



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
August 9, 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 June 28, 2023

[PC 06.28.2023 Minutes](#)

2.B Consideration to Approve the Planning Commission Meeting Minutes from July 12, 2023

[PC 07.12.2023 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. CONTINUATIONS

5.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 (3 mins.)

(A) Public Hearing; (B) Continuation to a Date Uncertain

[544 Deer Valley Loop Continuation Report](#)

5.B

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 (1 min.)

(A) Public Hearing; (B) Continuation to August 23, 2023.

[401 Silver King Drive, Unit 70 Continuation Report](#)

6. REGULAR AGENDA

6.A **2100 Deer Valley Drive – Condominium Plat Amendment** – The Applicant

Proposes to Construct an Addition and Increase the Common Area at the Trail's End Condos. PL-23-05554 (15 mins.)

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

[2100 Deer Valley Drive Staff Report](#)

[Exhibit A: 2100 Deer Valley Drive Plat Amendment Draft Ordinance](#)

[Attachment 1: Draft Plat Amendment](#)

[Exhibit B: Twelfth Amended and Restated Deer Valley Resort Large Scale Master Planned Development](#)

[Exhibit C: Pine Inn MPD Approval](#)

[Exhibit D: Phase II CUP Staff Report](#)

6.B

1662 Bonanza Drive - Conditional Use Permit - The Applicant Proposes to Convert Unit 1 of the Prospector Retail Building AKA Benson Condominium Building From Commercial to Multi-Unit Residential Within the General Commercial Zoning District. PL-23-05718 (30 mins.)

(A) Public Hearing; (B) Final Action

[1662 Bonanza Drive Staff Report](#)

[Exhibit A: Draft Final Action Letter](#)

[Exhibit B: Existing Prospector Retail Building Condominium Plat](#)

[Exhibit C: 03.24.1982 Planning Commission Minutes](#)

[Exhibit D: 04.01.1982 City Council Meeting Minutes](#)

[Exhibit E: Applicant Statement](#)

[Exhibit F: Proposed Unit 1 Remodel Plans](#)

[Exhibit G: Declaration of Condominium for Prospector Retail Building](#)

[Exhibit H: Prospector Square Owners Association Parking Rules & Regulations](#)

6.C

3981 Kearns Boulevard (SR-248) – Plat Amendment – Request To Subdivide Lot 1B of the Park City Film Studio First Amended Subdivision, Into Two (2) Lots, To Accommodate the Phased Development and Financing of the Property, Consistent With the Studio Crossing MPD, A Mixed-Use Development With 60,000 Square Feet of Commercial Uses, Up To 100 Market-Rate For-Sale Units, And At Least 185 Affordable For-Rent Units, In the Community Transition District With Regional Commercial, Sensitive Land, and Entry Corridor Protection Overlays. PL-23-05656 (20 mins.)

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

[Studio Crossing Plat Amendment Staff Report](#)

[Exhibit A Ordinance 2023-Xx](#)

[Exhibit B: Ordinance No 2022-06](#)

[Exhibit C: Applicant's Approved Housing Mitigation Plan](#)

[Exhibit D: Ordinance No 2022-47](#)

[Exhibit E: Studio Crossing MPD Parking Analysis](#)

7. WORK SESSION

7.A

Work Session – Land Management Code Amendments – The Planning Commission Will Review Potential Amendments to Chapter 15-6.1 *Affordable*

Master Planned Developments to Evaluate Parking Requirements, Mechanical Equipment and Building Height, Commercial Uses, and the Affordable Housing and Market Rate Units.

[Affordable Master Planned Development Staff Report](#)

8. 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
JUNE 28, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, John Kenworthy, Vice Chair Sarah Hall, Christin Van Dine, John Frontero, Henry Sigg

EX OFFICIO: Rebecca Ward, Assistant Planning Director; John Robertson, City Engineer; Spencer Cawley, City Planner; Lillian Zollinger, City Planner; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She announced that all Commissioners were present, with the exception of Commissioner Bill Johnson, who was excused.

Chair Suesser reported that Commissioner Sarah Hall was attending remotely.

2. PUBLIC COMMUNICATIONS

There were no public communications.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director, Rebecca Ward, reported that there were no communications from Staff.

Chair Suesser mentioned that Commissioner Johnson was in the Commission's thoughts.

4. WORK SESSION

A. Traffic Impact Study Criteria – The Planning Commission will Review and Provide Input on Proposed Traffic Impact Study Criteria for Land Use Applications.

City Engineer, John Robertson, stated that he would be discussing Traffic Impact Study ("TIS") Guidelines and Criteria proposed by the Engineering Department to help establish a consistent set of criteria for the preparation and analysis of Traffic Studies. This was being done to help address concerns raised in the past regarding discrepancies arose from study to study. He explained that Traffic Studies had been prepared using different days throughout the year, which could sometimes lead to differences in findings because of the different volumes that might occur. Their goal was to prepare consistent guidelines that would be followed in the preparation of all

Traffic Studies to provide a more consistent analysis for the Planning Commission to consider when making its determinations.

City Engineer Robertson stated that Charles Allen, Senior Engineer for Parametrix was present. Mr. Allen and Parametrix prepared the Guidelines and worked with the Transportation Planning, Engineering, Sustainability and other departments to provide something that would meet their needs.

Engineer Allen explained that a purpose of the Guidelines was to have clear expectations of the developers who would submit Traffic Studies to ensure consistency from study to study. Additionally, the Guidelines would help ensure that the City and the developer were on the same page. They wanted the Guidelines to be brief, understandable and not too burdensome on the development community, while also providing the necessary information important for making good decisions for the City.

Engineer Allen explained that Traffic Impact Studies describe how proposed developments would contribute to the overall transportation system. There were a number of factors that play into that, such as vehicular operations, parking, traffic safety, walking and biking, and transit use. He added that a big piece of the Traffic Impact Study was identifying possible mitigation or strategies to counter an impact that a development might have. These could include roadway improvements or traffic control changes. Additionally, they could include aspects outside of their normal thinking, such as transportation demand management to encourage mode shifts from vehicular travel to transit or walking and biking. The study process itself was one where they gather data, build traffic models and analyze conditions. They often repeat that for a forecast year; and if it involved a large development, they might move into a future conditions analysis to understand what impact the development would have when it is fully built out.

Engineer Allen expressed the limitations on what Traffic Impact Studies could do, and mentioned that traditionally they were only able to capture a specific time period where traffic volumes could fluctuate from month-to-month or hour-to-hour. When they look into the future, they make estimates that could change when they actually reach the future. These reasons could include, but would not be limited to economic factors, changes in technology, or changes in driver behavior. He stated that a Traffic Impact Study was required to balance mitigating for all traffic conditions against over-building the transportation system for the peak or worst-case scenario.

In terms of traffic volumes in the Park City area, Engineer Allen stated there was quite a bit of fluctuation from month-to-month, day-to-day, and from hour-to-hour across the day. He presented graphs that illustrated those fluctuations at two major gateway corridors at State Route ("SR")-224 and SR-248. They had seen some months when traffic volumes were higher, and on a day-to-day basis they tended towards higher traffic volumes near the weekend. Across the 24-hour day, there was a morning peak and an afternoon peak; however, the afternoon peak was generally higher. Engineer Allen expressed that part of the challenge of a Traffic Impact Study was trying to figure out the right time frame they would want the developers to address. He commented that there were a variety of issues in the Guidelines for the applicants analyze, ranging from data collection and establishing the time period, to classic issues such as trip generation and distribution.

He explained that the threshold that developers or redevelopers were required to conduct a Traffic Impact Study was when the development would generate 25 or more net new vehicle trips during the weekday AM or PM peak hour. He presented a table that demonstrated the threshold

correlated with various land uses. Typically 25 Single-Family homes would generate approximately 25 net new vehicle trips for the roadway. In terms of other uses, he advised it was the equivalent of a 40-room hotel, or 15,000 square feet of office space.

Engineer Allen mentioned that one of the big steps they were excited about was for the applicants to develop a scoping memo, which would be approved by City Staff prior to beginning the TIS process. He stressed that this was important because it would put the City and the developer on the same page in terms of the assumptions that would be built into the Study, as well as the elements that would be analyzed. He reported that they selected a non-holiday Friday during winter months as the timeframe for all developments to analyze. This would include both the AM and PM peak hours. He commented that they know there are many unique conditions that contribute to variable traffic volumes in Park City. He mentioned ski traffic, snow events, weather conditions, and special events such as Sundance. The timeframe they selected tracked well with a day that would be pretty busy, thereby capturing some of the peak demand; however, it was also a timeframe that would not be influenced too much by the extreme days. He noted they would not want to identify mitigations for the developer in response to some of those extreme days.

In terms of the scope of the analysis, Engineer Allen stated that they would require all developers to analyze five core intersections. He referenced a map showing these intersections, and noted that they included the following intersections with Kearns Boulevard: SR-224, Comstock Drive, and Bonanza Drive. He mentioned that along Deer Valley Drive, they included the intersections with Empire Avenue and Bonanza Drive.

Engineer Allen stressed that all developments required to prepare a Traffic Impact Study would need to analyze these five intersections. Additionally, if a proposed development's traffic would add more than 20 peak hour trips to intersections outside of the five listed intersections, the developer would be required to analyze those as well. He stated that another element they were using to standardize these studies was that the City would provide the developer the count data for the five listed intersections. Therefore, all studies would operate on the same base assumptions.

Engineer Allen explained that the amount of trips generated by developments would be calculated consistently across projects according to the ITE (Institute of Transportation Engineers) Trip Generation Manual. They would also ask developers to calculate walking, biking, transit and carpool trips as a part of the normal trip generation process. He added that they included an accommodation for redevelopers to receive a discount for any of the trips that would be eliminated based on the land use they would be replacing. He commented that they would be looking at the net new trips that a development or redevelopment would create.

In terms of the Traffic Operations Analysis, Engineer Allen explained that would evaluate intersection Levels of Service on the A to F scale. Developers would be required to identify the Level of Service for the impacted intersections, and build to the City's own Level of Service D standard. For any intersection that would be impacted to operate at less than Level of Service D, the developer would need to identify some mitigations in the report.

Engineer Allen noted that in some instances, physical mitigations such as turn pockets might not be a realistic response for a developer due to issues such as space constraints or cost. In those situations, developers could also look at what strategies could be implemented to try and reduce traffic volumes generated by a development during peak times. He commented that some of

these strategies could include things like efforts to promote more biking to the developer's land use, or more use of transit. It could also include options to shift some of the vehicular trips to outside the peak times. Some additional sections required in the TIS would include safety, evaluating a crash history, and analyzing walking, biking and transit accessibility. This would be a common standard across the Traffic Studies received by the City. Engineer Allen invited questions from the Commission.

Commissioner Kenworthy thanked Engineer Allen and City Engineer Robertson for getting this before the Planning Commission. As someone who has sat on Transportation Boards for 10 to 12 years, he stressed this was long overdue. He felt that for new Commissioners and Council Members coming in, they would have a baseline that they would all understand. He offered that this would advance the City in a great number of ways.

Commissioner Kenworthy offered that it would be clear in terms of the mitigation efforts needed for the growth. He noted that the Commission does a lot of "checking the boxes" with the Land Management Code ("LMC"); however, they also need to plan for this growth. The mitigation efforts would be critical, and to have the City Council and the Planning Commission come in and hit the ground running would be a big step forward. He noted that the Guidelines were set up using ITE recommended practices and the Utah Department of Transportation ("UDOT") standards. He also saw that the Guidelines were reviewed and revised by Park City Staff and third-party engineering, and asked someone to speak to the Guidelines that were revised.

City Engineer Robertson deferred to Engineer Allen for specifics, and offered that the standards and guidebooks covered the nation. There were always discrepancies because each city operates differently, and Park City's traffic definitely operates differently than a typical city. He explained that they wanted to look at the Guidelines and take the approach based on what Staff recognized and noticed, which led to some revisions.

Engineer Allen commented that the biggest revision was the analysis timeframe. The standard practices call for the collection of data and an analysis of the development impact for when the data was collected. They recognized that they could collect data in May, which was very different from collecting data in January. He highlighted that customizing and standardizing the timeframe for analysis was somewhat unique.

Commissioner Kenworthy stressed that this was desperately needed and questioned the cadence. He stated that they had seen Traffic Studies come in on the last day, and sometimes on the first day. He suggested that when an application is submitted, it would be critically important that the Traffic Study be submitted within a defined period of time. This would help with the issues they have had with site planning and circulation at the end checking the LMC boxes. He wanted to see the cadence come in at the beginning, so they would not have these conflicts at the end.

City Engineer Robertson commented that the proposed Guidelines have an example of the traffic memo, and would require that the memo be prepared and submitted with the application.

Commissioner Kenworthy asked when they were planning to provide the Planning Commission and the City Council with the traffic counts and street capacity numbers. He also asked if the City would prepare the baseline study. City Engineer Robertson explained that the City would provide the baseline traffic volumes for the five major intersections. Those traffic volumes would then determine the Levels of Services at those five key intersections and would become the set

standard. Commissioner Kenworthy understood, and asked if the City would provide a study showing Levels of Service at areas during specific times. City Engineer Robertson advised that the traffic volumes provided to the applicants would be subject to the same formulas that the City would use to come up with Levels of Service. The applicant's study would reflect the Levels of Service at those intersections.

City Engineer Robertson explained that the traffic volumes determined the Level of Service. Commissioner Kenworthy asked if the City would calculate the Level of Service for a particular intersection at a particular time. City Engineer Robertson stated the City could determine Level of Service, or the applicant could include it in the Report; either way, the Level of Service would not change depending on who determined it. City Robertson reiterated that the traffic volumes would be provided to the applicant, who would then include it in the same analysis that the City would use to determine the Levels of Service. He stressed that the traffic volumes set the Level of Service, and the City would provide the volumes to the applicant.

Commissioner Kenworthy commented that he was trying to make it easier for the public and for new members of the Commission to look at the data and know how a traffic count would reflect a Level of Service at a particular intersection. In response to Chair Suesser's inquiry, City Engineer Robertson advised that the City would collect the data over several Fridays throughout the winter at the listed intersections.

Commissioner Sigg asked if the data would be published in a report. He appreciated that the City would provide applicants with this data; however, he felt the crux of the question was where the data was located. Many of the matters that come before the Commission might not be related to a specific project, but there was a need to understand traffic and traffic volumes. He felt that people want to have the data, and asked whether the data would be project specific. City Engineer Robertson stated they could share the data in a report available for everyone to see. He stressed that the applicant would use that data to determine the Level of Service based on the traffic volumes. The City could also make that determination to provide a comfort level, and noted that the City's analysis would be the same as the applicant's analysis.

In response to a further inquiry from Commissioner Sigg, City Engineer Robertson advised that they were committed to gathering the data. Commissioner Sigg understood that they would gather the data in non-holiday time period; however, he felt there was a curiosity about the busy times, and there was an argument that the busy time was approaching 50% of the year. He wanted to know what the impacts would be during the busy time, because it impacted a lot of macro decision-making.

City Engineer Robertson stated that the traffic volumes would be collected on non-holiday Fridays during the winter months, where they see the greatest and most consistent high levels of traffic. He noted the adage that you do not build the church parking lot for Easter weekend; rather, you build it for a time when there would most often have volumes. He stated that they do not typically select holidays to collect traffic volumes, because it would then require mitigation for those extremely high levels of traffic that do not occur that often.

Commissioner Sigg felt they were trying to mitigate the busy times. He commented that there should be a baseline for the non-busy times; however, to not include the holiday numbers and factor them in would be an injustice because that is the traffic that drives everyone crazy. He felt this was information the Commission needed to evaluate applications.

Commissioner Kenworthy would like the public to have the information so they could make decisions about their trips around town. He felt that the A to F coding for Levels of Service was easy for the public to understand and would give people a chance to plan their lives a little better. City Engineer Robertson recalled that this year, the City provided peak day information to help people. He noted that the information came from a number of sources. He cautioned that when you design the church parking lot for Easter Sunday, there would be significant mitigations that for the rest of the year might not be needed, at a significant cost. He understood the concerns raised; however, he cautioned about what they should actually mitigate, because the mitigation could become very expensive and challenging. Commissioner Kenworthy felt that providing that information would be good for transparency.

Commissioner Van Dine understood City Engineer Robertson's point that they should not mitigate for the heaviest days of the year. She felt that utilizing other measures, such as information on peak days, was a better use of that data for the community. She felt that the community could see the project specific information during the application process; however, she did not feel that a community member would look at the data used for the project to plan their travel. She agreed that providing peak day information for the public was more reasonable than trying to mitigate for all the busiest days. She noted that Park City is a tourist town, and they would never be able to mitigate for the busiest days. While they could try to improve the situation by shifting modes, trying to force projects to mitigate for those 10 to 15 busy days would overburden applicants.

Commissioner Van Dine asked how often the Department would review the data. City Engineer Robertson advised that they would review and collect data yearly during the peak times in the winter.

Commissioner Frontero asked about the timing for the collection of data. City Engineer Robertson explained that they collected data over President's Day weekend, which was the data they would provide applicants moving forward. Although this data would be somewhat high, he indicated that was the information that had, and which would be provided to applicants for analysis in their Traffic Impact Study. He added that moving forward, they would collect data throughout next winter.

Commissioner Frontero commented that the current baseline data was from President's Day weekend of 2023. He understood that going forward, further data would be collected, they would blend the aggregate data and that would be provided to applicants. He would like for the Commission to receive quarterly updates on the new data being collected, and how the aggregate was moving Levels of Service either up or down. Engineer Allen understood the comments to be that they need data for the developers' Traffic Impact Studies, but also to allow a better understanding the day-to-day and season-to-season fluctuations in the City to allow for residents to plan their travel and for the City to monitor conditions. He suggested a dashboard of some sort that could help monitor conditions over time.

Commissioner Van Dine stated that would be helpful. She questioned, however, what they would do with the information in a quarterly report if there were no applications before them. She wondered if the Commission expected a quarterly report or a dashboard. She also asked whether this information would be provided quarterly so that they could be ensured that when a project came before them, they were doing something with the information. She wanted the Commission's expectations regarding their planned use of the quarterly data clarified.

Commissioner Kenworthy remarked that Commissioner Frontero's suggestion was wise because they were creating the baseline. The Commission could then review the baseline as the data

comes in. He reiterated that this was long overdue and would be a great tool for City Hall, applicants, and the public.

Commissioner Frontero understood Commissioner Van Dine's comments and felt it would be interesting to have some context. If they continually see an intersection as an F, or certain intersections improving, they could then focus on those as they see them moving. The quarterly report would provide some context in terms of identifying an intersection that might be deteriorating, and then address it and mitigate it regardless of applicants.

Chair Suesser commented that if the Commission were provided that information on a quarterly basis, then as projects came online they could look at what was forecast. Commissioner Van Dine did not disagree, and reiterated that her comments were to focus the Commission on why they wanted the quarterly report, and what purpose it would serve.

Commissioner Van Dine added that as a Commission, they would not change anything on its own if, for example, they see in a quarterly report that an intersection was an F. Chair Suesser offered that they could brainstorm other mitigation strategies to apply to the next project. Commissioner Van Dine was not opposed to receiving the quarterly report; rather, she wanted clarification on the Commission's use of the information in the quarterly report. Chair Suesser observed that currently they review Traffic Studies as they review applications and they do not revisit it to understand a project's actual traffic impact. She felt it would be helpful going forward.

Commissioner Sigg added that it would be good information to have as a reference for any matter. He also felt it would be good to measure how effective some of the mitigation strategies were working. He clarified he was not stating that it was the Commission's task to monitor those consistently, but if they had the data readily available, they could see the results of the mitigations. City Engineer Robertson commented that part of the mitigations they have proposed with the larger developments has been to require a Transportation Demand Management Program to track how well the conditions to improve transit or shift modes were working. It also allows them to revisit what was being done to determine if they could make changes to improve these mode shifts.

Chair Suesser mentioned the example of the Park City Base and the significant reduction in traffic volumes going to the Base because of the paid parking. She felt that seeing the numbers would be helpful in looking at the mode shift or strategy that was put in place that made a dramatic impact.

Chair Suesser asked Engineer Allen for his advice with respect to proposed developments and failing intersections, and the contribution of these developments to the failing intersections. She noted that the Commission often faced the dilemma of devising more mitigation strategies so the development does not add to the failing intersection. She noted that at least three of the five intersections failed all the time.

Engineer Allen advised that in a classic case, they would look at a failing intersection and require the developer to provide additional turn lanes or other capacity improvements. When the conditions limit that opportunity, they then have to look at some of the other strategies, such as asking the developer to encourage more biking and transit use for those coming to the proposed development.

Other than mass transit, biking or pedestrian improvements, Chair Suesser requested information on some of the other strategies he had seen implemented. Engineer Allen stated that it depended on the development. For example, an office park could establish a carpooling program to reduce vehicle trips to their office, or they could join forces with properties around them to establish carpooling programs. He added there could also be methods to try and shift the main traffic flow to other times of day that were less busy. For example, an employer could employ a shift strategy where employee shifts turn over during the middle of the day, or later in the evening when traffic is less. He also mentioned partnerships with the transit agency that could be helpful, as well as contributions to improvements to bus stops.

Chair Suesser also mentioned incentives, to which Engineer Allen agreed. He mentioned a parking policy to try and encourage fewer people to drive.

In response Commissioner Frontero's request for clarification regarding timing, Assistant Director Ward confirmed that for an application that would result in 25 or more additional trips during peak hours, the application would require a Traffic Impact Study when it is submitted to the Planning Department.

Commissioner Kenworthy expressed an issue with the language on the memorandum that "until final approval of the Traffic Impact Study." Action would not be taken on the application until the end, and he did not want it to go all the way to the end. Rather, he would like it accomplished by a certain point so they do not have it drag on until the end of the application. Assistant Director Ward noted that was the proposed change. She explained that currently, applicants submit a Traffic Impact Study, and then a third party consultant reviews that Study to provide input. These Guidelines would require an applicant to submit a Traffic Impact Study that meets these standards with their application.

Commissioner Kenworthy sought assurance that the mitigation discussions with the Planning Commission would occur well before the end of the application process. Assistant Director Ward explained that it would depend on the project; however, the Commission would have a Traffic Impact Study with the application submittal. She noted that the proposed development and the application might undergo some changes, depending on parking reduction requests or similar requests that might require updates to the Study. She stressed that there might be flexibility after a study was submitted, with subsequent project specific reviews that would require updates throughout the process. Commissioner Kenworthy stated that sounded like a fair enough compromise.

Chair Suesser referenced the instance of a failing intersection and a new project that would have an impact on that intersection or multiple failing intersections. She noted that it was great that the applicant would provide mitigation strategies; however, she wondered where they should draw the line. She wondered if the Commission could ever say that the intersections could not handle a particular project, and queried how many more cars would be acceptable to add to a failing intersection.

Engineer Allen commented that it is difficult to ask a developer to solve a problem that already exists. They could look at the delta or the change in the metrics that feed into the intersection Level of Service. He added that the A through F scale was built around a measurement of average vehicle delay. Therefore, if an intersection was a Level of Service F, it might have 80 seconds of delay per vehicle. In the traffic analysis process, they could analyze the delta, and he used the example of a project resulting in 87 seconds of delay per vehicle. The delta might

provide a starting point for discussions about mitigations to at least get it back to the baseline condition of 80 seconds delay per vehicle.

In response to a question from Commissioner Frontero, Engineer Allen stated that providing shuttles and buses as a mitigation strategy comes up occasionally, but was rare and was often associated with a very large development, or a development like a stadium that would hold special events. The solutions for those types of developments tend to be different than just widening an intersection. Other mitigation strategies for these large developments have included contributing to law enforcement traffic control. Assistant Director Ward added that the LMC consultant would come back this fall for a Work Session on transportation demand management strategies. These would include tools available to the Planning Commission when evaluating these projects for different types of developments.

Chair Suesser commented that the Commission struggled with this a lot, and they have talked about remote parking lots to help the conditions. The issue was when a new project is proposed that would contribute to an existing congestion problem. She noted the question was whose responsibility it was to address the additional congestion that the project might cause.

City Engineer Robertson added that it was a partnership between the City and the developments. There were already existing failing intersections at peak times, and he regularly tried to come up with solutions to address those issues without doing typical things like road widening. He noted that widening would help, but it was not a solution desired by the City. He expressed that it was a strategy effort and partnership with the applicants to help the City solve the problems with existing intersections. He added that they were looking at other things as well, and mentioned corridor studies with UDOT, changes in signal timing and other measures to address congestion at peak times. They were constantly looking for opportunities to improve those baseline failing intersections at peak times.

5. CONTINUATIONS

A. 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,

Chair Suesser opened the public hearing, with the understanding that the item would be continued to July 26, 2023. There was no public comment. Chair Suesser closed the public hearing.

MOTION: Commissioner Van Dine moved to CONTINUE 2346 Park Avenue – The Peaks Hotel Conditional Use Permit – and the public hearing to July 26, 2023. Commissioner Kenworthy seconded the motion.

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

B. 729 Rossie Hill Drive – Conditional Use Permit – The Applicant is Requesting a Nightly Rental Conditional Use Permit in the Historic Residential Low-Density (HRL) Zoning District. PL-23-05604.

Chair Suesser opened the public hearing, with the understanding that the item would be continued to July 12, 2023. There was no public comment. Chair Suesser closed the public hearing.

MOTION: Commissioner Frontero moved to CONTINUE 729 Rossie Hill Drive – Conditional Use Permit – and the public hearing to July 12, 2023. Commissioner Sigg seconded the motion.

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

C. 755 Rossie Hill Drive – Conditional Use Permit – The Applicant is Requesting a Nightly Rental Conditional Use Permit in the Historic Residential Low-Density (HRL) Zoning District. PL-23-05605.

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

MOTION: Commissioner Sigg moved to CONTINUE 755 Rossie Hill Drive – Conditional Use Permit – and the public hearing to July 12, 2023. Commissioner Frontero seconded the motion.

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

6. REGULAR AGENDA

A. 2200 Monitor Drive (Holiday Village Apartments) and 1776 Kearns Boulevard (Parkside Apartments) – HOPA Affordable Master Planned Development and Conditional Use Permit – The Applicant Proposes Redevelopment of the Holiday Village and Parkside Apartments to Construct 317 Affordable Units in the Residential Development Zoning District and Frontage Protection Zone Overlay. PL-22-05473 and PL-23-05511.

Assistant Director Ward reported that the above item is for an Affordable Master Planned Development (“AMPD”) and Conditional Use Permit (“CUP”). The project is located north of Kearns Boulevard and east of Monitor Drive in approximately seven acres. The applicant proposed to subdivide the four parcels into seven separate Lots for the construction of seven buildings, with shared underground parking. The applicant also proposed redeveloping the Holiday Village Apartments, which currently has 80 affordable units, with 217 affordable units. The proposal also included redeveloping the Parkside Apartments, which currently has 42 affordable units, with 100 affordable units. The applicant has proposed construction to occur in phases to allow for resident relocation.

Assistant Director Ward indicated that the applicant provided information on the existing occupancy, and currently the apartments were 1, 2 and 3 bedrooms, with occupancy of 248 residents. The proposal included the creation of 84 studio apartments, 108 one-bedroom, 99 two-bedroom, and 26 three-bedroom units. The total of 317 units had an estimated occupancy of 451 residents. She recalled that this project came before the Planning Commission on the following dates:

- March 22nd for a Work Session;
- April 26th for a site visit, and review of the updated Site Plan changes, Traffic Impact Study, and Parking Study and Management Plan; and
- May 24th for Sustainability, Significant Vegetation and Landscaping, and updates to the Parking Management Plan.

In response to Planning Commission input and requests, the applicant provided a list of items to provide additional information for Commission review. She planned to provide a high level review of the information in the Staff Report before turning the time over to the applicant for their presentation. Assistant Director Ward explained that one of the criteria for AMPD and CUP review was looking at the project through the lens of the General Plan. General Plan Goal 1 was to direct growth in order to strengthen existing neighborhoods and to direct complementary development into existing neighborhoods that have available infrastructure and resource capacity. She also highlighted Goal 7, which was to create diversity of primary housing opportunities. Objective 7.B. was to focus that primary housing stock within primary residential neighborhoods. She commented that the General Plan identified Park Meadows neighborhood as one of the primary residential neighborhoods.

Assistant Director Ward stated that Goal 8 was to increase affordable housing opportunities and associated services for Park City's workforce. Objective 8.A. was to provide increased housing opportunities affordable to a wide range of income levels within all Park City neighborhoods. She mentioned that this project was located within the Park Meadows neighborhood, and was the only affordable housing in that neighborhood. She explained that AMPDs were required to provide at least 50% of the residential Unit Equivalents ("UEs"), or the square footage within the project to be affordable. The applicant exceeded this requirement, as the project would be 100% affordable.

Assistant Director Ward noted the recommended Conditions of Approval 7 through 9 that outlined the required deed restrictions to protect long-term affordability of these units. In terms of the Setbacks, she advised that there were 25-foot perimeter Setbacks that would buffer the development from the adjacent properties. There would be a 100-foot Setback from Kearns Boulevard to comply with the Frontage Protection Zone, and 10-foot internal Setbacks pursuant to the Residential Development Zoning District. She noted Planning Commission discretion to vary the Setbacks within the development and have internal Setbacks that complied with adjacent zoning districts.

Assistant Director Ward advised that AMPDs could be constructed to a Maximum Building Height of 45 feet if the perimeter meets the underlying zone height with a 10-foot step back. She stated that this project met the zone height for the perimeter building façade, includes the 10-foot step back, and would have a Maximum Building Height of 38 feet. She added that the applicant submitted an exhibit showing the proposed structure overlapping existing structures, which were 22 feet. The exhibit also showed the Maximum Building Height of 45 feet and the project below that allowable height.

In addition, façade variations and shifts in form were required for the architecture of the structures. She advised that the applicant showed compliance with this requirement and also made modifications to the proposed materials to comply with the architectural guidelines. She explained that AMPDs were required to provide 20% Open Space, and the applicant proposed 40% Open Space.

The resort character of Park City was another criteria to be evaluated by the Planning Commission. In the City's 2021 Housing Needs Assessment, it was noted that the 11,000 workers outnumbered the population of 8,500. Over 8,000 workers earning less than \$40,000 per year commuted from outside Summit County. The Housing Needs Assessment also noted that 1 in 5 renters had a severe cost burden, and pay more than 50% of their income for housing. She reminded the Commission that there are currently 122 affordable units on this site. Applicant's proposal would increase that number to 195 units, for a total of 317 affordable units.

Assistant Director Ward reported that the applicant proposed 266 parking spaces, which was a reduction of 64 parking spaces required under the Code, or 19 percent. The applicant listed several Conditions of Approval to help with long-term parking management. These include:

- Assigning the underground parking spaces;
- Requiring residents to register their vehicle with management;
- Limiting each unit or household to no more than one car on site;
- Marketing the project as ideal for local workers and their families who use transit and active transportation;
- Keeping two separate waiting lists, and allowing for people to apply on both waiting lists; and
- If someone's name comes to the top of the "no car" waiting list, they would then have the option to accept residence and get rid of their car.

The applicant also proposed an additional 20 surface parking spaces after the last buildings were completed, should the Planning Commission find at that time that an updated Parking Study demonstrated increased parking demand. She added that Para transit and micro transit turnarounds were provided from Kearns Boulevard, and the applicant would provide enclosed indoor bike storage and outdoor bike parking. The applicant also proposed a Park City bike share pass for residents without a vehicle, and would provide that on an annual basis. The applicant was also coordinating with Summit County and City Staff on a future potential bike share location on the site. In addition, if a car share program became available, the applicant would allocate parking spaces on site for car share.

Assistant Director Ward stated that the proposal also included a remote controlled gate at the entrance of the parking structure to help manage parking, camera installation for monitoring within the parking structure, numbered parking stalls, and an allowance in the annual operating budget for parking maintenance. The applicant submitted information on the transit stops within proximity of the development, as well as information on schools, services, grocery stores and other facilities within walking distance of the project. She recalled the Planning Commission discussion regarding a potential bus pullout on Monitor Drive. She reported that the applicant met with the Engineering, Transportation, and Transit Departments, and as outlined in the Staff Report, a bus pullout was not recommended along Monitor Drive because of the limited routes and ridership; however, a concrete bus stop pad and bench along Monitor Drive was recommended to better serve the limited ridership.

An evaluation was also done regarding the bus stop in front of the Parkside Apartments, and at this time, no improvements were planned. In the future, as ridership increases, one of the Conditions of Approval provided that the applicant would commit to improving the internal pedestrian connectivity, once the upgraded bus stop features and location were determined at a later time.

Assistant Director Ward advised that in addition to the 266 parking spaces, the applicant would also provide 16 motorcycle parking stalls within the underground parking garage. These would also serve as e-bike chargers. The bike requirements in the Code at the time the applicant submitted their application required outdoor racks for 33 bikes. She noted that applicant proposed bike parking for 220 bikes; 188 of those spaces would be indoor within the buildings and structures parking, and there would be four outdoor sheltered and secure bike storage facilities for 32 bikes,

or more. There would also be bike racks for temporary outdoor parking. She noted that the applicant was already in the process of registering cars for current tenants, so those vehicles could be managed during Phases 1 and 2 of construction. They have registered 114 cars for Holiday Village and Parkside Apartments.

Phase 1 construction was proposed to occur over the existing Holiday Village parking area. The applicant proposed to construct 12 stalls on that site and direct overflow parking into the Parkside parking area. Seventy-three cars from Holiday Village would be directed to park at the Parkside excess parking, and to the lot to the south. She indicated that 1700 Park Avenue, which is the Park Meadows Plaza to the south, currently had 46,864 square feet of office, retail and restaurant uses. Under the LMC, those uses required 173 parking spaces. The applicant submitted a Parking Study that concluded that 90% of the uses on that site were business and retail with a parking demand from 9 a.m. to 5 p.m. Ten percent of the uses were restaurant, with parking demand from 5 p.m. to 10 p.m. The applicant concluded there was a demand of 126 parking spaces until 5:00 p.m., and thereafter the demand was reduced to 47 stalls.

Assistant Director Ward referenced a letter of support from the Park Meadows Plaza for 40 temporary parking spaces being made available to residents during construction. She noted a recommended Condition of Approval that during construction, the applicant must submit an annual report for review outlining parking available to residents, and Parking Management Plan compliance. There might be a recommendation to the Planning Commission if there was a determination that the demand was not satisfied through the onsite and offsite parking.

She reminded that the Planning Commission requested additional information on childcare, and she deferred that to the applicant to address their exhibit showing the number of children currently onsite and the number of children they anticipated as the project was developed. In this zone, in-home babysitting for 4 or fewer children, and family childcare for 8 or fewer children were allowed uses. Family group childcare up to 16 children or childcare centers would trigger a CUP for multi-unit dwellings for Planning Commission review.

Assistant Director Ward referenced a recommended Condition of Approval that would waive the CUP and Planning Commission review if a family group childcare or childcare center was proposed. She reiterated that in-home babysitting and family childcare was allowed in this zone without Planning Commission review. She presented a graphic from Park City Forward that outlined the mode split target for primary resident neighborhoods like Park Meadows, which included long-term goals of transitioning to more walking/biking/transit use and carpooling. The applicant's April 19th Traffic Impact Study, prepared by Hales Engineering, was included in the Planning Commission's April 26th Packet. The Engineering Department retained WCG to review and provide input to the applicant's Traffic Impact Study. She advised that the applicant thereafter submitted an updated Traffic Impact Study that incorporated the input from WCG. She added that WCG provided an additional memorandum that was attached as an exhibit to the Planning Commission's Packet.

Assistant Director Ward stated that public hearings held on April 26th and May 24th and public input was included as Exhibit L to the Commission's Packet. She advised that Staff recommended the Commission review the proposal, conduct a public hearing, and consider approving the HOPA AMPD and CUP to construct 317 affordable units, as outlined in the Final Action Letter. She noted that the applicant would provide a presentation, and both Hales Engineering and the Engineering Department were available to answer any questions about the Traffic Impact Study.

Dave Levine, Executive Director for the applicant, Mountainlands Community Housing Trust ("MCHT") thanked the Commission for conducting these further discussions on the Holiday Village/Parkside ("HOPA") Redevelopment project. He stated that Mountainlands also wanted to thank its many supporters and partners, community members, residents and Park Meadows neighbors for their many good ideas, strong counsel, insight, and suggestions on the HOPA plans. He noted that all of these ideas had been very helpful in the planning and design process, and they made every effort to build community support for this groundbreaking redevelopment project. He reported that in February 2021, the City Council adopted the Ordinance that established AMPDs. The aim of the Ordinance was "to encourage mixed use, walkable and sustainable development and redevelopment that provides innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community."

Applicant Levine believed, without question, that the HOPA project aligned with the spirit and letter of the Ordinance. He referenced several General Plan goals included in the Staff Report, and how they related to HOPA. One goal that stood out to him was the goal to "create a diversity of primary housing opportunities to address the changing needs of residents." Applicant Levine felt this goal really spoke to HOPA, and noted that creating these housing opportunities was the key aim of the HOPA project. He was pleased that the HOPA plan aligned and advanced these General Plan goals. He stated that project architect Craig Elliott, AIA of The Elliott Work Group would address the questions and comments that arose during the May Planning Commission meeting, including some new plan features. Applicant Levine again thanked the Commission for this opportunity, and for the Planning Commission's guidance and ideas on the plan.

Architect Elliott stated that Assistant Director Ward covered everything he planned to discuss. He added that he did not want to drag out the meeting, as the Planning Commission had seen a lot from the applicant, but he would address the issues raised in the prior meetings. One of the specific requests from the Commission was to locate childcare facilities. Architect Elliott advised they added blue dots to the diagram presented to the Commission that describes that information. He stated that a couple of these were temporarily or permanently closed, and mentioned Kid's Cabin at the Rec Center. He added that the High School and the School District were working on different plans for their childcare, and they showed two spots in those locations. The remainder of the locations are functioning and currently open. Architect Elliott noted it was interesting how close everything was clustered to this site.

He also mentioned discussions about how to handle plat amendments in the future because the applicant could not plat the entire site, as they were not allowed to plat property lines through existing buildings. He presented a diagram that showed Phase 1, Building A, and how they would plat Phase 2. He noted that Phase 2 would then allow them to plat Phase 3. The final Phase, Phase 4, showed the final build out. He stated the project could be sub-Phased depending on financing through Low Income Housing Tax Credit ("LIHTC"), but the Phases were set up and currently designed as shown to the Commission.

Architect Elliott stressed that it was critical to the applicant to ensure they have the easements in place so they could make sure that all of the facilities could be serviced as soon as they were ready to operate. He recalled that the Commission also asked the applicant to provide information regarding the occupancy of the existing and future development. He reported that existing occupancy was 248 occupants, and added that the average Utah LIHTC was 207 occupants. He explained that this project was slightly different than the average, partly because there were multiple three-bedroom units. Architect Elliott commented that the Building Code would allow 356 occupants within Code requirements of 200 square feet per occupant.

In terms of the proposed units, he stated the average LIHTC was 451 occupants. The Building Code occupancy was designed for egress and what would be safe to occupy. It showed 1,018 as the maximum occupancy allowed by Code. He noted Assistant Director Ward's report on the number of children at the project. He stated the applicant also included information based on the Census data on household size and age groups for Summit County, the State of Utah and the United States. Based on their information, they would project 82 children or occupants under the age of 18.

Architect Elliott stated that they met with RC Transit and the Engineering Department, and the applicant would provide the pad that would be able to accommodate a future shelter in addition to the bench that was there. He also recalled that the applicant was asked to review the access points into the project. He referenced a graphic that showed two large arrows. The arrow on the left was the access point into Building A. The right hand side of the diagram showed the entrance into Building F off Kearns Boulevard. He noted that the total parking on the property would less than the existing parking count is today; therefore, the access point off of Kearns Boulevard would have virtually no impact to the parking and the existing traffic on Kearns Boulevard.

With regard to the nature of the parking at Park City Plaza, Architect Elliott stated it was a true mixed-use building. Mixed-use buildings have an opportunity for different uses of parking during the day depending on the functions. He noted with interest that the restaurants have a 47 car parking requirement, which are essentially the 40 cars they have on the roof of the existing parking structure. He stated that Park City Plaza was familiar with the parking demands and needs, and were comfortable with providing an agreement to allow parking. He also suggested that the bank parking supplemented the parking on that site, which was not in use at the same time. He did not know if there was an agreement between the two, but stated it was platted and subdivided at the same time. As a practical matter, quite frequently people park in the bank's parking spaces.

Architect Elliott next address the prior discussions regarding Building Heights along Monitor Drive. He showed the Commission what the applicant proposed, and advised that they looked at the impacts if they went to two stories along Monitor. He pointed out that what they proposed was below the Maximum Building Heights provided in the existing Code. He stressed that the applicant did not ask for any Height exceptions along Monitor Drive. He explained that the way the AMPD was written, the next floor up required a 10-foot Setback. Therefore, they would end up with half the number of units.

Additionally, with four floors there were additional requirements for fire and service access. He stated the applicant reduced their open space by providing additional fire access to allow a ladder truck to get next to and adjacent to the buildings.

Architect Elliott stated it would require a minimum of four buildings of four stories to meet the density they have on two buildings. It would also most likely remove the opportunity to have the amenity servicing the top floor roof in Building F. He also noted the significant increase in costs between the site work and the step back in the building. He confirmed that they looked at this issue and did not feel that it would be an appropriate solution for the project.

With regard to the Transportation Study, Architect Elliott confirmed there were discussions between the applicant's consultant and the City's consultant and the City Engineer. The initial study was completed based on direction from the City Engineer, and then revised the study based

on the data provided to the consultant, as explained earlier in the meeting. He commented that as an architect, he felt that provide that information to traffic engineers would be invaluable.

Chair Suesser was curious what it would look like as one went into the underground garage from Monitor Drive, and like the visual presented. Architect Elliott commented that based on conversations with Staff, they redeveloped the grade of the east-west access through the site, would add great character. Chair Suesser asked if the plan was to have a manager on site 24/7. Applicant Levine stated they were looking into that.

Given the issues seen with some of the other Affordable Housing projects, Chair Suesser wondered if they needed to add a requirement to the AMPD to provide for some sort of reserve fund for ongoing maintenance issues. She queried whether they could incorporate that into this project. She asked if an occupant would still have a parking stall with their unit even if they did not have a car. Additionally, she wondered if the occupant without a car could lease their space to a household that had two cars, for instance. Architect Elliott felt that would be covered by the Parking Management Plan. He noted the encouragement to not have a car, and they were holding units open for those without cars. He felt that the Parking Management Plan would provide that if a resident did not have a car, they would not have a parking space. Applicant Levine agreed, and felt there could not be any trading or leasing of parking spaces.

Chair Suesser mentioned the availability of having a car share available. Architect Elliott understood that if a car share program became available, the Conditions of Approval would require an agreement and review with the Planning Director to approve the location of that parking stall. Chair Suesser commented that given the availability of the Park City Plaza parking during construction, she would still like to see some sort of long-term solution there. She felt that it would be very doable to provide some overflow parking for this project in the long-term. She also would support the entrance off of Kearns Boulevard being another access point to the garage. She felt it would be more appropriate to go under Building G and connect to the lots coming off of Monitor Drive.

Commissioner Van Dine recalled prior discussions about having an optional garage off of the Kearns Boulevard side of the project. She referenced the prior graphic showing the access points, and sought clarification whether that would be an access point to the garage. Architect Elliott confirmed that was what was shown. He added that they did not feel there was consensus among the Planning Commission on the issue of garage access off Kearns, so they have shown it as being available, and that it would not change the overall performance. He recalled concerns expressed about access on Monitor Drive for the entire project, and the second access would alleviate that concern, which is why they put it back in.

Commissioner Van Dine asked City Engineer Robertson for any input regarding discussions with UDOT on the Kearns side of this project. City Engineer Robertson stated that the Traffic Study showed that the existing Level of Service for that intersection was currently an F. To have more traffic would compound the poor Level of Service. He stated this is a UDOT road, and they would have to work with UDOT to evaluate the option of eliminating left turns, but that would create other challenges at other locations. He stressed that it was ultimately at UDOT decision. He stated that the current Traffic Study showed that Monitor Drive performs at a Level of Service D, which was acceptable up to 2028, and the failing intersection would occur in 2040. He stated there were Conditions of Approval regarding the Transportation Demand Management model, and the applicant had put in a lot of things about encouraging transit, bike shares, and other measures that they felt would address that poor Level of Service as best they can.

Commissioner Van Dine felt the garage entrance off Kearns would be okay, although noted that from the beginning, she was agreeable with not having that access because she did not feel they should push traffic onto the Kearns Boulevard intersection. She added that the entrance off Monitor Drive was not a high traffic area. Regarding the 10-foot internal Setbacks, she noted that the applicant was compliant in all other respects, and if it would allow the applicant to proceed with their financing and subdivide the lots as necessary, she did not view the 10-foot Setbacks as an issue.

Commissioner Van Dine appreciated the applicant's efforts in working with the neighbors to try to move units back and put variation in the buildings along Monitor Drive. She felt the proposal provided a nice project for the area, and noted it was compliant with the LMC and exceeded it in almost every aspect. She was agreeable to holding the Frontage Protection Zone parking spots until they were needed. The Parking Demand Management Plan seemed like a really good start, and she felt that going forward, there was room to adjust if needed. She echoed Chair Suesser's comments that there were options should parking become an issue, but she hoped that it would not become necessary given what the applicant had done to make this a community based and non-car centric development.

With regard to Condition of Approval 15 and the approval of a daycare, Commissioner Van Dine wondered if they wanted to limit the daycare to residents only. She noted that it would require a CUP if they brought people in from outside the project, because it would then change the parking demand.

Commissioner Kenworthy tipped his cap to this project on many levels. He stated that keeping tenants on site was significant. He also mentioned the sound walls, the Building Heights, the 100% affordable units, and real courtyards and green space. In addition, he highlighted the bus concrete pad and improved bus stop. He commented that the bike storage actually reflected the General Plan and goals of the City. He also mentioned the rooftop deck and the diversity of product that would be a part of this project. Interior common area space that would be optional for daycare and many other needs of this community were also significant.

Commissioner Kenworthy also lauded the construction mitigation and reiterated that the applicant would keep people on site, as well as mitigating the parking with the neighbors. He wanted to make clear that all of these elements were fabulous and difficult for other projects. Commissioner Kenworthy stated that Chair Suesser's suggestion of a Condition of Approval requiring a 24-hour manager on site was critical. He did not want the burden rolling over at 6:00 p.m. to the Police Department. He also referenced Chair Suesser's comments regarding a maintenance fund, and asked Senior City Attorney Mark Harrington if that would be something they could address with City Council. Commissioner Kenworthy stressed that they were having huge problems maintaining affordability in buildings that are four years old. He mentioned 600 inches of snowfall, and commented that instead of enhancing the lives of the most vulnerable people in the community, they have now trapped them. He stressed that these were the tenants words, not his.

Commissioner Kenworthy echoed Chair Suesser's request for a maintenance fund where there would be some sort of oversight. He appreciated the applicant's transparency with regards to the legal occupancy of 1,018. He commented that he has seen applications with estimated occupancy, and he expressed that the applicant had a good baseline supported by estimated numbers on what existed today. He stated that many of the residents had been there for well over a decade, and with the new product, he felt there would be a higher occupancy.

Commissioner Kenworthy felt they would likely have 1-½ occupants for each studio, and he was okay with that. The mitigation efforts would have to be somewhere between the estimated occupancy and the legal occupancy. He did not believe the legal occupancy would actually be in the units, except during some peak winter months. He wanted to connect these dots so the applicant could appreciate the importance of on-site management. He understood the key fobs and technology, but there was nothing like having a person present who could see who comes and goes and knows the people.

Commissioner Kenworthy also suggested that the applicant might offer one of Park City's finest a subsidized apartment, so they could park a car in front. Everyone would then know he or she was on site. With regard to transit, Commissioner Kenworthy respected the fact that City Engineer Robertson was trying to hold on to all of the other tools that might be coming on with the entrance off Kearns Boulevard. He wanted to see the potential of that opening up when the City needs it. He commented that now that Commissioner Frontero requested quarterly numbers as they come in, they would be able to see the effects on Monitor Drive. He hoped that the people of Park City understood that with the several AMPDs coming before it, the Planning Commission was aware that the number one problem was not housing; rather, it was transit and transportation. He noted that the Commission took a good deal of time earlier in this meeting to discuss transit and what would be coming.

Commissioner Kenworthy expressed that the City would make great strides with transit while having transparency with the public. They not only had the 96 actionable items in Future Park City, but they have transformative tools they were trying to work with. He noted it would take a long time to string it together. He appreciated the communication and the understanding here, especially with regards to solving housing which had historically been a problem.

With respect to parking, he would also look for the City and the City Council to create remote parking lots, not only for the day skiers, but also for the AMPDs. With the transit that they were all hopeful for, they would have an opportunity for the most vulnerable people in the community to have a parking stall. He mentioned Richardson Flat, where they were only using 10 of the 30 acres, and noted they could have a couple of hundred parking stalls at the City limits for these residents who would otherwise not have a parking stall at an AMPD.

Commissioner Kenworthy stated that they had a terrible failure with housing because everyone was coming in saying the situation was desperate. They had been acting on that desperation, and they now had to be careful. With Deer Valley, Studio Crossings and HOPA, there would be over 700 new units where the legal occupancy would be several thousand. He stressed that they had to learn and be transparent, and face the fact that they have had some failures, and nothing teaches more than failing with your own money.

Commissioner Kenworthy listed a number of AMPDs that were coming before the Commission, and noted those did not include the other ones out there that now pencil. He had not heard anyone say what balance the City wants in terms of the total number of units. He stressed that the new AMPDs took the lid off. The City was not desperate and should actually be picky and compare which of the AMPDs would best serve the City.

Commissioner Kenworthy stated he was proud to have served on the Planning Commission for the past six years, and felt they had arrived at a place where they have choices. Now, they had

to see around the corner and make responsible choices. He expressed pride in supporting this project, and stated it could not be a better project for him to end his tenure.

Commissioner Frontero thanked Commissioner Kenworthy for his service. He stated that overall, he agreed with many of the comments of Commissioner Kenworthy. There was a lot to like about this project. He noted that during the last meeting on this item, he pressed the childcare issue. He understood the applicant's mitigation plan and agreed with the way it was being presented. He felt the estimate on the number of children under age 5 was low, because he suspected that the new units would be occupied with younger families. Commissioner Frontero noted that the 15,220 square feet of common space proposed some interesting options. He sought clarification on whether the use would be decided by the residents, residents and management, or just management.

Applicant Levine explained that they wanted it to be resident driven, and for the residents to determine what they need in those spaces. He stated they would try to convene the residents to figure out what it would be that they need and want. Commissioner Frontero mentioned potentially some senior programming. Applicant Levine stated that among the 248 current occupants, approximately half were designated as senior and/or disabled. They were aware that some of the disabilities were neuro-diverse, and they had already had conversations with a support group for that population. Commissioner Frontero wanted a better understanding of the phasing. He suggested that if the Planning Commission approved this tonight that they put some goals on when Phase 1 would be completed.

Architect Elliott mentioned the financing components, and stated that the applicant should hear back by the end of the year. The timing to secure the financing could take up to one year, although it may be less. He expressed that construction could start towards the end of the summer of 2024, or perhaps the following spring depending on the complexities of the financing for the project. He stated that the goal was to be ready to start construction the summer of 2024.

Commissioner Frontero stated this would be a multi-year project, and for transparency for the neighbors and the community, he wanted an idea of the potential schedule. In response to an inquiry, Architect Elliott stated that project would be, at a minimum, a 12-month build. Commissioner Frontero observed that based on this, Phase 1 would possibly be completed in June 2025. Chair Suesser reported that this would just be Building A.

Architect Elliott stated that it would then depend on how they were able to submit for the financing for Phase 2. He offered that the goal was to submit and be able to get Buildings B and C completed at the same time. There were limitations and changing rules, and they would not know exactly what that condition would be in two years.

In terms of Phase 2, Architect Elliot stated it would be the same time frame as Phase 1, although they would have the approved MPD in place so they could submit immediately. He understood that LIHTC allowed applications at one time per year. Commissioner Frontero understood that the goal was to complete Phase 2 in 2026. Applicant Levine agreed. Commissioner Frontero understood that Phase 3 would be also be completed in approximately one year, and noted the likely completion date in 2027. Phase 4 would then be completed the year after that, in 2028. If all went to plan, Commissioner Frontero stated this project could be completed by June 2028. He noted this was a big project, and would affect the neighborhood for five years. He commented that it was important that the neighbors were on board, and he noted that the feedback seemed to be generally positive. He recognized there were some who were not on board with some of

the aspects, which was something they had to live with as a community. They could not get everything they wanted all the time on every project. Commissioner Frontero expressed his support for this project. He felt the applicant did a very good job of hitting all of the important items, and it would likely be an important part of the City as they grow with affordable housing.

Commissioner Sigg was in favor of the Kearns Boulevard access, and felt it would help circulation during peak times. Overall, this was a “feel good” project, and he had never heard a developer talk about underground parking and being able to make it work in this type of development. He asked if the application process and the “two list” theory was legal. City Attorney Harrington stated that the applicant would operate under their rules and he could not give the applicant legal advice. In terms of the applicant proposing a mitigation measure that the City could enforce, he answered in the affirmative.

Commissioner Sigg understood the idea of reducing parking and that this was a great walkable project without surface lots. However, with regards to the notion of the two lists, he wanted to ensure that would not be deemed to show preferential treatment in any way. Further, he asked if there were questions about families and single occupants pairing up as part of the application process. He wondered how the parking would be enforced once the lease was signed. He felt that the notion of having off site parking that could be designated or provided, and knowing going into the tenancy what the makeup of the occupants would be. He provided the example of three unrelated people applying for a three-bedroom unit. He stated this could perhaps contribute towards mitigating overall occupancy, which everyone was somewhat concerned about.

One car for a family of 3 or 4 would be great. However, four occupants in a unit, each with their own vehicle, would likely park as close as possible. He envisioned people parking on Monitor Drive, or in the church parking lot and the car remained for a couple of days. He would like to see some sort of monitoring, especially at the time of the tenancy, as to the anticipated vehicle count and some enforcement of that. It would be easy for someone to get a roommate with a vehicle three months after the tenancy began.

Commissioner Sigg clarified that he supported the transportation initiatives and reduction in cars, but he thought the monitoring of the use upon entering the tenancy would be helpful. Architect Elliott stated the applicant’s funding mechanism had a requirement for monitoring the existing use on an annual basis. Commissioner Sigg stated he did not want it to become an enforcement burden on the City. To the extent there could be a contingency plan to ensure and enforce that there would not be violations. He commented that while he was in favor of the parking, he was unconvinced that in the near term it would change behavioral patterns. People will have experiences where they might be late to work for example.

Commissioner Sigg expressed support for the project, but wanted to see more clarity on moving forward with the notion of occupancy versus vehicle requirements for the occupants. He did not think it was realistic to assume that six people in a unit would only have one car. Applicant Levine agreed, and stated they would address that in terms of monitoring. With regards to the two lists and the priority for tenant selection, he stated that according to their funding rules and by Fair Housing, that they could use the “two lists” method of tenant selection. He added that it would make a difference on this site to have that ability to try and control the number of cars coming on to the site.

Commissioner Sigg stated that was a great clarification. He stated the applicant did a great job with this project in terms of heights and scale. He commented that the renderings showed that it

was under for a project that would increase the scope of what was there. He felt it would be a wonderful addition.

Commissioner Sarah Hall echoed many of the prior comments.

Chair Suesser opened the public hearing.

Dick Grannis gave his zip code as 84060. He, his wife, and daughter live just down from the Holiday Apartments on Monitor Drive. He has lived full-time in Park City for a number of years, and he is the past President of the Holiday Ranch Homeowners Association, and is very involved in the community. He spoke on behalf of several other property owners in the area, and they all support affordable housing. They appreciated the work of the Planning Commission, and the work of Mountainlands. However, he stated the layout was established before the April public hearing without input from any local property owners. Speaker Grannis stated that as of today, 8 of the 100 property owners in Holiday Ranch were aware of this project. He expressed concerns with the LMC regarding affordable housing. Section 15-6.1.1 sets forth the purpose of affordable housing, and one of them is to ensure neighborhood compatibility.

Speaker Grannis stated that in terms of density, the project would have 58 units per acre. He noted the recent affordable housing project at the Film Studio that was approved at 14 units per acre. He stated that in Holiday Ranch, there is a single home for every 1 – 2 acres, and this project would have approximately 150 times more density than the homes across the street. He felt that was not compatible with their neighborhood. In terms of aesthetics, Speaker Grannis stated this project would have approximately two 200-foot long buildings along Monitor Drive, with very high solid walls. He noted they appreciated the effort to break up the solid wall look. Across the street from these long apartment buildings, there are Single-Family residential properties surrounded by trees and lawns. He expressed that they did not feel having a commercial apartment building was very compatible. He referenced his prior comments on the lighting glare at night, and stated that this project would shine approximately 100 apartment lights every night at the neighbors across the street. He stated that did not seem compatible with the residential neighborhood.

Speaker Grannis referenced LMC Section 15-6.1-4 that speaks to the process they should be going through for this project. Paragraph (C) calls for public outreach, and “it is recommended that the applicant conduct public outreach, and that the applicant host neighborhood meetings prior to submitting an application for an affordable housing development.” He noted the Planning Department correctly noticed the public hearings, and did everything in compliance with the Land Management Code. He added that the Planning Department sent postcards to all property owners within 300 feet. Those postcards reached only three of the 100 residents in Holiday Ranch, and as far as he was aware there was no public outreach before the applicant came before the Commission in April. Further, he felt there had been no attempt to reach out to the community at large to inform them of this project, or to invite community feedback. He stressed that this would be a massive project that would cost around \$150 million, and would take eight years or more to complete.

Speaker Grannis expressed that everyone would benefit from more public involvement and outreach with regard to this project. He also referenced LMC Section 15-6.1-11, which talks about planning the site. He quoted paragraph (A) that provides: “Units shall be clustered on the least visually sensitive portions of the site.” He felt that made sense, and offered that the least visually sensitive portions of this site would be the area along Kearns Boulevard.

However, he noted that was the side that would only have three buildings and the least amount of density. The most visually sensitive portion was along Monitor Drive, but that parcel would have five buildings and most of the density. Speaker Grannis observed that the project seemed backwards. He questioned why they would not put more housing along the commercial thoroughfare of Kearns Boulevard, and less along Monitor Drive. He commented that this was why they should consider two story buildings along Monitor Drive, or instead of two massive buildings, break them up into 3 or 4 to provide more visual interest. Speaker Grannis stressed that they had not heard, nor been able to discuss ideas like this with Mountainlands. He stated that they were requesting more time for community awareness, and to take into account the idea to shift more density to the Kearns side of the project. He also suggested lowering the building heights along Monitor Drive, which would also create more sunlight for the children's play areas within the complex. If the plan changed to have fewer units along Monitor Drive, he suggested they could then make them up along Kearns by seeking a variance to the 100-foot Protection Zone. He asked what it would take to accomplish that.

Speaker Grannis urged the Planning Commission to not take a final vote tonight, and allow some time for the local property owners to sit down with Mountainlands and talk about some of these ideas. He offered that a couple of months would not make any difference to this project. He added that this project would disrupt a lot of lives and would affect traffic, and suggested they invest properly with community input rather just laying this on them when only 8 homeowners were aware of the project.

Matthew Nagie gave his zip code as 84060 and expressed support for this project. He commented that the LMC was very complex, and the best they could do in a project was to take the principles set out in the LMC on balance. Section 15-6-1 talked about ensuring neighborhood compatibility, but he also pointed out it talks about efficiently and cost effectively extending and providing infrastructure, which was a difficult challenge for Single-Family homes. By comparing some of the existing development on Monitor Drive, he felt this project seemed to match that purpose of 15-6-1 more than some of the other development that already exists on Monitor Drive.

Speaker Nagie also stated that this project really took advantage of through the LMC of providing opportunities for the appropriate redevelopment and reuse of sites. He added that other factors that weighed in favor of the project were the encouragement of mixed-use, walkable and sustainable development and redevelopment. He felt that, on balance, the LMC clearly favored this project. He reiterated his support for this project.

Joel David Alsky gave his zip code as 84060. He thanked Commissioner Kenworthy for his service. He stated that he lives five homes away from this development, and was notified of it yesterday as he walked his dog. He agreed that they needed to take some time on this project, and stressed that it was a very large project and the community had not been informed. He commented that the parking is going to be a major issue. Going from 300 to 400 residents to 1,200, they would have issues. He did not care if there would be police present 24 hours a day; everywhere in Park City they have parking issues and traffic issues, and now they would add to it. He also felt there were some safety issues. Speaker Alsky expressed shock that this project had gone this far, and hoped the Commission could delay to the vote to provide a little community support and come up with a really great design.

Gary Crandall appreciated the Planning Commission's 100% vote for the Studio Crossing project. He expressed strong support for affordable housing, and felt the City was improving in this regard,

but also felt they were a little misguided. He referenced the comments about childcare and how great that the residents would have childcare. He understood that the childcare would all be outside of this development, which would be great for about six months out of the year due to weather.

Speaker Crandall also stated it was wonderful that senior citizens might have the opportunity to help take care of some of those people. Some of these things sound great, but questioned whether in reality it would reflect the true picture. He noted that while the Commission gave his project a 100% vote, when it went before City Council, two members voted against the project because they did not feel there was enough parking. As he was not familiar with the financing for this project, he acknowledged there might be different requirements; however, in financing Studio Crossings, the lenders did not care what the City required for parking, they wanted assurance that there would be enough parking. This was his biggest concern for this project.

Speaker Crandall explained that they would add 200 units at 80% Average Median Income ("AMI"), which for a family of four could mean they could earn around \$135,000 per year. He stated that these families would have two cars. He felt the applicant would need 458 parking spaces, but only proposed 300 or 320 spaces. He was concerned that there would be a parking issue, and referenced a comment at the last meeting that they hoped to get it right. Speaker Crandall stressed that they could not just hope they get it right, they had to get it right. He added that the current development did not have a high use of cars because of the residents, but offered that these residents would not be at this development in 10 – 20 years.

Speaker Crandall did not understand why the applicant would not put more parking in the project. His second primary concern was he lives directly across where the project driveway would be located. He asked whether the bus pick up would go north, south or both ways. If the stop were going to be put on the north side of the street, which is the side he lives on, the City would have to cut into the hill because there was no parking at all along Monitor Drive. Speaker Crandall expressed concern that they would have to destroy a big portion of his front yard. He felt it would not make any difference to wait a month or two to allow further input. The applicant would not start the project until next fall, so he suggested slowing down on this to take a better look at this project, and let the community work with Mountainlands to come up with a really good project that is needed for the community. Speaker Crandall felt this was a great project, but was concerned about the parking and the bus stop.

Hailee Hernandez advised that she is the Basic Needs Assistance Data Coordinator at the Christian Center of Park City ("CCPC"). She has been in this role for 1-½ years and collected data on homelessness and those on the verge of homelessness in Summit and Wasatch Counties. She reported that in the last year, there were 40 individuals experiencing homelessness in Summit County. This included families, children, the elderly, people with mental illness, and people with lifelong disabilities.

Speaker Hernandez stated that this project was not just a housing opportunity, it could save lives. This past winter, CCPC provided 222 nights of shelter at hotels to keep people off the streets when the temperatures were low. They saved lives just as HOPA would do for the community. She strongly supported the project.

Bonnie Park identified herself as a long-term resident of Park City and lives in Park Meadows. She spoke during the May 24 meeting and did not feel she needed to repeat her comments. She re-emphasized her support for this project. She noted that many know her as a vocal opponent

to project likes Dakota Pacific, which opened her eyes to the need for more affordable and workforce housing. Too many developers operate under the guise of providing affordable housing and maximizing their density volume. She understood that this project would actually have less density than would be allowed by the zoning.

Speaker Park truly believed the greater Park City community was capable of amazing things when it comes together. She knew that was true from her many years as District Administrator for Base and Recreation, when they built the community-wide trail system and many parks. She loved the way the community could do things for good. When Dakota Pacific was up for approval, she stated to the Basin Planning Commission that if there were affordable housing, other resort communities would want to emulate it. Speaker Park believed that this was the one project that really hit that bar. She felt that the work Mountainlands and The Elliott Group had put into this project was thoughtful, and it was a very exciting moment for Park City.

Lisa Stickrod stated she has lived in the Parkside Apartments since 1990. She commented that it was interesting to hear these discussions and concerns. As someone on this side of the project, she felt that she had some relevant suggestions. Speaker Stickrod stated it was uncomfortable to listen to the concerns of the people who live on the hill, but appreciated their viewpoint. She noted that it would be nice to be up on the hill. She agreed with their perceptions regarding the aesthetics of the project, and noted that when she first saw the pictures it looked like an office building. She also appreciated the comments that Mountainlands had done a great job, and it was inspiring to listen to the desire to provide a better place than necessary and help with the livability of the project.

Speaker Stickrod stated it was hard to make a forty-plex as livable as a four-plex, and there were many challenges. She felt it would be wise for the Commission to extend it out a bit and not approve the project today. This would allow for more consensus from Park Meadows' residents and create more community feeling for the project. She observed that there are no other buildings in Park City that are square like the ones proposed. Even the High School and the shopping center had some sort of architectural relief on the roofline to break up the squareness. The renderings for this project show all the buildings as square. While there are likely buildings in Park City with square tops, she had not seen them as she walked the neighborhood.

In terms of livability, Speaker Stickrod stated it was always hard to see trees removed. She noted there were some healthy trees that would need to come down and she wondered if anyone thought of potentially donating grown trees. She commented that the timeline for construction was interesting, and it saddened her that the community center on the roof would not be constructed until Building G. Six years would be a long time for people to live on site without a good congregating place on site. She acknowledged they did not have such a place now; however, she felt it would be better to construct the observation/community area sooner and make it available for the residents.

In addition, Speaker Stickrod advised that a lot of high school kids come to this community when they ditch school or don't have class, and they sit in the gazebo at Parkside Apartments. She expressed concern that many of these high school students would use the observation/community roof area in Building G.

Speaker Stickrod was inspired to see the coming changes. She raised her two children here and it has been a wonderful experience. One of her children is quadriplegic with cerebral palsy, and the other is brilliant but misunderstood. She arrived at these apartments from a women's shelter

in 1990, and was grateful to get the only handicap unit in town at the time. She was interested in knowing how many ADA-compliant units there would be in the new development; however, the fact of the matter was that ADA compliance only pertained to people in pushchairs. To design for a person who is quadriplegic who must use a bigger, motorized wheelchair was very different.

Speaker Stickrod advised that her current apartment was great, and she had received donations to make it more livable for them. She was grateful for the support the community had given her family. Her son has had a really good life in Park City because of the generosity and encouragement of the community. She commented that it sounded like Mountainlands wanted to promote community. Because of the residents in this community, they needed more home care providers, and the cost of living would prevent home care workers from living in Park City. She is 72 years of age, and qualified for a minimum of 10 hours per week of home care, and it was not available in Park City.

Speaker Stickrod felt it would be good to consider helping people who would be of service. She mentioned that if they were going to do it for childcare providers, they should also consider doing it for homecare providers or CNAs who would be needed for this population.

With regard to parking, they use to have patrols that would tow cars from Parkside that did not have a placard at midnight. The people that live in this community do not want to pay the \$150 towing fee and would do a lot to avoid that. Given the income levels of the residents, she did not feel the parking would be as much of a concern as people think it would be because these residents tend to not have the income for a car.

Howard Politzer identified himself as a resident of Holiday Village, and a senior disabled Vietnam veteran. He complimented the City Council on what they were looking at, and felt this project was extremely important. While he respected the views of the speaker who lives on the hill, he felt it was imperative that this project move forward. He did not think the car issue would be as significant as some might think. For the 20 units in the first section of the apartments along Monitor Drive, there were only seven cars. Most of the residents were in their 70s, 80s and 90s.

Speaker Politzer stated that some of the current residents take a benefit from the Federal government because of their income. He liked what the developer was doing, and respected the concerns of the owners of homes along Monitor Drive. However, he felt that some of the issues might not be as impactful as they expect. He thanked everyone and wanted everyone to know the importance of moving this project forward.

Helen Nadel indicated that she is a former resident of Park Meadows and now resides in the 84098 zip code. She works at People's Health Clinic. She voiced strong support for the proposed project, and observed that the applicant had gone through a lot of hoops and came out the other side with a strong project. With regard to parking, she understood that Mountainlands conducted a survey, and received 57 responses out of the 122 households. Of those respondents, 69% said they were regular public transit users, and she felt that spoke to the number of cars that might be at the site, as well as who was really being served by this project. She noted the importance of its location in an area with tremendous access to many amenities and services, including public transit.

Speaker Nadel stated this project would maintain affordable housing where it already exists, and would expand it dramatically. This would mean that residents who have been living in the project, some for decades, would have a new sense of stability and a much better unit. Additionally, the

project would bring some new residents into the community who could have a financial foothold here where there are so many jobs. She also expressed excitement with how this project would drive some sustainability modes of home building moving forward. She felt there were many builders who could learn from some of the decisions being made regarding energy use.

Tamala Rice reported that she lives at Holiday Village and has been there for 10 years. She supported the proposed project and noted that it is beautiful and thoughtful. The City needs more affordable housing. She urged the Commission to approve the project tonight, so the applicant could break ground next summer.

Angelica Espinoza stated that she is a long-term resident of the community and a former tenant of Holiday Village. She expressed her support for the project. Speaker Espinoza echoed the other statements made in support of the project. She hoped the Commission would move the project forward.

Megan McKenna reported that she is Housing Advocate for the Housing Resource Center at Mountainlands Community Housing Trust. She thanked the Commission and specifically Commissioner Kenworthy for his service, and she hoped the project could be a legacy project. The entire Mountainlands team was thinking of Commissioner Johnson and his family as well.

Speaker McKenna addressed the requests to delay this project and stated that a couple of months delay could spell the end of this project. She explained that many were unfamiliar with the complex financing that goes into affordable housing projects, and for much of the financing there was only one time per year to apply; if that were missed, they would have to wait until next year. She stressed that this item was time sensitive and appreciated the Commission's support in where they were at this point.

Speaker McKenna referenced Speaker Espinoza, and advised that she is their Housing Resource Navigator. Speaker Espinoza presented an affordable housing information session at the library with some others that was standing room only. She felt this showed the amount of need. She urged the Commission to support this application tonight.

Gary Crandall returned to the podium and stated that approximately one-half of the current residents did not park at the project. He mentioned the preference in applications to those with no vehicles. He suggested they put some teeth in that and reserve 50 to 60 units for people who do not have cars. He felt including that as a requirement would go a long ways in helping to alleviate the parking situation.

Francisco Astorga stated that he lives in the 84060 zip code in Park City Heights. He lauded Mountainlands for this project, and lauded the City for reviewing this in March, April and May, and stated that they had done their job. He worked as a City Planner for 17 years and felt that the architect did an excellent job. He complimented the Planning Department and after reading the Staff Report it was clear that this project meets the Code. With regard to the CUP, it appeared that the applicant has done a great job mitigating the negative impacts with the Conditions of Approval.

James Kilpatrick expressed support for this project. He reported that he works for a local developer and although they might be a rival to Mountainlands, they strongly support affordable housing. He is working to complete Slopeside Village, the public/private partnership in Summit County, and met with residents who had no housing option until they opened last winter. He

spoke with residents who commuted from Evanston, Wyoming to work in Park City, and other dire stories. Speaker Kilpatrick appeared to represent the workforce and lower-income residents who live in Park City, and has seen firsthand many of the issues facing the community. He felt this project would serve a more permanent demographic. He reported that the projected annual need for affordable rental housing in Park City is 64 units and 231 units for Summit County as a whole. In addition, the annual need for affordable owner households was 68 in Park City, and 198 for Summit County as a whole.

Speaker Kilpatrick commented that this town could not operate without those who run the restaurants, grocery, retail services, cleaners, and those who keep trail systems and resorts running. It should be in all of their interest to provide adequate and affordable housing to the workforce and support those who make the town function.

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

After a short recess, Chair Suesser reconvened the meeting.

Assistant Director Ward identified some questions regarding on-site property management and believed the applicant would provide additional information. She noted the potential amendment to clarify Condition of Approval 15 as referencing childcare for residents. Condition of Approval #32 outlines the Planning Commission's evaluation of the project upon completion, and an updated Parking Study at that time for Planning Commission review. At that time, they would also determine whether the additional 20 parking spaces would be warranted. She commented that there appeared to be interest in expanding Condition of Approval 32 to also include an evaluation of the Kearns access to the underground parking structure.

Chair Suesser sought clarification that the Commission would evaluate the underground parking access off of Kearns at the time it received the updated Parking Management Plan. Assistant Director Ward explained that the current Condition of Approval required that upon project completion, the applicant would submit a Parking Study outlining how parking was working for the development. At that time, the Planning Commission could review and potentially require the 20 proposed additional surface level parking spaces. She advised that they could extend that to also include an evaluation of whether the Kearns access to the underground parking structure should be opened for resident access.

Commissioner Van Dine referenced Condition of Approval 48 and noted it just addressed parking during construction. She asked if there would be time set for further parking evaluation after the review just referenced. Assistant Director Ward stated that the applicant is open to submitting an annual parking report outlining compliance with the Parking Management Plan. Commissioner Van Dine felt that should be added and would be beneficial.

Chair Suesser also mentioned consideration of some sort of reserve fund for maintenance. City Attorney Harrington clarified that these were not "for ownership" units, so it was the responsibility of the ownership and not the tenants to provide maintenance. He recommended that if the Commission wanted something like that, it should be included as a recommendation to City Council as part of Council approval of the deed restrictions.

Commissioner Van Dine observed that the financing would require the applicant to have a certain amount set aside for building repairs. Applicant Levine concurred, and clarified it was not funding

through HOA assessments, it was part of general financing of the project. Chair Suesser expressed satisfaction with Assistant Director Ward's clarifications.

Applicant Levine stated that at the end of March when he arrived from Virginia and took over as the head of Mountainlands, he was before the Commission the next week for the first presentation on HOPA. Having been involved with affordable housing for 20 years, he explained how he understood the importance of community outreach on these projects, and he did a lot of that as part of his prior positions. He expressed that he made it a priority to reach out in particular to the Park Meadows residents. He stated that soon after arriving, they held a meeting at the Community Foundation with eight of the Park Meadows residents, including the three homeowners directly across the street from Holiday Village. Mike Florence, who is the head of the Holiday Ranch HOA, was also at that meeting.

Applicant Levine stated they also conducted a site visit at Holiday Village in April, and many Park Meadows residents appeared and took the tour. He and people on his team also conducted additional outreach to individual Park Meadows residents over the next couple of months. A meeting was organized with MCHT Board President, Bob Ritcher, and they also met with Mike Florence and a couple of other Park Meadows residents to talk over plans. Architect Elliott went over the plans in detail during that meeting.

Applicant Levine stated that this past Monday, they held an information session for many residents and he had a sit down meeting with Dean Taylor, head of the Racquet Club HOA. He stressed that outreach had been a priority, and Architect Elliott looked at some of the residents' ideas and input on the plans, particularly about having two story buildings on the Holiday Village side of the project and possibly going to four stories on the Parkside parcel. He explained that Architect Elliott addressed those suggestions in terms of costs and difficulties of implementing those suggestions. He wanted to make it clear that they had done a tremendous amount of outreach both to the apartment residents and the neighbors in Park Meadows.

In addition, with regard to affordability, Applicant Levine stated this project would be 100% affordable and they would target 45 – 55% AMI. The current 248 residents have an average AMI of approximately 30%. Mountainlands was the only developer who could maintain that affordability for these residents and keep them on the site. He added that many residents live on fixed incomes and social security and half are designated as seniors and/or disabled. All of these residents would remain and be put into new, upgraded homes on the site with that affordability.

Applicant Levine addressed the comments regarding ADA accessible units. He understood that there were currently 4 of the 122 units that were accessible. The plans reflect that 5% of the units in each building would be ADA-compliant at the highest level, which would be a significant increase in the number of units that would have features that support households living with disabilities. He reiterated that he and Mountainlands made it a priority to conduct outreach to Park Meadows. He expressed appreciation for the support for the project as they have engaged with the community.

Commissioner Hall referenced Finding of Fact #15 that mentions the Frontage Protection Zone. She wondered whether they would want to allow a bike share, and whether that would be considered a structure. She would interpret the LMC such that a bike share would be a structure, as would additional bike racks. She also referenced the community garden mentioned in prior meetings, and while it was currently located behind Building F, she noted that the sunlight was great in the Frontage Protection Zone.

Commissioner Hall would support a few specific exceptions for the Frontage Protection Zone. Chair Suesser suggested leaving it to the discretion of the Planning Director. Commissioner Hall stressed that she was not talking about buildings; rather, she was talking about providing an exception for a small community asset.

Chair Suesser suggested referencing community benefit rather than specifying bike shares and a community garden. Commissioner Hall stated those could be listed as examples with the wording, "including but not limited to" uses like bike shares or bike racks if needed, any potential future transit stop for Para transit or micro transit, and the community garden.

Commissioner Hall clarified that nothing would be allowed within the 30 feet, and any future use would be limited to the area between 30 feet and 100 feet. Assistant Director Ward stated that these uses would require an Administrative Permit.

Commissioner Sigg asked if the Setback was a State requirement, since that area fronts State Road 248. Commissioner Hall stated the LMC provides for the Frontage Protection Zone. The Commission agreed with this proposed change to Finding of Fact #15.

With regard to Finding of Fact #24a, Commissioner Hall asked if the elevator shafts were interior. Chair Suesser stated that the elevator shafts were visible from Monitor Drive and she understood that the architect shifted them. Architect Elliott explained that the shafts were moved to the interior court. In certain places, one might be able to see them, but generally they would not be visible from Monitor Drive.

Commissioner Hall referenced Finding of Fact #24h, and asked if service and deliveries would be required in the Kearns turnaround or whether they could use that turnaround as an option. Assistant Director Ward stated that it was currently worded such that service and deliveries "can" use the turnaround. Architect Elliott clarified that it was not the only access point, and vehicles could turn around in front of Building A. He stated leaving it as "can" was okay with what the applicant was looking at, particular because it would be the last phase and they would need access in there. He would not want to require service and delivery to use the turnaround before it was constructed.

Commissioner Hall preferred having the connection for the underground garage be utilized during the entire construction phase, as she could foresee construction issues in addition to emergency access. She would like all of the underground parking be accessible either by Kearns Boulevard or Monitor Drive during construction to facilitate that process, and they could revisit that as part of the final review for the additional parking stalls.

Commissioner Van Dine stated that access along Kearns would be the last part constructed, so she did not know how much it would facilitate construction when it was scheduled for the final Phase.

Chair Suesser asked if the original proposal had access to the parking garage from Kearns that went under Building G. Architect Elliott stated they looked at that originally, but did not include it because it would not be physically possible to get down in the space they have between the property lines. He did recall that they had a version that showed that, but did not recall which submittal it was in.

Chair Suesser inquired whether the proposed emergency access under Building F was connected to the larger parking garage accessed off Monitor Drive. Architect Elliott answered in the affirmative.

In response to a clarification from Chair Suesser, Architect Elliott confirmed that the underground parking under Building F would be built as part of the construction of Building F in the final Phase.

With regard to Condition of Approval #11 and Building Heights, Commissioner Hall understood it was 38 feet for the vertical circulation height. Assistant Director Ward confirmed, and added that as shown in the Exhibit to the Packet dated June 16, 2023. Chair Suesser referenced the landscaping Conditions, numbered 18 through 21, and suggested that the sentences begin with "The applicant shall..."

Chair Suesser stated that when the City reviews the parking she would support remaining open to the possibility that they would require some offsite parking for overflow. She mentioned the church parking lot or the Park City Plaza, where overflow parking would be available during construction. She felt that it would clearly be a need and they should anticipate that need.

Commissioner Frontero asked if there would be an annual parking update. Assistant Director Ward stated that would be an additional Condition of Approval #53. Commissioner Frontero suggested incorporating Chair Suesser's suggestion in that Condition.

Assistant Director Ward asked if there was consensus for Condition of Approval #32 that at the time of project completion, the Planning Commission may require the 20 surface parking spaces in the Frontage Protection Zone and evaluate off site parking options after the last buildings are completed to provide additional parking if the study showed an increased parking demand on the site. Additionally, the Planning Commission may evaluate the Kearns Boulevard access for residents to the underground parking structure from Building F. Chair Suesser would add an evaluation of offsite parking requirements.

Commissioner Hall referenced Condition of Approval #15 and stated she would like to see some space inside for children. She was not saying they needed a massive indoor facility dedicated as an indoor children's play area, but she felt that having even a marginal amount of area reserved for children would be good. She was unclear if the play structures would be installed, or whether the community would decide if they wanted the play structures after completion of construction. Architect Elliott confirmed that the play structures would be installed.

Commissioner Frontero was comfortable that the applicant was committed to working with the residents and that the residents would decide how they would want to use that common space. Applicant Levine confirmed that working with the residents would be the path that would work. He was nervous about requiring certain square footage for certain uses. He noted that currently there were 15 to 16 children under the age of 5, and 66 children between the age of 5 and 18. He suggested that the latter's needs might be an after school room, so he wanted to keep that flexible.

Commissioner Frontero was comfortable giving the applicant the flexibility to adjust the square footage as needed for resident's children's needs.

Commissioner Hall was not suggesting a specific square footage or percentage. She asked if all of the community spaces would be added on after completion and everyone had moved in.

Architect Elliott stated they would know which current residents would move in before the building is constructed. The opportunity to have those discussions with those residents beforehand was strong, and he did not feel there was anything problem with the commitment that they would decide about the use before the completion of the building.

With regard to Condition of Approval #17, Commissioner Hall wanted to clarify that a community garden could be in any location, and would not limit it to where it was identified on the Site Plan. She felt it could be put in the Frontage Protection Zone. There was a consensus to make that clarification.

With respect to Condition of Approval 29, Commissioner Hall shared in Commissioner Sigg's concerns about off-site parking and did not know if there was a way to add stronger preference for the no car list, and making sure that if someone was accepted with no car, they then have no car for the duration of the lease. She wanted to tweak the language to preclude tenants using illegal parking in other locations such as the school or the commercial space. She hoped there could be a long-term agreement, but would also suggest the lease not allow any parking violations.

Chair Suesser noted that was an enforcement issue, and was unsure that it could be included in the Conditions of Approval. Chair Suesser also commented that she did not like the idea of restricting a household to one car. If there was available parking, she questioned why they should have that restriction.

Commissioner Frontero felt there needed to be a stated restriction, and then if there were more spaces then management could allocate those according to how they see fit. He felt it was important that the residents would know coming in that there would only be one car per unit.

Commissioner Van Dine agreed, and felt the applicant would actively manage the parking and this could be something they could change down the line. If they were under parked, management could open it up as they see fit. However, putting the restriction in the Condition of Approval would identify what was acceptable.

Commissioner Sigg asked if that restriction would be in the lease. Applicant Levine stated they could enforce a lease around community rules, including parking. The lease would include an acknowledgment of the community rules, and a covenant that they must abide by the community rules, including parking. As they sign the lease, the tenant would be held to those rules.

Chair Suesser stated that the second sentence in Condition of Approval 29 would not provide the flexibility and the dynamic relationship described by Commissioner Van Dine. She asked if the flexibility should be built in.

Commissioner Hall suggested adding the clarification "unless there is an excess in stalls" to Condition of Approval 29. Commissioner Van Dine suggested, "unless otherwise determined by the Parking Management Plan." Chair Suesser agreed with Commissioner Van Dine's suggestion and asked that the word "generally" be removed from that Condition. Commissioner Hall liked the suggestion of an on site manager. Applicant Levine clarified that there was currently an on site property management office, and a 24/7 emergency hotline to address any disruptions. They would also install security cameras on the site. He stated it was more of a challenge to have a property manager on site 24/7, but stated there would be a property management office with a

property manager on site during the day. In response to an inquiry, Applicant Levine stated that the 24-hour hotline would be answered by the maintenance person, who would then respond.

Commissioner Kenworthy stated that would not be the same as having a property manager on site. If a tenant had a leaky pipe, they would call a number and a maintenance person would come out. If someone was onsite, they could walk over with a key and turn off the valve to the unit so it would be taken care of immediately. He mentioned the handling of noise complaints. In addition, if someone was on site, they could see how people were behaving. He did not want 1,051 legal occupants and no on site manager. There was simply no comparison.

Chair Suesser suggested a property manager by day and a security officer at night. Commissioner Kenworthy stated that if someone lived on site they would get a much better feel for the activities going on at the project. He stated that needed to be a Condition of Approval for him to support this project. He did not want it to overflow to the neighbors or to the police force.

Applicant Levine stated that would create a financing issue, and would be a challenge. In his experience, the model of having a property manager on site from 9 – 5, with a 24/7 emergency call number worked well. He stated there would be issues with having security on site at night.

Commissioner Sigg asked if the property manager's hours were defined as part of the condition of the financing. Amy Rowland, applicant's financing consultant from Community Development Finance Alliance, explained that the financing concern was the cost of 24/7 on site coverage. The only time she had seen that was on projects that were much larger in scale, and involved special needs or permanent supportive housing for the homeless. She stated it was not typically found in standard family or workforce housing tax credit projects. The standard statewide and countrywide model was to have an on site manager during office hours, and a 24/7 emergency line. She noted that they could not really hire someone who lived at the project to be on call 24/7, and noted aside from it not being an attractive position, it would be impossible for someone to be on call 24/7. The alternative would be to have 3 – 4 staff personnel who would rotate in 8-hour shifts, which she believed would be an extreme level of staffing for this population.

Commissioner Sigg noted that storage units have the 24/7 on site manager model. He did not believe this was something where they needed multiple employees, and he felt the trade-offs were strong because anyone who was incentivized by housing would look at it as an attractive offer in Park City. Ms. Rowland acknowledged there were permanent supportive housing projects for targeted populations such as the chronically homeless that use the 24/7 model. However, they use rotating staff.

Commissioner Sigg would understand if the applicant's lender would not allow it; however, he personally liked the idea. Ms. Rowland explained that having an onsite manager living at the project would require taking that person out of the tax credit program because the person would not be a qualified tenant. It would also raise the operating costs quite a bit above the standard operating costs, which could also make the project non-competitive for the LIHTC competition. She stressed it was a big ask financially, and reiterated that operating costs for permanent supportive housing were much higher because of the need for 24/7 on site management. It was not something they typically saw in a standard population.

Commissioner Kenworthy asked what occupancy would move the needle. Ms. Rowland explained that under the Tax Credit Program, they could not finance more than 80 units at once, given the cap. This was one of the reasons for the phasing of this project. Commissioner

Kenworthy posited that if a parking issue came up, a tenant would have to call the number and someone would then travel to the site to address the parking issue. Applicant Levine commented there would be security cameras and access to a maintenance person who would address the issues that arise. Commissioner Kenworthy reiterated his position that it was not sufficient, and he did not like the tail wagging the dog. Ms. Rowland reiterated that other Mountainlands properties did not have 24/7 on site staff, and she had not heard of any issues at the 20,000 units statewide. She noted the exception of chronically homeless or mentally ill populations that allow that type of operating budget.

Applicant Levine stated that with 24/7 coverage, it is for people who are chronically homeless, chronically mentally ill, unemployed, below 30% AML, and they do not sign a lease. There is a program agreement to get into that housing. Here, every household would sign a lease, and if they do not abide by the community rules, they would be evicted and out of housing. He stressed that was a big difference and added that the residents in this project would understand that. He noted that in their LIHTC funded projects, they do not see a lot of trouble. They use daytime property management and a nighttime call in number, and it has worked fine.

Commissioner Sigg would like to see them identify the days and times the on site manager would be present. He agreed that the cameras would help, but he did not like that the City would have to be out there ticketing cars. He noted the enforcement options with the lease that differentiates it. He liked having someone present, and would like it defined. Commissioner Sigg felt it important for a project of this scope and the potential density. Commissioner Kenworthy added that they would need someone on site.

Ms. Rowland suggested 9 to 5 coverage five days per week be phased in because with the first 45 units, the management company might not be able to justify a full-time person for 45 units. She agreed that once the project was built out, it would support a full-time manager. Commissioner Sigg understood the economies of scale, and suggested they say that at build out, there needs to be someone on site, and available to the tenancy. Commissioner Kenworthy would prefer they set it at an occupancy level. While he trusted the applicant's statement of estimated occupancy, he wondered what would happen if they achieved the estimated full occupancy.

Commissioner Van Dine suggested reviewing it at each building phase. Commissioner Hall added that they could have the Planning Director review it by phase.

Commissioner Kenworthy felt that with 300 occupants in a building, there should be someone present. Commissioner Van Dine opined that these were arbitrary numbers.

Chair Suesser did not like the suggestion of review by the Planning Director at each phase. She felt that it should be a Condition that someone be present.

Applicant Levine explained that on these types of sites with this population, the property manager's day-to-day activities include collecting rent, taking care of the common areas, and they take in maintenance orders. He disagreed with Commissioner Kenworthy, and stated that parking enforcement was not a big part of the property manager job.

Ms. Rowland noted that there would not be much need for parking enforcement given that tenants would have assigned parking spots, especially with a secured parking garage. She would not expect strangers coming in to park and the residents certainly patrol themselves.

Commissioner Kenworthy mentioned Columbus Pacific where there were people living in the laundry room within the first week of building occupancy. He felt there were many examples demonstrating how it would be an advantage to have someone on site all the time. He noted that no one was saying it would be a disadvantage. Architect Elliott suggested that in the final phase they identify a unit that could be used for property management if, in fact, the financial performance could be accomplished. Commissioner Hall commented that when she rented when she was younger, she always assumed someone lived on site and received free rent or very discounted rent.

Architect Elliott commented that the applicant has to be able to financially operate the project, and with 45 units, having 24 hour on site management would not pencil. He added that it would work in a for-profit situation where they could charge much higher rent. He added that another option would be to identify a resident who becomes the contact point, but that would be a difficult thing to ask of someone. He stressed that this applicant was a non-profit group trying to provide a product different than you might see from a for-profit developer. He has worked with for-profit developers who have built affordable housing projects, and they have a different model.

Commissioner Kenworthy commented that some of the residents had been identified as having special needs. He stated that the applicant was opposed to this because of financing, but it was not what would be best for the community or the tenants.

Commissioner Frontero stated he was not as concerned about this, and if a tenant had a problem during the day, they would report it. If they had to make a call, it would be handled. He suggested extending the on-site hours to 7:00 p.m., and stated that he wanted to find a compromise so they could move on from this issue.

Commissioner Hall agreed with Commissioner Frontero, and hoped the leases would be robust such that any non-compliant tenant would not be allowed to remain in this affordable housing. As much as she would like 24/7 on-site coverage, she did not realize the financial challenges and suggested reviewing this when they review the Frontage Protection Zone.

Chair Suesser liked the idea of adjusting the hours so that people who work 9 – 5 still have some interaction with the property manager. She would like to have someone on site 8 hours per day, 5 days per week, with the 24-hour hotline. She added that she would prefer having someone on site 24/7, but was comfortable. She suggested adding a provision that they could revisit the need for an after-hour property manager.

Commissioner Kenworthy stated that he would support it if they extended the hours to include weekends, especially the weekend nights, and then include a review after they reach occupancy of 300 or more, with continued review on a yearly basis. During that review, they would look at how much it was intruding on the City services such as the police department.

Commissioner Hall was happy with how the Condition was written, and suggested just stating 40 hours per week. She was satisfied with having a property management available during business hours with the hotline. Commissioner Van Dine agreed.

Commissioner Sigg observed that allowing some flexibility would allow someone to be there on a Saturday. Chair Suesser wanted consistency for the residents.

Commissioner Kenworthy stated that 40 hours per week would leave the project vulnerable during the times where there would be the most trouble. He noted City Attorney Harrington's earlier comment that this was not affordable housing with pride of ownership; rather, it would be all leased. He noted that many of the residents had a great sense of pride of ownership, but there would be a lot more people there and the neighbors had brought that to the Commission's attention. He stressed that the Commission had an obligation to balance. He reiterated that the tail was wagging the dog, based on the expense of having a 24/7 on site manager.

Commissioner Frontero suggested 50 hours per week. Commissioner Hall wondered if the Planning Director could make the determination as the project progressed. She mentioned the threat of eviction if someone parked in another spot.

Commissioner Hall asked if the Commission was comfortable with the 24-hour hotline being available during all phasing, and an on site property manager would be required as determined by the Planning Director. Chair Suesser preferred the way it was currently written. She felt Commissioner Hall's suggestion just burdened the Planning Director when they could address the issue and make it a definitive Condition of Approval.

Commissioner Frontero and Commissioner Sigg were both comfortable with the Condition. Commissioner Sigg proffered that if things changed, the applicant could come back and defend their position. He stressed that the Commission had concerns with property management given the occupancy.

With regard to Condition of Approval #31, Commissioner Hall agreed with the public comment, and felt they needed better language. She would like to state clearly that someone with no car would have preference. Commissioner Sigg agreed and queried what would happen if someone got a car after the fact.

Commissioner Hall felt it was not clear that the "no car" list would have priority over those with cars.

Commissioner Sigg commented that a family of 3 or 4 could only have one car. He was concerned with multiple individuals living in the same unit. Commissioner Frontero felt this Condition addressed that, because if two prospective tenants each have a car, they would not be on the preference list.

Commissioner Hall suggested a precursor sentence stating that the "no car" list should be exhausted prior to the car list.

Commissioner Sigg referenced Condition of Approval 30 and asked about the definition of "local workers." He felt someone who works in Park City would have an incentive to use transit. He felt the notion of workforce housing was to support the businesses that are in Park City.

City Attorney Harrington commented that some of this wording was taken from the applicant's plan. He stated it was not as substantive as the requirement for occupancy. The rental restrictions governed by the Resolution control all of the other requirements, while this was a marketing requirement the applicant proposed as part of their plan.

Commissioner Sigg asked if there was a regulation that the work contemplated by "workforce housing" be based in Park City. Architect Elliott stated that the project at The Canyons had a

waterfall provision to identify and prioritize “workforce.” He was unclear on any LITHC financing restrictions, but felt that would be something in the Development Agreement. City Attorney Harrington added that it would be in the deed restriction covered by a different Condition of Approval, and explained it would have to be compliant with the Housing Resolution approved by the Council.

City Attorney Harrington stated that a Development Agreement would be presented that would codify the Conditions of Approval. The housing deed restriction would cover the applicant’s compliance with the Affordable Housing Guidelines. He suggested identifying Park City employees. Chair Suesser agreed with the current wording.

Commissioner Kenworthy stated they were trying to encourage the Park City workforce to live in Park City. Commissioner Van Dine observed that those requirements were built into the other stages of the development.

MOTION: Commissioner Hall moved to APPROVE the HOPA Affordable Master Planned Development and Conditional Use Permit, based on the Findings of Fact, Conclusions of Law and Conditions of Approval set forth in the Draft Final Action Letter, as amended, as follows:

Findings of Fact

1. On April 16, 1975, the Planning Commission approved a Planned Unit Development for the construction of 80 affordable units at 2200 Monitor Drive (Parcel PCA-2-2302 and PCA-2-2306), known as the Holiday Village Apartments.
2. In 1982, the Planning Commission approved a Conditional Use Permit for the construction of 42 affordable units at 1776 Kearns Boulevard (Parcels PCA-2-2307 and PCA-2-2307-A), known as the Parkside Apartments.
3. Adjacent land uses include a church to the north, Park City School District Campus to the east, Park Meadows Plaza Subdivision to the south, and Holiday Ranchettes Subdivision to the west.
4. The Applicant proposes the HOPA Affordable Master Planned Development (AMPD) and Multi-Unit Dwelling Conditional Use Permit (CUP) to redevelop 6.89 acres—Parcels PCA-2-2302 and PCA-2-2306 (Holiday Village Apartments) and Parcels PCA-2-2307 and PCA-2-2307-A (Parkside Apartments)—north of Kearns Boulevard and east of Monitor Drive.
5. The Applicant named the development the HOPA AMPD.
6. The HOPA AMPD is in the Residential Development Zoning District and Frontage Protection Zone.
7. The Applicant proposes constructing approximately 137 Residential Unit Equivalents to develop 317 affordable units.
8. The Applicant proposes 15,220 square feet of enclosed common space.

Affordable Master Planned Development

9. On February 25, 2021, the City Council adopted Ordinance No. 2021-10 to establish AMPDs to:
 - a. Incentivize public, private, and public-private development of affordable units for the workforce of Park City;
 - b. Create developments that include market-rate and affordable units and increase housing opportunities that are affordable to a wide range of incomes;
 - c. Increase building height and density and decrease parking requirements for affordable units if impacts to the community are mitigated;
 - d. Ensure neighborhood compatibility; and
 - e. Encourage mixed-use, walkable, and sustainable development and redevelopment that provides innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
10. Pursuant to Land Management Code Chapter 15-6.1, the Planning Commission must make fourteen findings when reviewing an AMPD.
11. Density – AMPDs must contain at least ten Residential Unit Equivalents (20,000 square feet). The Applicant proposes construction of approximately 137 Residential Unit Equivalents to develop 317 affordable units.
12. Affordability – At least 50% of the Residential Unit Equivalents must be affordable units – units that are priced to households with incomes at or below 80% of Area Median Income. The HOPA AMPD exceeds this requirement with 100% affordable units and no market-rate units.
13. AMPDs must comply with the requirements of the Land Management Code. 2200 Monitor Drive (Holiday Village Apartments) and 1776 Kearns Boulevard (Parkside Apartments) are within the RD Zoning District. AMPDs are allowed in the Residential Development Zoning District. Density for AMPDs is not determined by the underlying Zoning District, but is volume based and determined by the AMPD setbacks, building height, and open space regulations.
14. Setbacks – The minimum setback around the exterior boundary of an AMPD is 25 feet for property greater than two acres. The HOPA AMPD acreage is 6.89, requiring a 25-foot perimeter setback. The Applicant proposes a 25-foot perimeter setback.
15. The project is within the Frontage Protection Zone, requiring a 100-foot setback from Kearns Boulevard. The Applicant proposes no structures within the Frontage Protection Zone setback, however community assets could be excepted, including

but not limited to uses like bike shares or bike racks if needed, any potential future transit stop for paratransit or microtransit, and a community garden.

16. Regarding interior setbacks, this AMPD is unique – generally an AMPD is reviewed as one lot with a perimeter setback and interior flexibility. However, for financing and phasing reasons, the Applicant proposes subdividing the acreage into seven lots. The Residential Development Zoning District requires a 12-foot side setback and a 15-foot rear setback. As mentioned above, the Applicant satisfies the 25-foot perimeter setback and the 100-foot Frontage Protection Overlay setback, so Residential Development Zoning District rear and front setback requirements are exceeded. Planning Department.
17. The Applicant satisfies the 12-foot internal side setback for Buildings D, E, G, and F. However, the interior setbacks between Buildings A, B, and C, are reduced to ten feet for portions of the façade. LMC § 15-2.13-3(H) states “[t]he Planning Commission may vary side setbacks in Subdivisions and Master Planned Developments. In no case shall the Planning Commission reduce side setbacks to less than ten feet (10’) between structures except as provided in Section 15-2.13-3(F)(2) [regarding connected structures].”
18. Additionally, LMC § 15-6.1-7(D) states the Planning Commission may reduce setbacks within the project boundary to match an abutting zone-required setback provided the project meets the minimum International Building Code and Fire Code requirements, maintains the general character of the surrounding neighborhood in terms of mass, scale, and spacing between structures, and meets open space criteria.
19. The Building and Park City Fire District reviewed the project for conformance as part of the Development Review Committee process on February 7, 2023, March 7, 2023, and June 6, 2023. The properties to the west are zoned Single-Family. However, the Single-Family area is west of the project and is buffered by the 25- foot perimeter setback.
20. The properties directly to the south are zoned General Commercial. The General Commercial Zoning District side setback is ten feet, and the Applicant requests this interior ten-foot setback for Buildings A, B, and C to conform with the adjacent General Commercial Zoning District and the commercial and residential development to the south of the property shown in the image below. The Applicant exceeds open space requirements and respects the requirements of the Frontage Protection Zone.
21. Height – Maximum building height for an AMPD is 45 feet from existing grade and requires the following:
 - A 10-foot stepback on all perimeter building façade planes from the underlying Zoning District building height;
 - Infrastructure is in place or can be updated to meet increased demand; and
 - Building façade variation compliance.

22. The maximum building height required in the Residential Development Zoning District for the building façade perimeters is 28 feet measured from existing grade with a five-foot exception for mechanical equipment screening. The HOPA AMPD is below the allowed 45-foot building height after the ten-foot setback from the building façade perimeter. Planning Department.
23. Facades – Buildings greater than 60 feet but less than 120 feet in length must include a prominent shift in the form of either a ten-foot change in façade alignment or building height and buildings with a façade that exceeds 120 feet must provide a shift in the mass at each 120-foot interval or less in the form of a 15-foot change in building façade or height. The Applicant's plans conform to the shifts in façade.
24. Site Planning –
 - a. Clustered development – development shall be clustered on the most developable and least visually sensitive portions of the site. The Applicant proposes no structures within the Frontage Protection Zone, 100 feet from Kearns Boulevard. The Applicant incorporated Planning Commission input and shifted the elevator shafts along Monitor Drive to the project interior.
 - b. Grading – Projects shall be designed to minimize grading and the need for large retaining structures; roads, utility lines, and structures should be designed to work with existing grade; cuts and fills shall be minimized. The Applicant proposes construction of seven underground parking garages, which will not be visible upon project completion. The project redevelops existing site disturbance and there are no proposed or required retaining walls incorporated into the landscaping.
 - c. Trails – Existing trails shall be incorporated into the open space elements of the project and maintained in their existing location whenever possible. Applicants may be required to grant the City a trail easement to connect proposed trails with existing trails consistent with the Park City Trails Master Plan. A paved bike and pedestrian trail runs north, parallel to Kearns Boulevard. Currently, a fence separates the Holiday Village and Parkside Apartments. The proposed redevelopment opens the area with internal north-south and east-west pedestrian and bike paths, improving access to the paved trail.
 - d. Internal Circulation – Adequate internal vehicular, pedestrian, and bicycle circulation shall be provided. Pedestrian and bicycle circulations shall be separated from vehicular circulation and shall provide safe travel within the boundaries of the AMPD and to adjoining public sidewalks, trails, and rights-of-way. As noted above, in the current configuration, a fence separates Holiday Village and Parkside Apartments. The Applicant's Site Plan below illustrates north-south and east-west internal connectivity, improving overall internal circulation for residents, and providing additional Planning Department connections to the greater neighborhood. Schools, recreation facilities, urgent care, banks, child care, a post office, grocery

stores, a pharmacy, and other services are within ¼ to 1-mile from the HOPA AMPD.

- e. Snow Removal – Areas for adequate snow removal and snow storage are required. The Applicant proposes 10,651 square feet for sidewalk and plaza snow storage (25.3%) and 5,325 square feet for parking snow storage area (12.8%).
- f. Trash and Recycling – Adequate trash and recycling containers must be included with circulation for pick-up vehicles and convenient pedestrian access. The Applicant proposes installing three enclosed dumpsters on site with garbage and recycling. The enclosures are proposed to be constructed with painted fiber cement panels and fiber cement wood siding.
- g. Transportation Amenities – The site plan must include drop-off areas for van and shuttle service and a bus stop if applicable. The Applicant proposes drop-off areas for van and shuttle service through a turnaround accessed from Kearns Boulevard.
- h. Service and Delivery – Access and loading/unloading areas must be included and separate from pedestrian areas. The Applicant provides a turnaround accessed from Kearns Boulevard and eight surface-level parking stalls with two that are ADA compliant, as well as four surface level parking stalls accessed from Monitor Drive, with two that are ADA compliant.
- i. Child Care – The Planning Commission may require a site designated and planned for a child care center an AMPD if the Planning Commission determines the project will create additional demands for child care.
- j. The HOPA AMPD is within the Residential Development Zoning District, which allows two of the four types of child care facilities defined in LMC § 15-15-1: in-home babysitting for the care of four or fewer children within a primary residence and family child care for the care of up to eight children in the primary residence.
- k. Family group child care for the care of up to 16 children within the primary residence and child care centers outside of a primary residence in MultiUnit Dwellings in the Residential Development Zoning District require a Conditional Use Permit and Planning Commission review. LMC § 15-4-9 outlines requirements to ensure safe pick-up and drop-off and safe and Planning Department adequate room for children to play. Additionally, parking for employees is required.
- l. The Applicant provided an evaluation regarding anticipated child care demand and concludes there will be very few children under five years of age and an in-house daycare would not best serve existing residents. The Applicant proposes a child-focused community room or computer room to serve older children on site.

- m. General Plan Review – While not consistency is binding, the AMPD must be consistent with the goals and objectives of the General Plan.
- n. Goal 1 of the General Plan is to protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods and Objective 1A is to direct complimentary land use and development into existing neighborhoods that have available infrastructure and resource capacity. The HOPA AMPD increases affordable units from 122 to 317 for the property, while increasing open space by providing most of the parking in underground structures.
- o. Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents and 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. The proposed HOPA AMPD is in the Park Meadows neighborhood. The General Plan identifies this neighborhood as one that should be preserved as a primary residential neighborhood, in part due to the many community amenities, including the Creekside Park, the Municipal Athletic and Recreation Center (“MARC”), the Park City School District Campus, the Eccles Center for the Performing Arts, and access to the Open Space of Round Valley.
- p. Goal 8 of the General Plan is to increase affordable housing opportunities and associated 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.
- q. The Holiday Village and Parkside Apartments are described in the General Plan as the only affordable housing in the Park Meadows neighborhood indicated on the Built Conditions Map near the Monitor Drive and Kearns Boulevard intersection.
- r. Design Guidelines – The Planning Commission may require Design Guidelines including requirements for exterior cladding material; style, dimensions, and materials of a roof structure, roof pitch, and porch; exterior nonstructural architectural ornamentation; location, design, placement, and architectural styling of windows and doors.
- s. The Applicant revised the proposed materials to comply with LMC § 15-5-5(D) which limits exterior siding materials to three on any one façade. The Applicant proposes painted fiber cement panels, fiber cement siding that looks like wood, and white EIFS. Due to conformity of building design, façade variations, and consistent materials throughout the project. 25.Open Space – AMPDs must provide 20% Open Space. The Applicant proposes landscaping 2.76 of the 6.89 acres, exceeding the LMC requirement for a total of 40%. 26.The open space includes play areas for children in the plazas of Buildings A, B, and C, and Buildings A, D, and E.

The Applicant updated their plans to include an area allocated for a future community garden.

25. Strengthens and enhances the resort character of Park City – The City's Affordable Housing Resolution No. 05-2021 states that the livability and viability of Park City is directly affected by the availability of a sufficient amount of housing affordable to workforce and residents and that the City Council desires to establish policies to ensure a reasonable opportunity for a variety of housing which bears an essential nexus to maintaining the social, economic, and cultural fabric of the community.
26. The City's Housing Needs Assessment completed in 2021 concludes in part that "Park City is the only city in Utah where workers (11,000) outnumber the population (8,500). The workforce needs more housing opportunities. Due to the scarcity of affordable housing, over 8,000 workers with an average wage of less than \$40,000 commute daily from homes out of Summit County to jobs in Park City. This large reservoir of pent-up demand all but guarantees rapid absorption of additional affordable housing units." The Housing Needs Assessment also found that 40% of all renters and 22% of owners pay at least 30% of their income for housing and utilities and "[m]ost troubling is the share of renters paying more than 50% of their income for housing, defined as a severe housing cost burden. One in five Park City renters has a severe housing cost burden."
27. The Applicant proposes exceeding the requirements of the AMPD code. While only 50% of the total Residential Unit Equivalents are required to be affordable Planning Department units, the Applicant proposes 100% of the Residential Unit Equivalents for affordable units. The Housing Needs Assessment concludes "[d]emand for affordable housing could absorb as many as 800 to 1,000 units over the next five years. The 600 proposed units over the next five years will bring the affordable inventory to 1,250 units, a commendable achievement. Nevertheless, supply will still fall short of demand." The Holiday Village and Parkside Apartments provide 122 affordable units. The proposed HOPA AMPD increases this number by 195, for a total of 317.
28. Compliments the natural features on site and preserves significant features or vegetation to the extent possible – LMC § 15-2.13-10 requires protection of Significant Vegetation during development. Significant Vegetation includes large trees six inches in diameter or greater measured four and one-half feet above the ground, groves of smaller trees, or clumps of oak and maple covering an area fifty square feet or more measured at the drip line. The property owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director may require mitigation for loss of Significant Vegetation consistent with LMC § 15-5-5(N), the Water Wise Landscaping code.
29. LMC § 15-5-5(N) requires at least 50% of the landscaped area to be Water Wise Landscaping with non-invasive drought tolerant plants and minimal irrigation. Landscaping plans must identify existing Significant Vegetation. If Significant Vegetation is determined to be unhealthy and/or unsafe, under Site-Specific review

conducted by the Forestry Board and Planning Director in conjunction with a CUP and AMPD, it may be replaced with equivalent landscaping in type and size.

30. On May 10, 2023, the Applicant submitted an evaluation of the Holiday Village and Parkside Apartment trees, completed by Arbor+. The evaluation concludes “roughly 30% of the Spruce trees were in decline or completely dead due to IPS Beetle (Bark Beetle). There were signs of high influx of IPS in the area with a row of Spruce trees that were dead at Park City High School as well as other surrounding properties in the area.”
31. The Applicant proposes removing 104 trees, treating four trees, and planting 102 new trees, including Serviceberry, Amur Maple, Colorado Spruce, and Aspens.
32. On May 4, 2023, the Forestry Board reviewed the Applicant's proposal and recommends Conditions of Approval outlined below.
33. Meets the Sensitive Lands requirements and is designed to place development on the most developable land and least visually obtrusive Planning Department portions of the site – AMPDs that contain any area within the Sensitive Land Overlay shall conduct a Sensitive Lands Analysis. The HOPA AMPD is not within the Sensitive Land Overlay. The site does not include steep slopes, is not near a ridge line area, and is not proximate to wetlands or streams. The property is not within the Soils Ordinance Boundary.
34. Promotes the use of non-vehicular forms of transportation through design and by providing trail and pathway connections – The Applicant proposes improvements to internal east-west and north-south pedestrian and bicyclist connectivity and improved connectivity to the broader neighborhood. The Applicant's Parking Management Plan prioritizes residents without cars, provides enclosed bike storage in excess of the code requirements, and improves resident access to transit stops proximate to the project.
35. Was noticed and the Planning Commission held a public hearing – On April 7, 2023, staff mailed postcard notices to property owners within 300 feet of the HOPA AMPD, posted notice to the property, and published notice on the Utah Public Notice and City website, and on April 12, 2023, the Park Record published notice. The public notice provided information for in-person and remote participation in the April 26, 2023 site visit and public hearing, and the May 24, 2023 public hearing.
36. On June 9, 2023, staff published notice on the Utah Public Notice and City websites, and on June 12, 2023, staff mailed a second postcard notice to property owners within 300 feet of the HOPA AMPD and posted notice to the property. On June 14, 2023, the Park Record published notice. The public notice provided information for in-person and remote participation in the June 28, 2023 public hearing with possible final action.
37. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction – LMC § 15-6.1-12(J) requires AMPDs to incorporate best planning practices for sustainable

development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application, with Energy Star qualified products for appliances.

38. On April 24, 2023, the Applicant met with Park City's Sustainability team to review their plans. The Sustainability team also recommends the Applicant consider an Energy Use Intensity (EUI) that is less than 25 for the living spaces Planning Department to significantly lower utility bills. The Applicant will have a third-party energy consultant during design development and construction document phases and is willing to explore an EUI that is 25 or less at that time.
39. The Applicant proposes:
 - a. Installing 54 Electric Vehicle Charging Stations for 20% of the parking stalls prior to issuance of a Certificate of Occupancy;
 - b. Constructing all-electric buildings;
 - c. Installing windows specifically designed for the mountain climate with performance of R-5 to R-9;
 - d. Installing exterior wall insulation that exceeds the requirements of the building code by installing R-23 that incorporate at least 25% recycled content;
 - e. Incorporating bioswales in the landscaping to collect and remove pollutants from stormwater runoff as illustrated on the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023; and
 - f. Constructing buildings that are solar PV ready.
40. Addresses and mitigates physical mine hazards according to accepted City regulations and policies – Applicants must include a map and list of all known Physical Mine Hazards on the property. On March 28, 2023, Epic Engineering prepared a Phase I Environmental Site Assessment for the Applicant. The Assessment concludes the property was undeveloped prior to the 1980s, the property is not within the City's Soils Ordinance boundary and does not identify concerns regarding the proposed project or adjacent properties.
41. Addresses historic structures and sites on the property according to accepted City regulations and policies and any applicable historic preservation plan – Applicants must submit a map and inventory of historic structures and sites on the property. The Applicant submitted a Historic Report dated May 17, 2023, evaluating existing site conditions, the Park City Historic Sites Inventory, and consulting with the Park City Historical Society and Museum Society, concluding no structures are of historic significance are on the property.

42. Addresses and mitigates traffic – Park City Forward – a Transportation Blueprint identifies a future mode split target for the Park Meadows neighborhood with 37% driving alone, 40% carpooling, 15% walking, 5% riding transit, and 3% biking. Planning Department.
43. On April 19, 2023, Hales Engineering completed a Traffic Impact Study for the Applicant. This Traffic Impact Study was included in the April 26, 2023 Planning Commission packet. The Applicant coordinated the Traffic Impact Study with the Engineering Department to update the study to comply with the proposed Traffic Impact Study standardization criteria. Additionally, the Engineering Department hired Wall Consultant Group (WCG) to provide a third-party review of the Traffic Impact Study.
44. The Engineering Department and WCG provided initial input regarding the April 19, 2023 Traffic Impact Study. On June 16, 2023, Hales Engineering submitted an updated Traffic Impact Study. On June 22, 2023, WCG provided a memorandum of review regarding the updated Traffic Impact Study.
45. The Traffic Impact Study evaluates Levels of Service from A through F. An acceptable Level of Service in Park City is Level D.
46. The updated Traffic Impact Study outlines existing and anticipated future conditions for relevant intersections.
47. Addresses and mitigates parking reductions and parking management – The Applicant submitted a Parking Study and Parking Management Plan and proposes 266 parking spaces, reducing the parking requirements by 64 spaces, a 19% reduction.
48. LMC § 15-6.1-9(A) requires AMPDs to comply with Off-Street Parking requirements. LMC § 15-3-6 Parking Ratio Requirements for Specific Land Use Categories outlines the following for Multi-Unit Dwellings: Unit 1,000 square feet or less 1 space Planning Department Unit greater than 1,000 square feet and less than 2,000 square feet 1.5 space Unit greater than 2,000 square feet 2 spaces.
49. No units greater than 2,000 square feet are proposed for the HOPA development. The Applicant proposes 317 units requiring 330 parking spaces.
50. LMC § 15-6.1-9(B) establishes Planning Commission discretion to evaluate a reduction to AMPD parking requirements if the Applicant:
 - a. Demonstrates parking reductions materially increase the feasibility of the proposed AMPD.
 - b. Submits a parking and traffic study completed by a third party selected by the City.
 - c. Demonstrates that the proposed AMPD sufficiently addresses the parking demand for the project

51. On April 19, 2023, the Applicant submitted the Park City Holiday Village & Parkside Parking Study ("Parking Study") prepared by Hales Engineering for Planning Commission review pursuant to the requirements in LMC § 15-6.1-9(C). The Parking Study concludes in part "[a]n estimated 20% reduction in the parking requirement was calculated based on the development being nearby existing and planned transit facilities, having more than twice the required bicycle parking stalls, having carshare parking stalls, and having motorcycle parking stalls" and "[a]n additional 5% buffer was used to convert the parking demand to a recommended parking supply."
52. On June 21, 2023, the Applicant submitted an updated HOPA Parking Management Plan. The Applicant proposes the following:
 - a. All underground parking spaces will be assigned, and residents must register their vehicle with management. No household will be allowed to park more than one car onsite.
 - b. The Applicant shall market the project as ideal for local workers and their families who use transit and active transportation instead of cars.
 - c. The Applicant shall keep two separate waiting lists for households who do and do not own cars and allow people to get on both lists. If their name comes to the top of the "no car" list, they have the option to accept residence and get rid of their car.
 - d. The Planning Commission may require an additional twenty surface parking spaces in the Frontage Protection Zone after the last Planning Department buildings are completed to provide additional parking if the Planning Commission finds an updated parking study demonstrates increased parking demand.
 - e. Paratransit and microtransit turnarounds will be accessed from Kearns Boulevard.
 - f. The Applicant shall provide enclosed bicycle storage and outdoor, enclosed bicycle storage as outlined in the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
 - g. The Applicant shall provide an annual Park City Bikeshare pass for residents without a car. The Applicant agrees that a future Park City Bikeshare location may be located on site in coordination with Summit County and City staff.
 - h. Should a carshare program become available, the Applicant will allocate parking spaces on site for carshare use in a location approved by the Planning Director.

- i. As part of the Phase I construction, the Applicant shall install a concrete bus stop pad and bench along Monitor Drive to the size and dimensions and in a location approved by the City Engineer, Transportation, and Transit Department.
53. LMC § 15-6.1-9(D) establishes six criteria for AMPDs greater than one acre that the Planning Commission may consider when evaluating an Applicant's request to reduce parking, outlined below: (1) Parking in the Right-of-Way along the perimeter of the AMPD is available – parking in the Right-of-Way is not available on Monitor Drive or Kearns Boulevard. (2) A clear and irrevocable agreement authorizes AMPD residents to park in an off-site Parking Area or Parking Structure that is located within 1,000 feet of the AMPD perimeter boundary – the Applicant proposes parking off-site during Phase I and II construction, described below. However, the Applicant does not propose parking for AMPD residents within 1,000 feet of the AMPD perimeter boundary. (3) The AMPD is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards – the Parking Study reduces parking requirements by 11% due to proximity of bus stops. According to the Applicant's survey, 69.6% of the survey respondents take public transit to access daily needs. The Applicant met with Engineering, Transportation, Transit, and Planning staff to discuss the bus stops within the vicinity of the project and to evaluate bus stop upgrades to accommodate increased ridership. The Applicant Planning Department originally proposed a bus pullout along Monitor Drive. However, the Transit team recommended improvements to the bus stops along Kearns Boulevard rather than a bus pullout along Monitor Drive due to the limited bus route, ridership, and minimal time required for loading and unloading. The Transit team submitted documentation indicating boardings and alightings along Monitor Drive are minimal and do not warrant a bus pullout, even with increased ridership in the future. In 2018, the City completed an accessibility inventory of bus stops to identify compliance with ADA functional requirements and amenities such as shelters, seating, and signage. Physical characteristics and ridership information was collected on all stops served by Park City transit. This information was used as a baseline for prioritizing bus stop improvements. Stop 15080 Parkside Apartments was rated "B" for ADA functionality and "A" for amenities. While prioritizing bus stop improvements, the Parkside Apartment stop was not identified for improvement due to its relative score with other sites in the transit system. While this stop is not currently programmed for improvements, an increase in ridership presents an opportunity to revisit prioritization in coordination with the Applicant as the project develops. (4) On-site parking is provided for motorcycles/scooters – the Parking Study reduces parking requirements by 1% due to 14 on-site motorcycle stalls in the underground parking garages. According to the Applicant's survey, two respondents use a scooter or motorcycle. The Applicant's updated Underground Parking Exhibit increases on-site motorcycle stalls in the underground parking garage to 16 (Building A: 7, Building B: 1; Building C: 1; Building E: 1; Building F: 1; Building G: 5). The motorcycle/scooter parking stalls also provide e-bike charging. (5) Bicycle parking exceeds the requirements of LMC § 15-3-9 – the Parking Study reduces parking requirements by 4% due to on-site bicycle parking. At the time the Applicant submitted a complete Application, LMC § 15-3-9 required the Applicant to install outdoor bike racks for 10% of the required Off-Street Parking. The parking requirement for the project is 330 parking spaces, so the outdoor bike rack requirement is for 33 bikes. In addition to installing

outdoor bike racks, the Applicant proposes to exceed the bike parking requirement by providing enclosed bike parking within the parking garage and buildings and outdoor sheltered securable bike storage facilities. The Parking Study provided a 4% parking reduction because the Applicant's original Planning Department plan included bike parking for 74 bikes. According to the Applicant's survey, 26.1% of respondents bike to access daily needs. The Applicant's revised submittal increased the number of bike parking provided on site to 220—an increase of 146—and includes 188 sheltered securable bike parking within the parking garage and buildings: The Applicant also proposes to install a minimum of four outdoor sheltered, securable bike storage facilities for 32 or more bikes, as well as three bike racks with each providing bike parking for multiple bikes. In total, this provides secure enclosed bike parking for 220 bikes. In addition to providing secure enclosed bike parking for 220 bikes, the Applicant is coordinating with Summit County and City staff about a future Bike Share installation. Thirty percent of respondents to the Applicant's survey expressed an interest in a bike share program. (6) The AMPD provides dedicated parking spaces for resident carshare vehicles – the Parking Study reduces parking requirements by 4% for at least four carshare vehicles for the site. According to the Applicant's survey, nearly 20% of the respondents expressed an interest in a car share program.

54. Parking during construction – Additional considerations for parking include evaluation of parking during construction of Phases I and II. Pre-construction, the Applicant proposes requiring registration for residents with a vehicle to manage parking during construction.
55. During construction, the Applicant proposes issuing HOPA parking stickers for registered cars only. Cars without stickers will be towed if left more than 24 hours. No guest parking will be available during construction Phases I and II.
56. LMC § 15-3-2(C) states required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots. On May 22, 2023, the Applicant completed a Parking Requirement Evaluation for 1700 Kearns Boulevard, the commercial property directly south of the HOPA AMPD. The Applicant's Parking Requirement Evaluation reviews the existing parking for the commercial property with the required parking ratios outlined in LMC § 15-3-6.
57. The Applicant's Parking Requirement Evaluation concludes the mix of occupancy overlaps and 90% of the building is dedicated to business and retail use operating during the hours of 9:00 AM and 5:00 PM and 10% of the leasable area is for restaurant use open from 5:00 to 10:00 PM. The Applicant concludes the parking requirements of the adjacent commercial property generates a need Planning Department of up to 126 parking spaces and after 5:00 PM, the need reduces to 47 stalls until 10:00 PM. After 10:00 PM, the Applicant concludes the parking demand is reduced to zero.
58. On May 4, 2023, Ed Lewis, Chief Executive Officer of Kensington Investment Company and Park Meadows Plaza provided a letter of support for the HOPA AMPD, agreeing to facilitate the project through temporary use of 40 parking stalls

immediately adjacent to the south side of the HOPA site during Phase I and II of construction.

59. Development Agreement – LMC § 15-6.1-5 requires a Development Agreement for AMPDs in a form approved by the City Attorney that contains:
- a. A legal description of the land;
 - b. All relevant zoning and Land Management Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions;
 - c. An express reservation of the future legislative power and zoning authority of the City;
 - d. A provision to allow for minor, administrative modifications without revision of the Agreement;
 - e. A copy of the approved Site plan, architectural plans, Landscaping plans, Grading plan, trails and Open Space plans, and other plans, which are a part of the Planning Commission approval;
 - f. A description of all Developer exactions or agreed upon public dedications;
 - g. Developer agreement to pay all specified impact fees;
 - h. The Initial Purchase Price of the Affordable Units, as defined in the Housing Resolution in effect at the time of a Complete Application;
 - i. The form of ownership anticipated for the project;
 - j. A specific project phasing plan;
 - k. A list and map of all known Physical Mine Hazards on the Property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards; and
 - l. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.
60. LMC § 15-6.1-5(B) requires the Applicant to submit a draft Development Agreement to the Planning Department within six months of the date of Planning Commission approval. The Planning Commission holds a public hearing and ratifies Development Agreements, which are then signed by the Mayor.
61. Subdivision Approvals Required – The Applicant proposes subdividing the property in seven lots to accommodate phased construction. Due to the unique

proposal to subdivide the parcels in phases with proposed underground structures crossing lot lines, the Applicant proposes a subdivision phasing plan. Conditional Use Permit.

62. The project, as conditioned, meets the Conditional Use Criteria – Multi-Unit Dwellings in the RD Zoning District require a CUP. 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.
63. The Planning Commission evaluates proposed Conditional Uses and may recommend conditions of approval to preserve the character of the Zoning District, and to mitigate potential adverse effects of the Conditional Use.
64. 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.
65. The table below outlines the sixteen criteria the Planning Commission reviews when considering a Conditional Use. Criteria not addressed in the AMPD Findings of Fact above are outlined in the table below: Criteria Proposed Project Size and location of the site The HOPA AMPD is on 6.98 acres within the Residential Development Zoning District and Frontage Protection Zone within the Park Meadows neighborhood. The Applicant's Contextual Analysis below shows the proposed HOPA AMPD for three vantage points: Planning Department Utility capacity, including storm water run-off The Development Review Committee discussed the proposed project on February 7, 2023, March 7, 2023, and June 6, 2023 and require no additional Conditions of Approval. Emergency vehicle access The Park City Fire District reviewed the proposed project on February 7, 2023, March 7, 2023, and June 6, 2023, and found conformance with their required standards. Signs No signs are proposed as part of this AMPD and CUP. Future sign installations require submittal of a Master Sign Plan for Planning Department review and approval prior to any sign installation. Physical design and The adjacent site to the north is a 3.44-acre Parcel in Planning Department compatibility with surrounding structures in mass, scale, style, design, and architectural detailing the Residential Development Zoning District with a church. Most of the site is surface level parking. The adjacent site to the east is the Park City School District Campus. The building closest to the HOPA AMPD is the Park City High School with an existing height up to 65 feet. On October 18, 2022, the Board of Adjustment approved a variance for the Park City High School addition that is 47 feet six inches in height. The Holiday Ranchettes Subdivision in the SingleFamily Zoning District is to the west across Monitor Drive. The adjacent site to the south is the Park Meadows Plaza Subdivision, with buildings constructed in 1973 and 1995 in the General Commercial Zoning District with a maximum building height of 35 feet. The HOPA property is situated in a transition area within the Park Meadows neighborhood from SingleFamily Dwellings to the commercial and school uses on Kearns Boulevard. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site The HOPA AMPD

meets the 25-foot perimeter setback from adjacent properties. Additionally, the HOPA AMPD meets the 100-foot Frontage Protection Zone setback from Kearns Boulevard. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies The HOPA AMPD is owned by Mountainland Community Housing Trust. The deed restrictions that must be recorded governing the long-term affordability of the development require primary residency and prohibit nightly rentals or other short-term rental. The Applicant does not propose condominium ownership of any units; rather, the HOPA AMPD will be affordable unit rentals only.

66. The Development Review Committee evaluated the HOPA AMPD and CUP on February 7, 2023, March 7, 2023, and June 6, 2023. Recommended Conditions of Approval are included below. Planning Department
67. The Planning Commission conducted a work session on March 22, 2023, a site visit and public hearing on April 26, 2023, a public hearing on May 24, 2023, and a public hearing on June 28, 2023.

Conclusions of Law
Affordable Master Planned Development

1. Provides at least 50% Affordable Units;
2. Complies with requirements of the Land Management Code;
3. Meets the minimum requirements of this Chapter;
4. Provides meaningful Open Space for residents and the public;
5. Strengthens and enhances the resort character of Park City;
6. Complements the natural features on the Site and preserves significant features or vegetation to the extent possible;
7. Meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
8. Promotes the Use of non-vehicular forms of transportation through design and by providing trail and pathway connections;
9. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
10. Incorporates best planning practices for sustainable development, including water conservation measures and energy-efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application, and includes Energy Star qualified products for appliances;

11. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
12. Addresses and mitigates Historic Mine Waster and complies with the requirements of the Park City Soils Boundary Ordinance;
13. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
14. Addresses and mitigates traffic; and
15. Addresses and mitigates parking reductions and parking management.

Conditional Use Permit

1. The Application complies with all requirements of this LMC;
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation; Planning Department; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stockpiling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance, fencing, protection of existing vegetation, erosion control, storm-water management, and other items as may be required by the Building Department.
2. A storm-water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm-water Best Management Practices. Post development drainage shall not exceed development drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
3. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
4. Final utility plans shall be submitted with the Building Permit.

5. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
6. Approval of this AMPD shall expire two years from the date of Development Agreement execution unless construction, as defined by the International Building Code, has commenced on the project.
7. Affordable Deed Restrictions – Prior to a certificate of occupancy, provisions to ensure continued affordability shall be embodied in legally binding deed restrictions, approved by the City Attorney, and recorded with the County. Planning Department.
8. The deed restrictions shall conform with the requirements outlined in the Park City Affordable Housing Resolution No. 05-2021 or as otherwise determined by the Park City Housing Authority.
9. The deed restrictions shall continue in full force and effect for a period not less than forty years. Upon expiration of the initial forty-year term, or any subsequent term, the City shall have six months in which to determine, based on an independent market study, that the affordable units within the AMPD are no longer necessary to satisfy the affordable or workforce housing needs of the City. The City Council or its successor shall make the final determination of such continuing need, and if the City makes no such determination, the deed restrictions shall automatically renew for one or more additional 10-year terms.
10. The property owner shall submit to the City an annual compliance report as amended from time to time by the City or its designee, verifying deed restriction compliance.
11. Building Height – The Applicant's building permit plans and building heights shall substantially conform to the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
12. Garbage and Recycling – Final dumpster enclosure locations shall be approved by Republic Services and shall not encroach into site setbacks. Recycling shall be provided for but not be limited to glass, paper, plastic, cans, cardboard or other household generated recyclable and scrap materials.
13. Noxious Weeds – Noxious weeds identified by Summit County must be removed from the property in accordance with Summit County regulations prior to issuance of Certificate of Occupancy.
14. Dark Sky Compliance – Prior to issuance of a Certificate of Occupancy, the outdoor lighting shall conform to the requirements of City's Dark Sky Code in LMC Section 15-5-5(J), be fully shielded, down directed, with bulbs 3,000 degrees Kelvin or less.

15. Child Care – In-home babysitting and family child care are allowed within primary residences subject to Planning Department review and approval. If a family group child care and/or child care center is proposed within the property, the family group child care and/or child care center does not require a Conditional Use Permit nor Planning Commission review and is subject only to Planning Director review for conformance with the requirements of the Land Management Code.
16. Design Guidelines – The materials submitted at the building permit phase shall substantially comply with the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
17. Community Garden – Should the residents within the development desire a community garden, the Applicant has allocated an area identified on the Site Plan dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023. The community garden may be placed anywhere onsite, including within the Frontage Protection Zone.
18. Landscaping – The Applicant shall remove trees impacted by the Bark Beetle as soon as possible and prior to beginning construction.
19. The Applicant shall select salt tolerant trees and filters to protect vegetation near areas proposed for snow storage.
20. The Applicant shall include landscaping phasing plan in the project phasing plan to ensure new vegetation is established.
21. The Applicant shall establish a three-year review after final project completion to evaluate the health and viability of new vegetation.
22. Sustainability – The Applicant shall install 54 Electric Vehicle Charging Stations for 20% of the parking stalls prior to issuance of a Certificate of Occupancy.
23. The Applicant shall construct all-electric buildings.
24. The Applicant shall install windows specifically designed for the mountain climate with performance of R-5 to R-9.
25. The Applicant shall install exterior wall insulation that exceeds the requirements of the building code by installing R-23 that incorporate at least 25% recycled content.
26. The Applicant shall incorporate bioswales in the landscaping to collect and remove pollutants from stormwater runoff as illustrated on the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
27. The Applicant shall construct buildings that are solar PV ready.

28. During the design development and construction document phases, the Applicant shall review Energy Use Intensity with the Sustainability Department to achieve lower utility bills for living spaces.
29. Parking Management Plan – All underground parking spaces will be assigned, and residents must register their vehicle with management. No household will be allowed to park more than one car onsite, unless otherwise determined by the Parking Management Plan.
30. The Applicant shall market the project as ideal for local workers and their families who use transit and active transportation instead of cars. Planning Department
31. The Applicant shall keep two separate waiting lists for households who do and do not own cars and allow people to get on both lists. If their name comes to the top of the “no car” list, they have the option to accept residence and get rid of their car. Those on the “no car” list will have priority over those who own cars.
32. The Planning Commission may require an additional twenty surface parking spaces in the Frontage Protection Zone after the last buildings are completed to provide additional parking if the Planning Commission finds an updated parking study demonstrates increased parking demand.
33. Paratransit and microtransit turnarounds will be accessed from Kearns Boulevard.
34. The Applicant shall provide enclosed bicycle storage and outdoor, enclosed bicycle storage as outlined in the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.
35. The Applicant shall provide an annual Park City Bikeshare pass for residents without a car. The Applicant agrees that a future Park City Bikeshare location may be located on site in coordination with Summit County and City staff.
36. Should a carshare program become available, the Applicant will allocate parking spaces on site for carshare use in a location approved by the Planning Director.
37. As part of the Phase I construction, the Applicant shall install a concrete bus stop pad and bench along Monitor Drive to the size and dimensions and in a location approved by the City Engineer, Transportation, and Transit Department.
38. When the Transit and Engineering Departments determine ridership for Stop 15080 Parkside Apartments increases to the degree it warrants bus stop improvements, the Applicant shall meet with the City Transit and Engineering Departments and commits to improving internal pedestrian connectivity to the upgraded bus stop.
39. Bike Parking – The Applicant shall provide sheltered securable bike parking for 188 bikes in the parking garage and buildings, shall install a minimum of four outdoor sheltered, securable bike storage facilities for 32 or more bikes and three

bike racks for bike parking, as indicated in the plans dated June 16, 2023, and reviewed by the Planning Commission on June 28, 2023.

40. The Applicant shall provide an annual Park City Bikeshare pass for residents without a car. The Applicant agrees that a future Park City Bikeshare location may be located on site in coordination with Summit County and City staff. Planning Department.
41. Long-Term Parking Management – A high-speed remote-controlled gate at the entrance to the parking structure.
42. Camera installations in the parking structure for remote monitoring 24/7 by the management company.
43. Use of parking permits/stickers for all vehicles authorized to park in the parking structure; cars without stickers will be towed at the owner's expense.
44. Numbered parking stalls – residents will be granted no more than one parking space.
45. The annual operating budget will include an allowance to sweep and clean the parking area on a semi-annual basis.
46. Parking During Construction – Parking shall comply with the Parking Management Plan.
47. Prior to submitting a draft Development Agreement, the Applicant shall submit a formal agreement between Kensington Investment Company and the Applicant providing for 40 temporary parking stalls immediately adjacent to the south side of the HOPA site to be available for use until Phase II construction is complete.
48. During construction of the project, the Applicant shall submit an annual report to the Planning Department for review by the Planning Director outlining parking available to residents and parking management plan compliance. The Planning Director may recommend additional review by the Planning Commission if the Director determines the demand is not satisfied through on-site and off-site parking.
49. The Applicant shall submit a draft Development Agreement to the Planning Department within six months of the date of Planning Commission approval. The Development Agreement must be ratified by the Planning Commission, signed, and recorded, prior to building permit issuance.
50. The Applicant shall submit a complete subdivision application to the Planning Department for review, approval, and recordation prior to submitting a building permit for each phase of development.

51. The Applicant shall submit an access easement agreement in a form approved by the City Attorney's Office for the vehicular access to the property from Kearns Boulevard indicated on the Park Meadows Plaza Survey.
52. Mechanical Equipment – Mechanical equipment will be required to comply with the requirements of LMC § 15-5-5 regarding location on the building, compliance with setbacks, and required screening.
53. The Applicant shall provide an annual report to the Planning Commission on parking, and the Planning Commission shall review and potentially require the 20 proposed additional surface level parking spaces. The Planning Commission may also include an evaluation of whether the Kearns access to the underground parking structure should be opened for resident access.

Commissioner Frontero seconded the motion.

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

Chair Suesser advised that Commissioner Kenworthy left the meeting.

B. 2644 Aspen Springs Drive - Conditional Use Permit - The Applicant Proposes to Construct a Private Recreation Facility (Swimming Pool) in the Single-Family Zoning District. PL-23-05658

Commissioner Hall reported that she would recuse herself from the above item as she sold the applicant the Lot.

City Planner, Spencer Cawley reported that the proposal is for a CUP for a 17' x 40' swimming pool. He presented images of the proposed pool. The property is within the Sensitive Land Overlay Zone, and would impact both the Entry Corridor and a Vantage Point from McPolin Barn and S.R-224. He presented images provided by the applicant that showed the view from the Barn, and the front and rear corners of the property. He also presented images from the neighboring properties.

Chair Suesser asked about the Landscaping Plan. Planner Cawley explained that the image presented showed an area that was part of the Wildland Urban Interface Code, so no evergreens could be placed within that area. All of the proposed evergreens were on the outside of that area. He added that the applicant included some deciduous trees, and everything else would be revegetated with a grass and wild flower seed mix.

In response to an inquiry from Commissioner Van Dine, Planner Cawley explained that there were additional trees on one side to block the view of neighbors, but there would be nothing to block the view from the Barn because they were not allowed to plant evergreens within that area. He added that the area outside of that zone was a platted open space that the applicant was not allowed to disturb.

Commissioner Van Dine observed they could not plant a large hedge in the area, but Chair Suesser noted they could plant trees, just not evergreens. Commissioner Van Dine's asked what could be planted in that area to provide more screening from the McPolin Barn.

Chair Suesser opened the public hearing.

Bill Ciraco identified himself as the Aspen Springs HOA President and a member of their Architectural Review Committee. He stated the HOA allowed owners to landscape in the areas outside the Limits of Disturbance. The Plat and the Covenants, Conditions and Restrictions (“CCRS”) calculate the Limits of Disturbance differently than the City, and the applicant’s existing structure and hardscape fall within the HOAs allowance for Limits of Disturbance. He stated that the applicant can landscape anything up to their property line. He understood that the only restriction was the applicant could not plant evergreens within the black line shown on the graphic. Speaker Ciraco opined that there is room for additional landscaping.

Commissioner Van Dine suggested that they require sufficient screening looking south from the Vantage Point. Because this property was located within the Sensitive Land Overlay, the Commission had the ability to enforce it. Chair Suesser felt they needed to specify it further in the Conditions of Approval. Commissioner Van Dine suggested “screening vegetation.” Commissioner Sigg noted the language in CUP review criteria in the Staff Report. City Attorney Harrington stated that it was not included in the Conditions of Approval because the screening was already shown on the east and west on the plan. He suggested adding Condition of Approval 10 to clarify that the Landscape Plan shall be modified to show screening from the north.

Chair Suesser clarified that Condition of Approval 10 would state that the Landscape Plan would be modified such that the northeast side of the property shall include additional screening downhill from the pool. Commissioner Sigg wanted to make clear that it would screen the length of the pool.

Commissioner Van Dine suggested that the screening be required along the length of the pool fronting the McPolin Barn.

Chair Suesser asked if it was adequate to just reference screening. Planner Cawley stated they could specify vegetative screening. Commissioner Van Dine suggested “large screening vegetation” and suggested it be reviewed. Chair Suesser added that it be modified “to include additional significant vegetative screening.” Speaker Ciraco noted that there is significant room behind the property where the applicant could plant evergreen trees. He felt the applicant had done a good job landscaping the property and would comply with the Conditions of Approval.

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

MOTION: Commissioner Frontero moved to APPROVE 2644 Aspen Springs Drive - Conditional Use Permit – based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Final Action Letter, as amended:

Findings of Fact

1. The Site is located at 2644 Aspen Springs Drive.
2. The Site is within the Single-Family (SF) Zoning District.
3. The Property is Lot 46 of the Aspen Springs Ranch Subdivision Phase II.

4. The Lot contains 1.557 Acres.
5. Private Recreation Facilities (Swimming Pool) are a Conditional Use in the SF Zoning District and require Planning Commission review and approval.
6. On May 10, 2023, the Planning Department received a Conditional Use Permit Application to construct a Swimming Pool.
7. On June 5, 2023, the Planning Department determined the Conditional Use Permit Application complete.
8. The proposed Swimming Pool is for the benefit of the Property Owner and will not be accessible to general public.
9. The total area of disturbance for this site is 25,195 square feet. The Applicant is required to revegetate all disturbed Area except for the driveway, Single-Family Dwelling, and hardscape Areas. The total disturbed Area required to be revegetated is 13,319 square feet.
10. The Front Setback in the SF Zoning District is 20 feet for main Structures and 25 feet for Garages.
11. The Rear Setback in the SF Zoning District is 15 feet.
12. The Side Setback is 12 feet, each side.
13. The site's main Structure is set back 73 feet and the Garage is set back 37 feet from the front property line.
14. The proposed Swimming Pool is set back 130 feet from the Front Setback, behind the existing Structure.
15. The proposed Swimming Pool will be set back 115 feet from the rear property line.
16. The proposed Swimming Pool will be set back 80 feet from the east side property line and 180 feet from the west side property line.
17. The Limits of Disturbance ("LOD") or Building Pad ("BP") for Lot 46 is 12,000 square feet.
18. The proposed Swimming Pool is in the LOD/BP.
19. The proposed Swimming Pool does not disturb the platted Open Space Area.
20. The Aspen Springs Ranch Architectural Review Committee approved the Swimming Pool on May 8, 2023.

21. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-1-10(E).
- a. Size and Location of Site Condition of Approval – Condition of Approval #1.
 - b. Traffic Capacity – The Swimming Pool will not generate traffic beyond the primary Use of the Property as a Single-Family Dwelling.
 - c. Utility Capacity – On June, 6, 2023, the Water Department and Snyderville Basin Water Reclamation District reviewed this proposal. They require the Applicant to provide a plan that will address draining and cleaning the pool.
 - d. Emergency Vehicle Access – The proposal will not change emergency access to the Property. On June 6, 2023, Park City Fire District reviewed the proposal and does not require additional emergency access to the site.
 - e. Off-Street Parking – The LMC requires two off-street parking spaces for a Single-Family Dwelling and one off-street parking space per four persons maximum rated capacity for a Private Recreation Facility. The Applicant can park a minimum of four vehicles off-street in the attached Garages.
 - f. Internal Vehicle and Pedestrian Circulation – No unmitigated impacts. The Swimming Pool will be used primarily by the property owner and their guests which will not change the Lot's vehicle and pedestrian circulation.
 - g. Fencing, Screening, and Landscaping – Conditions of Approval 4 and 5.
 - h. Structure Mass, Bulk, and Orientation – The property gradually slopes away from Aspen Springs Drive toward the rear of the property. The proposed Swimming Pool will be behind the existing Single-Family Dwelling within the allowed LOD.
 - i. Useable Open Space – Not applicable. There are no open space requirements for a Single-Family Dwelling. The addition of the Swimming Pool does not affect the platted Ranch Open Space at the rear of the property.
 - j. Signs and Lighting – Condition of Approval 6. Signs are not proposed or approved with this application. The landscape plan proposes outdoor lighting, restricted to the back patio, water features, and along the driveway.
 - k. Physical Design and Compatibility with Surrounding Structures – The Planning, Engineering, and Building Departments will review the final design prior to issuance of a building permit. The Planning Department will review the Swimming Pool materials and design for compliance with LMC Chapter 15-5 Architectural Review and the Conditions of Approval of this Conditional Use Permit.

- l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures – Conditions of Approval 6 and 7. The Swimming Pool equipment will be vaulted at the northeast corner of the existing Single-Family Dwelling. The area is further screened by a tiered rock retaining wall, two Quaking Aspens, one Amur Maple, three Indian Currants, five Snowberry Shrubs, and five Ashleaf Spirea.
 - m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas – Vehicles for service and maintenance of the Swimming Pool will access the Property from Aspen Springs Road.
 - n. Expected Ownership – The Applicant is the owner of record, and the property will be maintained as a Single-Family Dwelling.
 - o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slope – Conditions of Approval 8 and 9.
 - p. General Plan Consistency – The Property is located in the Aspen Springs neighborhood and is the Applicant's primary residence. The General Plan calls out the importance of developing a Sense of Community for those that choose to live in Park City full-time. Goal 7 of the General Plan states that the City strives to create a diversity of primary housing opportunities, allowing full-time residents to have local options for work and play.
- 22. The proposal complies with the Sensitive Land Overlay Criteria outlined in LMC Chapter 15-2.21.
 - a. Slope – The proposed area for the Swimming Pool has a slope of 12%, which is not a Significant Steep Slope as defined in the LMC.
 - b. Ridge Line Areas – The proposed Swimming Pool will not affect crests of hills or ridge line areas. No ridgelines cross through or adjacent to the property.
 - c. Vegetative Cover – Prior to construction of the Single – Family Dwelling, the site had very little vegetation. The image below, taken from the City's GIS database, shows the property's small amount of vegetation in yellow. The proposed landscape plan will introduce native, fire-wise, and waterwise vegetation to the site.
 - d. Designated Entry Corridors and Vantage Points – The property is visible from McPolin Barn and SR 224.
 - e. Wetlands – Freshwater ponds and freshwater shrub wetlands are to the east of the Property. Freshwater emergent wetlands are to the north and to the east of the Property. No wetlands cross the site. The site is more than 50 feet from these Wetland Areas.

- f. Stream Corridors, Canals, and Irrigation Ditches – Streams in the area are to the north and east of the Property and do not cross the site.
 - g. Wildlife Habitat Areas – The Property is a developed site and has a defined LOD. The Aspen Springs Ranch Subdivision Phase II includes an area of platted Open Space behind Lot 46 that cannot be developed and must be maintained as Open Space. This Area of Open Space acts as a buffer for wildlife in the area.
- 23. On June 6, 2023, the Development Review Committee reviewed the proposal. Snyderville Basin Water Reclamation District and the City's Water Department require the Applicant to provide a plan that will address draining and cleaning the pool. The Applicant shall not drain into the storm water or sewer systems without approval from SWBRD and the Water Department.
 - 24. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to property on June 14, 2023.
 - 25. Staff mailed courtesy notice to property owners within 300 feet on June 14, 2023.
 - 26. The Park Record published notice on June 14, 2023.

Conclusions of Law

- 1. The Application complies with all requirements of the LMC.
- 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 Swimming Pool shall be within the 12,000 square foot LOD/BP as indicated on the plans.
- 2. Snyderville Basin Water Reclamation District and the City's Water Department require the Applicant to provide a plan that will address draining and cleaning the pool. The Applicant shall not drain into the storm water or sewer systems without approval from SBWRD and the Water Department.
- 3. The Applicant shall satisfy all parking on site and shall not park on Aspen Springs Drive.
- 4. The Applicant shall include the retaining walls in the scope of their Building Permit as required by LMC § 15-4-2(D): A Building Permit is required for construction of any Fence or retaining wall greater than six feet in height.

5. All outdoor lighting shall be compliant with LMC § 15-5-5(J) and the dark sky standards. Outdoor lighting must be shielded. Lightbulbs shall not exceed 3,000 degrees Kelvin.
6. The use of the Swimming Pool shall be limited to the property owners and their guests.
7. The Applicant shall adhere to Park City's Noise Ordinance. Outdoor speakers shall be limited to the approved building plans and no additional outdoor speakers are approved or allowed with this Conditional Use Permit.
8. The Applicant shall provide an updated Construction Mitigation Plan for review by the Planning, Engineering, and Building Department at the time of Building Permit Application.
9. The updated Construction Mitigation Plan must verify the Limits of Disturbance for the construction operations as well as define construction access locations and material laydown locations for the site.
10. The Landscape Plan shall be modified such that the northeast side of the property shall include additional significant vegetative screening downhill from the pool.

Commissioner Sigg seconded the motion.

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

Commissioner Hall rejoined the meeting.

C. 2175 Sidewinder Drive - Conditional Use Permit - The Applicant Proposes an Annual Tent Installation in the Summer Months for a Private Event. PL-23-05693.

City Planner, Lillian Zollinger reported that the applicant was seeking an ongoing Conditional Use Permit for a temporary tent for a private event in the summer months. She noted that this event would be approximately three weeks each summer, and would benefit the Park City Math Institute. She stated that temporary tents up for longer than 14 days require a CUP, as reviewed by the Planning Commission.

Planner Zollinger presented an image of the site location and the proposed tent, which had been in the similar location and of the similar size for several years. She listed the previous approvals, and advised that throughout the years the length of the event increased so the applicant was at the point where it would be longer than two weeks and require an ongoing CUP. She added that the ongoing CUP would be better for the applicant in the long run. She reported that the site is located within the Residential Development ("RD") Zoning District, and the temporary tent would be compliant with Setbacks and Height, as well as the Temporary Structure requirements as set forth in the Staff Report, and as Conditioned.

The tent will take up parking for the residents, and she identified the area that the applicant proposed for parking. She referenced the applicant's representation that the parking was never

full, and during the event most of the guests were on site or could arrive by transit. Additionally, usually the event staff does not drive to the event.

Planner Zollinger highlighted certain Conditions of Approval. She advised that the temporary tent installation would be able to be up for up to 31 days, and the tent must come down within three days of the final event. She also highlighted that the temporary tent would not be allowed to be used for other private events. The tent may not be larger than 40' x 120' x 10' and no more than three parking stalls may be used by employees of the private event in the Prospector Parking Lot as defined in Exhibit C. In addition, the Park City Fire Department required 20 feet of asphalt access for emergency vehicle access adjacent to the temporary tent, and the tent shall not impede emergency access.

With regard to Condition of Approval #8, Planner Zollinger stated that the applicant shall apply for a Fire and Building Permit each year at least one month before the proposed installation of the temporary tent. Additionally, the applicant shall provide notice to the residents one month prior to installation of the temporary tent. She also stated that residents may park in the Prospector Parking area for the duration of the temporary tent installation. If at any time parking is found to be insufficient and create significant impacts to vehicle, pedestrian or emergency access as reported by the neighborhood, the permit shall be invalid and the applicant must return to the Planning Commission for review of the ongoing temporary tent permit.

Planner Zollinger advised that the Planning Commission may approve the CUP, deny the CUP and direct Staff to make findings for the denial, or it may request additional information and continue the matter to a date certain. Staff recommended the Planning Commission review the proposed CUP, hold a public hearing, and consider approving the ongoing CUP for the temporary tent. In response to Chair Suesser's inquiry, Planner Zollinger advised that the event was for the Park City Math Institute.

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

Commissioner Frontero understood that if the Commission approved this application, then every year forever the applicant could install this tent. He would like to add a Condition that they review the CUP in three years. Commissioner Sigg concurred and noted that part of the area at one time was a development site. He would suggest language that absent development, it would be reviewed every three years.

Chair Suesser suggested it might be better to have them return every year rather than expand their approved use. The applicant stated that they have an easement stating that the neighboring property owner would have access to the back lot over the applicant's property and the applicant was not impeding that access. There had been no problems over the years during the event, and there was more than 22' of access along the tent for fire trucks or any other vehicles wanting to access the back lot.

Chair Suesser suggested an addition to the Conditions of Approval that the access would be provided. City Attorney Harrington stated it was already included in Condition of Approval 6, and they could add "or access to the rear parking lot." Commissioner Sigg was happy with that information. City Attorney Harrington also referenced Condition of Approval 11 that would require the applicant to return to the Planning Commission if the parking was determined to be insufficient.

Chair Suesser felt the edited version of Condition of Approval 6 did not address the easement with the neighbor. Planner Zollinger suggested they could specify the name of the parking lot. The applicant stated the parking lot was used for overflow parking for Silver Mountain Spa.

Commissioner Sigg was satisfied with the fire access and the 22' right-of-way. He observed that most driveways required a minimum of 20 feet. Chair Suesser felt it should be clear that the access was for Silver Mountain Spa uses on the property immediately adjacent to the south.

Commissioner Frontero did not think the applicant should be required to return every year for the tent, and was comfortable with a three-year review. Commissioner Hall advocated that the Planning Director review the CUP every three years. She mentioned that applying for a CUP was expensive and time consuming.

Commissioner Sigg agreed with Commissioner Hall and Commissioner Frontero. Commissioner Van Dine agreed and felt that making non-profits come back and pay money was not right and inefficient.

Chair Suesser stated that they were permitting a use that might have an impact on the sale or redesign of that building, and the applicant was here to protect his use.

Commissioner Sigg felt that process of something changing next door would likely occur after expiration of the three-year review period.

Commissioner Hall felt that Silver Mountain was protected in that they received notice of this CUP and they have an easement. She suggested that if there were any issues with this CUP, it should go to the Planning Director for review.

Chair Suesser hoped they were not impeding any future development.

MOTION: Commissioner Frontero moved to APPROVE 2175 Sidewinder Drive – Conditional Use Permit, based on the Findings of Fact, Conclusions of Law and Conditions of Approval included in the Draft Final Action Letter, as amended:

Findings of Fact

1. The Property is located at 2175 Sidewinder Drive and is a part of the Prospector Square Condo Subdivision.
2. The Property is located within the Residential Development (RD) Zoning District.
3. In the RD Zoning District, the Front Setback is 20 feet, the Rear Setback is 15 feet, and the Side Setbacks are 12 feet. The maximum building height is 28 feet.
4. The Applicant proposes to install a temporary tent once each year in the summer months (June, July, and/or August) for a private event (Park City Math Institute Event) hosted on the Property.
5. The temporary tent is not installed in the Setbacks.

6. The tent is proposed to be located on private property in the parking lot located directly behind the conference center at 2175 Sidewinder Drive and the Silver Mountain Sports Club and Spa at 2080 Gold Dust Lane. The HOA has approved the location and temporary construction of the tent.
7. The proposed tent is 40' by 120' by 10'.
8. The proposed tent location will temporarily impact parking for the Condo residents. Additional temporary parking is available for Condo residents in The Prospector parking lot.
9. There are no proposed signs or lights.
10. Temporary Structures require review pursuant to the criteria outlined in LMC § 15-4-16:
 - a. The proposed Use should not diminish existing parking. Any net loss of parking shall be mitigated in the Applicant's plan - See Condition of Approval 5: The current Uses of the site are Multi-Unit Dwellings and Private Event Facility (The Prospector Conference Center). LMC § 15-3-6 requires the following parking requirements for Multi-Unit Dwellings:
 - 1 parking space per Condos less than 1,000 square foot (sf) floor area;
 - 1.5 parking spaces per Condos more than 1,000 square feet and less than 2,000 square feet; and
 - Two parking spaces per Condos more than 2,000 square feet.

There is no specific parking requirement for Private Event Facilities designated in the LMC. There are approximately 180 parking spaces on site currently between the Condos and the Conference Center. The temporary tent covers approximately 40 spaces in the parking lot where the event takes place. The Applicant stated, "The Conference Center parking lot has more than 50 parking spaces, and on any given day, 3-5 cars park there, with the rest remaining empty. It will be possible to accommodate any disruption caused by the installation of a tent on the target parking lot." Additionally, most of the participants will be on site, or nearby, and take public transportation, and not increase the demand for parking spaces.

- b. The proposed Use shall not impede pedestrian circulation, emergency Access, or any other public safety measure - See Condition of Approval 6: The temporary tent will temporarily impact pedestrian circulation but shall not impede emergency access.
 - c. The Use shall not violate the Noise Ordinance, Municipal Code Chapter 6-3 - See Condition of Approval 7: The event shall not violate the Noise Ordinance.

- d. The Use shall comply with the LMC, the signage shall comply with the Sign Code, Title 12, and the lighting shall comply with Illumination Section 12-4-9 - Complies: No proposed or approved Signs or Lights.
 - e. The Use shall not violate the Summit County Health Code, the Fire Code, or State Regulations on mass gathering - See Condition of Approval 6: The Development Review Committee ("DRC") reviewed this on June 6, 2023, and required a Condition of Approval.
 - f. The Use shall not violate the International Building Code ("IBC"). See Condition of Approval 8: The Applicant shall be required to submit a building permit each year for review of compliance with the IBC and with this CUP.
11. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-1-10(E).
- a. Size and Location of Site – Complies: The proposed temporary tent location is near the side and rear of the property, mostly shielded by existing structures, and outside of Setbacks.
 - b. Traffic – Complies: The Applicant's event will increase traffic slightly during drop-off and pick-up times. However, this will not significantly impact traffic throughout the day.
 - c. Utility Capacity – Complies: No changes to utility needs.
 - d. Emergency Vehicle Access - See Condition of Approval 6: The Park City Fire District requires 20' of asphalt access for emergency vehicle access. The temporary tent shall not impede emergency access.
 - e. Parking – See Condition of Approval 5: Parking on site will be temporarily impacted during the private event. Condo residents will be able to park at The Prospector for the duration of the event.
 - f. Internal Vehicular and Pedestrian Circulation – See Condition of Approval 5: The internal vehicular circulation will be temporarily impacted during the private event, wherein no Condo residents will be able to park in the parking lot where the temporary tent is located. The pedestrian circulation system will be temporarily impacted by the proposed tent location.
 - g. Fencing, Screening, and Landscaping – Complies: The temporary tent will be mostly screened by the existing building, and will not impact landscaping, as the tent will be installed on existing asphalt.
 - h. Building Mass, Bulk, and Orientation – Complies: No change to building size.

- i. Usable Open Space - Complies: No open space impacted.
 - j. Signs and Lighting – Complies: No proposed signs or lighting.
 - k. Physical Design and Compatibility with Surrounding Structures – Complies: A temporary tent is not required to be compatible with surrounding structures, as it will be removed yearly.
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors – See Condition of Approval 7: The event shall comply with the City's Noise Ordinance.
 - m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas - Complies: The delivery of the tent will not impede public Right-of-Way, and existing load and unload zones, trash and recycling, will not be impeded by the temporary tent.
 - n. Expected Ownership and Management – Complies: The Applicant has permission from The Prospector HOA General Manager for the installation of the temporary tent.
 - o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes – Complies: No unmitigated impacts.
 - p. Reviewed for Consistency with the Park City General Plan – Complies: The proposed temporary tent supports the Park City Math Institute event. The event is in keeping with Goal 10 of the General Plan, herein, "Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community."
12. The Development Review Committee reviewed the proposal on June 6, 2023, and recommended Condition of Approval 6.
13. Staff published notice on the City's website, the Utah Public Notice website, and posted notice to the property on June 14, 2023. Staff mailed courtesy notice to property owners within 300 feet on June 14, 2023. The Park Record published notice on June 14, 2023.

Conclusions of Law

1. The application is reviewed for compliance with Land Management Code § 15-1-10(E), Conditional Use Review Process, LMC Chapter 15-2.13, Residential Development (RD) Zoning District, LMC Chapter 15-4-16, Temporary Structures, Tents, and Vendors.

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. Final tent installation plans shall be similar to the plans reviewed on June 28, 2023, by the Planning Commission. Any significant changes, modifications, or deviations from the approval that have not been approved in advance by the Planning and Building Departments may result in a Stop Work Order.
2. The temporary tent installation may be installed for up to 31 days. The tent must come down within three days of the final event.
3. The temporary tent is not allowed to be used for other private events.
4. The temporary tent may not be larger than 40' by 120' by 10'.
5. No more than three parking stalls may be used for employees of the private event on the Prospector parking lot (see Exhibit C).
6. The Park City Fire District requires 20' of asphalt access for emergency vehicle access adjacent to the temporary tent (see Exhibit B). The temporary tent shall not impede emergency access or access for Silver Mountain Spa uses on the property immediately adjacent to the south.
7. There shall be no exception granted for the tent and private event with the City's Noise Ordinance.
8. The Applicant shall apply for a Fire and Building permit each year, at least one month before the proposed installation of the temporary tent.
9. The Applicant shall provide notice to the residents one month prior to the installation of the temporary tent.
10. Condo residents may park in The Prospector parking area for the duration of the temporary tent installation.
11. The Planning Director shall review the Conditional Use Permit every three years. If at any time parking is found to be insufficient and creates significant impacts on vehicle, pedestrian, or emergency access circulation, as reported by the neighborhood, this permit shall be invalid and the Applicant shall return to the Planning Director for review of the ongoing temporary tent permit.

Commissioner Sigg seconded the motion.

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

D. 7700 Marsac Avenue - Conditional Use Permit - The Applicant is Requesting a Conditional Use Permit to Replace the Existing Salt Storage Shed at 7700 Marsac Avenue, in the Recreation and Open Space (ROS) Zoning District and Sensitive Land Overlay (SLO). PL-23-05637

Planner Zollinger reported that the applicant is proposing to install a new salt storage shed at 7700 Marsac Avenue. She presented an image showing some of the damage to the structure this winter. As stated in the Staff Report, she advised that the request was compliant with CUP criteria, wherein most of the criteria have no unmitigated impacts and where there are concerns, Staff proposed Conditions of Approval. The proposal was compliant with the Recreation and Open Space Zoning District in terms of Setbacks and Building Height. She noted the new shed would be 28' tall, bringing it into compliance with the requirements.

Planner Zollinger reported that the proposal is also compliant with the Sensitive Land Overlay wherein no development was allowed within 50 feet of Very Steep Slopes unless approved by the Planning Commission. This proposal was compliant via recommended Conditions of Approval and the Commission's decision here today. She presented an image showing the existing shed and the proposed shed. She mentioned the existing site was already paved and would not require any additional cuts into the hill. The Planning Commission may vary the Setbacks from Very Steep Slopes, and based on the Conditions of Approval, the application met those criteria as outlined in the Staff Report. She referenced a Condition of Approval that the existing shed shall be removed the site in its entirety and the Limits of Disturbance shall be limited to the minimal area necessary to excavate and backfill the foundation. Additionally, no Significant Vegetation shall be disturbed with the replacement of the salt shed. Disturbance to the existing hillside was prohibited.

Planner Zollinger stated the Commission could approve the CUP, deny it and direct Staff to make findings for denial, or request additional information and continue the item to a date certain. Staff recommended the Planning Commission review the proposal, conduct a public hearing, and consider approving the reduction in Setbacks to the Very Steep Slopes and approve the CUP.

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

MOTION: Commissioner Van Dine moved to APPROVE the 7700 Marsac Avenue – Conditional Use Permit based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Final Action Letter:

Findings of Fact

1. The Property is located at 7700 Marsac Avenue, Parcel Number PCA-S-46-98-X.
2. The Property is located within the Recreation and Open Space (ROS) Zoning District and the Sensitive Land Overlay (SLO) Zone.
3. In 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655-acre Flagstaff

Mountain Area. The Mine Bench property at 7700 Marsac Avenue was included in this agreement.

4. In 2017, PCMC and EPMOA entered a Lease Agreement for 1.3 acres of the 29-acre parcel at Ontario Mine.
5. In the ROS Zoning District, the Setbacks are 25 feet from property lines and any right-of-way. The maximum building height is 28 feet.
6. The Applicant proposes to install a salt shed.
7. A salt shed is an Essential Municipal Structure. An Essential Municipal Structure is a Conditional Use in the ROS Zoning District.
8. The salt shed is 50 feet by 50 feet (2,500 square feet) by 27 feet, 8 inches tall. The shed materials will be mostly constructed from steel and concrete.
9. The current salt shed is approximately two feet from Very Steep Slopes. The proposed shed will be approximately five feet from Very Steep Slopes.
10. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code (LMC) § 15-1-10(E).
 - a. Size and Location of Site – No unmitigated impacts. This is an existing site currently being utilized for salt storage and other light industrial and municipal uses including the EPMOA Maintenance Building, EPMOA Fuel Tanks, and PCMC Public Works Yard (temporary PCFD Fire Station).
 - b. Traffic – No unmitigated impacts. The replacement structure will not impact existing traffic conditions. 7700 Marsac Avenue is accessed directly off Marsac Avenue. As signed from Marsac Avenue, no unauthorized vehicles are allowed onto the property, anticipated traffic includes salt delivery, employees, and salt trucks. It is anticipated that truck traffic will remain unchanged – salt trucks and plow operations will continue to run 24 hours a day in the winter months, dependent on weather conditions and road maintenance needs.
 - c. Utility Capacity - No unmitigated impacts. No utilities are needed for the salt storage shed. It is not anticipated that the new structure will create additional Storm Water run-off, as it is not increasing the amount of impervious surface on the site.
 - d. Emergency Vehicle Access – No unmitigated impacts. On May 16, 2023, the Park City Fire District reviewed the proposed salt storage shed and confirmed the proposal conforms with their requirements.
 - e. Parking – No unmitigated impacts. EPMOA's peak staffing at this site consists of 16 employees: four snowplow drivers, one mechanic, and 11 shuttle drivers. LMC § 15-3-6(B) requires two parking spaces for every

three employees for public utility uses, rounding up to 11 required spaces. The EPMOA lease area contains roughly 255 feet of parking spaces (the equivalent of roughly 28 parking spaces) along the northeastern border for employees and shuttle storage along with separate storage areas for snowplows and additional equipment.

- f. Internal Vehicular and Pedestrian Circulation – No unmitigated impacts. The proposed salt shed replacement will not impact internal vehicle or pedestrian circulation. The new salt shed will be slightly larger to accommodate the storage of more road salt but will be oriented as to not impact circulation through the site.
- g. Fencing, Screening, and Landscaping – No unmitigated impacts. The uses surrounding the site are industrial, including the EPMOA Maintenance Building, EPMOA Fuel Tanks, and PCMC Public Works Yard (temporary PCFD Fire Station). The replacement salt shed will not visually impact surrounding uses. The site itself is screened from residential uses to the southwest by a steep hillside and natural vegetation as shown below in an image taken by staff (facing southwest).
- h. Building Mass, Bulk, and Orientation – No unmitigated impacts. The current salt shed is 1,600 square feet and approximately 33 feet in height. The proposed salt shed is 50 feet by 50 feet and 27 feet, eight inches high. The new shed reduces the height impact and brings it into compliance with the LMC. The new shed location is also slightly pulled back from the nearby Steep Slopes. Additionally, the shed is set back more than 25 feet from the property line and nearly 26 feet from the nearest building on site.
- i. Open Space - No unmitigated impacts. The proposed use does not change or disturb the site's Open Space, as it is being constructed in the same location as the existing shed over existing impervious surface and there is no additional requirement in the LMC.
- j. Signs and Lighting – Condition of Approval Recommended. Staff recommends conditions of approval 5 that the lighting shall comply the outdoor lighting code outlined in LMC § 15-5-5(J), be Fully Shielded, down directed, with bulbs 3,000 degrees Kelvin or less.
- k. Physical Design and Compatibility with Surrounding Structures – No unmitigated impacts. Per the applicant, cladding and roofing will be in muted earth tones complementary to color of adjacent structures on site. The proposed replacement salt shed will be larger than the existing shed but will have a smaller footprint than the other buildings on site and will conform to the required twenty-eight-foot height maximum in the ROS Zone.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors – No unmitigated impacts. The current use of storing and loading road salt has generated dust pollutants or odor during its time in use, it is not anticipated

that noise, odor, or other impacts will change. Surrounding buildings are industrial in use, the nearest affected neighbors are nearly 800 feet away and separated by significant slopes and mature vegetation, masking potential noise impacts from deliveries and salt loading.

- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas - Condition of Approval Recommended. During the winter months, deliveries of road salt are typically monthly but may be more frequent, depending on winter conditions. The delivery of road salt occurs on the site which is accessed by a private right of way accessed by Marsac Avenue. Staff Recommends Condition of Approval 6 that the applicant maintains adequate space for standing, loading, or unloading services Off-Street.
 - n. Expected Ownership and Management – No unmitigated impacts. Pursuant to the 2017 lease agreement (see Exhibit C), the site is owned by PCMC and leased to EPMOA through December 1, 2116. The salt shed is recognized as an approved use within the Lease Agreement.
 - o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes – Conditions of Approval Recommended. As mentioned prior, this site is within the SLO, requiring more intensive environmental hazard review and mitigation. See the above analysis of compliance with the SLO regulations for a complete analysis. Staff recommends Condition of Approval 4, wherein: “The Limits of Disturbance shall be limited to the minimal Area necessary to excavate and backfill the foundation. No significant vegetation shall be disturbed with the replacement of the salt shed. Disturbance to existing hillside is prohibited.”
 - p. Reviewed for Consistency with the Park City General Plan – No unmitigated impacts. Objective 9A in the General Plan has a goal to: “Maintain local recreation opportunities with high quality of service, exceptional facilities, and variety of options.” The current General Plan discusses the need for high quality services for residents and visitors. The new salt storage shed will allow EPMOA to maintain roads through Park City’s peak season, allowing residents, visitors, and employees safe and reliable commutes during winter weather conditions.
11. Construction in the SLO require review pursuant to the criteria outlined in LMC § 15-2.21:
- a. Construction near Very Steep Slopes (greater than 40%) require review by the Planning Commission as follows:
 - i. Varying the Setback does not create an intrusion by Buildings into the Ridge Line Area when viewed from designated Vantage Points, Section 15-2.21-3(A)(4), or other Vantage Points designated by the Planning staff or Commission- Complies. The proposed structure

will not disrupt the ridgeline area and 100% of the ridgeline area shall remain open space. No vantage points are affected by the replacement of the existing salt shed.

- ii. Building Areas in the Setback do not create excessive cut or fill Slopes; minimal retaining walls to limit disturbance and meet Grade may be required by the Planning Commission- Condition of Approval Recommended. Grading is not expected as part of this proposal, as there is currently an existing shed on level Asphalt, no new retaining walls are proposed. Staff recommends Condition of Approval 4 that disturbance to existing hillside shall be prohibited.
 - iii. Limits of Disturbance around any Structure within the Setback shall be limited to the minimal Area necessary to excavate and backfill the foundation- Condition of Approval Recommended. Staff recommends Condition of Approval 4, wherein the only area disturbed is the asphalt under and surrounding the existing salt shed and there shall be no additional disturbance to the very steep slopes.
 - iv. No additional erosion, land subsidence, or avalanche hazard is created- Complies. The proposed structure will be placed in the same location as the existing structure will not result in additional erosion, land subsidence, or avalanche hazard. The Applicant plans on filling in the sides between the new structure and the existing landscaping, up to five feet' to help create a natural grade to the structure.
 - v. The Site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public Areas, and reduction of Site disturbance: Complies. The proposed salt shed will be installed on existing asphalt and will not affect Significant Vegetation. DRAFT Planning Department.
 - vi. The reduction in Setback results in a reduction in overall project Density or Development massing as established by the Planning Staff's Site Suitability Determination- Complies. The proposed salt shed replacement does not impact the site density or visual mass and will not be visible from the Public Right-of-Way.
 - vii. In no case shall additional disturbance be allowed beyond the maximum area determined in the Site Development Suitability Determination- Complies. See above analysis for determination on Slope Protection, Ridge Line Area Protection, Wetlands and Stream Protection, Development Approval for Ski Area Construction, and Wildlife and Wildlife Habitat Protection.
- b. Ridge Line Area Protection - Complies: The proposed structure will not disrupt the ridgeline area and 100% of the ridgeline area shall remain open

space. No vantage points are affected by the replacement of the existing salt shed.

- c. Wetlands and Stream Corridors – Complies: There are no wetlands or streams in or surrounding the site according to the Wetland delineation from the National Wetland Inventory provided by the United States Fish and Wildlife Service.
 - d. Wildland Urban Interface - Complies: There are no known Sensitive or Specially Valued Species on the site as it has been disturbed/developed in roughly 1872 when the Ontario Silver Mine opened.
- 12. The Development Review Committee reviewed the proposal on May 16, 2023, and did not identify any issues.
 - 13. Staff published notice on the City's website, the Utah Public Notice website, and posted notice to the property on February 22, 2023. Staff mailed courtesy notice to property owners within 300 feet on February 22, 2023. The Park Record published notice on February 22, 2023.

Conclusions of Law

- 1. The application is reviewed for compliance with Land Management Code § 15-1-10(E), Conditional Use Review Process, LMC Chapter 15-2.7, Recreation and Open Space (ROS) Zoning District, and LMC Chapter 15-2.21, Sensitive Land Overlay Zone (SLO) Regulations.
- 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. Final shed construction shall match plans reviewed on June 28, 2023, by the Planning Commission. Any significant changes, modifications, or deviations from the approval that have not been approved in advance by the Planning and Building Departments may result in a stop work order. Relocation of the shed onsite in accordance with the lease may be approved by the Planning Director upon finding no new impacts or material design changes. Any substantive change as determined by the Planning Director will require full CUP re-review.
- 2. The Conditional Use Permit will expire one year from the date of Planning Commission Final Action unless the Applicant has commenced on the project, or a Building Permit for the Use has been issued.
- 3. The existing shed shall be removed from the site in its entirety.

4. The Limits of Disturbance shall be limited to the minimal Area necessary to excavate and backfill the foundation. No significant vegetation shall be disturbed with the replacement of the salt shed. Disturbance to existing hillside is prohibited.
5. Lighting must comply with the outdoor lighting code outlined in LMC Section 15- 5- 5(J), be Fully Shielded, down directed, with bulbs 3,000 degrees Kelvin or less.
6. The Applicant shall maintain adequate space for standing, loading, or unloading services Off-Street. All such loading Areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any Front Yard or in any Street or Right-of-Way.
7. The Applicant shall obtain a Building Permit prior to installing the shed.

Commissioner Frontero seconded the motion.

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

7. ADJOURN

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 10:50 p.m.



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
July 12, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, Christin Van Dine, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Assistant Planning Director; Heinrich Dieters, Trails and Open Space Manager; Alexandra Ananth, Senior City Planner; Jack Niedermeyer, City Planner; Jaron Ehlers, City Planner; John Robertson, City Engineer; Jason Glidden, Affordable Housing Manager; Spencer Cawley, City Planner; Michelle Kellogg, City Recorder; 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 the first item on the Agenda was the swearing-in of Planning Commissioners Rick Shand and Christin Van Dine.

City Recorder, Michelle Kellogg stated that Commissioner Shand and Commissioner Van Dine had signed their oath of office. She then administered the oath to each of them.

Chair Suesser confirmed that Commissioner Henry Sigg was previously sworn in as a Commissioner.

Chair Suesser stated that Commissioners John Frontero and Bill Johnson were excused from the meeting. Commissioner Sarah Hall was also excused but might join the meeting at a later time. She announced the meeting would proceed with the understanding that Commissioner Hall would likely not join the meeting.

2. MINUTES APPROVAL

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

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

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

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

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

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

3. PUBLIC COMMUNICATIONS

Bob Theobald spoke to the enforcement of several Land Management Code ("LMC") violations in connection with the drilling of a well at Commissioner Hall's home. He sent each Commissioner an e-mail on this and added an additional photograph, which he provided to the Commission in person.

Speaker Theobald explained that the photograph provided depicted the working drawings of the 1992-1993 Army Corps of Engineers Wetlands Designation. He stated that in that illustration, Lot 4 was actually Lot 2 before being renumbered, and it showed areas in yellow that depicted the building and landscape disturbance area. He stated that this illustration was transferred to the plats, and the City had adopted it as the Limits of Disturbance. Anything outside of that would violate the Army Corps of Engineers because it is wetlands, and would violate the LMC provisions on Limits of Disturbance.

Speaker Theobald reported that the City Attorney's Office had dictated to Planning and Building authorities and Staff that they could not enforce the LMC because it conflicted with and superseded the State Engineer on well-drilling. He advised that he spoke with State Engineer Gary Brimley who stated that was not true, and the City was required to enforce all Codes and regulations. Speaker Theobald stated the problem was that the permittee did not obtain approvals from Planning Staff, the Commission, or anyone else prior to drilling the well. Chair Suesser asked the Mr. Theobald to stick to facts and not assumptions, as she felt he would not know whether the permittee brought this to the attention of the City.

Speaker Theobald stated the well was in violation of restrictions on development outside the platted Limits of Disturbance and Building Envelopes and the permittee did not have a Plat Amendment approved by the City to allow it. In response to an inquiry, he illustrated on the photograph that the location plotted by the well driller was 14.47 feet outside the Limits of Disturbance, which was modified by the previous owner. He clarified that this was based on the location plotted by the well driller, and the speaker had his own engineer plot it against the surveyed Limits of Disturbance prescribed by the Army Corp of Engineers and adopted by the City.

Chair Suesser asked about the location of the well on the lower photograph included on page 6 of his memo. Speaker Theobald stated it was not on there, as that document was from 1992, and the yellow square had been since modified into the configuration shown in the first photograph. He stated that on Lot 2, the north was oriented to the left in the photograph. Speaker Theobald added that the photographs showed the well rig situated to the north of the home. He also expressed that there were restrictions on development in the Sensitive Land Overlay, and he did not believe that Planning Staff recognized and implemented the requirement of a Sensitive Lands analysis for anything in the Willow Ranch Subdivision. He felt Staff did not recognize that this Subdivision was in the Sensitive Land Overlay Zone. He

commented that based on his conversations with a City Inspector, the City Inspector challenged him on the fact and stated it was not within the Sensitive Land Overlay Zone. The City Inspector then looked at a map and agreed.

Speaker Theobald stated that if the property was within the Sensitive Land Overlay, there must be a Sensitive Lands analysis, which was never done. He stressed that a well would likely spill fluids and impact the wetlands designated by the Army Corps of Engineers. It was also likely seeping into McCloud Creek, yet nothing was ever reviewed. He also mentioned the well violated the restrictions on development outside the house building/landscape limits area as designated by the Army Corps of Engineers in delineated jurisdictional wetlands without a 404 permit. Speaker Theobald referenced the image with the yellow squares and stated that was built up with fill because it is located in the middle of wetlands. He stressed that this was an island in the wetlands that needed specific permission from the Army Corps of Engineers. Speaker Theobald claimed the City did not recognize this was a wetlands area, as there was no mapping or institutional memory of Willow Ranch. Many things have occurred in that area that ignored the wetlands issue.

Chair Suesser clarified that Speaker Theobald's issue was that a well was being drilled in the wetlands. He added that they were also planting trees in wetlands, which the Army Corps of Engineers considers "fill," and no permission was granted to Commissioner Hall for any of this activity. He added there was also a plan to excavate water lines. He noted that Commissioner Hall had not submitted a complete Landscape Plan, and posited that was because the Commission did not pay attention during the Landscape Amendments on January 11, 2023, wherein Landscape Plans were not required in certain conditions. He commented that Commissioner Hall participated in that discussion without disclosing she had a well permit and was planting trees when she argued for the changes in the Land Management Code.

Speaker Theobald stressed that he received all documents from the Army Corps of Engineers through a Freedom of Information Act request that showed everything done on that property with permission. The Army Corps of Engineers never permitted the trees and extensive landscaping around the house. He would like additional discussion with the Commission and the City Attorney's Office because the Planning and Building Department should be allowed to enforce the Codes.

There were no further public comments. Chair Suesser closed public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Assistant Planning Director, Rebecca Ward announced that the Community Meeting for the Bonanza Park Small Area Plan would take place on July 19th at Yarrow Hotel located at 1800 Park Avenue. There would be an open house from 5:30 p.m. to 7:30 p.m. Community members could visit www.bonanzapark.com for more information.

She also reported that the Steep Slopes site visit will take place on July 26 before the Planning Commission Meeting. They will meet at City Hall and then walk along Ontario Avenue before visiting Empire Avenue.

Assistant Director Ward also reported that the City's Land Management Code Consultant commenced work on the Affordable Housing and Transportation Demand Management amendments. Former Planning Commissioner, John Kenworthy serves as one of the Liaisons

and they are looking for someone to take his place to assist with the Affordable Housing component of that project.

Chair Suesser noted that Commissioner Frontero stepped up and took former Commissioner Kenworthy's position as Liaison on Transportation.

Commissioner Van Dine volunteered to serve as Liaison on Affordable Housing with the Land Management Code Consultant.

Commissioner Sigg shared his observations from his recent trip to Toronto with the Bonanza District Advisory Team. He reported that they were able to tour small planned areas of less than five acres and brainstorm some ideas for Bonanza Park. The salient takeaways were the areas that need the population to have sustainability, activity, and activation. While he noted that Toronto and Park City were not comparable in terms of apples to apples, housing in close proximity or on-site helped to drive the success of a site. Most of the places they viewed were car-free or parking free and functioned with transportation initiatives, transportation stops, and transition zones.

Commissioner Sigg noted that another good takeaway of the visit was the use of public-private partnerships. He noted that Toronto was very active in working with the private sector to help activate and incentivize incubator zones and business opportunity zones. Many of these were based on smaller-scale spaces and a gross rent formula. Diversity is thriving in Toronto in some of these zones and he mentioned a diverse unit mix. He observed that a single-use occupant was not the way to go, and a diverse mix of food vendors, businesses, exhibits, start-ups, transit areas, and gathering areas helped contribute to the success of these types of areas. He added that residential uses also contributed, as it served the population component for these zones.

Commissioner Van Dine mentioned HOPA and asked if it would have close enough proximity. Commissioner Sigg agreed and stated that having residential mixed in with these uses was good to have at the end of the day. Commissioner Sigg noted that they saw some gentrification with existing buildings, but there were also projects with market and work force housing, and commercial. He stressed that unit mix was critical and he felt it presented an opportunity to have locally driven incubator businesses. He did not see many chain stores, and it seemed more focused on building up the local socioeconomic perspective in the community. He concluded by stating it was a very informative trip.

Chair Suesser expressed that she was always puzzled as to why Prospector, which has a good mix of residential and retail businesses, and good public transit that is well-used, seemed to stagnate from time to time.

Commissioner Sigg stated that most of the sites they visited did not have a lineal aspect to them, which made for interesting exploration and use of the grid format. He surmised that in Prospector, presence had been a difficult challenge; whereas what they saw in Toronto had a real notion of presence. He used the example of a pop-up by Audi to show cars that would be front and center and serve as a revenue producer. He added that they did it with a seatbelt initiative, and was a situation where everyone wins.

Commissioner Sigg also commented that Toronto does a sun protection initiative with a non-profit that promoted skin protection, and they had a great art exhibit of umbrellas covering an

area. The non-profit aspect also hit home and most of the partnerships were run with non-profits, who were there to build community.

Assistant Director Ward reiterated that the Bonanza Park community meeting would be held on July 19th from 5:30 – 7:30 p.m. at The Yarrow.

A. Swearing in of Planning Commissioners Rick Shand and Christin Van Dine.

Recorder Kellogg administered the oath, as previously indicated. Chair Suesser welcomed new Planning Commissioner Rick Shand and Commissioner Van Dine back for another term. Their thoughts were with Commissioner Johnson and they hoped to have him back soon.

5. CONTINUATIONS

A. Land Management Code Amendments - Lot Combinations in Historic Residential Zoning Districts.

Chair Suesser understood that the Planning Department decided to continue this item to July 26, 2023, if possible. Assistant Director Ward stated that due to the Pending Ordinance, they had until November 10th to work through the amendments. Staff requested a continuance of this item to July 26th so they could move the other applications on tonight's agenda forward.

Chair Suesser opened the public hearing.

William O'Connell gave his address as 1307 Norfolk Avenue and sent in a letter dated May 10th specific to the project PL-22-05357. Chair Suesser noted that they would be getting to that item later in the meeting, and would welcome his comments at that time.

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

MOTION: Commissioner Van Dine moved to CONTINUE Land Management Code Amendments – Lot Combinations in Historic Districts, and the public hearing thereon – to July 26, 2023. Commissioner Sigg seconded the motion.

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

6. WORK SESSION

A. Wildfire Risk Assessment.

Trails and Open Space Manager, Heinrich Dieters introduced David Telian, Owner of Alpine Forestry, which is the City's Consultant. He also introduced Katharine Napier-Janz and Brad Washa. Manager Dieters explained that he would provide the Planning Commission with some information on a report associated with the City's wildfire risk, with an emphasis on how this information might help the Commission administer the LMC and the Wildland Urban Interface Code ("WUI"). He noted that they had been working on a yearlong study, and conducted several open houses, with the most recent having taken place on June 27, 2023. They also had a vibrant stakeholder group. The plan was on the Engage Park City page under the Community Wildfire Risk Assessment ("CWRA"), and since June 27th, they asked people to provide comments, however, they had not received any.

Manager Dieters explained that the plan is important because Park City is entirely within the WUI area, and the map presented showed the growth and amount of development that had taken place. Since residents choose to live in the WUI, which is an environment where structures and development exist in the natural environment, they are more at risk for some of the different aspects. Prior studies showed that wildfire was the most likely natural catastrophe that could happen to Park City. Additionally, the likelihood of a human-caused wildfire was also very high. While they have a lot of things stacked against them, they could take additional steps to mitigate some of that risk.

Manager Dieters stated that the Plan created a baseline in which they look at Resource Identification, and use that as a planning and prioritization tool. Prioritization was specific as to the City-owned property and how they could prioritize projects and mitigations, but the Plan also sets forth how residents could prioritize and mitigate. He remarked that many members of the community just do not know what to do. One of the other goals was outreach. He mentioned that an important aspect associated with grant funding was the Community Wildfire Preparedness Plan, adopted several years ago. This had helped in their requests for large grants in that it shows that the City is prepared, and knows where the projects and prioritization lies.

Manager Dieters indicated that the community survey revealed that many were supportive and understood that this was something that should be taken seriously. Many felt that they were responsible as a landowner, and many expressed concerns about natural disasters and evacuation aspects. He stressed there were a lot of opportunities for significant outreach.

Mr. Telian explained that the project area was designed to look at the entirety of the City limits. They added the Bonanza Flat parcel to the south in Wasatch County and drew a one-mile buffer to represent the fact that Park City was at risk from different directions and that fire does not know boundaries or zip codes. He added that they used a nationally recognized framework, the Cohesive Wildland Fire Management Strategy. He explained it was supported by three main tenets: establishing resilient landscapes, creating fire adaptive communities, and preparing for safe and effective wildfire response. Over the course of the project, they looked at all three of those aspects, but hyper-focused on the landscapes, because the culmination of much of this planning effort targeted prioritizing what could be done on City-owned lands.

Mr. Telian highlighted that this was a growing issue in the West among many mountain communities of different sizes and challenges. Many of the other mountain communities have published Community Wildfire Preparedness Plans ("CWPP"), whereas the risk assessment goes further. He added that the two plans support each other, but he commended the City for going down the risk assessment path because it was significantly more detailed and could be a helpful building block. He noted that the graphic presented to the Commission showed wildfire risk in a simplified form. Some of the main factors they look at were the likelihood of fire, the intensity, and how big and fast a wildfire might become. He stressed that the susceptibility piece was what really mattered to them. This involved assessing what was at stake and what was in the path of these fires.

Mr. Telian stated they could only affect so much in terms of these factors, and spent a lot of time on the susceptibility piece of this Plan to identify what was at risk. He mentioned the process they used came from Federal Land Management Agencies and mentioned the term QWRA, which was the Quantitative Wildfire Risk Assessment. He explained that the process focused

heavily on highly identified values resources and assets. He noted some of the items identified by the community by subject matter experts and the stakeholder group and explained these were valuable to the City, whether they exist naturally or whether they were added to the area.

Mr. Telian referenced a map that hyper-focused on the importance of drinking water that comes out of the mountains and added that the Wasatch Back, definitely fell in the category of providing high-quality drinking water downstream to millions of people. This highlighted the importance of not only preventing catastrophic wildfires but also the response to these fires. He clarified a graphic that showed a product from the United States Forest Service called Forest to Faucet, which is a modeling product that looks at the amount of water that comes from certain areas. The colors in the graph represented the importance based on how many people were fed by the water source.

In response to an inquiry, he explained that the areas depicted in green were in the higher range of importance. Manager Dieters added that there was a big drive in Summit County to address this because there were 6 or 7 watersheds that start in Summit County. Therefore, it was very important for Summit County to address this all the way to the north slope of the Uintas.

Mr. Telian stated that one of the aspects that made this project so important was that Park City was based upon the tourism economy in the winter, as well as the summer recreation industry. They had seen throughout the West significant effects on other towns whose economies were similar. He highlighted the 2021 Caldor fire in the Sierra Nevada Mountains that affected South Lake Tahoe and burned over Sierra-At-Tahoe Ski Resort and nearly reached the borders of Heavenly Valley Ski Resort. He noted that the Caldor fire had significant post-fire impacts, which drove home the importance of prevention and mitigation efforts to protect what they have in Park City.

In terms of the High-Value Resources and Assets ("HVRA") process, Mr. Telian advised that the community created the list as part of the stakeholder group and three workshops they conducted. They took three aspects known to be heavily affected pre- and post-fire. The first was assessing avalanche terrain and the effects that mitigation and/or fires could have on Steep Slopes.

The second aspect was high levels of sediment entering the watersheds post-fire when a high-intensity burn destroys the forest canopy. He noted this opens up the soil to runoff from the mountainsides. They also looked at the health of the local streams, as those were important in helping manage how fires move. He reiterated the importance of drinking water.

Mr. Telian provided an example of avalanche terrain mapping and explained that they looked at zones steep enough to slide and whether they were active or dormant, and whether either forest cover or ground cover would protect these zones. He reiterated that this mattered pre-fire, in that they could conduct prevention efforts to minimize the risk of a high-intensity fire. It also mattered as a planning tool post-fire where the data sets could direct different mitigation strategies to limit avalanche exposure.

With regard to sediment delivery, Mr. Telian presented a graphic that showed some recent fires and challenges experienced post-fire. He noted that streams were extremely important to the forest ecosystem, which was why many of the assessments focus on them. Wetlands areas and streams could also act as firebreaks and provide opportunities to control fires. He

mentioned that the health of a stream determined how it would manage sediment post-fire, and some actions could be taken post-fire, many of which the City had already undertaken on some local streams. From a planning perspective, monitoring and maintaining those areas could keep these streams healthy.

He mentioned that they also created different simulations of wildfires. Some of the things they looked at on a landscape scale included topography, vegetation structures and composition, and predominant weather patterns. This information was included in a map presented to the Commission, and he explained they could then model hundreds of different fire scenarios and build a risk map off of that information. He identified the areas shown in red, which reflect the highest hazard. He highlighted the conifer forests, which were known to spread fire rapidly and be much harder to control. Steeper terrain was also known to build fire intensity and minimize control.

Commissioner Van Dine mentioned that insurance companies could now use these reports to deny insurance coverage to those in Park City. Mr. Telian explained that the way the insurance companies respond to this issue was changing, but currently, everyone was using different processes to make decisions.

Manager Dieters explained that as part of this process, a representative from a Home Insurance Group, and others were part of the stakeholder group. He advised that insurance carriers use their own programs and their own mapping. He stressed that the mitigation work being done was provided to the insurance companies for inclusion into their mapping system. He was told that if the City could get the insurance companies to accept the City's data on mitigation, that might help some of the local homeowners.

There was discussion about the color-coding on the simulation map. Red was the highest risk, which took into account fuel and predominant weather patterns (wind), as well as elevation and topography. Commissioner Shand understood from the map that most of the higher populated areas had the lowest risk. Mr. Telian agreed and stated that was mostly in the center of the project area in the gray shading, which reflected the Park City urban core. He noted there was no model that looked at structure-to-structure ignition, and stated that this project focused primarily on landscapes rather than urban areas. Mr. Telian added that outside the urban core, where there was mostly pavement and landscaped yards, was the true wildland-urban interface.

Manager Dieters commented that while this map tells a story, they know that 89% of fires were human-caused. He stated that this map showed the areas where if a fire were to start it would cause grave concerns because it would be very likely to take off. From a natural aspect, if something should happen in one of these areas, they would be in trouble.

Mr. Telian agreed and stated that much of the mapping looked at the higher end of intensity to guide planning efforts. They create their models off hot, dry windy days in August. He explained that the map just reviewed was titled Integrated Hazard, looked at likelihood and intensity, and highlighted the high-hazard areas.

Mr. Telian showed another map where they stacked the highly valued resources and assets on top of the Integrated Hazard Map, gave each HVRA data set to look at its spatial extent, and also gave it a response-to-fire point. He provided two examples, one of which was an aspen forest that benefits from fire. Something like public utilities would only be threatened by fire. He noted that it was easy to focus on the bad effects of fire, but he explained that this was a fire-

adaptive and fire-dependent ecosystem, and this project recognized how important it was for some of the natural resources. He explained that the darker purple on the map reflected higher priority areas, which meant that there are values in the area, but it also has potential high-burn intensity. They looked at 70 of the City-owned parcels and gave them scores that translated into a priority ranking. This data was presented to the Commission.

Manager Dieters explained that this map was useful for him as a Project Manager looking at grants. He noted they focused on Treasure Hill last year, and stated they were also doing work on Daly Avenue and Prospect Ridge. Each might be slightly different in terms of the HVRA, but if they add more parcels into this analysis the priority designation might change as well. He stressed that this information provided a road map for the City to go through its budgeting process or grant process and allocate resources to future projects.

Manager Dieters next addressed the WUI Code, last adopted in 2020. There were different steps that could be used within the WUI Code, and they could use the mapping system to determine areas that might need stronger WUI principles. In terms of emergency management, they spoke a lot about evacuation routes, and the more information they had to provide to the community was very important.

Manager Dieters noted that in terms of the stakeholders, Wasatch County was involved in this project, as were the Fire District and other entities. For the residents, there is information on the Trails and Open Space page, but he mentioned residents could also access the mapping provided in the report. He stated that residents should be able to know how to contact the Building Department to provide home assessments and guide them in terms of home hardening or defensible space. He added that they have had a lot of information about Covenants, Conditions, and Restrictions ("CC&Rs"), and many Homeowners Associations ("HOAs") reach out and ask for language that they could implement for the community and management of their land.

Manager Dieters referenced Commissioner Van Dine's comment about home insurance and stated that it was something that would be of interest to the community and all of the residents because they have seen people drop from their insurance and seen rates go through the roof.

Chair Suesser mentioned the resident's concerns voiced about the burning on Treasure Hill and a study to assess the pollutants caused by the burn. Manager Dieters did not believe there would be a study, but the Mayor was interested in having a Work Session later this fall, and he felt it would be an important discussion to have with the public.

Manager Dieters added that everything they were doing was associated with a public health crisis, and there were tools at their disposal to try and mitigate this, and they want to have a discussion with the public to make sure they were comfortable with the tools. He added they also wanted the opportunity to explain to the public why it would be wise to choose certain tools at certain times. He stressed that Park City had a lot of open space land, and they should be proud of that; however, it requires management. If they choose to live there and recreate in this land, they must think about it more because the climate is changing, and they were still in a significant drought in Summit County.

Chair Suesser mentioned the burn piles on Treasure Hill and asked if that project was paid for by a grant. Manager Dieters stated that work was paid for as part of the Treasure Hill Bond,

and added that some of the bond money was set aside to do a conservation easement, recreational improvements, and maintenance associated with that property.

Chair Suesser noted that the burning was done while there was still snow on the ground, and wondered if that was typical. She understood the Mayor stopped the burning based on the concerns raised by the public, but Chair Suesser asked if those burn piles would be burned now or whether they would wait until there was cooler weather and snow on the ground.

Manager Dieters recalled there were concerns expressed about notification, and the community expressed concerns that would be the subject of the Work Session he referenced earlier. He advised that Mr. Telian could explain the permitting process and the conditions under which that burning was to be done. He added that they created a burn pile fact sheet, which was included on the website. He encouraged everyone to review that

Mr. Telian stated there was no precedent to integrate studies regarding potential pollution caused by burning. He noted that they needed to ask what challenge they were trying to solve, and noted they were trying to manage the land, manage the fuels and reduce fire risk. He mentioned that burns typically were done in fall, winter, and spring. They need moist conditions, but not overly wet. He explained they go through a stringent burn plan process where they identify the targets, the conditions, those involved, and notifications to the public. They also submit paperwork to the County and the State for approval.

Mr. Telian stated they also track the emissions that come off these burns, mostly for concentrations of PM 2.5, which is the particulate matter in smoke known to cause human harm. He pointed out the trade-off of burning in a controlled environment, which produces a significantly less amount of particulate matter concentrates than a wildfire that would have a much higher concentration and duration. Burning under controlled conditions was a widely accepted tool for land managers.

Commissioner Sigg referenced the establishment of the risk factors and assessment of areas and asked whether support resources such as helicopters were taken into account. Manager Dieters stated that was part of the report.

Chair Suesser announced that they would move to the Regular Agenda. She noted that Commissioner Sigg would recuse himself from Agenda Item 7.C. – 958 Woodside Avenue – Plat Amendment – and given the absence of some of the Commissioners, the Planning Commission would not have a quorum for that item. As a result, the item would be continued, and any member of the public present to comment on that Agenda Item could make a comment during the public hearing; however, it would be continued.

7. REGULAR AGENDA

A. 2411 Country Lane and 28 Payday Drive – Plat Amendment – The Applicant Proposes to Relocate the Lot Line between Lot 3 and Lot 4 of the Thaynes Creek Ranch Estates Subdivision - Phase 1. PL-23-05067.

City Planner, Jack Niedermeyer reported that the owner, Tyler Walton, was present. Planner Niedermeyer advised that the applicant proposed a Plat Amendment that would move the Lot line between Lot 3 (2411 Country Lane) and Lot 4 (28 Payday Drive). These Lots are located in

the Thaynes Ranch Estates Subdivision, Phase 1. The Plat Amendment would move the Lot line 23 feet to the west.

Since the publication of tonight's Packet, Planner Niedermeyer advised that the applicant modified the proposed Plat, specifically Plat Note 18 which now states: "The roof of any building on Lot 4A within 75 feet of the south property line is limited to an imaginary line that is a height of 12 feet from the existing ground at the east side Setback and sloping up to a height of 28 feet from the existing ground at the west side Setback. Standard City building height restrictions apply north of this 75-foot height restricted area." He explained that per the applicant's representative, the purpose of this Plat Note was to prevent development on Lot 4 that might impede views looking west from Lot 3.

Planner Niedermeyer stated that both Lots were under the same ownership. The proposal would increase the size of Lot 3 from .62 acres to .71 acres and would decrease the size of Lot 4 from .51 acres to .42 acres. There would be no change in the total acreage shared between the two Lots. He explained that the property recorded as Thaynes Creek Ranch Estates Subdivision Phase 1 was annexed into Park City as part of the Richards and Park City Municipal Corporation Annexation. The Annexation Plat and the attached Annexation Agreement were approved by the City Council on January 31, 2013.

Planner Niedermeyer continued by stating that Section 4 of Ordinance No.13-06 established the Richards parcel in the current location of the Phase 1 Plat as part of the Single-Family Zoning District. He indicated that on October 3, 2013, the City Council approved the Thaynes Creek Ranch Subdivision Phase 1 Plat. Phase 1 provided approval for four of the seven Single-Family Lots, which received preliminary approval as part of the Richards and Park City Municipal Corporation Annexation. The remaining Single-Family Lots and a single common Lot were approved as part of Phase 2.

Planner Niedermeyer presented a graphic to the Commission showing the location of Lots 3 and 4 as shown on the preliminary Plat. He stated that the proposed Plat Amendment complied with the Single-Family Zoning District requirements outlined in LMC Chapter 15-2.11. The proposal also complied with the Sensitive Land Overlay requirements outlined in LMC Chapter 15-2.21, and the proposal demonstrated compliance with Ordinance No. 13-38, which approved the Thaynes Creek Ranch Estate Subdivision Phase 1 Plat. He commented that the minimum Front Setback for Single-Family Dwellings in the Single-Family Zoning District was 20 feet. The minimum Front Setback for front-facing garages was 25 feet. He explained that because Lot 3 was a corner Lot, it had two Front Setbacks. One of the Setbacks was measured from Payday Drive to the south, and the other was measured from Country Lane to the east. He represented that the existing garage was measured at 24 ½ feet from the property line abutting Payday Drive, and was therefore considered Existing Non-Compliant. Staff recommended Condition of Approval 5 that "No further expansion of the existing non-conforming garage measured at 24.5 feet from the property line abutting Payday Drive, is permitted."

Planner Niedermeyer stated that Lot 4 was currently vacant, but would be required to comply with Single-Family Zoning requirements should it be developed in the future. He commented that the maximum density for subdivisions in the Single-Family Zoning District was three units per acre. The proposal complied with this requirement as it would not increase the density or create additional opportunities for units within the Subdivision. He reiterated that the total shared acreage between the two Lots would remain unchanged.

With regard to the Rear Setback, Planner Niedermeyer stated that for this corner Lot, it would be measured from the property line behind the garage. The current Single-Family Dwelling on Lot 3 was set back 18.9 feet from the rear Lot line, and the proposed shift would increase this distance to 41.9 feet. He explained that the Side Setback was measured from the northern property line, and the Single-Family Dwelling on Lot 3 was 45 feet from that Lot line.

Planner Niedermeyer stated that this proposal complied with the Sensitive Land Overlay requirements outlined in LMC Chapter 15-2.21. The proposal also demonstrated compliance with Ordinance No. 13-38 which approved the Phase 1 Plat. He recited Plat Note 10 as follows: "Lots 3 and 4 are restricted to a Maximum Building Footprint of 3,900 square feet for the house and garage. The Floor Area of all second stories shall be restricted to 60% of the first story footprint."

Planner Niedermeyer advised that the current Building Footprint for the Single-Family Dwelling on Lot 3 was 3,990 square feet, thereby exceeding the requirement by 90 square feet. Staff recommended Condition of Approval 7, which states: "No further expansion of the existing non-conforming Building Footprint, measured at 3,990 square-feet is permitted." He noted that the proposal would maintain the ability for Lot 4 to have a Building Footprint of 3,900 square feet, even though the Lot was being reduced in size. He recited Plat Note 15 as follows: "Each Lot of record is allowed a Maximum Driveway Width of 15 feet, measured at the property line with Payday Drive or Country Lane." He advised that Lot 3 was accessed from Country Lane, and the driveway at that point was measured at a width of 21.8 feet.

Staff, therefore, recommended Condition of Approval 8 as follows: "No further expansion of the existing non-conforming driveway measured at 21.8' abutting Country Lane is permitted."

Planner Niedermeyer stated that there was good cause for this Plat Amendment, as it would enable the owner to expand the size of Lot 3 while allowing for Lot 4 to remain a developable Lot. It also would not further subdivide or increase the density of the existing Thaynes Creek Ranch Estates Subdivision Phase 1. The proposal would also not create or expand upon any existing Non-Conformities.

Additionally, Planner Niedermeyer indicated that the applicant intended to remove the 10-foot wide irrigation water conveyance easement that borders the common property line of Lots 3 and 4. The Title Report established water rights for irrigation use for both Lots, and he relayed that the applicant believed the irrigation easements were platted in conjunction with the established water rights. He explained that the applicant was the beneficiary of the irrigation easement, and could remove the easement from the amended Plat without additional approval.

Planner Niedermeyer stated that the Development Review Committee reviewed the Plat Amendment application, and per the Water Department, currently, the one-meter vault has both the meter for the existing home, as well as the meter setter for the vacant lot. Moving the lot line 23 feet would put the meter for the vacant lot off the property, which would result in the homeowner running a waterline on private property.

He noted that the Water Department presented two solutions:

- Provide easements for the water line to the vacant Lot; or

- Vacate the future connection and the existing water meter and run a new line in the street from the water main.

Planner Niedermeyer stated the applicant selected the first solution, and proposed a new 10-foot-wide private water easement for the benefit of Lot 4A. He noted that all feedback from the Development Review Committee had been addressed. Planner Niedermeyer advised that Staff recommended the Planning Commission review the proposed Plat Amendment, conduct a public hearing, and consider forwarding a positive recommendation for City Council's consideration on August 22, 2023.

Commissioner Shand understood that this application proposed to move the property line 23 feet, as well as the easement for the water line. Planner Niedermeyer explained that the current easement on the current property line was a 10-foot wide irrigation easement that would be vacated. Commissioner Shand asked how Lot 4 would get water. It was explained by Applicant Walton that a new easement would be established to allow the metered connection to cross from Lot 3 to Lot 4. This new easement would not be the same as the 10-foot easement between the two properties for irrigation water.

Applicant Walton stated that the 10-foot easement was likely established with good intentions, but had no current use or intended use by any of the property owners. The applicant intended to vacate the 10-foot easement and create a new easement where the City water connects to Lot 3 today in order to provide water to Lot 4 from that existing connection.

Commissioner Sigg asked if there were CC&Rs that would regulate Lot line adjustments in this neighborhood. Applicant Walton advised there is an HOA, but it did not regulate any Lot line adjustments. He added that the HOA regulated things like Setbacks. He confirmed that this proposal had been presented to the HOA, and was approved. With respect to the easement, Commissioner Sigg asked if there were any maintenance obligations. Applicant Walton stated there were none, and further explained that there were potentially 3 or 4 easements and wanted to be clear on which easement was being referenced by Commissioner Sigg.

Commissioner Sigg understood there was an irrigation easement, and a proposed easement to bring water to the site. Applicant Walton referenced a graphic showing the Subdivision as a whole and explained that the water shares used for irrigation purposes only source from a pond off Iron Canyon Road, located in Lot 5. He added that an easement was recorded today to bring the water up to an existing 5-foot easement that runs east/west.

Applicant Walton also advised that there was a mountain field easement for utilities that runs all the way to Payday Drive. He added that there was confusion when the easements were created, and it was assumed that easements could be used for irrigation water. Based on their research, he stated they discovered there was no irrigation right to the easement to come from the pond. Therefore, that was re-established today. He showed the easement between the two properties that would be vacated because there was no need for it. He also pointed out a small easement between the two properties for potable water.

Applicant Walton confirmed there were no maintenance requirements for these easements. Commissioner Sigg asked if they had determined the water table. Applicant Walton stated that he had lived in the home on Lot 3 for eight years. They had to do the required testing when the home was built, and he reported that it was dry. He commented that Lots 1 and 2 had a

downslope and an underground stream from the golf course, which necessitated two pumps running 24/7.

Applicant Walton reported that Lot 3 appeared to be on high ground and there had never been a need to run a pump. When the home was constructed, the engineers advised there was no water to be found. With respect to Lot 4, they never dug into it because it was horse pasture, but he imagined that it would also be dry because it was at an identical elevation. He added that the stream flow came in to feed the ponds as shown on the graphic. It seemed consistent and logical that the water was going around Lots 3 and 4.

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

Marshall King from Alliance Engineering wanted to make sure that it was clear that the Plat Note that was added was added by the owner. He had looked at minutes from past meetings, and there was a Note on the Plat that they had no idea how it came to be. He stated that the Plat Note added by the owner was not something that would typically be included on a plat, and reiterated that the owner requested it be included.

Chair Suesser observed that the width of the driveway at 21.8 feet was non-compliant, and wanted to confirm that the Commissioners had no interest in requiring a change and were comfortable with the Condition of Approval prohibiting expansion.

Commissioner Van Dine understood the Planning Commission could not force the owner to change the driveway; rather the Commission could require that the owner bring it back into compliance if they requested any changes. Senior City Attorney, Mark Harrington stated that it was not legally pre-existing. Applicant Walton commented that Country Lane is a private lane, therefore it did not have standard street widths and was only 20 feet wide, and would require a sharp turn-in. When the concrete team was installing the driveway, they opened a small neck to allow a vehicle to turn in, but the driveway quickly goes down to 14.5 feet. He added that the entrance from about 4 feet in was down to 15 feet, and then the driveway was 14.5 feet for the remaining 40 or so feet.

At the time, Applicant Walton was unaware that this was non-compliant. He added that he did not realize they had a Side Setback issue with the garage until it was presented to him during this application. He stated the house was not square on the property, and stated that he measured the front of the garage at 27 feet; however, because of the angle of the house, it went from 27 feet down to 24.5 feet. He stressed that the entire garage was not 24.5 feet; rather approximately 4 feet of the garage is within the Side Setback. Commissioner Van Dine stated she was agreeable with the Conditions as written.

Engineer King commented that sometimes the actual house distance is the actual foundation, and if there was any rock, that might add to the measurement. Any trim around the house could also be the reason for it being slightly larger.

In response to Chair Suesser's inquiry, Applicant Walton stated there was no driveway off of Payday Drive, and access to the home on Lot 3 was exclusively off Country Lane. Lot 4 would not have access off Country Lane, and would only be accessed off Payday Drive. He commented that any driveway into Lot 4 would fit the neighborhood nicely. He added that this Plat Amendment was requested because they constructed the house back a little too deep. He

was focused on a play area for his children, and his wife did not express that she wanted a garden space. Now, his children are grown and his wife wanted an area for a garden. In response to an inquiry, Planner Niedermeyer confirmed that a full Sensitive Land Overlay Analysis was done.

MOTION: Commissioner Sigg moved to forward a positive recommendation for City Council's consideration on August 22, 2023, for 2411 Country Lane and 28 Payday Drive – Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the Draft Ordinance as amended, as follows:

Findings of Fact

1. The properties are located at 2411 Country Lane and 28 Payday Drive.
2. The Lots are within the Single-Family Zoning District.
3. The subject properties are Lots 3A and 4A of the Thaynes Creek Ranch Estates Subdivision – Phase 1, approved by the City Council in 2013.
4. The property recorded as Thaynes Creek Ranch Estates Subdivision – Phase 1 was annexed into Park City as part of the Richards/PCMC Annexation.
5. On October 3, 2013, the City Council approved the Thaynes Creek Ranch Estates Subdivision – Phase 1 plat.
6. The Thaynes Creek Ranch Estates Subdivision - Phase 1 plat, provides final approval for four of the seven single-family lots, which received preliminary approval as part of the Richards/PCMC Annexation.
7. Lot 3A is 0.62 acres and Lot 4A is 0.51 acres.
8. The Plat Amendment proposes to move the common Lot Line shared by Lots 3A and 4A twenty-three feet (23') westward.
9. The Plat Amendment will increase the size of Lot 3A to 0.71 acres and decrease the size of Lot 4A to 0.42 acres.
10. Per the Applicant, the purpose of this Plat Amendment is to provide additional room for a future garden and walkway in the rear of the existing SFD located on Lot 3.
11. The proposal complies with the Single-Family (SF) Zoning District requirements outlined in LMC Chapter 15-2.11.
12. The proposal complies with the Sensitive Land Overlay Requirements outlined in LMC Chapter 15-2.21.
13. The proposal demonstrates compliance with Ordinance No. 13-38, an Ordinance approving the Thaynes Creek Ranch Estates Subdivision – Phase 1 Plat.

14. The findings in the Analysis section of the Staff Report dated 7/12/23 are incorporated herein by reference.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.11 and § 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 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 Section 15-2.11 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.
4. All other Conditions of Approval and platted requirements for the Thaynes Creek Ranch Estates Subdivision – Phase 1 continue to apply and shall be noted on the plat by reference.
5. No further expansion of the existing non-conforming garage measured at 24.5 feet from the property line abutting Payday Drive, is permitted.
6. The final Plat Amendment shall include the plat notes for the Thaynes Creek Ranch Estates Subdivision – Phase 1 Plat.
7. No further expansion of the existing non-conforming Building Footprint, measured at 3,990 square-feet is permitted.
8. No further expansion of the existing non-conforming driveway measured at 21.8' abutting Country Lane is permitted.
9. Plat Note 18 will be added to the Plat as requested by the applicant as follows:
"The roof of any building on Lot 4A within 75 feet of the south property line is

limited to an imaginary line that is a height of 12 feet from the existing ground at the east side Setback and sloping up to a height of 28 feet from the existing ground at the west side Setback. Standard City building height restrictions apply north of this 75-foot height restricted area.”

Commissioner Van Dine seconded the motion.

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

B. 1325 Empire Avenue and Parcel SA-200 – Plat Amendment –The Applicant Proposes a Plat Amendment to Amend the Knudson Subdivision and Parcel SA-200 and Re-Subdivide the Vacant Lots into Four Lots to Eventually Allow for Four Single-Family Dwellings. PL-22-05357.

City Planner, Jaron Ehlers reported that Senior City Planner Alexandra Ananth and City Engineer John Robertson were accompanying him in chambers, and Affordable Housing Manager, Jason Glidden was attending remotely. Also in attendance were the applicant, Gavin Steinberg, and the applicant’s architect, Bill Van Sickle, AIA.

Planner Ehlers presented a graphic of the proposed Plat and explained this Plat Amendment was for a four Lot Subdivision, with a shared driveway that would run between Lot D and the other Lots. He referenced the 5-foot easement for a fire access stairway on the north side of the Lot. He noted the two parcels that are part of this application highlighted in blue and red on the graphic. To the left was the Park City Mountain Resort (“PCMR”) parking lot. He also pointed out Norfolk Avenue and 13th Street. He referenced the Snyder’s Addition Plat and stated that the blue highlighted area showed the parcels at issue, and the graphic also illustrated the original Norfolk Avenue Right-of-Way (“ROW”). He noted that the road terminated at the Lot line of the proposed Subdivision.

On May 10, 2023, the Planning Commission provided feedback and a number of questions, which Staff felt were answered in the Staff Report. Planner Ehlers first addressed the issue of access. He stated that all proposed developments must have frontage on a public or private street, and originally neither the proposed Subdivision nor the Lots north of 13th Street had frontage on Norfolk Avenue. These Lots did, however, abut the platted avenue that did not have a road.

Therefore, in 2003 following negotiations with the builder, a non-exclusive Encroachment Agreement was signed between the City and the builder that allowed the creation of a privately built and maintained road on that public Right-of-Way. He mentioned that the road does not meet City standards, which is why the City does not maintain it.

Planner Ehlers reported that the proposed Subdivision has frontage through that portion of Norfolk Avenue, and the issue of access was deemed sufficient by the Park City Fire District and the City Engineer. With respect to the 2003 Encroachment Permit, Planner Ehlers presented the specific language that made clear that the intention of the Permit was to grant access to those Lots that sit on the Norfolk Avenue ROW north of 13th Street, as well as all properties that abut that platted Right-of-Way. He added that the Permit clearly provided that the roadway was to be maintained by the same Lots that were granted access to the Permit. He referenced the Historic home owned by the City located across the road from the privately

maintained Lots and stated that as a landowner, the City had been contributing to the snow removal and road maintenance fund for the past two years.

Planner Ehlers reported that the improvements allowed by the Encroachment Permit were a roadway, gutters, walls, and utilities as approved by the City Engineer at that time. It also provided that the City may, with notice, remove the road and construct a new road and all the improvements allowed in 2003 were on and remain on a platted City Right-of-Way. He highlighted that this portion of Norfolk Avenue was a privately maintained public street.

With regard to the shared driveway, Planner Ehlers advised that LMC Section 15-3-3 regulated shared driveway standards. The minimum width for a shared driveway was 10 feet, with a maximum width of 27 feet. The applicant proposed a minimum width of 19 feet and maximum width of 28.06 feet. He noted the proposed maximum width fell within the Code allowance. Planner Ehlers referenced a proposed Condition of Approval that would require the easement for the construction of the shared driveway to have a minimum of 20 feet.

Chair Suesser asked Planner Ehlers to explain the third bullet point that stated the minimum width of the proposed shared driveway was 19 feet and asked what the width was of the proposed shared driveway. Planner Ehlers stated that most of the shared driveway would be 20 feet wide, but as it approached Norfolk Avenue, it would flare out and become flush with the existing street. He explained this was why the shared driveway would have a larger maximum than most of the shared drive.

Chair Suesser asked if they were properly calling this a driveway when each of the homes would have a driveway. She noted this was more like a shared private road. Planner Ehlers responded that this was ultimately still a driveway, and each Lot owner would have their own specific Single-Family driveway off the shared driveway. Commissioner Shand understood that this would not be a continuation of a public road, and Planner Ehlers confirmed that understanding.

Commissioner Van Dine asked about the width of the current private/public road. Senior Planner Ananth believed it was built to approximately 20 feet wide, but the platted ROW was closer to 27 feet. She confirmed that this portion of the road had no sidewalks. When the improvements were granted for the homes that currently exist on northern Norfolk Avenue, Chair Suesser asked if those homes were considered a Subdivision. Planner Ehlers responded that those homes remained within the parcels platted by the Snyder's Addition and no new Subdivision was created.

Chair Suesser sought clarification that this application proposed a new Subdivision. Planner Ehlers advised that this application proposed to create a new Subdivision. Chair Suesser asked if the Streets Master Plan addressed this part of the City. Planner Ehlers stated it terminated at 13th Street, which was why the Encroachment Permit was required to grant access.

Planner Ehlers next addressed the questions regarding the configuration of Lot D. He recalled that on April 3rd, the Planning Director issued a Determination that Lot D was a corner Lot, and as part of that Determination found the Lot had two Front Setbacks with the southern Setback being 13 feet, and the western Setback at 12 feet. He added that Lot D also had a 12-foot Rear Setback and a three-foot Side Setback. He explained that the Side Setback was determined by the Lot width. The depth of Lot D was easy to determine because there was only one rear to

the Lot, and the depth was determined to be 87.5 feet. The width was therefore 37.5 feet. Pursuant to the LMC, Lots with a width of 37.5 feet have a Side Setback of 3 feet.

With regard to the stairs, Planner Ehlers stated the Fire Department required stairs in order to allow for access to the property in case of an emergency. There was interest in creating a public stair on the adjoining City-owned parcel because of the potential of Woodside Phase 2. He reported that the applicant and the City were in discussions on this issue, so Staff included Condition of Approval 4 that addressed both possibilities.

As to the questions raised regarding the maintenance of private fire access stairs, Planner Ehlers advised the applicant would be responsible for maintaining the private fire access stairs. He reported that the owners of Knudson Lot B were not amenable to amending the easement currently recorded on Knudson B; therefore Staff did not consider that to be a viable option.

In terms of snow removal and the maintenance of North Norfolk Avenue, Planner Ehlers highlighted several proposed Conditions of Approval. Condition of Approval 10 would require an HOA or some other agreement for the four homes to ensure snow removal and maintenance of the shared drive and the private access stair if created. To meet the obligations of the Encroachment Permit, the owners within the new Subdivision would be obligated to contribute to maintenance of North Norfolk Avenue. As a result, the applicant proposed recording an agreement that their successors would cover 50% of the cost of maintenance and snow removal of Norfolk Avenue, meaning that each of the new owners would be responsible for 12.5% of those costs.

Staff also proposed Condition of Approval 12, which would require the applicant to apply a new seal coat and make repairs to Norfolk Avenue occasioned by the construction activities, prior to issuance of the final Certificate of Occupancy for the final home.

Planner Ehlers reported that Staff found good cause as outlined in the Staff Report. He noted that no public input was received since the Packet was published, and all public input received prior to publication of the Packet was attached as Exhibit T. Staff recommended the Planning Commission review the Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on August 22, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance.

Architect Van Sickle stated that they have worked closely with the Planning Department and other City Departments to create a development that would meet the LMC. They felt this project would make the best use of the land and would provide a benefit to the community. He stated they made several significant changes to the Plat Amendment since its inception and incorporated the feedback from the Planning Commission. With regard to Lot D becoming a corner Lot, Architect Van Sickle advised they increased the Side Setback from 3 feet on the corner to 12 feet. They also identified a total of 915 square feet of snow storage area within the development. They also addressed vehicle circulation and created a pedestrian path access easement for the possible future public staircase. He noted they also created emergency access. Snow removal and maintenance of the neighboring road were also addressed in the application.

The Setbacks on Lot D and the orientation were reviewed and it was determined that the proposed south/north orientation met the LMC and the design was satisfactory within the

Residential Commercial ("RC") zone. He advised the Planning Director stated that Lot D should be treated as a corner Lot, which resulted in the change from the three to 12-foot Setback. This would also result in a smaller home located further from the driveway. The entrance of the home was positioned on the south side of the Lot.

Architect Van Sickle presented a graphic showing the proposed snow storage area. They identified 915 square feet of snow storage, which were designated by the blue outlined areas on the graphic. There would be 228 square feet per house of snow storage, which would meet or exceed that for most homes in Old Town. With regard to the traffic circulation pattern, Architect Van Sickle advised that each Lot would have its own internal parking space, as well as an exterior parking space. He showed how the owners could access those spaces using the private drive. The City Engineer reviewed and approved the traffic circulation pattern.

Per the recommendation of the Planning Commission, Architect Van Sickle advised that they included a pedestrian access easement to the future public staircase on the property just to the north of this property. He stated they want to put in the public access staircase, but was told by the Fire Department that they must have a fire-connected staircase in place when combustible materials are delivered to the site. If they were not able to get the public access staircase built prior to construction, the applicant would build a private staircase to address the Fire Department's concern. When the public access staircase is built, they would demolish the fire access staircase. He stated that the applicant would be happy to share the cost of the public access staircase with the City; however, he felt it would not be in place prior to construction. He referenced the two Conditions related to this issue. He presented a graphic showing the 60-foot private drive and the three-foot pedestrian access area.

Architect Van Sickle next referenced the Fire Marshal's approval of the fire access staircase on the north side of the property, as well as the access through the private drive.

Chair Suesser asked about compliance of the proposed private roadway/driveway with LMC Section 15-7.3-4. Planner Ehlers advised that driveways were regulated under a different section of the Code. There was discussion about whether this was a road or a driveway, and Commissioner Sigg felt this was an important point to make. Chair Suesser observed that each of the homes would have driveways, and she felt this was a private roadway into a Subdivision. She stated the Code anticipated the construction of dead-end roads, and specifically under Section 15-7.3-4(1)(2) entitled Road Dedications and Reservations, "land reserved for any road purposes may not be counted in satisfying yard or area requirements contained in the Land Management Code," which would include Setbacks. Chair Suesser saw the private road as being counted as part of the Setbacks.

Senior Planner Ananth responded that North Norfolk Avenue was a platted City ROW and was considered a road. This drive was considered private and was considered a driveway. Architect Van Sickle stated they planned it as a private driveway because the access for Norfolk Avenue stops at the applicant's property. The idea was they could have a private drive.

Commissioner Sigg asked if there was a limit to the number of homes that could be fed from a private driveway. Planner Ananth replied that she had not found any such limit in the Code.

Chair Suesser again referenced subsection (I) of the Code section previously cited and quoted:

“Widening and realignment of existing roads. Where a Subdivision borders an existing narrow road, or when the Streets Master Plan indicates plans for realignment or widening the road that would require use of some of the land of the Subdivision, the applicant shall be required to improve and dedicate at its expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at its’ own expense to the full width as required by these Subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements contained in the Land Management Code.”

She opined that this private road was being used to satisfy yard and area requirements contained in the Land Management Code. Senior Planner Ananth referenced a definition for Shared Driveways in LMC Section 15-15 that states: “A single access vehicular way that is privately owned and maintained and provides access to two or more structures or off-street parking areas which are located on individual Lots.” She stated this proposal met the definition of a Shared Driveway.

Chair Suesser noted there was no limit to the number of structures beyond “two or more.” Chair Suesser also noticed the section entitled Driveway Widths and Spacing, which referenced residential multi-unit and five or more parking spaces. She also noted that the supposed width of the private driveway was also satisfying Setback requirements. She queried whether the applicant was proposing a 19-foot driveway that they were measuring from for the Setbacks. She explained that her issue was that these were currently 75-foot Lots that were proposed to be extended to 85 feet, and this private drive was over the four proposed Lots rather than being dedicated to the HOA of the Subdivision as common space.

Chair Suesser wanted to explore that possibility rather than pursue this unique configuration of these Lots. She felt the existing platted Lot was two combined Old Town Lots, as it was 75’ x 50’. She expressed that the idea of breaking it into two Lots and increasing it to 85 feet and also increasing the width would result in an increase of density in this area. She would like to see one home built on the existing SA-300 [sic] Lot, one home built on the proposed Lot C, which would be a 75’ x 25’ Lot, with a common driveway in between, and also a home built on Lot D. Chair Suesser would also like to see a common roadway improved and dedicated to the HOA as a shared use driveway and common property of the HOA.

Chair Suesser felt this would be a more practical approach to this Subdivision and was supported by the transitional RC Zone where they were moving from Historic Old Town to this recreational support area. There was good reason to retain the platted Lot as a 75’ x 50’ Lot and to keep the northern Lot C also at 75 feet.

Commissioner Sigg added that LMC Section 15-1-2 addressed the Statement of Purpose. LMC Section 15-1-2(E) specifically addressed maintaining the Old Town character. He noted that Snyder’s Addition had always been platted at 25’ x 75’ Lots, therefore what was being created by these wider and deeper Lots was inconsistent with this provision.

LMC Section 15-1-2 (G) addressed existing hazards, erosion, and flooding, and Commissioner Sigg raised questions about the site itself. He noted the site was previously platformed for some sort of use, and as the property approached the Senior Center, there was a significant grade differential. There was also a significant rise to the back of the houses on Empire Avenue.

Although he had not quantified that, Commissioner Sigg observed there was no retainage. He also felt these houses might encompass a Steep Slope CUP. Planner Ehlers advised that this location was outside the Historic District and the Sensitive Land Overlay.

Commissioner Sigg asked about any mitigating factors for some of the natural earth to the west of the proposed development. He questioned the quality of the soil and the potential for sheet flow runoff into this area. He expressed concern about these issues as they related to the west boundary of the Subdivision. Commissioner Sigg asked if there was an analysis of the proposed Building Footprints versus the Code analysis of the permitted Building Footprints on each Lot. Architect Van Sickle stated that they had that information, but it had not yet been provided to the Commission. He stated they were following the Code formula.

Commissioner Sigg also noted a grade differential and shift in Norfolk and he was curious how the transition would work. He noted it was a 4 – 5 foot differential. Architect Van Sickle advised that at the top where the road joined the applicant's Lot, there was no offset. As far as drainage and sheet flow calculations, those would be provided at the time of the Building Permit. Architect Van Sickle added that in terms of the grade differential and the area to the right where the road drops off, the home on Lot D would be designed to use that slope to its advantage to have a lower level in addition to a street level. The Lots on the uphill side would have the garage on the lower level and the homes above. He stressed that the homes would still follow the charm of Old Town.

Commissioner Sigg noted that the home immediately to the south of proposed Lot A was at a lower level. If there was a differential there, he asked how the slope of the driveway would force water runoff. He asked if there were already CC&Rs in place for these agreements for shared maintenance. Applicant Steinberg reported that they presented their offer to pay 50% of road maintenance for that portion of the road, and it was also included as a Condition. There were no formal CC&Rs established yet.

Commissioner Sigg stressed the importance of establishing the easements across the road/driveway and into the Setback areas so they know there was permission to be within those areas. He wanted it to be clear that if they were running a road across a Setback area, they know it is established and the owners agree to that. Architect Van Sickle added that the easements would be part of the Plat development. Commissioner Sigg felt it would be helpful for the Commission to see how these would work.

Chair Suesser noted that one of the purposes in the RC Zone was to promote pedestrian connections within developments and to adjacent areas. She felt the connection from this area to PCMR was a focus of the City, and she was glad there had been discussion and potential collaboration to create this pedestrian walkway. She expressed concern, however, about public awareness of this access over this private road and she felt it needed to be clear that the public was welcome to access the stairway across this drive.

Architect Van Sickle stated the applicant would be happy to install signage for public access in this area. He added that part of the delineation would be accomplished by using a different material as had been done in Old Town.

Chair Suesser noted that unless the applicant could reach an agreement with the City, the stairway would be private. Applicant Steinberg stressed that they have a shared goal of building

a public staircase with the City, but they had just not gotten there yet. He added that if they were not able to reach an agreement prior to construction, they would need to construct a private staircase for fire access during construction.

Applicant Steinberg clarified that the four homes would not have exclusive access to the private staircase; rather, that staircase would be strictly for fire use and emergency access. He noted that the staircase would go over property that was not owned by the applicant, which explained why they could not make it a public staircase.

In response to an inquiry from Commissioner Shand, Applicant Steinberg believed that the other property was Knudson B. He added that there was an easement for the fire use only.

Commissioner Shand sought clarification that the staircase would not be located on Knudson A, the City-owned property. Applicant Steinberg explained that if they were able to work it out with the City, one idea was to put the staircase on City land; if not, the private fire staircase would remain on the applicant's land.

Chair Suesser stated the goal was to meet as many of the purposes of this zone as possible, and one of those purposes was to promote pedestrian connections. She pointed out that the private staircase would not satisfy that stated purpose in the Code.

Applicant Steinberg stressed that they were looking to put in pedestrian access and an easement through the property so that when there is a public staircase, an easement would allow people to access that staircase. He felt it would be a benefit to the community and the applicant was happy to provide that benefit. Although the staircase might not be public on Day 1, Applicant Steinberg stated they were happy to record an easement and create a pathway to be used when that staircase is constructed.

Chair Suesser asked if there was an agreement that the applicant would contribute to the cost of the public staircase. Applicant Steinberg stated they would be happy to do something, and they were currently trying to figure that out. They received a quote for the private staircase and were in early discussions with the City, in particular Manager Glidden. It was noted that Manager Glidden was involved because the potential staircase would be part of the Woodside Phase 2 parcel.

Commissioner Van Dine noted that the minimum width of the shared driveway was not included in the Conditions of Approval. Planner Ehlers stated it was a new Condition, and Commissioner Van Dine stated it would have to be added as the minimum driveway width. Commissioner Van Dine felt that subdividing this into Lots A – C was more consistent with the neighborhood than having the larger Lots. She acknowledged that Lot D was a weird Lot, and mentioned there were some weird Lots in Old Town. She asked the applicant if they spoke with the neighbors about the 50% cost sharing. Applicant Steinberg stated that he had.

Commissioner Van Dine liked that the applicant would be required to help repave Norfolk Avenue. She would like the City's goals to include upgrading it to a City street, but she understood the limitation they had with the Historic Lot. She appreciated what the applicant was doing with the stairs and felt they were doing the best they could. She understood they needed to construct stairs to start construction, but remained open to finding a way to work with the City to construct public stairs. She felt that supported this going forward.

Chair Suesser referenced Commissioner Van Dine's comments regarding the width of the shared driveway and noted the Code required it to be 18 feet, and the Staff Report stated it was 16 feet wide including other improved Setbacks. Commissioner Van Dine understood that the Condition required the driveway to be flared out at the transition to Norfolk to match Norfolk. Therefore, the 19-foot minimum would not be required for the entire driveway, but just at the ends where it meets the public/private Right-of-Way. Planner Ehlers commented that the minimum requirement, per the Code, is 10 feet.

Chair Suesser referenced a section on Multi-Unit Dwellings that required a minimum of 18 feet. Planner Ehlers pointed out these were not Multi-Unit Dwellings, which would be condominiums or apartment buildings. He confirmed that per the Code, the shared driveway must be at least 10 feet wide.

Commissioner Shand referenced Chair Suesser's question of whether the Setbacks were based off the centerline of the driveway or the edge of the driveway. Planner Ehlers stated that the Setbacks were based on the property line. Commissioner Shand understood that the Plat Amendment included the shared driveway with a centerline, and also that it showed that the Setbacks for Lots A - D were based off the edge of the driveway, not the centerline.

Architect Van Sickle explained that the centerline of the driveway was not related to the Setbacks; rather, the Lot lines referenced the Setbacks and the driveway was proposed to go over each of the properties as a private driveway. There was not a dedicated driveway line. The Setbacks were measured off the property lines and the driveway was shared between those properties. He recalled that the concern was that the shared driveway was not being used as part of the Setback and that the Setback was being measured from the outside edges of the driveway.

Planner Ehlers confirmed that the Setbacks were measured from the Lot line, which falls within the driveway. Commissioner Sigg asked if there was anything in the RC Zone that addressed how many driveways a single Lot could have. Planner Ehlers stated he was unaware of any such provisions. Commissioner Sigg commented that each of these homes would essentially have two driveways.

Chair Suesser sought clarification that the driveway was not considered the construction of a dead-end road. Planner Ehlers responded no because a driveway was defined separately from a road. Chair Suesser disagreed and felt they were just calling it a private driveway. She stated they were creating a Subdivision without a road, and calling the private roadway within the Subdivision a driveway for convenience so the development of these homes could be larger since they would not have a Setback line to work from.

Chair Suesser believed this was a dead-end roadway, and they should call it what it is and have it comply with the Code rather than trying to shoehorn a fourth or fifth driveway for these homes. She felt they were kidding themselves by calling it a private driveway into this Subdivision.

Assistant Director Ward reported that a Shared Driveway was a defined term in LMC Section 15-15-1. She asked Chair Suesser to confirm that she proposed considering the driveway as a common area so that the square footage of the Lots would remain separate. Chair Suesser confirmed this was her proposal.

Assistant Director presented an illustration as to what Chair Suesser's proposal would look like. Senior Planner Ananth explained this illustration would keep the SA-200 Lot as one parcel totaling 3,750 square feet and could allow for a duplex. She added that the adjoining Lot would be its own separate Lot, and keeping these Lots at 75 feet would create a remnant area of approximately 1,700 square feet that could technically be used for a driveway.

In response to an inquiry, Planner Ehlers advised that with this new configuration, what was referred to as Lot D would be 35' x 87.5' and it would have the same Setbacks as determined by the Planning Director. The width of the common dedicated roadway in this new configuration would be a minimum of 20 feet, and be slightly larger at the Norfolk Avenue end. Planner Ehlers noted that SA-200 sat slightly lower than the bottom of Knudson C at 1325 Empire Avenue.

Chair Suesser expressed confusion as to why SA-300 [sic] and Lot B were not aligned in this graphic. Planner Ehlers stated these two Lots did not align at the bottom of the graphic, and that the Lot shape of SA-200 versus what ended up being Knudson C as part of the 2014 Knudson Subdivision.

Chair Suesser observed that on the North Norfolk Plat Amendment, figure 2 in the Staff Report, it looked more consistent. Planner Ehlers explained that those original maps were codified in 2014, and noted that if you looked closely you could see a jog in the two parcels.

Chair Suesser acknowledged but sought clarification that SA-300 [sic], the currently platted Lot was a two standard Old Town Lots. Planner Ehlers confirmed. Assistant Director Ward clarified that this Lot was not platted; rather, it was a parcel with those dimensions.

Chair Suesser felt there was good reason to keep that parcel as is, because it was consistent with the grid in Old Town, and they could vary it slightly because they were in a transition zone; however, she felt it made sense to keep that parcel intact. She would only put one home on that Lot as it would also reduce the density and create more open space, which was consistent with the purpose of the RC District under the Code.

Commissioner Van Dine noted that a duplex could be constructed on the Lot.

In response to Chair Suesser's inquiry, Planner Ehlers stated that this Lot met the minimum requirements for a duplex. If the Subdivision were configured with three Lots instead of four, Planner Ehlers stated that a duplex would be possible on SA-200.

Chair Suesser opened the public hearing.

Mark Brian reported that he lives in the home adjacent to the red area shown on the map. He explained there was a permit granted 20 years ago that allowed for two houses to be built. At that time, he took over managing the street. He has spent approximately \$30,000 in plowing costs over that time, of which the City had contributed approximately \$600. He stated it had been arduous for him to manage this property that is owned by the City because others had refused to pay despite the requirement of the permit for all abutting owners to participate in the maintenance.

Speaker Brian stated that one of the homes was abandoned and repossessed by the Bank, who would not participate in the costs. He noted there were years when he paid for all the plowing for the entire year. He stated that the City-owned 50% of the property that abuts the road.

Chair Suesser asked the speaker to restrict his comments to this application rather than his grievances with the City.

Speaker Brian understood that he should take his grievances to the City Council and apologized for getting off track. He pointed out that road density had dramatically increased since 20 years ago. By having four new homes in addition to the condominiums and the Blue House owned by the City, the road would be fundamentally unsafe and would become burdensome for him to coordinate between ten different properties to collect maintenance costs. He stated he has taken the lead in contracting for the snow plowing and then collecting from the various property owners. He felt it was not reasonable for him to keep managing the street.

Speaker Brian appreciated the 50% offer from the applicant, but he did not know how that would continue into perpetuity. He stated he owns approximately 25 feet of the approximately 300 feet of frontage on this road. He has tried to set up meetings with the City Attorney and City Engineer and has not received a response. He reported that he hired an attorney to help him unravel this so that they could achieve fair and reasonable management of this street.

Chair Suesser reiterated the Code regarding widening and realignment of existing roads. She stated that “where a subdivision borders an existing narrow road, the applicant shall be required to improve and dedicate at its expense such areas for widening or realignment of such roads” and dedicate them to the City. She felt they might be at that point. Speaker Brian echoed this and stated that the road was unsafe and needed to be widened, especially considering Woodside Phase 2 which would dramatically increase the density and usage of this road. He stated it needed to be addressed, and whether it was now or later, after 20 years of managing the street he no longer wanted to do it. He felt this was an opportunity to address this.

Chair Suesser asked if Speaker Brian had any comments on the applicant’s proposal. Speaker Brian felt the sidewalk was on the wrong side of the street and connect to the sidewalk on 13th Street. He reiterated his view that the road was unsafe and a burden for him to manage. He felt the government had a role in assuring public good on public land, and this road belonged to the City so it should pick up the burden of maintaining it. He stated they paid their taxes, but they were not getting their services. When there were only two homes, the maintenance worked, but when there are 10 homes it does not.

William Michael O’Connell identified himself as the owner of 1307 Norfolk. He sent a letter dated May 10, 2023, in which he addressed his genuine concerns with the safety and the need to widen the road. He thanked the Commission for their hard work and thanked Mark Brian, who does not overstate the work he has done to keep the road as safe as he can. This year, with the snow they had, it was unreasonable and not safe even with just the three houses and the shack.

He read his May 10th letter as follows:

“I think Mark Brian captures the limited road access concerns perfectly in his emails to Cory. Essentially, North Norfolk is a one-way street. The winter season had many challenges with getting in and out of driveways on Norfolk and the residents had to pay

for the commercial plow service. They were overwhelmed with the winter, given the commercial plow service. I respectfully request that Park City take over the snowplow service for Lower Norfolk Ave. I view with genuine concern any solution for Lower Norfolk that will not make access safe and reliable. Widening Lower Norfolk with two-way access on Lower Norfolk and Lower Woodside would be a simple, easy, and smart solution. This would allow Park City to snow plow lower Norfolk, and provide safe navigation for the residents. A request is made to give this priority consideration for this project.”

He again thanked the Commission. Chair Suesser confirmed that the Commission had received his letter.

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

Commissioner Sigg reported that this was a difficult one and that there were a lot of unanswered questions. Going back and forth between the definition of driveway and road made this challenging. For him to feel good about this application, he would like to see CC&Rs and how the shared drive would be memorialized. He did not like the fact that they were moving forward with something that does not memorialize how things would be maintained. He would also like to see the easements for how the driveway encroachment into the Setbacks was handled in the CC&Rs.

Because of the nature of the site, he felt it could potentially require a retaining wall, which could be a wall of unknown height near the Senior Center. He would like to see some sort of geotechnical report on that as well as on the natural dirt and slope west of the property across the three proposed Lots. He noted the photograph showed a lot of unimproved area. Commissioner Sigg was aware that the connector road between Lowell Avenue and Empire Avenue had a slope from west to east and he could imagine erosion during a significant rainstorm.

Commissioner Sigg’s concern was with the earthen wall and the way the property was tiered. He would also like to see an analysis of the pitch on the road/driveway, so he could understand where sheet flow might go. He asked if a slope analysis had been performed on the site. Architect Van Sickle stated they performed a slope analysis and an existing topographical boundary survey. Commissioner Sigg would like to see those since it was evident that the site had been platformed or built up at some point in the past.

Commissioner Sigg expressed confusion over the five driveways and would like to see some sort of definition. He was curious whether there was a provision limiting the number of driveways that could access a Single-Family site because he had not seen that condition at too many other places in Old Town. This issue goes back to the Statement of Purpose set forth in LMC Section 15-1-2(E). Chair Suesser noted that this project is in the RC Zone, not Old Town. Commissioner Sigg wanted to see all of the things he mentioned before he would be comfortable forwarding a positive recommendation on this proposal.

Chair Suesser reiterated the Construction and Design Standards for the road and the construction of dead-end roads. Under the Code, “for convenience to traffic and more effective police and fire protection,” she felt it was important that this project comply with “convenient traffic and more effective police and fire protections.” She quoted the Code that “permanent dead-end street shall, in general, be limited in length to 650 feet.” If they look at Norfolk Avenue

from 13th Street to the end of the proposed Subdivision, she felt they were at 650 feet, if not in excess.

Chair Suesser mentioned the Code required a turnaround at the end of a permanent dead-end street to be compliant with the Construction Standards. She reiterated that if Norfolk Avenue were to be widened and realigned because this Subdivision bordered an existing narrow road, the applicant would be required to improve and dedicate at its expense such areas for widening or realignment of such roads. She added that the roads and streets shall be improved and dedicated by the applicant at his expense to the full width as required by these regulations. She also reiterated that land reserved for any road purpose may not be counted in satisfying yard or area requirements.

Chair Suesser opined it was clear under the Code that this was a dead-end roadway, and it should be improved to be compliant with the Road Design Standards. She again reiterated that the existing SA-200 Parcel was properly configured at 75' x 50' consistent with the Old Town grid, and variation on that to the north and west of the property could be appropriate in this transition zone. She expressed that the improvement of Norfolk Avenue from 13th Street to the end of this Subdivision was necessary for this application to move forward.

Commissioner Van Dine stated that she was ready to vote on this item tonight and felt the Code could be interpreted either way and that the interpretation by Staff and the applicant was necessarily wrong. She was agreeable with the added Condition of Approval for the width, and she felt that the applicant had consistently come back with a response to the Commission's feedback. She felt these issues had never come up before in the past three meetings, and now they were throwing the applicant another curveball.

Commissioner Van Dine did not understand if they were doing this because the Commission was trending towards denying the application as is or requiring the applicant to re-apply as a different development. She tried to understand if the Commission was trying to negotiate with the applicant or if they were approving or denying the application as presented. She asked the applicant if they wanted to continue this item to further address these issues or whether they wanted the Commission to proceed with the application as it stood now. Commissioner Van Dine expressed that she did not know where the end to this would be, because if the Commission was just setting it up to deny the current application, then they should give Staff the direction to do that.

Commissioner Shand understood Chair Suesser's concerns regarding Parcel SA-200 that it was a 50' x 75' parcel, but noted it was consistent with other properties on that side of the street that were 75' x 25'. From the corner of 13th Street along Norfolk Avenue to the property line, he measured it on GIS Mapping at 212 feet, so it would be within the dead-end street parameters. He understood the Commission had been reviewing this for the past two months, and there still seemed to be some unanswered questions. He suggested that perhaps a continuation was the correct way to proceed in light of three Commissioners being absent from this meeting. Commissioner Sigg concurred with that statement and added that it might be better to have more of the Commissioners present to vote on this application. Chair Suesser clarified that her comment about the 650-foot maximum for a dead-end street would be from 13th Street to the end of the proposed Subdivision. She noted that SA-200 was 50 feet by itself.

City Engineer, John Robertson offered that the 650 feet would be measured to the end of the roadway and would not include the private driveway length. They would interpret that as the

length of the unplatted Right-of-Way, which was the 250 – 300 feet previously mentioned. The measurement would not include the additional length into the private driveway. Chair Suesser asked if it would be measured differently if they referred to that as a private roadway that was an extension of Norfolk Avenue into the Subdivision. City Engineer Robertson stated that they view it as a private driveway and not a roadway. Assistant Director Ward added that when they return in September, they can include the defined terms from the LMC for clarification.

Commissioner Sigg asked about the applicant's preference regarding moving forward. The applicant stated that they would be happy to continue the item given the requests for clarification and the fact that some of the Commissioners were not in attendance at this meeting.

Commissioner Sigg felt a continuance was fair given the circumstances. Applicant Steinberg stated their goal was to be good partners with the City and good partners with their neighbors.

MOTION: Commissioner Van Dine moved to CONTINUE 1325 Empire Avenue and Parcel SA-200 – Plat Amendment, to September 27, 2023. Commissioner Sigg seconded the motion.

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

Chair Suesser noted that she considered the public hearing continued as well to September 27, 2023.

The Commission took a short recess.

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

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

She reported that Commissioner Sigg was recusing himself from this item. City Attorney Harrington indicated that Commissioner Sigg could vote on the procedural motion.

Assistant Director Ward requested that the item be continued to July 26, 2023.

MOTION: Commissioner Van Dine moved to CONTINUE 958 Woodside Avenue – Plat Amendment to July 26, 2023. Commissioner Shand seconded the motion.

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

D. 729 Rossie Hill - Conditional Use Permit - The Applicant Proposes a Nightly Rental Conditional Use Permit for a Single-Family Dwelling in the Lower Rossie Hill Subzone of the Historic Residential Low-Density Zoning District. PL-23- 05604.

Planner Niedermeyer reported that Justin Keyes and Frank Watanabe were present representing the applicant.

Planner Niedermeyer indicated that 729 Rossie Hill Drive is a Single-Family Dwelling within the Lower Rossie Hill Sub-Zone of the Historic Residential – Low Density (“HR-L”) Zoning District. He explained that the HR-L Zoning District had three sub-zones: the Western, the McHenry, and the Lower Rossie Hill. Nightly rentals within the Rossie Hill Subzone require a CUP. The Lower Rossie Hill Subzone included five Single-Family Dwellings within the Lilac Hill East Subdivision. 729 Rossie Hill Drive is Lot 2 of that Subdivision. The applicant submitted applications for two of the five properties – 729 Rossie Hill Drive and 755 Rossie Hill Drive – which are Lot 2 and Lot 3, respectively.

Planner Niedermeyer reported that the proposal complied with LMC Chapter 15-2.1. The proposal as Conditioned complied with the CUP criteria, outlined in LMC Section 15-1-10(E). He added that the Development Review Committee reviewed this application on May 2, 2023. LMC Section 15-2.1-2(B)(1) provides that “Nightly Rentals in the HR-L Zoning District in the Lower Rossie Hill Subzone requires a CUP.” Footnote 2 established additional requirements for Nightly Rentals, specifically, Nightly Rental Agreements shall include language that limits the vehicles allowed to the number of onsite parking spaces. Additionally, property management contact information shall be displayed in a prominent location inside the Nightly Rental.

Planner Niedermeyer reported that Staff recommended Conditions of Approval to ensure that these requirements would be met. As Conditioned, the proposal complied with the CUP Criteria. There were no unmitigated impacts with the size and location of the site, as it complied with the HR-L Zoning District Lot and Site requirements. The traffic considerations, including the capacity of the existing streets in the area, were addressed in Condition of Approval 1. He also stated that there were no unmitigated impacts to the utility capacity, including storm runoff, and the utilities for the Single-Family Dwelling were available on site. No change to the utility capacity or stormwater runoff was proposed.

Planner Niedermeyer reported that emergency vehicle access was addressed in Condition of Approval 2, and the location of off-street parking was part of Condition of Approval 1. Plat Note 6 of the Lilac Hill East Subdivision states: “[d]rives... shall provide twenty feet (20') wide of clear space to meet Fire Code. If parking impacts this twenty-foot (20') wide clear space, it will not be allowed and shall be signed ‘No Parking.’” He stated that the private drive that accesses this Subdivision was designed with a hammerhead configuration.

Planner Niedermeyer stated that the Engineering Department and Park City Fire District recommended Condition of Approval 2: “The Applicant shall install “No Parking” signs along the shared private drive within the Lilac Hill East Subdivision in a form and location approved by the Engineering Department and Park City Fire District prior to submitting a nightly rental business license application.”

The LMC requires two parking spaces for Single-Family Dwellings. He noted that 729 Rossie Hill Drive was a Landmark Historic Site on the Park City Historic Sites Inventory. Historic Structures were exempt from parking requirements; however, for CUP approval, all Conditional Uses proposed on a site shall comply with parking requirements of Chapter 15-3. Therefore, two parking spaces would be required. The proposal included one on-site parking space within the parking garage. The applicant initially proposed a parking pad in the front yard for the second space, which was difficult considering that the Historic District Design Guidelines recommend parking areas in the rear yard beyond the rear wall plane of Landmark Historic Sites. In addition, parking spaces are required to be 9' wide x 18' long. Nightly Rental

Agreements for properties in the Lower Rossie Hill Sub-zone must limit the number of vehicles to the number of on-site parking spaces.

Planner Niedermeyer advised that if the Planning Commission limited parking for this Nightly Rental to one vehicle, Staff would recommend Condition of Approval 1, as follows:

“Prior to submitting a nightly rental business license application, the Applicant shall amend the nightly rental agreement for 729 Rossie Hill Drive to limit guests to a maximum of one vehicle, which must be parked within the one-car garage on the property. Parking on the private driveway accessing 729 Rossie Hill Drive, along Rossie Hill Drive, and within the surrounding neighborhood is prohibited. The Applicant shall submit a form of the updated nightly rental agreement to the Planning Department to be kept on file.”

He further stated that if the Planning Commission determined that two parking spaces were required, the applicant proposed recording a declaration of parking easement against Lot 4 to satisfy a second parking space in the form of a parking pad. He reiterated that required parking must be satisfied on-site unless the Planning Commission allowed such parking on adjacent or nearby deed-restricted Lots. Lot 4 is not a Historic Site, and has an unusual configuration that would place the parking pad behind the Historic Structure at 755 Rossie Hill Drive and into the side of the proposed new Single-Family Dwelling for Lot 4.

Planner Niedermeyer presented a graphic provided by the applicant that showed the area of the proposed parking pad. He advised that Lot 2 was 729 Rossie Hill Drive, and Lot 3 was 755 Rossie Hill Drive. He added that the applicant proposed to screen the parking pad with vegetation as shown in the graphic.

Planner Niedermeyer advised that if the Planning Commission determined that two parking spaces were required, Staff recommended the following Condition of Approval 1:

“Prior to submitting a nightly rental business license application, the Applicant shall amend the nightly rental agreement for 729 Rossie Hill Drive to limit guests to two vehicles, one which must be parked within the one-car garage on the property, and the second which must be parked on the parking pad on Lot 4. The nightly rental agreement shall provide a site map outlining the two parking space limitations for 729 Rossie Hill Drive. The Applicant shall install a sign for the second parking space for 729 Rossie Hill Drive on Lot 4 in a form and location approved by the Planning Department limiting parking to 729 Rossie Hill Drive. Parking on the private driveway accessing 729 Rossie Hill Drive, along Rossie Hill Drive, and within the surrounding neighborhood is prohibited.”

He explained that there were no unmitigated impacts with the internal vehicle and pedestrian circulation system. There were also no unmitigated impacts to fencing, screening, and landscaping to separate the use from adjoining uses. There were also no unmitigated impacts on building mass, bulk and orientation, and the locations of buildings on the site. He added there were no unmitigated impacts on usable open space. Conditions of Approval were recommended for signs and lighting. Condition of Approval 3 provides that “Outdoor sign installations advertising the nightly rental are prohibited.” Condition of Approval 4 provides “Outdoor lighting shall be fully shielded and down directed with bulbs 3,000 degrees Kelvin or less prior to applying for a nightly rental business license.”

Planner Niedermeyer also referenced Conditions for noise, vibration, odors, steam, or other mechanical factor. Condition of Approval 6 governed the location and required collection of trash receptacles. Condition of Approval 7 states that "Trash cans shall not be left at the curb for any period in excess of 24 hours and the property must be kept free from accumulated garbage and refuse." He reported that Condition of Approval 8 provides: "The Lilac Hill East Homeowner Association Covenants, Conditions and Restrictions shall be recorded prior to applying for a nightly rental business license and shall include required snow removal and maintenance of the private drive from Rossie Hill Drive leading to the five Single-Family Dwellings."

Planner Niedermeyer stated the Draft Final Action Letter included the standard Conditions for Nightly Rentals reaffirmed LMC Section 4-5-3, which contains approval criteria used to determine whether a business license for a Nightly Rental should be issued. He reported that there were no unmitigated impacts for adjoining environmentally sensitive lands, physical mine hazards, historic mine waste, and the Park City Soils Ordinance or Steep Slopes.

Objective 7C of the General Plan is to focus future Nightly Rental units near resort neighborhoods, specifically Park City Mountain Resort and Deer Valley. He advised that 729 Rossie Hill Drive is roughly 0.3 miles to the nearest Deer Valley Resort Facility and 0.75 Miles to Snow Park Lodge. Planner Niedermeyer indicated that public input was received prior to this meeting, and was included in the Packet as Exhibit F. Staff recommended the Planning Commission review the proposed Nightly Rental CUP for 729 Rossie Hill Drive, hold a public hearing, and consider approving the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

In response to Chair Suesser's inquiry, the developer advised that the Single-Family home was approximately 3,400 square feet and had four bedrooms.

Applicant Keyes advised that they had prepared the CC&Rs, and they incorporated all the Conditions. He stated they were ready to record the CC&Rs. Applicant Keyes also advised that they prepared the Rental Agreement to be used with each property, and it contained all the conditions required. The only reason it was not finalized was they were awaiting direction from the Planning Commission on the number of parking spaces.

The developer indicated that as part of the development of Lilac Hill, those units were outside of the HR-L District and were available for Nightly Rental. He noted that none of the current tenants had used those units for Nightly Rentals. It was clarified that 729 Rossie Hill was part of Lilac Hill East, which was Phase 2 of the development.

Chair Suesser asked if 755 Rossie Hill Drive had the same parking configuration. The applicant advised that it had a two-car garage. He advised that 741 Rossie Hill Drive also had a single-car garage, but they had not filed for a CUP on that dwelling because it was quite a bit behind in construction and they were currently looking at creating a second parking space within the Lot. Technically, parking was not allowed along Deer Valley Loop, although everyone did park there. Chair Suesser felt that provided some nice excess parking to many of the homes along there with limited parking. It was noted that parking was allowed along Rossie Hill Drive in front of the development, although the permit prevented the developer from using that parking.

Commissioner Van Dine felt that with four bedrooms, they would need two parking spaces. She also wondered if the Conditions of Approval should include a requirement for snow plowing. The applicant stated that was already in the CC&Rs. Assistant Director Ward stated that was included in the Code requirements for Nightly Rentals. Commissioner Van Dine liked that the applicant would shield the parking.

Applicant Keyes reported that the easement was prepared and ready to be recorded depending on the Commission's direction regarding parking.

Chair Suesser opened the public hearing.

Angela Moschetta stated that this is one of the unfortunate projects and developments where the Code was failing the community. First, with regard to Historic preservation, she averred that this was not historic preservation, it was gentrification. She felt there was actual harm with this Nightly Rental CUP. These properties went from being unused to being redeveloped into McMansions purely for profit, and the developer has sought to enter them into the Nightly Rental pool, which goes against affordability, sustainability, and community goals. With regard to parking, by adding more parking spaces instead of encouraging nightly renters to use public transportation, they were encouraging more rental cars. She acknowledged there was probably not much the Commission could do, but she did not see how this project was in the spirit of a good community in Park City.

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

Chair Suesser agreed with Speaker Moschetta regarding the additional parking pad for this property. She indicated there was overflow parking on Deer Valley Loop, which was available. She felt it would be better to encourage Nightly Rentals to use public transit. She was concerned with a four-bedroom home with only one parking space, but she felt there was adequate parking in the neighborhood to accommodate an extra car rather than paving over additional land.

Commissioner Sigg reiterated his feeling on Nightly Rentals and the less housing available. He understood the profit motive but agreed with Chair Suesser and the public comment regarding parking. He stated they were trying to drive parking down to encourage transportation initiatives, and felt it would be better to have one big Suburban there instead of two.

Notwithstanding the Commission's obligations as set forth by the Legislature, he was not sure there was much they could do here. He hoped they work on the Code and how they address Nightly Rentals.

Chair Suesser agreed with Commissioner Sigg's comments and with Speaker Moschetta that this was a failure in terms of historic preservation of these homes and the historic character of this neighborhood. She felt this redevelopment was ill-conceived, but they have to work with what was there.

Commissioner Sigg supported reduced parking and would not require a second parking space.

Commissioner Shand stated that if the objective was for short-term rentals for this property, he concurred with Commissioner Sigg that one parking space should be sufficient for a four-

bedroom home. The typical renter would be coming in for a week of skiing, and the family could fit in a Suburban instead of adding a second car.

Chair Suesser observed that a majority of the Commission liked the application as proposed and would not require the extra parking space.

MOTION: Commissioner Van Dine moved to APPROVE 729 Rossie Hill – Conditional Use Permit - based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter as follows:

Findings of Fact

1. 729 Rossie Hill Drive is in the Lower Rossie Hill subzone of the Historic Residential-Low Density (HRL) Zoning District.
2. The Lower Rossie Hill subzone of the HRL Zoning District includes five Single-Family Dwellings that are part of the Lilac Hills East Subdivision.
3. 729 Rossie Hill Drive is Lot 2 of the Lilac Hills East Subdivision.
4. 729 Rossie Hill Drive is located on a 0.15-acre parcel.
5. 729 Rossie Hill Drive is accessed by a twenty-foot-wide shared private drive from Rossie Hill Drive. The private drive accesses all five Single-Family Dwellings within the Lilac Hills East Subdivision.
6. Size and location of the site – The Single-Family Dwelling complies with HRL Zoning District Lot and Site Requirements outlined in LMC § 15-2.1-3.
7. Traffic – 729 Rossie Hill Drive is accessed by a private drive from Rossie Hill Drive. There will not be a significant change in traffic generated for the property as a nightly rental compared to a Single-Family Dwelling.
8. Utility Capacity – Utilities for the Single-Family Dwelling are available on-site. No change to utility capacity or storm water run-off is proposed.
9. Emergency access – The private drive that accesses the five Single-Family Dwellings within the Lilac Hill East Subdivision is designed with a hammerhead configuration. The Lilac Hill East Subdivision plat notes include the following: “[d]rives... shall provide twenty feet (20’) wide of clear space to meet Fire Code. If parking impacts this twenty-foot (20’) wide clear space, it will not be allowed and shall be signed ‘No Parking.’” The Conditional Use Permit is conditioned on no parking along the private driveway.
10. Off-Street Parking – The Land Management Code (LMC) requires two parking spaces for a Single-Family Dwelling. The existing Single-Family Dwelling includes a one-car garage. 729 Rossie Hill Drive is a Landmark Historic Site on the Park City Historic Sites Inventory (LMC § 15-11-10(D)(1)(fd)). LMC § 15-2.1-4 states Historic Structures are exempt from parking requirements.

However, for Conditional Use Permit approval, LMC § 15-2.1-4 states “[a]ll Conditional Uses proposed on the site . . . shall comply with parking requirements of Chapter 15- 3.” The Applicant initially proposed a parking pad in the front yard to accommodate a second vehicle. However, LMC § 15-13-2(B)(1)(g)(4) recommends parking areas in the rear yard beyond the rear wall plane of Landmark Historic Sites and buffering the parking area from adjacent properties and the primary right-of-way. LMC § 15-3-3(F) also requires parking spaces to be nine feet wide and 18 feet long, and these dimensions are difficult to locate on-site. Nightly rental agreements for properties within the Lower Rossie Hill subzone must limit the number of vehicles for the nightly rental to the number of onsite parking spaces. The nightly rental Conditional Use Permit for 729 Rossie Hill Drive is restricted to one vehicle.

11. Internal vehicular and pedestrian circulation system – no changes are proposed.
12. Fencing, Screening, and Landscaping – no changes are proposed. The Lower Rossie Hill HRL subzone is surrounded by properties within the Residential Medium Zoning District, where nightly rentals are allowed. Recreation Open Space buffers the Lower Rossie Hill HRL subzone to the west, north, and south.
13. Building mass, bulk, and orientation – no changes are proposed.
14. Usable Open Space – no changes are proposed.
15. Signs and lighting – sign installations are prohibited, and outdoor lighting must comply with the Dark Sky Code.
16. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing – no changes are proposed.
17. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site – the property owner is responsible for regulating the occupancy and noise created by occupants of the nightly rental.
18. Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas – trash receptacles shall be stored on site and screened.
19. Expected ownership and management of the nightly rental – the property will be part of the Lilac Hill East Homeowner Association.
20. Environmentally sensitive lands – the property is not within the Sensitive Land Overlay, Soils Ordinance, or on steep slopes.
21. Consistent with the General Plan – Objective 7C of the General Plan is to focus future Nightly Rental units near resort neighborhoods – Park City Mountain Resort and Deer Valley.

22. 729 Rossie Hill Drive is roughly 0.3 miles to the nearest Deer Valley Resort Facility (Deer Valley Café); and 0.75 Miles to Snow Park Lodge and ticket office at Deer Valley.
23. The Development Review Committee discussed the proposed nightly rental on May 2, 2023.
24. On May 30, 2023, staff published notice on the City and Utah Public Notice websites and posted notice to the property, and mailed courtesy notice to property owners within 300 feet. The Park Record published notice on May 31, 2023.
25. On June 14, 2023, the Planning Commission opened a public hearing and continued the item to June 28, 2023, to allow the Applicant additional time to finalize the submittal. On June 28, 2023, the Planning Commission opened a public hearing and continued the item to July 12, 2023.

Conclusions of Law

1. The proposed application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects of the difference in use or scale of the Nightly Rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. Prior to submitting a nightly rental business license application, the Applicant shall amend the nightly rental agreement for 729 Rossie Hill Drive to limit guests to a maximum of one vehicle, which must be parked within the one-car garage on the property. Parking on the private driveway accessing 729 Rossie Hill Drive, along Rossie Hill Drive, and within the surrounding neighborhood is prohibited. The Applicant shall submit a form of the updated nightly rental agreement to the Planning Department to be kept on file.
2. The Applicant install "No Parking" signs along the shared private drive within the Lilac Hill East Subdivision in a form and location approved by the Engineering Department and Park City Fire District prior to submitting a nightly rental business license application.
3. Outdoor sign installations advertising the nightly rental are prohibited.
4. Outdoor lighting shall be fully shielded and down-directed with bulbs 3,000 degrees Kelvin or less prior to applying for a nightly rental business license.

5. The property owner is responsible for regulating the occupancy and noise created by occupants of the nightly rental. Violation of Municipal Code of Park City Chapter 6-3 Noise, illegal conduct, or any other abuse that violates nightly rental regulations, or these Conditions of Approval is grounds for business license revocation.
6. Trash receptacles shall be stored on-site and screened and placed for trash pickup according to the Municipal Code of Park City § 6-1-11, which prohibits trash receptacles from being set out for collection prior to 6:00 PM of the day before collection. All trash receptacles must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied.
7. Trash cans shall not be left at the curb for any period in excess of 24 hours and the property must be kept free from accumulated garbage and refuse.
8. The Lilac Hill East Homeowner Association Covenants, Conditions, and Restrictions shall be recorded prior to applying for a nightly rental business license and shall include required snow removal and maintenance of the private drive from Rossie Hill Drive leading to the five Single-Family Dwellings.
9. The licensee for nightly rentals shall be the property owner. The local representative shall be deemed the responsible party.
10. Updated property management contact information shall be displayed in a prominent location inside the nightly rental.
11. The nightly rental shall be property managed through property management services with the minimum services and management required: snow removal during winter months to a level that allows safe access to the home over the normal pedestrian access; snow removal services to the two on-site parking spaces within the two-car garage; summer yard maintenance including landscaping maintenance; structural maintenance to preserve substantial code compliance; routine upkeep, including painting and repair; and housekeeping service.
12. The property owner must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within a one-hour drive of the property. The responsible party is personally liable for the failure to properly manage the nightly rental. The responsible party must be available by phone or otherwise 24 hours per day and must be able to respond to inquiries within 20 minutes. The responsible party is also designated as the agent for receiving all official communications from the City.
13. The nightly rental shall not be used for commercial uses and may not be used for a corporate sponsor or to distribute retail products or personal services to invitees for marketing or similar purposes.

14. The property owner shall obtain and renew a valid nightly rental business license for this Conditional Use Permit to be valid.

Commissioner Shand seconded the motion.

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

- E. 755 Rossie Hill Drive - Conditional Use Permit - The Applicant Proposes a Nightly Rental for the Single-Family Dwelling in the Lower Rossie Hill Subzone of the Historic Residential Low-Density Zoning District. PL-23-05605.**

Chair Suesser suggested Planner Niedermeyer focus on any differences between this application and the previous one.

Planner Niedermeyer advised that this application was similar to the prior application, wherein the applicant was requesting a CUP for Nightly Rentals for 755 Rossie Hill Drive. He explained that the Lower Rossie Hill Subzone included five Single-Family Dwellings within the Lilac Hill East Subdivision. 755 Rossie Hill Drive is Lot 3 of that Subdivision. He reported that the proposal for Nightly Rentals complied with LMC Chapter for the HR-L Zoning District, and the proposal as conditioned complied with the CUP criteria outlined in the LMC. The Development Review Committee reviewed the application on May 2, 2023. He stated that LMC Section 15-2.1-2(B)(1) provides that "Nightly Rentals in the HR-L Zoning District in the Lower Rossie Hill Subzone requires a CUP." Footnote 2 established additional requirements for Nightly Rentals, specifically, Nightly Rental Agreements shall include language that limits the vehicles allowed to the number of onsite parking spaces. Additionally, property management contact information shall be displayed in a prominent location inside the Nightly Rental.

Planner Niedermeyer advised that Staff recommended Conditions of Approval to ensure that these requirements would be met. He referenced Condition of Approval 1 that prior to submitting a nightly rental business license application, the Applicant shall amend the nightly rental agreement for 755 Rossie Hill Drive to limit guests to a maximum of two vehicles, which must be parked within the two-car garage on the property. There were no unmitigated impacts for utility capacity and emergency vehicle access was outlined in Condition of Approval 2. The location and amount of off-street parking was addressed in Condition of Approval 1.

As shown in the previous presentation, access to 755 Rossie Hill Drive was by a private drive with a hammerhead configuration. Per the Engineering Department and Park City Fire District, they recommend Condition of Approval 2 that states that "The Applicant install "No Parking" signs along the shared private drive within the Lilac Hill East Subdivision in a form and location approved by the Engineering Department and Park City Fire District prior to submitting a nightly rental business license application."

Planner Niedermeyer recited Condition of Approval 3 as providing that "Outdoor sign installations advertising the nightly rental are prohibited." Condition of Approval 4 states: "Outdoor lighting shall be fully shielded and down directed with bulbs 3,000 degrees Kelvin or less prior to applying for a nightly rental business license."

Planner Niedermeyer also referenced Condition of Approval 5, which he described as a standard Condition for noise, vibration, odors, steam, or other mechanical factor. Condition of Approval 6 and 7 address trash receptacles and their management. He reported that Condition of Approval 8 provides: "The Lilac Hill East Homeowner Association Covenants, Conditions and Restrictions shall be recorded prior to applying for a nightly rental business license and shall include required snow removal and maintenance of the private drive from Rossie Hill Drive leading to the five Single-Family Dwellings."

Planner Niedermeyer stated the Draft Final Action Letter included the standard Conditions for Nightly Rentals reaffirmed LMC Section 4-5-3, which contains approval criteria used to determine whether a business license for a Nightly Rental should be issued. He reported there were no unmitigated impacts for adjoining environmentally sensitive lands, physical mine hazards, historic mine waste, and the Park City Soils Ordinances or Steep Slopes.

Objective 7C of the General Plan is to focus future Nightly Rental units near resort neighborhoods, specifically Park City Mountain Resort and Deer Valley. He advised that 755 Rossie Hill Drive is roughly 0.3 miles to the nearest Deer Valley Resort Facility and 0.75 Miles to Snow Park Lodge.

Planner Niedermeyer reported that public input was received prior to this meeting, and was included in the Packet as Exhibit F. He stated that Staff recommended the Planning Commission review the proposed Nightly Rental CUP for 755 Rossie Hill Drive, hold a public hearing, and consider approving the CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

Commissioner Shand observed that the difference between 729 Rossie Hill Drive and 755 Rossie Hill Drive was that the latter had a two-car garage. Applicant Keyes added that it was also slightly larger and had one more bedroom.

Chair Suesser opened the public hearing.

Angela Moschetta referenced her prior comments.

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

Chair Suesser felt they would see Nightly Rental CUPs for each of the homes built on Lilac Hill East, and she agreed with the public comment that it was unfortunate. She wished the Commission had the power to require one or two of them to be long-term rentals rather than Nightly Rentals. However, the Code and the State had tied their hands on this.

Commissioner Shand asked if the five homes were currently being marketed, and if so, he asked if they were sold. Applicant Watanabe stated that 729 Rossie Hill Drive was the only one brought to market so far and was under contract. 755 Rossie Hill Drive would be coming to market in the not-too-distant future. He added that 741 Rossie Hill Drive was approximately one year from completion, and they had yet to pull permits on the back two Lots.

Commissioner Sigg understood these applications applied only to the homes and not the Subdivision as a whole. Applicant Keyes confirmed that they had to apply separately for each home. Chair Suesser understood the Subdivision could restrict Nightly Rentals.

Applicant Keyes stated the HOA addressed Nightly Rentals, and it was structured so that it would incorporate provisions of Park City's Code as it relates to Nightly Rentals. The HOA regulates but does not prohibit them. It was noted by City Attorney Harrington that neither the CC&Rs nor the Certificate of Occupancy triggered the provision for Nightly Rentals as it related to the application to the City.

City Attorney Harrington stated that future rezoning would be the only way to restrict Nightly Rentals, or the Commission would have to find that the impacts for each individual property could not be mitigated. He stated as a Land Management Code Amendment, they could also change the standards and conditions in the Code without rezoning. Chair Suesser noted they could cap the number of Nightly Rentals in the Rossie Hill area as they did along Sullivan and Upper Norfolk. She understood that per State Legislation if a home is in a zone that allowed Nightly Rentals and the Subdivision did not prohibit them, the Commission's hands were tied. City Attorney Harrington added that was true unless they had a record that demonstrated conditions that could not be mitigated.

Applicant Watanabe commented that Lilac Hill East was downzoned 5 – 6 years ago, and was Residential-Medium, and the previous owner agreed to downzone it to HR-L. They were permitted to build 8 homes and only built five homes to try and preserve some of the open space.

MOTION: Commissioner Van Dine moved to APPROVE 755 Rossie Hill – Conditional Use Permit - based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Final Action Letter as follows:

Findings of Fact

1. 755 Rossie Hill Drive is in the Lower Rossie Hill subzone of the Historic Residential-Low Density (HRL) Zoning District.
2. The Lower Rossie Hill subzone of the HRL Zoning District includes five Single-Family Dwellings that are part of the Lilac Hills East Subdivision.
3. 755 Rossie Hill Drive is Lot 3 of the Lilac Hills East Subdivision.
4. 755 Rossie Hill Drive is located on a 0.17-acre parcel.
5. 755 Rossie Hill Drive is accessed by a twenty-foot-wide shared private drive from Rossie Hill Drive. The private drive accesses all five Single-Family Dwellings within the Lilac Hills East Subdivision.
6. Size and location of the site – The Single-Family Dwelling complies with HRL Zoning District Lot and Site Requirements outlined in LMC § 15-2.1-3.
7. Traffic – 755 Rossie Hill Drive is accessed by a private drive from Rossie Hill Drive. There will not be a significant change in traffic generated for the property as a nightly rental compared to a Single-Family Dwelling and nightly rentals will be limited to no more than two vehicles.

8. Utility Capacity – Utilities for the Single-Family Dwelling are available on-site. No change to utility capacity or storm water run-off is proposed.
9. Emergency access – The private drive that accesses the five Single-Family Dwellings within the Lilac Hill East Subdivision is designed with a hammerhead configuration. The Lilac Hill East Subdivision plat notes include the following: “[d]rives... shall provide twenty feet (20’) wide of clear space to meet Fire Code. If parking impacts this twenty foot (20’) wide clear space, it will not be allowed and shall be signed ‘No Parking.’” The Conditional Use Permit is conditioned on no parking along the private driveway.
10. Off-Street Parking – The LMC requires two parking spaces for a Single-Family Dwelling. The existing Single-Family Dwelling includes a two-car garage and onsite parking is satisfied.
11. Internal vehicular and pedestrian circulation system – no changes are proposed.
12. Fencing, Screening, and Landscaping – no changes are proposed. The Lower Rossie Hill HRL subzone is surrounded by properties within the Residential Medium Zoning District, where nightly rentals are allowed. Recreation Open Space buffers the Lower Rossie Hill HRL subzone to the west, north, and south.
13. Building mass, bulk, and orientation – no changes are proposed.
14. Usable Open Space – no changes are proposed.
15. Signs and lighting – sign installations are prohibited, and outdoor lighting must comply with the Dark Sky Code.
16. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing – no changes are proposed.
17. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site – the property owner is responsible for regulating the occupancy and noise created by occupants of the nightly rental.
18. Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas – trash receptacles shall be stored on site and screened.
19. Expected ownership and management of the nightly rental – the property will be part of the Lilac Hill East Homeowner Association.
20. Environmentally sensitive lands – the property is not within the Sensitive Land Overlay, Soils Ordinance, or on steep slopes.

21. Consistent with the General Plan – Objective 7C of the General Plan is to focus future Nightly Rental units near resort neighborhoods – Park City Mountain Resort and Deer Valley.
22. 755 Rossie Hill Drive is roughly 0.3 miles to the nearest Deer Valley Resort Facility (Deer Valley Café); and 0.75 Miles to Snow Park Lodge and Ticket Office at Deer Valley.
23. The Development Review Committee discussed the proposed nightly rental on May 2, 2023.
24. On May 30, 2023, staff published notice on the City and Utah Public Notice websites and posted notice to the property and mailed courtesy notice to property owners within 300 feet. The Park Record published notice on May 31, 2023.
25. On June 14, 2023, the Planning Commission opened a public hearing and continued the item to June 28, 2023, to allow the Applicant additional time to finalize the submittal. On June 28, 2023, the Planning Commission opened a public hearing and continued the item to July 12, 2023.

Conclusions of Law

1. The proposed application as conditioned complies with the requirements of the Land Management Code.
2. The proposed Nightly Rental is compatible with surrounding structures in use, scale, mass, and circulation.
3. The proposed nightly rental use is consistent with the Park City General Plan.
4. The effects of the difference in use or scale of the Nightly Rental have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. Prior to submitting a nightly rental business license application, the Applicant shall amend the nightly rental agreement for 755 Rossie Hill Drive to limit guests to a maximum of two vehicles, which must be parked within the two-car garage on the property. Parking on the private driveway accessing 755 Rossie Hill Drive, along Rossie Hill Drive, and within the surrounding neighborhood is prohibited. The Applicant shall submit a form of the updated nightly rental agreement to the Planning Department to be kept on file.
2. The Applicant install “No Parking” signs along the shared private drive within the Lilac Hill East Subdivision in a form and location approved by the Engineering Department and Park City Fire District prior to submitting a nightly rental business license application.

3. Outdoor sign installations advertising the nightly rental are prohibited.
4. Outdoor lighting shall be fully shielded and down-directed with bulbs 3,000 degrees Kelvin or less prior to applying for a nightly rental business license.
5. The property owner is responsible for regulating the occupancy and noise created by occupants of the nightly rental. Violation of Municipal Code of Park City Chapter 6-3 Noise, illegal conduct, or any other abuse that violates nightly rental regulations, or these Conditions of Approval is grounds for business license revocation.
6. Trash receptacles shall be stored on-site and screened and placed for trash pickup according to the Municipal Code of Park City § 6-1-11, which prohibits trash receptacles from being set out for collection prior to 6:00 PM of the day before collection. All trash receptacles must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street prior to 11:59 PM the day they are emptied.
7. Trash cans shall not be left at the curb for any period in excess of 24 hours and the property must be kept free from accumulated garbage and refuse.
8. The Lilac Hill East Homeowner Association Covenants, Conditions, and Restrictions shall be recorded prior to applying for a nightly rental business license and shall include required snow removal and maintenance of the private drive from Rossie Hill Drive leading to the five Single-Family Dwellings.
9. The licensee for nightly rentals shall be the property owner. The local representative shall be deemed the responsible party.
10. Updated property management contact information shall be displayed in a prominent location inside the nightly rental.
11. The nightly rental shall be properly managed through property management services with the minimum services and management required: snow removal during winter months to a level that allows safe access to the home over the normal pedestrian access; snow removal services to the two on-site parking spaces within the two-car garage; summer yard maintenance including landscaping maintenance; structural maintenance to preserve substantial code compliance; routine upkeep, including painting and repair; and housekeeping service.
12. The property owner must designate a responsible party. The responsible party must be a property management company, realtor, lawyer, owner, or other individual who resides within a one-hour drive of the property. The responsible party is personally liable for the failure to properly manage the nightly rental. The responsible party must be available by phone or otherwise 24 hours per day and must be able to respond to inquiries within 20 minutes. The responsible party is also designated as the agent for receiving all official communications from the City.

13. The nightly rental shall not be used for commercial uses and may not be used for a corporate sponsor or to distribute retail products or personal services to invitees for marketing or similar purposes.
14. The property owner shall obtain and renew a valid nightly rental business license for this Conditional Use Permit to be valid.

Commissioner Shand seconded the motion.

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

8. ADJOURN

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 9:35 p.m.

PENDING APPROVAL

Planning Commission Staff Report



Subject: Elliot Grove Condo Plat Amendment
Application: PL-23-05695
Author: Virgil Lund, Planner I
Date: August 9, 2023
Type of Item: Administrative, Condo Plat Amendment

Recommendation

(I) Open a Public Hearing; and (II) continue the public hearing and consideration of the proposed Elliot Grove Condo Plat Amendment at 544 Deer Valley Loop Road to a date uncertain to allow the Applicant time to compile additional information.

Description

Applicant: Peter Bolenus

Location: 544 Deer Valley Loop Road

Zoning District: Residential – Medium Density (RM)

Adjacent Land Uses: Multi-Unit Dwellings

Reason for Review: The Planning Commission reviews proposed Condominium Plat amendments, conducts a public hearing, and forwards a recommendation to City Council. The City Council conducts a public hearing and takes final action.¹

¹ LMC [§ 15-7.1-3](#)

Planning Commission Staff Report



Subject: Snow Flower Condominiums Fifth
Amended Plat (Unit 70)
Application: PL-23-05560
Author: Spencer Cawley, Planner II
Date: August 9, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Open a public hearing, and (II) consider continuing the public hearing for the proposed Snow Flower Condominiums Fifth Amended Plat, Amending Unit 70 to August 23, 2023.

Description

Applicant: Alenjandra Sada Gonzalez
Alliance Engineering, representative

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

¹ LMC [§ 15-12-15\(B\)\(9\)](#)

Planning Commission Staff Report



Subject: Trail's End at Deer Valley Condo Plat Amendment
Application: PL-23-05554
Author: Virgil Lund, Planner I
Date: August 9, 2023
Type of Item: Administrative, Condo Plat Amendment

Recommendation

(I) Review the proposed Fifth Amendment to Trail's End at Deer Valley Condo Plat Amendment; (II) conduct 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 outlined in the Draft Ordinance (Exhibit A)

Description

Applicant: Mark Murphy

Location: 2100 Deer Valley Drive

Zoning District: Residential Development (RD)

Adjacent Land Uses: Multi-Unit Dwellings, Recreational Open Space, Commercial

Reason for Review: The Planning Commission reviews Condominium Plat amendments, 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
MPD Master Planned Development
RD Residential Development

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

Summary

The Applicant proposes amending the Fifth Amendment to Trail's End at Deer Valley Condo Plat to increase the common area square footage in the commons building level 2 and level 3. The dining area and pool area (located on level 2 and level 3 of the commons building) will be expanded. The HOA for Trail's End voted to approve this Plat Amendment. 77.1% of Units voted in favor of this Plat Amendment.

¹ LMC [§ 15-7.1-3](#)

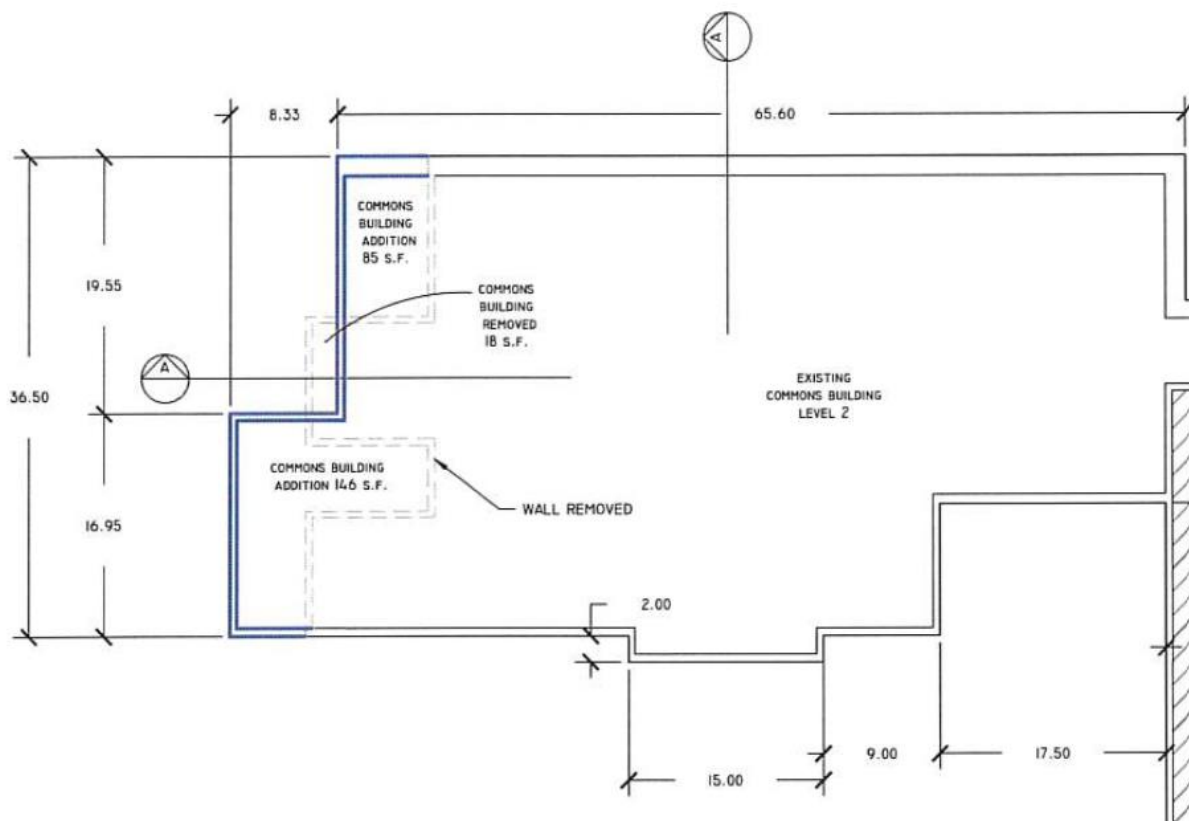
Background

Trail's End at Deer Valley is subject to the Twelfth Amended and Restated Large Scale Master Planned Development Permit (Exhibit B). Trail's End at Deer Valley is authorized for 40 Dwelling Units as part of the approved MPD. No additional Dwelling Units are proposed as part of this Plat Amendment.

The Planning Commission approved an MPD/CUP Application for the Pine Inn (Trail's End) Condos on July 31, 1985, and 8 Units were proposed and constructed (Exhibit C).

On April 10, 1991, the Planning Commission approved the Pine Inn Phase II CUP (now Trail's End) for 32 additional Units (See Exhibit D for Staff Report).

The image below shows the proposed addition to the commons building level 2. The Applicant proposes to construct a 164 square foot addition.

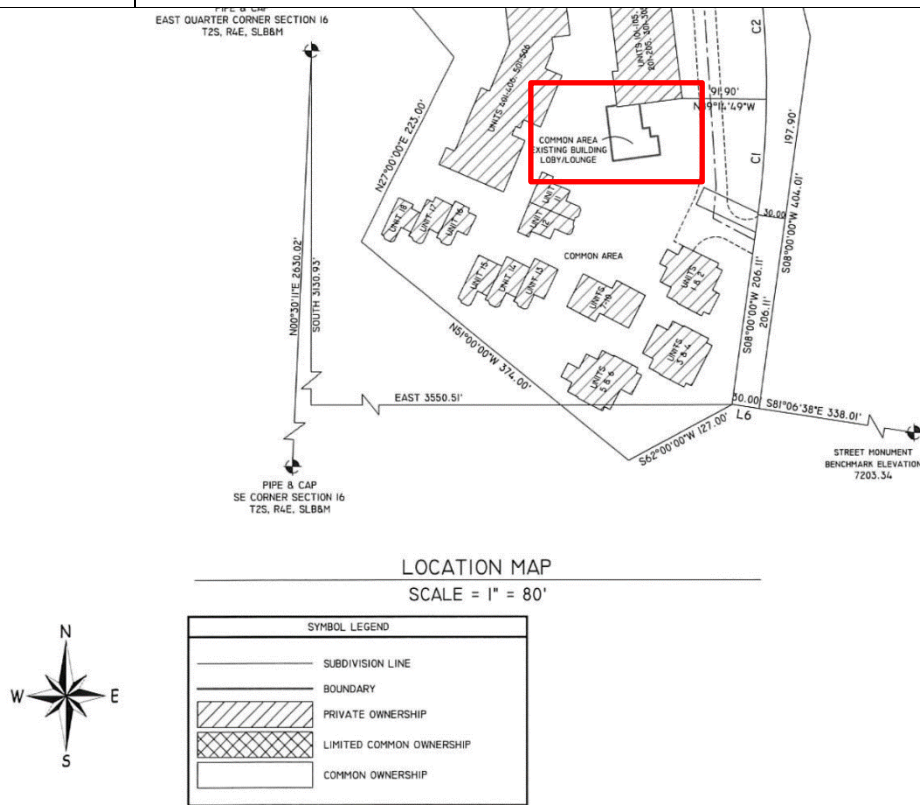


The Applicant also proposes a 229 square foot addition to the commons building level 3. The image below shows this addition.

Multi-Unit Dwellings are a Conditional Use and are required to comply with a Master Planned Development.²

Lots and Sites within the RD Zoning District must meet the following requirements:³

Requirement	Analysis of Proposal
Density	Complies The Trail's End Condos have been approved for 40 Units per the 12th Amended and Restated Deer Valley Resort Large Scale Master Planned Development
Front Setback: 20 Feet Rear Setback: 15 Feet Side Setback: 12 Feet	Complies All proposed expansions are occurring under the existing rooflines of the commons building, not within any Setbacks. See photo below.



² LMC [§ 15-2.13-2](#)

³ LMC [§ 15-2.13-3](#)

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

The Trail's End Condos have 85 Parking Spaces.

The proposed Plat Amendment does not increase Private Area or living space, so additional parking demand is not created from this Plat Amendment.

The table below outlines existing parking requirements for Multi-Unit Dwellings: ⁴

Requirement	Parking Ratio (Number Spaces)
Apartment/Condominium not greater than 1,000 sf floor Area	1 per Dwelling Unit
Apartment/Condominium greater than 1,000 sf and less than 2,000 sf floor Area	1.5 per Dwelling Unit
Apartment/Condominium 2,000 sf floor Area or greater	2 per Dwelling Unit

(III) The proposal complies with LMC § 15-7.1-3(B), Plat Amendment

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](#) 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 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 of the precedent set by the previous Plat Amendments. The previous Plat Amendments also increased common area square footages. Similarly, this amendment will expand the Common Area and does not change the mass of the existing structure, since all proposed work will occur under existing roof lines. Also, this Plat Amendment will have no negative impacts on the public and does not create any non-conformities.

⁴ LMC [§ 15-3-6](#)

(V) The Development Review Committee reviewed this proposal on July 18, 2023, and does not require any additional Conditions of Approval.⁵

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 25, 2023. Staff mailed courtesy notice to property owners within 300 feet on July 25, 2023. The *Park Record* published notice on July 25, 2023.⁶

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 for Ordinance No. 2023-XX, Approving the Fifth Amendment to Trail's End at Deer Valley Condo Plat, to the City Council for Consideration on September 14, 2023; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2023-XX, Denying the Fifth Amendment to Trail's End at Deer Valley Condo Plat, to the City Council 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 Ordinance No. 2023-XX

Exhibit B: Twelfth Amended and Restated Deer Valley Resort Large Scale Master Planned Development

Exhibit C: MPD/CUP Application for the Pine Inn (Trail's End) Condos

Exhibit D: Phase II CUP Staff Report

⁵ 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).

⁶ LMC [§ 15-1-21](#)

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE FIFTH AMENDMENT TO TRAIL'S END AT DEER VALLEY CONDO PLAT, LOCATED AT 2100 DEER VALLEY DRIVE, SUMMIT COUNTY, PARK CITY, UTAH

WHEREAS, the owners of the property located at 2100 Deer Valley Drive petitioned the City Council for approval of the Fifth Amendment To Trail's End At Deer Valley Condo Plat; and

WHEREAS, on July 25, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on July 25, 2023, courtesy notice was mailed to property owners within 300 feet of 2100 Deer Valley Drive and notice was posted to the property; and

WHEREAS, on August 9, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on August 9, 2023, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on September 14, 2023; and

WHEREAS, on September 14, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.13 and 15-7.

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

SECTION 1. APPROVAL. The Fifth Amendment To Trail's End At Deer Valley Condo Plat, located at 2100 Deer Valley Drive, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. Trail's End at Deer Valley is subject to the Twelfth Amended and Restated Large Scale Master Planned Development Permit.
2. The property is located at 2100 Deer Valley Drive.
3. The Trail's End Condominiums are in the Residential Development (RD) Zoning District.
4. This Plat Amendment accurately identifies the square footages for all private ownership, Common Areas, and Limited Common Areas in the Trail's End Condominiums.
5. The Common Area will be increased by 393 feet, with 18 square feet of Common Area removed.

6. All proposed additions will occur under existing roof lines and no Private Area will be affected.
7. The Trail's End Condos have 85 Parking Spaces.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including Chapter 15-2.13 *Residential – Development (RD) Zoning District*, and § 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 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 (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. City Engineer 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.

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

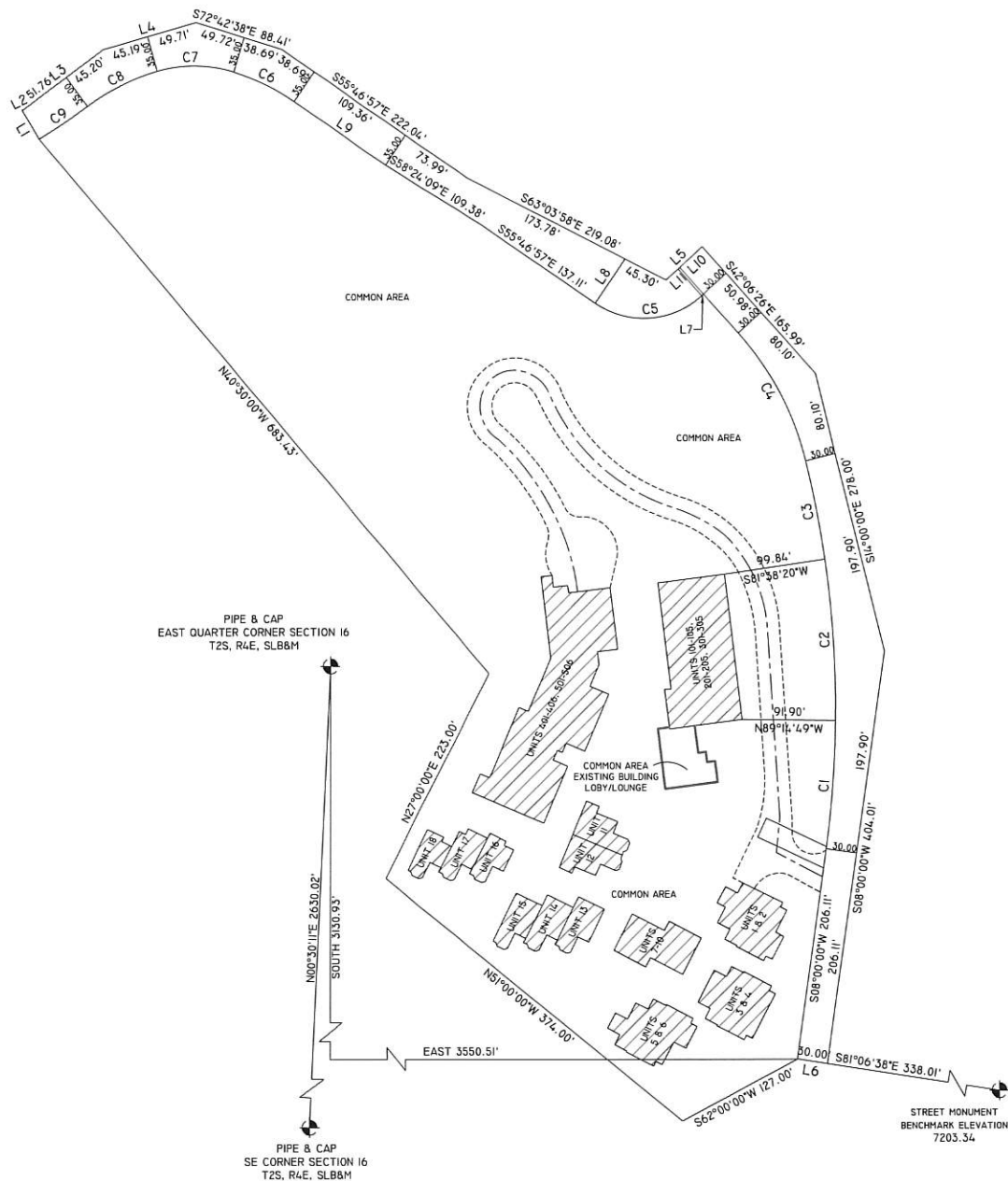
APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat

FIFTH AMENDMENT TO
TRAIL'S END AT DEER VALLEY

AN AMENDMENT OF THE LOBBY/LOUNGE OF THE PINE INN
A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN
SECTION 15 & 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH



LOCATION MAP
SCALE = 1" = 80'

SYMBOL LEGEND	
	SUBDIVISION LINE
	BOUNDARY
	PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP
	COMMON OWNERSHIP

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIR.
C1	124.98	988.10	007°14'49"	N04°22'32"E
C2	157.18	988.10	009°06'51"	N03°48'18"W
C3	97.24	988.10	005°38'19"	N11°10'53"W
C4	142.26	290.00	028°06'24"	N28°03'14"W
C5	113.23	85.00	076°19'29"	N86°03'19"E
C6	66.48	225.00	016°55'44"	N64°14'49"W
C7	76.37	131.87	033°10'54"	N89°18'09"W
C8	76.70	211.45	020°46'59"	S63°42'55"W
C9	56.91	582.89	005°35'38"	N56°07'14"E

Line Table		
Line #	Length	Direction
L1	32.74	N31°04'53"W
L2	1.90	N64°07'09"E
L3	96.96	N53°19'31"E
L4	94.91	N74°06'31"E
L5	48.06	N47°53'34"E
L6	30.00	N81°06'38"W
L7	2.23	N47°53'34"E
L8	52.03	N34°13'03"E
L9	109.36	S55°46'57"E

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS 330.93 FEET SOUTH AND 3550.51 FEET EAST FROM THE EAST QUARTER CORNER OF SECTION 16, TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. (BASIS OF BEARING: SOUTH 00°30'11" WEST FROM SAID EAST QUARTER CORNER OF THE SOUTHEAST CORNER OF SAID SECTION 16), SAID POINT ALSO BEING AT THE SOUTH AND WEST RIGHT-OF-WAY LINES OF DEER VALLEY DRIVE SOUTH, SECTION 10, AS RECORDED AND RUNNING THENCE SOUTH 62°00'00" WEST 127.00 FEET, THENCE NORTH 31°00'00" WEST 374.00 FEET, THENCE NORTH 27°00'00" EAST 223.00 FEET, THENCE NORTH 40°30'00" WEST 683.43 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ROYAL STREET (FORMERLY LAKE FLAT ROAD, AS DEDICATED), SAID POINT BEING ON A NON-TANGENT 582.89 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, THE RADIUS POINT BEARS NORTH 31°04'53" WEST 582.89 FEET OF WHICH THE CENTRAL ANGLE IS 5°35'37", AND FOLLOWING SAID SOUTHERLY RIGHT-OF-WAY LINE OF ROYAL STREET THENCE NINE COURSES: THENCE 1) NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 56.91 FEET TO THE POINT OF REVERSE CURVATURE OF A 211.45 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS POINT BEARS SOUTH 36°40'30" EAST 211.45 FEET OF WHICH THE CENTRAL ANGLE IS 20°47'00", THENCE 2) NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 76.70 FEET TO THE POINT OF COMPOUND CURVATURE OF A 31.87 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS POINT BEARS SOUTH 85°53'29" EAST 131.87 FEET OF WHICH THE CENTRAL ANGLE IS 33°10'51", THENCE 3) EASTERLY ALONG THE ARC OF SAID CURVE 76.37 FEET TO THE POINT OF A COMPOUND CURVATURE OF A 225.00 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS POINT BEARS SOUTH 17°17'22" WEST 225.00 FEET, OF WHICH THE CENTRAL ANGLE IS 16°55'44", THENCE 4) SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 131.23 FEET, THENCE 5) SOUTH 55°46'57" EAST 109.36 FEET THENCE 6) SOUTH 58°20'00" EAST 109.36 FEET, THENCE 7) SOUTH 55°46'57" EAST 137.11 FEET TO THE POINT OF CURVATURE OF A 85.00 FOOT RADIUS CURVE TO THE LEFT, THE RADIUS POINT BEARS NORTH 34°13'03" EAST 85.00 FEET OF WHICH THE CENTRAL ANGLE IS 76°19'29", THENCE 8) EASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 15.23 FEET, THENCE 9) NORTH 47°53'34" EAST 2.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF DEER VALLEY DRIVE SOUTH SECTION 10, AS RECORDED AND FOLLOWING ON SAID WESTERLY RIGHT-OF-WAY LINE THE NEXT FOUR COURSES: 1) THENCE SOUTH 42°06'26" EAST 50.98 TO THE POINT OF CURVATURE OF A 290.00 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS POINT BEARS SOUTH 47°53'34" WEST 290.00 FEET OF WHICH THE CENTRAL ANGLE IS 28°06'26", THENCE 2) SOUTHWESTERLY ALONG THE CURVE OF AN ARC DISTANCE OF 142.26 FEET TO THE POINT OF COMPOUND CURVATURE OF A 988.10 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS POINT BEARS SOUTH 74°00'00" WEST 988.10 FEET OF WHICH THE CENTRAL ANGLE IS 22°00'00", 3) SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 379.40 FEET, THENCE 4) SOUTH 08°00'00" WEST 206.11 FEET TO THE POINT OF BEGINNING.

CONTAINS 8.52 ACRES OR 371.99 SQUARE FEET.

LESS AND EXCEPTING UNITS 1-10 OF THE PINE INN CONDOMINIUMS.

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9A-603 OF THE UTAH CODE, I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7735336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. BY THE AUTHORITY OF THE OWNERS, I HAVE AMENDED SAID CONDO UNIT AS SHOWN HEREON.

CHAD A. ANDERSON
PROFESSIONAL LAND SURVEYOR

02/10/2023

DATE

SURVEYOR'S SEAL

OWNER'S CONSENT TO RECORD - HOA

KNOW ALL MEN BY THESE PRESENTS THAT PINE INN ASSOCIATION AT DEER VALLEY, A NON-PROFIT UTAH CORPORATION, (THE ASSOCIATION), THE AUTHORIZED REPRESENTATIVE OF ALL OF THE UNIT OWNERS HOLDING OWNERSHIP INTEREST IN THE COMMON AREA AND FACILITIES OF THE PROJECT, CERTIFIES THAT IT HAS APPROVED THIS PLAT AMENDMENT TO BE PREPARED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DOES HEREBY CONSENT TO THE RECORDATION OF THE PLAT.

PINE INN ASSOCIATION AT DEER VALLEY, A NON-PROFIT UTAH CORPORATION,

BY: _____

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____ S.S.

ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME _____, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT "HE" IS THE PRESIDENT OF PINE INN ASSOCIATION AT DEER VALLEY, AND DULY ACKNOWLEDGED TO ME THAT "HE" IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF THE CORPORATION, AND FURTHER ACKNOWLEDGED TO ME THAT THE CORPORATION EXECUTED THE SAME.

NOTARY PUBLIC

NOTES

1. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE _____
2. THE ADDRESS OF THE SUBJECT PROPERTY IS 2100 DEER VALLEY DR.
3. THIS PLAT AMENDMENT ADDS 229 SQUARE FEET OF COMMON SPACE ON LEVEL 3 AND 213 SQUARE FEET ON LEVEL 2

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

ENGINEERING DEPARTMENT

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

CHAIR _____

APPROVAL AS TO FORM
APPROVED AS TO FORM
THIS _____ DAY OF _____, 2023

PARK CITY ATTORNEY _____

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

PARK CITY RECORDER _____

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH
INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2023

PARK CITY ENGINEER _____

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

MAYOR _____

PUBLIC SAFETY ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY OF _____, 2023

SUMMIT COUNTY GIS COORDINATOR _____

RECORDED
STATE OF UTAH COUNTY SUMMIT
RECORDED AND FILED AT THE REQUEST OF _____
DATE _____ TIME _____

SIGNATURE (COUNTY RECORDER) _____

DATE _____

CONDO PLAT AMENDMENT

TRAIL'S END AT DEER VALLEY

23-01-026

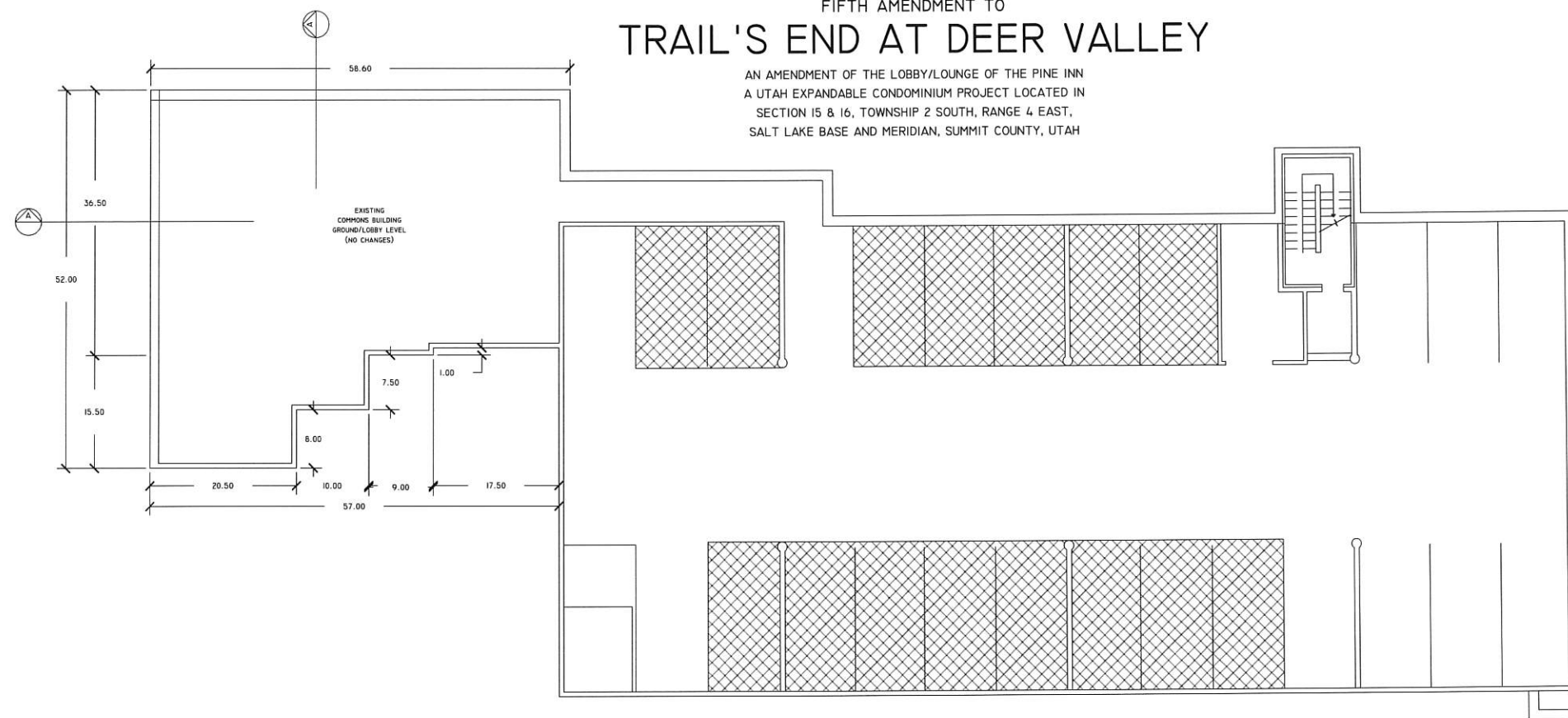
SUMMIT COUNTY
IN SEC 15 & 16, T2S, R4E, SLB8M

LODGE COMMON AREA
AMENDMENT

PROJECT:

1 OF 5

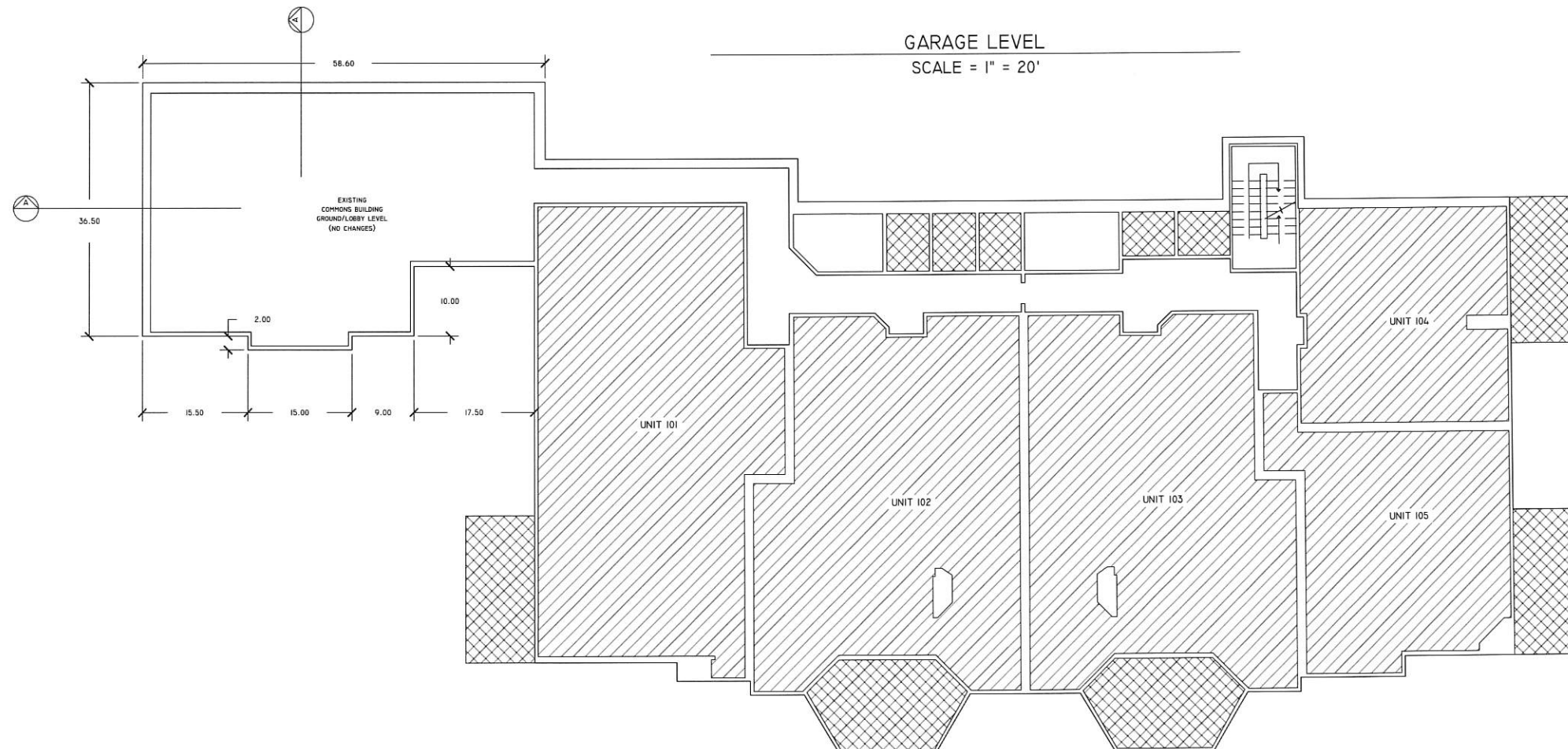
ELEMENT
LAND SURVEYING
WWW.ELEMENTSURVEYING.COM 296 SOUTH 270 EAST, HEBER CITY, UT 84032
801-592-5975 & 801-557-8748



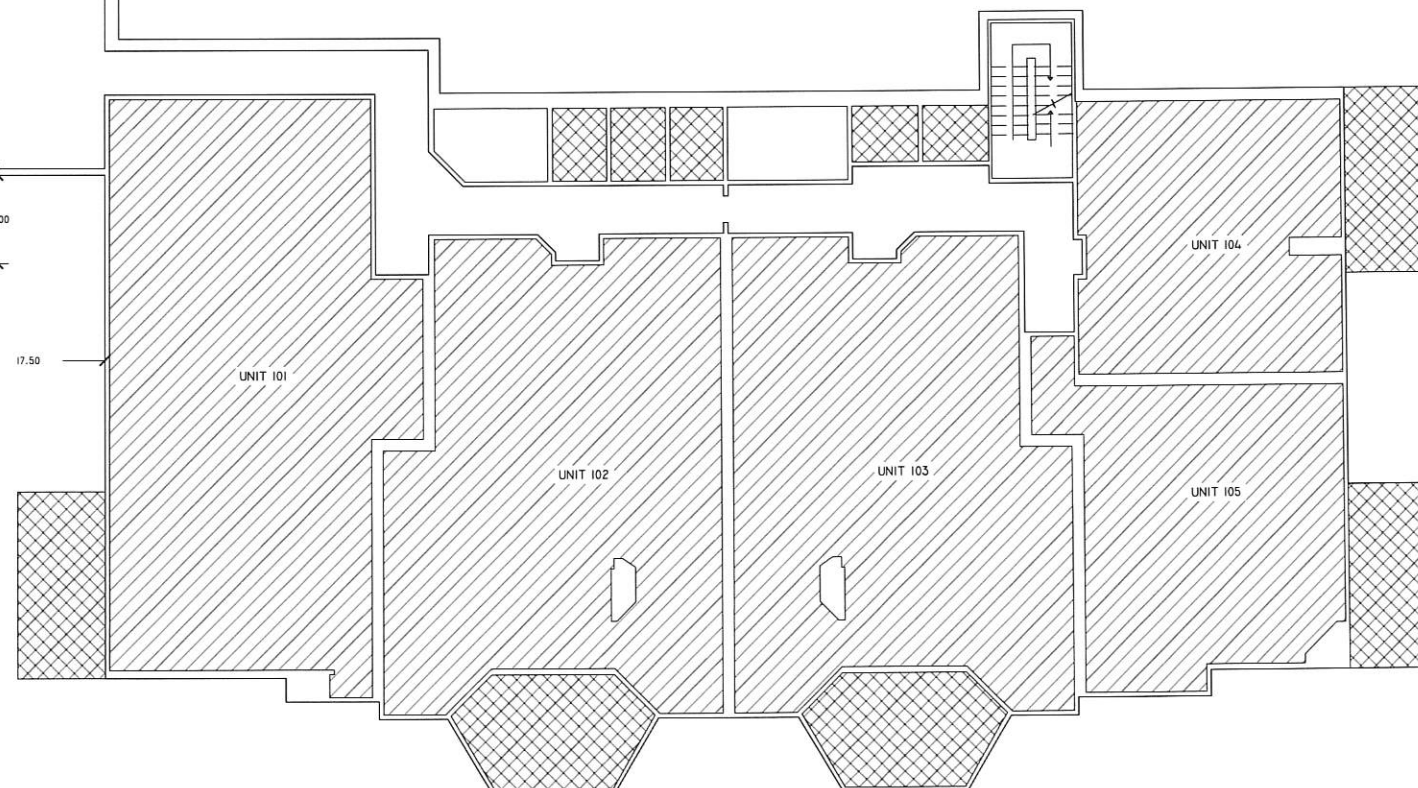
FIFTH AMENDMENT TO TRAIL'S END AT DEER VALLEY

AN AMENDMENT OF THE LOBBY/LOUNGE OF THE PINE INN
A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN
SECTION 15 & 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SYMBOL LEGEND	
	DEED LINE
	BOUNDARY
	PRIVATE OWNERSHIP
	LIMITED COMMON OWNERSHIP
	COMMON OWNERSHIP



GARAGE LEVEL
SCALE = 1" = 20'



LEVEL ONE
SCALE = 1" = 20'

CONDO PLAT AMENDMENT

SUMMIT COUNTY
IN SEC 15 & 16, T2S, R4E, SLB8M

TRAIL'S END AT DEER VALLEY

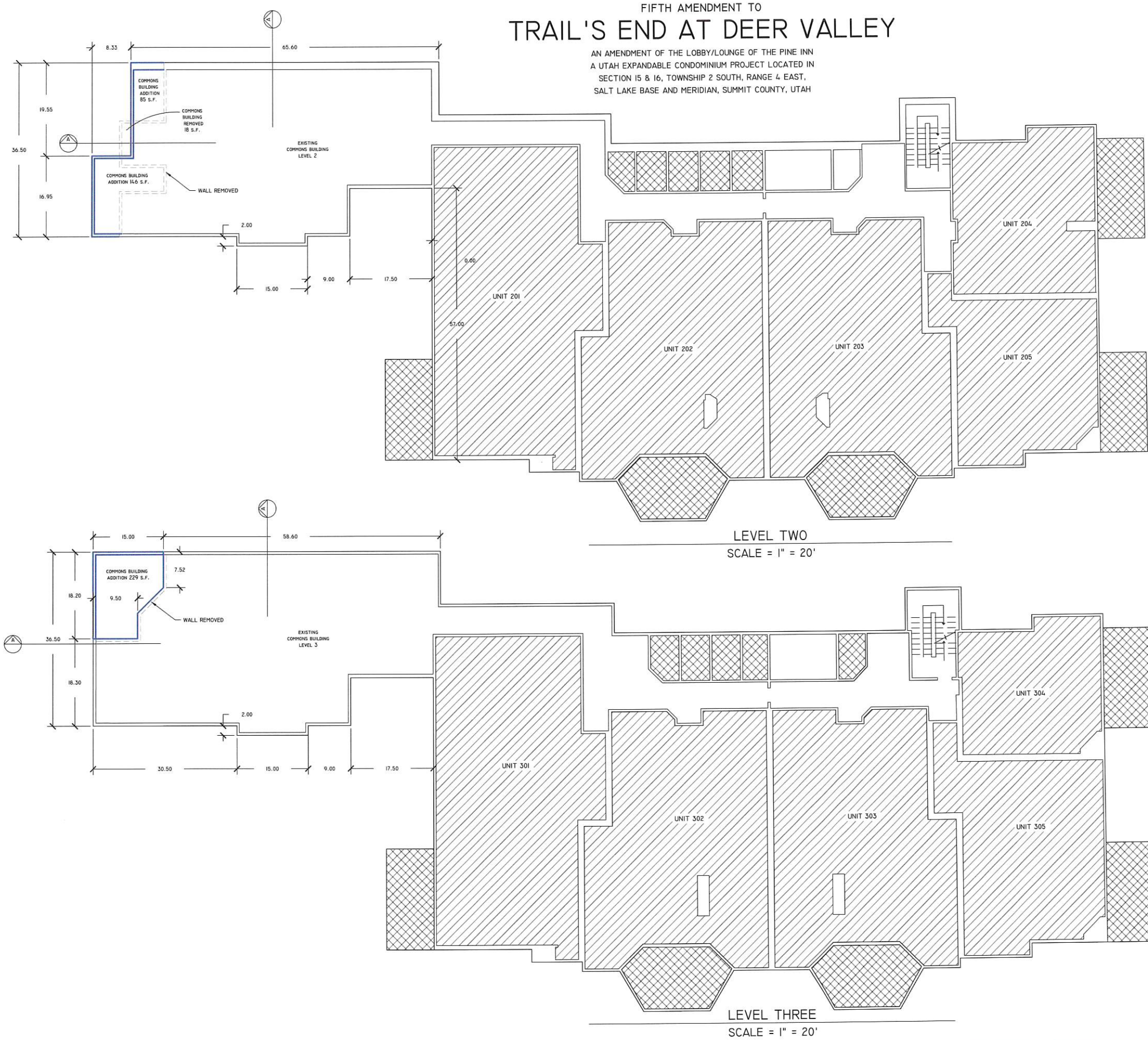
LODGE COMMON AREA
AMENDMENT

PROJECT NO.

23-01-026

PROJECT:

2 OF 5



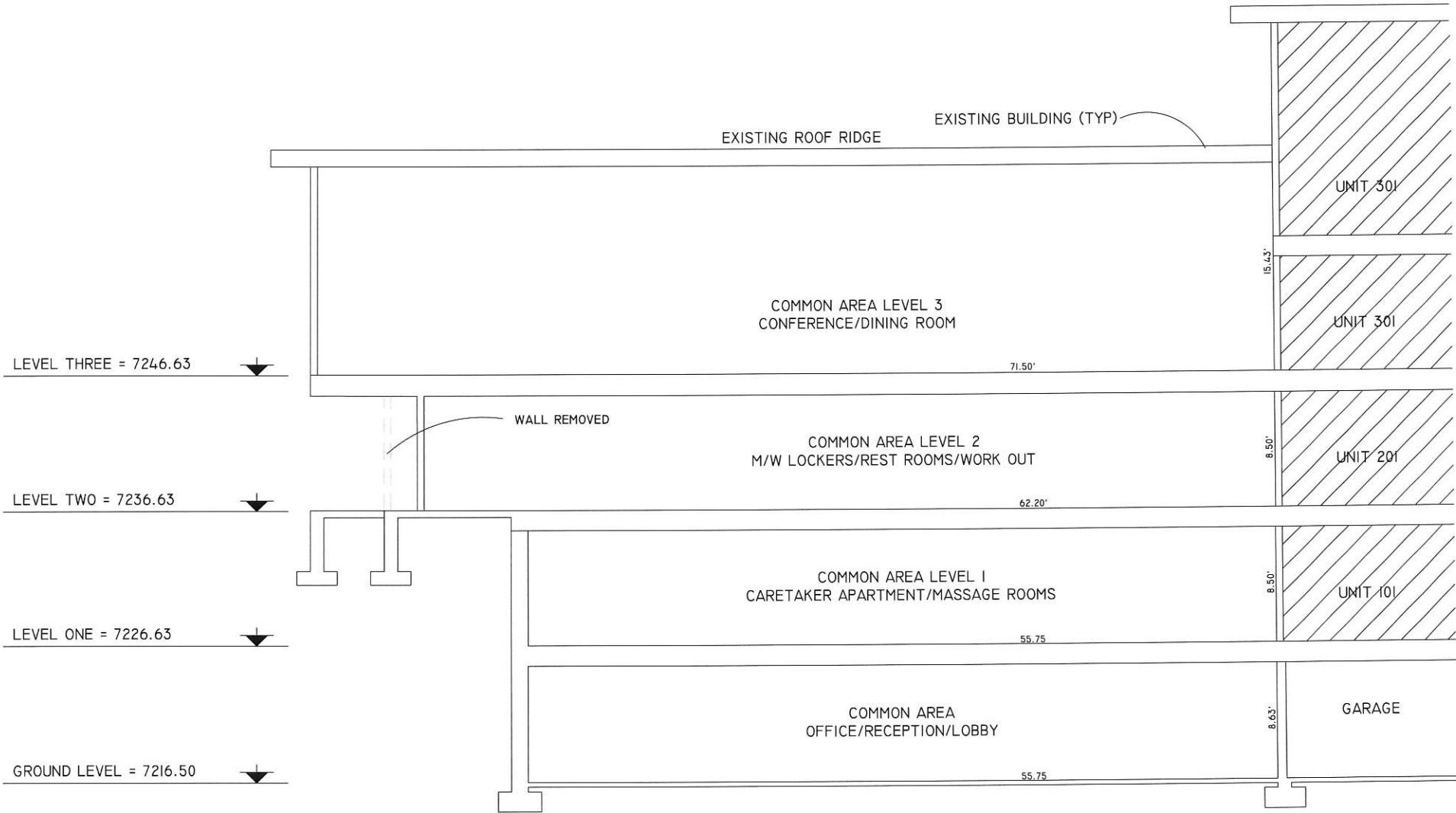
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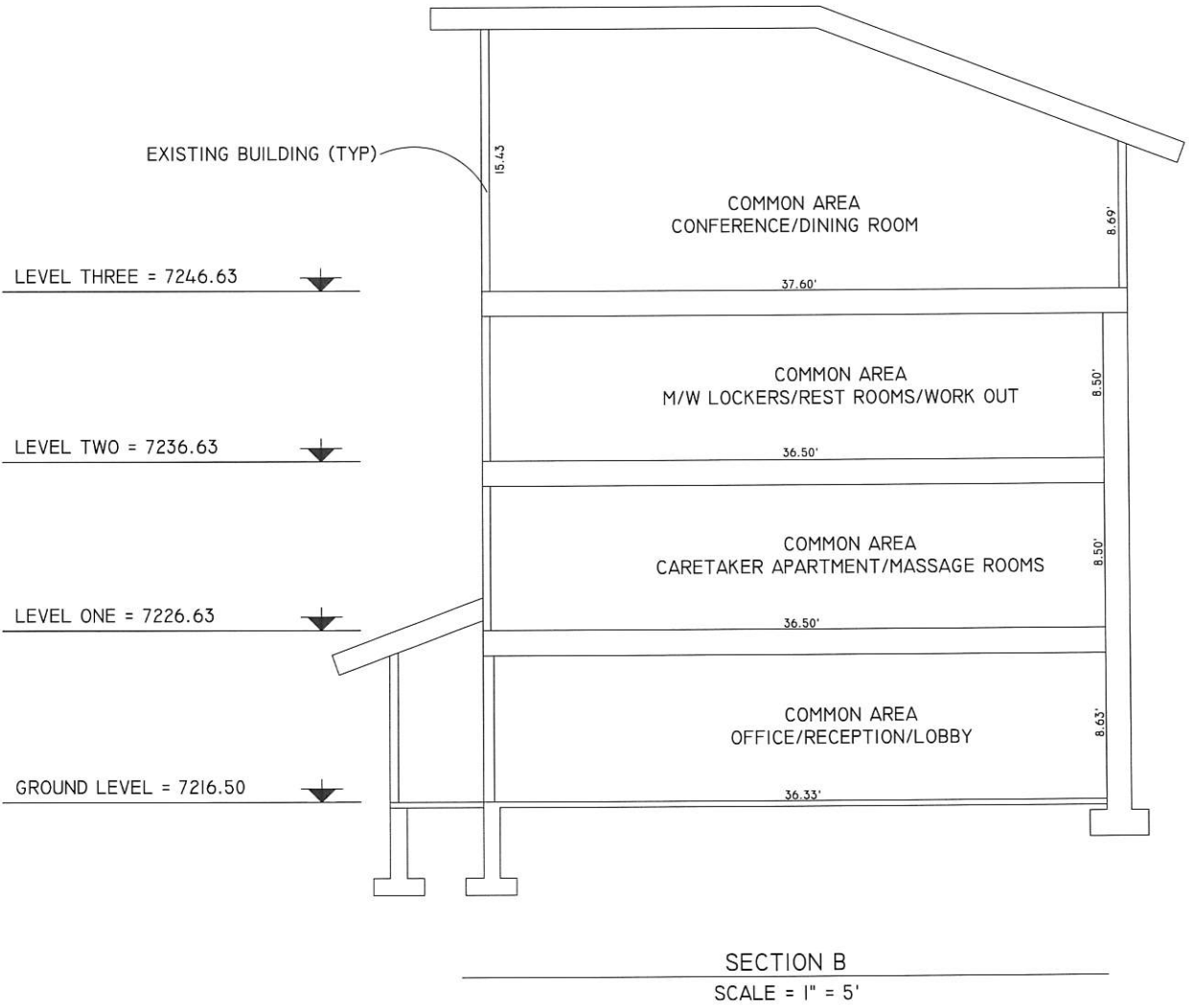


SECTION A
SCALE = 1" = 5'

FIFTH AMENDMENT TO
TRAIL'S END AT DEER VALLEY

AN AMENDMENT OF THE LOBBY/LOUNGE OF THE PINE INN
A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN
SECTION 15 & 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
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SYMBOL LEGEND	
	DEED LINE
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	PRIVATE OWNERSHIP
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	COMMON OWNERSHIP



When recorded, Mail to:
 Park City Recorder
 PO Box 1480
 Park City, UT 84060

**DEER VALLEY RESORT TWELFTH AMENDED AND RESTATED
 LARGE SCALE MASTER PLANNED DEVELOPMENT PERMIT
November 30, 2016**

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

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

WHEREAS, Commission heretofore issued to Royal Street a Special Exception Permit dated September 27, 1977, with relation to the Project, which Special Exception Permit was amended by an Amended Special Exception Permit dated June 27, 1979 issued to Royal Street and by a Second Amended and Restated Special Exception Permit dated January 27, 1982, a Third Amendment to Special Exception Permit dated May 17, 1984, a Fourth Amendment to Special Exception Permit dated February 21, 1985, a Fifth Amended and Restated Special Exception Permit dated December 23, 1986, a First Amendment to Fifth Amended and Restated Special Exception Permit dated November 29, 1989, a Second Amendment to Fifth Amended and Restated Special Exception Permit dated April 11, 1990, a Sixth Amended and Restated Special Exception Permit dated October 10, 1990, a Seventh Amended and Restated Large Scale Master Planned Development Permit dated April 14, 1993, an Eighth Amended and Restated Large Scale Master Planned Development Permit dated April 25, 2001, a Ninth Amended and Restated Large Scale Master Planned Development Permit dated June 28, 2006, a Tenth Amended and Restated Large Scale Master Planned Development Permit dated August 12, 2009, and an Eleventh Amended and Restated Large Scale Master Planned Development Permit dated March 23, 2011, which were issued to Deer Valley Resort Company ("Permittee"), as assignee and successor to the rights of Royal Street under the Special Exception Permit; and

WHEREAS, Permittee and Commission desire to further amend and restate the Large Scale Master Planned Development Permit to reflect actions approved by the Commission with respect to the combination of vacant Deer Valley MPD Silver Lake Village Lots F, G, and H into one Lot I and to transfer 843 square feet of existing residential density (0.4215 unit equivalents (UE)) from Deer Valley MPD Silver Lake Village Lot D (existing Goldener Hirsh Inn) to the new Deer Valley MPD Silver Lake Village Lot I, to accommodate connection, access and circulation between the Goldener Hirsch Inn on Parcel D and the future Goldener Hirsch Residences proposed on Parcel I.

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

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

NOW THEREFORE, the Large Scale Master Planned Development Permit is hereby amended and restated to authorize and grant the right, and Permittee is hereby authorized and granted the right, to develop and construct the Project, subject to Planning Commission approval of any required Conditional Use Permits for site specific development and City Council approval and recordation of any required subdivision plats, as outlined and detailed in this: (A) Twelfth Amended and Restated Large Scale Master Planned Development Permit ("Permit") including the Exhibits hereto and those documents and items submitted by Permittee as aforesaid, as a Master Planned Development pursuant to the Master Planned Development provisions contained in the Code; and, (B) the Agreement dated July 12, 1978, between Park City, as "City", and Royal Street, as "Royal Street", as amended by an Amendment to Agreement dated May 29, 1978, a Second Amendment to Agreement dated April 3, 1980, a Third Amendment to Agreement dated August 21, 1980, as amended and restated in its entirety by a Fourth Amendment and Restatement of Agreement, a Fifth Amendment to Agreement dated May 17, 1984, and a Sixth Amendment to Agreement dated February 21, 1985, and all subsequent amendments, which are all incorporated herein by reference and which Agreement as so amended is herein referred to as the "Agreement", and as such Agreement may hereafter be further amended from time to time. Park City is hereinafter referred to in this Permit as "City".

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

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

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

For purposes of determining densities on the parcels designated in this Subparagraph (1), a single family home or an apartment containing two bedrooms or more constituted a dwelling

Unit, a one-bedroom apartment constituted one-half of a dwelling Unit, and a hotel room or lodge room constituted one-half of a dwelling Unit. The parcels in this subparagraph have all been developed as of the date hereof.

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

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

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

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

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

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

requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the following:

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

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

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

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

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

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

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

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

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

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

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

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

<u>Project Location</u>	<u>Number of Qualifying Units</u>
A. Units in Deer Valley:	
Little Belle Manager Unit	1
Stag Lodge Manager Unit	1
Sterlingwood Manager Unit	1
Bald Eagle Caretaker Units	2
Mt. Cervin Manager Unit	1
Deer Valley Club Manager Unit	1
B. Units Other Than in Deer Valley:	
Parkside Apartments	42
Fireside Apartments / Condos	42
Washington Mill Apts.	8
Peace House	3
Aspen Villas / Silver Meadows (Participation)	9
Fawn grove Employee Unit	1
Total	112

Deer Valley shall be obligated to comply with all applicable ordinances of City relating to the creation and construction of employee housing, including ordinances that are adopted after the date of this Permit. Deer Valley will be given credit for the previously developed units

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

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

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

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

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

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

Pedestrian paths shall be hard surfaced, a minimum of five feet wide, a maximum of six feet wide and built to public sidewalk specifications. These paths shall connect development parcels together and connect development parcels to commercial nodes. At the time of conditional use approval of a particular development parcel, the developer of said parcel shall provide a pedestrian path across said parcel connecting to the paths on the adjoining parcels. The location of these paths shall be determined by the parcel developer and by City staff with the Deer Valley Trails Master Plan used as a guide. The locations shall be modified as necessary to take into consideration topography and existing trails, and shall tie into the bus system which serves Deer Valley. These paths shall form a year-round system. Maintenance shall be the responsibility of the parcel owner. A 10 to 15 foot wide easement (easement size

shall be determined at the time of site specific conditional use approval) for each pedestrian path shall be dedicated to City and is required to be shown on the recorded plat for the applicable development parcel.

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

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

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

N. Fire Considerations. All buildings or structures located within the Bald Eagle, Silver Lake, and North Silver Lake Communities shall be fire sprinkled in accordance with UBC 38-1-82.

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

Permittee agrees that completion of the action required by this Section O with relation to any building or structure included in the Project shall be deemed a condition precedent to the

right to occupy and utilize the building or structure. Commission and Permittee agree that the general level of water facilities construction for the Project required by this Section O has been heretofore accomplished by Permittee.

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

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

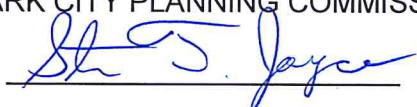
The Sewer District has previously reviewed both the Upper and Lower Deer Valley sewer systems and made the following comments: Upper System (American Flag / Silver Lake Community) - There are two sections of sewer within the American Flag Subdivision that limit upstream, new growth to approximately 325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

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

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

Approved this 30th day of November, 2016.

PARK CITY PLANNING COMMISSION

By 

Planning Commission Chair

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

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
DEER VALLEY COMMUNITY					
Stonebridge & Boulder Creek Multi-Family	50	54	1	28	10.23
Aspenwood Multi-Family	30	30		28	9.21
Pine Inn & Trails End Multi-Family	40	45	1	35	8.52
In The Trees (South Multi-Family) Multi-Family	14	14		28-45	2.87
Black Diamond Lodge (Snow Park Lodge Multi-Family)	29	27		28-75	5.70
Courcheval Multi-Family	13.5	27	1	35	1.82
Daystar Multi-Family	24	24		28	9.84
Fawngrove Multi-Family	50	50		28	12.05
Chateaux Fawngrove Multi-Family	10.5	11	2	28	Incl
Bristlecone Multi-Family	20	20		28	Incl
Lakeside Multi-Family	60	60		28	6.49
Solamere Single Family (includes Oaks, Royal Oaks & Hidden Oaks)	274	274		28	237.81
Pinnacle Multi-Family	86	86		28	36.80
Comstock Lodge (East Bench Multi-Family)	10.5	21	1	35	3.50
Red Stag Lodge	8.5	11	1	35	Incl
Powder Run Multi-Family	25	33	1	35	3.20
Wildflower (Deer Valley North Lot 1 Multi-Family)	11	14	1	28	1.04
Glenfiddich (Deer Valley North Lot 2 Multi-Family)	12	12		28	1.45
Chapparal (Deer Valley North Lot 3 Multi-Family)	15	20	1	28	1.44
Northeast Multi-Family:					12.65
Lodges @ Deer Valley	73.25	85	3	28-35	
Silver Baron Lodge	42.75	50	12	28-35	
Snow Park Village (Snow Park Hotel & Parking Sites)	209.75	0	4	28-45	14.93
Total Deer Valley Community	1108.75				
AMERICAN FLAG COMMUNITY					
American Flag Single Family	93	93		28	83.04
LaMaconnerie Multi-Family	15	15		28	6.19
Total American Flag Community	108				
NORTH SILVER LAKE COMMUNITY					
Westview Single Family	15	1		28	40.69
Evergreen Single Family	36	36		28	27.60
NSL Homesite Parcel #1	1	1		35	1.90
Belleterre Single Family	10	10		28	11.42
Bellevue Townhomes (NSL Subdivision Lot 1)	24	14	10	28	4.62
Bellemont Townhomes (NSL Subdivision Lots 2A and 2A-1)	18	12	10	28	3.75
NSL Subdivision Lot 2B	54	0		45	5.96
BelleArbor Townhomes (NSL Subdivision Lot 2C)	43	21	10	28-35	8.25
NSL Subdivision Lot 2D Open Space Lot	0	0	5	0	4.03
Total North Silver Lake Community	201				
SILVER LAKE COMMUNITY					
Stag Lodge Multi-Family	50	52	6	28-35	7.34
Cache Multi-Family	12	12		28	1.77
Sterlingwood Multi-Family	18	18		28-35	2.48
Deer Valley Club	20	30	1	28-45	1.53
Double Eagle (SL East Parcel 2 Multi-Family)	18	18		28-35	2.26
Stein Eriksen Lodge Multi-Family	66.75	65	11	28-35	10.86
Little Belle Multi-Family	20	20		28	3.66
Chateaux At Silver Lake Lot 23 Deer Valley Club Estates Subdivision)	65	78	1	28-45	3.24
Sterling Lodge (Lot 2 Silver Lake East Subdivision)	14	14		28-45	0.61
Royal Plaza Multi-Family (Silver Lake Village Lot A)	7.6215	13	1	59 (A)	0.48
Mt. Cervin Plaza Multi-Family (Silver Lake Village Lot B)	7.5	7		59 (A)	0.54
Inn at Silver Lake (Silver Lake Village Lot C)	10	8		59 (A)	0.50
Goldener Hirsch Inn (Silver Lake Village Lot D)	5.5785	18	1	59 (A)	0.35
Mt Cervin Multi-Family (Silver Lake Village Lot E)	16	15		59 (A)	0.53
Silver Lake Village Lot F	0	0		59 (A)	0.35
Silver Lake Village Lot G	0	0		59 (A)	0.38
Silver Lake Village Lot H	0	0		59 (A)	0.44
Silver Lake Village Lot I (combination of Silver Lake Village lots F, G, H)	34.4215	38	13,14,15	59 (A)	1.17
SL Knoll Condominiums	4	4		35	0.76
Knoll Estates Single Family	21	21		35	9.90
Black Bear Lodge (Lot 22 Deer Valley Club Estates Subdivision)	51	51		35	1.39
Knollheim Single Family	20	5	7	35	1.84
Alpen Rose Single Family	2	2		35	0.66
Silverbird Multi-Family	6	6		35	0.80
Ridge Multi-Family	24	24		35	2.34

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

PARCEL NAME	PERMITTED DENSITY (UNITS)	DEVELOPED DENSITY (UNITS)	NOTES	HEIGHT (FEET)	PARCEL SIZE (ACRES)
Enclave Multi-Family	17	17		28-35	1.79
Twin Pines Multi-Family	8	8		28-35	1.33
Cottages Single Family	11	11		28	7.06
Alta Vista Subdivision	7	7		35	6.02
Woods Multi-Family	16	7	8	28-35	2.41
Trailside Multi-Family	9	9		28-35	1.46
Aspen Hollow Multi-Family	16	16		28-35	3.18
Ridgepoint Multi-Family	38	38		28-35	5.60
Total Silver Lake Community	614.8715				
BALD EAGLE COMMUNITY					
Bald Eagle Single Family	78	58	9	28	35.65
Total Bald Eagle Community	78				
TOTAL CONVENTIONAL UNITS	2110.6215				
EMPLOYEE HOUSING UNITS					
Little Belle	1				
Stag Lodge	1				
Sterlingwood	1				
Bald Eagle	2				
Mt. Cervin	1				
Deer Valley Club	1				
TOTAL EMPLOYEE HOUSING UNITS	7				

NOTES:

1. These projects have been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density than base permitted density.
 2. One small unit was separately permitted in this project using .5 unit of density.
 3. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (85) than base permitted density (73.25).
 4. This parcel is required to use the Unit Equivalent Formula contained in Section 10.12 of the Code.
 5. This parcel has been platted as open space, with the open space applying to the open space requirement of Lot 2B.
 6. Two additional units were permitted in this project on land that was not a part of the Deer Valley MPD.
 7. This parcel was originally permitted as 20 MF units but subsequently developed as 5 single family homesites.
 8. This parcel was permitted as 16 units. Subsequently 9 of the unit development rights were acquired by the homeowners and dedicated as open space.
 9. This parcel was originally permitted as a combination of single family and multi-family. The multi-family uses were converted to single family with a density reduction from 78 to 58 units.
 10. The development density on these parcels is less than the original permitted density at the election of the developer.
 11. The transfer of 1.75 Unit Equivalents to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on June 28, 2006.
 12. This project has been approved under the Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (50) than base permitted density (42.75). The transfer of 1 Unit Equivalent to this parcel from the Snow Park Village parcel was authorized by the Planning Commission on March 23, 2011.
 13. Prior to issuance of a building permit on Lot I, the Property owner shall submit an Historic Mine Waste report.
If Historic Mine Waste is located on the site, a mitigation plan shall also be submitted compliant with the Park City Soils Boundary Ordinance.
 14. Building on Lot I shall be designed to be broken into more than one volumetric mass above final grade, exhibiting both horizontal and vertical articulation. Common underground parking is permitted.
 15. The transfer of 0.4215 UE from Lot D to Lot I was approved by Planning Commission on November 30, 2016.
- A. Lots in the Silver Lake Village Subdivision have a development height limitation tied to a base elevation of 8122' with peak of roof not to exceed elevation 8186'.

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

LOCATION	RETAIL	RESTAURANT (3)	COMM'L OFFICES	ADMIN., SUPPORT & OTHER	TOTAL	TRANSFER TO RESIDENTIAL	DEVELOPED	REMAINING
SNOW PARK LODGE	13807	26958		85578	126343		126343	0
SNOW PARK TICKET SALES BUILDING				5112	5112		5112	0
SNOW PARK PLAZA BUILDING	3100		16000	4180	23280		23280	0
GENERAL SNOW PARK COMMERCIAL (1)	21890				21890		0	21890
SILVER LAKE LODGE	1200	29160		15790	46150		46150	0
EMPIRE LODGE (4)		22456		12544	35000		30453	4547
SILVER LAKE COMMUNITY (2)	27962		4265	12938	45165	1243	31954	11968
NORTH SILVER LAKE COMMUNITY	8000			6525	14525		0	14525
MAINTENANCE, WHSE, & SHOPS				31724	31724		31724	0
TOTAL	75959	78574	20265	174391	349189		295016	52930

NOTES:

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

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

Developed Space:

Royal Plaza	14312
Mt. Cervin Plaza	8080
Goldener Hirsch Inn	2062 (see note #5)
Chateaux at Silver Lake	7500
Total	31954

Transferred to Royal Plaza Residential

1243

Allocated but Undeveloped Space:

Silver Lake Village Lot C	7000
Remainder Unallocated	4968
Total	45165

(3) Includes kitchen, receiving and storage.

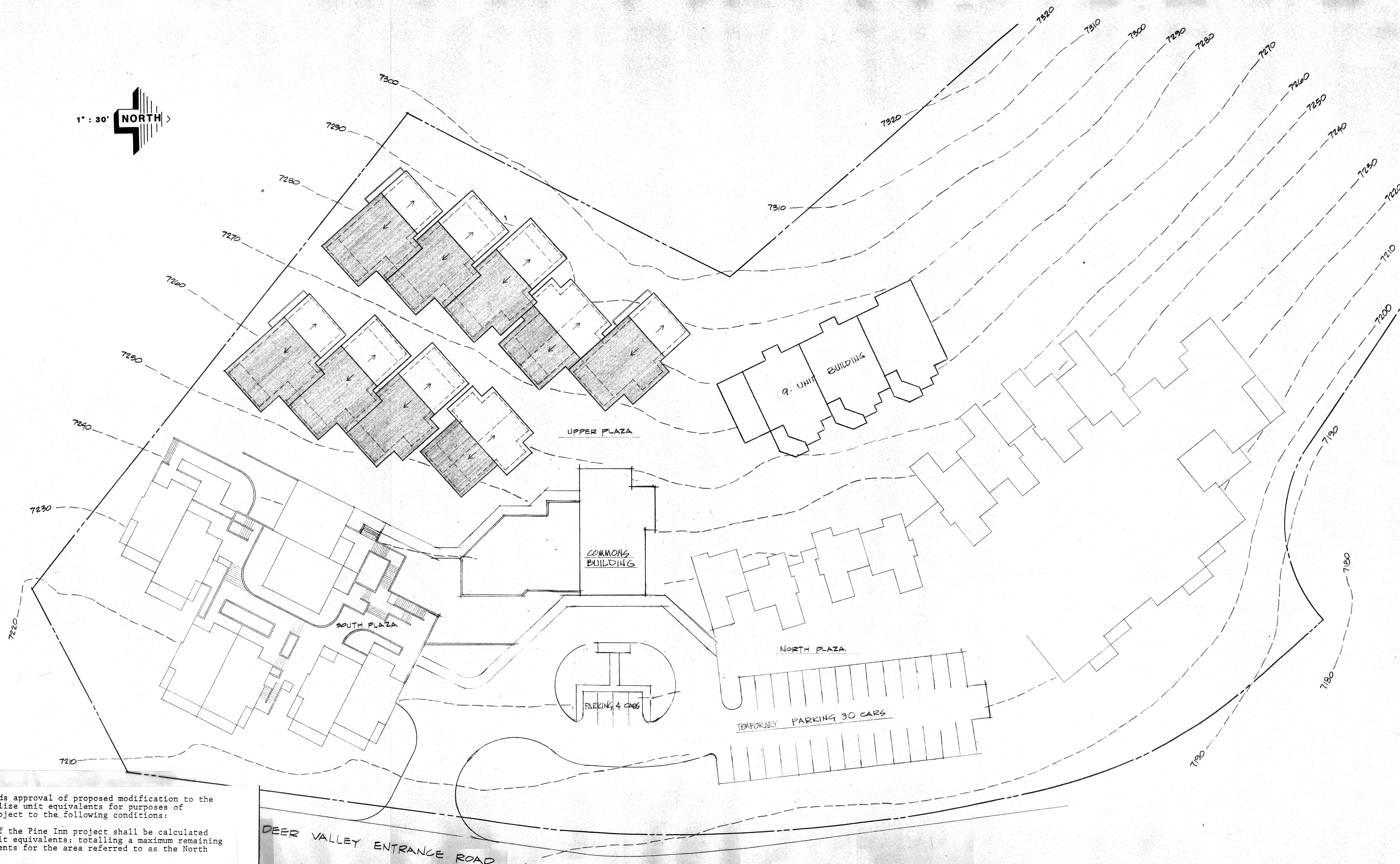
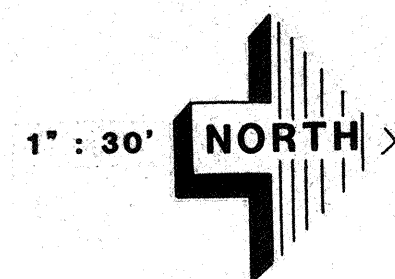
(4) Maximum size of Empire Lodge is 35000 sf of which 30453 sf has been developed.

(5) Commercial uses on Silver Lake Village Lot D includes 2,062 sf as allocated from this Amended and Restated Large Scale MPD, plus support commercial uses.

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

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

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



The staff recommends approval of proposed modification to the approved project to utilize unit equivalents for purposes of calculating density, subject to the following conditions:

1. That the balance of the Pine Inn project shall be calculated on the basis of unit equivalents; totalling a maximum remaining of 14 unit equivalents for the area referred to as the North Plaza.
2. That any difference between the number of prepaid water connections assigned by Deer Valley and the total number of habitable dwellings (without reference to unit equivalents and in accordance with the city's Fee Ordinance) constructed, shall be paid prior to the issuance of building permits.
3. That a final landscape plan be submitted and approved by the Planning Staff prior to the issuance of any building permits.
4. That an agreement, acceptable to the Park City Municipal Corporation, be established requiring the Pine Inn project to reimburse the city for any additional pumping costs associated with the proposed water service, or, that a pumped-pressure water system with back-up pumps, an emergency generator, and a pressure reservoir be required unless otherwise approved by the City Engineer/Public Works Director and Building Official.
5. That a disclosure statement regarding the status of the private utilities and their maintenance be required on the condominium plat.
6. That a fire protection plan (including: hose houses, hydrant locations, fire department connections, and an auxiliary power generator) be approved by Ron Ivie, Fire Marshall.
7. Standard Departmental Review Requirements.

Proposed Construction 9-2 bedroom units
Official Address 2100 Deer Valley Drive South
Zone ED-MPS Set back 15' each unit with > 1 bedroom
Side Yards 5' each unit with > 1 bedroom
ALL MEASUREMENTS ARE IN FEET
Conditions See Attachment
Approval not valid until July 31, 1986
Signature of Applicant _____ Owner
Contractor _____
Approved By Planning Commission Date 7/31/85

PARKING REQUIREMENTS	
1. SOUTH PLAZA	
4-1 BED ROOM @ 1.5 PER UNIT - 6	
6-3 BED ROOM @ 2 PER UNIT - 12	
2. UPPER PLAZA	
4-1 BED ROOM @ 1.5 PER UNIT - 6	
7-4 BED ROOM @ 2 PER UNIT - 14	
3. 9 UNIT BUILDING	
9-2 BED ROOM @ 2 PER UNIT - 18	
4. TOTAL REQUIRED	56
5. PARKING PROVIDED	
SOUTH PLAZA	22
EAST OF COMMONS BLDG	4
NORTH TEMPORARY LOT	30
	56

PARK CITY
MUNICIPAL CORP.
JUL 19 1985
RECEIVED

PINE INN at DEER VALLEY
UPPER PLAZA
PLOT PLAN

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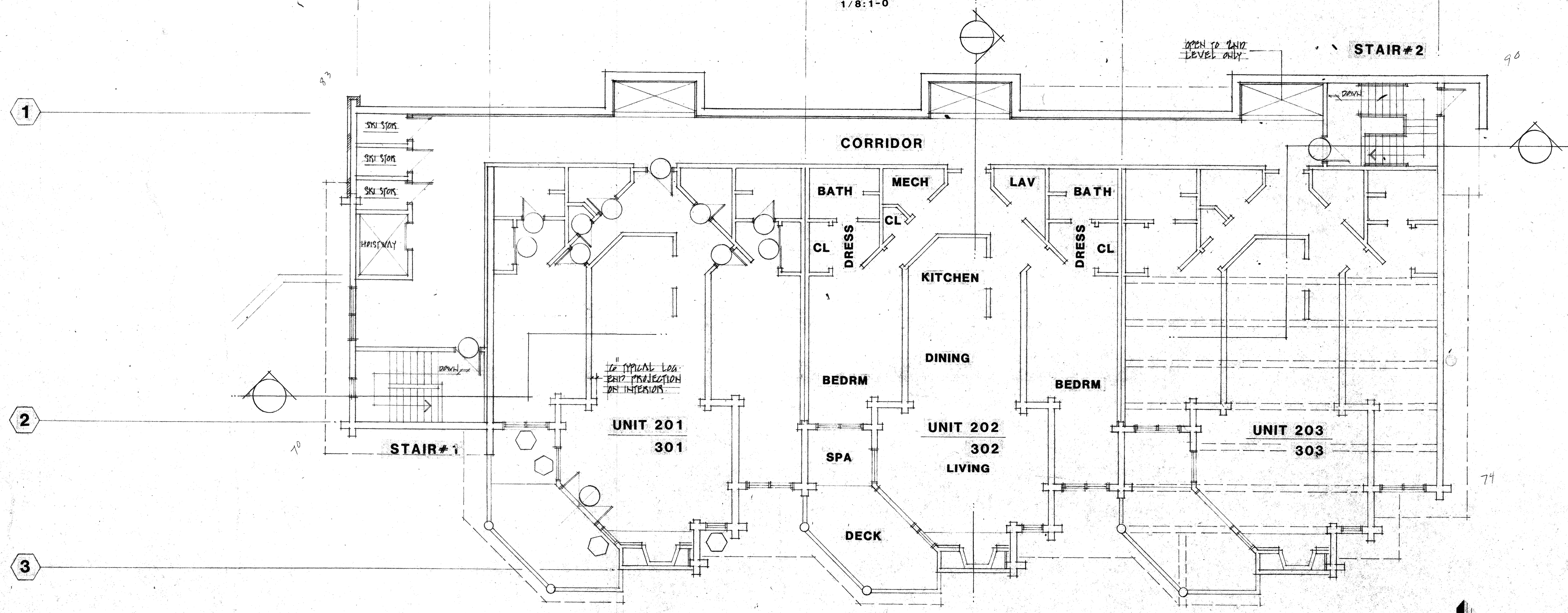
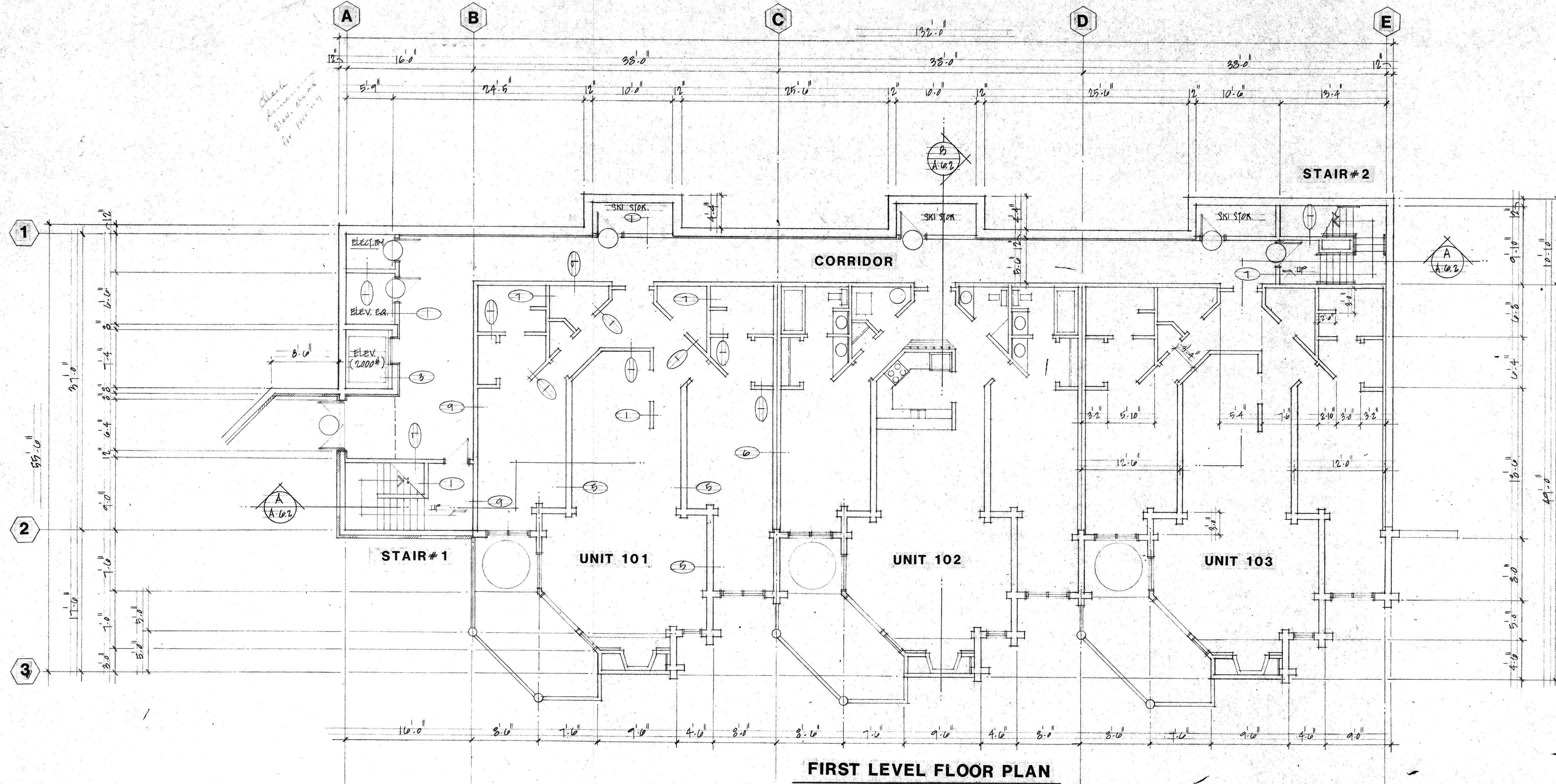
J. Johnson & Associates
Park Meadows Plaza,
Highway 248
Park City, Utah 84060
(801) 649-9811

REVISIONS
DATE BY COMMENTS
DEPARTMENT REVIEWS
ARCHITECTURAL ☐ MECHANICAL ☐ ELECTRICAL ☐ STRUCTURAL ☐

WAYNE E. (TED) WARR
ARCHITECT
DRAFTING
DATE

JOB NO. 3-389-85

APPROVED MPD Modification (9 two bedroom units) 7/31/85



NOTE:
THIRD LEVEL FLOOR PLAN SHOWN - UNLESS NOTED OTHERWISE SECOND LEVEL FLOOR FINISHES, DIMENSIONS, PARTITION TYPES ETC. ARE TYPICAL OF THAT SHOWN FOR FIRST AND THIRD LEVELS



PRELIMINARY NOT FOR CONSTRUCTION

J.J. Johnson & Associates
Park Meadows Plaza,
Highway 24B
Park City, Utah 84060
(801) 649-9811

DATE	BY	REVISIONS	COMMENTS

DEPARTMENT REVIEWS

☐ ARCHITECTURAL ☐ MECHANICAL ☐ ELECTRICAL

WAYNE E. (TED) WARR
ARCHITECT
DRAFTING

DATE

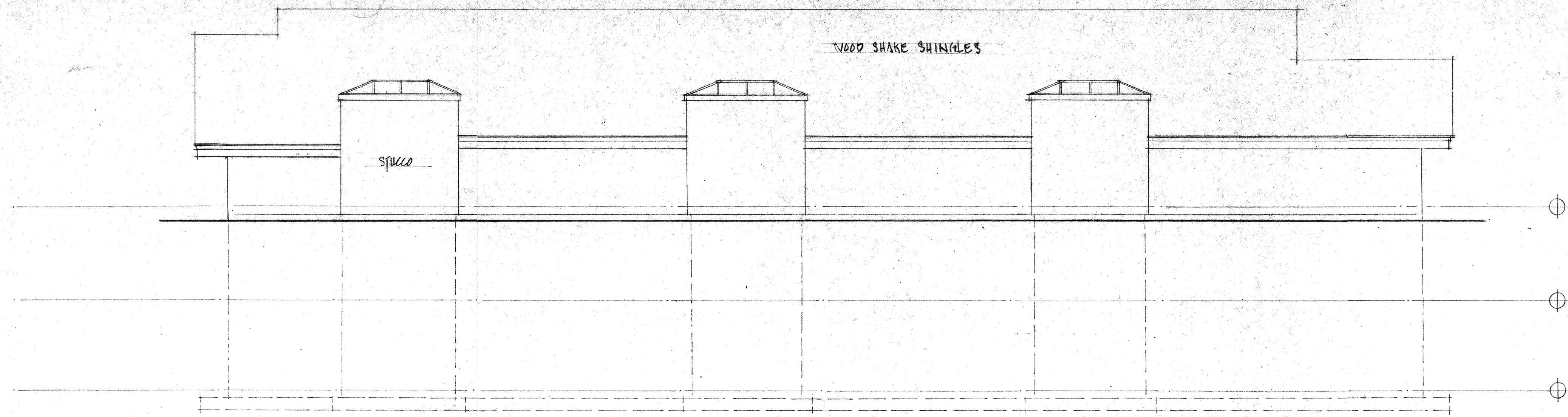
PINE INN at DEER VALLEY
UPPER PLAZA (NINE UNIT BUILDING)
BUILDING FLOOR PLANS

JOB NO. 3-389-85

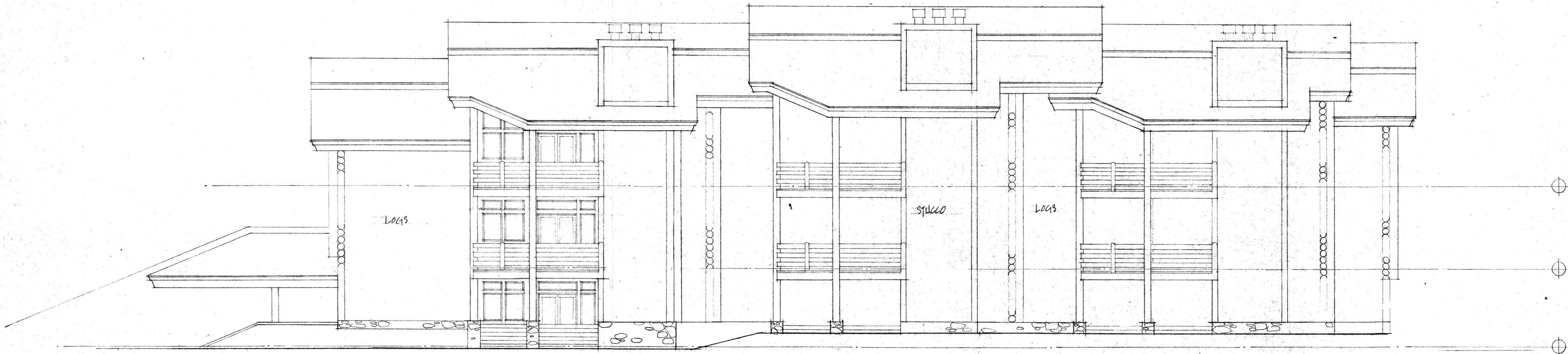
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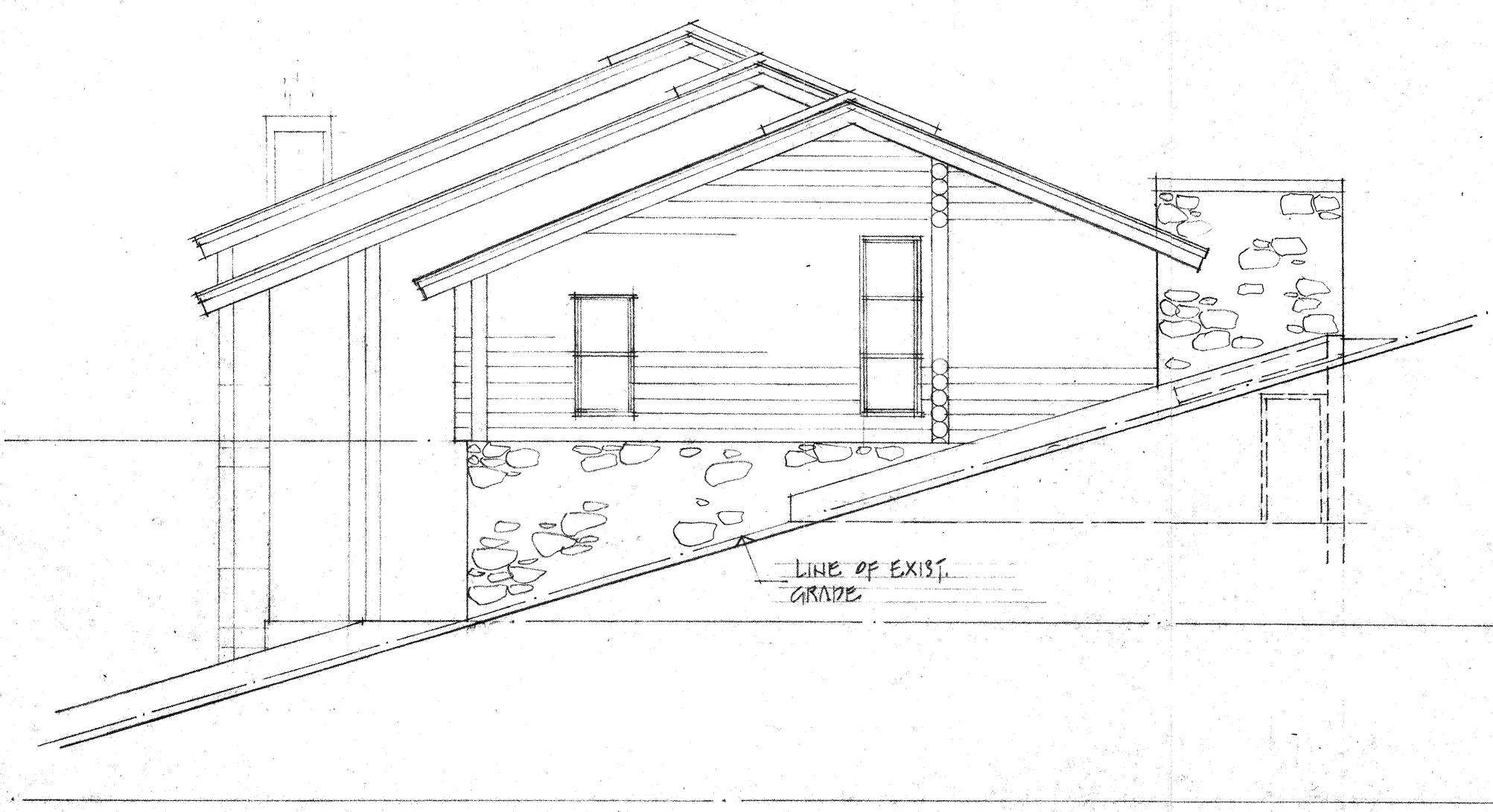
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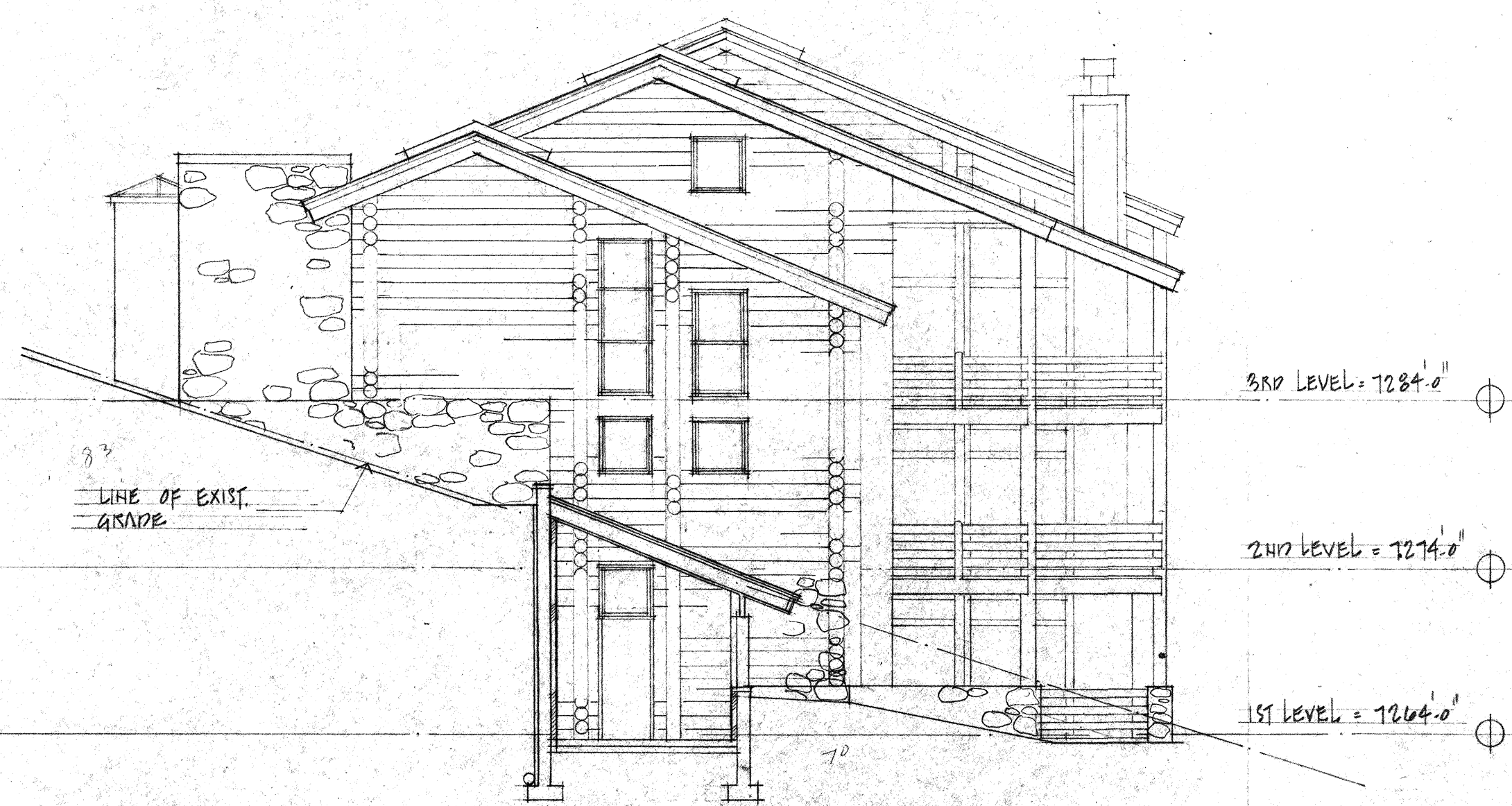
WEST ELEVATION
1/8:1-0



EAST ELEVATION
1/8:1-0



NORTH ELEVATION
1/8:1-0



SOUTH ELEVATIONS
1/8:1-0

PRELIMINARY NOT FOR CONSTRUCTION

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Park Meadows Plaza,
Highway 248
Park City, Utah 84060
(801) 649-9811

DATE BY	REVISIONS	COMMENTS

DEPARTMENT REVIEWS
☐ ARCHITECTURAL ☐ MECHANICAL
☐ STRUCTURAL ☐ ELECTRICAL

WAYNE E. (TED) WARR
ARCHITECT
DRAFTING

DATE

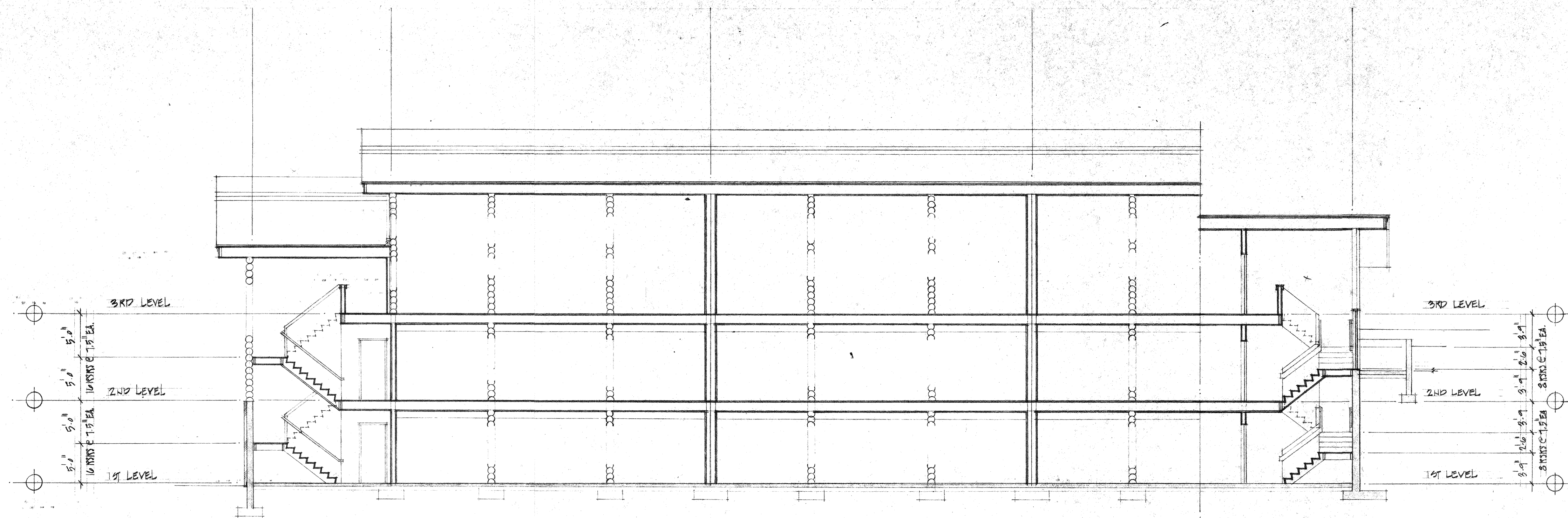
JOB NO. 3-389-85

PINE INN at DEER VALLEY
UPPER PLAZA (NINE UNIT BUILDING)
BUILDING ELEVATIONS

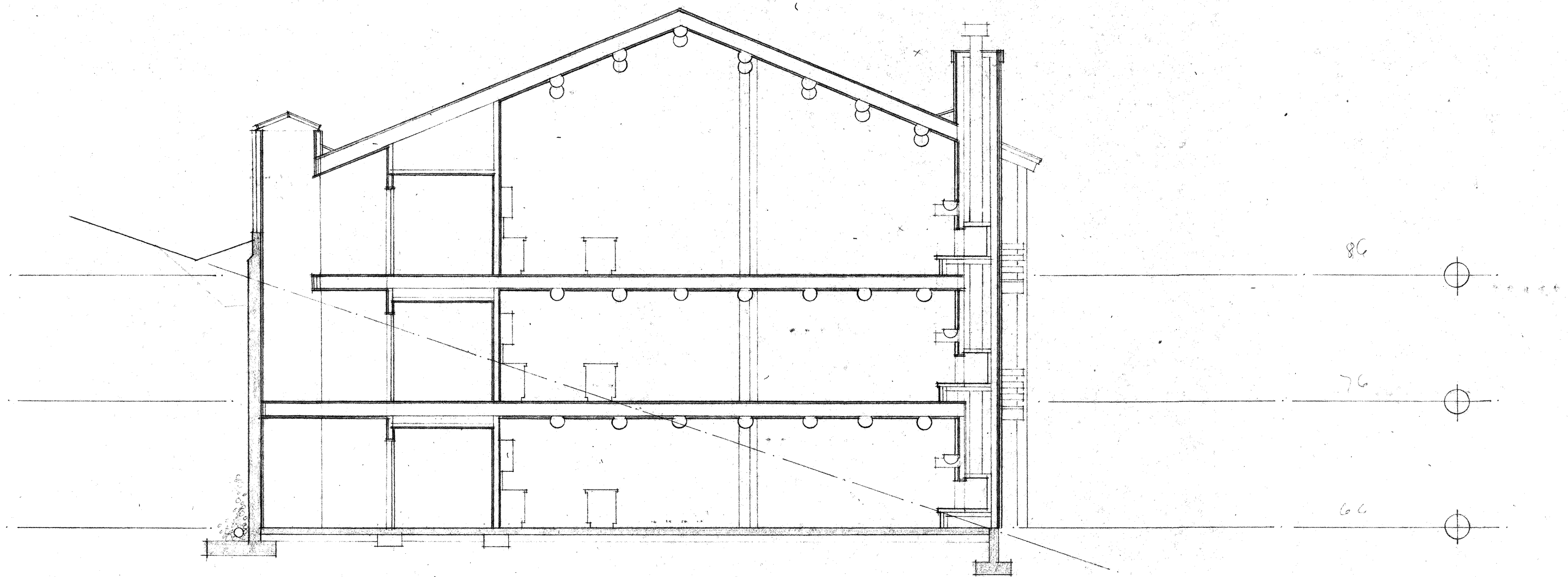
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SHEET OF
A5-4

APPROVED ELEVATIONS 7/19/85



BUILDING SECTION A
1/8:1-0



BUILDING SECTION B
1/8:1-0

PRELIMINARY NOT FOR CONSTRUCTION

PINE INN at DEER VALLEY
UPPER PLAZA (NINE UNIT BUILDING)
BUILDING SECTIONS

JOB NO. 3-389-85

DATE BY REVISIONS COMMENTS
☐ ARCHITECTURAL
☐ STRUCTURAL
☐ ELECTRICAL
 DEPARTMENT REVIEWS

WAYNE E. (TED) WARR
ARCHITECT
DRAFTING
DATE

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SHEET 2 OF 4
A6.2

Park City Planning Department
Staff Report

TO: PLANNING COMMISSION
FROM: PLANNING STAFF *KO*
DATE: APRIL 10, 1991
RE: PINE INN PHASE II, CUP
=====

I. PROJECT STATISTICS

Applicant: Kim R. McGuire and John C. Kinnear
Location: 2100 Deer Valley Drive South
Proposal: MPD Approval for Phase II, Pine Inn
Zoning: RD-MPD
Adjacent Land Uses: Residential, Recreation Open Space,
Support Commercial
Date of Application: February 15, 1991
Date of Staff Report: April 5, 1991
Staff Recommendation: **APPROVE** with conditions

II. BACKGROUND INFORMATION

The Pine Inn Condominium project received Small Scale MPD approval on April 11, 1984 for 40 units. The first phase of the project has been partially built on what is known as the South Plaza. There are currently 4 one-bedroom units and 6 three-bedroom units for a total of 8 Deer Valley Units or 12.25 unit equivalents. The upper portion of the South Plaza was to have an additional 13 units and a Commons Building. These would complete Phase I. The additional units were never built and only the foundation for the Commons Building was installed. The City is currently holding a letter of credit for the removal of the foundation and for re-vegetation.

Since the original approval there have been a number of requests to modify the MPD to allow for various reconfigurations of the site and for the application of the unit equivalent option to calculate density. On July 31, 1985, the Planning Commission approved the use of the unit equivalent option allowing 4 three-bedroom units (approved for the upper portion of the North Plaza) to be built as 9 two-bedroom units. These units, of course, were never built.

On May 13, 1987 the Planning Commission approved another modification to the MPD which would allow for a hotel with 113 suites and for completion of the Commons Building. The project, known as The Lodge at Deer Valley, was proposed to be a two-phase project and was approved with the condition that the Deer Valley SEP be amended to transfer an additional 9.75 units to this site before Phase II could commence. Deer Valley was agreeable to this but the transaction never took place. The project, again, was never built.

III. PROJECT DESCRIPTION

1. Density. The current proposal is for 32 Deer Valley units which will be configured as follows:
 - 8 three-bedroom townhouses of approximately 2640 sq.ft. are arranged along the Success ski run in buildings of two and three units, totalling 8 D.V. units.
 - 12 two-bedroom units of approximately 1700 sq.ft. are to be constructed in a single building on the upper portion of the parcel, totalling 12 D.V. units.
 - 8 one-bedroom units of 960 sq.ft. (4 D.V. units), 6 two-bedroom units of 1675 sq.ft., and 2 two-bedroom units of 1920 sq.ft will be constructed in a single building on the lower portion of the parcel, totalling 12 D.V. units.
2. Access. The buildings will be accessed by a new road which is proposed to be built on the parcel. The road will be entered from the existing driveway entrance to Pine Inn Phase I and will wind up the hillside to the upper units.
3. Parking. Underground parking will be provided below the two larger buildings on the upper and lower portion of the parcel. A total of 60 parking spaces will be provided including 37 spaces in the upper garage and 23 spaces in the lower garage. This gives a total of 1.66 spaces per unit. The Land Management Code parking requirement would be 72 spaces for this project, but the Planning Commission may reduce that amount if it can be demonstrated that the nature of the project will likely generate a lower parking demand.
4. Common Area Improvements. Attached to the lower parking garage will be a common building consisting of three floors. The first floor contains an office for the resident manager and property management company and a small residential unit for the manager. This unit will be owned in perpetuity by the Owners Association and will be restricted from sale.

The second floor will contain changing rooms and locker facilities as well as an area for exercise equipment. Immediately adjacent to this area will be an outdoor swimming pool and spa.

The third floor is primarily an owners lounge with a small kitchen serving the lounge. It is anticipated that the lounge will be used as a conference facility for smaller events.
5. Architecture. The proposed building design incorporates architectural elements similar to the existing Pine Inn units including log and stone detailing. However, the new

structures will not be of log construction. Cedar siding is proposed with log detailing restricted to the porches and columns.

IV. ISSUES FOR DISCUSSION.

1. Access Road. The Staff's major concern with this proposal has been the access road to the upper units due to the required cuts and fills for the road. However, the road design has been modified to lessen the height of the wall and also reduce the grade. The walls have been move further away from the actual pavement which allows additional grade change before reaching the wall. The maximum height will therefore be 14 feet at the switch-back and 8 feet in front of the lower building. The Staff has carefully examined the existing vegetation and we have determined that extending the wall location out to reduce its height will result in minimal vegetation disturbance and that there will be sufficient aspen left to provide a good screen for the lower wall.

There will be a 10 foot cut coming out of the switch back but stone will be used to incorporate the cut into the design of the building. Stone is also proposed on the retaining wall in front of the lower building which will provide a visual base to the building when viewed from Deer Valley Drive.

A vegetated wire wall is proposed for the wall at the switchback rather than stone. The Staff is concerned about this because the wall is quite close to Royal Street and will be highly visible. The Staff would prefer to see the wall finished with a stone veneer, believing that it is better to "play up" the wall as a design feature rather than using a "bandage" approach which ultimately will appear as a scar on the hillside.

2. Building Design. The Planning Commission and the Staff expressed concern over the original design of the lower building, believing that it appeared too linear or "boxy". The design was modified to incorporate hip roofs over each end and also clipped gables on the upper units. At the last work session, the Planning Commission expressed that the design was better and the Staff agrees that the modified design provides more variation in the facade. However, the Staff still has concerns about the design because there are no other hipped roofs in this area and also because the hipped portion of the roof dumps over the garage entrances. At a minimum, the Staff would like to review a modified design which mitigates the snow dump problem and we would also prefer to see the clipped gables eliminated from the upper buildings.
3. Emergency Access. Ron Ivie, Fire Marshall, has express concern over the lack of emergency access to the townhouses.

However, Ron states that this can be overcome by requiring a dry standpipe to the upper units.

4. Revegetation Plan. The Planning Commission expressed concern about the type of landscaping or revegetation to be done, stating that larger trees will be required to stand up to the snow plowing and salting operations. A landscape plan has been submitted but the Staff has not yet had the opportunity to review it in detail. Generally, 112 quaking aspen are proposed in sizes from 6 to 14 feet, and 41 white firs are proposed in sizes from 6 to 15 feet. The remaining landscaping will be vegetated from a seed mix.
5. Phasing. ~~A specific phasing plan has not yet been submitted.~~ However, Kim McGuire has discussed with the Staff the possibility of doing only a portion of the upper garage to provide parking to the larger townhouses which he anticipates will be built first. The Staff has some concerns with this proposal and cannot make any recommendation in this regard until further information is submitted.

PUBLIC INPUT STATEMENT:

The property was posted and legal notice was sent to adjoining property owners. As of April 5, 1991, the Staff has received no formal input, except for the input received during the last work session from representatives of the Pine Inn Phase I Homeowners Association.

- V. Staff Recommendation. With the exception of the proposed wire wall and hipped roof design, the Staff is generally comfortable with this proposal. The Staff therefore recommends approval subject to the following conditions:
 1. All retaining walls shall be stone veneer.
 2. Prior to permit issuance a modified design shall be approved by the Staff which mitigates the problem of snow dump over the garage entrances and which eliminates the clipped gables on the upper units.
 3. Prior to permit issuance the Staff shall review and approve a landscape plan.
 4. Prior to permit issuance the City's Chief Building Official and Fire Marshall shall review and approve final plans for emergency access and/or fire protection.
 5. Prior to permit issuance the Planning Commission shall approve a final phasing plan

6. All areas not developed within one year of MPD approval shall be revegetated in a manner consistent with the approved landscape plan. All vegetation shown on the landscape plan as being protected or preserved shall be secured with a 4 foot safety fence prior to issuance of grading permits.
7. The final plat shall include clear notation that the manager's unit is under common ownership.
8. The owners lounge will be restricted to the use of the homeowners and shall not be rented or leased to outside users.
9. The Staff shall approve final exterior materials and color samples which shall be similar to Pine Inn Phase I.
10. The City Engineer shall approve final grading and drainage plans.
11. SBSID and the City Engineer shall approve all utility access plans.
12. All standard conditions of approval shall apply.

NOTE: The Staff was unable to get a good reproduction of the plans to include in the packet. Full size drawings will be presented at the meeting.

Planning Commission Staff Report



Subject: 1662 Bonanza Drive Conditional Use Permit
Application: PL-23-05718
Author: Jaron Ehlers, Planning Technician
Date: August 9, 2023
Type of Item: Administrative – Conditional Use Permit

Recommendation

(I) Review the proposed 1662 Bonanza Drive Conditional Use Permit to convert Unit 1 from Commercial to Multi-Unit Residential, (II) hold a public hearing, and (III) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant: RicciAhn LLC
Location: 1662 Bonanza Drive
Zoning District: General Commercial
Adjacent Land Uses: Commercial, Hotel
Reason for Review: The Planning Commission Reviews and takes Final Action on Conditional Use Permits¹

CUP Conditional Use Permit
GC General Commercial
LMC Land Management Code
MCPC Municipal Code of Park City

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

Summary

The Applicant is proposing a Conditional Use Permit (CUP) to convert Unit 1 of the Prospector Retail Building, more commonly known as the Benson Building, from its existing Commercial Use to a Multi-Unit Dwelling Residential Use as an Apartment. The Prospector Retail Building is in the General Commercial (GC) Zoning District.

Background

On March 24, 1982, the Planning Commission reviewed a condominium plat for the Prospector Retail Building, a commercial building that was in the final stages of construction. The Planning Director at that time made clear that the condominium plat would only affect ownership, not the use, which would remain commercial. The Planning Commission unanimously approved the Prospector Retail Building Condominium Plat (Exhibit C).

¹ LMC [§ 15-1-8\(G\)](#)

On April 1, 1982, the City Council considered the Prospector Retail Building Condominium Plat. Community Development Director Mike Vance specified that this was the “condominization of office space rather than living space.” The City Council approved the Plat (Exhibit D, p.5).

Residential Uses in the General Commercial Zoning District are Conditional Uses. On June 16, 2023, the Applicant applied for a Conditional Use Permit to convert Unit 1 from Commercial Use to Residential Use.

Analysis

(I) The proposed Conditional Use Permit complies with LMC Chapter 15-2.18 General Commercial (GC) District.

LMC § [15-2.18-2\(B\)\(4\)](#) establishes that Residential Uses are Conditional Uses in the General Commercial (GC) Zoning District. LMC § [15-15-1](#) defines an Apartment as “A Dwelling Unit within a Multi-Unit Dwelling Building with exclusive living, cooking, sleeping and bathroom Areas.” The planned remodel of Unit 1 contains all these elements (Exhibit F). As there are no planned changes to the exterior of the building, no other provisions of LMC Chapter [15-2.18](#) apply.

(II) The proposed Conditional Use Permit will require an Amendment to the Prospector Retail Building Condominium Plat to take effect.

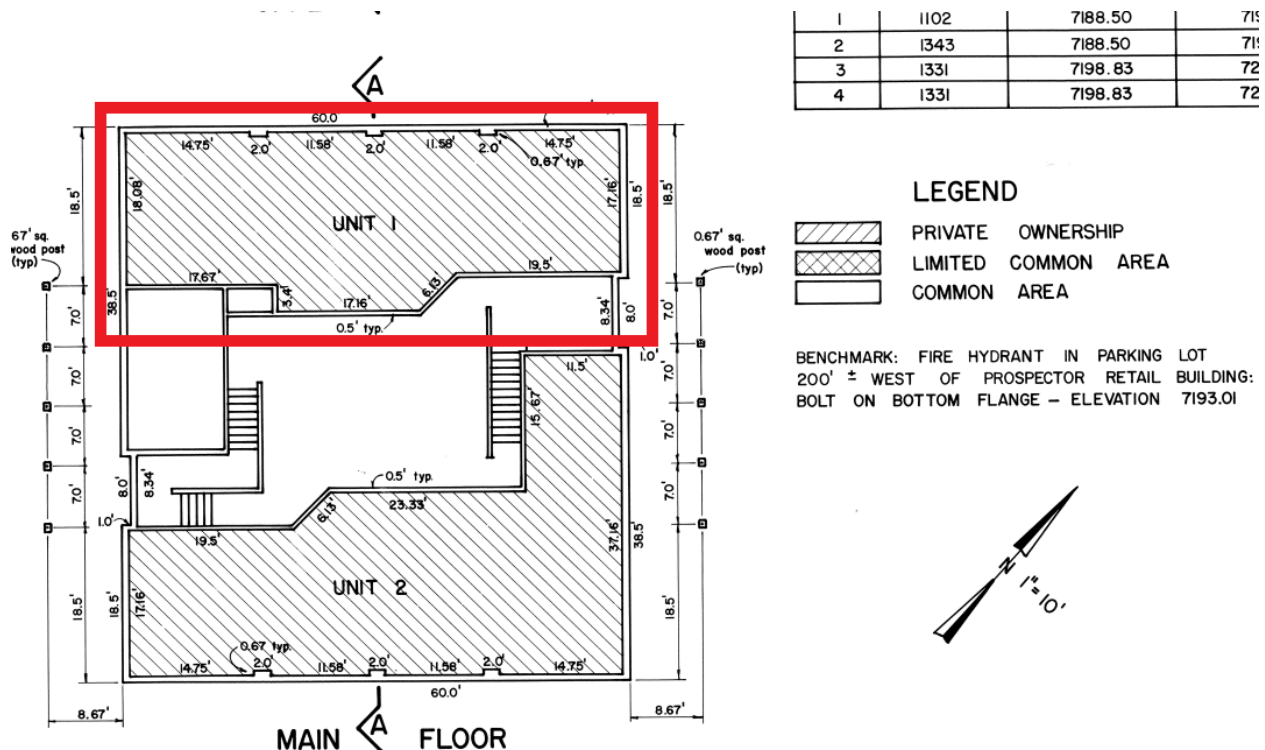


Figure 1: Main Floor of the Prospector Retail Building Plat, with Unit 1 outlined in red.

The Prospector Retail Building Condominium Plat had been approved on the understanding it was a commercial building, and the Declaration of Condominium was drafted to reflect this. Specifically, in Chapter 8, 8.1 says “No unit shall be used as a personal residence” while 8.2.1 says “A unit owner shall not use, permit or allow his unit to be occupied or used other than for commercial sales, services or office space”, see Exhibit G, p.4.

For a change to allow Residential Uses as part of this Condominium, as this CUP would do, Amendments to both the existing plat and the Declaration of Condominium would need to be done and be recorded with Summit County, as required by proposed Condition of Approval 5. The Applicant owns all 4 units within the Benson Building.

(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 Site	No change is proposed
Traffic Considerations including Capacity of the Existing Streets in the Area	No Unmitigated Impacts: The Residential Use will be a less intensive use than the existing Commercial Use. There are bus stops in the immediate vicinity.
Utility Capacity	Utilities are available onsite
Emergency Vehicle Access	No Change to Emergency Access is proposed
Location and Amount of Off-Street Parking	Complies: See Parking section below.
Internal Vehicular and Pedestrian Circulation System	No changes to the Internal Vehicular and Pedestrian Circulation System are proposed
Fencing, Screening, and Landscaping	No changes to the Fencing, Screening, or Landscaping are proposed
Building Mass, Bulk, and Orientation	No changes to Building Mass, Bulk, and Orientation are proposed
Usable Open Space	No changes to Usable Open Space are proposed
Signs and Lighting	Complies: See Condition of Approval (COA) 4,

	requiring that any signage must be compliant with the Municipal Code of Park City (MCPC) Title 12 and the Master Sign Plan for 1662 Bonanza Drive.
Physical Design and Compatibility with Surrounding Structures	No changes to the Physical Design and Compatibility with Surrounding Structures are proposed
Noise, Vibration, Odors, Stream, or Other Mechanical Factors	No changes are proposed
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	No changes are proposed
Expected Ownership and Management	Complies: See Ownership and Management section below.
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	The Site is not located within any of these areas, nor are there any changes to the topography of the Site proposed
Reviewed for Consistency with the Goals and Objectives of the Park City General Plan	Complies: See General Plan section below.

1. Location and Amount of Off-Street Parking

Condition of Approval Recommended

Unit 1 is 1,120 square feet. As a Commercial Use, under LMC § [15-3-6\(B\)](#), the parking requirement is 3 spaces. The requirement as a Multi-Unit Dwelling would be for 1.5 spaces as indicated by LMC § [15-3-6\(A\)](#). LMC § [15-3-6\(C\)](#) states that when a fractional number results, the number is rounded up, so the parking requirement for this CUP is 2 spaces. This is an overall reduction of a parking space from the current commercial status of Unit 1.

Parking for the Prospector Square Subdivision is managed by the Prospector Square Property Owners Association, hereby referred to as the Owners Association. The Owners Association manages parking based on a shared parking concept, in which all the lots can be improved without providing on-site parking. Parking is provided through the Owners Association on those common areas that have been designated as parking lots. Each owner may utilize parking in any or all the Parking Lots, in common with all the other Owners. The Prospector Square Owners Association does require a specific overnight parking permit for any parking in that lot for overnight parking. Proposed COA 3 would require the Applicant to get an overnight parking permit from the Owners

Association. With this Condition, the CUP would comply with the Parking Requirement between the overnight parking permit and the overall reduction from the existing condition of the Unit. The Owners Association parking rules and regulations are attached as Exhibit H.

2. Expected Ownership and Management ***No unmitigated impacts***

The Applicant owns all four units within the Benson Building. Staff does not anticipate ownership of Unit 1 to change if the CUP is approved.

3. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan; However such Review for Consistency shall not alone be Binding ***No unmitigated impacts***

1662 Bonanza Drive is located within the Bonanza Park Neighborhood as outlined within the General Plan. Goal 3.1 states, “(t)he overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units.”² It also says, “(a)s outdated buildings are replaced and existing buildings expand, the neighborhood will evolve into a local, mixed-use district.”³

The creation of a new housing unit in this location would be helping to achieve this goal of creating a mixed-use district.

(V) The Development Review Committee met on July 4, 2023, and did not identify any issues.⁴

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, 2023.⁵

Public Input

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

² Park City General Plan, Volume 2, p. 168.

³ Ibid

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 1662 Bonanza Drive Conditional Use Permit;
- The Planning Commission may deny the 1662 Bonanza Drive Conditional Use Permit 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: Existing Prospector Retail Building Condominium Plat

Exhibit C: 03.24.1982 Planning Commission Minutes

Exhibit D: 04.01.1982 City Council Minutes

Exhibit E: Applicant Submittal Statement

Exhibit F: Proposed Unit 1 Remodel Plans

Exhibit G: Declaration of Condominium for Prospector Retail Building

Exhibit H: Prospector Square Owners Association Parking Rules & Regulations



Planning Department

August 9, 2023

RicciAhn LLC
2118 Twilight Court
Park City, UT, 84060

CC: Michael Buchholz
Mick_buchholz@yahoo.com

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 1662 Bonanza Drive

Zoning District: General Commercial
Transfer of Development Rights Overlay Zone

Application: Conditional Use Permit

Project Number: PL-23-05718

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: August 9, 2023

Project Summary: The Applicant proposes to convert Unit 1 of the Prospector Retail Building from its existing Commercial Use to a Multi-Unit Dwelling Residential Use as an Apartment.

Action Taken

On August 9, 2023, the Planning Commission conducted a public hearing and approved the Conditional Use Permit for 1662 Bonanza Drive according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. 1662 Bonanza Drive is located in the General Commercial District and Transfer of Development Rights Overlay Zone.
2. On April 1, 1982, the City Council approved the Prospector Retail Building Condominium Plat, located at 1662 Bonanza Drive.



Planning Department

3. On April 5, 1982, the Prospector Retail Building Condominium Plat was recorded with the Summit County Recorder.
4. Unit 1 is located on the Main Floor of 1662 Bonanza Drive.
5. Unit 1 has been used for Commercial uses, specifically a Yoga Studio.
6. Unit 1 is 1120 Square Feet.
7. The parking lot in the Prospector Square Subdivision is managed by the Prospector Square Property Owners Association, hereby referred to as the Owners Association.
8. Multi-Unit Dwellings are a Conditional use in the General Commercial District under LMC § 15-2.18-2(B)(4).
9. Both the Prospector Retail Building Condominium Plat and the Declaration of Condominium must be amended to allow for Residential Use, as required by Condition of Approval 5.
10. **Size and Location of Site** – No change is proposed.
11. **Traffic Considerations including Capacity of the Existing Streets in the Area** – No unmitigated impacts as the Multi-Unit Dwelling will be a less intensive use than the existing Commercial Use. There are also bus stops in the immediate vicinity.
12. **Utility Capacity, including storm water runoff** – Utilities are available onsite.
13. **Emergency Vehicle Access** – No Change to Emergency Access is proposed.
14. **Location and Amount of Off-Street Parking** Unit 1 is 1,120 square feet. As a Commercial Use, under LMC § 15-3-6(B), the parking requirement is 3 spaces. The requirement as a Multi-Unit Dwelling would be for 1.5 spaces as indicated by LMC § 15-3-6(A). LMC § 15-3-6(C) states that when a fractional number results, the number is rounded up, so the parking requirement for this CUP is 2 spaces. This is an overall reduction of a parking space from the current commercial status of Unit 1. Parking for the Prospector Square Subdivision is managed by the Prospector Square Property Owners Association, hereby referred to as the Owners Association. The Owners Association manages parking based on a shared parking concept, in which all the lots can be improved without providing on-site parking. Parking is provided through the Owners Association on those common areas that have been designated as parking lots. Each owner may utilize parking in any or all the Parking Lots, in common with all the other Owners. The Prospector Square Owners Association does require a specific overnight parking permit for any parking in that lot for overnight parking. Proposed COA 3 would require the Applicant to get an overnight parking permit



Planning Department

from the Owners Association. With this Condition, the CUP would comply with the Parking Requirement between the overnight parking permit and the overall reduction from the existing condition of the Unit.

15. **Internal Vehicular and Pedestrian Circulation System** – No changes to the Internal Vehicular and Pedestrian Circulation System are proposed.
16. **Fencing, Screening, and Landscaping** – No changes to the Fencing, Screening, or Landscaping are proposed.
17. **Building Mass, Bulk, and Orientation** – No changes to Building Mass, Bulk, and Orientation are proposed.
18. **Usable Open Space** – No changes to Usable Open Space are proposed.
19. **Signs and Lighting** – Condition of Approval 4 requires that any signage must be compliant with the Municipal Code of Park City (MCPC) Title 12 and the Master Sign Plan for 1662 Bonanza Drive. No changes to lighting are proposed.
20. **Physical Design and Compatibility with Surrounding Structures** – No changes to the Physical Design and Compatibility with Surrounding Structures are proposed.
21. **Noise, Vibration, Odors, Stream, or Other Mechanical Factors** – No changes are proposed.
22. **Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas** – No changes are proposed.
23. **Expected Ownership and Management** – The Applicant owns all four units within the Benson Building. Staff does not anticipate ownership of Unit 1 to change if the CUP is approved.
24. **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** – The Site is not located within any of these areas, nor are there any changes to the topography of the Site proposed.
25. **Reviewed for Consistency with the Goals and Objectives of the Park City General Plan** – 1662 Bonanza Drive is located within the Bonanza Park Neighborhood as outlined within the General Plan. Goal 3.1 states, “(t)he overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units” (Park City General Plan, Volume 2, p. 168). It also says, “(a)s outdated buildings are replaced and existing buildings expand, the neighborhood will evolve into a local, mixed-use



Planning Department

district” (Park City General Plan, Volume 2, p. 168). The creation of a new housing unit in this location would be helping achieve this goal of creating a mixed-use district.

26. The Development Review Committee discussed the Application on July 4, 2023.
27. 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.

Conclusions of Law

1. The proposed application as conditioned complies with the requirements of the Land Management Code.
2. The proposed application as conditioned complies with the Prospector Retail Building Condominium Plat.
3. The proposed Multi-Unit Dwelling Use is compatible with surrounding structures in use, scale, mass, and circulation.
4. The proposed Multi-Unit Dwelling Use is compatible with the Park City General Plan.
5. The effects of the difference in use or scale of the proposed Multi-Unit Dwelling Use have been mitigated through careful planning and Conditions of Approval.

Conditions of Approval

1. No Limited Common Areas or Common Areas of the Prospector Retail Building Condominium Plat shall be disturbed by this change of use.
2. No Development Rights shall be transferred as part of this Conditional Use Permit.
3. The Applicant is required to obtain an overnight parking permit from the Owners Association.
4. Any signage must be compliant with the Municipal Code of Park City (MCPC) Title 12 and the Master Sign Plan for 1662 Bonanza Drive, which shall be reviewed through a Sign Permit.
5. Before this CUP can take effect and a building permit can be issued for the remodel to Unit A to convert it to a Residential Use, the Prospector Retail Building Condominium Plat must be amended to allow for this, as well as Chapter 8 of the Declaration of Condominium, and both amending documents recorded with the Summit County Recorder.



Planning Department

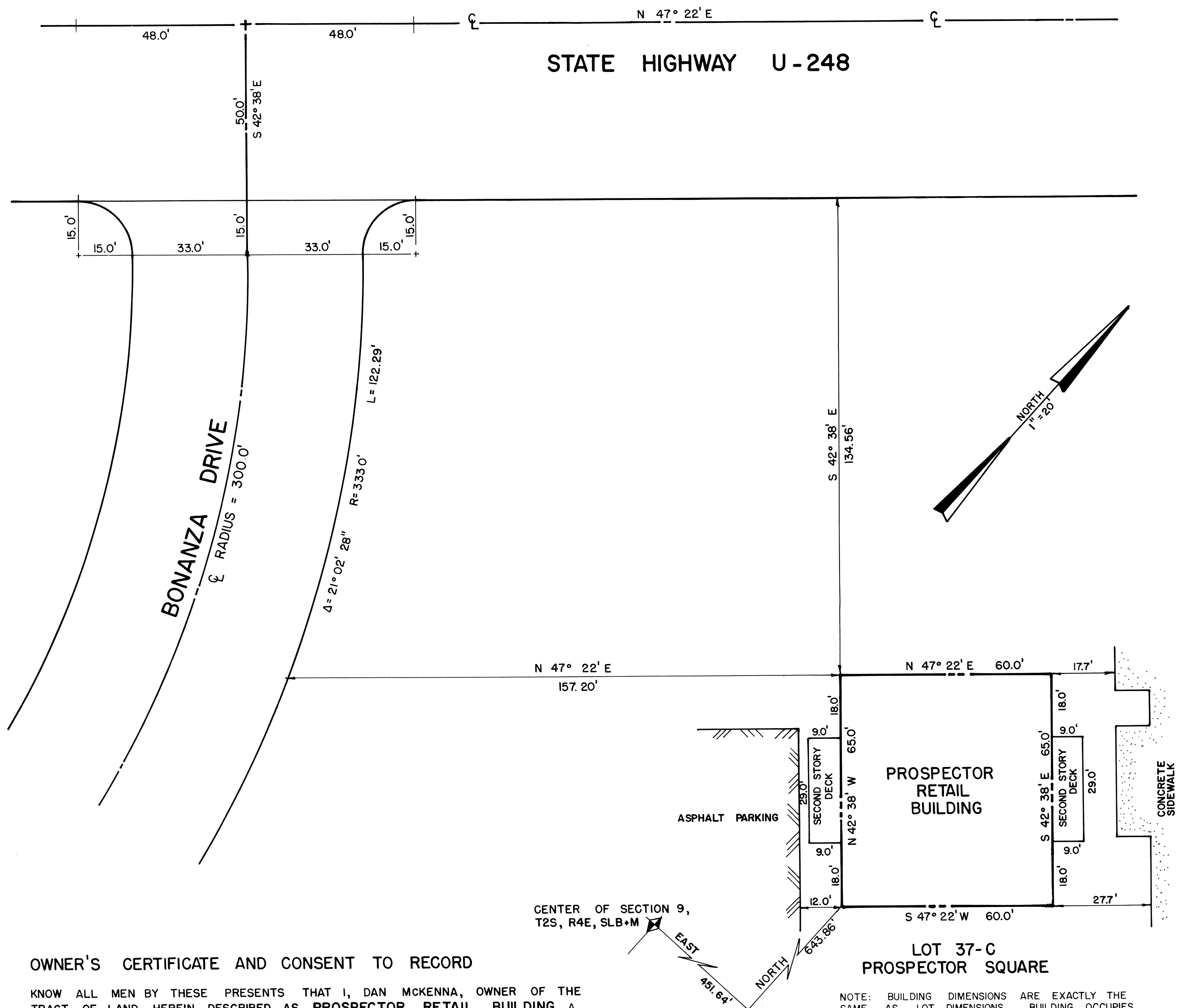
If you have questions or concerns regarding this Final Action Letter, please call 436-615-5058 or email jaron.ehlers@parkcity.org.

Sincerely,

Sarah Hall
Planning Commission Chair

CC: Jaron Ehlers, Project Planner

DRAFT



OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT I, DAN MCKENNA, OWNER OF THE TRACT OF LAND HEREIN DESCRIBED AS PROSPECTOR RETAIL BUILDING, A UTAH CONDOMINIUM PROJECT LOCATED ON SAID TRACT OF LAND, DO HEREBY MAKE THIS CERTIFICATE THAT I HAVE CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM ACT SUBMITTING THE DESCRIBED PROPERTY TO THE UTAH CONDOMINIUM ACT.

IN WITNESS WHEREOF, I HAVE SET MY HAND THIS 28 DAY OF Jan 1982

Dan McKenna
DAN MCKENNA

ACKNOWLEDGEMENT

STATE OF UTAH COUNTY OF SUMMIT

ON THIS 28 DAY OF Jan 1982, PERSONALLY APPEARED BEFORE ME DAN MCKENNA, WHO, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THAT HE DID SIGN THE ABOVE CONSENT TO RECORD, AND DID EXECUTE THE SAME.

IN WITNESS WHEREOF, I HAVE SET MY HAND THIS 28 DAY OF Jan 1982

Harold L. Stevens
NOTARY PUBLIC
RESIDING AT Park City, Utah

MY COMMISSION EXPIRES:
4-14-85

LOT 37-C PROSPECTOR SQUARE

NOTE: BUILDING DIMENSIONS ARE EXACTLY THE SAME AS LOT DIMENSIONS. BUILDING OCCUPIES ENTIRE LOT, BUT DOES NOT EXCEED LOT BOUNDARIES. (EXCEPT FOR OVERHANG OF SECOND-STORY DECK).

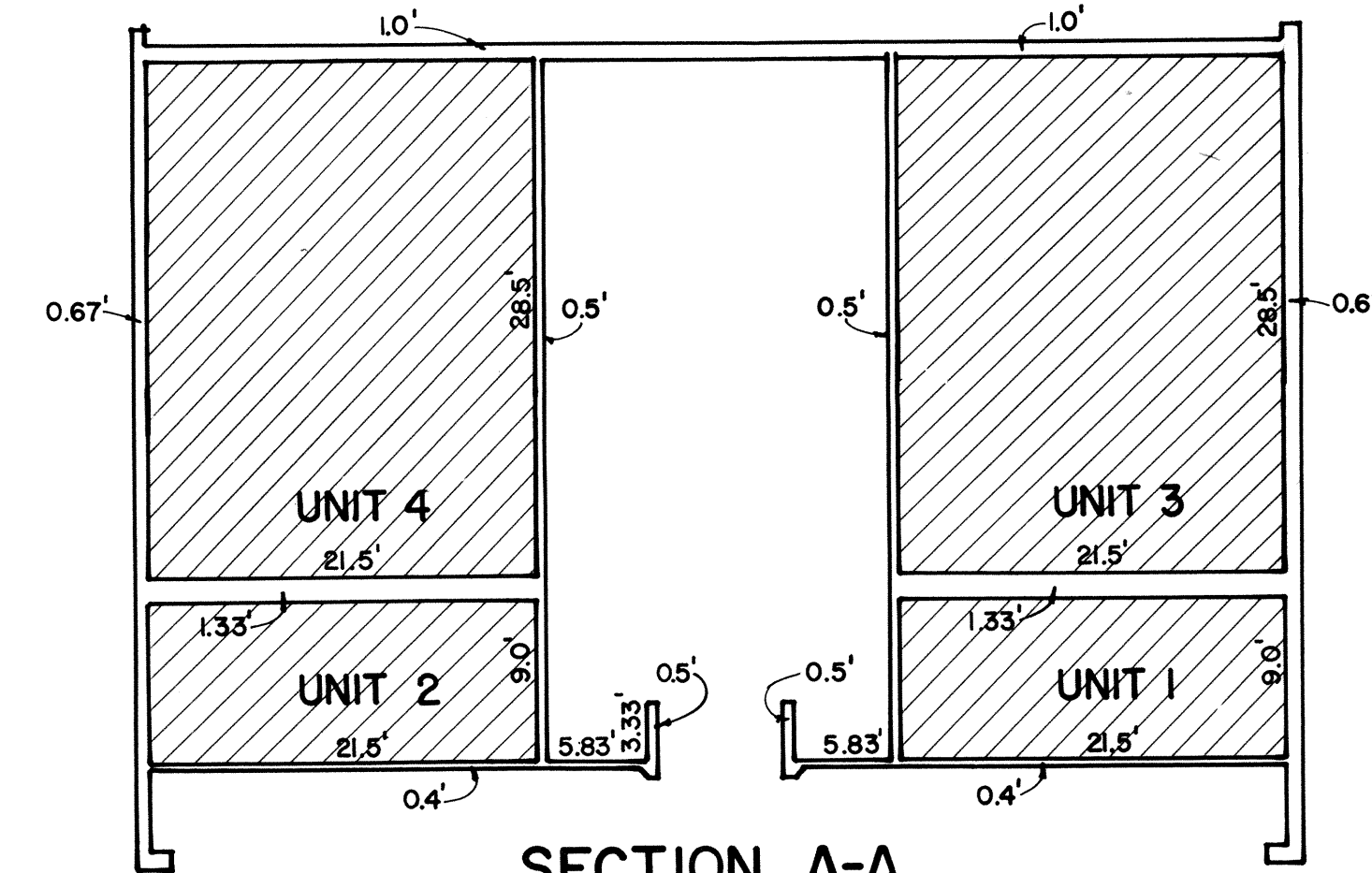
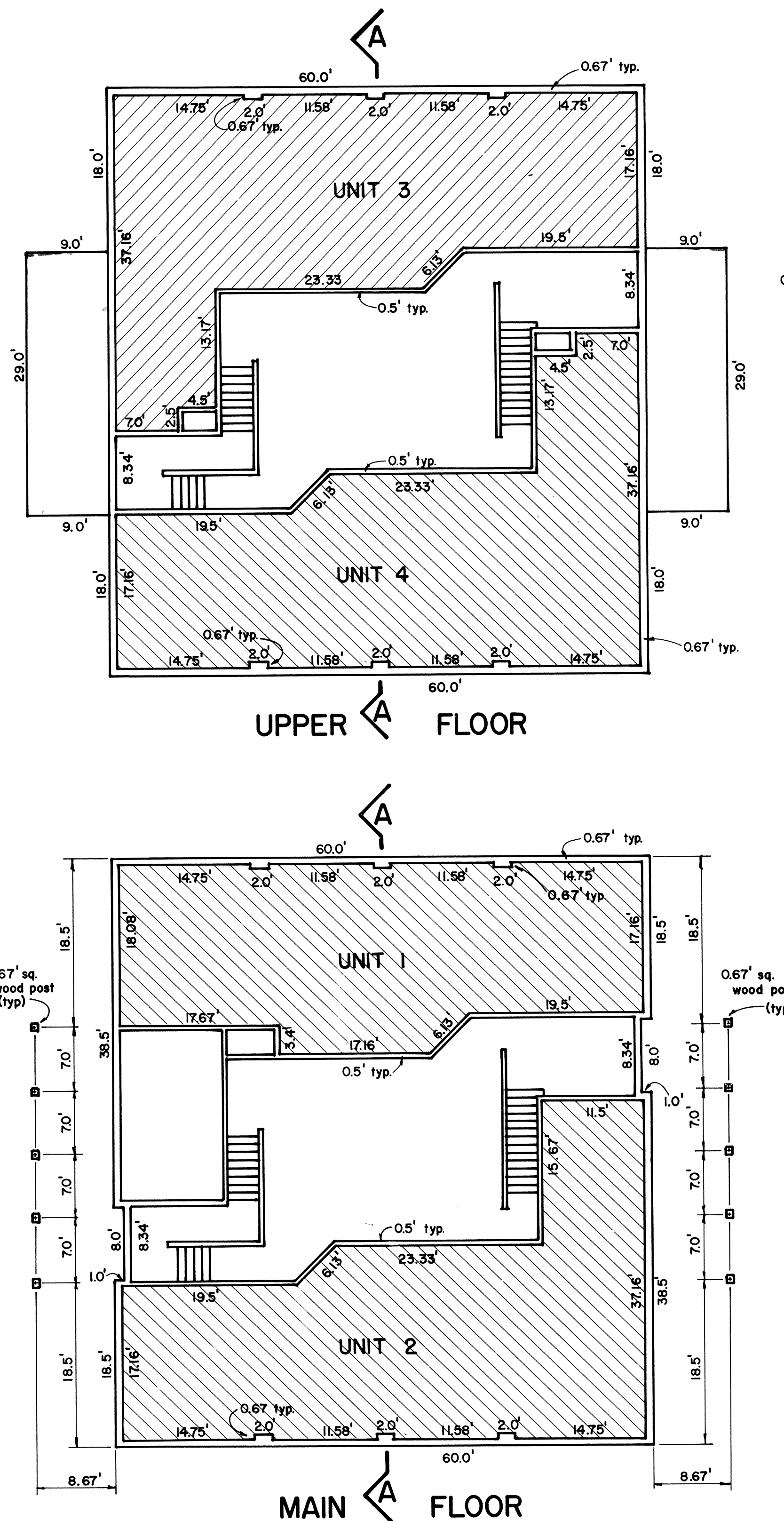
BOUNDARY DESCRIPTION

LOT 37-C, PROSPECTOR SQUARE SUBDIVISION, LOCATED IN PARK CITY SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, DUNCAN J. SILVER, REGISTERED LAND SURVEYOR, HOLD CERTIFICATE NO. 3491, AS PRESCRIBED BY THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT, BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HERewith, TO BE HEREAFTER KNOWN AS PROSPECTOR RETAIL BUILDING, THAT THE BUILDING IS SITUATED ON THE PROPERTY AS SHOWN, AND THAT ALL BUILDING SPECIFICATIONS ARE AS SHOWN ON THIS RECORD OF SURVEY MAP.

Duncan J. Silver 13 JAN. 1982
DUNCAN J. SILVER #3491 DATE



UNIT	FLOOR AREA (SQUARE FT.)	FLOOR ELEVATION	CEILING ELEVATION
1	1102	7188.50	7197.50
2	1343	7188.50	7197.50
3	1331	7198.83	7227.33
4	1331	7198.83	7227.33

LEGEND

	PRIVATE OWNERSHIP
	LIMITED COMMON AREA
	COMMON AREA

BENCHMARK: FIRE HYDRANT IN PARKING LOT
200' ± WEST OF PROSPECTOR RETAIL BUILDING:
BOLT ON BOTTOM FLANGE - ELEVATION 7193.01

RECORD OF SURVEY MAP OF PROSPECTOR RETAIL BUILDING

A UTAH CONDOMINIUM PROJECT
LOCATED ON LOT 37-C, PROSPECTOR SQUARE SUBDIVISION
PARK CITY, SUMMIT COUNTY, UTAH

SE SUMMIT ENGINEERING INC.	STAFF: DBJ kmk	FOR: DAN MCKENNA	PAGE 1/1
	DATE: 18 JAN 82	JOB NO. 82-01-02	

P.O. BOX 493, 1160 PARK AVENUE, PARK CITY, UTAH, 84060, PHONE 801-649-8808

PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS <u>23</u> DAY OF <u>MARCH</u> A.D. 19 <u>82</u> <u>H. Gregory Larson</u> CHAIRMAN	ENGINEERS CERTIFICATE APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS <u>10</u> DAY OF <u>MARCH</u> A.D. 19 <u>82</u> <u>Eric W. DeHaan, P.E.</u> ASS'T PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>1</u> DAY OF <u>April</u> A.D. 19 <u>82</u> <u>Thomas E. Clyde</u> PARK CITY ATTORNEY	PARK CITY APPROVAL PRESENTED TO THE PARK CITY COUNCIL THIS <u>1st</u> DAY OF <u>April</u> 1982 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED. <u>Mark Olson</u> CITY CLERK <u>John A. Dwyer</u> MAYOR	RECORDED <u>Entry # 190073</u> STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF: <u>Associated Title Co.</u> DATE <u>4-5-82</u> TIME <u>11:32</u> BOOK <u> </u> PAGE <u> </u> FEE <u>\$12.00</u> <u>Wanda Y. Sprague</u> SUMMIT COUNTY RECORDER
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Planning Commission Minutes
March 24, 1982
Page Ten

Chairman Lawson said that the employee housing units would probably be placed under the control of the Park City Housing Authority.

Director Ligety said that before the staff works with the developer on final drawings, he felt the architecture should be further refined. He would like to see another level of detail before the architect provides final drawings.

Mr. Cowher asked Mr. Carbine if he could provide the commissioners with photographs showing the view from Lowell Avenue from a pedestrian level. Mr. Carbine said he could provide slides that would give the commissioners a "pedestrian trip" through the project.

Chairman Lawson asked the commissioners if they would like to have another work session set up to review the project again. Mr. Carbine asked if that could be left up to his prerogative and the outcome of the sessions with the planning staff. Director Ligety recommended that there be another non-decision meeting with the commission. The commission was polled and agreed with Director Ligety's recommendation.
OLD SEWER PLANT ANNEXATION

Director Ligety explained that this was a piece of property that is shown as ROS on the district zoning map. This is an inactive sewerage treatment plant located to the southeast of the intersection of U-224 and Holiday Ranch Loop Road. Research of city records indicates that this parcel of city-owned land has never been annexed to the city. The staff recommends annexation with ROS zoning. This annexation will eliminate one of two unincorporated islands within the city; the other, Snow Creek, is presently in the annexation process.

Motion

Mr. Mammen moved that the Planning Commission recommend to City Council the annexation of the old sewer plant parcel with the staff's recommendation that it be zoned ROS.

Mr. Cowher seconded the motion. The motion passed unanimously.

PROSPECTOR RETAIL BUILDING

Director Ligety said that this was a recommendation to approve the condominiumization of a commercial building that is presently in the final stages of construction on Lot 37-C in the prospector Square Subdivision in the GC zone. This would only change the ownership of the building not effect the use.

Planning Commission Minutes
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Motion

Mr. Watts moved that the Planning Commission approve the condominiumization of the Prospector Retail Building.

Mr. Bishop seconded the motion and the motion passed unanimously.

Mr. Watts said that he had an additional comment. The Planning Commission approved sometime ago the transmitter site. It has now become an eyesore. Director Vance replied that he has been working on this for over four months. The commission was led to believe that the disc could not go any other place other than in that 100-foot radius. That was incorrect, it could have gone anywhere. The problem now is that moving it is going to be expensive. The t.v. company is just as concerned because they realize they are in violation and have been working with the city to locate another site.

Motion

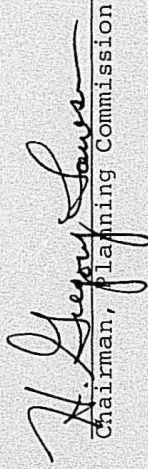
Mr. Berrett moved that the meeting be adjourned.

Mr. Cowher seconded the motion and it passed unanimously.

The meeting was adjourned at 9:20 p.m.

APPROVED

DATE


Chairman, Planning Commission

April 14, 1982

CITY COUNCIL MINUTES
PARK CITY, UTAH
APRIL 1, 1982

ABB923

Mayor Green called the meeting to order at 5:00 p.m. in the Memorial Building in Park City, Utah on April 1, 1982. Members present were Helen Alvarez, Bob Wells, Tina Lewis, and Tom Shellenberger. Bill Coleman was absent. Also in attendance was Mayor Green; Arlene Loble, City Manager; Tom Clyde, City Attorney; Bill Ligety, Planning Director; Mike Vance, Community Development Director; and Bob Lashier, Public Works Director.

Arlene Loble invited the public to review the revised Annexation Declaration Policy. Tom Clyde explained through illustration of the annexation map, the policy declaration which divides the Snyderville area into three areas. (1) The annexation boundary area that surrounds Park City. The City Council feels this area can be economically served by city services and a logical addition to the city. (2) Potential annexation areas for consideration (White Pine, Kimball Junction area and through Silver Creek area). (3) Rest of the Snyderville basis, which is area the city is not interested in annexing at all, and would not consider annexing at this time (Jeremy Ranch, Summit Park, and Timberline areas). The City Attorney continued to explain that annexation is generally initiated by property owner(s), not municipalities. The property owner desiring annexation would submit a petition. The petition is the annexation vehicle, making it a voluntary process. The law provides that city's cannot have islands of unannexed areas (i.e., Snow Creek and the old sewer plant site). Tom Clyde discussed the complexities of a property owner opposing annexation and the formulas conducting annexation to handle these types of situations (number of owners and assessed valuation formulas). Mr. Clyde reiterated that the city does not initiate annexation. Mr. Ligety, Planning Director, commented that the annexation policy has been developed in conjunction with Gage Davis over the last year. The final policy is one that will be updated about every three years, which is actually part of the policy. A market analysis through Economic Research Associates of California was conducted which revealed the demand for housing and industrial development in the Snyderville Basin over a number of years. A fiscal analysis was also done by EWP Associates of Salt Lake City, an engineering firm. EWP completed a computer analysis enabling review of a number of variables to understand what the fiscal impacts of development would be. Mr. Ligety reemphasized that the city is not forcing annexation, but rather entertaining annexation for purposes of well planned urbanization, and encouraging property owner consciousness. The Planning Director outlined the process of annexation. (1) Submission of petition, (2) review of compliance criteria by staff, (3) agreement between the developer, staff, and Planning Commission, and (4) public hearing and review process through the City Council. The city has also drafted a guide of uniform conditions, concerning (1) water rights, (2) fiscal impact analysis, (3) moderate income/employee housing provisions, (4) park development and acquisition, (5) open space preservation, and (6) site plan analysis.

Mayor Green called for PUBLIC HEARING of the final Annexation Policy Declaration. The Mayor pointed out that the second paragraph, first line of the declaration should read "...considers annexing", rather than "...desires to annex".

Dr. Osguthorpe - Property owner of considered areas, commented that the County Assessor advised him that his taxes would greatly increase through annexation. He expressed his concern about the lack of greenbelt taxing provisions. Untypically, as an owner of 400 acres, he questioned whether the city would provide him with city services, even though he was paying the taxes.

The City Attorney responded it was his feeling that greenbelt insurance would be between the property owner and the County Assessor and would apply to property within the city. The ROS would permit agricultural use and it is generally felt that ROS zoning depresses the value of the property rather than increasing it. Tom Clyde further advised Dr. Osguthorpe that his property would not be valuable in terms of numbers, but valuable in terms of assessed valuation, but under the assessed valuation test, his property could not be annexed without Osguthorpe's consent.

Stan Streble - Summit County Planner, commented that it would not be economical for the city to attempt to provide service to the north boundary line of Quarry Mountain and into the other side, and asked the city's intent.

Bill Ligety explained that it was the city's concern to provide an appealing visual impact by keeping that hillside open.

Mel Armstrong - property owner, asked the City Attorney to clarify greenbelt exemptions.

Tom Clyde explained that the city tax assessments are prepared by the county and if Mr. Armstrong had a greenbelt exemption applying to the valuation of his property, it affects the taxes the city can draw from the city mill levy, and the Sewer District, School District, and the Fire District. Annexed areas taxes would increase, but a greenbelt exemption essentially depresses assessed valuation.

Bruce Erickson - J. J. Johnson & Associates, indicated that Summit County's level of planning is outstanding and felt that Summit County was referred to in a negative manner.

Tom Clyde explained that the word in the conditions was certainly not intended to demean. Rural is only intended to distinguish rural from urban.

Vince Desimone - property owner, felt that facts such as who pays for the actual annexation, the actual benefits, and who pays for those benefits should be clearly outlined, so people would be in a better position to make a decision.

Mayor Green pointed out that annexed areas would be subject to city ordinances. The City Attorney commented that the purpose of this declaration is to inform property owners of considerations by the city. When a petition is submitted to the city, the property is thoroughly reviewed on a cost analysis basis, conducted on a site specific basis rather than on a general area basis.

Vince Desimone - clarified his request of the inclusion of a policy statement in the declaration that requires

the city to outline specific facts, before actual annexation.

Bill Ligety explained the computer system capabilities of arriving at the actual costs incurred by annexing a particular parcel, lending accurate information to the property owner. Nolan Rosall of Gage Davis pointed out language in the annexation document which answered Mr. Desimone's questions.

After request for additional public input, and no response, Mayor Green declared the PUBLIC HEARING on annexation closed.

Mayor Green called for PUBLIC HEARING concerning consideration of procedural amendments to the Land Management Code.

The Planning Director explained that the subject document is close to final form. The intent is to revise the process of the ordinance and not the substance, and basically to create clearer procedures. A companion booklet, The Developer's Handbook, will be available in approximately a month to assist for further proficiency. Future phase products include a hillside recognizance study to aid the hillside ordinance, which is part of this document and the streamlining of language of other ordinances for clarification for the developers.

The City Attorney invited concerns to be addressed to him regarding interpretation of the Code.

Mayor Green closed the PUBLIC HEARING concerning the Land Management Code, and opened the PUBLIC INPUT portion of the meeting.

Bill Mammen - Businessman and resident of Park City, expressed the conflicts he experiences with the proposed business license ordinance. It was his feeling that the cost projected as the resorts' share in Park City is far below that which other resorts deem as a fair share. It was his fear that if the concept is implemented that there is no guarantee that it will be successful; his business license will be increased 200% and he also mentioned an increase in property taxes, making it prohibitive for a person to reside and operate a business in Park City, especially in consideration of the higher rents for commercial space in Park City. He also felt that putting the burden on restaurants was also unfair. He would prefer no city bus system, and solely the transit system provided by the resorts and hotels.

The City Manager informed Mr. Mammen that the named resorts (Aspen and Vail) pay one-third the costs of operating their transportation systems. What is proposed in Park City's business license tax is that approximately one-third of the operating revenues would be provided by the resorts. The remainder of the bus system support in Aspen and Vail is provided through a local option sales tax, which is illegal in Utah, and for that reason can not be considered in Park City.

Helen Alvarez added that the majority of the residents and businessmen in Park City support the continuation and the upgrading of the bus system. She also pointed out that some of the restaurant owners are actually going to pay less under the recently proposed schedule.

Bill Mammen - Disagreed with the expressed support of the residents and business community and commented that that was not his experience.

Debbie Symonds - Chamber & Convention Bureau, discussed the Bureau's representation of the business community and a task force committee, specifically convened for the purposes of reviewing the subject fee structure. It was the consensus of the committee to support the transportation system as pointed out by Ms. Alvarez. Ms. Symonds also commented that many were surprised when they actually calculated their business license fee that their license was not excessive.

Bob Pinder - Businessman in Park City, feels that the present bus system is nonfunctional, mismanaged, and illusive. He suggested on-call service to minimize the full-service costs. Mr. Pinder complained about the inconvenience of the 5 p.m. input sessions. He also expressed his dissatisfaction with the impact of the proposed fee on his businesses which do not benefit from the bus system. He feels that the proposed fee structure discourages businesses who may be considering relocating to Park City clearly depressing potential growth in Park City.

Mayor Green commented that personally he would prefer that the city not be in the bus business, but that most businesses in Park City support a public transportation system.

Bob Pinder - Tried to clarify his point by addressing the concerns of the non-recreational orientated businesses who feel the bus system does not contribute to their business clientele or employees. He felt that type of business should be considered for proportionate taxing. Mr. Pinder felt penalized for conducting businesses in Park City.

It was pointed out by Council that every business benefits economically from the recreational aspects of the city, directly or indirectly.

Mayor Green closed the PUBLIC INPUT session of the meeting.

Because the Recorder was out of the room, Mayor Green changed the order of the agenda by postponing approval of the Minutes of March 18th, and called for:

APPROVAL OF VERIFIED BILLS AND PRIOR CHECKS WRITTEN

Tom Shellenberger, "I move we approve the summary of verified bills". Helen Alvarez seconded. Motion carried.

PUBLIC COMMUNICATIONS AND PETITIONS

Plat Approval of Amber Daystar Subdivision: Mike Vance, Community Development Director clarified that although Amber Daystar is called a "subdivision", in actuality it is a condominium development, consisting of 24 units and located in the Solamere area of Deer Valley. There is an escrow agreement in place of \$187,000, including the engineering and landscaping improvements (\$121,000). Mr. Vance recommends approval. Helen Alvarez, "I move approval of the plat of Amber Daystar Condominium". Tom Shellenberger seconded. Motion carried.

Alvarez	Aye
Lewis	Aye
Shellenberger	Aye
Coleman	Aye
Wells	Abstention, for reason of ownership interest

Plat Approval of Prospector Retail Building: Mike Vance commented that this office center is being constructed in the Prospector Park area, and is condominiumization of office space rather than living space. There are no landscaping requirements, and there are no engineering improvements. Mr. Vance felt that the plat was ready for approval. Tina Lewis, "I move approval of the Prospector Retail Building". Bob Wells seconded. Motion carried.

Plat Approval of Knoll at Silver Lake Condos: Mike Vance described the four-unit condominium located in the Silver Lake area of Deer Valley, including a total \$60,000 in the Letter of Credit, of which \$35,000 is designated for landscaping. The Community Development Director recommended approval of the subject plat. Bob Wells, "I so move". Tom Shellenberger seconded. Motion carried.

There was a short discussion on the lack of lighting in Prospector Square. The City Manager stated that it is the intention of Prospector Square to repair the lights and then turn them over to the city for on-going maintenance and operation. John Price is in the process of repairing the lights in the Prospector Park area.

City Funding Requests: The City Manager discussed the annual budget and the necessary revisions incurred by the unprojected revenues from impact fees. Reopening of the budget lends itself to the priorities of capital improvement considerations and city funding requests. Mayor Green invited those who have submitted funding requests for additional comment.

Debbie Symonds - Chamber and Convention Bureau, explained that their Board of Directors is requesting \$40,000. The funding request is based on the Bureau's operation and management of the current information center, the compilation, production and distribution of various information, representation of Park City throughout State functions, advertising of the city, coordination of many activities, as well as being a public relations arm for the city.

Carol Calder - Kimball Art Center, requested \$55,000 to be used in the following manner -- to organize and present Utah Symphony summer concerts, to help underwrite the 1982 Park City Art Festival (\$14,475 deficit for Art Center), to help underwrite the 1982 summer art institute, to present a more varied program of performing arts program to Park City, summer outdoor concerts, exhibits, etc. They are close to closing their doors because of financial dilemma; grants and private contributions have decreased or become obsolete. Ms. Calder feels that because of the existence of the Art Center that Park City has become a more attractive place to live, and that property values have increased.

Don Gomes - Park City Performances, described that his funding request was primarily for children's programming, which are drastically needed. Mr. Gomes feels that requests should not exceed 5%-10% of operating expense of an organization, and suggested

ABB923

that a more formal procedure for requests be set up for the benefit of the city and the organization; and that any excess revenue has to be prioritized in capital improvements. However, he will welcome recognition.

Blair Fuelner - KPCW President & General Manager, expressed the feelings of their Board that if the city were to provide funding in this manner, that KPCW would welcome the opportunity to submit a proposal, and that all other non-profit organizations should be invited to do the same. Mr. Fuelner and the Board would like a policy-making procedure for city funding criteria outlined before making a request.

Tina Lewis commented that the Council will probably create a clearly outlined funding procedure and determine the benefits to all with regard to requests from various organizations. The Mayor briefly discussed priorities, but emphasized the importance of cultural facilities in Park City.

COMMUNICATIONS AND REPORTS FROM COUNCIL

Tina Lewis congratulated the City Manager, Arlene Loble, for being chosen the "Administrator of the Year".

APPROVAL OF MINUTES OF MARCH 18, 1982

Helen Alvarez corrected the spelling of Dave Hascum to read Dave Hanscom and the spelling of Dennis Gibbs to read Ennis Gibbs. Mayor Green asked that the middle of Page 1, "Capital expenditures are primarily paid for from the water development fees of new development", to read "Capital expenditures are primarily paid for from the water development fees of new development. (and add) Water connection fees have continually paid about 60% of the cost of the operating budget of the Water Department". Bob Wells, "I move approval of the Minutes of March 18th, as corrected". Tina Lewis seconded. Motion carried.

RESIGNATIONS AND APPOINTMENTS

Appointment of Member to Historic District Commission (filling unexpired term of David Singer to expire July 1, 1982): Tina Lewis, "I would like to move that we postpone the appointment of one member to the Historic District Commission". Helen Alvarez seconded. Motion carried.

ORDINANCE

An Ordinance Establishing a Business Revenue License: Helen Alvarez, "I move that we adopt the Ordinance establishing a business revenue license". Bob Wells seconded. Motion carried.

Bob Wells briefly stated that there may be some people may feel there are inconsistencies in the structure or that some businesses may feel there is some unfairness in their taxing category, but that the Council, in avoiding increased property taxes feel a part of the burden should be placed on the business community, and through that criteria, no business can be excluded. Tina Lewis thanked the public input for suggestions regarding this ordinance.

UNFINISHED BUSINESS

None before Council.

NEW BUSINESS

Award of Bid for the Purchase of Six Thomas Built Busses to Hasco Company: Bob Lashier, the Public Works Director, stated that on January 18, 1982, two bidders submitted bids, Lawson Distributor Company bidding \$102,450, and Hasco Company bidding \$85,119. Both bids exceeded the amount allocated by federally funded monies. After contacting UDOT, Mr. Lashier reports that 80% of the lowest bid can be funded by the government. Mr. Lashier recommends that an interlock door system be deleted of \$3,600 that would reduce the price of each bus of \$82,719, or a total of \$496,314 (for the six coaches). The reason for the deletion of the interlock door system is the mechanical problems with that feature that transit companies have experienced. Ski racks are not included in the bid. The coaches are designed for 31 passengers. Delivery is guaranteed on or before November 19th (the first bus being delivered sometime in October). Bob Wells, "I move we award the bid for the purchase of six busses to the Hasco Company". Tom Shellenberger seconded. Motion carried.

Tom Clyde moved for adjournment. Meeting adjourned.

* * * * *

MEMORANDUM OF EXECUTIVE SESSION AT CITY HALL AT 1:00 P.M. ON
APRIL 1, 1982

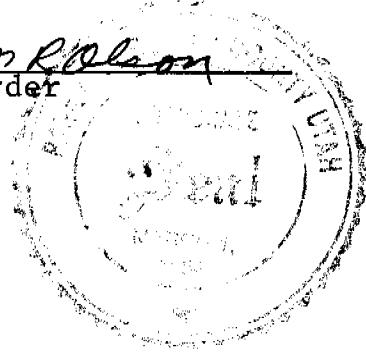
Members Present: Mayor Green
Tina Lewis
(Motion to open) Helen Alvarez
(Motion to close) Tom Shellenberger
Bob Wells

Also Present: Arlene Loble, City Manager
Tom Clyde, City Attorney

Subject Discussed: Pending Litigation - Water Rights

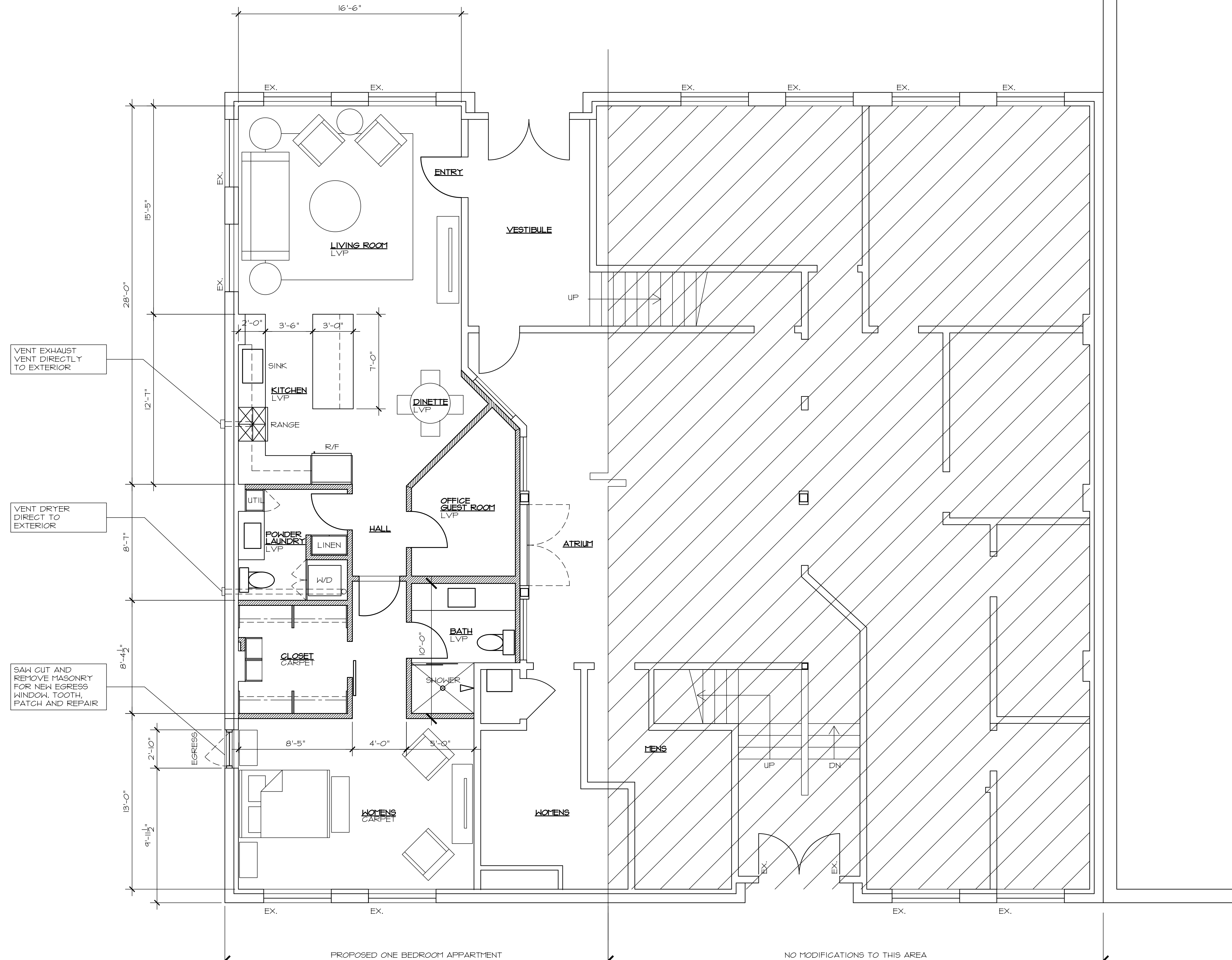
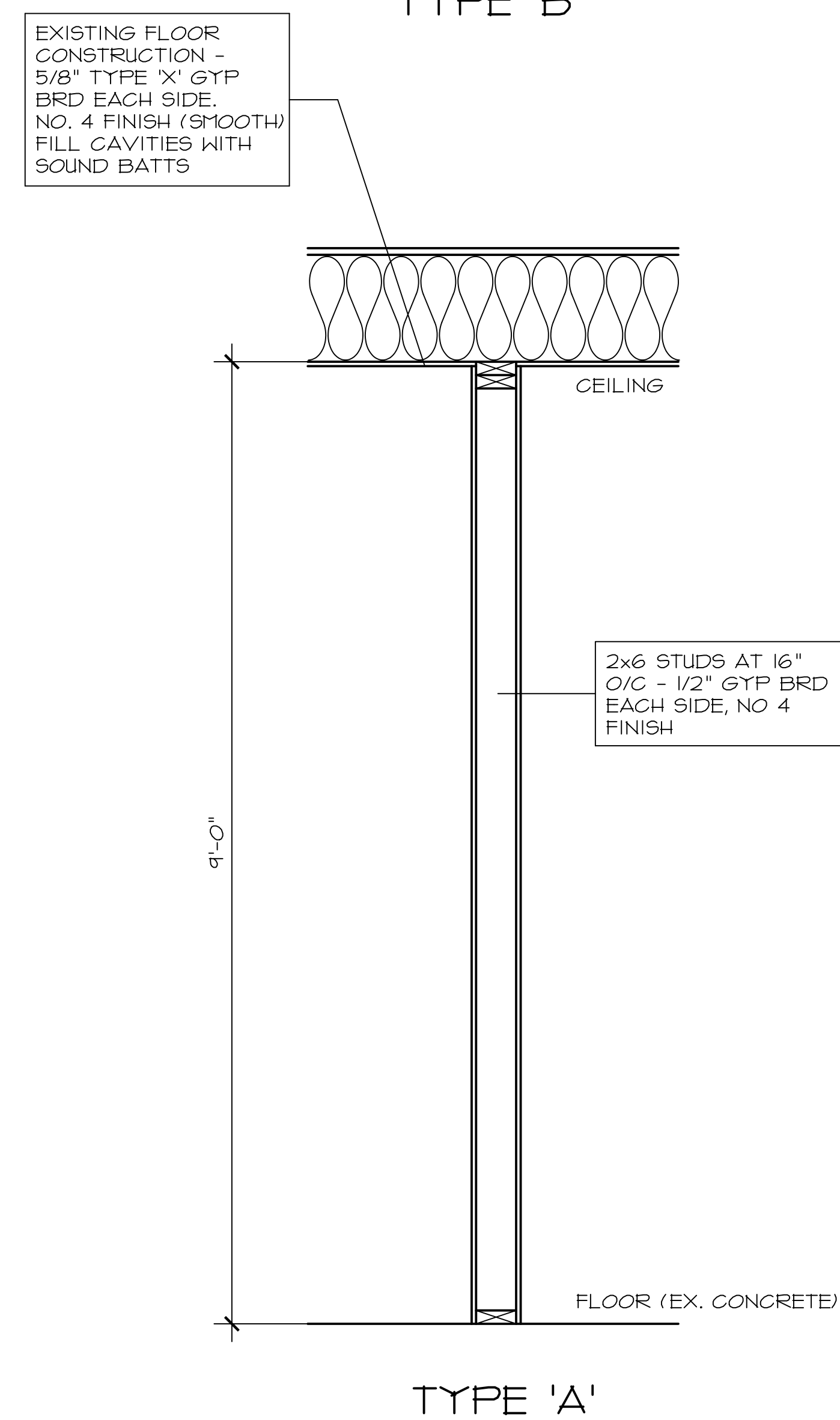
Prepared by Janet M. Scott

m R Olson
Recorder



CONDITIONAL USE PERMIT

Proposed project will be an addition of one bedroom apartment to the existing Benson building structure. No additional major construction will be completed on the outside of the building, it will remain visually the same and fit with Park City's existing image. The Benson building is neighbors with both residential and commercial buildings so the proposed project should not be incompatible with its surrounding area. The building will not emit pollutants or glare dust and will be within the same realm of noise and odor as the other residential housing in the surrounding area. The proposed plan is still consistent with the current zoning district and general plan. There are no special issues that need to be mitigated.



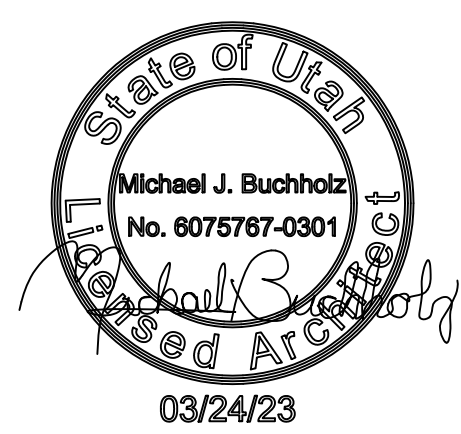
SYMBOLS LEGEND

PROPOSED FULL HEIGHT PARTITION (9'-0")	
EXISTING WALL CONSTRUCTION	

1 TYPICAL PARTITION DETAILS
A101 SCALE: 3/4" = 1'-0"

2 LOWER LEVEL FLOOR PLAN - PROPOSED ONE BEDROOM APARTMENT
A101 SCALE: 1/4" = 1'-0"

1051SF



SEAL

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TENANT BUILD-OUT

BENSON BUILDING

1662 BONANZA DRIVE

PARK CITY UTAH

DWG. TITLE

MAIN FLOOR PLAN
ONE BEDROOM APARTMENT
PROPOSED

DATE _____

C.U.P. 03/24/23

CH	TASK
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SCALE

AS NOTED

SHEET

A-1.01

RECORDED AT THE REQUEST OF/AND
RETURN TO: Park City Municipal Corporation
P O Box 1480
Park City, UT 84060

Entry No.	190074	Book	1216
RECORDED	4-5-82	at	11:33M Page 242-81
REQUEST of	ASSOCIATED TITLE COMPANY		
FEE	WANDA Y. SPRIGGS, SUMMIT CO. RECORDER		
\$	42.00	By	Wanda Y. Spriggs
INDEXED	ABSTRACT		

DECLARATION OF CONDOMINIUM

INDEXED: _____
GRANTOR: S
GRANTEE: _____
RELEASED: _____
ABSTRACTED: _____
STAMPED: _____

PROSPECTOR RETAIL BUILDING
(A COMMERCIAL CONDOMINIUM PROJECT)

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DECLARATION OF CONDOMINIUM
PROSPECTOR RETAIL BUILDING
(A COMMERCIAL CONDOMINIUM PROJECT)

THIS DECLARATION is made and executed by DAN McKENNA, a single man ("declarant"), pursuant to the provisions of the Utah Condominium Ownership Act, Title 57, Chapter 8, Utah Code Annotated 1953, as amended, hereinafter referred to as the "act."

1. RECITALS.

1.1 Declarant is the sole owner of certain real property and improvements ("property") located in Summit County, Utah, hereinafter more particularly described.

1.2 Declarant, by recording this declaration, submits the property to the provisions of the act.

1.3 The covenants, conditions and restrictions contained in this declaration and in the appendices hereto shall be enforceable equitable servitudes and shall run with the land.

1.4 Recorded simultaneously herewith is a record of survey map ("map") of the property as required by the act.

1.5 The administration of the property shall be governed by bylaws which are embodied in a separate instrument, a true copy of which is appended to and recorded with this declaration as Appendix B.

1.6 All terms used in this declaration and the appended bylaws shall have the same definition as the terms defined in the act, unless the act allows for a variation of the terms and such variation is contained herein.

1.7 The property shall be known as Prospector Retail Building (the "Retail Building").

2. DESCRIPTION OF THE LAND.

The land on which the building and improvements are located ("land") is particularly described as follows:

Lot 37C, Prospector Square Commercial Subdivision, according to the official plat thereof recorded in the office of the Summit County Recorder.

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3. DESCRIPTION OF THE BUILDING.

3.1 The improvements consist of a two-story building in which are located four individual condominium units ("units").

3.2 The building is two stories, has a concrete foundation and is of masonry construction with brick siding and a metal roof. The location and description of the units are more fully depicted on the map. The building is supplied with electricity, water, gas and sewage service. Each unit in the building will have individual heating and air conditioning systems.

4. DESCRIPTION OF UNITS; RIGHT TO SUBDIVIDE.

4.1 The units have been designated as Units 1, 2, 3 and 4. Each unit shall include both the area described in Paragraph 4.2 hereafter and the heating and air conditioning systems serving that unit. A unit owner shall have the right, without the consent of the association of unit owners, to subdivide his unit into A and B units, e.g., Unit 1A, Unit 1B, etc., provided said subdivision is approved in advance by the management committee and conforms to the extent applicable with the provisions of Section 18 of this declaration, and provided further that a physical separation between the A and B units is constructed at the expense of the unit owner in a location which approximates the equal subdivision of the unit and which provides a proper and efficient allocation of heating and air conditioning with one furnace and one air conditioner serving each of the new Units A and B. The subdivided unit shall be renumbered so that the "A" side faces the parking lot area and the "B" side faces the walking mall-main entrance area. The undivided interest of any unit so subdivided shall be reallocated between the new Units A and B based on the pro rata square footage of the new units. The unit owner shall pay the cost of amending this declaration and the map to reflect the subdivision of his unit, but all such amendments shall be effected under the direction of the management committee. No further subdivision of units shall be permitted without the unanimous consent of the association of unit owners.

4.2 The boundary lines of each unit are the undecorated and/or unfinished interior surfaces of its perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Each unit shall include both the portions of the building that are not common areas and facilities within such boundary lines and the space so encompassed, excepting common areas and facilities. Without limitation, a unit shall include any finishing material applied or affixed to the interior surfaces of the interior walls, floors and ceilings; non-supporting interior walls; and all utility pipes, lines, systems, fixtures or appliances

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found within the boundary lines of the unit and serving only that unit.

5. DESCRIPTION OF COMMON AREAS AND FACILITIES.

The common areas and facilities shall mean and include the land on which the building is located and all portions of the property not contained within any individual condominium unit, including, but not by way of limitation, the foundation, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes and entrances and exits of the building; the grounds; the areas used for storage of janitorial supplies and maintenance equipment and materials; installations of all central services, including, power, light, gas, hot and cold water, heating and garbage collection; tanks, pumps, motors, fans, ducts and, in general, all apparatuses and installations existing for common use; any utility pipes, lines or systems servicing more than a single unit; all ducts, flues, chutes, wires, conduits and other accessories and utility installations to the outlets used therewith; all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use, or which have been designated as common areas and facilities in the plat; and all repairs and replacements of any of the foregoing.

6. DESCRIPTION OF LIMITED COMMON AREAS AND FACILITIES.

Limited common areas and facilities shall mean and include those portions of the common areas and facilities reserved for the use of certain units to the exclusion of other units. The limited common areas and facilities are depicted on the map and consist principally of the areas where furnaces and air conditioning units are located. The use and occupancy of limited common areas and facilities shall be reserved to its associated unit; and each unit owner is hereby granted an irrevocable license to use said limited common areas and facilities, and shall have the responsibility to maintain such limited common areas and facilities as hereinafter provided.

7. CONDOMINIUM UNIT OWNERSHIP.

7.1 The undivided interest in the common areas and facilities appertaining to each unit and its owner for all purposes, including voting, are as set forth in Appendix A hereto and incorporated herein by this reference and have been calculated on the approximate square footages of the units as a percentage of the total approximate square footages of all units.

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7.2 A unit owner shall have the exclusive ownership and use of his unit, subject to the provisions of this declaration and bylaws, and shall have a common right to share with other unit owners in the common areas and facilities of the property.

8. PURPOSE OF THE PROPERTY.

8.1 The purpose of the property is to provide commercial and business space for unit owners. No unit shall be used as a personal residence.

8.2 The units and common areas and facilities shall be occupied and used as follows:

8.2.1 A unit owner shall not use, permit or allow his unit to be occupied or used other than for commercial sales, services or office space, or for other consistent uses commonly found in shopping centers and commercial structures, provided that no food or beverage sales shall be permitted in the units or common areas and facilities except that the management committee may permit coin-operated soft drink dispensers in the common areas if approved by a majority vote of the association of unit owners; provided further that no arcade or other use consisting of electronic games shall be permitted.

8.2.2 A unit owner will not use, permit or allow the unit to be used other than as provided in this declaration, nor will he use, permit or allow the unit to be subdivided, changed or altered except as otherwise permitted by this declaration without first having obtained the written approval of the management committee.

8.2.3 A unit owner will not use, permit or allow the unit or part thereof to be used for any offensive or unlawful purpose, nor will he permit or allow any nuisance within the unit.

8.2.4 A unit owner will not use, permit or allow the unit to be used for conduct of any retail business of substantially the same character and type as the retail business which is then being conducted in another unit without the prior written consent of the unit owner of such other unit.

8.2.5 All permitted uses of all units shall be limited such as in the opinion of the management committee are not inconsistent with the maintenance of the general character of the building as a commercial property of the first class in the quality of its maintenance, use and occupancy.

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8.2.6 Each unit shall be used only for such purposes and to such extent as will not overload or interfere with any common areas and facilities or the enjoyment thereof by the owners of other units. No unit owner will permit anything to be done or kept in his unit or in the limited common areas and facilities appurtenant thereto which would result in an increase in the cost of insurance on the property or that would result in the cancellation of insurance with respect to all or any part of the property.

8.2.7 No unit owner or occupant shall discharge or permit to be discharged into any waste lines, vents or flues of the building anything which might reasonably be anticipated to cause damage thereto, spread odors or otherwise be offensive. Any mechanical equipment installed in any unit shall be so designed, installed, maintained and used by the unit owner or the occupant of the unit at the expense of such owner as to minimize insofar as possible and in any event reduce to reasonably acceptable level the transmission of noise, vibration, odors and other objectionable transmissions from such unit to any other area of the building.

8.2.8 A unit owner shall not alter, construct in or remove anything from the common areas and facilities, except with the prior written consent of the management committee or its designee; provided, however, that the unit owners of Units 3 and 4 are hereby granted a license to connect through the common areas and facilities adjoining their units to enable them to construct a mezzanine area within their units if said construction shall, if required, have been approved by Park City, and if said construction can be accomplished with no interference with the occupancy of other unit owners. A unit owner engaging in such construction shall be required to restore the common areas and facilities and to satisfy the management committee that such construction will be carried out in a workmanlike manner and in accordance with building codes and local ordinances.

8.2.9 A unit owner shall not violate any of the rules and regulations for the use of units, common areas and facilities or limited common areas and facilities adopted by the management committee and furnished in writing to the unit owners.

9. ASSOCIATION OF UNIT OWNERS; MANAGEMENT COMMITTEE.

9.1 The persons or entities who are at the time of reference the unit owners constitute an unincorporated association, the characteristics and nature of which are determined by the act, the declaration and the bylaws. The name in which contracts shall be entered into, title to property shall be acquired, held, dealt in and disposed of, bank accounts shall be opened and suits shall be

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brought and defended by the management committee or officers thereof on behalf of, or as agent for the unit owners in the manner specified by the act, this declaration and/or the bylaws is: "Prospector Retail Building Condominium Association of Unit Owners" (the "association").

9.2 The management and maintenance of the property and the administration of the affairs of the association shall be conducted by a management committee consisting of not fewer than three (3) and not more than five (5) natural persons (the exact number to be determined for the ensuing year by a separate vote at each annual meeting of the association), all of whom shall be unit owners except persons appointed to the management committee by the declarant, who need not be unit owners. The management committee shall be elected as provided in the bylaws. The rights, duties and functions of the management committee may be exercised by declarant until a date not more than 120 days after completion of the transfer to purchasers of title to units representing 75 percent of the votes of all unit owners, or until March 1, 1984, whichever occurs first, unless it should, at its sole option, turn over such rights, duties and functions to the management committee at an earlier date.

9.3 The management committee shall have all the powers, duties and responsibilities as are now or may hereafter be provided by the act, this declaration and bylaws, including but not limited to the following:

9.3.1 To make and enforce all rules and regulations covering the operation and maintenance of the property.

9.3.2 To engage the services of a manager or managing company, accountants, attorneys or other employees or agents and to pay to said persons a reasonable compensation therefor, provided that any management agreement for the property will be terminable by the association for cause upon 30 days' written notice thereof, and that the term of any such agreement may not exceed one year, renewable by agreement of the parties for successive one-year periods.

9.3.3 To operate, maintain, repair, improve and replace the common areas and facilities.

9.3.4 To determine and pay the common expenses.

9.3.5 To assess and collect the proportionate share of common expenses from the unit owners.

9.3.6 To enter into contracts, deeds, leases and/or other written instruments or documents and to authorize the execution and delivery thereof by the appropriate officers.

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9.3.7 To open bank accounts on behalf of the association and to designate the signatures therefor.

9.3.8 To bring, prosecute and settle litigation for itself, the association and the property, provided that it shall make no settlement which results in a liability against the management committee, the association or the property in excess of Two Thousand Dollars (\$2,000) without prior approval of a majority of unit owners.

9.3.9 To obtain insurance for the association with respect to the units and the common areas and facilities, as well as workmen's compensation insurance.

9.3.10 To repair or restore the property following damage or destruction or a permanent taking by the power of or power in the nature of eminent domain or by an action or deed in lieu of condemnation not resulting in the removal of the property from the provisions of the act.

9.3.11 To own, purchase or lease, hold and sell or otherwise dispose of, on behalf of the unit owners, items of personal property necessary or convenient to the management of the business and affairs of the association and the management committee and in the operation of the property, including without limitation furniture, furnishings, fixtures, maintenance equipment, appliances and office supplies.

9.3.12 To keep adequate books and records.

9.3.13 To form a non-profit corporation to conduct the affairs of the association in lieu of the unincorporated association constituted under Paragraph 9.1 hereof.

9.3.14 To do all other acts necessary for the operation and maintenance of the property, including the maintenance and repairs of any unit if the same is necessary to protect or preserve the property.

9.4 The management committee may delegate to a manager or managing company all of the foregoing powers, duties and responsibilities referred to in Paragraph 9.3 above except: the final determination of common expenses, budgets and assessments based thereon; the promulgation of rules and regulations; the power to enter into any contract involving more than Two Thousand Dollars (\$2,000) in any one fiscal year; the opening of bank accounts; the power to purchase, hold, sell, convey, mortgage or lease any units in the name of the association; the authority to bring, prosecute and settle litigation or the power to form a non-profit corporation.

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9.5 Members of the management committee, the officers and any assistant officers, agents and employees of the association (i) shall not be liable to the unit owners as a result of their activities as such for any mistake of judgment, negligence or otherwise, except for their own willful misconduct or bad faith; (ii) shall have no personal liability in contract to a unit owner or any other person or entity under any agreement, instrument or transaction entered into by them on behalf of the association in their capacity as such; (iii) shall have no personal liability in tort to any unit owner or any person or entity, direct or imputed, by virtue of acts performed by them, except for their own willful misconduct or bad faith, nor for acts performed for them in their capacity as such; and (iv) shall have no personal liability arising out of the use, misuse or condition of the property, which might in any way be assessed against or imputed to them as a result or by virtue of their capacity as such.

9.6 The unit owners shall indemnify and hold harmless any person, his heirs and personal representatives, from and against all personal liability and all expenses, including attorneys' fees, incurred or imposed, arising out of or in settlement of any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, instituted by any one or more unit owners, or any other persons or entities, to which he shall be or shall be threatened to be made a party by reason of the fact that he is or was a member of the management committee or an officer or assistant officer, agent or employee of the association, other than to the extent, if any, that such liability or expense shall be attributable to his willful misconduct or bad faith, provided that in the case of any settlement, the management committee shall have approved the settlement, which approval is not to be unreasonably withheld. Such right of indemnification shall not be deemed exclusive of any other rights to which such person may be entitled as a matter of law or agreement, vote of unit owners or the management committee or otherwise. The indemnification by the unit owners as contained herein shall be paid by the management committee on behalf of the unit owners and shall constitute a common expense and shall be assessed and collected as such. The management committee shall have the authority to secure insurance to cover the indemnification provided in this paragraph.

9.7 The management committee shall procure appropriate fidelity bond coverage for any person or entity handling funds of the association, including, but not limited to, employees of any manager or managing company engaged by the management committee pursuant to Subparagraph 9.3.2 above.

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10. MAINTENANCE, ALTERATION AND IMPROVEMENT.

10.1 The maintenance, replacement and repair of the common areas and facilities and all conduits, ducts, plumbing and wiring and other facilities for the furnishing of heat, gas, light, power, air conditioning, water and sewer facilities that service part or parts of the property other than the units shall be the responsibility of the management committee, and the cost thereof shall be a common expense. The unit owners shall be responsible for maintenance, replacement and repair of electricity, heating, air conditioning, gas, water and sewage service to the individual units, and the cost thereof shall be paid by the individual unit's owner. All incidental damages caused to a unit by the maintenance, replacement and repairs of the common areas and facilities or utility services shall be repaired promptly and the cost thereof charged as a common expense.

10.2 A unit owner shall be responsible to maintain, repair, replace and keep in a clean and sanitary condition, at the unit owner's expense, all portions of his unit, except those portions to be maintained, repaired and replaced by the management committee.

10.3 The management committee shall have a reasonable right of entry upon the premises of any unit to effect any emergency or other necessary repairs which the unit owner has failed to perform.

11. INSURANCE.

11.1 The management committee shall obtain and maintain at all times insurance of the type and kind as provided herein and including insurance for such other risks of a similar or dissimilar nature as are or shall hereafter customarily be covered with respect to other properties similar to the Retail Building in construction, design and use, provided that the management committee shall not be required to obtain or maintain "business interruption-" type insurance. The management committee shall make every reasonable effort to obtain insurance with the following provisions or endorsements:

11.1.1 Exclusive authority to adjust losses shall be vested in the management committee as insurance trustee;

11.1.2 The insurance coverage shall not be brought into contribution with insurance purchased by individual unit owners or their respective mortgagees;

11.1.3 Each unit owner may obtain additional insurance covering his real property interest at his own expense;

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11.1.4 The insurer waives its right of subrogation as to any claims against each unit owner;

11.1.5 The insurance coverage cannot be cancelled, invalidated or suspended because of the conduct of any one or more individual unit owners or their respective tenants, employees, agents, contractors, invitees and guests;

11.1.6 The insurance coverage cannot be cancelled, invalidated or suspended because of the conduct of any officer or employee of the association or management committee or their employees, agents or contractors, without prior demand in writing that the management committee cure the defect, and then only if the defect is not cured within fifteen (15) days after receipt of said demand by the management committee.

11.2 The management committee, for the benefit of the property and the unit owners, shall maintain a policy or policies of casualty and multi-risk "all peril" insurance on the property, with the provisions and endorsements as set forth in Paragraph 11.1 above, if obtainable, and with extended coverage endorsements for the full insurable replacement value of the units, common areas and facilities, common personal property and fixtures, payable to the management committee as insurance trustee to be disbursed in accordance with the terms of this declaration. The limits and coverage of said insurance shall be reviewed at least annually by the management committee and shall include an appraisal of the property by one or more insurance companies. Said policy or policies shall provide for a separate loss payable endorsement in favor of the mortgagee or mortgagees, if any, of each unit.

11.3 The management committee shall obtain a policy or policies of insurance insuring the management committee, the unit owners and their respective tenants, employees, invitees or guests against any liability to the public or to the owners of units and their respective employees, invitees or guests arising out of and incident to the ownership and/or use of the property, including the personal liability exposure of the unit owners incident to the ownership and/or use of the property. Limits of liability under such insurance shall not be less than One Million Dollars (\$1,000,000) for any one person injured in any one occurrence, and shall not be less than Three Hundred Thousand Dollars (\$300,000) for property damage in each occurrence. The limits in coverage of said liability policy or policies shall be reviewed at least annually by the management committee and increased or decreased at its discretion, provided that such limits shall not fall below the minimums specified in this paragraph. Said policy or policies shall be issued on a comprehensive liability basis, and, if possible, shall provide cross-liability endorsements for possible claims of

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any one or more or group of insureds against any one or more or group of insureds without prejudice to the right of a named insured under the policies to maintain an action against another named insured.

11.4 Each unit owner shall be required to notify the management committee of all improvements made to his unit, the value of which is in excess of Two Thousand Dollars (\$2,000) and shall be liable for any increased insurance premium for insurance maintained by the management committee occasioned thereby. Each unit owner shall bear the risk of loss for all improvements made to his unit that were not the subjects of notice to the management committee.

11.5 Any unit owner who obtains individual insurance coverage covering any portion of the property, other than personal property belonging to such unit owner, shall be required to file a copy of such individual policy or policies with the management committee within thirty (30) days after obtaining such insurance coverage.

11.6 No unit owner shall be entitled to exercise his right to maintain insurance coverage in such a way as to decrease the amount that the management committee on behalf of all the unit owners may realize under any insurance policy that the management committee may have in force covering the property or any part thereof at any time.

12. DESTRUCTION OR DAMAGE.

12.1 In case of fire or any other disaster which causes damage or destruction to all or part of the building, the management committee, with the help of an independent appraisal, shall determine the percentage of the building that was destroyed or substantially damaged. If less than three-fourths ($3/4$) of the building was destroyed or substantially damaged, the management committee shall arrange for the prompt repair and restoration thereof, using the proceeds of insurance on the building for that purpose, and the unit owners shall be liable for assessment for any deficiency in proportion to their respective percentages of undivided interest in the common areas and facilities. Reconstruction of the building shall mean the restoring of the building to substantially the same condition in which it existed prior to the damage or destruction, with each unit and the common areas and facilities having the same vertical and horizontal boundaries as before, unless the destruction or damage is by reason of eminent domain, in which event the provisions of Section 14 hereof shall apply.

12.2 If three-fourths ($3/4$) or more of the building is destroyed or substantially damaged, the management committee shall, within one hundred (100) days after such destruction or damage, call

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a special meeting of the association for the purpose of deciding whether or not the buildings shall be repaired and restored. If owners holding three-fourths (3/4) or more of the undivided interests in the property, in person or by proxy, vote to repair or restore the building, the management committee shall promptly arrange for the reconstruction of the building using the proceeds of insurance on the building for that purpose, and the unit owners shall be liable for assessment for any deficiency in proportion to their respective percentages of undivided interest in the common areas and facilities. If the destruction or damage is by reason of eminent domain, the provisions of Section 14 hereof shall apply. At such election, if owners holding three-fourths (3/4) or more of the undivided interests in the property do not vote either in person or by proxy to make provision for reconstruction, the management committee shall record with the Recorder of Summit County a notice setting forth such facts, and upon the recording of such notice (i) the property shall be deemed to be owned in common by the unit owners as tenants in common, each owner owning an undivided interest in the property equal to his ownership in the common areas and facilities; (ii) any liens affecting any of the units shall be deemed to be transferred in accordance with the existing priorities to the undivided interest of the unit owners in the property; and (iii) the property shall be subject to an action for partition at the suit of any unit owner, in which event the net proceeds of sale, together with the net proceeds of the insurance on the property, shall be considered as one fund and shall be divided among all unit owners in a percentage equal to the percentage of undivided interest owned by each unit owner in the property, after first paying out of the respective shares of the unit owners, to the extent sufficient for such purposes, all sums necessary to satisfy liens on the undivided interest in the property owned by each unit owner.

12.3 For purposes of this Section 12, the terms "disaster," "destruction" or "substantial damage" shall also mean and include a temporary or permanent taking, injury or destruction of all or part of the common areas and facilities or one or more units or portions thereof by the exercise of the power of or power in the nature of eminent domain or by an action or deed in lieu of condemnation.

12.4 In the event of substantial damage to or destruction of any unit or any part of the common areas and facilities, the mortgagee of any affected unit will be entitled to a timely written notice of any such damage or destruction, and no provision of any document establishing this project entitles the unit owner or any other party to priority over such mortgagee with respect to the distribution to such unit of any insurance proceeds.

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13. TERMINATION.

13.1 In the event that such fraction or percentage of the building is destroyed or substantially damaged so as to bring into effect the provisions of Paragraph 12.2 above and the unit owners do not vote to reconstruct the building as provided therein, the property shall be removed from the provisions of the act without further agreement one hundred and one (101) days after such destruction or damage.

13.2 All of the unit owners may remove the property from the provisions of the act by an instrument duly recorded to that effect, provided that the holders of all liens affecting any of the units consent or agree by instruments duly recorded that their liens be transferred to the percentage of the undivided interest of the unit owners in the property.

13.3 After removal of the property from the act, the unit owners shall own the property and all assets of the association as tenants in common, and the respective mortgagees and lienors shall have mortgages and liens upon the respective undivided interests of the unit owners. Such undivided interests of the unit owners shall be the same as the percentage of interest in the common areas and facilities appurtenant to the owners' units prior to removal from the act.

13.4 This Section 13 cannot be amended without consent of all unit owners and all record owners of mortgages on units.

14. EMINENT DOMAIN.

14.1 Whenever any proceeding is instituted that could result in the temporary or permanent taking, injury or destruction of all or part of the common areas and facilities or one or more individual condominium units ("unit") or portions thereof by the exercise of the power of or power in the nature of eminent domain or by an action or deed in lieu of condemnation, the management committee and each unit owner and mortgagee shall be entitled to timely notice thereof, and the management committee shall, and the unit owners and mortgagees at their respective expense may, participate in the proceedings incident thereto.

14.2 With respect to the common or limited common areas and facilities, any damages or awards shall be determined for such taking, injury or destruction as a whole and not for each unit owner's interest therein. After such determination, each unit owner shall be entitled to a share in the damages in the same proportion as his percentage of undivided interest in the common areas and

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facilities. This provision does not prohibit a majority of unit owners from authorizing the management committee to use such damages or awards for replacing or restoring the common areas and facilities so taken on the remaining land or on other acquired land, provided that this declaration and the map are duly amended. No provision of any document establishing this project shall entitle any unit owner or other party to priority over the mortgagee of any unit with respect to the distribution to the unit of the proceeds of any award or settlement.

14.3 With respect to one or more units or portions thereof, the damages or awards for such taking shall be deemed to be proceeds from insurance on account of damage or destruction pursuant to Section 12 above and shall be deposited with the management committee as trustee. Even though the damage or awards may be payable to one or more unit owners, the unit owners shall deposit the damages or awards with the management committee as trustee. If a unit owner refuses to so deposit his award with the management committee, then, at the option of the management committee, either a special assessment shall be made against the defaulting unit owner and his unit in the amount of this award, or the amount of such award shall be set off against the sum hereafter made payable to such unit owner.

14.4 In the event the property is removed from the provisions of the act pursuant to Sections 12 and 13 above, the proceeds of the damages or awards shall be distributed or used in accordance with and the owners of the affected units shall have the rights provided in Paragraph 12.2 above.

14.5 If one or more units are taken, in whole or in part, and the property is not removed from the provisions of the act, the taking shall have the following effects:

14.5.1 If the taking reduces the size of a unit and the remaining portion of the unit may be made tenantable, the unit shall be made tenantable. If the cost of such work exceeds the amount of the award, the additional funds required shall be assessed against the owner of the unit. The balance of the award, if any, shall be distributed to the mortgagee to the extent of the unpaid balance of its mortgage, and the excess, if any, shall be distributed to the unit owner. If there is a balance of the award distributed to the unit owner or a mortgagee, the unit owner's undivided interest in the common areas and facilities shall be equitably reduced. This shall be done by reducing such interest in the proportion by which the floor area of the unit is reduced by taking and then recomputing the undivided interests of all unit owners in the common areas and facilities.

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14.5.2 If the taking destroys or so reduces the size of a unit that it cannot be made tenantable, the award shall be distributed to the mortgagee of the unit to the extent of the unpaid balance of its mortgage, and the excess, if any, shall be distributed to the unit owner. The remaining portion of such unit, if any, shall become a part of the common areas and facilities and shall be placed in condition for use by all unit owners in the manner approved by the management committee. The undivided interest in the common areas and facilities appurtenant to the units that continue as part of the property shall be equitably adjusted to distribute the ownership of the common areas and facilities among the reduced number of unit owners.

14.6 Changes in units, in the common areas and facilities and in the undivided ownership of the common areas and facilities that are affected by the taking referred to in this Section 14 shall be evidenced by an amendment to this declaration and the map, which need not be approved by the unit owners.

15. MORTGAGEE PROTECTION.

15.1 The term "mortgage" as used herein shall mean any recorded mortgage having priority over other mortgages and shall include a recorded deed of trust. The term "mortgagee" shall mean the owner and holder, including an institutional holder, of a mortgage, deed of trust or equivalent security interest in any unit.

15.2 The management committee shall maintain a roster of unit owners from the evidence of change of ownership furnished to the management committee, which roster shall include the mailing addresses of all unit owners. The management committee will also maintain a roster containing the name and address of each mortgagee of a unit if the committee is provided notice of such mortgage by way of a certified copy of the recorded instrument evidencing the mortgage and containing the name and address of the mortgagee. The mortgagee shall be stricken from the roster upon request by such mortgagee or upon receipt by the management committee of a certified copy of a recorded release or satisfaction of the mortgage. Notice of such removal shall be given to the mortgagee unless the removal is requested by the mortgagee.

15.3 The management committee shall give to any mortgagee on the roster written notification of any default by the mortgagor of the respective units in the performance of such mortgagor's obligations under the declaration which is not cured within thirty (30) days.

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15.4 Any mortgagee shall, upon request, be entitled to (a) inspect the books and records of the association during normal business hours; and (b) receive an annual audited financial statement of the association within 90 days following the end of any fiscal year of the association; and (c) receive written notice of all meetings of the association and be permitted to designate a representative to attend all such meetings.

15.5 A mortgagee of any unit who comes into possession of the unit by virtue of any of the remedies provided in the mortgage, including foreclosure of the mortgage, or by way of deed or assignment in lieu of foreclosure, shall take the property free of any claims for unpaid assessments or charges against the mortgaged unit which accrued prior to the time such mortgagee comes into the possession of the unit, except for claims for a pro rata share of such assessments or charges resulting from a pro rata reallocation of such assessment or charges to all units, including the mortgaged unit.

15.5.1 Any liens created under the act or pursuant to this declaration or the bylaws upon any unit shall be subject and subordinate to and shall not affect the rights of a mortgagee under a mortgage on such unit made in good faith and for value; provided, however, that any lien created after a foreclosure sale shall have the same effect and be enforced in the same manner as provided in the act, the declaration and/or the bylaws.

15.5.2 Any lien which the association may have on any unit for the payment of common expense assessments attributable to such unit shall be subordinate to the lien or equivalent security interest of any first mortgage on the unit recorded prior to the date any such common expense assessments become due.

15.6 The prior written approval of each mortgagee of any unit will be required for at least the following:

15.6.1 The abandonment or termination of the project, except for abandonment or termination provided by law in the case of substantial destruction by fire or other casualty or in the case of a taking by condemnation or eminent domain.

15.6.2 Any material amendment to this declaration or to the bylaws of the association, including, but not limited to, any amendment which would change the undivided interests of the unit owners in the project.

15.6.3 The effectuation of any decision by the association to terminate professional management and assume self-management of the project.

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15.6.4 The legal act of partition or the subdivision of any unit or of the common areas and facilities or ~~limited common areas and facilities~~, other than the conversion of convertible space to units as provided in Section 4 hereof.

15.7 No amendment to this paragraph shall adversely affect a mortgagee who has recorded a valid mortgage prior to the recordation of any such amendment.

16. ENCROACHMENTS.

16.1 None of the rights and obligations of any unit owners created by this declaration, bylaws or by a deed conveying a unit shall be affected in any way by an encroachment (i) by any portion of the common areas and facilities upon any unit; (ii) by any unit upon any portion of the common areas and facilities; or (iii) by any unit upon another unit due to the construction, reconstruction, shifting, settlement or movement of the building or other structures, including the rebuilding of the building or other structures after fire or other casualty or an eminent domain taking or delivery of a deed in lieu of condemnation, unless there occurs an encroachment that results from the willful or negligent act or omission of the owner of the encroaching unit, or of the owners of the units to which the use of the encroaching limited common areas and facilities is appurtenant, or of the management committee in the event of an encroachment by any portion of the common areas and facilities other than the limited common areas and facilities.

16.2 Any lease covering a unit shall be in writing and shall provide that the terms of the lease are subject in all respects to the provisions of the declaration and the bylaws and that any failure by the lessee to comply with the terms of such documents shall be a default under the lease.

16.3 There are hereby created valid easements for any encroachments permitted by this Section 16 of this declaration, and the maintenance thereof, so long as such encroachments exist.

17. CONVEYANCES; EASEMENTS.

17.1 Every deed, lease, mortgage or other instrument may describe a unit by its identity number. Every such description shall be deemed good and sufficient for all purposes and shall be deemed to convey, transfer, encumber or otherwise affect the unit owner's corresponding percentage of undivided ownership in the common areas and facilities as set forth in Appendix A even though the same is not mentioned or exactly described.

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17.2 Every deed, lease, mortgage or other similar instrument shall be deemed to:

17.2.1 Except and reserve with respect to a unit (i) any portion of the common areas and facilities lying within said unit; (ii) easements through said unit appurtenant to the common areas and facilities and all other units for support and repair of the common areas and facilities and all other units; and (iii) easements appurtenant to the common areas and facilities for encroachments upon the air space of said units by those portions of the common areas and facilities located within said unit.

17.2.2 Include with respect to a unit non-exclusive easements for ingress and support of said unit through the common areas and facilities for the repair of said unit through all other units and through the common areas and facilities and for the use of the limited common areas and facilities appurtenant to such unit as indicated in Section 6 above and on the map.

17.2.3 Except and reserve with respect to the percentage of undivided interest in the common areas and facilities non-exclusive easements appurtenant to all units for ingress, egress, support and repair and exclusive easements appurtenant to each unit for the use of the limited common areas and facilities appurtenant to such unit as set forth in Section 6 above and on the map.

17.2.4 Include with respect to the percentage of undivided interest in the common areas and facilities non-exclusive easements through each unit for support and repair of the common areas and facilities and non-exclusive easements for encroachments upon the air space of all of the units by and for the portions of the common areas and facilities lying within the units.

18. COMBINATION OF UNITS.

18.1 An owner of two or more adjoining units shall have the right, upon approval of the management committee, to combine such units or portions thereof.

18.2 An amendment to the declaration, together with an amended map containing the same information with respect to the altered units as required by the act with respect to the initial units, shall be prepared and recorded at the expense of the unit owner making such combination.

18.3 An amendment to the declaration or the map pursuant to this Section 18 shall reflect the changes occasioned by the combination to include a change in the percentages of undivided

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interest in the common areas and facilities which are appurtenant to the units involved. The remaining combined unit, if two or more units are totally combined, will acquire the total of the percentages of undivided interest in the common areas and facilities appurtenant to the units that were combined as set forth in Appendix A. If a portion of one unit is combined with another, the resulting units shall acquire a proportionate percentage of the total undivided interest in the common areas and facilities of the units involved in the combination on the basis of the approximate square footage remaining in the respective combined units; provided, however, that the resultant percentage shall be equal to the sum of the undivided interests in the affected units prior to such combination. The percentage of undivided interest in the common areas and facilities appurtenant to all unaffected units shall not be changed. All such amendments must in all instances be consented to by the management committee and also all persons holding interests in the units affected. The consent of affected unit owners need not be obtained to make such amendments or alterations valid, providing the percentages of undivided interest in the common areas and facilities of the other unit owners remain unchanged.

18.4 All such amendments to the declaration and the map must be approved by attorneys employed by the management committee to ensure the continuing legality of the declaration and the map. The cost of such review by the attorneys shall be borne by the person wishing to combine the units.

19. AMENDMENT.

Except as otherwise provided in this declaration and except as prohibited by the act, the provisions of this declaration may be amended by an instrument in writing signed and acknowledged by unit owners who own three-fourths (3/4) or more of the undivided interests in the common areas and facilities, which amendment shall be effective upon recording.

20. ASSESSMENTS.

20.1 The making and collection of assessments from unit owners for their share of common expenses shall be pursuant to the bylaws and subject to the following provisions:

20.1.1 Each unit owner shall be liable for a proportionate share of the common expenses, such share being the same as the percentage of undivided interest in the common areas and facilities owned by him.

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20.1.2 Assessments and any installments thereof not paid on or before ten (10) days after the date when due shall bear interest at the minimum rate of twelve percent (12%) per annum, or at such higher rate of interest as may be set by the management committee, from the date when due until paid. All payments on account shall be first applied to interest and then to the assessment payment first due.

20.1.3 There shall be a lien upon the applicable unit for unpaid assessments which shall also secure reasonable attorneys' fees and all costs and expenses, including taxes, if any, incurred by the management committee because of such a lien. The lien for assessments shall be superior (prior) to all other liens and encumbrances except assessments, liens and charges in favor of the State or any political subdivision thereof, for taxes past due and unpaid on the unit, and amounts due under duly recorded mortgages.

20.1.4 In any foreclosure of a lien for assessments, the unit owner subject to the lien shall be required to pay a reasonable rental for the unit, and the management committee shall be entitled to the appointment of a receiver to collect the same.

20.2 The management committee may include in the monthly assessments amounts representing contributions to the capital of the association to be used for the replacement of or additions to capital items or improvements in the property. Said amounts shall be set up as capital accounts for each unit. In the event of transfer of a unit, the capital account shall be deemed transferred to the transferee of the unit.

20.3 In assessing the unit owners for capital improvements to the common areas and facilities, there shall be no single improvements exceeding the sum of Two Thousand Dollars (\$2,000) made by the management committee without the same having been first voted on and approved by two-thirds (2/3) or more vote in ownership interest of those present in person or by proxy at a meeting of the association duly called for that purpose. The foregoing shall not apply in connection with damage or destruction referred to in Section 12 hereof or to such structural alterations of, capital additions or capital improvements to, the common elements as are necessary in the management committee's reasonable judgment to preserve or maintain the integrity of the property.

20.4 If a unit owner shall at any time lease his unit and shall default for a period of one month in the payment of assessments, the management committee may, at its option, so long as such default shall continue, demand and receive from any tenant of the unit owner the rent due or becoming due, and the payment of such rent to the management committee shall be sufficient payment and discharge of

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such tenant for rent due, and of the unit owner for such assessments to the extent of the amount so paid.

20.5 The management committee shall handle all assessments hereunder, whether for common expenses or as capital contributions, so as to comply with applicable provisions of the Internal Revenue Code and the regulations adopted thereunder as well as applicable State and local tax laws and to avoid undue adverse tax consequences that might result to the association or individual unit owners.

21. VOTING.

At any meeting of the association, each unit owner, including declarant, either in person or by proxy, shall be entitled to the same number of votes as the percentage of undivided interest appurtenant to his unit. If there is more than one unit owner with respect to a particular unit, any or all of such unit owners may attend any meeting of the association, but it shall be necessary for all such owners present, in person or by proxy, to act unanimously in order to cast the votes appertaining to their units.

22. NOTICES.

Any notice permitted or required to be delivered as provided herein may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to be delivered twenty-four (24) hours after a copy of the same has been deposited in the U.S. postal service, postage prepaid, return receipt requested. Notice to unit owners shall be addressed to each unit owner at the address given by such unit owners to the management committee for the purpose of service of such notice or to the unit of such owner if no such address has been given to the management committee. Such address may be changed from time to time by notice in writing to the management committee. Notice to the management committee shall be addressed to:

Management Committee
Prospector Retail Building
Park City, UT 84060

23. AGENT FOR SERVICE.

Until such time as declarant transfers the right and responsibility to elect a management committee to the unit owners as provided in the bylaws, the name and address of the person in Summit County, Utah, for the service of notice of process in matters pertaining to the property as provided under the act is:

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Dan McKenna
Box 1683
Park City, UT 84060

24. NO WAIVER.

The failure of the management committee or its agents or designees to insist, in one or more instances, upon the strict performance of any of the terms, covenants, conditions or restrictions of this declaration or the bylaws, to exercise any right or option herein contained or to serve any notice or to institute any action, shall not be construed as a waiver or a relinquishment for the future of such term, covenant, condition or restriction; but such term, covenant, condition or restriction shall remain in full force and effect. The receipt and acceptance by the management committee or its agent or designee of the payment of any assessment from a unit owner with knowledge of the breach of any covenant hereof shall not be deemed a waiver of such breach, and no waiver by the management committee of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the management committee.

25. ENFORCEMENT.

Each unit owner shall strictly comply with the provisions of the declaration, the bylaws, the rules and regulations and decisions issued pursuant thereto. Failure to so comply shall be grounds for an action to recover sums due for damages or injunctive relief or both, maintainable by the management committee or its agent or designee on behalf of the unit owners, or in an appropriate case, by an aggrieved unit owner.

26. DECLARANT AND DECLARANT'S USE.

26.1 The term "declarant" as used herein shall mean and include Dan McKenna, his successors and assigns who may hereafter purchase the property, but not including purchasers of individual condominium units, and any person or persons who might acquire title from it through foreclosure or deed in lieu of foreclosure; or, in the situation where there remains unsold at least fifty percent (50%) of the units, any person or entity who should purchase all, or substantially all, of any unsold units in a sale in the nature of a bulk sale.

26.2 Declarant and persons he may select from time to time shall have the right of ingress and egress over, upon and across the

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common areas and facilities and limited common areas and facilities and the right to store materials therein and to make such other use thereof as may be necessary and incident to the development and sale of all of the units as determined by the declarant in his sole discretion; subject, however, to the provisions of Section 57-8-13.14 of the act.

27. SEVERABILITY.

The provisions of this declaration shall be deemed independent and severable, and the invalidity or partial invalidity or unenforceability of any one provision or portion hereof shall not affect the validity or enforceability of any other provision hereof.

28. CAPTIONS.

The captions in this declaration are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope of this declaration or the intent of any provision hereof.

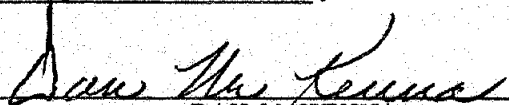
29. LAW CONTROLLING.

This declaration, the map and the bylaws shall be construed and controlled by and under the laws of the State of Utah.

30. EFFECTIVE DATE.

This declaration shall take effect when recorded.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 29 day of March, 1982.


DAN MCKENNA

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STATE OF UTAH

COUNTY OF Summit) : ss.

On the 29th day of March, 1982,
personally appeared before me DAN McKENNA, the signer of the within
and foregoing instrument who duly acknowledged to me that he
executed the same.

Mary E. Sloan
NOTARY PUBLIC

Residing at Summit County

My Commission Expires:

11/12/83

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APPENDIX A
PROSPECTOR RETAIL BUILDING

UNITS AND PERCENTAGE INTERESTS

<u>Unit No.</u>	<u>Approximate Square Footage</u>	<u>Percentage of Undivided Interest</u>	<u>Floor</u>
1 (Lower Floor)	1,120	22%	1
2 (Lower Floor)	1,330	26%	1
3 (Upper Floor)	1,330	26%	2
4 (Upper Floor)	<u>1,330</u>	<u>26%</u>	2
TOTALS	5,110	100%	

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APPENDIX B

BYLAWS

Prospector Retail Building Association of Unit Owners

The administration of Prospector Retail building (a Commercial Condominium Project) and the Prospector Retail Building Association of Unit Owners ("association") shall be governed by the Utah Condominium Ownership Act (the "act"), the declaration and these bylaws.

1. APPLICATION OF BYLAWS.

All present and future unit owners, mortgagees, lessees and occupants of individual condominium units ("units") and their employees, and any other persons who may use the facilities of the property in any manner, are subject to the declaration, these bylaws and all rules made pursuant hereto and any amendments hereof. The acceptance of a deed or conveyance or the entering into of a lease or the act of occupancy of a unit shall constitute an agreement that the provisions of the declaration and these bylaws and any rules and regulations made pursuant hereto, as they may be amended from time to time, are accepted, ratified and will be complied with.

2. MANAGEMENT COMMITTEE.

2.1 The management and maintenance of the property and the administration of the affairs of the association shall be conducted by a management committee consisting of not fewer than three (3) and not more than five (5) natural persons (the exact number to be determined for the ensuing year by a separate vote at each annual meeting of the association), all of whom shall be unit owners except for persons appointed to the management committee by the declarant, who need not be unit owners. The rights, duties and functions of the management committee may be exercised by declarant until a date not more than 120 days after completion of the transfer to purchasers of title to units representing 75 percent of the votes of all unit owners, exclusive of the votes of owners of units within any future expansion of the project, or until March 1, 1984, whichever occurs first.

2.2 Beginning with the first annual meeting and at every annual meeting thereafter, the association shall elect the members

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of the management committee to fill those positions becoming vacant at such meeting. At least thirty (30) days prior to any annual meeting of the association, the management committee shall elect from the unit owners a nominating committee of not less than three (3) members, none of whom shall be members of the then management committee. The nominating committee shall recommend to the association one nominee for each position on the management committee to be filled at that particular annual meeting. Nominations for positions on the management committee may also be made by petition filed with the secretary of the association at least seven (7) days prior to the annual meeting of the association, which petition shall be signed by four (4) or more unit owners and signed by the nominee named therein indicating his or her willingness to serve as a member of the management committee, if elected.

2.3 Members of the management committee shall serve for terms of two (2) years beginning immediately upon their election by the association; provided, however, that one member of the management committee elected at the first annual meeting at which members are chosen by vote of unit owners shall serve for an initial term of one (1) year, and the two other members shall serve for initial terms of two (2) years. Thereafter, all management committee members elected shall serve for two-year terms. The members of the management committee shall serve until their respective successors are elected, or until their death, resignation or removal. Any member of the management committee who fails to attend three consecutive management committee meetings or fails to attend at least 25 percent of the management committee meetings held during any fiscal year shall be deemed to have tendered his or her resignation, and, upon acceptance by the management committee, his or her position shall be vacant.

2.4 Any member of the management committee may resign at any time by giving written notice to the president of the association or to the remaining management committee members. Any member of the management committee may be removed from membership on the management committee by a two-thirds majority vote of the association. Whenever there shall occur a vacancy on the management committee due to death, resignation, removal or any other cause, the remaining members shall elect a successor member to serve until the next annual meeting of the association, at which meeting said vacancy shall be filled by the association for the unexpired term, if any.

2.5 The members of the management committee shall receive no compensation for their services unless expressly approved by a majority of the association; provided, however, that any member of the management committee may be employed by the association in

another capacity and receive compensation for such employment; provided, further, that such employment shall be approved by vote or in writing by all members of the management committee not including the member to be employed.

2.6 The management committee, for the benefit of the property and the association, shall manage the business, property and affairs of the property and the association and enforce the provisions of the declaration, these bylaws and the rules and regulations governing the property. The management committee shall have the powers, duties and responsibilities with respect to the property as contained in the act, the declaration and these bylaws.

2.7 The meetings of the management committee shall be held at such places within the State of Utah as the management committee shall determine. Two-thirds (2/3) of the members of the management committee shall constitute a quorum, and, if a quorum is present, the decision of a majority of those present shall be the act of the management committee. The management committee shall annually elect all of the officers of the association. The election of officers shall be conducted at a meeting of the management committee which shall be held immediately following the annual meeting of the association.

2.8 Special meetings of the management committee may be called by the president or by any two management committee members. The person or persons calling a special meeting of the management committee shall give notice thereof by a usual means of communication at least five (5) days before the meeting. Such notice need not specify the purpose for which the meeting is called, and, if an agenda is prepared for such a meeting, the meeting need not be restricted to discussions of those items listed on the agenda.

2.9 Regularly scheduled meetings of the management committee may be held without call or notice.

2.10 Any member of the management committee may, at any time, waive notice of any meeting of the management committee in writing, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a member of the management committee at a meeting shall constitute a waiver of notice to him or her of such meeting unless such management committee member attends the meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called. If all the members of the management committee are present at any meeting of the management committee, no notice shall be required, and any business may be transacted at such meeting.

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2.11 After the election of the members of the management committee at the first annual meeting of the association, declarant shall execute, acknowledge and record an affidavit stating the names of the members of the newly elected management committee. Thereafter, any two (2) persons who are designated of record as being members of the most recent management committee, whether or not they shall still be members, may execute, acknowledge and record an affidavit stating the names of all of the members of the then current management committee. The most recently recorded of such affidavits shall be prima facie evidence that the persons named therein are all of the incumbent members of the management committee and shall be conclusive evidence thereof in favor of all persons who rely thereon in good faith.

2.12 The fiscal year shall be determined by the management committee.

3. MEETINGS OF THE ASSOCIATION.

3.1 The first annual meeting of the association shall be held on or before the first Tuesday of 1983 which is not a holiday. Thereafter there shall be an annual meeting of the association on the first Tuesday of January of each year at 7:00 p.m. at the property or at such other reasonable place in Summit County, Utah, or time not more than sixty (60) days before or after such date as may be designated by written notice by the management committee delivered to the unit owners not less than fifteen (15) days prior to the date set for said meeting. At or prior to an annual meeting, the management committee shall furnish to the unit owners (i) a list of the names of the nominees for the positions on the management committee to be filled at that meeting; (ii) a budget for the coming fiscal year with the estimated allocation thereof to each unit owner; and (iii) an audited statement of the common expenses itemizing receipts and disbursements for the previous and current fiscal year prepared by an independent public accountant, together with the allocation thereof to each unit owner. Within ten (10) days after the annual meeting, the budget and the statement of common expenses shall be delivered to the unit owners who were not present at the annual meeting.

3.2 Special meetings of the association may be held at any time at the property or at such other reasonable place to consider matters which, by the terms of the declaration, require the approval of all or some of the unit owners, or for any other reasonable purpose. Special meetings shall be called by written notice signed by a majority of the management committee or by unit owners representing at least one-third (1/3) or more of the undivided interests in the common areas and facilities, which shall be

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delivered to all unit owners not less than fifteen (15) days prior to the date fixed for said meeting. Such notice shall specify the date, time and place of the meeting and the matters to be considered.

3.3 The presence in person or by proxy of unit owners holding fifty percent (50%) of the undivided interests in the common areas and facilities at any meeting of the association held in response to notice to all unit owners of record properly given shall constitute a quorum. In the event that a quorum is not present in person or by proxy, the meeting may be adjourned from time to time until the required number of unit owners are present. Unless otherwise expressly provided in the act, the declaration and these bylaws, any action may be taken at any meeting of the unit owners upon a majority vote of the unit owners who are present in person or by proxy and who are voting, as provided in Section 21 of the declaration.

3.4 Robert's Rules of Order (latest edition) shall govern the conduct of the association's meetings when not in conflict with the declaration or these bylaws.

4. OFFICERS.

4.1 All officers and employees of the association shall serve at the will of the management committee. The officers shall be a president, vice president, secretary and treasurer. The offices of secretary and treasurer may be combined at the election of the management committee. The management committee may appoint such other assistant officers as the management committee may deem necessary. No officer shall be required to be a unit owner, but the president and vice president must be members of the management committee. No officer shall receive compensation for serving as such. Officers shall be annually elected by the management committee and may be removed and replaced by the management committee. The management committee may, in its discretion, require that officers (and other employees of the association) be subject to fidelity bond coverage.

4.2 The president shall be the chief executive of the management committee and shall preside at all meetings of the association and of the management committee and may exercise the power ordinarily allowable to the presiding officer of an association, including the appointment of committees. The president shall exercise general supervision over the property and its affairs. He shall sign on behalf of the association all conveyances, mortgages and contracts of material importance to its business. He shall do and perform all acts which the management committee may require.

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4.3 The vice president shall perform the functions of the president in his absence or inability to serve.

4.4 The secretary shall keep minutes of all proceedings of the management committee and of the meetings of the association and shall keep such books and records as may be necessary and appropriate for the records of the unit owners and the management committee.

4.5 The treasurer shall be responsible for the fiscal affairs of the association, but may delegate the daily handling of funds and the keeping of records to a manager or managing company.

5. COMMON EXPENSES; ASSESSMENTS.

5.1 All assessments shall be made in accordance with the general provisions of Section 20 of the declaration.

5.2 Not less than thirty (30) days prior to the annual meeting of the association, the management committee shall estimate the common expenses and capital contributions for the coming fiscal year. The estimated capital contributions may include such amounts as the management committee may deem proper for general working capital, for the general operating reserve, and shall take into account any expected income, surplus or deficit in the common expenses for any prior year. These estimated capital contributions and common expenses shall be assessed on a monthly basis to the unit owners in proportion to their undivided interests in the common areas and facilities. If the estimated common expenses prove inadequate for any reason, including nonpayment of any unit owner's assessments, the management committee may, by resolution duly adopted, make additional assessments, which shall be assessed to the unit owner in the same manner as the estimated common expenses. Each unit owner shall be obligated to pay the management committee assessments made pursuant to this paragraph on or before the first day of each month, or in such other reasonable manner as the management committee shall designate. The funds received by the management committee from assessments shall be kept in either capital accounts or in the common expense fund and shall be expended by the management committee only in accordance with the provisions of the act, the declaration and these bylaws.

5.3 The failure by the management committee before the expiration of any fiscal year to estimate the common expenses as required herein shall not be deemed a waiver or modification in any respect of the provisions of the declaration or these bylaws or a release of the unit owner from the obligation to pay any past or future assessments, and the estimated common expenses fixed for the

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previous and current year shall continue until a new estimate is made.

5.4 No unit owner may exempt himself from liability for common expenses by waiver of the use or enjoyment of any of the common areas and facilities or by abandonment of his unit.

5.5 The treasurer shall keep detailed records of all receipts and expenditures, affecting the common areas and facilities, specifying and itemizing the maintenance, repair and replacement expenses of the common areas and facilities and any other expenses incurred. Such records shall be available for examination by the unit owners during regular business hours. In accordance with the actions of the management committee assessing common expenses against the units and unit owners, the treasurer shall keep an accurate record of such assessments and of the payments thereof by each unit owner.

5.6 All common expense assessments shall be a separate, distinct and personal liability of the owner of the unit at the time each assessment is made. The management committee shall have the rights and remedies contained in the act and in the declaration to enforce the collection of assessments for common expenses.

5.7 Any person who shall have entered into a written agreement to purchase a unit shall be entitled to obtain a written statement from the treasurer setting forth the amount of unpaid assessments charged against the unit and its owners, and if such statement does not reveal the full amount of the unpaid assessments as of the date it is rendered, neither the purchaser nor the unit shall be liable for the payment of an amount in excess of the unpaid assessments shown thereon, provided that the former unit owner shall remain so liable. Any such excess which cannot be promptly collected from the former unit owner-grantor shall be reassessed by the management committee as a common expense to be collected from all unit owners, including without limitation the purchaser of the unit, his successors and assigns. The new unit owner shall, and the former unit owner shall not, be liable for any assessments made after the date of transfer of title of a unit, even though the common expenses and such other expenses incurred or the advances made by the management committee for which the assessment is made relate in whole or in part to any period prior to that date.

5.8 In addition to the statements issuable to purchasers of units, the management committee shall provide to the unit owner, to any person who shall have entered into a binding agreement to purchase the unit and to any mortgagee on request at reasonable intervals a current statement of unpaid assessments for common expenses and for any expenses of and advances by the management committee with respect to the unit.

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5.9 In all cases where all or part of any assessments common expenses and for any expenses of and advances of the management committee cannot be promptly collected from the persons or entities liable therefor under the act, the declaration or these bylaws, the management committee shall reassess the same as a common expense without prejudice to its rights of collection against such persons or entities, or without prejudice to its lien for such assessments.

5.10 Amendments to this Section 5 shall be effective only upon unanimous written consent of the unit owners and their mortgagees.

6. LITIGATION.

6.1 If any action is brought by a member of the management committee on behalf of the association, the expenses of suit, including reasonable attorneys' fees, shall be a common expense. If any action is brought against the owners or against the management committee or the officers, employees or agents thereof in their capacities as such, with the result that the ultimate liability asserted would, if proved, be borne by all the owners, the expenses of suit, including attorneys' fees, shall be a common expense. If any action is brought against one or more, but less than all owners, with the result that the ultimate liability would, if proved, be borne solely by such owners, the expenses of suit, including attorneys' fees, shall not be charged to or borne by the other owners, as a common expense or otherwise.

6.2 Any action brought against the association, the management committee or the officers, employees or agents thereof, in their respective capacities as such, or the property as a whole, shall be directed to the management committee, which shall promptly give written notice thereof to the owners and any mortgagees and shall be defended by the management committee, and the owners and mortgagees shall have no right to participate in such defense other than through the management committee. Actions against one or more, but less than all owners, shall be directed to such owners, who shall promptly give written notice thereof to the management committee and to the mortgagees of such units, and shall be defended by such owners.

7. ABATEMENT AND ENJOINMENT OF VIOLATIONS BY UNIT OWNERS.

7.1 The violation of any rules or regulations adopted by the management committee, the breach of any provision contained herein or the breach of any provision of the declaration shall give the management committee the right, in addition to any other rights set forth in these bylaws:

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7.1.1 To enter the unit in which or as to which such violation or breach exists and to summarily abate and remove, at the expense of the defaulting unit owner, any structure, thing or condition that may exist therein contrary to the intent and meaning of the provisions hereof, and the management committee shall not thereby be deemed guilty in any manner of trespass; and/or

7.1.2 To enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach.

7.2 These remedies are cumulative to other remedies provided in the act, the declaration and these bylaws or in any other applicable laws.

8. ACCOUNTING.

8.1 The books and accounts of the association shall be kept in accordance with generally accepted accounting procedures under the direction of the treasurer.

8.2 At the close of each fiscal year, the books and records of the management committee shall be audited by a public accountant approved by the association.

8.3 The books and accounts of the association shall be available for inspection at the office of the association by any unit owner or his authorized representative during regular business hours.

9. SPECIAL COMMITTEES.

The management committee by resolution may designate one or more special committees, each committee to consist of two (2) or more unit owners, which to the extent provided in said resolution shall have and may exercise the powers set forth in said resolution. Such special committee or committees shall have such name or names as may be determined from time to time by the management committee. All special committees shall keep regular minutes of their proceedings and report the same to the management committee when required. The members of such special committee or committees designated shall be appointed by the management committee or the president. The management committee or the president may appoint unit owners to fill vacancies on each of said special committees occasioned by death, resignation, removal or inability to act for any extended period of time.

10. RENTAL OR LEASE OF UNITS BY UNIT OWNERS.

10.1 Any unit owner who rents or leases his unit shall file with the management committee or manager a copy of the rental or lease agreement affecting said unit. The provisions of Section 7 of these bylaws shall apply with equal force to renters or lessees of units.

10.2 Any unit owner who rents or leases his unit shall be responsible for the conduct of his tenants, and, upon written notice from the management committee or the manager, said unit owner shall be responsible for correcting violations of the declaration, bylaws or rules and regulations committed by such tenants.

10.3 If a unit owner fails to correct violations by tenants within 72 hours of such notice, the management committee or manager shall be deemed to be the agent of the unit owner and empowered to take any enforcement action the unit owner would be entitled to take, the cost of such action to be assessed to the unit owner and payable within 30 days of assessment. Such costs shall be collected and enforced in the same manner as common assessments under Section 5 of these bylaws.

10.4 The power of the management committee or manager hereunder shall include but not be limited to any and all legal remedies available under the laws of the State of Utah. Any unit owner by the act of renting or leasing his unit shall be deemed to have consented to these procedures and shall indemnify and save harmless the management committee and the manager from and against any and all liability therefor. It is expressly understood that the remedies available to the management committee or manager shall include but not be limited to the right to seek eviction of the tenant without any liability to the unit owner.

11. AMENDMENT OF BYLAWS.

Except as otherwise provided in the act, the declaration or these bylaws, the bylaws may be amended by a vote of owners holding two-thirds (2/3) or more of the undivided interests in person or by proxy at a meeting duly called for such purpose. Upon such an affirmative vote, the management committee shall acknowledge the amended bylaws, setting forth the fact of the required affirmative vote of the unit owners, and the amendment shall be effective upon recording.

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12. SEVERABILITY.

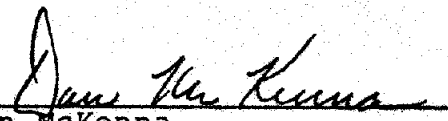
The provisions hereof shall be deemed independent and severable, and the invalidity or enforceability of any one provision or portion hereof shall not affect the validity or enforceability of any other provision hereof.

13. CAPTIONS.

The captions herein are inserted only as a matter of convenience and for reference and in no way to define, limit or describe the scope of these bylaws nor the intent of any provision hereof.

14. EFFECTIVE DATE.

These bylaws shall take effect upon recording of the declaration of which they are a part.

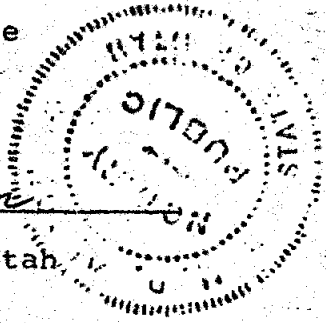

Dan McKenna
Owner

State of Utah)
) ss
County of Summit)

On the 31st day of March, 1982, personally appeared before me Dan McKenna, the owner and signer of the aforementioned instrument who duly acknowledged to me that he executed the same.

My Commission Expires Sept. 8, 1985


Notary
Park City Utah



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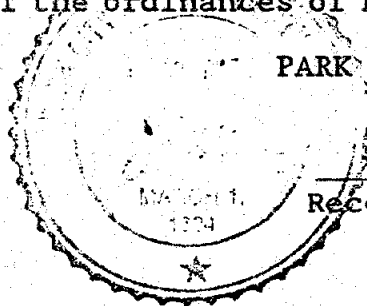
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PARK CITY APPROVAL

On this 1st day of April, 1982,
Park City Corporation, a body politic and corporate of the State of
Utah and the Municipality in which the Prospector Retail Building (a
Commercial Condominium Project) is located, hereby gives final
approval of said project, to the foregoing declaration, to the
record of survey map recorded concurrently herewith 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
Laws of Utah, 1975, Chapter 173, Section 18. By signing this
declaration, Park City assumes no responsibility for the
completeness or accuracy of any of the statements made in the
declaration nor does this execution mean that the project complies
with any or all of the ordinances of Park City.

PARK CITY CORPORATION



M. R. Olson
Recorder

FINAL 030382

**Prospector Square Property Owners Association
Parking Rules & Regulations**

SECTION 1- GENERAL

1-1 CITATION.

By this instrument the parking policies of the Prospector Square Property Owners Association, Inc. as applicable to the Prospector Square Subdivision in Park City, Utah, are amended and restated, and to be known as the Prospector Square Subdivision Parking Policy Rules & Regulations (“Parking Rules & Regulations”).

1-2 APPLICATION.

These Parking Rules & Regulations, as amended and restated herein, were adopted by the Board of Directors of the Prospector Square Property Owners Association on the 24th day of September, 2019, pursuant to Section 7.2(c), Article 7 of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Prospector Square Subdivision a Planned Commercial Development in Park City, Summit County, Utah, as recorded in the Office of the Summit County Recorder on July 19, 1996 as Entry No. 00458513 in Book 00979, at Pages 00311 through 00351. These Parking Rules & Regulations are applicable to all Parking Lots within the Prospector Square Subdivision. PSPOA encourages all owners to include these rules and regulations with any lease agreement.

1-3 DEFINITIONS.

As used in these Rules & Regulations, the following terms shall have the meanings stated, unless the context clearly requires a different meaning:

a) ASSOCIATION. The Prospector Square Property Owner’s Association as incorporated in the State of Utah by its charter and by-laws as amended and restated, including its property manager and all duly authorized agents and employees.

b) BOARD. The Board of Directors of the Association, acting on behalf of the Association.

c) COMMERCIAL VEHICLE. Any automobile, truck, van or motorcycle that is used on a regular basis in conjunction with the operation of the business of an Occupant Owner or Tenant located in the Prospector Square Subdivision, which is not the personal Motor Vehicle of the Occupant Owner or Tenant.

d) EMPLOYEE. Any individual that is employed by an Occupant Owner or Tenant located in the Prospector Square Subdivision who must Park their Vehicle for Extended Hours in order to fulfill their work obligations.

e) EXTENDED PARKING. Any parking of a Vehicle that occupies a parking stall overnight, defined as Midnight to 6 a.m.

f) INVITEE. A customer, client, guest, business associate, service provider or member of the public to whom the commercial or residential premises at Prospector Square are held open for patronage, use or service. Invitee includes Owners who don’t occupy their property.

g) MOTOR VEHICLE. Any automobile, truck, van, motorcycle, recreational vehicle, or any other similar equipment or means of conveyance of persons or cargo that takes up no more than one parking stall and is not a Commercial Vehicle or Non-Motorized Equipment. (As the context requires, the term “Vehicle” may be used collectively, referring to both Motor Vehicles and Commercial Vehicles.)

h) NON-MOTORIZED EQUIPMENT (“EQUIPMENT”). Any transient or recreational type equipment that is non-motorized and is so designed as to require a Vehicle for mobility, including but not limited to coupled or uncoupled trailers (e.g. watercraft and snowmobile trailers, OHV trailers, travel trailers), and other similar non-motorized equipment belonging to or being used by any Occupant Owner, Tenant, Employee or Invitee to the Prospector Square Subdivision.

i) OCCUPANT OWNER. The owner of property in the Prospector Square Subdivision who/which

occupies that property, either personally or through an entity in which the owner has a substantial ownership interest, for commercial or residential use.

j) **OVERSIZED VEHICLE.** Any Vehicle that occupies more than one (1) parking stall due to its size and/or any Vehicle greater than 9' wide or 18' long.

k) **PARK OR PARKING.** Stopping, standing, or leaving a Motor Vehicle, Commercial Vehicle or Non-Motorized Equipment in a fixed spot or location on a Parking Lot for any length of time, whether attended or unattended.

l) **PARKING LOT.** Any parking area, whether at street surface level or below grade, which is located within the common areas of Prospector Square. Parking Lot shall also have the same meaning as defined in Article 1, Section 1.9 of the Amended and Restated Declaration.

m) **PARKING PERMIT.** A permit to allow Extended Parking in Parking Lots between midnight and 6am, validly issued by the Board in accordance with the terms of these Rules & Regulations. Parking Permits are non-transferrable.

n) **PROSPECTOR SQUARE.** The Prospector Square Subdivision, according to the official plat thereof on file in the office of the Summit County Recorder, and as further defined in the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Prospector Square Subdivision, as both may be amended from time to time.

o) **TENANT.** Any person or entity occupying property within Prospector Square pursuant to a current lease or other tenancy agreement.

p) **RESTRICTED PARKING STALL.** Any Parking stall that the Association determines, in its sole discretion, should be restricted to accommodate time limitations, delivery only or other special uses.

q) **GUEST PERMITS:** At its sole discretion, the Association may adopt a guest permit program.

1-4 PARKING PROVIDED BY ASSOCIATION.

The Association owns and maintains Parking Lots for daily use by Occupant Owners and Tenants of property in Prospector Square, along with their Employees and Invitees. Only Parking activity is allowed on Parking Lots and only in parking stalls designated by lines painted on the pavement. No parking stall may be restricted for a specific use or otherwise reserved by the Association or any Occupant Owner, Tenant, Employee or Invitee, except for Restricted Parking Stalls or handicapped stalls, loading zones, overnight parking stalls or other similar restrictions and reservations as required by applicable law or otherwise deemed appropriate for restriction or reservation by the Association. Any parking by persons at Prospector Square not present in the capacity of an Occupant Owner, Tenant, Employee or Invitee, and for purposes of utilizing public transportation and/or attending events outside Prospector Square is prohibited and is subject to fines and towing.

It is the policy of the Association to maximize the availability of parking in Prospector Square. Provided however, and due to the fixed number of parking stalls and the fluctuating nature of the occupancy of properties in Prospector Square, it is essential that the Association retain discretionary authority to determine policy for the issuance of Parking Permits as current circumstances or specific situations require, and to interpret these Parking Rules & Regulations accordingly, without necessity of formal amendment.

1-5 EXTENDED PARKING.

It is prohibited for any person, including Occupant Owners, Tenants, Employees and Invitees, to Park any Vehicle or Equipment on any Parking Lot between midnight and 6am without displaying a valid Parking Permit for Extended Parking.

Extended Parking is strictly prohibited in any Restricted Parking Stalls. Removing a Parking Permit from a Vehicle or Equipment in order to Park in a Restricted Parking Stall or otherwise attempting to evade this restriction shall constitute a violation of this Subsection 1-5.

1-6 ISSUANCE OF PARKING PERMITS.

a) Authority. The Association shall be responsible to issue, manage and monitor Parking Permits and all related activities. Under no circumstances are any individuals or properties, except lodging properties approved in writing by the Association, authorized to issue, manage and monitor Parking Permits.

b) Vehicles. All Owner Occupants, Tenants, Employees or Invitees that park between midnight and 6am must display a valid Parking Permit on their Vehicle or Equipment. Lodging properties, upon approval by the Association, may issue temporary parking passes for their Tenants and Invitees (but not Employees or Owner Occupants) These passes must contain the expiration date of the permit which shall not be greater than twenty-eight (28) days from issuance and must include the check-out date. Tenants and Invitees staying longer than 28-days must obtain a Parking Permit from the Association. Temporary parking passes issued by lodging establishments must conform to a pre-approved format and contain the following information: Logo of lodging establishment, last name of vehicle owner, cell phone number of owner and check-out date. The Association, at its discretion, may grant a lodging property the authority to issue permits to its overnight Employees if such property has an on-site human resources office. Such Employees will be issued standard Parking Permits with permit numbers and name reported to the Association weekly.

c) Vehicle Permits. Each Occupant Owner and/or each Tenant may request up to three (3) Parking Permits for separate Vehicles to be operated within any Parking Lot by that Occupant Owner or any Tenant. At the Association's discretion, additional Parking Permits for Commercial Vehicles can be approved, subject to additional fees. Parking Permits will not be issued for limos, shuttles or taxis, unless such vehicle is directly associated with a lodging business with its main office located within PSPOA. In the event that a residential property has private parking on-premises, the amount of Parking Permits issued to an Occupant Owner or Tenant shall be reduced by the amount of parking allocated to an Occupant Owner or Tenant in that private parking facility.

d) Oversized Vehicles. Parking an Oversized Vehicle in a Parking Lot is strictly prohibited without a valid Parking Permit and written approval by the Association, which may require additional or modified terms and fees for the Parking Permit, determined in the Association's sole discretion.

e) Vehicles, including RVs and Vans, with sleeping quarters (beds, cots, etc) are discouraged in Prospector Square and owners of such vehicles are encouraged to make other arrangements for storage of such vehicles outside of Prospector Square. When such vehicles are parked in Prospector Square, any curtains or privacy screens must remain open. No overnight sleeping is allowed in Vehicles. Vehicles are prohibited from being used for storage. The Parking Permit for any Vehicle being used for storage and not for transportation will have their Parking Permit revoked and the Owner will be subject to fines and the Vehicle to towing.

f) Non-Motorized Equipment. Parking Non-Motorized Equipment in a Parking Lot is strictly prohibited, except when used for construction purposes on owner's property. In such cases, a valid Parking Permit and written approval by the Association is required. Approval by the Association may require additional or modified terms and fees for the Parking Permit, determined in the Association's sole discretion. Due to parking demand, trailers are discouraged in Prospector Square and at all-times must be attached to a Vehicle.

g) Bicycles are not considered Non-Motorized Equipment and do not need a Parking Permit. Bicycles parked outside are required to obtain a city permit available at:

<https://www.parkcity.org/departments/police/sports-equipment-registration/bicycle-registration-form>
Bicycles without permits are subject to disposal.

h) All Parking Permits shall be prominently displayed on the lower left windshield of the permitted Vehicles and Equipment at all times when located in a Parking Lot.

i) The Association will adopt pricing for Parking Permits requiring fees, which is subject to change at any time.

j) Any stall designated as an electric vehicle charging station will be for the sole use of electric vehicles.

k) Prospector Square encourages the use of the Summit County electric bike program. The speed limit of electric bikes within Prospector Square is limited to 15 miles per hour. Prospector Square will adopt the current

Park City Municipal policy regarding electric bikes and scooters.

l) Lost Parking Permits. There shall be a fee, set annually by the Association, for lost or destroyed Parking Permits needing replacement.

m) Parking Permit holders are solely responsible for updating their contact and permit information with the Association, as well as recovering Parking Permits from Employees, Tenants, or Invitees whose qualification for and use of a Parking Permit will no longer be valid. Failure to keep contact and permit information current with the Association or failure to recover a Parking Permit from Employees, Tenants or Invitees will result in a fine according to a schedule determined by the Association.

1-7 PARKING FOR MORE THAN 7 CONSECUTIVE DAYS ON PARKING LOTS.

It shall be improper to Park any Vehicle or Equipment with a Parking Permit on any Parking Lots for more than seven (7) consecutive days, without prior permission from the Association, which must be expressly indicated on the authorizing Parking Permit. Vehicle or Equipment owners that need to Park for more than seven (7) consecutive days, for travel or other reasons, must obtain written permission from the Association and park their Vehicle or Equipment in a location designated by the Association. Moving a Vehicle or Equipment from one parking stall to another or otherwise attempting to evade this restriction shall constitute a violation of this Subsection 1-7. Vehicles and Equipment may be required to move more often or at certain times subject to the Association's needs such as snow removal, asphalt work, etc.

1-8 USE OF PARKING LOTS FOR CONSTRUCTION VEHICLES AND STAGING.

Any Parking or use of Parking Lots in connection with construction, remodel, staging of construction vehicles, dumpsters or equipment or improvement activities or other special use by an Owner or Tenant, or their agent or representative, must be approved in writing in advance by the Association, which writing shall indicate, at a minimum, the specific duration, type, location and cost of any such use. Use of parking stalls for such purposes is subject to staging fees at the Association's discretion.

1-9 SNOW REMOVAL AND MOVEMENT OF VEHICLES

Any Vehicle parked at Prospector Square should be moved regularly from Dec. 1 to April 1 to accommodate snow removal. Parking lots are subject to overnight closure to enhance snow removal. At least 24-hours notice will be given by signage, emails or other means before such closure. During the remainder of the year, vehicles must be moved every seven days (see Section 1-7 above). Any exception must be approved by the Association. Violators are subject to tow. Parking Permit holders may also be required to relocate their Vehicles with less than 24-hours notice.

1-10 ENFORCEMENT.

The Association is authorized to enforce these Rules & Regulations as provided herein and by all other lawful means, including without limitation ticketing, towing or booting a Vehicle or removing Equipment. The Association shall have full discretion in managing Parking at Prospector Square and in interpreting these Parking Rules and Regulations. Any costs associated with such enforcement are the sole responsibility of the Vehicle owner. The Association shall have the discretion to set or approve ticket or fine amounts to the full extent permitted by law. The Association shall have no liability for damage to or destruction in any manner of Vehicles or Equipment, nor for any personal property located within or without such Vehicles or Equipment, which may result from the enforcement of these Parking Rules and Regulations. The agents, representatives and independent contractors of the Association with the authority to enforce these Rules & Regulations shall have the discretion to take collection or other enforcement action in accordance with their own policies or as

otherwise permissible under applicable law. The Association shall not be responsible for any consequential damage occurring as result of such enforcement action by contractors.

1-11 VEHICLE OWNER RESPONSIBLE FOR VIOLATION.

The registered owner of any Vehicle or Equipment which is Parked in Prospector Square is deemed to be in control of the Parking of that Vehicle or placement of that Equipment in any Parking Lot, whether personally or vicariously through the registered owner's agent or other permittee. By allowing a Vehicle to be Parked or Equipment to be placed in a Parking Lot in Prospector Square, the owner thereof is deemed to have subjected themselves to these Parking Rules & Regulations and is deemed to be responsible for the violation thereof. It shall not be a defense to liability for the payment of any ticket or fine assessed, permit revocation, or other enforcement remedy taken, including attorney fees, that the owner of the Vehicle or Equipment in violation did not personally commit that violation or did not have knowledge of the Parking Rules & Regulations.

SECTION 2 - STANDARD PARKING REGULATIONS

2-1 PARKING PROHIBITED IN CERTAIN PLACES.

It shall be a violation for any person to Park a Vehicle or Equipment, in any of the following places on a Parking Lot:

- a) On or across a sidewalk;
- b) At any place marked in any manner as a no-parking zone;
- c) In a manner that obstructs snow removal;
- d) In any stall designated "Handicapped", or otherwise reserved for the mobility disabled under the qualifications of the Americans with Disabilities Act, when not displaying proper distinguishing license plates or other government approved placards or permits indicating that an occupant or user of said Vehicle or Equipment is mobility disabled under the qualifications of the Americans with Disabilities Act or other similar law; or
- e) In any Restricted Parking Stall in violation of the applicable restriction or designation for that stall.

2-2 PARKING MAY NOT OBSTRUCT TRAFFIC.

It shall be prohibited to Park a Vehicle or Equipment on a Parking Lot in any manner that obstructs the street, refuse containers, sidewalks, driveways or loading zones and impedes the free movement of vehicular or pedestrian traffic, removal of refuse or delivery of goods in Prospector Square.

2-3 PARKING FOR CERTAIN PURPOSES PROHIBITED.

It shall be prohibited to Park a Vehicle or Equipment on any Parking Lot for the following purposes:

- a) Displaying the Vehicle or Equipment for sale;
- b) Servicing, cleaning and/or repairing the Vehicle or Equipment, except to the extent necessary in an emergency to move a disabled such Vehicle or Equipment;
- c) Displaying of advertising;
- d) Selling food or other merchandise, or soliciting orders for food or merchandise, except as specifically approved by the Association and in compliance with applicable ordinances or laws; or
- e) Camping or use of a vehicle as either temporary or permanent living quarters, abode or place of habitation either overnight or day by day, except as specifically approved by the Association and pursuant to an issued Parking Permit.

f) Storage of any Vehicle or Equipment, including using such Vehicle or Equipment as a source of storage.

2-4 CONDITION OF UNATTENDED VEHICLES.

Any Vehicle or Equipment parked in any Parking Lot must be in operating condition and free of leaks, have no flat tires or otherwise present an unsightly appearance. It shall be prohibited for any person to Park any Vehicle or Equipment on a Parking Lot without stopping the engine, locking the ignition, and removing the key from the ignition.

2-5 VEHICLE WEIGHT LIMIT ON PARKING LOT D AND 3-AXLE TRUCKS.

The use of the surface of Parking Lot D is limited to Vehicles and Equipment with a total gross Vehicle weight not exceeding five (5) tons. Notwithstanding any other provision to the contrary contained herein, violation of this policy may result in a fine of not less than One Hundred (\$100) Dollars per violation, with each day not in compliance constituting a separate violation, together with liability for the cost of repairing any damage to the Lot D parking structures and associated equipment, as well as liability arising from personal injury or death resulting from the violation of this Section 2-5. Such liability for fine, damage or injury may be assessed or asserted against a member of the Association, or Owner of property in Prospector Square, and/or the Tenant of such Owner who knowingly allows its Employees, agents, contractors, subtenants, or Invitees to violate this Section 2-5. The Association may place signs referring to the weight limits and/or this provision at the entrances to Parking Lot D in accordance with Section 3-1 hereof. In addition to any other means of enforcement permitted herein, the Association is authorized to enforce the policy set forth in this Section 2-5 by any lawful means available, including, without limitation, the use of height restricting devices or equipment.

Additionally, 3-axle trucks are prohibited in any Parking Lot and use of such Vehicles or Equipment should be limited to the public roads and street-side parking of Prospector Avenue and Sidewinder Drive.

2-6 REGISTRATION AND LICENSING.

All Vehicles and Equipment must bear and display current license and registration identifications. If not so properly identified, the Association may notify the appropriate authorities or otherwise cause the removal of such unlicensed or unregistered Vehicle or Equipment.

SECTION 3 - PARKING SIGNS

3-1 SIGNS.

The location, type, and design of all Parking control signs shall be determined by and subject to the control of the Association.

3-2 SIGNAGE FOR TIME OR OTHER RESTRICTED PARKING STALLS.

At the request of an Owner or on its own initiative, the Association may designate a reasonable number of parking stalls directly in front of any building as a Restricted Parking Stall for the purpose of time limitations, delivery only or other use(s). Signage indicating any applicable restriction shall be installed directly in front of the designated parking stall(s). If no common area is available to install signage, the Owner benefitted by the Restricted Parking Stall(s) shall allow the permanent installation of such signage on that Owner's property or building. The expense for the design, materials and installation of any special restriction sign shall be paid by the Owner of the property benefitted by that signage, unless otherwise determined by the Association. The Association shall enforce such Parking stall restrictions as deemed appropriate.

Planning Commission Staff Report



Subject: 3981 Kearns Blvd.
Application: PL-23-05656
Author: Alexandra Ananth, Senior Planner
Date: August 9, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the proposed Studio Crossing Plat Amendment to subdivide Lot 1B of the Park City Film Studio First Amended Subdivision into two (2) Lots, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for the City Council's consideration on September 14, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Ordinance 2023-XX (Exhibit A).

Description

Applicant: Quinn Capital Partners, LLC (Gary Crandall)
Location: 3981 Kearns Boulevard (SR-248)
Zoning District: Community Transition (CT), with a Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), Sensitive Land Overlay (SLO), and an MPD for a mixed-use development

Adjacent Land Uses: Open Space and Recreation, Residential, Institution Uses
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action¹

AUEs	Affordable Unit Equivalents
CT	Community Transition
CUP	Conditional Use Permit
DA	Development Agreement
ECPO	Entry Corridor Protection Overlay
FPZ	Frontage Protection Zone
MPD	Master Planned Development
RCO	Regional Commercial Overlay
SLO	Sensitive Land Overlay

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

Summary

This Plat Amendment seeks to subdivide Lot 1B of the Park City Film Studio First Amended Subdivision (Exhibit B), Summit County Recorder Entry No. [1195353](#), into two

¹ LMC [§ 15-7.1-2\(B\)](#).

(2) Lots, to accommodate the phased development and financing of the property, consistent with the Studio Crossing MPD, a mixed-use development with:

- 60,000 square feet of Commercial Uses with surface parking
- At least 185 Affordable for-rent housing units
- A market-rate condominium building with up to 50 units and parking below
- Up to 50 market-rate townhomes
- A transit stop and shelter
- Bike share and rail trail connection

Lot 1 is 11.87 acres and includes the market-rate condominium building and townhomes.

Lot 2 is 6.47 acres and contains the remainder of the project including two commercial-only buildings, two mixed-use buildings with Commercial Uses on the ground floor and two levels of rental units above, and a four-story rental building. Each of the buildings on Lot 2 has a Building Pod shown on the Plat. In accordance with the Studio Crossing Housing Mitigation Plan (Exhibit C) and MPD (Exhibit D), the applicant is proposing a minimum of 185 affordable for-rent units in three separate buildings including at least 77 studios and a mix of 1–3-bedroom units.

In accordance with the Studio Crossing MPD, it is expected that Lot 2 will begin construction first. Condition of Approval 5 of [Ordinance 2022-47](#) states that the project has an Affordable Housing Obligation of 42.4 Affordable Units Equivalents (AUEs), which the Applicant will deliver in the form of at least 65 deed-restricted rental units in Phase 1. Condition of Approval 8 requires that all affordable units have Certificates of Occupancy prior to the completion of the market rate units. No changes are proposed to the Applicant's phasing plan.

Crossing Development Agreement later this fall. The Development Agreement is currently under review by the Planning and Legal Departments.

The [Film Studio MPD](#) is limited to Lot 1A, 4001 Kearns Blvd.

The Studio Crossing MPD is limited to Lot 1B, 3981 Kearns Blvd. [Ordinance 2022-47](#) allows for a maximum Density of 320,632 square feet of total development (including the remaining conditionally approved Film Studio Density plus 38,160 square feet of required affordable housing units, consistent with the site plan and final plan set reviewed by the Planning Commission on November 9, 2022), and for exceptions to the Zone Height up to 45 feet for some buildings.

Analysis

Plat Amendments are reviewed by staff and submitted to the Planning Commission, who makes a recommendation to the City Council for Final Action.²

(I) The Studio Crossing Plat Amendment complies with LMC [§ 15-2.23-3](#), the Community Transition (CT) Zoning District Requirements, and LMC [§ 15-2.17-4](#), the Regional Commercial Overlay (RCO) Criteria for Commercial Development, and the Studio Crossing MPD.

The purpose of the RCO is to allow for regional Commercial Uses on Properties not otherwise zoned for Commercial Uses. This overlay zone affords the Owner the option to apply for commercial Development and Uses on lands affected by the overlay zone. [Ordinance 2022-47](#), amended the original zoning and annexation on Lot 1B to allow for the proposed Studio Crossing MPD on Lot 1B only, utilizing the remaining Density from the Film Studio MPD.

Requirement	Analysis of Proposal
Lot Size – There is no min. Lot Size in the CT District; the min. Lot size is 5 acres in the RCO District.	Complies Lot 1: 11.87 acres Lot 2: 6.47 acres
Setbacks - The minimum Front, Side, and Rear perimeter Setbacks for all structures is 25 ft. (25') in the CT and RCO District. MPDs have the same perimeter Setback requirements.	Complies Front: >25 ft. Side: 25 ft. Rear: 25 ft.
Density - The base Density	Complies

² LMC [§ 15-1-8\(H\)](#), Review Procedures Under the Code, establishes the Planning Commission's authority to review and recommend Plat Amendments to the City Council for Final Action.

of the CT District is One (1) Unit per 20 Acres; The Studio Crossing MPD (Ordinance 2022-47) allows for 320,632 square feet of total development including 42.4 required AUEs.	The Studio Crossing MPD (Ordinance 2022-47) allows for 320,632 square feet of total development including 38,160 square feet of required AUEs.
Building Height – The max. zone Building Height is 28 ft. from Existing Grade; Ordinance 2022-47 allows for exceptions to the Building Height, consistent with or less than the Film Studio MPD.	Complies Lot 1: MPD allows for max. Building Height of 40 ft. Lot 2: MPD allows for max. Building Height of 45 ft.

The Plat Amendment complies with the Lot Size, perimeter Setbacks, Density, and Building Height of the CT, RCO, or the Studio Crossing MPD as applicable.

[Ordinance 2022-47](#) includes Council approval of Building Height exceptions, consistent with or less than the Film Studio MPD, to allow for building heights up to 45 feet for some buildings (Findings of Fact 10, 13, 14, & 33).

The RCO District requires one commercial anchor. At the Planning Commission meetings for the MPD it was decided that the Film Studio on Lot 1A shall serve as the commercial anchor for the Studio Crossing site ([Ordinance 2022-47](#), Finding of Fact 32).

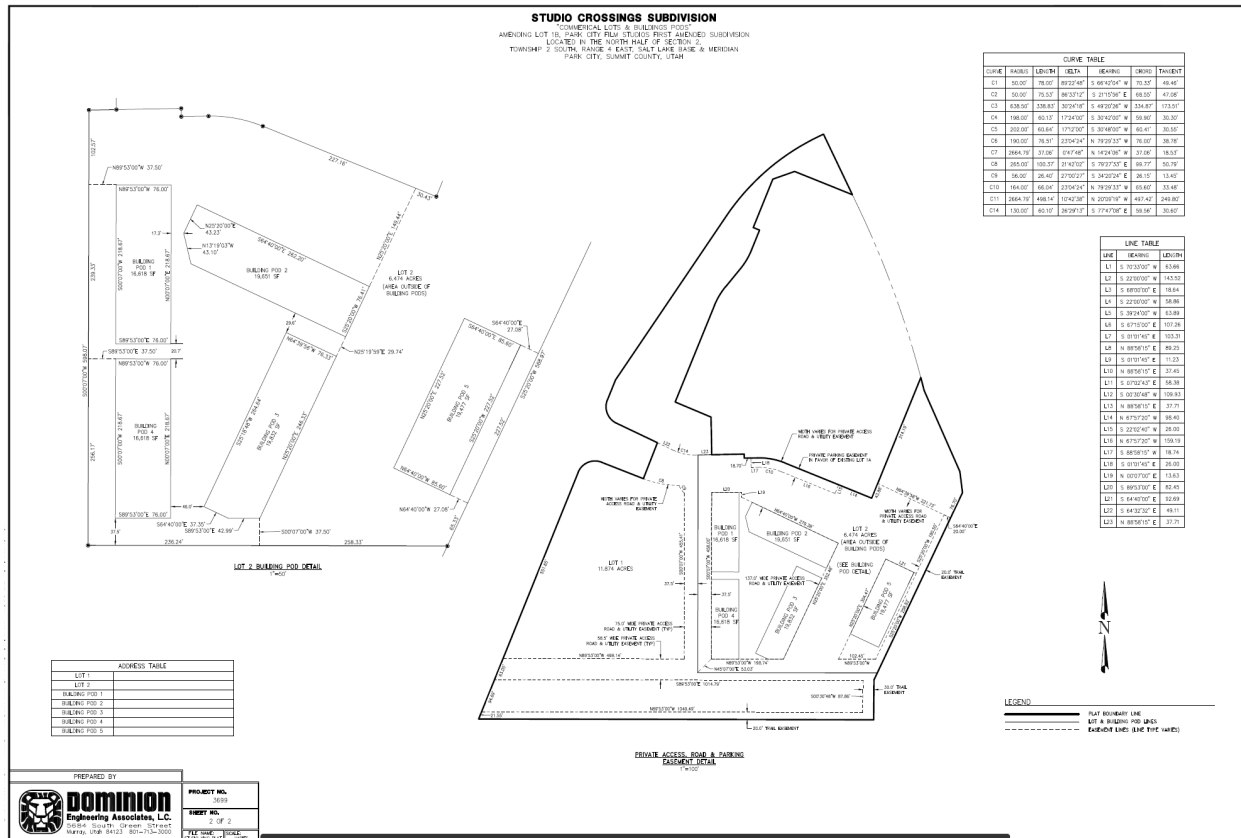


Figure 2: Applicant's Lot and Setback Plan

(II) The Studio Crossing Plat Amendment complies with LMC [§ 15-2.20-5](#), the Entry Corridor Protection Overlay (ECPO), and LMC [§ 15-2.21](#), the Sensitive Land Overlay (SLO), and the Studio Crossing MPD.

The ECPO is a sub-zone within the Frontage Protection Zone and applies to all development along SR-248 east of Wyatt Earp Way. The intent of the ECPO is to maintain the visual character of Park City.

Requirement	Analysis of Proposal
Front Setback - 100 ft. in the ECPO; Setbacks in the SLO are the Zone Setbacks.	Complies > 100 ft.
Building Height - 20 ft. if the ECPO Setback is less than 150 ft.; 25 ft. if the ECPO Setback is >150 ft. but < 200 ft.; Zone Height if Setback is > 200 ft.; Ordinance 2022-47 allows for exceptions to the Building Height.	Complies Ordinance 2022-47 allows for exceptions to the Building Height. See Analysis (I) above.

The Plat Amendment complies with the Front Setback and Building Height of the ECPO, or the Studio Crossing MPD, as applicable.

No structures are located within the 100 ft. required Front Setback. Townhomes located within 150 ft. but < 200 ft. of the ECPO are restricted to a max. Building Height of 25 feet. All structures setback >200 feet are restricted to the max. Zone Height of 28 feet except that [Ordinance 2022-47](#) allows for some exceptions to the Building Height for some of the buildings.

Landscape buffering is also required. [Ordinance 2022-47](#), Condition of Approval 15, requires that the undulating berm required by the Film Studio MPD shall be constructed and maintained consistent with the original MPD. New Condition of Approval 12 requires that any dead or diseased trees on the Film Studio Lot shall be removed prior to the issuance of building permits for Studio Crossing, and the Film Studio site shall be landscaped in accordance with the approved MPD plans prior to the issuance of certificates of occupancy for the Studio Crossing commercial buildings.

The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat Area according to the City's General Plan Maps and the Planning Commission discussed that a Sensitive Lands Analysis was not required for the Studio Crossing MPD.

(III) The Studio Crossing Plat Amendment complies with LMC § 15-3-6, Parking Requirements for Specific Land Use Categories, and the Studio Crossing MPD.

The LMC [§ 15-3-6\(A\)](#), Parking Ratio Requirement for Residential Uses is detailed below, indicating that 343 stalls are required for the market-rate and affordable units, leaving 223 stalls available for the 60,000 square feet of commercial Uses.

Unit Type	Number	Parking Ratio	Parking Requirement
Units < 1,000 sf.	170	1	170
Units > 1,000 sf.	115	1.5	172.5
Total Residential Requirement	285		342.5

* All Units are under 2,000 SF

LMC [§ 15-3-7](#), Parking in Master Planned Developments and Conditional Use Permits, allows the Planning Commission to reduce the parking requirement to prevent excess parking and paving.

During the MPD review process the applicant submitted a Parking Analysis indicating the proposal requires approximately 655 parking stalls depending on the Commercial Uses (Exhibit E).

The applicant proposes 566 stalls, leaving an 89-stall deficit for the proposed commercial Uses (14% reduction), as the applicant is proposing to meet the parking

requirements for the residential portion of the site. This is memorialized in the Studio Crossing MPD, which also states that “Any Conditional Use that requires a CUP in the RCO Zoning District and has a parking requirement of 5 stalls per 1,000 square feet or greater, shall require a CUP with the exception of Restaurants, Bars or Child Care Center. A detailed parking analysis shall be submitted at the time of CUP application” ([Ordinance 2022-47](#) COA #3).

(IV) The Development Review Committee (DRC) requires Conditions of Approval.³

This Plat Amendment went to the DRC on July 18, 2023. No new concerns/issues were identified that are not addressed in the Studio Crossing MPD. The Fire Department has approved and stamped site plans for the proposed development and the Applicant is close to finalizing a water service agreement with Summit Water Distribution Company.

(V) The proposal complies with LMC § 15-7.1-3(B) *Plat Amendments*.

Plat Amendments are reviewed according to LMC [§ 15-7.1-3\(B\)](#), 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 Plat Amendment as it facilitates the orderly development and financing of the individual components of the project and is consistent with the Studio Crossing MPD and approved Housing Mitigation Plan. No Public Street, Right-of-Way, or easement is vacated or amended.

The Lots will be owned and managed as follows:

- Lot 1 will be held and managed by the Applicant until the condominium units are platted and sold.
- Lot 2 will be held and managed by the Applicant.

Department Review

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

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, 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).

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 prior to the publication of this staff report.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Studio Crossing Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance and Plat
Exhibit B: Ordinance 2022-06, Park City Film Studio First Amended Subdivision
Exhibit C: Studio Crossing Approved Housing Mitigation Plan
Exhibit D: Ordinance 2022-47, Studio Crossing MPD
Exhibit E: Applicant's Parking Analysis

⁴ LMC [§ 15-1-21](#).

Ordinance No. 2023-Xx

AN ORDINANCE APPROVING THE STUDIO CROSSING SUBDIVISION PLAT AMENDMENT, COMMERCIAL LOTS AND BUILDING PODS, AMENDING LOT 1B, PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owners of the property located at 3981 Kearns Boulevard petitioned the City Council for approval of the Studio Crossing Subdivision Plat Amendment, to create two (2) Lots of Record; and

WHEREAS, on July 26, 2023, the *Park Record* published notice for the Planning Commission public hearing; 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 notice to the property for the Planning Commission public hearing; and

WHEREAS, on August 9, 2023, the Planning Commission reviewed the proposed Plat Amendment and held a public hearing; and

WHEREAS, on August 9, 2023, the Planning Commission forwarded a _____ recommendation for City Council's consideration on September 14, 2023; and

WHEREAS, on September 14, 2023, the City Council reviewed the Plat Amendment and held a public hearing; and

WHEREAS, the Plat Amendment is consistent with the Park City Land Management Code, aAnnexation, Master Planned Development, and Entry Protection Overlay Zone

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

SECTION 1. APPROVAL. The Studio Crossing Subdivision Plat Amendment 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 3981 Kearns Boulevard.
2. The property's annexation into Park City was the result of extensive litigation between the original owners and Summit County for the development of the parcel, that resulted in a settlement which provided Park City with an option to consider the annexation prior to development in the County.
3. As a result, Park City approved its own Settlement Agreement and Development Agreement for the Quinn's Junction Partnership Annexation Master Planned

Development (MPD) for the purpose of constructing 374,000 square feet of “a motion picture studio and media campus,” as stated in the Settlement Agreement.

4. The site is in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO) and Entry Corridor Protection Overlay, and an MPD for a Film Studio and Media Campus.
5. The Film Studio MPD is limited to a movie studio and media campus, as outlined in Exhibit C of the Annexation Agreement and applies to Lot 1A only.
6. To date, only Phase 1 of the Film Campus has been constructed, which includes the sound stages, workshop, and production support/offices (Buildings 7, 7A and 7B), associated parking, the main entrance, landscaping, and berming. This totals 91,425 square feet of development, all of which is located on Lot 1A.
7. There are 282,575 square feet of remaining Commercial Density to be built at the Property, for uses and buildings consistent with the Annexation Agreement and Film Studio MPD.
8. On December 15, 2022, the City Council approved Ordinance 2022-47, which amended the Film Studio Annexation and Zoning Ordinance for the remainder of the property and allows for the development of the remaining Density as Studio Crossing, a mixed-use development with 60,000 square feet of commercial uses, up to 100 market-rate condominiums, and at least 185 affordable for-rent units.
9. The applicant is proposing to subdivide the existing ~20-acre Lot 1B into two (2) Lots. Lot 1 would consist of 11.87 acres and contain the condominium and townhome buildings. Lot 2 would consist of 6.47 acres and would contain the remainder of the site, including the commercial buildings and affordable housing units.
10. The proposed Plat Amendment is consistent with the Community Transition with Regional Commercial Overlay Zoning requirements, as well as the Entry Corridor Protection Overlay, and Studio Crossing MPD.
11. The proposed Plat Amendment allows for future development that complies with the Studio Crossing MPD as well as the Land Management Code.
12. Plat Amendments shall be reviewed according to Section 15-7.1-6 Final Subdivision Plat and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Conclusions of Law

1. There is Good Cause for this Plat Amendment as the amendment complies with the Community Transition with Regional Commercial Overlay Zoning requirements, as well as the Entry Corridor Protection Overlay, and Studio Crossing MPD. Existing plat notes will continue to apply; the Plat Amendment does not preclude development that is consistent with the annexation and Film Studio MPD.
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.
4. No Public Street, Right-of-Way, or easement has been vacated or amended.

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, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that the Entry Corridor Protection Overlay requirements shall apply to Lot 1B and be shown on the plat.
4. The plat shall note that a shared public access easement will be dedicated by the property owner to the City for possible future access to SR-248 at the southwest corner of the property, including possible re-dedication or transfer by the City to the state of Utah. The easement location shall be determined when the access is needed, shall be right in and right out only, and shall meet fire code access requirements of 20 feet in width of hard surface.
5. Future improvements shall be designed to meet all Engineering Department requirements.
6. The property is not within the Soils Ordinance. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
7. The Annexation Agreement includes Architectural Design Guidelines. Lot 1A complies with these Guidelines. Future development must comply with or amend these Guidelines.
8. All future development must meet the requirements of the Park City Fire District in accordance with standards applicable to the particular application and at the time of Building Permit review.
9. In accordance with the City Sign Code, Title 12, a Master Sign Plan shall be submitted prior to the issuance of permits for any signs.
10. The Applicant shall submit a Lighting Plan for the parking area in accordance with LMC Chapter 15-3.
11. All dumpsters shall be screened by fencing.
12. Any dead or diseased trees on the Film Studio Lot shall be removed prior to the issuance of building permits for Studio Crossing, and the Film Studio site shall be landscaped in accordance with the approved MPD plans prior to the issuance of certificates of occupancy for the Studio Crossing commercial buildings.
13. All Conditions of Approval of Ordinance 2022-47 shall continue to apply.

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

PASSED AND ADOPTED this 14th Day of September 2023.

PARK CITY MUNICIPAL CORPORATION

MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Attachment 1: Studio Crossing Subdivision

STUDIO CROSSINGS SUBDIVISION

AMENDING LOT 10, 'COMMERCIAL LOTS & BUILDINGS POOL' SUBDIVISION
 LOCATED IN THE NORTH HALF OF SECTION 2,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

CURVE	RADIUS	CHORD	CHORD BEARING	CHORD LENGTH	TANGENT
C1	50.00'	76.00'	S 89°42'04" W	70.33'	46.46'
C2	50.00'	76.53'	S 21°52'56" E	68.55'	41.08'
C3	538.00'	338.83'	S 49°22'28" W	334.87'	173.91'
C4	186.00'	66.13'	S 39°42'00" W	58.90'	36.30'
C5	202.00'	69.84'	S 39°48'00" W	60.41'	30.50'
C6	90.00'	76.51'	S 23°04'24" N	79.29' S 25°32'55" W	36.76'
C7	2664.79'	37.06'	S 91°48'00" N	1424.00' S 37°06'15" E	18.55'
C8	265.00'	100.37'	S 24°02'00" E	S 29°22'33" E	86.37'
C9	50.00'	26.46'	S 70°02'00" E	S 49°22'28" E	26.35'
C10	144.00'	46.04'	S 70°02'00" E	S 79°30'15" E	46.00'
C11	2664.79'	46.14'	S 91°48'00" N	S 20°00'10" W	49.74'
C12	50.00'	46.13'	S 29°22'33" E	S 77°47'08" E	56.36'

LINE	BEARING	LENGTH
L1	S 70°33'00" W	53.86'
L2	S 22°00'00" E	143.02'
L3	S 68°00'00" E	18.64'
L4	S 22°00'00" E	58.86'
L5	S 29°24'00" W	63.89'
L6	S 67°10'00" E	107.28'
L7	S 07°10'45" E	103.31'
L8	N 89°30'15" E	89.25'
L9	S 07°10'45" E	11.23'
L10	N 89°30'15" E	37.45'
L11	S 07°24'33" E	58.38'
L12	S 07°24'33" E	108.93'
L13	N 89°30'15" E	37.71'
L14	N 87°22'00" E	58.40'
L15	S 22°02'40" E	25.02'
L16	N 67°20'20" E	159.79'
L17	S 88°38'15" W	18.14'
L18	S 07°10'45" E	28.20'
L19	N 00°07'00" E	13.63'
L20	S 89°33'00" E	82.45'
L21	S 64°05'00" E	92.89'
L22	S 64°32'32" E	49.11'
L23	N 89°30'15" E	37.71'

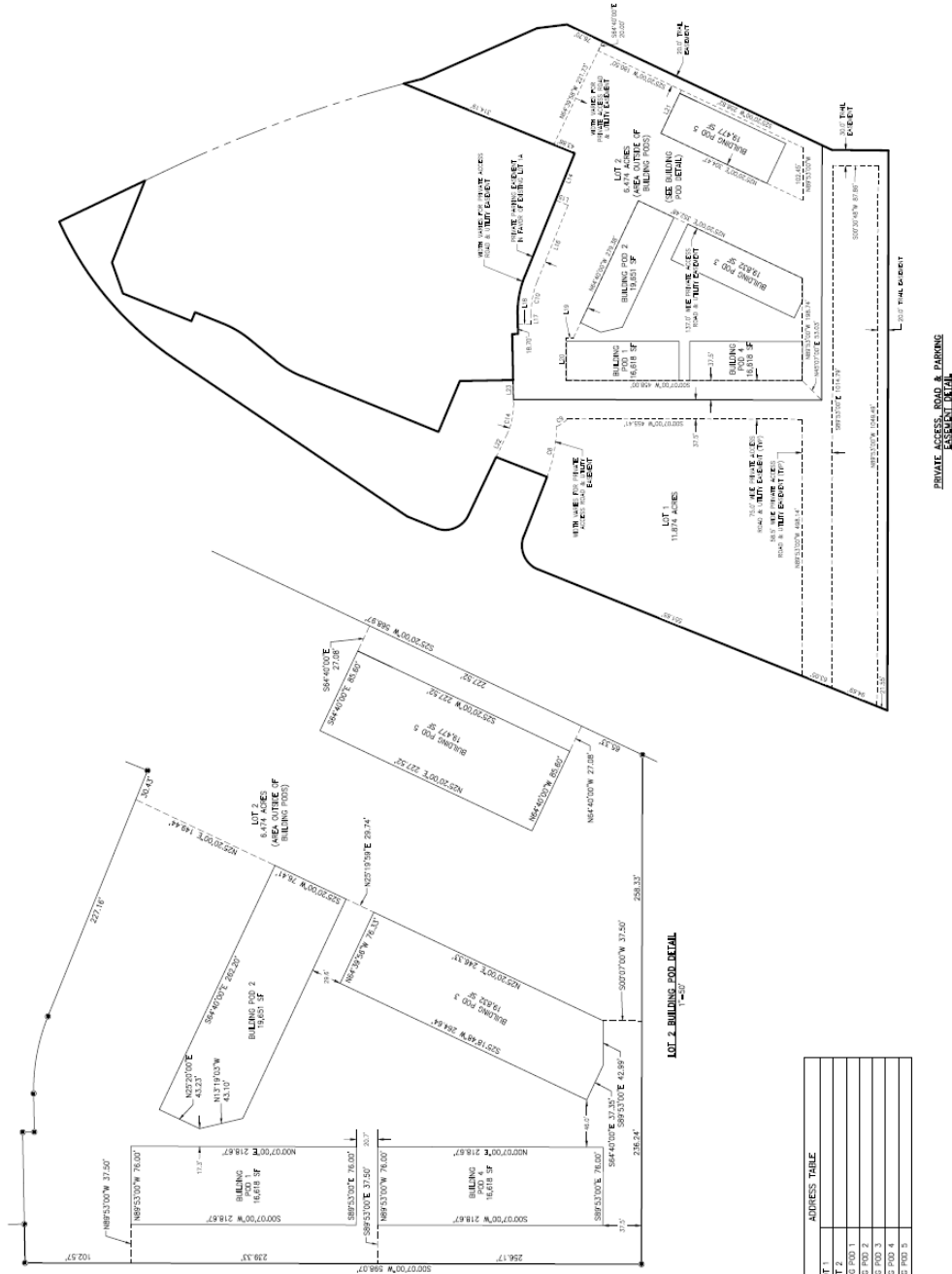


LEGEND

--- RAILROAD RIGHT-OF-WAY LINE

--- LOT & BUILDING PERMITS

--- EXISTING LINE (SEE THE MAP)



ADDRESS TABLE
LOT 1
LOT 2
BUILDING POOL 1
BUILDING POOL 2
BUILDING POOL 3
BUILDING POOL 4
BUILDING POOL 5

PREPARED BY

DOMINION
 Engineering Associates, L.C.

PROJECT NO. 2020-001
 SHEET NO. 2 OF 2
 FILE NAME: 2020-001-001.dwg
 DATE: 08/14/2020

Ordinance No. 2022-06

AN ORDINANCE APPROVING THE PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION, AMENDING LOT 1, PARK CITY FILM STUDIOS SUBDIVISION, 4001 KEARNS BOULEVARD, PARK CITY, UTAH

WHEREAS, the owners of the property located at 4001 Kearns Boulevard petitioned the City Council for approval of the Park City Film Studios First Amended Subdivision, to create two (2) Lots of Record; and

WHEREAS, on January 5, 2021, the *Park Record* published notice for the Planning Commission public hearing; and

WHEREAS, on December 29, 2021, 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 January 12, 2022, the Planning Commission reviewed the proposed Plat Amendment and held a public hearing; and

WHEREAS, on January 12, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on February 3, 2022; and

WHEREAS, on February 3, 2022, the City Council reviewed the Plat Amendment and held a public hearing; and

WHEREAS, the Plat Amendment is consistent with the Park City Land Management Code, annexation, MPD and Entry Protection Overlay Zone

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

SECTION 1. APPROVAL. The Park City Film Studios First Amended Subdivision 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 4001 Kearns Boulevard.
2. The property's annexation into Park City was the result of extensive litigation between the original owners and Summit County for the development of the parcel, that resulted in a settlement which provided Park City with an option to consider the annexation prior to development in the County.
3. As a result, Park City approved its own Settlement Agreement and Development Agreement Master Planned Development (MPD) for the purpose of constructing 374,000 square feet of "a motion picture studio and media campus," as stated in

the Settlement Agreement.

4. The site is in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO) and Entry Corridor Protection Overlay, and an MPD for a Film Studio and Media Campus.
5. The MPD is limited to a movie studio and media campus, including a 100-room hotel, amphitheater, and associated Commercial uses as outlined in Exhibit C of the Annexation Agreement.
6. To date, only Phase 1 of the Film Campus has been constructed, which includes the sound stages, workshop, and production support/offices (Buildings 7, 7A and 7B), associated parking, the main entrance, landscaping, and berming. This totals 91,425 square feet of development, all of which is located on proposed Lot 1A.
7. Currently there are 283,000 square feet of remaining Commercial density to be built at the Property, for uses and buildings consistent with the Annexation Agreement and MPD.
8. The applicant is proposing to subdivide the existing 29.553-acre Park City Film Studios Lot into two (2) legal lots of record. Lot 1A would consist of 8.622 acres and contain the existing developed Film Studio Campus generally north of Round Valley Drive, the access to the site from SR-248. Lot 1B would consist of 20.464 acres and would contain the remainder of the site, generally south of Round Valley Drive.
9. The proposed subdivision is consistent with the zoning and MPD but in order to proceed with a new development plan for proposed Lot 1B, the applicant will need to file additional applications. No findings of compliance are made at this time with Municipal Code Title 15 Chapter 7, specifically 7.1, 7.2, and 7.3.
10. The Annexation Agreement states there is no Open Space requirement for the MPD.
11. The proposed Plat Amendment allows for future development that complies with the annexation and MPD as well as the Land Management Code.
12. Plat Amendments shall be reviewed according to Section 15-7.1-6 Final Subdivision Plat and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Conclusions of Law

1. There is Good Cause for this Subdivision as the amendment complies with the Community Transition with Regional Commercial Overlay Zoning requirements, as well as the Entry Corridor Protection Overlay, and annexation and MPD for a Film Studio and Media Campus. Existing plat notes will continue to apply; the subdivision does not preclude development that is consistent with the annexation and MPD.
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.
4. No Public Street, Right-of-Way, or easement has been vacated or amended.

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, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. No vesting shall occur for Lot 1B by virtue of this plat. No additional development activity or building permit will be granted on Lot 1B until further re-subdivision, zoning and MPD applications are applied for and approved. All such applications shall comply with public improvement requirements pursuant to Paragraph 1.4.6 of the MPD Agreement and with the City's Future Laws pursuant to Paragraph 2.4 of the MPD.
4. The plat shall note that Conditions of Approval of the May 12, 2012, Zoning and Annexation Agreement, Ordinance 2012-12 and Ordinance 2014-16 continue to apply to this subdivision unless subsequently amended.
5. The plat shall note that Conditions of Approval of the May 24, 2012, Development Agreement MPD continue to apply to this subdivision unless subsequently amended.
6. The plat shall note that a shared public access easement will be dedicated by the property owner to the City for possible future access to SR-248 at the southwest corner of the property, including possible re-dedication or transfer by the City to the state of Utah. The easement location shall be determined when the access is needed, shall be right in and right out only, and shall meet fire code access requirements of 20 feet in width of hard surface.
7. The plat shall note the CC&R recorded on 5/23/2014, Book 2241, page 1251.
8. The plat shall note that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City's current Affordable Housing Resolution shall apply.
9. The plat shall note that the MPD berming requirements shall continue to apply to Lot 1B.
10. The plat shall note that the Frontage Protection Overlay Zone and Entry Corridor Protection Overlay requirements shall apply to Lot 1B and be shown on the plat.
11. Future improvements shall be designed to meet all Engineering Department requirements.
12. The property is not within the Soils Ordinance. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
13. The Annexation Agreement includes Architectural Design Guidelines. Lot 1A complies with these Guidelines. Future development must comply with or amend these Guidelines.
14. All future development must meet the requirements of the Park City Fire District in accordance with standards applicable to the particular application and at the time of Building Permit review.

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

PASSED AND ADOPTED this 3rd day of February, 2022.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

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Nann Worel, MAYOR

ATTEST:

DS



DocuSigned by:

Michelle Kellogg

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City Recorder

APPROVED AS TO FORM:

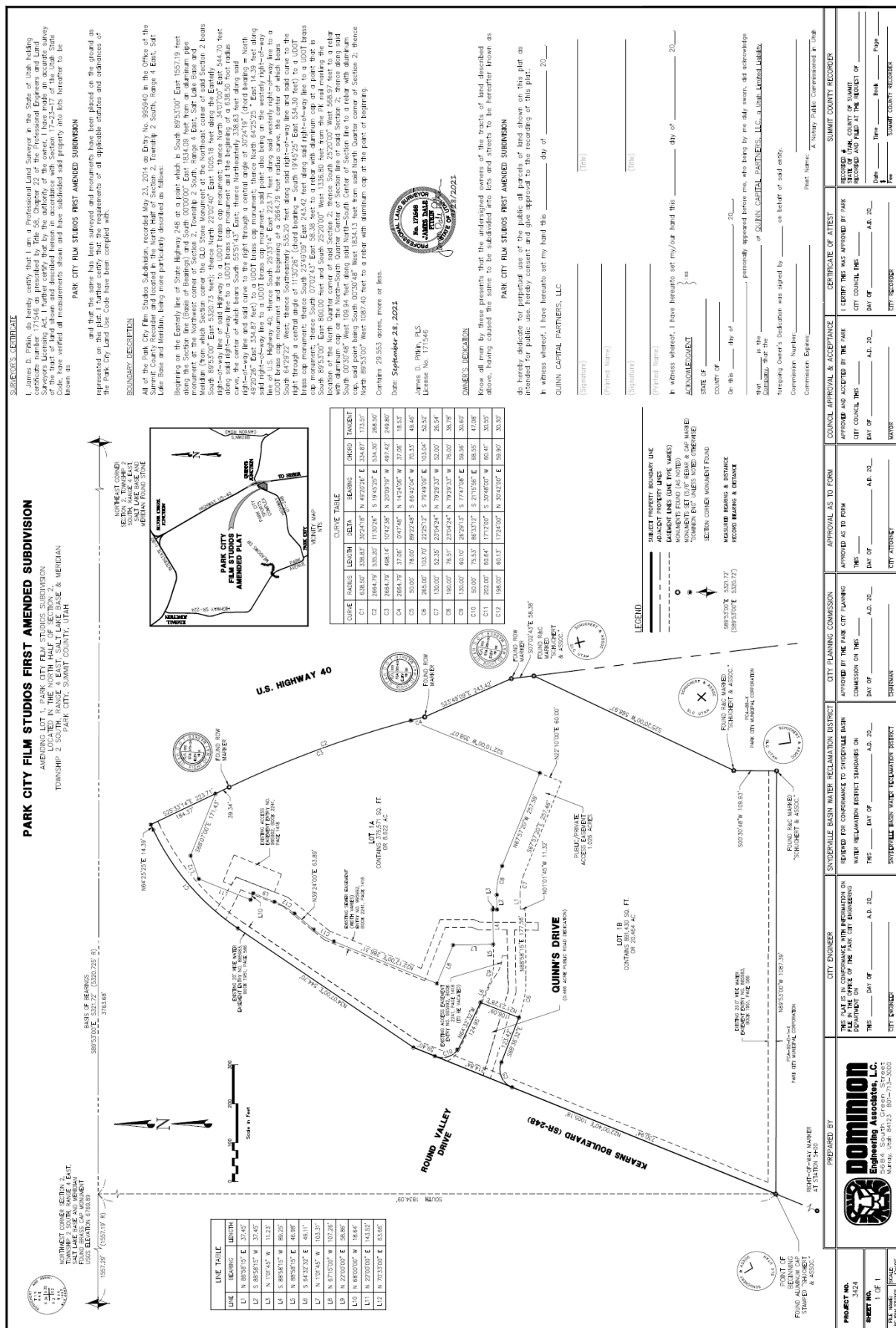
DocuSigned by:

Mark Harrington

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City Attorney's Office

Attachment 1: Park City Film Studios First Amended Subdivision



October 20, 2022

Quinn Capital Partners, LLC Housing Mitigation Plan

Quinn Capital Partners, LLC is pleased to be able to incorporate this housing mitigation plan as a part of its Amended Master Planned Development. This proposal will convert a substantial portion of the existing commercial square footage to affordable housing and create a vibrant, year-round neighborhood compatible with surrounding residents. The proposed modifications will also reduce daily traffic and enhance the quality of life for our residents, all while helping to meet community environmental and housing goals.

This housing mitigation plan is part of the 2022 Amendment to the Master Planned Development Agreement and Annexation Agreement. The original 2012 Development Agreement for the Quinn's Junction Partnership Annexation Master Planned Development expressly provided that no affordable housing was required to be built as a condition of development. Recognizing the needs of the community and benefits to the community in constructing affordable housing, QCAP is proposing to construct a minimum of 185 units of affordable housing units as part of its proposal to amend the 2012 Development Agreement.

Background

The 2012 Development Agreement did not require the construction of any affordable housing. (DA Section 5, Affordable Housing). When QCAP subdivided the subject property earlier in 2022, the City required as a condition of plat approval a note requiring QCAP to provide affordable housing meeting the current code requirements if it any point it amended the 2012 Development Agreement. In addition to meeting the code-based requirements for affordable housing, QCAP is proposing to convert existing commercial entitlements to affordable housing.

Proposed Plan

QCAP proposes to construct more than enough affordable housing units to meet the requirements of the 2021 Park City Affordable Housing Resolution. The 2021 Housing Resolution calls for a total affordable housing square footage for commercial uses based on an employee mitigation calculation. The same resolution requires 20% of condominium units to be affordable units. Per the resolution, each affordable unit is calculated as containing 900 square feet.

The final count of units required may adjust slightly with final preparations of plans and to address City input, however the required square footage will be provided per the Resolution. Forecasted calculations for the affordable housing are shown in Table 1 below:

Table 1

Studio Crossings Residential Density			
Market Rate SQFT	REU	AUE	Net Livable Space
142,000	71	14.2	12,780

**Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.*

Studio Crossing Assumed Use Based on Newpark Retail Mix					
Use	FT	Use Mix	SQFT	Employees	Net Livable Space
Commercial Retail	3.3	73.4%	44,028	145.3	
Medical	2.9	8.7%	5,219	15.1	
Personal Services	1.3	6.1%	3640	4.7	
Restaurant	6.5	11.9%	7,113	46.2	
Total Commercial Density			60,000	211.3	
Mitigation Rate X 0.2				42.3	
AUEs/1.5				28.2	25,367.44

**Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.*

Total Affordable Housing Obligation	
Net Livable Space	AUE
38,057.00	42.40

For the affordable housing required by the plat amendment note, QCAP proposed to construct the 42 Unit Equivalents in the following mix:

27 - Studios - 400 sqft = 10,800 sqft
 23 - 1 bedrooms - 600 sqft = 13,800 sqft
 10 - 2 bedrooms - 800 sqft = 8,000 sqft
5 - 3 bedrooms - 1,100 sqft = 5,500 sqft
 65 units = 38,057 sqft

QCAP is also voluntarily converting 79 Unit Equivalents of currently entitled commercial space to affordable housing in the following anticipated mix:

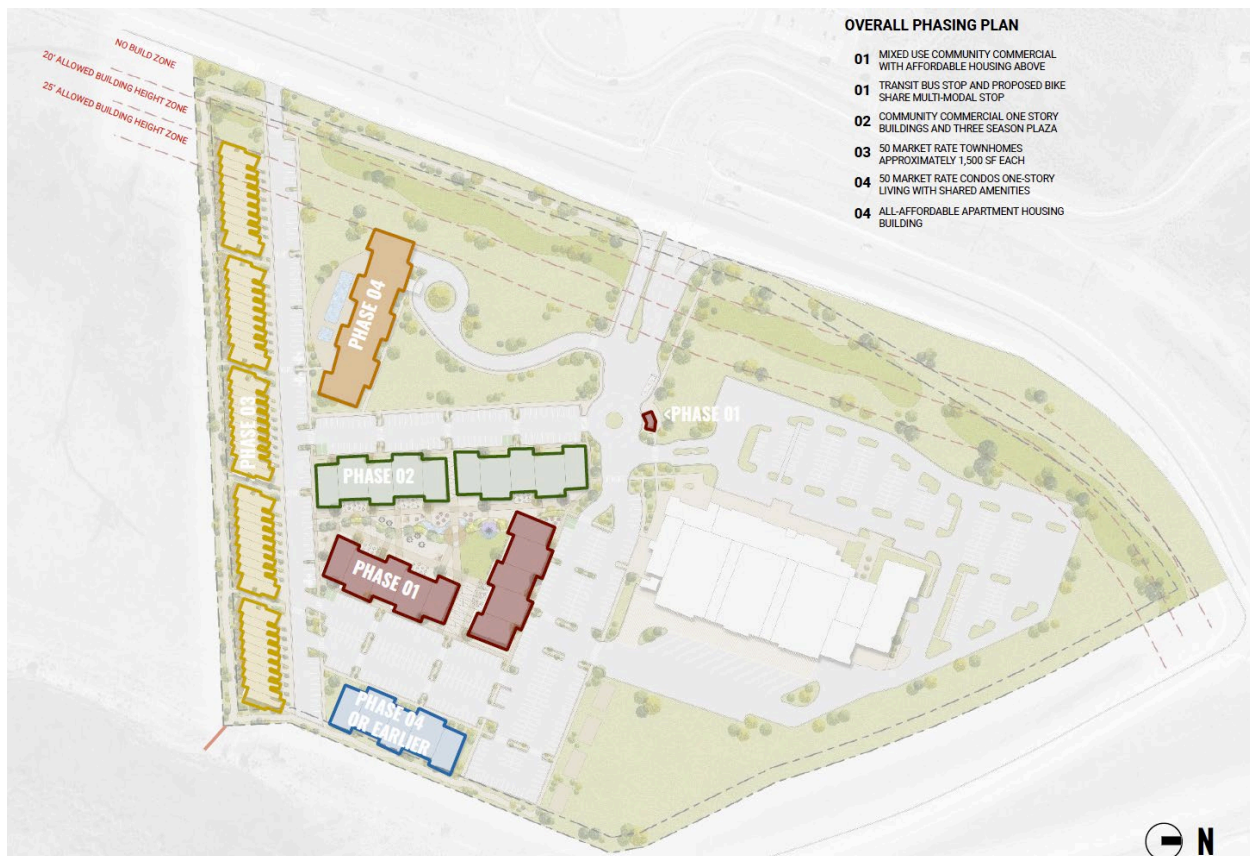
50 - Studios - 400 sqft = 20,000 sqft
 40 - 1 bedrooms - 600 sqft = 24,000 sqft
 20 - 2 bedrooms - 800 sqft = 16,000 sqft
 10 - 3 bedrooms - 1,100 sqft = 11,000 sqft
 120 units = 80,575 sqft

All affordable housing shall be deed restricted and subject to Park City affordable housing guidelines including affordable rent restrictions. All the affordable housing will be built in the

1st and 4th (anytime) phase. An unconditional certificate of occupancy, or a temporary certificate of occupancy if it allows for operation of the affordable housing units will not issue for each phase until the affordable housing requirement is met.

Site plans showing the proposed affordable housing, including the parking, are included in Exhibit A below:

Exhibit A



Eligibility and Pricing

All units will be maintained as deed restricted affordable for rent units. A qualified third-party professional property management company shall manage the rental of the units.

Eligibility for the affordable for-rent housing will be based on the AMI standards of for-rent affordable housing. In initially filling the units, QCAP shall use a geographic waterfall approach in selecting from applicants, in the following priority:

1. Qualifying applicants employed in the immediate Quinn's Junction neighborhood, including, but not limited to, employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, and Summit Pediatrics.
2. Qualifying applicants employed within Park City boundaries.
3. Qualifying applicants employed within the Park City School District boundaries.
4. Qualifying applicants employed within Summit County.

There shall be no time limit required in selecting between orders of priority. Rather, when all qualifying applicants from a category have been exhausted, applicants from the next order of priority shall immediately be given priority. This waterfall provision shall only apply at the initial generation of any waitlist and selection for the Studio Crossing affordable housing units. From that point, all applications shall be made on a first-come-first-serve basis on the existing waitlist.

QCAP may enter into one or more master leases with local employers whereby local employers may lease a block of units to meet the housing needs of their qualifying employees. The priority of any such master leases shall follow the same geographic waterfall provided previously. Any such master leases must be consistent with the remaining provisions of this Housing Mitigation Plan, as it may be amended from time to time.

For the 65 units required by the plat amendment note—and subject to the 2021 Housing Resolution—all rentals will be to households of 80% AMI or below for Summit County and will be at the allowable rental rates for households at 80% AMI as determined by the then-applicable Summit County AMI numbers, updated on an annual basis. All rental units will submit annual compliance surveys in accordance with the recorded deed restrictions.

For the 120 units QCAP is constructing from its existing commercial density, all rentals will be to households of 120% AMI or below for Summit County. However, like the units required by the plat amendment note, all rental rates charged will be at 80% of AMI, regardless of the AMI of individual households. All gross rental rates shall include any Home Owner Association fees or assessments that may be charged against the unit.

Additionally, QCAP agrees that all (currently projected to be 77) of the studio unit rentals will be to households of 60% and 70% of AMI for Summit County and will be at the allowable rental rates for households at 60% and 70% AMI as determined by the then-applicable Summit County

AMI numbers, updated on an annual basis. QCAP will rent 27 units at 60% AMI and 50 units at 70% AMI.

Table 2 – 80% AMI Rates

Bedrooms	Occupants	*AMI (80%)	Income Percentage	Yearly Rent	Monthly Gross Rent I	No. of Units
0	1	\$66,960	30%	\$20,088.00	\$1,674.00	0
1	2	\$76,480	30%	\$22,944.00	\$1,912.00	63
2	3	\$86,080	30%	\$25,824.00	\$2,152.00	30
3	4	\$95,600	30%	\$28,680.00	\$2,486.00	15

Table 3 – 70% AMI Rates

Bedrooms	Occupants	*AMI (70%)	Income Percentage	Yearly Rent	Monthly Gross Rent I	No. of Units
0	1	\$58,560	30%	\$17,568.00	\$1,464.00	50

Table 4 – 60% AMI Rates

Bedrooms	Occupants	*AMI (70%)	Income Percentage	Yearly Rent	Monthly Gross Rent I	
0	1	\$50,200	30%	\$15,060.00	\$1,255.00	27

*AMI is based on 2021 Summit County AMI numbers.

Amenities

The Studio Crossings development will include a number of amenities available to residents of the affordable housing units. These amenities include a community plaza with a stage and play structure, a sheltered bus stop within the site, an e-bike station and bike fix-it station, 12-foot multi-use paths with pocket parks and benches throughout the site, connection to the rail trail, and Open Space with two pickleball courts, a bocce ball court, and a half basketball court.

Studio Crossings will be a transit and trail-oriented development. There will be a dedicated and improved transit stop within the development. QCAP is also working to ensure that an electric bikeshare location is included on site. In addition to these public transit options, there will be covered bike storage available for each of the affordable housing buildings. It is QCAP's intention to enable and encourage alternative transit options to private vehicle ownership.

Ordinance No. 2022-47

AN ORDINANCE AMENDING THE ANNEXATION AND ZONING [ORDINANCE NO. 2012-12](#), FOR APPROXIMATELY 20.46 ACRES OF PROPERTY LOCATED AT 3981 KEARNS BOULEVARD, IN THE QUINN'S JUNCTION AREA, KNOWN AS THE PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION LOT 1B, PARK CITY, UTAH. THE SITE WAS PREVIOUSLY ZONED COMMUNITY TRANSITION (CT) WITH A REGIONAL COMMERCIAL OVERLAY (RCO) DESIGNATION.

WHEREAS, the property's annexation into Park City was the result of extensive litigation between the original owners and Summit County for the development of the property, which resulted in a settlement that provided Park City with an option to consider the annexation prior to development in the County; and

WHEREAS, as a result, Park City approved a [Settlement Agreement](#), [Annexation Agreement](#), and the Quinn's Junction Partnership Annexation [Master Planned Development \(MPD\)](#) for the purpose of constructing 374,000 square feet of "motion picture studio and media campus" (as stated in the Settlement Agreement); and

WHEREAS, the site is in the [Community Transition](#) (CT) zone, with a [Regional Commercial Overlay](#) (RCO), [Entry Corridor Protection Overlay](#) (ECPO), and [Sensitive Land Overlay](#) (SLO) in addition to the MPD; and

WHEREAS, the existing MPD is limited to a movie studio and media campus, including a 100-room hotel, amphitheater, and associated Commercial Uses and square footage, as outlined in Exhibit C of the [Annexation Agreement](#) and the zoning was adopted at the time of annexation to enable the Film Studio MPD; and

WHEREAS, to date, only Phase 1 of the Film Campus has been constructed, which includes the sound stages, workshop, and production support/offices (Buildings 7, 7A, and 7B on the approved site plan, Exhibit B and included below), associated parking, the main entrance, landscaping, and berming along Kearns Blvd, totaling 91,425 square feet of development Density; and

WHEREAS, currently, there are 282,575 square feet of remaining conditionally approved Density to be built on the property, for Uses and buildings consistent with the Annexation Agreement and MPD; and

WHEREAS, in 2021, while considering a phasing plan amendment to construct the allowed hotel building, the City Council indicated a willingness to entertain further amendments to the Annexation and MPD to produce more community benefits, including affordable housing, for the remaining conditionally approved Density; and

WHEREAS, On February 3, 2022, the applicant received approval to subdivide the original parcel into two (2) legal Lots of record ([Ordinance 2022-06](#)). Lot 1A now consists of 8.622 acres and contains the existing Film Studio Campus. The applicant is

not proposing any changes to this portion of the site and the existing MPD still governs Lot 1A; and

WHEREAS, Lot 1B consists of 20.464 acres and will contain the remaining Density to be developed with commercial and residential Uses. The applicant is seeking to amend the existing Annexation Ordinance and MPD for this portion of the site only; and

WHEREAS, on July 27, 2022, the property was properly noticed and posted, and courtesy letters were sent to surrounding property owners according to the requirements of the Land Management Code; and

WHEREAS, on July 27, 2022, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held public hearings on August 10, 2022, and October 26, 2022, to receive input on the proposed amendment to the MPD and Zoning and Annexation Ordinance; and

WHEREAS, the Planning Commission, on November 9, 2022, unanimously approved the amendment to the MPD for a mixed-use project with at least 185 affordable rental units on Lot 1B; and

WHEREAS, the Planning Commission, on November 9, 2022, forwarded a positive recommendation to the City Council to amend the Zoning and Annexation Ordinance and for exceptions to the Zone Height; and

WHEREAS, on December 15, 2022, the City Council held a public hearing to receive input on the Zoning and Annexation Ordinance and for exceptions to the Zone Height; and

WHEREAS, it is in the best interest of Park City, Utah to approve an amendment to the Zoning and Annexation Ordinance and exceptions to the Zone Height for Lot 1B only.

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

SECTION 1. APPROVAL. The Zoning and Annexation Ordinance 2012-12 as it applies to Lot 1B only, is hereby amended, including for exception to the Zone Height, as shown in Attachment 1, and 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 3981 Kearns Boulevard.

2. The site is in the [Community Transition](#) (CT) zone, with a [Regional Commercial Overlay](#) (RCO), [Entry Corridor Protection Overlay](#) (ECPO), and [Sensitive Land Overlay](#) (SLO) in addition to the Film Studio MPD.
3. The Park City Film Studios consists of two separate lots. Lot 1A contains the developed portion of the Park City Film Studios, and Lot 1B is currently undeveloped. Both lots are subject to an [Annexation Agreement](#) and the Quinn's Junction Partnership Annexation Master Planned Development Agreement ([MPD](#)).
4. The applicant submitted applications to amend 1) the [MPD](#), to allow for additional Uses, and to modify the Use, number, footprints, and Building Heights for the remaining Density allocated in the MPD on Lot 1B only; and 2) the Community Transition - Regional Commercial Overlay Zoning and [Ordinance 12-12](#), the annexation and zoning Ordinance. Lot 1A will remain subject to the original Annexation, Zoning, and MPD agreements.
5. The applicant has 282,575 square feet of Density under the existing MPD that has not been constructed. The applicant is proposing to construct a mixed-use project, including 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale units, and at least 185 affordable for-rent units up to 80% AMI, consistent with the Applicant's Housing Mitigation Plan, approved on December 14, 2022, by the City's Housing Authority.
6. The applicant submitted:
 - a. Conceptual Site Plans including a Phasing Plan;
 - b. A Parking Analysis;
 - c. A Trip Generation Analysis; and
 - d. A Housing Mitigation Plan.
7. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant is proposing to deliver in Phase 1 in the form of at least 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
8. In addition to the required affordable units, the applicant is proposing at least 120 "additional" affordable units that will be delivered partially in phase 1 (~55 affordable units) and partially in Phase 4 or earlier (~65 affordable units). These additional units may be available to households at up to 120% of AMI, consistent with the Applicant's Housing Mitigation Plan, approved on December 14, 2022, by the City's Housing Authority.
9. The proposed bedroom mix and size of the affordable units is as follows:

Affordable Units	Number	Size
Studios	77	400
1 Bedrooms	63	600
2 Bedrooms	30	800
3 Bedrooms	15	1,100
Units	185	

10. Phase 1 consists of the transit stop and bus shelter, the plaza area, and two mixed-use rental buildings totaling 90,000 square feet. Each building is 3-stories with a maximum Building Height of 40 feet, exceeding the zone height of 28 feet. Both buildings contain 15,000 square feet of commercial space on the ground floors and 30,000 square feet of affordable rental housing on the second and third levels. It is anticipated that Phase 1 will include approximately 120 affordable housing units, including and exceeding the applicant's Affordable Housing Requirement with 65 required units and 55 "additional" affordable units. There are no market rate units in Phase 1.
11. Phase 2 consists of two commercial buildings totaling 30,000 square feet. Each building is 1-story with a maximum Building Height of 25 feet, meeting the zone height. Each building contains 15,000 square feet of "community focused, small-scale commercial, retail or restaurant" space. A community plaza area connects the Phase 1 and Phase 2 buildings. No residential units are proposed as part of Phase 2.
12. Phase 3 consists of no more than 50 for-sale market-rate townhomes in five clusters of 10 units totaling 82,000 square feet. Each unit is 2-stories totaling between 1,500 -1,700 square feet with a maximum Building Height of 25 feet, meeting the zone height, and contains 2-3 bedrooms. A garage and access to surface parking are included with each townhome. There are no affordable units proposed for Phase 3.
13. Phase 4 consists of one market-rate building of 60,000 square feet. The building is 3-stories with a maximum Building Height of 40 feet, exceeding the zone height. This building will contain a maximum of 50 for-sale market-rate units and 72 underground parking stalls for residents of the building.
14. The site plan also includes one additional 4-story, for-rent affordable building to be built concurrent to the Phase 4 market-rate building, or earlier. The building has a maximum Building Height of 45 feet, exceeding the zone height and the balance of the "additional" affordable units, ~65 units, will be constructed in this building.
15. Section 4.5 of the existing [MPD](#) expressly states that "Pursuant to the Annexation Agreement, no affordable housing is required for this MPD." However, the recent Subdivision approved by Council on February 3, 2022 ([Ordinance 2022-06](#)), Condition of Approval 8, states "The plat shall note that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City's current Affordable Housing Resolution shall apply." The applicant is proposing to meet and exceed the City's affordable housing requirements with this project. It is because the applicant is proposing to construct at least 185 affordable housing units that the Council was willing to conceptually support the proposed project.
16. The site plan for Lot 1B includes 320,632 square feet of total development. However, as affordable units that are required as part of an MPD approval do not count towards the calculated Density, the proposal totals not more than 282,575 square feet, equaling the remaining conditionally approved Density of 282,575 square feet. With the 91,425 square feet of Density built on the Film Studio portion of the site (Lot 1A) the entire project is 374,000 square feet, equal to or less than the 374,000 square feet the site was originally approved for.

17. The Planning Commission approved the amendment to the MPD on November 9, 2022, and unanimously voted to recommend the amendment to the zoning and annexation Ordinance including exceptions to the Zone Height, to the Council for consideration on December 15, 2022.
18. The Planning Commission also voted to recommend the applicants Housing Mitigation Plan to the City's Housing Authority for consideration on December 15, 2022.
19. The applicant has a total Affordable Housing Obligation of 42.4 AUEs or 38,160 square feet. If the project numbers change, the Affordable Housing Obligation must be adjusted accordingly.
20. The applicant will construct all 65 units or 42.4 AUEs (38,160 square feet) of required Affordable Housing in Phase 1, meeting the City's current Affordable Housing Resolution, as follows.

Type	Units	Size
Studios	27	400
1 Bedroom	23	600
2 Bedrooms	10	800
3 Bedrooms	5	1,100
Units	65	
@ 900 SF		42.4 AUEs

21. In addition to meeting the City's Affordable housing Obligation in Phase 1, the applicant will construct at least an "additional" 55 affordable housing units in Phase 1, and 65 more "additional" units as part of Phase 4, for a total of at least 120 "additional" affordable housing Units or 78.8 AUEs as follows:

Type	Units	Size
Studios	50	400
1 Bedroom	40	600
2 Bedrooms	20	800
3 Bedrooms	10	1,100
Units	120	

@ 900 SF		78.8 AUEs
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22. All required affordable units, will be rental units available to households at up to 80% AMI, except for 77 studios. At least 27 Studios will be available to households making up to 60% of AMI, and at least 50 Studios will be available to households making up to 70% of AMI broadening the affordability of these units. The rest of the additional units may be available to households at up to 120% of AMI, consistent with the Applicant's Housing Mitigation Plan, approved on December 14, 2022, by the City's Housing Authority.
23. The applicant shall use a geographic waterfall approach in selecting from applicants in the following priority:
 - a. Qualifying applicants employed in the immediate Quinn's Junction neighborhood, including but not limited to employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, Summit Pediatrics, etc.
 - b. Qualifying applicants employed within Park City boundaries.
 - c. Qualifying applicants employed within the Park City School District boundaries.
 - d. Qualifying applicants employed within Summit County (additional affordable units only).
24. The "additional" 120 affordable units will be available to eligible households at up to 120% of Summit County AMI. However, rental rates charged will be at 80% of AMI, regardless of the AMI of individual households, meeting the City's definition of affordable. All gross rental rates will include any Homeowner Association fees or assessments that may be charged against the units, and this will be a Condition of Approval. Twenty-Seven (27) studio units will be available at 60% AMI and 50 studio units will be available at 70% AMI.
25. Amenities available to residents of the affordable units include a sheltered bus stop, e-bike station and bike fix-it station, community plaza, sports courts, sheltered bike storage, recycling rooms, outdoor dining, electric car charging station, green and dog-friendly space, and an internal pedestrian and bike trail system with connections to the broader Park City trail system.
26. Section 2.5(e) of the [Annexation Agreement](#) specifically discusses Building Height for the existing MPD and allows for Building Height exceptions.
27. The maximum Building Height in the CT zone is 28 feet with additional Height and Setback restrictions for the [ECPO](#). Proposed Building Heights range from 25 feet to 45 feet, with most of the taller buildings located in the center or rear (east side) of the site. One exception to this is the market-rate Multi-Unit Dwelling located adjacent to SR-248, with a maximum Building Height of 40 feet. The proposed townhomes and commercial buildings meet the Zone Building Height requirements at 25 feet in Height, and all buildings are located outside of the EOPC 150-foot Setback requirement.
28. The RCO allows for the City Council to grant Building Height exceptions upon recommendation from the Planning Commission.
29. On November 9, 2022, the Planning Commission found that the proposed Building Height exceptions are consistent with the Film Studio MPD Building Height

Exceptions and meet the standards for review of the CT-RCO zone. The site is located hundreds of feet from the nearest abutters and will not have a visual impact on any existing structures. All buildings meet required Setbacks. The Planning Commission also finds that there is no net increase in the proposed square footage over what is possible under the existing MPD.

30. The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat Area according to the City's General Plan Maps
31. MPDs require a minimum of 60% Open Space. However, the existing MPD has no minimum Open Space requirement per the Annexation Agreement. The proposed new site plan increases the amount of Open Space over the previously approved MPD.
32. The Film Studio shall serve as the Commercial anchor for the site in compliance with LMC § [15-2.17-4.](#)
33. With respect to Building Height, the Council finds that the proposed Building Height exceptions are consistent with the Film Studio MPD Building Height Exceptions, and meet the standards for review of the CT-RCO zone:
 - a. The site is located hundreds of feet from the nearest abutters and will not have a visual impact on any existing structures, and there will be no loss of solar access, view corridors, or ridge line intrusions (Review Criteria 1 & 2 and MPD Building Height Criteria 2).
 - b. The height exceptions do not result in additional traffic or loss of Open Space as compared to the approved Film Studio MPD (Review Criteria 3 and MPD Building Height Criteria 5).
 - c. The height exceptions are consistent with the approved Film Studio MPD (Review Criteria 4).
 - d. The landscape buffer required by the Film Studio MPD is being carried forward and will mitigate and buffer the buildings from adjacent Uses (Review Criteria 5 and MPD Building Height Criteria 3).
 - e. The application meets or exceeds all Setback requirements (Review Criteria 6 and MPD Building Height Criteria 4).
 - f. The Film Studio MPD has no Open Space requirement, and the applicant is increasing the amount of Open Space with this Amendment (Review Criteria 7).
 - g. Both the Commercial Buildings (Buildings 3 on the Site Plan) and the townhomes have maximum Building Heights of 25 feet, which is lower than the underlying Zone Height of 28 feet (Review Criteria 8 and MPD Building Height Criteria 6).
 - h. The project includes high quality architecture, transit and trail connections, and a significant amount of affordable housing beyond what the LMC requires (Review Criteria 9).
 - i. The amendment to the MPD does not result in a net increase in the allowable square footage or Building volume above Grade over what is possible under the existing MPD (Review Criteria 10 and MPD Building Height Criteria 1).

Conclusions of Law:

1. The modification to the 2012 Quinn's Junction Partnership Annexation Master Planned Development Agreement is a substantive modification.
2. The Application complies with the requirements of the Land Management Code as conditioned and approved.
3. The modifications are 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 modification to the Master Planned Development:
 - a. complies with all requirements of the Land Management Code;
 - b. meets the minimum requirements of Section 15-6-5;
 - c. provides the highest value of Open Space, as determined by the Planning Commission;
 - d. strengthens and enhances the resort character of Park City;
 - e. compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
 - f. is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
 - g. provides amenities to the community so that there is no net loss of community amenities;
 - h. is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete;
 - i. meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
 - j. promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;
 - k. was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
 - l. incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;
 - m. addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
 - n. addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
 - o. addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
 - p. addresses and mitigates traffic.

Conditions of Approval:

1. Lot 1A, 4001 Kearns Boulevard, is subject to the original Film Studio Annexation, Zoning, and MPD agreements.
2. Development of 3891 Kearns Boulevard is contingent upon approval of the Building Heights by the City Council, approval of the applicant's Housing Mitigation Plan by the Park City Housing Authority, and ratification of a Development Agreement by the Planning Commission.
3. The majority of the 60,000 square feet of Commercial Uses in the project shall be limited to smaller-scale community-oriented commercial Uses set forth in the Application and Final Plan Set dated October 26, 2022, and the applicant shall not be required to return to the Planning Commission for a CUP unless noted herein. Any Conditional Use that requires a CUP in the RCO Zoning District and has a parking requirement of 5 stalls per 1,000 square feet or greater, shall require a CUP except for Restaurants, Bars or Child Care Center. A detailed parking analysis shall be submitted at the time of CUP application. Telecom Antennas, Office Intensive, Retail/Service Intensive, and Medical Office/Clinic shall require a CUP.
4. Commercial Uses shall not include Hotels of any kind, any business with a Drive-Up window, or Gasoline Service Station.
5. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant will deliver in the form of at least 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
6. In addition to the required affordable units, the applicant is proposing at least 120 "additional" affordable units that will be delivered partially in phase 1 (~55 affordable units) and partially in Phase 4 or earlier (~65 affordable units).
7. The site plan includes one additional 4-story, for-rent affordable building totaling 58,632 square feet, to be built concurrent to the Phase 4 market-rate building, or earlier. The building has a maximum Building Height of 45 feet, and the balance of the "additional" affordable units will be constructed in this building.
8. Certificates of Occupancy for the Phase 4 building affordable units shall be tied to the issuance of Certificates of Occupancy for the market-rate units, so that all affordable units have Certificates of Occupancy prior to the completion of the market rate units.
9. No additional Density shall be built on Lot 1A, and Lot 1B is subject to a maximum Density of 320,632 square feet of total development (including required affordable housing units), consistent with the site plan and final plan set reviewed by the Planning Commission on November 9, 2022.
10. Parking and lighting shall meet requirements of the LMC, except for the parking reduction granted by the Planning Commission as part of the MPD. See LMC § [15-3](#) and § [15-5](#).
11. The secondary access to the site (non-signalized access) must be reviewed and approved by UDOT and the City Engineer prior to building permits and shall be right-in/right-out only.
12. The applicant shall locate a bus stop and bus shelter on site at a location to be reviewed and approved by the City Engineer and High Valley Transit prior to the issuance of a building permit.

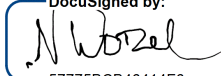
13. The applicant shall provide a bike share and bike fix it station on site and the applicant shall be responsible for all costs, including annual operational expenses, maintenance of the stations, infrastructure of bike station, kiosk, additional bikes to maintain service standards, and coordinate with vendor provider on installation and purchasing. The City shall review and approve the final location of the share station and the minimum number of bikes it can accommodate. A land easement to the bike share/County may be required. The applicant shall be responsible for providing electricity, adequate lighting, and access around the station.
14. Bike racks shall be provided for the various commercial uses as required by LMC § [15-3](#).
15. The undulating berm required by the Film Studio MPD shall be constructed and maintained consistent with the original MPD.
16. A Stormwater Management Plan shall be reviewed and approved by the City Engineer prior to the issuance of any building permits.
17. Rooftop mechanical equipment shall be architecturally screened from public view.
18. Trash and recycling enclosures shall be screened with landscaping or fencing.
19. All signage shall comply with the LMC.
20. The applicant shall provide covered bike storage in all residential buildings at a minimum rate of one stall per unit consistent with the City's LMC requirements at the time of building permit.
21. The applicant shall provide recycling facilities in all Multi-Unit Dwellings on site.
22. A final subdivision plan shall be recorded prior to construction of the condominium units.
23. The applicant shall bring Lot 1A into compliance with the originally approved Landscape Plan. Plant substitutions shall be allowed by the Planning Director if other species are deemed more suitable for the site.
24. The applicant shall construct a trail connection from the site to the Park City Rail Trail, upon review and approval of a plan by the City's Open Space Manager. The City will contribute up to \$75,000 for the cost of this connection.
25. The applicant has committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a bus station, e-bike share, connection to the Rail Trail, and providing covered bike storage in all Multi-Unit Dwellings. In addition, the applicant is reducing their overall parking to prevent excess paving and increase open space. All lighting will meet the City's Dark Sky Ordinance LMC § [15-5-5\(J\)](#).
26. Final utility plans have not been reviewed for approval and must be submitted for review prior to the issuance of any utility or building permits.
27. The Park City Fire District shall review and approve final plans prior to the issuance of any utility or building permits.
28. The Snyderville Basin Water Reclamation District shall review and approve plans prior to the issuance of any utility or building permits. All items required under the Line Extension Agreement must be completed prior to the issuance of any building permits.

29. Minor administrative modifications to the site plan shall be allowed by the Planning Director. Any substantive modifications to the site plan such as changes in access, building locations, or Density shall be reviewed by the Planning Commission for consistency with the conceptually approved site plans reviewed on November 9, 2022.
30. Prior to the issuance of a building permit the applicant shall submit evidence to the City Engineer and Public Utilities Director in accordance with LMC § 15-7.3-6, Water Facilities, confirming that 1) Summit Water has sufficient water supply for domestic water use and fire protection to service the existing and proposed development; or 2) an alternative water supply with sufficient capacity to serve the existing and proposed development has agreed to service the site. The burden is upon the applicant to submit responsive information regarding LMC 15-7.3-6.
31. If any phases of the project are not issued building permits within 6 years of the issuance of the first building permit, the applicant shall be required to return to the Planning Commission to re-permit any remaining density prior to the issuance of building permits to ensure that the remaining development is still in the best interest of the City and immediate neighborhood.
32. A Plat Note shall indicate that 3891 Kearns Boulevard, Lot 1B, is subject to Ordinance 2022-47.

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

PASSED AND ADOPTED this 15th day of December, 2022.

PARK CITY MUNICIPAL CORPORATION

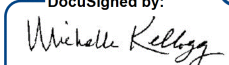
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MAYOR

ATTEST:



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City Recorder

APPROVED AS TO FORM:

DocuSigned by:

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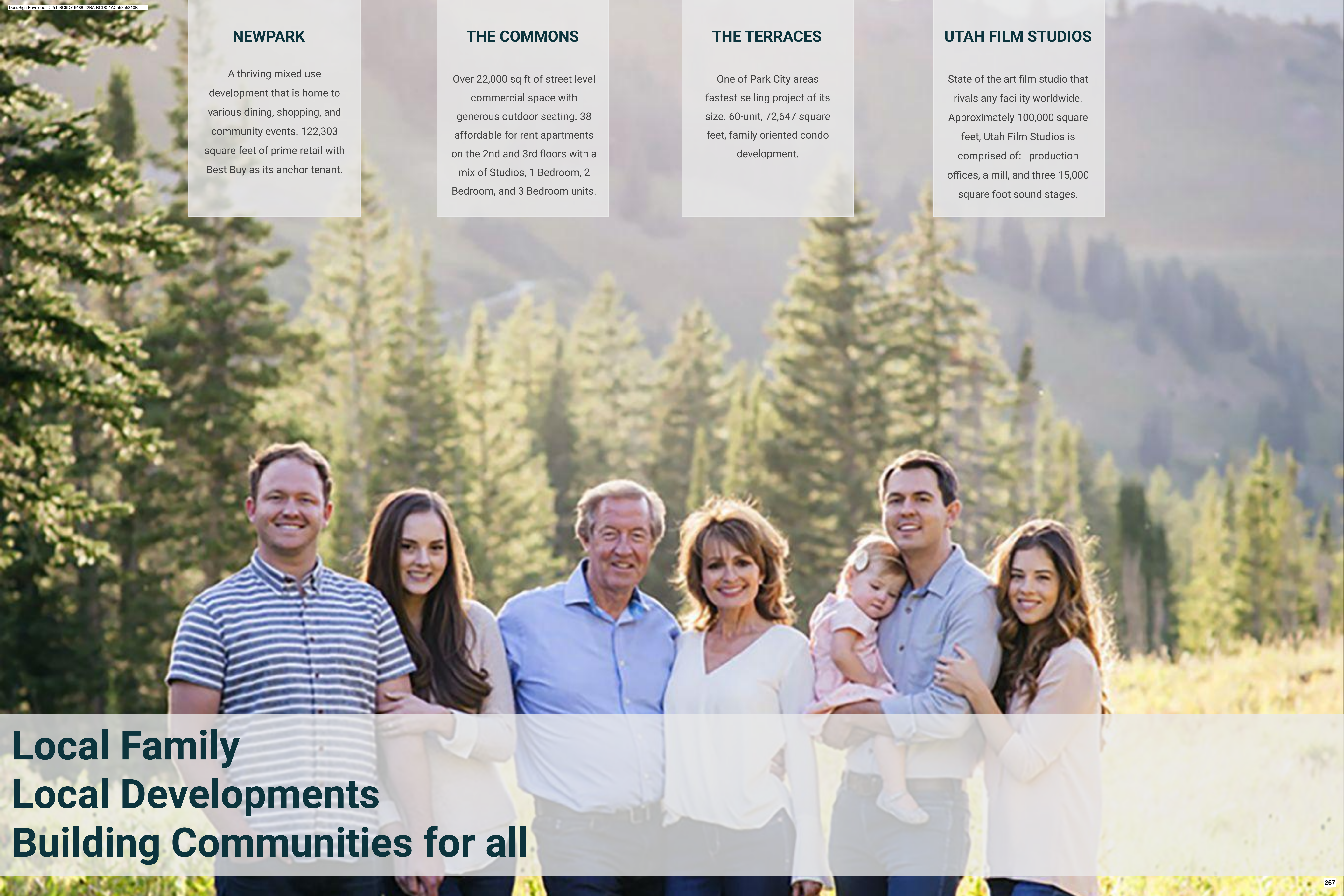
City Attorney's Office

Attachment 1 – Conceptually Approved MPD Site Plans



Welcome to **STUDIO CROSSING**

YOUR HOME in Quinns Junction



NEWPARK

A thriving mixed use development that is home to various dining, shopping, and community events. 122,303 square feet of prime retail with Best Buy as its anchor tenant.

THE COMMONS

Over 22,000 sq ft of street level commercial space with generous outdoor seating. 38 affordable for rent apartments on the 2nd and 3rd floors with a mix of Studios, 1 Bedroom, 2 Bedroom, and 3 Bedroom units.

THE TERRACES

One of Park City areas fastest selling project of its size. 60-unit, 72,647 square feet, family oriented condo development.

UTAH FILM STUDIOS

State of the art film studio that rivals any facility worldwide. Approximately 100,000 square feet, Utah Film Studios is comprised of: production offices, a mill, and three 15,000 square foot sound stages.

**Local Family
Local Developments
Building Communities for all**

THE COMMONS

- **38 affordable for rent apartments**
- 12,000 sqft of street level commercial space
- Mix of Studios, 1 Bedroom, 2 Bedroom, and 3 Bedrooms
- Multi-modal living in the heart of Newpark Towne Center
- Adjacent to Swaner Nature Preserve
- Convenient to both community restaurants and trails



2012 Proposed MPD - Studio Support Commercial



BLDG #	BLDG USE	SQFT	BUILDING HEIGHT
1A	Hotel Lodging (100 keys)	112,00	40'
1B	Recording Studio	2,500	16'
1C	Stage Venue	700	28'
1D	Residence (Omitted)	0	
1E	Grand Ballroom	16,000	28'
1F	Atrium	0	28'
2	Screening Rooms / Theater	15,000	40'
3	Entertainment Venue	14,500	40'
4	Mixed Use	33,350	28'
5	Mixed Use	25,625	28'
6	Sound Effects Stage	15,700	40'
6A	Office	37,200	38'
7	Sound Stages	47,375	60'
7A	Workshop	20,000	28'
7B	Production Support / Offices	24,000	34'
8	Workshop Office	10000	18'
9	Guard House	50	10'

2022 Proposed MPD - Affordable Community



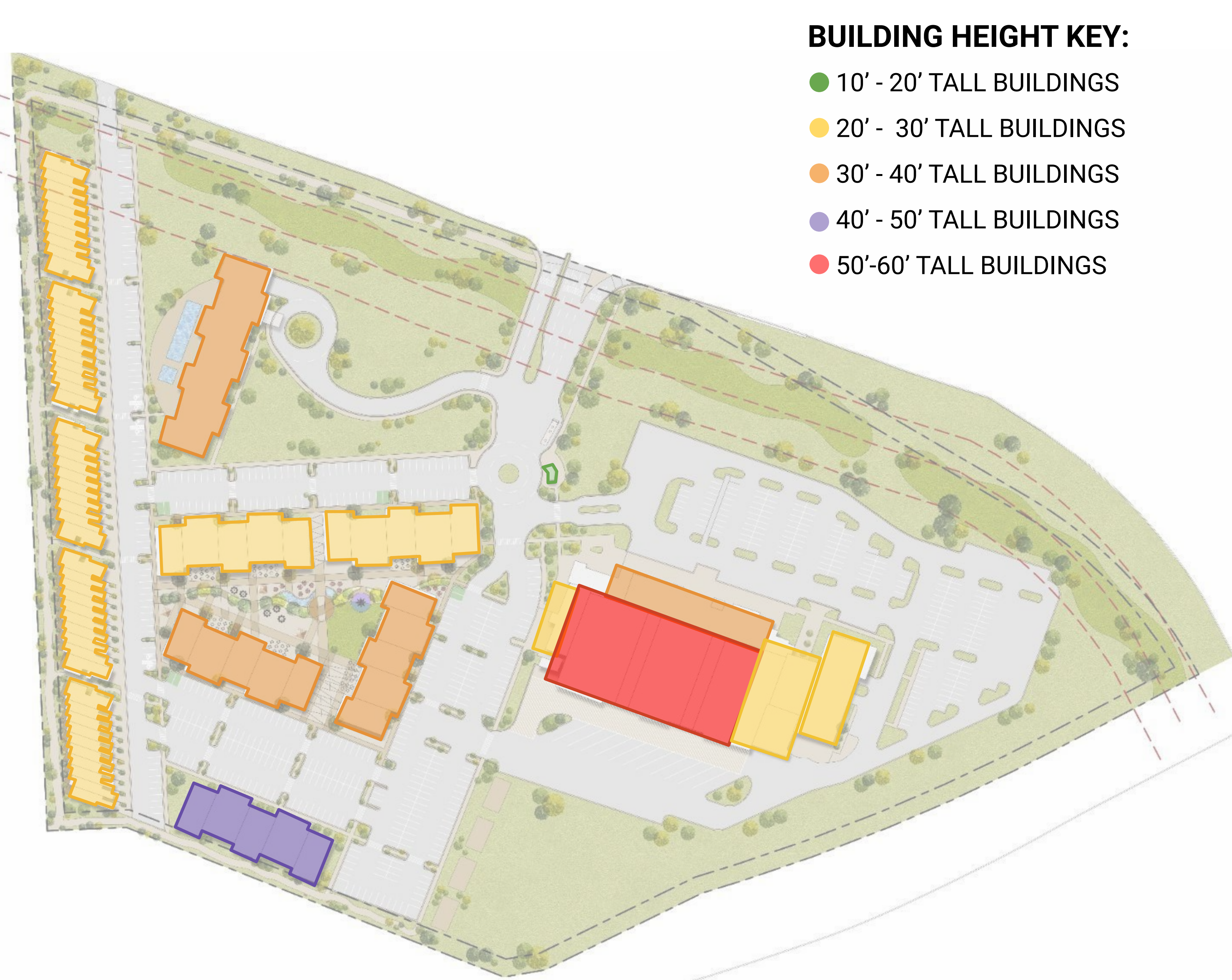
BLDG #	BLDG USE	SQFT	BUILDING HEIGHT
01	Residential Condo building	60,000	40'
02	Commercial Buildings	15,000 ea / 30,000 Total	25'
03	Mixed Use Affordable Housing	45,000 ea / 90,000 Total	40'
04	Affordable Housing	58,632 sf	45'
05	Market Rate Townhomes	1,500 ea / 82,000 Total	25'
06	Bus Transit Pick Up	0	15"
07	(EXISTING) Sound Stages	47,375	60'
07A	(EXISTING) Workshop	20,000	28'
07B	(EXISTING) Production Support / Offices	24,000	34"

2012 Approved MPD - Studio Support Commercial



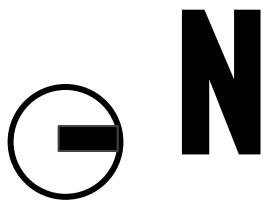
BLDG #	BLDG USE	SQFT	BUILDING HEIGHT
1A	Hotel Lodging (100 keys)	112,00	40'
1B	Recording Studio	2,500	16'
1C	Stage Venue	700	28'
1D	Residence (Omitted)	0	
1E	Grand Ballroom	16,000	28'
1F	Atrium	0	28'
2	Screening Rooms / Theater	15,000	40'
3	Entertainment Venue	14,500	40'
4	Mixed Use	33,350	28'
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7B	Production Support / Offices	24,000	34'
8	Workshop Office	10000	18'
9	Guard House	50	10'

2022 Proposed MPD - Affordable Community



- BUILDING HEIGHT KEY:**
- 10' - 20' TALL BUILDINGS
 - 20' - 30' TALL BUILDINGS
 - 30' - 40' TALL BUILDINGS
 - 40' - 50' TALL BUILDINGS
 - 50'-60' TALL BUILDINGS

BLDG #	BLDG USE	SQFT	BUILDING HEIGHT
01	Residential Condo building	60,000	40'
02	Commercial Buildings	15,000 ea / 30,000 Total	25'
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07A	(EXISTING) Workshop	20,000	28'
07B	(EXISTING) Production Support / Offices	24,000	34"



BUILDING HEIGHTS IN LOCAL VICINITY

PARK CITY HOSPITAL

3 Stories
54ft



SUMMIT PEDIATRICS

2 Stories
35ft

USANA CENTER

3 Stories
40ft



SUMMIT COUNTY
HEALTH DEPARTMENT

2 Stories
30ft



EXISTING FILM
STUDIO

4 Stories
60ft

BUILDING HEIGHT KEY:

- 10' - 20' TALL BUILDINGS
- 20' - 30' TALL BUILDINGS
- 30' - 40' TALL BUILDINGS
- 40' - 50' TALL BUILDINGS
- 50'-60' TALL BUILDINGS



SETBACK KEY:

- 25' PROPERTY LINE SETBACK
- NO BUILD ZONE
- 20' ALLOWED BUILDING HEIGHT ZONE
- 25' ALLOWED BUILDING HEIGHT ZONE

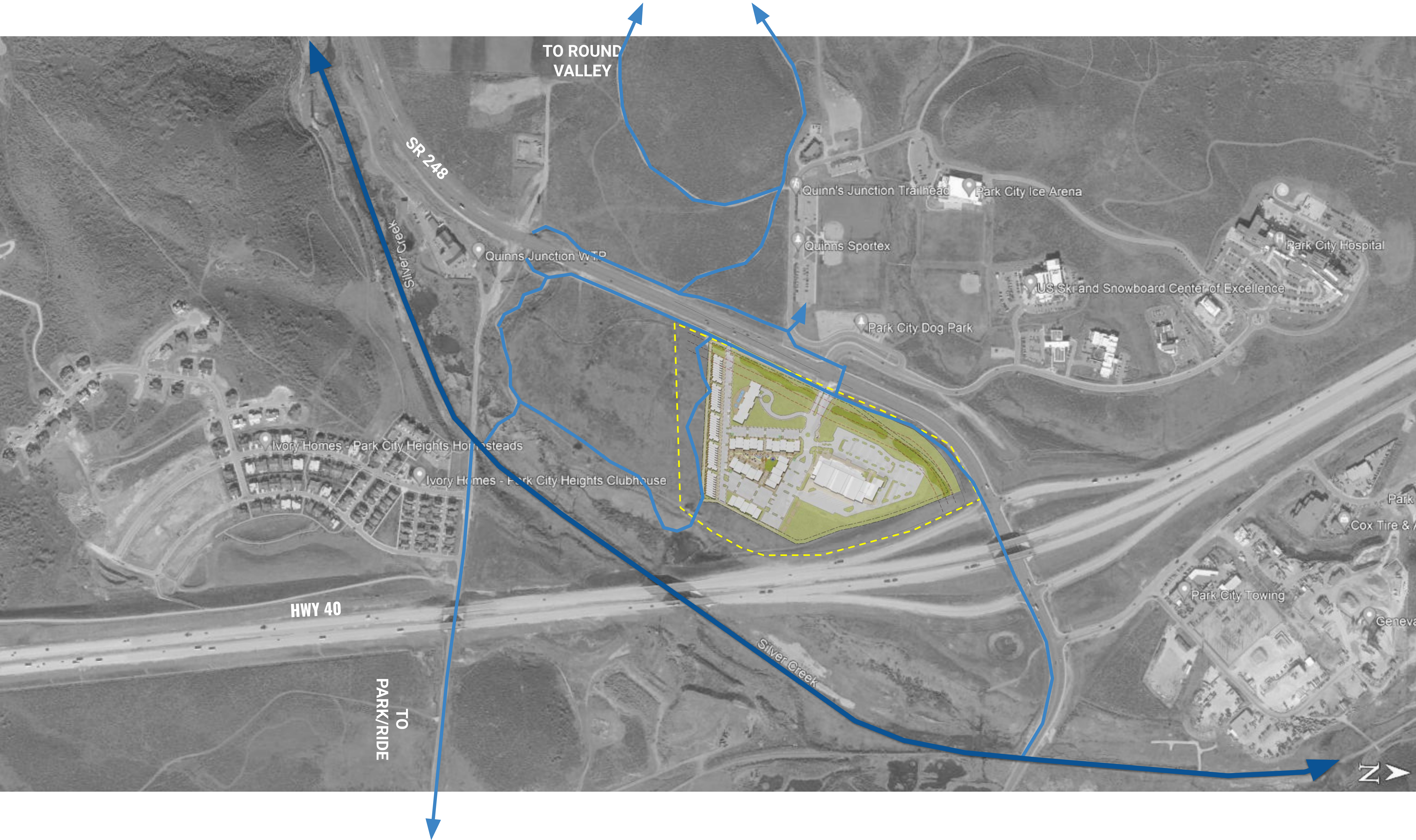


DIFFERENT MODES OF CIRCULATION

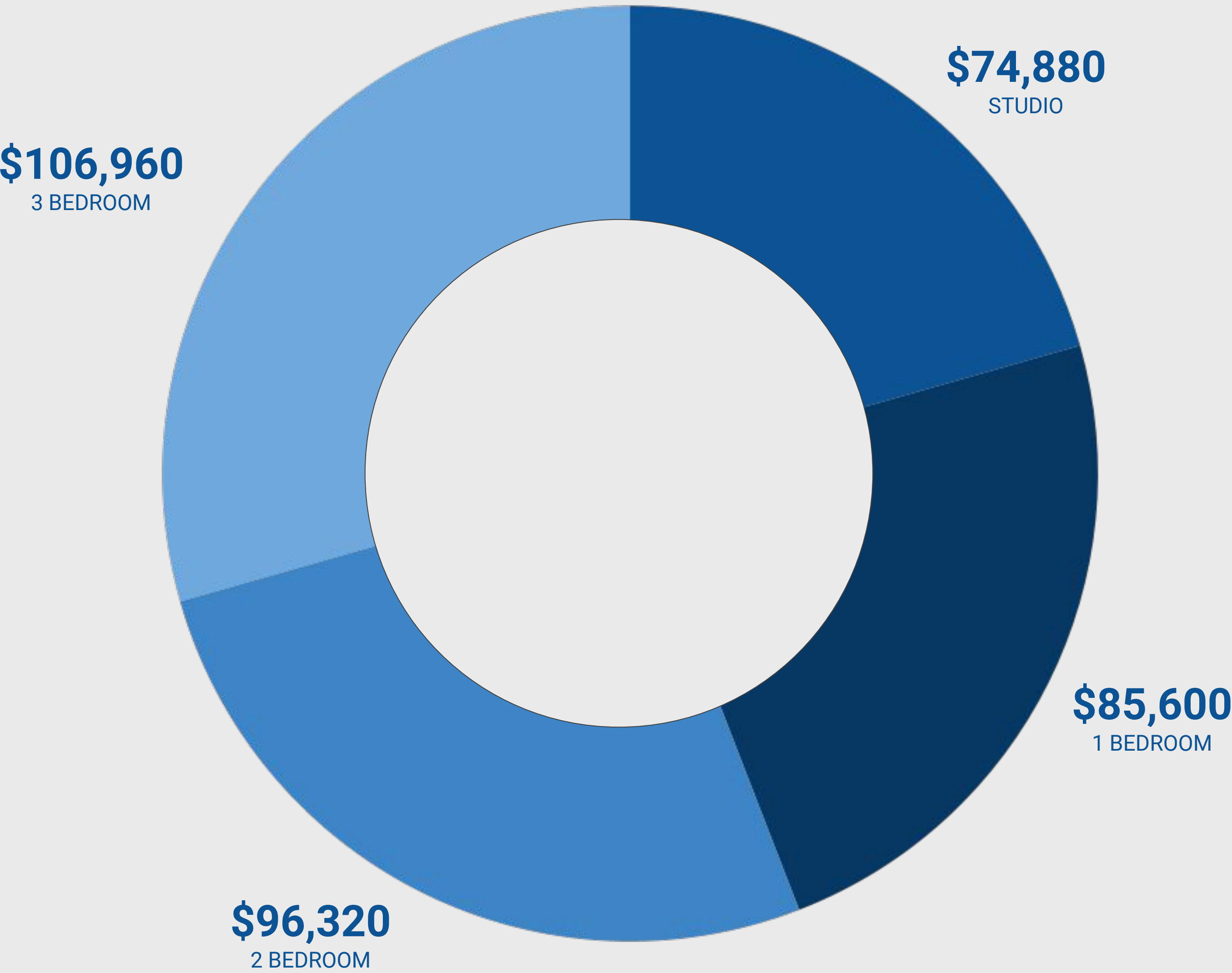
- PEDESTRIAN CIRCULATION
- BICYCLE CIRCULATION
- RAIL TRAIL CONNECTION



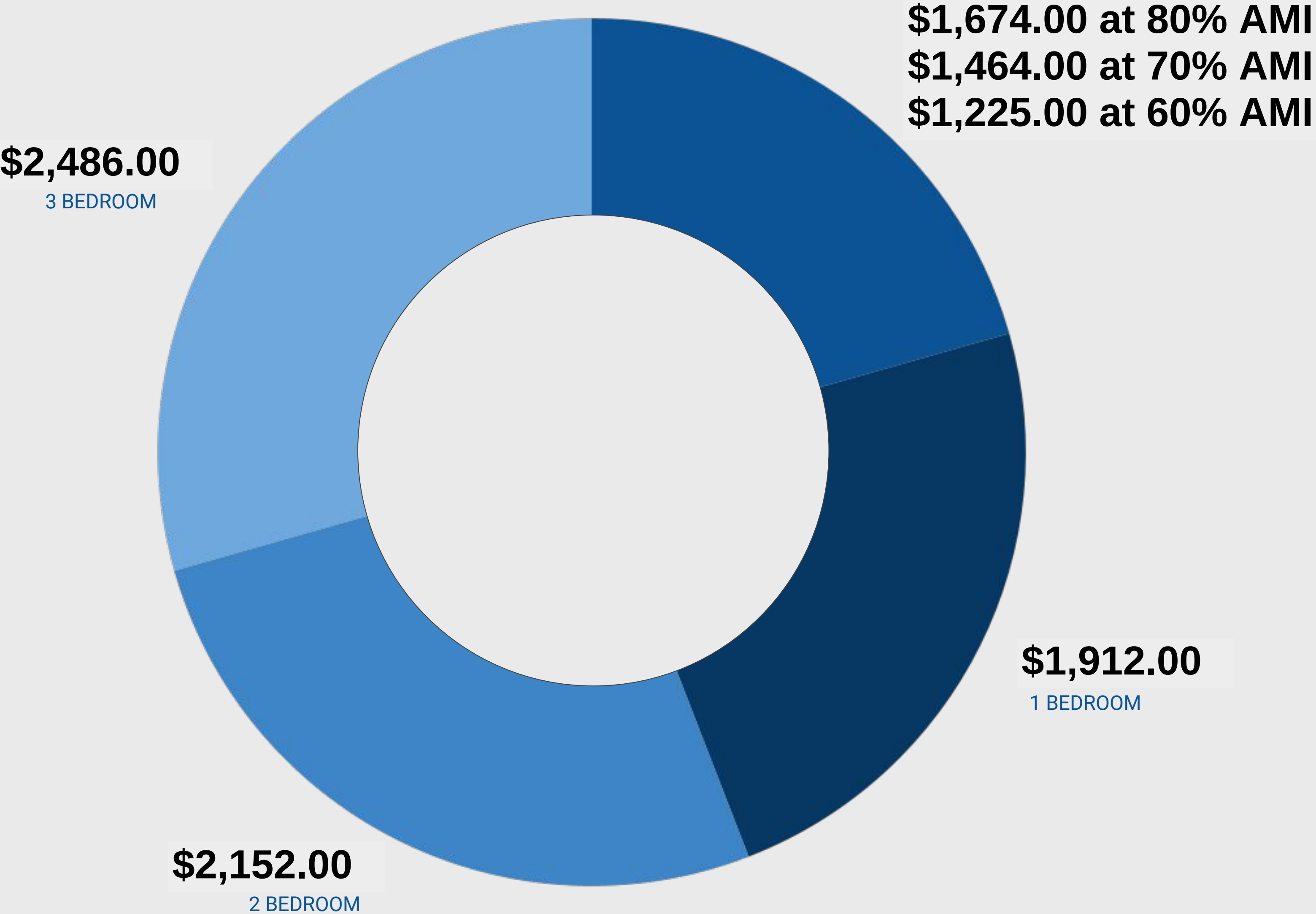
TRAIL CONNECTIVITY



2022 SUMMIT COUNTY 80% AMI RENTS



MAXIMUM MONTHLY RENT INCLUDING UTILITIES, ASSOCIATION DUES, AND PARKING FEES



NIGHTLY RENTALS WERE ANALYZED IN PROPERTIES IN NEWPARK, WHERE THE DEVELOPMENT TEAM HAS EXPERIENCE. ACTUAL NIGHTLY RENTALS WERE FAR LOWER THAN PERCEIVED ORIGINALLY, AND GIVES GREAT PRECEDENCE TOWARDS A PROJECTED NIGHTLY RENTAL AT STUDIO CROSSINGS MIXED USE PROJECT WITH TOWNHOMES, APARTMENTS, AND CONDOS SIMILAR IN NATURE TO THOSE AT NEWPARK.

13.3%

*TERRACE NIGHTLY RENTAL RATE
MIXED-USE CONDOMINIUM PROJECT

16.7%

*NEVIS NIGHTLY RENTAL RATE
CONDO / TOWNHOME PROJECT

16.8%

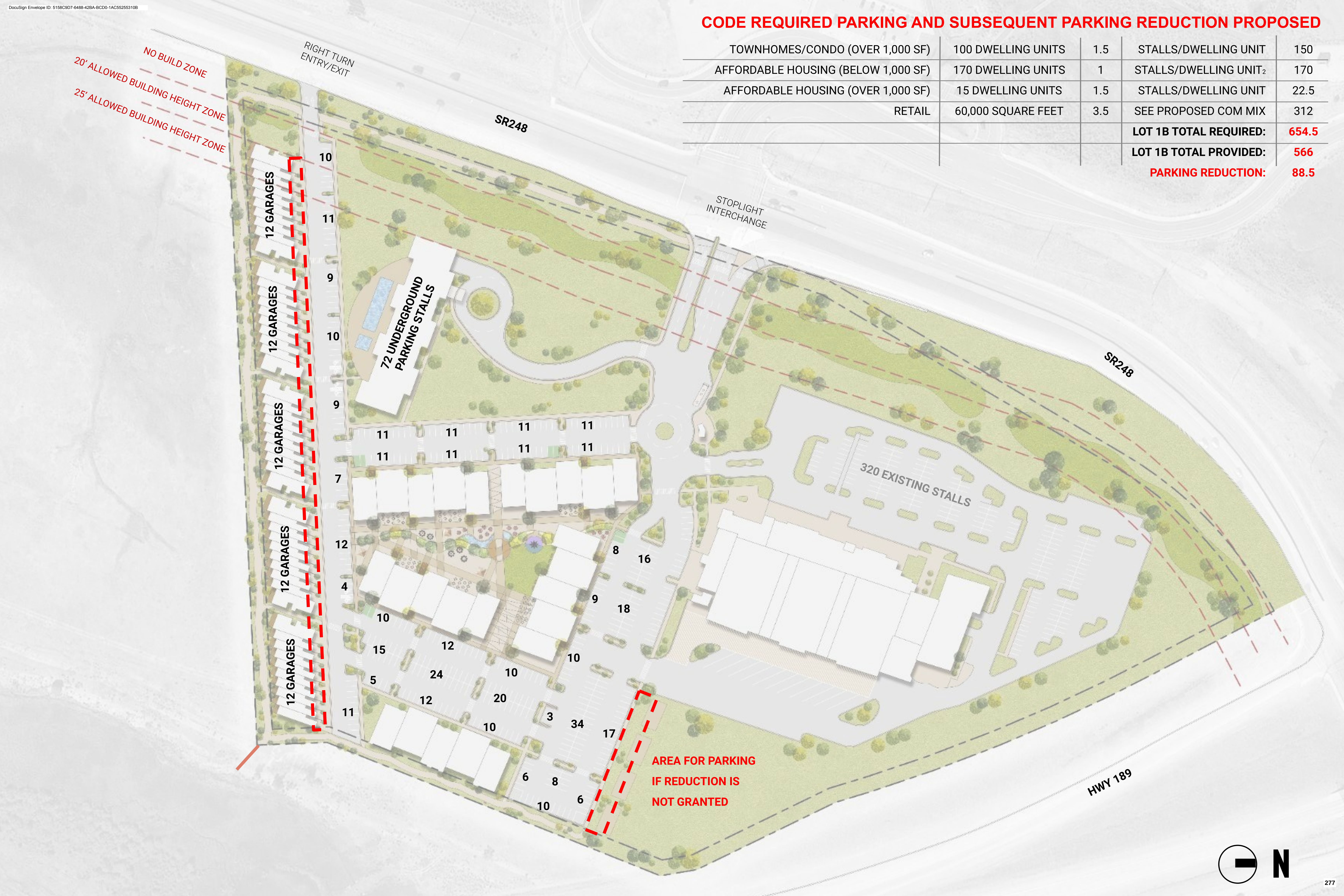
*NEWPARK TOWNHOME PROJECT
TOWNHOME PROJECT



CODE REQUIRED PARKING AND SUBSEQUENT PARKING REDUCTION PROPOSED

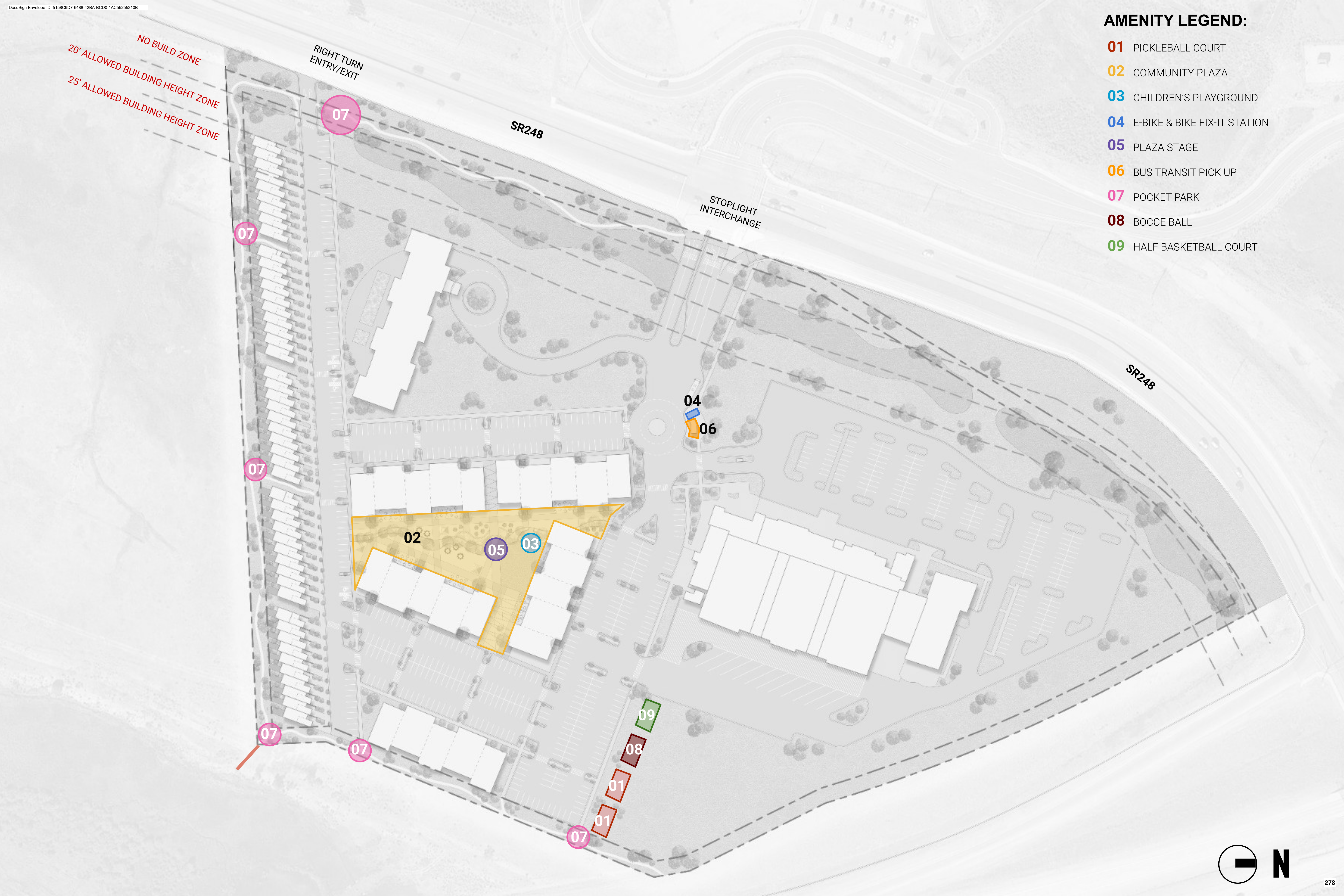
TOWNHOMES/CONDO (OVER 1,000 SF)	100 DWELLING UNITS	1.5	STALLS/DWELLING UNIT	150
AFFORDABLE HOUSING (BELOW 1,000 SF)	170 DWELLING UNITS	1	STALLS/DWELLING UNIT ₂	170
AFFORDABLE HOUSING (OVER 1,000 SF)	15 DWELLING UNITS	1.5	STALLS/DWELLING UNIT	22.5
RETAIL	60,000 SQUARE FEET	3.5	SEE PROPOSED COM MIX	312
LOT 1B TOTAL REQUIRED:				654.5
LOT 1B TOTAL PROVIDED:				566

PARKING REDUCTION: 88.5



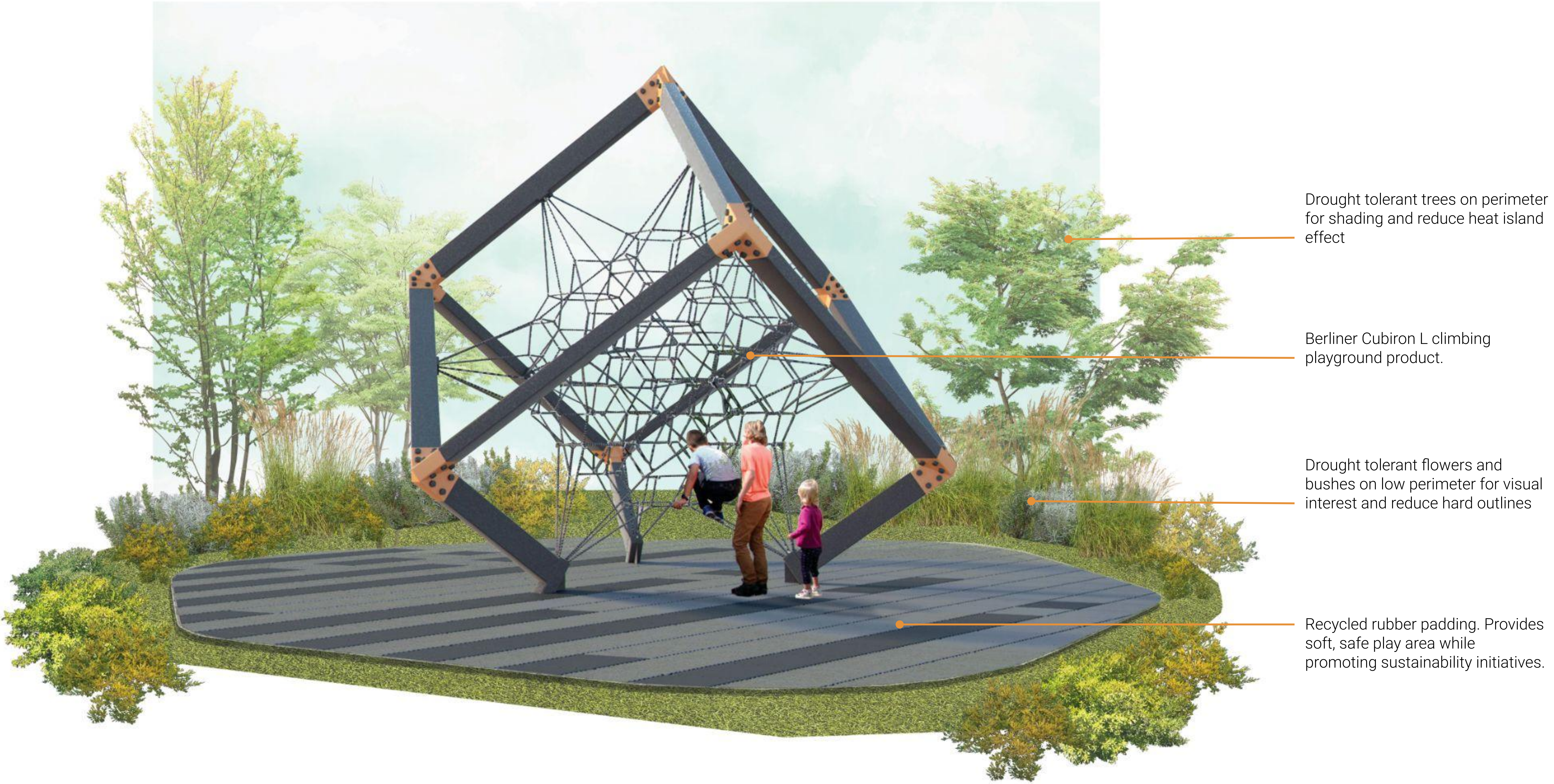
AMENITY LEGEND:

- 01** PICKLEBALL COURT
- 02** COMMUNITY PLAZA
- 03** CHILDREN'S PLAYGROUND
- 04** E-BIKE & BIKE FIX-IT STATION
- 05** PLAZA STAGE
- 06** BUS TRANSIT PICK UP
- 07** POCKET PARK
- 08** BOCCE BALL
- 09** HALF BASKETBALL COURT





AMENITY CHILDREN'S PLAYGROUND



Drought tolerant trees on perimeter for shading and reduce heat island effect

Berliner Cubiron L climbing playground product.

Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

Recycled rubber padding. Provides soft, safe play area while promoting sustainability initiatives.

AMENITY COMMUNITY PLAZA // SUMMER



Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

Ability to use space for day or night events

Outdoor wood clad stage with possibility for live shows, displays, and events

Mix of greenspace and hardscape. Promotes walkability and lounge space

AMENITY COMMUNITY PLAZA // AUTUMN



Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

Ability to use space for day or night events

Outdoor wood clad stage with possibility for live shows, displays, and events

Mix of greenspace and hardscape. Ability to host events in large open hardscape

AMENITY COMMUNITY PLAZA // WINTER



Event stage can be used for seasonal displays

Mix of greenspace and hardscape. Ability to host events in large open hardscape

Weatherproof plaza material for use year round

AMENITY COMMUNITY PLAZA

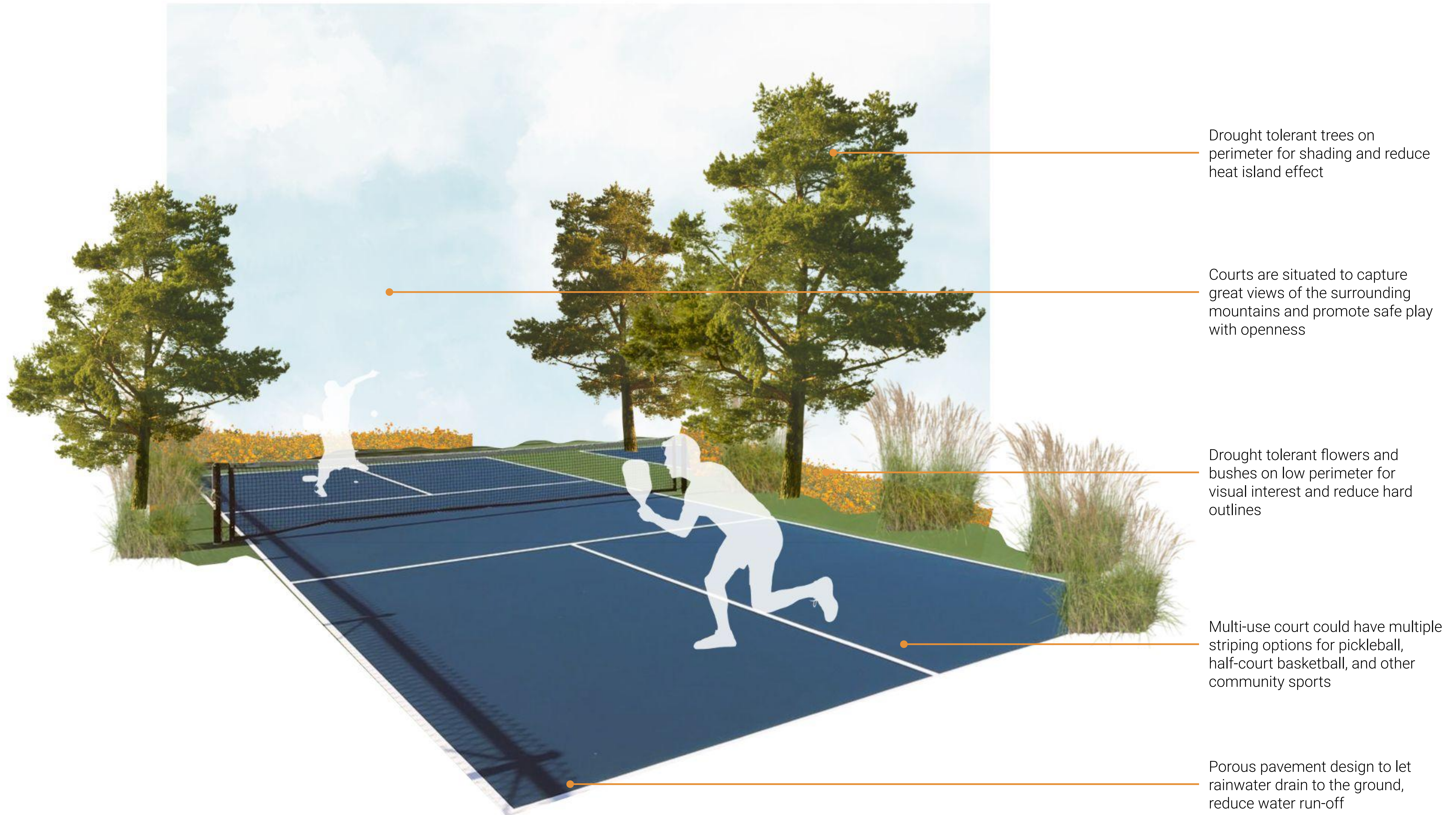


Ability to use space for day or night events

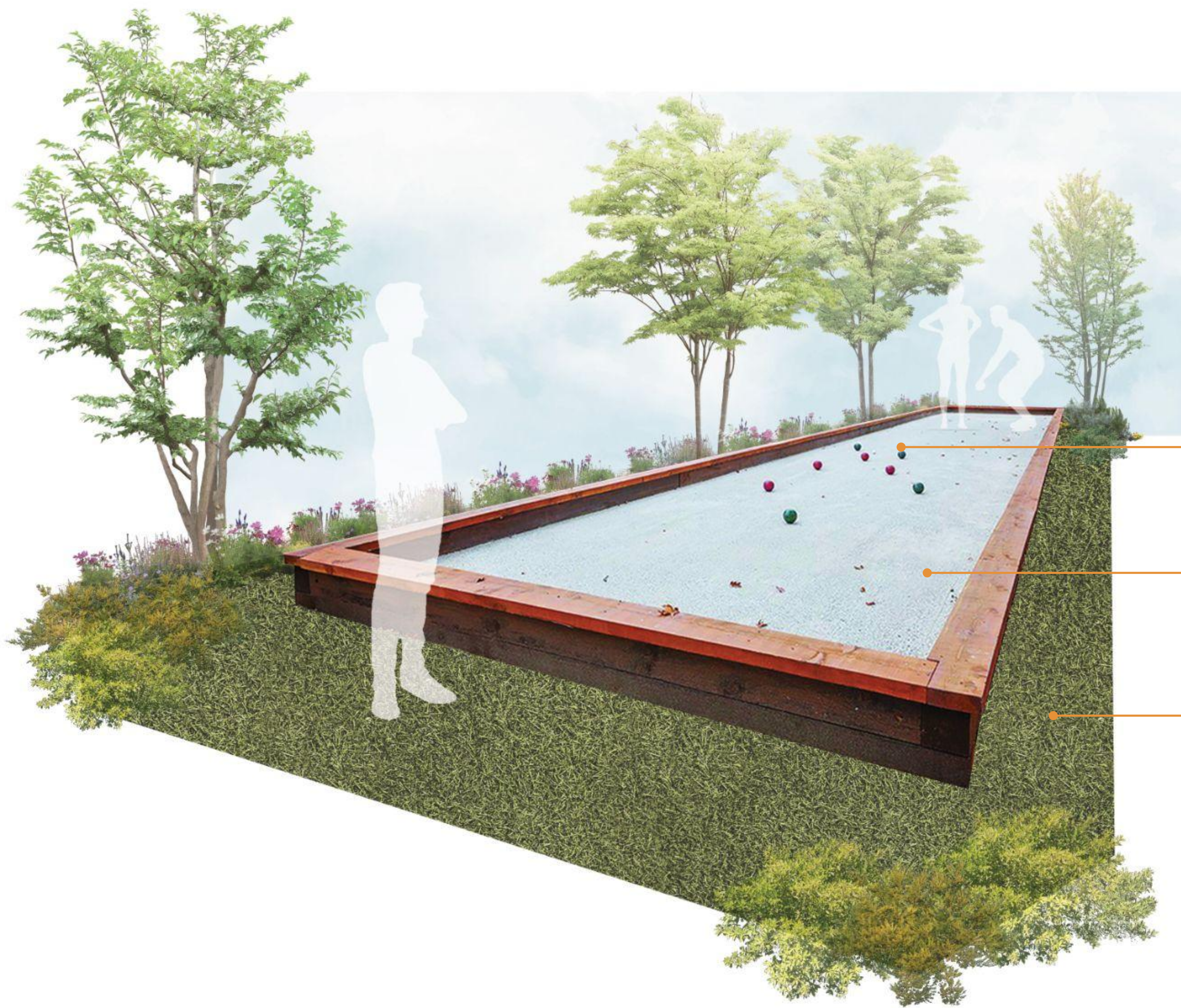
Outdoor seating for potential restaurant tenants and general tenant use

Mix of greenspace and hardscape. Promotes walkability and lounge space

AMENITY PICKLEBALL COURT



AMENITY BOCCE BALL COURT



Rentable bocce balls to monitor use and preserve materials

Weather proof synthetic grass court to mimic real grass without maintenance

Located on site, easily accessible to tenants and visitors

AMENITY BIKE FIX-IT STATION



Paved 12' wide multi use trail system to maintain a safe path for pedestrians, dog walkers, and cyclists.

Bike fix-it station. Includes all the tools necessary to perform basic bike repairs and maintenance, from changing a flat to adjusting brakes and derailleurs

AMENITY BUS TRANSIT PICKUP



Final bus shelter location to be determined in conjunction with Park City Engineering and Transportation Departments. Final location TBD

Modern transit hub. Promotes community connectivity and ease of access to surrounding neighborhoods and amenities

Situated to capture great views of the surrounding mountains and landscape

Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

AMENITY 6 COMMUNITY POCKET PARKS



Situated amongst landscaping to give tenants an opportunity to interact with nature right outside their homes

Parks provide areas of rest and reflection off of the trail system

Paved 12' wide multi use trail system to maintain a safe path for pedestrians, dog walkers, and cyclists.

Convenient Secure On-Site Storage



LOW DENSITY



E-BIKE CHARGING



Convenient Secure On-Site Storage



HIGH DENSITY



REPAIR TOOLS



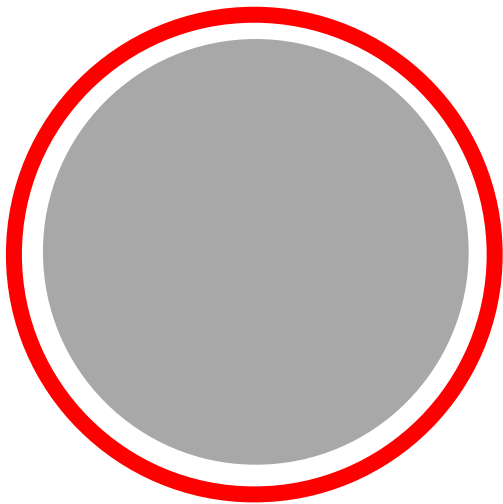
PROTECTED



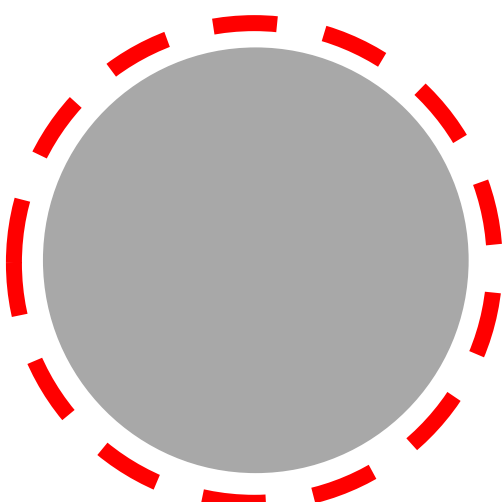


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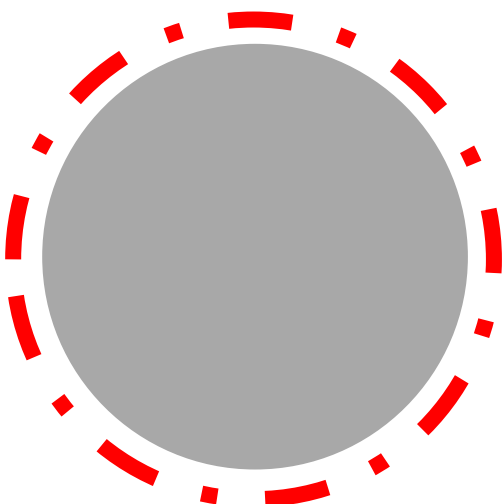
Standard Complies With -



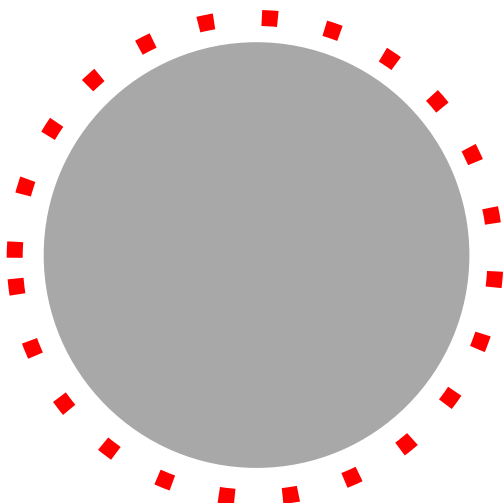
One Organization



Two Organizations



Three Organizations



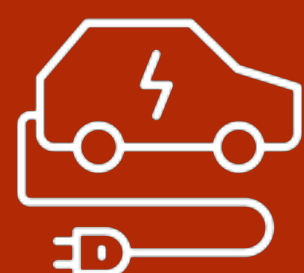
Four+ Organizations



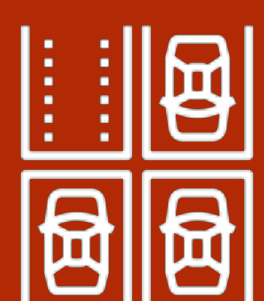
SURROUNDING
DENSITY
& DIVERSE USES



PRIORITY SITE &
EQUITABLE
DEVELOPMENT



ELECTRIC VEHICLES



REDUCED PARKING
FOOTPRINT



ACCESS TO
QUALITY TRANSIT



STUDIO CROSSINGS incorporates multimodal transportation choices for reduced motor vehicle use. Reduces greenhouse gas emissions, air pollution, and other environmental and public health harms.



STUDIO CROSSINGS achieves increasing levels of energy performance to reduce environmental and economic harms associated with excessive energy use.



RAINWATER
MANAGEMENT



LIGHT POLLUTION
REDUCTION



PLANT
SELECTION



SITE ASSESSMENT



OPEN SPACE

STUDIO CROSSINGS creates exterior open space that encourages interaction with the environment, social interaction, passive recreation, and physical activities. The development provides 5 more acres of open space over current MPD.

2012 IBI PROPOSED OPEN SPACE

TOTAL SITE (LOT 1A + 1B)

495,713 sf = 11.60 acres = 39.3% (Within Property Lines)

841,579 sf = 19.54 acres = 66.1% (Edge of Pavement)

2022 UPDATE PROPOSED OPEN SPACE

TOTAL SITE (LOT 1A + 1B)

710,490 sf = 16.31 acres = 55.8% (Within Property Lines)

1,035,634 sf = 24.25 acres = 83% (Edge of Pavement)

LOT 1B (GREEN) BY ITSELF

458,447 sf = 10.52 acres = 36% (Within Property Lines)

804,313 sf = 18.46 acres = 63.17% (Edge of Pavement)





STUDIO CROSSINGS connects building occupants with the outdoors to reinforce circadian rhythms, and reduce the use of electrical lighting by introducing daylight into the space.



STUDIO CROSSINGS creates exterior open space that encourages interaction with the environment, social interaction, passive recreation, and physical activities.



STUDIO CROSSING works to reduce the disproportionate burden of landfills and incinerators that is generated by building occupants' waste through reduction, reuse and recycling service and education.

The applicant has committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a bus station, e-bike share, connection to the rail trail, and providing covered bike storage in all buildings. In addition the applicant is proposing to reduce their overall parking to prevent excess paving and increase open space. All lighting will meet the City's Dark Sky Ordinance LMC § 15-5-5(J).

These measures are a recommended Condition of Approval.

- 48 STALLS - TOWNHOME GARAGE PARKING
- 407 STALLS - SURFACE PARKING
- 320 STALLS - STUDIO PARKING
- 105 STALLS - UNDERGROUND PARKING
- **880 STALLS TOTAL**



Planning Commission Staff Report



Subject: Affordable Master Planned Development Amendments
Authors: Erik Daenitz, Director of Economic Development and Data Analytics
Jason Glidden, Affordable Housing Manager
Rebecca Ward, Assistant Planning Director
Date: August 9, 2023
Type of Item: Work Session

Recommendation

Review potential amendments to Land Management Code Chapter 15-6.1 *Affordable Master Planned Developments*.

Summary

The purposes of the Affordable Master Planned Development (AMPD) code are to:

- Incentivize public, private, and public-private development of affordable units for the workforce of Park City,
- Create developments that include market-rate and affordable units and increase housing opportunities affordable to a wide range of incomes,
- Increase building height and density and decrease parking for affordable units if impacts to the community are mitigated,
- Ensure neighborhood compatibility, and
- Encourage mixed-use walkable, and sustainable development and redevelopment that provides innovative and energy-efficient design and innovative alternatives to reduce the impacts of the automobile on the community.¹

To incentivize affordable housing development, the AMPD code outlined in Land Management Code (LMC) [Chapter 15-6.1](#) allows for:

- Increased density and a building height of 45 feet with a ten-foot stepback from building perimeter facades,
- Reduced setbacks and open space, and
- The potential for reduced parking requirements.

At least 50% of the square footage must be deed restricted affordable units. The remaining 50% may be market-rate. There is also an allowance for 10,000 square feet of commercial space.

Since City Council's adoption of the AMPD amendments, the Planning Commission approved the following AMPDs with future construction totaling 416 affordable units:

¹ LMC [Section 15-6.1-1](#)

- The Engine House AMPD with 99 affordable units and 24 market-rate units (formerly known as The Homestake AMPD) ([October 26, 2022 Staff Report](#); [Minutes](#), p. 29)
- The HOPA AMPD with 317 affordable units ([June 28, 2023 Staff Report](#); [Audio](#))

After reviewing the City's first AMPDs, the Planning Commission identified potential amendments to the regulations regarding building height and mechanical equipment, the possibility of limited nightly rentals for deeper affordability, and a need for updated information regarding current market conditions. On January 25, 2023, the Planning Commission prioritized Land Management Code amendments for the year, including updates to the AMPD code ([Staff Report](#); [Minutes](#), p. 34).

On February 8, 2023, the Planning Commission identified the topics for AMPD amendment discussion:

- Average occupancy rates for affordable units
- Updates to Cascadia Partner's [Affordable Master Planned Development Code Audit Report: Identifying Zoning and Housing Development Barriers](#) completed to support the development of the AMPD code in order to reflect current market conditions and to evaluate the financial implications of additional commercial uses and potential market-rate nightly rentals²
- Potential modifications to building height, allowable roof forms, side and rear setbacks, and rooftop mechanical equipment regulations to reduce visual impacts
- Potential for market-rate nightly rentals when a project offers units affordable to those at 30 – 40% Area Median Income (AMI)
- Possible increase in allowable commercial square footage ([Staff Report](#); [Minutes](#), p. 29)

Background

The LMC implements the goals and policies of the General Plan. Goal 7 of the General Plan is to “[c]reate a diversity of primary housing opportunities to address the changing needs of residents.” Goal 8 of the General Plan is to “[i]ncrease affordable housing opportunities and associated services for the workforce of Park City” and Community Planning Strategy 8.4 is to “[u]pdate incentives for density bonuses for affordable housing developments to include moderate and mixed-income housing.”

As a result of a [2016 Housing Policy Study](#), the City Council established a community goal of 800 new affordable units by 2026 to maintain 15 percent of the workforce in town. In 2021, James Wood with the University of Utah completed an updated [Park City Housing Market Assessment](#), finding the 800-unit goal is no longer sufficient and the

² The Planning Commission originally requested Cascadia Partners complete this request. However, Cascadia Partners was unavailable to do so. The City's Director of Economic Development and Data Analytics provided the updated information. Cascadia Partners is working with Lisa Wise Consultants to complete broader Land Management Code amendments to incentivize affordable housing beyond AMPDs.

need for affordable rental units has increased significantly.

Since 1984, the Master Planned Development (MPD) code provided a 20-unit density bonus for projects providing 100% affordable housing. However, in 37 years, this density bonus was not enough to incentivize affordable housing development by a private developer or through a public-private partnership. In early 2018, the City Council directed Planning and Housing staff to evaluate the MPD bonus to identify the obstacles to affordable housing development.

In 2018, staff proposed an Affordable Master Planned Development (AMPD) to:

- Reduce the requirement from 100% to 50% affordable units
- Create a sliding scale for density bonuses based on the total percentage of affordable units and the Area Median Income (AMI) served – the more affordable units and the lower AMI served, the greater density bonus
- Reduce off-street parking to match general Master Planned Development (MPD) parking requirements (at the time, the 20-unit bonus required more parking for the affordable project than for general MPD projects)

The Planning Commission reviewed the proposed amendments and forwarded a positive recommendation to City Council ([Staff Report](#), p. 52; [Minutes](#), p. 11). However, the City Council requested further study to determine whether the proposed AMPD amendments went far enough to incentivize development and directed staff to hire a consultant ([Staff Report](#); [Minutes](#), p. 12-13). The City hired Cascadia Partners to audit the proposed AMPD amendments.

On November 25, 2019, Cascadia Partners submitted the [*Affordable Master Planned Development Code Audit Report: Identifying Zoning and Housing Development Barriers*](#) (Audit Report). Cascadia concluded the proposed AMPD code did not sufficiently mitigate the funding gap and was not possible for certain sites. Cascadia recommended additional incentives:

- Reduced setbacks
- Reduced open space
- Increased height
- Increased lot coverage
- Reduced parking

On December 5, 2019, the City Council reviewed Cascadia's Audit Report and directed staff to amend the AMPD code in two phases: Phase I to reduce setbacks, open space, and parking to match the parking required for an MPD, and Phase II to increase height and further reduce parking ([Minutes](#), p. 1).

On January 30, 2020, the City Council adopted [Ordinance No. 2020-09](#), enacting Phase I to reduce setbacks for lots less than two acres to the zone-required setbacks, to reduce open space from 50% to 20%, and to reduce parking requirements to match

general MPD requirements.

To implement Phase II, the City hired Cascadia Partners to evaluate land use codes that incentivize affordable housing development through reduced parking and increased height. Cascadia submitted [Best Practice Research on Height and Parking Code Standards](#) (Best Practice Research). The Planning Commission conducted two work sessions on height and parking ([October 28, 2020 Staff Report](#), [Minutes](#), p. 3 and [November 11, 2020 Staff Report](#), [Minutes](#), p. 4).

On January 27, 2021 and February 10, 2021, the Planning Commission reviewed and refined the recommended AMPD amendments ([January 27, 2021 Staff Report](#), [Minutes](#), p. 17 and [February 10, 2021 Staff Report](#), [Minutes](#), p. 4). On February 25, 2021, the City Council adopted [Ordinance No. 2021-10](#), enacting the AMPD amendments that allow for increased density and a 45-foot building height with a ten-foot setback from building façade perimeters, reduced open space and setbacks, and criteria for potential parking reductions ([Staff Report](#); [Minutes](#), p. 18).

Cascadia's [Audit Report](#) concludes "[p]arking is a significant driver of increased costs for any project but particularly for affordable housing units Within areas that are walkable to commercial services or transit, it is common for cities to reduce off-street parking requirements. Park City should consider reducing or eliminating off-street parking standards in these areas, particularly for affordable units. It is recommended that AMPD projects reduce off-street parking standards for all bonus housing units to 0.5 space per unit. This can enable more affordable units for people and families who do not have cars." Cascadia's [Best Practice Research](#) suggestions included allowing by-right parking reductions for projects that take measures to reduce parking demand through recommended strategies, some of which were included in the AMPD code.

The AMPD code requires full parking, but establishes Planning Commission discretion to reduce parking:

- On sites that are one acre or less by deducting 5,000 square feet per 15,000 square feet of Gross Floor Area for each floor from the sum of total floor area that is used to calculate parking requirements;
- Parking in the Right-of-Way along the perimeter of the Affordable Master Planned Development Site is available;
- A clear and irrevocable agreement authorizes Affordable Master Planned Development residents to park in an off-Site Parking Area or Parking Structure that is located within 1,000 feet of the Affordable Master Planned Development perimeter boundary;
- The Affordable Master Planned Development is within ¼-mile from a bus stop that includes a waiting shelter consistent with City standards;
- On-Site parking is provided for motorcycles and/or scooters;
- Bicycle parking exceeds the requirements of Section 15-3-9;

- The Affordable Master Planned Development provides dedicated parking spaces for resident carshare vehicles.³

The AMPD code also establishes a maximum reduction that may be granted for parking:⁴

Unit Size	Market-Rate Units	Affordable Units
<600 SF	0.5 spaces per unit	None
600-1,000 SF	1 space per unit	0.5 spaces per unit
1,000-2,000 SF	1.5 spaces per unit	1 space per unit
>2,000 SF	2 spaces per unit	1.5 spaces per unit

Analysis

The topics requested by the Planning Commission are outlined below:

(I) Average occupancy rates for affordable units

The Housing team reached out to the two largest management companies of affordable housing—EMG and Sellers Group—and requested occupancy data on the almost 7,000 affordable units they oversee statewide. The chart below outlines a summary of the data provided, showing the average occupancy was around one person per bedroom. When focusing on the data from the local Park City area, averages were similar to what was found at the state level.

Average Occupancy of all EMG and Sellers Group affordable units		
Unit Size	# of units	AVG OCC
0	591	1.2
1	2272	1.1
2	2903	1.6
3	965	2.1
4	81	2.4
5	1	2.0
Total	6813	

Within Park City, the average occupancy for 278 affordable units is 2.3. However, we do not yet have the breakdown for unit size and continue to gather this information.

³ LMC [Section 15-6.1-9](#)

⁴ *Id.*

(II) Updates to Cascadia Partner's 2019 Audit Report to reflect current market conditions and to evaluate the financial implications of additional commercial uses and potential market-rate nightly rentals

To evaluate the factors mentioned above, staff has maintained a hypothetical AMPD financial pro-forma. This model was utilized to demonstrate and analyze the financial feasibility of a general AMPD project under the code considerations approved in 2021.

This model has now been updated to include information on latest building cost estimates, debt financing costs as of August 2023, and now includes parameters to analyze additional tools such as commercial units and associated parking, and the potential addition of nightly rentals to a project.

The key information from staff's most recent analysis and the 2023 model is that only two scenarios are financially feasible as of 2023, and both require direct or indirect subsidy such that a developer's land acquisition costs are essentially erased.

Assumptions and key inputs into the model are described below:

- **Building Cost/SF** – is set at \$600/SF which is consistent with bids and prices the City has received for multi-unit construction costs in 2023. This is an increase of \$80/SF from the 2020 analysis and is a 15% increase since 2020.
- **Construction Management** – is assumed at 5% of raw construction costs, again consistent with recent projects the City staff reviewed in 2023.
- **Design Costs** – also assumed at 5% of raw construction costs.
- **Contingency** – is set at 9% of raw costs.
- **Assumed Construction Loan Term** – configured as a 2-year term consistent with an expected building cycle.
- **Assumed Construction Loan Rate** – set at 7.50% based on 2023 Commercial Mortgage Backed Securities (CMBS) indices.
- **Assumed Long Term Mortgage Rate and Term** – is assumed as a 30-year term at 6.95%, up from an interest rate of 3.25% in the 2020 analysis.
- **Tax Credit Financing** – is a Yes/No parameter. This parameter assumes that the developer has access and is granted 4% Low Income Housing Tax Credits (LIHTC) through the Utah Housing Corporation. This parameter has not changed since the 2020 analysis.
- **Density Bonus** – is a Yes/No parameter and considers the additional potential density from reduced setbacks and additional height offered in the 2021 adopted AMPD code. Turning on this parameter has the effect of adding the equivalent square footage and economic effect of an additional floor. This parameter has not changed since the 2020 analysis.
- **Parking Reduction** – is a Yes/No parameter and considers the discretionary parking reduction in the 2021 adopted AMPD code. Turning on this parameter has the effect of reducing a project's parking requirements and the economic effect of upfront cost savings and reduced long term financing costs. This

parameter has not changed since the 2020 analysis.

- **Nightly Rental Bonus** – is a Yes/No parameter and would allow a project to take 5 units from any non-affordable rate units in the project and convert them to nightly rentals. As nightly rentals are generally higher revenue generators in Park City than similarly sized long-term rental assets, this has the effect of boosting gross revenue and net income. This assumes that a market rate is charged for the nightly rentals. This is a new parameter for the 2023 model. Please note that it does not increase total unit count in a project as the parameter just allows for an alternative use for several units.
- **Commercial Units** – is a Yes/No parameter and would allow a project to build up to 10,000 SF of commercial space and would allow the developer to charge market rate rents for the space. This also requires the development of significantly more parking under the current code. This is a new parameter for the 2023 model. Please note that it does not increase total residential unit count in a project and assumes buildable space exists for the commercial component.
- **City Land/Equity Contribution** – is a parameter based on a percentage of total project costs, but can be seen as a method of reducing capital expense for a developer by allowing for either a below market ground lease to land at nominal cost or a direct grant into a project. This parameter was analyzed in the 2020 model and is not new for the 2023 analysis.

Considering that there are six parameters we wish to investigate using in a feasibility analysis, (tax credits, density bonus, parking reduction, nightly rentals, commercial units, city land/equity contribution), there are 64 possible combinations of possible scenarios to analyze. Staff has reduced these to 11 primary scenarios associated with affordable project parameters and has included one per market rate, no AMPD project, in order to demonstrate the rents a developer is required to charge in order to make a multi-family residential project in Park City, is financially feasible. The model parameters combinations, Area Median Income (AMI) levels, and financial metrics associated with each scenario are outlined below.

							Two Feasible Scenarios					
	Non-AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 10	Scenario 11	Scenario 12
Tax Credit Financing	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Density Bonus	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Parking Reduction	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Nightly Rental Bonus	N	N	N	N	Y	Y	Y	Y	N	N	N	N
Commercial Units	N	N	N	N	N	Y	Y	N	N	N	N	N
City Land/Equity Contribution	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y

Table 1. 2023 AMPD Pro-Forma Key Scenario Configurations. Y= Parameter Turned On, N = Parameter Turned Off. Source: PCMC as of August 2023.

							Two Feasible Scenarios					
	Non-AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 10	Scenario 11	Scenario 12
AMI Mix Required for Project Feasibility	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%
Studio - Type 1	120%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Studio - Type 2	120%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
1 Bedroom - Type 1	150%	55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	55%
1 Bedroom - Type 2	150%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
2 Bedroom - Type 1	150%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%
2 Bedroom - Type 2	175%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2 Bedroom - Nightly Rental Units	100%	N/A	N/A	N/A	100%	100%	100%	100%	N/A	N/A	N/A	N/A
Commercial Unit	100%	N/A	N/A	N/A	N/A	100%	100%	N/A	N/A	N/A	N/A	N/A

Table 2. 2023 2023 AMPD Pro-Forma AMI% Configurations Required for Financial and/or Legal Feasibility. Source: PCMC as of August 2023.

Project Financial and Housing Metrics	Non-AMPD						Two Feasible Scenarios		AMPD			
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 10	Scenario 11	Scenario 12
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 10	Scenario 11	Scenario 12
Total Housing Unit Count	72	72	88	88	88	88	88	88	88	88	72	88
Total Count of Affordable Spaces	0	58	74	74	74	74	74	74	74	74	58	74
Total Parking Spaces	72	72	88	60	60	90	90	60	60	88	72	88
Total Tenants Served	160	160	176	176	161	161	161	161	176	176	160	176
% of Sq. Footage <= 80% AML	0%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Weighted Average of AMIs as Configured	140%	66%	63%	63%	63%	63%	63%	63%	65%	65%	68%	63%
Operating Year 1 Net Income, \$	\$3,171	(\$1,079,415)	(\$1,154,260)	(\$1,064,023)	(\$829,574)	(\$922,204)	(\$200,348)	(\$187,924)	(\$386,150)	(\$476,387)	(\$481,748)	(\$512,608)
Operating Year 1 Margin, %	0%	-61%	-57%	-53%	-34%	-34%	-7%	-8%	-19%	-23%	-27%	-25%
Annualized Return on Equity, %	2.75%	-4.82%	-4.62%	-4.25%	-2.67%	-2.56%	0.62%	0.55%	-0.53%	-0.92%	-1.21%	-1.12%
Average Cap Rate, %	2.03%	-0.63%	-0.55%	-0.44%	0.04%	0.08%	0.93%	0.90%	0.49%	0.35%	0.24%	0.28%
Years to Operating Break Even	2	24	23	22	17	16	6	6	11	12	14	15
Initial Equity From Developer, % of Project	35%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
Initial Equity from City, % of Project	0%	0%	0%	0%	0%	0%	15%	15%	15%	15%	15%	15%
Is Project Feasible?	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No

Table 3. 2023 2023 AMPD Pro-Forma Financial Metrics. Source: PCMC as of August 2023.

Based on the pro-forma, as of 2023, an AMPD project would require all parameters to be turned on except for the development of commercial space.

Our primary test for project feasibility is that it can reach zero to positive net income by year six of its operations. The second test for feasibility is to check that the project can obtain a positive annualized return on equity over a 30-year period, even if it is a sub 1% return.

Commercial space does not have as material an impact as one might expect given that it requires significant parking expense and investment, which raises the total project construction and financing costs and provides only a marginal revenue benefit relative to its costs.

Lastly, to aid in interpretation of the above grid, the definition of key statistics is provided below:

- **Weighted Average of AMIs Configured** – is a square footage weighted average of the AMIs charged by unit type.
- **Operating Year 1 Net Income, \$** – is Annual Gross Revenue less Annual Operations & Maintenance Costs less Annual Debt Service Principal & Interest less Property Tax expenses
- **Operating Year 1 Margin, %** – is Operating Margin/Gross Revenue
- **Annualized Return on Equity, %** – is the annual average of Net Operating Income/Owner's Equity assuming a mark-to-market equity valuation
- **Average Cap Rate, %** – is the annual average of Net Operating Income/Project Market Value assuming a mark-to-market property valuation
- **Years to Operating Break Even** – is the count of the number of years required for total revenues to exceed total expenses.

The scenarios and the levers available to modify the code to achieve more affordability will be discussed during the work session.

(III) Potential modifications to building height and side and rear setbacks; mechanical equipment limitations and setback requirements to reduce visual impacts

The AMPD Establishes a 45-Foot Maximum Building Height and Mitigates this Through a Ten-Foot Stepback

As demonstrated above, a density bonus is needed to reduce the financing gap for AMPDs. Cascadia Partner's [Best Practice Research](#) recommended a height increase to incentivize development of affordable units with a top-story stepback "to reduce the perceived scale and height of larger buildings, and to provide a more gradual transition from adjacent sites with lower buildings." The AMPD code establishes an allowable building height of 45 feet if the project achieves a ten-foot stepback along the building façade perimeters.⁵

The Planning Commission May Reevaluate the Ten-Foot Stepback Requirement for Building Facades within the Project Perimeter to Allow More Square Footage on Larger Lots

The AMPD code requires a ten-foot stepback on the top story of all building facades perimeters when the building reaches the 45-foot maximum height to mitigate impacts of the increased height. However, for larger sites, there may be an opportunity to

⁵ LMC [Section 15-5.6-8](#)

remove the stepback requirement for the interior building facades.

If the code was amended to require only perimeter facades to include a ten-foot stepback, the buildable area on the top story within the project would be increased while still decreasing impacts to adjacent properties. As an example of what this could mean for larger sites, staff highlighted the perimeter facades for the HOPA AMPD in green in the image below taken from the HOPA Applicant's site plan. If the code were amended, all interior building perimeters could achieve the maximum 45-foot building height, creating additional square footage for units.



Another possibility is removing the stepback. One of the case studies presented by Cascadia was Ketchum, Idaho, which establishes a building height increase of ten or more feet with a maximum 52-foot building height for projects that offer 100% affordable units.⁶ Originally, Ketchum required a ten-foot stepback on the top story for projects achieving the bonus height increase. However, in 2021, the city adopted [Ordinance No. 1226](#), amending the code to remove the ten-foot stepback and allow for full build-out at the stop level.

Ketchum recently approved [Bluebird Village](#), proposed to provide 51 deed-restricted

⁶ Market-rate units may reach a maximum building height of 42 feet.

affordable units and ground floor office and commercial spaces with 45 on-site parking spaces with a height of 51 feet and no stepback:



Another taller affordable housing development, [Sunlight Crossing](#), in Steamboat Springs, Colorado, provides four stories with no stepback:



Some resort communities are exceeding 45- to 55-foot building maximums for affordable housing developments. For example, an affordable housing development in [Winter Park, Colorado](#) is a modular project providing a mix of studio and single-bedroom units with communal kitchens and living areas. The project includes four stories with no stepback for a maximum height of nearly 70 feet:



Building Height May be Further Mitigated Through Setbacks for Rooftop Mechanical Equipment

When reviewing AMPDs, the Planning Commission identified an opportunity to mitigate the impacts of rooftop mechanical equipment for future projects through rooftop setbacks. While the height of some building elements like elevator penthouses cannot be mitigated for four-story buildings, these features could be encouraged to be located where it has the least impact on adjacent properties.

However, with condenser units and HVAC systems, there is flexibility in the rooftop location and some communities establish rooftop setback requirements. An example of this is outlined in Ketchum's amended code. When Ketchum removed the top-story stepback through [Ordinance No. 1226](#), the city established a ten-foot rooftop setback for all mechanical equipment, fixed amenities, and solar equipment.

(IV) Questions for the Planning Commission

As noted above, only two AMPD scenarios are financially feasible under current market conditions as of 2023, and both require direct or indirect subsidy such that a developer's land acquisition costs are essentially erased. Amendments to further incentivize AMPDs include a potential increase to the buildable area through modifications to the stepback requirements, reducing parking requirements by right, and increasing nightly rentals in exchange for deeper affordability. Currently, the pro-forma indicates increases in commercial uses mitigate the financing gap, but not significantly. If the Planning Commission is interested in exploring the degree to which commercial uses would need to be allowed to incentivize AMPDs, staff can prepare additional information for a future

work session.

Is the Planning Commission interested in reevaluating the ten-foot top story setback?

Is the Planning Commission interested in requiring a rooftop mechanical equipment setback?

Is the Planning Commission interested in exploring amendments that allow for market-rate nightly rental units in exchange for deed restricted units at 30 – 40% AMI?

Is the Planning Commission interested in shifting some parking reductions from Planning Commission discretion to an established allowance?

Is the Planning Commission interested in reevaluating the allowance for commercial space within an AMPD?

Department Review

The Planning, Housing, Economic Development, and Executive Departments and City Attorney's Office reviewed this report.