 26, the westerly 18.75 feet of Lots 8 & 27, and the easterly one-half of Lots 10 & 25.
3. The Summit County parcel tax ID is PC-518-A-3.
4. The existing Single-Family Dwelling was built in 1978.
5. The Applicant proposes to remove all internal Lot lines to allow for a remodel of a non-historic, Single-Family Dwelling, including relocating the driveway for compliance with grade, and a new garage addition.
6. The current driveway has a slope of approximately 19%, which exceeds the maximum of 14% required by LMC § 15-3-3-(A)(4).

7. The proposed driveway will have a slope of 9% and will move 40 feet east along Deer Valley Drive.
8. The existing Single-Family Dwelling is 18.6 feet from the property line and 51.6 feet from the platted Deer Valley Right-of-Way.
9. Parcel PC-519-R-X, owned by Summit County, fronts the property and is a portion of the historic Heber Avenue Right-of-Way.
10. On June 20, 2023, the Board of Adjustment granted a Variance reducing the Zone's required 20-foot Front Setback for a Front Facing Garage to four feet.
11. A Single-Family Dwelling and Parking Areas with four or fewer spaces are Allowed Uses in the R-1 Zoning District.
12. A Single-Family Dwelling must provide two off-street parking spaces. The Applicant's proposal will provide four Off-Street parking spaces, two in the garage, and two in the driveway.
13. The property contains 0.194 acres or 8,437 square feet.
14. The Front Setback requirement is 15 feet/20 feet for Front Facing Garages. The Variance reduces the setback for the proposed garage to four feet.
15. The Rear Setback requirement is 10 feet. The existing Single-Family Dwelling is 93 feet from the rear Lot line. A standalone composite deck with a metal railing is seven feet from the rear Lot line.
16. The Side Setback requirement is five feet on each side. The existing Structure is 7.9 feet from the west Lot line and 10.9 feet from the east Lot line.
17. Building Height cannot exceed 28 feet in the R-1 Zoning District.
18. The existing driveway is 1,265 square feet and the proposed driveway is 1,145 square feet. The Applicant's proposed driveway will decrease the site's impervious surface by 120 square feet.
19. The proposed driveway is 15 feet at Deer Valley Drive and increases to a width of 27 feet at the proposed garage addition.
20. There is Good Cause for this Plat Amendment because it resolves a non-conformity, is consistent with previous Plat Amendments, and improves traffic safety along Deer Valley Drive.
21. No Public Street or Right-of-Way is vacated or amended.
22. No easement is vacated or amended.

23. The Development Review Committee met on January 3, 2023, reviewed the proposal, and did not identify any issues.
24. The Forestry Board met on July 6, 2023, reviewed the proposal, and has Conditions of Approval.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.12, Residential (R-1) Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Planning Department, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. In order to use the property as a Nightly Rental, the Applicant must obtain a business license from the City for the Nightly Rental Use and shall renew the license annually or else the Use is terminated.
5. A Variance was granted reducing the Front Setback for the Garage to four feet. Any other addition to the Structure is required to comply with the Front Setback of 15 feet.
6. The Applicant shall obtain an Administrative Conditional Use Permit for retaining walls that exceed four feet in height in the Front Setback prior to applying for a Building Permit.
7. Fences, walls, retaining walls, uncovered stairs leading to the Main Structure, decks, porches, roof overhangs, eaves, cornices, sidewalks, patios, and pathways in the Front Setback shall comply with LMC § 15-2.12-3(C)(1-7) Front Setback Exceptions.

8. The new garage shall not exceed 18 feet from Existing Grade.
9. If at some point in the future, Deer Valley Drive is widened, or re-aligned, the Applicant is responsible for the removal of retaining walls, stairs, and/or the driveway at the property owner's expense and in an expeditious manner (within 90 days of written notice).
10. The Applicant shall obtain permits for construction in the Right-of-Way from the City Engineer prior to issuance of a Building Permit.
11. Encroachment permits are required for retaining walls, stairways, or driveways built in the platted Rights-of-Way and Summit County Parcel PC-519-R-X.
12. City Engineer review and approval of all appropriate grading, utility installation, and public improvements is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
13. Upon application of a Building Permit, the Applicant shall provide a landscape plan consistent with LMC § 15-5-5(N), showing replacement of all removed Significant Vegetation. If the Applicant cannot replace the same number of plants removed from their property or the Right-of-Way, then the Applicant shall return to the Forestry Board for further review. The Applicant shall receive permission from the City Engineer and Summit County prior to installing any new vegetation in the unbuilt, platted Right-of-Way or the Summit County-owned parcel.
14. Remodels and Additions shall comply with the Land Management Code and International Building Code in effect at the time of Building Permit application.
15. Prior to the issuance of a building permit, a Construction Mitigation Plan must be submitted to the Building Department for review by the Building, Engineering, and Planning Departments for final approval.
16. A plat note shall be included that provides for a 40-foot 'no build' area running along the area of the removed Lot line from the back of the Lot towards Deer Valley Drive. The 'no-build' area shall preclude the owner from constructing buildings, fences, or similar structures. The 'no-build' area shall be kept in its natural state and no vegetation from this area shall be removed or introduced and the area shall remain un-irrigated so as to prevent erosion.

Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

- D. Land Management Code Amendments – Lot Combinations – The Planning Commission Will Review a Pending Ordinance on Lot Combinations for Residential Development in the Historic Residential – 1, Historic Residential – 2, Historic Residential Low-Density, and Historic Residential Medium Zoning Districts. PL-23-05655.**

Chair Suesser announced that it was the consensus of the Commission that this item deserved a lot of time and attention. Due to the length of this hearing, they would not have time tonight for a thorough discussion. The Commission proposed continuing this item. Assistant Director Ward stated it was publicly noticed for a public hearing on August 23, 2023. Chair Suesser stated the Commission would like to maintain that date.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed the public hearing.

MOTION: Commissioner Van Dine moved to CONTINUE Land Management Code Amendments – Lot Combinations, and the public hearing thereon, to August 23, 2023. Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

7. ADJOURN

The meeting adjourned at approximately 9:10 p.m.

Planning Commission Staff Report



Subject: Snow Flower Condominiums Fifth Amended Plat (Unit 70)
Application: PL-23-05560
Author: Spencer Cawley, Planner II
Date: August 23, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the proposed Snow Flower Condominiums Fifth Amended Plat, Amending Unit 70, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council’s consideration on September 14, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the draft Ordinance (Exhibit A).

Description

Applicant: Alejandra Sada Gonzalez
Location: 401 Silver King Drive, Unit 70
Zoning District: Recreation Commercial
Adjacent Land Uses: Resort, Recreation and Open Space
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

HOA Homeowners Association
LMC Land Management Code
PUD Planned Unit Development
RC Recreation Commercial

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

Unit 70 of the Snow Flower Condominiums was constructed with a loft level that consists of attic space designated as common ownership on the recorded plat. Over time, many Snow Flower owners have converted their attic space into living space, increasing the overall area of the unit. The intent of this Plat Amendment is to convert this Common Area attic space into Private Area living and storage space for Unit 70.

Background

The Snow Flower Condominiums is an 82 Multi-Unit Dwelling located in the Recreation Commercial (RC) Zoning District. The original plat was approved in 1978. The Applicant is the original owner of Unit 70, purchased in 1980. The Condominium Unit is the Applicant’s secondary home.

¹ LMC [§ 15-12-15\(B\)\(9\)](#)

The following images compare the existing plat and the proposed plat. This amendment is within the existing unit and does not alter the exterior. The amendment will show the ownership conversion as approved by the Snow Flower HOA in January 2022.



2

Prior units in the Snow Flower Condominiums have gone through the same process to convert Common Area to Private Area. These include:

- Unit 80, recorded July 2004 (Ordinance No. [04-16](#), p. 253) increased from 595 square feet to 655 square feet.
- Unit 72, recorded November 2006 (Ordinance No. [06-31](#), p. 149) increased from 595 square feet to 655 square feet.
- Unit 76, recorded September 2007 (Ordinance No. [07-43](#), p. 32) increased from 2,387 square feet to 2,612 square feet (an increase of 225 square feet).
- Unit 75, recorded June 2022 (Ordinance No. [2022-17](#)) increased from 2,387 square feet to 2,612 square feet (an increase of 225 square feet).

Analysis

(I) The proposed Plat Amendment complies with the Recreation Commercial (RC) Zoning District Requirements.

The proposed Plat Amendment is consistent with the Lot and Site requirements of the RC Zoning District. All proposed changes to the Plat are restricted to the building's interior and will not change the existing condominium Structure.

(II) The Application requires the Planning Commission to consider a parking reduction pursuant to Land Management Code (LMC) § 15-3-6 *Parking Ratio Requirements*.

The original recorded plat indicates 102 underground parking spaces (51 parking spaces per building) for the Snow Flower Condominiums (Exhibit B). However, according to the HOA, each unit is allotted one Off-Street parking space and there are four Off-Street guest parking spaces for a total of 86 Off-Street parking spaces. In 1978, the governing LMC required 115 parking spaces – a minimum of eight spaces, with 1.5 space for each additional unit over five for a Multi-Unit Dwelling. However, pursuant to the governing LMC from 1978:

Parking requirements for PUDs shall be determined by the Planning Commission prior to final approval of the PUD in its entirety, or for a separate project within the PUD at the time of its review and approval.

Planning Staff could not locate the 1978 approval for the Snow Flower Condominiums, but the original approval may have been approved with Planning Commission discretion regarding required parking.

The following table outlines the current parking requirements required by LMC [§ 15-3-6](#):

Residential Parking Ratio Requirements for Multi-Unit Dwellings	Parking Ratio
Floor Area no greater than 1,000 square feet	1 per Dwelling Unit
Floor Area greater than 1,000 square feet	1.5 per Dwelling Unit

and less than 2,000 square feet	
Floor Area greater than 2,000 square feet	2 per Dwelling Unit

Unit 70, in its original configuration, is 1,824 square feet. The proposed amendment to incorporate the attic space will increase the area of Unit 70 by 465 square feet to 2,289 square feet. Under today's LMC, Unit 70 will require two Off-Street Parking spaces. Because there is only one parking space available for Unit 70, Staff requests the Planning Commission consider granting a parking reduction for Unit 70 from two parking spaces to one parking space. Recommended **Condition of Approval 3** of the Draft Ordinance requires the following:

The Plat shall note the Unit owner shall not use or cause to be used at any time more than one parking stall on site.

The Snow Flower Condominiums CC&Rs currently reflect this reduction:

No unit Owner shall use or cause to be used, at any time, more than one of the parking stalls located in the Common Areas and Facilities (Entry No. [149679](#), p. 8-9).

(III) The proposal complies with the Plat Amendment requirements outlined in LMC Chapter 15-7.1.

Changes to platted elements including conversion of Common Area/Limited Common Area to Private Area within a condominium requires a Plat Amendment. Plat Amendments shall be reviewed according to the requirements of LMC [§ 15-7.1-6](#) *Final Subdivision Plat*, and approval shall require a finding of Good Cause.

LMC [§ 15-15-1](#) defines Good Cause as “[providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and nonconformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and further the health, safety, and welfare of the Park City Community.”

There is Good Cause for this Plat Amendment because of the precedent set by the previous four amendments to the original plat. Similarly, this amendment will expand the Private Area but will not change the footprint or mass of the existing Structure.

(IV) The Development Review Committee met on March 7, 2023, and finds the proposal meets development requirements.³

³ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on July 26, 2023. Staff mailed courtesy notice to property owners within 300 feet on July 26, 2023. The *Park Record* published notice on July 26, 2023.⁴

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for Ordinance No. 2023-XX, Approving the Snow Flower Condominiums Fifth Amended Plat Amending Unit 70; or
- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2023-XX, Denying the Snow Flower Condominiums Fifth Amended Plat Amending Unit 70, and direct Staff to make Findings for this recommendation; or
- The Planning Commission may request additional information for Ordinance No. 2023-XX for the Snow Flower Condominiums Fifth Amended Plat Amending Unit 70 and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance and Proposed Plat
Exhibit B: Existing Plat
Exhibit C: Applicant Narrative
Exhibit D: Snow Flower Condominium HOA Approval Letter

Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁴ LMC [§ 15-1-21](#)

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE SNOW FLOWER CONDOMINIUMS FIFTH AMENDED PLAT, AMENDING UNIT 70, LOCATED AT 401 SILVER KING DRIVE, UNIT 70, SUMMIT COUNTY, PARK CITY, UTAH

WHEREAS, the owners of the property at 401 Silver King Drive, Unit 70 petitioned the City Council for approval of the Snow Flower Condominiums Fifth Amended Plat, Amending Unit 70; and

WHEREAS, on July 26, 2023, the *Park Record* published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on July 26, 2023, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted noticed to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on August 9, 2023, the Planning Commission held a public hearing and continued the hearing to August 23, 2023; and

WHEREAS, on August 23, 2023, the Planning Commission reviewed the proposed Plat Amendment, held a public hearing, and forwarded a **positive/negative** recommendation to the City Council; and

WHEREAS, on September 14, 2023, the City Council reviewed the Snow Flower Condominiums Fifth Amended Plat, Amending Unit 70 and held a public hearing; and

WHEREAS, the Snow Flower Condominiums Fifth Amended Plat, Amending Unit 70 is consistent with the Park City Land Management Code, including § 15-7.1-3(B), § 15-7.1-6, and Chapters 15-2.16 and 15-7.

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

SECTION 1. APPROVAL. The Snow Flower Condominiums Fifth Amended Plat, Amending Unit 70 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Snow Flower Condominiums Plat was approved in 1978.
2. The property is located at 401 Silver King, Unit 70.
3. The property is listed with Summit County as Parcel number SFL-70.
4. The property is in the Recreation Commercial (RC) Zoning District.

5. The intent of this Plat Amendment is to convert Common Area attic space into Private Area living and storage space for the benefit of Unit 70.
6. In January 2022, the Snow Flower Homeowners Association (HOA) voted to approve the proposed changes to Unit 70 and receive two-thirds approval (67.92% in favor).
7. This conversion will increase the internal living space of Unit 70 from 1,824 square feet to 2,289 square feet.
8. Other units in the Snow Flower Condominiums have amended the plat to convert Common Area attic space to Private Area: Unit 80 (July 2004), Unit 72 (November 2006), Unit 76 (September 2007), and Unit 75 (June 2023).
9. The proposal complies with the RC Zoning District Requirements.
10. All proposed changes are restricted to the interior of the Structure and will not alter the exterior.
11. In 1978, parking requirements for Planned Unit Developments (PUDs) were guided by the LMC but Planning Commission approval was not limited to these requirements.
12. At the time of development, the parking requirement for the Snow Flower Condominiums was 115 parking spaces – a minimum of eight spaces, with 1.5 spaces for each additional unit over five for a Multi-Unit Dwelling.
13. The current LMC requires two parking space per Dwelling Unit with a Floor Area greater than 2,000 square feet in a Multi-Unit Dwelling.
14. The proposal complies with LMC § 15-7.1-3(B) *Plat Amendment*.
15. The Development Review Committee met on March 7, 2023, and finds the proposal meets development requirements.

Conclusion of Law

1. There is Good Cause for this Plat Amendment because it does not change the footprint or mass of the existing Structure, will have no negative impacts to the public, and does not create any non-conformities.
2. The Plat Amendment is consistent with LMC § 15-7.1-3(B), § 15-7.1-6, and Chapter 15-2.16 *Recreation Commercial District*.
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 below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

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

3. The Plat shall note that the owner of unit 70 shall not use or cause to be used at any time more than one parking stall on site.

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

PASSED AND ADOPTED this 14th day of September 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

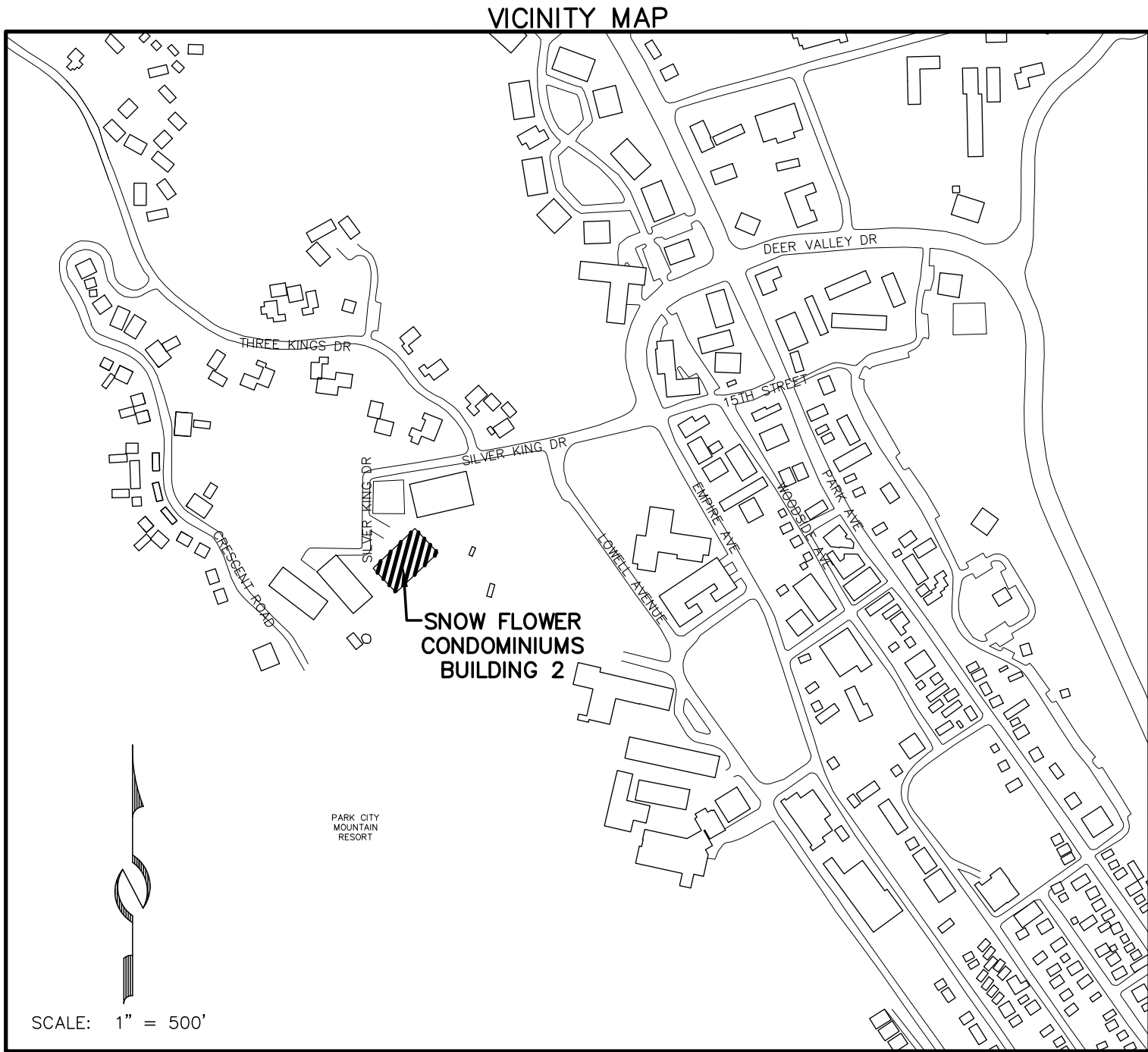
City Recorder

APPROVED AS TO FORM:

City Attorney's Office

ATTACHMENTS

Attachment 1: Snow Flower Condominiums Fifth Amended Plat Amending Unit 70



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, SNOW FLOWER CONDOMINIUMS FIFTH AMENDED, AMENDING UNIT 70, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

LEGAL DESCRIPTION

Unit 70, Snow Flower Condominiums, together with an undivided ownership interest in the common areas and facilities, as the same are identified in the record of survey map recorded in Summit County, Utah as Entry No. 149678 and in declaration of covenants, conditions and restrictions and bylaws of the Snow Flower Condominiums recorded in Summit County, Utah on September 25, 1978, as Entry No. 149679 in Book 120 at Page 274 of official records (as said declaration and map may hereafter be amended or supplemented.)

OWNER'S CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that Alenjandra Sada G. hereby certifies that she has caused this Condominium Plat Amendment to be prepared, and does hereby consent to the recordation of this Condominium Plat Amendment. In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2023.

Alenjandra Sada G.

ACKNOWLEDGMENT

State of _____)
: ss
County of _____)

On this ____ day of _____, 2023, Alenjandra Sada G. personally appeared before me, the undersigned Notary Public in and for said County and State, who after being duly sworn, acknowledged to me that she has signed the above and foregoing Owner's Consent to Record freely and voluntarily.

A Notary Public Commissioned in _____

Printed Name

Residing in: _____

My commission expires: _____

Commission No.: _____

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of Snow Flower Condominiums, a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration, hereby consents to the recording of this Plat Amendment.

Snow Flower Condominiums, a Utah nonprofit corporation

By: _____
Claudia Erhenfeld, President

(printed name)

ACKNOWLEDGMENT

State of _____)
: ss
County of _____)

On this ____ day of _____, 2023, Claudia Erhenfeld personally appeared before me, the undersigned Notary Public, in and for said County and State, being duly sworn, acknowledged to me that she is the president of Snow Flower Condominiums, a Utah nonprofit corporation, and that she signed the above Consent to Record for, on, and in behalf of all of the unit owners of Snow Flower Condominiums acting as a group (under the name Snow Flower Condominiums, a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Snow Flower Condominiums.

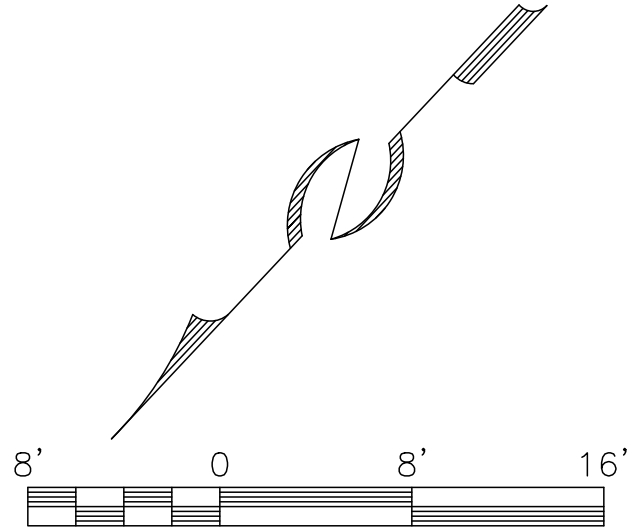
A Notary Public Commissioned in _____

Printed Name

Residing in: _____

My commission expires: _____

Commission No.: _____



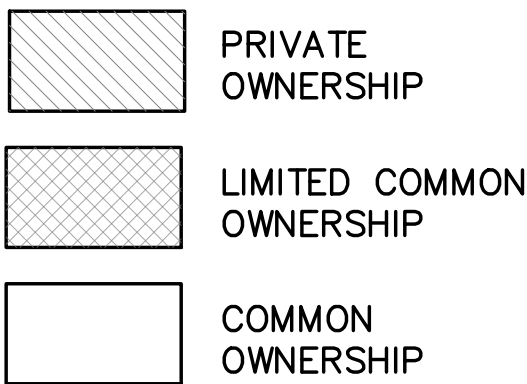
SHEET 1 OF 1

2/15/23 JOB NO.: 3-2-22 FILE: X:\ParkCityMtnResort\dwg\srvt\plat2022\030222.dwg

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2023-____.
2. This amended condominium plat reflects the expansion of ownership of Unit 70.
3. For a complete description and dimensions of other units and garage spaces, refer to the Snow Flower Condominiums, recorded September 25, 1978, as Entry No. 149678 in the Summit County Recorder's Office.
4. All notes and conditions of Snow Flower Condominiums, recorded September 25, 1978, as Entry No. 149678 in the Summit County Recorder's Office, remain in full force and effect except as amended hereon.
5. Unit 70 is located in Building 2, Floor 3 and Loft level. The address of Unit 70 is 401 Silver King Drive, Unit #70.

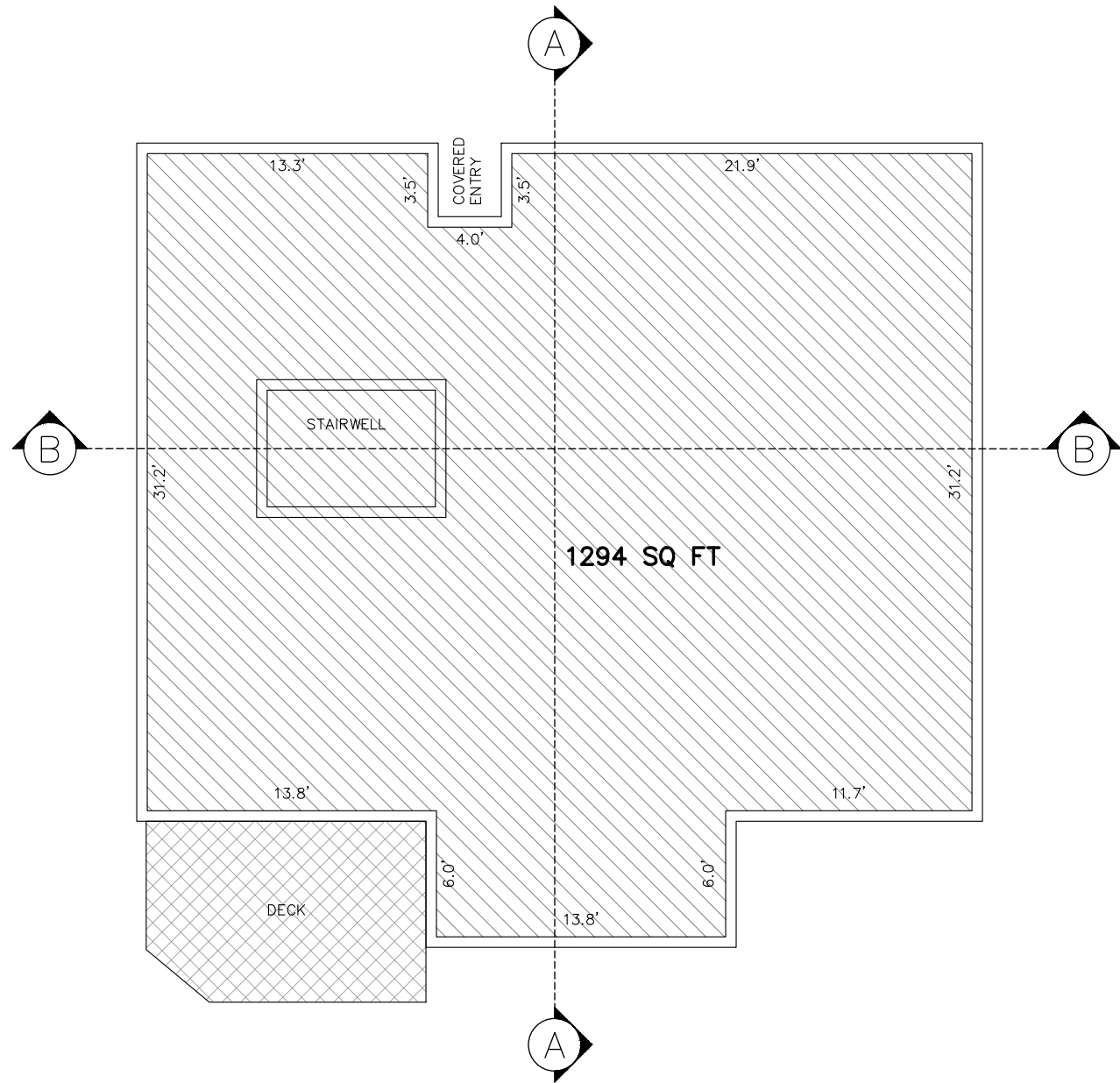
LEGEND



	SQUARE FEET
MAIN LEVEL	1294
LOFT LEVEL	995
TOTAL	2289

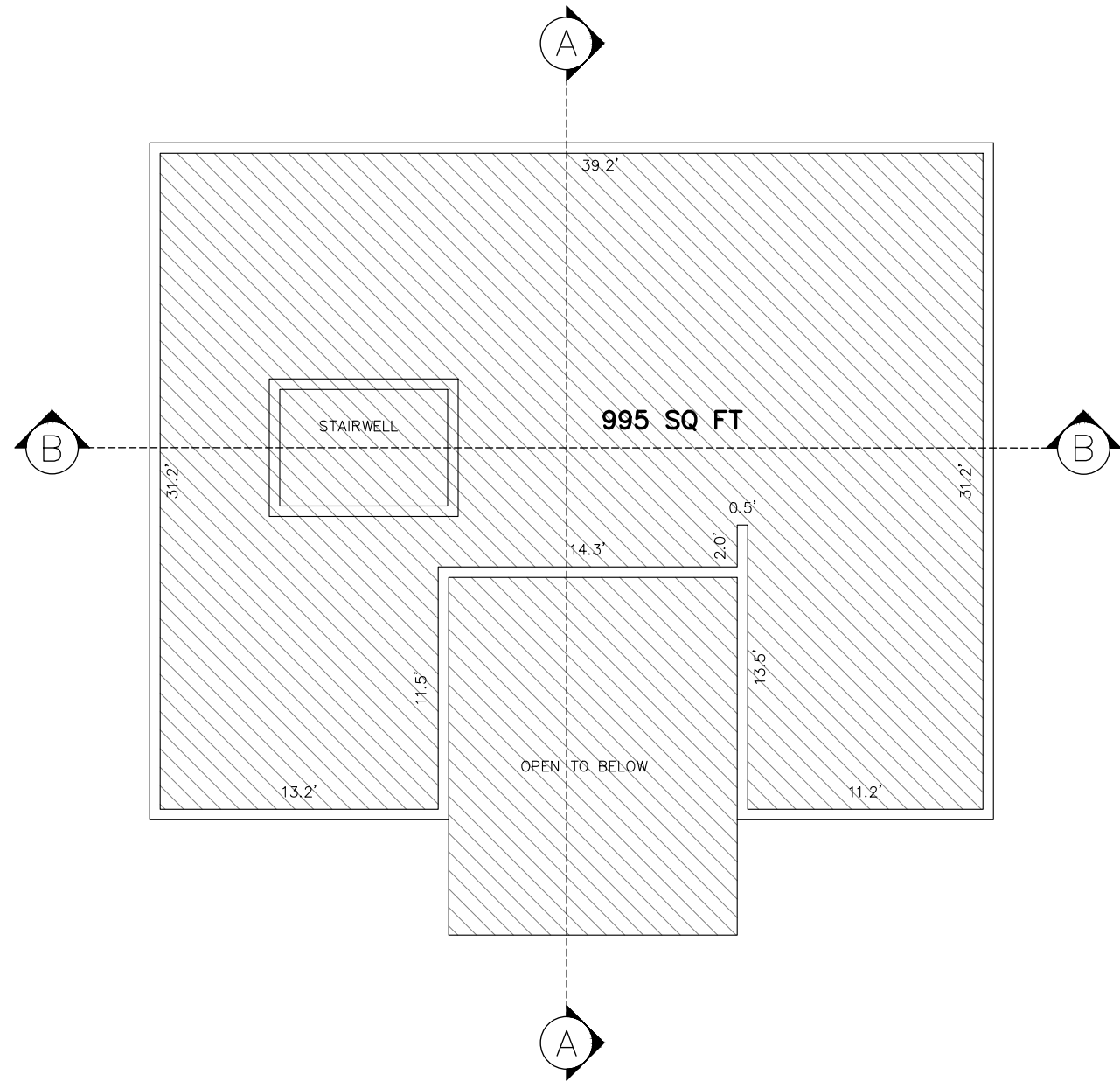
SECTION A--A

MAIN LEVEL



SECTION B--B

LOFT LEVEL



SNOW FLOWER CONDOMINIUMS FIFTH AMENDED AMENDING UNIT 70

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9 & NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____
DAY OF _____, 2023
BY _____
ENGINEERING DEPARTMENT

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2023
BY _____
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2023
BY _____
PARK CITY ENGINEER

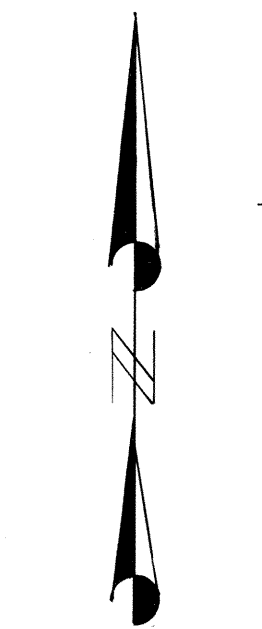
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____, 2023
BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____, 2023
BY _____
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT
WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2023
BY _____
PARK CITY RECORDER

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY
OF _____, 2023
BY _____
SUMMIT COUNTY GIS COORDINATOR

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



WEST QUARTER CORNER
SECTION 9

2640.83

N. 0° 15' 20" E.
219.23

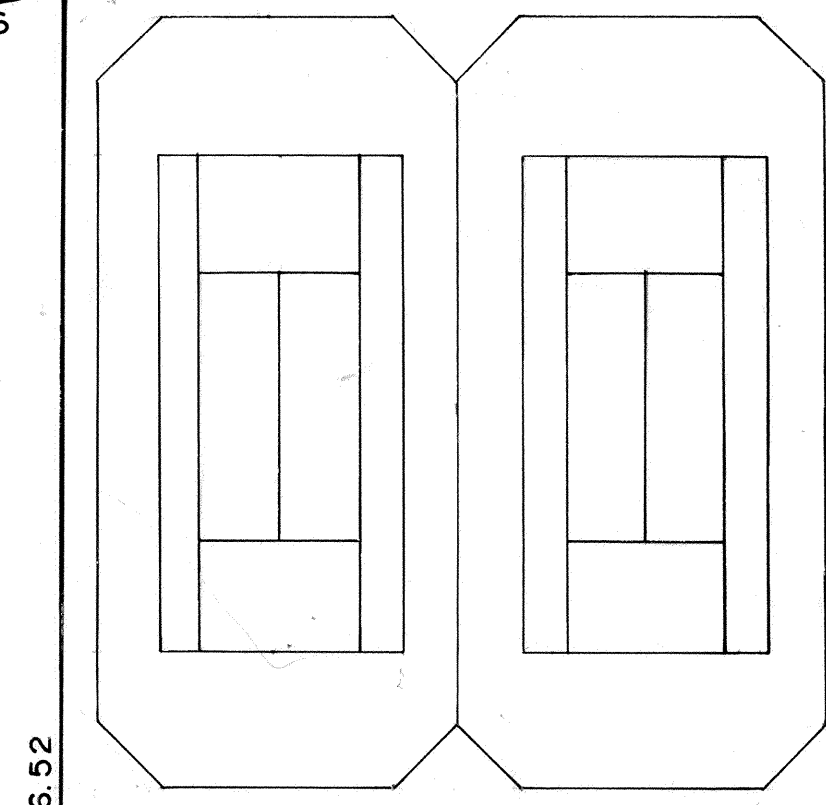
52.27

42.23

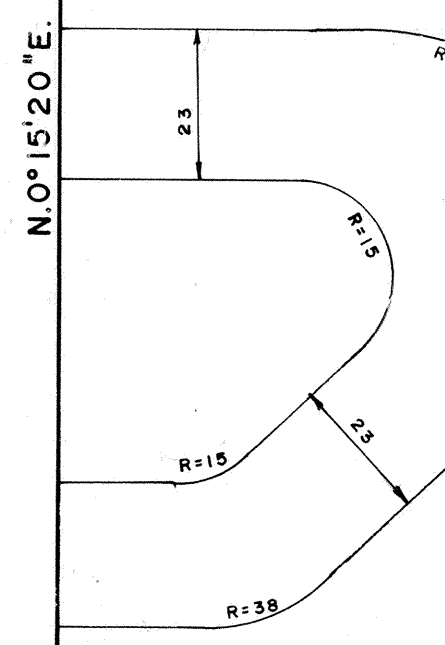
74.43

120.0

45.57



BUILDING 1



BUILDING 2

SILVER KING DRIVE

N. 80° 15' 14" E. 343.305

196.25

20.92
ARC. = 29.07

18.64

14.0

14.0

14.0

14.0

14.0

14.0

14.0

14.0

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14.0

14.0

14.0

Possible
Future Pool

S. 74° 25' W. 79.77

S. 29° 38' W. 202.90

MORTGAGEES CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that _____ and _____ the undersigned Prudential Federal Savings and Loan Association, a Utah Corporation, a holder of a Deed of Trust covering the subject property does hereby consent to the submission of the property to the terms of the Utah Condominium Ownership Act and to the recording of this record of survey and the Condominium Declaration.

IN WITNESS WHEREOF, I have set my hand this 22 day of September 1978

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF)
BE IT REMEMBERED On this 22 day of September 1978, personally appeared before me, the undersigned Notary Public in and for said county and state, James G. West and John B. Anderson of Prudential Federal Savings and Loan Association, a Utah Corporation, who being duly sworn, did say that the within and foregoing Mortgagees Certificate and Consent To Record was duly executed and signed for and in behalf of said corporation and that said corporation did execute the same.

My Commission Expires 3-22-80

Notary Public James G. West
Residing at Salt Lake City, Utah

OWNERS CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that SNOW FLOWER LTD., A Calif. Limited Partnership by and through their authorized general partner Jack W. Davis, Inc., and Jack W. Davis, Inc., the owners of the tracts of land described hereon and SNOW FLOWER CONDOMINIUM, A Utah Condominium Project located on said tract of land do hereby make this certificate that the partnership and corporation have caused a survey to be made, and this record of survey map consisting of 3 sheets to be prepared the partnership and the corporation have consented and do hereby consent to the recording of this record of survey map in accordance with the Utah Condominium Ownership Act. Submitting the described property to the Utah Condominium Ownership Act.

IN WITNESS WHEREOF, he has set his hand this 5 day of June 1978

Jack W. Davis
JACK W. DAVIS, PRESIDENT
JACK W. DAVIS, INC., and JACK W. DAVIS, INC., as GENERAL PARTNER of
SNOW FLOWER LTD., A Calif. Limited Partnership

SURVEYORS CERTIFICATE

I, James G. West, a Registered Utah Land Surveyor holding Certificate (License) Number 3082 do hereby Certify that I have Surveyed the following described Tract of Land:

Beginning at a point South 82.135 feet and East 29.63 feet from the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 0° 15' 20" East 306.52 feet to the Southerly right-of-way line of Silver King Drive; thence North 80° 15' 14" East along said Southerly right-of-way line 343.305 feet; thence South 10° 06' East 187.70 feet; thence South 74° 25' West 79.77 feet; thence South 29° 38' West 202.90 feet; thence South 58° 50' West 129.28 feet; thence North 45° 00' West 120.00 feet to the point of beginning. Contains 2.570 acres.

Together with a non-exclusive easement for vehicular and pedestrian access, to be used in common with grantor and others to whom it may grant, and described as follows:

Beginning at the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 0° 15' 20" East 219.23 feet to a point on the Southerly right-of-way line of Silver King Drive; thence North 80° 15' 14" East 30.46 feet along said Southerly right-of-way line; thence South 0° 15' 20" West 306.52 feet; thence North 45° West 42.23 feet; thence North 0° 15' 20" East 52.27 feet to the point of beginning. Contains 0.199 acres.

I further certify that the above description accurately describes the land surface upon which has been constructed Snow Flower Condominiums in accordance with the Utah Condominium Ownership Act. I further certify that the reference markers as shown on this plat are located as shown, and sufficient to readily retrace or re-establish this survey.

May 31, 1978
DATE

James G. West
James G. West
Utah Registered Land Surveyor
Certificate (License) No. 3082

SOUTHWEST CORNER SECTION
T.2S., R.4E. S.L.B. & M.

PARK CITY APPROVAL

On this 27 day of July 1978, the City of Park City a body corporate of the State of Utah and the Municipality in which the SNOW FLOWER CONDOMINIUMS is located, hereby gives final approval to said project, to the declaration recorded concurrently herewith, to the record of survey map which consists of 3 sheets and to the attributes of said project which are mentioned in Section 57-8-35(3) of the Utah Condominium Ownership Act, as amended and expanded by the laws of Utah, 1975 Chapter 173 Section 18.

ATTEST:
Ando W. Leatham Recorder
PARK CITY
BY John C. Greer Jr. Mayor

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF Summit)
BE IT REMEMBERED On this 27 day of July 1978 personally appeared before me, the undersigned Notary Public, Jack W. Davis who being by me duly sworn, did say he is the president of Jack W. Davis, Inc., General Partner of Snow Flower, Ltd., a Calif. Limited Partnership and that the within and foregoing Owner's Certificate and Consent To Record was duly executed and signed by him on said behalf of said Corporation and Partnership.

My Commission Expires May 1, 1977
Notary Public Robert Johnson
Residing at Park City

SNOW FLOWER CONDOMINIUMS

"A UTAH CONDOMINIUM PROJECT"

LOCATED IN SOUTHWEST QUARTER OF SECTION 9 AND
NORTHWEST QUARTER OF SECTION 16 TOWNSHIP 2
SOUTH RANGE 4 EAST S.L.B. & M.

RECORDED

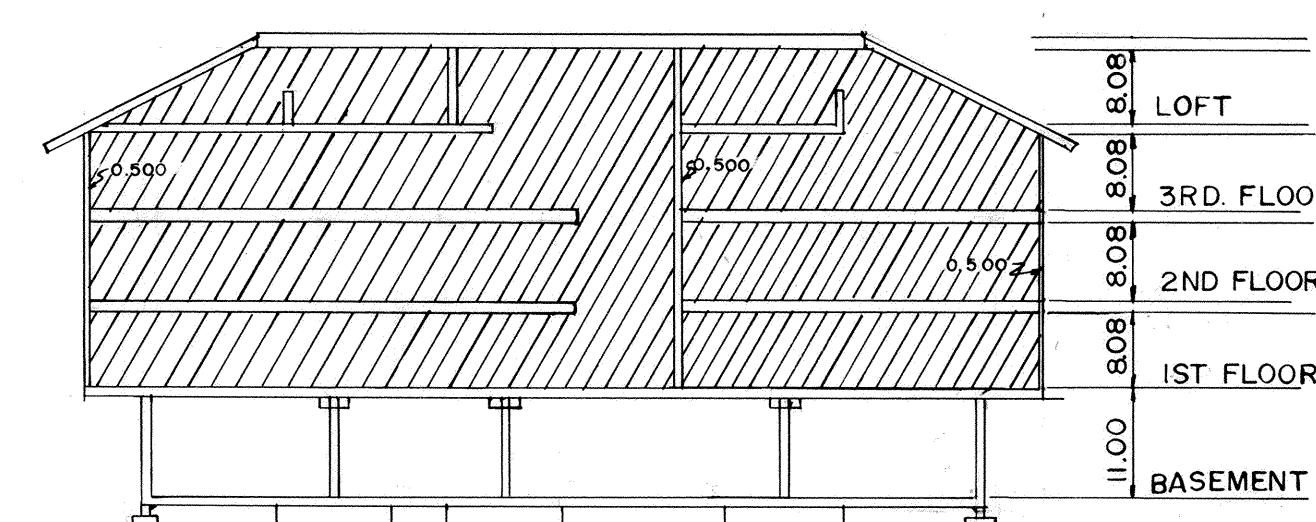
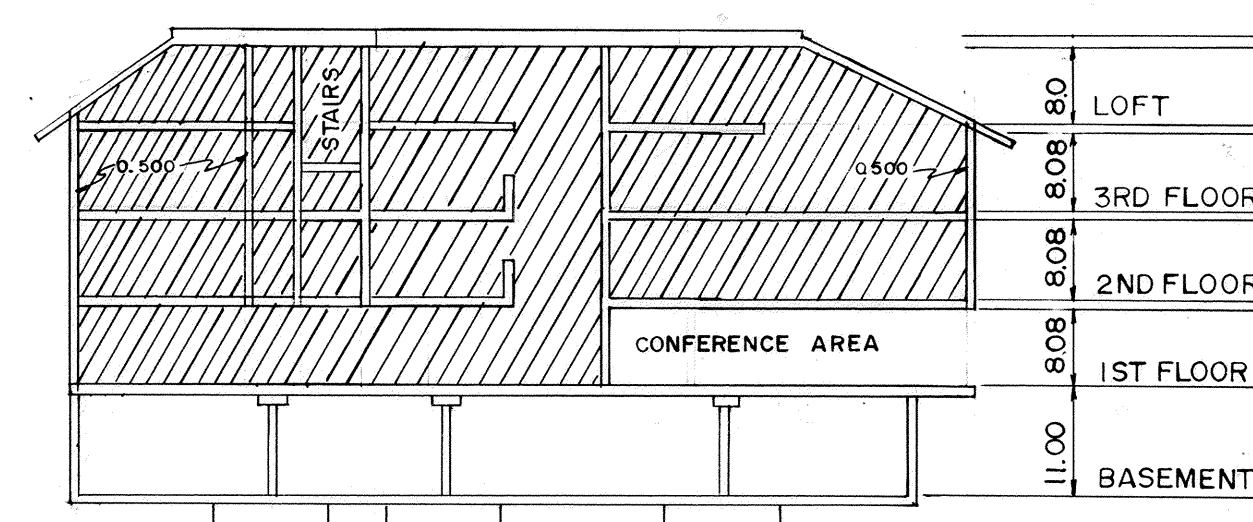
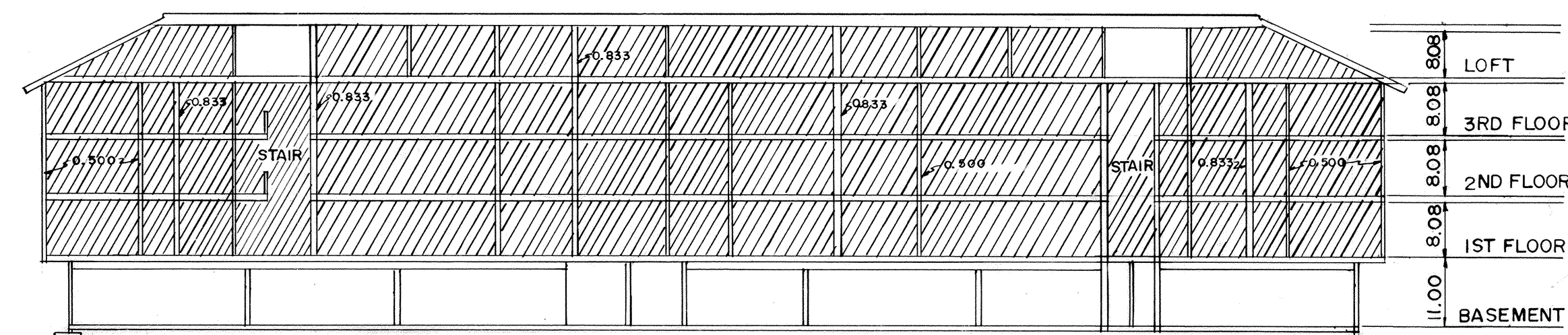
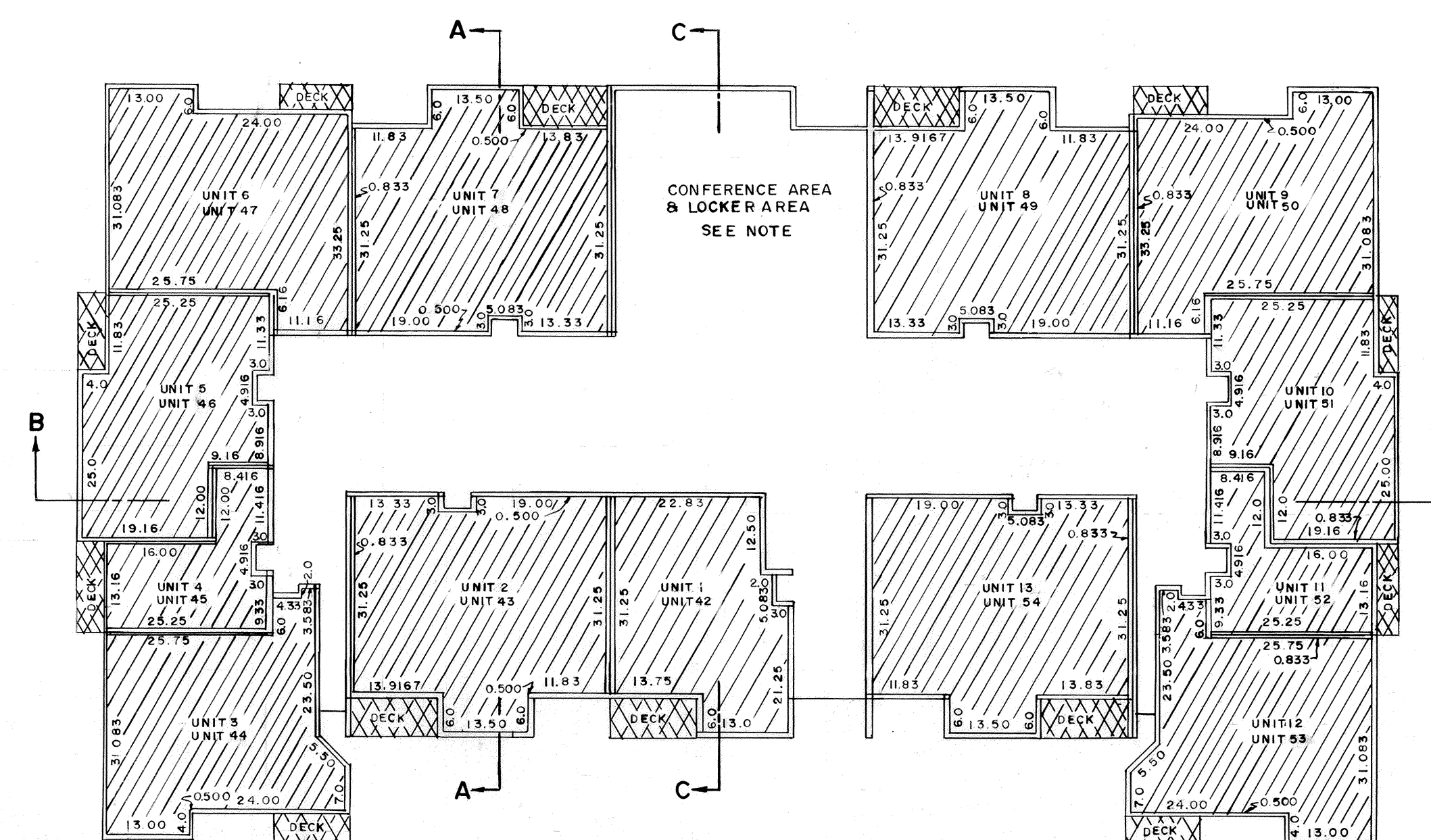
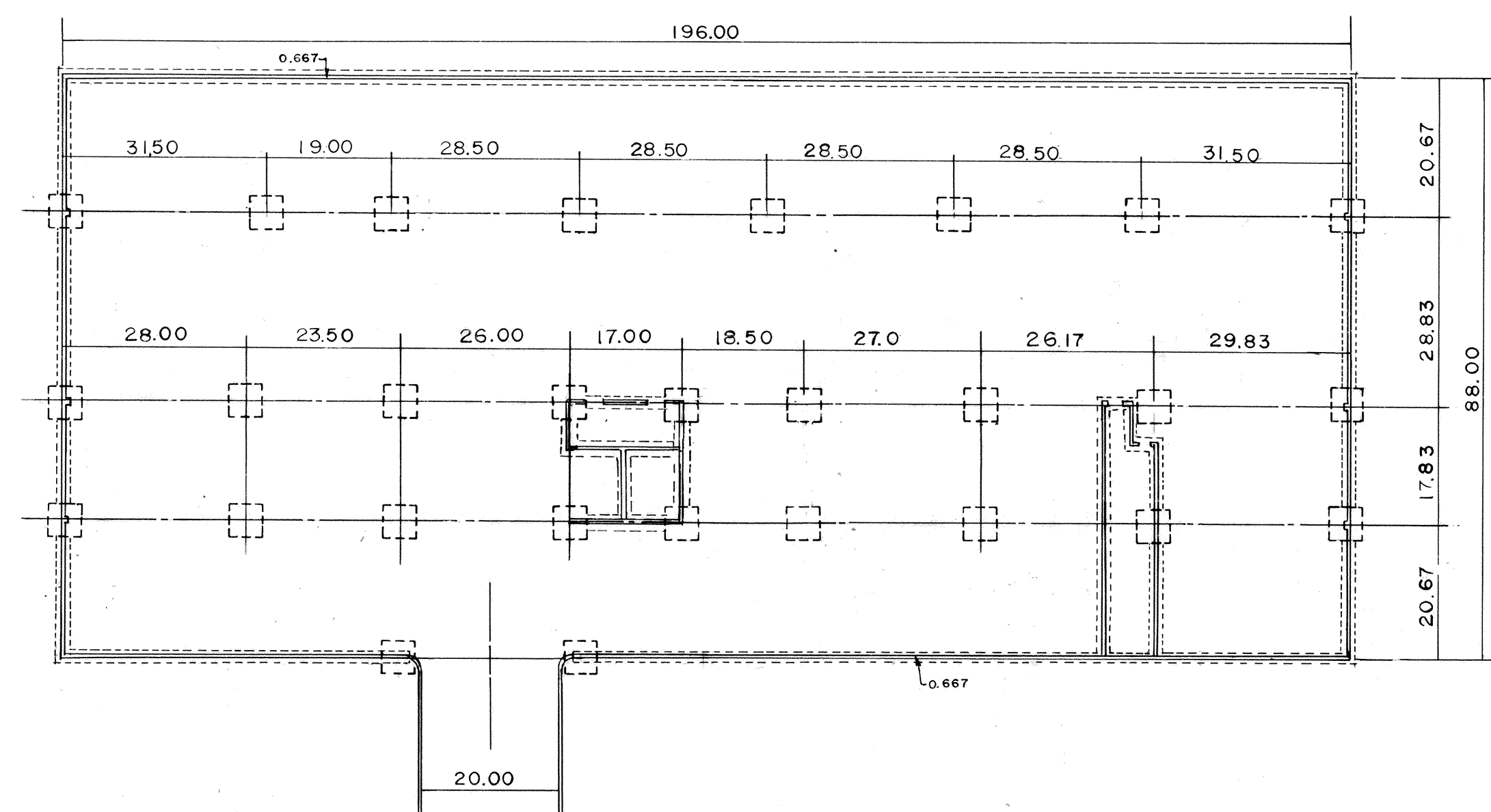
RECORDED NO. 149678 4:00 P.M.
FILED AND RECORDED FOR Summit Co Title
PAGE Filed BOOK A
FEE \$56.00 Wan Co. Spangis
SUMMIT COUNTY RECORDER

PREPARED BY
J. J. JOHNSON & ASSOCIATES

1700 PARK AVENUE, P.O. BOX 1661

PARK CITY, UTAH, 84060 - PH. 801-649-9811

SHEET 1 OF 3



UNITS NO. 21862
UNITS NO. 35876

NOTE: UNIT NO 21 & 62, 35876 ARE
LOCATED ON THE SECOND
& THIRD FLOORS ABOVE
THE CONFERENCE & LOCKER
AREAS ON THE FIRST FLOOR

BUILDING NO.		
UNIT NO.	FLOOR	CEILING
1	6899.00	6897.08
2	6899.00	6897.083
3	6899.00	6897.083
4	6899.00	6897.083
5	6899.00	6897.083
6	6899.00	6897.083
7	6899.00	6897.083
8	6899.00	6897.083
9	6899.00	6897.083
10	6899.00	6897.083
11	6899.00	6897.083
12	6899.00	6897.083
13	6899.00	6897.083
14	6898.17	6906.25
15	6938.17	6906.25
16	6938.17	6906.25
17	6938.17	6906.25
18	6938.17	6906.25
19	6938.17	6906.25
20	6938.17	6906.25
21	6938.17	6906.25
22	6938.17	6906.25
23	6938.17	6906.25
24	6938.17	6906.25
25	6938.17	6906.25
26	6938.17	6906.25
27	6938.17	6906.25
28	6937.33	6915.415
29	6907.33	6915.415
30	6907.33	6915.415
31	6907.33	6915.415
32	6907.33	6915.415
33	6907.33	6915.415
34	6907.33	6915.415
35	6907.33	6915.415
36	6907.33	6915.415
37	6907.33	6915.415
38	6907.33	6915.415
39	6907.33	6915.415
40	6907.33	6915.415
41	6907.33	6915.415
42	6907.33	6915.415
43	6907.33	6915.415
44	6907.33	6915.415
45	6907.33	6915.415
46	6907.33	6915.415
47	6907.33	6915.415
48	6907.33	6915.415
49	6907.33	6915.415
50	6907.33	6915.415
51	6907.33	6915.415
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65	6907.33	6915.415
66	6907.33	6915.415
67	6907.33	6915.415
68	6907.33	6915.415
69	6907.33	6915.415
70	6907.33	6915.415
71	6907.33	6915.415
72	6907.33	6915.415
73	6907.33	6915.415
74	6907.33	6915.415
75	6907.33	6915.415
76	6907.33	6915.415
77	6907.33	6915.415
78	6907.33	6915.415
79	6907.33	6915.415
80	6907.33	6915.415
81	6907.33	6915.415
82	6907.33	6915.415
83	6907.33	6915.415
84	6907.33	6915.415
85	6907.33	6915.415
86	6907.33	6915.415
87	6907.33	6915.415
88	6907.33	6915.415
89	6907.33	6915.415
90	6907.33	6915.415
91	6907.33	6915.415
92	6907.33	6915.415
93	6907.33	6915.415
94	6907.33	6915.415
95	6907.33	6915.415
96	6907.33	6915.415
97	6907.33	6915.415

BUILDING NO. LOFT UNITS			
UNIT NO.	FLOOR	FRONT	CEILING CENTER
28	6907.33	6915.415	6923.50
29	6907.33	6915.415	6923.50
30	6907.33	6915.415	6923.50
31	6907.33	6915.415	6923.50
32	6907.33	6915.415	6923.50
33	6907.33	6915.415	6923.50
36	6907.33	6915.415	6923.50
37	6907.33	6915.415	6923.50
38	6907.33	6915.415	6923.50
39	6907.33	6915.415	6923.50

BUILDING NO.2 LOFT UNITS				
UNIT NO.	FLOOR	FRONT	CENTER	
69	6913.33	6921.415	6929.50	
70	6913.33	6921.415	6929.50	
71	6913.33	6921.415	6929.50	
72	6913.33	6921.415	6929.50	
73	6913.33	6921.415	6929.50	
74	6913.33	6921.415	6929.50	
75	6913.33	6921.415	6929.50	
76	6913.33	6921.415	6929.50	
77	6913.33	6921.415	6929.50	
78	6913.33	6921.415	6929.50	
79	6913.33	6921.415	6929.50	
80	6913.33	6921.415	6929.50	

BUILDING NO. 2		
UNIT NO.	FLOOR	CEILING
42	6986.00	6903.083
43	6986.00	6903.083
44	6995.00	6905.085
45	6995.00	6905.085
46	6995.00	6905.085
47	6995.00	6905.085
48	6995.00	6905.085
49	6995.00	6905.085
50	6995.00	6905.085
51	6995.00	6905.085
52	6995.00	6905.085
53	6995.00	6905.085
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57	6904.17	6912.25
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66	6904.17	6912.25
67	6904.17	6912.25
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69	6904.17	6912.25
70	6913.33	6921.41
71	6913.33	6921.41
72	6913.33	6921.41
73	6913.33	6921.41
74	6913.33	6921.41
75	6913.33	6921.41
76	6913.33	6921.41
77	6913.33	6921.41
78	6913.33	6921.41
79	6913.33	6921.41
80	6913.33	6921.41
81	6913.33	6921.41
82	6913.33	6921.41

NOTES:

1. All interior dimensions are to the Finished Surfaces
2. All areas not cross-hatched on this sheet are to be Common Ownership
3. All areas cross-hatched on this sheet are to be Private Ownership
4. All areas double cross-hatched on this sheet are to be Limited Common Areas

I James G. West, do hereby certify that the building specifications of SNOW FLOWER CONDOMINIUM, "A Utah Condominium Project" are and will be as shown on this plat.

May 31, 1978
DATE

James H. Wirt
Registered Utah Land Surveyor
License No. 3082

SHEET 2 OF 3

SNOW FLOWER CONDOMINIUMS

"A UTAH CONDOMINIUM PROJECT"

LOCATED IN SOUTHWEST QUARTER OF SECTION 9 AND
NORTHWEST QUARTER OF SECTION 16 TOWNSHIP 2
SOUTH RANGE 4 EAST S.L.B. & M.

RECORDED

4:00 P.M.

RECORDED NO. 149678 Sept. 25, 1978

FILED AND RECORDED FOR Summit Co. Title

PAGE Filed BOOK

FFF \$56.00 Wanda Y. Spriggs

SUMMIT COUNTY RECORDER

PREPARED BY

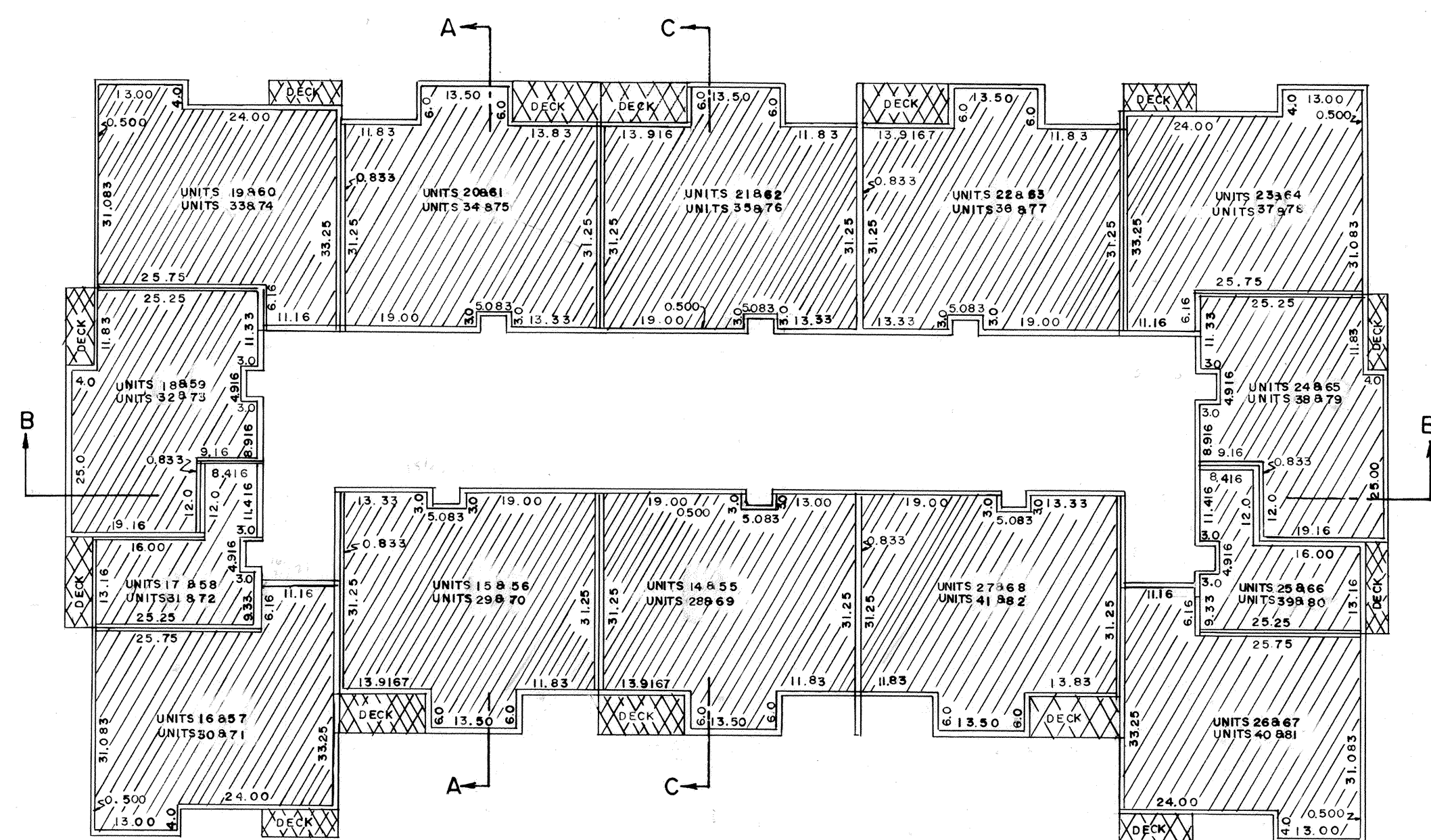
J. J. JOHNSON & ASSOCIATES

1700 PARK AVENUE, P.O. BOX 1661

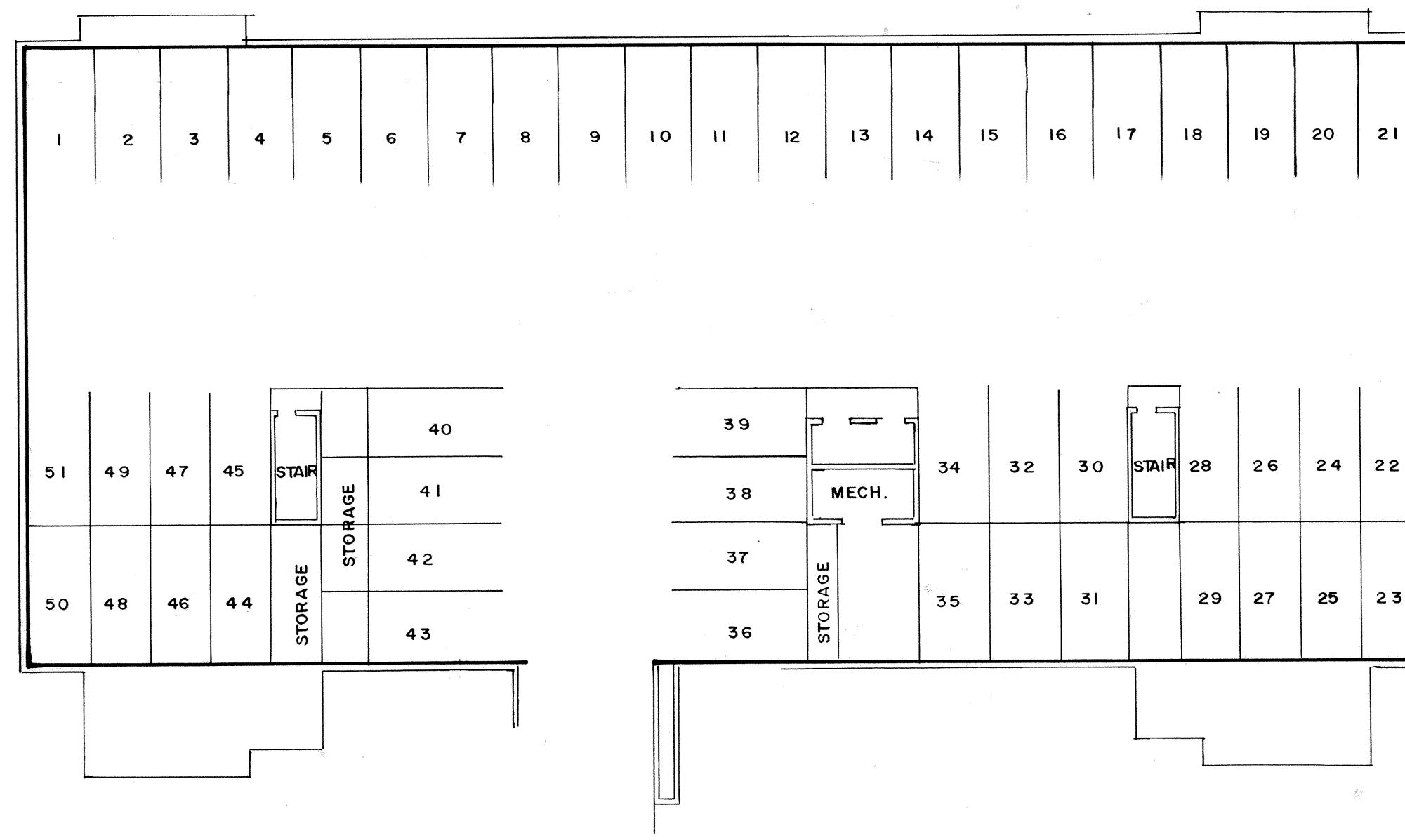
PARK CITY, UTAH, 84060 - PH. 801-649 9811



FLOOR PLAN
BUILDINGS 1E2
LOFT



FLOOR PLAN
BUILDINGS 1E2
FLOORS 2E3



BASEMENT GARAGE
BUILDINGS 1E2

- NOTES:
1. All interior dimensions are to the Finished Surfaces
 2. All areas not cross-hatched on this sheet are to be Common Ownership
 3. All areas cross-hatched on this sheet are to be Private Ownership
 4. All areas double cross-hatched on this sheet are to be Limited Common Areas

I, James G. West, do hereby certify that the building specifications of SNOW FLOWER CONDOMINIUM, "A Utah Condominium Project" are and will be as shown on this plat.

May 31, 1978
DATE

James G. West
Registered Utah Land Surveyor
License No. 3082

SHEET 3 OF 3

SNOW FLOWER CONDOMINIUMS

"A UTAH CONDOMINIUM PROJECT"

LOCATED IN SOUTHWEST QUARTER OF SECTION 9 AND
NORTHWEST QUARTER OF SECTION 16 TOWNSHIP 2
SOUTH RANGE 4 EAST S.L.B. & M.

RECORDED

RECORDED NO. 149678 Sept. 25, 1978

FILED AND RECORDED FOR Summit County Title

PAGE Filed BOOK

FEE \$ 56.00

Summit County Recorder

PREPARED BY

J. J. JOHNSON & ASSOCIATES

1700 PARK AVENUE, P.O. BOX 1661

PARK CITY, UTAH, 84060 - PH. 801-6499811

SNOW FLOWER CONDOMINIUMS, UNIT 70
(401 Silver King Drive)

January 12, 2023

PROJECT INTENT

Unit 70 of Snow Flower Condominiums is in Building 2 of the project and the plat was originally recorded September 25, 1978, as Entry No. 149678 and is located adjacent to Park City Mountain Resort.

When Unit 70 and other similar units were constructed in the late 1970s, the Loft level consisted of attic areas that were not part of the living space. These attic areas are designated as common ownership on the current recorded plat. The intent of this plat amendment application is to convert this common area attic space into private ownership to be used as living and storage space for Unit 70.



DEER VALLEY DRIVE

EMPIRE AVENUE

THREE KINGS DRIVE

15TH STREET

SILVER KING DRIVE

SULLIVAN ROAD

PARK AVENUE

WOODSIDE AVENUE

EMPIRE AVENUE

401 SILVER KING DRIVE (BUILDING 2)

PARK CITY MOUNTAIN RESORT



(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
BRAYLON ROSE

DATE: 3/28/22

AERIAL MAP
401 SILVER KING DRIVE
SNOW FLOWER CONDOMINIUS, UNIT 70 (BUILDING 2)

FOR: MIRANDA SADA
JOB NO.: 3-2-22
FILE: X:\ParkCityMtnResort\dwg\PlatExhibits\2022\030222-aerial.dwg



Snow Flower Unit 70 - rear - looking southeasterly



Snow Flower I Homeowner's Association
P.O. Box 448 | Park City, UT 84060

March 16, 2022

To Whom it May Concern,

Mrs. Sada requested to expand their plat in December 2021. The Snow Flower Homeowner's membership voted and the required 66 and two-thirds was received in January 2022. The total amount of votes received in favor came to 67.92%.

Please reach out to me with any questions!

Sincerely,

A handwritten signature in black ink, appearing to be 'Erin Whitney'. The signature is fluid and cursive, with the first letter 'E' being particularly large and stylized.

Erin Whitney
Park City Lodging
Snow Flower I Homeowner's Association
435.649.6400

Planning Commission Staff Report



Subject: 2002 Eagle Way
Application: PL-23-05762
Author: Alexandra Ananth, Senior Planner
Date: August 23, 2023
Type of Item: Conditional Use Permit

Recommendation

(I) Review the proposed Conditional Use Permit (CUP) to replace the existing Public Utilities communications tower and equipment shed at 2002 Eagle Way; (II) conduct a public hearing; and (III) consider approving the Conditional Use Permit based on the draft Final Action Letter Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: PCMC Public Utilities Department, represented by Harrison Holley, Public Utilities Engineer
Location: 2002 Eagle Way
Zoning District: Estate (E), Sensitive Land Overlay (SLO)
Adjacent Land Uses: Open Space, Single Family Residential
Reason for Review: The Planning Commission reviews and takes Final Action on Conditional Use Permits¹

CUP	Conditional Use Permit
E	Estate
PCMC	Park City Municipal Corporation
SLO	Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

Park City Municipal Corporation's (PCMC) Public Utilities Department is proposing to replace the existing communications tower and equipment shed, located at 2002 Eagle Way, Parcel Number SA-S-35-X. The project is considered essential for the City's Water Division to capture water meter readings.

The project site is a large parcel, approximately 110 acres, owned by PCMC, and is located at the top of Aerie Drive and Mellow Mountain Road in the Estate Zoning District and Sensitive Land Overlay. The site has existing access and power.

¹ LMC § [15-1-8](#)

The current wooden communications tower will be replaced with a galvanized metal tower of the same height that has been designed to meet wind and snow loads. The equipment shed will be replaced with a pre-manufactured climate-controlled shed that will better protect the equipment housed inside, which is temperature sensitive. The existing tower and shed will be removed once the replacement structures have been installed and are up and running. The existing shed is ~50 square feet and the proposed shed is 120 square feet (12' x 10') with a three-foot wide concrete pad extension. The replacement tower will match the 28-foot height of the existing tower.

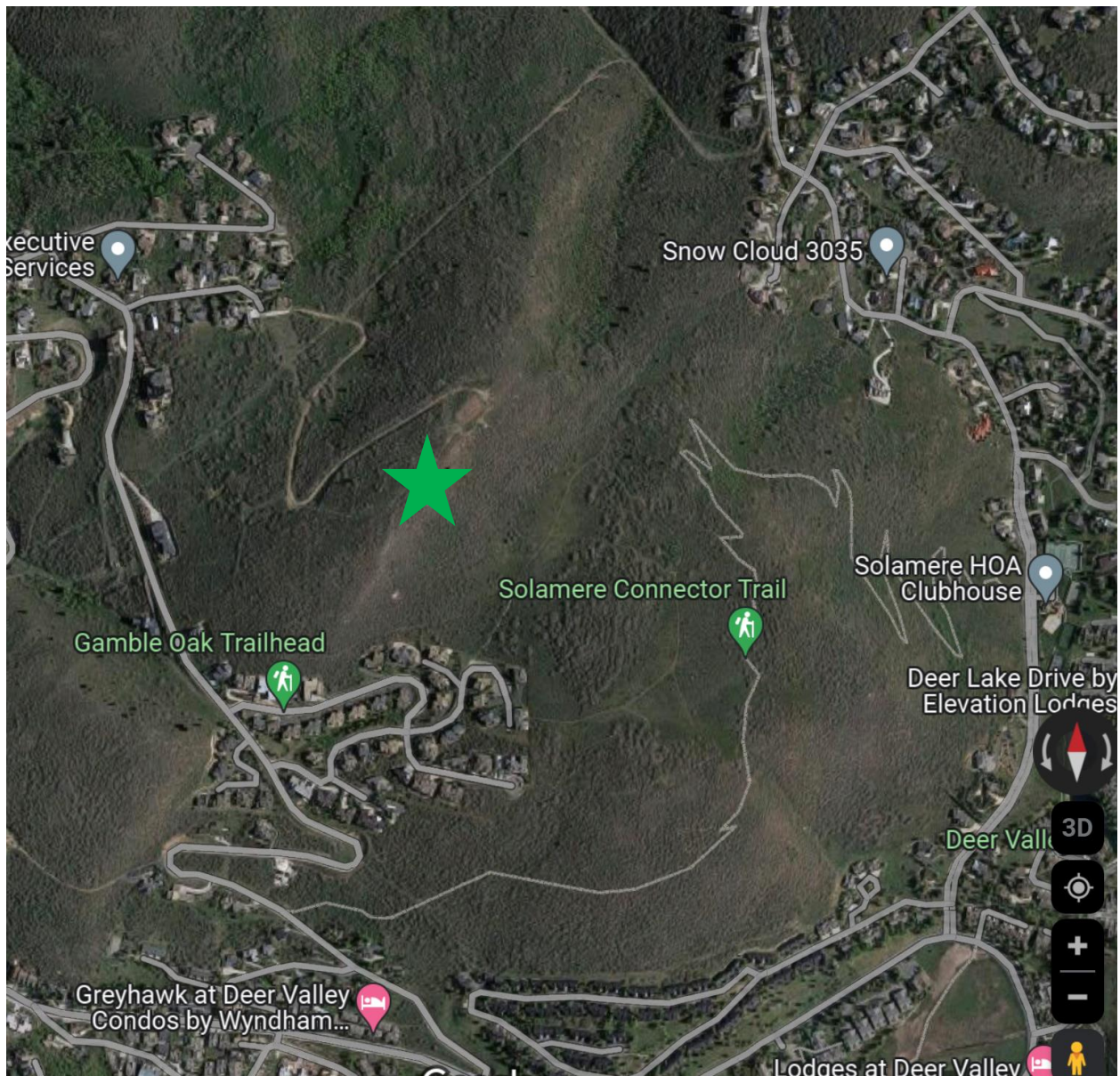


Figure 1: Approximate area of existing and proposed communications tower and equipment shed (green star)

Background

The existing communications tower and equipment shed were constructed in 2010 as part of a larger water meter reading project throughout the City. A CUP from the Planning Commission approved the project on September 23, 2009 (Exhibit B).

Analysis

The Planning Commission reviews and takes Final Action on Conditional Use Permits.²

(I) The proposal to replace the existing communications tower and shed complies with the requirements outlined in LMC Chapter [15-2.10](#), Estate (E) District.

Estate Zoning District Requirements	Analysis of Proposal
Essential Municipal Public Utility Use/Facility	Requires a CUP in the Estate zoning district.
Lot Size: 3 acres	Complies - ~ 110 acres
Setbacks: The minimum Front, Side and Rear Setback for all Structures is thirty feet (30')	Complies - > 30 ft.
Building Height: twenty-eight feet (28') from Existing Grade	Complies - 28 ft.

(II) The proposal complies with LMC § [15-2.21](#), Sensitive Land Overlay Zone Regulations.

Conditional Uses in the Estate (E) District are subject to the Sensitive Lands Overlay (SLO) Zone.³

Sensitive Land Overlay Requirements	Analysis of Proposal
Site	Complies - The project site is located just below the ridge line at an elevation of 7660 ft. and complies with the 30 ft. Setback requirements.
Access	Complies - There is an existing road for access to the site.
Soils Analysis	NA
Water	NA
Visual Impact: No Structure or other appurtenant device, including mechanical equipment, may visually intrude on the Ridge Line	Complies – The Applicant submitted photos of the existing equipment from 8 Vantage Points showing that existing equipment is minimally visible. As the proposed new equipment is no taller than the existing, little visual impact is expected.

² LMC § [15-1-8](#)

³ LMC § [15-2.10-6](#)

Area from any of the designated Vantage Points	
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A Visual Analysis was completed with the 2009 CUP and the Applicant submitted an updated Visual Analysis for the Planning Commission's review (Exhibit C). A 2009 Condition of Approval requiring that the equipment be located at least 50 feet from 40% or greater slopes is being carried forward as Condition of Approval 8. The Public Utilities Department has stated that the replacement tower will require a concrete pad and will not exceed the height of the existing tower, which is 28-feet. Although the project site is located at a Ridge Line Area, due to the size of the parcel, and its location hundreds of feet from the closest abutter, there is minimal expected visual impact.



Figure 2: Existing Communications Tower and Shed, example of proposed new metal tower, example of equipment shed

(III) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC [§ 15-1-10\(E\)](#).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: The proposed communications tower and equipment shed is replacing existing equipment on site. The parcel is approximately 110 acres, and the equipment is not located in any Setbacks. A photo simulation shows that the proposed equipment will be no more visible than existing equipment.
Traffic	Complies: The Use is not expected to generate any traffic apart from an occasional service vehicle if there is an equipment issue.
Utility Capacity	Complies: No changes to utility needs are expected.
Emergency Vehicle Access	Complies: No changes are proposed to vehicular access.
Parking	Complies: Public Utility Uses require one parking stall per 1,000 sf. There is sufficient parking for the occasional service vehicle or employee adjacent to the proposed new equipment site.
Internal Vehicular and Pedestrian Circulation System	Complies: NA.
Fencing, Screening, and Landscaping	Complies: The project site is located a sufficient distance from abutters and does not warrant additional landscape screening or fencing.
Building Mass, Bulk, and Orientation	Complies: The proposed shed is 10' x 12' and will sit on a concrete foundation with minimal visibility from adjoining Lots.

Useable Open Space	Complies: The site will be minimally impacted by the replacement equipment and the remainder of the site is Open Space.
Signs and Lighting	Complies: No signage or exterior lighting is proposed.
Physical Design and Compatibility with Surrounding Structures	Complies: The pre-manufactured shed will be painted to blend into the foliage. The communications tower will not exceed the Zone Height of 28 ft.
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	Complies: The replacement equipment is not expected to create any noise, vibration, or odors.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: No changes proposed.
Expected Ownership and Management	Complies: The parcel is owned by PCMC.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: No unmitigated impacts.

(IV) The proposal, as conditioned, complies with the Telecommunication Facility review criteria outlined in LMC [§ 15-4-14](#).

Although the water tower and equipment shed are not considered telecommunications equipment, the project is being reviewed against the Telecommunications Facility criteria because these criteria most closely address potential impacts of the proposed facility.

Telecommunications Facility Review Criteria	Analysis of Proposal
Visual Analysis	Complies: See Analysis II, above.
Setbacks – Must comply with Setbacks of underlying zone	Complies: See Analysis I, above.

Height – Must comply with zone height	Complies: See Analysis I, above.
Use - The Telecommunications Facility shall be an ancillary Use on the Lot on which it is placed.	Complies: The Aerie Water Storage tank is the principal Use of the site, and the communications tower and shed are an ancillary use.
Design – Must comply with the Park City Architectural Design Guidelines	Complies: See Condition of Approval 4, which requires the roof to have a matte finish to minimize glare.
Site Disturbance	Complies: No Significant Vegetation is proposed for removal.
Compliance with Other Laws	Complies: See Condition of Approval 2, which requires evidence of substantial compliance with applicable Federal Aviation Administration and Federal Communications Commission regulations be submitted prior to the issuance of a building permit.

(V) The Development Review Committee requires Conditions of Approval.⁴

The Development Review Committee reviewed the proposal on August 1, 2023, and did not identify any required Conditions of Approval.

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 9, 2023. Staff mailed courtesy notice to property owners within 300 feet on August 9, 2023. The *Park Record* published notice on August 9, 2023.⁵

Public Input

Staff did not receive any public input at the time this report was published.

⁴ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁵ LMC [§ 15-1-21](#)

Alternatives

- The Planning Commission may approve the CUP to replace the existing communications tower and equipment shed;
- The Planning Commission may deny the CUP and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: 2009 CUP Final Action Letter

Exhibit C: Application Support Memorandum and Visual Analysis



Planning Department

August 23, 2023

Harrison Holley
PCMC Public Utilities Department
1053 Iron Horse Drive
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	2002 Eagle Way
Zoning District:	Estate (E)
Application:	Conditional Use Permit
Project Number:	PL-23-05762
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	August 23, 2023
Project Summary:	Aerie Communications Tower Replacement Project

Action Taken

On August 23, 2023, the Planning Commission conducted a public hearing and approved the Aerie Communications Tower Replacement Project according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The site is located at 2002 Eagle Way, Parcel Number SA-S-35-X.
2. The project is considered essential for the City's Water Division to capture water meter readings.
3. The project site is approximately 110-acres, owned by PCMC, and is located at the top of Aerie Drive and Mellow Mountain Road, in the Estate Zoning District.
4. The site has vehicular access and power.
5. The current wooden communications tower will be replaced with a galvanized metal tower of the same height that has been designed to meet wind and snow loads.
6. The equipment shed will be replaced with a pre-manufactured climate-controlled shed that will better protect the equipment housed inside, which is temperature sensitive.



Planning Department

7. The existing tower and shed will be removed once the replacement structures have been installed and are up and running.
8. The existing communications tower and equipment shed were constructed in 2010 as part of a larger water meter reading project throughout the City. A CUP from the Planning Commission approved the project on September 23, 2009.
9. Essential Municipal Public Utility Use, Facility, Services, and Structures require a Conditional Use Permit in the Estate Zoning District.
10. The minimum Front, Side and Rear Setback for all Structures is thirty feet (30') in the Estate Zone.
11. The Zone Height is 28 feet.
12. The proposal to replace the existing communications tower and shed complies with the requirements outlined in LMC § [15-2.10](#), Estate (E) District.
13. The Applicant provided a Visual Analysis showing there will be minimal visual impact from the new equipment.
14. The proposal complies with LMC § 15-2.21, Sensitive Land Overlay Zone Regulations.
15. The project site is located just below the ridge line at an elevation of 7660 ft.
16. Although the project site is located at a Ridge Line Area, due to the size of the parcel, and its location hundreds of feet from the closest abutter, there is minimal expected visual impact.
17. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC § [15-1-10\(E\)](#).

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: The proposed communications tower and equipment shed is replacing existing equipment on site. The parcel is approximately 110 acres, and the equipment is not located in any Setbacks. A photo simulation shows that the proposed equipment will be no more visible than existing equipment.
Traffic	Complies: The Use is not expected to generate any traffic apart from an occasional service vehicle if there is an equipment issue.
Utility Capacity	Complies: No changes to utility needs are expected.



Planning Department

Emergency Vehicle Access	Complies: No changes are proposed to vehicular access.
Parking	Complies: There is sufficient parking for the occasional service vehicle adjacent to the proposed new equipment site.
Internal Vehicular and Pedestrian Circulation System	Complies: NA.
Fencing, Screening, and Landscaping	Complies: The project site is located a sufficient distance from abutters and does not warrant additional landscape screening or fencing.
Building Mass, Bulk, and Orientation	Complies: The proposed shed is 10' x 12' and will sit on a concrete foundation with minimal visibility from adjoining Lots.
Useable Open Space	Complies: The site will be minimally impacted by the replacement equipment and the remainder of the site is Open Space.
Signs and Lighting	Complies: No signage or exterior lighting is proposed.
Physical Design and Compatibility with Surrounding Structures	Complies: The pre-manufactured shed will be painted to blend into the foliage. The communications tower will not exceed the Zone Height of 28 ft.
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	Complies: The replacement equipment is not expected to create any noise, vibration, or odors.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: No changes proposed.
Expected Ownership and Management	Complies: The parcel is owned by PCMC.



Planning Department

Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: No unmitigated impacts.
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18. The project complies with LMC § 15-4-14, Telecommunications Facilities.
19. The Development Review Committee reviewed the proposal on August 1, 2023, and did not identify any required Conditions of Approval.
20. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on August 9, 2023. Staff mailed courtesy notices to property owners within 300 feet on August 9, 2023. The *Park Record* published notice on August 9, 2023.

Conclusions of Law

1. The application was reviewed for compliance with LMC § 15-1-10(E), Conditional Use Review Process, LMC Chapter 15-2.10, Estate (E) Zoning District, LMC § 15-2.21, Sensitive Land Overlay Zone Regulations, and LMC § 15-4-14, Telecommunication Facilities.
2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Applicant shall apply for a building permit prior to the installation of equipment on site.
2. Evidence of substantial compliance with applicable Federal Aviation Administration and Federal Communications Commission regulations shall be submitted to the City prior to the issuance of a building permit.
3. The project shall be substantially consistent with the plans attached as Exhibit A.
4. The roof shall have a matte finish to minimize glare.
5. All associated equipment shall be located within the equipment shed.
6. No additional poles, towers, or antennas, unrelated to the water meter reading or SCADA systems, are permitted in the vicinity of this water meter tower and



Planning Department

equipment shed. Any requests for co-location on the proposed pole shall require a CUP and public notice. The installation is for the municipal water meter reading and SCADA systems and is not to be considered a telecommunication facility installation.

7. The communications tower and shed shall not exceed 28 feet from existing grade (the Zone Height) and shall not be located in any Setback.
8. A 50-foot Setback from 40% or greater slopes is required.
9. The existing tower and shed shall be removed within 12 months of the replacement structures being installed and in use.

If you have questions or concerns regarding this Final Action Letter, please call Alexandra Ananth at 435-615-5066, or email Alexandra.ananth@parkcity.org.

Sincerely,

Sarah Hall, Planning Commission Chair

Exhibit A: Application Support Memorandum and Exhibits

CC: Project file

September 24, 2009

Tamara Lindsay
Park City Water Department
PO Box 1480
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: 1491 Eagle Way
Project Description: Conditional Use Permit for a water meter reading antenna located near the Aerie Water Tank
Date of Action: September 23, 2009

Action Taken by Planning Commission: The Planning Commission **APPROVED** the 1491 Eagle Way Conditional Use Permit based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located in the Estate (E) zone.
2. The proposed use includes one (1) wall-mounted antenna erected to a height of twenty eight feet (28') and a small accessory building (160 sf) for Park City Municipal Corporation, Water Department use.
3. Telecommunication antennas, and similar installations such as the water meter reading antenna, in the E zone are a conditional use subject to Planning Commission review and public hearing.
4. The antenna will be installed off the ridge, approximately 150' to the south and east of the Aerie water tank.
5. The property is encumbered by a Conservation Easement granted to the Summit Land Conservancy. Utility installations are an allowed use in the Conservation Easement and the Conservancy has been notified of the proposed installation.
6. Notice was mailed to owners of property within 300 feet of the proposed facility on August 11 and August 26, 2009.
7. The applicant stipulates to the conditions of approval.
8. The applicant stipulates not to apply for additional antenna unrelated to the water meter reading antenna nor to give consent to its use to other co-locators.
9. The facility will not be located within any right-of-way.
10. The facility meets all setback requirements established in the Land Management Code for the E zone and SLO overlay.
11. All mechanical equipment associated with the facility will be contained inside the electronic structure located adjacent to the antenna.

12. The proposed Antenna is located in an area where it does not impede pedestrian or vehicular circulation.
13. No signs are proposed as part of this application.
14. The mechanical equipment associated with this application complies with the Park City Noise Ordinance.
15. The current utilities can be extended to reach the antenna.
16. The proposed facility is specific to the Park City Water Department's water meter reading system and is not a telecommunication installation as defined by the Telecommunications Act of 1996. This facility is unique and not a precedent setting installation that would allow other telecommunication towers and antennas for commercial uses, such as cell phone, TV, and computer services, to automatically be allowed in this location. The proposed water meter antenna facility is an essential public service and utility, as it is a component of the City's water utility and facilitates water conservation in the community
17. The findings in the Analysis section are incorporated herein.

Conclusions of Law

1. The proposed use is consistent with the LMC, specifically pertaining to Section 15-2.10 (E zone), Section 15-4-14 (Telecommunication facilities) and the Conditional Use Review process outlined in Section 15-1-10. These sections were used in the review of the water meter reading system as the water meter antennas they most closely relate to the telecommunication facility use.
2. The Application complies with all requirements of the Land Management Code.
3. The proposed use is compatible with surrounding structures in use, scale and mass, and circulation.
4. The use is consistent with the Park City General Plan.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. The proposed facility shall be located at 1491 Eagle Way, as shown on the site plan and in photographs submitted with the application.
3. All associated equipment shall be located within the accessory structure. A building permit is required for the accessory structure.
4. Free standing and wall mounted antennas shall be mounted a maximum of 12" from the wall or pole.
5. A 50' setback from 40% or greater slopes is required.
6. A Building Permit must be obtained from the City to install the pole and antenna and be inspected and approved by the Building Department prior to operation of the telecommunications facility.
7. The Applicant shall be responsible for the removal of unused poles and antennas within twelve (12) months of abandonment of Use.
8. Evidence of substantial compliance with applicable Federal Aviation Administration and Federal Communications Commission regulations shall be submitted to the City prior to issuance of a building permit.

9. Accessory building shall be constructed in a manner to blend with the natural environment, in color and materials. No reflective materials, including roofing materials are allowed. Planning Staff shall review the accessory structure and antenna materials at the time of the Building Permit issuance for compliance with the City's Design Guidelines.
10. Applicant is subject to a final inspection of the site after completion.
11. No additional poles, towers or antennas, unrelated to the water meter reading system, are permitted in the vicinity of this water meter pole and antenna, as part of this Conditional Use Permit. Any requests for co-location on the proposed pole require a Conditional Use Permit and public notice. The installation is for municipal water meter reading system and is not to be considered a telecommunication facility installation subject to the Telecommunications Act of 1996.
12. The owner agrees not to apply for additional antenna unrelated to the water meter reading system or give consent to other co-locaters.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or e-mail me at kirsten@parkcity.org .

Sincerely,

Kirsten A. Whetstone, MS, AICP
Senior Planner



WATER

Conditional Use Permit Application – Supplemental Statement

SCADA System/AMR Communications Antennas & Facilities– Aerie Tower & Structure Replacement Project

To: PCMC Planning Department
Copies: Clint McAfee, PCMC Public Utilities Director
From: Harrison Holley, PCMC Public Utilities Engineer
Date: July 11, 2023

ACRONYMS

AMR - Automatic Water Meter Reading
SCADA - Supervisory Control and Data Acquisition

SUMMARY

The Park City Municipal Corporation Public Utilities Department needs to replace an existing communications tower and equipment shed on Aerie Mountain containing SCADA radio repeater equipment and fixed base AMR equipment to support Water's SCADA System Upgrade Project (2023-2024). This equipment is essential to water system operations, security of the water system, and to the Water Department's ability to properly serve Park City.

BACKGROUND

The existing communications tower and equipment shed were constructed in 2010 as part of the City's Fixed Network AMR System Installation Project. The communications tower location and height requirements were determined by a propagation study performed by Sensus Metering Systems which analyzed locations to determine the optimum antenna location to enable capture of Park City water meter transmissions.

In 2015 the existing communications tower and equipment shed were further utilized for SCADA radio repeater equipment and hardware as part of the City's Water SCADA & Telemetry System Upgrade (2015-2017).

The project site, displays enclosed, is located approximately 300 feet southwest of the existing Aerie Water Storage Tank. The parcel (Parcel Number SA-S-35-X) is owned by Park City Municipal Corporation. The property is zoned as (E) Estate. The project site has an existing access road and power supply.

PROPOSED IMPROVEMENTS

Communications Tower. The existing wooden tower will be replaced with a galvanized metal self-supporting latus style tower (displays enclosed). The tower has been specified to meet wind and snow loads and will provide increased safety for maintenance and installation of the

WATER

radio equipment. The replacement tower requires a concrete pad and will match the height of the existing tower.

Equipment Shed. The existing equipment shed will be replaced with a pre-manufactured lean-to style structure (displays enclosed). The replacement shed will be designed to meet Park City building codes including snow loading. The SCADA and AMR equipment housed in this shed is temperature sensitive, both to heat and extreme cold. The replacement shed will be insulated and climate controlled using a mini-split HVAC unit. These improvements will reduce temperature alarms and equipment malfunctions which have historically caused system outages.

The enclosed site display reflects the location of the proposed and existing improvements.

COMPLIANCE WITH LMC AND ROS ZONING

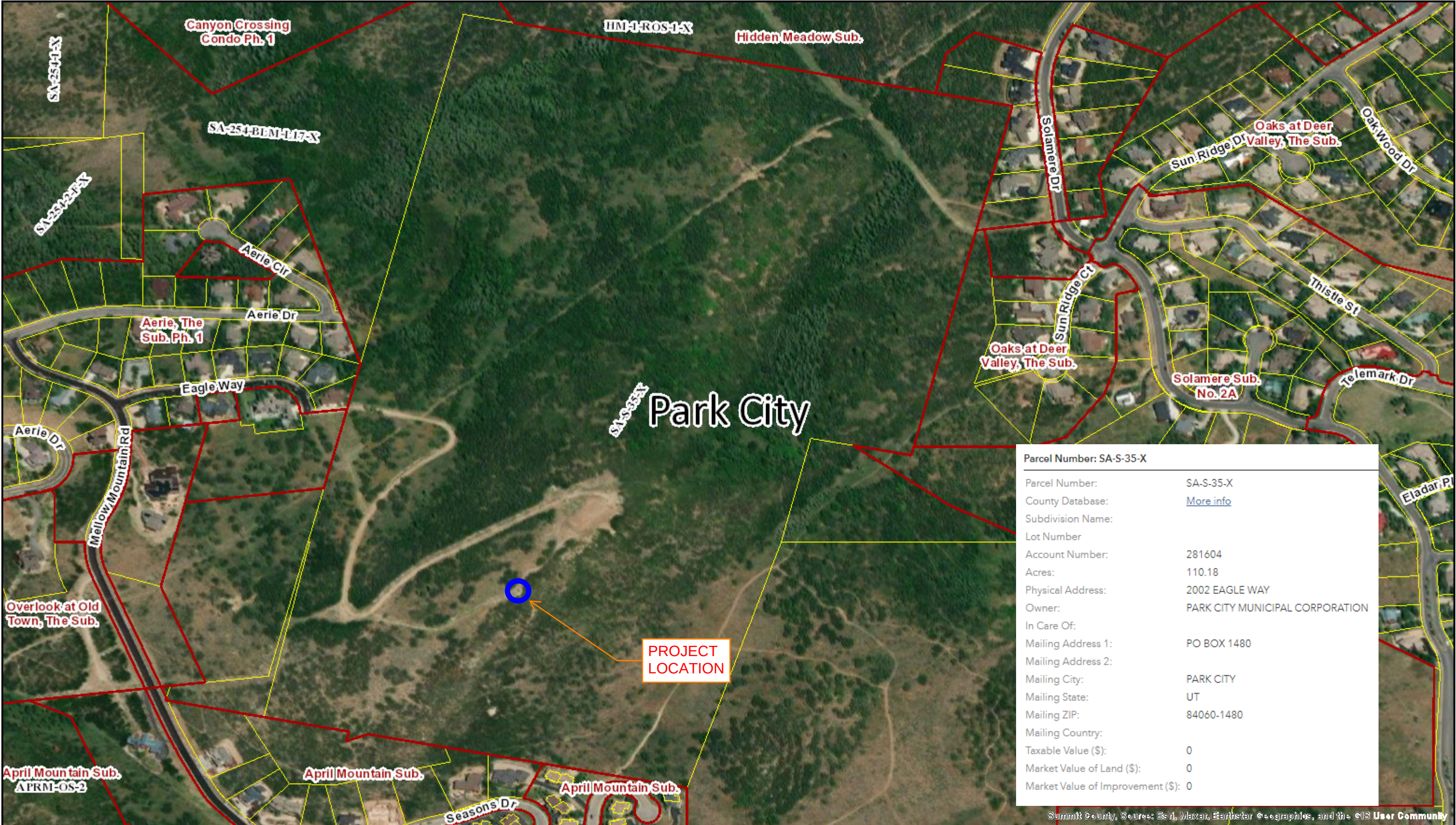
1. In accordance with 15-2.10-2(B)(3), the improvements are an “Essential **Municipal** Public Utility Use, Facility, Services, and Structure” and therefore should be considered as an Administrative Conditional Use.
2. In accordance with 15-2.10-4, the proposed improvements will not exceed 28 feet from existing grade.
3. The proposed improvements are for essential **municipal** public utility use and not for a public or private Telecommunications Facility, and therefore do not fall under LMC 15-4.14(D),

SCHEDULE

Installation of the equipment structure and antenna will proceed as soon as the CUP and Building Department permits are approved. Time is of the essence and the work needs to be completed this year. Because of the site elevation, access to and construction at the site can become impossible by October.

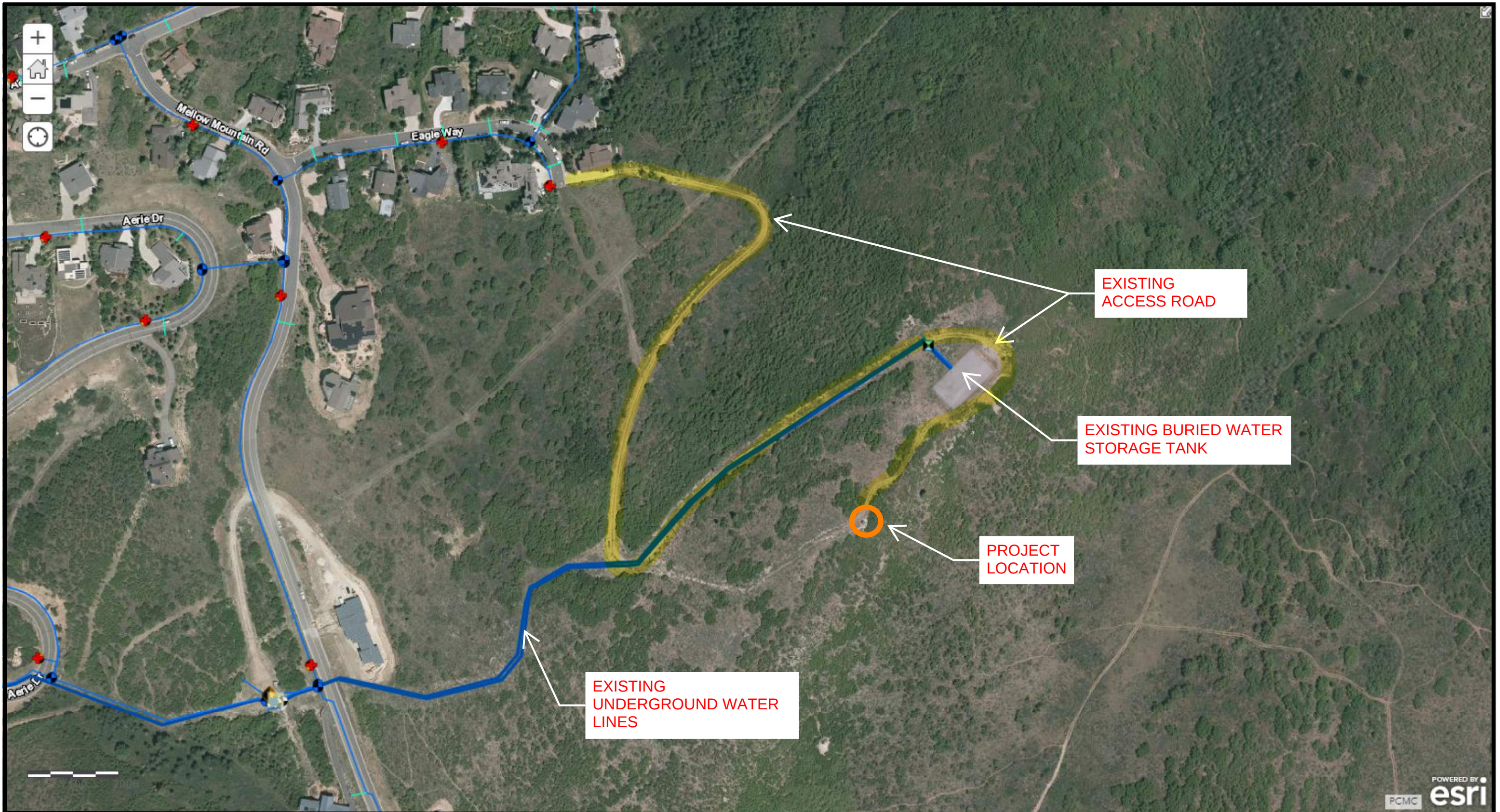
The existing SCADA and AMR equipment accompanying the existing tower and shed is essential to water system operations. Any prolonged equipment downtime could compromise the security of the water system and the Water Department’s ability to properly serve Park City. For this reason, the exiting communications tower, equipment shed, and associated SCADA and AMR equipment will not be removed until:

- The replacement communications tower and equipment shed have been installed.
- Replacement SCADA and AMR equipment have been installed.
- All equipment has been tested and approved to be in working and reliable condition by the IT Department and Network Engineer’s.



Parcel Number: SA-S-35-X	
Parcel Number:	SA-S-35-X
County Database:	More info
Subdivision Name:	
Lot Number	
Account Number:	281604
Acres:	110.18
Physical Address:	2002 EAGLE WAY
Owner:	PARK CITY MUNICIPAL CORPORATION
In Care Of:	
Mailing Address 1:	PO BOX 1480
Mailing Address 2:	
Mailing City:	PARK CITY
Mailing State:	UT
Mailing ZIP:	84060-1480
Mailing Country:	
Taxable Value (\$):	0
Market Value of Land (\$):	0
Market Value of Improvement (\$):	0

Summit County, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

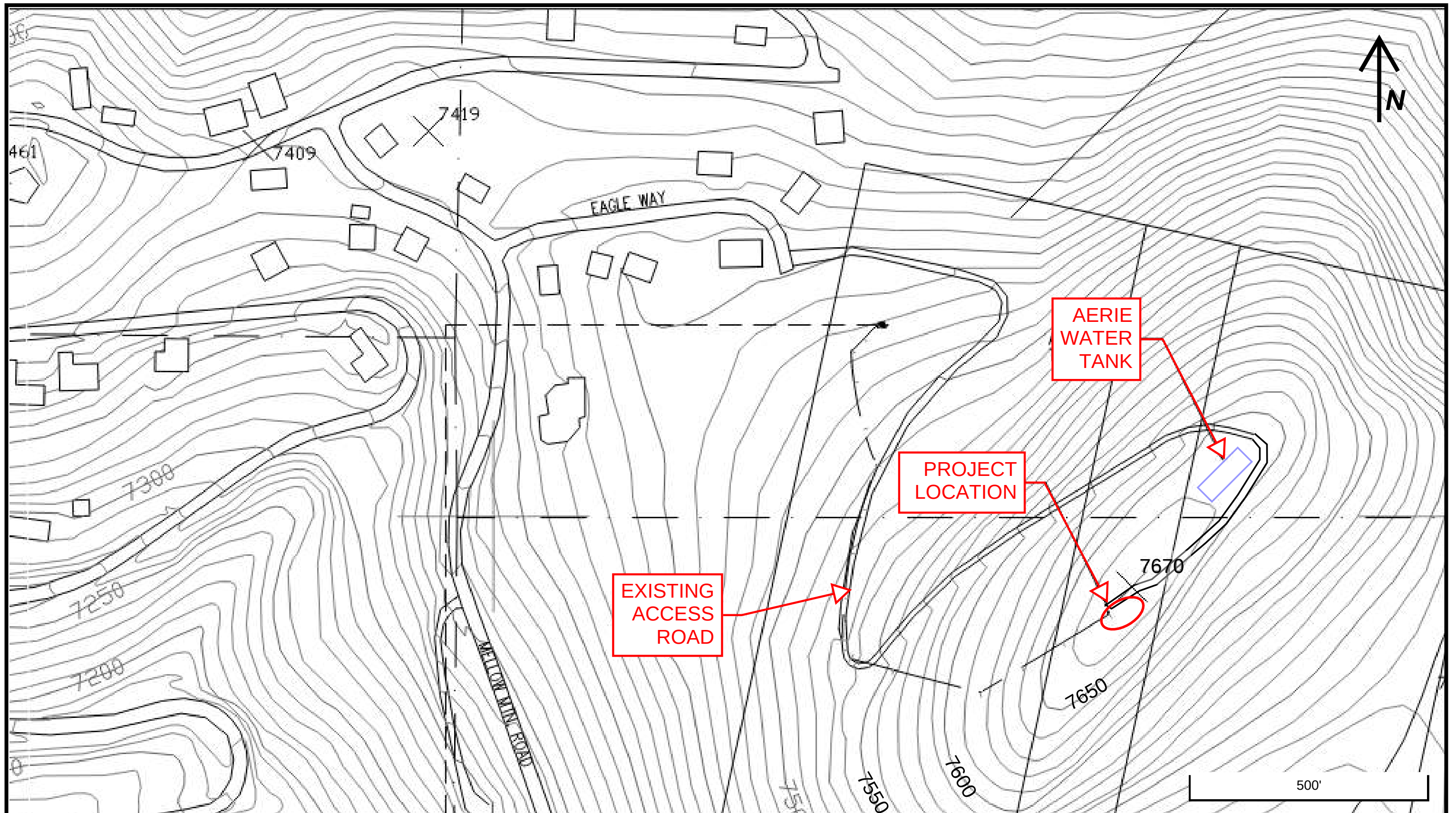


SCADA System Upgrade Project
AERIE TOWER & STRUCTURE REPLACEMENT PLAN
SITE ACCESS PLAN

Aerie Tower & Structure Replacement Project

Site Plan



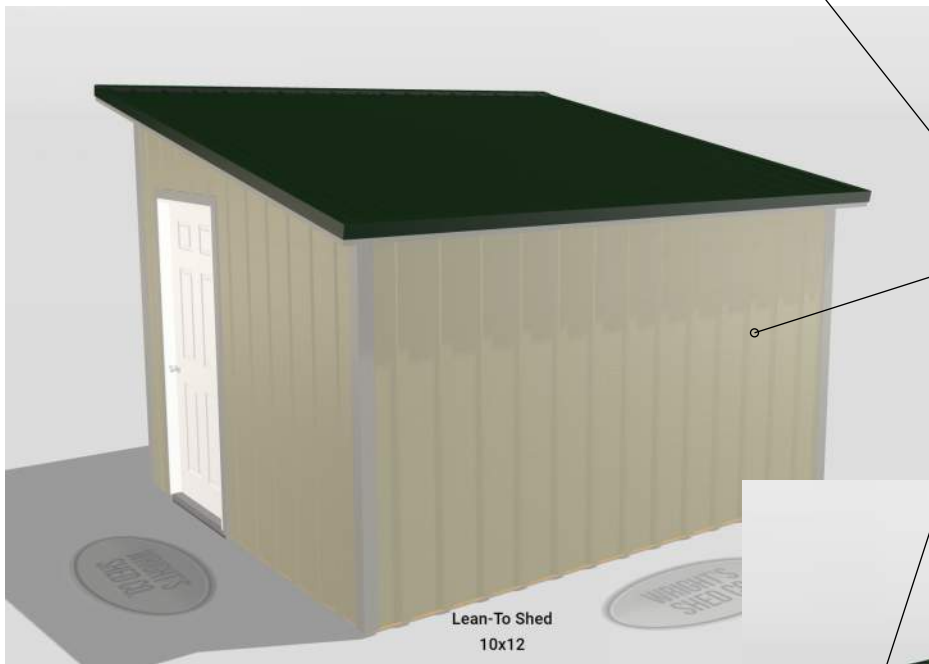


SCADA System Upgrade Project
AERIE TOWER & STRUCTURE REPLACEMENT PLAN
SITE PLAN

DATE 7/10/2023

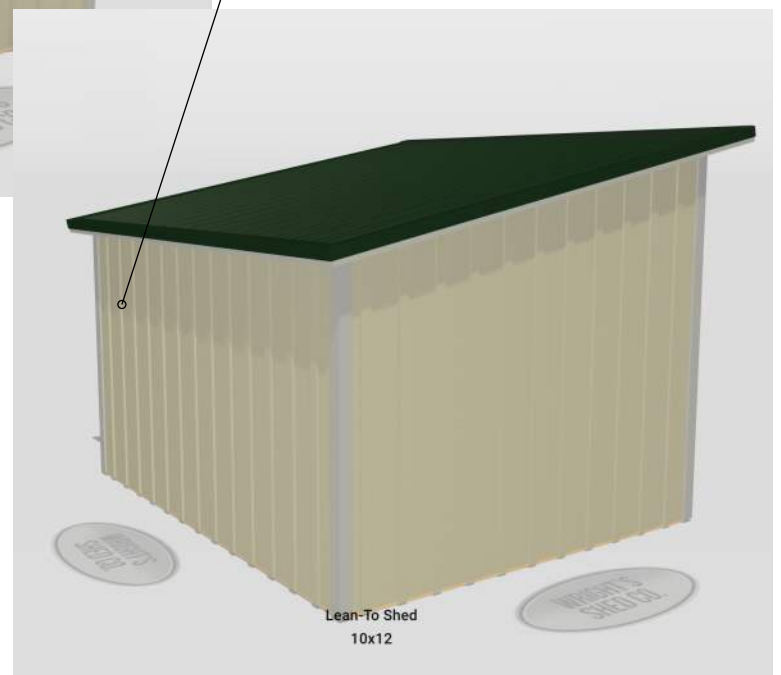


EXISTING AERIE COMMUNICATIONS TOWER & STRUCTURE
TO BE REMOVED UPON COMPLETION OF NEW STRUCTURE AND
INSTALLATION OF NEW RADIO EQUIPMENT



PROPOSED COLOR TO
MATCH EXISTING FOLIAGE:

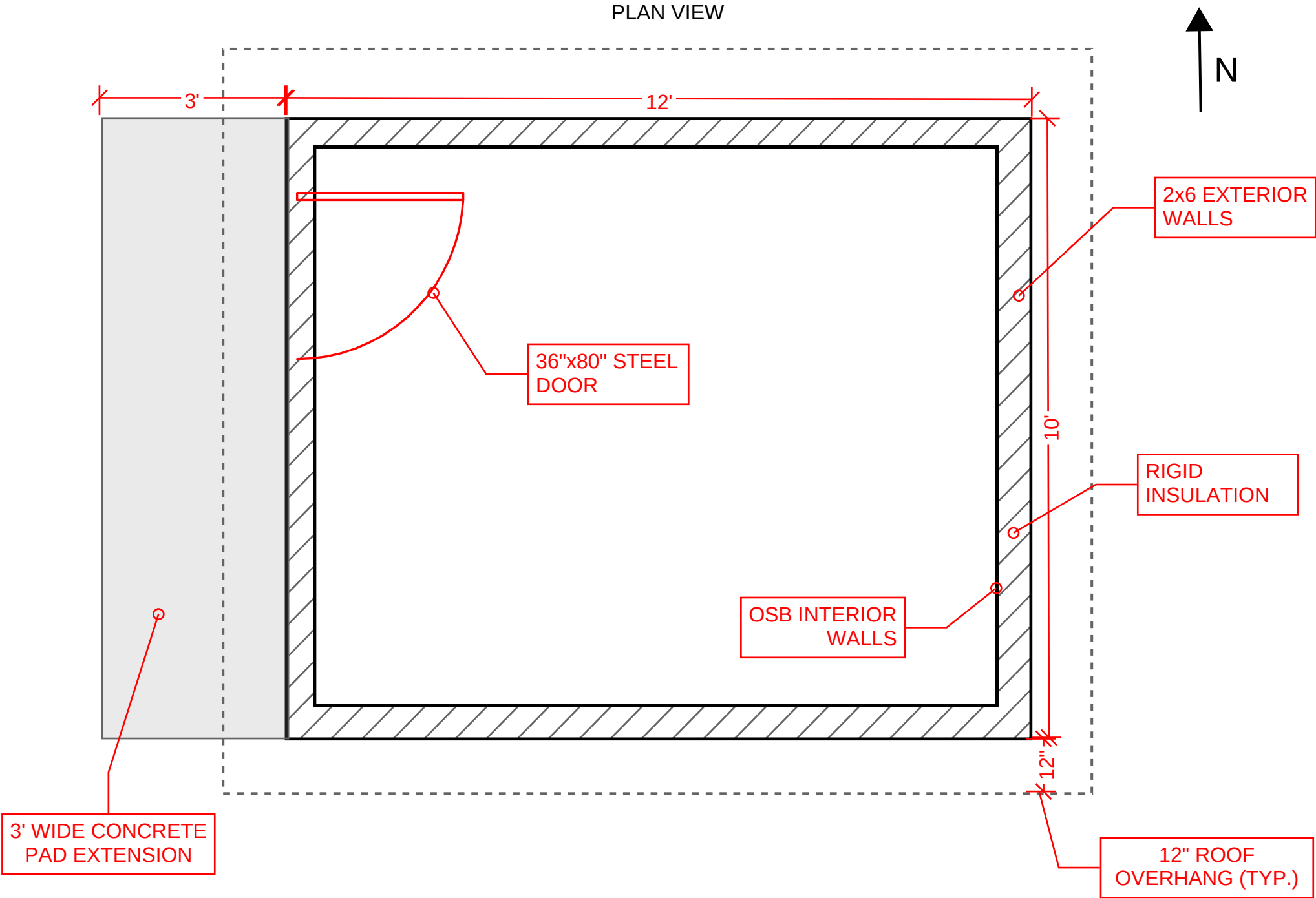
SW 6429
Baize Green
Interior / Exterior
Location Number: 155-C2



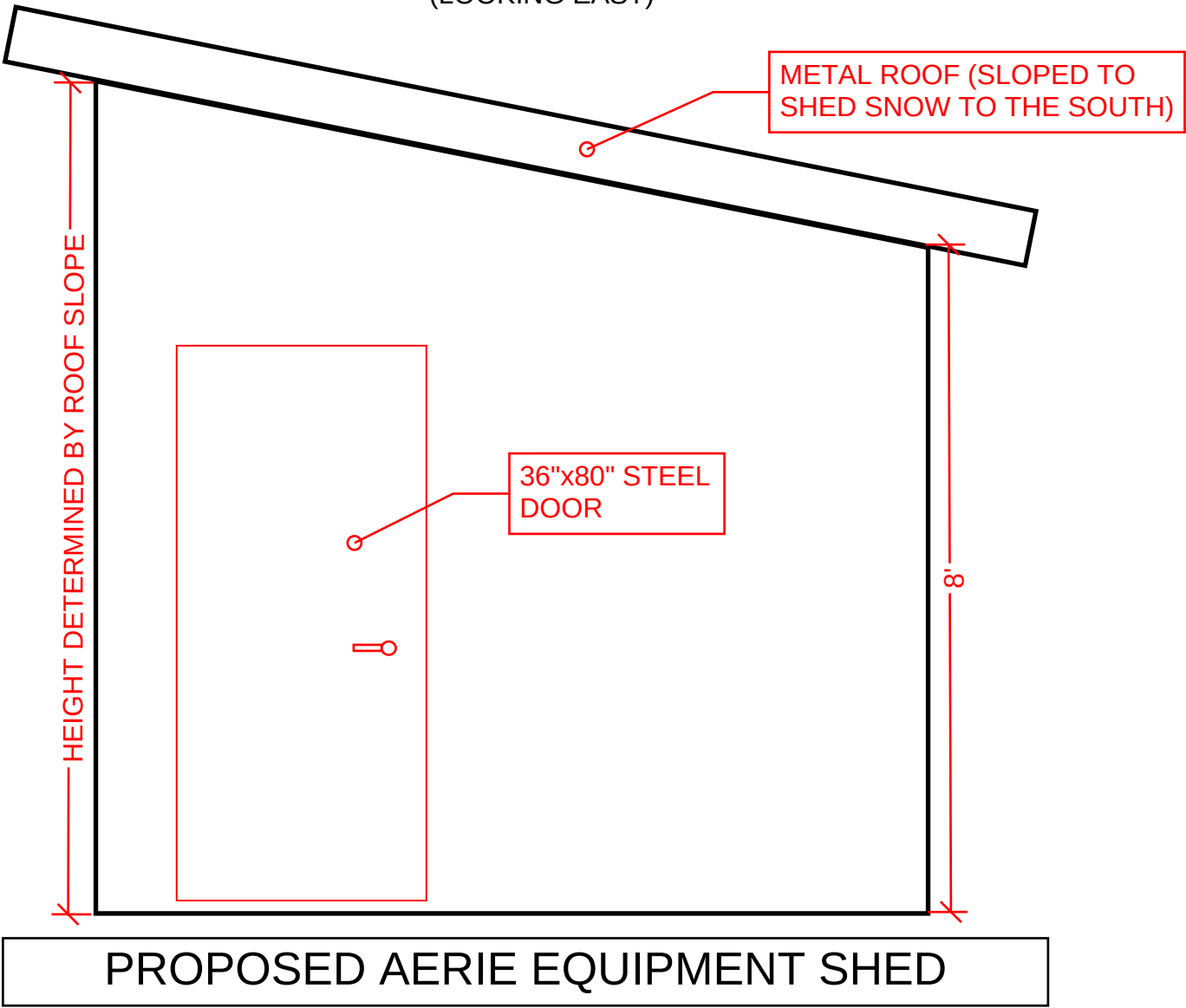
EXAMPLE EQUIPMENT SHED

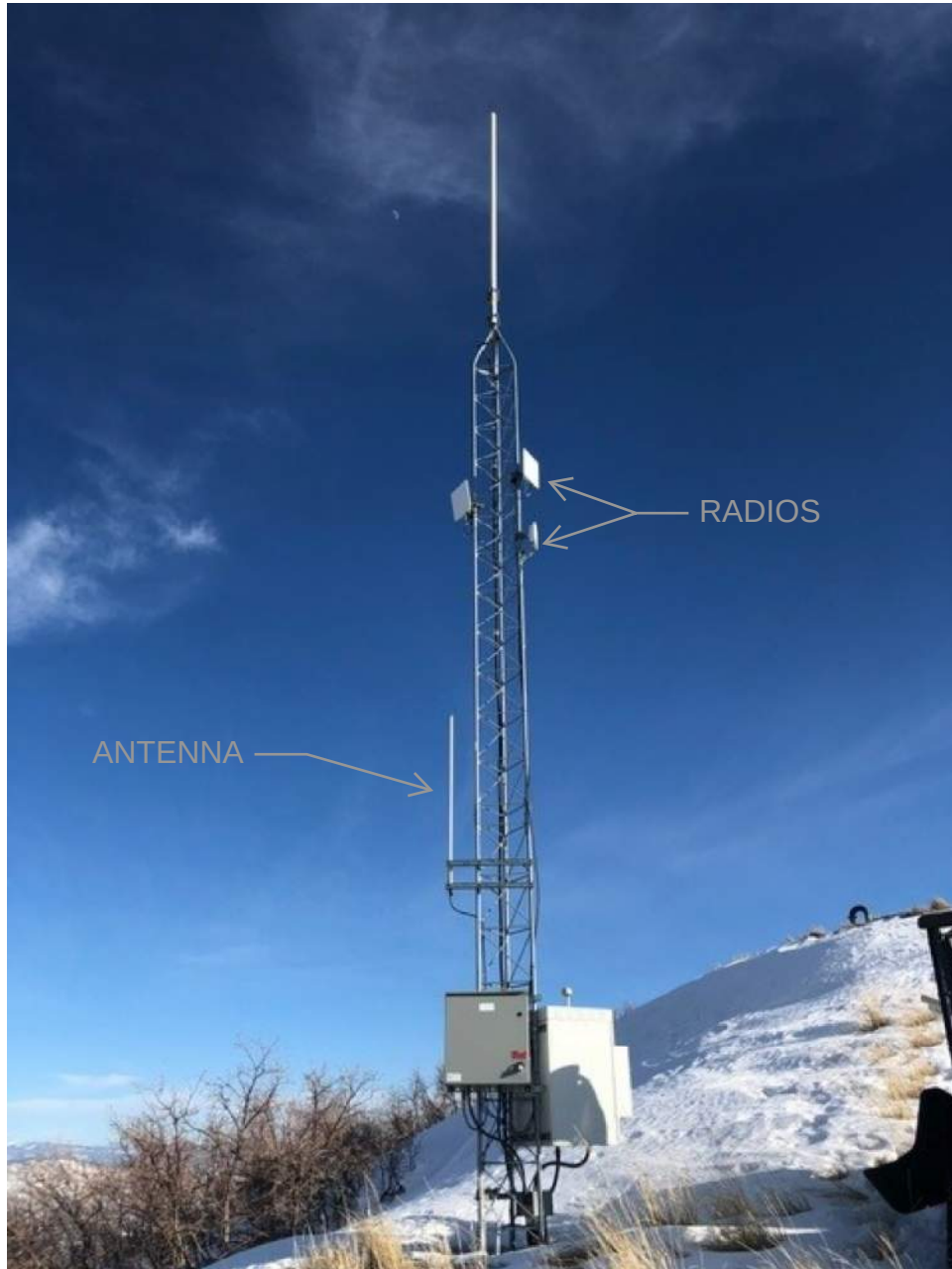
THE FOLLOWING IS A REPRESENTATION OF THE SIZE AND STYLE (LEAN-TO) OF THE PROPOSED EQUIPMENT SHED. THE SHED WILL BE CONSTRUCTED BY A-SHED USA, INC. WHO SPECIALIZE IN PREMANUFACTURED STRUCTURES.

PLAN VIEW



PROFILE VIEW
(LOOKING EAST)





EXAMPLE COMMUNICATIONS TOWER

THE EQUIPMENT SHOWN (EXCLUDING THE RADIOS AND ANTENNAS)
WILL NOT BE SUPPORTED ON THE STRUCTURE BUT WILL BE
PLACED WITHIN THE ADJACENT PROPOSED EQUIPMENT SHED

24

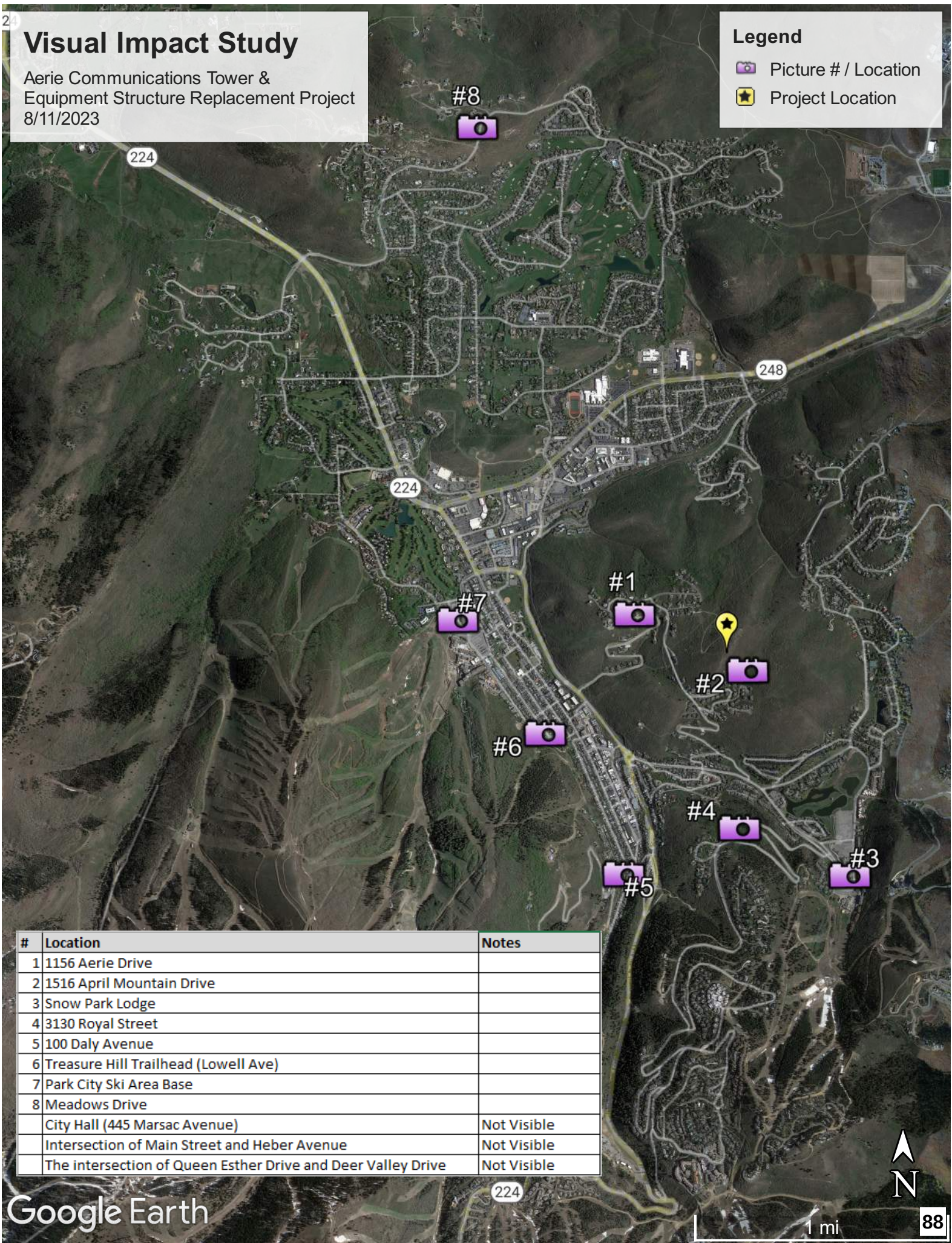
Visual Impact Study

Aerie Communications Tower &
Equipment Structure Replacement Project
8/11/2023

Legend

 Picture # / Location

 Project Location



#	Location	Notes
1	1156 Aerie Drive	
2	1516 April Mountain Drive	
3	Snow Park Lodge	
4	3130 Royal Street	
5	100 Daly Avenue	
6	Treasure Hill Trailhead (Lowell Ave)	
7	Park City Ski Area Base	
8	Meadows Drive	
	City Hall (445 Marsac Avenue)	Not Visible
	Intersection of Main Street and Heber Avenue	Not Visible
	The intersection of Queen Esther Drive and Deer Valley Drive	Not Visible

#1 1156 Aerie Drive



#2 1516 April Mountain Drive



#3 Snow Park Lodge



#4 3130 Royal Street



#5 100 Daly Avenue



#6 Treasure Hill Trailhead (Lowell Avenue)



#7 Park City Ski Base Area



#8 Meadows Drive



Planning Commission Staff Report



Subject: 2525 Fairway Village Lot 40
Application: PL-23-05784
Author: Lillian Zollinger, Planner II
Date: August 23, 2023
Type of Item: Plat Amendment

Recommendation

(I) Review the Fairway Village No. 1 Planned Unit Development Amending Unit 40 of Fairway Village No. 1; (II) conduct a public hearing; and (III) consider forwarding a positive recommendation for City Council's consideration on September 28, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance 2023-XX (Exhibit A).

Description

Applicant: Ryan Dickey
Location: 2525 Fairway Village Drive
Lot 40 of Fairway Village No. 1
Zoning District: Residential Development
Adjacent Land Uses: Residential, Recreation Open Space
Reason for Review: The Planning Commission reviews proposed Condominium Plats, conducts a public hearing, and forwards a recommendation to City Council. The City Council conducts a public hearing and takes final action.¹

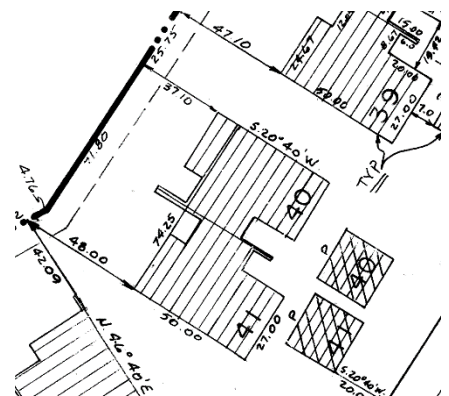
LMC Land Management Code
PUD Planned Unit Development
RD Residential Development

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

Fairway Village No. 1 was recorded in 1971. Lot 40 of the Fairway Village No. 1 was originally platted with a Rear Setback of 37.10 feet and Front Setback of 20.22 feet. The parking space was designated as limited common ownership, and the condo was designated as private ownership. The Applicant is proposing the Plat Amendment to memorialize the existing unit's footprint, which was not built to the 1971 Plat's dimensions.

In 2015, an application to amend all the units of the Fairway



¹ LMC [§ 15-7.1-3\(C\)](#)

Village No. 1 Plat was submitted. On January 7, 2016, the City Council approved [Ordinance 16-05](#), approving the Fairway Village No. 1 First Amended Plat, with Condition of Approval 2, which stated, “The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.” The Plat was not recorded within the year, the applicant did not apply for an extension in time, and on January 7, 2017, the approval expired.

This proposal is solely to amend Unit 40 of the Fairway Village No. 1 Plat.

Analysis

(I) The proposed Plat Amendment complies with the Residential Development (RD) Zoning District requirements outlined in LMC Chapter 15-2.13.

Zoning Requirement	Analysis
Front Setback – 25’ for Front Facing Garages for Single-Family	Complies- 34’
Rear Setback- 15’ each	Complies- ~20’ Pursuant to LMC § 15-2.2-3(G) , decks not more than 30 inches above Final Grade and at least five feet from the Rear Lot Line are an exception to the Rear Setback. The existing deck is 17 inches at its tallest point, is at least 10 feet from the Rear Lot Line, and compliant.
Minimum Side Setbacks- 12’	Complies- ~115’ from either Side Lot Line

(II) The proposal, as conditioned, complies with LMC § 15-3-6, *Parking Ratio Requirements*.

For Residential LMC [§ 15-3-6](#) requires:

Residential Parking Ratio Requirements for Multi-Unit Dwellings	Parking Ratio
Floor Area greater 2,000 sq. ft.	2 per Dwelling Unit

The existing unit has 2,366 square feet and requires 2 parking stalls to meet current required parking. LMC [§ 15-3-4\(A\)\(1\)](#) requires a two-car garage to be 20 feet by 20 feet. The existing unit has a two-car garage measured 22.38 feet by 22.05 feet and is compliant.

(III) The proposal complies with the Plat Amendment requirements outlined in

LMC Chapter 15-7.1.

Plat Amendments shall be reviewed according to LMC [§ 15-7.1-6](#) *Final Subdivision Plat* and approval requires (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

LMC [§ 15-15-1](#) defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

Staff finds Good Cause for this Plat Amendment because it does not impact any other existing unit, updates a Plat to correctly record how a unit was constructed, and allows the Owner to make interior modifications and fully use and enjoy their property.

(IV) The Development Review Committee reviewed the proposal on August 15, 2023, and requires Conditions of Approval.²

The Development Review Committee reviewed the proposal and did not identify any issues.

Department Review

The Planning Department, Engineering Department, and City Attorney’s Office reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on August 9, 2023. Staff mailed courtesy notice to property owners within 300 feet on August 9, 2023. The *Park Record* published notice on August 9.³

Public Input

Staff did not receive any public input at the time this report was published.

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#)

Alternatives

- The Planning Commission may forward a positive recommendation for City Council's consideration on September 28, 2023; or
- The Planning Commission may forward a negative recommendation for City Council's consideration on September 28, 2023 and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information for the Fairway Village No. 1 Planned Unit Development Amending Unit 40 and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance

Attachment 1 - Proposed Plans

Ordinance No. 2023-XX

AN ORDINANCE APPROVING FAIRWAY VILLAGE NO. 1 PLANNED UNIT DEVELOPMENT AMENDING UNIT 40, LOCATED AT 2525 FAIRWAY VILLAGE UNIT 40, PARK CITY, UTAH

WHEREAS, the owner of the property located at 2525 Fairway Village Drive petitioned the City Council for approval of the Fairway Village No. 1 Planned Unit Development Amending Unit 40; and

WHEREAS, on August 9, 2023, the Park Record published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on August 9, 2023, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on August 9, 2023, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on August 23, 2023, the Planning Commission reviewed the proposed Plat Amendment, held a public hearing, and forwarded a positive recommendation for City Council's consideration on September 28, 2023; and

WHEREAS, on September 28, 2023, the City Council reviewed the Fairway Village No. 1 Planned Unit Development Amending Unit 40 and held a public hearing; and

WHEREAS, the Fairway Village No. 1 Planned Unit Development Amending Unit 40 is consistent with the Park City Land Management Code Chapter 15-2.13 and Section 15-7.1-6.

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

SECTION 1. APPROVAL. The Fairway Village No. 1 Planned Unit Development Amending Unit 40, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 2525 Fairway Village Drive, within the Residential Development Zoning District.
2. The subject property consists of Unit 40 of the Fairway Village No. 1 Planned Unit Development which was approved in 1971.
3. 2525 Fairway Village Drive is in the Residential Development (RD) Zoning District.

4. The existing unit was not built to the dimensions recorded in 1971.
5. The Plat Amendment proposes to record and reflect the existing conditions of the unit.
6. 2525 Fairway Village is compliant with the RD Zoning District
7. As conditioned, the proposed plat amendment does not create any new noncomplying or non-conforming situations.
8. Fairway Village Drive is private and is not maintained by the City.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it corrects the recorded Unit's size and location and improves the record of the site.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13 and § 15-7.1-6 Final Subdivision Plat.
3. The Plat Amendment is consistent with the Land Management Code.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Any new construction shall comply with Land Management Code Chapter 15-2.13 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.
4. All other conditions of approval and platted requirements for the Fairway Village No. 1 continue to apply and shall be noted on the plat.

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

PASSED AND ADOPTED this 28th Day of September 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

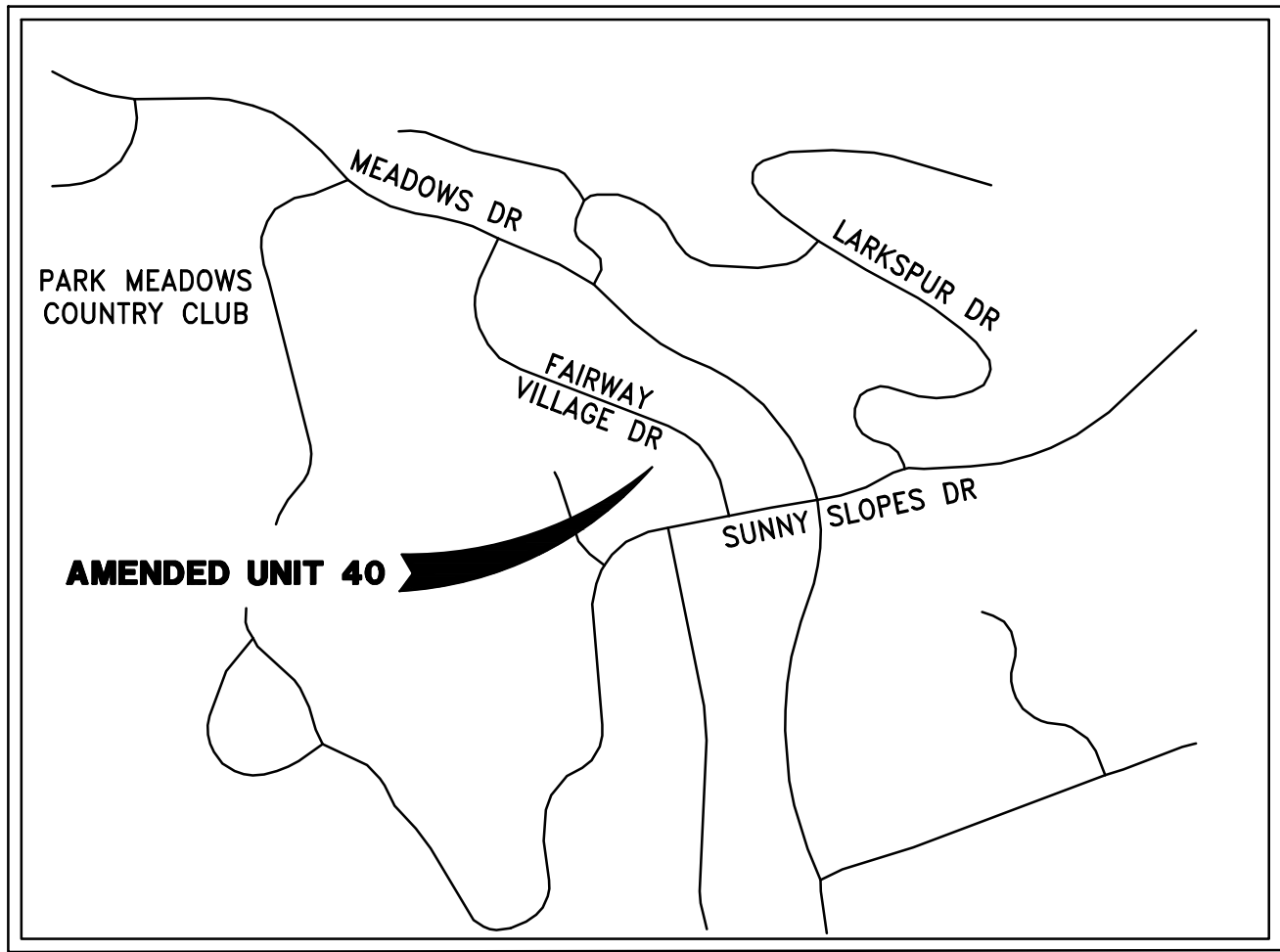
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Plat

FAIRWAY VILLAGE No. 1 2nd AMENDED
AMENDING LOT 40

AMENDING UNIT 40 OF FAIRWAY VILLAGE No. 1
LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SLB&M.
SUMMIT COUNTY, PARK CITY, UTAH
APRIL 2023

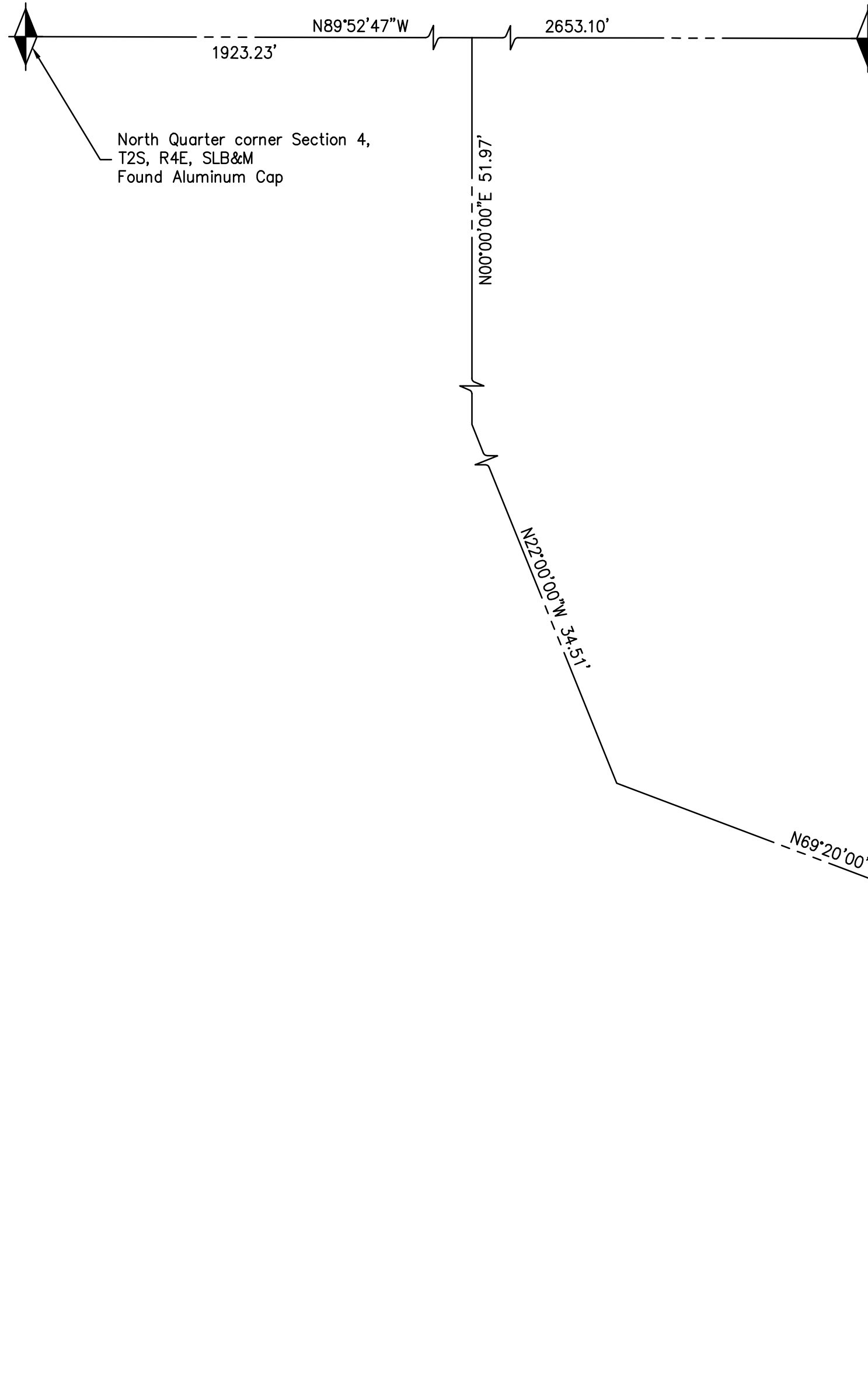


VICINITY MAP
NOT TO SCALE

FAIRWAY
VILLAGE No. 1
Entry No. 162326

ORIGINAL
UNIT 39
NOT A PART

ORIGINAL
UNIT 41
NOT A PART



SURVEYOR'S CERTIFICATE

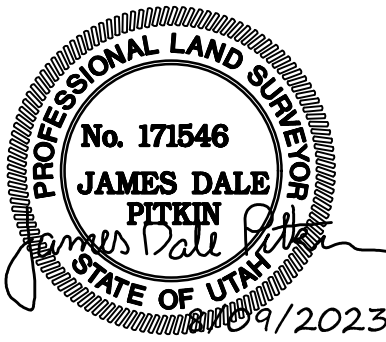
I, James D. Pitkin, a Professional Land Surveyor as prescribed by the laws of the State of Utah and holding License Number 171546, do hereby certify that by authority of the owner I have made a re-survey of Unit 40 as shown on this plat hereafter to be known as

Fairway Village No. 1 Second Amended, Amending Lot 40

and that the same has been surveyed under my direction on the ground and the map hereon is a true and correct representation of said survey.

Date: August 9, 2023

James D. Pitkin
P.L.S. No. 171546



LEGAL DESCRIPTION

Unit 40, Fairway Village No. 1 a Planned Unit Development, according to the official plat thereof on file and of record in the Office of the Summit County Recorder.

Together with a right and easement of use and enjoyment in and to the Common Areas describe, and as provided for, in said Declaration of Covenants, Conditions, and Restrictions, which include, without limitation and easement for vehicular ingress and egress over and across said Common Areas to and from said Lot to a physically open and legally dedicated public street.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be created, together with easements as set forth to be hereafter known as Fairway Village No. 1 Second Amended, Amending Unit 40.

In witness whereof, the undersigned set his/her/their hand this ____ day of _____, 2023

2525 Fairway LLC, a Utah limited liability company

By: _____

Printed: _____

It's: _____

ACKNOWLEDGMENT

STATE OF _____ } :ss
COUNTY OF _____

On this ____ day of _____, in the year 20 ____, before me _____, a notary public,

personally appeared _____ the _____

personally appeared _____ the _____

of 2525 Fairway LLC, a Utah limited liability company, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to in the foregoing Owner's Dedication regarding the Fairway Village No. 1 Second Amended, Amending Unit 40 and was signed by him/her/they on behalf of said 2525 Fairway LLC and acknowledged that he/she/they executed the same.

Commission Number _____

My Commission Expires _____

Print Name: _____
A Notary Public Commissioned in Utah

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned, on behalf of Fairway Village Homeowners Association, a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration, hereby consents to the recording of this Plat Amendment.

Fairway Village Homeowners Association, a Utah nonprofit corporation

By: _____ It's _____

ACKNOWLEDGMENT

STATE OF _____ } :ss
COUNTY OF _____

On this ____ day of _____, in the year 20 ____, personally appeared before me, the undersigned Notary

Public, in and for said County and State, _____ being duly sworn, acknowledged to me that he/she is the _____ of the Fairway Village Homeowners Association, a Utah nonprofit corporation, and that he/she signed the above Consent to Record for, on, and in behalf of all of the unit owners of Fairway Village Homeowners Association acting as a group (under the name Fairway Village Homeowners Association, a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Fairway Village Homeowners Association.

Commission Number _____

My Commission Expires _____

Print Name: _____
A Notary Public Commissioned in Utah



PARK CITY ENGINEER
I find this plat to be in accordance with information on file in my office this ____ day of _____, 20__.
Park City Engineer _____

PARK CITY PLANNING COMMISSION
Approved and accepted by the Park City Planning Commission this ____ day of _____, 20__.
Chair _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
Reviewed for conformance to Snyderville Basin Water Reclamation District Standards on this ____ day of _____, 20__.
By: _____ S.B.W.R.D.

APPROVAL AS TO FORM
Approved as to form this ____ day of _____, 20__.
Park City Attorney _____

CERTIFICATE OF ATTEST
I certify this record of survey map was approved by Park City Council this ____ day of _____, 20__.
By: _____ Park City Recorder

PARK CITY COUNCIL
Approved and acceptance by the Park City Council this ____ day of _____, 20__.
By: _____ Park City Mayor

RECORDED No. _____
State of Utah, County of Summit
Recorded and Filed at the request of: _____
Date: _____ Time: _____ Book: _____ Page: _____
Fee \$ _____ Summit County Recorder

NUMBER _____
ACCOUNT _____
SHEET 1
OF 1 SHEETS

Planning Commission Staff Report



Subject: 2310 Deer Valley Drive East
Application: PL-23-05743
Author: Alexandra Ananth, Senior Planner
Date: August 23, 2023
Type of Item: Administrative – Condominium Plat

Recommendation

(I) Review the proposed Supplemental Snow Park Residences Condominium Plat; (II) conduct a public hearing; and (III) consider forwarding a positive recommendation for City Council's consideration on September 28, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance (Exhibit A).

Description

Applicant: SRDV Partners, LLC
Location: 2310 Deer Valley Drive East
Zoning District: Residential Development (RD)
Adjacent Land Uses: Ski resort and related uses, hotel and condominium units, open space, single-family residences, parking
Reason for Review: Condominium Plats require Planning Commission review and City Council action¹

AUE Affordable Unit Equivalent
CUP Conditional Use Permit
RD Residential Development
UE Unit Equivalent
SLO Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The St. Regis Deer Valley submitted a Condominium Plat entitled Supplemental Snow Park Residences, which is Phase 3, and the final phase of the larger St. Regis Deer Valley's buildout, authorized by a CUP originally issued in 2001, and amended multiple times, most recently in 2020 (Exhibit B). The Supplemental Snow Park Residences includes a five-story condominium building with one level of garage parking and twelve condominium units totaling 16.8 UEs and 33,606 square feet.

In accordance with the St. Regis First Amended Housing Mitigation Plan (Exhibit C), the St. Regis is subject to the requirements of [Housing Resolution 17-99](#). Conditions 3 & 4 of the St. Regis First Amended Housing Mitigation Plan require 1 AUE for Phase 3.

¹ LMC § [15-1-8](#)

According to Housing Resolution 17-99, one AUE equals 800 square feet. The Applicant's plans show that, one 801-square-foot affordable housing unit will be located on the first floor of the Phase 3 building, completing the St. Regis' housing obligation.

Background

The St. Regis Hotel is located at 2300 Deer Valley Drive East and consists of two (2) parcels, the Roosevelt Gap parcel (the upper Hotel parcel) and the Snow Park parcel (lower funicular and Residences parcel). The Hotel parcel has access via the funicular and Residences parcel on Deer Valley Drive East, as well as from Deer Crest Estates Drive within the Deer Crest gates.

The property is subject to the 1995 Deer Crest Settlement Agreement (Exhibit D including Amendments), the Deer Crest Hotel Conditional Use Permit (known as the Rosewood CUP or "Hotel CUP" for the purposes of this Staff Report, and the 2011 Amenity Club Conditional Use Permit, amended in 2020 (Exhibit E).

Consistent with the Settlement Agreement, the 2001 Hotel CUP allows a total density of 130 residential Unit Equivalents (UEs) with 99.5 UEs at the upper Roosevelt Gap Hotel parcel and 30.5 UEs at the lower funicular and Residences parcel. All of the allowed UEs at the upper Roosevelt Gap Hotel parcel have been constructed.

This project will complete the buildout at the lower funicular and Residences parcel. The Snow Park Residences south of the funicular building, Phase 2, includes 12.2 UEs ([Ordinance 2020-23](#), [Staff Report](#), [Minutes](#) beginning on page 18). The Snow Park Residences north of the funicular building (Phase 3) includes 16.8 UEs.

Analysis

LMC [§ 15-12-15\(A\)\(9\)](#), authorizes Planning Commission review of Condominium Plats with a recommendation to City Council.

(I) The Snow Park Residences Phase 3 Condominium Plat complies with LMC Chapter [15-2.13](#), the Residential Development (RD) District, the Settlement Agreement, and the Hotel CUP.

The Phase 3 Snow Park Residences are located on a portion of Lot 4 of the Deer Crest Hotel Subdivision Plat, Summit County Recorder Entry No. [736261](#). The Lot is located in the Residential Development (RD) District.

On February 28, 2001, the Planning Commission approved the Rosewood Deer Crest Hotel CUP. Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, April 23, 2014, April 13, 2016, and October 28, 2020.

The April 22, 2009, amendment addresses the development of Phases 2 and 3 as well as parking at the lower funicular and Residences parcel. The April 23, 2014 amendment extended the time to submit building plans to develop the Phase 2 parking and

residences to June 18, 2016, and required an updated parking study for the St. Regis Deer Valley Hotel which was submitted and approved by the Planning Director. The April 13, 2016, amendment further extended the time to submit a building permit for Phase 2 to December 31, 2017, and for Phase 3 to December 31, 2020. The most recent amendment dated October 28, 2020, extended the time to submit a building permit for Phase 3 to December 31, 2021.

The Applicant submitted a building permit for Phase 2 on December 22, 2017, and received Certificates of Occupancy in 2021. The Phase 2 Snow Park Residences Condominium Plat was recorded as Summit County Recorder Entry No. [01153666](#).

The applicant submitted a building permit for Phase 3 on December 28, 2021, and is now proposing a Condominium Plat to facilitate the sale of the condominium units.

RD Requirements	Analysis of Proposal
Density – 30.5 UEs at the Snow Park Site	Complies The proposed Condominium Plat includes 16.8 UEs and 1 AUE (which does not count towards the project's Density).
Front Setback – 20 ft.	Complies – 26 ft.
Rear Setback – 15 ft.	Complies - > 15 ft.
Side Setback – 12 ft.	Complies - > 12 ft.
Building Height - Section 5.2.2.1 of the Settlement Agreement allows for Building Height up to 45 ft.	Complies – 44.7 ft. from final grade

As noted earlier, the Hotel CUP allows for a total development of 130 UEs with 30.5 UEs at the lower funicular and Residences parcel. Phase 2 includes 12.2 UEs and Phase 3 includes 16.8 UEs. There is one (1) UE located in the funicular building, for a total of 30 UE's at Snow Park upon completion of Phase 3. There is no commercial or amenity space in the Phase 3 building.

There are no Plat Notes that impact the Phase 3 building. However, the CUP lays out a timeline for the submittal of building permits as explained above.

(II) The Snow Park Residences Phase 3 Condominium Plat complies with the Sensitive Land Overlay LMC Chapter [15-2.21](#).

An extensive visual analysis was completed as part of the original 2001 CUP. Additional visual analysis for the Snow Park Site was again conducted and reviewed by the Planning Commission as part of the March 24, 2004, CUP review and approval. This included review of the surface parking lot north of the funicular building where the Phase 3 building is located, and the retaining walls located behind the Phase 3 building.

The visual analysis included the review of allowed Building Heights of 45 feet from final grade for the Snow Park Site. Finding of Fact 10 of the April 13, 2016 CUP states that the surface parking lot over which the Phase 3 building is located, was constructed to the requirements, and the final finish was applied to the retaining wall as previously conditioned. No new SLO Analysis is required for the condominium plat.

(III) The Snow Park Residences Phase 3 Condominium Plat complies with the Parking Requirements outlined in LMC Chapter 15-3, *Off Street Parking*.

The approved Deer Crest Hotel CUP and Settlement Agreement for the St. Regis Resort requires 244 parking stalls and allows for 146 parking spaces at Roosevelt Gap (105 spaces for overnight use and 41 day use spaces) and the remaining stalls at Snow Park, with access to Roosevelt Gap via the funicular. The Hotel uses valets to assist in parking management.

LMC § [15-3-6](#), *Parking Ratio Requirements For Specific Land Use Categories*, requires two parking stalls for units greater than 2,000 square feet. The Phase 3 building contains 12 condominium units, all greater than 2,000 square feet, plus one AUE of 800 square which requires one stall, for a total parking requirement of 25 stalls. The garage includes 46 parking stalls, including 23 stalls where cars are stacked vertically on top of each other by the Hotel valets, meeting the Phase 3 building's parking requirement.

The Settlement Agreement (Section 5.2.2.10) allows the property owner to provide for employee and guest shuttle service from the east perimeter gate in Wasatch County at the Jordanelle Gondola to the Roosevelt Gap Lodge. There are an additional 179 parking spaces at the Jordanelle lot serviced by the employee and guest shuttle that are used for overflow parking and to meet the Hotel's overall parking demand. The Jordanelle parking lot was built, and is operated by SRDV Partners LLC, the owner of the St. Regis Deer Valley, on property owned by Deer Crest Associates I, LLC, a 50% partner in SRDV Partners. These lots are used for hotel employee parking, guest overflow parking, and parking for special events. The parking is located on four tiered levels. During ski season, the Hotel permits Deer Valley Resort to use the lower two levels for day parking for skiers.

Condition of Approval 4 of the 2016 Hotel CUP Amendment requires the Applicant to submit an updated parking study and an interim parking layout prior to the issuance of a building permit for the Phase 2 Residences. A 2017 submitted Parking Study (part of the building permit application submittal for the Phase 2 building) determined that peak parking demand at the St. Regis was 250 stalls, leaving 154 empty stalls on the busiest day.

A more recent parking study was submitted in 2019 with the CUP Application to expand the membership of the Deer Crest Amenity Club. The Trip Generation and Parking Study (Exhibit F) shows that the proposed expansion in Club membership and expansion of Club Amenity space in Phase 2 will result in minimal trip generation (24 new trips) and that trip generation is within the capacity of Deer Valley Drive.

Additionally, these studies show that the Applicant has demonstrated that the Hotel has sufficient excess parking capacity for all of the Uses.

An interim parking plan for the construction of Phase 3 was submitted with the building permit and is attached (Exhibit G). The parking plan shows 32 temporary and permanent new parking spaces, 12 for Hotel operations and 20 for construction vehicles. During construction of Phase 3 the Phase 2 Snow Park Residences are valet parking only so that the Hotel can park up to 9 additional vehicles during the construction period. The Hotel has also limited the hours of the Astor Bar and La Stellina Restaurant and the Top Golf amenities from 5 pm to close each day, when the Deer Crest Amenity Club is open. The Hotel also has an agreement in place with Deer Valley to utilize their parking lots 2 and 3 for employees, guests and for construction vehicles during the non ski season and excluding summer concert nights.

The Hotel CUP requires a final parking plan be submitted to the Planning Department for review and approval. According to the applicant, who submitted an updated parking exhibit as part of this application (Exhibit H), a total of 374 parking spaces are required for the Hotel upon completion of all phases. The applicant expects to have 431 stalls available upon completion of Phase 3 between the three lots, exceeding their parking requirement. The updated parking exhibit confirms there will be 252 stalls between the Roosevelt Gap and Snow Park locations, meeting the 244 stall CUP requirement. The additional stalls at the Jordanelle Gondola lot give the Hotel 431 stalls in total.

(IV) The Snow Park Residences Phase 3 Condominium Plat complies with all CUP Conditions of Approval.

The current CUP application is for the final phase of development of the Hotel CUP and the Applicant has completed or complies with all CUP Conditions of Approval with the exception of completion of the Hotel's Trails Obligation which are being verified by the City's Trails and Open Space Manager. Staff recommends Condition of Approval 8 stating that all trail obligations shall be complete prior to the issuance of Certificates of Occupancy for the Phase 3 building.

Relevant conditions of approval include:

1. Compliance with the Settlement Agreement as amended (ongoing)
2. Compliance with the Housing Mitigation Plan (complete with Phase 3)
3. Submittal of a building permit prior to December 31, 2021 (completed)
4. Planning Department review of the final parking plan (completed)
5. Planning Department review of architectural, landscape, exterior lighting, and signage plans for compliance with the LMC (completed)
6. Completion of trails obligation (proposed Condition of Approval 8)

Previously completed Conditions of Approval include:

1. Recordation of the final Hotel Subdivision Plat (completed in 2005)
2. Completion of the funicular prior to occupancy of the Hotel (completed in 2009)

3. A guest and employee shuttle system shall be in place (ongoing).

(V) The Development Review Committee requires Conditions of Approval.²

The Development Review Committee reviewed the Condominium Plat on August 1, 2023, and did not identify any issues requiring additional Conditions of Approval.

(VI) The proposal complies with LMC § [15-7.1-6](#), Final Subdivision Plat.

Condominium Plats are reviewed according to LMC § [15-7.1-6](#), and approval requires a finding of Good Cause and a finding that no Public Street Right-of-Way, or easement is vacated or amended.

LMC § 15-15-1 defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

Staff finds Good Cause for the proposed Condominium plat as it facilitates the sale of the remaining Density in the Hotel CUP and completes the Hotel’s Affordable Housing Obligation. No Public Street Right of Way, or easement is vacated or amended.

Department Review

The Planning Department, Engineering Department, and City Attorney’s Office reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on August 9, 2023. Staff mailed courtesy notice to property owners within 300 feet on August 9, 2023. The *Park Record* published notice on August 9, 2023.³

Public Input

Staff did not receive any public input prior to the publication of this Staff Report.

Alternatives

- The Planning Commission may recommend the Condominium Plat for City Council’s consideration on September 28, 2023;

² The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

³ LMC [§ 15-1-21](#)

- The Planning Commission may recommend denial of the Condominium Plat and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain/uncertain.

Exhibits

Exhibit A: Draft Ordinance and Condominium Plat
Exhibit B: Hotel CUP Including Amendments
Exhibit C: St. Regis First Amended Affordable Housing Mitigation Plan
Exhibit D: Deer Crest Settlement Agreement Including Amendments
Exhibit E: Amenity Club CUP and Amendment
Exhibit F: 2019 Trip Generation and Parking Study
Exhibit G: Phase 3 Parking Exhibit
Exhibit H: Final Parking Plan Updated August 2023

Ordinance No. 2023-Xx

AN ORDINANCE APPROVING THE SUPPLEMENTAL SNOW PARK RESIDENCES CONDOMINIUM PLAT AT 2310 DEER VALLEY DRIVE EAST, PARK CITY, UTAH

WHEREAS, the owners of the property located at 2310 Deer Valley Drive East petitioned the City Council for approval of the Supplemental Snow Park Residences Condominium Plat; and

WHEREAS, on August 9, 2023, the *Park Record* published notice for the Planning Commission public hearing; and

WHEREAS, on August 9, 2023, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission public hearing; and

WHEREAS, on August 23, 2023, the Planning Commission reviewed the proposed Condominium Plat and held a public hearing; and

WHEREAS, on August 23, 2023, the Planning Commission forwarded a _____ recommendation for the City Council's consideration on September 28, 2023; and

WHEREAS, on September 28, 2023, the City Council reviewed the Condominium Plat and held a public hearing; and

WHEREAS, the Condominium Plat is consistent with the Park City Land Management Code, The Deer Crest Settlement Agreement, and Hotel CUP; and

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

SECTION 1. APPROVAL. The Supplemental Snow Park Residences Condominium Plat, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The St. Regis Deer Valley Supplemental Snow Park Residences Condominium Plat is located at 2310 Deer Valley Drive East.
2. This site is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended by the City Council.
3. The site is located in the RD (Residential Development) Zoning District and subject to the Deer Crest Settlement Agreement and MPD.
4. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood or Hotel CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11,

2005, April 22, 2009, and April 23, 2014, April 13, 2016, and March 11, 2020. The City Council denied an appeal of the April 22nd approval on June 18, 2009.

5. Consistent with the Settlement Agreement, the 2001 Hotel CUP allows a total density of 130 residential Unit Equivalents (UEs) with 99.5 UEs at the upper Roosevelt Gap Hotel parcel and 30.5 UEs at the lower funicular and Residences parcel. All of the UEs at the upper Roosevelt Gap Hotel parcel have been constructed and 12.2 UEs have been constructed at the lower funicular and Residences parcel as part of Phase 2. The funicular building includes one (1) UE.
6. The Hotel CUP allows for the Applicant to build the project in phases. The Supplemental Snow Park Residences is considered Phase 3 and includes a five-story condominium building with one level of garage parking and twelve condominium units totaling 16.8 UEs. This is the third and final phase of the Hotel CUP.
7. Phase 3 includes 16.8 UEs, for a total of 30 UEs at the lower funicular and Residences parcel, less than the allowed 30.5 UEs.
8. Building Height is allowed up to 45 feet in accordance with the Settlement Agreement.
9. The Applicant's plans show that one 801 square foot affordable housing unit will be located on the first floor of the Phase 3 building, completing the St. Regis' housing obligation in accordance with the St. Regis First Amended Housing Mitigation Plan.
10. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at the St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.
11. The Hotel CUP requires a final parking plan be submitted to the Planning Department for review and approval. According to the applicant, who submitted an updated parking exhibit as part of this application (Exhibit H), a total of 374 parking spaces are required for the Hotel upon completion of all phases. The applicant expects to have 431 stalls available upon completion of Phase 3 between the three lots, exceeding their parking requirement. The updated parking exhibit confirms there will be 252 stalls between the Roosevelt Gap and Snow Park locations, meeting the 244 stall CUP requirement. The additional stalls at the Jordanelle Gondola lot give the Hotel 431 stalls in total.
12. The Hotel uses valets to assist in parking management.
13. The Snow Park Residences Phase 3 Condominium Plat complies with the Parking Requirements outlined in LMC Chapter 15-3, Off Street Parking.
14. The Snow Park Residences Phase 3 Condominium Plat complies with LMC Chapter 15-2.13, the Residential Development (RD) District, the Settlement Agreement, and the Hotel CUP.
15. The Snow Park Residences Phase 3 Condominium Plat complies with the Sensitive Land Overlay LMC Chapter 15-2.21, and a visual analysis was performed with the original CUP in 2001 and again with the CUP in 2004.
16. Staff finds Good Cause for this Condominium Plat as it is consistent with the Density, allowed Building Height, location and Uses identified in the approved Deer Valley Settlement Agreement, the Deer Valley Master Planned Development and the Hotel CUP and allows for the sale of the Condominium Units.

17. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law:

1. There is good cause for this Condominium Plat as it will allow for the sale of 12 condominium units and the creation of one (1) affordable unit.
2. The Condominium Plat is consistent with the Park City Land Management Code including Sections 15-7.1-6 regarding Condominium Plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
4. Approval of the Condominium Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Condominium Plat for compliance with State Law, the Land Management Code, 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. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
4. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014; April 13, 2016, and March 12, 2020, shall continue to apply.
5. The new affordable unit shall be a minimum of 800 square feet to meet the requirement of 1 AUE, consistent with the Applicant's Housing Mitigation Plan.
6. The Deed Restriction for the AUE shall be recorded prior to plat recordation, and Certificates of Occupancy shall be issued for this unit prior to the issuance of Certificates of Occupancy for any of the market rate units.
7. The CCRs shall limit the HOA dues related to the AUE in order to ensure the unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to such fees. The CCRs shall be submitted with the Condominium Plat for review and approval by the City prior to final Condominium Plat recordation.
8. The applicant shall maintain free and clear public access to the trails located on the St. Regis property. All trail obligations shall be completed prior to any Certificates of Occupancy for the Phase 3 building.
9. Parking shall be compliant with LMC Chapter 15-3, Off Street Parking, including bicycle parking and electric vehicle charging requirements.
10. All exterior lighting shall conform to the City's Outdoor Lighting Requirements in LMC § 15-5-5(J).

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

PASSED AND ADOPTED this 28th day of September 2023.

PARK CITY MUNICIPAL CORPORATION

MAYOR

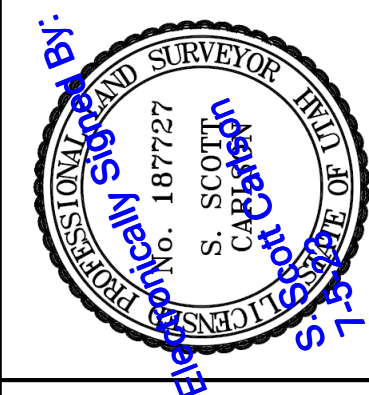
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Exhibit A: Condominium Plat



SUPPLEMENTAL SNOW PARK RESIDENCES
CONDOMINIUM PLAT
OVERALL SITE PLAN

TWIN PEAKS
Engineering & Land Surveying
2264 NORTH 1450 EAST LEHI, UTAH 84043
(801) 450-3511

DWG DATE: July 2023
PLOT DATE: 01 July 2023

SHEET
2
8
OF

LEGEND

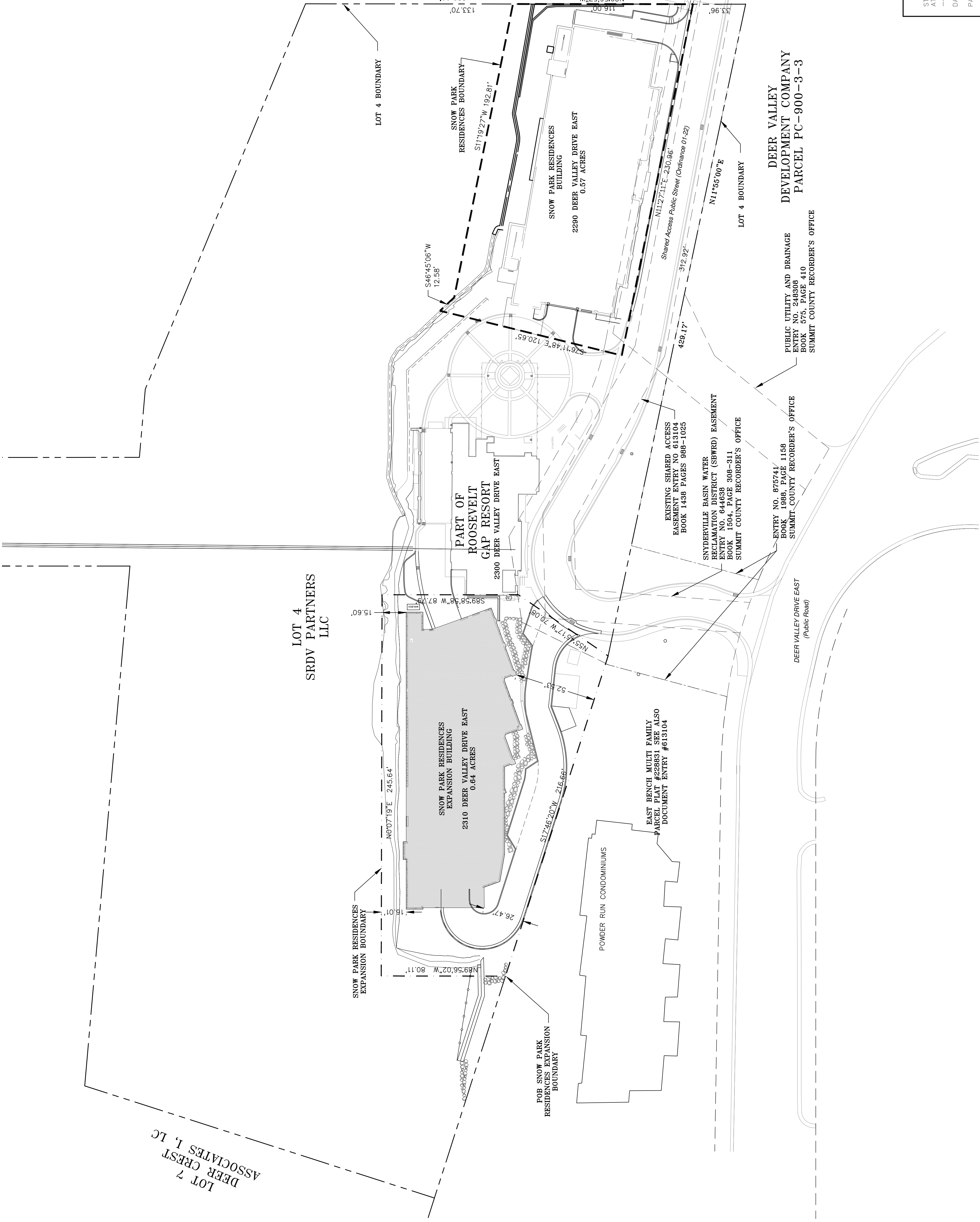
- LOT 4 PROPERTY LINE
- SNOW PARK RESIDENCES BOUNDARY
- SNOW PARK RESIDENCES EXPANSION BOUNDARY
- BUILDING

SCALE OF FEET
0 30 60

BLACK DIAMOND
CONDOMINIUMS

NOTE: ALL EXTERIOR WALLS, STRUCTURAL COLUMNS, BUILDING PLUMBING AND MECHANICAL SYSTEMS / SHAFTS / DUCTS / PIPES, FLOOR PLATES AND DEMISING WALLS ARE RESTRICTED AREA / NON-CONDOMINIUM PROPERTY EVEN IF NOT CROSS-HATCHED

RECORDED # _____
STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____
PAGE _____ FEE \$ _____
COUNTY RECORDER



DEER VALLEY
DEVELOPMENT COMPANY
PARCEL PC-900-3-3

PUBLIC UTILITY AND DRAINAGE
ENTRY NO. 248308
BOOK 575, PAGE 410
SUMMIT COUNTY RECORDER'S OFFICE

EXISTING SHARED ACCESS
EASEMENT ENTRY NO. 613104
BOOK 1436 PAGES 986-1025
SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT (SBWRD) EASEMENT
ENTRY NO. 644638
BOOK 1504, PAGE 308-311
SUMMIT COUNTY RECORDER'S OFFICE

ENTRY NO. 875741/
BOOK 1988, PAGE 1158
SUMMIT COUNTY RECORDER'S OFFICE

EAST BENCH MULTI FAMILY
PARCEL PC-900-3-3
DOCUMENT ENTRY #613104

POWDER RUN CONDOMINIUMS

POB SNOW PARK
RESIDENCES EXPANSION
BOUNDARY

SNOW PARK RESIDENCES
EXPANSION BOUNDARY

LOT 4
SRDV PARTNERS
LLC

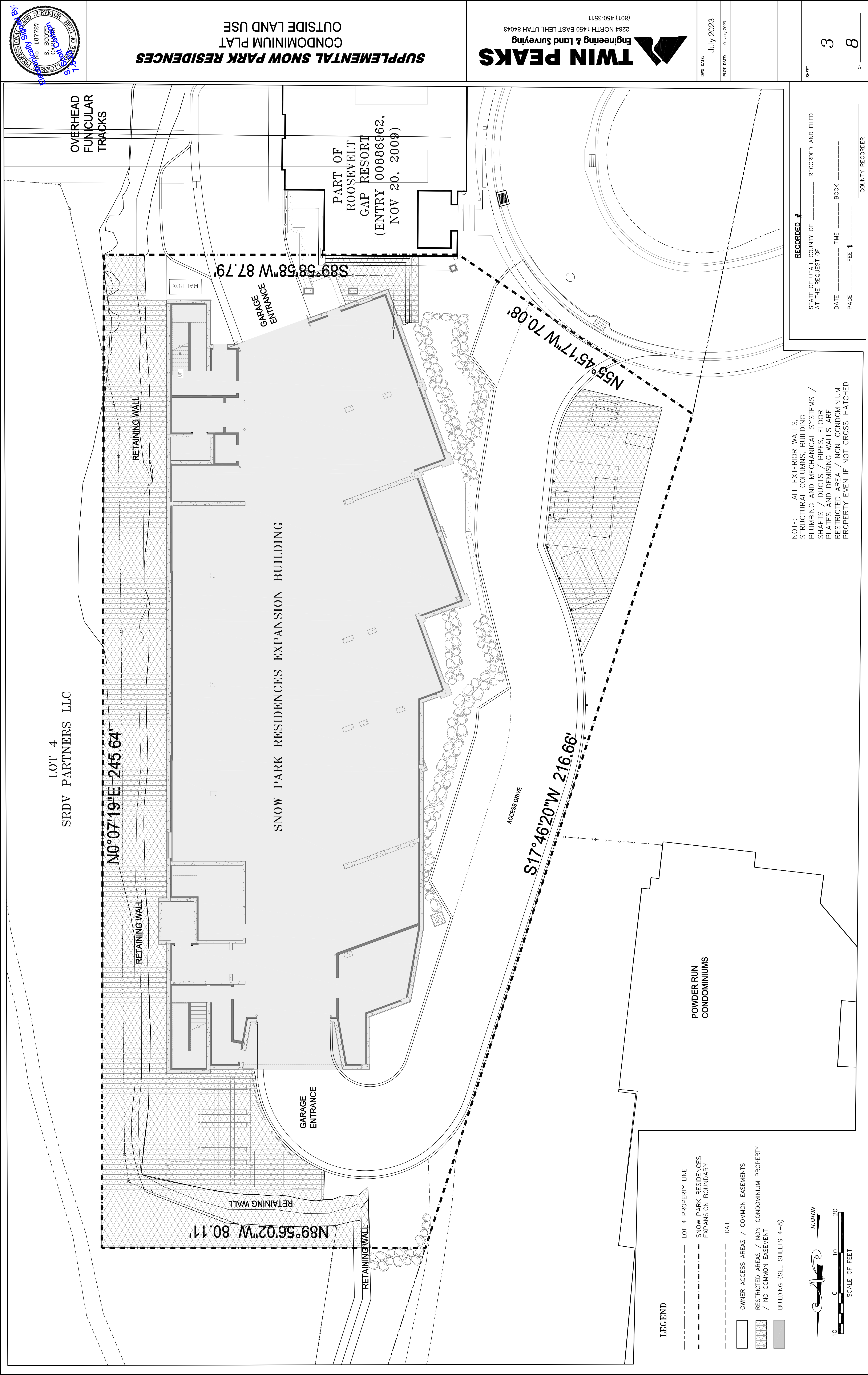
LOT 7
DEER CREST
ASSOCIATES, L, LC

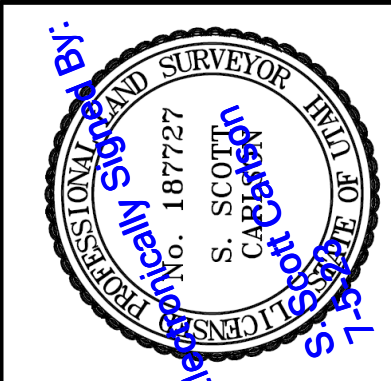
PART OF
ROOSEVELT
GAP RESORT

2300 DEER VALLEY DRIVE EAST

SNOW PARK RESIDENCES
EXPANSION BUILDING
2310 DEER VALLEY DRIVE EAST
0.64 ACRES

SNOW PARK RESIDENCES
BUILDING
2290 DEER VALLEY DRIVE EAST
0.57 ACRES



By:  S. SCOTT
Professional Engineer
No. 187727
State of Utah
License No. 187727
License No. 187727
License No. 187727

SUPPLEMENTAL SNOW PARK RESIDENCES
CONDOMINIUM PLAT
OUTSIDE LAND USE

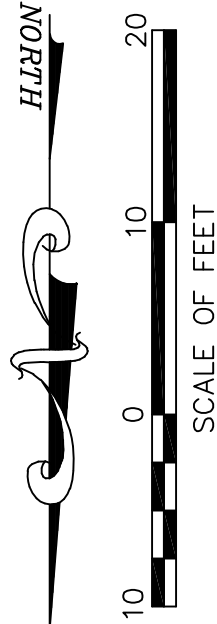
TWIN PEAKS
Engineering & Land Surveying
2264 NORTH 1450 EAST LEHI, UTAH 84043
(801) 450-3511

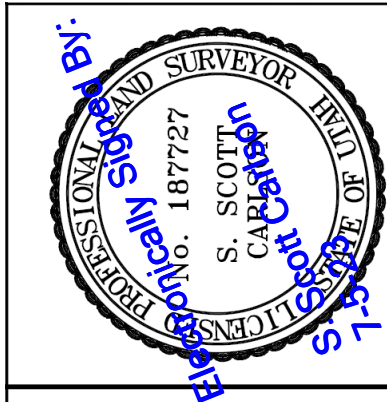
DWG DATE: July 2023
PLOT DATE: 01 July 2023
SHEET: 3 OF 8

RECORDED # _____
STATE OF UTAH, COUNTY OF _____, RECORDED AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____
PAGE _____ FEE \$ _____
COUNTY RECORDER

NOTE: ALL EXTERIOR WALLS,
STRUCTURAL COLUMNS, BUILDING
PLUMBING AND MECHANICAL SYSTEMS /
SHAFTS / DUCTS / PIPES, FLOOR
PLATES AND DEMISING WALLS ARE
RESTRICTED AREA / NON-CONDOMINIUM
PROPERTY EVEN IF NOT CROSS-HATCHED

- LEGEND**
- LOT 4 PROPERTY LINE
 - SNOW PARK RESIDENCES EXPANSION BOUNDARY
 - OWNER ACCESS AREAS / COMMON EASEMENTS
 - RESTRICTED AREAS / NON-CONDOMINIUM PROPERTY / NO COMMON EASEMENT
 - BUILDING (SEE SHEETS 4-8)
 - TRAIL





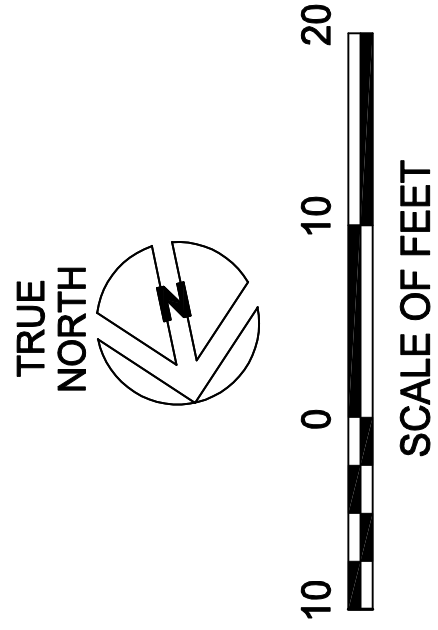
SUPPLEMENTAL SNOW PARK RESIDENCES
CONDOMINIUM PLAT
GARAGE AND LEVEL 1

TWIN PEAKS
Engineering & Land Surveying
2264 NORTH 1450 EAST LEHI, UTAH 84043
(801) 450-3511

DWG DATE: July 2023
PLOT DATE: 05 July 2023

SHEET 4 OF 8

- Owner Access Areas / Common Easements
- Restricted Areas / Non-Condominium Property / No Common
- Balcony areas (appurtenant to the unit listed)
- Residence Units / Private Condominium Area
- Commercial Area / Affordable Housing / Non-Condominium Pt
- Snow Park Residences Expansion Boundary
- Change in Ceiling height



PART OF ROOSEVELT GAP
RESORT (ENTRY 00886962,
NOV 20, 2009)

EXTERIOR SPACE
(SEE SHEET 3)

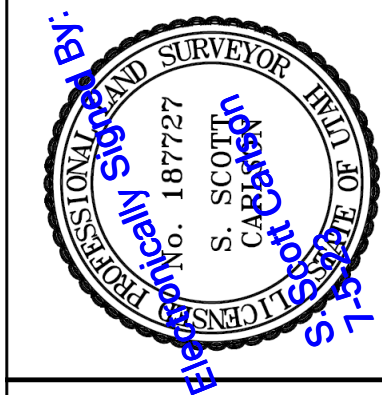
GARAGE
ELEV: 7212.0'

EXTERIOR SPACE
(SEE SHEET 3)

PART OF ROOSEVELT
GAP RESORT (ENTRY
00886962, NOV 20,
2009)

LEVEL 1
ELEV: 7226.0'

NOTE: ALL EXTERIOR WALLS,
STRUCTURAL COLUMNS, AND SHEER WALLS
BUILDING PLUMBING AND MECHANICAL
SYSTEMS / SHAFTS / DUCTS / PIPES,
FLOOR PLATES AND DEMISING WALLS ARE
RESTRICTED AREA / NON-CONDOMINIUM
PROPERTY EVEN IF NOT CROSS-HATCHED



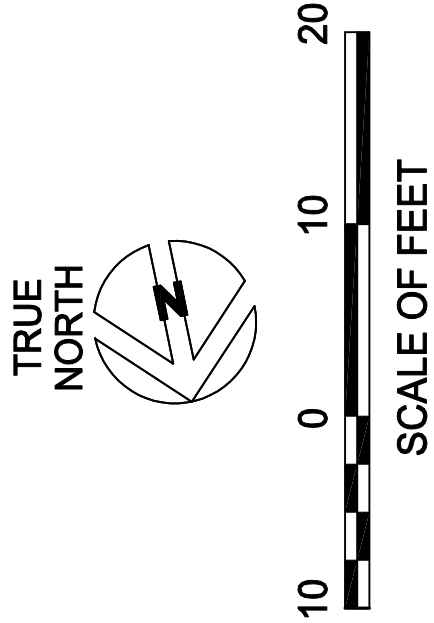
SUPPLEMENTAL SNOW PARK RESIDENCES
CONDOMINIUM PLAT
LEVELS 2 AND 3

TWIN PEAKS
Engineering & Land Surveying
2264 NORTH 1450 EAST LEHI, UTAH 84043
(801) 450-3511

DWG DATE: July 2023
PLAT DATE: 05 July 2023

SHEET 5 OF 8

- Owner Access Areas / Common Easements
- Restricted Areas / Non-Condominium Property / No Common Easement
- Balcony areas (appurtenant to the unit listed)
- Residence Units / Private Condominium Area
- Commercial Area / Affordable Housing / Non-Condominium Property
- Snow Park Residences Expansion Boundary
- Change in Ceiling height

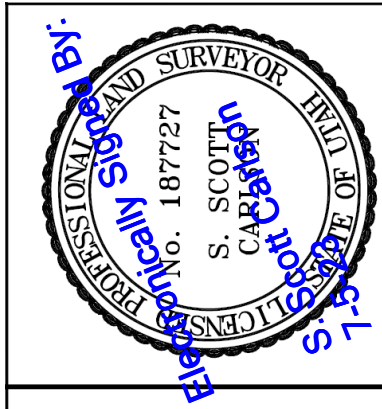


PART OF ROOSEVELT GAP
RESORT (ENTRY 00886962,
NOV 20, 2009)

LEVEL 2
ELEV. 7237.5'

LEVEL 3
ELEV. 7248.5'

NOTE: ALL EXTERIOR WALLS,
STRUCTURAL COLUMNS, AND SHEER WALLS
BUILDING PLUMBING AND MECHANICAL
SYSTEMS / SHAFTS / DUCTS / PIPES,
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PROPERTY EVEN IF NOT CROSS-HATCHED

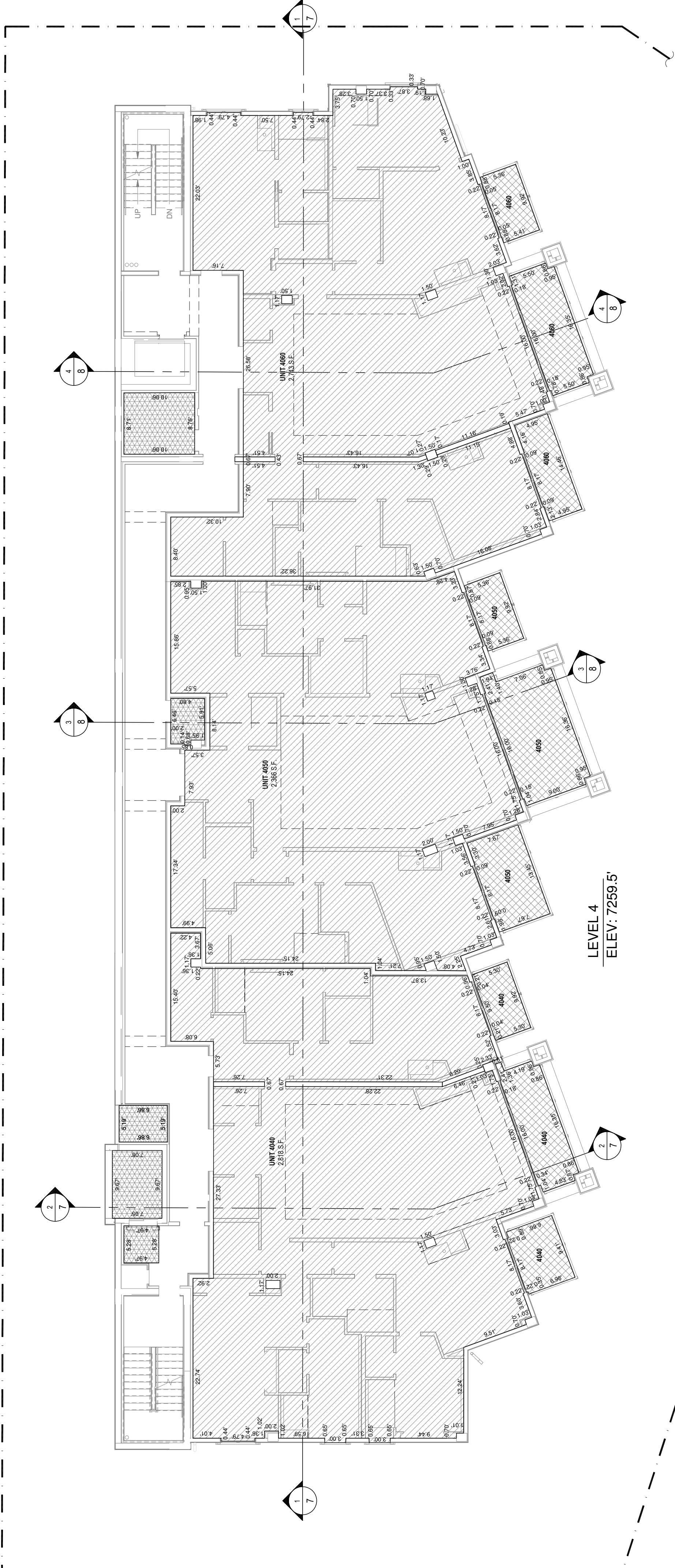
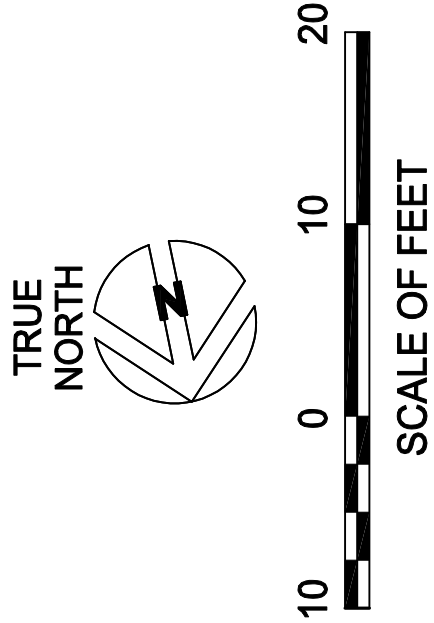


SUPPLEMENTAL SNOW PARK RESIDENCES
CONDOMINIUM PLAT
LEVELS 4 AND 5

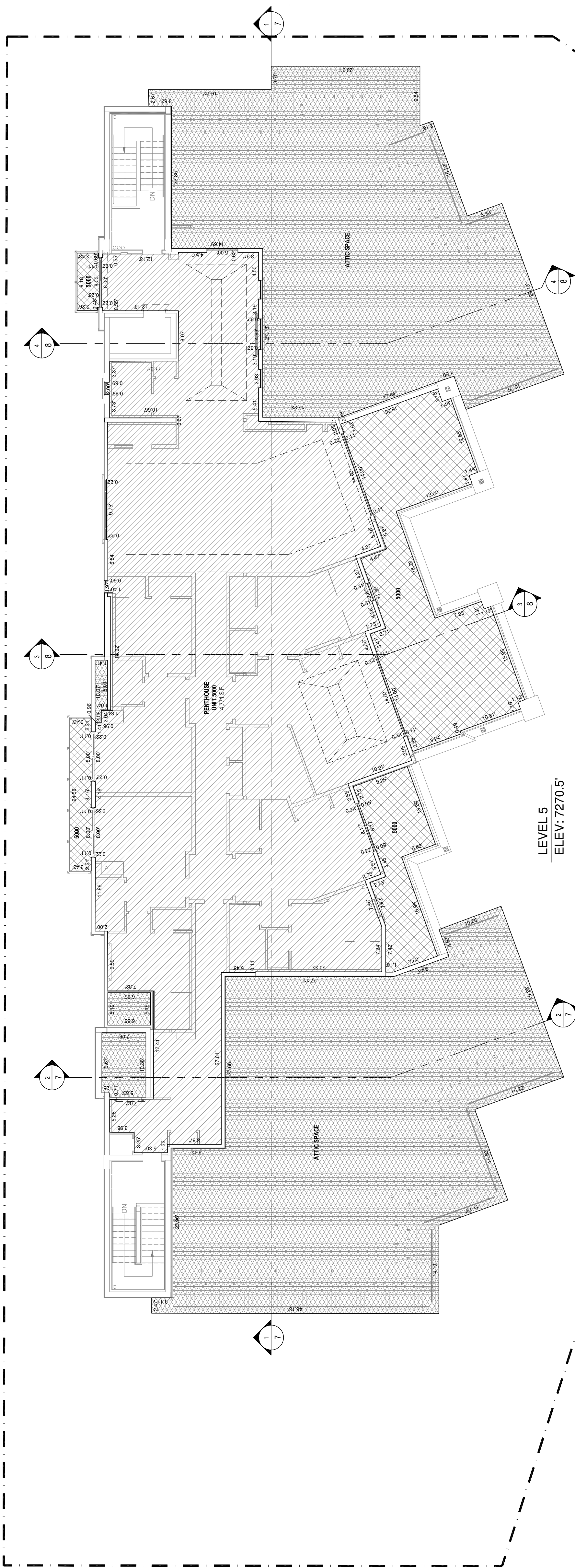
TWIN PEAKS
Engineering & Land Surveying
2264 NORTH 1450 EAST LEHI, UTAH 84043
(801) 450-3511

DWG DATE:	July 2023
PLAT DATE:	05 July 2023
SHEET	6
OF	8

- Owner Access Areas / Common Easements
- Restricted Areas / Non-Condominium Property / No Common Easement
- Balcony areas (appurtenant to the unit listed)
- Residence Units / Private Condominium Area
- Commercial Area / Affordable Housing / Non-Condominium Property
- Snow Park Residences Expansion Boundary
- Change in Ceiling Height

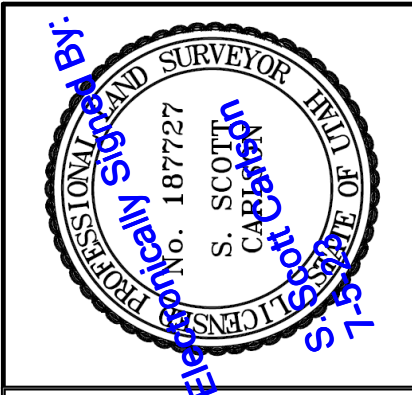


LEVEL 4
ELEV: 7259.5'



LEVEL 5
ELEV: 7270.5'

NOTE: ALL EXTERIOR WALLS,
STRUCTURAL COLUMNS, AND SHEER WALLS
BUILDING PLUMBING AND MECHANICAL
SYSTEMS / SHAFTS / DUCTS / PIPES,
FLOOR PLATES AND DEMISING WALLS ARE
RESTRICTED AREA / NON-CONDOMINIUM
PROPERTY EVEN IF NOT CROSS-HATCHED



SUPPLEMENTAL SNOW PARK RESIDENCES
CONDOMINIUM PLAT
SECTIONS

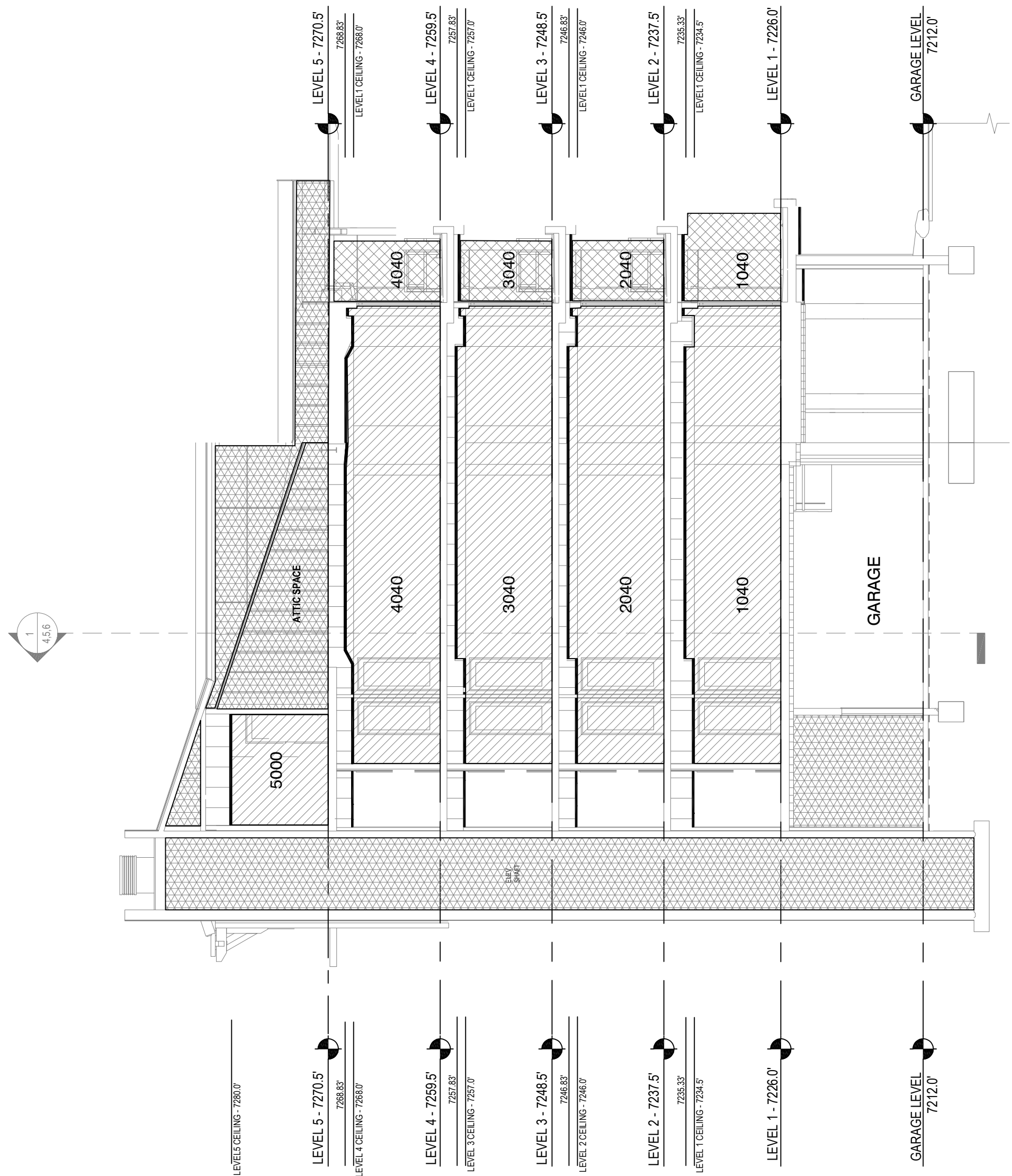
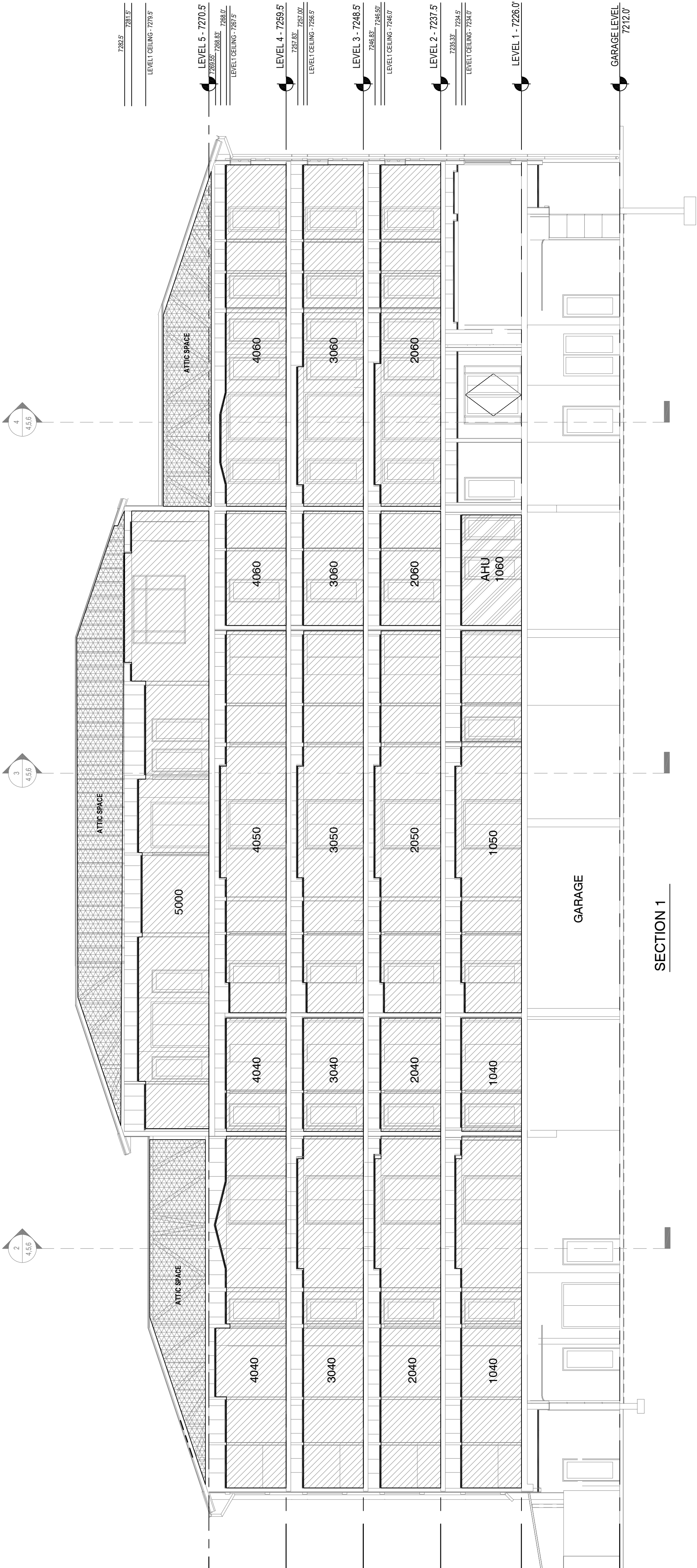
TWIN PEAKS

Engineering & Land Surveying

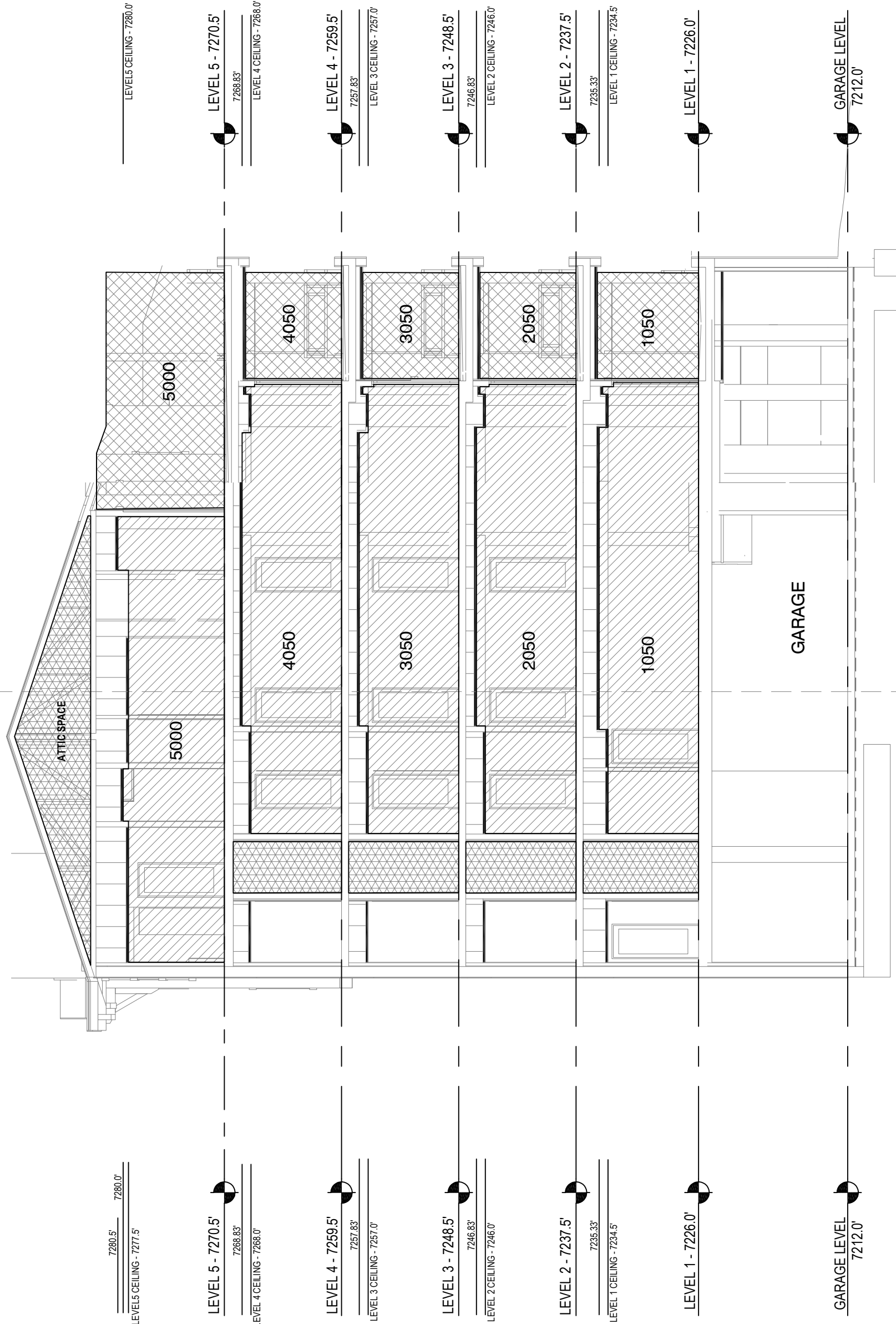
2264 NORTH 1450 EAST LEHI, UTAH 84043
(801) 450-3511

DWG DATE:	July 2023
PLAT DATE:	01 July 2023
SHEET	7
	8
	OF

- Owner Access Areas / Common Easements
- Restricted Areas / Non-Condominium Property / No Common Easement
- Balcony areas (appurtenant to the unit listed)
- Residence Units / Private Condominium Area
- Commercial Area / Affordable Housing / Non-Condominium Property

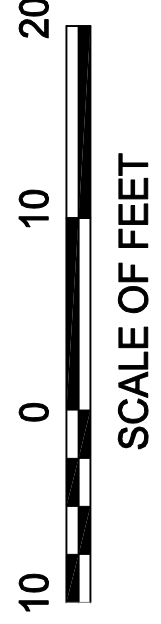


NOTE: ALL EXTERIOR WALLS, STRUCTURAL COLUMNS, AND SHEER WALLS BUILDING PLUMBING AND MECHANICAL SYSTEMS / SHAFTS / DUCTS / PIPES, FLOOR PLATES AND DEMISING WALLS ARE RESTRICTED AREA / NON-CONDOMINIUM PROPERTY EVEN IF NOT CROSS-HATCHED

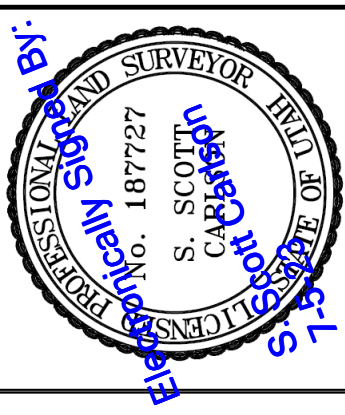


SECTION 3

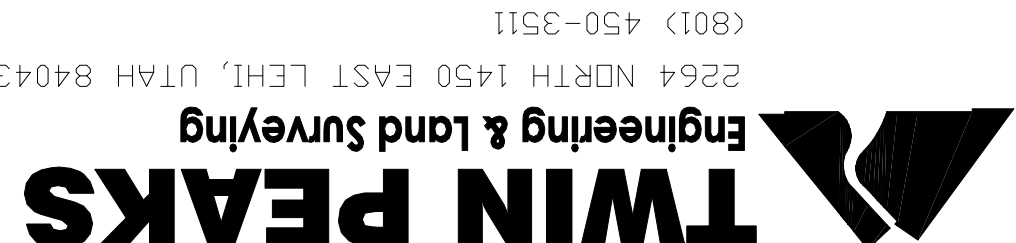
- Owner Access Areas / Common Easements
- Restricted Areas / Non-Condominium Property / No Common Easement
- Balcony areas (appurtenant to the unit listed)
- Residence Units / Private Condominium Area
- Commercial Area / Affordable Housing / Non-Condominium Property



SCALE OF FEET

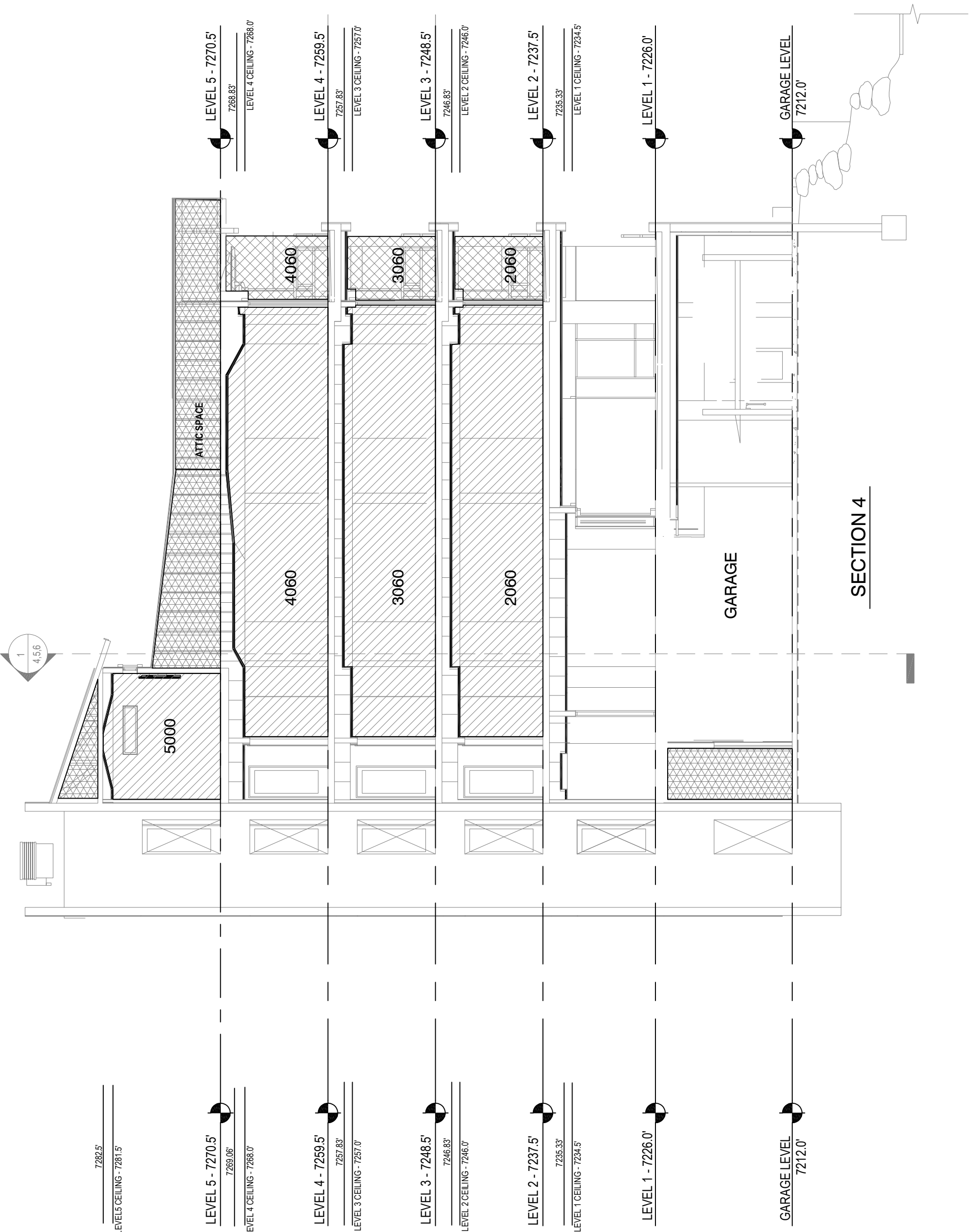


SUPPLEMENTAL SNOW PARK RESIDENCES
CONDOMINIUM PLAT
SECTIONS



DWG DATE:	July 2023
PLOT DATE:	01 July 2023
SHEET	8
OF	8

NOTE: ALL EXTERIOR WALLS, STRUCTURAL COLUMNS, AND SHEER WALLS BUILDING PLUMBING AND MECHANICAL SYSTEMS / SHAFTS / DUCTS / PIPES, FLOOR PLATES AND DEMISING WALLS ARE RESTRICTED AREA / NON-CONDOMINIUM PROPERTY EVEN IF NOT CROSS-HATCHED



SECTION 4



October 28, 2020

Michael Zaccaro
SRDV Partners, LLC
500 Mamaroneck Ave, Suite 406
Harrison, NY 10528

NOTICE OF PLANNING DEPARTMENT ACTION

Project Name:	St. Regis Deer Valley CUP Extension/Modification
Property Address:	2290 Deer Valley Drive East
Project Numbers:	PL-20-04638
Project Description:	Request to delay the deadline for submitting the application for the St. Regis Phase 3 building permit from 12/31/2020 to 12/31/2021.

Action Taken by Planning Commission: On October 28, 2020, The Planning Commission called a meeting to order, a quorum was established, a public hearing was held, and the Planning Commission voted to approve your application based on the following.

Findings of Fact:

1. The St. Regis Deer Valley is located at 2300 Deer Valley Drive East.
2. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council.
3. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014, and April 13, 2016. The City Council denied an appeal of the April 22nd approval on June 18, 2009.
4. The density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
5. The Hotel is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD. The funicular building, as well as the Phase 2 and Phase 3 buildings, are located in the RD zone.
6. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon

demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

7. A total of 374 parking spaces are required for the entire Hotel, with a maximum of 157 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The applicant expects to have 444 parking stalls available upon completion of the project.
8. A Traffic and Parking Study by Hales Engineering as part of the 2019 expansion of the Deer Crest Amenity Club at the St. Regis determined that the Hotel has sufficient parking for all of the existing and proposed uses.
9. It is the desire of the applicant to build out the St. Regis in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.
10. Phase 2 consists of the south parking structure at Snow Park (35 stalls) with nine (9) condominium units above (approximately 12.2 UE's).
11. Phase 3 consists of the north parking structure and condominium units above (approximately 17 UE's). The total density approved for Snow Park is 30.5 UEs.
12. This application is for an extension of time to exercise a building permit for Phase 3, until 12/31/2021.
13. Staff finds Good Cause for this Extension/Modification as it allows for the completion of the Phase 2 building prior to the initiation of Phase 3.
14. The project is in keeping with the goals of the General Plan for the Deer Valley neighborhood and allows for the construction of an additional deed restricted employee unit.
15. Staff has reviewed the proposed Extension/Modification to the Deer Crest Hotel CUP against the Conditional Use Permit criteria in Section 15-1-10 of the Land Management Code, as outlined below:
 - a. Size and location of the site. There are no changes proposed to the size and location of the site. **No unmitigated impacts.**
 - b. Traffic considerations. There are no changes in traffic as a result of this amendment to the timing of Phase 3. Traffic impacts associated with Phase 3 were reviewed in 2016. **No unmitigated impacts as conditioned.**
 - c. Utility capacity. There are no changes in utilities as a result of this amendment to timing. The site will be served by JSSD. **No unmitigated impacts.**
 - d. Emergency vehicle access. Access for emergency vehicles is unchanged with this amendment to the timing of Phase 3. **No unmitigated impacts.**
 - e. Location and amount of off-street parking. No changes are proposed to the overall parking requirements or actual parking provided. A parking analysis was reviewed in 2016 and again in 2019 with the expansion of the Amenity Club. It was concluded that the Hotel has sufficient parking. **No unmitigated impacts, as conditioned.**
 - f. Internal circulation system. No changes to the internal project circulation system are proposed with this amendment. **No unmitigated impacts.**
 - g. Fencing, screening and landscaping to separate uses. No changes to the fencing, screening, and landscaping are proposed with this timing amendment. **No unmitigated impacts.**
 - h. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. No changes to the building mass, bulk, orientation

and location on site are proposed with this amendment. Plans will be reviewed at the time of building permit. **No unmitigated impacts.**

- i. Usable open space. No changes to the open space area are proposed with this timing amendment. **No unmitigated impacts.**
 - j. Signs and lighting. No changes are proposed to the signs and lighting with this amendment. **No unmitigated impacts.**
 - k. Physical design and compatibility with surrounding structures in mass, scale and style. No changes are proposed to the physical design with this timing amendment. **No unmitigated impacts.**
 - l. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. There are no changes to any mechanical factors that require mitigation due to this amendment. **No unmitigated impacts.**
 - m. Control of delivery and service vehicles, loading and unloading zones, and screening. There are no changes to loading and unloading zones from what was approved. All loading and unloading areas are within the parking structure at Roosevelt Gap and the funicular building at Snow Park. **No unmitigated impacts.**
 - n. Expected ownership and management of the property. There are no proposed changes to ownership with this timing amendment. **No unmitigated impacts.**
 - o. Sensitive Lands Review. There are no changes to the approved CUP that are contrary to the sensitive lands review as it relates to the Deer Crest Settlement Agreement CUP. **No unmitigated impacts.**
 - p. There have been no changes in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with review criteria in Section 15-1-10(E).
16. All Conditions of the Hotel CUP's shall continue to apply and remain in full force and effect, with the exception of the timing of Phase 3, as amended in Condition #3, below.
17. All findings within the Analysis section and the recitals above are incorporated herein as Findings of Fact.

Conclusions of Law:

- 1. The Applicant demonstrated there is no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with review criteria. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10, review criteria for Conditional Use Permits.
- 2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.
- 3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.
- 4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
- 5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval:

- 1. All standard project conditions shall apply.
- 2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.

3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), April 23, 2014, and April 18, 2016, with the exception of Condition #3, amended below, shall continue to apply.
4. The applicant shall submit a complete application and building plans for construction of the Phase 3 parking structure and condominium units at Snow Park North, on or prior to December 31, 2021. If plans are not submitted within this date, the prior CUP approval for Snow Park North shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission, prior to submittal of such building plans for the Snow Park Site.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner and applicant to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office and Online.

If you have questions regarding your application or the action taken please don't hesitate to contact Alexandra Ananth at 435-615-5066 or alexandra.ananth@parkcity.org.

Sincerely,

John Phillips
Planning Commission, Chair

A handwritten signature in black ink, appearing to read 'Thomas G. Bennett', with a long horizontal flourish extending to the right.

Cc: Thomas G. Bennett



April 18, 2016

Deer Crest Janna, LLC
500 Mamaroneck Ave, Suite 406
Harrison, NY 10528

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-16-03101
<u>Subject</u>	St Regis Deer Valley
<u>Project Address</u>	2300 Deer Valley Drive
<u>Description</u>	Amended Deer Crest Hotel Conditional Use Permit
<u>Action Taken</u>	Approved as amended at the Planning Commission meeting.
<u>Date of Action</u>	April 13, 2016

On April 13, 2016, the Park City Planning Commission conducted a public hearing and approved an application for an amendment to condition #14 of the June 18, 2009, amended Deer Crest Hotel Conditional Use Permit (CUP), also amending conditions of approval #3 and #4 of the April 23, 2014, amended Deer Crest Hotel CUP regarding timing of construction for Phases 2 and 3 at the Snow Park site. Final action is subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, and April 23, 2014. The City Council denied an appeal of the April 22nd approval on June 18, 2009.

2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.

3. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.

4. A total of 244 parking spaces are required for the entire CUP, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000, traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the existing parking, with the surface parking lots at Snow Park, is adequate to meet the demands of the existing uses.

5. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

6. A one- year review of the parking and traffic situation, after certificates of occupancy were issued, was conducted by the applicant and presented to the Planning Commission on January 11, 2012 to evaluate actual traffic and parking impacts of this project. No additional issues were raised and the traffic and parking impacts were found to be mitigated as approved.

7. It is the desire of the developer to build this project in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The total density approved for Snow Park is 30.5 UE.

8. During construction of the North Snow Park site when the 56 surfaces spaces are not available and until the north parking structure is complete, there will be a possible shortage of parking spaces at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere/drop off area at Snow Park.

9. Staff has reviewed this application for an amendment to condition of approval #14 (of the 2009 CUP approval) as described in this staff report, and as amended with the April 2014 CUP approval and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended. Staff has also reviewed the request for an amendment to condition of approval #4 of the

2014 amended CUP approval and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended.

10. The surface parking was constructed to the requirements of a permanent surface parking lot, including paved surface, physical dimensions, landscaping, lighting, storm water, and a final finish treatment was applied to the retaining wall as previously conditioned.

11. Staff finds that these amendments provide clarity in terms of construction phasing and provision of an updated parking study.

12. The regulations and language in the Land Management Code regarding Conditional Use Permit review as well as Lot and Site regulations in the Residential Development (RD) District code have not substantially changed since the CUP approval and there has been no change in circumstance of the property that would necessitate submittal of a new Conditional Use Permit application.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.

2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.

3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.

4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.

5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.

2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.

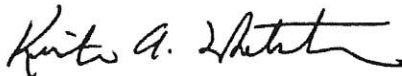
3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), and April 23, 2014, shall continue to apply, with the exception of Condition #14, amended again, with this April 13, 2016 CUP Amendment as follows:

14. The applicant shall submit a complete application and building plans for construction of the Phase 2 parking structure and condominium units at Snow Park South, on or prior to December 31, 2017. If plans are not submitted within this date, the prior CUP approval for Snow Park South shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of such building plans for the Snow Park Site. A complete building permit application for Phase 3 shall be submitted by December 31, 2020.

4. Prior to issuance of a building permit for Phase 2 the applicant shall submit for review by the Planning Department Staff an updated parking study for the St. Regis Deer Valley Hotel and an interim-parking layout, to be approved by the Planning Department Staff, addressing any temporary parking shortages that may occur due to loss of surface parking during construction at Snow Park.

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

Sincerely,

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

Kirsten A. Whetstone, MS, AICP
Senior Planner

Cc File



April 30, 2014

Deer Crest Janna, LLC
500 Mamaroneck Ave, Suite 406
Harrison, NY 10528

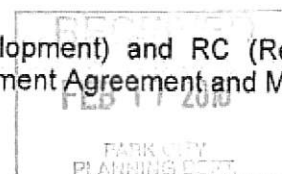
NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-14-02267
<u>Subject</u>	St Regis Deer Valley
<u>Project Address</u>	2300 Deer Valley Drive
<u>Description</u>	Amended Conditional Use Permit
<u>Action Taken</u>	Approved amended at the Planning Commission meeting.
<u>Date of Action</u>	April 23, 2014

On April 23, 2014, the Park City Planning Commission conducted a public hearing and approved an application for an amendment to condition #14 of the June 18, 2009, amended Deer Crest Hotel Conditional Use Permit (CUP). Final action is subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, and April 22, 2009. The City Council denied an appeal of the April 22nd approval on June 18, 2009.
2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
3. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.



#12437901

4. A total of 244 parking spaces are required for the entire CUP, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000, traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the existing parking, with the surface parking lots at Snow Park, is adequate to meet the demands of the existing uses.

5. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

6. A one- year review of the parking and traffic situation, after certificates of occupancy were issued, was conducted by the applicant and presented to the Planning Commission on January 11, 2012 to evaluate actual traffic and parking impacts of this project. No additional issues were raised and the traffic and parking impacts were found to be mitigated as approved.

7. It is the desire of the developer to build this project in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The total density approved for Snow Park is 30.5 UE.

8. During construction of the North Snow Park site when the 56 surface spaces are not available and until the north parking structure is complete, there will be a possible shortage of parking spaces at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere/drop off area at Snow Park.

9. Staff has reviewed this application for an amendment to condition of approval 14 as described above and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended.

10. The surface parking was constructed to the requirements of a permanent surface parking lot, including paved surface, physical dimensions, landscaping, lighting, storm water, and a final finish treatment was applied to the retaining wall as previously conditioned.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.
2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.
3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.
4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

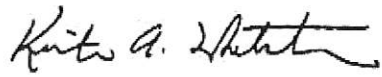
1. All standard project conditions shall apply.
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. All findings of fact, conclusions of law, and conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), shall continue to apply, with the exception of Condition #14 amended with this April 23, 2014 CUP Amendment. Condition #14 is amended as follows:

The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or prior to June 18, 2016. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North parcel shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of such building plans.

4. Prior to issuance of a building permit for Phases 2 and 3 the applicant shall submit for approval by the Planning Department staff an interim-parking layout addressing any temporary parking space shortages that may occur due to loss of surface parking during construction at Snow Park.

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

Sincerely,

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

Kirsten A. Whetstone, MS, AICP
Senior Planner

Cc File



Building • Engineering • Planning

April 24, 2009

Deer Crest Janna, LLC
PO Box 4151
Suite 325
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: Deer Crest Hotel CUP- amendment
Project Description: Request to 1) amend condition of approval #3 regarding parking at Snow Park and 2) revise phasing at Snow Park
Date of Action: April 22, 2009

Action Taken by Planning Commission: The Planning Commission **APPROVED** the amendment to the conditional use permit for 2300 Deer Valley Drive, the Deer Crest Hotel CUP, according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, and as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel (formally the Rosewood CUP) CUP and amended this approval on July 25, 2001, March 24, 2004, and May 11, 2005. Findings of fact, conclusions of law and conditions of the May 11, 2005 approval, except where amended, continue to apply. A separate CUP was approved on June 6, 2007 for construction of the south parking lot at Snow Park in connection with construction of a temporary sales center for the project.
2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
3. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.

FEB 17 2016

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060
FAX (435) 615-4906

4. On October 15, 2008, the applicant submitted a request to amend and clarify conditions of the May 11, 2005, CUP approval regarding structured parking at Snow Park (Exhibit A) and phasing of construction. The applicants are requesting a change to allow the phasing plan of the Snow Park development and an amendment to condition of approval #3 to allow issuance of certificates of occupancy for the Roosevelt Gap condominiums based on the construction of the north surface parking lot rather than the completion of the parking structure at Snow Park. The applicant proposes the following amendments to Condition #3 of the May 11, 2005 amended CUP:

3. No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking structure lot at the North Snow Park site is complete and approved for occupancy.

5. A total of 244 parking spaces are required, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000, traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the proposed parking is adequate to meet the demands of the proposed use.

6. A total of 105 overnight parking spaces, and up to 41 day use spaces, are proposed for the Roosevelt Gap site. Eight of these spaces will be provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve this overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

7. An overall parking plan and parking matrix, identifying guest, employee, club owner, and executive staff, and including a peak employee or special event parking plan will be helpful to further identify and evaluate how traffic on Keetley Road is mitigated. Therefore, a one-year review of the parking and traffic situation, after certificates of occupancy have been issued, will be helpful to evaluate actual traffic and parking impacts of this project. Modifications to the parking plan may result after the one-year study.

8. The Snow Park site does not have frontage on a public street. Access to Deer Valley Drive East for the Snow Park site development exists over an easement from the Powder Run Condominiums, granted to the City. The access drive is shared with the Black Diamond Lodge condominiums. Any change to the location of the approved access may require additional easements. It will be the responsibility of the Deer Crest Hotel owners to acquire such easements, including any landscape and maintenance agreements necessary to comply with the language of current or future easement. A private driveway, known as Deer Crest Estates Drive, traverses and accesses the Roosevelt Gap development parcel.

9. As conditioned, the project complies with fire and emergency access requirements, by virtue of a fire protection plan that addresses type II non-combustible building materials and structural requirements, 13-D fire sprinkler systems, approved fire and emergency access, and fire separation of structures. The Chief Building Official, prior to issuance of building permits, must grant final assessment and approval of amendments to the fire protection plan, as a result of this amendment.

10. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if the developer or owner does not complete these improvements. This financial guarantee was provided prior to issuance of the building permit for the parking lot. A financial guarantee is necessary to ensure completion of the finish wall treatment in order to mitigate visual impacts of the soil wall, if that work is not complete at the time a certificate of occupancy is issued for the Roosevelt Gap structure.

11. It is the desire of the developer to build this project in three phases. The first phase consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking. This phase is currently under construction. The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The proposed surface parking at the north Snow Park area is proposed as part of the first phase with completion anticipated by Spring/Summer 2009 prior to issuance of certificates of occupancy for any units.

12. During construction of the North Snow Park site when the 56 surface spaces are not available and until the north parking structure is complete, there will be a shortage of 1 parking space at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere drop off area at Snow Park.

13. Staff has reviewed the application and finds it is in compliance with the Conditional Use Permit criteria and is consistent with the Deer Crest Settlement Agreement, as amended.

14. The lot does not reduce the amount of approved parking. The original CUP was approved with 98 spaces at Snow Park and 146 spaces at Roosevelt Gap. The amendment will provide for a total of 106 spaces at Snow Park and 146 at Roosevelt Gap.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The Use is consistent with the Park City General Plan, as amended.
4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; and May 11, 2005, shall continue to apply as memorialized in the May 23, 2005 Action Letter, with the exception of Condition #3 amended with this CUP Amendment.

Condition number 3 shall be amended to read as follows: No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking lot at the North Snow Park site is complete and approved for occupancy.

4. The developer will build this project in three phases having a total of 130 UE. The first phase consists of the Roosevelt Gap hotel/condominiums (approximately 99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (which contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units), and a temporary sales office with surface parking. This phase is currently under construction. There will be 202 parking spaces created during this phase. The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). There will be 259 parking spaces at the end of this phase. The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). There will be 252 parking spaces at the end of this phase. The applicants shall have the option of constructing additional spaces at Snow Park.

5. The proposed surface parking at the north Snow Park area is proposed as part of

the first phase with completion anticipated by Spring/Summer 2009 prior to issuance of certificates of occupancy for any units. This parking lot will be constructed as a permanent lot, with permanent landscaping, lighting, and final improvements to the associated retaining wall.

6. A final exterior lighting and landscaping plan shall be submitted to and approved by the Planning Department prior to issuance of a building permit for the parking lot. All lighting and landscaping shall be consistent with the plans reviewed and approved by the Planning Commission on January 28, 2009. All exterior lighting shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. A timer system shall be installed on the parking lot lighting to reduce the amount of lighting after 11PM.

7. All signs shall be consistent with the Park City Sign Code and no signs may be installed without approval of a sign permit.

8. The parking lot shall be constructed in accordance with the approved plans and requirements of the International Building and Fire Codes.

9. A financial guarantee, in a form and amount acceptable to the City, for the value of all public improvements, pedestrian amenities and trails, and landscaping (including all landscaping required to re-vegetate and re-landscape all roads, utility installations including storm system and trails) to be completed according to the final approved plans has been provided to the City in connection with the issuance of building permits for the first phase. All such public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee and prior to issuance of a final certificate of occupancy.

10. If the finished treatment of the soil wall behind the north parking lot, as reviewed by the Planning Commission on March 11, 2009, is not completed prior to issuance of the first certificate of occupancy, then a financial guarantee in a form and amount acceptable to the City to assure completion of such work within one year of certificate of occupancy issuance, shall be provided to the City prior to the issuance of any certificates of occupancy for the first phase residential units. Completion of the parking structure for the North Snow Park condominiums will be a condition to the issuance of certificates of occupancy for the North Snow Park condominium units.

11. City Engineer review and approval of all associated access, utility, public improvements, grading, and drainage plans for compliance with City standards is a condition precedent to building permit issuance for the parking lot.

12. An oil and water separator is required to control water quality for run-off from the surface parking lot. The City Engineer shall approve the design and installation of the oil and water separator prior to issuance of certificates of occupancy for the Roosevelt Gap units. The snow and storm run-off discharge points need to be identified on the parking lot plans at the time of submittal for a building permit.

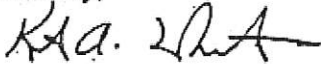
13. Prior to issuance of a building permit for Phase 3 construction of the North Snow

Park parking structure and condominium units, the applicant shall submit for approval by the Planning Department staff an interim-parking layout addressing any temporary parking space shortage.

14. Within 5 years of approval, the applicant will either submit building plans for construction of the parking structure at the Snow Park North site or apply for an amendment to the Deer Crest Hotel CUP, to be reviewed by the Planning Commission, that either extends the time frame for an additional year, or allows the parking lot as a permanent parking solution at Snow Park North.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or send an e-mail to Kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner



Building Department • City Engineer • Planning and Zoning

May 23, 2005

Mark Taylor
Deer Crest Associates I, L.C.
PO Box 4151
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Amended Conditional Use Permit for Deer Crest Hotel at Snow Park and Roosevelt Gap parcels of the Deer Crest Properties MPD, known as the Deer Crest Hotel CUP (St. Regis Resort at Deer Crest)

Project Address: 2300 Deer Valley Drive

Date of Action: May 11, 2005

Action Taken by Planning Commission: The Planning Commission approved the amended Deer Crest Hotel CUP, in accordance with the Conditions of Approval as stated below:

Conditions of Approval

1. All standard project conditions shall apply (Exhibit A).
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. No certificates of occupancy for the Deer Crest Hotel shall be issued until the funicular is fully operational and the parking structure at the Snow Park site is complete and approved for occupancy.
4. A final exterior lighting and landscaping plan shall be submitted to and approved by the Planning Department prior to issuance of any full building permits. All exterior lighting shall conform to requirements of the City's lighting ordinance and shall be subdued in nature.
5. The applicant shall submit architectural details and materials to the Planning Commission for review and approval prior to the issuance of full building permits. Those materials reviewed and approved by the Planning Commission shall constitute exhibits as part of this conditional use approval.
6. A detailed review against specific requirements of the Uniform Building and Fire Codes is a condition precedent to issuance of a building permit. As a condition precedent to the issuance of any building permits, the developer shall provide the Chief Building Official with information regarding all existing mine shafts that could complicate foundation construction.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Building Department • (435) 615-5100 • FAX (435) 615-4900
City Engineer • (435) 615-5055 • FAX (435) 615-4906
Planning and Zoning • (435) 615-5060 • FAX (435) 615-4906

7. A Construction Mitigation Plan (CMP) submitted to and approved by the Planning, Building, and Engineering Departments is required prior to issuance of any building permit. The CMP shall address construction phasing, staging, storage, circulation, parking, delivery, re-vegetation of disturbed areas, temporary signs and lighting, dust, mud, and dirt, and clean water standards if applicable. The CMP shall also call for disposal of all excavated materials to be on Deer Crest property hauled via the shortest feasible route. A limit of disturbance plan shall be submitted as part of the CMP. The CMP shall address maintenance or rerouting of existing pedestrian and trail access during construction. The CMP shall include a detailed phasing plan and an interim-landscaping plan, as necessary to re-vegetate and landscape disturbed areas.

8. A financial guarantee, in a form and amount acceptable to the City, for the value of all public improvements, pedestrian amenities and trails, and landscaping (including all landscaping required to re-vegetate and re-landscape all roads, utility installations and trails) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

9. A final record of survey plat must be submitted to the City for review and approval by the City Council and must be recorded at the County prior to closing on any sale of individual condominium unit. The record of survey plat shall address compliance with the ADA, including the potential for all ADA compliant units to be indicated on the record of survey plat as common space in perpetuity. Conditions, Covenants, and Restrictions for this development shall be submitted to the City Attorney for review and approval and shall be recorded at the time of record of survey plat recording.

10. A final subdivision plat (currently in the process of being recorded at Summit and Wasatch Counties) must be recorded prior to issuance of a footing and foundation permit.

11. Any change in the access location at the Snow Park site may require additional easements and agreements with the adjacent property owners. These easements shall be in place prior to issuance of any building permits for the relocated access drive.

12. All signs for this project shall comply with the Park City sign code. All signs shall be on-premise. Each sign requires a sign permit, reviewed and approved by the Planning and Building Departments prior to installation. The Planning Director prior to the issuance of individual sign permits shall approve a master sign plan.

13. The City Engineer shall review and approve all associated access, utility, public improvements, grading, and drainage plans for compliance with City standards as a condition precedent to building permit issuance and subdivision plat recordation. The final utility plans shall be consistent with the preliminary utility plan on file with the City.

14. The Snyderville Basin Sewer Improvement District's review and approval of the sewer plans is a condition precedent to final plat recording and building permit issuance.

15. The Jordanelle Special Service District's review and approval of sewer plans and water plans for the Roosevelt Gap site and an inter-local agreement for water service, as necessary for the Snow Park Site is a condition precedent to final plat recording and building permit issuance. Prior to building permit issuance the applicants shall provide will serve letters from both the Snyderville Basin Sewer District and the Jordanelle Special Service District. As a condition precedent to the issuance of any building permit for the Deer Crest Hotel CUP the State Engineer shall sign off on any water transfer requests, if required. If necessary, the Snow Park

site shall be formally de-annexed from the Park City water district by the applicant. If the City agrees to provide water service, in whole or in part to the Snow Park site, all water issues related to that service, including water capacity, pressure, fire flows, utility easements, etc. shall be resolved prior to issuance of any building permits or plat recordation.

16. The final parking plan will be reviewed and approved by the Planning Department prior to issuance of any foundation building permits and shall be consistent with the traffic and parking study approved by the Planning Commission on February 28, 2001 and March 124, 2004. The parking plan shall provide details on peak parking demand, employee parking in general and at Jordanelle, special event parking, and parking enforcement within the parking structure.

17. A shuttle system shall be in place and operational prior to issuance of any certificates of occupancy for the hotel. The shuttle system is a condition of approval and the Conditional Use Permit shall be considered void if the shuttle system is terminated unless alternative transportation and parking plans are reviewed and approved by the Planning Commission as an amendment to the CUP.

18. A one-year review of the parking and traffic situation, one year after certificates of occupancy are issued for the hotel, shall be conducted by the staff and presented to the Planning Commission. Modifications to the parking and/or traffic plan may result from the review. Further annual reviews may be required. In addition, any change of unit configuration or form of ownership which increases parking demands or traffic, beyond that considered in the December 12, 2000, Sear-Brown traffic and parking study, and amended with the March 10, 2004 plans, shall require subsequent Planning Commission review and approval.

19. Final location and dimensions of all trails must be delineated in their approximate locations on the final plat with guarantees for completion in place prior to granting any building permits for construction.

20. Final approval regarding snow shedding from roofs and porches will be granted after the Chief Building Official reviews the final architectural and structural plans and finds them in compliance with the City's snow shedding requirements. Final approval for the funicular will be granted only after the Chief Building Official reviews the plans for compliance with all applicable Building Codes.

21. The Deer Crest affordable housing plan, approved by the Planning Commission on December 21, 2001, shall remain in full force and effect unless amended and approved by the Planning Commission. No certificates of occupancy shall be issued for this Deer Crest Hotel CUP until all affordable housing obligations (10% of the approved u.e.'s) have been satisfied for each phase, ie. in-lieu fees paid and any built units certified for occupancy. Phase I in the approved affordable housing plan shall mean the Roosevelt Gap site and Phase II shall mean the Snow Park site.

22. All retaining walls shall be pedestrian in scale and consistent with the Park City Design Guidelines. Retaining walls should be compatible in form, scale, and materials with the architectural details and materials of nearby buildings. Stepping of retaining walls and landscaping shall be incorporated into the design.

23. All mechanical equipment and vents shall be screened for both visible and audible impacts.

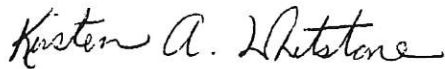
24. All loading and unloading delivery areas shall be screened from view of adjacent property and public right-of-way. Detailed plans shall be reviewed and approved by the Planning, Engineering, and Building Departments prior to issuance of building permits.

25. A phasing plan shall be reviewed by the City prior to the issuance of a footing and foundation permit to ensure that any phase constructed stands on its own in terms of architecture, design, utilities, trails and circulation, landscaping, parking, and access and is consistent with the approved CUP, in the interim of construction of the remaining phases. The phasing plan shall address maintaining public access to the trail system during construction, subject to the Chief Building Official's approval and closures due to health, safety, and welfare.

26. At the time of building permit submittal, the plans shall include a landscape and irrigation plan detailing the landscape, or other temporary finish treatment of the top of the north parking structure, to be approved by the City prior to issuance of a building permit.

If you have any questions or concerns, please do not hesitate to call me at 435-615-5066.

Sincerely,

A handwritten signature in cursive script that reads "Kirsten A. Whetstone".

Kirsten Whetstone, AICP
Senior Planner
Cc. file



file

Department of Community Development
Engineering • Building Inspection • Planning

March 24, 2004

Mark Taylor
Deer Crest Associates I, L.C.
PO Box 4151
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: 1) Amended Conditional Use Permit for Deer Crest Hotel at Snow Park and Roosevelt Gap parcels of the Deer Crest Properties MPD, known as the Deer Crest Hotel CUP and 2) Amended Subdivision plat, known as the Amended Roosevelt Gap Subdivision plat.

Project Address: 2300 Deer Valley Drive

Date of Action: March 24, 2004

Action Taken By Planning Commission: The Planning Commission approved the amended Deer Crest Hotel CUP and forwarded a positive recommendation on the amended Roosevelt Gap subdivision plat, in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below:

Deer Crest Hotel, amended Conditional Use Permit

Findings of Fact

1. This proposal as described in the March 10th and March 24th, 2004 staff reports, is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, and as amended in December of 1998 and also in April 6, 2001, by the City Council. These findings of fact, conclusions of law, and conditions of approval supersede and wholly replace those of the February 28, 2001 Planning Commission approval of the Deer Crest Hotel (formally the Rosewood CUP) CUP and those of the July 25, 2001 amended CUP approval.

2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 96.27 acre site is consistent with the Deer Crest Settlement, as amended.

3. The proposed height for the Roosevelt Gap building is consistent with the Settlement Agreement and no portion of the Roosevelt Gap development is visually obtrusive from the Stew Pot restaurant deck. The funicular head house has been incorporated into the main hotel building at Roosevelt Gap and does not straddle the ridgeline, as previously approved.

4. To provide architectural interest and variation in rooflines and massing, the proposed building masses for Snow Park are broken up into smaller, yet connected building masses using vertical and horizontal stepping and glass corridor connections. Building height for the Snow Park site complies with the 45' height limitation. Proposed plans for the Snow Park site are consistent with the previous Commission approval from February 28, 2001, amended in July 2001, in that the building is broken into several distinct masses with horizontal and vertical articulation.

5. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.

6. The Deer Crest Settlement Agreement and MPD require that each portion of the Deer Crest property be brought back before the Planning Commission to be processed as a small scale MPD/CUP.

7. An application for a Small Scale MPD/CUP for the Rosewood Hotel was submitted on October 5, 2000 and approved by the Planning Commission on February 28, 2001, and subsequently amended on July 25, 2001. This current proposal further amends the previous approved plans.

8. The Planning Commission held numerous work sessions to review the proposal and held public hearings on November 22 and December 13, 2000, and January 10 and 24, 2001. Additional public hearings were held on July 25, 2001 for the previous amendment, as well as on February 25, 2004 and on March 10th and 24th, 2004 for the current amendments. Minutes of these meetings are available at the Planning Department.

9. A portion of the residential use is proposed to be interval/condominium club ownership and a portion is proposed to be whole ownership. This type of ownership is allowed as part of the Deer Crest MPD and within the RC zoning district.

10. As described in the December 12, 2000 traffic and parking study conducted by Sear-Brown and as conditioned below, the adjacent streets, Deer Valley Drive East, Keetley Road, and Deer Crest Estates Drive, are of a size and capacity to accommodate traffic considerations of this development. The Deer Crest Settlement Agreement, as amended, further restricts traffic, parking, and access for this proposal. However, none of the Deer Valley streets were built with a structural capacity able to withstand construction of properties not in Deer Valley, such as Deer Crest.

11. A total of 244 parking spaces are proposed. The December 12, 2000 traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the proposed parking is adequate to meet the demands of the proposed use.

12. A total of 105 overnight parking spaces, in addition to 41-day use spaces, are proposed for the Roosevelt Gap site. The amended Settlement Agreement, allows the Planning Commission to approve this overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road. Based on the Sear Brown traffic and parking study, these criteria are satisfied. A shuttle system and perpetual maintenance by Deer Crest of the gate system, as required by the Settlement Agreement, satisfy the traffic and parking requirements of the Settlement agreement.

13. An overall parking plan and parking matrix, identifying guest, employee, club owner, and executive staff, and including a peak employee or special event parking plan will be helpful to further identify and evaluate how traffic on Keetley Road is mitigated. A one- year review of the parking and traffic situation, after certificates of occupancy have been issued, will be helpful to evaluate actual traffic and parking impacts of this project. Modifications to the parking plan may result after the one-year study.

14. The Snow Park site does not have frontage on a public street. Access to Deer Valley Drive East for the Snow Park site development exists over an easement from the Powder Run Condominiums, granted to the City. The access drive is shared with the Black Diamond Lodge condominiums. Any change to the location of the approved access will require additional easements. It will be the responsibility of the Deer Crest Hotel owners to acquire such easements prior to approval of any building permits. A private driveway, known as Deer Crest Estates Drive, traverses and accesses the Roosevelt Gap development parcel.

15. Utilities must be provided to sustain the anticipated property uses. Easements are necessary for long-term utility maintenance. All utility issues will need to be satisfied with utility providers before the plat can be recorded and building permits can be issued.

16. Water service for entire project may not be provided by Park City water due to pressure and fire flow requirements and design of the structures. The Jordanelle Special Services District (JSSD) has volume, capacity and pressure to provide water service for the entire project, including the Snow Park site, and sewer service for the Roosevelt Gap site. A will serve letter with technical conditions has been presented to the applicants from JSSD. JSSD will require an inter-local agreement that must be finalized prior to recordation of a plat or issuance of building permits for the Deer Crest Hotel CUP.

17. As conditioned, the project complies with fire and emergency access requirements, by virtue of a fire protection plan that addresses type II non-combustible building materials and structural requirements, 13-D fire sprinkler systems, approved fire and emergency access, and fire separation of structures. The Chief Building Official, prior to issuance of building permits, must grant final assessment and approval of the fire protection plan.

18. A financial guarantee for all landscaping and public improvements, including trails, is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if the developer or owner does not complete these improvements. This financial guarantee is required prior to building permit (including grading permits) issuance and plat recordation.

19. The applicant agrees to provide for City review and approval, prior to issuance of any building permits, a final landscape plan, final grading and utility plans, a trail plan, a parking plan, and detailed architectural elevations consistent with the plans, models, cross sections, and design details, approved by the Planning Commission on February 28, 2001 and as modified and reviewed by the Planning Commission on March 10th and March 24th, 2004.

20. The architectural intent of the project is described as follows: Stone fireplace chimneys will be prevalent throughout. Natural slate roofing tile is proposed. A combination of steel and wood lend a contemporary feel and modern statement to this type of architecture. Clear glass with wood frames and mullions throughout provide a residential feel. Stone and wood-clad columns support the balconies. Wood siding is proposed as well as masonry and stone.

21. It is the desire of the developer to build this project in one phase. All hotel amenities, parking, and the funicular will be complete as units are completed. A condominium plat will be required to be approved and recorded before ownership of any units may be transferred. A detailed construction-phasing plan will be necessary to address interim phasing as it may occur.

22. Staff has reviewed the proposal and finds the proposal is in compliance with the Conditional Use Permit criteria and the Deer Crest Settlement Agreement, as amended.

23. The Planning Commission approved an affordable housing plan for the Deer Crest Hotel, on December 12, 2001, consistent with the Deer Crest Settlement Agreement.

24. The applicant stipulates to the conditions of approval.

25. A visual analysis was conducted and reviewed by the Planning Commission comparing the original approval (Feb. 28, 2001), the amended approval (July 25, 2001), and the current proposal from 4 vantage points- Deer Valley Drive, Snow Park Lodge, La Maconnerie, and the Stew Pot. The Commission concluded that the proposed designs were an improvement over the original approval and the amended approval.

26. Staff has reviewed the title reports and applications that were submitted for all of the applications on this property and Deer Crest Associates I, L.C. are consistently listed as the owner of record.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.

2. The Use is compatible with surrounding structures in use, scale, mass, and circulation.

3. The Use is consistent with the Park City General Plan, as amended.

4. The proposal is consistent with the Deer Crest Annexation and MPD and the 1995 Deer Crest Settlement as amended.

5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply (Exhibit A).

2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.

3. No certificates of occupancy for the Deer Crest Hotel shall be issued until the funicular is fully operational and the parking structure at the Snow Park site is complete and approved for occupancy.

4. A final exterior lighting and landscaping plan shall be submitted to and approved by the Planning Department prior to issuance of any full building permits. All exterior lighting shall conform to requirements of the City's lighting ordinance and shall be subdued in nature.

5. Final architectural elevations consistent with the Land Management Code; the Park City

Architectural Guidelines; and the plans, models, cross sections, and architectural details reviewed and approved by the Planning Commission on February 28, 2001, amended on March 24, 2004, shall be submitted for review and approval by the Planning Department prior to issuance of a footing and foundation building permit. The Planning Staff shall review all changes. If changes are of a substantial nature the plans will be presented to the Planning Commission for review. Exterior materials shall be consistent with the plans reviewed on March 10th and March 24th, 2004, specifically, the ground floor shall be significantly differentiated when viewed from a distance, and the stone work shall be significantly different in terms of texture, cut, and color, between the ground floor elements and the upper stories. This differentiation shall be carried out on all elevations throughout the project.

6. A detailed review against specific requirements of the Uniform Building and Fire Codes is a condition precedent to issuance of a building permit. As a condition precedent to the issuance of any building permits the developer shall provide the Chief Building Official with information regarding all existing mine shafts that could complicate foundation construction.

7. A Construction Mitigation Plan (CMP) submitted to and approved by the Planning, Building, and Engineering Departments is required prior to issuance of any building permit. The CMP shall address construction phasing, staging, storage, circulation, parking, delivery, re-vegetation of disturbed areas, temporary signs and lighting, dust, mud, and dirt, and clean water standards if applicable. The CMP shall also call for disposal of all excavated materials to be on Deer Crest property hauled via the shortest feasible route. A limit of disturbance plan shall be submitted as part of the CMP. The CMP shall address maintenance or rerouting of existing pedestrian and trail access during construction. The CMP shall include a detailed phasing plan and an interim-landscaping plan, as necessary to re-vegetate and landscape disturbed areas.

8. A financial guarantee, in a form and amount acceptable to the City, for the value of all public improvements, pedestrian amenities and trails, and landscaping (including all landscaping required to re-vegetate and re-landscape all roads, utility installations and trails) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

9. A final record of survey plat must be submitted to the City for review and approval by the City Council and must be recorded at the County prior to closing on any sale of individual condominium unit. The record of survey plat shall address compliance with the ADA, including the potential for all ADA compliant units to be indicated on the record of survey plat as common space in perpetuity. Conditions, Covenants, and Restrictions for this development shall be submitted to the City Attorney for review and approval and shall be recorded at the time of record of survey plat recording.

10. A final subdivision plat (currently under review as the amended Roosevelt Gap Subdivision plat) must be reviewed and approved by the Planning Commission and City Council and recorded prior to issuance of a footing and foundation permit.

11. Any change in the access location at the Snow Park site may require additional easements and agreements with the adjacent property owners. These easements shall be in place prior to issuance of any building permits for the relocated access drive.

12. All signs for this project shall comply with the Park City sign code. All signs shall be on-premise. Each sign requires a sign permit, reviewed and approved by the Planning and Building Departments prior to installation. The Planning Director prior to the issuance of individual sign permits shall approve a master sign plan.

13. The City Engineer shall review and approve all associated access, utility, public improvements, grading, and drainage plans for compliance with City standards as a condition precedent to building permit issuance and subdivision plat recordation. The final utility plans shall be consistent with the preliminary utility plan on file with the City.

14. The Snyderville Basin Sewer Improvement District's review and approval of the sewer plans is a condition precedent to final plat recording and building permit issuance.

15. The Jordanelle Special Service District's review and approval of sewer plans and water plans for the Roosevelt Gap site and an inter-local agreement for water service, as necessary for the Snow Park Site is a condition precedent to final plat recording and building permit issuance. Prior to building permit issuance the applicants shall provide will serve letters from both the Snyderville Basin Sewer District and the Jordanelle Special Service District. As a condition precedent to the issuance of any building permit for the Deer Crest Hotel CUP the State Engineer shall sign off on any water transfer requests. If necessary, the Snow Park site shall be formally de-annexed from the Park City water district by the applicant. If the City agrees to provide water service, in whole or in part to the Snow Park site, all water issues related to that service, including water capacity, pressure, fire flows, utility easements, etc. shall be resolved prior to issuance of any building permits or plat recordation.

16. The final parking plan will be reviewed and approved by the Planning Department prior to issuance of any foundation building permits and shall be consistent with the traffic and parking study approved by the Planning Commission on February 28, 2001. The parking plan shall provide details on peak parking demand, employee parking in general and at Jordanelle, special event parking, and parking enforcement within the parking structure.

17. A shuttle system shall be in place and operational prior to issuance of any certificates of occupancy for the hotel. The shuttle system is a condition of approval and the Conditional Use Permit shall be considered void if the shuttle system is terminated unless alternative transportation and parking plans are reviewed and approved by the Planning Commission as an amendment to the CUP.

18. A one-year review of the parking and traffic situation, one year after certificates of occupancy are issued for the hotel, shall be conducted by the staff and presented to the Planning Commission. Modifications to the parking and/or traffic plan may result from the review. Further annual reviews may be required. In addition, any change of unit configuration or form of ownership which increases parking demands or traffic, beyond that considered in the December 12, 2000, Sear-Brown traffic and parking study, and amended with the March 24, 2004 plans, shall require subsequent Planning Commission review and approval.

19. Final location and dimensions of all trails must be delineated in their approximate locations on the final plat with guarantees for completion in place prior to granting any building permits for construction.

20. Final approval regarding snow shedding from roofs and porches will be granted after the Chief Building Official reviews the final architectural and structural plans and finds them in compliance with the City's snow shedding requirements. Final approval for the funicular will be granted only after the Chief Building Official reviews the plans for compliance with all applicable Building Codes.

22. The Deer Crest affordable housing plan, approved by the Planning Commission on December 21, 2001, shall remain in full force and effect unless amended and approved by the

Planning Commission. No certificates of occupancy shall be issued for this Deer Crest Hotel CUP until all affordable housing obligations (10% of the approved u.e.'s) have been satisfied for each phase, i.e. in-lieu fees paid and any built units certified for occupancy. Phase I in the approved affordable housing plan shall mean the Roosevelt Gap site and Phase II shall mean the Snow Park site.

23. All retaining walls shall be pedestrian in scale and consistent with the Park City Design Guidelines. Retaining walls should be compatible in form, scale, and materials with the architectural details and materials of nearby buildings. Stepping of retaining walls and landscaping shall be incorporated into the design.

24. All mechanical equipment and vents shall be screened for both visible and audible impacts.

25. All loading and unloading delivery areas shall be screened from view of adjacent property and public right-of-way. Detailed plans shall be reviewed and approved by the Planning, Engineering, and Building Departments prior to issuance of building permits.

26. A phasing plan shall be presented to the Planning Commission for review prior to the issuance of a footing and foundation permit to ensure that any phase constructed stands on its own in terms of architecture, design, utilities, trails and circulation, landscaping, parking, and access and is consistent with the approved CUP, in the interim of construction of the remaining phases. The phasing plan shall address maintaining public access to the trail system during construction, subject to the Chief Building Official's approval and closures due to health, safety, and welfare.

Roosevelt Gap amended Subdivision plat

Findings of Fact:

1. The property is located at 2300 Deer Valley Drive, also known as Roosevelt Gap at Deer Crest. The property is zoned RC-MPD, Resort Commercial (Roosevelt Gap parcel) and RD-MPD, Residential Development (Snow Park parcel), and ROS (Recreational Open Space). The property is subject to the Deer Crest MPD and 1995 Deer Crest Settlement Agreement, as amended. The property is currently vacant. The property has no frontage on any City street.
2. The property is within Park City Municipal boundaries and within Summit County and Wasatch County.
3. The proposed plat amendment includes the following:
 - a. Combines the Snow Park parcel of the Deer Crest Settlement Agreement with the existing and recorded Roosevelt Gap Subdivision plat to create a single development parcel for the Deer Crest Hotel Conditional Use Permit and incorporates all property associated with the Deer Crest Hotel CUP on one plat.
 - b. Identifies development parcels and open space parcels consistent with the Deer Crest Settlement Agreement and the amended Deer Crest Hotel Conditional Use Permit (February 28, 2001, amended March 24, 2004).
 - c. Adds to the Roosevelt Gap development parcel a portion of an adjacent State Trust Lands parcel (approximately 12,066 sf in area) that Deer Crest Associates is purchasing.
4. The proposed amendment narrows the access easement for the private drive, known as Deer Crest Estates Drive, for a length of 100' adjacent, to the east facade of the hotel. The proposed easement width of 32' is sufficient for construction of the required curb, gutter, and street for this section of Deer Crest Estates Drive.
5. The property is subject to the Deer Crest Hotel CUP, approved on March 24, 2004, which amended the Rosewood CUP, approved on February 28, 2001, amended on July 25, of 2001.

6. On February 25, 2004 the Planning Commission held a public hearing. No input was received on the proposed plat amendment. On March 10th and March 24th public hearings were also conducted. Input regarding ownership, affordable housing, and access were raised. These issues have been resolved by the applicant and by conditions of approval on this plat amendment and the March 24, 2004 Deer Crest Hotel CUP approval.
7. The proposed amendment resolves issues of development crossing lot lines and identifies those areas to be developed and those areas to be left as open space.
8. The Trust Lands Parcel is zoned RC and is included on the Deer Crest Settlement Agreement exhibits as part of the development area. The Trust Lands Parcel is under contract and will be conveyed to Deer Crest Associates upon approval of the Conditional Use Permit.
9. The proposed plat amendment does not decrease the amount of open space associated with the Deer Crest Hotel CUP.

Conclusions of Law:

1. As conditioned, the amended subdivision plat is consistent with the Deer Crest Settlement Agreement, the Park City Land Management Code, the General Plan and applicable State law regarding subdivision plats.
2. As conditioned, neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned, approval of the amended 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. Conditions of Approval for the Deer Crest Hotel CUP, as approved by the Planning Commission on March 24th, and the 1995 Deer Crest Settlement Agreement, as amended, remain in full force and effect.
2. All applicable conditions of approval and applicable plat notes on the Roosevelt Gap subdivision plat remain in full force and effect.
3. The City Attorney and City Engineer will review and approve the final form and content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
4. The applicant will record the amended subdivision plat at both Summit and Wasatch Counties within one year of the date of the City Council approval. If plat recordation has not occurred within one year's time, this approval and the plat will be void.
5. The amended subdivision plat shall be recorded as a condition precedent to issuance of a footing and foundation permit for development on these parcels.
6. A note shall be added to the plat disclosing the fact that the parcel has no frontage on a City street.
7. A revised title report shall be submitted to the City prior to plat recordation for verification of land ownership.
8. Any outstanding issues regarding legal access for the hotel shall be resolved to the satisfaction of the City Engineer and City Attorney prior to recordation of the subdivision plat.

The City Council is scheduled to conduct a public hearing and take final action on the amended Roosevelt Gap subdivision plat on April 15, 2004. If you have any questions or concerns, please do not hesitate to call me at 435-615-5066.

Sincerely,



Kirsten Whetstone, Senior Planner
Cc. file



July 27, 2001

Department of Community Development
Engineering • Building Inspection • Planning

Lynda Fetter
Deer Crest Associates, LLC
P O Box 8888
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name Amendment to the February 28, 2001 Rosewood Conditional Use Permit approval

Project Description Amended Rosewood CUP for 120.25 residential unit equivalents, associated hotel commercial and support uses, 221 structured parking spaces, an employee and guest shuttle system, and an at grade funicular connecting the Snow Park site to the Roosevelt Gap site, as per plans reviewed by the Planning Commission. The total site is 96 acres in area and is a part of the Deer Crest Settlement Agreement MPD area.

Date of Meeting July 25, 2001

Action Taken By Planning Commission Approved according to the following findings of fact, conclusions of law, and conditions of approval as listed below:

Findings of Fact

1. On February 28, 2001 the Planning Commission approved the Rosewood Conditional Use Permit based on the findings of fact, conclusions of law, and conditions of approval stated in the Notice of Planning Commission Action dated March 1, 2001 on file at the Planning Department. Included in the approval are all plans, documents, photos, models, and architectural detail sheets describing the approved conditional use permit reviewed and approved by the Planning Commission on January 24 and February 14, 2001.
2. All above described plans, documents, photos, models, and architectural details continue to describe the Rosewood CUP except as amended as follows:
 - a. An overall reduction in residential unit equivalents from 130 u.e. to 120.25 u.e.
 - b. An overall reduction in building square footage/massing by approximately 35,000 square feet.

- c. Elimination of the Phase II "building wings" that spread out from the main hotel building, decreasing the overall building foundation area by approximately 44,000 square feet, with a corresponding reduction, by over 75,000 square feet, of construction disturbance.
 - d. Preservation, in terms of designating the area as natural open space, of a significant number (in the hundreds) of large fir trees on a steep, heavily wooded, north facing hillside.
 - e. A reduction in the number of parking spaces at Roosevelt Gap (17 spaces) and no change in the number of parking spaces at Snow Park Lodge.
 - f. A two phase construction schedule instead of three phases, with the hotel at Roosevelt Gap, the funicular, and the parking structure at Snow Park constructed with Phase I and the condominiums at Snow Park constructed with Phase II.
 - g. A decrease in the projected traffic on Keetley Road with no changes in the planned shuttle services or other conditions regarding parking and access to the hotel.
 - h. The approved footprint for Phase I at Roosevelt Gap is reduced by one bay of rooms (approximately 6,300 sf) with minor reductions in the foot print of the low rise common area. Phase III is eliminated altogether.
 - i. One additional floor is added within the existing/approved height and volumetric through use of a more efficient construction method and materials (picking up approximately a foot and a half per floor). An additional floor to a floor and one-half is proposed by stepping the building towards the central joint, as reflected in the revised computerized models.
 - j. The average height increase over the entire roof is 18.8 feet. The maximum height increase at the central portion of the hotel is 32' for a length of 120' along the roof's ridge.
3. Additional revisions were made after the July 11th meeting to reduce the overall height, and in particular reduce the western most facade to a point where it is now proposed to be 8 feet higher than the height approved with the February 28, 2001 Rosewood CUP. With the exception of the upper funicular building, this west facade, mainly the sloping roof element, is the only portion of the Roosevelt Gap building visible from the Stew Pot.
 4. Public Hearings were conducted by the Planning Commission on July 11 and 25.
 5. There are positive attributes associated with the requested revisions, namely a decrease in overall density and building massing, decrease in construction disturbance area, preservation of an area of significant vegetation, and a more consolidated building footprint.
 6. Based on the revised elevations, that reduced heights by 8' to 10' from the July 11th plans, and with the proposed roof forms, architectural detailing, and landscaping, the portion of the Roosevelt Gap building that is visible from the Stew Pot deck is compatible and blends with the natural form of the hillside. The visible portion is not visually obtrusive from the Stew Pot deck and does not break the skyline of the Deer Crest ridge behind (with the ski lift towers and ski runs) as viewed from the Stew Pot deck.
 7. The visual analysis shows that when viewed from upper Deer Valley and the Deer Valley ski runs, the amended Roosevelt Gap building is noticeably less massive without the two Phase III

wings. It disturbs less overall area and the increase in height is not as perceptible from this distance.

8. The applicants stipulate to the conditions of approval.

Conclusions of Law

1. The proposed amendments are consistent with the Deer Crest Annexation and 1995 Settlement Agreement (and as subsequently amended).
2. As revised and conditioned the Rosewood CUP complies with the Land Management Code, Section 15-1-10, Conditional Use Review Process.
3. The use, as amended, is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. The north facing wooded hillside, the site of the southern most wing of Phase III as depicted in Exhibit C, shall be designated as open space or rezoned to ROS, Recreational Open Space, prior to issuance of a final building permit for the Rosewood CUP.
2. All Standard Project Conditions shall apply.
3. All conditions of approval of the Rosewood CUP, approved on February 28, 2001 shall continue to apply.
4. This approval shall expire one year from the date of Planning Commission approval, unless a building permit has been issued prior to the expiration date and the Chief Building Official is sufficiently satisfied that the building shall be completed as submitted.
5. The revised site plan, elevations, and visual analysis discussed by the Planning Commission on July 25, 2001 shall be incorporated into the plans and documents from the February 28, 2001 approval and shall constitute the amended Rosewood CUP approval.

Please call me if you have questions. My phone number is 615-5066.

Sincerely,



Kirsten A. Whetstone, AICP
Senior City Planner



March 1, 2001

Department of Community Development
Engineering • Building Inspection • Planning

Lynda Fetter
Deer Crest Associates
P O Box 8888
Park City UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Project Name</u>	Rosewood CUP, 2300 Deer Valley Drive East
<u>Project Description</u>	Conditional Use Permit for 130 residential u.e., and associated hotel commercial support uses.
<u>Date of Meeting</u>	February 28, 2001
<u>Action Taken By Planning Commission</u>	Approved according to the following findings of fact, conclusions of law, and conditions of approval as listed below:

Findings of Fact

1. This proposal is a part of a larger MPD known as the Deer Crest Annexation and is subject to the 1995 Deer Crest Settlement Agreement, and as amended in December of 1998 by the City Council.
2. The December 1998 amendment to the Deer Crest Settlement Agreement, to allow the Planning Commission to consider approving up to 105 overnight parking spaces at Roosevelt Gap, has been approved by the City Council, but has not yet been signed and recorded.
3. The proposed density of 105 residential unit equivalents at Roosevelt Gap, 25 residential unit equivalents for Snow Park, and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 96 acre site is consistent with the Deer Crest Settlement.
4. The proposed height for the Roosevelt Gap building is consistent with the Settlement Agreement and no portion of the Roosevelt Gap development, with the exception of the funicular head house, is visually obtrusive from the Stew Pot restaurant deck.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Community Development (435) 615-5055 • Engineering (435) 615-5055 • Building (435) 615-5100
Planning (435) 615-5060 • FAX (435) 615-4906

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5. To provide architectural interest and variation in roof lines and massing, the proposed height for a portion of the Snow Park site exceeds the 45' height limitation. Chapter 10 of the LMC allows the Planning Commission, during the review of a master planned development, to approve a request for an increase in allowable height by up to 25% of the maximum height. Staff has reviewed plans for Snow Park site and finds that the proposal known as Option x satisfies the site specific review criteria as stated in Chapter 10.9 (f) of the LMC.
6. The proposal is located in the RD, Residential Development and RC, Resort Commercial zoning districts subject to the Deer Crest Settlement Agreement and MPD.
7. The Settlement Agreement and Deer Crest MPD require that each portion of the Deer Crest property be brought back before the Planning Commission to be processed as a small scale MPD/CUP.
8. An application for a Small Scale MPD/CUP for the Rosewood Hotel was submitted on October 5, 2000.
9. The Planning Commission held numerous work sessions to review the proposal and held public hearings on November 22 and December 13, 2000, and January 10 and 24, 2001.
10. A portion of the residential use is proposed to be interval/condominium club ownership and a portion is proposed to be whole ownership. This type of ownership is allowed as part of the Deer Crest MPD.
11. As described in the December 12, 2000 traffic and parking study conducted by Sear-Brown and as conditioned below, the adjacent streets, Deer Valley Drive East, Keetley Road, and Deer Crest Estates Drive, are of a size and capacity to accommodate traffic considerations of this development.
12. A total of 238 parking spaces are proposed. The December 12, 2000 traffic and parking study by Sear-Brown relies heavily on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. Without a perpetual shuttle system and parking provided at Jordanelle Village the proposed parking is not adequate to meet the demands of the proposed use. The December 12, 2000 Sear-Brown traffic and parking study based its parking and traffic recommendations on the project including 30 club ownership units.
13. A total of 105 overnight parking spaces, in addition to 50 day spaces, are proposed for the Roosevelt Gap site. The amended Settlement Agreement, allows the Planning Commission to approve this overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) Project has been modified to result in no net increase of traffic on Keetley Road. Based on the Sear Brown traffic and parking study, these criteria are satisfied,

but rely heavily on a guest and employee shuttle system. Without a perpetual shuttle system and perpetual maintenance by Deer Crest of the gate system, as required by the Settlement Agreement, the condition of no net increase of traffic on Keetley Road will not be satisfied.

14. An overall parking plan and parking matrix, identifying guest, employee, club owner, and executive staff, and including a peak employee or special event parking plan will be helpful to further identify and evaluate how traffic on Keetley Road is mitigated. A one year review of the parking and traffic situation, after certificates of occupancy have been issued, is required to evaluate actual traffic and parking impacts of this project.
15. The Snow Park site does not have frontage on a public street. Access to Deer Valley Drive East for the Snow Park site development is contemplated over an easement from Powder Run Condominiums. This access competes with existing access to Snow Park Lodge and Black Diamond Lodge creating the potential for utility and traffic conflicts and driveways that do not meet appropriate spacing requirements. This area is highly congested with Deer Valley Resort traffic, pedestrian traffic, and local condominium traffic. Without an access easement over the Snow Park site to provide access to Black Diamond Lodge there may exist serious utility and service conflicts for the City and Deer Valley Resort.
16. Utilities must be provided to sustain the anticipated property uses. Easements are necessary for long-term utility maintenance.
17. Water service for the entire project can not be provided by Park City water due to pressure and fire flow requirements and design of the structures. The Jordanelle Special Services District (JSSD) has volume, capacity and pressure to provide water service for the entire project, including the Snow Park site, and sewer service for the Roosevelt Gap site. A "will serve" letter with technical conditions has been presented to the applicants. JSSD will require an inter-local agreement which should be finalized prior to recordation of a plat or issuance of building permits for the Rosewood CUP.
18. As conditioned, the project complies with fire and emergency access requirements, by virtue of a fire protection plan that addresses type II non-combustible building materials and structural requirements, 13-D fire sprinkler systems, approved fire and emergency access, and fire separation of structures.
19. A financial guarantee for all landscaping and public improvements, including trails, is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner. This financial guarantee is required prior to building permit (including grading permits) issuance or plat recordation.

20. The applicant agrees to provide for City review and approval, prior to issuance of any building permits, a final landscape plan, final grading and utility plans, a trail plan, a parking plan, and detailed architectural elevations consistent with the plans, models, cross sections, and design details, presented to the Planning Commission on January 24 and February 14, 2001.
21. At the January 24, 2001 Planning Commission meeting the project architect, Jeff Jensen, described the architectural intent as follows "stone fireplace chimneys will be prevalent throughout. They are looking at a natural slate roofing tile in a greenish/grey color. A combination of steel and wood lend a contemporary feel and modern statement to this type of architecture. Clear glass with wood frames and mullions throughout provide a residential feel. They will have wood-clad columns at the top to transition from the top of the stone pilasters supporting the balconies to the wood framing of the truss above. They are looking at painted metal balconies and railings. Wood siding is limited to areas behind the balconies so the primary appearance of the building is masonry and stone."
22. It is the desire of the developer to build this project in phases, with Phase I being approximately 75 residential units at Roosevelt Gap, all hotel amenities, parking, the funicular building, and the funicular system as required by the Settlement Agreement. Phases II and III would complete the residential units at Roosevelt Gap and at Snow Park.
23. Park City and Deer Valley are host to two of the 2002 Olympic Games venue sites. This project is located adjacent to the Deer Valley venue site and will be heavily impacted during January, February, and March of 2002. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose mitigation of these impacts due to construction of this project. The mitigation plan must address mitigation of the impacts of this construction project on the Deer Valley venue site and the Community at large.
24. Staff's findings of compliance with the Conditional Use Permit criteria and the Deer Crest Settlement Agreement as stated in the January 24, 2001 staff report (Exhibit A) are hereby included as findings herein. This includes findings related to affordable housing and trails.
25. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. The proposed project complies with all requirements outlined in the Land Management Code, specifically Sections 15.1.10 (December 31, 1998) and Chapter 10 (February 25, 1998).
2. The use is compatible with surrounding structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General Plan.

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4. The use is consistent with the Deer Crest Annexation and MPD and the 1995 Deer Crest Settlement as amended.
5. Any effects in difference in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply (Exhibit A).
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. No certificates of occupancy for the Rosewood Hotel shall be issued until the funicular is fully operational and the parking structure at the Snow Park site is complete and approved for occupancy.
4. A final exterior lighting and landscaping plan consistent with the preliminary landscaping plan, shall be submitted to and approved by the Planning Department prior to issuance of any building permits. All exterior lighting shall conform to requirements of the City's lighting ordinance and shall be subdued in nature.
5. Final architectural elevations consistent with the Land Management Code; the Park City Design Guidelines; and the plans, models, cross sections, and architectural details reviewed and approved by the Planning Commission on January 24 and February 14, 2001 shall be submitted for review and approval by the Planning Department prior to issuance of a building permit. All changes shall be reviewed by the Planning Staff. If changes are of a substantial nature the plans will be presented to the Planning Commission for review. Designs for the Snow Park site shall be based on the site plan and architectural elevations described as Option X. The exterior materials shall be consistent with the computer generated architectural detail sheets submitted by the architect, reviewed by the Commission on February 14, and included in the planning files. Specifically, the ground floor shall be significantly differentiated when viewed from a distance, and the stone work shall be significantly different, in terms of texture, cut, and color, between the ground floor elements and the upper stories. This differentiation shall be carried out on all elevations throughout the project.
6. A detailed review against specific requirements of the Uniform Building and Fire Codes is a condition precedent to issuance of a building permit. As a condition precedent to the issuance of any building permits the developer shall provide the Chief Building Official with information regarding all existing mine shafts which could complicate foundation construction.

7. A Construction Mitigation Plan (CMP) submitted to and approved by the Community Development Department is required prior to issuance of any building permit. The CMP shall address construction phasing, staging, storage, circulation, parking, delivery, re-vegetation of disturbed areas, temporary signs and lighting, dust, mud, and dirt, and clean water standards if applicable. The CMP shall also address disposal of all excavated materials. A detailed limits of disturbance plan shall be submitted as part of the CMP. The CMP shall also address construction before and during the Olympic Games and shall be consistent with the CMP reviewed by the Planning Commission at the January 24 and February 14, 2001 meetings. The CMP shall address maintenance or rerouting of existing pedestrian and trail access during construction. The CMP shall include a detailed phasing plan, including detailed drawings showing 1) how the deck of the Snow Park parking structure will be finished in the interim time between Phase 1 and Phase 3 and 2) how Phase I at Roosevelt Gap will be finished (what the elevation will look like, materials, etc.) in the interim time between Phases 1, 2 and 3. The phasing plan shall include an interim landscape plan as well as architectural elevations and plans.
8. A financial guarantee, in a form and amount acceptable to the City, for the value of all public improvements, pedestrian amenities and trails, and all landscaping (including all landscaping required to re-vegetate and re-landscape all roads, utility installations and trails) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
9. A final record of survey plat must be submitted to the City for review and approval by the City Council and must be recorded at the County prior to closing on any sale of individual condominium unit. The record of survey plat shall address compliance with the ADA, including the potential for all ADA compliant units to be indicated on the record of survey plat as common space in perpetuity. Conditions, Covenants, and Restrictions for this development shall be submitted to the City Attorney for review and approval and shall be recorded at the time of record of survey plat recording.
10. A final subdivision plat must be reviewed and approved by the Planning Commission and City Council and recorded prior to issuance of a footing and foundation permit.
11. A shared access for this project and Black Diamond Lodge is desired in a location approximately matching the road access shown to the Planning Commission on January 10, 2001, known as option X for the Snow Park site. The applicant, Black Diamond Lodge, and Deer Valley Resort shall use their best efforts to agree on the construction and maintenance of the shared access in a manner equitable to all parties, monitored by the City Engineer and Community Development Director. The parties, including the applicant, shall agree by April 30, 2001 to an access easement agreement. If an agreement is not reached by this date the Rosewood CUP approval shall be suspended pending a CUP revision for replacement access.

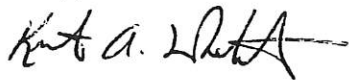
12. All signs for this project shall comply with the Park City sign code. Each sign requires a sign permit, reviewed and approved by the Community Development Department prior to installation.
13. The City Engineer shall review and approve all associated utility, public improvements, grading, and drainage plans for compliance with City standards as a condition precedent to building permit issuance. The final utility plans shall be consistent with the preliminary utility plan on file with the City.
14. The Snyderville Basin Sewer Improvement District's review and approval of the sewer plans is a condition precedent to final plat recording and building permit issuance.
15. The Jordanelle Special Service District's review and approval of sewer plans for the Roosevelt Gap site and water plans for the entire Rosewood Hotel and an inter-local agreement for water service for the Snow Park Site is a condition precedent to final plat recording and building permit issuance. Prior to building permit issuance the applicants shall provide "will serve" letters from both the Snyderville Basin Sewer District and the Jordanelle Special Service District. As a condition precedent to the issuance of any building permit for the Rosewood CUP the State Engineer shall sign off on the water transfer request. The Snow Park site shall be formally "de-annexed" from Park City water district by the applicant.
16. The final parking plan will be reviewed and approved by the Community Development Department prior to issuance of any building permit and shall be consistent with the traffic and parking study reviewed by the Planning Commission on January 24 and February 14, 2001. The parking plan shall provide details on peak parking demand, employee parking in general and at Jordanelle, special event parking, and parking enforcement within the parking structure.
17. A guest and employee shuttle system shall be in place and operational prior to issuance of any certificates of occupancy for the hotel. The guest and employee shuttle system is a condition of approval and the Conditional Use Permit shall be considered void if the shuttle system is terminated unless alternative transportation and parking plans are reviewed and approved by the Planning Commission as an amendment to the CUP.
18. A one year review of the parking and traffic situation, one year after certificates of occupancy are issued for the hotel, shall be conducted by the staff and presented to the Planning Commission. Modifications to the parking and/or traffic plan may result from the review. Further annual reviews may be required. In addition, any change of unit configuration or form of ownership which increases parking demands or traffic, beyond that considered in the December 12, 2000 Sear-Brown traffic and parking study, shall require subsequent Planning Commission review and approval.

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19. Prior to issuance of any building permit the applicant shall submit an affordable housing plan for Planning Commission review, with action on the consent agenda, that complies with the Deer Crest Settlement Agreement and the Park City affordable housing resolution. The applicant has agreed to provide between 25% and 33% of the required affordable units within the Rosewood CUP. The housing plan shall address where the remaining units will be provided. All units shall be provided concurrently with the Rosewood Hotel certificates of occupancy.
20. Final location and dimensions of all trails must be delineated on the final plat with guarantees for completion in place prior to granting any building permits for construction of the condominiums.
21. Final approval regarding snow shedding from roofs and porches will be granted after Community Development Department staff reviews the final architectural and structural plans and finds them in compliance with the City's snow shedding requirements.
22. The second amendment to the Settlement Agreement, approved by the City Council in December of 1998 to allow the overnight parking, shall have been executed and recorded prior to final condominium plat approval or the issuance of any building permit for this project.
23. Approval of this Conditional Use Permit is valid for one year from the date of Planning Commission approval.
24. All retaining walls shall be pedestrian in scale; consistent with the Park City Design Guidelines, specifically Guideline #47 which states that "retaining walls should be compatible in form, scale, and materials with the architectural details and materials of nearby buildings..."; and shall be reviewed by the Planning Commission as a Consent Item prior to issuance of any footing and foundation building permit for the Rosewood CUP.

Please call me if you have questions. My phone number is 615-5066.

Sincerely,



Kirsten A. Whetstone, AICP
Senior City Planner

**FIRST AMENDED AFFORDABLE HOUSING MITIGATION PLAN FOR THE ST.
REGIS HOTEL DEER VALLEY FINDINGS OF FACT, CONCLUSIONS OF LAW AND
CONDITIONS OF APPROVAL**

WHEREAS, the owners of the St. Regis Hotel at Deer Valley located on Deer Valley Drive have a total housing obligation of 12 AUEs calculated as 10 percent of the approved 120 unit equivalents (UEs) for the project. The mitigation rate was negotiated in the Deer Crest Settlement Agreement and was approved as part of Rosewood Hotel CUP approval on December 12, 2001;

WHEREAS, a total of 9.865 AUEs were satisfied in Phase 1 of the project. Two rental units totaling 1,492 SF (1.865 AUEs) were incorporated within the funicular building as part of phase one. Eight units were fulfilled through payment of an in-lieu fee totaling to \$692,880., and a balance of 2.135 AUEs remain to be fulfilled;

NOW, THEREFORE, the Housing Authority of Park City, Utah hereby approves the 1st Amendment to the Housing Mitigation Plan as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Housing Mitigation Plan submitted by the Owner is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The housing obligation is subject to the requirements of Housing Resolution 17-99.
2. The Housing Authority approved an overall housing obligation equal to 12 AUEs.
3. A Housing Mitigation Plan was approved on December 12, 2001 by the Housing Authority. Other than as amended herein, its findings of fact, conclusions of law and conditions of approval continue to apply.
4. A total of 9.865 AUEs were satisfied in Phase 1 of the project. Two rental units totaling 1,492 SF (1.865 AUEs) were incorporated within the funicular building as part of phase one. Eight units were fulfilled through payment of an in-lieu fee totaling to \$692,880
5. The remaining obligation of 2.135 AUEs (1,708 SF) were to be incorporated into Phase Two of the project also allowing that one AUE be fulfilled off site.
6. The St. Regis CUP (Phase Two) has been modified to complete the development in two phases (Phases Two and Three). Phase Two is currently under construction directly to the south of the St. Regis funicular building and contains nine condominium units equaling approximately 13.1 Unit Equivalents (UEs). Phase Three is planned for a future date immediately north of the funicular building and will contain approximately 16.4 UEs.
7. The Owner submitted a proposed 1st Amendment to the Housing Mitigation Plan that would Split the requirement proportionally between Phases Two and Three:

1.135 AUEs (908 SF) in the Phase Two building 1 AUE (800 SF) in Phase Three. The 1 AUE required in Phase 3 may be provided within the Phase Three building or it may be provided off-site.

Conclusions of Law:

1. The Owner currently has 2.135 AUEs outstanding
2. The Owner will fulfill 1.135 AUEs prior to the issuance of the Certificate of Occupancy of any of the market units for Phase 2 of the project.
3. The Owner will fulfill the balance of 1 AUEs prior to the issuance of the Certificate of Occupancy of any market units for Phase 3.

Conditions of Approval:

1. The Owner will fulfill 1.135 AUEs prior to the issuance of the Certificate of Occupancy of any of the market units for Phase 2 of the project.
2. The fulfillment of 1.135 AUEs for Phase 2 must be built on-site.
3. The Owner will fulfill the balance of 1 AUEs prior to the issuance of the Certificate of Occupancy of any market units for Phase 3.
4. The fulfillment of the 1 AUE for Phase 3 can be located off site if done prior to the completion of Phase 2. If fulfillment occurs after the completion of Phase 2 than the 1 AUE must be built on site.

SECTION 2. EFFECTIVE DATE. This approval shall take effect upon adoption and execution.

PASSED AND ADOPTED this 29th day of August 2019.

PARK CITY HOUSING AUTHORITY





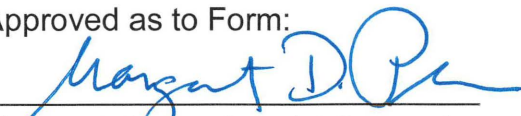
Andy Beerman, Chair

Attest:



Michelle Kellogg, City Recorder

Approved as to Form:



Margaret Plane, Special Counsel

SETTLEMENT AGREEMENT

BY AND BETWEEN

**PARK CITY CONSOLIDATED MINES COOMPANY,
a Utah corporation,**

**TRANS-WASATCH COMPANY, L.L.C.,
a Utah limited liability company,**

AND

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

DATED: DECEMBER 29, 1995

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SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is entered into as of this _____ of December, 1995, by and between PARK CITY CONSOLIDATED MINES COMPANY, INC., a Utah corporation, TRANS-WASATCH COMPANY, L.L.C., a Utah limited liability company (the "Property Owners") and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah ("Park City").

RECITALS

A. The Property Owners own or control a total of approximately 678 acres of real property more particularly described in Exhibit "A" (the "Property").

B. Park City is named in a legal action filed by the Property Owners in Trans-Wasatch Company, et al. v. Park City Municipal Corporation, Civil No. 930390001, which was originally filed in the Third Judicial District Court, Summit County, State of Utah, on September 10, 1993 (the "Action"). The parties also have additional disputes as of this date that are not alleged in the Action, but which the parties intend to resolve by this Agreement.

C. Without conceding or waiving their respective positions, the parties desire to settle all of their outstanding disputes and to redefine certain rights and obligations between them.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

I.

PURPOSE AND INTENT

1.1 The purpose and intent of this Agreement is to provide a framework for the resolution of all outstanding issues and disputes between the parties. This framework, by necessity, makes the full force and effect of this Agreement contingent upon the happening of certain events within the discretion of non-party jurisdictions. The only obligation or representation created upon signing this Agreement is that, upon the deposit into escrow of the building permit referenced in Section 4.5, Property Owners shall diligently pursue and attempt to accomplish the following succession of events as more fully set forth: (a) an amended density determination as outlined in the Development Section of this Agreement (Section V), also defined herein as the Amended Telemark Park Resort, or an amended density determination acceptable to each of the parties; and (b) the abandonment and/or vacation of Keetley Road within the Property. Once both of these events occur, all further contract rights and obligations set forth herein shall vest. Similarly, if either one of these events does not occur, then the remaining obligations, releases and representations contained in this Agreement shall have no force and effect.

1.2 The parties intend that upon completion of the conditions precedent described in Section 1.1, and (a) the installation of temporary gates across Keetley Road, (b) dismissal of the Action with prejudice, and (c) the release of the building permit to improve and pave Keetley Road to the Property Owners, Property Owners shall have the right to use Keetley Road as vehicular access to the development anticipated herein in accordance with the terms and conditions set forth in this Agreement.

II.

THE PROPERTY

2.1 The legal description of the Property, which is the subject of this Agreement, is attached hereto as Exhibit "A" and incorporated into this Agreement by reference. No property may be added to the legal description for purposes of this Agreement without the express written consent of the parties.

2.2 It is understood and acknowledged by the parties that the Property straddles the Wasatch County and Summit County lines and both penetrates and abuts the Park City Municipal Corporation boundary. A portion of the Property lies within Park City city limits, and another portion of the Property lies within the annexation boundary of Park City. Of the approximately 678 acres, 524 acres lie within unincorporated Wasatch County, approximately 84 acres lie within unincorporated Summit County, and approximately 70 acres lie within the Park City Municipal Corporation city limits.

III.

DEFINITIONS

The following terms shall be used throughout this Agreement and, unless specified otherwise, have the following meanings:

3.1 **Property Owners.** The term Property Owners shall mean and refer to Park City Consolidated Mines Company, a Utah corporation, and Trans-Wasatch Company, L.L.C., a Utah limited liability company, as well as the assigns, successors, purchasers and/or transferees of these companies. The term Property Owners shall also mean and refer to the past, present and future officers, directors, shareholders, agents, employees and attorneys of Park City Consolidated Mines Company and Trans-Wasatch Company, only to the extent that it is legally permissible for these companies, acting through their authorized officers or directors, to individually bind or represent such persons or entities.

3.2 **Park City.** The term Park City shall mean and refer to Park City Municipal Corporation, a political subdivision of the State of Utah, its past, present and future members of its City Council, Mayor, City Manager, City Attorney, staff, employees and agents, both personally and in their professional capacities.

3.3 **1991 Density Determination.** The term 1991 Density Determination means and refers to the Wasatch County density determination for the Wasatch County portion of the Property filed in 1991 under Wasatch County Recording No. 158784.

3.4 **Development Plan.** The term Development Plan means and refers to the development anticipated for the entire Property as set forth in Section V, and depicted in Exhibit "B" attached hereto.

3.5 **Amended Telemark Park Resort.** The term Amended Telemark Park Resort shall mean and refer to that development anticipated and described herein for that real property lying within Wasatch County and depicted in Exhibit "C" attached hereto. The Amended Telemark Park Resort generally consists of a plan to construct one ski chair lift (the Slalom Village Chair), and, if feasible, an additional ski chair lift associated with the Telemark Park Village (the US-40 Chair), ski runs, and six distinct communities or neighborhoods known as the Snowtop Neighborhood (as defined and described in Section 5.2.1), the Roosevelt Gap Development (as defined and described in Section 5.2.2), the Slalom Village Development (as defined and described in Section 5.2.3 herein), the Little Baldy Neighborhood (as defined and described in Section 5.2.5 herein), the St. Louis Neighborhood (as defined and described in Section 5.2.4 herein), and the Telemark Park Village (as defined and described in Section 5.2.6 herein).

3.6 **Snowtop/Hidden Hollow.** The term Snowtop/Hidden Hollow means and refers to the development anticipated for that real property as depicted in Exhibit "D" attached hereto and described more fully in Section 5.2.1.

3.7 **Roosevelt Gap Development.** The term Roosevelt Gap Development means and refers to the development anticipated for that real property as depicted in Exhibit "E" attached hereto and described more fully in Section 5.2.2.

3.8 **Snow Park Hotel Site.** The term Snow Park Hotel Site shall mean and refer to the development of that real property as depicted in Exhibit "E" attached hereto and more fully described in Section 5.2.2.

3.9 **Slalom Village Area.** The term Slalom Village Area means and refers to the development anticipated for that real property as depicted in Exhibit "F" attached hereto and more fully described in Section 5.2.3.

3.10 **St. Louis Neighborhood.** The term St. Louis Neighborhood means and refers to the development anticipated for that real property as depicted in Exhibits "B" and "C" attached hereto and more fully described in Section 5.2.4.

3.11 **Little Baldy Neighborhood.** The term Little Baldy Neighborhood means and refers to the development anticipated for that real property as depicted in Exhibits "B" and "C" attached hereto and more fully described in Section 5.2.5.

3.12 **Telemark Park Village.** The term Telemark Park Village means and refers to the development anticipated for that real property as depicted in Exhibits "B" and "C" attached hereto and more fully described in Section 5.2.6.

3.13 **Keetley Road.** The term Keetley Road shall mean and refer to that portion of the right of way, which lies within the Property, and which runs in a southeasterly direction from Queen Esther Drive in Park City, over McKinley Gap to the east end of the Property near U.S. Highway 40.

IV.

DISMISSAL OF ACTION

4.1 **Dismissal of Action.** The Action may be dismissed with prejudice at any time by the Property Owners. The Action shall be dismissed with prejudice upon: (a) Wasatch County's amendment of the 1991 Density Determination (Amended Telemark Park Resort) as provided herein, and (b) the abandonment and/or vacation of Keetley Road. Nothing herein shall require the dismissal of the Action with prejudice until the preceding events have occurred. Dismissal of the Action shall be accomplished by filing the Stipulation of Dismissal with Prejudice in the form attached hereto as Exhibit "G".

4.1.1 **Dismissal Checklist.** Prior to the execution of the Stipulation of Dismissal with Prejudice, the parties will acknowledge their agreement to the completion of specific conditions precedent to dismissal (the "Dismissal Checklist"), a copy of which is attached hereto as Exhibit "H."

4.2 **Amendment of Wasatch County 1991 Density Determination.** Concurrent with the execution of this Agreement, Property Owners shall proceed in Wasatch County to seek an amendment to the 1991 Density Determination into the Amended Telemark Park Resort in accordance with the terms and conditions set forth herein.

4.3 **Abandonment of Keetley Road.** Upon Wasatch County's amendment of the 1991 Density Determination into the Amended Telemark Park Resort, Property Owners shall commence and diligently pursue, in accordance with Utah law, proceedings in

Park City and Wasatch County that will lead to formal abandonment and/or vacation of public rights of access, if any, in Keetley Road.

4.3.1 Third Party Access. Concurrent with the execution of this Agreement, the Property Owners and Park City have secured executed agreements, to the satisfaction of Park City, from Weilenmann, Land der Berg, LLC, United Park City Mines Company, and Deer Valley Resort Company, concerning their maximum anticipated private rights to use Keetley Road, which are in addition to the Property Owners' access rights as contemplated herein, subsequent to abandonment and/or vacation as contemplated by this Agreement. Copies of said executed agreements are attached hereto as Exhibit "I." ~~To the extent that the third parties referred to above and/or their agents and employees use Keetley Road in any manner other than as expressly contemplated in the emergency access provisions of the third party agreements;~~ Property Owners shall indemnify Park City for any costs associated with enforcing the emergency access provisions of the third party agreements and shall pay to Park City One Hundred Dollars (\$100.00) per vehicle which uses Keetley Road under non-emergency circumstances, ~~in violation of the emergency access provisions of the third party agreements.~~ *jm* *[Signature]* *JFA*

4.3.1.1 Additional Density from Third Party Agreements.

The additional maximum density intended in the third party agreements are in addition to the density contemplated by the Development Plan as outlined in this Agreement. Nothing herein constitutes an endorsement by Park City of the proposed third party densities nor prevents Park City from contesting the merits of the third party development proposals.

4.3.2 **Conditional Vacation of Keetley Road/Reservation of Rights/**

Obligation to Record Amended Density Determination. The petition to abandon and/or vacate the Wasatch County portion of Keetley Road may be conditioned upon Wasatch County's approval of the Amended Telemark Park Resort. If the Park City portion of Keetley Road is not vacated, Property Owners retain the right and discretion to refrain from recording Wasatch County's density determination for Amended Telemark Park Resort. If the Park City portion of Keetley Road is vacated and the building permit to improve and pave Keetley Road is released from escrow to Property Owners, the Property Owners shall immediately record Wasatch County's density determination for the Amended Telemark Park Resort.

4.4 **Temporary Physical Disconnection.** Within 30 days of Park City's abandonment and/or vacation of Keetley Road, Property Owners shall construct temporary gates, in accordance with Section 5.3.5 *infra*, which shall precede a permanent physical disconnection of Keetley Road as outlined in this Agreement. A temporary physical disconnection shall be deemed to have occurred when the Property Owners have constructed (at the Property Owners' cost and expense) at least two temporary gates across the historic configuration of Keetley Road, which preclude unauthorized vehicular traffic as more fully described in Section 4.4.1. One such temporary gate shall be located across Keetley Road near its intersection with Queen Esther Drive.

4.4.1 **Access Rights Upon Installation of Temporary Gates.**

Property Owners, who are record title holders, shall retain the right to use Keetley Road to

access the Property for all reasonable purposes, except for construction traffic which is expressly prohibited by Section 5.3.2. Property Owners shall not permit real estate agents access to the Property via Keetley Road from Park City prior to the issuance of the first single family residential building permit on a platted lot or the construction and operation of permanent controlled access gates pursuant to Section 5.3.3. Real estate agents shall have access to the Property via the eastern perimeter controlled access gate (either temporary or permanent) prior to the issuance of the first building permit. Real estate agents shall never have unrestricted access to the Property. Each individual lot or multi-family unit purchaser (resident or guest), within the perimeter gates of the Development Plan shall have the same right of access as the Property Owners during that purchaser's ownership of a lot or multi-family unit.

4.5 Escrow of Building Permit for Keetley Road. Concurrent with the execution of this Agreement, Park City shall place in escrow a building permit to improve and pave the Park City portion of Keetley Road. The escrow agent selected by the Parties is  First American Title Company, Park City, UT. The escrow agent shall deliver the building permit to the Property Owners consistent with and subject to the terms and conditions described in the escrow instructions attached hereto as Exhibit "J."

4.6 Order of Dismissal With Prejudice. With the filing of the Stipulation of Dismissal With Prejudice, the Parties shall immediately secure from the Third Judicial District Court an Order of Dismissal With Prejudice of the Action in substantially the form of Exhibit "K" attached hereto.

4.7 **Development Application Process.** Property Owners will not submit, and Park City will not accept for review and processing, any development application or annexation petition related to the Property until: (1) the Action is dismissed with prejudice, as set forth in Sections 4.1 and 4.6 above and (2) the temporary gates across Keetley Road have been installed as set forth in Section 4.4 above.

4.8 **Release From Escrow of the Building Permit.** Upon Wasatch County's amendment of the 1991 Density Determination into the Amended Telemark Park Resort, abandonment and/or vacation of Keetley Road, the dismissal of the Action with prejudice, and the installation of temporary gates across Keetley Road as provided herein, the escrow agent ^{jtn}  ~~[identify by name]~~ shall deliver to the Property Owners the building permit to improve and pave Keetley Road according to the terms contained in the building permit attached hereto as Exhibit "L." Park City has reviewed and approved the construction plans and other materials related to the improvements authorized by the building permit for Keetley Road. Upon release of the building permit from escrow, the building permit shall vest in the Property Owners, and Property Owners shall have the right to proceed with the improvement and pavement of that portion of Keetley Road which is located within the city limits of Park City. Park City shall not be entitled to terminate the building permit unless there has been a material breach of this Agreement, violation of the terms and standards of the building permit or release by the Escrow Agent in violation of the Escrow Instructions, described in Exhibit "J." In the event of a violation of the terms and standards of the building permit or the Escrow Agent releases the building permit in violation of the Escrow Instructions, the

parties shall take reasonable steps to remedy the violation of the building permit or the improper release.

4.9 **Conditional General Release of Park City.** Upon dismissal of the Action with prejudice, all claims (including without limitation, claims for attorneys' fees, expenses and disbursements), demands, losses, damages, actions, causes of action or suits of any kind whatsoever of Property Owners against Park City, any of its agencies or departments or any of its past or present employees and elected or appointed officials, connected with or arising out of the Action (or any other dispute not alleged in the Action, but pertaining to the Property and which have accrued prior to the date that all conditions precedent to this Agreement are satisfied), shall thereby be remised, released, acquitted and forever discharged. However, nothing in this Agreement shall be construed as a release of any liability arising out of or connected with the breach of any covenant, representation or warranty contained in this Agreement.

4.10 **Conditional General Release of the Property Owners.** Upon dismissal of the Action with prejudice, all claims, (including without limitation, claims for attorneys fees, expenses and disbursement), demands, losses, damages, actions, causes of action or suits of any kind whatsoever of Park City against the Property Owners, their officers, directors, shareholders, subsidiaries, affiliates, agents, employees and their heirs and assigns connected with or arising out of the Action (or any other dispute not alleged in the Action, but pertaining to the Property (excluding property taxes), and which have accrued prior to the date that all conditions precedent to this Agreement are satisfied), shall thereby

be remised, released, acquitted and forever discharged. However, nothing in this Agreement shall be construed as a release of any liability arising out of or connected with the breach of any covenant, representation or warranty contained in this Agreement.

V.

THE DEVELOPMENT

5.1 **Intent to Develop the Property.** Upon the execution of this Agreement, Property Owners will seek to amend the 1991 Density Determination. The anticipated and proposed amendments to the 1991 Density Determination are set forth in this Section V of the Agreement. Property Owners agree to apply and petition to Park City, as appropriate, for development approvals for those portions of the Property (located within Park City or contemplated for possible annexation), as more fully set forth by further provisions in this Section of the Agreement.

5.2 **Density, Use and Configuration.** The Development Plan for the entire Property as anticipated in this Agreement shall not exceed 545 units (150 single-family, 395 multi-family units) with 42,000 gross square feet of commercial space and a 20,000 gross square foot Ski Academy. The parties agree that there shall not be more than:

- (a) 338 residential units,
- (b) a 20,000 square foot Ski Academy,
- (c) support commercial space up to 5% of the gross square footage of the Slalom Village Area multi family units and the Roosevelt Gap Development,

(d) 10,000 square feet of support commercial space at the Little Baldy Neighborhood, and

(e) amenities and recreation facilities as generally identified and depicted herein,

all within the perimeter gates of the Property with access to Park City via Keetley Road through the west perimeter gate. Approximately an additional 182 multi family units located within the Telemark Park Village shall have vehicular access to Park City only via U.S. Highway 40 and S.R. 248.

	<u>Units Lying West of East Perimeter Gate</u>		Max. Size Per Multi-Family Unit
	Single Family	Multi-Family	
Snowtop	16	0	
Hidden Hollow	4	0	
Roosevelt Gap Development	0	105	2,000 sq. ft./unit
Little Baldy	60	0	
Slalom Village	4	83	2,400 sq. ft./unit
St. Louis	<u>66</u>	<u>0</u>	
Sub-total	150	188	

	<u>Units Lying East of East Perimeter Gate</u>		
	Single Family	Multi-Family	
Telemark Park Village	0	182*	varied sq. ft.

* Density may increase as provided herein.

<u>Snow Park Hotel Site</u>			
Snow Park Hotel Site		25*	2,000 sq. ft./unit

* Density may increase as provided herein.

5.2.1 **Snowtop/Hidden Hollow.** The 1991 Density Determination contains an approval for 20 single family lots in the Snowtop neighborhood. Property Owners will prepare a plat for the development of 16 single family lots in the Snowtop neighborhood which they will submit to Wasatch County for review and consideration, with timely written notice and copies of all materials submitted to Wasatch County to Park City. The Hidden Hollow property comprises roughly 84 acres, upon which Property Owners propose to develop four single family Estate lots, with building envelopes, areas of disturbance, limits of disturbance and open space conservation easements, all as generally depicted on the map (for both Snowtop and Hidden Hollow) attached hereto as Exhibit "D."

5.2.1.1 **Annexation Procedure for the Snowtop/Hidden Hollow Area.** Upon dismissal of the Action with prejudice, temporary physical disconnection of the Keetley Road (as provided in Section 4.4 above), and Wasatch County's approval of the final plat for a 16 lot subdivision of the Snowtop neighborhood, Property Owners shall submit to Park City a complete petition for annexation, as limited by this Section, for the Snowtop/Hidden Hollow Area, with offers of dedication of designated open space and conservation easements of contiguous property (the Snowtop/Hidden Hollow Area), all as depicted on Exhibits "D" and "N." The parties agree and acknowledge that the portion of the complete petition for annexation for the Snowtop neighborhood shall be submitted in the form of a final unrecorded plat. Property Owners' petition for annexation for the Snowtop/Hidden Hollow Area may be submitted without a visual analysis or

annexation fee. The petition for annexation of the Snowtop/Hidden Hollow Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing obligation for the Snowtop/Hidden Hollow area shall be one (1) unit. Property Owners' affordable employee housing obligation can be satisfied anywhere on the Property, at Property Owners' discretion. The Park City staff and the City Council have reviewed Exhibit "D" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the petition for annexation, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information requested by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the application within which to annex the Snowtop/Hidden Hollow Area. Property Owners will attempt to supply the additional information necessary for its consideration, review and approval of the petition for annexation. Upon the expiration of the 120 day period, Property Owners may record the final plat and obtain building permits from Wasatch County for the construction of the Snowtop Neighborhood as a Wasatch County development, but will not object to or interfere with Park City's efforts to annex the Snowtop neighborhood after the lesser of one year or the completion and/or installation of the infrastructure.

5.2.1.2 **Annexation Agreement.** If the Snowtop/Hidden Hollow Area is annexed into Park City, then the following conditions of development shall

bind the parties: (a) the density of the Snowtop/Hidden Hollow Area shall not exceed sixteen (16) single-family lots within the Snowtop neighborhood and four Estate lots within the Hidden Hollow neighborhood; (b) the Snowtop neighborhood shall be annexed as platted by Wasatch County; (c) the Hidden Hollow neighborhood shall be annexed as four Estate lots that are restricted by plat, easements, and real covenants to include Property Owners' offer of dedication of conservation easements, designated building envelopes, maximum areas of disturbance, and limits of disturbance as depicted in Exhibit "D" and the Annexation and Open Space Exhibit, Exhibit "N," both of which are attached hereto; (d) the remainder of the Snowtop/Hidden Hollow Area, except roads depicted on Exhibit "B," shall be offered to Park City in fee simple as dedicated open space as generally depicted in Exhibits "D" and "N" attached hereto; and (e) Property Owners shall provide for one (1) unit of affordable employee housing as described in Section 5.2.1.1.

5.2.1.3 Conditions of Development Absent Park City

Annexation. If the Snowtop/Hidden Hollow Area is not annexed into Park City within the time frames established by Section 5.3.1, as appropriate, Property Owners may seek development approval from Summit County of the Hidden Hollow neighborhood without interference from Park City (as to access, density or use) if and only if: (a) Property Owners seek development approval in Summit County for density in accordance with the configuration and development restrictions depicted in Exhibit "D" and described in Section 5.2.1, or some lesser density, use or configuration and (b) the same area designated for open space dedication and conservation easements proposed in Section 5.2.1.1 and depicted in

Exhibits "D" and "N" shall be preserved by conservation easements granted to and accepted by a public entity or a private non-profit open space conservancy to the reasonable satisfaction of Park City. If the Snowtop/Hidden Hollow Area is not annexed into Park City as provided herein, Property Owners shall have the right to proceed to develop the Snowtop neighborhood as a Wasatch County development, as depicted in Exhibit "D."

5.2.1.4 **Vehicular Access to Snowtop/Hidden Hollow.** Regardless of annexation, if the Action is dismissed with prejudice, there shall be two points of ingress and egress to the Snowtop/Hidden Hollow Area as contemplated in this Agreement. The primary point of ingress and egress shall be via the Keetley Road from Queen Esther Drive to the Snowtop/Hidden Hollow Road. The second point of ingress and egress shall be via Llama Lane to the U.S. 40 West-Side Frontage Road. The second point of vehicular ingress and egress shall not exceed the minimum requirements of a fire apparatus access road as defined in section 10-201 et. seq. of the *Uniform Fire Code*, or as required by the Park City Fire Marshal.

5.2.1.5 **Water Rights** If the Snowtop neighborhood and the Hidden Hollow area are annexed into Park City and Park City provides water service to the Snowtop/Hidden Hollow Area, then Property Owners shall irrevocably offer to transfer and to cooperate in the exchange of the current point of diversion of approximately 15 acre feet of certified water rights pursuant to Weber Basin Appropriation Water Right No. 3006A-10948(3582).

5.2.2 **Roosevelt Gap Development.** The 1991 Density Determination contains an approval for a 64 multi-family unit structure at Roosevelt Gap. Property Owners will seek to amend the 1991 Density Determination and shall pursue annexation into Park City of the Roosevelt Gap/Snowpark Hotel Site Development Area (as depicted in Exhibit "E") to allow for the development of one of the following options: (a) a single 105 multi-family unit structure (2,000 sq. ft./unit) at the Roosevelt Gap Development site connected to the Snow Park Hotel Site via a funicular and associated dedication of trail easements and open space (Alternative A) or (b) a five lot single-family home subdivision encompassing a total area of approximately seven (7) acres at the Roosevelt Gap Development site, as depicted in Exhibit "O," with limits of disturbance (as established and approved in the Amended Telemark Park Resort), and without funicular connection to the Snow Park Hotel Site but with dedication of trail easements and open space (Alternative B). The parties contemplate pursuing and prefer Alternative A. However, prior to development approval of the Snow Park Hotel Site, Property Owners may, upon written notice to Park City, pursue Alternative B. If Park City does not annex the Roosevelt Gap Development under Alternative A or B as provided herein, then Property Owners have the right to seek development approval of the Roosevelt Gap Development as a five single-family lot subdivision (as depicted in Exhibit "O") without funicular connection to the Snow Park Hotel Site, which would be subject to processing and approval by Wasatch County (Alternative C). Alternatives A and B contemplate annexation to Park City and either Alternative A or B will

be fully pursued, as set forth herein, by Property Owners before pursuing development approval of the Roosevelt Gap Development under Alternative C.

5.2.2.1 Snow Park Hotel Site Density, Use and

Configuration. Under all development alternatives (A, B, and C) for the Roosevelt Gap Development, Property Owners have the right to construct a single, 25 multi-family Park City unit equivalent structure on the Snow Park Hotel Site, which structure will be designed to fall within the maximum height of 45-feet and with architectural treatment that reduces the apparent bulk of the structure in a manner that is similar to the mass, scale and stepping of the 1986 Snow Park Hotel Master Plan Development and is depicted in Exhibit "P" attached hereto. The Snow Park Hotel Site may include support commercial up to five percent (5%) of gross square footage of the Snow Park Hotel Site, along with appropriate amenities. Based on the merits of the design, Property Owners may increase the density at the Snow Park Hotel Site from 25 to up to 35 Park City unit equivalents. However, such increased density shall occur only if: (a) Property Owners transfer the increased density at Snow Park Hotel Site from the Slalom Village Area to Telemark Park Village (outside of the eastern perimeter controlled access gate) and (b) Park City approves the design with increased density, use and configuration, after reasonable review of the plans. Increased density at Snow Park Hotel Site beyond 25 units shall be within Park City's discretion.

5.2.2.2 Alternative A for Roosevelt Gap Development. The density of the Roosevelt Gap Lodge is contingent on a funicular connection to the Snow Park Hotel Site. With funicular, the density of the Roosevelt Gap Lodge shall not exceed 105

Park City unit equivalents (2,000 sq. ft/unit). The Roosevelt Gap Lodge may also include support commercial space totaling five percent (5%) of the gross square footage of the Roosevelt Gap Lodge and additional appropriate amenities. The visual intrusion of the Roosevelt Gap Lodge shall be minimal as depicted in Exhibit "Q" attached hereto.

5.2.2.3 Alternative B for Roosevelt Gap Development.

Without a funicular connection, Property Owners may develop the Roosevelt Gap Development as a single-family lot subdivision with no more than five (5) lots and no visual intrusion from the vantage point described in Section 5.3.9 *infra*.

5.2.2.4 Annexation Procedure for Alternatives A or B for the Roosevelt Gap/Snow Park Hotel Area. Property Owners shall submit to Park City a complete petition for annexation for the Roosevelt Gap /Snow Park Hotel Area for Alternative A or B, as described in Sections 5.2.2.2 and 5.2.2.3 above, for Roosevelt Gap Development in substantially the same form depicted in Exhibits "E" or "O." The petition for annexation of the Roosevelt Gap/Snow Park Area shall provide for affordable housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing shall be ten percent (10%) of the total number of unit equivalents within the Roosevelt Gap/Snow Park Area. Property Owners' affordable employee housing obligation can be satisfied anywhere on the Property, at Property Owners' discretion. The Park City staff and City Council have reviewed Exhibits "E" and "O" and found them to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the petition for annexation, Park

City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information by Property Owners or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 180 days from receipt of a complete petition within which to annex the Roosevelt Gap/Snow Park Development Area. Property Owners shall not submit a competing application for development in Wasatch County during the identified 180-day period. After the lapse of the 180-day exclusive review period, the parties may continue to negotiate annexation, but Property Owners' may withdraw their development application and , at their discretion, elect to pursue development Alternative C. Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier.

5.2.2.5 Annexation Agreement for Alternative A for the Roosevelt Gap/Snow Park Hotel Area. If the Roosevelt Gap/Snow Park Development Area is annexed into Park City under Alternative A, then the following conditions of development shall bind the parties: (a) the density of the Roosevelt Gap Lodge shall not exceed 105 Park City unit equivalents, (b) the funicular tramway shall be installed at the earliest opportunity, (c) Property Owners shall make offers of dedication of conservation easements, and shall designate development envelopes, all as depicted in Exhibit "N" attached hereto, (d) the remainder of the Roosevelt Gap/Snow Park Development Area shall be dedicated open space to Park City as depicted on Exhibit "~~N~~" attached hereto, and (e) there shall be no overnight parking at Roosevelt Gap Lodge. *jh*

5.2.2.6 Annexation Agreement for Alternative B. If the Roosevelt Gap/Snow Park Hotel Area is annexed into Park City under Alternative B, then the following conditions of development shall bind the parties: (a) the density of the Roosevelt Gap Development shall not exceed 5 single-family lots, (b) Property Owners shall make offers of dedication of conservation easements and shall designate building envelopes, maximum areas of disturbance, and limits of disturbance as depicted in Exhibits "N" and "O" attached hereto, and (c) the remainder of the Roosevelt Gap/Snow Park Hotel Area shall have dedicated open space and conservation/open space easements as depicted on Exhibit "N" attached hereto.

5.2.2.7 Alternative C for Roosevelt Gap Development. If Park City does not annex the property under either Alternatives A or B, Property Owners have the right to seek development approval under Wasatch County jurisdiction of a single-family lot subdivision with density not to exceed five (5) lots encompassing a total area of approximately seven (7) acres at the Roosevelt Gap Development, with designated limits of disturbance, all as depicted and described in Exhibit "O." The parties agree that the resulting five lot subdivision shall be platted and deed-restricted to result in no visual intrusion from the vantage point described in Section 5.3.9. The subdivision identified by this paragraph will be developed within the Roosevelt Gap Development envelope, with limits of disturbance as defined in the Amended Telemark Park Resort or the equivalent approval obtained from Wasatch County. The Park City staff and City Council have

reviewed Exhibit "O" and found it to be generally acceptable as to density, use and configuration.

5.2.2.8 **Property Owners Choice of Alternatives.** Property Owners must choose between either Alternatives A or B prior to petitioning for annexation to Park City of the Roosevelt Gap/Snow Park Annexation Area.

5.2.2.9 **Access to Roosevelt Gap Development.** Under Alternative A, as described in Section 5.2.2.2 above, Roosevelt Gap Lodge employee, guest and resident access shall be via a funicular lift, which shall be designed to the reasonable satisfaction of Park City, and constructed at the Property Owners expense. The funicular lift shall begin at the Snow Park Hotel Site. Under Alternative A, vehicular access to the Roosevelt Gap Development from Park City via Keetley Road and through the western perimeter controlled access gate(s), depicted and generally described in Exhibits "B," "C" and "E," shall be limited to service, stock, delivery, and maintenance vehicles. There shall be no guest or employee access to Roosevelt Gap Development under Alternative A via the western perimeter access gate(s). Vehicular access under Alternatives B or C from Park City to the Roosevelt Gap Development shall be via Keetley Road and the western perimeter controlled access gate(s). Ski run access from the Roosevelt Gap Development to and from the Deer Valley ski area is both contemplated and encouraged.

5.2.2.10 **Parking at Roosevelt Gap Lodge.** Under Alternative A, as described in Section 5.2.2.2, parking at Roosevelt Gap Lodge shall not exceed 50 stalls, with no overnight parking. Property Owners shall grant Park City a parking

enforcement easement, in substantially the form of Exhibit "R," which shall grant Park City public safety personnel the right to enforce the no overnight parking restriction at Roosevelt Gap Lodge. The prohibition on overnight parking at the Roosevelt Gap Lodge solely applies and is applicable to Alternative A for the Roosevelt Gap Development (the 105-multi family unit structure). Under Alternative A, guest and resident parking for the Roosevelt Gap Lodge and Snow Park Hotel Site shall be served by an on site parking facility at the Snow Park Hotel Site. Property Owners may provide for employee shuttle service from the east perimeter gate to the Roosevelt Gap Lodge. Residents or guests within the perimeter gates of the Amended Telemark Park Resort may use the parking facilities at the Roosevelt Gap Hotel Development as limited by the "no overnight parking" restriction.

5.2.2.11 **Exclusive Development Alternatives for the Roosevelt Gap Development.** Subject to the terms and conditions of this Agreement, Property Owners agree to pursue only Alternatives A, B or C in development of the Roosevelt Gap Development.

5.2.3 **Slalom Village.** Property Owners will seek to amend the 1991 Density Determination to allow for the development of the Slalom Village Area, with no more than 83 multi-family units (2,400 sq.ft/unit, which shall not be deemed unit equivalents under *Park City Land Management Code*) (of which not less than 60% of the units developed shall be concentrated into a single structure (the "Primary Village Structure")), with support commercial up to five percent (5%) of the gross square footage of the Slalom Village structures and appropriate amenities, all within the Slalom Village development envelope,

along with four (4) single-family lots, a 20,000 gross square foot Ski Academy, and a ski chair lift which base terminal may be located in any reasonable location within a 1,100 foot radius of Slalom Village all as depicted in Exhibit "F."

5.2.3.1 Annexation Procedure for the Slalom Village Area.

Upon the approval of a final plat or record of survey in Wasatch County for any portion of the Slalom Village Area, but in all cases prior to application for a building permit for any portion of the Slalom Village, Property Owners will deliver to Park City a petition for annexation of the Slalom Village Area to Park City. The petition for annexation of the Slalom Village Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing shall be four percent (4%) of the total number of units within the Slalom Village Area. At their own discretion, Property Owners' affordable employee housing obligation can be satisfied within any unincorporated area of the Property. The Park City staff and City Council have reviewed Exhibit "F" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the petition for annexation, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the petition within which to annex the Slalom Village Area. The complete annexation petition delivered to Park City as outlined above shall be exclusive

to Park City for 120 days, and during such period Property Owners shall not pull building permits. Upon the expiration of the 120 day period, Property Owners may obtain building permits from Wasatch County for the construction of Slalom Village as a Wasatch County development, but will not object to or interfere with Park City's efforts to annex Slalom Village Area after the lesser of one year or the completion and/or installation of the infrastructure. Park City shall promptly commence and process the annexation review upon complete petition filed by Property Owners.

5.2.3.2 Annexation Agreement. If Slalom Village is annexed into Park City, then the following conditions of development shall bind the parties: (a) the density of Slalom Village Area shall not exceed 83 multi-family units (maximum 2,400 sq. ft./unit) with support commercial space up to 5% of the gross square footage and appropriate amenities, four (4) single-family lots, and a 20,000 square foot ski academy, (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure at Slalom Village prior to the issuance of a certificate of occupancy for any portion of the Slalom Village Area, (c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) the Property Owners shall irrevocably grant limited conservation easements to the ski run(s) and remaining areas, as so depicted in Exhibit "N." Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier. As more fully described in Section 5.2.2.1 above, Property Owners may transfer up to ten (10) single-family and/or multi-family units from the Slalom Village

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

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

5.2.3.4 **Disconnection of Keetley Road at Slalom Village**

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



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

5.2.3.5 Conditions of Development Absent Park City

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

private non-profit open space conservancy to the reasonable satisfaction of Park City.

Nothing in this Section shall prevent Property Owners, at their discretion, from pursuing the development alternative for Slalom Village area as described in Section 5.2.3.3 and as depicted in Exhibit "S" attached hereto.

5.2.3.6 Conditions Precedent to Occupancy of Slalom

Village. No portion of the Slalom Village Area may be occupied by residents or guests until the proposed Slalom Village Chair (as approximately designated on the Development Plan) is fully operational. During the Deer Valley ski season, subject to snow, weather and/or other operational conditions, Property Owners commit to the continuous daily operation of the Slalom Village Chair from the issuance of the first certificate of occupancy for any portion of the Slalom Village.

5.2.3.7 Ski Academy. The parties understand and agree that the 20,000 square foot Ski Academy, which the parties anticipate being constructed at Slalom Village, shall be used as an academic athletic institution and/or ski training facility whose students/attendees are expected to reside within the Slalom Village Area and/or Amended Telemark Park Resort. Alternatively, Property Owners may use the 20,000 square foot Ski Academy or other approved structure in a manner that will similarly limit the level of vehicular traffic on Keetley Road.

5.2.3.8 Vehicular Access to Slalom Village. Access to Slalom Village area shall be via Keetley Road from the western and eastern perimeter controlled access gates, except as limited by Section 5.2.3.4 above. However, parking and internal

circulation within Slalom Village shall discourage the use of Keetley Road as a means of vehicular travel from U.S. Highway 40 to Park City. An emergency/utility road, as described in paragraph 5.3.7.3 below, shall bypass Slalom Village connecting the easterly and westerly sections of the disconnected Keetley Road, and shall be crash gated to prevent vehicular through traffic by the general public, except as limited by Section 5.2.3.4 above.

5.2.3.9 Grade and Width of Keetley Road. The parties understand and agree that the width and grade of Keetley Road from McKinley Gap to Slalom Village area might only be 24 feet wide, and may have a grade of twelve percent (12%). If annexed by Park City, these development standards are deemed sufficient for purposes of constructing a private road, and are acceptable, and the road may be constructed.

5.2.3.10 Slalom Village Parking. Property Owners may construct no more parking stalls underneath the Slalom Village multi-family unit structure than are required to service that structure as may be required by the appropriate Wasatch County official(s). The parking structure at Primary Village Structure may be accessible from Park City so long as the connection between the parking levels is designed to Park City's reasonable satisfaction in such a manner that sufficiently discourages the tendency to use the Keetley Road as a means of vehicular travel from U.S. 40 to Park City. It is contemplated that such will be accomplished by the construction of a multi-level structure with vertical separation between the east and west parking entrances, and an internal ramping and gate system. No more than 25 vehicular parking spaces shall be constructed at the Ski Academy. Shuttle service to and from the Ski Academy and/or Slalom Village Area shall be

provided by all reasonable means in order to discourage the use of individual vehicular forms of transportation.

5.2.4 **St. Louis Neighborhood.** Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the St. Louis neighborhood shall contain a maximum density of 66 single family lots. The Park City staff and City Council have reviewed Exhibits "B" and "C" and found them to be generally acceptable as to density, use and configuration. The St. Louis neighborhood shall be developed as a Wasatch County development.

5.2.4.1 **Access to St. Louis Neighborhood.** There shall be two principal points of ingress and egress to the St. Louis neighborhood. One of the accesses to the St. Louis Neighborhood shall be via Keetley Road and St. Louis Drive from Park City through the western perimeter gate(s), which access shall be restricted by the installation of a perimeter controlled access gate in accordance with either Section 5.3.3 or 5.3.5, as appropriate. The other primary access to the St. Louis Neighborhood shall be via the controlled access gate, in accordance with either Section 5.3.3 or 5.3.5, as appropriate, at the east end of the Property.

5.2.5 **Little Baldy Neighborhood.** Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the Little Baldy neighborhood shall contain a maximum density of 60 single-family lots and no more than 10,000 square feet of support commercial. The Little Baldy neighborhood shall have no visual intrusion (into Park City) from the vantage point described

in Section 5.3.9. The Park City staff and City Council have reviewed Exhibits "B" and "C" and found them to be generally acceptable as to density, use and configuration. The Little Baldy neighborhood shall be developed as a Wasatch County development.

5.2.5.1 Access to Little Baldy Neighborhood. There shall be two points of ingress and egress to the Little Baldy neighborhood. One of the accesses to the Little Baldy Neighborhood shall be via Keetley Road, St. Louis Drive and Little Baldy Drive from Park City through the western perimeter gate(s), which access shall be restricted by the installation of a perimeter controlled access gate in accordance with either Section 5.3.3 or 5.3.5, as appropriate. The other primary access to the Little Baldy Neighborhood shall be via the perimeter controlled access gate, in accordance with Section 5.3.3 or 5.3.5, as appropriate, at the east end of the Property.

5.2.6 Telemark Park Village. Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the Telemark Park Village shall contain a density of 188 multi-family units and identified commercial space. Property Owners may increase the density of the Telemark Park Village as described in Sections 5.2.2.1 and 5.2.6.2.

5.2.6.1 Access to Telemark Park Village. Vehicular access to Telemark Park Village shall be only via the frontage road from U.S. Highway 40 at the Mayflower interchange. Telemark Park Village residents and users shall have no vehicular access to Park City via Keetley Road.

5.2.6.2. **Increased Density for Telemark Park Village.** In the event Property Owners choose to develop a five (5) single-family lot subdivision and not a 105 multi-family unit lodge at the Roosevelt Gap Development, Property Owners may increase the density at Telemark Park Village by no more than fifty (50) multi-family units at the Telemark Park Village. Density at the Telemark Park Village may also be increased to satisfy the affordable housing requirements anticipated by this Agreement. Density may also be increased in accordance with Section 5.2.2.1. Any additional units added to the Telemark Park Village, in accordance with this Section, may be developed pursuant to Wasatch County standards, configurations and square footage.

5.3 **Additional Development Requirements.** Any development under the Development Plan for the Property shall be subject to the following additional requirements, if the conditions as set forth in Section 1.2 above are satisfied:

5.3.1 **Timing Of Annexation of Snowtop/Hidden Hollow Area, Roosevelt Gap Development and Slalom Village.** As more particularly described in Sections 5.2.1.1, 5.2.2.4 and 5.2.3.1, Property Owners contemplate submitting petitions of annexation, as more fully described herein, for the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area and Slalom Village Area to Park City. With respect to the Snowtop Neighborhood and Slalom Village Area, these development areas will be petitioned for annexation solely as platted or surveyed (and depicted in Exhibits "D" and "F") in Wasatch County. Park City shall have a specified number of days in which to annex the petitioned area(s). Property Owners agree not to pursue annexation of the Snowtop/Hidden Hollow

Area, Roosevelt Gap Development or the Slalom Village Area concurrently, simultaneously, or within the same time period, except as provided herein.

5.3.1.1 **Track I for Annexation by Park City.** In the event Property Owners have received Wasatch County approval for the recordation of final plats and/or records of survey for the Snowtop Neighborhood Area or Slalom Village Area in Wasatch County, and Property Owners submit a petition for annexation of the Snowtop/Hidden Hollow Area and/or Slalom Village Area to Park City, as depicted in Exhibits "D," "F" and/or "S," Park City shall have up to 120 days during which to approve the annexation before Property Owners shall be entitled to pull Wasatch County building permits for such development. Property Owners may also submit the petitions for annexation, including the petition for annexation of the Roosevelt Gap/Snow Park Area with such other petitions, simultaneously or prior to the completion of review of a prior petition, provided the Snowtop Neighborhood and Slalom Village Area final plats are ready for recordation in Wasatch County at the time the respective petition is submitted.

5.3.1.2 **Track II for Annexation by Park City.** In the event Property Owners are not prepared to record plats or records of survey and have not secured all necessary utilities for the Snowtop Neighborhood Area or Slalom Village Area in Wasatch County, Property Owners may submit petitions for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area or the Slalom Village Area to Park City sequentially, in any order as determined by Property Owners, with no two petitions being considered by Park City for approval simultaneously. After the passage of the time period in

which Park City shall have the exclusive right to review and approve a petition for annexation (120 or 180 days as defined herein), Property Owners may submit for review and consideration a second petition for annexation of an additional annexation area as contemplated herein. If Property Owners request Park City's assistance in securing utility services and/or other development infrastructure for the Snowtop/Hidden Hollow Area or Slalom Village Area, then the annexation period may be extended an additional six months at Park City's discretion.

5.3.1.3 Track III for Annexation by Park City. In the event that Property Owners bring one annexation petition for all development areas subject to annexation as set forth herein, with or without plat approval from Wasatch County, Park City shall have one year as provided by applicable law to review and annex such development areas.

5.3.2 Construction Traffic. All construction vehicles for any development for the Property, except the Snow Park Lodge Site (and the funicular tramway to Roosevelt Gap Lodge) shall access the Property from U.S. Highway 40. No construction vehicles shall access the Property, except the Snow Park Hotel Site, from Park City. Construction vehicles shall be permitted on that portion of Keetley Road from McKinley Gap to Queen Esther Drive, solely to improve the Keetley Road pursuant to the building permit (Exhibit "L"), provided the construction vehicles access that portion of Keetley Road from the eastern side of the Property via U.S. Highway 40. Property Owners hereby agree to

grant Park City a public safety easement to enforce traffic restrictions on all private roadways within the annexation area.

5.3.3 Permanent Controlled Access Gates. As designated and identified in the Development Plan and shown on Exhibit "B," Property Owners (at their cost and expense) shall construct, maintain and operate at least two permanent controlled-access gates, which shall be designed so as to restrict access to the Property as described in this Agreement.

5.3.3.1 Design of Permanent Controlled Access Gates. The perimeter controlled access gates shall be designed and constructed as depicted on Exhibit "T," which Park City staff and City Council have reviewed and found to be acceptable as to design operation and approximate location.

5.3.4 Private Vehicular Access Only. Access to the Property from Park City shall be limited as described in Section 5.2 above. The perimeter controlled access gates shall provide for private vehicular access only to property owners and their guests for all areas within the perimeter controlled access gates. Roosevelt Gap Development (Alternative A) shall be limited to service and maintenance vehicles only.

5.3.5 Temporary Gates. The temporary gates shall be constructed of a steel construction (i.e. agricultural-type steel gate), which is manually operated and controlled by padlocks and keys. The temporary gates shall be installed by the Property Owners (at their cost and expense) at (i) the intersection of Queen Esther Drive and Keetley Road and (ii) the eastern perimeter controlled access gate as depicted on Exhibit "B," or the

east end of the Property. The temporary gates shall remain locked at all times and shall not be removed until the issuance of the first single family residential building permit, and the replacement of the temporary gate(s) with permanent perimeter controlled access gates pursuant to Section 5.3.3. During the construction phase of the development of the Property, but for no longer than two years from commencement of construction, Property Owners, may substitute the temporary gates with the permanent perimeter controlled access gates described in Section 5.3.3 and depicted in Exhibit "T."

5.3.6 Secondary Access. As designated on the Development Plan and the Trails and Secondary Access Exhibit attached as Exhibit "U," the Property Owners may construct three types of secondary access roads and trails: (i) a Bicycle/Pedestrian Path; (ii) an Emergency/ Bicycle/Pedestrian Path; and (iii) an Emergency Utility Road. The paths shall be open to the public to the same extent as to residential guests. Except in the case of an emergency, use of any secondary access shall be limited to non-vehicular traffic, such as bicycles, horses, skiers and pedestrians. In addition, the configuration, improvement and maintenance of secondary access shall be as follows:

5.3.6.1 Bicycle/Pedestrian Paths. Bicycle/Pedestrian Paths shall be so controlled as to be unavailable or inaccessible to motorized vehicles, insofar as practical.

5.3.6.2 Emergency/Bicycle/Pedestrian Paths. Emergency/ Bicycle/Pedestrian Paths shall be constructed in a manner not to exceed the minimum requirements necessary to be classified ^{as emergency access} by the Park City Fire Marshal.

5.3.6.3 **Emergency Utility Roads.** Emergency Utility Roads shall be limited to an eight (8) foot wide paved surface with two (2) foot gravel shoulder on one side and a ten (10) foot gravel shoulder on the other side for a total width not to exceed twenty (20) feet, or such other minimum requirements as shall be required by the Park City or Wasatch County Fire Marshal, as appropriate.

5.3.6.4 **Maintenance.** Maintenance of all secondary accesses shall be the exclusive obligation of the Property Owners, ^{of record title jh} ~~future property owners~~ and homeowners associations within the Property. Upon dismissal of the Action with prejudice, Property Owners shall record in the official records of Summit County and Wasatch County, Utah, a restrictive covenant and equitable servitude relating to the maintenance of the secondary accesses which provides that such maintenance shall be the obligation of the Property Owners, future property owners and/or homeowner's associations. The restrictive covenant and equitable servitude shall run with the land and shall be substantially in the form of Exhibit "V," which covenant shall be added later in the form of an executed and recorded covenant, conditions and restrictions.

5.3.6.5 **Crash Gates.** At the entrance of Emergency/ Bicycle/Pedestrian Paths and the Emergency Utility Road, the Property Owners shall (at their own cost and expense) construct crash gates which shall be designed in substantially the form attached hereto as Exhibit "W" to allow immediate entry by emergency vehicles and personnel, but to prevent entry by all other motorized vehicles.

5.3.7 Construction and Conveyance of Slalom Village Emergency Utility Road. Prior to completion of the foundation for the primary Slalom Village multi-family structure, the Property Owners shall construct (at their cost and expense) and convey to Park City, in fee simple, title in the Slalom Village Emergency Utility Road designated on the Development Plan as running in a northwest/southeast direction just northeast of the Slalom Village Area. Said deed shall take the form of Exhibit "X."

5.3.8 Compliance with Park City Resolutions and Ordinances. At a minimum, any application to annex and improve and/or develop the Snowtop/Hidden Hollow Area, the Roosevelt Gap Development and the Slalom Village Area shall comply with Park City resolutions and ordinances in effect at the time a proposal is submitted to Park City for consideration, subject to the limitations of Sections 5.10 and 5.11.

5.3.8.1 With respect to the Slalom Village Area, Snowtop Neighborhood and Roosevelt Gap Alternative C, the parties agree that Park City will annex those areas as platted and recorded in Wasatch County, as to density, use and configuration, including road configuration.

5.3.9 Ridge Lines. With the exception of Roosevelt Gap Development, which is dealt with in Section 5.3.9.1 below and ski lift towers and terminals, no portion of any structure within the Amended Telemark Park Resort shall break the ridge line as viewed from the back deck of the Stew Pot Restaurant 1375 Deer Valley Drive (except for the limited area of the funicular as depicted on Exhibits "E" and "P"). The term "Critical Ridge Line" refers to the ridge line as shown on Exhibit "A"



5.3.9.1 **Vantage Point.** As to Roosevelt Gap Development, maximum height shall be determined in the field, such that no portion of the Roosevelt Gap Development will be visually obtrusive from the vantage point of the Stew Pot Restaurant deck at 1375 Deer Valley Drive. The maximum height shall be determined in good faith by the judgment of Park City's Community Development Department.

5.3.10 **State Land Leases.** The Utah School and Institutional Trust Lands Administration (the "State") is the owner of certain lands located within the confines of the Amended Telemark Park Resort, which lands are identified on the Development Plan. The State and those claiming under it shall have access rights via Keetley Road, and the use of Keetley Road by such persons shall not be a violation of this Settlement Agreement. Property Owners have obtained nine special use leases from the State covering the state lands, which comprise approximately 57 acres. The state leases have terms of 51 years and contain cross-default provisions. The Property Owners have disclosed this Settlement Agreement to the State. The Property Owners shall have the right to seek such amendments and revisions to the state leases from time to time as they deem appropriate (including extensions of the lease term and elimination of the cross-default provisions between unrelated third-party assigns), and the right from time to time to assign individual leases to third parties for development to the extent permitted by the leases and applicable law; provided, however, that the Property Owners' use of the lands covered by the leases during the terms thereof shall be consistent with the Development Plan and this Settlement Agreement, to the extent permitted by the state leases. However, Property Owners agree

that cross default provisions shall nevertheless remain in effect as between the leases in the group covering Parcels 1C, 1D, 2A, 2B, 2C and 2D (Group 1), and also as between the leases in the group covering Parcels 3A, 3B, 3C, and 3D (Group 2), (but not between any lease(s) in Group 1 and any lease(s) in Group 2). Property Owners further agree (subject to applicable law and the terms of the state leases), to associate the Group 1 leases with the Slalom Village development and the Group 2 leases with the Roosevelt Gap development such that the developer of each such development shall have the right and the obligation to cure any defaults in the associated state leases. The Property Owners promptly will provide Park City with a copy of any notice(s) of default from the State under any of the nine leases that have not been previously developed or assigned to third parties for purposes of development. Park City will have the right, but not the obligation, to cure the default if the Property Owners fail to do so, and upon curing the default to receive an assignment of all rights under those state leases as to which notice was given; provided, however, that Park City will have no right to cure such default or receive an assignment of the Property Owners' rights under the State leases if Property Owners are attempting to cure such default or are appealing or in good faith disputing the State's determination of the existence of such default; provided, further, Park City's right to cure and receive an assignment shall at all times be subordinate to the right of Property Owners' lender(s) or mortgagee(s) to cure such default, including such lender(s) or mortgagee(s) right of receiving an assignment of lease or of appealing or in good faith disputing the State's determination of the existence of such defaults; provided, however, that this paragraph shall not limit the State's statutory right to

approve or disapprove any such assignment. If Park City exercises its right to cure, as provided herein, Park City shall have the right to seek and maintain an action for reimbursement against the lessee(s) of the applicable group of leases subject to default to recoup reasonable costs directly associated with cure. The Property Owners will seek the concurrence of the State with the uses of the state lands contemplated herein, and will ask the State to agree to send Park City a copy of any notice of default under a state lease and to allow Park City to exercise its rights specified above, subject to applicable law and the terms of the leases.

5.4 **Plat Notes.** The following notes shall be on all plats and records of survey for all areas west of the eastern perimeter controlled access gate:

NOTES:

1. Vehicular access through the eastern perimeter controlled access gate and the western perimeter controlled access gate is limited solely to residents and guests and shall otherwise be closed at all times.
2. All construction traffic regardless of vehicular weight is limited to U.S. Highway 40 and the eastern perimeter controlled access gate.
3. Public safety access and utility easements are hereby dedicated for all roads.
4. Permanent maintenance of all perimeter gates, roads, hard surfaced pedestrian/bicycle pathways, including snow removal, shall be the sole responsibility of the property owners and/or homeowners' association, to the reasonable satisfaction of Park City.
5. Park City Municipal Corporation is a third-party beneficiary and these plat notes may not be amended without Park City's written consent.

For any plat within Park City, the plat shall contain a public dedication of the bicycle/pedestrian paths, emergency/bicycle/pedestrian paths and emergency utility roads. For any plat outside of Park City, a public easement shall be granted over the bicycle/pedestrian paths, emergency/bicycle/pedestrian paths and emergency utility roads as shown on Exhibit "U."

5.5 **Covenants, Conditions and Restrictions.** Any homeowners association covenants, conditions and restrictions relating to the Property west of the eastern perimeter controlled access gate shall contain the exact information referred to in Section 5.4.

5.6 **Recorded Restrictive Covenant.** The perimeter controlled access gates shall limit access from Park City to the Property and vice versa. Upon dismissal of the Action with prejudice, Property Owners shall, as soon as reasonably practical and necessary, record on the official records of Summit County and Wasatch County, Utah a restrictive covenant and equitable servitude relating to the perimeter controlled access gates which provides for the placement of the gates, for the maintenance and use of the gates, and which prohibits the removal or disabling of the gates without the prior written consent of the Property Owners and Park City. No party to this Agreement shall have the authority, unilaterally or otherwise, to remove any controlled access gates, or to otherwise allow non-resident vehicular traffic through the controlled access gates. The restrictive covenant and equitable servitude shall run with the land and shall be substantially in the form of Exhibit "Y".

5.7 **Processing Fees and Charges.** The following processing fees shall be applied to the development of the Property:

5.7.1 Property Owners shall pay all usual, planning and processing fees for the Roosevelt Gap Development, the Snow Park Hotel Site and Hidden Hollow.

5.7.2 Property Owners shall not be obligated to pay initial planning fees for Slalom Village and Snowtop unless Property Owners seek development approval prior to their receipt of approval from Wasatch County.

5.7.3 Property Owners and Park City shall fully cooperate with the annexation process by providing and/or seeking any information reasonably necessary for the review of the areas including, providing the statutory notice required by the *Park City Land Management Code*.

5.7.4 Property Owners shall be required to pay planning, building and impact fees, except as provided herein, for any portion annexed to Park City with appropriate offsets for contributions and improvements and without any duplication of impact fees.

5.7.5 **Impact Fees.** Park City's impact fee ordinances shall apply to all portions of the Property that are currently within the City's corporate boundary and to those portions of the Property that are annexed into Park City. Park City's impact fees are assessed at the building permit application phase. Pursuant to this Agreement, some of the area contemplated for annexation into Park City could in fact be annexed *after* building

permits have been issued by another jurisdiction. In such a case, Park City may not unilaterally assess additional Park City impact fees.

Property Owners shall not petition to annex any portion of the Property into the Park City School District. Park City's School Facilities Impact Fee is a fee charged to offset the impacts of growth on the need for new facilities in the Park City School District. Park City shall not charge a School Facilities Impact Fee for development within that portion of the Property that is not within the Park City School District.

Property Owners intend to serve all of a large portion of the annexation areas with sewer and water facilities that are not part of the Snyderville Basin Sewer Improvement District (SBSID) or the Park City municipal water system. Park City shall not impose water or sewer impact fees on that development within those portions of the Property that are annexed into Park City but that are not served by the Park City municipal water system of the SBSID.

Property Owners are offering to dedicate public access to a significant network of trails and to deed to Park City title to Statutory Warranty Deed and perpetual conservation easements (to the reasonable satisfaction of Park City) to a significant amount of passive open space as a component of their petitions for annexation. This network of trails and dedicated open space is an offer in excess of the trails/open space system that Park City typically requires of Master Planned Developments. Further, the offer specifically contributes trails and open space in a manner that contributes to Park City System Improvements as that term is defined in the Park City Impact Fee Ordinance. As such, once

dedicated, the value of the offered improvements that actually exceeds that typically required in Park City for development approval shall be considered an offset to the Parks, Trails, and Open Space impact fee that is imposed at the time of building permit application.

While Park City impact fees may change from time to time, and while a change in impact fees is not precluded not provided for by this Agreement, the value of the excess open space and trails anticipated herein is in excess of the Parks, Trails and Open Space impact fee calculation for the maximum development anticipated within the annexation areas. Generally, Park City requires Master Planned Developments within its boundaries to leave 60% of the land in open space and requires dedication of a far less extensive and extensively-maintained public access trail system. If all annexation areas are annexed, Property Owners shall be entitled to an offset of up to \$1.118 Million (adjusted by CPI, with a base year of 1995) against the park City's Parks, Trails, and Open Space Impact Fee actually assessed for the value of excess open space and trails that is actually dedicated to Park City.¹ Of the \$1.118 Million offset, \$500,000 is attributable to excess land and trails dedications associated with the Roosevelt Gap/Snow Park Annexation, \$300,000 is attributable to the excess land and trails dedications associated with the Slalom Village Annexation Area, and \$318,000 is attributable to excess land and trails dedications associated with the Snowtop/Hidden Hollow Annexation Area. Offsets will be available annexation

¹ The \$1.118 Million calculation assumes 335 acres zoned Recreation Open Space (pursuant to the *Park City Land Management Code*), with approximately 105 acres dedicated to Park City in fee simple absolute, approximately 177 acres *conservation easements (drafted to the reasonable satisfaction of Park City)*, and approximately ten miles of improved and maintained trails.

area, by annexation area, at the time of application for building permits. Any unused offset from one annexed area may be transferred to another annexed area. Property Owners are not entitled to a rebate of dedicated land or money.

5.8 **Good Faith.** The parties have dealt with each other in good faith and will continue to do so.

5.9 **Discretionary Approvals.** All discretionary approvals required under the *Park City Land Management Code* or any other state or local rule or law, which have not yet been granted or otherwise resolved by this Agreement, must be obtained by the Property Owners in accordance with all applicable state and local regulations.

5.10 **Subsequently Enacted Regulations/Retained Powers.** Property Owners shall comply with all subsequently-enacted state and local rules, laws, ordinances and regulations. Nothing in this Agreement shall limit the future exercise of the police power of Park City in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation and other land use plans, policies, ordinances and regulations after the date of this Agreement. Any legislation which is inconsistent with the terms and provisions of this Agreement shall not be applied to development activities on or about those portions of the Property subject to possible annexation, as appropriate, unless the legislation also has general application to development activity in Park City. Provided however, that for a period of 15 years from the date of this Agreement, no rule, law, ordinance, or regulation subsequently enacted by Park city shall

decrease the density, use, or configuration (including the roads) of the development contemplated by this Agreement.

5.11 **Private Roads.** The parties agree and understand that all roads within the Development Plan will be private at the time of development, subject to specified public easements, and may not meet Park City's public road standards or *Park City Land Management Code* requirements. The private roads within the Development Plan are depicted on Exhibit "B." The Parties agree that roadway corridors will be retained by Property Owners so as to overlay and include the roadways approximately as shown on Exhibit "B," and will not be encumbered by conservation easements, dedicated as open space and may not be included on adjacent plats. Roadway corridors shall generally be 50 feet in width, except where construction requirements, such as cuts, fills, skier bridges and other related structures may require additional width. Property owners will, in such cases, retain as little width as necessary to include such improvements. Roadway corridors may be dedicated to a master homeowners association or special service districts.

5.11.1 **Right to Construct Roads.** The Parties acknowledge and agree that certain roads within the areas contemplated for annexation herein are necessary for the development of areas not contemplated for annexation. In the event Property Owners proceed to develop non-annexation areas prior to the areas which are contemplated for annexation, Park City agrees not to interfere with the construction of such roads within the annexation area pursuant to Wasatch County approvals and building permits. Such construction shall not alter the Property Owners' obligations, as set forth and

contemplated herein, to offer annexation of those areas prior to development. Such roads may be constructed prior to any plat or record of survey approval within the annexation area.

5.12 **Conceptual Plans.** The Parties acknowledge that the structures shown on Exhibits "B," "C," "D," "E," "N," "O" and "P" at Snow Park, Roosevelt Gap and Slalom Village are illustrative concept plans, and are not final architectural plans. Final plans may vary, except that such variations may not violate the defined development envelopes shown on Exhibits "N," "O" and "S." Further, in the case of Snow Park/Roosevelt Gap Development, such variation may not violate the visual impact restrictions in Sections 5.2.2.2 and 5.3.9 and, in the case of the Snow Park Hotel Site, may not violate the massing requirements contained in Section 5.2.2.1. Further, such variation may not violate any explicit requirements of this Agreement.

VI.

DURATION OF APPROVAL

6.1 In the event Park City grants/approves all or any portion of the Property Owners' application to annex and/or develop contemplated herein, the duration of the approval shall conform to the provisions of the *Park City Land Management Code* which exists on the date of approval.

VII.

MISCELLANEOUS PROVISIONS

7.1 **Agreement Binds Successors and Assigns.** Property Owners shall be entitled to transfer and/or assign their rights and obligations under this Agreement to any

purchaser or transferee of the Property. This Agreement shall be binding on the successors and assigns of the Property Owners in the ownership or development of any portion of the Property. Except as reflected on the plat notes, real covenants, equitable servitudes and easements contemplated herein, this Agreement shall not bind individual single family lot or multi-family unit purchasers in their capacity as lot or unit owners and is not intended to be reflected on their individual titles.

7.2 **Release of Property Owners From Obligations Under This Agreement.** In the event of a transfer of all or any portion of the Property, the Property Owners shall transfer such rights and obtain an assumption by the transferee(s) of the Property Owners' obligations under this Agreement. Upon full and complete transfer of all rights and obligations, the transferee(s) shall be fully substituted as the Property Owners under this Agreement. Except as reflected on the plat notes, real covenants, and easements contemplated herein, this Agreement shall not bind individual single family lot or multi-family unit purchasers in their capacity as lot or unit owners and the Agreement or its terms are not intended to be reflected on their individual titles.

7.3 **Effect of Park City Resolution No. 38-92.** The terms and provisions of Park City Resolution 38-92 shall not nullify, supersede, or otherwise impair the obligations, benefits or rights provided for and or obtained by this Agreement.

7.4 **Notice.** Property Owners shall give Park City immediate written notice and copies of any and all documents filed and/or submitted to Wasatch County and/or Summit County concerning any proposed development of the Property. To the extent notice

is required by this Agreement, such notice shall be given in writing and personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the parties at the following addresses:

Trans Wasatch Company, L.L.C.: McKay Edwards, President
190 North Main Street, Suite #1
Heber City, Utah 84032

Park City Consolidated
Mines Company Harry Reed, President
P.O. Box 497
Park City, Utah 84060

Copy to: Stephen G. Crockett, Esq.
Giauque, Crockett, Bendinger & Peterson
170 South Main Street
Suite 400
Salt Lake City, Utah 84101

Park City Municipal Corporation Toby Ross
City Manager
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

Copy to: Jodi F. Hoffman, Esq.
City Attorney
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

Copy to: Mark R. Gaylord, Esq.
Switter Axland & Hanson
175 South West Temple
Suite 700
Salt Lake City, Utah 84101

7.5 **Enforcement.** In the event Park City or the Property Owners violate the terms of this Agreement, the non-breaching party may, without seeking an injunction and after fifteen (15) days written notice to correct the violation, take such actions as shall be deemed appropriate under law until such conditions have been satisfied.

7.6 **Failure to Exercise Rights.** Failure of a party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future time that right or any other right it may have hereunder. Unless this Agreement is amended by vote of the City Council, taken with the same formality as the vote approving this Agreement, no officer, official or agent of Park City has the power to amend, modify or alter this Agreement or waive any of its conditions as to bind Park City by making any promise or representation not contained herein.

7.7 **Entire Agreement.** This Agreement, with Exhibits "A" through "Y", constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by all parties to this Agreement.

7.8 **Fees and Costs of Enforcement.** The prevailing party shall be entitled to recover all of its reasonable attorneys' fees and all costs and expenses necessary to enforce this Agreement.

7.9 **Third Party Representations.** Each party to this Agreement is not liable or otherwise responsible for the other party's representations or statements made to third party individuals or entities.

7.10 **Authority to Execute Agreement.** Each party to this Agreement warrants and hereby represents that the individuals executing this Agreement on its behalf, have full and complete authority to do so.

7.11 **Stipulations of Continuance.** The parties agree that prior to the dismissal of the Action with prejudice, as required under this Agreement, to execute such stipulations or other documents as are necessary to maintain the Action.

7.12 **Captions.** The article and section headings contained in this Agreement are for purposes of reference only and shall not limit, expand or otherwise effect the construction of any provisions hereof.

7.13 **Governing Law.** This Agreement and all matters relating thereto shall be governed by, construed and interpreted according to the laws of the State of Utah.

7.14 **Interpretation.** Whenever the context shall require, the plural shall include the singular, the whole shall include any part thereof, and any gender shall include both other genders. This Agreement has been drafted with the input of both parties and shall be interpreted and construed as such.

7.15 **Severability.** If any term or provision of this Agreement shall be determined by a court of competent jurisdiction to be void, voidable or unenforceable, such void, voidable or unenforceable term or provision shall only affect such other term(s) or

provision(s) of this Agreement as is necessary to preserve the material objectives of the parties.

PARK CITY CONSOLIDATED MINES COMPANY, INC.

By *James Ingley*
Its *Chairman*

TRANS-WASATCH COMPANY, L.L.C.

By *[Signature]*
Its *President*

PARK CITY MUNICIPAL CORPORATION

By *Brody A. Orr*
Its *Mayor*

ATTEST:

Anita Sheldon
Anita Sheldon, City Clerk

APPROVED AS TO FORM:

Jodi Hoffman
Jodi Hoffman, City Attorney

settlement pem

First Amendment to the Telemark Park Settlement Agreement

This First Amendment to the Settlement Agreement by and between Park City Consolidated Mines Company, Inc., a Utah corporation, Trans-Wasatch Company, L.L.C., and Utah limited liability company (collectively, the Property Owners) and Park City Municipal Corporation, a political subdivision of the State of Utah, dated December 29, 1995 (the Telemark Park Settlement Agreement or the Settlement Agreement), is entered into this 8 day of April, 1997 by and between Deer Crest Associates I, L.C., the successors in interest to the settling Property Owners and Park City Municipal Corporation (Park City). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Deer Crest Associates I, L.C., the successor in interest to the Property Owner's interest in the Settlement Agreement, and Park City Municipal Corporation hereby agrees to modify the Telemark Park Settlement Agreement as follows:

1. Add new paragraph 3.14 to define the terms construct and construction as follows:

3.14 **Construction.** The term "construct" or "construction" means and refers to any development or construction activity (vertical or horizontal, combustible or non-combustible) for which a permit would be required by Wasatch County or Park City.

2. Paragraph 5.2 is hereby revised to read as follows:

5.2 Density, Use and Configuration. The Development Plan for the entire Property as anticipated in this Agreement shall not exceed 545 units (150 single-family, 395 multi-family units) with 42,000 gross square feet of commercial space and a 20,000 gross square foot Ski Academy. The parties agree that there shall not be more than:

- (a) 338 residential units,
- (b) support commercial space up to 5% of the gross square footage of the Slalom Village Area multi family units and the Roosevelt Gap Development,
- (c) 10,000 square feet of support commercial space at the Little Baldy Neighborhood, and
- (d) amenities and recreation facilities as generally identified and depicted herein,

all within the perimeter gates of the Property with access to Park City via Keetley Road through the west perimeter gate. Approximately an additional 182 multi-family units and a 20,000 square foot Ski Academy located within the Telemark Park Village shall have vehicular access to Park City only via U.S. Highway 40 and S.R. 248.

Units Lying West of East Perimeter Gate

	<u>Single Family</u>	<u>Multi-Family</u>	<u>Maximum Size Per Multi-Family Unit</u>
Snowtop	15	0	
Hidden Hollow	4	0	
Roosevelt Gap Dev.	0	105	2,000 sq. ft./unit
Little Baldy	60	0	
Slalom Village	5	83	2,400 sq. ft./unit
St. Louis	66	0	
Sub-Total	150	188	

Units Lying East of East Perimeter Gate

	<u>Single Family</u>	<u>Multi-Family</u>	
Telemark Park Village	0	182*	varied sq. ft.
*Density may increase as provided herein			

Snow Park Hotel Site

Snow Park Hotel Site	25*	2,000 sq. ft./unit
*Density may increase as provided herein		

3. Paragraph 5.2.1 is hereby revised to read as follows:

5.2.1 Snowtop/Hidden Hollow. The Amended Density Determination contains an approval for 19 single family lots in the Snowtop/Hidden Hollow neighborhoods. Property Owners will prepare a plat for the development of 15

single family lots in the Snowtop neighborhood which they will submit to Wasatch County for review and consideration, with timely written notice and copies of all materials submitted to Wasatch County to Park City. The Hidden Hollow property comprises roughly 84 acres, upon which Property Owners propose to develop four single family Estate lots, with building envelopes, areas of disturbance, limits of disturbance and open space conservation easements, all as generally depicted on the map (for both Snowtop and Hidden Hollow) attached hereto as Exhibit "D,"

4. Paragraph 5.2.1.1 is hereby revised to read as follows:

5.2.1.1 Annexation Procedure for the Snowtop/Hidden Hollow Area. Upon dismissal of the Action with prejudice, temporary physical disconnection of the Keetley Road (as provided in Section 4.4 above), Property Owners may submit a complete application for annexation of the Snowtop/Hidden Hollow Area. Upon Wasatch County's approval of the final plat for a 15 lot subdivision of the Snowtop neighborhood, Property Owners shall submit to Park City a complete petition for annexation, as limited by this Section, for the Snowtop/Hidden Hollow Area, with irrevocable offers of dedication of designated open space and conservation easements of contiguous property (the Snowtop/Hidden Hollow Area), all as depicted on Exhibits "D" and "N." The parties agree and acknowledge that if the portion of the complete petition for annexation for the Snowtop neighborhood is submitted in the form of a final unrecorded plat, Property Owners shall be entitled to an expedited annexation review process (Expedited Petition), more fully described below. Property Owners' Expedited Petition for annexation for the Snowtop/Hidden Hollow Area may be submitted without a visual analysis or annexation

fee. Any petition for annexation of the Snowtop/Hidden Hollow Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing obligation for the Snowtop/Hidden Hollow area shall be one (1) unit. Property Owners' affordable employee housing obligation can be satisfied anywhere on the Property, at Property Owners' discretion. The Park City staff and the City Council have reviewed Exhibit "D" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of an Expedited Petition for annexation and irrevocable offer for dedication, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information requested by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the Expedited Petition within which to annex the Snowtop/Hidden Hollow Area. Prior to application for annexation, and during annexation review, Property Owners shall not engage in any construction activity within the Snowtop/Hidden Hollow Area. Property Owners will attempt to supply the additional information necessary for its consideration, review and approval of the Expedited petition for annexation. Upon the expiration of the 120 day period following the submission of an Expedited Petition for annexation, Property Owners may record the final plat and obtain building permits from Wasatch County for the construction of the Snowtop Neighborhood as a Wasatch County development, but the irrevocable offers of dedication of designated open space and conservation easements made pursuant to this Section 5.2.1.1 shall continue in force.

Property Owners will not object to or interfere with Park City's efforts to annex the Snowtop neighborhood after the lesser of one year or the completion and/or installation of the infrastructure.

5. Paragraph 5.2.3 is hereby revised to read as follows:

5.2.3 **Slalom Village.** Property Owners will seek to amend the 1991 Density Determination to allow for the development of the Slalom Village Area, with no more than 83 multi-family units (2,400 sq. ft/unit, which shall not be deemed unit equivalents under *Park City Land Management Code*) (of which not less than 60% of the units developed shall be concentrated into a single structure (the "Primary Village Structure")), with support commercial up to five percent (5%) of the gross square footage of the Slalom Village structures and appropriate amenities, all within the Slalom Village development envelope, along with five (5) single-family lots, and a ski chair lift which base terminal may be located in any reasonable location within a 1,100 foot radius of Slalom Village all as depicted in Exhibit "F."

Paragraph 5.2.3.1 is hereby revised to read as follows:

5.2.3.1 **Annexation Procedure for the Slalom Village Area.** Property Owners may submit an application for annexation of the Slalom Village Area at any time. Upon the approval of a final plat or record of survey in Wasatch County for any portion of the Slalom Village Area, but in all cases prior to application for a building permit for any portion of the Slalom Village, Property Owners will deliver to Park City a petition for annexation of the Slalom Village Area to Park City which shall be entitled to expedited

done

review (the Expedited Petition). Any petition for annexation of the Slalom Village Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing shall be four percent (4%) of the total number of units within the Slalom Village Area. At their own discretion, Property Owners' affordable employee housing obligation can be satisfied within any unincorporated area of the Property. The Park City staff and City Council have reviewed Exhibit "F" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the Expedited Petition for annexation, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information requested by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the petition within which to annex the Slalom Village Area. The complete Expedited Petition delivered to Park City as outlined above shall be exclusive to Park City for 120 days, and during such period Property Owners shall not pull building permits or engage in any construction activity except as explicitly described herein. Upon the expiration of the 120 day period, following submission of an Expedited Petition, Property Owners may obtain building permits from Wasatch County for the construction of Slalom Village as a Wasatch County development, but will not object to or interfere with Park City's efforts to annex Slalom Village Area after the lesser of one year or the completion and/or installation of the infrastructure. Park City shall promptly commence and process the annexation review upon complete petition filed by Property Owners.

7. Paragraph 5.2.3.2 is hereby revised to read as follows:

5.2.3.2 Annexation Agreement. If Slalom Village is annexed into Park City, then the following conditions of development shall bind the parties: (a) the density of Slalom Village Area shall not exceed 83 multi-family units (maximum 2,400 sq. ft./unit) with support commercial space up to 5% of the gross square footage and appropriate amenities, five(5) single-family lots, (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure at Slalom Village prior to the issuance of a certificate of occupancy for any portion of the Slalom Village Area, (c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) the Property Owners shall irrevocably grant limited conservation easements to the ski run(s) and remaining areas, as so depicted in Exhibit "N." Property Owners shall offer, but Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier. As more fully described in Section 5.2.2.1 above, Property Owners may transfer up to ten (10) single-family and/or multi-family units from the Slalom Village Area to Telemark Park Village outside the eastern perimeter controlled access gate, in exchange for an increase of up to ten (10) multi-family units being added to the Snow Park Hotel Site, upon Park City's consent. 

8. Paragraph 5.2.3.3 is hereby revised to read as follows:

5.2.3.3 Development Alternatives to Slalom Village. In the event Property Owners elect not to construct the development described in Section 5.2.3 above, then

Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. The twelve (12) lots shall be platted in Wasatch County and may be recorded within the Slalom Village development envelope with limits of disturbance established by Wasatch County and as generally depicted in Exhibit "S." The Park City staff and City Council have reviewed Exhibit "S," and found said exhibit to be generally acceptable as to density, use and configuration. The twelve (12) single-family lots are in addition to the five (5) lots shown on Exhibits "C" and "F". Property Owners shall have the right to develop the 12 single-family lot subdivision as a Wasatch County development. In the event Property Owners elect to develop the twelve (12) single-family lot subdivision, then Property Owners shall realign and construct Keetley Road as depicted on Exhibit "S," wherein Slalom Village becomes a cul-de-sac that is not accessible from the eastern portion of Keetley Road except via St. Louis Drive.

9. Paragraph 5.2.3.7 is hereby revised as follows:

5.2.3.7 **Ski Academy.** The parties understand and agree that the 20,000 square foot Ski Academy, which Deer Crest Associates I, L.C. may construct at Telemark Park Village (now known as Jordanelle Village Resort), shall be used as an academic athletic institution and/or ski training facility whose students/attendees are expected to reside within the Telemark Park Village and/or Amended Telemark Park Resort (now known as Deer Crest). Alternatively, Property Owners may use the 20,000 square foot Ski Academy or other approved structure in a manner that will result in similar impacts to the area within the Property.

10. Paragraph 5.2.3.10 is hereby revised as follows:

5.2.3.10 **Slalom Village Parking.** Property Owners may construct no more parking stalls underneath the Slalom Village multi-family unit structure than are required to service that structure as may be required by the appropriate Wasatch County official(s). The parking structure at Primary Village Structure may be accessible from Park City so long as the connection between the parking levels is designed to Park City's reasonable satisfaction in such a manner that sufficiently discourages the tendency to use the Keetley Road as a means of vehicular travel from U.S. 40 to Park City. It is contemplated that such will be accomplished by the construction of a multi-level structure with vertical separation between the east and west parking entrances, and an internal ramping and gate system.

11. Paragraph 5.2.6 is hereby revised as follows:

5.2.6 **Telemark Park Village.** Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the Telemark Park Village shall contain a density of 188 multi-family units, a 20,000 square foot ski academy and identified commercial space. Property Owners may increase the density of the Telemark Park Village as described in Sections 5.2.2.1 and 5.2.6.2.

12. Paragraph 5.3.1 is hereby revised follows:

5.3.1 **Timing of Annexation of Snowtop/Hidden Hollow Area, Roosevelt Gap Development and Slalom Village.** As more particularly described in Sections

5.2.1.1, 5.2.2.4 and 5.2.3.1, Property Owners contemplate submitting petitions of annexation, as more fully described herein, for the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area and Slalom Village Area to Park City. With respect to the Snowtop Neighborhood and Slalom Village Area, these development areas will be petitioned for annexation either as agreed, or as platted or surveyed (and depicted in Exhibits "D" and "F") in Wasatch County. Park City shall have a specified number of days in which to annex the area(s) submitted on Expedited Petitions. Park City may, but is not required to, allow Property Owners to pursue not more than two (2) Expedited Petitions for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap Development or the Slalom Village Area concurrently, simultaneously, or within the same time period.

13. Paragraph 5.3.1.2 is hereby revised as follows:

5.3.1.2 **Track II for Annexation by Park City.** In the event Property Owners are not prepared to record plats or records of survey and have not secured all necessary utilities for the Snowtop Neighborhood Area or Slalom Village Area in Wasatch County, Property Owners may submit petitions for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area or the Slalom Village Area to Park City sequentially, in any order as determined by Property Owners, with no two petitions being considered by Park City for approval simultaneously without prior approval from Park City. After the passage of the time period in which Park City shall have the exclusive right to review and approve a petition for annexation (120 or 180 days as defined herein), Property Owners may submit for review and consideration a second

petition for annexation of any additional annexation area as contemplated herein. If Property Owners request Park City's assistance in securing utility services and/or other development infrastructure for the Snow Top/Hidden Hollow Area or Slalom Village Area, then the annexation period may be extended for an additional six months at Park City's discretion.

14. Paragraph 5.11.1 is hereby revised as follows:

5.11.1 Right to Construct Roads, Ski Runs, Lift and Related Appurtenances.

The parties acknowledge and agree that certain roads, six (6) ski runs, one (1) ski access trail, one (1) ski lift and certain lift and related appurtenances within the areas contemplated for annexation herein are necessary for the development of areas not contemplated for annexation. In the event Property Owners proceed to develop non-annexation areas prior to Property Owners' petition for annexation, Park City agrees not to interfere with the construction of improvements identified below pursuant to Wasatch County approvals and building permits. Such construction shall not alter the Property Owners' obligations, as set forth and contemplated herein, to offer the first annexation of those areas prior to February 2, 1998 (and the last offer no later than October 31, 1998) and to not construct any further infrastructure or improvements within the proposed annexation areas prior to the determination of annexation, as provided in this Settlement Agreement. The roads, utilities, ski runs, ski lifts and related appurtenances which may be constructed prior to any petition for annexation, or any plat or record of survey approved within the annexation areas are depicted on the attached Exhibits "Z-1" and "Z-

2" and are more particularly described in Paragraph 5.11.1.1, 5.11.1.2 and 5.11.1.3, below:

5.11.1.1 **Ski Lift, Ski Runs and Related Improvements.** Deer Crest Associates I, L.C. intends to add ski terrain to Deer Valley Resort for the 1997-98 ski season. To complete the work Deer Crest Associates I, L.C. will commence work in early Spring 1997 before completing any annexation process. Accordingly, Deer Crest Associates I, L.C. may proceed to complete construction of six (6) ski runs and one (1) ski access trail, including grading and widening, plus any utilities and facilities (i.e., Deer Crest Chairlift) located in the areas shown on Exhibits "Z-1" and "Z-2." The acreage of said runs will be approximately 34 acres. Also, Homerun ski trail (portions of which were constructed Summer '96) may be widened and/or constructed consistent with Paragraph 5.11.1.3 below and Exhibit Z-2. The first step will be a "line of sight" survey for the Deer Crest Chair Lift. Construction will include related improvements such as snowmaking/irrigation/fire protection lines (one common "green line") and equipment, electric power to operate the lifts, transformer housings, telephone lines, an inconspicuously placed maintenance/storage building not exceeding 500 square feet, drainage and water quality control devices, etc., as well as a 250 square foot temporary office at the base of the lift for the use by the operator of the ski facilities (not to be used for real estate sales or promotion). Deer Crest Associates I, L.C. may also construct water and sewer lines along the side of the Kid's Delight run adjacent to Lots 1 through 5, water

lines along the side of the Weasel Run to Roosevelt Gap, and the sewer line along the Deer Hollow Run from Roosevelt Gap to Deer Hollow Road.

5.11.1.2 **Other Open Space Improvements.** Deer Crest Associates I, L.C. will construct or restore in the open space and annexation areas contemporaneously with the construction identified in subparagraph 5.11.1.1 above, biking and hiking trails as shown on Exhibit "Z-2," (i.e., restoration and/or construction of super spin and spin cycle).

5.11.1.3 **Roads Serving Non-Annexation Areas.** Deer Crest Associates I, L.C. may proceed with construction of Deer Hollow Road (formerly known as Keetley Road), Summit Drive (formerly known as Little Baldy Road) and Deer Crest Estates Drive (formerly known as St. Louis Drive) all of which access a non-annexation area. Also, Home Run will serve as the temporary secondary access to such areas and may have to be widened in places. Road construction will also include the permanent west gates and gate house as well as utilities (sanitary sewer, water, irrigation, storm water, power, telephone, gas, and cable tv) in the roadway corridors, and improvements associated with the roadways such as retaining walls, guardrails, lighting, signs, and certain utilities that must be placed in the roadway or adjacent open space areas.

5.11.1.4 **Mini-Review Process.** Deer Crest Associates I, L.C. will provide Park City with plans and applications relating to the construction activities provided under this Section 5.11.1, twenty-one (21) days in advance of filing the same with

Wasatch County for Park City's substantive review and comment for conformance with the Settlement Agreement, as amended.

5.11.1.5 **Review Fees.** Upon submitting any application under 5.11.1.4 Property Owner shall pay all Park City Community Development permit review fees associated with permitted construction activity within the annexation areas.

15. Add new paragraph 5.13 to define terms of timing annexation applications as follows:

5.13 **Timing of Annexation Applications.** Pursuant to subparagraphs 5.2.1.1, 5.2.2.4 - 5.2.2.6, 5.2.3.1 Deer Crest Associates I, L.C. is obligated to submit complete applications for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap Development Area, and Slalom Village Area. Property Owners may submit an application for annexation to Park City of one or all of these areas at anytime, but shall submit the first application for annexation to Park City of these areas no later than February 2, 1998 and the last application for annexation to Park City of these areas no later than October 31, 1998.

16. Paragraph 7.4 is hereby revised to read as follows:

7.4 **Notice.** Except where a longer period is provided in Section 5.11.1 above, Deer Crest Associates I, L.C. will provide Park City with copies of plan packages and other processing documents (i.e. building permit applications) to be filed by

Deer Crest Associates I, L.C. in Wasatch County ten (10) days in advance of filing with the County. Upon receipt, Deer Crest Associates I, L.C. will promptly provide Park City with copies of any written communications from Wasatch County in response to such submittals. Deer Crest Associates I, L.C. will attempt to accommodate Park City's comments under Paragraph 5.11.1.4 and this Paragraph 7.4 in the spirit of good faith and cooperation before any submittal is made to Wasatch County. To the extent notice is required by this Agreement, such notice shall be given in writing and personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the parties at the following addresses:

Deer Crest Associates I, L.C.:

c/o LCC Properties Group, L.C.
David M. Luber
Managing Member
136 Heber Ave. Suite 308
P.O. Box 8888
Park City, Utah 840060

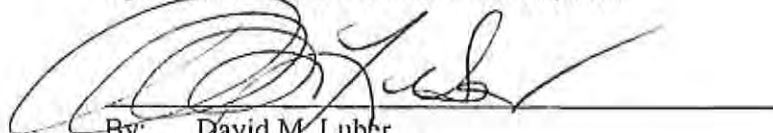
Park City Municipal Corporation

Toby Ross
City Manager
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

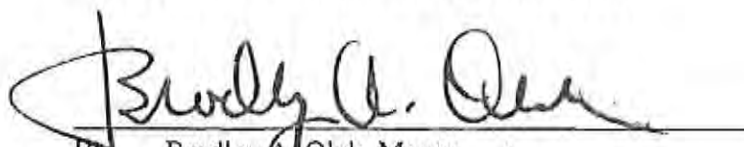
Executed this 8 day of April, 1997.

DEER CREST ASSOCIATES I, L.C.

By: LCC PROPERTIES GROUP, L.C.


By: David M. Luber
Managing Member

PARK CITY MUNICIPAL CORPORATION


By: Bradley A. Olch, Mayor

ATTEST:


Jan Scott, City Recorder



APPROVED AS TO FORM:

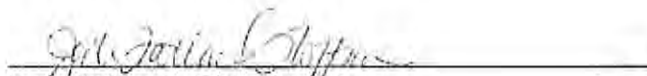

Jodi Hoffman, City Attorney

EXHIBIT "B"

DEVELOPMENT PLAN

SECOND AMENDMENT TO THE TELEMARK PARK SETTLEMENT AGREEMENT

This Second Amendment to the Telemark Park Settlement Agreement (this "Second Amendment") is entered into this 6th day of April, 2001 by and between Hidden Hollow Associates, LLC, a Utah limited liability company ("Hidden Hollow"), Deer Crest Associates I, L.C., a Utah liability company ("Deer Crest") and Park City Municipal Corporation, a political subdivision of the State of Utah ("Park City").

Recitals

A. Pursuant to a Settlement Agreement between Park City Consolidated Mines Company, Inc., a Utah corporation ("Consolidated Mines"), Trans-Wasatch Company, L.L.C., a Utah limited liability company ("Trans-Wasatch"), and Park City dated December 29, 1995 (the "Settlement Agreement"), the parties thereto made reciprocal promises affecting, among other parcels, the parcel of land described in Exhibit "A" (the "Hidden Hollow Property").

B. The parties to the Settlement Agreement agreed that four (4) single family Estate lots would be permitted on the Hidden Hollow Property, with building envelopes, configurations, and other features further specified within the Settlement Agreement and its Exhibits.

C. Pursuant to a First Amendment to the Settlement Agreement between Deer Crest, the successor in interest to Consolidated Mines and Trans-Wasatch with respect to a portion of the subject property, and Park City dated April 8, 1997 (the "First Amendment"), the parties thereto made certain revisions of and clarifications to the Settlement Agreement.



D. Deer Crest and Park City approved additional revisions of and clarifications to the Settlement Agreement in December of 1998, but never recorded said amendments in written form. The parties now wish to include those revisions in this Second Amendment (Paragraph 5, below).

E. Hidden Hollow owns the Hidden Hollow Property and is the successor in interest to all of the rights and obligations in the Hidden Hollow Property which resulted from the Settlement Agreement and the First Amendment.

F. Upon Hidden Hollow's application to Park City to subdivide the property, Hidden Hollow expressed its willingness to redesign the subdivision based upon input from the Park City Community Development staff and the Park City Planning Commission. Several of the more visible building envelopes were eliminated, thereby decreasing opportunities for building sites. In exchange for this concession, Park City agreed to allow five (5) single family Estate lots on the Hidden Hollow Property with the building envelopes, configurations, and other features further specified in this Second Amendment.

G. The parties to this Second Amendment wish to amend the Settlement Agreement and the First Amendment to reflect Park City's decision to allow five (5) single family Estate lots on the Hidden Hollow Property with the building envelopes, configurations, and other features further specified in this Second Amendment. Park City wishes to do so without decreasing the total number of lots permitted to the owners of other real property parcels which were subject to the Settlement Agreement.

Agreement

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties to this Second Amendment, intending to be legally bound, hereby agree as follows:

1. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to four (4) single family Estate lots on the Hidden Hollow Property, and references to five (5) single family Estate lots on the Hidden Hollow Property are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraphs 5.2 to 5.2.1.5, inclusive; Exhibit B, "Develop. Density Table"	Paragraphs 2 and 3

2. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to one hundred fifty (150) total single family units lying West of the East Perimeter Gate, and references to one hundred fifty-one (151) total single family units lying West of the East Perimeter Gate are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraph 5.2(e)	Paragraph 2

3. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to five hundred forty-five (545) units, and references to five hundred forty-six (546) units are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraph 5.2	Paragraph 2

Any other references in the Settlement Agreement and First Amendment to unit numbers which should be increased by virtue of the increase in total single family units from one hundred fifty (150) to one hundred fifty-one (151) shall be deemed so increased.

4. The map attached hereto as Exhibit "B" supersedes any inconsistent exhibits contained in the Settlement Agreement and First Amendment for the Hidden Hollow and Snow Top property, including, but not limited to, Settlement Agreement Exhibits "B", "D", "N" and "U" and First Amendment Exhibits "B", "D", "N" and "U". Accordingly, for purposes of the Settlement Agreement, as amended, and development of the Hidden Hollow and Snow Top properties, Exhibit "B" controls over other plats and maps.

5. Paragraph 5.2.2.5 of the Settlement Agreement is hereby deleted, and replaced by the following amended Paragraph 5.2.2.5, approved by the City Council of Park City in December of 1998:

5.2.2.5 Annexation Agreement for Alternative A for the Roosevelt Gap/Snow Park Hotel Area. If the Roosevelt Gap/Snow Park Development Area is annexed into Park City under Alternative A, then the following conditions of development shall bind the parties: (a) the density of the Roosevelt Gap Lodge shall not exceed 105 Park City Unit equivalents; (b) the funicular tramway shall be installed at the earliest opportunity; (c) Property Owners shall make offers of dedication of conservation easements, and shall designate development envelopes, all as depicted in Exhibit "N" attached hereto; (d) the remainder of the Roosevelt Gap/Snow Park Development Area shall be dedicated open space to Park City as depicted in Exhibit "N" attached hereto; and (e) there shall be no overnight parking at Roosevelt Gap Lodge unless the Planning Commission approves overnight parking at Roosevelt Gap Lodge in conjunction with a Master Planned Development of a luxury resort hotel, upon Property Owner's demonstration that the remainder of the Project has been modified to result in no net increase of traffic on the Keetley Road as a consequence of the provision of overnight parking at Roosevelt Gap. The Planning Commission may approve up to 105 overnight parking spaces at Roosevelt Gap without further Council action.

6. Any references within the Settlement Agreement or the First Amendment which are inconsistent with the intent of the parties to this Second Amendment, as set forth in paragraph "G" in the "Recitals" section and paragraphs 1, 2, and 3, above of this Second Amendment, are hereby reformed and shall be construed to be consistent with this Second Amendment.

IN WITNESS WHEREOF, the parties have executed this Second Amendment as of the date first written above.

APPROVED AS TO FORM:

PARK CITY MUNICIPAL CORPORATION

Mark Harrington
Mark Harrington, City Attorney

Bradley A. Olch
By: Bradley A. Olch, Mayor

ATTEST:

Jan Scott
Jan Scott, City Recorder



HIDDEN HOLLOW ASSOCIATES, LLC

By: Skyline Land Company, Inc.

Its: Manager

Harry F. Reed
By: Harry F. Reed

Its: President

DEER CREST ASSOCIATES I, L.C.

By: Grand Harvest Venture, LLC

Its: Manager

Angela C. Sabella
By: Angela C. Sabella

Its: Manager

**EXHIBIT "A" To Second Amendment to
Telemark Park Settlement Agreement**

Beginning at a point on the Summit-Wasatch County line, said point being South 0°30'11" West 529.16 feet along the section line and East 5719.73 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 4°33'29" East 142.89 feet; thence North 12°19'16" East 761.76 feet; thence North 0°40'51" West 620.11 feet more or less; thence along the South line of the Republican Mining Claim (MS 4980) South 68°19'00" East 310.72 feet more or less; thence along the East line of the Republican Mining Claim North 31°00'00" East 1281.41 feet more or less; thence along the North line of the Queen Esther No. 5 Mining Claim (MS 6979) South 66°45'00" East 1350.12 feet more or less; thence along the East line of the Queen Esther No. 4 and the Queen Esther No. 5 Mining Claims South 18°45'00" West 1174.00 feet more or less; thence along the North line of the Queen Esther No. 3 Mining Claim South 66°45'00" East 251.90 feet more or less; thence along the East line of the Queen Esther No. 3 Mining Claim South 18°31'58" West 799.74 feet; thence along the Summit-Wasatch County line the following 4 courses: 1) North 43°00'37" West 488.15 feet; thence 2) North 85°09'01" West 382.13 feet; thence 3) South 73°11'51" West 485.08 feet; thence 4) South 73°02'55" West 812.81 feet to the point of beginning.

TOGETHER WITH all rights-of-way and easements appurtenant to such real property set forth in the Declaration of Easements, Covenants and Restrictions, recorded July 1, 1996 as Entry No. 457356 in Book 975 at Page 335 of the official records of the Summit County Recorder.

TOGETHER WITH Water Right No. 35-8833, Certificate No. 3006, as such right is more particularly defined in the records of the Utah Division of Water Rights.

WHEN RECORDED, PLEASE RETURN TO:

Park City Recorder
PO Box 1480
Park City, UT 84060

THIRD AMENDMENT TO SETTLEMENT AGREEMENT

This THIRD AMENDMENT TO SETTLEMENT AGREEMENT ("Amendment") is made and executed as of November 10, 2017 by and among DEER CREST ASSOCIATES I, L.C., a Utah limited liability company ("DCA"), DEER CREST MASTER ASSOCIATION, INC., a Utah non-profit corporation ("DCMA"), and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah ("City").

RECITALS

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

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

C. The Settlement Agreement contemplated that Keetley Road within the Project (now known and referred to herein as "Deer Hollow Drive"), the location of which is described on attached Exhibit "A" which is attached hereto and incorporated herein by this reference, would be disconnected and that physical improvements would be placed on the historic location of such road in order to prevent through traffic use of Deer Hollow Drive.

D. In furtherance of a common plan of development for the Project, DCA adopted the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Deer Crest dated October 31, 1997, as amended (the "Master Declaration"), which sets forth master covenants, conditions and restrictions affecting the Project. Pursuant to the Master Declaration, DCA also created DCMA for the purposes set forth in the Master Declaration including, without limitation, for the purposes of owning, maintaining, and administering the common elements in the Project.

E. DCA has conveyed to DCMA all of the roads, open space parcels and other common elements in the Project, including Deer Hollow Drive.

F. The parties believe that it is in the best interest of the Project and the City that Deer Hollow Drive be preserved as a means of access through the Project, including access by emergency vehicles.

G. The parties desire to modify the Settlement Agreement to suspend the requirement to create a physical disconnect on Deer Hollow Drive in order to prevent through traffic over Deer Hollow Drive, and to remove any requirement that structures be built in the historic location of such road.

H. DCA, DCMA and the City desire to amend the Settlement Agreement as set forth herein.

AGREEMENT

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

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

2. References to Keetley Road. All references in the Settlement Agreement to Keetley Road shall mean and refer to Deer Hollow Drive.

3. Continued Existence of Deer Hollow Drive. The requirement for a permanent physical disconnect of Deer Hollow Drive, at the Slalom Village location, is hereby suspended. Subject to the terms and conditions of this Amendment, Deer Hollow Drive shall remain a main road within the Project, and shall not be disconnected, either temporarily or permanently, except as provided herein.

4. Right to Relocate Deer Hollow Drive. DCA, its successors and assigns, shall have the right to relocate portions of Deer Hollow Drive, at its sole cost and expense, to accommodate the eventual development of Slalom Village and other properties within the Project.

5. Use of Deer Hollow Drive. Official vehicles of emergency service providers (police, fire and emergency medical) shall always be allowed to use Deer Hollow Drive to provide emergency services to properties, residents, guests and others within the Project. Otherwise, Deer Hollow Drive shall be for the exclusive use by the owners, guests, and invitees within the Project; provided, however, that Deer Hollow Drive may be used by members of the general public in the event of (i) an evacuation necessary to protect human life, (ii) a natural disaster, or (iii) a major public safety event, in each case as determined by the Park City Fire Marshall, Park City Police Chief, Wasatch County Fire Chief or other public safety officer of similar rank in Park City or Wasatch County. Without broadening the uses provided for in the immediately preceding sentence, the parties acknowledge and agree that traffic congestion or

delays caused by weather, public or private events and gatherings, and other non-life endangering causes shall not be considered events of sufficient health and safety risk to justify or allow access to public traffic over Deer Hollow Drive.

6. Maintenance of Access Gates. The access gates on the east and west sides of the Project shall continue to be maintained and operated in accordance with the Settlement Agreement to prevent general public access through the Project between Highway 40 and Park City. DCMA shall maintain and operate the access gates, or shall cause the access gates to be maintained and operated, in accordance with the Settlement Agreement so as to prevent general public access through the Project between Highway 40 and Park City.

7. Failure to Maintain Access Gates. In the event that the City finds that the access gates on the east and west sides of the Project are not being maintained or operated in such manner so as to prevent general public access through the Project between Highway 40 and Park City, the City shall notify DCA and DCMA, in writing, of any such objectionable circumstance (each such circumstance, a "Gate Defect"), whereupon DCMA shall have sixty (60) calendar days to respond to each such notice and remedy the Gate Defect. In the event that a Gate Defect cannot reasonably be remedied within sixty (60) calendar days, DCMA will have such additional time as reasonably necessary to remedy the Gate Defect if it notifies the City of the manner in which the Gate Defect will be cured, and if appropriate corrective action is instituted within the initial sixty (60) calendar day period and is diligently pursued after the corrective action begins. In the event that the City continues to dispute the sufficiency of the maintenance and operation of the access gates after DCMA has taken the action it believes to be adequate to correct a Gate Defect, and the City and DCMA are unable to reach an agreement as to the appropriate action to be taken, such dispute shall be submitted for resolution in the Third Judicial District Court for State of Utah.

8. Reinstatement of Disconnect Requirement. In the event the failure to fully remedy a Gate Defect or other violation of the Settlement Agreement regulating access over Deer Hollow Drive and a court of competent jurisdiction determines that there has been an uncured default under the Settlement Agreement, the City may reinstate the Deer Hollow Drive disconnect requirement, and cause DCMA to construct, at its sole cost and expense, permanent gates, landscaping, boulders or other means to permanently disconnect Deer Hollow Drive and to render it unusable for travel between the east and west boundaries of the Project. The method and placement of the Deer Hollow Drive disconnect shall be determined by DCA and DCMA, but shall not impede the development of Slalom Village, and there shall be no requirement that the Primary Village Structure developed as part of Slalom Village be built to physically disconnect Deer Hollow Drive. In the event that the suspension of the disconnect requirement is terminated and the disconnect requirement is reinstated at some time in the future, a gated emergency bypass road that allows the passage of emergency and snow removal vehicles, as well as pedestrian and bicycle use, shall be constructed at the same time as the disconnect to create an emergency bypass around the constructed disconnect.

9. General Amendment of Settlement Agreement. Notwithstanding any specific reference, or lack thereof, in this Amendment, the Settlement Agreement is hereby amended to reflect the foregoing intent and agreement of the parties. Any provision of the Settlement

Agreement inconsistent with this Amendment is hereby terminated or amended to be consistent with this Amendment.

10. Specific Amendments. Without limiting the generality of the foregoing provisions, and subject to the conditions set forth above, the Settlement Agreement is hereby amended as follows:

10.1. Section 5.2.3.2 of the Settlement Agreement is hereby amended as follows:

5.2.3.2 Annexation Agreement. If Slalom Village is annexed into Park City, then the following conditions of development shall bind the parties: (a) the density of Slalom Village Area shall not exceed 83 multi-family units (maximum 2,400 sq. ft./unit) with support commercial space up to 5% of the gross square footage and appropriate amenities, four (4) single-family lots, and a 20,000 square foot ski academy, (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure at Slalom Village prior to the issuance of a certificate of occupancy for any portion of the Slalom Village Area, ~~(c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) and (c)~~ (c) the Property Owners shall irrevocably grant limited conservation easements to the ski run(s) and remaining areas, as so depicted in Exhibit "N." Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier. As more fully described in Section 5.2.2.1 above, Property Owners may transfer up to ten (10) single-family and/or multi-family units from the Slalom Village Area to Telemark Park Village outside the eastern perimeter controlled access gate, in exchange for an increase of up to ten (10) multi-family units being added to the Snow Park Hotel Site, upon Park City's consent. The final sentence of Section 5.2.3.3 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect.

10.2. Section 5.2.3.3 of the Settlement Agreement is hereby amended as follows:

5.2.3.3 Development Alternative to Slalom Village. In the event Property Owners elect not to construct the development described in Section 5.2.3 above, then Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. The twelve (12) lots shall be platted in Wasatch County and may be recorded within the Slalom Village development envelope with limits of

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

10.3. Section 5.2.3.4 of the Settlement Agreement is hereby deleted in its entirety as follows:

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

10.4. Section 5.2.3.8 of the Settlement Agreement is hereby amended as follows:

5.2.3.8 Vehicular Access to Slalom Village. Access to Slalom Village area shall be via Keetley Road from the western and eastern perimeter controlled access gates, except as limited by Section 5.2.3.4 above. ~~However, parking and internal circulation within Slalom Village shall discourage the use of Keetley Road as a means of vehicular travel from U.S. Highway 40 to Park City. An emergency/utility road, as described in paragraph 5.3.7.3~~

~~below, shall bypass Slalom Village connecting the easterly and westerly sections of the disconnected Keetley Road, and shall be crash gated to prevent vehicular through traffic by the general public, except as limited by Section 5.2.3.4 above.~~

10.5. Section 5.2.3.10 of the Settlement Agreement is hereby amended as follows:

5.2.3.10 Slalom Village Parking. Property Owners may construct no more parking stalls underneath the Slalom Village multi-family unit structure than are required to service that structure as may be required by the appropriate Wasatch County official(s). ~~The parking structure at Primary Village Structure may be accessible from Park City so long as the connection between the parking levels is designed to Park City's reasonable satisfaction in such a manner that sufficiently discourages the tendency to use the Keetley Road as a means of vehicular travel from U.S. 40 to Park City. It is contemplated that such will be accomplished by the construction of a multi-level structure with vertical separation between the east and west parking entrances, and an internal ramping and gate system.~~ No more than 25 vehicular parking spaces shall be constructed at the Ski Academy. Shuttle service to and from the Ski Academy and/or Slalom Village Area shall be provided by all reasonable means in order to discourage the use of individual vehicular forms of transportation.

10.6. Section 5.3.7 of the Settlement Agreement is hereby deleted in its entirety as follows:

~~5.3.7 Construction and Conveyance of Slalom Village Emergency Utility Road. Prior to completion of the foundation for the primary Slalom Village multi-family structure, the Property Owners shall construct (at their cost and expense) and convey to Park City, in fee simple, title in the Slalom Village Emergency Utility Road designated on the Development Plan as running in a northwest/southeast direction just northeast of the Slalom Village Area. Said deed shall take the form of Exhibit "X."~~

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

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

[Signatures on Following Page]

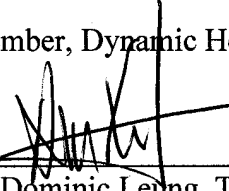
IN WITNESS WHEREOF, this THIRD AMENDMENT TO SETTLEMENT AGREEMENT is entered into as of the date first set forth above.

DCA:

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

By: Grand Harvest Ventures, LLC, its Managing
Member

By: Its Member, Dynamic Holdings Corporation

By: 
Dominic Leung, Treasurer

STATE OF TEXAS)
COUNTY OF HARRIS)
:ss

The foregoing instrument was acknowledged before me this 18th day of OCT, 2017 by Dominic Leung, Treasurer of Dynamic Holdings Corporation, the Member of Grand Harvest Ventures, LLC, the Managing Member of Deer Crest Associates I, L.C.




Notary Public
Residing at: Houston TX
My Commission Expires: 1-29-18

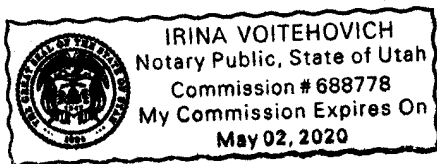
DCMA:

DEER CREST MASTER ASSOCIATION, INC.,
a Utah non-profit corporation

By: [Signature]
Name: W. James Tozer, Jr.
Its: PRESIDENT

STATE OF Utah)
COUNTY OF Salt Lake) :SS

The foregoing instrument was acknowledged before me this 25 day of October, 2017 by W. James Tozer, Jr., the President of Deer Crest Master Association, Inc., a Utah non-profit corporation



[Signature]
Notary Public
Residing at: SLC, UT
My Commission Expires: May 02, 2020

CITY:

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

By: [Signature]
Name: Jack Thomas
Its: Mayor

ATTEST:

[Signature]
City Recorder, deputy

APPROVED AS TO FORM:

[Signature]
City Attorney



EXHIBIT A

Legal Description of Deer Hollow Road

Commencing at the southwest corner of Section 14, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence South $89^{\circ}19'56''$ East 2955.35 feet coincident with the south line of said Section 14; Thence North $00^{\circ}40'04''$ East 671.43 feet to the northwest corner of Deer Hollow Road as platted by the Amended Plat Deer Crest Estates Subdivision Phase II, recorded as Entry 220132, in Book 446, at Pages 138-217 of the Wasatch County Records ("DCE Phase II Plat") and a point on the arc of a 1029.16 foot radius curve and the TRUE POINT OF BEGINNING; Thence Northwesterly 5.12 feet along the arc of said 1029.16 foot radius curve to the right (center bears North $18^{\circ}03'11''$ East) through a central angle of $00^{\circ}17'06''$ to a point of tangency; Thence North $71^{\circ}39'43''$ West 279.65 feet to a point of curvature; Thence westerly 181.25 feet along the arc of a 1025.00 foot radius curve to the right (center bears North $18^{\circ}20'17''$ East) through a central angle of $10^{\circ}07'54''$ to a point on the southerly boundary of the "Weilenmann, Etal" parcel; Thence continuing westerly 7.54 feet along the arc of said 1025.00 foot radius curve to the right (center bears North $28^{\circ}28'11''$ East) through a central angle of $00^{\circ}25'18''$ to a point of tangency; Thence North $61^{\circ}06'31''$ West 389.74 feet to a point of curvature; Thence westerly 117.11 feet along the arc of a 975.00 foot radius curve to the left (center bears South $28^{\circ}53'29''$ West) through a central angle of $06^{\circ}52'54''$ to a point of tangency; Thence North $67^{\circ}59'26''$ West 41.19 feet to a point on the westerly boundary of said Weilenmann parcel; Thence continuing North $67^{\circ}59'26''$ West 118.21 feet to a point of curvature; Thence westerly 86.38 feet along the arc of a 525.00 foot radius curve to the right (center bears North $22^{\circ}00'34''$ East) through a central angle of $09^{\circ}25'38''$ to a point of tangency; Thence North $58^{\circ}33'48''$ West 230.24 feet to a point of curvature; Thence westerly 39.75 feet along the arc of a 125.00 foot radius curve to the left (center bears South $31^{\circ}26'11''$ West) through a central angle of $18^{\circ}13'09''$ to a point of tangency; Thence North $76^{\circ}46'58''$ West 48.93 feet to a point of curvature; Thence westerly 120.22 feet along the arc of a 425.00 foot radius curve to the right (center bears North $13^{\circ}13'02''$ East) through a central angle of $16^{\circ}12'25''$ to a point of tangency; Thence North $60^{\circ}34'33''$ West 63.18 feet to a point of curvature; Thence westerly 132.42 feet along the arc of a 175.00 foot radius curve to the left (center bears South $29^{\circ}25'27''$ West) through a central angle of $43^{\circ}21'22''$ to a point of tangency; Thence South $76^{\circ}04'05''$ West 161.41 feet to a point of curvature; Thence westerly 58.37 feet along the arc of a 240.50 foot radius curve to the right (center bears North $13^{\circ}55'55''$ West) through a central angle of $13^{\circ}54'23''$ to a point of tangency; Thence South $89^{\circ}58'28''$ West 241.73 feet to a point of curvature; Thence westerly 107.76 feet along the arc of a 385.00 foot radius curve to the right (center bears North $00^{\circ}01'32''$ West) through a central angle of $16^{\circ}20'11''$ to a point of tangency; Thence North $73^{\circ}59'21''$ West 99.31 feet to a point of curvature; Thence westerly 131.04 feet along the arc of a 355.00 foot radius curve to the left (center bears South $16^{\circ}00'39''$ West) through a central angle of $21^{\circ}08'56''$ to a point of tangency; Thence South $84^{\circ}51'43''$ West 63.55 feet to a point on the easterly boundary of the Deer Hollow Village Subdivision, recorded as Entry 209722, in Book 408, at Pages 256-275 of the Wasatch County Records ("DHV Plat"); Thence

North 08°00'00" West 50.06 feet coincident with said easterly subdivision line;
 Thence North 84°51'43" East 66.05 feet to a point of curvature; Thence easterly 149.49 feet along the arc of a 405.00 foot radius curve to the right (center bears South 05°08'17" East) through a central angle of 21°08'56" to a point of tangency; Thence South 73°59'21" East 99.31 feet to a point of curvature; Thence easterly 93.76 feet along the arc of a 335.00 foot radius curve to the left (center bears North 16°00'39" East) through a central angle of 16°02'11" to a point of tangency; Thence North 89°58'28" East 241.73 feet to a point of curvature; Thence easterly 46.24 feet along the arc of a 190.50 foot radius curve to the left (center bears North 00°01'32" West) through a central angle of 13°54'23" to a point of tangency; Thence North 76°04'05" East 161.41 feet to a point of curvature; Thence southeasterly 170.26 feet along the arc of a 225.00 foot radius curve to the right (center bears South 13°55'55" East) through a central angle of 43°21'22" to a point of tangency; Thence South 60°34'33" East 63.18 feet to a point of curvature; Thence easterly 106.07 feet along the arc of a 375.00 foot radius curve to the left (center bears North 29°25'27" East) through a central angle of 16°12'25" to a point of tangency; Thence South 76°46'58" East 48.93 feet to a point of curvature; Thence southeasterly 55.65 feet along the arc of a 175.00 foot radius curve to the right (center bears South 13°13'02" West) through a central angle of 18°13'09" to a point of tangency; Thence South 58°33'48" East 230.24 feet to a point of curvature; Thence southeasterly 78.15 feet along the arc of a 475.00 foot radius curve to the left (center bears North 31°26'12" East) through a central angle of 09°25'38" to a point of tangency; Thence South 67°59'26" East 92.24 feet to a point on the westerly line of said Weilenmann parcel; Thence continuing South 67°59'26" East 67.15 feet to a point of curvature; Thence southeasterly 123.11 feet along the arc of a 1025.00 foot radius curve to the right (center bears South 22°00'35" West) through a central angle of 06°52'54" to a point of tangency; Thence South 61°06'32" East 389.74 feet to a point of curvature; Thence southeasterly 111.43 feet along the arc of a 975.00 foot radius curve to the left (center bears North 28°53'29" East) through a central angle of 06°32'54" to the common boundary line of said Weilenmann parcel and the Deer Pointe, L.L.C. parcel a.k.a. "Land Der Berg parcel"; Thence continuing southeasterly 68.15 feet along the arc of a 975.00 foot radius curve to the left (center bears North 22°20'34" East) through a central angle of 04°00'17" to a point of tangency; Thence South 71°39'43" East 151.75 feet to the easterly boundary of said Deer Pointe L.L.C. parcel; Thence continuing South 71°39'43" East 127.91 feet to a point on the westerly boundary of Amended Plat, Deer Crest Estates Phase II, recorded as Entry 220132, in Book 446, at Pages 138-217 of the Wasatch County Records; Thence South 12°29'17" West 50.25 feet coincident with said westerly subdivision boundary to the point of beginning.

TOGETHER WITH: those portions of Deer Hollow Drive, also sometimes referred to as "Deer Hollow Road", as shown on the DCE Phase II Plat, the DHV Plat, and the Deer Crest Village 2 subdivision plat, recorded as Entry No. 248308, in Book 575, at Page 410 of the Wasatch County Records.



March 12, 2020

Michael Zaccaro
500 Mamaroneck Ave, Suite 406
Harrison, NY 10528

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-19-04255
<u>Subject</u>	St. Regis Amenity Club Expansion
<u>Address</u>	2300 Deer Valley Drive East
<u>Description</u>	Conditional Use Permit
<u>Action Taken</u>	Approved
<u>Date of Action</u>	March 11, 2020

On March 11, 2020, the Planning Commission called a meeting to order, a quorum was established, a public hearing was held, and the Planning Commission Approved your application based on the following:

Findings of Fact

1. On February 23, 2011, the Planning Commission approved a Conditional Use Permit for an Amenity Club at the St. Regis with a membership cap of 195 Members.
2. The Deer Crest Club operates within the St. Regis Hotel, including the restaurant, bar, spa, ski lockers, fitness center, and pool. A total of 290 memberships are now requested (an increase of 95 memberships over the existing 190 cap). Membership is expected to include owners of units at the St. Regis Resort, homeowners in the Deer Crest residential area, and others from the community.
3. This application is reviewed under Section 15-1-10 (E) of the Land Management Code.
4. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
5. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
6. The property is located within the Residential Development (RC) and Recreation Commercial (RC) MPD zoning district and is subject to the Deer Crest Settlement Agreement and the Deer Crest Hotel CUP.
7. Amenity Clubs require a Conditional Use Permit in the RD and RC zone.

8. No physical changes are proposed to the existing restaurant, bar, spa, fitness center or pool to increase the posted capacity limits. No exterior changes are proposed to the buildings or site.
9. The applicant provided a parking analysis (Exhibits B and D) demonstrating that there is adequate parking available for the requirements of the expanded Club activities and membership. During the busiest weeks (Christmas) when the hotel was at its maximum occupancy the parking use was at 62% of capacity.
10. The approved Hotel CUP for the St. Regis Resort allows for a total of 146 parking spaces at Roosevelt Gap (105 spaces for overnight use and 41 day use spaces) and 65 valet parking spaces at Snow Park with access to Roosevelt Gap via the funicular. There are 173 parking spaces at the Jordanelle lot serviced by the employee and guest shuttle.
11. The St. Regis Resort utilizes a guest shuttle service. The shuttle service is available for Amenity Club members for transportation to and from the St. Regis.
12. The Amenity Club will be operated and managed in accordance with provisions of the Membership Agreement. Access to the Amenity Club uses shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. Restrictions on access to the Hotel and parking requirements that are consistent with the conditions of approval of the Hotel CUP will be spelled out in the Membership Agreement.
13. One or two additional employees are anticipated for the expanded Club membership.
14. There are no unmitigated impacts to LMC 15-1-10(E)(1) size and location of the site.
15. There are no unmitigated impacts to LMC 15-1-10(E)(2). It is anticipated that the proposed expansion in membership will generate approximately 24 new trips on the busiest day of the year and that outside of the busiest week the these numbers reduce significantly. Additionally, the Hotel operates a shuttle service that is available to Club members for transportation to and from the St. Regis.
16. There are no unmitigated impacts to 15-1-10(E)(3) as no additional utility capacity requirements are created with the expanded membership.
17. There are no unmitigated impacts to LMC 15-1-10(E)(4) increased membership will not change emergency vehicle access.
18. There are no unmitigated impacts to LMC 15-1-10(E)(5). The applicant provided a parking analysis (Exhibits B and D) demonstrating that there is adequate parking available for the requirements of the expanded Club membership. During the busiest weeks (Christmas) when the hotel was at its maximum occupancy the parking use was at 62% of capacity.
19. There are no unmitigated impacts to MC 15-1-10(E)(6) internal vehicular and pedestrian circulation system.
20. There are no unmitigated impacts to LMC 15-1-10(E)(7), fencing, screening and landscaping as a result of the expanded membership.
21. There are no unmitigated impacts to LMC 15-1-10(E)(8). The expansion in membership will not change the Buildings in any way.
22. There are no unmitigated impacts to LMC 15-1-10(E)(9). There are no changes

- to usable Open Space.
23. There are no unmitigated impacts to LMC 15-1-10(E)(10), as no additional signs or lighting are proposed with this application.
 24. There are no unmitigated impacts to LMC 15-1-10(E)(11) as there are no changes to the physical design of the Buildings.
 25. There are no unmitigated impacts to LMC 15-1-10(E)(12), noise, vibration, odors, steam or other mechanical factors that might affect people and Property off-site.
 26. There are no unmitigated impacts to LMC 15-1-10(E)(13), control of delivery and service vehicles as a result of expanded membership.
 27. There are no unmitigated impacts to LMC 15-1-10(E)(14), ownership and management of the project as a result of expanded membership.
 28. There are no unmitigated impacts to LMC 15-1-10(E)(15), Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, and Steep Slopes as a result of expanded membership.
 29. This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. Lower Deer Valley is a resort neighborhood with a mix of resort-oriented housing and visitor amenities. Deer Valley prides itself on offering an exceptional skier experience and this mentality of providing exceptional quality is shared by the surrounding residential community. Expanding Club membership opportunities is consistent with the goals and objectives of the Park City General Plan for this neighborhood as long as parking and additional vehicle trips are sufficiently mitigated. The applicant has stated that since operating a Club with 195 members they believe they can afford to increase their membership cap without affecting the quality of either Hotel or Club services, including parking. One or two additional employees are anticipated to serve the expanded Club Membership. The previous parking demand Study determined that peak parking demand at the St. Regis was 250 stalls, leaving 154 empty stalls on the busiest day.
 30. Submitted Trip Generation and Parking Studies show that the proposed expansion in Club membership and expansion of Club Amenity space in Phase 2 will result in minimal trip generation (24 new trips) and that trip generation is within the capacity of Deer Valley Drive. Additionally, these studies show that the applicant has demonstrated that the Hotel has sufficient excess parking capacity to support the proposed increase in Club membership.
 31. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned is consistent with the Park City General Plan.
3. The effects of any differences in use or scale have been mitigated through careful planning.
4. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for

Conditional Use Permits.

Conditions of Approval

1. A Membership Agreement shall be reviewed and approved by the City, as to form and compliance with the Conditions of Approval, prior to commencing new membership sales for the Amenity Club. Access shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. The Agreement shall reiterate conditions of approval of the Deer Crest Hotel CUP regarding access to the hotel and parking requirements and restrictions, and shall encourage use of the Hotel shuttle.
2. The applicant is responsible for management of the club and enforcement of the Membership Agreement.
3. The applicant stipulates to a condition of approval limiting this Conditional Use Permit approval to a maximum of 290 memberships with a limit of 200 memberships allowed for members residing outside of the area bounded by the Deer Crest gates.
4. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
5. All conditions of approval of the Deer Crest Hotel CUP as amended in April 22, 2009, and April 18, 2016, shall continue to apply.
6. Prior to the issuance of a building permit for Phase 3 the applicant shall submit a Parking Management Plan outlining how parking at Snow Park will be managed during construction with respect to the loss of surface stalls and construction related parking and deliveries, to the Planning Department for review and approval.
7. Within one year of receiving the final Certificates of Occupancy for Phase 3, the applicant shall submit to the City Planning Department, for review by the Director of Planning, a review of Club operations including the use, membership status, parking and traffic impacts, and a summary of complaints received regarding impacts of the Club on the hotel operations, guests, and owners of adjacent or nearby property. If further action is deemed necessary by the Planning Director he/she shall inform the Planning Commission.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner and applicant to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office and Online. Your Planner will continue working with you through the Building Permit and Certificate of Occupancy process.

If you have questions regarding your application or the action taken please don't hesitate to contact Alexandra Ananth at 435-615-5066 or

alexandra.ananth@parkcity.org.

Sincerely,

John Phillips
Planning Commission, Chair

A handwritten signature in black ink, appearing to read 'J. Phillips', written in a cursive style.

Cc: Alexandra Ananth, Senior Planner
Thomas G. Bennett



March 7, 2011

Greg Griffin
Deer Crest Janna, LLC
PO Box 4493
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-11-01189
<u>Subject</u>	2300 Deer Valley Dr. East
<u>Address</u>	2300 Deer Valley Dr. East
<u>Description</u>	CUP for Amenity Club
<u>Action Taken</u>	Approved with Conditions
<u>Date of Action</u>	February 23, 2011

On February 23, 2011, the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the Conditional Use Permit for an Amenity Club at the St. Regis Resort according to the findings of fact, conclusions of law and conditions of approval as follows:

Findings of Fact

1. On February 3, 2011, the City received a complete application for a conditional use permit for an amenities club to be located within the St Regis Resort hotel and to utilize existing hotel amenities, including the restaurant, bar, spa, ski lockers, fitness center, and pool. A total of 195 memberships are requested for the initial one year review period with a limit of 150 members residing outside of the Deer Crest gates. Membership is expected to include owners of units at the St. Regis Resort, homeowners in the Deer Crest residential area, and others from the community. Membership is for singles, couples, and families.
2. This application is reviewed under Section 15-1-10 (E) of the Land Management Code.
3. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
4. The project has access from Deer Valley Drive and Deer Crest Estates Drive.
5. The property is located within the Recreation Commercial (RC) zoning district and is subject to the Deer Crest Settlement Agreement and the revised Deer Crest Hotel CUP as approved by the Planning Commission on April 22, 2009.
6. Amenity Clubs require a Conditional Use Permit in the RC zone.
7. No physical changes are proposed to the existing restaurant, bar, spa, fitness center or pool to increase the posted capacity limits. No exterior changes are

- proposed to the building or site.
8. The applicant provided a parking analysis (Exhibit B) demonstrating that there is adequate parking available for the parking requirements of the Club activities. During the busiest weeks (Christmas and Sundance) when the hotel was at its maximum occupancy the parking use was at 46% of capacity.
 9. The approved Deer Crest Hotel CUP for the St. Regis Resort allows for a total of 146 parking spaces at Roosevelt Gap (105 spaces for overnight use and 41 day use spaces) and 67 valet parking spaces at Snow Park with access to Roosevelt Gap via the funicular. There are 185 parking spaces at the Jordanelle lot serviced by the employee and guest shuttle.
 10. The St. Regis Resort utilizes a guest shuttle service. The shuttle service is available for Amenity Club members for transportation to and from the St. Regis.
 11. The Amenity Club will be operated and managed in accordance with provisions of the Membership Agreement. Access to the Amenity Club uses shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. Restrictions on access to the Hotel and parking requirements that are consistent with the conditions of approval of the Deer Crest Hotel CUP will be spelled out in the Membership Agreement.
 12. The St Regis hotel has a total of approximately 225 pillows. One or two additional employees are anticipated for the Club.
 13. No additional signs or lighting are proposed with this application.
 14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned is consistent with the Park City General Plan.
3. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.

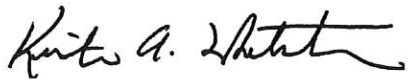
Conditions of Approval

1. A Membership Agreement shall be reviewed and approved by the City, as to form and compliance with the conditions of approval, prior to commencing operation of the Amenity Club. Access shall be restricted during peak occupancy periods based on existing occupancy limits for the hotel amenities. The Agreement shall reiterate conditions of approval of the Deer Crest Hotel CUP regarding access to the hotel and parking requirements and restrictions.
2. The applicant is responsible for management of the club and enforcement of the Membership Agreement.
3. The applicant stipulates to a condition of approval limiting this Conditional Use Permit approval to a maximum of 195 memberships with a limit of 150 memberships allowed for members residing outside of the area bounded by the Deer Crest gates.

4. All conditions of approval of the 1995 Deer Crest Settlement Agreement continue to apply.
5. All conditions of approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.
6. The applicant shall submit to the City Planning Department for review by the Planning Commission, a one-year review of the club, including the use, operation, membership, parking and traffic impacts, and a summary of complaints received regarding impacts of the club on the hotel operations, guests and owners of adjacent or nearby property. In the event that such review reveals impacts that have not been sufficiently mitigated, the Planning Commission shall have the ability to further condition the conditional use permit to address such unmitigated impacts.

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

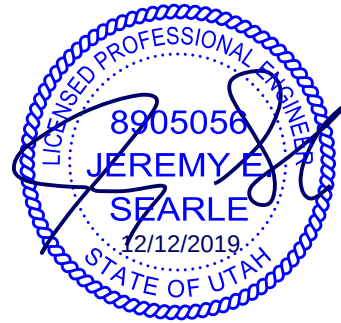
Sincerely,

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

Kirsten Whetstone
Senior Planner

MEMORANDUM

Date: December 12, 2019
To: Michael Zaccaro
From: Hales Engineering



Subject: Park City - Deer Crest Club Expansion Trip Generation & Parking Study

UT19-1584

This memorandum discusses the trip generation and parking study completed for the proposed Deer Crest Club Expansion in Park City, Utah. A vicinity map of the Deer Crest Club is shown in Figure 1.

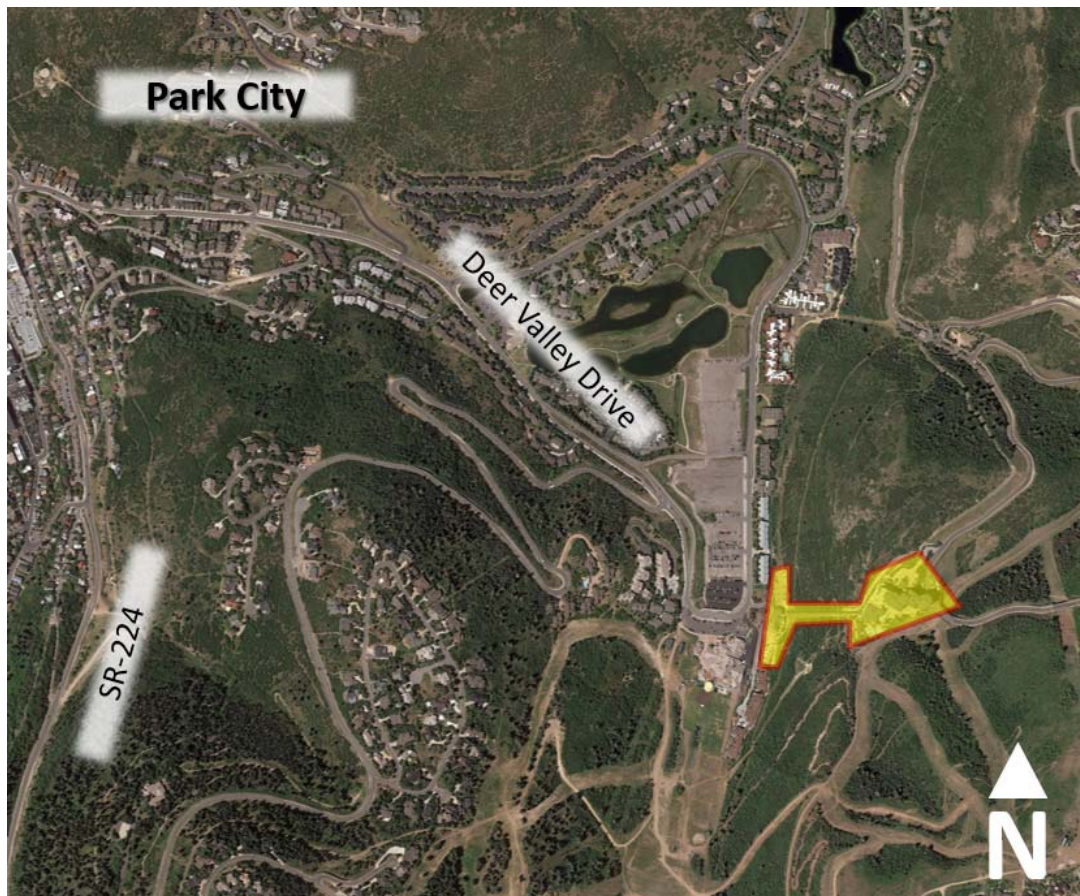


Figure 1: Vicinity map of the Deer Crest Club in Park City, Utah

Background

The Deer Crest Club is located within the St. Regis Deer Valley Hotel located at 2300 Deer Valley Drive in Park City. The Club currently has 195 members and is proposing to increase membership and add a new Club lounge area to be included within the on-going improvements that are currently under construction as part of the Phase 2 expansion. An additional 95 members will be added with the proposed membership expansion. Of the additional 95 members, 23 will be restricted to the future owners of residences included in Phase 2 and Phase 3 of the St. Regis project. As these owners will already be onsite when using the Club, these 23 memberships will therefore not generate any new trips or need for parking. Trip generation and parking for additional memberships will be based on 72 additional members which are not owners at St. Regis. A site plan of the improvements that are currently being constructed is included in Appendix A.

Trip Generation

Trip generation for the proposed Deer Crest Club expansion was calculated using data provided by the Club. Ski season (December to April) is the busiest time of the year at the Club. The Club provided data from the 2017-2018 and 2018-2019 ski seasons indicating the number of members present at the Club each day. Similar data was not gathered for dates outside of ski season as attendance in the Club is minimal during that eight-month period, a small fraction of the attendance during the four-month ski season. Detailed Deer Crest Club membership ski season attendance data are included in Appendix B.

The busiest day included in the data was December 28, 2018 (a date which coincided with the Deer Crest Club annual party). Approximately 33% of the total membership were at the Club that day (63 out of 195). It was assumed that a maximum of 33% of the additional members would be present when calculating the peak trip generation. According to the data provided, during the busiest days in the Club, approximately 50% of the members ski in, walk in, car pool or use the complimentary hotel shuttle which do not generate any new trips (these trips already occur as part of the hotel service). It was assumed that the remaining members present at the Deer Crest Club generated a new trip to and from the Club each day. It was assumed that 35% of daily trips occurred during the morning peak hour and that 35% of daily trips occurred during the evening peak hour.

As shown in Table 1, it is anticipated that the proposed additional memberships will generate approximately 24 new trips on the busiest day of the year, including 9 trips during the morning peak hour, and 9 trips during the evening peak hour.

The trip generation values shown in Table 1 represent the busiest day of the year. However, throughout the rest of the year, the number of trips generated by the new Club membership will be even lower. The average percent of members present at the Club during the busiest week of the year was 27%. This would drop the trip generation to an average of 20 trips per day, of which

7 would be in each of the morning and evening peak hours. Outside of the busiest week of ski season (and the entire year), the average number of members present equaled 13% of the total membership. That results in less than half the trips generated as compared to the busiest week of the year.

Table 1 Park City - Deer Crest Club Additional Members Trip Generation								
Peak Daily	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Daily Trips
Additional Deer Crest Club Members	72	Members	24	50%	50%	12	12	24
Morning Peak Hour	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total a.m. Trips
Additional Deer Crest Club Members	72	Members	9	75%	25%	7	2	9
Evening Peak Hour	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total p.m. Trips
Additional Deer Crest Club Members	72	Members	9	25%	75%	2	7	9
SOURCE: Hales Engineering, December 2019								

Parking

The amount of parking needed to accommodate the Deer Crest Club membership expansion was also calculated using the data provided by the Deer Crest Club, which included the number of member cars parked at the club on each day. Detailed Deer Crest Club parking data are included in Appendix B.

The day with the highest parking to member ratio included in the data was December 28, 2018. That day there were 33 member cars parked at the Hotel (approximately 17% compared to total membership). This percentage corresponds to the data referenced above which showed that on the busiest day of the year, 33% of the total membership were present in the Club at some point during the day and, of those present, 50% drove their own vehicles and parked at the Hotel. It was assumed that on the peak day 17% of the new members would park a car when calculating parking demand. Therefore, 72 additional memberships would result in a peak parking demand of 13 parked vehicles on the busiest day. It is anticipated that an additional 13 parking stalls would be needed to accommodate the Deer Crest Club expansion during the peak day of the year.

The St. Regis Deer Valley has three parking areas. The parking areas at St. Regis (parking garage and surface parking), Snow Park (just east of Snow Park lodge adjacent to the funicular connecting to the St. Regis), and the Jordanelle parking lot. The combined available parking at these three locations is currently 404 stalls (the improvements currently under construction will add additional capacity of 22 stalls). In a previous parking demand study Hales Engineering determined that the peak parking demand at St. Regis Deer Valley was 250 stalls (approximately

62% of available parking), leaving 154 empty stalls on the busiest day. Therefore, there is plenty of excess parking capacity available for the proposed increase in club membership.

Hales Engineering determines that the existing parking at St. Regis Deer Valley will accommodate the proposed additional 95 members of the Deer Crest Club.

Conclusions and Recommendations

The findings of this study are as follows:

- The proposed Deer Crest Club Expansion will add an additional 95 members to the existing 195 club members. Of the additional 95 members, 23 of the memberships will be restricted to owners at the St. Regis.
- It is anticipated that the additional membership will generate approximately 24 new trips on the busiest day of the year, including 9 trips during the morning peak hour, and 9 trips during the evening peak hour.
 - Throughout the rest of the year, the number of trips generated by the new club membership will be even lower. The average percent of members present at the club during the busiest week of the year was 27%. This would drop the trip generation to an average of 20 trips per day and only 7 trips during the peak hours. Outside of the busiest week of ski season, the average number of trips will be less than half of the trips generated during the busiest week.
- There is plenty of excess parking capacity available at St. Regis Deer Valley to accommodate the proposed additional parking needs of the 95 members of the Deer Crest Club which is estimated to be 13 additional spaces during the busiest day of the year.

APPENDIX A

Site Plan

GENERAL NOTES

- 1. SEE GENERAL PROJECT NOTES FOR ADDITIONAL INFORMATION REGARDING PROJECT, BIDDING, AND CONSTRUCTION.
- 2. SEE GENERAL PROJECT NOTES FOR ADDITIONAL INFORMATION REGARDING PROJECT, BIDDING, AND CONSTRUCTION.
- 3. SEE GENERAL PROJECT NOTES FOR ADDITIONAL INFORMATION REGARDING PROJECT, BIDDING, AND CONSTRUCTION.

PROJECT NUMBER
15074

ISSUE DATE:
12/22/2017

REVISIONS:
No. Date

3 02/01/19

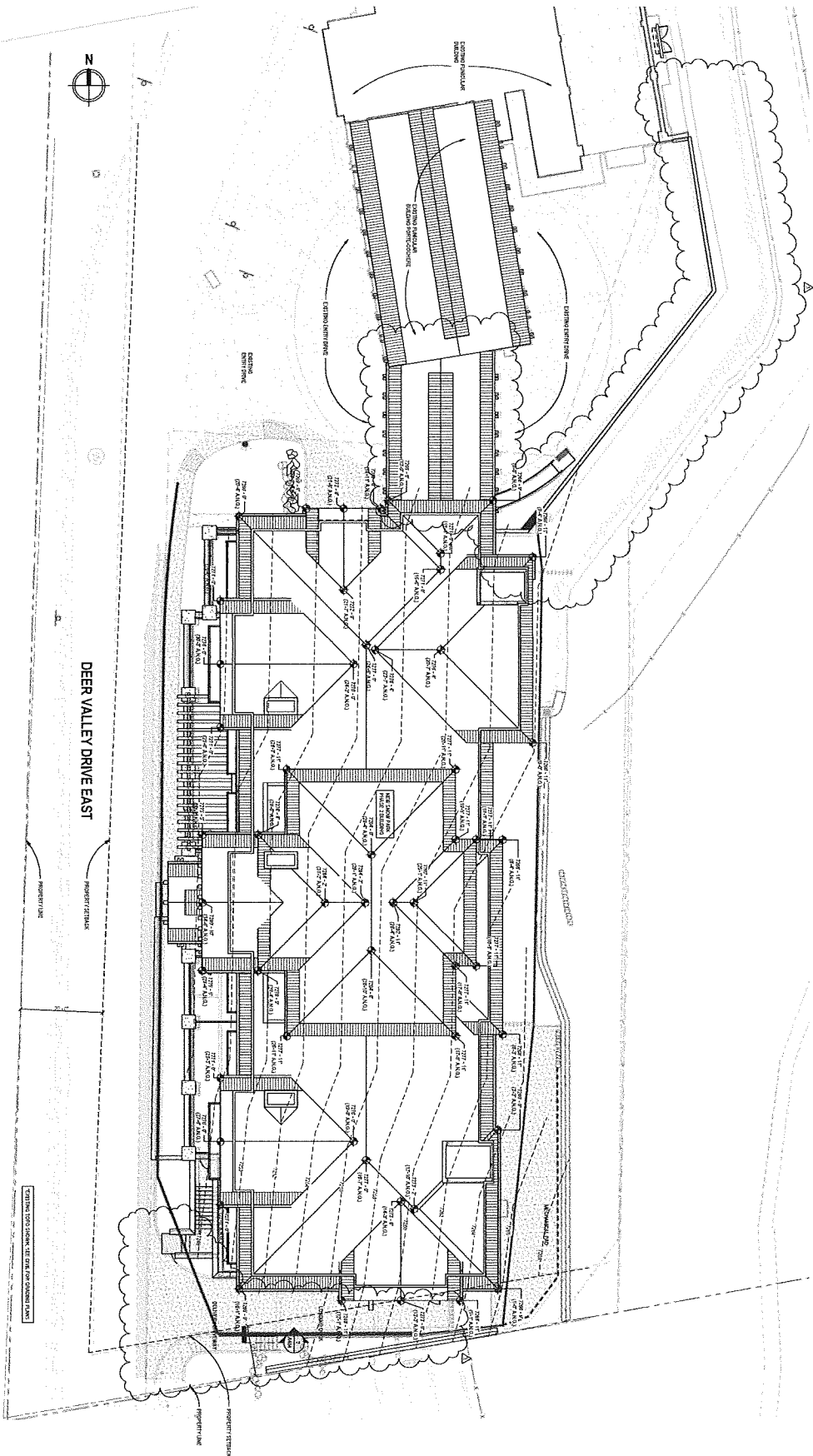
ST. REGIS DEER VALLEY RESORT, SNOW PARK
PHASE 2
2300 DEER VALLEY DR, PARK CITY, UT

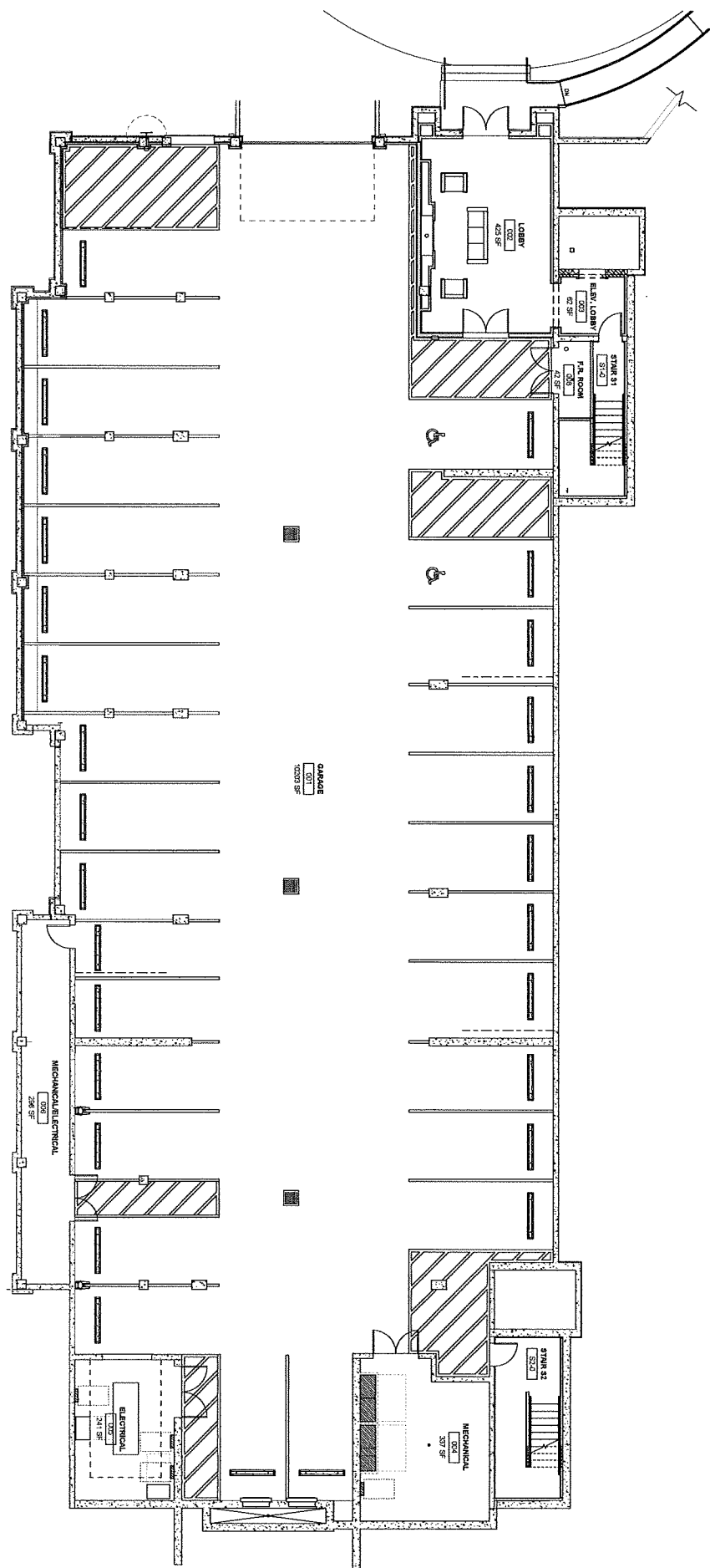
ARCH SITE
PLAN

AS1.1



ARCHITECTURAL SITE PLAN
SCALE: 1" = 10'





APPENDIX B

Deer Crest Club Member and Parking Data

Deer Crest Club Cars Parked at SRDV 2017-2018 Ski Season

Date	Number of Members Present	Members present as a % of Total Members	Total Cars Parked	Cars as a % of Members Present	Cars as a % of Total Memberships	Cars as a % of Total Memberships less SRDV Owners
12/3	14	7%	8	57%	4%	5%
12/4	8	4%	5	58%	2%	3%
12/5	2	1%	1	50%	1%	1%
12/6	3	2%	1	27%	0%	0%
12/7	4	2%	2	40%	1%	1%
12/8	5	3%	4	88%	2%	3%
12/9	4	2%	4	90%	2%	2%
12/10	13	7%	9	68%	5%	5%
12/11	11	6%	8	75%	4%	5%
12/12	1	1%	1	100%	1%	1%
12/13	3	2%	1	27%	0%	0%
12/14	7	4%	3	49%	2%	2%
12/15	9	5%	4	40%	2%	2%
12/16	12	6%	6	53%	3%	4%
12/17	18	9%	7	39%	4%	4%
12/18	21	11%	12	59%	6%	7%
12/19	19	10%	11	56%	5%	6%
12/20	16	8%	13	80%	7%	7%
12/21	21	11%	8	36%	4%	4%
12/22	28	14%	14	51%	7%	8%
12/23	31	16%	19	61%	10%	11%
12/24	39	20%	19	48%	10%	11%
12/25	36	18%	18	50%	9%	11%
12/26	37	19%	15	39%	7%	9%
12/27	44	23%	22	50%	11%	13%
12/28	61	31%	29	48%	15%	17%
12/29	58	30%	31	53%	16%	18%
12/30	59	30%	34	57%	17%	20%
12/31	54	28%	23	43%	12%	14%
1/1	49	25%	26	53%	13%	15%
1/2	31	16%	17	55%	9%	10%
1/3	38	19%	20	52%	10%	12%
1/4	29	15%	15	52%	8%	9%
1/5	33	17%	16	48%	8%	9%
1/6	33	17%	17	53%	9%	10%
1/7	17	9%	12	72%	6%	7%
1/8	22	11%	11	51%	6%	7%
1/9	18	9%	8	47%	4%	5%
1/10	16	8%	8	48%	4%	4%
1/11	21	11%	7	33%	4%	4%
1/12	27	14%	7	24%	3%	4%
1/13	27	14%	11	41%	6%	7%
1/14	39	20%	19	49%	10%	11%
1/15	31	16%	15	48%	8%	9%
1/16	21	11%	9	44%	5%	5%
1/17	22	11%	5	25%	3%	3%
1/18	17	9%	5	29%	3%	3%

1/19	26	13%	11	42%	6%	6%
1/20	28	14%	9	33%	5%	5%
1/21	37	19%	10	26%	5%	6%
1/22	34	17%	9	28%	5%	5%
1/23	28	14%	12	43%	6%	7%
1/24	12	6%	6	47%	3%	3%
1/25	20	10%	9	46%	5%	5%
1/26	19	10%	8	42%	4%	5%
1/27	35	18%	19	54%	10%	11%
1/28	39	20%	20	52%	10%	12%
1/29	32	16%	16	51%	8%	10%
1/30	26	13%	11	42%	6%	6%
1/31	20	10%	7	34%	3%	4%
2/1	14	7%	4	31%	2%	3%
2/2	7	4%	4	51%	2%	2%
2/3	26	13%	12	45%	6%	7%
2/4	16	8%	8	51%	4%	5%
2/5	12	6%	5	43%	3%	3%
2/6	15	8%	5	33%	3%	3%
2/7	9	5%	4	42%	2%	2%
2/8	17	9%	5	31%	3%	3%
2/9	14	7%	6	41%	3%	3%
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2/11	22	11%	14	64%	7%	8%
2/12	23	12%	11	46%	5%	6%
2/13	16	8%	6	40%	3%	4%
2/14	14	7%	5	33%	2%	3%
2/15	7	4%	4	54%	2%	2%
2/16	19	10%	11	58%	6%	6%
2/17	32	16%	19	58%	10%	11%
2/18	42	22%	24	56%	12%	14%
2/19	39	20%	21	53%	11%	12%
2/20	28	14%	16	58%	8%	9%
2/21	21	11%	11	52%	6%	6%
2/22	25	13%	11	43%	6%	6%
2/23	28	14%	13	48%	7%	8%
2/24	31	16%	15	48%	8%	9%
2/25	33	17%	17	50%	9%	10%
2/26	28	14%	16	56%	8%	9%
2/27	19	10%	9	45%	4%	5%
2/28	17	9%	8	46%	4%	5%
3/1	18	9%	8	44%	4%	5%
3/2	17	9%	8	45%	4%	4%
3/3	25	13%	13	50%	6%	7%
3/4	27	14%	14	53%	7%	8%
3/5	26	13%	11	42%	6%	6%
3/6	24	12%	8	32%	4%	4%
3/7	15	8%	6	40%	3%	4%
3/8	16	8%	8	50%	4%	5%
3/9	14	7%	6	41%	3%	3%
3/10	13	7%	3	22%	1%	2%

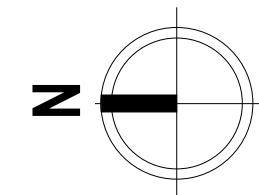
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3/15	12	6%	5	45%	3%	3%
3/16	15	8%	7	48%	4%	4%
3/17	21	11%	8	39%	4%	5%
3/18	29	15%	13	43%	6%	7%
3/19	38	19%	16	41%	8%	9%
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3/21	17	9%	8	45%	4%	4%
3/22	17	9%	8	46%	4%	5%
3/23	13	7%	5	40%	3%	3%
3/24	26	13%	13	50%	7%	8%
3/25	28	14%	12	42%	6%	7%
3/26	21	11%	9	41%	4%	5%
3/27	20	10%	9	44%	5%	5%
3/28	18	9%	6	33%	3%	4%
3/29	20	10%	5	26%	3%	3%
3/30	13	7%	5	37%	2%	3%
3/31	15	8%	6	40%	3%	4%
4/1	20	10%	8	38%	4%	4%
4/2	16	8%	9	55%	5%	5%
4/3	11	6%	3	31%	2%	2%
4/4	16	8%	8	50%	4%	5%
4/5	12	6%	5	42%	3%	3%
4/6	8	4%	5	63%	3%	3%
4/7	5	3%	3	68%	2%	2%
4/8	9	5%	4	44%	2%	2%
4/9	1	1%	0	0%	0%	0%

Deer Crest Club Cars Parked at SRDV 2018-2019 Ski Season

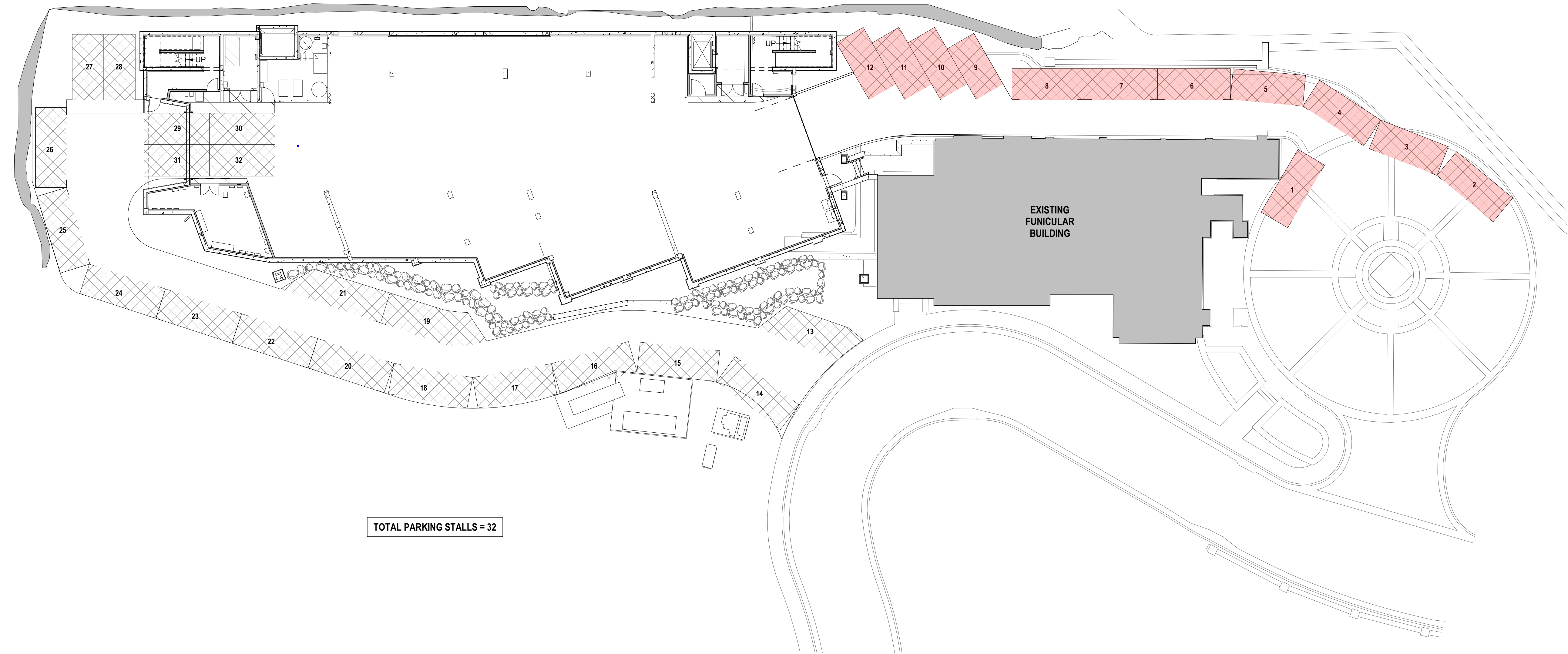
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12/9	18	9%	8	44%	4%	5%
12/10	8	4%	4	45%	2%	2%
12/11	9	5%	4	40%	2%	2%
12/12	7	4%	2	26%	1%	1%
12/13	10	5%	6	58%	3%	3%
12/14	13	7%	6	43%	3%	3%
12/15	21	11%	10	50%	5%	6%
12/16	21	11%	9	43%	5%	5%
12/17	15	8%	6	37%	3%	3%
12/18	15	8%	5	35%	3%	3%
12/19	13	7%	5	38%	3%	3%
12/20	20	10%	9	43%	4%	5%
12/21	23	12%	9	37%	4%	5%
12/22	45	23%	16	35%	8%	9%
12/23	47	24%	23	48%	12%	13%
12/24	46	24%	21	46%	11%	12%
12/25	27	14%	12	44%	6%	7%
12/26	51	26%	23	44%	12%	13%
12/27	56	29%	29	51%	15%	17%
12/28	63	32%	33	53%	17%	19%
12/29	44	23%	23	53%	12%	14%
12/30	58	30%	29	50%	15%	17%
12/31	54	28%	25	47%	13%	15%
1/1	31	16%	15	47%	7%	9%
1/2	55	28%	30	54%	15%	17%
1/3	44	23%	22	49%	11%	13%
1/4	42	22%	24	58%	13%	14%
1/5	37	19%	20	55%	10%	12%
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1/7	25	13%	10	41%	5%	6%
1/8	24	12%	11	46%	6%	6%
1/9	25	13%	12	48%	6%	7%
1/10	21	11%	9	41%	4%	5%
1/11	18	9%	8	47%	4%	5%
1/12	34	17%	17	51%	9%	10%
1/13	23	12%	9	39%	5%	5%
1/14	17	9%	9	55%	5%	5%
1/15	12	6%	3	28%	2%	2%
1/16	25	13%	8	30%	4%	4%
1/17	21	11%	13	64%	7%	8%
1/18	32	16%	13	42%	7%	8%
1/19	47	24%	22	47%	11%	13%

1/20	36	18%	16	43%	8%	9%
1/21	29	15%	11	37%	6%	6%
1/22	25	13%	9	34%	4%	5%
1/23	20	10%	3	17%	2%	2%
1/24	28	14%	11	38%	5%	6%
1/25	40	21%	18	45%	9%	10%
1/26	49	25%	22	44%	11%	13%
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2/15	28	14%	13	46%	7%	7%
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2/25	19	10%	8	43%	4%	5%
2/26	19	10%	9	45%	4%	5%
2/27	26	13%	7	26%	3%	4%
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3/6	21	11%	8	38%	4%	5%
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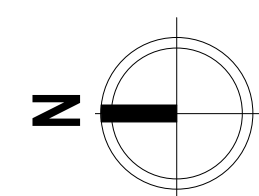
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3/12	15	8%	8	53%	4%	5%
3/13	18	9%	4	22%	2%	2%
3/14	18	9%	8	47%	4%	5%
3/15	28	14%	13	48%	7%	8%
3/16	35	18%	17	50%	9%	10%
3/17	35	18%	14	39%	7%	8%
3/18	25	13%	9	37%	5%	5%
3/19	23	12%	10	44%	5%	6%
3/20	21	11%	7	32%	3%	4%
3/21	18	9%	5	29%	3%	3%
3/22	23	12%	10	42%	5%	6%
3/23	30	15%	13	44%	7%	8%
3/24	29	15%	15	51%	8%	9%
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3/26	21	11%	9	41%	4%	5%
3/27	16	8%	6	38%	3%	4%
3/28	19	10%	8	43%	4%	5%
3/29	28	14%	11	38%	5%	6%
3/30	24	12%	8	34%	4%	5%
3/31	18	9%	10	53%	5%	6%
4/1	9	5%	2	22%	1%	1%
4/2	8	4%	3	33%	1%	2%
4/3	10	5%	5	46%	2%	3%
4/4	16	8%	4	23%	2%	2%
4/5	16	8%	6	39%	3%	4%
4/6	16	8%	6	38%	3%	4%
4/7	13	7%	6	45%	3%	3%



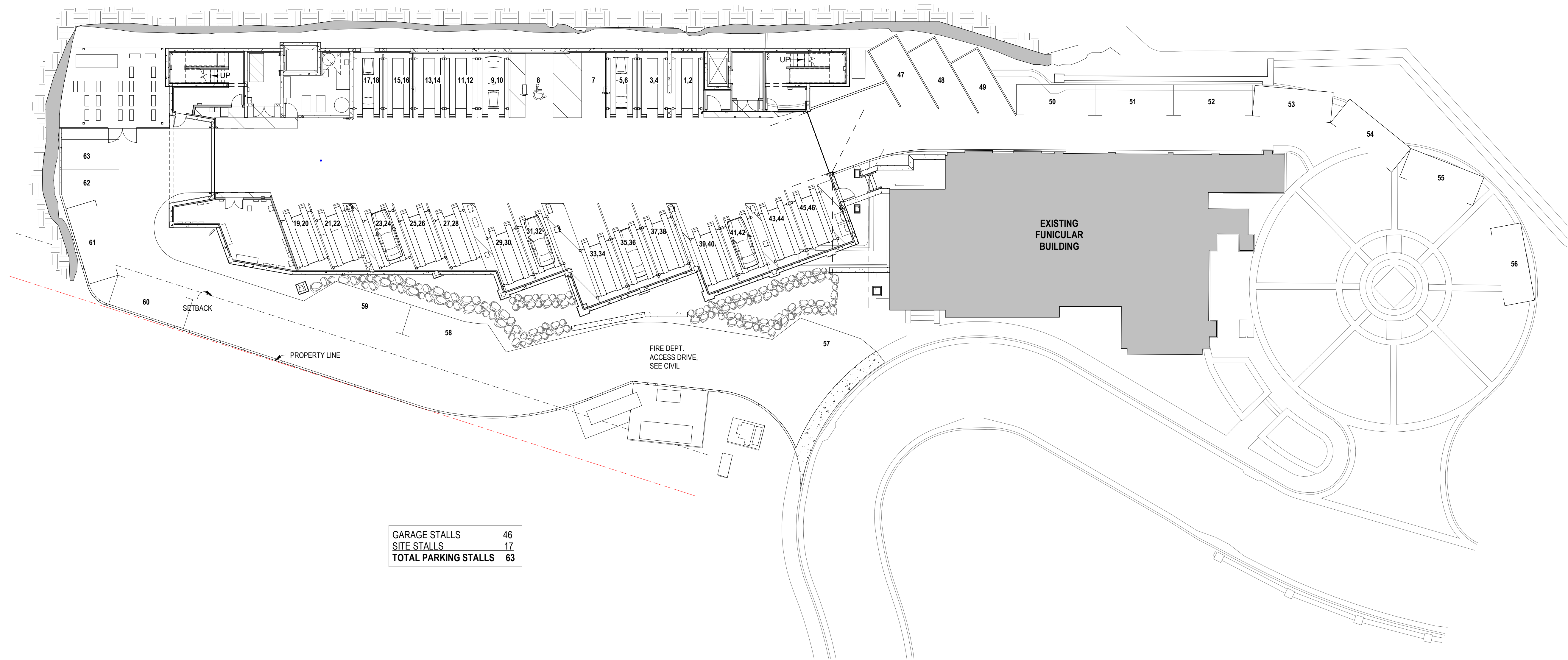
2 TEMPORARY SITE PARKING
PA112 SCALE: 1/16" = 1'-0"



TOTAL PARKING STALLS = 32



1 PERMANENT GARAGE & SITE PARKING
PA112 SCALE: 1/16" = 1'-0"



GARAGE STALLS 46
SITE STALLS 17
TOTAL PARKING STALLS 63

ST. REGIS DEER VALLEY RESORT, SNOW PARK PHASE 3

2300 DEER VALLEY DR, PARK CITY, UT

SITE PARKING CONDITIONS A

Scale: 1/16" = 1'-0"

DATE:
December 17, 2021
PA112

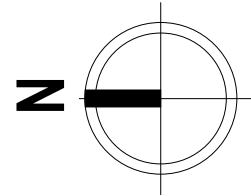
FAX: (801) 936-0180

45 EAST CENTER STREET SUITE 202, NORTH SALT LAKE, UTAH 84054

PHONE: (801) 936-1343



GARAGE STALLS	36
TEMPORARY STALLS	9
TOTAL PARKING STALLS	45



2
PA113

TEMPORARY PARKING IN SOUTH GARAGE

SCALE: 1/16" = 1'-0"

St. Regis Deer Valley Parking By Phase

	Roosevelt Gap Parking	Snow Park North Parking	Snow Park South Parking	Jordanelle Parking	Temporary Easement Parking	Total Parking Provided	CUP Parking Required	Original Developer Parking Commitment
Original Hotel (Before Ph. 2 Construction)	157	65	9	173		404	319	348
Ph. 2 Under Construction	157	65	0	173		395	319	337
Phase 2 Completed	157	65	35	179		436	334	394
Ph. 3 Under Construction (now)	157	32	35	179	14	417	334	338
Ph. 3 Completion	157	60	35	179		431	374	387

Planning Commission Staff Report



Subject: Aspen Springs Subdivision Lot 1 (Parcel ASR-1) and Meadows Drive Right-of-Way
Application: PL-23-05575
Author: Virgil Lund, Planner I
Date: August 23, 2023
Type of Item: Conditional Use Permit – Meadows Drive Trailhead Parking

Recommendation

(I) Review the proposed Conditional Use Permit for a Parking Area for the Meadows Drive Trailhead, (II) conduct a public hearing, and (III) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Park City Municipal Corporation
Trails and Open Space Department

Location: Lot 1 of the Aspen Springs Subdivision Phase 1 (Parcel ASR-1) and Meadows Drive Right-of-Way, Meadows Drive Trailhead

Zoning District: Recreation and Open Space (ROS)

Adjacent Land Uses: Residential, Recreation, Open Space

Reason for Review: The Planning Commission reviews and takes Final Action on Conditional Use Permits for parking areas with five or more spaces in the Recreation and Open Space Zoning District¹

CUP	Conditional Use Permit
ECPO	Entry Corridor Protection Overlay
LMC	Land Management Code
ROS	Recreation and Open Space
ROW	Right-of-Way
SLO	Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

¹ LMC § [15-2.7-2\(C\)](#)

Summary

The Applicant proposes to replace a gravel area at the Meadows Drive Trailhead that provides 15 – 18 parking spaces with a Hard-Surfaced Parking Area for 20 parking spaces, including one ADA-compliant parking space, within the Recreation and Open Space (ROS) Zoning District. The proposed Trailhead improvements include an accessible parking space, improved vehicular ingress and egress, storm water improvements, wayfinding, and kiosks.

Background

The Meadows Drive Trailhead is located partially within City Right-of-Way (ROW) and partially on the Aspen Springs Ranch Phase 1 Subdivision Lot 1,² west of the intersection of Meadows Drive and the McPolin Barn Farm Trail. The Meadows Drive Trailhead provides public access to the McLeod Creek Trail, Quarry Mountain Trail, the McPolin Barn Farm Trail, and during winter months, the White Pine Nordic Fee Area.

The property owner of Aspen Springs Ranch Phase 1 Subdivision Lot 1 has given permission for an easement agreement with the Applicant to allow the Trailhead location partially on their property (Exhibit G, Draft Easement Agreement).

The map below created by staff using the Summit County Parcel Viewer gives an overview of the Meadows Drive Trailhead location in relation to property lines and surrounding area and shows the City ROW that extends east from Meadows Drive partially onto the Farm Trail:

² The City Council approved the Aspen Springs Ranch Phase 1 Subdivision on May 23, 1991, and the plat was recorded with Summit County on October 31, 1991 as Entry No. 349163 (Exhibit B).



Figure 1: Overview Map

Analysis

(I) The Meadows Drive Trailhead Parking Area complies with the Recreation and Open Space Zoning District Requirements

The purpose of the Recreation and Open Space (ROS) Zoning District is to:

1. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
2. permit recreational Uses and preserve recreational Open Space land,
3. encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
4. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
5. encourage sustainability, conservation, and renewable energy.³

The proposed Parking Area complies with the purposes of the ROS Zoning District because the parking is partially along public ROW outside of the Entry Corridor Protection Overlay and not within areas of open land covered with vegetation, not near

³ LMC § [15-2.7-1](#)

environmentally sensitive lands such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, or forests, and the Parking Area supports public recreational Use.

The table below outlines the ROS Zoning District Lot and Site requirements established in LMC § [15-2.7-3](#):

ROS Zoning District Requirement	Analysis of Proposal
Twenty-five foot (25') Setback requirements	Complies: Approved Parking Areas are listed as a Front, Side, and Rear Setback exception. ⁴ The Parking Area straddles the ROW and is approximately 60 feet into the Front Setback of Lot 1 of the Aspen Springs Subdivision.

The table below outlines the ROS Zoning District requirements regarding Significant Vegetation established in LMC § [15-2.7-6](#):

Significant Vegetation Requirement	Analysis of Proposal
Significant Vegetation Protection	Complies: The Applicant's Vegetative Cover Map (Exhibit D) demonstrates no Significant Vegetation on or near the site. The Forestry Board reviewed the Application on April 6, 2023, and confirmed there is no Significant Vegetation in the vicinity of the Trailhead Parking Area. Condition of Approval 6 requires any non-paved disturbed area to be re-planted using the City's approved seed mixture.

(II) The Meadows Drive Trailhead Parking Area complies with the Sensitive Land Overlay Regulations in LMC Chapter 15-2.21

The purpose of the Sensitive Land Overlay (SLO) is to:

1. require dedicated Open Space in aesthetically and environmentally sensitive Areas;
2. encourage preservation of large expanses of Open Space and wildlife habitat;

⁴ LMC § [15-2.7-3](#)

3. cluster Development while allowing a reasonable use of Property;
4. prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
5. protect and preserve environmentally sensitive land.⁵

The proposed Trailhead Parking Area complies with the purpose of the SLO because it proposes paving a gravel parking area along the public ROW and does not impact Ridge Line Areas, Steep Slopes, or wetlands.

The table below outlines the SLO requirements established in LMC Chapter [15-2.21](#):

SLO Zoning District Requirement	Analysis of Proposal
Steep Slopes: No Development is allowed on or within fifty feet (50'), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas.	Complies: The Trailhead Parking Area is located on a flat area and is not near a Steep Slope or within 50 feet of a Very Steep Slope.
Ridge Line Area Protection	Complies: The Meadows Drive Trailhead Parking Area is not located near or on a Ridge Line Area. See image below for existing conditions.
Wildland Urban Interface	Complies: The Wildland Urban Interface Code applies "to all new and existing structures within the boundaries of Park City Municipal." ⁶ The Applicant is not proposing any new structures, so the Wildland Urban Interface Code does not apply to this project.

⁵ LMC § [15-2.21-1](#)

⁶ LMC § [11-21-1](#)



Figure 2: Image from Google Maps Showing Existing Conditions from Meadows Dr.

Wildlife Habitat Areas

The intent of the Wildlife and Wildlife Habitat Protection is to “promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.”⁷ The LMC explains further: “If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species,⁸ the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.” See Exhibit F for a map with a list showing Habitat Areas within the Meadows Drive Trailhead.

The Utah Division of Wildlife Resources compiled a list of Sensitive and Specially Valued Species in the State of Utah. The Applicant reviewed the list of habitats to confirm there are no Sensitive or Specially Valued species that are occupying or using on-Site and adjacent Areas where the Meadows Drive Trailhead and Parking Area are proposed.

Vegetative Cover

The Forestry Board reviewed the Application on April 6, 2023, and confirmed that no

⁷ LMC § [15-2.21-8](#)

⁸ Sensitive or Specially Valued Species includes Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

Significant Vegetation exists on or near the Trailhead Parking Area. See Exhibit D for Vegetative Cover Map. Staff recommends **Condition of Approval 6** which requires any non-paved disturbed area to be re-planted using the City's approved seed mixture. **Condition of Approval 9** requires the Applicant to submit a landscaping and irrigation plan to the Planning Department prior to Building Permit submittal that complies with the water wise landscaping regulations outlined in LMC [§ 15-5-5\(N\)](#).

Designated Entry Corridors and Vantage Points

The Meadows Drive Trailhead and Parking Area are within the Entry Corridor Protection Overlay, see Analysis Section (III) below.

Wetlands and Stream Corridors

The following Setbacks are required:

1. Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark.
2. Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.
3. Setbacks from irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.⁹

The map below shows the Meadows Drive Trailhead Parking Area exceeds required Setbacks according to the Wetland delineation from the National Wetland Inventory provided by the United States Fish and Wildlife Service:

⁹ LMC [§ 15-2.21-6\(F\)](#)

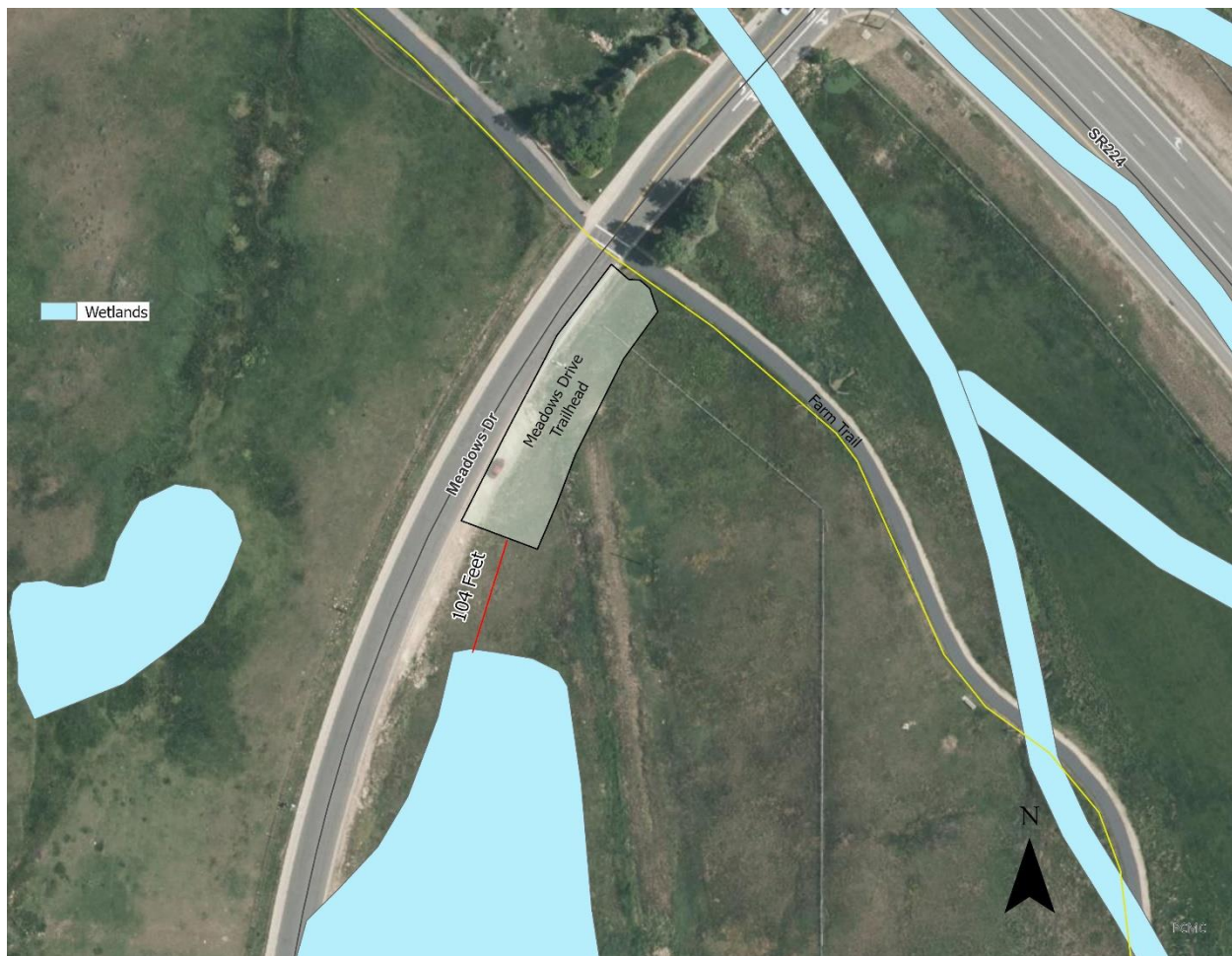


Figure 3: National Wetland Inventory Map

Condition of Approval 10 requires the Applicant to install a drainage basin will be installed to catch and filter any stormwater runoff from the Parking Area, as approved by the City Engineer. See Exhibit C for proposed plans.

(III) The Meadows Drive Trailhead Parking Area complies with the Entry Corridor Protection Overlay (ECPO) Regulations in LMC Section 15-2.20-5

The intent of the ECPO is to maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, and all Development within the designated entry corridors into Park City shall comply with the requirements of the EPCO.¹⁰

Applicability to property within existing Park City Limits

LMC § [15-2.20-5\(B\)](#) states: “[t]he regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250’) of the nearest Right-of-Way of entry corridor highways within existing Park City limits including:

¹⁰ LMC [§ 15-2.20-5\(A\)](#)

1. Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,
2. Utah State Highway 224 south of Prospect Street, and
3. Utah Highway 248 east of Wyatt Earp Way.”¹¹

The proposed Trailhead Parking Area meets the 250-foot Setback requirement and is set back approximately 325 feet from Utah State Highway 224. See map below:



Figure 4: Map showing compliance with 250-foot Setback

(IV) The Meadows Drive Trailhead Parking Area complies with the Off-Street Parking Regulations in LMC Chapter 15-3

The existing gravel parking at the Meadows Drive Trailhead is not compliant with LMC § [15-3-3\(B\)](#) which states: “Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times.” The Applicant proposes paved parking.

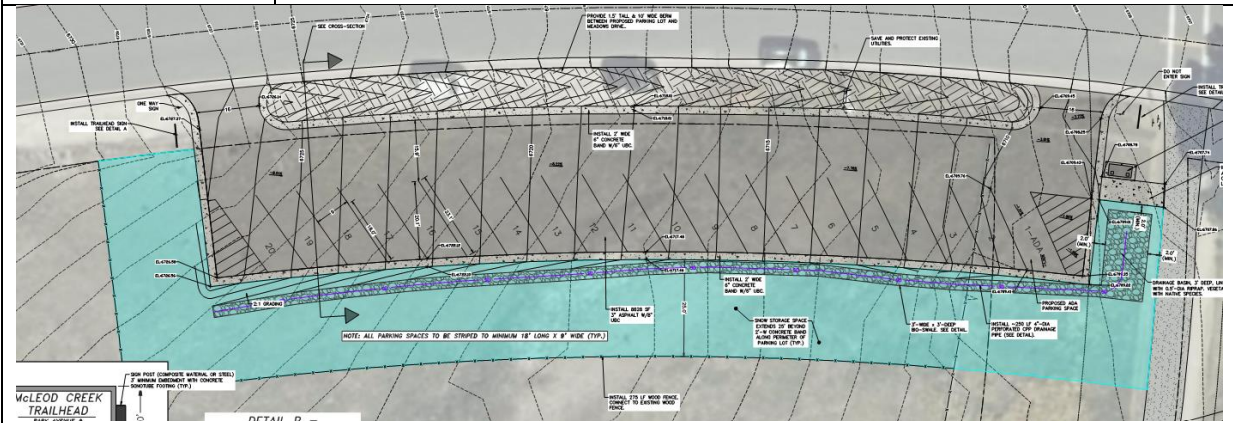
General Parking Area and Driveway Standards

¹¹ LMC § [15-2.20-5\(B\)](#)

The table below outlines the General Parking Area and Driveway Standards established in LMC § [15-3-3](#):

General Parking Area and Driveway Standards	Analysis of Proposal
Grading and Drainage	The City Engineer reviewed this proposal on March 21, 2023, and preliminarily approved the grading and drainage plans for the Parking Area. The grading and drainage plans are shown on the Proposed Plans and final review will be conducted at the building permit phase. The Applicant proposes to grade the Parking Area away from the road and towards the proposed infiltration basins.
Surfacing: Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times.	Complies: The Parking Area will be hard-surfaced, impervious asphalt.
Parking Area Lighting	No lighting is proposed as part of the Trailhead Parking Area. Condition of Approval 7 prohibits the installation of outdoor lighting without a modification application. Any proposed lighting must be Fully Shielded, down-directed, and 3,000 degrees Kelvin or less, according to the outdoor lighting regulations in LMC § 15-5-5(J) .
Parking Area Landscaping	The Applicant is proposing small shrubs, bushes, and trees between the edge of the Parking Area and the Private Property. Condition of Approval 9 requires the Applicant to submit a Landscaping and Irrigation Plan to the Planning Department prior to Building Permit submittal. Landscaping must comply with the requirements outlined in LMC § 15-5-5(N) .
Snow Storage	Complies: On March 21, 2023, the Streets Department reviewed and preliminarily approved the Snow Storage design at the Meadows Drive Parking Area. The image below shows the Snow

Storage highlighted in blue.



Parking Space Dimensions:
"Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long."

Complies: All parking spaces are 9' wide and 18' long. One parking space exceeds these dimensions to provided ADA parking. See Exhibit C for Proposed Plans.

Street Access and Circulation:
“Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways.”

Complies: Vehicular traffic flow will improve with the design of the Meadows Drive Trailhead Parking Area because the striped parking allows for better organization and efficiency. The Parking Area will now meet standard paving requirements and parking space dimensions. Vehicles parking to use the trails will now be completely out of traffic lanes to improve pedestrian safety and trail users exiting their cars with recreational equipment.

Specific Parking Area Standards for Parking Areas With 5 Or More Spaces

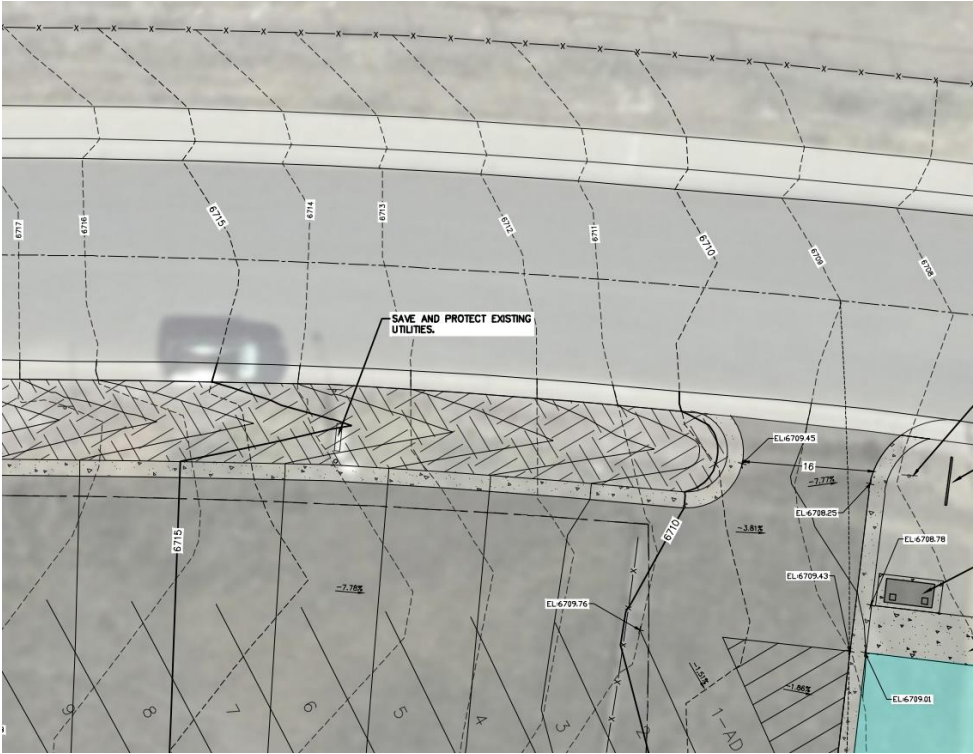
Specific Parking Area Standards for Parking Areas With 5 Or More Spaces	Analysis of Proposal
All Parking Lots shall maintain the required Front and Side Setbacks as would be required for any Structure.	Complies: Approved Parking Areas are listed as a Front, Side, and Rear Setback exception in the ROS Zone. ¹² The Parking Area is approximately 30 feet in the ROW and is approximately 20 feet in the Front Setback of the Aspen Springs Ranch Subdivision Phase 1 Lot 1. The Parking Area is not within the Side or Rear Setbacks.
Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a Residential Use, the Applicant must Screen the Lot or drive.	The Applicant proposes planting shrubs, bushes, and trees between the edge of the Parking Area and the Private Property. Condition of Approval 9 requires the Applicant to submit a Landscaping and Irrigation Plan to the Planning Department prior to Building Permit submittal. Landscaping must comply with the water wise requirements outlined in LMC § 15-5-5(N) .
A geotechnical report must be submitted to the City Engineer providing recommendations on Parking Lot design and construction parameters.	Staff recommends Condition of Approval 4 requiring the Applicant to submit a geotechnical report prior to Building Permit submittal.

(V) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC Section 15-1-10(E)

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards (LMC [§ 15-1-10](#)).

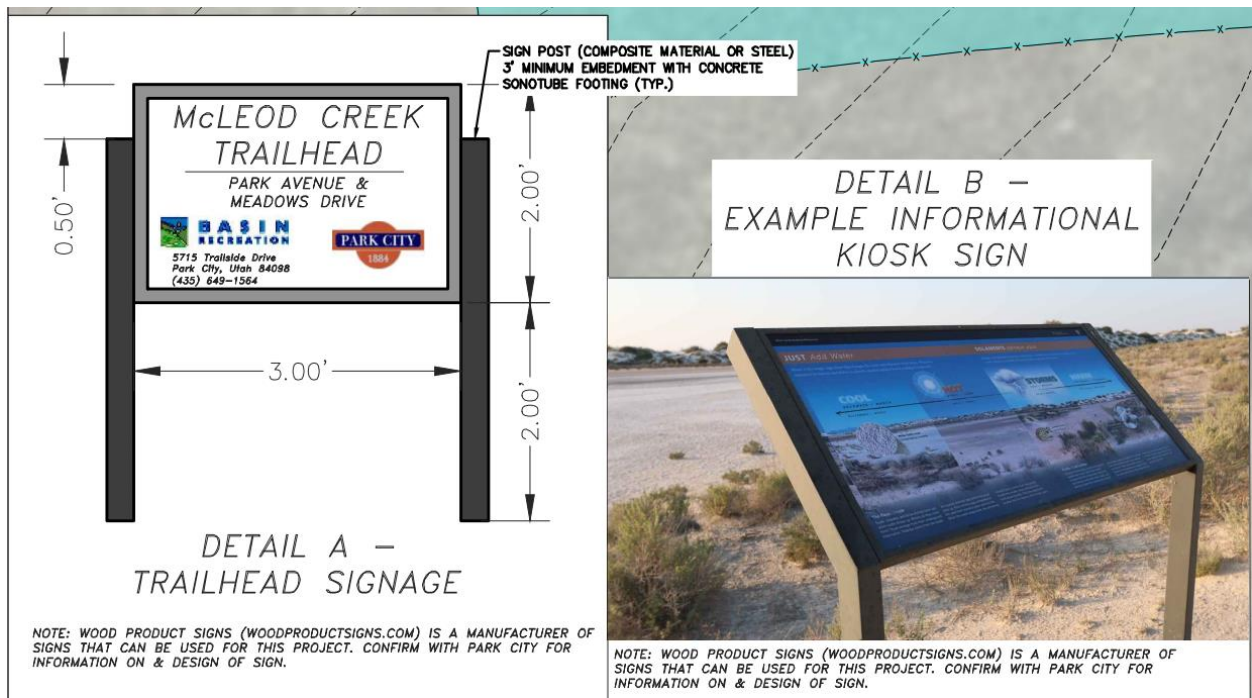
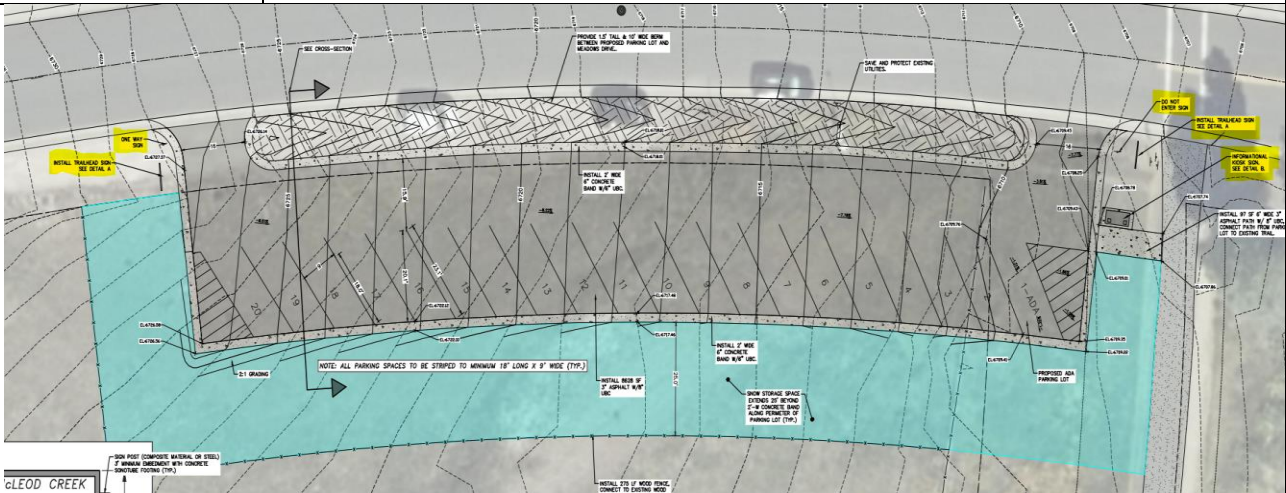
¹² LMC [§ 15-2.7-3](#)

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: This is an existing Site utilized for gravel Trailhead parking. The proposed Parking Area will improve the site and create better accessibility for Trail users.
Traffic	Complies: The current gravel Parking Area provides parking for 15 – 18 vehicles. The proposed paved Parking Area increases parking to 20 vehicles, a minor increase. Vehicular traffic flow will improve with the design of the Meadows Drive Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs. Vehicles parking to use the Trails will now be completely out of traffic lanes to improve pedestrian safety and trail users exiting their cars with recreational equipment.
Utility Capacity	Complies: The Development Review Committee reviewed this proposal on March 21, 2023, and found the Parking Area complies with required standards. Condition of Approval 8 requires the Applicant to protect existing utilities on site during construction. 

Emergency Vehicle Access	Complies: On March 21, 2023, the Park City Fire District reviewed the proposed Trailhead Parking Area and confirmed the proposal conforms with their requirements.
Parking	Complies: The proposed Parking Area will increase the amount of Parking at the Meadows Drive Trailhead by two parking spaces. Twenty paved parking spaces are proposed. There are currently 15 to 18 gravel parking spaces at the Meadows Drive Trailhead.
Internal Vehicular and Pedestrian Circulation System	Complies: The proposed Parking Area will improve the vehicular circulation system by only allowing one-way traffic into the Parking Area with directional parking stalls. Pedestrians will have direct access to the Farm Trail via the asphalt pathway from the Parking Area to the trail.
Fencing, Screening, and Landscaping	Complies: The proposed Parking Area will be surrounded by a wood/rope fence similar to other Trailhead fences in Park City. See Exhibit E for Fence Specifications. Any disturbed non-paved areas will be re-planted using the City's approved seed mixture (Condition of Approval 6). The existing wood fence at the site is City-Owned and will be adjusted to allow a pedestrian pathway from the Parking Area to the Trail.
Building Mass, Bulk, and Orientation	Not Applicable, no buildings or structures are proposed as part of this Application.
Useable Open Space	Complies: The proposed Parking Area will increase the accessibility to Open Space for the community.
Signs and Lighting	Complies: No outdoor lighting is proposed with this application. Five signs are proposed for the Meadows Drive Trailhead Parking Area: one is an informational kiosk sign, two are general signs for the Trailhead located near the entrance and exit, and two signs are proposed for traffic flow: a one-way sign at the entrance and a "do not enter" sign at the exit. Municipal Code of Park City § 12-8-1 lists exceptions from the Sign Code requirements: "Signs located inside open-air recreational facilities that are not oriented to public streets, such as signs in ski resorts, skateboard parks, and golf courses, are exempt from the requirements of this Title."¹³ There will be some signs oriented towards the public ROW. The Sign Code states the following in § 12-8-1(A): "CITY SIGNS. Signs erected

¹³ Sign Code [12-8-1](#)

by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title.” See images below for location and specifications of signs highlighted in yellow:



Physical Design and Compatibility with Surrounding Structures

Complies: The Parking Area and Trailhead will be similar in design to existing Trailheads in Park City and will have a low visual impact because there are no structures proposed, the Trailhead Parking Area will be minimally visible from SR-224, and the Trailhead Parking Area exceeds the required ECPO Setbacks.

Noise, Vibration, Odors, Steam, or Other Mechanical Factors	Not Applicable
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	A trash can is proposed as part of the Trailhead Parking Area. The trash can will be located next to the Trailhead kiosk sign (see image above for location of proposed kiosk sign). The Landscape Plan will be required to address screening of trash at the building permit phase (Condition of Approval 9).
Expected Ownership and Management	The Aspen Springs Ranch Phase 1 Subdivision Lot 1 is owned by Cielo Azul LLC. The Meadows Drive Trailhead Parking Area will be constructed partly on ROW and the Aspen Springs Ranch Phase 1 Subdivision Lot 1. Staff recommends Condition of Approval 5 which requires the Applicant to complete and record the easement agreement with the Property Owner of Aspen Springs Ranch Phase 1 Subdivision Lot 1 prior to Building Permit submittal. See Exhibit G for the Draft Easement Agreement.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing	Complies: The Applicant submitted Sensitive Land Overlay materials that as Conditioned, are compliant with the LMC requirements. The Trailhead Parking Area does not conflict with any Physical Mine Hazards, and it is outside the Soils Ordinance Boundary. No Steep Slopes or wetlands will be impacted by the Trailhead Parking Area.

Topography of the Site	
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: Goal 4 of the General Plan states: “Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting.” The proposed Trailhead will increase access and connectivity in Open Space areas. Goal 9 of the General Plan states: “Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.” The proposed Trailhead Parking Area will provide residents and visitors with improved access to recreational opportunities.

(VI) The Development Review Committee requires Conditions of Approval.¹⁴

On March 21, 2023, the Development Review Committee reviewed this proposal and recommends **Condition of Approval 4**, that the Applicant submit a geotechnical report prior to Building Permit submittal.

Department Review

The Planning Department, Engineering Department, and City Attorney’s Office reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on August 9, 2023. Staff mailed courtesy notice to property owners within 300 feet on August 9, 2023. The *Park Record* published notice on August 9, 2023.¹⁵

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the Meadows Drive Trailhead Parking Area;
- The Planning Commission may deny the Meadows Drive Trailhead Parking Area and direct staff to make Findings for the denial; or

¹⁴ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

¹⁵ LMC [§ 15-1-21](#)

- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

Exhibit B: Aspen Springs Ranch Phase 1 Subdivision Plat

Exhibit C: Proposed Plans

Exhibit D: Vegetative Cover Map

Exhibit E: Fence Specifications

Exhibit F: Meadows Drive Habitat Areas

Exhibit G: Draft Easement Agreement



Planning Department

August 23, 2023

Park City Municipal Corporation
445 Marsac Avenue
435-615-5155

CC: Heinrich Deters

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: Meadows Drive Trailhead, ASR-1

Zoning District: Recreation and Open Space (ROS)

Application: Conditional Use Permit

Project Number: PL-23-05575

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: August 23, 2023

Project Summary: The Applicant proposes to construct a hard-surface Parking Area with 20 parking spaces at the existing Meadows Drive Trailhead within the Recreation Open Space (ROS) Zoning District.

Action Taken

On August 23, 2023, the Planning Commission conducted a public hearing and approved the Conditional Use Permit for the Meadows Drive Trailhead and Parking Area according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The proposed Trailhead and Parking Area is partially located on Parcel No. ASR-1 in the Aspen Springs Ranch Phase 1 Subdivision Lot 1 and partially within the Meadows Drive Right-of-Way (ROW).



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2. The Aspen Springs Ranch Phase 1 Subdivision Plat was approved on May 23, 1991, by the Park City Council and recorded with Summit County on October 31, 1991, as Entry No. 349163.
3. The property owner of Aspen Springs Ranch Phase 1 Subdivision Lot 1 has agreed to enter into an Easement Agreement with the Applicant to allow the construction of the Meadows Drive Trailhead.
4. The existing gravel parking configuration for 15 – 18 parking spaces at the Meadows Drive Trailhead is not compliant with LMC 15-3-3(B), which requires parking areas to be hard-surfaced and impervious.
5. The Applicant proposes constructing 20 paved parking spaces.
6. Staff determined the Application was complete on April 4, 2023.
7. The application as conditioned complies with LMC Chapter 15-2.7 *Recreation and Open Space (ROS) District* as follows:
 - a. In the ROS Zoning District, Parking Areas greater than 5 spaces require a Conditional Use Permit.
 - b. The ROS Zoning District requires a 25-foot setback from all property lines and Approved Parking Areas are listed as a Front, Side, and Rear Setback exception.
 - c. The Forestry Board reviewed this Proposal on April 6, 2023, and determined there is no Significant Vegetation in the Trailhead Parking Area.
8. The application as conditioned complies with LMC Chapter 15-2.21 *Sensitive Land Overlay (SLO) District* as follows:
 - a. **Steep Slopes-** The Trailhead and Parking Area are located on a flat area.
 - b. **Ridge Line Area Protection-** The Meadows Drive Trailhead and Parking area are not located near or on protected Ridge Lines.
 - c. **Wildland Urban Interface-** The Wildland Urban Interface Code applies “to all new and existing structures within the boundaries of Park City Municipal.” The Applicant is not proposing any new structures, so the Wildland Urban Interface code does not apply to this project.
 - d. **Wildlife Habitat Areas-** There are no Sensitive or Specially Valued species that are occupying or using on-Site and adjacent Areas where the Meadows Drive Trailhead and Parking Area are proposed.
 - e. **Vegetative Cover**
 - i. The Forestry Board reviewed this Proposal on April 6, 2023, and determined that no Significant Vegetation would be impacted by the



Planning Department

Trailhead Parking Area. Any non-paved area will be re-planted using the City's approved seed mixture.

f. Designated Entry Corridors and Vantage Points

- i. The Meadows Drive Trailhead and Parking Area are within the Entry Corridor Protection Overlay

g. Wetlands and Stream Corridors

- i. The Applicant meets Wetland setbacks.

9. The application as conditioned complies with LMC Chapter 15-2.20-5 *Entry Corridor Protection Overlay (ECPO) District* as follows:

- a. The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City limits including: Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive, Utah State Highway 224 south of Prospect Street, and Utah Highway 248 east of Wyatt Earp Way

- i. The proposed Trailhead and Parking Area are outside of the 250' foot Setback

10. The application as conditioned complies with *LMC Chapter 15-3 Off-Street Parking Regulations* as follows:

a. Grading and Drainage

- i. The City Engineer reviewed this proposal on March 21, 2023, and preliminarily approved the grading and drainage plans for the Parking Area. Condition of Approval 5 requires the Applicant to submit a geotechnical report prior to Building Permit submittal to ensure the soils are sufficient for the hard-surfaced Parking Area.

b. Surfacing

- i. The Parking Area will be hard-surfaced, impervious Asphalt.

c. Parking Area Lighting

- i. No lighting is proposed as part of the Trailhead and Parking Area.

d. Parking Area Landscaping

- i. The Applicant is proposing small shrubs, bushes, and trees between the edge of the Parking Area and the Private Property.

e. Snow Storage

- i. On March 21, 2023, the Streets Department reviewed and preliminarily approved the Snow Storage design at the Meadows Drive Parking Area and is shown on the Proposed Plans.



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f. Parking Space Dimensions

- i. All parking spaces will be 9' wide and 18' long, with the exception of one parking space that will meet ADA-required dimensions.

g. Street Access and Circulation

- i. Vehicular traffic flow will improve with the design of the Meadows Drive Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs. Vehicles parking to use the Trails will now be completely out of traffic lanes to improve pedestrian safety and trail users exiting their cars with recreational equipment.

h. Parking Lot Setbacks

- i. Approved Parking Areas are listed as a Front, Side, and Rear Setback exception in the ROS Zone.

i. Geotechnical Report

- i. Condition of Approval 5 requires the Applicant to submit a geotechnical report prior to Building Permit submittal.

11. The application as conditioned complies with *LMC 15-1-10 Conditional Use Permits* as follows:

a. Size and Location of the Site

- i. This is an existing Site utilized for Trailhead parking. The proposed Parking Area will improve the site and create better accessibility for Trail users.

b. Traffic

- i. The gravel Parking Area provides parking for 15 – 18 vehicles. The proposed paved Parking Area provides parking for two additional vehicles, for a total of 20 parking spaces. Vehicular traffic flow will improve with the design of the Meadows Drive Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs. Vehicles parking to use the Trails will now be completely out of traffic lanes to improve pedestrian safety and trail users exiting their cars with recreational equipment.

c. Utility Capacity

- i. The Development Review Committee reviewed this proposal on March 21, 2023, and did not identify any utility issues with the proposed Parking Area.



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d. Emergency Vehicle Access

- i. On March 21, 2023, the Park City Fire District reviewed the proposed Trailhead Parking Area and confirmed the proposal conforms with their requirements.

e. Parking

- i. The proposed Parking Area will increase the amount of Parking at the Meadows Drive Trailhead by two parking spaces. Twenty Parking Spaces are proposed. There are currently 15-18 un-striped, gravel parking spaces at the existing Meadows Drive Trailhead.

f. Internal Vehicular and Pedestrian Circulation System

- i. The proposed Parking Area will improve the vehicular circulation system by only allowing one-way traffic within the Parking Area with directional parking stalls. Pedestrians will have direct access to the Farm Trail via asphalt pathway from the Parking Area to the trail.

g. Fencing, Screening, and Landscaping

- i. The proposed Parking Area will be surrounded by a wood/rope fence similar to other Trailhead fences in Park City. There is no landscaping proposed for the Parking Area. Any disturbed non-paved area will be re-planted using the City's approved seed mixture. The existing wood fence at the site is City-Owned, and will be adjusted to allow a pedestrian pathway from the Parking Area to the Trail.

h. Building Mass, Bulk, and Orientation

- i. Not Applicable, no buildings or structures are proposed as part of this Application.

i. Useable Open Space

- i. The proposed Parking Area will increase the useability of Open Space for the community.

j. Signs and Lighting

- i. Five signs are proposed for the Meadows Drive Trailhead Parking Area: one is an informational kiosk sign, two are general signs for the Trailhead located near the entrance and exit, and there are two signs proposed for traffic flow; a one-way sign at the entrance and a do not enter sign at the exit. Municipal Code of Park City § 12-8-1 lists Recreational Facilities as exempt from the Sign Code



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requirements: "Signs located inside open-air recreational facilities that are not oriented to public streets, such as signs in ski resorts, skateboard parks, and golf courses, are exempt from the requirements of this Title."

- ii. There will be some signs oriented towards the public ROW. The Sign Code states the following in § 12-8-1(A): "CITY SIGNS. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title."

k. Physical Design and Compatibility with Surrounding Structures

- i. The Parking Area and Trailhead will be similar in design to existing Trailheads in Park City and will have a low visual impact because there are no structures proposed and the Trailhead Parking Area will be minimally visible from SR-224.

l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors

- i. Not Applicable.

m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas

- i. A trash can is proposed as part of the Trailhead Parking Area. The trash can will be located next to the Trailhead kiosk sign (see image above for location of proposed kiosk sign). The screening for the trash can will be reviewed as part of the Landscape Plan prior to building permit submittal.

n. Expected Ownership and Management

- i. The ASR-1 Parcel is owned by Cielo Azul LLC. The Meadows Drive Trailhead and Parking Area will be constructed partly on ROW and the ASR-1 Parcel. Condition of Approval 6 requires the City to enter into and record with Summit County an Easement Agreement with the Property Owner prior to building permit submittal.

o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site

- i. The Applicant submitted Sensitive Land Overlay materials that as Conditioned, are compliant with the overlay requirements. The Trailhead and Parking Area does not conflict with any Physical



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Mine Hazards, and it is outside the Soils Ordinance Boundary. No steep slopes will be impacted by the Trailhead Parking Area.

p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan

- i. Goal 4 of the General Plan states: "Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting." The proposed Trailhead will increase access and connectivity in Open Space areas.
 - ii. Goal 9 of the General Plan states: "Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors." The proposed Trailhead Parking Area will provide residents and visitors with improved access to recreational opportunities.
12. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on April 12, 2023.
 13. Staff mailed courtesy notices to the adjacent property owners within 300 feet on April 12, 2023 and the *Park Record* published notice on April 12, 2023.
 14. On April 26, 2023, the Planning Commission conducted a public hearing and continued the review to May 24, 2023, to allow the Applicant to obtain additional information.
 15. On May 24, 2023, the Planning Commission conducted a public hearing and continued the review to a date uncertain to allow the Applicant to obtain additional information.
 16. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on August 9, 2023.
 17. Staff mailed courtesy notices to the adjacent property owners within 300 feet on August 9, 2023 and the *Park Record* published notice on August 9, 2023.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.7 *Recreation And Open Space (ROS) District*, Chapter 15-2.23 *Sensitive Land Overlay (SLO)*, Chapter 15-3 *Off Street Parking Requirements*, and Section 15-1-10(E) *Conditional Use Permits*.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.



Planning Department

3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans dated August 4, 2023, reviewed by the Planning Commission as Exhibit C to the August 23, 2023 staff report. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Applicant must submit a geotechnical report prior to Building Permit submittal.
5. The Applicant must complete and record with Summit County an Easement Agreement with the property owner of Parcel No. ASR-1 for the proposed Parking Area and landscaping prior to Building Permit submittal.
6. Any disturbed non-paved area must be re-planted using the City's approved seed mixture.
7. Outdoor lighting is not included in the review of this permit. Future proposals to install outdoor lighting require Planning Department review and must comply with the outdoor lighting regulations outlined in Land Management Code Section 15-5-5(J), be Fully Shielded, down-directed, and 3,000 degrees Kelvin or less.
8. The Applicant shall protect existing utilities on site during construction.
9. The Applicant shall submit a Landscaping and Irrigation Plan to the Planning Department prior to building permit submittal that comply with the water wise landscaping requirements outlined in LMC § 15-5-5(N). Screening of trash shall be addressed as part of the Landscaping Plan.
10. The Applicant shall install a drainage basin to catch and filter any stormwater runoff from the Parking Area, as approved by the City Engineer.

If you have questions or concerns regarding this Final Action Letter, please call (385) 481-2036 or email virgil.lund@parkcity.org.

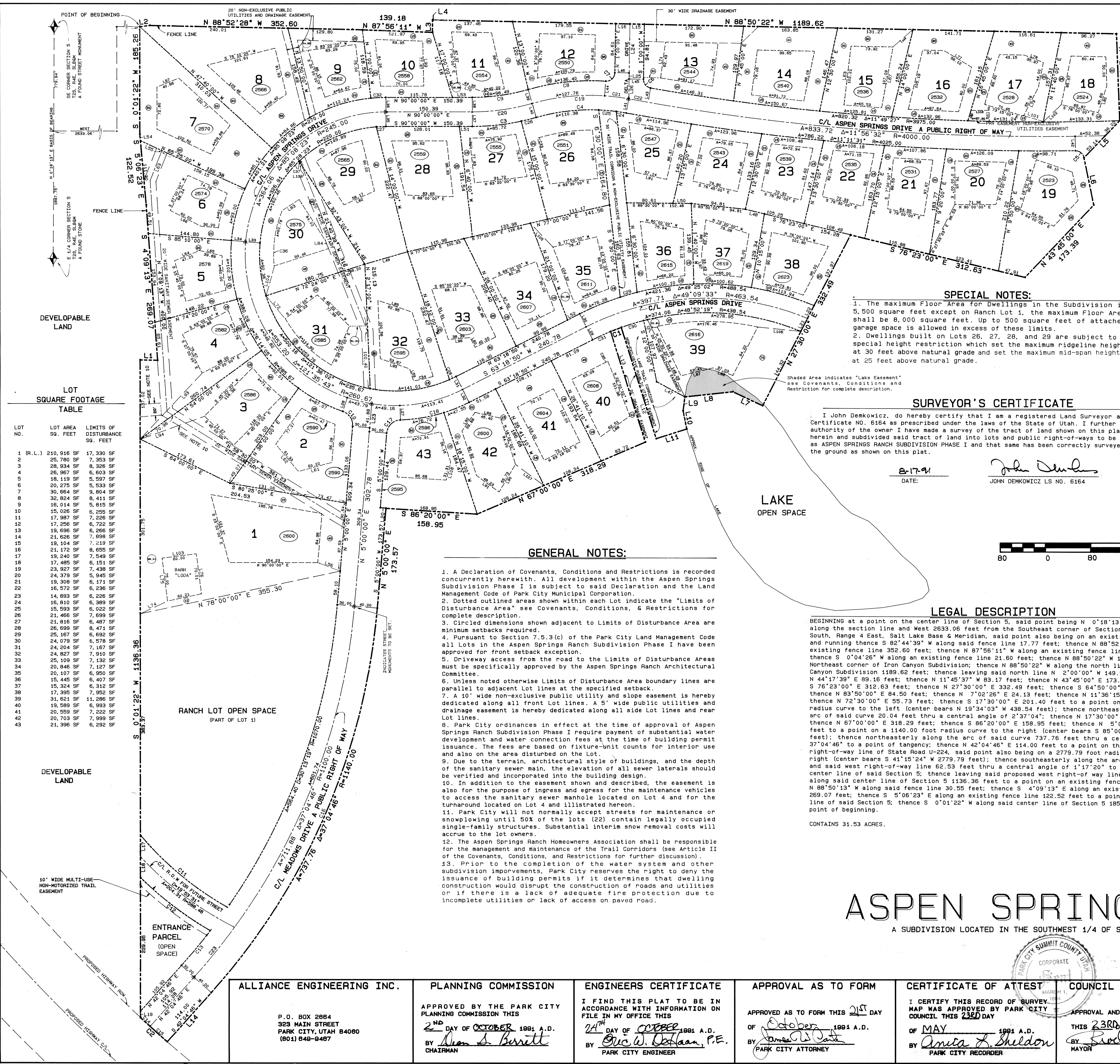


Planning Department

Sincerely,

Sarah Hall
Planning Commission Chair

CC: Virgil Lund



CURVE TABLE

CURVE	ARC	DELTA	RADIUS
C1	20.04	2°37'04"	439.54
C2	62.53	1°17'50"	2779.79
C3	112.39	15°54'00"	405.00
C4	158.54	26°19'45"	345.00
C5	20.70	79°03'44"	15.00
C6	21.24	81°07'17"	15.00
C7	24.30	86°20'24"	15.00
C8	136.40	15°47'05"	395.00
C9	98.49	15°53'48"	355.00
C10	33.32	70°22'28"	25.00
C11	196.05	19°59'08"	563.48
C12	192.15	14°19'38"	613.48
C13	77.71	4°09'41"	1070.00
C14	22.53	0°27'52"	2779.79
C15	40.00	0°49'28"	2779.79
C16	737.76	37°04'48"	1140.00
C17	36.30	83°11'38"	25.00
C18	124.59	24°55'44"	285.67
C19	170.00	26°19'30"	370.00
C20	105.45	15°54'00"	380.00
C21	42.24	6°32'25"	370.00
C22	34.36	0°29'27"	4000.00
C23	110.14	5°44'12"	1100.00
C24	17.54	2°54'46"	345.00
C25	30.62	5°09'04"	345.00
C26	26.67	4°48'25"	405.00
C27	16.67	4°18'54"	220.00
C28	13.01	3°39'25"	180.00
C29	30.42	3°34'03"	488.54
C30	140.63	1°19'28"	1510.28
C31	34.45	1°30'03"	439.54
C32	25.97	5°30'38"	270.00
C33	26.25	5°56'40"	440.00
C34	35.00	9°05'16"	220.67
C35	37.09	1°01'54"	393.54
C36	37.48	10°31'31"	210.57
C37	2.57	0°40'06"	220.00

LINE TABLES

LINE	BEARINGS	DISTANCE
L1	N 88°50'13" W	30.55
L2	S 82°44'39" W	17.77
L3	S 0°04'26" W	21.60
L4	N 88°50'13" W	1.58
L5	N 44°17'39" E	89.16
L6	N 11°45'37" W	89.17
L7	S 64°50'00" E	97.00
L8	N 83°50'00" E	84.50
L9	N 7°02'26" E	24.13
L10	N 11°36'15" W	32.03
L11	N 72°30'00" E	55.73
L12	S 17°30'00" E	201.40
L13	N 17°30'00" W	200.24
L14	N 42°04'46" E	114.00
L15	S 88°50'22" E	25.00
L16	S 88°50'22" E	25.00
L17	N 0°01'22" E	37.44
L18	N 0°01'22" E	35.68
L19	N 0°01'22" E	37.00
L20	S 86°20'00" E	10.00
L21	S 27°30'00" W	25.00
L22	S 27°30'00" W	25.00
L23	N 5°00'00" E	48.44
L24	N 1°00'00" E	84.54
L25	N 1°00'00" E	345.00
L26	N 1°00'00" E	34.09
L27	S 1°48'24" E	25.00
L28	N 18°57'32" E	25.00
L29	S 26°41'10" E	25.00
L30	S 26°41'10" E	25.00
L31	N 26°41'10" W	25.00
L32	N 26°41'10" W	25.00
L33	S 85°08'23" E	25.00
L34	S 85°08'23" E	25.00
L35	S 0°00'00" E	25.00
L36	S 0°00'00" E	25.00
L37	S 0°00'00" E	25.00
L38	S 0°00'00" E	25.00
L39	S 0°00'00" E	25.00
L40	N 15°54'00" W	25.00
L41	N 15°54'00" W	25.00
L42	N 0°49'21" W	25.00
L43	N 9°52'43" E	25.00
L44	S 3°49'44" W	25.00
L45	N 88°50'13" W	25.00
L46	N 43°12'44" E	44.87
L47	S 61°50'00" E	35.50
L48	S 76°23'00" E	34.03
L49	N 73°50'00" E	77.05
L50	N 89°30'00" W	31.85
L51	N 90°00'00" E	22.39
L52	S 63°18'50" W	23.89
L53	S 80°00'00" E	34.62
L54	N 5°06'23" W	11.22
L55	N 88°50'13" W	41.23
L56	N 69°10'27" W	41.58
L57	N 21°50'27" E	55.43
L58	N 58°50'00" E	1.58
L59	S 16°12'00" E	22.30
L60	S 26°41'10" E	18.92
L61	N 75°00'00" E	60.23
L62	S 40°00'00" E	61.33
L63	S 7°00'00" W	102.21
L64	S 88°00'00" W	41.23
L65	N 77°00'00" W	39.89
L66	S 63°00'00" E	60.60
L67	N 11°00'00" E	101.69
L68	S 42°00'00" W	53.13
L69	N 28°00'00" E	29.93
L70	S 69°00'00" E	44.25
L71	S 8°00'00" E	62.43
L72	N 40°35'30" W	51.70
L73	N 35°00'00" E	61.39
L74	S 84°52'29" W	52.84
L75	S 7°15'00" E	75.90
L76	N 7°15'00" W	75.61
L77	N 59°50'00" E	56.42
L78	N 69°00'00" W	35.97
L79	N 69°00'00" E	55.76
L80	N 18°00'00" E	48.69
L81	S 76°45'00" E	57.44
L82	N 66°00'00" E	59.17
L83	S 57°12'45" W	35.03
L84	N 21°40'38" W	15.22
L85	N 71°00'00" W	65.85
L86	S 69°00'00" E	37.03
L87	N 75°00'00" E	62.73
L88	N 85°00'00" E	62.51
L89	N 77°00'00" W	45.40
L90	N 31°00'00" E	59.81
L91	S 54°00'00" E	48.23
L92	S 35°00'00" W	39.88
L93	S 35°00'00" W	155.28
L94	S 70°22'26" W	118.89
L95	S 11°00'00" E	58.81
L96	N 85°00'00" E	39.39
L97	S 8°04'13" E	33.43
L98	S 7°00'00" W	62.73
L99	N 11°11'24" W	27.67
L100	N 43°12'44" E	44.87
L101	S 72°59'27" E	25.81
L102	N 46°40'26" E	43.58
L103	S 82°45'00" W	60.64
L104	S 16°18'00" W	54.04
L105	S 43°30'17" E	58.95
L106	S 84°10'15" E	75.32
L107	S 53°13'10" E	61.26
L108	N 15°00'00" E	31.31
L109	S 32°43'00" E	12.48
L110	S 60°00'00" W	22.00
L111	N 0°00'00" E	18.27

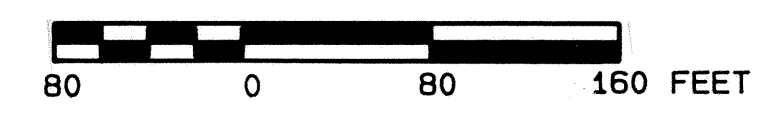
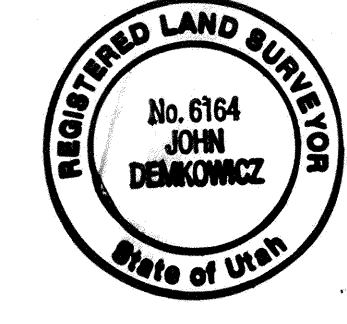
NOTE:

THE SYMBOL (0000) INDICATES STREET ADDRESS AS SHOWN ON THE PLAT. TWO NUMBERS INDICATES EITHER MAY BE USED.
THE SYMBOL Δ INDICATES STREET MONUMENT TO BE SET.

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 6164 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots and public right-of-ways to be hereafter known as ASPEN SPRINGS RANCH SUBDIVISION PHASE I and that same has been correctly surveyed and staked on the ground as shown on this plat.

DATE: 8-17-91
JOHN DEMKOWICZ LS NO. 6164



LEGAL DESCRIPTION

BEGINNINGS at a point on the center line of Section 5, said point being N 0°18'13" E 779.94 feet along the section line and West 2633.06 feet from the Southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point also being on an existing fence line, and running thence S 82°44'39" W along said fence line 17.77 feet; thence N 88°52'28" W along an existing fence line 352.60 feet; thence N 87°56'11" W along an existing fence line 139.18 feet; thence S 0°04'26" W along an existing fence line 21.60 feet; thence N 88°50'22" W 1.58 feet to the Northeast corner of Iron Canyon Subdivision; thence N 88°50'22" W along the north line of said Iron Canyon Subdivision 1189.52 feet; thence leaving said north line N 2°00'00" W 149.91 feet; thence N 44°17'39" E 89.16 feet; thence N 11°45'37" W 89.17 feet; thence N 43°45'00" E 173.39 feet; thence S 76°23'00" E 312.63 feet; thence N 27°30'00" E 332.49 feet; thence S 64°50'00" E 57.00 feet; thence N 83°50'00" E 84.50 feet; thence N 7°02'26" E 24.13 feet; thence N 11°36'15" W 32.03 feet; thence N 72°30'00" E 55.73 feet; thence S 17°30'00" E 201.40 feet to a point on a 438.54 foot radius curve to the left (center bears N 19°34'03" W 438.54 feet); thence northeasterly along the arc of said curve 20.04 feet thru a central angle of 2°37'04"; thence N 17°30'00" W 200.24 feet; thence N 67°00'00" E 318.29 feet; thence S 86°20'00" E 158.95 feet; thence N 5°00'00" E 173.57 feet to a point on a 1140.00 foot radius curve to the right (center bears S 95°00'00" E 1140.00 feet); thence northeasterly along the arc of said curve 737.76 feet thru a central angle of 37°04'46" to a point of tangency; thence N 42°04'46" E 114.00 feet to a point on the proposed west right-of-way line of State Road U-224, said point also being on a 2779.79 foot radius curve to the right (center bears S 41°15'24" W 2779.79 feet); thence southeasterly along the arc of said curve and said west right-of-way line 62.53 feet thru a central angle of 1°17'20" to a point on the center line of said Section 5; thence leaving said proposed west right-of-way line S 0°01'22" W along said center line of Section 5 1136.36 feet to a point on an existing fence line; thence N 88°50'13" W along said fence line 30.55 feet; thence S 4°09'13" E along an existing fence line 269.07 feet; thence S 5°06'23" E along an existing fence line 122.52 feet to a point on the center line of said Section 5; thence S 0°01'22" W along said center line of Section 5 185.26 feet to the point of beginning.

CONTAINS 31.53 ACRES.

GENERAL NOTES:

- A Declaration of Covenants, Conditions and Restrictions is recorded concurrently herewith. All development within the Aspen Springs Subdivision Phase I is subject to said Declaration and the Land Management Code of Park City Municipal Corporation.
- Dotted outlined areas shown within each lot indicate the "Limits of Disturbance Area" see Covenants, Conditions, & Restrictions for complete description.
- Circled dimensions shown adjacent to Limits of Disturbance Area are minimum setbacks required.
- Pursuant to Section 7.5.3(c) of the Park City Land Management Code all Lots in the Aspen Springs Ranch Subdivision Phase I have been approved for front setback exception.
- Driveway access from the road to the Limits of Disturbance Areas must be specifically approved by the Aspen Springs Ranch Architectural Committee.
- Unless noted otherwise Limits of Disturbance Area boundary lines are parallel to adjacent Lot lines at the specified setback.
- A 10' wide non-exclusive public utility and slope easement is hereby dedicated along all front Lot lines. A 5' wide public utilities and drainage easement is hereby dedicated along all side Lot lines and rear Lot lines.
- Park City ordinances in effect at the time of approval of Aspen Springs Ranch Subdivision Phase I require payment of substantial water development and water connection fees at the time of building permit issuance. The fees are based on fixture-unit counts for interior use and also on the area disturbed on the lot.
- Due to the terrain, architectural style of buildings, and the depth of the sanitary sewer main, the elevation of all sewer laterals should be verified and incorporated into the building design.
- In addition to the easement shown and described, the easement is also for the purpose of ingress and egress for the maintenance vehicles to access the sanitary sewer manhole located on Lot 4 and for the turnaround located on Lot 4 and is illustrated hereon.
- Park City will not normally accept streets for maintenance or snowplowing until 50% of the lots (22) contain legally occupied single-family structures. Substantial interim snow removal costs will accrue to the lot owners.
- The Aspen Springs Ranch Homeowners Association shall be responsible for the management and maintenance of the Trail Corridors (see Article II of the Covenants, Conditions, and Restrictions for further discussion).
- Prior to the completion of the water system and other subdivision improvements, Park City reserves the right to deny the issuance of building permits if it determines that dwelling construction would disrupt the construction of roads and utilities or if there is a lack of adequate fire protection due to incomplete utilities or lack of access on paved road.

LOT SQUARE FOOTAGE TABLE

LOT NO.	LOT AREA SQ. FEET	LIMITS OF DISTURBANCE SQ. FEET
1 (R.L.)	210,916 SF	17,330 SF
2	25,780 SF	7,353 SF
3	28,934 SF	8,326 SF
4	26,967 SF	6,603 SF
5	18,119 SF	5,597 SF
6	20,275 SF	5,533 SF
7	30,664 SF	8,804 SF
8	32,824 SF	8,411 SF
9	16,014 SF	5,815 SF
10	15,026 SF	6,255 SF
11	17,987 SF	7,226 SF
12	17,256 SF	6,722 SF
13	19,696 SF	6,266 SF
14	21,626 SF	7,898 SF
15	19,104 SF	7,219 SF
16	21,172 SF	6,655 SF
17	19,240 SF	7,549 SF
18	17,485 SF	6,151 SF
19	23,927 SF	7,438 SF
20	24,379 SF	5,945 SF
21	19,308 SF	6,171 SF
22	16,572 SF	6,236 SF
23	14,893 SF	6,226 SF
24	16,810 SF	6,389 SF
25	15,593 SF	6,022 SF
26	21,466 SF	7,699 SF
27	21,816 SF	6,487 SF
28	26,699 SF	6,471 SF
29	25,457 SF	6,692 SF
30	24,079 SF	6,578 SF
31	24,204 SF	7,167 SF
32	24,827 SF	7,910 SF
33	25,109 SF	7,132 SF
34	20,846 SF	7,127 SF
35	20,107 SF	6,950 SF
36	15,445 SF	6,407 SF
37	15,324 SF	6,312 SF
38	17,395 SF	7,952 SF
39	31,621 SF	11,286 SF
40	19,589 SF	6,993 SF
41	20,559 SF	7,222 SF
42	20,703 SF	7,999 SF
43	21,396 SF	6,292 SF

RANCH LOT OPEN SPACE (PART OF LOT 1)

ENTRANCE PARCEL (OPEN SPACE)

ALLIANCE ENGINEERING INC.

P.O. BOX 2884
323 MAIN STREET
PARK CITY, UTAH 84080
(801) 848-8487

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 2ND DAY OF OCTOBER 1991 A.D.
BY: Allen S. Burritt
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 24TH DAY OF OCTOBER 1991 A.D.
BY: Duc W. DeLaan, P.E.
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 21ST DAY OF OCTOBER 1991 A.D.
BY: James W. Deane
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 23RD DAY OF MAY 1991 A.D.
BY: Anita L. Sheldon
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL
THIS 23RD DAY OF MAY 1991 A.D.
BY: Evelyn L. Peterson
MAYOR

349163 RECORDED

STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF Associated Title Co. DATE 9/3/91 TIME 2:27 BOOK 41:58 PAGE 2
FEE RECORDER

ASPEN SPRINGS RANCH PHASE I

A SUBDIVISION LOCATED IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



VICINITY MAP



MEADOWS DRIVE TRAILHEAD
PARKING LOT

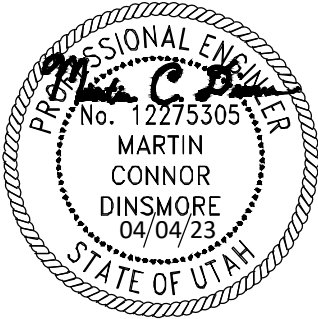
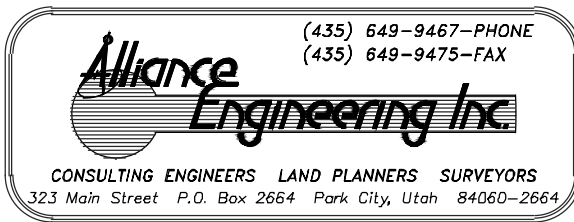
MEADOWS DRIVE AND UT-224
PARK CITY, UT 84060

APRIL 4, 2023

SHEET INDEX

- 1. COVER
- 2. EXISTING CONDITIONS & TOPOGRAPHY
- 3. SITE & GRADING PLAN
- 4. CMP & SWPPP

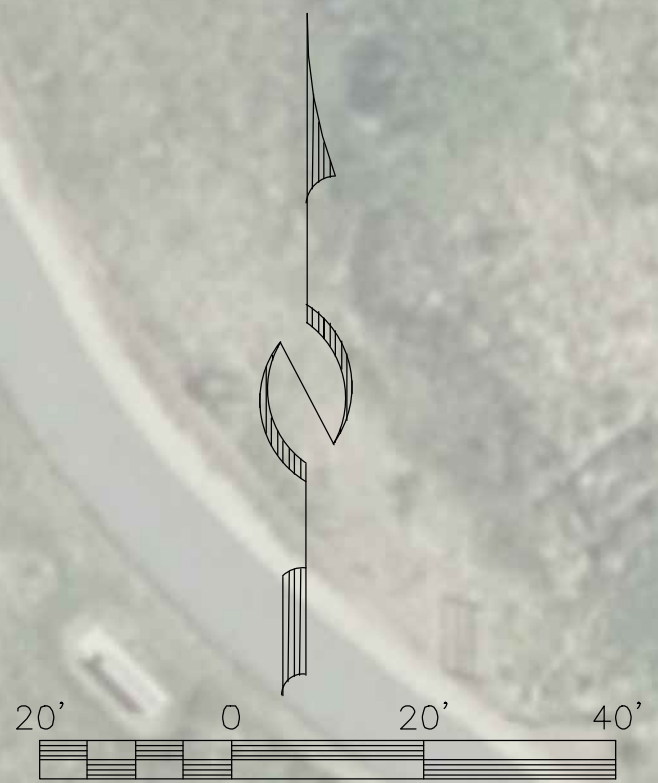
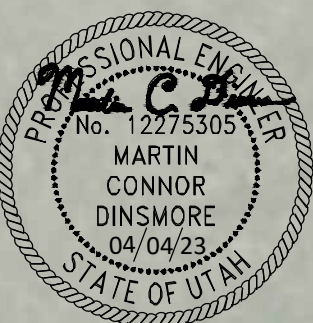
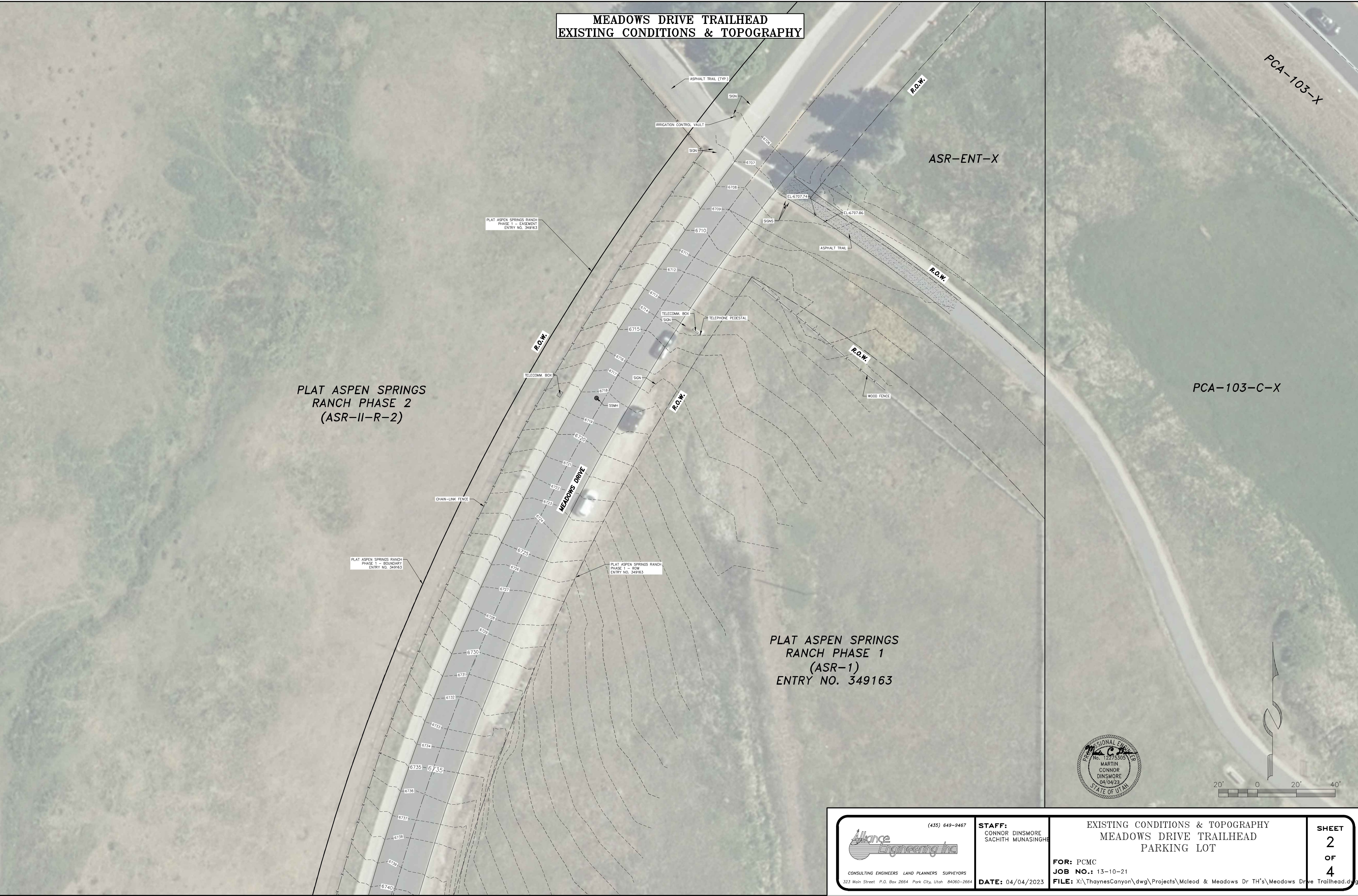
CIVIL ENGINEER

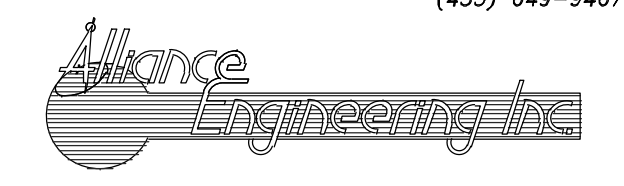


GENERAL NOTES

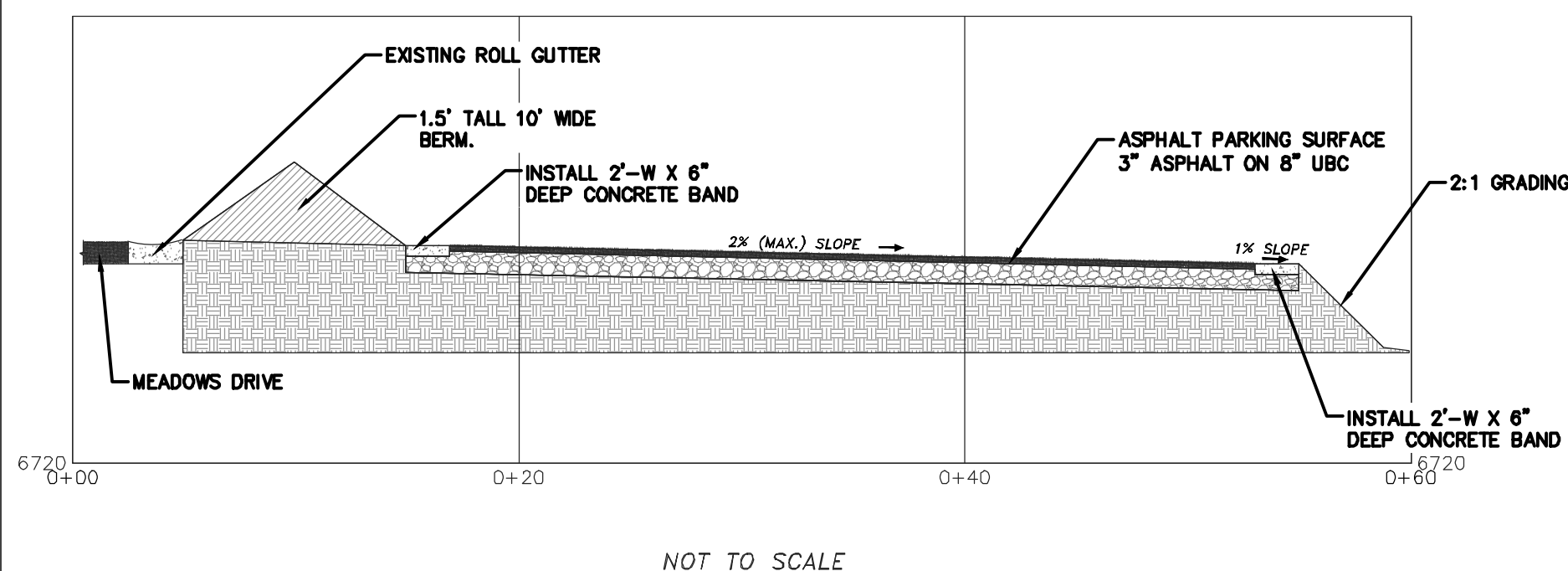
- G-1** ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
- A. Park City Design Standards, Construction Specifications, and Standard Drawings, Latest Edition.
 - B. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.
 - C. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - D. Approved construction plans and details.
 - E. Approved Traffic Control Plan.
 - F. Storm Water Pollution Prevention Plan. (SWPPP)
- G-2** Contractor/Bidder shall obtain a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, county engineer, S.B.W.R.D. engineer, PCMC engineer, and their designated representatives and inspectors.
- G-3** The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, manholes, vaults, catch basins, earthwork operations, and road construction.
- G-4** Prior to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- G-5** The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.
- G-6** All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by the project owner.
- G-7** The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.
- G-8** Compaction testing shall be an integral part of the project. Compaction testing shall include, but shall not be limited to earthwork, trench back-fill, base course, and asphalt pavement. Compaction testing shall be performed by a qualified, independent testing company retained by the contractor.

MEADOWS DRIVE TRAILHEAD
EXISTING CONDITIONS & TOPOGRAPHY



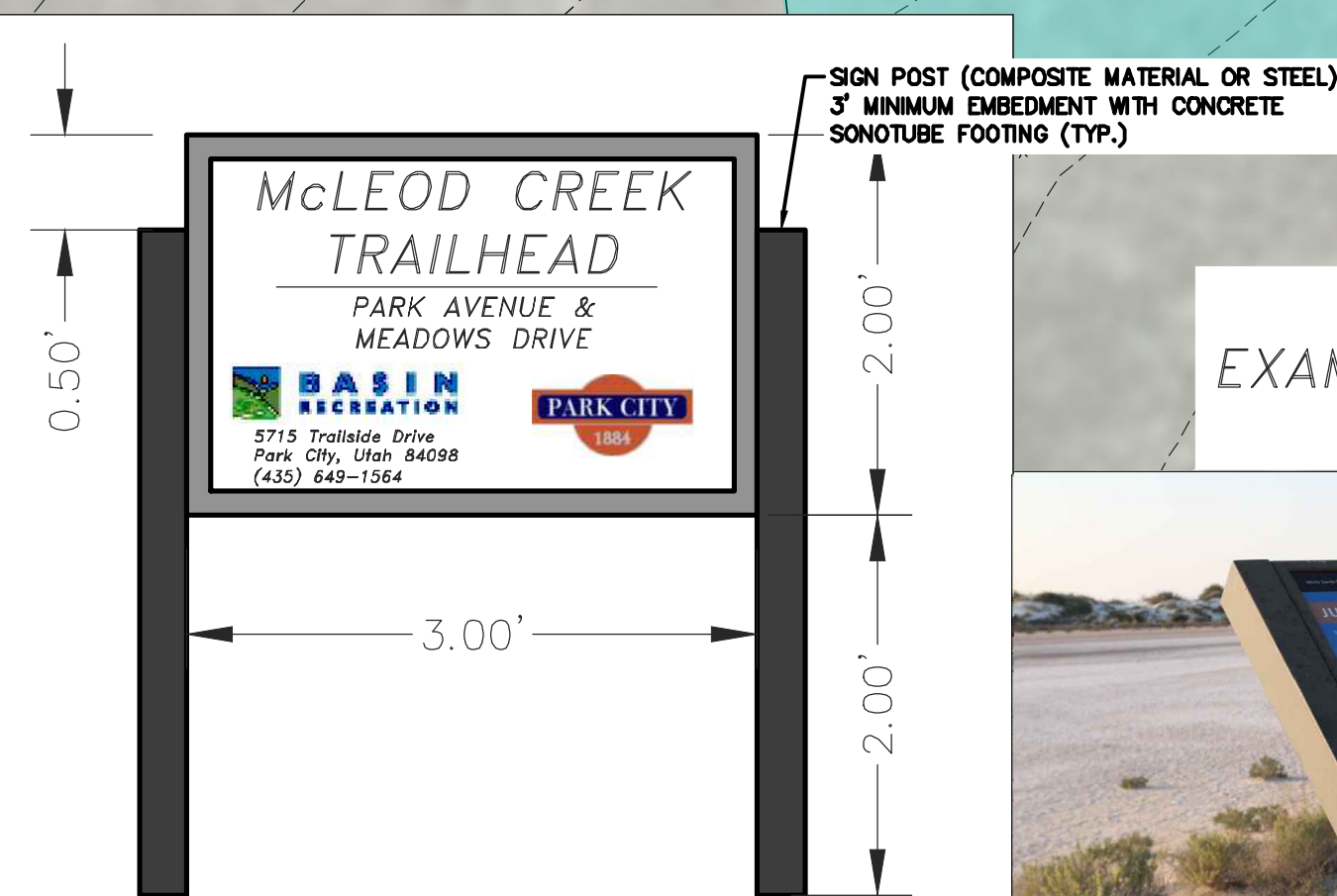
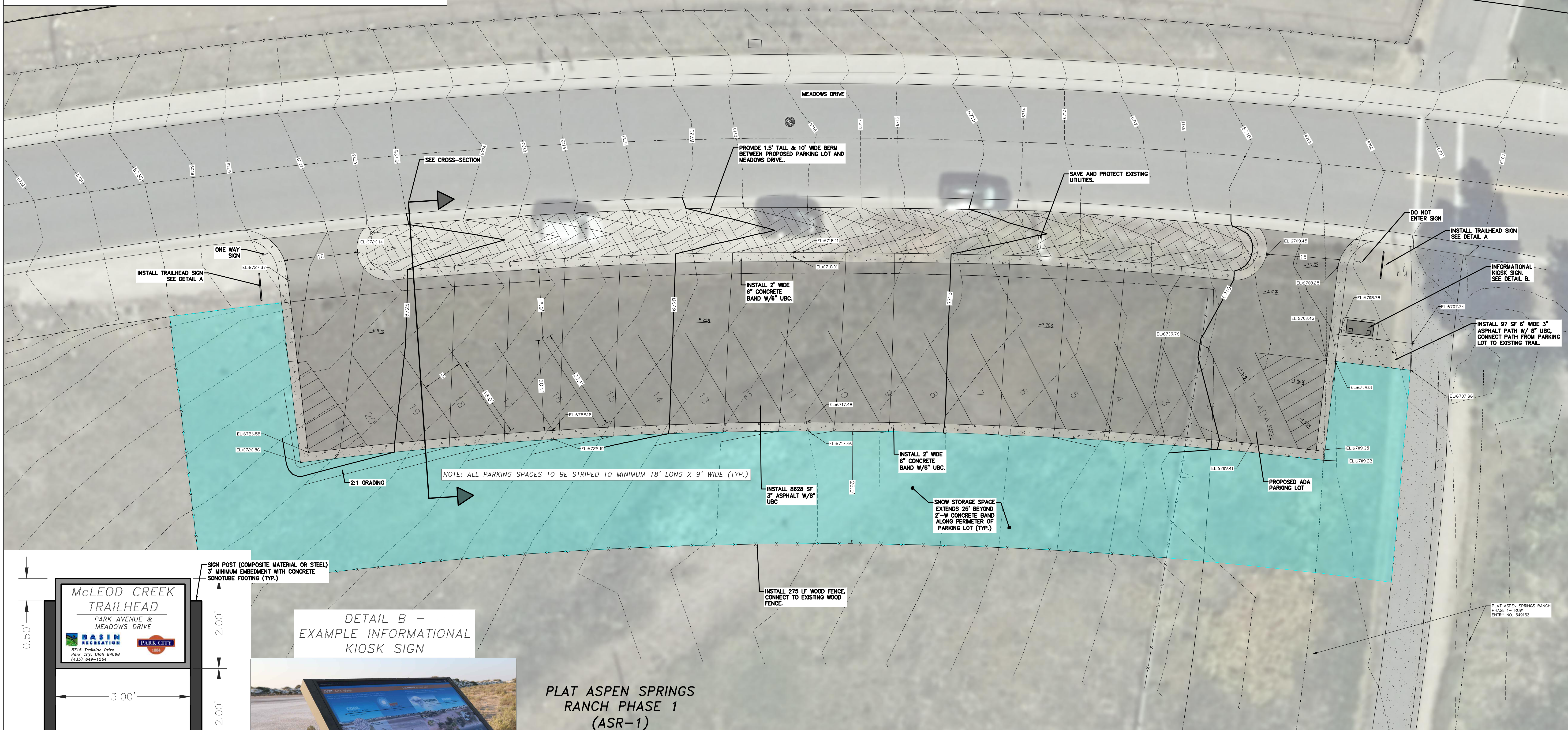
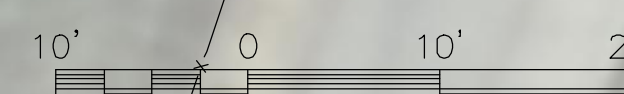
 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE DATE: 04/04/2023	EXISTING CONDITIONS & TOPOGRAPHY MEADOWS DRIVE TRAILHEAD PARKING LOT FOR: PCMC JOB NO.: 13-10-21 FILE: X:\ThaynesCanyon\dwg\Projects\Mcleod & Meadows Dr TH's\Meadows Drive Trailhead.dwg	SHEET 2 OF 4
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TYPICAL PARKING LOT CROSS-SECTION



MEADOWS DRIVE TRAILHEAD SITE & GRADING PLAN

PLAT ASPEN SPRINGS
RANCH PHASE 2
(ASR-II-R-2)



DETAIL A -
TRAILHEAD SIGNAGE

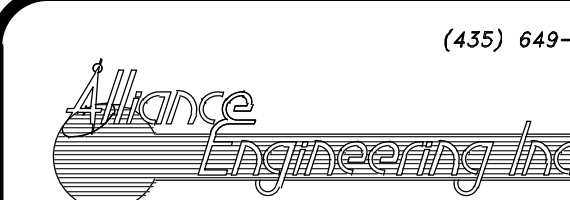
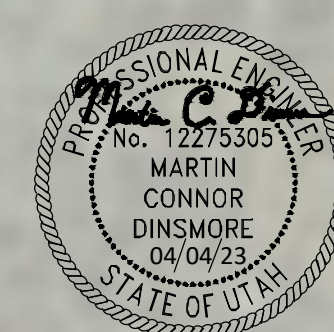


DETAIL B -
EXAMPLE INFORMATIONAL
KIOSK SIGN

NOTE: WOOD PRODUCT SIGNS (WOODPRODUCTSIGNS.COM) IS A MANUFACTURER OF SIGNS THAT CAN BE USED FOR THIS PROJECT. CONFIRM WITH PARK CITY FOR INFORMATION ON & DESIGN OF SIGN.

NOTE: WOOD PRODUCT SIGNS (WOODPRODUCTSIGNS.COM) IS A MANUFACTURER OF SIGNS THAT CAN BE USED FOR THIS PROJECT. CONFIRM WITH PARK CITY FOR INFORMATION ON & DESIGN OF SIGN.

PLAT ASPEN SPRINGS
RANCH PHASE 1
(ASR-1)
ENTRY NO. 349163



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

(435) 649-9467

STAFF:
CONNOR DINSMORE
SACHITH MUNASINGHE

64 **DATE:** 04/04/2023

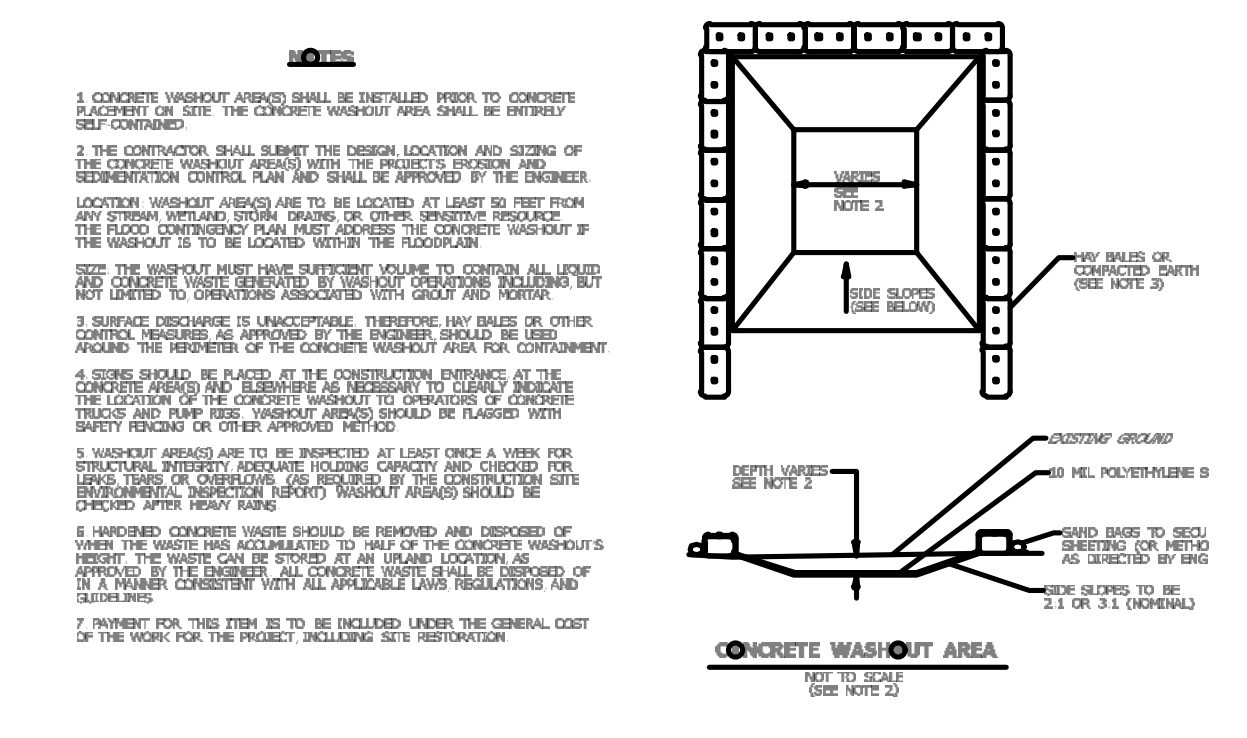
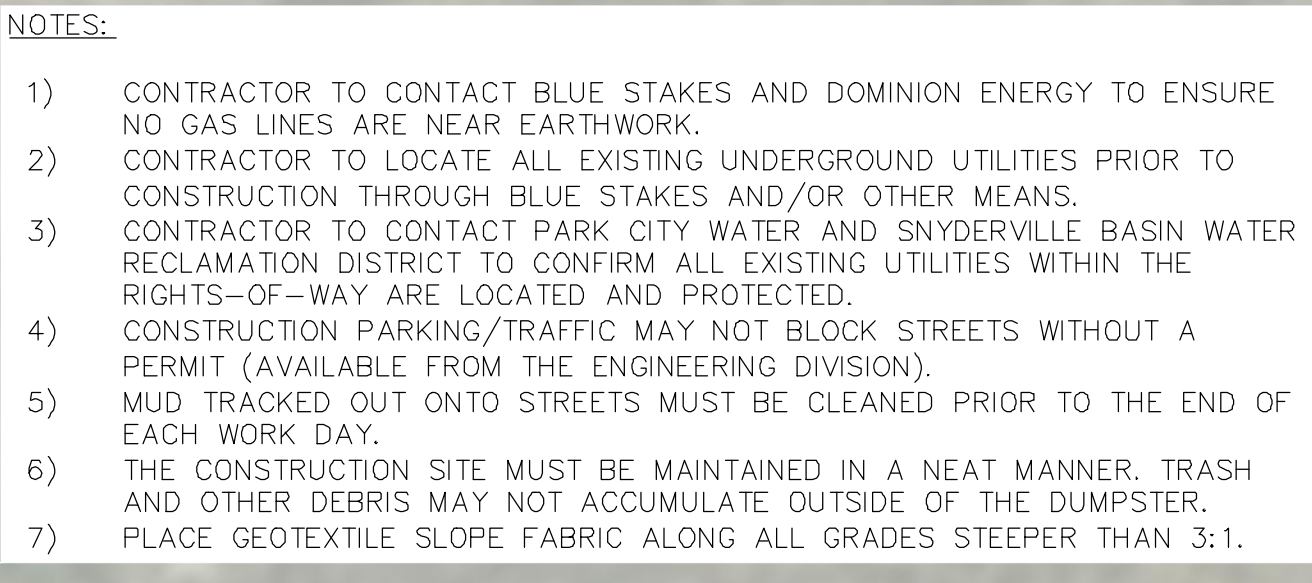
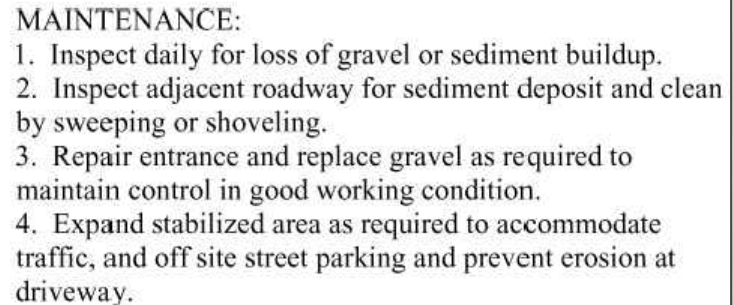
FOR: PCMC
JOB NO.: 13-10-21

FILE: X:\ThaynesCanyon\dwg\Projects\Mcleod & Meadows Dr TH's\Meadows Drive Trailhead.dwg

SITE & GRADING PLAN
MEADOWS DRIVE TRAILHEAD
PARKING LOT

SHEET
3
OF
4

TOTAL LIMITS OF DISTURBANCE: ~16,403 SF



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: CONNOR DINSMORE SACHITH MUNASINGHE	CMP & SWPPP MEADOWS DRIVE TRAILHEAD PARKING LOT	SHEET 4 OF 4
	DATE: 04/04/2023	FOR: PCMC JOB NO.: 13-10-21 FILE: X:\ThaynesCanyon\dwg\Projects\Mcleod & Meadows Dr TH's\Meadows Drive Trailhead.dwg	

Vegetation Cover

Type

- Cultivated Cropland
- Developed, Low Intensity
- Developed, Medium Intensity
- Developed, Open Space
- Disturbed/Successional - Shrub Regeneration
- Inter-Mountain Basins Montane Sagebrush Steppe
- Pasture/Hay
- Rocky Mountain Aspen Forest and Woodland
- Rocky Mountain Gambel Oak-Mixed Montane Shrubland
- Rocky Mountain Lower Montane Riparian Woodland and Shrubland
- Rocky Mountain Subalpine-Montane Mesic Meadow

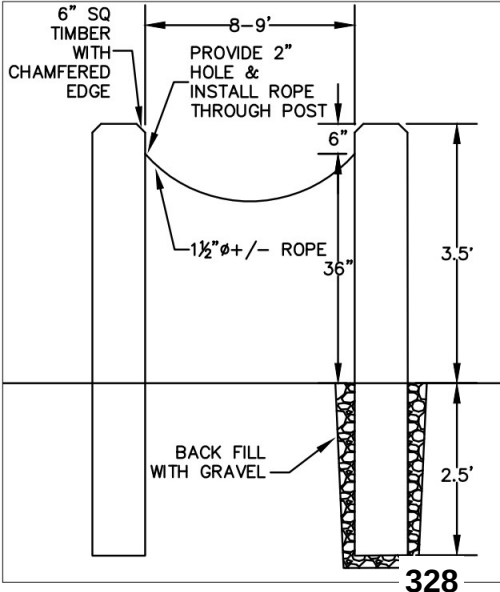
McLeod Creek
Trailhead

Meadows Dr

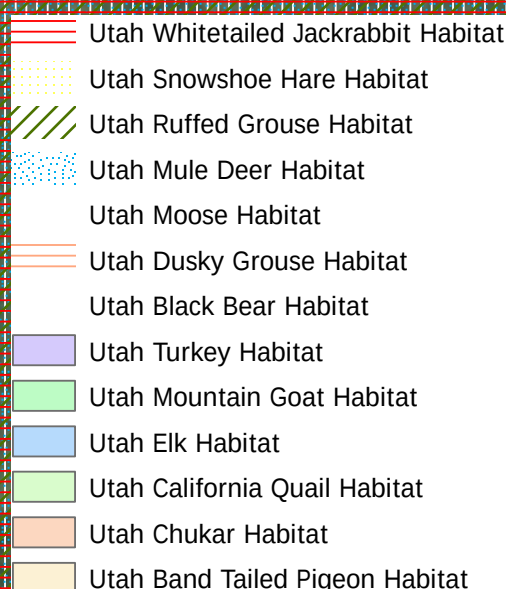
SR224

Meadows Drive
Trailhead





FENCE DETAIL



WHEN RECORDED, RETURN TO:

Cielo Azul, L.L.C.
Attn: Fred Ahlstrom, Manager
5920 N. Campbell Road
Las Vegas, NV 89149

PUBLIC RECREATIONAL TRAILHEAD EASEMENT AGREEMENT

This Public Recreational Trailhead Easement Agreement (“Agreement”) is between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation (the “City”) and CIELO AZUL, L.L.C., a Utah limited liability company (“Grantor”).

RECITALS

Grantor is the owner of the real property located in Summit County, Utah, commonly known as 2600 Meadows Drive, Park City, Utah, Parcel No. ASR-1, and more particularly described as Lot 1, Aspen Springs Ranch Subdivision Phase 1, according to the official plat thereof on file and of record in the Summit County Recorder’s Office (the “Property”);

The City desires to create a public trailhead for recreation trail access (the “Trailhead”) on the Property where the public will not be charged an entry fee;

The City has an existing informal Trailhead in the area and wishes to make improvements which requires additional property; and

Grantor desires to facilitate these improvements by granting an easement that allows the Trailhead to be partially constructed on the Property pursuant to the terms of this Agreement.

AGREEMENT

The parties therefore agree as follows:

1. Grantor hereby grants to the City and the Property is hereby burdened by a Trailhead easement (the “Easement”) for the sole purpose of constructing, operating, and maintaining recreational public parking over the portion of the Property depicted as ‘Trailhead Design’ on exhibit A and further described in the Legal Description shown on exhibit B.
2. The initial term of this Agreement ends at midnight at the end of December 31, 2043. The term of this Agreement (consisting of the initial term and any extensions in accordance with this section 2) will automatically be extended by consecutive 10-year terms unless no later than one year before any such extension begins either Grantor or the City notifies the other in writing that it does not wish to extend the Agreement.

- (a) Upon the termination of this Agreement and the Easement granted herein for any reason, the City, at the City's sole and exclusive cost and expense, shall fully restore the Property, to the reasonable satisfaction of Grantor, to be unimproved real property, including, without limitation, the removal of all asphalt, concrete, fencing, signs, and other improvements, and reseeding the Property with natural grass and other vegetation.
 - (b) Such restoration of the Property shall be completed no later than one year from the termination of this Agreement.
3. The general public shall have the nonexclusive right to use the Easement for recreational parking only. The Easement shall not be used for commercial or overnight parking. Grantor shall have no obligation to maintain the Trailhead within the Easement.
- (a) The City, at the City's sole cost and expense shall install a split rail fence, or similar fence, as reasonably approved by Grantor, plainly delineating the boundary line of the Easement in relation to the remainder of the Property owned by Grantor.
 - (b) The City, at the City's sole cost and expense, shall post signs in multiple conspicuous locations, as reasonably approved by Grantor, plainly stating that the Property beyond the fence line enclosing the Easement is private property and there shall be no trespassing thereon.
 - (c) Grantor, at Grantor's sole cost and expense, may, in Grantor's sole and absolute discretion, post additional signs on the Property indicating that the Property beyond the fence line enclosing the Easement is private property and there shall be no trespassing thereon.
 - (d) The City, at the City's sole cost and expense, shall be responsible for cleaning up any trash and debris that blows onto the Property from the Easement and/or is deposited on the Property by users of the Trailhead and the Easement.
 - (e) Upon notice from Grantor of trespassing on and/or damage caused to the Property outside of the Easement by users of the Trailhead and the Easement, the City shall make reasonable efforts to promptly investigate and address those issues.
 - (f) If the City fails to reasonably address trespassing and/or damage issues within 30 days of notice from Grantor, then Grantor may immediately terminate this Agreement and the Easement granted therein by providing written notice of such termination to the City.
 - (g) The City, at the City's sole cost and expense, shall be responsible for removing snow from the Easement area. Snow removed from the Easement area may be stored on the Property within 10 feet from the edge of the Easement area, provided that the City shall be solely responsible for any damage caused to the Property as a result of such snow storage.

4. Grantor agrees to donate use of the Property to the City for purposes of the Easement pursuant to this Agreement.
5. Grantor and City agree that, following the date of execution of this Agreement, the City will be solely responsible for the construction, operation, and maintenance of the Trailhead, and that the City may remove or replace the Trailhead at its sole discretion.
6. To the extent permitted by the Utah Constitution and the Governmental Immunity Act of Utah, the Utah Limitation of Landowner Liability—Public Recreation Act, and the Recreation Land Use Immunity Act, the City shall, within the limits of the Utah Governmental Immunity Act, defend and indemnify Grantor against any liability for damage to life or property arising from public use of the Easement. The City shall not be required to indemnify Grantor for any such liability arising out of the negligence or intentional acts of the Grantor or the employees, agents, invitees, or guests of the Grantor.
7. Grantor represents and warrants to the City that Grantor owns fee simple title to the Property which is being encumbered by the Easement. Grantor represents that, subject to Section 13 below, it has the full right, power, and authority to grant this Easement to the City and to carry out its obligations in this Agreement. Grantor further represents that all required actions necessary to internally authorize Grantor to carry out its obligations in this Agreement have taken place.
8. Each right and obligation which inheres in this Agreement (whether affirmative or negative in nature): (a) shall constitute a covenant running with the land; (b) shall benefit and bind every person having any fee, leasehold, or other interest in any portion of the Property or Easement to the extent such portion is benefitted, affected, or bound by the Easement; and (c) shall benefit and be binding upon any owner of the Property whose title is acquired by judicial foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise. If Grantor transfers the Property, the transferee shall automatically be deemed to have assumed and agreed to be personally bound and obligated by and responsible to perform the obligations of Grantor contained in this Agreement.
9. Grantor shall timely pay all taxes and assessments against the Property of which the Easement is a part.
10. All notices, requests, demands, and other communications must be in writing and must be given by: (a) established express delivery service which maintains delivery records; (b) hand delivery; or (c) certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as a party may designate by written notice in the above manner:

If to Grantor:	Cielo Azul, L.L.C. Attn: Fred Ahlstrom, Manager 5920 N. Campbell Road Las Vegas, Nevada 89149
If to the City:	Park City Municipal Corporation 445 Marsac Avenue PO Box 1480 Park City, Utah 84060

11. This Agreement is governed by the laws of the State of Utah.
12. This Agreement is binding upon and inures to the benefit of the parties and their respective successors and assigns.
13. The effectiveness of this Agreement, and the Easement granted herein, is expressly contingent upon the prior written approval of the Aspen Springs Ranch Homeowners Association, Inc., a Utah non-profit corporation, as indicated in the attached approval below.
14. Each individual executing this Agreement represents that they are duly authorized to execute this agreement in the capacity and for the entity for whom that individual signs.

(Signatures on following page)

CIELO AZUL, L.L.C.,
a Utah limited liability company

Date: _____

Signature: _____
Fred Ahlstrom, Manager

Signature: _____
Debra Ahlstrom, Manager

CORPORATE ACKNOWLEDGMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On this ____ day of _____, 2023, personally appeared before me FRED AHLSTROM and DEBRA AHLSTROM, who being duly sworn, did say that they are the MANAGERS of CIELO AZUL, L.L.C., a Utah limited liability company, and acknowledged to me that the preceding Easement Agreement was signed on behalf of said limited liability company, by their authority and they acknowledged that they did execute the same for its stated purpose.

NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION,
a Utah municipal corporation

Date: _____

Signature: _____
Nann Worel, Mayor

Attest:

City Recorder's Office

Approved as to Form:

City Attorney's Office

APPROVAL OF HOMEOWNERS ASSOCIATION

The Aspen Springs Ranch Homeowners Association, Inc., a Utah non-profit corporation (the "Association"), hereby consents to the foregoing Public Recreational Trailhead Easement Agreement, and expressly states for the benefit of Grantor and the City that the Easement granted in such Agreement is not contrary to, and will not violate, any provision of the Declaration of Covenants, Conditions and Restrictions for Aspen Springs Ranch Subdivision, Park City, Utah, initially recorded in the office of the Summit County Recorder as Entry No. 349164, on October 31, 1991 (the "Declaration"), or that any such violation of the Declaration by the Easement and/or any provision of the foregoing Agreement is hereby forever waived by the Association.

Any individual executing this Approval of Homeowners Association on behalf of the Association hereby individually represents and warrants that they are duly authorized to execute this Agreement on behalf of the Association and cause the Association to be bound thereby.

**ASPEN SPRINGS RANCH HOMEOWNERS
ASSOCIATION, INC.,**
a Utah non-profit corporation

Dated: _____

Signature: _____
Bill Ciraco, President

Acknowledgement

State of Utah)
 : ss
County of Summit)

On _____, 2023, personally appeared before me BILL CIRACO, whose identity is personally known to me or has been proven on the basis of satisfactory evidence, and being first duly sworn, acknowledged that he executed the foregoing instrument in his capacity as the PRESENT of ASPEN SPRINGS RANCH HOMEOWNERS ASSOCIATION, INC., and that he did so of his own voluntary act for its stated purpose.

NOTARY PUBLIC

EXHIBIT "B"
TO
TRAILHEAD EASEMENT AGREEMENT

LEGAL DESCRIPTION AND DEPICTION OF THE EASEMENT

The real property referenced in this Trailhead Easement Agreement as the "Easement" is located in Summit County, Utah and is more particularly described as follows:

A parcel of land located in the southwest quarter of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at the northernmost corner of Ranch Lot Open Space (Part of Lot 1), Aspen Springs Ranch Phase 1, recorded October 31, 1991, as Entry No. 349163 in the Office of the Recorder, Summit County, Utah, said point being on the east boundary of Meadows Drive right-of-way and also being on a curve to the right having a radius of 563.48 feet, of which the radius point bears South 29°33'01" West; and running thence Southeasterly, coincident with the northerly boundary of Ranch Lot Open Space and along the arc of said curve 55.91 feet through a central angle of 05°41'07"; to a point on a non tangent curve to the left having a radius of 952.88 feet, of which the radius point bears South 54°22'10" East; thence along the arc of said curve 219.53 feet through a central angle of 13°12'01"; thence North 66°16'52" West 56.44 feet to the east boundary of Meadows Drive right-of-way, said point also being on a non tangent curve to the right and having a radius of 1075.22 feet, of which the radius point bears South 66°56'28" East; thence coincident with the east boundary of Meadows Drive right-of-way and along the arc of said curve 227.98 feet through a central angle of 12°08'54" to the point of beginning.

Description contains 12,523 square feet

Part of Summit County Parcel: ASR-1

Planning Commission Staff Report



Subject: Parcel Number SSC-A-X
Application: PL-23-05574
Author: Virgil Lund, Planner I
Date: August 23, 2023
Type of Item: Conditional Use Permit

Recommendation

(I) Review the proposed Parking Area for the McLeod Creek Trailhead, (II) conduct a public hearing, and (III) consider approving a Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: Park City Municipal Corporation
Trails and Open Space Department

Location: Parcel Number SSC-A-X, McLeod Creek Trailhead

Zoning District: Recreation and Open Space (ROS)

Adjacent Land Uses: Recreation, Open Space

Reason for Review: Planning Commission reviews and takes Final Action on parking areas with five (5) or more spaces in the Recreation and Open Space Zoning District¹

CUP	Conditional Use Permit
ECPO	Entry Corridor Protection Overlay
FPZ	Frontage Protection Zone
LMC	Land Management Code
ROS	Recreation and Open Space
ROW	Right-of-Way
SLO	Sensitive Lands Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The Applicant proposes to construct a hard-surfaced Parking Area with 12 parking spaces for the McLeod Creek Trailhead within the Recreation and Open Space (ROS) Zoning District. The Applicant proposes one ADA compliant parking space. Proposed improvements to the Trailhead include accessible parking spaces, improved vehicular

¹ LMC § [15-2.7-2\(C\)](#)

ingress and egress, storm water improvements, wayfinding, kiosks, trash cans, and dog waste stations.

Background

The McLeod Creek Trailhead is located on City-Owned Parcel No. SSC-A-X in the Sandstone Cove Subdivision near the intersection of S.R. 224 and Meadows Drive. Currently, informal trail parking occurs south of Meadows Drive on dirt, shown in the image below. This proposal shifts the McLeod Creek Trailhead north of Meadows Drive to comply with Sensitive Land Overlay wetland regulations. The Trailhead will provide parking and public access to the McLeod Creek Trail, Quarry Mountain Trail, and the McPolin Barn Farm Trail.

A McLeod Creek Trailhead is mentioned in the 2008 Park City Trails Master Plan, and within Appendix E, is a recommended improvement project by the Parks, Recreation, and Beautification Board (Exhibit B).

The existing parking configuration at the McLeod Creek Trailhead is not compliant with LMC § [15-3-3\(B\)](#) which states: “Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times.”

The existing informal non-compliant Parking Area at McLeod Creek can hold approximately 8-10 vehicles. The proposed Parking Area will have 12 paved Parking Spaces, with one ADA compliant Parking Space.

The map below gives an overview of the McLeod Creek Trailhead and surrounding area:



Figure 1: Overview Map

Analysis

(I) The proposed McLeod Creek Trailhead Parking Area complies with the ROS Zoning District Requirements

The purpose of the ROS District is to:

1. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
2. permit recreational Uses and preserve recreational Open Space land,
3. encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
4. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
5. encourage sustainability, conservation, and renewable energy.²

The proposed Parking Area complies with the purpose of the ROS District because it will encourage use of trails and preserve and enhance environmentally sensitive lands such as wetlands.

The table below outlines the ROS Lot and Site requirements established in LMC § [15-2.7-3](#):

ROS Zoning District Requirement	Analysis of Proposal
Twenty-five-foot (25') Setback requirements	Complies: Approved Parking Areas are listed as a Front, Side, and Rear Setback exception. ³ The proposed Parking Area encroaches into the Front Setback of Parcel No. SSC-A-X by less than five feet.

The table below outlines the ROS Zoning District requirements regarding Significant Vegetation established in LMC § [15-2.7-6](#):

Significant Vegetation Requirement	Analysis of Proposal
Vegetation Protection	Complies:

² LMC § [15-2.7-1](#)

³ LMC § [15-2.7-3](#)

	The Forestry Board reviewed this proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any disturbed non-significant vegetation will be re-planted using the City's approved and water-wise seed mixture. Staff recommends Condition of Approval 12 which states that the Applicant will de-construct any signage or structures at the previous McLeod Creek Trailhead and will re-vegetate the area using a water-wise native seed mixture to discourage any further parking on that area.
--	--

(II) The McLeod Creek Trailhead Parking Area complies with the Sensitive Land Overlay Regulations in LMC Chapter 15-2.21

The purpose of the SLO is to:

1. require dedicated Open Space in aesthetically and environmentally sensitive Areas;
2. encourage preservation of large expanses of Open Space and wildlife habitat;
3. cluster Development while allowing a reasonable use of Property;
4. prohibit Development on Ridge Line Areas, Steep Slopes, and wetlands; and
5. protect and preserve environmentally sensitive land.⁴

The proposed Trailhead complies with the purpose of the SLO because it allows a reasonable use of the SSC-A-X parcel while protecting and preserving environmentally sensitive land.

The table below outlines the SLO Zoning District requirements established in LMC Chapter [15-2.21](#):

SLO Zoning District Requirement	Analysis of Proposal
Steep Slopes: No Development is allowed on or within fifty feet (50'), map distance, of Very Steep Slopes, Areas subject to land slide activity, and other high-hazard geologic Areas.	Complies: The McLeod Creek Trailhead meets the setback requirement for Steep Slopes. The Trailhead and Parking Area are located on a Steep Slope. The LMC defines a Steep Slope as a slope that is greater than fifteen percent (15%). A Very Steep Slope is any Slope greater than forty percent (40%). ⁵ The McLeod Creek Trailhead and Parking

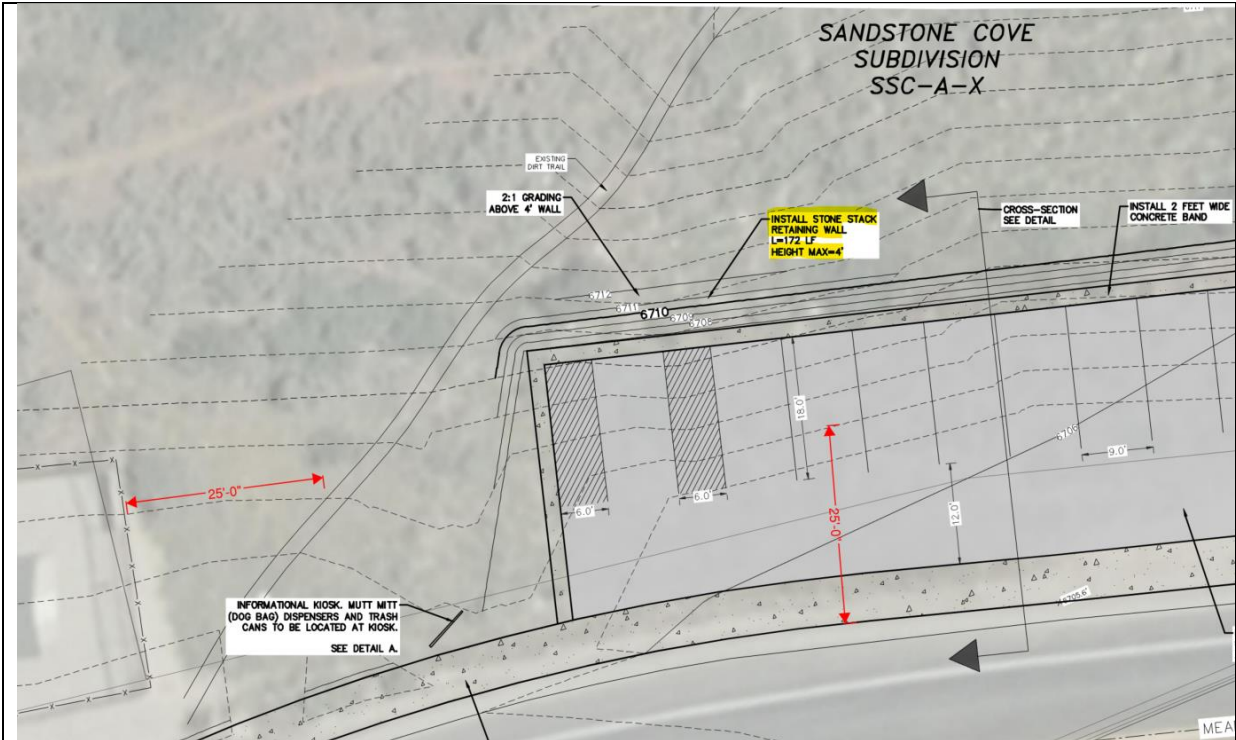
⁴ LMC § [15-2.21-1](#)

⁵ LMC § [15-5-1](#)

	Area is on an average slope of 23.8%. There will be a retaining wall located at the rear of the proposed Parking Area 4 feet in height above grade and not within any Setbacks. Condition of Approval 9 states that the retaining wall must not exceed 4 feet above Final Grade. See photo below. The average Slope within 50 feet of the Proposed Parking Area is 22 percent. Graded or filled slopes shall be limited to a 3 to 1 Slope or less.⁶ The Applicant proposes a 2:1 Grading above the 4' foot wall. The Use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.⁷ Staff recommends Condition of Approval 8, which requires the Applicant to obtain an Administrative Permit prior to building permit issuance for the proposed Retaining Wall. LMC § 15-2.21-3 states that a Soils Investigation report is required to be submitted for any development activity on Steep Slopes. Condition of Approval 10 states that the Applicant shall submit a soil investigation report prior to Building Permit issuance. Condition of Approval 11 requires the Applicant to screen the proposed retaining wall with landscaping, and the Applicant shall submit a landscape plan prior to Building Permit issuance.
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⁶ LMC [§ 15-2.21-4\(B\)](#)

⁷ LMC [§ 15-2.21-4\(E\)](#)



Ridge Line Area Protection

Complies: The McLeod Creek Trailhead and Parking Area are not located near or on protected Ridge Lines. See image below for existing conditions.



Wildland Urban Interface

Complies: The Wildland Urban Interface Code applies "to all new and existing structures within the boundaries of Park City Municipal."⁸ The Applicant is not proposing

⁸ LMC § [11-21-1](#)

	any new structures, so the Wildland Urban Interface code does not apply to this project.
--	--

Wildlife Habitat Areas

The intent of the Wildlife and Wildlife Habitat Protection is to “promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts.”⁹ The LMC explains further: “If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced.”

The Utah Division of Wildlife Resources has compiled a list of all Sensitive and Specially Valued Species in the State of Utah. This list was used to ensure that there are no Sensitive or Specially Valued species that are occupying or using on-Site and adjacent Areas where the McLeod Creek Trailhead and Parking Area are proposed. Sensitive or Specially Valued Species includes Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection. See Exhibit F for a map with a list showing all Habitat Areas within the McLeod Creek Trailhead.

Vegetative Cover

See Exhibit D for Vegetative Cover Map. The Forestry Board reviewed this Proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Staff recommends Condition of Approval 7 which requires any disturbed non-significant vegetation be re-planted using the City’s approved water-wise seed mixture.

Designated Entry Corridors and Vantage Points

The McLeod Creek Trailhead and Parking Area are within the Entry Corridor Protection Overlay, see analysis section below.

Wetlands and Stream Corridors

The following Setbacks are required:

1. Setbacks from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland Ordinary High Water Mark.
2. Setbacks from Stream Corridors shall extend a minimum of fifty feet (50') outward from the Ordinary High Water Mark.

⁹ LMC § [15-2.21-8](#)

3. Setbacks from irrigation ditches that meet the Army Corps of Engineers definition for waters of the United States shall extend a minimum of twenty feet (20') from the Ordinary High Water Mark.

The map below shows the McLeod Creek Trailhead in relation to the Wetland delineation from the National Wetland Inventory provided by the United States Fish and Wildlife Service.

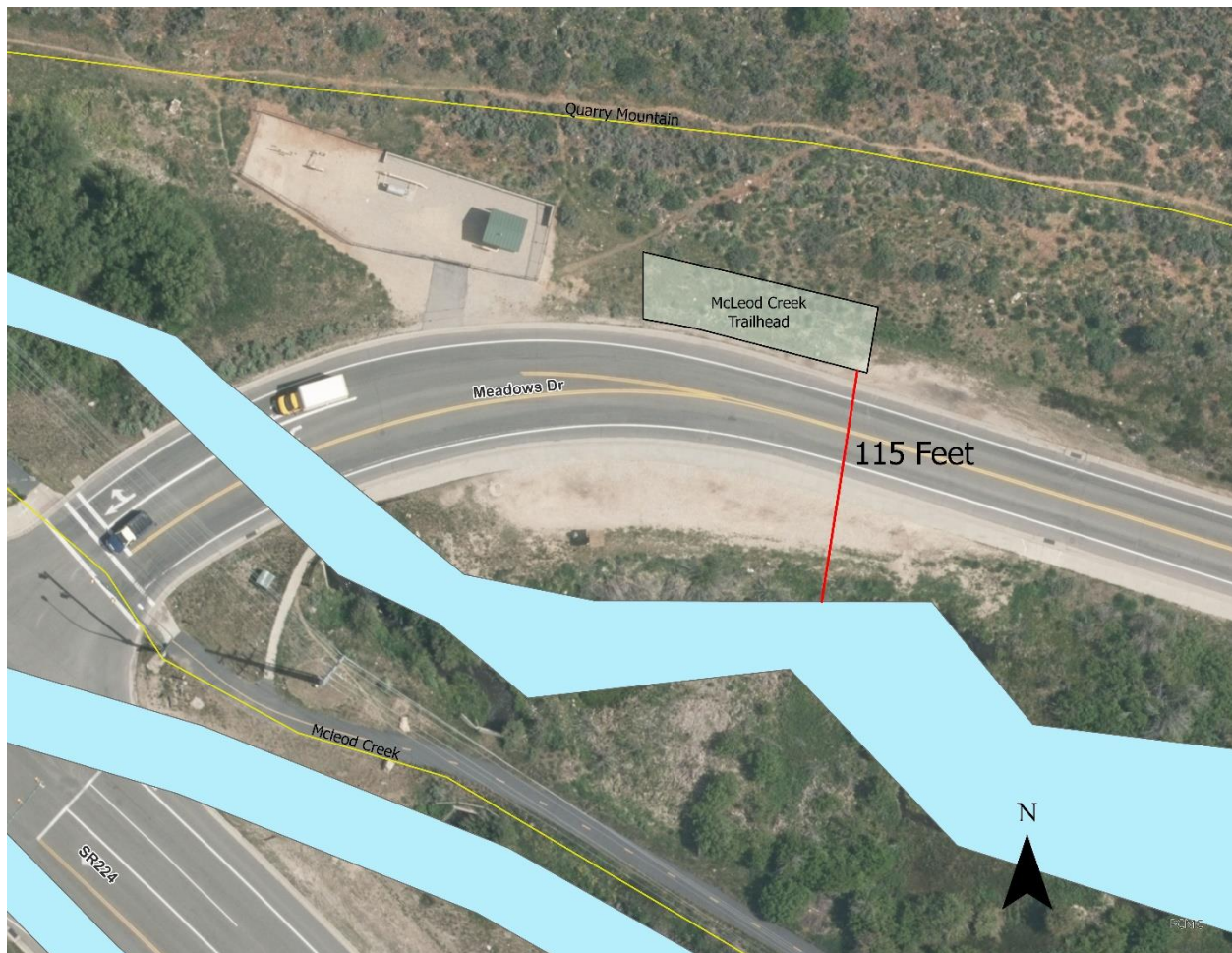


Figure 2: National Wetland Inventory Map

The map shows the McLeod Creek Trailhead is outside of the 50' foot Setback for Wetlands and Stream Corridors.

(III) The McLeod Creek Trailhead Parking Area complies with the Entry Corridor Protection Overlay (ECPO) Zone Regulations in LMC Chapter 15-2.20-5

The intent of the ECPO is to maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City shall comply with the requirements of the ECPO.¹⁰ The ECPO is

¹⁰ LMC [§ 15-2.20-5](#)

a sub-zone within the Frontage Protection Zone (FPZ).¹¹

Applicability to property within existing Park City Limits

LMC § [15-2.20-5\(B\)](#) states: “The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City limits including:

1. Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,
2. Utah State Highway 224 south of Prospect Street, and
3. Utah Highway 248 east of Wyatt Earp Way.”¹²

The proposed Trailhead and Parking Area are outside of the 250' foot Setback. See map below.



Figure 2: Map showing McLeod Creek with 250-foot Setback

¹¹ LMC [Chapter 15-2.20](#)

¹² LMC § [15-2.20-5\(B\)](#)

(IV) The McLeod Creek Trailhead Parking Area complies with the Off-Street Parking Regulations in LMC Chapter 15-3

General Parking Area and Driveway Standards

The table below outlines the General Parking Area and Driveway Standards established in LMC § [15-3-3](#):

General Parking Area and Driveway Standards	Analysis of Proposal
Grading and Drainage	The City Engineer reviewed this proposal on August 15, 2023, and preliminarily approved the grading and drainage plans for the Parking Area. Staff recommends Condition of Approval 5 requiring the Applicant to submit a geotechnical report prior to Building Permit submittal to ensure the soils are sufficient for the hard-surfaced Parking Area.
Surfacing: "Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times."	Complies: The Parking Area will be Hard-Surfaced, impervious Asphalt.
Parking Area Lighting	No lighting is proposed as part of the Trailhead and Parking Area
Parking Area Landscaping	No landscaping is proposed for the McLeod Creek Trailhead and Parking Area.
Snow Storage	Complies: On August 15, 2023, the Engineering Department reviewed and preliminarily approved the Snow Storage design at the McLeod Creek Parking Area.
Parking Space Dimensions: "Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long."	Complies: All parking spaces are 9' wide and 18' long. See Exhibit C for Proposed Plans.
Street Access and Circulation: "Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public	Complies: Vehicular traffic flow will improve with the design of the McLeod Creek Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs.

sidewalks, parking strips, or roadways.”	
--	--

Specific Parking Area Standards for Parking Areas With 5 Or More Spaces

Specific Parking Area Standards for Parking Areas With 5 Or More Spaces	Analysis of Proposal
All Parking Lots shall maintain the required Front and Side Setbacks as would be required for any Structure.	Complies: Approved Parking Areas are listed as a Front, Side, and Rear Setback exception in the ROS Zoning District. ¹³
Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a Residential Use, the Applicant must Screen the Lot or drive.	Not Applicable
A geotechnical report must be submitted to the City Engineer providing recommendations on Parking Lot design and construction parameters.	Staff recommends Condition of Approval 5 requiring the Applicant to submit a geotechnical report prior to Building Permit submittal.

(V) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in LMC 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC [§ 15-1-10](#).

CUP Review Criteria	Analysis of Proposal
Size and Location of the Site	Complies: This is an existing Site utilized for Trailhead parking. The proposed Parking Area will improve the site and create

¹³ LMC § [15-2.7-3](#)

	better accessibility for Trail users while complying with SLO wetland standards.
Traffic	Complies: Vehicular traffic flow will improve with the design of the McLeod Creek Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs. A sidewalk is proposed to connect the Parking Area to the trails and pedestrian crossings at the intersections of S.R. 224.
Utility Capacity	Complies: The Development Review Committee reviewed this proposal on August 15, 2023, and did not identify any utility issues with the proposed Parking Area.
Emergency Vehicle Access	Complies: On August 15, 2023, the Park City Fire District reviewed the proposed Trailhead Parking Area and confirmed the proposal conforms with their requirements.
Parking	Complies: The proposed Parking Area will increase the amount of Parking at the McLeod Creek Trailhead by two spaces. Twelve Parking Spaces are proposed. There is currently around 8 to 10 informal unstriped, dirt parking spaces at the existing McLeod Creek Trailhead. The Applicant will de-construct any signage or structures at the previous McLeod Creek Trailhead and will re-vegetate the area using a water-wise native seed mixture to discourage any further parking on that area. See Condition of Approval 12.
Internal Vehicular and Pedestrian Circulation System	Complies: The proposed Parking Area will improve the vehicular circulation system. Pedestrian safety will be improved. A sidewalk will be installed along Meadows Drive which will connect the Trailhead to existing pedestrian infrastructure and pedestrian crossings.
Fencing, Screening, and Landscaping	Complies: The proposed Parking Area will be surrounded by a wood/rope fence like other Trailhead fences in Park City. See Exhibit E for Fence Specifications. There is no landscaping proposed for the Parking Area. The Forestry Board reviewed this Proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any disturbed non-significant vegetation will be re-planted using the City's approved seed mixture. LMC Section 15-4-2 prohibits chain-link fences. Staff recommends Condition of Approval 11, which requires the Applicant to screen the proposed retaining wall with landscaped features. A landscape plan shall be submitted for Planning Department review prior to building permit issuance.
Building Mass, Bulk, and Orientation	Not Applicable, no buildings or structures are proposed as part of this Application.
Useable Open	Complies: The proposed Parking Area will increase the

Space	useability of trails for the community.
Signs and Lighting	Complies: No outdoor lighting is proposed with this application. One sign is proposed for the McLeod Creek Trailhead and Parking Area. The proposed sign is an informational kiosk sign. Municipal Code of Park City Section 12-8-1 lists Recreational Facilities as exempt from the Sign Code requirements: “Signs located inside open-air recreational facilities that are not oriented to public streets, such as signs in ski resorts, skateboard parks, and golf courses, are exempt from the requirements of this Title.”¹⁴ The Sign Code states the following in Section 12-8-1(A): “CITY SIGNS. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title.” The images below show the dimensions, design, and location of the proposed signs.  The top image is a site plan for PCA-16-X showing the location of the informational kiosk (yellow arrow) and various engineering notes. The bottom image is a photograph of a similar wooden informational kiosk at the Sunny Slopes Trailhead, featuring a bench, maps, and trail information.
Physical Design and	Complies: The Parking Area and Trailhead will be similar in

¹⁴ Municipal Code of Park City Section [12-8-1](#)

Compatibility with Surrounding Structures	design to existing Trailheads in Park City and will have a low visual impact.
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	Not Applicable
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	Complies: The trash and mutt mitt stations will be located near the informational kiosks, as seen above.
Expected Ownership and Management	The SSC-A-X Parcel is owned by Park City Municipal Corporation. Parcel PCA-16-X is owned by the Utah Department of Transportation. Staff recommends Condition of Approval 6 which states that the Applicant shall submit documentation from UDOT approving access across PCA-16-X to the trailhead parking area prior to submitting a building permit.
Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site	Complies: The Applicant submitted Sensitive Land Overlay materials that as Conditioned, are compliant with the Zone requirements. The Trailhead and Parking Area do not conflict with any Physical Mine Hazards, and they are outside the Soils Ordinance Boundary. Very Steep Slopes will not be impacted by the Trailhead Parking Area.
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: Goal 4 of the General Plan states: "Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting." The proposed Trailhead will increase access and connectivity in Open Space areas.

	Goal 9 of the General Plan states: “Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors.” The proposed Trailhead Parking Area will provide residents and visitors with improved access to recreational opportunities.
--	---

(VI) The Development Review Committee requires Conditions of Approval.¹⁵

On August 15, 2023, the Development Review Committee reviewed this proposal and recommends **Condition of Approval 5 and 13**. Condition of Approval 5 requires the Applicant to submit a geotechnical report prior to Building Permit submittal. Condition of Approval 13 requires the Applicant to provide plans detailing the management of Storm Water runoff in a manner compliant with the Park City Municipal Code, prior to Building Permit issuance.

Department Review

The Planning Department, Engineering Department, and City Attorney’s Office reviewed this report.

Notice

Staff published notice on the City’s website and the Utah Public Notice website and posted notice to the property on August 9, 2023. Staff mailed courtesy notice to property owners within 300 feet on August 9, 2023. The *Park Record* published notice on August 9, 2023.¹⁶

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may approve the McLeod Creek Trailhead and Parking Area
- The Planning Commission may deny the McLeod Creek Trailhead and Parking Area and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter

¹⁵ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney’s Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

¹⁶ LMC [§ 15-1-21](#)

Exhibit B: Park City Trails Master Plan
Exhibit C: Proposed Plans
Exhibit D: Vegetative Cover Map
Exhibit E: Fence Specifications
Exhibit F: McLeod Creek Habitat Areas Map



Planning Department

August 23, 2023

Park City Municipal Corporation
445 Marsac Avenue
435-615-5155

CC: Heinrich Deters

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	McLeod Creek Trailhead, SSC-A-X
Zoning District:	Recreation and Open Space (ROS)
Application:	Conditional Use Permit
Project Number:	PL-23-05574
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	August 23, 2023
Project Summary:	The Applicant proposes to construct a hard-surface Parking Area with 12 parking spaces within the Recreation Open Space (ROS) Zoning District.

Action Taken

On August 23, 2023, the Planning Commission conducted a public hearing and approved the Conditional Use Permit for the McLeod Creek Trailhead and Parking Area according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The proposed Trailhead and Parking Area is located on parcel number SSC-A-X.
2. Parcel number SSC-A-X is owned by Park City Municipal Corporation.
3. The existing parking configuration at the McLeod Creek Trailhead is not compliant with LMC 15-3-3(B)
4. Staff determined the Application was complete on April 4, 2023.



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5. The application as conditioned complies with LMC Chapter 15-2.7 *Recreation and Open Space (ROS) District* as follows
 - a. In the ROS Zoning District, Parking Areas greater than 5 spaces require a Conditional Use Permit. The ROS Zoning District requires a 25-foot setback from all property lines and Approved Parking Areas are listed as a Front, Side, and Rear Setback exception.
 - b. The Forestry Board reviewed this Proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any disturbed non-significant vegetation will be re-planted using the City's approved seed mixture
6. The application as conditioned complies with LMC Chapter 15-2.21 *Sensitive Land Overlay (SLO) District* as follows:
 - a. **Steep Slopes-** The McLeod Creek Trailhead meets the setback requirement for Steep Slopes. The Trailhead and Parking Area are located on a Steep Slope. The LMC defines a Steep Slope as a slope that is greater than fifteen percent (15%). A Very Steep Slope is any Slope greater than forty percent (40%). The McLeod Creek Trailhead and Parking Area is on a slope of 23.8%. The average Slope within 50 feet of the Proposed Parking Area is 22 percent (22%).
 - i. The Applicant proposes a 2:1 Grading above the 4' foot wall.
 - b. **Ridge Line Area Protection-** The McLeod Creek Trailhead and Parking area are not located near or on protected Ridge Lines.
 - c. **Wildland Urban Interface-** The Wildland Urban Interface Code applies "to all new and existing structures within the boundaries of Park City Municipal." The Applicant is not proposing any new structures, so the Wildland Urban Interface code does not apply to this project.
 - d. **Wildlife Habitat Areas-** The intent of the Wildlife and Wildlife Habitat Protection is to "promote, preserve, and enhance wildlife and wildlife habitat Areas in and around Park City, and to protect them from adverse effects and potentially irreversible impacts." The LMC explains further: "If the Development Site contains or is within five hundred feet (500') of a natural Area or habitat Area, and the wildlife and habitat report show the existence of Sensitive or Specially Valued Species, the Development plans shall include provisions to ensure that any habitat contained in any such natural Area shall not be disturbed or diminished, and to the Maximum Extent Feasible, such habitat shall be enhanced." There are no



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Sensitive or Specially Valued species that are occupying or using on-Site and adjacent Areas where the McLeod Creek Trailhead and Parking Area are proposed. Sensitive or Specially Valued Species includes Federally Threatened and Endangered Species; State of Utah Threatened and Endangered Species; State of Utah Species of Concern and animals and plants of special concern to the Park City Community as identified in the General Plan and in need of special protection.

e. Vegetative Cover

- i. The Forestry Board reviewed this Proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any disturbed non-significant vegetation will be re-planted using the City's approved seed mixture. The Applicant will de-construct any signage or structures at the previous McLeod Creek Trailhead and will re-vegetate the area using a water-wise native seed mixture to discourage any further parking on that area.

f. Designated Entry Corridors and Vantage Points

- i. The McLeod Creek Trailhead and Parking Area are outside of the Entry Corridor Protection Overlay Setback.

g. Wetlands and Stream Corridors

- i. The Proposed Parking Area and Trailhead are outside of the Setback for Wetlands and Stream Corridors.

7. The application as conditioned complies with LMC Chapter 15-2.20-5 *Entry Corridor Protection Overlay (ECPO) District* as follows

- a. "The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City limits including: Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive, Utah State Highway 224 south of Prospect Street, and Utah Highway 248 east of Wyatt Earp Way"

- i. The proposed Trailhead Parking Area are outside the 250' foot Setback

8. The application as conditioned complies with *LMC Chapter 15-3 Off-Street Parking Regulations* as follows

a. Grading and Drainage



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- i. The City Engineer reviewed this proposal on August 15, 2023, and approved the grading and drainage plans for the Parking Area. Staff recommends Condition of Approval 5 requiring the Applicant to submit a geotechnical report prior to Building Permit submittal to ensure the soils are sufficient for the hard-surfaced Parking Area.
 - b. Surfacing**
 - i. The Parking Area will be hard-surfaced, impervious Asphalt.
 - c. Parking Area Lighting**
 - i. No lighting is proposed as part of the Trailhead and Parking Area
 - d. Parking Area Landscaping**
 - i. No landscaping is proposed for the McLeod Creek Trailhead and Parking Area.
 - e. Snow Storage**
 - i. The Engineering Department reviewed and approved the Snow Storage design at the McLeod Creek Parking Area
 - f. Parking Space Dimensions**
 - i. The parking spaces will be 9' wide and 18' long.
 - g. Street Access and Circulation**
 - i. Vehicular traffic flow will improve with the design of the McLeod Creek Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs.
 - h. Parking Lot Setbacks**
 - i. Approved Parking Areas are listed as a Front, Side, and Rear Setback exception in the ROS Zone.
 - i. Geotechnical Report**
 - i. Staff recommends Condition of Approval 5 requiring the Applicant to submit a geotechnical report prior to Building Permit submittal
9. The application as conditioned complies with *LMC 15-1-10 Conditional Use Permits* as follows:
- a. Size and Location of the Site**
 - i. This is an existing Site utilized for Trailhead parking. The proposed Parking Area will improve the site and create better accessibility for Trail users.
 - b. Traffic**



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- i. Vehicular traffic flow will improve with the design of the McLeod Creek Parking Area. The striped parking allows for better organization and efficiency. The Parking Area will now meet standard parking space designs.

c. Utility Capacity

- i. The Development Review Committee reviewed this proposal on August 15, 2023, and did not identify any utility issues with the proposed Parking Area.

d. Emergency Vehicle Access

- i. On August 15, 2023, the Park City Fire District reviewed the proposed Trailhead Parking Area and confirmed the proposal conforms with their requirements.

e. Parking

- i. The proposed Parking Area will increase the amount of Parking at the McLeod Creek Trailhead. Twelve Parking Spaces are proposed.

f. Internal Vehicular and Pedestrian Circulation System

- i. The proposed Parking Area will improve the vehicular circulation system.

g. Fencing, Screening, and Landscaping

- i. The proposed Parking Area will be surrounded by a wood/rope fence similar to other Trailhead fences in Park City. There is no landscaping proposed for the Parking Area. The Forestry Board reviewed this Proposal on August 3, 2023, and determined that no Significant Vegetation would be impacted by the Trailhead Parking Area. Any disturbed non-significant vegetation will be re-planted using the City's approved seed mixture.

h. Building Mass, Bulk, and Orientation

- i. Not Applicable, no buildings or structures are proposed as part of this Application.

i. Useable Open Space

- i. The proposed Parking Area will increase the useability of Open Space for the community.

j. Signs and Lighting

- i. No outdoor lighting is proposed with this application. One sign is proposed for the McLeod Creek Trailhead and Parking Area. The



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proposed sign is an informational kiosk sign. Municipal Code of Park City Section 12-8-1 lists Recreational Facilities as exempt from the Sign Code requirements: "Signs located inside open-air recreational facilities that are not oriented to public streets, such as signs in ski resorts, skateboard parks, and golf courses, are exempt from the requirements of this Title."

- ii. The Sign Code states the following in Section 12-8-1(A): "CITY SIGNS. Signs erected by or at the direction of the Park City Municipal Corporation are exempt from the requirements of this Title."

k. Physical Design and Compatibility with Surrounding Structures

- i. The Parking Area and Trailhead will be similar in design to existing Trailheads in Park City and will have a low visual impact.

l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors

- i. Not Applicable.

m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas

- i. Not Applicable. No trash or recycling areas are proposed as part of this Application.

n. Expected Ownership and Management

- i. The SSC-A-X Parcel is owned by Park City Municipal Corporation.
- ii. Staff recommends Condition of Approval 6 which states that the Applicant shall submit documentation from UDOT approving access across PCA-16-X to the trailhead parking area prior to submitting a building permit.

o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site

- i. The Applicant submitted Sensitive Land Overlay materials that as Conditioned, are compliant with the Zone requirements. The Trailhead and Parking Area does not conflict with any Physical Mine Hazards, and it is outside the Soils Ordinance Boundary. No steep slopes will be impacted by the Trailhead Parking Area.

p. Reviewed for Consistency with the Goals and Objective of the Park City General Plan



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- i. Goal 1 of the General Plan states: "Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods." A Trailhead Parking Area will help protect undeveloped lands by protecting a space for people to recreate. Goal 4 of the General Plan states: "Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting." The proposed Trailhead will increase access and connectivity in Open Space areas. Goal 9 of the General Plan states: "Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors." The proposed Trailhead Parking Area will provide residents and visitors with improved access to recreational opportunities.
10. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on August 9, 2023.
11. Staff mailed courtesy notices to the adjacent property owners within 300 feet on August 9, 2023, and the Park Record published notice on August 9, 2023.
12. On April 26, 2023, the Planning Commission conducted a public hearing and continued the review to May 24, 2023, to allow the Applicant to obtain additional information.
13. On May 24, 2023, the Planning Commission conducted a public hearing and continued the review to a date uncertain to allow the Applicant to obtain additional information.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements outlined in LMC Chapter 15-2.7 *Recreation And Open Space (ROS) District*, Chapter 15-2.23 *Sensitive Land Overlay (SLO)*, Chapter 15-3 *Off Street Parking Requirements*, and Section 15-1-10(E) *Conditional Use Permits*.
2. The use will be compatible with surrounding Structures in use, scale, mass, and circulation.
3. The effects of any difference in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans reviewed August 1, 2023, by the Planning Department. Any



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changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop work order.

2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Applicant is responsible to replace any Significant Vegetation removed during construction. Significant Vegetation is defined as "all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line."
5. The Applicant must submit a geotechnical report prior to Building Permit submittal.
6. The Applicant shall submit documentation from UDOT approving access across PCA-16-X to the trailhead parking area prior to submitting a building permit.
7. Any disturbed non-significant vegetation must be re-planted using the City's approved water-wise seed mixture.
8. The Applicant shall obtain an Administrative Permit for the proposed retaining wall prior to Building Permit issuance.
9. The proposed retaining wall must not exceed 4 feet above Final Grade
10. The Applicant shall submit a soil investigation report prior to Building Permit issuance.
11. The Applicant shall screen the proposed retaining wall with landscaping, and the Applicant shall submit a landscape plan prior to Building Permit issuance.
12. The Applicant will de-construct any signage or structures at the previous McLeod Creek Trailhead and will re-vegetate the area using a water-wise native seed mixture to discourage any further parking on that area.
13. The Applicant shall provide plans detailing the management of Storm Water runoff in a manner compliant with the Park City Municipal Code, prior to Building Permit issuance.



Planning Department

If you have questions or concerns regarding this Final Action Letter, please call (385) 481-2036 or email virgil.lund@parkcity.org.

Sincerely,

Sarah Hall
Planning Commission Chair

CC: Virgil Lund

Park City Trails Master Plan Update



Produced by:
Park City Municipal Corporation
November 2008



Park City Municipal Corporation

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INTRODUCTION

The Park City Trails Master Plan is a supplement to the Park City General Plan, the Land Management Code, and the Recreation Master Plan. It is intended for the use of decision makers and advisory boards, such as, the Mayor; City Council; Planning Commission; Recreation Advisory Board; City Departments; trail oriented groups and the general public.

The Trails Master Plan is intended to facilitate the development of a recreation and alternative transportation system for all non-motorized forms of transportation and to help support the motorized and transit system. This plan is a reference document for planning and securing a city-wide trail system. It is not intended to set forth strict standards, but to present sound guidelines for the location, policies, type, and construction of trails.

This plan is designed for decision makers to: set policy for staff regarding trail acquisition, development and maintenance; give direction regarding priorities for trail funding; provide ideas and options for trail funding; and set policy guidelines for trail implementation priorities, and direction on special projects such as: community volunteer projects, community information materials, user information materials, and user conflicts management. The document is divided into several sections:

- Goals and Objectives
- Sample Policies
- Trail Types
- Construction Standards
- ADA
- Signs and Maps
- Trail Head Policy
- Pedestrian Network
- Trail System Benefits and Safety
- Trails Master Plan Map

As Park City grows and develops there is an increasing need and demand for recreational hiking and biking trails, trail-head parking, neighborhood trails and connections, sidewalks, bicycle lanes, signs, and maps. There is a desire in the community to better identify, develop and preserve pedestrian and bicycle access as the land becomes developed. In addition to encouraging recreation, the development of a non-motorized trail system can help reduce vehicle trips and traffic congestion. The result will be a community resource providing transportation alternatives, recreational opportunities, environmental aesthetics, open space preservation and increased property values.

I. Trails Master Plan Vision Statement

"Non-motorized travel is a viable transportation option to the automobile. It improves the quality of life, community aesthetic, environment and thus our quality of life."

VISION:

In the year 2020, as people view Park City, housing, shopping, educational institutions, medical, and other service areas cover the land. But throughout these urban areas, green spaces appear, where people can be seen riding bicycles, walking from shop to shop or to school and talking with their neighbors on street corners and front yards.

A coordinated trail system links all of the important destinations within the city. The residents have access to these trails on sidewalks or neighborhood pathways. These trails provide a safe, visible route between destinations. They provide a fast link between residential areas and commercial and educational opportunities. The trails are connected to sidewalks leading to downtown areas designed as pedestrian friendly zones. Walking and bicycle trips are convenient, safe and pleasant. Park City's trail system is linked to both its neighboring community's and to the neighboring counties' trail systems.

II. Goals and Objectives

GOAL 1 To develop policies, standards, and an updated trails plan and map which will provide direction for the community to develop an area-wide trails network. This goal can be achieved by providing a more bicycle/pedestrian friendly transportation network that will:

Policy 1) Create a seamless network of non-motorized improvements that allows bicycles and pedestrians to reach important destinations easily.

Policy 2) To implement the recommendations of the Parks, Recreation, and Beautification Board. See Appendix "D" Trail Head Work Plan and Appendix "E" Parks, Recreation and Beautification Board Memo.

Policy 3) Encourage relevant bicycle and pedestrian elements in all transportation projects.

GOAL 2 Provide the following benefits and opportunities to the Park City Community:

Transportation: Trails can increase the transportation mode split of bicycling and walking trips, and they can also improve safety and increase access. The trail system should include a commuter system for employees and students that will encourage non-motorized travel by connecting residential areas with major destinations. This system may ultimately reduce or avoid traffic congestion and air pollution in future years.

Recreation: Trails provide an easily accessible outdoor resource for many forms of recreation, most notably bicycling and walking. Trails greatly increase community access to physical activity and fitness opportunities by providing more miles of safe, attractive bicycling, walking, and hiking facilities.

Reduction of Pedestrian/Bicycle/Auto Accidents: Park City should target and eliminate key behaviors that cause accidents resulting in injuries and/or loss of property (e.g., wrong-way riding, motorist failure to yield, speeding, and jaywalking).

Economic: Walkable communities can produce income from shared utility leases, increase the value of real estate, and generate income from tourist, special events, and other users. Improved walking conditions improve the quality of life by making an area more attractive for business relocations and in-migration. Costs of developing and maintaining the road access infrastructure are also reduced.

Land Use Planning: Trails and other green way corridors promote park and recreation development, wet land preservation, and buffered environmental protection. Trails preserve undeveloped lands in urban areas and serve to separate and buffer contradicting land uses.

Environment: Possible environmental benefits include wildlife preservation, water quality protection, storm water management, preservation of vegetation, and other benefits, such as firebreaks. They also reduce noise and visual pollution.

Education: A trail corridor often encompasses several different environments along its route and can be thought of as an outdoor classroom full of educational materials. The scientific community, educators and students can realize the value of trails through a wide range of studies, such as biology, geography, history, recreation management, and art.

History and Culture: Trails can educate and increase awareness about the history and culture of a region. Preserved historical sites provide unique locations for cultural, local and social events. Methods, such as on site interpretive material and promotional literature, aid in the community's effort to preserve historic sites.

Quality of Life: Increases in the quality of life associated with non-motorized trails are realized through expressions of community character and pride, aesthetics of the local environment, economic revitalization of the community, access to the outdoors, opportunities for socialization, and easy increase of mobility.

Disability Access: Provide disabled access to and within the trail system with the level of access provided at posted trail-heads. Physical barriers and hazards that obstruct access should be removed from streets, sidewalks and trails designated as part of the trail system. Trails should be ranked by their level of disability access.

III. Sample Policies

To achieve the above stated goals, public policy within our current Community Development Department should support the construction of this integrated system, just as public policy has created the local road network or our national highway system.

As the community grows and changes, and user preferences change, the specific recommendations of these vision policies may also change. However, the more general policies should remain the same providing continuity of the trail system between communities and sidewalks and pathways within cities.

1. A Trail System Increases Pedestrian Access and is an Asset to Park City

As the city grows, trails can mitigate traffic congestion and other aspects of development. Non-motorized travel is non-polluting. The Park City trail system should be safe, easily accessible, aesthetically pleasing, and contribute to the general quality of life in the community.

The Park City Trails Master Plan should connect residential areas to schools and commercial and business areas. Other amenities to consider are: State Parks, community parks, resorts, dedicated open space parcels, golf courses, and other private recreational facilities.

Where feasible, trails that are separated from vehicle traffic (shared use path) should be provided. Snow removal and general maintenance are less costly for this type of trail, users are generally safer, and the overall experience is enhanced and preferred when traveling on paths that are separate from the roadway. Where traffic separation is not possible then striping of bicycle lanes, and sidewalks as well as signs, should be provided. Trails consisting of signs only (See American Association of State Highway and Transportation Officials (AASHTO) 1999 Guide for Development of Bike Facilities) should be provided only after all other options are considered infeasible. As portions of the trail system are developed, uniform materials, surfacing, and signs should be installed.

Pathways: Pathways are short, often informal, links between houses or businesses. They usually cover short distances connecting residential neighborhoods to shared use paths, shopping areas or schools. Paths are especially needed in cul-de-sacs where through access is limited. In cul-de-sacs, strategically placed paths (10' between two lots) can link bicyclists and pedestrians to shopping malls, transit stops, parks, and other neighborhoods so that a busy street can be avoided.

Being a critical element of a non-motorized system, paths should be required in new developments to ensure access for pedestrians and bicyclists. A path allows people to shorten an otherwise roundabout trip through a maze of subdivision streets on their way to school, the bus, or neighborhood shopping. Their existence and maintenance are sometimes granted by private homeowners. However, future housing development can institutionalize these facilities by providing narrow (10') public rights-of-way as housing is constructed.

2. Development of a Comprehensive Pedestrian and Bicycle Network

Park City desires to develop a comprehensive network for public access. The network should coordinate existing and future trail connections, with pedestrian friendly zones. It should ensure a continuous system between cities, neighborhoods, and varying land uses throughout the region.

The Park City Trails Master Plan should provide safe non-motorized access along key transportation corridors, to schools, recreation and fitness centers, major retail and service centers. Trails should be constructed to accommodate maintenance and pedestrian and bicycle access year- round. To obtain rights-of-way in developed areas, Park City should work with landowners to obtain public access to important existing and desired non-motorized corridors. New residential and commercial development should include non-motorized access, trail connections and public easements as shown on the master plan maps. When a trail route has been adopted and is represented in the city's general plan, a subdivision trail ordinance can protect and require proposed trail right-of-way as a public thoroughfare.

Land Management Code

Required trail improvements under the ordinance of the Land Management Code in accordance with the Trails Master Plan can insure the preservation of a proposed trail route. Under the Subdivision title of the Land Management Code, the section for Sidewalks, hiking trails, bike paths, horse trails specifically requires these improvements.

Section..... Sidewalks, Hiking Trails, Bike Paths, Horse Trails.
Required Improvements.

- I. Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads unless an alternate location has been specifically approved by the Planning Commission. In many cases pedestrian paths separate from the road right of way may be preferable due to snow removal concerns.
- II. Concrete curbs are required for all roads where sidewalks are required by these regulations or where required in the discretion of the Planning Commission.
- III. Sidewalks shall be improved as required in Section .. of these regulations.
- IV. Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access.
- V. Hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as, schools, recreation facilities, commercial areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be dedicated for such trails. The trails shall be constructed at the time of road construction, unless the Planning Commission determines otherwise, in which case cash deposits shall be required pursuant to Chapter 15-7.2-2 of the code.

Such an ordinance would require a developer to meet with planning staff to interpret the Trails Master Plan, and the plan's relationship to the proposed development. This includes the consideration and possible connection of any trail concepts within the proposed development to the city-wide trail system.

Master Plan Map Updates: Future needs, generated by new residential and commercial development, may not be anticipated in the Plan. The Master Plan Map should be updated as development occurs with trails and pedestrian friendly zones developing according to the master plan's intention and specified standards. Public access can be guaranteed in new developments through the exaction of public trail easements, through building standards, and zoning requirements.

Funding and Acquisition: Park City should examine alternatives for the acquisition of trail corridors according to the adopted trails master plan. Trail easement acquisition and development can be accomplished in a variety of ways including, but not limited to: purchase, donation, prescriptive use, easements, leases or other possessory interests. Park City should explore a variety of local and national funding sources and mechanisms for the development of trails. Real Estate Transfer Tax, grants, special service districts, transportation funds, joint-funding with other jurisdictions or agencies, exactions, bonding, developer dedication, state parks and recreation funds, private donations, fund raising rides and events, and various taxing mechanisms are a few of the funding mechanisms that are now available. National funding sources for bicycles and pedestrian projects are available through several programs under the federal Transportation Equity Act for the 21st Century:

Transportation Equity Act for the 21st Century (TEA-21)

- **National Highway System** funds may be used to construct bicycle transportation facilities and pedestrian walkways on land adjacent to any highway on the National Highway System (not including the interstate system).
- **Surface Transportation Program (STP)** funds may be used for either the construction of bicycle transportation facilities and pedestrian walkways or non-construction projects (such as brochures, public service announcements, and route maps) related to safe bicycle use. Ten percent of Surface Transportation Program funds are used for "Transportation Enhancements," which includes a provision for bicycle and pedestrian facilities.
- **Congestion Mitigation and Air Quality Improvement (CM/AQ)** program funds may be used for either the construction of bicycle transportation facilities and pedestrian walkways, or projects related to safe bicycle use.
- **Federal Land Highway Funds** may be used to construct pedestrian walkways and bicycle transportation facilities on federal land in conjunction with roads, highways, and parkways at the discretion of the department charged with the administration of such funds.
- **Scenic Byways Section** may be used to construct facilities along designated scenic byways for pedestrians and bicyclists. (For example, the Provo Canyon Scenic Byway that extends to US 40.)
- **Enhancement Section** may be used to construct facilities to enhance the traveling experience including historical, cultural, recreation, bicycle, and pedestrian facilities. This section is primarily focused on the provision bicycle facilities.

-
- **National Recreational Trails Funds** may be used for a variety of recreational trail programs to benefit bicyclists, pedestrian, and other non-motorized users with an emphasis on bicycle facilities. Projects must be consistent with Statewide Comprehensive Outdoor Recreation Plan (Utah State Parks and Recreation) required by the Land and Water Conservation Fund Act.
 - **Section 402 Funding** provides highway safety program funds, with an emphasis on pedestrian and bicyclist safety. Title II, Section 2002, of Inter-modal Surface Transportation Efficiency Act (ISTEA) addresses state and community highway safety grant program funds. The priority status of safety programs for pedestrians and bicyclists expedites the approval process for these safety efforts.
 - **Federal Transit Funding-Enhancement** Title III, Section 25 of ISTEA, continues to allow transit funds to be used for bicycle and pedestrian access to transit facilities and to provide shelter and parking facilities for bicycles in or around transit facilities or to install racks or other equipment for transporting bicycles on transit vehicles.
 - **Land and Water Conservation Fund** is a federal fund managed by the Utah Division of State Parks and Recreation. This money has been used to purchase and construct city parks and trail systems.
 - **River and Stream Enhancement Fund** another federal fund managed by the Utah Division of State Parks and Recreation is used to rehabilitate, restore and preserve important rivers and streams and associated access trails.
 - **State of Utah's Non-Motorized Trail Fund** is appropriated from the general fund (State Parks) annually, and is used to construct motorized/non-motorized trail facilities, such as the Bonneville Shoreline Trail.

3. Liabilities on Trails, Pathways or Sidewalks

The Park City Trails Master Plan should provide liability information to private landowners regarding the granting of public access to existing roads and trails, use of private property for public recreation purposes, and the intent of the Utah Landowner Liability Act.

Park City can implement the Non-Motorized Trails Plan, in part, by requiring developers and landowners to include trails internal to and connecting through the developer's property as part of the development review process. Developers and owners of undeveloped property adjacent to trail development have voiced concerns about landowners' liability. No activity is entirely free from exposure to liability, but the dedication, construction, and operation of public trails can be at the low end of the landowner liability spectrum.

To address liability concerns, Utah has adopted the Landowner's Liability Act, which states:

"The purpose of this Act is to encourage public and private owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for those purposes. The Act further provides that the owner of the land owes no duty of care to keep the premises safe for entry or use by any person using the premises for any recreational purpose or to give any warning of a dangerous condition, use structure or activity on those premises to those persons."

The Act provides further protection for landowners, including limitations on representations as to the safety of the premises, limitations on the duty of care owed to visitors and limitations on liability for injuries caused by the acts of visitors while on the premises.

The Utah Landowner Liability Act was construed by the Utah Supreme Court in *Crawford v. Tilley*, 780 P.2d 1248 (1989). The court found the landowner **not** to be protected by the Utah Act because the premises on which the injuries occurred were not open to the public and were, in fact, posted "No Trespassing."

An annotation in American Law Reports suggests that counsel representing a landowner should consider, in advance of any litigation, the nature and number of warning signs that the landowner could place on his property to best take advantage of the protection from liability afforded by a recreational use statute. The annotation also suggests that counsel should advise his client to post signs that warn of the danger, but not to bar entry, such as advising entering "At Your Own Risk" (47 A.L.R. 4th 262).

Biking and Hiking Regulations Ordinance

In addition to the Utah Landowner Liability Act, the Park City Council should consider adopting an ordinance to regulate biking and hiking on designated trails in Park City. An example ordinance follows:

"WHEREAS, the Park City Council recognizes landowners within Park City who make their land or designated portions thereof available for public transportation or recreational purposes and afford themselves the liability protection contemplated by the Utah Landowner Liability Act (UCA 57-14-1, et seq.) and,

WHEREAS, the Park City Council encourages development of designated trails within the city and wishes to regulate the use of said trails in a manner which will safeguard and promote the health, safety, and welfare of trail users and landowners who directly or indirectly permit public use of their land for transportation or recreational purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH:

Section 1. It shall be unlawful for any person, for the purpose of biking, hiking, or other transportation or recreational activity, to willfully go upon any land area designated and posted unsafe or closed by landowner, County Sheriff, Forest Service or National Park Service.

Section 2. "Posted," as used in this Ordinance, means:

- (a) any personal communication by the landowner, representative of the owner, the Sheriff, the Forest Service, or National Park Service, or,
- (b) fencing or other enclosures or barriers obviously designed to prevent unintentional access to an area; or,
- (c) posting of signs reasonably likely to come to the attention of persons engaged in transportation or recreational use of another's land.

Section 3. It shall be unlawful for any person for the purpose of biking, hiking, or other transportation or recreational activity to willfully leave the boundaries of any designated public trail across privately owned lands without the consent of the landowner.

Section 4. Any person violating the provisions of this Ordinance shall be guilty of a Class C Misdemeanor, and be punished by a fine not to exceed \$750.00 and/or confinement in the City Jail for not more than ninety days.

There are a variety of solutions to the liability concerns raised by private landowners when asked to allow public access on their properties for transportation or recreation purposes. The

first, of

course, is reliance on the applicable landowners' liability statute and posting of appropriate warning signs. Another alternative includes the leasing of trail areas to the city or other governmental entity desiring public use. The more traditional method would be to convey or dedicate the trail to the City or other governmental entity in fee for title, thereby removing any status liability of the former landowner.

This is not to suggest that construction and operation of a public trail system is without liability at all, but such activities probably expose landowners and sponsoring governmental agencies to lower levels of liability for damage claims than most other activities. In fact, attempts by landowners to prevent public access to their properties may remove the protection offered by the Utah Landowner's Liability Act.

Utah Liability Issues

(Produced by Fabian & Clendenin, Salt Lake City, Utah)

I. PRIVATE LANDOWNERS

A. COMMON LAW LIABILITY

Depends on user's status

- Trespasser (property posted or fenced)

 - No duty to warn; no duty to protect; liability only for malicious injury

- Licensee (allowed on property but not invited)

 - Duty to warn of known dangers; no duty to protect

- Invitee (business patron or social guest invited on property)

Under common law owners are driven to post property and vigorously enforce against trespass in order to get highest level of protection

B. STATUTORY PROTECTIONBLIMITATION ON LANDOWNER LIABILITY ACT (U.C.A §57-14-1)

Purpose is to encourage owners to allow public access to private land

Applies only where:

- use is recreational

- landowner does not charge for use

- property is open to general public

Landowner's liability to all users under statute is same as to trespassers under common law

C. TRAIL CONSIDERATIONS

Owner of adjoining property (but not trail corridor)

No liability for accidents on trail

For accidents on adjoining private property:

- if property is closed to public use, common law will apply

- if property is open, statute will apply

- in either case, liability is only for malicious injury

Where trail corridor is privately owned, subject to an easement granting a public right of way, liability picture is not as clear.

Does selling an easement constitute a "charge" for public access? If so, statute may not apply and liability would be a licensee or invitee

In 1997 statute was amended to specifically cover cooperative wildlife management units (where hunter buys permit from state whom remits a portion to participating landowner)

A similar amendment might be needed for trail easements

Posting Issues

Generally, property is considered open unless posted or enclosed

Some ordinances (e.g. Summit City) prohibit leaving public trails without adjoining owner's express consent

II. PUBLIC LANDOWNERS

A. SOVEREIGN IMMUNITY

Government agencies are not liable for accidents unless immunity has been waived by statute. Immunity has been waived for sidewalks, streets and other public "structures or improvements." Does this include trails?

B. RECREATIONAL LAND USE IMMUNITY ACT (HB 107 1999)

Restores immunity for injuries arising from the "inherent risks" of "recreational activities," which expressly includes hiking, bike riding and equestrian activity

C. LIMITATION ON LANDOWNER LIABILITY ACT

Statute does not apply to urban parks, but may still apply to trails across undeveloped land. See, *De Baritault v. Salt Lake City*, 913 P.2d 743 (1996)

4. Development of a Safe Multiple-Use Trail System and Pedestrian Friendly Zones

The design, development and implementation of the Park City Trails Master Plan should consider safe shared use paths throughout the trail system. Pedestrian friendly zones should be designed and located to maximize usage, thereby increasing their contribution to traffic mitigation and air pollution reduction efforts.

In order to provide a safe shared use trail system, trail construction standards should include such things as: width, surface materials, slopes, appropriate sight distances, signs, and trail curvatures. Trail use types are identified and different standards for various trail use types are delineated.

Trails should generally be open to bicycles, pedestrians, joggers, and hikers. However, some trails should be designated as pedestrian trails only, excluding mountain bikes, in-line skaters and equestrian access. (Equestrian trails should be specifically designated.) Signs at trail-heads and significant access points should specify allowed uses and define user etiquette. Motorized vehicles except those for emergency or maintenance purposes should be prohibited from using the Park City Trail System.

Safety Within Pedestrian Friendly Zones: Crossing the street is more difficult and dangerous on roads that have been widened to accommodate greater traffic volumes. Each additional traffic lane adds to the time crossing pedestrians are exposed to vehicles. Wider roads encourage increased traffic speeds, which yield shorter reaction times in dangerous situations and a greater likelihood of fatal or debilitating injuries resulting from an auto pedestrian crash. Controlling traffic volumes can forestall the need to widen roads; therefore, existing roads do not become more dangerous to pedestrians.

The most important factor for pedestrians on the street is the speed of vehicles. High-speed traffic is intimidating for pedestrians because it increases road noise and shortens reaction times for drivers. Drivers are less likely to yield for pedestrians and, when collisions occur,

serious pedestrian injuries are more likely to result.

Streets should be designed for slower speeds (less pavement width). On existing streets, you can change their design by adding trees, on street parking, reduce pavement width, signage, medians, and other traffic calming devices.

Pedestrian deaths and injuries can be prevented in two ways: 1) Make roadways safer for pedestrians by installing 'pedestrian friendly' street design features, especially at intersections. 2) Provide a transportation system where people can find a convenient alternative to driving. By encouraging the development of safe and accessible pedestrian networks, most trips and traffic volumes can be reduced.

5. Environmental Sensitivity

The trail system should be designed and constructed in an environmentally sensitive manner in green or open spaces.

The city-wide trail system should provide opportunities for trail users to observe ecological features, such as stream corridors, and wetland edges while protecting these areas from overuse. As development occurs trails should become green ways. Trails should be located to take advantage of Park City's positive environmental qualities, such as views, natural vegetation, wildlife, geologic, and water features.

Green ways should be aesthetically pleasing and provide a pleasant transportation and recreational experience. On steep slopes and highly vegetated areas, the selection of trail locations should be based upon trail user preferences, topography, environmental impacts and visual compatibility rather than along convenient property boundaries.

In visually or environmentally sensitive areas, special location and/or construction methods should be used which protect the site from environmental or visual impact. Examples of visually or environmentally sensitive sites are: wet lands, riparian areas, highly visible hillsides, areas with significant vegetation, highly erodable soils, unstable slopes and ridge-lines. Minimal visual or construction impacts on highly vulnerable sites can be achieved through certain techniques, such as limits of disturbance, fencing, site specific trail routing, erosion control measures, site specific adjustment of construction standards and design guidelines, and site specific construction practices. Use of one or more of these techniques should minimize environmental, visual or construction impacts. (See the *Shared Use Paths* section of this document for specific environmental treatments.)

6. Trail, Pedestrian Friendly Zone Standards and Park City Character

Park City should develop a trail system that is functional and conforms to national standards, where applicable, while preserving the unique character of the Park City environment.

National standards are important when considering trail user safety, and the potential liability to the City, so AASHTO and/or national standards should be followed where practical. But due to the mountainous terrain and dynamic nature of outdoor recreation in Park City, national standards are not always practical. No mountainous terrain standards have yet to be established by any nationally recognized organization.

Park City's unique character is a valued quality and trails should reflect that character in setting and materials. When possible, materials indigenous to the site should be used in construction. When the use of indigenous materials is not possible, use of historic looking materials should be considered.

Pathways: Informal neighborhood pathways may be constructed out of crushed gravel, concrete, native dirt, woodchips or asphalt. Pathways should be built to "fit" with the surrounding materials and match the feel of the adjacent area. The sense of place an area has should be preserved through the choice and treatment of materials and setting of the path.

Pedestrian Friendly Zones: Creating a more accessible urban area often involves landscaping, traffic calming, zero setback and/or mixed use zoning. Preservation or re-invention of historic areas contributes both to pedestrian access and community character.

7. Pedestrians, Bicyclists and Community Needs

Park City intends to develop a trail network providing for the needs of residents and visitors for daily travel on foot, bicycle or other non-motorized means.

The ideal non-motorized network should connect neighborhoods with important destinations, such as parks, employment centers, shopping areas, libraries, medical facilities, and convention facilities. As new trails are developed fencing, landscaping and physical separations are reasonable measures that need be taken to assure adjacent landowner privacy.

Bicycle Parking: The availability of safe and convenient parking is as critical to bicyclists as it is to motor vehicles. Bicycle parking needs to be visible, accessible, easy to use, convenient, and plentiful. Racks need to support the whole bike (not just one wheel) and enable the user to lock the frame and wheels of the bike with a cable or U-shaped lock. Parking should preferably be covered, well lit, and in plain view without being in the way of pedestrians or motor vehicles. And if any of these criteria aren't met, there's a good chance cyclists won't use what is provided and will park wherever they think their bike will be safe. All new development should be reviewed for the appropriateness of bicycle parking and or storage. Where possible existing development should be retrofitted for bicycle parking and or storage.

Maps: The development of guides and maps is encouraged. Trail and pedestrian friendly zone maps will provide information about access for non-motorized travel for visitors to the area and will enrich the transportation, recreational and educational experiences for all.

Maps and guides should contain information concerning the trail: trail-head locations, description of trail route, steepness, and wheel chair accessibility. Transit connections, locations of public and private facilities, such as parking lots, drinking water, rest rooms, and benches should also be identified. Other items to include in maps and guides are major destinations, schools, universities, major employment centers, retail, social services, residential areas, and public transportation routes including, park and ride lots, bus stops and private shuttle systems.

Signs: As new trails are completed, signing should be installed along the major corridors of the trail system with information on direction, safety and trail policy. Specific location of signs is evaluated on a case-by-case basis. Placement guidelines are listed in the Construction Standards section of this document. These guidelines are intended to provide general direction for signs and their placement. Final signing may not be possible until certain trails are completed.

Needs Within the Pedestrian-Friendly Zone: The encouragement of pedestrian and bicycle travel within downtown areas should be established and designed for safe, non-motorized travel.

This requires street designs that give people as much, or more, consideration than cars. On street parking can be provided, which aids the merchants while still providing a buffer for pedestrians. Landscaping, building design, street furniture, in addition to traffic calming methods should be incorporated. This comprehensive street design should have community approval and create a street style that individualizes the community while providing pedestrian and bicycle access.

8. Long-Term Maintenance Policies and Standard

The long-term maintenance of trails is integral to the ultimate success of the trail system.

Typically the maintenance of an existing trail is the responsibility of public works/parks department of the jurisdiction in which the trail is located. Trail maintenance levels are dependent on funding. Future maintenance could be coordinated for the entire trail network for efficiency. When street improvements are made, it is recommended that sidewalks and trails be installed at the same time in order to reduce costs and inconvenience. It is also recommended that higher volume, shared use path corridors be given priority over lower volume, single use trails, unless specific conditions warrant otherwise. Several maintenance guidelines are described in detail for each type of trail and pathway included in this plan.

Park City has established a program element in their public works/parks departments for the maintenance of trails in the Park City Trails System, including an appropriate budget. Issues considered are snow removal, litter pick-up, installation of root barriers, resurfacing of paved trails, installation of signs, crosswalks, bollards, centerline striping, vegetation trimming, and trail sweeping. Future trails may need trash receptacles, rest rooms, drinking water facilities, lighting, and cross country skiing track settings. The ongoing cost for trail signs and their management and maintenance should also be considered.

See Appendix C.

IV. Trail Types

A. Shared Use Path

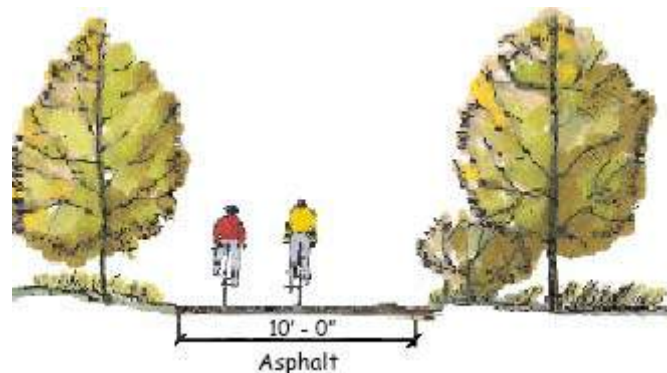
Generally, shared use paths should be used to serve corridors not served by streets and highways or where wide utility or former railroad right-of-way exists, permitting such facilities to be constructed away from the influence of parallel streets. Shared use paths should offer opportunities not provided by the road system. They can provide a recreational opportunity or, in some instances, can serve as direct commute routes if cross flow by motor vehicles and pedestrians is minimized.

The most common applications are along rivers, canals, utility rights of way, former or active railroad rights-of-way, within college campuses or within and between parks. There may also be situations where such facilities can be provided as part of planned developments. Another common application of shared use paths is to close gaps in bicycle travel caused by construction of cul-de-sacs, railroads and freeways or to circumvent natural barriers (rivers, mountains, etc.) While shared use paths should be designed with the bicyclist's safety in mind, other users, such as pedestrians, joggers, dog walkers, people pushing baby carriages, persons in wheelchairs, skate boarders, and in-line skaters are also likely to use such paths.

In selecting the proper facility, an overriding concern is to assure that the proposed facility will not encourage or require bicyclists or motorists to operate in a manner that is inconsistent with the rules of the road. The needs of both motorists and bicyclists must be considered in selecting the appropriate type of facility.

An important consideration in selecting the type of facility is continuity. Alternating segments of shared use paths and bike lanes along a route are generally inappropriate and inconvenient because street crossings by bicyclists may be required when the route changes character. Also, wrong-way bicycle travel with the higher potential for crashes may occur on the street beyond the ends of shared use paths because of the inconvenience of having to cross the street.

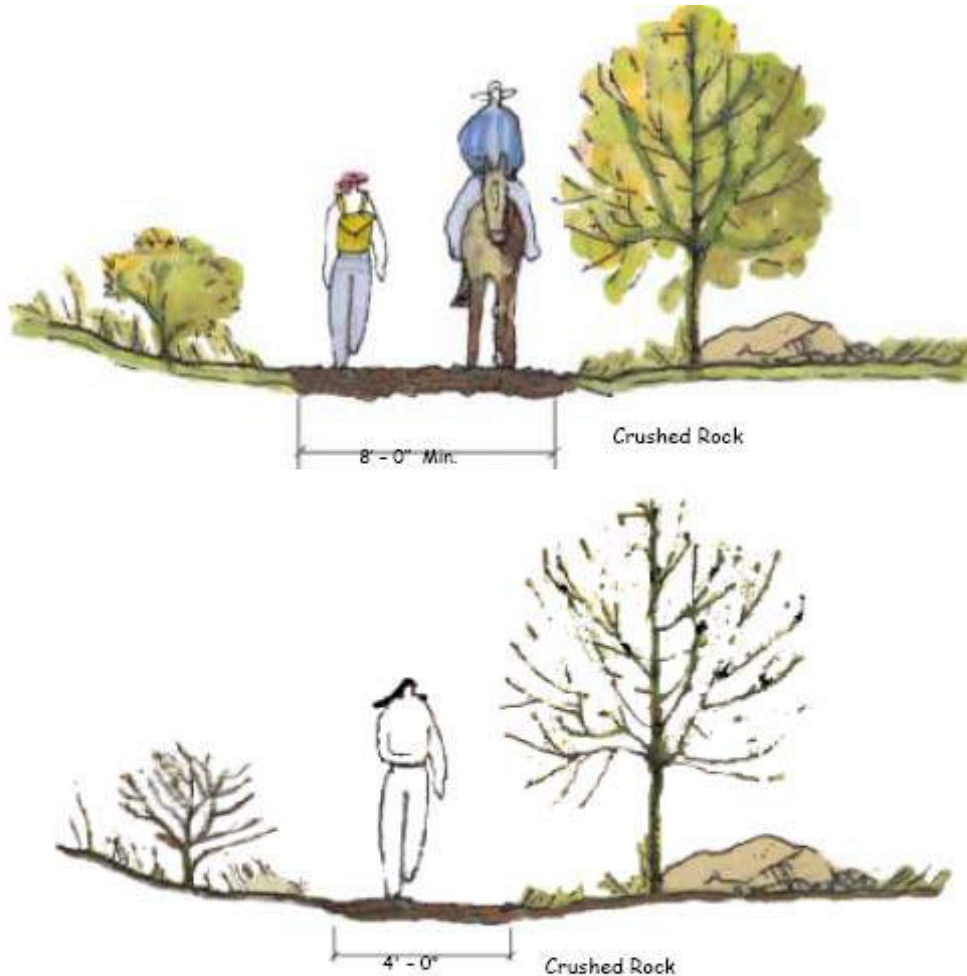
Sidewalks generally are not acceptable for cycling. However, in a few limited situations, such as on long and narrow bridges and where bicyclists are incidental or infrequent users, the sidewalk can serve as an alternate facility, provided any significant difference in height from the roadway is protected by a suitable barrier between the sidewalk and roadway.



Any federally funded project is required to conform to the existing AASHTO Design Guidelines.

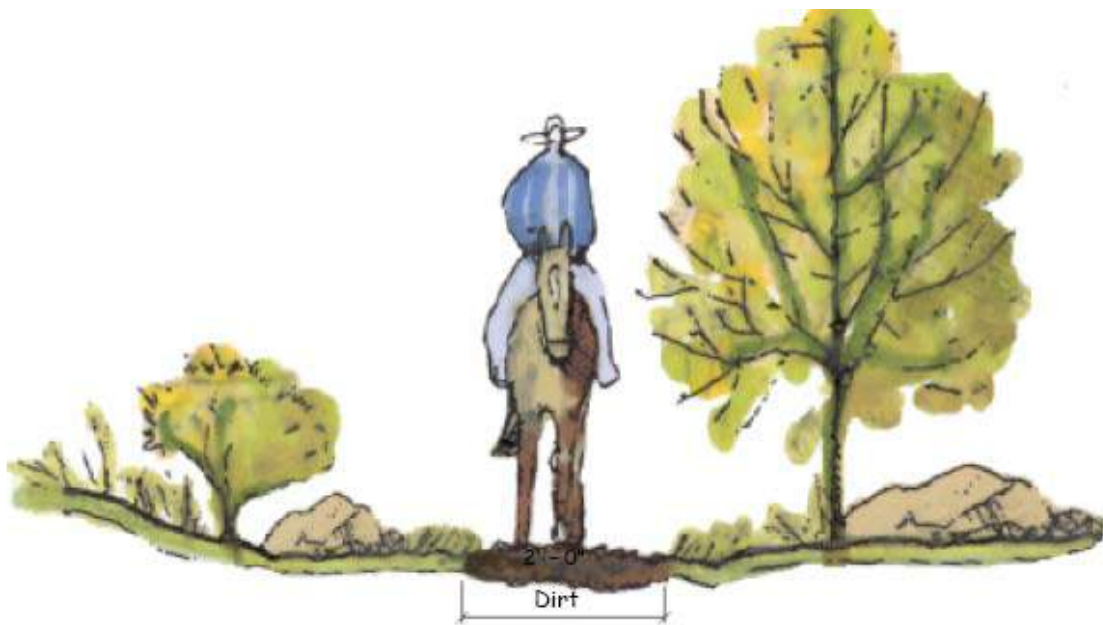
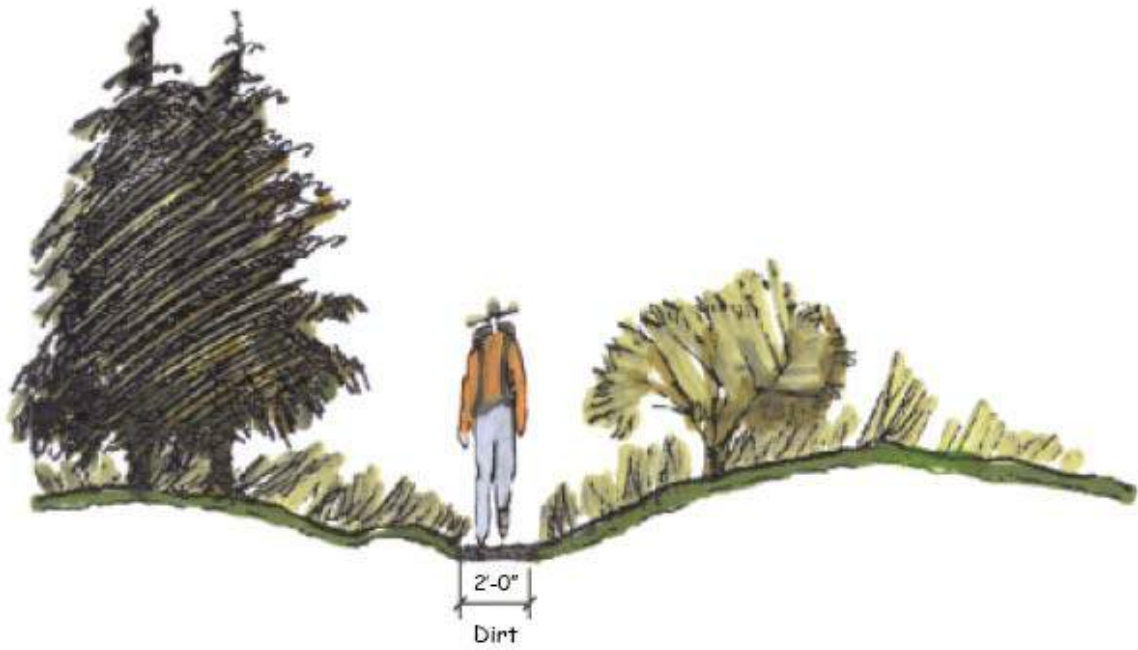
B. Crushed Gravel Trail

Anticipated uses along crushed gravel trails include mountain bikes, pedestrians and horses (where specifically designed). Width varies with anticipated intensity of use. Surface drainage across soft-surfaced trails should be designed to minimize erosion of the trail surface and edges.



C. Back Country

Back Country trail types are generally used when a low volume recreational use is anticipated and to access natural areas.

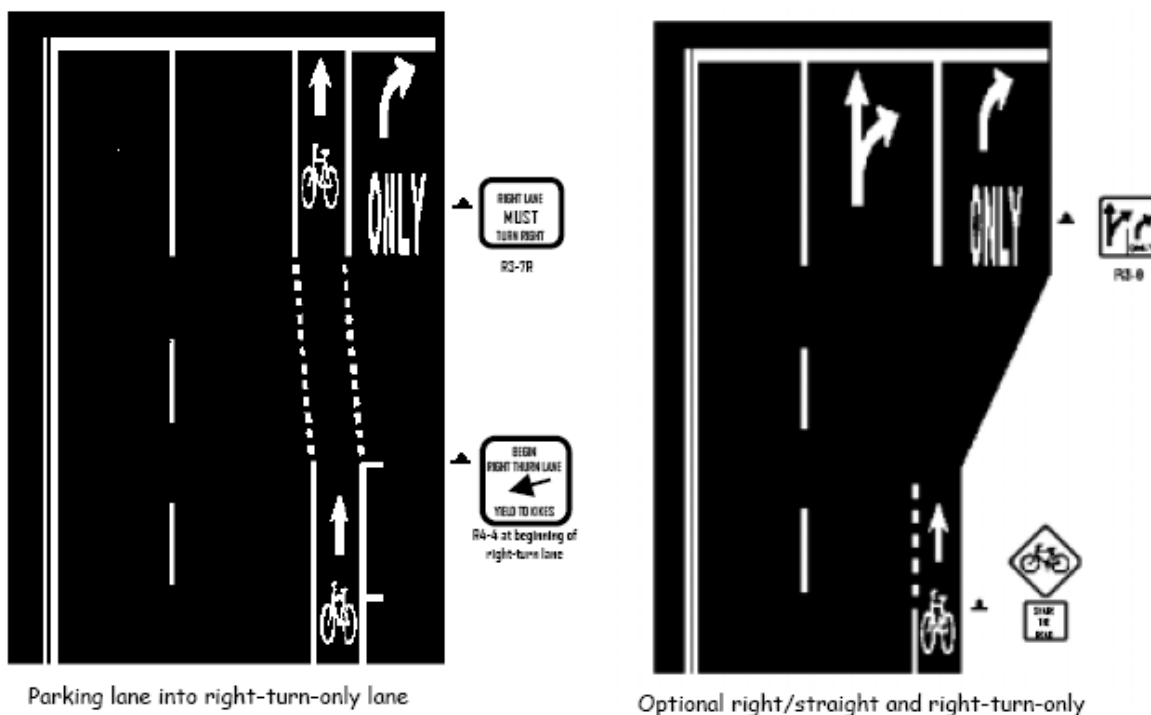


D. Bicycle Lane

Bicycle facility type is dependent on many factors, including the ability of the users, specific corridor conditions and facility cost. The descriptions below provide an overview of each facility type and general design.

Bike lanes are established with appropriate pavement markings and signing along streets in corridors where there is significant bicycle demand and where there are distinct needs that can be served by them. The purpose should be to improve conditions for cyclists on the streets. Bike lanes are intended to delineate the right-of-way assigned to bicycles and motorists and to provide for more predictable movements by each. Bike lanes also help to increase the total capacities of highways carrying bicycle and motor vehicle traffic. Another important reason for constructing bike lanes is to better accommodate bicyclists where insufficient space exists for comfortable bicycling on existing streets. This may be accomplished by reducing the width of vehicular lanes or prohibiting parking in order to delineate bike lanes. In addition to lane striping, other measures should be taken to ensure that bicycle lanes are effective facilities. In particular, bicycle-safe drainage inlet grates should be used, pavement surfaces should be smooth, and traffic signals should be responsive to bicyclists. Regular maintenance of bicycle lanes should be a top priority, since bicyclists are unable to use a lane with potholes, debris or broken glass.

If bicycle travel is to be improved, special efforts should be made to assure that a high quality network is provided with these lanes. However, the needs of both the motorist and the bicyclist must be considered in the decision to provide bike lanes.

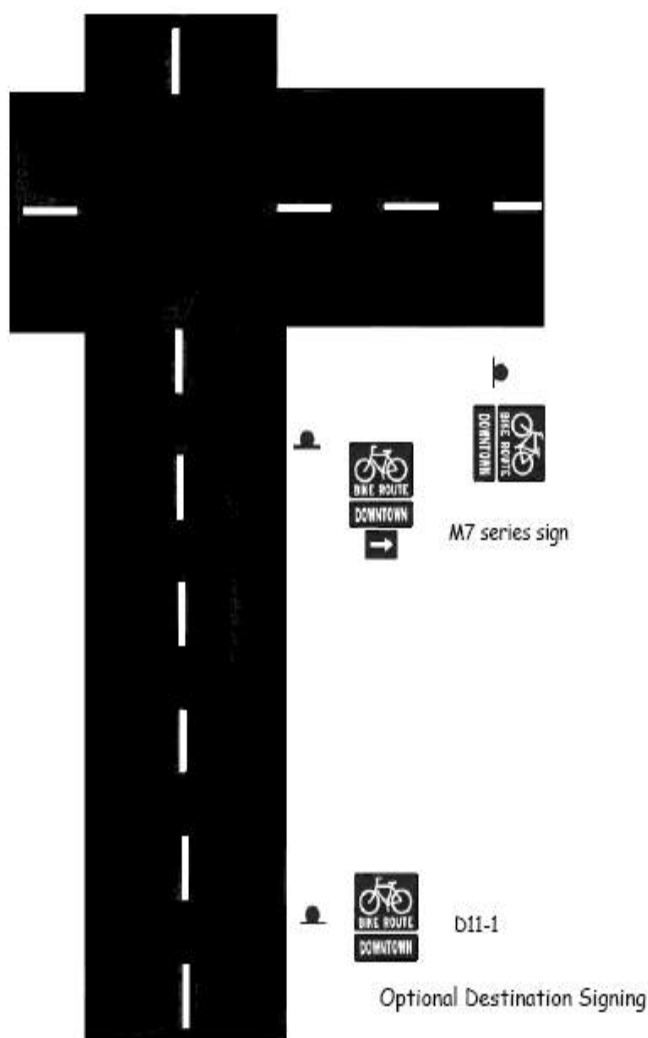


E. Shared Roadways

To varying extents, bicycles will be used on all highways where they are permitted. Bicycle-safe design practices, as described in this guide, should be followed during initial roadway design to avoid costly subsequent improvements. Because most existing highways have not been designed with bicycle travel in mind, roadways can often be improved to more safely accommodate bicycle traffic. Design features that can make roadways more compatible to bicycle travel include bicycle-safe drainage grates and bridge expansion joints, improved railroad crossings, smooth pavements, adequate sight distances, and signal timing and detector systems that respond to bicycles. In addition, more costly shoulder improvements and wide curb lanes can be considered. Also see Chapter 2, Other Design Consideration AASHTO Guidelines.

Width is the most critical variable affecting the ability of a roadway to accommodate bicycle traffic. In order to bicycles and motor vehicles to share the use of a roadway without

compromising the level of service and safety for either, the facility should provide sufficient paved width to accommodate both modes. This width can be achieved by providing outside lanes of paved shoulders.



Signed Shared Roadway. Signed shared roadways are designated by bike route signs, and serve either to: a. Provide continuity to other bicycle facilities (usually Bike Lanes); or b. Designate preferred routes through high demand corridors.

As with bike lanes, signing shared roadways indicates to bicyclists that using these routes provided particular advantages compared with alternative routes. This means that responsible agencies have taken actions to assure that these routes are suitable as shared routes and will be maintained in a manner consistent with the needed of bicycles. Signing also serves to advise vehicle drivers that bicycles are present.

In urban areas, signs should be placed every 500 m (approx. $\frac{1}{4}$ mile). At every turn and at all signalized intersections.

Shared Roadway (No Bikeway Designation). Most bicycle travel in the United States now occurs on streets and highways without bikeway designations. This probably will be true in the future as well. In other cases, some streets and highways may be unsuitable for bicycle travel at present, and it would be inappropriate to encourage bicycle travel by designating the routes as bikeways. Finally, some routes may not be considered high bicycle demand corridors, and it would be inappropriate to designate them as bikeways regardless of roadway conditions (e.g., minor residential streets).

Touring bicyclists use some rural highways for intercity and recreational travel. In most cases, such routes should only be designated as bikeways where there is a need for enhanced continuity with other bicycle routes. However, the development and maintenance of 1.2-m (4-foot) paved shoulders with a 100-mm (4-inch) edge stripe can significantly improve the safety and convenience of bicyclists and motorists along such routes.

V. Trail Location and Construction Standards

The following guidelines provide specific recommendations for how trails should be routed and/or constructed to reduce maintenance and environmental impacts and should be followed in the construction of trails.

A. General Guidelines

Trails should be located and constructed in such a manner as to minimize maintenance and maximize access.

Trails should follow natural contours where possible and respect surrounding landforms. For example, trails crossing steep sites should flow with the landform. Drainage features, such as water bars, should be constructed where appropriate to reduce erosion.

Trail slopes should match expected user volumes and types. Refer to AASHTO Guide For The Development of Bicycle Facilities for further guidance.

B. Trail Separation From Vehicle Traffic

Where feasible, trails should be separated from vehicle traffic. Snow removal and general maintenance are less costly when trails are separated from roads and parking lots. Users are generally safer on separated trails and travel experiences are enhanced on separated trails.

Security for Trail Improvements: Where trails are required as part of a development project, a security or bond will be posted for the full cost of the trail improvements. This should be required prior to the issuance of any occupancy permits or recording of final plats.

Phasing of Trail Improvements: When trails are part of a phased project, the phasing of various trail segments will follow a logical sequence for trail users. For example, some trail construction may be required through an entire project to provide completed trail connections at an early phase in the project. Further improvements can be made as funding becomes available.

Trail Easements: All trails that are open to the public should be located on publicly dedicated property. There are a variety of mechanisms for this to occur. Public street rights-of-way and dedicated easements are the most common and acceptable forms of access rights. In special circumstances some other form of access may be considered, such as a temporary easement. The Trails Matrix provides recommended easement widths for the various trail types.

Often liability concerns are raised in the process of acquiring trail easements. In cases where public easements are dedicated, or lease agreements are negotiated for public use with private landowner, the jurisdiction should assume general liability responsibility in the same manner as assumed for streets and other public areas.

In specific cases, temporary trail easements and installations may be required. An example of such a need might be on a large phased project where a trail exists but is to be relocated and dedicated in a future phase. In this case, a temporary trail easement is needed to access the existing trail until the future phase is constructed. Another example involving a temporary trail easement is where a developer has property that will not be developed until a future time. The developer may allow trail access on this property on an interim basis until the land is developed. A temporary easement should be granted for trail purposes.

C. Recommendations for Environmentally Sensitive Sites

Special location or construction methods may be necessary to reduce impacts and minimize disturbance in environmentally sensitive areas. Examples of visually or environmentally sensitive sites include: wetlands, highly visible hillsides, significant vegetation areas, highly erodible soils, unstable slopes, and ridgelines.

Techniques, such as site specific trail routing, erosion control measures, site specific adjustment of construction standards, and site specific construction practices should be implemented to minimize environmental, visual or construction impacts. Construction methods that should reduce impacts including installing retaining walls to reduce cut and fill slopes on a visually prominent hillside, hand construction of the trail, stabilizing a mine hazard that is located within or adjacent to a trail corridor or installing a tree well around a significant tree to be preserved.

Each environmentally sensitive site is unique, specific trail proposals through such locations need to be considered on a case-by-case basis.

D. Guidelines for Sensitive Sites

Construction Practices For Sensitive Sites: Disturbance fencing limits should be implemented to minimize construction impacts. Construction limits should be as small as practical to construct the trail. Significant vegetation root zones should be considered when locating the trail and establishing construction limits.

Erosion Control: Methods should be employed to protect areas adjacent to the trail from impacts both during and after construction. (See Drainage Planning and Slope Management

Indigenous Materials: Indigenous construction materials should be used for retaining walls, bridges, and barriers wherever possible.

Existing Vegetation: Existing significant vegetation should be preserved wherever possible. Trees, riparian vegetation, scrub oak, and rare plants are considered significant. Root zones, as well as above ground vegetation

Re-Vegetation: Native and/or self-sustaining plant materials should be used for re-vegetation of all disturbed areas where trails pass through native or non-irrigated sites. Re-vegetation can be used to provide screening. Construction techniques to preserve vegetation and trail routing techniques should be used to minimize visual intrusion

Natural Considerations: Where significant wildlife or other natural features exist, special trail routing, construction methods and trail use should be considered.

Wetlands: Trails that cross or are located adjacent to wetlands should be designed for minimal impact. Wooden boardwalks or other techniques may be necessary to impose minimal construction impacts. Wildlife needs should also be considered when setting trails near wetlands.

Visually Sensitive Areas: Locations that are visually sensitive, such as talus slopes, may require reduced cut and fill slopes, hand-construction, and low retaining walls to minimize site disturbance and visual intrusion.

Environmentally Hazardous Areas: Where environmental hazards are present, special trail construction techniques or locations should be used to mitigate the hazard. Hazardous areas can be abandoned mine sites, where mine tailing should be stabilized, top soiled and re-vegetated. Other hazardous locations, such as lightening prone areas, rockslide and avalanche areas should either be avoided or be closed seasonally when hazardous conditions are a problem.

Micro Climatic Trail Use Opportunities: Locate the trails for both summer and winter activities, where possible, given the terrain and climactic considerations. Identify snow retention areas for possible cross-country ski trails. In open areas, place trail alignment to take advantage of wind protection and shaded canyon areas.

E. Utilities

The routing of utilities within trail corridors is generally encouraged. Many trail managers have allowed co-location of utilities in consideration for appropriate fee payments by the utility company. Locations that are visually or environmentally sensitive may restrict or preclude sharing utilities with trails. The following guidelines for placement, site disturbance and access should be followed.

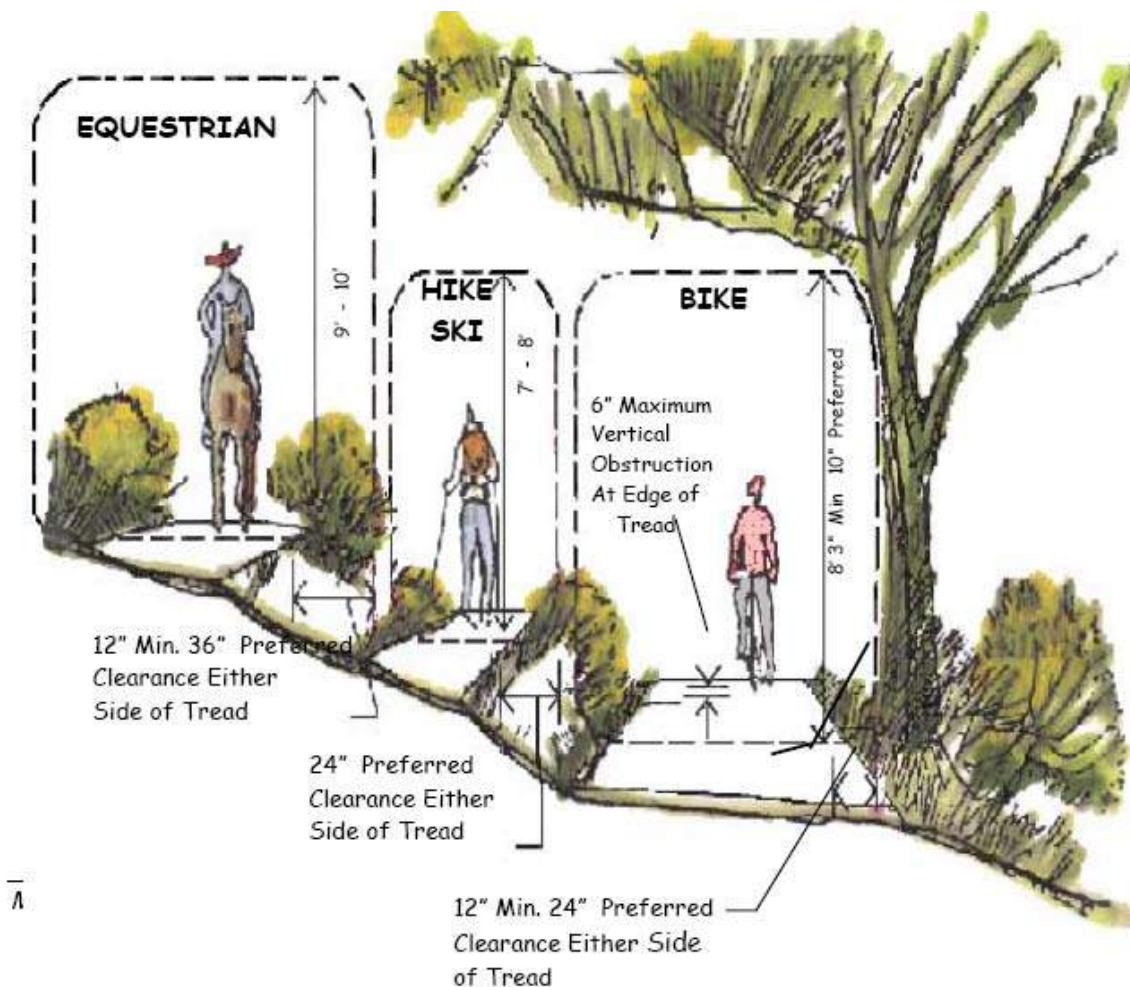
Placement: Utility lines that run parallel to the trail should be placed under the trail bed where possible to minimize site disturbance. Utility lines that are perpendicular to the trail and lateral lines should be located to minimize site disturbance and removal of significant vegetation. Physical obstructions, such as utility pedestals, transformers and the like should be located out of the clear zone so they are not hazards to trail users. Access points which are not a physical obstruction, such as manhole covers should be located flush with the trail surface and where they do not pose a hazard to trail users.

Site Disturbance: Construction of utility lines within naturally vegetated areas should minimize site disturbance wherever possible. All disturbances should be re-vegetated according to the requirements for trail construction. Bonding for this work should be required.

Utility Access: Access for utility maintenance vehicles will be evaluated on a case by case basis and provided for utility maintenance vehicles will be evaluated on a case by case basis and provided for as part of the trail construction. Visually or environmentally sensitive sites may preclude full access to trail/utility corridors.

F. Vertical Clearance Guidelines – Also see Trail Types for Specific Requirements

A 10' vertical clearance from the trail surface is recommended. The vertical clearance to obstructions will be a minimum of 8 feet across the clear width of the path.

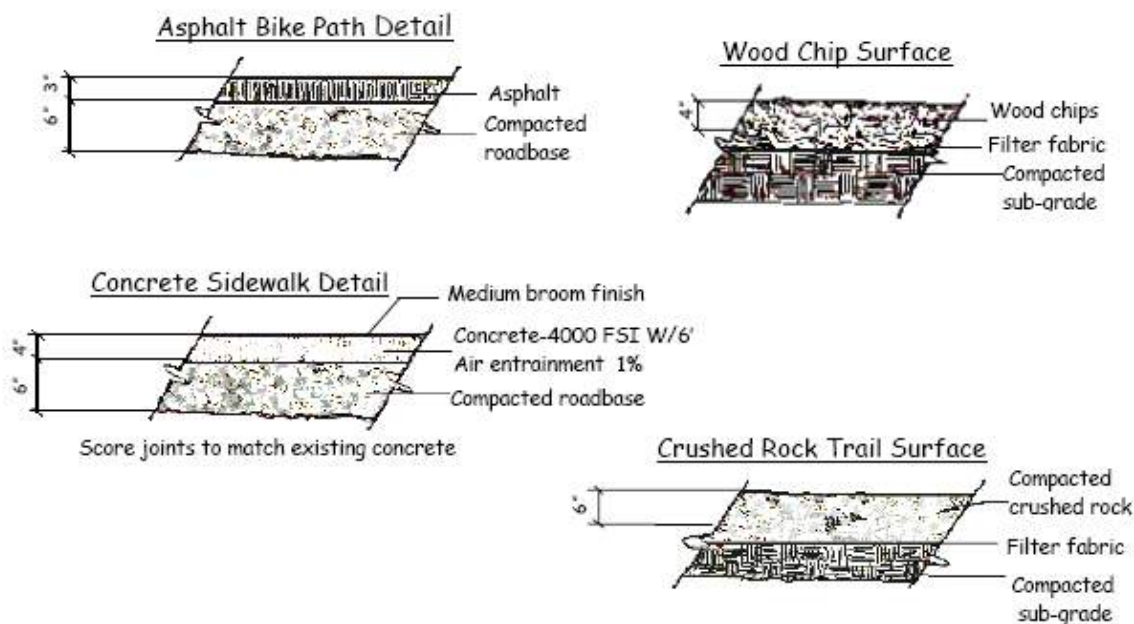


G. Trail Surfacing Guidelines

Asphalt, concrete and base specifications will meet those set forth in this document. The 6" crushed rock trail surfaces may be substituted with a compacted 2" dolomite limestone material meeting the following specifications:

- Passing ½" screen – 100%
- Passing 3/8" screen – 97-99%
- Passing #4 screen – 75-80%
- Passing #8 screen – 50-55%
- Passing #16 screen – 30-35%
- Passing #30 screen – 20-25%
- Passing #50 screen – 17-20%
- Passing #100 screen – 13-17%
- Passing #200 screen – 12-15%
- Maximum water absorption – less than 3%

A 6" compacted road base sub grade should be placed under the dirt surface in areas with a high water table or with poor drainage conditions. If a wood or other edging material is used along any of the trail surfaces, care will be taken to assure trail surface drainage. Edging is not recommended along soft surface trails because the soft surface changes over time causing the hard edge to impede drainage. Weed or root barriers also may be necessary.



NOTE: The crushed rock surfacing may be substituted with 2" of compacted dolomite limestone as per the specification.

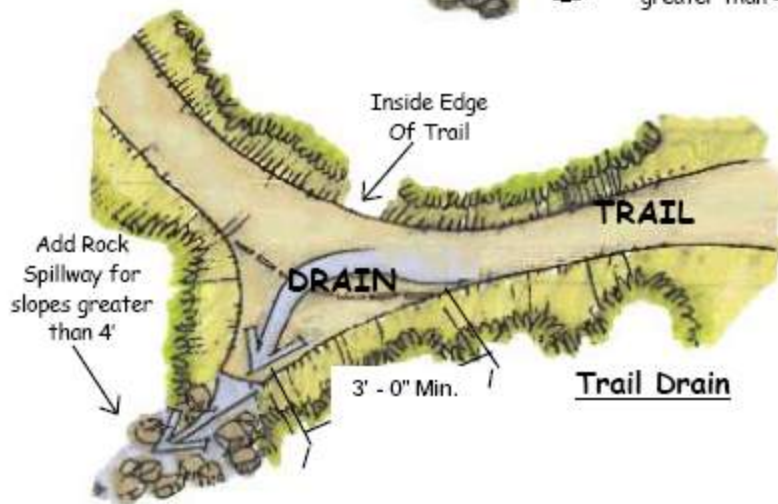
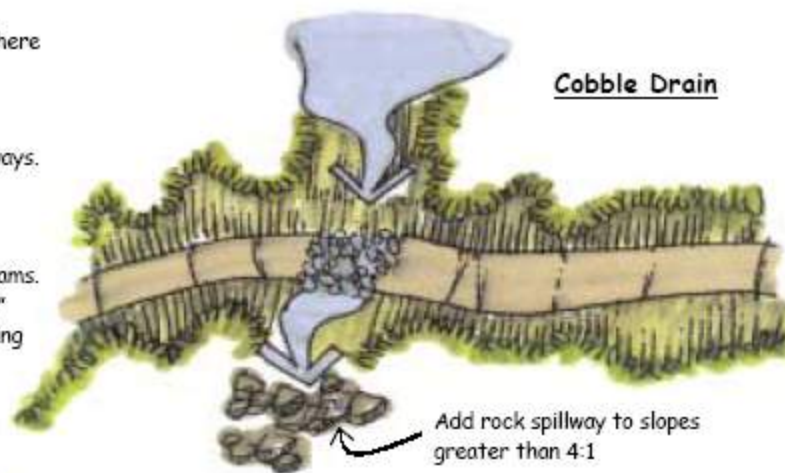
H. Drainage Planning

Careful study of topography adjacent to the trail may yield insight to maximize protection of the trail, which minimizing trail structures. General drainage should be studied at 50' stations with provisions made to protect the trail.

Swells and Culverts: Drainage swells or culverts should be installed on trails at locations where the normal cross slope will not allow for adequate drainage. Drainage swells are not allowed on paved trails. Drains are best located at low points or bends in the trail along existing natural drainage ways.

Wherever water is concentrated into new locations or in heavier concentrations, erosion protection needs to be evaluated and installed if necessary. Native stone is the preferred material.

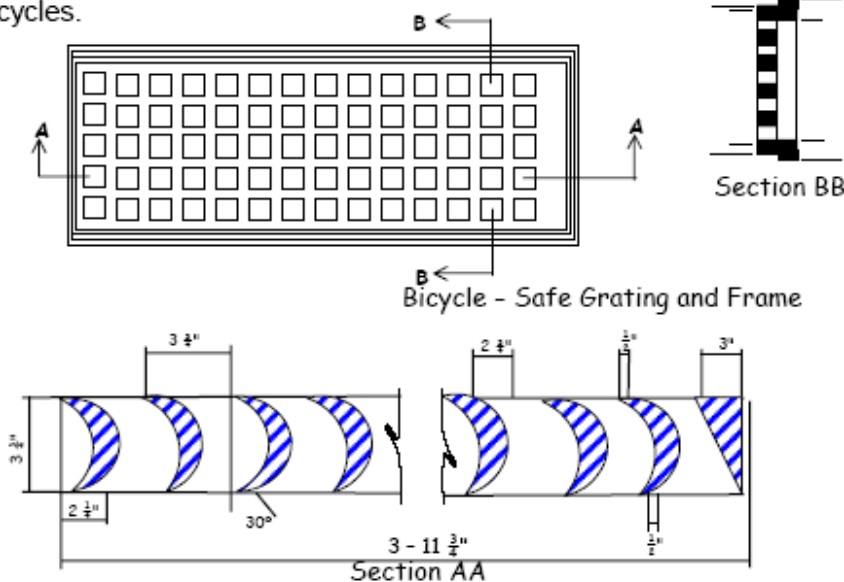
Cobble Drain: Use where intermittent flow is expected, such as in pronounced gullies or established drainageways. Do not use where continuous flow is expected, such as at seeps, springs or streams. Cobbles shall be 2"-3" stones stockpiled during trail construction.



Trail Drain: Use where trail construction requires drainage such as along long and/or steep vertical ascents. Do not use where established drainageways exist. They are best if located at low points or bends in trail. Transition from Trail to drain may require 6' at low points. 6' transition will be required up to normal trail.

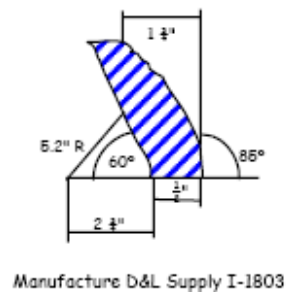
Drainage Grates: Drainage inlet grates on bikeways will have openings narrow enough and short enough to assure bicycle tires will not drop into the grates (e.g., reticulin type), regardless of the direction of bicycle travel.

Bicycle Safe Drainage Grates:
Drainage grates should be installed where necessary to allow drainage and safe passage for bicycles.

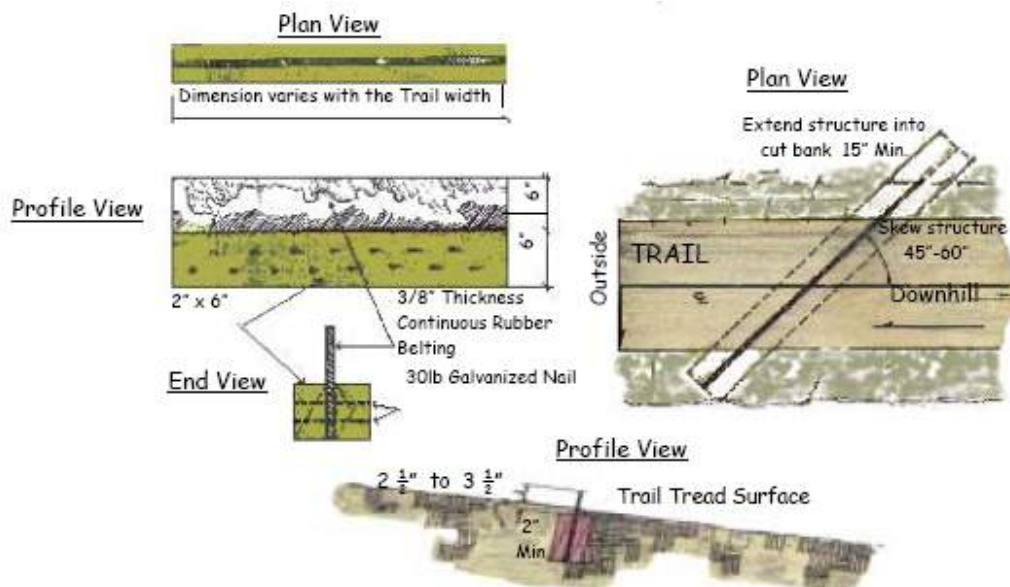


GUIDELINES

Use for all surface drainage grates in public street. Private roads, parking lots, etc. where bicycle traffic is possible.



Water bar: Water bars will likely need to be installed at regular intervals on soft surface trails that are steeper than a 5% gradient for more than five vertical feet. Rubber water bars should be used since they are the safest for multiple use trails, also construction is more economical, faster and easier than other construction methods.



I. Slope Management Guidelines

When sloped areas are disturbed, the area needs to be stabilized and re-vegetated as part of the trail construction process to prevent subsequent soil erosion and frequent maintenance problems.

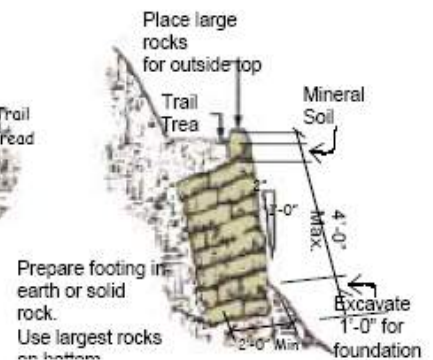
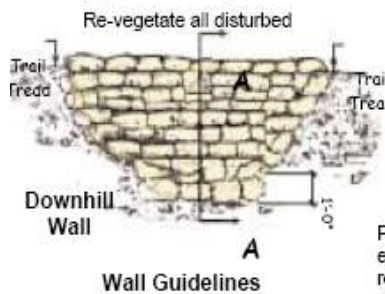
Permanent Slope Stabilization

Retaining Walls: Permanent slope stabilization includes native stacked rock or wood retaining walls, rock filled gabions, wire baskets, wattling, planting or placing plant materials and slope serration.

Where necessary for safety, retaining walls should be installed to prevent erosion of cut or fill slopes, to reduce cut and fill slopes or to minimize disturbance of environmentally or aesthetically sensitive sites. Retaining walls should be constructed of indigenous or natural materials, walls located on visually sensitive sites should be designed to blend with the natural surroundings. Materials, texture, color and height all affect the visual prominence of a retaining wall. Walls exceeding a height of 4 feet must conform to the requirements set forth in the Uniform Building Code.

Following are some guidelines for various techniques. All uninterrupted cut or fill slopes will not exceed six vertical feet unless a site-specific analysis is performed to justify otherwise. Some method of permanent slope stabilization should be required for all slopes in excess of 2:1 vertical unless a site specific soils analysis is performed to justify otherwise.

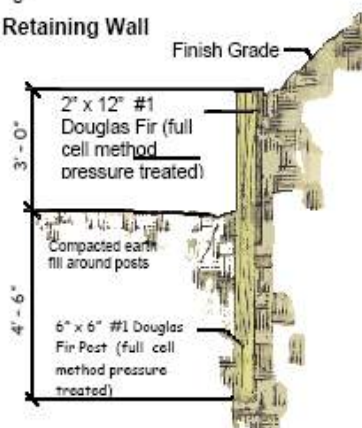
NOTES: Wall shall be 2" wide or $\frac{1}{2}$ the wall height, whichever is greater



- Use stone which is native to the site wherever possible.
- To stabilize the trail in less than adequate situations.
- To widen a trail that otherwise would be too narrow.
- To taper up or down in areas where typical tread construction will not work.
- Walls should be built in areas where adequate footings can be dug.
- All stones should be angular free, free from defects, projections and impressions.
- Approximately 25-33% of wall should be tie stones.
- Maximum height of wall should be 4'-0"

- Use wherever natural trees or otherwise significant vegetation can be saved with the use of walls.
- Uniformly distribute sizes and shapes over the entire face of the wall.
- Shape stones for best fit. Use a 4" hammer if available.
- All walls must be battered: 3 in 12 through 12 in 12 are acceptable.
- Trench should slope inward as shown and drain to daylight. The stones shall completely penetrate wall. Miscellaneous backfill must be free from organic matter. Select backfill less than $\frac{1}{2}$ " maximum dimension, 4" depth optimum.
- Walls which are greater than 4'-0" in heights shall be engineered.
- Use where either cut or fill slopes for trail construction exceeds 4 vertical feet.

Retaining Wall



- Cut and fill slopes should be a maximum of 2:1 unless site specific soil analysis is performed to justify stability of steeper slopes.
- A maximum of 4 vertical feet of cut or fill is allowed environmentally or visually sensitive areas may be less.
- Areas which require steeper cut or fill slopes than the allowable shall use retaining walls as shown in these details.
- All disturbed areas shall be re-vegetated. Species for re-vegetation shall be appropriate and wherever possible shall match the surrounding species.

Cut and Fill Slopes: Combined cut and fill slopes should not exceed twelve vertical feet and Individual cut or fill slopes should not exceed six vertical feet (less in environmentally and visually sensitive areas). Slopes that exceed these parameters should consider low retaining walls or alternate routing of the trail to a more acceptable location.

Cut or fill finish grades should not exceed a 2:1 vertical unless a site specific soil analysis is performed to justify the stability of steeper slopes. All cut and fill slopes will be stabilized and re-vegetated as per the re-vegetation and slope stabilization guidelines.

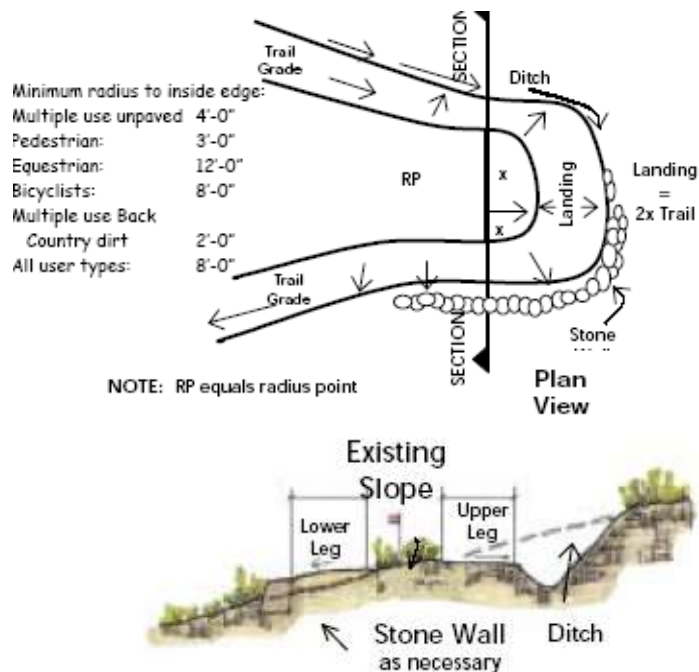
Existing Vegetation Protection: Existing significant vegetation that is to be saved will be protected with temporary fencing along the limits of disturbance. Trees that are to be saved should not be disturbed within the drip line of the tree, if possible, and the protective limits of disturbance fencing should extend to the drip line. Where this is not possible, all work within the drip line should be done by hand and mechanical equipment should not be allowed within the drip line. If filling is necessary above the root zone, perforated pipe along the drip line and vertical air wells should be installed. If cutting of roots or interception of natural drainage to the root zone is necessary, temporary irrigation may be required to compensate for the disturbance.

Temporary Runoff Management: During construction and establishment of re-vegetation, techniques, such as temporary erosion control, runoff measures, and slope stabilization may be necessary. Techniques, such as hydro mulching, star mulch, jute matting, wood excelsior matting, tackifiers, straw bales, siltation fences, matting in drainage channels and stone mulching are examples of temporary runoff management. The following treatment guidelines provide some direction for the use of these measures. All are temporary measures and are intended to last from one to two years until permanent stabilization techniques are effective.

Wattling: Bundles of branches are used to both stabilize and re-vegetate slopes that are nearly stable but continue to erode. Wattling is only recommended after initial methods have failed and where the unstable areas are minor.

Slope Serration: Small steps or indentations are cut in the slope face and are useful for providing small favorable sites for vegetation establishment. This technique should be used only on soils that are fairly cohesive. Sites that have severe exposure to heat, sun or wind and have slopes that are excessively steep benefit most from this method.

Switchbacks: Switchbacks are expensive to construct but are necessary when steep slopes are encountered. When switchbacks are required, they should be designed to discourage crosscutting and subsequent erosion.



Locate switchbacks where natural barriers exist; installing physical or visual barriers or providing sufficient separation between the switchbacks all help to discourage crosscutting. If crosscutting cannot be discouraged through design or construction then the installation of stairs or relocation of the trail should be considered.

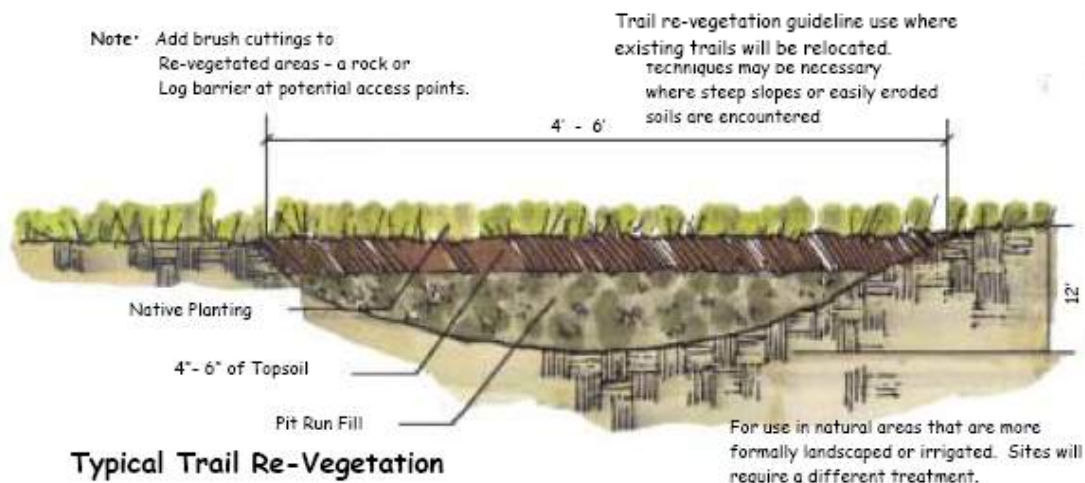
Re-vegetation: Re-vegetation consists of seedling and planting operations. Seed and plant species and application rates will be submitted and approved with the construction plans. In general the re-vegetation of natural sites will match that of the undisturbed areas in species, density and vegetation patterns. Re-vegetation will be accomplished as soon as grading work is completed and weather permits. Unless the site is irrigated, native plant species indigenous to the site should be used. All re-vegetation work on non-irrigated sites will be done between October 15th and April 15th unless approval is granted otherwise. Sites that are re-vegetated between June 1st and September 1st will require temporary irrigation.

Seedbed Preparation: Sub-grade soils should be scarified to a depth of 3-4" and topsoil placed to a minimum depth of 4 inches.

Seedlings: Seeds will be broadcast or hydro seeded and raked into topsoil before the application of mulch, matting or other surface stabilization materials. Seeding can be used for grasses and forbs, but container stock should be used for all trees and shrubs.

Planting: Planting of container grown materials on non-irrigated sites will be confined to tubling stock unless there is sufficient natural moisture present to sustain larger plants.

Maintenance: Re-vegetated sites will be maintained until sufficient establishment has occurred to reasonably stabilize the site. Security bond will be posted for all re-vegetation work for a minimum of one year at which time it will be reviewed and released if it meets the above requirements.



Temporary Slope Stabilization

Hydro mulching: This is a mechanized, rapid method for mulching large areas and is generally used with seeding to re-vegetation disturbed areas. Use may be limited on sites where equipment access is limited. Only 100% wood fiber mulch will be used and applied at a rate of

3000 pounds per acre.

Straw Mulching: This method can be used over small areas where it is applied by hand or on large sites where it is installed mechanically. Straw mulching is generally used in combination with seeding to re-vegetation disturbed sites. Straw must be held in place by matting, crimping or other method. Apply at a rate of 2 tons per acres or a uniform depth of 2-3".

Jute Matting: Jute matting can be used alone or in combination with hydro mulching or star mulching for erosion control and slope stabilization. It is generally used in combination with seeding to re-vegetate disturbed areas. Apply up and down the slope, never along the slope. Overlap edges a minimum of 4" and use wire staples that are a minimum of 6" long and spaced approximately 5" apart down the sides and middle of the roll. Extend the mat a minimum of 3" beyond the top and bottom of the slope and bury the mat end in an 8" deep trench at the top of the slope. Uniform contact of the mat to the slope underneath is critical.

Wood Excelsior Matting: This type of matting is used for erosion control generally in combination with re-vegetation. Care must be taken during installation to prevent concentrated flows under the mat. Apply up and down the slope, never along the slope. Edges should butt snugly together and held down with wire staples, a minim of 8" long spaced approximately 2" along the edges and 4 down the center. Extend the mat a minimum of 3" beyond the top and bottom of the slope and bury the mat end in an 8" deep trench at the top of the slope.

Tackifiers: Generally, tackifiers are mixed with mulches to provide better adhesion to steep and/or windy slopes. Tackifiers should be applied at a rate of 80 pounds dry ingredients per acres or 200 gallons wet ingredients per acre.

Straw Bales: Straw bales can be used in a variety of ways to protect areas from impact, straw bales reduce uninterrupted flow in low and intermittent flow channels. Straw bales also provide a siltation device for slopes or gullies until re-vegetation can be established. When installing, anchor bales in place with steel re-bar stakes, driven a minimum of 12" into the sub—grade, in a 6" deep trench which has soil tamped firmly along the uphill side.

Siltation Fences: Siltation fences are used to protect undisturbed down slope areas from up slope erosion.

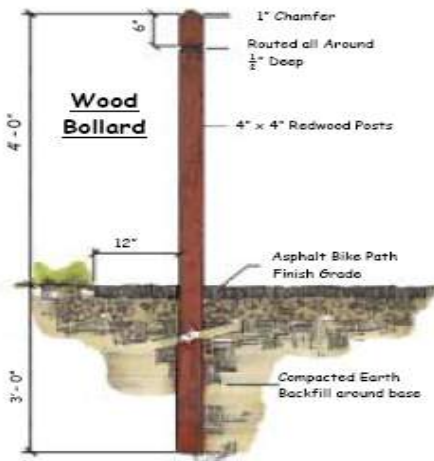
Matting in Drainage Channels: Jute matting or fiberglass roving are typically installed in open drainage channels for temporary erosion control. Use this technique only where flow velocities do not exceed 20 feet per second. Apply from the top and overlap edged a minimum of 4 inches. Secure the top and bottom ends in an 8" deep trench secured with steel staples every 12 inches. Edges should be stapled every 2 inches.

Stone Mulching: May be used during construction to control erosion, mud or dust.

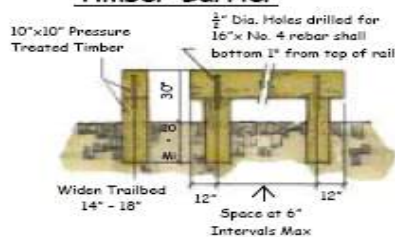
Gabions: Gabions are rock filled wire baskets used to retain steep slopes or stabilize drainage ways and may be preferable to stacked rock walls where the native rock is too small or too rounded for effective stacking. They are particularly effective when seepage is anticipated. Empty gabions are placed in position, wired together and filled with rock that is a minimum of 4-6" in diameter. When used as a retaining wall the bottom basked should be buried a minimum of 6" at the toe. Gabions should be keyed into the slope and laid back at a maximum of 6" vertical to 1" horizontal.

Bollards and Barriers: Barriers should be installed at trail-heads to control access of motor vehicle traffic and to direct and/or protect trail users from steep or hazardous areas along the trail.

BARRIER AND BOLLARD GUIDELINES:



Timber Barrier



Use where motorized access could be a problem, such as at trailheads, where trails intersect or cross streets and where trails parallel roads at points where access is likely.

Bollards are used within the trail surface to prohibit or limit access.

Use along trail where downslope grades are steep and hazardous.

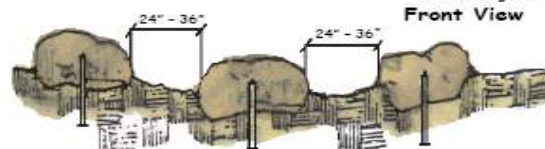
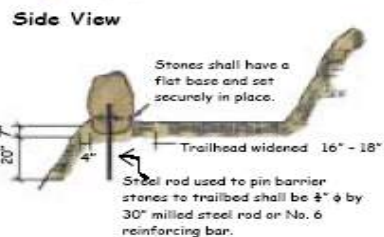
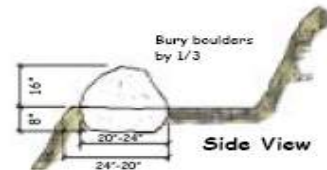
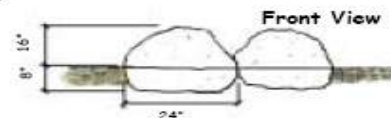
Use along outside edge of trail curves where slopes are steep and exposed.

Use where switchback cutting could be a problem.

Use at trailheads or road crossings to discourage or prohibit motorized access.

Use to direct trail users to stay on the trail.

Rock Barriers



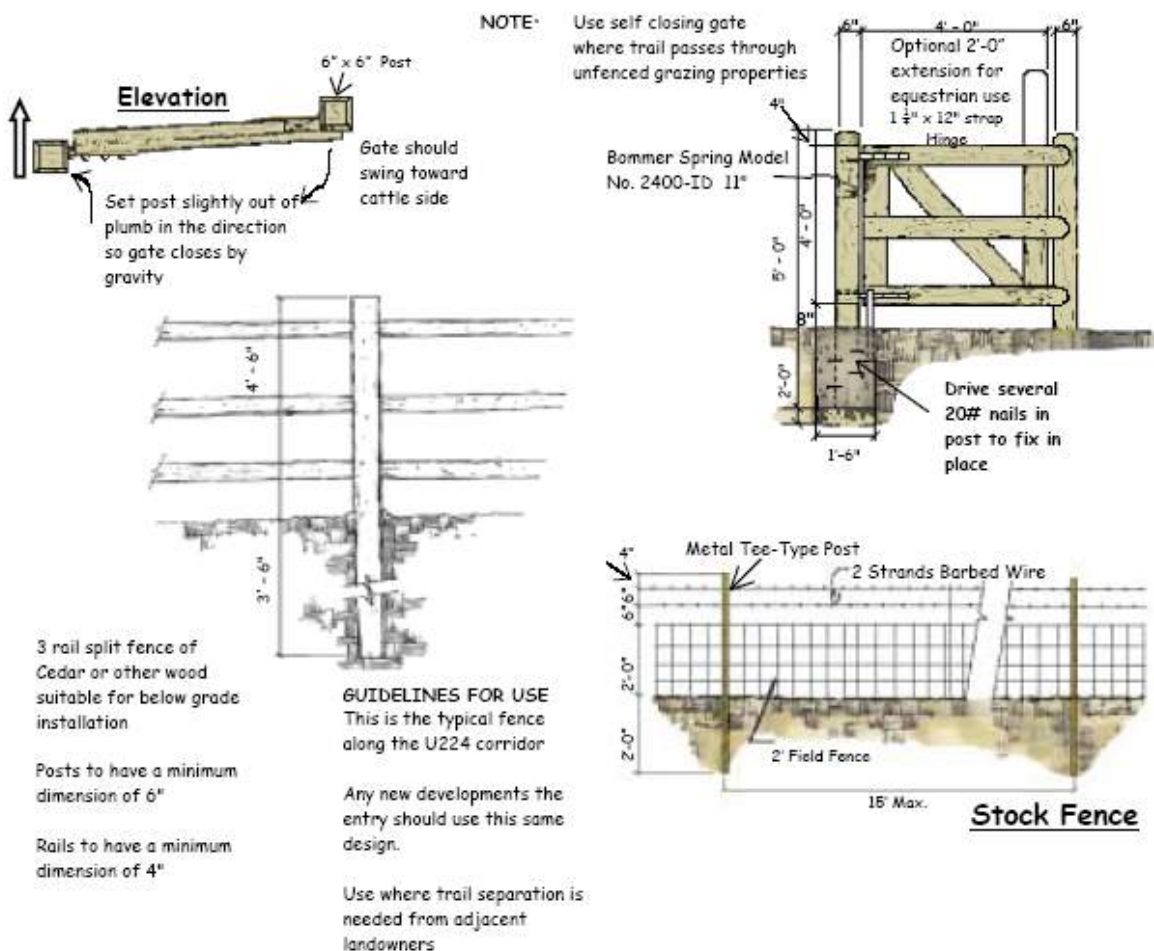
Note: Size of barrier stones shall be approximately 14"-24" in height, width and length. Minimum dimensions shall not be less than 12" for height and width and 18" for length.

Three types of barriers are generally used: large boulders, timber barriers and wood bollards. All three types of barriers are effective in stopping motorized access when placed at the trailhead. The location of such barriers is usually where trails intersect or cross streets and where trails parallel roads at points where access is likely. Rock barriers can also be used along portions of a trail where the down slope grades are hazardous, where switchback cutting can be a problem and along outside edges are exposed to steep slopes. The placement and spacing of barriers are dependent upon unique trails site characteristics and use requirements.

Fencing: Fencing should be installed only where physical separation is necessary for safety and/or to preserve adjacent landowner privacy. Fences should not create a narrow corridor effect for long stretches along the trail. Where possible fencing should be located only on one side of the trail at a time. Fences should be no closer than 5' from the trail edge. Where fences

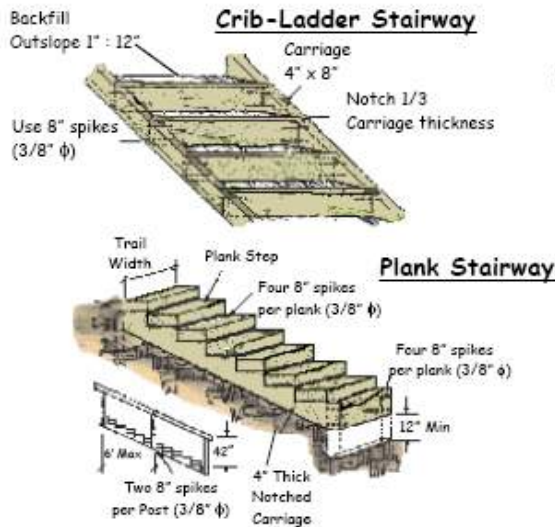
are necessary along both sides of a trail, the minimum width should be 20'.

Gates are required for trails that cross stock grazing area. They will be a self-closing level latch type gate, such as those manufactured by *Powder River* or another manufacturer with similar design characteristics.



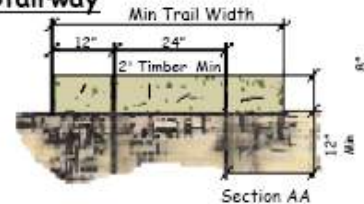
Stairways: Trails in excess of the slopes indicated on the Trails Matrix should consider stairways. Stairways may be required to conform to the requirements set forth in the Uniform Building Code. Stairs should not be used on trails that are used by horses, road bikes or the disabled.

Wooden Stairs--will be constructed of pressure treated or approved rot resistant timber.



NOTE: Where stairs are located in developed areas of the community, compliance with the uniform building code is required.

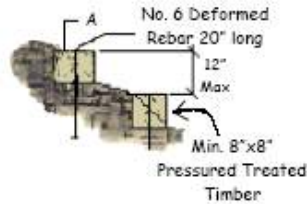
Pinned Stairway



Treads to be dug into the slope and set into place.

Drill holes through each tread for each rebar stake.

Drive rebar stakes through treads and into ground below.



Stone Stairs--can be used where trail grades exceed the maximum allowable slopes and where the grade must be gained quickly. Stone stairs should be built with the intent that intensive use should not impact the stairs in the slightest.

Stairs Option

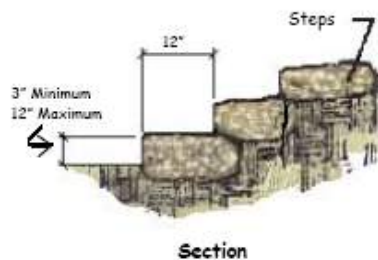
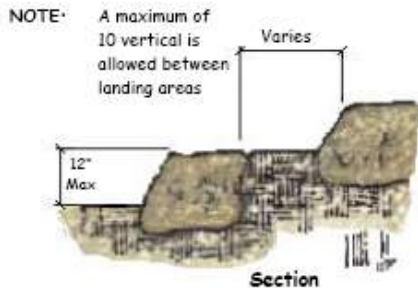


Stone Stairs:

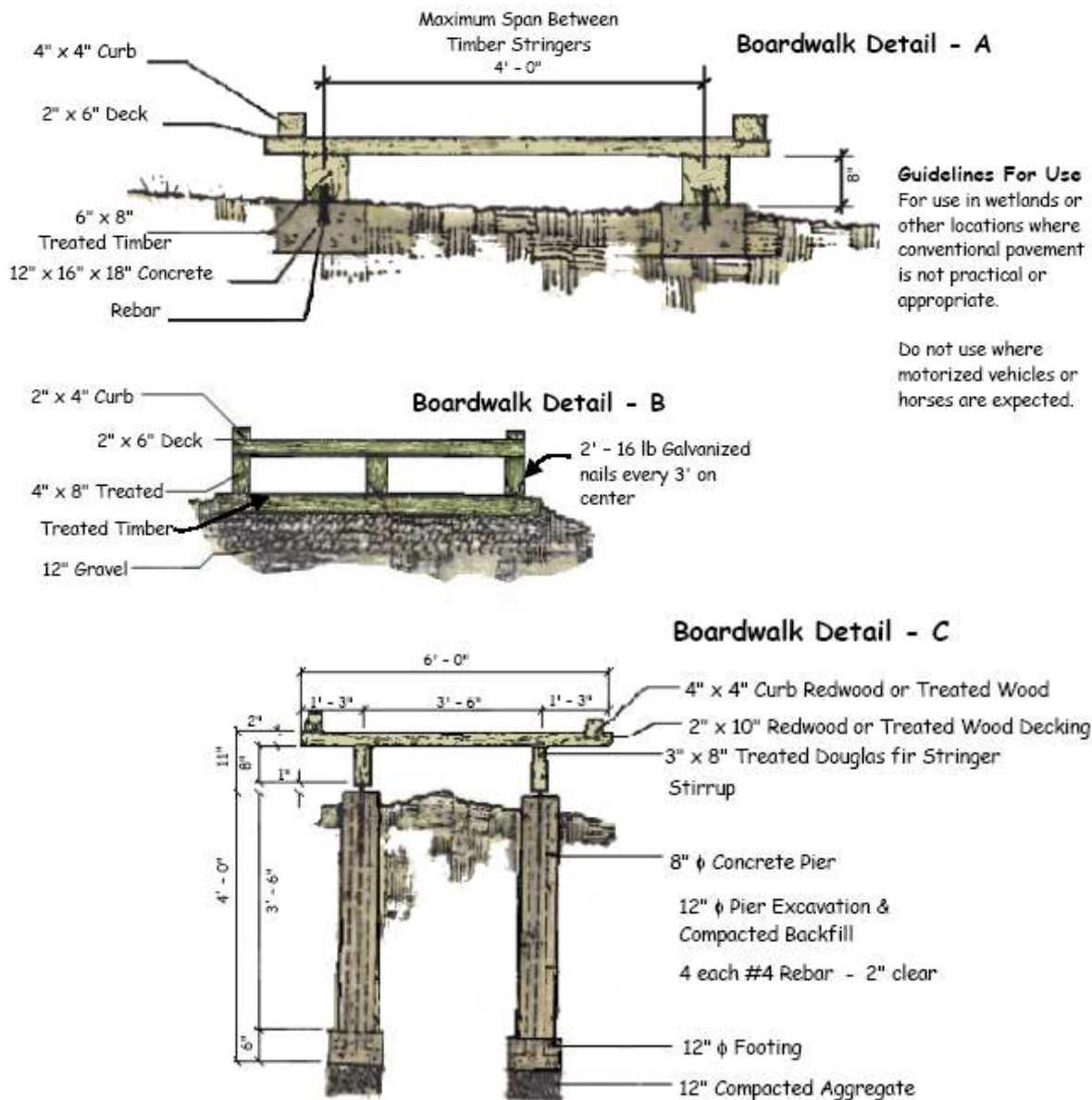
Details are included for reference only. Choose stones with a good shape for stairs. Minimum sizes are shown, start at the bottom and work up. Use the biggest stones possible to span the trail. One stone would be the best, two are fine and three is maximum.

Completely cross the trail. Route the trail so people will stay on the trail and stairs. Build to the dimensions shown and make each set of stairs are uniform. Keep the height of each step and the distance between steps as uniform as possible within each set of stairs. Maximum grade at top and bottom of stairs as well as between stairs should be 8%. Walk your staircase to ensure it is smooth and uniform.

Stone Stairs for Back Country Trails



Boardwalks: All wood used in boardwalk construction will be pressure treated or approved rot resistant timber.



Weed & Root Barriers: Root barriers should be installed along the edges of trails where riparian or vegetation that aggressively seeks out water is present. Willows, Gambel's Oak, Aspens and Cottonwoods are examples of aggressively spreading plants. In situations where irrigated land is on one side of the trail and non-irrigated land is on the other, water seeking vegetation in the non-irrigated side may send roots to the irrigated side, a root barrier should be installed.

VI. Americans with Disabilities Act

In 1990, congress passed the Americans with Disabilities Act. Among other provisions, the act prohibits state and local governments from discriminating on the basis of disability and requires government services, programs, and activities to be accessible to people with disabilities. Technical assistance concerning the law's application is available by calling 1-800-USA-ABLE.

Where potential use and/or ADA access needs warrant, provide trail access through, around, over or under major barriers. For pedestrians, add or improve sidewalks, create safe crossings, add ADA-compliant ramps, and modify signalization and intersecting where needed.

Almost 15 years ago, William Whyte wrote, "if circulation and amenities are planned with (the disabled) in mind, the place is apt to function more easily for everyone."

ADA guidelines recommend that to accommodate people in wheelchairs and with other disabilities, each street corner should include two curb ramps. Mid-block crossings should have curb ramps at each end. The City of Seattle now installs about 400 wheelchair ramps at pedestrian crossings per year.

Alternatively, the crosswalk area can be raised to the level of the sidewalk. Such a raised crosswalk will have additional traffic calming benefits, serving as 'speed tables' that will slow traffic speed at intersections.

Access for the Disabled: While it is clearly not practical for all types of trails in a mountainous environment to be fully accessible to the disabled, where reasonably appropriate, the trail system should comply with the standards set forth in this law. Until such time as more definitive standards are set forth, this section of the master plan will provide policy as to what trails are required to comply with this law and how Park City will approach the improvement of trails.

All new trails that provide access between new parking lots and new public facilities, such as recreation or institutional facilities, clubhouses, resort facilities, and commercial or business facilities are required to comply with ADA. All new trails providing access to new public, private and institutional transportation facilities also need to comply with ADA requirements. Trails renovation or new trails located in existing developed areas of the community should comply with the ADA standards.

A trail is considered ADA accessible if it meets the following criteria:

- a. Five foot minimum width.
- b. Hard surfaces – Asphalt and concrete are the most accessible. Compacted crushed stone also works well, provided that the stones' diameter is less than 3/8 inches. Loose gravel is not recommended.
- c. Trail gradient should be no greater than 5 percent.
- d. Ramps, not stairs, should be provided for grades exceeding the 5% maximum.
- e. Ramp grades should not exceed 8% and have a level landing for every 30 inches of vertical rise and have a slip resistant surface.
- f. 32 inches high handrails should be installed on all ramps and bridges.
- g. Fully accessible trails should have a rest area every 300 feet, preferably cleared with a bench outside of the trail path with the distance between rest areas posted.
- h. One or more accessible parking spaces should be provided at trail parking lots.

-
- i. If gates or bollards are planned to prevent motorized vehicle access to the trail, maintain 32-inch clearance to ensure or provide wheelchair access.

VII. Signs and Public Maps

Locations for signs need to be evaluated on a case-by-case basis and signs should only be posted where necessary to avoid visual pollution. These guidelines provide general direction for signs and their placement.

A. Regulatory Signs

Requirements for the use and placement of signs, including regulatory signs at intersections, will follow the standards set forth in the *Manual on Uniform Traffic Control Devices* (MUTCD) section on 'Traffic Control Devices for Bicycle Facilities' and will apply to all multi-use paved trails. Bicycle Crossing Signs near a road approaching a crossing will confirm to MUTCD standards. The following information lists the types of regulatory signs and describes where they should be located:



Stop Signs: Stop signs will be installed wherever paved multiple use trails cross public streets, unless traffic is required to stop at trail intersections or at other potentially hazardous locations.

Speed Limit, Steep Grade, Danger Warning, and Slow Signs: These signs should be installed where trails approach maximum slopes, areas with limited sight distance and areas with dangerous conditions ahead, such as 'Moose Crossings.'

Curve Signs: Trail users should be cautioned by signs when a curve has a smaller than recommended travel radius and/or limited sign distance. Curve signs should be posted at points along the trail where travel at a moderate rate would cause a trail user to leave their lane.

Dismount Signs: Such signs should be posted in areas where slope exceeds recommended standard and where trail width or vertical clearance is less than the recommended standard.

School Zone Signs: For the safety of schoolchildren and trail users, school signs should be posted near schools.

Private Property Signs: Signs identifying private property should be located on as 'as needed' basis.

All regulatory signs should have engineer grade reflective coating and be graffiti proof. Sign size and letter height should conform to the speed of traffic along the trail.

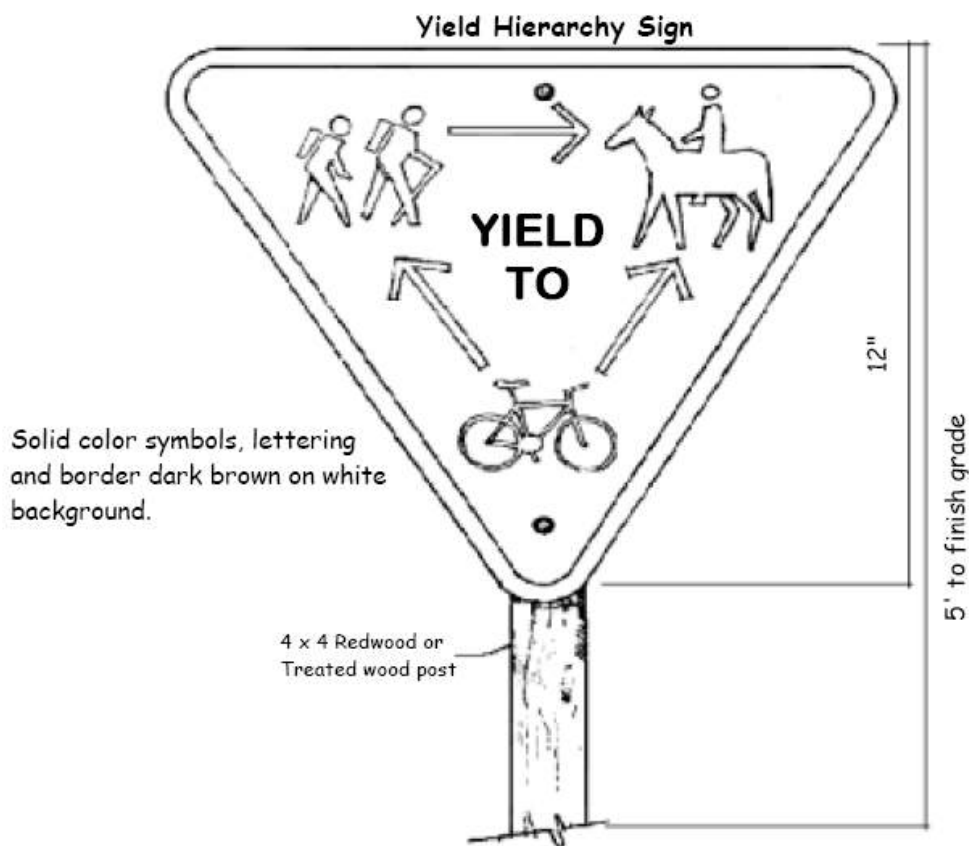
B. Informational Signs

- Signs indicating allowed uses should be posted at trail-heads
- At high volume multiple-use trail-heads, informational signs indicating user etiquette should be posted

Trail User Information Sign:
This sign should be placed at all major trail-head facilities and city parks where trails are accessed. It should be located where it is clearly visible and where it does not impede trail use or present a hazard to trail users.



Yield Hierarchy Sign: This sign should be placed at all major access points of multiple use trails. It should be located where it is clearly visible and where it does not impede trail use or present a hazard to trail users.



Trail Courtesy Sign: Trail courtesy signs should be posted at all trailheads. A shortened user courtesy sign should be installed at trail access points. This sign can be placed on the same post as the 'Yield Hierarchy Sign,' wherever the Trail User Information sign is not located. The Trail Courtesy sign should also be located on 'Stop' and 'Private Property Signs'.

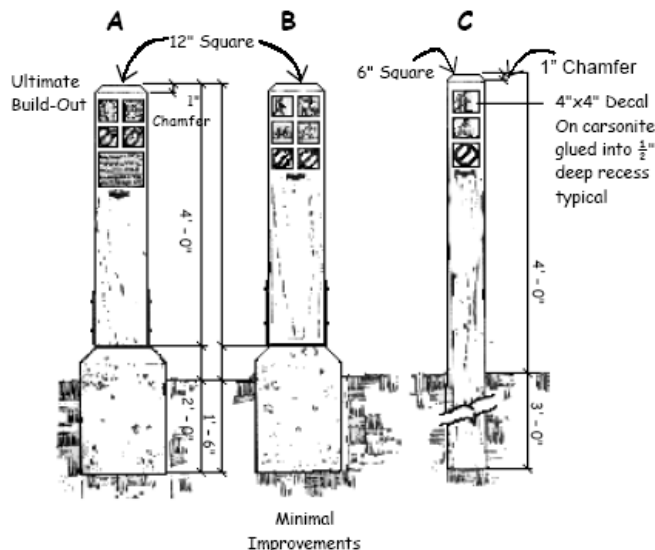
REMEMBER TRAIL COURTESY

- 1. IF IN DOUBT YIELD**
- 2. RESPECT HORSES**
- 3. RIDE SAFELY AND AWARE**
- 4. ALERT OTHERS WHEN APPROACHING**
- 5. LEAVE NO TRACE**

C. Sign Construction Features (Sample Bollards and Mile Markers)

Sign Posts: There are many design solutions to signage along a trail; below is one commonly used design.

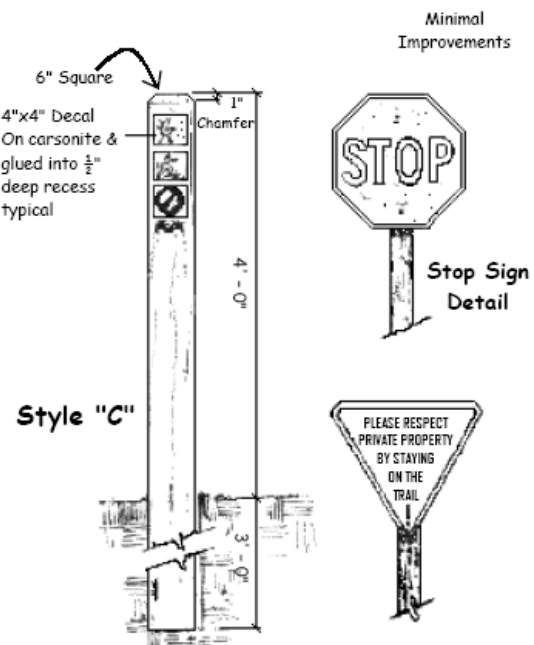
Post location will conform to the standards set forth in the *Manual on Uniform Traffic Control Devices* section on 'Traffic Control Devices for Bicycle Facilities.' Sign posts will be 4x4 pressure-treated Douglas Fir, embedded into the ground a minimum of 24" unless other materials are specifically approved.



Different styles for sign bollards are depicted in the figures for "A", "B", and "C". Style 'A' and 'B' should be located at trailhead facilities. Style 'A' is for all named trails or designated access points. Style 'C' is for all other access points and can be used in conjunction with plain bollards where motorized access is restricted, or modified for use as trail mile markers. The individual symbols are 3" square reflective decals that can be ordered from [Carsonite International](#). They should be mounted on heavy gauge aluminum plate routed into the post a minimum of 2" and epoxy into place. All types of bollards should be constructed of redwood or pressure treated Douglas Fir.

Attachment Systems: Signs should be attached to wood posts with 2" diameter galvanized carriage bolts in a minimum of two locations per post.

Sign Bollards: These should be located at all trail access points. (See Bollards and Barriers, Trail Location and Construction Standard Section).



D. Trail Courtesy Brochures

A Trail Courtesy Brochure can be an effective tool in encouraging safe and courteous trails use. Any maps, guides, other trail related literature or trail user education or orientation programs should contain similar information.

E. Trail Guides and Maps

- | EQUESTRIANS | BICYCLISTS |
|---|--|
| <ul style="list-style-type: none">• Travel at a safe speed. Slow to a walk when approaching or overtaking other users.• Walking, trotting and slow cantering are appropriate on horse trails,• Horses have the right-of-way over bikes.• Do not ride on the trail when it is muddy. Deep hoof ruts are difficult to repair and make the trail hazardous to other users.• Stay on the trail. | <ul style="list-style-type: none">• Ride single file when passing or being passed.• Yield right-of-way to all other users.• Use of a helmet is advised.• Control your speed. Have your bike under control at all times.• Stay on the trail and maintain traction. Skidding damages trails.• Do not ride in the mud or on trails where ruts are created by your tires. |
| HIKERS/JOGGERS <ul style="list-style-type: none">• Be alert and aware of the needs of other users. Pass equestrians with caution.• Stay on the trail. | |



For more info on
South Suburban's
Trail System,
Call 795-6531

This information made available by
Metro Trail System Committee.



Mapping includes the proposed shared use path system, the existing approved city trails, parks and the approved and proposed Snyderville Basin trails. These systems should be connected so that people have access to and from trails to major destinations and their homes. Specific streets, existing and proposed pedestrian friendly areas should be shown. Trail Maps have been a coordinated effort of The Mountain Trails Foundation, the Snyderville Basin Special Recreation District, Park City Chamber of commerce and park City Municipal Corporation. Funds from the four groups have been used to produce the map for free to area and visitor trail users. In the past area businesses have funded the map, in exchange for advertising space on the map. To keep these maps free a combination of funding will likely be necessary.

Trail guides and maps provide greater access to non-motorized travel for visitors to the area as well as enriching the transportation, recreational and educational experiences for all. Park City encourages the development of guides and maps. Maps and guides should contain the following information:

-
- Locations of trails, trail-heads and a description of trail route, steepness and accessibility. Accessibility ratings, including the presence of staircases or barriers should be noted and fully accessible trails should be clearly marked.
 - Pedestrian/bicycle corridors with wheel chair access, cross walks, transit connections, bicycle lockers and trail connections clearly shown.
 - Location of public and private facilities, such as parking lots, drinking water, restrooms and benches should be marked.
 - Major destinations, such as schools, universities, major employment centers, retail and social services, and residential areas.
 - Public transportation routes including park and ride lots, bus stops and private shuttle systems.
 - Environmental impacts, access and the protection of wildlife.
 - Potential user conflicts and the control of dogs.

VIII. Trailhead Administrative Development Policy

To comport with the Land Management Code, trailheads will be evaluated in light of the following criteria as a baseline:

1. Unless public parking is currently available, parking spaces will be limited to 4 defined stalls or curb stops. A greater number can be considered if paving and lighting are possible.
2. Trailhead parking surfaces may be improved with road base or gravel unless greater than 4 spaces are defined, in which case paving is assumed to be required.
3. Neighborhood impacts will be considered and attempts made to mitigate trailhead impacts with user notices and other signs. Where public parking is currently allowed, the City will make a good faith effort to notify trailhead users of possible private trespass areas. The City may consider, at its discretion and in consultation with neighbors, law enforcement, code enforcement or other interested parties, methods to make a trailhead compatible with the neighborhood.
4. Trail Kiosks will display area trail access and routes and post allowed and prohibited trail/trailhead uses. Fishing regulations and pet regulations may be included where necessary.
5. The decision to create or deny a formal trailhead, in any location, for whatever reason, has no bearing on the existing formal trail access easements, trail use regulations or public vs. private access or parking designations.
6. Trailhead parking areas usually will not include lighting except when required by formal Planning approvals. It is not the general intent to create trailheads that permit or encourage nighttime use.
7. Each trailhead proposal will be evaluated according to the merits and constraints of the site to consider. Factors considered will include: proximity to trail access, useable space, adjacent uses, popularity and anticipated use of trail, traffic, proximity to town and need for additional amenities.

-
8. These seven criteria constitute the interim administrative policy concerning trailhead development until formally amended or adopted in the formal Trails Master Plan. Any amendments to this administrative policy or any policy included in the Trails Master Plan are recommended by staff or the Parks and Recreation Beautification Board to the City Council for final consent and approval.

IX. Pedestrian Network

A. Sidewalks and Walkways

Cities can improve the facilities used by walkers and bicyclists further increasing the attractiveness of non-motorized travel. Walking is hindered where there are no sidewalks or where the sidewalk is not continuous. Sidewalks are elevated above the grade of the road, providing the clear visual message to drivers about where vehicle space ends and pedestrian space begins. Where there is a break in sidewalk continuity, pedestrians are forced to maneuver around parked cars and other obstacles and are more vulnerable to oncoming traffic.

Walkways are most convenient when they have numerous connections, creating direct routes in many directions. Grid pattern streets with short blocks provide lots of direct connections. In contrast, long blocks provide fewer connections. Dead-end, cul-de-sac, and circular streets force not only cars but pedestrians into circuitous journeys to reach destinations that may be relatively close. It is not always necessary or desirable to acquire the right-of-way to connect dead-ends and cul-de-sacs into the street network. Another option is creating walkway/bikeways to provide these non-polluting, direct and comfortable connections.

Sidewalk Width: Wide walkways are essential for pedestrian comfort. Normally, the section of a sidewalk that is actually used is less than the full width of the sidewalk. According to the Project for Public Spaces (PPS), which employs extensive observation to understand how people use street space, successful urban sidewalks are divided into imaginary lanes. A 2-to-3-foot window-shopping lane next to store windows is provided for the people walking along the street. On the roadway side, pedestrians tend to observe a 1-1/2 foot buffer lane between themselves and the curb, or from the trees, signposts, benches, or traffic signs near the curb. Between these two lanes is the walking lane.

PPS suggests 8 feet to be the minimum desirable width for the walking lane, enough for two pairs of pedestrians to pass each other comfortably.

The City of Portland requires that in commercial and shopping districts, a six-foot wide path of travel adjacent to businesses must remain clear to accommodate all pedestrians, including people with wheelchairs, strollers and small children, and canine companions. This regulation goes beyond the federal requirement of a three-foot wide clear path.

It is also recommended by Richard Untermann, in a report prepared for the Washington State Department of Transportation, that sidewalks in low-density residential areas be six feet wide.

Buffer between pedestrians and auto traffic: Walking adjacent to vehicles weighing thousands of pounds and traveling at various speeds can be intimidating and unpleasant. It is no wonder that many well-crafted sidewalks go underutilized.

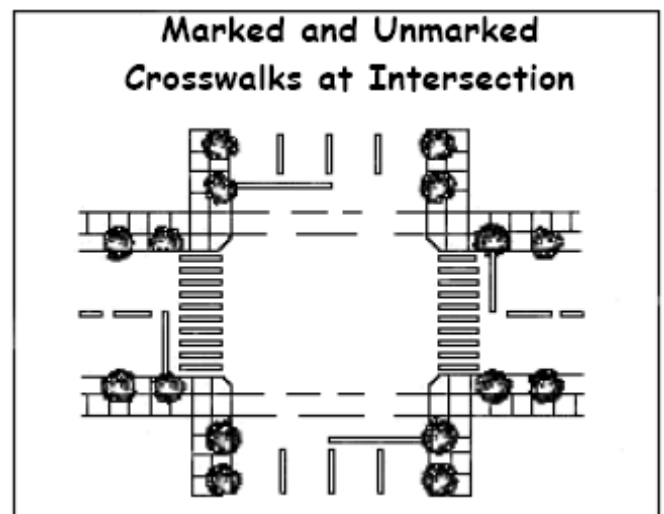
A buffer is often needed between pedestrians and vehicular traffic. One common buffer is a planter strip with grass, shrubs, and/or trees. Another buffer method is to allow on-street parking in commercial areas. The motionless cars provide a six-foot barrier between the sidewalk and the moving traffic.

B. Intersections and Crosswalks

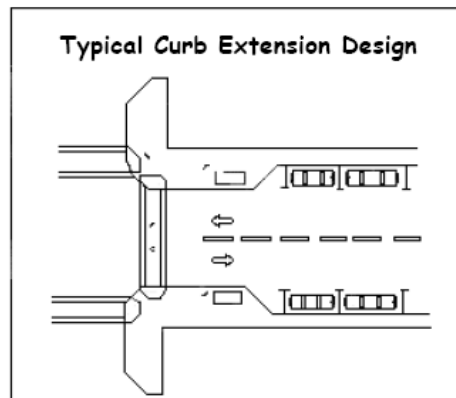
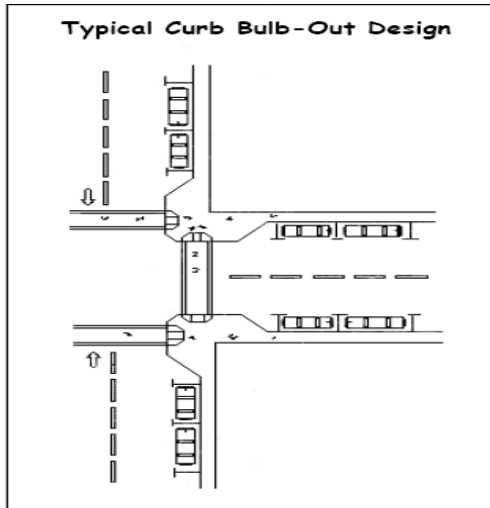
Obviously, crossing the street is the most dangerous place for pedestrians as it means crossing paths with the flow of motor vehicles. Most intersections are designed to facilitate rapid traffic flow, forcing those on foot to cross wide expanses of roadway, to dodge fast turning vehicles, and to wait for long periods of time for the right to cross.

How can intersections be made safer and more pedestrian friendly? A common answer would be to mark a crosswalk. However, according to Peter Lagerway of the City of Seattle Engineering Department, marked crosswalks may provide pedestrians with a false sense of security. Marked crosswalks aren't an effective way to slow or reduce accidents and they do not send drivers a strong visual signal that the intersection is to be shared with pedestrians.

There are several design features that can be used to enhance pedestrian safety and ease of crossing at intersections. The following are suggestions for both protecting and encouraging pedestrians:

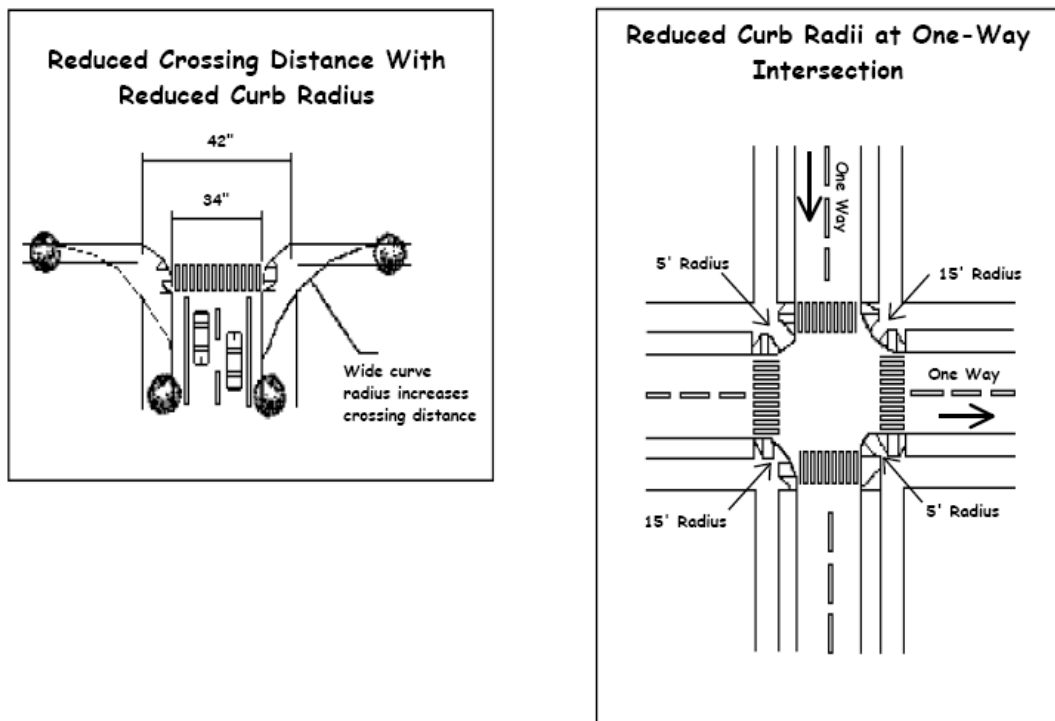


Curb extensions (curb bulbs): As mentioned earlier, curb bulbs are important 'traffic calming' tools. Curb bulbs benefit pedestrians crossing an intersection by: shortening the crossing distance and the amount of time the pedestrian is exposed to traffic in the roadway; providing pedestrians with a clear view of traffic; and providing drivers with a better view of pedestrians.



Narrower turning radii: A large curb radius allows vehicles to negotiate a right turn rapidly, while a smaller curb radius makes for a sharper turn at the intersection and forces vehicles to slow down. While traffic engineers often prefer the wide radius for vehicle convenience, a larger radius is both inconvenient and dangerous for pedestrians. Vehicles tend to turn corners with wide radii more rapidly and, by pulling back the street corner, the crossing distance for pedestrians is increased.

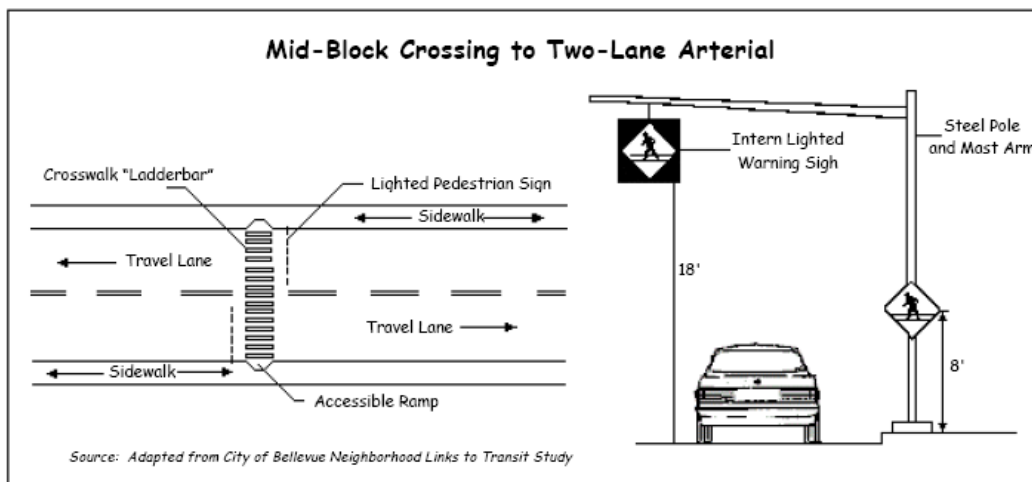
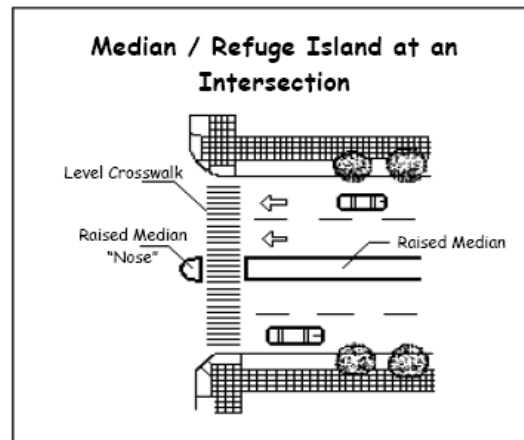
In Seattle, the design standard for curb radii at arterial intersections is 25 feet, rising to 30 feet if many trucks or buses are present. At one time the standard was 15 feet, and the Central Business District had a 9 foot radius standard. The Florida Department of Transportation recommends that the roadway geometry at intersections should limit vehicle turning speeds to less than 20 mph on left turns, and 10 mph on right turns.



Mid-block crossings and raised medians: Most suburban blocks are too long for pedestrians to conveniently cross the street. Mid-block crossings are crucial for increasing pedestrian access and convenience along these types of streets and at intersections.

Raised medians are paved or landscaped islands that run parallel with traffic, separating the traffic flowing in opposite directions. Raised medians are a vital component to most mid-block crossings, providing a safe mid-point waiting areas for pedestrians crossing busy, multi-lane-arterials.

The raised medians also provide drivers on wide roadways a necessary visual cue that a crosswalk exists mid-block. Florida's Department of Transportation recommends, "All current five and seven-lane cross sections should be retrofitted with raised medians." To enhance safety, mid-block crossings also need to be lit and marked well. Medians must be cut at the actual crossing point for compliance with the Americans with Disabilities Act guidelines.



C. Pedestrian Amenities and ‘Street Furniture’

The basic features of walkable streets are calm auto traffic, a continuous network of wide sidewalks, and safe street crossings. Additionally, it is important to furnish the walking environment with improvements to enhance the convenience and pleasantness of walking.

These improvements are often called *amenities* or *street furniture*, and include such things as seating, bus shelters, and drinking fountains. Other improvements include lighting for night walking, signs to orient pedestrians, and awnings for protection from rain or sun. Landscaping and street trees also make walking more desirable.

The design and location of these improvements are important. Many benches, bus shelters, and other improvements are not well utilized because of ineffective design or poor placement on the street. Placement of trash receptacles, seating, lighting, and other amenities should be tailored to specific locations rather than be placed in a regimented pattern (i.e., every 50 or 100 feet along a street).

Seating: Seating includes sidewalk benches, ledges that extend from planter boxes, and movable chairs outside of food shops or in public plazas. Seating location is a crucial factor. The Project for Public Spaces, which has built upon the work of William H. Whyte, utilizes intensive observation to learn how people use street furniture. They have found that “people like to sit and watch other people go by, and that most people prefer to sit right where the most people are and the most action is, rather than to seek out some secluded spot.” They also found that seating tends to be well used when located near major destination points, such as the entry to a department store or outside eating establishments, such as a deli or ice cream shop.

The design of seating is also very important. If the seat is too high or low, if it gets too hot or cold, or if it does not accommodate the human contour well, it will be underutilized. When possible, seating should not be anchored permanently to a specific location, but be movable if observation shows that it is underutilized. Chairs that people can move themselves, outside of an eatery or in public plazas, are especially popular.

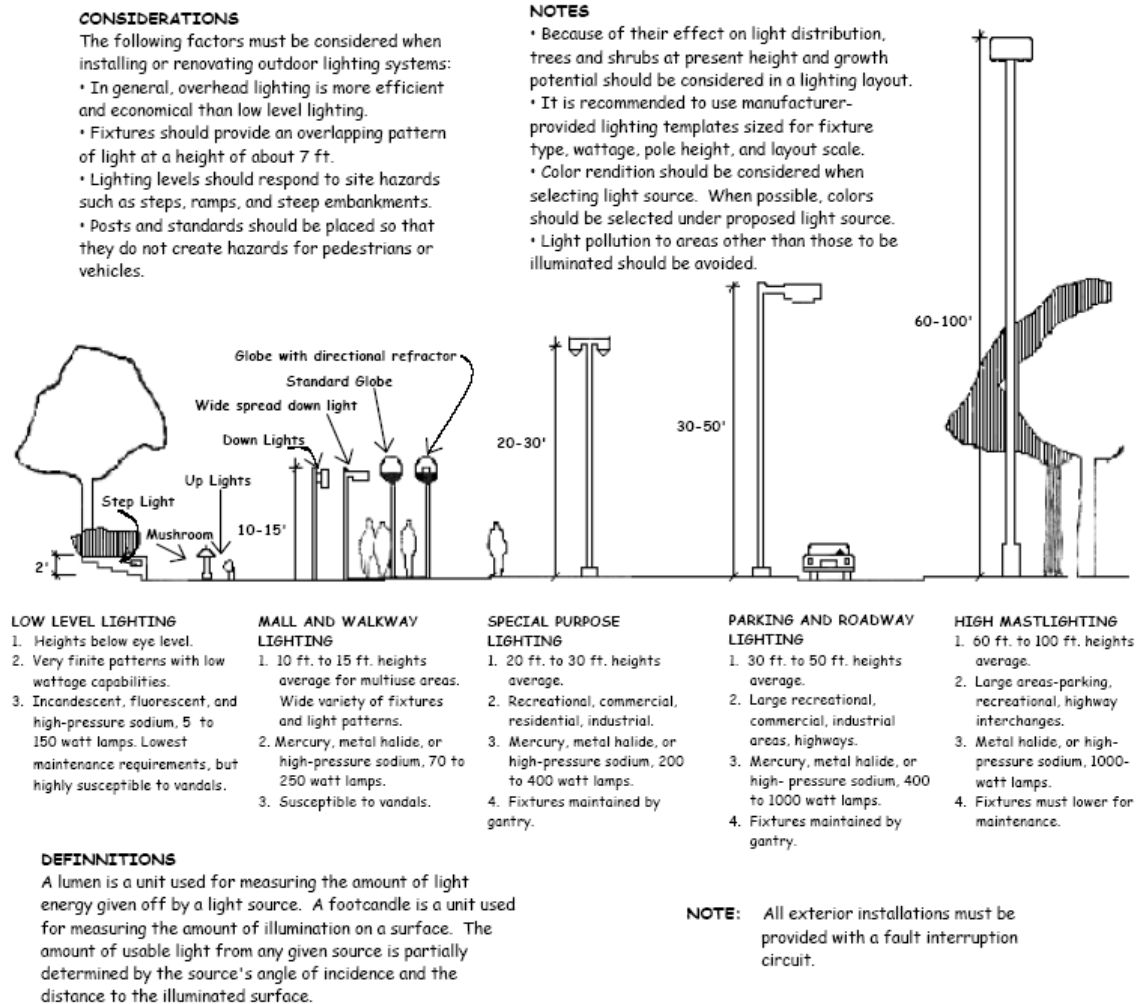
Signs: Signs are valuable tools for helping orient pedestrians to the location of streets, public services, and special attractions. Signs for pedestrians often need to be designed differently than signs oriented to vehicles. For example, street name signs on one-way streets often face only oncoming traffic. Up-street pedestrians are forced to walk to the intersection to look onto the printed side of the sign. Street name signs oriented to the pedestrian are visible from either side of the intersection. Ideally, the signs are printed large enough to read from a full block’s distance, so that pedestrians at an intersection can identify streets a block away.

Information Kiosks: Informative centers can provide walking visitors, as well as residents, with interesting information on local history, culture, and environment. Community billboards provide local organizations the opportunity to publicize events and can be helpful in discouraging people from covering utility poles with handbills.

Lighting: Lighting is an important factor in encouraging pedestrian activity after the daylight hours. Good illumination is especially important at intersections and crosswalks so that pedestrians are fully visible while waiting to cross and while actually crossing. In areas where crime is a concern, lighting is essential for fostering a sense of safety. All lighting should comply with Park City ordinance.

Pedestrians also need plenty of spaces to escape the rain or cold winds, as well as the hot summer sun. Awnings are important in retail areas to provide window shopping pedestrians with protection from the rain or the sun.

As mentioned earlier, street trees can visually scale-down a street, reducing the roadway's relative prominence and making it appear more accommodating to people. Trees and landscaping can also be used to delineate walkways and separate them from vehicle space. In areas with a large proportion of land dedicated to roadways, parking lots and buildings, vegetation is crucial for softening and beautifying the walking environment.



Other amenities that help define the streetscape for pedestrians include murals and sculpture, and the location and design of telephones, trash receptacles, clocks, lampposts, and drinking fountains. For instance, designing drinking fountains low enough to be wheelchair accessible, also ensure that children can reach the fountain as well. Clocks, planters, trash receptacles, and lampposts all provide the opportunity to reinforce the community design motifs that help define the town's character.

D. Old Town Stairs

Unique to Park City is the Old town stairways. Most of the platted cross street rights of way are too steep for automobile traffic or horse and carriage of the day. The miners built wooden stairs to connect the residential streets to Main Street. The City has reconstructed most of the Old town stairs. As part of the pedestrian network the City should continue to construct new stairs in the undeveloped rights of way where appropriate and replace the wooden treads with safer galvanized treads as necessary.

E. Local example and Desired Outcome

Center Street in Provo is a good example of pedestrian oriented design. The street is designed for people as well as automobiles. Center Street has been narrowed through the addition of a center parking lane and tree plantings. There are bulb outs at pedestrian crossings and the crosswalks are frequently spaced and well marked. Automobiles travel very slowly through this area. There are very limited setbacks on all buildings' and shop windows are prevalent. Street furniture includes telephones, waste receptacles, lighting, and street cafes. Land uses are mixed with residential areas in close proximity to shopping, office space and services.

X. Trail System Benefits and Safety

There are two purposes of this section: first, to present some concluding evidence that trails, and other parts of the non-motorized transportation system, will benefit the overall quality of life in Park City; and second, to address the issues of safety and community involvement.

A. Ten Economic Benefits of Greenways and Trails

There are many ways in which a trail system, designed with greenway corridors and easy accessibility can benefit a community. The following information discusses ten different economical benefits a community can enjoy from a trail system.

1. Real Property Values--*Many studies demonstrate that parks, greenways and trails increase nearby property values. In turn, increased property values can increase local tax revenues and help offset greenway acquisition costs.*

In a survey of adjacent landowners along the Luce Line Rail Trail in Minnesota, the majority of owners (87%) believed the trail increased or had no effect on the value of their property. New owners felt that the trail had a more positive effect on adjacent property values than continuing owners.

Furthermore, a survey of Denver residential neighborhoods shows the public's increasing interest in greenways and trail. From 1980 to 1990, those who said they would pay extra for such amenities in their neighborhood rose from 15% to 48%.

2. Increased Property Tax Revenues--*An increase in property values generally results in increased property tax revenues for local governments.*

Many arguments made for investments in trails, parks and open spaces claim that these acquisitions pay for themselves in a short period of time, due in part to increased property tax revenues from higher values of nearby property.

Locally and national, bicycle and pedestrian facilities have proven to be a cost effective use of public funds. Maryland's Northern Central Rail-Trail found that while the trail's cost to the public in 1993 was \$191,893, it generated State tax revenue of \$303,750 in the same year. This revenue was a direct result of a growing economy's sales, property and income taxes.

3. Construction/Development Perspectives--*Proximity to greenways, rivers and trails can increase sales price, increase the marketability of adjacent properties, and promote faster sales. Clustering the residential development to allow for establishment of a trail corridor or greenway can also decrease overall development costs and result in greater profits for the developer.*

For example, a land developer from Front Royal, Virginia, donated a 50 foot wide, seven mile easement, for the Big Blue Trail in Northern Virginia. This easement provided a critical trail link along the perimeter of his subdivision. The developer recognized the amenity value of the trail and advertised that the trail would cross approximately 50 parcels. All tracts were sold within four months.

4. Expenditure by Residents--*Spending by local residents on greenway related activities helps support recreation oriented businesses and employment, as well as other businesses that are patronized by greenway and trail users.*

5. Commercial Uses--*Greenways and trails often provide business opportunities, locations and resources for commercial activities, such as recreation equipment rentals and sales, lessons, and other related businesses.*

The following are two examples of how trails have helped local commercial areas across the nation:

a. The downtown area of Dunedin, Florida was suffering a 35 percent storefront vacancy rate in the early 1990's until the Pinellas Trail came into town. Now, storefront occupancy is 100 percent and business is booming.

b. A study of the Oil Creek Bike Trail, in Pennsylvania (Pennsylvania State University, 1992) revealed that the average visitor spends \$25.85 per day. This was broken down into \$9.09 for food, \$6.27 for transportation, \$2.56 for lodging (many visitors camp) and \$7.94 for equipment and other activities.

6. Tourism--*Trails are often major tourist attractions that generate expenditures on lodging, food, and recreation oriented services. Greenways along trails can also help improve the overall appeal of a community to perspective tourists and new residents.*

Many Americans prefer to visit places, such as greenways and trails that offer safe, scenic recreation and transportation for the whole family. The U.S. Department of Transportation, in its recreation and transportation for the whole family. The U.S. Department of Transportation, in its *National Bicycling and Walking Study (NBWS)* final report, estimates that 131 million Americans regularly bicycle, walk, skate or jog for exercise, sport or recreation.

For example, peak-season hotel rooms along Wisconsin's Elroy-Sparta State Park Trail are booked up to one year in advance. A study revealed that the average visitor travels 228 miles to experience the trail.

7. Agency Expenditures--*The agency responsible for managing a trail can help support local businesses by purchasing supplies and services. Jobs created by the managing agency may also help increase local employment opportunities.*

8. Corporate Relocation--*Evidence shows that the quality of life of a community is an increasingly important factor in corporate relocation decisions. Greenways and trails are often cited as important contributors to quality of life.*

In a June 8, 1989 article, the *San Francisco Chronicle* noted that when corporations are relocating, the number one factor was a location that would attract and retain key personnel. Corporate real estate executives now say that employee 'quality of life' issues are as important as cost when deciding where to locate a new factory or office.

Bicycle and pedestrian trails also attract high quality businesses by providing community options for employees, scenic places for stress-free strolls at lunchtime, and safe, convenient sites for family recreation. The Provo Parkway Trail and the Riverwoods Business Park are a local example of this interaction.

Furthermore, natural open space, greenways, and trails are prime attractions for potential homebuyers. According to research conducted in 1995 by *American Lives, Inc.* for the real estate industry, 77.7% of all home buyers and shoppers in the study rated natural open space as either 'essential' or 'very important' in planned communities. Walking or biking paths ranked third. A community design that offers quiet and low traffic was the top ranked feature.

9. Public Cost Reduction--*The conservation of rivers, trails, and greenways can help local government and other public agencies reduce costs resulting from congested roadways, environmental degradation, and other natural hazards, such as flooding.*

The construction of multi-use trails allows more Americans to replace automobile trips with non-motorized trips. According to the NBWS report, the American public saves from 5 to 22 cents for every automobile mile replaced by walking and bicycling, due to reduced pollution, oil import costs, and costs due to congestion, such as lost wages, and lost time on the job.

10. Intrinsic Value--*With all of the previously mentioned benefits of trails it is important to remember the intrinsic environmental value of preserving rivers, trails and other open space corridors.*

B. Four Social Benefits of Trails

1. Community Character--Not only do bicycle and pedestrian facilities enhance the quality of life for many individuals, but trails and pathways can also be an expression of community pride and character. In many cases it means preserving the natural and historical resources of a region.

2. Close to Home Recreation--An explosion in the number of people who participate in outdoor recreation has led to an increased demand for bicycle and pedestrian facilities. Participation in trail uses, such as hiking, walking, mountain biking, and in-line skating have experienced phenomenal growth in recent years.

Multi-use trails provide convenient access to the outdoors while promoting health and fitness activities. These trails are becoming especially popular among people living in cities and suburban areas, where recreation opportunities close to home are scarce.

3. Convenient Transportation--Nearly half of all trips people make within their communities can be made easily on foot or bicycle. Fifty percent of all personal travel trips are less than 3 miles long. Personal business trips, like doctor visits, household errands, and visits to friends account for 415% of all trips. Such personal short distance trips are well suited to travel by walking or bicycling.

Public rail-trails, multi-use pathways, and on-road bicycle facilities offer communities a means of safe convenient transportation and keep the essential links within a community open to all. They can connect neighborhoods to schools, work places, commercial and cultural centers, historic sights, and transit stations.

4. Health and Fitness--The health benefits of exercise derived from recreational activities, such as bicycling and walking lessen health-related problems and reduce health care costs. Trails, spacious sidewalks, and greenway trails offer adults and children alike the opportunity to integrate moderate, individualized exercise with their daily trips to work, school, the library or shopping.

Regular, moderate exercise has been proven to reduce the risk of many health problems, such as coronary heart disease, diabetes, certain kinds of cancers, and obesity. Regular exercise can also protect against injury and disability because it build muscular strength and flexibility.

In addition to the health benefits that bicycling and walking offer, consider also the improvement

of physical health reduces health care costs. People who exercise regularly have 14% lower claims against their medical insurance and spend 30% fewer days in the hospital than people who do not exercise regularly.

C. Community Safety

Communities can take several steps in reducing accidents that can occur between automobiles, pedestrians, and bicyclists. The following are suggestions on how to create a safer environment for all modes of travel:

Encourage schools, safety organizations, and law enforcement agencies to deal with bicycle and pedestrian safety issues and to deal with bicycle and pedestrian safety issues and to focus on the most important safety problems. The development of public education campaigns should be keyed to the most important causes of accidents, injuries, and deaths. For example, the leading cause of bicycle accidents occurs when cyclists ride on the wrong (left) side of the street. By educating bicyclists to obey traffic rules and to ride safely with motor vehicles most accidents can be prevented.

Promote the use of safety equipment among bicyclists (e.g., lights, helmets, reflectors) and encourage safety groups to develop programs promoting the purchase and use of safety equipment among the bicycling public. Ideas for public involvement include community 'safety days' centered on trails or group presentations to local clubs and schools. It is recommended that safety presentations are more effective when the information is tailored to the particular audience. A good example, for school-aged children is to set up a mock street or trail on the school grounds with lines, obstructions and signs. Children who make up a large percentage of bicycle traffic can then practice safe bike riding habits on the course.

Discourage agencies' placing marked (painted) crosswalks at uncontrolled locations, i.e. no stop or traffic signal control. Marked crosswalks on busy streets give pedestrians a false sense of security and are a leading cause of auto/pedestrian accidents.

Encourage city planning commissions to design neighborhoods for both pedestrians and autos. Local streets can be designed to induce lower vehicle speeds. Cities can discourage school districts from placing elementary schools along major streets and thus limit children's exposure to traffic and speeding vehicles.

Employment centers can contribute to reducing the number of crashes, injuries, and deaths among agency staff. Provide training and awareness programs for employees. Encourage staff to use bicycle safety equipment.

D. Crime Control and Emergency Vehicle Access

A well-designed trail prevents many security problems. Although crime is a common concern many studies have proven that crime does not increase at trail locations or on adjacent properties.

If problems will occur they will most likely happen in parking lots. Parking Lot Design (fencing, lighting, one entrance point to trail) can solve most safety concerns. Night security lights installed at trailheads and other activity areas can also solve many problems at these locations.

Trails should always be planned to accommodate security, safety and emergency equipment

(fire engines and ambulances). Construct bollards at access points that can be removed or folded over in the event an emergency vehicle needs to enter onto the trail.

Other safety considerations should include emergency telephones and landscaping. Emergency telephones or call box systems with direct connections to 911 are a worthwhile consideration especially along remote sections of a trail. Landscaping along trails should consist of low shrubs and tree branches should be 'cropped close to the trunk, at least 10 feet from the ground,' so that potential offenders will not have an easy place to hide.

E. Community Involvement

The following are ideas adapted from *Trails in the Twenty-First Century*, by the Rails-to-Trails Conservancy (1993):

To maintain and develop relationships with adjacent landowners:

1. Adjacent Landowners need to know who to contact about specific problems.
2. Maintain trail on regular basis and consider involving citizens in trail upkeep with volunteer work groups and 'adopt-a-trail' programs.
3. Promptly respond to problems, such as unauthorized motorized vehicles use, vandalism, theft of trail signs, and graffiti. Consistent quality upkeep of the trail will build community confidence in the ability to manage the trail.
4. Consider scheduling regular meetings to receive input from users, residents and landowners.
5. Invite landowners on a trail tour led by a park ranger or someone who is involved with trail management or planning.
6. To win support of landowners, consider writing personal letters testifying of the benefits of trails.
7. Make sure adequate facilities, such as restrooms and drinking fountains are provided so that adjacent landowners are assured that trail users will stay on the trail.

F. Community Trail Events and Publicity

1. Trail Corridor Tours
2. Trail Work Day
3. Photo Competition
4. Trail-athon or Walk-athon
5. Poster/Logo Contests "Name the Trail"
6. Decorative Bicycle Parade
7. Nature Walks
8. Newspaper Column

PARK CITY TRAILS MASTER PLAN UPDATE

WALKABILITY AND BIKEABILITY

TABLE OF CONTENTS

- 1.0 Background and Context**
- 2.0 Purpose of the Walkability and Bikeability Update**
- 3.0 Existing Conditions**
- 4.0 Walkability/Bikeability Vision**
- 5.0 Walkability/Bikeability Planning Concept**
- 6.0 Walkability/Bikeability Recommendations: Goals and Policies**

1.0 Background and Context

Since its beginnings as a late-nineteenth-century mining town, walking has been the primary form of negotiating the steep and hilly streets of Park City. In the earliest days, there was little or no delineation between the areas for walking and the areas for driving - pedestrian beware.

As the town has grown and evolved, the form and function of the city's streets have modified accordingly. Park City has transcended its mining background and resort skiing roots, blossoming into a place with high-level, year-round recreation and entertainment expectations, and a populace drawn to these activities. Hiking and biking have become major recreation draws, for visitors and residents alike.



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Examples of Historic Park City Streets and Sidewalks

In recent decades, city districts that were originally designed as places for second homes and temporary lodging have morphed into full-time neighborhoods – sometimes lacking sidewalks and other amenities that make walking and biking safe and pleasant. Residents of these neighborhoods – adults and children alike – look forward to walking and biking to school, work and other destinations as part of their daily lives. However, sharing the roads has become increasingly difficult as vehicular traffic has increased and the roadways have become more crowded with vehicles.

Park City is recognized as a world-class recreation destination. It is home to renowned skiing and winter sports activities, in addition to a wide range of fair-weather sports and draws, including hiking, mountain biking and cycling. However, some residents and others feel that walking and biking in the built-up part of the city is less than desirable, lagging behind hiking and biking in the nearby backcountry.

The recently-completed Park City Walkability and Bikeability Neighborhood Study (March 2007) indicates that Parkites desire a community that is safe and well-connected for walkers and bikers. The study also indicates a desire to preserve the tight and compact community form that makes the city a good place to walk and bike – for residents, tourists and visitors alike.

2.0 Purpose of the Walkability and Bikeability Update

The Park City Trails Master Plan Update - Walkability and Bikeability builds upon the information and direction provided in the Park City Trails Master Plan, which was adopted in March 2003. The update addresses the need and desire for a safe, pleasant and well-connected biking and pedestrian system in Park City proper.

The purpose of the update is to analyze the “walkability and bikeability” of Park City and in the process provide planning and design suggestions that will improve walking and biking in Park City. The study assesses walking and biking within the urban environment of the city, as opposed to the surrounding system of off-road and backcountry trails.

The Walkability and Bikeability update builds on and coordinates with the approach and information contained in the Park City Walkable/Bikeable Neighborhood Study, which was presented to the City Council in March 2007.

3.0 Existing Conditions

As illustrated in Figure 1, there are approximately 41 miles of paved urban trails within city boundaries of Park City. These consist of seventeen miles of asphalt sidewalks and trails; 20 miles of concrete sidewalks and trails; and four miles of unpaved trails. In addition to the sidewalks and trails listed, approximately 4 miles of cycle lanes are located along the edge of Park City’s streets.

The bulk of Park City’s trails are located alongside existing streets in the form of sidewalks and roadside trails. The remaining facilities are located primarily along two fully-separated trails - the UPRR Rail Trail and Poison Creek Trail. The existing trail and sidewalk system provide connections and linkages with a wide range of destinations and community places – as illustrated on Figure 2.

At present, approximately half of the existing walking and biking system is plowed by

Park City during the winter, representing a significant maintenance commitment on the part of the city. Only the Poison Creek Trail includes a system of pedestrian lighting.

As new trails are developed and existing facilities enhanced, determining the levels of maintenance and lighting are of particular concern.



Examples of Historic Walking and Biking Environments

4.0 Walkability/ Bikeability Vision

Park City is envisioned as a place with neighborhoods and districts where people can live within walking distance to most places they want to visit - schools, work, stores, parks, churches and so on. The city is a place where walking, biking and mass transit are well-connected and easy, with corresponding environments that are pleasant and safe to walk or bike to at all hours of the day.

The Park City Walkability/ Bikeability Vision foresees a community that is accessible to all persons, including those with disabilities, and is compliant with the regulations of the Americans with Disabilities Act (ADA). The design and layout of the Park City walking and biking environment is unique, reflecting the special physical and social character of the mountain community. It is a place that has a distinctive identity, and is a place people want to live and visit.

The Park City Walkability/ Bikeability Vision supports the five goals and established for the Park City Walkable/Bikeable Neighborhood Study (March 2007), as follow:

GOAL 1: SAFETY

Walking and biking in Park City should be safe and pleasant. The needs of those least able to negotiate busy streets – children and elderly citizens, for example –should set the standard. Residents and visitors should be able to safely walk and bike to school, shopping, work and other destinations, and access public transit.

GOAL 2: EFFICIENCY

Walking and biking in Park City should be easy and efficient. The urban walking and biking environment should be capable of helping to reduce vehicle trips and/or mitigate traffic congestion.

GOAL 3: ENHANCES REGIONAL CONNECTIONS

The Park City walking and biking environment should be highly integrated and interconnected. Facilities should enhance regional walking and cycling mobility and access, particularly along primary walking/biking routes including SR-224, SR-248 (Kearns Blvd.), Bonanza Drive, the Rail Trail and other significant regional links.

GOAL 4: ENHANCES LOCAL CONNECTIONS

The Park City walking and biking environment should be developed in a manner that improves intercity mobility to and through the city's neighborhoods. Connections should be seamless and obvious, ultimately linking with regional routes and activities. Walkable and bikeable design for both residential and commercial areas should be encouraged.

GOAL 5: COST AND MAINTENANCE

Walking and biking in Park City should be cost effective, providing the greatest value to taxpayers. Facilities should serve a large number of users, and build upon established routes and ways.

Figure 1
Existing Walking and Biking System

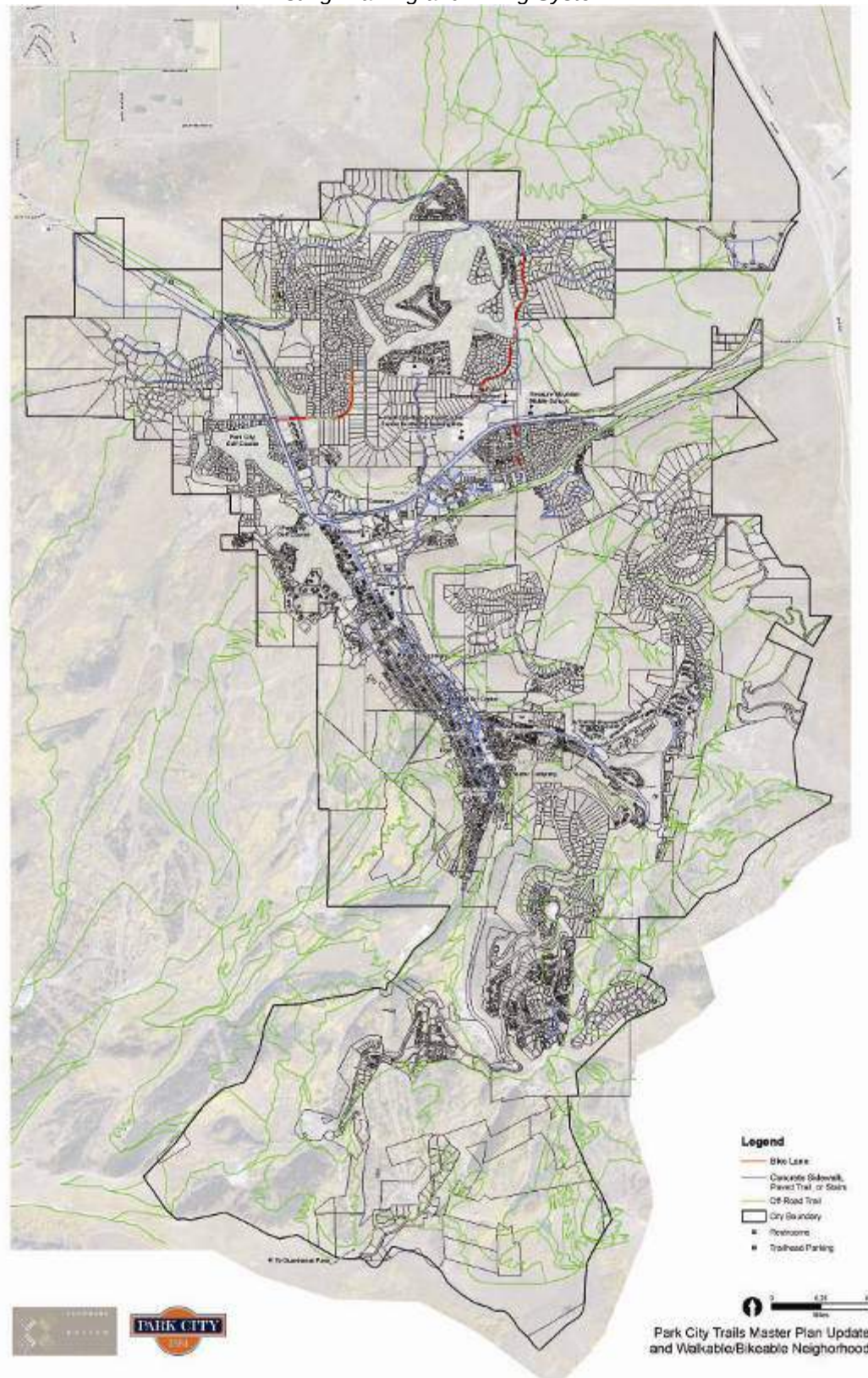
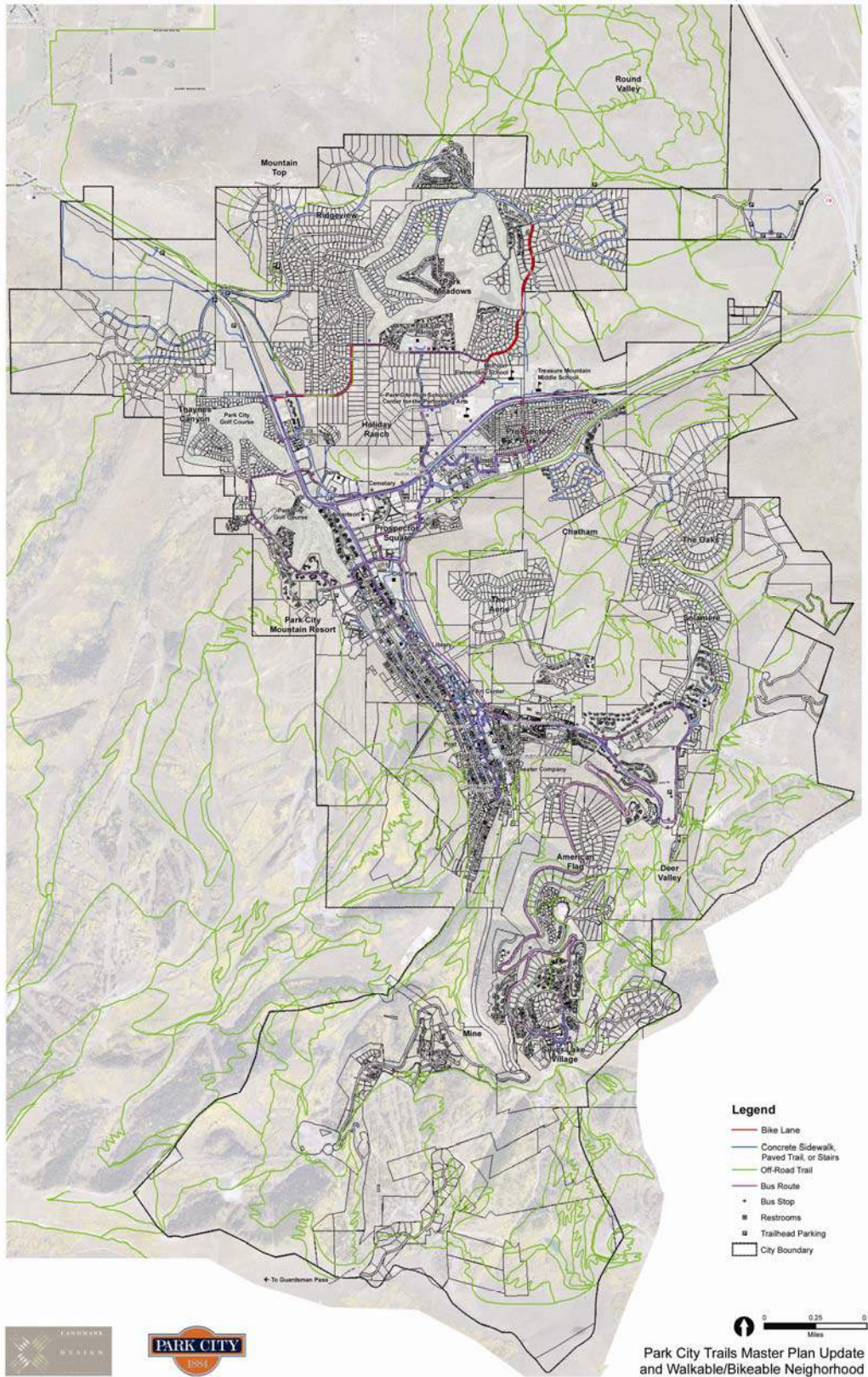


Figure 2
Existing Destinations and Community Locations



5.0 Walkability/Bikeability Planning Concept

The Park City Walkability/Planning Concept builds upon the well-established walking and biking system currently in place, while supporting enhancements that create a high-quality, interconnected system.

The Planning Concept envisions a “Spine System” that will serve as the primary Walking/Biking route. The “Spine System” is supported by a system of “Interconnected Neighborhood Linkages”. Together, the various sidewalks, trails, pathways and routes which comprise these systems provide a high-quality, interconnected system for walking and biking through the community, and for accessing trails beyond the city limits.

The “Spine System” (Figure 3), is only partially implemented at present. In order to be fully functional, it will ultimately incorporate a system of interconnected sidewalks and trails located along the edges of major thoroughfares (SR-224, SR-248 /Kearns Boulevard and Bonanza Drive).

The “Spine System” will provide good access to schools, shopping and work places, and easy connections with transit. The system also improves or eliminates crossings on busy roads, fixes current gaps and missing connections, will serve a large number of users, and maximizes underutilized existing walking and biking facilities to the greatest degree possible.

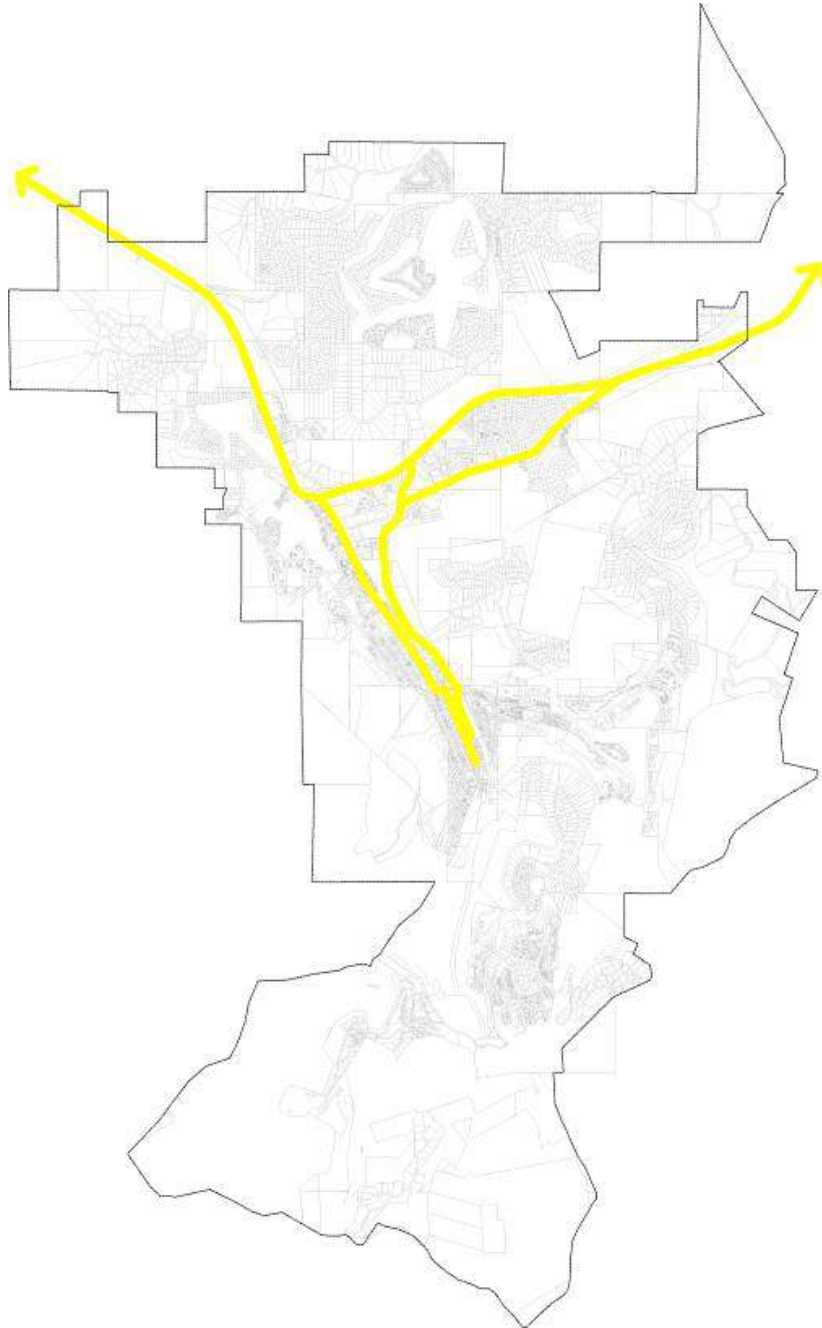
As illustrated in Figure 4, a system of “Interconnected Neighborhood Linkages” connects surrounding neighborhoods and districts with the “Spine System”, helping to create a high-quality, fully-connected walking and biking environment in the city. The range of walking and facilities which compose this system are by nature more diverse than those which make up the “Spine System” encompassing various sidewalks, pathways, trails and routes.

6.0 Walkability/Bikeability Recommendations: Goals and Policies

Specific walkability/bikeability enhancement projects and priorities are contained in the Park City Walkable/Bikeable Neighborhood Study (March 2007). The corresponding implementation and phasing recommendations contained in that study are supported in this update.

The Park City Walkable/Bikeable Neighborhood Study (March 2007) undertook an extensive and comprehensive process to identify projects and priorities. However, discretion should be afforded to the Park City Council and staff to use their judgment, experience, and institutional knowledge to determine the legitimacy and viability of individual projects. Costs included in the study do not generally include the enforcement and administrative costs of improvements. An example is a crosswalk where paint needs to be reapplied in subsequent years and enforcement of crosswalk regulations strains law enforcement resources. All walking/biking improvement projects, similar to other capital projects within Park City, need to be considered within the overall context of Park City as well as the

*Figure 3
Park City Walking/Biking “Spine System”*

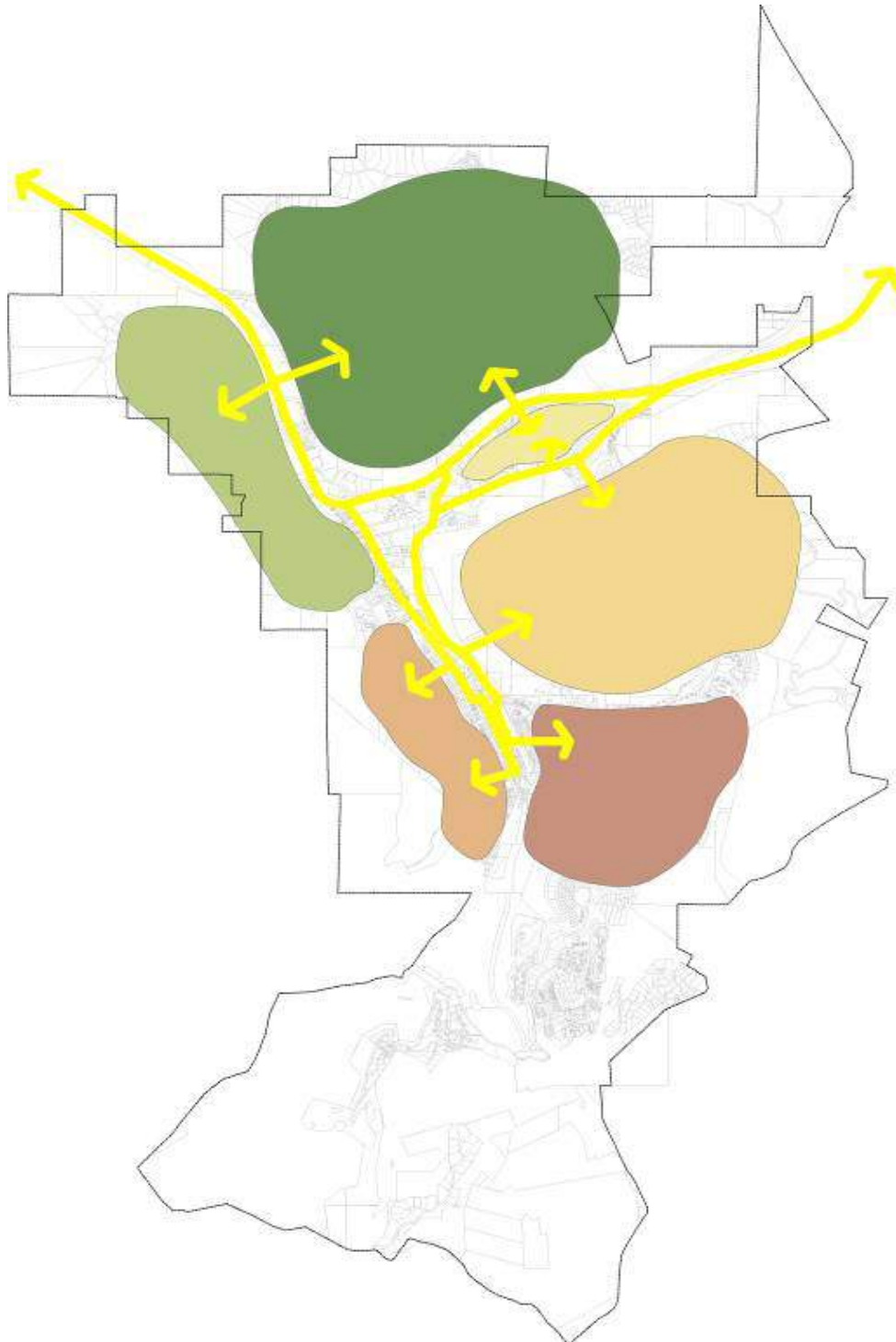


existing traffic calming program, the Manual on Uniform Traffic Control Devices (MUTCD), and AASHTO design standards.

The following recommendations focus on maintenance and policy issues identified as part of the Park City Walkable/Bikeable Neighborhood Study (March

2007), and are intended to aide decision-makers as they address walkability and bikeability issues in the future.

*Figure 4
Park City Walking/Biking Interconnected Neighborhood Linkages*



Goal 1

To promote walking and biking in Park City

Policy: Improve existing walking and biking facilities in a manner that meets community desires and aspirations.

Implementation Measure: Review implementation actions outlined in the Park City Walkable/Bikeable Neighborhood Study (March 2007) on a regular basis and make adjustments as necessary.

Policy: Encourage pedestrian-friendly development and design within and near neighborhoods, districts and community destinations.

Implementation Measure: Evaluate future development and re-development proposals to ensure compliance with walking and biking needs and aspirations of the community.

Implementation Measure: Provide safe routes to school in all residential areas, utilizing a mix of sidewalks, trails and other design features as appropriate.

Implementation Measure: Link Park City's neighborhoods and destinations as part of a comprehensive system of trails and pathways.

Policy: Consider a wide range of "simple" enhancements to promote safe walking and biking in Park City.

Implementation Measure: Create a special fund to implement simple, on-going enhancement programs, such as striping and curb cut solutions.

Implementation Measure: Consider modifications of standard crossing solutions, including pedestrian "flags" and countdown pedestrian crossing lights.

Goal 2

To ensure good maintenance of existing and future walking and biking facilities

Policy: Ensure that snow removal is adequate to safely facilitate walking during winter months.

Implementation Measure: Review and update as appropriate the snow removal plan for all facilities comprising the Park City walking/ biking "Spine System".

Implementation Measure: Review and modify existing snow removal policy for non-"Spine System" facilities to ensure legislation is implementable and

enforceable.

Implementation Measure: Review, modify and enforce as appropriate the snow removal policy for non-“Spine System” facilities by adjacent land owners and/or operators.

Policy: Ensure the lighting of walking and cycling facilities is adequate to safely facilitate walking during nighttime hours.

Implementation Measure: Provide pedestrian lighting along “Spine System” facilities in a judicious manner. Lighting solutions should be carefully developed to generally meet and acknowledge conflicting policies (night sky, in particular).

Implementation Measure: Light minor trails when appropriate and feasible according to street lighting standards for neighborhoods.

Policy: Provide walking/ biking signage that promotes wayfinding and safe movement through the community.

Implementation Measure: Design and develop a system of walking/ biking signage that is easy to read, attractive and part of coordinated standard furnishing palette solution.

Implementation Measure: Minimize the use of multiple sign locations, posts and standards to convey similar and related messages.

Implementation Measure: Adhere to the standards and requirements for signs as detailed in the Manual on Uniform Traffic Control Devices (MUTCD).

Policy: Maintain existing and future walking/ biking facilities according to industry and local standards.

Implementation Measure: Ensure ADA and common-sense accessibility standards are met as required.

Implementation Measure: Ensure AASHTO standards for trails are met as required.

Goal 3

To ensure walking and biking policy and ordinances meet the needs and desires of the community

Policy: Ensure that construction and maintenance budgets are adequate to meet needs and expectations

Implementation Measure: Conduct regular review of funding policies and

make adjustments as required.

Policy: Promote educational efforts to inform and sensitize residents and visitors of the prominent role of walking and biking in the community.

Implementation Measure: Develop and fund a walking/biking educational program.

Implementation Measure: Promote walking and biking in Park City as part of a concerted marketing approach.

Policy: Merge local walking/ biking enhancement efforts with regional needs and desires.

Implementation Measure: Evaluate the development of park-and-ride lots and other means that encourage bicycle commuting.

SUMMARY

As Park City and the region continues to grow and develop, there is an increasing need and demand for recreational hiking and biking trails, trailhead parking, neighborhood trails and connections, sidewalks, bicycle lanes, signs, and maps. There is a desire in the community to better identify, develop and preserve pedestrian and bicycle access as the land becomes developed. In addition to encouraging recreation, the development of a non-motorized trail system can help reduce vehicle trips and traffic congestion. The result will be a community resource providing transportation alternatives, recreational opportunities, environmental aesthetics, open space preservation, increased property values and other economic and social benefits.

The Trails Master Plan is intended to facilitate the development of a recreation and alternative transportation system for all non-motorized forms of transportation and to help support the motorized and transit system. This plan is a reference document for planning and securing a city-wide trail system. It is not intended to set forth strict standards, but to present sound guidelines for the location, policies, type, and construction of trails.

APPENDIX “A” List of Sources

Blaine City Recreation District, Path and Trail System Map for Wood River and Sun City Trails, 1992.

Colorado State Parks. The Effect of Greenways on Property Values and Public Safety, 1995.

C-Tran (Clark City, WA). New Way to Grow, 1995.

Florida Department of Transportation. Walkable and Bicycle Friendly Communities, 1996.

Lawley Publications. “Doubling of Bicycle and Walking Trips Recommended,” Urban Transportation Monitor. April 1994.

Oregon Chapter American Planning Association. Recommendations for Pedestrian, Bicycle and Transit Friendly Development Ordinance, February 1993--working draft.

National Bicycle and Pedestrian Clearinghouse. NBPC Technical Brief No. 2-6, Sept. 1995.

National Park Service. Economic Impacts of Protecting Rivers, Trails and Greenway Corridors, 1995.

Nelessen, Anton Clarence. Visions For a New American Dream, 1994.

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Summit City. Non-Motorized Trails Master Plan Update, 1993.

Untermann, Richard K. “Streets are for Sharing,” Landscape Architecture, July 1990.

U.S. Department of Transportation, Federal Highway Administration. Improving Bicycle and Pedestrian Safety, March 1996.

U.S. Department of Transportation, Federal Highway Administration. The National Walking and Bicycling Study No. 2-6, September 1994.

Utah City: Utah City Non-Motorized Transportation System, 1997.

ASSHTO: 1999 Guide for Development of Bike Facilities.

APPENDIX “B” Trail Inventory

Within City Limits: 140 miles total

HIGH VOLUME: 44 miles total

Asphalt Paved Trails - Plowed in Winter	11 Miles
Asphalt Paved Trails - Not Plowed:	4 Miles
Concrete Sidewalk/Trails- Plowed in Winter:	11 Miles
Concrete Sidewalk/Trails - Not Plowed:	12 Miles
Unpaved Trails:	4 Miles
Historic Union Pacific Rail Trail State Park:	2 miles

PAINTED LANE IN STREET: 4 miles total

Painted Lanes:	4 Miles
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BACK-COUNTRY/SINGLE-TRACK 92 miles total

Beginner:	10 Miles
Intermediate:	51 Miles
Expert:	29 Miles
Misc. Dirt Roads:	2 Miles

TRAILHEAD KIOSKS/SIGNS:

Trailhead Kiosks:	4
12x12 Wood/concrete base	5
6x6 Wood posts	50
Wood/metal post signs	32
Fiberglass	Approx. 100

Outside City Limits (Park City Area: 134 miles total

Round Valley: 21 miles total

Beginner:	2 Miles
Intermediate:	4 Miles
Expert:	2 Miles
Double-track/Roads:	12 Miles

Snyderville Basin: 91 miles total (Excluding Jeremy Ranch & Pinebrook)

Single-track:	80 miles
High Volume:	8 Miles
Hiking:	3 Miles

Wasatch County (Deer Crest, Deer Valley, Flagstaff): 15 miles

Single-track	15 miles
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APPENDIX "C" Maintenance Costs**(Costs determined in 2002 and not adjusted for inflation)****8' - 10' Asphalt Multi-use Trails (Snow Removal in Winter)****Approximately 11 Miles****Total Annual Cost: \$50,595.60**

TOTAL ANNUAL COST PER MILE: \$4,599.60

YEARLY/ONGOING COSTS*Total Cost Per Mile: \$1,942.03*

Tree trimming \$20 equipment & \$100 labor/11 miles	\$10.90
Sweeping \$25 equipment & \$8 labor/11 miles	\$32.00
Noxious weed control (contracted yearly) (\$8,000/11 miles)	\$727.72
Snow plowing: \$232.14 equipment & \$90 labor/storm @40/11 miles	\$1,171.41

LONG TERM COSTS*Total Cost Per Mile Per Year: \$2,657.57*

Centerline striping (Every 3 years: \$250 total)	\$7.58
Asphalt slurry seal (Every 3 years: \$4,500)	\$1,500.00
Asphalt overlay (1") (Every 15 years: \$7,500) 11 miles)	\$681.81
Bollards (Every 10 years: \$1,700/set) 7 sets/11 miles	\$108.18
Wood pole fence (Every 10 years: \$3,000)	\$300.00
Benches 1 /mile seal every 3 years; replace 5% yearly	\$60.00

8' - 10' Asphalt Multi-use Trails (No snow removal in Winter)**Approximately 4 Miles****Total Annual Cost: \$13,712.76**

TOTAL ANNUAL COST PER MILE: \$3,428.19

YEARLY/ONGOING COSTS*Total Cost Per Mile: \$770.62*LONG TERM COSTS*Total Cost Per Mile Per Year: \$2,657.57*

Concrete Sidewalks/trail 5' Width Average (Snow removal in Winter)
Approximately 11 miles **Total Annual Cost: \$23,640.76**

TOTAL ANNUAL COST PER MILE: \$2,149.16

<u>YEARLY/ONGOING COSTS</u>	<u>Total Cost Per Mile: \$1,414.31</u>
Tree trimming \$20.00 equipment \$100.00 labor/11 miles	\$10.90
Sweeping \$25.00 equipment \$8.00 labor (Per Mile)	\$32.00
Weed Control Crack weed control \$100.00 per mile 2 per year	\$200.00
Snow plowing \$232.14 equipment & \$90 labor/storm @ 40/11 miles	\$1,171.41

<u>LONG TERM COSTS</u>	<u>Total Cost Per Mile Per Year \$734.85</u>
Centerline striping (Every 3 years: \$250 total)	\$7.58
Replace Concrete Sections (2500 sf/year @\$3.2/11)	\$727.27
Wood pole fence (Every 10 years)	no service
Benches (Every 3 years)	no service

Concrete Sidewalks/trails (No snow removal in Winter)
Approximately 12 miles **Total annual Cost: \$11,733.00**

TOTAL ANNUAL COST PER MILE: \$977.75

<u>YEARLY/ONGOING COSTS</u>	<u>Total Cost Per Mile:</u>	<u>\$242.90</u>
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<u>LONG TERM COSTS</u>	<u>Total Cost Per Mile Per Year:</u>	<u>\$734.85</u>
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Unpaved Trails (No snow removal in Winter)**Approximately 4 miles****Total Annual Cost: \$2,360.00**

TOTAL ANNUAL COST PER MILE: \$590.00

YEARLY/ONGOING COSTSTotal Cost PerUnpaved Trails (No snow removal in Winter)Approximately 4 milesTotal Annual Cost: \$2,360.00

TOTAL ANNUAL COST PER MILE: \$590.00

YEARLY/ONGOING COSTSTotal Cost Per Mile: \$30.00

Tree trimming \$20.00 equipment \$100 labor/4 miles	\$30.00
Sweeping	No service
Weed Control	No Service

LONG TERM COSTSTotal Cost Per Mile Per Year \$560.00

Re-grade/Add material Every 10 years: \$200 equip. mat. labor/yr	\$200.00
Wood pole fence (Every 10 years: \$3,000)	\$300.00
Benches 1/mile (seal every 3 years) replace 5% yearly	\$60.00

Painted Lane in the Street**Approximately 4 miles****Total Annual Cost: \$4,120.00**

TOTAL ANNUAL COST PER MILE: \$1,030.00

YEARLY/ONGOING COSTSTotal Cost Per Mile: \$1,000.00

Sweeping	Included in budget for Streets
Re-striping Twice/year	\$1,000.00

LONG TERM COSTSTotal Cost Per Mile Per Year: \$30.00

Tree trimming \$20.00 equipment \$100.00 labor/4	\$30.00
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Back-Country/Single-Track**Approximately 35 miles/92(mostly@Resorts)Total annual Cost: \$5,200.00**LONG TERM COSTSTotal Cost Per Mile Per Year: \$148.58

Tree trimming \$200/year/35	\$5.72
Re-grading & Misc. Maintenance \$5,000/year/35	\$142.86

Trail-head parking Areas**Approximately 5: 30 spaces (10 paved) (Build-out 8: 44 spaces (30 paved))****Total Annual Current Cost: \$2,068.00****YEARLY/ONGOING COSTS****Total Cost Per Year: \$1,600.00**

Snow Removal	Not presently
Trash	Check and empty every day 1.00 each \$1,600.00

LONG TERM COSTS**Total Cost per Space Per Year (Paved): \$35.00**

Striping	Every 3 years: 450/10	\$15.00
Asphalt Slurry Seal	Every 3 years: 450/10	\$15.00
Asphalt Overlay (1")	Every 15 years: 750/10	\$5.00

LONG TERM COSTS**Total Cost Per Year: \$118.00**

Kiosks	Re-stain every 3 years: \$33 5%/year: \$75.00	\$108.00
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Signs and Markers**Total \$872.00****YEARLY/ONGOING COSTS**

*Carsonite markets (with decals)	(Replace 5%) 4 @ \$40	\$200.00
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LONG-TERM COSTS

*Wood markers (with placards)	(Replace every 15 years)	\$502.00
*Wood/metel post signs	(Replace 5%) 2@\$85	\$170.00

*From Trails Budget

TOTAL ANNUAL MAINTENANCE COST FOR ALL TRAILS: \$114,302.12

APPENDIX 'E' Work Plan

2002 - 2003 Trail Head Development and Related Elements - Projected Work Plan

I. Purpose

The City Council has placed a high priority on the development of trailheads in conjunction with the integrated trail system. The Council approved the development of trailheads as a priority component of the Trails Master Plan in January of 2001. City staff and the Parks and Rec Board, with the Snyderville Basin Trails Coordinator and Mountain Trails foundation staff are concentrating on trail head development as a regional approach to create consistency in look, postings and wayfinding information displays. This work plan is offered for discussion of recommendations, priorities, opportunities, Parks and Recreation Beautification Board review, Planning Commission review and City Council progress updates. As the plan evolves and takes shape with fiscal considerations and process approvals, sections of the plan will be formally presented to the various approval entities.

II. Plan Elements

The plan elements provide for a 2002 time line, overview of recommended and potential sites, review of recommendations and public input/neighborhood requests, prioritization of projects, zoning and land use permits, trail head parking areas and related amenities on a site specific basis, review of opportunities to acquire or lease additional space, and project funding and approval.

"Trailheads", in the most general sense, will either provide access to a particular trail or loop, with or without parking, or will provide interim trail information at logical junctions or trail segments. The signature landmark feature is a trail "kiosk". To be used throughout the Basin and the City, each kiosk includes a display sign mounted on 8x8 wood posts with an inverted V overhang roof. The 36"x48" display area, suitable for maps and other trail user information, is covered with Plexiglas. Map dispensers can be affixed to the posts. The design is reminiscent of an old rail stop and should be readily identifiable throughout the regional trail system.

Parking for trailheads will be reviewed on a site-specific basis. Priority will be extended to potential sites that can relieve problems on streets or rights of ways, e.g. staff is currently seeking approval for trailhead parking on Meadows Drive just east of the intersection with Hwy 224. A small pull-out area already serves as fishing access. It could be improved and delineated for at least 4 parking stalls adjacent to a trail kiosk. The site not only provides access to the McLeod Creek trail but is sufficiently close to the underpass to direct trail users to the Farm or Quarry Mountain thereby relieving pressure from Aspen Springs or the Hwy 224 ROW and entry corridor. The State's Division of Wildlife Resources owns the small site and have been contacted for approval of shared use. Further site detail is available below.

Trailhead parking is treated in the Land Management Code. Within the City limits, a parking area greater than 4 delineated stalls must be hard-surfaced and provide area lighting. Each site must be evaluated on its own merits given these LMC standards. The McLeod Creek trailhead while suitable for parking, would likely not be appropriate with lighting. Conversely, the old Chamber/Bureau information space on Hwy 224 (part of Richards acquisition) is ready-made for ten parking spaces, is already paved and it lit per its prior use. This site like McLeod Creek will alleviate pressure from the Farm right of way. However, it also illustrates the merits of site evaluation and the range of impacts that the scale of parking and lighting will have on an area. Some sites only require administrative approval by Planning staff. Others with zoning issues of

scale standards must be formally reviewed by the Planning Commission and the City Council may have particular interest in any given site. Given that we don't have any experience with the trailhead standards in the LMC, the Cup applications for the proposed sites should give both staff and the Planning Commission an opportunity to test the practical applications of lighting and paving on a case by case basis.

Crosswalks will need to be addressed in conjunction with some trailhead sites. In addition crosswalks are likely part of a greater discussion of traffic calming around the entire town and will be a Council policy issue currently under study by the Public Works Department. The City Engineer has requested that cross-walk locations be comprehensively identified for Park City and prioritized such that they can be evaluated by a uniform traffic study which warrants a site. In conjunction with trailheads and prior recommendations of the Parks and Rec board, crosswalks will require an official study city-wide. As part of the traffic calming study on Holiday Ranch Loop Road, the engineering firm of Fehr and Peers will study the need for a pedestrian crossing at the Snow Creek/McLeod Creek trail.

The Parks, Recreation and Beautification Board, with staff, has identified at least six trailhead locations, identified below, for which staff has entered conditional use applications for administrative approval. Those locations requiring Planning Commission approval will be forwarded by Planning staff. Four kiosks have been placed in coordination with the Basin/County - at the entrance to Round Valley near the National Abilities Center; at the Old Ranch Road trail head; at the entrance to Round Valley (the McMillian acquisition) off Round Valley Way above Park Meadows; and at Quarry Mountain where the trail diverts from highway 224.

III. Time Line

July/August 2002

- A. Distribution and review of work plan for consistency with prior council approval to the Parks and Rec Board regarding the Trails Master Plan
- B. Informational progress report to Council
- C. Overview of Parks and Rec Board recommendations
- D. Consideration of optional trailhead amenities - maps and other postings, signs, crosswalks, restrooms, water, trash receptacles, dog waste scoopers

July through October

- Possible public input mechanisms
- Area notices where conditional use permits are required
- Community or neighborhood design review information meetings
- Optional public information meetings conducted by Parks and Rec Board
- Required public hearings - Planning Commission, City Council

July through October

- A. Creation of concept renderings for approved projects - if necessary
- B. Approval of concept renderings
- C. Determination of site mitigation
- D. Permit Process - internal and external
- E. Production of construction document - engineering, grading, landscaping if necessary
- F. Probably cost estimates or bid of approved projects
- G. Determination of future maintenance costs
- H. Coordination of site amenities with Parks Department
- I. Bid and construction unless in-house project feasible

IV. Sites Currently Under Review - see attached site plans

Tier 1

- A. Round Valley Way Trailhead - access to Round Valley above Park Meadows into the City's McMillian acquisition. Access off a city street with trailhead kiosk and parking area of eight stalls in County ROS. County does not require paving or lighting for the site. Motorized vehicle access beyond trailhead will need to be prohibited with fence or boulders.
- B. McLeod Creek Trailhead with four parking stalls
- C. Hwy 224 Farm Trailhead (west side between Thaynes and Aspen Springs at old Chamber/Bureau Visitor Info kiosk) with ten parking stalls
- D. The Cove/Rossmann Trailhead with four parallel parking stalls

Tier 2 - to be reviewed in next round

- A. Daly Canyon Trailhead - with UPCM approval?
- B. PCMR Spiro Trailhead - with PCMR approval?
- C. The Farm Trailhead - where trails cross the Farm Access Road
- D. Prospect Ridge Trailhead - above Hillside Avenue

V. Proposed Site Evaluation Criteria

To be determined by subcommittee

APPENDIX “E” Park City Parks, Recreation and Beautification Advisory Board

Date: October 18, 2000
Authors: Kris Beer, Peter Tomai, Brigitta Wray
Title: Report of the Trails Sub-Committee of the Parks, Recreation and Beautification Advisory Board
Type of Item: Information and Policy Recommendations

Statement of Purpose: The Park City Parks, Recreation, and Beautification Advisory Board recognized the importance of trails to the residents and visitors of Park City and Summit County. In an effort to achieve the objectives of both the Trails Master Plan and the Recreation Facilities Master Plan, we submit this report, which addresses issues and concerns and outlines possible solutions for developing a more Trail-Friendly Town.

Summary Recommendations: The Park City Parks, Recreation, and Beautification Advisory Board commends the City Council for their continual commitment to the importance of trails to the Park City community as evidenced in the Trails Master Plan (1992) and the Recreation Facilities Master Plan (2000). The proposed recommendations offer another opportunity to demonstrate and fulfill this commitment. Competitive resort communities have recognized that comprehensive, area wide trail systems are both a vital community asset and a viable benefit to tourism. As such, trails initiatives warrant the support and cooperation of all applicable departments, commissions and boards.

This report includes the following recommendations:

- Secure trailheads to include adequate space for parking
- Inventory and preserve existing trail easements
- Create new access to trails, especially through developing neighborhoods and projects and to outlying and interconnecting trails
- Ensure safe trail crossings with signage, striping, and traffic calming measures
- Provide clear signage for routes through residential and commercial areas including consistent trail markers and way-finding informational signage (both access and on-trail signs and symbols)
- Complete a system of “loop” and/or perimeter trails for transportation in and around the Park City area
- Combine the resources of Park City, Snyderville Basin Recreation, Summit and Wasatch Counties, the resorts, and Mountain Trails foundation, where appropriate for trail advocacy, planning, building, maintenance and grant funding

Background

The Survey data that provides the basis for the findings and recommendations of the Recreation Facilities Master Plan focused on trails and open space, placing them at the top of the respondents’ priorities for recreation in the community. Not only important for local use, trails also offer tourists recreation and transportation options in an unfamiliar area. The popularity and growth of trail use throughout the area clearly indicates the value placed on trails. Statistics from the Chamber’s Visitor Centers, resorts, shops, and lodging point toward the conclusion that as a community, we must take action to ensure that we continue to provide positive, fun, and interesting trail experiences for our growing community and tourist base. Over 70% of the visitors to the tourist information center inquire about hiking and biking trails. The majority of customers at local bike and sport shops also request trail information and recommendations, especially if they are renting equipment. Feedback from visitors at both the information centers and local shops is for the most part, positive. However, comments indicate that people have trouble finding trails, trailheads, and parking. Many visitor families also request low or intermediate level trails that are easy to find, scenic, and either loop or connect to other similar

level trails.

The Findings/Conclusions section of the Parks, Recreation and Beautification Board Customer Survey, which was conducted in 1998 and which provided data for the 2000 Park City Recreation Facilities Master Plan states that Park City residents are heavy users of trails for hiking, mountain biking, cross country, and equestrian purposes. It also states that residents want to see more resources devoted to providing additional trail, in fact over 27% of the total dollar allocation, an amount that exceeds even open space funding. The findings state clearly that the 'PRBB should intensify its efforts at coordinating trails systems with Summit County and to fast-track efforts to provide trails on the farm property..."

The **Action Plan of Park City's Recreation Facilities Master Plan** refers to the strong interest in trails with the following action items:

- Continue to implement the existing Trails Master Plan and complete the currently approved trail projects in Park City Municipal Corporation
- Continue to coordinate with the Basin's trail development efforts.

Specifically, the **Recommendations** section includes the following:

- Maintain strong, positive relationships with the Snyderville Basin Recreation District and the Park City School District
- Take a regional approach to the development of large-scale recreational amenities, such as ice skating facilities or golf courses, and share costs with other agencies

Based on the above general support, these **Recommendations** of the **Parks, Recreation and Beautification Board** focus on the following:

1. **Trailheads:** **secure trailheads to include adequate space for parking.** This recommendation places high priority on the construction of trailheads with amenities such as **parking with proper drainage, directional signage, vehicle barriers, and restrooms.** The Trails Subcommittee has determined that three primary parking options include onsite onstreet, onsite offstreet, and remove parking with nearby access to trailheads. A policy decision by the City Council (with approval by the Park City Planning Commission and other entities as deemed appropriate) will determine which of three options for parking is advisable for each trailhead.

In addition, trailhead decisions may require coordination between neighborhoods, integrating the needs of property owners, existing easements, local and state regulations, and the impacts of design and safety on accessibility.

The PRBB recommends that specific trailhead within the city be given priority. These include:

2. **East side of Highway 224 past meadows drive near the lean-to and north to the McLeod Creek Trail.** An adequate onsite offstreet parking area is already available and is currently being used for parking although it is not an official trailhead. We recommend that the city and UDOT consider making it official by posting Trailhead Parking and No parking signs where deemed appropriate. **With minimal improvements, this area could be a temporary solution providing maximum benefits to trail users.**
 2. Round Valley access from Hwy 248. The increasing use of this trailhead to safely access the Round Valley trails and the underpass to the Rail Trail require both graded offstreet parking and signage that designated direction to available trails.
 2. Other trailheads to evaluate for improvements include Iron Canyon, the Rail Trail at the Chatham Crossing access, and Deer Valley area.
2. **Easements: Inventory and preserve existing trail easements.** The Trails Master Plan, 1992, is a source of information about easements, existing trails, and future planning. However, some of the details are outdated and do not address the

development of new neighborhoods, particularly in Park Meadows, Thaynes and Iron Canyons, Aspen Springs, and parts of Deer Valley. To ensure future trail connectivity, it is important to note that without continual vigilance and maintenance, we may lose essential trail easements. Neighbors, developers, and fences can quietly obliterate a trail if no one is paying attention. The PRBB requests that the City Council authorize the appropriate city offices to investigate if encroachment has occurred on any planned trails and to take corrective action.

3. **Access: Create new access to trails, especially through developing neighborhoods and projects and to outlying and interconnecting trails.** The Trails Master Plan addresses trails within the city limits, and in those areas, protecting or creating access should continue to be a critical course of action. However, with the current focus on regional planning and the efforts to develop a system of trails throughout the area, we need to turn our attention to how the City Council and the Parks and Recreation Board should position themselves with regard to these efforts. Because area trails are bound not by jurisdictional but by geographical limitations, the Trails Subcommittee supports the creation of a regional trails advisory group, which could help to plan and coordinate trail efforts by each specific jurisdiction.
4. **Safe Crossings: Ensure safe trail crossings with signage, striping, and traffic-calming measures.** Integral to trail access are safe trail crossings. With the number of trail projects under construction or proposed, comprehensive plans must include a design for safe crossings. The completion of the trail should coincide with the completion of the crossing. For example, if a new trail starts or ends on a busy street or intersection, but no safe crossing is constructed at the same time, the trail should not be available for use until the crossing is also completed. Safe crossings could include any or all of the following: on street and on trail signage, street or shoulder striping (with or without symbols), traffic-calming devices such as speed bumps, planters or warning lights.
5. **Signage: Provide clear signage for routes through residential and commercial areas (both access and on-trail signs and symbols).** Signs are currently being constructed and installed throughout the city in accordance with the Trails Sign Plan. In the past, signage has represented one of the major criticisms from both local and tourist trail users. For maximum benefit, clear signage must be strategically located at trailheads and on the trails themselves. Also helpful are signs that are consistent in form and appearance. The city and local trails organizations have worked to place and maintain good signage through the city that shows connections to county and regional trails. Whether onstreet striping and symbols or signs designating trail pathways, clear directions are essential to encourage the use of trails for recreation and for transportation to and through residential and commercial neighborhoods. Signs should be large enough to be seen from a reasonable distance. They should be consistent in design to foster quick recognition. They should include text and symbols indicating trail name, approved use or restrictions, links with directions to other trails, and any special information about the trail relevant to users' safety and/or enjoyment. Signs should correspond in both text and symbol to area trail maps that are available through the Visitor Information Center, sporting goods shops, lodging, the Chamber of Commerce, etc.
6. **Contiguous/Continuous Connections: Complete a system of "loop" and/or perimeter trails for transportation in and around the Park City area.** Identify and acquire additional trail segments necessary or desirable to connect to existing trails. The Park City Trails Master Plan as well as the Mountain Trails Foundation and Snyderville Basin Trails plans focus on the interconnectivity of area trails and trail systems. Many existing trails do not "go" anywhere, or are not useful as transportation links. Although we

are a mountain resort community, many of our visitors prefer road biking to mountain biking and roller blading/roller skiing to hiking. We do not provide a trail system that is conducive to either transportation or road riding conditions. The highly visible corridor trails, such as Hwy 224, appear to be *real* alternative transportation, but they may end abruptly. Because the cause for some of the broken links lies with area development projects. We need to continue to encourage developers to complete their trail commitment in a timely manner. Another connectivity issue deals with trails that begin as paved surface and turn into composite or dirt surface. The Rail Trail, for example, is highly used for walking, running, biking, and cross country skiing. Although the Trail is easily accessible to many residential neighborhoods and therefore is also a common transportation option, the section from Bonanza Avenue to the trailhead kiosk remains unpaved.

7. **Regional Alliance: Combine the resources of Summit and Wasatch Counties, Snyderville Basin Recreation District, Jordanelle Special Services District, Mountain Trails Foundation, Park City, the resorts and other are communities.** Trail advocates from the entire Wasatch Back area would be able to initiate a more systematic strategy for what will someday become a system of interconnected trails that does not follow city or county lines. This regional alliance of resources, with the support and cooperation of all applicable departments, commissions and boards, could carry out recommended trails initiatives more effectively with available funds throughout the region. A regional alliance might also provide a public forum to communicate trails issues, answer questions, and provide updates on trail development. Along with the ongoing communication strategies implemented by City Council and other area organizations, this type of proactive discussion could foster greater community understanding and support of trails initiatives. One example of where public understanding may currently be inadequate is with the whole funding process. Knowledge of how funding works could perhaps mitigate much of the impatience and frustration about the progress of trail building and improvement. The PRBB recognizes the benefits to be gained from a regional trails organization and offers its assistance to organize and create such an alliance.

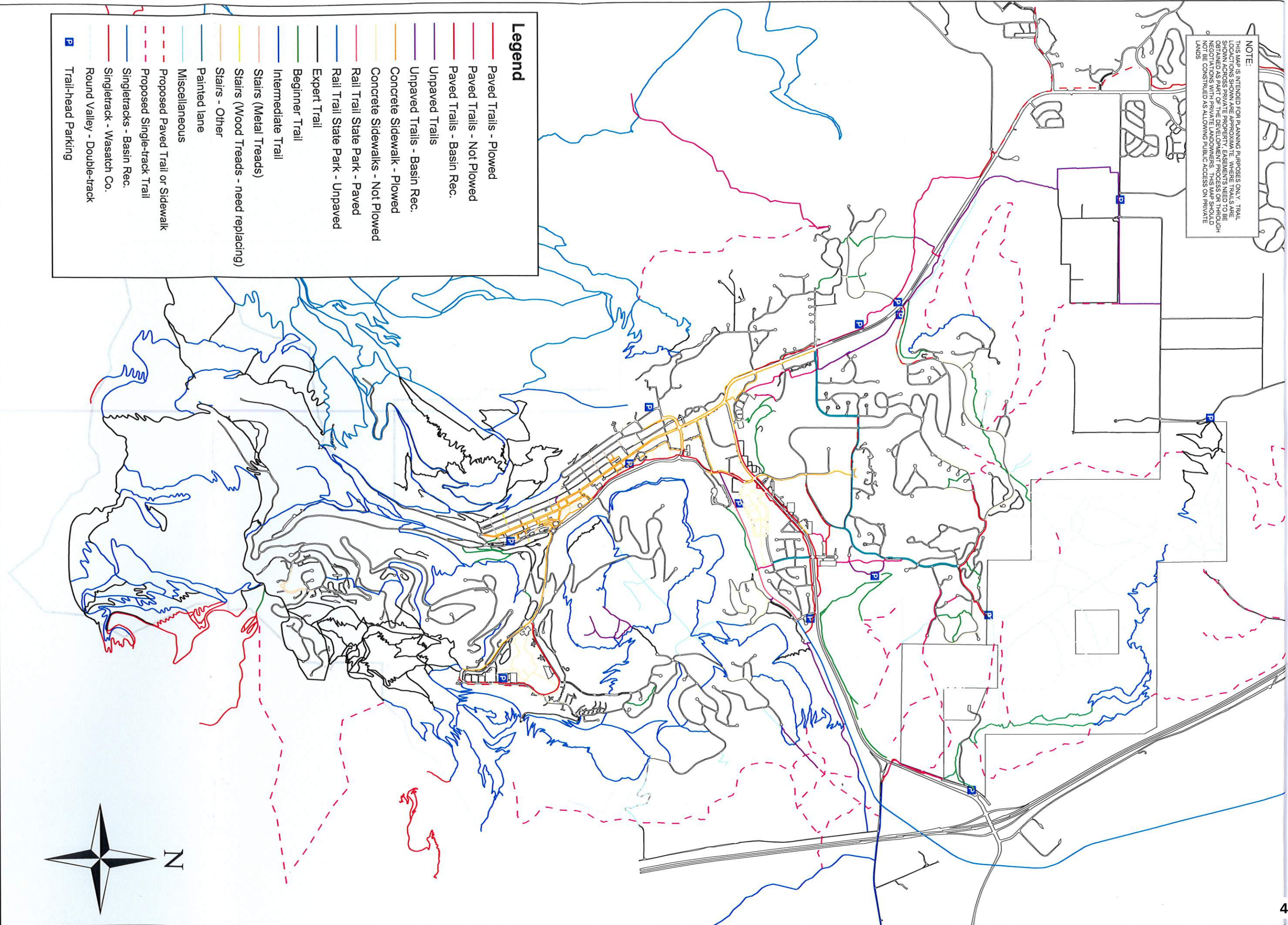
Suggested specific initiatives warranting immediate attention:

- Inventory existing trails, trail easements, and trailheads to provide an up-to-date baseline from which to determine priorities. As an additional benefit, an inventory would furnish current trail information to the Mountain Trails Foundation for the publication of the 2001 regional trail map.
- Interface with UDOT to determine the feasibility of using the east side of Hwy 224 for temporary trailhead parking to serve the McLeod Creek and Millennium Farm trails.
- Open the Hwy 224 underpass using signage to encourage its use for the safe crossing of 224 and access through the McPolin farm to the Millennium Farm trail.
- Grade and utilize the former sewer treatment location as temporary off-street trailhead parking.
- Identify bike lanes with clear and consistent striping, and, as the streets are repaved or striped, with additional pavement on surface streets paying particular attention to safe direction of travel.
- Continue to augment existing trail marking using inexpensive, readily available, and easily installed/modified Forest Service standard markers.
- Implement pilot trail crossing/traffic-calming methods possible using portable planters and striping.
- Initiate dialogue with the ski resorts to cooperate on use of resort parking and placement of directory signage and maps to area-wide trail resources.

Conclusion

The above short term actions, none of which requires significant capital outlays, would significantly benefit the use, safety, and accessibility of existing Park City trails. Longer term, we would encourage Council to consider the implications of all Council and City actions on trails and to consider the ongoing resource needs of a comprehensive trail system. At some point, discussion may address the possibility of producing a revised Trails Master Plan, or an addendum to the existing plan, which would build on and incorporate recent changes in growth and development. Support for the regional trails task force will facilitate the identification and prioritization of specific new trails projects along with recommendations for the appropriation of specific resources. With additional focus and attention on trails and trails issues, Park City can further differentiate itself as a trail-friendly community and create a community asset that further improves the quality of life and livability of our area.

NOTE:
THIS MAP IS INTENDED FOR PLANNING PURPOSES ONLY. TRAIL LOCATIONS SHOWN ARE APPROXIMATE. WHERE TRAILS ARE SHOWN CROSSING PRIVATE PROPERTY, EASEMENTS FOR THE TRAILS SHOULD BE OBTAINED FROM THE PROPERTY OWNERS THROUGH NEGOTIATIONS WITH PRIVATE LANDOWNERS. THIS MAP SHOULD NOT BE CONSTRUED AS ALLOWING PUBLIC ACCESS ON PRIVATE LANDS.



Trails Master Plan

VICINITY MAP



MCLEOD CREEK TRAILHEAD
PARKING LOT

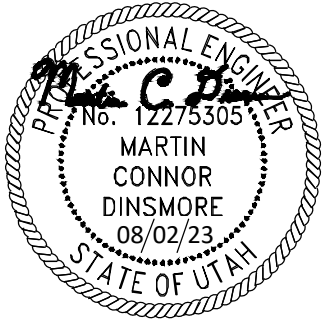
MEADOWS DRIVE AND UT-224
PARK CITY, UT 84060

AUGUST 2, 2023

SHEET INDEX

- 1. COVER
- 2. EXISTING CONDITIONS & TOPOGRAPHY
- 3. SITE & GRADING PLAN
- 4. CMP & SWPPP

CIVIL ENGINEER



GENERAL NOTES

- G-1** ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
- A. Park City Design Standards, Construction Specifications, and Standard Drawings, Latest Edition.
 - B. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.
 - C. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - D. Approved construction plans and details.
 - E. Storm Water Pollution Prevention Plan. (SWPPP)
- G-2** Contractor/Bidder shall obtain a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, PCMC engineer, and their designated representatives and inspectors.
- G-3** The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, manholes, vaults, catch basins, earthwork operations, and road construction.
- G-4** Prior to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- G-5** The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.
- G-6** All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by the project owner.
- G-7** The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.
- G-8** Compaction testing shall be an integral part of the project. Compaction testing shall include, but shall not be limited to earthwork, trench back-fill, base course, and asphalt pavement. Compaction testing shall be performed by a qualified, independent testing company retained by the contractor.

MCLEOD CREEK TRAILHEAD EXISTING CONDITIONS & TOPOGRAPHY

PCA-18-C-1-X

S-209

PCA-16-A-X

SANDSTONE COVE
SUBDIVISION
SSC-A-X

PCA-16-X

PCA-16-X

PCA-104-1-A-X

PCA-103-B-X

PCA-103-C-X

PCA-103-A-X

PCA-103-D-X

PCA-103-C-X

PCA-105-X

MEADOWS DRIVE

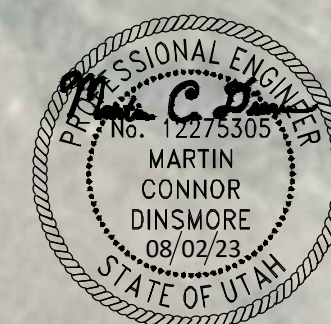
ASR-ENT-X

PCA-103-C-X

PCA-103-X

PARK AVENUE / SR 224

PCA-103-X



STAFF:
CONNOR DINSMORE
SACHITH MUNASINGHE
HANNAH KRIEG

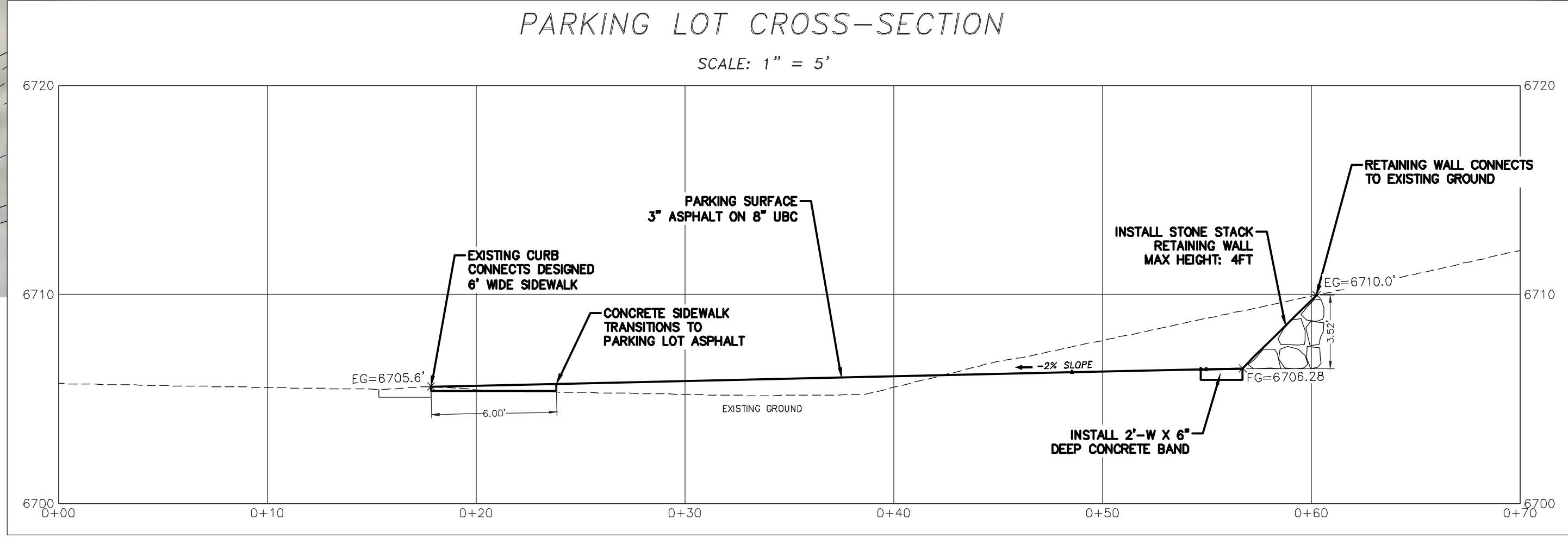
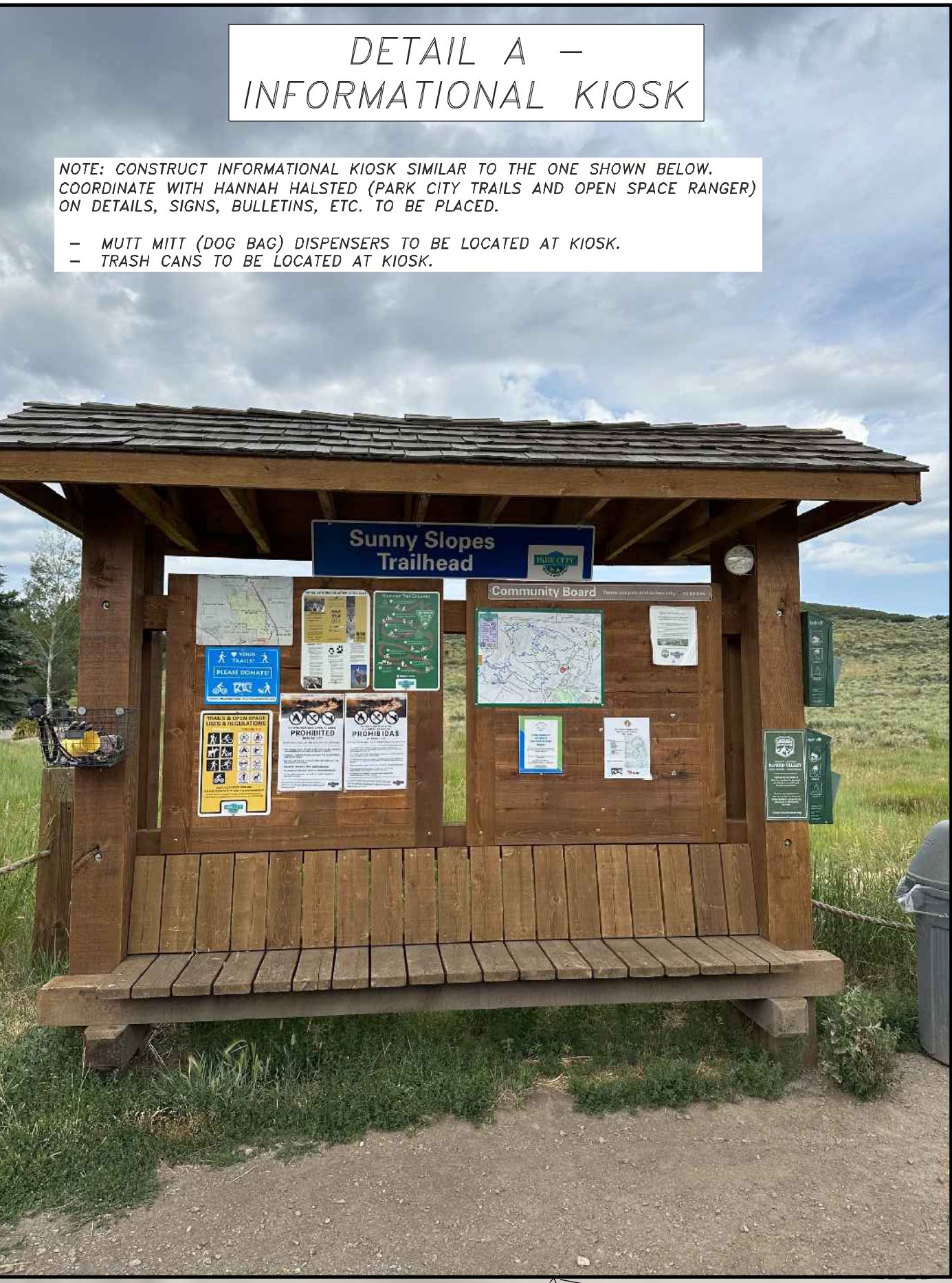
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JOB NO.: 13-10-21

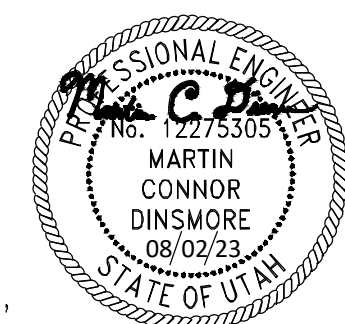
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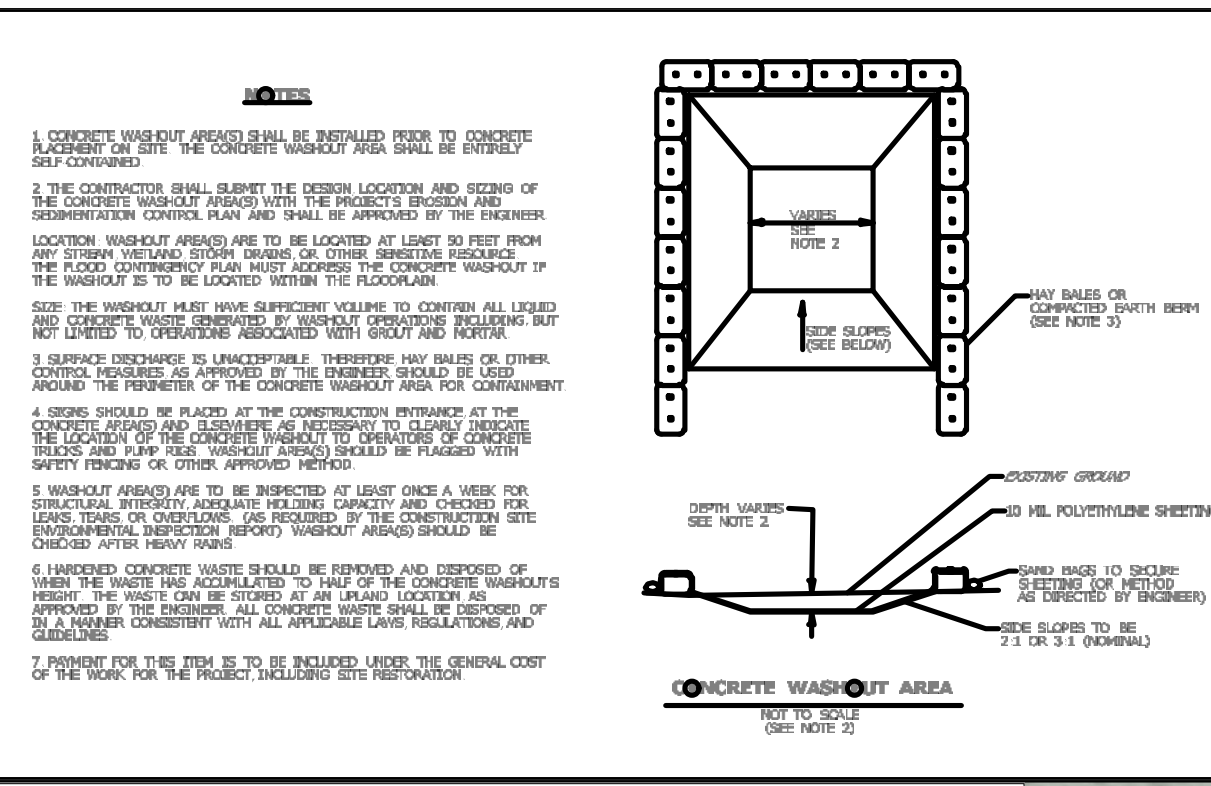
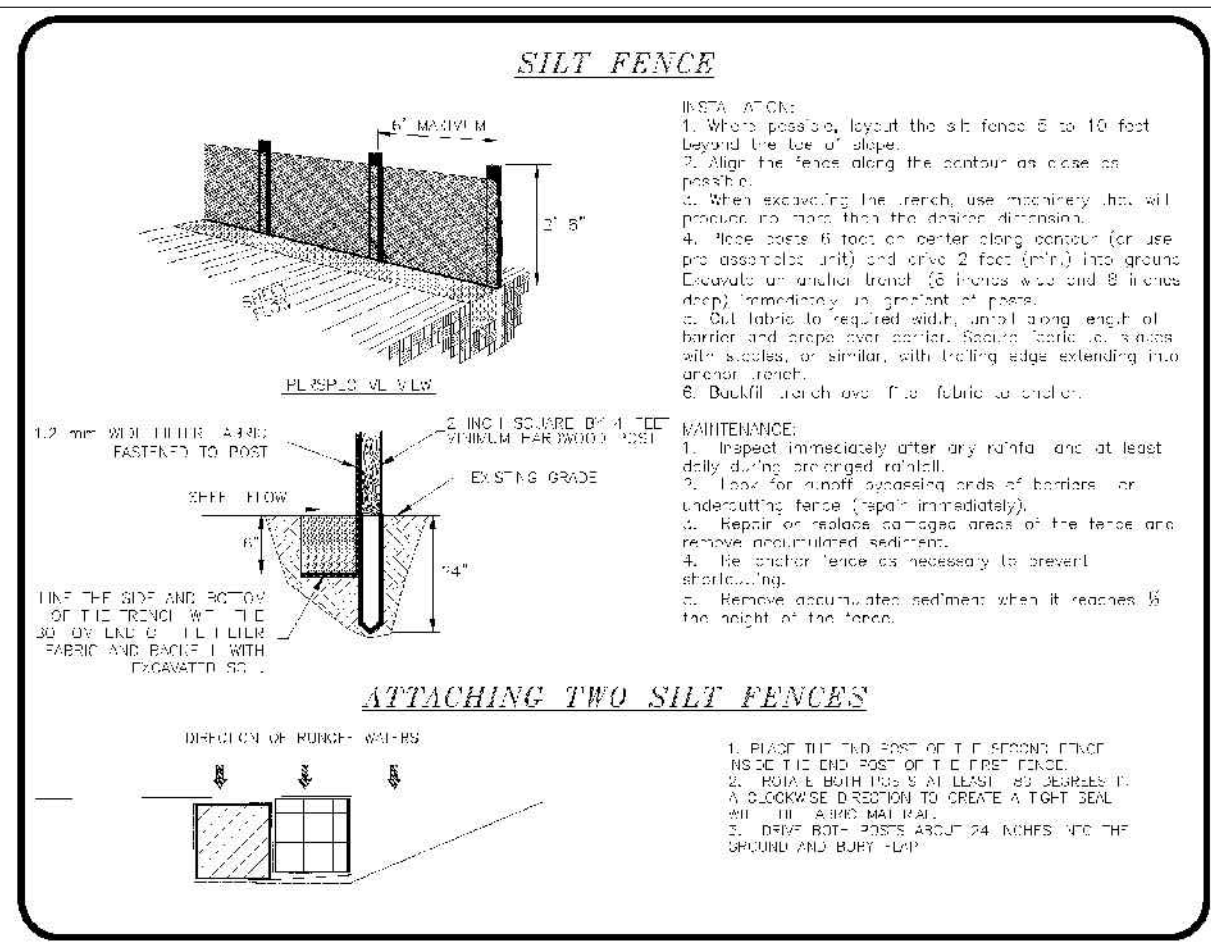
EXISTING CONDITIONS & TOPOGRAPHY
MCLEOD CREEK TRAILHEAD
PARKING LOT

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SHEET
2
OF
4

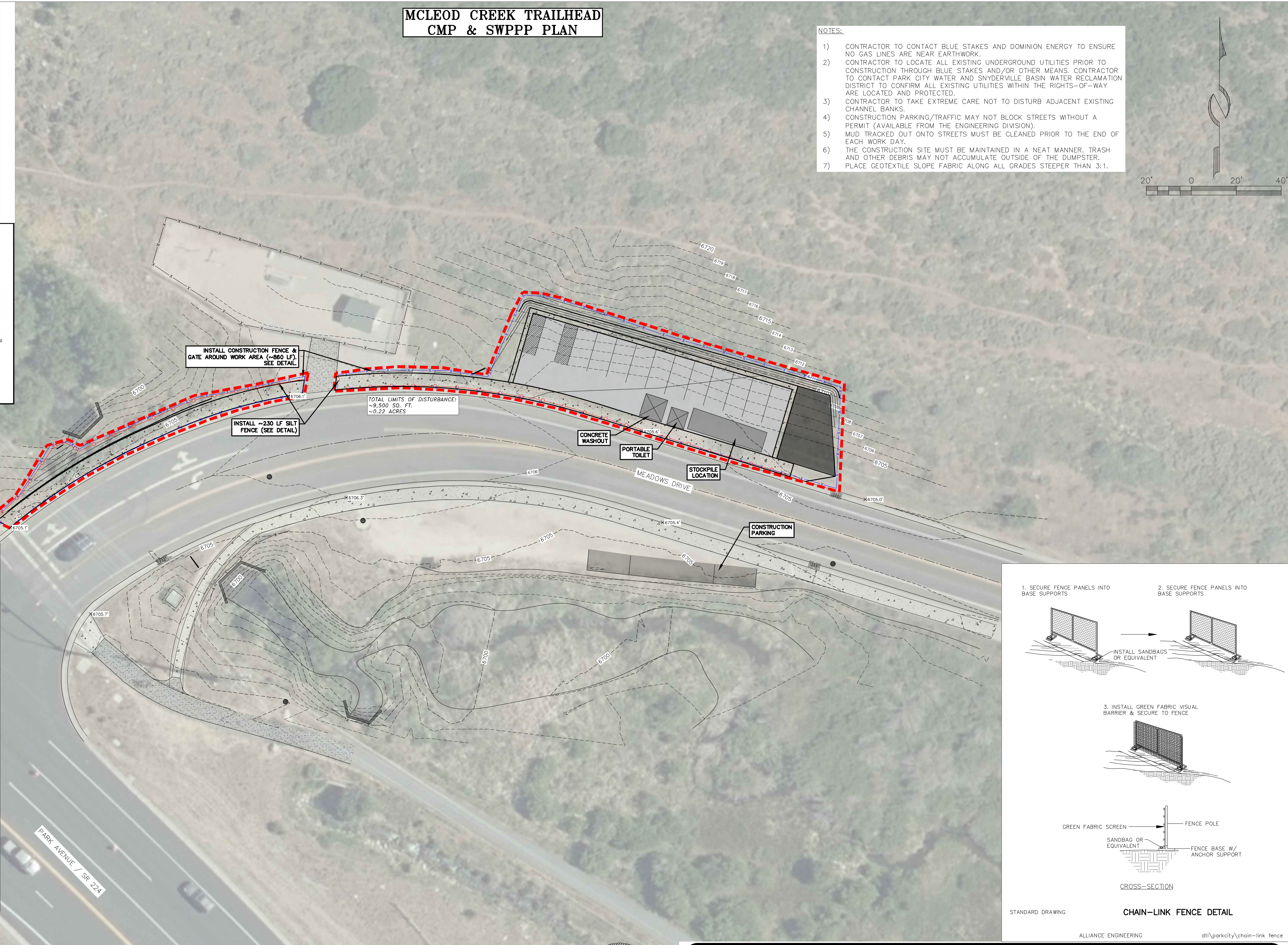
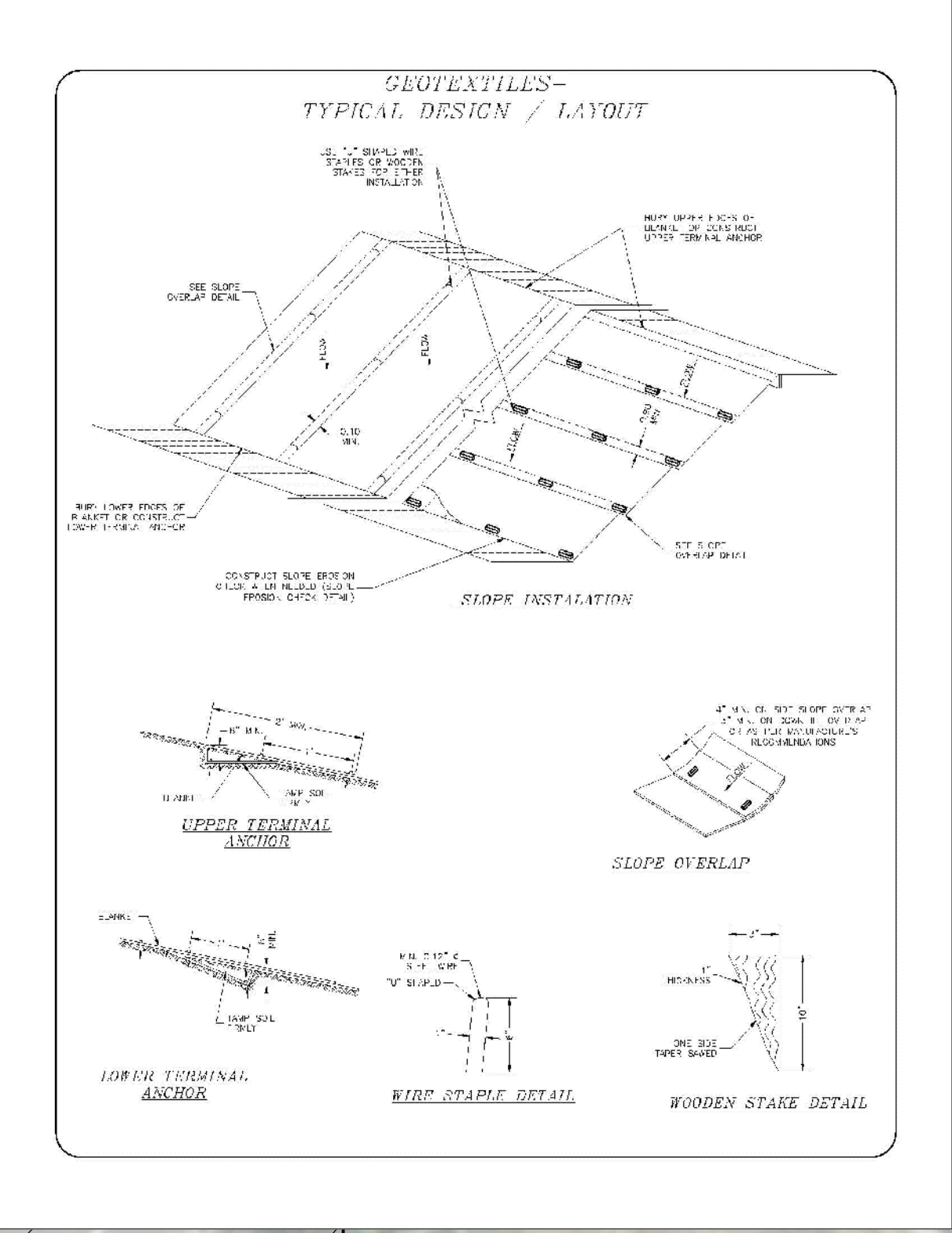


 ALLIANCE 2700 W HOMESTEAD RD STE 50 & 60 PARK CITY, UT 84098 435.258.6934	STAFF: CONNOR DINSMORE ZACHARY ALHAMRA HANNAH KRIEG	SITE & GRADING PLAN MCLEOD CREEK TRAILHEAD PARKING LOT		SHEET 3 OF 4	
	DATE: 08/02/2023	FOR: PCMC JOB NO.: 13-10-21			
	FILE: X:\ThaynesCanyon\dwg\Projects\Mcleod & Meadows Dr TH's\Mcleod Creek Trailhead.dwg				



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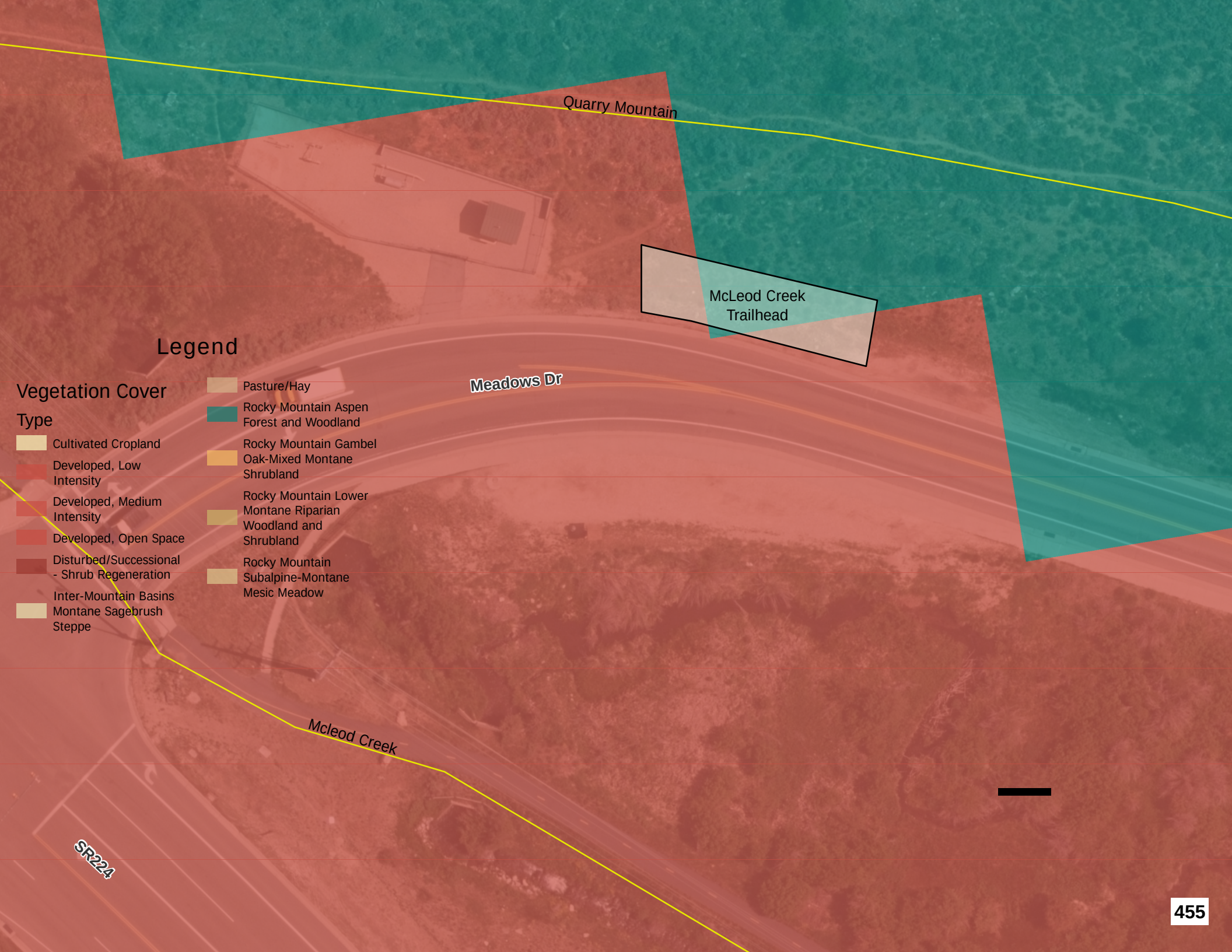
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CONNOR DINSMORE
SACHITH MUNASINGHE
HANNAH KRIEG

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FOR: PCMC
JOB NO.: 13-10-21
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**CMP & SWPPP PLAN
MCLEOD CREEK TRAILHEAD
PARKING LOT**

**SHEET
4
OF
4**



Legend

Vegetation Cover

Type

- Cultivated Cropland
- Developed, Low Intensity
- Developed, Medium Intensity
- Developed, Open Space
- Disturbed/Successional - Shrub Regeneration
- Inter-Mountain Basins
- Montane Sagebrush Steppe

- Pasture/Hay
- Rocky Mountain Aspen Forest and Woodland
- Rocky Mountain Gambel Oak-Mixed Montane Shrubland
- Rocky Mountain Lower Montane Riparian Woodland and Shrubland
- Rocky Mountain Subalpine-Montane Mesic Meadow

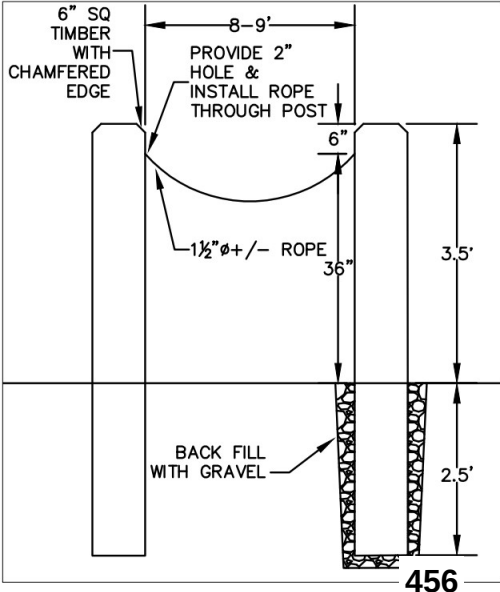
Quarry Mountain

McLeod Creek
Trailhead

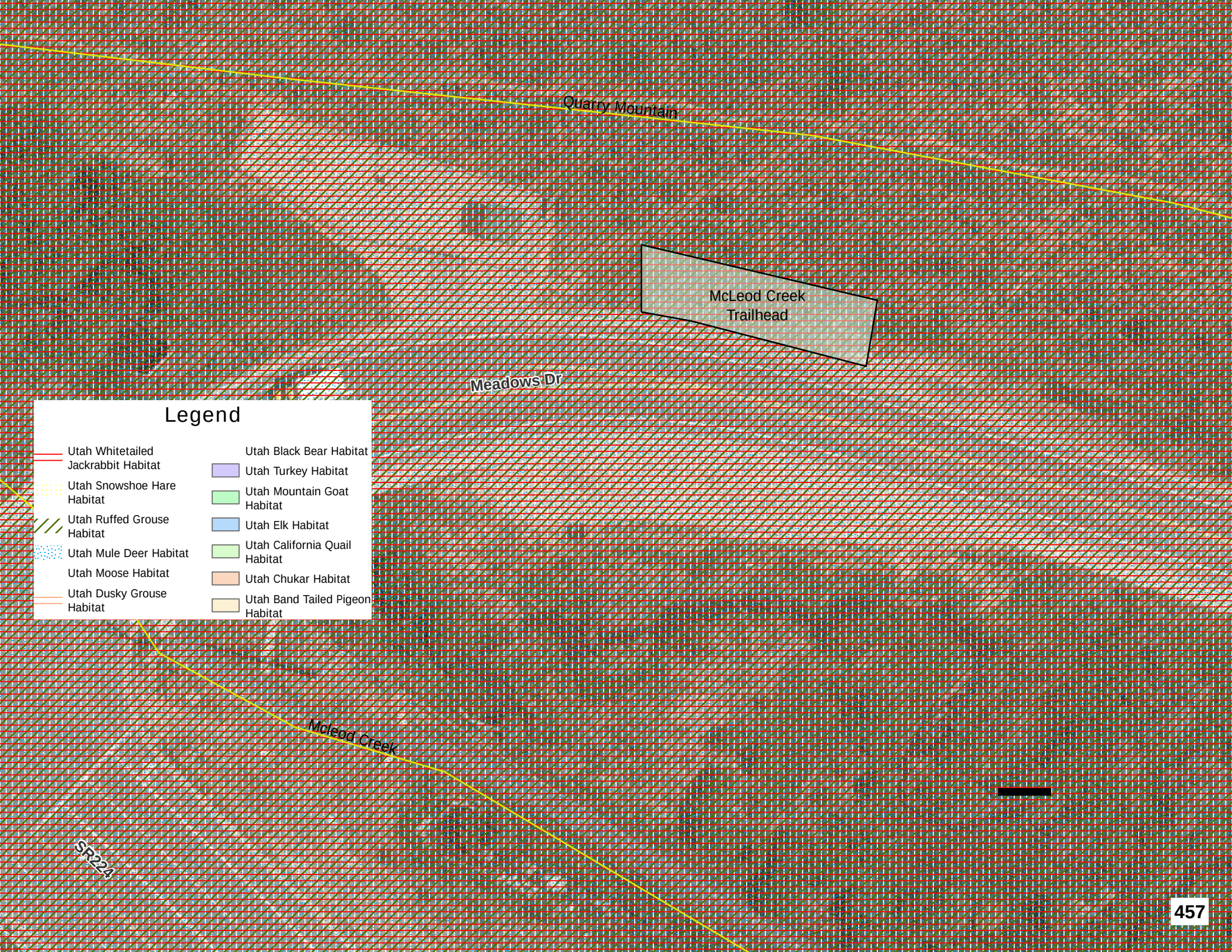
Meadows Dr

McLeod Creek

SR224



FENCE DETAIL



Quarry Mountain

McLeod Creek
Trailhead

Meadows Dr

McLeod Creek

SR224

Legend

- | | |
|-------------------------------------|---------------------------------|
| Utah Whitetailed Jackrabbit Habitat | Utah Black Bear Habitat |
| Utah Snowshoe Hare Habitat | Utah Turkey Habitat |
| Utah Ruffed Grouse Habitat | Utah Mountain Goat Habitat |
| Utah Mule Deer Habitat | Utah Elk Habitat |
| Utah Moose Habitat | Utah California Quail Habitat |
| Utah Dusky Grouse Habitat | Utah Chukar Habitat |
| | Utah Band Tailed Pigeon Habitat |

Planning Commission Staff Communication



Subject: Lot Combinations in Historic Districts
Application: PL-23-05655
Author: Planning Team
Date: August 23, 2023
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Review the proposed Land Management Code amendments regarding a maximum lot size for residential development, (II) open a public hearing, and (III) continue the public hearing to September 27, 2023.

Description

Applicant:	Planning Department
Zoning Districts:	Historic Residential Low – Density Historic Residential – 1 Historic Residential – 2 Historic Residential Medium
Land Management Code Sections Amended:	Historic Residential Low – Density § 15-2.1-2 Lot and Site Requirements § 15-2.1-4 Existing Historic Buildings and/or Structures Historic Residential – 1 § 15-2.2-3 Lot and Site Requirements § 15-2.2-4 Existing Historic Buildings and/or Structures Historic Residential – 2 § 15-2.3-3 Lot and Site Requirements § 15-2.3-4 Existing Historic Buildings and/or Structures Historic Residential Medium § 15-2.4-3 Lot and Site Requirements § 15-2.4-4 Existing Historic Buildings and/or Structures
Reason for Review:	The Planning Commission reviews and forwards a recommendation to the City Council for Land Management Code amendments; the City Council takes Final Action ¹

¹ LMC [Section 15-1-7](#)

Background

On July 27, 2006, the City Council adopted [Ordinance No. 06-56](#) to mitigate infill development on larger lots in the Historic Residential – 1, Historic Residential – 2, and Historic Residential Low – Density Zoning Districts, the Old Town residential areas ([Staff Report](#), p. 105). The Land Management Code (LMC) establishes Maximum Building Footprint regulations in the Historic Residential – 1,² Historic Residential – 2,³ and Historic Residential Low – Density⁴ Zoning Districts that reduce the building footprint as lot size increases:

MAXIMUM FP = $(A/2) \times 0.9A/1875$ 1 LMC § 15-2.2-1(D) 2
LMC § 15-2.3-1(E) Where FP = maximum Building Footprint
and A = Lot Area.

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9(3750/1875) =$
 $1,875 \times 0.81 = 1,519$ sq. ft.³

The Table below shows the reduced percentage of the lot that can be built upon as the lot size increases:

Lot Area	Maximum Building Footprint	Maximum Building Footprint percentage of Lot
1,875 SF	844 SF	45%
2,813 SF	1,201 SF	43%
3,750 SF	1,519 SF	41%
4,688 SF	1,801 SF	38%
5,625 SF	2,050 SF	36%
6,563 SF	2,269 SF	35%
7,500 SF	2,460 SF	33%

The LMC further outlines examples of Maximum Building Footprint for combinations of various lot sizes:

The Maximum Building Footprint of any Structures shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet [ten 25-foot by 75-foot lots] in Lot Area, shall be calculated according to the following formula for Building Footprint . . .

² LMC [§ 15-2.2-3\(E\)](#)

³ LMC [§ 15-2.3-3\(E\)](#)

⁴ LMC [§ 15-2.1-3\(E\)](#)

TABLE 15-2.1.

Lot Depth (ft.) **	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	37.5*	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500	Per Formula

In addition to the Zoning District regulations, properties within the Historic Districts—whether designated Landmark or Significant Historic Structures on Park City’s Historic Sites Inventory or not—must complete a Historic District Design Review (HDDR) process to ensure future development complies with LMC [Chapter 15-13](#) *Design Guidelines For Historic Districts and Historic Sites*. Universal Guidelines for new infill include evaluation of the streetscape and character area:

- Size and mass of a structure shall be compatible with the size of the site so that lot coverage, building bulk, and mass are compatible with Historic Sites within the Streetscape or character area.
- New construction activity shall not physically damage nearby Historic Sites.
- New infill residential buildings shall reinforce visual unity within the context of the Streetscape or character area. The specific context of each Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites to reinforce existing rhythms and patterns.⁵

As part of the HDDR evaluation, LMC [§ 15-13-8\(B\)\(1\)\(a\)\(3\)](#) states “[t]he historic town grid shall be preserved by retaining the formal street pattern, maintaining historic lot sizes rather than aggregating the historic-sized lots into larger lots, and preserving the regular rhythm and pattern of lot sizes in a way that reinforces the perception of the grid.” While encouraging traditional 25-foot by 75-foot lots, LMC [§ 15-13-8\(B\)\(2\)\(a\)\(8\)](#) acknowledges that structures may be built on lots greater than 25 feet wide and states they should be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, depth, and patterns within

⁵ LMC [§ 15-13-8\(A\)](#)

the façade and “[r]egardless of lot frontage, the primary façade shall be compatible with the width of surrounding historic buildings. The greater width of the building shall be set back significantly from the plane of the primary façade. The width of the new building shall not appear to be visibly greater than historic buildings in the Streetscape or character area. Modules on a primary façade should generally not exceed eleven (11) feet to twenty-five (25) feet in width.”

The General Plan recommends evaluating a maximum lot size.

Objective 15B of the General Plan is to maintain character, context, and scale of local Historic Districts with compatible infill development and additions. Community Planning Strategy 15.12 *Historic Character Goals* encourages the City to examine lot sizes in Old Town to determine if a maximum lot size would provide more compatible mass and scale for new structures as well as additions to existing structures.

Park City has over 400 registered historic sites, two National Historic Districts, and six Historic Zoning Districts. Goal 15 in the Park City General Plan is to “[p]reseve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.” The General Plan states “[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929).”

Historically, lots in Park City’s Old Town were platted 25 feet in width and 75 feet in depth, illustrated on the 1927 Map of Park City by Caldwell & Richards Engineers Park City showing the Park City Survey to the south, and the Snyder’s Addition to the north:

MAP OF
PARK CITY
SUMMIT COUNTY - UTAH

SCALE: 1" = 1000' 10' 0"

Based on original map of 1887.
Revised by the
City of Park City, Utah
1910

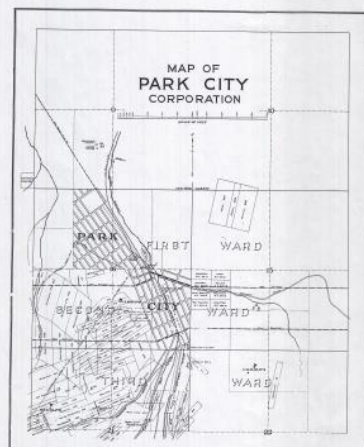
N

FIRST WARD

SECOND WARD

THIRD

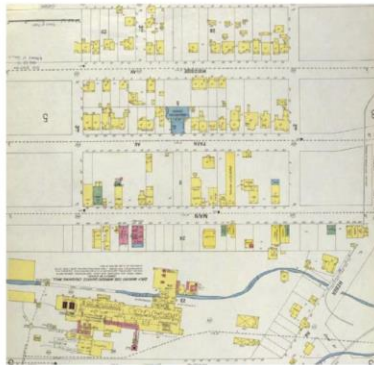
WARD



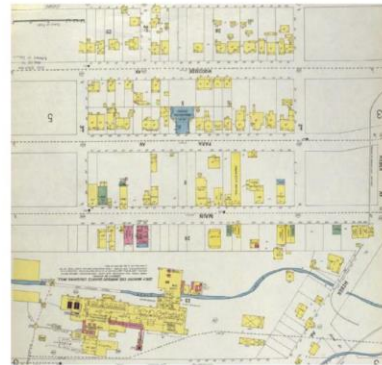
This resulted in a higher-density development pattern in Old Town. The image below from the General Plan illustrates historic lot sizes shown in the Sanborn Fire Insurance Maps:



1889 Sanborn Fire Insurance Map



1900 Sanborn Fire Insurance Map



1907 Sanborn Fire Insurance Map



1929 Sanborn Fire Insurance Map



2012 Development Map

These historic Sanborn Fire Insurance maps show the progression of development along Woodside Avenue, Park Avenue, and Main Street from 1889 through 1929. In the past, small mining homes were built on narrow residential lots and commercial buildings grew up around Main Street. More recently, however, developmental pressures have led to lot combinations, substantial additions to our historic buildings, and expansive development on vacant lots.

The topography of Old Town dictated how and where neighborhoods were developed. Main Street sits at the base of the V-shaped canyon with parallel terraces of residential streets extending through Old Town. During the Mining Boom Era most residential development occurred along Marsac, Park, Prospect, Daly, and Woodside Avenues. The homes were first built on the uphill side of the street and were very small, generally only consisting of one story and two rooms. Larger, more ornate homes were outliers during this time since wealthy miners chose to construct their homes in Salt Lake City. Larger structures were typically only used for civic, institutional, or industrial uses such as schools, churches, and mills. The demands of the local mines brought a large influx of people into Park City and residences needed to be built quickly to house the workforce, resulting in the historic development pattern of small, dense miner cottages.

Although some miners' cottages were small enough to fit on one lot, many Historic Structures were built across property lines on two or more adjacent lots and parcel ownership may include a combination of lots, as well as a combination of full and partial lots. Planning staff evaluated average parcel⁶ size for properties designated Significant

⁶ LMC § 15-15-1 defines "parcel" as an unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number. In the context of GIS

and Landmark Historic Sites on Park City's Historic Sites Inventory within the Historic Residential Zoning Districts.⁷

Average Significant and Landmark Historic Sites

Zoning District	Parcel Acreage	Parcel Square Footage
Historic Residential Low – Density	0.13	5,737
Historic Residential – 1	0.09	3,866
Historic Residential – 2	0.10	4,530
Historic Residential Medium	0.08	3,561
Overall Average		4,424 [2.36 Old Town Lots]

Preliminary average parcel size for Single-Family Dwellings in Historic Residential Zoning Districts in general are shown below:

Non-Historic Single-Family Dwellings in Historic Districts

Zoning District	Parcel Acreage	Parcel Square Footage
Historic Residential Low – Density	0.12	3,839
Historic Residential – 1	0.14	5,908
Historic Residential – 2	0.09	5,096
Historic Residential Medium	0.06	2,638
Overall Average		4,370 [2.23 Old Town Lots]

Many adjacent and partial 25-foot by 75-foot lots in Old Town are under common ownership—including both Historic and non-Historic Sites—and were developed as one parcel, one property, with structures crossing lot lines. Some of these structures are designated Significant and Landmark on [Park City's Historic Sites Inventory](#), requiring preservation. Today's LMC requires multiple lots under one parcel ownership to be combined into one lot for new development.

analysis, "parcel" means ownership of property and may include single Old Town lots, ownership of multiple lots, and ownership of lots and portions of adjacent lots.

⁷ LMC [§ 15-11-10\(D\)](#)

Due to anomalies within the historic surveys, like Block 24 of the Snyder's Addition that was later sold and developed as metes-and-bounds parcels over time, shown below, result in non-conforming lots that may not meet minimum lot size.



Additionally, some Historic Structures (and non-Historic Structures) were built over property lines and portions of properties were conveyed between neighbors to address encroachments but were not necessarily platted at the time of conveyance, resulting in unusual lot configurations. As far as staff research has found, the City did not begin to require plat amendments for construction over lot lines, historic or new, until 1994-95. If the Planning Commission pursues amendments to lot combinations, staff recommends flexibility be considered to address unique properties that have evolved over the decades. This flexibility will need to balance state legislation which increasingly makes plat amendments more administrative and less discretionary, as well as making it easier for property owners to do lot line adjustments and boundary line agreements with minimal city oversight.

In the fall of 2022, the Planning Commission conducted a series of work sessions to identify LMC amendments for 2023. On January 25, 2023, the Planning Commission reviewed the list of amendments for 2023 and prioritized Conventional Chain Business and Vibrancy Ordinances, Final Action, and Affordable Master Planned Developments ([Minutes](#), p. 37-38). On April 26, 2023, the Planning Commission requested to also prioritize lot combinations in Historic Districts ([Audio](#)).

The Planning team has been researching the background on the formation of current lot combination regulations and the General Plan recommendations, and compiling GIS data for lots in the Historic Districts regarding the number of vacant lots, adjoining vacant lots, and average lot sizes.

In response to the Planning Commission's April 26, 2023 request to prioritize lot combinations, the Planning team issued public notice of a *Pending Ordinance Establishing Maximum Lot Sizes for Lot Combinations in the Historic Districts* on May 10, 2023. As a result, lot combination applications submitted prior to the pending ordinance will continue to be processed under the established standards in the LMC and applications submitted after May 10, 2023 will be processed only to the extent they comply with the pending ordinance until new standards are adopted.

The Planning Commission conducted an initial public hearing on May 24, 2023. Additional public hearings are scheduled for July 26, 2023, and August 23, 2023.

The Pending Ordinance establishes a baseline for the Planning Commission discussions as follows, but may be modified throughout the six-month period:

- **Historic Residential Low – Density Zoning District**
 - Establish a maximum lot size of 5,623 square feet, or three Old Town lots, for Single-Family Dwelling (the only residential use allowed)
 - Exempt Historic Sites that exceed the maximum lot size
- **Historic Residential Medium Zoning District**
 - Establish maximum lot sizes for Single-Family, Duplex, Triplex, and Fourplex Dwellings and Planning Commission discretion to establish a maximum lot size during Conditional Use Permit review
 - Exempt Historic Sites that exceed the maximum lot size
- **Historic Residential – 1 and Historic Residential – 2 Zoning Districts**
 - Establish a maximum lot size of 3,750 square feet, or two Old Town lots, for Single-Family Dwellings and a maximum lot size of 7,500 square feet, or four Old Town lots, for Duplexes.
 - Exempt Historic Sites that exceed the maximum lot size

In addition to preparing information for Planning Commission consideration, the Planning team sent public notice of the pending ordinance to property owners within the Historic Residential Zoning Districts. Many community members, architects, and surveyors have reached out regarding potential amendments. As a result, staff met with community stakeholders, including property owners, architects, developers, and community members. Initial input submitted for consideration is summarized below:

- When evaluating maximum lot sizes, consider requirements for construction staging and impacts to neighborhoods
- Allow flexibility for unique features in Old Town, including:
 - Unusual lot configurations
 - Rights-of-Way that are not constructed as platted

- Parcels that reflect property ownership of existing structures and sites, but have not yet been platted
- Establish criteria for compatible infill that reflects Old Town’s historic residential character while allowing for modern living, including accommodations for service and delivery vehicles and larger living areas
- Mitigate impacts that may result from smaller lot size requirements, including increased vehicles in neighborhoods and pavement and parking on sites, snow shedding between properties, long-term maintenance of structures and impacts on adjacent properties, and landscaping and Wildland Urban Interface requirements
- Address existing Master Planned Development, subdivision and resulting non-conforming status of lots previously combined in excess of the proposed new regulations

On May 24, 2023, the Planning Commission conducted a public hearing and provided the following input to protect the Historic streetscape and scale:

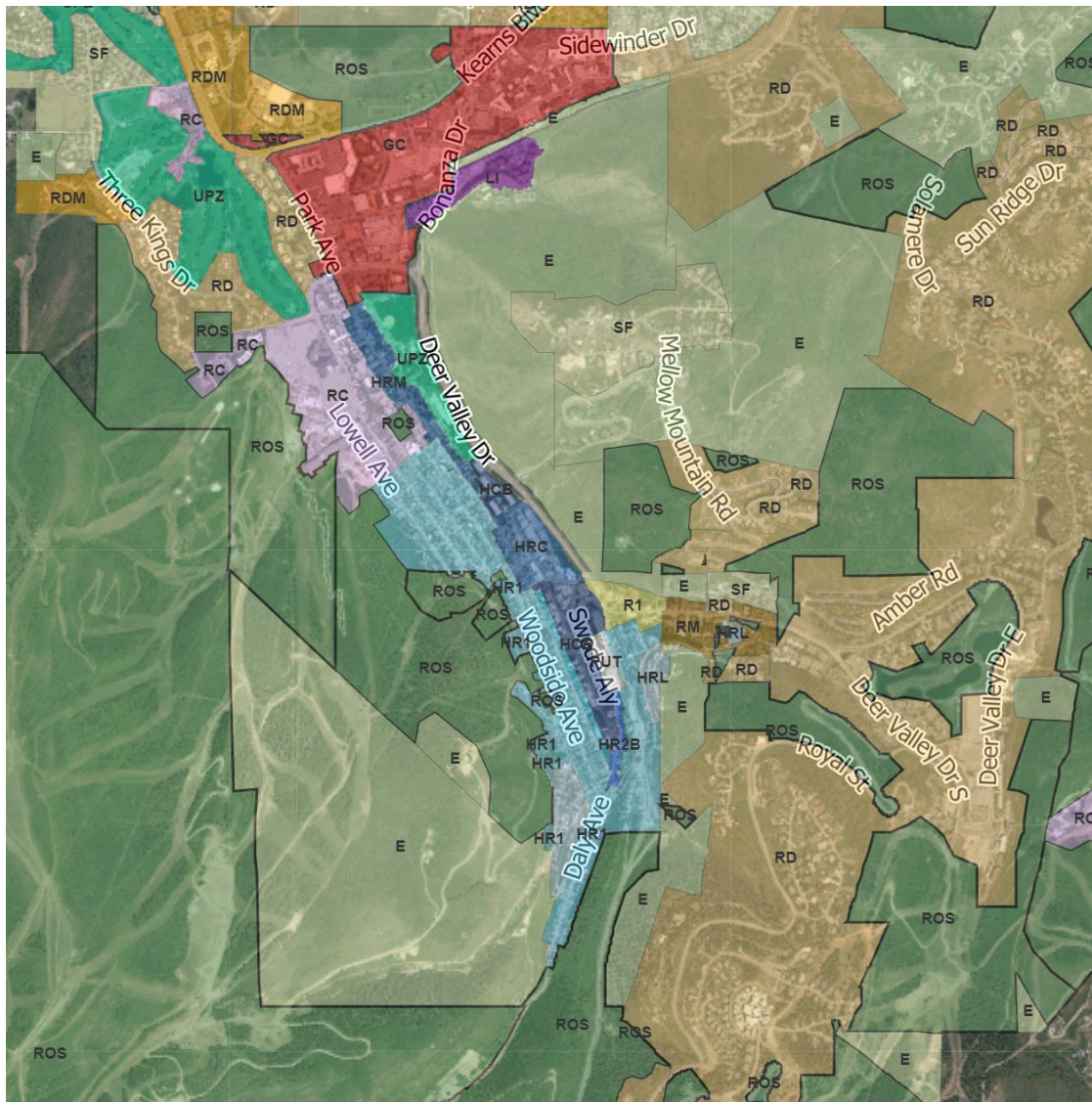
- Evaluate whether the Lot Combination regulations for Single-Family Dwellings should expand to the Recreation Commercial and other Zoning Districts.
- Consider opportunities to incentivize deed restricted Accessory Apartments with requirements for primary residency for larger lot combinations.
- Allow exceptions for unusual lot configurations and ensure remnant lots are addressed.
- Update the purpose sections of the Zoning Districts.
- Take steep slope development into consideration ([Staff Report](#); [Minutes](#), p. 24).

On July 26, 2023, the Planning Commission was scheduled to review the proposed amendments but continued the discussion to a later date due to a long meeting.

The input provided by the Planning Commission in the May 24 meeting is analyzed below:

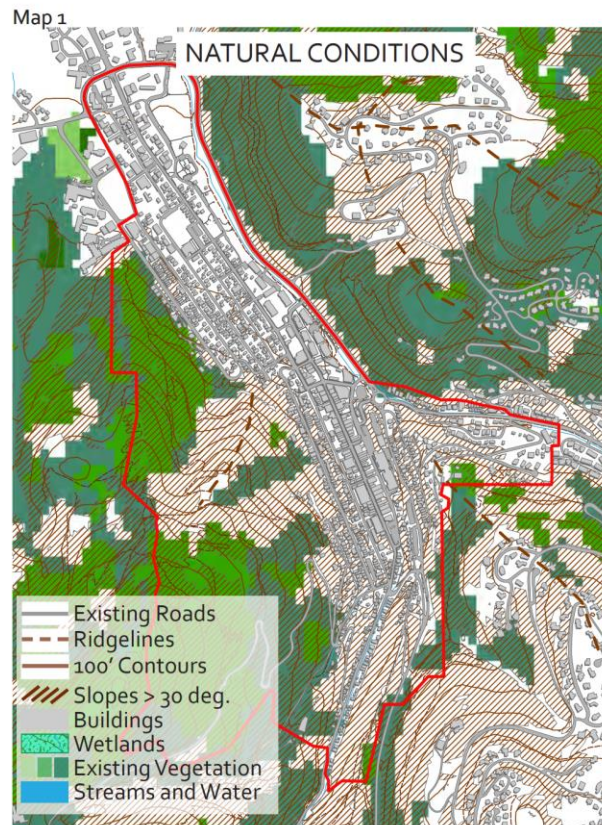
Evaluate whether the Lot Combination regulations for Single-Family Dwellings should expand to the Recreation Commercial and other Zoning Districts.

The City’s Historic Residential Zoning Districts are limited to HRL, HR-1, HR-2, and HRM, shown in the City’s Zoning Map in light blue below:



However, the Old Town neighborhood outlined in the General Plan encompasses portions of the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts:

OLD TOWN



The purpose of the Recreation Commercial Zoning District includes promotion of buildings with designs that reflect traditional Park City architectural patterns, character, and site designs and mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City.⁸ LMC [§ 15-2.16-5\(A\)](#) establishes a minimum lot size of 1,875 square feet for Single-Family Dwellings and 3,750 square feet for Duplexes in the Recreation Commercial Zoning District.

The purpose of the Residential – 1 Zoning District includes continuation of land uses and architectural scale and styles of the original Park City residential area and transition in use and scale between the Historic Districts and Deer Valley Resort.⁹ LMC [§ 15-2.12-3\(A\)](#) establishes a minimum lot size of 2,812 square feet (one and one-half Old Town lots) for a Single-Family Dwelling and 3,750 square feet for a Duplex in the Residential – 1 Zoning District.

The purpose of the Residential Medium Zoning District includes encouraging new development compatible with historic structures in the surrounding area that provides a

⁸ LMC [§ 15-2.16-1\(H\) and \(I\)](#)

⁹ LMC [§ 15-2.12-2\(A\) and \(E\)](#)

transition in use and scale between the Historic District and resort developments.¹⁰ LMC [§ 15-2.15-3\(A\)](#) establishes a minimum lot size of 2,812 square feet (one and one-half Old Town lots) for a Single-Family Dwelling and 3,750 square feet for a Duplex in the Residential Medium Zoning District.

Based on the Planning Commission's May 24, 2023 input, the updated draft ordinance establishes a maximum lot size for Single-Family Dwellings of 3,750 square feet, or two 25-foot by 75-foot Old Town lots, and 7,500 square feet for Duplexes in the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts. Public notice for the August 23, 2023 public hearing will now be sent to property owners within the Historic Residential Zoning Districts and the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts.

Consider opportunities to incentivize deed restricted affordable Accessory Apartments with requirements for primary residency for larger lot combinations.

The City Council requested the Planning Commission consider whether there is an opportunity to require a deed restricted affordable Accessory Apartment as part of the lot combination amendments. The affordable housing [Resolution No. 25-2020](#) outlines requirements for those occupying deed restricted affordable rental units, including full-time employment within the Park City School District, and an Area Median Income (AMI) of 80% or less. Deed restrictions recorded against the property require at least a six-month rental term and annual compliance verification.

Utah Code [Section 10-9a-535](#), effective May of 2022, establishes limitations on affordable housing requirements:

- (1) A municipality may only require the development of a certain number of moderate income housing units as a condition of approval of a land use application if:
 - (a) the municipality and the applicant enter into a written agreement regarding the number of moderate income housing units; or
 - (b) the municipality provides incentives for an applicant who agrees to include moderate income housing units . . .

LMC [§ 15-4-7](#) outlines the regulations for Accessory Apartments, a self-contained apartment with cooking, sleeping, and sanitary facilities, created by adding on to or within a detached Single-Family Dwelling or detached garage. Accessory Apartments may range from 280 to 1,000 square feet and may not exceed two bedrooms. One on-site parking space per Accessory Apartment bedroom is required.

The Planning Commission could consider amending the LMC to require Applicants proposing a lot combination for a Single-Family Dwelling that exceeds the maximum lot size within the Zoning District to include an Accessory Apartment within the property that meets a certain square footage, exempting the Accessory Apartment from the square footage maximum established by the Building Footprint formula, creating a bonus density.

¹⁰ LMC [§ 15-2.15-1\(B\) and \(D\)](#)

For example, the maximum Building Footprint for two Old Town lots is 1,519 square feet. The maximum Building Footprint for three Old Town lots is 2,050 square feet, an increase of 531 square feet. The Planning Commission could consider an allowance more than 1,519 square feet on the condition that any square footage exceeding 1,519 square feet be constructed as a deed restricted affordable Accessory Apartment, with limitations on the Accessory Apartment square footage.

Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents and Objective 7A is to increase diversity of housing stock to fill voids within housing inventory (including price, type, and size) to create a variety of context sensitive housing opportunities. Objective 7B is to focus efforts for diversity of primary housing stock within primary residential neighborhoods to maintain majority occupancy by full time residents within these neighborhoods.¹¹ The General Plan recommends maintaining a balance of residential and resort-oriented development in Old Town by including a mix of uses and balancing nightly rentals with primary housing stock.¹² Requiring Accessory Apartments for some lot combinations would establish primary housing opportunities within the Old Town neighborhood.

Additionally, Goal 8 of the General Plan is to increase affordable housing opportunities and services for the workforce of Park City, Objective 8A is to provide increased housing opportunities that are affordable to a wide range of income levels within all Park City neighborhoods, and Objective 8B is to increase rental housing opportunities for seasonal workers in close proximity to resorts and mixed-use centers.¹³ There are limited affordable units in the Old Town neighborhood, and requiring a deed restricted affordable Accessory Apartment for some lot combinations could increase affordable units close to Park City Mountain Resort and the City's Historic Commercial Zoning Districts.

Allow exceptions for unusual lot configurations and ensure remnant lots are addressed.

The proposed amendments exempt Significant and Landmark Historic Sites from the maximum lot area. Additional considerations need to be given for existing Master Planned Development, subdivisions, plat amendments, and resulting non-conforming status of lots previously combined in excess of the proposed new regulations.

Update the purpose sections of the Zoning Districts.

One purpose section within the LMC addresses lot combinations: the HR-1 Zoning District (LMC [§ 15-2.2-1\(D\)](#)), which states the purpose is to encourage single family development on combinations of 25-foot by 75-foot historic lots, and is removed in the draft ordinance.

¹¹ General Plan [Sense of Community](#), p. 4

¹² General Plan [Neighborhoods](#), p. 34

¹³ General Plan [Sense of Community](#), p. 8

Take steep slope development into consideration.

Since discussing lot combinations on May 24, 2023, the Planning Commission conducted a work session on steep slope standards and provided direction to staff on June 21, 2023 ([Staff Report](#); [Audio](#)).

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Exhibits

Exhibit A: Updated Draft Ordinance

Exhibit B: Public Input

DRAFT PENDING ORDINANCE

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE RESIDENTIAL MAXIMUM LOT SIZE FOR THE HISTORIC RESIDENTIAL LOW – DENSITY, HISTORIC RESIDENTIAL-1, HISTORIC RESIDENTIAL-2, HISTORIC RESIDENTIAL MEDIUM, RESIDENTIAL-1, RESIDENTIAL MEDIUM, AND RECREATION COMMERCIAL ZONING DISTRICTS

WHEREAS, Park City has over 400 registered historic sites, two National Historic Districts, and six Historic Zoning Districts;

WHEREAS, Goal 15 in the Park City General Plan is to “[p]reseve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations;”

WHEREAS, the General Plan states “[w]hile the uses within these districts may evolve over time, the built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872-1929);”

WHEREAS, Historically, lots in Park City’s Old Town were platted 25 feet in width and 75 feet in depth;

WHEREAS, to mitigate infill development on larger lots, the LMC establishes Maximum Building Footprint regulations in the Historic Residential – 1, Historic Residential – 2, and Historic Residential Low – Density Zoning Districts that proportionally reduce the building footprint as lot size increases;

WHEREAS, the Land Management Code establishes minimum lot sizes but does not establish maximum lot sizes for residential Historic Districts;

WHEREAS, the Land Management Code establishes the Recreation Commercial, Residential – 1, and Residential Medium Zoning Districts to transition use and scale between the Historic Districts and resort and town development;

WHEREAS, the Planning Commission requested Lot Combination land use regulations be prioritized for evaluation and updates;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the City's resort-based economy, and to protect or promote moderate income housing;

WHEREAS, on May 24, 2023, July 26, 2023, and August 23, 2023, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, on August 23, 2023 the Planning Commission forwarded a _____ recommendation for City Council's consideration;

WHEREAS, on _____ the City Council conducted a duly noticed public hearing;

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT

CODE TITLE 15. Municipal Code of Park City Title 15 Land Management Code

Sections 15-2.1-3 Historic Residential Low – Density Lot and Site Requirements and

15-2.1-4 Historic Residential Low – Density Existing Historic Buildings And/Or

Structures, 15-2.2-1 Historic Residential – 1 Purpose, 15-2.2-3 Historic Residential – 1

Lot and Site Requirements, 15-2.2-4 Historic Residential – 1 Existing Historic Buildings And/Or Structures, 15-2.3-3, Historic Residential – 2 Lot and Site Requirements, 15-2.3-4 Historic Residential – 2 Existing Historic Buildings And/Or Structures, 15-2.4-3 Historic Residential Medium Lot and Site Requirements, 15-2.4-4 Historic Residential Medium Existing Historic Buildings And/Or Structures, 15-2.12-3 Residential – 1 Lot and Site Requirements, 15-2.15-3 Residential Medium Lot and Site Requirements, and 15-2.16-5 Recreation Commercial Special Requirements for Single Family and Duplex Dwellings, as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS ____th day of _____ 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

15-2.1-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has 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 a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE**. The minimum Lot Area is 3,750 square feet. The maximum Lot Area for a Single-Family Dwelling is 5,625 square feet.

B. **LOT WIDTH (HRL DISTRICT)**. The minimum width of a Lot is thirty-five feet (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. **BUILDING ENVELOPE (HRL DISTRICT)**. The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(D).

D. **BUILDING PAD (HRL DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

a. Porches or decks, with or without roofs;

- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Historic Sites;
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of any Structure shall be located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per dwelling unit for garage floor area. A Conditional Use Permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A = Lot Area.

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

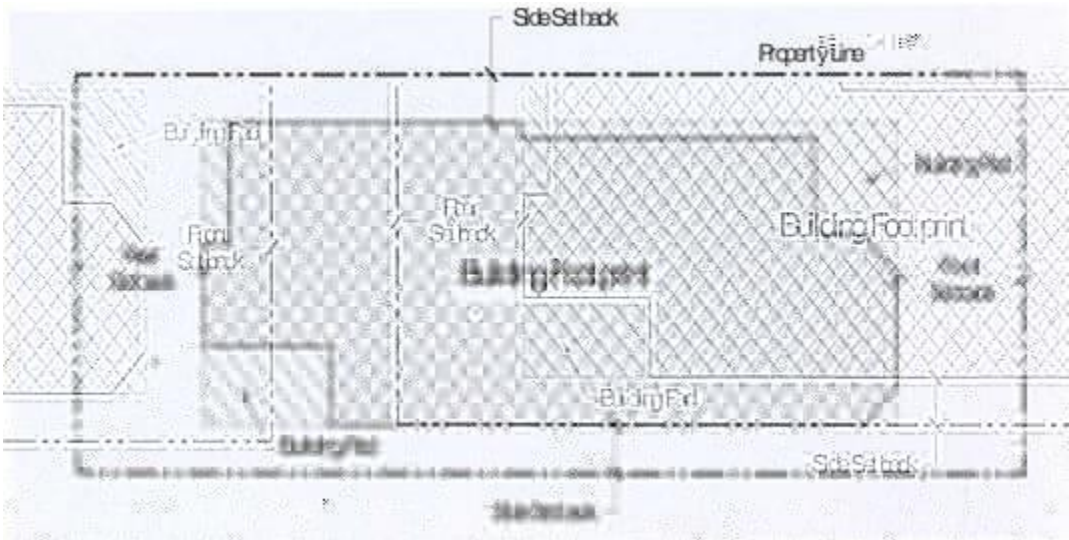
See the following Table 15-2.1. for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.1.

Lot Depth (ft.) **	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	37.5*	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500	Per Formula

* for existing 25' wide lots, Use HR-1 standards.

** for lots > 75' in depth use Footprint formula



60

61 F. **FRONT AND REAR SETBACKS**. Front and Rear Setbacks are as follows:

62 TABLE 15-2.1a

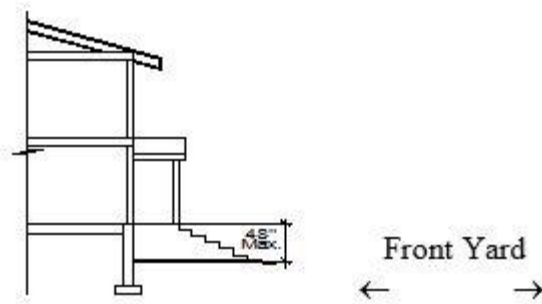
Lot Depth	Minimum Front/Rear Setback	Total of Setback
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

63

64 G. **FRONT SETBACK EXCEPTIONS**. The Front Setback must be open and free of
65 any Structure except:

- 66 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
67 as permitted in Section 15-4-2 Fences and Retaining Walls. On Corner
68 Lots, Fences more than three feet (3') in height are prohibited within
69 twenty-five feet (25') of the intersection, at back of curb.

2. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

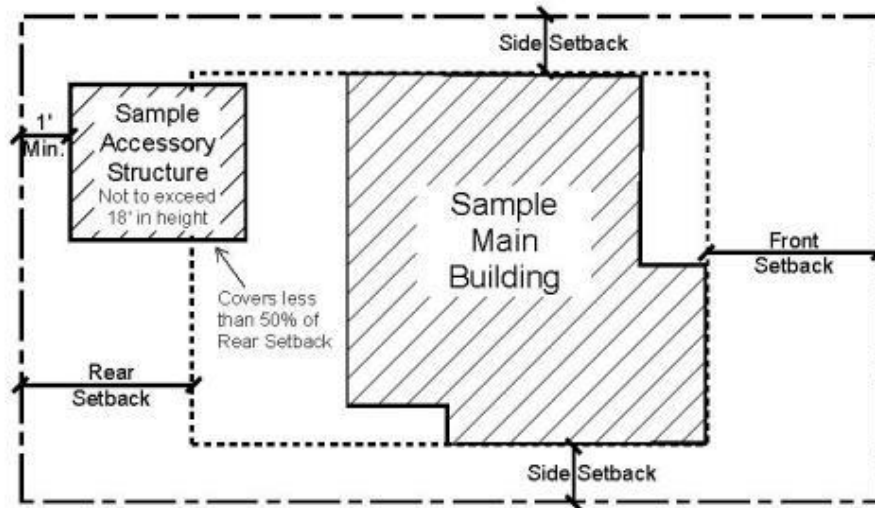


3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to either a garage or an approved Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

- 89 3. Window wells not exceeding the minimum International Residential Code
90 (IRC) or International Building Code (IBC) requirements for egress may
91 extend not more than four feet (4') into the Rear Setback. Should egress
92 requirements be met within the building pad, no Rear Setback exception is
93 permitted.
- 94 4. Roof overhangs or eaves projecting not more than two feet (2') into the
95 Rear Setback.
- 96 5. Window sills, belt courses, cornices, trim, exterior siding, or other
97 ornamental features projecting not more than six inches (6") beyond the
98 main Structure to which they are attached.
- 99 6. Detached Accessory Buildings not more than eighteen feet (18') in height,
100 and including any free-standing Solar Energy Systems, located a
101 minimum of five feet (5') behind the front facade of the Main Building, and
102 maintaining a minimum Rear Setback of one foot (1'). Such Structure must
103 not cover over fifty percent (50%) of the Rear Setback. See the following
104 illustration:



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7. A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.

8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.

9. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences and Retaining Walls.

10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.

11. Pathways or Steps connecting to a City staircase or pathway.

12. One (1) Shared Driveway leading to either a garage or an approved Parking Area. See Section 15-2.1-7 Parking Regulations for additional requirements.

I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.1b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setback
37.5*	3 ft. each side	6 ft.
50.0	5 ft. each side	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

* for existing 25' wide lots, Use HR-1 standards.

On Corner Lots, the minimum Side Setback that faces a side Street or a platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

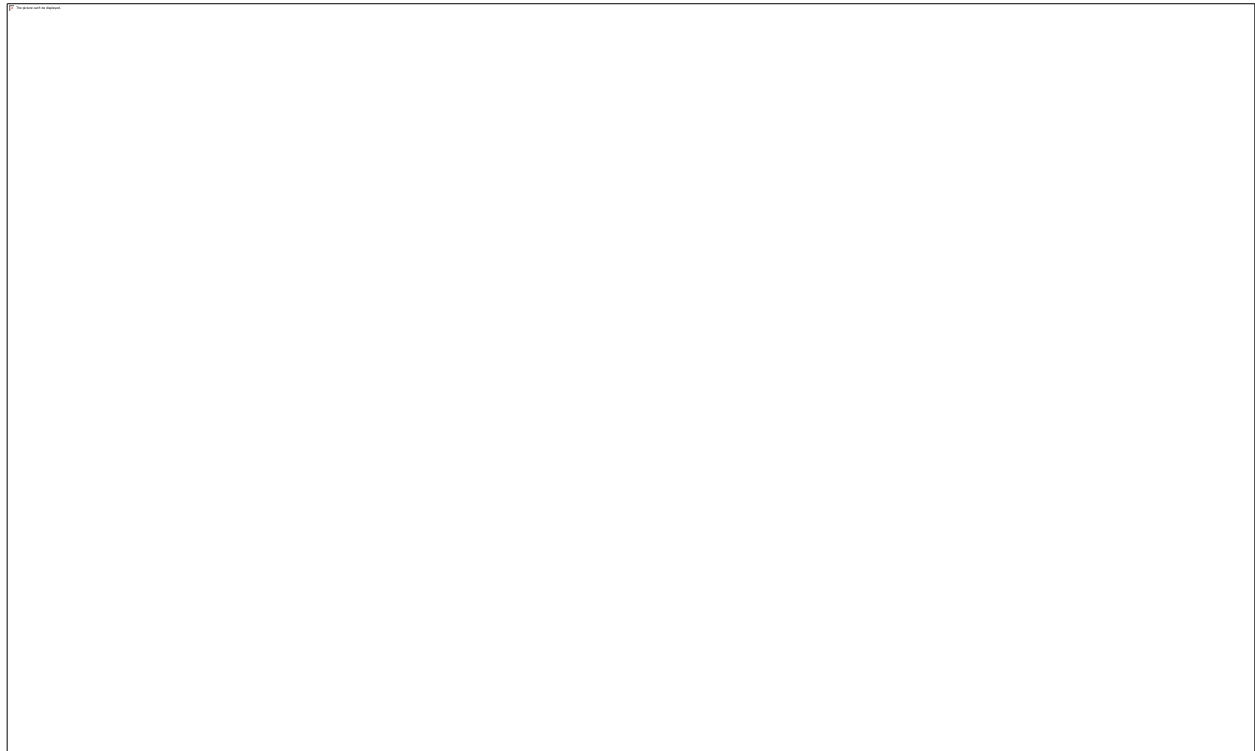
J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Side Setback.

- 132 2. Chimneys not more than five feet (5') wide and projecting not more than
133 two feet (2') into the Side Setback.
- 134 3. Window wells not exceeding the minimum International Residential Code
135 (IRC) or International Building Code (IBC) requirements for egress may
136 extend not more than four feet (4') into the Side Setback. Only permitted
137 on Lots with a minimum required Side Setback of five feet (5') or greater.
138 Should egress requirements be met within the building pad, this Side
139 Setback exception is not permitted.
- 140 4. Roof overhangs or eaves projecting not more than two feet (2') into the
141 Side Setback on Lots with a minimum required Side Setback of five feet
142 (5') or greater. A one foot (1') eave overhang is permitted on Lots with a
143 Side Setback less than five feet (5').
- 144 5. Window sills, belt courses, trim, exterior siding, cornices, or other
145 ornamental features projecting not more than six inches (6") beyond the
146 main Structure to which they are attached.
- 147 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
148 inches (30") in height from Final Grade, not including any required
149 handrail.
- 150 7. Fences, walls or retaining walls, as permitted in Section 15-4-2 Fences
151 and Retaining Walls.
- 152 8. One (1) private or Shared Driveway leading to a garage or an approved
153 Parking Area. See Section 15-2.1-7 Parking Regulations for additional
154 requirements.

9. Pathways or steps connecting to a City staircase or pathway.

10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

L. **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.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [2018-27](#) on 5/31/2018

Amended by Ord. [2018-43](#) on 7/19/2018

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2022-16](#) on 5/26/2022

15-2.1-4 Existing Historic Buildings And/or Structures

Significant and Landmark Historic Sites that exceed the maximum Lot Area, and

Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION**. In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Historic Sites, the Planning Commission may

grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2022-16](#) on 5/26/2022

15-2.2-1 Purpose

The purpose of the Historic Residential HR-I District is to:

- ~~A.~~ **A.** preserve present land Uses and character of the Historic residential Areas of Park City;
- ~~B.~~ **B.** encourage the preservation of Historic Buildings and/or Structures;
- ~~C.~~ **C.** encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;

~~D. [encourage single family Development on combinations of 25' x 75' Historic Lots;]~~

~~E. D.~~ define Development parameters that are consistent with the General Plan policies for the Historic core; and

~~F. E.~~ establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [09-14](#) on 4/9/2009

Amended by Ord. [2020-42](#) on 9/17/2020

15-2.2-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has 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 a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and the maximum Lot Area is 3,570 square feet. The minimum Lot Area is [and] 3,750 square feet for a Duplex and the maximum Lot Area is 7,500 square feet. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may

be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed.

B. LOT WIDTH.

The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. BUILDING ENVELOPE (HR-1 DISTRICT). The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3.

D. BUILDING PAD (HR-1 DISTRICT). The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

- a. Porches or decks with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Historic Sites;
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

282 See the following Table 15-2.2 for a schedule equivalent of this formula for
 283 common Lot Sizes.

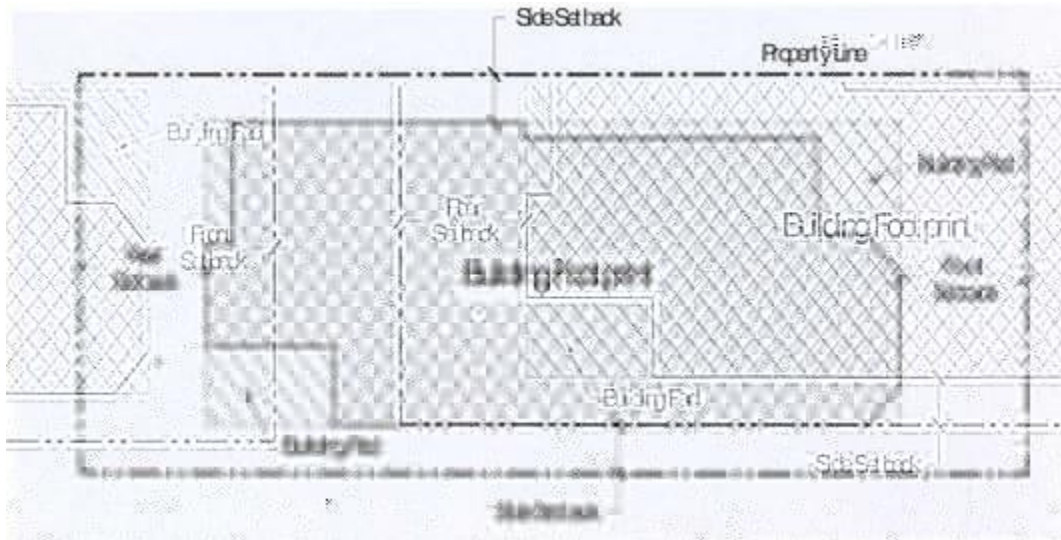
284 TABLE 15-2.2

Lot Depth (ft.)	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	25.0	1,875	844
75 ft.	37.5	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 75 ft.	Per Formula

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286 * For Lots > 75' in depth use footprint formula.

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289 F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

290 TABLE 15-2.2a

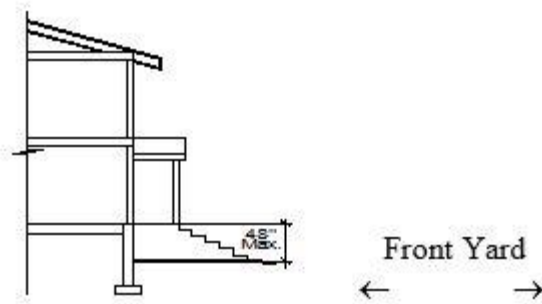
Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

291

292 G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of
 293 any Structure except:

- 294 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
 295 as permitted in Section 15-4-2, Fences and Retaining Walls. On Corner
 296 Lots, Fences more than three feet (3') in height are prohibited within
 297 twenty-five feet (25') of the intersection, at back of curb.

2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



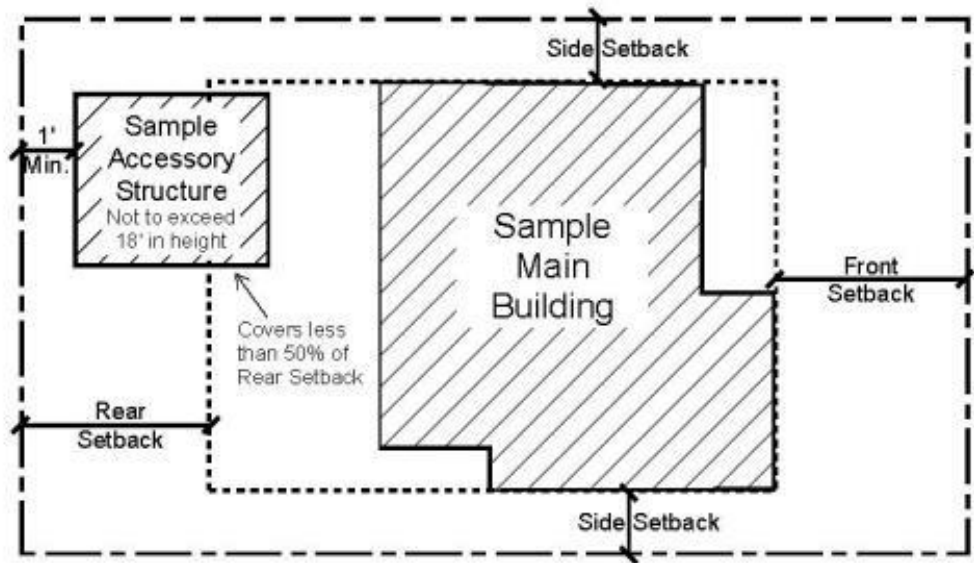
3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

- 317 3. Window wells not exceeding the minimum International Residential Code
318 (IRC) or International Building Code (IBC) requirements for egress may
319 extend not more than four feet (4') into the Rear Setback. Should egress
320 requirements be met within the building pad, no Rear Setback exception is
321 permitted.
- 322 4. Roof overhangs or eaves projecting not more than two feet (2') into the
323 Rear Setback.
- 324 5. Window sills, belt courses, cornices, trim, exterior siding, or other
325 ornamental features projecting not more than six inches (6") beyond the
326 main Structure to which they are attached.
- 327 6. Detached Accessory Buildings, not more than eighteen feet (18') in height,
328 and including any free-standing Solar Energy Systems, located a
329 minimum of five feet (5') behind the front facade of the Main Building, and
330 maintaining a minimum Rear Setback of one foot (1'). Such Structure must
331 not cover over fifty percent (50%) of the Rear Setback. See the following

332 illustration:



- 333
- 334 7. A Hard-Surfaced Parking Area subject to the same location requirements
- 335 as a Detached Accessory Building.
- 336 8. Mechanical equipment (which must be screened), hot tubs, or similar
- 337 Structures located at least three feet (3') from the Rear Lot Line.
- 338 9. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences
- 339 and Retaining Walls.
- 340 10. Patios, decks, pathways, steps, or similar Structures not more than thirty
- 341 inches (30") above Final Grade, not including any required handrail, and
- 342 located at least one foot (1') from the Rear Lot Line.
- 343 11. Pathways or steps connecting to a City staircase or pathway.
- 344 12. One (1) Shared Driveway leading to a garage or approved Parking Area.
- 345 See Section 15-2.2-8 Parking Regulations for additional requirements.

I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.2b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setbacks
25.0	3 ft. each	6 ft.
37.5	3 ft. each	6 ft.
50.0	5 ft. each	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief

Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

Side Setback exceptions continue to apply.

b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.

Should egress requirements be met within the building pad, no Side Setback exception is permitted.

4. Roof overhangs or eaves projecting not more than two feet (2') into the Side Setback on Lots with a minimum required Side Setback of five feet (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots with a Side Setback of less than five feet (5').
5. Window sills, belt courses, trim, cornices, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.
6. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") in height above Final Grade, not including any required handrails.
7. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences and Retaining Walls.
8. One (1) private or Shared Driveway leading to a garage or approved Parking Area. See Section 15-2.2-8 Parking Regulations for additional requirements.
9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following

404 illustration:



405

406 11. Mechanical equipment (which must be screened), hot tubs, or similar

407 Structures located at least three feet (3') from the Side Lot Line.

408 K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release
409 issues to the satisfaction of the Chief Building Official.

410 L. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
411 (2') in height above road Grade shall be placed on any Corner Lot within the Site
412 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
413 enough to permit automobile drivers an unobstructed view. This provision must
414 not require changes in the Natural Grade on the Site.

415 HISTORY

416 *Adopted by Ord. [00-15](#) on 3/2/2000*

417 *Amended by Ord. [06-56](#) on 7/27/2006*

418 Amended by Ord. [09-10](#) on 3/5/2009
419 Amended by Ord. [15-35](#) on 10/12/2015
420 Amended by Ord. [2016-44](#) on 9/15/2016
421 Amended by Ord. [2018-27](#) on 5/31/2018
422 Amended by Ord. [2018-43](#) on 7/19/2018
423 Amended by Ord. [2019-07](#) on 1/29/2019
424 Amended by Ord. [2020-42](#) on 9/17/2020
425 Amended by Ord. [2022-16](#) on 5/26/2022

426 **15-2.2-4 Existing Historic Buildings And/or Structures**

427 Significant and Landmark Historic Sites that exceed the maximum Lot Area, and
428 Historic Buildings and/or Structures that do not comply with Building Footprint, Building
429 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid
430 Non-Complying Structures. Additions must comply with Building Setbacks, Building
431 Footprint, driveway location standards and Building Height. Additions to Historic
432 Buildings and/or Structures are exempt from Off-Street parking requirements provided
433 the addition does not create a Lockout Unit or Accessory Apartment. All Conditional
434 Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with
435 parking requirements of Chapter 15-3.

436 A. **EXCEPTION**. In order to achieve new construction consistent with the Design
437 Guidelines for Historic Districts and Historic Sites, the Planning Commission may
438 grant an exception to the Building Setback and driveway location standards for
439 additions to Historic Buildings and/or Structures, including detached Garages:

440

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [07-25](#) on 4/19/2007

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2020-42](#) on 9/17/2020

Amended by Ord. [2022-16](#) on 5/26/2022

15-2.3-3 Lot And Site Requirements

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

All Development activity must comply with the following minimum Lot and Site requirements:

- A. **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and the maximum Lot Area is 3,570 square feet. The minimum Lot Area is [and] 3,750 square feet for a Duplex Dwelling and the maximum Lot Area is 7,500 square feet. For properties platted as lots within the historic Park City Survey and originally platted as 25 feet wide by 75 feet deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed. The Minimum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use or Master Planned Development review process.
- B. **LOT WIDTH.** The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.
- C. **BUILDING ENVELOPE (HR-2 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building Envelope within which all Development must occur with exceptions as allowed in Section 15-2.3-4.
- D. **BUILDING PAD (HR-2 DISTRICT).** The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.
1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any Structure except:

- a. Porches or decks, with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the Design Guidelines for Historic Districts and Historic Sites; and
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HR-2 DISTRICT).**

1. The maximum Building Footprint for any Structure located on a Lot, or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet per

Dwelling Unit for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

- See Section 15-6-5 for maximum allowed Building footprint for Master Planned Developments within the HR-2 District.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

See the following Table 15-2.3 for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.3.

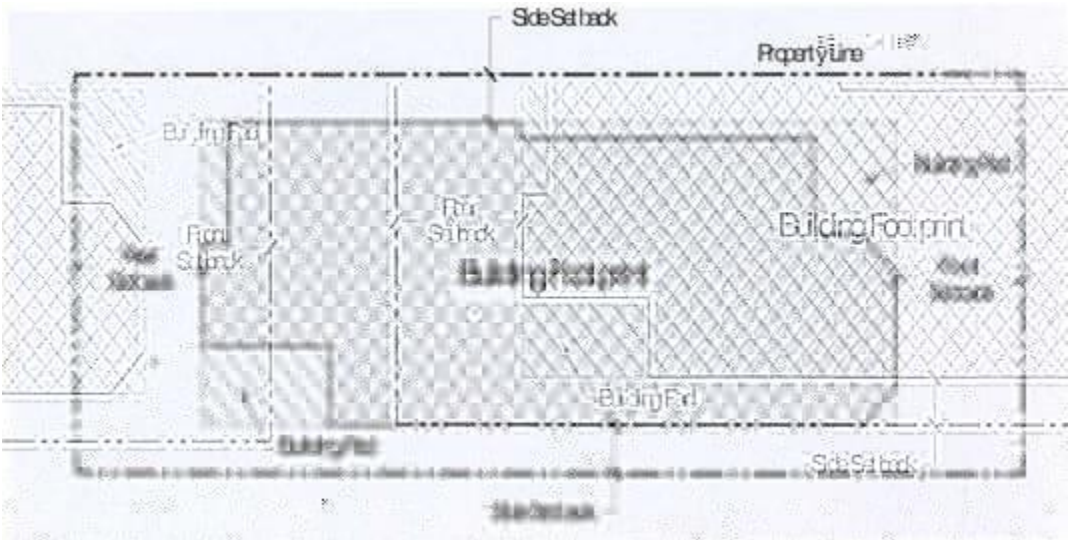
*For Lots > 75' in depth use footprint formula.

Lot Depth (ft.)*	Lot Width (ft.)	Lot Area Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	1,875	844
75 ft.	37.5	2,813	1,201
75 ft.	50.0	3,750	1,519

75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,270
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500 ft.	Per formula

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528



529

530

TABLE 15-2.3.a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.
From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

531

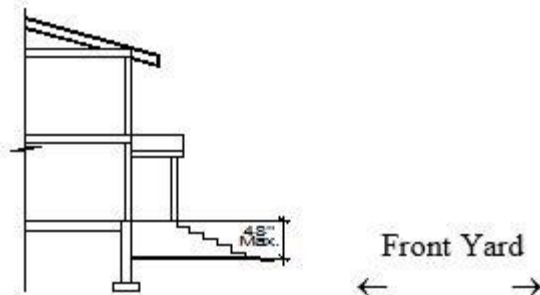
F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

TABLE 15-2.3a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height or as permitted in Section 15-4-2, Fences and Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at the back of curb.
2. Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.

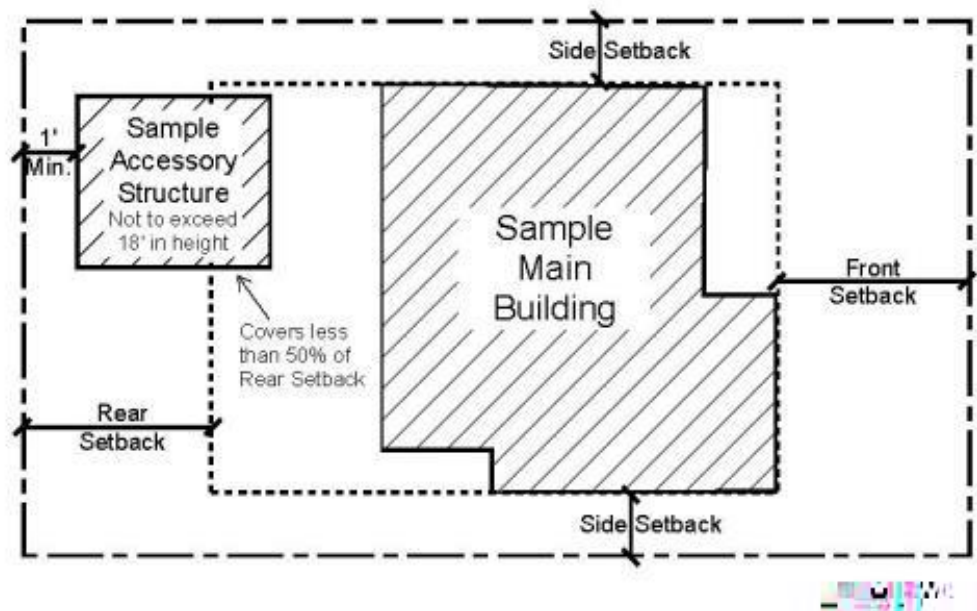


3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.
7. Single car detached Garages approved as part of a Master Planned Development in Subzone A.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no rear Setback exception is permitted.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback.

- 569 5. Window sills, belt courses, cornices, trim, exterior siding, or other
570 ornamental features projecting not more than six inches (6") beyond the
571 main Structure to which they are attached.
- 572 6. Detached Accessory Buildings not more than eighteen feet (18') in height,
573 and including any free-standing Solar Energy Systems, located a
574 minimum of five feet (5') behind the front facade of the Main Building, and
575 maintaining a minimum Rear Setback of one foot (1'). Such Structure must
576 not cover over fifty percent (50%) of the Rear Setback. See the following
577 illustration:



- 578
- 579 7. A Hard-Surfaced Parking Area subject to the same location requirements
580 as a detached Accessory Building.
- 581 8. Mechanical equipment (which must be screened), hot tubs, or similar
582 Structures located at least three feet (3') from the Rear Lot Line.

9. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences and Retaining Walls.

10. Patios, decks, steps, pathways, or similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.

11. Pathways or steps connecting to a City staircase or pathway.

12. One (1) Shared Driveway leading to a garage or approved Parking Area.

See Section 15-2.3-12 Parking Regulations for additional requirements.

I. **SIDE SETBACKS**. The Side Setbacks are as follows:

TABLE 15-2.3b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setbacks
25.0	3 ft. each	6 ft.
37.5	3 ft. each	6 ft.
50.0	5 ft. each	10 ft.
62.5	5 ft.	14 ft.
75.0	5 ft.	18 ft.
87.5	10 ft.	24 ft.
100.0	10 ft.	24 ft.
Greater than 100.0	10 ft.	30 ft.

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along

the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

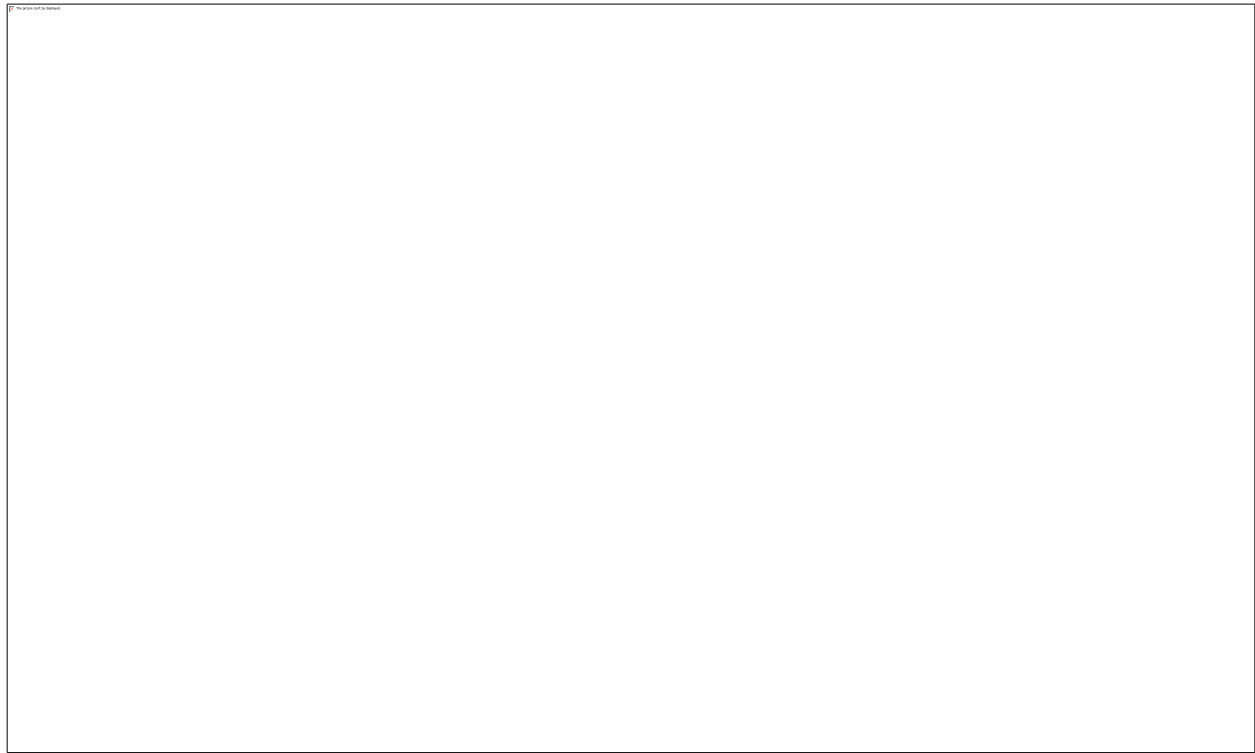
a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS**. The Side Setback must be open and free of any Structure except:

- 617 1. Bay Windows not more than ten feet (10') wide, and projecting not more
618 than two feet (2') into the Side Setback. Only permitted on Lots with a
619 minimum required Side Setback of five feet (5') or greater.
- 620 2. Chimneys not more than five feet (5') wide and projecting not more than
621 two feet (2') into the Side Setback. Only permitted on Lots with a minimum
622 required Side Setback of five feet (5') or greater.
- 623 3. Window wells not exceeding the minimum International Residential Code
624 (IRC) or International Building Code (IBC) requirements for egress may
625 extend not more than four feet (4') into the Side Setback. Only permitted
626 on Lots with a minimum required Side Setback of five feet (5') or greater.
627 Should egress requirements be met within the building pad, no Rear
628 Setback exception is permitted.
- 629 4. Roof overhangs or eaves projecting not more than two feet (2') into the
630 Side Setback on Lots with a minimum required Side Setback of five feet
631 (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots
632 with a Side Setback of less than five feet (5').
- 633 5. Window sills, belt courses, trim, cornices, exterior siding, or other
634 ornamental features projecting not more than six inches (6") beyond the
635 main Structure to which they are attached.
- 636 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
637 inches (30") in height from Final Grade, not including any required
638 handrail.

- 639 7. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences
640 and Retaining Walls.
- 641 8. One (1) private or Shared Driveway leading to a garage or approved
642 Parking Area. See Section 15-2.3-12 Parking Regulations for additional
643 requirements.
- 644 9. Pathway or steps connecting to a City staircase or pathway.
- 645 10. Detached Accessory Buildings, not more than eighteen feet (18') in height,
646 including any free-standing Solar Energy Systems, located a minimum of
647 five feet (5') behind the front facade of the Main Building, maintaining a
648 minimum Side Setback of three feet (3'). See the following illustration:



- 649
- 650 11. Mechanical equipment (which must be screened), hot tubs, or similar
651 Structures located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

L. **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.

M. **MASTER PLANNED DEVELOPMENTS**. The Planning Commission may increase or decrease Setbacks in Master Planned Developments in accordance with Section 15-6-5; however the above Grade spacing between houses shall be consistent with the spacing that would result from required Setbacks of the Zone and shall be Compatible with the Historic character of the surrounding residential neighborhood. The Planning Commission may increase or decrease Maximum Building Footprint in Master Planned Developments in accordance with Section 15-6-5.

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [10-14](#) on 4/15/2010

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2018-27](#) on 5/31/2018

675 Amended by Ord. [2018-43](#) on 7/19/2018

676 Amended by Ord. [2019-07](#) on 1/29/2019

677 Amended by Ord. [2020-42](#) on 9/17/2020

678 **15-2.3-4 Existing Historic Buildings And/or Structures**

679 **Significant and Landmark Historic Sites that exceed the maximum Lot Area, and**

680 Historic Buildings and/or Structures that do not comply with Building Footprint, Building
681 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid
682 Non-Complying Structures. Additions must comply with Building Setbacks, Building
683 Footprint, driveway location standards and Building Height. Additions to Historic
684 Building and/or Structures are exempt from Off-Street parking requirements provided
685 the addition does not create a Lockout Unit or Accessory Apartment. All Conditional
686 Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with
687 parking requirements of Chapter 15-3.

688 A. **EXCEPTION.** In order to achieve new construction consistent with the Design
689 Guidelines for Historic Districts and Historic Sites, the Planning Commission may
690 grant an exception to the Building Setbacks and driveway location standards for
691 additions to Historic Buildings and/or Structures, including detached single car
692 Garages:

- 693 1. Upon approval of a Conditional Use permit, and
- 694 2. When the scale of the addition, and/or driveway is Compatible with the
695 Historic Building and/or Structure, and
- 696 3. When the addition complies with all other provisions of this Chapter, and

- 697 4. When the addition complies with the adopted Building and Fire Codes;
698 and
699 5. When the addition complies with the Design Guidelines for Historic
700 Districts and Sites.

701 HISTORY

702 *Adopted by Ord. [00-51](#) on 9/21/2000*

703 *Amended by Ord. [2016-44](#) on 9/15/2016*

704 *Amended by Ord. [2020-42](#) on 9/17/2020*

705 **15-2.4-3 Lot And Site Requirements**

706 Except as may otherwise be provided in this Code, no Building permit shall be issued
707 for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a
708 private or Public Street shown on the Streets Master Plan or on a private easement
709 connecting the Lot to a Street shown on the Streets Master Plan.

710

711 All Development activity must comply with the following minimum Lot and Site
712 requirements:

713 A. **LOT SIZE**. Minimum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	1,875 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

714

Maximum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	3,750 sq. ft.
Duplex Dwelling	7,500 sq. ft.
Triplex Dwelling	11,250 sq. ft.
Four-plex Dwelling	15,000 sq. ft.

B. **LOT AREA.** Minimum and maximum Lot Area for all other Uses shall be determined by the Planning Commission during the Conditional Use review.

Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. All Setback, height, parking, Open Space, and architectural requirements must be met. See Section 15-2.4-3, Conditional Use Permit Review.

C. **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') from the Front Lot Line. Existing platted Lots of record, with a minimum width of at least twenty five feet (25'), are considered legal Lots in terms of Lot Width. In the case of unusual Lot configurations, Lot Width measures shall be determined by the Planning Director.

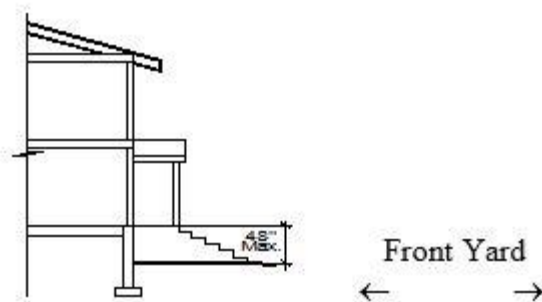
D. **FRONT SETBACK.**

1. The minimum Front Setback for Single-Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). If the Lot depth is seventy five feet (75') or less, then the minimum Front Setback is ten feet (10').

2. New Front Facing Garages for Single Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.
3. See Section 15-2.4-7 for special requirements for Triplexes and Multi-Unit Dwellings.

E. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of a Street or intersection.



3. Decks, porches, and Bay Windows, not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Setback.

5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or approved Parking Area. No portion of a Front Yard except for approved driveways and patios, allowed Parking Areas, and sidewalks may be Hard-Surfaced or graveled.

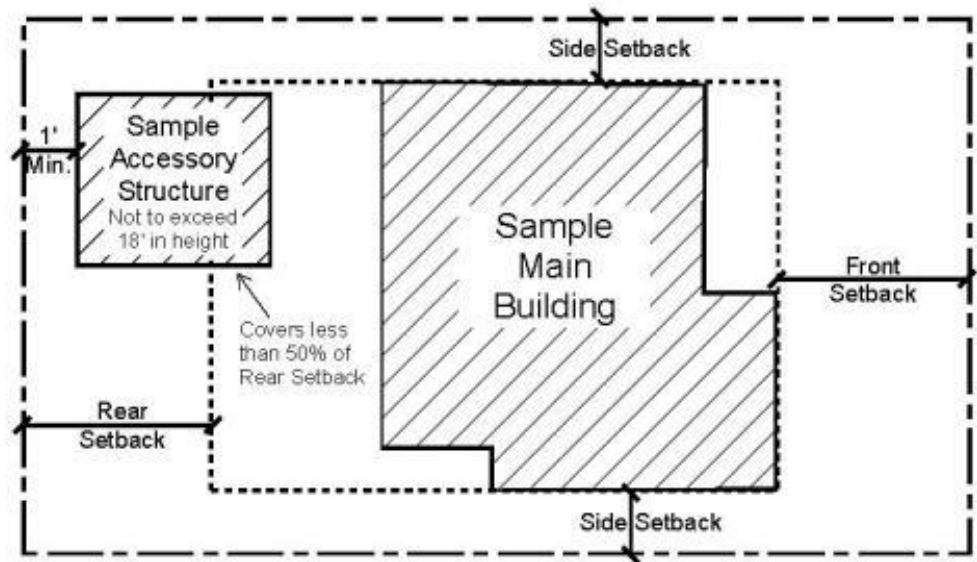
F. REAR SETBACK.

1. The minimum Rear Setback is ten feet (10') for all Main Buildings, and one foot (1') for detached Accessory Buildings.
2. See Section 15-2.4-7, Special Requirements for Multi-Unit Dwellings.

G. REAR SETBACK EXCEPTIONS. The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.

6. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front façade of the Main Building, and maintaining a minimum Rear Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



7. A Hard-Surfaced Parking Area subject to the same location requirements as a detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences, walls, and retaining walls not over six feet (6') in height, or as permitted in Section 15-4-2 Fences and Retaining Walls.

10. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.

11. One (1) Shared Driveway leading to a garage or approved parking Area. See Section 15-2.4-11 Parking Regulations for additional requirements.

H. **SIDE SETBACK.**

1. The minimum Side Setback for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').
2. The minimum Side Setback for Lots twenty-five feet (25') wide or less is three feet (3').
3. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is ten feet (10') for both Main and Accessory Buildings. A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
4. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

811 a. Exterior Side Setbacks shall be based on the required minimum
812 Side Setback for each Lot; however the Planning Commission may
813 consider increasing exterior Side Setbacks during Conditional Use
814 Permit review to mitigate potential impacts on adjacent Property.
815 Side Setback exceptions continue to apply.

816 b. The longest dimension of a Building joined at the Property Line may
817 not exceed one hundred feet (100').

818 5. See Section 15-2.4-7 special requirements for Multi-Unit Dwellings.

819 I. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any
820 Structure except:

821 1. Bay Windows not more than ten feet (10') wide and projecting not more
822 than two feet (2') into the Side Setback. Only permitted on Lots with a Side
823 Setback of at least five feet (5') or greater.

824 2. Chimneys not more than five feet (5') wide and projecting not more than
825 two feet (2') into the Side Setback. Only permitted on Lots with a Side
826 Setback of at least five feet (5') or greater.

827 3. Window wells not exceeding the minimum International Residential Code
828 (IRC) or International Building Code (IBC) requirements for egress may
829 extend not more than four feet (4') into the Side Setback. Only permitted
830 on Lots with a minimum required Side Setback of five feet(5') or greater.

831 Should egress requirements be met within the building pad, no Rear
832 Setback exception is permitted.

- 833 4. Roof overhangs and eaves projecting not more than two feet (2') into the
834 Side Setback. Only permitted on Lots with a Side Setback of at least five
835 feet (5') or greater.
- 836 5. Window sills, belt courses, cornices, trim, and other ornamental features
837 projecting not more than six inches (6") beyond the main Structure to
838 which they are attached.
- 839 6. Fences, walls and retaining walls as permitted in Section 15-4-2 Fences
840 and Retaining Walls.
- 841 7. Patios, decks, pathways, steps, and similar Structures not more than thirty
842 inches (30") in height above Final Grade, not including any required
843 handrail.
- 844 8. One (1) private or Shared Driveway leading to a garage or approved
845 Parking Area. See Section 15-2.4-11 Parking Regulations for additional
846 requirements.
- 847 9. Pathways and steps connecting to a City staircase or pathway.
- 848 10. Mechanical equipment (which must be screened), hot tubs, or similar
849 Structures located at least three feet (3') from the Side Lot Line.
- 850 11. Detached Accessory Buildings, not more than eighteen feet (18') in height,
851 and including any free-standing Solar Energy Systems, located at least
852 five feet (5') behind the front façade of the Main Building, maintaining a

853 minimum Side Setback of three feet (3'). See the following illustration:



- 854
- 855 J. **SNOW RELEASE**. Site plans and Building design must resolve snow release
- 856 issues to the satisfaction of the Chief Building Official.
- 857 K. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
- 858 (2') in height above road Grade shall be placed on any Corner Lot within the Site
- 859 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
- 860 enough to permit automobile drivers an unobstructed view. This provision must
- 861 not require changes in the Natural Grade on the Site.

862 HISTORY

- 863 *Adopted by Ord. [00-51](#) on 9/21/2000*
- 864 *Amended by Ord. [06-69](#) on 10/19/2006*
- 865 *Amended by Ord. [09-10](#) on 3/5/2009*
- 866 *Amended by Ord. [15-35](#) on 10/12/2015*

867 Amended by Ord. [2016-44](#) on 9/15/2016

868 Amended by Ord. [2018-27](#) on 5/31/2018

869 Amended by Ord. [2018-43](#) on 7/19/2018

870 Amended by Ord. [2020-42](#) on 9/17/2020

871 **15-2.4-4 Existing Historic Buildings And/or Structures**

872 Significant and Landmark Historic Sites that exceed the maximum Lot Area, and

873 Historic Buildings and/or Structures that do not comply with Building Footprint, Building
874 Height, Building Setbacks, Off-Street parking, and driveway location standards are valid
875 Non-Complying Structures. Additions to Historic Buildings and/or Structures are exempt
876 from Off-Street parking requirements provided the addition does not create a Lockout
877 Unit or an Accessory Apartment. Additions must comply with Building Setbacks,
878 Building Footprint, driveway location standards and Building Height.

879 A. **EXCEPTION.** In order to achieve new construction consistent with the Historic
880 District Design Guidelines, the Planning Commission may grant an exception to
881 the Building Setback and driveway location standards for additions to Historic
882 Buildings and/or Structures, including detached Garages:

- 883 1. Upon approval of a Conditional Use permit, and
- 884 2. When the scale of the addition and/or driveway is Compatible with the
885 Historic Building and/or Structure, and
- 886 3. When the addition complies with all other provisions of this Chapter, and
- 887 4. When the addition complies with the adopted Building and Fire Codes,
888 and

5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [06-69](#) on 10/19/2006

Amended by Ord. [13-42](#) on 10/17/2013

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2020-42](#) on 9/17/2020

15-2.12-3 Lot And Site Requirements

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

A. **LOT SIZE**. The minimum Lot Area for a Single-Family Dwelling is 2,812 square feet and the maximum Lot Area is 3,570 square feet. The minimum Lot Area for a Duplex Dwelling is 3,750 square feet and the maximum Lot Area is 7,500 square feet.~~;~~ and The minimum Lot Area for a Triplex Dwelling is 5,625 square feet and the maximum Lot Area is 11,250 square feet. The minimum width of a Lot must be thirty-seven and one-half feet (37.5') measured fifteen feet (15') back from Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director.

B. **FRONT SETBACK**.

1. The minimum Front Setback is fifteen feet (15').

- 912 2. New Front Facing Garages for Single Family and Duplex Dwellings must
913 be at least twenty feet (20') from the Front Property Line.
- 914 3. Parking Spaces are allowed within the required Front Yard, but not within
915 five feet (5') of Side Lot Lines.

916 C. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of
917 any Structure except:

- 918 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
919 as permitted in Section 15-4-2. On Corner Lots, Fences more than three
920 feet (3') in height are prohibited within twenty-five feet (25') of the
921 intersection at back of curb.
- 922 2. Uncovered steps leading to the Main Building provided the steps are not
923 more than four feet (4') in height from Final Grade, not including any
924 required handrails, and do not cause any danger or hazard to traffic by
925 obstructing the view of a Street or intersection.
- 926 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
927 projecting not more than five feet (5') into the Front Setback.
- 928 4. Roof overhangs, eaves, and cornices projecting not more than two feet
929 (2') into the Front Setback.
- 930 5. Sidewalks, patios, and pathways.
- 931 6. Driveways leading to a garage or Parking Area. No portion of a Front
932 Yard, except for approved driveways, allowed Parking Areas, patios, and
933 sidewalks may be Hard-Surfaced or graveled.

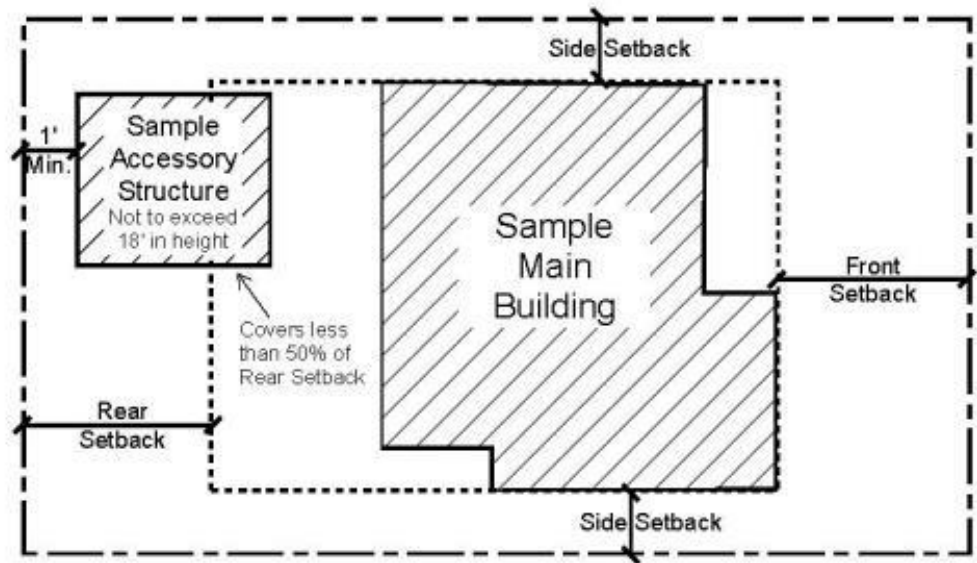
934 7. Circular driveways meeting all requirements stated in Section 15-3-4
935 herein.

936 D. **REAR SETBACK**. The minimum Rear Setback is ten feet (10').

937 E. **REAR SETBACK EXCEPTIONS**. The Rear Setback must be open and free of
938 any Structure except:

- 939 1. Bay Windows not more than ten feet (10') wide projecting not more than
940 two feet (2') into the Rear Setback.
- 941 2. Chimneys not more than five feet (5') wide projecting not more than two
942 feet (2') into the Setback.
- 943 3. Window wells and light wells projecting not more than four feet (4') into the
944 Rear Setback.
- 945 4. Roof overhangs and eaves projecting not more than two feet (2') into the
946 Rear Setback.
- 947 5. Window sills, belt courses, cornices, trim, and other ornamental features
948 projecting not more than six inches (6") beyond the window or Structure to
949 which it is attached.
- 950 6. Detached Accessory Buildings, not more than eighteen feet (18') in height,
951 located a minimum of five feet (5') behind the front façade of the Main
952 Building and maintaining a minimum Rear Setback of five feet (5'). Such
953 Structure must not cover over fifty percent (50%) of the Rear Setback. See

954 the following illustration:



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7. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

8. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps; however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹

9. Patios, decks, pathways, steps and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

968 F. **SIDE SETBACK.**

969 1. The minimum Side Setback is five feet (5').

970 2. A Side Setback between connected Structures is not required where
971 Structures are designed with a common wall on a Property Line, each
972 Structure is located on an individual Lot, the Lots are burdened with a
973 party wall agreement in a form approved by the City Attorney and Chief
974 Building Official, all applicable Building and Fire Code requirements are
975 met, and the Use is an Allowed or Conditional Use in the Zoning District.

976 a. Exterior Side Setbacks shall be based on the required minimum
977 Side Setback for each Lot; however the Planning Commission may
978 consider increasing exterior Side Setbacks during Conditional Use
979 Permit review to mitigate potential impacts on adjacent Property.
980 Side Setback exceptions continue to apply.

981 3. The minimum Side Setback for a Detached Accessory Building not greater
982 than eighteen feet (18') in height, located at least five feet (5') behind the
983 front facade of the Main Building is one foot (1'), except when an opening
984 is proposed on an exterior wall adjacent to the Property Line, at which
985 time the minimum Side Setback must be three feet (3'). See the following

986

illustration:



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4. On a Corner Lot, the Side Yard that faces a Street or platted Right-of-Way is considered a Front Yard, and a ten foot (10') Setback is required for both the Main and Accessory Buildings.

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G. **SIDE SETBACK EXCEPTIONS**. The Side Setback must be open and free of any Structure except:

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1. Bay Windows not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Setback.

994

995

2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Side Setback.

996

997

3. Window wells and light wells projecting not more than four feet (4') into the Side Setback.

998

- 999 4. Roof overhangs and eaves projecting not more than two feet (2') into the
1000 Side Setback.
- 1001 5. Window sills, belt courses, cornices, trim, and other ornamental features
1002 projecting not more than six inches (6") beyond the window or main
1003 Structure to which it is attached.
- 1004 6. Patios, decks, pathways, steps, and similar Structures not more than thirty
1005 inches (30") in height above Final Grade located at least a one foot (1')
1006 from the Side Lot Line.
- 1007 7. Fences, walls, and retaining walls not more than six feet (6') in height, or
1008 as permitted in Section 15-4-2. A retaining wall may have multiple steps,
1009 however, each exposed face cannot exceed six feet (6') in height and the
1010 horizontal distance between the walls, front face to rear face, must be at
1011 least three feet (3') and planted with approved vegetation. The Planning
1012 Director may approve minor deviations to the height and stepping
1013 requirements based on Site specific review.²
- 1014 8. Driveways leading to an approved garage or Parking Area, maintaining a
1015 three foot (3') landscaped Setback to the Side Lot Line. A paved turn out
1016 Area, to aid in backing a vehicle out of a garage or Parking Area, is
1017 allowed, but may not be used for parking and must maintain a one foot (1')
1018 landscaped Setback to the Side Lot Line.
- 1019 9. Paths and steps connecting to a City stairway or path.
- 1020 10. Screened mechanical equipment, hot tubs, and similar Structures located
1021 a minimum of five feet (5') from the Side Lot Line.

- 1022 H. **SNOW RELEASE**. Site plans and Building design must resolve snow release
1023 issues to the satisfaction of the Chief Building Official.
- 1024 I. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
1025 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
1026 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
1027 enough to permit automobile drivers an unobstructed view. This provision must
1028 not require changes in the Natural Grade on the Site.

1029 ¹Fences and walls greater than six feet (6') in height require an administrative
1030 Conditional Use permit.

1031 ²Fences and walls greater than six feet (6') in height require an administrative
1032 Conditional Use permit.

1033 HISTORY

1034 *Adopted by Ord. [00-51](#) on 9/21/2000*

1035 *Amended by Ord. [06-76](#) on 11/9/2006*

1036 *Amended by Ord. [2016-44](#) on 9/15/2016*

1037 *Amended by Ord. [2018-43](#) on 7/19/2018*

1038 **15-2.15-3 Lot And Site Requirements**

1039 Except as may otherwise be provided in this Code, no Building Permit shall be issued
1040 for a Lot unless such Lot has the Area, width, and depth required, and Frontage on a
1041 Street shown as a private or Public Street on the Streets Master Plan or on a private
1042 easement connecting the Lot to a Street shown on the Streets Master Plan.

1043 All Development must comply with the following:

- 1044 A. **LOT SIZE**. Minimum Lot Area for Residential Uses is as follows:

Single Family Dwelling	2,812 sq. ft.
Duplex Dwelling	3,750 sq. ft.
Triplex Dwelling	4,687 sq. ft.
Four-plex Dwelling	5,625 sq. ft.

1045

1046 Maximum Lot Areas for Residential Uses are as follows:

Single Family Dwelling	3,750 sq. ft.
Duplex Dwelling	7,500 sq. ft.
Triplex Dwelling	11,250 sq. ft.
Four-plex Dwelling	15,000 sq. ft.

1047

1048 B. Minimum Lot Area for all other Uses shall be determined by the Planning

1049 Commission during the Conditional Use review.

1050

1051 Developments consisting of more than four (4) Dwelling Units require a Lot Area

1052 at least equal to 5,625 square feet plus an additional 1,000 square feet per each

1053 additional Dwelling Unit over four (4) units. All Setback, height, parking, Open

1054 Space, and architectural requirements must be met. See Section 15-1-10,

1055 Conditional Use permit review.

C. **LOT WIDTH.** The minimum width of a Lot is 37.50 feet, measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot Width measurements shall be determined by the Planning Director. The Planning Commission may reduce the minimum Lot Width during review of a Master Planned Development.

D. **FRONT SETBACK.**

1. The minimum Front Setback for all Single Family, Duplex Dwellings, and Accessory Buildings is fifteen feet (15'). See 15-2.13-3(C)(3) for exception for Lots with a depth of seventy-five feet (75') or less.
2. New Front Facing Garages for Single-Family and Duplex Dwellings must be at least twenty feet (20') from the Front Lot Line.
3. The minimum Front Setback for Lots seventy-five feet (75') deep or less is ten feet (10').
4. See Section 15-2.15-4 for special requirements for Tri-Plex and Multi-Unit Dwellings.

E. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
2. Uncovered steps leading to the Main Building, provided, the steps are not more than four feet (4') in height from Final Grade, not including any

- 1079 required handrails, and do not cause any danger or hazard to traffic by
1080 obstructing the view of a Street or intersection.
- 1081 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
1082 projecting not more than five feet (5') into the Front Setback.
- 1083 4. Roof overhangs, eaves, and cornices projecting not more than three feet
1084 (3') into the Front Setback.
- 1085 5. Sidewalks, patios, and pathways.
- 1086 6. Driveways leading to a garage or approved Parking Area. No portion of a
1087 Front Yard, except for approved driveways, patios, allowed Parking Areas,
1088 and sidewalks, may be Hard-Surfaced or graveled.
- 1089 7. Circular driveways meeting all requirements stated in Section 15-3-4
1090 herein.

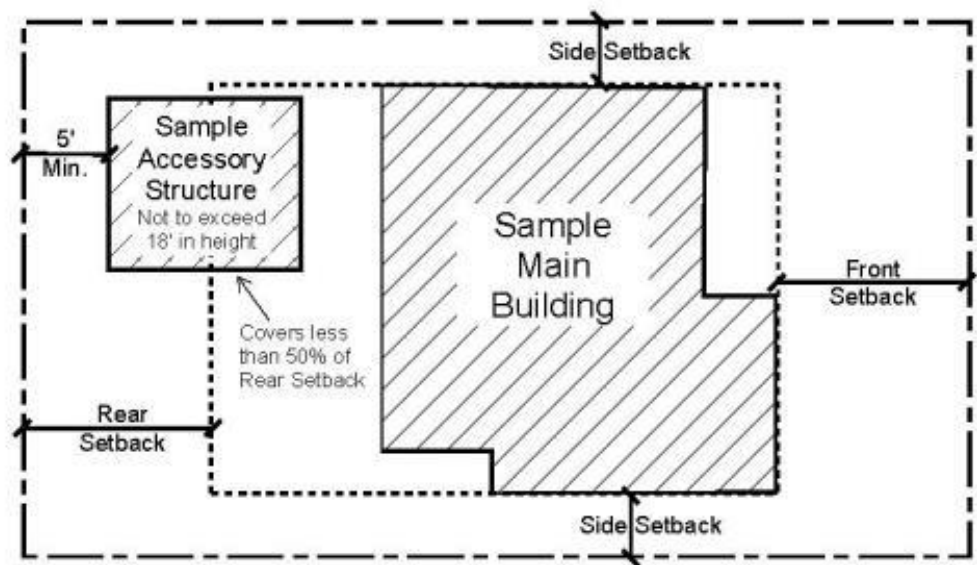
1091 F. **REAR SETBACK.**

- 1092 1. The minimum Rear Setback for Single Family and Duplex Dwellings is ten
1093 feet (10').
- 1094 2. See Section 15-2.15-4 special requirements for Multi-Unit Dwellings.

1095 G. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of
1096 any Structure except:

- 1097 1. Bay Windows not more than ten feet (10') wide projecting not more than
1098 two feet (2') into the Rear Setback.
- 1099 2. Chimneys not more than five feet (5') wide projecting not more than two
1100 feet (2') into the Rear Setback.

3. Window wells and light wells projecting not more than four feet (4') into the Rear Setback.
4. Roof overhangs and eaves projecting not more than three feet (3') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Setback of five feet (5'). Such Structures must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.¹

10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

H. **SIDE SETBACK.**

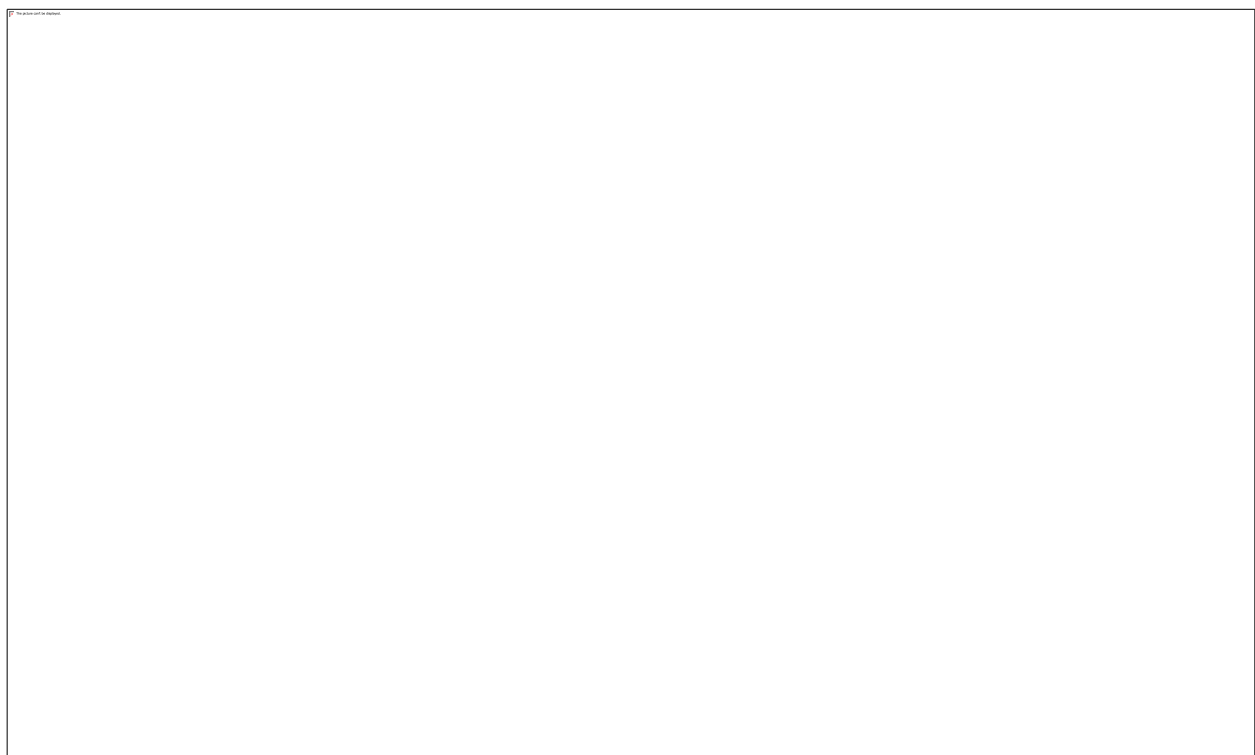
1. The minimum Side Setback for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may

1138 consider increasing exterior Side Setbacks during Conditional Use
1139 Permit review to mitigate potential impacts on adjacent Property.
1140 Side Setback exceptions continue to apply.

1141 3. The minimum Side Setback for a detached Accessory Building not greater
1142 than eighteen feet (18') in height, located at least five feet (5') behind the
1143 front facade of the Main Building is three feet (3'). See the following
1144 illustration:



1145
1146 4. On Corner Lots, the Side Yard that faces a Street or platted Right-of-Way
1147 is considered a Front Yard, and the minimum Setback is ten feet (10') for
1148 both Main and Accessory Buildings.

1149 5. See Section 15-2.15-4 Special Requirements for Multi-Unit Dwellings.

1150 I. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any
1151 Structure except:

- 1152 1. Bay windows not more than ten feet (10') wide projecting not more than
1153 two feet (2') into the Side Setback.
- 1154 2. Chimneys not more than five feet (5') wide projecting not more than two
1155 feet (2') into the Side Setback.
- 1156 3. Window wells and light wells projecting not more than four feet (4') into the
1157 Side Setback.
- 1158 4. Roof overhangs and eaves projecting not more than three feet (3') into the
1159 Side Setback.
- 1160 5. Window sills, belt courses, cornices, trim, and other ornamental features
1161 projecting not more than six inches (6") beyond the window or main
1162 Structure to which it is attached.
- 1163 6. Patios, decks, pathways, steps, and similar Structures not more than thirty
1164 inches (30") in height above Final Grade, provided there is at least a one
1165 foot (1') Setback to the Side Lot Line.
- 1166 7. Fences, walls, and retaining walls not more than six feet (6') in height, or
1167 as permitted in Section 15-4-2. Retaining walls may have multiple steps,
1168 however each exposed face cannot exceed six feet (6') in height and the
1169 horizontal distance between the walls, front face to rear face, must be at
1170 least three feet (3') and planted with approved vegetation. The Planning
1171 Director may approve minor deviations to the height and stepping
1172 requirements based on Site specific review.¹
- 1173 8. Driveways leading to an approved garage or Parking Area maintaining a
1174 three foot (3') landscaped Setback to the Side Lot Line.

1175 9. Paths, patios, and steps connecting to a City stairway or path.
1176 10. Screened mechanical equipment, hot tubs, and similar Structures located
1177 a minimum of five feet (5') from the Side Lot Line.

1178 J. **SNOW RELEASE**. Site plans and Building design must resolve snow release
1179 issues to the satisfaction of the Chief Building Official.

1180 K. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
1181 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
1182 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
1183 enough to permit automobile drivers an unobstructed view. This provision must
1184 not require changes in the Natural Grade on the Site.

1185 ¹Fences and walls greater than six feet (6') in height require an administrative
1186 Conditional Use permit

1187 HISTORY

1188 *Adopted by Ord. [00-51](#) on 9/21/2000*

1189 *Amended by Ord. [06-76](#) on 11/9/2006*

1190 *Amended by Ord. [2016-44](#) on 9/15/2016*

1191 *Amended by Ord. [2018-43](#) on 7/19/2018*

1192 **15-2.16-5 Special Requirements For Single Family And Duplex Dwellings**

1193 Except as may otherwise be provided in this Code, no Building Permit shall be issued
1194 for a Lot unless such Lot has Area, width, and depth as required, and Frontage on a
1195 Street shown as a private or Public Street on the Streets Master Plan, or on a private
1196 easement connecting the Lot to a Street shown on the Streets Master Plan.

1197

1198 The following minimum Lot and Site requirements apply to Single Family and Duplex

1199 Dwellings in the RC District:

1200 A. **LOT SIZE**. The minimum Lot Area is 1,875 square feet for a Single Family

1201 Dwelling and 3,750 square feet for a Duplex. The minimum width of a Lot is

1202 twenty five feet (25'); measured fifteen feet (15') back from the Front Lot Line. In

1203 the case of unusual Lot configurations, Lot Width measurements shall be

1204 determined by the Planning Director.

1205 B. **BUILDING ENVELOPE - RC DISTRICT**. The Building Pad, Building Footprint

1206 and height restrictions define the maximum Building Envelope within which all

1207 Development must occur, with exceptions as allowed by Section 2-16-5(C).

1208 C. **BUILDING PAD - RC DISTRICT**. The Building Pad is the Lot Area minus

1209 required Front, Rear and Side Setback Areas.

1210 1. The Building Footprint must be within the Building Pad. The remainder of

1211 the Building Pad must be open and free of any other Structure except:

1212 a. Porches or decks, with or without roofs;

1213 b. At Grade patios;

1214 c. Upper level decks, with or without roofs;

1215 d. Bay Windows;

1216 e. Chimneys;

1217 f. Sidewalks, pathways, and steps;

1218 g. Screened hot tubs; and

1219 h. Landscaping.

1220 2. Exceptions to the Building Pad Area, excluding Bay Windows, are not
1221 included in the Building Footprint calculations, and are subject to Planning
1222 Director approval based on a determination that the proposed exceptions
1223 result in a design that:

1224 a. provides increased architectural interest consistent with the Design
1225 Guidelines for Historic Districts and Sites; and

1226 b. maintains the intent of this section to provide horizontal and vertical
1227 Building articulation.

1228 D. **BUILDING FOOTPRINT – RC DISTRICT**. The maximum Building Footprint of
1229 any Single Family or Duplex Structure located on a Lot, or combination of Lots,
1230 not exceeding 18,750 square feet in Lot Area, shall be calculated according to
1231 the following formula for Building Footprint, illustrated in Table 15-2.16.

1232
1233 Accessory Buildings listed on the Park City Historic Structures Inventory that are
1234 not expanded, enlarged or incorporated into the Main Building, shall not count in
1235 the total Building Footprint of the Lot.

1236
1237 The maximum Building Footprint for any Structure located on a Lot or
1238 combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500
1239 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit,
1240 for garage floor area. A Conditional Use permit is required for all Structures with
1241 a proposed footprint of greater than 3,500 square feet.

1242

1243 $\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$

1244 Where FP= maximum Building Footprint and A= Lot Area.

1245 Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519 \text{ sq. ft.}$

1246

1247 See the following Table 15-2.16 below for a schedule equivalent of this formula.

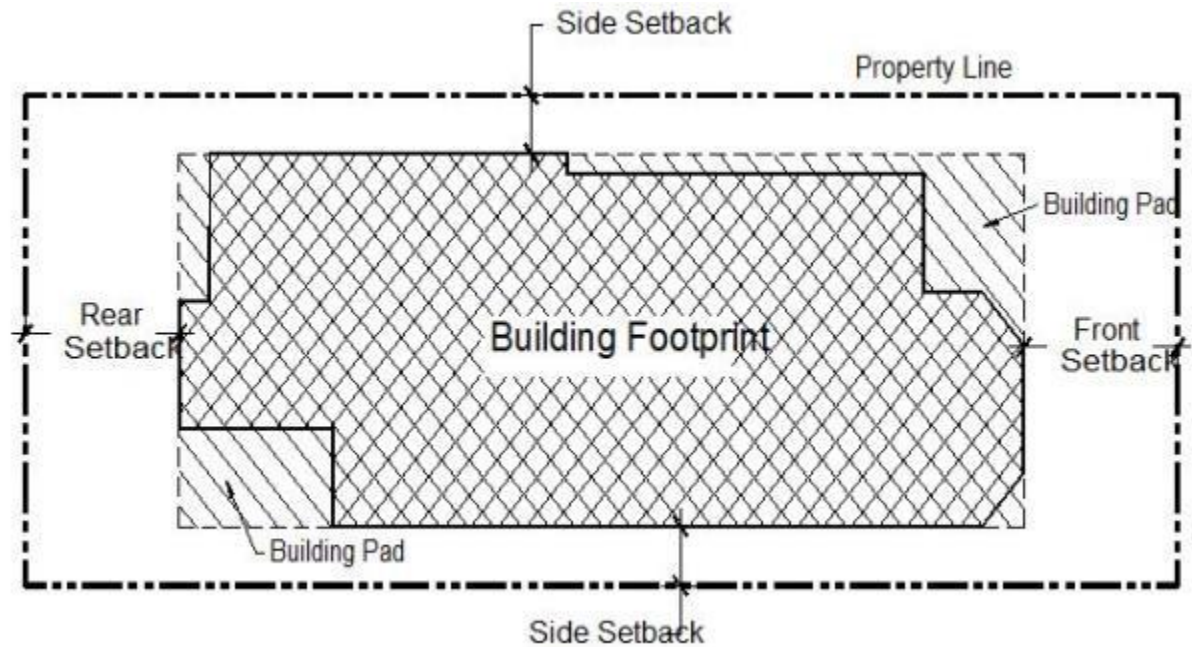
1248

1249 TABLE 15-2.16

Lot Depth <=ft.*	Lot Width, ft. Up to:	Side Setbacks Min. Total, ft.		Lot Area Sq. ft.	Bldg. Pad Sq. ft.	Max. Bldg. Footprint
75 ft.	25.0	3 ft.	6 ft.	1,875	1,045	844
75 ft.	37.5	3 ft.	6 ft.	2,813	1,733	1,201
75 ft.	50.0	5 ft.	10 ft.	3,750	2,200	1,519
75 ft.	62.5	5 ft.	14 ft.	4,688	2,668	1,801

75 ft.	75.0	5 ft.	18 ft.	5,625	3,135	2,050
75 ft.	87.5	10 ft.	24 ft.	6,563	3,493	2,270
75 ft.	100.0	10 ft.	24 ft.	7,500	4,180	2,460
75 ft.	Greater than 100.0	10 ft.	30 ft.	Greater than 75 ft.	Per Setbacks and Lot Area	Per formula

E. *For Lots > 75' in depth use Footprint formula and Table 15-2.16a for Front and Rear Setbacks.



F. **FRONT AND REAR SETBACK**. Front and Rear Setbacks are as follows:

Table 15-2.16a

Lot Depth	Min. Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft.	20 ft.

From 75 ft. to 100 ft.	12 ft.	25 ft.
Over 100 ft.	15 ft.	30 ft.

1256

1257 G. **FRONT SETBACK EXCEPTIONS.** The Front Setback must be open and free of

1258 any Structure except:

1259 1. Fences or walls not more than four feet (4') in height, or as permitted in
1260 Section 15-4-2. Fences and Walls. On Corner Lots, Fences more than
1261 three feet (3') in height are prohibited within twenty-five feet (25') of the
1262 intersection at back of curb.

1263 2. Uncovered steps leading to the Main Building; provided the steps are not
1264 more than four feet (4') in height from Final Grade, not including any
1265 required handrail, and do not cause any danger or hazard to traffic by
1266 obstructing the view of the Street or intersection.

1267 3. Decks, porches, and Bay Windows not more than ten feet (10') wide,
1268 projecting not more than three feet (3') into the Front Setback.

1269 4. Roof overhangs, eaves, and cornices projecting not more than three feet
1270 (3') into the Front Setback.

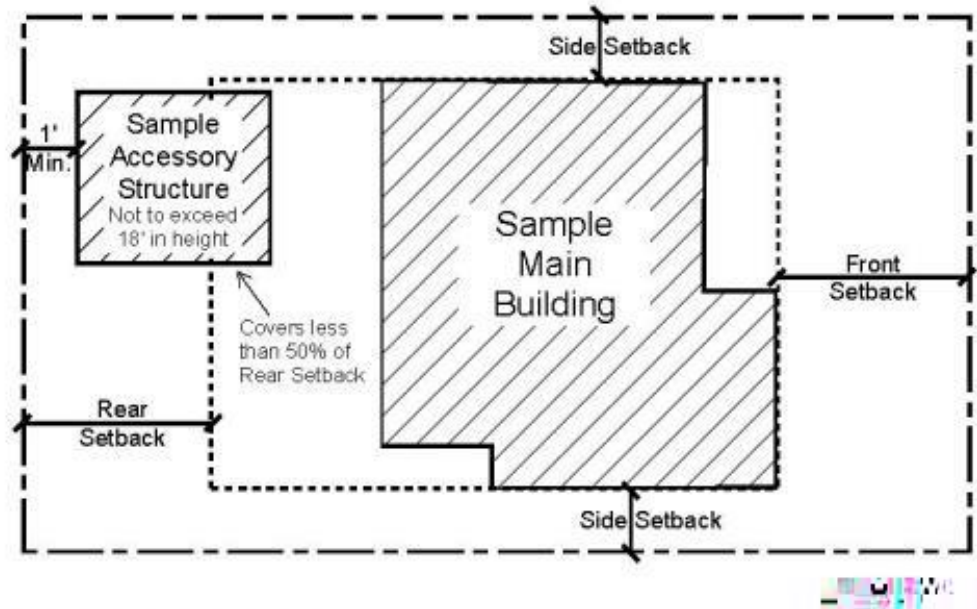
1271 5. Sidewalks, patios, and pathways.

1272 6. A driveway leading to a garage or Parking Area. No portion of a Front
1273 Yard, except for patios, driveways, allowed Parking Areas and sidewalks
1274 may be Hard-Surfaced or graveled.

1275 H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of
1276 any Structure except:

- 1277 1. Bay Windows not more than ten feet (10') wide, projecting not more than
1278 two feet (2') into the Rear Setback.
- 1279 2. Chimneys not more than five feet (5') wide projecting not more than two
1280 feet (2') into the Rear Setback.
- 1281 3. Window wells and light wells projecting not more than four feet (4') into the
1282 Rear Setback.
- 1283 4. Roof overhangs and eaves projecting not more than two feet (2') into the
1284 Rear Setback.
- 1285 5. Window sills, belt courses, cornices, trim, exterior siding, and other
1286 ornamental features projecting not more than six inches (6") beyond the
1287 window or main Structure to which it is attached.
- 1288 6. Detached Accessory Buildings not more than eighteen feet (18') in height,
1289 located a minimum of five feet (5') behind the front façade of the Main
1290 Building, and maintaining a minimum Rear Setback of one foot (1'). Such
1291 Structures may not cover more than fifty percent (50%) of the Rear

1292 Setback. See the following illustration:



- 1293
- 1294 7. Hard-Surfaced Parking Areas subject to the same location requirements
- 1295 as a detached Accessory Building.
- 1296 8. Mechanical equipment (which must be screened), hot tubs, or similar
- 1297 Structures located at least three feet (3') from the Rear Lot Line.
- 1298 9. Fences and walls as permitted in Section 15-4-2, Fences and Walls.
- 1299 10. Patios, decks, pathways, steps, and similar Structures not more than thirty
- 1300 inches (30") above Final Grade.
- 1301 11. Pathways and steps connecting to a City staircase or pathway.

1302 I. **SIDE SETBACKS.**

- 1303 1. The minimum Side Setback is three feet (3'), but increases for Lots greater
- 1304 than thirty-seven and one-half feet (37.5') in Width, as per Table 15-2.16
- 1305 above.

2. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

3. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5').

4. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Side Setback.¹

- 1329 2. Chimneys not more than five Feet (5') wide projecting not more than two
1330 feet (2') into the Side Setback.¹
- 1331 3. Window wells and light wells Projecting not more than four feet (4') into
1332 the Side Setback.¹
- 1333 4. Roof overhangs and eaves projecting not more than two feet (2') into the
1334 Side Setback. A one foot (1') roof or eave overhang is permitted on Lots
1335 with a Side Setback of less than five feet (5').¹
- 1336 5. Window sills, belt courses, trim, cornices, exterior siding, and other
1337 ornamental features projecting not more than six inches (6") beyond the
1338 window or main Structure to which it is attached.
- 1339 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
1340 inches (30") in height from Final Grade.
- 1341 7. Fences and walls as permitted in Section 15-4-2.
- 1342 8. Driveways leading to a garage or approved Parking Area.
- 1343 9. Pathways and steps connecting to a City staircase or pathway.
- 1344 10. A detached Accessory Building, not more than eighteen feet (18') in
1345 height, located a minimum of five feet (5') behind the front facade of the
1346 Main Building, and maintaining a minimum Side Setback of three feet (3').

1347 See the following illustration:



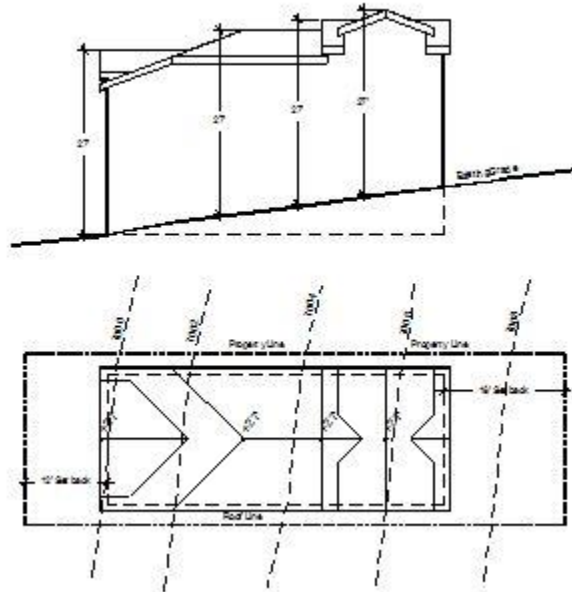
- 1348
- 1349 11. Mechanical equipment (which must be screened), hot tubs, or similar
- 1350 Structures located a minimum of three feet (3') from the Side Lot Line.
- 1351 K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release
- 1352 issues to the satisfaction of the Chief Building Official.
- 1353 L. **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet
- 1354 (2') in height above Road Grade shall be placed on any Corner Lot within the Site
- 1355 Distance Triangle. A reasonable number of trees may be allowed, if pruned high
- 1356 enough to permit automobile drivers an unobstructed view. This provision must
- 1357 not require changes in the Natural Grade on the Site.
- 1358 M. **BUILDING HEIGHT**. No Single Family or Duplex Dwelling Structure shall be
- 1359 erected to a height greater than twenty-seven feet (27'). This is the Zone Height
- 1360 for Single Family and Duplex Dwellings. Final Grade must be within four vertical

feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance.

The following height requirements must be met:

1. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
2. A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finished Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural features, that provide articulation to the upper story façade Setback, may encroach into the minimum ten foot (10') Setback but shall be limited to no more than twenty five percent (25%) of the width of the building encroaching no more than four feet (4') into the Setback, subject to compliance with the Design Guidelines for Historic Sites and Historic Districts.
3. Roof Pitch. The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
 - a. A structure containing a flat roof shall have a maximum height of thirty five feet (35') measured from the lowest floor plane to the highest wall top plate that supports the ceiling joists or roof rafters.

1384 The height of the Green Roof, including the parapets, railings, or
1385 similar features shall not exceed twenty four inches (24") above the
1386 highest top plate mentioned above.



- 1387
- 1388 N. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:
- 1389 1. Antennas, chimneys, flues, vents, and similar Structures, may extend up
- 1390 to five feet (5') above the highest point of the Building to comply with
- 1391 International Building Code (IBC) requirements.
- 1392 2. Water towers, mechanical equipment, and associated Screening, when
- 1393 Screened or enclosed, may extend up to five feet (5') above the height of
- 1394 the Building.
- 1395 3. Elevator access. The Planning Director may allow additional height to
- 1396 allow for an elevator compliant with the American Disability Acts
- 1397 standards. The Applicant must verify the following:

1398 a. The proposed height exception is only for the Area of the elevator.

1399 No increase in square footage is being achieved.

1400 b. The proposed option is the only feasible option for the elevator on
1401 the site.

1402 c. The proposed elevator and floor plans comply with the American
1403 Disability Act (ADA) standards.

1404 4. Garage on Downhill Lot. The Planning Commission may allow additional
1405 Building Height (see entire Section 15-2.16-5 (L) on a downhill Lot to
1406 accommodate a single car wide garage in a Tandem Parking
1407 configuration; to accommodate circulation, such as stairs and/or an ADA
1408 elevator; and to accommodate a reasonably sized front entry area and
1409 front porch that provide a Compatible streetscape design. The depth of the
1410 garage may not exceed the minimum depth for internal Parking Space(s)
1411 as dimensioned within this Code, Section 15-3. The additional Building
1412 Height may not exceed thirty-five feet (35') from Existing Grade.

1413 ¹Applies only to Lots with a minimum Side Setback of five feet (5') or greater.

1414 HISTORY

1415 *Adopted by Ord. [00-51](#) on 9/21/2000*

1416 *Amended by Ord. [06-76](#) on 11/9/2006*

1417 *Amended by Ord. [09-10](#) on 3/5/2009*

1418 *Amended by Ord. [11-05](#) on 1/27/2011*

1419 *Amended by Ord. [13-48](#) on 11/21/2013*

1420 *Amended by Ord. [15-35](#) on 10/12/2015*

1421 Amended by Ord. [2016-44](#) on 9/15/2016

1422 Amended by Ord. [2018-43](#) on 7/19/2018

May 24, 2023

To: Planning Commission

Re: Land Management Code Amendment – Lot Combinations

Planning Commission,

I recently attended two public input meetings held by planning staff on this topic as part of a citizen group. I work in the “H” districts regularly as an architect and was not aware that the current code provisions regarding lot combinations were in question. So, my first question to staff was what are the issues and why are we here meeting on this topic. After 2 meetings I don’t feel that these questions have been adequately answered. Staff seem to have been given marching orders and they are doing their best to come up with a solution to a problem I am not convinced exists.

The current LMC provides a great deal of flexibility when dealing with Lot combinations. It is not uncommon to see whole lot and lot fragments when dealing with plat amendments in the “H” zones. As an example, you recently approved an amendment at 1120 Empire. It is in the HR-1 zone and consists of two lots plus a fragment of a third. There is an existing non-historic home on the site. Applying the interim ordinance to this site just raises questions as to how an applicant might go about getting approval to combine these parcels. The home straddles all the parcels so any improvements to the home would require a plat amendment but the interim ordinance restricts this lot to the maximum allowed which would be two lots. The current code provided the flexibility to handle this amendment request with no issues.

A second example is my home on Upper Norfolk Ave. In the 1990’s we did a remodel that required a plat amendment. The home straddles three lots so we did a lot combination to combine these lots. Shortly after this time we acquired an adjacent lot. So, we have the parcel that combines three lots and a fourth adjacent stand alone lot. We would like to combine this lot with the existing parcel at some point. Under the interim ordinance I would not be able to combine this lot. The stand alone lot is a fragment since the HRL zone requires a two-lot minimum. LMC encourages Lot combinations to eliminate fragments. Again, the current code offers the flexibility to clean up this situation. The proposed code change only offers questions and complications.

Old town lot configurations are generally complicated. Trying to apply a cookie cutter approach in an effort to simplify lot configurations and try to limit building mass with the proposed code change will only complicate the application process and take away property owners’ current rights. The current code, that includes the design guidelines, has sufficient teeth to address massing that is in keeping with the intent of the general plan.

Please consider leaving the existing code regarding lot consolidation as is.

Thank you for your time and consideration.

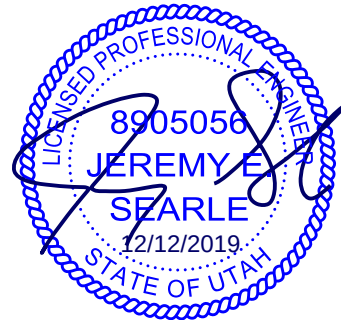
Do not hesitate to contact me with any questions you might have.

Respectfully,

Jonathan DeGray, 105 Upper Norfolk Ave. 435-640-6914

MEMORANDUM

Date: December 12, 2019
To: Michael Zaccaro
From: Hales Engineering



Subject: Park City - Deer Crest Club Expansion Trip Generation & Parking Study

UT19-1584

This memorandum discusses the trip generation and parking study completed for the proposed Deer Crest Club Expansion in Park City, Utah. A vicinity map of the Deer Crest Club is shown in Figure 1.

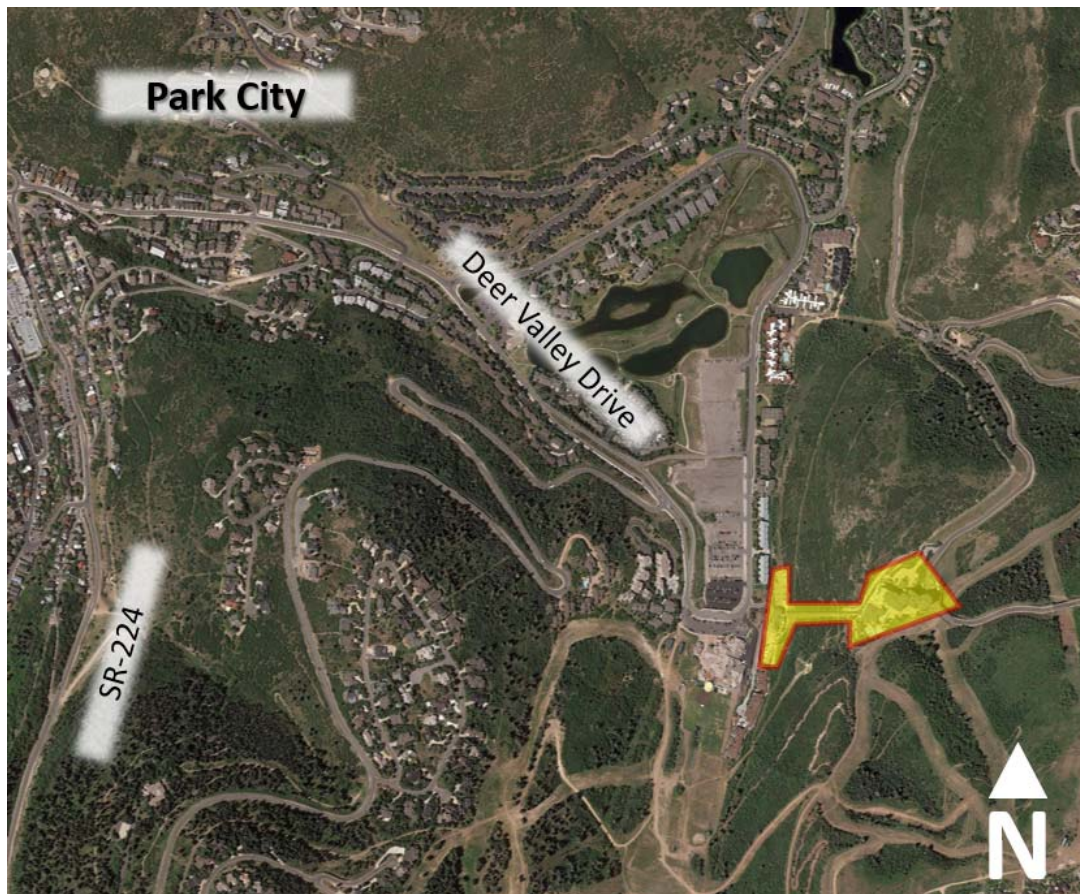


Figure 1: Vicinity map of the Deer Crest Club in Park City, Utah

Background

The Deer Crest Club is located within the St. Regis Deer Valley Hotel located at 2300 Deer Valley Drive in Park City. The Club currently has 195 members and is proposing to increase membership and add a new Club lounge area to be included within the on-going improvements that are currently under construction as part of the Phase 2 expansion. An additional 95 members will be added with the proposed membership expansion. Of the additional 95 members, 23 will be restricted to the future owners of residences included in Phase 2 and Phase 3 of the St. Regis project. As these owners will already be onsite when using the Club, these 23 memberships will therefore not generate any new trips or need for parking. Trip generation and parking for additional memberships will be based on 72 additional members which are not owners at St. Regis. A site plan of the improvements that are currently being constructed is included in Appendix A.

Trip Generation

Trip generation for the proposed Deer Crest Club expansion was calculated using data provided by the Club. Ski season (December to April) is the busiest time of the year at the Club. The Club provided data from the 2017-2018 and 2018-2019 ski seasons indicating the number of members present at the Club each day. Similar data was not gathered for dates outside of ski season as attendance in the Club is minimal during that eight-month period, a small fraction of the attendance during the four-month ski season. Detailed Deer Crest Club membership ski season attendance data are included in Appendix B.

The busiest day included in the data was December 28, 2018 (a date which coincided with the Deer Crest Club annual party). Approximately 33% of the total membership were at the Club that day (63 out of 195). It was assumed that a maximum of 33% of the additional members would be present when calculating the peak trip generation. According to the data provided, during the busiest days in the Club, approximately 50% of the members ski in, walk in, car pool or use the complimentary hotel shuttle which do not generate any new trips (these trips already occur as part of the hotel service). It was assumed that the remaining members present at the Deer Crest Club generated a new trip to and from the Club each day. It was assumed that 35% of daily trips occurred during the morning peak hour and that 35% of daily trips occurred during the evening peak hour.

As shown in Table 1, it is anticipated that the proposed additional memberships will generate approximately 24 new trips on the busiest day of the year, including 9 trips during the morning peak hour, and 9 trips during the evening peak hour.

The trip generation values shown in Table 1 represent the busiest day of the year. However, throughout the rest of the year, the number of trips generated by the new Club membership will be even lower. The average percent of members present at the Club during the busiest week of the year was 27%. This would drop the trip generation to an average of 20 trips per day, of which

7 would be in each of the morning and evening peak hours. Outside of the busiest week of ski season (and the entire year), the average number of members present equaled 13% of the total membership. That results in less than half the trips generated as compared to the busiest week of the year.

Table 1 Park City - Deer Crest Club Additional Members Trip Generation								
Peak Daily	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total Daily Trips
Additional Deer Crest Club Members	72	Members	24	50%	50%	12	12	24
Morning Peak Hour	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total a.m. Trips
Additional Deer Crest Club Members	72	Members	9	75%	25%	7	2	9
Evening Peak Hour	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total p.m. Trips
Additional Deer Crest Club Members	72	Members	9	25%	75%	2	7	9
SOURCE: Hales Engineering, December 2019								

Parking

The amount of parking needed to accommodate the Deer Crest Club membership expansion was also calculated using the data provided by the Deer Crest Club, which included the number of member cars parked at the club on each day. Detailed Deer Crest Club parking data are included in Appendix B.

The day with the highest parking to member ratio included in the data was December 28, 2018. That day there were 33 member cars parked at the Hotel (approximately 17% compared to total membership). This percentage corresponds to the data referenced above which showed that on the busiest day of the year, 33% of the total membership were present in the Club at some point during the day and, of those present, 50% drove their own vehicles and parked at the Hotel. It was assumed that on the peak day 17% of the new members would park a car when calculating parking demand. Therefore, 72 additional memberships would result in a peak parking demand of 13 parked vehicles on the busiest day. It is anticipated that an additional 13 parking stalls would be needed to accommodate the Deer Crest Club expansion during the peak day of the year.

The St. Regis Deer Valley has three parking areas. The parking areas at St. Regis (parking garage and surface parking), Snow Park (just east of Snow Park lodge adjacent to the funicular connecting to the St. Regis), and the Jordanelle parking lot. The combined available parking at these three locations is currently 404 stalls (the improvements currently under construction will add additional capacity of 22 stalls). In a previous parking demand study Hales Engineering determined that the peak parking demand at St. Regis Deer Valley was 250 stalls (approximately

62% of available parking), leaving 154 empty stalls on the busiest day. Therefore, there is plenty of excess parking capacity available for the proposed increase in club membership.

Hales Engineering determines that the existing parking at St. Regis Deer Valley will accommodate the proposed additional 95 members of the Deer Crest Club.

Conclusions and Recommendations

The findings of this study are as follows:

- The proposed Deer Crest Club Expansion will add an additional 95 members to the existing 195 club members. Of the additional 95 members, 23 of the memberships will be restricted to owners at the St. Regis.
- It is anticipated that the additional membership will generate approximately 24 new trips on the busiest day of the year, including 9 trips during the morning peak hour, and 9 trips during the evening peak hour.
 - Throughout the rest of the year, the number of trips generated by the new club membership will be even lower. The average percent of members present at the club during the busiest week of the year was 27%. This would drop the trip generation to an average of 20 trips per day and only 7 trips during the peak hours. Outside of the busiest week of ski season, the average number of trips will be less than half of the trips generated during the busiest week.
- There is plenty of excess parking capacity available at St. Regis Deer Valley to accommodate the proposed additional parking needs of the 95 members of the Deer Crest Club which is estimated to be 13 additional spaces during the busiest day of the year.

APPENDIX A

Site Plan

GENERAL NOTES

- 1. SEE GENERAL PROJECT NOTES FOR ALL INFORMATION REGARDING PROJECT, BIDDING, AND CONSTRUCTION.
- 2. SEE GENERAL PROJECT NOTES FOR ALL INFORMATION REGARDING PROJECT, BIDDING, AND CONSTRUCTION.
- 3. SEE GENERAL PROJECT NOTES FOR ALL INFORMATION REGARDING PROJECT, BIDDING, AND CONSTRUCTION.

PROJECT NUMBER
15074

ISSUE DATE:
12/22/2017

REVISIONS:
No. Date

3 02/01/19

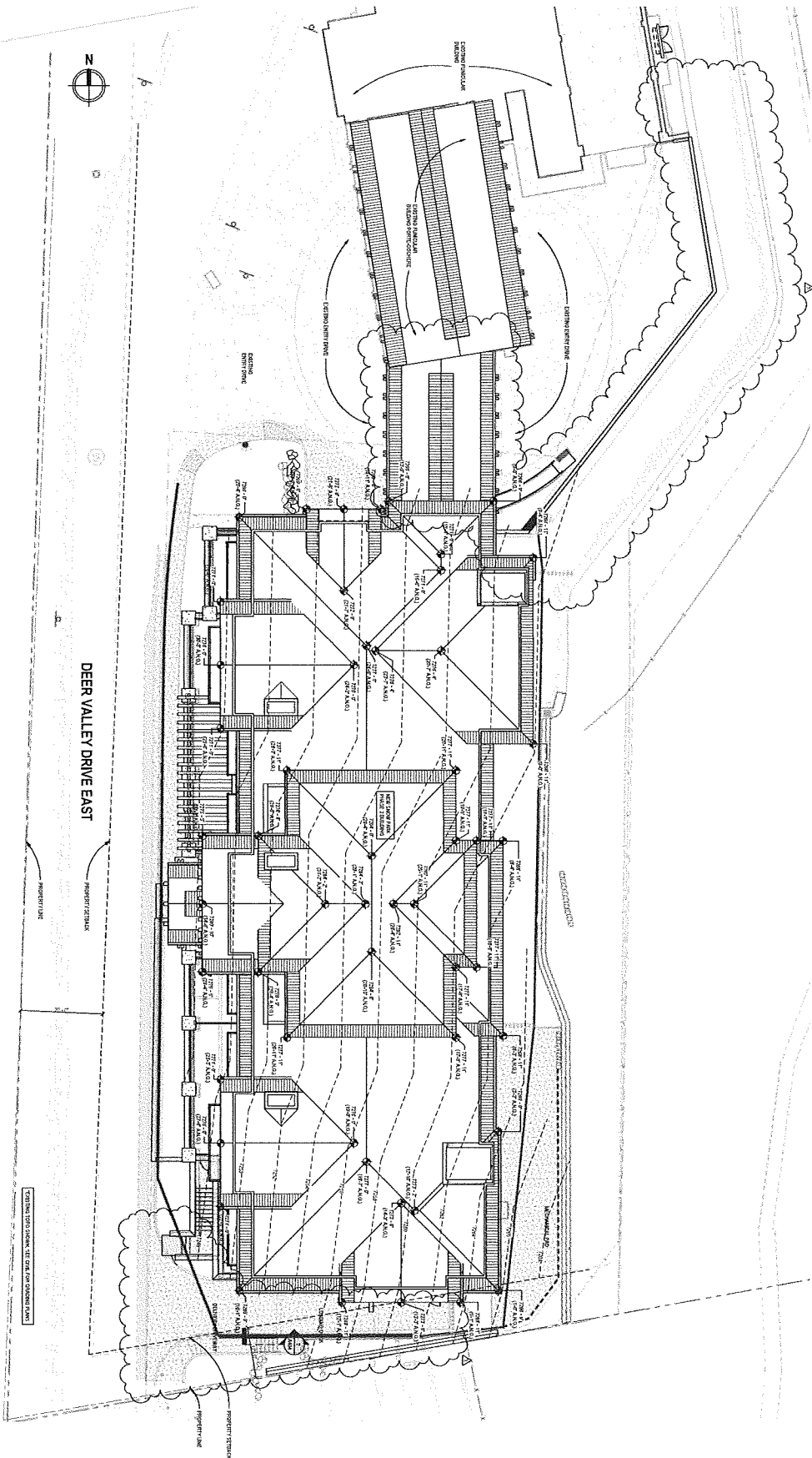
ST. REGIS DEER VALLEY RESORT, SNOW PARK
PHASE 2
2300 DEER VALLEY DR, PARK CITY, UT

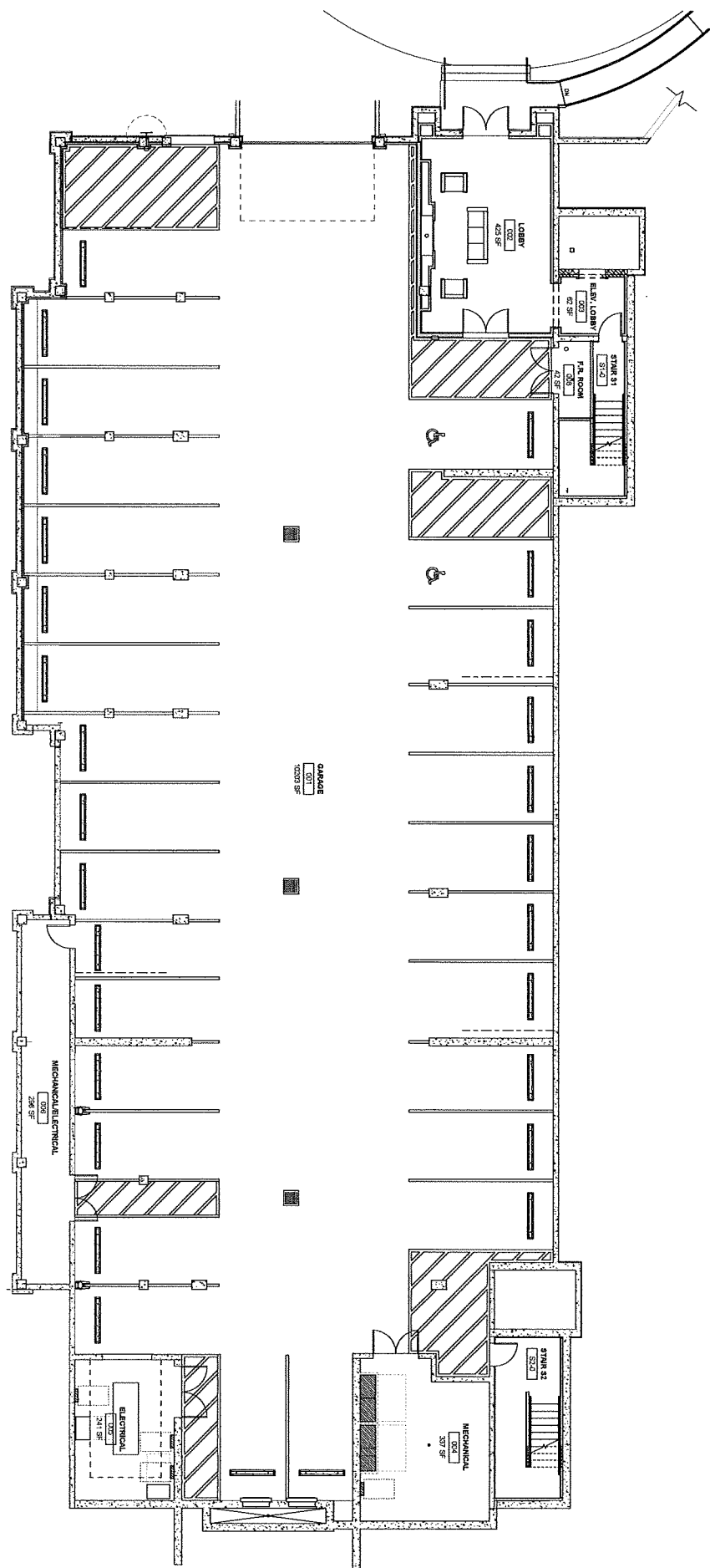
ARCH SITE
PLAN

AS1.1



ARCHITECTURAL SITE PLAN
SCALE: 1" = 10'





APPENDIX B

Deer Crest Club Member and Parking Data

Deer Crest Club Cars Parked at SRDV 2017-2018 Ski Season

Date	Number of Members Present	Members present as a % of Total Members	Total Cars Parked	Cars as a % of Members Present	Cars as a % of Total Memberships	Cars as a % of Total Memberships less SRDV Owners
12/3	14	7%	8	57%	4%	5%
12/4	8	4%	5	58%	2%	3%
12/5	2	1%	1	50%	1%	1%
12/6	3	2%	1	27%	0%	0%
12/7	4	2%	2	40%	1%	1%
12/8	5	3%	4	88%	2%	3%
12/9	4	2%	4	90%	2%	2%
12/10	13	7%	9	68%	5%	5%
12/11	11	6%	8	75%	4%	5%
12/12	1	1%	1	100%	1%	1%
12/13	3	2%	1	27%	0%	0%
12/14	7	4%	3	49%	2%	2%
12/15	9	5%	4	40%	2%	2%
12/16	12	6%	6	53%	3%	4%
12/17	18	9%	7	39%	4%	4%
12/18	21	11%	12	59%	6%	7%
12/19	19	10%	11	56%	5%	6%
12/20	16	8%	13	80%	7%	7%
12/21	21	11%	8	36%	4%	4%
12/22	28	14%	14	51%	7%	8%
12/23	31	16%	19	61%	10%	11%
12/24	39	20%	19	48%	10%	11%
12/25	36	18%	18	50%	9%	11%
12/26	37	19%	15	39%	7%	9%
12/27	44	23%	22	50%	11%	13%
12/28	61	31%	29	48%	15%	17%
12/29	58	30%	31	53%	16%	18%
12/30	59	30%	34	57%	17%	20%
12/31	54	28%	23	43%	12%	14%
1/1	49	25%	26	53%	13%	15%
1/2	31	16%	17	55%	9%	10%
1/3	38	19%	20	52%	10%	12%
1/4	29	15%	15	52%	8%	9%
1/5	33	17%	16	48%	8%	9%
1/6	33	17%	17	53%	9%	10%
1/7	17	9%	12	72%	6%	7%
1/8	22	11%	11	51%	6%	7%
1/9	18	9%	8	47%	4%	5%
1/10	16	8%	8	48%	4%	4%
1/11	21	11%	7	33%	4%	4%
1/12	27	14%	7	24%	3%	4%
1/13	27	14%	11	41%	6%	7%
1/14	39	20%	19	49%	10%	11%
1/15	31	16%	15	48%	8%	9%
1/16	21	11%	9	44%	5%	5%
1/17	22	11%	5	25%	3%	3%
1/18	17	9%	5	29%	3%	3%

1/19	26	13%	11	42%	6%	6%
1/20	28	14%	9	33%	5%	5%
1/21	37	19%	10	26%	5%	6%
1/22	34	17%	9	28%	5%	5%
1/23	28	14%	12	43%	6%	7%
1/24	12	6%	6	47%	3%	3%
1/25	20	10%	9	46%	5%	5%
1/26	19	10%	8	42%	4%	5%
1/27	35	18%	19	54%	10%	11%
1/28	39	20%	20	52%	10%	12%
1/29	32	16%	16	51%	8%	10%
1/30	26	13%	11	42%	6%	6%
1/31	20	10%	7	34%	3%	4%
2/1	14	7%	4	31%	2%	3%
2/2	7	4%	4	51%	2%	2%
2/3	26	13%	12	45%	6%	7%
2/4	16	8%	8	51%	4%	5%
2/5	12	6%	5	43%	3%	3%
2/6	15	8%	5	33%	3%	3%
2/7	9	5%	4	42%	2%	2%
2/8	17	9%	5	31%	3%	3%
2/9	14	7%	6	41%	3%	3%
2/10	21	11%	11	51%	6%	6%
2/11	22	11%	14	64%	7%	8%
2/12	23	12%	11	46%	5%	6%
2/13	16	8%	6	40%	3%	4%
2/14	14	7%	5	33%	2%	3%
2/15	7	4%	4	54%	2%	2%
2/16	19	10%	11	58%	6%	6%
2/17	32	16%	19	58%	10%	11%
2/18	42	22%	24	56%	12%	14%
2/19	39	20%	21	53%	11%	12%
2/20	28	14%	16	58%	8%	9%
2/21	21	11%	11	52%	6%	6%
2/22	25	13%	11	43%	6%	6%
2/23	28	14%	13	48%	7%	8%
2/24	31	16%	15	48%	8%	9%
2/25	33	17%	17	50%	9%	10%
2/26	28	14%	16	56%	8%	9%
2/27	19	10%	9	45%	4%	5%
2/28	17	9%	8	46%	4%	5%
3/1	18	9%	8	44%	4%	5%
3/2	17	9%	8	45%	4%	4%
3/3	25	13%	13	50%	6%	7%
3/4	27	14%	14	53%	7%	8%
3/5	26	13%	11	42%	6%	6%
3/6	24	12%	8	32%	4%	4%
3/7	15	8%	6	40%	3%	4%
3/8	16	8%	8	50%	4%	5%
3/9	14	7%	6	41%	3%	3%
3/10	13	7%	3	22%	1%	2%

3/11	25	13%	8	31%	4%	5%
3/12	18	9%	9	51%	5%	5%
3/13	10	5%	5	52%	3%	3%
3/14	12	6%	6	50%	3%	4%
3/15	12	6%	5	45%	3%	3%
3/16	15	8%	7	48%	4%	4%
3/17	21	11%	8	39%	4%	5%
3/18	29	15%	13	43%	6%	7%
3/19	38	19%	16	41%	8%	9%
3/20	22	11%	8	38%	4%	5%
3/21	17	9%	8	45%	4%	4%
3/22	17	9%	8	46%	4%	5%
3/23	13	7%	5	40%	3%	3%
3/24	26	13%	13	50%	7%	8%
3/25	28	14%	12	42%	6%	7%
3/26	21	11%	9	41%	4%	5%
3/27	20	10%	9	44%	5%	5%
3/28	18	9%	6	33%	3%	4%
3/29	20	10%	5	26%	3%	3%
3/30	13	7%	5	37%	2%	3%
3/31	15	8%	6	40%	3%	4%
4/1	20	10%	8	38%	4%	4%
4/2	16	8%	9	55%	5%	5%
4/3	11	6%	3	31%	2%	2%
4/4	16	8%	8	50%	4%	5%
4/5	12	6%	5	42%	3%	3%
4/6	8	4%	5	63%	3%	3%
4/7	5	3%	3	68%	2%	2%
4/8	9	5%	4	44%	2%	2%
4/9	1	1%	0	0%	0%	0%

Deer Crest Club Cars Parked at SRDV 2018-2019 Ski Season

Date	Number of Members Present	Members present as a % of Total Members	Total Cars Parked	Cars as a % of Members Present	Cars as a % of Total Memberships	Cars as a % of Total Memberships less SRDV Owners
12/8	23	12%	9	39%	5%	5%
12/9	18	9%	8	44%	4%	5%
12/10	8	4%	4	45%	2%	2%
12/11	9	5%	4	40%	2%	2%
12/12	7	4%	2	26%	1%	1%
12/13	10	5%	6	58%	3%	3%
12/14	13	7%	6	43%	3%	3%
12/15	21	11%	10	50%	5%	6%
12/16	21	11%	9	43%	5%	5%
12/17	15	8%	6	37%	3%	3%
12/18	15	8%	5	35%	3%	3%
12/19	13	7%	5	38%	3%	3%
12/20	20	10%	9	43%	4%	5%
12/21	23	12%	9	37%	4%	5%
12/22	45	23%	16	35%	8%	9%
12/23	47	24%	23	48%	12%	13%
12/24	46	24%	21	46%	11%	12%
12/25	27	14%	12	44%	6%	7%
12/26	51	26%	23	44%	12%	13%
12/27	56	29%	29	51%	15%	17%
12/28	63	32%	33	53%	17%	19%
12/29	44	23%	23	53%	12%	14%
12/30	58	30%	29	50%	15%	17%
12/31	54	28%	25	47%	13%	15%
1/1	31	16%	15	47%	7%	9%
1/2	55	28%	30	54%	15%	17%
1/3	44	23%	22	49%	11%	13%
1/4	42	22%	24	58%	13%	14%
1/5	37	19%	20	55%	10%	12%
1/6	35	18%	15	44%	8%	9%
1/7	25	13%	10	41%	5%	6%
1/8	24	12%	11	46%	6%	6%
1/9	25	13%	12	48%	6%	7%
1/10	21	11%	9	41%	4%	5%
1/11	18	9%	8	47%	4%	5%
1/12	34	17%	17	51%	9%	10%
1/13	23	12%	9	39%	5%	5%
1/14	17	9%	9	55%	5%	5%
1/15	12	6%	3	28%	2%	2%
1/16	25	13%	8	30%	4%	4%
1/17	21	11%	13	64%	7%	8%
1/18	32	16%	13	42%	7%	8%
1/19	47	24%	22	47%	11%	13%

1/20	36	18%	16	43%	8%	9%
1/21	29	15%	11	37%	6%	6%
1/22	25	13%	9	34%	4%	5%
1/23	20	10%	3	17%	2%	2%
1/24	28	14%	11	38%	5%	6%
1/25	40	21%	18	45%	9%	10%
1/26	49	25%	22	44%	11%	13%
1/27	29	15%	12	43%	6%	7%
1/28	20	10%	6	30%	3%	4%
1/29	20	10%	8	38%	4%	4%
1/30	25	13%	8	30%	4%	4%
1/31	22	11%	7	30%	3%	4%
2/1	24	12%	7	28%	3%	4%
2/2	26	13%	8	29%	4%	4%
2/3	28	14%	8	27%	4%	4%
2/4	22	11%	8	35%	4%	5%
2/5	21	11%	9	44%	5%	5%
2/6	27	14%	9	34%	5%	5%
2/7	30	15%	14	48%	7%	8%
2/8	34	17%	17	51%	9%	10%
2/9	41	21%	20	50%	10%	12%
2/10	24	12%	13	54%	7%	8%
2/11	16	8%	9	54%	4%	5%
2/12	17	9%	7	40%	3%	4%
2/13	5	3%	3	52%	1%	2%
2/14	17	9%	8	45%	4%	4%
2/15	28	14%	13	46%	7%	7%
2/16	45	23%	23	51%	12%	13%
2/17	38	19%	18	48%	9%	11%
2/18	35	18%	21	59%	11%	12%
2/19	27	14%	15	54%	7%	9%
2/20	29	15%	19	65%	10%	11%
2/21	29	15%	15	52%	8%	9%
2/22	35	18%	19	55%	10%	11%
2/23	42	22%	21	50%	11%	12%
2/24	28	14%	10	36%	5%	6%
2/25	19	10%	8	43%	4%	5%
2/26	19	10%	9	45%	4%	5%
2/27	26	13%	7	26%	3%	4%
2/28	21	11%	8	36%	4%	4%
3/1	29	15%	14	47%	7%	8%
3/2	34	17%	16	47%	8%	9%
3/3	34	17%	18	54%	9%	11%
3/4	19	10%	6	33%	3%	4%
3/5	25	13%	13	54%	7%	8%
3/6	21	11%	8	38%	4%	5%
3/7	22	11%	8	35%	4%	4%
3/8	31	16%	14	45%	7%	8%
3/9	29	15%	14	50%	7%	8%

3/10	30	15%	15	49%	8%	9%
3/11	20	10%	10	52%	5%	6%
3/12	15	8%	8	53%	4%	5%
3/13	18	9%	4	22%	2%	2%
3/14	18	9%	8	47%	4%	5%
3/15	28	14%	13	48%	7%	8%
3/16	35	18%	17	50%	9%	10%
3/17	35	18%	14	39%	7%	8%
3/18	25	13%	9	37%	5%	5%
3/19	23	12%	10	44%	5%	6%
3/20	21	11%	7	32%	3%	4%
3/21	18	9%	5	29%	3%	3%
3/22	23	12%	10	42%	5%	6%
3/23	30	15%	13	44%	7%	8%
3/24	29	15%	15	51%	8%	9%
3/25	51	26%	12	24%	6%	7%
3/26	21	11%	9	41%	4%	5%
3/27	16	8%	6	38%	3%	4%
3/28	19	10%	8	43%	4%	5%
3/29	28	14%	11	38%	5%	6%
3/30	24	12%	8	34%	4%	5%
3/31	18	9%	10	53%	5%	6%
4/1	9	5%	2	22%	1%	1%
4/2	8	4%	3	33%	1%	2%
4/3	10	5%	5	46%	2%	3%
4/4	16	8%	4	23%	2%	2%
4/5	16	8%	6	39%	3%	4%
4/6	16	8%	6	38%	3%	4%
4/7	13	7%	6	45%	3%	3%