PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
December 14, 2022

NOTICE OF HYBRID IN-PERSON AND ELECTRONIC MEETING: The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, December 14, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically. Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/public-meetings. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

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 October 26, 2022.
PC 10.26.2022 Minutes

2.B Consideration to Approve the Planning Commission Meeting Minutes from November 9, 2022.
PC 11.09.2022 Minutes

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4.A **Open and Public Meetings Act Training**
Staff Communication

4.B **Conventional Chain Businesses and Vibrancy Ordinance Summary**
Staff Communication
Exhibit A: Ordinance No. 07-55
Exhibit B: Ordinance No. 2016-02
Exhibit C: Ordinance No. 2017-31
Exhibit D: Ordinance No. 2017-65
Exhibit E: Ordinance No. 2018-16
Exhibit F: Ordinance No. 2017-56
Exhibit G: Ordinance No. 2017-09

5. CONTINUATIONS

5.A **8680 Empire Club Drive - Conditional Use Permit -** The Applicant Proposes to Install a 20 foot by 30 foot Seasonal Tent for Private Club Outdoor Dining.

PL-22-05422 (2 mins.)
(A) Public Hearing; (B) Continuation to a Date Uncertain
8680 Empire Club Drive Continuation Report

6. CONSENT AGENDA

6.A **Consideration to Adopt Resolution 01-2022, a Resolution Authorizing Participation in Meeting by Electronic Communication**
Electronic Meetings Resolution Staff Report
Exhibit A: Electronic Meetings Resolution
Exhibit B: Planning Commission Meeting Minutes - November 5, 2021

6.B **Consideration to Adopt Planning Commission Regular Meeting Dates for 2023**
2023 Annual Notice of Planning Commission Regular Meetings

7. REGULAR AGENDA

7.A **Parcels: PCA-S-79-B and PCA-S-79 C (Bransford Parcels) - Zoning Map Amendment** - The Applicant is Proposing a Zone Change for Two (2) Pods of Three (3) Acres Each, From Recreation and Open Space (ROS) to Estate (E) Zoning, for the Construction of Two Single Family Homes. PL-21-05042 (60 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on January 24, 2023
Bransford Zone Change Staff Report
Exhibit A: Draft Ordinance
Exhibit B: Applicant Narrative and Presentation
Exhibit C: Topography Survey with Deer Valley Easment
Exhibit D: Record of Survey December 2013
Exhibit E: JJ Johnson Development Feasibility Study 1981
Exhibit F: Access and Utility Easment along Twisted Branch into Red Cloud Subdivision
Exhibit G: 3.2.2007 recorded Flagstaff - Amended Development Agreement with Exhibits
Exhibit H: Park City Annexation of Flagstaff Mountain Resort
Exhibit I: Snyderville Basin Land Use Plan and Devlopment Potential Matrix 1998 Ord. 323
Exhibit J: Red Cloud Ordinance and Plat
Exhibit K: Public Input

7.B **2545 Lucky John Drive - Plat Amendment -** The Applicant Proposes to Remove a Shared Driveway Easement in the Single-Family (SF) Zoning District. PL-22-05390 (20 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on January 24, 2023
Lucky John Staff Report
Exhibit A: Lucky John Draft Ordinance
Exhibit B: Existing Plat
Exhibit C: Holiday Ranchettes Subdivision Plat
Exhibit D: Topographic Survey
Exhibit E: HOA Letter of Support

7.C **2647 Meadow Creek Drive - Plat Amendment** - The Applicant Proposes to Amend Parcel A and Parcel B of the Smith Subdivision in the Single-Family (SF)

and Estate (E) Zoning Districts. (15 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on February 16, 2023
Smith Subdivision Staff Report
Exhibit A: Draft Ordinance No. 2023-XX
Attachment 1: Proposed Plat
Exhibit B: Existing Smith Subdivision Plat
Exhibit C: Willow Ranch Subdivision Plat
Exhibit D: McLeod Creek Subdivision Plat
Exhibit E: Topography
Exhibit F: Ordinance 87-5
Exhibit G: Ordinance No. 95-44
Exhibit H: August 31, 1995 City Council Staff Report
Exhibit I: January 28, 1993 City Council Meeting Minutes
Exhibit J: January 27, 1993 Planning Commission Meeting Minutes
Exhibit K: 1993 Willow Ranch Subdivision Approval Letter

8. WORK SESSION

8.A **1301 Park Avenue Plat Amendment** - The Planning Commission Will Conduct a Work Session on the Proposed 1301 Park Avenue Plat Amendment and the Applicant's Petition to Vacate a Portion of the 13th Avenue Public Right-of-Way. PL-22-05195 (25 mins.)
1301 Park Avenue Plat Amendment Staff Report
Exhibit A: Proposed 1301 Park Avenue Plat Amendment
Exhibit B: Survey of Existing Conditions
Exhibit C: Applicant Letter of Intent

8.B **Land Management Code Amendments - Support Commercial, Residential Accessory Uses, and Resort Accessory Uses -** The Planning Commission Will Conduct a Work Session on Proposed Amendments to Section 15-6-8 *Unit Equivalents* to Clarify Uses Exempt from Master Planned Development Density and to Section 15-15-1 *Definitions* to Update and Align Accessory Use Definitions. (45 mins.)
Accessory Uses in MPD Staff Report

9. 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
October 26, 2022

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser (attended virtually), John Kenworthy, Sarah Hall, John Frontero, Bill Johnson, Christin Van Dine, Henry Sigg

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

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1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:35 p.m.

The following written determination was read:

> The Planning Commission of Park City, Utah will hold its regular meeting with an anchor location for public participation at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 on Wednesday, October 26, 2022. Planning Commission members may participate in person or connect electronically by Zoom or phone. Members of the public may attend in person or participate electronically.
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> Public comments will also be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom through www.parkcity.org/public-meetings. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. MINUTES APPROVAL

There were no Meeting Minutes to approve.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, reported that a Request for Proposals ("RFP") was issued for the Bonanza Park and Snow Creek Small Area Plan. An RFP was also issued for a Feasibility Study for the Arts and Cultural District. Both were issued on Monday and there was a 21-day

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turnaround period. Proposals were due back on November 14, 2022. A selection committee would be formed and a consultant would move forward with those projects at the end of the year.

Director Milliken informed the Commission that Staff had been meeting with Deer Valley on the Snow Park proposal. The intention was to return to the Planning Commission in December. Staff received a proposal from Deer Valley that was being reviewed internally.

Chair Suesser asked for additional details about the RFP for the Bonanza Park and Snow Creek Small Area Plan. Director Milliken explained that the RFP was seeking a multi-disciplinary team. There was a strong planning and transportation component to the work. Consultants could team up to complete the plan or a larger firm with that expertise in-house may apply. Community engagement would be a strong component of the Small Area Plan as well. Chair Suesser noted that the process for the Small Area Plan would take a while. It was not anticipated that the Small Area Plan be completed in 10 to 12 months. Director Milliken confirmed the timeline. That had been included in the RFP. Once a firm or team is selected and approved by the City Council, the plan itself would take approximately 10 months to complete.

There was discussion regarding the Homestake Housing Development Project. Director Milliken stated that the Homestake Project will be part of the Small Area Plan as it is in the area. The RFP made clear that connections to and from the neighborhood and with adjacent neighborhoods would be critical to the plan. The Homestake would be a key part of the project and part of the plan regardless. It would not be excluded due to a possible approval.

Director Milliken explained that there were two planners at the current Planning Commission Meeting that the Commissioners may not be familiar with. She reported that Virgil Lund recently joined Staff and Jack Niemeyer has been with Park City for some time, however, this was his first in-person Planning Commission Meeting. Both were welcomed.

Commissioner Van Dine requested that Item 6D be moved to the end of the Planning Commission Meeting agenda in case the meeting took longer than expected. The later agenda items would likely have more public comment. There were no objections from Staff or the Commission.

MOTION: Commissioner Hall moved that Item 6D be heard at the end of the Planning Commission meeting. Commissioner Van Dine seconded the motion.

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

Commissioner Johnson shared a disclosure related to Items 6A and 6B. He has two children in the Park City School District, which would not impact his decision. Commissioner Van Dine shared the same disclosure and stated that it would not affect her decision.

Commissioner Kenworthy reported that he had a conversation one week earlier with the Chamber Executive Director related to visioning, sustainable tourism, affordable, and seasonal housing. Some of the applications on the Planning Commission agenda were mentioned during that discussion but that would not impact his opinion. As for King Road, he owns a home on Upper Woodside. He informed those present that it would not impact his decision on Item 5A.

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5. WORK SESSION

A. 220 King Road – Plat Amendment and Conditional Use Permit – The Applicant Proposes to Combine Two Parcels into One Lot and Construct a New Single-Family Dwelling Located off King Road, Which Will Replace the Two Existing Dwellings at 220 King Road. PL-22-05318, PL-22-05319.

Chair Suesser reported that a communication was received the previous day related to the Work Session item. The applicant asked for a continuance of the Work Session. As a result, the 220 King Road Plat Amendment and Conditional Use Permit would not be discussed tonight.

MOTION: Commissioner Van Dine moved to CONTINUE 220 King Road – Plat Amendment and Conditional Use Permit to a date uncertain. Commissioner Frontero seconded the motion.

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

6. REGULAR AGENDA

A. 1750 Kearns Boulevard (Park City High School) - Conditional Use Permit - The Applicant Proposes a Three-Story 128,000-Square-Foot Addition in the Recreation Open Space Zoning District. PL-22-05394.

Planning Technician, Jaron Ehlers, and Assistant Planning Director, Rebecca Ward shared information related to 1750 Kearns Boulevard. Technician Ehlers explained that in 1985, the Park City School District applied to annex its campus into Park City Municipal. On October 3, 1985, the City Council annexed the campus and zoned the property Recreation Open Space ("ROS"). The campus was currently over 80 acres. The Land Management Code ("LMC") anticipated the development of schools within the ROS Zoning District. Schools were a conditional use and required Planning Commission review and approval. An image of the parcel was shared.

Technician Ehlers reported that the City issued two Conditional Use Permits for Park City High School in the past. One was in 1990 for McPolin Elementary and an addition to the high school and one was in 2008 for another addition to the high school. The applicant proposed to demolish 53,720 square feet of the existing high school and create a three-story, 128,000-square-foot addition to accommodate 400 ninth-grade students. Those students would be moving to the high school from Treasure Mountain Junior High. Eventually, eighth-grade students were scheduled to move to Ecker Hill Middle School in Summit County. Treasure Mountain Junior High would be demolished. The existing high school is 272,000 square feet in size. Once the portion is demolished and the addition constructed, the total square footage would be 350,940.

An image of the proposed addition was shared. Technician Ehlers explained that the development of school districts is governed in part by State regulations. Municipalities are limited from regulating landscaping, fencing, aesthetic considerations, municipal building codes, and building use for educational purposes. The recommended Conditions of Approval reflected those limitations. The school campus is located in the Park Meadows Neighborhood. He reported that the General Plan identifies the campus as a neighborhood icon, acknowledged that Park Meadows is a neighborhood with primary residents, and encouraged maintaining the school campus in the primary resident area to decrease vehicle miles traveled to the school.

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The proposed addition was found to comply with the setbacks for the ROS Zone. While the proposed addition would exceed the zoning height, on October 18, 2022, the Board of Adjustment unanimously approved a building height variance that would allow the addition to reach 47' 6" in height. No construction was proposed within 100 feet of Kearns Boulevard. Technician Ehlers explained that including the addition, the required parking would be 351 parking spaces. The high school currently has a total of 542 parking spaces. The addition was proposed to add an additional 20 parking spaces. That would be a total of 562 parking spaces, which exceeds the LMC requirements. In addition, the proposed Conditions of Approval would mitigate certain impacts. Those conditions are related to utilities, signs, outdoor lighting, and screening. Another Condition of Approval would require soils to comply with Federal, State, and municipal regulations. This included Chapter 11-15 of the LMC. The school district would be required to continue working with the City's Environmental Regulatory Program Manager.

Staff recommended that the Planning Commission review the proposal, conduct a public hearing, and consider approving the Conditional Use Permit to accommodate the addition. Mike Tanner, COO of the Park City School District was present to answer questions. He reported that the project was the culmination of three years of planning. The community had been directly involved in the process. The proposed project would address the majority of the needs the community expressed during that review process. One of the biggest takeaways from that planning process was the fact that parents are interested in grade alignment, where there will be grades six through eight in Ecker Hill Middle School and grades nine through 12 in the high school. There was also a desire to decommission Treasure Mountain Junior High. Those desires would be met with the construction projects. Mr. Tanner commented that the community is very interested in additional Pre-K space. At the McPolin site, there will be Pre-K space as well as community space to meet the current needs.

Commissioner Van Dine asked about the parking lot off of Lucky John Drive. She wondered if that would be a student lot or a faculty lot. Mr. Tanner explained that the intention was to provide additional space for the faculty that would service the new CTE. It was envisioned that the lot would not be available for students but would be reserved for those helping out in the CTE program. Commissioner Frontero was not familiar with the plan for the junior high school. He asked what would take the place of the school once it is demolished. Mr. Tanner believed that would be a future community discussion. The popular vision was that it would be demolished and the campus would be reconfigured with an internal traffic flow. There could also be a reconfiguration of the baseball fields. However, there was also a possibility that the community may not want the building demolished. There might be another community need that the building could be repurposed for. Those decisions had not been made at the current time.

Commissioner Kenworthy wondered what the current enrollment at the high school was. Mr. Tanner reported that it is approximately 1,200 students. There are approximately 400 students per grade level. 400 students would be added to the extra class. This would move 400 students from Treasure Mountain Junior High to the high school. There would be 1,600 total at the high school but 400 students from Treasure Mountain Junior High would be lost to Ecker Hill Middle School. The net impact of students on that campus would be minus 400.

Chair Suesser asked about parking for the ninth-grade teachers who will move to the high school. She wondered if there would be a special parking area for them. Mr. Tanner explained that the Lucky John Drive parking lot was not intended for regular staff usage. When the project is completed, there will be a net loss of 400 students on the campus, along with the associated staff that service them. The existing spots would be more than enough.

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The layout for the internal circulation was shared. Commissioner Hall wanted to understand whether the existing sidewalk around the perimeter was intended to remain as-is. Mr. Tanner did not anticipate any modifications to those, other than where the new Lucky John Drive lot may create some impacts. The existing perimeter sidewalk would remain. Commissioner Hall asked about proposed changes to internal circulation. For instance, students who rode their bicycles to school from the north end. Mr. Tanner explained that the easements that were there to support the student flow from the north were adequate and would support the additional students. There were no additional accommodations in terms of the sidewalks proposed.

Commissioner Hall noted that the Lucky John Drive sidewalk is fairly narrow. There are a lot of curb cuts as well. Commissioner Johnson questioned whether the applicant was willing to widen the sidewalk to accommodate more users. It would be beneficial to the community and the students. He felt that connectivity from Lucky John Drive was important and a more continuous path to the high school would be worth considering. Mr. Tanner confirmed that it was something the school district would be willing to do in conjunction with the City. It could be a shared project. Commissioner Johnson asked if it could be added as a Condition of Approval. For instance, coordination with the Open Space and Trails Manager on the Lucky John Drive sidewalk. Assistant Director Ward reported that it would become Condition of Approval 12. The Trails and Open Space Manager and the City Engineer would need to be included in that discussion. While the City did not issue a Certificate of Occupancy, the State Fire Marshal would. The completion of the sidewalks could be tied to the issuance from the State Fire Marshal.

Further discussions are had about the Lucky John Drive parking lot. Mr. Tanner explained that the school district is focused on student safety. If the Commission had a concern about the sidewalks, it was something that could be addressed. Commissioner Hall suggested enhanced bicycle storage. Mr. Tanner noted that bicycle use has increased. Spaces had not been added yet but it was on their radar. Commissioner Hall asked if there could be Conditional of Approval for adequate and secure bicycle storage. Assistant Director Ward suggested Condition of Approval 13, that bicycle storage facilities comply with the LMC. The Commission wanted to see more connectivity on the campus and discussed possibilities. Mr. Tanner noted that school projects are under the purview of the State. There are limits on what the City can dictate as it relates to those sites. The sidewalks might fall under that, but he would need to review this with the architects. However, he wanted to improve connectivity in the area.

Commissioner Kenworthy asked for clarification. Assistant Director Ward explained that sidewalks are specifically called out under the State guidelines. Chair Suesser believed the Commission was within its purview to request certain public amenity enhancements alongside the project. Senior City Attorney, Mark Harrington felt it would be better to tie that to the transportation and internal circulation elements of the zoning. There was not necessarily a need for additional access at the rear of the building, beyond the existing through points. Those had already been addressed and the applicant had also committed to widening. As long as the Condition of Approval was added to address the widening of the sidewalk, he believed that was acceptable. He suggested the Commission leave flexibility for joint planning efforts between the school district and Staff. Discussions are had about language for the Condition of Approval.

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

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MOTION: Commissioner Hall moved to APPROVE the Conditional Use Permit for 1750 Kearns Boulevard (Park City High School), based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Final Action Letter as follows:

Findings of Fact

1. In 1985, the Park City School District ("PCSD") applied to annex the PCSD campus into Park City (PL-85-00026).

2. On October 3, 1985, the City Council enacted Ordinance No. 85-11, annexing the PCSD Campus and zoning it Recreation Open Space ("ROS").

3. In the ROS Zoning District, schools require a Conditional Use Permit ("CUP") and Planning Commission review.

4. The Planning Commission issued two CUPs for the development of the PCSD Campus.

5. On June 27, 1990, the Planning Commission approved a CUP for:

   a. A new elementary school (McPolin Elementary – 56,000 square feet);

   b. A high school expansion (32,000 additional square feet and locker room addition to the gym);

   c. 60 additional parking spaces (PL-90-00106)

6. On April 23, 2008, the Planning Commission approved a CUP for Park City High School to enhance interior function, energy efficiency, exterior appearance, and water conservation (PL-07-00181).

7. The 2008 approval increased the Park City High School's square footage by 20,000 but reduced the overall building footprint by 8,000 square feet due to the addition of second-story classrooms. The 2008 approval also included 65 additional parking spaces and replaced 174,760 square feet of irrigated area with a synthetic turf athletic field.

8. On September 21, 2022, the Park City School District ("PCSD") submitted a Conditional Use Permit to construct a 128,000-square-foot three-story addition for the Park City High School.

9. 53,720 square feet of the existing High School is proposed to be demolished so that the addition can be constructed on the western side of the High School to accommodate 400 ninth-grade students currently at Treasure Mountain Junior High. Treasure Mountain Junior High is proposed to eventually be demolished, but a timeline has not yet been established.

10. The current High School is 272,000 square feet. While the proposed addition is 128,000 square feet, the High School with the addition will be a total of 350,940

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square feet, only increasing by 78,940 square feet due to the demolition to accommodate the addition.

11. The PCDS Campus includes the Park City High School (1750 Kearns Boulevard), McPolin Elementary (2270 Kearns Boulevard), Treasure Mountain Junior High (2530 Kearns Boulevard), and Park City Learning Center (2400 Kearns Boulevard) on 83.92 acres north of S.R. 224 and east of Monitor Drive.

12. The purposes of the ROS Zoning District are to:

    a. Establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets, and parking lots;

    b. Permit recreational uses and preserve recreational open space land;

    c. Encourage parks, golf courses, trails, and other compatible public or private recreational uses;

    d. Preserve and enhance environmentally sensitive lands, such as wetlands, steep slopes, ridge lines, meadows, stream corridors, and forests.

    e. Encourage sustainability, conservation, and renewable energy.

13. The proposed addition consolidates density to preserve open space, does not impact environmentally sensitive lands, and improves energy efficiency.

14. LMC § 15-2.7-3 Lot and Site Requirements establishes a 25-foot setback on all property perimeters in the ROS Zoning District. The proposed addition to the High School achieves significant setbacks from all property perimeters and is 349 feet from the Kearns Boulevard property line and 110 feet from the north property line. The minimum side setback achieved from the property line to the west is nearly 340 feet, and the minimum side setback achieved from the property line to the east is over 1,000 feet.

15. LMC § 15-2.7-4 establishes a 28-foot building height for the ROS Zoning District. The existing High School ranges from 45 feet to 67 feet in building height. To accommodate an addition that blends with the existing structure preserves open space, and consolidates density to the rear of the High School, the applicant requested a building height variance for an addition with a building height of 47 feet six inches.

16. On October 18, 2022, the Board of Adjustment unanimously approved the building height variance.

17. The purposes of the frontage protection zone are to:

    a. Preserve Park City's scenic view corridors;

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b. Preserve and enhance the rural resort character of Park City's entry corridor;

c. Provide a significant landscaped buffer between development and highway uses;

d. Minimize curb cuts, driveways and access points to highways;

e. Allow for future pedestrian and vehicular improvements along the highway corridors.

18. The Frontage Protection Zone is an overlay that extends 100 feet from Kearns Boulevard northward onto the PCSD Campus.

19. The proposed High School addition consolidates density to the rear of the building and is set back 349 feet from Kearns Boulevard. No construction is proposed within the Frontage Protection Zone.

20. LMC § 15-2.7-2 requires Planning Commission review and approval of a Conditional Use Permit for schools in the ROS Zoning District.

21. Development of schools in Utah is subject to State regulations and limited municipal regulations. Utah Code § 10-9a-305(1)(a) requires a school district to conform to local land use regulations. However, Utah Code § 10-9a-305(3) prohibits municipalities from applying certain land use regulations to school districts, including:

a. Landscaping;

b. Fencing;

c. Aesthetic considerations;

d. Construction methods or materials;

e. Additional building inspections;

f. Municipal building codes;

g. Building use for educational purposes;

h. Placement or use of temporary classroom facilities on school property.

22. The recommended Conditions of Approval are modified to reflect State limitations.

23. Conditional Use Permits require Planning Commission evaluation of 16 criteria:

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a. Size and Location of the Site – The PCSD Campus is on 83.92 acres north of S.R. 224 and east of Monitor Drive. The High School is on Parcel PCA-2-2300-X, which is 38.97 acres. In 1985, the City Council annexed the PCSD Campus into Park City and the PCSD Campus has served the community since the early 1980s. The PCSD proposes to demolish 53,720 square feet of the existing High School along the western side to accommodate the 128,000-square-foot addition, shown on the applicant's site plan, to consolidate density, preserve open space, and construct an addition that is cohesive with the existing High School.

b. Traffic Considerations Including Capacity of the Existing Streets in the Area – The proposed increase in square footage accommodates 400 students currently in Treasure Mountain Junior High. As a result, traffic generated by the PCSD Campus will not significantly change. When construction of Ecker Hill Middle School is completed, eighth graders will transfer from Treasure Mountain Junior High to that location, eventually further reducing traffic to the PCSD Campus. Treasure Mountain Junior High is proposed to eventually be demolished.

c. Utility Capacity, Including Storm Water Run-Off – On October 4, 2022, utility providers reviewed the proposed addition and confirmed utility capacity for the addition, recommending Conditions of Approval included below.

d. Location and Amount of Off-Street Parking – LMC § 15-3-6 Parking Ratio Requirements for Specific Land Use Categories require two spaces per three employees, or one space per 1,000 square feet of floor area, whichever is greater, for schools. According to the Applicant, there are 104 employees at Park City High School, which would require 69 parking spaces. The High School, with the addition, will be 350,940 square feet, requiring 351 parking spaces. The High School currently provides 517 parking spaces, with 21 ADA compliant and four Electric Vehicle Charging Stations, for a total of 542. The proposed plan includes a new parking area south of the High School, accessed by Lucky John Drive, which will provide 20 additional parking spaces, bringing the total to 568. As a result, the High School exceeds code-required parking.

e. Internal Vehicular and Pedestrian Circulation System – No changes to internal vehicular circulation are proposed. Significant investments have been made to improve pedestrian and bicyclist connectivity to the PCSD Campus, including a tunnel under S.R. 224 to connect the PCSD Campus to trails south of S.R. 224 without requiring street-level crossing over S.R. 224.

f. Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses – State law precludes municipalities from regulating fencing, screening, and landscaping.

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g. Building Mass, Bulk, and Orientation, and the Location of Buildings on the Site, including Orientation to Buildings on Adjoining Lots – The proposed addition to the Park City High School achieves significant setbacks from all property perimeters and is 349 feet from the Kearns Boulevard property line and 110 feet from the north property line. The minimum side setback achieved from the property line to the west is nearly 340 feet, and the minimum side setback achieved from the property line to the east is over 1,000 feet from the eastern property line.

h. Usable Open Space – The addition consolidates density to preserve open space. The PCSD is not subject to Master Planned Development regulations and is not required to provide minimum open space. The PCSD Campus includes several recreational fields and landscaped areas.

i. Signs and Lighting – Conditions of Approval require compliance with the Municipal Code of Park City Chapter 12, Signs, and the City's Dark Sky Ordinance in LMC Section 15-5-5(J).

j. Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design, and Architectural Detailing – State law precludes municipalities from regulating aesthetics and construction materials.

k. Noise, Vibration, Odors, Steam, or Other Mechanical Factors that Might Affect People and Property Off-Site – The High School addition significantly exceeds ROS Zoning District Setbacks, and noise, vibration, odors, steam, or other mechanical factors will not affect people and property off-site.

l. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas – A Condition of Approval requires compliance with LMC Section 15-5-5, requiring full screening for trash and recycling areas.

m. Expected Ownership and Management and How the Form of Ownership Affects Taxing Entities – The PCSD owns and manages the property and is tax-exempt.

n. Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site – While some areas of the PCSD are within the Sensitive Land Overlay (Treasure Mountain Junior High), the High School is not. The High School addition is not proposed to be constructed on a steep slope, near a wetland, or near a ridge line. The High School is within the Park City Soils Ordinance Boundary and is required to comply with the regulations of the Municipal Code of Park City Chapter 11-15 Park City Landscaping and Maintenance of Soil Cover. The Applicant has been meeting with the City's Environmental Regulatory Program Manager and must comply with Federal, State, and local regulations regarding soils.

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o. Consistency with the Goals and Objectives of the Park City General Plan – The PCSD Campus is in the Park Meadows Neighborhood of the General Plan and the General Plan identifies the PCSD Campus as a neighborhood icon. According to the General Plan, the Park Meadows Neighborhood has mostly primary residents and the PCSD Campus serves as a community amenity. "Creating community amenities close to residential neighborhoods is essential to maintaining community while decreasing Vehicle Miles Traveled." The proposed Park City High School addition allows for clustered density to serve Park City students in an area of the community in which many primary residents live. Goal 4 of the General Plan is to conserve a connected, healthy network of open space for continued access to and respect for the natural setting. Objective 4B is to buffer entry corridors from development and protect mountain vistas to enhance the natural setting, quality of life, and visitor experience. The PCSD Campus that fronts Kearns Boulevard is within the Frontage Protection Zone, which extends beyond Kearns into the property 100 feet. The proposed High School addition is in the rear of the property and will not increase the presence of the High School within the Frontage Protection Zone. Community Planning Strategy 5.8 is to encourage energy efficiencies in construction including infill, preservation, adaptive reuse, and redevelopment. According to the Applicant, the proposed building mass "is arranged to preserve open space around the building and provide a thermally efficient structure. The result of this stacked design allows the new building to achieve a targeted Energy Usage Intensity ("EUI") of 35 whereas the current facility has a calculated EUI of 84. This system will not only save the District operating costs but is also a more sustainable approach which aligns with the city's energy goals. The building orientation and height are also anticipated to aid in the eventual installation of PV panels on the roof."

24. Staff published notice on the City's website and the Utah Public Notice website on October 7, 2022. Staff mailed courtesy notice to property owners within 300 feet on October 8, 2022. Staff posted notice to the property on October 10, 2022. The Park Record published notice on October 12, 2022.

Conclusions of Law

1. The Conditional Use Permit complies with the requirements of the Land Management Code, as conditioned.

2. The proposed addition to the Park City High School complies with the Recreation Open Space Zoning District.

3. The proposed addition complies with the Frontage Protection Zone.

4. The use will be compatible with surrounding structures in use, scale, mass, and circulation.

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

Conditions of Approval

1. Prior to construction and during construction, the Applicant shall notify the Planning Department of any proposed changes to the building plans.

2. The Applicant must revise construction drawings to comply with the Park City Water Department plan review comments prior to construction.

3. The Applicant must submit a long-term stormwater maintenance agreement to the Engineering Department for review and approval prior to construction.

4. The Applicant must meet with the Engineering Department for a pre-construction meeting and final approval prior to construction.

5. The applicant has recently submitted a Line Extension Agreement ("LEA") for the relocation of several sewer main lines at the high school site. All items required under the LEA must be completed prior to construction. These include the following:

   - SBWRD approval of the LEA;
   - Payment of required engineering services fees;
   - Granting of required easements;
   - SBWRD approval of sewer main line construction drawings.

   Additionally, the following are required prior to building construction:

   - The applicant must submit building plans for the expansion to SBWRD;
   - Impact fees for the expansion must be calculated and paid to SBWRD.

6. The Fire District shall review and approve the final plans prior to construction.

7. Sign installations require compliance with the Municipal Code of Park City Chapter 12 Signs, a master sign plan, and a sign permit approved by the Planning Department.

8. Outdoor lights must comply with the Dark Sky Code outlined in LMC Section 15-5-5(J) and shall be fully shielded with bulbs 3,000 degrees Kelvin or less.

9. Trash and recycling pickup areas shall be fully screened and shall comply with LMC Section 15-5-5.

10. The Applicant shall comply with Federal and State regulations, as well as with the Municipal Code of Park City Chapter 11-15 Park City Landscaping and Maintenance of Soil Cover, and shall work with the City's Environmental Regulatory Program Manager to ensure compliance prior to construction.

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11. All Conditions of Approval established in previous CUPs continue to apply.

12. There will be widening and enhancements to the north trail and sidewalk connections to mitigate the increased usage. Improvements may be phased between the two construction projects, within a year of the final Certificate of Occupancy issued by the State Fire Marshal.

13. Bicycle storage facilities must comply with the LMC.

Commissioner Kenworthy seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Van Dine-Aye; Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Frontero-Aye; Commissioner Sigg-Aye; Chair Suesser-Aye. The motion passed unanimously.

B. 2270 Kearns Boulevard (McPolin Elementary) - Conditional Use Permit - The Applicant Proposes a 22,500-Square-Foot Addition in the Recreation Open Space Zoning District. PL-22-05410.

Technician Ehlers shared information related to 2270 Kearns Boulevard. He reported that the applicant proposed construction of a 22,500-square-foot addition to the east of McPolin Elementary School. This would expand the Pre-K classroom and support space, increase community service space, increase outdoor play space, and modify internal circulation and pickup areas. A map of the current internal circulation was shared. It included both McPolin Elementary and Treasure Mountain Junior High. An image of the proposed project was also shared.

The school development is governed in part by State regulations. Municipalities are limited in terms of requirements for landscaping, fencing, aesthetic considerations, municipal building codes, and building use for educational purposes. The recommended Conditions of Approval reflected this. The school campus was located in the Park Meadows Neighborhood. Technician Ehlers explained that the General Plan identified the campus was a neighborhood icon, acknowledged that Park Meadows was a neighborhood with primary residents, and encouraged maintaining the school campus in the primary resident area to decrease vehicle miles traveled to the school.

The proposed addition would comply with LMC setbacks and would be under the height allowed by the zone. No construction was proposed within 100 feet of Kearns Boulevard. The proposed parking also exceeded code requirements. Technician Ehlers reported that McPolin Elementary currently had 40 parking spots. The addition would trigger an increase of 23 parking spots. The applicant proposed to restripe the parking lot for 68 spaces, which would increase the proposed parking by 28 spaces. This exceeded the LMC parking requirements.

Some of the Conditions of Approval were reviewed. Technician Ehlers highlighted Condition of Approval 7, which stated that the McPolin Elementary School could not reduce the number of parking spaces provided on the Treasure Mountain Junior High site. Condition of Approval 8 required final striping and a total of 68 parking spaces. There were other Conditions of Approval to mitigate impacts related to utilities, signs, outdoor lighting, and screening. There were also conditions to ensure that the project complies with Federal, State, and municipal regulations. This

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included Chapter 11-15 of the LMC. The school district needed to continue to work with the City's Environmental Regulatory Program Manager.

Staff recommended that the Planning Commission review the proposal, conduct a public hearing, and consider approving the Conditional Use Permit to accommodate the addition. Mr. Tanner reiterated that this was the second step of what the community was asking for. The first was a grade realignment and the second was the expansion of Pre-K in the community.

Commissioner Sigg wondered if a Traffic Study was done along Kearns Boulevard to take into account the additions. He also wanted to know if overflow traffic had been taken into consideration. Mr. Tanner explained that the net loss of students on the campus would be 400 along with the staff that would support those students. As a result, the impact of the projects would actually result in a reduction in traffic density. Additionally, the biggest choke point was at Treasure Mountain Junior High in the drop-off area. That would be eliminated. It was anticipated that the project would relieve some of the pressure on Kearns Boulevard. He noted that a traffic study had not been done because there would be a reduction in overall traffic.

Assistant Director Ward reported that the Planning Commission could request additional studies if a project was a Master Planned Development ("MPD"). However, this particular application was a Conditional Use Permit. A traffic study was not required as part of the application.

Commissioner Kenworthy asked about the construction timelines for the project. Mr. Tanner explained that a lot would depend on the winter months and how difficult they are. It was originally anticipated to be a year. As for the high school project, that was intended to be a two-year project and a two-phase project. Commissioner Kenworthy wondered whether a portion of the parking lot would be used for those two years of construction. Mr. Tanner reported that there would be no impact in terms of the existing parking at the high school. Approximately 50 spots would be lost temporarily for the elementary school work, but there are still plenty of spots.

Commissioner Van Dine mentioned the walkthrough to the North 40 Playing Fields. The plan made that intersection safer, but it might be worthwhile to put in a more significant crosswalk as there are a lot of students that came through that walkthrough. She asked about the portables. Mr. Tanner explained that there had been a change in principals between last year and the current year. The previous principal had intended to keep the portables in place, but he did not know whether that was the intention of the new principal. Commissioner Van Dine noted that McPolin Elementary had a lot of bicycle use. It was important to prioritize safety in that area and widen sidewalks so bicycles could get around. She also suggested that there be some sort of covered bicycle parking to accommodate the students at that school.

Commissioner Hall asked that the Conditions of Approval mirror the Condition of Approval from the previous item, related to circulation and parking. Commissioner Johnson felt it was important to improve the entry point to the North 40 Playing Fields from the parking lot. With the Condition of Approval for the high school, the north side had been specified. He felt that improving the entry point to the North 40 Playing Fields from the parking lot should be specified in this instance. Assistant Director Ward noted that it could be added to the Condition of Approval.

Chair Suesser asked what the LMC said with respect to adequate bicycle parking. Assistant Director Ward reported that 10% of bicycle racks per 10% of what was required for parking spaces needed to be installed. There are also additional requirements regarding security and materials. Commissioner Hall suggested that the Condition of Approval state that there be adequate bicycle

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parking for what existed. This would allow the language to be more flexible. Commissioner Hall agreed with the applicant that the project was necessary and would benefit the community. Commissioner Johnson appreciated what was being done to the school.

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

MOTION: Commissioner Johnson moved to APPROVE a Conditional Use Permit for 2270 Kearns Boulevard (McPolin Elementary), based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Final Action Letter as follows:

Findings of Fact

1. In 1985, the Park City School District ("PCSD") applied to annex the PCSD campus into Park City (PL-85-00026).

2. On October 3, 1985, the City Council enacted Ordinance No. 85-11, annexing the PCSD Campus and zoning it Recreation Open Space ("ROS").

3. The PCSD Campus includes the Park City High School (1750 Kearns Boulevard), McPolin Elementary (2270 Kearns Boulevard), Treasure Mountain Junior High (2530 Kearns Boulevard), and Park City Learning Center (2400 Kearns Boulevard) on 83.92 acres north of S.R. 224 and east of Monitor Drive.

4. In the ROS Zoning District, schools require a Conditional Use Permit ("CUP") and Planning Commission review.

5. On June 27, 1990, the Planning Commission approved a CUP that included the new McPolin Elementary School (56,000 square feet) (PL-90-00106).

6. On September 21, 2022, the PCSD submitted a CUP to construct a 22,500-square-foot addition to the east of McPolin Elementary School for the Pre-K classroom and support space, community service space, outdoor play areas, and modifications to internal circulation and pickup areas.

7. The purposes of the ROS Zoning District are to:

    a. Establish and preserve districts for land uses requiring substantial areas of open land covered with vegetation and substantially free from structures, streets, and parking lots;

    b. Permit recreational uses and preserve recreational open space land;

    c. Encourage parks, golf courses, trails, and other compatible public or private recreational uses; and

    d. Preserve and enhance environmentally sensitive lands, such as wetlands, steep slopes, ridge lines, meadows, stream corridors, and forests.

    e. Encourage sustainability, conservation, and renewable energy.

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8. Setbacks – The PCSD Campus is unique and was constructed on multiple parcels, including PCA-98-A-X, PCA-2-2101-6-X, PCA-2-2101-6-A-X, PCA-2-2300-X, PCA-2-2300-A-1-X, and PCA-2-2300-A-X, expanding over 80 acres.

9. The McPolin Elementary School is situated on three parcels: PCA-2-2101-6-A-X, PCA-2-2101-6-X, and PCA-2-2300-X. The addition expands the school eastward into PCA-98-A-X and will replace what is currently a road that straddles PCA-2-2300-X and PCA-2-2300-A-X.

10. LMC § 15-2.7-3 Lot and Site Requirements establishes a 25-foot setback on all property perimeters in the ROS Zoning District. The proposed addition to the McPolin Elementary School achieves significant setbacks from all PCSD Campus perimeters. The Park Meadows Subdivision is to the north and the existing school is set back from the north property line by 168 feet. The addition will be set back from the north property line by 302 feet. From the parcel line to the front of the building along Kearns Boulevard, the addition is set back nearly 160 feet, and from Kearns Boulevard, the addition is set back over 400 feet. The McPolin Elementary School addition is toward Treasure Mountain Junior High but will be nearly 1,000 feet from the eastern PCSD Campus property line.

11. Building Height – LMC § 15-2.7-4 establishes a 28-foot building height for the ROS Zoning District. McPolin Elementary School is 26 feet in building height.

12. Frontage Protection Zone – The purposes of the Frontage Protection Zone are to:

    a. Preserve Park City's scenic view corridors;

    b. Preserve and enhance the rural resort character of Park City's entry corridor;

    c. Provide a significant landscaped buffer between development and highway uses;

    d. Minimize curb cuts, driveways and Access points to highways;

    e. Allow for future pedestrian and vehicular improvements along the highway corridors.

13. The Frontage Protection Zone is an overlay that extends 100 feet from Kearns Boulevard northward onto the PCSD Campus. The proposed addition to the McPolin Elementary School is over 400 feet from Kearns Boulevard. No construction is proposed within the Frontage Protection Zone.

14. Conditional Use Permit Criteria – The Planning Commission reviews 16 criteria for Conditional Use Permits:

    a. Size and Location of the Site – The PCSD Campus is on 83.92 acres north of S.R. 224 and east of Monitor Drive. The PCSD Campus is in the Park

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Meadows Neighborhood of the General Plan and the General Plan identifies the PCSD Campus as a neighborhood icon. According to the General Plan, the Park Meadows Neighborhood has mostly primary residents and the PCSD Campus serves as a community amenity. "Creating community amenities close to residential neighborhoods is essential to maintaining community while decreasing Vehicle Miles Traveled." The proposed McPolin Elementary School addition allows for clustered density to provide additional pre-K classroom and support space and community service space on the PCSD Campus in an area of the community in which many primary residents live.

b. Traffic Considerations Including Capacity of the Existing Streets in the Area – Any changes to Kearns Boulevard (S.R. 248) access require UDOT review and approval. The Applicant proposes extending McPolin Elementary School onto what is now a north-south connection and turnaround area to improve drop-off circulation. The PCSD Campus is in the Park Meadows Neighborhood of the General Plan and the General Plan identifies the PCSD Campus as a neighborhood icon. According to the General Plan, the Park Meadows Neighborhood has mostly primary residents and the PCSD Campus serves as a community amenity. "Creating community amenities close to residential neighborhoods is essential to maintaining community while decreasing Vehicle Miles Traveled." The proposed McPolin Elementary School addition allows for clustered density to provide additional Pre-K classroom and support space and community service space on the PCSD Campus in an area of the community in which many primary residents live. The Treasure Mountain Junior High 9th graders are scheduled to move to the High School and the 8th graders are scheduled to move to the Ecker Hill Middle School. Eventually, Treasure Mountain Junior High is slated for demolition. Significant investments have been made to improve pedestrian and bicyclist connectivity to the PCSD Campus, including a tunnel under S.R. 224 to connect the PCSD Campus to trails south of S.R. 224 without requiring street-level crossing over S.R. 224.

c. Utility Capacity, Including Storm Water Run-Off – On October 4, 2022, utility providers reviewed the proposed addition and confirmed utility capacity for the addition. Recommended Conditions of Approval are included below.

d. Emergency Vehicle Access – On October 4, 2022, the Park City Fire District reviewed the proposed application and must approve access prior to construction.

e. Location and Amount of Off-Street Parking – The McPolin Elementary School provides 40 parking spaces. LMC § 15-3-6 Parking Ratio Requirements for Specific Land Use Categories require two spaces per three employees, or one space per 1,000 square feet of floor area, whichever is greater, for schools. There are 64 employees for the McPolin Elementary School, requiring 43 parking spaces. The McPolin Elementary

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School addition of 22,500 square feet triggers an additional 23 parking spaces. The Applicant proposes to restripe the parking lot for 68 parking spaces, increasing parking for the school by 28 spaces, exceeding the requirements of the LMC.

f. Internal Vehicular and Pedestrian Circulation System – The Applicant proposes reconfiguring access to the McPolin Elementary School and Treasure Mountain Junior High to improve drop-off patterns, to rework back-of-house access for student safety, and to reduce impacts to green space.

g. Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses – State law precludes municipalities from regulating fencing, screening, and landscaping.

h. Building Mass, Bulk, and Orientation, and the Location of Buildings on the Site, including Orientation to Buildings on Adjoining Lots –The McPolin Elementary School addition is within the ROS Zoning District parameters and is smaller in scale than the Park City High School and Treasure Mountain Junior High School. The addition is placed to the east of the existing school to reduce impacts to open space.

i. Usable Open Space – The PCSD is not subject to Master Planned Development regulations and is not required to provide minimum open space. However, the PCSD Campus provides many recreational fields and landscaped open spaces.

j. Signs and Lighting – The Applicant is required to comply with Municipal Code of Park City Title 12 Signs and the City's Dark Sky Ordinance in LMC Section 15-5-5(J).

k. Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design, and Architectural Detailing – State law precludes municipalities from regulating aesthetics and construction materials.

l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors that Might Affect People and Property Off-Site – The McPolin Elementary School addition significantly exceeds ROS Zoning District Setbacks, and noise, vibration, odors, steam, or other mechanical factors will not affect people and property off-site.

m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas – A Condition of Approval requires compliance with LMC Section 15-5-5, requiring full screening for trash and recycling areas.

n. Expected Ownership and Management and How the Form of Ownership Affects Taxing Entities – The PCSD owns and manages the property and is tax-exempt.

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o. 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 – While some areas of the PCSD are within the Sensitive Land Overlay (Treasure Mountain Junior High), the McPolin Elementary School is not. The McPolin Elementary School addition is not proposed to be constructed on a steep slope, near a wetland, or near a ridge line. The McPolin Elementary School is within the Park City Soils Ordinance Boundary and is required to comply with the regulations of Municipal Code of Park City Chapter 11-15 Park City Landscaping and Maintenance of Soil Cover. The Applicant has been meeting with the City's Environmental Regulatory Program Manager and must comply with Federal, State, and local regulations regarding soils.

p. Consistency with the Goals and Objectives of the Park City General Plan – The PCSD Campus is in the Park Meadows Neighborhood of the General Plan and the General Plan identifies the PCSD Campus as a neighborhood icon. According to the General Plan, the Park Meadows Neighborhood has mostly primary residents and the PCSD Campus serves as a community amenity. "Creating community amenities close to residential neighborhoods is essential to maintaining community while decreasing Vehicle Miles Traveled." The proposed McPolin Elementary School addition allows for clustered density to provide additional Pre-K classroom and support space and community service space on the PCSD Campus in an area of the community in which many primary residents live. Goal 4 of the General Plan is to conserve a connected, healthy network of open space for continued access to and respect for the natural setting. Objective 4B is to buffer entry corridors from development and protect mountain vistas to enhance the natural setting, quality of life, and visitor experience. The PCSD Campus that fronts Kearns Boulevard is within the Frontage Protection Zone, which extends beyond Kearns into the property 100 feet. The proposed McPolin Elementary School addition is set back from Kearns Boulevard over 400 feet and does not involve construction in the Frontage Protection Zone. Community Planning Strategy 5.8 is to encourage energy efficiencies in construction including infill, preservation, adaptive reuse, and redevelopment. The proposed addition is designed with energy-efficient mechanical and electrical systems and will stay below an Energy Usage Intensity ("EUI") of 35.

15. Staff published notice on the City's website and the Utah Public Notice website on October 7, 2022. Staff mailed a courtesy notice to property owners within 300 feet on October 8, 2022. Staff posted notice to the property on October 10, 2022. The Park Record published notice on October 12, 2022.

Conclusions of Law

1. The Conditional Use Permit complies with the requirements of the Land Management Code, as conditioned.

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2. The proposed addition to the McPolin Elementary School complies with the Recreation Open Space Zoning District.

3. The proposed addition complies with the Frontage Protection Zone.

4. The use will be compatible with surrounding structures in use, scale, mass, and circulation.

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

Conditions of Approval

1. Prior to construction and during construction, the Applicant shall notify the Planning Department of any proposed changes to the building plans.

2. The Applicant must revise construction drawings to comply with the Park City Water Department plan review comments prior to construction.

3. The Applicant must submit a long-term stormwater maintenance agreement to the Engineering Department for review and approval prior to construction.

4. The Applicant must meet with the Engineering Department for a pre-construction meeting and final approval prior to construction.

5. The applicant has recently submitted a Line Extension Agreement ("LEA") for the relocation of several sewer main lines at the high school site. All items required under the LEA must be completed prior to construction. These include the following:

   - SBWRD approval of the LEA;
   - Payment of required engineering services fees;
   - Granting of required easements;
   - SBWRD approval of sewer main line construction drawings.

   Additionally, the following are required prior to building construction:

   - The applicant must submit building plans for the expansion to SBWRD;
   - Impact fees for the expansion must be calculated and paid to SBWRD.

6. The Fire District shall review and approve the final plans prior to construction.

7. The McPolin Elementary School addition may not reduce the number of parking spaces provided on the Treasure Mountain Junior High site.

8. The McPolin Elementary School shall provide 68 parking spaces.

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9. Sign installations require compliance with the Municipal Code of Park City Chapter 12 Signs, a master sign plan, and a sign permit approved by the Planning Department.

10. Outdoor lights must comply with the Dark Sky Code outlined in LMC Section 15-5-5(J) and shall be fully shielded with bulbs 3,000 degrees Kelvin or less.

11. Trash and recycling pickup areas shall be fully screened and shall comply with LMC Section 15-5-5.

12. The Applicant shall comply with Federal and State regulations, as well as with the Municipal Code of Park City Chapter 11-15 Park City Landscaping and Maintenance of Soil Cover, and shall work with the City's Environmental Regulatory Program Manager to ensure compliance prior to construction.

13. All Conditions of Approval from previous CUPs continue to apply.

14. There will be widening and enhancements to the north trail and sidewalk connections to mitigate the increased usage. Improvements may be phased between the two construction projects, within a year of the final Certificate of Occupancy issued by the State Fire Marshal.

15. There must be adequate bicycle parking for the existing conditions.

Commissioner Hall seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Van Dine-Aye; Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Frontero-Aye; Commissioner Sigg-Aye; Chair Suesser-Aye. The motion passed unanimously.

C. 1000 Ability Way (National Ability Center) - Modification to a Conditional Use Permit and Master Planned Development - The Applicant Proposes to Modify a 2017 Conditional Use Permit and 2019 Master Planned Development to Add 2,048 Square Feet for the Stables. PL-22-05397.

Assistant Director Ward shared information related to 1000 Ability Way. She reported that the National Ability Center started to be developed when it was still in Summit County. It was later annexed into Park City. Two Planning Commission approvals governed the density and future development, which included a 2017 CUP and a 2019 Master Planned Development ("NAP MPD"). Phase I of the project was almost complete. The final development would include a lodge facility as part of Phase II. As Phase I had been developed, some of the square footages had shifted between buildings and some of the needs of the National Ability Center had changed. The applicant proposed some minor modifications. Assistant Director Ward explained that the request was to add 2,048 square feet to expand the stables as well as remove three 444 square foot recreational cabins and three 314 square foot camping yurts from the project approval. This would result in a net increase of 1,106 square feet.

The proposal triggered changes to the Findings of Fact, Open Space, and Parking. Under the code, those are substantive modifications to MPDs. Assistant Director Ward asked that the

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Planning Commission determine whether this was a substantive modification. There was a table in the Staff Report that highlighted what was approved as part of the CUP and MPD. It showed what had been modified as construction had been completed and what was proposed to be canceled or removed. Staff proposed that a Final Action Letter be issued. The letter would modify the Findings of Fact in the MPD to reflect what was built, what would be added, and what would be removed. Conditions of Approval would state what was required as part of the CUP and the MPD would continue to remain in effect. When the National Ability Center came forward with plans to construct the lodge in Phase II, a CUP would be triggered.

Staff recommended that the Planning Commission determine that the request was a substantive modification. Staff also recommended that the Commission consider approving the changes that would increase the square footage by approximately 1,106 square feet.

The National Ability Center was represented by Meeche White. She reported that it was unlikely the second lodge would be built. The original plan to expand had buildings on top of all of the utilities, which would not work. The National Ability Center had since run out of space. The idea of the lodge was not being removed officially, but it would require moving all of the utilities that came into the campus to build. Ms. White added that the reason for the barn expansion was for additional safety, so the horses could be in separate stalls.

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

MOTION: Commissioner Van Dine moved to APPROVE the Modification to a Conditional Use Permit and Master Planned Development for 1000 Ability Way, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the NAC Final Action Letter:

Findings of Fact

1. A 2017 Conditional Use Permit ("CUP") and 2019 Master Planned Development ("NAC MPD") outline the approved density for the NAC's Round Valley property at 1000 Ability Way in the Recreation Open Space Zoning District.

2. The Applicant proposes adding a 2,048-square-foot addition to the stables for safer grooming and tacking for participants and removing three 444-square-foot recreational cabins and three 314-square-foot camping yurts from the project approval resulting in 2,274 square feet of unbuilt density.

3. Additionally, as the NAC's Round Valley property has been developed over the years, some structures have exceeded the approved square footage, and others are constructed under the approved square footage.

4. The Applicant requests to increase the total project square footage by 1,106 square feet, and to update the overall project square footage to accurately reflect what has been constructed and modified.

5. The National Ability Center ("NAC") is a nonprofit organization that empowers individuals of all abilities through recreation and education. In 1999, Summit County approved a Specially Planned Area for NAC facilities located on a 26-acre

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lot in the Quinn's Junction neighborhood, which was then in unincorporated Summit County. The Summit County approval included:

- A 17,000-square-foot equestrian arena;
- A 3,500-square-foot barn/stalls;
- An outdoor equestrian arena;
- An outdoor challenge/ropes course, playground, and outdoor activity area;
- An archery pavilion;
- A gazebo;
- Storage buildings;
- 21,000 square feet for residential dormitory and lodging uses with 25 rooms on two levels;
- 7,570 square feet for administrative offices;
- 121 parking spaces.

6. In 2004, the City adopted Ordinance No. 04-50, annexing NAC into its boundaries and zoning the property Recreation and Open Space. On November 29, 2017, the Planning Commission approved a Conditional Use Permit for the following development on the site:

- Indoor equestrian arena addition (10,910 square feet);
- Program services building addition (1,250 square feet);
- Climbing wall (377 square feet);
- Recreation center (7,613 square feet);
- Cycling center storage addition (783 square feet);
- Relocation of the archery pavilion and range;
- Three recreational cabins (444 square feet each), six graded tent sites, three yurt platforms, and one restroom for an outdoor camping area (2,274 square feet total);
- Greenhouse and gardening area (400 square feet);
- Maintenance shop and storage additions (1,250 square feet).

7. On March 27, 2019, the Planning Commission approved the NAC Master Planned Development (MPD), which outlined:

- (1) the existing uses approved by Summit County;
- (2) the increased density and uses approved by the 2017 Conditional Use Permit (Phase I); and
- (3) future development, which includes a three-story 22,266-square-foot lodging building, as well as an additional 1,122 square feet for the equestrian center, and 332 square feet for the recreation center (Phase II).

8. On December 11, 2019, the Planning Commission ratified the NAC Development Agreement, which outlines the NAC MPD parameters.

9. On February 18, 2020, the NAC recorded the Development Agreement with Summit County (Recorder Entry No. 1127416).

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10. The NAC MPD Condition of Approval 28 requires all building permits to comply with the Development Agreement, which includes the CUP and NAC MPD approvals, specifying square footages for each use. As NAC developed the project, there are changes to square footages. The Applicant requests additional modifications.

11. On March 23, 2022, the Planning Commission determined the NAC request to increase square footage for the cycling center storage addition to accommodate a prefabricated structure was a minor modification to the NAC MPD and could be approved administratively.

12. On April 7, 2022, the Planning Director approved an Administrative Permit for the increased cycling center storage addition.

13. On September 26, 2022, the Applicant submitted a request to modify the CUP and NAC MPD to increase square footage for the stables and to remove the recreational cabin and camping yurt square footage.

14. The Applicant's table outlines what was approved, what was constructed, the difference, and square footage destroyed or canceled.

15. LMC § 15-6-4(K) establishes Planning Commission authority to determine whether a proposed modification to an MPD is minor or substantive.

16. Substantive modifications create additional impacts and include a change to a Finding of Fact, an increase in floor area that triggers additional off-street parking requirements, and a reduction in open space.

17. The Applicant proposal requires modification to a Finding of Fact, changes to off-street Parking, and reduces open space.

18. The Applicant's proposal is a substantive modification to the NAC MPD.

Project Square Footage

19. In total, due to the structures constructed below the approved square footage, and the removal of the recreational cabins and camping yurts, the net increase in square footage is only 1,106 square feet and the modifications to the overall project are minimal.

20. NAC CUP Finding of Fact 19 is modified as follows:

- The Applicant proposes the following additions and buildings:
- Indoor Equestrian Arena Additions (12,022 SF);
- Stable Addition (2,048 SF);
- Program Services building and climbing wall additions (1,200 SF);
- Community and Programs Building (new) (6,500 SF);

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- Recreation Center/Gymnasium (new) (7,613 SF);
- Cycling Center (storage addition) (805 SF);
- Archery Pavilion and Range (relocated);
- Greenhouse and gardening area (new) (200 SF);
- Maintenance shop and storage (additions) (1,200 SF);
- Additional parking area (104 spaces), snow storage, and landscaping.

21. NAC MPD Finding of Fact 21 is proposed to be modified as follows:

- The NAC MPD memorializes existing uses (49,707 SF) approved through a Summit County Specially Planned Area (SPA) . . . and Conditional Use Permit (CUP) by Summit County prior to annexation of the site into Park City (50,750 SF are approved), as well as uses approved through a CUP by the [Park City] Planning Commission in November of 2017 (29,819 29,540 SF) . . . the MPD also includes a future three-story lodging building (22,266 SF) consisting of 25 suites with 13 lockouts (38 keys). The MPD also includes an additional 1,122 SF for the equestrian center and 332 SF to the recreation building that are not counted in the square footages approved with the 2017 CUP for a total of 53,260 additional square feet. On October 26, 2022, the Planning Commission approved a stable addition of 2,048 SF. The total project square footage at build-out is 101,864.

22. NAC MPD Finding of Fact 22 is modified as follows:

- A total of 101,864 SF is included in the NAC MPD including administration and programs, indoor recreation and equestrian center, lodging as well as accessory support uses and storage. A swimming pool is not included in this MPD approval. Accessory and support uses include barn/stables, camping cabins/yurts/tent platforms, maintenance shop, Nordic center yurt, gardening center, and greenhouse, and cycling center.

Off-Street Parking

23. The Applicant proposes removing 2,274 square feet of recreational cabins and camping yurts and replacing the square footage with a 2,048-square-foot addition to the stables.

24. LMC § 15-3-6 does not outline parking for cabins and camping yurts but requires one parking space per four persons maximum rated capacity for Private Recreation Facilities.

25. The exchange of square footage between recreational cabins and camping yurts to replace with a stable addition results in a reduction of 226 square feet. Also, the addition to the stables is proposed for safer grooming and tacking for participants who are already visiting the stables. As a result, staff does not recommend additional parking spaces.

26. The NAC property was granted a parking reduction due to uses that overlap and use of multiple buildings per visit.

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27. NAC MPD Finding of Fact 30 states:

- The 2017 CUP approved 104 additional parking spaces to provide a total of 225 spaces for the entire site . . . Staff reviewed a 32% reduction as uses of the NAC overlap and NAC participants use multiple buildings per visit. Parking reductions are consistent with transportation goals and the General Plan. Parking will be phased with the construction of elements of the CUP and MPD.

Open Space

28. LMC § 15-6-5(D) requires Master Planned Developments to provide a minimum of 60% open space. The NAC project exceeds this requirement.

29. NAC MPD Finding of Fact 56 states:

- Proposed open space of 78% is greater than the minimum of 60% and the three-story [lodge building] design results in additional usable open space on the site.

30. Due to changes in the built, modified, and canceled square footage, the overall change in square footage for the project is minor, reducing the 100,758-square-foot project at build-out to 101,864 square feet, and the Applicant continues to exceed the open space requirements.

Development Agreement

31. On February 18, 2020, the Applicant recorded the Development Agreement for the National Ability Center Master Planned Development.

32. The Development Agreement reflects the 2017 CUP and 2019 MPD square footages.

33. This Final Action Letter modifies the Development Agreement.

Conclusions of Law

1. The modification to the 2017 CUP and 2019 NAC MPD is a substantive modification.

2. The Application complies with the requirements of the Land Management Code.

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:

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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;

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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. The 2017 CUP and 2019 NAC MPD Conditions of Approval remain in effect.

2. The Applicant shall submit an updated parking study when the Applicant submits a Conditional Use Permit application for the final phase of development – the 22,266-square-foot three-story lodge. The Planning Commission shall review overall parking for the project and shall determine whether additional parking is required to support the project at full build-out.

3. The Applicant shall verify that the stable expansion does not impact wetlands. Delineated wetlands and streams require a fifty-foot buffer.

4. The stable expansion shall comply with the Recreation Open Space 25-foot Setback outlined in LMC § 15-2.7-3 and the 28-foot Building Height outlined in LMC § 15-2.7-4.

5. The Applicant shall submit an updated open space exhibit with the future lodging building Conditional Use Permit.

6. The Applicant shall record the Final Action Letter modifying the CUP and MPD approvals within 60 days of Planning Commission approval (by December 26, 2022) as an addendum to the Development Agreement to clarify the project approvals moving forward.

Commissioner Sigg seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Van Dine-Aye; Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Frontero-Aye; Commissioner Sigg-Aye; Chair Suesser-Aye. The motion passed unanimously.

D. Land Management Code Amendments - The Planning Commission Will Review Proposed Land Management Code Amendments to Clarify Landscaping and Water Wise Regulations, Define Key Terms, Update Gravel Regulations, Establish Landscaping Regulations Based on Land Use Type, Provide Flexibility to Replace Significant Vegetation with Water Wise and Firewise Landscaping, Update the Recommended Plant List to Identify Water Wise Plants, and Clarify Landscaping and Limits of Disturbance. PL-21-05064.

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

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MOTION: Commissioner Van Dine moved to CONTINUE Item 6D, Land Management Code Amendments, to the January 11, 2023 meeting. Commissioner Johnson seconded the motion.

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

E. 1875 Homestake Road - Affordable Master Planned Development and Conditional Use Permit - The Applicant Proposes Constructing Approximately 200,436 Square Feet on Lot B of the Yard Subdivision for 123 Units Totaling 103,060 Square Feet (28 One-Bedroom Units, 88 Two-Bedroom Units, and 7 Three-Bedroom Units), 6,461 Square Feet of Amenity Space, and 42,237 Square Feet for 140 Parking Spaces (128 Underground; 12 At Grade) in the General Commercial Zoning District. 80% of the Units are Proposed to be Affordable; 20% are Proposed to be Market Rate. PL-22-05300 and PL-22-05288.

Assistant Director Ward shared information related to 1875 Homestake Road. She reported that Housing Development Manager, Jason Glidden was present as well as the applicant's team. The City was represented by Peter Tomai, who was participating in the meeting remotely. Additionally, J Fisher, the private developer, was represented by Rory Murphy, Ryan Davis, Jake Wood, and architect, Chimso Onwuegbu. There are also several members of Staff available to answer questions. This included John Robertson, the City Engineer, Johnny Wasden, the Parking Manager, and Ryan Blair the Environmental Regulatory Program Manager. Additionally, there was a representative present at the meeting who completed the EMF Survey and was available to answer questions related to the Rocky Mountain Power substation.

City Planner, Spencer Cawley reported that the Homestake Affordable Master Planned Development ("AMPD") was a proposed 123-unit project with 99 affordable and 24 market rate units located in the Bonanza Park Neighborhood. The General Plan indicated that the neighborhood was meant for mixed-use and the overriding goal for the neighborhood was to create new housing opportunities while maintaining existing affordable housing units. Planner Cawley shared a timeline of the review process, which included meetings, a site visit, and public outreach. As part of the review process, the Planning Commission needed to make 15 findings to approve an AMPD pursuant to LMC 15-6.1-12. The Planning Commission also needed to review 16 Conditional Use Permit criteria pursuant to LMC 15-1-10(E) to approve a multi-unit dwelling in the General Commercial Zone. On September 28, 2022, the Planning Commission reviewed those criteria with the understanding that the following would be further reviewed:

- Traffic considerations including capacity of the existing streets in the area;
- Transportation amenities, including drop off areas for van and shuttle service, and a bus stop, if applicable;
- Magnetic Field Survey.

At the Planning Commission Meeting on September 28, 2022, the Planning Commission provided input to the applicant. This included consideration of a cap on total occupancy per unit type, a timeline for projects around the Homestake AMPD site, consideration of more covered and secure bicycle parking, a reduction of the overall height of the project, updates to the pedestrian circulation and trail connectivity exhibit, and additional information about the substation. Based on that feedback, the applicant provided updated materials, which had been outlined in the Staff Report. The code required that 50% of residential unit equivalents be affordable in an AMPD.

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The applicant proposed that 80% of the units be affordable. The number of units had changed since the last meeting on the item, with a small increase to the number of three-bedroom affordable units and a small increase in the two-bedroom units.

Planner Cawley shared an exhibit submitted by the applicant related to building height. There was some mechanical screening that was above 45 feet. Additionally, there was the elevator penthouse, that was permitted, per the AMPD code. The mechanical screening would be compliant with the Code. He shared a chart that overviewed the proposed heights for different building sections from final grade. The full height of the proposed building was 51.5 feet and it could be up to 53 feet. The Planning Commission had asked for an analysis of occupancy. The applicant provided a table that showed some of the possible scenarios.

As for the bicycle facilities, the applicant had informed Staff that there was internal bicycle storage for residents. That would be in the parking garage and there would be approximately 800 square feet of secure bicycle storage. This would allow for the storage of approximately 50 bicycles. There would also be a bicycle repair amenity space. Planner Cawley reported that the storage space needed to provide charging stations for e-bikes, which was part of Condition of Approval 13. The LMC also required bicycle racks that would hold 13 bicycles for visitors to the site. The traffic impact study recommended racks for 15 bicycles as a transportation demand management strategy. The applicant agreed to allow a bicycle share location on site, subject to the Park City Transportation and Engineering Department and Summit County approval.

Planner Cawley overviewed some planned and budgeted Bonanza Park improvements:

- Homestake Road - a 12-foot multi-use pedestrian and bicycle pathway (spring 2024);
- Woodbine Way - conversion to a one-way southbound road with sidewalks and on-street parking (spring 2025);
- Munchkin Road - expansion across what was now the Recycle Utah Center (spring 2025);
- Snow Creek Tunnel - funds for an underpass are allocated in Fiscal Year 2023 and the project is slated to begin in the spring of 2025.

Planner Cawley shared an infrastructure construction timeline with the Commission. The overall layout of the improvements to Homestake Road, Woodbine Way, and Munchkin Road are shared as well as an overview of the Snow Creek pedestrian access improvements. A regional transit map illustrated that there are many lines and stops that intersected throughout the area. According to City Transit, Homestake Road was narrow and not suitable for buses, but there are many stops within walking distance on Park Avenue, Kearns Boulevard, and Bonanza Drive. Planner Cawley shared the updated exhibit from the applicant, which showed the internal circulation. Staff had highlighted the transit stops to show that they are accessible from the Homestake site. Chair Suesser asked about the distances and access onto Iron Horse Drive. Assistant Planner Ward pointed out the area on the map and explained that the transit stops along Kearns Boulevard, Bonanza Drive, and Iron Horse Drive are within a quarter mile.

The required parking under the LMC was a total of 127 parking spaces. This was based on the number of units that are less than 1,000 square feet and that are between 1,000 and 2,000 square feet. The applicant did not have any units that are greater than 2,000 square feet. The applicant exceeded the required parking and proposed 140 parking spaces, with 128 underground and 12 at grade. Conditions of Approval 15 through 20 incorporated the applicant's parking management

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plan, as recommended to be amended by Staff. Planner Cawley explained that the following needed to be installed prior to any unit Certificate of Occupancy issuance:

- High-speed remote-controlled gate at the entrance to the parking structure;
- Cameras for remote monitoring 24/7 by the management company;
- Daily security patrol;
- Required permit/sticker for any vehicle to park in the parking structure. Cars without permits/stickers would be towed at the owner's expense;
- Units shall be restricted to one parking space. In no circumstance shall the total vehicles granted a parking permit/sticker exceed 128; and
- Two parking spaces (surface) shall be reserved for property management.

The applicant agreed to Condition of Approval 29, a recommended Transportation Demand Management strategy that was outlined in the Traffic Impact Study. The applicant would make two surface parking spaces available as part of a Transportation Demand Management Strategy for carshare service, should that service become available in the area, or for limited ridesharing service parking. Condition of Approval 22 required electric vehicle charging station conduit and stations be installed and operable prior to the Certificate of Occupancy issuance.

Assistant Planner Ward explained that once an AMPD was approved, it required the applicant to draft a Development Agreement that outlined requirements in the code as well as the Conditions of Approval specific to the project. All AMPDs had a two-year window to begin construction after project approval or it would expire. The Planning Commission would review and ratify the Development Agreement. If the project was approved, the applicant would have six months to draft that Development Agreement. It would come before the Planning Commission for a public hearing and ratification. That would be required prior to Building Permit issuance.

As part of the affordable project, deed restrictions would be required to be recorded in order to protect the long-term affordability of the units. Those are required to be recorded before any Certificate of Occupancy was issued. Assistant Director Ward reported that this would continue for 40 years. After that time, the City had six months to determine whether the affordable units are needed or not. If the City Council took no action, the deed restrictions would continue for another 10 years. Chair Suesser wondered whether the deed restrictions included a prohibition against nightly rentals on market-rate units. Assistant Director Ward explained that nightly rentals would be prohibited in the market rate units as part of the approval. In addition to that, the deed restrictions would also prohibit nightly rentals in the affordable units.

Assistant Director Ward shared information related to traffic. In June 2022, the applicant submitted a Traffic Impact Study. The Engineering Department, Planning Department, and applicant had been working to ensure that the Traffic Impact Study reflected all of the proposed changes for the area. As a result, the City hired a consultant, WCG. WCG worked with the City and the applicant hired Hales Engineering. Those consultants had coordinated for several months. The Traffic Impact Study was attached as an Exhibit to the Staff Report. She noted that the level of service would likely be discussed later on in the meeting. The table from the study showed that for the level of service, A, B, C, and D are considered good. E was where mitigations came into play and F indicated unpredictable flows and excessive delays.

With the Traffic Impact Study, there are recommended Transportation Demand Management Strategies. Each of the strategies had been incorporated into the project as Conditions of

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Approval. Assistant Director Ward overviewed some of those conditions. The conclusion of the Hales Engineering Traffic Impact Study was that the project was anticipated to add minimal traffic to the roadway network. The project-related traffic would fit into the planned Homestake Roadway Cross-section. Assistant Director Ward reported that the Hales Engineer representative and Engineer Robertson are present to answer questions.

Significant public input was received during the last public hearing. Additionally, comments had been submitted to Staff, which are included as an exhibit in the Staff Report. Since the Staff Report was published, six additional emails had been submitted. Those had been forwarded to the Planning Commission for review. Staff recommended that the Planning Commission review the proposed project, conduct a public hearing, and consider approving the Homestake AMPD and Conditional Use Permit for the multi-unit dwelling, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Final Action Letter.

The applicant requested two minor modifications to the Conditions of Approval. One was Conditional of Approval 13, which would clarify that the applicant would provide approximately 800 square feet for secure bicycle storage, ranging from 30 to 50 bicycles. The other was Condition of Approval 19, which would clarify the language to state that the applicant would number parking stalls, each unit would be designated one underground parking space, and the total number of vehicles granted a parking permit or sticker authorization to access and park in the underground parking structure would not exceed the available number of underground stalls. Upon termination of a rental lease, tenants must also turn in their parking permits.

The applicant representative, Mr. Murphy addressed some of the previous Commissioner comments and questions. At the last meeting, Chair Suesser asked about the status of the soil study on the project. They had completed an Environmental Phase II study that showed high levels of lead, between nine inches and 2.5 feet at seven test holes, located primarily along the northern and western areas of the parcel. There was no contamination discovered below 2.5-feet. This corresponded with earlier research that indicated the area was a railroad switching yard. It was likely that the ore was dropped occasionally during the loading process. The initial cost estimates are between $1.3 and $1.4 million to remediate the site. Chair Suesser had also inquired about the ground lease. Since it was a legal document that was being discussed at the Council level, he was limited in what he was able to say about the ground lease. However, he had been cleared to say that the lease would be for at least 65 years, the deed restrictions would be in place for the life of the lease, and the developer was responsible for the operation and maintenance of the project for the term of the lease, and all improvements, including the building on the land, would revert to the City upon the expiration of the lease.

Mr. Murphy apologized to Commissioner Kenworthy as he had not fully understood his question at the last meeting. They had submitted an up-to-date table of the maximum number of individuals that could occupy the proposed project. He reported that the total number of individuals in the building could be 573, as per the Federal guidelines. The average occupancy of an affordable project was 1.4 persons per room, which would likely put the occupancy at approximately 315. Commissioner Kenworthy had also inquired about the spaces that currently existed in the parking lot. According to the Park City Parking Director, there are approximately 120 parking spaces with the storage items on-site and 220 without them. Commissioner Kenworthy requested the Traffic Study, which had now been reviewed by the City Engineer and a third-party traffic consultant hired by the City. It was available for Commissioner review.

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Josh Gibbons from Hales Engineering shared information related to the Traffic Study. It was anticipated that the project would add minimal traffic (less than 50 vehicle trips) to the nearby intersections. There was existing congestion in the area at different intersections. For instance, at Homestake Road and Park Avenue, which had a Level of Service F at the PM peak hour. That was an existing deficiency that needed to be addressed. Mr. Gibbons reported that Hales Engineering had worked with the City and the City-hired consultant to determine an appropriate solution. Part of that solution was the City's plan for Munchkin Road. The study also recommended that at Homestake Road and Park Avenue, the City and Utah Department of Transportation ("UDOT") consider restricting left turns due to the high delays. Vehicles could instead travel on the new Munchkin Road connection to the east. That was expected to improve the overall level of service. However, there would still be some delays for right turns due to the number of pedestrians crossing at the crosswalk.

The study also recommended Transportation Demand Management Strategies related to carshare and bicycle facilities. There are more than 10 transit stops within one-quarter mile walking distance, so there was good access to transit in the area. Mr. Gibbons noted that parking had been considered in the study as well. The parking met the requirements in the City Code.

Mr. Murphy noted that Commissioner Kenworthy had previously asked about the total parking stalls. They would be required to build 127 stalls, as per the Multi-Family Building Parking Code in the LMC. That was the parking required for a market-rate building. He noted that there was no desire to reduce the parking and 12 additional spaces had been added to alleviate concerns. Commissioner Kenworthy also stated that the unresolved issues of displaced parking needed to be addressed. Mr. Murphy explained that he was limited in what he could say, but work had been done with City Staff to find a solution. The City would have a temporary plan in place that would accommodate the Kimble Art Center parking, overflow parking from the restaurants, overflow parking from the residents in Homestake, and day construction parking.

There had also been discussions about the recycling center. Mr. Murphy explained that there was no intention to move or alter the Recycle Center. It was entirely separate from the property, so there would be no encroachment on the land. Commissioner Hall had requested a sunset clause for the project, which was agreed to. The sunset clause was two years, as per the LMC. She also requested that dedicated bicycle storage as well as maintenance be incorporated into the project. Mr. Murphy pointed out that the project would have visitor bicycle parking, an e-bike station, and the 800-square-foot biking, parking, and maintenance area. Commissioner Hall had requested that the height of the project be reduced. Mr. Murphy reported that a lot of time had been spent looking into that. An effort had been made to reduce the height where possible.

Commissioner Van Dine previously mentioned that selling back parking spaces was a possible solution to accommodate the demand. Mr. Murphy explained that the Federal program that they are working with had certain guidelines. At least one parking space per unit was required. That being said, he had no issue with individuals selling or renting their personal parking space, but it could not be set as an official policy.

Mr. Murphy reported that the Traffic Study was completed in June 2022 and reviewed by the City Engineer and a third-party traffic consultant. All parties agreed with the conclusions that are drawn from Hales Engineering. The Traffic Study indicated that the project would not cause a reduction in service to any of the affected intersections. Additionally, the improvements to Homestake Road and Munchkin Road would improve the current situation.

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Commissioner Frontero previously inquired about the connectivity of trails and Mr. Onwuegbu prepared an exhibit that addressed that inquiry. Mr. Onwuegbu noted that the site was fairly central to everything. There are a lot of transit stops in close proximity to the site as well as the Rail Trail and Poison Creek Trail that are connected within an eighth of a mile. Mr. Murphy noted that Commissioner Johnson had expressed concerns about the substation, particularly regarding the EMFs and the implications on human health. He asked an expert in this area, George Hanson, to address outstanding questions related to the EMF situation at Homestake. Mr. Hanson was an engineer who was recognized as one of the leading electromagnetic shielding authorities in the country. He was considered to be an expert on EMF emissions. Mr. Hanson was not employed by J Fisher or the City and was present of his own accord.

Commissioner Johnson had asked about soundproofing the substation. Mr. Murphy reported that several products would be able to reduce the sound and could be incorporated into the separating wall. They would work with Rocky Mountain Power on that. Mr. Murphy appreciated the Planning Commission's consideration. Affordable housing was necessary for Park City. He felt the proposal was within the letter of the Code and within the spirit of the Code.

Commissioner Hall liked that the project consisted of 80% affordable units rather than the minimum 50%. She also liked that there are rentals, that no nightly rentals applied to the market-rate units or affordable units, and that this was a private developer. She also liked that the location was close to transit, schools, and commercial, and liked the new secured and covered bicycle storage. Additionally, she appreciated that there are no variances or exceptions. Commissioner Hall noted that she and Planner Cawley had briefly discussed the Soil Ordinance. The Soil Ordinance for the LMC was stricter than the EPA. That gave her additional comfort about the soil that would be under the property. Assistant Director Ward reported that the applicant had been working with the Environmental Program Regulatory Manager. There would be close coordination as the project was developed to ensure that soils met Federal, State, and heightened City regulations.

Commissioner Hall appreciated the modifications in the proposed application regarding the height. She liked that efforts had been made to reduce the mechanical storage space. Commissioner Hall wondered whether it would be possible to move Finding of Fact 38 so it was listed as a Condition of Approval. This related to nightly rentals for market-rate units. For Condition of Approval 33, she felt there should be some language added to indicate that the wall should be sound buffering. She also asked that the word “minimum” be added so there was not a cap at 10 feet. She was in favor of a higher wall, which was originally proposed. Commissioner Hall wondered whether the Finding of Fact 12 for the roof space included the new percentage. She suggested that a Condition of Approval be added to state that if there was a child care facility, the applicant did not need to come back for a CUP. It could already be conditioned. Assistant Director Ward clarified that childcare facilities are already allowed in the zone.

Commissioner Kenworthy suggested that there be tiers for AMI. Mr. Murphy noted that those conversations were ongoing. The intention was to try to achieve affordability and have 40% AMI and 50% AMI. Commissioner Kenworthy mentioned the EMFs. He wondered whether Staff had done a study on the potential EMF impacts if Rocky Mountain Power upgraded the above-grade power lines. Assistant Director Ward explained that the City had not conducted a study, but the applicant had submitted the study that they had done. Mr. Hanson did not believe there was not enough field strength there to make a notable difference. He explained that many EMF studies had been inconclusive and it was difficult to impose regulations when there are unknowns.

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Commissioner Johnson and Commissioner Kenworthy wanted there to be baselines included in the motion language. For instance, there could be details in 10-foot increments.

On Page 423 of the Staff Report, the EMF survey description noted that the survey readings are a snapshot in time and are not predictive of what the readings would be in the future. Commissioner Kenworthy felt that EMF was a difficult issue to navigate. He agreed with Commissioner Johnson that it was important to mitigate as much as possible. Chair Suesser wanted to see additional language in Finding of Fact 39. She felt some sort of conclusion from the National Cancer Institute document and Iowa State University fact sheet should be included. Attorney Harrington asked for clarification about the request. For Finding of Fact 39, Commissioner Johnson did not want additional information but wanted to collate the existing information and clarify what had been provided. Attorney Harrington explained that the Commission was being asked to approve or deny the application, not make a recommendation.

Commissioner Kenworthy felt that any known relationship between EMF and the upgrading of the lines should be mentioned. The baseline numbers would inform renters of the current conditions and what the predicted increases would be with the substation. Attorney Harrington explained that the numbers are not necessarily predictable. However, there could be a Condition of Approval to state, "In the event of an upgrade, the applicant shall submit an updated study to the City Engineer." The Commission felt the baseline data was important to have, especially as it related to future liability and indemnification. Chair Suesser wondered if there needed to be an Appendix to the rental lease. Attorney Harrington reported that with some subdivisions, a disclosure statement had been required in the project Covenants, Conditions, and Restrictions ("CC&R") or real estate contracts. Something like that could be explored. He suggested that the Commission forward its concerns to the City Council.

Commissioner Kenworthy asked that whatever recommendations are forwarded state that no experts are claiming anything with regard to the health and safety of the site based on EMF. Chair Suesser pointed out that the Planning Commission had the final approval for the project. The City Council would not weigh in on those aspects of the application. Commissioner Hall noted that the Commission could participate in the discussions regarding the ground lease.

Commissioner Frontero thought the project was well put together. The EMF was slightly concerning and had been from the beginning. Other than that, he believed the project had come back to the Commission better than before. Commissioner suggestions had been taken seriously, no variances are being requested, and there would be no nightly rentals. He felt the project was something Park City needed as it would move forward with affordable housing goals. Commissioner Van Dine echoed the comments made by Commissioner Frontero. This was a needed amenity in Park City and she felt this was an excellent project. She was grateful that the applicant had listened to the Commission and the feedback from the public.

Commissioner Sigg felt it was refreshing to see a true workforce housing initiative. It would benefit the community. As for the infrastructure improvements, he wanted to confirm that the funding had been appropriated and those improvements are moving forward in accordance with the schedule that had been provided. Engineer Robertson discussed the infrastructure projects. Homestake Road, Munchkin Road, and Woodbine Way are all capital projects that are fully funded. The Homestake development project itself was approximately 30% to 60% designed. There was a consultant on board and the plans are being completed. The water line portion would go in first in 2023 and that was currently at 90% planned. Homestake would follow in 2024.

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Commissioner Kenworthy further discussed connectivity and trails. He wondered if the project would fill in the gaps with regard to pedestrian and bicycle trails from the corner of Park Avenue and Kearns Boulevard over to Deer Valley Drive. It was confirmed that when the infrastructure projects are completed, those gaps would be filled in. There would be better connections and a multi-use path along the south side of 248. Additional discussions are had about trails in the area and connectivity within the community. Chair Suesser asked if the Munchkin extension included a wide sidewalk from Homestake to Bonanza. Engineer Robertson confirmed this. The plan was to have a five-foot sidewalk on the north side. Additionally, there would be a continuation of the 12-foot multi-use path on the south side.

Commissioner Kenworthy shared comments related to occupancy. He appreciated the transparency with the numbers and asked about the 1.4 per room average occupancy mentioned earlier. Mr. Murphy explained that this was based on the J Fisher portfolio. 1.4 per room was the average occupancy across the low-income housing tax credit projects. None of those properties are located in Park City. Commissioner Kenworthy noted that during the winter months, there are often a lot of people in a unit, so the 1.4 number did not seem relevant to Park City.

There was discussion regarding the Traffic Study. Commissioner Kenworthy asked about the Existing 2022 Background Peak Hour Level of Service chart. Bonanza Drive and Kearns Boulevard had a C level for the morning peak. He asked what the 23.4 number was. Mr. Gibbons explained that it represented the seconds of delay per vehicle. The level of service was based on that number. The counts had been taken in late January on a Saturday. He reviewed the level of service numbers for other nearby roads. Both level of service and queuing are considered and identified in the traffic study. Certain mitigations had been discussed with the City and the consultant.

Commissioner Kenworthy read some of the data from the 2012 UDOT study. He wondered how the level of service had improved on some roads since then. Mr. Gibbons felt confident in the current numbers. A third-party had also reviewed the results. He explained that the results are consistent with what had been seen and analyzed in the past. The analysis was based on the existing conditions. It was noted that some adjustments had been made to signal timing. Those could improve levels of service over time. Transit had also improved over the years. There are many variables that could account for the difference between the 2012 numbers and current numbers. Commissioner Kenworthy expressed concern about the variables between the studies.

Commissioner Frontero asked if circulation alternatives had been looked at. For instance, one-way or directional right-hand turns. Mr. Murphy explained that a lot of different options and scenarios had been explored. There had been conversations with UDOT. He noted that there are a lot of studies and analyses taking place to try to improve the overall traffic flows. This particular project would add some traffic, but would not add traffic to a negative level of service.

Chair Suesser opened the public hearing.

Peter Tomai stated that he worked with Mr. Glidden. The public/private partnership was the result of 12 months of collaboration and negotiation. Stakeholders, which included the City, residents, and businesses, had all contributed to the design that was being proposed. The project would deliver 99 permanently affordable housing units with a development that met or exceeded the requirements in all respects. The development was consistent with the General Plan, would improve the residential quality of the neighborhood, and would provide workforce housing with amenities. There was an intense need for affordable housing in Park City. The City had set

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ambitious goals to address affordable housing and this project was an important milestone. He believed it deserved support from the community and Commission.

Matthew Nagie identified himself as a former civil engineer, current physics teacher, and resident of affordable housing in Old Town. Regarding electric vehicle chargers, he recommended that there be a view toward the future. Conduit could be done at the beginning so it was possible to increase that infrastructure as it was needed. The City has certain sustainability goals. This resulted in the affordable housing project he was a resident of not having gas. There is electric heating, which is inefficient. Heat pumps are more efficient and make it possible to reduce the electric bill. He did not know what was planned for the heating with the proposed project but hoped that heat pumps would be considered. As for the occupants per room, he supported the 1.4 number based on personal experience. He asked the Commission if a single person that qualifies for a two-bedroom unit could sublease the second bedroom.

Mr. Nagie stated that Kearns Boulevard is an excellent candidate for protected bicycle infrastructure. Although he was opposed to road widening, he was in favor of innovative solutions to traffic problems. For instance, paid parking downtown, fewer parking spots downtown, and more frequent bus service. He was not concerned about this particular project creating a significant traffic impact. Mr. Nagie shared comments related to EMF. He believed that every second spent talking about EMF was a waste of time because it is irrelevant.

Greg Friedman, a Park City resident, stated that his primary concern related to the safety of residents and visitors. During construction of the project, there will be a lot of construction traffic on Homestake Road as well as the nearby intersections. There seemed to be a great plan for sidewalks, but this needed to be addressed before construction begins on the project. There are no sidewalks on Homestake Road. Adding construction vehicles there would make it even more unsafe. He felt that the Planning Department should plan to improve City-owned infrastructure prior to the construction phase of the project.

Mr. Friedman noted that there are existing parking issues in the area. During construction, those problems could become worse since many of the on-street parking will be impacted. He asked that Homestake Road parking be permitted for residents. It was also important to consider where construction workers will park. After the development is complete, there will be more delivery and service vehicles in the area. He suggested that the project include a place for service vehicles to park during visits so they did not take up residential parking spaces.

Mr. Friedman agreed with the previous comment regarding EMF. He noted that the best time to take measurements is during peak ski season when all of the lifts are running at full capacity. However, he did not believe EMF was something worth spending a lot of time on as it dropped off quickly. Mr. Friedman discussed occupancy. 573 occupants are considered the maximum, but people would cram into the building during the winter months. Even with enforcement, he believed there would be 30% more than the expected occupancy. Mr. Friedman reported that there was a portion of Homestead Road where two semi-trucks could not pass each other at the same time. He felt this needed to be addressed before construction and the road needed to be straightened out. It was noted that there was Federal funding involved. Mr. Friedman asked that there be a contingency in place in case Federal funding did not remain.

Megan McKenna identified herself as the Housing Advocate for the new Housing Resource Center at the Mountainland Community Housing Trust. She reported that the Housing Resource Center supported the Homestake project and explained how support was determined for a project.

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The center meets with applicants and other stakeholders to weigh the cost and benefits to the community. In the case of Homestake, the Housing Resource Center saw a net benefit to the community. The project will help the City reach housing goals as well as energy, transportation, and social equity goals. Every day, the Housing Resource Center receives inquiries about housing, but there is not enough inventory. A lot of the traffic that comes into the community is the workforce. The more affordable housing there is in Park City, the fewer employees that will need to commute. 99 units means 99 fewer people driving in and out each day.

Ms. McKenna reported that unemployment is among the lowest in the State. In Summit County, it is below 2%. A lot of employers are nervous about being able to hire the workforce that they need. In addition, the surrounding communities are becoming more competitive. Ms. McKenna reiterated the need for affordable housing. She asked those present to take a community approach to address that need. Ms. McKenna informed the Commission that she would continue to advocate that elected officials increase funding for affordable housing.

Jamie Johnson identified herself as the CEO of the Park City Board of Realtors. She thanked Staff for the hard work done on the project. Additionally, Mr. Murphy did an excellent job of reaching out to the community. She echoed the comments from Mr. Tomai and hoped that the project would move forward. The Park City Board of Realtors is in support of affordable housing and recognized the dire need. The Board encouraged the Commission to make aggressive efforts to support affordable housing while ensuring that there are no major compromises to the property rights of others. This project would help meet those needs.

Kelly Eiss reported that she lives across from where the project will be. She appreciated all of the time and effort that had gone into the project. However, this was a small piece of land and the occupancy was a concern to her. There would be a lot of people in a dense area. Ms. Eiss was also concerned about the traffic and expressed concerns about the size and scope of the development. This seemed like it would be an urban center and would not maintain the small-town feel. She supported the project but was worried about the size.

Linda Rosepink lives in the neighborhood and wanted to see it remain a neighborhood. She wanted to see the area develop and for there to be affordable housing. She was concerned about the size of the project and the density. Ms. Rosepink explained that managed growth ensures that any future growth maintains the quality of the resident and visitor experience. It was important to think about how the development would impact the existing residents. She asked that the project be scaled back a bit to alleviate the outstanding concerns. There was still a lot to deal with as it related to the traffic, but there was an opportunity to make adjustments now. Many people that she had spoken to felt that the proposed development was too large.

Heather Scholz identified herself as a broker and realtor. She also serves on the Affordable Housing Committee that was formed this year. The subject property is a great location because it is centrally located and people can walk or bicycle to work. She supported the project and expressed her support. Safety is important and it is necessary to follow protocols during the construction process. Ms. Scholz believed the development will utilize the existing public transportation systems and hoped the development would be approved. It was important for people to have the ability to live and work in the area if that was desired.

Makena Hawley lives in the neighborhood and disclosed that she currently works for the Planning Department. She was sharing comments as a private resident. Ms. Hawley thanked the Commissioners, Staff, and developer for their work on the project. As for the traffic discussions,

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the project is close to transit stops and many businesses. It creates an opportunity for less traffic as well. She was excited about the development moving forward. Chair Suesser was sorry to hear the news that Ms. Hawley would be leaving the Planning Department.

Katrina Kmak was a resident of Homestake Road. She supported affordable housing but wanted to mention the existing parking issues. She hoped there would be creative solutions to address all of the new vehicles that would be coming into the area. Additionally, she hoped that Homestake Road would become more walkable because it was not currently safe.

Meeche White expressed her support for the project and affordable housing in the community. She thanked the Commission for their work and consideration of the development.

Mr. Friedman shared additional comments. He wondered where children living in the development will be able to recreate and play outdoors. There should be green space available. As part of the planning process, he asked that outdoor play space be considered.

There were no further comments. The public hearing was closed.

Commissioner Hall discussed Condition of Approval 22. The Code required that conduit be laid for a potential of 20 electrical vehicle charging stations. She wondered if that could be higher and the number increased. This was confirmed. Commissioner Hall noted that conduit is affordable to install during construction but is challenging to add after the fact. She wondered if a minimum of 40% would be an appropriate amount. This was agreed to.

Chair Suesser discussed Condition of Approval 31, which is related to trash and recycling facilities. It referred to centralized trash and recycling containers. She wanted to make sure that this meant a dumpster and not individual trash cans and recycling bins for residents. Mr. Davis reported that there would be two areas in the building that would have dumpsters. At least one would be a compacter but there was a desire to fit two compactors on the site. In the trash rooms, there would also be recycling options available for the residents. Two centralized locations would remain internal until the haul-off happened and the dumpsters would be rolled out for removal. The dumpster would be pulled out to the edge of the building at the gate and the trash truck would be able to back in and remove the trash. This would all take place on-site.

Commissioner Johnson mentioned Condition of Approval 13. He wondered if storage for 50 bicycles was appropriate. It was noted that the area needed to be planned out further. There would also be internal storage units that residents could use for additional bicycle storage. Commissioner Kenworthy wanted to see that at least 100 bicycles could be stored on the property.

Chair Suesser asked if there are accommodations for an on-site manager to live in the building. It was clarified that there was not a dedicated unit, but there would be on-site staff and on-call maintenance. There would be an office area allocated for staff as well as maintenance facilities.

Commissioner Johnson discussed Condition of Approval 33. He wanted to make sure there was agreement with the language that states, “Shall install a minimum of a 10-foot wall alongside the substation, with some sound mitigating material to be included with the wall.” Mr. Murphy pointed out that there was an intention to put in noise-reducing material, but Rocky Mountain Power would need to grant their permission. Commissioner Johnson thanked the applicant for bringing forward an application that met Code. He also appreciated that the EMF process had been done, but noted that if the setback was 10 feet more, there would be a reduction of 65% to 70%. Chair

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Suesser wondered when there would be a revised exhibit reflecting the request from Commissioner Johnson. Mr. Murphy believed that could be turned around very quickly. The document had the footages from the fence, but it could be adjusted to show them from the substation itself.

Commissioner Hall referenced Condition of Approval 19, which stated that units under 1,000 square feet are restricted to one parking stall. Since these are leased units, she wondered whether there was a way to specify in the lease that parking violations would result in the termination of that lease. That would be a comfort to the neighbors. It was noted that there would be some sort of language related to continued violations of the rules and regulations. Commissioner Hall addressed the public comments related to open space. She reported that there was a playground in the area between the roundabout. Mr. Murphy added that there was also an indoor play area for children. Commissioner Kenworthy stressed the importance of comprehensive planning. The Commission discussed amendments.

MOTION: Commissioner Hall moved to APPROVE the Affordable Master Planned Development and Conditional Use Permit for 1875 Homestake Road, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Draft Final Action Letter, as amended:

Findings of Fact

1. 1875 Homestake Road is the triangular-shaped Lot B of The Yard Subdivision – First Amended, a 1.86-acre Lot in the General Commercial Zoning District.

2. 1875 Homestake Road is in the Bonanza Park neighborhood, which the General Plan identifies as a mixed-use neighborhood where locals live and work. According to the General Plan, "[t]he overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units." The General Plan also encourages Multi-Unit Dwellings to direct higher density to this area to provide life cycle housing opportunities, including starter and step-down housing.

3. The Applicant proposes a 123-unit Multi-Unit Dwelling with 80% deed-restricted affordable units and 20% market-rate units as seen on the table.

Affordable Master Planned Development

4. On February 25, 2021, the City Council adopted Ordinance No. 2021-10, enacting a new Land Management Code ("LMC") Chapter to establish Affordable Master Planned Developments ("AMPD") to incentivize the development of affordable housing through increased height, and reduced setbacks, height, and parking.

5. The purpose of AMPDs is to:

    a) Incentivize public, private, and public-private development of Affordable Units for the workforce of Park City;

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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.

6. Affordability – AMPDs must contain at least ten Residential Unit Equivalents ("RUE") (20,000 square feet). AMPDs must contain at least 50% of the RUEs as deed-restricted affordable units. The Applicant proposes 80% affordable units and 20% market-rate units with 82,270 square feet (41.1 RUEs) for affordable units and 20,210 square feet (10.1 RUEs) for market rate.

7. Interior Amenities – Affordable units may differ from market-rate units with regard to interior amenities and Gross Floor Area provided that:

a) These differences, excluding differences related to size, are not apparent in the general exterior appearances of the market-rate units within the AMPD.

b) These differences do not include insulation, windows, heating systems, and other features related to the energy efficiency of the AMPD.

8. Setbacks – The LMC defines Setback as "[a] line parallel to a Property Line (or a Right-of-Way, platted Street, existing curb or edge of a Street, whichever line may extend furthest into the lot) at a distance established by the Zoning District. Between this line and the corresponding Property Line, no structure or portion thereof shall be permitted, erected, constructed, or placed unless specifically allowed by the Zoning District". For properties two acres or less, the minimum setback around the exterior of an AMPD is the zone-required setback. The setback requirements for the General Commercial Zoning District are outlined in LMC § 15-2.18-3 as follows:

a) Front Setback: 20 feet minimum for all buildings and uses, setback may be reduced to 10 feet, provided all on-site parking is at the rear of the property or underground;

b) Rear Setback: 10 feet minimum;

c) Side Setback: 10 feet minimum.

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9. Because of the Lot's unusual configuration, the Planning Director issued a determination for the Lot's Setbacks on March 16, 2022, pursuant to LMC § 15-4-17 Setback Requirements for Unusual Lot Configurations. The determination letter states:

    a) *The six unique property lines that make up Lot B of The Yard Subdivision – First Amended fronts both Homestake Road on the west and the platted Munchkin Road Right-of-Way dedication on the north creating an unusual triangular-shaped Lot configuration… "[d]evelopment on Corner Lots shall have two (2) front setbacks unless otherwise an exception by this Code. The rear yard will be the side of the property opposite the driveway access from the street. If it is not clear which boundary should border the rear yard, the Planning Director may specify which is the rear yard."*

10. The Applicant is not requesting a reduction to the required setbacks.

11. Building Height – AMPD Building Height must comply with the underlying Zoning District for the perimeter Building Façade planes. The Building Height for the General Commercial Zoning District is 35 feet from Existing Grade. LMC § 15-6.18(A) establishes a Building Height increase to 45 feet from Existing Grade for AMPDs when the following criteria are met:

    a) Stepback – The building includes a 10-foot step back on all perimeter building façade planes from the underlying Zoning District building height to the 45-foot Building Height. The Applicant achieves the 10-foot stepback and proposes roof overhangs into this stepback.

    b) Infrastructure – Infrastructure is in place or can be updated to meet the increased demand. The Park City Water Department verified infrastructure is planned to be updated to accommodate the 45-foot Building Height. The Water Department will be replacing and upsizing the line in Homestake Road to connect it to a higher-pressure zone near Kearns Boulevard, with construction beginning in 2023. On September 1, 2022, the Snyderville Basin Water Reclamation District ("SBWRD") submitted a letter stating SBWRD can provide wastewater service to the project.

    c) Façade Variation – The building complies with the building façade variation requirements. LMC § 15-15-1 defines building façade as, "[t]he exterior of a building located above ground and generally visible from public points-of-view." AMPDs that exceed 120 feet in length on any façade must provide a prominent shift in the mass of the building at least for each 120-foot interval, resulting in a change in function or scale reflected through façade alignment of building height variation for at least 15 horizontal feet. The proposed building façades exceeds 120 feet in length and achieves variation in façade for at least 15 horizontal feet.

12. Building Height Exceptions – LMC § 15-6.1-8(B) outlines when AMPD Building Height may exceed 45 feet:

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a) Antennas, chimneys, flues, vents, and similar structures may extend up to five feet (5') above the highest point of the building to comply with International Building Code requirements.

b) Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or screened, may extend up to five feet above the 45-foot building height. The Applicant's mechanical equipment is 45.5 feet above final grade.

c) Elevator Penthouses may extend up to eight feet above the 45-foot building height. The Elevator Penthouse is 51.5 feet above final grade.

13. The Applicant's fog analysis and Roof Over Existing Topography exhibits demonstrate compliance with Building Height regulations from Existing Grade.

14. Site Planning – The Homestake AMPD clusters the Multi-Unit Dwelling in a V shape that opens to Homestake Road. The Multi-Unit Dwelling is clustered along the Substation property line and the Ironhorse Commercial Park Subdivision. The current use is a paved parking lot. There is Significant Vegetation along Homestake Road, which is in the public right-of-way and will be removed with Homestake Road is extended with a 12-foot multi-use path for pedestrians and cyclists. The Applicant proposes new landscaping for the public plaza area.

15. Grading – The existing use is a paved parking area on a relatively flat lot. The proposed parking is in an underground parking area, which will require large retaining structures. However, the final project will achieve a similar Final Grade to Existing Grade.

16. Open Space – LMC § 15-6.1-10(A) requires 20% Open Space and "On-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, and significant landscaping are encouraged. Open Space may not be used for Streets, roads, or Parking Areas." LMC § 15-15-1 defines Open Space, Landscaped as "Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures." The Homestake AMPD is on a 1.86-acre lot, totaling 80,846 square feet. The landscaped Open Space area includes maple, Colorado spruce, and spring snow crabapple trees with shrubs and a grass/play area. The Homestake AMPD also proposes a public hardscaped plaza area with raised planters, achieving 29.5% open space for the site.

17. Trails and Multi-Modal Pathways – Road, pathway, and sidewalk improvements and connectivity are budgeted and planned for the Bonanza Park area, including:

a) Homestake Road – Improvements to Homestake Road, including the addition of a 12-foot multi-use pedestrian and bike pathway, are budgeted and approved. Construction is planned to begin in the spring of 2024.

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b) Woodbine Way – Improvements to Woodbine Way include converting it to a one-way southbound road and constructing sidewalks and on-street parking. Construction is budgeted and approved and is scheduled to begin in the spring of 2025.

c) Munchkin Road – The expansion of Munchkin Road across what is now the Recycle Utah Center is budgeted and approved and is scheduled to being in the spring of 2025, improving pedestrian and bicyclist east-west connectivity.

d) Snow Creek Tunnel – The Walking and Biking Liaison Committee ("WALC") recommended a grade-separated active transportation facility to accommodate pedestrian and bicyclist north-south crossing from the Snow Creek neighborhood across Kearns Boulevard into the Bonanza Park neighborhood. In 2021, the City Council directed staff to conduct a feasibility study of a potential project. On May 12, 2022, the City Council reviewed options that include an underpass or and favored an underpass. Funds for the project are allocated in FY23 and the project is slated to being in the spring of 2025.

These improvements will enhance local access to the Rail Trail, Poison Creek Trail, and pathways and trails that run north of S.R. 248 alongside the east and west of S.R. 224.

18. Internal Circulation – In addition to pedestrian, bicyclist, and vehicle circulation improvements outlined above for the Bonanza Park neighborhood, the Homestake AMPD is centrally located in the Bonanza Park neighborhood and the project proposes enhanced pedestrian and bicyclist connectivity in an area with many transit options.

19. Landscaping – Because of the existing conditions of the property, there is very little Significant Vegetation. The LMC defines Significant Vegetation as "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 50 square feet or more measured at the drip line." Currently, mature trees line the public Right-of-Way along Homestake Road. These trees will be removed when the City expands Homestake Road with a 12-foot multi-use pathway. The Applicant proposes to introduce new vegetation onto the site and provides open space beyond what is required in the code, achieving 29.6% open space.

20. Lighting – Outdoor lighting must be fully shielded with bulbs that are 3,000 degrees Kelvin or less.

21. Sensitive Land Compliance – 1875 Homestake Road is not in the Sensitive Land Overlay. The site is not on a steep slope, near a Ridge Line Area, near wetlands or streams, or within a wildlife protection area.

22. Child Care – The Homestake AMPD is in the General Commercial Zoning District and Child Care Centers, defined in LMC § 15-15-1 as a structure or building,

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including outside play areas, used for the provision of childcare for more than four children for less than 24 hours per day, meeting all State requirements for childcare that is not also the primary residence of the care provider, is an allowed use.

23. Incorporates Best Planning Practices for Sustainable Development – The City's adopted ambitious climate and energy targets are to be net-zero carbon and running on 100% renewable electricity by 2022 for municipal operations and by 2030 community-wide. As a result, the Applicant worked with the Sustainability Department regarding net-zero development standards. The Applicant proposes the strategies outlined in their September 6, 2022, Sustainability Report, including:

    a) Walkability and multi-modal connectivity to basic life amenities supported through bike storage, electric bicycle stations;

    b) Electric Vehicle Charging Stations for residents;

    c) Building orientation to maximize passive solar strategies with the majority of units and building facades oriented primarily in the north-south direction with passive heating in the cooler months and shade in the warmer months;

    d) Building design that meets the International Energy Conservation Code ("IECC") 2021 standards, which exceed adopted energy codes in Utah.

24. Addresses and Mitigates Physical Mine Hazards – LMC § 15-6.1-11(L) requires AMPD Applicants to submit a map and list of all known Physical Mine Hazards on the property and a Physical Mine Hazard mitigation plan. Municipal Code of Park City Section 11-20-2(G) defines Physical Mine Hazards as "any open mine shaft, mine tunnel, horizontal opening, adit, or other mine related opening that extends more than five feet into the ground. The following are not Physical Mine Hazards:

    a) Above ground structures;

    b) Vertical opening where the Chief Building Official has made a written determination that due to the physical characteristics of an opening it does not present a potential health or safety concern; or

    c) Sites previously the object of mitigation so long as mitigation has not failed."

    On June 8, 2022, Blue Ledge Consulting, LLC completed the Mine Hazards on Homestake Affordable Housing Site report. The report concludes "there are no features which meet the definition of a mine hazard as per Section 11-20-2. However, the abundance of mill tailings in the Prospector subdivision do warrant further study of the Homestake parcel and mitigation if proven to be required. Lead and other metals can prove to be hazardous if exposures occur under the right circumstances."

25. Addresses and Mitigates Historic Mine Waste – LMC § 15-6.1-11(M) requires AMPD Applicants with projects in the Park City Soils Ordinance Boundary to submit a soil remediation mitigation plan, indicating areas of hazardous soils and

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proposed methods of remediation and/or removal subject to the requirements and regulations of Municipal Code of Park City Chapter 11-15. Municipal Code of Park City Section 11-15-1 identifies the Soils Ordinance Boundary for Park City that establishes additional requirements for landscaping and topsoil. 1875 Homestake Drive is in the Soils Ordinance Boundary and the project includes construction of an underground parking garage. Municipal Code of Park City Chapter 11-15 outlines requirements regarding disposal or removal of area soil, dust control, topsoil coverage, and landscaping. On September 13, 2022, Stantec completed a Limited Soil Sampling Investigation Summary Report for Homestake Parcel. The report found lead concentrations in excess of the City's Soil Ordinance in seven of 17 testing sites, which will require management and disposal by a facility permitted by the Utah Department of Environmental Quality.

26. Addresses Historic Structures and Sites on the Property – During Park City's mining era, 1875 Homestake Road was an old railroad yard and stockyard. On July 5, 2022, Commonwealth Heritage Group completed the Above-Ground Historic Structures Review for the Property at 1875 Homestake Road in Park City, Summit County, Utah report (Exhibit J). The report provides research and assessment within the project area regarding buildings, structures, objects, or sites designated or eligible for designation on the National Register of Historic Places, including review of literature at the Utah State Historic Preservation Office. The report concludes that historic aerial imagery indicates above-ground resources are constructed after 1975 and "[n]o effects on historic above-ground properties are anticipated as a result of the proposed Project activities."

27. Addresses and Mitigates Traffic – On August 16, 2022, the Applicant submitted a Traffic Impact Study ("TIS") prepared by Hales Engineering ("Hales Study"). The City hired Wall Consultant Group ("WCG") to review and provide input to Hales on the study. Hales Engineering worked to update the TIS to address WCG and City input and submitted an updated TIS. WCG submitted a Technical Memorandum stating the updated TIS addressed WCG's comments ("WCG Memo"). The Hales Study recommends the following mitigations:

    a) Munchkin Road Expansion – extending Munchkin to connect Bonanza Drive and Homestake Road is budgeted and planned. This extension will mitigate significant queuing and delays.

    b) Homestake Road/Park Avenue – restrict to right-in right-out only and reroute traffic to new Munchkin Road connection between Homestake Road and Bonanza Drive.

28. The Hales Study recommends the following Transportation Management Strategies:

    a) Car-sharing program with two dedicated car share parking spaces;

    b) 15 visitor bicycle stalls;

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c) An additional 30 covered and secured parking for bikes beyond what is otherwise required;

d) Charging for e-bikes;

e) Bike maintenance room;

f) On-site e-bike station;

29. General Plan Review – 1875 Homestake Road is in the Bonanza Park neighborhood, which the General Plan identifies as a mixed-use neighborhood where locals live and work. According to the General Plan, "[t]he overriding goal for this neighborhood is to create new housing opportunities while maintaining the existing affordable housing units." The General Plan also encourages multifamily residential uses to direct higher density to this area to provide life cycle housing opportunities, including starter and step-down housing. The location of the mixed-income Multi-Unit Dwelling will provide long-term rental units in the Bonanza Park neighborhood with many amenities within walking and biking distance, including a grocery store, a pharmacy, and restaurants, cafes, and bars. The project is within ¼ mile of several transit stops that provide service to Old Town and the resort areas. Additionally, the Poison Creek Trail provides a paved pathway separated from vehicle traffic that connects the Bonanza Park neighborhood to Old Town.

Conditional Use Permit

30. Size and location of the Site – The Homestake AMPD is proposed to be located on a 1.86-acre site. This lot size is smaller than adjacent properties. The property to the north, 1251 Kearns Boulevard, is 2.31 acres. The Homestake Condos to the west are on a 3.2-acre lot. The Claimjumper Condos to the west are on a 3.2-acre lot. The Ironhorse Park Commercial Subdivision is 2.2 acres. The Substation parcel is 0.84 acres. The General Plan encourages multifamily residential uses to the Bonanza Park neighborhood to direct higher density to this area to provide life cycle housing opportunities, including starter and step-down housing. The location of the Homestake AMPD is within ¼ mile of several transit stops, and within walking distance to a grocery store, pharmacy, and restaurants and services. Additionally, the site provides access to the nearby Rail Trail and Poison Creek Trail. Improvements to Homestake and Munchkin Roads will establish better connectivity in the area.

31. Location and amount of off-Street parking – LMC § 15-6.1-9 requires an AMPD to comply with LMC Chapter 15-3, Off-Street Parking, unless the Planning Commission grants reduced parking based on a parking and traffic study and parking demand mitigation. The Applicant proposes satisfying parking demands on site and does not request reduced parking. LMC § 15-3-6(A) requires parking for Multi-Unit Dwellings based on unit square footage on the chart.

32. The project proposes 140 parking spaces with 128 underground and 12 at grade. LMC § 15-3-11 requires conduit for future installation of 20 Electric Vehicle

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Charging Stations, and two Electric Vehicle Charging Station installations with the first being a dual port that meets ADA standards.

33. The Applicant submitted a Parking Management Plan for the Homestake AMPD and proposes the following:

    a) A high-speed remote-controlled gate at the entrance to the parking structure;

    b) Camera installations in the parking structure for remote monitoring 24/7 by the management company;

    c) Security patrol service to patrol the property and parking structure;

    d) 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;

    e) Numbered parking stalls – residents will be granted at least one parking space in the parking structure;

    f) Two parking spaces will be reserved for property management;

    g) The annual operating budget will include an allowance to sweep and clean the parking area on a semi-annual basis.

34. Fencing, Screening, and landscaping to separate the Use from adjoining Uses – The Applicant proposes installing an 8- to 10-foot-high wall and art installation to separate the AMPD and the Substation. No fencing is proposed on the southern property line or along Homestake Road. Screening is proposed for rooftop mechanical equipment.

35. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots – AMPDs exceed the building mass and bulk of other properties to incentivize the development of affordable housing. The AMPD code requires a 10-foot stepback on all building perimeters to decrease the impact of height on adjacent properties.

36. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing – Bonanza Park area is in the General Commercial Zoning District, which allows for Building Height up to 35 feet from Existing Grade. To incentivize development of affordable units, the AMPD code allows Applicants to achieve a 45-foot Building Height if certain criteria are met. The adjacent properties are not built to the 35-foot allowance in the General Commercial Zoning District and most properties contain one to two-story developments. However, as the area is redeveloped and density and Building Height is maximized on adjacent properties, the Homestake AMPD, while achieving a total of 45 feet, will be more aligned with future developments that achieve the 35-foot height.

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37. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site – The plans as submitted do not indicate issues of vibration, odors, steam, or other mechanical factors that might affect people and Property Off-site. Most mechanical equipment will be located on the rooftop. This equipment is required to be screened to avoid noise or vibration.

38. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities – No condominium plat for individual unit ownership is proposed for the AMPD and the units are planned to be long-term rentals. LMC § 15-6.1-2(D) prohibits Nightly Rentals and Timeshares for market-rate and affordable units within an AMPD.

Additional Considerations

39. Substation – On August 23, 2022, EMF Utah, LLC, completed a Magnetic Field Survey completed by Brent Rotondi, EMF Specialist. EMF Utah, LLC took ground-level measurements for the locations indicated as A, B, and C, and then took ground-level measurements and measurements at ten, twenty, and thirty feet above ground for locations D, E, F, G, H, I, J, K, and L. The survey provides measurements in milligauss per location ranging from 13.1 to less than one, as well as readings in volts per meter, ranging from 6 to 449. The survey description notes that the survey readings are a snapshot in time and are not predictive of what the readings will be at any point in the future or indicative of what the readings are in the past, and also that they make no claims regarding the health and safety of a survey site based on EMF levels measured. They advise clients to read health and safety documentation provided by Federal, State, County, and city environmental safety divisions, along with third-party environmental and technical organizations before making a determination regarding the health and safety risk of the survey site. In addition to the survey, the Applicant submitted a document from and the National Cancer Institute Electromagnetic Fields and Cancer and an Iowa State University Electromagnetic Fields Factsheet. The Applicant proposes modifications to the wall along the Substation property with the possibility of an art installation to separate the uses. The Applicant proposes a board-form concrete wall approximately 8 – 10 feet in height with a mural that could include painted scenes ranging from one with mountains and forests, to abstract art, to an interpretive industrial look, to a historical train.

Public Notice

40. The Applicant conduct outreach and that the Applicant host neighborhood meetings prior to applying for an Affordable Master Planned Development. Between February 2022 and June 2022, the Applicant held outreach meetings with public.

41. On August 8, 2022, staff mailed courtesy notices to property owners within 300 feet of the Site. On August 10, 2022, staff posted physical notice to the site. The

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Park Record published notice on August 10, 2022. Staff published notice to the City Website and the Utah Public Notice website on August 19, 2022.

42. Staff mailed additional courtesy notices to surrounding property owners on October 10, 2022 and posted updated notices to the property on October 11, 2022.

Public Meetings

43. On July 27, 2022, the Planning Commission held a work session for an initial, high-level review of the Applicant's project.

44. On August 24, 2022, the Planning Commission visited 1875 Homestake Drive to visualize the Homestake AMPD Building Footprint and Building Height, and to review future road improvements in the vicinity.

45. On September 28, 2022, the Planning Commission reviewed the project and conducted a public hearing.

46. On October 26, 2022, the Planning Commission reviewed the project and conducted a public hearing.

Conclusions of Law

Conditional Use Permit

1. The Conditional Use Permit complies with the requirements of the Land Management Code, as conditioned.

2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The effects of any differences in use or scale have been mitigated through careful planning.

Affordable Master Planned Development

4. Provides at least 50% Affordable Units.

5. Complies with requirements of the Land Management Code.

6. Meets the minimum requirements of this Chapter.

7. Provides meaningful Open Space for residents and the public.

8. Strengthens and enhances the resort character of Park City.

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9. Compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.

10. 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.

11. Promotes the Use of non-vehicular forms of transportation through design and by providing trail and pathway connections.

12. Was noticed and the Planning Commission held a public hearing in accordance with this Chapter.

13. 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.

14. Addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

15. Addresses and mitigates Historic Mine Waster and complies with the requirements of the Park City Soils Boundary Ordinance.

16. Addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

17. Addresses and mitigates traffic.

18. Addresses and mitigates parking reductions and parking management.

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. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.

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3. 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.

4. 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.

5. Final utility plans shall be submitted with the building permit.

6. 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.

7. 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.

8. The Park City Fire District requires the Applicant to install "no parking" signs for the fire line prior to issuance of any Certificate of Occupancy.

9. The final building plans shall comply with LMC § 15-5-5 Architectural Design Guidelines.

10. The Applicant shall submit roof overhang details showing compliance with the two-foot roof overhang within the 10-foot stepback for the project.

11. The applicant must submit a Line Extension Agreement ("LEA") for the on-site and off-site sewer main line construction. All items required under the LEA must be completed prior to submitting a building permit. These include the following:

    a) SBWRD approval of the LEA;

    b) Payment of required engineering services fees;

    c) Granting of required easements;

    d) SBWRD approval of on-site and off-site sewer main line construction drawings;

12. Building Façade Variation may not exceed 35 feet in Building Height and may not include architectural features or façade changes that encroach into the 10-foot stepback.

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13. The Applicant shall provide a minimum of 800 square feet for internal and secure bike storage for approximately 50 bikes on site in the underground parking area. The internal and secure bike storage area shall provide charging available for e-bikes. The Applicant shall also provide a bike repair amenity space for residents. The Applicant shall install 15 outdoor bike racks for residents and guests. The bike racks must be medium security racks in which both the bike frame and wheels may be locked by the user. The spaces must be designed to prevent damage to the bike and to facilitate easy and secure storage without interference from or to adjacent bikes. Bike racks or lockers must be anchored and of solid construction, resistant to rust, corrosion, hammers, and saws. Bike racks must be compatible in design and function with the surrounding building and street furniture. Bike facilities must be located in convenient, highly visible, active, well-lit areas and shall not interfere with pedestrian movements and snow storage.

14. The Applicant agrees to allow a Summit County Bike Share location on the site, subject to Park City Transportation Department and Engineering Department and Summit County approval.

15. The Applicant shall install high-speed remote-controlled gate at the entrance to the parking structure prior to any unit Certificate of Occupancy issuance.

16. Prior to any unit Certificate of Occupancy issuance, the Applicant shall install sufficient cameras in the underground parking structure for remote monitoring 24/7 by the management company.

17. The Applicant shall ensure daily security patrol service to patrol the property and parking structure.

18. The Applicant shall ensure 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.

19. The Applicant shall number parking stalls. Each unit will be designated one underground parking space. The total number of vehicles granted parking permit/sticker authorization to park in the underground parking structure shall not exceed the available number of underground stalls. Residents without a vehicle may lease their parking space to another tenant, but in no circumstance shall the total vehicles granted a parking permit/sticker authorization to park in the parking structure exceed 128. Upon termination of a rental lease, tenants must turn in their parking permit/remove their parking sticker authorization.

20. Two parking spaces shall be reserved for property management.

21. The annual operating budget for the project shall include an allowance to sweep and clean the parking area on a semi-annual basis.

22. Conduit for future installation, reaching of a minimum of 40% of the underground, for Electric Vehicle Charging Stations that meet the requirements of LMC § 15-3-11 shall be completed prior to Certificate of Occupancy issuance. Two Electric

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Vehicle Charging Station installations with the first being a dual port that meets ADA standards shall be provided in the underground parking area for use by tenants prior to Certificate of Occupancy issuance.

23. The Applicant shall comply with federal and state regulations, as well as with Municipal Code of Park City Chapter 11-15 Park City Landscaping And Maintenance Of Soil Cover and shall work with the City's Environmental Regulatory Program Manager to ensure compliance prior to building permit issuance.

24. If project Construction, as defined by the International Building Code, does not commence within two years of Development Agreement execution.

25. The Applicant shall submit a draft Development Agreement to the Planning Department by April 26, 2023. The Development Agreement shall meet the requirements of LMC § 15-6.1-5, be reviewed and ratified by the Planning Commission, and be recorded with the county prior to building permit issuance.

26. The deed restrictions shall conform with the deed restriction requirements outlined in the Park City Affordable Housing Resolution in effect at the time of a complete Affordable Master Planned Development Application submission, or as otherwise determined by the Park City Housing Authority.

27. The deed restriction shall continue in full force and effect for a period not less than forty (40) years. Upon expiration of the initial forty (40) year term, or any subsequent term, the City shall have six (6) months in which to determine, based on an independent market study, that the Affordable Units within the Affordable Master Planned Development 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 consecutive ten (10) year terms.

28. The property owner of an affordable unit within the Homestake AMPD shall submit to the City an annual compliance report verifying deed restriction compliance.

29. The Applicant will make two surface parking spaces available as part of a Transportation Demand Management strategy for a car-sharing service should such service become available in the area or for limited timed use for ride-sharing service parking.

30. The Applicant committed to the following:

    a) Walkability and multi-modal connectivity to basic life amenities supported through bike storage, electric bicycle stations;

    b) Electric Vehicle Charging Stations for residents;

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c) Building orientation to maximize passive solar strategies with the majority of units and building facades oriented primarily in the north-south direction with passive heating in the cooler months and shade in the warmer months;

d) Building design that meets the International Energy Conservation Code ("IECC") 2021 standards, which exceed adopted energy codes in Utah.

31. Trash and recycling facilities shall be enclosed and fully shielded and shall comply with the requirements of LMC § 15-5-5 and 15-6.1-11. At the Building Permit stage, the Site plan shall include adequate Areas for trash and recycling containers and shall include an adequate circulation area for pick-up vehicles. Convenient pedestrian Access shall be provided within the Affordable Master Planned Development to the trash and recycling containers. No Site plan with a Commercial Development or Multi-Unit Dwelling shall be approved unless there is a mandatory recycling program, which may include Recycling Facilities for the Site. The Recycling Facilities shall be identified on the Site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such Master Planned Development. Such Recycling Facilities shall include, but are not limited to, glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials. Centralized trash and recycling containers shall be located in a completely enclosed structure with a pedestrian door and a truck door or gate. The enclosed Structure shall be designed with materials that are compatible with the principal Structures in the Affordable Master Planned Development and shall be constructed of masonry, steel, or other substantial materials. The Structure shall be large enough to accommodate a trash container and at least two recycling containers to provide for the option of dual-stream recycling.

32. Service and delivery areas shall be kept separate from pedestrian areas.

33. The Applicant shall install a minimum of a 10-foot wall along the substation and an art mural. The project area between the building façade and the wall shall include outdoor lighting that complies with the City's Dark Sky Code in LMC § 15-5-5(J).

Commissioner Johnson seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Van Dine-Aye; Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Frontero-Aye; Commissioner Sigg-Aye; Chair Suesser-Aye. The motion passed with the unanimous consent of the Commission.

F. 4001 Kearns Boulevard – Amend the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD) – The Applicant Proposes to Modify the Uses, Number, Footprints, and Building Heights of the Remaining Density Allocated in the MPD on Lot 1B only, to Allow for Studio Crossing, a Mixed-Use Affordable Housing Project in the Community Transition - Regional Commercial Overlay Zoning District. PL-22-05206.

Chair Suesser explained that due to the late time, there would be an abbreviated discussion and a public hearing. The item would be continued to the next Planning Commission Meeting.

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Chair Suesser opened the public hearing.

Jamie Johnson stated that the Park City Board of Realtors was in support of affordable housing. The Board supported the project moving forward to address the needs of the community.

Megan McKenna noted that every project was different and unique. At the Housing Resource Center, it is important to consider the benefits and costs to the community. This project is a private development. She was impressed by the number of changes that had been made to the proposal. A number of additional affordable units had been added. As a result, the Housing Resource Center supported the project and looked forward to continued discussion.

Bruce Hough has lived and worked in Park City since 1993. He was in favor of affordable housing. The Crandalls are a good family that cared about the community. After looking at the proposal, he felt it was a great location and it would be beneficial to many. There had been some concerns about the at-market units that would allow for nightly rentals. However, that was permitted in the zone. The project was code compliant and that was important to consider. He asked that the Commission move the item forward and allow the project to get underway.

Heather Scholz was in support of the project and stated that she is a member of the Park City Board of Realtors Affordable Housing Committee. She has seen a presentation on this plan at one of those Committee Meetings. It was a well-planned and thought-out development. It would benefit the community and she felt it would also support the film industry.

There were no further comments. The hearing was closed.

MOTION: Commissioner Kenworthy moved to CONTINUE Item 6F related to 4001 Kearns Boulevard to the November 9, 2022 meeting. Commissioner Hall seconded the motion.

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

G. 4001 Kearns Boulevard – Amend the Community Transition - Regional Commercial Overlay Zoning and Ordinance 12-12 – The Applicant Proposes Amend the CT-RCO Zoning and Ordinance 12-12 to Allow for Studio Crossing, a Mixed-Use Affordable Housing Project in the Community Transition Regional Commercial Overlay Zoning District. PL-22-05212.

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

MOTION: Commissioner Johnson moved to CONTINUE Item 6G related to 4001 Kearns Boulevard to the November 9, 2022 meeting. Commissioner Van Dine seconded the motion.

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

7. ADJOURN

The meeting adjourned at approximately 10:15 p.m.

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 9, 2022

COMMISSIONERS IN ATTENDANCE: Vice Chair Sarah Hall, John Kenworthy, Bill Johnson, Christin Van Dine, John Frontero, Henry Sigg, Chair Laura Suesser (virtually)

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Alexandra Ananth, Senior City Planner; Spencer Cawley, City Planner; Jaron Ehlers, Planning Technician; Mark Harrington, City Attorney

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1. ROLL CALL

Vice Chair, Sarah Hall called the meeting to order at approximately 5:30 p.m. She acknowledged the presence of all Commissioners in Chambers. Chair Laura Suesser was to join the meeting via Zoom. Vice Chair Hall stated that this would be a hybrid meeting and public comments would be accepted virtually. To comment virtually, the public was advised to use eComment or raise a hand through Zoom. Public comments would also be accepted in person.

2. MINUTES APPPOVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from September 28, 2022.

MOTION: Commissioner Bill Johnson moved to APPROVE the Minutes from the Planning Commission Meeting from September 28, 2022. Commissioner Christin 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 October 12, 2022.

MOTION: Commissioner Johnson moved to APPROVE the Minutes from the Planning Commission Meeting from October 12, 2022. Commissioner Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

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4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, reported that Deer Valley resubmitted an application and Staff planned on adding it to the December 14 meeting agenda. Given other matters during that meeting, the applicant would only have approximately two hours to present the application. Director Milliken asked if the Planning Commission would be willing to consider a Special Meeting in December to hear the Deer Valley Snow Park application. She stated that December 19, 20, and 21 could be considered as potential dates for a Special Meeting.

Vice Chair Hall asked if other items could also be added to the Special Meeting, such as items they were not able to get through during scheduled meetings. Director Milliken agreed that additional agenda items could be added to the Special Meeting agenda. Director Milliken also anticipated that the Snow Park application would likely take four to five meetings on a monthly basis and asked if there was interest in limited Special Meetings in January, February, and March 2023 to address this application. This would result in a third meeting during these months. She mentioned that because the agendas for January and February are full, it would be difficult to schedule this application for a regular meeting and give it the time it needs for review.

Vice Chair Hall was not in favor of adding a third meeting and noted that the last meeting went until 11:00 p.m. after which they received a 1,000-page packet and did not get to everything on the agenda. Commissioner Van Dine commented did not want to receive overly long packets simply because they do not schedule an extra meeting. She would be agreeable to an extra meeting if it was strictly limited to three hours and only addressed one item. She would also limit the extra meeting to a maximum of three hours. Commissioner Frontero agreed with Commissioner Van Dine and would agree to a third meeting if it was limited in scope to the Deer Valley application. Director Milliken agreed to prepare an agenda that would include what they expect to cover in those meetings.

Commissioner Kenworthy asked how long the process would take before they turn it over to the City Council for a decision on the street vacation. Director Milliken stated that Staff would endeavor to plan this application out over three to four sessions so that the Commission could cover all of the items needed for the application and get it to the point that it could go to the City Council to address the vacation of the right-of-way.

Senior City Attorney, Mark Harrington, added that the schedule would largely depend on the Planning Commission and when it could make recommendations on the circulation and transportation element of the application. This might occur as a handoff, where the Commission would then continue its review of the Master Planned Development ("MPD"). Commissioner Kenworthy noted that the Commission did not want to go that far until the City Council makes its determination. Mr. Harrington noted that while it would depend on how quickly the City Council could address the issue, Staff would not necessarily wait for that decision to schedule additional review.

Mr. Harrington explained that at a Joint Meeting earlier this year, the Planning Commission and City Council reviewed alternatives regarding vacation of a right-of-way that were necessary for the current application to move forward. The question was whether the Council wanted to consider that issue first or consider the vacation in conjunction with its review of the MPD and make a recommendation. He reported that the City Council and Planning Commission agreed to a hybrid approach wherein the Commission would look at the scope of the circulation and transportation element, with the new alternatives suggested as a result of public input and

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Commission feedback. The Commission could then send the issue of vacation of the right-of-way back to the City Council with its recommendation.

Mr. Harrington stated that this approach was somewhat unique but a good compromise that would allow the Planning Commission to maintain its primary role of looking at the planning elements, while providing a recommendation to the City Council before the Council made its determination regarding vacation of the right-of-way. He stated that the first meeting on this application would focus on the Transportation and Circulation Element and what options had been explored and refined since the Joint Meeting.

Commissioner Kenworthy noted that there was a chance that the City Council might have the issue before it for a couple of months. Mr. Harrington agreed that they could not anticipate whether the process with the City Council would be fast or slow; however, they could still try and manage reasonable planning of the Commission's review and would adjust as necessary depending on what happens with the City Council.

Director Milliken added that the Commission could continue its review of the application beyond the Transportation and Circulation Elements while the City Council considered the vacation of right-of-way. Mr. Harrington reiterated that they would adjust depending on where it was with the Council and would not make the Commission waste its time on something that might have a parallel public component.

Commissioner Van Dine sought clarification that the presentation of this application to the Commission would be broken down by issue at each meeting and they not address issues outside of that scope at each meeting. Director Milliken confirmed this and noted that this application is a modification to the applicant's MPD but only included the parking garage and the Circulation and Transportation Plan.

Commissioner Frontero disclosed that with regard to the Regular Agenda item on 161 Park Avenue, he engaged Michael Stoker, AIA on a project in town a couple of years ago. He stated that this would not affect his decision on that application.

Commissioner Kenworthy disclosed that with regard to the Regular Agenda Item on 161 Park Avenue, he knows the owners of the property; however, he has not spoken with them about this application and it would not affect any of his decisions on this matter. He added that he has a home very close to this property.

Director Milliken stated that a number of the Commissioners attended Wasatch Back, which was a meeting of different communities, towns, and counties. The event included planning commissioners, council members, planners, mayors and others from these various communities. She invited Commissioner Kenworthy to provide a report from that meeting. Commissioner Kenworthy reported that there was a great mix of regional partners who came together under the State's guidance for a workshop on land use. The meeting included State senators, a representative of the Governor's office for planning, the State Division of Housing, Mountainland Association of Governments, Utah League of Cities, homebuilders, local school districts and transportation district officials. There were also elected and appointed officials from the counties of Morgan, Summit, Wasatch, Eastern, and Weber. Attendees from each group were not allowed to sit together, and separating groups was a great way to connect with other communities. Commissioner Kenworthy commented that it was a wonderful workshop that highlighted how they all have very similar problems that they were able to openly discuss. He explained that the

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meeting began with the Kem Gardner Policy Institute providing the latest demographics, which showed that Utah is #1 in the United States for growth. They have found, especially during COVID-19, that people are moving for a better quality of life that Utah, and especially Park City, can offer. He noted that Park City is fairly built out and expensive; however, the city with the most growth from 2010 to 2020 was Midway, which experienced 56% growth. Midway was followed closely by Heber City at 48% growth.

Next on the list of growing cities were Francis, Timber Lake, Hideout and Snyderville. He noted that Snyderville only experienced 20% growth. Commissioner Kenworthy noted that these numbers were based on net migration, and that birth rates were still at 1% and not what it used to be in the State. He explained that 2/3 of the growth from the Wasatch Back comes from net migration. He also stated that the organizers posed three questions to the attendees. The first question pertained to the issues that are most challenging for the community. He noted that the typical responses were housing and the wealth gap; however, he felt it was interesting to note that (1) nimbyism was the biggest problem for trying to solve problems, and (2) the State should stay out of local governance.

The second question presented to the attendees pertained to what State officials can do to assist with the challenges. While the two issues above were not solved, allocation of funds was highlighted. The third question posed to the attendees had to do with what additional information State leaders could provide that was not being currently provided by the State. He noted that the organizers wanted them to think big and come up with big solutions. Commissioner Kenworthy mentioned comments made by Caroline Rodriguez, Executive Director of High Valley Transit, who opined that the solution wasn't in zoning or technologies; rather, it was in people working together. Commissioner Kenworthy stressed that this takes compromise, collaboration and planning out into the future.

Commissioner Kenworthy also highlighted comments from Assistant Planning Director, Rebecca Ward who talked about using transfer development rights. He stated that while everyone is concerned with density and how it interconnects with transportation, it still comes down to the people and transfer development rights in areas where they could help to solve these issues. He commented that a representative from Davis County, where they are building the Wasatch Peaks, expressed numerous concerns surrounding these issues. He reiterated that it was a workshop where were able to express ideas, and he came away with the conclusion that they all need to work together, especially in the areas where they have the availability of land. If they can plan now, now is the time to do it.

5. REGULAR AGENDA

A. 4001 Kearns Boulevard – Amend the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD) – The Applicant Proposes to Modify the Uses, Number, Footprints, and Building Heights of the Remaining Density Allocated in the MPD on Lot 1B only, to Allow for Studio Crossing, a Mixed-Use Affordable Housing Project in the Community Transition - Regional Commercial Overlay Zoning District. PL-22-05206.

Senior City Planner, Alexandra Ananth, reported that a Work Session on this item was held in May 2022, and the public hearing was initially set for August before being continued to October. They ran out of time during the October meeting, so the public hearing was continued to this meeting. The applicant was looking to amend the Phasing Plan, and during discussions before

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the City Council where they sought feedback regarding the hotel, mention was made of a project with more community benefits, including affordable housing. Council Member Steve Joyce and Mayor Nann Worel were appointed to work with the applicant, the Planning Department, and the Housing Department on a new Concept Plan. Planner Ananth reported that the applicant returned to the Council in December 2021 and presented the concept of what is presently before the Commission, which is a mixed-use development with a strong affordable housing component. The City Council unanimously supported the potential changes and encouraged the applicant to move forward with the Planning Commission.

She explained that the applicant proposed to amend the existing MPD for the Film Studio Campus for Lot 1B only. The proposal would allow for additional uses and modify the use number footprint and building heights of the remaining density that is allocated to the Film Studio MPD. The applicant was also seeking an amendment to the original Zoning and Annexation Ordinance to allow for the new uses. She noted that the MPD and the original Ordinance were very restrictive to the Film Studio Campus.

Planner Ananth reported that the applicant has approximately 282,000 square feet of density under the MPD that has not been built out. The applicant proposed to use that density to build 60,000 square feet of commercial uses, up to 100 for-sale market rate condominium units and at least 145 affordable for-rent units that would meet the City's Housing Ordinance. She presented a graphic showing the site and explained that the approved MPD had no requirements for setbacks, open space or affordable housing. She presented a table showing the allowed uses under the existing MPD.

She also presented a graphic that compared the Film Studio MPD and the proposed mixed-use development. On the Film Studio MPD, the graphic showed some buildings in front of the existing Film Studio that have not been built, as well as the rest of the mostly commercial campus. Building 1A is the 100-key hotel entitled for that site pursuant to the MPD. She referenced the allowed Building Heights pursuant to the MPD as compared with the proposed Building Heights, which were fairly consistent between the two site plans.

Planner Ananth reported that the applicant moved forward with subdividing the site into two parcels, which was approved earlier this year. She presented the overall Phasing Plan and explained that Phase 01 would include two mixed-use buildings comprised of 15,000 square foot footprints or 45,000 square feet for each building. The applicant proposed commercial on the ground floor and affordable units above. She highlighted that the applicant would meet its entire housing obligation in Phase 01, as well as a number of additional affordable units.

Phase 02 would also be two buildings with 15,000 square foot footprints that would include strictly commercial uses. These buildings would be one-story buildings with a height of 28 feet in compliance with the Zone Ordinance. Phase 03 would include up to 50 townhomes along the southwest portion of the site. Phase 04 would include multi-family dwellings and market rate units. Phase 04 would also include another building of all affordable housing that would be built either contiguous to Phase 04 or earlier. The site also includes a location for a bus stop to be served by Park City Transit and High Valley Transit.

Planner Ananth highlighted a trail connection to the Rail Trail, as well as a number of amenities on the north corner of the site. With respect to Building Heights, the townhomes would be 25 feet in height, and the multi-family dwelling building would be 40 feet tall, but it is located outside of all setbacks. The commercial building was proposed to be 28 feet in height. The two mixed-use

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buildings would be 40 feet in height, and the building in the back would be 45 feet, reduced from 48 feet. In terms of density, Planner Ananth stated there would be 60,000 square feet of commercial uses, approximately 142,000 square feet of market-rate units, and 118,000 square feet of affordable units. She explained that when the density of the required affordable units is subtracted, the total density is in line and just under that allowed under the existing MPD.

The affordable units would consist of a variety of studios, one, two and three-bedroom units. She reiterated that at least 185 affordable units would be delivered by this project. The required affordable housing was calculated based on the commercial square footage, and the applicant is required to deliver 38,000 square feet of affordable housing that does not count toward the density of the project. She explained that this would be broken out in about 65 affordable units, which all would meet the City's Housing Resolution.

In addition to the required affordable housing, she advised that the applicant proposed at least 120 additional affordable units, which would be a mix of studios, one-, two- and three-bedroom units. These would be rented at up to 80% Area Median Income ("AMI") but would be available for households earning up to 120% AMI. She noted that the eligibility met the current Housing Ordinance requirements.

Planner Ananth reported that the Regional Commercial Overlay ("RCO") Zone allows nightly rentals, home occupation, childcare, private recreation facilities and food trucks. In addition, the applicant proposed conditional uses that included the multi-unit dwelling, childcare, an office and medical clinic, retail and service commercial, neighborhood convenience, restaurant and bar, recreation facility, entertainment, and parking and garage space. The Planning Department recommended that these conditional uses, particularly the more intensive ones of childcare, intensive office and major retail or service commercial uses would require a Parking Demand Analysis and a Conditional Use Permit ("CUP") from the Planning Commission. She noted that the Staff Report recommended an Administrative CUP; however, Staff has since decided that it would make more sense for these uses go through the full CUP process before the Planning Commission.

Because the actual tenants were unknown, she stated that the parking requirements were estimated. The residential units would require 343 parking spaces, and she noted that all units would be less than 2,000 square feet. In terms of the commercial uses, the applicant looked at some of its other projects and estimated the type of tenants that would use the commercial spaces. Depending on the actual uses, the site might require 312 commercial parking spaces.

Planner Ananth reported that the applicant submitted a Parking Analysis that included comparisons with the applicant's other projects, specifically Newpark, which indicated that this project would generate a parking demand of 527 stalls, which is less than the 655 parking stalls required by the Land Management Code ("LMC"). She stated that the Planning Department recommended that the Planning Commission consider a parking waiver based on the belief that the proposed parking would be sufficient to meet the anticipated parking demand and the site would be supported by the Rail Trail and a bus station. The Planning Department felt there would be a synergy of uses in that residents would be using the retail, which would further support a parking waiver in favor of producing more open space on site.

Planner Ananth added that the applicant identified some additional parking areas, if needed. One option would be to shift the existing townhomes back slightly to allow parking in the driveways, as well as other areas that could be expanded to allow for additional parking. She stated that the

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Planning Department recommended that the Planning Commission continue the public hearing that was opened in August, consider approving the proposed amendment to the MPD for Lot 1B, consider recommending the draft Ordinance for Council's consideration, and consider recommending the applicant's Housing Mitigation Plan for the Housing Authority's consideration in December.

Justin Keys from Quinn Capital Partners, LLC was present on behalf of the applicant and expressed appreciation for the Planning Department's work and thoughtful planning on this application. He stressed that it was important to note that the project owners, the Crandall Family, are residents of the Park City community. Mr. Gary Crandall, who was present, has developed a number of projects in Park City and has invested heavily in the community. He stated that Mr. Crandall had been a great example of a responsible developer.

Mr. Keys highlighted the Commons Project in Newpark, which was the project that prompted the idea of the Studio Crossings project and Quinn's Junction. This project is similar to the product offering at Newpark where the ground floors are commercial and the upper floors are deed restricted affordable housing rentals. He noted that the Newpark project was somewhat controversial and the developer was able to obtain some density from the County to produce the affordable housing and take the jump into the affordable housing landlord realm, which they have thoroughly enjoyed. Mr. Keys noted that Mr. Crandall has enjoyed being able to provide homes to people that really need it.

Mr. Keys enjoyed Commissioner Kenworthy's comments and stated that when he sits down with the users of affordable housing and see them in their homes, it is different because he sees the people who need housing being given the opportunity to have the housing. Mr. Keys indicated that the architect, Trent Smith, AIA was also present. The applicant presented a short video to the Commission. Mr. Keys stated that they would like Studio Crossings to duplicate the success they experienced at The Commons. He emphasized the difference between what could have been at this site, and what can be at this site. He previously stated that this project was all about embracing bold action, which is what the community asked them to do. He queried what could be bolder than taking current commercial entitlements and swapping them for affordable housing. Instead of a destination Studio campus for people from out of town, they could build a place where locals live and work. He felt fortunate to have a client who was receptive to this idea, even with the loss in revenue occasioned by the change in project.

Mr. Keys next addressed the Commission's prior questions and feedback. He noted the concern with protecting the Entry Protection Corridor Zone and not having any Setbacks within that Zone. He advised that the applicant removed everything and managed to locate the market-rate units completely out of the buffer zone and further back from Highway 40. They also eliminated the buildings that would have been built in front of the Film Studio, which also would have been within that zone. He stressed that they did their best to consolidate it and remove any buildings from the Corridor Zone so it would not be highly visible.

With regard to Height Exceptions, Mr. Keys noted that heights are always a challenge, especially when dealing with affordable housing because one of the ways developers make these projects pencil is by increasing heights. He added that it is cheaper to build up because there are savings in terms of foundation, footing and roofing costs. They took a close at the Building Heights and reported that they now have a majority of the buildings below the zone height. Mr. Keys noted that while they did not process this application as an Affordable MPD ("AMPD") due to the

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constraints in the amount of retail allowed, the proposal was within the AMPD height restriction of 45 feet.

He noted that in terms of scale, when this project is compared with the 60-foot Film Studio, no part of the project would look big. The same is true with most of the buildings within the Community Transition ("CT") Zone. Although the CT Zone height is 28 feet, there are very few buildings near the Hospital that are at 28 feet. In terms of the feedback surrounding coordination with Utah Department of Transportation ("UDOT"), he reported that they met twice with UDOT and expressed that they would coordinate with the City Engineer and UDOT as to what they would like to see in that location.

Mr. Smith addressed the community amenities and referenced the amenity map. He noted the right-turn only discussed with UDOT and advised that there would be a final meeting to review the redlines on the construction documents. He advised that thus far UDOT had expressed no issues with the design. He explained that they placed amenities throughout the campus and highlighted the hub or plaza that would be constructed during Phases 01 and 02. Mr. Smith noted that the plaza would include a stage, a children's playground area, and some green areas. He highlighted the node in the middle of the plaza that could be used in the spring and summer for music, and for farmer's markets and other community events in the fall. He mentioned discussions surrounding a tree lighting ceremony and possibly a skating rink that could help bring people together. He also mentioned the concept of creating a set of multi-use courts outside the plaza area. Throughout the site they would have amenities for e-bikes, fix-it stations along the interior trail as well as pocket parks along the trail. The bus stop would be created in line with Park City's Planning Standards. He reported that they met with the Transportation Department and Sustainability Department regarding the different elements for the amenities. He noted that everyone had been proactive and positive in addressing these issues.

Mr. Keys stated that he would not speak at length about the commercial uses and reported that the applicant was agreeable with the conditions listed by Staff. He stated that they tried to focus on community-centric uses and heard a lot from the Commissioners that childcare would be important. He commented that a shared parking reduction would work for this project. They have used it in the past, and he stressed that they were very thoughtful in terms of parking. He noted that it was likely that there would be shared use of the same stalls because residents who leave for the day would open up parking spots for the commercial uses. He reiterated that they based their analysis on the Newpark experience, where all of the affordable units had surface parking and experienced no issues. If the Planning Commission was not inclined to grant a 30% reduction in parking, the site has plenty of space for parking; however, they felt it made sense to not pave more of the site and rather preserve as much open space as possible.

Mr. Keys next addressed AMI and stated that the applicant was prepared to agree with the "Kenworthy Caveat" that would allow for studios to be rented at less than 80% AMI. He stated that the applicant would rent 20 studio units at 70% AMI, and seven of the units at 60% AMI. He added that they might be able to go further and stressed that they looked hard at the numbers to make it work. He explained that based on their experience in operating other affordable housing projects, they found it important to have an average AMI of 80% for flexibility because quite often residents will get a raise and they do not want to have to kick someone out. They therefore included the 120% AMI threshold without charging these residents more. This flexibility would only apply to the additional affordable units.

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He reported that at 80% AMI for a three-bedroom would result in rent of $2,674, including utilities and HOA fees. The rent for a two-bedroom would be $2,408 per month, and the one-bedrooms would rent for $2,140 per month. Because they would apply multiple AMI's for the studios, the rent at 80% AMI would be $1,872. Rent at 70% AMI would be $1,464, and at 60% AMI, the rent would be $1,255.

Mr. Smith addressed the Commission's request to look at different sustainability features. They met with Planning Staff and the Sustainability Department and noted that everyone gravitated towards LEED. They looked at five different groups, including EnergyStar, LEED principles, Passive House, the AIA's 2030 Commitment and the U.S. GBC. He reported that they began working with these groups issues ranging from access to quality transit, optimizing energy performance, open space, daylighting by using adequate windows, water efficiency, storage, and collection of recyclables. He mentioned that Planner Ananth also added a commitment to using low-flow water fixtures, EnergyStar rated appliances in all units, energy efficient building envelopes, water wise native landscaping, and providing recycling basins throughout the site. They would also encourage multi-modal transportation by offering different modes, as well as bike storage for all buildings.

The proposal to reduce overall parking was also discussed as part of the sustainability element, as was an increase in open space. He commented that this project would meet all the requirements of the Dark Skies Ordinance. Mr. Keys stated that with respect to the Rail Trail connection, the applicant put up a bond for $75,000; however, the City would rather the applicant build the connection, which they are happy to do. He added that they met with the Trail Committee representatives and offered that it would be a great connection. He further stated that the Rail Trail connection and the Round Valley connection are what make this project special, so they want to ensure that it is done right.

With respect to the four-story affordable housing building, Mr. Smith reminded that the building was originally oriented in a way that Commissioner Johnson felt created a wall. He advised that following those comments they made changes to the site to tighten the cluster and move the affordable housing building so as to not create a wall. He explained that they also tried to gravitate both the market-rate unit building closer to the plaza so that all residents would have the same access to quality commercial and quality transit.

Mr. Keys addressed the issue of nightly rentals and noted that this was an issue the applicant had a difficult time giving up because of how the project pencils. With that in mind, they analyzed how much of a problem this actually would be by looking at similar products. He advised that there are similar market-rate condominiums and townhomes in Newpark and they determined there were only 28 nightly rental business licenses in the entire Newpark project. He explained that based on this data, anywhere from 13.3% to 16.8% of the units have a license to use their units as a nightly rental. He was not sure whether those who use their units as nightly rentals are those who use them in that way consistently or sporadically, but the reality is that not a high percentage of owners use their properties as nightly rentals.

Mr. Keys added that they also looked at what percentage of the owners claimed a primary residence in those nightly rental units, and they found that number to be over 40 percent. He offered that this showed that the majority of people would not offer their units for nightly rental. He reported that the applicant's broker estimated a prohibition of nightly rentals would result in a 10% reduction in market value. Mr. Keys explained that the applicant proposed up to 100 market-rate units, and if they assume $1 million per unit, a 10% reduction would result in a $10 million

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loss to the developer. He added that a $10 million loss on a project where the applicant is building 184 loss leading affordable housing units was a big deal, and this project would no longer pencil.

Mr. Keys added that he has other clients who have looked at developing similar projects who have stated that without nightly rental, the project would not work. He felt this was a reality and in order to be able to build the affordable housing with the rising construction and financing costs, the developer must be able to maximize its return on the market-rate units. He stressed that the applicant heard the concerns of the Commission regarding nightly rentals and wants to provide what they can. They revisited the AMIs to see if they could get more affordability out of this project while still allowing the project to pencil. He offered that the affordability component is not what drives the profitability in a project, so they were able to give on that issue. On the nightly rental issue, however, it simply would not pencil if nightly rentals were prohibited. He reminded the Commission that the entitlement was originally for a 100-key hotel, and at least with this proposal, assuming the numbers would be similar to their other projects, it would result in at most 17 units that would be used for nightly rentals. The applicant's concern was in getting full value out of the market-rate units in order for this project to pencil. Mr. Keys reiterated that they spent hours on this issue but determined that a prohibition of nightly rentals would make this project no longer feasible for the applicant.

Vice Chair Hall invited any comments from Affordable Housing Manager Jason Glidden, who had nothing to add but was available to answer questions.

Commissioner Sigg commended the applicant and the City for affordable housing initiatives and the efforts to satisfy the housing dilemma in Park City. With regard to the commercial uses and parking, Commissioner Sigg expressed concern with this becoming more of a destination, trip generating commercial area. He felt that a big component of that concern was the plaza and asked about the orientation of the commercial uses in relation to the plaza. He expressed no doubt that the commercial uses would be a trip generator to this development. Commissioner Sigg was more inclined to support the opinions of the consultants, especially the potential impact on parking with a grocery store. He opined that any food-related commercial use would attract people to this location because of its location. He supported the independent conditional use aspect of subsequent uses.

With regard to site planning the Rail Trail, he noted a tremendous lineality to the market-rate townhomes and felt that it looked somewhat foreboding in spite of the fact that it was oriented on a diagonal to the Rail Trail. He mentioned Section 15 of the MPD that called out spacing of buildings and felt it should be more organic. He compared the market-rate unit building versus the hotel and felt that from the site plan it could be either use. He appreciated the fact that this building was outside the Frontage Protection Zone but noted that it is a large building that would create a lot of blockage as one moves through the canyon of building mass.

Commissioner Sigg expressed appreciation that the applicant produced the number of buildings on the site and stated that he was a proponent of taller buildings where appropriate. He referenced the Sensitive Lands viewscapes as they relate to some of the buildings. With regard to nightly rentals, he mentioned that the applicant could receive a tax credit for the nightly rental units which created a tremendous drive and need for nightly rentals; however, he would like to see residents have the opportunity to become more vested in affordable ownership. He recognized that this would make penciling the numbers really difficult and would involve the creative combination of the two types of housing.

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He stated that if they assume a small percentage of nightly rentals based on the presented numbers, then why shouldn't they just prohibit nightly rentals altogether. He was aware of projects nearby that do not allow nightly rentals and the units sell quickly. Commissioner Sigg explained that 1,400 square foot units at a $1 million sales price equated to approximately $650 to $675/foot. The problem would then arise that those could afford these units and wanted to live here would be renting a less expensive unit, thereby taking housing away from someone who needs that less expensive unit. He felt this perpetuated the ghost-unit paradigm, which is why they have experienced a workforce housing shortage.

He commented that there are probably doctors who are under-renting because they happened to find a place to rent that was taking away rental space from others. He begged to differ that these would not be workforce units because it's a great location. He noted that many in Park City purchase units they can afford and turn that into a business model. Commissioner Sigg wanted to see more deed-restricted ownership units. If they look at AMI's in the range of 100 to 120%, he felt there would be plenty of people who would buy these units. He noted that the claimed 10% reduction in value did not make sense. He felt that the more trade-offs there are between market-rate housing and workforce housing would take away opportunity and would take units out of the market space that would otherwise be rented by people who just want to be in Park City. The ghost units are the cause of the problem in the City, and 70% of the units in the City are ghost units. He would like to see more people vested in ownership and not just rentership.

Commissioner Sigg added that ownership results in a very different occupant profile and included more of a family composition versus studio units that would result in more singles and couples. In terms of the core of the community and the housing needs, he felt that families had a big market need. Mr. Keys clarified that this project will not have any tax credits since it is 100% privately funded. He noted that tax credits helped create deeper affordability.

Manager Glidden addressed Commissioner Sigg's comments regarding the need for rentals. He stated that they completed a needs assessment this past year, and of the over the 1,000 units needed over the next five years, 80% of them should be rentals. He did not disagree with the notion of seeing more ownership but wanted to highlight the community needs. Commissioner Sigg recognized the point that rentals were a key component; however, he felt that one project could not solve all the required needs and projects should try to be as diverse as possible.

Mr. Keys stated that they met with Manager Glidden on a number of occasions regarding potential Lite Deed restrictions for some of these units but noted that it came down to the price point. They anticipated that the market-rate price point would be a little high for what they typically do for a Lite Deed restriction in this location; however, those conversations were ongoing and they would love to see if it pencils. Mr. Keys added that the commercial spaces would be oriented to face the plaza. Mr. Smith stated that at Newpark they found that the core uses would sit at the center of the buildings so they would be able to orient stores both ways. In other words, there would not be a "back" to the commercial space and they could be placed all the way around.

Commissioner Johnson asked how the Housing Department looked at the job generation versus affordable housing availability, and how it would fit the needs of the community. Mr. Keys referenced the Housing Resolution that includes an employee generation rate associated with each type of use. The applicant advised the mix of uses, and then they applied the employee generation rate to those uses to determine the total employee generation. The applicant thereafter needs to mitigate 20% of that. Mr. Keys added that different uses generate different amounts of employees and a retail space would not generate the same number of employees per

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1,000 square feet of space as a restaurant space. He stated that they included the chart in the Resolution.

Commissioner Johnson sought clarification of which, if any, of the commercial uses would be considered an allowed use. Planner Ananth proposed that a majority of the uses considered conditional uses be allowed by right in this project; however, three uses—childcare, intense office and intense commercial—would require CUPs from the Planning Commission. The other listed uses would be included in the MPD and would not necessarily require a CUP. Commissioner Johnson asked if they could add telecommunications to be consistent with Section 15-4-14 of the LMC. He added that he was impressed with the progression of this project and appreciated the work put into this application.

Commissioner Kenworthy thanked the applicant for listening to the expressed concerns and coming back with great improvements. He referenced the change to 20 units at 60% AMI that would help those who are absolutely desperate for housing in Park City. He agreed with Manager Glidden that the community needs more rentals.

Commissioner Kenworthy saw the community good cause with the apartment buildings in this development. He could get to a place where some of the owner-occupied units could have some nightly rentals. He understood that the Film Studio required a great number of employees, so this project would need nightly rentals. He referenced the possibility of another project like *Yellowstone* that brought in a $100 million licensing fee for production, and the positive aspects to the community as a result. He stated he would not want to see all nightly rentals in the development and agreed there should be some limitation on the number.

Commissioner Kenworthy expressed concern over the trip generators. He mentioned that the Town of Hideout was desperate for commercial uses, and it was a non-starter for him to have a component like Trader Joe's in this development. He recognized that Hideout was trying with regards to its commercial needs, and they were working together to figure out the entire corridor; however, until then the intersection at State Route ("S.R.") 248 and U.S. 40 is a nightmare. He would like to try and figure out trip generation numbers. He also wondered how they could arrive at a 30% parking reduction without knowing the actual tenants.

Commissioner Kenworthy agreed with Commissioner Sigg that the linear aspect was a concern because it would create a big block wall for the entry corridor. He felt the applicant did a nice job of taking away those buildings along the frontage, especially those on the Studio Lot, which opened up the distance from the street. If there were something more that could be done, he would like to see it.

Commissioner Van Dine loved the changes that the applicant brought back to the Commission and appreciated the efforts with respect to Setbacks, Building Heights and reduction in AMI. She loved this project and felt it was in a great location and would meet a significant need of the community. She supported the applicant's requested parking reduction. With regards to trip generation, she felt that the goal was to have commercial uses that would cater to the community that is there. She recognized that the commercial uses would bring people into the community, but she felt that the overlap of uses justified the reduction. She also mentioned the fact that the developer also had additional space to use if needed. Commissioner Van Dine would rather see that space remain open rather than paved simply because they were unsure whether the parking would work. Instead, they have the ability to add parking if needed.

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Commissioner Van Dine referenced the public comment regarding Park City Heights using the commercial in this development and stated that the point of the transit options was to allow people from that area to access the development without using their vehicles. She applauded the trail connectivity in the proposal and loved the path around the outside that could be used by people walking their dogs or children riding their bicycles. She also highlighted the transit access. She agreed that the developer needed nightly rentals and stated there needed to be some leeway on this issue. Commissioner Van Dine suggested that they look for a way to put the nightly rentals only in the townhome building and keeping them out of the apartment buildings. She believed this would help foster a sense of community in the apartment building.

Commissioner Van Dine felt that limiting nightly rentals to a percentage would lend itself to illegal nightly rentals; therefore, she would limit them to the townhome units. She supported the process for the commercial conditional uses. She did not feel they would end up with a Trader Joe's due to space restrictions and felt that they would see lighter uses that would cater to the community. She could see a small market, but nothing that would generate a lot of people coming into the development.

Commissioner Van Dine reiterated that the applicant is entitled to higher buildings, but they did a great job of getting the Building Heights down. She did not mind the block of townhomes and felt that the orientation and the presence of the berms rendered it acceptable. She noted that if anything further could be done to help with the visual impact, such as landscaping, which would be great; however, it was not something that should stop this project going forward considering the community need and how far this project has come.

Commissioner Frontero echoed the comments of the other Commissioners and thanked the applicant for listening and coming back with an improved project. He liked the project and had a hard time finding anything that needed improvement. He understood the math on the nightly rentals and noted that if half of these units were empty because people were not using them, it would detract from the community aspect of the development. He did not mind the developer making more money by charging more due to the nightly rentals; rather, his concern was that the units would be empty. He wondered if there were ways to mitigate the empty units because if a unit sits empty for two years, it would not be adding to the community feel of this development. He commented that reducing an AMI to 60% was a huge improvement. Commissioner Frontero was not concerned about trip generation, as he did not feel that a Trader Joe's would fit in the commercial space, but they could include a conditional use on a commercial use such as Trader Joe's. Mr. Keys stated they were open to that and noted that the largest footprint on these buildings was 15,000 square feet so they would not likely attract a Trader Joe's.

Mr. Smith noted that the commercial was included in both Phase 01 and Phase 02. Phase 01 would have a significant housing component to start creating the community, but within the first two phases they would know what they were dealing with in terms of parking. He added that they submitted a Trip Generation Memorandum that showed that during peak hours they were at 43% less than what was proposed for this site. Mr. Keys added that it would be less during non-peak as well, as it was previously all commercial. The same was true for the employee count since they have 60,000 square feet of commercial as opposed to 282,000 square feet of commercial in a hotel. There would be a lot more employees on site if they were to build according to the original MPD.

Commissioner Frontero heard some of the concerns and wondered whether there was room on the issue of nightly rentals and felt that would be the sticking point for this application.

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It was noted that Chair Laura Suesser was online but was just listening and would not be making any statements.

Vice Chair Hall echoed many of the statements made by the Commissioners. She liked the idea of having 185 affordable rental units built by a private developer on private land. She agreed with the notion that it would cater to the locals who both live and work in the area. She highlighted the fact that there would be no added density. The bike/pedestrian pathways, AMI reduction, and minimal excavation were all positives.

Vice Chair Hall asked if the Entry Corridor Protection Overlay was included anywhere other than in the proposal. Planner Ananth explained that the applicant was amending the application so that building within the Overlay would no longer be a possibility.

Vice Chair Hall asked about the undulating berm included in the Conditions of Approval. Mr. Smith explained that as part of the Entry Protection Overlay, berms would be required to help hide the building massing from the road view. Planner Ananth added that the Film Studio currently has a berm in front of it that would be continued around this site.

Commissioner Kenworthy asked Manager Glidden to comment on the nightly rental requested by the applicant. He sought clarification that nightly rentals were only requested on the townhomes, not the affordable apartments. Manager Glidden responded that nightly rentals were requested on the for-sale market-rate units in Phase 04 as well as the townhomes. The applicant proposed a maximum of less than 100 for-sale units, and there would be 185 or more affordable units that would have no nightly rental component.

Manager Glidden explained that applicants for the required affordable rentals would be required to meet the 80% or below AMI. For the additional affordable units provided by the applicant, the units would rent at 80% AMI, but renters up to 120% AMI would be allowed to qualify.

Commissioner Kenworthy understood that nightly rentals would be restricted to the 100 or less for-sale units. Mr. Keys advised that they were not proposing any limitation of the number of the for-sale units that could be subject to nightly rental.

Vice Chair Hall opened the public hearing.

Danny Glasser from the National Ability Center (“NAC”) thanked the Commission and Staff for their service. He observed that it was refreshing to see this proposal come forward as a solution. He stated that the NAC and other inhabitants at Quinn’s Junction were all struggling with affordable housing, and this project was greatly appreciated and needed. He felt that looking 10 years out, the greatest threat was how he could employ and support NAC staff in the area. He appreciated this solution and what the Crandall’s were doing for the community. He would continue to try and drive the AMI down and appreciated the applicant’s flexibility. Mr. Glasser supported this project as an effort to provide a solution.

Megan McKenna is a Housing Advocate for the Housing Resource Center. She referenced her prior comments and stood by those. She stated that The Housing Resource Center still supported Studio Crossings. She noted Commissioner Kenworthy’s comments about the statewide workshop and highlighted the discussions and idea of a village and a more community-minded approach. She felt this proposal was an excellent example of a village. She liked the idea of

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mixed-use, especially considering that this project was initially envisioned as a hotel comprised of all nightly rentals. As a resident of Park City Heights, Ms. McKenna supported this project and reiterated the village aspect of this project. She commented that this type of project was something that has been missing in the neighborhood and she appreciated how the applicant worked with that in making the project open to the community and not just the residents. Ms. McKenna stated there was always more room for affordability, and they would always advocate for deeper affordability. She appreciated the work of the Crandall's and of the City.

Ed Parigian stated that this was a great project, but his biggest concern was the nightly rentals. He echoed the comments that they do not want to build ghost towns and stated there are stories all over that nightly rentals and AirBnBs were ruining communities and community. He wondered whether they would be adding to that issue by building ghost townhomes. He felt that these would allow people who normally cannot afford $1 million homes to now afford these homes. He commented that there were many wealthy individuals who could just buy up these properties to rent them out for income, which would not help the community. Mr. Parigian observed that this could be leading them down the road to exacerbating that problem by promoting more AirBnBs. He liked the discussions and he liked the project, but he wondered whether they wanted to build a community or a village, or just replicate what is occurring in Old Town. He urged the Commission to really consider the issue of nightly rentals. Mr. Parigian also requested that consideration be given to some one-bedroom apartments with 60% AMI because it is difficult for a couple to live in a studio.

There were no further public comments. Vice Chair Hall closed public hearing.

Vice Chair Hall invited comments from the Commissioners. Commissioner Johnson suggested revising Condition of Approval 9 regarding the commercial uses. Vice Chair Hall also noted that in conjunction with that suggestion, Condition of Approval 8 should be revisited. She expressed concern about the notion of the village and wanting this area to thrive.

Vice Chair Hall felt that the parking reduction was warranted when the uses would be for the primary residents. She also did not have issue with any of the uses that would be directly beneficial to the primary residents. She suggested that parking should be addressed with regard to the uses that would be addressed through the CUP process. Commissioner Johnson agreed. Vice Chair Hall was agreeable to a childcare use, especially given the expected demographic of residents and whether there was a designated drop off area.

Vice Chair Hall's bigger issue was the financial, medical and office uses and commented that depending on that type of use they might want to evaluate the parking. She noted that if a use were not servicing the residents, they would want to look at transit and parking. Planner Ananth suggested revising Condition of Approval 8 to add the following: "The following commercial uses shall require a CUP: intensive office, intensive retail…"

There was discussion regarding whether medical uses should be included in this revised Condition of Approval. Commissioner Van Dine felt that any medical office space would be on a small scale. Vice Chair Hall reiterated her opinion that the concept of having a village that catered to the residents justified the requested parking reduction. Commissioner Van Dine reiterated that she was agreeable to a parking reduction.

Commissioner Kenworthy would waive the daycare because it was such a desperate need and wanted to encourage the daycare use. He would like to see the other uses processed as a CUP.

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He noted there were desperate needs in the community, and people from Hideout would come to this project for needed goods and services if they were present. He expressed concern about some of the desperate needs of the community, not just the Code for the trip generations that could occur.

Commissioner Sigg asked about the contingency if more parking were needed for a particular commercial tenant. Vice Chair Hall offered that additional parking might end up behind the pickleball court. Planner Ananth stated that they would know early on what the particular demand would be for commercial parking, so those courts could be pushed back and additional parking placed in front of them. She did not feel that they would want to break up the parking with courts.

In response to an inquiry, Mr. Keys stated that other than the underground parking, a majority of the parking would be common area for the residents and commercial uses. He stressed that the applicant was willing to build all of the necessary parking; however, they were trying to avoid a sea of asphalt.

Vice Chair Hall added that the parking for the townhomes would not really impact the other uses because it would directly benefit the townhomes. She felt that the townhome parking would probably result in a higher value townhome. Mr. Smith explained that visitors to townhomes would have the option of parking at the townhome instead of using a spot that might be used for a commercial use.

Planner Ananth felt that most visitors would arrive at night, when there would be plenty of commercial parking. She would err on the side of less parking since they could always add it if needed.

Mr. Keys advised that they have very intensive uses at Newpark and have not had a parking problem. Planner Ananth added that the Demand Study submitted by the applicant stated they would likely need 527 parking stalls, and they have proposed 565 parking stalls. They expect the demand to be less that what was proposed with the waiver.

In response to an inquiry from Commissioner Kenworthy, Planner Ananth advised that the parking requirement pursuant to the LMC was 655 parking stalls. Mr. Keys stated that they had Fehr & Peers be aggressive in terms of the types of expected uses.

Planner Ananth reported that they could amend Condition of Approval 8 to add that “anything with a parking requirement of five stalls to 1,000 square feet shall require a CUP, except for daycare.” She added that they could revise Condition of Approval 9 to an Administrative CUP, except for high intensity parking.

Commissioner Frontero was under the impression there would be 100 market-rate units and asked the applicant to clarify prior statements that they could have a few as 85 units. Mr. Keys explained that when they started allocating the density, they always assumed up to 100 units; however, when they started actually looking at the footprints of the townhomes and getting it to the price point and size of unit they wanted, it actually came out to 86 units.

Mr. Smith commented that the Crandalls have been great in terms of due diligence with the design team and working through the floor plans. He stated they were able to get more townhomes because they felt it would result in a more family-oriented development. They were therefore able to get 50 townhomes and 36 condominiums for a total of 86 market-rate units. He explained that

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they also might have figured out a way to get more than 185 affordable housing units. The goal was always to have a maximum of 100 market-rate units, and 185 affordable units. He added that they have been working with Manager Glidden to figure out ways to build more than 185 affordable units.

Mr. Keys added that they met with the Senior Alliance, who wanted a main floor bedroom for the townhomes, so they had to increase the size of those floor plans, which ended up driving down doors. He emphasized that the applicant cares about the age-in-place community, and it was important to the Senior Alliance to have a single-floor unit with plenty of room and a garage. He felt that at the end of the day, they would be at around 85 to 86 market-rate units and over 200 affordable units. He explained this was one of the "gives" for the project, because the applicant felt they could build 80 studios as opposed to 77, and he would permanently rent 20 of those studios at 60% AMI. Sixty of those studios would be rented at 70% AMI.

Commissioner Frontero referenced the mention of interest from seniors on the townhomes and noted that if nightly rentals were allowed, these units would likely be sold to people who will rent them out. He felt that was incompatible with the representations. Mr. Keys disagreed and explained that these units would not be marketed as nightly rentals; rather, they want to market these units to seniors and they have seniors who they know will buy these units. He added that even seniors who are primary residents rent their homes out for extra income. Mr. Keys referenced a client of his who has a primary residence that she rents out during Sundance.

He emphasized that the applicant heard the concerns about nightly rentals but expressed sadness that nightly rentals could be the hill where this project would die. He stressed that he has no give on nightly rentals because it does not pencil for the developer without it. He added that the owner was the one putting up the money to build this project, and he has decided that nightly rentals would be the hill to die on. Mr. Keys commented that it would be a travesty if this project dies because of nightly rentals and referenced surveys that identified the top two issues as affordable housing and transit. Nightly rentals were not on the list of concerns.

Mr. Keys understood the concerns as a member of the community who has lived around nightly rentals. He felt that this would be exactly the type of community where some nightly rental allowance would work. He stressed that the person writing the check to build these affordable units, without any assistance from the government, has stated that he wants the ability to sell these units with nightly rentals, which is an allowed use in the RCO Zone.

Vice Chair Hall asked if there would be an HOA and wondered if that could present a creative solution to protect against the "bad actors" that might rent these units. Mr. Keys anticipated having at least two HOAs and a Master Association. There would be an HOA specific to the multi-unit building and one for the rest of the community, which would keep the HOA expenses for the affordable units much lower. He felt that it was a great idea to look at creative ways to draft the CC&Rs to protect against activities that might occur within the market-rate units.

Commissioner Kenworthy asked how many of the affordable units would be allocated to the Film Studio. Mr. Keys stated that none of these units would be allocated to the Film Studio and added that they did not anticipate there would be many workers from the Film Studio who would qualify for the affordable housing because the minimum lease period would be one year. They planned to hold some of the market rate units as nightly rentals and use those for Film Studio purposes because that would fit the Film Studio's needs.

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Commissioner Kenworthy agreed that there should be a balance for that and asked how many units would be held for nightly rentals. Mr. Keys advised that the owner had not spoken on that issue yet but reiterated that they were not marketing this as a nightly rental community. He acknowledged there was a demand from the Film Studio when they are in production, but the needs were not for affordable housing.

Commissioner Kenworthy observed that the Film Studio employees would likely not be disruptive in the community and did not want to see a huge majority of those units going to these employees. Mr. Smith added that the owners' intent was that those units that did not sell during pre-sale could go towards the Film Studio. He added that another benefit of offering these for nightly rentals for Film Studio employees would be a reduction in trip generation.

Mr. Crandall stated that he would like to sell all the units as opposed to hold some back for nightly rentals and stressed that these units would not be marketed as nightly rentals. He referenced the Terrace at Newpark where they never mentioned nightly rentals, and only 16% of the units are used as nightly rentals.

Commissioner Kenworthy felt that this might be a little different and just wanted a transparent balance of what is being developed. He felt the developer was offering a great deal to the community and appreciated the reduced AMI. He felt there was nothing wrong with having 10 units to help them secure a long-term production at the Film Studio with a $100 million license fee, which circulates through the community. He does not want to see 50 units reserved for the Film Studio and pointed to the tremendous need from December through March.

Mr. Keys noted that the hotel they originally contemplated was driven by the productions at the Film Studio. He added that the employees receive a modest daily stipend and the employees typically stay in Salt Lake City or Heber City. Employees would not likely be able to afford a nightly rental in the proposed development during the December to March time period. He also noted the transient and temporary nature of the productions.

Commissioner Sigg asked about the issue with nightly rentals for the developer and whether it would impact financing. He noted that many HOAs have nightly rental restrictions that are enforced by the HOA without showing up as a deed restriction. He wondered whether the nightly rentals were driven by the Film Studio or the title report. Mr. Keys stated that the owner's stance on nightly rentals was driven entirely by marketability and the impact of a restriction on sales price.

Commissioner Van Dine did not want nightly rentals to be the hill where this project dies. She agreed with allowing nightly rentals and was not willing to give up the benefit of this project to the community because of it. Mr. Keys posited that they might still arrive at a Lite Deed solution once they have a better idea of the construction costs. He noted that Manager Glidden was aggressively looking for a way to make that deed restriction and a buy-down of more AMI units. He expressed optimism that there was still a way to come to a solution that would appease the Commission's concerns as to some of the units.

Manager Glidden stated that he is an advocate for housing and observed that nightly rentals are very much part of the problem of the housing situation in Park City. He also looks at the balance and the community benefit of the project. He felt this project brought a lot of weight to that community benefit. He reported that he spent some time at the Newpark development, which is 100% available for nightly rentals, and there was a lot of activity and a village feel. He believed the applicant's numbers. Manager Glidden expressed that he would like to see a reduction in

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short term rentals and they would continue to strive for more affordable housing and vibrancy in the community.

Commissioner Frontero appreciated the applicant's willingness to continue to work toward some of the City's goals. He observed that if this application were approved, he would trust that the applicant would continue to work with Manager Glidden to try and improve the ratios and the AMI. Given that, it seemed like nightly rentals would not be an issue they would move off of, and he would be comfortable with allowing the HOA's to help enforce correct behavior on the nightly rentals. He noted that this would not help with the ghost factor; however, he felt this was a terrific project and as currently presented with the discussed changes, he would support this project.

Commissioner Johnson fully supported allowing nightly rentals, and looking at this project as a whole, it was a good project. He felt having the market rate units available for nightly rental was a better compromise than having a 100-key hotel. Commissioner Kenworthy found good cause and supported the project with the parking reduction and the revisions to Conditions of Approval 8 and 9. Commissioner Van Dine also stated she supported the project. Vice Chair Hall agreed, and while she would prefer no nightly rentals she felt that the provision of 185 or more affordable units balanced it out. She hoped that they could include as a Condition of Approval a requirement for a business license.

There was discussion regarding the definition of a commercial conditional use. Commissioner Johnson wanted to be clear on what they would list as the uses and specifically stated he would like the antenna listed as a conditional use. Vice Chair Hall would support calling out some of the uses. Mr. Keys offered that the applicant would be agreeable with saying that the conditional uses under the RCO Zone were still conditional uses. If the Commission wished to carve out some conditional uses, they would be agreeable with that as well.

Vice Chair Hall suggested leaving the conditional uses and carving out exceptions. Planner Ananth felt the first sentence of the Condition of Approval captured that concept by stating that "commercial uses that have a parking requirement of five stalls per 1,000 square feet or greater require a CUP." These uses would include office and retail intensive. Childcare would have its own requirement; however, the Condition of Approval would provide that the childcare use would not require a CUP.

Vice Chair Hall referenced the exterior bike path around the entire community and the Rail Trail and asked about trails or paths that would direct people from the Rail Trail to the commercial area. Mr. Smith advised that one of the goals for the interior of the community was a pedestrian feel and including bikes could detract from that. As a result, they included the multi-use trail along the perimeter of the project that loops to the e-bike station at the Transit Hub or connects to the Rail Trail. If someone needed to access the interior of the project, there would be pedestrian connection points, or the cyclist would become a vehicle and use the street. He stressed the need for safety for children in the plaza.

Vice Chair Hall indicated she was focusing more on the lower left portion of the site and hoped that this project would encourage people to bike to this side of the destination. Mr. Smith stated that one of their goals would be to install bike parking so that there could be pedestrian activity like shopping.

Planner Ananth read the following revised language [a portion was read off microphone and was inaudible]: "Any commercial use that requires a CUP in the RCO Zoning District with a parking

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requirement of five stalls per 1,000 square feet or greater shall require a CUP with the exception of a childcare center. A detailed parking analysis shall be submitted at the time of CUP application. Telecom antennas, office intensive, retail and service intensive and medical office clinic shall require a CUP."

Mr. Harrington stated that as they amend the final documents with the Council, they might want to add specificity to the first sentence; however, he felt that the second sentence was clearer that what was there previously. He noted that there were only four or five uses in the LMC table that were triggered by that section, so the language is clear; however, they might want to refine the first sentence with the final Council document.

Planner Ananth added that a Development Agreement would come back before the Planning Commission for final ratification. Mr. Harrington expressed concern about smaller scale as an undefined term. If the Commission wanted to add a Condition of Approval similar to what they included with PayDay that "the final CC&R's and the Master Association shall include a management standard for the nightly rentals," it would at least create an affirmative obligation in addition to the standards codified in the Business License statute.

Vice Chair Hall next raised the issue of Building Heights and the townhome line. Mr. Smith stated that one of the goals was to slowly grade the site lower so that the buildings are lower. He also noted that the berms would make the townhomes less visible. He also pointed out that in terms of massing, there would be a lot of one-story stepping in the townhome buildings so that it would not just be a block. He also stated that the decks stair step along the southern property line, which would create quite a bit of variation in architectural articulation.

Mr. Smith pointed out that they intend to landscape the cut-throughs to soften the corners so that the actual massing of the buildings is hidden. He mentioned that they increased the townhome cut-throughs from two to six as part of the goal of pedestrian permeability, which creates a building wall with lots of "holes" in it.

With respect to the in-and-out from the townhomes, they worked with UDOT to pull them to the southern property line and further away from the Film Studio. Vice Chair Hall felt this would be a significant enhancement to the property from the standpoint of pedestrian access pathways and from a visual aesthetic.

Commissioner Sigg noted the disparity between 100 units and 86 units and wondered if there was an opportunity to take a unit out of the buildings to increase the spacing between the buildings. He felt if there was variability in unit reduction, the townhomes might be a better place to do it rather than in a block building. Mr. Smith stated that they used to have a large L-shaped building, and the current design removed the leg. He explained that they pulled approximately 10,000 square feet from the original condominium building to the townhomes to lessen the scale. He noted that in prior concepts they only had 40 townhomes, and they have been able to get to 50 townhomes as a means to reduce the size and mass of the condominium building.

Commissioner Sigg noted that in the final engineering, the question would be the density counts and what the footprints would serve in terms of unit numbers. Mr. Keys stated that the delta was coming from the multi-unit building, which is where they decreased the overall door count. He noted that the fourteen-door decrease would be in the multi-use building, not the townhomes.

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Vice Chair Hall asked if the architectural variation for the townhomes could be identified. Mr. Smith explained that all of the townhomes are two stories; however, on the end cap units there was quite a bit of variation and stepping to make the pedestrian cut-throughs feel wider. Currently, the distance between the buildings was 14 feet.

Vice Chair Hall also flagged the issue of heights with Phase 02 and felt ideally there could be commercial on the ground floor of Phases 01 and 02. Mr. Keys stated that they liked the ambiance of a 25-foot-tall commercial building and referenced Earthen Hill that has tall ceilings and a very inviting environment. The design also created some architectural diversity amongst the buildings and inviting spaces. When they have commercial with residential above, they are much more limited in terms of height.

Vice Chair Hall asked if the LMC required that conduit be laid for EV Parking, similar to what they just did with the Homestake MPD. Planner Ananth advised that this was in the Action Letter. Mr. Keys added that they also included quite a bit of bike parking.

There was discussion regarding the revised Conditions of Approval 8 and 9, and the additional language added by Mr. Harrington regarding nightly rentals and the HOA. Vice Chair Hall also included the note for the architectural variation for the townhomes, which Planner Ananth would include in the Findings. Vice Chair Hall also mentioned a safe bike path from the Rail Trail to the commercial area.

Manager Glidden noted that there was a recommendation to the Housing Authority on the Housing Mitigation Plan, which they could address following this Agenda Item.

MOTION: Commissioner Van Dine moved to APPROVE the Amendment to the MPD for Studio Crossing, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

1. The property is located at 3981 Kearns Boulevard, a 20.464-acre Lot.

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 has submitted applications to amend 1) the MPD, to allow for additional Uses, Planning Department 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.

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5. The applicant has 282,575 square feet of Density under the existing MPD that has not been constructed. The applicant is proposing to amend the existing MPD to construct a mixed-use project, including 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale units, and 185 affordable for-rent units up to 80% AMI.

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 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 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). 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**	

9. 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 proposed 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 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.

10. Phase 2 consists of two commercial buildings totaling 30,000 square feet. Each building is 1-story with a 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.

11. Phases 1 and 2 will utilize surface parking stalls and the Planning Department recommend a Condition of Approval that the applicant construct at least the required number of parking

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stalls for each Phase of Development prior to receiving any Certificates of Occupancy. Planning Department.

12. Phase 3 consists of 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 proposed 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 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 is 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 "Pursuant to the Annexation Agreement, no affordable housing is required for this MPD." However, the recent Subdivision reviewed by the Planning Commission on January 12, 2022 and 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 185 affordable housing units that the Council was willing to conceptually support the proposed project.

16. The proposed 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, equaling less than or equal to 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 voted to recommend 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.

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20. The applicant is proposing to construct all 65 units or 42.4 AUEs (38,160 square feet) of Affordable Housing in Phase 1, as part of its proposal to amend the 2012 MPD, 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 is proposing to construct an "additional" 55 affordable housing units in Phase 1, and 65 more "additional" units as part of Phase 4, for a total of 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**

22. The applicant is proposing that all the affordable units, both the 65 required and the 120 "additional" affordable units, will be rental units available up 80% AMI, except for 27 studios, which will be available to households making 60-80% AMI, broadening the affordability of these units. Seven studios will be available to households making up to 60% AMI and 20 studios will be available to households making up to 70% AMI. The rest of the required units will meet the City's current Housing Resolution and be available to households making up to 80% AMI. The "additional" affordable units may be rented to households making up to 120% of AMI but rent will be charged at 80% of AMI.

23. The applicant has stated that initially, 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 applicant has stated that 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

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Approval. Seven (7) studio units will be available at 60% AMI and 20 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, which is proposed at 40 feet in Height, but is not located within the ECPO Setback. The proposed townhomes and commercial building meet the Zone Building Height requirements at 25 feet in Height, and all buildings are now located outside of the EOPC 150-foot Setback requirements.

28. The RCO allows for the City Council to grant a height exception upon recommendation from the Planning Commission.

29. The Planning Commission 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. 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 Planning Commission has consistently expressed that the majority of the 60,000 square feet of Commercial Uses in the project be limited to smaller-scale community oriented commercial Uses.

31. The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat Area according to the City's General Plan Maps

32. MPDs require a minimum of 60% Open Space. However, the existing MPD has no minimum Open Space requirement per the Annexation Agreement.

33. The Film Studio shall serve as the Commercial anchor for the site in compliance with LMC § 15-2.17-4.

34. The Planning Commission finds that the applicant's parking analysis meets the requirements of LMC § 15-6-5(E) and supports the determination to decrease the required number of commercial parking stalls. The applicant's project requires approximately 312 commercial parking stalls depending on the mix of uses. The overall project requires 655

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stalls, and the applicant is proposing 566 stalls. In no case shall the projects parking reduction exceed more than 30% of the projects commercial parking requirement.

35. With the exception of items noted above, the project complies with all requirements of the Land Management Code, including the minimum requirement of 15-6-5. Planning Department.

36. The project increases the overall amount of open space over the existing MPD.

37. The project promotes the Use of non-vehicular forms of transportation through the addition of a bus stop and bus shelter on site, and e-bike station and by providing a connection to the Park City Rail Trail, which all help to mitigate traffic.

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. Complements 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;

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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; Planning Department;

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; and

p. Addresses and mitigates traffic.

Conditions of Approval:

1. Lot 1A, 4001 Kearns Boulevard, is subject to the original 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. Approval of this MPD shall expire two years from the date of Development Agreement execution unless construction, as defined by the International Building Code, as commenced on the project.

4. A Construction Mitigation Plan shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any building permits.

5. 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

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Water Management Plan and the project shall implement storm-water Best Management Practices.

6. 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.

7. Final utility plans shall be submitted with the building permit.

8. 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, without the need to return to the Planning Commission for a CUP. Any commercial use that requires a CUP in the RCO Zoning District with a parking requirement of five stalls per 1,000 square feet or greater shall require a CUP with the exception of a childcare center. A detailed parking analysis shall be submitted at the time of CUP application. Telecom antennas, office intensive, retail and service intensive and medical office clinic shall require a CUP.

9. The Planning Department shall complete an Administrative Conditional Use Permit for any Child Care Center, Intensive Office, and/or Major Retail or Service Use, to ensure that most of the Commercial Uses are smaller-scale and community oriented, and that there is sufficient parking and/or drop-off/pick-up areas for the proposed mix of uses. A detailed parking analysis shall be submitted at the time of Administrative Conditional Use permit application to allow Planning Staff to calculate the parking demand in relation to the parking supply.

10. Commercial Uses shall not include Hotels of any kind, any business with a Drive-Up window, or Gasoline Service Station.

11. The project requires 42.4 Affordable Unit Equivalents ("AUEs") which the applicant will deliver in the form of 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.

12. In addition to the required affordable units, the applicant is proposing 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).

13. Phases 1 and 2 will utilize surface parking stalls and the applicant shall construct at least the required number of parking stalls for each Phase of Development prior to receiving Certificates of Occupancy for each phase.

14. Except for the parking reduction approved by the Planning Commission, the project shall comply with LMC 15-3, Off Street Parking including lighting, landscaping, bicycle parking requirements, and electric vehicle charging stations.

15. The site plan also 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 is 45 feet, exceeding the zone height and the balance of the "additional" affordable units, 65 units, will be constructed in this building.

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16. Certificates of Occupancy for the Phase 4 market-rate units shall be tied to the Certificates of Occupancy for the Phase 4 affordable units.

17. 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, consistent with the site plan and final plan set reviewed by the Planning Commission on October 26, 2022.

18. 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.

19. The applicant shall have six years from the ratification of the Development Agreement to exercise building permits for the project. If the applicant has not exercised all the required building permits for the project the applicant shall return to the Planning Commission to repermit remaining Density prior to the issuance of any additional building permits.

20. The applicant shall locate a bus stop and bus shelter on site at a location to be reviewed and approved by the City Engineer prior to the issuance of a building permit.

21. The applicant shall provide a bike share and bike fix it station on site and the applicant shall be responsible for the annual operational and maintenance costs of the stations.

22. Bike racks shall be provided for the various commercial uses as required by the LMC.

23. The undulating berm approved by the MPD shall be constructed and maintained consistent with the original MPD.

24. Rooftop mechanical equipment shall be architecturally screened from public view.

25. Trash and recycling enclosures shall be screened with landscaping or fencing.

26. All signage shall comply with the LMC.

27. 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.

28. The applicant shall provide recycling facilities in all Multi-Unit Dwellings on site.

29. A final subdivision plan shall be recorded prior to construction of the condominium units.

30. The applicant shall bring Lot 1A into compliance with the originally approved Landscape Plan. Some plant substitutions shall be allowed by the Planning Director if other species are deemed more suitable by the Planning Director.

31. 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. Planning Department.

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32. 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 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).

33. Prior to the issuance of a building permit the applicant shall submit a plan for a bus stop and shelter for review and approval by the City Engineer and Transportation Planning Manager.

34. Prior to the issuance of a building permit the applicant shall submit a plan to limit right in/right out turns only from the secondary access point for review and approval by the City Engineer.

35. 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.

36. 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.

37. The proposed development shall not exceed the maximum approved Density of 374,000 square feet.

38. Final building plans shall comply with LMC 15-5-8, Façade Length and Variations.

39. The applicant shall add a noise mitigating fence around the pickleball courts if required by the City.

40. The final CC&Rs and the Master Association shall include a management standard for the nightly rentals.

Commissioner Frontero seconded the motion.

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

After a short recess, Vice Chair Hall confirmed the presence of all Commissioners.

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B. 4001 Kearns Boulevard – Amend the Community Transition - Regional Commercial Overlay Zoning and Ordinance 12-12 – The Applicant Proposes Amend the CT-RCO Zoning and Ordinance 12-12 to Allow for Studio Crossing, a Mixed-Use Affordable Housing Project in the Community Transition Regional Commercial Overlay Zoning District. PL-22-05212.

Planner Ananth reported that a motion was needed to recommend the draft Ordinance for Council's consideration on December 15, 2022. This Ordinance would allow for the new mixed-use development.

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

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation of the draft Ordinance for 4001 Kearns Boulevard for Council's consideration on December 15, 2022, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

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 has 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 amend the existing MPD to construct a mixed-use project, including 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale units, and 185 affordable for-rent units up to 80% AMI.

6. The applicant submitted:

    a. Conceptual Site Plans including a Phasing Plan;

    b. A Parking Analysis;

    c. A Trip Generation Analysis; and

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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 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 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). 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**	

9. 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 proposed 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 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.

10. Phase 2 consists of two commercial buildings totaling 30,000 square feet. Each building is 1-story with a 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.

11. Phases 1 and 2 will utilize surface parking stalls and the Planning Department recommend a Condition of Approval that the applicant construct at least the required number of parking stalls for each Phase of Development prior to receiving any Certificates of Occupancy.

12. Phase 3 consists of 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 proposed 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 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.

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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 is 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 reviewed by the Planning Commission on January 12, 2022 and 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 185 affordable housing units that the Council was willing to conceptually support the proposed project.

16. The proposed 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, equaling the than the 374,000 square feet the site was originally approved for.

17. The Planning Commission approved the amendment to the MPD on October 26, 2022 and voted to recommend exceptions to the Zone Height to the Council for consideration on November 17, 2022.

18. The Planning Commission also voted to recommend the applicants Housing Mitigation Plan to the City's Housing Authority for consideration on November 17, 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 is proposing to construct all 65 units or 42.4 AUEs (38,160 square feet) of Affordable Housing in Phase 1, as part of its proposal to amend the 2012 MPD, 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 is proposing to construct an "additional" 55 affordable housing units in Phase 1, and 65 more

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"additional" units as part of Phase 4, for a total of 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**

22. The applicant is proposing that all the affordable units, both the 65 required and the 120 "additional" affordable units, will be rental units available up 80% AMI, except for 27 studios, which will be available to households making 60-80% AMI, broadening the affordability of these units.

23. The applicant has stated that initially, 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 applicant has stated that 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. Seven (7) studio units will be available at 60% AMI and 20 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

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exception to this is the market-rate Multi-Unit Dwelling located adjacent to SR-248, which is proposed at 40 feet in Height, but is not located within the ECPO Setback. The proposed townhomes and commercial building meet the Zone Building Height requirements at 25 feet in Height, and all buildings are now located outside of the EOPC 150-foot Setback requirements.

28. The RCO allows for the City Council to grant a height exception upon recommendation from the Planning Commission.

29. The Planning Commission 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. 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 Planning Commission has consistently expressed that the majority of the 60,000 square feet of Commercial Uses in the project be limited to smaller-scale community oriented commercial Uses.

31. The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat Area according to the City's General Plan Maps

32. MPDs require a minimum of 60% Open Space. However, the existing MPD has no minimum Open Space requirement per the Annexation Agreement.

33. The Film Studio shall serve as the Commercial anchor for the site in compliance with LMC § 15-2.17-4.

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;

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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. Complements 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 Annexation, Zoning, and MPD agreements.

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6. 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.

7. 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, without the need to return to the Planning Commission for a CUP.

8. The Planning Department shall complete an Administrative Conditional Use Permit for any Child Care Center, Intensive Office, and/or Major Retail or Service Use, to ensure that most of the Commercial Uses are smaller-scale and community oriented, and that there is sufficient parking and/or drop-off/pick-up areas for the proposed mix of uses. A detailed parking analysis shall be submitted at the time of Administrative Conditional Use permit application to allow Planning Staff to calculate the parking demand in relation to the parking supply.

9. Commercial Uses shall not include Hotels of any kind, any business with a Drive-Up window, or Gasoline Service Station.

10. The project requires 42.4 Affordable Unit Equivalents (AUEs), which the applicant will deliver in the form of 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.

11. In addition to the required affordable units, the applicant is proposing 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).

12. Phases 1 and 2 will utilize surface parking stalls and the applicant shall construct at least the required number of parking stalls for each Phase of Development prior to receiving Certificates of Occupancy for each phase.

13. The site plan also 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 is 45 feet, exceeding the zone height and the balance of the "additional" affordable units, 65 units, will be constructed in this building.

14. Certificates of Occupancy for the Phase 4 market-rate units shall be tied to the Certificates of Occupancy for the Phase 4 affordable units.

15. 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, consistent with the site plan and final plan set reviewed by the Planning Commission on October 26, 2022.

16. Parking and lighting shall meet requirements of the LMC except for the parking reduction granted by the Planning Commission.

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17. 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 righting/right-out only.

18. The applicant shall have six years from the ratification of the Development Agreement to exercise building permits for the project. If the applicant has not exercised all the required building permits for the project the applicant shall return to the Planning Commission to re-permit remaining Density prior to the issuance of any additional building permits.

19. The applicant shall locate a bus stop and bus shelter on site at a location to be reviewed and approved by the City Engineer prior to the issuance of a building permit.

20. The applicant shall provide a bike share and bike fix it station on site and the applicant shall be responsible for the annual operational and maintenance costs of the stations.

21. Bike racks shall be provided for the various commercial uses as required by the LMC.

22. The undulating berm approved by the MPD shall be constructed and maintained consistent with the original MPD.

23. A Stormwater Management Plan shall be reviewed and approved by the City Engineer prior to the issuance of any building permits.

24. Rooftop mechanical equipment shall be architecturally screened from public view.

25. Trash and recycling enclosures shall be screened with landscaping or fencing.

26. All signage shall comply with the LMC.

27. 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.

28. The applicant shall provide recycling facilities in all Multi-Unit Dwellings on site.

29. A final subdivision plan shall be recorded prior to construction of the condominium units.

30. The applicant shall bring Lot 1A into compliance with the originally approved Landscape Plan. Some plant substitutions shall be allowed by the Planning Director if other species are deemed more suitable by the Planning Director.

31. 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.

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32. 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 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).

33. Prior to the issuance of a building permit the applicant shall submit a plan for a bus stop and shelter for review and approval by the City Engineer and Transportation Planning Manager.

34. Prior to the issuance of a building permit the applicant shall submit a plan to limit right in/right out turns only from the secondary access point for review and approval by the City Engineer.

35. 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.

36. 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.

37. The proposed development shall not exceed the maximum approved Density of 374,000 square feet. 34.A Plat Note shall indicate that 3891 Kearns Boulevard, Lot 1B, is subject to Ordinance 2022-Xx.

Commissioner Frontero seconded the motion.

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

Manager Glidden stated that a final calculation should be made once the commercial uses were established and once the market-rate residential units were finalized.

He noted the applicant's generosity in proposing 20 units at 60% AMI and all remaining studio units at 70% AMI.

MOTION: Commissioner Kenworthy moved to RECOMMEND the applicant's Housing Mitigation Plan to the Housing Authority. Commissioner Van Dine seconded the motion.

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

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C. 161 Park Avenue - Plat Amendment - The Applicant Proposes to Remove the Interior Lot Line Between Lots 15 and 16. PL-22-05346.

City Planner, Spencer Cawley reported that this application involves a Landmark Historic Structure on the City's Historic Sites Inventory that was built circa 1887. The existing Historic Structure sits on the Lot Line that is common to Lots 15 and 16 in the Historic Residential - 1 ("HR-1") Zoning District. He stated that the proposed Plat Amendment complied with the HR-1 Zoning District requirements, as conditioned. Staff recommended Condition of Approval 6 to add a plat note stating that the Historic Structure and any new construction shall not exceed the Maximum Building Footprint of 1,244 square feet. The existing building footprint is 935 square feet.

Conditional of Approval 7 provides that "any addition to the Historic Structure shall comply with the Lot Setbacks and cannot increase the non-conformity." He noted that the Historic Structure was within the Setbacks. Planner Cawley referenced Condition of Approval 8, which states that "any addition to the Historic Structure shall not exceed 27 feet in height." Staff found good cause for removing the Lot Line common to Lots 15 and 16 because the HR-1 zoning character would be retained and it would preserve the historic character of the existing structure, encourages preservation of the existing structure, and encourages construction that is compatible in scale to the zoning district. The proposal also supports the General Plan, specifically Goal 15 to preserve integrity, mass, scale, and compatibility of the City's Historic core.

Planner Cawley also noted that Plat Amendment would ensure that the Historic Structure and any new construction would not exceed the Maximum Building Footprint. He added that no public street or right-of-way would be vacated or amended; however, he highlighted an area that encroached into the second street right-of-way, so Staff recommended a Condition of Approval that the applicant enter into an encroachment with the City Engineer and record that agreement prior to recordation of the Plat. He also commented that no easement would be vacated or amended.

Planner Cawley reported that the Development Review Committee met on September 6, 2022, and did not identify any issues. The Planning Department, Engineering Department and City Attorney's Office also reviewed this application. On October 26,2022, notice of this item was placed on the City's website, the Utah Public Notice website, posted to the property, mailed to property owners within 300 feet and published in *The Park Record.* Public input was included in the Staff Report as Exhibit E. Staff recommended that the Planning Commission review the proposed Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on December 8, 2022, based on the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Draft Ordinance.

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

MOTION: Commissioner Johnson moved to forward a POSITIVE recommendation for 161 Park Avenue for City Council's consideration on December 8, 2022, based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Draft Ordinance as follows:

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Findings of Fact

Background:

1. The property is located at 161 Park Avenue.

2. The property is listed with Summit County as Parcel number PC-7 and consists of the northern 15 feet of Lot 15 and all of lot 16, Block 1, Park City Survey.

3. The Applicant owns the northern 15 feet of Lot 15 and all of Lot 16.

4. The property is in the Historic Residential (HR-1) Zoning District.

5. The Site contains a Historic Structure constructed circa 1887 and is on Park City's Historic Sites Inventory.

6. The Historic Structure straddles the Lot Line common to Lot 15 and Lot 16.

7. A rock wall, a retaining wall, and a fence on the north side of Lot 16 encroaches into the Second Street Right-of-Way.

8. No easement is vacated or amended as a result of the plat amendment.

9. The LMC regulates Lot and Site Requirements per LMC § 15-2.2-3.

10. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The combined Lot size is 2,935 square feet.

11. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width the Lot is 40 feet.

12. The required front Setback is ten feet (10').

13. The required Side Setback is five feet (5').

14. Pursuant to LMC § 15-2.2-4, Historic Buildings and/or Structures that do not comply with Setbacks are valid Non-Complying Structures.

15. In the HR-1 Zoning District, the Maximum Building Footprint = (Lot Area/2) x 0.9Lot Area/1875. The Maximum Building Footprint for the combined Lots is 1,244 square feet.

16. Building Height in the HR-1 Zoning District is 27 feet.

17. The findings in the Analysis section of the Staff Report are incorporated herein.

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Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.2, Historic Residential (HR-1) Zoning District, and LMC § 15-7.1-6, Final Subdivision Plat.

2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final from and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat shall note that fire sprinklers are required for all new construction.

4. A non-exclusive ten-foot (10') public snow storage easement on Park Avenue shall be dedicated on the Plat.

5. Any addition to the Historic Structure must comply with the Land Management Code and requires Historic District Design Review.

6. The Plat shall note that the Historic Structure and any new construction shall not exceed a Maximum Building Footprint of 1,244 square feet.

7. Any addition to the Historic Structure shall comply with the Lot Setbacks and cannot increase the non-conformity.

8. Any addition to the Historic Structure shall not exceed the zone height of 27 feet.

9. To address the rock wall, retaining wall, and fence that encroach into the Second Street Right-of-Way, the Applicant shall enter into an encroachment agreement with the Park City Engineer and record the agreement with Summit County prior to recordation of the Plat.

10. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

Commissioner Frontero seconded the motion.

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

D. 327 McHenry Avenue - Conditional Use Permit - The Applicant is Proposing to Construct a Private Recreation Facility/Pool in their Backyard. PL-22-05389

Planning Technician, Jaron Ehlers, stated that this application sought a CUP for an outdoor pool. He highlighted that the Lot stretched from McHenry Avenue to Ontario Avenue and presented a rendering of the proposed development and pool. He reported that the property is located in the Historic Residential – Low Density ("HRL") Zone. On August 24, 2021, the Planning Department approved a Historic District Design Review ("HDDR") for the home. On September 20, 2022, the applicant applied for a CUP for the pool and a second HDDR process was currently ongoing related to landscaping and grading.

Planner Ehlers stated that the proposed outdoor pool would be located approximately 15 feet from the end of the rear lot, and approximately 35 feet from the Ontario Avenue right-of-way. The pool would also be located eight feet from the south side Lot Line and approximately 15 feet from the north side Lot Line. He presented a rendering that showed the pool outside of all three Setbacks. He reported that the Lot is located in a Historic Residential area, and there would be no additional traffic generated by the pool. Existing utilities would not be impacted, and nightly rentals were prohibited in the neighborhood.

Planner Ehlers explained the Conditions of Approval recommended by Staff to address the sixteen criteria required for a CUP. Condition of Approval 2 would require the applicant to satisfy all parking onsite, and any on street parking would be prohibited. The approved structure has a two-car garage, and there would be space on the driveway for two temporary legally compliant parking spots for any guests. He explained that Condition of Approval 3 would require that all lighting be compliant with the Dark Sky Ordinance, and Condition of Approval 4 would limit use of the pool to primary owners and their guests.

In terms of screening, Planner Ehlers highlighted the rendering that is part of the ongoing HDDR process that showed the proposed landscaping and vegetation on both sides. He advised that he conducted a site visit and provided the Commission with an image he took from Ontario Avenue showing the view up the hill and noted that the pool would not be easily visible. With regard to concerns regarding vegetation, Planner Ehlers stated that Condition of Approval 21 of the 2021 HDDR would require any vegetation be protected or replaced in kind and size.

Staff received public input, which was included as Exhibit E to the Staff Report. Several comments were received after the Staff Report was published, and those comments were forwarded to the Commissioners and the applicant and would be included in the official record of the meeting.

On October 26, 2022, notice of this item was placed on the City's website and the Utah Public Notice website. On October 25, 2022, Staff mailed courtesy notices to property owners within 300 feet, and on October 22, 2022, notice was published in *The Park Record.* He stated that the Development Review Committee reviewed the proposal on October 24, 2022, and did not identify any issues. The Planning Department, Engineering Department and City Attorney's Office also reviewed the application.

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Planner Ehlers reported that Staff recommended the Planning Commission review the CUP, conduct a public hearing, and consider approving the CUP subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

The applicant, Matthew Christensen reported that he and his wife currently reside in Jeremy Ranch, but 327 McHenry Avenue will become their permanent residence once completed. He stated that they were drawn to the neighborhood for the family character and charm and intend to abide by that. He stated that a backyard pool is allowed by the LMC and the HRL Zone with a Conditional Use Permit. Over the last year and one-half, they have worked closely with Staff and made changes to ensure the design would be compatible with the HRL standards and guidelines. He offered that from the onset, their goal was to create a design that would not be visible from Ontario Avenue, the residents of Ontario Avenue, or cross-valley. This was not only for the neighbors' benefit, but also for the applicant's privacy. Mr. Christensen added that the natural grade of the site lends itself well to this goal, as the property line sits approximately 14 – 27 feet from Ontario Avenue, depending on where it is measured. The City easement is predominantly Steep Slope, which means the property sits well above Ontario Avenue. He added that they felt that an in-ground pool was far less visually offensive than a large oversized aboveground Jacuzzi. He noted there would be no surrounding furniture, gazebos, and umbrellas typically used with a Jacuzzi.

Mr. Christensen commented that in-ground pools and spas tend to be more environmentally friendly than pre-fabricated Jacuzzis, as in-ground pools benefit from geo-thermal heating and have quieter and more efficient motors that are heated with natural gas. He noted that this pool is purely intended for his family's quiet and relaxing enjoyment. He added that he has arthritis in both knees, and low impact water training is part of his physical therapy.

Mr. Christensen referenced the 3-D rendering and pointed out that the views do not exist on Ontario Avenue or Cross Valley. When the 3-D rendering was created from a human standpoint off Ontario Avenue, the pool was not visible whatsoever, and the terraced pools were not visible due to the planned landscaping. He noted that the walls would be board-form, which would fit in well with HRL standards. He presented drone views showing the viewpoints from Ontario Avenue and the different heights. He mentioned that the pools might by visible by the homes at 331 McHenry Avenue and 316 Ontario Avenue, and both of those owners provided positive feedback in support of the Conditional Use Permit. Mr. Christensen thanked Staff and welcomed the Commission's comments and questions.

Commissioner Van Dine asked about Dark Sky compliance and the television shown in the rendering. Planner Ehlers responded that televisions are not considered lighting under the Dark Sky Ordinance. Mr. Christensen commented that outside television screens are perforated to deflect the sunlight and because of that, these televisions are not nearly as bright as a regular television. Additionally, at more than about a 30-degree angle, the picture on the screen cannot be seen at all due to the perforations. He added that he was happy to abide by the Dark Sky Ordinance and if the television did not comply with it, he would remove it or consider an alternate design. Planner Ehlers noted that the Commission could consider a Condition of Approval requiring the screening of the outdoor television, as well as prohibiting any light trespass that might occur from the property at night.

Commissioner Johnson asked about the height of the retaining wall and noted conflicting data. Mr. Christensen confirmed that the retaining wall would be four feet high and confirmed that the wall for the television would be six feet high. Planner Ehlers did not believe that the television

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would fall within the Side Setback. Commissioner Johnson inquired about the allowable height of that wall and referenced LMC Section 15-4-2.

Commissioner Johnson asked about the ongoing HDDR on the Landscaping Plan and noted that it would seem advantageous to complete that process. Director Milliken advised that the Landscape Plan was currently under review with the HDDR, and they were looking at keeping the natural grade and the site as much as possible. This would also include keeping native vegetation and existing vegetation in place and minimizing the manipulation of the Historic Site.

Commissioner Johnson asked whether there had been deviation from the original approval on the Significant Vegetation Plans as far as replacing what was removed. Director Milliken responded that the Landscaping Plan was not required as part of the HDDR for the building, so it came after that HDDR. Staff would look at any vegetation removal and replacement as part of the HDDR for the building, or in the Landscaping Plan.

With regard to Steep Slopes, Planner Ehlers advised that none of the proposed construction would be located on the Steep Slope.

In response to an inquiry from Commissioner Johnson regarding the retaining wall, Director Milliken advised that some of the retaining walls were part of the Landscaping Plan. Commissioner Johnson felt it would be more advantageous to proceed with approval of the Landscaping Plan before allowing an additional use. He wondered where the furthest retaining wall was measured from the Rear Setback and noted that it was proposed to be 14 – 17 feet from Ontario Avenue, and 14 feet would not be compliant with the Rear Setback of 15 feet. He felt that the way the measurements were taken was odd. Director Milliken stated that retaining walls that are four feet or less are allowed in the Setback. Planner Ehlers added that the area highlighted in green was part of the Plat, but was not part of the buildable Lot, which explained the measurement of the Setback.

Commissioner Frontero wondered why the pool was not part of the original application. Mr. Christensen stated that at the time, they were unsure what they wanted to do with the backyard. He acknowledged the challenges of building in the Historic District and were focused on the house at that time and wanted to get the house approved first. Commissioner Frontero noted that the applicant was not only requesting the addition of a pool, which is allowed under the Code, but also decking around the pool, an outdoor television, and seating. He observed that this application was not just for a pool, but rather an outdoor entertainment area that could potentially be visually unattractive to the neighbors and also present noise concerns. He wondered if it was possible to include some Conditions of Approval regarding sound, which he felt could potentially be problematic for the neighbors.

Vice Chair Hall suggested adding a Condition of Approval that referenced the Noise Ordinance. Mr. Christensen stated that would be acceptable and reiterated that their intent was not to become a party house.

Commissioner Frontero referenced the August 2021 Conditions of Approval, attached as Exhibit B to the Staff Report and asked if each of those Conditions had been met. Planner Ehlers advised that those Conditions of Approval were for the HDDR for the Single-Family Dwelling. Director Milliken noted that before there is a Certificate of Occupancy, Staff would go through the Conditions of Approval to determine compliance, and if they have not complied the applicant would not receive a Certificate of Occupancy. She noted that the building is not yet complete.

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Vice Chair Hall opened the public hearing.

Ed Parigian expressed fear about the impact of the outdoor television and what affect it might have on a dark night. He also referenced the applicant's statement that their intent was not to have a party house and reminded that this house would likely be there for 100 years and doubted that this applicant would reside in the home forever. He suggested that the approval should address what potential future owners might do with the property. He stated that otherwise, the project looked beautiful.

Ed Axtell stated that he and his wife live next door to this project at 331 McHenry and have lived there for 40 years. He mentioned the inconvenience and disruption brought about by this project but wanted to emphasize that they live in the HRL Zone. The developer knew about the zoning when they sought to develop this property and wondered whether there was anything left from the historic past left on this property. He observed that in the Historic District, it used to be that the design codes called for something that looked somewhat historic. Mr. Axtell stated that this house is built Lot Line to Lot Line, to maximize the density. He added that to accomplish this, the Lot was clear-cut of pines and Aspens. He understood that the Landscape Plan was to address that, but in viewing the rendering he noted that you could not replace a 30-foot pine tree instantly. Mr. Axtell felt that the trees removed in the area of the pool and the lower slope would never come back and was curious what the Landscape Plan proposed. He noted there was no place to put a giant tree in the area by the TV screen. He opined that this request did not fit in with the City's goals of conserving water and energy, reducing the carbon footprint, and preserving Historic Old Town. He asked the Commission to consider the negative impacts that the light, sounds, and smells would have on all of the neighbors. Mr. Axtell stated that they deserve to be protected from these violations and questioned why this zone existed if they were not going to preserve what was already in place.

Kathy Carey gave her address as 300 McHenry Avenue. She thanked the Planning Commission for its efforts, energy, time and commitment. She hoped that the Commission was both protecting the neighborhoods and enforcing the zoning. She stated that people that live on Rossie Hill love the area and are friendly. They choose to live there for the specific purpose of enjoying the outdoors, peace and quiet, and each other. She advised that McHenry Avenue is a small, quiet, narrow cul-de-sac on a substandard road. There are only 20 homes on the street, which is located in the HRL Zone. She understood that this zoning begins with its purpose, which is set forth in Municipal Code Section 15-2.1-1. The purpose as set forth in the Code is to (1) preserve the character of Historic Residential development in Park City, (2) encourage the preservation of Historic Buildings, (3) encourage the construction of historically compatible structures that contribute to the character and scale of this Historic District and maintain existing residential neighborhoods; (4) establish development review criteria for new development on Steep Slopes which mitigate impacts to mass, scale and the environment; and (5) to define developmental parameters that are consistent with the General Plan policies.

Ms. Carey referenced Exhibit C of the Staff Report which showed the two-dimensional layout and stated that the pool looked like a full-length lap pool, adjacent to another smaller pool, adjacent to a hot tub, adjacent to a 6' x 10' television which would presumably have audio/visual components as well. She did not see how the pool would contribute to the character and scale of the Historic District. She noted there were many other locations in Park City not zoned Historic, but given that they are in this District, she did not see how this project was consistent with the purpose of the HRL Zoning.

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Additionally, with regards to development on the Steep Slopes, Ms. Carey did not feel this project had a positive impact and actually would have a negative impact in terms of sound and light pollution. She referenced the comments of Mr. Axtell that they can hear conversations from the No Name Saloon. Ms. Carey referenced Municipal Code Section 15-2.2-2 that addresses uses in the HRL Zone. Subsection (B) lists twelve conditional uses, none of which include an outdoor pool. She noted that Subsection (C) states "any use that is not listed above is a prohibited use." She felt that this swimming pool complex would require an amendment of the Municipal Code.

She did not feel that this was the path they want to take in the small HRL Zoning District, and they should honor the zoning developed over many years. Ms. Carey did not believe there was any precedent in the HRL Zone for an outdoor pool and entertainment center. She looked forward to having the applicant's family as neighbors, but the pool was not a conditional use. She noted a conditional use for Recreation Facility but posited that it related to an outdoor pickleball court, not a swimming pool.

Mary Wintzer stated that she lives at 320 McHenry with her husband Charlie. She referenced Mr. Wintzer's letter in the Packet for this meeting, which outlines their questions and concerns about this application. They respectfully disagreed with the Staff Report that an outdoor pool would comply with the General Plan. She referenced section 6.1 in the Staff Report that infill and new additions should be compatible in the neighborhood context and subordinate to existing Historic Structures. She opined that this project did not comply. This project also does not comply with Section 6.10 providing that the aesthetic of Old Town neighborhoods should be preserved.

Ms. Wintzer stated that the historic specialist hired by the City stated that what would destroy the sense of community would be the mass and scale of new construction. If the Commission had any doubts about the impacts to Old Town, she would urge the Commission to ask for a section of the property east to west, a west elevation with the neighboring homes, and a Landscape and Screening Plan that showed the six large trees that were removed. She noted the rendering looked beautiful, but she felt it was not accurate, because the replacement trees would have to be planted where the swimming pool is proposed to be located. Ms. Carey referenced Commissioner Johnson's comment regarding the timing of the Landscape Plan HDDR.

She mentioned the cross-canyon view and stated that McHenry is a unique neighborhood with a majority of full-time residents. It is also the only Old Town neighborhood with a no nightly rental designation. She expressed that they have grown a true community and looked forward to having the applicants as neighbors. The values stated in the General Plan of natural settings, historic character, small town feel and sense of community do not belong with this CUP application. She added that from the standpoint of the Town's goal of reducing carbon footprint, and energy and water use, an outdoor pool on the Steep Slopes of Old Town would be far to excessive. She added that this application did not fully comply with the CUP criteria. This project, if approved, would be the tipping point of Old Town and they urged the Commission to deny the CUP application.

Jerry Figt clarified that the applicant received approval from the City for every tree that was removed from the site. The trees were inspected by an arborist, a report was written, and the applicant received approval. He added that the plan to replace does not require the same size; rather it requires replacement in kind. He submitted that the applicant's plan would more than adequately replace the caliber of trees removed.

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Matey Erdos gave her address as 310 McHenry Avenue, across the street from the project. She referenced her letter sent to the Commission just prior to the meeting. She did not support this project.

There was no furth public comment. The public hearing was closed.

Commissioner Frontero wanted to review the LMC provisions regarding conditional use, particularly Recreational Facility, Private. Planner Ehlers advised that this definition was in Section 15-15, Recreation Facilities, and read the definition as follows: "Recreation facilities operated on private property and not open to the general public, including Recreation Facilities such as swimming pools, tennis courts, outdoor pickleball courts and similar facilities for use by owners and guests." He noted that when the pickleball courts were added, they wanted to specify "swimming pools" as opposed to "pools."

Vice Chair Hall understood that Staff felt that this was an approved conditional use in the zone, and this application was appropriate. Planner Ehlers confirmed Vice Chair Hall's understanding. Mr. Harrington confirmed that swimming pools were a listed conditional use in the HRL Zone. He explained that the footnote referenced additional regulations for pickleball courts but would not limit the definition of Private Recreation Facility.

Director Milliken explained that the definitions in the LMC identify swimming pools as a Recreation Facility. Vice Chair Hall clarified for the record that the Staff Report was correct and this was an appropriate CUP application for this zone. She also noted that the present application was for the pool only, and the Landscaping Plan and the home were addressed in separate applications. Mr. Harrington noted that the landscaping could be a function of the mitigation of the proposed conditional use. He felt that questions about landscaping were appropriate as part of this application.

Vice Chair Hall suggested adding a Condition of Approval that the CUP would abide by the LMC Noise Ordinance and provisions regarding Significant Vegetation. She also suggested a Condition of Approval that the television should comply with the Dark Sky Ordinance. It was clarified that this could be included as part of Condition of Approval 3.

Commissioner Kenworthy noted that these types of applications are always difficult for him. He agreed with the public comment and expressed that while it is a situation where the LMC might allow for this conditional use, the General Plan is as stated by the residents and the Commission is to protect primary residences. There is clearly a primary residential neighborhood here that the Commission is trying to protect. He added that there are certain mitigation requirements that this applicant would have to meet. He felt that the aesthetics of this proposal clearly did not fit in with the requirements of the General Plan; however, they might fit in with the LMC. He agreed with Vice Chair Hall that they would have to make sure that every aspect of this project complied and that there would be room for the trees to be replaced. Commissioner Kenworthy noted that for the neighbors who have lived in the area for 40 years, this proposal was directly in conflict with the goals of the General Plan. He did not know how a swimming pool fell in line with the historic nature of Park City.

Commissioner Sigg asked if the mechanicals and utilities for the pool had been established. He expressed concern about utility sizing. He also mentioned the Steep Slopes below the pool, and he had not seen footers and foundations. He also asked whether there was a soils test. He mentioned the water wise component and queried whether the pool would be covered or whether

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it would evaporate and require regular filling. He agreed that this pool was very out of character for Old Town, and any Conditions of Approval would have to cover all of these aspects. He expressed concern about the removal of trees and felt the pool was an afterthought to the overall site plan. He mentioned viewscapes and wondered whether this would open the door to issues in the future. Commissioner Sigg commented that the television brightness and light transmission would go beyond the neighbors and asked whether an alternate location had been considered.

Mr. Christensen stated that he would be agreeable to moving the location of the television. He does not want people on Ontario Avenue to see the television and did not feel it would be the right vibe for the neighborhood. In terms of the viewscapes, he expressed that he would work to protect neighbors' viewscapes and would like to get the next-door neighbor involved when they get to the point of placing trees. With regard to the trees that were removed, he stated that a considerable amount of the trees were either dead or diseased. He referenced the arborist report that was submitted to the City. The other removed trees were calipered and would be replaced as part of the landscaping installed at the site. He stated that during the winter, they would winterize the pool by either freezing the top six to seven inches or keeping the pool at just above freezing. He would prefer the latter. Mr. Christensen reiterated that because it is an in-ground pool, it benefits from geothermal heating. The Jacuzzi would be covered. In the summer months, he stated that pools require less water than landscaping. He assured that the pool would be fully engineered for weight and noted that the substrate is bedrock. The pool would be located on a flat section of the site, and the retaining walls below would be engineered. Mr. Christensen stated that plan was to locate the pool equipment inside the house within the mechanical room.

Commissioner Frontero echoed Commissioner Kenworthy's comments that this is a difficult situation. He agreed that it clearly did not fall within the General Plan Guidelines; yet the LMC allowed for a pool. He noted that the LMC did not state that a pool, a hot tub, a second pool, and lights and televisions would be allowed as conditional uses. He asked the applicant to consider coming back at a later date with another application for a single pool. Mr. Christensen explained that the application was not for multiple pools; rather, there is a pool and a Jacuzzi. The pool has a shallow entry area into the pool near the house.

Commissioner Frontero noted that this was a challenging application given that one of the jobs of the Commission is to protect the community and to follow the LMC. He asked the applicant if he would consider eliminating the outdoor entertainment center, which would include televisions, speakers and extra lighting. He noted that the pool was allowed and suggested that this application be limited to a pool. He explained that was trying to create a situation where the applicant could present an application that was more amenable to the General Plan and to the neighbors, since as presented they were in conflict and he was not sure how it could be resolved.

Mr. Harrington spoke to the conflict between the General Plan and the LMC and noted that Commissioner Frontero's comments were appropriate. The focus of a CUP review was the permitted use so long as the conditions could be mitigated. As long as the Commission focused on the mitigation of the proposed use, which could include inconsistencies with General Plan elements, that would be appropriate. He noted that the Commission often deals with these through Conditions of Approval after the fact, but with the neighborhood concerns the Commission has the ability to require them in advance. It does not have to condition the Landscaping Plan after the fact, rather the Commission could ask to review it now and make sure it would meet those mitigation requirements before approving the use. He added that if the Commission determined that to be necessary to fully analyze the impacts of the use, it would be appropriate to see more detail. In terms of the issue of the pool being inconsistent with the General Plan, he

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opined that the Commission could not make that determination because the pool is a listed permitted use if it could be mitigated.

Mr. Harrington suggested that the Commission look to see if they could reach a consensus on affirmative Conditions of Approval, whether more information would be needed on the mitigation before consideration of the final Conditions of Approval, or whether the Commission did not think the conditions could be mitigated.

Commissioner Johnson expressed that he did not feel comfortable moving forward without additional details on the Landscaping Plan due to concerns about the adjacent Steep Slope, sound concerns and visual impacts. Commissioner Kenworthy suggested requiring a Soils Report.

Commissioner Van Dine did not understand what a Soils Report would provide, and Commissioner Sigg mentioned the geotechnical aspect of the site's ability to bear the weight. He added that he would like more detail on the mechanicals and the placement of the mechanicals.

Vice Chair Hall sought clarification of what the Commission requested, and Commissioner Johnson confirmed his request for the full Landscaping Plan, including the Soils Report that would include the geotechnical aspects supporting the proposed use.

Vice Chair Hall felt that the packet included a full Landscaping Plan in conjunction with this application, even though it was not required as part of this application. She also referenced the HDDR for the home that was included, even though it was independent of this application.

Director Milliken understood that Commissioner Johnson was requesting that the Landscaping Plan be reviewed before this application. He confirmed that would be ideal if it were permissible. He found this application was inconsistent with the General Plan, and before they grant additional uses on this approved project they should have the full details. He reiterated his concerns with the Steep Slope below the pool.

Vice Chair Hall understood that the issues raised by the Commission included the Steep Slopes, soils, landscaping, and the entertainment area. Regarding the landscaping issue, she referenced the fairly detailed Landscaping Plan on page 262 of the Packet and acknowledged that it had not been submitted or approved.

Director Milliken stated that the Landscaping Plan had come before the Design Review Team, but it had not yet been approved.

Vice Chair Hall commented that she did not need further Landscape Plan details. Commissioner Johnson sought confirmation that the Landscaping Plan in the Packet was the one being reviewed.

Mr. Harrington stated that they could invert the conditional approval and referenced the rare example of Plat Amendments where the Commission wanted to see the HDDR approved prior to the Plat Amendment. If there were a direct relationship between those mitigation items, it would be up to the Commission as to what they would require before making the final determination. He noted the Commission's authority overlaps with the HDDR, whereas the HDDR is being evaluated in terms of compliance with the HDDR Guidelines, not for mitigation of the use.

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Vice Chair Hall stated that the solution was not disallowing something that is allowed pursuant to the LMC; rather, the solution was that they would have to amend the LMC to no longer allow pools in Old Town.

Commissioner Kenworthy remarked that they were looking for the sequencing to ensure that the mitigation efforts would be successful. He stated he was not qualified to say that the Landscaping Plan included in the Packet would mitigate these issues, and he would like that determination before they proceed with this application. He stressed the dramatic difference from the aesthetics of Old Town that they must protect.

Director Milliken suggested processing the Landscaping Plan with the Commission's concerns in mind, and thereafter return with this application. Mr. Harrington understood Commissioner Frontero's comments requesting additional mitigation in terms of the degree and intensity of the proposed use and whether there would be additional landscaping that could address those issues.

MOTION: Commissioner Johnson moved to CONTINUE 327 McHenry Avenue – Conditional Use Permit – to a date uncertain. Commissioner Kenworthy seconded the motion.

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

Vice Chair Hall noted the lateness of the hour and proposed continuing the Work Session to another meeting.

E. Parcels: PCA-S-79-B and PCA-S-79 C (Bransford Parcels) - Zoning Map Amendment - The Applicant is Proposing a Zone Change for Two (2) Parcels of Three (3) Acres Each, From Recreation Open Space (ROS) to Estate (E) Zoning for the Construction of Two Single Family Homes. PL-21-05042.

Planner Ananth reported that the applicant requested a zone change from Recreation Open Space ("ROS") to Estate for two three-acre pods from two parcels that total over 39 acres. The remaining 33 acres would remain in ROS zoning. The proposed zone change would allow for two Single-Family Dwellings, one on each Estate zoned pod. She reminded the Commission that this application was discussed during a Work Session in April, a public hearing in June, and went back to a Work Session in August. Planner Ananth presented a graphic of the two parcels and explained that the parcels were encumbered with Steep Slopes and a significant amount of vegetation. She noted that there are some ski trails and easements on the Lots, which are located in the Sensitive Lands Overlay and currently zoned ROS.

Planner Ananth identified the two three-acre Estate pods proposed by this application. A shared driveway would provide access to both parcels. She reported that the project complies with the ROS Zone and the Estate Zone in the Deer Valley Neighborhood General Plan. She explained that this would involve an incremental approval wherein the applicant would still require approval of a Subdivision Plat that complies with the Estate and ROS Zoning Districts, as well as a Sensitive Lands Overlay review at the time of Plat. Staff recommended the Commission consider the requested zone change, conduct a public hearing, and consider forwarding a recommendation for Council's consideration in December.

On behalf of the applicant, Jeffrey Kuhn from the Kuhn Company, mentioned recently proposed Conditions of Approval, and stated the applicant's intent was to get a positive recommendation from the Commission at this meeting.

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Planner Ananth explained the two new Conditions of Approval proposed by Staff. One was related to sustainability and noted that the prior Condition discussed EUI's, which apply to commercial structures. She revised the Condition to be more in line with the MPD Code. The revised Condition requires best planning practices for sustainable development for residential construction in place at the time of Building Permit, including but not limited to water efficient low flow fixtures, EnergyStar rated appliances, building envelopes designed to be energy efficient, water wise and native landscaping, exterior lighting that meets the Dark Sky Ordinance, electrification of all utilities, and the requirement that outdoor appliances be on timers and sensors. She also added a Condition of Approval with a sunset clause of three years on the zone change, with the opportunity for one two-year extension. If the applicant has not received an approval for a Subdivision Plan within that timeframe, the zone would revert back to Open Space.

Planner Ananth reported that the applicant agreed with these two revised Conditions of Approval. She also reported that the applicant agreed to reduce the home size to a maximum of 10,000 square feet, in keeping with the Red Cloud Development. Mr. Kuhn confirmed this statement and added that they originally intended to propose a larger home size, but they did not feel it was in the best interest of getting the approval. Planner Ananth stated that these Conditions of Approval were new, and all other Conditions remained the same.

Vice Chair Hall opened the public hearing.

Nick Frost identified himself as the legal counsel for Red Cloud Homeowners' Association. He stated that in 2019 he appeared before the Commission where the HOA was trying to reserve open space to density zoning and which was unanimously denied. He quoted from the minutes from that meeting as follows: "Vice Chair Phillips indicated that he was concerned about the precedent it would set for the rest of the neighbors. Others could not be held to a different standard if they allowed this approval. Commissioner Sletten concurred with Vice Chair Phillips and stated that while there were compelling arguments on both sides, looking forward 10 – 15 years the precedent will be buried in Staff Report notes and he believed that this was an important issue and the Planning Commission should hold the line. Finally, Commissioner Hall stated that precedent was the forefront of her mind."

Mr. Frost recognized the legislative powers of the City to enact and enforce zoning requirements but expressed concern about what would take place with a positive recommendation. The concept of precedent can be buried under the idea that there are special circumstances that apply to this land and referenced the Staff Report's statement of "unique circumstances." However, there are unique circumstances that apply to every parcel.

In addition, he stated that the "unique circumstances" is the Development Amendment. However, he stated that there is no language in the Development Amendment that requires this approval or holds it open in perpetuity. He commented that he had no intention of resurrecting a 2009 application based on the precedent that might be set today or at some point down the road; however, there are other developers who are watching this closely to see what happens. There might be others who want to develop properties and change protected reserved open space to density zoning.

Mr. Frost reiterated that there is nothing in the Development Agreement indicating that the Commission needs to abandon precedent for this application. Based on his discussions with someone in the Planning Department regarding a stepped approval on an unrelated matter, he

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was told that it was not fair to the City and its' citizens to see only a portion of a larger project. While a sunset provision is helpful, it would also foreclose on the right to make changes down the road if certain things come up. He expressed concern that a positive recommendation would equate to recommending an island zone, without legal access and no precedent.

Adam Weinacker was present on behalf of Extell Development Company to object to the application to rezone its property. He expressed that this application asks the Commission to put the cart before the horse and recommend a re-zone of the Bransford Property from ROS to Estate. He noted that Estate Zoning is for residential development, and the Staff Report acknowledged that the land is in no state to be developed. It has no current access and no current way to connect utilities. He added that even if there were access to these parcels, he had serious concerns about the steep topography and the ability to safely connect a road to the proposed lots.

Mr. Weinacker also posited that the application was misleading with respect to the "likely access route" presented to the Commission. The applicant identified a 100-foot-wide corridor connecting its property to Red Cloud Trail; however, there is no such corridor. While the issue of access to parcels is in litigation, the access claimed by the applicant in court does not match the access presented to the Commission. He highlighted that the access presented to the Commission was showed south of the Ontario Ski Run; whereas the proposed access claimed in the litigation would traverse over the Ontario Ski Run. He stressed that the application materials do not mention this, presumably because interference with skiing and other recreation on Flagstaff would raise concerns by the Commission. None of the conditions for zoning address this conflict.

Mr. Weinacker advised that the other significant stakeholders on Flagstaff do not support this application, and he referenced Flagstaff, Deer Valley and the Red Cloud HOA. He appreciated that the Bransfords are long-time Park City residents, but despite that legacy this is not a legacy project. The application was designed to increase value for property that is otherwise not developable so that it could be sold as a second, third or fourth home for someone. He referenced the additional Condition of Approval regarding the sunset clause and felt that differed from what was originally contemplated. He recalled it was originally contemplated as a two-year clause with a one-year renewal. He urged that if the Commission were to consider a sunset clause, that it be significantly shortened.

He noted the Staff Report representation that notice and courtesy mailings to nearby landowners were made on October 26th; however, the evidence indicated that the mailing actually went out on October 27th. Under the LMC, courtesy notices are required to be mailed 14 days prior to a public hearing, and the actual mailing date did not meet that requirement.

Additionally, he stated that he asked Staff to require the applicant provide notice of any hearing to his law firm, which was not followed. He also mentioned that he advised the Planning Department that the list of owners was not correct, and the old list of owners was used for the mailing. Mr. Weinacker stressed that the Commission was faced with an application that would set a precedent to push a zoning change prior to detailed development plans and proof of an ability to develop. He added that the Commission was faced with an application that included specious depictions of access to the property, and without public support from the primary stakeholders on Flagstaff. He reminded of the deficiencies in the notice for this public hearing. He asked the Commission to not recommend approval of the application.

There were no further public comments. The public hearing was closed.

PENDING APPROVAL

Commissioner Kenworthy asked Planner Ananth to address the notice issue. Planner Ananth stated that notice was sent out on October 27 to addresses provided by the applicant. The addresses were taken from the Summit County database. Mr. Harrington clarified that the mailed notice is considered a courtesy notice and the Code states that any defect in that shall not be cause to invalidate the decision. He noted the Commission could ask Mr. Weinacker if he felt there was prejudice by the one-day delay in mailing. He reiterated that the City was under no legal requirement to provide them with individual notice, but the City Attorney provided additional notice recognizing that there was a change in Planners on this application.

Commissioner Kenworthy requested information on Deer Valley's objection to this application. It was noted that there was public input received from Steve Issowitz, in his individual capacity and not as a representative of Deer Valley. Mr. Kuhn noted a letter of support from Doug Ogilvy, who holds a position with Redus and Empire Pass Master Owners Association.

Commissioner Frontero asked the applicant to address the claimed inconsistency regarding the roadway corridor. Mr. Kuhn stated he is not involved in the litigation but understood there was a gag order on the litigation. He was aware that there was a historic access claim in which long-term mining rights were served by mining roads. He mentioned a claim file that showed access on that historic easement and he understood there was a 60-foot corridor identified on either side of the centerline of that historic access agreement that was necessary to determine the property owners.

He was aware of a few paths that enter the property from the south and at the location of the proposed road. He agreed that the Ontario Ski Run was part of an Ontario Trail that came up from Park City. Although they considered the area steep today, compared to everything else it was historically considered a flat area that could be driven quite easily.

Mr. Kuhn added that over the land itself, the traces of the roads were thinner. He noted a historic roadway that showed up back to the 1800's within the 60-foot corridor. This application showed a 100-foot corridor that could contain a 25-foot-wide private driveway. He added that the Fire Marshall had not yet determined the final width of the driveway, but Mr. Kuhn emphasized that this would not be a public road. He emphasized that Staff wanted to know the location of the road and the applicant understood that anything approved in the zone change would be conditioned on satisfying every plat requirement, and having an easement is a condition for a plat application. He added that the application would also have to show the ability to design a roadway within the easement as part of the plat.

Mr. Kuhn explained that the applicant showed what they thought was the indicated access point. He referenced the Flagstaff Annexation Agreement and a letter showing 6 – 7 places along Red Cloud Trail where they could access off of the easement approved by the Red Cloud HOA and Empire Pass Masters Association to provide access over Twisted Branch Road. He added that utilities were stubbed in just opposite Ruby Hollow, which created a 55-foot-wide vehicular access point in that location. This location was the stated preference where they would connect. He stressed that it is not the only connection point and more than one alignment would be possible but they were asked to opine where they felt it would be located.

Mr. Kuhn noted a 1981 Planning document from the J.J. Johnson Company regarding a feasibility analysis on the property, and the two points identified by that analysis were included in the applicant's narrative. The current proposed access point is located in the same place as shown in 1981 and as was assumed by the declarant, the contractor of United Park City Mines and Deer

PENDING APPROVAL

Valley Resort. He clarified that the applicant was not asking for approval of the road today; rather, they presented a location where they think makes the most sense.

Vice Chair Hall did not recall previously considering an application that did not have access and wanted an understanding of the proper sequence since it seemed unusual to consider a re-zone when there is no access.

Mr. Harrington explained that the entire City is zoned and there are many land-locked parcels within each zone. He added that the zoning would not establish the development parameters because those are set by the LMC. Zoning just establishes density and the right to take the next step in the application process. He added that this was unusual because they were limiting more than just the zone and allowing the next step in the application process, because the applicant recognized that this was within the Annexation area and Development Agreement. He felt the sequencing made sense even though it was highly conditional to the City's benefit to minimize any future expectation of inconsistency. He highlighted the comments by Staff as to why this would not set a precedent for other re-zone opportunities outside of the Flagstaff Development Agreement. These property owners were already considered for density under a scenario that did not materialize and they were also told they had the opportunity to submit their own application.

Vice Chair Hall asked if the proposed plat for the driveway was irrelevant for this application. Mr. Harrington explained that a Condition of Approval protects against that by not providing any vested rights toward the next step in the application process or guaranteeing any future approvals.

Mr. Kuhn added that Summit County indicated that this parcel consisted of two lots of record pre-annexation, and post-annexation they are still two lots of record. He explained that the lots of record were entitled to one residence each. The placement shown on their proposed plat was part of the ROS Zone and part of the Sensitive Lands Zone, which encouraged them to connect to trails and to cluster development. Rather than having a home on each 20-acre parcel, the applicant clustered them side-by-side and located them along the ski trail.

Mr. Harrington clarified that Summit County's characterization was relevant pre-annexation, but it no longer applies. These are not lots of record under City Code, which is why the applicant still needs to get the Subdivision. He stated that the County's characterization was the basis by which Staff agreed with the recommended density, but it was not currently a lot of record. Mr. Kuhn stated he simply repeated what he heard from Summit County Planners.

In response to an inquiry from Commissioner Sigg, Mr. Kuhn advised that the driveway would be approximately 1,000 feet long on site, and approximately 1,000 feet off site from the western property line to Red Cloud Trail easement. Because there is no lot or house design yet, discussions with the Fire Marshall would be premature and would be part of the plat approval.

Mr. Kuhn added that they received some input regarding the shared driveway from Alliance Engineering and Craig Elliot, AIA based on their experience. He stated that the applicant planned to make it as narrow a two-lane driveway as the Fire Marshall would permit. The idea of having a 100-foot corridor was done to give them some latitude. He added that the property owner also has underground rights, so they could use a tunnel or other ways to get it done, but that was an issue for the future. Whatever the Fire Marshall determines will ultimately be done, but he noted that the applicant proposed a narrow, private driveway that Staff supported.

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Mr. Kuhn emphasized that they were still at the zone change phase, yet they keep getting dragged deeper and deeper into plat discussions. He reported that since the last presentation, they created a 3-D heat map in movie form that could allay concerns about the steepness issues.

John Phillips from Alliance Engineering, explained that they had a larger presentation, but due to timing opted to show a brief clip. He explained that he had been working on the drawings, illustrations and code review for this application. Following the last meeting, he looked at the Sensitive Lands Overlay Code in depth and realized that the Code lists three different slope angles. These angles are 15% and greater, 30% and greater, and 40% and greater. He explained that they also need a baseline angle of 0 – 15%, so they revised the heat map in video form and presented that to the Commission. He pointed out the location of Red Cloud and noted that many of the lots in Red Cloud were less than three acres, and this application proposed two three-acre parcels. In the 1981 J&J Study, the analysis found that land could accommodate significantly more density.

Mr. Phillips was proud to be a part of this development because he sees it as an example of responsible development. He observed that the applicant has 40 acres and they were only requesting two units and this application has been responsibly and well thought out by not asking for more than is appropriate. He explained that the areas in red are the Steep Slopes and added that in the Sensitive Lands Overlay section there are slopes that need to be protected. In his initial review he identified two areas near the development cluster that enter into areas considered Very Steep and would need to be protected. He noted that the road will likely be configured similar to the way a ski run would be configured. He noted that Alliance Engineering also designed and mapped out Twisted Branch Road with the same level of topography.

There was discussion and explanation about some of the details of the video. Mr. Phillips explained that the next stage would include more detail and exact mapping of roads, exact placement of homes, the survey and the plat. He noted that they tried to get as close as they could with presenting what would be required for the plat, without going through the entire plat process.

Vice Chair Hall questioned why they were not addressing the plat at the same time. Mr. Kuhn explained that the applicant would prefer to address these all at once; however, the owners of the land and the proposed easement parcel would rather litigate the issue. When the litigation is concluded, he felt there would be different circumstances that would be far more conducive to the acquisition and granting of an easement. As a result, the applicant was unable to go further at this point.

Managing Partner of Bransford Properties, Ann Bransford stated that they would be looking at several hundred thousand dollars in engineering fees to prepare the plat before the zoning change. Her recommendation to the Board was to not proceed with the plat until they obtained the zoning change. If they get the zoning change, they will try to work out their differences on the easement, but she could not authorize spending more money on something without approval on the zone change. Ms. Bransford stressed that they were looking for a conditional zoning change, and all of the plat details would come thereafter to be considered by the Commission.

Vice Chair Hall appreciated the presentation and public comment but stated she did not want to make a rushed decision. Commissioner Frontero asked if the Commission was being asked to approve a zone change without knowing where the two three-acre parcels would be located. Mr.

PENDING APPROVAL

Kuhn stated that they would not know where the parcels would be located until approved by the Commission.

Director Milliken confirmed that for today's agenda item, the Commission would just be approving a zone change for two three-acre parcels somewhere in the 39-acre lot. The exact location of those parcels would be determined by a Plat Amendment that would come back before the Commission. Mr. Harrington added that the precise dimensions would be determined by the Commission's next action.

Mr. Phillips wanted the Commission to understand that it would be making these later decisions and the zone change would not give the applicant the right to build; rather the applicant must return to this Commission to make those decisions and they would have to have the access determined by that point. He explained there were many steps needed to make this land developable and this was the very first step. He commented that they proposed the sunset clause so that this matter would not be passed down to another Commission.

Commissioner Johnson asked about the timeline for the sunset clause and whether there was a way to shorten the timeline. Mr. Phillips explained there were many moving parts, and the proposed timing of the sunset clause was one that they felt was reasonable based on the litigation and the amount of work still needed. It was suggested that the item be continued to a special session in December and paired with the Snow Park application. It was noted that the continuance would allow further discussions and would not involve the presentation of new information.

MOTION: Commissioner Johnson moved to CONTINUE Bransford Parcels Zoning Amendment to December 14, 2022. It was noted that the public hearing would be continued as well to that date. Commissioner Kenworthy seconded the motion.

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

6. WORK SESSION

The Work Session was continued.

A. Sensitive Land Overlay Land Management Code Amendments - Proposed Amendments to Update Designated Vantage Points and Ridgelines and to Expand Designated Vantage Points and Ridgelines to the Newly Annexed Southeast Quinn's Junction Area is Continued to January 23, 2023, to Accommodate the Planning Commission's Review of Studio Crossing.

B. Support Commercial, Residential, and Resort Accessory Uses in Master Planned Developments - The Planning Commission Will Conduct a Work Session on Land Management Code Amendments for Accessory Uses that are Exempt from Density in Master Planned Developments.

7. ADJOURN

MOTION: Commissioner Van Dine moved to adjourn.

The meeting adjourned at approximately 11:05 p.m.

PENDING APPROVAL

Open and Public Meetings Act

2022 Training Handout

The Open and Public Meetings Act (OPMA) requires that members of public bodies be provided with annual training on the requirements of OPMA. This document facilitates compliance with that requirement and helps members of public bodies better understand OPMA.

OPMA's Goal: Ensure that public bodies deliberate and take action openly.

OPMA's General Rule: Meetings of a public body are open to the public, unless an exception is available under the Act that allows the meeting to be closed.

Public Notice

- A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice must:
  - include the date, time, and place of the meeting,
  - include an agenda that specifies topics the public body will consider, and
  - be posted on the Utah Public Notice Website and at the location of the meeting.

Minutes and Recordings

- A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.
- A recording of the open portions of the meeting should be made available to the public within three business days after the public meeting.
- Draft minutes are required to be made available to the public within a reasonable time after the meeting.
- The approved minutes and any public materials distributed at the meeting should, within three business days after their approval, be:
  - posted on the Utah Public Notice Website; and
  - made available at the public body's website and office.

Closed Meetings

- A public body may hold a closed meeting only to discuss specific topics, including:
  - An individual's character, competence, or health,
  - pending or reasonably imminent litigation,
  - certain matters regarding acquisition or sale of real property, including water rights or shares,
  - the deployment of security personnel, devices, or systems, and
  - an investigation of alleged criminal conduct.
- A public body may close a meeting only by a two-thirds vote with a quorum present.
- A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.
- An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.
- A public body must keep a recording of a closed meeting, unless the meeting is closed to discuss a person's character, competence, or health or the deployment of security personnel, devices, or systems. A public body may keep written minutes. Recorded and written minutes are protected records under GRAMA.

Definitions

"**Meeting**" means a convening of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power. Meeting does not mean a chance or social gathering or the convening of members of a public body without a quorum present.

"**Public Body**" means an administrative, advisory, executive, or legislative body of a political subdivision that:

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- Spends, distributes, or is supported by tax money; and
- is vested with the authority to make decisions regarding the public's business (this includes advisory boards or groups).

"**Quorum**" means a simple majority of the membership of a public body.

Electronic Meetings

- Each public body must adopt a rule or resolution governing the use of electronic meetings before they can have electronic meetings.
- Electronic Meetings with Anchor Location
    - Provide anchor location for the public to join.
    - No determination or justification needed.
    - Public body members may appear remotely.
- Electronic Meetings without Anchor Location
    - Chair must make determination that meeting in-person presents a substantial risk to the health or safety of those who would be present at an anchor location.
    - Public notice must detail the Chair's determination, facts supporting Chair's determination, and include information on how to connect to the meeting.
    - Determination must be renewed every 30 days (and can be renewed with each public notice).
- **By 2023, all public bodies must adopt a rule or resolution that establishes the conditions under which a remote member is included in calculating a quorum.**

Definitions

"**Anchor location**" means the physical location where a meeting originates or where the participants are connected from.

"**Electronic meeting**" means a public meeting convened or conducted by means of a conference using electronic communications.

Public Participation

- Public must be allowed to come and watch, but there is generally no requirement that members of the public are allowed to comment.
    - If the agenda item requires a public hearing (usually for land use regulations), an opportunity for public comment must be provided.
- Public has a right to record meetings if they can do so without disrupting the meeting.
- A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.
- Public bodies may require public comments be on topic.
- Disruptions at meetings do not have to be tolerated. Individuals may be removed from a meeting if they willfully disrupt the meeting and the orderly conduct of the meeting is seriously compromised.

Penalties

- Open Meetings – When final action taken during a meeting violates certain open-meeting provisions of OPMA, the action is voidable by a court.
- Closed Meetings – It is a class B misdemeanor to knowingly or intentionally violate the closed-meeting provisions of OPMA.

Questions

If you have any questions, please reach out to:

Luke Henry
Assistant City Attorney
luke.henry@parkcity.org
435-615-5023

Planning Commission
Staff Communication

Subject: **Conventional Chain Businesses and Vibrancy Ordinances**
Author: **Rebecca Ward, Assistant Planning Director**
Date: **December 14, 2022**
Type of Item: **Informational**

Background

In preparation for the Land Management Code prioritization discussion scheduled for January 25, 2023, the Planning Commission requested a summary regarding Conventional Chain Business and Vibrancy Ordinances so that the Commission can evaluate whether to prioritize these topics in the 2023 Land Management Code amendment schedule (Minutes, p. 1 - 4).

Summary

Preserving the Vibrancy of Park City's Historic Commercial Areas

Over the years, the City Council enacted land use regulations recommended in the General Plan, including **Vertical Zoning** to direct active uses like retail, restaurants, and bars to the street level, **Vibrant Commercial Storefront Incentives** to keep street-level businesses open year-round, **Conventional Chain Business Regulations** to minimize the adverse impacts of chain businesses along Main Street by implementing caps by zone, and **Storefront Enhancement Zoning** to ensure future development is compatible with the historic rhythm and pedestrian scale of Main Street, maintaining the City's vibrant historic commercial core.

Land use regulations within the Historic Recreation Commercial and Historic Commercial Business Zoning Districts[1] were enacted throughout 2016 – 2022 as follows:

(1) Vertical Zoning (Ordinance No. 07-55, Exhibit A; Ordinance No. 2016-02, Exhibit B)

- Issue
    - Diminished retail and restaurants and increased residential and office spaces along the Historic Recreation Commercial and Historic Commercial Business streetscape could threaten the vitality and vibrancy of Main Street.

[1] Park City Zoning Map

- Goal
    - Limit uses within the first story of buildings along Main Street to retail and restaurants that are inviting to the passing pedestrian. Discourage office, real estate showrooms, and parking uses (General Plan Goal 16, Objective 16B, p. 9).
- Amendments
    - Defined *Storefront Property* in the LMC as a building with a storefront window or storefront entrance that is within 50 feet from the edge of pavement along a public street.[2]
    - Prohibited residential, bed and breakfast, boarding house, office, parking, group care facility, private club, and private event facility uses in Storefront Property within the Historic Recreation Commercial and Historic Commercial Business Zoning Districts.[3]
- Outcome
    - When Vertical Zoning was first adopted in 2007, there were existing vested uses allowed to continue, including real estate offices. However, new uses must comply with the Vertical Zoning ordinance. If vested non-conforming uses terminate, the new use will be required to comply with Vertical Zoning.

(2) Vibrant Commercial Storefront Incentives (Ordinance No. 2017-31, Exhibit C; Ordinance No. 2017-65, Exhibit D; Ordinance No. 2018-16, Exhibit E)

- Issue
    - Some prominent buildings along Main Street were only activated during the Sundance Film Festival or other Special Events and remained vacant for the rest of the year.
- Goal
    - Maintain the Historic Main Street District as the heart of the City for residents and visitors (General Plan Goal 16, p. 8).
- Amendments
    - Required properties in the Historic Recreation Commercial and Historic Commercial Business Zoning Districts to have an active business license and to be engaging in business for at least 60 days per quarter to qualify for a Single Event Alcoholic Beverage License.[4]
- Outcome
    - The Finance and Planning Departments conduct vibrancy walks each quarter. To date this year, five businesses were determined to be non-

[2] LMC § 15-15-1
[3] HRC Zoning District – LMC § 15-2.5-2, footnote 5; HCB Zoning District – LMC § 15-2.6-2, footnote 1
[4] Municipal Code of Park City § 4-2-15

vibrant. In these instances, staff reaches out to property owners to provide notice that the business has been designated non-vibrant. In one instance, the property owner provided sufficient evidence to show that it was engaging in business for the requisite period of time. Two additional properties provided sufficient evidence to qualify for a one-time liquor and temporary sign exception, due to renovations.

(3) Conventional Chain Business Regulation (Ordinance No. 2017-56, Exhibit F)

- Issue
  - Storefronts located on Main Street and Heber Avenue that do not foster diversity or a unique positive pedestrian experience may diminish the vibrancy, historic rhythm and scale, and activity of Historic Main Street. Storefront Property not inviting to the general public and reflective of the City's unique history and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of visitor experience satisfaction, diversity of visitors, activity on the street, and sales tax revenue generation.
- Goal
  - Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City and minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience (General Plan Goal 12, Objective 12D, p. 25).
- Amendments
  - Defined *Conventional Chain Business* as a business with ten or more locations that operate with standardized menus, products, apparel, architectural design, and/or signage and logo.[5]
  - Capped Conventional Chain Businesses to no more than seven in Storefront Property within the Historic Recreation Commercial Zoning District.[6]
  - Capped Conventional Chain Businesses to no more than 17 in Storefront Property within the Historic Commercial Business Zoning District.[7]
- Outcome
  - The current list of Conventional Chain Businesses can be viewed on the City's Business Licensing webpage. Conventional Chain Businesses within the Historic Commercial Business Zoning District have reached the

[5] LMC § 15-15-1
[6] LMC § 15-2.5-2, footnote 10
[7] LMC § 15-2.6-2, footnote 11

cap of 17; those in the Historic Recreation Commercial Zoning District have reached four of seven.[8]

(4) Storefront Enhancement Zoning (Ordinance No. 2017-09, Exhibit G)

- Issue
  - New development and redevelopment in the Historic Recreation Commercial and Historic Commercial Business Zoning Districts that proposed a wider presence along Main Street could disrupt the traditional rhythm and pedestrian scale of the historic streetscape.
- Goal
  - Encourage infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant Historic Structures (General Plan Goal 16, Objective 16E, p. 9).
- Amendments
  - Created Storefront Enhancement Zoning for the Historic Recreation Commercial and Historic Commercial Business Zoning Districts, restricting the maximum width of a Storefront Property Façade along Main Street or Heber Avenue to 50 feet.[9]
- Outcome
  - New development must complement the Historic Districts in rhythm and scale.

(5) Clarifications to the Vibrancy Ordinances (Ordinance No. 2022-15)

- Issue
  - The City Council directed the Economic Development, Finance, and Planning teams to evaluate further incentives to keep businesses in the historic commercial areas vibrant through sign code regulations and to clarify the Vibrancy Ordinances.
- Goal
  - Enact holistic amendments to connect and clarify provisions that had been added piecemeal over the years.
- Amendments
  - Require an active business license to maintain a sign installation, prohibit temporary sign permits for those businesses that do not meet the vibrancy requirements; coordinate Vertical Zoning, Vibrant Commercial Storefront

[8] Please note that the Conventional Chain Business regulations do not apply to Sundance venues during the Sundance Film Festival.
[9] Historic Recreation Commercial Zoning District - LMC § 15-2.5-3(K); Historic Commercial Business Zoning District – LMC § 15-2.6-3(I)

Incentives, Conventional Chain Business Regulations, and Storefront Enhancement Zoning; and clarify the *Storefront Property* definition.

- Outcome
    - The definition section of the LMC now cites the relevant provisions within the Vibrancy Ordinance to help navigate the layers of the code. To date, staff is not aware of sign installations maintained without an active business license, so no action has been taken. A temporary sign permit application has not yet been submitted for a non-vibrant Storefront Property.

Ordinance No. 07-55

AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE TO CHAPTERS 15-2.6: HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT AND 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, RELATING TO PROHIBITING OFFICE, RESIDENTIAL, NON-SALES TAX GENERATING USES AND OTHER SIMILAR OR ASSOCIATED USES IN THE HCB DISTRICT AND HRC DISTRICT STOREFRONTS; ALSO RELATED AMENDMENT TO LAND MANAGEMENT CODE CHAPTER 15-15-1: DEFINITIONS.

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Districts and finds it is essential to the City's long term economic and financial well-being; and

WHEREAS, The Community Economy Element of the Park City General Plan states that "Temporary or transient real estate project offices should be encouraged to locate in other areas of the City in order for Main Street to retain its primary functions"; and goes on to say Park City should "Maintain and improve the resort ambiance, which includes adequate opportunities for recreation, shopping, dining and culture"; and

WHEREAS, the 2003 Hyett Palma Park City Downtown Economic Study recommends pursuing a broad variety of uses and attractions to draw locals and visitors; and

WHEREAS, The City's Budget Department and The Main Street Business Alliance have submitted Affidavits that support these amendments; and

WHEREAS, Park City's Economic Development Plan identifies the following as Top Priorities: Facilitation and establishment of more "attractions/areas of interest" for both visitors and residents; Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies; and Protect, preserve, and promote the historic Main Street downtown area as the heart of the region; and

WHEREAS, Park City's Economic Development Strategic Plan identifies the following as High Priorities: Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities; Proactively target

business sectors that will fill voids left by departing companies or for smart redevelopment reasons; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will diminish the diverse and eclectic mix of uses and attractions necessary to sustain Park City's unique vibrant Main Street core for the general public, visitors, quests, and locals; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is an element of Main Street's attractiveness and a destination center for visitors and locals; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of commercial and mixed-use buildings and districts in and near the downtown core; and

WHEREAS, a preliminary discussion was held at the joint Planning Commission/City Council work session on April 5, 2007 regarding legislative remedies available to ensure the continuation of a successful business mix on historic Main Street; and

WHEREAS, in the HCB and HRC Districts, Office uses that are not inviting to the general public to access them will have a negative effect upon the overall economy and vitality of the downtown core as visitors find fewer businesses in which to shop or restaurants in which to eat. A reduction in visitor traffic will have a net negative impact to sales tax overall. A reduction in visitor numbers will also signal a change in the culture of Main Street into an elite area that is less inviting to the majority of Park City's visitors, guests, and locals; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

WHEREAS, the Council determines after evaluating issues of fairness and the overall intent of the regulation that the application of pending ordinance doctrine shall be revoked up to the date of adoption;

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

SECTION 1. APPROVAL OF AMENDMENT. CHAPTERS 15-2.5 Historic Recreation Commercial (HRC) District, 15-2.6 Historic Commercial Business

(HCB) District, and 15-15-1 Definitions, of the Land Management Code are hereby amended to read as attached hereto on Exhibits "A", "B" and "C".

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication and the pending ordinance rule shall become effective as of the date of adoption.

PASSED AND ADOPTED this 30th day of August, 2007.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

EXHIBIT A - HRC

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

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

(A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,

(B) encourage pedestrian oriented, pedestrian-scale Development,

(C) minimize visual impacts of automobiles and parking,

(D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,

(E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,

(F) provide a moderate Density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

15-2.5-2. USES.

Uses in the HRC are limited to the following:

(A) **ALLOWED USES**.

(1) Single Family Dwelling
(2) Duplex Dwelling
(3) Secondary Living Quarters

(4) Lockout Unit[1]
(5) Accessory Apartment[2]
(6) Nightly Rental
(7) Home Occupation
(8) Child Care, In-Home Babysitting
(9) Child Care, Family[3]
(10) Child Care, Family Group[3]
(11) Child Care Center[3]
(12) Accessory Building and Use
(13) Conservation Activity
(14) Agriculture
(15) Bed and Breakfast Inn[4]
(16) Boarding House, Hostel
(17) Hotel, Minor, fewer than 16 rooms
(18) Office, General[5]
(19) Parking Area or Structure, with four (4) or fewer spaces

(B) **CONDITIONAL USES**.

(1) Triplex Dwelling
(2) Multi-Unit Dwelling
(3) Guest House, on Lots one acre
(4) Group Care Facility
(5) Public and Quasi-Public Institution, Church, School
(6) Essential Municipal Public Utility Use, Facility, Service and Structure
(7) Telecommunication Antenna[6]
(8) Satellite Dish, greater than thirty-nine inches (39") in diameter[7]
(9) Plant and Nursery stock products and sales
(10) Hotel, Major
(11) Timeshare Projects and Conversions

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[1]Nightly rental of Lockout Units requires a Conditional Use permit

[2]See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

[3]See LMC Chapter 15-4-9 for Child Care Regulations

[4]Requires an Administrative Conditional Use permit

[5]**Prohibited in Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue, or Park Avenue (excluding those HRC zoned areas north of the 8th Street) rights-of-way; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street**.

[6]See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

[7]See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

(12) Private Residence Club Project and Conversion[4]
(13) Office, Intensive
(14) Office and Clinic, Medical
(15) Financial Institution, without drive-up window[8]
(16) Commercial Retail and Service, Minor[7]
(17) Commercial Retail and Service, personal improvement[7]
(18) Neighborhood Convenience Commercial, without gasoline sales
(19) Café or Deli[7]
(20) Restaurant, General[7]
(21) Restaurant and café, Outdoor Dining[4]
(22) Outdoor Events[4]
(23) Bar
(24) Parking Area or Structure, with five (5) or more spaces
(25) Temporary Improvement
(26) Passenger Tramway Station and Ski Base Facility
(27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
(28) Recreation Facility, Commercial, Public, and Private
(29) Entertainment Facility, Indoor
(30) Fences greater than six feet (6') in height from Final Grade[4]
(31) Private Residence Club, Off-Site[5]

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-69)

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[8]If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

EXHIBIT B

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

(A) preserve the cultural heritage of the City's original Business, governmental and residential center,

(B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,

(C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,

(D) encourage the preservation of Historic Structures within the district,

(E) encourage pedestrian-oriented, pedestrian-scale Development,

(F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

(J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

(A) **ALLOWED USES**.

(1) Single Family Dwelling[9]
(2) Multi-Unit Dwelling[1]
(3) Secondary Living Quarters[1]
(4) Lockout Unit[1,10]
(5) Accessory Apartment[1,11]
(6) Nightly Rental[12]
(7) Home Occupation[1]
(8) Child Care, In-Home Babysitting[1]
(9) Child Care, Family[1,13]
(10) Child Care, Family Group[1,5]
(11) Child Care Center[1,5]
(12) Accessory Building and Use[1]
(13) Conservation Activity
(14) Agriculture
(15) Bed and Breakfast Inn[14]
(16) Boarding House, Hostel
(17) Hotel, Minor, fewer than 16 rooms
(18) Office, General[1]
(19) Office, Moderate Intensive[1]
(20) Office and Clinic, Medical[1]
(21) Financial Institution, without drive-up window
(22) Commercial Retail and Service, Minor
(23) Commercial Retail and Service, personal improvement
(24) Commercial Neighborhood Convenience, without gasoline sales
(25) Restaurant, Cafe or Deli
(26) Restaurant, General
(27) Bar
(28) Parking Lot, Public or Private with four (4) or fewer spaces
(29) Entertainment Facility, Indoor
(30) Salt Lake City 2002 Winter Olympic Games Legacy Display[15]

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[9]**Prohibited in Storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way**.

[10]Nightly Rental of Lock Units requires a Conditional Use permit

[11]See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

[12]Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

[13] See LMC Chapter 15-4-9 for Child Care Regulations

[14]Requires an Administrative Conditional Use permit

[15]Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License.

(B) **CONDITIONAL USES**.

(1) Group Care Facility[1]
(2) Public and Quasi-Public Institution, Church, School
(3) Essential Municipal Public Utility Use, Facility, Service, and Structure
(4) Telecommunication Antenna[7]
(5) Satellite Dish, greater than thirty-nine inches (39") in diameter[8]
(6) Plant and Nursery stock products and sales
(7) Hotel, Major
(8) Timeshare Projects and Conversions[1]
(9) Timeshare Sales Office, Off-Site within an enclosed Building[1]
(10) Private Residence Club Project and Conversion[5]
(11) Commercial Retail and Service, Major
(12) Office, Intensive
(13) Restaurant, Outdoor Dining[5]
(14) Outdoor Events
(15) Hospital, Limited Care Facility
(16) Parking Area or Structure for five (5) or more cars
(17) Temporary Improvement
(18) Passenger Tramway Station and Ski Base Facility
(19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
(20) Recreation Facility, Public or Private
(21) Recreation Facility, Commercial
(22) Fences greater than six feet (6') in height from Final Grade[5]
(23) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays[9]
(24) Private Residence Club, Off-Site[1]

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-39; 06-69)

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[7]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

[8]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

[9]Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

Exhibit C

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 15 - DEFINITIONS

Chapter adopted by Ordinance No. 00-25

CHAPTER 15 - DEFINED TERMS.

15-15-1.44. Club.

(E) Club, Private Residence, Off-Site. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

Storefront Property

A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

1. **A window and/or entrance within 50 lateral/horizontal feet of the back (inside building edge) of the public sidewalk; and**
2. **A window and/or entrance that is not more than 8 feet above or below the grade of the adjacent Public Street.**

In the case of split-level, multi-level buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the street as set forth above shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

Ordinance 16-02

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING CHAPTER 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) ZONING DISTRICT, CHAPTER 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) ZONING DISTRICT, AND CHAPTER 15 DEFINED TERMS RELATING TO VERTICAL ZONING REGULATIONS PROHIBITING OFFICE, RESIDENTIAL, PARKING, PRIVATE EVENT FACILITIES, AND SIMILAR OR ASSOCIATIED USES WITHIN STOREFRONT PROPERTY IN THE HISTORIC MAIN STREET DOWNTOWN AREA

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 16 that states, "Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors." Objective 16B states, "Limit uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian. Uses that should be discouraged include office space, real estate show rooms, parking, etc." Implementation Strategy 16.10 states, "Re-examine the City's existing Vertical Zoning Ordinance that requires commercial retail shops along Main Street; consider strengthening the Ordinance."

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of more attractions and areas of interest for both visitors and residents, maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and

protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, Uses located on the main level adjacent to the street, that are not inviting to the general public, may diminish the vibrancy, diversity, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, Uses that are not inviting to the general public may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meetings on June 24th , July 22nd, August 26th, October 14th , November 11th, and December 9, 2015 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 7, 2016; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 7 day of January, 2016

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits
Exhibit A – LMC Chapter 2.5 HRC Zoning District
Exhibit B – LMC Chapter 2.6 HCB Zoning District
Exhibit C – LMC Chapter 15- Defined Terms

EXHIBIT A

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

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(4) Lockout Unit[1,5]
(5) Accessory Apartment[2,5]
(6) Nightly Rental[5]
(7) Home Occupation[5]
(8) Child Care, In-Home Babysitting
(9) Child Care, Family[3]
(10) Child Care, Family Group[3]
(11) Child Care Center[3]
(12) Accessory Building and Use
(13) Conservation Activity
(14) Agriculture
(15) Bed and Breakfast Inn[4,5]
(16) Boarding House, Hostel[5]
(17) Hotel, Minor, fewer than 16 rooms[5]
(18) Office, General[5]

(19) Parking Area or Structure, with four (4) or fewer spaces[5]

(B) **CONDITIONAL USES**[9].

(1) Triplex Dwelling[5]

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[1]Nightly rental of Lockout Units requires a Conditional Use permit

[2]See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

[3]See LMC Chapter 15-4-9 for Child Care Regulations

[4]Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

[5] Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue, **excluding** those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: ~~Storefronts adjacent to the Main Street, Swede Alley, Heber Avenue , or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings:~~ 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts),780 Main Street, 804 Main Street(for the plaza side storefronts) , 875 Main Street, 890 Main Street, ~~and~~ 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within Storefront Property however; access, circulation, and lobby areas are permitted within Storefront Property.

(Amended by Ord. Nos. 04-39; 06-69; 07-55; 09-10; 12-37)

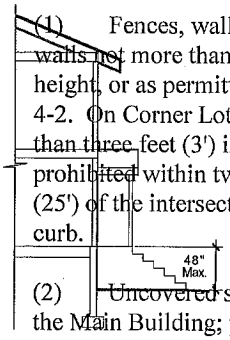
15-2.5-3. LOT AND SITE REQUIREMENTS.

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

All Development activity must comply with the following minimum Lot and Site requirements:

(A) **FRONT YARD**. The minimum Front Yard is ten feet (10').

(B) **FRONT YARD EXCEPTIONS**. The Front Yard must be open and free of any Structure except:



(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

Front Yard
← →

(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, and cornices, projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

(C) **REAR YARD**. The minimum Rear Yard is ten feet (10').

(D) **REAR YARD EXCEPTIONS**. The Rear Yard must be open and free of any Structure except:

(1) Bay Windows not more than

Field Code Changed

requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(10) Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(E) **SIDE YARD**.

(1) The minimum Side Yard is five feet (5').

(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the Side Lot Line may not exceed one hundred feet (100').

(F) **SIDE YARD EXCEPTIONS**. The Side Yard must be open and free of any Structure except:

(1) Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(A) **VEHICULAR ACCESS.** A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS.** An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement and complies with height exception criteria in Section 15-2.2-6(B)(10).

(Amended by Ord. Nos. 06-69; 07-25; 09-10)

15-2.5-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, driveway location standards, and Building height.

(A) **EXCEPTION.** In order to achieve

HRC District apply, except:

(A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.

(B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.

(C) The Floor Area Ratio limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

(A) Tandem Parking is allowed in the Historic District.

(B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to parking in the rear of the Main Building, or below Grade, if both Properties are deed restricted to allow for the perpetual use of the shared drive.

(C) Common Parking Structures are allowed where such a grouping facilitates:

(1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and

(2) the reduction, mitigation, or elimination of garage doors at the Street edge.

(D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.

(E) Driveways between Structures are allowed to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

(F) Turning radii are subject to review by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No Administrative Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto, or a historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2)

criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Conditional Use permit and are subject to the following criteria:

(a) The Use is on private Property or leased public Property and does not diminish parking or landscaping.

Field Code Changed

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Building and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES,**

following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) the display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director of Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or

Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

EXHIBIT B

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

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(1) Single Family Dwelling[1]
(2) Multi-Unit Dwelling[1]
(3) Secondary Living Quarters[1]
(4) Lockout Unit[1,2]
(5) Accessory Apartment[1,3]
(6) Nightly Rental[4]
(7) Home Occupation[1]
(8) Child Care, In-Home Babysitting[1]
(9) Child Care, Family[1,5]
(10) Child Care, Family Group[1,5]
(11) Child Care Center[1,5]
(12) Accessory Building and Use[1]
(13) Conservation Activity
(14) Agriculture
(15) Bed and Breakfast Inn[1,6]
(16) Boarding House, Hostel[1]
(17) Hotel, Minor, fewer than 16 rooms[1]
(18) Office, General[1]
(19) Office, Moderate Intensive[1]
(20) Office and Clinic, Medical[1]
(21) Financial Institution, without drive-up window
(22) Commercial Retail and Service, Minor
(23) Commercial Retail and Service, personal improvement
(24) Commercial Neighborhood Convenience, without gasoline sales
(25) Restaurant, Cafe or Deli
(26) Restaurant, General
(27) Bar
(28) Parking Lot, Public or Private with four (4) or fewer spaces[1]
(29) Entertainment Facility, Indoor
(30) Salt Lake City 2002 Winter Olympic Games Legacy Displays[7]

(B) **CONDITIONAL USES[10]**.

(1) Group Care Facility[1]
(2) Public and Quasi-Public Institution, Church, School
(3) Essential Municipal Public Utility Use, Facility, Service, and Structure

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[1] Prohibited in HCB Zoned Storefront Property ~~storefronts~~ adjacent to ~~the~~ Main Street, Heber Avenue, Grant Avenue ~~or~~ and Swede Alley. ~~Rights-of-Way~~ Hotel rooms shall not be located within Storefront Property however; access, circulation and lobby areas are permitted within Storefront Property.

[2] Nightly Rental of Lock Units requires a Conditional Use permit

[3] See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

[4] Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

[5] See LMC Chapter 15-4-9 for Child Care Regulations

[6] Requires an Administrative or Administrative Conditional Use permit

[7] Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION**. Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES**. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED**. No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

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

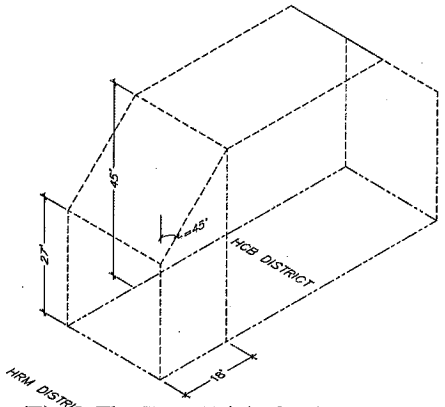
(G) **Vertical Zoning.** For HCB Zoned Storefront Property adjacent to Main Street and Heber Avenue, new Construction and Construction adding Floor Area to a Building or Lot, shall have a minimum of seventy-five percent (75%) of the width of the Building facade as Storefront Property.

(Amended by Ord. No. 06-69)

15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor

plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS**. The following exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 03-38; 06-69)

15-2.6-6. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING.

(A) **APPROVAL**. No awning or Canopy may be erected, enlarged, or altered over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED**. No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

Field Code Changed

Field Code Changed

(A) **RESIDENTIAL USE**. See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE**. Non-Residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and mechanical and storage spaces[10]. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 15-3. Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

Field Code Changed

(C) **GENERAL PARKING REGULATIONS**. Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking

[10]Mechanical and storage spaces must be in accordance with IBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

Uses shall not be from residential districts, such as HR-1 and HR-2.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of durable metallic or plastic materials with a close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection, and must be removed no later than 10:00 AM on the day of collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic. Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR-1 and HR-2)

(Amended by Ord. No. 01-28; 06-69)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

Field Code Changed

Field Code Changed

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS**. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

Field Code Changed

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise requires an Administrative Permit and is subject to the following criteria:

(a) The display is immediately available for purchase at the Business

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-69; 09-10)

15-2.6-13. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto, or a Historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(G) Food service is for the benefit of overnight guests only. Field Code Changed

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that: Field Code Changed

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and Field Code Changed

EXHIBIT C

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 15 - DEFINED TERMS

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1.4 **ACCESSORY USE.** A land Use that is customarily incidental and subordinate to the to the primary Use located on the same Lot.

1.5 **ACTIVE BUILDING PERMIT**. Any Building Permit that has not expired.

1.6 **ADMINISTRATIVE PERMIT**. A permit issued by the Planning, Building, and Engineering Departments for specified Use upon proof of compliance with certain criteria.

1.7 **AFFORDABLE HOUSING**. Dwelling Units for rent or for sale in a price range affordable to families in the low to moderate income range.

1.8 **AGENT**. The Person with written authorization to represent an Owner.

1.9 **AGRICULTURE**. Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as meat, fruit, or other food packing and/or processing plants, fur farms, livestock feeding operations, animal hospitals, or similar Uses.

1.10 **ALLOWED USE.** A Use that is permitted in a Zoning District without a Conditional Use permit, not including Non-Conforming Use.

1.11 **ALTERATION, BUILDING**. Any act or process that changes the Architectural Detail of a Building, including but not limited to, the erection, construction, reconstruction, or removal of any Building.

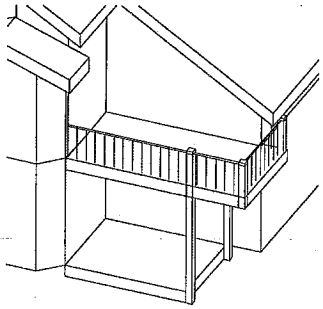
1.12 **ANCILLARY STRUCTURE**. One-Story, attached or detached Structure, 250 square feet in Area or smaller, that is subordinate to and located on the same Lot as the principal Use, does not include Dwelling Area, and is not intended for sleeping or cooking. Includes Structures such as sheds, green houses, play equipment, utility Buildings, and similar Structures that may or may not require a Building Permit.

1.13 **ANEMOMETERS AND ANEMOMETER TOWERS**. A temporary tower and housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.

1.14 **ANTENNA**. A transmitting or receiving device used in Telecommunications that radiates or captures radio, television, or similar communication signals.

(A) **Antenna, Drive Test**. A temporary Antenna which is used for field testing of Telecommunications signals and for possible locations for a permanent Antenna, but does not provide Telecommunications to customers.

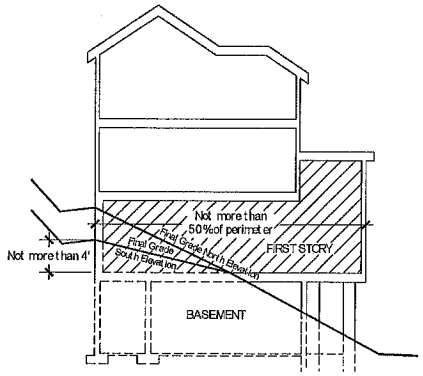
(B) **Antenna, Enclosed**. An Antenna or series of individual Antennas entirely enclosed inside a Structure, including but not limited to a cupola or wall of a Building or chimney.



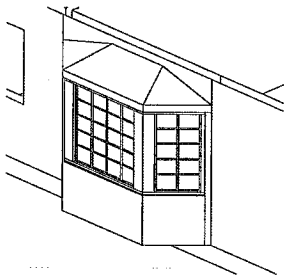
1.23 **BAR**. A Business that primarily sells alcoholic beverages for consumption on the premises; includes Private Clubs.

1.24 **BASE ZONING.** Existing zoning without the addition of the Transfer of Development Rights overlay zone.

1.25 **BASEMENT**. Any floor level below the First Story in a Building. Those floor levels in Buildings having only one floor level shall be classified as a Basement, unless that floor level qualifies as a First Story as defined herein. See First Story.



1.26 **BAY WINDOW**. A window or series of windows forming a recess or bay from a room and projecting outward from the wall. A Bay Window does not include a window directly supported by a foundation.



1.27 **BED AND BREAKFAST INN**. A Business, located in an Owner or on-Site manager occupied dwelling, in which up to ten (10) Bedrooms are rented nightly or weekly, and where one (1) or more meals are provided to the guests only, the price of which is usually included in the room rate. Bed and Breakfast Inns are considered a lodging Use where typical lodging services are provided, such as daily maid service.

1.28 **BEDROOM**. A separate room designed for or used as a sleeping room.

1.29 **BILLBOARD**. A separate room designed for or used as a sleeping room.

1.30 **BLANK WALL**. A wall of a Building faced with a single material of uniform texture and color on a single plan with less than thirty percent (30%) of the surface of the wall as openings or windows.

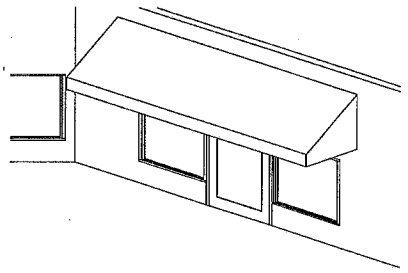
1.31 **BLOCK**. A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shore lines of water ways, or City boundary lines, as shown on an official plat.

1.32 **BOARDING HOUSE**. A Business, within a dwelling with two (2) or more

the rendering of personal services for others for consideration by Persons engaged in any profession trade, craft, occupation, or other calling.

1.39 **CAFE**. A Business that primarily sells beverages for on-Site consumption. May serve food prepared off-premises but does not have International Building Code (IBC) Commercial Kitchen facilities and generally does not employ hostesses, wait staff, bus staff, chefs, or other employees typically associated with a restaurant.

1.40 **CANOPY**. A roof or awning constructed of fabric or other material and extending outward from a Building to provide a protective shield for doors, windows, or other openings with supports extended to the ground directly under the Canopy or cantilevered from the Building.



1.41 **CAPITAL IMPROVEMENTS PROGRAM**. A proposed schedule and description of all proposed public works, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

1.42 **CERTIFICATE OF APPROPRIATENESS**. A certificate issued by the Building Department in cases of immediate public hazard, the Planning Department in cases of architectural insignificance, or the Historic Preservation Board in all other cases, indicating approval of plans for Alteration, construction, removal, or Demolition of a Landmark or Building having architectural Significance.

1.43 **CERTIFICATE OF ECONOMIC HARDSHIP**. A certificate issued by the Historic Preservation Board authorizing an Alteration, construction, removal, or Demolition of a Historic Landmark, or Building having architectural Significance, even though a Certificate of Appropriateness has previously been denied.

1.44 **CERTIFICATE OF OCCUPANCY**. A certificate issued by the Chief Building Official authorizing occupancy of a dwelling, Business, or any other Structure requiring a Building Permit.

1.45 **CHILD CARE**. The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than 24 hours a day.

The term does not include babysitting services on a casual, non-recurring nature or in the child's own home nor cooperative, reciprocate Child Care by a group of parents in their respective domiciles.

(A) **Child Care, In-Home Babysitting**. The provision of Child Care for four (4) or fewer children within a dwelling and within commercial Buildings outside of residential Zoning Districts.

(B) **Child Care, Family**. The provision

(3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;

(4) beneficial interest in a trust;

(5) other arrangement providing for such Use and occupancy rights.

(D) **Club, Private Residence Conversion**. The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

(E) **Club, Private Residence Off-Site**. Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(F) **Club, Private Residence Project**. Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

1.50 **CLUSTER DEVELOPMENT**. A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation, Open Space, and preservation of environmentally sensitive Areas.

1.51 **CODE**. The Land Management Code (LMC).

1.52 **COLLECTOR ROAD**. A road intended to move traffic from local roads to major throughways. A Collector Road generally serves a neighborhood or a large Subdivision.

1.53 **CO-LOCATION**. The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

1.54 **COMMERCIAL USE**. Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

(A) **Commercial Use, Support**. A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) **Commercial Use, Resort Support**. A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

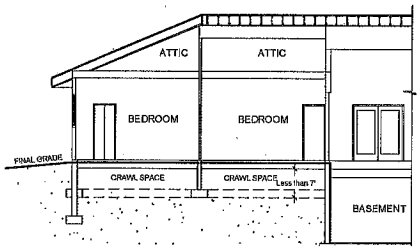
location and design of the Development.

1.66 **CONTRIBUTING BUILDING, STRUCTURE, SITE/AREA OR OBJECT**. A Building, Structure, Site, Area, of Object that reflects the Historical or architectural character of the district as designated by the Historic Preservation Board.

1.67 **COUNCIL**. Members of the City Council of Park City.

1.68 **COVER, SITE**. The Area covered by an Impervious Surface such as a Structure, deck, pool, patio, walk, or driveway.

1.69 **CRAWL SPACE**. An uninhabitable Area with no exterior windows or doors and less than seven vertical feet (7') measured from the base of the footings to the floor framing above.



1.70 **CREST OF HILL**. The highest point on a hill or Slope as measured continuously throughout the Property. Any given Property may have more than one (1) Crest of Hill.

1.71 **CUL-DE-SAC**. A local Street with only one outlet and an Area for the safe and convenient reversal of traffic.

1.72 **DELI OR DELICATESSEN**. A Business which primarily sells prepared foods and drinks for consumption on or off the premises, but does not have International Building Code (IBC) Commercial Kitchen facilities and does not employee hostesses, wait staff, bus staff, or other employees typically associated with a Restaurant.

1.73 **DEMOLISH OR DEMOLITION**. Any act or process that destroys in part or in whole a Building or Structure. Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or Reconstruction pursuant to Section 15-11-15 of this Code.

1.74 **DENSITY**. The intensity or number of non-residential and Residential Uses expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

1.75 **DESIGN GUIDELINE**. A standard of appropriate activity that will preserve the Historic and architectural character of a Landmark, Building, Area, or Object.

1.76 **DETACHED**. Completely separate and disconnected. Not sharing walls, roofs, foundations, or other structural elements.

1.77 **DEVELOPABLE LAND**. That portion of a Master Planned Development or Cluster Development within the Sensitive Lands Overlay that is designated for

1.88 **DWELLING UNIT**. A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

1.89 **ECONOMIC HARDSHIP, SUBSTANTIAL**. Denial of all reasonable economic Use of the Property.

1.90 **ELDER CARE**. A long-term care residential facility for elderly Persons, adults sixty (60) years of age or older, who because of physical, economic, social, or emotional problems cannot function normally on an independent basis. The term does not include a health care facility.

1.91 **ELEVATOR PENTHOUSE**. The minimum Structure required to enclose the top most mechanical workings of an elevator.

1.92 **EQUIPMENT SHELTER**. See Telecommunications Facilities, Equipment Shelter 1.231(B).

1.93 **ESCROW**. A deposit of cash or approved alternate in lieu of cash with a third party held to ensure a performance, maintenance, or other Guarantee.

1.94 **ESSENTIAL HISTORICAL FORM**. The physical characteristics of a Structure that make it identifiable as existing in or relating to an important era in the past.

1.95 **EXTERIOR ARCHITECTURAL APPEARANCE**. The architectural character and general composition of the exterior of a Building or Structure, including but not limited to the kind, color, and texture of the Building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant features.

1.96 **FACADE**.

(A) **Facade, Building**. The exterior of a Building located above ground and generally visible from public points of view.

(B) **Façade, Front**. That portion of a Building that generally faces the street and/or Front Lot Line.

1.97 **FAÇADE EASEMENT**. A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

1.98 **FAÇADE SHIFT**. A change or break in the horizontal or vertical plane of the exterior of a Building.

1.99 **FENCE**. A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

1.100 **FILTERED LIGHT FIXTURE**. Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

1.101 **FINAL ACTION**. The later of the final vote or written decision on a matter.

surface.

(B) **Foot Candle, Horizontal (hfc)**. A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc)**. A unit of illumination produced on a vertical surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

1.108 **FRONTAGE**. That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

1.109 **FULLY SHIELDED**. Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.110 **GARAGE**.

(A) **Garage, Commercial**. A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing**. Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private**. An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public**. A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

1.111 **GEOLOGIC HAZARD**. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, Property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable Slopes, faulting landslides, and rock fall.

1.112 **GOOD CAUSE**. 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.

1.113 **GOVERNING BODY**. The City Council of Park City.

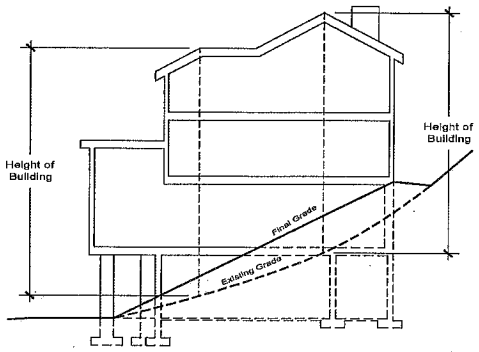
1.114 **GRADE**. The ground surface elevation of a Site or Parcel of land.

(A) **Grade, Existing**. The Grade of a Property prior to any proposed Development or Construction Activity.

(B) **Grade, Natural**. The Grade of the surface of the land prior to any Development Activity or any other man-made disturbance

1.122 **HARD-SURFACED**. Covered with concrete, brick, asphalt, or other Impervious Surface.

1.123 **HEIGHT, BUILDING**. The vertical distance under any roof or roof element to Existing Grade. See LMC Chapter 15-2, Zoning Districts, for various exceptions within the different Zoning Districts.



1.124 **HELIPAD**. A facility without the logistical support provided by a Heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

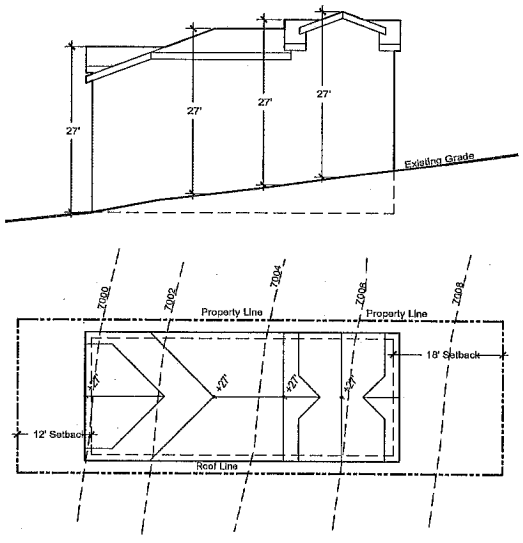
1.125 **HELIPORT**. Any landing Area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

1.126 **HELISTOP**. Any landing Area used for the taking off or landing of private helicopters for the purpose of picking up and discharging passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.

1.127 **HISTORIC**. That which has interest or value to the heritage, background and/or cultural character of Park City and its environs.

1.128 **HISTORIC BUILDING, STRUCTURE, SITE OR OBJECT**. Any Building, Structure, Site and/or object, as designated by the Historic Preservation Board to demonstrate Historic Significance as set forth in LMC Chapter 15-11.

1.129 **HISTORIC DISTRICT**. A geographically definable Area possessing a significant concentration, linkage, or continuity of Buildings, Structures, Sites or objects united by past events, plan or physical Development. A Historic District may comprise an individual Site or individual elements separated geographically but linked by association, plan, design, or history.



Historic District Building Height

out-patient medical or surgical care and related services without overnight stay.

1.134 **HOTEL/MOTEL**. A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis that includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service. Hotel/Motel does not include Nightly Rental Condominium projects without restaurants, bars, spas, and on-site check-in lobbies. Lockout Units or Bed and Breakfast Inns and Boarding Houses are not Hotels. Hotels are considered a lodging Use and ownership of units may be by a condominium or timeshare instrument Hotel rooms may include a Lockout as part of the Unit.

(A) **Hotel, Major**. A Hotel with more than fifteen (15) Hotel Rooms.

(B) **Hotel, Minor**. A Hotel, Motel, with fewer than sixteen (16) Hotel Rooms.

1.135 **HOTEL ROOM**. A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

1.136 **HOTEL SUITE**. Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette. See Bed and Breakfast Inn, Lockout Unit, and Boarding House.

1.137 **IMPACT ANALYSIS**. A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

1.138 **IMPERVIOUS SURFACE**. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

1.139 **INACTION**. An Application is Inactive and subject to denial on the basis of Inactivity if, through the act or omission of the Applicant and not the City:

(A) more than six (6) months has passed since a request for additional information was made by the Department staff without response from the Applicant;

(B) upon notice the Applicant is more than sixty (60) days in default of the payment of any fee assessed by ordinance, or has not paid the fee under protest;

(C) the Applicant has stated an intent to abandon the project;

(D) the Application appears to have been filed in bad faith for the purpose of attempting to vest rights prior to a zoning change, without actual intent to construct the project applied for.

1.140 **INCIDENTAL RETAIL SALES**. The sale of common items associated with a Home Occupation and not produced on the premises that might be sold along with a

Source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.150 **LIMITS OF DISTURBANCE**. The designated Area in which all Construction Activity must be contained.

1.151 **LOCKOUT UNIT**. An Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.

1.152 **LOT**. A unit of land described in a recorded Subdivision Plat.

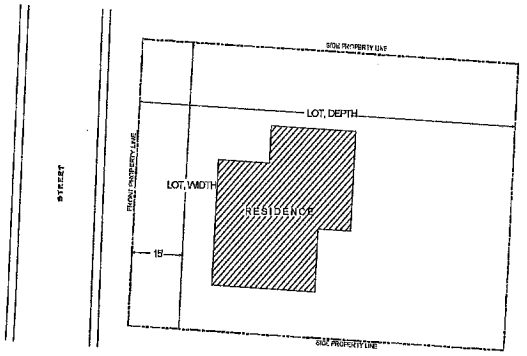
(A) **Lot, Corner**. A Lot situated at the intersection of two (2) Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

1.153 **LOT DEPTH**. The minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

1.154 **LOT LINE**. Any line defining the boundaries of a Lot.

1.155 **LOT LINE ADJUSTMENT**. The relocation of the Property Line between two (2) adjoining Lots.

1.156 **LOT WIDTH**. The minimum distance between the Side Lot Lines at the Front Yard or Front Building Façade. See the following illustration:



1.157 **LUMEN**. A measurement of light output or the amount of light emitting from a Luminaire.

1.158 **LUMINAIRE**. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(A) **Luminaire, Cutoff-Type**. A Luminaire with shields, reflectors, refractors, or other such elements that direct and cut-off emitted light at an angle less than ninety degrees (90°).

(B) **Luminaire, Fully Shielded**. Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

(C) **Luminaire, Partially Shielded**. Luminaires that are constructed so that no more than ten percent (10%) of the light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.159 **MASTER FESTIVAL**. Any event

(A) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

1.168 **NOTEWORTHY**. Deserving notice or attention because of uniqueness, excellence, or Significance.

1.169 **NURSERY, GREENHOUSE**. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.170 **NURSING HOME**. A Business described also as a "rest home", or "convalescent home", other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

1.171 **OFF-SITE**. Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

1.172 **OFF-STREET**. Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

1.173 **OFFICE**.

(A) **Office, General**. A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

(B) **Office, Intensive**. Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.

(C) **Office, Medical**. A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinarian clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

(D) **Office, Moderately Intensive**. A Business offering executive, administration, professional, or clerical services which are performed with a moderate level of client interaction and traffic generated by employee and/or clients.

condition prior to such deterioration, decay, or damage.

1.180 **OUTDOOR USE OR EVENT**. Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

1.181 **OWNER**. Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.182 **PARCEL**. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

1.183 **PARKING**.

(A) **Parking, Public**. A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential**. A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared**. The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

1.184 **PARKING AREA**. An unenclosed Area or Lot other than a Street used or designed for parking.

1.185 **PARKING LOT, COMMERCIAL**. A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

1.186 **PARKING SPACE**. An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

1.187 **PARKING STRUCTURE**. A fully enclosed Structure designed and intended for parking.

1.188 **PASSENGER TRAMWAY**. A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

1.189 **PERIOD OF HISTORIC SIGNIFICANCE**. A specific period of time that provides a context for Historic Sites based on a shared theme.

1.190 **PERSON**. An individual, corporation, partnership, or incorporated association of individuals such as a club.

1.191 **PET SERVICES**

(A) **Household Pets**-Household pets include dogs, cats, rabbits, birds,

An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

1.198 **PRIVATE EVENT.** An event, gathering, party or activity that is closed to the general public or that requires and invitation and/or fee to attend.

1.199 **PRIVATE EVENT FACILITY.** A facility where the primary Use is for staging, conducting, and holding Private Events.

1.200 **PRIVATE PLAZA.** Private Property in excess of seven hundred and fifty (750) square feet that serves as common area to adjoining Commercial Development and is free of Structures and is hard surfaced and/or landscaped. Private Plazas generally provide an Area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.

(Note- will need to change all numbering)

1.198 **PROPERTY**. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront**. A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space, Floor Area, tenant space or unit with:

(1) A storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance. ~~back, inside building edge, of the public sidewalk~~; and

(2) A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as ~~to be a~~ "Storefront Property." The Planning Director or ~~their~~ designee shall have the final determination of applicability.

1.199 **PROPERTY LINE**. The boundary line of a Parcel or Lot.

(A) **Property Line, Front**. That part of

(C) **Recreation Facilities, Public.** Recreation facilities operated by a public agency and open to the general public with or without a fee.

1.210 **RECYCLING FACILITY**. A building, structure or land area used for the collection, processing or transfer of recyclable materials such as glass, paper, plastic, cans, or other household scrap materials.

(A) **Recycling Facility, Class I.** Recycling containers totaling up to 60 cubic yards of capacity per residential lot or business used for the collection and temporary storage of recyclable materials such as glass, plastic, aluminum, mixed metals, fiber, and cardboard. These facilities are generally, but not limited to the use by a specific residential neighborhood, civic facility, or commercial business park, and can be for the use of the entire community.

1.211 **REFRACTIVE LIGHT SOURCE**. A light source that controls the Vertical and Horizontal Foot Candles and eliminates glare.

1.212 **REGULATED USE**. A Use that is allowed, subject to certain regulations and restrictions as prescribed in this Code.

1.213 **REHABILITATION**. The act or process of making possible a compatible Use for a Property through repair, alterations, and additions while preserving those portions or features which convey its Historical, cultural, or architectural values.

1.214 **RESIDENTIAL USE**. Uses and project that consist primarily of activities that are residential in nature that may include other support Uses, such as support commercial, but where the primary Use is for human habitation and associated activities. Residential Use includes occupancy of a dwelling as living quarters and all associated Uses, but not including temporary Structures such as tents, railroad cars, trailers, or similar units.

1.215 **RESORT SUPPORT COMMERCIAL**. Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

1.216 **RESTAURANT**. A Business in which food is prepared and sold for consumption.

(A) **Restaurant, Drive-Through.** A Restaurant, Deli, Café, fast food Restaurant, or other similar Business that includes a window or similar feature which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.

1.217 **RESTORATION**. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods in its history and Reconstruction of missing features from the restoration period.

1.218 **RESUBDIVISION**. A change in a map of an approved or recorded Subdivision

1.225 **ROAD RIGHT-OF-WAY WIDTH**. The distance between Property Lines measured at right angles to the center line of the Street.

1.226 **SALT LAKE CITY 2002 WINTER OLYMPIC GAMES OLYMPIC LEGACY DISPLAYS**. Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services agreement and/or Olympic Master Festival License and approved by the City Council for installation on City Property, public Rights-of-Way and/ or within the Areas that were Olympic venue Sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort, or replacement exhibits that expressly commemorate the Salt lake City 2002 Olympic Winter Games. Olympic Legacy Displays may include the following additional information:

(A) Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed twenty percent (20%) of the display area; and/or

(B) Master Festival Event identification provided said information does not exceed twenty percent (20%) of the display area, and is not displayed for more than two (2) weeks unless otherwise approved as part of the Master Festival License.

1.227 **SATELLITE RECEIVING STATION**. Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbitally based Uses. This definition includes but is limited to what are commonly referred to as satellite earth stations, satellite microwave Antennas, TVRO's or dish Antennas. This definition does not include conventional television Antennae.

1.228 **SBWRD**. Snyderville Basin Water Reclamation District.

1.229 **SCREEN OR SCREENED**. The act, process, or result of visually and/or audibly shielding or obscuring a Structure or Use from adjacent Property by Fencing, walls, berms, densely planted vegetation or other landscaping features.

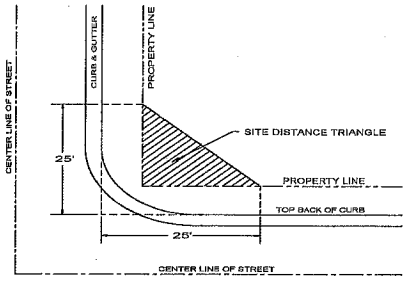
1.230 **SECONDARY LIVING QUARTERS**. An Area within a main dwelling which is used by the Property Owner or primary tenant as a dwelling for the private Use of the Property Owner's relatives, domestic help, caretakers, nursing staff, house guest, or similar user.

1.231 **SENDING SITE**. A Parcel of real property denoted as a sending site in the Transfer of Development Rights Overlay Zone, as shown on the Park City zoning map. A Sending Site is the Site from which Development Credits may be Trasnferred.

1.232 **SENSITIVE LAND**. Land designated as such by a Sensitive Lands Analysis and as reflected on the Official Zoning Map.

1.233 **SENSITIVE LANDS ANALYSIS**.

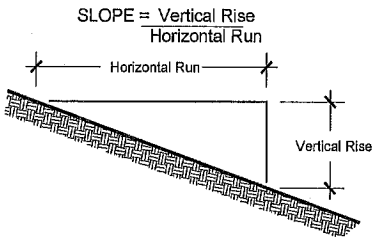
triangular Area at the intersection of two Streets formed by the Streets at Property Line and a line connecting them at points twenty-five feet (25') from the intersection of the Street lines.



1.245 **SITE SUITABILITY ANALYSIS**. A comprehensive analysis of a Property or Site used in making a determination of appropriate Density considering such factors as Sensitive Lands, existing and proposed utilities and transportation systems, and other community objectives as stated in the General Plan.

1.246 **SKETCH PLAT**. A Sketch preparatory to the Preliminary Plat, or Subdivision Plat in the case of Minor Subdivisions, to enable the Owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

1.247 **SLOPE**. The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance of the land into the vertical rise or distance of the same land and converting the resulting figure in a percentage value.



(A) **Slope, Steep**. Slope greater than fifteen percent (15%).

(B) **Slope, Very Steep**. Slope greater than forty percent (40%).

1.248 **SPACING**. Distance between the closer edges of adjoining driveways or driveways and Right-of-Way lines of intersecting Streets.

1.249 **SPECIAL EVENT**. Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal Business and/or liquor regulations, as defined by this Code, or creates public impacts through any of the following:

(A) The use of City personnel;

(B) Impacts via disturbance to adjacent residents;

(C) Traffic/parking;

(D) Disruption of the normal routine of the community or affected neighborhood; or

(E) Necessitates Special Event temporary beer or liquor licensing in conjunction with the public impacts, neighborhood block parties or other events

an impervious material on or above the ground; definition includes "Building".

~~1.257~~1.258 **STUDIO APARTMENT**. A Dwelling Unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or Kitchen for the exclusive Use of the dwelling, and a Floor Area of not more than one thousand square feet (1,000 sq. ft.).

~~1.258~~1.259 **SUBDIVISION**. Any land, vacant or improved, which is divided or proposed to be divided or combined into one (1) or more Lots, Parcels, Site, Units, plots, or interests for the purpose of offer, sale, lease, or Development, either on the installment plan or upon any all other plans, terms, and conditions, including Resubdivision. Subdivision includes the division or Development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes the creation of a single lot of record from a Lot, Parcel, Site, Unit, plot, or other division of land.

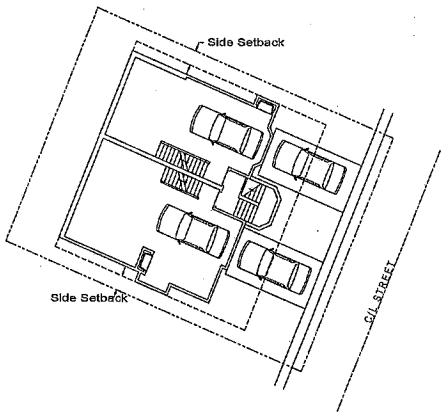
(A) **Subdivision, Major**. All Subdivisions of four (4) or more Lots, or any size Subdivision requiring any new Street or extension of municipal facilities, or the creation of any Public Improvements.

(B) **Subdivision, Minor**. Any Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street, or the extension of municipal facilities, or the creation of any Public Improvements, and not adversely affecting the remainder of the Parcel or adjoining Property, and not in conflict with any provision or portion of the General Plan, Official Zoning Map, Streets Master Plan, or these regulations.

~~1.259~~1.260 **SUBDIVISION PLAT**. The final map or drawing, on which the Applicant's plan of Subdivision is presented to the City Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing.

~~1.260~~1.261 **SUITABILITY DETERMINATION**. A determination by the Planning Director whether Development at increased Densities due to a Density Transfer from a Sensitive Area is Compatible with Development on surrounding or adjacent Property.

~~1.261~~1.262 **TANDEM PARKING**. A parking design which allows parking one (1) vehicle behind another. Such parking may not include more than two (2) cars in depth, and
may not require occupants of separate Dwelling Units to park behind one another.



~~1.269~~1.270 **TIMESHARE OFF-PREMISES CONTACTING ACTIVITY**. Activity occurring outside of a Timeshare Project that is engaged in by off-premises timeshare contacting personnel in an effort to induce Persons to attend a Timeshare Sales Presentation. Off-Premises Timeshare Contacting Activity must be confined to a fully enclosed Building.

~~1.270~~1.271 **TIMESHARE OFF-PREMISES SALES ACTIVITY**. Original timeshare sales and resale activity occurring outside of a Timeshare Project. Off-Premises Timeshare Sales shall be confined to a fully enclosed Building and is subject to business license regulation.

~~1.271~~1.272 **TIMESHARE OFF-PREMISES SALES OFFICE**. An office outside of a Timeshare Project, wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales or resales.

~~1.272~~1.273 **TIMESHARE ON-SITE SALES ACTIVITY**. Timeshare sales activity occurring within a Timeshare Project.

~~1.273~~1.274 **TIMESHARE ON-SITE SALES OFFICE**. An office located within a Timeshare Project wherein Timeshare Sales Presentations are made and other marketing related activities are conducted in an effort to generate Timeshare Interval sales.

~~1.274~~1.275 **TIMESHARE PROJECT**. Any Property that is subject to a Timeshare Instrument, including a Timeshare Conversion.

~~1.275~~1.276 **TIMESHARE SALES PRESENTATION**.

(A) An offer to sell or reserve a Timeshare Interval;

(B) An offer to sell an option to purchase a Timeshare Interval;

(C) The sale of a Timeshare Interval, or an option to purchase a Timeshare Interval; or

(D) The reservation of a Timeshare Interval, whether the Timeshare Interval is located within or without the State of Utah.

~~1.276~~1.277 **TIMESHARE UNIT**. That unit of Property and time where possession and Use are allowed under a contract from seller to purchaser, excluding Private Residence Club units.

~~1.277~~1.278 **TIMESHARE USE**. Any contractual right of exclusive occupancy created by a Timeshare Instrument which does not fall within the definition of "Timeshare Estate", including, without limitation, a vacation license, general partnership interest, limited partnership interest, vacation bond, or beneficial interest in a trust, and the documents by which the right of exclusive occupancy is transferred, excluding Private Residence Club Use.

~~1.278~~1.279 **TRANSFER**. Any action which results in the sale, exchange, or joint

based upon the amount of vegetative cover, including coniferous or deciduous trees, gamble oak or high shrub, and mixed forest, and steepness.

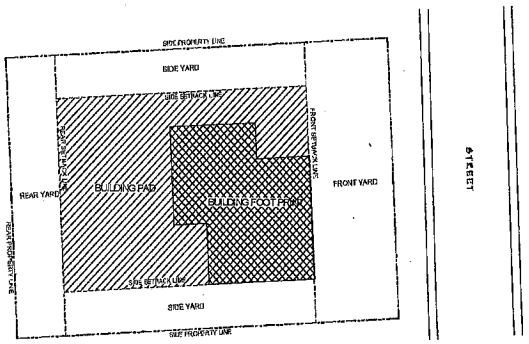
~~1.289~~1.290 **WIND ENERGY SYSTEM, SMALL**. All equipment, machinery, and Structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and Access roads, and one (1) or more wind turbines, which has a rated nameplate capacity of 100kW or less.

~~1.290~~1.291 **YARD**.

(A) **Yard, Front**. The Area between the front of the closest Building and the Front Lot Line or closer Right-of-Way, extending the full width of the Lot. The "depth" of the Front Yard is the minimum distance between the Front Lot Line and the front line of the closest Structure.

(B) **Yard, Rear**. The Area between the rear line of the closest Building and the Rear Lot Line, or closer Right-of-Way, and extending the full width of the Lot. The "depth" of the Rear Yard is the minimum distance between the Rear Lot Line and the rear line of the closest Structure.

(C) **Yard, Side**. The Area between the side line of the Building and the Side Lot Line and extending from the Front Yard to the Rear Yard. The "width" of the Side Yard shall be the minimum distance between the Side Lot Line and the side line of the closest Structure. See the following illustration:



~~1.291~~1.293 **ZONING DISTRICT**. An Area identified on the Official Zoning Map to which a uniform set of regulations applies as set forth herein, which districts are co-terminus with, and which are designed to implement the Park City General Plan.

~~1.293~~1.294 **ZONING MAP, OFFICIAL**. The map adopted by the City Council depicting the geographic scope of the City's land Use designations.

~~1.294~~1.295 **XERISCAPE**. A landscaping method developed especially for arid and semiarid climates utilizing water – conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

(Amended by Ord. Nos. 02-07; Ord. No. 02-38; 04-39; 05-01; 06-86; 07-25; 07-55; 08-07; 09-05; 09-09; 09-10; 09-14; 09-23; 09-40; 11-05; 11-12; 12-37)

15-15-2. LIST OF DEFINED TERMS.

-A-

Common Area
Common Ownership
Compatible or Compatibility
Conditional Use
Condominium
Conservation Activity
Conservation Easement
Constitutional Taking
Construction Activity
Construction Mitigation Plan
Construction Plan
Contributing Building, Structure, Site/Area or Object
Council
Cover, Site
Crawl Space
Crest of Hill
Cul-de-sac

-D-
Deli or Delicatessen
Demolish or Demolition
Density
Design Guideline
Detached
Developable Land
Developer
Development
Development Agreement
Development Approval Application
Development Credit
Development Credit Certificate
Development Right
Disabled Care
Dissimilar Location
Dwelling, Duplex
Dwelling, Triplex
Dwelling, Multi-Unit
Dwelling, Single Family
Dwelling Unit

-E-
Economic Hardship, Substantial
Elder Care
Elevator Penthouse
Equipment Shelter (see Telecommunications Facility, Equipment Shelter
Escrow
Essential Historical Form
Exterior Architectural Appearance

-F-
Facade, Building
Façade, Front
Facade Easement
Facade Shift
Fence
Filtered Light Fixture
Final Action
Final Plat
First Story
Flood Plain Area
Floor Area, Gross Commercial
Floor Area, Gross Residential
Floor Area, Net Leasable
Floor Area Ratio (FAR)
Foot Candle
Foot Candle, Average (afc)
Foot Candle, Horizontal (hfc)
Foot Candle, Vertical (vfc)
Frontage
Fully Shielded

-G-
Garage, Commercial
Garage, Front Facing
Garage, Private
Garage, Public
Geologic Hazard
Good Cause
Governing Body
Grade

Noteworthy
Nursery, Greenhouse
Nursing Home

-O-
Off-Site
Off-Street
Office, General
Office, Intensive
Office, Medical
Office, Moderately Intensive
Official Streets Master Plan
Official Zoning Map
One Bedroom Apartment
Open Space, Landscaped
Open Space, Natural
Open Space, Transferred Development Right (TDR)
Ordinary High Water Mark
Ordinary Repairs and Maintenance
Outdoor Use
Outdoor Recreation Equipment (see Recreation Equipment, Outdoor)
Owner

-P-
Parcel
Parking, Public
Parking, Residential
Parking, Shared
Parking Area
Parking Lot, Commercial
Parking Space
Parking Structure
Passenger Tramway
Period of Historic Significance
Person
Physical Mine Hazard
Planned Unit Development (PUD)
Porous Paving
Preliminary Plat
Preservation
Preservation Easement
Private Club (see Club, Private)
Private Residence Club (see Club, Private Residence)
Private Residence Club Conversion (see Club, Private Residence Conversion)
Private Residence Club Project (see Club, Private Residence Project)
Property
Property, Storefront
Property Line
Property Line, Front
Property Owner (see Owner)
Public Art
Public Improvement
Public Use

-Q-
Qualified Professional
Quasi-Public Use

-R-
Receiving Site
Reconstruction
Recreation Equipment, Outdoor
Recreation Facilities, Commercial
Recreation Facilities, Private
Recreation Facilities, Public
Recycling Facility
Recycling Facility, Class I
Refractive Light Source
Regulated Use
Rehabilitation
Residential Use
Resort Support Commercial
Restaurant
Restaurant, Drive-Through
Restoration
Resubdivision
Retail and Service, Commercial-Auto

Ordinance No. 2017-31

AN ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 29 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the City Council of Park City has been monitoring its tenant mix on Main street closely since 2002, and has provided regular updates to City Council; and

WHEREAS, the City Council and the Historic Park City Alliance have identified vacant storefronts as the largest threat to our vibrancy and long term economic stability; and

WHEREAS, storefronts that are vacant disrupt the natural rhythm and vibrancy of the National Registered Historic District; and

WHEREAS, storefronts that are only occupied during special events bring impacts that outweigh their benefit including trash and noise; and

WHEREAS, storefronts that are only occupied during special events, through issuance of additional temporary liquor licenses create the need for additional public safety resources; and

WHEREAS, the Municipal Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Municipal Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Municipal Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up,specific LMC issues raised by Staff, Planning Commission, and City Council, and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Title 4 amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City," Objective 12C that states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience," Objective 12D that states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience," and the Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHEREAS, Park City has an interest in the preservation of the historic integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents, maintaining and improving the balance of sustainable community goals by going beyond economic initiatives to include social and environmental strategies, and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 29, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend Title 4 to be consistent with the values and goals of the Park City General Plan and the Park City Council, to protect health and safety and maintain the quality of life for its residents and visitors, preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area, ensure compatible development, and preserve historic resources and the community's unique character.

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

SECTION 1. ADOPTION OF 4-2-29 Vibrant Commercial Storefront in HCB and HRC. The recitals above are incorporated herein as findings of fact. Title 4 of the Municipal Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 29th day of June, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1 1884

City Recorder

Approved as to form:

Mark Harrington, City Attorney

4-2-29 **Vibrant Commercial Storefront in HCB and HRC**

(1) A Vibrant Commercial Storefront is a Storefront Property which cannot meet four (4) or more of the seven (7) following conditions:

A. Is a Storefront Property as defined section 15-15-1 in the HRC or HCB Districts of the Land Management Code without a current lease in place or that is not actively advertising, utilizing, or occupying the property in a way that constitutes Engaging in Business for at least 270 days per year, or that is not open and physically occupied during the hours typically consistent with the licensed use of the property for at least the past 30 days; or

B. Has an approved business license but is not open during typical business hours consistent with its licensed use to the public, or is consistently open for less than five days a week, or under 270 days per year; or

C. There is not an active business license in place, or any pending business license application in the past 30 days; or

D. Tenants are not actively advertising, utilizing, or occupying the property in a way that fulfills the definition of Engaging in Business 4-1-1.20; or

E. A commercial storefront without signs, displays, or clear indication that they are open or occupied such as having an employee on site, doors open or clearly marked as open to the public, or lights on within the premises; or

F. Over a quarterly period cannot provide sales tax receipts, payroll records, quarterly profit/loss statements, or similar financial records that show consistent month-to-month occupation and commercial activity; or

G. Cannot provide utility bills or meter readings (water, gas, trash or electric) that are consistent the use of with similarly active licensed businesses.

(2) If a property is not considered a "Vibrant Commercial Storefront", and the property is located in in HCB and HRC zones, the property owner or business licensee must provide proof that the property meets one (1) of the following exceptions:

A. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction within one year from the date the initial permit was issued; or

B. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on multiple listing services or any other comparable real estate listing services.

(3) Failure to maintain a Vibrant Commercial Storefront in the HCB or HCR zone shall result in the following:

A. The Business at the Storefront Property will not receive local consent or be eligible for a Liquor License of any kind including Single Event Temporary Liquor permits; and,

B. The City reserves the right to utilize the area in front of the Storefront Property to display art or other educational materials in the pedestrian area in front of the property as approved by the City Council until such a space is occupied by a Vibrant Commercial Storefront.

(4) Any property designation under this Chapter may be appealed any shall be conducted as set forth in Chapter 2 of this Title.

Ordinance No. 2017-65

AN ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 15 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the City Council of Park City found the definition of Vibrant Commercial Storefront could be clarified; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 29, 2017, November 9, 2017 and December 14, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend Title 4 to be consistent with the values and goals of the Park City General Plan and the Park City Council, to protect health and safety and maintain the quality of life for its residents and visitors, preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area, ensure compatible development, and preserve historic resources and the community's unique character.

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

SECTION 1. ADOPTION OF 4-2-15 Vibrant Commercial Storefront in HCB and HRC. The recitals above are incorporated herein as findings of fact. Title 4 of the Municipal Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective on February 1, 2018.

PASSED AND ADOPTED this 14th day of December, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

4-2-15 Vibrant Commercial Storefront In HCB And HRC Districts

A. A vibrant commercial storefront is a ~~s~~Storefront ~~P~~property, as defined in Section 15-15-1 of the Land Management Code in the HRC or HCB zoning Districts, which ~~cannot meet four (4) or more of the seven (7)~~ meets the following conditions:

1. Is found to be Engaging in Business for at least sixty (60) days during each quarter; and
2. Has an active Business License; and
3. Posts its hours and days of operation in the storefront.

~~1. Is a storefront property as defined in Section 15-15-1 in the HRC or HCB Districts of the Land Management Code without a current lease in place or that is not actively advertising, utilizing, or occupying the property in a way that constitutes Engaging in Business for at least two hundred and seventy (270) days per year, or that is not open and physically occupied during the hours typically consistent with the licensed use of the property for at least the past thirty (30) days; or~~

~~2. Has an approved Business license but is not open during typical Business hours consistent with its licensed use to the public, or is consistently open for less than five (5) days a week, or under two hundred and seventy (270) days per year;~~

~~3. There is not an active Business license in place, or any pending Business license application in the past thirty (30) days; or~~

~~4. Tenants are not actively advertising, utilizing, or occupying the property in a way that fulfills the definition of Engaging in Business 4-1-1.15; or~~

~~5. A commercial storefront without signs, displays, or clear indication that they are open or occupied such as having an employee on site, doors open or clearly marked as open to the public, or lights on within the premises; or~~

~~6. Over a Quarterly period cannot provide sales tax receipts, payroll records, quarterly profit/loss statements, or similar financial records that show consistent month-to-month occupation and commercial activity; or~~

~~7. Cannot provide utility bills or meter readings (water, gas, trash, or electric) that are consistent with the use of similarly active licensed businesses.~~

B. If a property does not meet the standards of 4-2-15(A) ~~is not considered a "vibrant commercial storefront" and the property is located in HCB and HRC zones, the property owner or Business licensee must provide proof that~~ the property may be considered vibrant for a maximum of one year if it meets one (1) of the following exceptions:

1. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction ~~within one year~~within one year from the date the initial permit was issued; or
2. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent from the date of vacancy/finding of closure by the City, or closure of previous Business License, whichever is first. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on multiple listing services or any other comparable real estate listing services.

C. Failure to maintain a vibrant commercial storefront in the HCB or HRC zone shall result in the ~~C. following:~~

~~The~~ Business at the Sstorefront Pproperty will not ~~be~~receive local consent ~~or be~~ eligible to apply for a ~~liquor license of any kind including~~ Single Event Alcoholic Beverage Licenses; and,

D. The City reserves the right to utilize the area in front of the storefront property to display Art or other educational materials in the pedestrian area in front of the property as approved by the City

Council while under an exception shown in 4-2-15(B) or until such a space is occupied by a vibrant commercial storefront.

~~C.~~E. The burden is on the Business to show that it is Engaging in Business for the requisite period of time and if one of the exceptions applies.

~~D.~~F. Any property designation under this Section may be appealed and shall be conducted as set forth in 4-3-15 of this Title.

Ordinance No. 2018-16

AN ORDINANCE AMENDING TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 15 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, City Council of Park City seeks to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area, ensure compatible development, and preserve historic resources and the community's unique character, and;

WHEREAS, the City Council finds that because of the seasonality of Park City as a resort town, it is in the best interest of local business owners to remove the "Posted Hours" provision from the Municipal Code, and;

WHEREAS, public hearings were duly held before City Council on April 19, 2018 and May 3, 2017, and;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. **TITLE 4, LICENSING, CHAPTER 2, BUSINESS LICENSING IN GENERAL, SECTION 15 VIBRANT COMMERCIAL STOREFRONT IN HCB AND HRC** is hereby amended as redlined as follows:

4-2-15 Vibrant Commercial Storefront In HCB And HRC Districts

A. A vibrant commercial storefront is a Storefront Property, as defined in Section 15-15-1 of the Land Management Code in the HRC or HCB zoning Districts, which meets the following conditions:
   1. Is found to be Engaging in Business for at least sixty (60) days during each quarter; and
   2. Has an active Business License; ~~and~~
   3. ~~Posts its hours and days of operation in the storefront~~.

B. If a property does not meet the standards of 4-2-15(A) the property may be considered vibrant for a maximum of one year if it meets one (1) of the following exceptions:
   1. There is an open building, planning, or construction permit for repair, rehabilitation, or construction of a building on the parcel and the owner receives a certificate of occupancy for the repair, rehabilitation, or construction within one year from the date the initial permit was issued; or
   2. The owner provides satisfactory evidence that the property is actively being offered for sale, lease, or rent from the date of vacancy/finding of closure by the City, or closure of previous Business License, whichever is first. Satisfactory evidence shall include, but is not limited to, evidence that the owner has hired a real estate agent or other rental agent who advertises and promotes the commercial storefront for rent, lease, or sale, or proof the commercial storefront is offered for sale on multiple listing services or any other comparable real estate listing services.

C. Failure to maintain a vibrant commercial storefront in the HCB or HRC zone shall result in the Business at the Storefront Property will not be eligible to apply for a Single Event Alcoholic Beverage Licenses; and,

D. The City reserves the right to utilize the area in front of the storefront property to display Art or other educational materials in the pedestrian area in front of the property as approved by the City Council while under an exception shown in 4-2-15(B) or until such a space is occupied by a vibrant commercial storefront.

E. The burden is on the Business to show that it is Engaging in Business for the requisite period of time and if one of the exceptions applies.

F. Any ~~property~~ designation under this Section may be appealed to the Finance Manager~~,~~ or designee; any license denial appeal ~~and~~ shall be conducted as set forth in 4-3-15 of this Title.

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

PASSED AND ADOPTED this 3rd DAY OF MAY, 2018.

PARK CITY MUNICIPAL CORPORATION

Mayor Andy Beerman

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Ordinance No. 2017-56

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, UTAH, AMENDING 4-3-1 LICENSING APPLICATION; AMENDING 4-3-4 CODE COMPLIANCE INSPECTION; 4-3-8 LICENSING PERIOD; AND AMENDING 4-7-3 CONVENTION SALES AND COMMERCIAL HOSPITALITY APPLICATIONS

WHEREAS, the Municipal Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Municipal Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Municipal Code on a regular basis and identifies necessary amendments to address business license, planning and zoning issues that have come up; to address specific Municipal Code issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City." Objective 12C states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHERAS, Park City has an interest in the preservation of the integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and

protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or a unique positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, uniqueness and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on October 24, 2017; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah to amend the Municipal Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 1 License Application of the Municipal Code of Park City as hereby amended as redlined in Attachment A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 4 Inspections for Compliance of the Municipal Code of Park City as hereby amended as redlined in Attachment A.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 8 Licensing Period of the Municipal Code of Park City as hereby redlined in Attachment B.

SECTION 4. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 7, Section 3 Commercial Sales And Commercial Hospitality Applications of the Municipal Code of Park City as hereby redlined in Attachment C.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 24th day of October, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachments

Attachment A – Municipal Code - Sections 4-3-1 License Application, and 4-3-4 Code Compliance Inspection
Attachment B – Municipal Code Section 4-3-8 License Period
Attachment C – Municipal Code Section 4-7-3 Convention Sales And Commercial Hospitality

4-3-1 License Application

A. All Business license applications with a physical location within City limits require a passed Business License Inspection from the Building Department to ensure life safety standards, proper measurements for fee calculation, and Code compliance.

B. Applications without an Inspection

1. If the Business is a Conventional Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply for a Business License without an Inspection only if the applicant provides a letter of intent agreement between the landlord and tenant, with monetary or other proprietary terms redacted if necessary.
2. The applicant will be notified in writing within ten business days of affirmation or denial of the application.
3. Within 120 days from the day of application a signed lease or memorandum of lease must be submitted to Finance with monetary or other proprietary terms redacted if necessary or the application shall be denied.
4. The business license application will be denied after 180 days from application unless the applicant has submitted and paid for a building permit.
5. The business license application shall be deemed denied if it is pending more than 24 months from application date.
6. Any denial can be appealed pursuant to Section 4-3-15.
7. Prior to the License being issued, the applicant must provide a Passed Business License Inspection report to Finance. The Finance Department will recalculate the fees based on the final square footage and either issue a refund or collect additional fees and issue the License.

~~A.~~C. A Business License Inspection will only be scheduled if:

1. A Certificate of Occupancy has been issued by the Building Department;
2. A Letter of Completion has been issued by the Building Department; or
3. There is already an existing licensed Business occupying the space and a building permit is not required to accommodate the new Business.

~~B.~~D. Applications for Business licenses shall be made in writing to the Finance Manager or his/her designee. Each application shall include the:

1. Name of the applicant and DBA, if applicable;
2. Location and contact information of the Business;
3. Payment of the applicable fee and tax to be paid, based on the information recorded on the Business License Inspection or previous Business License at that location if within the HRC or HCB Districts as defined in the Land Management Code; or estimated amount if undergoing significant construction or tenant improvements;
4. Name and ~~address~~ contact information of the local Business agent who is authorized to receive service of process and any communication regarding applicant's license, if applicable

~~4.~~5. Federal entity identification number;

~~5.~~6. State sales tax reporting number, if applicable;

~~6.~~7. Copy of the Business License Inspection report showing passed;

~~7.~~8. State contractor's license number, if applicable;

~~8.~~9. State real estate broker's license number, if applicable; and

~~9.~~10. Other information, as needed, for the purpose of guidance of the Finance Manager in issuing the license.

~~C.~~E. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Finance Manager or his/her designee. License application forms shall be prepared and kept on file by the Finance Department.

4-3-4 Code Compliance Inspection

A. **INSPECTIONS FOR CODE COMPLIANCE.** Prior to applying for a license under this Title for a new Business not previously licensed at that location, or an existing Business with a change of Square Footage, use, or location, the applicant shall be required to have the prospective Place of Business inspected prior to application by the Building Department, and if necessary, other government agencies to ensure compliance with building, fire, municipal, and health codes. Except if the Business is a Conventional Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply without an Inspection, but must provide a copy of the Business License inspection report showing passed prior to the License being issued.

4-3-8 License Period

A. Renewed license certificates shall be valid October 1 through September 30 of the year of renewal unless revoked pursuant to this Title. New license certificates issued between October 1 and June 30 shall be valid through September 30 of the year of issuance unless revoked. New license certificates issued between July 1 and September 30 may be valid through September 30 of the year following the year of issuance, unless revoked. An applicant applying for a license between July 1 and September 1 shall pay one hundred and twenty-five percent (125%) of the amount otherwise imposed for new licenses issued and the license shall be valid through September 30 of the year following the year of issuance, unless revoked. However, an applicant may elect to pay the prorated fee pursuant to this Title on new applications between July 1 and September 30 if the applicant does not intend to do Business in Park City the following year.

~~B.~~ Conventional Chain Business License Renewal - If the total cap of allowed Conventional Chain Businesses in the HRC and HCB Districts is met and if a Conventional Chain Business no longer maintains its Business License, the location is eligible to replace the Storefront with another Conventional Chain Business prior to September 30 of that year. If the period of time when the Conventional Chain Business vacates the premises is less than six months from September 30, the location's representative may put the City on formal notice and have up to 180 days to replace the Conventional Chain Business tenant from the time that notice is received by the City. If the Storefront is not replaced with another Conventional Chain Business within the allocated timeframes above the license shall become available. Formal notice shall be in writing, filed with the City Recorder within ten (10) business days of vacancy.

4-7-3 Applications

A. For Type 1 and Type 3 convention sales licenses, the City may take up to ten (10) business days to complete the licensure process to permit adequate time for the Police, Building, Finance, and Planning Departments for review and investigation. The Departments may request reasonable evidence of title to goods proposed to be offered for sale as part of the review.

B. Retained Council Authority for Type 2 licenses:

1. The Finance Manager or his/her designee shall refer the Type 2 convention sales license application to the Building, Planning, Parking, and Public Safety Departments for approval.
2. After obtaining department approval, all Type 2 licenses shall require City Council approval at a publically noticed meeting. All Type 2 license applications must be

completed and received at least seven (7) calendar days prior to a regular scheduled meeting and three (3) business days prior to a special meeting.

3. All Type 2 license applications require the applicant to have a pre-inspection prior to application at the Place of Business conducted by the Building Department for compliance with the building and fire codes. A copy of said pre-inspection report must accompany the license application submittal. The pre-inspection prior to application shall remain valid for one hundred and twenty (120) days.
4. All Type 2 license applications shall require an accurate floor plan and a design occupancy load stamped by a design professional to be submitted at the time of application.
5. All Type 2 license applicants require a final inspection by the Building Department post application after the space has been set up for the event. Business shall not be conducted until the final inspection has been passed and the applicant has been issued a Type 2 convention sales license.
6. All Type 2 convention sales license applications for locations within the Main Street Business Improvement District (BID) boundaries shall require a deposit receipt with Republic Services in the amount of one hundred dollars ($100), to be submitted at time of application, and be required to pay the Main Street BID tax set forth by ordinance.
7. All Type 2 convention sales licenses will be assessed the Enhanced Enforcement Fees of forty-five dollars and fifty-eight cents ($45.58) to be paid at time of application.
8. The loading operations of each Type 2 convention sales license shall be permitted by the Parking Division with three (3) different permits: Red, Green, and Blue, depending on the type of loading: Red, large-scale operations; Green, food and beverage; and Blue, musical equipment. Any violation of the regulations specified on each permit may result in the revocation of the Type 2 convention sales license or the inability to obtain a Type 2 convention sales license in the future.
9. Large scale load-out operations for Type 2 convention sales licenses will not be permitted until Day 6 (Tuesday) of the Sundance Film Festival.

C. Type 1 and Type 2 Convention Sales and Hospitality Licenses, located in a Storefront that meet the definition of a Conventional Chain Business, must comply with the Land Management Code Section 15-2.5-2 in the Historic Recreation Commercial District or 15-2.6-2 in the Historic Commercial Business District.

Ordinance No. 2017-09

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT, SECTION 15-2.5; HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT, SECTION 15-2.6; AND DEFINED TERMS, SECTION 15-15.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up; to address specific LMC issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, these proposed Land Management Code (LMC) amendments were reviewed for consistency with the recently adopted Park City General Plan.

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City." Objective 12C states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHERAS, Park City has an interest in the preservation of the historic integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or positive pedestrian experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on February 22, 2017and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on March 16, 2017, April 13, 2017, and April 27, 2017; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.5 Historic Recreation Commercial (HRC) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.5 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-2.6 Historic Commercial Business (HCB) Zoning District. The recitals above are incorporated herein as findings of fact. Chapter 15-2.6 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15-15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 27 day of April, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

City Recorder

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Approved as to form:

Mark Harrington, City Attorney

Exhibits

Exhibit A – LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)

Exhibit B – LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

Exhibit C – LMC § 15-15 Defined Terms

Exhibit A – LMC § 15-2.5-3 Lot and Site Requirements in HISTORIC RECREATION COMMERCIAL (HRC)

15-2.5-3 Lot And Site Requirements

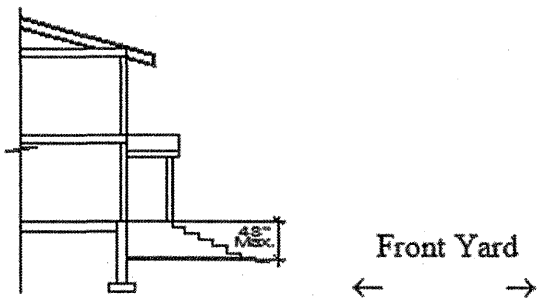
Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown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

All Development activity must comply with the following minimum Lot and Site requirements:

A. **FRONT YARD**. The minimum Front Yard is ten feet (10').

B. **FRONT YARD EXCEPTIONS**. The Front Yard must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

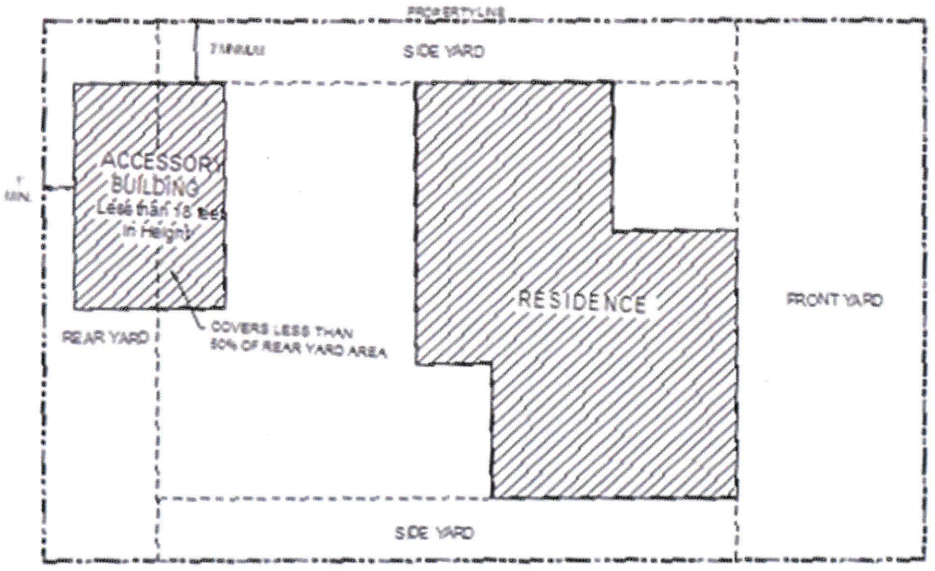


3. Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.
4. Roof overhangs, eaves, and cornices, projecting not more than three feet (3') into the Front Yard.
5. Sidewalks, patios, and pathways.
6. Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

C. **REAR YARD**. The minimum Rear Yard is ten feet (10').

D. **REAR YARD EXCEPTIONS**. The Rear Yard must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.
2. Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.
3. Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
4. Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
6. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



7. Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.
8. Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.
9. Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

10. Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

E. **SIDE YARD**.

1. The minimum Side Yard is five feet (5').
2. On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.
3. A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.
    a. Exterior Side Yards shall be based on the minimum required Side Yard for each Lot; however the Planning Commission may consider increasing exterior Side Yards during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Yard exceptions continue to apply.

F. **SIDE YARD EXCEPTIONS**. The Side Yard must be open and free of any Structure except:

1. Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.
2. Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side Yard.
3. Window wells and light wells projecting not more than four feet (4') into the Side Yard.
4. Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.
5. Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.
6. Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.
7. Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.
8. Driveways leading to a garage or approved Parking Area.
9. Pathways and steps connecting to a City stairway or pathway.

10. A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').
11. A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

G. **FLOOR AREA RATIO**. In all projects within the HRC Zone:

1. **STRUCTURES BUILT AFTER OCTOBER 1, 1985**. Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.
2. **STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985**. Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

H. **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

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

J. **VERTICAL ZONING**. For HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue, and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side Storefronts), 780 Main Street, 804 Main Street (for the plaza side Storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue, new Construction and Construction adding Floor Area to a Building or Lot, shall have a minimum of seventy-five-percent (75%) of the width of the Building facade as Storefront Property.

K. **STOREFRONT ENHANCEMENT ZONING.** The maximum width of any Storefront Property Façade abutting Main Street or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures. A Storefront Property Façade shall have a storefront entrance door for pedestrian access.

If the Historic storefront entrance, located in the Historic portion of a structure listed on the Historic Sites Inventory, is more than eight feet (8') above the grade of the adjacent Main Street and/or Heber Avenue, then the First Story in the Historic portion of the Historic structure located adjacent to Main Street and/or Heber Avenue shall not be calculated in the maximum Storefront Property Façade width.

Exhibit B – LMC § 15-2.6-3 Lot and Site Requirements in HISTORIC COMMERCIAL BUSINESS (HCB)

15-2.6-3 Lot And Site Requirements

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

A. **LOT SIZE**. The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

B. **FRONT, REAR AND SIDE YARDS**. There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.

C. **SIDEWALK PROVISION**. Buildings must be located so as to provide an unobstructed sidewalk at least nine feet (9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

D. **BALCONIES AND TEMPORARY WINTER BALCONY ENCLOSURES**.

1. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed permanently. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.
2. Temporary Winter Balcony Enclosures may only be permitted on existing balconies which are on structures which are not on the Historic Sites Inventory.

Temporary Winter Balcony Enclosures are only permitted from November 15th through April 30th on balconies facing Main Street.

E. **INSURANCE REQUIRED**. No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

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

G. **VERTICAL ZONING**. For HCB Zoned Storefront Property adjacent to Main Street and Heber Avenue, new Construction and Construction adding Floor Area to a Building or Lot shall have a minimum of seventy-five percent (75%) of the width of the Building façade as Storefront Property.

H. **STOREFRONT ENHANCEMENT ZONING**. The maximum width of any Storefront Property Façade abutting Main Street or Heber Avenue shall be fifty-feet (50'). Storefront Property Facades in the Historic portion of structures listed on the Historic Sites Inventory which exceed fifty-feet (50') in width are valid Non-Complying Structures. A Storefront Property Façade shall have a storefront entrance door for pedestrian access.

If the Historic storefront entrance, located in the Historic portion of a structure listed on the Historic Sites Inventory, is more than eight feet (8') above the grade of the adjacent Main Street and/or Heber Avenue, then the First Story in the Historic portion of the Historic structure located adjacent to Main Street and/or Heber Avenue shall not be calculated in the maximum Storefront Property Façade width.

Exhibit C – LMC § 15-15 Defined Terms

15-15 Defined Terms

(...)

1.207 **PROPERTY**. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

A. **Property, Storefront**. A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space, Floor Area, tenant space or unit with:

1. For Vertical Zoning, a storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50') of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance; ~~and~~ or
2. For Storefront Enhancement Zoning, a storefront window and/or storefront entrance at the adjacent Public Street, or within thirty lateral/horizontal feet (30') of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance; and
3. A storefront window and/or storefront entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as a "Storefront Property." The Planning Director or designee shall have the final determination of applicability.

Planning Commission
Staff Report

Subject: **8680 Empire Club Drive**
Application: **PL-22-05422**
Author: **Virgil Lund, Planner I**
Date: **December 14, 2022**
Type of Item: **Administrative – Conditional Use Permit**

Recommendation

(I) Open a public hearing, and (II) consider continuing a Conditional Use Permit to install a seasonal tent for Private Club Outdoor Dining to a date uncertain.

Description

Applicant:	Talisker Club 2.0
Location:	8680 Empire Club Drive (Residences at the Tower Condominiums)
Zoning District:	Residential Development, Sensitive Land Overlay
Adjacent Land Uses:	Recreation and Open Space, Residential
Reason for Review:	Planning Commission reviews and takes Final Action on Conditional Use Permits[1]

CUP	Conditional Use Permit
LMC	Land Management Code
MPD	Master Planned Development
RD	Residential Development
SLO	Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

[1] LMC § 15-1-8(G)

Planning Commission
Staff Report

Subject: Electronic Meetings Resolution
Author: Levi Jensen
Date: December 14, 2022
Type of Item: Resolution

Recommendation
Adopt a resolution authorizing participation in meetings by electronic communication.

Executive Summary
The Open and Public Meetings Act (OPMA) was amended during the last state legislative session and a new provision was added relating to electronic meetings. Under the new provision, in 2023, all public bodies must adopt an ordinance, resolution, or rule that establishes the condition under which a remote member is included in calculating a quorum (see Utah Code § 54-2-207(2)(b)).

The Planning Commission passed a resolution on November 5, 2021, authorizing electronic and hybrid meetings. It did not specify the condition under which a board member may be counted as part of the quorum if they participate electronically.

Analysis
The proposed resolution meets the new OPMA requirement by permitting members of the Planning Commission to participate via electronic communication and be counted toward the quorum requirement if a member uses a means of communication that permits simultaneous communication during the meeting between:

- The public body member,
- All other members of the public body participating in the meeting, and
- All members of the public participating electronically or physically

These meetings can also be held without an anchor location as long as they are noticed properly, per state code.

Exhibit
Exhibit A: Electronic Meetings Resolution
Exhibit B: Planning Commission Meeting Minutes – November 5, 2021

Resolution 01-2022

A POLICY AUTHORIZING PARTICIPATION IN MEETINGS BY ELECTRONIC COMMUNICATION

WHEREAS, the Park City Planning Commission is permitted to meet via electronic communication or meet in person with some members attending electronically; and

WHEREAS, the Park City Planning Commission desires to specifically authorize members to participate in electronic meetings and be counted toward the quorum requirement;

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. It shall be the policy of the Planning Commission to authorize and permit members of the Planning Commission to participate by electronic communication in any meeting of the Planning Commission and be counted toward the quorum requirement as provided in Section 2.

Section 2. A member of the Planning Commission may participate by electronic communication and be counted toward the quorum requirement only if the member uses a means of communication that permits simultaneous communication during the meeting between: (i) the member of the Planning Commission; (ii) all other members of the Planning Commission participating in the meeting; and (iii) all members of the public participating electronically or physically present at the place where the meeting is conducted.

Section 3. This resolution shall be effective upon adoption.

Passed this 14th day of December 2022.

PARK CITY MUNICIPAL CORPORATION

_____

Planning Commission Chair, Laura Suesser

Attest:

_____

Planning Director, Gretchen Milliken

Approve as to form:

_____

City Attorney's Office, Mark Harrington

PARK CITY MUNICIPAL CORPORATION
SPECIAL PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
November 5, 2021

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, and Bill Johnson.

EX OFFICIO: Gretchen Milliken, Planning Director and Mark Harrington, City Attorney

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1. ROLL CALL

Chair Phillips called the special meeting to order at approximately 9:30 a.m.

2. REGULAR SESSION

A. To Adopt a Resolution for Electronic Meetings or Hybrids Moving Forward.

City Attorney, Mark Harrington, reported that the Council's Emergency Order expired on October 31, 2021. In order for the City to retain its ability to hold electronic meetings, it is necessary to adopt its own rule. The best way to do that without disruption was to hold a special meeting. Mr. Harrington explained that the City operates under COVID regulation C-1, which involves a Chair determination of public health. The proposed resolution would extend the Chair's ability to make those determinations and operate status quo. It also codifies another exception should the State or City Council again adopt an emergency resolution or declaration. In that case, it would automatically prohibit the need for an anchor location.

Item A of the proposed Resolution involves the general authorization that has expanded since COVID. Previously, this section was not allowed, and one to three members could be authorized to participate electronically with an anchor location and a quorum in attendance. The new legislation does not mandate that a quorum be present. Item A requires an anchor location. Although a meeting is held electronically, the public can still come to City Hall along with one to three members of the Commission. Only options B or C allow the Chair to make a determination when there is no anchor location.

Mr. Harrington recommended that the Commission adopt the Resolution to allow for the most flexibility moving forward with hybrid formats. If the Commission wishes to discuss the matter in greater detail, they can include the issue on a future work session agenda. The current redlined document is the most flexible and the Commission has the option to add rules and restrictions if desired.

Mr. Harrington confirmed that the document was been sent to all Commission Members with the exception of the corrected redline.

APPROVED - 11.17.2021

In response to a question raised as to whether under 1.A. the public can be present along with one to three Commission Members, Mr. Harrington explained that that would be the case if a meeting is advertised as having an anchor location only for the public. He stated that all options must be advertised 24 hours in advance. A meeting cannot be noticed without a quorum at the anchor location and then have a quorum present. He explained that the State citations require certain notices. A meeting can also be noticed with an anchor location for the quorum in addition to the public so that both scenarios are addressed. It must, however, be noticed that way in advance.

Under C.1. the assumption is that the Chair would continue to make a determination regarding the current COVID health risk and not require an anchor location. Chair Phillips had made it clear that he is open to discussing it with the full Commission.

MOTION: Commissioner Hall moved to APPROVE the Resolution approving Planning Commission Rules of Order for Electronic Meetings. Commissioner Johnson seconded the motion.

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

3. ADJOURN

MOTION: Commissioner Hall moved to adjourn. The motion was not seconded and no vote was taken.

The meeting adjourned at approximately 9:37 a.m.

APPROVED - 11.17.2021

Notice of a Regular Meeting Date, Time, and Location for Meetings of the Planning Commission of Park City, Utah, for 2023

The regular meetings of the Planning Commission shall be held on the second and fourth Wednesday of each month at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, at 5:30 p.m., except when there is no quorum, no pending business or the regular meeting date falls on a holiday.

1. Notice of Possible Electronic or telephone participation:
   One or more members of the Planning Commission may participate electronically or telephonically pursuant to UCA 52-4-7.8. Electronic meetings without an anchor location will be individually noticed in accordance with state law and local rule.

2. A written agenda will be posted on the State Public Meeting Notice website at http://pmn.utah.gov no later than 24 hours before each meeting, except emergencies. Meetings in addition to those specified herein will be held as circumstances require. Appropriate notice will be given for such meetings.

The 2023 meeting schedule for the above agencies is as follows:

January 11, 25	July 12, 26
February 8, 22	August 9, 23
March 8, 22	September 13, 27
April 12, 26	October 11, 25
May 10, 24	November 8, 29
June 14, 28	December 13

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

Levi Jensen
Planning Department
Executive Office Administrator

NOTICE PENDING

Planning Commission
Staff Report

Subject: **Bransford Parcels**
Application: **PL-21-05042**
Author: **Alexandra Ananth, Sr. Planner**
Date: **December 14, 2022**
Type of Item: **Legislative - Zoning Map Amendment**

Recommendation

Staff recommends the Planning Commission (I) review the application and consider the applicant's request for a proposed zone change from Recreation and Open Space to Estate for two three-acre pods from a parcel totaling 39.62 acres (Parcels PCA-S-79-B and PCA-S-79-C, also known as the "Bransford Parcels,"); (II) continue the public hearing opened on November 9, 2022; and (III) consider forwarding a recommendation for City Council's consideration on January 24, 2023.

Description

Applicant:	Anne Bransford, Bransford Land Company LLC represented by Jeffrey Kuhn, Kuhn Company
Location:	Parcels: PCA-S-79-C & PCA-S-79-B
Existing Zoning:	Recreation and Open Space, Sensitive Land Overlay
Proposed Zoning:	Estate, Sensitive Land Overlay
Adjacent Uses:	Open Space, Deer Valley Resort, Trails, Red Cloud Subdivision
Reason for Review:	Rezone Applications Require a Planning Commission Recommendation and City Council Action.[1]

Abbreviations

1999 DA	1999 Flagstaff Development Agreement
2007 DA	2007 Amended Flagstaff Development Agreement
E	Estate
LOD	Limits of Disturbance
LMC	Land Management Code
MPD	Master Planned Development
ROS	Recreation Open Space
SFD	Single Family Dwelling
SLO	Sensitive Land Overlay
UPCM	United Park City Mines

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

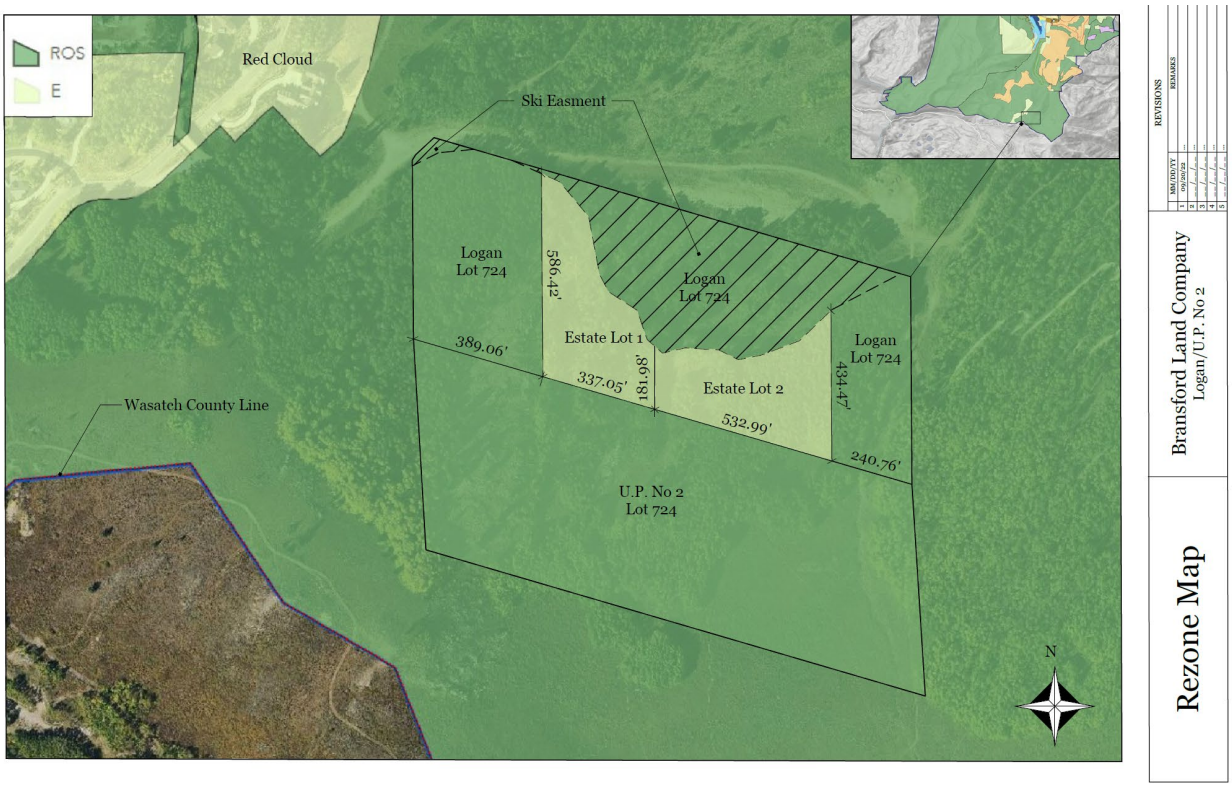
Summary

The Applicant is proposing to rezone two three-acre pods from Recreation Open Space (ROS), where no residential density is permitted, to Estate (E), to develop one (1) Single-Family Dwelling (SFD) per pod, for a total of two (2) units on the 39.62-acre site.

[1] LMC § 15-1-7

The parcels include:

- PCA-S-79-C (also known as the Logan Parcel), 19.80 acres
- PCA-S-79-B (also known as the U.P. No. 2 Parcel), 19.82 acres



Proposed Zone change - 6 Acres (Shown in Exhibit B)

The Applicant is proposing an incremental approval process, starting with a rezone with a maximum density of two (2) SFDs. The site-specific related challenges anticipated in the subdivision process are supported by conditions of approval in the Draft Ordinance. If the City Council approves the rezone and establishes the limited density requested for the parcels, the Applicant will initiate the process for a subdivision, which will require review and recommendation by the Planning Commission and final action by the City Council.

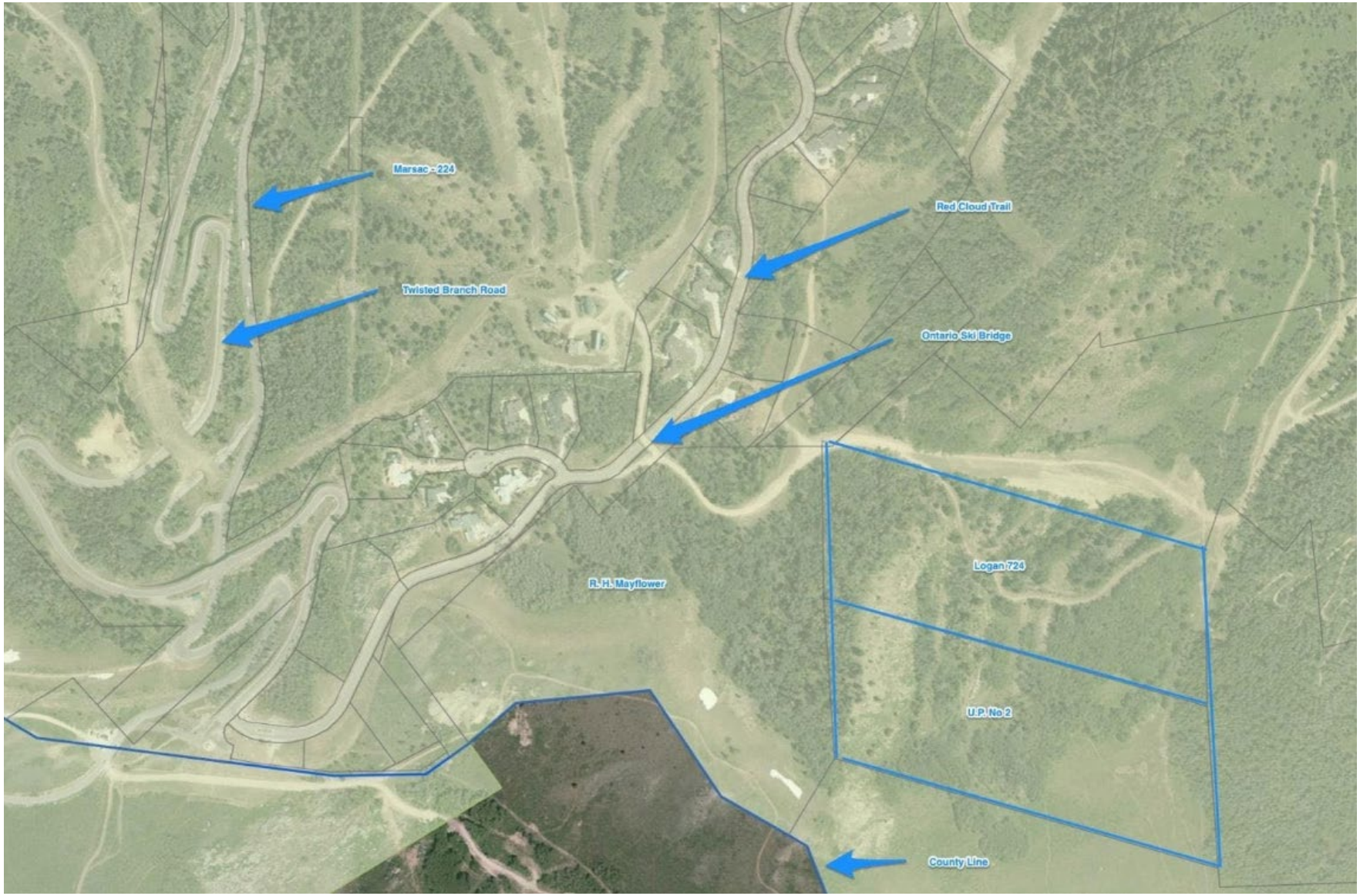


Image provided by the Applicant to provide overview of the area in which the parcels lie.

Background

The Applicant has owned percentages of the Logan and U.P. No. 2 mining claims for approximately 97 years, which are located on the east slope of Flagstaff Peak, just north of the Wasatch County line in Summit County. Previous percentages of ownership of the mining claims belonged to United Park City Mines Company (UPCM). In 2016 the Applicant (Bransford Land Company) acquired 100% ownership of each parcel.

As of 1998 before the parcels were annexed into Park City, Summit County zoned the parcels Mountain/Remote, which allowed a base density of one (1) dwelling unit per 40 acres. At the time, this was the maximum allowed density, and an additional proposal of density would require a Special Plan Development, which is a proposal by the developer to the county to outline density in a form that would be beneficial to the community. Under the Summit County regulations, the Applicant may have had zero units of density allocated to the land or up to seven or eight units, depending on the proposals and their compliance with the Snyderville Basin Development Potential Matrix 2.3.F(1) (Exhibit G, Page 2).

In 1999, the Bransford Parcels were included in 1,750 acres of property in unincorporated Summit County that was annexed into Park City Municipal under the 1999 Flagstaff Development Agreement (1999 DA). However, the Applicant (the Bransfords) did not sign the Flagstaff Development Agreement (later, the 2007 Amended Flagstaff Development Agreement (2007 DA) – Exhibit F).

At the time of the annexation, the Bransford Parcels were included with a group of properties identified throughout the DAs as the "Northside Neighborhood" and "Northside Neighborhood Property Owners." This group represented a 63-acre portion of Flagstaff Mountain and includes five separate property owners, as noted on Page 5 of the 2007 DA.

The 2007 Development Agreement states:

> 2.4 *"..upon their* [The Northside Neighborhood] *written acceptance of the terms of this Agreement, may contain a maximum of 38 homes, the size and location of which shall be determined at Small Scale MPD/Subdivision review. The Northside Neighborhood may also contain a 1000 sq. ft. non-denominational Chapel that will remain open and reasonably available to the public."*

In Section 2.4.1 it describes the Small Scale MPD:

> 2.4.1 *"The Small Scale MPD must include all Northside Neighborhood Property Owners to achieve the maximum density of 38 detached single-family homes. Absent participation by all Northside Neighborhood Property Owners, DEVELOPER and DEER VALLEY may apply for a Small Scale MPD for a maximum of 30 single-family homes on the portion of the Northside Neighborhood owned by DEVELOPER and DEER VALLEY.9 …."*

2.4.1 is followed by a set of restrictions regarding limited development in the Northside Neighborhood for the Developer and Deer Valley, outlined in the

majority of the Development Agreement 2.4.

To summarize, the 2007 DA stated that if the Northside Neighborhood property owners could come to an agreement for development of their property, they could develop a total of 38 homes and a chapel, collectively. If the Northside Neighborhood property owners could not come to an agreement, the 2007 DA still allowed UPCM and Deer Valley 30 SFDs.

The Northside Neighborhood property owners did not come to an agreement and UPCM and Deer Valley proceeded with the permitting and construction of the 30 SFDs, now known as the Red Cloud Subdivision (See Ordinance and Subdivision Map, Exhibit J).

After the annexation of the parcels into Park City, the area was zoned Recreation and Open Space (ROS) Master Planned Development (MPD) in which a Single-Family Dwelling (SFD) is a prohibited Use.

Please see the staff reports linked below for additional analysis regarding the proposed rezone.

April 13, 2022 Planning Commission Meeting (Staff Report, Minutes)
On April 13, 2022, the Planning Commission held a Work Session to provide preliminary input and identify additional analysis that would be required to make an informed recommendation on the rezone.

During the meeting, several items were discussed with the main points of interest identified below. Each item is evaluated in the Analysis Section of the Staff Report.

- Where would the development be located?
    - Center of the south parcel near the Deer Valley ski trail
- What other impacts or adverse effects need to be considered?
    - Vegetation removal and steep slopes

June 8, 2022 Planning Commission Meeting (Staff Report, Minutes)
Rezone Application was continued to June 15, 2022.

June 15, 2022 Planning Commission Meeting (Staff Report, Minutes)
The Applicant narrowed the location of the proposed developments:

- No development on slopes over 30%
- Preservation of 82% of the ~40 acres
- Applicant would provide easements for existing trails on the property and fund any required relocation of trails

Staff reviewed the following:

- Conditions for Approval - A list of proposed conditions or additional information that may be required to mitigate impacts of the rezone
- Setting a Precedent – This property is unique due to the Flagstaff annexation and

DA. Future rezone requests would require Planning Commission review and recommendation and City Council final action

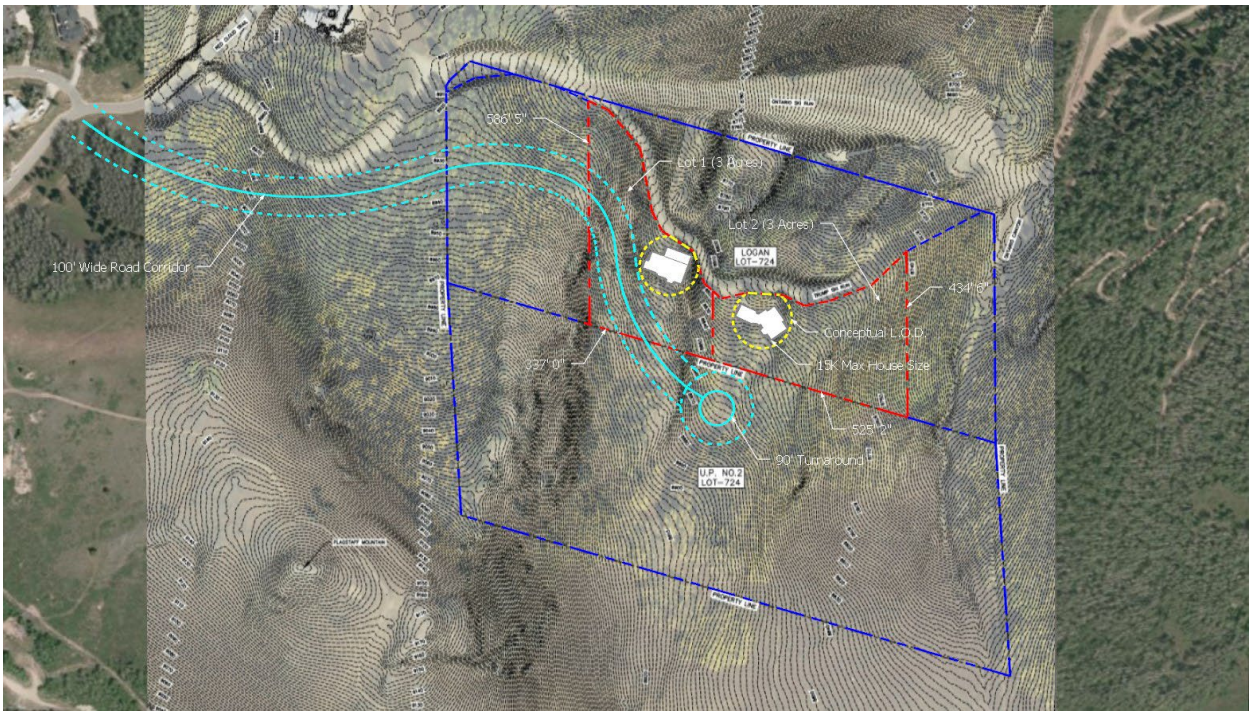
- Consistency with the General Plan - The area is in the Upper Deer Valley Neighborhood in the General Plan. Staff finds the Applicant's proposal is consistent in the context of the area, like Red Cloud; however, due to the topography and location of the parcels, this proposal requires specific Conditions of Approval to mitigate adverse effects

August 10, 2022 Planning Commission Meeting (Staff Report, Minutes)
The Commission identified the following concerns regarding the proposal:

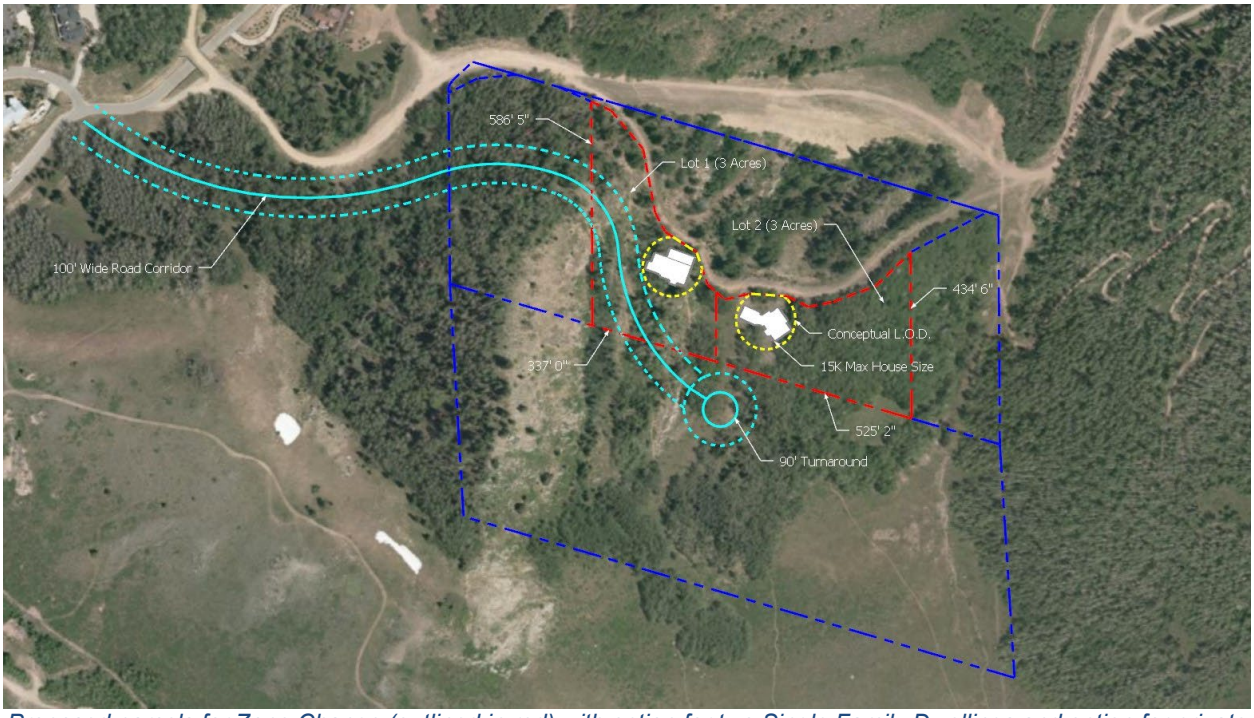
- Access
  - The SFDs will require a lengthy private drive
- Environmental impact
  - Interest in low-impact, sustainable development
  - Use of renewable energy resources
- Building on steep slopes, 30% or greater
  - Impact of road and structures
- Maximum home size
  - 10,000 square feet is in line with neighboring Red Cloud

November 9, 2022 Planning Commission Meeting (Staff Report, Minutes)
The Commission identified the following concerns regarding the proposal:

- Access and development
  - The Applicant noted that there are several options for access and final access would be determined prior to the submission of a Subdivision Plat.
  - The City Attorney confirmed that the Zoning establishes Density only and the right to take the next step in the application process. It does not give the applicant the right to build anything until a subdivision application is approved.
  - Applicant team member John Phillips presented a video showing slopes and conceptual houses to give the Commission a better sense of the potential future development if the zoning is approved.



Proposed parcels for Zone Change (outlined in red) over topographic lines.



Proposed parcels for Zone Change (outlined in red) with option for two Single Family Dwellings and option for private road with fire turnaround.

Analysis

LMC § 15-1-7 outlines the process for amendments to the Zoning Map, requiring public notice to each owner of record affected by the proposed change, a public hearing

before the Planning Commission, a Planning Commission recommendation to the City Council, and a City Council public hearing and final action. If written objections are submitted relating to the Zoning Map amendment, the Planning Commission considers each objection when adopting its formal recommendation and forwards all objections to the City Council.[2] Public Comment received prior to publication is attached as Exhibit J.

Staff finds that the rezone could be Conditioned to mitigate adverse effects if a subdivision plat is completed in a timely manner. As a result, staff recommends a sunset clause in which the rezone approval expires in two years.

Condition of Approval 2: Maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been recorded.

Condition of Approval 12: The approval of this Zone Change is subject to a two-year Sunset Clause, with the opportunity for one two-year extension approved by the Planning Commission. If the Applicant has not received an approval for a Subdivision Plat within the allotted amount of time from date of City Council action, the Zone will revert to Recreation and Open Space (ROS).

Below, staff has outlined the proposal comparing the existing and proposed zoning purpose statements and compatibility with the General Plan Upper Deer Valley Neighborhood:

Recreation and Open Space Zoning District

Purpose Statement	Review of Application
Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots	**Conditions of Approval 2-7** The Applicant is proposing two (2) Single-Family Dwellings on two three-acre Lots out of approximately 40 acres. The Applicant is proposing to place a conservation easement on approximately 82% of the total 40 acres.
Permit recreational Uses and preserve recreational Open Space land	**Condition of Approval 7** The Applicant is proposing to maintain and grant easements for the existing bike and ski trails located on the property. If the trails require relocation the Applicant has agreed to move the trails at their own expense, as approved by the Trails and Open Space Manager.
Encourage parks, golf courses, trails and other Compatible public or private	See above.

[2] LMC § 15-1-7(B)(2)(c).

recreational Uses	
Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.	**Conditions of Approval 3-5** The Applicant will be required to comply with Sensitive Land Overlay to preserve and protect sensitive lands, including steep slopes and wetlands. Furthermore, prior to submitting a subdivision plat application, the Applicant will be required to submit an arborist report identifying Significant Vegetation. Impacted Significant Vegetation shall be replaced in kind, as approved by the Planning Director, evaluated at the time of subdivision plat review.
Encourage sustainability, conservation, and renewable energy.	**Conditions of Approval 12** To encourage sustainability and environmentally responsible second homes, development on site shall comply with COAs: **COA 12** "Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.

Estate Zoning District

Purpose Statement	Review of Application
Preserves ridge tops, meadows, and visible hillsides	New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Preserves large, cohesive, unbroken Areas of	New development must comply with the

Open Space and undeveloped land	Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development	Required per SLO. New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Mitigates geologic and flood hazards	Required per SLO. New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Protects views along the City's entry corridors	Not Applicable.
Decreases fire risk by keeping Development out of sensitive wild land interface Areas	Plans will require compliance with Wildland Urban Interface standards, the Fire District standards, the Estate Zoning District, and the SLO.
Incorporate pedestrian trail linkages between and through neighborhoods	**Condition of Approval 7** The Applicant shall maintain and grant easements for the existing bike and ski trails located on the property. If the trails require relocation the Applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager.
Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance	Required per SLO. New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.

General Plan

Upper Deer Valley Neighborhood	Review of Application
91% of Occupancy in this neighborhood is Secondary Residents	The proposal is consistent, and Nightly rentals are allowed in the Estate Zoning District.
Flagstaff proposed development pods framed	**Condition of Approval 2-3**

by Open Space	The proposal, as conditioned, is consistent. The two SFDs would be clustered and surrounded by conservation easements.
Resort Oriented Development, second homes and nightly rentals with a focus on a comfortable visitor experience and support resort economy.	The proposal is consistent, and Nightly rentals are allowed in the Estate Zoning District.
Expansion of summer activities.	**Condition of Approval 7** As noted in the first table above, the Applicant proposes to maintain and grant easements for all existing bike and ski trails.
Consistent with the General Plan's Goal 1: "Park City will grow inward, strengthening existing neighborhoods while protecting undeveloped land representative of the community's core values from future development"	**Conditions of Approval 2-3** Taken in the context of the broader annexation which clustered development within defined residential pods, the limited density proposed remains consistent with the Flagstaff planning and adjacent to the Red Cloud Subdivision, from which utilities can be run.
Environmentally responsible second homes. "Unoccupied homes use as much energy and emit as much carbon dioxide on average, as an occupied home." "Future improvements toward increased energy efficiency in second homes and nightly rentals should be sought to counter the issue."	**Condition of Approval 12** As noted in the first table above, the rezone is conditioned, and the future subdivision plat could also be conditioned to require energy-saving options. See Condition of Approval 12.
Preservation of the natural setting.	**Conditions of Approval 2-3** The application is consistent, proposing 82% of the 40 acres to be conserved.

Department Review

The Development Review Committee[3] met on November 16, 2021, in addition to the application being reviewed by the Planning, Engineering, Transportation Planning,

[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).

Legal and Utilities Divisions. Several concerns were raised such as access easements, water and sewer connections, and fire code compliance and access. These items will be evaluated fully, as part of the Subdivision Plat review.

Notice

Staff published notice on the City's website and the Utah Public Notice website on October 26, 2022. Staff mailed courtesy notice to property owners within 300 feet on October 27, 2022. The *Park Record* published notice on October 26, 2022.[4] Notice was posted along Red Cloud Trail, across from Ruby Hollow and south of the Deer Valley ski bridge. Because the property does not have existing access staff did not post notice to the parcels because it would not be accessible to the public.

The November 9, 2022, public hearing was continued to December 14, 2022.

Public Input

Public input is available in Exhibit K. Any public input not included will be forwarded to the Planning Commission prior to the public hearing on December 14, 2022.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the rezone request for six acres on Parcel PCA-S-79-C from Recreation Open Space to Estate; or
- The Planning Commission may forward a negative recommendation to the City Council for the rezone request for six acres on Parcel PCA-S-79-C from Recreation Open Space to Estate and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2023-XX
Exhibit B: Applicant Narrative and Presentation
Exhibit C: Topography Survey with Deer Valley Easement
Exhibit D: Record of Survey December 2013
Exhibit E: JJ Johnson Development Feasibility Study 1981
Exhibit F: Applicant's Submittal Showing Existing Access Easement Granted by REDUS
Exhibit G: 2007 Amended Flagstaff Development Agreement and Exhibits
Exhibit H: Park City Annexation of Flagstaff Mountain
Exhibit I: Snyderville Basin Land Use Plan and Development Potential Matrix 1998 Ord. 323
Exhibit J: Red Cloud Ordinance and Plat
Exhibit K: Public Comment

[4] LMC § 15-1-21

Ordinance No. 2023-XX

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT TO REZONE SIX (6) ACRES FROM RECREATION AND OPEN SPACE (ROS) TO ESTATE (E) FROM A PORTION OF PCA-S-79-C (THE BRANSFORD PROPERTY, ALSO KNOWN AS THE LOGAN PARCEL), PARK CITY, UTAH, SUBJECT TO SUBDIVISION PLAT APPROVAL BY THE CITY COUNCIL OF PARK CITY BY JANUARY 24, 2025

WHEREAS, Parcel PCA-S-79-C, a 19.8-acre parcel, is owned by the Bransford Land Company;

WHEREAS, the Bransford Land Company petitioned the City Council to rezone six acres of Parcel PCA-S-79-C from Recreation and Open Space to Estate, to create two three-acre pods for the future construction of two Single-Family Dwellings, with each Single-Family Dwelling located on one three-acre pod;

WHEREAS, on April 13, 2022, June 15, 2022, and August 10, 2022, the Planning Commission conducted work sessions to review the proposed rezone;

WHEREAS, on October 27, 2022, staff posted notice to a location nearest the property, mailed notice according to the requirements of the Land Management Code, and posted notice to the Utah Public Notice website and City website;

WHEREAS, on October 26, 2022, the Park Record published legal notice, according to the requirements of the Land Management Code;

WHEREAS, on November 9, 2022, and December 14, 2022, the Planning Commission held a public hearing;

WHEREAS, on December 14, 2022, the Planning Commission forwarded a positive/negative recommendation to the City Council;

WHEREAS, on January 24, 2023, the City Council held a public hearing; and

WHEREAS, the proposed zoning map amendment is consistent with the purposes of the Utah Municipal Land Use, Development, and Management Act, Utah Code Section 10-9a-102:

The purposes of this chapter are to:

a. provide for the health, safety, and welfare;
b. promote the prosperity;
c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
d. protect the tax base;
e. secure economy in government expenditures;
f. foster the state's agricultural and other industries;
g. protect both urban and nonurban development;
h. protect and ensure access to sunlight for solar energy devices;
i. provide fundamental fairness in land use regulation;
j. facilitate orderly growth and allow growth in a variety of housing types; and
k. protect property values.

DRAFT

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

SECTION 1. APPROVAL. The Zoning Map Amendment to rezone six acres from Recreation and Open Space to Estate within Parcel PCA-S-79-C, as shown in Attachment, 1 is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Parcel PCA-S-79-C (the Bransford Parcel, also known as the Logan Parcel) contains 19.8 acres and is currently zoned Recreation Open Space.
2. The Applicant proposes to rezone six acres within Parcel PCA-S-79-C from Recreation Open Space to Estate to create two three-acre pods to accommodate the development of two Single-Family Dwellings, one for each three-acre pod.
3. Parcel PCA-S-79-C is in the Sensitive Land Overlay Zone and development must comply with the regulations of Land Management Code Chapter 15-2.21.
4. Prior to the annexation into Park City in 1998, the Snyderville Basin Development Code located the existing parcels in the West Mountain neighborhood within the Mountain/Remote Area.
5. The Bransford Parcels were included in the 1,750 acres of property in unincorporated Summit County that was annexed into Park City Municipal under the 1999 Flagstaff Development Agreement.
6. After the annexation of the parcels into Park City, the area was zoned Recreation and Open Space (ROS) Master Planned Development (MPD) in which a Single-Family Dwelling (SFD) is a prohibited Use.
7. The Applicant's proposed Zone Change to Estate (E) will allow the development of two Single Family Dwellings.

Conclusions of Law:

1. The Zoning Map Amendment request is consistent with the Park City General Plan and the Land Management Code, including Section 15-1-7(B)(2).
2. The Zoning Map Amendment is consistent with applicable state law.
3. The Zoning Map Amendment furthers the purposes of Utah Code Section 10-9a-102.

Conditions of Approval:

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. Maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permits shall be issued to develop Parcel PCA-S-79-C until access has been secured and a subdivision plat consistent with the Conditions of Approval of this Ordinance has been recorded.
3. Consistent with the General Plan and Flagstaff annexation approvals, the Applicant shall record a Conservation Easement for the remaining Recreation and Open Space zoned acreage for Parcel PCA-S-79-B and PCA-S-79-C, excluding the six allocated Estate acres, at the time of Subdivision Plat recordation.
4. The Applicant shall submit an arborist report to the Planning Director with the subdivision plat application that identifies any Significant Vegetation in the Estate zoned portion of the lot.

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5. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10, and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21. Development on Steep Slopes is prohibited.
6. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to prevent Significant Vegetation disruption and steep slope disturbance.
7. The Applicant shall maintain and grant easements for existing bike and ski trails located on the property at the time of plat recording. If the trails require relocation the Applicant shall move the trails at their own expense, as approved by the Trails and Open Space Manager.
8. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD).
9. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet Gross Floor Area.
10. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.
11. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on the subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.
12. Both Single-Family Dwellings shall be designed and constructed to incorporate best planning practices for sustainable development for Residential construction in place at the time of building permit application including but not limited to water-efficient low-flow fixtures and Energy Star rated appliances; building envelopes shall be designed to be energy efficient; all landscaping shall be water-wise and native; all exterior lighting shall meet the City's Dark Sky Ordinance LMC § 15-5-5(J). Electrification of all utilities is required, and all outdoor appliances/utilities such as heated paving, roof heat tape, firepits, irrigation systems, etc. shall be connected to timers and moisture sensors, to only pull energy when necessary/required.
13. The approval of this Zone Change is subject to a two-year Sunset Clause, with the opportunity for one two-year extension approved by the City Council. If the Applicant has not received an approval for a Subdivision Plat within the allotted amount of time from date of City Council action, the Zone will revert back to Recreation and Open Space (ROS).

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

PASSED AND ADOPTED this 24th day of January 2023.

PARK CITY MUNICIPAL CORPORATION

DRAFT

_____
MAYOR

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

_____
City Attorney

Attachment 1: Zoning Map Amendment

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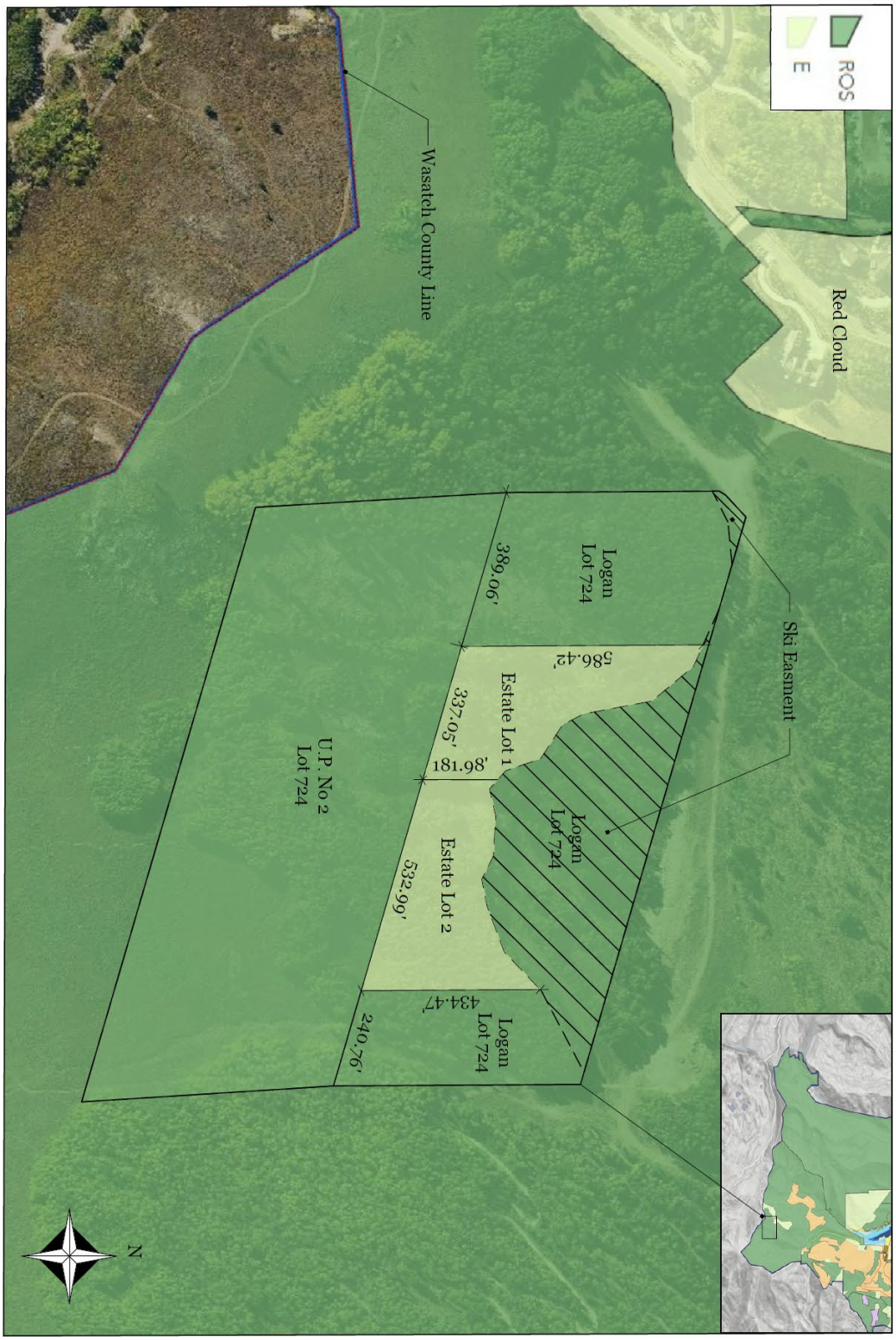
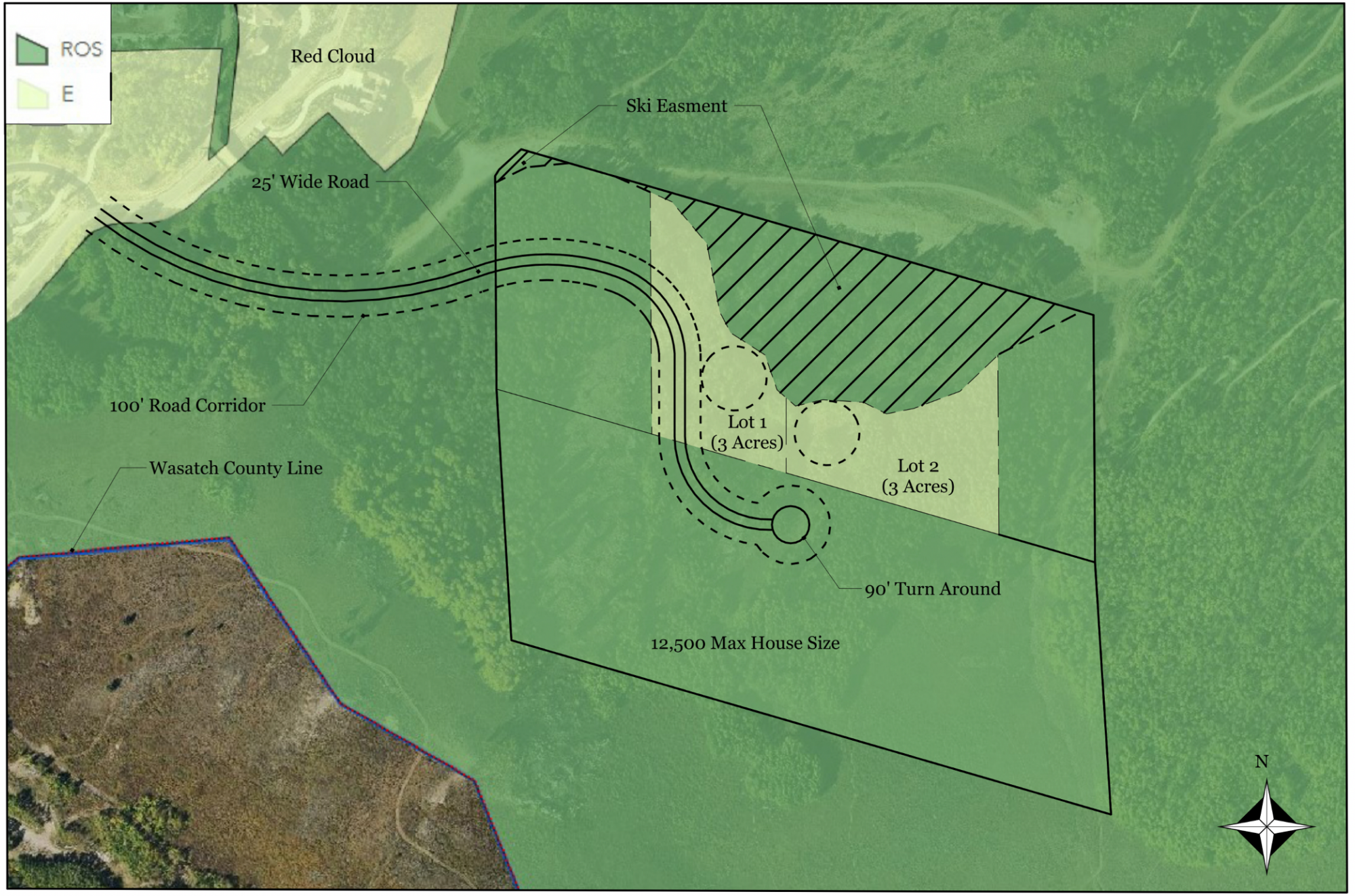


Rezone Map	Bransford Land Company Logan/U.P. No 2	REVISIONS	
		MM/DD/YY	REMARKS
		1 09/20/22	...
		2 __/__/__	...
		3 __/__/__	...
		4 __/__/__	...
		5 __/__/__	...

Presentation for 11-09-22 Planning Commission - Consent Agenda for the **BLC Zone Change Application**

From Rural Open Space to R.O.S + two 3-acre single family Estate parcels

(A Framework for the Preliminary Subdivision Plat)



REVISIONS

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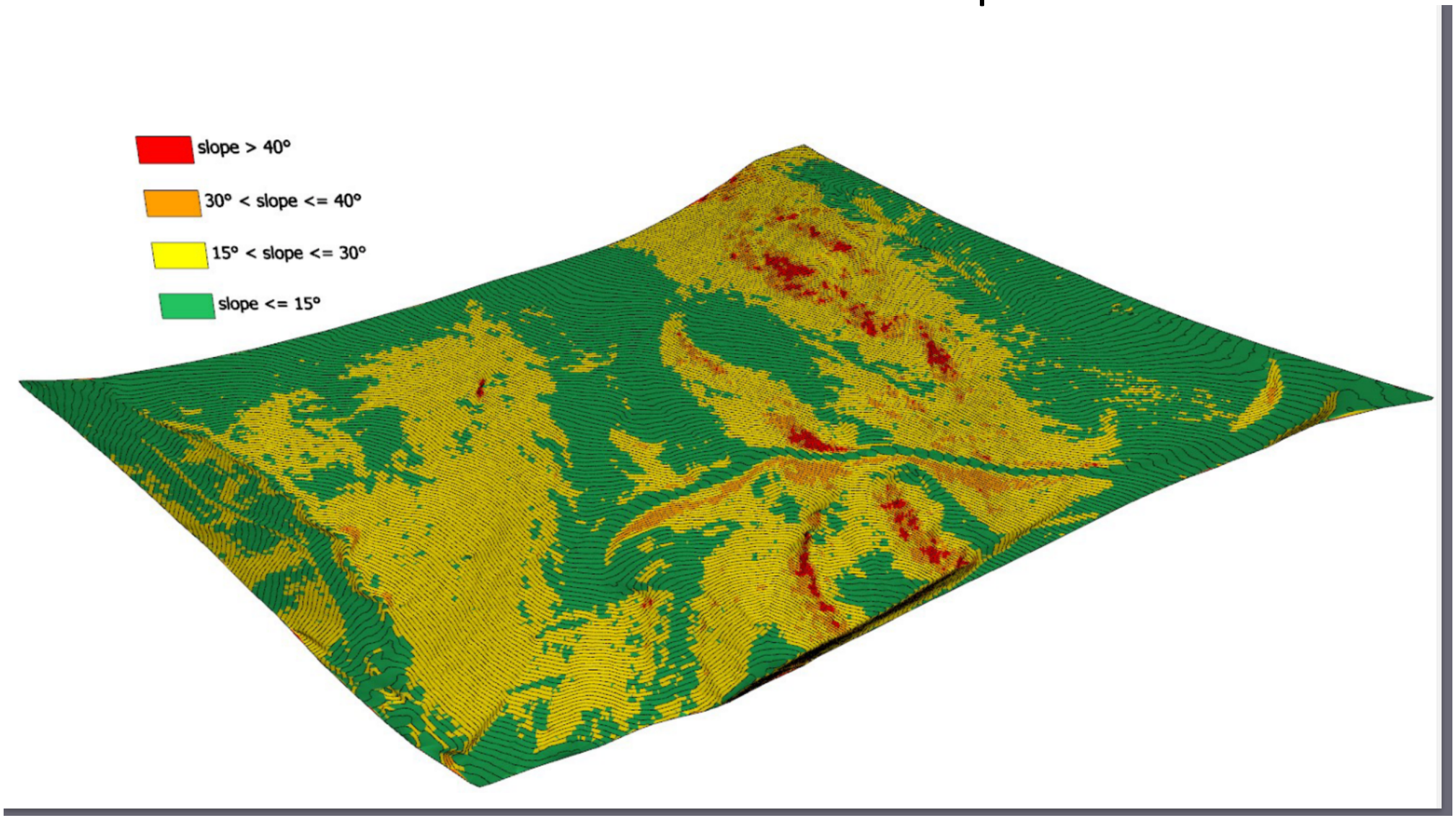
Bransford Land Company
Logan/U.P. No 2

Conceptual Plat

New 4-zone heat map



New 4-zone heat map – per LMC # 15-2.21-3 Sensitive Lands Overlay Zone - Ordinance Provisions

- **15-2.21-3 Sensitive Lands Overlay Zone - Ordinance Provisions**
- **SENSITIVE LANDS ANALYSIS**. Any Applicant for Development must produce a Sensitive Lands Analysis performed by a Qualified Professional(s) that identifies and delineates all the following features and conditions:
    - **SLOPE/TOPOGRAPHIC MAP**. A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes[1] in the following categories:
        - Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);
        - Greater than thirty percent (30%) but less than or equal to forty percent (40%); and
        - Very Steep Slopes, greater than forty percent (40%).
    - **RIDGE LINE AREAS**. A map depicting all Crests of Hills and Ridge Line Areas.

What we heard the Commissioners ask
from 8-10-22 Public Hearing

Who	Question or point
Laura	1. 1998 County Development Code. 2. Concerned about Access issues. 3. Would like to see more renewable Energy. 4. Sustainability would be helpful. 5. Good on Conservation.
Laura / Sarah	6. Concerned with serial applications. 1. Concerned with 1998 County Status Report. 7. Anne mentioned Hank Rothwell and that the two parcels are "Lots of Record".
Sarah	1. Concerned with Density. I::40 not 2::40. 8. Concerned with Dwelling size. 2. Concerned we don't have the access Easement yet. 9. Wants a Sunset Clause. 6. Would prefer to process Zone Change in parallel with a complete Plat Application.
John (JK)	9. Concerned with driveways shown on areas of slope over 30%. (Jeffrey explained that the heat maps only show the general conditions but not the specific conditions. Our land planners feel we can comply with code). 10. JK could find for 2 parcels with heavy handed conditions. 11. Precedents intent is in our favor.
Christin	12. Appreciates BLC only asked for 2 parcels. 1. 1::40? – feels we are a good fit. 13. Concerned we limit disturbance on the access road.
John (JF)	5. Appreciates the 82% preservation. 14. OK with 3-acre parcels – should we reduce the lot size?
Bill	9. Concerned with steep roads. 8. Concerned with 15,000'.
Laura	8. Concerned with 15,000' homes – 10,000 to 12,000 would be better.

BLC RESPONSES TO PLANNING COMISSIONERS FEEDBACK AND QUESTIONS

#1 Re: Density allowed under 1998 County Development Code. Even though that display has been attached in prior Staff Reports the discussion on this matter, frankly, took us by surprise. We thought the displays in the 1998 Flagstaff Annexation and Development Agreements would take center stage.

Exhibit G was reported to have said the Density of Bransford Land Company's ("BLC") Parcels are governed under the West Mountain area. According to the Chart included in the packet it appears they intended for BLC to have a "mandatory" limit of 1::20 Acres – but could have applied for and won a density of up to 1::5 Aces.

BLC learned that there are two mountainous areas in that geo range. BLC also learned there are three different classifications of land - each with unique Density Allocations. If desired, please see slides 41 – 43 for additional comment on this topic.

BLC spoke with Summit County Planner Kirsten Whetstone to see if any more reliable data is available. Kirsten advised us that BLC had two Lots of Record when it was in the County and still has two Lots of Record today – which entitles BLC to a minimum of two dwellings.

The Flagstaff Annexation process took almost ten years to from application, 1999 Annexation, until the final agreement was recorded. (Please refer to Slide # 13 for important dates.) It is often called the most stringently reviewed land management process to date; and, approved of an allocation for BLC to an undivided interest in the right to develop 8 Estates along with Mayflower Stichting in covenants that run with the land in perpetuity.

Once BLC's land was annexed in July of 1999 (see slide # 11) Park City's Land Management Code took precedence over Summit County Code.

#2 *Concerned* about Access issues. This is a reasonable concern – we are too. According to PCMC LMC the Applicant is not required to submit any Easements until the Plat phase of the entitlement process.

#3 W*ould like to see* more renewable Energy. BLC supports Park City's Net Zero Energy policy, however, full compliance with that standard requires the project to make up any energy deficiency by generating the energy on site (which is not a good fit for ROS or SLO zones). We would also consider using a different standard - such as the US Green Building Standard (that PCMC used for the Silver Creek Housing Project) or other high performing building design standards.

Note: BLC will specify "all electric utilities" for heating and AC, which are, technically, a Net Zero solution *(because Park City requires Rocky Mountain Power to supply it exclusively from renewable resources)*.

#4 Sustainability *would be helpful.* BLC agrees.

#5 Good on Conservation. BLC appreciates the feedback and agrees.

#6 *Concerned* with serial applications. BLC understands and appreciates that the review process would be far more detailed and efficient for the planning commissioners if the Zone Change was processed in parallel with the Plat process. Unfortunately, as has been established via their public input, the access issue is the subject of litigation, and the other side is currently unwilling to discuss any form of settlement with BLC. Accordingly, BLC is forced to rely upon the serial approach allowed under PCMC's LMC.

#7 Anne mentioned that the two parcels are "Lots of Record". Kirsten Whetstone did as well. Each Lot of Record is typically entitled to at least one Dwelling. There seems to be similar development rights associated with Mining Claims.

#8 *Concerned* with Dwelling size. BLC agrees this is a reasonable concern. BLC hoped to postpone specifying a maximum house size until the Plat approval process; but is willing to compromise now. We propose a maximum house size of 12,500'. While the eventual dwelling may well neve be that big, we do want to ensure the allowable house size can fulfill the expectations of an eventual buyer.

#9 *Concerned* with driveways shown on areas of slope over 30%. BLC agrees that this is a reasonable and relevant concern. BLC wants to provide a safe and comfortable access experience for the residents and their guests. BLC is advised by its land planners and Engineers they can meet code requirements and do a better job of mitigating visual impacts in the location shown in our Staff Report than other potential easier or less expensive routes.

Please note: The fully developed road alignment will come back before you again in the Plat stage - before any grading or construction can be permitted or begin. The current application is not the last time this matter will come before you.

#10 JK could find for 2 parcels with heavy handed conditions. BLC agrees that the conditions are appropriate and appreciates the feedback.

#11 Precedents intent is in our favor. BLC appreciates the feedback.

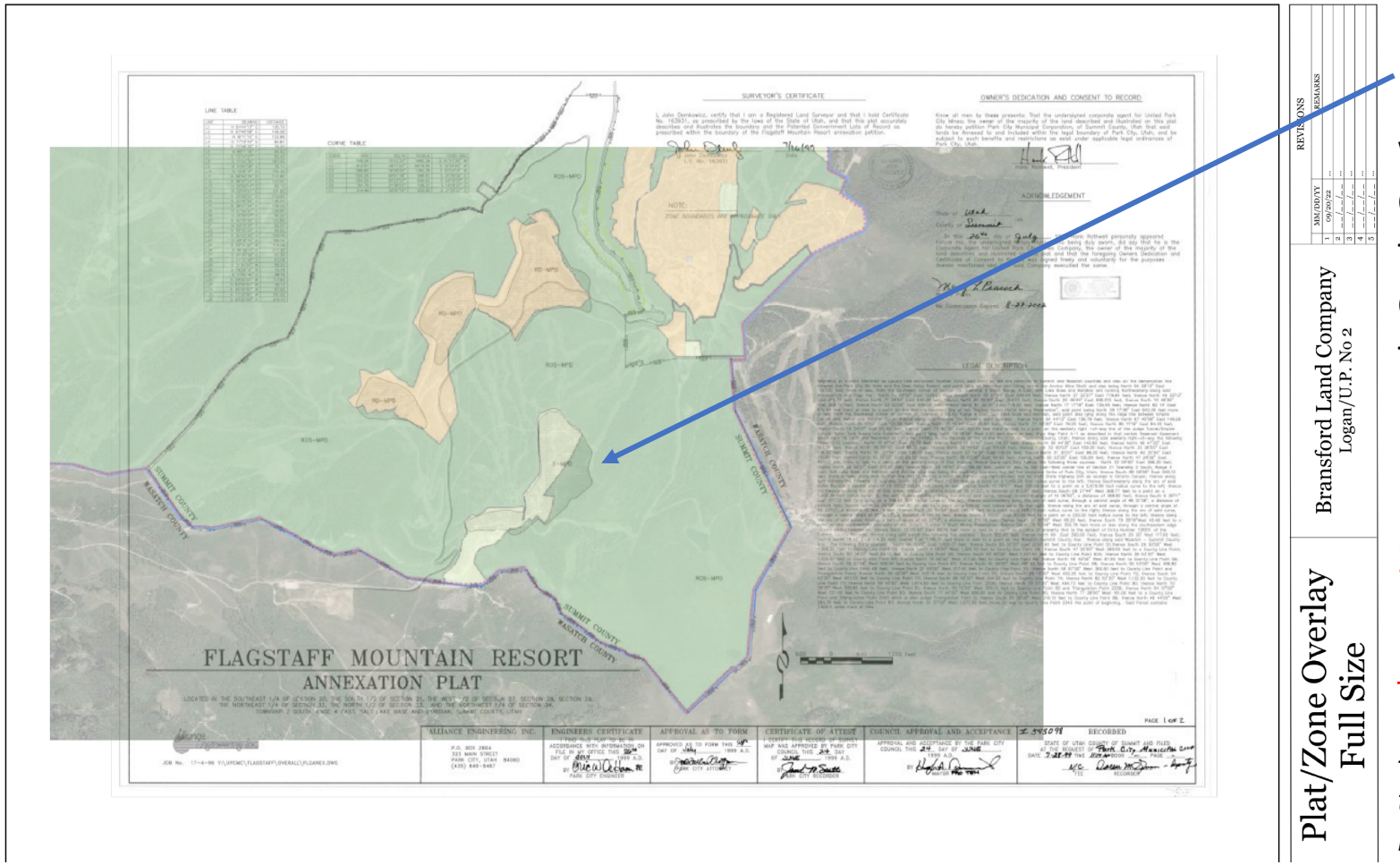
#12 Appreciates BLC only asked for 2 parcels. BLC appreciates the feedback and hopes that our process can help you to set a new precedent that applicants should not ask for more density that they feel the land can support or do so prophylactically.

#13 *Concerned* we limit disturbance on the access road. As mentioned above in item 9, BLC shares the concern and will be sensitive to the matter. BLC will continue to work diligently to refine the most effective access solutions.

#14 with 3-acre parcels – should we reduce the lot size? Staff advises that under the LMC, a minimum of 3-acres is necessary to allow a zone change to the Estate Zone.

Please note: Reducing the lot size would not increase the undisturbed percentages of the two parcels because the bulk of each parcel will remain undisturbed regardless of whether it is a 2-acre or 3-acre parcel.

Flagstaff Mountain Resort Annexation Plat - July 1999 under current PCMC Zoning Map



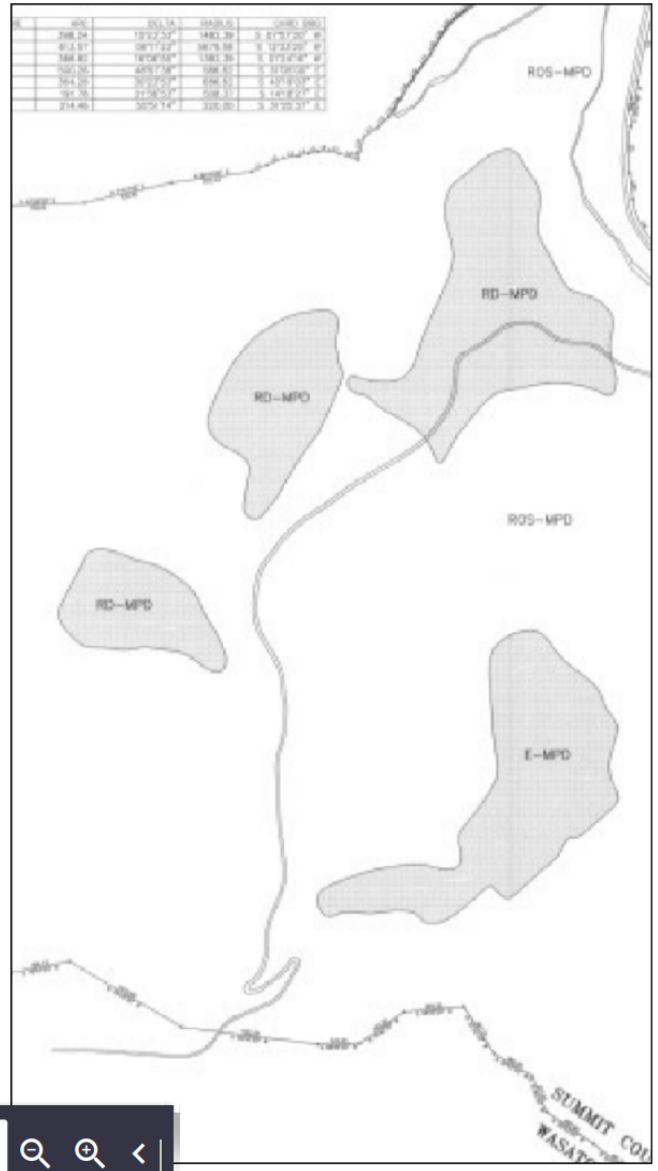
The Flagstaff Annexation included POD D and both the Bransford Parcels. All the developable land was zoned RD-MPD or E-MPD. The developable areas shown is smaller than the property boundaries delineated in the Agreement and/or those on PCMC's Zoning Map.

Mayflower and Bransford were rezoned R.O.S. shortly after the 2007 Flagstaff Agreement was recorded - without notice to Bransford Land Company.

- See Slide 12 and slide 13 for other views of this data. The 1998 EMERGENCY RESPONSE PLAN for another view of this area.

- Dozens of similar images are included in the various studies listed on Slide 23.

Flagstaff Plat → Overlay ← Zone Map



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Bransford Land Company
Logan/U.P. No 2

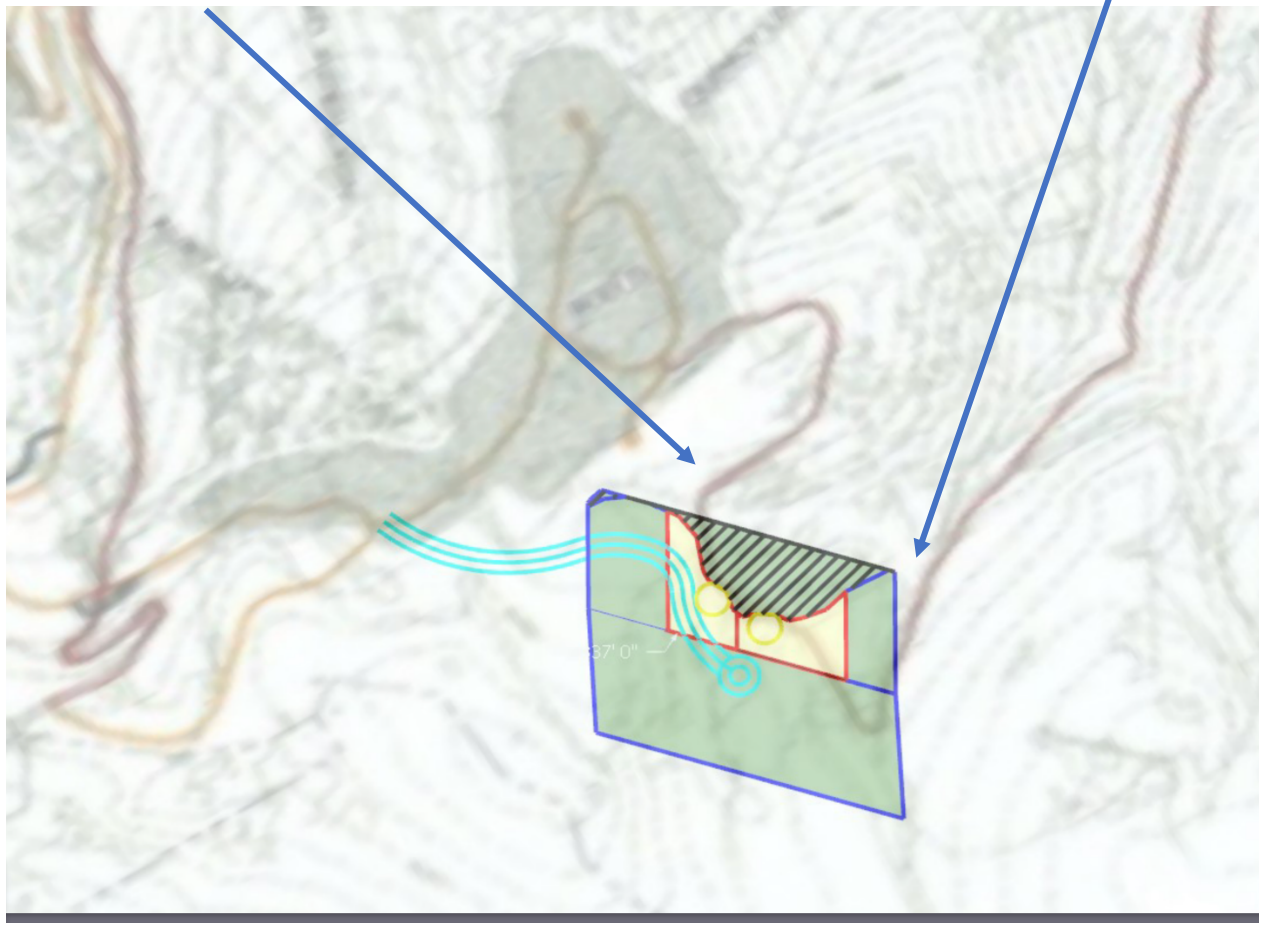
Plat/Zone Overlay
Zoomed

09%

Capacity to provide Emergency Services?

Exhibit 7 of the Flagstaff Annexation Agreement provides a detailed analysis of Emergency Services**.** It includes several related displays – showing approved Winter and Summer access and egress routes.

<u>Note</u> – Exhibit 7 extended the emergency exists onto and up above the Trump Ski Run and into both the Bransford Parcels.



This display is another objective piece of evidence substantiating that the UPCM and Deer Valley planned from the very beginning to provide all services for the Bransfords Estate uses on the subject property…

Flagstaff Annexation Agreement – the early days:

Date	Description of Event(s)
Dec. 1981	BRANSFORD PROPERTY FEASIBILITY STUDY BY J.J.JOHNSON
Summer 1993	Trees were cut down without permission on Bransford property for Ontario ski trail.
12/16/1993	Annexation Agreement process starts.
01/2/1994	Anne receives "Master Plan" from Hank.
01/19/1994	Hank Rothwell told Anne UPCMC wanted to involve us in the decision-making process, was anxious to have our involvement and even offered to fly back to NY and meet with Anne and Larry.
02/03/1994	PCMC City Council Adopts Resolution No. 3-94 which states they will promote and protect the Flagstaff Mountain project.
12/07/1994	Memorandum of Lease with Bransford and Deer Valley Resort
July 1998	Jay Hamburger starts covering Empire Canyon for the Park Record.
9-10-1998	PC Council voted in favor of Empire Canyon MPD 5-0.
Nov. 1998	2nd Amendment to Lease Agreement, Bransford and Deer Valley Resort.
07-28-1999	BLC 1999 Annexation Plat is recorded in Park City. Per County Recorder
08/19/1999	Anne meets with Hank in Deer Valley and received copy of Approved Annexation. Hank told Anne: "if BLC doesn't agree to sign the Development Agreement it can build on its own property and 1 in 40 will not apply".
May 2001	Easement Agreement between Bransford and Deer Valley Resort.
07/18/2003	Quit Claim Deed recorded between Bransford and UPCMC for Remaining Ski Lease Land.
10/12/2005	Bransford Quiet Titles Cavanaugh and Cupit interests in Logan and UP No 2.
03/02/2007	Recordation for Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, Quinn's Junction Parcel and Iron Mountain.
08/30/2013	Amended and Reinstated Easement Agreement between Bransford and Deer Valley Resort.
11/03/2015	Bob Wells dies.
03/06/2015	Wells Fargo forecloses on Talisker $163.8M.
07-13-2021	Anne and Jeffrey first meeting with Gretchen
09/22/2021	Anne and Jeffrey meet with Gretchen and Makena and file
10/22/2021	BLC filed its Zone change application with PCMC.

SLIDES 16 – 33 have been reviewed in our prior meetings

Some of those slides have been edited and some of the images have been updated. We will try to focus our presentation upon the newest information and most recent changes.

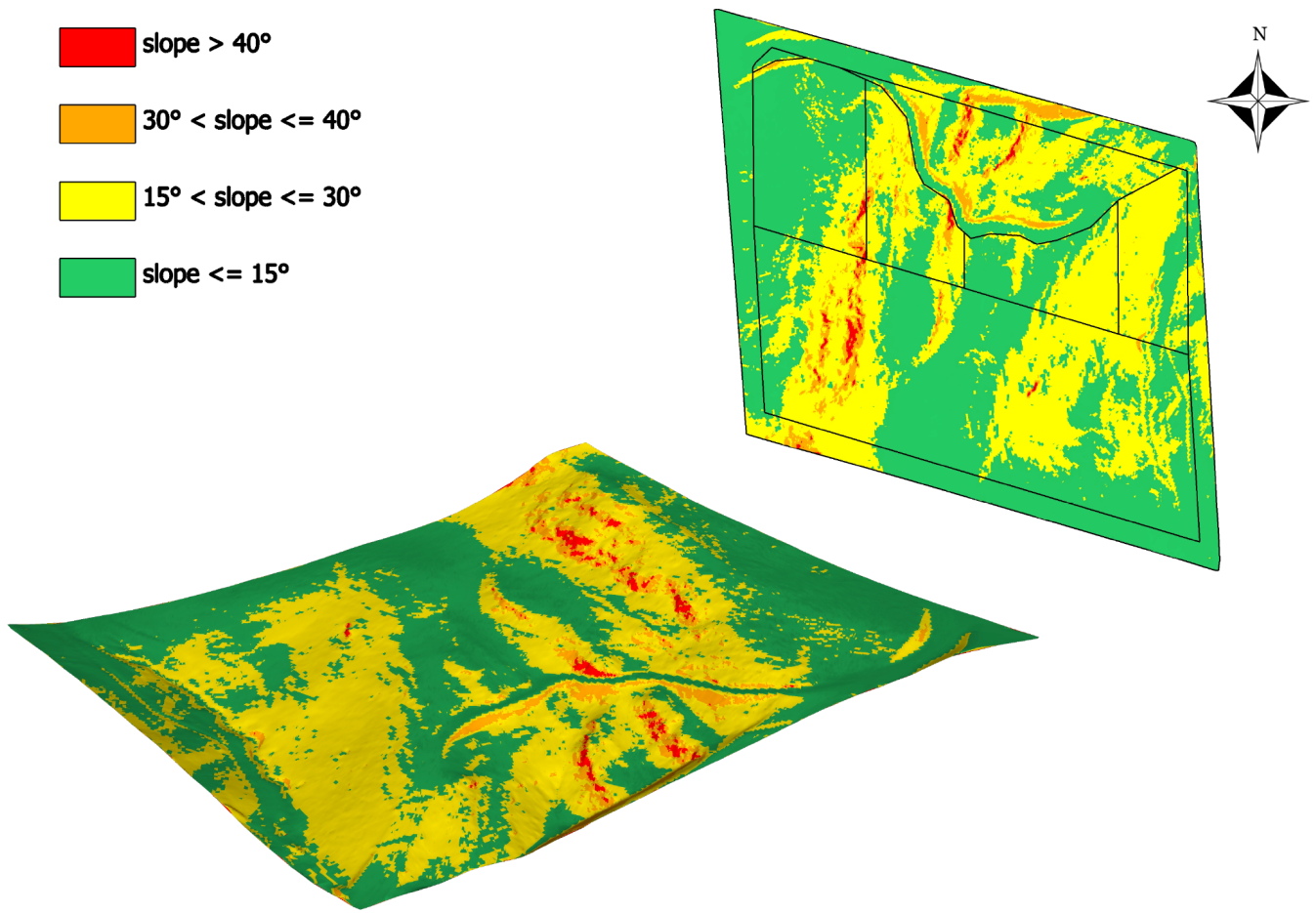
6-8-22 Work Session Notes:

What we heard the commissioners ask

PRIOR INPUT AND QUESTIONS

Laura Suesser	**Where would the roads go?**
Douglas Thimm	How would it be developed? Is there **sufficient Utility capacity** and access to them? Does **the Fire Department and Police Department** have the capacity to **provide Emergency Services** there?
Bill Johnson	Expressed the need to verify that, if approved, our Estate Zone wouldn't become an Island in the sea of other R.O.S. Properties
Christin Van Dine	Feels the same as Douglas. Clarify what other properties would be affected by an approval to the Zone Change request. Are there any other mine claims that could make the same zone change request based upon an approval of our request?
Sarah Hall	Asked for information on our recent paved roads access easement. (*It is included the Staff package.*)
John Kenworthy	Asked what other mine claims could make the same request?
?	**Where would the homes go?** (*Was this a comment from Douglas?)*
?	**How much land could be bulldozed if approved? How much land could be preserved?**

Slope Analysis Display



REVISIONS

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Bransford Land Company
Logan/U.P. No 2

Slope Map

Rough order of magnitude Calculations on how much land would be bulldozed?

(from prior heat map)

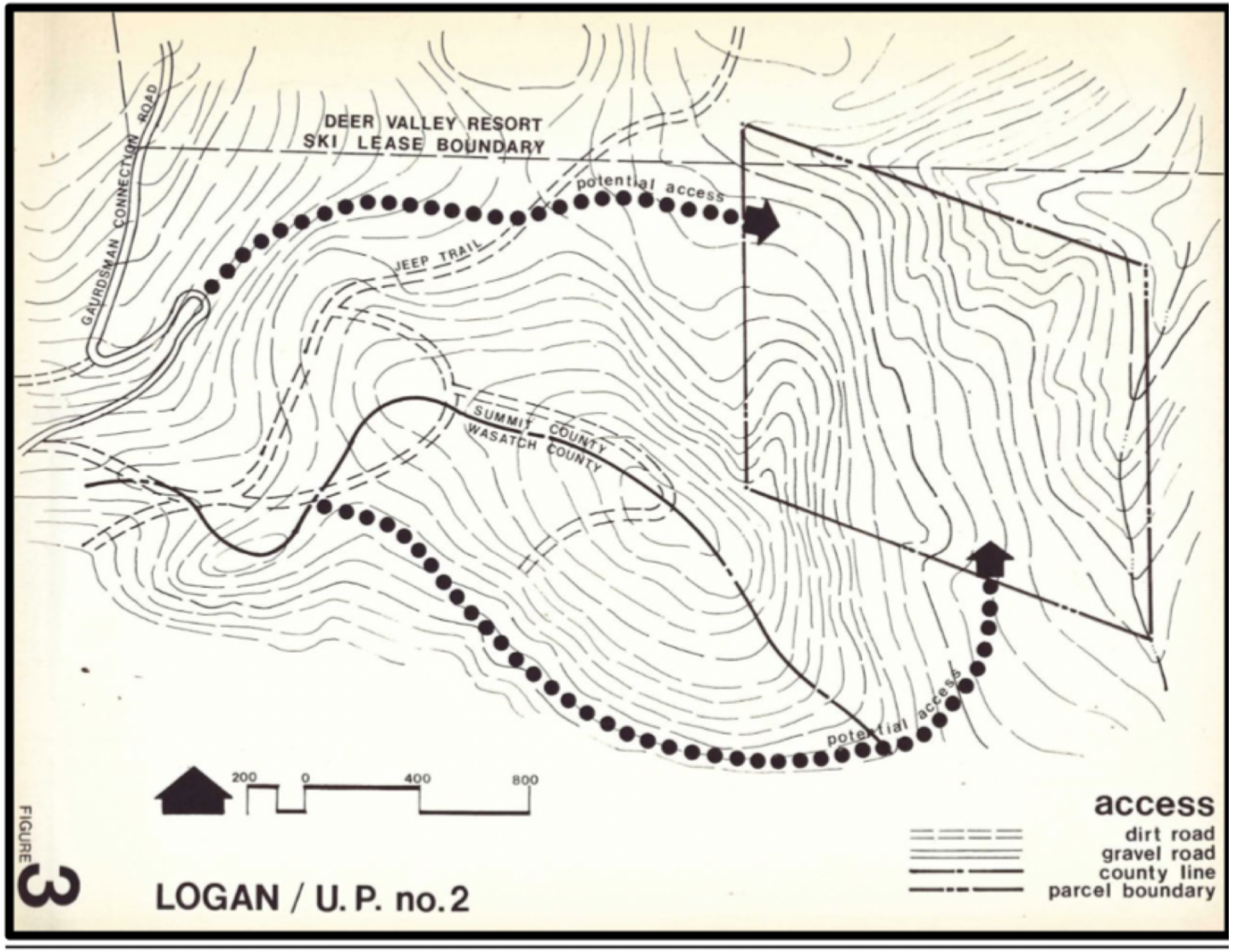
Grade Range			Area	Acerage	Percentage	Preserved or undisturbed acreage	
0%	to	15%	190,553.79	4.37	11.41%		
15%	to	30%	862,267.55	19.79	52%		88.59%
30%	to	100%	616,560.64	14.15	37%	37	
			1,669,381.98	38.32	100.00%		

Impacted Land				
2 pads	6	-18%	Portion proposed for Conditional Zone Change	
Private Drive	1			
Percentage preserved		82%	NIC the undisturbed majority of each 3 acre Estate Pad	

82% or more of the land would be preserved
(or remain Undisturbed)

Where would the Roads go?

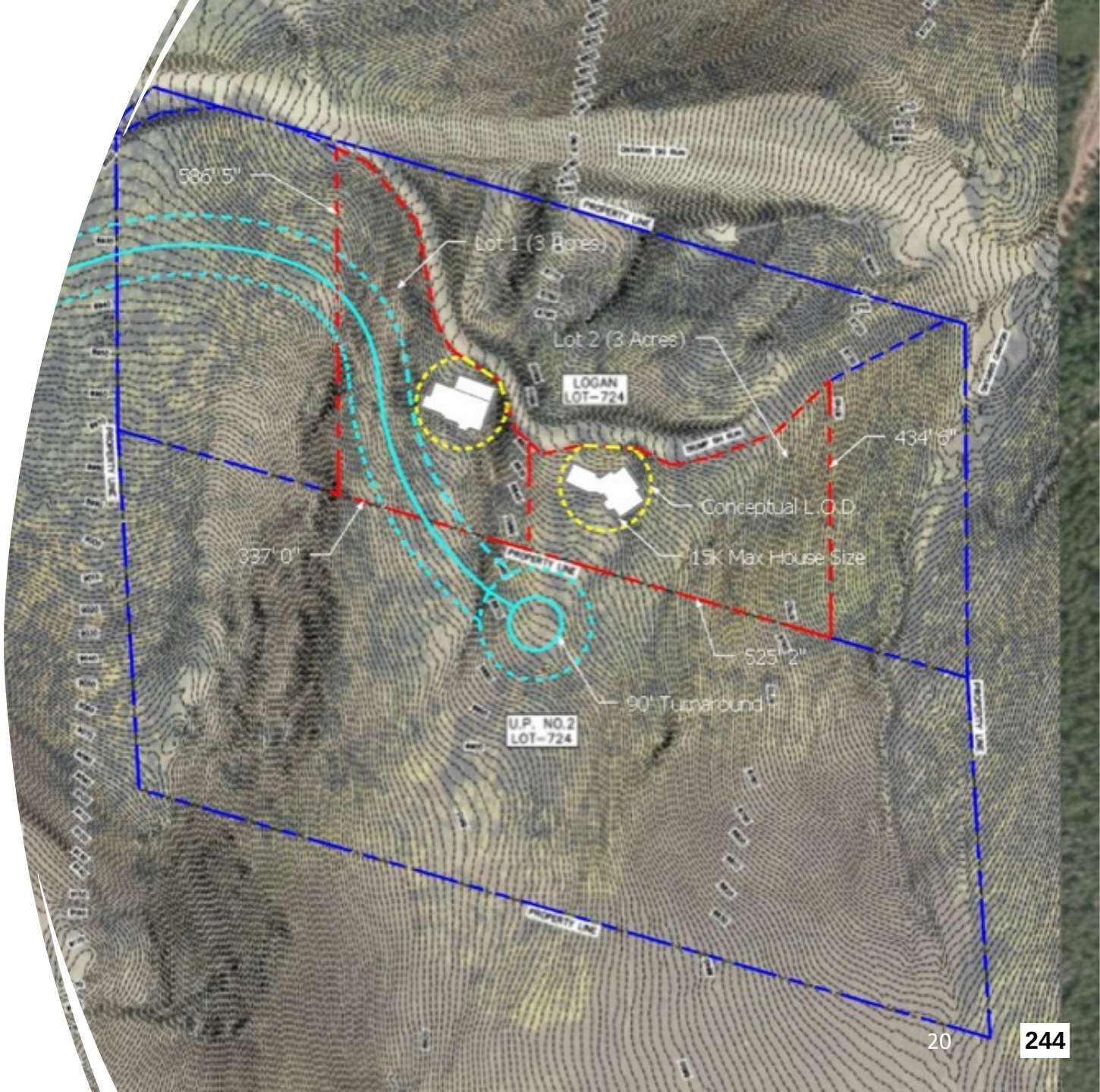
The most likely locations for the private driveway remain the same as those identified in the **1981 JJ Johnson Feasibility Study**.

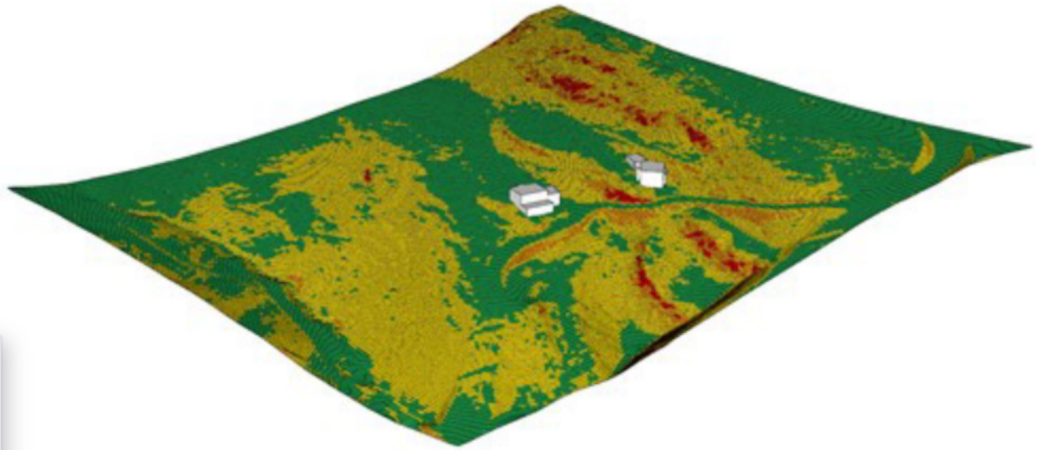


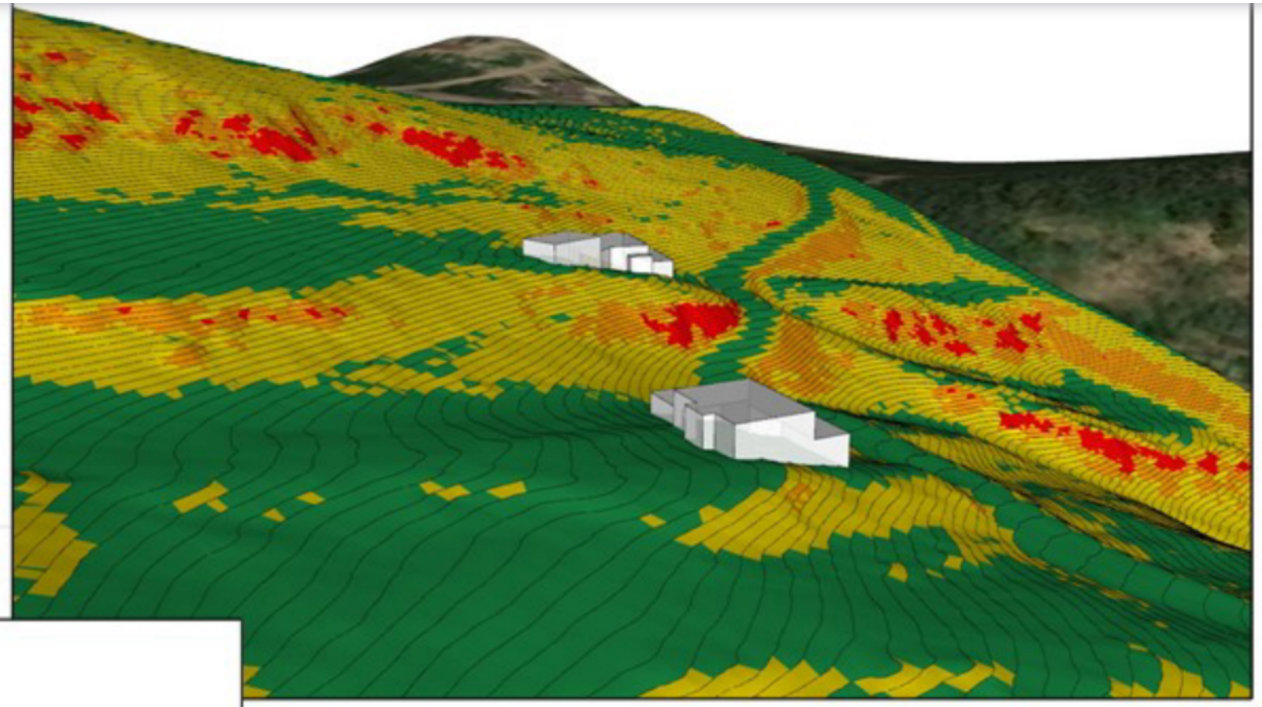
Where would the Homes & Lots Lines be?

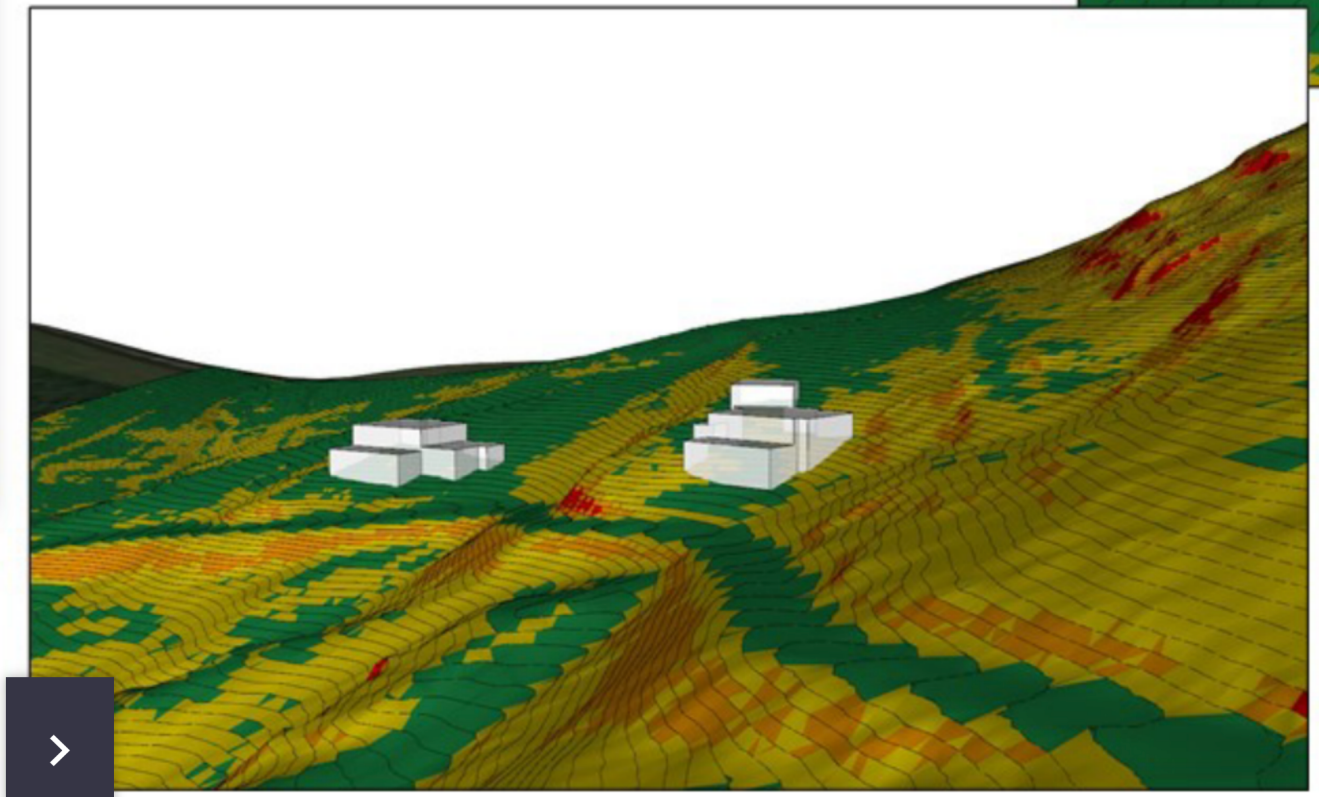
We propose siting the two homes uphill from the Trump Ski Run.

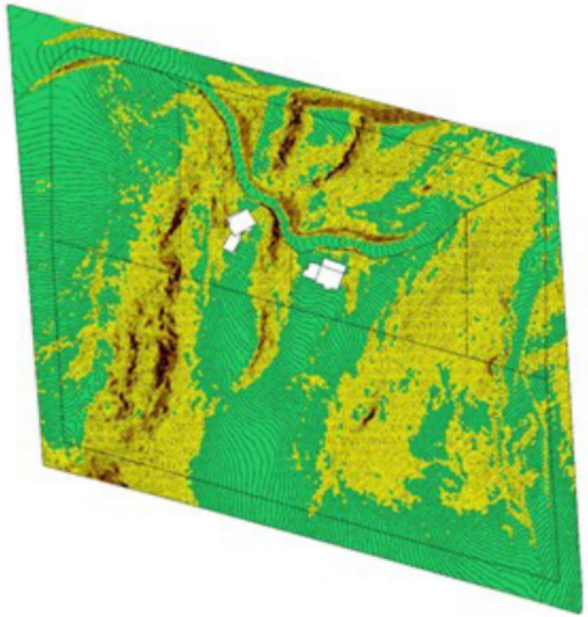
- *The dark blue lines are the overall boundary of each parcel.*
- *The red lines are the lot lines.*
- *The light blue lines represent a “100-foot-wide corridor” that will accommodate the future private drive.*
- *The white boxes represent the proposed homes.*
- *The yellow lines represent a “to-be-determined” limit of disturbance for each* home.







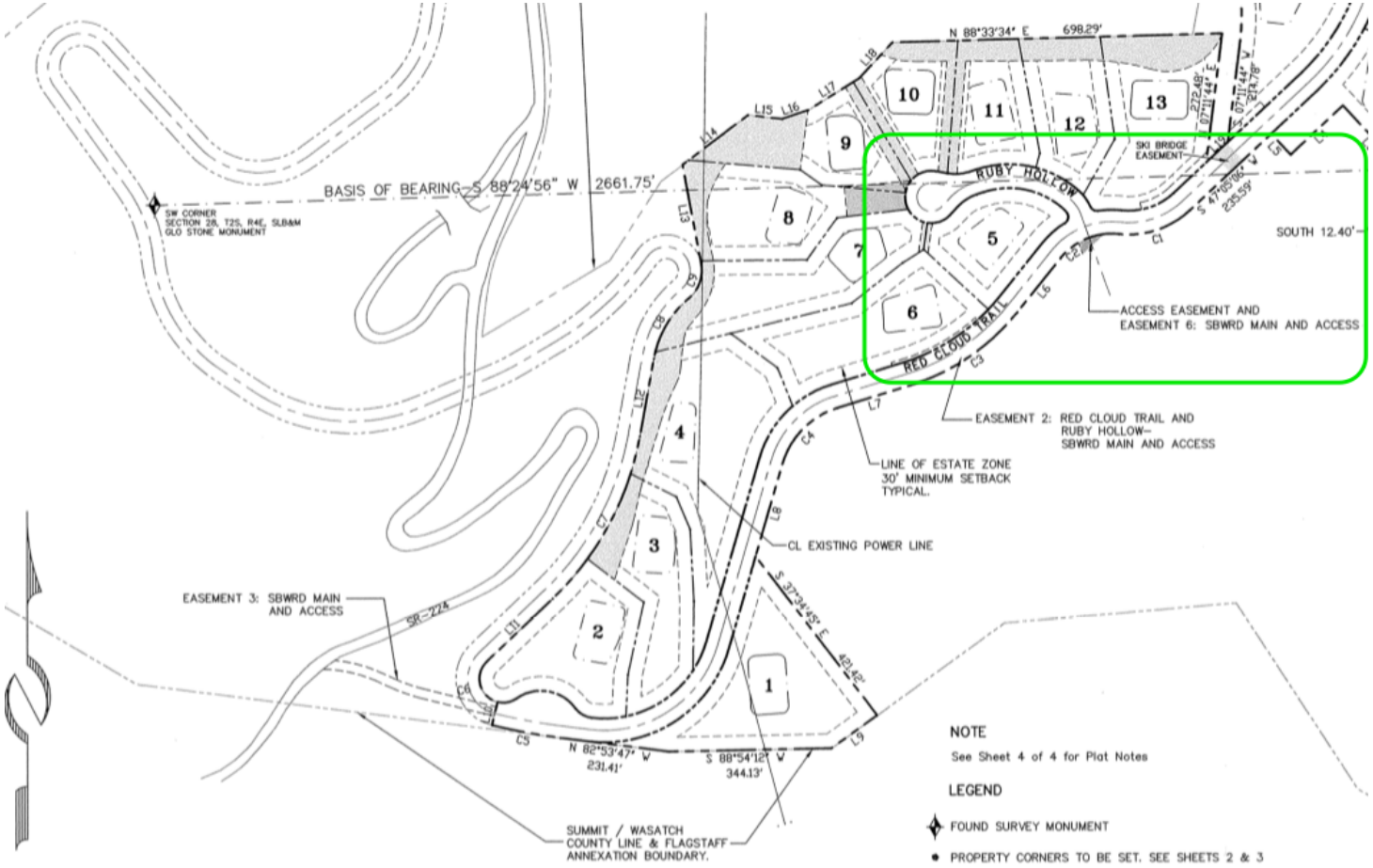




Does sufficient Utility Capacity exist and where is it ?

The Developer stubbed our utilities / Access ROW off Red Cloud Trail

(across the street from Ruby Hollow - as shown in the green rectangular area).



Other studies referred to in the 1998 Flagstaff Annexation Agreement

These are the studies PCMC relied upon when they approved the 2007 Flagstaff Annexation Agreement...

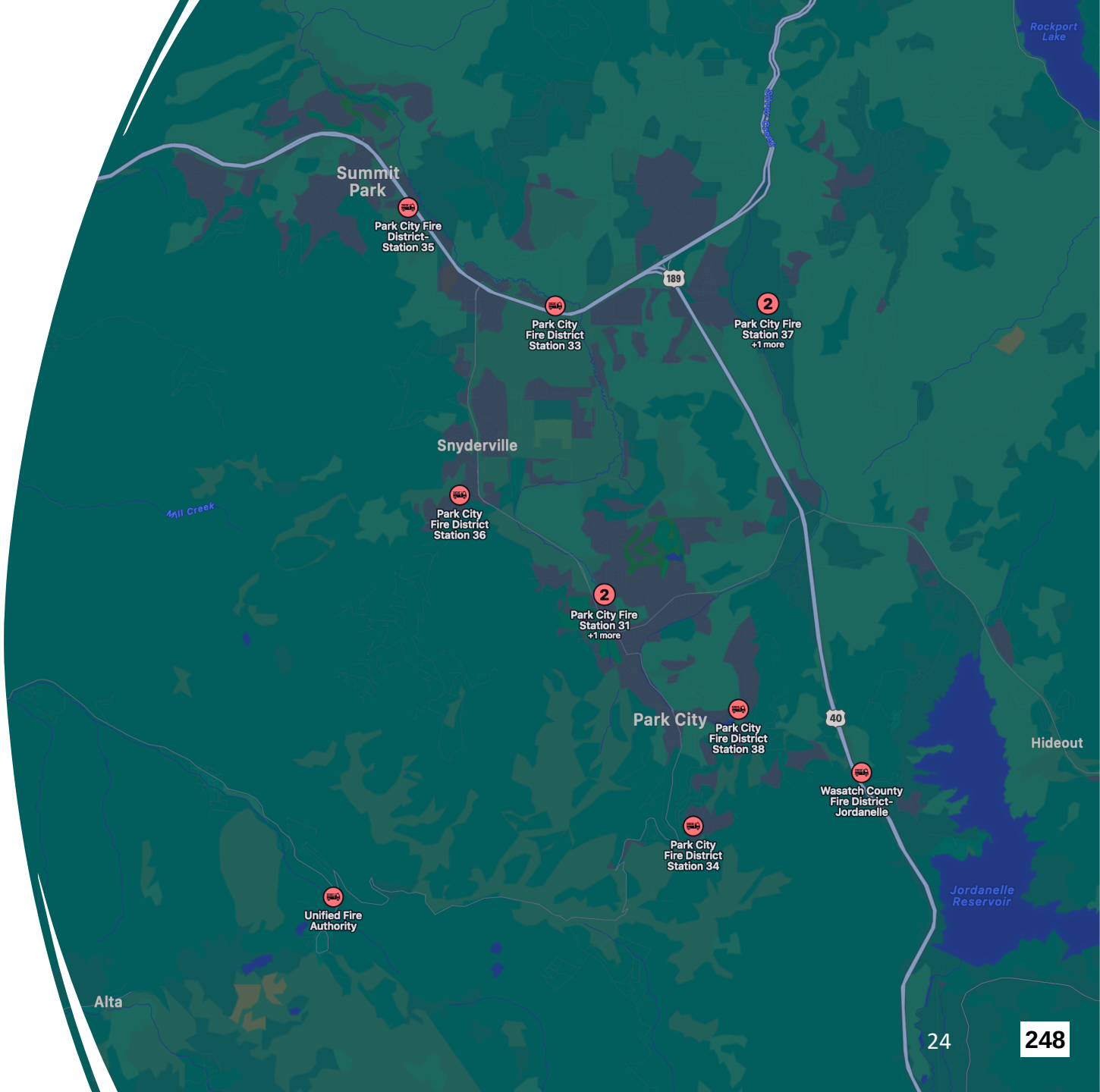
☑ May 2001	Large Scale Master Planned Development Application
☑ Exhibit 1	May 2001 - Mine Soil Hazard Mitigation Plan
☑ Exhibit 2	May 2001 - Design Guidelines
☐ **Exhibit 3**	May 2001 - Specific Transit Plan
☑ Exhibit 4	May 2001 - PARKING MANAGEMENT PLAN
☐ **Exhibit 5**	May 2001 - Open Space Management Plan
☑ Exhibit 6	May 2001 - HISTORIC PRESERVATION PLAN
☐ **Exhibit 7**	May 2001 - **Emergency Response Plan**
☐ **Exhibit 8**	May 2001 - **Trails Master Plan**
☐ **Exhibit 9**	May 2001 - **Private Road Access Limitation Procedures**
☑ Exhibit 10	May 2001 - CONSTRUCTION AND DEVELOPMENT PHASING PLAN
☑ Exhibit 11	May 2001 - UTILITY MASTER PLAN
☑ Exhibit 12	May 2001 - DRAINAGE STUDY
☑ Exhibit 13	May 2001 - WILDLIFE STUDY
☑ Exhibit 14	May 2001 - EMPLOYEE/AFFORDABLE HOUSING PLAN
☑ Exhibit 15	May 2001 - CONSTREUCTION MITIGATION PLAN
☑ Exhibit 16	May 2001 - GEOTECHNICAL INVESTIGATION
☐ Exhibit 17	*Per Page 2 of the 2001 Large Scale Master Planned Development Application*
☐ Exhibit 18	"
☐ Exhibit 19	"
☐ Exhibit 20	"
☐ Exhibit 21	"

Red Checks indicate those studies we still have original copies of.

Red Text indicates copies we found online in the Planning Dept's Web Site.

WHERE IS THE CLOSEST FIRE STATION?

The closest PCMC Fire Station is Silver Lake Village in upper Deer Valley.



Are there any other Mining Claims that can make the same request for the same reasons?

No

These are the only Mining Claims with the following three attributes:

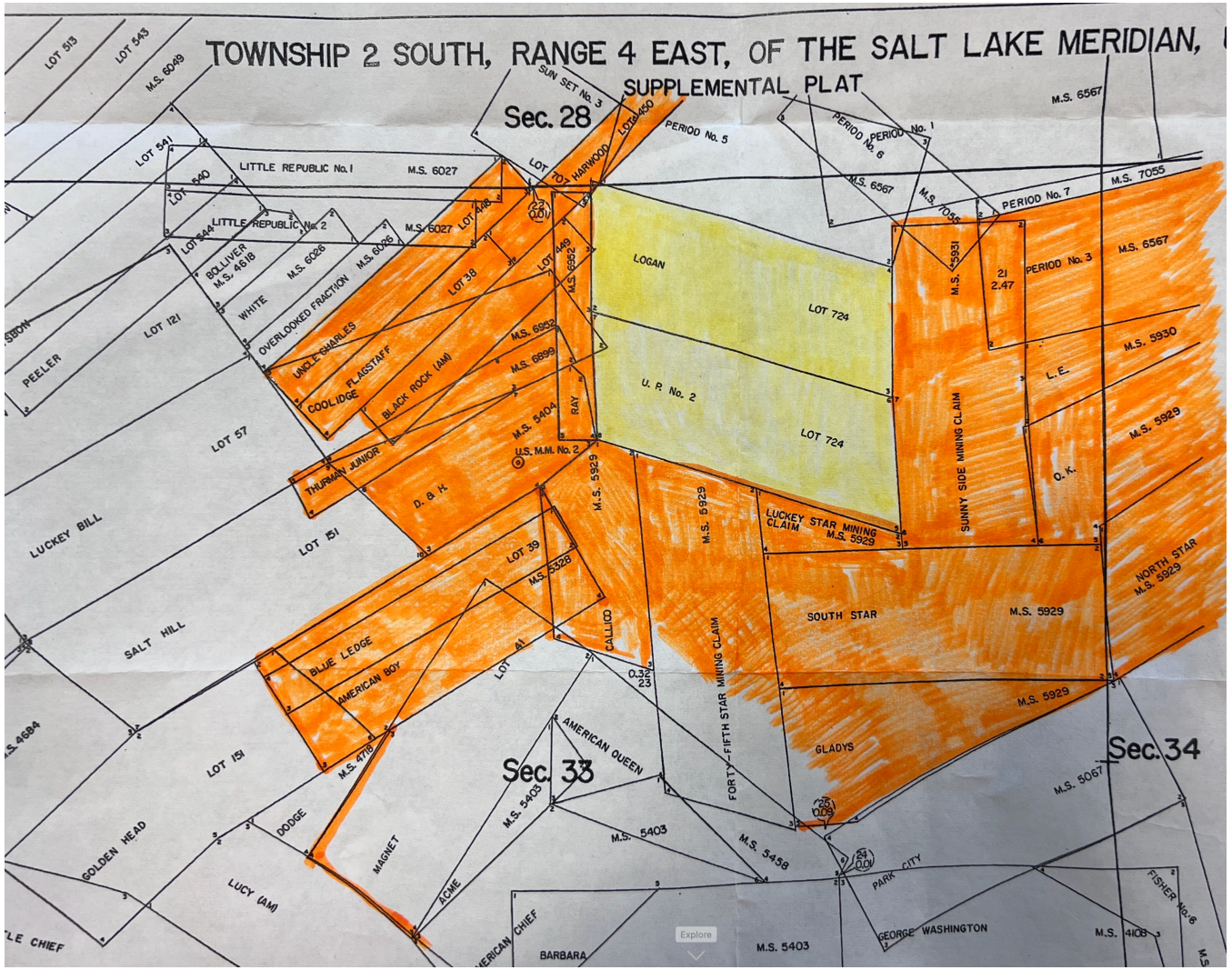
1. The same Mining Claim metes and bounds as their annexed Park City Parcels *(Tax ID #s)*
2. Were specifically and included in the 2007 Flagstaff Annexation Agreement.
3. That own their surface and subsurface mineral rights too.

Would our Estate Zone become an "Estate Island" in a sea of R.O.S. Parcels?

No. We assume that our neighbor (to the west) will eventually acquire development rights as delineated in the Flagstaff Annexation Agreement - or denser. If so, the BLC Parcels zone change would create the lowest dwellings per acre in a series of shrinking densities radiating away from the existing core uses in the Red Cloud Neighborhood.

What other Mine Claims could make the same request?

- None of the other mine claims are also parcels previously annexed into Park City..



How big will the houses be?

We propose a maximum home size of 12,500 SF on each 3-acre parcel (*with approximately 34 acres of remaining preserved land*).

It is not yet clear if the two dwellings will become a new HOA or if they will be subject to the EPMOA Master Association.

We have not asked to be annexed into the Red Cloud HOA; but we would be pleased to do so - if desired by them.

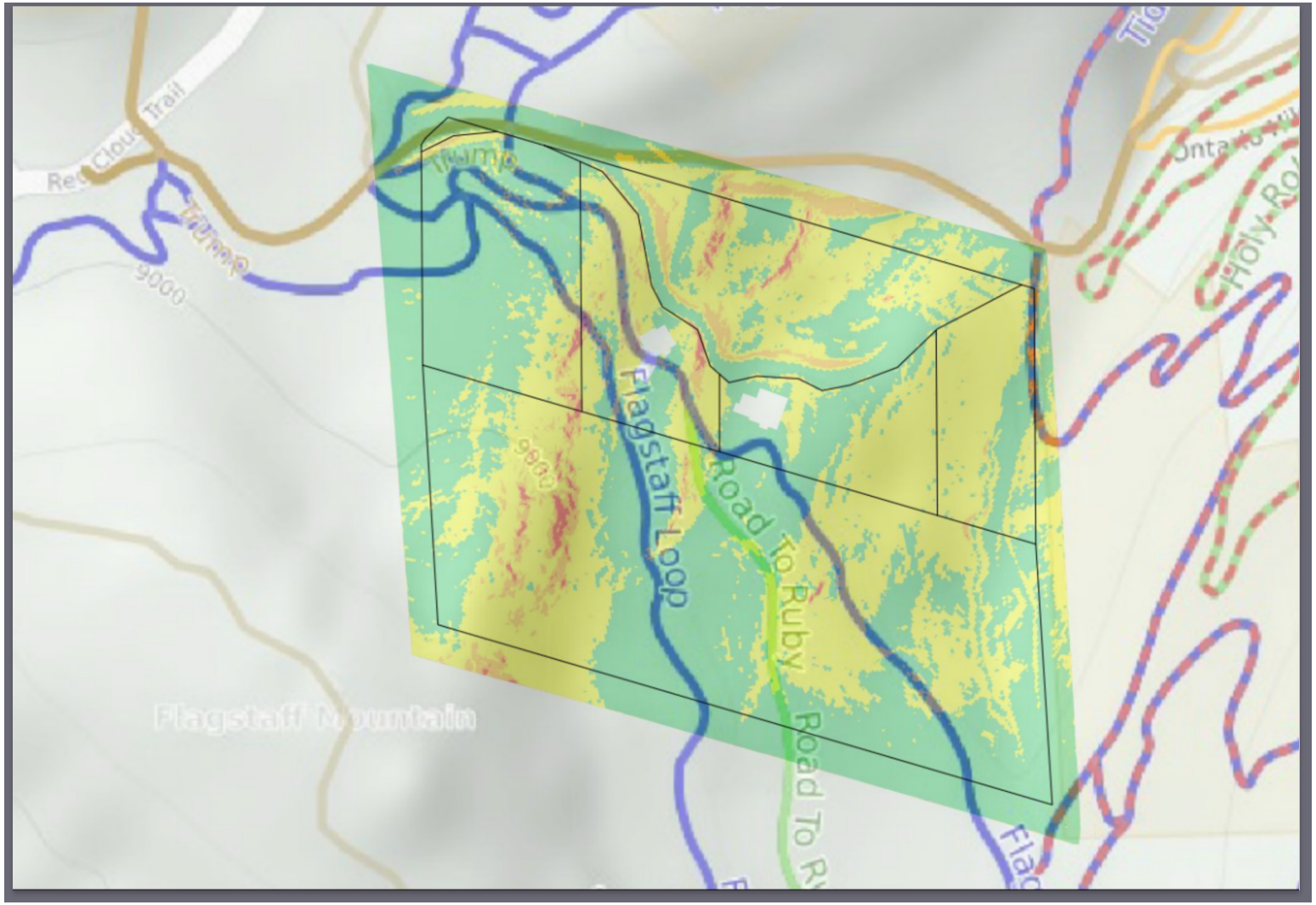
Red Cloud, is comprised, primarily, of 1 – 2 acer parcels with a 10,000 SF maximum size.

All Bike Trails on BLC Land will be protected.

This image shows the portions of the three bike trails that traverse the land and will continue to do so.

They include parts of:

1. Flagstaff Loop Trail,
2. Road to Ruby, and
3. Tidal Wave (*along our Eastern Border*).



Existing Vegetation on BLC Land will be protected.

Last year BLC met with:

Wendy Fisher, of Utah Open Space, and Elizabeth Kitchens, of the Nature Conservancy Trust to initiate discussions on creating the Conservation Easements.

Statements on Good Cause

- The project satisfies the primary objectives of the R.O.S Zone and the S.L.O.
- The land has been held in Trust as a Bransford Family legacy statement.
- Limiting Density to 1 Dwelling per 20 Acres +/-.
- 82% + preserved Open Space available for conservation Easements.
- Protection of Bike and Ski Trails.
- Protection of existing vegetation.
- Protection of wildlife habitats.

BLC is Willing to accept Conditional Approval

A Conditional Zone Change approval does not convey any development rights until all such conditions have been met. BLC seeks assurance from the P.C. that it agrees that the Conditional Use of two Estates is appropriate on the two subject parcels

- BLC did not ask for a blanket zone change on all 40 acres.
- BLC only seeks the zone change for Single Family Estate use on two 3-acre Parcels.
- BLC proposes that the balance of the land remain R.O.S.
- BLC agrees and accepts that any Zone Change approval will be conditioned upon all the factors addressed in these pages, all our verbal assurances and satisfaction of the subsequent Sub-division Plat requirements.

Other Factors:

- Our Access Easement across Twisted Branch and Red Cloud Trail was formally approved by both the Empire Pass Master Owners Association (EPMOA) and by the Red Cloud Home Owners Association.

- Our proposed on-site road is a Private Driveway – not a Public Road.

- The 1981 Bransford Property Feasibility Study, Anne's Family History intro and the decade long efforts involved with the Flagstaff Annexation establishes BLC's long term intent to develop. We believe it also negates any opposing theories regarding BLC's election to not sign onto the 2007 Development Agreement at that time.

A landing page to a share folder with all the complete digital exhibits referred to in the Deck…

- Anne’s intro of BLC to PC
- BLC Slope Analysis Map
- ROM - preserved land calcs
- EMPOA CCRS - building sizes - section 3.2 2 33' height
- Flagstaff Design Guidelines – December 2001
- 3-D Slope Map
- Mining Claims colored maps
- AutoCAD Slope Map over Survey
- And several older documents of record such as the Flagstaff Annexation docs, Red Cloud Plat and HOA docs, Redus Access & Utility Easement over Twisted Branch and Red Cloud Trail, etc.

Appendix

Additional Images and/or additional discussion points

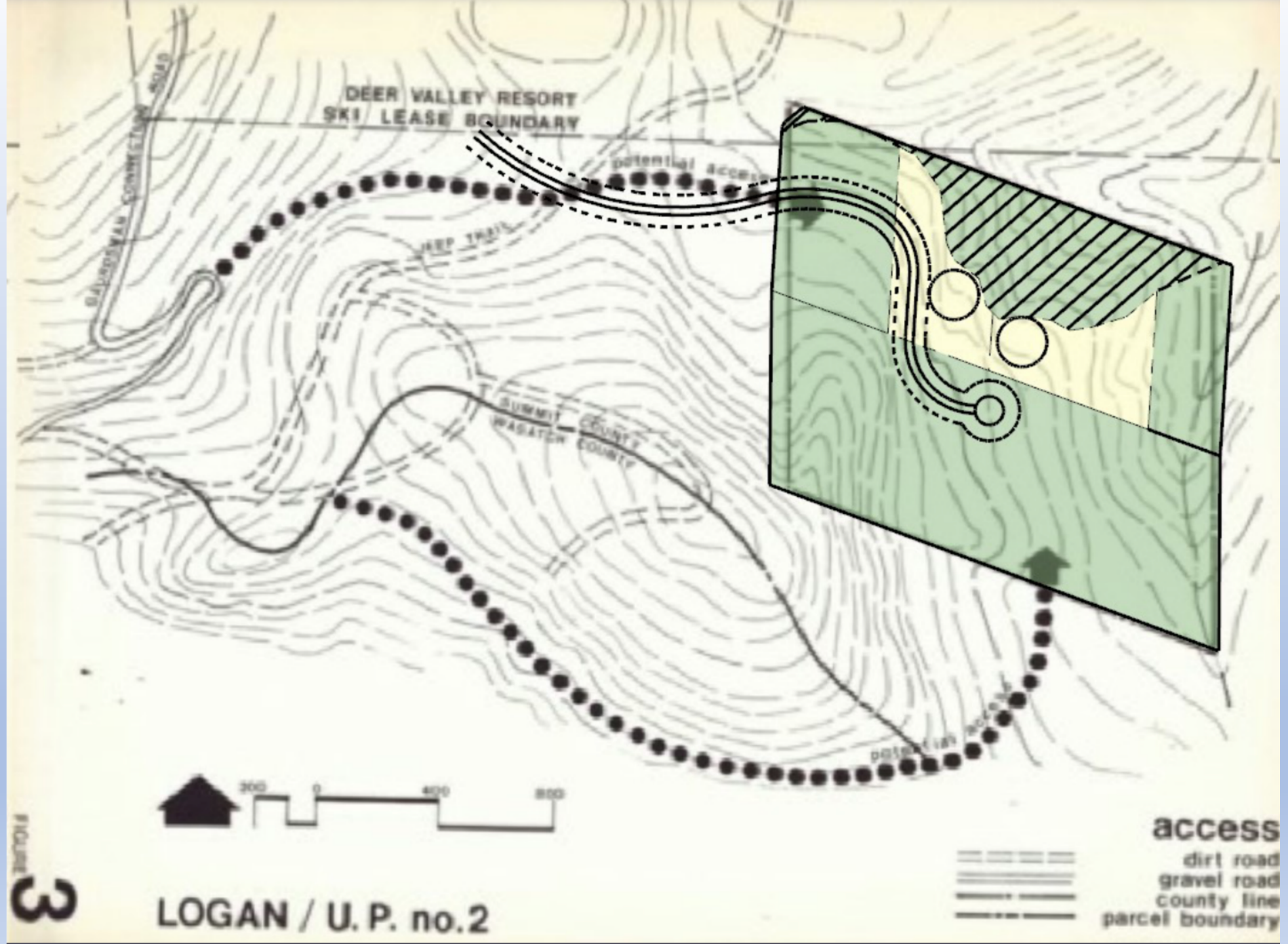
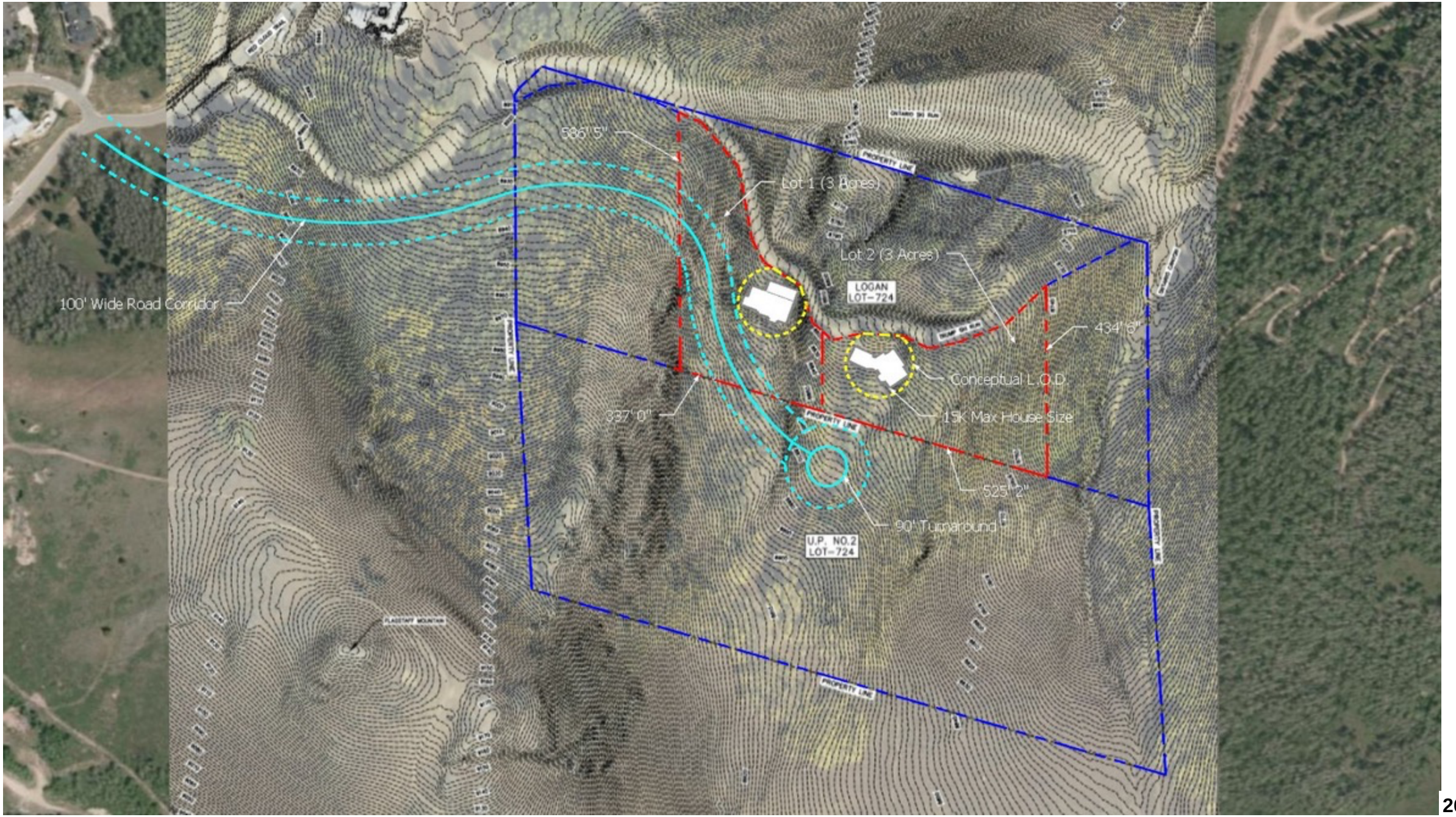


FIGURE 3

LOGAN / U. P. no.2


586'5"
Lot 1 (3 Acres)
Lot 2 (3 Acres)
LOGAN
LOT-724
100' Wide Road Corridor
434'8"
Conceptual L.O.D
15K Max House Size
337'0"
525'2"
90' Turnaround
U.P. NO.2
LOT-724
PROPERTY LINE

Further comments on Exhibit G

Exhibit G neither identifies where BLC's Parcels are located (nor the location of any of the orienting landmarks such as the roads, nor which neighborhood designation was applied to them. *Looks like it was either in the 1::20-Acre or 1::5-Acre category.*

Kirsten Whetstone (Summit County Planner and prior PC Planner) advised me that post annexation Summit County no longer includes areas annexed into Park City in their County Zoning maps. Additionally, the annexed parcels were no longer treated as land included in their West Mountain area. Moreover, those parcels were no longer subject to Summit County Code. Park City (PCMC) had become the governing entity.

Kirsten observed that the parcels had clearly been Lots of Record before 1998 and remained Lots of Record after Annexation into Park City.

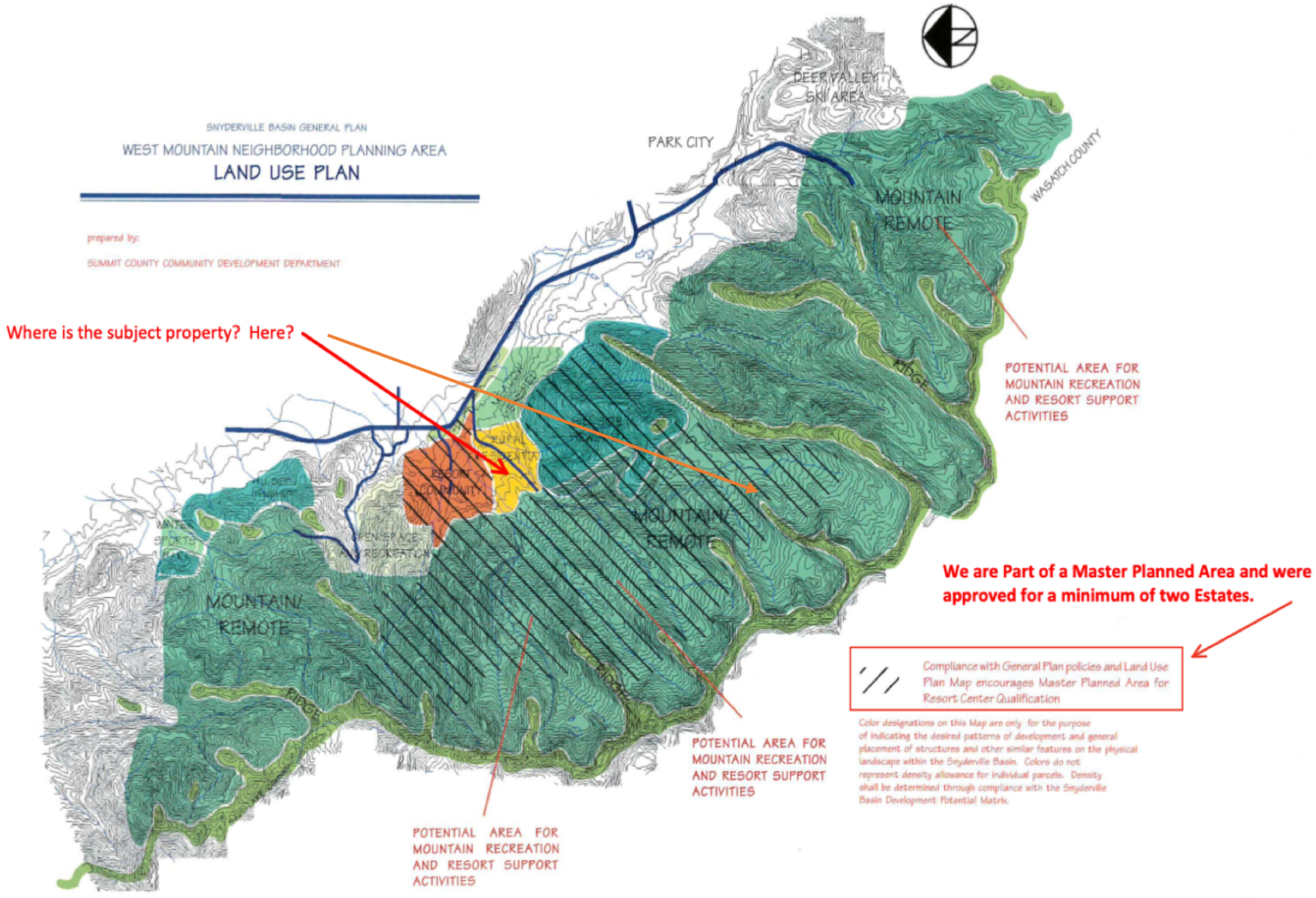
Staff also acknowledged the County Code was a pre-annexation condition.

Exhibit G is so vague that we have no idea how anyone could tell what the density is on our land.

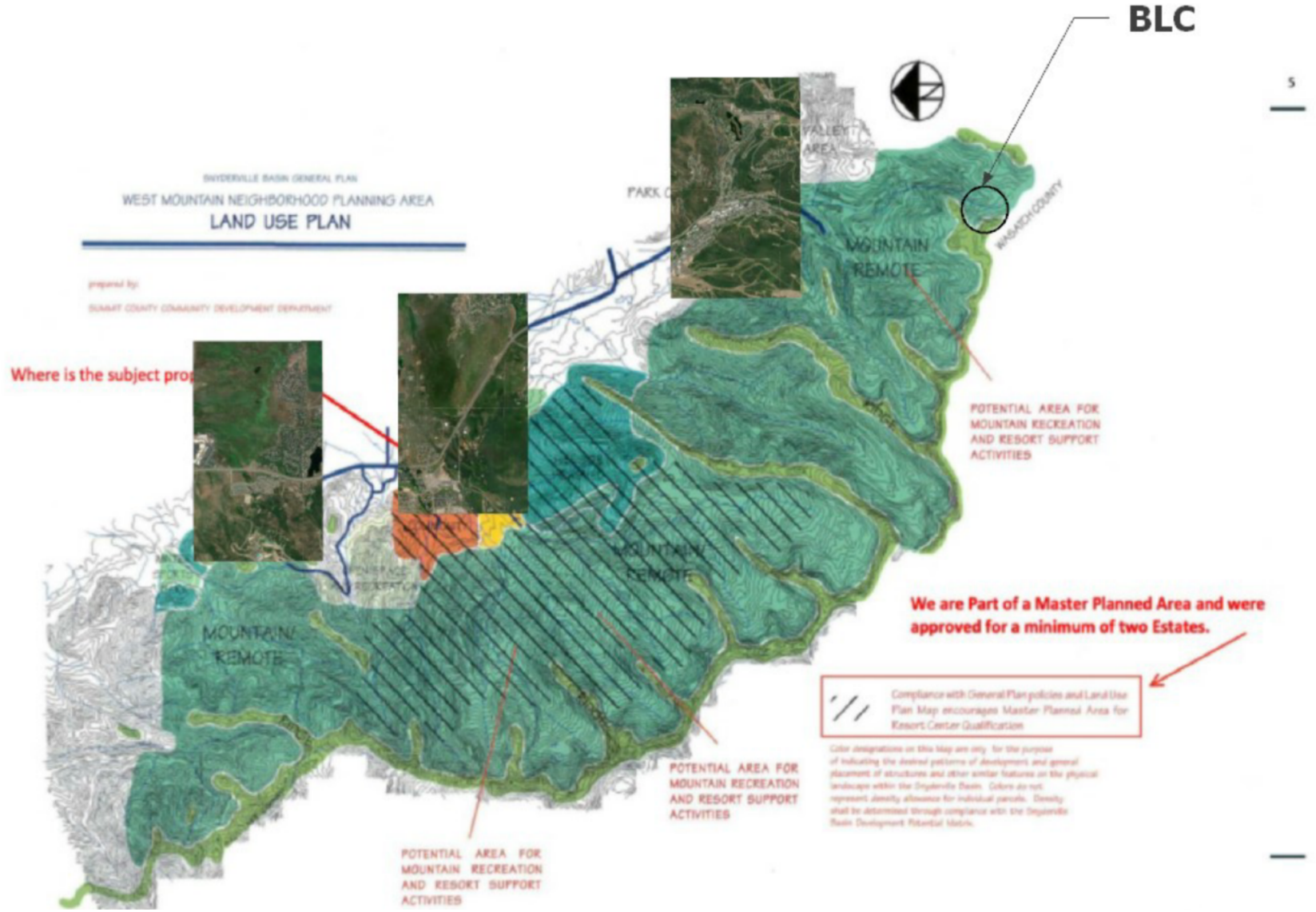
2.3.F(1) SNYDERVILLE BASIN DEVELOPMENT POTENTIAL MATRIX

Minor Development

Planning Area	Base Density: Mountain/ Remote Areas[1]	Base Density: All Other Land Use Designations[1]	Land Use Planning Principles (Mandatory): Dedication and Preservation of Viewshed/Environment Features of the Area[2]	Consistency with Desired Neighborhood Character[3]	Community and Neighborhood Recreation Facilities[4]	Maximum Possible Density[5]
East Basin		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Mandatory	Mandatory	Mandatory	1 Unit/20 Acres
West Mountain		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Mandatory	Mandatory	Mandatory	1 Unit/20 Aacres


SNYDERVILLE BASIN GENERAL PLAN
WEST MOUNTAIN NEIGHBORHOOD PLANNING AREA
LAND USE PLAN
prepared by:
SUMMIT COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
Where is the subject property? Here?
DEER VALLEY SKI AREA
PARK CITY
WASATCH COUNTY
MOUNTAIN REMOTE
RIDGE
POTENTIAL AREA FOR MOUNTAIN RECREATION AND RESORT SUPPORT ACTIVITIES
RESORT CENTER
RURAL RESIDENTIAL
MOUNTAIN REMOTE
MOUNTAIN REMOTE
RIDGE
POTENTIAL AREA FOR MOUNTAIN RECREATION AND RESORT SUPPORT ACTIVITIES
POTENTIAL AREA FOR MOUNTAIN RECREATION AND RESORT SUPPORT ACTIVITIES
We are Part of a Master Planned Area and were approved for a minimum of two Estates.
Compliance with General Plan policies and Land Use Plan Map encourages Master Planned Area for Resort Center Qualification
Color designations on this Map are only for the purpose of indicating the desired patterns of development and general placement of structures and other similar features on the physical landscape within the Snyderville Basin. Colors do not represent density allowance for individual parcels. Density shall be determined through compliance with the Snyderville Basin Development Potential Matrix.

The reason this Map didn't make sense is because it for the Canyons Resort



LOT NO. 724 M.S. NO. 688
UINTAH MINING DISTRICT

LOCATED IN SECTION 28 & 33,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, certify that I am a Professional Land Surveyor and that I hold License No. 4857264, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

PROFESSIONAL LAND SURVEYOR
No. 4857264
MICHAEL DEMKOWICZ
01/13/2022
STATE OF UTAH

NOTES

1. Topography survey was derived from an aerial survey performed in 2018.
2. Refer to Record of Survey S–7976, recorded in the Summit County Recorder's Office, for further boundary details.
3. Owner provided description of leased property being Exhibit 1 to memorandum of leased property.

100' 0 100' 200'

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060–2664

STAFF: MICHAEL DEMKOWICZ, CONNOR DINSMORE

DATE: 01/13/2022

TOPOGRAPHIC MAP
MINE CLAIM LOT–724: LOGAN & U.P NO.2

FOR: Bransford Property
JOB NO.: 13–7–19
FILE: X:\Empire\dwg\Bransford\130719–Bransford Topography.dwg

SHEET 1 **OF** 1

RECORD OF SURVEY

Lot No. 724 M.S. No. 688
Uintah Mining District
Section 28 & 33 Township 2 South, Range 4 East
Salt Lake Base & Meridian
Summit County, Utah

Prepared for
Bransford Land Company
2700 Youngfield Street, Suite 202
Lakewood, Colorado 80215-7055

EXPLANATION

Public Land Survey

Recovered Public Land Survey Corner as described hereon.

Mineral Surveys

- Set: 3.25 in. dia. Aluminum Cap affixed to a 2.375 x 36 in. flared bottom pipe.
- Set: 3.25 in. dia. Aluminum Cap affixed to a 0.75 x 24 in. reinforcing bar.
- Set: 2.5 in. dia. Aluminum Cap affixed to a 0.75 x 24 in. reinforcing bar.
- Set: 0.75 x 24 inch x-drilled steel rod.
- Calculated position: Not monumented.
- Recovered: Original in situ Bearing Tree, Used to verify Original Corner position.
- Recovered: Original Mound of Stones, not excavated, position at center of mound.
- Recovered: 3 in. dia. Iron Cap affixed to a 2.5 in. dia. Iron Pipe. Clearly Stamped with Corner and Lot numbers.
- Recovered: Alliance Engineering Plastic Cap affixed to 0.625 x 18 inch ReBar.
- Recovered: Red Plastic Cap affixed to a 5/8 inch. Rebar. Marked LS-187821.
- Recovered: Original 6x6 inch square pine post, reset in a mound of stone (MS-2931).
- Computed: Original position of US Mineral Monument No.2, based on Lot-724 & MS-5404.

County Line

- Recovered: Angle Point in Summit/Wasatch County Line (1936). 1 in. Iron Pipe.
- Recovered: Angle Point in Summit/Wasatch County Line (1936). 2.5 in. dia. Iron Cap affixed to a 2 in. Dia. Iron Pipe.

Geodetic Control

PARK Azimuth 1938
Recovered: 3.5 in. dia. Brass Disk set in solid rock as described by USC&GS (CM5708)

NARRATIVE

The sole purpose of this survey was to retrace, recover, and re-monument the Original Lines, and Corners of U.S. Lot No. 724 (Mineral Survey No. 688), executed by Deputy Mineral Surveyor Robert Gorlinski on September 27, 1891.

The Lines and Corners of several overlapping, adjoining, or nearby Mineral Surveys and U.S. Lots germaine to the situs and extent of the lands conveyed on October 18, 1892, by Patent No. 22107 (Mineral Certificate No. 1818).

No attempt was made during the course of this survey to investigate the existence, situs, or extent of easements, encumbrances, conflicts, or utilities, which may be present within the Original Boundaries as shown hereon.

LEGAL DESCRIPTION

The Boundaries and extent of the Lands conveyed by U.S. Patent No. 22107 on April 18, 1892, are described by metes and bounds in the body of said Official Document, and incorporated herein by this reference.

It must be noted, that U.S. Patent No. 22107 expressly excepts and excludes that portion of the Black Rock Lode (Lot 449) embraced within the Boundaries of the Logan lode. This exception is based on the computed position of Post No. 3 of said Lot 449, as returned by Deputy Gorlinski in 1891. Said Post No. 3 was NOT found during Gorlinski's Survey of the Logan Lode. During the 2013 Survey, ancient monuments purporting to mark several Corners of Lot 449 (as well as Lots 448 & 450) were recovered and accepted as the long established Corners of these Lots.

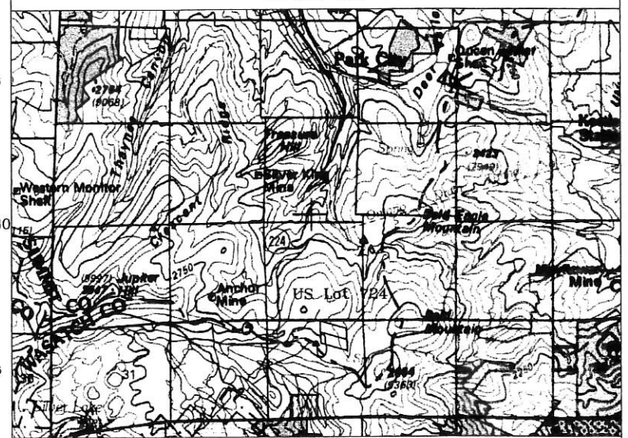
Bearings & Distances

S13°E 600.0(m) = Measured Distance
S13°E 600.0(r) = Record values

ORIGIN OF COORDINATES

NAD83(2011) Epoch 2010.00 Coordinate estimates are based on multiple GPS observations on Control Stations in the Project area, and constrained by the National Spatial Reference System

Location Map
US Lot 724



Certificate of Surveyor

I, Loyal D. Olson III of Evanston, Wyoming, do hereby certify that I am a Registered Land Surveyor in the State of Utah, and that I hold Certificate No.4954 as prescribed by the Laws of Utah. I also certify that said Certificate is currently valid and in good standing.

I hereby affirm that the information depicted hereon, is an accurate representation of the results of an actual retracement and dependent resurvey of the described surveys and monuments thereof as indicated, and that the monuments shown hereon were recovered and/or set as described.

PROFESSIONAL LAND SURVEYOR · STATE OF UTAH
LOYAL D. OLSON III
NOT VALID UNLESS SIGNED & DATED
12/20/13
No. 4954

LOYAL D. OLSON III
Consulting Surveyor
207 Troy Ct. Evanston, Wyoming 82930
(307) 789-0291

FILE NO. S0007976
12/20/2013 02:14:19 PM
Survey 1 of 2
MARY ANN TRUSSELL, SUMMIT COUNTY, RECORDER
FEE $ 20.00 BY LOYAL D OLSON III CONSULTING SURVEYOR

S-7976

RECORD OF SURVEY

Lot No. 724 M.S. No. 688
Uintah Mining District
Section 28 & 33 Township 2 South, Range 4 East
Salt Lake Base & Meridian
Summit County, Utah

Prepared for
Bransford Land Company
2700 Youngfield Street, Suite 202
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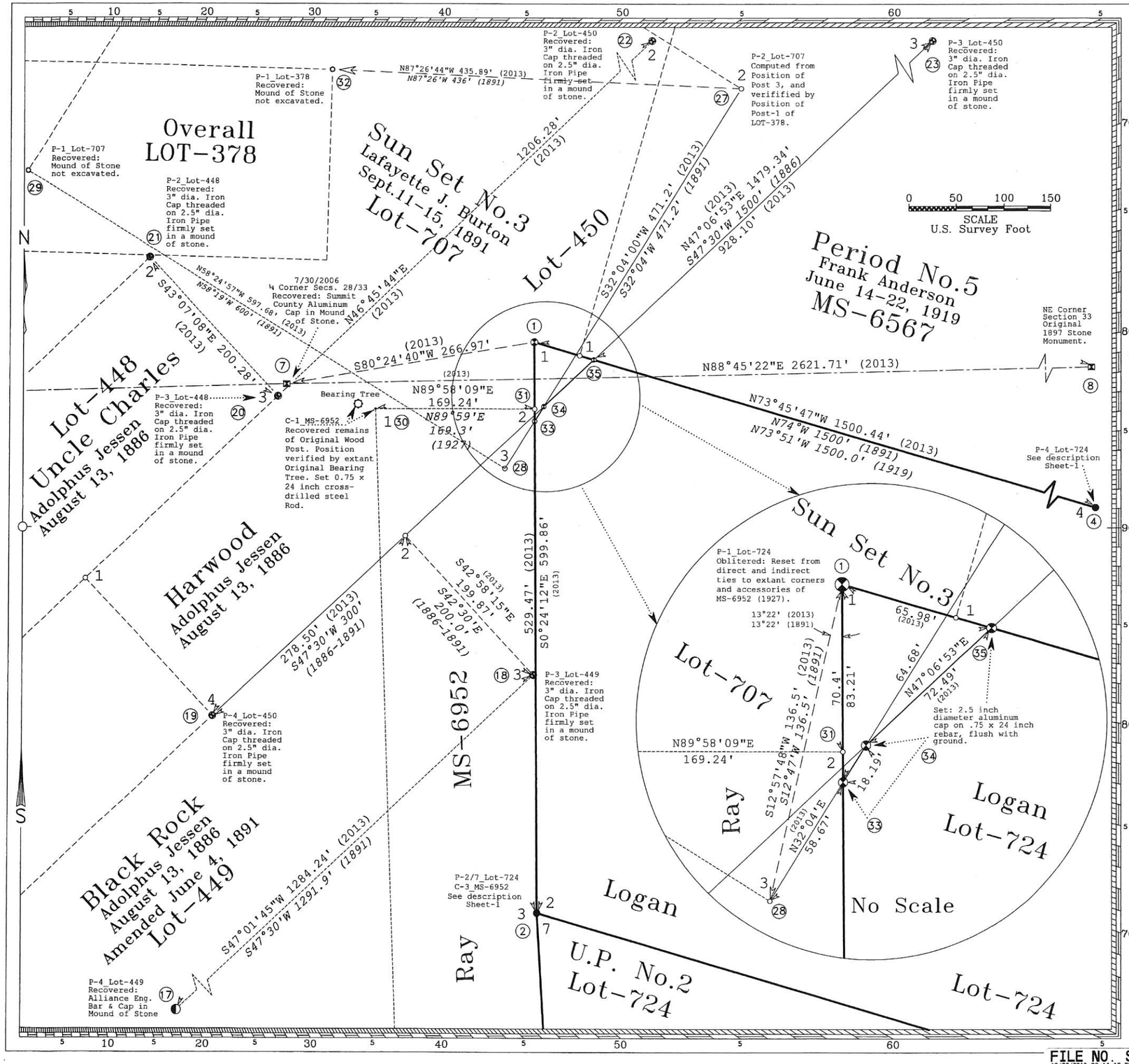

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PARK Azimuth 1938

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S13°E 600.0(r) = Record values

ORIGIN OF COORDINATES

NAD83(2011) Epoch 2010.00 Coordinate estimates are based on multiple GPS observations on Control Stations in the Project area, and constrained by the National Spatial Reference System

All bearings and distances shown hereon, are based on a NAD83(2011) Low Distortion Projection as defined below, and the distances are thereby expressed at an approximate Elevation of 8,900 Feet NAVD88.

Coordinate System Parameters

Transverse Mercator

Datum	= NAD83(2011) EPOCH 2010.0000	
Origin Latitude	=	40°36'20.42780" N
Central Meridian	=	111°30'01.36740" W
Scale Reduction	=	1.000 422 unitless
False Northing	=	200,000.00 USSF
False Easting	=	50,000.00 USSF
GEOID12a (N)	=	-15.442 (m)
Developed GRID @ ~8,900 NAVD88		

Geodetic Coordinates

No	Latitude	Longitude	Description
1	40° 36' 33.73671" N	111° 29' 56.52819" W	p1-724
2	40° 36' 27.81197" N	111° 29' 56.47359" W	p2-7/c3-724/6952
3	40° 36' 23.66998" N	111° 29' 37.80781" W	p3-6/c7-724/5931
4	40° 36' 29.59351" N	111° 29' 37.85820" W	p4/c2-724/6567
5	40° 36' 17.63190" N	111° 29' 37.30317" W	p5/c2/c6-724/5929/5931
6	40° 36' 21.79601" N	111° 29' 56.00404" W	p8/c3/c4-724/5404/5929/6952
7	40° 36' 33.29824" N	111° 29' 59.94001" W	¼ Corner Secs. 28/33
8	40° 36' 33.85875" N	111° 29' 25.96883" W	Cor. Secs.28/27/33/34
9	40° 36' 7.817803" N	111° 29' 24.84568" W	¼ Corner Secs. 33/34
10	40° 36' 7.112304" N	111° 29' 34.98618" W	County Line Post #64
11	40° 36' 13.18128" N	111° 29' 50.81262" W	County Line Post #68
12	40° 36' 20.41296" N	111° 30' 01.27165" W	USMM No.2 (computed)
13	40° 36' 20.42780" N	111° 30' 01.36740" W	PARK Azimuth USC&GS
14	40° 36' 20.46563" N	111° 30' 01.41142" W	County Line Angle Point
15	40° 36' 20.46398" N	111° 30' 01.52578" W	Large Carin
16	40° 36' 24.31647" N	111° 30' 04.74246" W	County Line Post #71
17	40° 36' 21.63043" N	111° 30' 08.70961" W	p4-449
18	40° 36' 30.27690" N	111° 29' 56.53125" W	p3-449
19	40° 36' 29.84942" N	111° 30' 00.94165" W	p3/p4-38/450
20	40° 36' 33.17226" N	111° 30' 00.05867" W	p3-448
21	40° 36' 34.61630" N	111° 30' 01.83293" W	p2-448
22	40° 36' 41.33413" N	111° 29' 48.66848" W	p2-450
23	40° 36' 39.79285" N	111° 29' 46.89329" W	p3-450
24	40° 36' 21.33194" N	111° 29' 53.89746" W	c2/1-5929
25	40° 36' 19.53810" N	111° 29' 45.85062" W	c2/1-5929
26	40° 36' 16.96177" N	111° 29' 37.22373" W	c3/c5-5929/5931
27	40° 36' 36.36683" N	111° 29' 53.68280" W	p2-707
28	40° 36' 32.42284" N	111° 29' 56.92506" W	p3-707
29	40° 36' 35.51474" N	111° 30' 03.52364" W	p1-707
30	40° 36' 33.04050" N	111° 29' 58.71517" W	c1-6952
31	40° 36' 33.04137" N	111° 29' 56.52179" W	c2-6952
32	40° 36' 36.55877" N	111° 29' 59.32647" W	p3-378
33	40° 36' 32.91484" N	111° 29' 56.52061" W	Prop-Cor
34	40° 36' 33.06710" N	111° 29' 56.39544" W	Prop-Cor
35	40° 36' 33.55453" N	111° 29' 55.70719" W	Prop-Cor

Certificate of Surveyor

I, Loyal D. Olson III of Evanston, Wyoming, do hereby certify that I am a Registered Land Surveyor in the State of Utah, and that I hold Certificate No.4954 as prescribed by the Laws of Utah. I also certify that said Certificate is currently valid and in good standing.

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PROFESSIONAL LAND SURVEYOR · STATE OF UTAH
LOYAL D. OLSON III
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No. 4954

LOYAL D. OLSON III
Consulting Surveyor
207 Troy Ct. Evanston, Wyoming 82930
(307) 789-0291

FILE NO. S0007976
12/20/2013 02:14:19 PM
Survey 2 of 2
MARY ANN TRUSSELL SUMMIT COUNTY RECORDER
FEE $ 20.00 BY LOYAL D OLSON III CONSULTING SURVEYOR
S-7976

BRANSFORD PROPERTY

FEASIBILITY STUDY

prepared for
MARILYN A. BRANSFORD
December 1981

J.J.Johnson & Associates

Civil Engineering
Land Planning
Surveying

PARK MEADOWS PLAZA HWY 248 PARK CITY UTAH 84060 (801) 649 9811

CONTENTS

1. Introduction

2. Logan/UP #2

   A. Site analysis
   B. Density/zoning analysis

3. Silver Bond/Horn Silver/Point Junction

   A. Site analysis
   B. Density/zoning analysis

4. Dutchman
   A. Site analysis
   B. Density/zoning analysis

5. Utility Analysis

6. Conclusion

7. References

INTRODUCTION

J. J. Johnson & Associates have been contracted to prepare a parcel analysis regarding six (6) mining claims owned jointly by Bransford Estate and United Park City Mines Company. The following is a list of those mining claims and the percent of ownership of each.

	Ownership	
	Bransford Estate	U.P.C.M. Co.
Dutchman-M.S. 3008	25%	75%
Silver Bond - Lot 123	66.67%	33.33%
Horn Silver - M.S. 5398	66.67%	33.33%
Point Junction - Lot 125	66.67%	33.33%
U.P. No 2 - Lot 724 (1)	55%	
Logan - Lot 724 (2)	55%	36% (1 & 2)

The first four of the listed claims fall westerly of the Deer Valley and Greater Park City demarcation line, and thusly Greater Park City would be a part to the surface interest held by the United Park City Mines Company.

The last two claims currently fall within the property interest of the Deer Valley Lease, and thusly Deer Valley Resort Company would be a party to that surface interest held by the United Park City Mines Company.

Deer Valley Resort is in the process of decreasing the present leased area. The proposed boundary is indicated on the location map (see figure 1).

The Dutchman, Logan and U.P. No. 2 Mining Claims fall within Summit County jurisdiction while the other three (3) claims are under Wasatch County Jurisdiction (see location map No. 1). All six mining claims are south of Park City, Deer Valley Resort and Park City Resort and are accessed by Highway 224, an unimproved road connecting Park City, Brighton and the Heber Valley. This access is currently a 20 - 25 foot wide gravel road with grades up to 14%. The road is only open to the automobile during the summer months (April - November). During the winter months (December - March), it is used as a major snowmobile trail. The Utah Department of Transportation has future plans to improve this highway for year round automobile use; however, that action is based on development and population demand.

The environmental information gathered for this report is general in nature, therefore, site specific data is recommended prior to development to guarantee no underlying problems. The following sections will address site, zoning and density analysis for the above mentioned parcels.

SITE ANALYSIS

Logan and U.P. No. 2 mining claims are located on the east slope of Flagstaff Peak and extend east to the Ontario Canyon drainage swale (see figure 1). This parcel contains approximately 40 acres lying just north of the county line in Summit County.

Slopes ranging from 10 to 70 percent descend convexly north along the ridgeline and east in a terraced pattern. Approximately 13 acres of the site have a grade greater than 30 percent leaving approximately 27 acres with grades of less than 30 percent, which is 68 percent of the total site area.

The site drops in elevation from 9100 feet to 8700 feet at the lowest convergence point of the Ontario Canyon drainage and the east parcel boundary line (see figure 2).

The ridgeline is dominated on its east side by rock outcroppings, varying from slight protrusions above the landscape to prominant nearly vertical cliffs. Sparse amounts of grasses and sedge occur on the very shallow soil material. In places, scrubby conifers and shrubs grow in clumps or as individual plants mainly in cracks and small pockets of soil material. The effective rooting depth is approximately 19 inches (1).

The remainder of the site terraces in three gradual steps to the northeast. Its soil is very deep and well drained with moderate to high content of organic matter occurring in the surface layer. In a typical profile, the surface is very dark brown, loam, about 6 inches thick. The first underlying layer is very dark brown, very cobbly loam about 21 inches thick. The second underlying layer is brown, very cobbly sandy loam about 31 inches thick. The third underlying layer is dark grayish brown very cobbly sandy loam, to a depth of more than 60 inches. The soil is neutral throughout. Rock fragments are boulders, stones, cobbles and gravel and the content is 10 percent in the surface layer, 50 percent in the first underlying layer and 70 to 75 percent in the remaining layers. Permeability is moderate to moderately rapid. Available water capacity is moderately low. Surface runoff is medium and erosion hazard is slight under natural vegetation and high where vegetation is removed and the soil is left bare.

The typical vegetation in the terraced area consists of aspen scattered with conifers, snowberry, elderberry, mountain bromegrass and slender wheatgrass. The effective rooting depth is 60 inches. The soil layers in the terraced area avearage 10

to 12 feet in depth, while the ridgeline and rock outcropping area has only a maximum of three (3) feet surface soils before reaching bedrock (1).

The average annual precipitation is 35 to 45 inches. The majority of precipitation which falls on the site each year accumulates as a thick snowpack during the winter months. An average of 280 inches can be expected annually.

Irregular surfaces, good vegetation coverage and moderate climatic conditions indicate a slight avalanche hazard. The south end of the bowl and its east slopes have a moderate danger because of its lack of vegetation and steep slopes.

Seventy percent of the site is located on a Weber Quartzite formation. The remainder of the area has been plotted by the U. S. Geological Survey as pockets of intrusive porphyries. The structural capabilities of all formations found on site are considered acceptable for contemplated construction.

Two small earthquake faults are located on the site and two other faults parallel the north and south boundary lines (2). This general area is considered part of the Intermountain Seismic Belt (I.S.B.). The Wasatch Fault, which at its closest point lies 16 miles due west of Park City, is one of the largest and most seismically active faults in the I.S.B. Although many faults have been recognized in the Park City Mining District, none are known to show evidence of recent activity (4).

The mean annual temperature ranges between 35 and 50 degrees (1). Northwest storm winds are slowed significantly by the Wasatch Mountains to the west. The site is partially sheltered from storm winds by the west ridgeline and thick conifer stands. The sites moderate to good solar orientation would appear to increase the frost free season which averages 50 to 70 days (1).

Wildlife typical to this habitat might be grouse, woodpeckers, squirrels, procupine, hare, deer and elk. (1)

Nordic skiing and snowmobiling are the dominant forms of winter recreation in this area. A formal access for downhill skiing is not available to the area at this time, however, Deer Valley Resort has a preliminary lift and ski run plan proposed for the north side of Flagstaff Mountain to be developed in the future. This would make available possible ski-in/ski-out facilities for this site.

Views are predominantly short range due to the close proximity of the mountains which surround the site. Access to the northwest corner of the site can currently be reached by way of an unimproved roadway from the Guardsman Connection Road (State Highway 224) originating at the summit (see access map No. 3). At the present time, the access point is approximately 150 feet northwest of the site. Any future access to the site would have to be coordinated with surrounding developers.

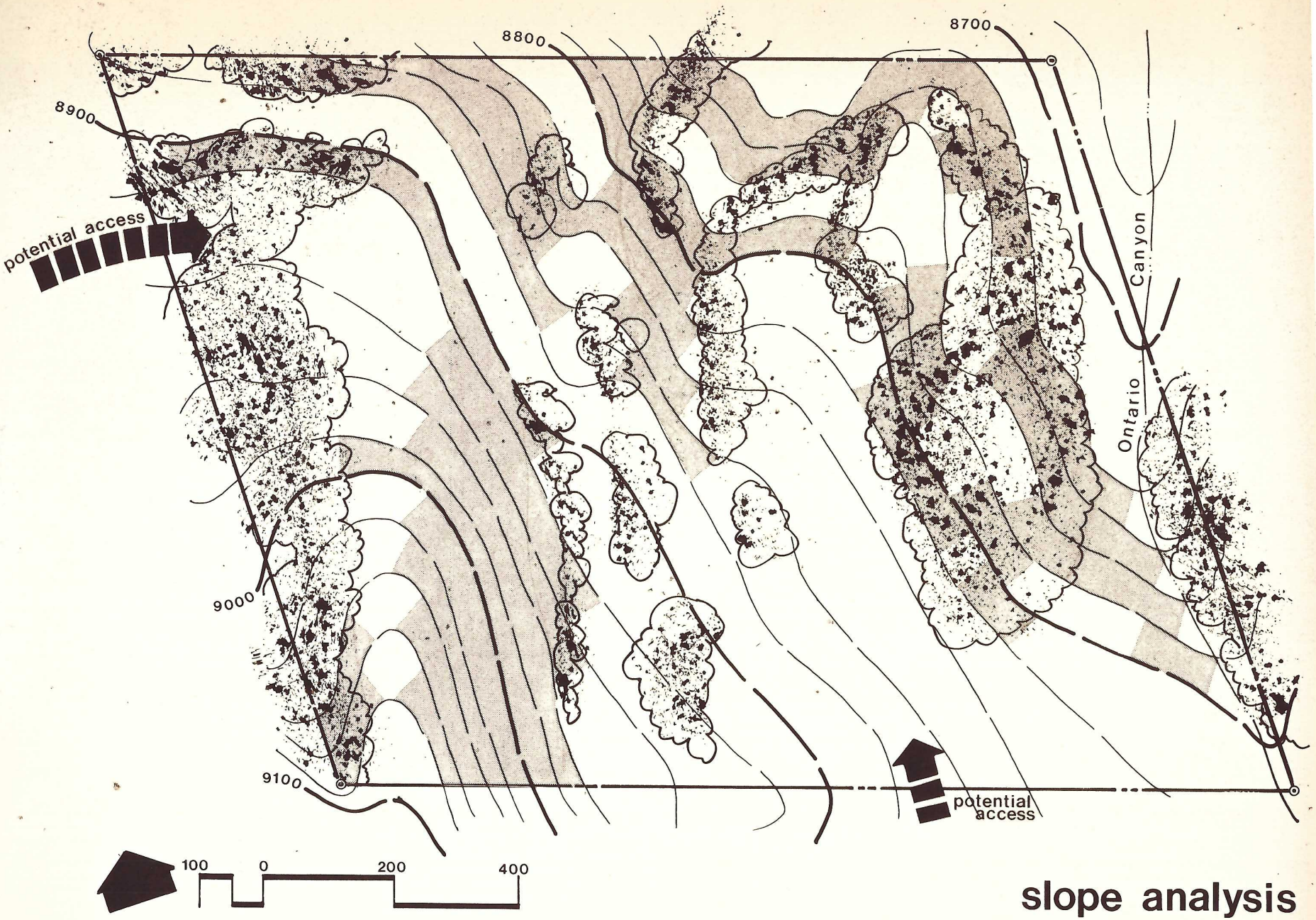


FIGURE 274

LOGAN / U. P. no. 2

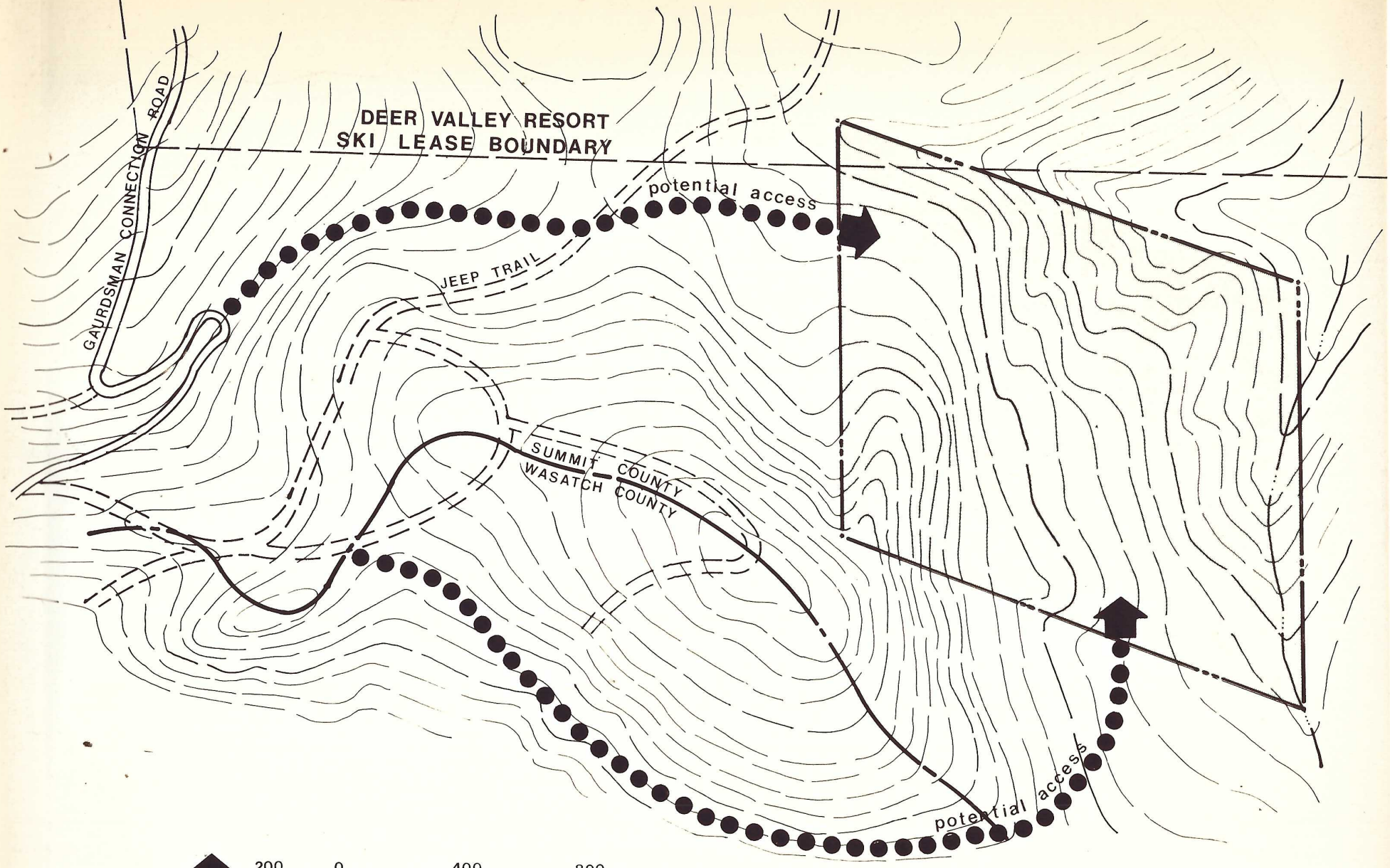


FIGURE 275

LOGAN / U. P. no. 2

DENSITY / ZONING ANALYSIS

Logan & U.P. No. 2 mining claims are currently zoned agriculture-grazing (AG-1) which allows one (1) dwelling unit/40 acres or a total density on this site of one (1) unit. To achieve a greater density, it will be necessary to rezone the property. At the present time Recreation 5 (R-5) or Recreation 1 (R-1) under the Planned Unit Development Exception, would be the best possibilities. These zones would not require any improvement to the present access road (Guardsman-Brighton Connection) and under R-5 a central water system may be waved by the Planning Commission. Density is calculated only on ground under 30% and a density bonus of 50% is given for the P.U.D. exception. Under the R-5, you could achieve a total density of 7 units. This allows 5 units for the 27 acres under 30% and 2 units for the 50% bonus. Under the R-1 zone you could achieve a total density of 40 units. This allows 27 units for the 27 acres under 30% and 13 units for the 50% bonus. It typically takes 9 - 12 months to take a site plan through rezone and the preliminary submittal process and another 2 - 3 months for final plat approval.

Of this 27 acres, there are 19 acres which should be accessible for development. This should accommodate a density of 60 - 70 multi-family units. This would be a long-range goal. To achieve this density, it would be necessary to rezone the property to a Rural Residential 2 designation (RR-2 will accommodate 1 unit per 1/2 acre) or annex the site and all the property between to Park City. For this to happen, it would be necessary to fully improve Guardsman-Brighton Connection, provide water and sewer systems and the other utilities as discussed under the utility section of this report. Proposed densities are based on a slope analysis on U.S.G.S. topography. These numbers may vary when refined contours are obtained.

CONCLUSION

Of the six mining claims, five have long-term development potential; Silver Bond, Horn Silver, Point Junction, Logan and U.P. #2. Each have a reasonable percentage of land considered developable with a possibility of access off Highway 224 of under 10%.

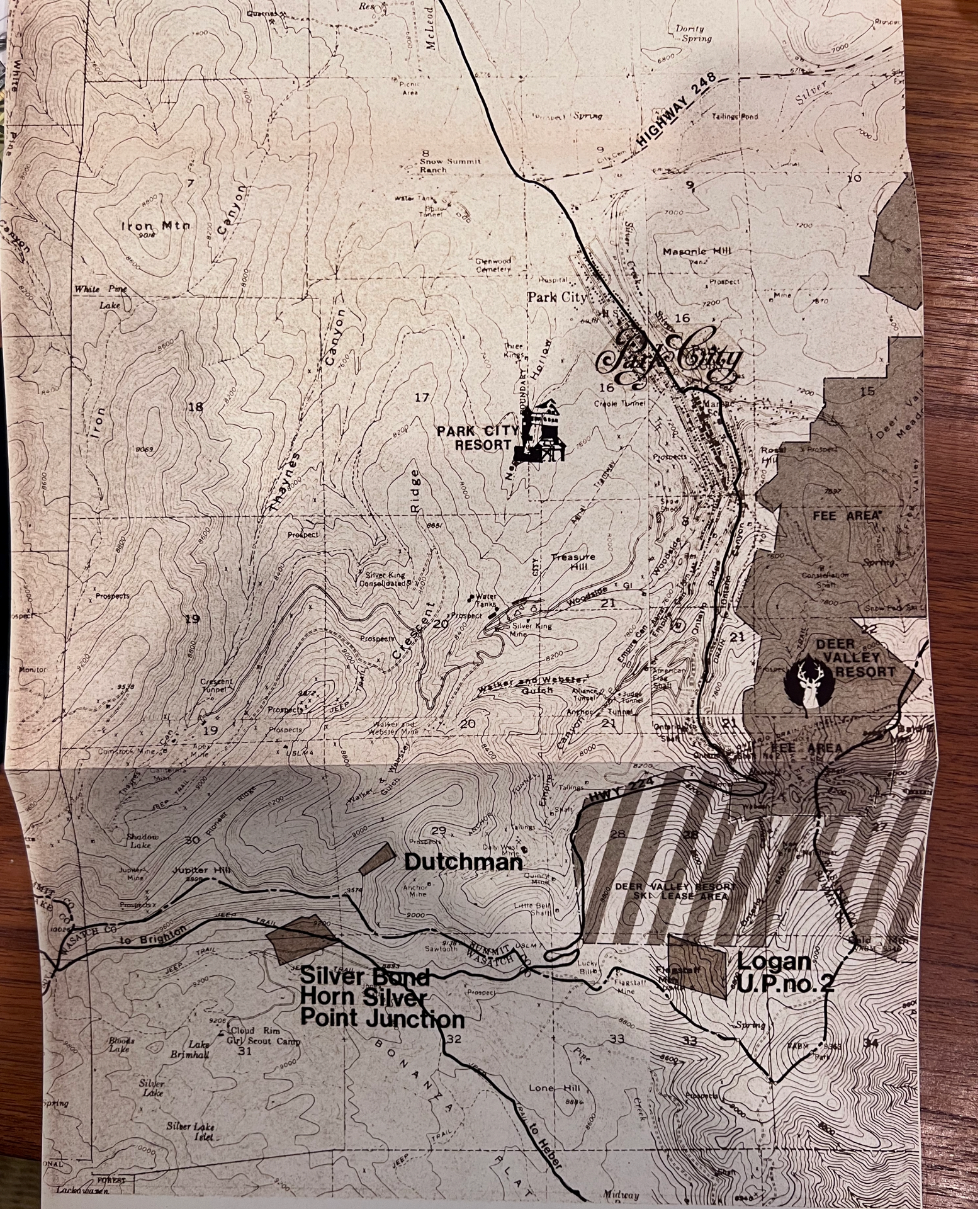
Their remoteness to other major developments and the negative political atmosphere surrounding development in this area make rezoning or development unadvisable at the present time. It is recommended that the parcels be developed in conjunction with the surrounding property. This will defer some of the development costs incurred by the developer. Also, the political powers would be more receptive to the development if it is part of a large-scale planned unit development, rather than individual developments scattered throughout the area.

U.P. No. 2-Logan Parcel

Water - same as the Dutchman Parcel if wells are considered. Water may be piped up the Guardsmen connection Road via the same system that would supply the Dutchman and Silver Bond-Horn Silver-Point Junction Parcel. Additional expense would be about $60,000. Independent expense would be about $200,000.

Sewer - same as the Dutchman Parcel. An alternative that might be available would be to pipe the sewage into the Snyderville Basin Sewer Improvement District system near Deer Valley Resort's Silver Lake Lodge. An easement may be negotiated for.

Power, Gas, Telephone - same as for the Dutchman Parcel.


Park City
PARK CITY RESORT
DEER VALLEY RESORT
DEER VALLEY RESORT SKI LEASE AREA
FEE AREA
Dutchman
Silver Band
Horn Silver
Point Junction
Logan U.P.no.2
HIGHWAY 248
HWY 224
Iron Mtn
Masonic Hill
Treasure Hill
Jupiter Hill
Lone Hill
Lake Brimhall
Silver Lake
Silver Lake Islet
Shadow Lake
Bloods Lake
Lackawaxen
Midway
to Brighton
to Heber
BONANZA FLAT
Snow Summit Ranch
Glenwood Cemetery
Hospital
Creole Tunnel
Three Kings
Crescent Tunnel
Silver King Mine
Silver King Consolidated
Walker and Webster Gulch
Walker and Webster Mine
Comstock Mine
Quincy Mine
Anchor Mine
Little Bell Shaft
Lucky Bill
Flagstaff Mine
Daly West Mine
Empire Canyon
Ontario Canyon
Thaynes Canyon
Iron Canyon
McLeod Ridge
Crescent Ridge
Pioneer Ridge
Woodside Gulch
Three Kings Hollow
Silver Creek
Dorsey Spring
Prospect Spring
Tailings Pond
White Pine Lake
Cloud Rim Girl Scout Camp
Picnic Area
Water Tanks
Prospects
Monitor
Alliance Tunnel
Judge Tunnel
Anchor Tunnel
Ontario Tunnel
Ontario Shaft
Empire Shaft
Empire Canyon Shaft
Constellation Shaft
Rossi Hill
Deer Valley Meadows
Spring
Tailings
Shaft
Prospect
Mine
Jeep Trail
Wasatch Co
Summit Co
1000 0 2000 4000
location map
FIGURE
279

WHEN RECORDED, RETURN TO:

Bransford Land Company, LLC
P.O. Box 681318
Park City, UT 84068

01157840 B: 2647 P: 1412
Page 1 of 20
Rhonda Francis Summit County Recorder
03/11/2021 03:02:50 PM Fee $40.00
By High Country Title
Electronically Recorded

Affects Summit County Parcel Nos: See Exhibits

ACCESS AND UTILITY EASEMENT AGREEMENT
[Twisted Branch, Red Cloud Trail, and Unimproved Areas]

THIS ACCESS AND UTILITY EASEMENT AGREEMENT ("**Agreement**") is made as of the 11 day of March, 2021 (the "**Effective Date**"), by and between **REDUS PARK CITY LLC**, a Delaware limited liability company ("**Redus**"), for itself and as declarant for the Empire Pass Master Owners Association, Inc., a Utah nonprofit corporation ("**EPMOA**"), and **BRANSFORD LAND COMPANY, LLC**, a Utah limited liability company ("**Bransford**"). Redus and Bransford are sometimes referred to herein individually as a "**Party**" and collectively as the "**Parties.**"

RECITALS

A. Redus is a declarant under the Certificate of Amendment and Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass recorded December 14, 2004 as Entry No. 719855 with the Summit County Recorder as amended by that certain Certificate of Amendment to 2004 Certificate of Amendment and Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass recorded June 12, 2019 as Entry No. 1112485 with the Summit County Recorder (collectively, the "**Master Declaration**").

B. EPMOA owns the underlying fee to portions of a private road commonly referred to as "**Red Cloud Trail**" located within the Red Cloud subdivision, as shown in the Red Cloud Subdivision Official Plat recorded January 27, 2005, as Entry No. 724721 in the office of the Summit County Recorder, as amended by Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision, recorded July 31, 2006, as Entry No. 785276 in the office of the Summit County Recorder and depicted on **Exhibit A** (the "**Red Cloud Trail Access Area**").

C. The instrument by which EPMOA obtained title to Red Cloud Trail also reserved unto Redus, as successor to the original holder of the reserved rights, the right to unilaterally grant further easements, including without limitation, easements over Red Cloud Trail, including the Red Cloud Trail Access Area.

D. Redus owns the underlying fee to a private road commonly referred to as "**Twisted Branch**", legally described on **Exhibit B** and depicted on **Exhibit B-1** (the "**Twisted Branch Access Area**").

E. Redus also owns certain real property east of the Red Cloud Trail Access Area, more particularly described on **Exhibit C** and depicted generally on **Exhibit C-1** as "Parcel A (east of RC-2)" and "Parcel B" (collectively the "**Red Cloud Parcels**"), "R-2a", and "Home Station & Luckey Bill (east of Red Cloud Subdivision)" (collectively with the Red Cloud Parcels, the "**Unimproved Access Areas**"), as also depicted in that certain Access and Utility Easement Agreement as the "Easement Area" (as further depicted on Exhibit C therein) and recorded with the Summit County Recorder on July 11, 2018 as Entry No. 01094893.

F. The Red Cloud Trail Access Area, the Twisted Branch Access Area, and the Unimproved Access Areas, are sometimes referred to herein collectively as the "**Bransford Access Area**".

G. Bransford owns certain real property located in Summit County, State of Utah, which real property is described on the attached **Exhibit D** (the "**Bransford Property**"). The Bransford Property is in the vicinity of the Bransford Access Area, but is not contiguous to the Bransford Access Area.

H. Bransford claims historic access ("**Claimed Access**") to the Bransford Property from Guardsman's Road (also known as Marsac Avenue or SR 224) as further described in that certain Notice of Interest and Claim in Roadway recorded with the Summit County Recorder on May 22, 2020 as Entry No. 01132621 (the "**Notice**") and is engaged in a lawsuit with respect to the Claimed Access and Notice and other matters.

I. Without acknowledging, consenting, or agreeing to Bransford's Claimed Access, and subject to all of the terms and conditions of this Agreement, Redus, as fee owner, holder of reserved easement rights, and a declarant for EMPOA is willing to grant to Bransford a non-exclusive, perpetual easement for access over the Bransford Access Area and for utilities over a portion of the Unimproved Access Areas for the purpose of facilitating the development of the Bransford Property for the Approved Uses identified in Section 2 hereof.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Conditions Precedent**. All of the terms of this Agreement are expressly conditioned upon the satisfaction of the following conditions:

(a) Legal Access between Unimproved Access Areas and Bransford Property. Prior to commencing any construction on or over the Unimproved Access Areas, the Bransford Property must have obtained record legal access over the real property located between the Unimproved Access Areas and the Bransford Property, such area currently being a portion of the "BLX Property" benefitted by and further described and defined in that certain Access and Utility Easement Agreement [Twisted Branch and Red Cloud Trail] recorded with the Summit County Recorder on July 11, 2018 as Entry No. 01094892, at such locations approved by or for the underlying fee owner(s) thereof;

(b) Release of Notice of Interest. Bransford shall have executed and recorded in the official records of the Summit County Recorder a full release of the Notice, in a form agreed to by separate written agreement between the Parties; and

(c) Payment to Redus. Bransford shall have paid to Redus such amounts as agreed to by a separate written agreement between the Parties executed contemporaneously herewith.

2. **Ingress and Egress Easement**. Subject to the terms and conditions of this Agreement, Redus, for itself and as declarant for EPMOA, hereby grants to Bransford, a perpetual, non-exclusive and continuous easement and right-of-way (the "**Access Easement**"), over, upon, and across the Bransford Access Area on the terms set forth herein. The Access Easement is limited to vehicular and pedestrian ingress and egress over the Bransford Access Area and further, access over the Unimproved Access Areas is limited to the specific location approved in writing in advance by Redus, which approval shall not be unreasonably withheld, conditioned, or delayed, and in coordination with BLX (defined below). Bransford hereby covenants and agrees that the Bransford Property shall be developed only for the following approved uses (the "**Approved Uses**"): single-family homes and accessory/ancillary structures; chapel; open space, trails and other similar uses; conservation uses as allowed or required by a conservation easement; firebreak and fuels reduction; and for recreational ski/bike/hike/multipurpose trails, ski runs, lifts, skier amenities and other improvements related thereto and the provision of skier services thereon.

3. **Utility Easement**. Subject to the terms and conditions of this Agreement, Redus, for itself and as declarant for EPMOA, hereby grants to Bransford a perpetual, nonexclusive easement and right-of-way (the "**Utility Easement**") to install, construct, maintain, repair, replace, and operate underground public and quasi-public utility facilities (collectively, the "**Utility Facilities**") within the Unimproved Access Areas; provided however such Utility Facilities shall only be constructed at locations and connected pursuant to plans and specifications approved in writing in advance by the applicable service providers and by Redus, which Redus approval shall not be unreasonably withheld, conditioned, or delayed, and in coordination with BLX (defined below). Bransford, at its sole cost and expense, shall install, construct, maintain, repair, replace and operate the Utility Facilities installed by Bransford or Bransford's contractors, subcontractors or employees in a good and safe condition and in compliance with all applicable laws, rules, regulations and ordinances.

4. **Coordination with BLX**. The Utility Easement and the Access Easement are collectively referred to herein as the "**Easements**". Bransford acknowledges and agrees that the Easements are expressly nonexclusive and that Redus has previously granted to BLX Pioche LLC, 32 Dom Mayflower LLC, and RH Mayflower LLC, each a Delaware limited liability company (collectively, and with their respective successors and permitted assigns, "**BLX**"), certain access and utility rights, covenants and agreements affecting the Bransford Access Area as more particularly described in that certain Access and Utility Easement Agreement [Twisted Branch and Red Cloud Trail] by and between Redus and BLX dated July 11, 2018 and recorded with the Summit County Recorder on the same date as Entry No. 01094892 and that certain Access and Utility Easement Agreement [R-2A] by and between Redus and BLX dated July 11, 2018 and recorded with the Summit County Recorder on the same date as Entry No. 01094893

(the "**BLX Agreements**"). Bransford acknowledges and agrees that (a) the Easements and road across the Unimproved Access Areas must be coordinated with BLX, and (b) the Utility Facilities may only be installed, constructed, maintained, repaired, replaced, and operated in coordination with BLX and with the prior approval of Redus and applicable service providers as set forth in Section 3 above. The Parties acknowledge the placement and construction of the Easements may require an amendment to the Red Cloud Subdivision Plat approved by Park City and Redus agrees to cooperate, as to any land that Redus owns within a proposed amendment to the Red Cloud Subdivision Plat, with such amendment to allow Bransford to use the easements described herein, at no cost to Redus.

5. **Repair of Damage**. If, in connection with the use and enjoyment of the Easements hereby granted, any landscape, sidewalk, roadway surface or other improvements of or on the Bransford Access Area are damaged or destroyed by one or more of Bransford, the Bransford Parties (defined below) or any of their respective contractors, subcontractors or employees, then, within thirty (30) days (or such longer period as may be reasonably necessary therefor, so long as Bransford shall commence any necessary cure within such thirty (30)-day period and diligently prosecute the same to completion) thereafter, Bransford shall repair or replace, or cause to be repaired and replaced on a lien-free basis, such damaged or destroyed improvements to a condition as near as practical to that existing before any such damage or destruction.

6. **Development Agreement**. The Easements granted herein are subject to the restrictions, conditions and rights contained in that certain Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel and Iron Mountain dated as of March 2, 2007, and recorded on March 2, 2007 as Entry No. 00806100 in Book 1850, Page 1897 (the "**Development Agreement**"). Bransford shall not allow the Bransford Parties, or any of them, to use the Easements over the Bransford Access Area to benefit lands located in Wasatch County, Utah.

7. **Rights Run With The Land/Personal Easement/Assignability**. Subject to the terms hereof, all provisions of this Agreement, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the successors and permitted assigns of the Parties. The Easements and applicable provisions of this Agreement are personal to Bransford and may not be assigned or transferred to another party without the prior written consent of Redus, which consent may be withheld in Redus' sole discretion. Notwithstanding the foregoing, Bransford may assign its rights hereunder to any subsequent owner of the Bransford Property, or any portion thereof, and to any homeowners' association formed in connection with the development of the Bransford Property (the "**Bransford HOA**") (collectively, with Bransford, the "**Bransford Parties**" or singularly a "**Bransford Party**"), without the prior written consent of Redus or its successor. The Bransford Parties shall be permitted to grant temporary licenses to use the Bransford Access Area to their respective agents, invitees, employees, and contractors solely for purposes of, and in connection with, construction, maintenance, and development of, or access to and from, the Bransford Property. Redus may assign this Agreement and its rights and obligations hereunder to EPMOA provided that EPMOA must first provide a written acceptance and assumption agreement satisfactory to Bransford and Redus, each in the exercise of their reasonable discretion.

8. **Term of Easements**. The Easements granted herein are perpetual in nature and shall remain effective so long as the Easements are being utilized by the Bransford Parties, or any of them, in accordance with the terms and conditions of this Agreement. If a Bransford Party fails to use the Easements in accordance with the terms and conditions of this Agreement, then the Easements shall terminate as to that particular Bransford Party. Should the Bransford Access Area, or any portion thereof, become a public road, then this Agreement shall automatically terminate as to such portion. In addition to the foregoing, should the Bransford Property be used for a purpose other than the Approved Uses or become part of EPMOA through the filing of a Supplemental Declaration or otherwise, then this Agreement shall automatically terminate.

9. **Reservation of Rights**. Redus hereby reserves the following rights, for itself and its successors and assigns, and any other holder of fee title to the Bransford Access Area (collectively, the "**Redus Parties**"), in their sole discretion and without the consent or approval of Bransford or any other individual or entity with rights in and to the Bransford Access Area (with the following list not being a limitation on any other rights the Redus Parties may reserve from time to time with respect to their respective interests in the Bransford Access Area, so long as reasonable access is granted and available to the Bransford Parties consistent with the terms of this Agreement):

(a) to sell, encumber, lease, convey, dedicate or otherwise transfer ownership of all or any portion of the Bransford Access Area, including, without limitation, dedicating all or any portion of such Bransford Access Area to any state agency or local municipality for use as a public road, but only to the extent consented to by Redus in a separate, future writing;

(b) to maintain the Bransford Access Area as and when the Redus Parties deem necessary and appropriate; and

(c) to alter any existing improvements currently located on the Bransford Access Area and/or to install additional improvements on the Bransford Access Area, including, without limitation, installing gates at locations as the Redus Parties deem appropriate from time to time, so long as EPMOA and/or Redus shall provide keys or access codes to the Bransford Parties for any such gate(s) leading to or located on the Bransford Access Area (provided that it is understood and agreed by the Parties hereto that access may be denied to the Bransford Access Area as expressly set forth in this Agreement and in accordance with the terms of this Agreement).

10. **Maintenance, Repair and Replacement**. Except as set forth in Section 10(a) below, the ongoing maintenance, repair and replacement of the Bransford Access Area and related improvements, including, without limitation, gates, utility sleeves, culverts, landscaping and snow removal, each to the extent occurring within the Bransford Access Area, and the costs and expenses for snow removal performed by EPMOA on Marsac Avenue pursuant to the Development Agreement (collectively, the "**Road Maintenance**"), shall be performed by EPMOA or its assigns (in accordance with the Master Declaration); provided, however, that EPMOA's obligations to perform (or cause to be performed) the Road Maintenance shall, at EPMOA's election and in its sole discretion, be conditioned upon the users of the Bransford

Access Area paying their respective shares of the costs and expenses for such Road Maintenance to the extent the same are due and owing to Redus.

(a) The ongoing maintenance, repair and replacement of the Unimproved Access Areas and related improvements, including, without limitation, utility sleeves, culverts, landscaping and snow removal, each to the extent occurring within the Unimproved Access Areas shall be the responsibility of the Bransford Parties, in coordination with BLX.

11. **Payment of Costs**. Redus shall allocate, in a commercially reasonable manner, all Road Maintenance costs (for the Bransford Access Area and Marsac Avenue) incurred by Redus, to the users of the Bransford Access Area (including the Bransford Parties); or if assigned in accordance with the terms of this Agreement, the reasonable Road Maintenance costs incurred by the assignee. Redus shall invoice Bransford annually, in advance, for estimated Road Maintenance costs. Bransford hereby covenants and agrees, and each of the Bransford Parties by acceptance of a conveyance of fee title to any portion of the Bransford Property covenants and agrees, jointly and severally, to pay the share of the Road Maintenance costs and expenses (which shall include a reasonable reserve fund allocation for capital expenditures in connection with the Road Maintenance and may include specific assessments in connection with construction impact fees and related charges in connection with maintenance and repairs resulting from the use of the Bransford Access Area in connection with the development of the Bransford Property) allocated to the Bransford Property (the "**Bransford Share**"), within thirty (30) days after receiving an invoice therefor from Redus. Bransford acknowledges and agrees, for itself and the Bransford Parties that Redus may, in accordance with commercially reasonable accounting and management principles, both reasonably estimate, and finally determine, the Road Maintenance costs for each calendar year during the term of this Agreement and invoice to Bransford each month the Bransford Share applicable to such month. Within one hundred twenty (120) days after the end of each calendar year during the term of this Agreement, or within such longer period of time as may be reasonably necessary (not to exceed an additional one hundred twenty (120) days), Redus shall furnish to Bransford a statement of the actual Road Maintenance costs incurred for the preceding calendar year and the Bransford Share of the actual Road Maintenance costs incurred. If the Bransford Share of the Road Maintenance costs for that calendar year exceeds the annual payments made by Bransford, then Bransford shall pay Redus the deficiency within thirty (30) days after receipt of the statement. If the payments of the Bransford Share made during that calendar year exceed the Bransford Share of the Road Maintenance costs for that calendar year, then, at Redus' option, either Redus, or its successors or assigns, shall pay Bransford the excess at the time Redus furnishes the statement to Bransford, or Bransford shall be entitled to offset the excess against the next installment(s) of Road Maintenance costs due. Notwithstanding the foregoing, Redus agrees that until such time as Bransford has commenced developing or otherwise installing or constructing improvements on the Bransford Property, the Bransford Share shall be zero (0).

12. **Remedies**. If the Bransford Share is not paid in full on or before the expiration of the above-referenced 30-day period, then Redus shall provide Bransford (or the then-current party identified for notices under this Agreement in accordance with Section 17 below) with an additional notice stating that the Bransford Share must be paid within ten (10) days (the "**Final Notice Period**") or Redus shall have the right to exercise its remedies under this Agreement. If

the Bransford Share is not paid in full on or before the expiration of the Final Notice Period, then Redus shall have the right to pursue any and all remedies available under law or in equity, including, without limitation, the right to prevent the Bransford Parties from using the Bransford Access Area through any legal and lawful means, including, without limitation, denying the Bransford Parties access to the Bransford Access Area through locking of gates, changing access codes, or otherwise preventing access to the Bransford Access Area. Notwithstanding the foregoing, if the Bransford Share is not paid as and when due, then in addition to, and not in lieu of, any other remedies available to Redus, Redus may charge the Bransford Parties interest on the outstanding Bransford Share amount at the greater of: (a) fifteen percent (15%) per annum; or (b) a rate equal to four percent (4%) over the commercial lending rate quoted by Wells Fargo Bank, N.A. from time to time.

13. **Additional Obligations with Respect to Easements Over Red Cloud Parcels**. The easements over the Red Cloud Parcels are expressly non-exclusive and any development thereon by Bransford must be coordinated with Redus, EPMOA, or its successors or assigns, and Red Cloud Subdivision Homeowner's Association, Inc., a Utah nonprofit corporation, or its successors or assigns (collectively with EPMOA the "**Associations**"). Bransford hereby acknowledges that Redus has not represented to Bransford that it has the power or authority to grant any third-party approvals to Bransford for Bransford's use of the Red Cloud Parcels and that Bransford agrees to undertake to obtain any approvals required under the governing documents of each of the Associations for any improvements to be placed thereon. Bransford also acknowledges that Redus has informed Bransford that the Red Cloud Parcels are being used or are contemplated to be used by others, including without limitation, lot owners within the Associations and/or the Talisker Club.

14. **Relocation**. Redus may relocate the Bransford Access Area, at the sole cost and expense of Redus, so long as the relocation does not interfere materially with the use and purposes of the above-described Easements.

15. **Indemnification**. The Bransford Parties shall indemnify, defend, and hold harmless Redus and the Redus Parties and their respective affiliates, members, managers, agents, tenants, and representatives for, from, and against all claims, damages, expenses (including, without limitation, reasonable attorney fees and reasonable investigative and discovery costs), liabilities, and judgments on account of injury to persons, loss of life, or damage to property resulting from the negligent or willful act or omission of the Bransford Parties, arising out of the use of the Bransford Access Area by such Bransford Parties, except to the extent such claims are due solely to the negligence or willful act or omission of Redus or the Redus Parties.

16. **No Public Dedication/No Third Party Beneficiaries**. The provisions of this Agreement are not intended to and do not constitute a dedication for public use of the Easements, and the rights herein created are for private use of the Bransford Parties, and no other. This Agreement is not intended to confer benefits on any other party.

17. **Notices** All notices and other communications hereunder shall be in writing, and be deemed duly given: (i) when given, if personally delivered; (ii) three (3) days after mailing, if mailed by certified mail, return receipt requested, postage prepaid; (iii) one business (1) day after

shipping via FedEx or other nationally recognized overnight courier service; and (iv) upon the recipient's reply to the sender's Email after sending by Email, to the following addresses:

If to Bransford Parties:	Bransford Land Company, LLC P.O. Box 681318 Park City, Utah 84068 Attention: Manager Email: bransfordland@gmail.com
If to Redus:	Redus Park City LLC c/o Wells Fargo Bank, Wholesale Commercial ORE 333 Market Street, 17th Floor San Francisco, CA 94105 Attention: David Ash Email: david.ash@wellsfargo.com
with a copy to:	Wells Fargo Bank, N.A. c/o Wells Fargo Law Department 333 Market Street, 27th Floor San Francisco, CA 94105 Attention: Alilda Ferraro, Esq. Email: alilda.ferraro@wellsfargo.com
and, with a copy to:	Snell & Wilmer L.L.P. 15 West South Temple, Suite 1200 Salt Lake City, Utah 84101 Attention: Wade R. Budge, Esq. Email: wbudge@swlaw.com

The Parties shall be responsible for notifying each other of any change of address.

18. **Miscellaneous**. If any term, provision or condition contained in this Agreement shall to any extent be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected thereby, and each remaining term, provision and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law. This Agreement shall be governed by the laws of the State of Utah, without giving effect to its conflict of laws principles. All references in this Agreement to exhibits shall, unless otherwise expressly provided, be deemed to be references to the exhibits attached to this Agreement. All such exhibits attached hereto are incorporated into this Agreement as though fully set forth herein. No modification, waiver, or amendment of any provision of this Agreement shall be made except by a written agreement signed by the Parties, or their successors or assigns, and recorded in the office of the Summit County Recorder

[*Signatures and Acknowledgements Follow*]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

REDUS:

REDUS PARK CITY LLC,
a Delaware limited liability company

By: REDUS Properties, Inc.,
a Delaware corporation
Its: Manager

By: _____
David Ash, Senior Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa)

On Mar 10, 2021 before me, P Gammon
(insert name and title of the officer)

personally appeared David L. Ash,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

P. GAMMON
Notary Public - California
Contra Costa County
Commission # 2301610
My Comm. Expires Aug 16, 2023

Signature Page to Access and Utility Easement Agreement

BRANSFORD:

BRANSFORD LAND COMPANY, LLC,
a Utah limited liability company

By: Anne L. Bransford
Anne L. Bransford, Manager

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 11th day of March, 2021 by Anne L. Bransford, as the Manager of BRANSFORD LAND COMPANY, LLC, a Utah limited liability company.

Mae Mair
Notary Public

Residing at: Heber City, UT
My Commissions Expires: 5-14-2021

MAE MAIR
NOTARY PUBLIC • STATE OF UTAH
COMMISSION# 694862
COMM. EXP. 05-14-2021

Signature Page to Access and Utility Easement Agreement

CONSENT

Redus Park City LLC, as declarant of the Red Cloud Subdivision Homeowners Association, Inc., a Utah nonprofit corporation, hereby consents to the foregoing Access and Utility Easement Agreement, pursuant to the powers reserved to declarant under the Declaration of Covenants, Conditions and Restrictions for Red Cloud Subdivision dated January 20, 2005 and recorded January 27, 2005 as Entry No. 00724722 with the Summit County Recorder.

RED CLOUD SUBDIVISION HOMEOWNERS ASSOCIATION, INC.,
a Utah nonprofit corporation

By: REDUS PARK CITY LLC,
a Delaware limited liability company
Its: Declarant

By: REDUS Properties, Inc.,
a Delaware corporation
Its: Manager

By: _____
David Ash, Senior Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa)

On Mar 10, 2021 before me, P Gammon
(insert name and title of the officer)

personally appeared David Ash,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

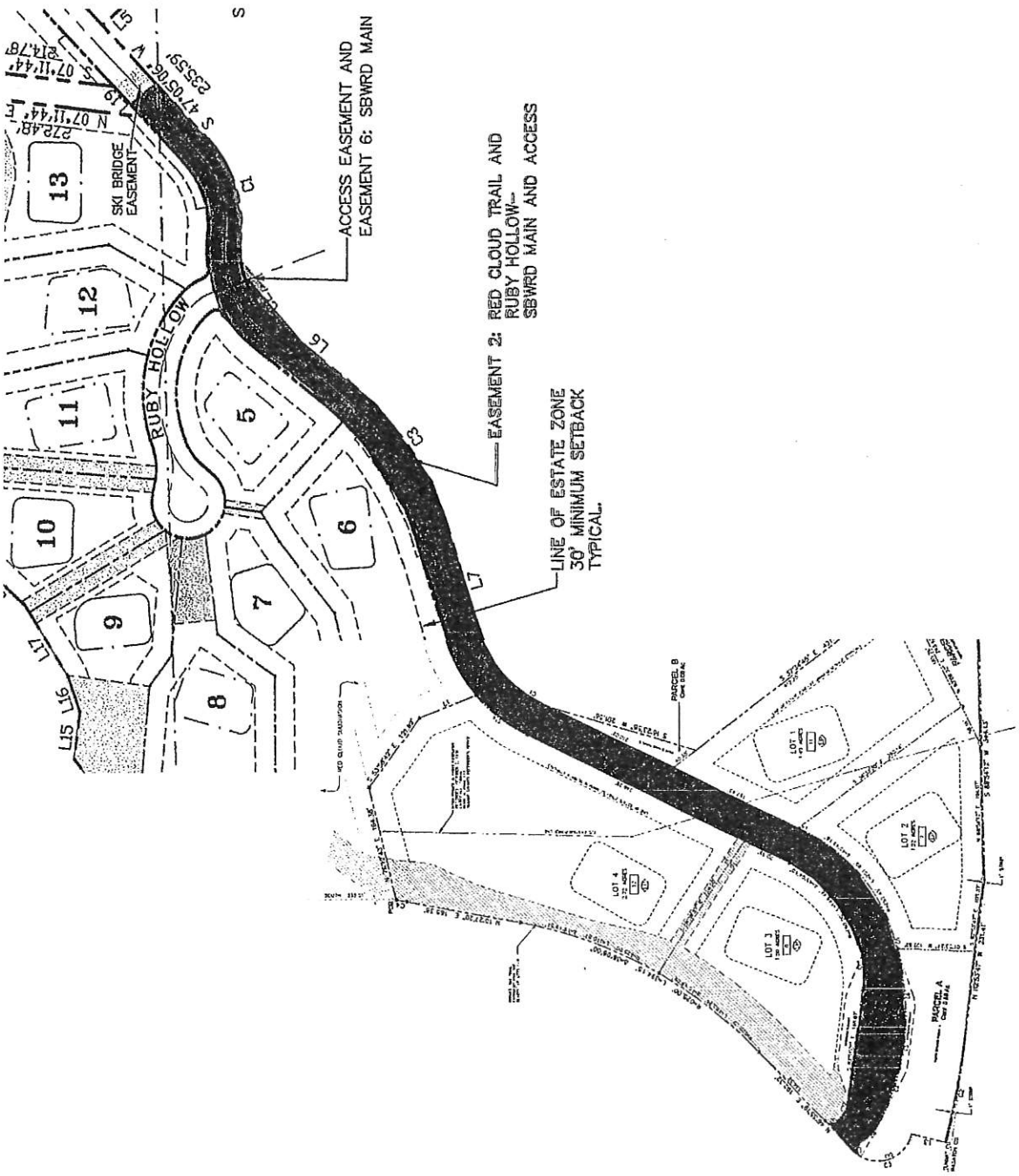
WITNESS my hand and official seal.

P. GAMMON
Notary Public - California
Contra Costa County
Commission # 2301610
My Comm. Expires Aug 16, 2023

Signature _____ (Seal)

Signature Page to Access and Utility Easement Agreement

EXHIBIT A TO EASEMENT
[Depiction of Red Cloud Trail Access Area]



Red Cloud Trail, Red Cloud Subdivision, as amended
(Originally part of Tax Identification No. PCA-S-98)

EXHIBIT B TO EASEMENT
[Legal Description of the Twisted Branch Access Area]

A parcel of land located in the west half of Section 28, the southeast quarter of Section 29, the northeast quarter of Section 32 and the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 00°30'49" West 157.00 feet coincident with the section line and East 643.05 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian (a 3-1/4" aluminum cap and pipe was set on the section line South 00°30'49" West 12.00 feet from the quarter corner location), said point being on the boundary of Marsac Avenue Right of Way, recorded June 28, 2002, as Entry No. 623451 in the office of the recorder, Summit County, Utah; and running thence along Marsac Avenue Right of Way South 64°06'13" East 50.00 feet; thence South 25°53'47" West 31.85 feet to a point on a curve to the left having a radius of 475.00 feet, of which the radius point bears South 64°06'13" East; thence along the arc of said curve 196.38 feet through a central angle of 23°41'17"; thence South 02°12'30" West 123.76 feet to a point on a curve to the left having a radius of 375.00 feet, of which the radius point bears South 87°47'30" East; thence along the arc of said curve 59.05 feet through a central angle of 09°01'18"; thence South 75°35'15" West 51.67 feet to a point on a curve to the left having a radius of 30.00 feet, of which the radius point bears South 14°24'45" East; thence along the arc of said curve 52.17 feet through a central angle of 99°38'04"; thence South 24°02'49" East 469.37 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 65°57'11" West; thence along the arc of said curve 428.20 feet through a central angle of 46°43'53" to a point of reverse curve to the left having a radius of 4475.00 feet, of which the radius point bears South 67°18'56" East; thence southerly along the arc of said curve 956.54 feet through a central angle of 12°14'50" to a point of compound curve to the left having a radius of 25.00 feet, of which the radius point bears South 79°33'46" East; thence easterly along the arc of said curve 76.99 feet through a central angle of 176°26'25" to a point of compound curve to the left having a radius of 4975.00 feet, of which the radius point bears North 76°00'10" West; thence northerly along the arc of said curve 321.87 feet through a central angle of 03°42'25" to a point of reverse curve to the right having a radius of 75.00 feet, of which the radius point bears South 79°42'35" East; thence easterly along the arc of said curve 226.54 feet through a central angle of 173°03'41"; thence South 03°21'06" West 392.14 feet to a point on a curve to the right having a radius of 1025.00 feet, of which the radius point bears North 86°38'54" West; thence along the arc of said curve 211.22 feet through a central angle of 11°48'25" to a point of compound curve to the right having a radius of 250.00 feet, of which the radius point bears North 74°50'29" West; thence southwesterly along the arc of said curve 149.56 feet through a central angle of 34°16'39"; thence South 49°26'10" West 233.46 feet to a point on a curve to the right having a radius of 275.00 feet, of which the radius point bears North 40°33'50" West; thence along the arc of said curve 241.95 feet through a central angle of 50°24'35" to a point of compound curve to the right having a radius of 305.00 feet, of which the radius point bears North 09°50'45" East; thence northwesterly along the arc of said curve 246.21 feet through a central angle of 46°15'05" to a point of reverse curve to the left having a radius of 40.00 feet, of which the radius point bears South 56°05'50" West; thence southwesterly along the arc of said curve 126.68 feet through a central angle of 181°26'58" to a point of reverse curve to the right having a radius of 1525.00 feet, of which the radius point bears South 54°38'52" West;

thence southeasterly along the arc of said curve 273.26 feet through a central angle of 10°16'00" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 64°54'52" East; thence easterly along the arc of said curve 607.09 feet through a central angle of 92°45'25"; thence North 62°09'27" East 324.38 feet to a point on a curve to the left having a radius of 425.00 feet, of which the radius point bears North 27°50'33" West; thence along the arc of said curve 231.93 feet through a central angle of 31°16'00" to a point of reverse curve to the right having a radius of 75.00 feet, of which the radius point bears South 59°06'33" East; thence southeasterly along the arc of said curve 181.22 feet through a central angle of 138°26'24" to a point on the southwesterly boundary of Red Cloud Subdivision, recorded January 27, 2005, as Entry No. 724721 in the office of the recorder, Summit County, Utah; thence coincident with the boundary of Red Cloud Subdivision the following five (5) courses: 1) continuing along the arc of said curve 80.07 feet through a central angle of 61°10'16" to a point of reverse curve to the left having a radius of 215.00 feet, of which the radius point bears South 39°29'53" East; thence 2) southwesterly along the arc of said curve 150.27 feet through a central angle of 40°02'47"; thence 3) South 10°27'20" West 165.38 feet to a point on a curve to the right having a radius of 625.00 feet, of which the radius point bears North 79°32'40" West; thence 4) along the arc of said curve 394.15 feet through a central angle of 36°08'00"; thence 5) South 46°35'19" West 192.32 feet; thence continuing South 46°35'19" West 19.00 feet; thence North 43°24'41" West 50.00 feet; thence North 46°35'19" East 211.31 feet to a point on a curve to the left having a radius of 575.00 feet, of which the radius point bears North 43°24'41" West; thence along the arc of said curve 362.62 feet through a central angle of 36°08'00"; thence North 10°27'20" East 165.38 feet to a point on a curve to the right having a radius of 265.00 feet, of which the radius point bears South 79°32'40" East; thence along the arc of said curve 185.22 feet through a central angle of 40°02'47" to a point of reverse curve to the left having a radius of 25.00 feet, of which the radius point bears North 39°29'53" West; thence northwesterly along the arc of said curve 87.10 feet through a central angle of 199°36'40" to a point of reverse curve to the right having a radius of 475.00 feet, of which the radius point bears North 59°06'33" West; thence southwesterly along the arc of said curve 259.21 feet through a central angle of 31°16'00"; thence South 62°09'27" West 324.38 feet to a point on a curve to the right having a radius of 425.00 feet, of which the radius point bears North 27°50'33" West; thence along the arc of said curve 688.04 feet through a central angle of 92°45'25" to a point of reverse curve to the left having a radius of 1475.00 feet, of which the radius point bears South 64°54'52" West; thence northwesterly along the arc of said curve 264.30 feet through a central angle of 10°16'00" to a point of reverse curve to the right having a radius of 90.00 feet, of which the radius point bears North 54°38'52" East; thence northeasterly along the arc of said curve 285.02 feet through a central angle of 181°26'58" to a point of reverse curve to the left having a radius of 255.00 feet, of which the radius point bears North 56°05'50" East; thence southeasterly along the arc of said curve 205.85 feet through a central angle of 46°15'05" to a point of compound curve to the left having a radius of 225.00 feet, of which the radius point bears North 09°50'45" East; thence easterly along the arc of said curve 197.96 feet through a central angle of 50°24'35"; thence North 49°26'10" East 233.46 feet to a point on a curve to the left having a radius of 200.00 feet, of which the radius point bears North 40°33'50" West; thence along the arc of said curve 119.65 feet through a central angle of 34°16'39" to a point of compound curve to the left having a radius of 975.00 feet, of which the radius point bears North 74°50'29" West; thence northerly along the arc of said curve 200.92 feet through a central angle of 11°48'25"; thence North 03°21'06" East 392.14 feet to a point on a curve to the left having a radius of 25.00 feet, of which the radius

point bears North 86°38'54" West; thence along the arc of said curve 75.51 feet through a central angle of 173°03'41" to a point of reverse curve to the right having a radius of 5025.00 feet, of which the radius point bears North 79°42'35" West; thence southerly along the arc of said curve 325.10 feet through a central angle of 03°42'25" to a point of compound curve to the right having a radius of 75.00 feet, of which the radius point bears North 76°00'10" West; thence westerly along the arc of said curve 230.96 feet through a central angle of 176°26'25" to a point of compound curve to the right having a radius of 4525.00 feet, of which the radius point bears South 79°33'46" East; thence northerly along the arc of said curve 967.23 feet through a central angle of 12°14'50" to a point of reverse curve to the left having a radius of 475.00 feet, of which the radius point bears North 67°18'56" West; thence northerly along the arc of said curve 387.42 feet through a central angle of 46°43'53"; thence North 24°02'49" West 469.37 feet to a point on a curve to the right having a radius of 80.00 feet, of which the radius point bears North 65°57'11" East; thence along the arc of said curve 139.12 feet through a central angle of 99°38'04"; thence North 75°35'15" East 10.21 feet to a point on a non tangent curve to the right having a radius of 425.00 feet, of which the radius point bears North 89°08'22" East; thence Northerly along the arc of said curve 22.76 feet through a central angle of 03°04'07"; thence North 02°12'30" East 123.76 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 87°47'30" East; thence along the arc of said curve 217.05 feet through a central angle of 23°41'17"; thence North 25°53'47" East 31.85 feet to the point of beginning.

Description contains 8.26 acres.

Parcel No. PCA-S-98-SD-1

EXHIBIT B-1 TO EASEMENT

[Depiction of Twisted Branch Access Area]

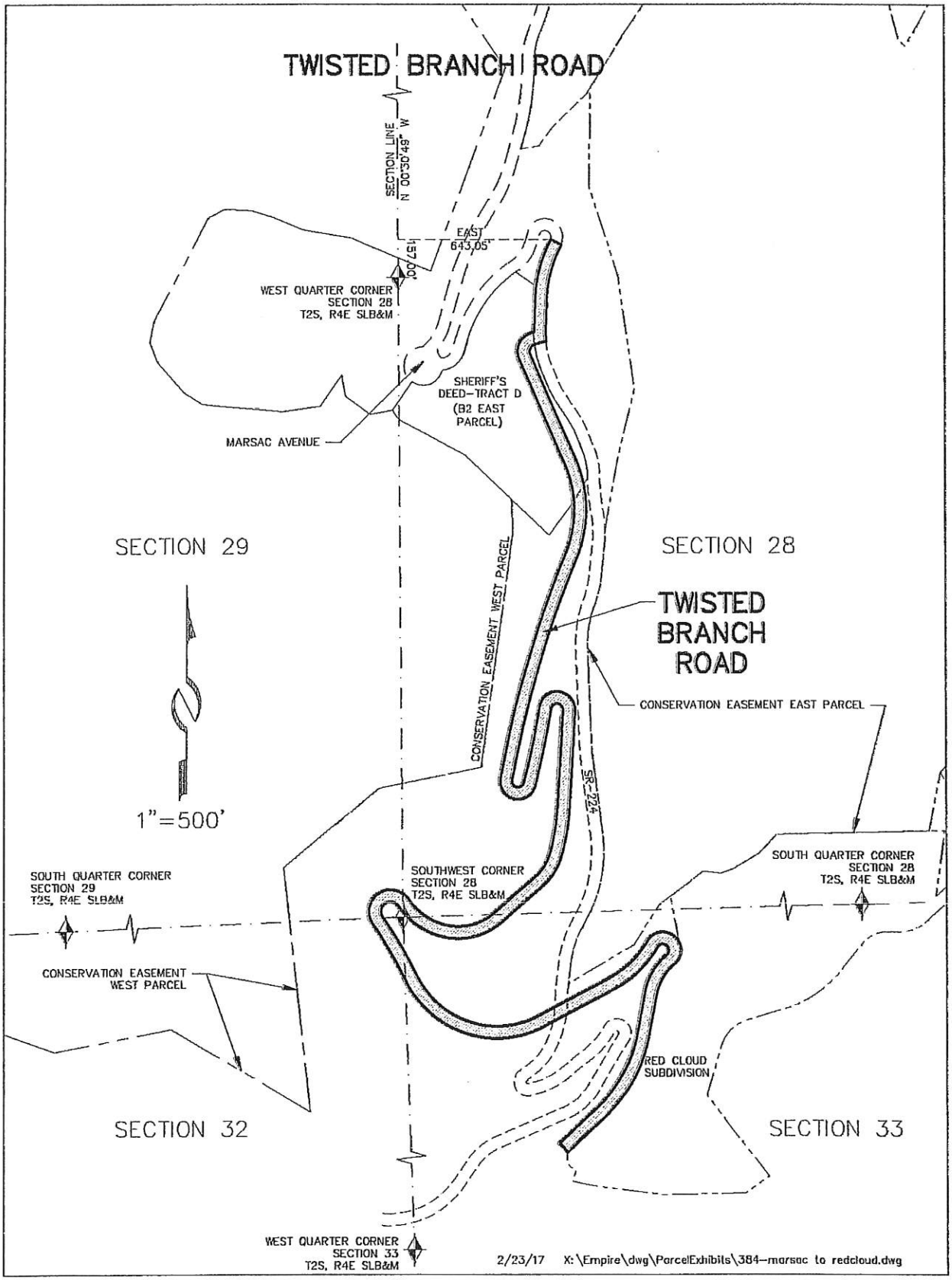


EXHIBIT C TO EASEMENT
[Legal Description of Unimproved Access Areas]

R-2a:

EMPIRE PASS R-2a - Summit County
A parcel of land located in the Northwest quarter of Section 33 and the Southwest quarter of Section 28, Township 2 South Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is South 88°24'56" West 255.32 feet coincident with the section line and North 37.02 feet from a 3-1/4 inch diameter cap on an aluminum pipe at the North quarter corner of Section 33, Township 2 South Range 4 East, Salt Lake Base and Meridian, said point being on the boundary of Red Cloud Subdivision, recorded January 27, 2005, as Entry No. 724721 in the Office of the Recorder, Summit County, Utah, and also being on the Northerly sideline of Lot 448, Uncle Charles Lode in the Uintah Mining District as shown on the survey recorded December 1, 2014, as S-8175 in the Office of the Recorder, Summit County, Utah; and running thence coincident with said Lot 448, Uncle Charles Lode South 47°06'18" West 419.94 feet to the Easternmost corner of Mineral Survey 6026, Overlooked Fraction Lode in the Uintah Mining District; thence coincident with said Mineral Survey 6026, Overlooked Fraction Lode the following two (2) courses: 1) North 36°45'45" West 144.77 feet; thence 2) South 47°12'46" West 908.31 feet to a point on the Easterly sideline of Lot 121, Home Station in the Uintah Mining District as shown on said recorded Survey S-8175; thence coincident with said Easterly sideline of Lot 121, Home Station North 36°45'47" West 70.43 feet to a point on the boundary of said Red Cloud Subdivision; thence coincident with said Red Cloud Subdivision the following nine (9) courses: 1) North 16°23'58" East 87.02 feet to a point on a curve to the right having a radius of 175.00 feet, of which the radius point bears South 73°36'02" East; thence 2) along the arc of said curve 173.22 feet through a central angle of 56°42'44"; thence 3) North 73°06'42" East 161.91 feet to a point on a curve to the left having a radius of 465.00 feet, of which the radius point bears North 16°53'18" West; thence 4) along the arc of said curve 277.03 feet through a central angle of 34°08'06"; thence 5) North 38°58'36" East 145.23 feet to a point on a curve to the right having a radius of 140.00 feet, of which the radius point bears South 51°01'24" East; thence 6) along the arc of said curve 140.18 feet through a central angle of 57°22'03" to a point of reverse curve to the left having a radius of 190.00 feet, of which the radius point bears North 06°20'39" East; thence 7) Easterly along the arc of said curve 163.35 feet through a central angle of 49°15'33"; thence 8) North 47°05'06" East 235.59 feet; thence 9) South 42°54'54" East 61.00 feet to the point of beginning.

(Summit County Tax Serial No. PCA-S-98-SD-4)

Red Cloud Parcels:

Parcel B and the east portion of Parcel A (such portion located east of Red Cloud Lot 2) of the Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision recorded with the Summit County Recorder on July 26, 2006 as Entry No. 785276.

(Summit County Tax Serial Nos. RCLD-B-AM and part of RCLD-A-AM)

Home Station and Luckey Bill (east of Red Cloud Subdivision):

HOME STATION AND LUCKEY BILL MINING CLAIMS – Summit County

A parcel of land located in the north half of the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is North 88°24'56" East 1302.94 feet coincident with the section line and South 662.99 feet from a GLO stone monument at the northwest corner of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the easterly boundary of Parcel B, Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision, recorded July 31, 2006, as Entry No. 785276 in the Office of the Recorder, Summit County, Utah, said point also being on the northeasterly end line of Lot 121, Home Station, in the Snake Creek Mining District; and running thence coincident with the northeasterly end lines of Home Station and Lot 57, Luckey Bill, in the Snake Creek Mining District as shown on that certain Record of Survey, recorded March 3, 2017, as Entry No. 0002928 in the Office of the Recorder, Wasatch County, Utah, South 36°31'50" East 492.11 feet to the Summit/Wasatch County line; thence coincident with the Summit/Wasatch County line South 54°41'12" West 83.61 feet to the easternmost corner of Parcel A of said Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision; thence coincident with Parcel A and Lot 1 of said Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision North 37°34'45" West 421.42 feet to the easterly boundary of said Parcel B; thence coincident with Parcel B North 16°23'58" East 114.44 feet to the point of beginning.

The Basis of Bearing for the above description is North 88°24'56" East 2661.75 feet between the northwest corner and the north quarter corner of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

(Part of Summit County Tax Serial No. PCA-S-98-SD-9)

EXHIBIT C-1 TO EASEMENT
[General Depiction of Unimproved Access Areas]

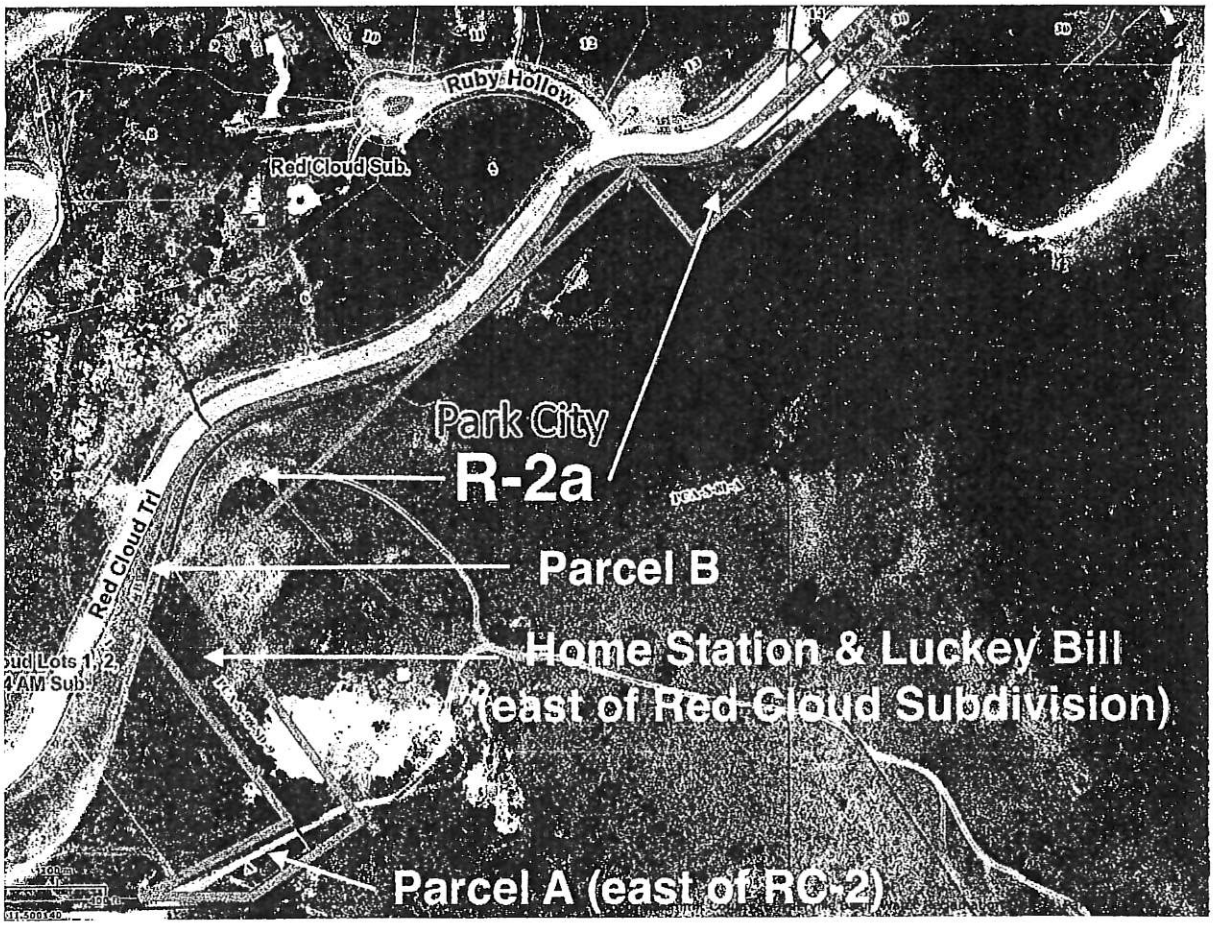


EXHIBIT D TO EASEMENT
[Legal Description of the Bransford Property]

The Logan Patented Lode Mining Claim, Lot No. 724, as the same is more particularly described in that certain Patent recorded November 30, 1892 In Book C of Mining Patents at Page 29 of the official records in the office of the Summit County Recorder.

Summit County Tax Serial Number: PCA-S-79-C

The U.P. No. 2 Patented Lode Mining Claim, Lot No. 724, as the same Is more particularly described in that certain Patent recorded November 30, 1892, In Book C of Mining Patents at Page 29 of the official records in the office of the Summit County Recorder.

Summit County Tax Serial Number: PCA-S-79-B

Recorded at the request of and return to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

Recorded this ___ day of _____, 2007
at Book #___ Page #___

ENTRY NO. 00806100
03/02/2007 02:42:51 PM B: 1850 P: 1897
Agreement PAGE 1 / 49
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE $ 0.00 BY PARK CITY MUNICIPAL CORP

AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR FLAGSTAFF MOUNTAIN, BONANZA FLATS, RICHARDSON FLATS, THE 20-Acre QUINN'S JUNCTION PARCEL AND IRON MOUNTAIN

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;

C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;

D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;

E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;

F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;

G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and

I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

1.1 **"Annexation Property"** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.

1.2 **"Bonanza Flats"** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, consituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.

1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.

1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

1.5 **"Inaction"** provisionally[1] means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.

1.6 **"Meeting Accessory Uses"** provisionally[2] means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:

1.6.1 Administrative and Banquet Offices

1.6.2 Banquet Storage Areas

1.6.3 Banquet Prep Areas Storage Areas

1.6.4 Common A/V Storage Areas

1.6.5 Coat Check Areas

1.6.6 Public Restrooms

1.6.7 Public Telephone Areas

1.6.8 Public Hallways

1.6.9 Public Circulation Areas.

1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B_1, and B_2) and maximum densities, unit equivalencies and configuration more fully described herein.

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[1] This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

[2] This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

1.8 **"Northside Neighborhood"** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.

1.9 **"Northside Neighborhood Property Owners"** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.

1.10 **"Pedestrian Village"** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.

1.11 **"Planned Unit Development"** or **"PUD"** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.

1.12 **"Pod Z"** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.

1.13 **"Project"** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.

1.14 **"Residential Accessory Uses"** provisionally[3] means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

[3] This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

1.14.1 Common Ski Lockers

1.14.2 Common Lobbies

1.14.3 Registration

1.14.4 Concierge

1.14.5 Bell Stand/Luggage Storage

1.14.6 Common Maintenance Areas

1.14.7 Mechanical Rooms

1.14.8 Common Laundry Facilities and Common Storage Areas

1.14.9 Employee Facilities

1.14.10 Common Pools, Saunas and Hot Tubs

1.14.11 Public Telephone Areas

1.14.12 Public Restrooms

1.14.13 Administrative Offices

1.14.14 Public Hallways and Circulation Areas

1.15 **"Resort Accessory Uses"** provisionally[4] means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

1.15.1 Information

1.15.2 Lost and Found

1.15.3 Mountain Patrol

1.15.4 Mountain Administration

1.15.5 Mountain Maintenance and Storage Facilities

1.15.6 Mountain Patrol and Emergency Medical Facilities

1.15.7 Public Lockers

1.15.8 Public Restrooms

1.15.9 Employee Lockers

1.15.10 Ski School/Day Care

[4] This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **"Richardson Flats"** means all of UPCM's property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **"Transportation Hub"** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **"Unit Equivalent,"** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.[5] Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER's responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

[5] Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;

2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;

2.1.3. Specific Transit Plan;

2.1.4. Parking Management Plan;

2.1.5. Detailed Open Space Management Plan;

2.1.6. Historic Preservation Plan;

2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;

2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;

2.1.9. Private Road Access Limitation Procedures;

2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;

2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;

2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;

2.1.13. Wildlife Management Plan; and

2.1.14. Affordable Housing Plan, including phasing.

2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 **Mountain Village:** The Mountain Village is constrained as follows:

2.2.1.1 **Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.

2.2.1.2. **Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.

2.2.1.3. **Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.[6] Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.

2.2.1.4. **Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B_1, and B_2) within the Mountain Village must be linked by transit.

2.2.1.5. **Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

[6] Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

2.2.1.6. **Mine Site Reclamation**. To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim[7] all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

[7] Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Mater Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,

may contain a maximum of 38 homes, the size and location of which shall be determined at Small Scale MPD/subdivision review. The Northside Neighborhood may also contain a 1000 sq. ft. non-denominational Chapel, that will remain open and reasonably available to the public.[8]

2.4.1 **Small Scale MPD.** The Small Scale MPD must include all Northside Neighborhood Property Owners to achieve the maximum density of 38 detached single-family homes. Absent participation by all Northside Neighborhood Property Owners, DEVELOPER and DEER VALLEY may apply for a Small Scale MPD for a maximum of 30 single-family homes on the portion of the Northside Neighborhood owned by DEVELOPER and DEER VALLEY.[9] In all circumstances, DEVELOPER and DEER VALLEY shall limit development in the Northside Neighborhood as follows:

2.4.1.1. **Meadow Restriction.** Homes shall not be in the meadow area generally designated on Exhibit A and further defined in the Small Scale MPD process.

2.4.1.2. **Ski Run Separation.** Limits of disturbance for each site shall be a minimum of 50 feet from any ski run, except where existing ski runs conflict with platted ski easements or platted lots, in which event the City shall have the discretion and authority to approve case-by-case exceptions to the foregoing distance limitation.

2.4.1.3. **Viewpoint Restrictions.** Structures and roads must be configured to minimize road and utility impacts and to

[8] No utility extension will be allowed for the Chapel. Power may be allowed if it is readily accessible. Location of the Chapel cannot cause the extension of an improved road. Siting and construction must comply with all Code provisions.

[9] If Park City Star, Bransford or Mayflower do not reach an agreement with DEVELOPER and DEER VALLEY with respect to the joint development of the detached single family homes within the Northside Neighborhood, then DEVELOPER and DEER VALLEY shall grant to the City the right to connect to the utility lines and to grant limited access to roads within the Northside Neighborhood without cost to serve the remaining property owners.

minimize wintertime visual impacts[10] from ski runs and designated viewpoints, including but not limited to the knoll behind the terminus of what is presently known as the Northside chairlift.

2.4.1.4. **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER, DEER VALLEY, and Northside Neighborhood Property Owners shall dedicate to the City improved public trails and trail easements that connect to the surrounding trail system. Where trails pass through the Deer Valley Ski Area, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.4.1.5. **Enchanted Forest.** No development shall occur in the "Enchanted Forest" area generally designated on Exhibit A and further defined in the Small Scale MPD process.

2.4.1.6. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER shall record perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which shall prevent the construction thereon of residential, commercial and retail structures but shall allow ski-related uses.

2.4.2. **Northside Neighborhood Conservation Plan.** DEVELOPER and DEER VALLEY agree to refrain from transferring, improving or developing the Northside Neighborhood for 3 years, from the date of this Agreement to facilitate the potential of (a) the fee simple sale of the Northside Neighborhood, or (b) the sale and transfer of the development rights from the Northside

[10] As well as summertime visual impacts.

Neighborhood. In either case, the sale would be completed within said time period and would be to a conservation buyer or buyers at fair market value at the date of purchase. Fair market value in this context shall reflect the entitlement for single family detached units set forth in the Large Scale Master Plan and this Agreement or, if the Small Scale Master Plan has been issued, as reflected in the Small Scale Master Plan for the Northside Neighborhood. The three-year period noted above shall not limit the Planning Commission's authority in connection with approval of the phasing plans required in sections 2.1.10 and 2.1.11.

2.5. **Ski-Related Development.** Subject to conditional use review, DEER VALLEY may construct a skier day lodge of a maximum of 35,000 square feet, in the approximate location depicted on Exhibit A. The day lodge shall have no day skier parking, and must have adequate emergency vehicle access. Any parking lot for the lodge shall be for the purpose of meeting temporary events, intermittent seasonal dining, and service and administrative requirements, and shall be reviewed by the planning commission as a Conditional Use. Such Conditional Uses will have a traffic mitigation plan that may include the number of events, hours of operation, shuttle bus requirements and/or a limit to the number of guests. Pursuant to a Conditional Use Permit, said temporary parking area may be located on adjacent properties. Permanent non-skier parking for the Empire Day Lodge will be considered as part of the POD B-2 Master Plan Development. Such parking shall consist of not more than 75 spaces. These parking spaces are in addition to those otherwise required or allowed under this Agreement and the LMC. DEER VALLEY shall provide deed-restricted employee/affordable housing units as defined by the City's affordable housing policy in an amount equal to 20% of the commercial Unit Equivalents approved by the City for the day lodge prior to issuance of a Certificate of Occupancy for the day lodge.

2.5.1 **Conditional Use (Administrative).** Ski terrain and ski-related development is an administrative conditional use within the Project, consistent with the Deer Valley Ski Area Master Plan depicted in Exhibit F attached hereto, provided that only two graded runs shall be allowed in ski Pod Z, with thinning and other limited vegetation removal in the balance of Pod Z for skier safety and glade skiing. Review of ski terrain and ski-related development shall include, but shall not be limited to consideration of the following:

2.5.1.1 Openings for ski trails and lifts with straight edges and uniform widths will be minimized to the greatest extent possible.

2.5.1.2 Trails that are designed for base area return or circulation between fall line areas shall be designed for appropriate grades and widths consistent with minimizing visual impact.

2.5.1.3 Lift towers shall be painted or otherwise treated to blend with the natural surroundings.

2.5.1.4 Vegetation management, re-vegetation and erosion control techniques shall be designed in accordance with the "Deer Valley Resort Company Ski Run Construction and Revegetation Standards" attached hereto as Exhibit G. The objective shall be to achieve a vegetative condition that enhances the skier experience and long term forest health. Re-vegetation shall be designed to control erosion and to restore ground cover as quickly as possible after ground disturbing activities.

2.6 Beano's Style Private Club. DEVELOPER may construct a private restaurant (Beano's Cabin at Beaver Creek-style[11]), at a location to be determined at the CUP phase. No private parking areas or vehicular

[11] Beano's is a 10,000 square foot private restaurant at Beaver Creek, Colorado.

access will be allowed except (i) access and space for patron drop-off's and pick-up's, and (ii) access, loading areas and circulation for emergency, delivery and service vehicles. The size of the private restaurant shall be determined by the Planning Commission at the CUP review phase, and shall be between 7,000 and 10,000 square feet.

2.7 **Silver Mine Adventure.** DEVELOPER may continue to operate the Silver Mine Adventure on the Ontario Mine Site as a valid, non-conforming use. Any change or expansion of use shall be processed in accordance with the LMC in effect at the time of the DEVELOPER's submission of a complete application for the proposed expansion.

2.8 **Access and Alignment of S.R. 224.** DEVELOPER shall access Flagstaff Mountain by means of S.R. 224, and a private road system. DEVELOPER shall realign a portion of S.R. 224 in the approximate location set forth on Exhibit H attached hereto, and shall construct a private road system for Flagstaff Mountain in the approximate location depicted on Exhibit H. The Parties agree to the following access and alignment of the road systems within Flagstaff Mountain:

2.8.1 **Alignment.** Upon Planning Commission approval of the first Small Scale MPD for Flagstaff Mountain, DEVELOPER shall petition to vacate the existing S.R. 224 alignment and, if granted, shall realign and dedicate the relocated S.R. 224 right of way to a standard similar to the existing S.R. 224 (with an asphalt surface for dust control). Such alignment shall be as generally depicted on Exhibit H. DEVELOPER shall block and prohibit vehicular access over the discontinued historic alignment of S.R. 224. Access over the realigned S.R. 224 shall remain seasonal (warm weather only). Upon completion of construction thereof, to the reasonable satisfaction of the City Engineer, the City shall accept the dedication of public roads under its jurisdiction identified on Exhibit H, or as determined by the Council, upon

recommendation of the Planning Commission through the Small Scale MPD and subdivision processes.

2.8.2 **Private Road.** Upon Small Scale MPD approval, and only to the extent of the Small Scale MPD approval, DEVELOPER shall construct a private road system within Flagstaff Mountain, as depicted in Exhibit H, over which DEVELOPER shall maintain all-season access throughout the year. Said private road, from its point of departure from S.R. 224 to the Summit/Wasatch County line, may be converted to a public road, in which event existing S.R. 224 from said point of departure to the county line shall no longer be used as a public road.

2.8.3 **Seasonal, Controlled Automobile Access.** DEVELOPER shall support and shall not undermine seasonal closure of realigned S.R. 224 and shall control motorized vehicular access from S.R. 224 to the private road system to prevent vehicular through traffic.

2.8.4 **Emergency Deer Valley Access.** The Project's seasonal emergency secondary access is through the Deer Valley Ski Area generally as depicted on Exhibit I and crash-gated in the approximate locations shown on Exhibit I. DEER VALLEY shall provide the City and the Park City Fire Service District with keys and/or combinations to the gates. The emergency access is necessary as a controlled evacuation route and as an emergency access for fire and safety personnel and equipment only. The secondary access route is an important ski run to the Deer Valley Ski Area that, in all but the most exceptional circumstances, will be used by skiers and over-the-snow vehicles. The Park City Fire Marshall may cause the access to be plowed and placed into winter service for emergency and evacuation purposes in that

exceptional emergency situation when normal road access to Flagstaff Mountain is interrupted for an extended period.[12]

2.8.5 **Controlled Snowmobile Access.** Winter snowmobile access to Brighton Estates and to Bonanza Flats is presently available over portions of S.R. 224. DEVELOPER and DEER VALLEY shall allow seasonal snowmobile access to property owners and renters in Brighton Estates over those portions of S.R. 224 within the Project that are presently used or alternatively over similar portions of S.R. 224 as may be relocated. DEVELOPER and DEER VALLEY shall otherwise prevent wintertime motorized vehicular access to the extent such action is consistent with the policy of the public entity that owns S.R. 224. The current recreational snowmobile concession in Flagstaff Mountain shall be eliminated with the relocation of S.R. 224.

2.8.6 **DEVELOPER's Consent to Transfer.** DEVELOPER consents to cooperate with the City in any state transfer of any portion of S.R 224.

2.9 **Flagstaff Mountain Mitigation/Amenities.** At the City's request, the DEVELOPER shall deliver the following mitigation and amenities as an inducement to execute this Development Agreement:

2.9.1 **Trails.** DEVELOPER shall construct, maintain and commit to free public use, an improved public trail system as set forth in an approved Trails Master Plan. The construction of the trails shall be phased with the progress of the development of the Project. Existing trails shall remain open to the public until provisional or final trails have been constructed. Final trail locations may vary due to field conditions and season. Relocation of any trails shall be identified in the Trails Master Plan. Where the trails pass through the Deer Valley Ski Area, or are located on non-development lands owned or controlled by Deer Valley, Deer

[12] The Park City Fire Marshall may not cause the access to be plowed simply for pubic convenience.

Valley shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for trail use, including reasonable rules and regulations intended to prevent or minimize conflict between potential trail uses. Pedestrian and bicycle uses of the trail system shall not be prohibited or restricted without being so identified in the Trails Master Plan.

2.9.2 **No Gondola Alternative.** DEVELOPER shall contribute $1,000,000 in cash to the City to be used specifically for other traffic mitigation projects in the City related to the Project. Additionally, the DEVELOPER shall (i) contribute $10,000 toward the cost of a feasibility study, when commissioned by the City, to evaluate a potential ski amenity gondola, and (ii) contribute toward the construction of the Richardson Flats parking improvements described in the last paragraph of Section 3.1 of this Agreement, which shall be constructed in accordance with the specifications and conditions attached hereto as Schedule 3.1. The parking improvements shall be constructed in phases as established during the MPD for those improvements in cooperation with Summit County. Construction of the parking improvements will be assured through a form of completion bonding consisting of a draw-down letter of credit or other similar instrument in an amount equal to the good faith estimated cost to construct the parking improvements, but in an amount not to exceed $1,800,000. In the event any permit application is denied such that the parking improvements cannot be constructed. the City shall be entitled to draw the entire amount of the completion bond, letter of credit or similar instrument (as the case may be), and DEVELOPER shall have no further obligation to construct the parking improvements.

2.9.3 **Historic Preservation.** The Historic Preservation Plan, at a minimum, shall contain an inventory of historically significant

structures located within the Project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City, with respect to any such historically significant structures. The head frame at the Daly West site is historically significant.

2.9.4 **Enhanced Environmental Protection.** DEVELOPER shall limit the construction or installation of wood-burning devices to one wood-burning device in each of the 54 single-family homes in the Project. DEVELOPER shall not request approval from the City for wood-burning devices in any other attached, or detached, residential uses. Within each lodge, or hotel constructed within the Project, DEVELOPER shall have the right to construct one wood-burning device in each such lodge or hotel, except the Montage which may have three.

2.9.5 **Lady Morgan Springs Open Space (Passive Use).** The Lady Morgan Springs Area[15], shall be restricted, by conservation easements acceptable to the City, and signs and monitoring, if necessary, to limit use of the area to skiing (without cutting runs, glading, or thinning trees) and daytime recreational hiking. Neither construction activity nor motorized vehicular use of any kind shall be allowed in the Lady Morgan Springs Area, except as allowed, with City staff approval, for forestry and wetlands management.

2.9.6 **Open Space (Active).** All land outside of the development areas (ski terrain and open space designated on Exhibit A) will be zoned as Recreation Open Space (ROS-MPD). Upon issuance of the first Small Scale MPD for any portion of the Project, DEVELOPER and DEER VALLEY shall execute a conservation easement, for the benefit of the City and a third party conservation trust (or similar entity), to limit their use of the

[15] Described and depicted on Exhibit J, and as further defined in the Small Scale MPD process.

Flagstaff Mountain ski terrain to construction, development and operation of ski and mountain bike lifts, ski and mountain bike runs, one skier day lodge, and other similar winter and summer recreational uses and services. Such conservation easements shall prohibit any hotel, lodging, residential or commercial construction or use on ROS-zoned land in Flagstaff Mountain. Such conservation easement shall be to the reasonable satisfaction of the City and shall be first in priority in title.

2.9.7 **Open Space (Prospect Ridge).** Within 30 days of issuance of a Small Scale MPD, DEVELOPER shall grant to the City a conservation easement, with free public trail access, without encumbrances, over acreage located on Prospect Ridge, contiguous with City-owned open space. The conservation easement area on Prospect Ridge is identified on Exhibit K attached hereto. Such conservation easement shall be to the reasonable satisfaction of the City and shall be first in priority in title.

2.9.8 **Open Space (Iron Mountain).** Upon the issuance of any Small Scale MPD, for any portion of the Project, DEVELOPER shall deed restrict or transfer to Park City, the Iron Mountain Parcels with City-approved encumbrances. In connection with such dedication, DEVELOPER shall reserve to DEVELOPER the right to lease to third parties the Iron Mountain Parcels for ski and other environmentally sensitive recreational uses. Such reservation shall not include the right to cut runs, glade, or thin trees, or construct or install ski lifts or developed alpine ski runs. DEVELOPER shall also reserve the right to retain all rent, proceeds and other consideration resulting from or generated by DEVELOPER leasing the Iron Mountain Parcels to third parties for ski and recreation-related uses. DEVELOPER shall indemnify, defend and hold the City harmless from any claim

arising from DEVELOPER's or a third party lessee's use of the Iron Mountain Parcels. Nothing herein should be construed to limit or waive governmental immunity with respect to claims made against the City.

2.9.9 **Neighborhood-Specific Design Guidelines.** DEVELOPER shall incorporate a Master Resort Association for Flagstaff Mountain and a Project-specific Property Owners' Association for the Mountain Village and Northside Neighborhood areas to cooperatively manage certain aspects of the Project. The Design Guidelines for both the Project and Bonanza Flats must emphasize a strong, common architectural theme, and shall be enforceable by one or more of the above-mentioned Associations.

2.9.10 **Public Safety.** A comprehensive emergency response plan will be required. The proposal includes a public safety site, at a minimum. The final public safety and emergency access plan must be determined prior to any permit issuance and only after coordination with the affected entities, such as the Park City Fire Service District. To the extent the Montage hotel structure requires additional safety equipment or infrastructure to achieve a minimum standard that will not result in a degradation of the Park City Fire District's I.S.O. rating, and to the extent ongoing tax revenues and impact fees generated by the Montage are insufficient to cover the costs of such additional equipment and infrastructure, any such shortfall shall be paid by DEVELOPER. Changes to any applicable Technical Report must be approved by the Park City Fire Marshall.

2.9.11 **Sandridge Parking Lots**. Prior to the issuance of a Small Scale MPD for any portion of Flagstaff Mountain, DEVELOPER shall irrevocably offer to dedicate to the City a conversation easement, or deed, satisfactory to the City to preserve the Sandridge

Parking Lots, described in Exhibit L as a public parking facility. Such interest shall be offered with no outstanding monetary encumbrances.

2.9.12 **Sandridge Heights Property**. Developer further agrees to limit its use of its Sandridge Heights property, described in Exhibit L, to either affordable housing or open space.

2.10 **FLAGSTAFF MOUNTAIN MITIGATION MEASURES:**

2.10.1 **Water System.** DEVELOPER shall build and dedicate to the Park City Water Service District an adequate water delivery system within Flagstaff Mountain to serve the Project, including all fire flow and irrigation needs.

2.10.1.1 **Withdrawal of Water Protests.** DEVELOPER shall immediately withdraw its protests to the City's pending water change application(s) before the State Engineer and agrees not to protest future City applications before the State Engineer.

2.10.1.2 **Water Source.** DEVELOPER shall design and construct a water source and delivery system to transport water from the water source to Flagstaff Mountain and to dedicate that system to the City. DEVELOPER and the City anticipate that such delivery system will include the development of a well of sufficient capacity to serve the Project.

2.10.1.3 **Group II Rights.** The City and DEVELOPER agree to file a joint application with the State Engineer to convert to municipal use within the boundaries of the Park City Water Service District all "Group II" water rights owned by both parties. The joint application will list all mutual points of diversion, all of the City's municipal sources, and all of DEVELOPER's sources including the proposed Ontario and Empire Canyon

Wells. DEVELOPER and the City shall divide the Group II rights approved for municipal use evenly, with DEVELOPER and the City each taking ownership of one-half of the total approved rights. DEVELOPER agrees to sell exclusively to the City its portion of the approved Group II water rights and DEVELOPER's interest in its Theriot Springs and Haueter Springs water rights (Weber Decree Award #456, #467 and #468) collectively referred to herein as the "Committed Water".

2.10.1.4 **Committed Water.** Once approved for municipal use, all Committed Water shall be leased to the City at a nominal cost and will therefore be unavailable for sale to others. DEVELOPER shall dedicate the Committed Water to the City, and the City shall pay to DEVELOPER from time to time an amount equal to the water development impact fees actually collected by the Park City Water Service District from the development of Flagstaff Mountain. Each such payment from the City to DEVELOPER shall be paid within 30 days following the receipt by the Park City Water Service District of each such water development impact fee.

2.10.1.5 **Excess Water Rights.** If after ten (10) years or 90% buildout of Flagstaff Mountain and Bonanza Flats, whichever last occurs, DEVELOPER retains water rights in excess of the water demand for both projects, the City may purchase the excess water rights from DEVELOPER at fair market value based on an appraisal from a mutually agreed upon appraiser or the City may relinquish its interest in the excess water rights. The City shall elect to either purchase (some or all of the

excess water rights) or relinquish its interest in the excess water rights within 180 days of written notice of the expiration of 10 years or 90% buildout of both projects, whichever last occurs. If the City takes no action within the 180 days, City will be deemed to have relinquished its interest in the excess water rights.

2.10.1.6 **Impact Fees and Water Rates.** The City will charge water development and connection impact fees and water rates within the Project in an amount equal to the water development and connection impact fees and water rates charged to other water users within the Park City Water Service District, unless extraordinary costs can be identified by the City and fairly assigned to the water users within the Project.

2.10.2 **Subsequent Agreements.** Since the time the original Agreement was adopted and executed, the City and DEVELOPER have entered into agreements that impact, implement and/or clarify certain provisions of the original Agreement including (i) An Agreement For A Joint Well Development Program dated January 14, 2000, (ii) a Memorandum of Understanding, dated January 14, 2000, Between Park City Municipal Corporation and United Park City Mines Company Clarifying and Implementing the Water Service and Water Source Development Provisions of the Development Agreement of June 24, 1999, and (iii) the Water Agreement dated effective as of March 2, 2007 (collectively, the Subsequent Agreements). The fact that this Agreement is styled as an amended and restated agreement shall not operate or be deemed to supersede, contravene, or amend the terms, conditions or provisions of the Subsequent Agreements.

2.10.3 **Transportation and Traffic Mitigation.** DEVELOPER has agreed to provide the following transportation and traffic mitigation measures.[14] Prior to the issuance of a Certificate of Occupancy within the Mountain Village,[15] the DEVELOPER shall provide the following to reduce the traffic anticipated by the Project:

2.10.3.1 **Van and Shuttle Service.** DEVELOPER shall provide for its owners, employees and guests, van and shuttle service alternatives consisting of regular circulator service within the Mountain Village and service from the Mountain Village to key destinations such as the Salt Lake International Airport, Main Street, Silver Lake, golf courses, and recreational trail heads.

2.10.3.2 **Road and Intersection Improvements.** Attached hereto as Exhibit M is a map and a more detailed list of improvements, which shall be constructed by DEVELOPER in satisfaction of this obligation. Prior to the construction of any of the improvements described below, the City shall review and approve or reject with suggested changes all plans, drawings and specifications with respect to the alignment and construction of such road and intersection improvements. Following DEVELOPER's completion of the construction of such improvements, DEVELOPER shall offer to dedicate such improvements to the appropriate governmental entity.

[14] However, within the Small Scale MPD process, the City may conclude that these transportation and traffic measures should be reduced, and will modify DEVELOPER's obligations accordingly.
[15] Except for DEER VALLEY's day lodge pursuant to paragraph 2.5 herein.

2.10.3.3 **Contribution to Marsac Roundabout.** DEVELOPER shall financially participate in the reconstruction of the intersection of Marsac Avenue and Deer Valley Drive. DEVELOPER is responsible for paying its proportionate share (determined by projected traffic generation) of the City's cost of such reconstruction to mitigate the impact of the Flagstaff Mountain and Bonanza Flats projects on the intersection.

2.10.3.4 **Runaway Truck Lane.** DEVELOPER, or an affiliate of DEVELOPER, shall construct a run-away truck lane on the Mine Road section of S.R. 224, as described on Exhibit N attached hereto. DEVELOPER expects to dedicate the Runaway Truck Lane to UDOT.

2.10.3.5 **Mine Road Widening.** Upon Planning Commission recommendation, DEVELOPER shall widen the Mine Road section of S.R. 224 as described on Exhibit M attached hereto.

2.10.3.6 **Mine Road Passing Lane.** Upon Planning Commission recommendation, DEVELOPER shall create and dedicate a passing lane on the Mine Road section of S.R. 224 as described on Exhibit M attached hereto.

2.10.3.7 **Drainage Improvements.** DEVELOPER shall improve drainage to S.R. 224 as described on Exhibit M attached hereto.

2.10.3.8 **Landscaping.** Upon Planning Commission approval, DEVELOPER may construct and create, at DEVELOPER'S sole cost and expense, landscape improvements in the area depicted on

Exhibit M, uphill from the intersection of S.R. 224 with Hillside to act as a Project entry statement.

2.10.4 **Construction Mitigation.** DEVELOPER shall provide the following measures, all to the reasonable satisfaction of the City's Chief Building Official, to mitigate the impact of construction within Flagstaff Mountain. DEVELOPER shall also adhere to the usual construction impact mitigation measures required by the City. Additional reasonable site-specific mitigation measures may be required at the Small Scale MPD phase. These measures will be permanently reflected in Covenants, Conditions and Restrictions of each development parcel. The Detailed Construction Phasing Plan to be submitted by DEVELOPER to the City shall include, without limitation, provisions pertaining to:

2.10.4.1 Limits of Disturbance and Vegetation Protection for all construction, including construction of public improvements.

2.10.4.2 Construction staging, on-site batch plants, and materials stockpiling[16] and recycling in the Daly West area to keep all excavated materials on site during the Project infrastructure and construction phases.

2.10.4.3 Construction traffic routing plan to minimize traffic impacts on Old Town and residential areas, by only allowing construction traffic to use current state roads, unless otherwise directed by the City.

2.10.4.4 Dust and soils monitoring and containment, along with remediation of contaminated mining waste within the areas that are disturbed during the construction of the improvements within the Project and erosion and runoff controls for the entire Project

[16] Developer shall stockpile all earthen material on site.

2.10.4.5 Temporary public access trails throughout construction.

2.10.4.6 Tools and equipment storage on-site adequate to serve all construction.

2.10.5 **Employee/Affordable Housing.** DEVELOPER shall provide deed-restricted employee/affordable housing units ("Affordable Unit Equivalents" or "AUEs") as defined by the City's affordable housing policy in an amount equal to 10% of the residential Unit Equivalents and 20% of the commercial Unit Equivalents approved by the City for the Project (collectively, the "Base AUEs"). The employee/affordable housing requirement for the Project, including the Montage, is 98.9 Base AUEs. One AUE equals 800 square feet. In addition to the Base AUEs, DEVELOPER has committed to construct, off-site, 20 additional AUEs (the "Additional AUEs") as an additional community benefit for the Project. Within 24 months from the effective date of this Agreement, the DEVELOPER (or any assignee thereof) shall either (i) begin construction of the 20 Additional AUEs, or (ii) post a financial guarantee in a form acceptable to the City Attorney in favor of the City equal to 10 percent of the estimated construction costs of the Additional AUEs. Each Additional AUE shall be sold or rented at prices and terms consistent with the City's affordable housing guidelines in effect at the time a Certificate of Occupancy is issued for the AUE. The calculation of total AUEs is detailed in the following table:

Type of Use	Unit Equivalents	Mitigation Rate	AUEs Required
Residential			
Residential Units	785	0.1	78.50
Single Family Home Sites	54	0.1	5.40
Subtotal Residential	***839***		***83.90***
Type of Use	**Square Footage / 1,000 SF**	**Mitigation Rate**	**AUEs Required**
Commercial			
Commercial Unit Equivalents	75	0.2	15.00
Subtotal Commercial	***75***		***15.00***
Base AUEs On-Site (25%): 24.725			
Base AUEs Off-Site (75%): 74.175 *			
Total Base AUEs			**98.90**
Additional AUEs Contributed by Developer (located Quinns Junction)			**20.00**
TOTAL AUEs			***118.00***

*May be located at Quinns Junction, consistent with the City's approved employee/affordable housing plan.

A minimum of 25% of the Base AUEs shall be located on-site within the Project; however, at DEVELOPER'S option, any such on-site Base AUEs not actually constructed on-site or contractually committed to be constructed on-site may be constructed off-site on a 1.5-for-1 basis. DEVELOPER and the City shall consult with Mountainlands Housing Trust, or its equivalent (if any), to determine the type and location of employee/affordable housing which would be most effective in offsetting the demand generated from the Project. DEVELOPER shall provide the remaining 75% of the Base AUEs consistent with the City's approved employee/affordable housing plan. The employee/affordable housing will be phased with the Project in accordance with the approved Phasing Plan. Upon Planning Commission recommendation, the Housing Authority may direct DEVELOPER to:

2.10.5.1 Develop, subject to deed restrictions some of the remaining units on the 20-Acre Quinn's Junction Parcel; or

2.10.5.2 Donate in a form satisfactory to the City, without restrictions or encumbrances, the 20-Acre Quinn's Junction Parcel to the City in lieu of some or all of the remaining portion of DEVELOPER's affordable housing obligation; or

2.10.5.3 Build the units on an alternate parcel provided to DEVELOPER by the City. DEVELOPER must donate the 20-Acre Quinn's Junction Parcel to the City if the City offers to donate otherwise suitable land to DEVELOPER. If the City and DEVELOPER exchange parcels with respect to the new employee/affordable housing units, then DEVELOPER shall construct on such alternate parcel such number of new employee/affordable housing units, up to the required number of units, for which DEVELOPER is able to obtain approval. In no event shall the cost incurred by DEVELOPER to construct the new employee/affordable housing units on an alternate parcel provided by the City exceed the cost which DEVELOPER would have incurred to construct such new employee/affordable housing units on the 20-Acre Quinn's Junction Parcel; or

2.10.5.4 If mutually acceptable to DEVELOPER and the City, pay to the City a fee in lieu of constructing employee/affordable housing, consistent with the City's affordable housing policy, if such payment in lieu of constructing employee/affordable housing results in the construction or dedication of actual units for affordable /employee housing; or

2.10.5.5 Satisfy its obligation in a manner otherwise consistent with the City's affordable housing policy.

2.10.6 **5-Year Irrevocable Offer to Annex the 20-Acre Quinn's Junction Parcel**. For the next five years from the date of this Amended and Restated Agreement, DEVELOPER hereby irrevocably offers to annex the 20-Acre Quinn's Junction Parcel to the City.

SECTION III. ADDITIONAL PUBLIC BENEFITS

In addition to the foregoing, DEVELOPER offers the following inducements to contract:

3.1 **Richardson Flats.** DEVELOPER unconditionally offers to annex Richardson Flats to the City and, regardless of the annexation of Richardson Flats, to restrict development of Richardson Flats to one of the following options to be selected by DEVELOPER, at DEVELOPER'S sole discretion:

Option 1. Under Option one DEVELOPER must limit the use of Richardson Flats to golf (with the requisite clubhouse, maintenance buildings and other related improvements), equestrian uses (including the construction of an arena or indoor equestrian center), and/or such other public recreational opportunities or special events as the City may deem proper. In the event DEVELOPER is able to obtain necessary approvals from EPA and/or DEQ, then DEVELOPER must construct on Richardson Flats a golf course, clubhouse, and driving range with adequate[17] provisions for defined public access.

Option 2. Under Option two, DEVELOPER must limit the use of Richardson Flats to an 18-hole golf course (with the requisite clubhouse, maintenance buildings and other related improvements)[18] and would make available to the City a site for a second 18-hole golf course. The site to be donated to the City would not include land in need of environmental remediation. If a second golf course is constructed under Option two, then the City and DEVELOPER shall work cooperatively to develop shared facilities such as a driving range and golf maintenance shops.

Option 3. If, after diligent efforts, DEVELOPER cannot receive EPA or DEQ approval of the aforementioned recreational

[17] The course must be operated to maximize play.

[18] Under Option 2 DEVELOPER may in the City's sole discretion be afforded the right to use Richardson Flats for such other public recreational opportunities or special events as the City may deem proper.

improvements, DEVELOPER will perpetually deed restrict Richardson Flats to prevent further development.[19]

In addition to the foregoing provisions, DEVELOPER shall, in part as an additional public benefit and in part as a traffic mitigation measure, provide the City with fee title (unless the City otherwise agrees to a long term lease) to 30 acres at Richardson Flats. Such acreage will be used only for ball fields or similar recreational spaces, and improvements related thereto, and parking. On this acreage, DEVELOPER will provide a parking area which may be paved and which will accommodate segregated Montage and Empire Pass parking (up to 100 spaces), and parking for the City (up to 650 spaces), for a total of up to 750 spaces. This parking area will also serve as the location for Montage construction parking, and DEVELOPER or Montage shall be responsible for providing or arranging construction parking shuttles. The parking improvements may be constructed in phases. DEVELOPER will have naming rights for the ball fields or similar recreational spaces, and will not select a name that is inappropriate. The parking improvements (excluding the 100 dedicated Montage spaces and spaces required for construction parking and other operational needs) may be used by the City for reasonable ancillary uses such as special events.

3.2 **Open Space/Transit Management Fund.** DEVELOPER shall pay on each transfer of DEVELOPER's land, and shall separately covenant with all successors in interest in a manner which runs with the land, to assess a 1% Open Space/Transit Management Fee on the gross sales price of all real property within the Project. 50% of the Open Space/Transit Management Fee shall belong to the Flagstaff Mountain Master Resort

[19] The timing of Richardson Flats development shall be addressed in the Construction Phasing and General Infrastructure Phasing Plans required in Sections 2.1.10 and 2.1.11 with development commencing as early as possible.

Association to reduce Master Resort Association dues associated with obligations assumed herein or to enhance the Master Resort Association's service to its members. 50% of the Open Space/Transit Management Fee shall be paid to the City to assist in funding the costs and expenses for enhanced transportation to the Project, recreation improvements and/or open space acquisition, maintenance or preservation. This Open Space/Transit Management Fee shall not apply to the transfer of real property within the Project either solely as security for financing (e.g. mortgage) or for nominal consideration solely to initially capitalize the development entity. DEVELOPER acknowledges that the Project requires an open space management fee to mitigate the adverse effects of the Project. As such, DEVELOPER covenants that it will pay this fee as a contractual obligation, and not as a regulated entity. DEVELOPER shall vigorously defend the imposition of such fees. DEVELOPER shall not take any action (contractually, judicially, or legislatively) to challenge or otherwise adversely affect the enforceability of the Open Space/Transit Management Fee as a valid and enforceable real covenant.

SECTION IV. IMPACT FEES/PLAN CHECK FEES

4.1 **Conditions of Approval and Impact Fees.** With respect to the development of Flagstaff Mountain, DEVELOPER accepts and agrees to comply with the impact, connection and building fees of the City currently in effect, or as amended, to the extent the amended fees are applied uniformly within an impact fee district. DEVELOPER acknowledges that the Project requires infrastructure supported by impact fees and finds the fees currently imposed to be a reasonable monetary expression of exactions that would otherwise be required at this time. As such, DEVELOPER covenants that it will pay impact fees as a contractual obligation, and not exclusively as a regulated entity. If the state legislature disallows the imposition of a regulatory impact fee, DEVELOPER will pay those impact fees in effect at the time of such change in state law throughout the remaining buildout of the Project. Further DEVELOPER

agrees to pay plan check fees in the amount of 65% of the building permit fee.

SECTION V. BONANZA FLATS DEVELOPMENT PARAMETERS

5.1 **Restrictions on Bonanza Flats Development**. DEVELOPER covenants that it will never apply, nor assist in any application, to the City or to Wasatch County for the development of Bonanza Flats in excess of the following maximum densities. Further, DEVELOPER shall amend its development application with Wasatch County, and shall restrict development in Bonanza Flats to the following maximum densities:

5.1.1 A maximum of 260 residential units (280 Unit Equivalents), of which no more than 160 units shall be Bonanza Flats single family home sites.

5.1.2 An 18-hole golf course, including the construction of no larger than a 20,000 sq. ft club house and other golf-related facilities, with Nordic skiing thereon during the winter, all as generally depicted on Exhibit O.

5.1.3 75,000 square feet of resort-related commercial uses.

5.1.4 Alpine and Nordic ski terrain, ski runs, ski lifts and other ski-related improvements, all as depicted on Exhibit O.

5.2 **Wasatch County Approval of Bonanza Flats Development Proposal**. DEVELOPER has a pending application in Wasatch County, with respect to Bonanza Flats, requesting density far in excess of that which the City regards as appropriate. As an inducement for the City to enter into this Agreement, DEVELOPER agrees to amend its development application with Wasatch County in order to reflect the terms and conditions of this Agreement regarding the development of Bonanza Flats. City's contractual restrictions on Bonanza Flats development are in no respect an endorsement of development on Bonanza Flats. DEVELOPER agrees that the portions of Bonanza Flats, as described on Exhibit C attached hereto, which are not to be developed shall be subjected to restrictive covenants or conservation easements, dedicated to a third party conservation trust (or

similar entity), in a form acceptable to the City, so that the real property which is not to be developed shall be limited in perpetuity to recreational and open-space uses. DEVELOPER and the City acknowledge that the annexation of Bonanza Flats to the City is not being considered at this time by either the City or by DEVELOPER.

5.3 **Snyderville Basin Sewer Improvement District Annexation.** Snyderville Basin Sewer Improvement District ("SBSID") must agree to annex Bonanza Flats and agree to provide sewer service within Bonanza Flats if Park City is to provide water service to the area. SBSID capacity shall be restricted in size to accommodate no more than the restricted densities agreed to herein. If Wasatch County approves the use of Park City water for culinary use in Bonanza Flats, then DEVELOPER must apply for and pursue annexation to SBSID.

5.4 **Annexation.** If Wasatch County recommends that DEVELOPER seek annexation to the City of Bonanza Flats, then DEVELOPER shall request that the City annex Bonanza Flats. In the event that DEVELOPER requests that the City annex Bonanza Flats, the City anticipates the execution of an interlocal agreement with Wasatch County to address fiscal issues in connection with the City's annexation of Bonanza Flats.

5.5 **Request for Transfer of Bonanza Flats Density to Flagstaff Mountain.** DEVELOPER may seek approval from the City of additional density within Flagstaff Mountain in exchange for DEVELOPER transferring approved density from Bonanza Flats and deed restricting such land as open space. City's contractual restrictions on development in Bonanza Flats in no way shall be construed as an endorsement of such densities either in Bonanza Flats nor transferred to the Mountain Village. Upon DEVELOPER's request, the City would consider such transfer. If favorably inclined to entertain such density transfer, the City would attempt in good faith to negotiate an interlocal agreement with Wasatch County to address fiscal issues associated with such action. In connection with any such request by DEVELOPER, the City may give higher priority

to the transfer of multifamily or lodging units and may consider many factors, including but not limited to the following:

5.5.1 The location and quality of open space within the Bonanza Flats property that would occur as a result of the transfer;

5.5.2 The suitability of increased density in the Mountain Village;

5.5.3 The potential reduction of traffic;

5.5.4 The potential positive impacts on the transportation system;

5.5.5 The visual and other impacts to the Mountain Village; and

5.5.6 The positive and negative impacts to the Bonanza Flats Property.

5.6 **Private Road.** Consistent with an approved phasing plan for Flagstaff Mountain, DEVELOPER may construct a private controlled access road between the Flagstaff Mountain and the Bonanza Flats development areas, provided that such private road is properly controlled to prevent through access to adjacent properties and deed restricted to prevent its extension beyond the terminus depicted in Exhibit C.

5.7 **Water Service.** DEVELOPER and the City acknowledge and agree that water service and sewer service to Bonanza Flats should be provided from the same basin in order to avoid any trans-basin transfer issues. Inasmuch as the City shall be providing water service to the Project, the City and DEVELOPER desire that the City provide water service to Bonanza Flats as well. If Wasatch County: 1) approves DEVELOPER's amended proposal for the limited development of Bonanza Flats detailed herein, and 2) approves DEVELOPER's proposal that the City provide water service to Bonanza Flats, then, subject to a City-approved infrastructure phasing plan, DEVELOPER shall build and dedicate to the Park City Water Service District an adequate water delivery system, to service Bonanza Flats, including all fire flow and irrigation needs. DEVELOPER shall work cooperatively with the City to develop a water source or sources, including, but not limited to, making well sites, water rights and easements available to the City. The City shall provide culinary water to Bonanza Flats according to the terms of this Agreement. DEVELOPER will

construct all infrastructure, including a source of water necessary to provide water service to Bonanza Flats. City water development and connection fees, as well as water rates, shall be the same as those imposed in the Project, unless the City can identify and fairly assign extraordinary costs to end users within Bonanza Flats. No water from a Weber Drainage Basin source shall be used for outdoor uses in Bonanza Flats.

5.8 **No Annexation Alternative.** If Bonanza Flats is not annexed into the City, and if the requirements described in Sections 5.3, 5.6 and 5.7 are satisfied, then DEVELOPER shall not build within Bonanza Flats more than the units described in Section 5.1 above.

5.9 **Conditions of Development of Bonanza Flats.** Regardless of the annexation of Bonanza Flats to the City, DEVELOPER agrees to the following:

5.9.1 The residential and commercial units constructed within Bonanza Flats shall not be located adjacent to the lakes within the Bonanza Flats property.

5.9.2 If Bonanza Flats is developed, but is not annexed DEVELOPER agrees to provide employee/affordable housing units consistent with its obligations in the Flagstaff Mountain annexation.

5.9.3 Within Bonanza Flats, DEVELOPER shall limit the construction of wood-burning devices to one wood-burning device per single family unit. DEVELOPER shall not request approval from Wasatch County or from the City for wood-burning devices in any other attached, or detached, residential uses. Within each lodge, or hotel constructed within Bonanza Flats, DEVELOPER may construct one wood-burning device in each such lodge or hotel.

5.9.4 DEVELOPER shall pursue an interlocal agreement with Wasatch County whereby the Park City Fire Protection District will provide fire protection services within Bonanza Flats.

5.9.5 Upon reallignment of S.R. 224, DEVELOPER shall prohibit

commercial snowmobile use within Bonanza Flats.

SECTION VI. AMENDMENT OF AGREEMENT AND DEVELOPMENT PLAN

6.1 This Agreement may be amended from time to time by mutual written consent of the Parties.

SECTION VII. IMPLEMENTATION OF THIS AGREEMENT

7.1 **Processing and Approvals.** Site specific plans shall be deemed proposed Small Scale Master Plans and shall be subject to the process and limitations set forth in the Park City Municipal Corporation Land Management Code that is in effect when the DEVELOPER submits a complete application for a Small Scale MPD.

7.2 **Cooperation in the Event of Legal Challenge.** If any third party challenges the validity, or any provision, of this Agreement, (1) the Parties shall cooperate in defending such action or proceeding, and (2) DEVELOPER shall hold harmless, and shall indemnify the City for all costs (including attorneys' fees) associated with defending this Agreement. Nothing herein shall be construed as a waiver of governmental immunity, as applicable.

7.3 **Impossibility of Performance.** If this Agreement is delayed in its effect by actions beyond the control of City or DEVELOPER, this Agreement shall remain in full force and effect during such delay. If such delay in the effect of this Agreement extends for a period of more than one year, this Agreement shall be terminable by DEVELOPER or the City upon written notice to the other at any time after such initial one-year period. In the event of termination, all rights and obligations hereunder shall be deemed terminated, provided, however, that the parties shall cooperate to return to the status quo ante.

Section VIII. GENERAL PROVISIONS

8.1 **Covenants Running with the Land.** The provisions of this Agreement shall constitute real covenants, contract and property rights and equitable servitudes, which shall run with all of the land subject to this Agreement. The burdens and benefits hereof shall bind and inure to the benefit of each

of the Parties hereto and all successors in interest to the Parties hereto. All successors in interest shall succeed only to those benefits and burdens of this Agreement which pertain to the portion of the Project to which the successor holds title. Such titleholder is not a third party beneficiary of the remainder of this Agreement or to zoning classifications and benefits relating to other portions of the Project.

8.2 **Transfer of Property.** DEVELOPER and DEER VALLEY shall have the right, without obtaining the City's consent or approval, to assign or transfer all or any portion of its rights, but not its obligations, under this Agreement to any party acquiring an interest or estate in the Project, or any portion thereof. Third party assumption of DEVELOPER's or DEER VALLEY's obligations under this Agreement shall not relieve DEVELOPER or DEER VALLEY of any responsibility or liability with respect to the expressly assumed obligation, unless the City expressly agrees in writing to the reduction or elimination of DEVELOPER's or DEER VALLEY's responsibility or liability. DEVELOPER and DEER VALLEY shall provide notice of any proposed or completed assignment or transfer. If DEVELOPER or DEER VALLEY transfers all or any portion of the property comprising Flagstaff Mountain, Richardson Flats, Sandridge or Bonanza Flats, the transferee shall succeed to all of DEVELOPER's or DEER VALLEY's rights under this Agreement. To the extent the City believes (in its sole discretion, considering the totality of the DEVELOPER's and/or DEER VALLEY's obligations) that the successor in interest has ample resources to secure the City's rights under this Agreement, the City may release DEVELOPER and/or DEER VALLEY from its proportionate liability under this Agreement.

8.3 **No Agency, Joint Venture or Partnership.** It is specifically understood and agreed to by and among the Parties that: (1) the subject development is a private development; (2) City, DEER VALLEY and DEVELOPER hereby renounce the existence of any form of agency relationship, joint venture or partnership among City, DEER VALLEY and DEVELOPER;

and (3) nothing contained herein shall be construed as creating any such relationship among City, DEER VALLEY and DEVELOPER.

SECTION IX. MISCELLANEOUS

9.1 **Incorporation of Recitals and Introductory Paragraphs.** The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.

9.2 **Other Miscellaneous Terms.** The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

9.3 **Severability.** If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

9.4 **Construction.** This Agreement has been reviewed and revised by legal counsel for DEVELOPER, DEER VALLEY and the City, and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Since the time the original Agreement was adopted and executed, many of the DEVELOPER'S obligations hereunder have been satisfied. The fact that this Agreement is styled as an amended and restated agreement shall not be deemed or construed to reinstate the DEVELOPER obligations that have been satisfied as of the date hereof.

9.5 **Notices.** Any notice or communication required hereunder between the Parties must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States

mail. If personally delivered, a notice is given when delivered to the Party to whom it is addressed. Any Party hereto may at any time, by giving ten (10) days written notice to the other Parties hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at the address set forth below:

If to City to:
City Manager
445 Marsac Ave.
P.O. Box 1480
Park City, UT 8406^

Copy to:
City Attorney
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

FALISKER
900 MAIN ST SUITE 611
P.O. BOX 4349
84060

If to DEVELOPER to:
United Park City Mines
c/o David J. Smith
P.O. Box 1450
Park City, UT 84060

Copy to:
Clark K. Taylor
VanCott Bagley Cornwall & McCarthy
P. O. Box 45340
Salt Lake City, Utah 84145

If to DEER VALLEY:
Deer Valley Resort Company
Attn: Bob Wheaton, President
2250 Deer Valley Drive South
P.O. Box 889
Park City, Utah 84060

Copy to:

General Counsel
Royal Street Corporation
7620 Royal Street East, Suite 205
P.O. Box 3179
Park City, Utah 84060

9.6 **No Third Party Beneficiary.** This Agreement is made and entered into for the sole protection and benefit of the Parties and their assigns. No other party shall have any right of action based upon any provision of this Agreement whether as third party beneficiary or otherwise.

9.7 **Counterparts and Exhibits.** This Agreement is executed in four (4) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of forty-two (42) pages, including notary acknowledgment forms, and in addition, sixteen (16) exhibits, which constitute the entire understanding and agreement of the Parties to this Agreement. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

Exhibit A	Map and Legal description of Flagstaff Mountain
Exhibit B	Map and Legal description of the Iron Mountain Parcels
Exhibit C	Map and Legal description of Bonanza Flats
Exhibit D	Map and Legal description of Richardson Flats
Exhibit E	Map and Legal description of 20-Acre Quinn's Junction Parcel
Exhibit F	Deer Valley Ski Area Master Plan
Exhibit G	Deer Valley Resort Company Ski Run Construction and Revegetation Standards
Exhibit H	Guardsman Realignment
Exhibit I	Emergency Access
Exhibit J	Lady Morgan Springs Open Space Area
Exhibit K	Approximate Location of Prospect Ridge Open Space
Exhibit L	Map and Legal description of Sandridge Parking Lots and Sandridge Heights parcels
Exhibit M	Road and Intersection Improvements Detail
Exhibit N	Runaway Truck Lane
Exhibit O	Bonanza Flats golf course and ski improvements

Exhibit P Zoning Map for Flagstaff Mountain

9.8 **Attorneys' Fees.** In the event of a dispute between any of the Parties arising under this Agreement, the prevailing Party shall be awarded its attorneys' fees and costs to enforce the terms of this Agreement.

9.9 **Duration.** This Agreement shall continue in force and effect until all obligations hereto have been satisfied. DEVELOPER shall record the approved annexation plat for Flagstaff Mountain within 30 days of the City's adoption of an annexation ordinance to annex Flagstaff Mountain. The Large Scale Master Plan for Flagstaff Mountain granted herein shall continue in force and effect for a minimum of four years from its issuance and shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Upon expiration of the minimum four-year period, approval will lapse after two additional years of Inaction following the expiration of such four-year period, unless extended for up to two years by the Planning Commission.

IN WITNESS WHEREOF, this Agreement has been executed by UPCM and by DEER VALLEY by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council effective as of the 2nd day of March, 2007.

PARK CITY MUNICIPAL CORPORATION

By: _____
Dana Williams, Mayor

ATTEST: City Clerk

By: _____
Janet Scott, City Recorder

APPROVED AS TO FORM:

_____
Mark D. Harrington, City Attorney

DEVELOPER:
United Park City Mines Company,
a Delaware corporation

David J. Smith, Authorized Signing Officer

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

On this 28th day of ~~March~~ February, 2007 before me, Lorrie J. Hoggan, the undersigned Notary Public, personally appeared David J. Smith, personally known to me to be the Authorized Signing Officer of United Park City Mines Company, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.

NOTARY PUBLIC
STATE OF UTAH
My Commission Expires
October 11, 2007
LORRIE J. HOGGAN
4549 NSR32
Oakley, Utah 84055

Notary Public, State of Utah
Residing in Oakley, Utah

DEER VALLEY RESORT COMPANY,
a Utah limited partnership
By: Royal Street of Utah, a Utah corporation,
General Partner

By: _____
Robert Wells, Vice President

DEVELOPER:
United Park City Mines Company,
a Delaware corporation

David J. Smith, Authorized Signing Officer

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

On this 28th day of ~~March~~ February, 2007 before me, Lorrie J. Hoggan, the undersigned Notary Public, personally appeared David J. Smith, personally known to me to be the Authorized Signing Officer of United Park City Mines Company, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.

NOTARY PUBLIC
STATE OF UTAH
My Commission Expires
October 11, 2007
LORRIE J. HOGGAN
4549 NSR32
Oakley, Utah 84055

Notary Public, State of Utah
Residing in Oakley, Utah

DEER VALLEY RESORT COMPANY,
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By: Royal Street of Utah, a Utah corporation,
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By: _____
Robert Wells, Vice President

DEVELOPER:
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a Delaware corporation

David J. Smith, Authorized Signing Officer

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

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NOTARY PUBLIC
STATE OF UTAH
My Commission Expires
October 11, 2007
LORRIE J. HOGGAN
4549 NSR32
Oakley, Utah 84055

Notary Public, State of Utah
Residing in Oakley, Utah

DEER VALLEY RESORT COMPANY,
a Utah limited partnership
By: Royal Street of Utah, a Utah corporation,
General Partner

By: _____
Robert Wells, Vice President

STATE OF ~~UTAH~~ ARIZONA)
: ss
COUNTY OF ~~SUMMIT~~ MARICOPA)

On this 1 day of MARCH, 2007 before me, Constance M Richards, the undersigned Notary Public, personally appeared **Robert Wells**, personally known to me to be the Vice President of Royal Street of Utah, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.

OFFICIAL SEAL
CONSTANCE M. RICHARDS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires Feb. 1, 2008

Constance M Richards
Notary Public, State of ~~Utah~~ AZ
Residing in Maricopa County, AZ

STATE OF ~~UTAH~~ Arizona)
: ss
COUNTY OF ~~SUMMIT~~ Maricopa)

On this 1 day of March, 2007 before me, Constance M Richards, the undersigned Notary Public, personally appeared **Robert Wells**, personally known to me to be the Vice President of Royal Street of Utah, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.

OFFICIAL SEAL
CONSTANCE M. RICHARDS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires Feb. 1, 2008

Constance M Richards
Notary Public, State of ~~Utah~~ AZ
Residing in Maricopa County, AZ

SCHEDULE 3.1

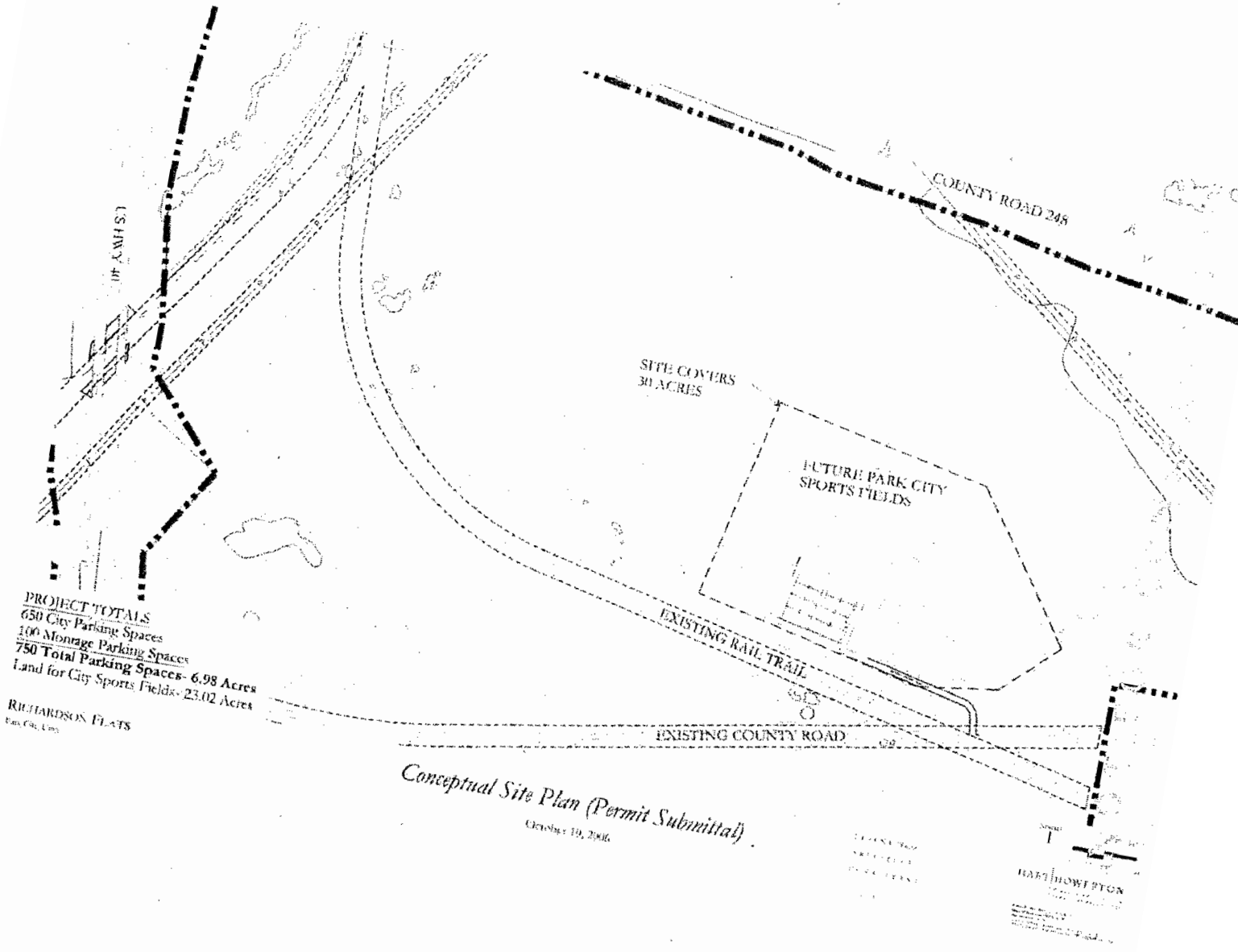
RICHARDSON FLATS PARKING AREA SPECIFICATIONS

Talisker or United Park City Mines Company will provide the City with fee title (unless the City otherwise agrees to a long term lease) to 30 acres at Richardson Flats (map attached). The use of this land is provided on the basis that it will be only for ball fields or similar recreational spaces (and related improvements) and parking. On this acreage, Talisker will provide a paved area which will accommodate segregated Montage and Empire Pass parking (up to 100 spaces) and parking for the City (up to 650 spaces) for a total of up to 750 spaces. The cost of improving the existing County road leading to the site shall be paid for by the Developer, and shall be subject to a late comer's agreement. The parking improvements shall be constructed in phases as established during the MPD for those improvements in cooperation with Summit County. The parking improvements (excluding the 100 dedicated Montage spaces and spaces required for construction parking and other operational needs) may be used by the City for reasonable ancillary uses such as special events. Construction of the parking improvements will be assured through a form of completion bonding consisting of a draw-down letter of credit or other similar instrument in an amount equivalent to the good faith estimated cost to construct the parking improvements, but in an amount not to exceed $1,800,000. In the event any permit application is denied such that the parking improvements cannot be constructed, the City shall be entitled to draw the entire amount of the completion bond, letter of credit or similar instrument (as the case may be), and DEVELOPER shall have no further obligation to construct the parking improvements.

Additional specifications are as follows:

1. Adequate space will be provided for drainage & snow storage.
2. The area will have reasonably flat terrain.
3. The parking lot will allow adequate bus travel through the parking area.
4. An allowance for signs and street lights is included.
5. The lot will be paved to accommodate the weight of City busses, in accordance with applicable Summit County construction standards and/or the Park City Construction Specifications and Standard Drawings as reasonably applied by the City engineer and the DEVELOPER'S design engineer.

The precise layout and cost of the ball fields or similar recreational spaces within the 30 acre parcel, and improvements related thereto, are the City's responsibility.



Conceptual Site Plan (Permit Submittal)

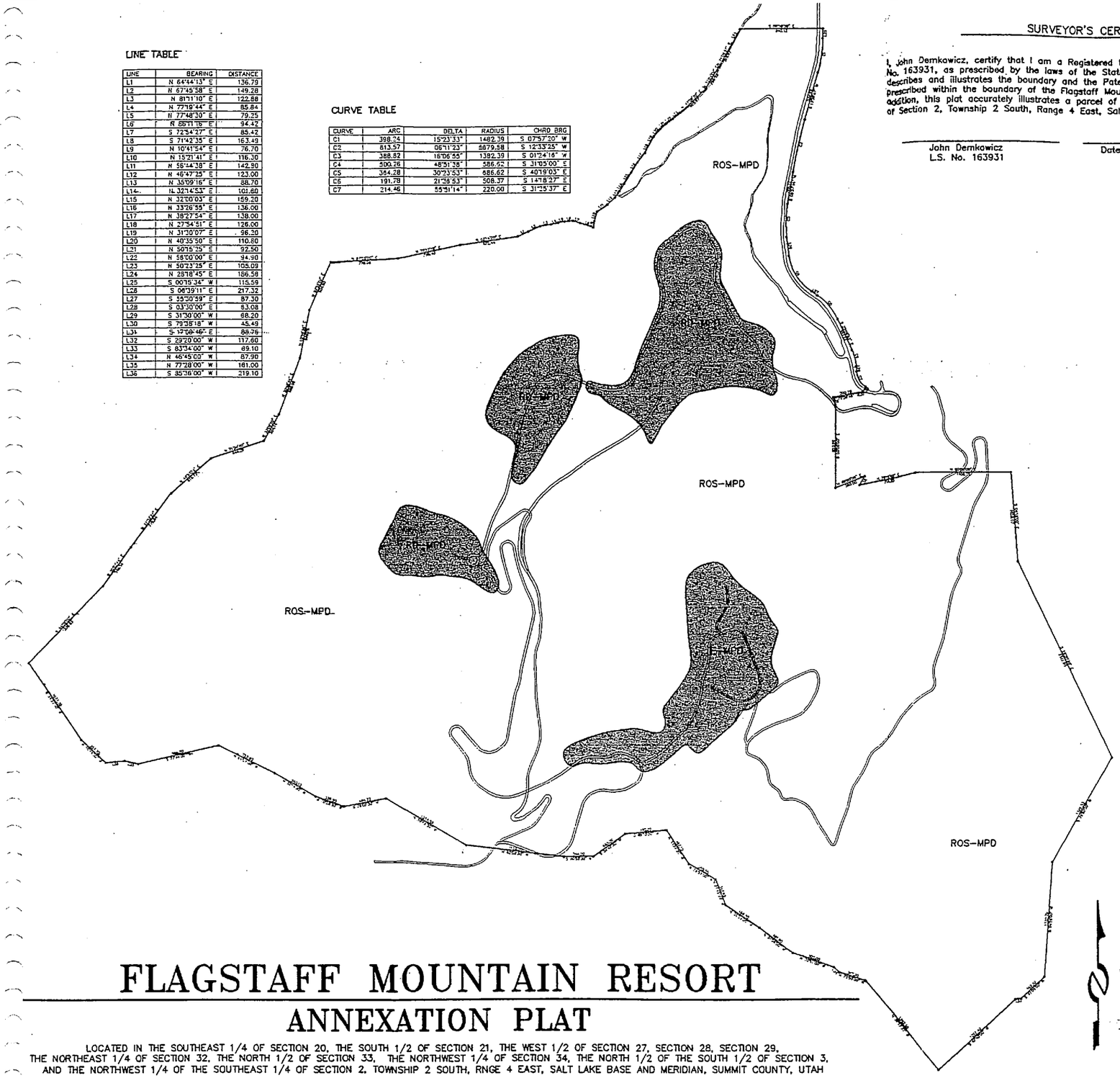
October 19, 2006

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 64°44'13" E	136.79
L2	N 67°45'58" E	149.28
L3	N 81°11'10" E	122.88
L4	N 77°19'44" E	85.84
L5	N 77°48'30" E	79.25
L6	N 88°11'16" E	94.42
L7	S 72°54'27" E	85.42
L8	S 71°42'35" E	163.49
L9	N 10°41'54" E	76.70
L10	N 15°21'41" E	116.30
L11	N 56°44'38" E	142.80
L12	N 46°47'25" E	123.00
L13	N 35°09'16" E	88.70
L14	N 32°14'53" E	101.60
L15	N 32°00'03" E	159.20
L16	N 33°26'55" E	136.00
L17	N 38°27'54" E	138.00
L18	N 27°54'51" E	126.00
L19	N 31°30'07" E	98.20
L20	N 40°35'50" E	110.60
L21	N 50°15'25" E	92.50
L22	N 58°00'00" E	94.90
L23	N 50°23'25" E	105.09
L24	N 28°18'45" E	186.56
L25	S 00°15'34" W	115.59
L26	S 08°39'11" E	217.32
L27	S 55°30'59" E	87.30
L28	S 03°30'00" E	83.08
L29	S 31°30'00" W	68.20
L30	S 79°38'18" W	45.49
L31	S 12°08'46" E	88.79
L32	S 29°20'00" W	117.60
L33	S 83°34'00" W	89.10
L34	N 46°45'00" W	87.90
L35	N 77°28'00" W	161.00
L36	S 85°36'00" W	219.10

CURVE TABLE

CURVE	ARC	DELTA	RADIUS	CHRD BRG
C1	398.24	15°23'33"	1482.39	S 07°57'20" W
C2	813.57	05°11'23"	8879.58	S 12°33'25" W
C3	388.82	16°06'55"	1382.39	S 01°24'16" W
C4	500.26	48°51'38"	586.62	S 31°05'00" E
C5	364.28	30°23'53"	686.62	S 40°19'03" E
C6	191.78	21°28'53"	508.37	S 14°18'27" E
C7	214.46	55°51'14"	220.00	S 31°25'37" E



FLAGSTAFF MOUNTAIN RESORT

ANNEXATION PLAT

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 20, THE SOUTH 1/2 OF SECTION 21, THE WEST 1/2 OF SECTION 27, SECTION 28, SECTION 29, THE NORTHEAST 1/4 OF SECTION 32, THE NORTH 1/2 OF SECTION 33, THE NORTHWEST 1/4 OF SECTION 34, THE NORTH 1/2 OF THE SOUTH 1/2 OF SECTION 3, AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 2 SOUTH, RNGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this plat accurately describes and illustrates the boundary and the Patented Gamvernment Lots of Record as prescribed within the boundary of the Flagstaff Mountain Resort annexation petition. In addition, this plat accurately illustrates a parcel of land located in the Southwest Quarter of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

John Demkowicz
L.S. No. 163931

Date

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned corporate agent for United Park City Mines; the owner of the majority of the land described and illustrated on this plat do hereby petition Park City Municipal Corporation, of Summit County, Utah that said lands be Annexed to and included within the legal boundary of Park City, Utah, and be subject to such benefits and restrictions as exsist under applicable legal ordinances of Park City, Utah.

Hank Rothwell, President

ACKNOWLEDGEMENT

State of _____
:ss
County of _____

On this _____ day of _____, 1999 Hank Rothwell personally appeared before me, the undersigned Notary Public, who being duly sworn, did say that he is the Corporate Agent for United Park City Mines Company, the owner of the majority of the land described and illustrated on this plat and that the foregoing Owners Dedication and Certificate of Consent to Record was signed freely and voluntarily for the purposes therein mentioned and that said Company executed the same.

Notary Public

My Commission Expires: _____

LEGAL DESCRIPTIONS

Beginning at a point identified as County Line Monument Number 2343, said point on the line common to Summit and Wasatch counties and also on the demarcation line between the Park City Ski Area and the Deer Valley Resort, said point lying on the ridge and hilltop above the Anchor Mine Shaft and also being North 04 39'13" East 1303.92 feet, more or less, from the Southwest corner of Section 29, Township 2 South Range, 4 East, Salt Lake Base and Meridian and running Northeasterly along said demarcation and ridge line : North 44 05'00" East 1256.63 feet; thence North 35 07'44" East 548.54 feet; thence North 49 33'13" East 616.72 feet; thence North 71 34'40" East 644.25 feet; thence North 30 09'00" East 354.14 feet; thence North 20 45'44" East 698.015 feet; thence North 10 48'35" East 569.75 feet; thence North 23 55'00" East 604.00 feet; thence North 87 35'00" East 778.00 feet; thence North 77 17'18" East 735.40 feet; thence North 82 14' East 672.44 feet more or less to a point on the Westerly boundary line of the "Anchor Tunnel Portal Mining Reservation", said point being North 39 17'18" East 942.39 feet more or less from the Southwest corner of Section 21 Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also lying along the ridge line between Empire Canyon and Walker and Webster Gulch; thence along said ridgeline the following eight courses: thence North 64 44'13" East 136.79 feet; thence North 67 45'58" East 149.28 feet; thence North 81 11'10" East 122.88 feet; thence North 77 19'44" East 85.84 feet; thence North 77 48'30" East 79.25 feet; thence North 88 11'16" East 94.42 feet; thence South 72 54'27" East 85.42 feet; thence South 71 42'35" East 163.49 feet more or less to a point on the westerly right -of-way line of the Judge Tunnel/Empire Canyon Water Tank Supply Line Easement, said point lying North 79 18'06" West 5.00 feet more or less, from Map Point A-1 as described in that certain Reservoir Easement dated April 19, 1978 and Recorded as Entry No. 147912 in the Records of the of the Recorder for Summit County, Utah; thence along said westerly right-of-way the following fifteen (15) courses: North 10 41'54" East 76.70 feet; thence North 15 21'41" East 116.20 feet; thence North 56 44'38" East 142.80 feet; thence North 46 47'25" East 123.00 feet; thence North 35 09'16" East 88.70 feet; thence North 32 14'53" East 101.60 feet; thence North 32 00'03" East 159.20 feet; thence North 33 26'55" East 136.00 feet; thence North 38 27'54" East 138.00 feet; thence North 27 54'51" East 126.00 feet; thence North 31 30'07" East 98.20 feet; thence North 40 35'50" East 110.60 feet; thence North 50 15'25" East 92.50 feet; thence North 58 00'00" East 94.90 feet; thence North 50 23'25" East 105.09 feet; thence North 47 29'30" East 405.07 feet more or less to a point on the westerly edge of Daly Avenue; thence along said Daly Avenue the following three courses: North 32 04'00" East 298.25 feet; thence North 29 09'57" East 315.97 feet; thence North 28 18'45" East 188.56 feet, more or less, to the East-West center line of Section 21 Township 2 South, Range 4 East, Salt Lake Base and Meridian, said Section Line also being the southerly boundary line for the corporate limits of Park City, Utah; thence South 89 59'59" East 940.12 feet, more or less, along said Section line 940.12 feet to a point on the easterly right-of-way line for Utah State Highway 224 as located in Ontario Canyon; thence along said highway the following 12 courses; South 00 15'34" West 111.59 feet to a point on a 1,482.39 foot radius curve to the left; thence Southeasterly along the arc of said curve through a central angle of 15 23'33"398.24 feet more or less; thence South 15 39'07" West 559.89 feet to a point on a 5,879.58 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 08 11'23", a distance of 813.57 feet; thence South 09 27'44" West 368.77 feet to a point on a 1,382.39 foot radius curve to the left; thence southerly along the arc of said curve, through a central angle of 16 06'55", a distance of 388.82 feet; thence South 6 39'11" East 217.32 feet to a point on a 586.62 foot radius curve to the left; thence southeasterly along the arc of said curve, through a central angle of 48 51'38", a distance of 500.26 feet; thence South 55 30'59" East 87.30 feet to a point on a 686.62 foot radius curve to the right; thence along the arc of said curve, through a central angle of 30 23'53", a distance of 364.28 feet; thence South 25 06'53" East 397.14 feet to a point on a 508.37 foot radius curve to the right; thence along the arc of said curve, through a central angle of 21 36'53", a distance of 191.78 feet; thence South 3 30'00" East 83.08 feet to a point on a 220.00 foot radius curve to the left; thence along the arc of said curve, through a central angle of 55 51'14", a distance of 214.46 feet; thence South 31 30'00" West 68.20 feet; thence South 79 38'18"West 45.49 feet to a point on the southeasterly boundary of the Ontario Number 3 Shaft Mining Reservation; thence South 79 59'46" West 300.78 feet more or less along the southeastern edge of said Mining Reservation; thence South 17 09'45" East 88.78 feet more or less to a point on a piece of property that is the subject of Entry Number 158551 of the Summit County Records; thence along said parcel the following five courses: South 955.96 feet; thence North 69 East 360.00 Feet; thence South 29 20' West 117.60 feet; thence North 78 10' East 714.30 feet; thence East 1,108.71 feet more or less to a point the Wasatch-Summit County line; thence along said Wasatch - Summit County line. The following thirty courses: South 04 19'00" East 1,028.07 feet; thence South 25 30'30" East 2,521.90 feet to County Line Point 51; thence South 29 50'00" West 1,398.30 Feet to County Line Point 55; thence South 4 18'00" West 1,320.70 feet to County Line Point 58; thence South 47 05'00" West 369.50 feet to a County Line Point; thence South 83 34'00" West 89.10 feet to County Line Point 59; thence South 47 42'00" West 1,207.40 feet to County Line Point 62A; thence North 39 53'30" West 1,352.50 feet to County Line Point 64; thence North 72 50'00" West 317.30 feet to County Line Point 65; thence North 48 45'00" West 87.90 feet to County Line Point 66; thence North 70 57'00" West 502.00 feet to County Line Point 67; thence North 51 56'00" West 481.90 feet to County Line Point 68; thence North 55 53'00" West 466.80 feet to County Line Point 69 feet; thence North 21 49'00" West 317.40 feet to County Line Point 70; thence North 59 57'00" West 360.50 feet to County Line Point and Triangulation Point; thence North 33 22'30" West 467.10 feet to County Line Point 71; thence South 85 10'30" West 492.30 feet to County Line Point 72; thence South 54 42'30" West 453.20 feet to County Line Point 73; thence South 88 55'30" West 344.00 feet to County Line Point 74; thence North 82 52'30" West 1,132.30 feet to County Line Point 77; thence North 59 43'30" West 1,074.55 feet to County Line Point 2338; thence North 79 07'30" West 494.73 feet to County Line Point 80; thence North 70 28'30" West 339.90 feet to County Line Point 81; thence North 60 14'30" West 550.10 feet to County Line Point 82 and Triangulation Point 2339; thence North 64 07'00" West 727.60 feet to County Line Point 83; thence South 77 44'00" West 966.50 feet to County Line Point and Triangulation Point 2340 which is also Judge Triangulation Point 0; thence South 85 39'00" West 219.10 feet to County Line Point 86; thence North 48 44'00" West 384.70 feet to County Line Point 87; thence North 34 37'00" West 1,077.30 feet, more or less to county Line Point 2343 the point of beginning. Said Parcel contains 1,555.4 acres more or less.

600 0 600 1200 feet

RECEIVED
JUL 2 1999
PARK CITY
PLANNING DEPT.

EXHIBIT "A"

1 OF 2

Alliance Engineering Inc.

JOB No. 17-4-96 FLAGSTAFF\OVERALL\FLGANEX

ALLIANCE ENGINEERING INC.	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (435) 649-9467	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 1999 A.D. BY _____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 1999 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF _____, 1999 A.D. BY _____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 1999 A.D. BY _____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 1999 A.D. BY _____ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ _____ FEE _____ RECORDER

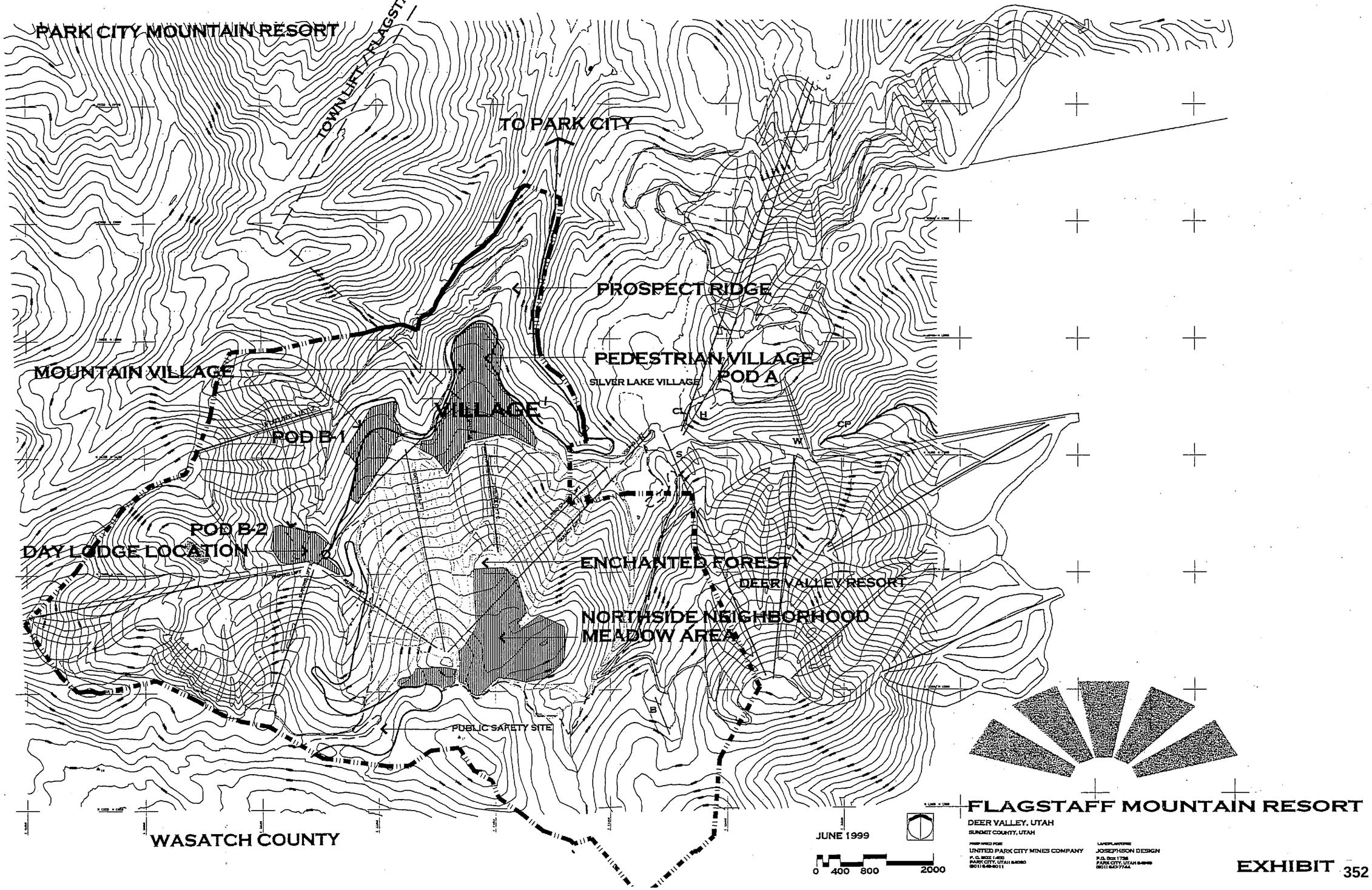
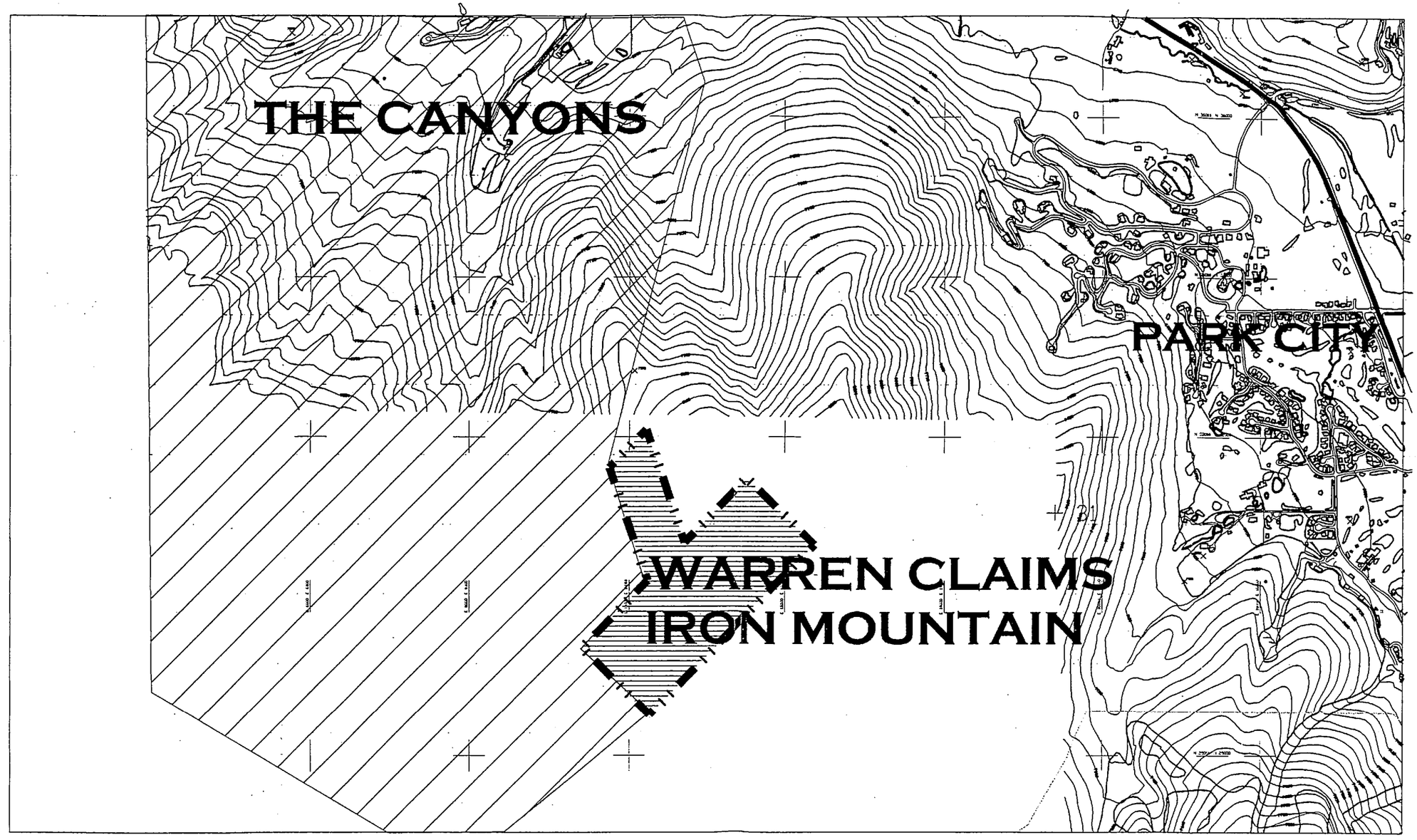

PARK CITY MOUNTAIN RESORT
TOWN LIFT / FLAGSTAFF GONDOLA
TO PARK CITY
PROSPECT RIDGE
PEDESTRIAN VILLAGE
SILVER LAKE VILLAGE
POD A
MOUNTAIN VILLAGE
VILLAGE
POD B-1
POD B-2
DAY LODGE LOCATION
ENCHANTED FOREST
DEER VALLEY RESORT
NORTHSIDE NEIGHBORHOOD
MEADOW AREA
PUBLIC SAFETY SITE
WASATCH COUNTY
FLAGSTAFF MOUNTAIN RESORT
DEER VALLEY, UTAH
SUMMIT COUNTY, UTAH
JUNE 1999
0 400 800 2000
UNITED PARK CITY MINES COMPANY
JOSEPHSON DESIGN

EXHIBIT 352



APRIL, 1999

0 400 800 2000

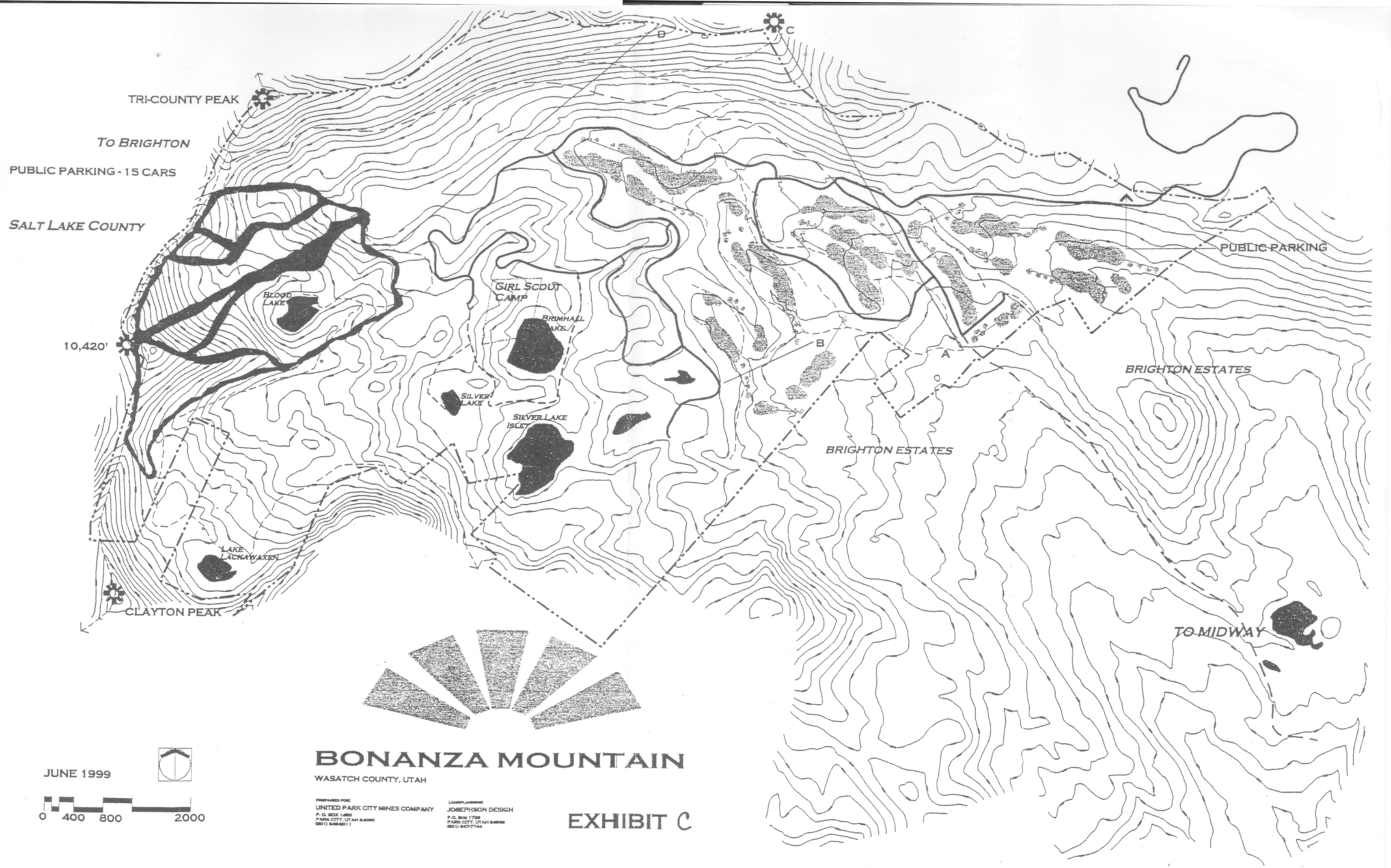
IRON MOUNTAIN PARCEL

SUMMIT COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-8011

LAND PLANNING:
JOSEPHSON DESIGN
P.O. Box 1728
PARK CITY, UTAH 84060
(801) 647-7744

EXHIBIT B



JUNE 1999

0 400 800 2000

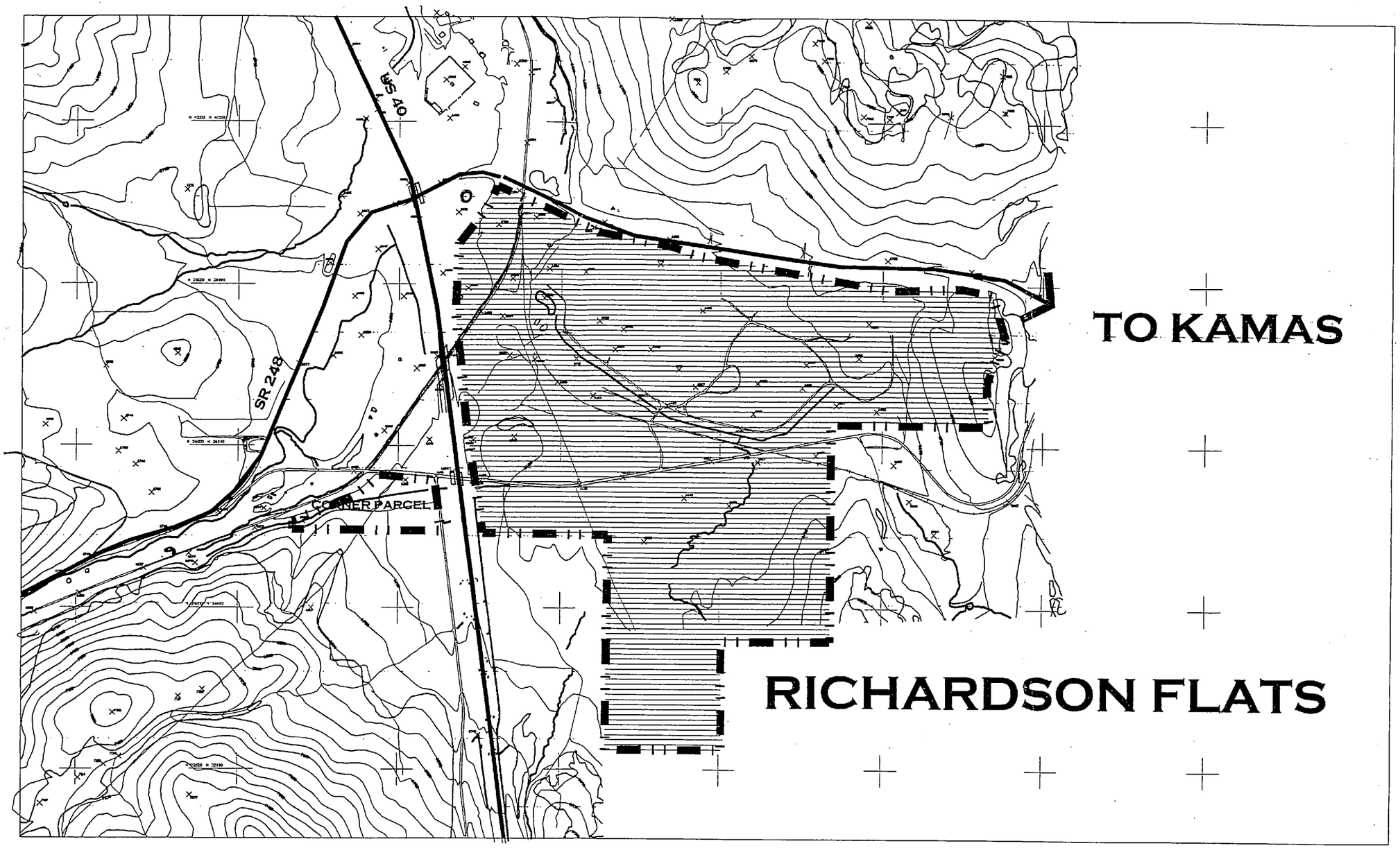
BONANZA MOUNTAIN

WASATCH COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-8011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1738
PARK CITY, UTAH 84060
(801) 647-7744

EXHIBIT C



RICHARDSON FLATS PARCEL

APRIL 1999

0 400 800 2000

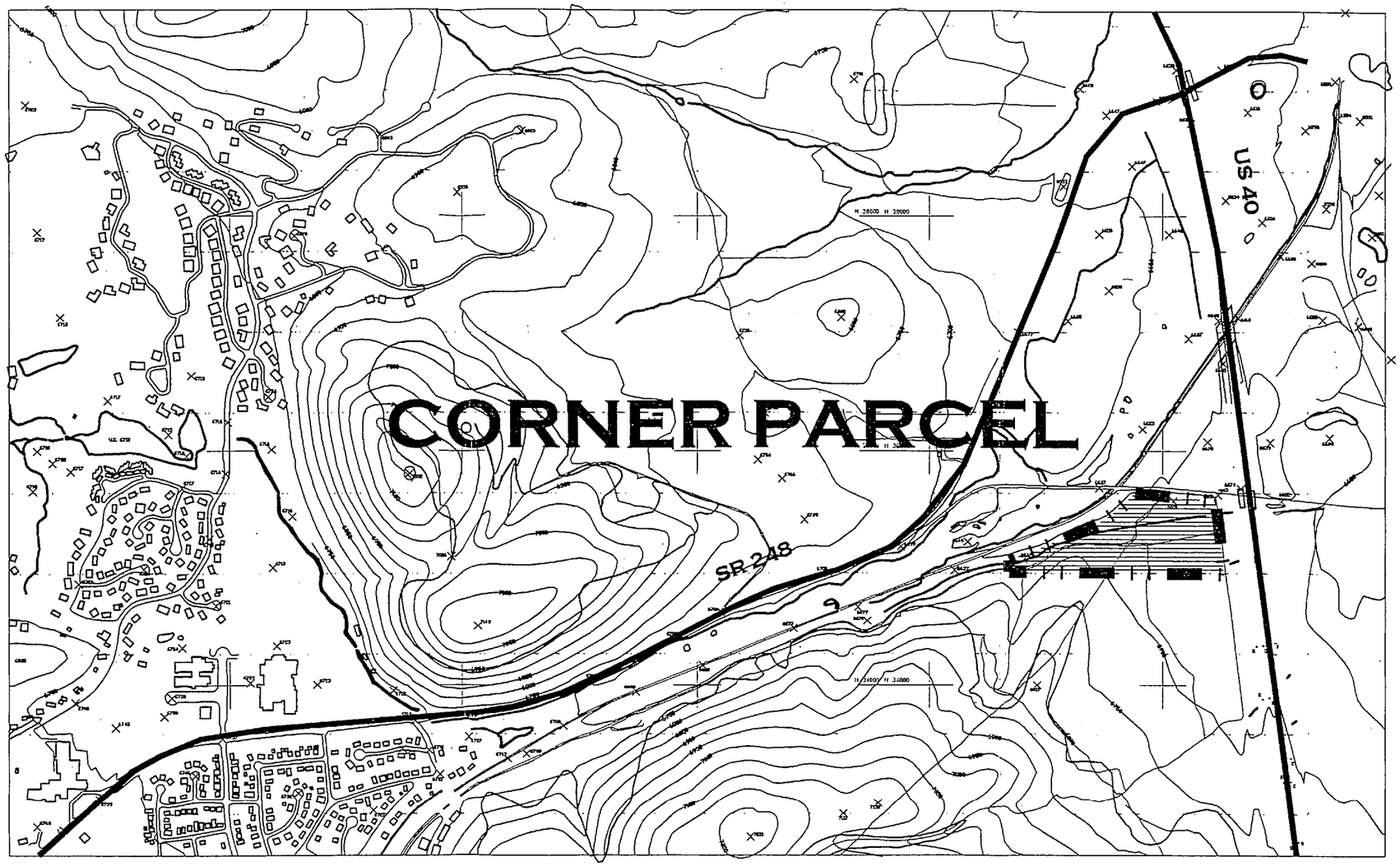
SUMMIT COUNTY, UTAH

SUMMIT COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-8011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1798
PARK CITY, UTAH 84060
(801) 647-7744

EXHIBIT D



CORNER PARCEL

APRIL 1999

0 400 800 2000

SUMMIT COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-9011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1725
PARK CITY, UTAH 84969
(801) 647-7744

EXHIBIT E

SKI AREA PLAN

DEER VALLEY RESORT COMPANY

EXISTING SKI RUNS (NAMED)

PROPOSED SKI RUNS (NUMBERED)

EXISTING SKI LIFTS (NAMED)

PROPOSED SKI LIFTS (LETTERED)

400 0 400 800 FEET

NOTE:
THIS EXHIBIT IS NOT INTENDED TO BE A SURVEY OF BOUNDARY AND PLANIMETRIC FEATURES SHOWN. MAP ACCURACY IS LIMITED TO GENERAL DESCRIPTIVE PURPOSES ONLY.

Exhibit F

SHANER
Design Graphics

ANCHOR

EMPIRE CANYON EXPRESS QUAD CHAIR LIFT

DALY WEST

PROPOSED PUBLIC ROAD

PROPOSED ROUND ABOUT

EXISTING GAURDSMAN ROAD ABANDONED

PROPOSED PUBLIC ROAD

FUTURE VILLAGE ROAD

ONTARIO MINE

PROPOSED PRIVATE ROAD

PROPOSED RE-ALIGNMENT TO GAURDSMAN ROAD

PROPOSED PRIVATE ROAD

RUBY CHAIR LIFT

NORTH SIDE QUAD CHAIR LIFT

PROPOSED OVERPASS

EXISTING GAURDSMAN ROAD

PROPOSED PRIVATE ROAD

ACCESS GATE

RED CLOUD CHAIR LIFT

QUINCY CHAIR LIFT

VIKING CHAIR

WASATCH COUNTY

EXHIBIT "H"

500 0 500 1000 FEET

RECEIVED
JUL - 8 1999
PARK CITY PLANNING DEPT.

(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060

REVISED:
9-1-98
1-13-99
4-13-99
6-9-99

STAFF:
S. DECKERT
D. CARDWELL

DATE: 6-22-98

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
GAURDSMAN RE-ALIGNMENT
PROPOSED PUBLIC/PRIVATE ROADS
FOR: UPCMC

JOB NO.: 5-2-94
FILE: \UPCMC\OVERALL\D\ROAD-EX

EXISTING GAURDSMAN ROAD

RUBY CHAIR LIFT

NORTH SIDE QUAD CHAIR LIFT

TO SILVER LAKE

PROPOSED PUBLIC ROAD

STEIN ERIKSEN LODGE

RED CLOUD CHAIR LIFT

QUINCY CHAIR LIFT

EXISTING ROAD

PROPOSED NORTH SIDE SUBDIVISION

DEER VALLEY MAINTAINANCE

PROPOSED PRIVATE ROAD

WASATCH COUNTY

ONTARIO CANYON

PROPOSED 20' WIDE 10% MAX GRADE SEASONAL EMERGENCY ACCESS ROAD

EXISTING 20' WIDE 10% MAX GRADE SEASONAL EMERGENCY ACCESS ROAD

EXHIBIT "I"

500 0 500

RECEIVED
JUL - 7 1999
PARK CITY PLANNING DEPT.

(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

REVISED:
9-1-98
4-13-99

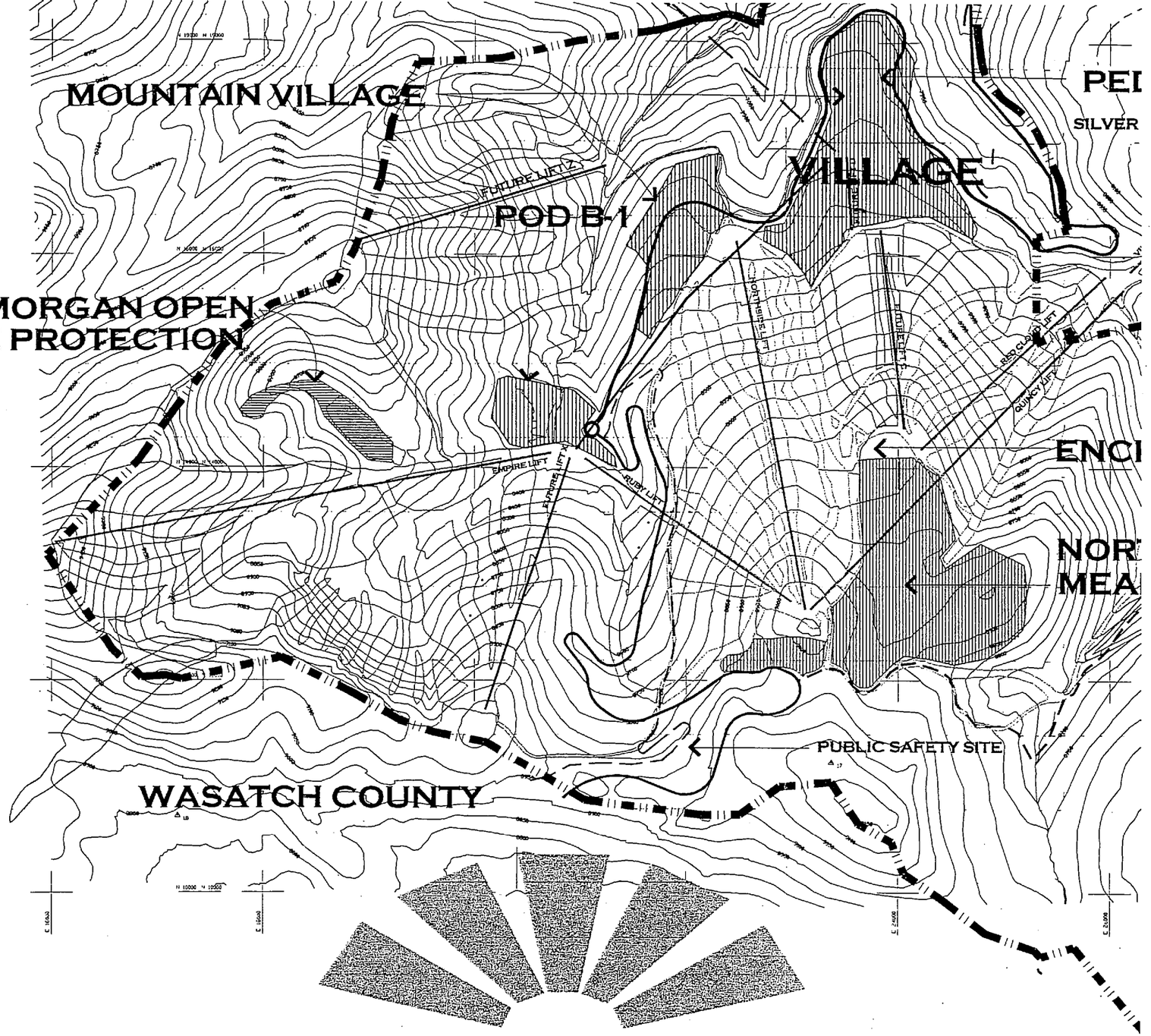
STAFF:
S. DECKERT
D. CARDWELL

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
PROPOSED SEASONAL EMERGENCY ACCESS ROAD

FOR: UPCMC

JOB NO.: 5-2-94



FLAGSTAFF MOUNTAIN RESORT

SUMMIT COUNTY, UTAH

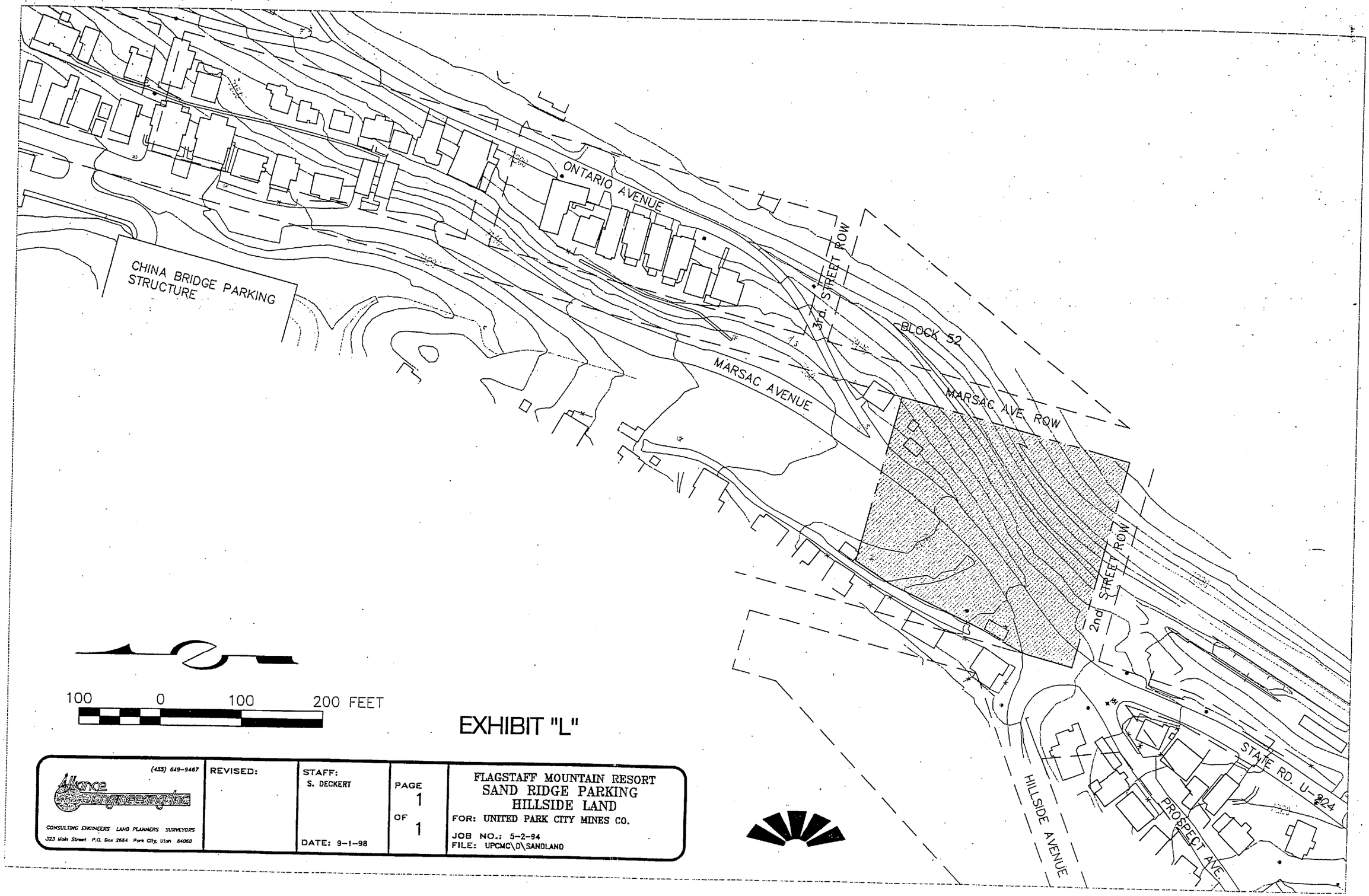
JUNE 1999

0 400 800 2000

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-8011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1726
PARK CITY, UTAH 84969
(801) 647-7744

EXHIBIT J



100 0 100 200 FEET

EXHIBIT "L"

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060

REVISED:

STAFF: S. DECKERT

DATE: 9-1-98

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
SAND RIDGE PARKING
HILLSIDE LAND
FOR: UNITED PARK CITY MINES CO.

JOB NO.: 5-2-94
FILE: UPCMC\D\SANDLAND

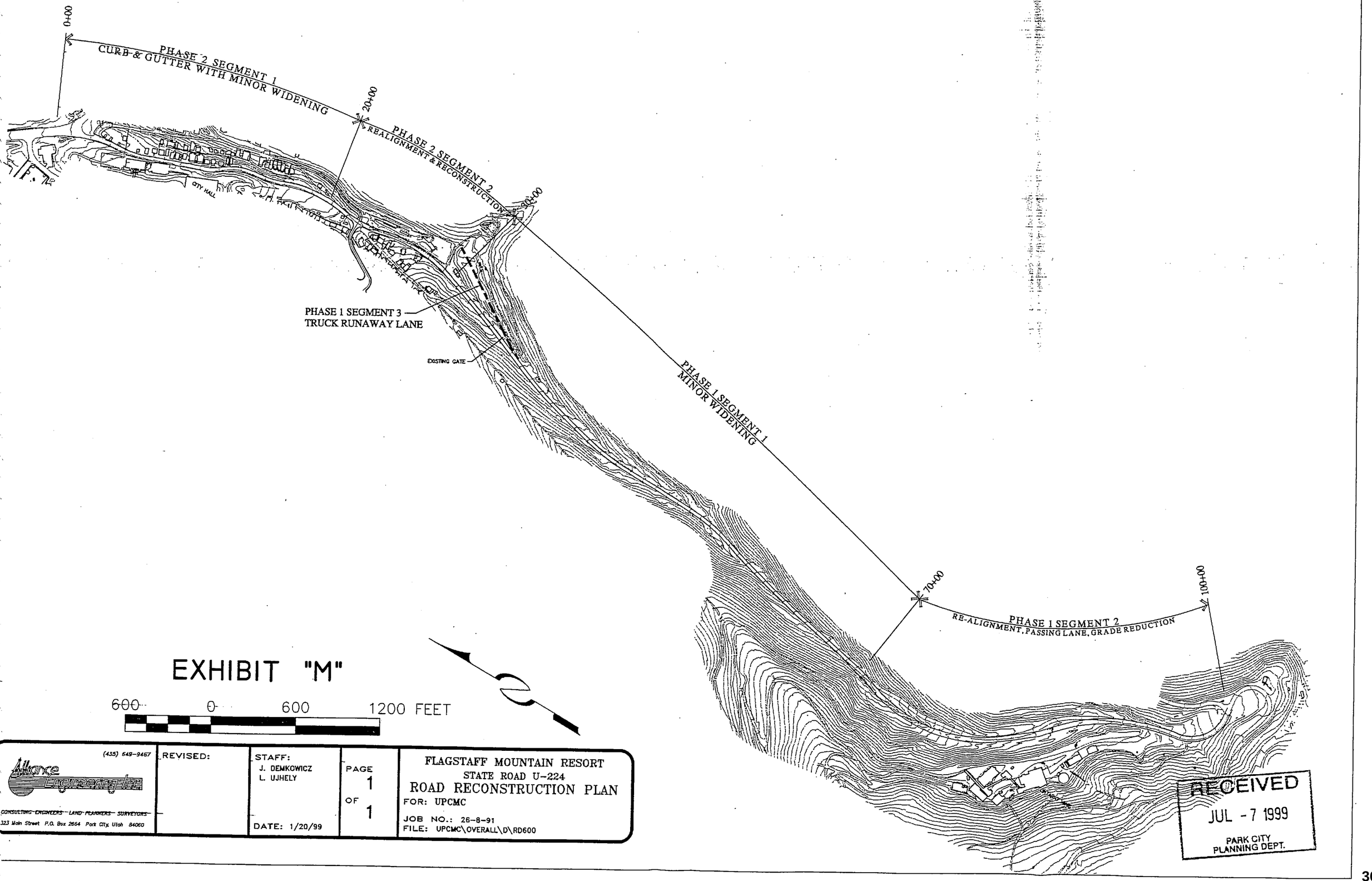


EXHIBIT "M"

600 0 600 1200 FEET

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS - LAND PLANNERS - SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060

REVISED:

STAFF:
J. DEMKOWICZ
L. UJHELY

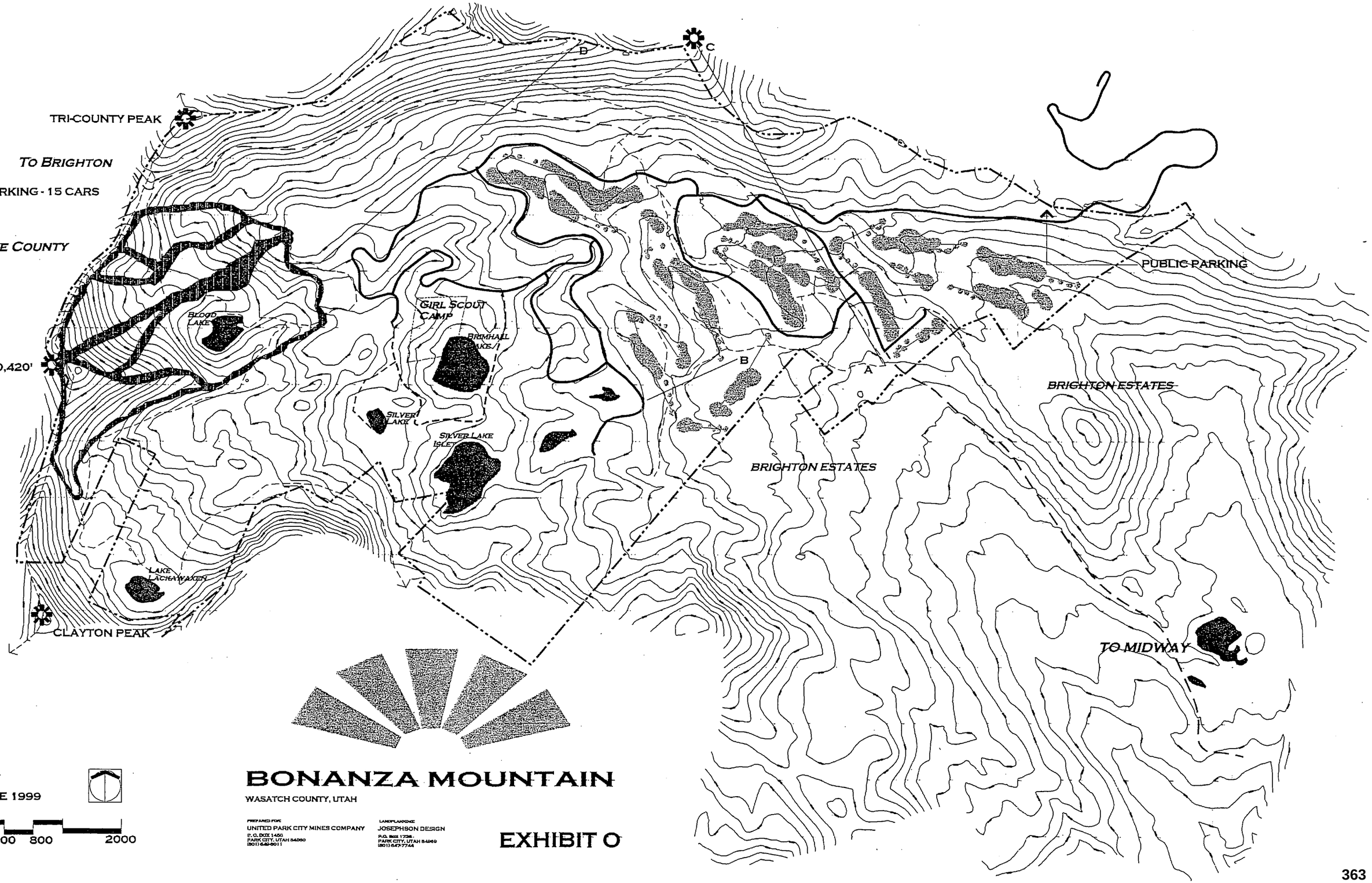
DATE: 1/20/99

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
STATE ROAD U-224
ROAD RECONSTRUCTION PLAN
FOR: UPCMC

JOB NO.: 26-8-91
FILE: UPCMC\OVERALL\D\RD600

RECEIVED
JUL - 7 1999
PARK CITY
PLANNING DEPT.



BONANZA MOUNTAIN

WASATCH COUNTY, UTAH

JUNE 1999

0 400 800 2000

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-9011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1726
PARK CITY, UTAH 84060
(801) 647-7744

EXHIBIT O

RD–MPD

RD–MPD

RD–MPD

ROS–MPD

ROS–MPD

ROS–MPD

E–MPD

ROS–MPD

EMPIRE CANYON EXPRESS QUAD CHAIR LIFT

DALY WEST

RUBY CHAIR LIFT

NORTH SIDE QUAD CHAIR LIFT

RED CLOUD CHAIR LIFT

QUINCY CHAIR LIFT

ONTARIO MINE

VIKING CHAIR

EXHIBIT "P"

500 0 500 1000 FEET

RECEIVED
JUL - 7 1998
PARK CITY
PLANNING DEPT.

(435) 649-9467

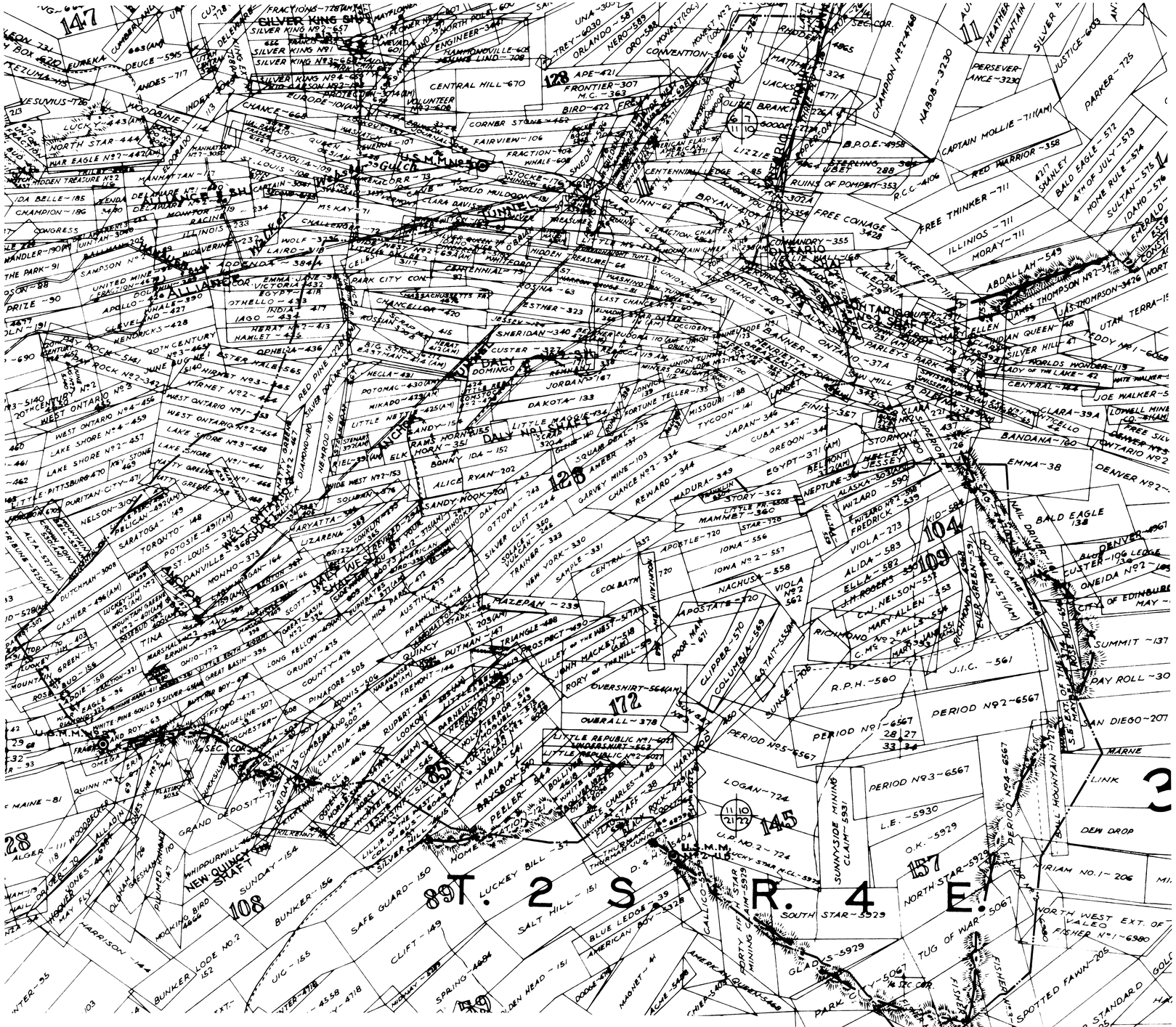
Alliance Engineering Inc

REVISED:

STAFF:
S. DECKERT
D. CARDWELL

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
DEVELOPMENT PODS
"ZONING MAP"
FOR: UPCMC


89T. 2 S. R. 4 E.
SILVER KING SHAFT
NEW QUINCY SHAFT
U.S.M.M.
U.S. M.M. Gulch
ALLIANCE
WEST ONTARIO
DAILY WEST SHAFT
DAILY NAIL SHAFT
SUNNYSIDE MINING CLAIM-5931
SOUTH STAR-5929
NORTH STAR-5929
TUG OF WAR-5067
GLADYS-5929
LUCKY STAR M.C.L.-5978
U.S. NO. 2-724
LOGAN-724
SAMPLE-331
CENTRAL-332
COLBATH
APOSTATE-720
IOWA-556
IOWA No 2-557
NACHUS-558
VIOLA No 2 562
CLIPPER-570
COLUMBIA-569
TAIT-550
SUNSET-705
R.P.H.-560
J.I.C.-561
PERIOD No 1-6567
PERIOD No 2-6567
PERIOD No 3-6567
PERIOD No 4-6567
PERIOD No 5-6567
L.E.-5930
O.K.-5929
OVERALL-378
OVERSHIRT-564(AM)
LITTLE REPUBLIC No 1-6011
LITTLE REPUBLIC No 2-5011
SAFE GUARD-150
CLIFT-149
SALT HILL-151
BUNKER-150
BUNKER LODE NO 2
152
UIC-155
SUNDAY-154
WHIPPURWILL-156
MOCKING BIRD
HARRISON-142
GRAND DEPOSIT-77
QUINN No 1
QUINN No 2
MAINE-81
ALGER-111
WOODPECKER
ALADIN
HOUSE JONES-46
MAY FLY
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PLUTO
SPRING
GOLDEN HEAD-151
BLUE LEDGE-139
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DODGE
MAGNET-41
ACME-5405
CHIEF-5405
AMERICAN QUEEN-5406
FORTY FIVE MINING CLAIM-5929
CALLICO-5328
STAR-5929
LUCKEY BILL-37
HOME STAKE
SILVER BILL
LILLIE OF THE VALLEY
COLUMBIA
D. & H.
THURMAN JUNIOR
UNION-37(AM)
UNION EXT.-38(AM)
MINNEHAHA-39
MINNEHAHA EXT.-39(AM)
DRUID-40
DRUID EXT.-40(AM)
MINNEHAHA No 2-39(AM)
MINNEHAHA No 3-39(AM)
MINNEHAHA No 4-39(AM)
MINNEHAHA No 5-39(AM)
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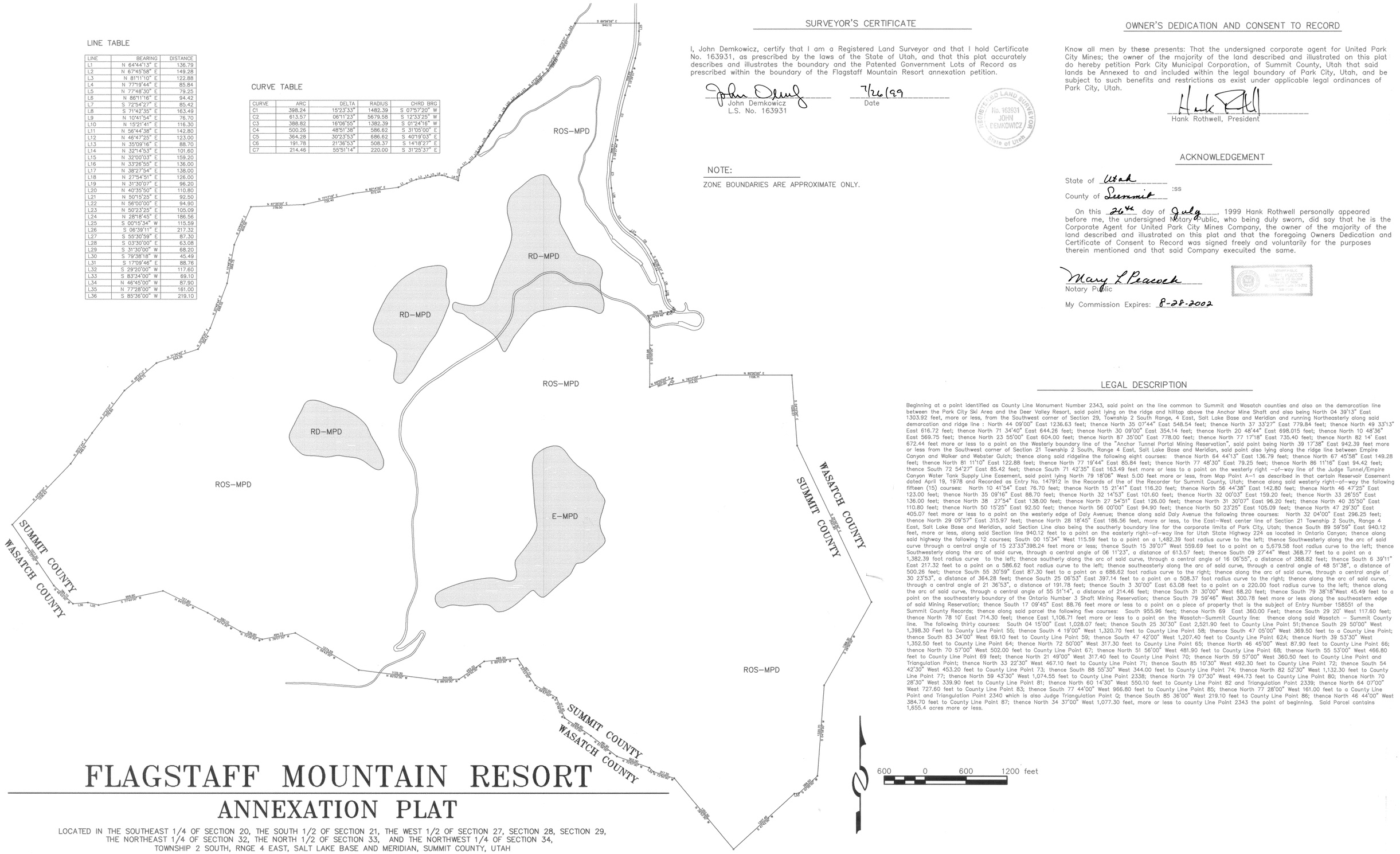
MINNEHAHA No 9-39(AM)
MINNEHAHA No 10-39(AM)
MINNEHAHA No 11-39(AM)
MINNEHAHA No 12-39(AM)
MINNEHAHA No 13-39(AM)
MINNEHAHA No 14-39(AM)
MINNEHAHA No

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 64°44'13" E	136.79
L2	N 67°45'58" E	149.28
L3	N 81°11'10" E	122.88
L4	N 77°19'44" E	85.84
L5	N 77°48'30" E	79.25
L6	N 86°11'16" E	94.42
L7	S 72°54'27" E	85.42
L8	S 71°42'35" E	163.49
L9	N 10°41'54" E	76.70
L10	N 15°21'41" E	116.30
L11	N 56°44'38" E	142.80
L12	N 46°47'25" E	123.00
L13	N 35°09'16" E	88.70
L14	N 32°14'53" E	101.60
L15	N 32°00'03" E	159.20
L16	N 33°26'55" E	136.00
L17	N 38°27'54" E	138.00
L18	N 27°54'51" E	126.00
L19	N 31°30'07" E	96.20
L20	N 40°35'50" E	110.80
L21	N 50°15'25" E	92.50
L22	N 56°00'00" E	94.90
L23	N 50°23'25" E	105.09
L24	N 28°18'45" E	186.56
L25	S 00°15'34" W	115.59
L26	S 06°39'11" E	217.32
L27	S 55°30'59" E	87.30
L28	S 03°30'00" E	63.08
L29	S 31°30'00" W	68.20
L30	S 79°38'18" W	45.49
L31	S 17°09'46" E	88.76
L32	S 29°20'00" W	117.60
L33	S 83°34'00" W	69.10
L34	N 46°45'00" W	87.90
L35	N 77°28'00" W	161.00
L36	S 85°36'00" W	219.10

CURVE TABLE

CURVE	ARC	DELTA	RADIUS	CHRD BRG
C1	398.24	15°23'33"	1482.39	S 07°57'20" W
C2	613.57	06°11'23"	5679.58	S 12°33'25" W
C3	388.82	16°06'55"	1382.39	S 01°24'16" W
C4	500.26	48°51'38"	586.62	S 31°05'00" E
C5	364.28	30°23'53"	686.62	S 40°19'03" E
C6	191.78	21°36'53"	508.37	S 14°18'27" E
C7	214.46	55°51'14"	220.00	S 31°25'37" E



FLAGSTAFF MOUNTAIN RESORT

ANNEXATION PLAT

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 20, THE SOUTH 1/2 OF SECTION 21, THE WEST 1/2 OF SECTION 27, SECTION 28, SECTION 29, THE NORTHEAST 1/4 OF SECTION 32, THE NORTH 1/2 OF SECTION 33, AND THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 2 SOUTH, RNGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this plat accurately describes and illustrates the boundary and the Patented Gonvernment Lots of Record as prescribed within the boundary of the Flagstaff Mountain Resort annexation petition.

John Demkowicz
L.S. No. 163931

7/26/99
Date

REGISTERED LAND SURVEYOR No. 163931 JOHN DEMKOWICZ State of Utah

NOTE:

ZONE BOUNDARIES ARE APPROXIMATE ONLY.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned corporate agent for United Park City Mines; the owner of the majority of the land described and illustrated on this plat do hereby petition Park City Municipal Corporation, of Summit County, Utah that said lands be Annexed to and included within the legal boundary of Park City, Utah, and be subject to such benefits and restrictions as exist under applicable legal ordinances of Park City, Utah.

Hank Rothwell, President

ACKNOWLEDGEMENT

State of Utah :ss
County of Summit

On this 26th day of July, 1999 Hank Rothwell personally appeared before me, the undersigned Notary Public, who being duly sworn, did say that he is the Corporate Agent for United Park City Mines Company, the owner of the majority of the land described and illustrated on this plat and that the foregoing Owners Dedication and Certificate of Consent to Record was signed freely and voluntarily for the purposes therein mentioned and that said Company executed the same.

Mary L Peacock
Notary Public

NOTARY PUBLIC MARY L PEACOCK 1794 W. 1700 S. OGDEN, UT 84401 My Comm. Exp. 1-3-2002 State of Utah

My Commission Expires: 8-28-2002

LEGAL DESCRIPTION

Beginning at a point identified as County Line Monument Number 2343, said point on the line common to Summit and Wasatch counties and also on the demarcation line between the Park City Ski Area and the Deer Valley Resort, said point lying on the ridge and hilltop above the Anchor Mine Shaft and also being North 04 39'13" East 1303.92 feet, more or less, from the Southwest corner of Section 29, Township 2 South Range, 4 East, Salt Lake Base and Meridian and running Northeasterly along said demarcation and ridge line : North 44 09'00" East 1236.63 feet; thence North 35 07'44" East 548.54 feet; thence North 37 33'27" East 779.84 feet; thence North 49 33'13" East 616.72 feet; thence North 71 34'40" East 644.26 feet; thence North 30 09'00" East 354.14 feet; thence North 20 48'44" East 698.015 feet; thence North 10 48'36" East 569.75 feet; thence North 23 55'00" East 604.00 feet; thence North 87 35'00" East 778.00 feet; thence North 77 17'18" East 735.40 feet; thence North 82 14' East 672.44 feet more or less to a point on the Westerly boundary line of the "Anchor Tunnel Portal Mining Reservation", said point being North 39 17'38" East 942.39 feet more or less from the Southwest corner of Section 21 Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also lying along the ridge line between Empire Canyon and Walker and Webster Gulch; thence along said ridgeline the following eight courses: thence North 64 44'13" East 136.79 feet; thence North 67 45'58" East 149.28 feet; thence North 81 11'10" East 122.88 feet; thence North 77 19'44" East 85.84 feet; thence North 86 11'16" East 94.42 feet; thence South 72 54'27" East 85.42 feet; thence South 71 42'35" East 163.49 feet more or less to a point on the westerly right –of–way line of the Judge Tunnel/Empire Canyon Water Tank Supply Line Easement, said point lying North 79 18'06" West 5.00 feet more or less, from Map Point A–1 as described in that certain Reservoir Easement dated April 19, 1978 and Recorded as Entry No. 147912 in the Records of the of the Recorder for Summit County, Utah; thence along said westerly right–of–way the following fifteen (15) courses: North 10 41'54" East 76.70 feet; thence North 15 21'41" East 116.20 feet; thence North 56 44'38" East 142.80 feet; thence North 46 47'25" East 123.00 feet; thence North 35 09'16" East 88.70 feet; thence North 32 14'53" East 101.60 feet; thence North 32 00'03" East 159.20 feet; thence North 33 26'55" East 136.00 feet; thence North 38 27'54" East 138.00 feet; thence North 27 54'51" East 126.00 feet; thence North 31 30'07" East 96.20 feet; thence North 40 35'50" East 110.80 feet; thence North 50 15'25" East 92.50 feet; thence North 56 00'00" East 94.90 feet; thence North 50 23'25" East 105.09 feet; thence North 47 29'30" East 405.07 feet more or less to a point on the westerly edge of Daly Avenue; thence along said Daly Avenue the following three courses: North 32 04'00" East 296.25 feet; thence North 29 09'57" East 315.97 feet; thence North 28 18'45" East 186.56 feet, more or less, to the East–West center line of Section 21 Township 2 South, Range 4 East, Salt Lake Base and Meridian, said Section Line also being the southerly boundary line for the corporate limits of Park City, Utah; thence South 89 59'59" East 940.12 feet, more or less, along said Section line 940.12 feet to a point on the easterly right–of–way line for Utah State Highway 224 as located in Ontario Canyon; thence along said highway the following 12 courses; South 00 15'34" West 115.59 feet to a point on a 1,482.39 foot radius curve to the left; thence Southwesterly along the arc of said curve through a central angle of 15 23'33"398.24 feet more or less; thence South 15 39'07" West 559.69 feet to a point on a 5,679.58 foot radius curve to the left; thence Southwesterly along the arc of said curve, through a central angle of 06 11'23", a distance of 613.57 feet; thence South 09 27'44" West 368.77 feet to a point on a 1,382.39 foot radius curve to the left; thence southerly along the arc of said curve, through a central angle of 16 06'55", a distance of 388.82 feet; thence South 6 39'11" East 217.32 feet to a point on a 586.62 foot radius curve to the left; thence southeasterly along the arc of said curve, through a central angle of 48 51'38", a distance of 500.26 feet; thence South 55 30'59" East 87.30 feet to a point on a 686.62 foot radius curve to the right; thence along the arc of said curve, through a central angle of 30 23'53", a distance of 364.28 feet; thence South 25 06'53" East 397.14 feet to a point on a 508.37 foot radius curve to the right; thence along the arc of said curve, through a central angle of 21 36'53", a distance of 191.78 feet; thence South 3 30'00" East 63.08 feet to a point on a 220.00 foot radius curve to the left; thence along the arc of said curve, through a central angle of 55 51'14", a distance of 214.46 feet; thence South 31 30'00" West 68.20 feet; thence South 79 38'18"West 45.49 feet to a point on the southeasterly boundary of the Ontario Number 3 Shaft Mining Reservation; thence South 79 59'46" West 300.78 feet more or less along the southeastern edge of said Mining Reservation; thence South 17 09'45" East 88.76 feet more or less to a point on a piece of property that is the subject of Entry Number 158551 of the Summit County Records; thence along said parcel the following five courses: South 955.96 feet; thence North 69 East 360.00 Feet; thence South 29 20' West 117.60 feet; thence North 78 10' East 714.30 feet; thence East 1,106.71 feet more or less to a point on the Wasatch–Summit County line: thence along said Wasatch – Summit County line. The following thirty courses: South 04 15'00" East 1,028.07 feet; thence South 25 30'30" East 2,521.90 feet to County Line Point 51;thence South 29 50'00" West 1,398.30 Feet to County Line Point 55; thence South 4 19'00" West 1,320.70 feet to County Line Point 58; thence South 47 05'00" West 369.50 feet to a County Line Point; thence South 83 34'00" West 69.10 feet to County Line Point 59; thence South 47 42'00" West 1,207.40 feet to County Line Point 62A; thence North 39 53'30" West 1,352.50 feet to County Line Point 64; thence North 72 50'00" West 317.30 feet to County Line Point 65; thence North 46 45'00" West 87.90 feet to County Line Point 66; thence North 70 57'00" West 502.00 feet to County Line Point 67; thence North 51 56'00" West 481.90 feet to County Line Point 68; thence North 55 53'00" West 466.80 feet to County Line Point 69 feet; thence North 21 49'00" West 317.40 feet to County Line Point 70; thence North 59 57'00" West 360.50 feet to County Line Point and Triangulation Point; thence North 33 22'30" West 467.10 feet to County Line Point 71; thence South 85 10'30" West 492.30 feet to County Line Point 72; thence South 54 42'30" West 453.20 feet to County Line Point 73; thence South 88 55'30" West 344.00 feet to County Line Point 74; thence North 82 52'30" West 1,132.30 feet to County Line Point 77; thence North 59 43'30" West 1,074.55 feet to County Line Point 2338; thence North 79 07'30" West 494.73 feet to County Line Point 80; thence North 70 28'30" West 339.90 feet to County Line Point 81; thence North 60 14'30" West 550.10 feet to County Line Point 82 and Triangulation Point 2339; thence North 64 07'00" West 727.60 feet to County Line Point 83; thence South 77 44'00" West 966.80 feet to County Line Point 85; thence North 77 28'00" West 161.00 feet to a County Line Point and Triangulation Point 2340 which is also Judge Triangulation Point Q; thence South 85 36'00" West 219.10 feet to County Line Point 86; thence North 46 44'00" West 384.70 feet to County Line Point 87; thence North 34 37'00" West 1,077.30 feet, more or less to county Line Point 2343 the point of beginning. Said Parcel contains 1,655.4 acres more or less.

Alliance Engineering Inc

JOB No. 17–4–96 Y:\UPCMC\FLAGSTAFF\OVERALL\FLGANEX.DWG

ALLIANCE ENGINEERING INC.
P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(435) 649–9467

ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 26TH DAY OF JULY, 1999 A.D.
BY Eric W DeHaan PE
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 26th DAY OF July, 1999 A.D.
BY
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 24 DAY OF JUNE, 1999 A.D.
BY Janet M. Scott
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 24 DAY OF JUNE, 1999 A.D.
BY
MAYOR PRO TEM

RECORDED
545098
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Park City Municipal Corp
DATE 7-28-99 TIME 11:44 AM BOOK ___ PAGE ___
N/C
FEE
Darlene McDonn - Deputy
RECORDER

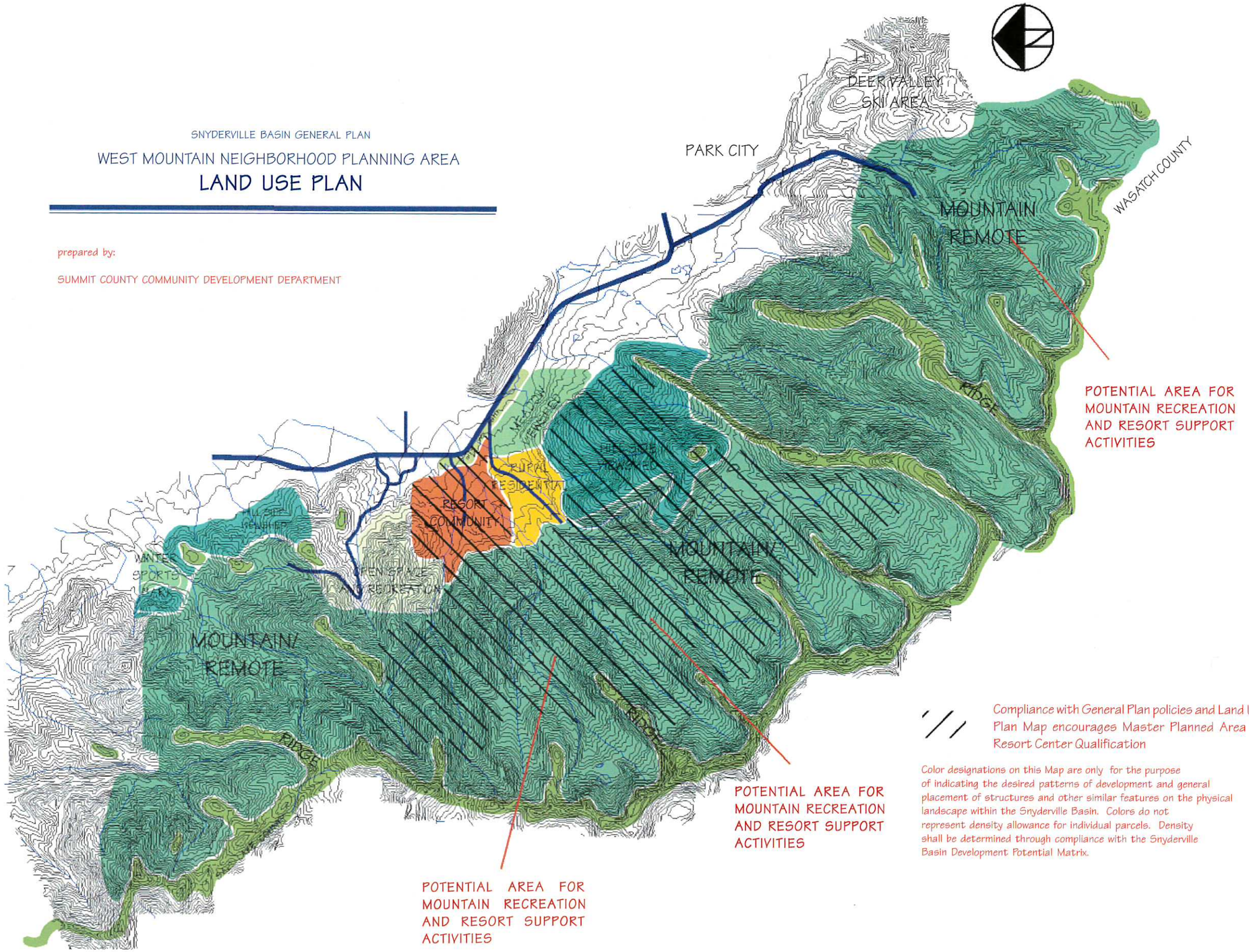
SNYDERVILLE BASIN GENERAL PLAN

WEST MOUNTAIN NEIGHBORHOOD PLANNING AREA

LAND USE PLAN

prepared by:

SUMMIT COUNTY COMMUNITY DEVELOPMENT DEPARTMENT



Compliance with General Plan policies and Land Use Plan Map encourages Master Planned Area for Resort Center Qualification

Color designations on this Map are only for the purpose of indicating the desired patterns of development and general placement of structures and other similar features on the physical landscape within the Snyderville Basin. Colors do not represent density allowance for individual parcels. Density shall be determined through compliance with the Snyderville Basin Development Potential Matrix.

2.3.F(1) SNYDERVILLE BASIN DEVELOPMENT POTENTIAL MATRIX

Minor Development

	Base Density		*Land Use Planning Principles*			
			Mandatory			
Planning Area	Mountain/ Remote Areas[1]	All Other Land Use Designations[1]	Dedication and Preservation of Viewshed/Environment Features of the Area[2]	Consistency with Desired Neighborhood Character[3]	Community and Neighborhood Recreation Facilities[4]	Maximum Possible Density[5]
East Basin		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Mandatory	Mandatory	Mandatory	1 Unit/20 Acres
West Mountain		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Mandatory	Mandatory	Mandatory	1 Unit/20 Aacres
North Mountain		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Desirable	Mandatory	Mandatory	1 Unit/20 Acres
Old Ranch Road		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
Kimball's Junction		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
The Summit		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Desirable	Mandatory	Mandatory	1 Unit/20 Acres
Sun Peak/Silver Springs		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
Rasmussen/ Bitner		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres

[1]Base densities shall be not exceed those indicated and must be consistent with Policy 1.3 of the General Plan. Development projects that comply with "base density" limits require compliance only with sound project planning principles and fundamental objectives of the Snyderville Basin General Plan, as indicated in this matrix. All development must b ₁laced in the least environmentally and visually sensitive areas within the parcel. Development on slopes of thirty (30) percent or greater, in jurisdictional wetlands, and within 100 year flood plains, is not allowed except where "specifically" permitted in the Development Code and when consistent with the General Plan. Reference shall be made to the applicable Neighborhood Land Use Plan Map, the Visual Sensitivity Guidelines of the Snyderville Basin General Plan, and field observation for assessing the visual impacts of the project. Driveways and roads also shall be placed in the least sensitive parts of the site. All development must be compatible with appropriate and applicable resort, rural, and mountain design principles.

[2]Preservation of viewsheds shall include, when possible, the retention of all or major portions of all meadow and hillside viewsheds, all ridge lines, and significant environmental features such as, but not limited to minimizing the removal of vegetation from the site and the amount of over-lot grading required to fit the project into the natural landscape; all waterways and non-jurisdictional wetlands, wildlife habitat, wildfire hazard areas, historic and cultural artifacts, and geologic features. These important features of the pre-development landscape shall be as identified on the applicable land use plan map or by field inspection at the time of a development application.

[3]Development shall be compatible with the desired neighborhood development patterns and policies identified in the Snyderville Basin General Plan and both the applicable Neighborhood Planning Area Plan and Land Use Plan Map. Minor development that exceeds base densities shall ensure economy of service delivery not only for the Summit County and special service districts, but also to residents of the development. At least sixty (60) percent of the total parcel that will exceed base density shall be maintained as open space in a manner that is consistent with the goals and objectives of the Snyderville Basin Development Code. In certain instances, at the option of Summit County and when requested in writing by the developer, development may make a cash-in-lieu of open space contribution to the Summit County for the purposes of acquiring open space and open use recreation facilities at another location.

[4]Development shall provide appropriate neighborhood recreation and trail facilities, in terms of location, type, and variety, that meet the specific neighborhood resident demands that will be generated by the development project. The areas designated for such uses shall not simply be left over spaces within a development. They shall be appropriate in terms of size and quality for the intended use. The specific recreation and trail facilities provided shall be adequate to satisfy the neighborhood demand. While consideration shall be given to standards established in the Code, the unique characteristics of the neighborhood shall be taken into consideration in determining specific requirements. The long-term care of these facilities shall be the responsibility of the developer or subsequent residents of the project. In certain instances, development with minimal units, at the option of Summit County and when requested in writing by the developer, may make a cash-in-lieu of facility contribution to the Snyderville Basin Special Recreation District to fulfill required neighborhood requirements. Written agreement approving the contribution and use of the funds shall require the consent of the Snyderville Basin Special Recreation District. Community contributions shall include the provision/dedication of sufficient land to accommodate public trail links/connections identified on the Recreation and Trails Master Plan. A development's contribution may occur on or off-site, so long as the contribution is consistent with the intent of and serves the purpose identified in the Master Plan.

[5]The density potential in a project that exceeds the base density may be up to but shall not to exceed the possible density indicated. The density and use shall be consistent and compatible with applicable Neighborhood Planning Area Plans. The potential density represents the "maximum" density possible given adherence to the basic Snyderville Basin General Plan development objectives. The "actual" density approved in the project may be less than the maximum indicated depending on the proximity to services and the extent to which the specific project promotes all of the basic planning objectives identified on this Snyderville Basin Development Potential Matrix.

ORDINANCE NO. 04-56

AN ORDINANCE APPROVING THE RED CLOUD SUBDIVISION PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Red Cloud subdivision plat have petitioned the City Council for approval of the Red Cloud subdivision plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 27, 2004, to receive input on the Red Cloud subdivision plat;

WHEREAS, the Planning Commission, on October 27, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 11, 2004 the City Council approved the Red Cloud subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Red Cloud subdivision plat

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

SECTION 1. APPROVAL. The Red Cloud subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Red Cloud Subdivision Plat is located in the Estate-MPD and Recreational Open Space-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

4. The MPD and subdivision are subject to the 14 Technical Reports approved on December 12, 2002.
5. The Planning Commission approved the Red Cloud MPD on August 11, 2004, for thirty (30) single-family homes.
6. On September 9, 2004, the City Council upheld the Planning Commission's approval of the MPD after hearing an appeal by Stichting Mayflower Fonds, et al.
7. The City Council amended the Development Agreement and Zoning Map on September 23, 2004.
8. Both a Conservation Easement and Public Ski Easement are proposed within platted lots for the Enchanted Forest. Conservation easements are proposed elsewhere in Empire Pass in accordance with the Development Agreement.
9. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
10. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac. A secondary emergency access road is required with an all-weather 20-foot wide surface.
11. The maximum Building Height in the Estate District is 28 feet (33 feet with a pitched roof).
12. The applicant's prior dedication of the realigned SR 224 is subject to a claim resulting from ownership of the Marsac Claim. The applicant and UDOT have committed to maintaining public access and taking necessary corrective action. Accordingly, the applicant is proceeding at their own risk.

Conclusions of Law

1. There is good cause for this Final Subdivision Plat.
2. The Final Subdivision Plat is consistent with the Flagstaff Annexation and Development Agreement, the Red Cloud Master Plan Development, the Red Cloud Preliminary Plat, Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Preliminary Subdivision Plat.
4. Approval of the Final Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation.
2. Both utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval. Utility lines and cleared ski trails shall not encroach in the Enchanted Forest as defined on the plat.
3. The proposed over-length cul de sac that ends in the thirty single family lots will have a secondary emergency access from the Red Cloud road. This emergency access shall not go through the Enchanted Forest. The emergency access will continue as a minimum 20-foot wide all-weather surface road. This emergency

access road must be installed prior to building permit issuance for any of the single-family homes.

4. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the Red Cloud Subdivision infrastructure.
5. The final subdivision plat will include plat notes as follows:

General

1. Development Approval. These criteria are in addition to the conditions imposed on the project by the projects CC&Rs, Design Guidelines and other conditions imposed by the Empire Pass Design Review Board (AKA the Design Review Committee in the Design Guidelines, exhibit 2 of the 1999 LSMPD for the Project). All references to defined terms in the Land Management Code (LMC) are references to the LMC in effect at the time of this plat approval. All references to defined terms in the Design Guidelines (DGs) and Emergency Response Plan (ERP) are references to exhibits to the projects 1999 Large Scale Master Plan (LSMPD) and are subject to any future revision of those documents. All Development (LMC) is subject to the approval of both the City and the Design Review Board. Approval of any Development within this subdivision plat by the City requires prior written approval by the Design Review Board.

2. Building Height and Setbacks. All current LMC zone restrictions on building height and setbacks apply. Building setbacks are minimum Estate Zone Setbacks, 30 feet from property lines unless noted otherwise, or as restricted by ski or utility easements as shown hereon. No Additional Building Height over the zone building height limits will be granted.

3. Defensible Space Plan. Prior to vertical construction of residential units a Defensible Space plan, consistent with the project Emergency Response Plan (Exhibit 7 of the LSMPD), shall be approved by the City and implemented by the developer.

4. Water Efficient Irrigation and Limited Turf. Each platted lot, when developed, must incorporate a water efficient irrigation system (to the extent an irrigation system is used), and must limit the area of turf, consistent with the Design Guidelines.

Building Approval Process

1. General Applicability of Design Review Guidelines. All Development is subject to applicable requirements of the Design Review Guidelines, as such may be amended or superseded from time to time.

2. Approximate Building Location. Approximate Building Locations within each lot are shown on the plat are subject to adjustment on an individual lot basis with the

approval of the Design Review Board. Such approvals must be obtained prior to the issuance of a building permit. Site-specific plans must be developed within these locations and submitted to the Design Review Board, whose approval must be received before the issuance of a building permit. Any such Design Review Board approval is subject to review and approval by the Planning Department in accordance with the provisions of the LMC and applicable Design Guidelines. Approximate Building Locations have been sited on Developable Land (LMC), and avoid Ridge Line Areas (LMC). Therefore, any adjustment of the Approximate Building Location must avoid Very Steep Slopes (LMC) and Ridge Line Areas.

3. Building Footprint and Site Disturbance. In order to encourage lower building forms, the maximum building footprint is allowed up to the total area show within the Approximate Building Location (Design Guidelines) as shown on the plat. Second story square footage cannot be more then 2/3rds of the first floor. Total Limits of Disturbance cannot extend more then 20' beyond the outside walls of the building. Driveways, utility corridors, paths, drainage features, ski trails and their associated retaining structures are exceptions to this restriction. Limits of Disturbance (LMC) plans shall be submitted to the City Planning Department for review and approval by individual homeowners. These plans must demonstrate compliance with the goal of maximum retention of Significant Vegetation (LMC) and minimization of overall site disturbance.

4. Defensible Space. Vegetation outside of the Limits of Disturbance will be managed in accordance with the Defensible Space Plan consistent with the Urban Wildland Fire Interface Code and will focus on fire hazard reduction as well as good forest health and may not be improved for additional yard area. Removal of vegetation beyond the Limits of Disturbance will be done only by hand held equipment. All vegetation removal and management must be approved by both the Planning and Building Departments whose requirements may include that a licensed professional prepare the plan.

5. Irrigated Area. Each individual lot must submit landscape plans consistent with the projects Design Guidelines and a Defensible Space Plan (Emergency Response Plan). The maximum irrigated area within the landscaped area that will be considered for any lot is 5,000 sq ft. This does not limit the City's ability to require additional intermittent irrigation of existing vegetation in the Defensible Space zone adjacent to the landscaped area.

6. Design Review Board Approval. The Design Review Board's review shall consist of, but not be limited to, insuring the maximum preservation of existing vegetation, minimizing grading impacts, providing for solar access and views, and minimizing impacts on adjacent lots.

7. Landscaping Plans. Landscaping plans are subject to the review and approval of the Design Review Board and the Planning Department in accordance with the project Design Guidelines.

House Size

1. Gross Floor Area. The maximum Gross Floor Area (LMC) of a house is 10,000 sq ft. Gross Floor Area includes all enclosed areas designed for human occupation. Unenclosed porches, balconies, patios and decks, vent shafts, courts are not calculated in Gross Floor Area. Garages, up to a maximum area of 600 square feet, are not considered Gross Floor Area. Basement Area (LMC) below Final Grade (LMC) is not considered Gross Floor Area. The square footage of all Accessory Structures (LMC) is deducted from the house Gross Floor Area. Garage square footage in excess of 600 square feet is deducted from the house Gross Floor Area.

2. Lot Combinations. Lot combinations are subject to Design Review Board approval. Adjoining lots can be combined, and the maximum house size increased based on the process allowed in the LMC for the underlying zone. If lots are combined the Design Review Board will designate a new Approximate Building Location.

Limits of Disturbance and Vegetation Protection

1. Limits of Disturbance. As required by the LMC and the Design Guidelines, limits of disturbance plans must be reviewed and approved by both the City Planning Department and the Design Review Board.

2. Ski Run Vegetative Buffer. The vegetative buffer between the buildings and the existing ski runs are defined by the Approximate Building Location as designated on this plat. Existing Significant Vegetation (as defined by the LMC) within the buffer to the ski runs must be maintained. Vegetation management within the buffer and/or beyond the approved limits of disturbance on approved building plans will be maintained in accordance with good forest health practices and fire hazard reduction, but all such maintenance shall be approved by the Design Review Board, and the Park City Planning and Building Departments.

Easements and Lot Line Adjustments

1. Easements. The numbers, locations, and widths of private ski trail easements and the Deer Valley ski trail and bridge easements as shown on the plat are approximate the location of which will be fixed by a subsequent grant of easement prior to construction on a lot.

2. Lot Line Adjustments. Individual lot lines are subject to adjustment as approved by the Design Review Board and in accordance with the Park City Land Management code.

Other Specific Conditions, Restrictions and Benefits Affecting the Plat

1. Restrictive Covenants. The property and lots depicted on this plat are subject to the Master Declaration of Covenants, Conditions and Restrictions for Flagstaff, a Planned Community, recorded on June 28, 2004, as entry No.623450 in Book No.1457, Pages 747 to 832, in the office of the Summit County Recorder, as the same may be supplemented, modified or amended from time to time.

2. Master Declaration. The property and lots depicted on this plat are subject to the Declaration of Covenants, Conditions and Restrictions for Red Cloud Subdivision, Park City, Utah, recorded on _____, 2004, as entry No. _____ in Book No. ____, Pages ___ to ___, in the office of the Summit County Recorder, as the same may be supplemented, modified or amended from time to time.

3. Emergency Secondary Access. The property depicted on the Plat has secondary emergency access for controlled evacuation and for access by fire and safety personnel and equipment by virtue of an grant of easement recorded _____, 2004, in Book No. _____, Pages ____, in the office of the Summit County Recorder.

4. Enchanted Forrest. The area on the plat identified as the Enchanted Forrest and the lots that incorporate such area are affected by a ski easement for public skiing and a conservation easement. No Development activity, including fencing, is permitted within the Enchanted Forrest.

5. Access Parcel. A Future Access Parcel between lots 28 and 29 has been reserved and will be held by the developer for potential future access to adjoining lands, if developed.

6. Land Area Limitation. The gross land area of this plat, as depicted, shall not exceed 49.737 acres.

7. Shared Driveway. Developer will grant, for the benefit of the owners of lots 8 and 9, a perpetual, non-exclusive shared driveway easement in the location shown on the plat, and will require that said owners share the maintenance and other expenses associated with such shared driveway.

6. The final subdivision plat will include ski and conservation easements over the Enchanted Forest. Public ski access only will be allowed. No construction activity, including fencing, is permitted within the Enchanted Forest as defined on the final plat.

7. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
8. The plat will also include the following note: "Vertical construction in Red Cloud, (except building permits for Temporary Improvements, including sales and construction trailers) is allowed only in accordance with the Planning Commission approved Construction and Development Phasing plan, or as amended by subsequent action, as follows:

- Approval of the Mountain Village Master Planned Development (MPD) application (including, but not limited to, the Alpine Club Phase 1, pulse gondola, transit hub, village ski runs, and related landscaping) and all related conditional use permits;
- Approval of the Pod D MPD and subdivision plat;
- The Alpine Club Phase 1 resort amenity package shall be substantially complete and bonded for completion, including, at a minimum, a restaurant, bar, convenience store, landscaping, ski runs/pedestrian connections, and concierge's services operated by a management company. Phase 1 of the Alpine Club will consist of a minimum of 10,000 square feet of building area;
- The first phase of Alpine Club multi-family units as approved in the Mountain Village MPD shall be substantially complete, and bonded for completion;
- A building permit shall be issued for the Mountain Village transit hub and the hub shall be bonded for completion;
- A building permit shall be issued for the pulse gondola and the gondola shall be bonded for completion; and
- A building permit shall be issued for construction of at least one multi-family building within the Mountain Village (as approved in the Mountain Village MPD) in addition to the Alpine Club multi-family units.

9. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
10. If at any time, public access or the State's acceptance of dedication of SR 224 is invalidated or withdrawn, such that public access is materially interrupted, all future development activity shall be subject to immediate stop work order and any pending and future Certificate of Occupancy and Building Permit shall be suspended until (i) a Certificate of Immediate Occupancy is obtained for public access, or (ii) alternative access acceptable to the City is provided, or (iii) the City receives public access assurances satisfactory to the City from UDOT or others. This condition shall be noted on the plat, and shall be of no force or effect and may be removed from the plat at any point in time when the applicant, on its own initiative, provides (i) alternative access solutions satisfactory to the City, or (ii) assurances from UDOT satisfactory to the City that SR 224 will remain in its existing location.

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

PASSED AND ADOPTED this 11th day of November, 2004.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

Janet M. Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as RED CLOUD SUBDIVISION and that the same has been correctly surveyed on the ground as shown on this plat.

REGISTERED LAND SURVEYOR
No. 154491
JOHN DEMKOWICZ
State of Utah

1-20-05
DATE

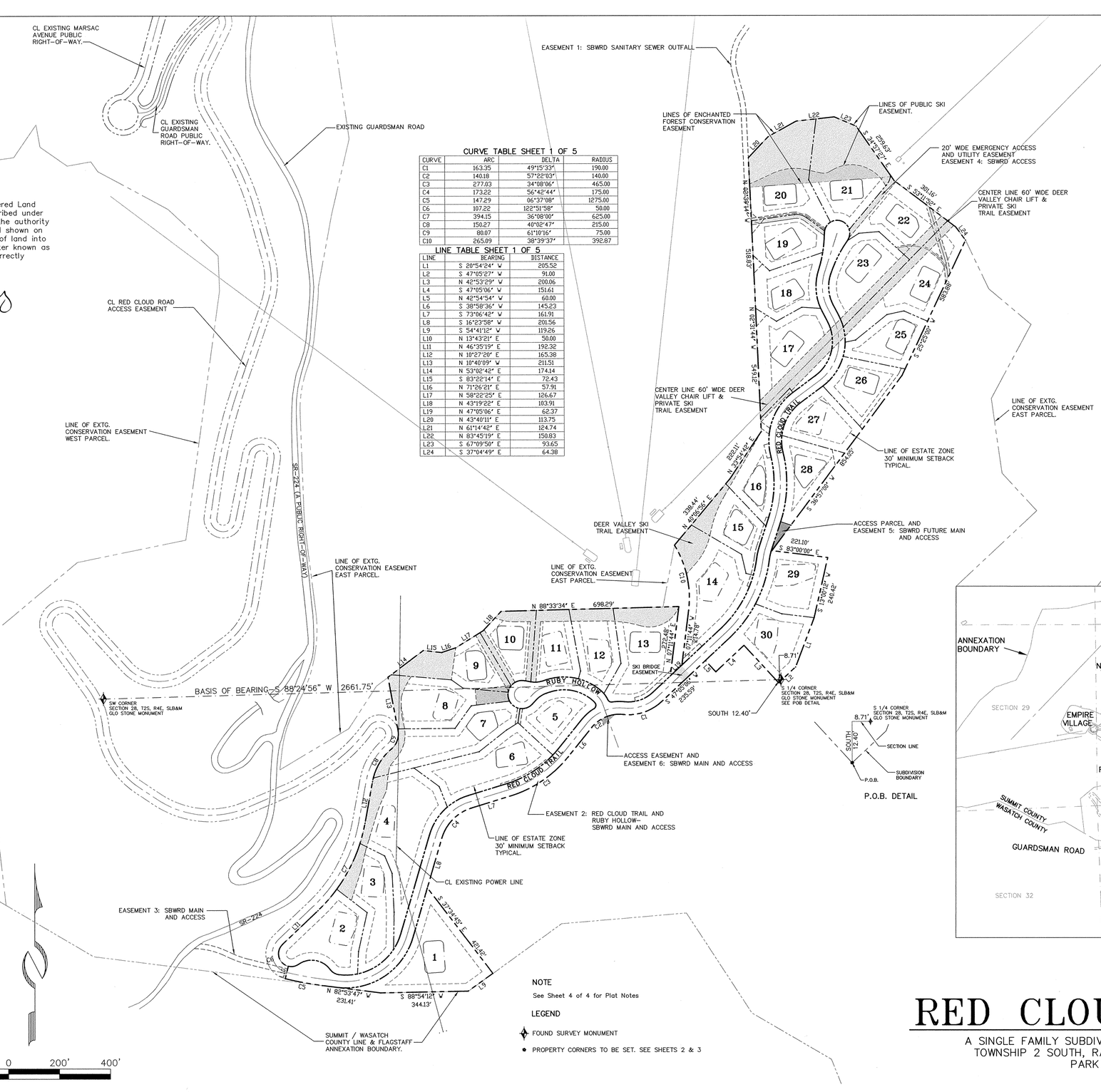
JOHN DEMKOWICZ

BOUNDARY DESCRIPTION

A parcel of land located in the south half of Section 28 and the north half of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at corner No. 3 of the UNCLE CHARLES Mining Claim, Lot 448 in the Uintah Mining District and located South 88°24'56" West 8.71 feet along Section Line and South 12.40 feet from the south quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the northerly end line of the UNCLE CHARLES mining claim North 42°53'29" West 200.06 feet; thence along the westerly side line of the UNCLE CHARLES mining claim South 47°05'06" West 151.61 feet; thence North 42°54'54" West 60.00 feet; thence South 47°05'06" West 235.59 feet to a point on a curve to the right having a radius of 190.00 feet, of which the radius point bears North 42°54'54" West; thence along the arc of said curve 163.35 feet through a central angle of 49°15'33" to a point of reverse curve to the left having a radius of 140.00 feet, of which the radius point bears South 06°20'39" West; thence westerly along the arc of said curve 140.18 feet through a central angle of 57°22'03"; thence South 38°58'36" West 145.23 feet to a point on a curve to the right having a radius of 465.00 feet, of which the radius point bears North 51°01'24" West; thence along the arc of said curve 277.03 feet through a central angle of 34°08'06"; thence South 73°06'42" West 161.91 feet to a point on a curve to the left having a radius of 175.00 feet, of which the radius point bears South 16°53'18" East; thence along the arc of said curve 173.22 feet through a central angle of 56°42'44"; thence South 16°23'58" West 201.56 feet; thence South 37°34'45" East 421.42 feet to a point on the Summit-Wasatch County line; thence along the Summit-Wasatch County line the following three (3) courses: 1) South 54°41'12" West 119.26 feet; thence 2) South 88°54'12" West 344.13 feet; thence 3) North 82°53'47" West 231.41 feet to a point on a curve to the right having a radius of 1275.00 feet, of which the radius point bears North 07°06'13" East; thence along the arc of said curve 147.29 feet through a central angle of 06°37'08"; thence North 13°43'21" East 50.00 feet to a point on a non tangent curve to the right having a radius of 50.00 feet, of which the radius point bears North 13°43'21" East; thence northerly along the arc of said curve 107.22 feet through a central angle of 122°51'58"; thence North 46°35'19" East 192.32 feet to a point on a curve to the left having a radius of 625.00 feet, of which the radius point bears North 43°24'41" West; thence along the arc of said curve 394.15 feet through a central angle of 36°08'00"; thence North 10°27'20" East 165.38 feet to a point on a curve to the right having a radius of 215.00 feet, of which the radius point bears South 79°32'40" East; thence along the arc of said curve 150.27 feet through a central angle of 40°02'47" to a point of reverse curve to the left having a radius of 75.00 feet, of which the radius point bears North 39°29'53" West; thence northerly along the arc of said curve 80.07 feet through a central angle of 61°10'16"; thence North 10°40'09" West 211.51 feet; thence North 53°02'42" East 174.14 feet; thence South 83°22'14" East 72.43 feet; thence North 71°26'21" East 57.91 feet; thence North 58°22'25" East 126.67 feet; thence North 43°19'22" East 103.91 feet; thence North 88°33'34" East 698.29 feet; thence South 07°11'44" West 272.48 feet; thence North 47°05'06" East 62.37 feet; thence North 07°11'44" East 214.78 feet to a point on a curve to the left having a radius of 392.87 feet, of which the radius point bears North 82°48'16" West; thence along the arc of said curve 265.09 feet through a central angle of 38°39'37"; thence North 40°06'56" East 338.44 feet; thence North 33°54'42" East 222.11 feet; thence North 02°31'44" West 549.12 feet; thence North 02°39'14" West 518.83 feet; thence North 43°40'11" East 113.75 feet; thence North 61°14'42" East 124.74 feet; thence North 83°45'19" East 150.83 feet; thence South 67°09'50" East 93.65 feet; thence South 34°57'27" East 259.63 feet; thence South 53°11'52" East 301.16 feet; thence South 37°04'49" East 64.38 feet to a point on the westerly side line of the CLIPPER mining claim, Lot 570 in the Uintah Mining District; thence along the westerly side line of the CLIPPER mining claim South 25°25'00" West 583.88 feet; thence along the westerly side line of the CLIPPER mining claim South 36°57'00" West 854.05 feet; thence along the southerly end line of the CLIPPER mining claim South 83°00'00" East 221.10 feet; thence South 13°00'12" West 240.42 feet; thence South 20°54'24" West 205.52 feet to a point on the northerly side line of the HARWOOD mining claim, Lot 450 in the Uintah Mining District; thence along the northerly side line of the HARWOOD mining claim South 47°05'27" West 91.00 feet to the point of beginning.

Description contains 49.26 acres.



CURVE TABLE SHEET 1 OF 5

CURVE	ARC	DELTA	RADIUS
C1	163.35	49°15'33"	190.00
C2	140.18	57°22'03"	140.00
C3	277.03	34°08'06"	465.00
C4	173.22	56°42'44"	175.00
C5	147.29	06°37'08"	1275.00
C6	107.22	122°51'58"	50.00
C7	394.15	36°08'00"	625.00
C8	150.27	40°02'47"	215.00
C9	80.07	61°10'16"	75.00
C10	265.09	38°39'37"	392.87

LINE TABLE SHEET 1 OF 5

LINE	BEARING	DISTANCE
L1	S 20°54'24" W	205.52
L2	S 47°05'27" W	91.00
L3	N 42°53'29" W	200.06
L4	S 47°05'06" W	151.61
L5	N 42°54'54" W	60.00
L6	S 38°58'36" W	145.23
L7	S 73°06'42" W	161.91
L8	S 16°23'58" W	201.56
L9	S 54°41'12" W	119.26
L10	N 13°43'21" E	50.00
L11	N 46°35'19" E	192.32
L12	N 10°27'20" E	165.38
L13	N 10°40'09" W	211.51
L14	N 53°02'42" E	174.14
L15	S 83°22'14" E	72.43
L16	N 71°26'21" E	57.91
L17	N 58°22'25" E	126.67
L18	N 43°19'22" E	103.91
L19	N 47°05'06" E	62.37
L20	N 43°40'11" E	113.75
L21	N 61°14'42" E	124.74
L22	N 83°45'19" E	150.83
L23	S 67°09'50" E	93.65
L24	S 37°04'49" E	64.38

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: that the undersigned is the Owner of the herein described tract of land, and hereby causes the same to be divided into lots together with easements and private rights-of-way as set forth on the Plat, hereafter to be known as RED CLOUD SUBDIVISION.
Also the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, and dry utilities providers, a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use, and eventual replacement.

The owner, or his/her representative, hereby irrevocably offer for dedication to the City of Park City all the streets land for local government uses, easements, parks, required utilities and easements shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this 20th day of January, 2005.

UNITED PARK CITY MINES COMPANY

By: Mark R Thorne

Title: Vice President

ACKNOWLEDGMENT

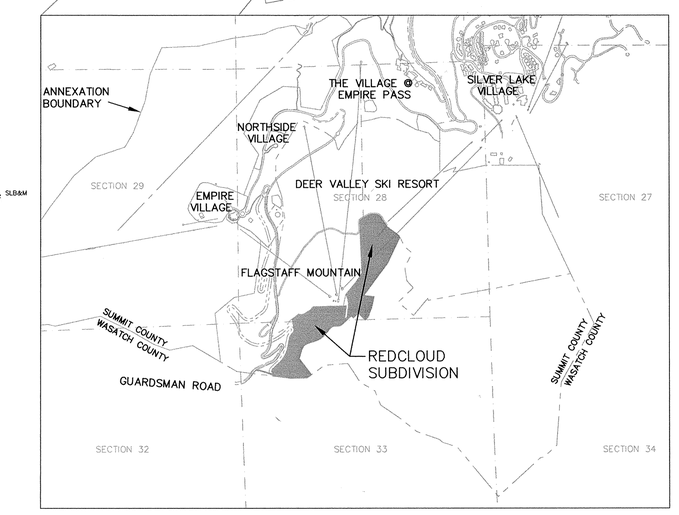
STATE OF UTAH)
: SS.
COUNTY OF SUMMIT)

On this 20th day of January, 2005, personally appeared before me, the undersigned Notary Public, in and for said State and County, Mark R. Thorne, who after being duly sworn, acknowledged to me that he is the Vice President of UNITED PARK CITY MINES COMPANY, that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

Mary J. Carney
A NOTARY PUBLIC COMMISSIONED IN UTAH

Mary J. Carney
Residing at: Park City, UT

My Commission Expires: June 13, 2008



VICINITY MAP

NOTE
See Sheet 4 of 4 for Plat Notes

LEGEND
FOUND SURVEY MONUMENT
PROPERTY CORNERS TO BE SET. SEE SHEETS 2 & 3

RED CLOUD SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTION 28 AND SECTION 33
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

RECORDED CONCURRENTLY HEREWITH IS THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS.

JOB NO.: 1-1-01 FILE: X:\Empire\dwg\UPCMC\RedCloud\plat\RED CLOUD FINAL PLAT.dwg

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 21st DAY OF January, 2005 A.D.
BY S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 26 DAY OF January, 2005 A.D.
BY CHAIRMAN (J. Barth)

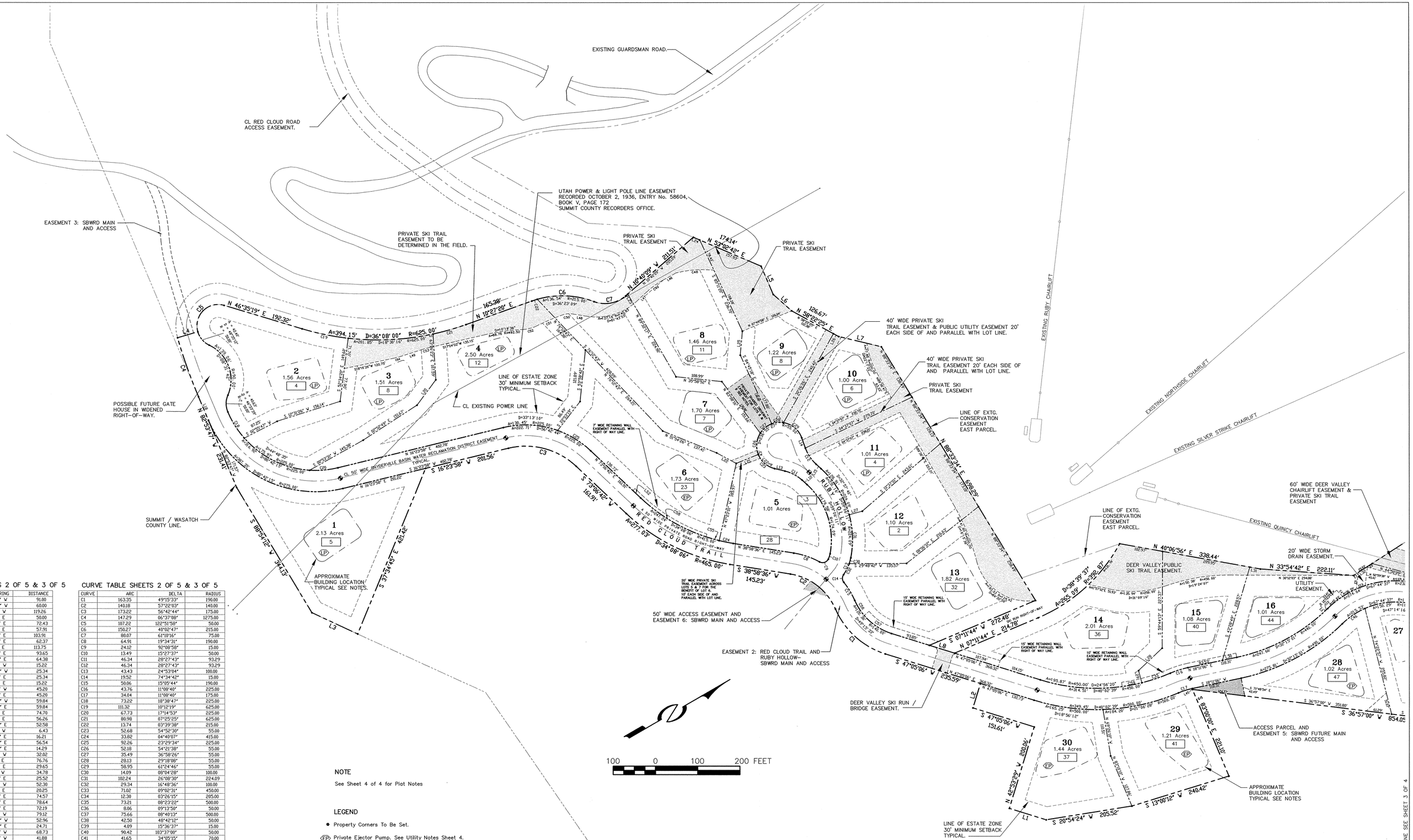
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 24TH DAY OF JANUARY, 2005 A.D.
BY PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 25TH DAY OF January, 2005 A.D.
BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 11 DAY OF NOVEMBER, 2004 A.D.
BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11 DAY OF NOVEMBER, 2004 A.D.
BY MAYOR

RECORDED
734781
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Coalition Title Co.
DATE Jan 27, 2005 TIME 13:05 P.M. BOOK — PAGE —
$150.00 FEE
Betty Willoughby, Deputy RECORDER



LINE TABLE SHEETS 2 OF 5 & 3 OF 5

LINE	BEARING	DISTANCE
L1	S 47°05'27" W	91.00
L2	N 42°54'54" W	60.00
L3	S 54°41'12" W	119.26
L4	N 13°43'21" E	50.00
L5	S 83°22'14" E	72.43
L6	N 71°26'21" E	57.91
L7	N 43°19'22" E	163.91
L8	N 47°05'06" E	62.37
L9	N 43°40'11" E	113.75
L10	S 67°09'50" E	93.65
L11	S 37°04'49" E	64.38
L12	S 71°50'22" W	15.22
L13	S 43°22'38" W	25.34
L14	S 79°41'55" E	25.34
L15	N 71°50'22" E	15.22
L16	N 27°55'41" W	45.20
L17	S 27°55'41" E	45.20
L18	N 82°53'47" W	59.84
L19	S 82°53'47" E	59.84
L20	S 23°16'31" E	74.70
L21	N 08°15'08" E	56.26
L22	N 57°53'58" E	52.58
L23	N 10°40'09" W	6.43
L24	N 53°02'42" E	16.21
L25	S 54°47'39" E	56.54
L26	N 58°22'25" E	14.29
L27	S 14°48'08" W	32.02
L28	S 13°18'15" E	76.76
L29	S 75°19'20" E	29.65
L30	S 18°11'06" W	34.78
L31	N 40°06'56" E	25.52
L32	N 02°31'44" W	52.30
L33	S 36°19'18" E	20.25
L34	S 86°37'18" E	74.57
L35	N 83°45'19" E	78.64
L36	N 83°45'19" E	72.19
L37	S 85°16'03" W	79.12
L38	S 57°48'22" W	52.96
L39	S 34°57'27" E	24.71
L40	S 78°00'26" W	68.73
L41	S 77°49'13" W	41.88
L42	S 53°11'52" E	39.68
L43	S 37°04'49" E	64.38
L44	S 25°25'00" W	27.34
L45	N 75°49'02" W	2.36
L46	S 1°50'37"W	36.37
L47	S 12°35'27"E	32.54
L48	S 39°08'26"W	34.00
L49	S 12°13'00" W	50.55
L50	N 73°06'42"E	25.19
E1	N 60°15'57"E	13.63
E2	S 77°16'52"E	58.97
E3	S 74°48'11" W	15.93
E4	N 74°55'51" E	20.51
E5	N 52°59'30" W	39.52
E6	S 02°31'44" E	13.22
E7	S 02°31'44" E	13.14

CURVE TABLE SHEETS 2 OF 5 & 3 OF 5

CURVE	ARC	DELTA	RADIUS
C1	163.35	49°15'33"	190.00
C2	140.18	57°22'03"	140.00
C3	173.22	56°42'44"	175.00
C4	147.29	66°37'58"	1275.00
C5	107.22	122°51'58"	50.00
C6	150.27	40°02'47"	215.00
C7	80.07	61°10'16"	75.00
C8	64.91	19°34'31"	190.00
C9	24.12	92°08'58"	15.00
C10	13.49	15°27'37"	50.00
C11	46.34	28°27'43"	93.29
C12	46.34	28°27'43"	93.29
C13	43.43	24°53'04"	100.00
C14	19.52	74°34'42"	15.00
C15	50.06	15°05'44"	190.00
C16	43.76	11°08'40"	225.00
C17	34.04	11°08'40"	175.00
C18	73.22	18°38'47"	225.00
C19	111.32	10°12'19"	625.00
C20	67.73	17°14'53"	225.00
C21	80.98	67°25'25"	625.00
C22	13.74	03°39'38"	215.00
C23	52.68	54°52'30"	55.00
C24	33.82	04°40'07"	415.00
C25	92.26	23°29'34"	225.00
C26	52.18	54°21'38"	55.00
C27	35.49	36°58'26"	55.00
C28	28.13	29°18'08"	55.00
C29	58.95	61°24'46"	55.00
C30	14.09	08°04'28"	100.00
C31	102.24	26°08'39"	224.09
C32	29.34	16°48'36"	100.00
C33	71.02	09°02'31"	450.00
C34	12.30	03°26'15"	205.00
C35	73.21	08°23'22"	500.00
C36	8.06	09°13'50"	50.00
C37	75.66	08°40'13"	500.00
C38	42.50	48°42'12"	50.00
C39	4.09	15°36'37"	15.00
C40	90.42	103°37'00"	50.00
C41	41.65	34°05'15"	70.00
C42	46.37	53°08'39"	50.00
C43	49.23	12°47'34"	216.00
C44	60.49	16°02'45"	216.00
C45	56.19	14°54'18"	216.00
C46	65.24	29°39'26"	182.29
C47	84.18	15°36'07"	309.12
C48	90.34	19°31'47"	265.05
C49	45.81	13°38'04"	192.50
C50	25.50	28°56'24"	50.48
C51	65.16	6°11'54"	602.35
C52	35.44	23°23'39"	86.82
C53	20.53	4°51'00"	242.50
C54	16.65	6°03'25"	157.50
C55	32.55	4°29'38"	415.00
C56	42.09	17°13'39"	140.00
C57	78.27	32°01'54"	140.00
C58	180.88	24°58'20"	415.00
C59	47.62	6°03'48"	450.00
EC1	37.05	42°27'12"	50.00
EC2	7.92	01°01'55"	440.00
EC3	22.65	05°35'14"	232.29

NOTE

See Sheet 4 of 4 for Plat Notes

LEGEND

- ● Property Corners To Be Set.
- (EP) Private Ejector Pump. See Utility Notes Sheet 4.
- (LP) Low Pressure Wastewater System. See Utility Notes Sheet 4.
- 00 Street address on Redcloud Trail or Ruby Hollow
- Survey Monument to be set after completion of improvements.

RED CLOUD SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTIONS 28 AND 33
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

RECORDED CONCURRENTLY HEREWITH IS THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS.

JOB NO.: 1-1-01 FILE: X:\Empire\dwg\UPCMC\RedCloud\plat\RED CLOUD FINAL PLAT.dwg

724721 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF Coalition Title Co.
DATE Jan 27, 2005 TIME 13:05 p.m. BOOK ___ PAGE ___
$150.00 FEE
Betty Willoughby, Deputy RECORDER

MATCH LINE SEE SHEET 2 OF 4

EXISTING RUBY CHAIRLIFT

EXISTING NORTHSIDE CHAIRLIFT

EXISTING SILVER STRIKE CHAIRLIFT

EXISTING QUINCY CHAIRLIFT

EXISTING RED CLOUD CHAIRLIFT

EASEMENT 1: SBWRD SANITARY SEWER OUTFALL

LINE OF CONSERVATION EASEMENT.

25' WIDE UTILITY & SBWRD EASEMENT.

LINE OF PUBLIC SKI EASEMENT TYPICAL

PUBLIC SKI EASEMENT & CONSERVATION EASEMENT.

ENCHANTED FOREST

PUBLIC SKI EASEMENT & CONSERVATION EASEMENT.

APPROXIMATE BUILDING LOCATION TYPICAL SEE NOTES.

PRIVATE SKI EASEMENT ACROSS LOT 19 FOR THE BENEFIT OF LOT 20 AS SHOWN.

PRIVATE SKI EASEMENT ACROSS LOT 18 FOR THE BENEFIT OF LOT 19 AS SHOWN.

PRIVATE SKI EASEMENT ACROSS LOT 17 FOR THE BENEFIT OF LOT 18 AS SHOWN.

CENTER LINE 60' WIDE DEER VALLEY CHAIRLIFT EASEMENT & PRIVATE SKI TRAIL EASEMENT.

20' WIDE STORM DRAIN EASEMENT.

LINE OF EXTG. CONSERVATION EASEMENT EAST PARCEL.

DEER VALLEY SKI TRAIL EASEMENT.

UTILITY EASEMENT.

15' WIDE PRIVATE SKI TRAIL EASEMENTS PARALLEL WITH LOT LINE.

PRIVATE SKI TRAIL EASEMENT

LINE OF EXTG. CONSERVATION EASEMENT EAST PARCEL.

APPROXIMATE BUILDING LOCATION TYPICAL SEE NOTES.

15' WIDE RETAINING WALL AND BRIDGE ABUTMENT EASEMENTS PARALLEL WITH RIGHT-OF-WAY LINE.

10' WIDE RETAINING WALL EASEMENT PARALLEL WITH RIGHT-OF-WAY LINE.

ACCESS EASEMENT AND EASEMENT 6: SBWRD MAIN AND ACCESS

DEER VALLEY SKI RUN / BRIDGE EASEMENT & PRIVATE ENCROACHMENT AGREEMENT.

EASEMENT 2: RED CLOUD TRAIL AND RUBY HOLLOW– SBWRD MAIN AND ACCESS

ACCESS PARCEL AND EASEMENT 5: SBWRD FUTURE MAIN AND ACCESS

PRIVATE SKI EASEMENT ACROSS LOT 28 FOR THE BENEFIT OF LOT 27 AS SHOWN.

15' WIDE PRIVATE SKI EASEMENT FOR THE BENEFIT OF LOT 25 AS SHOWN.

C/L 10' WIDE PRIVATE SKI TRAIL EASEMENT ACROSS LOTS 22 & 24 FOR THE BENEFIT OF LOT 23

20' WIDE EMERGENCY ACCESS AND UTILITY EASEMENT EASEMENT 4: SBWRD ACCESS

CENTER LINE 60' WIDE DEER VALLEY CHAIRLIFT EASEMENT & PRIVATE SKI TRAIL EASEMENT.

C/L 20' WIDE PUBLIC SKI TRAIL EASEMENT

APPROXIMATE BUILDING LOCATION TYPICAL SEE NOTES

LINE OF ESTATE ZONE 30' MINIMUM SETBACK TYPICAL.

LINE OF EXTG. CONSERVATION EASEMENT EAST PARCEL.

9 (LP)

10 — 0.95 Acres — 6 (LP)

11 — 1.07 Acres — 4 (LP)

12 — 1.10 Acres — 2

13 — 1.82 Acres — 32

14 — 2.01 Acres — 36

15 — 1.08 Acres — 40

16 — 1.01 Acres — 44

17 — 1.95 Acres — 54

18 — 1.13 Acres — 64

19 — 1.08 Acres — 68

20 — 2.02 Acres — 70

21 — 2.08 Acres — 74 (EP)

22 — 1.32 Acres — 71

23 — 1.49 Acres — 67

24 — 1.83 Acres — 63 (EP)

25 — 1.025 Acres — 59

26 — 1.10 Acres — 55

27 — 1.08 Acres — 51

28 — 1.02 Acres — 47 (EP)

29 — 1.21 Acres — 41 (EP)

30 — 1.44 Acres — 37 (EP)

5 (EP)

100 0 100 200 FEET

NOTE

See Sheet 4 of 4 for Plat Notes

LEGEND

- ● Property Corners To Be Set.
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LINE TABLE SHEETS 2 OF 5 & 3 OF 5

LINE	BEARING	DISTANCE
L1	S 47°05'27" W	91.00
L2	N 42°54'54" W	60.00
L3	S 54°41'12" W	119.26
L4	N 13°43'21" E	50.00
L5	S 83°22'14" E	72.43
L6	N 71°26'21" E	57.91
L7	N 43°19'22" E	103.91
L8	N 47°05'06" E	62.37
L9	N 43°49'11" E	113.75
L10	S 67°09'50" E	93.65
L11	S 37°04'49" E	64.38
L12	S 71°50'22" W	15.22
L13	S 43°22'38" W	25.34
L14	S 79°41'55" E	25.34
L15	N 71°50'22" E	15.22
L16	N 27°55'41" W	45.20
L17	S 27°55'41" E	45.20
L18	N 82°53'47" W	59.84
L19	S 82°53'47" E	59.84
L20	S 23°16'31" E	74.70
L21	N 08°15'08" E	56.26
L22	N 57°53'58" E	52.58
L23	N 10°49'09" W	6.43
L24	N 53°08'42" E	16.21
L25	S 54°47'39" E	56.54
L26	N 58°22'25" E	14.29
L27	S 14°48'02" W	32.62
L28	S 13°18'15" E	76.76
L29	S 75°19'20" E	29.65
L30	S 18°11'06" W	34.78
L31	N 49°36'56" E	25.52
L32	N 02°31'44" W	52.30
L33	S 36°19'18" E	29.25
L34	S 86°37'18" E	74.57
L35	N 83°45'19" E	78.64
L36	N 83°45'19" E	72.19
L37	S 85°16'05" W	79.12
L38	S 57°48'22" W	52.96
L39	S 34°57'27" E	24.71
L40	S 78°00'26" W	68.73
L41	S 77°49'13" W	41.88
L42	S 53°11'52" E	39.68
L43	S 37°04'49" E	64.38
L44	S 25°25'00" W	27.70
L45	N 75°49'52" W	2.36
L46	S 1°02'37"W	36.37
L47	S 12°35'27"E	32.54
L48	S 39°08'26"W	34.00
L49	S 12°13'00"W	58.55
L50	N 73°06'42"E	25.19
E1	N 69°15'57"E	13.63
E2	S 77°16'52"E	58.97
E3	S 74°48'11" W	15.93
E4	N 74°55'51" E	20.51
E5	N 52°59'38" W	39.52
E6	S 02°31'44" E	13.22
E7	S 02°31'44" E	13.14

CURVE TABLE SHEETS 2 OF 5 & 3 OF 5

CURVE	ARC	DELTA	RADIUS
C1	163.35	49°15'33"	190.00
C2	140.18	57°22'03"	140.00
C3	173.22	56°42'44"	175.00
C4	147.29	06°37'08"	1275.00
C5	107.22	122°51'58"	50.00
C6	158.27	40°62'47"	215.00
C7	80.07	61°10'16"	75.00
C8	64.91	19°34'31"	190.00
C9	24.12	92°08'58"	15.00
C10	13.49	15°27'37"	50.00
C11	46.34	28°27'43"	93.29
C12	46.34	28°27'43"	93.29
C13	43.43	24°53'04"	100.00
C14	19.52	74°34'42"	15.00
C15	50.06	15°05'44"	190.00
C16	43.76	11°08'40"	225.00
C17	34.04	11°08'40"	175.00
C18	73.22	18°38'47"	225.00
C19	111.32	10°12'19"	625.00
C20	67.73	17°14'53"	225.00
C21	80.98	07°25'25"	625.00
C22	13.74	03°39'38"	215.00
C23	52.68	54°52'30"	55.00
C24	33.82	04°40'07"	415.00
C25	92.26	23°29'34"	225.00
C26	52.18	54°21'38"	55.00
C27	35.49	36°58'25"	55.00
C28	28.13	29°18'98"	55.00
C29	58.95	61°24'46"	55.00
C30	14.09	08°04'28"	100.00
C31	102.24	26°08'39"	224.09
C32	29.34	16°48'36"	100.00
C33	71.02	09°02'31"	450.00
C34	12.30	03°26'15"	205.00
C35	73.21	08°23'22"	500.00
C36	8.06	09°13'50"	50.00
C37	75.66	08°40'13"	500.00
C38	42.59	48°42'12"	50.00
C39	4.09	15°36'37"	15.00
C40	90.42	103°37'08"	50.00
C41	41.65	34°05'15"	70.00
C42	46.37	53°08'39"	50.00
C43	48.23	12°47'34"	216.00
C44	60.49	16°02'45"	216.00
C45	56.19	14°54'18"	216.00
C46	65.24	20°30'20"	182.29
C47	84.18	15°36'07"	309.12
C48	98.34	15°31'47"	265.05
C49	45.81	13°38'04"	192.50
C50	25.50	28°56'24"	50.48
C51	65.16	6°11'54"	602.25
C52	35.44	23°23'39"	86.82
C53	20.53	4°53'02"	242.50
C54	16.65	6°03'25"	157.50
C55	32.55	4°29'38"	415.00
C56	42.09	17°13'39"	140.00
C57	78.27	32°01'54"	140.00
C58	180.88	24°58'20"	415.00
C59	47.62	6°03'49"	450.00
EC1	37.85	42°27'18"	50.00
EC2	7.92	01°01'55"	440.00
EC3	22.65	05°35'14"	232.29

RED CLOUD SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTIONS 28 AND 33
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

RECORDED CONCURRENTLY HEREWITH IS THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS.

JOB NO.: 1-1-01 FILE: X:\Empire\dwg\UPCMC\RedCloud\plat\RED CLOUD FINAL PLAT.dwg

724781 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF Coalition Title Co.
DATE Jan. 27, 2005 TIME 13:05 P.M. BOOK _____ PAGE _____
$150.00 FEE
Brett Williamson, Deputy RECORDER

PLAT NOTES:

General

1. Development Approval. These criteria are in addition to the conditions imposed on the project by the project's CC&Rs, Design Guidelines and other conditions imposed by the Empire Pass Design Review Board (AKA the Design Review Committee in the Design Guidelines, exhibit 2 of the 1999 LSMPD for the Project). All references to defined terms in the Land Management Code (LMC) are references to the LMC in effect at the time of this plat approval. All references to defined terms in the Design Guidelines (DGs) and Emergency Response Plan (ERP) are references to exhibits to the projects 1999 Large Scale Master Plan (LSMPD) and are subject to any future revision of those documents. All Development (as defined under the LMC) is subject to the approval of both the City and the Design Review Board. Approval of any Development within this subdivision plat by the City requires prior written approval by the Design Review Board.

2. Building Height and Setbacks. All current LMC zone restrictions on building height and setbacks apply. Building setbacks are minimum Estate Zone Setbacks, 30 feet from property lines unless noted or illustrated otherwise, or as restricted by ski or utility easements as shown hereon. No Additional Building Height over the zone building height limits will be granted.

3. Defensible Space Plan. Prior to vertical construction of residential units, a Defensible Space plan, consistent with the project Emergency Response Plan (Exhibit 7 of the LSMPD), shall be approved by the City and implemented by the developer.

4. Water Efficient Irrigation and Limited Turf. Each platted lot, when developed, must incorporate a water efficient irrigation system (to the extent an irrigation system is used), and must limit the area of turf, consistent with the Design Guidelines.

Building Approval Process

1. General Applicability of Design Review Guidelines. All Development is subject to applicable requirements of the Design Review Guidelines, as such may be amended or superseded from time to time.

2. Approximate Building Location. Approximate Building Locations within each lot are shown on the plat are subject to adjustment on an individual lot basis with the approval of the Design Review Board. Such approvals must be obtained prior to the issuance of a building permit. Site-specific plans must be developed within these locations and submitted to the Design Review Board, whose approval must be received before the issuance of a building permit. Any such Design Review Board approval is subject to review and approval by the Planning Department in accordance with the provisions of the LMC and applicable Design Guidelines. Approximate Building Locations have been sited on Developable Land (LMC), and avoid Ridge Line Areas (LMC). Therefore, any adjustment of the Approximate Building Location must avoid Very Steep Slopes (LMC) and Ridge Line Areas.

3. Building Footprint and Site Disturbance. In order to encourage lower building forms, the maximum building footprint is allowed up to the total area shown within the Approximate Building Location (Design Guidelines) as shown on the plat. Second story square footage cannot be more then 2/3rds of the first floor. Total Limits of Disturbance cannot extend more then 20' beyond the outside walls of the building. Driveways, utility corridors, paths, drainage features, ski trails and their associated retaining structures are exceptions to this restriction. Limits of Disturbance (LMC) plans shall be submitted to the City Planning Department for review and approval by individual homeowners. These plans must demonstrate compliance with the goal of maximum retention of Significant Vegetation (LMC) and minimization of overall site disturbance.

4. Defensible Space. Vegetation outside of the Limits of Disturbance will be managed in accordance with the Defensible Space Plan consistent with the Urban Wildland Fire Interface Code and will focus on fire hazard reduction as well as good forest health, and may not be improved for additional yard area. Removal of vegetation beyond the Limits of Disturbance will be done only by hand held equipment. All vegetation removal and management must be approved by both the Planning and Building Departments whose requirements may include that a licensed professional prepare the plan.

5. Irrigated Area. Each individual lot must submit landscape plans consistent with the projects Design Guidelines and a Defensible Space Plan (Emergency Response Plan). The maximum irrigated area within the landscaped area that will be considered for any lot is 5,000 square feet. This does not limit the City's ability to require additional intermittent irrigation of existing vegetation in the Defensible Space zone adjacent to the landscaped area.

6. Design Review Board Approval. The Design Review Board's review shall consist of, but not be limited to, insuring the maximum preservation of existing vegetation, minimizing grading impacts, providing for solar access and views, and minimizing impacts on adjacent lots.

7. Landscaping Plans. Landscaping plans are subject to the review and approval of the Design Review Board and the Planning Department in accordance with the project's Design Guidelines.

8. Vertical construction in Red Cloud (except building permits for temporary improvements, including sales and construction trailers) is allowed only in accordance with the Planning Commission approved Construction and Development Phasing Plan, or as amended by subsequent action. See Park City Ordinance 04-56, as such requirements may be amended by the City.

House Size

1. Gross Floor Area. The maximum Gross Floor Area (LMC) of a house is 10,000 square feet. Gross Floor Area includes all enclosed areas designed for human occupation. Unenclosed porches, balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum area of 600 square feet, are not considered Gross Floor Area. Basement Area (LMC) below Final Grade (LMC) is not considered Gross Floor Area. The square footage of all Accessory Structures (LMC) is deducted from the house Gross Floor Area. Garage square footage in excess of 600 square feet is deducted from the house Gross Floor Area.

2. Lot Combinations. Lot combinations are subject to Design Review Board approval. Adjoining lots can be combined, and the maximum house size increased based on the process allowed in the LMC for the underlying zone. If lots are combined, the Design Review Board will designate a new Approximate Building Location.

Limits of Disturbance and Vegetation Protection

1. Limits of Disturbance. As required by the LMC and the Design Guidelines, limits of disturbance plans must be reviewed and approved by both the City Planning Department and the Design Review Board.

2. Ski Run Vegetative Buffer. The vegetative buffer between the buildings and the existing ski runs are defined by the Approximate Building Location as designated on this plat. Existing Significant Vegetation (LMC) within the buffer to the ski runs must be maintained. Vegetation management within the buffer and/or beyond the approved limits of disturbance on approved building plans will be maintained in accordance with good forest health practices and fire hazard reduction, but all such maintenance shall be approved by the Design Review Board, and the Park City Planning and Building Departments.

Easements and Lot Line Adjustments

1. Ski Trail and Bridge Easements. The numbers, locations, and widths of some of the private ski trail easements and some of the Deer Valley ski trail and bridge easements as shown on the plat are approximate, the location of which will be fixed by a subsequent grant of easement prior to construction on a lot. Such easements may not be amended by the City by Plat Amendment without written consent of the Owner of the property affected by such easement.

2. The Red Cloud Homeowners Association has the power to grant and convey to any third party, and Owner (United Park City Mines Company) reserves unto itself, transferable easements and rights of way on, over, under and through (i) the area being a ten (10) foot wide strip of land immediately inside the perimeter boundary of each Lot (or wider if necessaryfor purpose "(a)", below), and (ii) all other areas of the Red Cloud Subdivision, including but not limited to rights of ingress and egress for the purposes of: (a) grading to accomodate the construction of platted roadways; (b) constructing, erecting, operating and maintaining lines, cables, wires, conduits or other devices for electricity, cable television, power, internet service, telephone and other purposes, public sewers, storm drains and pipes, drainage areas, water systems, sprinkling systems, water, heating and gas lines or pipes, and any similar public or quasi-public improvements or facilities to provide common utility service to the Declarant's Property or to the Red Cloud Subdivision; and (c) constructing, repairing, replacing, operating and maintaining hiking and biking trails, and ski trails and lifts.

3. Lot Line Adjustments. Individual lot lines are subject to adjustment as approved by the Design Review Board and in accordance with the Park City Land Management code.

Other Specific Conditions, Restrictions and Benefits Affecting the Plat

1. Master Declaration. The property and lots depicted on this plat are subject to the Amended and Restated Master Declaration of Covenants, Conditions, and Restrictions for Flagstaff, a Planned Community, recorded on December 14, 2004, as Entry No. 00719855 in Book No. 01666, Pages 01054 to 01155, in the office of the Summit County Recorder, as the same may be supplemented, modified or amended from time to time.

2. Restrictive Covenants. The property and lots depicted on this plat are subject to the Declaration of Covenants, Conditions and Restrictions for Red Cloud Subdivision, Park City, Utah, to be recored concurrently with recordation of this Plat in the office of the Summit County Recorder, as the same may be supplemented, modified or amended from time to time.

3. Emergency Secondary Access. The property depicted on the Plat has secondary emergency access for controlled evacuation and for access by fire and safety personnel and equipment by virtue of a grant of easement recorded January 20, 2005, as Entry No. 00723647, in Book No. 01673, Pages 01607-01615, in the office of the Summit County Recorder.

4. Enchanted Forest. The area on the plat identified as the Enchanted Forest and the lots that incorporate such area are affected by a ski easement for public skiing easement recorded January 20, 2005, as Entry No. 00723645, in Book No. 01673, Pages 01596-01599 and a conservation easement recorded January 20, 2005, as Entry No. 00723646, in Book No. 01673, Pages 01600-01606. No Development activity, including fencing, is permitted within the Enchanted Forest.

5. Access Parcel. A Future Access Parcel between Lots 28 and 29 has been reserved and will be held by the developer for potential future access to adjoining lands, if developed.

6. Land Area Limitation. The gross land area of this plat, as depicted, shall not exceed 49.737 acres.

7. Shared Driveway. Developer will grant, for the benefit of the owners of Lots 8 and 9, a perpetual, non-exclusive shared driveway easement in the location shown on the plat, and will require that said owners share the maintenance and other expenses associated with such shared driveway

Utility Notes

1. At the time of the resurfacing of Red Cloud Trail and Ruby Hollow, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District (SBWRD) Standards.

2. Lots 1-4 & 7-11 are served by a low pressure wastewater system. These lots shall be required to install a low pressure grinder pump station and appurtenances consistent with the SBWRD Public Low Pressure Sewer System installed for the project. The Master Association shall be responsible for the operation, maintenance and repair of the low pressure grinder pump station and appurtenances.

3. Private wastewater ejector pumps may be required for Lots 5, 6, 21, 24, and 28-30.

4. Water service for this project is provided by a pressure sustaining booster system. The responsibility for operation, maintenance, and eventual replacement of the booster system is assumed by the Momeowner's Association.

RED CLOUD SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTIONS 28 AND 33
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

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JOB NO.: 1-1-01 FILE: X:\Empire\dwg\LPCMC\RedCloud\plat\RED CLOUD FINAL PLAT.dwg

#724721 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF Coalition Title Co.
DATE Jan 27, 2005 TIME 1305 P.M. BOOK _____ PAGE _____
$150.00 FEE
Kathy Willoughby, Deputy RECORDER

PARSONS BEHLE & LATIMER

201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Main 801.532.1234
Fax 801.536.6111

A Professional
Law Corporation

Adam E. Weinacker
Attorney at Law
Direct 801.536.6911
AWeinacker@parsonsbehle.com

November 8, 2022

BY EMAIL
Park City Planning Commission
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
planning@parkcity.org

Re: November 9, 2022, Public Hearing Re: Bransford Land Company, LLC's Zone Change Application for Parcels PCA-S-79-B and PCA-S-79-C

Dear Planning Commission:

Our firm represents several affiliates of Extell Development Company (collectively "**Extell**"). We write to re-assert our objections to the application of Bransford Land Company LLC ("**Applicant**"), which seeks to change the zoning for two properties on Flagstaff Mountain from Recreation Open Space to Estate.

Extell owns or has a controlling interest in properties adjacent to the two parcels under review, PCA-S-79-B and PCA-S-79-C. Our firm has previously provided the Commission with three letters strenuously objecting to the application on numerous grounds.[1] The Applicant's recent submissions to the Commission do not resolve our concerns, and the latest Staff Report and agenda packet materials for the November 9, 2022, public hearing raise several issues we wish to bring to the Commission's attention.

A. Notice

The Staff Report states that, on October 26, notices for the November 9 hearing were mailed to property owners within 300 feet of the Applicant's properties. As of the date of this letter, Extell has yet to receive any mailed notice. Extell first learned about the upcoming hearing only as a result of an email communication from Mark Harrington on Friday, November 4, 2022.

We have requested further substantiation that notices were mailed but have not yet received that substantiation. We also do not know whether neighboring landowners received

[1] These letters are part of the agenda packet provided to the Commission at pages 437-40 (August 10, 2022); 442-44 (June 7, 2022); and 446-48 (April 7, 2022).

notice. Accordingly, we are concerned that the scheduled public hearing does not meet municipal or statutory notice requirements.[2]

B. Access

The Applicant continues to lack access or any right to install utilities across Extell's property. As we have previously informed the Commission, Extell and the Applicant are in active litigation over that very issue.

Nonetheless, the Applicant's materials continue to misleadingly depict "likely" access and utility service locations across Extell's land. In several instances, the Applicant depicts a "100' Wide Road Corridor" across Extell's land. The Applicant has no such "corridor." And the "corridor" depicted in the materials is **not** in the location of the alleged easement that Bransford claims in the litigation. Nor is it the same width. The alleged easement Bransford asserts in the litigation would **coincide with the Ontario ski run—potentially affecting recreation activities—and is alleged to be 60 feet wide**.[3]

The Commission should carefully review pages 278, 279, 291, 308, 309, 325, and 326 of the agenda packet. Each page depicts a "corridor" to which the Applicant has no right and which conflicts with the access the Applicant has claimed in legal proceedings.[4]

C. Disturbance

The Applicant suggests that its proposed development would leave 82% of the Applicant's land "undisturbed."[5] It is unclear how the Applicant came to the calculation that the "private drive" will impact only 1 acre. The application envisions a 100-foot-wide corridor that would not only impact the Applicant's land, but would also cross a forested area of the Extell lands. When the impact of this entire proposed corridor is considered, we believe that the Applicant's proposed development would result in a disturbance that far exceeds what the Applicant has represented to the Commission.

D. Precedent

The Applicant states that its application will not set a precedent because owners of other mining claims could not similarly make a request to re-zone from Recreation Open Space to Estate.[6] The Applicant's reasons for this assertion are not supported. The Applicant fails to

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[2] *See* LMC § 15-1-12; Utah Code § 10-9a-205(5)(a)-(b).
[3] Extell disputes that the Applicant is entitled to any easement across its land.
[4] In at least one instance (page 308 of the agenda packet), the Applicant refers to a feasibility study that is more than 40 years old and references two separate potential access locations, each of which is different from the easement the Applicant asserts in litigation.
[5] *See* page 307 of the agenda packet.
[6] *See* page 314 of the agenda packet.

explain why owners of mining claims within city boundaries and zoned as Recreation Open Space could not submit a similar application. And the Applicant suggests that its mining claims are unique in that the Applicant owns surface and subsurface rights. The Applicant provides no support for this assertion and overlooks the principle that "mining claims presumptively include both the surface and mineral estates." *United Park City Mines Co. v. Estate of Clegg*, 737 P.2d 173, 176 (Utah 1987).

The Commission also should be focused on the precedent that Bransford seeks to establish for serial filings. The Applicant has no access to its parcels and no ability to connect utilities. Yet its application requests a zoning change consistent with a developable parcel. The appropriate procedure would be to submit a zoning change application as part of the process of submitting a subdivision plat if and when the parcels are developable. This approach would promote preservation of public resources. Moreover, granting a re-zone to Estate for land without access promotes a false sense that the property is developable, marketable, and more valuable than it is.

E. Adjacent Development

The Applicant asserts, without support, that Extell "will eventually acquire development rights as delineated in the Flagstaff Annexation Agreement—or denser"—and that the Applicant's zone change would "create the lowest dwellings per acre in a series of shrinking densities radiating away from the existing core uses in the Red Cloud Neighborhood."[7] Extell has not requested a zoning change or submitted plans for "denser" development. The Applicant's statement is pure speculation, and the Applicant's proposed density is one without public support from stakeholders on Flagstaff Mountain.

The public comment submitted for the application does not favor the Applicant. The other adjacent stakeholders to Applicant's properties are the Red Cloud HOA and Deer Valley Resort. The Red Cloud HOA, like Extell, has objected to the application. The HOA has gone so far as to assert that, at the last work session, the "Applicant falsely represented that the Red Cloud HOA supports" the application.[8] Contrary to the Applicant's representation to the Commission, the HOA has asserted that the application "is illegal and should result in a negative recommendation and denial for multiple reasons." With no favorable input from Deer Valley,[9] the application is devoid of written public support from any of the immediate stakeholders in the area.

[7] *See* page 315 of the packet.
[8] *See* page 436 of the packet.
[9] The public comment includes a letter from Steve Issowits, who was formerly associated with Deer Valley. But his letter is careful not to state it is Deer Valley's position.

* * *

We appreciate the Commission's consideration of our concerns. We continue to object to the application and ask that the Commission not recommend its approval to the City Council.

Sincerely,

PARSONS BEHLE & LATIMER

Adam E. Weinacker
Attorney at Law

AEW:
None
cc: Sarah Hall (via email: sarah.hall@parkcity.org)
John Kenworthy (via email: john.kenworthy@parkcity.org)
John Frontero (via email: john.frontero@parkcity.org)
Laura Suesser (via email: laura.suesser@parkcity.org)
Bill Johnson (via email: bill.johnson@parkcity.org)
Christin Van Dine (via email: christin.vandine@parkcity.org)
Gretchen Milliken (via email: gretchen.milliken@parkcity.org)
Mark Harrington (via email: mark@parkcity.org)
Margaret Plane (via email: margaret.plane@parkcity.org)
Jennifer Ingrassia (via email: jingrassia@alterramtnco.com)

August 5, 2022

Planning Commission
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

re: Parcels: PCA-S-79-B and PCA-S-79-C (Bransford Parcels) - Zoning Map Amendment

Planning Commissioners:

Over the years, my family has had the opportunity to enjoy the property referred to as the Bransford Parcels on many occasions. The family ownership has been an excellent steward of the land and has been respectful of its surrounding properties. The existing zoning designation of Recreation and Open Space (ROS) is one of the most restrictive in allowed uses, but has a wide and diverse listing of Conditional Uses.

The request to change the zone to Estate (E) is refreshing in Park City. The Estate District provides some of the smallest density of any of the zoning districts in the Land Management Code. Usually, the request for a zone change reflects the desire to significantly increase the density of a parcel.

This request will result in an appropriate development of two single-family homes that will result in a large portion of the property being left as open space. I am in support of this request to change the zone.

Sincerely,

Craig Elliott, AIA

HERE. AND THEN. AND NOW.

ELLIOTT WORKGROUP

June 8,2022

Commissioners,

I am writing in support of the zoning request regarding the "Bransford Parcels" Parcels", PCA-S-79-B and PCA-S-79-C.

I have personally known the family for years and can guarantee that they have always put Park City first in both their personal and professional lives.

I served on the PCSD with Anne Bransford. During that time, I visited this parcel many times. The request is extremely fair and is in line with the goals of PCMC., The family has exhibited that sense of community through the years by allowing numerous entities to have access and use of this land.

The request to add two estate lots and keeping over 80% as open space is fair and consistent with many variances previously provided by the Planning Commission.

Please vote in favor of this change without any hesitation.

Sincerely,
Moe Hickey

June 7, 2022

Planning Commission
c/o Planning Department – Attn: Makena Hawley
Park City Municipal Corporation
[Sent via email: makena.hawley@parkcity.org]

Re: Bransford Land Company – Conditional Zoning Change

Dear Ms. Hawley:

Please accept this letter written in support of the recent application by Bransford Land Company, as it relates to their request for zoning change of their property on Flagstaff Mountain.

As you're aware, I have been intimately involved with the Flagstaff Development Agreement, Land Management Code and the improvements made to Park City for most of my career. The history of our town and all it's great people that helped us from the fruitful, then shuddered, mining days to what we and our great visitors enjoy today has been my life's passion for close the last two decades.

During my career in Park City, I have watched some exciting projects spring up and bring really terrific amenities and people to our fun mountain town. I've worked with the Park City Community Foundation as it was just getting started and introduced many new homeowners to it and the great community non-profits we all know and love. They jumped in and generously supported the needs of the Community. And during that process, I've watched a few particular families roll up their sleeves and be VERY involved in such interests, helping wherever they could. One of those families has been the Bransfords. Anne, Mary and Carolyn have been the most special sisters I've been fortunate to cross paths with. They have contributed their time and passion, their dollars, and even their property, allowing mountain bikers and hikers to enjoy Flagstaff Loop, Road to Ruby and Deer Camp!

Knowing the Bransfords' life-long (and beyond, when considering their ancestry all the way back to the Silver Queen) commitment to Park City and understanding the development rights enjoyed by their neighbors and those existing across town, makes me **strongly** feel that if **anyone** were to be granted an ability to rezone and obtain development rights for their property, it should be the Bransfords. They have always been a great neighbor to Deer Valley Resort and while they have quite simply used their property in the past for family gatherings, picnics and maintaining the health of the forest by harvesting firewood and deadfall, they had always intended to build something special there. Their request for Estate zoning at 1 home per 20 acres is not only modest, it is directly in line with the long term plan for the area. As an example, in case this group was unaware, in 2001 court appointed Referees (later ratified by District Court and Supreme Court of Utah) recommended a certain partitioning of property adjacent to the Bransfords and cited evidence from the LMC and Flagstaff Development Agreement ("FDA") as support. While their ruling was focused on partitioning of jointly owned property and not directly on development rights, they indirectly assessed the 8 units contemplated in the FDA and agreed a portion of the 8 units were to be allocated to the Bransfords. I cite this not as evidence, but intent that had always been considered for the area and the Bransfords' property in particular.

I appreciate your consideration and am hopeful the Bransford family is successful in their endeavors. I would also like to request this letter be shared with the Planning Commission members as well. If there is any way that my history and knowledge related to this can be helpful to Staff or Commission, I would be more than happy to discuss and assist where I can. Thank you.

Sincerely,

Steve Issowits

cc: Gretchen Milliken, Planning Director
Park City Planning Commission Members

PARSONS BEHLE & LATIMER

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Salt Lake City, Utah 84111
Main 801.532.1234
Fax 801.536.6111

A Professional
Law Corporation

Adam E. Weinacker
Attorney at Law
Direct 801.536.6911
AWeinacker@parsonsbehle.com

June 7, 2022

BY EMAIL AND U.S. MAIL
Park City Planning Commission
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
planning@parkcity.org

Re: Objection to Bransford Land Company, LLC's Zone Change Application for Parcels PCA-S-79-B and PCA-S-79-C

Dear Planning Commission:

Our firm represents several affiliates of Extell Development Company (collectively "**Extell**") that own property on Flagstaff Mountain. Extell has received notice that the Commission is formally considering—through a public hearing on June 8, 2022, which is to be continued to August 10, 2022—a zoning change application submitted by Bransford Land Company, LLC ("**Bransford**"). The application relates to two Flagstaff Mountain parcels, PCA-S-79-B and PCA-S-79-C, that are adjacent to Extell's property. Pursuant to Park City's Land Management Code ("**LMC**") § 15-1-7(2)(b), Extell objects to Bransford's application and any amendment to the City's zoning map to re-zone the Bransford parcels from "Recreation Opens Space" to "Estate."

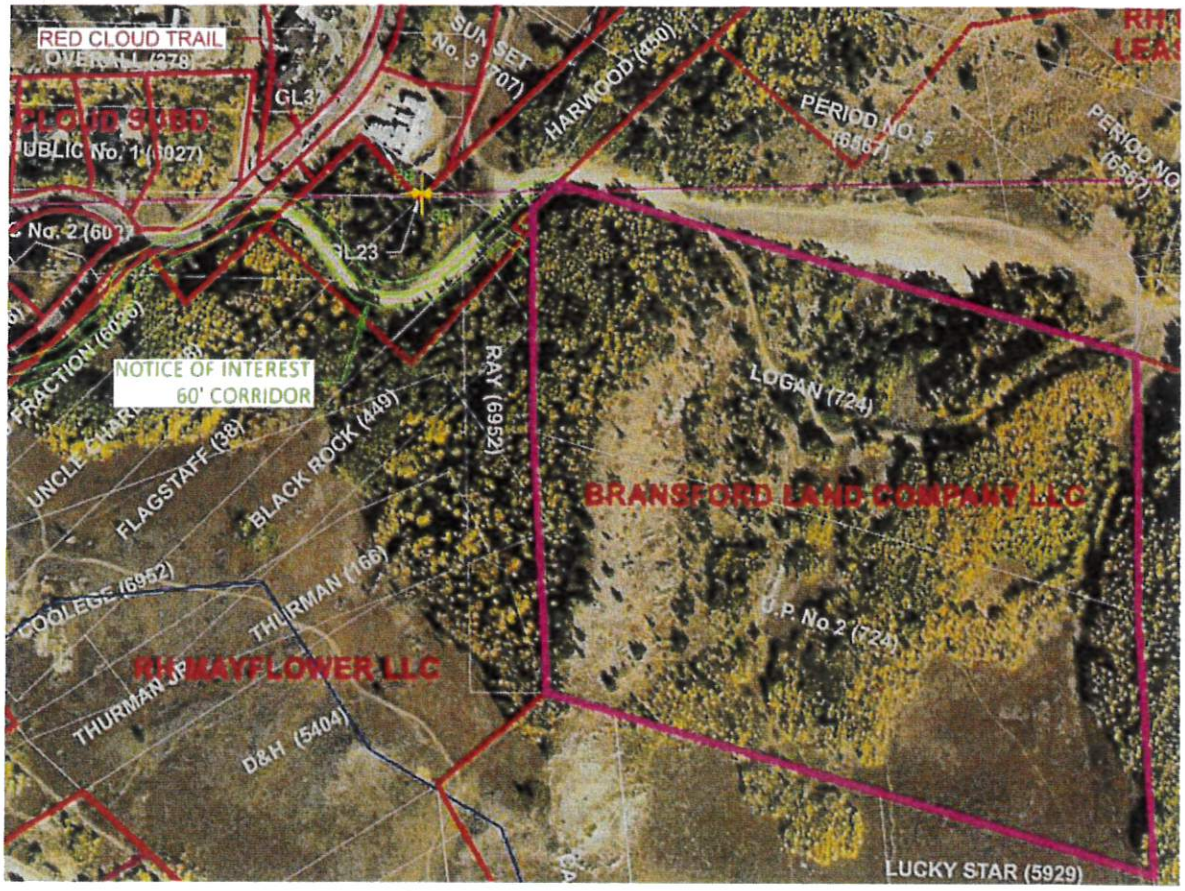
When the Bransford application came before the Commission for a work session in April, we provided the Commission with a letter outlining Extell's concerns about the application. Rather than restate those concerns, we attach that letter hereto as Exhibit 1 and expressly incorporates it as part of Extell's formal objection under LMC § 15-1-7(2)(b).

Since that time, we have reviewed the Planning Commission Staff Report ("**Staff Report**") prepared for the hearing on June 8, 2022. The Staff Report correctly notes that the Bransford parcels are not presently developable. (Staff Report at p. 2.) This is due, in part, to the lack of access across Extell's property and the "numerous challenges" that Bransford must overcome, including installation of utilities across Extell's land. (*Id.*) And while the Staff Report suggests that some development details "can be confirmed through the plat amendment process," (*id.* at 8), many of the identified details would be premature to address given Bransford's lack of an access or utility easement to the parcels.

At the work session addressing Bransford's application, Commission members requested additional details about Bransford's plans. Members requested clarity on the location of an access

road to the Bransford parcels, as well as clarity on how utilities could be connected. Although two months have transpired, there is still no clarity on these issues and, as the Staff Report notes, "more information would be necessary to conceptualize workable plans." (*Id.* at 7.)

Not only do the materials before the Commission lack information responsive to commissioners' concerns about access and utilities, they omit the fact that Bransford is in litigation with Extell to establish an alleged easement that would partially coincide with Deer Valley's Ontario ski run. Below is a depiction prepared by Bransford's own retained surveyor identifying the location of Bransford's alleged 60-foot-wide access "corridor" (in green) to its parcels, and which Extell disputes:



As you can see, Bransford alleges it has rights to a substantial corridor that overlaps with the portion of the Ontario ski run southeast of Red Cloud Trail. The Bransford application omits

this critical detail or any discussion about how Bransford's alleged access easement, if successful,[1] could impact others' rights and potential recreation on Flagstaff Mountain.

* * *

The Staff Report recognizes a host of challenges to developing Bransford's parcels, including the lack of an access and utility easement reaching the parcels. And Bransford's alleged access "corridor," if established through litigation, could disrupt an existing ski run and recreation within that "corridor"—something the application and Staff Report do not address. Although Bransford may wish to further its own private development goals by changing the parcels' zoning to "Estate," its request is not ripe in light of the many obstacles to development raised in the Staff Report and unanswered questions about access and utilities. The application should therefore be denied.

Sincerely,

PARSONS BEHLE & LATIMER

Adam E. Weinacker
Attorney at Law

AEW:
Attachment
cc: Thomas Barton (via email: tbarton@parsonsbehle.com)
Sarah Hall (via email: sarah.hall@parkcity.org)
John Kenworthy (via email: john.kenworthy@parkcity.org)
John Phillips (via email: john.phillips@parkcity.org)
Laura Suesser (via email: laura.suesser@parkcity.org)
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Christin Van Dine (via email: christin.vandine@parkcity.org)
Gretchen Milliken (via email: gretchen.milliken@parkcity.org)
Makena Hawley (via email: makena.hawley@parkcity.org)
Mark Harrington (via email: mark@parkcity.org)
Margaret Plane (via email: margaret.plane@parkcity.org)
Jennifer Ingrassia (via email: jingrassia@alterramtnco.com)

[1] Bransford is currently attempting to adjudicate this alleged corridor in court, and the parties are still in active litigation over the existence and scope of Bransford's claimed easement.

From: planning
To: Makena Hawley
Subject: FW: [External] New eComment for Planning Commission - Bransford
Date: Tuesday, April 12, 2022 9:12:01 AM

From: noreply@granicusideas.com <noreply@granicusideas.com>
Sent: Tuesday, April 12, 2022 9:09 AM
To: planning <planning@parkcity.org>
Subject: [External] New eComment for Planning Commission

[CAUTION] This is an external email.

SpeakUp

New eComment for Planning Commission

Clive Bush submitted a new eComment.

Meeting: Planning Commission

Item: 5.A) Parcels: PCA-S-79-B and PCA-S-79-C (Bransford Parcels) -The Applicant is Proposing a Zone Change of Two Parcels for a Total of 39.62 Acres From Recreation Open Space (ROS) to Estate (E) Zoning With a Condition of Approval Limiting the Density to a Maximum of Two Single Family Homes. PL-21-05042 (60 minutes).

eComment: Recreation Open Space should remain as ROS, and especially in this location that is not infill - Staff doesn't explain its statement that "we" expected private land owners to apply for these zone changes or that should somehow make it acceptable? - there is no reasonable requirement to allow such a change in use.

View and Analyze eComments

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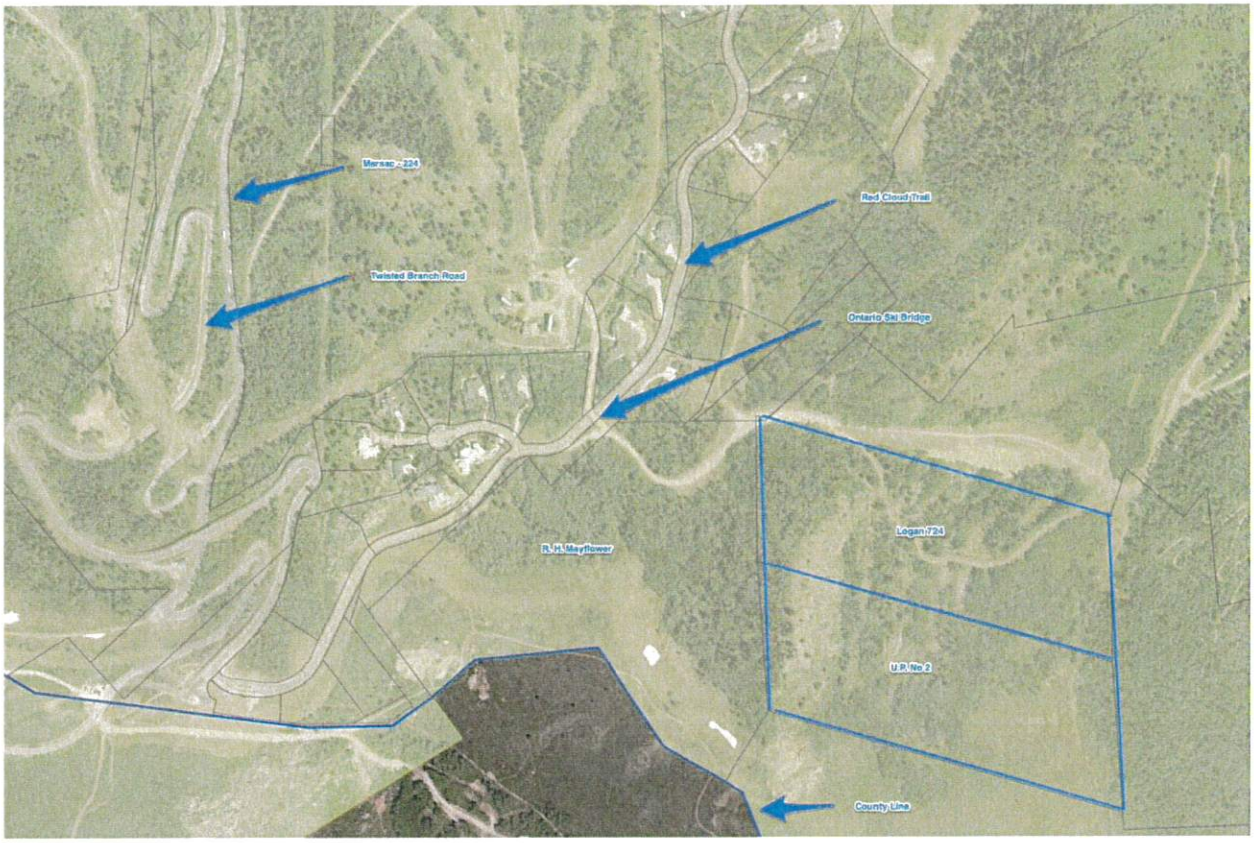
Mersac - 224
Red Cloud Trail
Twisted Branch Road
Ontario Ski Bridge
R.H. Mayflower
Logan 724
U.P. No 2
County Line

PARSONS BEHLE & LATIMER

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Direct 801.536.6911
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April 7, 2022

BY EMAIL AND U.S. MAIL
Park City Planning Commission
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
planning@parkcity.org

Re: Bransford Land Company, LLC – Zone Change Application for Parcels PCA-S-79-B and PCA-S-79-C

Dear Planning Commission:

Our firm represents several affiliates of Extell Development Company (collectively "**Extell**") that own property on Flagstaff Mountain. It has come to our attention that Bransford Land Company, LLC ("**Bransford**") has submitted an application for a zoning change for two Flagstaff parcels—PCA-S-79-B and PCA-S-79-C.[1]

We write to make sure the Commission is aware that Extell owns property between Red Cloud Trail and PCA-S-79-B and PCA-S-79-C, and that Bransford does **not** have a written easement agreement permitting vehicular or other access to its parcels from Red Cloud Trail across Extell's property. Bransford and Extell are in active litigation over whether Bransford has an implied or prescriptive easement to access Bransford's parcels, as well as the scope of Bransford's alleged easement. Extell vigorously disputes Bransford's claimed access rights across its property—including vehicular access for development—and opposes the installation of utilities across its property to serve the Bransford parcels. Extell will robustly resist any attempt to provide for such utilities or access across its property.

Because Bransford lacks ensured access—including vehicular access for development—or utilities to the Bransford parcels, the application to change the zoning of Bransford's parcels to "estate" is inconsistent with the purpose of that zoning designation and is premature. The zoning application should therefore be denied.

[1] We have made several requests to the Planning Department for any final application submitted after Bransford's initial application submitted in October 2021. That initial application, in our view, did not satisfy all submittal requirements. We have not received any additional application..

A. The Bransford Application Is Inconsistent with the Purpose of Estate Zoning.

Bransford's application requests a zoning change from "R.O.S." to "E-Estate" for PCA-S-79-B and PCA-S-79-C. "Estate" zoning is intended for "very low density, environmentally sensitive residential [d]evelopment."[2] Park City's municipal code assumes that lots zoned as "estate" are capable of such development and are accessible.[3]

Because Bransford's parcels do not have ensured access from Red Cloud Trail, or a right to install utilities across the Extell properties to permit development, Bransford's zoning change application is inconsistent with the City's municipal code. It should be denied for that reason.

B. Bransford Has Conceded that It Lacks Access, and Extell Disputes Bransford's Claimed Access Across Its Lands in Litigation. Accordingly, the Application is Premature.

Because Bransford cannot develop its parcels without access or utilities, the zoning change application is premature.

In communications with the Park City Planning Department, Bransford conceded it does not have ensured access to its parcels. Bransford has correctly noted that it "has been unable to negotiate an Easement from [Red Cloud Trail] to the BLC Property Line" across the Extell property, and that access from Red Cloud Trail is 1,000 feet away.[4]

As you may recall, several years ago the Mayflower Stichting entities attempted to establish access to Flagstaff lands through litigation and failed in that effort.[5] Extell likewise disputes that Bransford has a historic access rights across the Extell properties, which are formerly Mayflower lands. Extell also disputes the scope of Bransford's claimed easement in the ongoing litigation. Thus, the issue of access is still very much unsettled. Extell believes it is improper for Bransford to attempt to obtain "estate" zoning for parcels that cannot be developed under the current state of affairs.

Even if Bransford were able to establish its alleged easement through trial and appeal—and Extell intends to defend those efforts at all stages—the claimed route would overlay Deer Valley's Ontario ski run. The Commission should be aware that the Bransford zoning application is part of a plan to develop parcels for which ensured access and utility service do not exist, and which may very well interfere with ski operations.

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[2] Park City Mun. Code § 15-2.10-1.

[3] *See, e.g., id.* § 15-2.10-3 ("Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.").

[4] *See* Bransford Land Company's Zone Change Justification, attached as Exhibit A.

[5] *See Stichting Mayflower Mountain Fonds v. United Park City Mines Company*, 2017 UT 42.

Further, even if Bransford were to gain access to its parcels, it does not have a claim in the current litigation that would permit it to ensure that utilities serve the parcels. Extell would oppose any such effort, including any eminent domain proceedings, which would be an improper use of that power to serve a clearly private use.

* * *

On March 15, 2022, Anne Bransford, a member of Bransford Land Company, gave public comment on "Deer Valley Development Company's Petition for the City to Vacate Portions of Right-Of-Way on Deer Valley Drive West and South, and to Dedicate Doe Pass Road to the City, as Part of the Snow Park Village Subdivision Application." She urged the Commission to get clarity on that petition before delivering the plan to the City Council. And she urged the applicant to "communicate with [its] neighbors" in approaching its development plans.

The Commission should likewise have full clarity about Bransford's application and understand how this step relates to parcels with no ensured access or utility service. It should also take notice that Bransford's neighbor Extell objects to Bransford's efforts to attempt to develop the parcels and negatively impact Extell's property in doing so. As explained herein, Bransford's application is inconsistent with the City's code, is premature, and should be denied.

Sincerely,

PARSONS BEHLE & LATIMER

Adam E. Weinacker
Attorney at Law

AEW:
Attachment
cc: Thomas Barton (via email: tbarton@parsonsbehle.com)
Sarah Hall (via email: sarah.hall@parkcity.org)
John Kenworthy (via email: john.kenworthy@parkcity.org)
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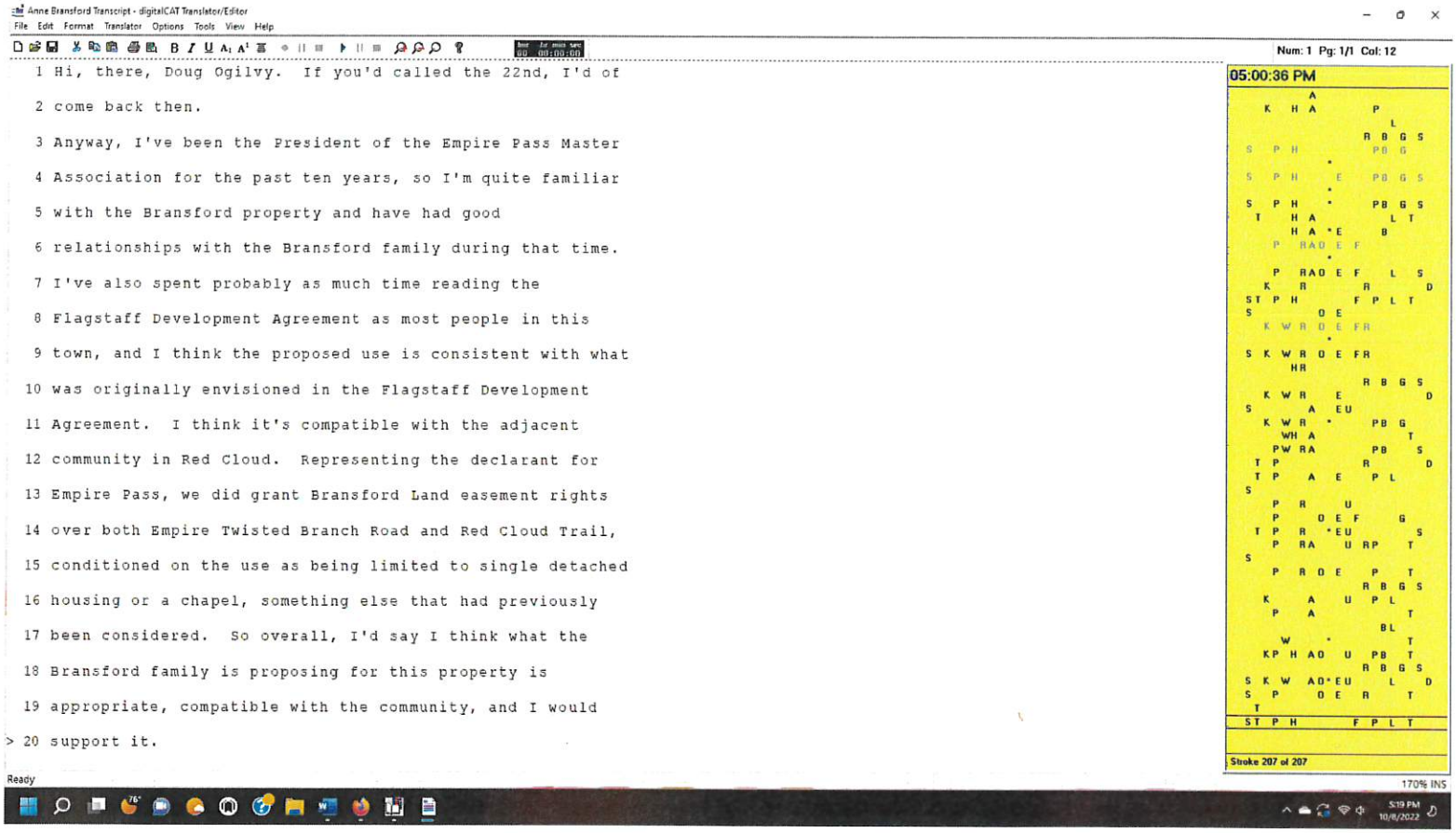
Jennifer Ingrassia (via email: jingrassia@alterramtnco.com)
Rich Wagner (via email: riwagner@alterramtnco.com)


Anne Bransford Transcript - digitalCAT Translator/Editor
File Edit Format Translator Options Tools View Help
Num: 1 Pg: 1/1 Col: 12
1 Hi, there, Doug Ogilvy. If you'd called the 22nd, I'd of
2 come back then.
3 Anyway, I've been the President of the Empire Pass Master
4 Association for the past ten years, so I'm quite familiar
5 with the Bransford property and have had good
6 relationships with the Bransford family during that time.
7 I've also spent probably as much time reading the
8 Flagstaff Development Agreement as most people in this
9 town, and I think the proposed use is consistent with what
10 was originally envisioned in the Flagstaff Development
11 Agreement. I think it's compatible with the adjacent
12 community in Red Cloud. Representing the declarant for
13 Empire Pass, we did grant Bransford Land easement rights
14 over both Empire Twisted Branch Road and Red Cloud Trail,
15 conditioned on the use as being limited to single detached
16 housing or a chapel, something else that had previously
17 been considered. So overall, I'd say I think what the
18 Bransford family is proposing for this property is
19 appropriate, compatible with the community, and I would
> 20 support it.
05:00:36 PM
Stroke 207 of 207
Ready
170% INS

Planning Commission
Staff Report

Subject: **2545 Lucky John Drive**
Application: **PL-22-05390**
Author: **Davis Petersen, Planning Department Intern**
Date: **December 14, 2022**
Type of Item: **Administrative – Plat Amendment**

Recommendation

(1) Review the requested Plat Amendment to remove a recorded shared driveway easement shown on the plat; (2) hold a public hearing; and (3) consider forwarding a positive recommendation for City Council's consideration on January 24, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft Ordinance (Exhibit A).

Description

Applicant:	Eric C. Morgan
Location:	2545 Lucky John Drive, Park City, UT 84060
Zoning District:	Single Family (SF)
Adjacent Land Uses:	Single Family Residential
Reason for Review:	Plat Amendments require Planning Commission review and City Council review and action[1]

Abbreviations

CCR- Conditions covenants and restrictions
HOA- Homeowner's Association
LMC- Land Management Code
SF- Single Family

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Summary

The Applicant and current owner of Lots 30 and 31 of the Holiday Ranchettes Subdivision, proposes to remove the shared driveway easement recorded on the Plat for both Lots (Exhibit B and Figure 1 below). The shared driveway was a Condition of Approval when the Lots were re-established as separate Lots by Plat Amendment Ordinance No. 14-18 (Staff Report, Minutes), after having been previously combined in 1999.

[1] [1] LMC § 15-1-8(H).

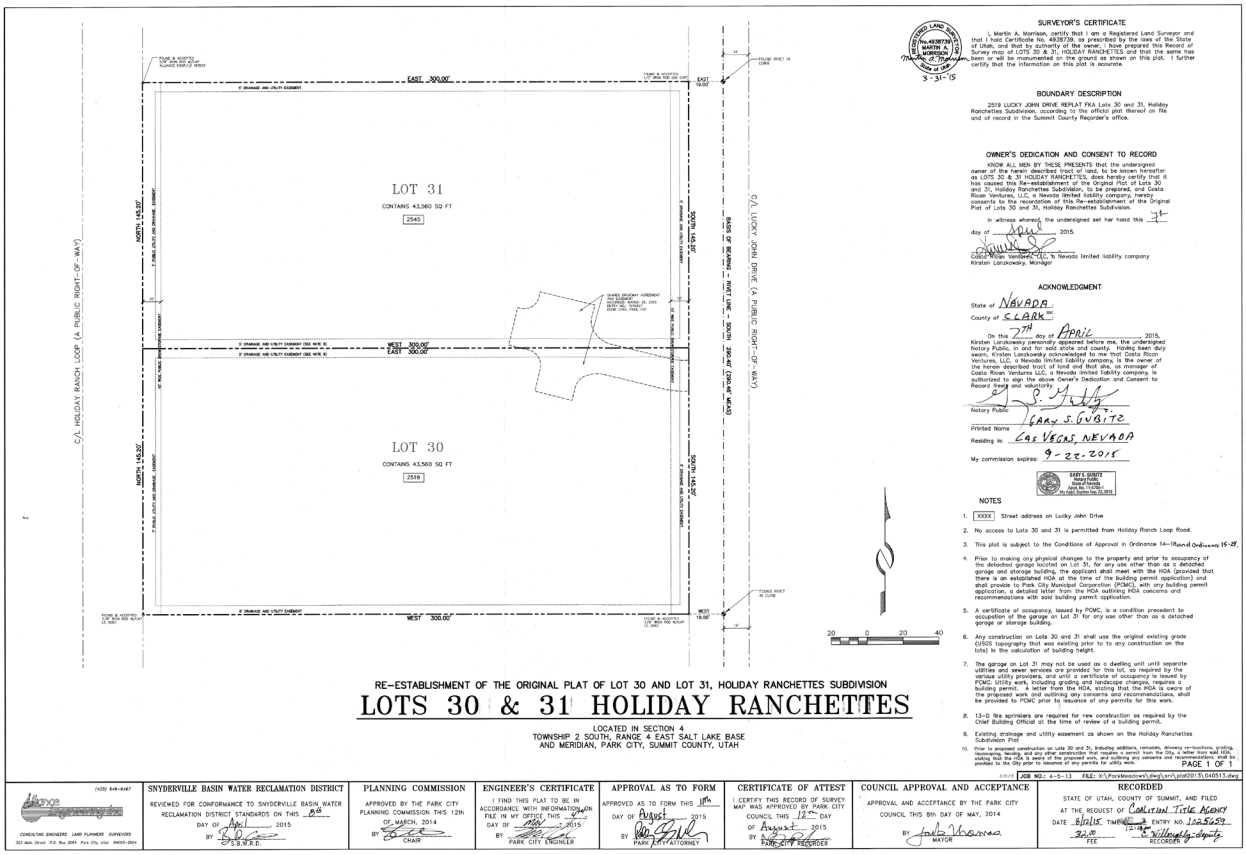


Figure 1: Existing Plat with Shared Driveway Easement

Purpose

The purpose of the Single Family (SF) Zoning District is to:

A. maintain existing predominately Single Family detached residential neighborhoods,
B. allow for Single Family Development Compatible with existing Developments,
C. maintain the character of mountain resort neighborhoods with Compatible residential design; and
D. require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Background

In 1974, the Holiday Ranchettes Subdivision Plat (Exhibit C), was approved by City Council with 102 Single-Family Dwelling Lots. Lots in the Subdivision, in the vicinity of Lots 30 and 31, range in area from 0.96 acres to 1.77 acres, with most of the Lots being about one acre in area. There are few vacant lots left in this subdivision.

In August 1999, the then owners of the two Lots combined Lots 30 and 31 into one Lot

containing approximately 2 acres, through an Administrative Lot Line Adjustment approved by the Planning Director. Lot 30 (2545 Lucky John Drive) and Lot 31 (2519 Lucky John Drive) effectively became one Lot with an address of 2519 Lucky John Drive. A Single-Family Dwelling with an attached garage was constructed on Lot 30, and a separate detached garage/barn was constructed on Lot 31. The driveway is shared between the residence on Lot 30 and the detached garage/barn on Lot 31.

On July 8, 2013, the former owners applied to re-establish Lots 30 and 31 as separate 1-acre lots. On March 12, 2014, the Planning Commission, reviewed the application, conducted a public hearing, and forwarded a positive recommendation to City Council. On May 8, 2014, City Council conducted a public hearing and voted to approve the plat amendment with Conditions of Approval as reflected in Ordinance No. 14-18, including a Condition that the shared driveway easement be recorded. The current application seeks to remove this easement.

Analysis

(I) The proposal complies with the Single Family (SF) Zoning District Requirements outlined in LMC § 15-2.11.

Lots 30 and 31 of the Holiday Ranchettes Subdivision are separate, legal, 1-acre lots, consistent with the original platted configuration of the Holiday Ranchettes Subdivision. Lot 30 contains a Single-Family Dwelling and Lot 31 still contains the garage/barn which the Applicant intends to remove, so that Lot 31 can be redeveloped. The shared driveway easement recorded and is shown on the Plat; therefore a Plat Amendment is required to remove the easement.

Single-Family Dwellings are an Allowed Use in the SF Zoning District, and *both Lots* meet the minimum Lot Size and all other Lot and Site Requirements of the SF Zone.

Zoning Requirement: SF	Analysis of Proposal
Density	3 units per acre, **Complies**
Setbacks	Front - 20 feet; Rear – 15 feet, Side – 12 Feet, **Existing Dwelling complies, any future Dwelling on Lot 31 must comply**
Building Height	28 feet, **Existing Dwelling complies, any future Dwelling on Lot 31 must comply**
Parking	2 spaces, **Existing Dwelling complies, any future Dwelling on Lot 31 must comply**

Removing the share driveway easement will allow for redevelopment that is in keeping with the purpose of the SF Zoning District as noted above, including allowing for development compatible with the existing neighborhood and the Holiday Ranchettes Subdivision as originally approved. Almost all Lots in the Holiday Ranchettes Subdivision have their own driveway and these Lots appear to be the only Lots that share a driveway.

(II) Staff Recommends Conditions of Approval to comply with the Single Family (SF) Zoning District Requirements and the Lots 30 and 31 Holiday Ranchettes Plat.

The Planning Department recommends existing Plat Notes be carried forward including:

1. No access to Lots 30 and 31 is permitted from Holiday Ranch Loop Road (Existing Plat Note 2).
2. Any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that was existing prior to any construction on the Lots) in the calculation of Building Height (Existing Plat Note 6).

(III) There is Good Cause for the proposed Plat Amendment.

The Planning Commission shall make a finding as to Good Cause prior to making a positive recommendation to City Council.[2] Land Management Code § 15-15-1 defines *Good Cause* as "[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include things such 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 Park City and furthering the health, safety, and welfare of the Park City community."

The Planning Department finds Good Cause for the proposed Plat Amendment to both Lots 30 and 31 as the removal of the shared driveway allows for redevelopment of Lot 31 consistent with the existing residential neighborhood and originally approved Subdivision, will have no negative impacts to the public, and does not create any non-conformities. No other Lots in the Subdivision appear to have a shared driveway.

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on November 30, 2022. Staff mailed courtesy notice to property owners within 300 feet on November 30, 2022. The *Park Record* published notice also on November 30, 2022.[3]

[2] LMC § 15-7.1-6(C)
[3] LMC § 15-1-21.

Public Input

Staff did not receive any public input prior to the issuance of this Staff Report except for a letter of support from the Holiday Ranchettes HOA Architectural Committee (Exhibit E).

Alternatives

- The Planning Commission may approve the Plat Amendment;
- The Planning Commission may deny the Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may request additional information and continue the discussion

Exhibits

- Exhibit A – Draft Ordinance
- Exhibit B – Existing Plat
- Exhibit C – Holiday Ranchettes Subdivision Plat 1974
- Exhibit D – Topographic Survey Lots 30 & 31
- Exhibit E – Letter of Support Holiday Ranchettes HOA

Ordinance No. 2023-XX

AN ORDINANCE APPROVING LOTS 30 AND 31 HOLIDAY RANCHETTES FIRST AMENDED PLAT, LOCATED AT 2545 AND 2519 LUCKY JOHN DRIVE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 2519 and 2545 Lucky John Drive petitioned the City Council for approval of a Plat Amendment to remove the shared driveway easement recorded on the Plat of Lots 30 and 31 of the Holiday Ranchettes Subdivision; and

WHEREAS, on November 30, 2022, proper legal notice was published in the Park Record, according to requirements of the Land Management Code; and

WHEREAS, on November 30, 2022, the property was posted and notice was provided according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2022, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission forwarded a positive recommendation to the City Council, on December 14, 2022; and,

WHEREAS, on January 24, 2023, the City Council held a public hearing and _____ the plat amendment.

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

SECTION 1. APPROVAL. The Lots 30 and 31 Holiday Ranchettes First Amended Plat, located at 2519 and 2545 Lucky John Drive of the Holiday Ranchettes Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2519 and 2545 Lucky John Drive.
2. The property is in the Single Family (SF) zoning district.
3. The property consists of two 1-acre lots, known as Lot 30 and 31 Holiday Ranchettes and includes a recorded driveway easement shared by both Lots.
4. The owner wishes to remove the shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision.
5. No other properties will be affected by this proposal.
6. Each lot will be 1-acre in area, consistent with the 1974 Holiday Ranchettes Subdivision platted configuration. There is no change to Density.
7. The minimum setback requirements are 20 feet for the front yard and 12 feet for the side yards. Front facing garages require a 25 foot front setback. The rear setback requirement of 15 feet is not applicable due to the double frontage nature of both lots.

8. There is an existing Single-Family Dwelling on Lot 30 that complies with all required Setbacks.
9. There is an existing garage/storage structure on Lot 31 that will be demolished.
10. The shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision will no longer be necessary, following the demolition of the garage/storage structure on Lot 31.
11. Both Lots 30 and 31 have double frontage onto Lucky John Drive and Holiday Ranch Loop Road. The 1974 Holiday Ranchettes Subdivision includes notes restricting access from Lucky John Drive that have been carried forward with this Plat Amendment.
12. The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building Setback areas along Lucky John Drive and Holiday Ranch Loop Road.
13. The Plat provides for a restriction of access to Lucky John Drive and protects the safe routes to school pedestrian and bike path from additional primary access across it.
14. Drainage and utilities have already been relocated in order to accommodate both Lots 30 and 31 separately.
15. There is good cause for the removal of the existing shared driveway easement between Lots 30 and 31 of the Holiday Ranchettes Subdivision as the removal of the shared driveway allows for redevelopment of Lot 31 consistent with the existing residential neighborhood and originally approved Holiday Ranchettes Subdivision, will have no negative impacts to the public, and does not create any non-conformities. No other Lots in the Subdivision appear to have shared driveways.
16. The Holiday Ranchettes HOA Architectural Committee submitted a letter of support for the removal of the shared driveway easement.

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

Conditions of Approval:
1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. A Plat Note shall indicate no access to Lots 30 and 31 is permitted from Holiday Ranch Loop Road.

4. A Plat Note shall indicate any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that was existing prior to any construction on the Lots) in the calculation of Building Height.
5. A Plat Note Shall indicate this Plat is subject to Ordinance 2023-Xx.

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

PASSED AND ADOPTED this [DATE].

PARK CITY MUNICIPAL CORPORATION

_____
MAYOR

ATTEST:

_____
City Recorder

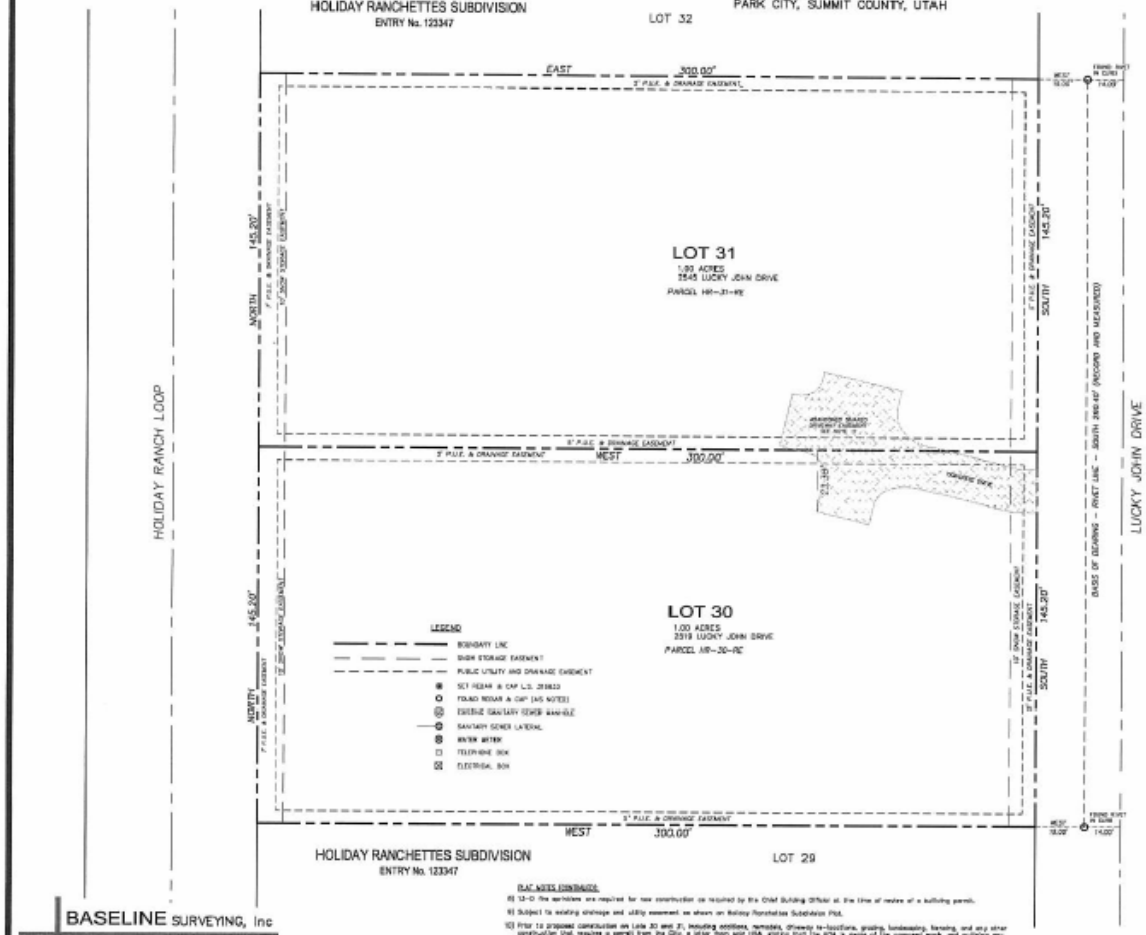
APPROVED AS TO FORM:

_____
City Attorney

Exhibit A: Plat

LOTS 30 & 31 HOLIDAY RANCHETTES
FIRST AMENDED

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



LOT 35

LOT 36

LOT 37

LOT 38

SURVEYOR'S CERTIFICATE:

I, RUSSELL E. CAMPBELL, DO HEREBY CERTIFY THAT I AM A LICENSE PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE No. 251833 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE SURVEYING STANDARDS AND HAVE VERIFIED ALL MEASUREMENTS, THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT, AND THAT THE INFORMATION SHOWN HEREON IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY, AND THAT THIS PLAT OF

LOTS 30 & 31 HOLIDAY RANCHETTES
FIRST AMENDED

IN SUMMIT COUNTY, UTAH HAS BEEN PREPARED CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREON DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS OF THE SUMMIT COUNTY RECORDER'S OFFICE.

Russell E. Campbell — Date

LEGAL DESCRIPTION :

Lots 30 & 31, Holiday Ranchettes Subdivision, according to the plat that re-established the original plat of Lot 30 and lot 31, Holiday Ranchettes Subdivision on file and of record in the Summit County Recorder's Office.

Together with all right, title and interest of Grantors in and to all water and water rights belonging to or used or in connection with the above-described real property.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREON AND NAME SAID TRACT

LOTS 30 & 31 HOLIDAY RANCHETTES
FIRST AMENDED

AND DO HEREBY DEDICATE, GRANT AND CONVEY TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS EASEMENT ON THIS PLAT AND SHOWN THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, STORM WATER DETENTION PONDS, DRAINAGE MAINTENANCE EASEMENTS, THE SAME, TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH.

Signed this ____ day of _____, 2022.

ERIC MORGAN, OWNER LOTS 30 & 31

ACKNOWLEDGMENT

State of Utah
County of Summit

The foregoing was acknowledged before me this ____ day of _____, 2022 by

Notary Public
Residing at: _____
My commission expires: _____

PLAT NOTES:

1) The purpose of this amended Plat is to remove the driveway easement, abandoned in Book ____ at Page ____, Entry No. ____ and all limitations associated with said easement.

2) No access to Lots 30 and 31 is permitted from Holiday Ranch Loop Road.

3) This plat is subject to the Conditions of Approval in Ordinance 14-16 and Ordinance 19-24.

4) Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to Park City Municipal Corporation (PCMC), with any building permit application, a detailed letter from the HOA outlining HOA concerns and recommendations with said building permit application.

5) A certificate of occupancy issued by PCMC is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building.

6) Any construction on Lots 30 and 31 shall use the original existing grade (2558) topography that was existing prior to any construction on the lots) in the calculation of building height.

7) The garage on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by PCMC. Utility work, including grading and landscape changes, requires a building permit, a letter from the HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to PCMC prior to issuance of any permits for this work.

LOTS 30 & 31 HOLIDAY RANCHETTES
FIRST AMENDED
LOCATED IN SECTION 4,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SLB&M
PARK CITY, SUMMIT COUNTY, UTAH

SCALE: 1"=20'

BASELINE SURVEYING, Inc
P.O. BOX 98771
Salt Lake City, UT 84158 (801) 209-2152

PLAT NOTES CONTINUED:

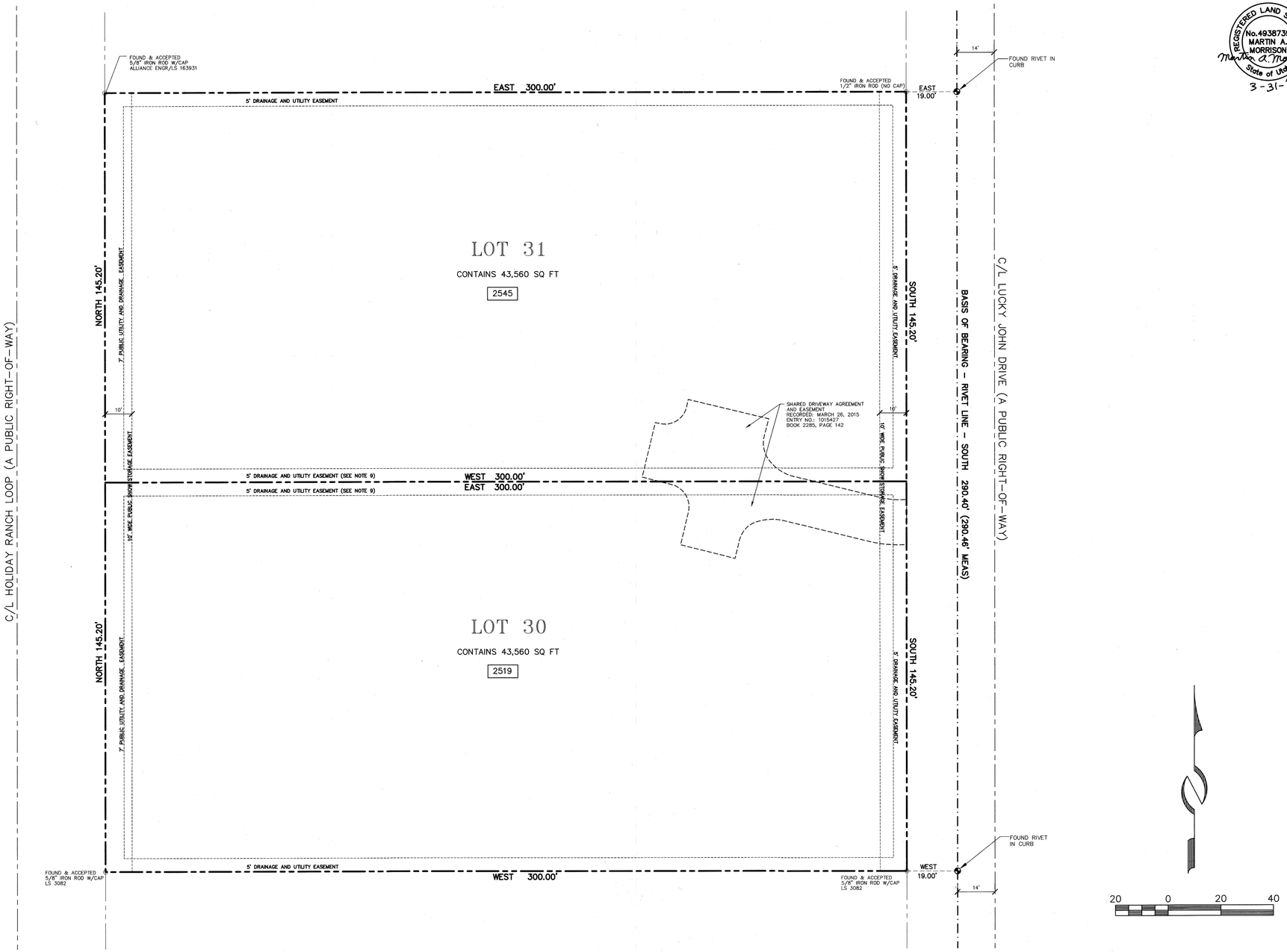
6) 12-D fire sprinklers are required for new construction as required by the Chief Building Official at the time of review of a building permit.

8) Subject to existing drainage and utility easement as shown on Holiday Ranchettes Subdivision Plat.

10) Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work.

11) The Shared Driveway Agreement and Easement, recorded on March 26, 2015 as (Entry No. 1015423, Book 2285, Page 142) has been terminated and abandoned pursuant to that Termination and Abandonment of Declaration of Restrictive Covenants and Shared Driveway Agreement and Easement, recorded on _____ as entry No. _____, Book _____, Page _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PUBLIC SAFETY ANSWERING POINT APPROVAL	PLANNING COMMISSION	CERTIFICATE OF ATTEST	ENGINEER'S CERTIFICATE	COUNCIL APPROVAL AND ACCEPTANCE	APPROVAL AS TO FORM	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS _____ DAY OF _____, 20__.	APPROVED THIS _____ DAY OF _____, 20__.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 20__.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 20__.	I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT REVIEWED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH AVAILABLE INFORMATION ON FILE IN THIS OFFICE.	APPROVED THIS _____ DAY OF _____, 20__. ON BEHALF OF THE PARK CITY COUNCIL.	APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20__.	ENTRY NO. _____ STATE OF UTAH COUNTY OF SUMMIT DATE _____ TIME _____ RECORDED AND FILED AT THE REQUEST OF:
BY: S.B.W.R.D.	BY: JEFF HANS 911 DIRECTOR THE SUMMIT COUNTY PUBLIC SAFETY ANSWERING POINT	CHAIR	PARK CITY RECORDER	DATE / PARK CITY ENGINEER	MAYOR	PARK CITY ATTORNEY	COUNTY RECORDER



SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No.4938739 MARTIN A. MORRISON State of Utah

3-31-'15

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of LOTS 30 & 31, HOLIDAY RANCHETTES and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

2519 LUCKY JOHN DRIVE REPLAT FKA Lots 30 and 31, Holiday Ranchettes Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as LOTS 30 & 31 HOLIDAY RANCHETTES, does hereby certify that it has caused this Re-establishment of the Original Plat of Lots 30 and 31, Holiday Ranchettes Subdivision, to be prepared, and Costa Rican Ventures, LLC, a Nevada limited liability company, hereby consents to the recordation of this Re-establishment of the Original Plat of Lots 30 and 31, Holiday Ranchettes Subdivision.

In witness whereof, the undersigned set her hand this 7th day of April, 2015.

Costa Rican Ventures, LLC, a Nevada limited liability company
Kirsten Lanzkowsky, Manager

ACKNOWLEDGMENT

State of NEVADA :
County of CLARK ss:

On this 7TH day of APRIL, 2015, Kirsten Lanzkowsky personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Kirsten Lanzkowsky acknowledged to me that Costa Rican Ventures, LLC, a Nevada limited liability company, is the owner of the herein described tract of land and that she, as manager of Costa Rican Ventures LLC, a Nevada limited liability company, is authorized to sign the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public

GARY S. GUBITZ
Printed Name

Residing in: LAS VEGAS, NEVADA

My commission expires: 9-22-2015

GARY S. GUBITZ Notary Public State of Nevada Appt. No. 11-5705-1 My Appt. Expires Sep. 22, 2015

NOTES

1. XXXX Street address on Lucky John Drive
2. No access to Lots 30 and 31 is permitted from Holiday Ranch Loop Road.
3. This plat is subject to the Conditions of Approval in Ordinance 14-18 and Ordinance 15-24.
4. Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to Park City Municipal Corporation (PCMC), with any building permit application, a detailed letter from the HOA outlining HOA concerns and recommendations with said building permit application.
5. A certificate of occupancy, issued by PCMC, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building.
6. Any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that was existing prior to to any construction on the lots) in the calculation of building height.
7. The garage on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by PCMC. Utility work, including grading and landscape changes, requires a building permit. A letter from the HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to PCMC prior to issuance of any permits for this work.
8. 13-D fire sprinklers are required for new construction as required by the Chief Building Official at the time of review of a building permit.
9. Existing drainage and utility easement as shown on the Holiday Ranchettes Subdivision Plat
10. Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work.

RE-ESTABLISHMENT OF THE ORIGINAL PLAT OF LOT 30 AND LOT 31, HOLIDAY RANCHETTES SUBDIVISION

LOTS 30 & 31 HOLIDAY RANCHETTES

LOCATED IN SECTION 4
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

3/31/15 JOB NO.: 4-5-13 FILE: X:\ParkMeadows\dwg\srv\plat2013\040513.dwg

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 8th DAY OF April, 2015
BY S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12th OF MARCH, 2014
BY CHAIR

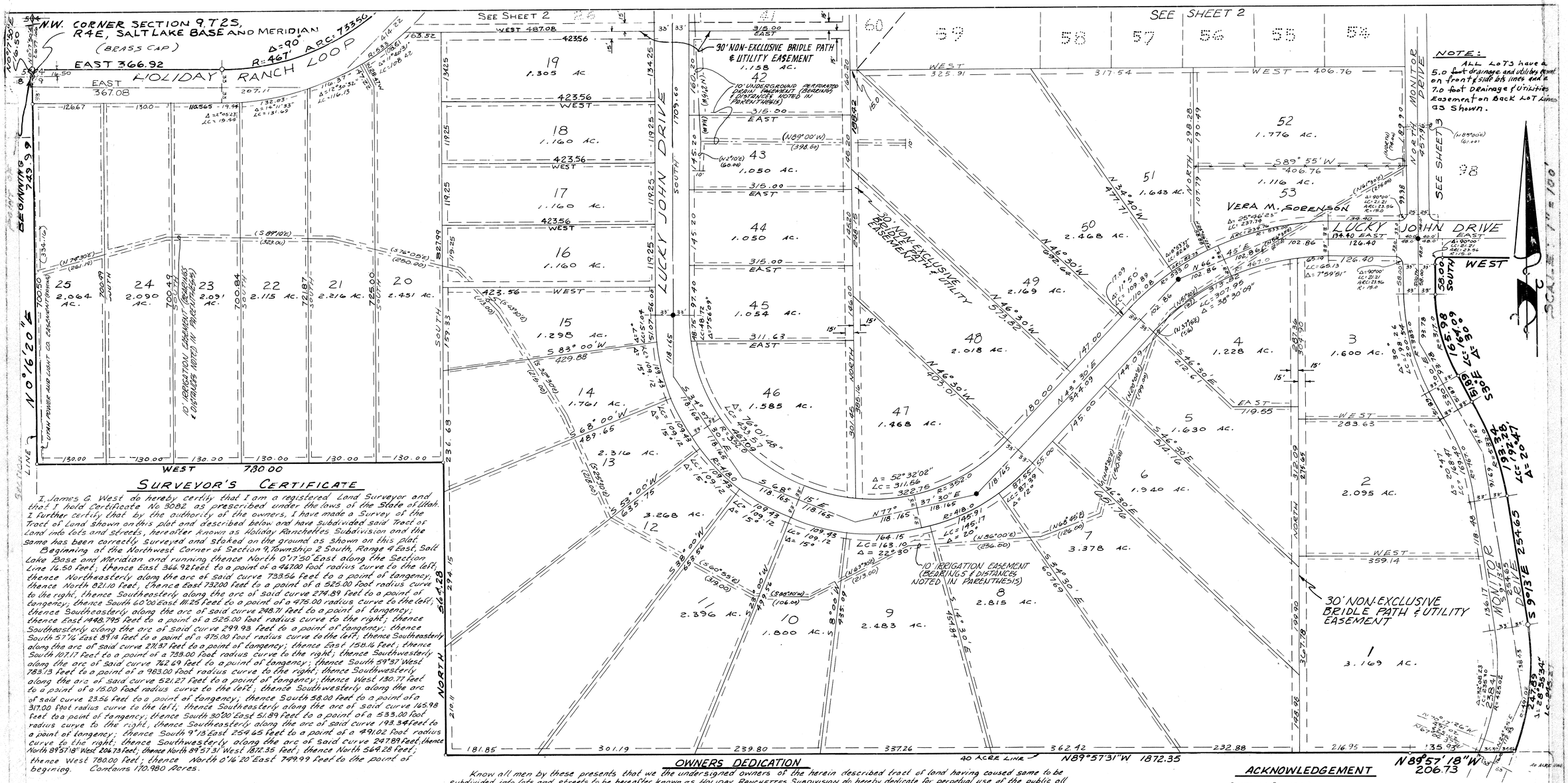
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 7th DAY OF April, 2015
BY PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 11th DAY OF August, 2015
BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 12th DAY OF August, 2015
BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 8th DAY OF MAY, 2014
BY MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF COALITION TITLE AGENCY
DATE 6/12/15 TIME 12:18 pm ENTRY NO. 1025659
32.00 FEE
E. Willoughby-deputy RECORDER



SURVEYOR'S CERTIFICATE

I, James G. West do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 3082 as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners, I have made a Survey of the Tract of Land shown on this plat and described below and have subdivided said Tract of Land into lots and streets, hereafter known as Holiday Ranchettes Subdivision and the same has been correctly Surveyed and Staked on the ground as shown on this plat.

Beginning at the Northwest Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence North 0°17'50" East along the Section Line 14.50 feet; thence East 366.92 feet to a point of a 467.00 foot radius curve to the left; thence Northeasterly along the arc of said curve 733.56 feet to a point of tangency; thence North 821.10 feet; thence East 739.00 feet to a point of a 525.00 foot radius curve to the right; thence Southeasterly along the arc of said curve 274.89 feet to a point of tangency; thence South 60°00 East 111.25 feet to a point of a 475.00 radius curve to the left; thence Southeasterly along the arc of said curve 248.71 feet to a point of tangency; thence East 1448.795 feet to a point of a 525.00 foot radius curve to the right; thence Southeasterly along the arc of said curve 299.93 feet to a point of tangency; thence South 57°½ East 89.14 feet to a point of a 475.00 foot radius curve to the left; thence Southeasterly along the arc of said curve 271.37 feet to a point of tangency; thence East 1591.16 feet, thence South 10°17' East to a point of a 739.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 762.69 feet to a point of tangency; thence South 59°37' West 788.13 feet to a point of a 983.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 521.27 feet to a point of tangency; thence West 130.77 feet to a point of a 15.00 foot radius curve to the left; thence Southwesterly along the arc of said curve 23.56 feet to a point of tangency; thence South 58.00 feet to a point of a 317.00 foot radius curve to the left; thence Southeasterly along the arc of said curve 145.98 feet to a point of tangency; thence South 30°00 East 51.89 feet to a point of a 533.00 foot radius curve to the right; thence Southeasterly along the arc of said curve 198.34 feet to a point of tangency; thence South 9°13 East 254.65 feet to a point of a 491.02 foot radius curve to the right; thence Southwesterly along the arc of said curve 247.89 feet, thence North 89°57'18" West 206.73 feet; thence North 89°57'31" West 1872.35 feet; thence North 564.28 feet; thence West 780.00 feet; thence North 0°16'20" East 799.99 feet to the point of beginning. Contains 170.980 Acres.

March 8, 1973
DATE

James G. West
JAMES G. WEST, SURVEYOR
LICENSE NO. 3082

OWNERS DEDICATION

Know all men by these presents, that we the undersigned owners of the herein described tract of land having caused same to be subdivided into lots and streets to be hereafter known as HOLIDAY RANCHETTES SUBDIVISION do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof we have hereunto set our hands this 11TH day of APRIL AD 1974.

WESTERN MORTGAGE CORPORATION A DIVISION OF UNIONAMERICA INC.
A CALIFORNIA CORPORATION
W. Scott Hroza, SECOND VICE PRESIDENT — James H. Donell, VICE PRESIDENT

GREATER PARK CITY COMPANY
A UTAH CORPORATION
J. Warren King, PRESIDENT — Jack J. Johnson, VICE PRESIDENT

ROYAL STREET CORPORATION
A LOUISIANA CORPORATION
Edgar B. Stern Jr., CHAIRMAN OF THE BOARD — Robert W. Wells, ASSISTANT TREASURER

VERA M. SORENSON
OWNER
Vera M. Sorenson, OWNER

ACKNOWLEDGMENT

STATE OF UTAH } SS
COUNTY OF SUMMIT }

On this 14 day of March AD 1973 personally appeared before me the undersigned Notary Public in and for said State and County, J Warren King President and Jack J. Johnson Vice President who after being duly Sworn acknowledged to me that they are the President and Vice President of Greater Park City Company a Utah Corporation that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose therein mentioned and that said corporation executed the same.

Notary Public
My Commission Expires 11-1-76
Residing in Summit County, Utah

ACKNOWLEDGMENT

STATE OF UTAH } SS
COUNTY OF SUMMIT }

On this 8 day of June AD 1973 personally appeared before me the undersigned Notary Public in and for said State and County, Vera M Sorenson owner, who after being duly Sworn acknowledged to me that she is the owner, and that she signed the Owners Dedication freely and voluntarily for the purpose therein mentioned and that said owner executed the same

Notary Public
My Commission Expires 11-1-76
Residing in Summit County, Utah

ACKNOWLEDGMENT

STATE OF UTAH } SS
COUNTY OF SUMMIT }

On this 11th day of April AD 1974 personally appeared before me the undersigned Notary Public in and for said State and County, Edgar B. Stern Jr., Chairman of the Board, and Robert W Wells, Assistant Treasurer of Royal Street Corporation, a Louisiana Corporation, that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose there in mentioned and that said Corporation executed the Same

Notary Public
My Commission Expires 1-6-77
Residing in Orleans County, Utah

ACKNOWLEDGEMENT

STATE OF CALIFORNIA } SS
COUNTY OF SAN FRANCISCO }

On this 22 ND day of MARCH AD 1974 personally appeared before me the undersigned Notary Public in and for said State and County, W Scott Hroza Second Vice President and James H. Donell Vice President, who after being duly Sworn, acknowledged to me that they are the Second Vice President and the Vice President of Western Mortgage Company a Division of Unionamerica Inc. a California Corporation, that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose therein mentioned and that said Corporation executed the same.

Notary Public
My Commission Expires MAY 21, 1975
Residing in SAN MATEO County CALIF.

HOLIDAY RANCHETTES SUBDIVISION

A Subdivision Located in the North Half of Section 9, & the South Half of Section 4 Township 2 South Range 4 East, Salt Lake Base & Meridian

• Denotes Monument

SHEET 1 OF 3 SHEETS

PREPARED BY	CITY PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL & ACCEPTANCE	RECORDED 123347
GREATER PARK CITY CO. Box 39 84060 PARK CITY, UTAH PHONE 649-8111 DEC. 72 BY: STAN VINCENT	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 8TH DAY OF MAY AD 1974 Victor A. Buck CHAIRMAN	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 8th DAY OF May AD 1974 John Brubaker PARK CITY ENGINEER	APPROVED AS TO FORM THIS 16th DAY OF MAY AD 1974 PARK CITY ATTORNEY	ATTEST THIS 16TH DAY OF MAY AD 1974 Bruce E Decker PARK CITY RECORDER	APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 16 DAY OF May AD 1974 MAYOR	STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF Greater Park City Company DATE 5-31-1974 TIME 2:10 BOOK — PAGE — 39.50 FEE # A $ Wanda Y. Scruggs SUMMIT COUNTY RECORDER

HOLIDAY RANCHETTES

SURVEYOR'S CERTIFICATE

I, JAMES G. WEST DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE No 3082 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER KNOWN AS HOLIDAY RANCHETTES SUBDIVISION AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

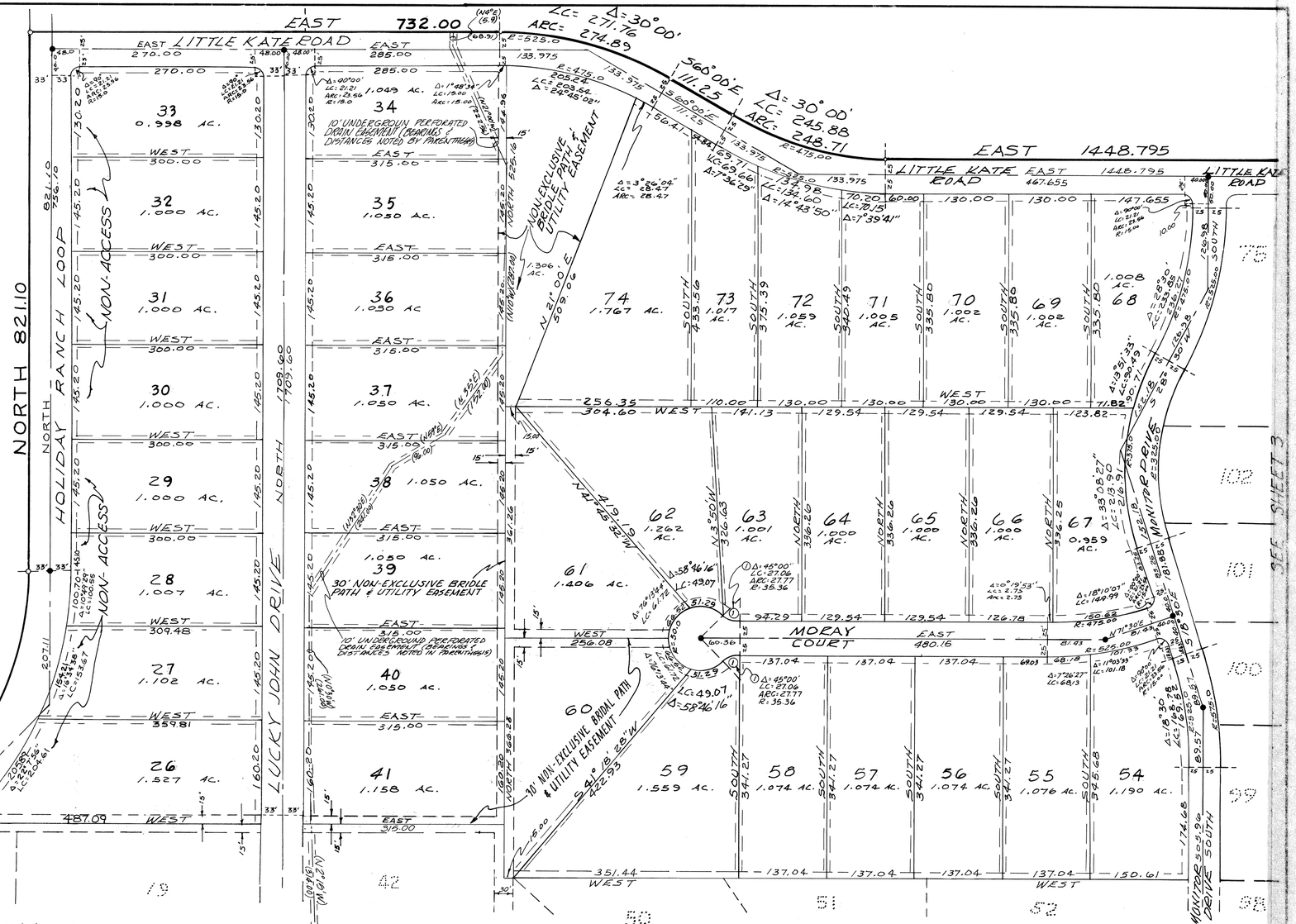
SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.

March 8, 1973
DATE

James G. West
JAMES G. WEST, SURVEYOR

NOTE:
All lots have a 5.0 foot drainage & Utilities easement on Front Lot and side Lot lines & a 7.0 foot drainage & Utilities easement on Back Lot Lines as Shown.

SCALE: 1" = 100'



ACKNOWLEDGMENT

STATE OF CALIFORNIA } SS
COUNTY OF SAN FRANCISCO }

ON THIS 12ND DAY OF MARCH AD 1974 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, W. SCOTT MCBRIDE SECOND VICE-PRESIDENT AND JAMES H. DONELL VICE-PRESIDENT, WHO AFTER BEING DULY SWORN ACKNOWLEDGED TO ME THAT THEY ARE THE SECOND VICE-PRESIDENT AND THE VICE-PRESIDENT OF WESTERN MORTGAGE COMPANY A DIVISION OF UNIONAMERICA INC. A CALIFORNIA CORPORATION, THAT THE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

James G. Caulfield
NOTARY PUBLIC

MY COMMISSION EXPIRES MAY 21, 1975
RESIDING IN SAN MATEO COUNTY, CALIF.

ACKNOWLEDGMENT

STATE OF UTAH } SS
COUNTY OF SUMMIT }

on this 8th day of June AD 1973 Personally Appeared before Me the Undersigned Notary Public in and for Said State and County, Vera M. Soranson owner, Who after being duly Sworn, acknowledged to me that She is the owner that She signed the owners dedication freely and voluntarily for any in behalf of Said owner for the purpose therein mentioned and that Said owner executed the same.

Jan Wilkins Jr.
NOTARY PUBLIC
My commission expires 11-1-76
RESIDING IN Summit COUNTY, UTAH

ACKNOWLEDGMENT

STATE OF UTAH } SS
COUNTY OF SUMMIT }

ON THIS 14 DAY OF March AD 1973 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, J. WARREN KIMBALL PRESIDENT and Jack J. Johnson, VICE PRESIDENT WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY ARE THE PRESIDENT AND VICE-PRESIDENT OF GREATER PARK CITY COMPANY A UTAH CORPORATION, THAT THEY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

Jan Wilkins Jr.
NOTARY PUBLIC
My commission expires 11-1-76
RESIDING IN Summit COUNTY, UTAH

ACKNOWLEDGMENT

STATE OF Utah } SS
COUNTY OF Summit }

On this 11th day of April AD 1974 personally appeared before me the undersigned Notary Public in and for Said State and County Edgar B. Stern Jr., Chairman of the Board and Robert W. Wells Assistant Treasurer, who after being duly sworn, acknowledged to me that they are the Chairman of the Board and the Assistant Treasurer of Royal Street Corporation, a Louisiana Corporation, that they signed the Owners Dedication freely and voluntarily for and in behalf of said Corporation for the purpose therein mentioned and that said Corporation executed the same.

Linda D. Lewis
NOTARY PUBLIC

My Commission Expires 6-1-77
Residing in Uintah County Utah

• Denotes Monuments

HOLIDAY RANCHETTES SUBDIVISION

A SUBDIVISION LOCATED IN THE NORTH HALF OF SECTION 9 & THE SOUTH HALF OF SECTION 4 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

SHEET 2 OF 3 SHEETS

PREPARED BY
GREATER PARK CITY CO.
BOX 39 PARK CITY, UTAH
84060 Phone 649-8111
DEC. 72 BY: STAN VINCENT

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 8TH DAY OF MAY AD 1974.
Victor A. Buck
CHAIRMAN

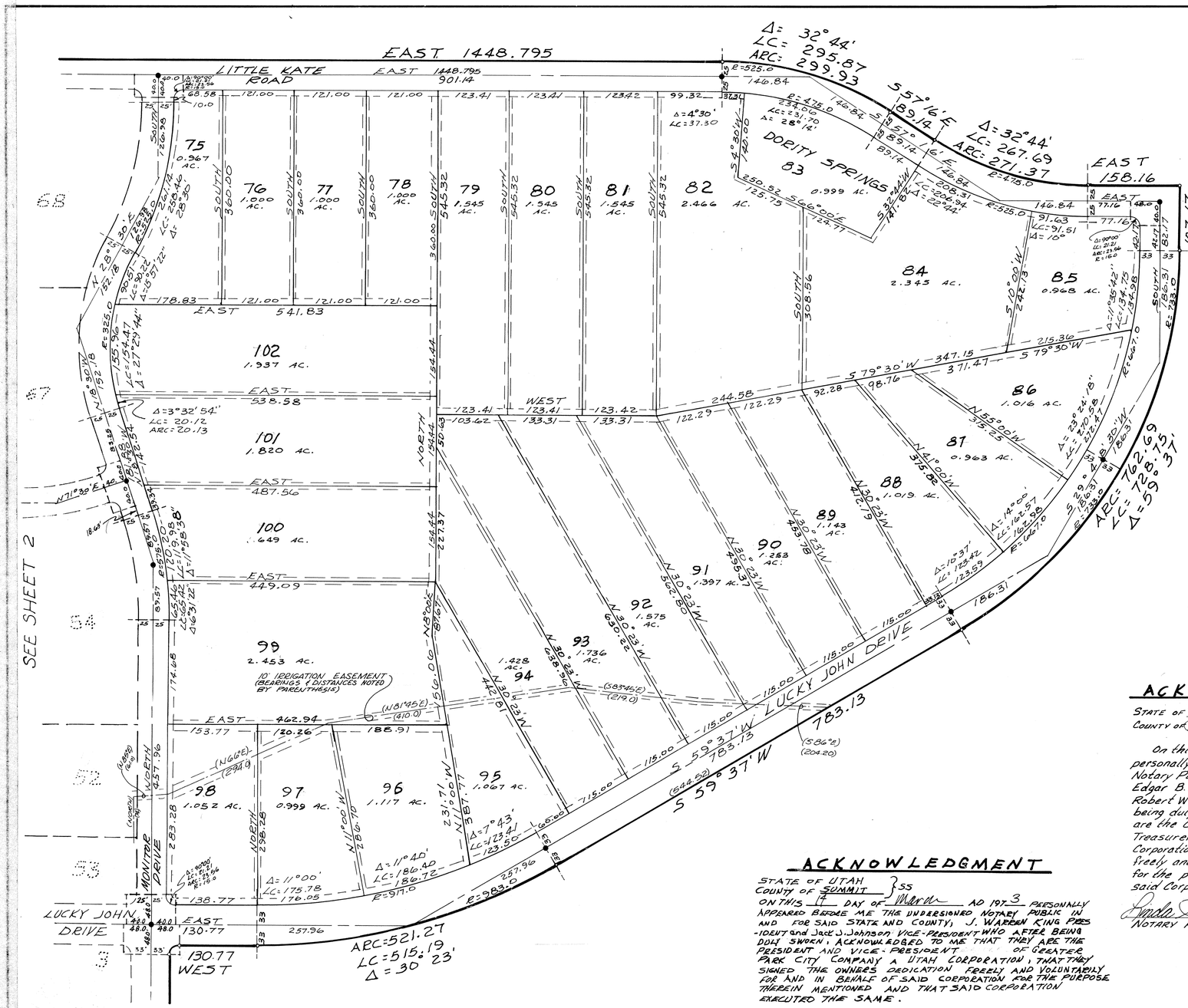
ENGINEERS CERTIFICATE
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 8TH DAY OF May AD 1974
John Gerbaz
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 16 DAY OF MAY AD 1974
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
ATTEST THIS 16TH DAY OF MAY AD 1974
Bruce C. Decker
PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 16 DAY OF May AD 1974
John E. Rice
MAYOR

RECORDED 123547
STATE OF UTAH COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF: Greater Park City Co.
DATE 5-31-74 TIME 2:10 BOOK — PAGE —
39.50 FEE $
Wanda Y. Sanagio
SUMMIT COUNTY RECORDER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LITTLE KATE ROAD
EAST 1448.795
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LC= 295.87
ARC= 299.93
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107.17 SOUTH
DOBITY SPRINGS
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75
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102
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EAST 538.58
EAST 487.56
EAST 449.09
EAST 462.94
WEST 123.41
WEST 123.42
NORTH 154.44
NORTH 227.37
NORTH 298.28
NORTH 257.96
SOUTH 545.32
SOUTH 360.00
SOUTH 308.56
SOUTH 242.73
SOUTH 786.31
S 79°30'W 347.15
371.47
S 5°00'W
N 55°00'W 315.25
N 41°00'W 375.00
N 30°23'W 415.19
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N 30°23'W 562.80
N 30°23'W 630.22
N 30°23'W 698.38
S 29°04'30"W 186.31
S 59°37'W 783.13
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(S83°46'E) (219.0)
(N81°45'E) (410.0)
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(N66°E) (294.0)
N 11°00'W 286.70
N 11°00'W 387.77
N 2°30'W 152.18
N 71°30'E 152.18
N 18°30'W 155.96
N 18°30'W 154.42
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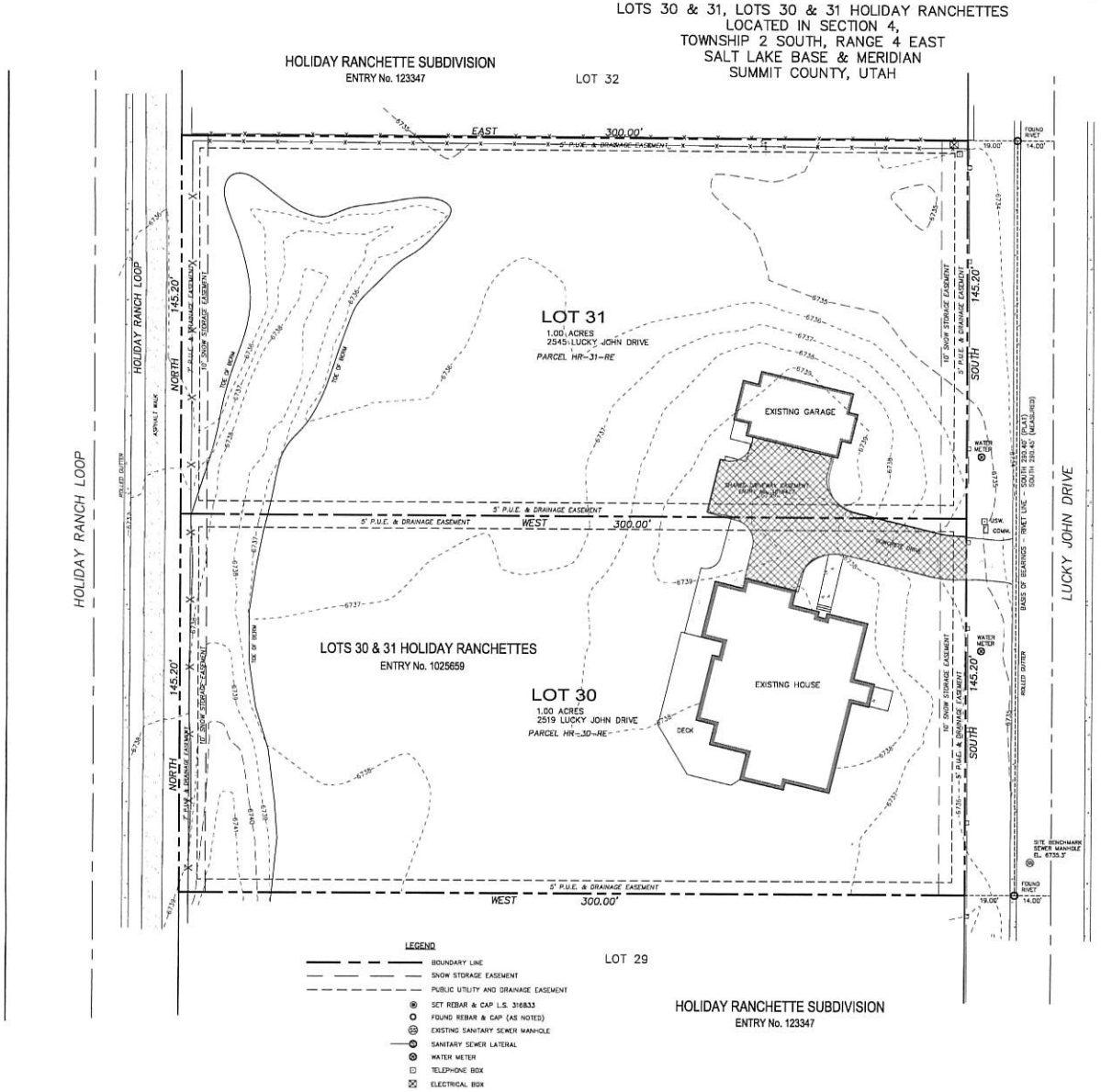
N 18°30'W 154.44
N 18°30'W 154.44
N 18°30'W 154.44

BOUNDARY & TOPOGRAPHIC SURVEY MAP

LOTS 30 & 31, LOTS 30 & 31 HOLIDAY RANCHETTES
LOCATED IN SECTION 4,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



LEGEND

- BOUNDARY LINE
- SNOW STORAGE EASEMENT
- PUBLIC UTILITY AND DRAINAGE EASEMENT
- SET REBAR & CAP L.S. 316833
- FOUND REBAR & CAP (AS NOTED)
- EXISTING SANITARY SEWER MANHOLE
- SANITARY SEWER LATERAL
- WATER METER
- TELEPHONE BOX
- ELECTRICAL BOX

LOT 35

HOLIDAY RANCHETTE SUBDIVISION
ENTRY No. 123347

LOT 36

LOT 37

LOT 38

NORTH

SCALE: 1"=20'

LOCATED IN SECTION 4,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
WASATCH COUNTY, UTAH

LEGAL DESCRIPTION:

Lots 30 and 31, HOLIDAY RANCHETTES SUBDIVISION, according to the plat that re-established the original plat of Lot 30 and 31, Holiday Ranchettes Subdivision on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

HR-30-RE and HR-31-RE

SURVEYOR'S CERTIFICATE:

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah. I further certify that the topographic survey shown hereon was derived from direct field observation and represents the existing conditions and contours as of the date of survey, October 24, 2021.

Russell E. Campbell
2/02/22
Date

NARRATIVE:

The survey was prepared for Eric Morgan.

The purpose of the survey is to locate the boundary, topography and improvements on Lots 30 and 31 to be used for the design of a new structure.

Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. Owner should contact local utility company or governing municipality for verification and/or location of any underground public utilities.

The site benchmark is the sewer manhole opposite Lot 30 as shown, El. 6735.3', NAVD 88 Datum.

See the LOTS 30 & 31 HOLIDAY RANCHETTES, Entry No. 1025659, recorded plat for additional notes regarding construction regulations.

A Title Report by First American Title Insurance Company, File Number 32682, Commitment Date August 04, 2022, was provided by the Owner. The Schedule B – Section II Exceptions were reviewed for plottable easements, none of which were found except those as shown on HOLIDAY RANCHETTES SUBDIVISION, according to the plat that re-established the original plat of Lot 30 and 31.

BASELINE SURVEYING, Inc
PO BOX 58711
Salt Lake City, UT 84158
(801) 209-2152

REVISIONS		
DATE	BY	COMMENTS

JOB No. 1843
SURVEY BY: RC
DRAWN BY: RC

BOUNDARY & TOPOGRAPHIC SURVEY
LOTS 30 & 31
LOTS 30 & 31 HOLIDAY RANCHETTES
2519 & 2545 HOLIDAY RANCH ROAD
SUMMIT COUNTY, UTAH

SHEET 1 of 1

To: Whom It May Concern with in Park City Municipal Planning Dept 16 Nov 2022

From: HOA Holiday Ranchettes Architectural Committee member Steve Streamer

Subject: City Ordinance No. 15-55, Approval of Re-Establishment of Lots 30 and 31 of Holiday Ranchettes subdivision located at 2519 and 2545 Lucky John Drive.

As per Section 1. **APPROVAL. Point 22**. *Proposed conditions of approval require the applicant to provide to the City a letter from the HOA outlining concerns and recommendations regarding any proposed changes to the property, prior to issuance of any building permits.*

As per **Conditions of Approval point 3**. *Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) shall provide to the City, with any building permit application, a detailed letter from the HOA outlining the HOA's concerns and recommendations with said building permit application. This is noted on the plat.*

The Holiday Ranchettes HOA Architectural Committee (AC) has worked extensively with Eric Morgan (owner of Lots 30 and 31) and we recommend to the City that the owner be allowed to re-establish his lots as per the above mentioned City ordinance. This includes removing the existing shared driveway easement on Lots 30 & 31.

He has submitted to the AC a Lacroix Design LC, site plan dated 6/29/2022, drawing number C 300.5 that was approved by the AC on 19 July 2022.

Regards,

16NOV2022

Steve Streamer

Planning Commission
Staff Report

Subject: **2467 Meadow Creek Drive**
Application: **PL-22-05374**
Author: **Jaron Ehlers, Planning Technician**
Date: **December 14, 2022**
Type of Item: **Administrative – Plat Amendment**

Recommendation

(I) Review the proposed Smith Subdivision Second Amended Plat, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on February 16, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in Draft Ordinance No. 2023-XX (Exhibit A).

Description

Applicant:	Paul Caraher Josh Call, Applicant Representative
Location:	2647 Meadow Creek Drive
Zoning Districts:	Parcel A – Single Family, partially in the Sensitive Land Overlay Parcel B – Estate and Sensitive Land Overlay
Adjacent Land Uses:	Single Family and Open Space
Reason for Review:	Plat Amendments require Planning Commission recommendation and City Council final action[1]

LMC Land Management Code
SLO Sensitive Land Overlay

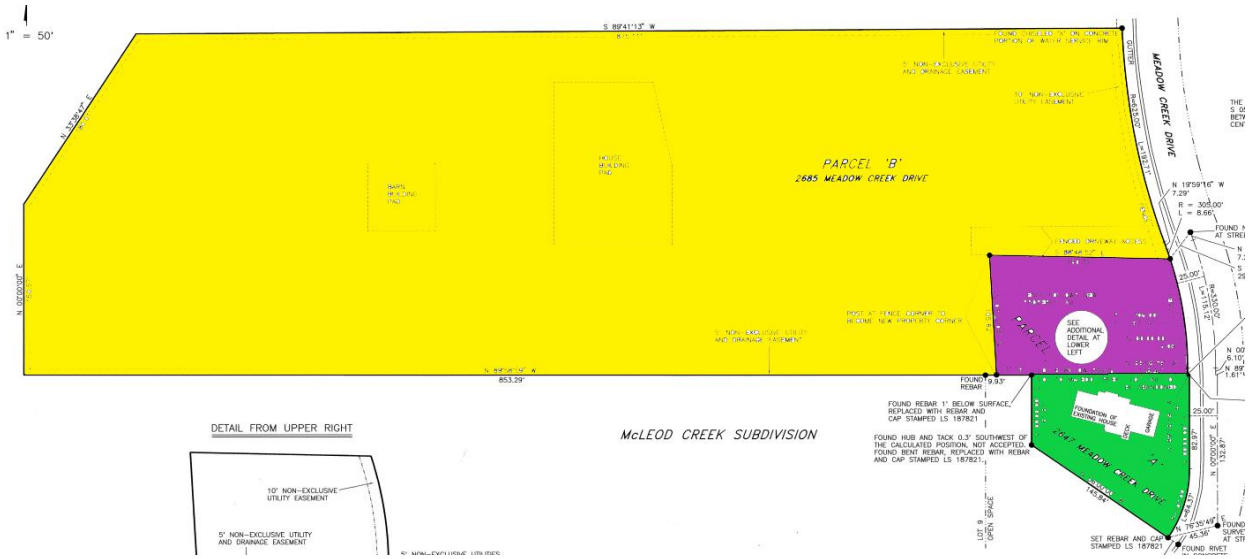
Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Summary

The Applicant proposes to amend Parcel A in the Single-Family Zoning District and Parcel B in the Estate Zoning District of the Smith Subdivision. The Smith Subdivision is a two-Lot Subdivision created with the 0.34-acre Lot 10 of the McLeod Creek Subdivision, which has a Single-Family Dwelling constructed in 1984, as well as the vacant 6.8-acre Lot 6 of the Willow Ranch Subdivision.

The image below shows the Smith Subdivision plat and highlights the proposed changes. Parcel A, shown in green, currently includes the square footage highlighted in purple because of a 1995 plat amendment. Parcel B, shown in yellow, currently excludes the square footage highlighted in purple. The Applicant proposes to shift the area in purple from Parcel A back to Parcel B:

[1] LMC § 15-12-15(B)(9)



Background

In 1980 the City approved the McLeod Creek Subdivision, a 47-Lot Subdivision in the Residential Development Zoning District. In 1987, the City Council passed an ordinance rezoning it Single Family (Exhibit F, Ordinance No. 87-5). On January 28, 1993, Park City annexed acreage that included what became the six-Lot Willow Ranch Subdivision (Exhibit K, Subdivision Approval Letter). Building pads and driveways were designated on Lot 6 of the Willow Ranch Subdivision plat as part of the Sensitive Land Overlay analysis (Exhibit J, January 17, 1993 Planning Commission Minutes).

In 1995, the then owner wished to add an expansion to the Single-Family Dwelling located on Lot 10 of the McLeod Creek Subdivision. However, the proposed expansion encroached into the required setbacks. The property owner applied for a Plat Amendment to create the two-Lot Smith Subdivision. The Smith Subdivision included the vacant Lot 6 of the Willow Ranch Subdivision and the Single-Family Dwelling on Lot 10 of the McLeod Creek Subdivision and shifted Lot 10 of the McLeod Creek Subdivision north to increase the square footage to allow for an addition to the Single-Family Dwelling in compliance with setbacks.

As part of the two-Lot Smith Subdivision, the lots were renamed Parcel A (formerly Lot 10 of the McLeod Subdivision) and Parcel B (formerly Lot 6 of the Willow Ranch Subdivision). The 1995 staff report indicates that a fence already existed that crosses the property lines (Exhibit H). The City Council approved the Smith Subdivision, and the plat was recorded with Summit County on January 23, 1996 (Summit County Recorder Entry No. 446740, Exhibit B). However, the addition to the Single-Family Dwelling on Lot 10 of the McLeod Creek Subdivision was never constructed. The property owners now request to revert to the original Lot boundaries.

On September 8, 2022, the Applicant applied for a Plat Amendment to return the Lot Line back to where it was before the 1995 Plat Amendment, with both lots remaining part of the Smith Subdivision.

Analysis

(I) The proposal to Amend Parcels A and B complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.

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

> **(a) There is Good Cause for this plat amendment because it restores the properties to their original established lots, reduces future development on Parcel A, and restores the designated building pads established for the former Lot 6 of the Willow Ranch Subdivision.**

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

Staff finds Good Cause for this Plat Amendment because it restores the original Lot lines established as part of the McLeod Creek and Willow Ranch Subdivisions, reduces the capacity for an addition to the existing Single-Family Dwelling, restores the setbacks established as part of the original McCleod Creek Subdivision, and retains the building pads and Single-Family Dwelling and barn maximum building footprints and heights that were established for vacant Lot 6 of the Willow Ranch Subdivision.

> **(b) No Public Street, Right-of-Way, or easement is vacated or amended**.

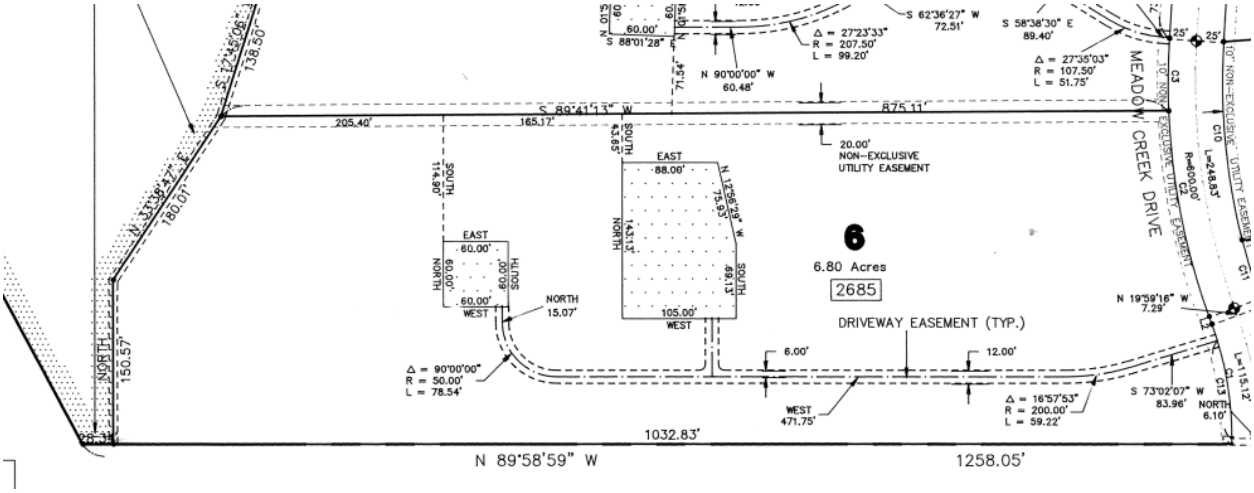
Both Lots of the Smith Subdivision front Meadow Creek Drive. No changes to the public street or right-of-way are proposed. Additionally, easements established as part of the 1995 Smith Subdivision are required to be retained or relocated pursuant to documented easement holder permission, including a 10-foot existing utility and drainage easement common to both Lots (Condition of Approval 9).

(II) The proposal to Amend Parcels A and B complies with the Sensitive Land Overlay outlined in LMC Chapter 15-2.21.

LMC Chapter 15-2.21 establishes regulations for the Sensitive Land Overlay (SLO) to encourage preservation of large expanses of open space and wildlife habitat, to cluster

development while allowing reasonable use of property, to prohibit development on ridge line areas, steep slopes, and wetlands, and to protect and preserve environmentally sensitive land.[2]

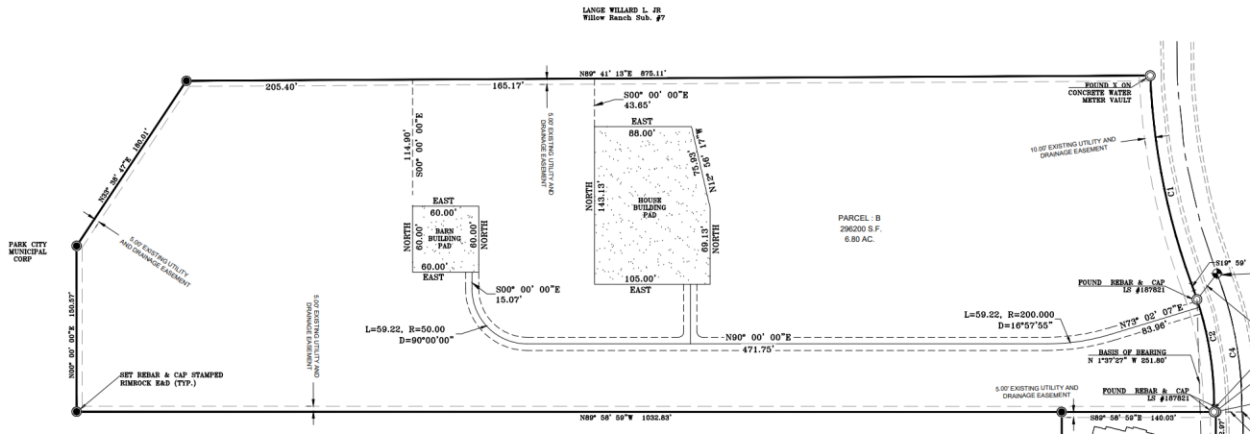
The portion of Parcel A proposed to be shifted to Parcel B, and all of Parcel B of the Smith Subdivision (formerly Lot 6 of the Willow Ranch Subdivision) is within the SLO. The property is not near a designated ridge line area and there are no steep slopes. However, wetlands are identified for the property. When the Willow Ranch Subdivision was created, building pads and driveway boundaries were designated for Lot 6 and development was limited to the areas shown in the excerpt below:



Lot 6 from the Willow Creek Subdivision Plat

The proposed Plat Amendment reinstates the original Willow Ranch Subdivision building pads and driveway designations for former Lot 6 of the Willow Ranch Subdivision:

[2] LMC § 15-2.21-1



Lot B of the proposed Plat

However, regarding the driveway designations, there may be changes required due to updated wetland delineations. Staff recommends the driveway designations be removed during the Plat Amendment redline process because the driveway easements were evaluated based on wetland designations conducted in the 1990s. Staff recommends Condition of Approval 7:

> *A plat note shall include the following: Prior to submitting a building permit for Parcel B, the applicant shall submit an updated wetland designation to confirm the designated building pads and proposed driveway comply with required wetland regulations. If modifications to the designated building pads and proposed driveway location are required, the Planning Director and City Engineer shall determine building pad and driveway locations based upon the updated wetland designation to ensure compliance with the Sensitive Land Overlay and to mitigate site disturbance. Such modifications shall not result in any net expansion of a building pad.*

Additionally, Ordinance No. 95-44, Section 2, Item 3 states the following: “All previous conditions of the Willow Ranch and McLeod Creek Subdivision shall remain in full force and effect” (Exhibit G). The original Willow Ranch Subdivision Plat contained the conditions for Lot 6 (now Parcel B of the Smith Subdivision). Staff recommends these be carried over as plat notes (Condition of Approval 8):

> *Plat notes shall include the following:*
>
> *A maximum of three horses will be allowed and grazing of horses in the wildlife corridor is prohibited for Parcel B.*
>
> *Home square footage is limited to a maximum of 8,000 square feet for Parcel B.*
>
> *Barn square footage is limited to a maximum of 1,800 square feet for Parcel B. Residential use and human occupancy of the barn is prohibited.*

Building height of the home and barn on Parcel B is limited to 23 feet to midpoint of roof and 8 feet to peak of roof.

Parcel B is subject to an Animal Management Plan and Equestrian Lot Open Space Covenant Executed with Park City Municipal Corporation.

Basements are prohibited for Parcel B.

(III) The proposal to amend Parcel B complies with the Estate Zoning District requirements outlined in LMC Chapter 15-2.10.

Proposed Parcel B is within the Estate Zoning District. LMC § 15-2.10-3 establishes Lot and site requirements for this Zoning District. The minimum lot size for all uses is three acres and maximum density is one unit per three acres. Parcel B is 6.4 acres and will increase to 6.8 acres, meeting this requirement. Future development will be restricted to the building pads established as part of the Willow Ranch Subdivision and must comply with the LMC setback, building pad, building height, and significant vegetation regulations.

(IV) The proposal to amend Parcel A complies with the Single-Family Zoning District requirements outlined in LMC Chapter 15-2.11.

LMC § 15-2.11-3 establishes Lot and site requirements for the Single-Family Zoning District. The existing Single-Family Dwelling complies with required setbacks as proposed on the Plat Amendment, outlined below:

Single-Family Zoning Setback Requirements	**Existing distance from proposed lot lines**
Front – 20 Feet	27 Feet
Side – 12 Feet	North - 13 Feet, South - 27 Feet
Rear – 15 Feet	24 Feet

Condition of Approval 10 states that the owners must remove the fence that crosses the proposed lot line between Lot A and Lot B before the Plat may be recorded.

(V) The Development Review Committee reviews the application on September 20, 2022 and did not identify any issues.[3]

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

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

Notice
Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on November 30, 2022. Staff mailed courtesy notice to property owners within 300 feet on November 30, 2022. The *Park Record* published notice on November 30, 2022.[4]

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

Alternatives
- The Planning Commission may forward a positive recommendation to the City Council for Ordinance No. 2023-XX, Approving the Smith Subdivision Second Amended Plat; or
- The Planning Commission may forward a negative recommendation to the City Council for Ordinance No. 2023-XX, Denying the Smith Subdivision Second Amended Plat and direct staff to make findings for this negative recommendation; or
- The Planning Commission may request additional information for Ordinance No. 2023-XX for the Smith Subdivision Second Amended Plat and continue the discussion to a date certain.

Exhibits
Exhibit A: Draft Ordinance
Attachment A: Proposed Plat
Exhibit B: Existing Smith Subdivision Plat
Exhibit C: Willow Ranch Subdivision Plat
Exhibit D: McLeod Creek Subdivision Plat
Exhibit E: Proposed Topography
Exhibit F: Ordinance 87-5
Exhibit G: Ordinance 95-44
Exhibit H: August 31, 1995 City Council Staff Report
Exhibit I: January 28, 1993 City Council Minutes
Exhibit J: January 27, 1993 Planning Commission Minutes
Exhibit K: Subdivision Approval Letter

[4] LMC § 15-1-21.

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE SMITH SUBDIVISION SECOND AMENDED PLAT, LOCATED AT 2647 MEADOW CREEK DRIVE, PARK CITY, UTAH

WHEREAS, the representative of the owners of the property known as the Smith Subdivision has petitioned the City Council to amend the Smith Subdivision Plat within the Single-Family and Estate Zoning Districts; and

WHEREAS, on November 30, 2022, staff posted notice to the property and according to the requirements of the Land Management Code; and

WHEREAS, staff mailed courtesy notice to all affected property owners on November 30, 2022 and legal notice was published in the Park Record and on the Park City and Utah Public Notice websites; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2022;

WHEREAS, on December 14, 2022, the Planning Commission forwarded a _____ recommendation to the City Council; and

WHEREAS, on February 16, 2023, the City Council held a public hearing; and

WHEREAS, it is in the best interest of Park City, Utah, to approve the Smith Subdivision Second Amended Plat; and

WHEREAS, the Smith Subdivision Second Amended Plat will not cause undue harm to adjacent property owners.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Smith Subdivision Second Amended Plat, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. On September 8, 2022, the Applicant applied to amend Parcel A in the Single-Family Zoning District and Parcel B in the Estate Zoning District of the Smith Subdivision.
2. The Smith Subdivision is a two-Lot Subdivision created with the 0.34-acre Lot 10 from the McLeod Creek Subdivision with a Single-Family Dwelling constructed in 1984 and the vacant 6.8-acre Lot 6 from the Willow Ranch Subdivision.

3. In 1980, the City approved the McLeod Creek Subdivision, a 47-Lot Subdivision in the Residential Development Zoning District.
4. In 1987, the City Council passed Ordinance No. 87-5 rezoning it Single Family.
5. In 1993, Park City annexed acreage that included what became the six-Lot Willow Ranch Subdivision. Building pads and driveways were designated on Lot 6 of the Willow Ranch Subdivision plat.
6. In 1995, the then owner wished to add an expansion to the Single-Family Dwelling located on Lot 10 of the McLeod Creek Subdivision. However, the proposed expansion encroached into the required setbacks, so the property owner applied for a Plat Amendment to create the two-Lot Smith Subdivision that included the vacant Lot 6 of the Willow Ranch Subdivision and Lot 10 of the McLeod Creek Subdivision with a Single-Family Dwelling in order to shift the Lot line of Lot 10 of the McLeod Creek Subdivision north to reduce the acreage for Lot 10 of the McLeod Creek Subdivision and increase the acreage for the developed lot to allow for the addition
7. As part of the two-Lot Smith Subdivision, the lots were renamed Parcel A (formerly Lot 10 of the McLeod Subdivision) and Parcel B (formerly Lot 6 of the Willow Ranch Subdivision).
8. The 1995 staff report indicates that a fence already existed that crosses the property lines.
9. The City Council approved the Smith Subdivision, and the plat was recorded with Summit County on January 23, 1996.
10. However, the addition to the Single-Family Dwelling was never constructed and the property owners now request to revert to the original Lot boundaries.
11. There is Good Cause for this Plat Amendment because it restores the original Lot lines established as part of the McLeod Creek and Willow Ranch Subdivisions, reduces the capacity for an addition to the existing Single-Family Dwelling, restores the setbacks established as part of the original McCleod Creek Subdivision, and retains the building pads and Single-Family Dwelling and barn maximum building footprints and heights that were established for vacant Lot 6 of the Willow Ranch Subdivision.
12. Both Lots of the Smith Subdivision front Meadow Creek Drive. No changes to the public street or right-of-way are proposed. Additionally, easements established as part of the Smith Subdivision are required to be retained or relocated, including a 10-foot existing utility and drainage easement common to both Lots.
13. LMC Chapter 15-2.21 establishes regulations for the Sensitive Land Overlay (SLO) to encourage preservation of large expanses of open space and wildlife habitat, to cluster development while allowing reasonable use of property, to prohibit development on ridge line areas, steep slopes, and wetlands, and to protect and preserve environmentally sensitive land.
14. Parcel B of the Smith Subdivision is within the SLO.
15. A portion of existing Parcel A of the Smith Subdivision is within the SLO and is proposed to be shifted back to Parcel B. Proposed Parcel A is not in the SLO.
16. The property is not near a designated ridge line area and there are no steep slopes.

17. When the Willow Ranch Subdivision was created, specific building pads and driveway boundaries were created for Lot 6 and development was limited to these designated areas. The proposed plat includes building pads that were established for Lot 6 of the Willow Ranch Subdivision.
18. Wetlands are identified for the property but the designation was made in the 1990s and requires an update at the time development is proposed.
19. Ordinance No. 95-44, Section 2, Item 3 approving the Smith Subdivision Plat states the following: “All previous conditions of the Willow Ranch and McLeod Creek Subdivision shall remain in full force and effect.”
20. Proposed Parcel B is within the Estate Zoning District.
21. LMC § 15-2.10-3 establishes Lot and site requirements for the Estate Zoning District.
    a. The minimum lot size for all uses is three acres and maximum density is one unit per three acres. Parcel B is 6.4 acres and will increase to 6.8 acres, meeting this requirement.
    b. Future development is restricted to the building pads and must comply with the LMC setback, building pad, building height, and significant vegetation regulations.
22. Proposed Parcel A is within the Single-Family Zoning District.
23. LMC § 15-2.11-3 establishes Lot and site requirements for the Single-Family Zoning District. The existing Single-Family Dwelling complies with required setbacks with the lot configuration as proposed:

    a. Required Front Setback – 20 feet; Existing Single-Family Dwelling Front Setback – 27 feet

    b. Required Side Setback – 12 feet; Existing Single-Family Dwelling North Side Setback – 13 feet; South Side Setback – 27 feet
    c. Required Rear Setback – 15 feet; Existing Single-Family Dwelling Rear Setback – 24 feet

Conclusions of Law:

1. There is Good Cause for the Smith Subdivision Second Amended Plat.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended plat for compliance with State law, the Land Management

Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit application may be submitted until after this plat amendment has been recorded with the County.
4. Development on Parcel A must conform with the land use regulations of the Single-Family Zoning District.
5. Development on Parcel B must conform with the land use regulations of the Estate Zoning District and the Sensitive Land Overlay.
6. The driveway designations for Parcel B must be removed during the Plat Amendment redline process because the driveway easements were evaluated based on wetland designations conducted in the 1990s.
7. *A plat note shall include the following: Prior to submitting a building permit for Parcel B, the applicant shall submit an updated wetland designation to confirm the designated building pads and proposed driveway comply with required wetland regulations. If modifications to the designated building pads and proposed driveway location are required, the Planning Director and City Engineer shall determine building pad and driveway locations based upon the updated wetland designation to ensure compliance with the Sensitive Land Overlay and to mitigate site disturbance. Such modifications shall not result in any net expansion of a building pad.*

8. Plat notes shall include the following:
    a. *A maximum of three horses will be allowed and grazing of horses in the wildlife corridor is prohibited for Parcel B.*
    b. *Home square footage is limited to a maximum of 8,000 square feet for Parcel B.*
    c. *Barn square footage is limited to a maximum of 1,800 square feet for Parcel B. Residential use and human occupancy of the barn is prohibited.*
    d. *Building height of the home and barn on Parcel B is limited to 23 feet to midpoint of roof and 8 feet to peak of roof.*
    e. *Parcel B is subject to an Animal Management Plan and Equestrian Lot Open Space Covenant Executed with Park City Municipal Corporation.*
    f. *Basements are prohibited for Parcel B.*
9. Easements established as part of the 1995 Smith Subdivision are required to be retained or relocated pursuant to documented easement holder permission, including a 10-foot existing utility and drainage easement common to both Lots

10. The owners must remove the fence that crosses the proposed lot line between Lot A and Lot B before the Plat may be recorded.

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

PASSED AND ADOPTED this 16th day of February, 2023.

PARK CITY MUNICIPAL CORPORATION

_____
Nann Worel, MAYOR

ATTEST:

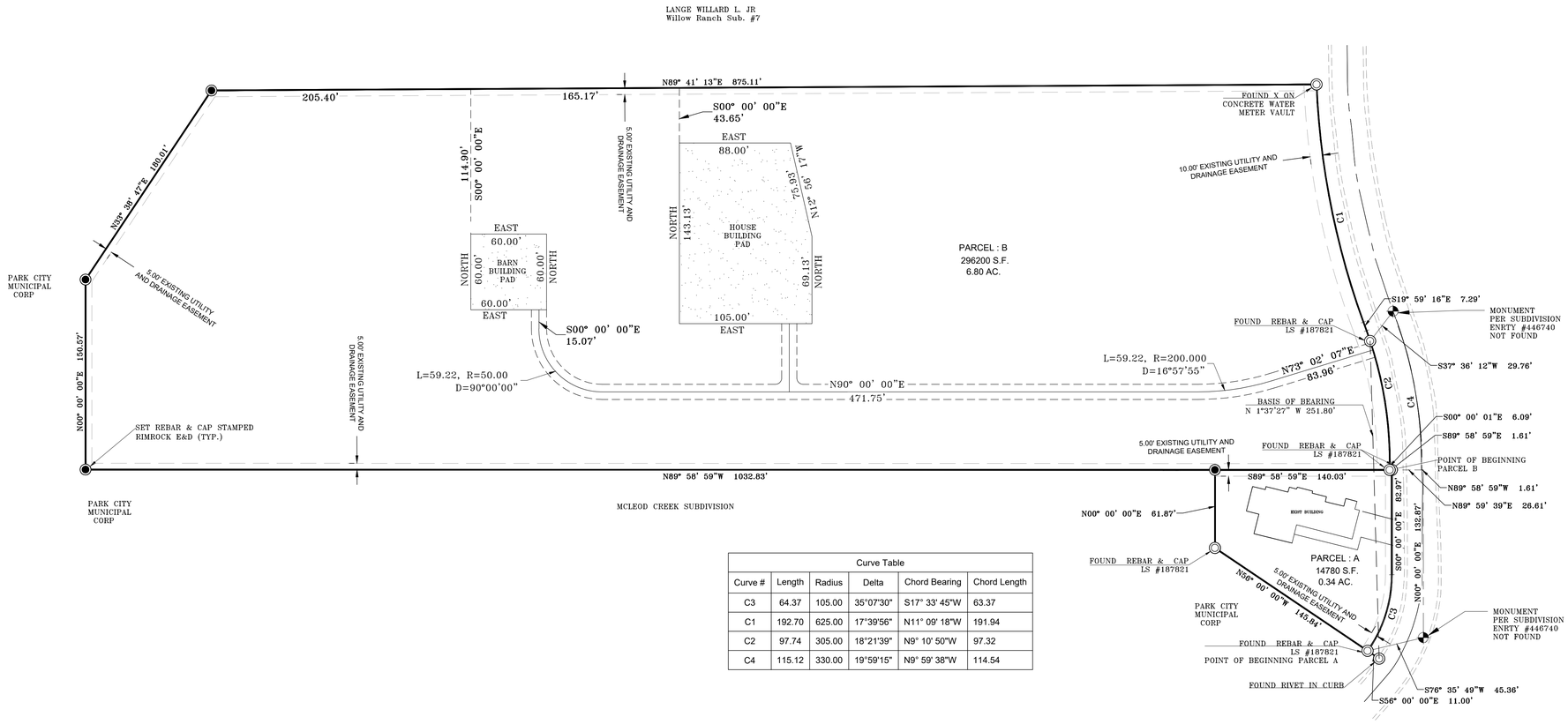
_____
City Recorder

APPROVED AS TO FORM:

_____
City Attorney's Office

SMITH SUBDIVISION 2ND AMENDED

LOCATED IN THE:
SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY
SUMMIT COUNTY, UTAH



Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C3	64.37	105.00	35°07'30"	S17° 33' 45"W	63.37
C1	192.70	625.00	17°39'56"	N11° 09' 18"W	191.94
C2	97.74	305.00	18°21'39"	N9° 10' 50"W	97.32
C4	115.12	330.00	19°59'15"	N9° 59' 38"W	114.54

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT PAUL THOMAS CARAHER III (TRUSTEE) OF THE CARAHER FAMILY TRUST, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, TO BE HEREAFTER KNOWN AS SMITH SUBDIVISION 2ND AMENDED PARCELS A AND B, AS SHOWN ON THIS PLAT AND INTENDED FOR PRIVATE USE, SUBJECT TO EASEMENTS AND RIGHTS GRANTED HEREUNDER AND ANY MATTERS OF RECORD, RESTRICTIONS AND CONDITIONS CONTAINED ON THIS PLAT. IN WITNESS WHEREOF, I/WE HAVE HEREUNTO SET OUR/MY HAND(S) THIS _____ DAY OF _____, 2022, A.D.

BY: _____ _____
PAUL THOMAS CARAHER III DATE

ACKNOWLEDGMENT

STATE OF UTAH)
: SS.
COUNTY OF _____)

ON THE _____ DAY OF _____, A.D. 2022, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNATURE(S) OF THE ABOVE OWNERS DEDICATION _____, WHO ACKNOWLEDGED TO ME THAT (S)HE EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

ALL OF PARCELS A AND B, SMITH SUBDIVISION SECOND AMENDED LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A
BEGINNING AT A POINT 45.36 FEET SOUTH 76°35'49" WEST FROM THE PI MONUMENT IN MEADOW CREEK DRIVE; RUNNING THENCE NORTH 56°00'00" WEST 145.84 FEET; THENCE NORTH 0°00'00" EAST 61.87 FEET; THENCE SOUTH 89°58'59" EAST 140.03 FEET;THENCE SOUTH 0°00'00" EAST 82.97 FEET; TO THE BEGINNING OF A 105.00 FOOT RADIUS CURVE TO THE RIGHT 64.37 FEET (CHORD BEARS SOUTH 17°33'45" WEST 63.37 FEET) TO THE POINT OF BEGINNING.

CONTAINS 14,780 SQ FEET OR 0.34 AC.

PARCEL B
BEGINNING AT A POINT 132.87 FEET NORTH 0°00'00" EAST AND 26.61 FEET SOUTH 89° 58'59" EAST FROM THE PI MONUMENT IN MEADOW CREEK DRIVE; RUNNING THENCE SOUTH 89°58'59" EAST 1032.83 FEET; THENCE NORTH 0°00'00" EAST 150.57 FEET; THENCE NORTH 33°38'47" EAST 180.01 FEET; THENCE NORTH 89°41'13" EAST 875.11 FEET; THENCE TO THE BEGINNING OF A 625.00 FOOT RADIUS CURVE TO THE LEFT 192.70 FEET (CHORD BEARS SOUTH 11°09'18" EAST 191.94 FEET); THENCE SOUTH 19°59'16" EAST 7.29 FEET; TO THE BEGINNING OF A 305.00 FOOT RADIUS CURVE TO THE RIGHT 97.74 FEET (CHORD BEARS SOUTH 9°10'50" EAST 97.32 FEET); THENCE SOUTH 0°00'00" EAST 6.09 FEET TO THE POINT OF BEGINNING.

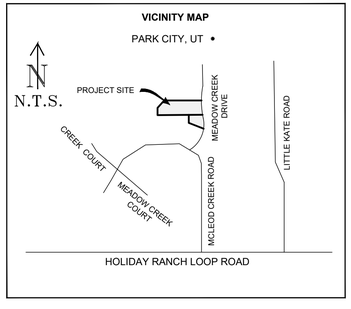
CONTAINS: 296200 SQ FEET OR 6.80 AC.

PLAT NOTES

THE PURPOSE OF THIS PLAT IS TO ADJUST THE LOT LINE FOR PARCELS A & B

1. 10' PUBLIC UTILITY EASEMENTS ON FRONT LOT LINE ALONG ELK MEADOW CIRCLE, 5' PUBLIC UTILITY EASEMENTS ON ALL SIDE AND REAR LOT LINES
2. THIS SUBDIVISION PLAT IS BASED UPON THE PREVIOUS RECORDED SUBDIVISION PLAT BY JOE DHAENENS RECORDED IN THE SUMMIT COUNTY RECORDERS OFFICE ENTRY # 446740
3. BASIS OF BEARING IS BETWEEN A FOUND RIVET IN THE CURB AND GUTTER AND A FOUND REBAR AND CAP LS#187182 AS SHOWN ON THIS PLAT
4. RECORD OF SURVEY, FILE NUMBER_____AND DATED_____, IS ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

VICINITY MAP



SURVEYOR'S CERTIFICATE

I, TRAVIS R. GOWER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, AND THAT I HOLD LICENSE NUMBER 6439364 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY AND HAVE REFERENCED A RECORD OF SURVEY MAP OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THAT PLAT. I DO FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE PREPARED THIS PLAT AND AMENDMENT OF THE PROPERTY DESCRIBED HEREON, HEREAFTER TO BE KNOWN AS ELK MEADOWS SUBDIVISION LOT 4 AND LOT 5 THIRD AMENDED.

PRELIMINARY

LICENSED PROFESSIONAL LAND SURVEYOR — No. 6439364 — TRAVIS R. GOWER — STATE OF UTAH

TRAVIS R. GOWER
P.L.S. 6439364 _____ DATE

PARK CITY RECORDER

APPROVED THIS_____ DAY OF _____, A.D. 2022.

_____
PARK CITY RECORDER

PARK CITY MAYOR

APPROVED THIS_____ DAY OF _____, A.D. 2022.

_____
PARK CITY MAYOR

PARK CITY ATTORNEY

I HAVE EXAMINED THE PROPOSED PLAT OF THIS SUBDIVISION, AND IN MY OPINION IT CONFORMS WITH THE ORDINANCES APPLICABLE THERETO AND NOW IN FORCE AND EFFECT. APPROVED THIS _____ DAY OF _____ A.D. 2022.

_____
PARK CITY ATTORNEY

PARK CITY ENGINEER

I HEREBY CERTIFY THAT THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

_____ _____
PARK CITY ENGINNER DATE

SNYDERVILLE BASIN WATER RECLAMTION DISTRICT

APPROVED THIS_____ DAY OF _____, A.D. 2022.

_____
SBWRD REPRESENTATIVE

PARK CITY PLANNING COMMISION

APPROVED THIS_____ DAY OF _____, A.D. 2022.

_____
CHAIRMAN

RECORDED ENTRY NUMBER _____

STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF: _____

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

_____ _____
FEE $ SUMMIT COUNTY RECORDER

SMITH SUBDIVISION 2ND AMENDED

LOCATED IN THE: SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY SUMMIT COUNTY, UTAH

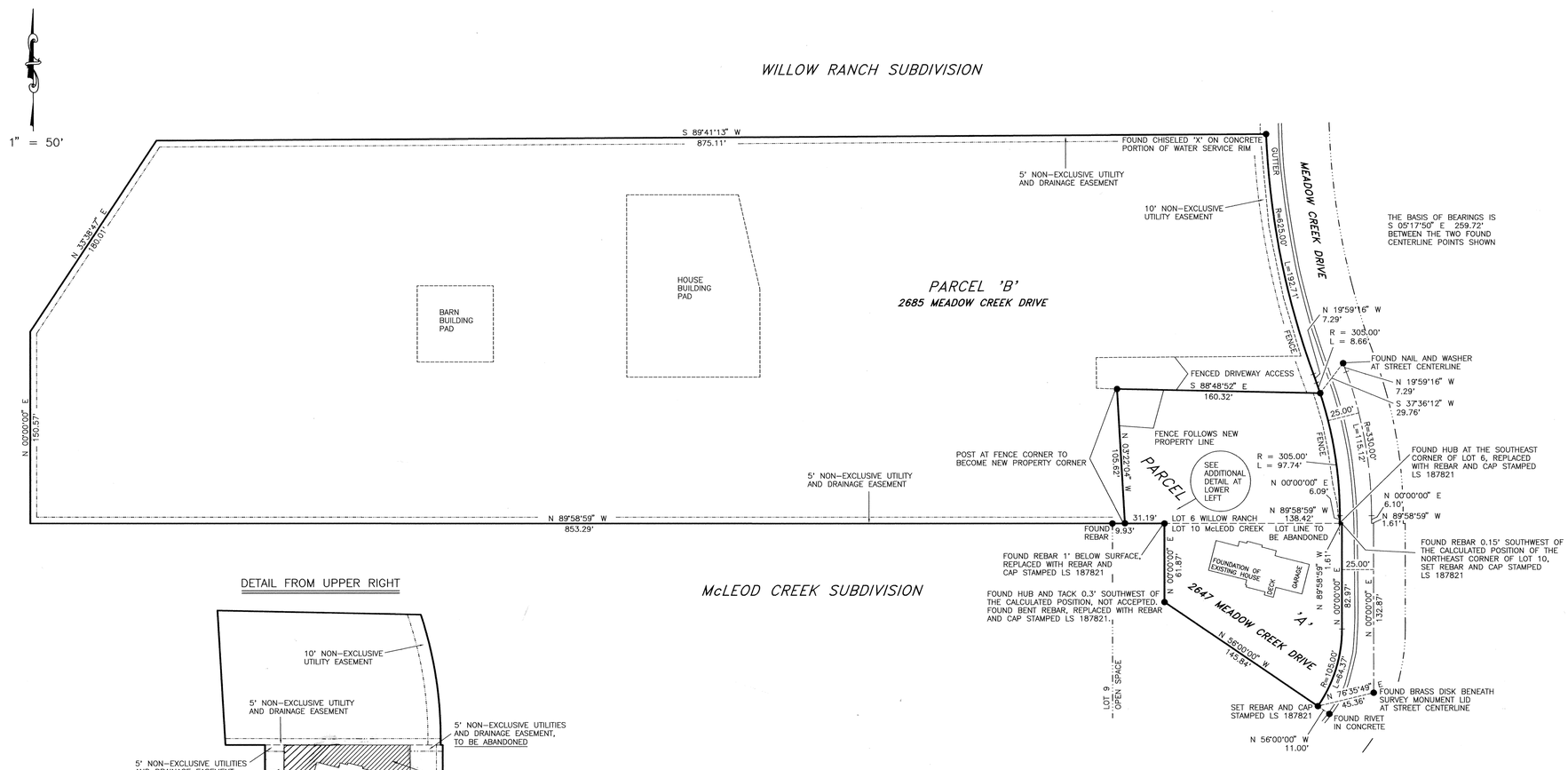
RIMROCK ENGINEERING & DEVELOPMENT

PROJECT NAME
SMITH SUBDIVISION 2ND AMENDED

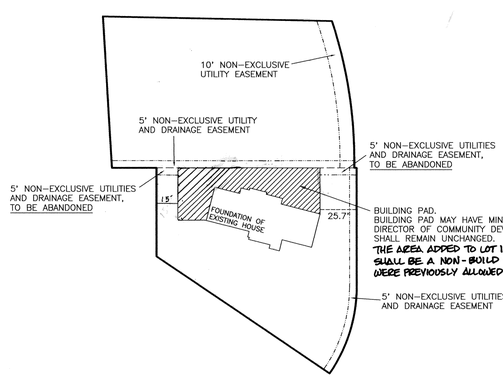
1" = 50'	PROJECT # RGC2216-01-01
DRAWN: TG	DATE: 10/11/2022
CHECKED: AP	SHEET NO: 1 OF 1

PLAT PRINTED: 11/01/2022 11:37 AM
E:\2022 PROJECTS\RGC2216-01 SMITH SUBDIVISION 2ND AMENDED\SURVEY\DWG\RGC2216-01 SMITH SUBDIVISION 2ND AMENDED.DWG

SMITH SUBDIVISION
being a
PLAT AMENDMENT OF LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 McLEOD CREEK SUBDIVISION
and RECORD OF SURVEY



DETAIL FROM UPPER RIGHT



OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT, THAT WE, PHILO M. SMITH, JR. AND DIANE JORDAN SMITH TRUSTEES, THE OWNERS OF THE HEREON DESCRIBED PROPERTY, HEREINAFTER TO BE KNOWN AS SMITH SUBDIVISION, CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE, AND THE PLAT TO BE PREPARED, AND WE DO HEREBY CONSENT TO THE RECORDATION OF THIS SUBDIVISION AND PLAT AMENDMENT.

Philo M. Smith, Jr.
PHILO M. SMITH, JR.

Diane Jordan Smith
DIANE JORDAN SMITH, FOR DIANE JORDAN SMITH TRUSTEES

THE OWNER, OR HIS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY, ALL STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE SUBDIVISION PLAT AND CONSTRUCTION PLANS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

ACKNOWLEDGEMENT

STATE OF Utah
COUNTY OF Summit

ON THIS 6th DAY OF October, 1995, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PHILO M. SMITH, JR. AND DIANE JORDAN SMITH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY ARE THE OWNERS OF THE HEREIN DESCRIBED PROPERTY, AND THEY SIGNED THE ABOVE OWNER'S CONSENT TO RECORD FREELY AND VOLUNTARILY.

NOTARY PUBLIC
GLENNA R. COLLINS
310 South Main, Suite 350
Salt Lake City, Utah 84101
My Commission Expires
December 23, 1998
STATE OF UTAH

Glenna R. Collins
NOTARY PUBLIC
MY COMMISSION EXPIRES: 12-23-98
RESIDING AT: Park City, UT

SURVEYOR'S CERTIFICATE

I, JOE DHAENENS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 187821 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND AS DESCRIBED IN THE NOTES AND LEGAL DESCRIPTION BELOW.

NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS AS SHOWN.
2. SURVEY MONUMENTS WERE FOUND OR SET AS SHOWN.
3. THE PURPOSE OF THIS SURVEY IS FOR BOUNDARY LOCATION AND PLAT AMENDMENT.
4. THIS SURVEY WAS REQUESTED BY PHILO SMITH.
5. THIS SURVEY WAS PERFORMED ON MAY 10, 1995.
6. THE OWNER OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT; THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBERANCES ON THE PROPERTY SURVEYED, EXCEPT AS DRAWN OR NOTED HEREON.
7. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT WHERE OTHERWISE SHOWN.
8. THE PURPOSE OF THIS PLAT AMENDMENT IS TO ADD PART OF LOT 6 TO LOT 10. OTHER LOT LINES IN McLEOD CREEK AND WILLOW RANCH SUBDIVISIONS WILL NOT BE AFFECTED.

LEGAL DESCRIPTIONS

PARCEL A:
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASELINE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 10 OF McLEOD CREEK SUBDIVISION, TOGETHER WITH A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, THENCE N 89°58'59" W ALONG THE COMMON LINE BETWEEN McLEOD CREEK AND WILLOW RANCH SUBDIVISIONS 169.61 FEET, THENCE N 03°22'04" W 105.62 FEET, THENCE S 88°48'52" E 160.32 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE, THENCE 97.74 FEET IN A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 09°10'50" E 97.32 FEET, THENCE S 00°00'00" E 6.09 FEET TO THE POINT OF BEGINNING.
PARCEL A CONTAINS 0.74 ACRES.

PARCEL B:
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASELINE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 6 OF WILLOW RANCH SUBDIVISION, EXCEPTING THEREFROM A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, THENCE N 89°58'59" W 169.61 FEET, THENCE N 03°22'04" W 105.62 FEET, THENCE S 88°48'52" E 160.32 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE, THENCE 97.74 FEET IN A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 09°10'50" E 97.32 FEET, THENCE S 00°00'00" E 6.09 FEET TO THE POINT OF BEGINNING.
PARCEL B CONTAINS 6.40 ACRES.

REGISTERED LAND SURVEYOR
No. 187821
JOE DHAENENS
STATE OF UTAH

Joe Dhaenens
JOE DHAENENS

11-28-95
DATE

SURVEYED BY:
ON THE MAP
LAND SURVEYING
P.O. BOX 3864
PARK CITY, UT 84060
647-9826

CITY COUNCIL

APPROVED BY THE PARK CITY COUNCIL ON THIS 31ST DAY OF AUGUST, 1995.

Bradley A. Olch
MAYOR

Anita L. Sheldon
CITY RECORDER

PARK CITY SUMMIT COUNTY UTAH CORPORATE SEAL MARCH 1, 1884

CITY ENGINEER

APPROVED BY THE PARK CITY ENGINEER ON THIS 12TH DAY OF DECEMBER, 1995.

Eric W. DeHaan, PE
CITY ENGINEER

CITY ATTORNEY

APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THIS 10TH DAY OF JANUARY, 1996.

Mark D. Harrington
CITY ATTORNEY

SEWER DISTRICT APPROVAL

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 7TH DAY OF December, 1995.

James K. Braindl
S.B.S.I.D.

RECORDED

NUMBER 446740
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE
REQUEST OF Coalition Title

DATE 01-23-96
TIME 08:34 AM
FEE $32.00

Renee M. Dunn-deputy
COUNTY RECORDER

SMITH SUB

WILLOW RANCH SUBDIVISION

A PART OF THE NORTH HALF OF SOUTHEAST QUARTER OF SECTION 5, T. 2S, R. 4E, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
6	C1	305.00'	106.40'	105.86'	N 09°59'38" W	19°59'16"
6	C2	625.00'	192.71'	191.95'	S 11°09'16" E	17°39'59"
7	C3	625.00'	66.49'	66.46'	S 00°43'35" W	06°05'43"
7	C4	25.00'	22.39'	21.65'	N 21°53'06" W	51°19'04"
7	C5	55.00'	60.50'	57.49'	S 16°02'01" E	63°01'14"
1	C6	55.00'	62.96'	59.58'	S 48°16'19" W	65°35'25"
2	C7	55.00'	62.96'	59.58'	N 66°08'16" W	65°35'25"
3	C8	55.00'	84.89'	76.71'	N 10°52'29" E	88°26'04"
3	C9	25.00'	22.39'	21.65'	S 29°25'59" W	51°19'04"
4	C10	575.00'	182.74'	181.97'	S 05°19'50" E	18°12'33"
3	C11	575.00'	55.72'	55.70'	S 17°12'41" E	05°33'09"
5	C12	355.00'	123.84'	123.21'	N 09°59'38" W	19°59'16"
6	C13	305.00'	90.31'	89.98'	N 08°28'56" W	16°57'53"
1	C14	55.00'	24.32'	24.12'	S 28°08'33" W	25°19'54"
2	C15	55.00'	31.48'	31.05'	N 49°44'25" W	32°47'43"
1	C16	55.00'	24.81'	24.60'	S 68°08'36" W	25°50'51"

LINE	DIRECTION	DISTANCE
L1	S 00°00'00" E	6.09'
L2	N 19°59'16" W	7.29'
L3	S 19°59'16" E	7.29'
L4	N 00°00'00" E	6.10'

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into a public street and lots, together with easements as set forth on the attached plat, hereafter to be known as Willow Ranch Subdivision.

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

Executed this 12th day of FEBRUARY, 1993.

Richard Dudley – President

Willow Ranch Development Inc., a Utah corporation

ACKNOWLEDGEMENT

State of Utah)
County of Summit)

On the 12th day of February, 1993 personally appeared before me, Richard Dudley, who, being by me duly sworn, did say that he is the President of Willow Ranch Development Inc., a Utah Corporation and that within and forgoing Owner's Dedication and Consent to Record, was signed on behalf of said Corporation and said Richard Dudley acknowledged to me that said Corporation executed the same.

My commission expires: 1/6/96

Notary Public

NOTARY PUBLIC
MIKI BRINGHURST
7672 Avondale Drive
Salt Lake City, Utah 84121
My Commission Expires
June 1, 1996
STATE OF UTAH

LEGAL DESCRIPTION

Beginning at the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the East line of the North half of the Southeast Quarter of said Section 5, South 00°17'50" West 1338.83 feet to the Southeast Corner of the North half of the Southeast Quarter of said Section 5, said point also being the Northeast Corner of McLeod Creek Subdivision as recorded; thence along the South line of the North half of the Southeast Quarter of said Section 5, said South line also being the North line of said McLeod Creek Subdivision, North 89°58'59" West 1258.05 feet to a point on the Easterly most line of a 50 foot wide railroad right-of-way; thence along said railroad right-of-way the following two (2) calls: 1) North 28°16'38" West 694.96 feet to a point of a 855.00 foot radius curve to the left; thence 2) along the arc of said curve 75.88 feet thru a central angle of 05°05'05"; thence North, 387.86 feet; thence South 79°53'25" East 262.94 feet; thence North 82°51'53" East 140.99 feet; thence South 88°02'27" East 185.69 feet; thence North 60°24'25" East 345.20 feet; thence North 26°38'08" East 153.78 feet to a point on the center section line of said Section 5, said point also being on the south line of Ridgeview Subdivision as recorded; thence North 89°57'38" East along said center section line and said subdivision line 679.64 feet to the POINT OF BEGINNING.

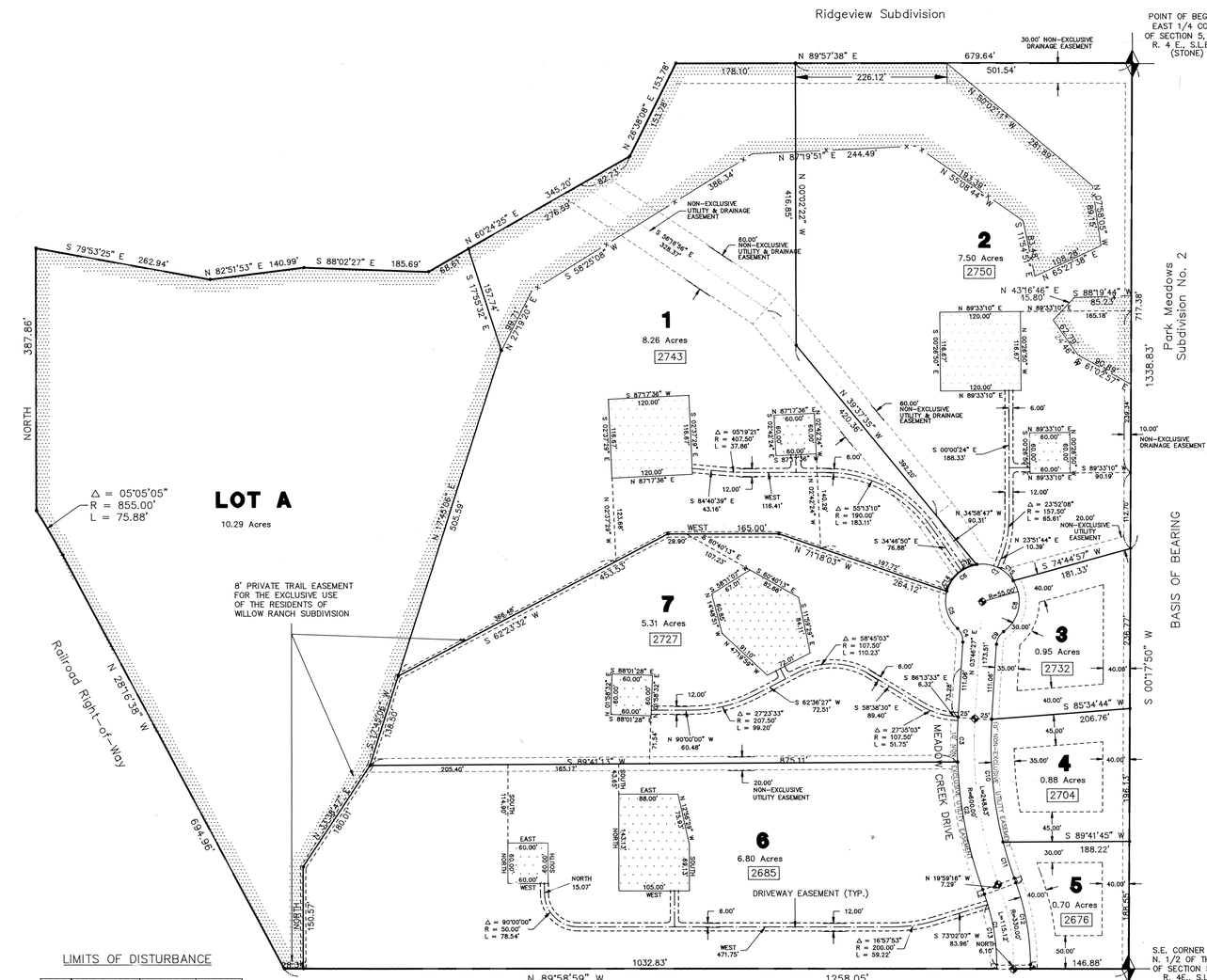
Contains: 41.48 acres of land, more or less.

SURVEYOR'S CERTIFICATE

I, JACK J. JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4496 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

JACK J. JOHNSON

February 12, 1993
DATE:



SCALE: 1" = 100'

NOTES:

1. BUILDINGS SHALL BE CONSTRUCTED WITHIN THE LIMITS OF SHOWN BUILDING PADS.
2. ON LOTS 1 AND 2, THE TOTAL IMPACTED AREA, INCLUDING BUILDING FOOTPRINT AND ADDITIONAL FILL, SHALL NOT EXCEED 14,000 SQUARE FEET.
3. A 5 FOOT NON-EXCLUSIVE UTILITY AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG BOTH SIDES OF ALL LOT LINES.
4. A 10 FOOT NON-EXCLUSIVE UTILITY EASEMENT IS HEREBY DEDICATED ALONG FRONT LOT LINES.
5. ALL FOOTING AND FOUNDATION DESIGNS SHALL BE APPROVED BY GEOTECHNICAL ENGINEERS.
6. IRRIGATION IN ALL LOTS BY SPRINKLER ONLY.
7. ON LOTS 1, 2, 6, AND 7 A MAXIMUM OF THREE HORSES WILL BE ALLOWED AND NO GRAZING OF HORSES IN THE WILDLIFE CORRIDORS.
8. OWNERS OF LOTS 1, 2, 6, AND 7 ARE REQUIRED TO INSTALL AND MAINTAIN LOT LINE FENCING IN ACCORDANCE WITH THE C.C.&R.s AND DESIGN GUIDELINES OF WILLOW RANCH.
9. HOME SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 8,000 SQUARE FEET ON LOTS 1, 2, 6, AND 7 AND 4400 SQUARE FEET ON LOTS 3, 4, AND 5.
10. BARN SQUARE FOOTAGES WILL BE LIMITED TO A MAXIMUM OF 1,800 SQUARE FEET WITH NO HUMAN OCCUPANCY.
11. BUILDING HEIGHTS OF HOMES AND BARNS WILL BE LIMITED TO 23 FEET TO MIDPOINT OF ROOF AND 28 FEET TO PEAK OF ROOF.
12. HOMES ON LOTS 1, 2, 6, AND 7 WILL BE REQUIRED TO INSTALL MODIFIED 13-D FIRE SPRINKLER SYSTEMS AS DIRECTED BY THE PARK CITY FIRE MARSHALL.
13. LOTS 1, 2, 6, AND 7 ARE SUBJECT TO AN ANIMAL MANAGEMENT PLAN AND EQUESTRIAN LOT OPEN SPACE COVENANT EXECUTED WITH THE PARK CITY MUNICIPAL CORPORATION.
14. NO BASEMENTS ARE ALLOWED.
15. PRIOR TO OCCUPANCY OF ANY HOUSE, ITS DRIVEWAY MUST BE PAVED.
16. PARK CITY MUNICIPAL CORPORATION DOES NOT NORMALLY PLOW SNOW WITHIN A SUBDIVISION UNITL 50% OF THE LOTS HAVE BEEN BUILT UPON.
17. NO BUILDING PERMITS WILL BE ISSUED UNITL MEADOW CREEK DRIVE HAS BEEN PAVED. EXCAVATION AND FOOTING/FOUNDATION PERMITS WILL BE ISSUED PRIOR TO PAVING OF MEADOW CREEK DRIVE
18. LOTS 1, 2, 6, AND 7 ARE ALLOWED AN ACCESSORY DWELLING UNIT SUBJECT TO THE APPROVAL OF PARK CITY MUNICIPAL CORPORATION AND RESTRICTIONS AS OUTLINED IN THE WILLOW RANCH CC&Rs.

LEGEND

- HOUSE BUILDING PAD
- BARN BUILDING PAD (60' x 60')
- WILDLIFE CORRIDOR
- 2676 ADDRESS
- STREET MONUMENT

LIMITS OF DISTURBANCE

LOT	BUILDING AREA (sq. ft.)	BARN AREA (sq. ft.)	TOTAL (sq. ft.)
LOT 1	14,000	3600	17,600
LOT 2	14,000	3600	17,600
LOT 6	14,400	3600	18,000
LOT 7	14,400	3600	18,000
		TOTAL	71,200

PLOTTED: JANUARY 22, 1993

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 28TH DAY OF FEBRUARY A.D. 1993 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

MAYOR Anita L. Sheldon

CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 25TH DAY OF FEBRUARY A.D. 1993.

Eric W. DeHaan P.E.

CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 22nd DAY OF February A.D. 1993.

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 22nd DAY OF February A.D. 1993

CITY ATTORNEY

RECORDED

Nº. 324694.
STATE OF UTAH.
COUNTY OF SUMMIT.
RECORDED AND FILED AT THE REQUEST OF:
Coalition Title
DATE: 02-26-93
TIME: 11:15 AM
FEE: $22.00

COUNTY RECORDER

THE JACK JOHNSON COMPANY
1910 Prospector Avenue * Park City, Utah 84060
(801) 645-9000 * fax (801) 649-1620

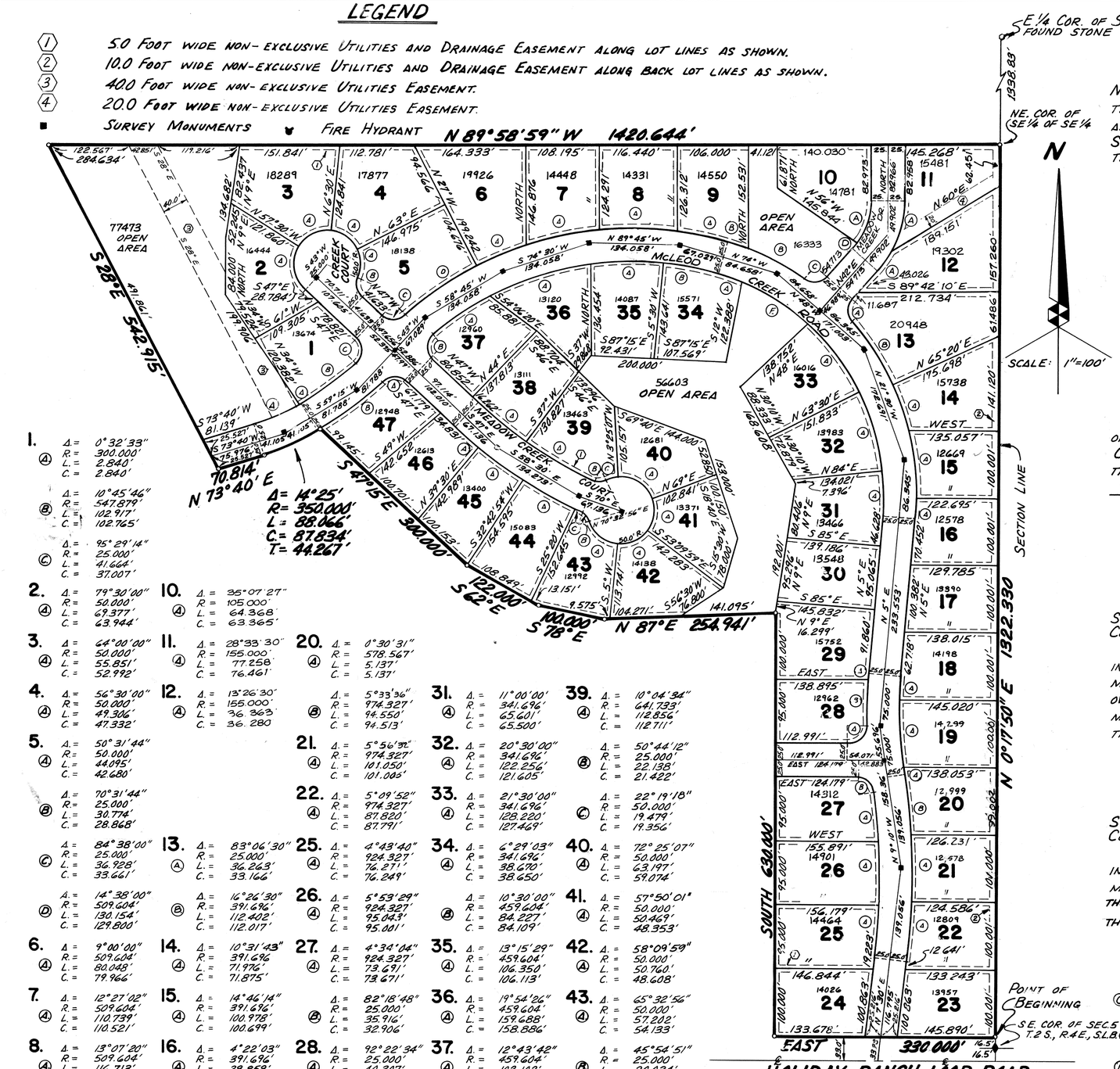
B:16-99 42
SEC 5, T2S R4E
WILLOW RANCH

22-00
WILLOW RANCH

LEGEND

1. 5.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG LOT LINES AS SHOWN.
2. 10.0 FOOT WIDE NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT ALONG BACK LOT LINES AS SHOWN.
3. 40.0 FOOT WIDE NON-EXCLUSIVE UTILITIES EASEMENT.
4. 20.0 FOOT WIDE NON-EXCLUSIVE UTILITIES EASEMENT.

■ SURVEY MONUMENTS ● FIRE HYDRANT



1. Δ = 0°32'33" R = 300.000' L = 2.840' C = 2.840'
   Ⓐ Δ = 10°45'46" R = 547.879' L = 102.917' C = 102.765'
   Ⓒ Δ = 95°29'14" R = 25.000' L = 41.664' C = 37.007'
2. Δ = 79°30'00" R = 50.000' Ⓐ L = 69.377' C = 63.944'
3. Δ = 64°00'00" R = 50.000' Ⓐ L = 55.851' C = 52.992'
4. Δ = 56°30'00" R = 50.000' Ⓐ L = 49.306' C = 47.332'
   Δ = 70°31'44" R = 25.000' Ⓑ L = 30.774' C = 28.868'
   Δ = 84°38'00" R = 25.000' Ⓒ L = 36.928' C = 33.661'
   Δ = 14°38'00" R = 509.604' Ⓓ L = 130.154' C = 129.800'
5. Δ = 50°31'44" R = 50.000' Ⓐ L = 44.095' C = 42.680'
6. Δ = 9°00'00" R = 509.604' Ⓐ L = 80.048' C = 79.966'
7. Δ = 12°27'02" R = 509.604' Ⓐ L = 110.739' C = 110.521'
8. Δ = 13°07'20" R = 509.604' Ⓐ L = 116.713' C = 116.458'
9. Δ = 8°25'38" R = 509.604' Ⓐ L = 74.953' C = 74.886'
   Δ = 05°02'42" R = 391.696' Ⓑ L = 34.491' C = 34.479'
10. Δ = 35°07'27" R = 105.000' Ⓐ L = 64.368' C = 63.365'
11. Δ = 28°33'30" R = 155.000' Ⓐ L = 77.258' C = 76.461'
    Δ = 13°26'30" R = 155.000' Ⓐ L = 36.363' C = 36.280'
12. Δ = 13°26'30" R = 155.000' Ⓐ L = 36.363' C = 36.280'
13. Δ = 83°06'30" R = 25.000' Ⓐ L = 36.263' C = 33.166'
    Δ = 16°26'30" R = 391.696' Ⓑ L = 112.402' C = 112.017'
14. Δ = 10°31'43" R = 391.696' Ⓐ L = 71.976' C = 71.875'
15. Δ = 14°46'14" R = 391.696' Ⓐ L = 100.978' C = 100.699'
16. Δ = 4°22'03" R = 391.696' Ⓐ L = 29.859' C = 29.852'
    Δ = 82°18'48" R = 25.000' Ⓑ L = 35.916' C = 32.906'
17. Δ = 3°43'19" R = 578.567' Ⓐ L = 37.583' C = 37.577'
    Δ = 6°17'24" R = 628.567' Ⓑ L = 69.004' C = 68.970'
18. Δ = 3°43'19" R = 578.567' Ⓐ L = 37.583' C = 37.577'
19. Δ = 9°56'10" R = 578.567' Ⓐ L = 100.333' C = 100.208'
20. Δ = 0°30'31" R = 578.567' Ⓐ L = 5.137' C = 5.137'
    Δ = 5°33'36" R = 974.327' Ⓑ L = 94.550' C = 94.513'
21. Δ = 5°56'35" R = 974.327' Ⓐ L = 101.050' C = 101.005'
22. Δ = 5°09'52" R = 974.327' Ⓐ L = 87.820' C = 87.791'
23. Δ = 4°43'40" R = 924.327' Ⓐ L = 76.271' C = 76.249'
24. Δ = 5°53'29" R = 924.327' Ⓐ L = 95.043' C = 95.001'
25. Δ = 4°34'04" R = 924.327' Ⓐ L = 73.691' C = 73.671'
26. Δ = 10°30'00" R = 459.604' Ⓑ L = 84.227' C = 84.109'
27. Δ = 13°15'29" R = 459.604' Ⓐ L = 106.350' C = 106.113'
28. Δ = 92°22'34" R = 25.000' Ⓐ L = 40.307' C = 36.081'
29. Δ = 1°05'10" R = 628.567' Ⓐ L = 11.915' C = 11.915'
30. Δ = 19°54'26" R = 459.604' Ⓐ L = 159.688' C = 158.886'
31. Δ = 11°00'00" R = 341.696' Ⓐ L = 65.601' C = 65.500'
32. Δ = 20°30'00" R = 341.696' Ⓐ L = 122.256' C = 121.605'
33. Δ = 21°30'00" R = 341.696' Ⓐ L = 128.220' C = 127.469'
34. Δ = 6°29'03" R = 341.696' Ⓐ L = 38.670' C = 38.650'
35. Δ = 13°15'29" R = 459.604' Ⓐ L = 106.350' C = 106.113'
36. Δ = 19°54'26" R = 459.604' Ⓐ L = 159.688' C = 158.886'
37. Δ = 12°43'42" R = 459.604' Ⓐ L = 102.102' C = 101.893'
38. Δ = 7°55'39" R = 641.733' Ⓐ L = 88.791' C = 88.720'
39. Δ = 10°04'34" R = 641.733' Ⓐ L = 112.856' C = 112.711'
    Δ = 50°44'12" R = 25.000' Ⓑ L = 22.138' C = 21.422'
    Δ = 22°19'18" R = 50.000' Ⓒ L = 19.479' C = 19.356'
40. Δ = 72°25'07" R = 50.000' Ⓐ L = 63.197' C = 59.074'
41. Δ = 57°50'01" R = 50.000' Ⓐ L = 50.469' C = 48.353'
42. Δ = 58°09'59" R = 50.000' Ⓐ L = 50.750' C = 48.608'
43. Δ = 65°32'56" R = 50.000' Ⓐ L = 57.202' C = 54.133'
44. Δ = 7°22'54" R = 691.733' Ⓐ L = 89.119' C = 89.057'
45. Δ = 6°47'06" R = 691.733' Ⓐ L = 81.915' C = 81.868'
46. Δ = 3°30'00" R = 691.733' Ⓐ L = 42.256' C = 42.249'
47. Δ = 85°23'45" R = 25.000' Ⓐ L = 37.261' C = 33.907'
    Δ = 11°38'45" R = 597.878' Ⓑ L = 121.523' C = 121.314'
    OPEN AREA
    Δ = 13°52'27" R = 300.000' Ⓐ L = 72.695' C = 72.468'
    Δ = 14°03'48" R = 391.696' Ⓑ L = 96.142' C = 95.901'
    Ⓒ Δ = 83°06'30" R = 25.000' L = 36.263' C = 33.166'
    Δ = 6°52'33" R = 105.000' Ⓓ L = 12.601' C = 12.593'
    Δ = 19°30'57" R = 341.696' Ⓔ L = 116.386' C = 115.825'

SURVEYOR'S CERTIFICATE

I JAMES G. WEST DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE No. 3082 AS PRESCRIBED UNDER THE LAW OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS McLEOD CREEK SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BEGINNING AT A POINT N 0°17'50"E ALONG A SECTION LINE 16.5 FEET FROM THE SOUTHEAST CORNER OF SECTION 5, T.2 S.,R.4 E., S.L.B.&M. AND RUNNING THENCE N 0°17'50" E ALONG SAID SECTION LINE 1322.330 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE N 89°58'59"W ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 1420.644 FEET; THENCE S 28°00'E 542.915 FEET; THENCE N 73°40'E 70.814 FEET TO A CURVE TO THE LEFT, THE RADIUS POINT BEING N 16°20'W 350.000' FEET; THENCE NORTHEASTERLY ALONG THE ARC 88.066 FEET; THENCE S 47°15'E 300.000 FEET; THENCE S 62°E 122.000 FEET; THENCE S 78°E 100.000 FEET; THENCE N 87°E 254.941 FEET; THENCE SOUTH 630.000 FEET TO THE NORTH RIGHT-OF-WAY LINE OF HOLLIDAY RANCH LOOP ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE EAST 330.000 FEET TO THE POINT OF BEGINNING. CONTAINS 23008 ACRES.

Feb 18, 1980 — DATE — James G. West — JAMES G. WEST

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS McLEOD CREEK SUBDIVISION DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 27th DAY OF February A.D. 1980.

McLEOD CREEK ASSOCIATES — Robert L. Harrington — ROBERT L. HARRINGTON

UTAH POWER AND LIGHT CO. — J.C. Taylor — J.C. TAYLOR, VICE PRESIDENT — May 4, 1970 — DATE

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT

ON THIS 27 DAY OF January A.D. 1980 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, ROBERT L. HARRINGTON WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A GENERAL PARTNER OF McLEOD CREEK ASSOCIATES A UTAH PARTNERSHIP THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID COMPANY FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID COMPANY FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID COMPANY EXECUTED THE SAME.

Carol L. Spencer — NOTARY PUBLIC

MY COMMISSION EXPIRES January 26, 1981
RESIDING IN [illegible] COUNTY, UTAH

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT

ON THIS 4th DAY OF March A.D. 1980 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, J.C. TAYLOR WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS A VICE PRESIDENT OF UTAH POWER AND LIGHT CO. A UTAH CORPORATION THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

Carol L. Spencer — NOTARY PUBLIC

MY COMMISSION EXPIRES January 26, 1981
RESIDING IN [illegible] COUNTY, UTAH

McLeod Creek Subdivision

Located in the SE¼ of the SE¼ of Section 5, T.2S., R.4E., S.L.B.&M.

Prepared By:
J.J. Johnson & Associates
Civil Engineering Planning Surveying
1700 Park Avenue P.O. Box 1661
Park City, Utah 84060

City Planning Commission
Approved & Accepted by the Park City Planning Commission this 27 Day of Feb A.D. 1980
Burnis Watts — Chairman

Engineers Certificate
Approved & Accepted by the Park City Engineering Department this 2nd Day of Mar A.D. 1980
John Crobasco — Park City Engineer

Approval as to Form
Approved as to Form this 19 Day of March A.D. 1981
Michael D. Mills — Park City Attorney

Certificate of Attest
Attest this 1st Day of April A.D. 1981
M R Olsen — Park City Recorder

Council Approval & Acceptance
Approved & Accepted by the Park City Council this 1st Day of Apr. A.D. 1981
John C. Green — Mayor

Recorded
No. 178292
State of Utah, County of Summit, Recorded and Filed at the request of:
M R Olsen - Park City Municipal Corp
Date 4/13/81 Time 2:10
3350
Fee
Wanda Y. Spriggs — Summit County Recorder

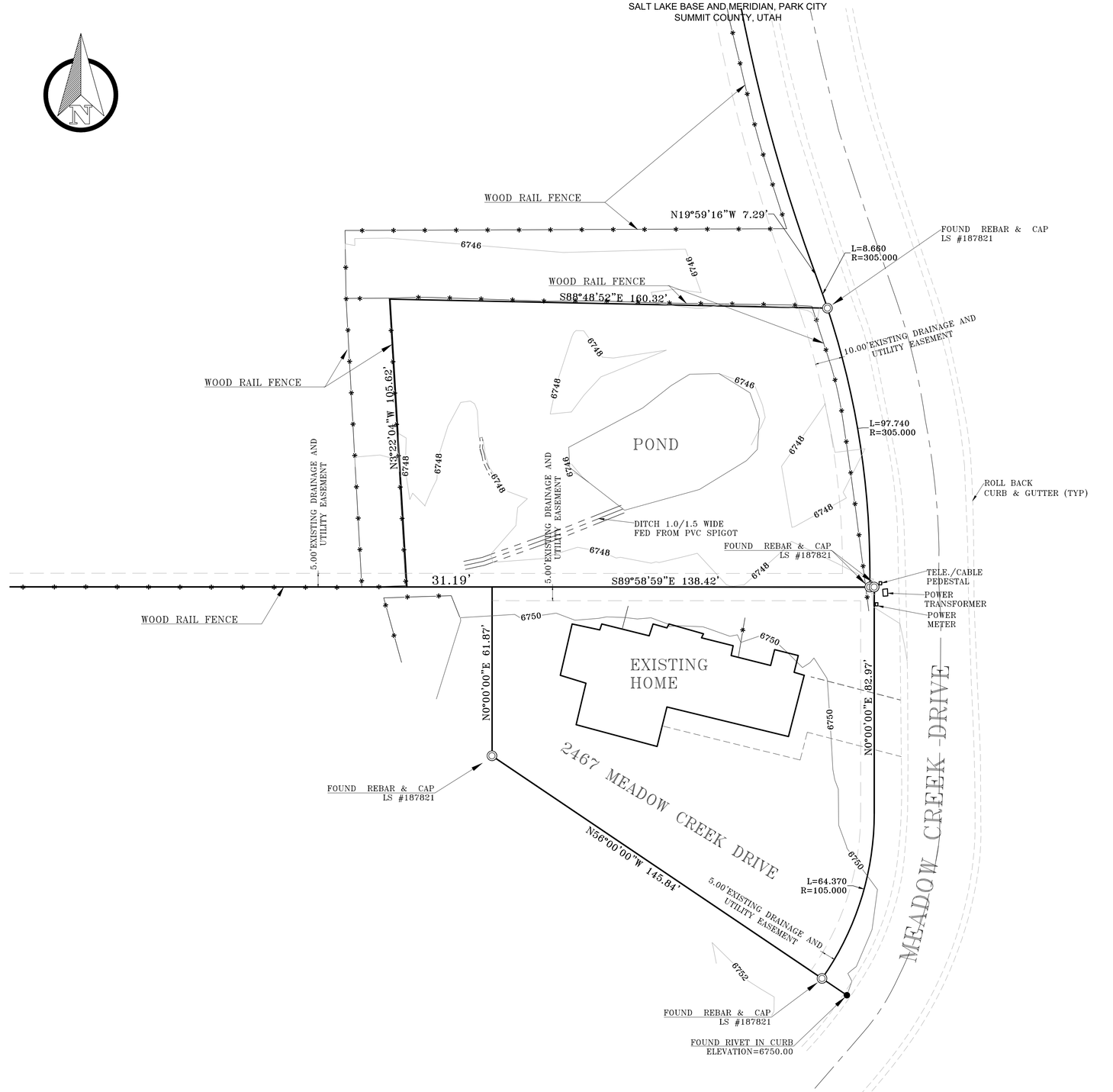
Index A Inv 5A

McLEOD CREEK

10/13/2022

SMITH SUBDIVISION - CERTIFIED TOPOGRAPHY

LOCATED IN THE:
SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY
SUMMIT COUNTY, UTAH



RECORD DESCRIPTIONS

PARCEL A, SMITH SUBDIVISION, PARK CITY, SUMMIT COUNTY, UTAH

NARRATIVE

RIMROCK ENGINEERING AND DEVELOPMENT WAS HIRED TO PERFORM A CERTIFIED TOPOGRAPHY FOR PARCEL A SMITH SUBDIVISION.

THE SITE BENCHMARK IS A FOUND RIVET AT THE EXTENSION OF THE SOUTH PROPERTY LINE EXTENDED 11.00 FEET FROM THE SOUTH EAST PROPERTY CORNER. RIVET FALLS IN THE VALLEY OF THE EXISTING ROLLED CURB AND GUTTER. ELEVATION=6750.00

SURVEYOR'S CERTIFICATE

I, TRAVIS R. GOWER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 6439364 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE CLIENT, A TOPOGRAPHY SURVEY OF THE TRACT OF LAND DESCRIBED HEREIN, WAS PERFORMED UNDER MY DIRECTION.

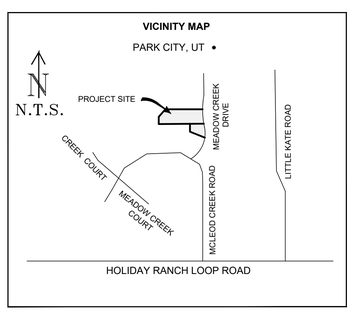
PRELIMINARY

TRAVIS R. GOWER
P.L.S. 6439364

DATE

LICENSED PROFESSIONAL LAND SURVEYOR
No. 6439364
TRAVIS R. GOWER
STATE OF UTAH

VICINITY MAP



LEGEND

FENCE	—o—o—o—	SECTION CORNER (FOUND)	
EDGE OF ASPHALT		SECTION LINE	
CURB AND GUTTER		BOUNDARY LINE	
CONTOURS	4355	PARCEL LINE	
WATER VALVE	WV	SET MONUMENT (AS NOTED)	
UTILITY POLE / LIGHT POLE		FOUND MONUMENT (AS NOTED)	

PARCEL A SMITH SUBDIVISION

LOCATED IN THE: SOUTHEAST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN, PARK CITY SUMMIT COUNTY, UTAH

RIMROCK ENGINEERING & DEVELOPMENT

PROJECT NAME

SMITH PLAT AMENDMENT

1" = 20'	PROJECT # RGC 2216-01-01
DRAWN: TG	DATE: 10/12/2022
CHECKED: AP	SHEET NO: 1 OF 1

E:\2022 PROJECTS\SMITH SUBDIVISION\02-Survey\Plats\SMITH SUB.TOPO CERT 10-12.dwg

Ordinance No. 87-5

ORDINANCE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF PARK CITY, UTAH TO INCLUDE THE MC LEOD CREEK SUBDIVISION SINGLE FAMILY (SF) ZONE

WHEREAS, the City Council created the Single Family Zone to be designated to areas which are primarily permanent single family residential in character; and

WHEREAS, the McLeod Creek Subdivision is similar in nature to the other subdivisions designated as single family;

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

SECTION 1. ZONING MAP AMENDED. The zoning map of Park City is hereby officially amended to designate the McLeod Creek Subdivision as Single Family (SF) from its former designation as Residential Development (RD).

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective immediately upon publication.

PASSED AND ADOPTED this 22nd day of January, 1987.

PARK CITY MUNICIPAL CORPORATION

Mayor Hal W. Taylor

Attest:

City Recorder

Ordinance No. 95-44

AN ORDINANCE APPROVING AMENDMENTS TO LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 MCLEOD CREEK SUBDIVISION LOCATED AT 2647 MEADOW CREEK DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known Lot 10 McLeod Creek Subdivision, Park City, Utah, have petitioned the City Council for approval of amendments to both Lot 6, Willow Ranch Subdivision and Lot 10, McLeod Creek Subdivision; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the City Council held a public hearing on August 31, 1995 to receive input on the proposed amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat, known as the Plat Amendment of Lot 6 Willow Ranch Subdivision and Lot 10 McLeod Creek Subdivision;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendments and that neither the public nor any person will be materially injured by the proposed plat amendments.

SECTION 2. PLAT APPROVAL. The amendments to Lot 10, McLeod Creek Subdivision and Lot 6, Willow Creek Subdivision, Park City, Utah, are approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat.
2. All Standard Conditions of Approval apply.
3. All previous conditions of the Willow Ranch and McLeod Creek Subdivisions shall remain in full force and effect.
4. A note shall be added to the plat, prior to recordation, stating that the area added to Lot 10 from the Willow Ranch Subdivision shall be a non-build yard area with such uses allowed as were previously allowed as part of Lot 6 Willow Ranch Subdivision.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 31st day of August, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

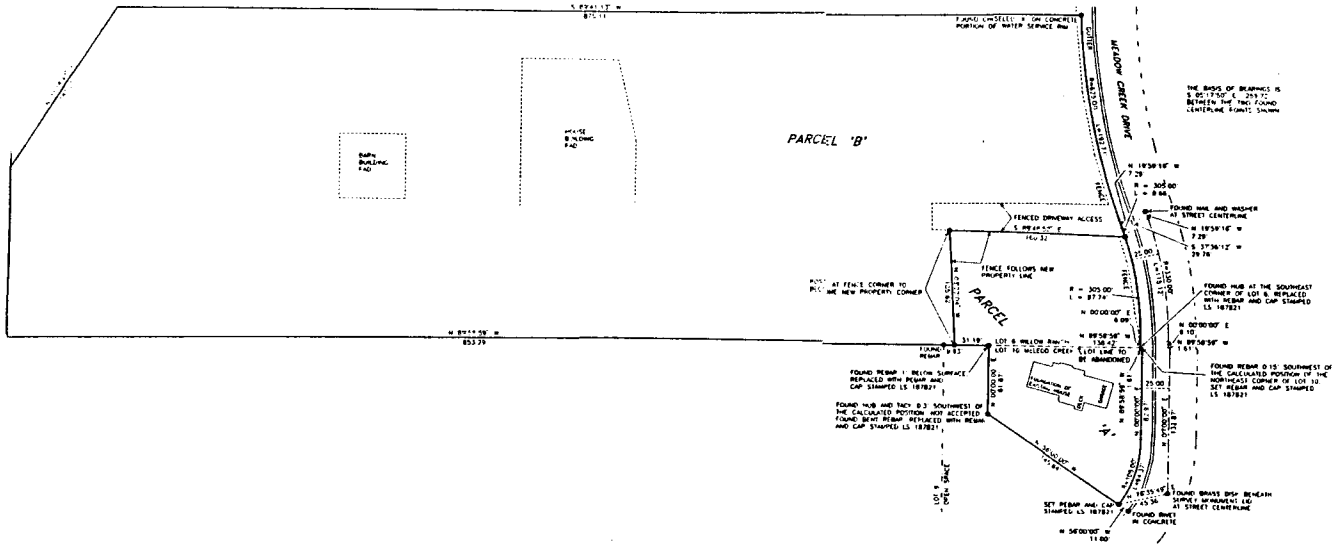
Approved as to form:

Mark D. Harrington, Assistant City Attorney

EXHIBIT A

30

PLAT AMENDMENT OF LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 McLEOD CREEK SUBDIVISION
and RECORD OF SURVEY



LAND SURVEYING
P.O. BOX 1844
PARK CITY, UT. 84060
647-9826

SURVEYOR'S CERTIFICATE

I, JOE BOWDEN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 187821 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND AS DESCRIBED IN THE NOTES AND LEGAL DESCRIPTION BELOW.

NOTES

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS AS SHOWN
2. SURVEY MONUMENTS WERE FOUND OR SET AS SHOWN
3. THE PURPOSE OF THIS SURVEY IS FOR BOUNDARY LOCATION AND PLAT AMENDMENT
4. THIS SURVEY WAS REQUESTED BY PHILO SMITH
5. THIS SURVEY WAS PERFORMED ON MAY 10, 1995
6. THE OWNER OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS OR ENCUMBRANCES ON THE PROPERTY SURVEYED EXCEPT AS SHOWN OR NOTED HEREON
7. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT WHERE OTHERWISE SHOWN
8. THE PURPOSE OF THIS PLAT AMENDMENT IS TO ADD PART OF LOT 6 TO LOT 10
9. OTHER LOT LINES IN McLEOD CREEK AND WILLOW RANCH SUBDIVISIONS WILL NOT BE AFFECTED

LEGAL DESCRIPTIONS

Parcel A
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASELINE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 10 OF McLEOD CREEK SUBDIVISION, TOGETHER WITH A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N 89°58'58" W 169.81 FEET;
THENCE N 02°29'04" E 105.92 FEET;
THENCE S 88°48'52" E 160.37 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE, THENCE 87.74 FEET IN A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 08°10'50" E 87.42 FEET;
THENCE S 00°00'00" E 8.09 FEET TO THE POINT OF BEGINNING.
PARCEL A CONTAINS 0.74 ACRES

Parcel B
LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASELINE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 6 OF WILLOW RANCH SUBDIVISION EXCEPTING THEREFROM A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N 89°58'58" W 169.81 FEET;
THENCE N 02°29'04" E 105.92 FEET;
THENCE S 88°48'52" E 160.37 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE, THENCE 87.74 FEET IN A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 08°10'50" E 87.42 FEET;
THENCE S 00°00'00" E 8.09 FEET TO THE POINT OF BEGINNING.
PARCEL B CONTAINS 0.66 ACRES

DUPLICATE

JOE BOWDEN
PARK CITY, UTAH
5-21-95

CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	CITY ATTORNEY	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	RECORDED
APPROVED BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____ 1995	APPROVED BY THE PARK CITY ENGINEER ON THIS _____ DAY OF _____ 1995	APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ 1995	APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THIS _____ DAY OF _____ 1995	APPROVED AND ACCEPTED BY S.B.S.I.D. ON THIS _____ DAY OF _____ 1995	NUMBER _____ DATE _____ STATE OF UTAH TIME _____ COUNTY OF SUMMIT FEE _____ RECORDED AND FILED AT THE REQUEST OF _____

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE:	August 31, 1995
DEPARTMENT:	Community Development Department
AUTHOR:	Kirsten Whetstone
TITLE:	Plat Amendments to Lot 6, Willow Ranch Subdivision and Lot 10, McLeod Creek Subdivision
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS:

Adopt an ordinance amending two subdivision plats to combine a portion of Lot 6, Willow Ranch Subdivision with Lot 10, McLeod Creek Subdivision. The purpose of the amendment is to allow additions to the existing house on Lot 10, located at 2647 Meadow Creek Drive, to conform with required side yard setbacks. New construction will be limited to the original portion of Lot 10 with the new portion to be used as yard area.

DESCRIPTION:

A. **Topic**.

PROJECT STATISTICS

Applicant:	**Stan Johnson**
Proposal:	**Plat amendments for Lot 6 Willow Ranch Subdivision and Lot 10 McLeod Creek Subdivision**
Zoning:	**SF-Single Family**
Adjacent Land Uses:	**Residential**
Date of Application:	**June 6, 1995**
Project Planner:	**Kirsten A. Whetstone**
Staff Recommendation:	**Approve with conditions**

B. Background.

The applicant, Stan Johnson, represents the owner of Lot 10, McLeod Creek Subdivision. The owner, Philo Smith, has proposed to construct two additions to the north side of his existing home located at 2647 Meadow Creek Drive (see Exhibit A). The additions would encroach into the existing 12' side yard setbacks established for the McLeod Creek Subdivision. Therefore, Mr. Smith has purchased approximately 0.4 acres of the adjacent Lot 6, Willow Ranch Subdivision, to ensure that these additions meet required setbacks.

The applicant requests that this 0.4 acre portion of Lot 6 be legally combined with Lot 10 by means of these plat amendments. This portion of Lot 6 has physically been combined with the adjacent 0.34 acre Lot 10 by means of an open three rail fence. The new Lot 10 would be 0.74 acres in size The remaining Lot 6 would be approximately 6.4 acres in size. Lot 6 is currently vacant (see Exhibit B).

Property owners within 300' and within the affected plats were sent notice of this proposal. At this time, no concerns have been raised by the affected property owners.

The applicant submitted a letter from the Willow Ranch Homeowners Association indicating that there were no objections to the proposal (see Exhibit C).

C. Analysis.

If these subdivision amendments are approved, the proposed additions to 2647 Meadow Creek Drive would not encroach in the required side yard setbacks for the McLeod Creek Subdivision. There are no house size restrictions in the McLeod Creek Subdivision, therefore additional land area is not needed for the proposed additions, in terms of floor area ratio. The resulting Lot 10 would be larger than most of the lots in McLeod Creek Subdivision, but because this is the last lot in the subdivision and it is adjacent to the larger Willow Ranch lots, the resulting lot would be compatible with the immediate neighborhood.

If these amendments are approved, Lot 6 will be reduced in size by approximately 0.4 acres. At 6.4 acres, Lot 6 will remain compatible in size with the other "ranch" lots in the Willow Ranch Subdivision and will still be significantly larger than the three "standard" Willow Ranch lots across the street. A single family house could still be constructed on Lot 6 of Willow Ranch Subdivision within the originally platted building envelop, as the amendment does not change the buildable area or location.

This current request for plat amendments is a request to formally combine, by a legal subdivision plat, lots that the owner already has a deed to. In addition, the small section of Lot 6 has been physically combined with Lot 10 by an open three rail fence.

The Willow Ranch Subdivision allows construction of houses and barns to occur only in designated building envelopes. Therefore, Staff recommends as a condition of approval, that the additions to the existing house at 2647 Meadow Creek Drive not extend onto that portion of Lot 6 which is being combined with Lot 10. The additional lot area for Lot 10 shall be used for yard area only, including any uses that would have been allowed on that portion if it had remained a part of Lot 6. The applicants have agreed to place a note on the plat to this effect.

In addition, there is an existing utility easement between Lots 6 and 10. Staff recommends that the applicant provide letters from utility agencies, prior to recording the plat, stating that there are either no utilities in the easement or that the utilities can be relocated; and that utility providers do not have a problem vacating the easement with this plat amendment. Staff recommends that new utility easements be shown on the plat along the new lot line between Lots 6 and 10. The applicant has agreed to provide the new utility easements.

Findings:

Staff supports this plat amendment as it creates a legal document to describe the land already purchased by deed. Staff finds that impacts to the City and surrounding neighborhood are not significant. We have reviewed the Willow Ranch and McLeod Creek Subdivision requirements and find that house size is not restricted in the McLeod Creek Subdivision. The size and building envelope for the future house on Lot 6 is not affected by the amendment. In addition, the proposed additions to the existing house are not out of character with the surrounding neighborhood.

Conclusions of Law:

1. There is good cause for the amendment, as outlined in the staff report.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this proposal. There is a recommendation that a note be added to the plat stating that all new construction on Lot 10 be limited to the area of Lot 10 as it existed prior to the plat amendment and that the added area from Lot 6 be yard area, limited to those uses which were previously allowed when it was a part of Lot 6 Willow Ranch Subdivision.

ALTERNATIVES:

A. Deny the plat amendments thereby retaining the original configuration of Lot 6 Willow Ranch and Lot 10 McLeod Creek. The addition to the house at 2647 Meadow Creek Drive would have to be redesigned to conform to existing side yard setbacks.

B. Approve the amendment to the two subdivision plats and allow the new configuration of lots with or without the Staff recommended condition about use of the added parcel.

C. Continue the item and request evaluation and recommendations from Staff.

SIGNIFICANT IMPACTS:

Staff does not believe that there are significant impacts as a result of the requested plat amendments.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to approve the plat amendments as proposed, additions to the house at 2647 Meadow Creek Drive would have to be redesigned to conform to the existing lot lines and required setbacks.

RECOMMENDATION:

The Staff recommends that the Council select Alternative B and approve the proposed plat amendment subject to the following conditions:

1. **Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat.**

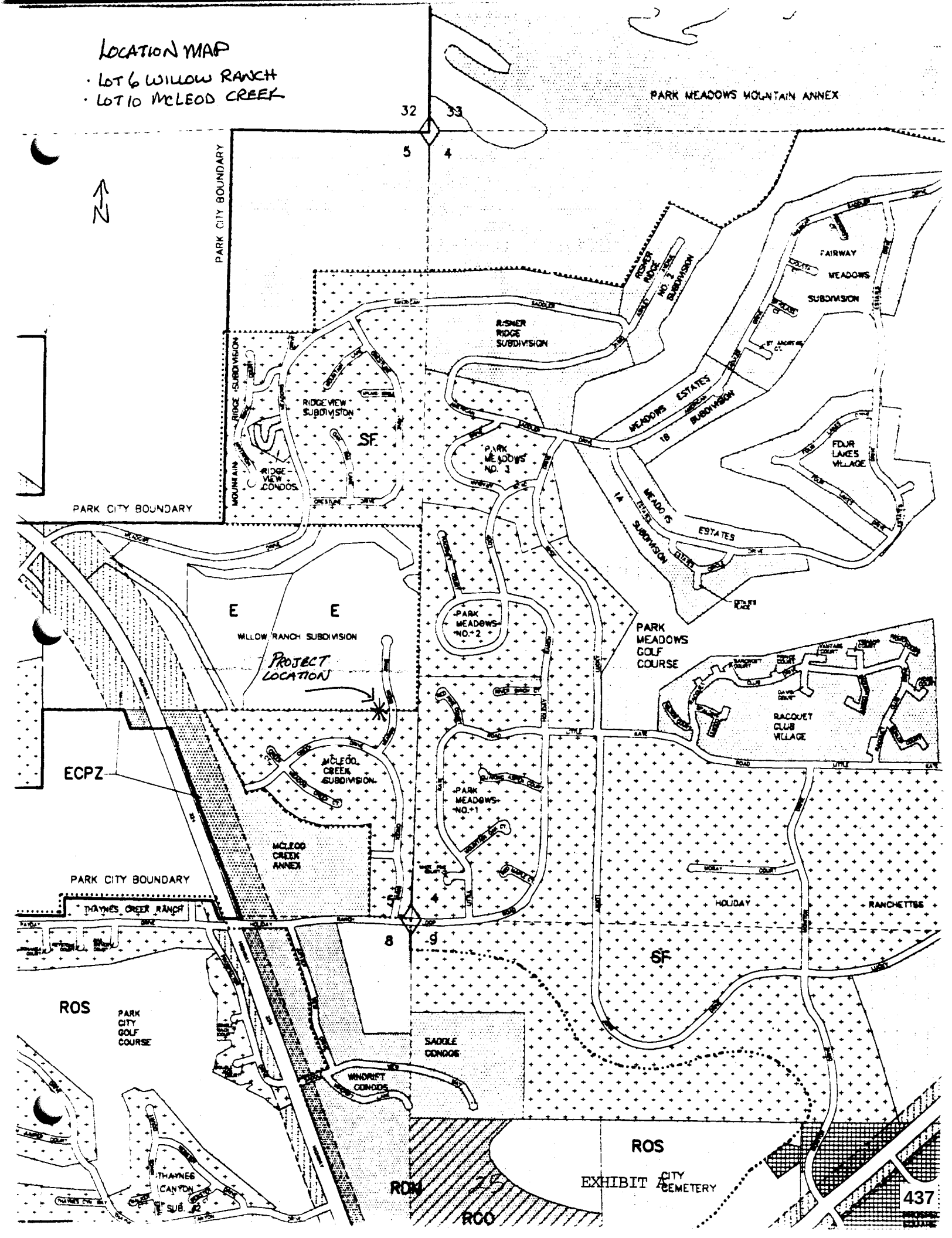
2. **All Standard Conditions of Approval apply.**

3. **All previous conditions of the Willow Ranch and McLeod Creek Subdivisions shall remain in full force and effect.**

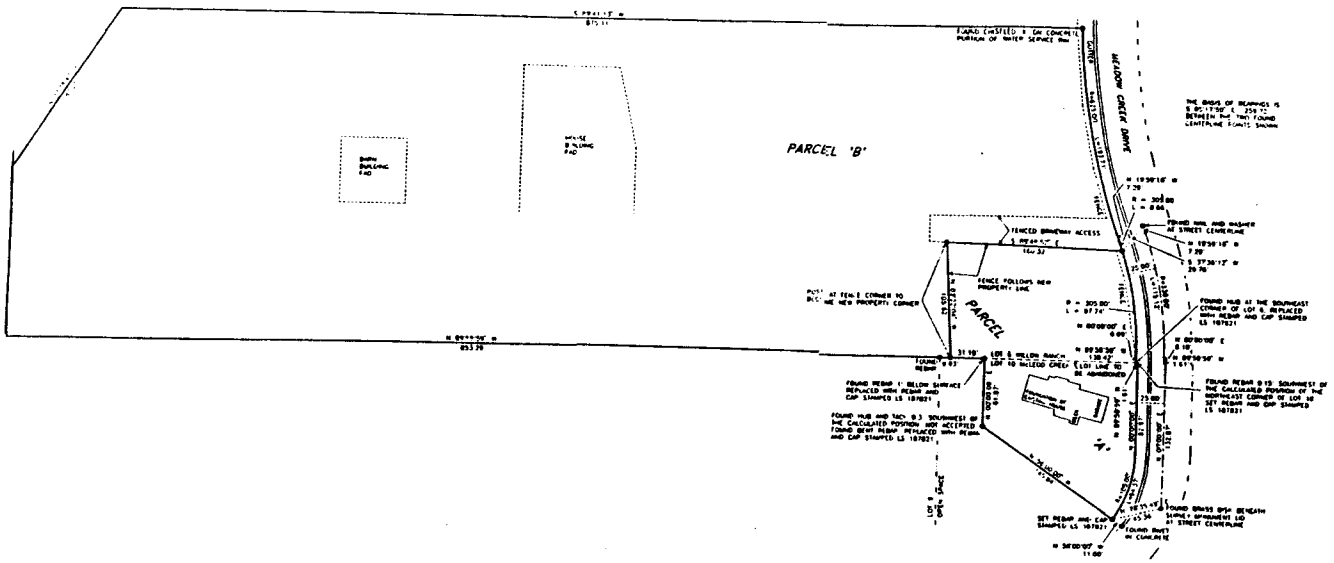
4. **A note shall be added to the plat stating that the area added to Lot 10 shall be a non-build yard area with such uses allowed as were previously allowed as part of Lot 6, Willow Ranch Subdivision.**

EXHIBITS

EXHIBIT A- LOCATION MAP
EXHIBIT B- PROPOSED PLAT AMENDMENT
EXHIBIT C- HOMEOWNER'S ASSOCIATION LETTER


LOCATION MAP
· LOT 6 WILLOW RANCH
· LOT 10 McLEOD CREEK
PARK MEADOWS MOUNTAIN ANNEX
PARK CITY BOUNDARY
PARK CITY BOUNDARY
PARK CITY BOUNDARY
32
33
5
4
RIDGE VIEW SUBDIVISION
RIDGE VIEW CONDOS
SF
RISHER RIDGE SUBDIVISION
POWER RIDGE NO. 2 SUBDIVISION
FAIRWAY MEADOWS SUBDIVISION
MEADOWS ESTATES 18 SUBDIVISION
FOUR LAKES VILLAGE
MEADOWS ESTATES 14 SUBDIVISION
PARK MEADOWS NO. 3
PARK MEADOWS NO. 2
E
E
WILLOW RANCH SUBDIVISION
PROJECT LOCATION
PARK MEADOWS GOLF COURSE
RACQUET CLUB VILLAGE
ECPZ
McLEOD CREEK SUBDIVISION
McLEOD CREEK ANNEX
PARK MEADOWS NO. 1
THAYNES CREEK RANCH
HOLIDAY
RANCHETTES
8
9
SF
ROS
PARK CITY GOLF COURSE
SADDLE CONDOS
WINDRIFT CONDOS
THAYNES CANYON SUB.
ROS
EXHIBIT A
CITY CEMETERY
RCO
RCO
437

PLAT AMENDMENT OF LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 McLEOD CREEK SUBDIVISION
and RECORD OF SURVEY



CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	CITY ATTORNEY	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	RECORDED
APPROVED BY THE PARK CITY COUNCIL ON THIS ____ DAY OF _____ 1995	APPROVED BY THE PARK CITY ENGINEER ON THIS ____ DAY OF _____ 1995	APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF _____ 1995	APPROVED AS TO FORM BY THE PARK CITY ATTORNEY ON THIS ____ DAY OF _____ 1995	APPROVED AND ACCEPTED BY S.B.S.I.D. ON THIS ____ DAY OF _____ 1995	NUMBER _____ STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ FEE _____

LAND SURVEYING
P.O. BOX 3864
PARK CITY, UT 84060
647-9078

SURVEYOR'S CERTIFICATE

I, JOE SHERMAN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NUMBER 187821 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND AS DESCRIBED IN THE NOTES AND LEGAL DESCRIPTION BELOW.

NOTES

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2. SURVEY MONUMENTS WERE FOUND OR SET AS SHOWN.
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4. THIS SURVEY WAS REQUESTED BY PHILIP SMITH
5. THIS SURVEY WAS PERFORMED ON MAY 10 1995
6. ANY OWNER OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR ON A TITLE INSURANCE REPORT THAT I/WE/WE HAVE FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS OR ENCUMBRANCES ON THE PROPERTY SURVEYED EXCEPT AS SHOWN OR NOTED HEREON
7. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES EXCEPT WHERE OTHERWISE SHOWN
8. THE PURPOSE OF THIS PLAT AMENDMENT IS TO ADD PART OF LOT 6 TO LOT 10 LOT LINES IN McLEOD CREEK AND WILLOW RANCH SUBDIVISIONS WILL NOT BE AFFECTED

LEGAL DESCRIPTIONS

PARCEL A

LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 10 OF McLEOD CREEK SUBDIVISION TOGETHER WITH A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, THENCE N 89°38'30" W 169.61 FEET; THENCE N 82°22'04" W 169.62 FEET; THENCE S 89°48'37" E 160.37 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE, THENCE 87.74 FEET ON A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 09°10'58" E 87.32 FEET; THENCE S 00°00'00" E 6.98 FEET TO THE POINT OF BEGINNING. PARCEL A CONTAINS 0.34+ ACRES

PARCEL B

LOCATED IN SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF LOT 6 OF WILLOW RANCH SUBDIVISION EXCEPTING THEREFROM A PART OF LOT 6 OF WILLOW RANCH SUBDIVISION, SAID PART OF LOT 6 BEING THE FOLLOWING: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, THENCE N 89°38'30" W 169.61 FEET; THENCE N 82°22'04" W 169.62 FEET; THENCE S 89°48'37" E 160.37 FEET TO A POINT ON A 305.00 FOOT RADIUS CURVE, THENCE 87.74 FEET ON A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE WHOSE CHORD BEARS S 09°10'58" E 87.32 FEET; THENCE S 00°00'00" E 6.98 FEET TO THE POINT OF BEGINNING. PARCEL B CONTAINS 0.34+ ACRES

DUPLICATE

EXHIBIT B

RE: Plat Amendment of Lot 10 McLeod Creek Subdivision and Lot 6 Willow Ranch Subdivision

To whom it may concern:

Diane Jordan-Smith, owner of Lot 10 of the McLeod Creek Subdivision, and Philo Smith, owner of Lot 6 of Willow Ranch Subdivision, asked the Willow Ranch Homeowners Association to approve the combination of approximately 1/3 of an acre (16,800 Square Feet) of Lot 6 Willow Ranch Subdivision to Lot 10 of McLeod Creek Subdivision at the May 8, 1995 meeting of the Willow Ranch Homeowners Association.

This combination would allow the Smith's to create a backyard for their residence on Lot 10 of McLeod Creek Subdivision without creating an adverse effect on Lot 6 of Willow Ranch Subdivision, or any of the other Lots of the Willow Ranch Subdivision.

The Remaining portion of Lot 6 Willow Ranch Subdivision will be approximately 6.5 acres.

The Smith's also asked the Willow Ranch Homeowners Association to approve the landscaping of the portion of Lot 6 Willow Ranch Subdivision which will be combined with Lot 10 McLeod Creek Subdivision, which is located on the North side of his residence in McLeod Creek. Landscaped area would be about 1/3 of an acre.

There were no objections to these proposals by the Architectural Committee or any Homeowners.

RECEIVED
AUG - 4 1995
PARK CITY
PLANNING DEPT.

President
Willow Ranch Home owners
Assn.

EXHIBIT C

Ordinance No. 95-

AN ORDINANCE APPROVING AMENDMENTS TO LOT 6 WILLOW RANCH SUBDIVISION AND LOT 10 MCLEOD CREEK SUBDIVISION LOCATED AT 2647 MEADOW CREEK DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known Lot 10 McLeod Creek Subdivision, Park City, Utah, have petitioned the City Council for approval of amendments to both Lot 6, Willow Ranch Subdivision and Lot 10, McLeod Creek Subdivision; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the City Council held a public hearing on August 31, 1995 to receive input on the proposed amendments; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat, known as the Plat Amendment of Lot 6 Willow Ranch Subdivision and Lot 10 McLeod Creek Subdivision;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendments and that neither the public nor any person will be materially injured by the proposed plat amendments.

SECTION 2. PLAT APPROVAL. The amendments to Lot 10, McLeod Creek Subdivision and Lot 6, Willow Creek Subdivision, Park City, Utah, are approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat.
2. All Standard Conditions of Approval apply.
3. All previous conditions of the Willow Ranch and McLeod Creek Subdivisions shall remain in full force and effect.
4. A note shall be added to the plat, prior to recordation, stating that the area added to Lot 10 from the Willow Ranch Subdivision shall be a non-build yard area with such uses allowed as were previously allowed as part of Lot 6 Willow Ranch Subdivision.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 31st day of August, 1995.

PARK CITY MUNICIPAL CORPORATION

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, Deputy City Recorder

Approved as to form:

_____

Mark D. Harrington, Assistant City Attorney

29

A note to this effect shall be placed on the plat. Prior to plat recordation, a security will be posted with the City to guarantee installation of the trail improvements.

2. Approval of final plat for Willow Ranch Subdivision - Ruth Gezelius, "I move approval of the final plat for the Willow Ranch Subdivision with the conditions outlined under the staff recommendation 1 through 6 adding condition No. 7 which would require sidewalks to City standards along Meadow Creek Drive to the cul-de-sac and Condition No. 8 regarding the condition that the Planning Commission added on accessory apartments would be limited to the dwelling units on Lots No. 1, 2, 6 and 7 only with the revisions in the language as specified by the Planning Commission on size, parking and other considerations with the addition that the requirement that the accessory apartments be accessed by the same entrance as the owner of the house uses". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

I. PROJECT STATISTICS:

Applicant:	Jeff Graham for Jack Johnson Co.
Project Address:	State Hwy. 224, north of McLeod Creek Sub. and south of Ridgeview
Request:	Final Plat of 7-lot subdivision
Zoning:	SF and ROS
Adjacent Land Uses:	SF Residential and open space
Date of Application:	September 8, 1992
Date of Staff Report:	January 22, 1993
Staff Planner:	Suzanne McIntyre
Staff Recommendation:	APPROVE

II. BACKGROUND INFORMATION:

This is the final plat for the parcel known as the Peterson Annexation which was annexed into the City at the end of 1992.

III. PROJECT DESCRIPTION:

The property is proposed to be developed as 7 single family lots, 4 of which will be large equestrian lots with stables and pasture areas. The development has been designed to avoid the high value wetlands and to minimize impacts on other wetlands by locating the houses and barns on the upland areas of the site. There will be 2.7

acres of wetlands disturbed by development which will be mitigated by the provision of 22.3 acres of wildlife habitat and preservation corridors. Those areas will be fenced to prohibit grazing and access and irrigated to allow the natural vegetation to be re-established. The developers intend to start construction in Spring of 1993.

IV. ISSUES FOR DISCUSSION:

House Size. At the last Planning Commission meeting the staff presented 4 issues for discussion: house sizes, trails, accessory apartments (employee housing), and grazing in the northeast corner of the site. All the issues were resolved with the exception of house sizes. The applicant provided a comparison with the McLeod Creek subdivision and it appears that the houses are generally in the range of 2600-3400 sf on lots which are 13,000-16,000 sf. The 3 smaller lots in Willow Ranch average 33,000 sf and the houses are proposed to be 4000 sf. The lots in Willow Ranch are much larger than the neighboring lots but with the accompanying wall height and mass restrictions, will appear to be in a comparable range.

Accessory Apartments (Employee Units). It is worth noting that on the issue of accessory apartments, the language in the CC&Rs is being revised to allow them on the large lots as long as they are incorporated into the main building envelope and are not rented on a nightly basis. Rental rates and size restrictions are not being included but are left up to the individual property owner. A statement is also being included as to the intent of the City and developer in allowing them as affordable employee housing for caretakers or other employees.

Grazing in the Northeast Corner of the Site. Additional language shall be included in the animal management plan to address the issues of pasture rotation and fencing in the northeast corner. Grazing is permitted but must be carefully monitored.

Trails. The Planning Commission recommendation on the trail locations will be presented to the City Council along with the recommendation of City Landscape Architect Jennifer Harrington.

Revegetation of Disturbed Areas. City Engineer Eric DeHaan has expressed concern over the revegetation of areas disturbed by infrastructure construction and has requested an additional condition on the approval. Mr. DeHaan is generally comfortable with the utility plan but has also added a condition in the event that final approval from the utility companies is not forthcoming. Location of drainage easements has also not been finalized and will be required before plat recordation.

V. PUBLIC INPUT STATEMENT: The property was posted and legal notice sent and as of January 22, 1993 additional input has been received from:

Mike Watts, adjacent property owner in Ridgeview Subdivision, who expressed his concern that the northeast corner of the site be carefully maintained to prevent overgrazing due to the location of the stream in this area.

VI. STAFF RECOMMENDATION: The Planning Staff recommends the approval the final plat for the Willow Ranch 7 Lot Single Family Subdivision with the following conditions:

1. Information shall be included on the plat regarding the following:
   house and barn building pads, sizes and heights
   wildlife corridors
   fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. A sidewalk shall be included along the cul de sac.

8. The staff shall revise the language in the CC&Rs regarding accessory apartments to limit the unit square footage so as to preclude construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

VIII RESIGNATIONS AND APPOINTMENTS

Appointment of Ruth Gezelius as the City Council liaison to the Town Lift Project Design Task Force - The Mayor requested a motion to approve. Bob Richer, "I so move". Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Aye
Roger Harlan	Aye
Leslie Miller	Absent
Bob Richer	Aye

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

* * * * * *

The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Janet M. Scott
Deputy City Recorder

Curtis Oberhansly, owner of property on Ridge Avenue, was concerned because his lots have a steep downhill slope. The proposed FARs affect the lots with a downhill slope much more severely than the lots with an uphill slope. He wondered if there had been some consideration given to these downhill slope lots. It would look like a mineshaft to build a structure with a 700 sq. ft. footprint and then come up with a 400 sq. ft. garage for access.

Chairman Bruce Erickson commented that it was his understanding that from here the Architectural Review Group would review the final standards and the HDC would also be developing final standards. Susan Lykes responded that what was before the Commission now would go into effect, and when the Architectural Design Group comes back with their recommendation, it would go back to the HDC to make further recommendations that would replace the FARs. No consideration had been given for uphill or downhill lots, and the architects were being relied upon to get around the problems of garages, driveways, and access.

Mr. Oberhansly stated that he feared this, because once something became a law or ordinance, it was difficult to change. He felt that he must rush to develop his property, because in the last 20 years it had been continually downzoned. He asked that, before the Commission forwarded a positive recommendation to the City Council, they look at these downhill lots.

Chairman Bruce Erickson responded that the Commission would not take action at this meeting and the Staff would review this issue before a recommendation is forwarded.

Chairman Bruce Erickson closed the public hearing on the proposed amendments to the Land Management Code in the Historic District.

Public Hearing

2. **Willow Ranch - Request for Preliminary and Final Plat Approval of a 7-Lot Single Family Subdivision - Jack Johnson Co.**

Senior Planner Suzanne McIntyre reported that this application was for a seven-lot, single-family subdivision. It originally came to the Planning Commission as the Peterson Annexation. The City purchased a large portion of the property which would be entry corridor open space. Four of the lots would be large equestrian lots. The development was designed to avoid high value wetlands and minimize impacts on other wetlands. There would be 2.7 acres of wetlands disturbed by development which would be mitigated by the provision of 22.3 acres of improved wildlife habitat. The canal running through the property would be restored to a natural stream. The developers planned for construction to start in the spring of 1993.

At the last meeting, the Planning Commission looked at the issues still remaining to be resolved: house size, accessory apartments (employee units), and grazing in the northeast corner of the site. All were resolved except for house sizes, and the Planning Commission had asked for comparisons with other neighborhoods in the area. The houses in the McLeod Creek Subdivision range from 2,600 to 3,400 sq. ft. on 13,000 to 16,000 sq. ft. lots. The three smaller lots in Willow Ranch average 33,000 sq. ft., and the proposed houses would be 4,400 sq. ft. It was noted that there was a typographical error in the staff report and that the proposed house size is 4,400, not 4,000 sq. ft. The larger lots are proposed to have houses of 8,000 sq. ft. The houses and lots were much larger than the neighboring lots, but with the accompanying wall height and mass restriction, the Staff felt they would appear to be in a comparable range. The developer has added to the CC&R's the acceptability of accessory apartments on the large lots as long as they are incorporated in the main building envelope and not rented on a nightly basis. The intent of the City and developers in allowing accessory apartments as affordable employee housing for caretakers or other employees has also been included in the CC&R's.

With respect to grazing in the northeast corner of the site, additional language shall be included in the animal management plan to address the monitoring of grazing, pasture rotation and fencing. The Planning Commission has made one recommendation regarding trails, and the Staff, represented by Jennifer Harrington, had prepared a second recommendation. The Commissioners were given a copy of the trails masterplan recommending a concrete sidewalk running across the property and a trail along the old railroad grade. Planner McIntyre further stated that the City Engineer, Eric DeHaan, was concerned that the infrastructure improvements be carefully monitored and that extraordinary revegetation efforts would be necessary. A condition of approval was added to guarantee that. The Staff had received a letter from Snyderville Basin Sewer Improvement District indicating that a line extension agreement had been approved.

The Staff has received input from the following individuals:

Mike Watts, adjacent property owner in Ridgeview Subdivision, expressed concern that the northeast corner be carefully maintained.

Richard and Kathy Kennedy are concerned about the grazing in the northeast corner and the issues of fencing.

A letter was received from L.C & C.T. Worsch asking that their letter be read into the record. Senior Planner Suzanne McIntyre summarized the letter, stating that the entire text would be filed

with the application. They were concerned that this is a legitimate wetlands area. They also addressed the drainage areas, the standing water, the vegetation, and the fact that this is a vital habitat for wildlife. They felt the mitigation measures would not help the wildlife. They were concerned about parceling up the area and felt that horses were not appropriate in this location. This parcel constituted one of the last largest contiguous active wildlife habitats in Park City, and tiny units of meadow connected by fenced corridors did not constitute effective habitat. The future is arrived at in small steps, and although this development itself did not seem to doom the aesthetic future of Park City, in aggregate with other developments to be approved, it would contribute. In 50 years, the effect of all these small steps would be felt.

The Staff received a call from Jan Gibbs who asked that the letter submitted last November be read to the Planning Commissioners. Chairman Bruce Erickson asked Planner McIntyre to summarize the high points and file the letter with the application. The letter was sent to the Army Corps of Engineers and stated that the Gibbs' were in direct opposition to the proposal. They felt it would disturb the wetlands and hurt the wildlife. They felt the role of the Army Corps was to preserve the wetlands and listen to the concerns of the community.

Planner Suzanne McIntyre stated that the Staff was recommending approval with the conditions listed in the Staff Report.

Commissioner Chuck Klingenstein stated that he was excusing himself from this item due to a potential for any perceived conflict of interest.

Commissioner Dean Berrett asked for clarification of condition 6 and stated that many times winter conditions precluded a driveway from being paved. Planner McIntyre stated that this condition was added at the request of Chief Building Official Ron Ivie. His thinking was that, with the extending driveways on these lots, they needed to be paved for emergency access.

Commissioner Alison Child asked for clarification on the barn size and the Staff's recommendation on the trails plan. Planner McIntyre responded that the barns may be 1,500 sq. ft. on a 60 x 60 square foot building pad with a 22 ft. height restriction. She stated that Jennifer Harrington's trail recommendation was presented at the last meeting and stated that there should be a wildlife viewing trail provided by the developer bisecting the parcel between Lot A and the backs of the large equestrian lots 1, 6, and 7, in addition to the trail along the old railroad grade. Commissioner Child asked what Ms. Harrington's response to the

Planning Commission's concerns was, and if the Commission's concerns would be forwarded to the City Council. Planner McIntyre stated that Ms. Harrington felt strongly that her recommendation had merit because it would be a restricted wildlife viewing area with a boardwalk and gates at both ends to keep dogs and bicycles out of the area. She further stated that good notes were kept at the work session and the Commission's concerns would be reported to the City Council.

Commissioner Fred Jones commented that he was concerned that the Staff was proceeding with a recommendation counter to that of the Commission without having an opportunity to try to resolve the issue. He felt it was contrary to the position of preserving the wetlands to put a boardwalk in the middle of them. Planning Director Nora Seltenrich responded that this was not something that the Staff typically does, but Ms. Harrington felt very strongly about her recommendation and wanted to let the City Council know why she felt the way she did. The Council has encouraged the Staff to bring its opinions forward when they have a strong opinion on something counter to that of the Commission. Commissioner Fred Jones stated that his objection was that Ms. Harrington was going directly to the City Council without explaining her position to the Commission so they would understand. Commissioner Alison Child commented that she felt it was not in the best interest of the wildlife to have a boardwalk in the middle of the area to encourage more people to go into the area and disturb the animals.

Commissioner Ron Whaley commented that he would like to see accessory housing included on all seven lots since the smallest lot is 7/10 of an acre and large enough to handle an accessory apartment. Commissioner Chris Erickson and the developer concurred. Planner McIntyre stated that the Staff would support this recommendation.

Chairman Bruce Erickson opened the public hearing.

Mike Larson, a student from Treasure Mountain Middle School (TMMS), commented that he thought the land should not be developed, because lot A is along the highway, and every day when he goes to the bus stop, there are dead deer. He feels they are trapped in the area. If the lots are developed there will be nowhere for the deer to go, and they will run off and be hit by cars. He asked the Commissioners what they were going to do about it.

Commissioner Ron Whaley responded that he had asked the same question of the Division of Wildlife Resources and the Department of Transportation when they put in Highway 40, and he was told it would be mitigated, which meant some deer would be killed and some would not. Commissioner Whaley said it was a good question, and

that it was a difficult question to decide where human interfacing begins and ends. He said there are no easy answers.

Rebecca Fogarty, a TMMS student, asked what kind of materials would be used to fence the project. Planner Suzanne McIntyre responded that a post and rail type fence was proposed. Ms. Fogarty also asked if there would be a disclosure to the buyers of lots 5, 6, and 7 about the marshlands and the potential contamination that may be there. She felt that if the owners of Northshore and Prospector had known about existing conditions before they bought their property, they probably would not have built there. Commissioner Ron Whaley responded that the courts hold that it is the buyer's responsibility to know all they can about the property. Park City would help an individual find out that information, but ultimately it was the individual's responsibility to do discovery. Chairman Bruce Erickson stated that it would not be noted on the plat, but on the sales report and the documents for the homeowners' association there were restrictions listed for the wetlands and what could and could not be done with the property. Ms. Fogarty stated that the Planning Commission was making a big mistake and didn't think they should turn Park City into another California.

TMMS student Dylon Kelsch stated that he felt the wetlands were a resource that the community needed.

TMMS student Zeke Ewing asked for clarification as to why lots 1, 2, 6, and 7 were so spread out with small houses on them. He felt the lots should be smaller to help protect the wetlands. Senior Planner Suzanne McIntyre responded that the developer came in with an original plan for equestrian lots with a riding arena. As a compromise, the City received a lot of open space and the developer removed the riding arena. The current configuration is a compromise between the developer's desires and the City's concerns.

TMMS student Jake Wartena commented that he was opposed to the project and felt the wetlands should be saved.

Both Chairman Bruce Erickson and Commissioner Joe Tesch commented that the students had asked very intelligent questions and that they wished they had received the students' wisdom at the beginning of this project.

Mr. Tom Kullen, who lives in the lot adjacent to the Willow Creek Ranch entry, commented that he was disturbed with the cavalier attitude in approving what appeared to him to be duplexes in a subdivision. He asked for clarification about the size of the apartments. Commissioner Whaley clarified that the apartments must be within the envelope and remain within the 4,400 feet. Mr. Kullen voiced his opposition to the apartments on the smaller lots

because they would create parking problems, and the house sizes would not allow for an apartment. His other concerns were the enforceability of the CC&R's. Chairman Bruce Erickson stated that the regulation would be under the City's regulations for moderate income housing, MISRP. Commissioner Ron Whaley stated that the Commission's actions were not cavalier. This had been a long process, and there were actually other resorts which required that accessory apartments be built. This would help with the City's need for affordable housing.

Mr. Kullen further voiced his concern about the manure cleanup and was concerned with the odor. He felt it was not enough to do it twice a year. Chairman Erickson stated that it was required by the Animal Management Plan to scrape the pastures twice a year.

Mr. Kullen commented on the fencing of the development to separate it from the McLeod Creek subdivision and asked if the barbed wire fence would be taken down or if there would be double fencing. The developer responded that he could not take down the existing fence without the homeowners' permission. Chairman Bruce Erickson stated that they would look into it further.

Mr. Kullen commented that he felt the house sizes were too large.

Mike Larson spoke on behalf of the TMMS 7th hour class and stated that 90% of the City's wetlands had already been built on, and wanted to know why the City wanted to build on the 10% that was left.

Chairman Bruce Erickson responded that the City did not regulate the development of wetlands until this year. The Planning Commission felt that the mitigations that were being made were responsible tradeoffs to let the development take place. He commented that these were great questions, and more student comment was needed in the future.

Chairman Bruce Erickson closed the public hearing.

VI. MINUTES OF JANUARY 13, 1993

MOTION: Commissioner Ron Whaley moved to APPROVE the minutes of the January 13, 1993, meeting of the Park City Planning Commission. Commissioner Fred Jones seconded the motion.

VOTE: The minutes of January 13, 1993, were approved unanimously.

PARK CITY
1884

RECEIVED
FEB 3

January 29, 1993

Jeff Graham
Jack Johnson Company
1910 Prospect Avenue, Suite 200
Park City, UT 84060

NOTICE OF FINAL ACTION

Project Name: Willow Ranch Subdivision

Project Description: Preliminary and Final Plat of a 7-Lot Single Family Subdivision

Action Taken By Planning Commission: APPROVED - January 27, 1993

Action Taken By City Council: APPROVED - January 28, 1993

Conditions of Approval:

1. Information shall be included on the plat regarding the following:
   - house and barn building pads, sizes and heights
   - wildlife corridors
   - fire sprinkling

2. Prior to plat recordation the City Council, City Attorney and City Engineer shall have reviewed and approved the plat and accompanying Animal Management Plan. The Animal Management Plan shall include restrictions on the number of horses, grazing, fencing, and uses within the wildlife corridor.

3. Prior to plat recordation the Community Development Department and City Attorney shall have reviewed and approved the CC&Rs which shall include restrictions on architecture and use.

4. Prior to plat recordation the City Engineer shall have received approval from all utility companies serving the property. The plat shall have been deemed to be denied in the event utility easements not currently shown on the plat are in fact required by any franchised utility provider and a new plat shall be required to be approved by the City. This condition does not apply to various drainage easements for existing storm drain channels and culverts, which shall be shown on the plat.

5. The security guaranteeing the installation of public improvements shall include stream channel mitigation according to a plan approved by the Community Development Director. It is anticipated that the mitigation will take two or more years to accomplish and it is the intent of the Planning Commission that no public improvements shall be accepted by the City until the Community Development Director has determined that successful mitigation has been accomplished. A separate guarantee will be required to ensure adequate mitigation of disturbance to the stream channel in accordance with the approved plan.

6. A note shall be added to the plat that the driveway must be paved prior to occupancy of each house.

7. A sidewalk shall be included along the cul de sac.

8. The staff shall revise the language in the CC&Rs regarding accessory apartments to limit the unit square footage so as to preclude construction of duplexes, ensure adequate parking, restrict nightly rentals, and require entrance from the main structure.

Date of Expiration: January 28, 1994

Suzanne McIntyre, AICP
Senior Planner

2/2/93
Date

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

Pres. Willow Ranch Development Inc.

Date 2/4/93

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

Planning Commission
Staff Report

Subject: **1301 Park Avenue Plat Amendment**
Application: **PL-22-05195**
Author: **Spencer Cawley, Planner II**
Date: **December 14, 2022**
Type of Item: **Work Session**

Recommendation

Review and provide input on the Applicant's proposed 1301 Park Avenue Plat Amendment and petition to vacate a portion of the 13th Street public Right-of-Way.

Description

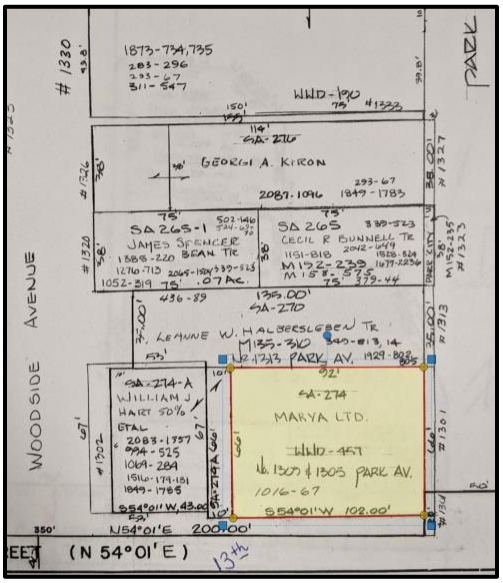
Applicant:	Sue Knudson
Location:	1301 Park Avenue
Zoning District:	Historic Residential – Medium Density (HRM)
Adjacent Land Uses:	Single-Family Residential, Multi-Unit Dwellings, Library Field
Reason for Review:	Plat Amendments require Planning Commission recommendation and City Council final action[1]

HRM	Historic Residential Medium
LMC	Land Management Code
ROW	Right-of-Way
SFD	Single-Family Dwelling

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

1301 Park Avenue is a parcel from Snyder's Addition Park City Survey with a total of 3,515 square feet. Two structures currently exist on the property, a Landmark Historic Structure built c.1904 that was eventually turned into a Duplex and a non-historic A-Frame Single-Family Dwelling built in 1964.



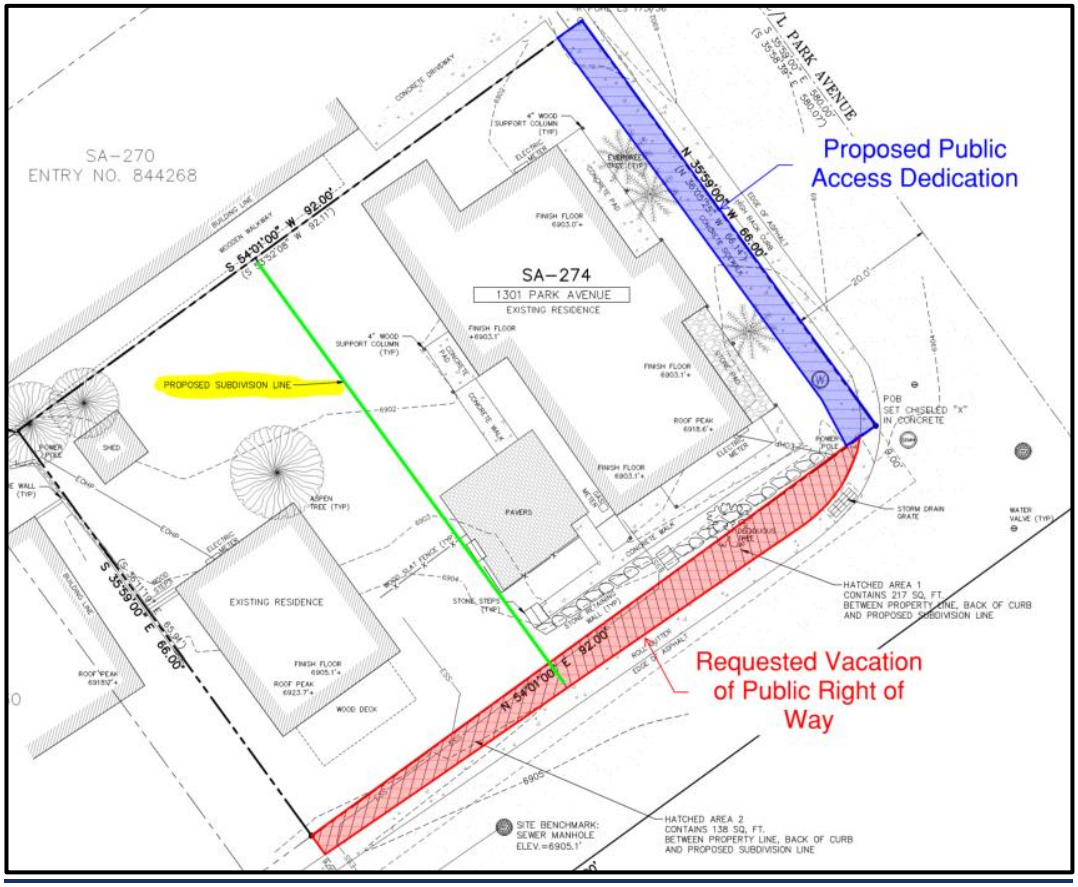
The Applicant is proposing to create two Lots, one Lot for each structure. In addition, the Applicant is proposing to grant a public access easement along Park Avenue for the existing sidewalk and bike lane (total of 266 square feet) and requests vacation of a portion of the 13th

[1] LMC § 15-12-15(B)(9)

Street Public Right-of-Way (355 square feet total: 138 square feet for Lot 1 and 217 square feet for Lot 2).

A-Frame Structure Built in 1964

Landmark Historic Structure built c. 1904



Annotated Plat Proposal

Staff identified the following land use applications for 1301 Park Avenue:

Permit Number	Description
PL-04-00564 – a Plat Amendment to create two Lots from one 6,072 square foot metes-and-bounds parcel	In 2004, the LMC required that a Lot contain 3,750 square feet for a Duplex and 2,812 square feet for a Single-Family Dwelling. Planning Staff determined the application did not have sufficient square footage to create two lots, one for a Single-Family Dwelling and one for a Duplex. A Condition of Approval stated the Plat could not be recorded unless the Applicant either (1) obtains approval of a special exception or variance, allowing the Duplex to remain on Lot 1 despite not meeting LMC criteria, or (2) obtains written confirmation from the Chief Building Official that each structure is a Single-Family Dwelling, requiring conversion of the Duplex to a Single-Family Dwelling. The proposed Plat included a 3.5-foot dedication to Park City in reasonable satisfaction of the road dedication because the Applicant's property encroached onto the existing public sidewalk. The Applicant never recorded the Plat and the approval expired.
PL-05-00013 – an Administrative Conditional Use Permit for an Accessory Apartment	The file for this does not indicate approval.
PL-13-02061 – a Historic District Design Review (HDDR) Application to demolish the non-Historic A-Frame.	Staff noted the Applicant did not require an HDDR to tear down the non-historic A-Frame at 1301 ½ Park Avenue.

Analysis

The proposed Plat Amendment must comply with the Historic Residential – Medium Density (HRM) Zoning District Requirements.

The purpose of the HRM Zoning District is to:

1. allow continuation of permanent residential and transient housing in original residential Areas of Park City;
2. encourage new Development along an important corridor that is Compatible with Historic Buildings and/or Structures in the surrounding Area;
3. encourage the rehabilitation of existing Historic Buildings and/or Structures;
4. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments;
5. encourage Affordable Housing;
6. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas; and
7. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Buildings and/or Structures along Park Avenue.[2]

Single-Family Dwellings and Duplex Dwellings are Allowed Uses in the HRM Zoning District.[3]

The table below outlines the HRM Zoning District Lot and Site Requirements[4]:

HRM Requirements	**Proposed Lot 1**	**Proposed Lot 2**
Allowed Uses: • Single Family Dwelling • Duplex	Existing Single-Family Dwelling	Existing Landmark Historic Structure converted into a Duplex
Minimum Lot Size: 1,875 square feet for a Single-Family Dwelling 3,750 square feet for a Duplex	**Complies** Proposed Lot will contain 2,557 square feet (.058 acres).	**Does Not Comply** Proposed Lot will contain 3,515 square feet (.08 acres) and does not meet the minimum lot size requirements of the HRM Zoning District for a Duplex, falling short by 235 square feet.
Minimum Lot Width: 37.50 feet measured	**Complies** Lot 1, as proposed, is 38.7	**Complies** Lot 2 will have two Fronts,[5]

[2] LMC § 15-2.4-1
[3] LMC § 15-2.4-2(A)(1-2)
[4] LMC § 15-2.4-3
[5] Pursuant to LMC § 15-4-17, Development on Corner Lots shall have two front Setbacks, unless otherwise an exception by this Code. The Rear Yard will be the side of the Property opposite the driveway Access from the Street. It if is not clear which boundary should border the Rear Yard, the Planning Director may specify which is the Rear Yard.

<table>
<tr><td>15 feet back from the front Lot Line</td><td>feet wide.</td><td>one width along 13th Street measuring 48.5 feet and the other width along Park Avenue measuring 66.1 feet.</td></tr>
<tr><td>Setbacks:

Front: 15 feet
Rear: 10 feet
Side: 5 feet</td><td>Does Not Comply

<table><tr><td>Required:</td><td>Existing:</td></tr><tr><td>Front: 15’</td><td>12’</td></tr><tr><td>Rear: 10’</td><td>29’</td></tr><tr><td>Side: 5’</td><td>4.7’ and 11’</td></tr></table></td><td>Complies

<table><tr><td>Required:</td><td>Existing:</td></tr><tr><td>Front: 15’</td><td>8’ and 10’</td></tr><tr><td>Rear: 10’</td><td>15’</td></tr><tr><td>Side: 5’</td><td>2’ 7”</td></tr></table>
Historic Structures are exempt from Setback requirements.[6]</td></tr>
<tr><td>Building Height: 27 feet from existing grade</td><td>Complies
Existing: 20 feet, 6 inches</td><td>Complies
Existing: 16 feet, 6 inches</td></tr>
<tr><td>Parking</td><td>Does Not Comply

No existing approved parking spaces.</td><td>Complies

Historic Structures are exempt from Parking Requirements.[7]</td></tr>
</table>

(II) The City must find Good Cause to vacate a Public Right-of-Way. Evaluation criteria includes (A) no increase in density, (B) neighborhood compatibility, (C) consideration, and (D) no significant utility of the existing Right-of-Way.

Park City Resolution No. 8-98 establishes the policy for vacation of public Rights-of-Way. The City may generally find Good Cause when a proposal demonstrates a “net tangible benefit” to the immediate neighborhood and to the City as a whole. The City will evaluate the proposal pursuant to the criteria outlined below to determine whether a “net tangible benefit” has been demonstrated by the petitioner.

(a) No Increase in Density.

LMC § 15-15-1 defines *Density* as:

> *The intensity or number of non-residential and Residential Units expressed in terms of Unit Equivalents per acre or Lot or units per acre. Density is a function of both number and type of Dwelling Units and/or*

[6] LMC § 15-2.4-4
[7] LMC § 15-2.4-4

non-residential units and the land Area.

In terms of visual compatibility, Density refers to the pattern of clustering residential or commercial structures within the neighborhood and/or District. The pattern is established by the overall mass (length, height, and width) of the structure visible from the Right-of-Way, size of the lot(s), width between structures, and orientation of structures on the site.

The proposed vacation of the 13th Street Right-of-Way will add square footage to both Lots. While the Applicant proposes an easement along Park Avenue for the existing public sidewalk, this easement will not reduce the size of the Lots. The HRM Zoning District establishes volume-based density of structures, based on setbacks and height.[8] Adding square footage to each Lot increases the potential structures that can be built on the lots, because it will decrease the required setbacks.

(b) Neighborhood Compatibility.

There are several parcels impacted by the Applicant's request, including the 13th Street Right-of-Way, a portion of the Woodside Avenue Right-of-Way along 13th Street and highlighted in blue, as well as a portion of City-owned property (SA-282-X) shown in red:

Enlarging the lots as proposed along 13th Street by reducing the width of the 13th Street

[8] LMC § 15-2.4-3

Right-of-Way may result in incompatible setbacks with the Multi-Unit Dwelling to the west across Woodside Avenue.

(c) Consideration

Resolution 8-98 states the following:

> *Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.*

Except for the dedicated easement along Park Avenue, the Applicant does not propose additional compensation to the City.

(d) Utility of Existing Right of Way

Resolution 8-98 states the following:

> *The City shall typically dispose of public Right-of-Way only when the Right-of-Way is no longer of significant utility to the City. The City shall consider the Right-of-Way's status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the Right-of-Way, and the Capital improvement Plan. Replacement of the prior Right-of-Way alignment or dedication of new Right-of-Way must meet the construction and width standards in the Streets Master Plan, unless otherwise reduced by the City Engineer.*

The City Engineer has noted that this portion of Public Right-of-Way will not be used in the future for utility development or road widening. However, the City Engineer has requested that if the Right-of-Way is vacated that a 10-foot access easement be placed on the property from the new property line inward to be used for snow storage and potential future improvements that could include a sidewalk along 13th Street.

(III) Staff requests the Planning Commission discuss whether there is Good Cause for this Plat Amendment.

Plat Amendments shall be reviewed according to LMC § 15-7.1-6 *Final Subdivision Plat* 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 "[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 further the health safety and welfare of the Park City Community."

Determination of Good Cause may include the following:

A. The Historic Residential – Medium Density Zoning District Uses and Character of the residential Area is retained

B. No Public Street or Right-of-Way is vacated or amended (pending City Council approval of the Right-of-Way vacation)

C. No easement is vacated or amended.

(IV) If the Right-of-Way Vacation and Plat Amendment is approved, the Development Review Committee[9] requires Conditions of Approval at the Building Permit phase.

The Development Review Committee met on May 17, 2022, and requires the following:

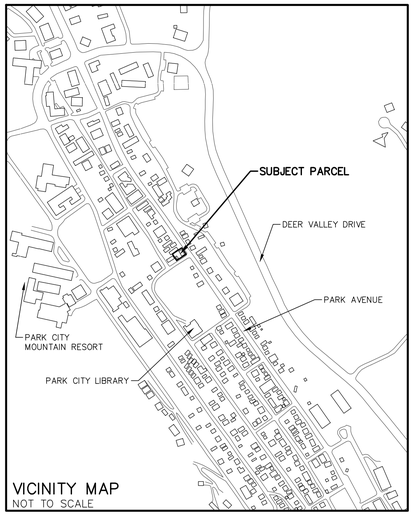
- Snyderville Basin Water Reclamation District noted the sewer connection from the A-Frame to the main sewer lateral would effectively cross property lines, which is not permitted. Additionally, a water ejector pump may be required for any basement bathrooms.

- The Engineering Department noted high water tables are an issue in this area and further study may be required to identify the permissible depth if basements are proposed.

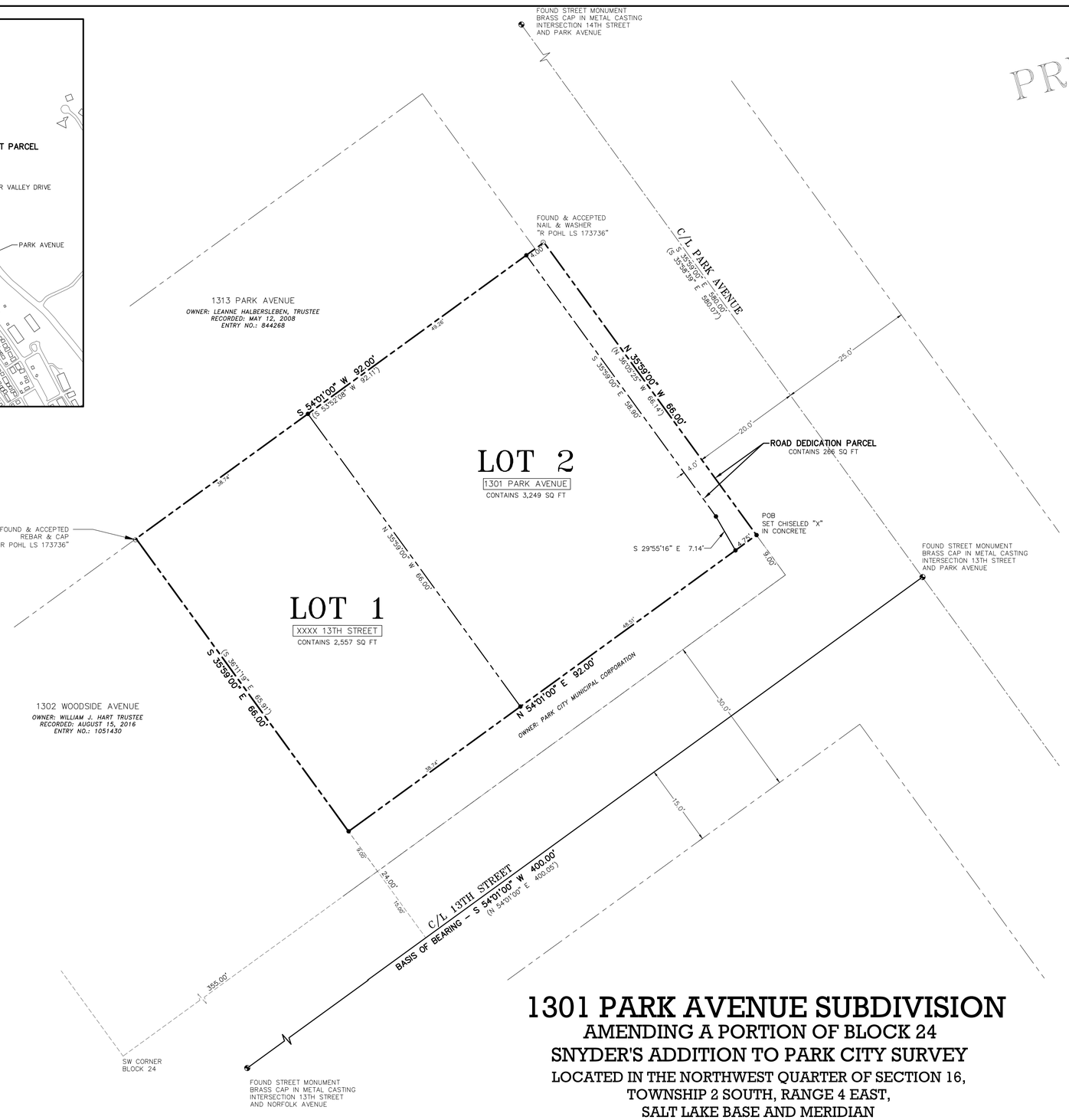
Exhibits

Exhibit A: Proposed Plat Amendment
Exhibit B: Existing Survey
Exhibit C: Applicant's Letter of Intent

[9] 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).



VICINITY MAP
NOT TO SCALE



PRELIMINARY
NOT FOR
REVIEW

PROFESSIONAL LAND SURVEYOR
No. 7248891
CHARLES
GALATI
State of Utah

SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyor Act; I further certify that by authority of the owner, I have completed a survey of the property described hereon in accordance with Utah Code Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as 1301 PARK AVENUE SUBDIVISION, and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

BEGINNING AT A POINT WHICH BEARS NORTH 54°01' EAST 355 FEET AND NORTH 35°59'WEST 9 FEET FROM THE SOUTHWEST CORNER OF BLOCK 24, SNYDER'S ADDITION TO PARK CITY; AND RUNNING THENCE NORTH 35°59' WEST 66 FEET; THENCE SOUTH 54°01'WEST 92 FEET; THENCE SOUTH 35°59' EAST 66 FEET; THENCE NORTH 54°01' EAST 92 FEET TO THE POINT OF BEGINNING.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be subdivided into two (2) lots of record, together with easements and right-of-ways as set forth to be hereafter known as 1301 PARK AVENUE SUBDIVISION and does hereby dedicate for the perpetual use of the public the areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements and rights-of ways shown on this plat, the same to be used for installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements and rights-of way as shown on this plat to the parties indicated and for the purposes hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

_____

By: _____
Marya LTD, authorized signer

ACKNOWLEDGEMENT

STATE OF UTAH)
:ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2022, _____ personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he/she is the authorized signer for Marya LTD, and her successors, as _____.

_____
Notary Public

_____
Printed Name

Residing in: _____

My commission expires: _____

Commission No. _____

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
2. See Record of Survey performed by Allterra Utah and dated January 13, 2022.
3. Measured bearings and distances, when different from record, are shown in parenthesis. ( )

LEGEND

- ● Set 5/8" rebar w/cap "ALLTERRA UTAH" (Unless noted otherwise)
- ⊙ Found Monument (As-Noted)
- ⚽ Found Street Monument (As-Noted)

10' 0 10' 20'

1301 PARK AVENUE SUBDIVISION

AMENDING A PORTION OF BLOCK 24
SNYDER'S ADDITION TO PARK CITY SURVEY

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH

PROFESSIONAL LAND SURVEYING AND CONSULTING
ALLTERRA UTAH, LLC
435-640-4200
463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036

3/10/22 SHEET 1 OF 1

PUBLIC SAFETY ANSWERING POINT APPROVAL	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	CERTIFICATE OF ATTEST	RECORDED
APPROVED ON THIS___DAY OF _____, 2022	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS___DAY OF _____, 2022	RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS___DAY OF _____, 2022	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS___DAY OF _____, 2022	APPROVED AS TO FORM THIS ___DAY OF _____, 2022	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF _____, 2022	I CERTIFY THIS PLAT WAS APPROVED BY THE PARK CITY COUNCIL THIS ___ DAY OF _____, 2022	STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____
BY_____ SUMMIT COUNTY GIS COORDINATOR	BY_____ ENGINEERING DEPARTMENT	BY_____ CHAIR	BY_____ PARK CITY ENGINEER	BY_____ PARK CITY ATTORNEY	BY_____ MAYOR	BY_____ PARK CITY RECORDER	____ FEE _____ SUMMIT COUNTY RECORDER ____ BOOK ____ PAGE TIME _____ DATE _____ ENTRY NO. _____

1301 PARK AVENUE

A PORTION OF BLOCK 24
SNYDER'S ADDITION TO PARK CITY SURVEY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

LEGAL DESCRIPTION

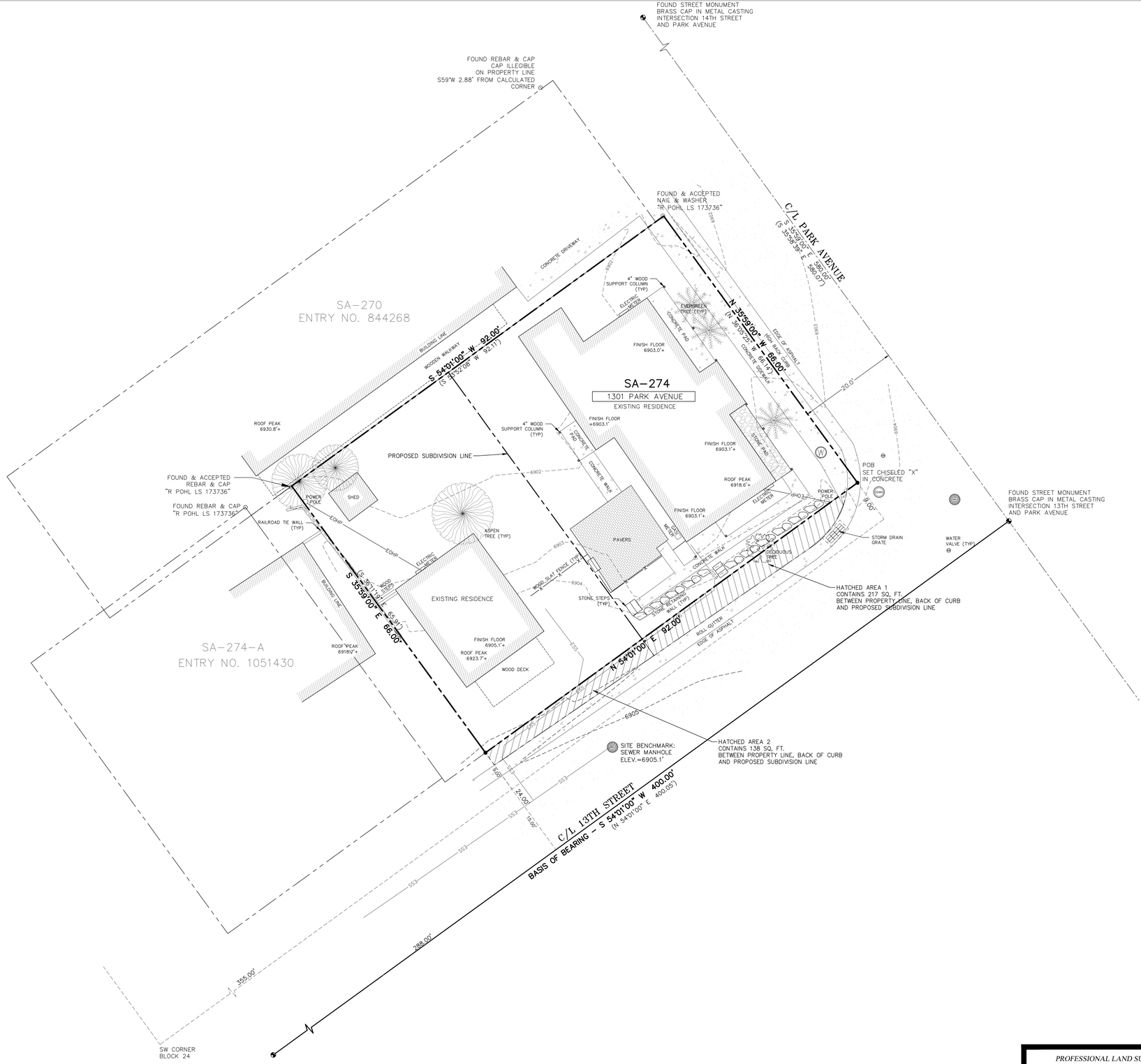
Beginning at a point which bears N. 54°01'E. 355 feet and N. 35°59'W.9 feet from the Southwest corner of Block 24, SNYDER'S ADDITION to Park City; and running thence N. 35°59'W. 66 feet; thence S. 54°01'W.92 feet; thence S. 35°59'E. 66 feet; thence N. 54°01'E. 92 feet to the point of beginning, known as 1305 and 1309 Park Avenue, Park City, Utah.

NARRATIVE/NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was performed December 22, 2021 and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform a Boundary, Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements and setbacks were located as part of this survey. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. County tax maps, Monument Control Map for Park City Entry No. 197765, Snyder's Addition to Park City survey map, Records of Survey, Nos s-2672, s-3984, s-4995, and s-5733 (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all considered when determining the boundary as shown on this plat.
6. Site Benchmark: Sewer Manhole, Elevation=6905.1' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found or set as shown.
9. Existing sewer lines as as shown hereon (ESS) were located utilizing construction notes and related documents from the installation in 2010 provided to the surveyor by the client. Cleanouts were not found in the course of the survey either due to snow coverage at the time or cleanouts being buried.
10. Snow accumulation at the time of this survey was approximately 1 foot. Utilities, monuments and other improvements may exist on the subject property which were not observed during field work and therefore not shown on this survey.
11. Measured bearings and distances, when different than record, are shown in parenthesis. ( )

REVISIONS

4/20/2022 - Provide certified exhibit of square footage along 13th Street between existing property boundary and back of curb as it existed at the time of the survey, December 22, 2021.



LEGEND

- ● Set 5/8" rebar w/cap "ALLTERRA UTAH" (Unless noted otherwise)
- ⊙ Found Monument (As-Noted)
- ⚽ Found Street Monument (As-Noted)

10' 0 10' 20'

PROFESSIONAL LAND SURVEYING AND CONSULTING ALLTERRA UTAH, LLC *435-640-4200* 463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036	STAFF: CHARLES GALATI JASON WYNNE DATE: 04/20/22	EXISTING CONDITIONS & TOPOGRAPHIC MAP 1301 PARK AVENUE CLIENT: SUE KNUDSON PROJECT.: 21046 C:\Users\Charlie\Desktop\ALLTERRA\AU JOBS\21046-13th and Park\21046 jw.dwg	SHEET 1 OF 1

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

To whom it may concern,

I am writing in regards for a subdivision of property located at 1301 Park Ave. Park City, Utah 84060. Which is in the (HRM) zone.

The property, 1301 Park Ave. has an existing single dwelling and a duplex. Our goal of project is to subdivide granting 2557 SQ FT to build or remodel the single dwelling and parking, on west side of property and grant 3249 SQ FT to maintain and remodel the existing duplex on east side of property.

The duplex is historical and does not have a foundation. The single dwelling in not historical and sits on pillars for foundation. We do have a letter from the city, that states we have been given permission to demolish the single dwelling.

We are hoping that once we do a GRAMA and variance report that the duplex will be able to remain a duplex and hopefully we will be able to use the 266 SQ FT the City took for the sidewalk on the East side or Park Ave side, to incorporate that into the SQ FT to build a new duplex with more square footage, of course, we need to maintain the façade of the structure of the duplex, being that it is historical.

If you have any question, please reach out to me via, text, phone, or e-mail.

Thank you,

Susan Knudson
PO Box 3133
Park City, Utah 84060
435-640-5766
sueknu@hotmail.com

Planning Commission
Staff Report

Subject:	**Accessory Uses in Master Planned Developments**
Application:	**PL-22-05447**
Author:	**Rebecca Ward, Assistant Planning Director**
Date:	**December 14, 2022**
Type of Item:	**Legislative – Land Management Code Amendments**

Recommendation

Provide input on Land Management Code amendments for Accessory Uses in Master Planned Developments.

Background

Commercial development 10,000+ square feet and residential development 20,000+ square feet requires a Master Planned Development (MPD) application and review by the Planning Commission pursuant to Land Management Code (LMC) Chapter 15-6. LMC § 15-6-5(A) *Master Planned Development Requirements – Density* states:

> *The Planning Commission shall approve the type of Development, number of units, and Density permitted on a given Master Planned Development Site based on a Site Suitability Analysis. The Master Planned Development shall not exceed the maximum Density in the Zoning District, except as otherwise provided in this Section.*

LMC § 15-6-8 *Unit Equivalents* establishes a formula for MPD Density. 1,000 square feet of commercial use is one Unit Equivalent and one Single-Family Lot or 2,000 square feet of Multi-Unit Dwelling residential use is one Unit Equivalent.

LMC § 15-6-8 *Unit Equivalents* exempts certain Support Commercial, Residential, and Resort Accessory Uses[1] from counting toward the total Unit Equivalents within an MPD. These Accessory Uses are intended to provide services and support uses for patrons, employees, and residents within the development, and not for the general public.

The Accessory Use exemptions from Unit Equivalents present challenges for some MPD reviews because they may result in increased mass and bulk of proposed projects and pose a potential risk that the Accessory Uses intended for patrons, employees, and residents already on site may eventually be opened to the general public without mitigating impacts like increased traffic and parking, and without contributing to affordable housing obligations pursuant to the City's Housing Resolution No. 05-2021.

[1] LMC § 15-15-1 defines an *Accessory Use* as a land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.

On September 9, 2020, the Planning Commission forwarded a positive recommendation to the City Council to adopt phase I amendments for MPDs[2] and provided input on phase II amendments to modify Support Commercial, Residential, and Resort Accessory Uses. Initial input from the Planning Commission included the following:

- Do not be so restrictive that projects cannot be successful; allow for development in a way that is manageable
- Consider reinstating caps like those originally in the code in the 1980s but be flexible – the caps may need to be increased
- Consider reinstating the 2,000-square-foot cap—or something similar—for each Accessory Use to limit off-site visitors
- Consider 25% or more for a cap on Residential Accessory Uses because these exemptions support efficiency of design
- Remove the redundancy from Residential and Resort Accessory Use lists
- Residential Accessory Uses are supported as is, but if any exemptions contribute to additional intensity of staffing, ensure that these impacts are considered when determining traffic and parking for the MPD approval
- Use caution when creating caps because uses may change over time, especially considering the pandemic and impacts this may have on the future of design with social distancing
- Work to balance caps with project success
- Caps provide a mechanism for enforcement (Staff Report; Minutes, p. 11)

Staff requests input from the current Planning Commission and notes that the Planning Commission liaisons recommend more restrictive amendments than originally proposed by the previous Commission.

Staff contacted mountain and resort town Planning Departments to learn how Accessory Uses within larger development reviews are regulated.[3] Calculating overall density and Accessory Uses is based on the underlying land use regulations, the intensity of uses, and whether a project is subject to a master plan and development agreement.

Park City's Land Management Code is unique because allowable density is determined differently, depending on the Zoning District. For example, the Recreation Commercial

[2] On October 1, 2020, the City Council adopted Ordinance No. 2020-45, amending the LMC to clean up remnant code, outline substantive and minor modifications, separate the MPD review process from the Conditional Use permit process, outline required compliance with all relevant sections of the LMC, require more or less restrictive height or setbacks to be noted on the plat and in the development agreement, require a public hearing prior to ratifying a development agreement, establish Planning Commission discretion to require applicants to provide additional studies and to fund those studies, and require sufficient traffic mitigation as a required finding and conclusion for approval (Staff Report; Minutes, p. 6).
[3] Staff contacted Crested Butte, Colorado; Taos, New Mexico, and Village of Taos Ski Valley; Jackson Hole, Wyoming; Aspen, Colorado; Snow Mass, Colorado; Telluride, Colorado; Town of Mountain Village, Colorado; Summit County, Utah; and Weber County, Utah.

Zoning District sets commercial density through a Floor Area Ratio, which establishes a building's total square footage based on the size of the lot. Other Zoning Districts, like the Residential Development, establish density based on units per acre. Volume-based Zoning Districts like the General Commercial establish density through setback, building height, and open space requirements. As a result, it is difficult to make like comparisons with other communities that calculate density differently.

However, overall, Park City's Accessory Use exemptions may be more permissive than the communities we spoke with. For example, the LMC allows for broad Residential Accessory Use exemptions for ski equipment lockers, lobbies, registration, common pool and exercise rooms, and administrative office space. Many of the communities we spoke with limit Residential Accessory Use exemptions to spaces for mechanical equipment, hallways and circulation, and elevators and stairways.

Analysis

The LMC implements the goals and policies of the General Plan in part to protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the historic character, and the unique mountain town community.[4] The Planning Commission reviews LMC amendments and forwards a recommendation to City Council for final action.[5]

Possible amendments based on Commission input to clarify Accessory Uses within MPDs are outlined below:

Support Commercial Accessory Uses

When the MPD process was first established in the 1980s, the LMC allowed Support Commercial Facilities, which were defined as commercial uses oriented toward the internal circulation of the development "for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the Master Planned Development." The definition included examples like barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops or other hotel lobby type uses.

Each Support Commercial Facility was capped to no more than 2,000 gross square feet of floor area and the total Support Commercial Facilities were capped to no more than 10% of the total gross floor area. Signage for Support Commercial Facilities could only be visible from within the development. The 1980s LMC also allowed up to 5% of the total floor area to be dedicated to meeting spaces without requiring Unit Equivalents.

[4] LMC § 15-1-2
[5] LMC § 15-12-15(A)(3)

The definition of *Support Commercial Use* has been slightly modified since the 1980s, but still establishes the requirement that the Use serve the needs of residents or users of the development. LMC § 15-15-1 *Definitions* outlines the following:

> **Commercial Use, Support**. A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

When the City re-wrote the LMC in the early 2000s, the LMC continued to allow within a Residential MPD for a Hotel or Nightly Rental condominium up to 5% of the total floor area for Support Commercial and 5% of the total floor area for meeting spaces without counting toward Unit Equivalents. This has not changed. LMC § 15-6-8(C) *Unit Equivalents* currently establishes the following for residential MPDs:

> **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS**. Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

And LMC § 15-6-8(D) *Unit Equivalents* further allows the following:

> **MEETING SPACE**. Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

Questions for Consideration:

- Should the 1980s cap for each Support Commercial Use for residential MPDs be reinstated to no more than 2,000 gross square feet of floor area, while still allowing up to 5% of the total MPD square footage for Support Commercial Use and up to 5% of the total MPD square footage for Meeting Spaces?

- Should the requirement that signage for Support Commercial Facilities only be visible from within the development be reinstated?

- Should a condition of approval require that advertising for Support Commercial Facilities be limited to residents and patrons on site?

  or

- Should the Support Commercial Use exemption be reduced or removed?
- Should the exemption for meeting spaces be reduced or removed?
- Are there other considerations?

Residential Accessory Uses

The 2002 LMC update further exempted administrative and banquet offices, as well as Residential Accessory Uses from Unit Equivalents, which included ski lockers, lobbies, registration, concierge, bell stand/luggage storage, maintenance areas, mechanical rooms, laundry facilities, employee facilities, common pools, saunas, and hot tubs not open to the public, telephone areas, public restrooms, administrative offices, hallways and circulation, elevators and stairways, and back of house uses. There is no square footage or percentage cap on Residential Accessory Uses.

LMC § 15-15-1 *Definitions* does not define Residential Accessory Uses. However, LMC § 15-6-8(F) *Unit Equivalents* includes the following description:

> **RESIDENTIAL ACCESSORY USES**. Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:
>
> Ski/Equipment lockers
> Lobbies
> Registration
> Concierge
> Bell stand/luggage storage
> Maintenance Areas
> Mechanical rooms and shafts
> Laundry facilities and storage
> Employee facilities
> Common pools, saunas and hot tubs, and exercise areas not open to the public
> Telephone Areas
> Guest business centers
> Public restrooms
> Administrative offices
> Hallways and circulation
> Elevators and stairways

Questions for Consideration:

- Does the Commission still support a proposed 25% cap—or greater or lesser cap—on Residential Accessory Uses?

- Would the Commission like to consider amendments requiring any Residential Accessory Uses that contribute to additional intensity of staffing to be included in affordable housing requirements, and traffic and parking studies, to ensure these impacts are considered when reviewing an MPD?

  or

- Would the Commission like to consider refining the list of Residential Accessory Uses, removing uses that contribute to additional intensity of staffing and restricting the list to functional spaces only, like hallways and circulation, elevators and stairways, and mechanical rooms and shafts?

- Are there other considerations?

Resort Accessory Uses

The 2002 LMC added Resort Accessory Uses, exempting lost and found, mountain patrol, mountain administration, mountain maintenance, emergency medical facilities, public lockers, public restrooms, employee restrooms, ski school/day care facilities, ticket sales, ski check, circulation, and hallways from Unit Equivalents. There is no square footage or percentage cap on Resort Accessory Uses.

The General Plan and recommended strategies acknowledge the need for flexibility with resort development, while preserving the City's core values. Goal 11 of the General Plan is to support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. Objective 11A states the vibrancy of Park City's resorts is essential to the success of resort support businesses and the City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City. Objective 11B is to preserve our community core values of Small Town, Natural Setting, Sense of Community, and Historic Character to maintain the unique Park City experience for visitors and residents.[6]

LMC § 15-15-1 *Definitions*, while defining *Resort Support Commercial Use* and *Resort Support Commercial* as shown above, does not define Resort Accessory Uses. LMC § 15-6-8(G) *Unit Equivalents* includes the following:

[6] General Plan Volume I, Sense of Community, p. 20 – 22.

RESORT ACCESSORY USES. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses

Questions for Consideration:

- Is the Planning Commission still supportive of no cap on Resort Accessory Uses?

- Would the Planning Commission like to consider amending LMC § 15-6-8 *Unit Equivalents* to require the Applicant to identify those Resort Accessory Uses that require additional employees and to include these numbers in the traffic impact study and parking calculations for the project?

  or

- Would the Planning Commission like to consider refining the list to remove uses that require increases in staffing like ski school and day care facilities and instruction facilities?

- Are there other considerations?

Resort Support Commercial

Support Commercial is also defined for the resorts. § 15-15-1 *Definitions* outlines the following:

> **Commercial Use, Resort Support**. A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.
>
> **RESORT SUPPORT COMMERCIAL**. Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

However, LMC Chapter 15-6 outlining MPD regulations is silent regarding Resort Support Commercial. Resort Support Commercial is established through the Park City Mountain Resort and Deer Valley Development Agreements specific to each project and no proposed amendments to the LMC would impact what is already defined and established specific to each resort.

Resort Support Commercial uses are allowed in the Recreation Open Space,[7] Residential Development,[8] Residential Development Medium,[9] Regional Commercial Overlay,[10] General Commercial,[11] and Light Industrial[12] Zoning Districts. All Zoning Districts establish Resort Support Commercial as a Conditional Use, requiring Planning Commission review, and include a footnote stating the Resort Support Commercial must be approved as part of an MPD except for the Recreation Open Space, General Commercial, and Light Industrial Zoning Districts.

Staff recommends the Planning Commission consider updating the *Uses* Section of the Recreation Open Space, General Commercial, and Light Industrial Zoning Districts to shift the use from an Allowed Use to a Conditional Use, triggering Planning Commission review, as well as adding a footnote that Resort Support Commercial may only be allowed when part of an MPD approval.

Additionally, staff recommends the Planning Commission consider adding Resort Support Commercial to the MPD Unit Equivalent Section to establish parameters for future reviews, including a square footage maximum.

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[7] LMC § 15-2.7-2(C)(19)
[8] LMC § 15-2.13-(B)(22)
[9] LMC § 15-2.14-2(B)(22)
[10] LMC § 15-2.17-2(B)(26)
[11] LMC § 15-2.18-2(A)(23)
[12] LMC § 15-2.19-2(A)(18)

Questions for Consideration:

- Would the Planning Commission like to shift Resort Support Commercial from an Allowed Use in the Recreation Open Space, General Commercial, and Light Industrial Zoning Districts that requires only a building permit to a Conditional Use requiring Planning Commission review?

- Would the Planning Commission like to add a footnote to these Zoning Districts stating Resort Support Commercial is only allowed when approved as part of an MPD?

- Would the Planning Commission like to outline Resort Support Commercial parameters in the MPD Unit Equivalent LMC § 15-6-8?

- Are there other considerations?