



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
April 13, 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, April 13, 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 February 9, 2022
Consideration to Approve the Planning Commission Meeting Minutes from February 16, 2022
Consideration to Approve the Planning Commission Meeting Minutes from February 23, 2022
Consideration to Approve the Planning Commission Meeting Minutes from March 9, 2022

[02.09.2022 - Minutes - Pending Approval](#)
[02.16.2022 Minutes - Pending Approval](#)
[02.23.2022 Minutes - Pending Approval](#)
[03.09.2022 Minutes - Pending Approval](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. WORK SESSION

- 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).

[Bransford Parcels Zone Change Staff Report](#)

Exhibit A: Applicant Narrative and Presentation
Exhibit B: Topography Survey with Deer Valley Easement
Exhibit C: Record of Survey December 2013
Exhibit D: JJ Johnson Development Feasibility Study 1981
Exhibit E: Access and Utility Easement along Twisted Branch into Red Cloud Subdivision
Exhibit F: 2007 Amended Flagstaff Development Agreement and Exhibits
Exhibit G: Park City Annexation of Flagstaff Mountain
Exhibit H: Red Cloud Subdivision Ordinance and Plat
Exhibit I: Snyderville Basin Land Use Plan and Development Potential Matrix 1998 Ord.
323
Exhibit J: Public Comment

6. REGULAR AGENDA

6.A

45 Daly Avenue – Plat Amendment – The Applicant Proposes to Create One Lot from One Lot and a Portion of a Second Lot. PL-22-05141
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on May 12, 2022

45 Daly Ave Staff Report
Exhibit A: 45 Daly Draft Ordinance No. 2022-XX
Exhibit B: Proposed Plat

6.B

949 Empire Avenue - Plat Amendment - The Applicant Proposes Removing an Internal Lot Line to Create a Single Lot of Record in the Historic Residential (HR-1) Zoning District. PL-22-05158 (15 min.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on May 12, 2022

Staff Report
Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat
Exhibit B: Summit County Recorder Entry No. 105863, Restrictive Covenants
Exhibit C: Planning Director Determination of Setbacks
Exhibit D: Aerial Photo
Exhibit E: Existing Conditions
Exhibit F: Site Photos
Exhibit G: Applicant Statement on Project Intent

6.C

2656 Aspen Springs Drive - Conditional Use Permit - The Applicant Proposes Constructing a Guest House in the Single-Family (SF) Zoning District. PL-22-05160 (15 min.)
(A) Public Hearing; (B) Action

Staff Report
Exhibit A: Draft Final Action Letter
Exhibit B: Aspen Springs Ranch Subdivision Phase 2 Plat
Exhibit C: Site Plan
Exhibit D: Statement of Purpose

6.D

Land Management Code Amendments -- Amendments to Non-Historic Zoning District Regulations and to Chapter 15-5, *Architectural Review*, to Comply with Changes to State Code Regarding Design of Single-Family Dwellings and Duplexes; Amendments to Chapter 15-6, *Master Planned Developments*, and Chapter 15-6.1, *Affordable Master Planned Developments*,

to Require Design Guidelines; Amendments to Section 15-1-18, *Appeals*, and 15-10-7, *Board of Adjustment Appeals*, to Clarify Jurisdiction and to Comply with Changes to State Code; Amendments to Section 15-15-1 to Update the Definition of *Food Truck* to Comply with Changes to State Code; and Non-Substantive Amendments in all Chapters. PL-22-05208

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on May 26, 2022

[Staff Report](#)

[Draft Ordinance No. 2022-XX and Land Management Code Redlines](#)

7. 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
February 9, 2022**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Bill Johnson, Christin Van Dine, Laura Suesser

EX OFFICIO: Gretchen Milliken, Planning Director; Alexandra Ananth, Senior City Planner; Browne Sebright, Planner II; Makena Hawley, Planner II; Spencer Cawley, City Planner; John Robertson, City Engineer; Mark Harrington, City Attorney

1. ROLL CALL

Chair John Phillips called the meeting to order at approximately 5:55 p.m. He explained that there was a slight delay in the start time due to technical issues.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. 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.

All Commissioners were present, with the exception of Commissioner Doug Thimm. Commissioner Laura Suesser was traveling internationally and was able to listen to the meeting but was unable to speak. She was asked to call Planning Director, Gretchen Milliken so she could share comments during the meeting via speakerphone.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from January 12, 2022.

MOTION: Commissioner Kenworthy moved to approve the Planning Commission Meeting Minutes from January 12, 2022. Commissioner Johnson seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Phillips pointed out that on the Planning Commission agenda, an allotted amount of time was listed for each item. This was intended to keep the discussions focused and on track.

Director Milliken reported that the Snow Park application involved a request for the vacation of right-of-way and the dedication of right-of-way. That was something that the City Council would decide. Since the proposal, transportation, circulation, and site plan were all under Planning Commission review, it made sense to hold a joint Planning Commission and City Council Meeting. The joint meeting would look at the vacation, dedication, and site plan. Director Milliken clarified that the City Council would not make a decision tonight, but it would allow for robust discussion. The City Council has March 15, 2022, available at either 5:00 p.m. or 5:30 p.m.

Chair Phillips noted that the joint meeting would add another meeting to their schedule. However, it was important to work with the City Council. He wondered if other matters could be discussed during the joint meeting. Director Milliken believed that was the intention. Chair Phillips asked the Commissioners if they would be able to attend a joint meeting with the City Council on March 15, 2022. Commissioner Van Dine noted that she may have a difficult time attending but could let the Commission know closer to the meeting date. Commissioners Kenworthy, Johnson, and Hall were able to attend. Commissioner Suesser would be out of town on that date but could possibly attend remotely.

There was discussion regarding the joint meeting agenda. Commissioner Kenworthy wanted to see the Snow Park applicant provide a proposal on housing. He had heard about issues related to on-site versus off-site housing and felt it would be beneficial to work with the City Council on that. Chair Phillips had suggestions and wondered if agenda topics should be shared with Staff via email or if there should be a discussion at the next Planning Commission Meeting. It was important to make the most out of the joint meeting time. Director Milliken asked that there be email communication to start. If further discussions were needed, time could be allotted at the next Planning Commission Meeting and the agenda could be finalized at that time.

Director Milliken asked about the scheduled Special Meeting on February 16, 2022. If that meeting was unable to take place in February, she wanted to know if the Planning Commission would be open to holding the Special Meeting in March. That would mean the Planning Commission would have two regular Planning Commission Meetings, one joint meeting with the City Council, and one Special Meeting in March. Chair Phillips was open to the four meetings in March. Commissioners Johnson, Kenworthy, Van Dine, and Suesser were in support of the Special Meeting in March. Commissioner Hall needed to check her schedule and report back. Chair Phillips noted that he would have to ask Commissioner Thimm about his availability.

Commissioner Van Dine shared a disclosure with the Commission. She reported that she owns property adjacent to the Lakeside Condominiums project.

5. CONTINUATIONS

- A. 2300 Deer Valley Drive East - St. Regis Deer Valley – Modification to a Conditional Use Permit –The Applicant Proposes to Install an Additional Temporary Tent for Winter Months. PL-21-05095.**

Chair Phillips reported that the applicant was looking to continue the item to February 23, 2022.

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

MOTION: Commissioner Kenworthy moved to continue PL-21-05095, Modification to a Conditional Use Permit on 2300 Deer Valley Drive East, St. Regis Deer Valley, to February 23, 2022. Commissioner Van Dine seconded the motion.

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

6. WORK SESSION

- A. Deer Valley Snow Park Proposal - Work Session With A Focus On the Applicant's Transportation Analysis, Proposed Site Circulation, and Request for Reductions to the Required Number of Parking Stalls. PL-21-04811.**

Senior City Planner, Alexandra Ananth reported that the focus of the Work Session discussion was on transportation, circulation, and parking for the Deer Valley Snow Park project. She reminded the Commission that the application was to amend the Master Planned Development ("MPD") and for a Conditional Use Permit ("CUP") for Phase 1 of the Snow Park Village parking structure. The CUP included the parking structure, the mobility hub, and the overall site plan. It did not include any of the vertical development as that would be addressed in later CUPs.

The presentation would primarily focus on updates to the Transportation Analysis. There would also be an opportunity for Commission discussion. Planner Ananth reported that a third-party Transportation Engineer from WCG was present as well as City Engineer, John Robertson, Transportation Planning Staff, and the applicant team. Since the last Planning Commission Meeting, the applicant had revised the Transportation Analysis. Other documents had been revised as well, including the request for a reduction to the number of parking stalls required by the Land Management Code ("LMC"), the Parking Management Plan, and Transportation Demand Management Plan. Some new plans were submitted, which included the Traffic and Transportation Access Exhibits, the Snow Storage Exhibit, and the Vehicle Control Gate Analysis.

Planner Ananth reported that the application was dependent on a proposed right-of-way vacation and dedication application. That would be a City Council decision and there would be a joint meeting between the Planning Commission and City Council on March 15, 2022. During the joint meeting, there would be discussions and an opportunity for public comment. She explained that the proposal for circulation depended on the right-of-way vacation and dedication. If the Council did not allow the vacation of the right-of-way, the proposal would need to be substantially modified.

There were certain required findings that the Planning Commission needed to keep in mind including the following:

- The MPD, as conditioned, must promote the use of non-vehicular forms of transportation through design and by providing trail connections. It must address and mitigate traffic.

The Circulation Plan was discussed previously but was reviewed further by Planner Ananth. The applicant proposed that Deer Valley Drive West serve as the primary route for transit to the proposed transit and mobility hub. Transit vehicles, shuttles, and anyone accessing Royal Street would be prioritized on Deer Valley Drive West through a signal to access Royal Street or the condominiums on Deer Valley Drive West. It would also provide the most efficient and direct access to the transit hub. Planner Ananth explained that was in keeping with the City's transit-first transportation goals. Deer Valley Drive East would then serve as the primary access for all other vehicles, including day-skiers, and provide access to the proposed garage. This was a significant change to the existing circulation, and it was important to hear feedback.

Planner Ananth noted that the applicant had proposed a bus-only lane that would circulate Deer Valley Drive. It would continue along Doe Pass Road and access the proposed mobility hub. The bus-only lane was proposed in a counter-clockwise direction. This design would allow transit vehicles to use Deer Valley Drive West as an express route in both directions and allow the surrounding neighborhoods to be served by transit. Transit had the opportunity to be in the bus-only lane or the general traffic lane. One thing that Staff liked about the proposal was that it provides emergency vehicle access in the bus-only lane. The three traffic lanes fit within the existing roadway right-of-way but there could not be a separate bicycle lane on the road. Due to that elimination, the City was looking for a 10-to-12-foot-wide multi-use path for pedestrian and bicycle circulation around the entirety of the Deer Valley Drive loop.

Chair Phillips asked if striping would be needed for the multi-use path to avoid conflicts between different user groups. Planner Ananth explained that the path would accommodate both pedestrians and bicyclists without striping. However, it could be looked into further if there were conflicts between the two user groups.

The change in circulation would be indicated with roadway signage prior to the Y intersection. This would ensure that vehicles have enough time to understand whether they should be on Deer Valley Drive West or Deer Valley Drive East. Planner Ananth noted that the new circulation pattern would add more traffic to Deer Valley Drive East, which was something the applicant would discuss further during their presentation. She stated that there was a desire from the City to mitigate the traffic impacts on the surrounding neighborhoods.

Planner Ananth addressed parking and explained that the applicant was looking for an exception to the number of parking spaces in relation to the LMC requirements. The applicant asked for a 20% reduction for all of the uses proposed. The Parking Analysis supported the 20% reduction for the event center, new uses, commercial uses, hotel, and residential. The reduction was also being sought after for day-skier parking. 1,800 parking stalls were proposed, where 2,262 were required. The applicant was asking for a 462-stall parking exception. Based on early analysis, Staff was supportive of the proposed parking reduction. A decrease in parking was consistent with the City's transportation planning goals. Additionally, a 20% parking reduction was consistent with other projects that had been approved in the City.

Planner Ananth asked that the Planning Commission discuss the following:

- Where off-site parking will occur;
- When off-site parking will be needed; and
- What mitigation strategies or Conditions of Approval should be implemented.

Staff recommended that Deer Valley continue to work with the City to determine an acceptable location for overflow parking and consider mitigation strategies, should Deer Valley no longer be able to utilize the middle school for overflow parking. One option was to consider Richardson Flat for overflow parking and another option was to consider employee parking at Richardson Flat.

WCG and Staff had a few concerns with the revised Transportation Analysis, which included:

- WCG:
 - The Transportation Analysis does not analyze the internal intersections, garage accesses, and drop-off areas; and
 - The Transportation Analysis does not discuss measures to mitigate the impacts of increased traffic volume to adjacent neighborhoods along Deer Valley Drive East.
- Staff:
 - Staff requests a plan showing the width of the multi-use path around the entire Deer Valley Drive loop; and
 - Staff requests a plan showing emergency vehicle access connecting Deer Valley Drive East and Deer Valley Drive West across the plaza and ski beach area.

The applicant was prepared to address many of those concerns during the Planning Commission Meeting. Planner Ananth asked that the Commission express any further concerns about the Circulation Plan, as proposed. This would ensure that Staff had as much information as possible prepared for the joint meeting with the City Council on March 15, 2022.

David Nicholas introduced himself and explained that he is from IBI Group and would present on behalf of Deer Valley. Additionally, Rich Wagner and the design team were available to answer questions. The presentation from Mr. Nicholas would review the status of the Commission Meetings and the alignment with the strategic pillars of the City. There would also be a continued conversation related to transit, transportation, traffic, and circulation. Mr. Nicholas reported that it had been almost one year since the process began. There had been several meetings with the Planning Commission as well as a field trip in December 2021. He hoped that the transit, transportation, and traffic work would be concluded during the current Planning Commission Meeting. In March, the intention was to come back to the Planning Commission with information related to construction, phasing, and sustainability. In April, the goal was to review some Conditions of Approval and start to look toward project approval.

Mr. Nicholas noted that there was a continued effort to strategically align with the pillars of the Vision 2020 Plan for Park City. The Deer Valley team had worked diligently over the last several months to focus on the transportation innovation objective. He introduced Dan Cawley from Fehr & Peers, who was acting as a transit and transportation consultant. Mr. Cawley would share updates related to the comments received from WCG in October 2021. The intention was to address all City concerns and create a project that would align with the desires of the Park City. He explained that the highlights of the WCG review were as follows:

- Expand the study area to include more intersections;
- Revise increased trip generation estimates;

- Provide more detail on driveway and loading area operations;
- Engage with City Staff on goals to prioritize transit and incorporate that into Snow Park;
- Refine parking supply and parking management strategies; and
- Document existing and new Transportation Demand Management Plan in greater detail.

There had been a lot of revision since that point. Mr. Cawley noted that the revisions included:

- Updated site access and Circulation Plan;
- Revised on-site pedestrian, cyclist, transit, and vehicle circulation;
- Comprehensively updated Traffic Study (expanded study area and additional trip generation estimates); and
- Expanded Parking Management Plan and Transportation Demand Management Plan.

Mr. Cawley shared the proposed Site Access Circulation diagram. He reported that the Y intersection would be reconfigured so the primary access for day-skier traffic along Deer Valley Drive East would be a straight movement to incentivize that as the most obvious approach. That would be supported by wayfinding and signage to guide skiers to use Deer Valley Drive East as a primary access route. The intersection would have a queue jump for buses, which would allow them to make the right turn onto Deer Valley Drive West. That would allow the buses to bypass any queues and continue as expediently as possible along Deer Valley Drive West in a dedicated bus-only lane to the mobility hub. The bus-only lane was shown on the diagram.

The signal at the Y intersection would have transit signal priority. Mr. Cawley explained that this was a mechanical advantage that would allow a transit vehicle and operator to signal to the traffic controller. It would allow the bus to move through the area more efficiently. He reported that the transit-only loop would continue counter-clockwise through the intersection at Doe Pass Road and Deer Valley Drive West and stop at the mobility hub. At the intersection of Doe Pass Road and Deer Valley Drive East, the proposal was to add a second signalized intersection. Mr. Cawley stated that the goal was to prioritize transit movements through the intersection and out of the mobility hub. The signalized intersection was in alignment with the goals of the City.

Mr. Cawley discussed the proposed multi-use pathway around the Deer Valley Drive loop. On site, there would be substantial amounts of pedestrian and cyclist infrastructure. That would ensure there was a comfortable off-street alternative. He understood that the area was popular for both pedestrians and cyclists and it was important to enhance that experience where possible.

Private vehicle traffic was discussed. The primary access route for day-skiers would be via Deer Valley Drive East. Vehicles would proceed straight through the reconfigured Y intersection at the signal and approach the Snow Park Village and proposed parking layouts. Mr. Cawley reported that at the southern end of the site, there would be a small drop-off loop, which would be discussed later in the meeting. The newly proposed signal at Doe Pass Road and Deer Valley Drive East would disincentivize day-skiers to use that as an access point.

Mr. Cawley shared a map of the site and overviewed the transit route. Revisions were made to reduce conflicts to the greatest extent possible. For instance, reducing the number of locations where private vehicles and those traveling by active transportation shared the same space at the same time. It was also a priority to expedite transit to and from the mobility hub. The mobility hub will have space for six buses at one time and would also have some electric bus charging infrastructure. With the assistance of a traffic signal, those buses would be able to effectively

pause the eastbound traffic on Doe Pass Road enter into the intersection and then turn left through the intersection into the bus-only lane. This would make transit a more attractive and viable means. It would also improve multi-modal connections for pedestrians and cyclists as well as discourage the use of Doe Pass Road for private vehicle trips.

Commissioner Suesser asked for clarification about the Circulation Plan. She wanted to know if there was two-way bus traffic along Deer Valley Drive West. Mr. Cawley explained that the plan does not provide two-way bus lanes on Deer Valley Drive West. If outbound buses choose to travel that route, it would be within the general purpose, mixed-traffic lane. One of the limiting factors was the fact that there was a short bridge close to the Y intersection on Deer Valley Drive West. Providing the one-way bus loop ensures that bus-only lanes are provided to and from the newly signalized intersection. Commissioner Suesser asked if there was two-way traffic for private vehicles on Deer Valley Drive West, which Mr. Cawley confirmed.

Commissioner Suesser wondered if it would be possible for vehicles to make a right turn across the bus lane. Mr. Cawley confirmed this but noted that at the approach to Deer Valley Drive East, on Doe Pass Road, there would be a single mixed-lane to reduce side-by-side turning conflicts. There would be a signal at Doe Pass Road and Deer Valley Drive East with signal preemption to better facilitate outbound transit speeds. Commissioner Suesser believed Deer Valley Drive East would have one regular traffic lane in one direction, one regular traffic lane in the other direction, and a one-way loop for the bus. This was confirmed.

Mr. Cawley shared an image of a cross-section looking north on Deer Valley Drive East. The east curbside lane would be the bus-only lane, which would allow the bus-only lane to serve the existing bus stops along Deer Valley Drive East. There would also be two general purpose, mixed-traffic lanes. One of the benefits of this configuration was that it allowed for substantially faster emergency vehicle access if needed. The Site Plan was shared, and he noted that the majority of the parking access would be off of Deer Valley Drive East. That would include the P2, P3, and P4 labeled driveways. Some of the ongoing concerns from Staff and WCG had to do with how the driveways would function and whether there would be operational impacts due to on-street queuing. An analysis was done and would be shared later.

The average ingress speed was something that Deer Valley was concerned about. It was important that there was a smooth and seamless operation so that guests had a positive experience. Some of the Deer Valley goals were to expedite access, reduce on-street congestion, and allow for transactions to more substantially affect the outbound pace. The latter would also meter the speed at which vehicles were able to leave the site. Mr. Cawley reported that at the southern end of the site, there was a plan to provide emergency vehicle access from the southern end of Deer Valley Drive West over to the pick-up and drop-off area. That would be maintained throughout the year. Chair Phillips asked if that would be difficult due to the location of the Silver Lake Express. Mr. Cawley noted that there would be enough vertical clearance.

Mr. Cawley provided additional information on multi-modal circulation. There would be a continuous multi-use path the whole way around the Deer Valley Drive loop. Along Doe Pass Road, the proposal was to reroute that to the north side to reduce conflicts at the mobility hub. There would be a lot of traffic entering and exiting the mobility hub and it was important to separate those movements as much as possible. Mr. Cawley noted that the design would provide more on-site circulation. The assumption was that the vast majority of guests would interact with the area on foot, and as a result, the design needs to be pedestrian-friendly.

The updated Traffic Study was discussed. Mr. Cawley explained that one of the goals was to provide a conservative set of analyses to base the infrastructure recommendations on. Some of the key highlights that came out of the updated Traffic Study were as follows:

- Proposing two new traffic signals:
 - One at Deer Valley Drive/Deer Valley Drive East/Deer Valley Drive West;
 - One at Doe Pass Road/Deer Valley Drive East; and
 - Both traffic signals are equipped with transit preemptive capabilities.
- Intersections closer to Snow Park should continue to operate at acceptable levels of service through the year 2040;
- Parking supply will be more than adequate for the vast majority of ski days;
- Traffic Demand Management program will compliment transit improvements by being explored by PCT/HVT; and
- Transit travel times on Deer Valley Drive loop will be faster than general traffic, with 35 seconds saved in each direction.

The expanded study intersections that were requested with the updated Traffic Study included two that were much closer to the site. For instance, the intersections at either end of Doe Pass Road. Other intersections studied included the Deer Valley Drive/Park Avenue/Empire Avenue intersection and Bonanza Drive/Monitor Drive/SR-248. Mr. Cawley overviewed the trip generation estimates. When WCG reviewed the initial trip generation estimates in October 2021, there were concerns that the numbers were unrealistically low. To address that, a handful of updates had been made. He reported that the hotel trip generation estimates had been replaced with estimates from The Canyons. Additionally, the initial numbers may have overestimated the PM outbound trips. Given how the project was intended to function, the assumption was that guests would stay at the base a bit longer and enjoy the amenities. The trip generation estimates showed a 15% increase in traffic to and from Deer Valley using the more conservative estimates.

The Intersection Analysis was shared. Mr. Cawley reported that under the existing conditions, a handful of intersections were operating at levels below what the City wanted to see. The opening year of the project would see the intersections, except those that were currently failing, continue to operate at acceptable levels of service. That would continue under the 2040 evaluation.

Parking Plans were addressed. Mr. Cawley noted that parking would be an ongoing conversation with the City. Remote parking needed to be provided in a way that met all needs. South of Doe Pass Road, parking would be provided in a new structure with four levels. The price of parking would be one of the main incentives relied upon to discourage traveling alone to and from Deer Valley. The implementation of parking pricing would be paired with a constrained parking supply. Management strategies would focus on the most efficient use of the parking supply. For instance, wayfinding, communication, and payment technology that prioritized inbound access speeds to the greatest extent possible. He reported that Deer Valley would no longer allow for overflow parking on Deer Valley Drive.

Mr. Cawley reported that there would be a Traffic Demand Management Coordinator for Deer Valley, to make sure there was a consistent point of contact between Deer Valley and the City. The coordinator would support an ongoing monitoring program. The program would ensure that there were evaluations and semi-annual discussions with City Staff. Mr. Cawley explained that the monitoring program would rely on existing data, but there could be involvement from other agencies as well. For example, it was important to understand what transit ridership looked like

and what vehicle counts looked like. If the transit-only lanes were implemented as proposed, approximately 35 seconds per trip would be saved in each direction for express-type service. Deer Valley could reach out to applicable agencies to obtain that type of data.

Commissioner Johnson wondered whether residents on Solamere Drive and Queen Esther Drive would need to walk or take the bus back to the Y intersection and then make a left turn to get to the base resort. Chair Phillips noted that there had been previous discussions related to that question. He believed the City would still run a certain number of buses through normal traffic to pick up residents in those areas. Commissioner Johnson understood that the design would improve the Deer Valley Drive loop but asked for additional information about the merge back into two lanes. Mr. Cawley reported that the majority of delays that a vehicle will experience would be at an intersection. Buses would be able to move through certain intersections with the transit preemption, which would improve speeds and overall reliability. The goal was to move vehicles through the key intersections and expedite transit as much as possible. Once the buses moved past the intersections, transit-only would drop and a merge would be necessary.

Commissioner Johnson did not believe that Richardson Flat would be an appropriate solution for parking. Commissioner Van Dine noted that most people came to Deer Valley from the Wasatch Front. She wondered whether there were mitigation strategies to discourage people from coming into town. If the goal was to disincentivize people from parking at the resort, it was important to consider where people would park as a result. Commissioner Van Dine also expressed concerns related to the drop-off areas. Mr. Cawley noted that the circulation would change. There would be a heavy reliance on Deer Valley guest services in the drop-off areas to make sure they functioned well. Planner Ananth noted that the drop-off area was multi-lane. Mr. Cawley stated that there were a few different drop-off locations. For instance, at the southern end of Deer Valley Drive East as well as drop-off areas on certain parking levels.

Commissioner Kenworthy liked the options with the multi-lane drop-off areas and appreciated the presentation. He believed that Richardson Flat could be used as an employee parking lot and the applicant could be responsible for shuttles. Discussions were had about how vehicles would reach the Deer Valley site. Jon Nepstad from Fehr & Peers clarified that the report included in the packet described where the trips to Deer Valley started, but the analysis did not mention the exact routes taken.

Chair Phillips opened the public comment period.

David Jantzen felt that Deer Valley should guarantee that the number of parking spaces being eliminated would be available elsewhere as a satellite site. He also noted that even with the most efficient technology, it will take four or five times longer to move vehicles into the parking garages as compared to the open field parking that currently existed.

Michael Weiner identified himself as a resident in the Solamere neighborhood. He did not fully understand how the ingress and egress would work from the Solamere and Queen Esther neighborhoods. There were hundreds of residents in the area with concerns. He asked for additional information about how ingress and egress would work in the future and how the proposal would impact traffic backups in the area.

Stephany Richmond reported that she lives off of Solamere and noted that Deer Valley brings a lot of enjoyment to skiers. She felt that less available parking would encourage visitors to choose other resorts. Ms. Richmond also wanted to understand how the proposal will impact residents

in the area. Chair Phillips explained that the objective was to reduce traffic and noted that many of the parking reductions had to do with City-wide policies.

Randy Johnston asked the Commission to consider the size of the new parking spaces. The current parking spaces allow visitors to exit their vehicles with ski boots and unload ski equipment. If the parking spaces are to be the same size that they are elsewhere in the City, it would be impossible for visitors to unload their gear safely and effectively.

Christina Shiebler reported that she lives in the Rossi Hill neighborhood. She expressed concerns about the 20% parking reduction because there are already issues with visitors parking in the neighborhoods. It was important that the applicant sit down with nearby residents to discuss concerns. Ms. Shiebler also wanted to understand how the emergency response vehicles will operate in the area and felt it was important to have a clear plan in case of emergency. She noted that there had been a lot of discussions about user experience, but she felt it was essential to consider the local experience and how the proposal will impact residents. Additionally, she pointed out that certain areas are dangerous for pedestrians. The Traffic Study needed to include the next largest intersection below the proposed traffic circle and traffic light.

Jack Chandler, a resident of the Solamere neighborhood, had questions about ingress and egress. There are already Deer Valley visitors that park down to his street. It was important for residents to understand how they would be able to get in and out of their homes. He also asked about public transportation for residents and their ability to access the ski resort. Mr. Chandler suggested that Deer Valley consider running a shuttle bus to allow the residents to get to and from the resort.

Phil Palmintere also lives in Solamere and echoed the comments and concerns expressed by other attendees. He explained that he is a disabled skier and is very concerned about the location of the handicapped parking under the proposal. The existing disabled parking spots were near the ski school, but according to one of the maps, which would become a drop-off area. If he took a bus, there may be a 300 to 600-foot walk to reach the lift. As a disabled skier, that is not acceptable. Mr. Palmintere requested that the applicant focus on disabled skiers and handicapped parking spots. It is also important that there was an adequate number of disabled parking spots available because currently there were not enough.

Amrit Nagpal explained that he is a homeowner in Solamere. He was opposed to the rerouting of traffic and did not understand the rationale for doing so. It was a long distance to travel, more ingress and egress points could be affected by higher traffic, and there were already hundreds of residents in Solamere who struggled to drive into town in the afternoons. He did not believe that the parking prices would act as a deterrent, given the demographic that Deer Valley seemed to attract. Mr. Nagpal noted that the rationale to reroute the traffic had not been adequately addressed by the applicant.

James Letchford, a Solamere resident, had concerns about traffic. There were a lot of discussions about how visitors would get to Deer Valley but not as many about how people will leave. Regardless of the traffic map, as soon as a vehicle leaves the traffic loop, there will be a chokepoint. That makes it difficult to pick up children from school or leave the area in the afternoon area. There will be a chokepoint regardless of the traffic flow into Deer Valley. More attention needed to be focused on egress. Mr. Letchford noted there are not a lot of bus routes into the neighborhoods, which made it difficult for the residents to use public transportation.

Michael Kushner enjoyed the presentation and informed the Commission that he was a Solamere resident. From an emissions perspective, he had concerns, as a longer route would work against the Park City goal to reduce emissions. From a livability perspective, trying to get in and out of the neighborhood was a challenge. He reported that there were school buses that came in and out of the neighborhood, but often, children were not able to use those buses, because the traffic was so intense that the children would be late for school. Mr. Kushner wanted to know how the proposal will make things more livable for residents.

Joanna Williams is a full-time resident on Solamere Drive and agreed with the suggestion made by Mr. Chandler for a Deer Valley shuttle service for residents. Even if the shuttle was only available on the weekends, which could be beneficial. She did not believe the longer route around was the best solution as it could create further problems. Ms. Williams also expressed concerns about the reduced size of the drop-off loop. The current loop allowed many parents to temporarily park on the left and walk the children in, but that was already crowded. If there was a reduction to that area, she felt that it would negatively impact visitors.

Peter Weinstock noted that the site had not been developed for a number of years. It would be possible to experiment with different strategies, such as increased parking fees, to determine what works before something irreparable is done. The current situation was not working, and it would make sense to address the current issues first. For instance, ticket and tow vehicles that are parked around the loop and charge more for parking. Deer Valley could determine whether that alleviated the traffic enough to then start on the development. To do the development with the hope that the solutions would work could create an even worse situation.

There were no further comments. The public comment period was closed.

Chair Phillips addressed concerns raised during the public comment period. He noted that there had been many meetings related to the development. The problems related to traffic were City-wide issues as well. That was one of the reasons transit was a priority for the City and reducing the parking was intended to help relieve some of the congestion. Chair Phillips explained that one of the reasons for the proposed configuration was to prioritize and incentivize bus transit. There were multiple ways to do that including charging for parking and having a priority bus lane. He reminded those present that previous minutes and material packets were available on the Park City website for review.

Commissioner Hall asked that the applicant speak to the size of the parking stalls. She also asked that the applicant review the loading zone. It was important to understand the size of the proposed loading zone compared to the current one. Mr. Nicholas reported that the goal of the parking stall size was to have as many oversized stalls as possible. The stalls would be 10' x 20'-foot parking stalls, where a typical stall in a parking structure was 9' x 17'. Mr. Nicholas explained that the drop-off area was multi-lane and was in a round configuration. The current configuration was more linear. There was a more comprehensive approach to distributing drop-offs throughout the project as opposed to concentrating drop-offs in one location. The primary goal of that was to minimize pedestrian and vehicular conflicts and create additional choices. He noted that there would be drop-offs at Snow Park Lodge and within the parking structures.

Commissioner Kenworthy asked how far it was from the escalator at the transit drop-off to the Carpenter Express chairlift. Mr. Nicholas reported that there was 400 feet of walking distance with another 150 to 200 feet of escalator transport. Commissioner Kenworthy wanted to know about the number of handicapped parking spaces. Mr. Nicholas did not have the exact numbers

but explained that each parking level will contain a certain amount of handicapped parking stalls. The project will be ADA and Code compliant.

Commissioner Suesser believed the applicant should consider a skier drop-off area on the south side of the plaza to address some of the congestion concerns. Chair Phillips mentioned the public comment related to school buses. He wondered if the school buses have the same signaling capability as the lights. It was noted that the City would need to determine whether school buses can use the bus-only lanes. Chair Phillips suggested that the applicant do whatever is possible to mitigate some of the unintended consequences. He also encouraged Deer Valley to look into the possibility of running a shuttle bus in the neighborhoods.

Commissioner Kenworthy felt it was important that there be additional opportunities for public comment. Planner Ananth reported that the public could continue to comment on the project at future meetings. The joint meeting with the City Council would take place on March 15, 2022. Additionally, emailed comments could be sent to Staff at any time. Planner Ananth explained that the applicant would continue to work with the City to address the issues that had been raised. The March 15, 2022, meeting will focus on the right-of-way vacation and dedication. The Circulation Plan would also be shared. She noted that the City Council would only be able to comment on the vacation and dedication, as the MPD was a Planning Commission decision. Chair Phillips thanked Staff and the applicant for their presentations.

7. REGULAR AGENDA

A. 9300 Marsac Avenue (Sommet Blanc/B2East Parcel) – The Applicant is Requesting Amendments to the Approved Master Planned Development and a Conditional Use Permit for the Proposed Development of 49 Residential Units Above Underground Parking, and a 3,600-Square-Foot Public Restaurant. PL-21-04771 & PL-20-04702.

Planner II, Makena Hawley reported that Sommet Blanc is located at 9300 Marsac Avenue. There are several approved permits on the site, which included one for retaining walls and a temporary sales office. The lot is located in the Residential Development (RD) Zone. A multi-unit dwelling was a Conditional Use and was subject to the requirements of the 2007 Empire Pass B-2 MPD and the 2007 Amended Flagstaff Development Agreement. Since March 2021, there have been five meetings related to the application and there had been several iterations.

Planner Hawley shared images with the Commission to illustrate the different proposals. The latest iteration looked at three condominium buildings with 49 residential units above underground parking and a 3,600 square-foot public restaurant. Planner Hawley overviewed the Planning Commission purview. There was a CUP approval, an MPD Amendment, Development Agreement Amendment, and the Mid Mountain Parking Lot and Trailhead Improvements. The applicant now proposed six affordable housing units instead of 4.2. There was also a proposed 3.06-acre conservation easement on the lot as well as the Mid Mountain Trail parking lot.

Planner Hawley discussed the site size and location. The applicant proposed a new arrangement of 81 Unit Equivalents (“UEs”) and eliminated the four villas, the ski ancillary building, and the road and retaining walls that were required to build them. Compared to the previous Hill Glazier Plan, there was only a single curb cut to reach the site, there was a change in the structure location, and a height increase was proposed in exchange for the reduced building footprint. The development was proposed in a Heavily Disturbed Area. It was set over a previously closed mine

shaft and was within the approved Flagstaff DA Development Pod. The current plan, compared to the December 2021 submittal, showed significantly less disturbance to the site, additional clustering of the density, and a reduced footprint. All of the proposed changes were possible with the proposed height exception as an alternative to a larger, more spread-out building footprint.

Height was addressed and Planner Hawley explained that per the MPD, the lot was granted a height exception of 82-feet above benchmark grades. As a result of Staff and Planning Commission feedback, the applicant incorporated the square footage of the villas into an additional floor on Building B and Building C. That would be 94-feet and 106-feet above benchmark grades. No impacts had been observed to adjacent property owners in terms of solar access or air circulation. Planner Hawley reminded the Commission that for the height exception, the Commission could consider the Site-Specific Analysis, the questions provided in the LMC, and any information provided by the applicant.

Planner Hawley discussed Twisted Branch Road. She noted that there had been several concerns raised over the past few Planning Commission Meetings, which were as follows:

- The safety of SR-224;
- Limited access to the recreation area in Bonanza Flats; and
- Impacts that Sommet Blanc will have on SR-224.

The applicant previously indicated that the property is part of the Empire Pass Master Owner's Association ("MOA") Shuttle Service, which had been highly successful. Additionally, a Transit Study was provided that concluded a high level of service would still exist on SR-224, even with the development. The applicant asserted that there was no nexus between the proposed Sommet Blanc project and the operational status of Twisted Branch Road.

Planner Hawley reported that it was a State Road, was seasonal, was a public roadway, is owned by REDUS, and was maintained by Empire Pass MOA. The Development Agreement supported limited winter access and a controlled road that would prevent access to adjacent properties. The Development Agreement stated that if the private road was converted to a public road, the developer should not undermine the seasonal closure of SR-224. Planner Hawley noted that there would need to be further discussions about Twisted Branch Road. Staff suggested a condition of approval stating that if in the future, there is an agreement between appropriate Stakeholders to make Twisted Branch Road public, Sommet Blanc would not object to the agreement. The applicant agreed to the condition.

The Mid Mountain Parking and Trailhead Improvements were discussed. Planner Hawley reported that the applicant proposed parking lot improvements and extensions to the easement. The City was in favor of the improvements and the easement extension. She noted that it would be appropriate for the Planning Commission to open a public hearing for both the amendments and the CUP. There would be two separate votes related to the item including one for the Amendments to the Approved MPD and one for the CUP.

The applicant, Lynn Padan, noted that in prior Planning Commission meetings, he attempted to address the Commission's concerns. The latest application attempted to modify the Hill Glazier Plan and amend the MPD. Alliance Engineering prepared an exhibit to illustrate what the level of site disturbance would be. Mr. Padan reported that there was initially an area of disturbance of 5.5 acres, but the revised plan showed 3.7 acres. That was a significant reduction to the area of

disturbance, and it would allow for a conservation easement on the upper portion of the site. At the last Planning Commission Meeting, Chair Phillips asked about a 28-foot version of the villas as a possible option. That option had been explored, but it expanded the footprint horizontally by as much as 25%. As a result, the decision was made to eliminate the villas and increase Building B and Building C by one story each.

At the December 8, 2021, Planning Commission Meeting, it seemed that the Commissioners were in favor of removing density from the top of the site. That had been done in the latest application. Mr. Padan believed the application had a lot of advantages compared to the Hill Glazier plan, specifically as it related to the Mid Mountain Parking and Trailhead Improvements. He discussed the trail and explained that it would easily go around the project. However, there would need to be some minor modifications made to the trail. Mr. Padan reported that an additional parking plan had been created. He stated that most of the development would be on the top area of the site, which had already been disturbed. There would be a slight realignment of the Mid Mountain Trail and he would work with the City to ensure that all requirements were met.

The Visual Impact Study was shared to illustrate the building heights and visual impacts. With respect to the Twisted Branch Road discussion, Mr. Padan noted that in that context, the developer was the United Park City Mines Company. Sommet Blanc purchased the site from REDUS, who was a successor in interest to the United Park City Mines Company. In one of the prior meetings, it was asked how the Sommet Blanc residents and visitors would be able to visit Bonanza Flats. He explained that the property was part of the Empire Pass MOA, and all of the MOA had an easement on Twisted Branch Road. Any properties in Empire Pass had the right to drive up Twisted Branch Road because of that existing easement.

Mr. Padan reported that Hales Engineering conducted an additional Traffic Study. The study was dated January 25, 2022, and showed that the impacts of the current application would be significantly less than the impacts anticipated under the Hill Glazier plan. He shared an exhibit that showed the relative heights and stated that the project would step down with the grade. It was nestled into the hillside and there would be no impact visually from other properties. There was a Shadow Analysis included in the Meeting Materials Packet. The analysis was done at various times of the year and showed that there was virtually no impact on the Empire Day Lodge in terms of shadowing from the buildings at any time of the year or time of day.

Chair Phillips believed the Condition of Approval related to building height should include specifics about the top-level footprint. He was in favor of allowing the additional height due to the elimination of the other buildings. Mr. Padan did not object to language about the top-level footprint. Chair Phillips shared additional comments and noted that he was concerned about light pollution in the project area due to a large amount of glass. He wondered whether there was a way to monitor how much light was emitted from the project at a certain distance. It would be beneficial to leave a mechanism in place so that could be monitored if there is an issue. Chair Phillips was not in favor of the parking lot project at the current time. Adding a restroom and trailhead signage would change the use and attract more visitors to the area. He believed that should be treated as a separate issue, which could be discussed at a later date, if necessary.

Chair Phillips asked Doug Ogilvy how residents in the area would get from Twisted Branch Road into Bonanza Flats. Mr. Ogilvy explained that the gate connection was typically open during daylight hours or construction hours and was closed on Sundays. When the gate is open, there is an opportunity for owners and visitors of the property to use Twisted Branch Road through the existing easements. The Traffic Engineer expected that 95% of the traffic coming out of the

project would turn left rather than right. During peak hours, the project was expected to generate 53 vehicles per hour. Since 95% of those 53 vehicles would turn left, the number of vehicles using SR-224 or Twisted Branch Road would be relatively low. Chair Phillips asked whether there was language in the Flagstaff Development Agreement that regulated the use of the road. Mr. Ogilvy noted that there was no language in the agreement that regulated the use. There was an easement in favor of the City to allow emergency vehicles and maintenance vehicles into Bonanza Flats. Chair Phillips did not support the connection.

Commissioner Suesser agreed with the comments made by Chair Phillips. She felt that Empire Pass residents and guests should not have access to Twisted Branch Road because it is contrary to the 2007 Amended Flagstaff Development Agreement. Section 2.8.3 stated that the developer shall support and not undermine the seasonal closure of the realigned SR-224 and shall control motorized vehicle access from SR-224 to the private road to prevent vehicle through traffic. Mr. Ogilvy clarified that the applicant did not control Twisted Branch Road. The construction gate was closed all winter, which was consistent with the Development Agreement. He added that the usage was 99% related to construction traffic.

Mr. Padan noted that the easement that the Empire Pass MOA had fallen short of making a connection by a few hundred feet. Mr. Ogilvy confirmed this. The easement in favor of Empire Pass stopped at the start of Red Cloud Trail. He did not know what the right solution was for Twisted Branch Road but felt it would be appropriate for the City, Utah Department of Transportation ("UDOT"), Empire Pass MOA, and the landowner to have conversations about the matter. He explained that the applicant for the Sommet Blanc project had no control over the outcome of such discussions.

Commissioner Suesser noted that one of the Conditions of Approval was that the development needs to comply with the Flagstaff Development Agreement and the provisions therein. There were a lot of provisions that related to Twisted Branch Road. The Development Agreement stated that improved safety on roads was the main objective. It also said that the upper portion of the mine would be addressed in future proposals. Commissioner Suesser believed it was an appropriate time to address the issue.

Mr. Ogilvy reported that the Development Agreement specified that there shall be seasonal closure of that road. It also stated that Twisted Branch Road was not to be used for access to Wasatch County. If Commissioner Suesser was concerned about the ongoing usage of the construction access gate, the City could work to have the construction access gate closed, except for emergency purposes. Mr. Ogilvy informed the Commission that Twisted Branch Road was not owned by the developer of Sommet Blanc and Sommet Blanc had no impact on Twisted Branch Road. There was no nexus between Twisted Branch Road and the project because the project would not change the road and the developer could not make changes to the road.

City Attorney, Mark Harrington felt it was important to separate the issues. He wanted to see if there was consensus from the Commission about the use of Twisted Branch Road to the degree consistent with the existing easement rights. Attorney Harrington reported that the original project had an existing curb cut off of Twisted Branch Road and an amenity building location at the curb cut. As a result, Staff had assumed that there would be more use of Twisted Branch Road by that facility connection. There were suggestions made to mitigate that nominal increase in traffic. However, the Commission could eliminate that language and state that they did not want to direct any traffic onto Twisted Branch Road. Chair Phillips did not believe Twisted Branch Road should be used by residents. It should only be construction and an emergency access road.

Commissioner Suesser asked what agreement stated that Empire Pass homeowners could use Twisted Branch Road. Mr. Ogilvy explained that the land under Twisted Branch Road is owned by REDUS. The recorded easement in favor of the Empire Pass MOA permitted them to own, operate, and maintain a private road. A homeowner in Sommet Blanc would be a member of the Empire Pass MOA, which would give them the right to drive up the road. Attorney Harrington did not believe the internal private use between sub-associations was specifically addressed in the Development Agreement. However, Staff could evaluate the issue further.

Commissioner Kenworthy agreed with the earlier comments from Chair Phillips and Commissioner Suesser. He also noted that there could be equity issues as it related to Twisted Branch Road access. Mr. Ogilvy read from Section 8.1 of the Development Agreement, which stated: "all successors and interests shall succeed only to those benefits and burdens of this agreement, which pertains to the portion of the project to which the successor holds the title." The developer of Sommet Blanc did not hold the title to Twisted Branch Road. Any issues related to the road needed to be addressed with the property owner.

Attorney Harrington felt that the Planning Commission could urge the City Council to prioritize a broader discussion if desired. The Commission could also forward a recommendation to Council that suggested terms and next steps. Chair Phillips wanted language specifically prohibiting Twisted Branch Road from being used. He felt the gate should be more restricted and the access needed to be locked and controlled by the City. Commissioner Johnson agreed.

Commissioner Suesser read Condition of Approval #32, which was as follows:

- The Covenants, Conditions, and Restrictions ("CC&R") shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.

She wondered if the Real Estate Transfer Fee referred to the Open Space Transit Management Fund. Planner Hawley explained that was the intention. She had followed language from similar Empire Pass developments but could alter the wording if it was not clear enough. Mr. Ogilvy approved of the language being fine-tuned to correctly reference the Open Space Transit Management Fund. He reported that there was a 1% fee collected and 0.5% was remitted to the City each year. Planner Hawley stated that she would look into the language.

Commissioner Suesser asked about the condition of approval stating that the applicant needs to contact UDOT to determine whether an Access Permit is needed for the property. Michael Demkowicz explained that there was a UDOT Access Permit for the accesses off of the roundabout. There was also a permit for crossing the trail and for the upper villa driveway. The latter would not continue to be pursued. Commissioner Suesser believed that language needed to be clarified and cleaned up. She did not feel that the applicant had complied with Conditional of Approval #34 and felt there needed to be further discussions related to Twisted Branch Road.

Commissioner Johnson wondered if there could be a condition that would restrict mechanical equipment, antennas, and water towers since the height exception would be granted. Planner Hawley explained that there had been a similar request with Payday Condominiums. A height exception was granted for certain buildings and as a result, no satellites, AC units, water towers, or elevator shafts were permitted to increase the height further. The Commission was in support

of that type of language for the Sommet Blanc proposal. Mr. Padan stated that he had no objection to that type of restriction or the Twisted Branch Road restriction, discussed earlier.

Chair Phillips opened the public hearing.

Mark Fischer reported that he submitted a letter to the Planning Commission earlier in the day. The letter included a legal opinion from his lawyer. He wanted to make sure that letter was included in the record. Chair Phillips reported that the letter had been received and read.

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

Chair Phillips asked if the Commissioners felt ready to vote on the item or if additional information was needed. Commissioner Hall noted that she had been unable to locate the Arborist Report in the packet. She remembered that some of the diseased trees were exempt from being replanted. Planner Hawley clarified that some of those trees would not be cut down because of the Conservation Easement area. Mr. Ogilvy explained that the Arborist Report recommended the removal of 270 trees that were dead or diseased. The Arborist had flagged the trees that were dead or diseased as part of healthy forest management. With the elimination of the villas, the number of trees to be removed was reduced to 46 trees near Building C. Those trees would be replaced with an appropriate number, as specified by Staff. The dead or diseased trees previously flagged by the Arborist could be removed or left in their natural state of decay.

Commissioner Hall asked Attorney Harrington about the Development Agreement and development rights. She felt that a developer with development rights should be tied to the Development Agreement for the area. Attorney Harrington explained that there were some obligations in the Development Agreement that touched all the properties. He noted that paragraph 8.1 stated that for obligations specific to one parcel, the obligations flowed to the subsequent purchaser, only as it related to the property purchased. Attorney Harrington informed the Commission that Twisted Branch Road did not touch the applicant property, was not owned by the developer, was controlled by a third party, and was not the access for the property, so the flow down requirement could not be argued for under 8.1. There was no allegation of a violation of the Development Agreement. The Development Agreement was created to ensure the status quo and improvement of access. There was a complex history that could be explained further to the Commission, but he did not see a basis to hold up the application based on the agreement.

Chair Phillips noted that the Commission was being asked to amend the Flagstaff Development Agreement. He wondered why it was acceptable to change parts of the Development Agreement and not others. Attorney Harrington explained that the Commission was being asked to modify the original agreement as it relates to aesthetic design guidelines. If the Commission declined to do so, the project could still move forward with the old architectural design. That change had nothing to do with transportation or access roads. The Commission discussed a motion. It was determined that certain changes needed to be made to the Conditions of Approval section and that additional information needed to be shared with the Commission before a vote took place.

MOTION: Commissioner Johnson moved to CONTINUE PL-21-04771 and PL-20-04702, Sommet Blanc/B2East Parcel, Amendments to the Approved Master Planned Development and Conditional Use Permit, to March 9, 2022. Commissioner Kenworthy seconded the motion.

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

B. 3099 Mountain Ridge Court – Plat Amendment – The Applicant Proposes to Amend the Mountain Ridge Subdivision Plat to Modify the Limitations on Maximum Building Square Feet. PL-21-04950.

City Planner, Spencer Cawley reported that the applicant and applicant's representative were present to discuss 3099 Mountain Ridge Court. The application was for a subdivision Plat Amendment. Planner Cawley stated that 3099 Mountain Ridge Court was in the Park Meadows Neighborhood and was in the Single Family (SF) Zoning District. The subdivision had 21 lots in total and there were two lots dedicated to open space. He shared images of the area and overviewed the existing conditions. Planner Cawley explained that the City Council approved a rezone of the subdivision in 1990 as part of a Condition of Approval for the Mountain Ridge Subdivision, which was recorded with Summit County in 1991. The applicant lot, Lot 13, received a Building Permit in 2013.

Planner Cawley reviewed the Land Management Code definitions for basement, the first story, and floor area. He explained that the information was important to consider as the Commission looked into how the square footage was calculated for the structure. The definitions were as follows:

- 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.
- First Story:
 - The lowest story in a building provided the floor level is not more than four feet below the final grade for more than 50% of the perimeter. Can include habitable or uninhabitable floor area.
- Floor Area, Gross Residential:
 - The area of a building, including all enclosed areas, consisting of the area of all floors located under a ceiling that is above final grade, measured in square feet. Unenclosed porches, balconies, patios and decks, vent shafts, and courts are not calculated in the Gross Residential Floor Area. Garages, up to a maximum area of 600 square feet, are not considered floor area. Basement and crawl space areas below final grade are not considered floor area. The floor area is measured from the finished surface of the interior of the exterior boundary walls.

Planner Cawley explained that the way the subdivision is platted was that each lot was given a maximum total square footage for the building. Lot 13 was allotted 3,247 square feet, with an exclusive of 600 square feet for a garage. The 2013 Building Permit showed a total of 6,215 square feet and the Summit County Assessor showed 5,849 square feet. He clarified that the Summit County Assessor was only looking for tax purposes, and that assessment did include uninhabitable space. It was not clear why the 2013 Building Permit was calculated the way that it was. When the item was previously continued, it was so the applicant representative could go back and obtain an accurate square footage measurement of the structure.

Based on the basement, first story, and floor area definitions, an Architect determined that the main floor and upper floor had a total of 2,721 square feet. The basement square footage was more than 50% below the final grade, which made it zero square feet. The garage was also more

than 50% below the final grade, at 824 square feet, and would not count. An additional 600 square feet for the garage would not be included. That left a total square footage of 2,721 square feet.

An analysis was shared. Planner Cawley stated that the proposed Plat Amendment would meet the less restrictive Single Family ("SF") Zoning District requirements. The zone had the same front setbacks as the subdivision plat. The rear and side setbacks for the Single-Family ("SF") Zoning District were not specified in the subdivision plat map and the house size was not specified in the Single-Family ("SF") Zoning District. Planner Cawley explained that the reason Staff believed the proposed Plat Amendment would meet the less restrictive Single-Family ("SF") Zoning District requirements, was that though additional square footage was requested, it would not exceed what was allowed in the zone. The Mountain Ridge Subdivision total square footage of habitable space was approximately 24% of the lot area, or 4,600 square feet, whichever was less. The applicant's request was to amend the plat and increase the maximum square footage for Lot 13. This would amend the maximum square footage from 3,247 square feet to 3,410 square feet, which would be a 5% increase. An image of the existing and amended building envelope was shared.

The elevations were discussed, and Planner Cawley reported that the application would meet the height restrictions of both the Single-Family ("SF") Zoning District and the plat. Staff requested that the Planning Commission make a finding of Good Cause prior to forwarding a positive recommendation to the City Council for consideration. He noted that the proposed amendment would not vacate or amend a public street, right-of-way, or easement. Additional history was shared, and Planner Cawley stated that when the subdivision was developed and discussed in 1989, there were Meeting Minutes from the Planning Commission Meeting that stated:

- "...buildings should be sited to preserve significant views and so as not to break prominent ridgelines."

The Meeting Minutes from a Planning Commission Meeting in 1990 stated:

- "...stringent controls [are] placed on each lot, which include limits of disturbance, revegetation, minimum/maximum square footages, and building heights..."

Planner Cawley explained that based on the previous Planning Commission Meeting Minutes, the intent of the subdivision was to restrict building size and mass to conform with the natural contour of the land. The applicant statement indicated that there was good cause for the Plat Amendment, as the proposal would allow homeowners to construct an addition that was in compliance with the zoning requirements. The new proposed maximum floor area was consistent with many of the other lots in the subdivision. Additionally, no non-conformities would be created and no changes in density would result from the proposed plat amendment. The applicant also stated that they would replace any disturbed vegetation.

The application went through the Development Review Committee ("DRC") in September 2021. Planning, Engineering, and Legal also reviewed the application. Staff received public input and all public input received prior to the publication of the Staff Report was included as Exhibit J. However, additional public comments had since been received. Some neighbors expressed concerns that amendments to the lot would result in future subdivision amendments, which would alter the intent of the subdivision restrictions. Staff had also received a comment from a neighbor

that was supportive of the amendment. That neighbor felt that homes on the street had been held to higher standards than other neighborhoods in Park Meadows.

Staff recommended that the Planning Commission review the Plat Amendment, hold a public hearing, and consider forwarding a recommendation for City Council consideration on March 3, 2022. The Planning Commission could either forward a positive or negative recommendation to the City Council. Alternatively, the Planning Commission could request additional information and continue the discussion to a date certain.

The applicant's representative, Jeff Schindewolf discussed the square footage numbers. The perimeter calculation was based on the definitions that were read earlier in the meeting. The definitions indicated that the basement should not be counted toward the square footage. He was available to answer any additional Commissioner questions. Commissioner Kenworthy was not sure there was good cause for the Plat Amendment. He believed it would set a precedent for future remodels and development in the neighborhood. It was also important to protect views along the entry corridor. Commissioner Suesser agreed. Mr. Schindewolf noted that no views would be impeded, and he referenced the elevation images.

Chair Phillips opened the public hearing.

Pamela Bingham wanted to make sure her previously submitted comments were on the record. Chair Phillips confirmed that the comments were received and part of Exhibit J.

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

The applicant, David Maya reported that there was no Homeowners Association ("HOA") for the subdivision. There had not been an HOA for 15 years, there were no meetings, there were no dues, and no Architectural Review Board. Any comments to the contrary were not factual. Mr. Maya stated that behind his home, there were 300 to 400 yards of land, and then another home was high on the ridgeline. No one living behind him would see the addition. It would also not be visible from the street. The addition would mostly be visible to the neighbors to the left and right. Should the Commission approve the application, he would not move forward with construction if either of those neighbors were not in support of the addition. Mr. Maya explained that he wanted to add a bedroom to his home, and he was not asking for a significant increase in square footage. He enjoyed his home and the neighborhood, and he was looking to add a fourth bedroom. He pointed out that there were homes in the neighborhood that were 4,500 to 6,500 square feet.

Commissioner Johnson was not certain that he found good cause for the application. Commissioner Kenworthy believed that Park City had an obligation to have an inventory of smaller homes. If the Plat Amendment was approved, it could set a precedent that it was appropriate for homes in the neighborhood to increase the size by 5% or 10%. As a result, the smaller home inventory would be reduced. It was important to protect neighborhoods with size and density limitations. Chair Phillips sympathized with the applicant and understood the logic behind the request. However, the concerns of the Commission had to do with the precedent it would set.

Mr. Maya pointed out that he was only asking for a 5% increase beyond what his plat allowed. He did not feel that adding 163 additional square feet would set a dangerous precedent. There were ways to word the approval that would avoid future issues. Mr. Maya noted that he was the only person in the neighborhood in the 30 years that it had existed that had ever asked for an

amendment. Additionally, he informed the Commission that the houses in the area were not affordable. Preventing small additions from being made would not preserve small, affordable housing stock in Park City.

Chair Phillips suggested that the applicant continue to work with Staff to determine whether other options were available. He did not believe the Commission would approve the Plat Amendment based on the comments that had been shared.

MOTION: Commissioner Kenworthy moved to forward a NEGATIVE recommendation to the City Council. Commissioner Suesser seconded the motion.

The Commission discussed the motion. Commissioner Hall encouraged the applicant to continue speaking with Staff. She did not believe the 163 additional square feet would significantly impact the community. Chair Phillips agreed. He noted that this discussion could start further conversations about minimal additions and accessory units. The motion was restated as follows:

MOTION: Commissioner Kenworthy moved that the Planning Commission forward a NEGATIVE recommendation to the City Council for consideration on March 3, 2022, for PL-21-04950, Mountain Ridge Subdivision, Lot 13 Plat Amendment at 3099 Mountain Ridge Court, based on the following

Findings:

1. The Plat Amendment would be inconsistent with the original statements, shared by Planner Cawley, regarding the original intent of the subdivision.
2. The Plat Amendment would set a precedent in the neighborhood that would go against the original intent of the subdivision.

Commissioner Suesser seconded the motion.

VOTE: Commissioner Kenworthy-Aye; Commissioner Hall-Nay; Commissioner Johnson-Aye; Commissioner Van Dine-Nay; Commissioner Suesser-Aye. The motion passed 3-to-2.

- a. **3805 Fox Tail Trail – Rezone – The Applicant Proposes Reallocating the Estate and Recreation Open Space Zoning for Parcel PCA-S-98-SEC-11 to Create an 8.84-Acre Area in the Estate Zoning District for the Construction of a Single-Family Dwelling Outside of the Ridge Line Area and a 23.89-Acre in the Recreation Open Space Area to be Dedicated to Park City, Pursuant to a Conservation Easement. PL-21-04865.**

Due to the time, the Commission determined that there would be a presentation on 3805 Fox Tail Trail, the public hearing would be opened, and the item would be continued. Attorney Harrington felt that would be reasonable. Planner II, Browne Sebright explained that the presentation had three parts. The first part would address questions raised at the last public hearing in October 2021, related to the history of the project. Since there were two separate applications, there was a portion of the presentation dedicated to the Rezone application and a portion of the presentation dedicated to the Subdivision presentation. Staff identified March 9, 2022, as a potential alternative date if the Commission wanted to continue the item.

The applicant's representative, Mr. Ogilvy, recognized that the item would not be voted on during the current Planning Commission Meeting. He asked Planner Sebright to share a brief overview and highlight what had changed since the item was last in front of the Commission. He also asked that the public be able to share feedback on the application before the end of the meeting. Chair Phillips noted that the item would be before the Commission again on March 9, 2022.

Planner Sebright reported that the first application for consideration was the Rezone. Staff determined that the proposal to reallocate Parcel PCA-S-98-SEC-11 Estate and Recreation Open Space Zoning was compliant with the annexation, pursuant to Resolution No. 2-94. Additionally, the proposed reallocation of Estate and Recreation Open Space Zoning would not impact trails required by Resolution No. 2-94. Staff found that the proposal to reallocate PCA-S-98-SEC-11 Estate and Recreation Open Space Zoning complied with the Estate and Recreation Open Space Zoning District requirements as well as the Sensitive Lands Overlay. There had been robust discussions previously about the ridgeline area. Since the last time the item was discussed by the Commission, the applicant had submitted a series of visual renderings.

The visual renderings were shared with the Commission as well as additional visual analysis. For instance, what the development might look like from the cul-de-sac. Planner Sebright stated that there had been some adjustments to the sewer easement location. He showed the previously proposed location and the newly proposed location on a map. The location would still work in terms of water flow and geometry, but it would also reduce the impact on Gamble Oak. Planner Sebright reported that the application had been reviewed by the Neighborhood Traffic Management Program. Staff found that the rezone portion of the application complied with the requirements of the zoning districts and the Sensitive Lands Overlay, as conditioned. Some of the conditions were overviewed, which included the following:

- The applicant shall dedicate 23.89 acres to Park City Municipal Corporation, subject to a conservation easement on the acreage prior to recordation of the proposed Fox Tail Subdivision; and
- Prior to submitting a Building Permit application to construct a Single-Family Dwelling within the new Estate Zoning District area, the applicant must submit the materials outlined in LMC Section 15-2.10-6 Sensitive Lands Review, subject to Planning Director approval.

The applicant agreed to a Condition of Approval that limited the property to a minimum 12-month rental. Staff recommended adding a Condition of Approval to state as follows:

- The applicant shall record a deed restriction prohibiting nightly rentals in a form approved by the City Attorney. The deed restriction shall be recorded on the same day as the Subdivision Plat.

Planner Sebright reported that there had been several comments from neighbors and a lot of the initial concerns were related to nightly rentals. Once the minimum 12-month rental provision was put in place, a lot of the neighbors he had spoken to felt more comfortable. There were a handful of outstanding comments related to the quality of life, architectural themes, visual impact, reduction in available open space, the destruction of vegetation and wildlife, and the size of the home. The most recent comments had been forwarded to the Commission for review. Staff recommended that the Planning Commission review the Rezone proposal, hold a public hearing, evaluate the Conditions of Approval as drafted, and consider making a recommendation.

Information related to the Subdivision was shared. Planner Sebright noted that a lot of the presentation information was the same because it was the same property and the same proposal. He shared the exhibit related to the driveway. Since the last presentation, there had been changes made to the Driveway Analysis. The driveway was approximately 750-feet long and the applicant had been working with an engineer to further refine the alignment. The applicant proposed a larger limit of disturbance than what was previously shown. There were a few reasons for that proposal, including the change in the sewer alignment. That would change the geometry of the area that would be disturbed. Additionally, the configuration was designed to work more closely with the contours of the land to reduce the need for cuts, fills, and a retaining wall. The intention was to reduce the amount of disturbance on the site and leave as much of the topography as possible in its current state.

Chair Phillips noted that Commissioner Suesser left the meeting.

Mr. Ogilvy explained that the last time the Planning Commission discussed the item, there was a lot of feedback from the community about nightly rentals. As a result, he had agreed to a 12-month nightly rental restriction, which was consistent with the adjacent neighborhood. A more refined Visual Impact Study had been conducted. Based on the study, the proposal was to push the home further east to further mitigate any visual impacts on the neighborhood. Mr. Ogilvy shared a clarification and stated that on the plat, as proposed, a one-acre box had been drawn. Within the one-acre box, the property owner could build a home, but that home would be limited to 16,000 square feet of disturbance. After reading through the public comments, there seemed to be a perception that there were currently 32 acres of public recreation lands. However, it was always intended that there would be a single-family home somewhere on the 32 acres. There was a community benefit to the development, and he had done his best to mitigate the impacts.

Chair Phillips opened the public hearing.

James Letchford identified himself as the HOA President and commented that every discussion on the project lasted until late into the evening. He was grateful that the March 9, 2022, meeting would include the item earlier in the agenda. Mr. Letchford stated that he had several points to make at the next Planning Commission Meeting and appreciated the diligence of the Commission.

Phil Palmintere reported that he lives on Solamere and was concerned about the application. He noted that it would be difficult to enforce the 12-month rental and there were many ways around that condition. For instance, the property could be sold to a corporate entity, and that corporate entity could use the house as a retreat for employees on a weekly basis. The issue was that building a 10,000 square-foot structure was more like a small hotel than a house. While there were good intentions from the applicant until there is a way to enforce rentals, the large home was a concern, and it could turn into a serious issue for neighbors.

Mary Dannelley was frustrated that the item was discussed so late into the meeting. She stressed the importance of the item being discussed during the first part of the March 9, 2022, Planning Commission Meeting. It would allow more residents to share comments. Ms. Dannelley reported that many of the neighbors were still concerned about nightly rentals, and she shared concerns about the enforceability of the agreement. Additionally, she felt that the property proposed was inconsistent. 10,000 square feet for a home was not consistent with the neighborhood or the aesthetics of the community. It would also impact views in the area and did not benefit the neighborhood. Ms. Dannelley was opposed to the application.

Director Milliken explained that one of the reasons there were estimated times listed on the Planning Commission Meeting agenda was so residents do not need to listen to the full meeting if they do not wish to do so. The times provided an estimate of when a particular item will be heard. She thanked the residents for their patience. Chair Phillips noted that the addition of the times was new, and he hoped that it would be beneficial to residents in the future.

Marcel Verbas felt that the proposal was inconsistent with everything else in the neighborhood. He explained that he has one of the biggest lots in the neighborhood at 6.5 acres. He was bound by certain restrictions and even though he had wanted to push his house back further, he was not allowed to do so. The proposal was also inconsistent with the rules and regulations that others in the area had to live by. Mr. Verbas believed the applicant should build under the current restrictions. Though the HOA rules had been in place for 30 years, he had only built his home five years ago and was required to follow the rules and restrictions. Many neighbors still had issues with what had been proposed by the applicant.

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

MOTION: Commissioner Hall moved to continue PL-21-04865 and PL-21-04826, 3805 Fox Tail Trail Rezone and Subdivision, to March 9, 2022. Commissioner Johnson seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Commissioner Suesser was not present for the vote.

- b. 3805 Fox Tail Trail – Subdivision – The Applicant Proposes Creating One Lot from Parcel PCA-S-98-SEC-11 for a Single-Family Dwelling in the Estate Zoning District and One Parcel in the Recreation Open Space Zoning District. PL-21-04826.**

The 3805 Fox Tail Trail Subdivision request was discussed with item 7C.

Commissioner Hall expressed frustration with the late meeting times. She felt it was important to stick to a 9:30 p.m. cutoff. Chair Phillips and Commissioner Van Dine agreed. Director Milliken thanked the Commission for their feedback and explained that Staff would try to limit the number of agenda items to ensure that the discussions fit into a four-hour work schedule. Additionally, technical issues would be addressed to ensure that meetings start on time. Chair Phillips noted that sometimes, applicant presentations are long, which can lead to continuations. The goal was for applicants, Staff, and Commissioners to be efficient and concise.

3. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 10:35 p.m.



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
February 16, 2022**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Bill Johnson, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Alexandra Ananth, Senior City Planner; Jaron Ehlers, Planning Department; Mark Harrington, City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m. He noted that all Commissioners were present.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. 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

A. Consideration to Approve the Planning Commission Meeting Minutes from January 26, 2022.

MOTION: Commissioner Doug Thimm moved to APPROVE the January 26, 2022, Meeting Minutes, as written. Commissioner Christin Van Dine seconded the motion.

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

3. PUBLIC COMMUNICATIONS

Deb Rentfrow addressed the Planning Commission meeting protocols and the change regarding time allowances. She assumed that applicants were to be given deadlines for their submissions to allow appropriate time for the Planning Department to review and publish a comprehensive report. She wondered if anyone had considered enforcing deadlines. She noted that Planning Staff often has more than one application on their desk and would find timely submissions beneficial. The failure to meet a deadline should simply mean an automatic continuance until the next month.

Ms. Rentfrow further stated that applicants often bring new information to the meetings in the form of exhibits or otherwise. This information is therefore not available ahead of time for review by the Planning Commission or the public. She asked if it was worth considering having applicants provide a copy of all presented materials to be included in the next packet, along with the public input, for purposes of reference. She commented that there had been multiple instances where an applicant was asked a question and the response was that they had previously addressed the issue by stating what they believed to be the previous response, which may or may not be correct.

She added that when the presented information is provided onscreen only, it becomes difficult to reference the audio at a later date. Having access to a hard copy would be beneficial to both the Planning Commission and the public and perhaps make meetings more efficient.

Commissioner Hall agreed with Ms. Rentfrow's statements. She would like to see timely packets so that they can be fully considered, and would also like to see anything presented by the applicants become a part of the public record. She highlighted the need for easy reference on the longer applications.

Commissioner Thimm agreed with Ms. Rentfrow's statements and those of Commissioner Hall. He stated that in preparation for this meeting he went through the packet and noted that there was a submission made last Friday, which left no time for Staff to prepare a full and detailed report, as was normally the custom. He commented that there were important aspects to this late submission, including commentary to the third-party reviewer's remarks that cannot be analyzed. He stated that it is very important to have Staff's full report available not only to the Commission but to the public. He is accustomed to working with deadlines, and if something is not presented by the deadline it should not be on the agenda.

He noted that it appeared that they would move ahead with the agenda for this meeting despite not having that information. He would like to address this issue more often in the future. Commissioner Thimm commented that he would be only able to provide the most abbreviated of commentary without the benefit of a detailed report on this late-received information.

Commissioner Thimm presumed that tonight's presentation would be an overview rather than a full-blown presentation because it lacked 50% of the content that is needed.

Chair Phillips stated that the submission deadlines should be enforced, or at least allow Staff to make the ultimate decision on whether they received information in time to analyze it.

Chair Phillips also agreed strongly that any material shown to the Commission during a meeting should be included in the record for reference. He understood that on some occasions, issues

might be raised where the applicant would show something to the Commission; however, things such as PowerPoints should be provided for the record.

Commissioner Hall asked Staff to explain how the deadlines for the Staff Report work. It was suggested that this discussion take place as part of Staff Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, stated that this meeting presented a somewhat unusual situation and the Planning Department shared in a number of the concerns raised by the Commission and the public. She explained that Staff received information for this meeting at a late date. In the past, Staff has worked with applicants to complete Staff Reports in a very short time. For this meeting, the workload did not allow them to do that and Staff let the applicant know they would be unable to provide a full analysis of the applicant's submission. The applicant requested that this information be shared with the Commission to obtain feedback prior to bringing it back to the next meeting.

Director Milliken reported that this has been a long application. She felt that the applicant wanted the opportunity to present this new information. Going forward, Staff would work to be better gatekeepers on the procedure so that the Commission has full Staff Reports prior to meetings.

Chair Phillips stated that at the last meeting, an applicant presented future information for feedback and he felt that it was hard for the Commission to provide substantial input. He recalled that he voiced his concerns about the process and wanted to make sure that it was done appropriately. He noted that it was difficult to provide objective input without all of the information.

Director Milliken offered her belief that the applicant was looking for some guidance on whether they are on the right path and was not looking for a full analysis of their presentation.

On another matter, Director Milliken confirmed with the Commission that there would be a Joint Session with the City Council on March 15, 2022. The meeting would be in-person and take place in the Council Chambers.

Chair Phillips stated that based on his discussions with the other Commissioners, he decided to return to in-person hybrid meetings, beginning in March. This would give the Commission one in-person meeting before the Joint Meeting. He felt that the infection rates have dropped dramatically and based on what governing bodies in Park City and surrounding areas were doing with respect to in-person meetings, it was appropriate to move back to in-person meetings. He invited the Commissioners to weigh in on how they implement it.

Commissioner Van Dine noted that they previously discussed a hybrid model, with attendees both in-person and virtually. If they conduct hybrid meetings, she asked if they could conduct those with a quorum present in-person, with others opting to attend via Zoom if needed for travel, illness, childcare, or other issues. She would prefer this type of hybrid meeting.

City Attorney, Mark Harrington confirmed that the Commission would have the option of conducting hybrid meetings and work with Chair Phillips to set up the hybrid model.

Commissioner Suesser was in favor of the hybrid model for meetings going forward but would recommend that they allow hybrid meetings without requiring a quorum in person. She would

also like to allow attendance via Zoom without the limitations articulated by Commissioner Van Dine. She indicated that she would be in New York in April and did not know how long that visit would last. She would be able to attend meetings but only virtually for one to two months. Commissioner Suesser added that she fully intended to attend meetings in person when she is in town.

Commissioner Van Dine agreed with Commissioner Suesser's comments. She felt that having the option to attend remotely and still participate was ideal and would be of great benefit to the Commission.

Chair Phillips asked if the public would likewise be able to attend and provide comments if they attend in person or virtually. Commissioner Suesser stated that the City Council was allowing both in-person and virtual attendance and comment. Chair Phillips noted that public attendance has increased as compared to pre-COVID-19 attendance and commented that 85 members of the public attended the last meeting. He liked the increased attendance.

Commissioner Thimm agreed with the comments regarding hybrid meetings. He felt there should not be the requirement of an in-person quorum and that from a health standpoint and other reasons, each person should be allowed to make their own decisions on whether to attend in person. He added that it was important that the option should be afforded to avoid the pressure of having a certain number of Commissioners attend in person.

Commissioner Kenworthy agreed with the prior statements of the Commissioners and noted he would also be traveling in late March/early April. Commissioners Johnson and Hall also expressed their agreement.

Chair Phillips expressed his pride in the Commission taking the route it has taken during the pandemic and felt that it has done the right thing in considering when to go back to in-person meetings. He added that they would keep their eye on the infection rates and if there is a new variant they could reconsider and return to all virtual meetings in the future if that makes sense.

Commissioner Hall advised that she would have to leave this meeting at 9:30 p.m. and would stand by this end-time during future meetings even if the rest of the Commission wants to continue. She also reported that she received a voicemail on her cell phone before the last meeting, which she first listened to after the meeting that was a public comment on Sommet Blanc from Mark Fisher.

Commissioner Hall asked if there was anything on the website or on the agenda that gave the public clear instructions on how to provide public comment. Commissioner Van Dine echoed the comments of Commissioner Hall on both the time frame for meetings ending at 9:30 p.m. and receiving public comment via regular mail to her home address. Commissioner Hall stated that she serves on the Park City Community Foundation Board with Mike Gore.

Commissioner Suesser disclosed that since the last meeting on Sommet Blanc, she spoke with a number of Brighton Estates lot owners and homeowners about the Twisted Branch Road/Highway 224 issue. She expressed her belief that those conversations will not have any impact on her ability to be objective about the application.

Mr. Harrington stated that when Sommet Blanc is on the agenda, then those disclosures should be made again.

5. WORK SESSION

- A. Park City Mountain Resort Base Parking Lots - MPD Modification Work Session-Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. The Commission Will Discuss the Applicant's Off-Site Parking and Transportation Mitigation Proposal. PL-20-04475. *Public Input will be taken via e-comments and Zoom* (A) Work Session, No Action Will Be Taken.**

Chair Phillips echoed the concerns of Commissioner Thimm and stated that he viewed this would be an abbreviated meeting. He felt that providing input on the information presented would be the most productive but noted that it was difficult to draw the line in terms of how much input and questioning they could have. He asked the applicant, the Commissioners, and the public to stay on topic with respect to what is presented at this meeting. He added that he would accept any other public comments relevant to this application.

Chair Phillips asked the applicant to highlight the issues on which they were seeking input and felt that a summary of what has been discussed at length was not really necessary.

Senior City Planner, Alexandra Ananth reported that this application seeks to amend the 1998 Development Agreement and replaces the expired Exhibit D, which is the Site Plan, with a new Master Plan. She explained that one of the questions that she would like the Commission to discuss was the potential for a public hearing on March 23, 2022.

Planner Ananth stated that the applicant's off-site Parking and Transportation Mitigation proposal was necessary due to the fact that they are seeking an on-site parking reduction of 1,102 parking stalls from the existing requirements. This reduction is based on the shared and paid parking proposal, the proposed Transit Center, the lower Current Carrying Capacity ("CCC") and the Traffic Demand Management ("TDM") measures being proposed.

In terms of a project status update, Planner Ananth stated that during the Work Sessions in October and December, the Planning Commission identified a deficiency in the applicant's Off-Site Parking and Transportation Plan to mitigate their overflow parking during peak periods. She noted that the Planning Commission encouraged the applicant to work with potential partners to propose a more specific plan. The applicant would be presenting that at this meeting. She added that while the applicant has been working on that request, Staff has been working with AECOM, the third party Transportation Engineer, to analyze the costs associated with an increased level of transit service if the applicant chooses to rely on City parking and transit services in the Quinn's Junction area.

Planner Ananth reported that the City and the applicant met several times, however, to date no agreement has been reached. Subsequently, the applicant used the AECOM memorandum to propose the mitigation plan that they would present at this meeting. She added that the applicant identified alternative locations to Quinn's Junction for day-skier parking.

In addition to what the applicant would present tonight, Planner Ananth reported that the applicant was finalizing a comprehensive project submittal for the public hearing. Exhibit C to this meeting's agenda included an attachment that was taken out early from the comprehensive memorandum.

She reiterated that the applicant was still working on the memorandum, and acknowledged that everyone would like the memorandum released well in advance of the public hearing.

Planner Ananth stated that from a high-level perspective on the mitigation plan, the applicant was still proposing employee parking at Richardson Flat for both the resort and the new development, with private shuttles to the resort. In terms of day skiers, the applicant would no longer rely on parking at the high school and has identified some other dispersed locations, along with private transport of those skiers to the Base Area. Without the benefit of a thorough Staff analysis, Planner Ananth was looking for questions from the Commission on the proposed mitigation. She was also looking at whether Staff should schedule and notice a public hearing for March.

Commissioner Suesser asked if the March 23, 2022 meeting was the only scheduled meeting between now and then. Planner Ananth confirmed that March 23rd would be the next opportunity for PEG to present its application. Commissioner Suesser queried whether it would be appropriate to begin that meeting with analysis by Staff and AECOM of the application prior to the public hearing. Planner Ananth stated that Staff would be prepared to issue a comprehensive Staff Report for the public hearing and that one meeting would suffice.

Robert Schmidt from PEG Development, introduced Mike Gore, Vice President/COO for Park City Mountain Resort, and Kara Bowyer, Director of Community Development for Vail Resorts. Mr. Schmidt initially reported to the Commission that they have been preparing the comprehensive memorandum that would cover all topics within the application and reported that they have completed a draft of that memorandum and provided it to Planner Ananth. There would be refinements to the memorandum with a final copy delivered by the end of next week. Mr. Schmidt stated that they appreciated Staff working with them to publish materials. He added that they have also been drafting Findings of Fact and Conditions of Approval that would be part of the conversation over the next couple of months. Those would also be provided to Staff when they are finalized.

Mr. Schmidt stated that over the past two months, they have prepared a Mitigation Proposal. He noted that they received the AECOM Study on February 1, 2022. He highlighted that the AECOM Study was started in October 2021, and the applicant requested a continuance of the November meeting because they had not received that study in order to respond to some of the questions regarding mitigation. Since receiving the study on February 1, 2022, they worked as fast as they could to prepare a Mitigation Proposal. He added that in particular, Vail Resorts had worked very hard to address the AECOM Study.

Mr. Schmidt stated that it was important to not miss another meeting to discuss these topics. He referenced the comments made at the beginning of the meeting and offered that PEG had been waiting for the AECOM Study for some time. He noted that it was critically important for their proposal. He added that the AECOM Study helped them prepare a Mitigation Proposal that would be highly beneficial. He stressed that this meeting was scheduled at PEG's request, and noted that Staff indicated that they would like to receive feedback from the Commission as well. He confirmed that the focus of the presentation at this meeting would be the Mitigation Proposal.

Mr. Schmidt added that they have reviewed the minutes and notes from the previous meetings and some of the key themes that they were prepared to address include existing traffic concerns that were causing challenges in the consideration of the redevelopment of this project. They also heard that the Planning Commission wants to have a voice in this Mitigation Proposal, as well as numerous concerns about relying on Quinn's Junction Park and Ride as the primary off-site

parking solution for day-skiers. He also noted the request for him to conduct on-the-ground observations, which he did on December 18, 2021, and January 8, 2022. On those dates, he was on site for a good portion of the day from before traffic started until traffic had subsided around noon. He observed the parking lots, drop-offs, the high school, the park-and-rides, and The Canyons.

Mr. Schmidt reported that based on his observations, traffic and parking management were essential to the solution and pre-arrival communication to the guests would be critically important. He stated that one of the challenges was that a lot of people were arriving at the resort hoping to get a stall. If they did not get a stall, they were required to circulate back around which creates two unnecessary trips that cause traffic problems. He felt that their proposal would improve on this condition. He added that many of his observations have informed the discussions between Mr. Gore and City Staff and he felt that some of those solutions would be brought to bear for the President's Day weekend and beyond.

Mr. Schmidt noted that there were inherent challenges with the existing parking lot in terms of circulation, layout inefficiencies, and parking inefficiencies, and the ability to replace these parking lots with new structures would drastically improve the situation on the site. He addressed the long-term solutions that the project would bring. There would be 1,200 structured parking spaces for skiers and day visitors that would not be affected by the weather. The proposal also provides dedicated bus transit lanes on site, which would be a huge win for the Base Area. He noted that currently, buses are caught up in the traffic, which causes ripple effects for transit riders. As they put the buses into dedicated lanes, transit will be significantly improved over the current situation and help to encourage people to ride the bus. Transit would become efficient, fast, and safe.

Mr. Schmidt highlighted the proposed Transit Center, which would add capacity and safety, as well as a better arrival experience. They also prepared a TDM and Parking Management Plan ("PMP") that would help them guide, adjust and manage all of this well into the future. He added that part of the TDM and PMP involves communications to the guests, but some steps can be taken to improve that communication and help to change behaviors. He stressed that they need this change in behaviors, which could be encouraged by providing the new infrastructure and new solutions.

Commissioner Suesser asked Mr. Schmidt if he heard the Commission's comments regarding submitting the applicant's PowerPoint presentations for the public record so they could be referenced without having to review the video feed. Mr. Schmidt reported that several of the past PowerPoint had been submitted to City Staff. He indicated that they understood that these are part of the public record and they would be more consistent in submitting them.

Mr. Gore briefly addressed the current resort operations. He noted that there was a lot of traffic over the holiday periods, perhaps more than typical. He emphasized, however, that the Resort did not set any visitation records over the holiday periods. Season-to-date visitation has been very similar to prior years. He explained that record days were not driving the traffic challenges in the community. Over the holidays they experienced a "perfect storm" of several factors. Historic December snowfall resulted in an increase in local skiers and traffic slowdowns due to the weather conditions.

In addition, Omicron was impactful to the businesses across the community, the State, and the country. A significant number of their workforce was excluded due to positive tests or symptoms. He stressed that the health and safety of their employees are paramount and they needed to

provide necessary recovery time to those employees so that they could safely return to work. He added that he was proud of their robust policy surrounding COVID-19 to protect employees and guests.

Mr. Gore stated that while December brought significant snowfall, October and November were dry, which limited their ability to open lifts and terrain. He noted that they are the biggest ski resort in the United States, with plenty of room to ski; however, the lack of snow limited the terrain they could safely open. He stated that it takes more than just a snowstorm to open a ski run. They are thorough in their safety inspections and protocols for opening terrain, and it is all about creating a safe and sustainable network of trails, which does not happen overnight. He reported that their team was amazing in its efforts to open terrain. They currently have just over 85% of terrain open, with 34 lifts, which is more than any other resort in North America. He stressed that there is a lot of good skiing.

Regardless of visitation, Mr. Gore stated that they have heard the community's concerns about operations. Their teams have been in close contact with City Staff and they have expanded and formalized those meetings to discuss current traffic concerns and ongoing mitigation. He expressed that they have partnered with the City to make modifications to traffic circulation and bus prioritization around the Base Area. Over the past weekend, they made meaningful progress that has been impactful. He added that they would be implementing additional changes for the upcoming weekend. The process with the City has been highly cooperative and Staff has been an amazing partner.

Mr. Gore stated that some of the changes implemented by the Resort include supplementing the express bus service from the high school, which has been a pinch point due to staffing issues at the City level as well. They had the opportunity to partner on that issue, and have provided additional buses and ran private transit to supplement public transit. They also worked with the City to produce additional signage consistent with other transit signage around town. He added that they have an in-house sign shop and were able to create these signs and get them out in the field quickly. He added that the City secured a contract with a third-party security company to provide additional manpower on the ground during peak periods. The Resort pays for this service and is working with the City to ensure that resort staff, local police, and the third-party security team were deploying consistent messaging.

Mr. Gore noted that the City positioned police officers at key intersections to help with the traffic flow, which he described as an amazing enhancement. The Resort was limited in what it could do as it does not control the roadways. He appreciated the police presence and the City's involvement in this regard. He stated it was important to remember that the Resort has always involved a continuous evaluation of operations in order to make improvements where they can. Over the past two weeks, they enjoyed a closer working relationship with the City in addressing these issues and additional changes were being implemented. He stressed that this partnership with the City was essential for working on traffic as a community-wide issue.

He felt it was beneficial for the public to understand the goals of these changes. The goals of the operational changes were set by the City and include public safety, transit priority, informed stakeholders, and resident quality of life and safety while reducing congestion. Mr. Gore stated that it was important to recognize that the underpinning of the "transit first" goals of these efforts was to prioritize safety and transit use, encourage the use of transit and make the transit experience as seamless and simple as possible.

With respect to this project, Mr. Gore offered that it is an essential part of continuing to improve and solve the problem of traffic in Park City. Traffic is not a problem that could be solved alone, and changes have to be made in order to improve the situation. Doing nothing would not address anyone's concerns. He opined that the project was integral in bringing benefits to the community, as mentioned by Mr. Schmidt.

Mr. Gore explained that they heard the Commission's various and extensive concerns about the reliance on Quinn's Junction parking as the sole source of redirecting traffic to achieve the mode split. In working with Staff, they have proposed several dispersed options, including use of parking at The Canyons Resort Village, use of Munchkin Lot for guests, and continued use of the High School in addition to park-and-ride lots along State Route 224. In addition, Mr. Gore stated that they were no longer proposing the use of the Quinn's Junction Park-and-Ride.

Mr. Gore stated that they recognize the critical role that a successful transit system must play in the community. To that end, the resort has proposed a contribution to the City in the amount of \$5.3 million, payable over an eight-year period. This contribution would be sufficient to cover the purchase of three new electric buses for the City fleet, cover operational expenses for running supplemental transit during peak times, and a portion of fixed operating costs that are actually attributable to the supplemental service.

In addition, while the exact timing of payments would be written into the Development Agreement, the Resort proposed to begin payments to the City in advance of construction, as early as next year. This would be several years before the project begins to deliver new buildings. These payments would enable the City to make investments in transit ahead of the incremental tax revenue that would be generated by the project as realized.

Mr. Gore stated that the project would begin to produce significant incremental tax revenue prior to the eight-year mark, producing nearly \$2.2 million in year 8. He believed that this proposal showed the commitment of PEG and the Resort to mitigate the impacts of the project. The contribution would be in addition to numerous other benefits that the project will bring to Park City, and is a key part of the solution to today's concerns.

Ms. Bowyer began by underscoring the work between the resort and City Staff. She expressed appreciation to Deputy City Manager David Everett and the team. She noted that she was on the ground in Park City and had the opportunity to walk some of the changes with the team, and she planned on being out there tomorrow morning when the next round of changes would be implemented. She reiterated that the resort appreciated the work that the City has done to partner with them.

Ms. Bowyer stated that the AECOM report they received on February 1, 2022, very much informed the proposal before the Commission. She expressed that the proposal addresses the right mitigation, and is fair and equitable given the actual impacts of the project. She reminded those present that the project was being asked to achieve a 20% mode split at the Deer Valley Drive/SR 224 intersection. In order to achieve this, Hales Engineering determined, and AECOM and the City have concurred, that approximately 420 vehicles must be removed or redirected out of that intersection.

She explained that the mode split could take several forms and be achieved in multiple ways. There could be increased occupancy in vehicles. Another way would be to promote local use of transit and/or increased transit use by destination guests. When these methods are combined

with offsite parking, all would contribute to the mode split. Ms. Bowyer stated that the main focus of the discussions with the Commission and Staff was achieving the mode split through offsite parking and removing vehicles that would travel through that intersection to park at the resort.

She noted that the offsite location discussed to date has been centralized on Quinn's Junction. She echoed Mr. Gore's statements that they have heard the concerns raised by the Commission related to the reliance on Quinn's Junction to achieve the mode split. After the December meeting, the applicant began identifying alternative locations with which they could guarantee delivery and began looking at other locations controlled by the Resort.

The concept of finding multiple locations in order to further disperse traffic came up during their discussions with Staff. She noted that they had always discussed the SR 224 park-and-rides at Jeremy Ranch, Ecker Hill, and Kimball Junction. Mr. Schmidt spent several weekends observing parking volumes at the Resort as well as at these three parking lots that were very under-utilized. She noted that they have discussed usage of these lots with High Valley Transit, who feels that their existing service would be able to accommodate day skier guests who park in those locations.

Ms. Bowyer offered that they also have the unique advantage of having two established base areas with significant parking in both locations. They have 1,200 spaces on the Mountain Village/Park City side and approximately 1,600 spaces on The Canyon Village side. Currently, all of the employees at The Canyons park are onsite for free. She explained that they propose to direct the Canyon Village based employees to park at Ecker Hill in the spaces that are reserved and dedicated for use by the Canyons Resort Village Management Association ("CVMA"). She reported that based on their discussions with the CVMA, they have confirmed that they would be able to utilize those spaces. The applicant would also commit to continue to work with the CVMA should additional spaces need to be activated under their current agreement with the County.

Ms. Bowyer stated that they have also confirmed with High Valley Transit that they have sufficient capacity to transport these employees to the Canyon Village Base Area. In the event that supplemental service is needed from that location, the Resort is prepared to provide private shuttles. She stressed that their goal was to create a timely, reliable, and convenient transit option for the employees. Ms. Bowyer reiterated that they were committed to working with High Valley Transit to ensure that service is there. Usage of the 100 spaces at Ecker Hill that are dedicated for CVMA use would allow an additional 100 guests/day skiers to be accommodated at Canyons Village. From there, those guests could access the Mountain Village Park City side of the mountain via the Red Pine Gondola.

She added that there is also on-demand transit that could be activated as needed to transport guests to the Mountain Village Base Area. Ms. Bowyer explained that the high school was another location they have discussed. As part of their ongoing operations, they are currently in discussions with the high school to secure a multi-year long-term lease. The current arrangement is a year-to-year license permit with the School District. This would allow for an additional 400 spaces for guests. In the event that the high school would become unavailable, Ms. Bowyer stated they would work with the City to identify another offsite location to replace those spaces, at no cost to the City. She underscored that whatever location they use would be at no cost to the City. She explained that from the high school, guests would be transported via private shuttle.

Ms. Bowyer explained that the newest option is utilizing the Munchkin lot, which is owned by the Resort. There are currently approximately 100 spaces that had previously been discussed as a location for offsite employee parking. She explained that as they thought about it, they determined

that Munchkin would be a good location to stage guest parking. She stated that they would direct the employees currently parked at Munchkin to Richardson Flat, which would open up these 100 spaces to guests who would then be transported by private shuttle.

Ms. Bowyer mentioned the current congestion that they were seeing at Munchkin. She referenced Mr. Schmidt's comments that a lot of congestion comes from those circulating to find a parking spot or to drop off. She explained that they have looked at ways to direct that traffic out of the intersections since their final destination was not the Base Area. As a result of these discussions, the Resort looked at the potential of relocating some of the local ski program drop-offs to offsite locations. This would remove the circulating drop-off traffic from the Base Area. She added that they had also talked extensively about carpool lanes. They felt that utilizing Munchkin as an offsite drop-off location could substantially reduce traffic within the Base Area.

Ms. Bowyer explained that today's proposal was presented for Commission input as a concept that they could continue to develop and pursue if it was of interest. This proposal would be to relocate programs for children age seven and up. They proposed that the ski teams would be dropped off in a similar configuration as previously discussed for the Parcels B and E garages. Coaches or representatives of the programs would be staged at the drop-off to meet the participants and accompany them on the bus, which would depart for the Base Area at a scheduled time. She added that participants would be accompanied on the bus, as safety is paramount to all of the resort's operations.

She explained that this proposal intended that for those parents, guardians, or caregivers who transport the children and who are circulating back out of the Base Area would not be creating additional traffic within the Base Area. If a parent, guardian, or caregiver who was dropping off also wanted to ski, they could go directly to the Base Area and park in the skier parking, and meet the group once they arrive from the offsite locations.

Ms. Bowyer noted that there are approximately 1,000 participants in the Saturday program and approximately 120 participants in the younger age group that would remain on site. Therefore, this would allow a significant amount of drop-off traffic to be redirected offsite and could potentially eliminate significant volumes out of the intersection. She added that they recognized that improvements would be needed on the Munchkin lot, and stated that the Resort was prepared to make those improvements should the Commission feel that this was an idea worth pursuing.

Ms. Bowyer stated that each of these locations, including the drop-off, has the purpose of reducing impacts on City-controlled lots and City transit resources. While they have worked to get away from sole reliance on Quinn's Junction, they recognized that there would still be potential impacts to City transit services.

In recognition of the continued importance of transit in the City now and in the future, the Resort proposed a \$5.3 million contribution, payable over eight years. This would amount to \$662,500 per year. This fee was based on the findings in the AECOM report received in February and would include \$2.9 million for the City to purchase three new electric buses. The amount is based on the cost paid by the City in 2021 for the purchase of buses through the Utah Transit Authority. She explained that the second component of the fee was an hourly and per mile operating expense for the buses that could be used to enhance transit service. This figure was also taken from the AECOM analysis and totaled \$940,000. This fee would cover the costs associated with the City providing enhanced bus service on peak days of the season.

The last component of the fee would be a contribution of \$1.48 million for Park City Transit's fixed costs. These are costs that the City attributes to each bus based on its' general overhead. The applicant looked at those costs as identified in the AECOM study, and identified the elements that would actually be impacted by this enhanced service, such as staffing. Ms. Bowyer stressed that it is clear that behavioral changes would be necessary and that some would still be resistant to this change. She stated that the Resort was prepared to begin this financial commitment and begin making mitigation payments prior to the construction of the project. She added that the final terms of the timeline of payments would be worked out as part of the Development Agreement, but there is the potential that the payments could start as early as 2023.

Ms. Bowyer addressed some other issues voiced by the Commission, including the importance of early and accurate guest communication. They were currently working on this component, and the project would bring them an additional set of tools. She noted that the City's text service that had been in place was discontinued due to staffing challenges. The Resort was currently working to find and set up a similar text alert system. She understood from the Resort's internal teams that this system would not likely be set up before the end of the season, but she reported that they were pursuing it for next season.

Ms. Bowyer offered that the Guest Communication Plan would be reviewed by Staff and ultimately worked into Conditions of Approval, and would include elements that could potentially be pulled forward and put into place as early as next season. She noted that some of the elements would be tied to the project. She explained that they approached the Communication Plan with a few strategies in mind: reliability, clarity, and adaptability. They do not want to implement something that would be inflexible and not able to adapt to technology change or other needs that might be identified. They also looked at different periods of time when people need communication. These include pre-arrival, real-time, and programmatic. Like the TDM, these measures could become part of the regular meetings they would have with the City to ensure that the best strategies are in place.

She explained that pre-arrival communications would differ depending on the type of guest. Destination guests and regional guests are similar in that they do not necessarily know that a pass holder in Salt Lake City would be skiing in Park City. They would look to leverage websites and social media for those guests. There would also be an opportunity to use email communications with guests that could be tailored depending on where the guest is coming from.

Ms. Bowyer explained that they could use more targeted messaging for local guests that could utilize local media to provide updates on potential changes to operations, potential impacts, and consideration of offsite locations. The partnership between the City, the County, High Valley Transit, and the Resort would be essential to building that package.

With respect to the real-time information, Ms. Bowyer noted that day-of messaging is currently handled through variable message signage ("VMS") and social media. The Resort and PEG are committed to working with the Utah Department of Transportation ("UDOT"), the County, and the City to ensure that those VMS signs are used and have the right information that would reach guests as far back from the Resort as possible. They want the VMS signs to allow guests to make their decisions in the appropriate amount of time. She reiterated that they are exploring the text alert system with hopes of implementing that next season. She mentioned that pass holders for the existing Resort Center garage were offered a opt-in text service to provide updates on the status of circulation as it relates to that garage. She explained that the current system is a manual entry system, and is a small enough group to allow text alerts to be manually inputted.

She noted that the City requested the Resort change the timing of payment for the garage to be a “pay at exit” system. She reported that the Resort engaged a third party to put “pay on foot” systems into the Resort Center Garage that would allow traffic to free flow into the garage. She felt this would greatly improve the experience at that location. She explained that the biggest benefit of real-time information would come from the parking structures that are part of this project. These parking structures will let guests know how many spaces are available and where they are located in advance of arrival. This information would be broadcast through signage and through an app. She stressed that this would give the guest information to decide to redirect their path in the right amount of time.

The last component of the Guest Communication Plan is a programmatic element. Partnerships are extremely important for this component to get messaging out, offer incentives, offer carpooling and transit incentives, and make sure the information is up to date. Ms. Bowyer explained that they spent a lot of time thinking about a Mitigation and Compliance Plan, and they would preview this with the Commission for purposes of feedback. The first step in determining compliance is developing clear, objective, and measurable performance metrics. In other words, how they would determine if the mode split was being achieved. She explained that their proposal includes a series of data collection points. Traffic counts would show the movement of guests going to the Resort at the right-hand turn movement from Deer Valley/SR 224, the through movement on Empire Avenue, and the left-hand turn movement onto Lowell Avenue.

They would also collect data on Base Area lots and structures, as well as the offsite lots. They would work with the City to get data on the usage of Quinn’s Junction or other offsite lots as well as transit ridership. She explained that they would look at all the data to see what was working, and what elements to mitigate. Ms. Bowyer stated that they could start collecting data and use a three-year window average for analysis. She commented that if the traffic counts were up and transit ridership was down, that would show that they would need to tweak something such as the price for parking. Incentives or media could also be used to promote transit use. She stressed that they want to approach this as addressing what might be broken within the system. The applicant proposed that they could start data collection earlier and continue all through project construction and five years after construction. She highlighted that the monitoring was meant to identify the problem and mitigate it.

Ms. Bowyer invited questions or comments from the Commission so that they could continue to develop this proposal and bring back the full package at a future meeting.

In response to a request for clarification from Chair Phillips, Ms. Bowyer confirmed that they proposed the Munchkin drop-off be for participants ages 7 and up. She explained that they chose age 7 as they felt that by that age there was a certain level of independence and they felt comfortable proposing a 7-year old ride the bus with their coach. In addition, many of the programs use age 7 as a dividing point. She offered that they were open to feedback on the age limit. She restated that there were approximately 120 participants in the under-7 age group and approximately 880 participants in the older group including programs run by the Resort and other ski clubs.

Mr. Schmidt thanked Mr. Gore and Ms. Bowyer for their presentations and their efforts over the past two months on the proposed mitigation measures. He stated that in the long term, they view the proposal as a solution to the current situation. He referenced the various measures proposed, which include expanding and improving the Transit Center delivered in Phase 1. He also

mentioned the proposal for dedicated bus lanes on-site, pedestrian crossings, sidewalks, and street improvements, also to be delivered in Phase 1. Additionally, employee parking would move a large number of cars out of the City and to Richardson Flat with capital contributions, ongoing maintenance, and private shuttles.

The proposal also includes smart parking onsite and the use of technology to manage the parking resources and make them efficient and effective. He added that dispersed offsite parking in multiple locations would give people options. Mr. Schmidt also listed the improvements to the ski program drop-off, with flexibility both onsite and offsite. He also referenced the significant transparent contribution over eight years and noted that all of these changes add up to a significant, meaningful solution to traffic, transit, and parking at the base and in Park City.

Mr. Schmidt expressed appreciation to the Commission for allowing them to present this information and expressed hope that it was meaningful and was a good reason for them to conduct this meeting.

Chair Phillips invited input from the Commissioners as to how they would like to proceed prior to the public hearing. Commissioner Thimm suggested opening the matter up for public comment. Commissioner Suesser liked the idea of discussing the public hearing at the end of this meeting and agreed with Commissioner Thimm that public input at this juncture might be most efficient.

Chair Phillips opened the public comment.

Jeremy Buzzard stated that there were two distinct but related issues. The first is the traffic in town, and the second is the traffic at the resort. He expressed gratitude for those on the Planning Commission and noted that he could not see all of them on the video. The citizens deserve to see the representatives and noted that if they were in person, they would be able to see them.

Mr. Buzzard commented that Mr. Gore made the point that the traffic this year is no worse than in 2018-2019 and 2019-2020. He stated that anyone who has been in town during the past few years would recognize that those numbers are rubbish and they were lying with statistics. He has studied statistics and learned many years ago that any moron could use statistics to lie effectively, and Mr. Gore demonstrated that very well at this meeting. Mr. Buzzard invited Mr. Gore to reach out, as he would be happy to debate this in person. He stated that Park City is busier than it has ever been by a massive margin and making promises to commit funds to the town is a hollow promise. He added that they should not enable this rubbish and should maintain the town for the sake of the citizens.

Mr. Buzzard stated that Vail Resorts had no interest in supporting the town, other than as a way to support their profits. It would therefore be appropriate that they should not be supported for anything more than that. The traffic issue exists both on the mountain and on the streets, and both should be considered. He strongly recommended the Planning Commission reject any further development of the Park City Base until they have a commitment from all of the relevant parties that would be appropriate for people in town.

Lisa Pahl deferred her time to Deb Rentfrow.

Nancy Lazenby commented on Ms. Rentfrow's earlier comments about the deadlines. She agreed with those comments and stated that her heart goes out to the Staff and the Commission when they receive 200-page reports that they have to review in a short period of time to be

knowledgeable on the information. Providing information at the last minute seems completely unfair and places an undue waste of time on everyone. She added that the push to have a public meeting in one month, when the Commission still has not received everything it needs to review, seemed ludicrous.

Ms. Lazenby agreed with Mr. Schmidt that traffic and parking are essential to the solution for what is going on in the City. The proposed parking plan seems like a crazy mishmash. She could not imagine going to a stadium for a concert or sporting event and having different types of parking all over the place. She noted that she lives in town and does not know even where the Munchkin lot is located. Because of this mishmash of parking, it was no wonder everyone was driving around and traffic was convoluted. Ms. Lazenby referenced the number of people that visit Disneyland and the parking structures they constructed with regular shuttles. She asked why it was so hard for Vail to build a parking structure at I-40 or I-80 and provide shuttles back and forth all day long.

She reiterated that this plan seemed like they were taking something that should be simple and making it complicated. She asked why it was becoming the City's responsibility to take care of the guests going to Vail. Ms. Lazenby reiterated that Vail should build parking structures to handle their guests and shuttle them back and forth. She added that she has been watching the Olympics and expressed pride that she is from Park City. Park City is the supermodel of ski resorts and she felt that this proposal was mediocre at best and they need to hold out for their Tom Brady. She added that Park City deserves a world-class resort and this piecemeal proposal needed to be improved. Ms. Lazenby explained that she was all for progress and development, but progress is only progress if it makes things better, not if it complicates it or makes it worse.

Dana Williams stated that the City has been going through a lot of Vail issues lately, and he saw nothing but more of the same. Tonight's presentation showed how the resort would be under parked, and how they would not live up to the obligations on parking. The presentation also showed how the City would supply its' parking areas around the community that were built to handle on and off traffic loads based on the neighborhoods and carrying capacity figures to the resort. He stated that he was sick and tired of fees in lieu and the notion that buying additional buses for the City was a good thing. He lives one block from one of the busiest bus stops at the High School and it is still horrible.

Mr. Williams expressed concern about the representations at the first meeting where it was stated that the applicant would not build underground and would not build enough parking. He wanted the Commission to remind the applicant that it has the responsibility to provide parking on their site and live up to certain agreements. He referenced the comments regarding Omicron and resort-based employment. He stated that he called five Vail resorts about whether their mountains were fully open and whether they were fully staffed, and was told "no." He also called five other resorts, and they were 100% staffed and 100% open. Mr. Williams referenced some important factors, including too many passes, and the fact that they were above the CCC of what the applicant's and the City's systems could handle. He felt that it was time to go back to square one and the project needed to be turned down.

Sherie Harding stated that it seemed like they were putting out a brush fire. Parking in the Park City Mountain Resort lots and the associated traffic congestion was an immediate problem and the satellite lot at Quinn's Junction is a Band-Aid solution to an immediate problem. She asked that they think larger and come up with an over-arching transit solution that is innovative and visionary. Just as the first automobile was thought to be funny, people might think using

technology and innovation would be funny. She offered the ideas of high-speed rail, partially on Vail property along each entry, or a gondola partially on Vail property along each entry corridor. Ms. Harding also offered the possibility of electric self-driving cars that could be sent home after the owner was dropped off. These types of visionary ideas need to be wrapped in climate sustainability. She urged them to embrace solutions that evolve and can go into the future. She felt that this looked like this would create another Olympics. Benefits could be over-arching transit solutions or funding towards some of the visionary transit ideas.

Deb Rentfrow reported that she received a text from Deborah Hickey saying that she was not getting the notice that she could raise her hand, and asked whether there was anything on the admin side that would prevent Ms. Hickey from seeing that option. She read from a prepared statement. She stated that the Staff Report states that the applicant met with the City many times, and has been unable to reach an agreement. This should be a red flag. The proposed payment appears to be loosely based on AECOM's scenario 1, included in the packet. That scenario assumes only 43 peak days. Based on actual data collection for this season, the parking has been at capacity 41 days to date, including today. Ms. Rentfrow stated that there are 60 days left in the season, 27 of which are a Friday, Saturday, or Sunday. If they apply the rate of capacity for just Friday, Saturday, and Sunday based on the collected data since December 5, 2021, there would be an additional 22.6 more peak days where they are at capacity this season. Consequently, the analysis provided by AECOM and the applicant is flawed and the City would be getting shortchanged if the current proposal were accepted.

As to PEG providing their own shuttle service from Richardson Flat and the High School, if they were promoting civil service and encouraging it along with transit, the proposed shuttle drop-off area is even more insufficient now than anticipated under previous submissions. In addition, per a Summit County plat search, there are 62 parking spaces under the Lowell, which would require private vehicles to cut through the shuttle area for access to their parking. The most direct garage access for another space is reserved for the Resort Lodges south building, which also intersects with this shuttle area. Since nearly the beginning, the day skier parking split was proposed at 760 for Parcel B and 440 for Parcel E. This new submission has it at 770 and 430, respectively. More traffic to the furthest point of the resort area and on Empire Avenue would further reduce the balance of parking throughout the project.

In addition, those 10 spaces account for between 1,620 to 2,000 square feet. She asked if the applicant eliminated a condominium or an affordable unit, or changed the footprint to get these additional spaces. She also asked about the dimensions for each space and whether they were using the Land Management Code ("LMC") minimum of 9x18 or whether they were 10x20 to account for the higher anticipated and required Average Vehicle Occupancy ("AVO") to meet the 20% reduction.

Day skier parking was to remain at 1,200. As previously pointed out, multiple spaces, and now with the Munchkin lot of approximately 50 spots, would be lost during the peak arrival hours for drop-off. To date this season, there have been only two initial tweets for the lots at capacity after 10:00 a.m. All other tweets have been between 8:00 a.m. and 10:00 a.m., indicating the loss of any day skier parking at that time would be critical. In addition, the day skier number includes private ski club parking that is not available to the general public.

Ms. Rentfrow stated that it does not look like the applicant was relying on Quinn's Junction but pointed out that that project is not out for bid and will not go out for bid until February 24, 2022.

Any assumption by AECOM or anyone else that it would be completed by the end of this year could be unrealistic.

RAD's attorney, Nicole DeForge, submitted a letter highlighting additional points and she hoped that the Commission took the time to read it.

Ms. Rentfrow stated that Planner Ananth mentioned the proposed public final hearing on March 23, 2022, as the standard fourth Wednesday of the month. Ms. Rentfrow pointed out since November 2020, 11 out of the 13 meetings have been held on the third Wednesday of the month. She noted that one of the two meetings that were on a different Wednesday were held in August because there were two meetings, one on the third Wednesday and one on the fifth Wednesday.

She stated that the applicant's reliance on High Valley Transit ("HVT") to help get people in from Jeremy Ranch is an issue given that HVT reduced that service from four times per hour to two trips per hour. She opined that this is going in the wrong direction since HVT is reducing service instead of increasing it. The Canyons has overflowed at their parking lots at least 20 times this season. It's not working now, so she does not see how they could rely on it as a possible alternative in the future.

Ms. Rentfrow referenced the Report that states there are 480 PCMR site employees and 720 Canyons employees, which would mean that they would need those 720 spaces at the CVMA and she did not believe that lot has that supply.

With regard to conducting drop-offs at the Munchkin lot, Ms. Rentfrow did not hear any plan for getting the participants back to the lot and how pickup would work later in the day. It seemed to her that the applicant was more concerned about getting everyone to the resort. The reference that Mr. Schmidt spent several weekends observing is not consistent with his observations on two days only. She questioned whether that was proper statistical sampling. In terms of timing, she suggested starting these various options today to see how they work over the next three years, so they could tweak things during that time and then resubmit the application. She appreciated the time the Commissioners spend on each application.

Chair Phillips clarified the reference to the fourth Wednesday was meant to reference the Planning Commission's normal meeting. He noted that the Commission has the intention of returning to its' regular schedule. They have been conducting special meetings on the third Wednesday.

Ed Parigian expressed agreement with the previous comments and specifically referenced the comments of Mr. Williams that too many passes have been sold and are likely increasing. Vail admitted that they do not know which pass holders are going where at any given time. He questioned whether anyone could accurately predict any user numbers. He felt that it was clear that Vail and PEG are just trying to meet the modal split and not necessarily attempting to alleviate traffic. There is no attempt to address any traffic coming up SR 248 onto Kearns. He felt this should be a no-brainer if they were actually trying to alleviate traffic. With respect to the 740 spaces, he commented that it is a gross number, not net. Mr. Parigian stated that Munchkin is a muddy mess and asked whether it would be paved. He felt that area is a "traffic zone" to begin with, so by bringing people into Munchkin he questioned whether anything was really being accomplished.

He asked what would happen to the High School lot when construction begins in a couple of years. He also asked if the City would receive rent and how much each parking spot would cost.

With respect to the 100 spaces at Canyons Village, he questioned whether it made sense to take employee-parking privileges away at a time when Vail claims it is having difficulty attracting workers.

John Rasmussen stated that he is an owner of the Silver King Lodge. He stated he would be excited if Disneyland were to open a resort near his complex or in his city because it would generate so much money. He felt that this is what PEG has proposed, and he thinks it is fantastic. He stated that Silver King and its Board of Directors are moving forward to prepare itself for this potential expansion of the Park City area and being the number one resort in the United States; they should look at the parking lot now because it looks terrible. He stated that the parking lot does not have the glamour that it should. Mr. Rasmussen offered a possible solution would be for PEG to put a parking lot between Park City and Kimball Junction, and noted that there is a lot of land in that location. He stated that he just attended a tennis tournament in Maui and no one parked at the tournament. Rather, attendees parked in another location and were bused in and bused out and it worked very well. He felt this opportunity was absolutely warranted and that Park City needs to dress itself up. Right now, there is nothing going on at the Base Area, and there should be. He felt that this project would balance things out and was a perfect opportunity for the City.

Deborah Hickey found it offensive that they were still talking about devising a transit plan for this major project. These issues have been talked about from the beginning and this project is being fit to what PEG wants as a development, as opposed to advancing the project for the community and for the traffic flow that the community desires and needs. She felt that this project was working backward and PEG had not provided a solution but was rather asking everyone to buy into the fact that PEG would add a few buses, which the City and taxpayers could easily pay for without Vail. The community is asking for access for the City's tourists and the locals. A bad experience will turn people away and she has heard many complaints about the overflow of too many guests on the mountain and too much traffic to get there.

Ms. Hickey stated that conducting data collection over the next three years as the plan is developed is a woefully inadequate approach. She believed that Vail should invest in a plan in advance of construction. She suggested getting the traffic flow solutions fixed before they add more density to the Base Area and asking for more leniency from the LMC. Ms. Hickey did not feel that \$5.3 million would make all of this work better. She would like something built that would positively affect everyone. If the Olympic athletes that train here cannot get access to the mountains, the City will lose them. She added that there is not enough employee housing.

The idea of using Vegas parking protocols for Park City sounds like they are writing the City off the map. This used to be a quaint skiing town and she did not believe PEG was working in the right direction. She suggested fixing the transit now before any building permits are issued. She mentioned that there was not enough water to support the infrastructure and felt that there should be a moratorium on building.

Ms. Hickey stated that Mr. Rasmussen did not represent all of the owners of the Silver King. She felt it was outrageous to suggest putting a seven-year-old on a bus. PEG hasn't built a solution; it is just asking everyone to bend over backward. She felt that the Mayor and the City Council should have oversight over this decision-making process because if this moves forward, it would go against some of the basic premises on which Park City is built. The community has invested in the LMC, which deserves to stand tall instead of bowing to the developers. She urged the Commission to take heart and consider the traffic and water issues.

Doug Lee echoed the comments of Ms. Rentfrow and Ms. Hickey. He found it unfair that the public was being asked for substantive comments without sufficient time to review the documents. He stated that he is an architect and real estate investor, and is working on two projects in Concord, New Hampshire. There, if documents are not submitted 30 days before the meeting, the applicant does not get to go to the meeting. He urged Staff and the Commission to be more stringent on getting documentation in before deadlines. Mr. Lee stated that this proposal is a shell game with the parking spaces. He reiterated that Carolyn Rodrigues stated on the record that the County believes that the SR 224 lots are at 80-90% of capacity on peak days. There are only 220 public spaces available at those three lots, meaning that there would only be space for 22 to 44 cars.

He found it offensive that PEG thinks that having Mr. Schmidt drive by the lots on two days was any kind of substantive and accurate reading of demand. He offered that most of the numbers in the Traffic Circulation Study continue to be based on unsupportable mode split assumptions, and any empirical evidence does not support the AVO and Traffic Diversion Assumptions. The shared parking analysis is similarly not supported by any empirical evidence. Therefore, the analysis that PEG relies upon to justify this scheme is not supportable.

Mr. Lee reiterated that community members are working hard to find a solution, unlike PEG, Vail, and their consultants. The applicant keeps saying that they do not want to make any more changes and want a vote on this project now. He urged the Commission to take their time and do this right.

Susan Daniero stated that she is a full-time resident of the PayDay Condominiums and remarked that the Silver Star Lift is near and dear to the residents of Thanes Canyon. It is a community lift that services the businesses at the base. Residents can completely stay away from the base by using the community lift. She understood that the Commission has a difficult job. She added that there would be development on the parking lots by Vail Resorts and asked that a condition be added that moving forward, Vail must adequately staff and make sure that the Silver Star Lift is open. Ms. Daniero offered that there were a number of lifts similar to Silver Star and specifically referenced the Sunrise Lift that services the new condominium building.

By having the community lifts running, Ms. Daniero stated that people will be kept away from the parking lots and avoid the need for these residents to travel to the base. She understood that these lifts are not extremely profitable but urged the Commission to keep in mind the local businesses and community lifts that keep people away from the base. She thanked the Commission for their service and expressed appreciation for the time to speak.

Patty Forchette noted that most of the discussions were about day skiers and she wanted to know what was in the proposal to transport mountain bikers and bikes en masse to the resort. She believed that currently, they are allowed three bikes per bus, and wanted to know what would happen in the summer when there would be hundreds of bikers.

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

Chair Phillips invited comments from the Commissioners. Commissioner Kenworthy thanked Planning Staff for their work on this application. He also thanked Mr. Gore, Ms. Bowyer, and Mr. Schmidt for their attendance at this meeting. He felt this was a very important meeting, even though Staff did not have a chance to review the submittal. He made it clear that the City has

zero obligation to own the mitigation requirements of PEG or Vail. When he hears about transit hiccups at the high school, it makes him uncomfortable and it goes back to how they would accept whatever the mitigation plan might be. They do not want people pointing fingers at each other.

Commissioner Kenworthy stressed that this is clearly the obligation of the Resort and the developer. He asked if the applicant had any actual numbers for the past two months. This would include the days at capacity, the numbers at the Empire Avenue intersection, and how many times The Canyons was fully occupied. Mr. Schmidt stated that they do not have actual numbers on the ski operations, as it is not part of their purview.

Commissioner Kenworthy referenced public comment that this was a big guessing game. He disagreed with that comment and felt that Vail has zip code numbers for its pass sales and has tied it with first lift occupancy. He added that Vail had information ongoing for every single pass holder. He liked the fact that Vail was at the table and working with the City and emphasized that this partnership is what this project needs. They need cooperation and brains more than they need the money. While he liked the offer to contribute, Commissioner Kenworthy felt that City Hall needed to come up with the numbers. He did not believe that the numbers should be negotiated with Vail and should be a take-it-or-leave-it number arrived at by City Hall.

Commissioner Kenworthy stated that CVMA might have the right to give Vail its 100 spaces but there are still issues and details that need to be addressed. He stated that the only certainty that Vail has is to own those spaces. Quinn's Junction is a general-purpose UDOT-owned park-and-ride that will come with a great deal of uncertainty. He stressed that ownership of those stalls brings certainty.

With regard to the Munchkin lot, regardless of whether he likes the idea or not Commissioner Kenworthy loved PEG's creativity and thinking outside the box to come up with a solution. He appreciated them working with an owned asset and the thinking behind it. It is that type of thinking that would make this work. Commissioner Kenworthy noted that Quinn's Junction would always be used as a licensed, UDOT park-and-ride. It will be a first-come, first-served lot unless the City spends a lot of money. He stated that the wayfinding signs were terrible and it was PEG's responsibility. Something has to be done with signage in terms of coordination and messaging to make it work and the City and the Resort have to work together on this issue. He liked the fact that this was being addressed.

Commissioner Kenworthy referenced the question of what happens if they lose the High School as an option. He loved Vail's response that if that occurs, they would be responsible for those 400 spaces and the transit, but questioned what would happen if they don't step up. He wanted to know what would be in the Conditions of Approval. He referenced Ms. Bowyer's statement that when the blackouts occurred, they never used the High School, which she claimed was evidence that this would work to achieve the 20% reduction. He indicated that the evidence showed the parking is not sufficient. He referenced Commissioner Thimm's question one year ago as to whether that was the right number, and now they know that during the blackouts the plan calling for 1,200 spaces does not work. He stressed that it is a known fact that 1,200 spaces do not work when locals are blocked out.

Commissioner Kenworthy focused on the words "evidence," "the stick" and "certainty." He appreciated the meeting and hoped that the applicant understood where he was coming from. Without a doubt, this aspect of the development is the most critical issue for the community.

Commissioner Thimm reviewed the Staff Report and Traffic Engineer's findings and recalled that he agreed with the idea of reducing the amount of parking at the resort and the positive impact that would have on traffic. He clarified that this was not a complete statement as they look at it now. He felt that they need to look to reduce the amount of parking needed at the resort and that the modal split is what gets them there. Commissioner Thimm noted that he did not disagree with the logic of the proposed modal split, but he wanted to make sure that it could be enforced from the standpoint of the TDM and Conditions of Approval that have teeth.

He addressed the proposed multiple locations for parking to alleviate stress at any one location. He offered that the real solution would be that if this were to work, it would have to be intuitive. He questioned whether a number of lots at different locations would be intuitive, as opposed to going to one place. While he appreciated the idea, Commissioner Thimm was not convinced that dispersing parking would necessarily be the solution. He felt that the bottom line question was how they could make the solution intuitive for the people that would be using this system.

With regard to the drop-offs for children's programs, he would have to be convinced that onsite drop-offs were not best for all age groups. He referenced public comment that the age cutoff of seven years might not be the right age. From his personal experience, despite their age, he liked to walk his children and grandchildren to the program. He added that others liked to do that as well, which should be factored into the issue. Commissioner Thimm suggested that onsite drop-offs were a better solution.

Commissioner Thimm stated that when this is brought before the Commission for a final presentation, he would like to see a consensus between Staff, AECOM, and Hales Engineering, along with a full and detailed Staff Report reviewed by AECOM.

Commissioner Hall agreed with Commissioner Kenworthy's stated appreciation for the work Staff has done on this application. She generally agreed with much of the public comment that the current proposal was inadequate to justify such an extreme parking waiver.

She stressed that the burden was on the applicant to demonstrate a solid plan for the Commission to justify the largest parking waiver ever granted, both in terms of number and percentage. This plan needs to be one that will last forever because once the buildings are constructed, there is no way to change them. She stated that offering parking stalls off-site that are neither exclusive nor permanent was not a great option.

Commissioner Hall appreciated the applicant trying to be creative in this proposal but as it stands, she felt it was lacking. She noted that her user experience both this season and last was that almost every day seemed to be a peak day. Therefore, using the AECOM analysis regarding peak days to justify some of the parking stalls and the transit system was leading her to want to eliminate the idea of peak versus non-peak days. She would like the assumption to be that all days were peak days. She specifically referenced the 100 spaces at Munchkin and asked if there should be a restrictive deed stating that those spaces would always be available. She expressed her understanding that there was development or entitlements on Munchkin to have something built there, so she would like parking at Munchkin in perpetuity confirmed.

Commissioner Hall had similar concerns regarding the high school. They need a forever solution for offsite parking. She echoed the comments of Commissioner Kenworthy regarding ownership because there is otherwise no recourse if something changes. She had numerous concerns with

the AECOM report but would list those at the next meeting. She added that she would like to see summer transit built into this proposal, and not including it in the plan was short-sighted.

With respect to the public comment regarding the Silver Star Lift, she agreed that if AECOM's report and the parking waiver were based on old data when those lifts were running, they need to have all of those chairlifts running all of the time as they divert traffic from the base. Even if it is not enough to justify operations, she saw their use as a basic assumption needed for the parking waiver. She mentioned some of the transit details, including driver hours and round-trip drive times. She wanted to ensure that current data is used and is accurate because the assumptions seem to be at odds with current experience.

Commissioner Hall noted the important distinction between Staff's statement that all employee parking would be at Richardson Flat, versus the statement that all employee parking at Richardson Flat would be at peak days. She reiterated that she would like to eliminate the reliance on the concept of peak days because all days are essentially peak days. There is a strong disagreement between the current users and the old data as to the number of peak days.

Conceptually, Commissioner Hall would like the modal shift and would like to provide a parking waiver because an enhanced Resort Center with an enhanced transit system would make the community better and the resort base function. However, as currently proposed she felt that the plan was deficient.

Commissioner Suesser previously requested clarification on the Richardson Flat use by Vail employees, and Vail stated that employees would be directed to park at that lot. She requested clarification as to whether that meant that employees would be required to park there. Vail estimated approximately 132 employees from the new Base Area would use the Richardson Flat lot. Commissioner Suesser understood that the new Base Area would generate over 500 new employees, and requested further information on the balance of the employees created by the new development and where they would park. She recognized that there would be some affordable housing, but questioned where the balance of those employees would park.

She also referenced Vail's claim that 173 resort employees would park at Richardson Flat, which she saw as different from the reference to "all employees." She questioned whether employees would be required to park at Richardson Flat or directed to park at that lot, and only 132 of the new base area and 173 of the resort employees would be directed to park there. With respect to the high school lot, Commissioner Suesser appreciated Ms. Bowyer's comments that Vail had shifted away from looking at the Quinn's Junction lot and wanted to look at guaranteed parking. She noted that they have overflow parking on school and non-holiday days, so they do not have the High School lot available for overflow on those days. They also know that the school bond was approved and construction would take place.

Commissioner Suesser questioned the applicant's agreement to a Condition that would require replacement of those spaces and wanted to know where and how would those spaces be replaced. She stressed that this is the type of detail they need to approve this parking exception. She agreed with the concept of the modal split, but there was no agreement as to the location of the satellite parking. They initially discussed using the SR 224 park-and-rides but learned from Carolyn Rodrigues that those lots were at 80-90% of capacity. They then turned to Quinn's Junction, but now they are back at the SR 224 park-and-rides despite the fact that the statistics have not changed. She requested clarification of the conflict between Mr. Schmidt's observations and the County's data.

Commissioner Suesser asked where The Canyons' employees would park at Ecker if the lot is already 80 to 90 percent full. She explained that her comments were requests for information to allow a full commentary before making a decision. In terms of the direction the applicant was headed, she felt there was still quite a bit of information needed, as well as clarification of the information provided thus far.

With regard to the statements that the applicant was actively working with the High School to secure 400 parking spaces, Commissioner Suesser wanted to know what the issues were and why it was taking so long since they have been talking about the High School lot for some time. She recalled discussions during the October meeting about eliminating the High School as an option in favor of Quinn's Junction and Richardson Flat. This proposal now includes the High School without certainty or guarantee that those spaces are available.

Commissioner Suesser stated that there were long lines at the High School lot and Vail has said they would provide private shuttles if necessary. She asked why Vail had not already started the shuttle service. Similarly, if there was overflow parking available at the Munchkin lot, she questioned why it was not currently being utilized. She understood that the Munchkin lot was not improved, but would still like a response from Vail. She asked where the maintenance vehicles that are currently in the Munchkin lot would go if that lot is utilized for general public parking or ski team drop-offs.

Commissioner Suesser appreciated the creative thinking into alternative locations for drop-offs but agreed with Commissioner Thimm that it might not be the best solution. She agreed with Commissioner Hall's comments regarding peak days and eliminating that concept might be a good idea. She noted that it seemed as though they had a season of enhanced service needs.

With regard to the use of communication tools to get information to visitors to the resort, she asked why those communications were not currently working. They still see signs with inaccurate information such as "Lot Full" when the resort is closed, or at times when they know, the lot is not full. Commissioner Suesser referenced a comment during the City Council meeting last week that inaccurate information negatively impacts restaurant owners at the base.

She referenced the comments regarding congestion in Thanes Canyon and how appreciative residents are about the bus service that helps alleviate some of the traffic, especially given the fact that the Silver Star lift has been closed so much. The current plan is still unclear on whether bus service through Thanes Canyon would continue since buses cannot make a left turn off of Lowell Avenue when leaving the resort. It would be a loss to the community if bus service were eliminated, in addition to the loss of two bus stops on Empire Avenue that are always crowded.

Commissioner Suesser commented that there are currently no signs on Empire Avenue stating that the upper lot on Empire Avenue is full. She expressed that communication now is lacking, even without the development, and was concerned about the promise that it would work well in time. She referenced the statements regarding the collection of data during construction and felt that the time to collect the data was now to make sure that these analyses are based on accurate, current data. The data for this year is important given the increase in pass sales, the expansion of terrain, and other factors that drive people to the resort.

Specifically, with regard to Ms. Bowyer's statement regarding collecting data of people turning left onto Lowell Avenue, Commissioner Suesser offered that many people access the resort via

Empire Avenue, and collecting data at that intersection only would not be appropriate. The data should be collected throughout the resort for it to be accurate and usable.

Commissioner Suesser stated that the impact of this development is the responsibility of Vail and PEG to mitigate; it is not on the City to mitigate. This has to be included in the proposal before it is approved. She noted that the dedicated bus lane relied upon by the applicant is only approximately 100 yards long from the corner of Lowell Avenue and Silver King Drive to the Resort. The rest of Park City does not have dedicated bus lanes, and she does not know how this short lane would be a solution. If a bus is sitting in traffic on SR 248/224, people will not take the bus even with the dedicated bus lane on Lowell Avenue. A broader plan must be proposed for the modal split to work. Commissioner Suesser stated that a lot of work still needed to be done.

Commissioner Van Dine agreed with the comments of Commissioners Suesser, Hall, and Kenworthy. She added that traffic alerts were currently coming from the City, not from Vail. If they do not have that communication now, she felt that there was not a good basis for how it would work in the future. The proposal presented was beneficial, but she still expressed concerns. The City has been dealing with these traffic issues for a long time, and just this last week they got together to do something about it. She stressed that the changes cannot wait. She drove by the high school, and the lines to get on the bus were unbelievable. No one wants to stand in a line to get to the Resort, knowing that they will have to stand in a line on the mountain. Commissioner Van Dine felt that PEG was trying to push this burden onto the City by simply making a payment.

Commissioner Van Dine agreed that the uncertainty of the high school lot was a concern in terms of a long-term sustainable option. She agreed that peak times and peak days are not the same as they used to be. No parking is available on a Friday afternoon for locals who want to get in a few runs at the end of the day. It has become a challenge to navigate everything around the City and dedicated bus lanes close to the resort will not solve these problems, nor does just adding more buses.

Commissioner Van Dine reiterated her agreement with the prior comments, as well as most of the public comments, particularly with regards to using current data. Traffic has changed significantly since 2017 and more current data would make a difference. What they have before them does not seem adequate to allow them to evaluate this application.

Commissioner Johnson agreed with everything said by the Commissioners. He would like to see the Staff Report on tonight's presentation. He noted that the applicant presented a drastically different remote parking plan and he felt that they were continuing to have Work Sessions to assist in finding a solution when there has been no solution presented thus far. He wondered if they would continue to spin their wheels to find a solution. He noted that having parking at Munchkin would then create traffic on Bonanza and SR 224. Additional transportation studies would need to be done for the Munchkin lot.

Commissioner Johnson also referenced the assumptions and unknowns with respect to the long-term lease with the High School, as well as moving parking from The Canyons. He did not feel that they should continue along this path of using Work Sessions to try and find a solution. The applicant should provide a resolute solution supported by data.

Chair Phillips felt that there were some good discussions and was reluctant to weigh in too much without the benefit of the Staff analysis. In terms of the Munchkin lot, he liked the idea of utilizing

the lot in some fashion and agreed with Commissioner Thimm regarding the experience of taking children to their programs. He echoed the comments of Commissioner Johnson that looking into the impacts of the use of the Munchkin lot was necessary. He could not comment on the impacts of having the offsite locations without Staff analysis. He could see some of the positives of the proposal in that these lots would capture people closer to where they were coming from, but having dispersed lots might be confusing to non-residents. Chair Phillips felt it was worth exploring, and would leave it to the Staff to provide their professional opinion.

Chair Phillips echoed the comments that expressed appreciation that Vail was present at the table and added that it would take everyone to arrive at a collaborative solution however that might occur. He mentioned the lifts that come into town and how their operations impact the rest of the base. He felt it was important to know whether they could rely on the operations of those lifts.

Chair Phillips noted that they keep getting new information and it has been difficult to keep up, especially when they do not have an opinion from all sides. With respect to employees being shuttled in, whatever solution they arrive at must be predictable for the employees. He also noted the difficulties in retaining employees and expressed concern over whether shuttling employees would be a deterrent and would impact the on-mountain experience. He wanted to know the details of who would be responsible for transportation from the Munchkin lot, and if shuttles are used, he would like to know how that would impact the shuttle drop-off.

Chair Phillips expressed his frustration and anxiety with this process and the fact that it keeps moving and changing. He will be looking for a final analysis of this project along with a consensus between the applicant, AECOM, and Staff in order to arrive at something that works.

Chair Phillips recognized that everyone was interested in not having a perpetual cycle of change and analysis and felt that they needed to press forward. He would encourage the next meeting to include a public hearing and sought input from the other Commissioners.

Planner Ananth deferred to the Commission on the issue of a public hearing.

Chair Phillips reiterated his desire to conduct a public hearing at the next meeting, stating that Staff will have completed their analysis so that they could come to an informed decision.

Commissioner Thimm reiterated his appreciation for Staff and the work they have put into this application. He agreed with the suggestion of having a public hearing at the next meeting, along with a potential vote as a goal. He noted that the transportation and parking were still an issue, and there needed to be a solution brought to the table. He wondered if they could receive the Staff Report a week earlier, which would give everyone more time to review it. That might help in having concise commentary and trying to get to a point of a public hearing with a vote or a public hearing with a continuance with a specific direction.

Planner Ananth stated that if everything was submitted 30 days in advance of the public hearing, Staff should be able to issue a memo containing her analysis. She mentioned that the applicant had called for a vote on multiple occasions and this application has been pending for nearly two years. She could see them moving forward with a public hearing.

Commissioner Suesser asked if Findings of Fact and Conditions of Approval would be a part of the packet for the public hearing. Planner Ananth stated that was still under discussion. They could either issue potential Findings of Fact and Conditions of Approval, or they could wait until

after the public hearing and deliberation when the Commission could provide direction should that become the next step.

Chair Phillips commented that they had previously been to this point, and felt that the better course would be for the Commission to direct Staff on the Findings of Fact and Conditions of Approval. By having a public hearing, they could certainly continue the matter for purposes of providing that direction.

Chair Phillips suggested conducting the public hearing, after which they could provide Staff direction for the following meeting where they could get to the point of a vote.

Planner Ananth suggested another option would be for the applicant to provide their redlined Findings of Fact and Conditions of Approval as part of their submittal, with the understanding that there would still be work to do to finalize those documents.

Director Milliken added that these redlines could be included in the packet with the understanding that the packet would be provided to the Commissioners and the public with an additional one week. Planner Ananth noted that the additional week would mean that the packet would go out the same week as the Joint Planning Commission meeting packet.

In response to an inquiry regarding whether that would put undue hardship on Planning Staff, Planner Ananth confirmed that it would be a lot of work.

Commissioner Suesser liked the idea of PEG submitting their redline rather than having Staff spending time on the Findings of Fact and Conditions of Approval. There was agreement amongst the Commissioners.

Director Milliken clarified her understanding that the Commission would provide direction to the Staff regarding Findings of Fact and Conditions of Approval. Commissioner Hall agreed with that approach.

Ms. Bowyer clarified that the Commission would receive Staff's comprehensive memo by March 11, 2022, and that the applicant would provide its redlined Findings of Fact and Conditions of Approval for inclusion in the packet. Planner Ananth stated that she would like to receive the applicant's complete submission by February 23, 2022, and she would expect to issue the report on March 11, 2022. She stated that she would notice the meeting for a public hearing and will be prepared to give a presentation, after which the Commission would open the public hearing and take public comment. After closing the public hearing, the Commission would provide its direction to Staff on how to move forward, likely at a future meeting.

Commissioner Van Dine commented that given that the current user experience has been a challenge when she hears how technology would be a good solution she felt it was hard given that the current proposal relies on text and social media that is not working. She felt it would help the Commission understand how it would work with the modal shift.

Chair Phillips reminded those present that the next meeting would be in person. He recognized the difficulties with Zoom but expressed appreciation to everyone's cooperation in conducting these meetings. Director Milliken clarified that the February 23, 2022, meeting would be on Zoom due to the holidays and school break, but the March 9, 2022, meeting would be in person. It was confirmed that the next meeting on this application would be in person.

6. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

The meeting adjourned at approximately 9:00 p.m.

PENDING APPROVAL



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
February 23, 2022**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Jeron Ehlers, Planning Department; Jason Glidden, Affordable Housing Manager; Rhoda Stauffer, Affordable Housing Project Manager; Elyse Kats, Affordable Housing Specialist; Lillian Lederer, Planner I; Browne Sebright, Planner II; Mark Harrington, City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m. He confirmed that all Commissioners were present, with the exception of Commissioner Bill Johnson who was traveling and would try to join if possible.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. 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 minutes to approve.

3. PUBLIC COMMUNICATIONS

There were no Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken, reported that she received an email from the applicant for the Park City Base Mountain Development. They felt more time was needed to provide the requested information and asked that the March 23, 2022 meeting be continued. She stated that the next available date would likely be at the end of April 2022.

Commissioner Suesser asked if the timing for the applicant's memorandum and Staff Report was still on track. Director Milliken stated that because Staff requested the applicant provide their information two weeks in advance of the meeting, the applicant wanted to make sure that they had the time to gather that information and provide it as agreed. She confirmed that the Commission would still receive the submissions two weeks before the meeting.

Commissioner Kenworthy requested that the applicant provide copies of any and all executed leases with regard to mitigating the off-site parking, and specifically referenced Kimball Junction, Richardson Flat, the High School, and The Canyons. Director Milliken stated that she would pass along the request. Director Milliken also reminded the Commission of the Joint Session with the Council on March 15, 2022, at 5:00 p.m. There would be regular Planning Commission meetings on March 9 and 23, 2022. The first in-person meeting would be held on March 9. Director Milliken added that there would be both an open and closed session during the Joint Meeting.

A. Housing Department Update

Affordable Housing Manager, Jason Glidden, introduced Affordable Housing Project Manager Rhoda Hauser, and Affordable Housing Specialist, Elyse Kats.

Manager Glidden reported that they created a Housing Task Force at the direction of the City Council following the Fall Retreat. Housing falls under the Social Equity and Affordability pillar of the City. The Housing Task Force will seek input from the local stakeholders. He noted that the issue of housing is important enough for the City Council to direct the Housing Department to create its own task force, for which there was an overwhelming response of persons interested in serving. The Housing Task Force was formed along with four Subcommittees consisting of the following:

- The Subcommittees cover Health and Housing;
- Department and Financing;
- Business and the Economy; and
- Diversity, Inclusion, and Equity.

The groups had met several times over the past six months.

Manager Glidden stated that the focus of each group was why housing is so important. The responses were interesting. He presented the Commission with a chart summarizing the responses. The three over-arching themes were:

1. The need for workforce housing;
2. Creating a complete community; and
3. Focusing on a vulnerable population.

He stressed that these responses were representative of the many different stakeholders in the community and for all of them to include these three responses helped the Department to focus on why housing is so important.

Manager Glidden presented a timeline showing that Park City has been working on housing issues for 40 to 50 years. In the late 1970s, the City began providing gap funding for early projects. As they moved forward into the 1990s, the City created its first Housing Resolution, and in the late 1990s, the City hired its first employee with experience in housing. Phyllis Robertson provided insight and set up a great foundation moving forward. Manager Hauser joined the Staff in the mid-2000s while Manager Glidden was hired four years ago followed by the Department's third full-time Staff member, Housing Specialist Kats. He reminded the Commission that the City's housing goal is 800 units by 2026. This goal was set in 2016 and based on the Means Assessment from that year that found that to maintain the idea of having 15% of the workforce live within City limits, they need to create 80 units per year.

Manager Glidden added that it was always anticipated that the City would not necessarily be responsible for the development of all 800 affordable housing units; rather, it would come through various tools and means within the public and private sector. He reported that the current direction from the City Council was to focus on developments within City limits. While that does not mean that they would ignore a good opportunity outside the City limits, the focus has been on how they create the most housing within the City limits.

Since 2016, they have been very successful in their housing development efforts. The City developed and created 33 units, while the private sector has built nearly 100 units. The City has several different projects that are being reviewed that would create 375 units. The private sector planned units come from the inclusionary zoning and housing requirements on private developers. There are plenty of large Master Planned Developments pending and through those, they expect to derive approximately 300 units from the private sector.

Manager Glidden commented that they are on a good path and noted that the planned units are only estimates and could change. In addition, the timeline was key in determining whether these units would be completed by 2026. In terms of funding, he reported that they still have remaining funds from the \$25 million bond. There is a balance of the fee in lieu, the majority of which came from Intermountain Health Care ("IHC") and the expansion of the Surgical Center. The City accepted a fee in lieu of \$840,000.

Manager Glidden also referenced two other funding sources that the City Council directed go toward housing. One was for a possible new Senior Center that did not come to fruition, and the sale completed by Quinn's Junction for the New Fire Station.

Commissioner Kenworthy asked how much the City spent on the 33 units already built. Manager Glidden stated that he did not have the information on hand, but would provide it. He estimated that the City spent somewhere between \$15 – 20 million. In terms of what was spent to construct the Retreat and Woodside Phase 1, and including the planning with some of the others, he felt they were closer to \$15 million.

He agreed with Commissioner Kenworthy that as developers, the City does not have a chance to come close with \$29 million. Manager Glidden felt that going forward, they have a good plan in

place and the City Council discussed how to get ongoing funding for housing. While they have a significant amount of funding, it will not be enough for the City to continue to build its pipeline.

Manager Glidden stated that in 2018, the City Council began looking at City-owned properties and those that would be the best for possible development of affordable housing. The City Council prioritized a list of properties for the Housing Department to evaluate for potential development. He presented a map of the listed properties to the Commission. He reported that City acquired the Mine Bench in 2017. It is a fairly large parcel but has some steep slope issues, zoning issues, and the mine is historic in nature. There are current tenants on the property that would need to be mitigated if that site, or portions of the site, were developed. Currently, the City Council has recognized some of the major issues with the property and de-prioritized it slightly. If there were an opportunity from the private sector to develop this property, the City would be receptive.

Commissioner Suesser asked if there was anything on that site that would have to be preserved as historic. Manager Glidden understood that the structures on site are not listed as historic structures; however, there is some Park City history that they would want to be sensitive to if the lot was developed. In response to an inquiry from Commissioner Kenworthy regarding the Jordanelle Special Service District ("JSSD") operations, Manager Glidden stated that a portion of this site was not owned by the City but rather owned by JSSD. They would have to work through this issue if the City were to develop it. He understood that JSSD was the only other owner on that site, other than the City.

Manager Glidden added that the site contains a flat area that houses the current buildings and parking lots. The upper portion could present a potential development site.

The next City-owned property he referenced was the Clark Ranch parcel that the City acquired in 2004. At the time of purchase, there were discussions about dedicating a portion of the property to affordable housing. That was still a possibility and they were allowing the annexation process to go through before targeting it as a potential site for the development of affordable housing. In response to an inquiry regarding connecting the site to Park City Heights, Manager Glidden thought that a frontage road could provide access to the property, but he would look at any connection into Park City Heights as a secondary access to the property.

Manager Glidden added that the City Council supported conducting a Feasibility Study for this site, however, that was on hold until the annexation is finalized. Once they delve further into potential development, they will look at issues such as access, slope analysis, and soils analysis to determine the feasibility of development.

The Woodside Park, Phase 2 parcel involves a long history where there was an appeal of the Master Planned Development ("MPD"). Manager Glidden noted that the Board of Adjustment found in favor of the Appellant on one of the issues. As a result, the City took a step back to decide how to move forward. He reported that they were still looking at options for the best use of that parcel. He also referenced the Senior Center and the importance of working with them to determine how best to use that parcel. He added that the current direction from City Council was to submit a plat amendment to clean up some of the lot lines to ready the parcel for development.

Commissioner Suesser commented that when the original MPD that was approved by the Commission was appealed, it was to move forward without the inclusion of the Senior Center. It was noted that another location was being considered for the Senior Center. She asked if the City has changed direction and wanted to incorporate the Senior Center into Woodside Phase 2.

Manager Glidden responded that no decision had been made. He noted that they would be before the City Council in a March Work Session for a much deeper dive into housing as a follow-up to the retreat held a couple of weeks ago. He imagined that Woodside would be part of the discussion but they would need Council direction on where they want to go with that site. He confirmed that the site was not being redesigned until they receive further direction from City Council.

Manager Glidden next addressed the Homestake lot that was purchased by the City in 2017. He reported that they are currently in negotiations with a private developer to develop the property. They signed a Memorandum of Understanding ("MOU") with the developer in December and the City has retained an owner's representative to assist in the negotiations. He anticipated an Affordable MPD application to be part of the process. This developer was looking to build 80% of the rental units to be affordable, with an Average Median Income ("AMI") of 60%. Manager Glidden added that this process was just beginning and they were just getting past some of the testing to better understand the site so that they can start more in-depth conceptual designs.

Commissioner Kenworthy noted that the applicant for Park City Mountain Resort ("PCMR") recently presented a plan to the Commission that involved the Munchkin lot. He believed that the Recycling Center would be moving away at some point and this site backs up to the Iron Horse Subdivision that was just continued. He commented that there were a lot of connected properties in this area and strongly suggested that a comprehensive, high-level overview of the Homestake lot might not be the right direction.

In response to an inquiry, Manager Glidden stated that there was no date for the Recycling Center to leave at this point. Commissioner Kenworthy commented that when the Homestake lot was discussed, it was considered a peninsula and not impacted by anything else. Now, however, it is surrounded by future development and re-zoning.

Commissioner Kenworthy commented that he is a big supporter of affordable housing for employees in the community but felt it was a mistake to go forward given all of the moving pieces surrounding the lot.

Manager Glidden appreciated the comments and commented that a balance is involved. He stated that Master Planning will likely be a two-year process and they await direction from Council. He noted that the Iron Horse Commercial District is privately owned. The Power Station that sits in the middle of the area raises some issues and they have looked at the reworking of Homestake and the expansion of Munchkin Drive to improve walkability and traffic through that area.

Commissioner Kenworthy focused on the Munchkin lot and PCMR's plan to use it as a transit point for the resort. Transit would be significant but there might need to be trade-offs to determine what works best for the area and access to both developments. He stressed that transit would impact the entire site and felt that not addressing it now could result in a missed opportunity.

Commissioner Kenworthy stressed that looking at the other developments with regard to transit in that area would result in a completely different view than what is currently being done with the Homestake lot.

Manager Glidden appreciated the feedback and stated that he would pass it along to the City Council. He commented that the issue was discussed at the Retreat and it seemed like the Council was worried about delaying development of this site given City's the housing needs.

Chair Phillips added that it would be wise to check in with Rocky Mountain Power to ensure that they do not have any immediate upgrades planned for that substation that might impact the Homestake lot development. He recalled that when they were before the Commission approximately 7 years ago, it was a significant topic that was before the Commission for months.

Commissioner Kenworthy asked about the 60% AMI for Park City. Manager Glidden responded that for a family of four it is approximately \$70,000. Manager Hauser explained that a 100% AMI for a family of four is over \$120,000, so 60% of that would be approximately \$70,000.

Commissioner Suesser asked if 20% of the housing for the development that would not be considered "affordable" would be "attainable" or market rate. Manager Glidden stated that currently, they are contemplating more market-rate housing for that 20%; however, the developers were open to negotiations in terms of ways to add increased affordability to the project. He reiterated that they were still in the early stages, and noted that when the City sent out the Request for Quotation ("RFQ") for this development, it stated that it was looking for something that would be 80% affordable and 20% market rate. It was also contemplated that this development might have a small amount of support commercial. The balance had yet to be determined and they were still working through it.

Manager Glidden mentioned some of the additional housing initiatives they are working on currently. He stated that they updated the City's Housing Resolution just over one year ago, and started looking at it again in terms of updates. They normally update approximately every two years but as the program continues to grow they are finding new ways of updating and strengthening the Resolution. He noted that over the past year, Housing Specialist Kats has worked hard on the Light Deed Restriction Program and they hope to get final direction from the City Council in the coming months. This program would allow the City to pay cash to homeowners who are willing to put a light deed restriction on their property that only restricts the property to owner-occupied or long-term rentals. This program would not cap equity, nor does it have income qualifications for residents. The program would encourage vibrancy in neighborhoods and help to build community by having more full-time residents living in homes.

Manager Glidden also reported that they have been working on re-writing much of the Land Management Code ("LMC") as it pertains to Accessory Apartments and Accessory Dwelling Units ("ADUs"). They continue to watch at the State level to see if any additional changes are implemented. He also reported that they are also working through Housing Mitigation Plans. He mentioned the PEG development, Deer Valley, and Phase 2 of the Studio Crossing at the Film Studio. They had very productive discussions with the Crandall's on the Film Studio despite that project not having a housing requirement. He noted that part of the application to amend the MPD includes affordable housing as a community benefit.

He reported that Manager Hauser has been working on a new software program called Rock Solid, a customer relations management software that will help the Department better manage the Housing Program. On the front end, it is projected to enhance the ability of anyone who wants to fill out an application. On the back end, it will help out with compliance and tracking.

Manager Glidden reported that they held a great Senior Housing listening session with a group of seniors. A lot of good feedback was received with regard to what seniors are looking for in terms of housing and continuing housing throughout one's life. He added that a lot of seniors do not want to leave the community and they discussed the types of units they are looking for and how the Department can help accomplish that. The Department is completing an updated Housing Needs Assessment. He recalled that the goal of 800 units came from the 2016 Housing Needs Assessment. Manager Glidden commented that they update this assessment every five years and they would have new data to share regarding where they are currently and what needs to be done to either maintain or increase the goals.

Manager Glidden highlighted the creation and approval by the Commission of the Affordable Master Planned Development ("AMPD") section of the LMC. He stated that this was important for the Department in terms of providing a new tool to help incentivize affordable housing, not only through public/private partnerships but from the private sector to create more affordable opportunities for the City's workforce. He reported that the new laws are working. They have had a handful of meetings with private developers that have an interest in using the Code, some for large redevelopment. He felt there would likely still need to make adjustments to the Code, but it is a step in the right direction by getting the private sector to consider this as an option.

Manager Glidden explained that the AMPD is allowed in almost every zone except the Historic Zones. It is similar to the regular MPD process but is on a different track with different requirements. He highlighted the requirement that at least 50% of the development is affordable and the attendant reduced open space requirements and setbacks if that is achieved. He added that meeting this requirement also allows height increases of up to 45 feet and opportunities for reduced parking with the mitigation of impacts. The AMPD also allows for some mixed-use development if appropriate.

Commissioner Kenworthy referenced the managing aspect of the Department. He asked who was measuring the residents of these units and if it was akin to an annual rent roll of who is living in the affordable units. He has heard of the issues surrounding the management of the units and wanted to make sure that the City had learned from these mistakes. Manager Glidden stated that management is an important focus since it protects the integrity of the program.

Manager Hauser reported that they conduct an annual compliance review and use a digital online form that each of the 285 owners of the affordable units must submit. She stated that she also does a random check of a certain number of units by using BeenVerified, which is an online program that allows her to search ownership and residency.

She noted that neighbor reports are the most significant source of information regarding non-compliance. She also noted that the City instituted a criminal Code nearly 10 years ago that gives them the authority to engage the Police Department to investigate suspected non-compliance. It, therefore, becomes a criminal inquiry if someone is intentionally defrauding the Affordable Housing Program.

Manager Hauser stated that they have learned a lot over the years and the current deed restrictions are the tightest she has ever seen. The Department maintains rights to prosecute if they discover issues. She added that there is a lot of talk in the community about things that are not right. She disagreed and felt that the Program was doing quite well and that there are not many defrauders.

In response to an inquiry from Commissioner Kenworthy, Manager Hauser stated that for the 285 Affordable Housing Deed Restrictions, residents must be employed within School District boundaries. Some of the rental units require that the residents work close to their home, which typically means within City limits. When units are sold, the qualified person can work within School District boundaries. She added that they monitor that by virtue of the yearly reports.

Commissioner Suesser asked if there was a pool of potential applicants should the owner of affordable housing wish to sell. Manager Hauser explained that the City holds an option of first refusal on all units. Therefore, when a current owner wishes to sell, they must notify the City and the City manages the sale. She added that they exercise their option and assign it to the next person on the waitlist. She added that the waitlist is currently close to 200 for affordable households and approximately 35 for attainable households. As soon as a unit comes up for sale, they put notice out to whichever list is applicable and anyone who is interested submits a full application. The applications are reviewed and the unit is assigned in the order of the person's waitlist standing.

She confirmed that the City's right of first refusal is part of the deed restriction.

Manager Glidden added that one of the reasons that they update the Housing Resolution is to close the loopholes in the Program. They are also able to close the loopholes with the deed restrictions. They are proud of the deed restrictions and continue to review the language as new situations arise to ensure that they are protected. They have employed outside counsel who are experts in housing to assist as well.

Manager Hauser confirmed that when applications are sent out to those on the waitlist, they typically get 10 to 15 responses. She was surprised by how few apply for each unit when they become available. It was noted by Manager Glidden that the low response might be because it is not the right unit for the person's situation. He added that between ensuring compliance and managing resales, Manager Hauser remains busy. Before the pandemic, they were managing 15 to 20 resales per year.

Manager Hauser commented that the year of the pandemic pushed many to sell because many were making major life decisions. She stated that for the year prior to and of the pandemic, there were 10 to 15 units sold each year. This year, they are at their sixth unit which is coming up for resale. She noted that there were some years when new sales were happening at the same time and they had one year where they had well over 40 sales of deed-restricted properties.

Commissioner Kenworthy asked if first responders or teachers moved up the list in any way during the pandemic. Manager Hauser responded that these groups do not get any special treatment in the ongoing waitlist; however, in the initial lottery to establish the waitlist, first responders receive extra points.

Commissioner Hall asked what was being done for rentals versus home ownership of affordable or attainable housing. Manager Glidden stated that as a result of the information included in the Housing Needs Assessment, the City's focus has shifted toward rentals because of need. He explained the fact that there are over 200 people on the waitlist, but they only receive 10 to 15 applications when a home becomes available. This demonstrates that many of those on the waitlist are either not ready or in a position to buy and are in more of a position to rent.

Manager Glidden added that when they look at employee demographics, the average worker earns approximately \$40,000. Even with two earners, these workers cannot buy into the normal market and might face challenges in qualifying for purchase. He commented that the focus on rentals would likely be included in the next Housing Needs Assessment as there is a much larger demand. He suggested that they focus roughly 80% of the development on affordable rentals and 20% on ownership.

Manager Hauser added that looking at the household income for those on the waitlist, some would never be able to afford to buy a unit because the incomes are below \$40,000 for an entire household. These are the people that need affordable rental units and they refer many of them to Habitat, which has a financing model to accommodate low incomes. She explained that the City's program simply does not have units at those prices. Chair Phillips mentioned that he listened in on the City Council Retreat when these issues were discussed. He understood that at upcoming meetings there would be discussions on the targets and where they need to re-tool. He stated that it might be helpful to focus on what the people on the waitlist are looking for in terms of housing.

Manager Hauser explained that the persons on the waitlist fill out a pre-application, so the department already collects the data on the size of the unit and what they would be able to afford. She stated that one of the overwhelming reasons that people turn down units is because they want a single-family home, whereas the community cannot afford to build affordable single-family homes.

Manager Glidden noted that data is important to the Department and they utilize the information they obtain on a fairly regular basis. He mentioned that once a year, they send out a notice to the entire waitlist to obtain information on any changes in their situation and whether they want to remain on the waitlist. He stated that they would be participating in a Work Session with the City Council on March 17 that would include a deep dive into some of these housing issues. They hope to see an application for Homestake and the plat amendment for Woodside Phase 2.

Manager Glidden explained that the City is required to submit an annual Moderate Housing Assessment and Plan as an attachment to the Housing Element of the General Plan. This year, they would like to involve the Planning Commission in that process. They would bring the updated plan to the Commission in a few months for feedback, which can then be forwarded to the City Council. This Plan must be updated by December 1 of each year. He reiterated that they are also working on revisions to the Housing Resolution and they would like input from the Commission on that as well.

In response to an inquiry from Commissioner Suesser, Manager Hauser explained that Moderate Housing is a State term that is defined as equal to 80% of AMI, and not to exceed 30% of household income.

Commissioner Thimm asked if any strategies were being studied to get some of the housing for deeply targeted households, such as in the 40% AMI range. Manager Glidden stated that the best way to achieve that would be through government funding, which would mean larger subsidies for the City to take on. He explained that Habitat does a great job targeting the 30% in terms of home ownership, and they achieve that through a lot of donations and volunteer time, as well as through homeowner sweat equity. This allows for cheaper production costs, which translates into a lower sale cost.

Manager Glidden suggested that the City get creative and look at other tools. The Housing Department Staff are each involved in National Associations and they continue to network and talk with other communities to see what they are doing. He noted that the Light Deed Restriction Program was something that started in Vail, Colorado. The Department would like to learn more about down payment assistance, shared equity programs, and anything else that they can use to reduce the barriers for people to purchase homes in Park City.

Commissioner Thimm stated that given the base AMI for this community, it begs the question of how much real workforce housing is attainable for much of the workforce. He looked forward to creative solutions, including those with public money. Manager Glidden noted that a lot of creative ideas are starting to emerge and referenced a social good investing platform in San Francisco. He stressed that there were a lot of good tools and it was about finding the ones that work in this community.

Commissioner Kenworthy referenced the statements that a majority of those on the waitlist want a single-family home. He understood that this meant that these households want that quality of life. He suggested that if you reverse engineer what these households have in terms of debt or children, there would be no way that the quality of life would exist for those employees unless there was a transit system that allows them to move around town in a way that gives them quality of life. If there were a nice duplex or condominium on a transit line, then these owners would not have to spend the money on a car and their quality of life would improve. He stated that a 60% or 80% AMI would not have a chance of working for those who work in the community. Commissioner Kenworthy suggested that flanking the housing with transit options that actually work was the answer. He reiterated the development around the Munchkin lot and asked where the compromises or trade-offs could be achieved to make it the most efficient.

Commissioner Kenworthy urged the Department to consider the transit money that could be obtained for the housing and development along transit corridors. He stressed that if they could get the transit laid out in a way that provides quality of life for that AMI, then that could be the answer. He felt there would not be a success if transit is not included and provided for these households. Manager Glidden stated that they always look at transit as part of their evaluation of land for development. Besides housing, transit is the second biggest household cost. If transit costs are reduced, families could use those monies toward housing or childcare. He added that his Department has been working with the Transportation and Planning Departments and between the three departments they submitted a grant application to the Utah Department of Transportation ("UDOT") to fund a study to look at possible locations where transit and housing meet in Park City.

Commissioner Suesser added that if a household is looking to find housing in Park City Heights, a bus running to that neighborhood might help eliminate a car loan. She expressed frustration over the fact that they have affordable housing in that neighborhood with no transit. She also referenced construction costs that seem to have a significant impact on the inability to get more affordable housing units constructed. She wondered if the City had explored pre-fab construction.

Commissioner Suesser commented that she regretted her vote on the Founders Place decision and the fee in lieu that was recommended by Manager Glidden to Staff. She agreed that they should have built units at Founders Place. Manager Glidden stated that they would be discussing it at the March 17 City Council Work Session. He clarified that it was not a fee in lieu but a self-instituted community investment fee that was similar to a fee in lieu.

Chair Phillips feared that the economic conditions over the last two years would cause the City to lose ground on these issues. He mentioned the widening gap in the social classes, real estate prices, and building prices. He felt that rising interest rates would also make it more costly to build. He agreed with Commissioner Suesser's comment on Founders Place and expressed regret. Chair Phillips was glad to hear that the City Council would revisit that issue. He expressed appreciation to the Housing Department for their work and for including the Planning Commission in some of the future discussions.

City Attorney, Mark Harrington stated that there is pending legislation regarding inclusionary zoning. They do not have the exact language yet but expect it to surface tomorrow. They would update the Commission accordingly. He expressed hope that it would include grandfather language that would allow Park City to keep their existing inclusionary housing.

5. CONTINUATIONS

- A. 543 Park Ave - Hotel, Minor Conditional Use Permit - The Applicant Requests a Minor Hotel Conditional Use Permit to Convert the Washington School Inn, a Landmark Historic Structure on the Park City Historic Sites Inventory in the Historic Residential -- 1 Zoning District, from a Bed and Breakfast to a Minor Hotel with Accessory Facilities for Events.**

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

MOTION: Commissioner Kenworthy moved to Continue 543 Park Avenue – Hotel, Minor Conditional Use Permit to a date uncertain. Commissioner Christin Van Dine seconded the motion.

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

6. WORK SESSION

- A. 1020 - 1100 Iron Horse Drive - Master Planned Development - The Applicant Proposes 4,304 Square Feet for Retail and Office Space, 145,197 Square Feet for Residential Units, and 2,992 Square Feet for Restaurant Uses Over a 184-Stall Underground Parking Garage on a 3.05- Acre Property in the General Commercial Zoning District. PL-21-04949.**

Chair Phillips confirmed that they would not be conducting a Work Session on this agenda item.

Attorney Harrington advised that they posted notice of the continuation of this item and there was active press coverage of the continuation.

Commissioner Thimm asked for background information on why this item was withdrawn from the agenda. Director Milliken stated that the applicant felt that it warranted more time to obtain the needed information to present to the Commission.

7. REGULAR AGENDA

A. 2300 Deer Valley Drive E – St. Regis Deer Valley – Modification to a Conditional Use Permit – The Applicant Proposes to Install an Additional Temporary Tent for Winter Months. PL-21-05095.

City Planner I, Lillian Lederer, explained that the subject property is located at 2300 Deer Valley Drive East in the Deer Crest Hotel Subdivision of the Recreation Commercial Zone in Wasatch County. The applicant has proposed to construct an indoor and outdoor deck with a 40' x 40' snow load tent covering to be used for additional outdoor seating during the winter months. She noted that this item was continued from the February 9 Planning Commission Meeting and would include Commission review and possible final action.

Planner Lederer reported that the tent is located on the Grand Lawn at the St. Regis Deer Valley Hotel and would be accessed via the hotel and the surrounding ski areas. There is an existing Conditional Use Permit ("CUP") for this site that allows for 15 temporary tents per year with one tent allowed to stay up for 60 days. She explained that due to the time length of this proposal, which exceeds 60 days, the proposed temporary tent does not meet the requirements under the existing CUP. She explained that this application seeks to modify the existing CUP to include installing a temporary tent on an annual basis from December 17 to April 17. She noted that the applicant would be required to submit a building permit each year to ensure that the tent complies with the Municipal Code.

Planner Lederer presented to the Commission the design proposal and the current tent located on the Grand Lawn. She noted that it has a deck that extends out past the tent itself so that the stairs are level and it is easy to access with snow buildup. She stated that the proposal complies with the CUP criteria outlined in the LMC. It is an existing site and no changes will be made to the lot. She added that the temporary structure would not impede traffic.

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

Planner Lederer explained that the tent would not create any issues with emergency vehicle access. Parking is accounted for under the existing CUP, and therefore additional parking would not be required. She added that the tent would not impact circulation. She reported that the proposal includes signage, and the applicant would be required to apply for a sign permit, per Condition of Approval No. 5. The applicant would also be required to comply with the Noise Ordinance. Planner Lederer added that the use of this site is consistent with the Small Town and Natural Settings of the General Plan, and this tent was comparable to previously approved tents under the CUP and would not have an impact on Sensitive Lands. She further stated that the proposal met the LMC requirements in that it is a temporary tent that falls within the rear setback. Similar temporary tents have previously been approved within the setback with an existing CUP. She stated that this tent sits one foot from the property line.

In addition, she explained that the proposed deck is less than 30 inches tall and at least one foot away from the setback, rendering it compliant with the LMC. Planner Lederer added that this proposal meets the requirements for a Temporary Structure, which requires review by the Planning Commission. The temporary tent is 1,600 square feet and will require a Building Permit and Fire Permit. It will not be up for longer than 120 days.

Temporary Structures require one parking space per employee, in addition to two guest spaces; however, this is fulfilled through the existing CUP. She reported that this application was reviewed

by the Planning Department, as well as the Building Department, Engineering Department, and Fire Department. No issues were raised as a result of these reviews.

Planner Lederer summarized the publication of notice and stated that no public input was received. She explained that the Planning Commission could approve the modification to the CUP, deny the modification, and direct Staff to make findings for the denial, or request additional information and continue this matter to a date certain. She reported that Staff recommended the Planning Commission review the proposed plan to modify the existing CUP to include the construction of a temporary tent for 120 days, conduct a public hearing and consider approving a modification to the CUP based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Commissioner Hall asked Planner Lederer to explain why the parking would not be impacted. Planner Lederer explained that per the existing CUP, which accounts for tents of similar size, parking was previously accounted for in their Master Plan. This would not increase parking; rather it is simply adding another tent. Planner Lederer explained that if the applicant were to put up an additional tent for a wedding, for example, parking would already be accounted for in the existing CUP. This tent would not be consistent with the existing CUP due to the length of time that it is proposed to be up.

In response to an inquiry from Commissioner Suesser, Planner Lederer confirmed that two tents could not be erected in this same location. She explained that they could include a Condition of Approval that two tents would not be up at the same time. Commissioner Suesser stated that she did not have an objection to having two tents erected at the same time.

Commissioner Thimm asked if a second tent would require action and approval. Planner Lederer initially stated that the CUP would allow the applicant to put a tent up without Planning Department review, they would just have to obtain a Building Permit. She further noted that the CUP addressed the existence of two tents in different locations.

Commissioner Hall returned to the issue of parking and asked if there were a tent over the patio for a wedding and the proposed tent up at the same time whether there would be an impact on parking. Planner Lederer responded that all of the tent parking under the existing CUP should be covered, and this tent is proposed to be up only in the winter, so it is not likely that a second tent would be up on the patio at the same time. If both tents were up, parking should be accounted for under the existing CUP.

St. Regis Hotel General Manager, Tyler Mugford, confirmed that if the tent was at maximum capacity and everyone drove to the site, they would only be at 79% of the current CUP, which would allow for additional parking for a second tent on the terrace. He noted that he would not have the Staff to have two tents at the same time, so it would not be a plausible scenario. If it did, however, the CUP would cover the needed parking.

Commissioner Suesser noted that she was in the new tent during the Delta Convention and recalled that there was a tent on the terrace. She did not have a problem with this application as long as there was enough parking to accommodate both tents.

With respect to Condition of Approval No. 1, Commissioner Suesser did not understand the phrasing and wanted to know what was approved on December 29, 2021. She suggested that this Condition of Approval might need to be revised, as it seemed to exclude the Conditions

approved in tonight's approval. Planner Lederer explained that Condition of Approval No. 1 applied only to the winter tent. She referenced Conditions of Approval Nos. 8 through 10, which clarify that the previous Conditions of Approval also apply.

Attorney Harrington suggested referencing "the plans previously approved by the Building Department on December 29, 2021." Commissioner Suesser indicated that this additional language allayed her concerns.

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

MOTION: Commissioner Suesser moved to APPROVE the Modification to the Conditional Use Permit for the St. Regis Deer Valley pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as modified during this meeting as follows:

Findings of Fact

1. The Site is located at 2300 Deer Valley Drive East.
2. The Applicant proposes to construct an annual temporary tent from December 17 through April 17.
3. The Site has an existing Conditional Use Permit for temporary tents that was approved on March 9, 2011, by the Planning Commission.
4. The Applicant proposes modifying the existing Conditional Use Permit to include the additional annual winter tent installation.
5. Staff reviewed the 2300 Deer Valley Drive East Conditional Use Permit Modification Application for compliance with LMC Section 15-1-10, Conditional Use Review Process, Chapter 15-2.16, Recreation Commercial (RC) District, and Section 15-4-16, Temporary Structures, Tents, And Vendors.
6. Staff posted notice to the City website, City Hall, and the property on January 26, 2022.
7. Staff mailed courtesy notices to the adjacent property owners on January 26, 2022.
8. The Analysis Section of the Staff Report is incorporated herein.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Section 15-1-10, Conditional Use Review Process, Chapter 15- 2.16, Recreation Commercial (RC) District, and Chapter 15-4-16 Temporary Structures, Tents, And Vendors.
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.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans previously approved by the Building Department on December 29, 2021. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning Department may result in a stop-work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. 3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. 4. The Applicant shall submit lighting plans that comply with LMC § 15-5-5 (J). Outdoor lighting must be Fully Shielded, down-directed, and no greater than 3,000 degrees Kelvin.
5. 5. The Applicant shall submit sign plans that shall comply with the Municipal Code of Park City Title 12, Sign Code.
6. The temporary tent shall comply with the City Noise Ordinance, Chapter 6-3.
7. A Fire Permit and Building Permit are required for the installation of the temporary tent.
8. All Conditions of Approval of the 1995 Deer Crest Settlement Agreement continue to apply.
9. All Conditions of Approval of the Deer Crest Hotel CUP as amended on April 22, 2009, continue to apply.
10. All Conditions of Approval for the St. Regis Resort Temporary Structure (Tent) CUP apply for this permit.
11. The temporary tent may not be installed prior to December 17, and shall be removed from the site no later than April 17, at 5:00 PM, and may not be installed for longer than 120 days.

Commissioner Hall seconded the motion.

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

After a short recess, Chair Phillips confirmed the presence of the Commissioners.

B. Land Management Code Amendments - Amendments to Land Management Code § 15-2.1-2, § 15-2.2-2, § 15-2.3-2, § 15-2.4-2, § 15-2.5-2, § 15-2.6-2, § 15-2.7-2, § 15-2.9-2, § 15-2.10-2, § 15-2.11-2, § 15-2.12-2, § 15-2.13-2, § 15-2.14-2, § 15-2.15-2, § 15-2.16-2, § 15-2.17-2, § 15-2.18-2, § 15-2.19-2, § 15-2.23-2, For Zoning District Use Tables, § 15-15-1 Definitions, and Enacting a New §15-4-22, Outdoor Pickleball Courts in Residential Areas, Are Proposed for Pickleball Court Land Use Regulation in Residential Zoning Districts To Mitigate Pickleball Court Impacts. PL-21-05062.

City Planner II, Browne Sebright, explained that pickleball is a racquet sport game similar to tennis and Ping-Pong. It is played with short wooden paddles and perforated plastic balls. He noted that while many outdoor sports courts result in noise, pickleball is unique in that the maximum volume and quality of the sound produced results in more noise complaints. Planner Sebright explained that under the current LMC, pickleball courts are considered Private Recreational Facilities, which are an allowed use in residential areas. In the past few years, pickleball has grown in popularity, and in addition to applications for public courts, Staff has been receiving a large number of inquiries from private residents who want to put these facilities on their private residential lots. The current LMC does not consider the popularity of this type of land use, and there could be clearer regulations as to where and where not these facilities can be located in residential areas. He explained that his presentation would reference decibels ("dBs") as the measurement of noise. He presented a graphic that showed that pickleball could range from the upper 30 dBs to 80 dBs. Therefore, this could exceed the maximum allowed noise level for residential areas in Park City. In response to a comment from Chair Phillips, Planner Sebright confirmed that the noise issues involving pickleball were not only the intensity of sound but also the type of sound.

Planner Sebright stated that currently Private Recreation Facilities, in which pickleball falls, are an allowed use in seven zoning districts. As a result, in these seven zones, new pickleball courts only need a building permit, with no additional requirement for Planning Commission consideration and input. In other districts, Private Recreation Facilities require a CUP. At the end of last year, Staff began working on LMC Amendments upon seeing an increase in inquiries regarding outdoor pickleball courts in residential areas. Last July, Staff put together a website for the proposed LMC amendments that included a pickleball land use survey. Planning Staff has also coordinated with the Communications Team to get the word out via social media, and City emails.

He explained that also last July, close to 9,000 postcards were mailed out to property owners in the impacted districts. In February, Staff held two open houses with special presentations by the Recreation Department on the future of public facilities. The survey closed on the 16th and they received nearly 600 completed surveys. Staff thanked the members of the public who took the time to complete this survey and attend the open houses. The feedback from the community was incorporated into the amendments.

Planner Sebright reported that approximately 75% of the survey respondents were in favor of allowing pickleball courts on private residential lots. Within that 75%, approximately two-thirds of the respondents wanted to see a minimum lot size of ½ acre or greater, followed by respondents who wanted to see a minimum lot size of one acre. The third most popular response was a minimum lot size of one-quarter acre. He added that more than 75% of respondents preferred Homeowner Association ("HOA") notification and approval prior to an application to the City to construct a pickleball court.

A slight majority of respondents were opposed to requiring notice to those beyond the immediate adjacent property owner. Planner Sebright added that 44 of the respondents who wanted notification beyond the immediate adjacent property owner, most wanted notice sent to property owners within 300 feet.

Planner Sebright explained that the Municipal Code of Park City outlines maximum permissible sound levels for residential and commercial properties, with different maximum noise levels for daytime and nighttime hours. Based on research conducted by professional acoustical engineers, pickleball play can range from 39 dBs to 80 dBs. He pointed out that this is a measure of volume, not the quality of sound. There are different measures for noise quality, however, the Noise Ordinance is specific to decibel measurements on the A curve. Based on this research, Staff determined that the Noise Ordinance requires additional mitigation for outdoor pickleball courts.

He stated that Staff also analyzed the proposed amendments against the Park City General Plan and other portions of the LMC. The General Plan contains several goals and objectives that relate to a newly popular land use such as outdoor pickleball courts. Goals 4 and 9 seek to provide a network of open space and unparalleled parks and recreation opportunities, as well as objectives that seek to locate recreation options in close vicinity to existing neighborhoods. The recreation options in existing neighborhoods are to consider the effects on neighborhoods when developing remaining undisturbed land.

Planner Sebright explained that one of the most relevant goals is Goal 14, which seeks to protect the quality of life in Park City by recognizing those limits to growth and adopting responsible policies consistent with those limits.

From a high-level perspective, he reported that Staff recommends amendments to include five requirements for new outdoor pickleball courts in residential areas as follows:

- (1) Standardize the level of review for these facilities across zoning districts. He explained that this would mean that no matter where a proposed court was to be located, it would go through the same CUP process, Planning Commission review, and notification to neighbors within 300 feet.
- (2) Minimum one-acre lot size.
- (3) Establish a baseline 600-foot minimum setback from adjacent residential lot lines.
- (4) Allow the Planning Commission discretion to reduce the setback to no less than 150 feet when the applicant can demonstrate compliance with the Noise Ordinance. As part of this, they recommend a requirement that property owners submit a site-specific noise study that can provide the Planning Commission and Staff the necessary data and context to evaluate the impact of a proposed facility.
- (5) Applicants must notify active and registered HOAs prior to submitting a CUP application.

Planner Sebright next described each of the proposed amendments in detail. With respect to standardizing the review process, he explained that this would allow the Planning Commission to

review the proposal against the CUP criteria in the Land Management Code. He added that it would also allow for a more transparent approval process for neighbors and members of the public.

With respect to setbacks, Planner Sebright stated that based on the professional acoustical studies reviewed by Staff, at 600 feet, pickleball can produce a noise of around 55 dBs, which is the maximum allowed noise level for residential areas during daytime hours. He noted, however, that Staff was recommending that the Planning Commission have the discretion to reduce the required setbacks when the applicant has demonstrated, through a professionally prepared noise study, that the outdoor pickleball court would meet the requirements of the Noise Ordinance.

Planner Sebright commented that studies have shown that when the setback distance between a court and a listener is doubled, it reduces the perceived noise level by approximately 6 dBs. He added that as part of this mitigation, applicants may consider using a noise mitigating or noise absorbing barrier, which studies have shown can reduce the sound of a pickleball game by approximately 13 dBs. That said, noise barriers are most effective when blocking noise at line-of-sight and noise might still be an issue when there are multi-story residential buildings nearby. He noted that most of these noise barriers are unsightly and should be considered as a mitigation measure on a case-by-case basis.

He continued by stating that Staff was recommending a minimum lot size of one acre, in part to ensure that applicants have enough space when considering court placement and mitigation measures. This requirement would also be useful in ensuring that outdoor courts would not be concentrated in one neighborhood. He presented a map that showed residential lots in the City that are one acre or larger, and while they only account for 10% of the total number of residential lots in the City, it still would include over 700 lots and represents a significant amount of the City's land.

Planner Sebright added that because of the proposed setbacks, outdoor pickleball courts would not work on all one-acre lots. There are many residential lots that are adjacent to non-residential land uses such as Recreation Open Space or parks.

He reported that Staff was recommending five additional regulations to mitigate the impact of outdoor pickleball courts:

- (1) Limit the hours of operation to 8:00 a.m. to 8:00 p.m.
- (2) Courts would not be allowed to be lit with artificial lighting.
- (3) All required parking for the residence and the guests of the courts be accommodated on site. In addition, the number of guests could not exceed four at a time.
- (4) Applicants would be required to notify their HOA prior to applying for a CUP. This would ensure that the neighborhoods and the immediate community would be the first to know about a proposed pickleball court project.

- (5) The Planning Commission would have discretion to add landscaping requirements that could be used both for noise mitigation and to mitigate potential visual impacts of noise-reducing barriers.

Planner Sebright explained that the proposed amendments were reviewed by the Planning Department, Engineering Department, and Legal Department. Staff noticed the proposed amendments on the City's website and by the mailing of approximately 9,000 postcards. In addition, this item was noticed on the public hearings website and in *The Park Record*. Staff recommended that the Commission review the proposed LMC Amendments, provide feedback, conduct a public hearing and consider forwarding a positive recommendation for City Council's consideration on March 3, 2022. Alternatively, the Commission could forward a negative recommendation or request additional information and continue this to a date certain.

Chair Phillips asked if the survey included a question about whether the respondent played pickleball. Planner Sebright answered in the affirmative and added that approximately 80% of the respondents were current pickleball players. Chair Phillips commented that the survey results might be slightly skewed because pickleball players might have been more engaged than the general population.

Commissioner Thimm inquired about the 150-foot setback and how the number was chosen given that an acoustical analysis could show that at 149 feet there would be compliance with the Noise Ordinance. Planner Sebright explained that they tried to pick numbers that were most reflective of the research; 150 feet was pulled directly from a Noise Study cited in the Staff Report.

City Public Improvements Engineer, Nestor Gallo, P.E., confirmed that they estimated the minimum distance based on research, but acknowledged Commissioner Thimm's inquiry that there could be many factors that could change that distance. In Park City, the most important factor is the sound waves that could bounce based on the topography. Sound waves that travel horizontally could bounce off of a steep grade and come back or be directed to another location. He explained that these studies formed the basis for the 600-foot setback as a way to dissipate the extra 40 dBs created by the high pitch of the pickleball. If a noise study were required, it would consist of having receivers and capturing the level of noise before and after.

Commissioner Thimm gave the example of a lot with a 2:1 slope that extends upwards from the grade level of the lot. He felt that a noise analysis might show that a setback could be compliant at a lesser distance. He wondered why they couldn't just let the acoustical engineer's analysis establish the requirement rather than setting it forth in the Code as an arbitrary number. Engineer Gallo agreed with Commissioner Thimm and stated that based on topography, the distance might not even apply.

Commissioner Thimm reiterated that he did not understand the need for the 150-foot setback if there were an acoustical analysis that no adjacent properties would be impacted. He stated he was not worried about the houses as much as what the impact would be at the property line since he felt a property owner should be able to enjoy a noise-compliant condition up to their property line. He did not feel that there was a need for the 150-foot limit. He added that if they were to allow some sort of noise mitigating system, a setback requirement for that scenario might be appropriate.

Engineer Gallo remarked that the topography for the one-acre parcels that would qualify for a pickleball court varies from steep slopes to almost flat. He felt that prescribing a number was a

way to bring these issues to the Planning Commission to make sure that they have transparency with the neighbors. He added that they cannot address every scenario within the Park City basin. Commissioner Thimm reiterated that if an acoustical analysis is done, an arbitrary 150-foot dimension becomes superfluous because it can be proved that at a lesser distance no one would be detrimentally impacted and the Noise Ordinance would be maintained.

Planner Sebright felt that Commissioner Thimm's statement was fair and explained that from Staff's perspective, they were trying to establish baseline numbers based on the research. He agreed that they could consider different requirements for the setbacks based on Commissioner Thimm's comments.

Chair Phillips stated that his concern in eliminating the 150-foot requirement altogether would be based not only on the noise but on the visual impacts. He would look for a setback more for the visual impacts and agreed with Commissioner Thimm on the sound impacts. Chair Phillips felt that setbacks in terms of the visual impacts should be discussed, and proffered that the discussion might also center on limits to the height of the barrier or enclosure.

Commissioner Thimm stated that the 150-foot requirement seemed arbitrary and was a very long distance where the major impacts seem to be noise. He acknowledged the visual issues and felt that a 25-foot setback to any noise-mitigating wall could be appropriate. He added that he would not be worried about paid-for reports benefitting the applicant and would hope that paid professionals would have the integrity to not lie in their analysis.

In response to a question by Commissioner Suesser, Commissioner Thimm also felt that the one-acre requirement was arbitrary. Commissioner Suesser did not know if she agreed but noted that this followed his reasoning regarding the 150-foot setback. Commissioner Thimm emphasized that they need to mitigate the noise and the impact of any sort of noise barrier.

Commissioner Hall referenced the Staff Report calculations regarding lot size with no noise mitigation. Commissioner Thimm reiterated that the issue is mitigating in some manner. Commissioner Hall agreed that the 150-foot setback was arbitrary and stressed that she had issues with the potential visual impacts. She questioned where the balance would lay between the visual impacts and the noise impacts.

Commissioner Suesser mentioned that one of the reports stated that wrapping the courts with sound barrier material makes the courts very hot for the players and are often dismantled because of this. She was not sure how likely it would be for people to wrap their courts with unsightly fences because the courts get very hot.

Commissioner Thimm commented that rather than a wrapping fence, they might want to include a condition that says the fences would be a permanent element such as a masonry or concrete wall that would mitigate noise.

Chair Phillips asked about the typical heights of these walls. Commissioner Thimm relayed that in projects that he has been involved in where they are trying to mitigate exterior noise, part of the analysis involved the height of the wall. There is not a prescriptive height; rather it depends on what is being mitigated at the property line and the volume level of the noise.

Chair Phillips expressed concern that the closer a wall gets to a neighbor's lot, the taller the wall has to be to mitigate the sound. He proposed limiting the height of enclosures and raised the

example of walls being constructed that would obstruct their neighbor's view. He felt that would be more like an accessory structure. He did not want any unintended consequences of visual impacts and wanted more information to understand the various scenarios. He offered that he would think a typical fence height of six feet for a barrier might be appropriate, and if mitigation could not be accomplished with a six-foot wall then the court must be moved further into the lot.

Chair Phillips did not know whether the Codes currently limit heights but assumed that there was not and highlighted backyard trampolines with nets.

Engineer Gallo stated that based on his research, any type of vertical barrier that could move the sound waves upward would minimize any impact on the adjacent parcels. He surmised that if the balls were being bounced at three to four feet high, a six-foot fence would likely be enough mitigation to move those sound waves vertically and minimize the impact of the noise on adjacent parcels.

Chair Phillips stated that he could be on board with a barrier height limit of a six-foot fence, or whatever might be an allowed fence height in a particular zone.

Planner Sebright believed that the maximum allowed height was 18 feet for a standardized fence as an accessory structure. He stressed that this height was not what Staff recommended however; most of the studies showed fences at between 10 to 12 feet high. He referenced Engineer Gallo's comments that they were not trying to make this a prescriptive element; rather, it would be decided on a case-by-case basis if a barrier made sense for a particular lot.

Chair Phillips suggested that part of the analysis could include whether the barrier would have a visual impact. He added that language should be included that this would be considered at that time.

Commissioner Hall asked about the height limit for the different zones and felt that information would be important. Commissioner Thimm observed that if a zone allowed an 18-foot high accessory structure, it would seem like a noise mitigating barrier should not be allowed to exceed that height. He asked Planner Sebright if there were any architectural or other guidelines for having an 18-foot high structure. Planner Sebright stated that accessory structures typically have their own setback requirements in each zoning district. Because they vary from zone to zone, Staff suggested an underlying minimum setback to provide consistency across all zones.

Commissioner Thimm observed that if a zone allowed an 18-foot accessory structure, an owner could construct an 18-foot tall enclosed pickleball court. He asked whether an enclosed pickleball court would be an allowed accessory structure. Planner Sebright answered in the affirmative and noted that these amendments were specific to outdoor pickleball courts. Commissioner Thimm stated that he was looking at the impact on the neighbor and was comparing it to something that would be allowed by right. He reiterated that, in theory, an owner could have an 18-foot high accessory structure within the prescribed setbacks and be compliant. Commissioner Hall asked if, in this situation, a CUP would even be required.

Attorney Harrington stated that whether a CUP would be required would depend on the use as well as the structure. In response to further inquiry, Attorney Harrington did not believe that an indoor pickleball court would be an allowed use for an accessory structure. He added that in zones that require a conditional use for a Private Recreation Facility, that definition would override the Accessory Structure definition. He offered the example of someone wanting to put a mill shop

in an Accessory Structure that had heavy equipment; the Planning Department would look at the use for that structure in addition to the building itself.

Commissioner Thimm observed that Accessory Structures have limited permitted uses. Attorney Harrington confirmed and stated that the use must be incidental to the primarily residential nature. There would be a level of interpretation as to what might be incidental to the base use of the parcel.

Chair Phillips referenced the tennis courts at City Park that are wrapped in see-thru fencing; it would be completely different to see those wrapped in black. He felt that more information would be needed from Staff on the parameters that could be used and whether it would be a fence or an Accessory Structure.

Engineer Gallo interpreted the proposed Code amendment as recognizing that pickleball is something new that required a conservative approach. The guidelines are set out as balancing the demand for pickleball courts with the neighbors who might be impacted. He felt that with the one-acre requirement if they approve two to three pickleball courts a year that would allow them to collect data. If the data showed that they could allow courts on smaller lots, then they could amend the Code accordingly. He emphasized that that would at least take a conservative approach until more information is learned from the field.

He referenced the setbacks and reiterated that data from actual courts would be helpful for the future, rather than relying on data from other communities like Scottsdale, Arizona. He felt that the concerns about barrier heights were valid but stressed that it would all depend on the level of noise and the consideration of the parcels. There are many variables to consider to arrive at a conservative approach to allow these uses and collect more data.

Commissioner Suesser expressed her feeling that the Site Plan item needed to be worked on to include elevations, proximity to neighbors, and the neighborhood. She wanted the required information to be more specific than what is being proposed, including whether the court would be fenced or wrapped, what materials would be used, and similar details.

Engineer Gallo stated that in terms of the Site Plan, they included specific information such as a grading and drainage plan because the court would increase the impervious area and they need to ensure that the runoff created by the court would not cross the property line and cause damage to the downhill neighbor.

Chair Phillips opened the public hearing.

Frode Jensen expressed his concern that this discussion only touched the surface of the issues. He remarked that he has written extensively on the many issues involving pickleball and would hope that the Commissioners would read his submissions. He referenced the discussions on the 150-foot setback. The Noise Reports provided by Staff show that 150 feet was a minimum distance. The sound that pickleball creates is very hard to mitigate, and in communities across the country, there has been an enormous problem mitigating the noise within 150 feet. Mr. Jensen acknowledged that sound barriers could help mitigate, but even a 12-foot sound barrier does not stop noise from the court to the second story of a nearby house, including one that is 50 yards away.

Mr. Jensen was in favor of sensible regulation of pickleball courts but felt that the major shortcoming thus far was that the City had not engaged its own noise expert. He referenced Engineer Gallo's comments that the topography and elevations in Park City would play into noise determinations and these Code Amendments do not reflect any expert opinion on the proper distances or noise. He added that another major omission in the Code Amendments is that while there is a quantitative decibel level in one section of the Noise Ordinance, there is another section related to Noise Annoyance. These Code Amendments do not touch on Noise Annoyance, and he could not see how the Commission could even begin to determine noise mitigation based on the Annoyance standard.

Mr. Jensen stated that Staff needed to engage an expert for advice on how to manage pickleball noise in all of its manifestations and what kinds of mitigations might actually work. He referenced the discussions regarding a 25-foot setback and stressed that 25 feet was not the right number; pickleball noise cannot be mitigated within 25 or even 50 feet. He emphasized that the expert opinions are in the record for the Commission's consideration. He felt the Commission could not act on the proposed Code Amendments until the City has its own expert to assist in drafting sensible regulations that understand the complex elements of noise impact that would be caused by backyard pickleball courts.

Chair Phillips assured Mr. Jensen that the Commission has seen his written submissions.

Bob Theobald commended Planning Staff for their efforts on these Code Amendments. He offered that one of the major missing pieces is the City's own noise expert to provide opinions on the distances in the various geographical or geological settings. He has reviewed the Dr. Willis Study, which he felt was the best study he has seen. Dr. Willis made recommendations and has offered to work with the City. The notion of allowing a few pickleball courts to be built and gathering data from them to make adjustments to the Code makes no sense. He stated that there would be no remedies if a mistake was made.

Mr. Theobald felt that 8:00 a.m. would be too early to allow a neighbor to start playing pickleball, and during the summer months between 5:00 p.m. and 8:00 p.m., everyone wants to be outside to enjoy their own backyard. He appreciated the effort being made, but not every land use is compatible with a neighbor. He did not understand the notion that pickleball courts must be accommodated. Mr. Theobald referenced his letter that while State law gives great deference to a landowner, there are also State statutes that do not give one person rights for noise nuisance over their neighbor. Mr. Theobald urged further review of the notion that pickleball courts should be allowed in backyards and he would suggest erring on the cautious side because mistakes could de-value someone's property. There would be no remedy once the pickleball court is installed. He reiterated that the City should hire a sound engineer to provide input and go with his or her recommendations.

Chair Phillips closed the public hearing.

Chair Phillips supported a more conservative approach and Engineer Gallo's comments that we should be careful now.

Commissioner Suesser stated that the amendments proposed by Staff were a very conservative approach. She would like Staff to address the Noise Annoyance standard in the Code and whether it was considered with respect to these Code Amendments.

Planner Sebright remarked that the aim of these proposed amendments was to drive compliance to the existing Noise Ordinance. If there was agreement that the noise standards in the Code were not sufficient, that would be a different review process outside of the LMC. He stressed that these amendments sought to have the noise quality and quantity assessed in the individual noise studies.

Commissioner Suesser recalled that “noise annoyance” was a temporary annoyance, and stated that she would re-visit that on her own.

Commissioner Thimm took a simple approach and felt that if it could be demonstrated by the analysis of a professional acoustical engineer that the noise requirements of the LMC were met at the property line, the issue of noise goes away. He added that the way the amendment was written reflects expert opinion because it requires an expert opinion to inform the Commission whether there would be compliance with the Noise Ordinance. He opined that the amendment was well written.

With regard to mitigation measures, he offered that whatever measure was used should be permanent and not removable. He next turned to the issue of the impact of a barrier to adjacent neighbors and what might be perceived as a nuisance in terms of visual impact. This would involve height and setbacks, and felt that there were likely precedents in the LMC regarding setbacks for heights of structures that could establish the standards for the mitigating fence or wall.

Engineer Gallo commented that at a City Council Meeting, it was suggested that they needed to separate regulation from process. When they were discussing these amendments with the Planning Department, the process for the Noise Study included the participation of the adjacent owner where they could evaluate the accuracy of the study and the mitigation efforts. He stressed that they were not trying to ignore the consideration of the neighbors. He stated that there are a number of variables involved, and it would be impossible to have one standard for the entire City. Engineer Gallo agreed with the public comments that the City needs an expert on a case-by-case basis given the different settings within the City. Part of the process would be an acoustical analysis with the involvement of a member of Staff that would assess the impacts on the adjacent owner.

Commissioner Thimm would be amenable to consider requiring the applicant to pay for the City’s costs to hire a third-party acoustical engineer to evaluate the veracity and correctness of the report supplied by the applicant’s engineer. Engineer Gallo stated that this is what they do with soils and geological hazard analyses.

Commissioner Suesser liked the suggestion that the applicant would pay for the City to hire an acoustical engineer to evaluate the noise from that property. Commissioner Thimm clarified that he suggested that the applicant would hire their own acoustical engineer to prepare a study and would also fund the City’s retention of a third-party engineer to review that study. He referenced his work with other municipalities and soils reports reviewed by third-party experts.

Engineer Gallo commented that his license would not authorize him to review the work of another engineer outside his area of expertise; however, a third-party acoustical engineer could review the report of another.

Commissioner Suesser reiterated her support for an applicant paying for the City to hire an acoustical engineer to conduct the study.

With regard to specific comments on the language of the ordinance, on line 1511, Commissioner Suesser felt it should read: "The Planning Commission shall also make findings with respect to the criteria..." She felt that the general description language should be revised, the hours of operation removed, as should the "anticipated use." She would like to know the neighborhood involved and where the pickleball court would be in relation to neighboring properties.

Commissioner Suesser referenced line 1524 and suggested it be revised to read: "The Site Plan shall indicate...." The site plan should also include site elevations. With respect to the Noise Study, she suggested that language be revised along the lines of "Applicant shall provide a Noise Study" or "pay for a Noise Study to be conducted by the City."

Chair Phillips agreed with Commissioner Suesser's comments and believed that they were requiring the applicant to provide their Study and fund the City's third-party review. Commissioner Suesser expressed that a review of a Study would not be as reliable as a third-party study. Chair Phillips noted that an applicant has to work with their hired professional in the design, and placing the burden of paying for a second study might be too much.

Commissioner Suesser understood this distinction. Commissioner Thimm highlighted that design is an integrative process involving the engineer.

Commissioner Hall asked if the ordinance would outline what the study would be required to address, and specifically if it would be required to show compliance with the Noise Ordinance at the boundary. Commissioner Suesser suggested clarifying that in the language of the proposed amendments. She added that it should be from the farthest edge of the proposed court. Commissioner Thimm noted it should be from any noise produced by the court. Engineer Gallo explained that when a particular issue is outside his area of expertise, the City would have an expert on retention to review the reports of the applicant.

Commissioner Hall referenced specific language in the ordinance on page 41, line 901, and page 59, line 1365. She felt that Private Recreational Facility was unintentionally deleted. Planner Sebright explained that these deletions were intentional as it references the seven zoning districts where Private Recreational Facilities are an allowed use, and the amendments propose that they become conditional uses.

Commissioner Hall noted that recreational facilities could include more than just a pickleball court, so these changes would convert previously allowed uses to conditional uses. Planner Sebright agreed but noted that they addressed that in the revised Definitions section.

Commissioner Van Dine referenced the application that was before the Commission a couple of weeks ago that involved a sports court with a pickleball court line on it. She asked where that distinction gets drawn. Planner Sebright stated that if pickleball was going to be one of the uses of the court, then the entire facility would need to meet the higher standards. Commissioner Van Dine questioned this approach given that the sounds and function of a general sports court and a pickleball court are completely different. Planner Sebright noted that other sports facilities would still require the regular CUP review process.

Commissioner Suesser referenced Commissioner Thimm's comments regarding the 150-foot setback and one-acre requirements and expressed that she was okay with the requirements as drafted by Staff. She felt it was a conservative approach and applicants would be required to meet other mitigation requirements. She added that on line 1575 of the proposed amendment, the word "provided" should be changed to "required" with respect to guest parking.

Commissioner Thimm reiterated his disagreement with the 150-foot requirement and felt that they should consider the requirements of the Noise Ordinance and whatever setback is needed to mitigate any sort of visual issue.

Chair Phillips stated that he was undecided on the issue.

In response to a question from Commissioner Kenworthy on minimum lot size, Commissioner Thimm felt that the one-acre minimum requirement was arbitrary. He felt that if someone could comply with the Noise Ordinance and any sort of visual requirement, the lot size requirement becomes superfluous.

Commissioner Kenworthy understood this position but expressed concern about continuity between studies and application of the code. Commissioner Thimm felt that continuity would be difficult because there would be different considerations based on the configuration and shape of the lot and the topography involved. Instead, he felt the process should be site-specific to be fair.

Director Milliken added that Staff took a conservative approach with both the 150-foot requirement and one-acre requirement; these were not completely arbitrary, rather they were based on pickleball noise and distance studies. She stated that they were trying to provide minimum requirements, which could be mitigated depending on what the noise studies reveal about the applicant's proposal. She stated that they did not want pickleball courts on smaller lots.

Commissioner Thimm disagreed with the idea that some prescriptive requirement was more important than what a true engineering analysis would provide. Director Milliken felt that with respect to the requirements and studies, it should probably not be "or" but "and." Commissioner Thimm suggested that one-half of a football field was a long distance.

Chair Phillips suggested that the distance requirements could be discussed further. He stated he was undecided on the distance and lot size requirements, but he was slightly leaning towards the recommendations by Staff with possible slight adjustments to the numbers.

Commissioner Van Dine echoed the comments of Chair Phillips and stated that if the impacts could be mitigated at a smaller setback, it would be acceptable. She felt that setting the standards strict at the outset would preclude getting that data of people who live on a ½ acre lot since they would not meet the criteria to apply for a court. She suggested having the requirements more open to allowing them to collect data at different numbers.

Commissioner Kenworthy offered that he would rather go with continuity and Staff's plan at this point offered an opportunity to be more conservative. They can always lower the distance requirements. He agreed with Commissioner Thimm that 50 yards is a significant distance, but he would err on being more conservative at this stage.

Commissioner Hall stated that it seemed that it would be extremely unlikely that someone within 150 feet without an obnoxious looking structure would be able to comply, so she could see setting

the acreage and distance at a minimum to provide notice to potential applicants of the potential for them to comply. She stated that she was conflicted about having the minimums written into the Code versus only requiring a Noise Study. She added that she liked that the Staff Report was a hybrid and because they are dealing with Code, it could always be amended if they feel they needed to either relax or tighten the regulation.

Commissioner Hall asked about the height limitations for the various areas, noting that 18 feet sounded high. Planner Sebright confirmed that 18 feet was the maximum allowed height for an accessory structure and noted that a fence of that height would also involve Building Code issues and it would be unlikely that a stand-alone fence of that height would be approved without a CUP.

Chair Phillips expressed concern about the 18-foot allowable height and noted that much of it would depend on the distance.

Attorney Harrington advised that as part of the motion to continue, it should include whether they would also continue the public hearing. If so, the continuance should be to a date certain for notice purposes.

Commissioner Hall requested further information from Staff regarding the definition of Private Recreational Facilities on page 69 as it relates to allowed uses versus conditional uses. Commissioner Suesser agreed that those three items should be removed from that definition. Commissioner Hall asked whether a CUP was common for the installation of a pool.

Commissioner Thimm presumed that this discussion centered only on pickleball courts. Director Milliken agreed but acknowledged that the confusion was that prior to making these amendments, pickleball courts fell under Private Recreational Facilities. Part of the LMC Amendments would involve amending the Private Recreational Facilities so that it would be clear that pickleball courts were no longer included in that definition.

It was clarified that the only change was to remove pickleball out of that category; everything else would remain as is. Commissioner Hall disagreed and referenced the removal of playgrounds, spas, and picnic areas from the definition. She assumed that every time someone installed a hot tub, they were not getting a CUP.

Planner Sebright stated that they would clarify this in the next Staff Report. Commissioner Thimm expressed that this should only address pickleball courts, and leave everything else unchanged. He suggested a straw poll so that they could take action at the next meeting. He would not be opposed to the distance and acreage requirements if the straw poll wanted those requirements.

Chair Phillips noted that a majority of the Commission was in favor of the minimum requirements. He remained open on discussion on whether the distance would be 150 feet versus some other distance. It was suggested that Commissioner Van Dine was closer to Commissioner Thimm's position, Chair Phillips was neutral and Commissioners Suesser, Hall, and Kenworthy were agreeable with Staff's recommendations.

Commissioner Kenworthy encouraged Staff to carefully look at the numbers.

MOTION: Commissioner Suesser moved to Continue the Legislative Land Management Code Amendments with respect to Pickleball Courts proposed in the Staff Report, as well as the public hearing on this item, to March 23, 2022. Commissioner Thimm seconded the motion.

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

8. ADJOURN

MOTION: Commissioner Thimm moved to adjourn.

The meeting adjourned at approximately 9:00 p.m.

PENDING APPROVAL



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

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Bill Johnson, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; Browne Sebright, Planner II; Makena Hawley, Planner II; Heinrich Dieters, Trails and Open Space Manager; Mark Harrington, City Attorney

1. ROLL CALL

Chair John Phillips called the meeting to order at approximately 5:30 p.m.

The following written determination was read:

The Chair issued a written determination about hybrid in-person and electronic meetings. 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 for the purposes and at the times as described below on Wednesday, March 9, 2022.

Planning Commission members may 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.

All Commissioners were present, with Commissioners Sarah Hall, Laura Suesser, and Doug Thimm attending virtually.

2. MINUTES APPROVAL

There were no Park City Planning Commission 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 the joint session with the City Council would take place on March 15, 2022, at 5:00 p.m. in Council Chambers. It was an in-person meeting but would be hybrid to accommodate Commissioners Suesser and Thimm, who would be out of town. However, it was expected that all Commissioners in town would attend the joint meeting in person. Chair Phillips noted that the joint session would focus on the Snow Park discussions. He wondered if other discussion topics would be addressed during the meeting as well. Director Milliken explained that an agenda would be sent out shortly, but the main focus was the vacation and dedication included in the Snow Park proposal. There would also be Council priority discussions with regard to the Land Management Code and General Plan. Information on moratoriums would be shared and there would be a Closed Session.

Chair Phillips was excited to be back at an in-person meeting. He was proud of how the Planning Commission handled meetings during the COVID-19 pandemic. He wondered if it would be possible to schedule a social event in the near future with the Planning Commission and Staff. He asked Director Milliken to send out an email to determine possible dates for the social event.

Commissioner Suesser asked when PEG would come back to present. Director Milliken reported that Staff met with PEG earlier that day. The intention was to include PEG on a Planning Commission Meeting agenda in April 2022. She noted that the applicants had been working diligently on their Traffic and Circulation Mitigation Plan and wanted to have something solid to present to the Planning Commission for consideration. It was taking a bit of time to put all of that information together as there were regional partners to consider as well. Commissioner Suesser asked about the regional partners. Director Milliken explained that the parking solutions were outside of Park City and, which requires involving regional partners in Summit County.

5. CONTINUATIONS

A. 3805 Fox Tail Trail – Rezone – PL-21-04865. Continue to May 11, 2022.

Chair Phillips reported that the applicant was looking to continue the 3805 Fox Tail Trail - Rezone to the May 11, 2022, Planning Commission Meeting.

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

MOTION: Commissioner Van Dine moved to continue PL-21-04865, 3805 Fox Tail Trail Rezone, to May 11, 2022. Commissioner Kenworthy seconded the motion.

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

B. 3805 Fox Tail Trail – Plat Amendment – PL-21-04826. Continue to May 11, 2022.

Chair Phillips reported that the applicant was also looking to continue the 3805 Fox Tail Trail – Plat Amendment to the May 11, 2022, Planning Commission Meeting.

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

MOTION: Commissioner Van Dine moved to continue PL-21-04826, 3805 Fox Tail Trail Plat Amendment, to May 11, 2022. Commissioner Kenworthy seconded the motion.

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

6. REGULAR AGENDA

- A. 9300 Marsac Avenue (Sommet Blanc/B2East Parcel)** - Applicant is Requesting Amendments to the Approved Master Planned Development and a Conditional Use Permit for the Proposed Development of 49 Residential Units Above Underground Parking and a 3,600-Square-Foot Public Restaurant. PL-21-04771 & PL-20-04702.

Planner II, Makena Hawley reported that there had been multiple meetings related to 9300 Marsac Avenue. Rather than reshare previous presentations, she would simply share updates with the Planning Commission. Planner Hawley discussed height and explained that the current proposal had three buildings with proposed heights of 82 feet, 94 feet, and 106 feet above benchmark grades. There was a change in the site plan that incorporated the four villas into additional floors on Building B and Building C. The change in site plan allowed for significantly less site disturbance than previously proposed. The density would be clustered and the footprint on the site would be 12% for Sommet Blanc compared to the Hill Glazier Plan with 19%. Planner Hawley reminded the Commission that due to the limited area of disturbance, the applicant proposed a 3.06-acre conservation easement on the northern portion of the property.

At the February 9, 2022, Planning Commission Meeting, the Commission discussed a height cap on the buildings and expressed a desire not to include allowances for mechanical equipment. At that time the applicant was amenable to that suggestion. Since then, the applicant had returned to discuss the matter further with Staff. According to the applicant's Architecture Team, the cap would cause many issues, mainly regarding elevator overruns and screened mechanical equipment. The applicant came back with a proposal that would allow a maximum of three feet above the requested height proposal for the buildings. The Land Management Code definition for building height considered height to be the vertical distance under the roof element to existing grade. Mechanical equipment and elevator overruns were expected and were not normally included within the height limit of a structure. However, through the Master Planned Development ("MPD") amendment, the height was under review by the Commission.

The applicant provided updated Solar Studies. The most impact there would be on Empire Day Lodge was in the morning during the spring-fall equinox and in the morning during the winter solstice. Planner Hawley pointed out that the Empire Day Lodge lawn, ski beach, and patio were not obstructed by the proposal. She also noted that there was a correction that needed to be made to the Staff Report. The intention was to remove the portion about the Sommet Blanc owners and guests being allowed to utilize Twisted Branch Road. She explained that use of the road was discussed at length during the previous meeting. The Commission made it clear at that time that they did not feel the use was appropriate.

Trails and Open Space Manager, Heinrich Dieters, explained that Exhibit X in the Meeting Materials Packet was the old design. The new designs had been sent out to Commissioners. Page 11 of the Meeting Materials Packet identified Condition of Approval #25 and Condition of

Approval #26. He clarified that those were conditions of approval associated with the trailhead discussions. Some language had been submitted to Planner Hawley to add further clarity.

Manager Dieters discussed the Mid Mountain Parking Lot and Trailhead improvements. Some Commissioners had previously suggested looking at the trailhead location to try to make it safer. Since then, a design had been created, public comment had been received, and the proposed changes had been presented. For instance, the removal of the guard rail and the addition of parallel parking had been incorporated into the design. He believed a restroom was needed at that location, as well as a kiosk, and trash receptacles. The new design did not just address safety improvements but ensured that there was an overall level of improvement for the public. The applicant had submitted the design to the Utah Department of Transportation ("UDOT"). UDOT was supportive of the design and felt that it improved safety in the area. It was dangerous for vehicles to back out of a parking lot and into a travel lane. The design addressed that concern.

Commissioner Suesser asked to see an additional image of the rolled curb proposal. She wanted to better understand what that would look like. Manager Dieters did not have another image to share but described the rolled curb proposal. He stated that a high back curb was the traditional type of curb that was seen on the side of the street. It went up six to eight inches. On the other hand, a rolled curb was not a vertical impediment. Commissioner Christin Van Dine wondered who did the plowing in that area. Sommet Blanc representative, Doug Ogilvy explained that he also represented the Empire Pass Master Owners Association ("MOA"). Empire Pass MOA maintained Marsac Avenue and the parking lot. The plow drivers had no issue with the design.

Commissioner Kenworthy wanted to know if there were any restrictions on the parking lot. Manager Dieters reported that there are currently 25 spots. The City Council decided to make 15 of those spots 24 hours and 10 of the spots 72 hours. Commissioner Kenworthy expressed concerns about Deer Valley skiers using the parking spaces. Manager Dieters noted that the City monitored the time spent in a spot rather than the user group. Commissioner Kenworthy wondered if a certain number of stalls were allocated to Bonanza Flat. Manager Dieters explained that what the Council heard during the Bonanza Flat discussions was that people wanted to be able to park and utilize spots while visiting their cabins, so 10 of the spaces had been set aside for 72-hour parking. There was discussion regarding how to monitor the parking spaces. Mr. Ogilvy explained that there was a License Agreement on the parking lot in favor of the City and the property owner handed oversight of the parking lot over to the City. Commissioner Van Dine asked if it would be possible to add signs to the lot to indicate that no resort parking was permitted. Manager Dieters believed it was a City Council decision.

Commissioner Suesser pointed out that the parking lot design is larger than what currently exists. She asked if snow storage would be an issue. Manager Dieters reported that the parking lot design was expanded slightly to accommodate additional trailer parking spots. The lot had gone from approximately 25 spots to 29 spots. There was also an ADA spot. Commissioner Suesser asked if snow storage was currently handled within the lot. Manager Dieters explained that part of it was on the lot. Mr. Ogilvy believed it may be possible to record a snow storage easement on the upper portion of the Sommet Blanc site. That snow storage could be directly across the street from the parking lot. He could work with Manager Dieters to find an appropriate location that did not involve removing any trees in the area.

Chair Phillips noted that there had been previous discussions about the retaining walls and the Commission asked for visuals at that time. He expressed concerns about whether the improved parking lot and added restroom would draw more people to the area. Certain hazards exist, and

he worried that the additions could attract more visitors. Chair Phillips felt it was important to consider public safety and the unintended consequences. However, he saw the benefit of the proposal. Manager Dieters noted that there were different tools to manage trailheads, such as enforcement and the Transit to Trails program. He did not believe the slight expansion to the parking lot would draw additional visitors to the area.

Commissioner Suesser asked for additional information about the Transit to Trails Program. Manager Dieters reported that the plan was to have another year of the Transit to Trails Program. The Central Wasatch Commission (“CWC”) recently opened its short-term project call for ideas, which was part of how the program was funded previously. Park City will apply for the short-term projects funding again. Manager Dieters noted that another component to consider was appropriate noticing, so when parking lots are full, it would be possible to inform visitors beforehand. He believed an app could be a useful tool for this purpose. Chair Phillips expressed further concerns about public safety and the condition of the roads.

Commissioner Van Dine felt the parking lot and trailhead plans would benefit the area and appreciated the work that had gone into them. Commissioner Thimm echoed those sentiments. He was in full support of the improvements there. Commissioner Suesser was also in support of the improvements and believed it would be wise to take Mr. Ogilvy up on his offer to have additional snow storage across the street from the parking lot. Commissioners Johnson and Kenworthy agreed and felt that the snow storage was important.

Commissioner Kenworthy brought up equity issues and believed that the Transit to Trails Program should be allowed to utilize Twisted Branch Road. Mr. Ogilvy explained that there had been previous discussions between REDUS and the City about the possibility of allowing transit vehicles onto Twisted Branch Road. Those conversations stopped but REDUS was open and amenable to those types of discussions in the future. Commissioner Kenworthy believed it was important to come together and focus on addressing equity and safety issues. Chair Phillips believed there was consensus about the Mid Mountain Parking Lot and Trailhead improvements.

Manager Dieters shared recommended changes to Condition of Approval #25 and Condition of Approval #26. He read the proposed language to the Commission, which was as follows:

- Condition of Approval #25:
 - The applicant shall construct a parking lot at the Mid Mountain location and reroute the Mid Mountain Trail, which shall be reviewed and approved by the Trails and Open Space Manager.
- Condition of Approval #26:
 - The applicant shall obtain a license agreement, subject to the City Attorney's Office approval, which ensures the City's ability to operate, manage, and maintain the Mid Mountain Parking Lot.

He felt that the changes to those Conditions of Approval would add another level of clarity to the language. The Commissioners discussed the issue of snow removal. It was determined that it would be addressed in an additional Condition of Approval. Commissioner Suesser thought that the Empire Pass MOA currently cleared the lot and wanted to know whether Condition of Approval

#26 would shift that to a City responsibility. Mr. Ogilvy clarified that the lot is on private property. Manager Dieter wanted to ensure that a License Agreement is in place so that the parking lot remains on private property. Manager Dieter added that the language related to maintenance had to do with trash, restrooms, and the surface. It did not imply snow removal. Mr. Ogilvy shared the following suggested language for the snow removal condition:

- The applicant shall provide snow storage easements on the adjacent Sommet Blanc property to the satisfaction of the Trails and Open Space Manager.

Planner Hawley was asked to make note of the suggested language and also stated that no significant vegetation will be removed from the area. That language would be finalized before the end of the Planning Commission Meeting and added as a Condition of Approval.

Commissioner Van Dine had a question related to Condition of Approval #13, which related to Covenants, Conditions, and Restrictions (“CC&Rs”) and deed-restricted affordable units. She wanted to know if that language was specific enough to ensure that affordable units would be included. Planner Hawley explained that work would be done with the Affordable Housing Department and the department would help determine appropriate prices. City Attorney, Mark Harrington explained that the condition was also backstopped by the approval of the housing authority. It was more of a reminder to the planner that the requirement was in place.

Sommet Blanc representative, Lynn Padan introduced himself. He believed a lot had been done to improve upon the existing 2007 approved project. There was now a much better project proposed than before. Mr. Padan reviewed some of the modifications that had been made to the 2007 approved project and outlined some of the community benefits. For instance, the footprint had been substantially reduced from 19% down to 12%, a public restroom would be added, the amount of affordable housing in the project had increased, the density had been moved off of the hillside, and a Conservation Easement was agreed to on the upper portion of the site. Additionally, there was agreement on the redesigned parking lot. Mr. Padan discussed Twisted Branch Road. He understood the concerns expressed by Commissioner Kenworthy about equity.

Chair Phillips opened the public hearing.

Mark Fischer appreciated some of the adjustments the developer had made but noted that his main concern was public safety. Mr. Fischer expressed support for comments made by the Commissioners about initiating road-related discussions with UDOT. He felt the City needed to take on a leadership role. One of the reasons he believed a new Mayor was elected was because the public wanted change and for there to be a more aggressive focus on public safety. Mr. Fischer hoped the Twisted Branch Road discussions would not end once the Sommet Blanc proposal was approved. Regarding the parking lot, it was important to note that on weekends and busy days there is bumper-to-bumper parking down to the Montage roundabout from the top of the parking lot. That would continue and likely accelerate in the area. The parking lot was not large enough, but he understood the limitations of the site.

Though the developer stated that they had worked with REDUS to expand the parking area, Mr. Fischer felt it should be noted that the developer had not worked with REDUS, in the same manner, to get the public on Twisted Branch Road. The latter was a more pressing safety issue. He did not necessarily believe that the redesign of the parking lot would make things safer. The

public was still required to go up a 15-foot-wide road with a 196-foot dead drop to Twisted Branch Road.

Ann Bransford stated that Twisted Branch Road has been a long-time issue. She asked that the Commission make a decision about the road and determine who owns it since people in Park City are using that road and it is dangerous. Twisted Branch Road needs to be taken care of and improved. The residents were tired of the issue being ignored.

Bob Peek explained that he is a resident of Brighton Estates and uses Twisted Branch Road every day. One concern pertained to winter access. If anyone was welcome to drive up and down during the winter months, the parking would be an issue at the top of Empire Pass. There was enough parking for the residents that live in the area, however, if that is open to the public in the wintertime, residents will not be able to park or access their homes.

Commissioner Suesser wondered if he anticipated Brighton Estates owners or renters would utilize the Transit to Trails program. For instance, if it would be possible to take the shuttle from town to the pass during the winter months. Mr. Peek did not want to speak for everyone that lives in Brighton Estates. It could be valuable to some, but he believed that people normally come and go at odd hours and the program may not accommodate those hours. Commissioner Kenworthy wanted to know how he dealt with the overload of illegal parking in the summers. Mr. Peek explained that in the summer he is normally able to drive to his home, however, there had been times when he could not get through if he had a flatbed trailer attached.

Robert Powell identified himself as a resident of Brighton Estates. He supported the comments shared by Messrs. Fischer and Peek and felt that the parking area would be an improvement. However, he had several concerns. During the summer months, the road is very busy, and having people on Twisted Branch Road would be much safer. There had been many close calls on Guardsman Pass Road. In the winter, the road is fairly dangerous as well. Mr. Powell wanted to see a solution where the residents of Brighton Estates could access the ridge or access parking close to the ridge to avoid cluttering the new parking area and also access their homes with ease. He did not support plowing into Brighton Estates and stressed the importance of access to parking. Mr. Powell stated that he would be happy to take transit once his vehicle is parked but the timing of the transit was important.

Mr. Fischer acknowledged that Mr. Powell serves as President of the Brighton Estates Homeowners Association ("HOA"). They made a deal in 1999 that specified that the people of Brighton Estates would not object to Deer Valley's expansion into what was now known as Empire Pass and construction problems and delays associated with the multi-year construction of Twisted Branch Road. In return, those residents were permitted to use that road.

Commissioner Suesser asked about access from the top of Twisted Branch Road into Wasatch County. She wanted to know if he felt that should be gated. Mr. Fischer noted that at the last meeting, he was surprised to hear the developer state that the intention was to put people from the Empire Pass MOA up Twisted Branch Road and across a gravel road to connect back upper SR-224 before the Wasatch County line. He understood that it had been revoked, which was a good decision because it created a social equity issue. It was a Deer Valley maintenance road that was never intended for public use. As a result, he felt that should be gated and residents of Red Cloud should drive down Twisted Branch Road, take a right, and then take the same road everyone else used to get to Bonanza Flat.

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

Chair Phillips still believed the upper portion of the road should be gated. He wanted that to be captured in language, so it is enforceable. The only exception he would support was dump trucks, to keep them off of the more dangerous sections of the road. Chair Phillips discussed the heights of the buildings. He noted that the Commission previously agreed to the additional heights but was clear that no allowances would be permitted above the exception. However, he understood that each zone had height exceptions for mechanical equipment. He was okay with an additional three feet to accommodate the elevators. It was a reasonable request and would not increase the mass of the buildings. While he had remaining concerns about light pollution, there was language to mitigate some of those issues.

Commissioner Van Dine believed the project had come a long way and was in a much better state. She felt that the Mid Mountain Trailhead Parking Lot and Trailhead improvements would be a benefit to the area and the changes made to address light pollution were also beneficial. Commissioner Van Dine did not have concerns with the small overruns of height, as that followed normal code exceptions. She felt that the way the applicant had addressed Twisted Branch Road was acceptable and did not think the project should be held up because of the road. That would be a larger project for the City to take on and address further.

Commissioner Suesser noted that according to the Development Agreement it was on the developer to initiate the petition for the transfer of SR-224 to the newly constructed road. When the lower portion of SR-224 was realigned, Park City Mines petitioned UDOT to vacate the road, and UDOT now owns the road. She believed the Development Agreement anticipated that the upper portion of SR-224 would require the developer to petition to have that road vacated and realigned on the newly constructed road. It was a matter of the City Council stating publicly that they would direct the developer to petition UDOT. Then the upper portion of SR-224 could be transferred and vacated over to Twisted Branch Road.

Commissioner Suesser felt that the developer had agreed within the Development Agreement to cooperate with any petition of the transfer of the road to a state road. It already took place on the lower portion and now needed to take place on the upper portion. She pointed out that Deer Valley and the general public wanted to see this happen. There should be a strong recommendation from the Planning Commission to the City Council to move forward with the transfer of SR-224 to Twisted Branch Road, including the continuation of the seasonal closure of that upper portion, with exceptions for Brighton Estates homeowners, Red Cloud residents, Deer Valley maintenance vehicles, and the Transit to Trails program. Commissioner Suesser did not agree with the additional three-foot exception for the elevator shafts. She believed the project needed to be constructed within the height exceptions that had already been granted.

Commissioner Thimm agreed with Commissioner Suesser about the petition of transfer for SR-224. He believed the project had evolved positively, thanks to the increased amount of open space and the clustered density. Commissioner Thimm appreciated that the applicant had worked with the Planning Commission to make changes based on their feedback. As a result, he agreed with the additional three feet for the elevator overrun. He noted that elevator overrun was expected and he was not opposed to that exception.

Commissioner Johnson wanted to better understand why the additional three feet were necessary. Chair Phillips explained that he had worked on many elevator shafts in residential homes. The space is generally needed for the mechanical equipment. Mr. Ogilvy further

discussed the height exception and architectural design. He explained that the elevator overrun was contiguous with the screening for all of the mechanical equipment. There was a roof over the mechanical equipment with vents around the side. Commissioner Johnson was in support of the exception as long as there was a three-foot limit for future uses as well. Commissioner Thimm agreed. Planner Hawley noted that a Condition of Approval could be added to allow the requested three feet. Otherwise, it would be held to the same code for the zone, which was eight feet for elevators and five feet for other items, such as screening mechanical equipment.

Commissioner Johnson noted that the packet included a Deer Valley Approval Letter dated December 2, 2021, and an Empire Pass Design Review Board Preliminary Approval Letter, which was dated June 11, 2021. There was a new design and he wanted to clarify that the approvals still stood. Planner Hawley reported that as a Condition of Approval, the applicant was required to gain approval from the Design Review Board.

Commissioner Kenworthy agreed with Commissioners Suesser and Thimm relative to SR-224. He asked about the three-prong agreement that was made 20 years ago. Mr. Ogilvy reported that REDUS was the property owner that had been operating Twisted Branch Road in accordance with the Development Agreement. The City had never asked the property owner to change the access provisions on the road. He did not believe that a letter written by the Brighton Estates Property Owners Association trumped the Development Agreement. If the City wanted to reopen the discussions related to Twisted Branch Road, he encouraged the City to sit down with REDUS and UDOT. Mr. Ogilvy explained his understanding of the discussions from 1999. He believed there was a strong opinion from the City that they wanted to limit access to Wasatch County. There was language in the technical report to that effect.

Attorney Harrington noted that if all parties wanted to implement the Development Agreement, as written, the Commission could suggest that the City Council address that. If that was something the Commission wanted to do, he recommended that it be a separate motion. Commissioner Thimm wondered if that type of motion could be made during the current meeting since it had not been noticed. Attorney Harrington felt it was related to the agenda item and would be appropriate. The Commission would simply forward a recommendation to the City Council. Chair Phillips was in support of the recommendation and separate motion. Additionally, the recommendation could be verbalized during the joint meeting with City Council.

There was discussion about developer responsibilities. Mr. Ogilvy clarified that it was a complicated matter. It was important to get the relevant parties together to move the Twisted Branch Road discussions forward. Sommet Blanc was not one of those parties. The parties that could do something about the issue were the City, UDOT, and the Empire Pass MOA. The City has never taken a position that Twisted Branch Road should be managed in a different way than it was currently being managed. He felt it was important that the Planning Commission move the project forward. Commissioner Kenworthy asked that the three-foot height exception be limited to only the indicated elevator shafts. Chair Phillips was glad there had been public safety discussions related to Twisted Branch Road. He was hopeful that all necessary parties would work together to address that issue in the future.

The Commission overviewed the Conditions of Approval language. Planner Hawley noted that the suggested changes to Conditions of Approval #25 and #26 would be made. Conditions of Approval #48 and #49 were added and the appropriate language was discussed. Commissioner Suesser asked that Condition of Approval #26 exclude snow removal to ensure that the City was not obligated to handle that responsibility. Attorney Harrington did not know that the exclusion of

snow removal needed to be specified within the actual Condition of Approval. Commissioner Van Dine pointed out that Manager Dieters had addressed that concern and the Condition of Approval #26 language was written by him.

Commissioner Suesser felt that some of the Conditions of Approval needed to be cleaned up. For instance, there were references to Approval #1 of the MPD. Those references were somewhat confusing and unclear. The Commission discussed appropriate language. Attorney Harrington explained what Finding of Fact 7(K) meant. Some suggestions were made to clarify the language, which included a reference to Building A. Commissioner Thimm pointed out a typo in 7(H), which was corrected. Commissioner Suesser wondered if Condition of Approval #37 had been addressed. Planner Hawley explained that some changes had been made and the language was updated. Additionally, Condition of Approval #31, which was discussed previously, had been updated. Commissioner Suesser shared suggested changes for that condition.

Chair Phillips noted that the Commission could vote on the application and then a second motion could be made to share recommendations with the City Council. He pointed out that several changes had been suggested for the Findings of Fact and Conditions of Approval sections. Attorney Harrington explained that Chair Phillips would sign the Action Letter and it would be possible to double-check the language at that time. Chair Phillips asked for the Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended, to be sent out to the Commissioners for final review. Chair Phillips would also review them before signing the Action Letter. It was important for all of the language to be clear and correct.

MOTION: Commissioner Thimm moved to APPROVE an Amendment to the 2007 Pod B2 Empire Pass MPD, and Amendment to the 2007 Flagstaff Development Agreement, and a Conditional Use Permit for the Pod B2 East, Sommet Blanc Residences, Located at 9300 Marsac Avenue, subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as outlined in the Final Action Letter, and as Amended by the Record of the Planning Commission Meeting:

Findings of Fact

1. Site Location:
 - a. Sommet Blanc Residences LLC is Lot 1 of the B2 East Subdivision, located at 9300 Marsac Avenue. The site is located within Pod B2 of the Village at Empire Pass Master Planned Development MPD and of the 2007 Flagstaff Amended Development Agreement, adjacent to the Deer Valley Empire Day Lodge.
2. Site Zoning:
 - a. The site is zoned Residential Development (RD-MPD) as part of the Flagstaff Annexation and Master Planned Development.
 - b. In the RD zone, a Multi-Unit Dwelling is a Conditional Use.
3. Controlling Documents:

- a. The property was originally part of the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999, and amended on March 2, 2007.
 - b. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel.
 - c. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage). The Mountain Village (Pods A, B1, and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single-family units. A maximum of 60 PUD style units (i.e., Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
4. Application:
- a. In November 2020, the applicant submitted an application for a Conditional Use Permit which was amended on July 15, 2021, for three (3) condominium lodges (Multi-Unit Dwellings) buildings with 43 residential units above underground parking, a 3,600-square-foot public restaurant, and four (4) townhome villas within two (2) duplexes, and a detached ancillary ski locker building located on the hillside above the condominiums.
 - b. On January 20, 2022, the applicant submitted modified plans for the Conditional Use Permit which includes three (3) condominium lodges (Multi-Unit Dwellings) buildings with 49 residential units above underground parking, a 3,600-square-foot public restaurant.
 - c. The property is known as Lot 1 of the B2East Subdivision, approved by the Council on March 9, 2017.
 - d. The subdivision plat entails a 7.85-acre metes and bounds parcel. The subdivision consists of a 6.91 acre 'Lot 1', and a 0.94 acre 'Parcel A', for anticipated Deer Valley Resort ski-related activities and infrastructure (potential ski bridge). Parcel A has no assigned density and is not developable in terms of residential units or UEs. The applicant recorded a Development Covenant which allocates 3,600 square feet of Resort Support Commercial (from MPD maximum of 75,000 square feet), and 81 UEs, to be located within a maximum of 70 multi-family dwelling units.
 - e. With 49 residential units, the project includes fewer units than entitled under the 2007 MPD (Maximum of 70) but is proposing to utilize the same 81 Unit Equivalents (UEs) of residential density.

- f. The applicant is requesting to modify the Conditions of Approval #1 and #2 regarding the allowed Volumetrics and Building Height within Pod B2 MPD pursuant to LMC Chapter 15-6, Master Planned Developments.
 - g. Through the 2007 MPD process for Pod B2 Empire pass, the Empire Pass Design Guidelines had approved a plan referred to as the Hill Glazier plan regarding volumetrics and design.
 - 5. Compliance with CUP Criteria:
 - a. Size and Location of the Site;
 - i. Staff finds that the current Sommet Blanc proposal is within the prescribed development pod. Subdivision. (15-1-10(E)1).
 - b. Traffic Considerations Including Capacity of the Existing Streets in the Area;
 - i. Hales Engineering performed a Trip generation study, completed October 6, 2021. The report addresses the trip generation by Sommet Blanc, reporting that an average of 442 trips would be anticipated on an average weekday, including 28 trips during the morning peak hour and 48 trips during evening peak hour.
 - ii. As a comparison with the previous HG plan, the report states “With the anticipated patronage, the morning peak hour trips generated will be reduced by 36% under the new plan, the evening peak hour trips generated will be reduced by 11%, and the daily trips will be reduced by 24%.”
 - iii. The second Hales Engineering Traffic Study completed on January 25, 2022, produced similar results to the initial Traffic Study. The Conclusion stated there would still be a reduced number of trips compared to the Hill Glazier plans and that there would still be a high level of service available during peak hours on SR-224.
 - c. Utility Capacity;
 - i. The Empire Pass utilities were all sized assuming 81 UEs of development at B2 East. As such, there is ample sewer, water, electricity, and gas available for the proposed project.
 - ii. Lot 1 of the B2 East subdivision is included in the stormwater detention for the Empire Canyon community, which includes use of the large detention basin.
 - iii. A final Storm Water Plan is required for review and approval prior to the issuance of a building permit (15-1-10(E)3).

- d. Emergency Vehicle Access;
 - i. Before the building permit is issued, the Applicant will be required to gain approval from the Fire Department with fully compliant plans. (15-1-10(E)4)
- e. Location and Amount of Off-Street Parking;
 - i. Per the Flagstaff DA, the residential parking stall requirement is reduced by 25% to 107.1, which rounds to 107 parking stalls. Each residential condo unit will have one assigned parking space.
 - ii. Per an agreement between Deer Valley and the Applicant, the Sommet Blanc project includes 56 tandem parking spaces within a parking deck dedicated for valet parking by Deer Valley for the Fireside Dining operation in the Empire Day Lodge. (15-1-10(E) 5).
- f. Internal Vehicular and Pedestrian Circulation System;
 - i. The lodge buildings are accessed from the Lower Driveway with a proposed curb cut off the roundabout at SR 224. (15-1-10(E)6)
- g. Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses;
 - i. Sufficient screening and landscaping separate the use from adjoining uses.
 - ii. A final landscape plan is required as a condition precedent to Building Permit (15-1-10(E)7).
- h. Building Mass, Bulk, and Orientation, and the Location of Buildings on the Site, including Orientation to Buildings on Adjoining Lots;
 - i. The project is smaller in bulk, height, and mass compared to its neighbor the Montage and there are no other developments on the adjoining lots with the exception of the Empire Day Lodge (15-1-10(E)8).
- i. Usable Open Space;
 - i. Both passive and active Open Space are provided in excess of 88% within the Flagstaff Annexation boundary and individual lots were not required to provide open space.
 - ii. The Applicant proposes to record a Conservation Easement on 3.06 acres on the upper portion of the site.
- j. Signs and Lighting;

- i. Signs and lighting must be in conformance with the LMC and the Flagstaff Mountain Resort Design Guidelines. (15-1-10(E)10).
- k. Physical Design and Compatibility with Surrounding Structures in Mass, Scale, Style, Design, and Architectural Detailing;
 - i. Amended Building articulation and massing are consistent with approved lodge buildings and meet the intent of the Flagstaff DA. The applicant has received preliminary Design Approval from the Empire Pass Design Review Board and will require final approval by the Building Permit stage.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors that Might Affect People and Property Off-Site;
 - i. All uses except the outdoor plaza area are inside the building and there are no expected impacts on residents, visitors, or abutters. (15-1-10(E)12).
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas;
 - i. Trash is located inside the garage and 4 parking spaces in the front provide for sufficient loading and unloading (15-1-10(E)13).
- n. 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;
 - i. The project will be platted as a Condominium and Nightly Rental is a permitted use within the RD zone. (15-1-10(E)14).
- o. Within and Adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structure to the Existing Topography of the Site;
 - i. There are no environmentally sensitive lands within or adjoining the site.
 - ii. The building is located on a sloping lot within Pod B2 and is appropriate for the topography of the site with the garage below grade (15-1-10(E)15).
- p. Review for Consistency with the Goals and Objectives of the Park City General Plan;
 - i. This property was annexed, zoned, master-planned, and platted to be consistent with the goals and objectives of the Park City General

Plan in providing resort-based lodging and guest amenities in close proximity to Deer Valley Resort, affordable housing, reduction in traffic generation, with clustered development in the Village, shuttle service within the development and within Park City, significant open space and trails, as well as attention to mitigation of past and present environmental impacts. (15-1-10(E)16).

6. Compliance with the Amended and Restated Development Agreement for Flagstaff Mountain:
 - a. Per the 2007 DA, the Mountain Village was granted a maximum density of 785 Unit Equivalents in a maximum of 550 dwelling units.
 - b. The Pod B2 MPD approval allotted the east side of B2, 81 Unit Equivalents.
 - c. Per LMC § 15-6-8, One UE equates to 2,000 square feet of Multi-family dwelling floor area or 1,000 square feet of commercial or office floor area.
 - d. 81 UEs is equal to 162,000 square feet.
 - e. The 2018 B2 East subdivision approval confirmed the 81 UEs but added the restraint that they must be constructed in a maximum of 70 units total.
 - f. The Development Agreement included a total of 75,000 square feet of Resort Support Commercial uses. Out of the total granted Resort Support Commercial square footage, B2 East was allotted 3,600 square feet.
 - g. The applicant is proposing 81 UEs in 49 units for a total of under 162,000 square feet.
 - h. The applicant is proposing under 3,600 square feet Resort Support Commercial.
 - i. The applicant is proposing two ADA units.
 - j. Sommet Blanc is meeting the Americans with Disabilities Act definition of a 'Place of Public Accommodations' which is requiring the project to provide two ADA dwelling units. Since the units are required, they do not count towards the 81 UE limit.
 - k. The ADA units will be owned by the HOA and provided for guests who require such accommodations.
 - l. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities for the annexation area.

- m. The application is in compliance with the location, density, volumetrics, parking, design, and affordable housing requirements of the Development Agreement as they apply to this lot.
7. Compliance with the Amended Pod B2 Empire Pass Master Planned Development:
- a. On July 28, 2004, the Planning Commission approved a Master Planned Development ("MPD") for the Village at Empire Pass ("Pod A"), known as the Village Master Planned Development ("VMPD") Pod A.
 - b. On March 14, 2007, the Planning Commission approved a Master Planned Development ("MPD") for Pod B2 at Empire Pass as an amendment to the July 28, 2004, Village at Empire Pass MPD ("VMPD").
 - c. Building volumetric diagrams were approved with the Pod B2 MPD known as the Hill Glazier plans.
 - d. The Pod B2 MPD approved 192 hotel rooms utilizing 69.6 Unit Equivalents (UEs) and 94 hotel condominiums utilizing 114 UEs, on the west side parcel (aka Montage Deer Valley).
 - e. 81 UEs of residential condominiums were assigned to the east side parcel, aka B2 East.
 - f. Condition of Approval #1 of the MPD states: "The building plans and volumetrics for the project shall meet substantial compliance with the drawings dated April 24, 2006, and as reviewed by the Planning Commission.
 - g. As amended, the MPD will update COA #1 to state: "The building plans and volumetrics for the project shall meet substantial compliance with the revised Sommet Blanc drawings dated 3/9/2022 as reviewed by the Planning Commission."
 - h. Condition of Approval #2 of the 2007 MPD states: "A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for the east side condominiums to 82 feet above benchmarked grades (USGS 8330' for north datum point and 8380' for south datum point) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission."
 - i. Buildings B and C are granted an exception for a building height of up to 94 feet above the benchmark grade and 106 feet above the benchmark grade, respectively, stated in the MPD.
 - j. This building height was approved based on a site-specific analysis made by the Planning Commission.

- k. As amended, the MPD will update COA #2 to state: "A height exception for the Montage to 114 feet above a benchmarked grade (USGS 8346') is granted with the Master Plan. A height exception for Building A of 82 feet and an allowance of 94 feet for Building B and 106 feet for Building C above-benchmarked grades (USGS 8330' for north datum point and 8380' for south datum point) is granted with the Master Plan. Datum points are indicated on the site plans reviewed by the Planning Commission.
- l. Lot 1 adheres to minimum RD zone setbacks.
- m. Per the MPD: "As with the setback requirement in (C) above, the annexation area contains more than the minimum 60% requirement. The development of the Village (pods A, B-1 and B-2) is limited to 87 acres, as amended, within the original 1550 acres or 5% of the land area." Lot 1 complies with the open space requirements.
- n. The Applicant will record a Conservation Easement on 3.06 acres of the Lot to count towards Open Space.
- o. The total On-Mountain remaining requirement for the Flagstaff DA is 4.03 Affordable Unit Equivalents ("AUEs").
- p. The applicant proposes six (6) Affordable housing units (Four Studio apartments and two, two-bedroom units). This is a total of 5.9 AUEs or 4,683 square feet.
- q. Staff does not recommend that a Child Care center be provided on-site.
- r. The Mazepah mine shaft, located on Lot 1, was permanently closed in 2016 under geotechnical supervision.
- s. In August of 2018, the EPA confirmed that all mine soil remediation work performed on-site was in accordance with EPA requirements.
- t. There are no Historic Sites on the B2-East development Lot.
- u. The proposal complies with the RD Zoning District Requirements outlined in LMC § 15-2.13.
- v. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- w. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein, except as noted in Findings of Fact 6(M), 6(O), 7(G), 7(J), & 7(L);

- x. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission. As previously approved in the DA, the applicant is proposing the Sommet Blanc development within the development Pod B2-E, specifically set aside to ensure that 826 acres of the Flagstaff Annexed land were deeded to Open Space;
- y. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- z. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, promotes neighborhood compatibility, and protects residential neighborhoods and Uses;
- aa. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities, such as transportation amenities, a public restaurant, skier lounges, fitness and yoga rooms, and bike storage;
- bb. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed. The applicant is providing 5.9 AUEs totaling 6 units;
- cc. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- dd. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections. Sommet Blanc will be part of the EPMHOA which offers on-demand shuttle service to Main Street area and back; and
- ee. The MPD has been noticed and a public hearing held in accordance with this Code.
- ff. The MPD, as conditioned, 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 codes adopted by the Park City Building Department in effect at the time of the application;
- gg. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- hh. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

- ii. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.
 - jj. The MPD, as conditioned, addresses and mitigates traffic expected with the development.
 - kk. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation; the proposal distributes previously allocated density on the site and meets the LMC Section 15-5-8 façade length and variation requirements;
 - ll. The buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site-specific analysis;
 - mm. The MPD, as conditioned, permits adequate Landscaping and buffering from adjacent Properties and Uses;
 - nn. The MPD follows required setbacks and separations from adjacent projects;
 - oo. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible per the previously approved 2007 MPD;
 - pp. The additional building height is designed in a manner that provides a transition in roof elements in compliance with Chapter 5 Architectural Guidelines.
8. Other Findings of Fact:
- a. The building complies with RD District zone setbacks maintaining a 20' front setback, 12' side setbacks, and 15' rear setbacks. LMC exception to the side yard setback allows screened mechanical equipment to have a five-foot setback from the Side Lot Line.
 - b. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.

- c. Excavated soil will remain within the Flagstaff Annexation area as required by the Annexation Agreement with a location to be identified on the final Construction Mitigation Plan submitted with the building permits.
- d. The property is part of a common development that exceeds one acre and thus has MS4 requirements to meet.

Conclusions of Law

- 1. The application, as conditioned, is consistent with the Village at Empire Pass Master Planned Development, the Pod B2 Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.
- 2. The proposed CUP, as conditioned, will be compatible with the surrounding structures in use, scale, mass, and circulation.
- 3. The effects of any differences in use or scale have been mitigated through careful planning.
- 4. As conditioned, the Master Planned Development Amendment meets the 16 Conclusions of Law outlined in 15-6-6:
 - 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;
 - 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; and
- p. Addresses and mitigates traffic.

Conditions of Approval

1. All standard Conditions of Approval apply to this Conditional Use Permit.
2. This Conditional Use Permit shall expire one year from the date of Planning Commission approval if a building permit has not been issued prior to this date unless an extension is requested in writing prior to the expiration date and the extension is granted by the Planning Director.
3. Final building plans and construction details submitted with the building permit application shall substantially comply with the plans reviewed by the Planning Commission on March 9, 2022.
4. A final water-efficient landscape and irrigation plan that indicates required stormwater facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on March 9, 2022.
5. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to

issuance of a certificate of occupancy. Exterior lighting shall be shielded and down directed.

6. All exterior signs require an approved sign permit prior to installation.
7. Materials, color samples, and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on March 9, 2022.
8. All exterior mechanical equipment shall be located out of required setbacks and screened and shielded from public streets. Screening with landscaping and fencing/grating materials is allowed. All wall and rooftop vents and protruding mechanical shall be painted to match the adjacent wall or roof to minimize impacts on public view.
9. All utility facilities must be located on-site unless specific easements have been provided on the recorded plat. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable, and the utility boxes can be screened with landscaping and/or fencing.
10. The applicant shall record a Condominium Plat for the site prior to selling individual units.
11. Affordable housing provided with this Conditional Use Permit shall comply with all requirements of the City's affordable housing resolution in effect at the time of the Development Agreement. The affordable units shall be indicated on the final condominium plat prior to recordation of such plat and shall be completed prior to issuance of a certificate of occupancy for the building.
12. Deed restrictions for the six (6) affordable units, approved by the City in accordance with the applicable Housing Resolution, shall be recorded prior to plat recordation. The deed restrictions shall outline and resolve any issues or concerns that may have come upon other affordable units platted as private. The plat shall note that the affordable units are subject to a deed restriction.
13. The CC&Rs shall limit the HOA dues related to the deed-restricted affordable units in order to ensure the Units remain affordable. The CC&Rs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
14. The CC&Rs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
15. All conditions of approval of the Village at Empire Pass MPD shall continue to apply.
16. All conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply, including the restrictions on solid wood-burning fireplaces

(Flagstaff DA 2.9.4), removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of any required ADA and affordable housing units.

17. A Final Construction Mitigation Plan ("CMP") shall be submitted for approval by the Planning, Building, and Engineering Departments prior to issuance of a building permit. The CMP shall indicate where and how excavated soils will be hauled and/or stored, hours of construction, truck routes, phasing of construction, road closures, and other items required by the Building Department.
18. Interior fire sprinklers are required for new construction and shall meet the requirements of the Chief Building Official at the time of review of the Building Permit.
19. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
20. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
21. The deed-restricted units shall meet the plat note requirement of 4.2 AUEs for this lot. One AUE is equivalent to 800 square feet according to the Development Agreement.
22. The plat shall note that this development is part of a common plan development, and an MS4 stormwater permit is required for all land disturbance activities, prior to Building Permit issuance.
23. Prior to Building Permit issuance, the applicant shall verify that capacity exists in the existing detention pond utilized by Pod A and shall demonstrate that sufficient run-off will remain on-site to support existing tree stands.
24. Development of this property is subject to the conditions of approval, plat notes, easements, and restrictions of the Village at Empire Pass North Subdivision plat.
25. The Applicant shall construct a parking lot at the Mid Mountain location and reroute the Mid Mountain Trail, which shall be reviewed and approved by the Trails and Open Space Manager.
26. The Applicant shall obtain a license agreement, subject to the City Attorney's Office approval, which ensures the City's ability to operate, manage, and maintain the Mid Mountain Parking Lot.
27. A final landscape plan is required as a condition precedent to Building Permit.
28. Landscaping and irrigation must be water-efficient, utilizing drought-tolerant planting, limited turf area, and drip irrigation. The plan shall indicate mitigation for the removal of identified significant trees.

29. A plan shall be provided indicating mitigation for removal of identified significant trees and replacement in kind of these trees.
30. A final approved stormwater plan, as well as final utility and grading plans, are required prior to issuance of a Building Permit.
31. The CC&Rs shall provide notice and process for the tracking and collection of the Open Space Transit Management Fund also known as the Re-Investment Fee as required and defined in 3.2 of the Amended and Restated Flagstaff Mountain Development Agreement.
32. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, the 2007 Empire Pass B2-East MPD, B2-East Subdivision plat, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated technical reports and Agreements, continue to apply.
33. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as applied to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lot 1, unless otherwise conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for Open Space Transit Management Fund, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.
34. Before the Building Permit is issued, the Applicant will be required to gain approval from the Fire Department with fully compliant plans. (15-1-10(E)4)
35. Sufficient screening and landscaping separate the use from adjoining uses.
36. Precedent to a Building Permit application the applicant must receive Final Design Approval from the Empire Pass Design Review Board ("DRB").
37. Prior to building permit issuance, documentation from UDOT showing approval of any curb cuts or modifications to existing curb cuts onto Marsac Avenue, a state highway, is required.
38. Per 15-3-11(B) Applicant must provide Electric Vehicle Charging Station Infrastructure for twenty percent (20%) of the first one hundred (100) required Off-Street parking spaces and 5% for the spaces above one hundred (100).
39. The applicant shall provide information in the CC&Rs or other documents governing a homeowner or master owners association for the Development regarding notice of the Electric Vehicle Charging Station infrastructure that exists on site.

40. Electric Vehicle Charging Stations shall be installed for 5% of required Off-Street parking spaces (five spaces in this case). The first charging station installed shall be dual-port with one Charging Station that is ADA accessible.
41. The Applicant shall include bike racks for securing at least 10 bicycles on the site plan submitted for building permit review. Bike racks must provide for both the bike frame and wheels to be locked by the user and 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 must be anchored and be of solid construction, resistant to rust, corrosion, hammers, and saws. Bike racks shall be in convenient, highly visible, active, well-lit areas, and shall not interfere with pedestrian movements or snow storage. Bike racks shall be installed prior to City issuance of a Certificate of Occupancy.
42. The two (2) ADA units will be owned and maintained in perpetuity as ADA units by the HOA. The CC&Rs shall designate the City as a third-party beneficiary for enforcement purposes and prohibit the third-party sale of the ADA units unless a density increase and plat amendment are approved by the City.
43. The Applicant will record a Conservation Easement on 3.06 acres on the upper portion of the site.
44. The Applicant will be required to meet the 4.03 AUEs with a total of 5.9 AUEs (a total of 4,683 square feet) to meet the Affordable Housing obligation.
45. Nightly Rentals require compliance with City Code, including a Business License.
46. The Applicant shall submit an arborist report to the Planning Director prior to submitting a building permit application that identifies Significant Vegetation impacted by development and plans to replace Significant Vegetation with like vegetation, as approved by the Planning Director.
47. If the City and the owner of Twisted Branch Road and other parties later agree to allow expanded public use of Twisted Branch Road, Sommet Blanc developers and Sommet Blanc Homeowners [Sub]Association shall not object to, or veto expanded public use.
48. The Applicant shall provide a snow storage easement, approved by the City Engineer, on the Sommet Blanc property across from the Mid Mountain Trail parking lot, in an area that does not disturb significant vegetation.
49. Notwithstanding greater exceptions for appurtenances in LMC-15-2.13-4-A, elevator overruns and mechanical screening may extend no more than three feet (3') above-permitted building height, as shown in plans approved on March 9, 2022.

Commissioner Van Dine seconded the motion.

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

MOTION: Commissioner Suesser moved that the Planning Commission direct and strongly recommend that the City Council consider taking action, pursuant to the terms of the Amended and Restated Flagstaff Development Agreement, particularly Sections 2.8, 2.10, and Exhibit M, and direct the developer, who was currently REDUS, to immediately petition UDOT to transfer and vacate the existing portion of SR-224, from the Mid Mountain Trailhead to the Wasatch County line over to Twisted Branch Road, and dedicate Twisted Branch Road to the State to serve as the new alignment of SR-224 with the understanding that the developer (REDUS) and UDOT will continue to support and not undermine the seasonal closure of the newly aligned SR-224, and prevent winter vehicle traffic on the newly aligned SR-224, with the exception that Brighton Estates homeowners and renters shall have vehicle access year-round on the newly aligned SR-224, and the City shall be permitted year-round access on the newly aligned SR-224 for Transit to Trails programs that benefit the public.

Commissioner Kenworthy seconded the motion.

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

7. ADJOURN

MOTION: Commissioner Thimm moved to adjourn.

The meeting adjourned at approximately 8:25 p.m.

Planning Commission Staff Report



Subject: Bransford Parcels
Application: PL-21-05042
Author: Makena Hawley, Planner II
Date: April 13, 2022
Type of Item: Legislative- Work Session (Zone Change)

Recommendation

Staff recommends the Planning Commission hold a Work Session to review the application and consider the applicant's request for a proposed zone change from Recreation Open Space (ROS) to Estate (E) with a specific Condition of Approval that allows only one (1) Single Family Residence per parcel, for a total of two (2) homes on parcels PCA-S-79-B and PCA-S-79-C, also known as the "Bransford Parcels".

Staff is requesting the Planning Commission review, provide preliminary input, and identify additional analysis that would be required to make an informed determination on whether the zone change is consistent with the Land Management Code and General Plan.

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 Open Space (ROS), Sensitive Lands Overlay (SLO)
Proposed Zoning: Estate (E)
Adjacent Uses: Open Space, Deer Valley Resort, Trails, Red Cloud Subdivision
Reason for Review: Zoning Map Amendment Applications Require a Planning Commission Recommendation and City Council Action.

Abbreviations

1999 DA	1999 Flagstaff Development Agreement
2007 DA	2007 Amended Flagstaff Development Agreement
E	Estate Zoning District
LOD	Limits of Disturbance
LMC	Land Management Code
MPD	Master Planned Development
ROS	Recreation Open Space
SFD	Single Family Dwelling
SLO	Sensitive Lands 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 a zone change from Recreation Open Space (ROS), where no residential density would be permitted per the zone, to Estate (E) for their two (2)

existing parcels to eventually develop a Single-Family Dwelling (SFD) on each parcel for a total of two (2) units for the entire site. The parcels and acreage of each are noted:

- 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

With the zone change proposal, the Applicant has noted their intent and willingness to accept a Condition of Approval to limit (1) SFD per existing parcel, for a total of two (2) SFDs, over the entire 39.62 acres. In addition to an approved Zone Change, to propose any development on the parcels the applicant must obtain additional land use approvals, easements, and agreements, including but not limited to:

- Subdivision Plat
- Access to the property and associated easements
- Utilities to the property and associated easements (culinary water, sewer, power)
- Fire Access
- Building Permits
- Soil Conditions Testing
- Mine Hazard Mitigation
- Topsoil Preservation and Final Grading
- Possible Conservation Easements

The Applicant is responsible for secured access along a portion of Twisted Branch Road ending at the Ontario Ski Bridge (Exhibit E). However, the access easement still does not reach the property. The Applicant has explained in the attached narrative (Exhibit A) that there are numerous challenges to overcome (noted above, inclusive of access, utilities, subdivision plat, etc.) to meet LMC and Building Code requirements for one (1) SFD per parcel. The Applicant's reasoning in requesting a zone change with a maximum density of two SFDs before addressing the other challenges the parcels present, is to avoid spending unnecessary time, money, and resources. If the governing bodies of the City find an acceptable defined density for the parcels, the Applicant will have the ability to tailor the site plan solutions accordingly.

The analysis section reviews the available information on the parcels/proposal. Staff requests direction from the Commission on additional information that may be required to eventually present a comprehensive review as an action item.

Background

The subject property has been under ownership of the Bransford family for close to 100 years. The properties originally supported two mining claims related to the Heber Mine which were exploratory efforts for silver but did not ultimately prove successful. The parcels are located on the east slope of Flagstaff Peak, the nearest corner of the parcels is approximately 200 feet to the nearest Red Cloud Lot. The parcels are otherwise surrounded by ROS land, including, hiking and biking trails, and Deer Valley ski runs, one of which has an easement running through the property.



As of 1998, the Snyderville Basin Development Code located the existing parcels in a neighborhood designated West Mountain, within the Mountain/Remote Area which allowed one (1) dwelling unit per 40 acres ('desirable' noted on Zone Map) and one (1) residential unit per 20 acres ('mandatory' noted on Zone Map)(Exhibit I). 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.

The Applicant has owned (percentages of) the Logan and UP No. 2 mining claims for approximately 97 years, located on the east slope of Flagstaff Peak located 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.

Flagstaff Development Agreement

In 1999, the Bransford Parcels were included in 1,750 acres of property in unincorporated Summit County that were annexed into Park City Municipal under the 1999 Flagstaff Development Agreement (1999 DA). However, the Applicant (the Bransford's) was not party to the Flagstaff Development Agreement (later the 2007 Amended Flagstaff Development Agreement (2007 DA) – Exhibit F). The main reason for the 2007 Amendment was to incorporate large portions of Park City Mountain into the ROS zone in exchange for additional development rights in the Flagstaff area, to which the parcels and the Applicant were not participants of.

At the time of the annexation, the Bransford Parcels were organized with a group of property owners, known throughout both DA's as the "Northside Neighborhood" and "Northside Neighborhood Property Owners". This group represented a 63-acre portion of Flagstaff Mountain and five (5) separate property owners.

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 for their lands, they could develop a total of 38 homes and a church, collectively. If the Northside Neighborhood property owners could not come to an agreement, the 2007 DA still allowed UPCM and Deer Valley the ability to develop 30 SFDs.

The Northside Neighborhood property owners did not come to an agreement, therefore the ability to apply for the bonus density of 8 SFDs expired. UPCM and Deer Valley proceeded with the permitting and construction of the 30 SFDs granted to them through the 2007 DA, now known as the Red Cloud Subdivision (See Ordinance and Subdivision Map, Exhibit F).

The Applicant attests their interests with regards to the future development of the property were unclear at the time of the 1999 and 2007 DA and they did not feel a fair agreement could be reached. Although the property was initially zoned ROS, the City expected individual owners to proceed with independent development applications.

There are no other Applications for the parcels other than those related to the Annexation.

Analysis

Per Land Management Code (LMC) [§15-12-15 B\(3\)](#), “*The Commission shall initiate or recommend zone changes The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. . . .*”

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.¹

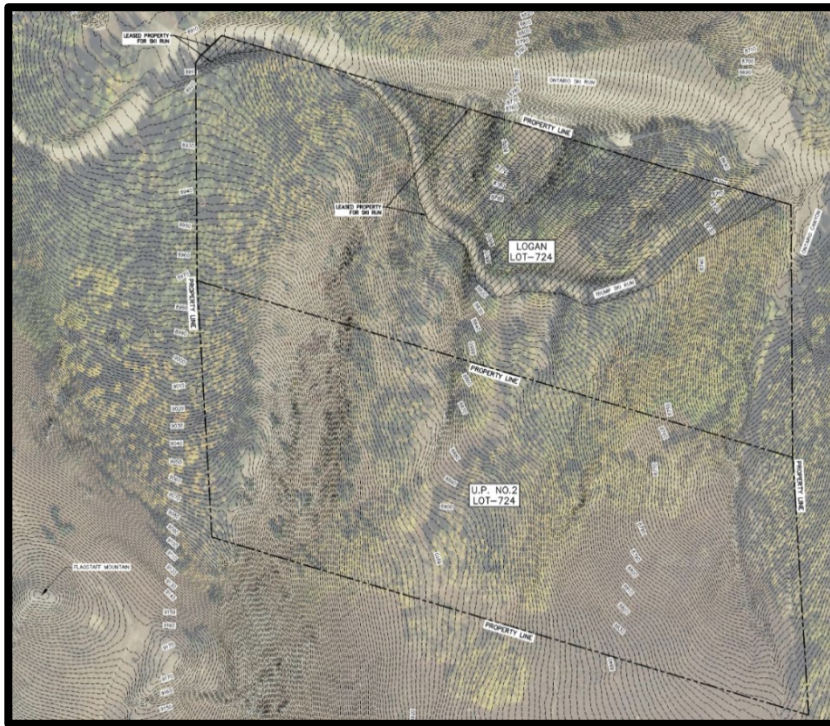
The Applicant is proposing to amend the Zoning Map for the two parcels from ROS to Estate zone. To analyze the proposal without more conclusive information, the following points will be reviewed:

- (I) Existing Conditions
- (II) Zone Comparisons between ROS (existing zoning) and E (proposed zoning)
- (III) Estate Zone and Sensitive Lands Overlay Review (SLO)

¹ LMC [§ 15-1-7\(B\)\(2\)\(c\)](#).

- (IV) 2007 Flagstaff Development Agreement
- (V) Red Cloud Subdivision overview
- (VI) General Plan – Upper Deer Valley
- (VII) Development Mitigation

Existing Conditions



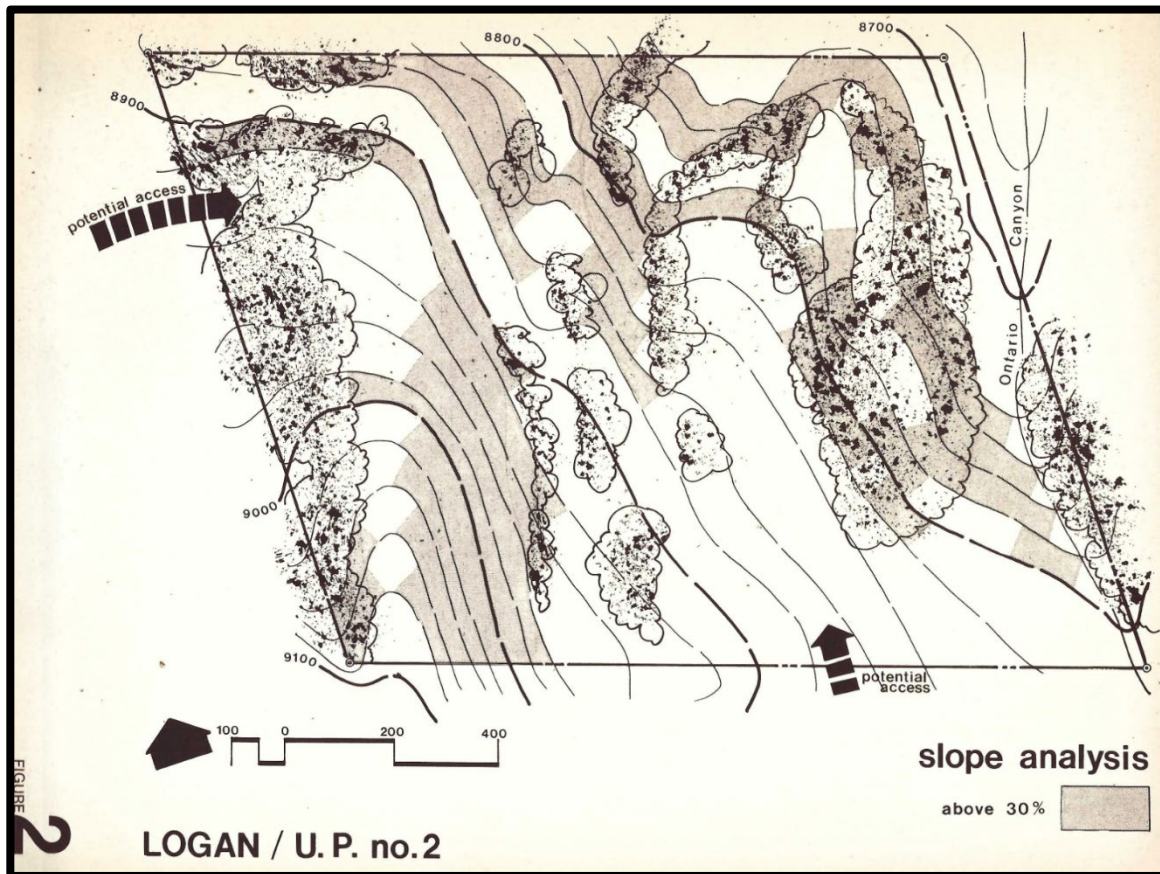
The entire site consists of 39.62 acres and contains significant amounts of vegetation including, but not limited to, aspen, conifer, snowberry, elderberry, mountain brome grass, scrub oak, and slender wheatgrass. The slopes on the site range from 10% to 70% and the elevation decreases going north. Approximately 68% of the site area (or 27 acres) hold slopes under 30%; this leaves the other 13 acres of the site with slopes greater than 30%. A ridgeline runs to the east of the site varying from slight rock outcroppings to nearly vertical cliffs. A more site-specific

analysis would be required at further stages or as the Commission suggests.

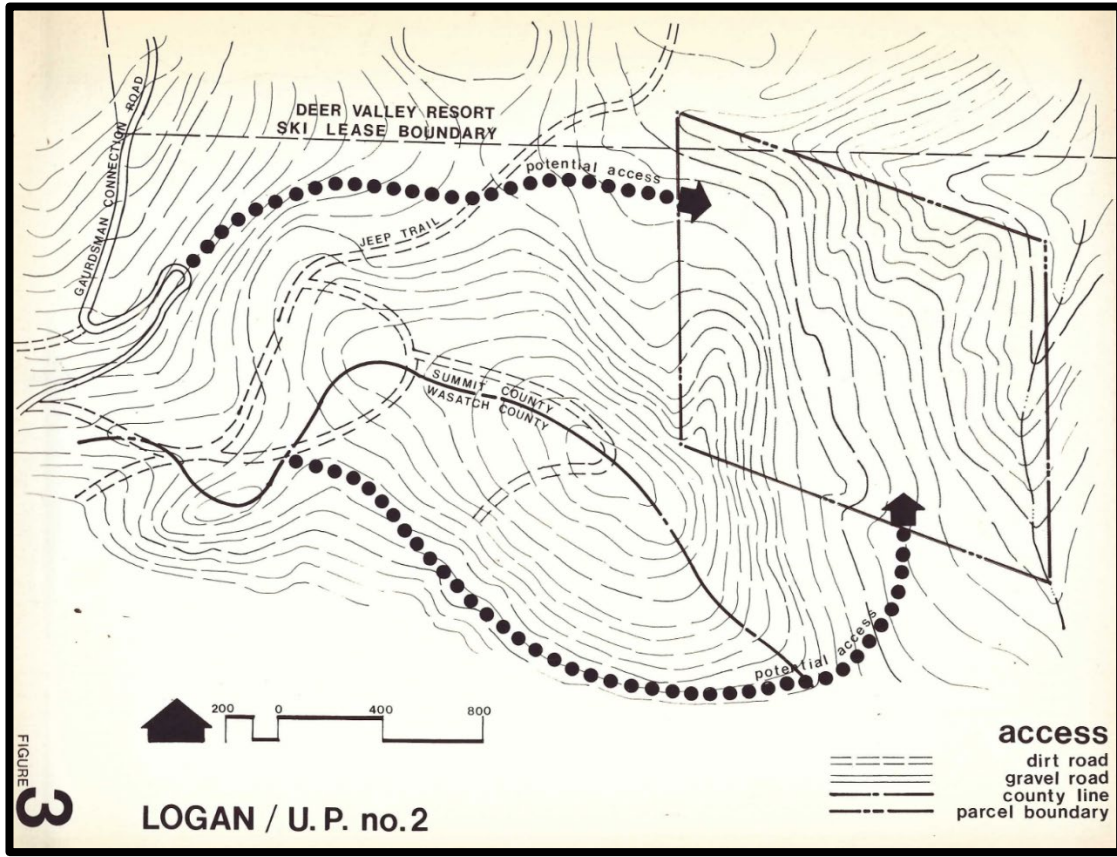
Though there are many existing recreational trails through the parcels the only existing easement on the property is granted to Deer Valley as a ski trail (Trump run). There are no City easements for the existing trails on the property, confirmed by the Open Space and Trails Manager.

(I) Access

In 2021, the Applicant signed an Access and Utility Easement Agreement with Redus Park City LLC, granting use of Twisted Branch Road up to the Ontario Ski Bridge, however, the easement **does not go as far as to access the Bransford parcels** which do not directly border Twisted Branch Road. (Exhibit E). Though access proposals have not been reviewed since 1981 the access possibilities reviewed previously were considered in the below image and Exhibit D. The Applicants would be required to obtain easements for access to their property before a subdivision plat or any other types of permits would be accepted to the City.



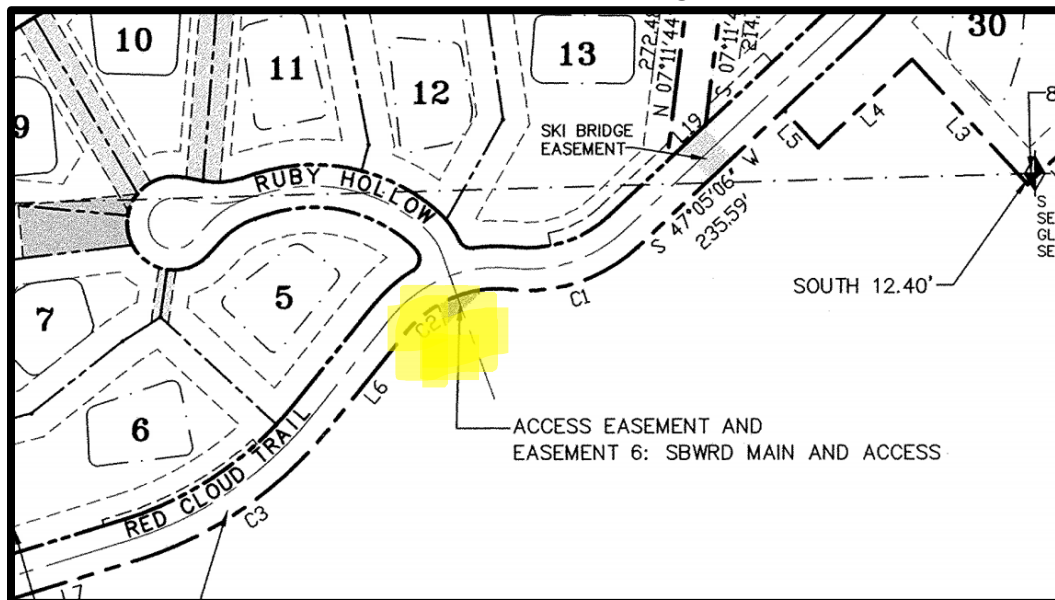
Slope Analysis and Potential Access Review from 1981 Feasibility Study (Exhibit D).



Further Access proposals from 1981 Feasibility Study (Exhibit D).

Utilities (Culinary water, sewer, and power)

Pending all requirements for development are approved there is a possibility for the 2 SFDs to connect with utilities from the stub in the Red Cloud Subdivision.



Yellow represents possible Utility hookup on Red Cloud Subdivision.



Utility hookup from Red Cloud Subdivision in larger context with Bransford parcels.

(II) Zone Comparisons between ROS (existing zoning) and E (proposed zoning)

Zone Purpose Comparisons	
Existing Zone: Recreation Open Space (ROS)	Proposed Zone: Estate (E)
The purpose of the Recreation and Open Space (ROS) District is to: 1. establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots, 2. permit recreational Uses and preserve recreational Open Space land, 3. encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and 4. preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.	The purpose of the Estate (E) District is to: 1. allow very low density, environmentally sensitive residential Development which: 1. preserves ridge tops, meadows, and visible hillsides, 2. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land 3. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development, 4. mitigates geologic and flood hazards, 5. protects views along the City's entry corridors, and 6. decreases fire risk by

5. encourage sustainability, conservation, and renewable energy.	keeping Development out of sensitive wild land interface Areas. 2. incorporate pedestrian trail linkages between and through neighborhoods; and 3. encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance.
Zone Allowed Use Comparisons	
Existing Zone: Recreation Open Space (ROS)	Proposed Zone: Estate (E)
<u>ALLOWED USES</u> 1. Conservation Activity 2. Food Truck Locations⁴	<u>ALLOWED USES</u> 1. Single Family Dwelling 2. Duplex Dwelling 3. Secondary Living Quarters 4. Lockout Unit¹ 5. Accessory Apartment² 6. Nightly Rental^{1,3} 7. Home Occupation 8. Child Care, In-Home Babysitting⁴ 9. Child Care, Family⁴ 10. Child Care, Family Group⁴ 11. Accessory Buildings and Uses 12. Conservation Activity 13. Agriculture 14. Raising, grazing of horses 15. Parking Area or Structure with four (4) or fewer spaces 16. Internal Accessory Dwelling Unit¹²
Zone Conditional Use Comparisons	
Existing Zone: Recreation Open Space (ROS) ²	Proposed Zone: Estate (E)
<u>ADMINISTRATIVE CONDITIONAL USES</u> 1. Trail and Trailhead Improvement 2. Outdoor Recreation Equipment 3. Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft. 4. Accessory Building, less than	<u>CONDITIONAL USES</u> 1. Guest House 2. Group Care Facility 3. Child Care Center⁴ 4. Public and Quasi-Public Institution, Church and School

² ROS Zone [§15-2.7](#)

600 sq. ft. 5. Ski-related Accessory Building, less than 600 sq. ft. 6. Parking Area or Structure with four (4) or fewer spaces 7. Outdoor Event, Outdoor Music 8. Temporary Construction Improvement 9. Raising, grazing of horses 10. Raising, grazing of livestock 11. Anemometer and Anemometer Towers <u>CONDITIONAL USES</u> 1. Agriculture 2. Recreational Outdoor and Trail Lighting 3. Recreation Facility, Private 4. Recreation Facility, Public 5. Recreation Facility, Commercial 6. Golf Course 7. Passenger Tramway Station and Ski Base Facility 8. Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge 9. Recreational Sports Field 10. Skating Rink 11. Skateboard Park 12. Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft. 13. Essential Municipal Public Utility Use, Facility, Service, and Structure greater than 600 sq. ft. 14. Accessory Building, greater than 600 sq. ft. 15. Ski-Related Accessory Building, greater than 600 sq. ft. 16. Child Care Center 17. Commercial Stable, Riding Academy 18. Vehicle Control Gates² 19. Resort Support, Commercial 20. Cemetery	5. Essential Municipal Public Utility Use, Facility, Services, and Structure 6. Telecommunication Antenna⁵ 7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁶ 8. Plant and Nursery stock products and sales 9. Raising, grazing of livestock 10. Cemetery 11. Bed and Breakfast Inn 12. Hotel, Minor⁷ 13. Hotel, Major⁷ 14. Parking Area or Structure with five (5) or more spaces 15. Temporary Improvement⁸ 16. Passenger Tramway Station and Base Facility⁹ 17. Ski Tow Rope, Ski Run, Ski Lift, and Ski Bridge 18. Outdoor Event⁷ 19. Recreation Facility, Public and Private 20. Recreation Facility, Commercial 21. Commercial Stables, Riding Academy 22. Mines and Mine Exploration 23. Vehicle Control Gates¹⁰ 24. Fences greater than six feet (6') in height from Final Grade⁸ 25. Support Retail and Minor Service Commercial¹¹
--	---

21. Parking Area or Structure with five (5) or more spaces 22. Telecommunications Antenna ³ 23. Mines and Mine Exploration 24. Plant and Nursery stock products and sales 25. Fences greater than six feet (6') in height from Final Grade. 26. Small Wind Energy Systems	
---	--

The main difference between the zones reveals the ROS is purposefully pursuing conservation activity, agriculture/livestock, trails, outdoor recreation, and resource management. Estate zone supports development, however, prioritizes land conservation compared to Residential Development for example.

(III) Zone Review of Estate (E) Zone and Sensitive Lands Overlay (SLO)

Estate Zoning Requirements ³	Review considering maximum two SFDs
Use - <i>Single Family Dwelling is an Allowed Use.</i>	2 Single Family Homes proposed.
Lot and Site Requirements - <i>Minimum Lot Size is 3 acres. Maximum density is one (1) unit per 3 acres</i>	The site could support this requirement.
Lot Width – <i>Minimum of 100 ft.</i>	The site could support this requirement.
Required Setbacks: <i>Minimum front, side and rear for all structures is 30 ft.</i>	The site could support this requirement.
Building Height – <i>28 ft. from existing grade.</i>	Any SFD would be required to meet height.
Vegetation Protection – <i>The Property owner must protect Significant Vegetation during any development activity. Significant vegetation includes large trees six inches in diameter, measured 4.5 ft. above the ground.</i>	Applicant would be required to follow Landscape criteria in LMC §15-2.10-10 and replace the Significant vegetation removed per LMC §15-5-5(N) .

Sensitive Lands Overlay Regulations⁴

The site lies within the Sensitive Lands Overlay (SLO) which is designed to protect and preserve environmentally sensitive land. As part of the Subdivision plat process, the Applicant would be required to produce a Sensitive Lands Analysis performed by a

³ Estate Zone [§15-2.10](#)

⁴ SLO [§15-2.21](#)

qualified professional and subsequently analyzed by Staff and presented to the Planning Commission. This would include review of Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, wildlife and habitat Areas. The regulations in the SLO support protection of the land so some area of the site may be rendered incompatible with development.

(IV) Review 2007 Flagstaff Development Agreement

Though the Applicant was not party to either DA the Northside Neighborhood **would have** been held to the following requirements of §2.4.1 (also seen in Exhibit F):

Development shall be limited in the Northside Neighborhood as follows:

Flagstaff DA Requirements for Northside Neighborhood (paraphrased)	Review
2.4.1.1 Homes should not be in the “Meadow Area” (shown on Exhibit A of DA)	Parcels do not appear to be located within the DA designated “Meadow Area”.
2.4.1.2 LOD for each site shall be a minimum of 50 feet from any ski run – exceptions for conflict with platted Lots in which City has discretion to approve on case-by-case basis.	An existing ski trails and easement has been granted on the site to Deer Valley. Item would require additional review and analysis at the subdivision phase or sooner dependent on Commission’s recommendations.
2.4.1.3 Structures and roads must be minimized specifically for wintertime visual impact from ski runs and designated viewpoints (specifically Northside Chair Lift).	Item would require additional review and analysis that could potentially be a part of an SLO analysis.
2.4.1.4 Dedicate to the City improved public trails and trail easements that connect to the surrounding trail system.	Existing trails on the property do not have easements connected to them. This could be conditioned if Commission finds it applicable.
2.4.1.5 No development shall occur in the “Enchanted Forest”	Parcels do not appear to be located within the DA designated “Enchanted Forest”.
2.4.1.6 Deed Restricted Open Space - point states that the Developer (UPCM) shall record perpetual covenants and restrictions to prevent construction on designated open space except for ski-related uses.	This section mainly implicates the Developer (at the time UPCM). This item may require additional review and analysis. Possibly not applicable.
2.4.2 Conservation Plan Mainly refers to Developer (UPCM) and Deer Valley.	Possibly not applicable.

(V) Red Cloud Subdivision Review

A brief review of the Red Cloud Subdivision could support understanding of the development that has occurred in the surrounding area in the annexed Northstar Neighborhood vicinity. Below is a review of the parameters organized to mitigate the impacts of the Red Cloud Subdivision.

As the 2007 DA was not signed by all parties involved in the Northstar Neighborhood, only UPCM and Deer Valley were the 30 single-family homes granted in the DA which became Red Cloud Subdivision (approved on November 11, 2004). Red Cloud was also located in the ROS-MPD zone and thus required a zone change to Estate. Some Conditions of Approval on the Subdivision included:

- Building setbacks were set at a minimum of 30 feet from property line.
- No additional building height over zone regulations were granted.
- A Defensible Space Plan (DSP) required approval by the City consistent with the Emergency Response Plan.
- Required incorporation of a water efficient irrigation system and limited area of turf. A maximum of 5,000 square feet was permissible for landscaped area.
- Approximate Building Pad locations were created per Lot (required to avoid very steep slopes and ridge line areas).
- Second story square footage cannot be more than 2/3rds of the first floor
- Total Limits of Disturbance (LOD) cannot extend more than 20' beyond the outside walls of the building.
- A maximum Gross Floor Area of a house is 10,000 square feet with an additional 600 square feet for the garage.
- Ski run vegetation buffer.

(VI) General Plan⁵ – Upper Deer Valley

Volume II of the General Plan reviews conditions and objectives for each neighborhood in Park City. The Bransford parcels are located in Upper Deer Valley neighborhood which is oriented towards second homes and nightly rentals. The area is full of conservation easements surrounding clusters of development pods with open space. The neighborhood chapter recommends keeping the area focused on a comfortable visitor experience and expanding efforts to increase year-round resort economies such as focus on summer activities. Foresight for the neighborhood describes the benefits of a macro transportation plan to connect Upper Deer Valley to Old Town Main Street and preservation of the natural setting being vital to maintaining the aesthetic of the neighborhood.

(VII) Development Mitigation Discussion

⁵ [General Plan Volume II – Neighborhoods 3](#)

When increasing density, it is pertinent to review the potential impacts and mitigation measures to find a balance that best fits the community. Reviewing an application to increase density without substantive information can be challenging. This section asserts points for discussion to understand the Commission's comfort level towards residential density in the Sensitive Lands Overlay, what mitigation efforts may be required, and identify areas that may need additional clarity.

Main Overview: Can development in the SLO be adequately mitigated? If so, what does that look like?
• Can significant amounts of vegetation still be protected? • What potential site disturbance can be expected? • Is this an appropriate location for single family homes? • How will Steep Slopes, View Corridors, and wildlife habitats be maintained? • What additional information (if any) would be appropriate to review • Can the zone change be restricted to two – three acre lot areas (as is the required Lot size in the Estate zone) while keeping the rest of the parcel ROS?

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application. Several concerns were raised such as access easements, water and sewer connections, and fire code compliance and access. These items may be evaluated fully if density is approved for the site, or if the Commission finds the information necessary to evaluate a zone change.

Notice

Staff published notice on the City's website and the Utah Public Notice website on March 28, 2022. The *Park Record* published notice on March 30, 2022.⁶ Notice was not posted to the property, as there is currently no access to the property and the area is covered in snow.

Public Input

Public input was collected and is available in Exhibit J. However, as this is a Work Session, it was only published in the Park Record and, on the Utah Public Notice site. Therefore, no public notice was mailed to property owners. Staff will mail public notice to surrounding property owners when the item is scheduled for a public hearing.

Exhibits

Exhibit A: Applicant Narrative and Presentation
 Exhibit B: Topography Survey with Deer Valley Easement
 Exhibit C: Record of Survey December 2013
 Exhibit D: JJ Johnson Development Feasibility Study 1981

⁶ LMC [§ 15-1-21](#).

Exhibit E: Applicant's Submittal Showing Existing Access Easement Granted by REDUS
Exhibit F: 2007 Amended Flagstaff Development Agreement and Exhibits
Exhibit G: Park City Annexation of Flagstaff Mountain
Exhibit H: Red Cloud Subdivision Ordinance and Plat
Exhibit I: Snyderville Basin Land Use Plan and Development Potential Matrix 1998
Ord. 323
Exhibit J: Public Comment

Bransford Land Company's Zone Change Justification

The Bransford family, doing business as Bransford Land Company, LLC, a.k.a. BLC, has owned two undeveloped mining claims in Park City Municipal since 1925.

The two parcels are:

"Logan #724" – Parcel Number PCA-S-79-C" @ 19.80 acres

"U.P. No. 2" – Parcel Number PCA-S-79-B" @ 19.82 acres

In the Amended Restated 2007 Flagstaff Annexation Agreement this area was known as "Pod D" and contained an area referred to as the "Northside Neighborhood" (see: page 5). Deer Valley described it as "Flagstaff Mountain". The private, gated residential Subdivision consists of 30 fully improved lots, now known as "Red Cloud" (their HOA is nested under the EPMOA).

BLC and their neighbors, Stichting Mayflower, were invited to sign the Flagstaff 2007 Development Agreement. Both parties chose **not** to participate. United Park City Mines (Developer at the time) could not guarantee either party of what we might receive by pledging their land. In hindsight, BLC's legal advice proved to be "spot on" with Wells Fargo's ultimate foreclosure of \$160M Loan on Talisker (formerly United Park City Mines), etc.

Those entitlements originally allocated 38 Estate Lots to Pod D if BLC and Stichting Mayflower co-signed the 2007 Flagstaff Annexation Agreement with United Park City Mines and Deer Valley (the Declarant and Developer of what is now known as Red Cloud). It was implicit that 8 of those estates would be allocated to the Mayflower and BLC parcels – if they both signed on. In hindsight, had BLC signed onto the agreement, the declarant would have included their parcels in their Development Approvals. That would have officially changed their zoning from R.O.S. to Estate Residential, provided them with a fully improved easement and, established their density allocation (some of the 8 additional available lots). Consequently, (as Mark Harrington has since advised) now, in order to obtain any development rights on their property, they must file their own development applications. This Zone Change Application is the first step in that process.

Much has changed over the ensuing years:

- The marketplace has proven that there is sufficient demand and capacity to successfully develop this type of high elevation neighborhood.
- All of the 30 fully improved Red Cloud Estate lots have been developed and/or sold.
- Empire Pass has been all but fully developed as well and is considered an unprecedented success.
- The Empire Pass Master Owners Association and its sub- HOAs are well established and are effectively managed.
- United Park City Mines was bought by Talisker; however, that asset (and others) were foreclosed by Wells Fargo.
- Wells Fargo formed Redus LLC to liquidate those assets and assume the role of Declarant.
- Stichting Mayflower sold their assets to Extell (aka R.H. Mayflower and a series of related LLC's) who now own the land on all four sides of the Bransford Parcels.
- We regularly read about their Extell's "Billion Dollar Ski Area" development plans.

Recently, BLC decided to prepare their property for disposition. They retained Kuhn Company, LLC as a consultant to help them do so. BLC acquired an access and utility easement from Redus on Twisted Branch and Red Cloud Trail to the Ontario Ski Bridge (about 1,000 feet from our closest property line). To date, BLC has been unable to negotiate an Easement Agreement across the Mayflower parcel (from the Red Cloud Trail

to the BLC Property Line (or the purchase or the sale of either of their respective parcels). Unfortunately, BLC's path forward from a Zone Change to fully entitled land has evolved into what will be a much more expensive process than signing onto the Flagstaff DIA would otherwise have been. BLC understands that any actual benefit it may obtain from an approved Zone Change to Estate would be conditioned upon subsequently successfully processing a Subdivision Plat under the PCMC Land Management Code.

BLC seeks to secure the Zone Change Approvals before committing to all the attendant costs necessary to submit a fully compliant set of Subdivision Plat documents. The reason for the incremental approach is simple. Before funding those associated costs (such as the updated civil engineering and the acquisition of an easement) BLCs Board determined it first needs to establish that PCMC still believes the land is appropriate for the development of a single residential (or limited number of) Estate on each of its 20-acre +/- parcels. If and/or when PCMC approves the Zone Change application – BLC will continue the process of providing the plans and submittals and all other required materials necessary to process a Subdivision Plat, address impact mitigation, and secure building permits for the required off site roads and infrastructure.

I hope that this brief overview will help you understand our Zone Change Request.

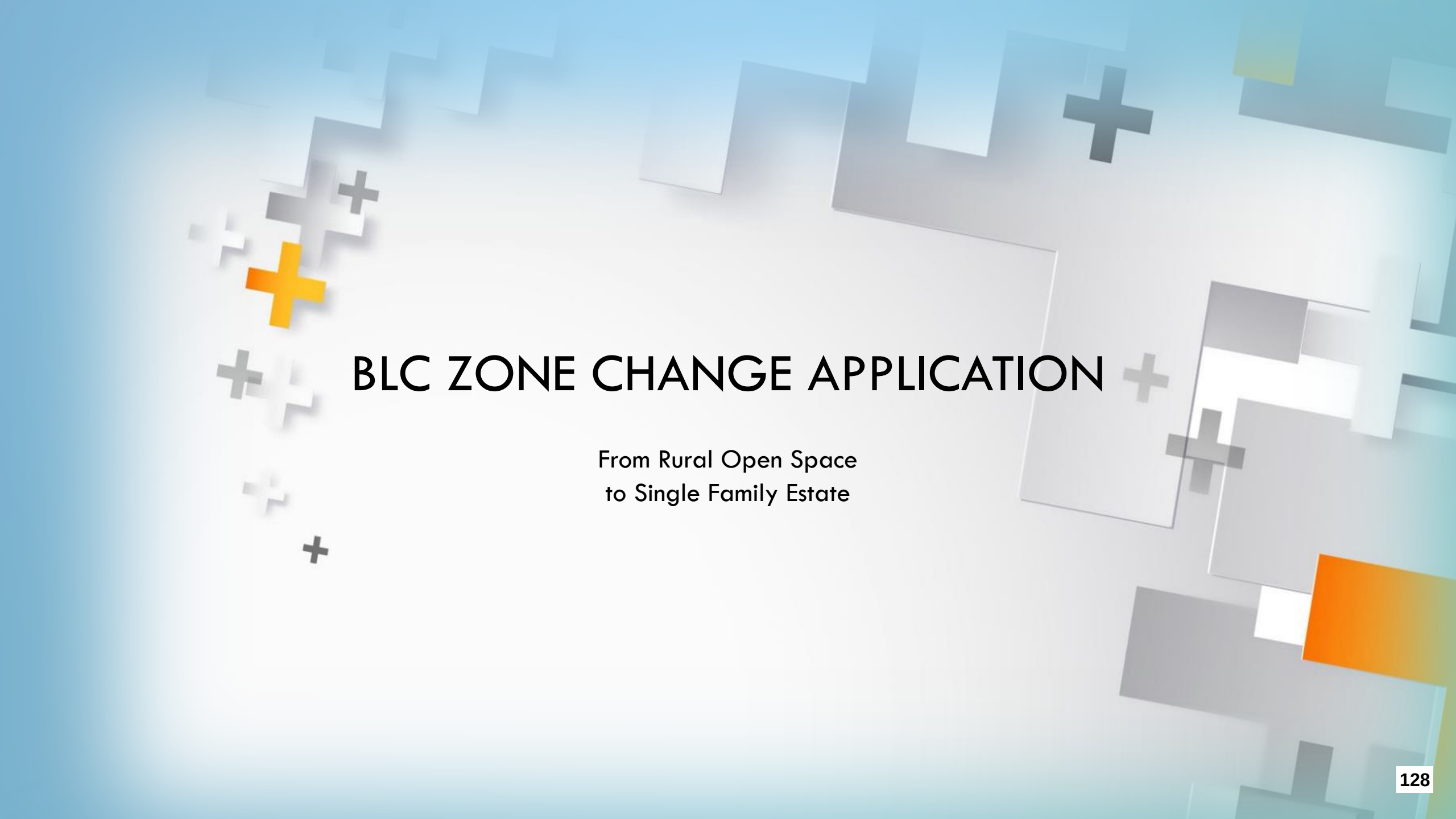
Respectfully Submitted,

Jeffrey Kuhn

On behalf of:

Bransford Land Company, LC



The background features a light blue gradient with various geometric shapes, including squares and rectangles, in shades of blue, grey, and orange. Several plus signs (+) are scattered across the page, some in grey and one prominent orange one on the left side.

BLC ZONE CHANGE APPLICATION

From Rural Open Space
to Single Family Estate

Topographical Survey Map



PROJECT INFORMATION

PROJECT INFORMATION	
NAME:	<u>The Bransford Parcels</u>
ADDRESS:	<u>TBD</u>
TAX ID:	<u>PCA-S-79-B and PCA-S-79-C</u> OR _____
SUBDIVISION:	<u>Part of the 2007 Flagstaff Annexation Agreement</u>
OR SURVEY:	_____ LOT # _____
BLOCK #:	_____
APPLICANT INFORMATION	
NAME:	<u>Anne Bransford, for Bransford Land Company, LLC</u>
MAILING:	<u>PO BOX 681318</u>
ADDRESS:	<u>Park City, Ut 84068</u>
PHONE #:	<u>(435) 513-5577</u> FAX #: <u>() - </u>
EMAIL:	<u>anne.bransford@bransfordland.com</u>
APPLICANT REPRESENTATIVE INFORMATION	
NAME:	<u>Jeffrey Kuhn, Kuhn Company, LLC</u>
PHONE #:	<u>(435)-513.5846</u>
EMAIL:	<u>Jeffrey@kuhncompany.com</u>

- THE BRANSFORD FAMILY, DOING BUSINESS AS BRANSFORD LAND COMPANY, LLC, A.K.A. BLC, HAS OWNED TWO UNDEVELOPED MINING CLAIMS IN PARK CITY MUNICIPAL SINCE 1925.
- THE PARCELS WERE ANNEXED INTO PARK CITY VIA THE 2007 FLAGSTAFF ANNEXATION AGREEMENT, WHICH CREATED COVENANTS THAT RUN WITH THE LAND (SEE BLOW)
- THE TWO PARCELS ARE:
- **“LOGAN #724” – PARCEL NUMBER PCA-S-79-C** @ 19.80 ACRES
- **“U.P. NO. 2”.** - **PARCEL NUMBER PCA-S-79-B** @ 19.82 ACRES

INTRO TO PRIOR APPROVALS VIA THE AMENDED AND RESTATED 2007 FLAGSTAFF MOUNTAIN ANNEXATION AGREEMENT

Hopefully the following will help begin the process:

- Bransford Land Company and each of the three sisters were identified as the landowners in both the 1997 and the 2007 versions of the Amended and Restated Flagstaff Annexation Agreement. The initial applicants, declarants and developers were United Park City Mines Company and Deer Valley Resort. After several changes in ownership the current Declarant is Wells Fargo.
- The area the parcels are located in was originally called "Pod D, the Northside Neighborhood". It is now commonly called the "Red Cloud Subdivision".
- The Project name was "Flagstaff". It eventually became a master planned neighborhood called "Empire Pass", which is administrated according to a series of interlaced HOA CC&Rs.

The core issues we want to analyze and clarify revolve around two matters: Covenants that run with the land (addressed in Section 8.1 of the 2007 Flagstaff Annexation Agreement) and the zoning and use associated with the two parcels.

THOSE ENTITLEMENTS ORIGINALLY ALLOCATED 38 ESTATE LOTS TO THE NORTHSIDE NEIGHBORHOOD IN POD D IF BLC AND STICHTING MAYFLOWER CO-SIGNED THE 2007 FLAGSTAFF DEVELOPMENT AGREEMENT WITH UNITED PARK CITY MINES AND DEER VALLEY (THE DECLARANT AND DEVELOPER OF WHAT IS NOW KNOWN AS RED CLOUD). IT WAS IMPLICIT THAT 8 OF THOSE ESTATES WOULD BE ALLOCATED TO THE MAYFLOWER AND BLC PARCELS – IF THEY BOTH SIGNED ON; HOWEVER, NEITHER ELECTED TO SIGN AT THAT POINT IN TIME. IN HINDSIGHT, HAD BLC SIGNED ONTO THE AGREEMENT, THE DECLARANT WOULD HAVE INCLUDED THEIR PARCELS IN THEIR DEVELOPMENT APPROVALS. THAT WOULD HAVE OFFICIALLY CHANGED THEIR ZONING FROM R.O.S. TO ESTATE RESIDENTIAL, PROVIDED THEM WITH A FULLY IMPROVED EASEMENT AND, ESTABLISHED THEIR DENSITY ALLOCATION (SOME OF THE 8 ADDITIONAL AVAILABLE LOTS).

THERE IS AN ASTOUNDING AMOUNT OF INFORMATION AVAILABLE

- UNTIL RECENTLY MUCH OF IT WAS EXTREMELY DIFFICULT TO ACQUIRE ACCESS TO.
- MUCH TO OUR JOY AND AMAZEMENT, THE 2007 **FLAGSTAFF ANNEXATION AND DEVELOPMENT AND EMPIRE PASS DEVELOPMENT DOCUMENTS** WERE RECENTLY POSTED ON THE PCMC PLANNING DEPARTMENT'S WEB SITE.
- PLEASE REFER TO [HTTPS://WWW.PARKCITY.ORG/DEPARTMENTS/PLANNING/FLAGSTAFF-ANNEXATION-AND-DEVELOPMENT-AND-EMPIRE-PASS-DEVELOPMENT-DOCUMENTS](https://www.parkcity.org/departments/planning/flagstaff-annexation-and-development-and-empire-pass-development-documents)

A FEW RECITALS FOLLOW:

- 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.

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:

PRIOR DENSITY ALLOCATED TO THE NORTHSIDE NEIGHBORHOOD.

- 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 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 1,000 SQ. FT. NON-DENOMINATIONAL CHAPEL THAT WILL REMAIN OPEN AND REASONABLY AVAILABLE TO THE PUBLIC.

SECTION 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.

REDUS
ACCESS
AND
UTILITY
EASEMENT
OVER
TWISTED
BRANCH
AND RED
CLOUD
TRAIL.



- THE PRECEDING SLIDE SHOWS THE ACCESS AND UTILITY EASEMENT BLC ACQUIRED FROM REDUS (HIGHLIGHTED RED) FROM THE GATE JUST ABOVE THE EMPIRE CANYON LODGE OVER TWISTED BRANCH ROAD AND RED CLOUD TRAIL TO THE ONTARIO SKI BRIDGE.
- NOTE, IN ORDER TO DERIVE ANY EVENTUAL BENEFIT FROM THE ZONE CHANGE, BLC ACKNOWLEDGES IT STILL HAS TO ACQUIRE UNCONTESTED ACCESS FROM THE PUBLIC HIGHWAYS OR THE REDUS EASEMENT TO THEIR PROPERTY.
- OTHER DOCUMENTS THAT RECENTLY BECAME AVAILABLE INDICATE OTHERS (SUCH AS DEER VALLEY AND UPCM) ENTERED INTO QUIT CLAIMS AND LEASE AGREEMENTS THAT PURPORTEDLY ASSURED THE PROPERTY OWNERS CONTINUOUS ACCESS OVER THE DIRT ROADS (OR MUTUALLY ACCEPTABLE SUBSTITUTE ACCESS WHENEVER NECESSARY TO SUPPORT SKI OR MINING ACTIVITIES).

FURTHER DISCUSSION ON ACCESS:

- BRANSFORDS HISTORICAL ACCESS RUNS BACK TO THE 1800S WHEN MINING CLAIMS WERE WIDELY AVAILABLE FROM THE BLM AND COMMON ACCESS OVER ESTABLISHED DIRT ROADS WERE THE NORM. MANY OF THOSE ROADS WERE RELOCATED DURING CONSTRUCTION OF THE CURRENT ROADS BUT MANY REMAIN CLEARLY VISIBLE.
- BLC HAS RECORDED A NOTICE OF INTEREST ON THEIR HISTORIC ACCESS ROUTE.
- PRIOR TO THE DEER VALLEY SKI AREA BLC'S PRIMARY ACCESS WAS WHAT IS NOW CALLED THE ONTARIO SKI RUN. THERE WERE ALSO OTHER LESS DEVELOPED, LONGER AND MORE ARDUOUS ROUTES TO BLC'S PARCELS.

RED CLOUD SUBDIVISION PLAT

- NOTE - THE DECLARANT, UPCM AND THE DEVELOPER, DEER VALLEY, STUBBED SBWRD SEWER MAIN AND A 50' ACCESS EASEMENT INTO THE MAYFLOWER PARCEL ADJACENT TO THE RUBY HOLLOW CUL-D-SAC. (SEE THE FOLLOWING SLIDE FOR THAT PORTION OF THEIR PLAT.)
- CLEARLY, THEY WOULD NOT HAVE DONE SO UNLESS THEY TOO BELIEVED AND ACCEPTED THAT THE LAND WAS APPROVED FOR FUTURE ESTATE DEVELOPMENT FOR THE FUTURE BENEFIT OF MAYFLOWER AND/OR BLC.
- PARK CITY RETAINED THE RIGHT TO CONNECT THOSE UTILITIES IF THE DEVELOPMENT AGREEMENT WAS NOT SIGNED. (NOTE: WHY WOULD THE CITY HAVE RESERVED THIS RIGHT - IF INDEED IT THOUGHT THE LAND WOULD REMAIN R.O.S. - WITH NO IMPLIED, ACTUAL OR ADDITIONAL DENSITY AVAILABLE?)

AN EXCERPT FROM THE BROOKS ROBINSON LETTER

... SHORT OF REACHING AN AGREEMENT BETWEEN ALL THE PROPERTY OWNERS, THE CITY RECOGNIZES THAT INDIVIDUALLY MAYFLOWER AND BRANSFORD HAVE THE RIGHT TO DEVELOP THEIR PROPERTY WITHIN THE REGULATIONS OF THE PARK CITY LAND MANAGEMENT CODE AND RESTRICTIONS WRITTEN IN THE DEVELOPMENT AGREEMENT. NO DECISION OR DISCUSSION HAS TAKEN PLACE WITH THE CITY AS TO THE DISPOSITION OF THE EIGHT REMAINING LOTS OR EVEN IF THERE COULD BE EIGHT LOTS. THERE IS NOT A VESTED RIGHT IN EIGHT LOTS, ONLY THAT 38 LOTS COULD BE CREATED IF ALL PROPERTY OWNERS SIGNED THE DEVELOPMENT AGREEMENT AND SAID LOTS MET ALL REQUISITE CITY CODES AND ORDINANCES...

ADDITIONAL COMMENTS FROM BROOKS' LETTER

- THE FOOTNOTE ON PAGE 12 OF THE D. A. STATES THAT "IN THE EVENT OF FAILURE OF THE FIVE PROPERTY OWNERS TO REACH AN AGREEMENT FOR JOINT DEVELOPMENT OF THE NORTHSIDE NEIGHBORHOOD, THE DEVELOPER "GRANTS TO THE CITY THE RIGHT TO CONNECT TO THE UTILITY LINES AND GRANTS LIMITED ACCESS TO ROADS WITHIN THE NORTHSIDE NEIGHBORHOOD WITHOUT COST TO *SERVE* THE REMAINING PROPERTY OWNERS."
- THE PROPOSED RED CLOUD SUBDIVISION HAS A ROAD ALONG THE BORDER OF THE SUBDIVISION AND ACCESS AND UTILITIES MAY BE IN ANY NUMBER OF PLACES ALONG THIS ROAD. UPCM IS ONLY REQUIRED TO GRANT LIMITED ROAD ACCESS TO THE ADJACENT PROPERTY OWNERS AND UTILITY CONNECTIONS TO THE CITY. THEY ARE NOT REQUIRED TO BUILD THE ROAD OR UTILITIES INTO THE ADJACENT PROPERTIES.

RURAL OPEN SPACE

- RURAL OPEN SPACE HAS BEEN EXTENSIVELY USED AS A HOLDING ZONE BY SUMMIT COUNTY AND BY PARK CITY FOR BROAD SWATHS OF LAND OUTSIDE THE INCORPORATED COUNTY OR CITY BEFORE IT WAS CLEAR HOW THE SURROUNDING LAND WOULD BE DEVELOPED OR USED.
- BEFORE 2007 THERE WERE NO PLANS IN THE CITY (OUTSIDE OF THE FLAGSTAFF ANNEXATION DISCUSSIONS) TO PROVIDE ANY HINTS OF WHAT WAS TO COME.
- WHEN THE SUBJECT PARCELS WERE ANNEXED, IT WAS UNCLEAR IF SUFFICIENT DEMAND EXISTED FOR SUCH PROPERTY TO JUSTIFY THE COSTS TO DEVELOP THEM.
- TODAY, NEARLY EVERY OTHER PARCEL IN THE UPPER REACHES OF THE MOUNTAIN HAVE BEEN APPROVED AND DEVELOPED. CONSEQUENTLY, THERE ARE NO REMAINING DOUBTS ABOUT THE FEASIBILITY OF SUCH PROJECTS.

SINGLE FAMILY RESIDENTIAL ESTATE

- BLC DOES NOT WANT A ZONE CHANGE – WE WANT AN ESTATE USE APPROVED ON EACH OF THE PARCELS.
- BECAUSE SUCH USES ARE NOT ALLOWED IN THE ROS ZONE, WE HAVE APPLIED FOR THE ZONE CHANGE.
- WE ARE MINDFUL THAT EVEN IF WE OBTAIN THE REQUESTED ZONE CHANGE, WE CAN NOT CONSTRUCT ANY IMPROVEMENTS ON THE LAND UNTIL WE SUBMIT ALL REQUIRED PLANS, ENGINEERING AND APPLICATIONS TO PCMC AND SUCCESSFULLY COMPLETE THE ENTIRE REVIEW PROCESS.
- WE DO NOT WANT TO UNDERTAKE THAT ARDUOUS AND EXPENSIVE PROCESS BEFORE PCMC AGREES WITH THE PROPOSED SINGLE-FAMILY ESTATE USE.

IN CONCLUSION, WE REQUESTED THE WORK SESSION FOR TWO PURPOSES:

1. TO CREATE THE OPPORTUNITY TO ALLOW YOU TO BECOME MORE FAMILIARIZED WITH OUR APPLICATION REQUEST, AND
2. TO SEEK YOUR INPUT ON HOW WE CAN BEST MOVE THE APPLICATION FORWARD.

IS IT REALLY NECESSARY TO PROCESS THE TWO PARCELS BACK THROUGH THE ENTIRE PLANNING COMMISSION AND CITY COUNCIL PROCESS ONCE AGAIN? AFTERALL, THE USE IN THE LOCATION WAS ALREADY APPROVED BY THE PLANNING COMMISSION AND THE CITY COUNCIL VIA THE 2007 FLAGSTAFF ANNEXATION.

WE LOOK FORWARD TO HEARING YOUR THOUGHTS AND SUGGESTIONS...



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

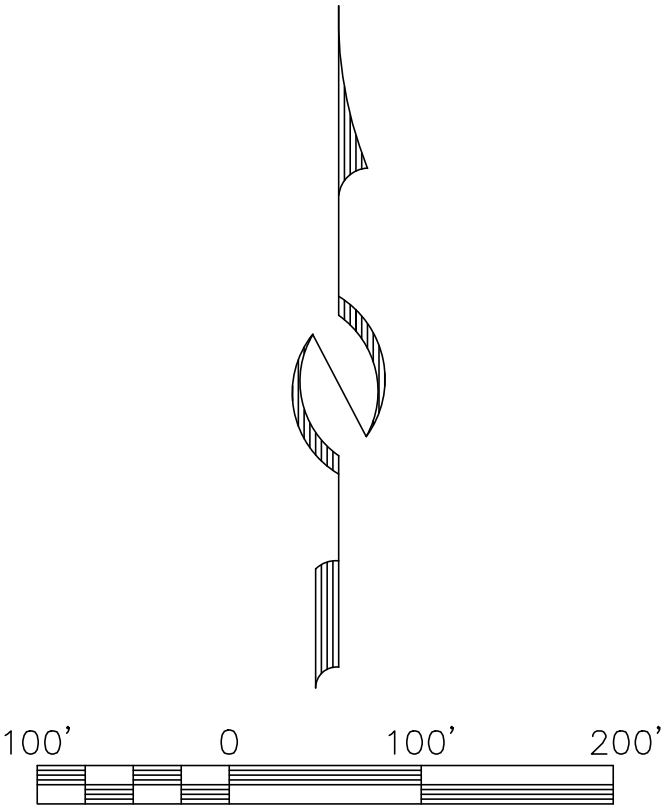


SURVEYOR'S CERTIFICATE

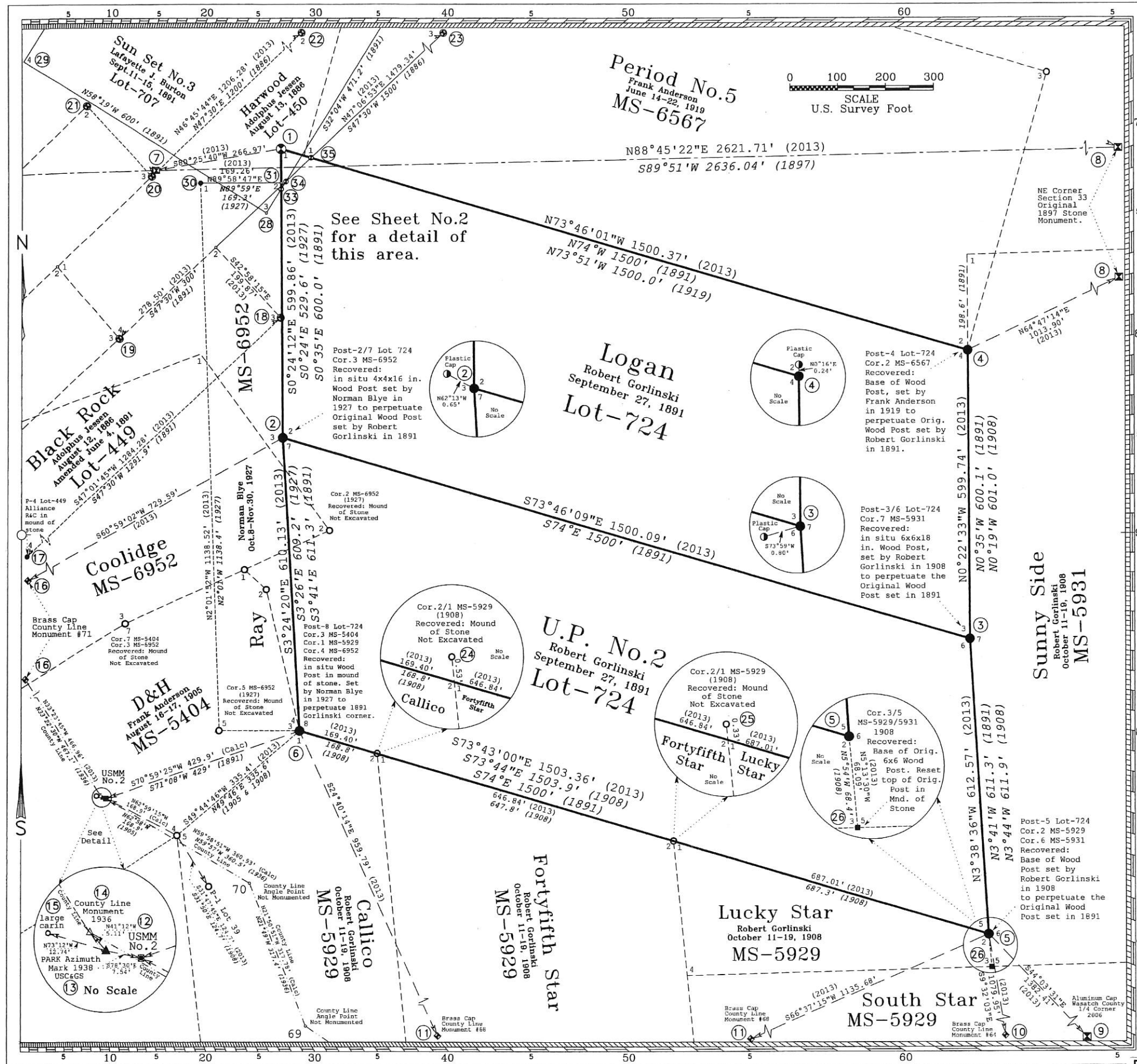
I, Michael Demkowicz, certify that I am a Professional Land Surveyor and that I hold License No. 4857264, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.

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.



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MICHAEL DEMKOWICZ CONNOR DINSMORE	TOPOGRAPHIC MAP MINE CLAIM LOT-724: LOGAN & U.P NO.2		SHEET 1 OF 1
			FOR: Bransford Property		
			JOB NO.: 13-7-19		
			FILE: X:\Empire\dwg\Bransford\130719-Bransford Topography.dwg		
		DATE: 01/13/2022			



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 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 germane 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

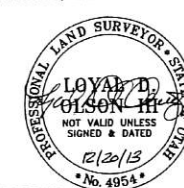
US Lot 724



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.



LOYAL D. OLSON III
 Consulting Surveyor
 207 Troy Ct. Evanston, Wyoming 82930
 (307) 789-0291

FILE NO. S0007976

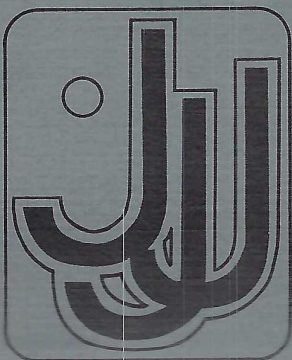
12/20/2013 02:14:19 PM
 Survey 1 of 2
 2013-12-20 10:00 AM
 FEE \$ 20.00 BY LOYAL D. OLSON III CONSULTING SURVEYOR

S-7976

BRANSFORD PROPERTY

FEASIBILITY STUDY

prepared for
MARILYN A. BRANSFORD
December 1981



J.J. Johnson & Associates

Civil Engineering
Land Planning
Surveying

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.

	<u>Ownership</u>	
	<u>Bransford Estate</u>	<u>U.P.C.M. Co.</u>
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 prominent 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 brome grass and slender wheatgrass. The effective rooting depth is 60 inches. The soil layers in the terraced area average 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.

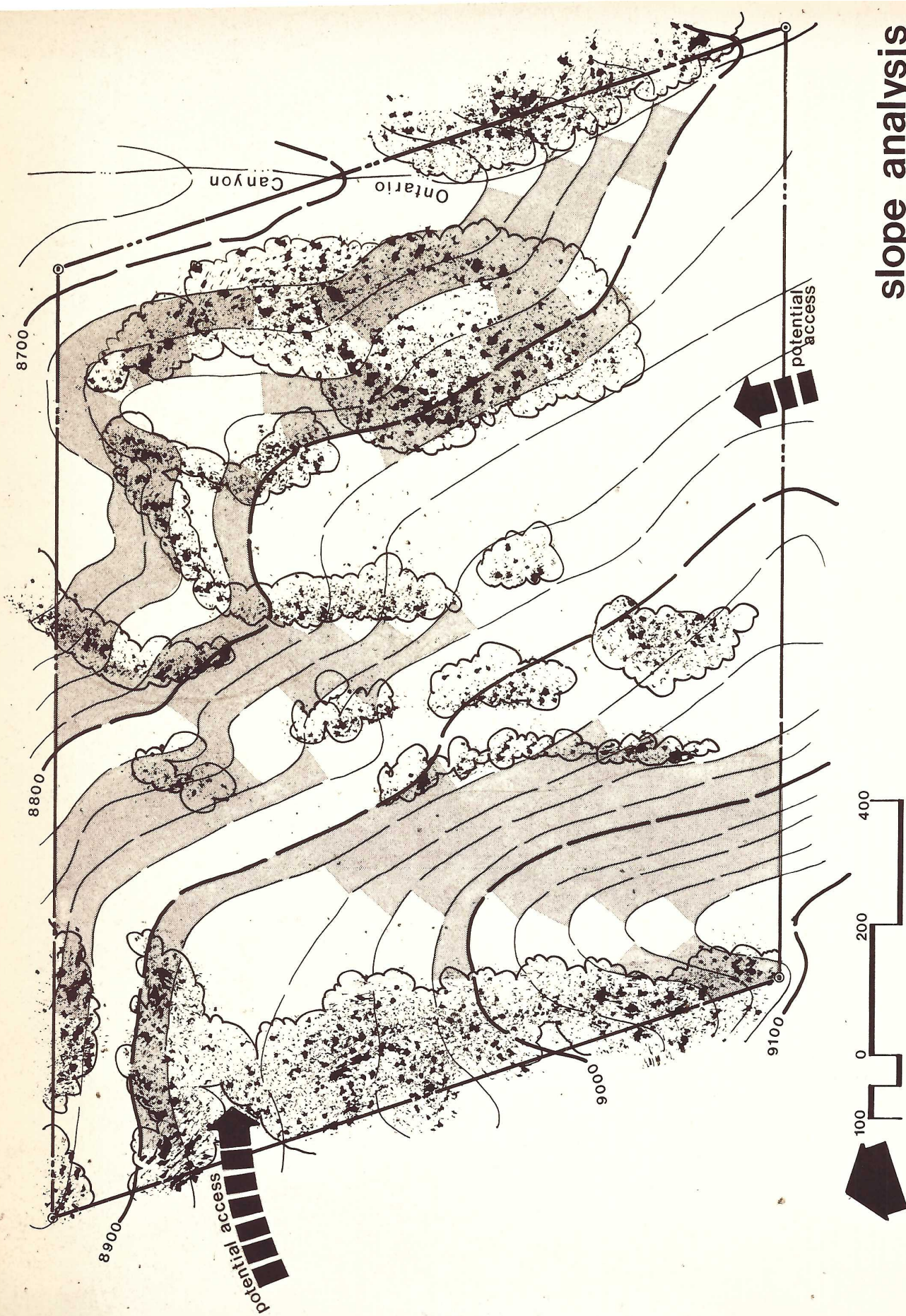
Two small earthquake faults are located on the site and two other faults parallel the north and south boundary lines (2). This general area is considered part of the Intermountain Seismic Belt (I.S.B.). The Wasatch Fault, which at its closest point lies 16 miles due west of Park City, is one of the largest 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.



slope analysis

above 30 %

LOGAN / U.P. no.2

FIGURE

157

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 waived 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%.

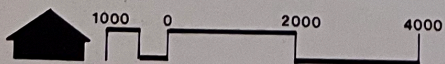
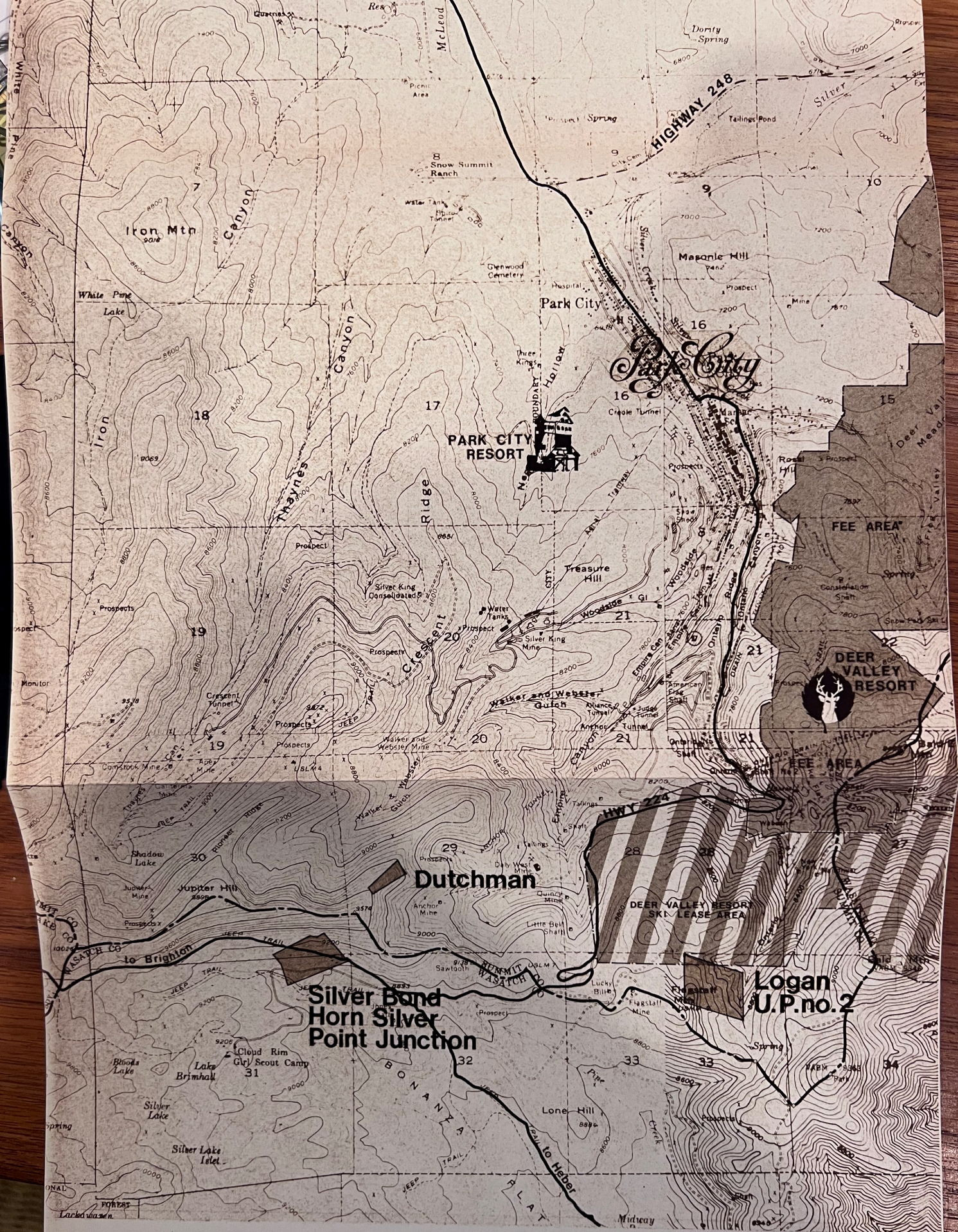
Their remoteness to other major developments and the negative political atmosphere surrounding development in this area make rezoning or development unadvisable at the present time. It is recommended that the parcels be developed in conjunction with the surrounding property. This will defer some of the 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.



location map

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.

A G R E E M E N T

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, 27 th 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

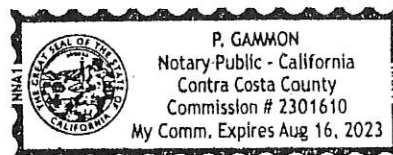
On Mar 10, 2021 before me, P. Gammon
(insert name and title of the officer)

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 P. Gammon (Seal)



BRANSFORD:

BRANSFORD LAND COMPANY, LLC,
a Utah limited liability company

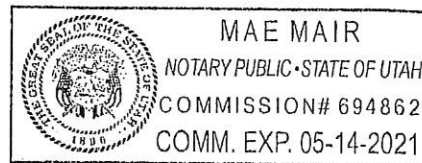
By: Anne L. Bransford
Anne L. Bransford, Manager

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 1st day of March, 2021 by Anne L. Bransford, as the Manager of BRANSFORD LAND COMPANY, LLC, a Utah limited liability company.

Ma Ma
Notary Public

Residing at: Heber City, UT
My Commissions Expires: 5-14-2021



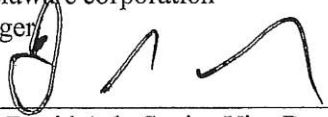
CONSENT

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)

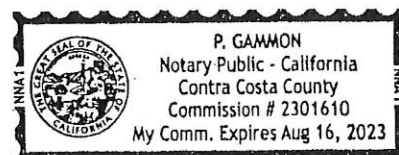
personally appeared David Ash,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) 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.

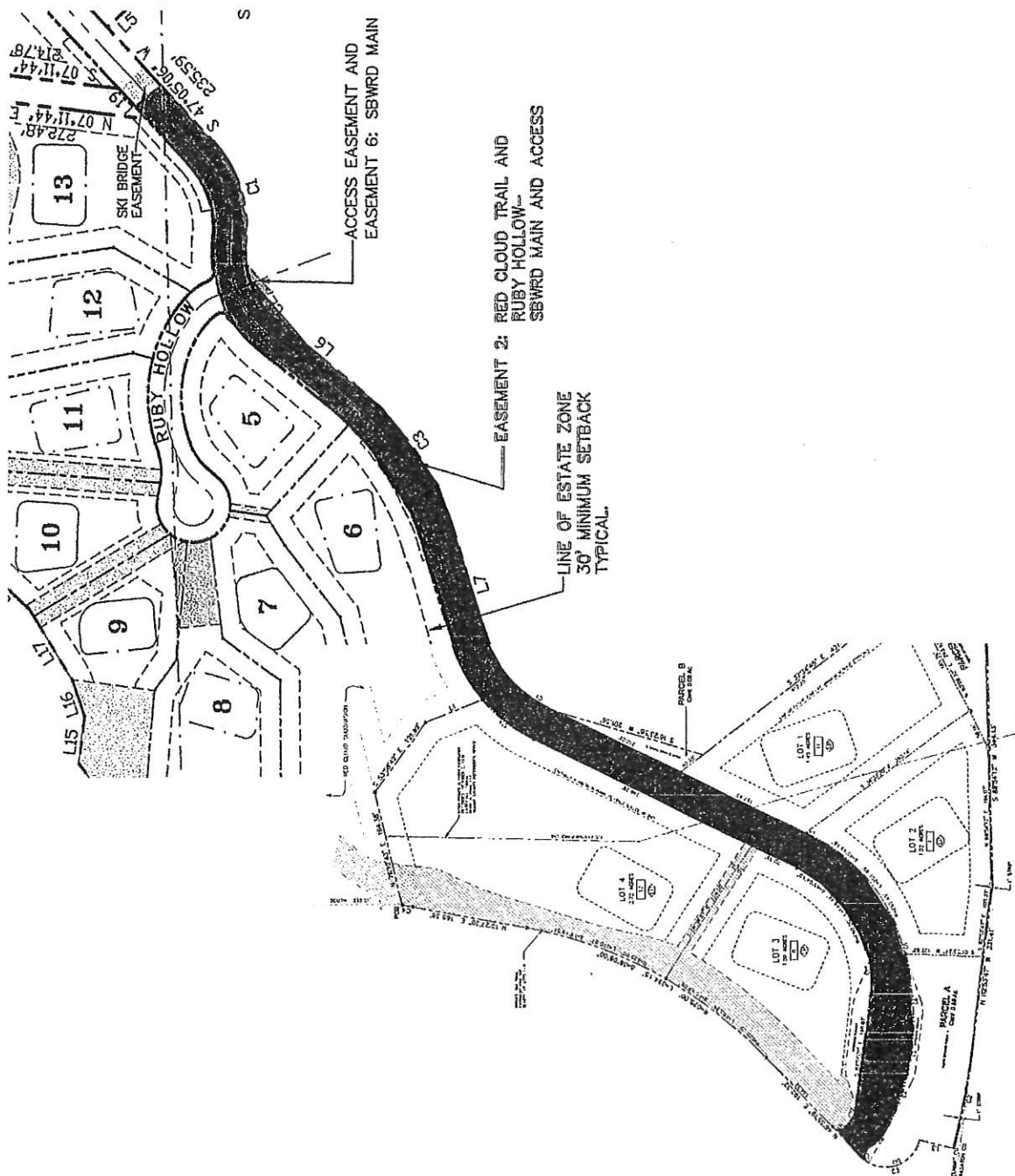
Signature 

(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 $10^{\circ}16'00''$ to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North $64^{\circ}54'52''$ East; thence easterly along the arc of said curve 607.09 feet through a central angle of $92^{\circ}45'25''$; thence North $62^{\circ}09'27''$ 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 $27^{\circ}50'33''$ West; thence along the arc of said curve 231.93 feet through a central angle of $31^{\circ}16'00''$ to a point of reverse curve to the right having a radius of 75.00 feet, of which the radius point bears South $59^{\circ}06'33''$ East; thence southeasterly along the arc of said curve 181.22 feet through a central angle of $138^{\circ}26'24''$ 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 $61^{\circ}10'16''$ to a point of reverse curve to the left having a radius of 215.00 feet, of which the radius point bears South $39^{\circ}29'53''$ East; thence 2) southwesterly along the arc of said curve 150.27 feet through a central angle of $40^{\circ}02'47''$; thence 3) South $10^{\circ}27'20''$ 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 $79^{\circ}32'40''$ West; thence 4) along the arc of said curve 394.15 feet through a central angle of $36^{\circ}08'00''$; thence 5) South $46^{\circ}35'19''$ West 192.32 feet; thence continuing South $46^{\circ}35'19''$ West 19.00 feet; thence North $43^{\circ}24'41''$ West 50.00 feet; thence North $46^{\circ}35'19''$ 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 $43^{\circ}24'41''$ West; thence along the arc of said curve 362.62 feet through a central angle of $36^{\circ}08'00''$; thence North $10^{\circ}27'20''$ 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 $79^{\circ}32'40''$ East; thence along the arc of said curve 185.22 feet through a central angle of $40^{\circ}02'47''$ to a point of reverse curve to the left having a radius of 25.00 feet, of which the radius point bears North $39^{\circ}29'53''$ West; thence northwesterly along the arc of said curve 87.10 feet through a central angle of $199^{\circ}36'40''$ to a point of reverse curve to the right having a radius of 475.00 feet, of which the radius point bears North $59^{\circ}06'33''$ West; thence southwesterly along the arc of said curve 259.21 feet through a central angle of $31^{\circ}16'00''$; thence South $62^{\circ}09'27''$ 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 $27^{\circ}50'33''$ West; thence along the arc of said curve 688.04 feet through a central angle of $92^{\circ}45'25''$ to a point of reverse curve to the left having a radius of 1475.00 feet, of which the radius point bears South $64^{\circ}54'52''$ West; thence northwesterly along the arc of said curve 264.30 feet through a central angle of $10^{\circ}16'00''$ to a point of reverse curve to the right having a radius of 90.00 feet, of which the radius point bears North $54^{\circ}38'52''$ East; thence northeasterly along the arc of said curve 285.02 feet through a central angle of $181^{\circ}26'58''$ to a point of reverse curve to the left having a radius of 255.00 feet, of which the radius point bears North $56^{\circ}05'50''$ East; thence southeasterly along the arc of said curve 205.85 feet through a central angle of $46^{\circ}15'05''$ to a point of compound curve to the left having a radius of 225.00 feet, of which the radius point bears North $09^{\circ}50'45''$ East; thence easterly along the arc of said curve 197.96 feet through a central angle of $50^{\circ}24'35''$; thence North $49^{\circ}26'10''$ 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 $40^{\circ}33'50''$ West; thence along the arc of said curve 119.65 feet through a central angle of $34^{\circ}16'39''$ to a point of compound curve to the left having a radius of 975.00 feet, of which the radius point bears North $74^{\circ}50'29''$ West; thence northerly along the arc of said curve 200.92 feet through a central angle of $11^{\circ}48'25''$; thence North $03^{\circ}21'06''$ 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 $86^{\circ}38'54''$ West; thence along the arc of said curve 75.51 feet through a central angle of $173^{\circ}03'41''$ to a point of reverse curve to the right having a radius of 5025.00 feet, of which the radius point bears North $79^{\circ}42'35''$ West; thence southerly along the arc of said curve 325.10 feet through a central angle of $03^{\circ}42'25''$ to a point of compound curve to the right having a radius of 75.00 feet, of which the radius point bears North $76^{\circ}00'10''$ West; thence westerly along the arc of said curve 230.96 feet through a central angle of $176^{\circ}26'25''$ to a point of compound curve to the right having a radius of 4525.00 feet, of which the radius point bears South $79^{\circ}33'46''$ East; thence northerly along the arc of said curve 967.23 feet through a central angle of $12^{\circ}14'50''$ to a point of reverse curve to the left having a radius of 475.00 feet, of which the radius point bears North $67^{\circ}18'56''$ West; thence northerly along the arc of said curve 387.42 feet through a central angle of $46^{\circ}43'53''$; thence North $24^{\circ}02'49''$ 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 $65^{\circ}57'11''$ East; thence along the arc of said curve 139.12 feet through a central angle of $99^{\circ}38'04''$; thence North $75^{\circ}35'15''$ 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 $89^{\circ}08'22''$ East; thence Northerly along the arc of said curve 22.76 feet through a central angle of $03^{\circ}04'07''$; thence North $02^{\circ}12'30''$ 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 $87^{\circ}47'30''$ East; thence along the arc of said curve 217.05 feet through a central angle of $23^{\circ}41'17''$; thence North $25^{\circ}53'47''$ East 31.85 feet to the point of beginning.

Description contains 8.26 acres.

Parcel No. PCA-S-98-SD-1

[Depiction of Twisted Branch Access Area]

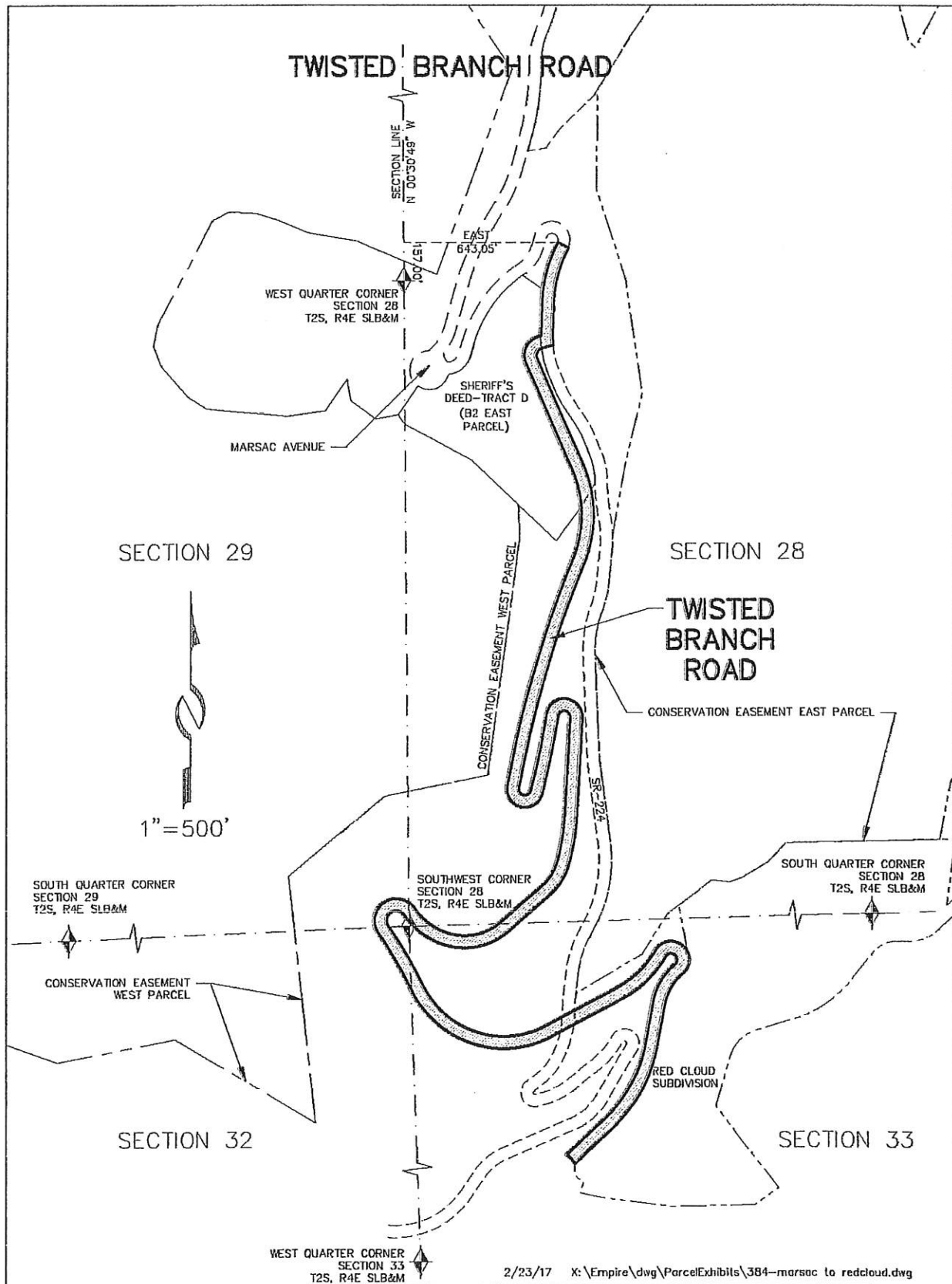


EXHIBIT C TO EASEMENT
[Legal Description of Unimproved Access Areas]

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]

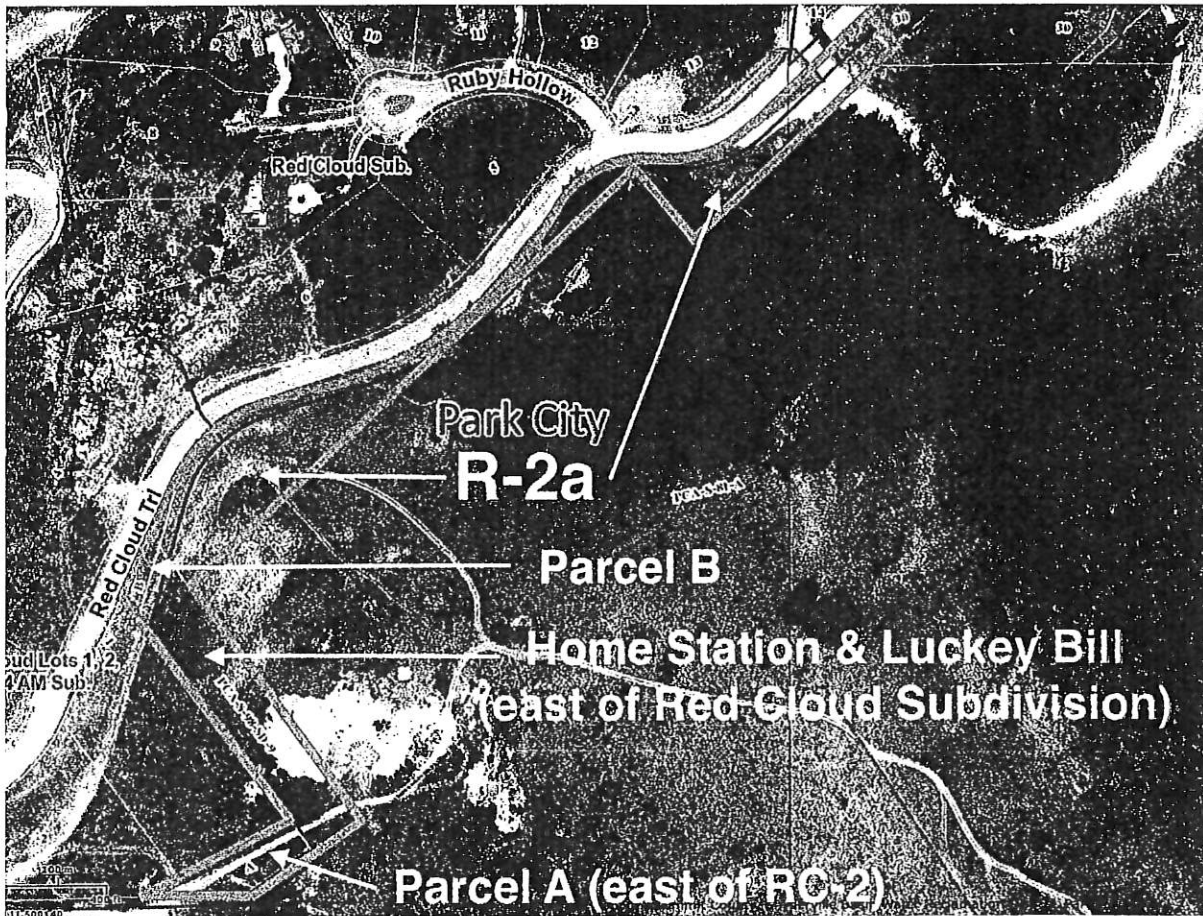


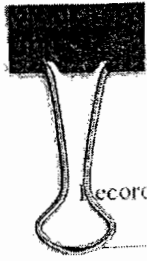
EXHIBIT D TO EASEMENT
[Legal Description of the Bransford Property]

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, constituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

- 1.5 **"Inaction"** provisionally¹ means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally² means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
 - 1.6.2 Banquet Storage Areas
 - 1.6.3 Banquet Prep Areas Storage Areas
 - 1.6.4 Common A/V Storage Areas
 - 1.6.5 Coat Check Areas
 - 1.6.6 Public Restrooms
 - 1.6.7 Public Telephone Areas
 - 1.6.8 Public Hallways
 - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B₁, and B₂) and maximum densities, unit equivalencies and configuration more fully described herein.

¹ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **"Northside Neighborhood"** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **"Northside Neighborhood Property Owners"** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **"Pedestrian Village"** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **"Planned Unit Development" or "PUD"** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **"Pod Z"** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **"Project"** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **"Residential Accessory Uses"** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **“Resort Accessory Uses”** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
- 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
- 2.1.3. Specific Transit Plan;
- 2.1.4. Parking Management Plan;
- 2.1.5. Detailed Open Space Management Plan;
- 2.1.6. Historic Preservation Plan;
- 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
- 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
- 2.1.9. Private Road Access Limitation Procedures;
- 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
- 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
- 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
- 2.1.13. Wildlife Management Plan; and
- 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 Mountain Village: The Mountain Village is constrained as follows:

2.2.1.1 Small Scale MPD. Site specific volumetrics and configuration will be established in the Small Scale MPD process.

2.2.1.2. Maximum Development Area. In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.

2.2.1.3. Maximum Density. The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.

2.2.1.4. Pedestrian Village. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.

2.2.1.5. Commercial. The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute 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 reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K, which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,

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 impacts¹⁰ 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-style¹¹), 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 public 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 Area¹³, 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

¹³ 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 conservation 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 runaway 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 stockpiling¹⁶ 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:

<u>Type of Use</u>	<u>Unit Equivalents</u>	<u>Mitigation Rate</u>	<u>AUEs Required</u>
Residential			
Residential Units	785	0.1	78.50
Single Family Home Sites	54	0.1	5.40
Subtotal Residential	839		83.90
<u>Type of Use</u>	<u>Square Footage / 1,000 SF</u>	<u>Mitigation Rate</u>	<u>AUEs Required</u>
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 adequate¹⁷ 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 realignment 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 84060

Copy to:

City Attorney
445 Marsac Ave.
P.O. Box 1480
Park City, UT 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

TALISKER
900 MAIN ST Suite 6111
P.O. Box 4349
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

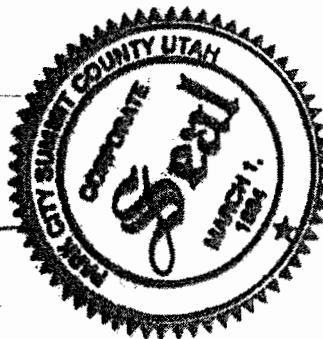
By: *Dana Williams*
Dana Williams, Mayor

ATTEST: City Clerk

By: *Janet Scott*
Janet Scott, City Recorder

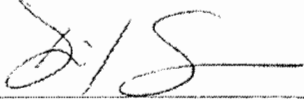
APPROVED AS TO FORM:

Mark D. Harrington
Mark D. Harrington, City Attorney



DEVELOPER:

United Park City Mines Company,
a Delaware corporation



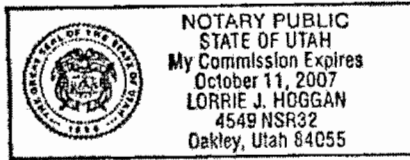
David J. Smith, Authorized Signing Officer

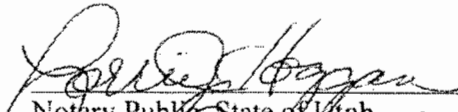
STATE OF UTAH)

: 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
Residing in Oakley, Utah

DEER VALLEY RESORT COMPANY,

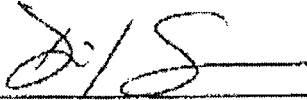
a Utah limited partnership

By: Royal Street of Utah, a Utah corporation,
General Partner

By: _____
Robert Wells, Vice President

DEVELOPER:

United Park City Mines Company,
a Delaware corporation



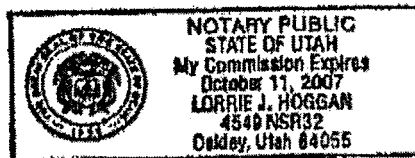
David J. Smith, Authorized Signing Officer

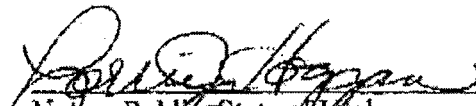
STATE OF UTAH)

: ss

COUNTY OF SUMMIT)

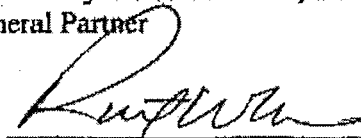
On this 28th day of ~~March~~ ^{February}, 2007 before me, Lorrie J. Hoggan, the undersigned Notary Public, personally appeared David J. Smith, personally known to me to be the Authorized Signing Officer of United Park City Mines Company, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.




Notary Public, State of Utah
Residing in Orlery, 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



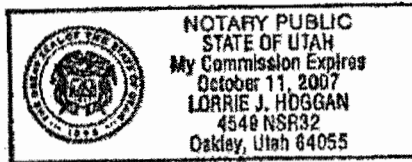
David J. Smith, Authorized Signing Officer

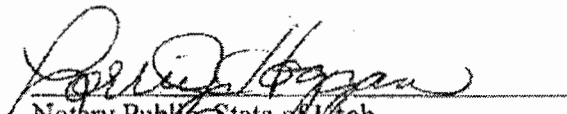
STATE OF UTAH)

: 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.

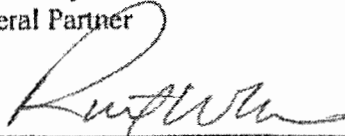



Notary Public, State of Utah
Residing in Oakley, Utah

DEER VALLEY RESORT COMPANY,

a Utah limited partnership

By: Royal Street of Utah, a Utah corporation,
General Partner

By: 

Robert Wells, Vice President

Arizona
STATE OF UTAH)
MARICOPA : ss
COUNTY OF SUMMIT)

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.



Constance M Richards
Notary Public, State of Utah AZ
Residing in Maricopa County, AZ

ARIZONA
STATE OF UTAH)
 MARICOPA : SS
COUNTY OF SUMMIT)

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.



Constance M Richards
Notary Public, State of Utah AZ
Residing in Maricopa County, AZ

SCHEDULE 3.1

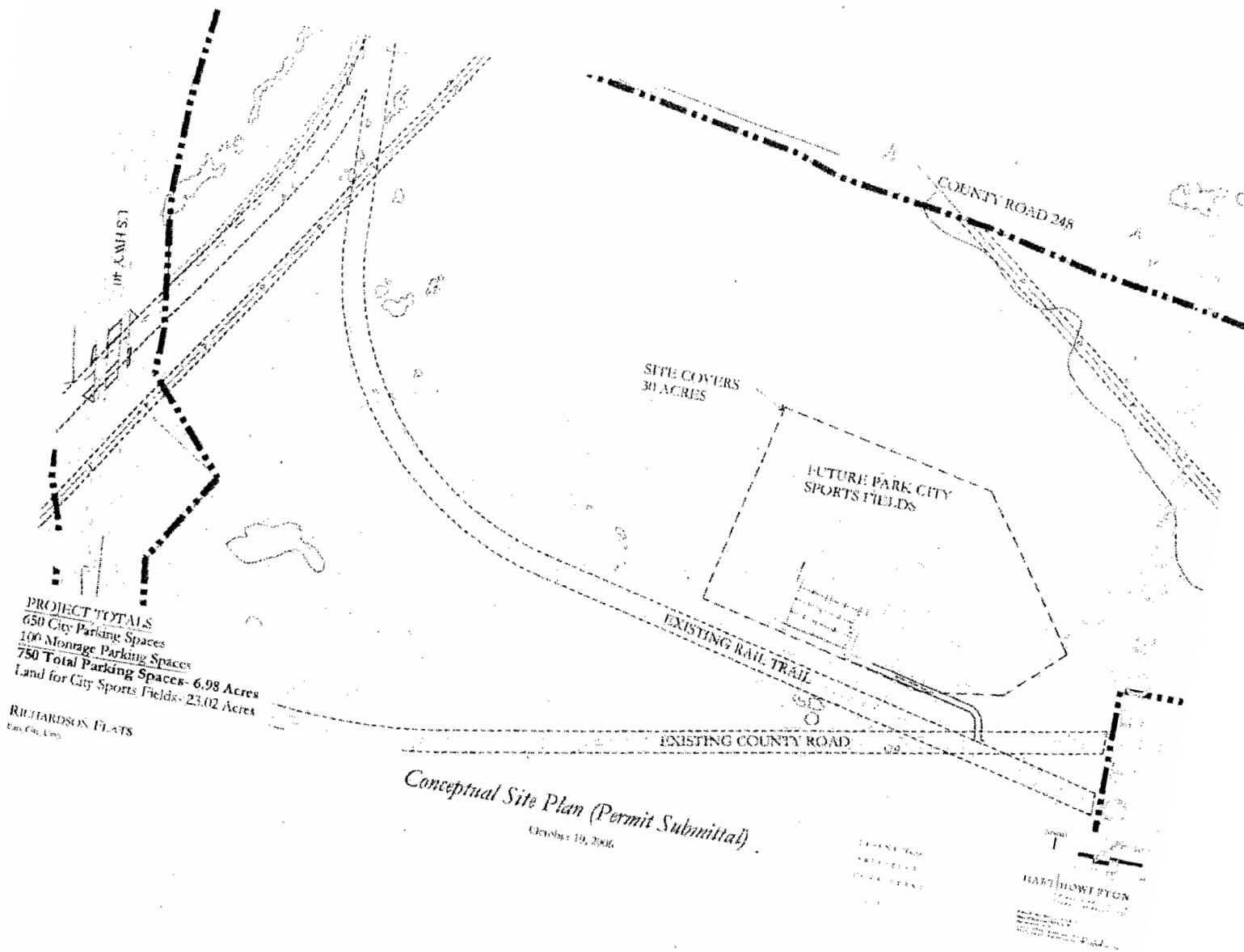
RICHARDSON FLATS PARKING AREA SPECIFICATIONS

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°18'44" E	85.84
L5	N 77°48'30" E	79.25
L6	R 55°11'16" E	94.42
L7	S 72°54'27" E	85.42
L8	S 71°42'35" E	163.43
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	103.60
L15	N 32°00'03" E	159.20
L16	N 33°28'55" 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	96.30
L20	N 40°35'50" E	110.60
L21	N 50°15'25" E	32.50
L22	N 58°00'00" E	94.30
L23	N 50°23'25" E	105.09
L24	N 28°18'45" E	186.59
L25	S 00°15'34" W	115.59
L26	S 08°39'11" E	217.32
L27	S 35°30'59" E	87.30
L28	S 03°30'00" E	83.08
L29	S 31°30'00" W	68.20
L30	S 79°25'18" W	45.49
L31	S 17°08'46" E	88.76
L32	S 29°20'00" W	117.80
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 35°36'00" W	219.10

CURVE TABLE

CURVE	ARC	DELTA	RADIUS	CHORD	BRG
C1	398.24	15°23'33"	1482.39	S 07°57'20" W	
C2	813.57	06°11'23"	5879.58	S 12°33'25" W	
C3	388.82	16°06'55"	1392.39	S 01°24'18" W	
C4	300.26	48°51'38"	386.52	S 31°03'00" 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°55'37" E	

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 Government 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 exist under applicable legal ordinances of Park City, Utah.

Hank Rothwell, President

ACKNOWLEDGEMENT

State of _____
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 1003.92 feet, more or less, from the Southwest corner of Section 29, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running Northeastly along said demarcation and ridge line: North 44°09'00" East 1238.63 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 816.72 feet; thence North 71°34'40" East 644.25 feet; thence North 30°09'00" East 354.14 feet; thence North 20°48'44" East 698.015 feet; thence North 10°48'38" East 569.79 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°14'14" East 672.44 feet; more or less to a point on the westerly boundary line of the "Anchor Tunnel Partial 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 Gulches; thence along said ridge line the following eight courses: thence North 84°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°18'44" 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 line the following fifteen (15) courses: North 10°41'54" East 76.70 feet; thence North 15°21'41" East 116.30 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 103.60 feet; thence North 32°00'03" East 159.20 feet; thence North 33°28'55" 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 96.30 feet; thence North 40°35'50" East 110.60 feet; thence North 50°15'25" East 32.50 feet; thence North 58°00'00" East 94.30 feet; thence North 50°23'25" East 105.09 feet; thence North 28°18'45" East 186.59 feet; thence South 00°15'34" West 115.59 feet; thence South 08°39'11" East 217.32 feet; thence South 35°30'59" East 87.30 feet; thence South 03°30'00" East 83.08 feet; thence South 31°30'00" West 68.20 feet; thence South 79°25'18" West 45.49 feet; thence South 17°08'46" East 88.76 feet; thence South 29°20'00" West 117.80 feet; thence South 83°34'00" West 89.10 feet; thence North 46°45'00" West 87.90 feet; thence North 77°28'00" West 161.00 feet; thence South 35°36'00" West 219.10 feet; 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.

600 0 600 1200 feet

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 SECTION 3, AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 2 SOUTH, RNG 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH



JOB No. 17-4-96 FLAGSTAFF OVERALL \FLGANEX

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(435) 649-9467

PLANNING COMMISSION

APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 1999 A.D.

BY _____
CHAIRMAN

ENGINEERS CERTIFICATE

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

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____
DAY OF _____, 1999 A.D.

BY _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 1999 A.D.

BY _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

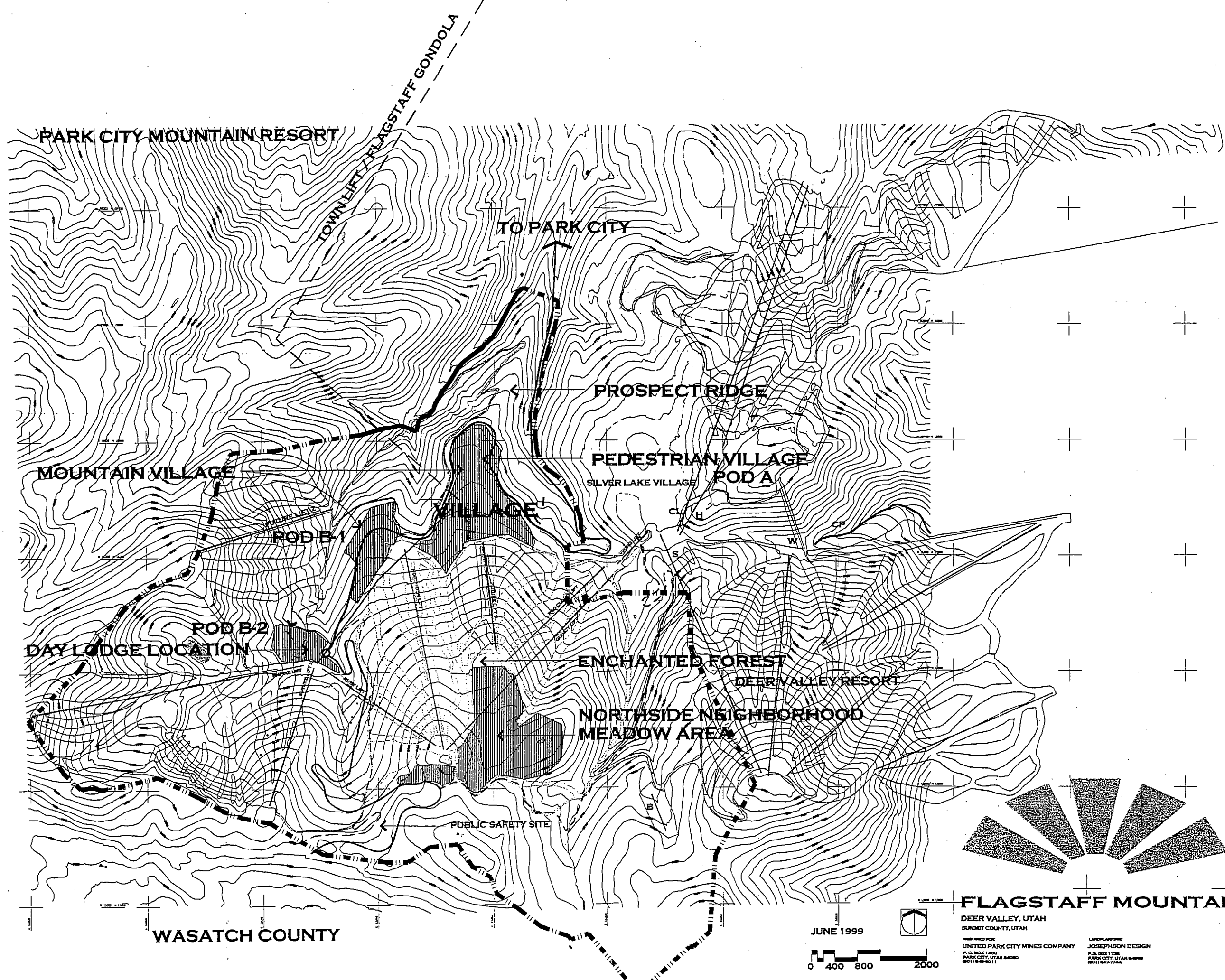
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____
1999 A.D.

BY _____
MAYOR

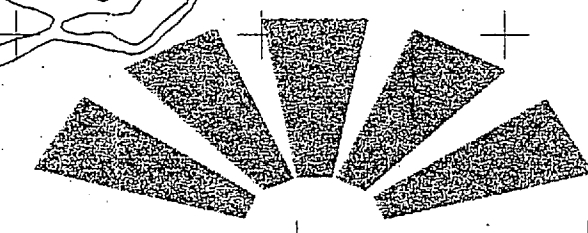
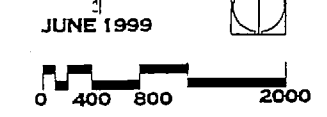
RECORDED

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

FEE _____ RECORDER _____

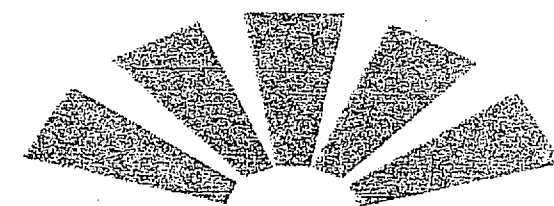
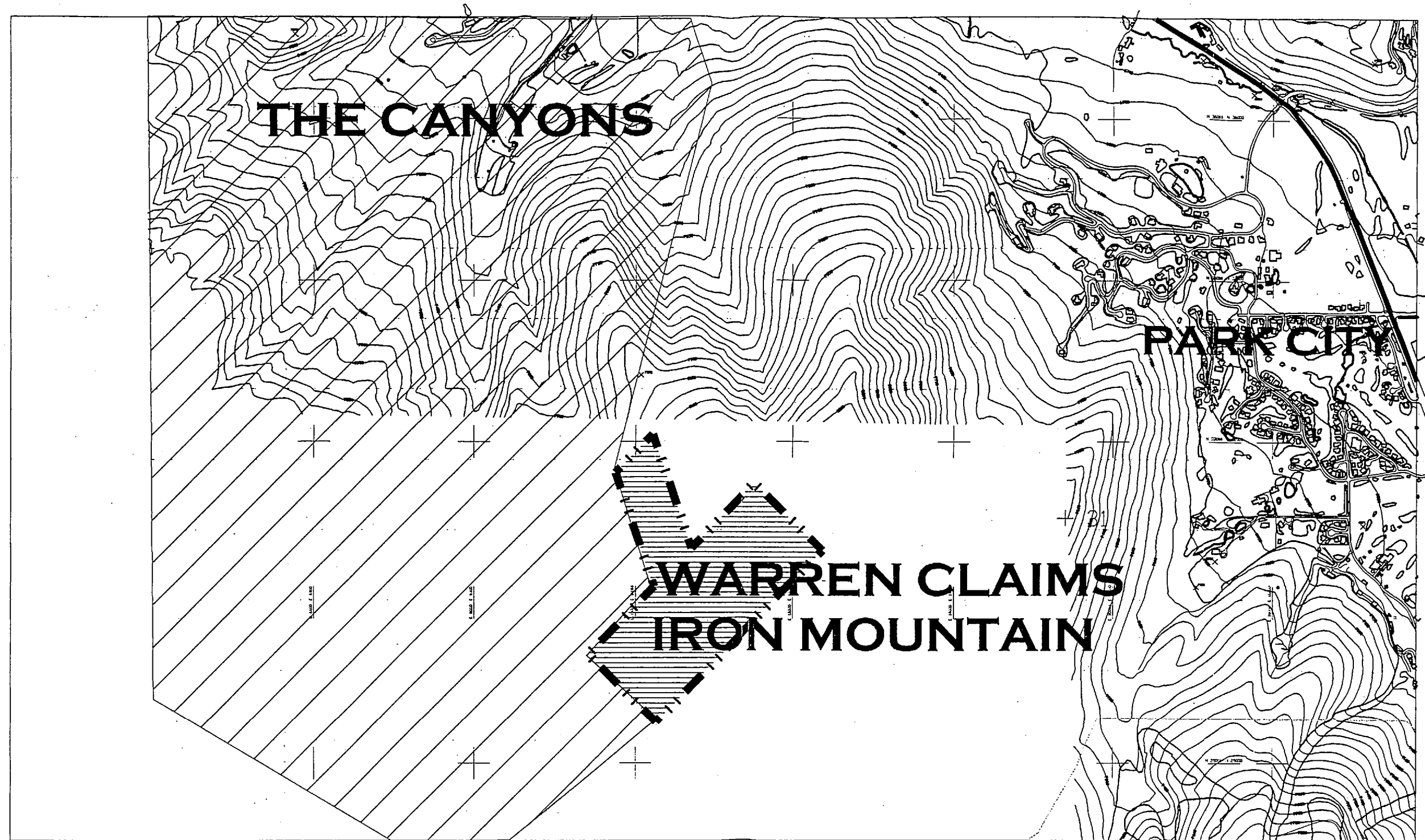


WASATCH COUNTY



FLAGSTAFF MOUNTAIN RESORT

DEER VALLEY, UTAH
SUNSET COUNTY, UTAH
PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P.O. BOX 1400
PARK CITY, UTAH 84060
801/640-6011
LANDSCAPE ARCHITECT:
JOSEPHSON DESIGN
P.O. BOX 1738
PARK CITY, UTAH 84060
801/640-7744



IRON MOUNTAIN PARCEL

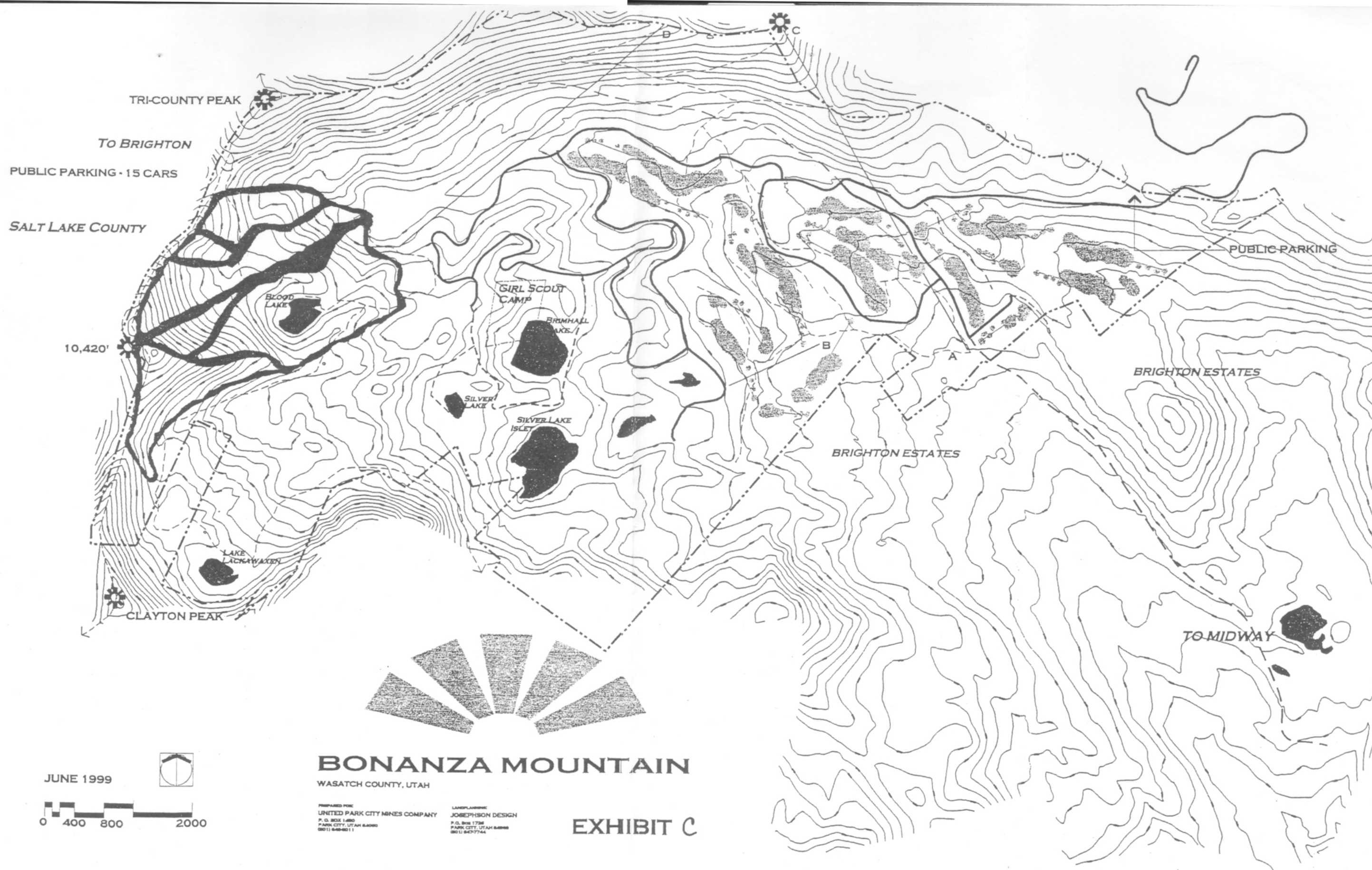
APRIL 1999



SUNDOY COUNTY, UTAH
PREPARED FOR
UNITED PARK CITY MINES COMPANY
P.O. BOX 1480
PARK CITY, UTAH 84302
80111-6457-7744

LUCIFERINE
JOSEPHSON DESIGN
P.O. BOX 1728
PARK CITY, UTAH 84302
80111-6457-7744

EXHIBIT B



JUNE 1999

0 400 800 2000

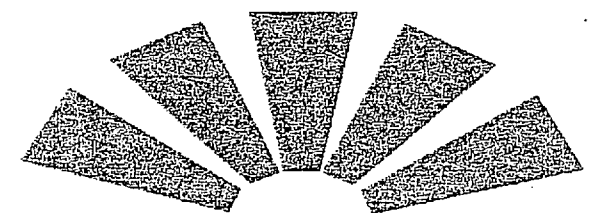
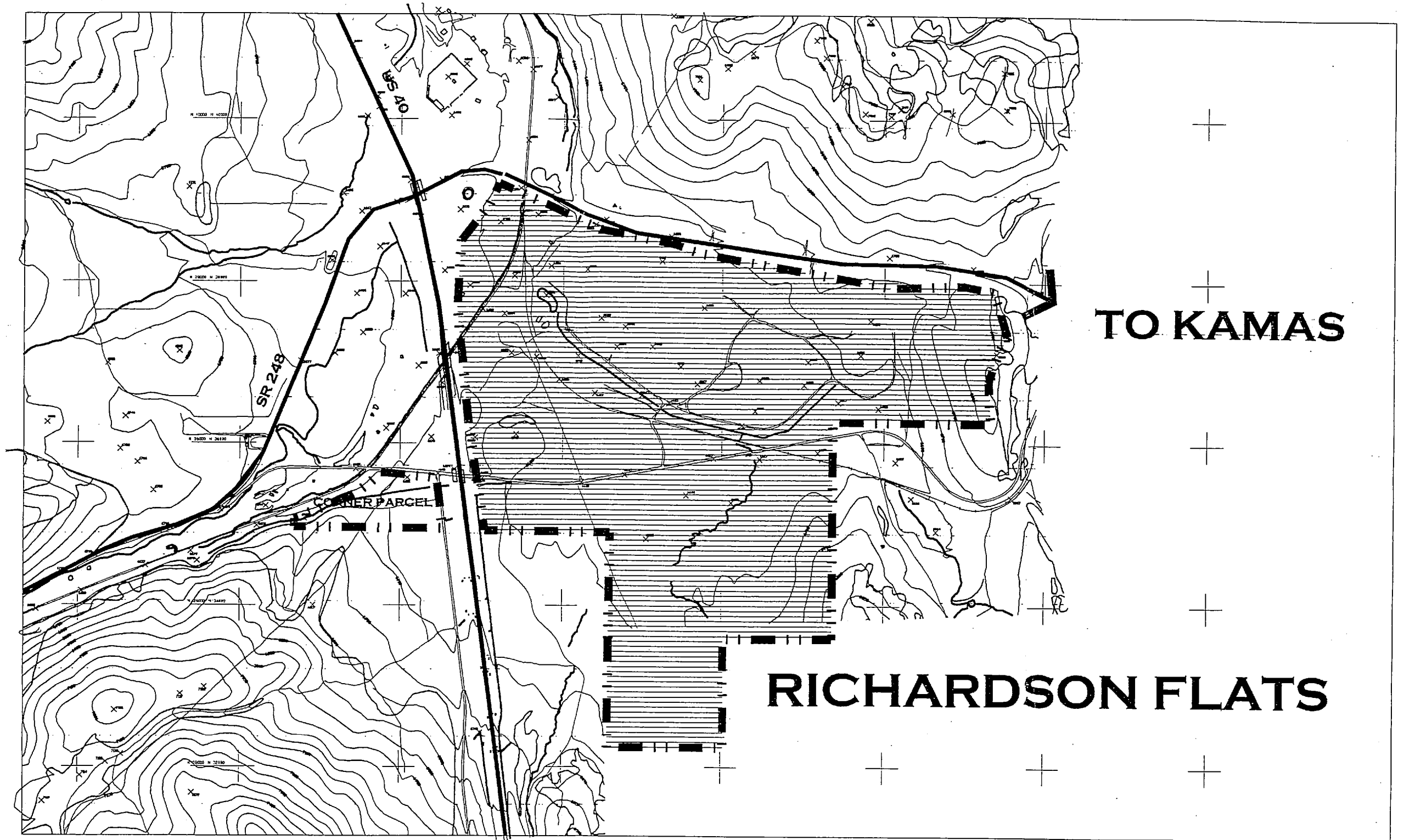
BONANZA MOUNTAIN

WASATCH COUNTY, UTAH

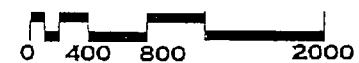
PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P.O. BOX 1480
PARK CITY, UTAH 84080
(801) 648-8011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. BOX 1738
PARK CITY, UTAH 84080
(801) 642-7744

EXHIBIT C



APRIL 1999



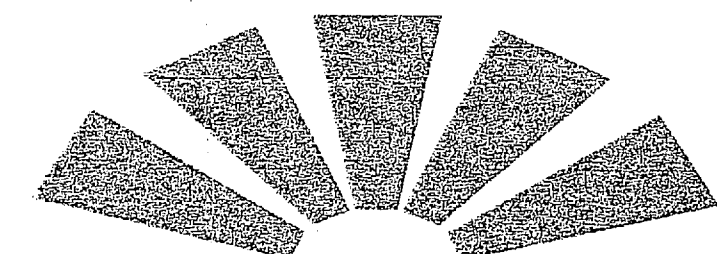
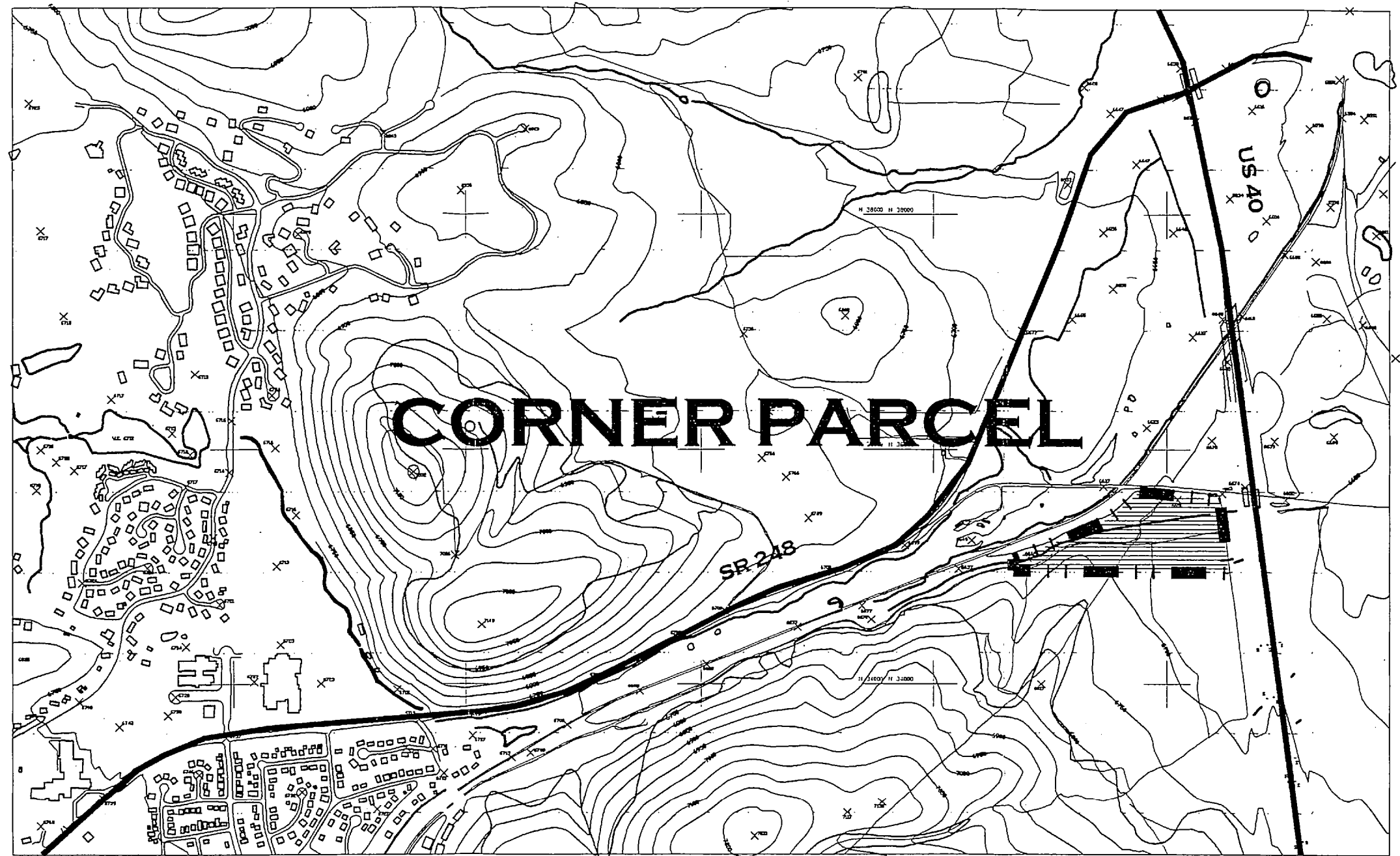
RICHARDSON FLATS PARCEL

SUMMIT COUNTY, UTAH
SUMMIT COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P.O. BOX 1400
PARK CITY, UTAH 84060
(801) 546-8011

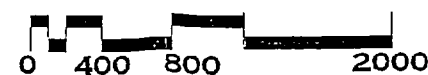
LANDPLANNING:
JOSEPHSON DESIGN
P.O. BOX 1788
PARK CITY, UTAH 84060
(801) 546-7744

EXHIBIT D



CORNER PARCEL

APRIL 1999

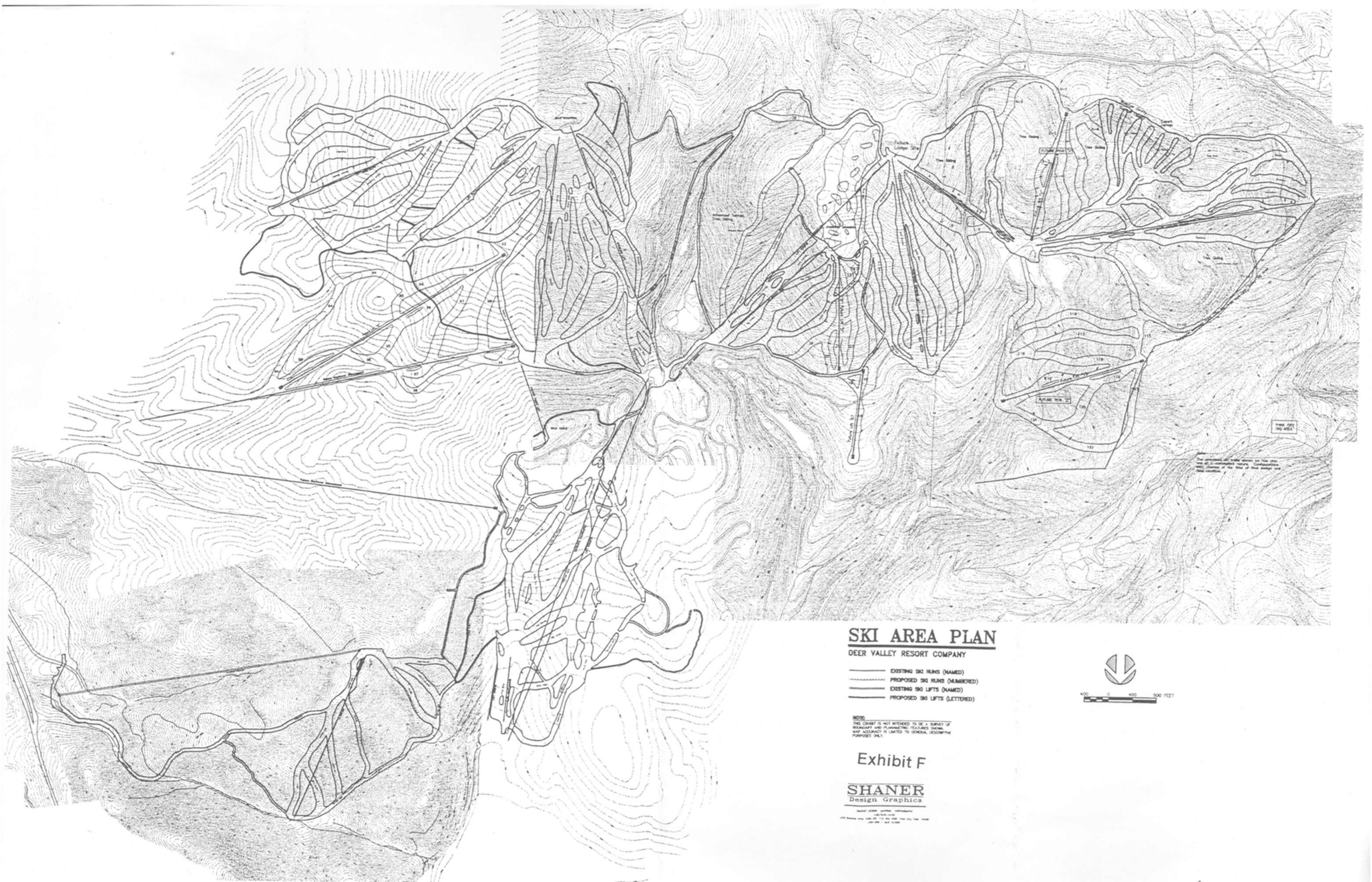


SUMMIT COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P.O. BOX 1450
PARK CITY, UTAH 84060
(801) 549-9011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. BOX 1728
PARK CITY, UTAH 84060
(801) 642-7744

EXHIBIT E



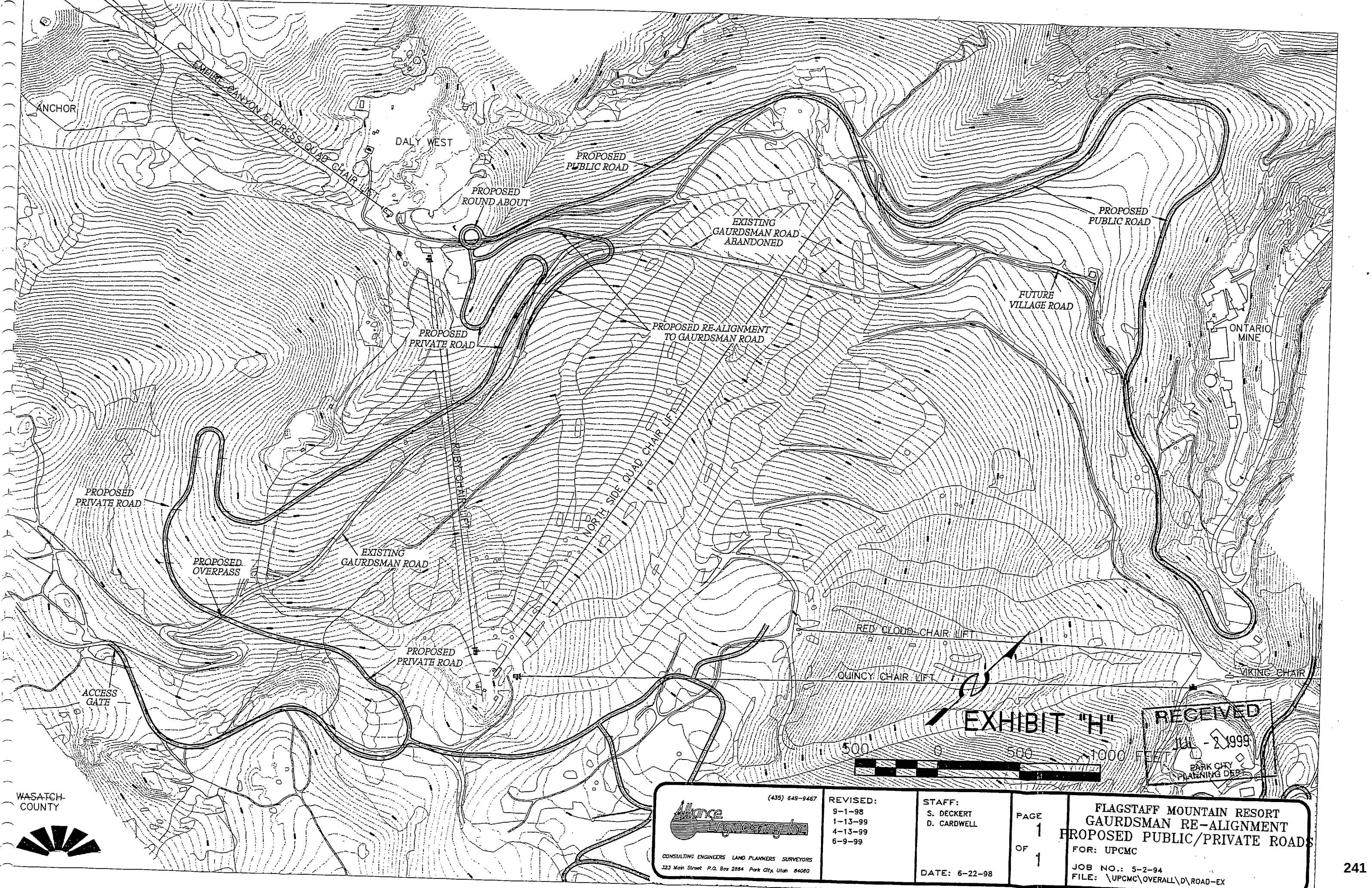
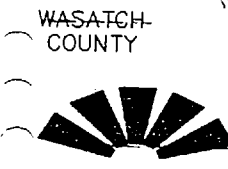
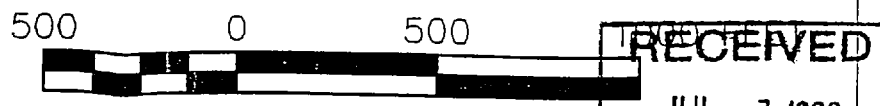
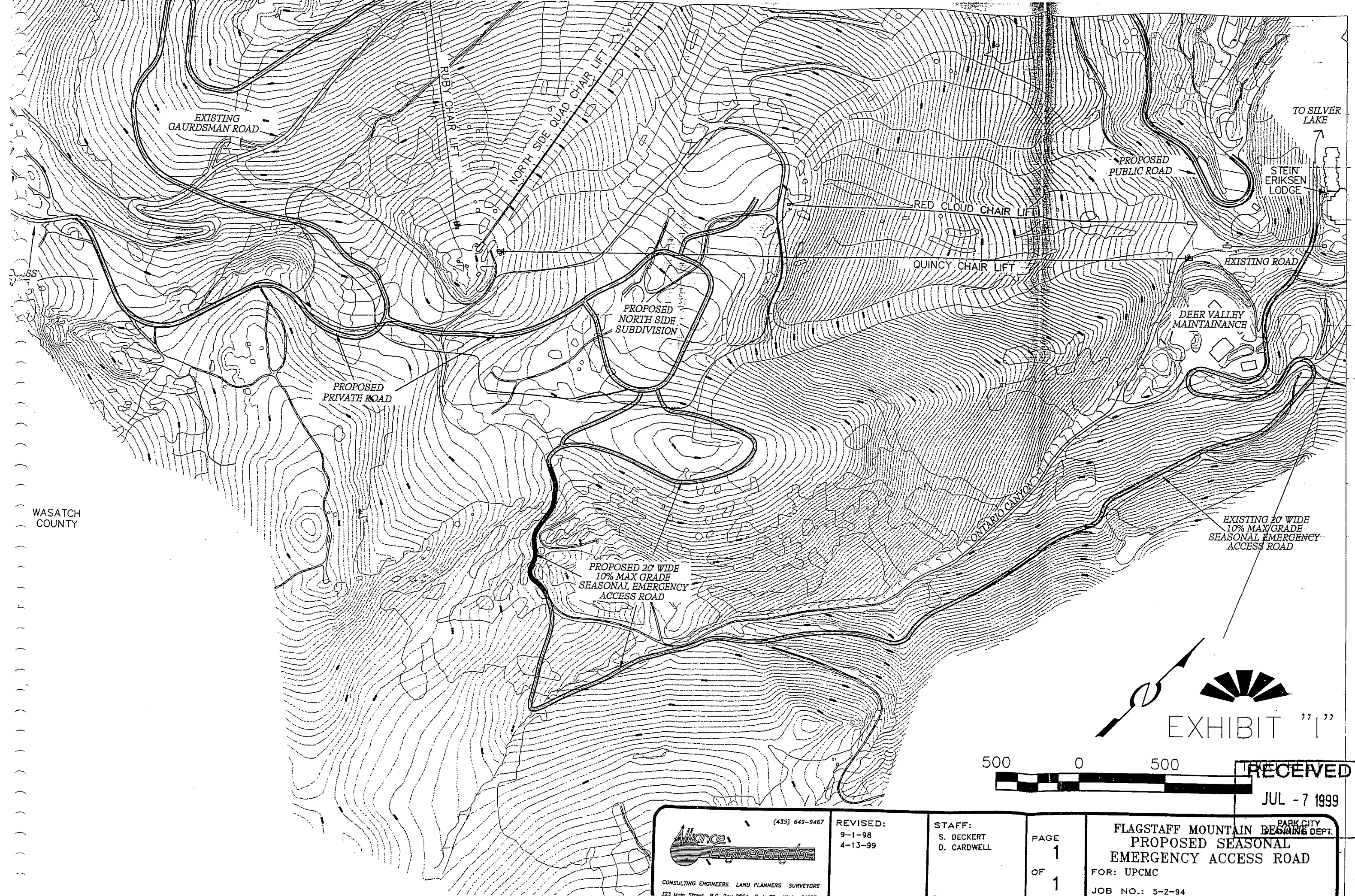


EXHIBIT "H"

RECEIVED
JUL - 2 1999
PARK CITY PLANNING DEPT



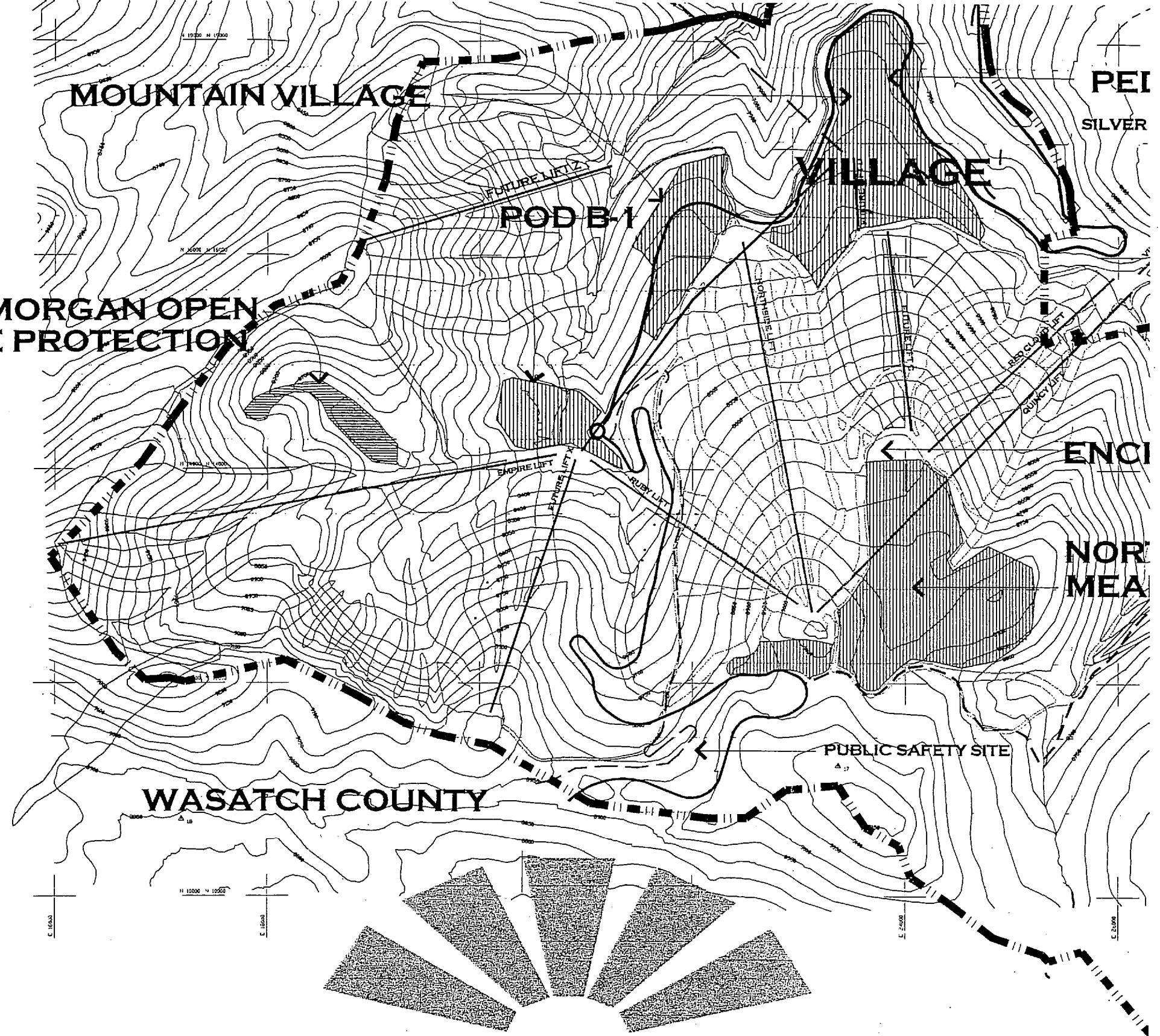
(435) 649-9457 Alliance Engineering Inc CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2884 Park City, Utah 84060	REVISED: 9-1-98 1-13-99 4-13-99 6-9-99	STAFF: S. DECKERT D. CARDWELL DATE: 6-22-98	PAGE 1 OF 1	FLAGSTAFF MOUNTAIN RESORT GAURDSMAN RE-ALIGNMENT PROPOSED PUBLIC/PRIVATE ROADS FOR: UPCM JOB NO.: 5-2-94 FILE: \UPCMC\OVERALL\D\ROAD-EX
--	--	--	--------------------------------	--



JUL - 7 1999

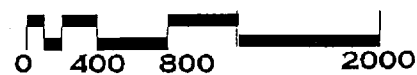
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 999, Park City, UT 84060	REVISED: 9-1-98 4-13-99	STAFF: S. DECKERT D. CARDWELL	PAGE 1	FLAGSTAFF MOUNTAIN BEAVER DEPT. PROPOSED SEASONAL EMERGENCY ACCESS ROAD FOR: UPCM JOB NO.: 5-2-94
			OF 1	

**LADY MORGAN OPEN
SPACE PROTECTION**



FLAGSTAFF MOUNTAIN RESORT

JUNE 1999



SUMMIT COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P.O. BOX 1450
PARK CITY, UTAH 84060
(801) 849-8011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. BOX 1728
PARK CITY, UTAH 84069
(801) 647-7744

EXHIBIT J

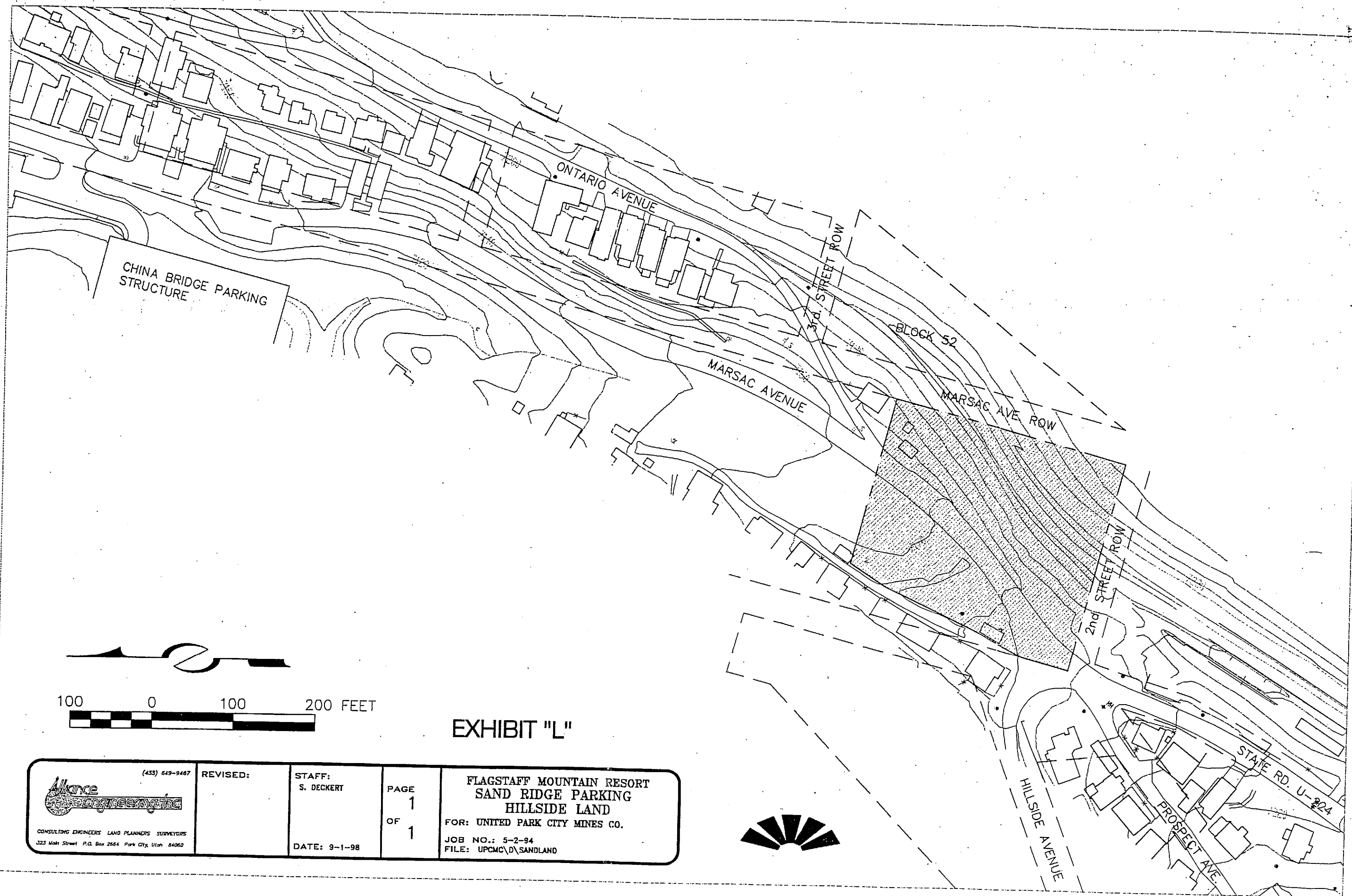
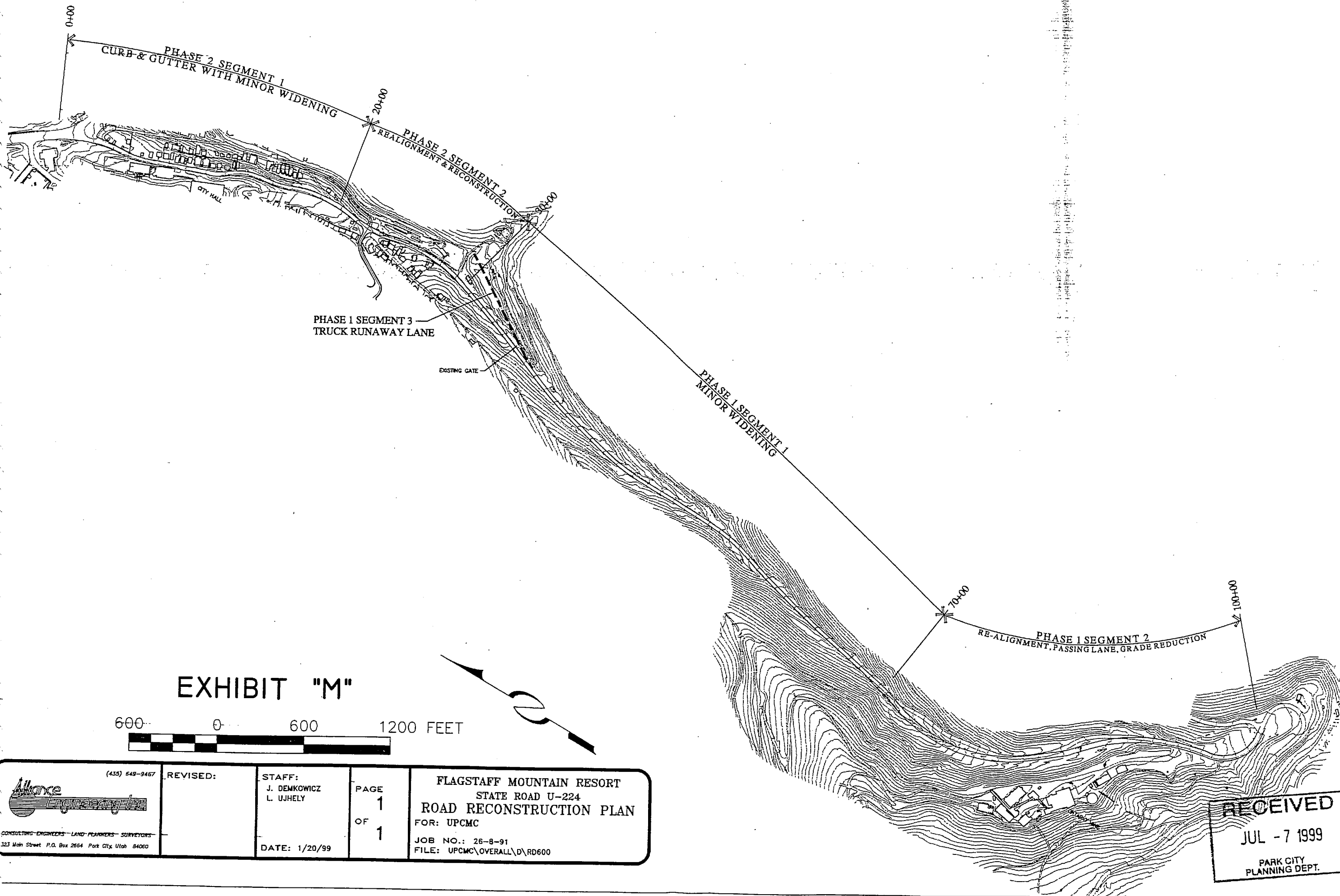
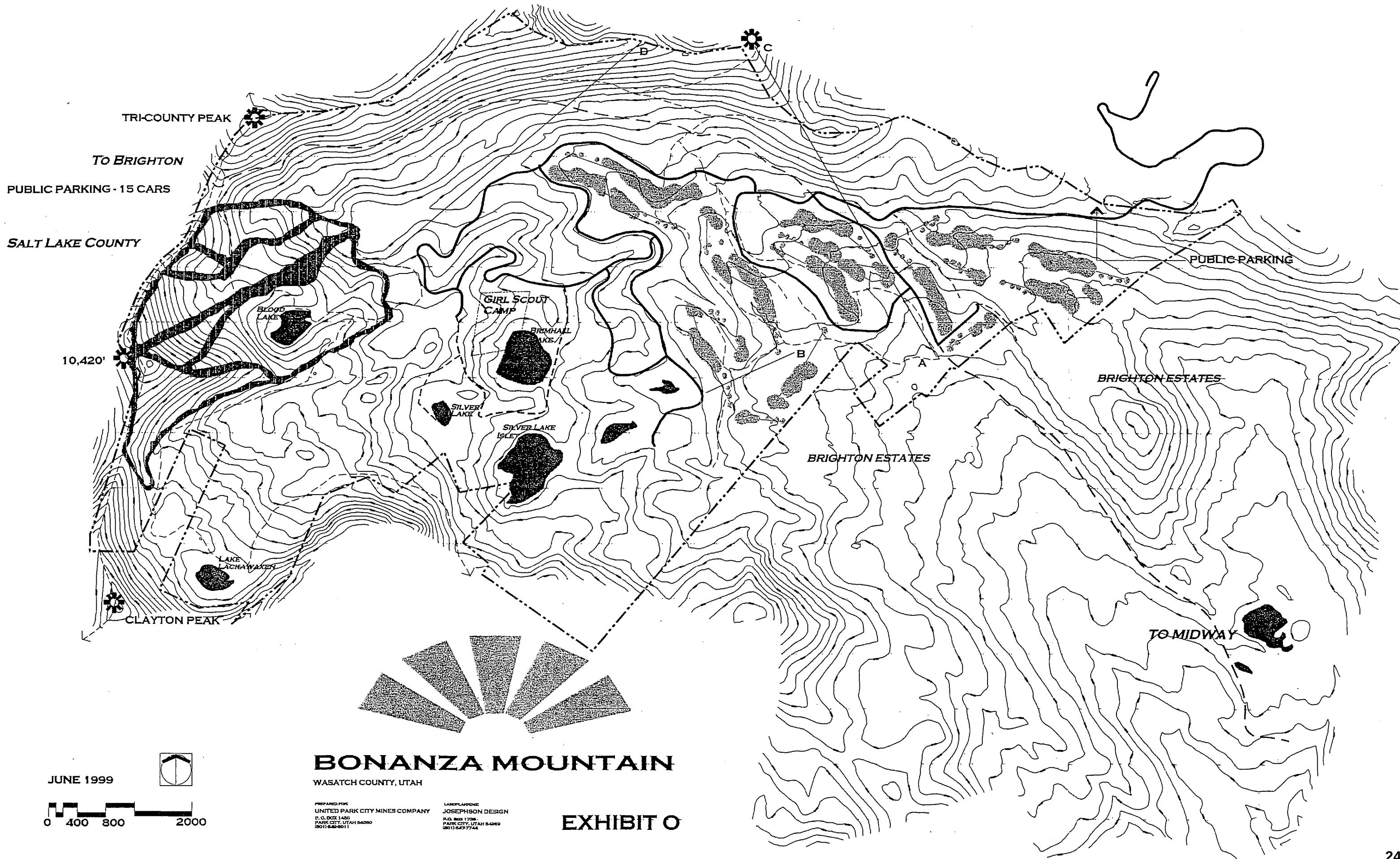


EXHIBIT "L"

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2884 Park City, Utah 84062	REVISED:	STAFF: S. DECKERT	PAGE 1 OF 1	FLAGSTAFF MOUNTAIN RESORT SAND RIDGE PARKING HILLSIDE LAND
				FOR: UNITED PARK CITY MINES CO. JOB NO.: 5-2-94 FILE: UPMC/D\SANDLAND
DATE: 9-1-98				





TRI-COUNTY PEAK
TO BRIGHTON
PUBLIC PARKING - 15 CARS
SALT LAKE COUNTY

10,420'

PUBLIC PARKING

BRIGHTON ESTATES

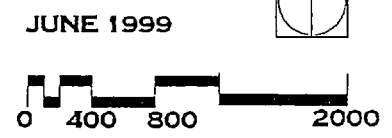
BRIGHTON ESTATES

TO MIDWAY

BONANZA MOUNTAIN

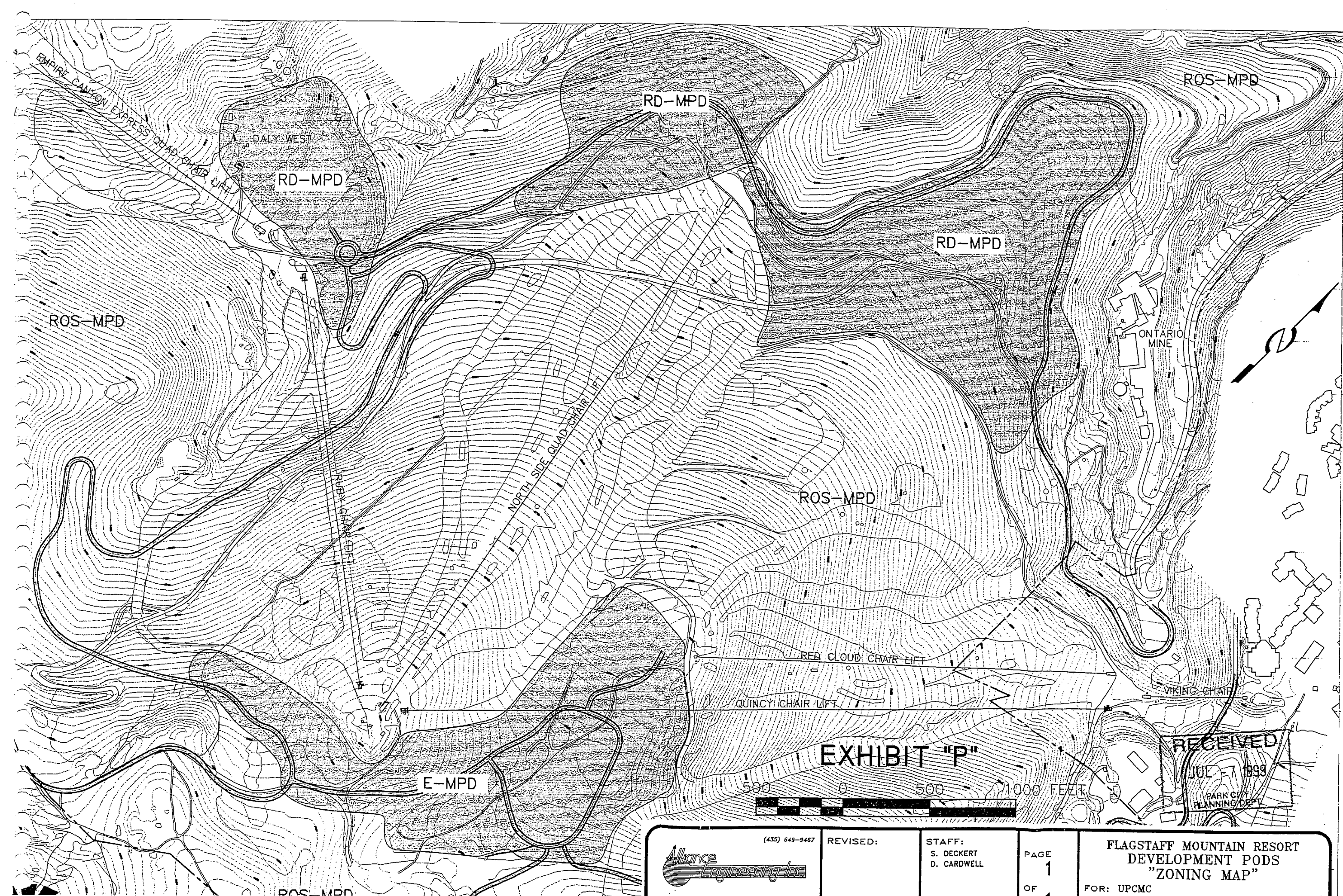
WASATCH COUNTY, UTAH

EXHIBIT O

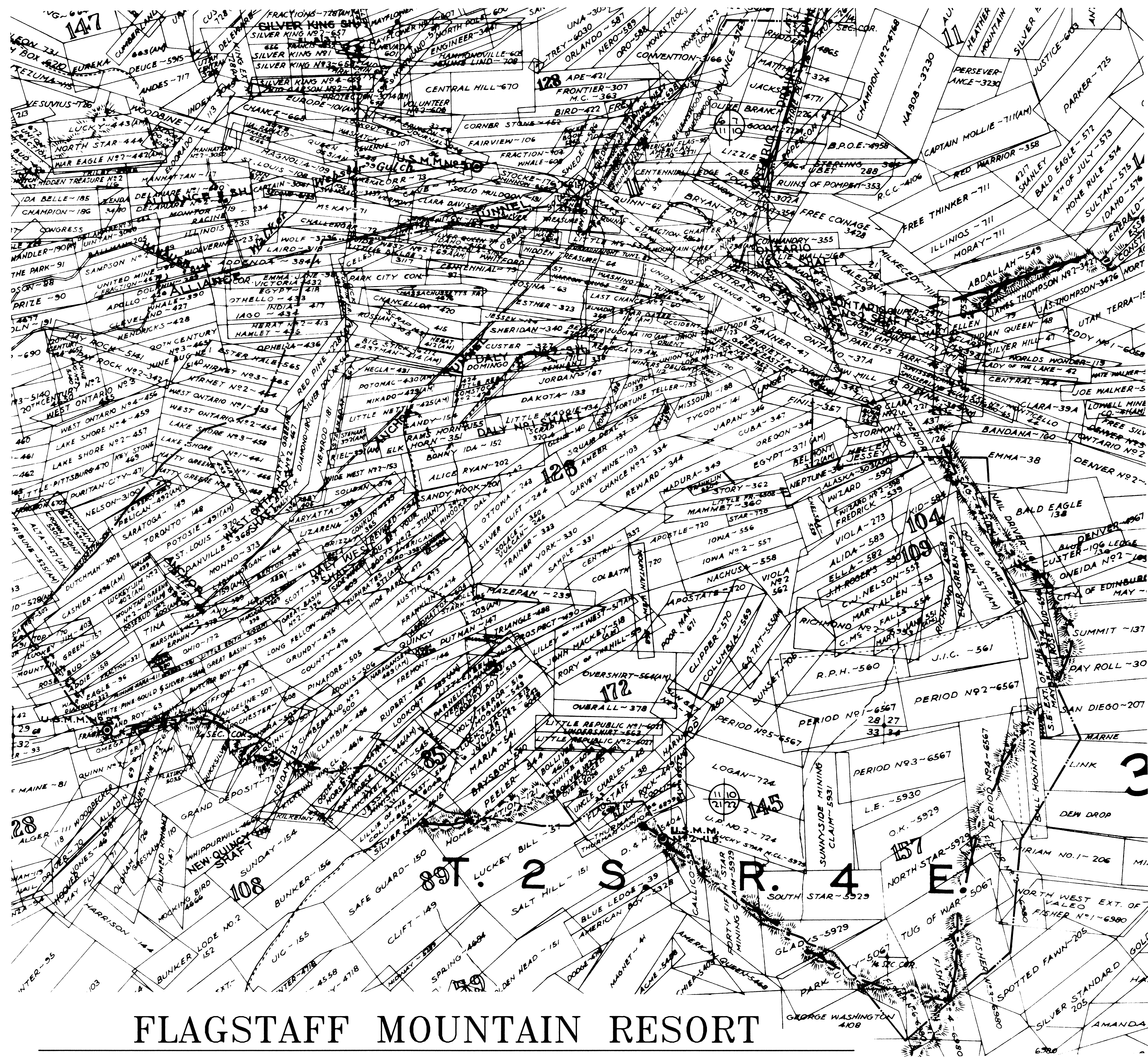


PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P.O. BOX 1450
PARK CITY, UTAH 84060
(801) 640-0011

LANDSCAPE:
JOSEPHSON DESIGN
P.O. BOX 1738
PARK CITY, UTAH 84069
(801) 647-7744



(435) 649-9467 <i>Alliance Engineering Inc.</i>	REVISED:	STAFF: S. DECKERT D. CARDWELL	PAGE 1 OF 4	FLAGSTAFF MOUNTAIN RESORT DEVELOPMENT PODS "ZONING MAP" FOR: UPCMC
---	-----------------	--	---	--



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,
TOWNSHIP 2 SOUTH, RGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

PAGE 2 OF 2

II 545098	
RECORDED	
STATE OF UTAH COUNTY OF SUMMIT AND FILED	
AT THE REQUEST OF Park City Municipal Corp	
DATE 2-28-99	TIME 11:14 AM BOOK PAGE
n/c	Deanna M. Dunn - Deputy
FEE	RECORDED

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

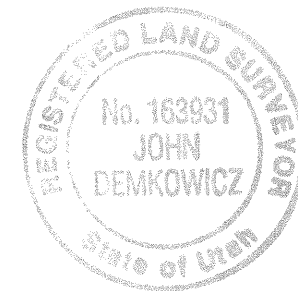
CURVE	ARC	DELTA	RADIUS	CHRD BRG
C1	398.24	15°23'33"	1482.39	S 07°57'20" W
C2	613.57	06°11'23"	5679.58	S 12°33'25" W
C3	388.82	16°06'55"	1382.39	S 01°24'16" W
C4	500.26	48°51'38"	586.62	S 31°03'00" E
C5	364.28	30°23'53"	686.62	S 40°19'03" E
C6	191.78	21°36'53"	508.37	S 14°18'27" E
C7	214.46	55°51'14"	220.00	S 31°25'37" E

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 Government Lots of Record as prescribed within the boundary of the Flagstaff Mountain Resort annexation petition.

John Demkowicz
John Demkowicz
L.S. No. 163931

7/26/99
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 exist under applicable legal ordinances of Park City, Utah.

Hank Rothwell
Hank Rothwell, President

ACKNOWLEDGEMENT

State of Utah
County of Summit :SS

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



My Commission Expires: 8-28-2002

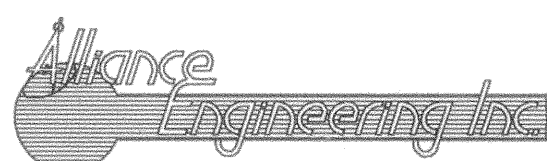
LEGAL DESCRIPTION

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 77 48'30" East 79.25 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 39'00" 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 southeasterly 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 63.10 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; 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.

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



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. Johnson*
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 26th DAY OF JULY, 1999 A.D.
BY *Michael R. Papp*
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 *James M. Smith*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 24 DAY OF JUNE, 1999 A.D.
BY *High A. Smith*
MAYOR PRO TEM

545098

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Park City Municipal Corp
DATE 7-28-99 TIME 11:04 AM BOOK - PAGE -
FEE N/C RECORDER *Doreen M. Dunn*

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 shown within the Approximate Building Location (Design Guidelines) as shown on the plat. Second story square footage cannot be more than 2/3rds of the first floor. Total Limits of Disturbance cannot extend more than 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 project's 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

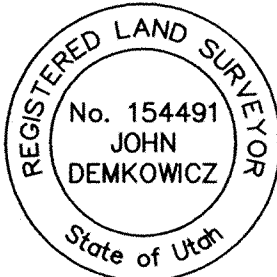
Approved as to form:

Mark D. Harrington
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.



1-20-05
DATE

John Demkowicz
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 6.71 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 and 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 South 47°05'06" 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°04'40" 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.

200' 0 200' 400'

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

EASEMENT 1: SBWRD SANITARY SEWER OUTFALL

LINES OF ENCHANTED FOREST CONSERVATION EASEMENT

LINES OF PUBLIC SKI EASEMENT.

20' WIDE EMERGENCY ACCESS AND UTILITY EASEMENT EASEMENT 4: SBWRD ACCESS

CENTER LINE 60' WIDE DEER VALLEY CHAIR LIFT & PRIVATE SKI TRAIL EASEMENT

LINE OF EXTG. CONSERVATION EASEMENT EAST PARCEL.

ACCESS PARCEL AND EASEMENT 5: SBWRD FUTURE MAIN AND ACCESS

DEER VALLEY SKI TRAIL EASEMENT

LINE OF EXTG. CONSERVATION EASEMENT EAST PARCEL.

ACCESS EASEMENT AND EASEMENT 6: SBWRD MAIN AND ACCESS

EASEMENT 2: RED CLOUD TRAIL AND RUBY HOLLOW--SBWRD MAIN AND ACCESS

LINE OF ESTATE ZONE 30' MINIMUM SETBACK TYPICAL.

CL EXISTING POWER LINE

EASEMENT 3: SBWRD MAIN AND ACCESS

SUMMIT / WASATCH COUNTY LINE & FLAGSTAFF ANNEXATION BOUNDARY.

NOTE

See Sheet 4 of 4 for Plot Notes

LEGEND

- FOUND SURVEY MONUMENT
- PROPERTY CORNERS TO BE SET. SEE SHEETS 2 & 3

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 and 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

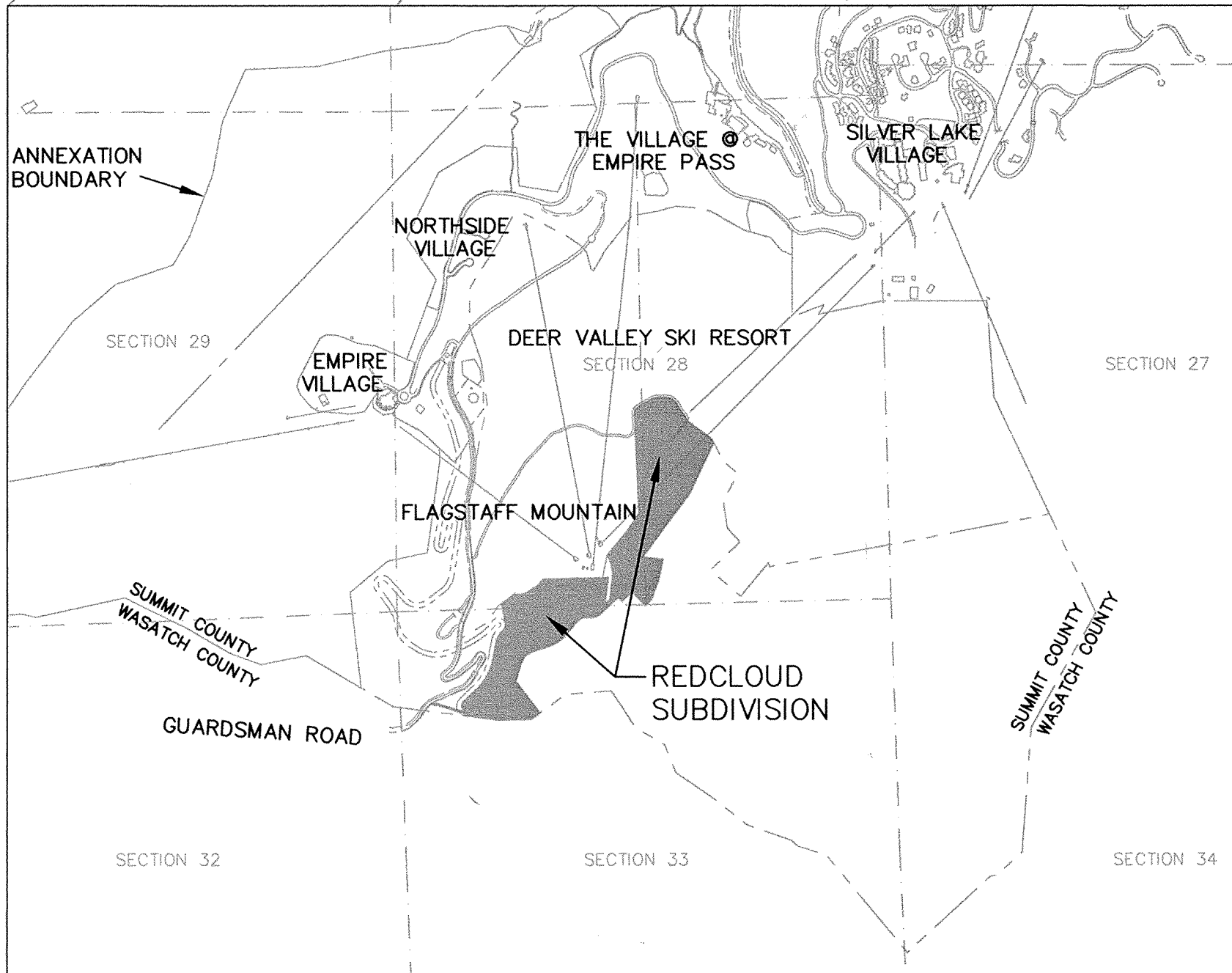
STATE OF UTAH)
COUNTY OF SUMMIT) SS.

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

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

PAGE 1 OF 4

RECORDED CONCURRENTLY HERewith IS THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS.

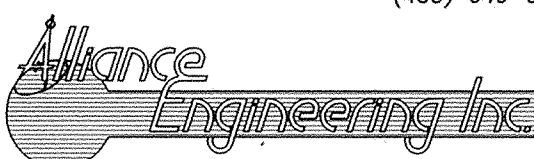
JOB NO.: 1-1-01 FILE: x:\empire\dwg\UPOMC\RedCloud\plat\RED CLOUD FINAL PLAT.dwg

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 Betty Willoughby, Deputy
RECORDER



(435) 649-9467

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 B.S.B.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 26

DAY OF January, 2005 A.D.

BY J. Smith
CHAIRMAN

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 Chris W. DeGroot
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 25th

DAY OF January, 2005 A.D.

BY M.H.D. H.
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 Shirley N. Scott
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11 DAY OF November, 2004 A.D.

BY Dana Williams
MAYOR

LINE TABLE SHEETS 2 OF 5 & 3 OF 5

LINE	BEARING	DISTANCE
L1	S 47°05'27" W	9.00
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 63°21'14" 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	113.73
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°22'30" W	25.34
L14	S 79°41'53" E	25.34
L15	N 71°50'22" E	15.22
L16	N 27°55'41" W	43.20
L17	S 27°55'41" E	43.20
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 09°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 84°47'29" E	56.54
L26	N 58°22'29" E	14.29
L27	S 14°48'02" W	32.02
L28	S 17°18'15" E	76.76
L29	S 12°19'29" 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°16'02" W	73.12
L38	S 57°48'22" W	52.96
L39	S 34°57'27" E	24.71
L40	S 79°08'26" W	66.73
L41	S 77°49'12" W	41.68
L42	S 53°11'52" E	39.68
L43	S 37°04'49" E	64.38
L44	S 25°50'06" W	27.34
L45	N 73°49'02" 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	50.85
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

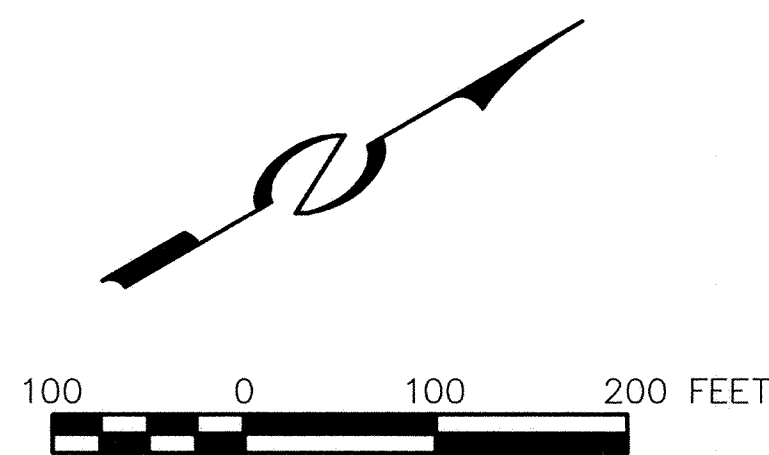
CURVE	ARC	DELTA	RADIUS
C1	163.55	49°15'37"	190.00
C2	140.18	57°22'03"	140.00
C3	173.22	56°42'44"	175.00
C4	147.29	56°37'08"	1275.00
C5	107.22	102°51'59"	50.00
C6	150.27	40°02'47"	215.00
C7	80.07	61°10'16"	75.00
C8	64.91	19°34'31"	190.00
C9	24.12	32°08'58"	15.00
C10	13.49	15°27'37"	50.00
C11	46.34	28°27'43"	93.29
C12	46.34	28°27'43"	93.29
C13	43.43	54°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°23'25"	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°29'24"	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°24'44"	55.00
C30	14.09	08°04'28"	100.00
C31	102.24	26°08'30"	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	73.66	08°40'13"	500.00
C38	42.50	48°42'12"	50.00
C39	4.09	15°36'37"	15.00
C40	90.42	10°37'00"	50.00
C41	41.65	34°05'15"	70.00
C42	46.37	53°08'30"	50.00
C43	48.23	12°47'34"	216.00
C44	68.49	16°02'45"	216.00
C45	56.19	14°54'48"	216.00
C46	65.24	20°30'20"	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	61°11'54"	602.25
C52	35.44	23°23'30"	86.82
C53	20.53	4°58'02"	242.50
C54	16.65	6°03'25"	157.50
C55	32.55	4°29'38"	415.00
C56	42.09	17°13'50"	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
E61	37.05	46°27'12"	50.00
E62	7.92	01°01'55"	440.00
E63	22.65	05°35'14"	232.29

NOTE

See Sheet 4 of 4 for Plot 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.

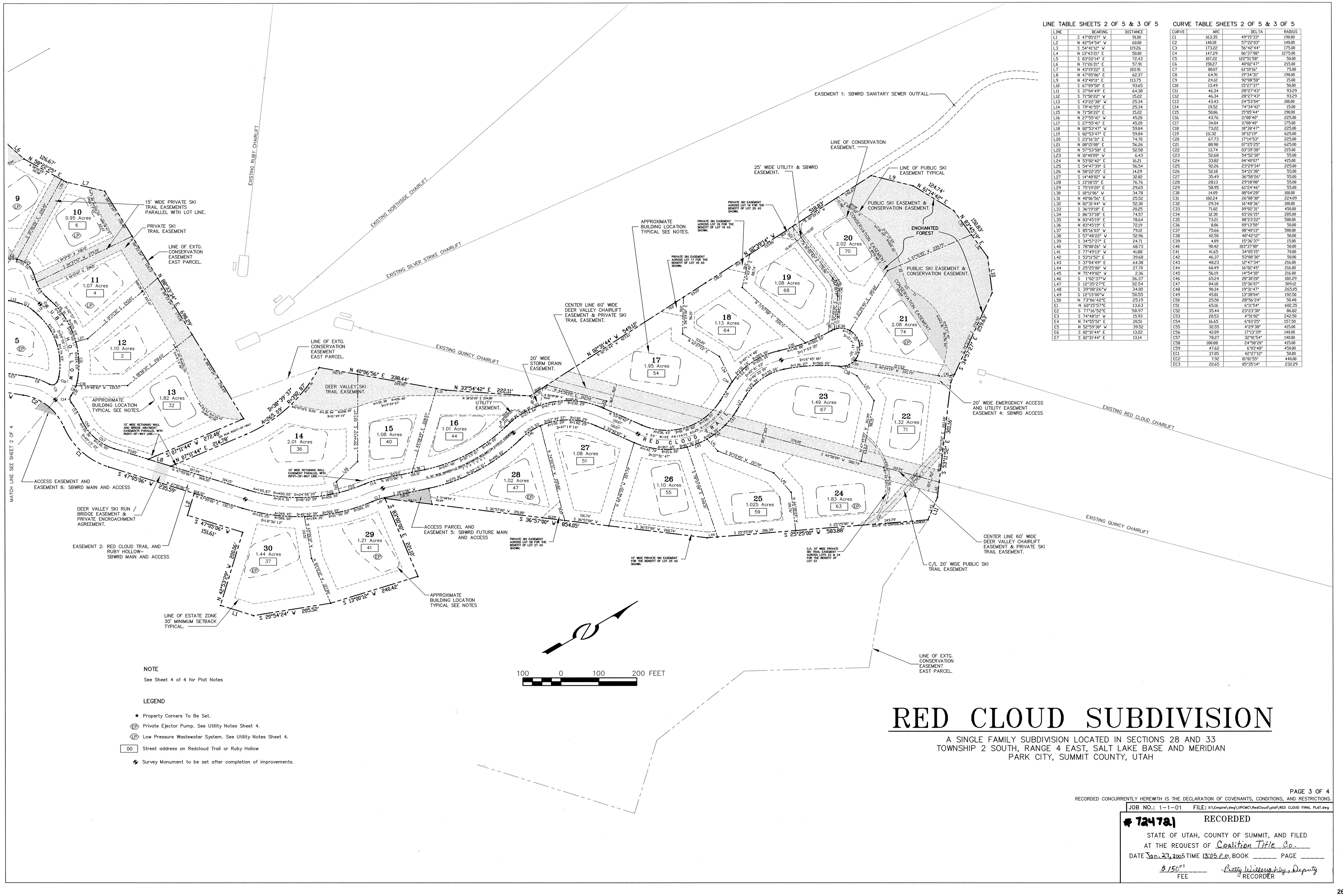
JOB NO.: 1-1-01 FILE: X:\Empire\dwg\UPMC\RedCloud\plot\RED CLOUD FINAL PLAT.dwg

724721 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF *Coalition Title Co.*

DATE *Jan 27, 2005* TIME *13:05 PM* BOOK *150* PAGE *4*

FEE *\$150.00* *Betsy Wallingbury, 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" E	60.00
L3	S 54°41'11" V	119.26
L4	N 13°43'21" E	50.00
L5	S 83°22'14" E	78.43
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°40'11" E	113.75
L10	S 67°09'59" E	93.65
L11	S 37°04'49" E	46.34
L12	S 71°50'22" V	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" V	45.20
L17	S 27°55'41" E	45.20
L18	N 82°53'47" V	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 04°40'09" V	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 44°48'08" E	32.82
L28	S 13°18'15" E	76.76
L29	S 75°19'20" E	29.65
L30	S 18°11'06" V	34.78
L31	N 40°15'56" E	25.52
L32	N 02°31'44" V	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" V	79.12
L38	S 57°48'22" V	52.96
L39	S 34°57'27" E	24.71
L40	S 78°00'26" V	68.73
L41	S 77°49'13" V	41.88
L42	S 53°11'52" E	39.68
L43	S 37°04'49" E	44.38
L44	S 25°25'00" V	27.70
L45	N 75°49'02" V	2.36
L46	S 1°02'37" W	36.37
L47	S 12°52'27" E	32.54
L48	S 39°08'26" V	34.00
L49	S 12°13'00" V	50.55
L50	N 73°06'42" E	25.19
L51	N 60°15'37" E	13.63
L52	S 77°16'52" E	58.97
L53	S 74°48'11" V	15.93
L54	N 74°53'51" E	20.51
L55	N 52°59'20" V	39.52
L56	S 02°31'44" E	13.22
L57	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	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	01°21'19"	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°58'26"	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°00'30"	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	10°37'00"	50.00
C41	41.65	34°05'15"	70.00
C42	46.37	53°08'30"	50.00
C43	48.23	12°47'34"	216.00
C44	66.49	16°02'45"	216.00
C45	56.19	14°54'18"	216.00
C46	65.24	20°30'20"	182.29
C47	94.18	15°36'07"	309.12
C48	90.34	19°31'47"	265.05
C49	45.81	13°38'04"	192.50
C50	25.30	28°56'24"	50.48
C51	65.16	61°15'44"	602.35
C52	35.44	23°23'30"	86.62
C53	20.53	4°51'02"	242.50
C54	16.65	6°03'25"	357.50
C55	38.55	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°13'48"	450.00
EC1	37.05	42°27'12"	50.00
EC2	7.92	01°01'55"	440.00
EC3	22.65	05°59'14"	232.29

NOTE
See Sheet 4 of 4 for Plot Notes

LEGEND

- Property Corners To Be Set.
- Private Ejector Pump. See Utility Notes Sheet 4.
- Low Pressure Wastewater System. See Utility Notes Sheet 4.
- 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

PAGE 3 OF 4
RECORDED CONCURRENTLY HERewith IS THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS.

JOB NO.: 1-1-01 FILE: X:\Empira\dwg\UPCM\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 Williams, 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 than 2/3rds of the first floor. Total Limits of Disturbance cannot extend more than 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 necessary for 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 accommodate 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

RECORDED CONCURRENTLY HEREWITH IS THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS.

JOB NO.: 1-1-01FILE: X:\Empire\dwg\UPCMC\RedCloud\plat\RED_CLOUD_FINAL_PLAT.dwg

#724721RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF Coalition Title Co.

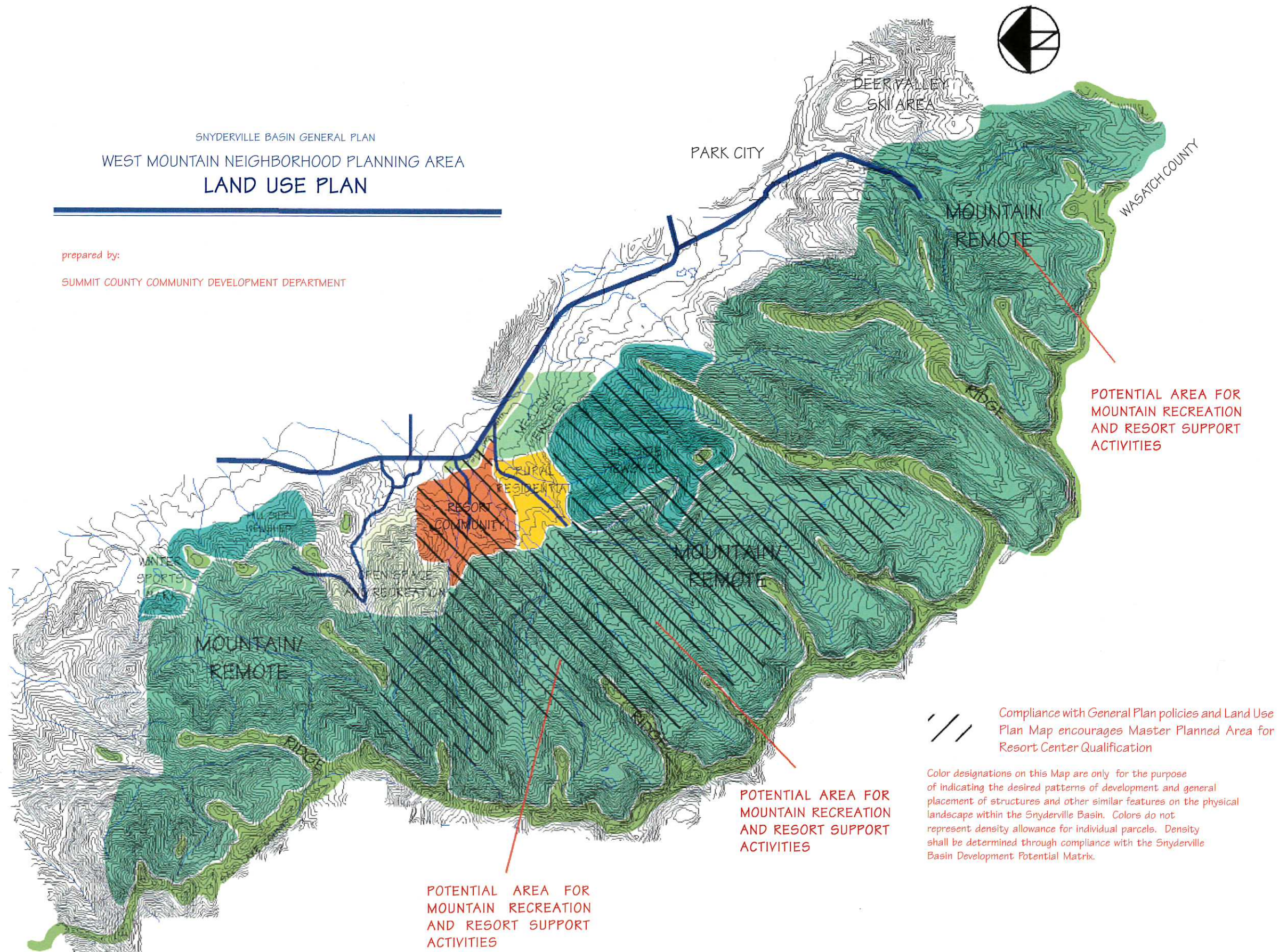
DATE Jan 27, 2005TIME 13:05 P.M.BOOKPAGE

\$150.00FEE

Betty W. Keloughay, DeputyRECORDER

SNYDERVILLE BASIN GENERAL PLAN
WEST MOUNTAIN NEIGHBORHOOD PLANNING AREA
LAND USE PLAN

prepared by:
SUMMIT COUNTY COMMUNITY DEVELOPMENT DEPARTMENT



2.3.F(1) SNYDERVILLE BASIN DEVELOPMENT POTENTIAL MATRIX
Minor Development

Planning Area	Base Density		Land Use Planning Principles			Maximum Possible Density ⁵
	Mountain/ Remote Areas ¹	All Other Land Use Designations ¹	Dedication and Preservation of Viewshed/Environment Features of the Area ²	Mandatory Consistency with Desired Neighborhood Character ³	Community and Neighborhood Recreation Facilities ⁴	
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 1 Unit/ 20 Acres		Desirable Mandatory	Desirable Mandatory	N/A Mandatory	1 Unit/40 Acres 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 1 Unit/ 20 Acres		Desirable Mandatory	Desirable Mandatory	N/A Mandatory	1 Unit/40 Acres 1 Unit/20 Acres
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 1 Unit/ 20 Acres		Desirable Mandatory	Desirable Mandatory	N/A Mandatory	1 Unit/40 Acres 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 1 Unit/ 20 Acres		Desirable Mandatory	Desirable Mandatory	N/A Mandatory	1 Unit/40 Acres 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

¹Base 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 be placed 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.

²Preservation 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.

³Development 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.

⁴Development 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.

⁵The 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.

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.

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.

April 7, 2022
Page Three

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.

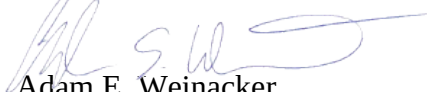
* * *

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)
John Phillips (via email: john.phillips@parkcity.org)
Laura Suesser (via email: laura.suesser@parkcity.org)
Douglas Thimm (via email: douglas.thimm@parkcity.org)
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)
Rich Wagner (via email: riwagner@alterramtnco.com)

EXHIBIT A

Bransford Land Company, LLC. Zone Change Justification

The Bransford family, a.k.a. BLC, have owned two undeveloped mining claims in Park City Municipal since 1925.

The two parcels are:

Logan #724 *Parcel Number PCA-S-79-C @ 19.80 acres*

U.P. No. 2 *Parcel Number PCA-S-79-B @ 19.82 acres*

Prior Approvals by PCMC:

In or about 1998 BLC became participants in the early versions of the Flagstone Annexation Agreement. Their two parcels were eventually annexed into Park City via the Amended Restated 2007 Flagstaff Annexation Agreement. At that time their part of the Resort was known as “Pod D” which contained an development area known as the “Northside Neighborhood”. Deer Valley also called the area “Flagstaff Mountain”. Today the private, gated residential Subdivision known as “Red Cloud” and consists of 30 fully improved lots.

In our meetings with Staff after submitting the Application they were very curious why BLC decided to start the process with only a “Zone Change” request rather than submitting a full development proposal. The reasons are simple. 1) Code does not forbid an incremental approach; 2) We do not know how to anticipate the needs of the ultimate occupant; and 3) The subsequent approvals will be very expensive for reasons that will be explained further below.

BLC’s Board decided we first need to establish that PCMC still believes the land is appropriate for the development of a single residential limited number of Estate on each of its two 20-acre +/- parcels. If and/or when PCMC approves the “Zone Change” application – BLC will pleased to continue the process of providing the plans and submittals and all other required materials necessary to process a Plat Plan and secure building permits for the required off site roads and infrastructure.

Annexation and the Development Agreement:

BLC and their neighbors at the time, Stichting Mayflower, were asked to sign the Flagstaff 1999 Development Agreement. Both parties chose **not** to do so. UPCM (Developer at the time) could not guarantee either party of what they would receive by pledging their land or what it would cost. The Density associated with the Northside neighborhood was 38 ERUs to UPCM and Deer Valley (the Declarant and Developer of what is now known as Red Cloud) – provided that everyone signed on. In the event that everybody did not sign onto the DIA, UPCM and DV would be entitled to allocate develop 30 of those ERUs. They are now known as the Red Cloud Sub-division.

In hindsight, had the Bransford signed onto the DIA, the declarant would have included their parcels in their Development Approvals. That would have effectively changed their zoning from R.O.S. to Estate Residential, provided them with an easement, a fully improved access road and, established their density allocation (some of the 8 additional available lots). Consequently, (as Mark Harrington has since advised) in order to obtain any development rights on their property, they must now file their own development applications. This Zone Change Application is the first step in that process.

Much has changed over the ensuing years:

- The marketplace proved that there is sufficient demand and capacity to successfully develop this type of high elevation neighborhood.
- All of the 30 fully improved Red Cloud parcels have been developed and/or sold.
- Empire Pass has been all but fully developed as well and is considered an unprecedented success.

- The EPMOA and its sub- HOAs are well established and effectively managed.
- UPCM was purchased by Talisker; however, that asset (and others) were foreclosed by Wells Fargo.
- Wells assigned management of those assets to Redus, who assumed the role of Declarant.
- Stichting Mayflower sold their assets to Extell (aka R.H. Mayflower and a series of related LLC's) who now own the land on all four sides of the Bransford Parcels.
- We regularly read about their Extell's "Billion Dollar Ski Area" development plans.

BLC decided to prepare their property for disposition:

They retained Kuhn Company as a consultant to help them do so. BLC acquired an access and utility easement from Redus on Twisted Branch and Red Cloud Trail to the Ontario Ski Bridge (about 1,000 feet from our closest property line). To date BLC has been unable to negotiate to an Easement from the public road to the BLC Property Line from R.H. Mayflower (or the purchase or the sale of either of their respective parcels). Unfortunately, BLC's path forward from a zone change to fully entitled land has evolved into what will be a much more expensive process than signing onto the Flagstaff DIA would have been.

BLC understands that any benefits it may obtain from an approved zone change to Estate will be conditioned upon subsequently providing everything required under the PCMC Land Management Codes and City Council for an approval on a Plat Plan.

In closing, please note: PCMC previously determined that our two parcels were appropriate for similar use and density when they entered into the 2007 Flagstaff Annexation agreement and annexed the two parcels. Any decision to grant the Zone Change application (from R.O.S. to Estate) will be an approval that is still conditioned upon satisfaction of all the rest of the applicable Land Management Code requirements before any construction activity could be initiated. We urge the Staff and the Planning Commission to view the processing of this request as more of an administrative matter than a fresh entitlement matter.

Respectfully Submitted,

Jeffrey Kuhn
On behalf of:
Bransford Land Company, LC



Planning Commission Staff Report



Subject: 45 Daly Avenue
Application: PL-22-05141
Author: Lillian Lederer, Planner I
Date: April 13, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

Review the proposed 45 Daly Avenue - Plat Amendment; (II) conduct a public hearing; and (III) consider forwarding a positive recommendation for City Council's consideration on May 12, 2022, based on the Draft Ordinance Findings of Fact, Conclusions of Law, and Conditions of Approval (Exhibit A).

Description

Applicant: Deborah Kirby
Location: 45 Daly Avenue
Zoning District: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Planning Commission reviews and forwards a recommendation to City Council for Subdivision Plats¹

LMC Land Management Code
HR-1 Historic Residential (HR-1) Zone

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

Background

The Planning Department received a Plat Amendment application on January 11, 2022 for the 45 Daly Avenue Subdivision Plat. 45 Daly Avenue includes Lot 4 and 5 feet of Lot 5 on Block 73. The Applicant currently owns both Lot 4 and a section of Lot 5 (Summit County Parcel No. PC-603-B), and proposes to combine the Lots into one Lot. Staff deemed the Application deemed complete on March 30, 2022.

Currently the proposed Lot is vacant, and only has a Fence that resides slightly outside of property lines. The Applicant will be required to remove this Fence (see Condition of Approval 6).



¹ LMC § [15-1-8](#)

No other planning applications for this property have been submitted by the applicant at this time. There has not been any other previous planning or building applications for this property.

Analysis

(I) The proposal complies with the Historic Residential (HR-1) Zoning District requirements outlined in LMC Chapter [15-2.2](#).

The proposed Lot combines Lot 4 and part of Lot 5. Lot 4 is 28 feet wide, and with the addition of five feet from Lot 5, the combination of the Lots creates a 33-foot-wide Lot. The length of the Lot is 100 feet. This creates a proposed Lot of 3300 square feet.

Zoning Requirement	Analysis of Proposal
Minimum Lot Size- 1875 square feet (sf)	Complies- 3300 sf
Minimum Lot Width- 25'	Complies- 33'

While the Lot is currently vacant, any Development activity must comply with the minimum Lot and Site requirements:

Zoning Requirement	Analysis of Proposal
Maximum Building Footprint- Determined by (LOT AREA/2) x 0.9 ^{AREA/1875}	$(3300/2) \times 0.9^{3300/1875}$ $1650 \times 0.9^{1.76}$ 1650×0.8307432412 1370.72634799 = 1370.7 sq ft
Minimum Front and Rear Setback	12'/13' for a total of 25'
Minimum Side Setbacks	3'
Maximum Building Height	27' from Existing Grade 35' maximum Structure height
Roof Pitch	Structure's Contributing Roof Form- between 7:12 and 12:12 Secondary Roof Forms- may be below 7:12 roof pitch and located on the primary façade

There are no existing encroachments on the property, and the proposed plat does not create any non-conformities. The Plat Amendment is consistent with the LMC requirements. Any new structures must comply with applicable LMC requirements and Chapter [15-13](#), Design Guidelines for Historic Districts and Historic Sites. The property is not within the soils ordinance boundary and in the event that mine wastes or impacts are encountered, the applicant is responsible for handling the material properly (see Condition of Approval 4).

(II) The Development Review Committee reviewed the proposal on February 15, 2022, and did not identify any issues.

(III) There is Good Cause for the Plat Amendment and no public street, Right-of-Way, or easement is vacated or amended.

Planning Commission and City Council review Plat Amendments according to LMC § 15-7.1-6 and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.²

The Land Management Code 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 Park City and furthering the health, safety, and welfare of the Park City Community.”

There is good cause for this Plat Amendment because the combination of the two lots creates a consistent streetscape, by combining a traditional old town lot with an extra five-foot parcel. The proposed Lot is comparable to other Lots/Plat Amendments in the neighborhood. The recording of this Plat also resolves any issues regarding the ownership of the partial Lot, and promotes construction on the vacant Lot.

45 Daly Avenue is accessed by Daly Avenue, a public Right-of-Way, and the proposed Plat Amendment will not impact the Right-of-Way.

Department Review

The Development Review Committee, Planning, Engineering, and Legal Departments 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 March 29, 2022. Staff mailed courtesy notice to adjacent property owners on March 29, 2022.³

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation for 45 Daly Avenue Plat Amendment for City Council’s consideration on May 12, 2022;
- The Planning Commission may deny 45 Daly Avenue Plat Amendment and direct staff to make findings for the denial; or

² LMC [15-7.1-6\(C\)](#)

³ LMC [§ 15-1-21](#)

- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance 2022-XX

Exhibit B: Proposed Plat

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE 45 DALY AVENUE PLAT AMENDMENT, LOCATED AT 45 DALY AVENUE, SUMMIT COUNTY, PARK CITY, UTAH

WHEREAS, the owner of the property located at 45 Daly Avenue petitioned the City Council for approval of the 45 Daly Avenue Plat Amendment; and

WHEREAS, on March 29, 2022, the Park Record published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on March 29, 2022, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on April 13, 2022, the Planning Commission reviewed the proposed Plat Amendment, held a public hearing, and forwarded a _____ recommendation to the City Council;

WHEREAS, on May 12, 2022, the City Council reviewed the 45 Daly Avenue Subdivision and held a public hearing; and

WHEREAS, the 45 Daly Avenue Plat Amendment is consistent with the Park City Land Management Code, including Chapters 15-2.2, and 15-7.

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

SECTION 1. APPROVAL. The 45 Daly Avenue Plat Amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The plat is located at 45 Daly Avenue within the Historic Residential (HR-1) District.
2. The 45 Daly Avenue Subdivision Plat consists of Lot 4 of Block 72 and five feet of Lot 5.
3. On January 11, 2022, the current owner and applicant submitted an application for a Plat Amendment to combine two existing lots into 1 legal lot of record containing a total of 3300 square feet.
4. Staff deemed the Plat Amendment application deemed complete on March 30, 2022.
5. The subject parcel PC-603-B (at 45 Daly Avenue) currently has a Fence built near property lines.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling. The proposed lot area meets the minimum lot area for a single-family dwelling.
7. The proposed lot area does not meet the requirement for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.
8. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed combined lot width is 33'. The lot depth is 100'.
9. The minimum front and rear setbacks are 12' or 13' For a total of 25'.
10. The minimum side yard setbacks for a 33' wide lot is 3 feet (3'), six feet (6') total.
11. The proposed plat amendment will not cause undo harm to adjacent property owners.
12. There are no existing encroachments on the affected parcels.

13. The proposed lot area of 3300 square feet is a compatible lot combination, as the entire Historic Residential-1 District has an abundance of sites with the same or similar dimensions and lot area.
14. The maximum footprint allowed in the HR-1 zone is 1370.7 square feet for the proposed lot.
15. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.
16. The analysis section of the Staff Report is incorporated herein.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because the combination of the two lots creates an unusual streetscape by combining a traditional old town lot with an extra five-foot parcel, and records the ownership of lot combination.
2. The Subdivision Plat is consistent with Land Management Code Chapters 15-2.2 and 15-7.
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 amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued until the plat is recorded and until a Historic District Design Review application is submitted and approved for the proposed development.
4. The property is not located within the Park City Soil Ordinance Boundary and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
5. New construction must comply with the Land Management Code.
6. The Applicant shall adjust or replace the existing Fence to reflect the new Lot's property lines at the time the plat is recorded.
7. Any construction on the property requires a Historic District Design Review through the Planning Department.
8. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards for new construction is a condition precedent to building permit issuance.

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

PASSED AND ADOPTED this 12th day of May 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

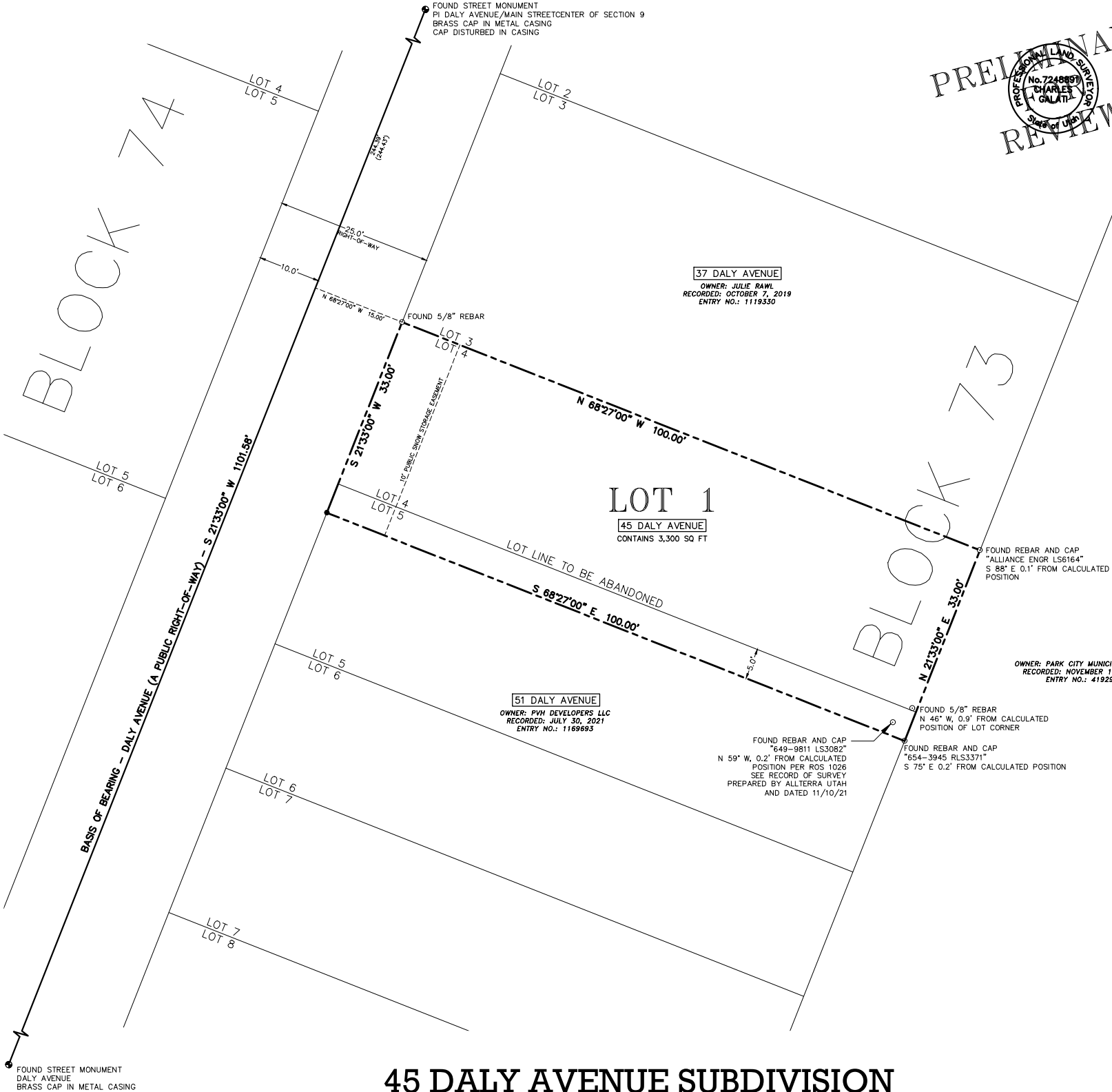
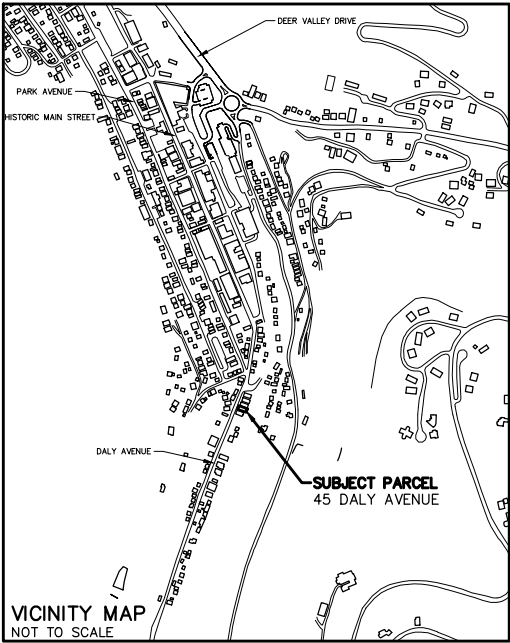
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

Attachment 1 – 45 Daly Avenue Subdivision



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described hereon, and have combined said tract of land into one (1) lot, together with easements, hereafter to be known as 45 DALY AVENUE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

Lot 4, Block 73, and the North 5 feet of Lot 5, First Millsite Reservation, Park City Survey, according to the official plat thereof on file and of record, in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be combined into one (1) lot of record, together with easements as set forth to be hereafter known as 45 DALY AVENUE SUBDIVISION and does hereby dedicate for the perpetual use of the public the area 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 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 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.

Deborah A. Kirby, and her successors, as Trustee of the Deborah A. Kirby Trust

By: _____
Deborah A. Kirby, authorized signer

ACKNOWLEDGEMENT

STATE OF UTAH)

SS:)

COUNTY OF SUMMIT)

On this _____ day of _____, 2022, Deborah A. Kirby 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 Deborah A. Kirby, and her successors, as Trustee of the Deborah A. Kirby Trust.

Notary Public _____

Printed Name _____

Residing in: _____

My commission expires: _____

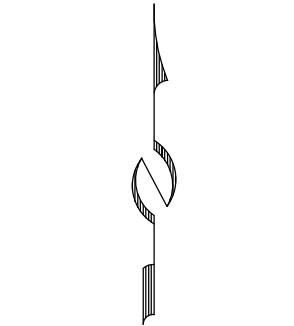
Commission No. _____

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
- See Record of Survey performed by Allterra Utah and dated 11/10/21.
- 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)



1" = 10'
SHEET 1 OF 1

PROFESSIONAL LAND SURVEYING
AND CONSULTING
**ALLTERRA
UTAH, LLC**

435-640-4200
463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036

**PUBLIC SAFETY ANSWERING
POINT APPROVAL**

APPROVED ON THIS____DAY
OF _____, 2022

BY _____
SUMMIT COUNTY GIS COORDINATOR

**SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT**

REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS____DAY OF _____, 2022

BY _____
ENGINEERING DEPARTMENT

PLANNING COMMISSION

RECOMMENDED BY THE PARK CITY
PLANNING COMMISSION
THIS____DAY OF _____, 2022

BY _____
CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE
WITH INFORMATION ON FILE IN MY OFFICE
THIS____DAY OF _____, 2022

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS
____DAY OF _____, 2022

BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS ____ DAY OF _____, 2022

BY _____
MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT WAS APPROVED
BY THE PARK CITY COUNCIL THIS
____ DAY OF _____, 2022

BY _____
PARK CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT AND FILED

AT THE REQUEST OF _____

FEE _____ SUMMIT COUNTY RECORDER BOOK _____ PA# **278**

TIME _____ DATE _____ ENTRY NO. _____

Planning Commission Staff Report



Subject: 949 Empire Avenue Plat Amendment
Application: PL-22-05158
Author: Spencer Cawley
Date: April 13, 2022
Type of Item: Administrative – Plat Amendment

Recommendation

Staff recommends the Planning Commission (I) review the 949 Empire Avenue Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on May 12, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in Draft Ordinance 2022-XX (Exhibit A).

Description

Applicant: Terence Scheckter
Location: 949 Empire Avenue
Zoning District: Historic Residential (HR-1)
Adjacent Land Uses: Single-Family Dwellings
Reason for Review: Plat amendments require Planning Commission recommendation and City Council action.¹

DRT Design Review Team
HDDR Historic District Design Review
HR-1 Historic Residential —1
LMC Land Management Code
ROW Right-of-Way

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

Background

949 Empire Avenue is in Block 29 of Snyder's Addition to Park City, is a portion of Lots 12 & 13, and is in the Historic Residential – 1 (HR-1) Zoning District. The Parcel has an unusual flag configuration with a smaller, narrower portion of the Parcel adjacent to the Empire Avenue Right-of-Way (ROW) and a larger full-width section in the rear. The rear portion of the Property is vacant, however, the portion of the Parcel adjacent to Empire Avenue contains an existing, non-historic garage. This existing garage shares a common wall with another garage to the north. The Property owner proposes to demolish the southern portion of the garage that encroaches on the adjacent Property and construct a new residence. To accommodate this proposal, the Applicant requests to remove the existing Lot line and create one Lot of record. The image below shows

¹ LMC [§ 15-7.1-2\(B\)](#)

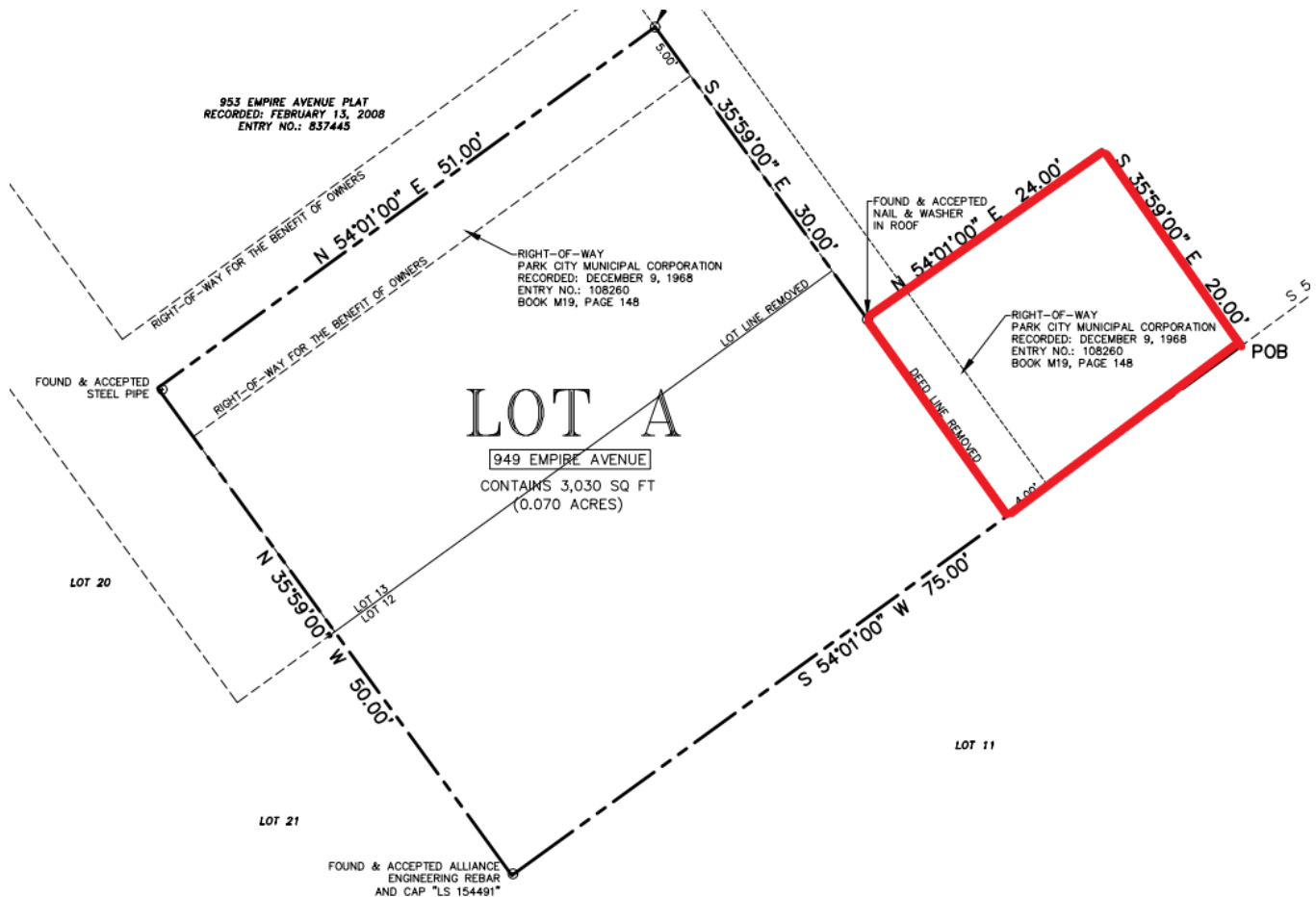
the proposed Lot Area in blue.



In August 2013, a non-historic Structure was demolished on the Applicant's Property. The rear Area of the Parcel has since remained vacant as shown in the following Site photo.



The unusual configuration of this Lot results in a smaller rectangular Area that measures 20 feet wide by 24 feet deep that fronts the Empire Avenue ROW. Additionally, a ROW crosses this portion of the property and allows for access to the valves and associated equipment located to the water lines crossing over and located upon the property (Summit County Recorder Entry No. 108260).

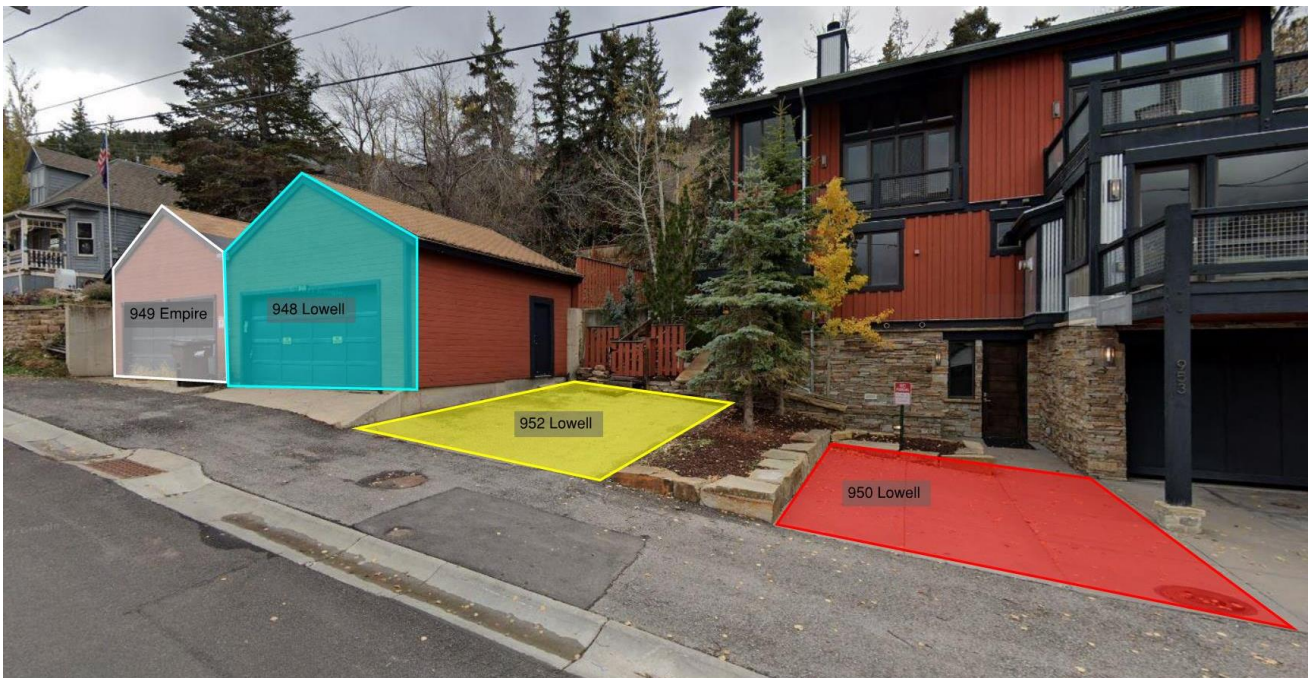


In 1967, Restrictive Covenants were recorded against 949 Empire Avenue and Lots 12-22 of Block 29, Snyders Addition. The Restrictive Covenants establish regulations for these properties, restricting Uses to residences and garages, requiring “harmony of eternal design with existing structures,” preservation of conifer trees, and approval from the Subdivision Committee (Summit County Recorder Entry No. 105853, Exhibit B). As a result, Condition of Approval 6 requires the property owner to obtain Subdivision Committee approval for development prior to Plat recordation.

The Lots subject to the Restrictive Covenants have been developed by property owners of some Single-Family Dwellings on Lowell Avenue who own portions along Empire Avenue for parking. The images below, taken from the Summit County Parcel viewer and Google street view, highlight the corresponding ownership of Parcels on Lowell Avenue and Empire Avenue:

- SA-301 – 952 Lowell Avenue. Property ownership highlighted in yellow.
- SA-301-D – 950 Lowell Avenue. Property ownership highlighted in red.

- SA-301-E – 948 Lowell Avenue. Property ownership highlighted in blue. Off-site parking is in the northern portion of the garage. Approximately four feet (4') of the southern portion of the garage encroaches onto this Parcel.
- SA-301-B – 949 Empire. The southern half of the garage is owned by the Property owner of 949 Empire.



Analysis

Plat amendments require Planning Commission review and City Council Final Action.² The removal of a Lot line shall be approved in accordance with the procedures outlined in LMC [§ 15-7.1-12](#) and a Final Plat shall be approved in accordance with these regulations.³

(I) The proposed Plat amendment complies with the Historic Residential (HR-1) Zoning District requirements.

The following table outlines the HR-1 Zoning District Lot requirements.⁴

HR-1 Zoning Requirement	Analysis of Proposal
Min. Lot Area: 1,875 sq. ft.	Complies Lot contains 3,030 sq. ft. (0.07 acres)
Min. Lot Width: 25 feet	Complies The rear portion of the proposed Lot is 50 feet wide. The frontmost section of the proposed lot is 20 feet wide. LMC § 15-2.2-3(B) requires that the minimum width of a Lot is 25 feet, measured 15 feet back from the Front Lot Line. However, pursuant to LMC § 15-2.2-3(B) , the Planning Director determines lot width measurements in the case of unusual lot configurations. On March 30, 2022, the Planning Director determined that the Lot width will be measured 24 feet from the frontmost Property line parallel with Empire Avenue, totaling a width of 50 feet. (Exhibit C).
Lot Depth: 75 feet	Complies The rear portion of the Lot is 51 feet deep. The frontmost portion adds an additional 24 feet for a total Lot depth of 75 feet.
Maximum Building Footprint = (Lot Area/2) x 0.9 Lot Area/1875	Condition of Approval 7

² LMC [§ 15-12-15\(B\)\(9\)](#)

³ LMC [§ 15-7.1-3\(D\)](#)

⁴ LMC [§ 15-2.2-3](#)

	The maximum Building Footprint for this Lot is 1,278 sq. ft. The Applicant shall include the maximum Building Footprint as a Plat note.
Setbacks: Front: Ten feet (10') Rear: Ten feet (10') Side: Minimum five feet (5')	Condition of Approval 8 The Setbacks for the Lot are measured from the Lot lines on the 50' x 51' portion of the Lot. See Analysis II for Planning Director determination of Setback requirements.
Building Height: 27 feet	Condition of Approval 9 Future development of this Lot shall comply with LMC Building Height requirements.

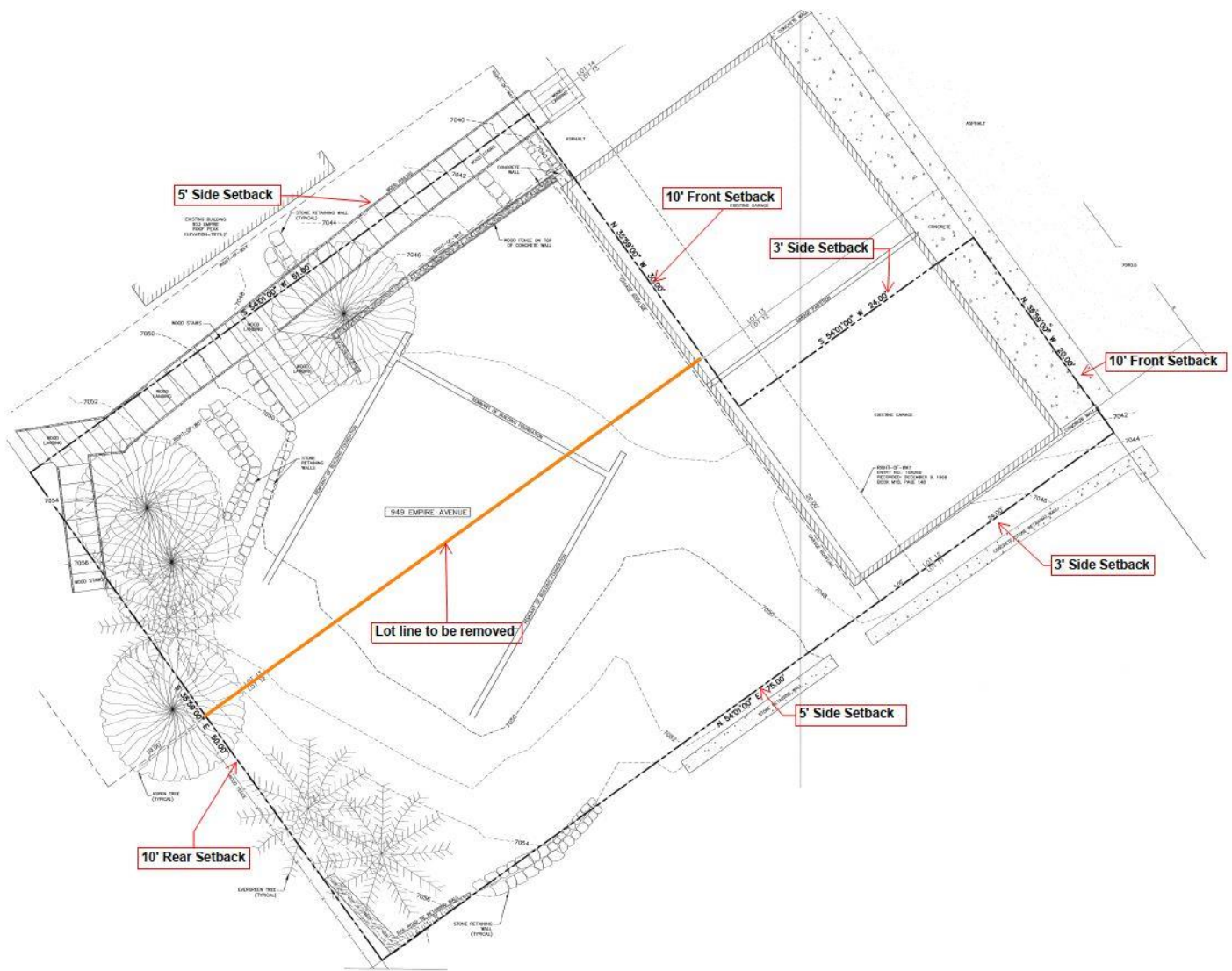
Architectural Review LMC [§ 15-2.1-8](#)

Prior to issuance of a Building Permit for any Conditional or allowed Use, the Planning Department shall review the proposed plans for compliance. Any proposed structure or future development will require the Applicant to submit a Historic District Design Review Application to the Planning Department for review with compliance with LMC [Chapter 15-13](#), *Design Guidelines for Historic Districts and Historic Sites*.

(II) Setbacks for Unusual Lot Configurations, LMC [§ 15-4-17](#).

This Plat amendment will create a Lot with more than four (4) sides. The Planning Director determines the Setbacks for these Lots as allowed by Land Management Code [§ 15-4-17](#). On March 30, 2022, the Planning Director determined that the Lot has two (2) five-foot (5') Side Setbacks, two (2) 3-foot (3') Side Setbacks, two (2) ten-foot (10') Front Setbacks, and one (1) ten-foot (10') Rear Setback (Exhibit C). The Applicant shall memorialize these Setbacks on the final plat (Condition of Approval 8). The image on the next page demonstrates this determination.

As stated in the background section, the survey of the existing site shows a portion of the garage (approximately four feet (4')) encroaches onto the neighboring Parcel. Because the Applicant proposes to demolish the southern portion of the garage, staff recommends Condition of Approval 10 requiring the Applicant to gain permission and approval from the owner of Parcel SA-301-E to encroach onto their Property to complete demolition of the southern portion of the double garage.



The survey also indicates that a rear portion of the remaining garage will encroach onto the front of the Lot and an existing rock retaining wall will encroach onto the southwest of the Lot. Condition of Approval 11 requires the Applicant to grant an encroachment agreement with the owner of Parcel SA-301-E for the portion of the garage that will encroach onto the front of the Lot or the encroachment shall be removed prior to Plat recordation. Condition of Approval 12 requires the Applicant to grant an encroachment agreement with the owner of SA-308 for the portion of the rock retaining wall that will encroach onto the Lot or the encroachment shall be removed prior to Plat recordation.

(III) Staff finds Good Cause for removing the Lot line because (A) present land Uses and the Character of the HR-1 Zoning District are retained, (B) no Public Street or Right-of-Way is vacated or amended, and (C) no easement is vacated or amended.

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

Land Management Code [§ 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.”

A. The Historic Residential (HR-1) Zoning District Uses and Character of the residential Area is retained.

The purpose of the HR-1 Zoning District in part is to preserve land Uses and character of the Historic residential Areas of Park City and defines Development parameters that are consistent with the General Plan policies for the Historic Core.⁵

B. No Public Street or Right-of Way is vacated or amended.

The Lot is accessed by Empire Avenue and the plat amendment does not vacate or amend any portion of Empire Avenue.

C. No easement is vacated or amended.

(IV) The Development Review Committee met on March 1, 2022, reviewed the proposal, and did not identify and issues.

Department Review

The Planning, Engineering, and Legal Departments 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 March 30, 2022. Staff mailed courtesy notice to Property owners within 300 feet on March 30, 2022. The *Park Record* published notice on March 30, 2022.⁶

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation for Ordinance No. 2022-XX, Approving the 949 Empire Avenue Plat Amendment, to the City Council for Consideration on May 12, 2022; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2022-XX, Denying the 949 Empire Avenue Plat Amendment, to the City Council and direct staff to make Findings for the denial; or

⁵ LMC [§ 15-2.2-1](#)

⁶ LMC [§ 15-1-21](#)

- The Planning Commission may request additional information for the 949 Empire Avenue Plat Amendment and continue the discussion to a date certain.

Exhibits

- Exhibit A: Draft Ordinance 2022-XX and Proposed Plat
- Exhibit B: Summit County Recorder Entry No. 105863, *Restrictive Covenants*
- Exhibit C: Planning Director Determination of Setbacks
- Exhibit D: Aerial Photo
- Exhibit E: Existing Conditions
- Exhibit F: Site Photos
- Exhibit G: Applicant Statement on Project Intent

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE 949 EMPIRE AVENUE PLAT AMENDMENT, LOCATED AT 949 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 949 Empire Avenue petitioned the City Council for approval of the 949 Empire Avenue Plat Amendment; and

WHEREAS, on March 30, 2022 notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on March 30, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 30, 2022, courtesy notice was mailed to property owners within 300 feet of the 949 Empire Avenue Plat Amendment; and

WHEREAS, on April 13, 2022, the Planning Commission reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, on April 13, 2022, the Planning Commission forwarded a **positive/negative** recommendation for City Council's consideration on May 12, 2022; and

WHEREAS, on May 12, 2022, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The 949 Empire Avenue Plat Amendment at 949 Empire Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

Background:

1. The property is located at 949 Empire Avenue.
2. The property is listed with Summit County as Parcel number SA-301-B and consists of a portion of Lots 12 and 13 in Block 29, Snyders Addition to Park City Survey in the Historical Residential (HR-1) Zoning District.
3. On February 10, 2022, the Applicant submitted a complete Plat Amendment application.
4. The proposed Plat Amendment removes the internal lot line to create one Lot of

record containing 3,030 square feet.

5. Demolition of a housing Structure in 2013 left the property vacant.
6. Restrictive Covenants were recorded with Summit County in 1967 against 949 Empire Avenue and Lots 12-22 of Block 29, Snyders Addition (Entry No. 105853).
7. No easement is vacated or amended as a result of the plat amendment.
8. The property is in the Historic Residential (HR-1) Zoning District.
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 proposed Lot size is 3,030 square feet.
11. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed Lot complies with this requirement.
12. The required Front Setback for Lot depths of 75 feet is ten feet (10'). The proposed Lot complies with this requirement.
13. The required Rear Setback is ten feet (10'). The proposed Lot complies with this requirement.
14. The required Side Setback is five feet (5'). The proposed Lot complies with this requirement.
15. The Maximum Building Footprint in the HR-1 Zoning District = $(\text{Lot Area}/2) \times 0.9^{\text{Lot Area}/1875}$. The maximum Building Footprint for this Lot is 1,778 square feet.

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 form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
4. A non-exclusive ten foot (10') public snow storage easement on Empire Avenue shall be dedicated on the plat.
5. The garage shall be demolished prior to recordation of the Plat.
6. In accordance with Restrictive Covenants recorded with Summit County in 1967, the Applicant shall obtain Subdivision Committee approval for development prior to Plat recordation.

7. The Applicant shall include a Plat note indicating the maximum Building Footprint for the Lot is 1,278 square feet.
8. The Applicant shall include the Setbacks as determined by the Planning Director on the final Plat.
9. Any new construction shall comply with the Land Management Code at the time of Application submittal.
10. The Applicant shall gain permission and approval from the owner of Parcel SA-301-E to encroach onto their Property to demolish the southern portion of the double garage.
11. The Applicant shall grant an encroachment agreement to the owner of Parcel SA-301-E for the portion of the garage that will encroach onto the front of the Lot or the encroachment shall be removed prior to Plat recordation.
12. The Applicant shall grant an encroachment agreement to the owner of Parcel SA-308 for the portion of the rock retaining wall that will encroach onto the Lot or the encroachment shall be removed prior to Plat recordation.
13. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

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

PASSED AND ADOPTED this 12th Day of May 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

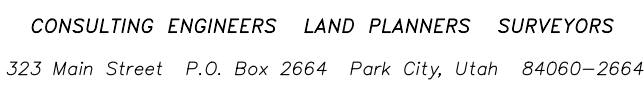
ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat



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

LEGAL DESCRIPTION

Subject to and together with a right-of-way over the following for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22, Block 29, Snyder's Addition to Park City, in Summit County, Park City, Utah; Beginning at the southeasterly corner of Lot 18, Block 29, Snyder's Addition to Park City, and running thence South 35°59' East 20 feet; thence North 54°01' East 51 feet; thence North 35°59' West 45 feet; thence North 54°01' East 4 feet; thence South 35°59' East 100 feet; thence South 54°01' West 4 feet; thence North 35°59' West 45 feet; thence South 54°01' West 51 feet; thence South 35°59' East 20 feet; thence South 54°01' West 10 feet; thence North 35°59' West 50 feet; thence North 54°01' East 10 feet to the point of beginning.

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 unified into one lot of record, together with easements as set forth to be hereafter known as 949 EMPIRE AVENUE PLAT AMENDMENT and does hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies, and to the public utility companies, not only the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this _____ day of _____, 2022.

By: Terence Scheckter

STATE OF _____)
: ss.
COUNTY OF _____)

On this _____ day of _____, 2022, Terence Scheckter 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, that he acknowledged to me that he executed the 949 EMPIRE AVENUE PLAT AMENDMENT.

By: _____
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 recorded survey S-_____ in the Office of the Summit County Recorder.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2022 BY _____ ENGINEERING DEPARTMENT	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2022 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2022 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2022 BY _____ PARK CITY RECORDER	PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2022 BY _____ SUMMIT COUNTY GIS COORDINATOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ _____ FEE _____ RECORDER TIME _____ DATE _____ ENTRY NO. _____
--	---	---	---	---	---	--	---

RESTRICTIVE COVENANTS

Entry No. 105863	Book M12
RECORDED 9.26.67	2404514 Page 673
Security Title Co.	679
8.00	WANDA V. SPRIGGS, SUMMIT CO. RECORDER
	<i>L. Spriggs</i>

WHEREAS, the undersigned Murray First Thrift & Loan Co., a Utah corporation, is the owner of the following described property, (hereinafter referred to as the "Subdivision") situated in Summit County, State of Utah, to-wit:

Lots 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22, Block 29, Snyder Addition in Summit County, Park City, Utah, according to the official plat thereof, recorded in the Office of the Recorder of Summit County, State of Utah.

Lots 12 and 13 together and as a unit are hereinafter referred to as a "dual lot";

Lots 14 and 15 together and as a unit are hereinafter referred to as a "dual lot";

Lots 17 and 18 together and as a unit are hereinafter referred to as a "dual lot";

Lots 19 and 20 together and as a unit are hereinafter referred to as a "dual lot";

Lots 21 and 22 together and as a unit are hereinafter referred to as a "dual lot";

WHEREAS, said owner desires to place restrictions against the title to said land,

NOW THEREFORE, the following restrictions, reservations and requirements are hereby created and declared to be covenants running with the land hereinabove described; and the undersigned, Murray First Thrift & Loan Co., owner of said land, does hereby declare that the above described land is to be held and conveyed

BOOK M12 PAGE 673

subject to the following described restrictions, reservations and requirements:

I.

RESIDENTIAL LOTS

Each and every dual lot included and contained in the Subdivision shall be known and is hereby designated as a "Residential Dual Lot", and, except as hereinafter provided, no structure shall be erected, altered, placed or permitted to remain on any such residential dual lot other than a single-family dwelling, together with a private garage for the storage of automobiles, which dwellings and garages and any changes made thereto must first be approved as to size and design by the Subdivision Committee.

II.

SUBDIVISION COMMITTEE

Initially, the Subdivision Committee shall consist of three persons. The persons comprising the initial Subdivision Committee shall be Edward I. Vetter, Salt Lake City, Utah; Brent Dyer, Salt Lake City, Utah; and John N. Clawson, Salt Lake City, Utah. The Subdivision Committee shall have the sole power to increase or decrease its size and to fill vacancies in its membership. Any member of the Subdivision Committee may resign at any time. The Subdivision Committee shall establish minimum standards to which buildings and structures in the Subdivision must conform, and shall have complete power

BOOK 12 PAGE 674

in its discretion to approve or reject any proposed structure or improvement upon any dual lot in the Subdivision, based upon compliance or non-compliance with said standards. The Subdivision Committee shall act in all matters by the majority vote of the members of the Committee necessary to constitute a quorum. A quorum of the Committee shall consist of half of the then members if there be an even number of members or a majority of the members if there be an odd number of members.

III.

BUILDING SIZE, DESIGN AND PLACEMENT

No building shall be erected, placed or altered on any dual lot in the Subdivision until a complete set of the building plans, specifications and plot plan showing the location of such building on the dual lot, the conformity and harmony of external design with existing structures in the Subdivision, and the location of the building with respect to topography and furnished ground elevations, have been approved in writing by the Subdivision Committee. Buildings will be required to be of such size, design and cost, and to be so placed on a dual lot, as the Subdivision Committee may reasonably determine in applying the standards hereinabove referred to.

If the construction of any building or structure upon any dual lot shall require the movement of any conifer trees, the dual lot owner or owners shall, before removing, destroying or altering in any way such trees, receive the approval of the

Subdivision Committee, it being the intent of the Corporation and the desire of the dual lot owners to preserve so far as possible the existing conifer growth in the Subdivision.

IV.

STRUCTURES SPECIFICALLY PROHIBITED

No trailer, basement, tent, shack, garage, barn or other outbuilding erected in, upon or about any of the dual lots in the Subdivision shall at any time be used as a residence, either temporary or permanent, and no structure of a temporary character shall at any time be used as a residence.

No structure shall be moved onto any dual lot in the Subdivision unless such structure has been previously approved in writing by the Subdivision Committee.

V.

TRADES AND OFFENSIVE USE

No noxious or offensive trade or activity shall be carried on upon any dual lot in the Subdivision or any part or portion thereof, nor shall anything be done thereon which is or may become an annoyance or nuisance to the occupants of other dual lots in the Subdivision. The Subdivision is not intended to be divided for, and shall not under any circumstances be used for, commercial purposes. This provision does not prohibit the leasing or renting of the premises by the week, month, or longer period to parties other than the owners. Live-

BOOK 12 PAGE 676

stock, fowls, and other animals, except pets, shall not be maintained on any lot or any portion thereof.

VI.

SIGNS AND REFUSE

No signs, billboards or advertising structure may be erected or displayed on any of the dual lots in the Subdivision or on any part thereof.

No trash, ashes, paper or other refuse of any kind shall be thrown, dumped, left or permitted to remain on any dual lot or portion thereof in the Subdivision.

VII.

RESTRICTIONS TO RUN WITH THE LAND

All covenants and restrictions herein stated and set forth shall run with the land and shall be binding on all parties and persons claiming any interest in any dual lot in the Subdivision or any part thereof until fifteen (15) years from the date hereof, at which time said covenants and restrictions shall automatically be extended for successive periods of ten (10) years unless, by vote of the owners of the then majority of said dual lots, it is agreed to change these covenants in whole or in part. These covenants, restrictions and requirements may be amended, modified or changed in any way at any time while in effect by a vote of the then owners of 3/5 or more of said dual lots.

BOOK M12 PAGE 677

VIII.

PENALTY FOR VIOLATION

If the parties now claiming any interest in dual lots in the Subdivision, or any of them, or their heirs, successors, grantees, personal representatives or assigns, shall violate or attempt to violate any of the covenants and restrictions herein contained, it shall be lawful for any other person or persons owning any other dual lot or dual lots in the Subdivision, or for the Corporation, to initiate proceedings at law or in equity against the person, firm or corporation so violating or attempting to violate such covenant or restriction and thereby either prohibit him from so doing or recover damages or seek other appropriate relief for such violation.

IX.

SAVING CLAUSE

If any covenant, restriction or provision hereinabove set forth be declared invalid or unenforceable by a judgment or order of any court of competent jurisdiction or by other official decree, such action shall not affect in any way any of the other provisions hereof, which shall remain in full force and effect.

DATED this 21st day of September, 1967.

ATTEST:

MURRAY FIRST THRIFT & LOAN CO.

Bruce L. Mason
Secretary

By: Edward Vetter
Its President

BOOKM12 PAGE678

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 21st day of September, A. D. 1967,
personally appeared before me EDWARD I. VETTER and BRUCE L.
MOESSER who being by me duly sworn did say, each for himself,
that he, the said EDWARD I. VETTER is the president, and he,
the said BRUCE L. MOESSER is the secretary of MURRAY FIRST
THRIFT & LOAN CO., and that the within and foregoing instrument
was signed in behalf of said corporation by authority of a
resolution of its board of directors and said EDWARD I. VETTER
and BRUCE L. MOESSER each duly acknowledged to me that said
corporation executed the same and that the seal affixed is
the seal of said corporation.

My Commission Expires:

June 22, 1968

Sandra J. Gibson
Notary Public
Residing at Salt Lake City, Utah

BOOK 12 PAGE 679



Planning Department

March 30, 2022

Terence Scheckter
3172 Nasa Street
Brea, CA 92821
(714) 891-0700

NOTICE OF PLANNING DIRECTOR DETERMINATION

RE: Determination of Setbacks for an Unusual Lot Configuration at 949 Empire Avenue, Park City, UT

Dear Terence,

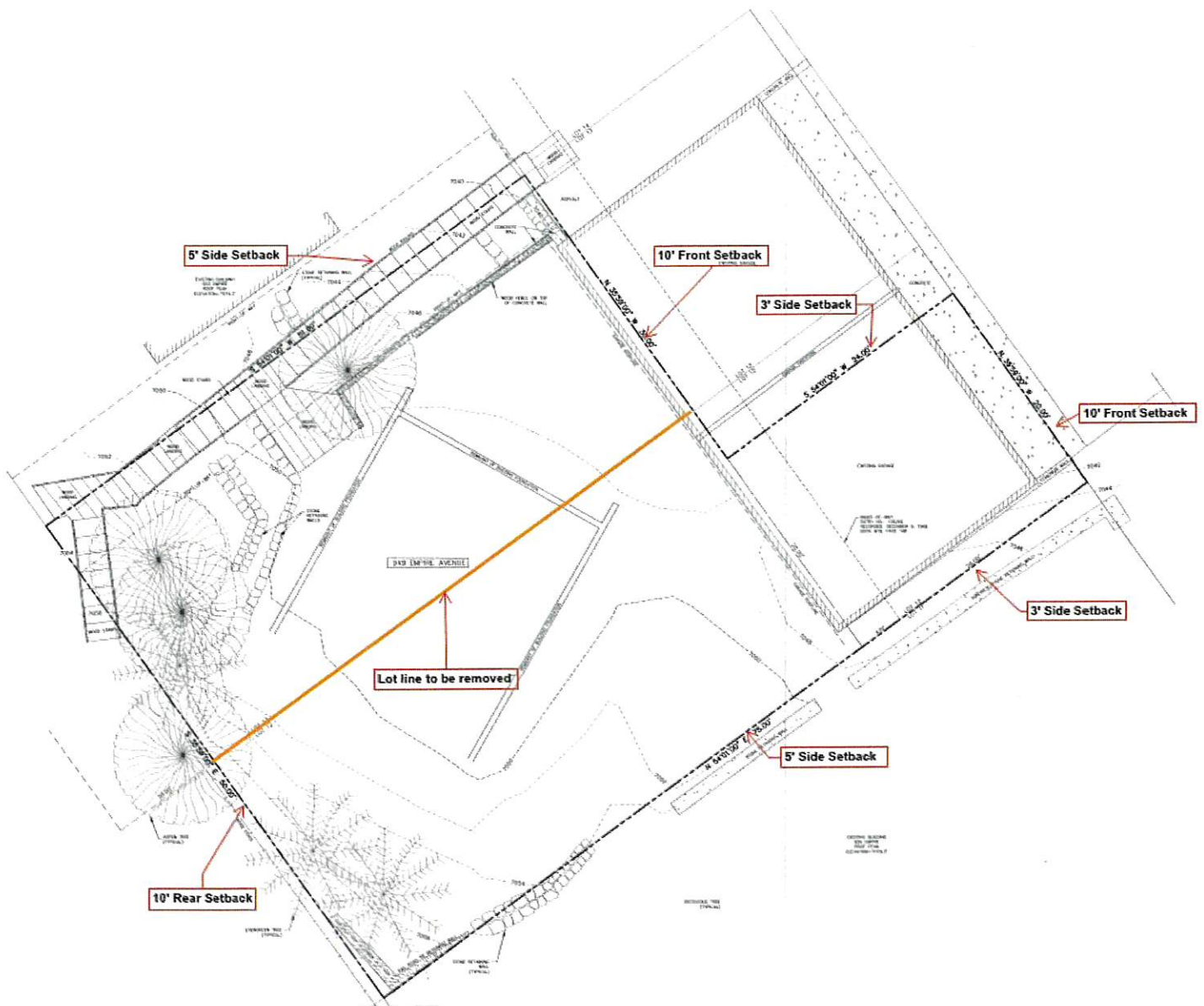
The proposed Plat amendment for 949 Empire Avenue will create a Lot with more than four (4) sides and is considered a Lot with an unusual configuration. Land Management Code §15-4-17 states, "Lots with more than four (4) sides shall have a Side Yard on either side of the Front Yard. The third Side Yard and Rear Yard may be specified by the Planning Director".

The Land Management Code § 15-2.2-3(B) requires a 25-foot minimum Lot width, measured 15 feet back from the Front Lot Line. The Planning Director determines that the Lot width will be measured 24 feet back from the 20-foot-wide property Line at the Empire Avenue Right-of-Way. Most of the Lot is 50 feet wide by 50 feet deep.

The Planning Director determines this Lot has the following Setback configuration:

- Two (2) three-foot (3') Side Setbacks;
- Two (2) five-foot (5') Side Setbacks;
- Two (2) ten foot (10') Front Setbacks; and,
- One (1) ten foot (10') Rear Setback.

The image on the next page identifies these determined Setbacks.



If you have questions or concerns regarding this Determination, please do not hesitate to contact us.

Sincerely,

Gretchen Milliken

Planning Director

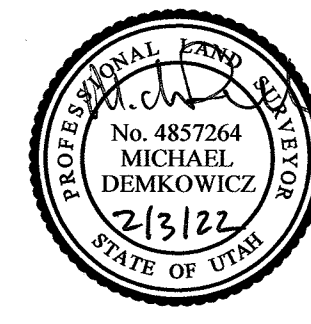
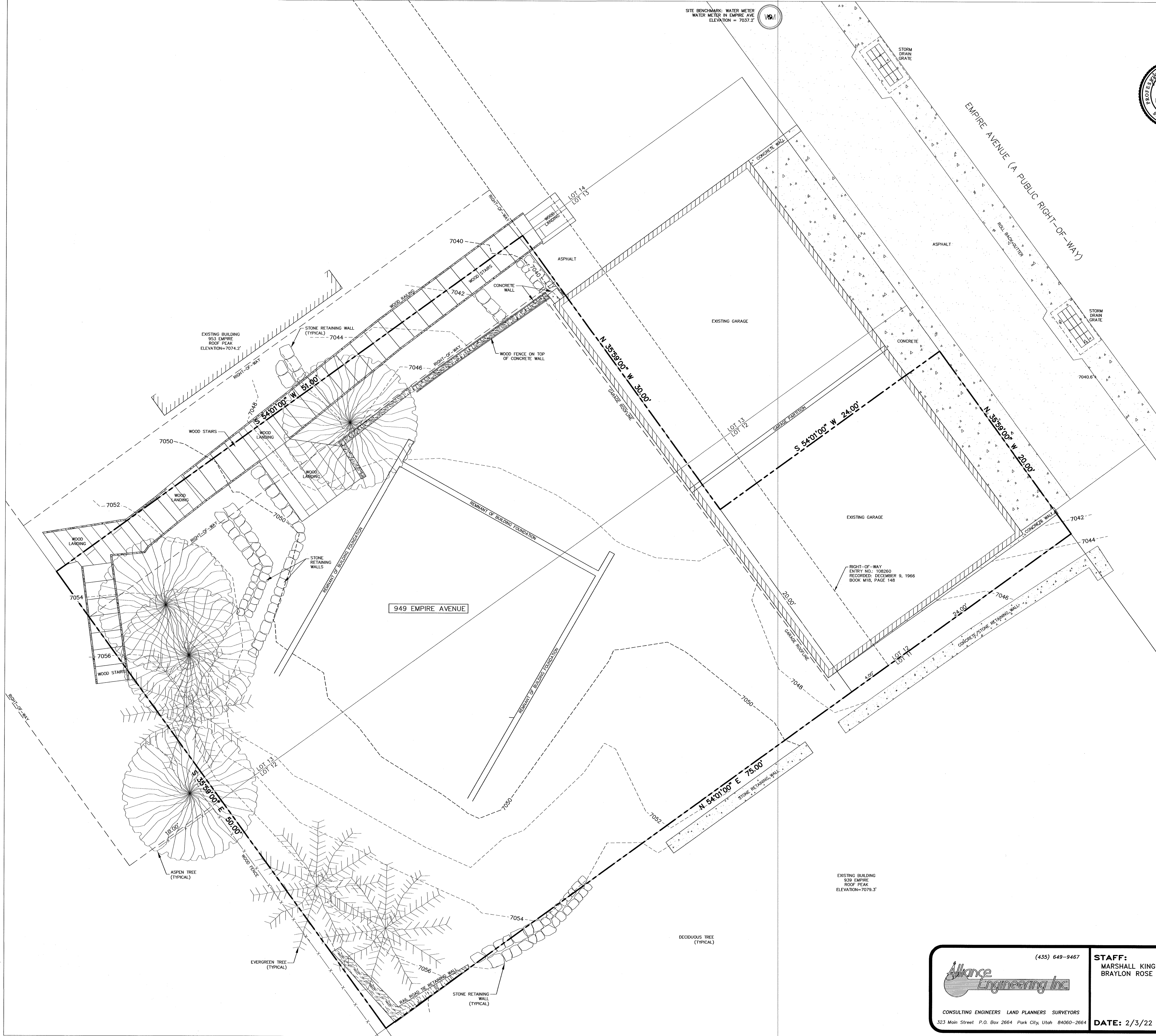
(435) 615-5008

gretchen.milliken@parkcity.org

CC: Spencer Cawley, Project Planner



SUBJECT
PROPERTY



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under 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.

NOTES

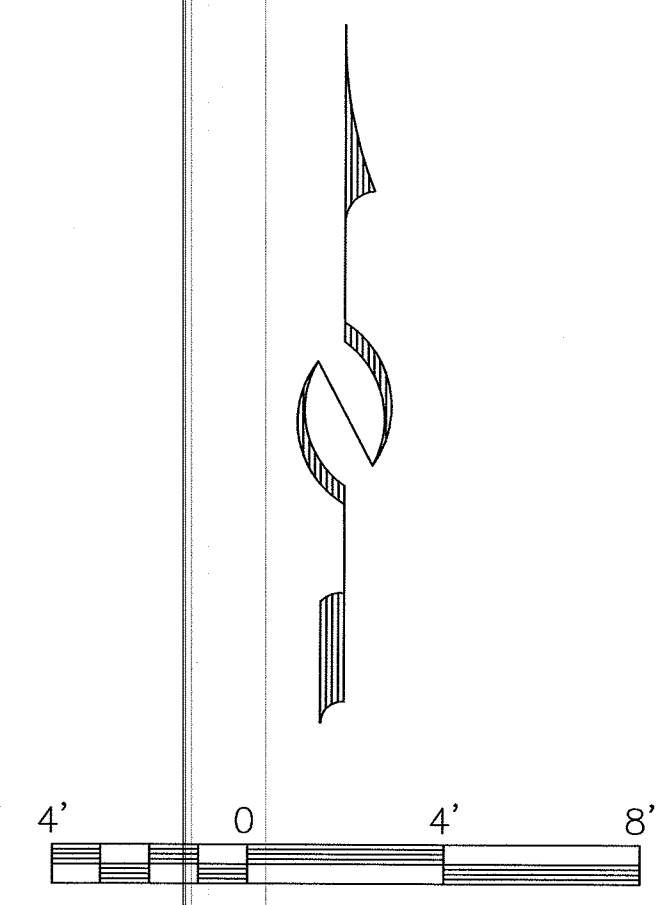
1. Site Benchmark : Water meter on Empire Avenue. Elevation=7037.2'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 19, 2021.

LEGAL DESCRIPTION

Beginning at the southwesterly corner of Lot 12, Block 29, Snyder's Addition to Park City, and running thence North 54°01' East 51 feet; thence North 35°59' West 50 feet; thence South 54°01' West 51 feet; thence South 35°59' East 50 feet to the point of beginning, being the westerly 51 feet of Lots 12 and 13 of said Block 29, Snyder's Addition.

Also, a garage area described as follows; beginning at the southeasterly corner of Lot 12, Block 29, Snyder's Addition, and running thence North 35°59' West 20 feet to the center of a partition, thence South 54°01' West 24 feet; thence South 35°59' East 20 feet to the center of a partition; thence North 54°01' East 24 feet to the point of beginning.

Subject to and together with a right-of-way over the following for the use and benefit of the owner or owners of Lots 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22, Block 29, Snyder's Addition to Park City, in Summit County, Park City, Utah; Beginning at the southeasterly corner of Lot 18, Block 29, Snyder's Addition to Park City, and running thence South 35°59' East 20 feet; thence North 54°01' East 51 feet; thence North 35°59' West 45 feet; thence North 54°01' East 4 feet; thence South 35°59' East 100 feet; thence South 54°01' West 4 feet; thence North 35°59' West 45 feet; thence South 54°01' West 51 feet; thence South 35°59' East 20 feet; thence South 54°01' West 10 feet; thence North 35°59' West 50 feet; thence North 54°01' East 10 feet to the point of beginning.



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING BRAYLON ROSE	TOPOGRAPHIC MAP A PORTION OF LOTS 12 & 13, BLOCK 29 949 EMPIRE AVENUE FOR: TERENCE SCHECKTER JOB NO.: 6-11-21 FILE: X:\SnydersAddition\dwg\sr\topo2021\061121.dwg	SHEET 1 OF 1
	DATE: 2/3/22		



949 Empire Avenue - front - looking westerly



949 Empire Avenue - front - looking southwesterly



949 Empire Avenue - front - looking southwesterly



949 Empire Avenue - rear - looking northerly



949 Empire Avenue - rear - looking northeasterly



949 Empire Avenue - rear - looking easterly

SNYDER'S ADDITION TO PARK CITY SURVEY, BLOCK 29,
949 EMPIRE AVENUE
February 3, 2022

PROJECT INTENT

The property at 949 Empire Avenue is located in Block 29, Snyder's Addition to Park City and is a portion of Lots 12 & 13. The rear of the property is vacant and the 20-foot by 24-foot parcel adjacent to the Empire Avenue right-of-way is currently occupied by a garage. This existing garage shares a party wall with another garage on the adjacent 20-foot by 24-foot parcel to the north. The owner is proposing to demolish the garage associated with the 949 Empire Avenue property and construct a new residence utilizing the entire property. To accomplish the proposed plan, the owner is applying to extinguish the existing lot line to unify the property into one lot of record.

Planning Commission Staff Report



Subject: 2656 Aspen Springs Drive
Application: PL-22-05160
Author: Spencer Cawley, Project Planner
Date: April 13, 2022
Type of Item: Conditional Use Permit

Recommendation

(I) Review the request for a Conditional Use Permit for a Guest House, (II) conduct a public hearing, and (III) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the draft Final Action Letter (Exhibit A).

Description

Applicant: Jonathan and Leslie Snavelly
Location: 2656 Aspen Springs Drive
Zoning District: Single-Family
Adjacent Land Uses: Single-family Dwellings; Recreation and Open Space
Reason for Review: A Guest House in the Single-Family Zoning District is a Conditional Use and requires planning Commission review and approval.¹

CUP Conditional Use Permit
LMC Land Management Code
LOD Limits of Disturbance
SF Single-Family Zoning District
SLO Sensitive Lands Overlay

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

Background

On February 7, 2022, the Planning Department received a Conditional Use Permit (CUP) application for a detached Guest House at 2656 Aspen Springs Drive in the Single-Family (SF) Zoning District. Staff determined the application was complete on February 15, 2022.

2656 Aspen Springs Drive is Lot 47 of the Aspen Springs Ranch Subdivision Phase II. The City Council approved the Subdivision on May 23, 1991. The subdivision Plat (Exhibit B) does not restrict a property owner from constructing a Guest House if it adheres to Land Management Code (LMC) Chapter 15-2.11, *SF Zoning District*.

Currently, the Applicant is constructing a Single-Family Dwelling on Lot 47. Approval of

¹ LMC [§ 15-2.11-2\(B\)\(1\)](#)

this CUP application is required prior to obtaining an additional building permit to construct a detached Guest House.

Analysis

(I) The proposal complies with the SF Zoning District Requirements Lot and Site requirements.

2656 Aspen Springs Drive is in the SF Zoning District. Detached Guest Houses are a Conditional Use² and must meet the following Lot and Site requirements³.

Zoning Requirement	Analysis of Proposal
Front Setback – 20'	Condition of Approval 1 The site plan indicates the southwest corner of the Guest House will touch the Front Setback. The Applicant shall ensure that the roof overhang does not project more than three feet (3') into the Front Setback.
Rear Setback – 15'	Complies
Side Setback – 12'	Complies The Planning Commission may consider increasing Side Setbacks during CUP review to mitigate potential impacts on adjacent Property. ⁴
Maximum Density is three (3) units per acre.	Complies Lot 47 is 1.6 acres.

(II) The proposal complies with the Aspen Springs Ranch Subdivision Phase II Plat and Plat Note No. 11.

Plat note No. 11 states that Lot 47 is subject to “Special Design Restriction[s]”. While these restrictions apply to the main Structure already under construction, the Applicant’s Guest House proposal must also comply.

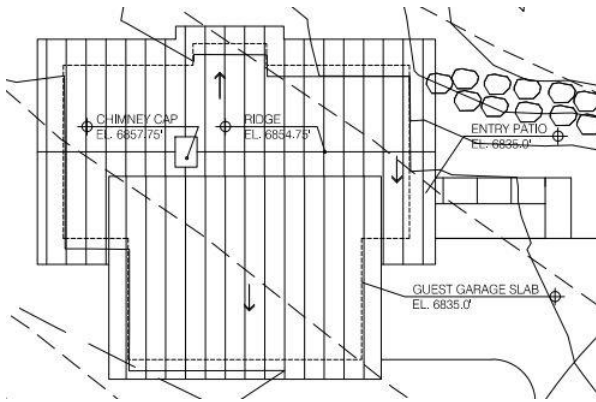
Plat Requirement	Analysis of Proposal
Maximum Limits of Disturbance – 10,000 sq. ft.	Complies The plans submitted to the Building Department

² LMC [§ 15-2.11-2\(B\)\(1\)](#)

³ LMC [§ 15-2.11-3](#)

⁴ LMC [§ 15-2.11-3\(F\)\(4\)\(a\)](#)

	indicate the total LOD for the project is 8,909 sq. ft., including 1,200 sq. ft. for the Detached Guest House. The LOD is outside the Area zoned Recreation Open Space (ROS).
Maximum Floor Area – 8,250 sq. ft.	Condition of Approval 2 Maximum Floor Area includes the main Structure and the Detached Guest House. The main Structure plans indicates total Floor Area as 6,603 sq. ft. Lower Level: 3,599 sq. ft. Upper Level: 4,501 sq. ft. Garage Allowance: (600 sq. ft.) Basement Area: <u>(897 sq. ft.)</u> Main House Net Area: 6,603 sq. ft. Guest House: <u>1,200 sq. ft.</u> Total Net Floor Area: 7,803 sq. ft. The Applicant shall ensure that the Detached Guest House does not exceed the allowed Maximum Floor Area.
The ROS line shown on Lot 47 indicates a non-disturbance zone.	Condition of Approval 3 The Applicant shall ensure construction activity is confined to the LOD and the SF Zone Area of Lot 47.
Maximum Height – 25 feet	Condition of Approval 4 The Detached Guest House is further restricted by LMC § 15-2.11-4 and cannot exceed a maximum height of 18 feet.
Maximum Ridgeline – 30 feet. Not more than 50% of a Dwelling's total ridgeline measurement shall be at or within three feet (3') of this height.	Not applicable The Guest House cannot exceed 18 feet, including the roof.
Upper Floor Level – No floor level other than attic storage space or loft space above a garage shall be more than two feet (2') higher than natural grade at the point of	Condition of Approval 4 The maximum height for the Guest House is 18 feet.

the Dwelling's primary entrance.	
Maximum Exterior Wall Height – 23 feet when measured from the overhang eave line to the lesser in elevation of either natural grade or finished grade.	Condition of Approval 4 The maximum height for the Guest house shall not exceed 18 feet.
Maximum Exterior Wall Length – No single, continuous exterior wall plane, if parallel to or within 45 degrees of parallel to SR 224, shall measure more than 30 feet in length before a change in depth of at least three feet (3').	Complies The rear plane of the guest house is parallel to or within 45 degrees of parallel to SR 224. The façade is broken up by a change in depth that is at least three feet (3'). 

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

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

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

CUP Review Criteria	Analysis of Proposal
1. Size and Location of Site	No unmitigated impacts

	The Lot is 1.6 acres. The Detached Guest House is proposed to be outside of the ROS zoned portion of the Property. The proposal complies with size, height, setback, and location criteria for Guest House as found in the LMC.
2. Traffic Capacity	No unmitigated impacts Traffic generated by occupants of the Guest House will have minimal impact to traffic capacity.
3. Utility Capacity	No unmitigated impacts All utility requirements will be reviewed during the Building Permit review phase.
4. Emergency Vehicle Access	No unmitigated impacts Emergency vehicles can access the site from Aspen Springs Drive.
5. Off-Street Parking	Complies LMC § 15-3-6 requires a Guest House provide one (1) Off-Street parking space in addition to the required two (2) parking spaces for the main Structure. The Applicant proposes to build an additional garage with the Guest House to meet this requirement.
6. Internal Vehicle and Pedestrian Circulation	No unmitigated impacts The Use of the Detached Guest House will not change vehicle or pedestrian circulation.
7. Fencing, Screening, Landscaping, to Separate Use from Adjoining Properties	Condition of Approval 5 Fences or Retaining Walls shall comply with LMC § 15-4-2, Fences and Retaining Walls.
8. Structure Mass, Bulk, and Orientation	Condition of Approval 6 The project shall conform with all applicable sections of the LMC regulating Accessory Structure mass, bulk, and orientation.

9. Useable Open Space	No unmitigated impacts There are no open space requirements for a Single-Family Dwelling. The addition of the Detached Guest House does not encroach into the ROS Zone nor change the amount of useable Open Space in the Subdivision.
10. Signs and Lighting	Condition of Approval 7 No signs or outdoor lighting are proposed or approved under this CUP. The Applicant shall ensure all outdoor lighting is compliant with LMC § 15-5-5(J).
11. Physical Design and Compatibility with Surrounding Structures	No unmitigated impacts The Detached Guest House is similar in design and scale in the Subdivision.
12. Noise, Vibration, Odors, Steam, or Other Mechanical Structures	No unmitigated impacts There is no change in Use that will result in additional noise, vibration, odors, steam, or other mechanical factors. All exterior mechanical equipment will be screened and comply with the Setback requirements.
13. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas	Not applicable No changes are proposed for delivery and service vehicles or trash and recycling management.
14. Expected Ownership	Not applicable No change in ownership is proposed.
15. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slope	See Analysis section IV
16. General Plan Consistency	Complies The General Plan calls out the importance of developing a Sense of Community. Goal 7 (page

	70) of the General Plan shows that the City strives to create a diversity of housing opportunities.
--	---

(IV) The proposal complies with the Sensitive Lands Overlay Criteria, LMC Chapter [15-2.21](#).

The proposed development is located within the Sensitive Lands Overlay (SLO). LMC [§ 15-2.21-2\(A\)](#) requires:

Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, Wildland interface, and Wildlife Habitat Areas and provide at time of Application, a Sensitive Lands Analysis.

The Applicant has not compiled a Sensitive Lands Analysis, but rather has submitted items which address the required criteria, documented in the table below.

SLO Analysis Criteria	Analysis of Proposal
1. <i>Slope/Topographic Map:</i> 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 geological hazard, Areas subject to land sliding, and all significant Steep Slopes in categories of greater than 15%, 30-40%, and greater than 40%.	Complies The Applicant's site plan indicates two-foot (2') contour intervals. The Site does not have significant Steep Slopes.
2. <i>Ridge Line Areas:</i> A map depicting all Crests of Hills and Ridge Line Areas.	Not applicable The proposed Detached Guest House will not affect Crest of Hills or Ridge-Line Areas.
3. <i>Vegetative Cover:</i> A detailed map of vegetative cover, depicting the following: a. Deciduous trees; b. Coniferous trees; c. Gamble oak or high shrub; and d. Sage, grassland, and agricultural crops.	Not applicable The Applicant submitted a landscape plan with the Building Permit for the main Structure. The Guest House will not alter the approved landscape plan.
4. <i>Designate Entry Corridors and Vantage Points:</i> Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248	Not applicable The property is visible from McPolin Barn and SR 224. However, the

east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.	Detached Guest House will have minimal-to-no impact on Entry Corridors and Vantage Points.
5. <i>Wetlands</i> : A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended. ⁵	Not applicable There are no wetlands on the Site.
6. <i>Stream Corridors, Canals, and Irrigation Ditches</i> : A map delineating all stream corridors, canals, and irrigation ditches defined by the Ordinary High-Water Mark.	Not applicable There are no streams, canals, or irrigation ditches that run on or through the Site.
7. <i>Wildlife Habitat Areas</i> : A map depicting all wildlife habitat areas, as defined by a Wildlife Habitat Report shall be provided by the Applicant. The Wildlife Habitat Report shall be prepared by a professional, qualified in the Areas of ecology, wildlife biology, or other relevant disciplines.	Not applicable Development on Lot 47 is consistent with neighboring Lots. The Applicant has commenced construction of the main Structure. However, the Planning Commission may decide a Wildlife Habitat Report is required for this project.
8. <i>Additional Information and Study Requirements</i> : The Planning Department may require the Applicant to submit the following information: a. Visual Assessment b. Soil Investigation Report c. Geotechnical Report d. Additional Slope Information e. Fire Protection Report f. Hydrological Report	Not applicable Planning Department Staff does not find cause to require additional informational studies for this project.

(V) The Proposed Guest House Complies with LMC § 15-4-6.

LMC [§ 15-4-6](#) outlines the following requirements for Guest Houses:

Criteria	Proposal
Guest Houses are only permitted on Lots of one (1) acre or greater	Complies The Lot is 1.6 acres.

⁵ See LMC [§ 15-2.21-6](#)

Guest Houses may be no larger than 1/3 of the size of the main Dwelling	Complies The Guest House is no larger than 1/3 the size of the main Dwelling.
Guest Houses shall be limited to a maximum floor area of 1,500 square feet	Complies The Guest House is 1,200 sq. ft.
Guest Houses may be detached from the main house, but may not be sold or leased separately from the main house	Condition of Approval 8 LMC § 15-15-1 defines <i>Guest House</i> as “[a]n Accessory Building and Dwelling intended for non-rent paying guests of the primary Dwelling Unit’s residents. Guest Houses are not a lodging Use where typical lodging services are provided. Nightly rental or any lease/Use for payment is not allowed. Prior to Building Permit application submittal, the Property Owner shall record with the Summit County Recorder’s Office a deed restriction “Notice to Purchaser” stating the Guest House may not be sold or leased separately from the main house, nor used for Nightly Rentals.

Department Review

On March 1, 2022, the Development Review Committee reviewed the proposal. The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City’s website, the Utah Public Notice website, and posted notice to the property on March 30, 2022. Staff mailed courtesy notice to property owners within 300 feet on March 30, 2022. The *Park Record* published notice on March 30, 2022.⁶

⁶ LMC [§ 15-1-21](#)

Public Input

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

Alternatives

- The Planning Commission may approve the 2656 Aspen Springs Drive Conditional Use Permit;
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Final Action Letter
Exhibit B: Subdivision Plat
Exhibit C: Site Plan
Exhibit D: Statement of Purpose



Planning Department

April 13, 2022

Jonathan and Leslie Snaveley
3356 Buckboard Drive
Park City, UT 84098
(814) 769-3790

CC: George N. Bishop

NOTICE OF PLANNING COMMISSION ACTION

Description

Address: 2656 Aspen Springs Drive

Zoning District: Single-Family

Application: Conditional Use Permit

Project Number: PL-22-05160

Action: APPROVED WITH CONDITIONS (See Below)

Date of Final Action: April 13, 2022

Project Summary: The Applicant Requests a Conditional use Permit to Construct a Detached Guest House, an Accessory Structure, in the Single-Family (SF) Zoning District.

Action Taken

Staff reviewed the Conditional Use Permit (CUP) Application for compliance with Land Management Code (LMC) § 15-2.11.3, *Lot and Site Requirements*, LMC § 15-1-10(E), *Conditional Use Review Process*, and LMC Chapter 15-2.21, *Sensitive Land Overlay (SLO) Zone Regulations*. On April 13, 2022, the Planning Commission held a public hearing and approved the Applicant's request for a Conditional Use Permit to construct a Detached Guest House according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. The property is located at 2656 Aspen Springs Drive, Lot 47 of the Aspen Springs Ranch Subdivision Phase II.

2. The property is in the Single-Family (SF) Zoning District and a portion of the Lot's rear is zoned as Recreation Open Space.
3. Lot 47 contains 1.6 acres.
4. A Detached Guest House, an Accessory Structure, is a Conditional Use in the SF Zoning District and require Planning Commission review and approval.
5. On February 7, 2022, the Planning Department received a Conditional Use Permit Application to construct a Detached Guest House at 2656 Aspen Springs Drive.
6. On February 15, 2022, the Planning Department determined the Conditional Use Permit Application complete.
7. The minimum front Setback for the SF Zoning District is 20 feet.
8. The minimum rear Setback for the SF Zoning District is 15 feet.
9. The minimum side Setback for the SF Zoning District is 12 feet, each side.
10. The site plan indicates the southwest corner will touch the Front Setback.
11. The maximum height for an Accessory Structure is 18 feet.
12. The Plat states the maximum Limits of Disturbance (LOD) for Lot 47 is 10,000 sq. ft.
13. The Plat states the maximum Floor Area is 8,250 sq. ft.
14. The ROS zoned portion of Lot 47 is a non-disturbance zone.
15. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code § 15-1-10(E).
 - a. Size and Location of Site – No unmitigated impacts. The Lot is 1.6 acres. The Detached Guest House is proposed to be outside the ROS zoned portion of the property. The proposal complies with size, height, setback, and location criteria for Guest House as found in the LMC.
 - b. Traffic Capacity – No unmitigated impacts. Traffic generated by occupants of the Guest House will have minimal impact to traffic capacity.
 - c. Utility Capacity – No unmitigated impacts. All utility requirements will be reviewed during the Building Permit review phase.
 - d. Emergency Vehicle Access – No unmitigated impacts. Emergency vehicles can access the site from Aspen Springs Drive.
 - e. Off-Street Parking – Complies. LMC § 15-3-6 requires a Guest House provide one (1) Off-Street parking space in addition to the required two (2) parking spaces for the main Structure. The Applicant proposes to build an additional garage with the Guest House to meet this requirement.
 - f. Internal Vehicle and Pedestrian Circulation – No unmitigated impacts. The Use of the Detached Guest House will not change vehicle or pedestrian circulation.
 - g. Fencing, Screening, Landscaping, to Separate Use from Adjoining Properties – Condition of Approval 5.

- h. Structure Mass, Bulk, and Orientation – Condition of Approval 6.
 - i. Useable Open Space – No unmitigated impacts. There are no open space requirements for a Single-Family Dwelling. The addition of the Detached Guest House does not encroach into the ROS Zone nor change the amount of useable Open Space in the Subdivision.
 - j. Signs and Lighting – Condition of Approval 7.
 - k. Physical Design and Compatibility with Surrounding Structures – No unmitigated impacts. The Detached Guest House is similar in design and scale in the Subdivision.
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Structures – No unmitigated impacts. There is no change in use that will result in additional noise, vibration, odors, steam, or other mechanical factors. All exterior mechanical equipment will be screened and comply with the Setback requirements.
 - m. Control of Delivery and Service Vehicles; Loading and Unloading; Screening of Trash and Recycling Pickup Areas – Not applicable. No changes are proposed for delivery and service vehicles or trash and recycling management.
 - n. Expected Ownership – Not applicable. No change in ownership is proposed.
 - o. Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, or Steep Slope – Complies. The project is compliant with the Sensitive Lands Overlay (SLO).
 - p. General Plan Consistency – Complies. The General Plan calls out the importance of developing a Sense of Community. Goal 7 of the General Plan shows that the City strives to create a diversity of housing opportunities.
16. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

1. This Conditional Use Permit, as conditioned, is consistent with the Park City Land Management Code.
2. The Use is consistent with the Park City General Plan.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Condition(s) of Approval

1. The Applicant shall ensure that the roof overhang does not project more than three feet (3') into the Front Setback.

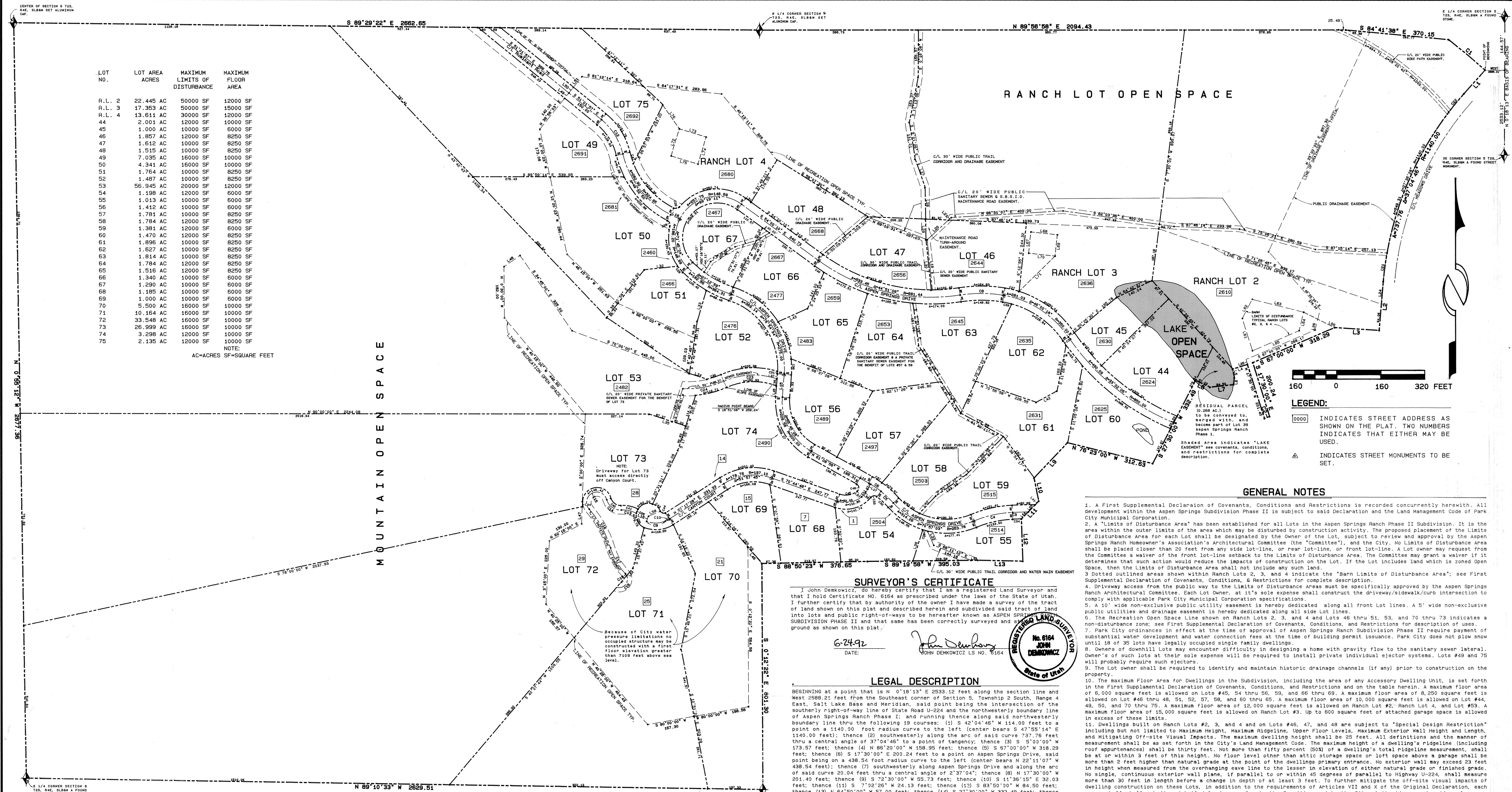
2. The Applicant Shall ensure that the Detached Guest House does not exceed the allowed Maximum Floor Area as indicated on the Aspen Springs Ranch Subdivision Phase II Plat.
3. The Applicant shall ensure construction activity is confined to the LOD and the portion of Lot 74 zoned single-family.
4. The Detached Guest House shall not exceed a maximum height of 18 feet.
5. Fences and Retaining Walls shall comply with LMC § 15-4-2, *Fences and Retaining Walls*
6. The project shall conform with the applicable sections of the LMC regulating Accessory Structure mass, bulk, and orientation.
7. No signs or outdoor lighting are proposed or approved under this CUP. The Applicant shall ensure all outdoor lighting is compliant with LMC § 15-5-5(J).
8. Prior to issuance of a certificate of occupancy, the Property Owner shall record with the Summit County Recorder's Office a deed restriction "Notice to Purchaser" stating the Guest House may not be sold or leased separately from the main house, nor used for Nightly Rentals.

If you have questions or concerns regarding this Final Action Letter, please call (435) 615-5065 or email spencer.cawley@parkcity.org.

Sincerely,

John Phillips
Planning Commission Chair

CC: Spencer Cawley, Project Planner



LINE	BEARING	DISTANCE
L1	S 4° 04' 46" E	114.00
L2	S 5° 00' 00" E	173.17
L3	N 86° 20' 00" W	158.95
L4	S 72° 30' 00" E	55.73
L5	S 11° 36' 15" E	32.03
L6	S 7° 02' 26" W	24.13
L7	S 83° 50' 00" E	84.50
L8	N 84° 50' 00" W	57.00
L9	S 43° 40' 00" E	173.38
L10	S 12° 45' 37" E	63.17
L11	S 86° 00' 00" E	86.66
L12	S 2° 00' 00" E	149.91
L13	S 61° 08' 58" E	36.60
L14	S 4° 37' 10" E	80.93
L15	S 20° 54' 53" E	20.00
L16	S 26° 38' 24" W	21.01
L17	S 63° 13' 06" E	37.07
L18	S 5° 52' 59" E	180.14
L19	S 41° 54' 45" E	192.40
L20	N 4° 13' 45" E	14.14
L21	S 2° 14' 45" E	33.97
L22	S 40° 27' 44" W	33.44
L23	N 8° 00' 00" E	79.50
L24	S 12° 30' 00" E	16.18
L25	N 14° 00' 00" E	75.00

LINE	BEARING	DISTANCE
L27	S 19° 31' 05" E	106.81
L28	S 0° 54' 47" E	112.11
L29	N 0° 54' 47" W	73.22
L30	S 5° 52' 59" E	179.85
L31	S 84° 00' 10" E	23.84
L32	N 84° 08' 23" E	119.66
L33	N 15° 38' 53" E	113.63
L34	S 72° 02' 54" E	66.49
L35	N 71° 56' 15" W	137.37
L36	N 4° 37' 10" E	76.31
L37	N 17° 30' 00" E	119.66
L38	N 17° 30' 00" E	67.21
L39	S 76° 00' 00" E	169.37
L40	N 43° 17' 30" E	66.85
L41	N 44° 17' 30" E	17.30
L42	S 61° 25' 45" W	84.06
L43	S 66° 13' 37" W	115.56
L44	S 2° 00' 00" E	18.40
L45	N 4° 37' 10" E	37.23
L46	N 41° 54' 45" E	76.42
L47	N 8° 00' 00" E	60.00
L48	N 30° 58' 03" E	23.00
L49	N 38° 58' 03" E	25.00
L50	N 38° 58' 03" E	50.00
L51	N 38° 58' 03" E	50.00
L52	N 27° 30' 00" E	25.00

LINE	BEARING	DISTANCE
L53	N 27° 30' 00" E	25.10
L54	N 44° 17' 30" E	35.62
L55	N 44° 17' 30" E	35.79
L56	N 51° 11' 38" W	25.00
L57	N 38° 19' 16" W	25.00
L58	N 67° 51' 34" E	45.00
L59	N 88° 58' 02" W	40.00
L60	N 88° 58' 02" W	40.00
L61	N 17° 30' 00" E	119.66
L62	N 27° 30' 00" E	76.31
L63	S 76° 00' 00" E	169.37
L64	S 14° 00' 00" E	67.21
L65	S 63° 53' 50" E	101.13
L66	N 44° 17' 30" E	17.30
L67	N 8° 12' 55" E	76.00
L68	S 63° 17' 05" E	66.00
L69	S 6° 12' 55" W	76.00
L70	N 63° 47' 05" W	85.00
L71	S 48° 36' 58" W	181.18
L72	N 17° 30' 00" E	100.00
L73	S 73° 00' 00" E	100.00
L74	N 17° 30' 00" E	100.00
L75	N 73° 00' 00" W	100.00
L76	S 38° 04' 31" E	103.26
L77	N 27° 30' 00" E	16.68

CURVE	ARC	DELTA	RADIUS
C1	169.02	3° 59' 01"	2779.79
C2	10.04	2° 57' 04"	158.54
C3	36.85	0° 48' 52"	4000.00
C4	142.51	20° 24' 48"	350.00
C5	80.41	10° 55' 36"	350.00
C6	44.58	7° 41' 00"	332.31
C7	5.91	11° 12' 55"	332.31
C8	155.83	18° 50' 49"	489.77
C9	69.37	18° 58' 41"	91.13
C10	15.93	10° 50' 45"	91.13
C11	14.62	10° 50' 45"	89.89
C12	145.39	37° 38' 43"	221.41
C13	56.49	37° 38' 43"	100.00
C14	88.43	75° 25' 12"	50.00
C15	131.59	204° 02' 19"	36.98
C16	156.49	24° 45' 51"	366.78
C17	106.15	26° 38' 53"	228.24
C18	8.90	10° 50' 45"	30.00
C19	89.90	133° 29' 58"	30.00
C20	44.60	88° 16' 50"	45.00
C21	103.35	51° 11' 40"	1140.00
C22	85.11	2° 18' 47"	1140.00
C23	193.25	45° 40' 00"	255.34
C24	151.03	26° 40' 50"	322.50
C25	15.13	10° 50' 45"	45.00
C26	22.82	77° 22' 13"	16.68

CURVE	ARC	DELTA	RADIUS
C27	51.06	7° 48' 07"	370.00
C28	22.95	77° 20' 07"	25.71
C29	28.98	9° 15' 54"	173.68
C30	84.32	10° 27' 48"	250.00
C31	7.33	1° 48' 00"	250.00
C32	55.32	10° 25' 38"	307.31
C33	23.35	68° 05' 01"	15.00
C34	30.64	0° 26' 30"	3975.00
C35	18.26	3° 27' 53"	278.78
C36	56.00	1° 41' 46"	390.00
C37	40.39	5° 28' 36"	392.31
C38	20.07	1° 18' 51"	875.00
C39	32.11	5° 28' 36"	392.31
C40	40.10	3° 15' 09"	700.44
C41	62.75	31° 15' 47"	115.00
C42	47.90	78° 25' 12"	30.00
C43	66.45	49° 02' 24"	45.00
C44	23.27	100° 34' 04"	15.00
C45	38.42	58° 34' 28"	64.99
C46	28.88	111° 49' 43"	15.00
C47	42.75	6° 09' 59"	299.95

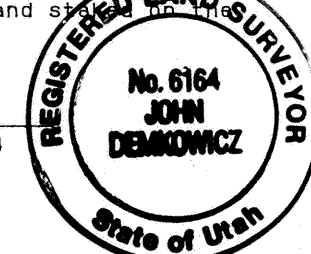
SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 6164 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots and public right-of-ways to be hereinafter known as ASPEN SPRINGS RANCH SUBDIVISION PHASE II and that same has been correctly surveyed and shown on this plat.

6-24-92

DATE:

JOHN DEMKOWICZ LS NO. 6164



LEGAL DESCRIPTION

BEGINNING at a point that is N 0° 18' 13" E 2533.12 feet along the section line and West 2588.21 feet from the Southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the intersection of the southerly right-of-way line of State Road U-224 and the northwesterly boundary line of Aspen Springs Ranch Phase I; and running thence along said northwesterly boundary line thru the following 19 courses: (1) S 42° 04' 46" W 114.00 feet to a point on a 1140.00 foot radius curve to the left (center bears S 47° 55' 14" E 1140.00 feet); thence (2) southwesterly along the arc of said curve 737.76 feet thru a central angle of 37° 04' 46" to a point of tangency; thence (3) S 5° 00' 00" W 173.57 feet; thence (4) N 86° 20' 00" W 158.95 feet; thence (5) S 87° 00' 00" W 318.29 feet; thence (6) S 17° 30' 00" E 200.24 feet to a point on Aspen Springs Drive, said point being on a 438.54 foot radius curve to the left (center bears N 22° 11' 07" E 438.54 feet); thence (7) southwesterly along Aspen Springs Drive and along the arc of said curve 20.04 feet thru a central angle of 2° 37' 04"; thence (8) N 17° 30' 00" W 201.40 feet; thence (9) S 72° 30' 00" W 55.73 feet; thence (10) S 11° 36' 15" E 32.03 feet; thence (11) S 7° 02' 26" W 24.13 feet; thence (12) S 83° 50' 00" W 84.50 feet; thence (13) N 84° 50' 00" W 57.00 feet; thence (14) S 27° 30' 00" W 332.49 feet; thence (15) N 76° 23' 00" W 312.63 feet; thence (16) S 43° 45' 00" W 173.38 feet; thence (17) S 11° 45' 37" E 83.17 feet; thence (18) S 44° 17' 30" W 89.16 feet; thence (19) S 2° 00' 00" E 149.91 feet to a point on the North line of Iron Canyon Subdivision, as recorded; thence along said north line thru the following 3 courses: (1) N 88° 50' 22" W 160.66 feet; thence (2) S 89° 19' 50" W 395.03 feet; thence (3) S 88° 50' 22" W 376.65 feet to a point on the West line of said Section 5; thence S 9° 12' 22" E 801.30 feet along section line to the Southwest corner of said Section 5; thence N 89° 10' 33" W 2652.51 feet along section line to the South 1/4 corner of Section 6, Township 2 South, Range 4 East, Salt Lake Base and Meridian, a found stone; thence N 0° 18' 13" E 2577.36 feet along the center of section line to the center of said Section 6; thence S 89° 29' 22" E 2562.65 feet along the centerline of said Section 6 to the West 1/4 corner of said Section 5; thence N 89° 56' 58" E 2094.43 feet along the centerline of said Section 5; thence S 84° 41' 38" E 370.15 feet to a point on the southerly right-of-way line of State Highway U-224, said point being on a 2779.79 foot radius curve to the right (center bears S 37° 46' 23" W 2779.79 feet); thence southeasterly along the arc of said curve 169.02 feet thru a central angle of 3° 29' 01" to the point of beginning.

CONTAINS 245.125 ACRES.

Aspen Springs Ranch Subdivision Phase II

A single family subdivision located in the Southwest 1/4 of Section 5 and the Southeast 1/4 of Section 6, T2S, R4E, SLB&M.

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 28th DAY OF June, 1992 A.D.

BY *[Signature]*
CHAIRMAN

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 28th DAY OF June, 1992 A.D.

BY *[Signature]* P.E.
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 28th DAY OF June, 1992 A.D.

BY *[Signature]*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 28TH DAY OF May, 1992 A.D.

BY *[Signature]*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 28TH DAY OF May, 1992 A.D.

BY *[Signature]* MAYOR

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF *[Signature]* TITLE COMPANY

DATE 06-26-92 TIME 3:00 PM BOOK 572 PAGE 1

FEE *[Signature]* RECORDER

OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is a owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as ASPEN SPRINGS RANCH SUBDIVISION PHASE II does hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

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

IN WITNESS WHEREOF, the undersigned sets their hand this 19 day of June, 1992.

ASPEN SPRINGS RANCH CORP.
A Utah Corporation

Gerald A. Jackson
GERALD A. JACKSON
President

ACKNOWLEDGEMENT

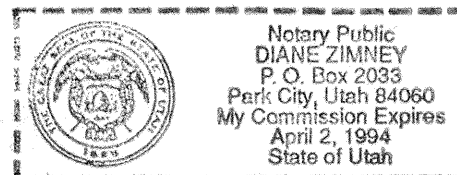
STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this 19 day, of June, 1992, personally appeared before me, the undersigned Notary Public, in and for said State and County, Gerald A. Jackson, who after being duly sworn, acknowledged to me that he is the President of Aspen Springs Ranch Corp., a Utah Corporation, that he signed the foregoing Owners Dedication and Consent to Record freely and voluntarily for the purposes therein mentioned on behalf of said corporation with full authority of its bylaws.

Diane Zimney
NOTARY PUBLIC
Residing at 344 E. 1st St.

My Commission Expires:

4/2/94



OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is a owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as ASPEN SPRINGS RANCH SUBDIVISION PHASE II does hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

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

IN WITNESS WHEREOF, the undersigned sets their hand this 18 day of June, 1992.

LAWRENCE K. HESTER LIVING TRUST

Lawrence K. Hester
LAWRENCE K. HESTER, TRUSTEE

ACKNOWLEDGEMENT

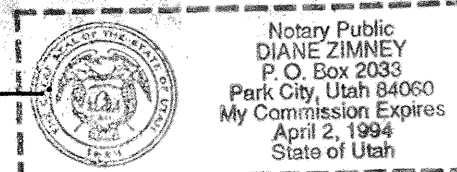
STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this 18 day, of June, 1992, personally appeared before me, the undersigned Notary Public, in and for said State and County, Lawrence K. Hester, who after being duly sworn, acknowledged to me that he is the trustee of the Lawrence K. Hester Living Trust, a owner of Aspen Springs Ranch Phase II, that he signed the foregoing Owners Dedication and Consent to Record freely and voluntarily for the purposes therein mentioned, on behalf of said living trust with full authority.

Diane Zimney
NOTARY PUBLIC
Residing at 344 E. 1st St.

My Commission Expires:

4/2/94



OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is a owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as ASPEN SPRINGS RANCH SUBDIVISION PHASE II does hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

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

IN WITNESS WHEREOF, the undersigned sets his hand this 21st day of June, 1992.

Richard W. Ringwood
RICHARD W. RINGWOOD
A INDIVIDUAL

ACKNOWLEDGEMENT

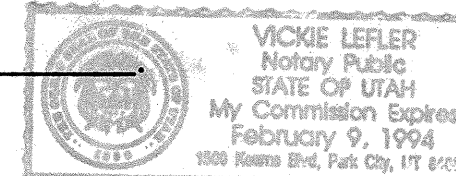
STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this 21 day, of June, 1992, personally appeared before me, the undersigned Notary Public, in and for said State and County, Richard W. Ringwood, a individual, who after being duly sworn, acknowledged to me that he is a owner of Aspen Springs Ranch Phase II, that he signed the foregoing Owners Dedication and Consent to Record freely and voluntarily for the purposes therein mentioned.

Vickie Lerler
NOTARY PUBLIC
Residing at:

My Commission Expires:

2/9/94



OWNER'S DEDICATION & CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT: That the undersigned is a owner of the herein described tract of land, having caused the same to be subdivided into lots, public right-of-ways, together with easements as set forth on this Record of Survey Plat to be known hereafter as ASPEN SPRINGS RANCH SUBDIVISION PHASE II does hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use and further consent to the recordation of this Record of Survey Plat in accordance with Utah Law.

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

IN WITNESS WHEREOF, the undersigned sets his hand this 15th day of JUNE, 1992.

Thomas E. Terry
THOMAS E. TERRY
A INDIVIDUAL

ACKNOWLEDGEMENT

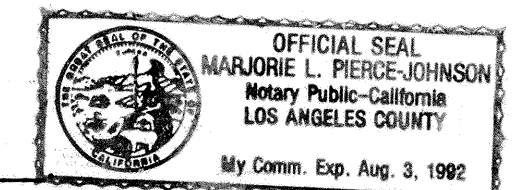
CALIFORNIA
STATE OF UTAH)
: ss.
LOS ANGELES
COUNTY OF SUMMIT)

On this 15th day, of JUNE, 1992, personally appeared before me, the undersigned Notary Public, in and for said State and County, Thomas E. Terry, a individual, who after being duly sworn, acknowledged to me that he is a owner of Aspen Springs Ranch Phase II, that he signed the foregoing Owners Dedication and Consent to Record freely and voluntarily for the purposes therein mentioned.

Marjorie L. Pierce-Johnson
NOTARY PUBLIC
Residing at:

My Commission Expires:

Aug. 3, 1992



Aspen Springs Ranch Subdivision Phase II

A single family subdivision located in the Southwest 1/4 of Section 5 and the Southeast 1/4 of Section 6, T2S, R4E, SLB&M.

PAGE 2 OF 2

36/321

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Associated Title Company
DATE 06-26-92 TIME 3:00 PM BOOK 557 PAGE 52

FEE 57.50 RECORDER Alan [Signature]

JOB NO. 14-11-92Y:\ASR\SRP

1200 C IRON HORSE DR
PO BOX 4166
PARK CITY, UT 84060
PH: 435.655.3811
E: CG@SUMMAARS.COM

REVISIONS

SQUARE FOOTAGE

MAIN LEVEL:
• 821 SQ FT

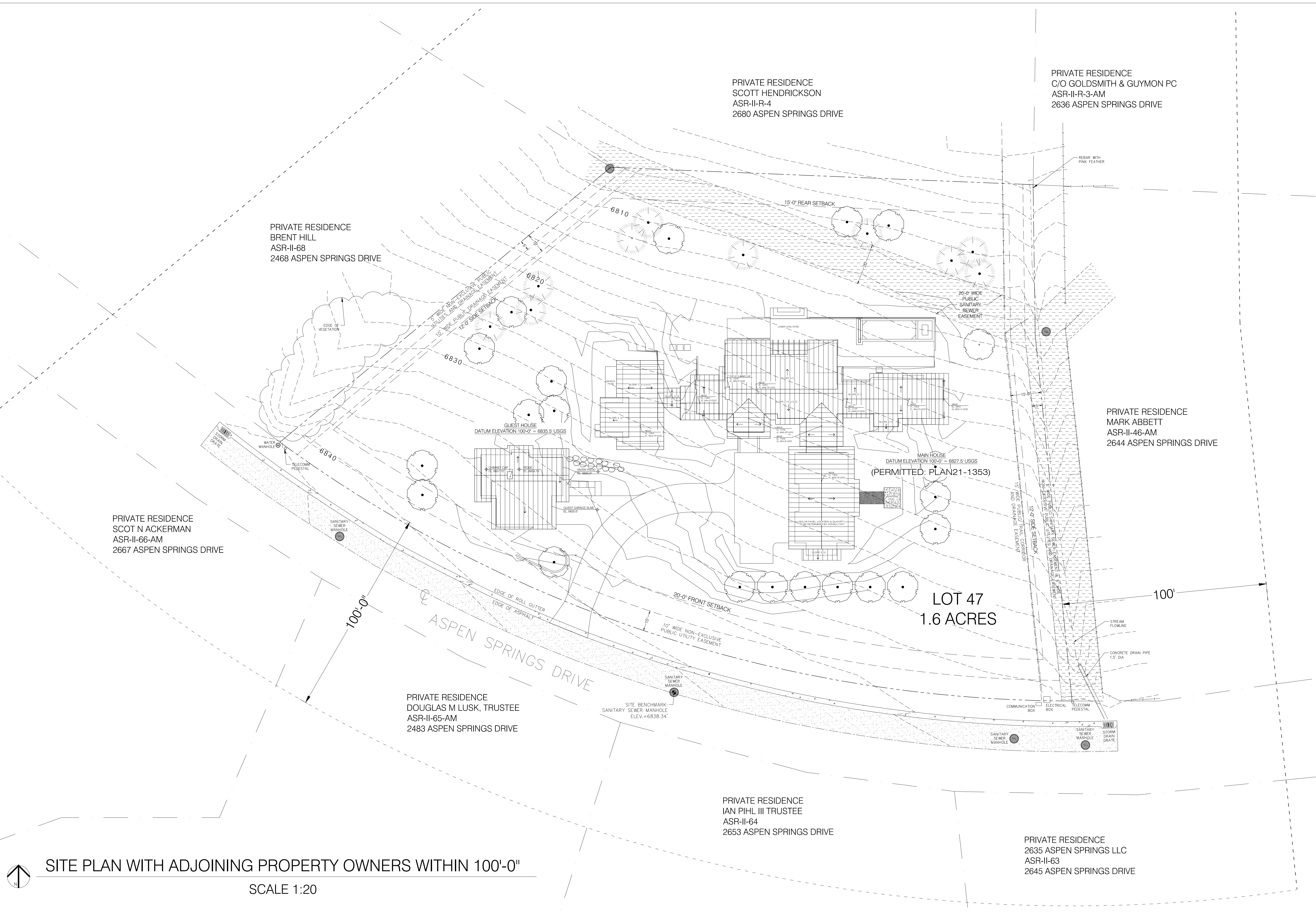
GARAGE
• 378 SQ FT

BLDG FOOTPRINT
• 1,199 SQ FT

SNARELY RESIDENCE - GUEST HOUSE
2656 ASPEN SPRINGS DRIVE - LOT 47 ASPEN SPRINGS RANCH
PARK CITY, UTAH

02.07.22

SITE PLAN



COSTANTINO GRANDJACQUET ARCHITECT
Snaveley Residence – Guest House Conditional Use Permit

January 28, 2022

This application is for a conditional use permit for a Guest House allowed under municipal code section 15-4-6. The primary house for this lot has been permitted, and the design of guest house meets the criteria for both PCMC and Aspen Springs.

Thank you,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line and a small 'S' at the end.

Costantino Grandjacquet

Planning Commission Staff Report



Subject: Architectural Review and Appeals
Application: PL-22-05208
Author: Rebecca Ward, Assistant Planning Director
Date: April 13, 2022
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Review the Land Management Code amendments to

- Exempt Single-Family Dwellings and Duplexes from certain Architectural Review requirements to comply with changes to state law
- Update appeals to comply with changes to state law
- Update the definition of *Food Truck* to comply with changes to state law
- Make non-substantive corrections

(II) conduct a public hearing, and

(III) consider forwarding a positive recommendation for City Council's consideration on May 26, 2022, as outlined in Draft Ordinance No. 2022-XX (Exhibit A).

Description

Applicant: Planning Department

LMC Sections Amended **General Provision and Procedures**

§ 15-1-2 *Statement of Purpose*

§ 15-1-9 *Allowed Use Review Process*

§ 15-1-11 *Special Applications*

§ 15-1-12 *Notice*

§ 15-1-18 *Appeals and Reconsideration Process*

Historic Residential – Low Density Zoning District

§ 15-2.1-3 *Lot and Site Requirements*

§ 15-2.1-4 *Existing Historic Buildings and/or Structures*

§ 15-2.1-8 *Architectural Review*

§ 15-2.1-9 *Vegetation Protection*

§ 15-2.1-11 *Related Provisions*

Historic Residential – 1 Zoning District

- § 15-2.2-3 *Lot and Site Requirements*
- § 15-2.2-4 *Existing Historic Buildings and/or Structures*
- § 15-2.2-9 *Architectural Review*
- § 15-2.2-10 *Vegetation Protection*
- § 15-2.2-12 *Related Provisions*

Historic Residential – 2 Zoning District

- § 15-2.3-8 *Special Requirements for MPDs and CUPs in Sub-Zone A*
- § 15-2.3-13 *Architectural Review*
- § 15-2.3-14 *Vegetation Protection*
- § 15-2.3-16 *Related Provisions*

Historic Residential – Medium Zoning District

- § 15-2.4-5 *Building Height*
- § 15-2.4-7 *Special Requirements for Multi-Unit Dwellings*
- § 15-2.4-12 *Architectural Review*
- § 15-2.4-13 *Vegetation Protection*
- § 15-2.4-15 *Related Provisions*

Historic Recreation Commercial Zoning District

- § 15-2.5-2 *Uses*
- § 15-2.5-4 *Existing Historic Buildings and/or Structures*
- § 15-2.5-5 *Building Height*
- § 15-2.5-12 *Architectural Review*
- § 15-2.5-13 *Vegetation Protection*
- § 15-2.5-15 *Related Provisions*

Historic Commercial Business Zoning District

- § 15-2.6-2 *Uses*
- § 15-2.6-5 *Maximum Building Volume and Height*
- § 15-2.6-7 *Swede Alley Development Criteria*
- § 15-2.6-13 *Architectural Review*
- § 15-2.6-14 *Vegetation Protection*
- § 15-2.6-16 *Related Provisions*

Recreation and Open Space Zoning District

- § 15-2.7-2 *Uses*
- § 15-2.7-5 *Architectural Review*
- § 15-2.7-6 *Vegetation Protection*
- § 15-2.7-11 *Related Provisions*

Protected Open Space Zoning District

- § 15-2.8-5 *Architectural Review*
- § 15-2.8-6 *Vegetation Protection*
- § 15-2.8-8 *Related Provisions*

Rural Estate Zoning District

- § 15-2.9-5 *Architectural Review*
- § 15-2.9-10 *Vegetation Protection*
- § 15-2.9-12 *Related Provisions*

Estate Zoning District

- § 15-2.10-5 *Architectural Review*
- § 15-2.10-10 *Vegetation Protection*
- § 15-2.10-12 *Related Provisions*

Single-Family Zoning District

- § 15-2.11-5 *Architectural Review*
- § 15-2.11-10 *Vegetation Protection*
- § 15-2.11-12 *Related Provisions*

Residential – 1 District

- § 15-2.12-6 *Architectural Review*
- § 15-2.12-10 *Vegetation Protection*
- § 15-2.12-12 *Related Provisions*

Residential Development Zoning District

- § 15-2.13-5 *Architectural Review*
- § 15-2.13-10 *Vegetation Protection*

Residential Development – Medium Density Zoning District

- § 15-2.14-5 *Architectural Review*
- § 15-2.14-10 *Vegetation Protection*
- § 15-2.14-12 *Related Provisions*

Residential – Medium Density Zoning District

- § 15-2.15-6 *Architectural Review*
- § 15-2.15-9 *Vegetation Protection*
- § 15-2.15-11 *Related Provisions*

Recreation Commercial Zoning District

- § 15-2.16-7 *Architectural Review*
- § 15-2.16-13 *Vegetation Protection*
- § 15-2.16-15 *Related Provisions*

Regional Commercial Overlay

- § 15-2.17-3 *Procedure for Commercial Development Option*
- § 15-2.17-9 *Vegetation Protection*
- § 15-2.17-11 *Related Provisions*

General Commercial Zoning District

- § 15-2.18-5 *Architectural Review*
- § 15-2.18-11 *Vegetation Protection*
- § 15-2.18-13 *Related Provisions*

Light Industrial Zoning District

- § 15-2.19-7 *Architectural Review*
- § 15-2.19-13 *Vegetation Protection*
- § 15-2.19-15 *Related Provisions*

Public Use Transition Zoning District

- § 15-2.22-5 *Architectural Review*
- § 15-2.22-10 *Vegetation Protection*
- § 15-2.22-12 *Related Provisions*

Community Transition Zoning District

- § 15-2.23-13 *Vegetation Protection*
- § 15-2.23-16 *Related Provisions*

Transfer of Development Rights Overlay

- § 15-2.24-4 *Development Credit Determination Letter*

Medical Cannabis Production Establishment Light Industrial Overlay

- § 15-2.25-2 *Related Provisions*

Urban Park Zone

- § 15-2.26-2 *Uses*
- § 15-2.26-5 *Related Provisions*

Off-Street Parking

- § 15-3-7 *Parking in Master Planned Developments and Conditional Use Permits*

Supplemental Regulations

- § 15-4-2 *Fences and Retaining Walls*
- § 15-4-11 *Timeshare Conversion*

Architectural Review

- § 15-5-2 *Historic Districts and Historic Sites*
- § 15-5-3 *Conditional Use Review*
- § 15-5-4 *Permitted Use Review*
- § 15-5-5 *Architectural Design Guidelines*
- § 15-5-6 *Permitted Design Features*
- § 15-5-8 *Façade Length and Variations*
- § 15-5-9 *Sensitive Lands Review*

Master Planned Developments

§ 15-6-5 *Master Planned Development Requirements*

Affordable Master Planned Developments

§ 15-6.1-11 *Site Planning*

Subdivisions

§ 15-7-3 *Policy*

§ 15-7-4 *Authority*

§ 15-7-7 *Vacation, Alteration or Amendment of Plats*

§ 15-7.2-1 *Improvements*

§ 15-7.4-3 *Final Subdivision Plat*

Non-Conforming Uses and Non-Complying Structures

§ 15-9-1 *Purpose*

§ 15-9-4 *Abandonment or Loss of Non-Conforming Use*

Board of Adjustment

§ 15-10-1 *Establishment of Board*

§ 15-10-3 *Powers and Duties*

§ 15-10-7 *Appeals*

§ 15-10-8 *Variance*

§ 15-10-9 *Persons Entitled to Appear*

Preservation Policy

§ 15-11-1 *Establishment of Board*

§ 15-11-5 *Purpose*

§ 15-11-6 *Additional Duties*

§ 15-11-11 *Design Guidelines for Historic Districts and Historic Sites*

§ 15-11-12 *Historic District or Historic Site Design Review*

§ 15-11-12.5 *Historic Preservation Board Review for Material Deconstruction*

Planning Commission

§ 15-12-5 *Authority*

§ 15-12-15 *Review by Planning Commission*

Definitions

§ 15-15-1

Reason for Review: The Planning Commission makes a recommendation regarding Land Management Code amendments to the City Council.¹

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

¹ LMC [§ 15-12-15\(A\)\(1\)](#).

Analysis

(I) The proposed amendments address changes to state code impacting building permit reviews: (a) staff must expedite building permit reviews for Single-Family, Duplex, and townhome applications, (b) Planning staff must review all incoming building permit applications to ensure land use approvals are completed prior to accepting a building permit application, and (c) changes to state code require amendments to Land Management Code Chapter 15-5, *Architectural Review*

In the First Special Session of 2021, the Utah legislature enacted [H.B. 1003](#), *Government Building Regulation Amendments*. H.B. 1003 aimed in part to expedite building permit review for Single-Family Dwellings, Duplexes, and townhomes and defined a complete building permit application, established a building permit review period, and limited review of certain building design elements. As a result, staff implemented new review processes and recommends LMC amendments, described below.

(a) Staff must expedite building permit reviews for Single-Family, Duplex, and townhome applications

H.B. 1003 (codified in Utah Code [§ 10-6-160\(8\)](#)) now establishes what constitutes a complete building permit application for Single-Family Dwellings, Duplexes, and townhomes and requires cities to complete the building permit review no later than 14 business days after submission of a complete building permit. If the city does not complete the building permit review within 14 business days, the applicant may request that the City complete the review within an additional 14 days from the day the applicant makes the request.² If the City does not complete the plan review within the outlined time, the applicant may move forward with plans stamped by a licensed architect or structural engineer.³

Additionally, the City may no longer require resubmittal of plans for a Single-Family, Duplex, or townhome building permit application to address modifications for compliance.⁴ Rather, the City may identify violations found in the plan that the City may enforce during construction.⁵ The City may only require resubmittal of plans for Single-Family, Duplex, or townhome plans “to address deficiencies identified by a third-party review of a geotechnical report or geological report.”⁶

(b) Planning staff must review all incoming building permit applications to ensure land use approvals are completed prior to accepting a building permit application

² Utah Code [§ 10-6-160\(3\)](#).

³ Utah Code [§ 10-6-160\(4\)](#).

⁴ Utah Code [§ 10-6-160\(5\)\(b\)](#).

⁵ Utah Code [§ 10-6-160\(a\)](#).

⁶ Utah Code [§ 10-6-160\(5\)\(c\)](#).

As a result of the required expedited review, Planning staff now reviews all building permit applications prior to accepting the building permit application to ensure the property has the required land use approvals, including Historic District Design Review for properties within Historic Districts or Historic Sites, Conditional Use Permit approvals for certain uses, a Steep Slope Conditional Use Permit, and a completed condominium or subdivision plat or plat amendment.

(c) Changes to state code require amendments to Land Management Code Chapter 15-5, *Architectural Review*

Additionally, [H.B. 1003](#) prohibits municipalities from regulating certain building design elements for Single-Family Dwellings and Duplexes (codified in Utah Code [§ 10-9a-534](#)). Utah Code [§ 10-9a-534\(1\)](#) defines a building design element to include:

- Exterior color
- Type or style of exterior cladding material
- Style, dimensions, or materials of a roof structure, roof pitch, or porch
- Exterior nonstructural architectural ornamentation
- Location, design, placement, or architectural styling of a window or door
- Location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door
- Number or type of rooms
- Interior layout of a room
- Minimum square footage over 1,000 square feet, not including a garage
- Rear yard landscaping requirements
- Minimum building dimensions
- A requirement to install front yard fencing.

The LMC does not regulate exterior color, number or type of rooms, interior layout of a room, minimum square footage, minimum building dimensions, or requirements to install front yard fencing. However, the Historic District regulations outlined in LMC Chapters [15-2.1 Historic Residential Low – Density](#), [15-2.2 Historic Residential – 1](#), [15-2.3 Historic Residential – 2](#), [15-2.4 Historic Residential – Medium](#), [15-2.5 Historic Recreation Commercial](#), and [15-2.6 Historic Commercial Business](#), and [15-13 Design Guidelines For Historic Districts and Historic Sites](#) regulate exterior cladding, roofs, nonstructural architectural ornamentation, window and door placement, and garages, and other design elements.

Preservation of Park City’s Historic Character is one of the four core values outlined in the General Plan. In 1979, the Main Street Historic District was listed on the National Register of Historic Places. In 1984, the Mining Boom Era Residences Thematic District, comprised of historically significant residential structures built during the mining boom era, was listed. Additionally, [the Park City Historic Sites Inventory](#) includes over 400 local Landmark and Significant Historic Sites that embody the Settlement and Mining Boom Era (1868 – 1893), the Mature Mining Era (1894 – 1930), and the Mining Decline & Emergence of Recreation Industry Era (1931 – 1962).

Goal 15 of [the Park City General Plan](#) is to preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.⁷ In 1980, Park City established a Historic District Commission, now the Historic Preservation Board, to preserve the City's unique Historic Character, encourage compatible construction in the Historic Districts, and oversee designation of sites to the Historic Sites Inventory.⁸ In 1985, Park City adopted Historic District Design Guidelines, which were amended in 2009 and again in 2019, and are codified as the Design Guidelines for Historic Districts and Historic Sites in LMC [Chapter 15-13](#), to guide development in the Historic Districts that protects Park City's Historic Character.

H.B. 1003 was first introduced in the 2021 General Session as [H.B. 98](#), but did not pass. In the early version of the legislation, the City would have been limited to regulating building design elements for structures or areas designated on the National Register of Historic Places, unraveling decades of carefully crafted Historic District regulations and the Design Guidelines for Historic Districts and Historic Sites for many locally designated Landmark and Significant Historic Sites.

However, after much effort by the City and other municipalities and entities, a section within [H.B. 1003](#) (codified in Utah Code [§ 10-9a-534\(3\)](#)) carved out an exception and allows the City to continue to regulate building design elements in the Historic Districts, and for sites designated on the local Historic Sites Inventory and the National Register of Historic Places. As a result, no changes are proposed for building design elements in the Historic Districts or for Historic Sites that are located outside of a Historic District.

However, H.B. 1003 requires amendments regarding building design elements for non-historic Single-Family Dwellings and Duplexes outside of the Historic Districts. Staff proposes a footnote to LMC Chapter 15-5, *Architectural Review*, outlining the state prohibition on affirmative design requirements for building design elements (Exhibit A, Line 2730).

H.B. 1003 allows for regulation of building design elements for Single-Family Dwellings and Duplexes when agreed to as part of a development agreement.⁹ Staff proposes amendments to Chapter 15-6, *Master Planned Developments*, and Chapter 15-6.1, *Affordable Master Planned Developments* to provide the Planning Commission with discretion to establish Design Guidelines for Master Planned Developments and Affordable Master Planned Developments, including regulation of Single-Family Dwellings and Duplexes that are part of a Master Planned Development or Affordable Master Planned Development, and subject to a Development Agreement (Exhibit A, Lines 3708 – 3717 for Master Planned Developments and Lines 3818 – 3827 for Affordable Master Planned Developments).

⁷ [General Plan](#), Volume I, page 106

⁸ LMC [§ 15-11-5](#).

⁹ Utah Code [§ 10-9a-534\(3\)\(d\)](#).

(II) Staff recommends amendments to the Land Management Code (a) to remove duplicative Sections outlining appeals, (b) to remove City Council review of Historic Preservation Board decisions and to specify appeals are for Final Action to comply with changes to state code, and (c) to clarify conflicting provisions regarding appeals to the Board of Adjustment.

(a) The proposed amendments remove duplicative Sections outlining appeals

LMC [§ 15-1-18](#), *Appeals and Reconsideration Process*, outlines the appeal process for land use decisions. In addition to [§ 15-1-18](#), each Zoning District *Architectural Review* Section also includes language addressing appeals. For example, the first Zoning District outlined in the LMC, Historic Residential Low – Density, illustrates what is outlined in each Zoning District *Architectural Review* Section below. The text highlighted in red is proposed to be removed from each Zoning District *Architectural Review* Section to consolidate information regarding appeals to LMC [§ 15-1-18](#):

15-2.1-8 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 Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and Architectural Review Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.

(Exhibit A, Lines 612, 902, 1039, 1156, 1359, 1609, 1726, 1771, 1815, 1858, 1901, 1943, 1986, 2013, 2054, 2096, 2204, 2249, and 2293.)

(b) The proposed amendments remove City Council review of Historic Preservation Board decisions and to specify appeals are for Final Action to comply with changes to state code

In 2017, the Utah legislature enacted [H.B. 30](#), *Historic Preservation Amendments*. H.B. 30 required the City to designate the governing body as the historic preservation appeal authority. On August 3, 2017, the City Council adopted [Ordinance No. 2017-42](#), amending LMC [§ 15-1-18](#) to provide an avenue for Historic District Design Review and Historic Site Designations to be appealed to City Council.

In 2019, the Utah legislature enacted [H.B. 315](#), *Land Use and Development Amendments*, removing the requirement that the historic preservation appeal authority be comprised of the governing body. However, the LMC has not yet been updated to reflect this change.

While the Historic Preservation Board reviews some elements as part of Historic District Design Review applications like material deconstruction (removal of historic materials),

relocation or reorientation of Historic Structures, and reconstruction of Historic Structures, Planning staff takes Final Action on Historic District Design Review applications. LMC [§ 15-1-18\(A\)](#) and [§ 15-10-3\(A\)\(4\)](#) grant the Board of Adjustment review authority for appeals of Planning staff Final Action on Historic District Design Review applications.

It is problematic for the City Council to serve as the historic preservation appeal authority because under state law an appeal authority “may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.”¹⁰ Pursuant to LMC [§ 15-11-10](#), the Historic Preservation Board makes a recommendation to City Council regarding designation of sites to the Historic Sites Inventory, and the City Council takes Final Action on the determination. As a result, the City Council cannot act as the historic preservation appeal authority on designations to the Historic Sites Inventory because the City Council “first acted as the land use authority.”

The proposed amendments update the LMC to align with H.B. 315 and remove the City Council as an appeal authority for historic preservation appeals; the Board of Adjustment is the historic preservation appeal authority (Exhibit A, Lines 199 – 383).

Additionally, in 2022, the Utah legislature enacted [H.B. 303](#) to clarify the definition of a “land use decision” that may be appealed, removing enforcement of a land use regulation, land use permit, or development agreement from the definition. A “land use decision” is now defined as “an administrative decision of a land use authority or appeal authority regarding: (a) a land use permit; or (b) a land use application.” As a result, Section 15-1-18 is amended to clarify that Final Action of Planning staff may be appealed and not “any decision” by Planning staff (Exhibit A, Lines 200 – 206; 4588 – 4598).

(c) The proposed amendments clarify conflicting provisions regarding appeals to the Board of Adjustment

Three LMC Sections outline appeals to the Board of Adjustment: [§ 15-1-18 Appeals and Reconsideration Process](#), [§ 15-10-3 Powers and Duties](#), and [§ 15-10-7 Appeals](#). Sections 15-10-3 and 15-10-7 were last amended in October of 2015 when the City Council enacted [Ordinance No. 15-35](#).

However, Section 15-1-8 has been amended seven times since Ordinance No. 15-35 was enacted in 2015.¹¹ As a result, there are conflicting provisions between the three Sections that require updates.

The table below describes current Board of Adjustment appeal authority outlined in each Section. Inconsistent appeal authority is highlighted in red, aligned appeal

¹⁰ Utah Code [§ 10-9a-701\(3\)\(b\)](#).

¹¹ [Ordinance No. 15-53](#); [Ordinance No. 16-15](#); [Ordinance No. 2016-44](#); [Ordinance No. 2017-04](#); [Ordinance No. 2017-42](#); [Ordinance No. 2018-46](#); [Ordinance No. 2020-34](#).

authority is highlighted in green, and appeal authority only addressed in one Section is highlighted in orange:

Section 15-1-18	Section 15-10-3	Section 15-10-7
Appeals of staff-level Historic District Design Review	Appeals of staff-level Historic District Design Reviews when the Historic Preservation Board takes part in the review and final action	-
Appeals of Historic Preservation Board final action	-	-
Appeals of Planning Commission action involving City projects at the City Council's request	Appeals of Planning Commission action involving City projects at the City Council's request	-
City Council Call-Ups involving City development	City Council Call-Ups involving City development	-
-	Appeals from zoning decisions applying Title 15, Land Management Code	-
-	Appeals of Historic Preservation Board or Determination of Significance Applications	-
-	-	Final decisions administering or interpreting the Land Management Code

As the table above demonstrates, the appeal authority of the Board of Adjustment requires clarification. Section 15-1-18 provides broad Board of Adjustment appeal authority for all Historic Preservation Board decisions. However, Section 15-10-3 limits Board of Adjustment appeal authority to Historic District Design Review applications for which the Historic Preservation Board took part in the review and decision, as well as for Historic Preservation Board Determination of Significance determinations.

Additionally, Section 15-1-18 states that “any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission.” Section 15-10-7 contradicts the authority of the Planning Commission to hear appeals of Planning Director and Planning staff decisions and authorizes the Board of Adjustment to review these appeals.

To clarify and consolidate appeal language, staff recommends the following amendments:

- Remove the restrictive language regarding Historic Preservation Board appeals to the Board of Adjustment and allow for all Historic Preservation Board decisions and staff-level Historic District Design Reviews to be appealed to the Board of Adjustment
- Remove the contradictory provision allowing appeals of Planning Director or Planning Staff decisions to both the Planning Commission and Board of Adjustment, and clarify that appeals of Planning Director and Planning Staff decisions are heard by the Planning Commission
- Update Section 15-10-3 to state the Board of Adjustment hears appeals pursuant to Section 15-1-18
- Amend Section 15-10-7 to refer to Section 15-1-18 for Board of Adjustment appeals

(Exhibit A, Lines 199 – 383 and 4115 – 4165.)

(III) Staff recommends updating the definition of *Food Truck* to comply with changes to state law.

In Park City, Food Trucks are prohibited from operating in the right-of-way, but may operate on private or public property when allowed in the Zoning District, subject to Planning Director approval of a Food Truck Location, defined in [§ 15-15-1](#) as:

The location on either 1) private property; or 2) public property pursuant to a City concession or franchise agreement where one or more Food Trucks may park and sell product for ten (10) hours or more a week. Food Truck Locations may not occupy code required parking area for previously approved Development Activity.

Food Truck Locations must meet the criteria outlined in the Business Licensing Code, Municipal Code of Park City [§ 4-5-6](#), including setback requirements from building entrances, doorways, and emergency egress, caps on the number of Food Trucks allowed to operate on lots of a certain size, and prohibition of Food Trucks operating in areas designated for parking.

While most Food Truck regulations are in the Business Licensing Code, the *Food Truck* definition is in LMC [§ 15-15-1](#). This year, the Utah legislature enacted [H.B. 146](#), *Local Licensing Amendments*, modifying food truck business licenses and expanding the

definition of *Food Truck* to include food carts and ice cream trucks. As a result, the proposed amendments update the *Food Truck* definition to align with the state definition (Exhibit A, Lines 4639 – 4661).

(IV) Staff recommends non-substantive amendments to clarify the Land Management Code

Staff recommends updates to the LMC for consistent references to the Utah Code, to update internal citations, to update references to the Planning Director, to replace outdated codes with current codes, and to clean up remnant language from previous amendments.

State Code Citations

- “Utah Code Annotated 1991” and “Utah Code 1953, as amended” and “Utah Code Annotated, 1953” are proposed to be changed to “Utah Code, as amended” to reduce the need for future amendments.

Internal Citations

- Outdated internal citations are corrected.
- Internal citations are amended to comply with Municipal Code of Park City [Section 1-1-1](#) establishing titles, chapters, and sections.
- On August 3, 2017, the City Council adopted [Ordinance No. 2017-42](#), codifying the *Design Guidelines for Historic Districts and Historic Sites*. The proposed amendments remove remnant references to the *Historic District Design Guidelines* and replace with the *Design Guidelines for Historic Districts and Historic Sites* for consistency.

Gender Neutral References

- “Planning Director, or his designee” and “Planning Director, or his/her designee” are changed to “Planning Director or designee.”
- References to male property owners and applicants are amended to be gender neutral.

International Building Code

- The Uniform Building Code was replaced in 2000 by the International Building Code; references to the Uniform Building Code are updated to reflect this change.

Setbacks

- On July 19, 2018, the City Council adopted [Ordinance No. 2018-43](#), amending the LMC in part to change the reference from front, side, and rear yards to front, side, and rear setbacks; the proposed changes remove remnant references to yards.

Department Review

The Planning, Engineering, and Legal Departments reviewed the proposed Land

Management Code amendments.

Notice

The proposed Land Management Code amendments were noticed pursuant to [§ 15-1-21](#) and were published in the *Park Record* and posted to the Utah Public Notice Website and City Website.

Public Input

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

Alternatives

- The Planning Commission may make modifications and may forward a positive recommendation for Land Management Code amendments to address Architectural Review of Single-Family Dwellings and Duplexes, Appeals, the definition of *Food Trucks*, and non-substantive corrections for City Council's consideration on May 26, 2022;
- The Planning Commission may forward a negative recommendation for Land Management Code amendments to address Architectural Review of Single-Family Dwellings and Duplexes, Appeals, the definition of *Food Trucks*, and non-substantive corrections for City Council's consideration on May 26, 2022; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2022-XX

Attachment 1 – Land Management Code Redlines

Ordinance No. 2022-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE TO EXEMPT SINGLE-FAMILY DWELLINGS AND DUPLEXES FROM CERTAIN ARCHITECTURAL REVIEW REQUIREMENTS IN CHAPTER 15-5 TO COMPLY WITH CHANGES TO STATE LAW; TO UPDATE APPEALS IN SECTIONS 15-1-18, 15-10-3, AND 15-10-7 TO COMPLY WITH CHANGES TO STATE LAW; TO UPDATE THE DEFINITION OF *FOOD TRUCK* IN SECTION 15-15-1 TO COMPLY WITH CHANGES TO STATE LAW; AND TO MAKE NON-SUBSTANTIVE CORRECTIONS FOR CONSISTENT CITATION TO THE UTAH CODE AND INTERNAL CITATIONS, TO UPDATE REFERENCES TO THE INTERNATIONAL BUILDING CODE, AND OTHER MINOR MODIFICATIONS

WHEREAS, in the First Special Session of 2021, the Utah legislature enacted H.B. 1003, *Government Building Regulation Amendments*, requiring amendments to the regulation of building design elements for Single-Family and Duplex Dwellings outlined in Land Management Code Chapter 15-5, *Architectural Review*;

WHEREAS, in 2017, the Utah Legislature enacted H.B. 30, *Historic Preservation Amendments*, requiring the City to designate the governing body as the historic preservation appeal authority;

WHEREAS, on August 3, 2017, the City Council adopted Ordinance No. 2017-42, amending the Land Management Code to provide an avenue for Historic District Design Review and Historic Site Designations to be appealed to City Council;

WHEREAS, in 2019 the Utah legislature enacted H.B. 315, *Land Use and Development Amendments*, removing the requirement that the historic preservation appeal authority be comprised of the governing body;

WHEREAS, the proposed amendments remove the City Council as an appeal authority for historic preservation appeals;

WHEREAS, the proposed amendments restore the Board of Adjustment as the appeal authority for historic preservation appeals;

WHEREAS, the proposed amendments clarify conflicting provisions in Land Management Code Sections 15-1-18, 15-10-3, and 15-10-7 regarding appeals to the Board of Adjustment and consolidate appeals to the Board of Adjustment in Section 15-1-18;

WHEREAS, in 2022, the Utah legislature enacted H.B. 146, expanding the definition of *Food Truck* to include food carts and ice cream trucks and the proposed amendments align the definition of *Food Truck* in Land Management Code Section 15-15-1 with the expanded state definition;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on April 13, 2022, and forwarded a _____ recommendation for City Council's consideration;

WHEREAS, the City Council conducted a duly noticed public hearing on May 26, 2022.

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code § 15-2.3-8 *Special Requirements for MPDs and CUPs in Sub-Zone A*, § 15-2.3-13 *Architectural Review*, § 15-2.3-14 *Vegetation Protection*, § 15-2.3-16 *Related Provisions*, § 15-2.4-5 *Building Height*, § 15-2.4-7 *Special Requirements for Multi-Unit Dwellings*, § 15-2.4-12 *Architectural Review*, § 15-2.4-13 *Vegetation Protection*, § 15-2.4-15 *Related Provisions*, § 15-2.5-2 *Uses*, § 15-2.5-5 *Building Height*, § 15-2.5-12 *Architectural Review*, § 15-2.5-13 *Vegetation Protection*, § 15-2.5-4, *Existing Historic Buildings and/or Structures*, § 15-2.5-15 *Related Provisions*, § 15-2.6-2 *Uses*, § 15-2.6-5 *Maximum Building Volume and Height*, § 15-2.6-7 *Swede Alley Development Criteria*, § 15-2.6-13 *Architectural Review*, § 15-2.6-14 *Vegetation Protection*, § 15-2.6-16 *Related Provisions*, § 15-2.7-2 *Uses*, § 15-2.7-5 *Architectural Review*, § 15-2.7-6 *Vegetation Protection*, § 15-2.7-11 *Related Provisions*, § 15-2.8-5 *Architectural Review*, § 15-2.8-6 *Vegetation Protection*, § 15-2.8-8 *Related Provisions*, § 15-2.9-5 *Architectural Review*, § 15-2.9-10 *Vegetation Protection*, § 15-2.9-12 *Related Provisions*, § 15-2.10-5 *Architectural Review*, § 15-2.10-10 *Vegetation Protection*, § 15-2.10-12 *Related Provisions*, § 15-2.11-5 *Architectural Review*, § 15-2.11-10 *Vegetation Protection*, § 15-2.11-12 *Related Provisions*, § 15-2.12-6 *Architectural Review*, § 15-2.12-10 *Vegetation Protection*, § 15-2.12-12 *Related Provisions*, § 15-2.13-5 *Architectural Review*, § 15-2.13-10 *Vegetation Protection*, § 15-2.14-5 *Architectural Review*, § 15-2.14-10 *Vegetation Protection*, § 15-2.14-12 *Related Provisions*, § 15-2.15-6 *Architectural Review*, § 15-2.15-9 *Vegetation Protection*, § 15-2.15-11 *Related Provisions*, § 15-2.16-7 *Architectural Review*, § 15-2.16-13 *Vegetation Protection*, § 15-2.16-15 *Related Provisions*, § 15-2.17-3 *Procedure for Commercial Development Option*, § 15-2.17-9 *Vegetation Protection*, § 15-2.17-11 *Related*

Provisions, § 15-2.18-5 Architectural Review, § 15-2.18-11 Vegetation Protection, § 15-2.18-13 Related Provisions, § 15-2.19-7 Architectural Review, § 15-2.19-13 Vegetation Protection, § 15-2.19-15 Related Provisions, § 15-2.22-5 Architectural Review, § 15-2.22-10 Vegetation Protection, § 15-2.22-12 Related Provisions, § 15-2.23-13 Vegetation Protection, § 15-2.23-16 Related Provisions, § 15-2.24-4 Development Credit Determination Letter, § 15-2.25-2 Related Provisions, § 15-2.26-2 Uses, § 15-2.26-5 Related Provisions, § 15-3-7 Parking in Master Planned Developments and Conditional Use Permits, § 15-4-2 Fences and Retaining Walls, § 15-4-11 Timeshare Conversion, § 15-5-2 Historic Districts and Historic Sites, § 15-5-3 Conditional Use Review, § 15-5-4 Permitted Use Review, § 15-5-5 Architectural Design Guidelines, § 15-5-6 Permitted Design Features, § 15-5-8 Façade Length and Variations, § 15-5-9 Sensitive Lands Review, § 15-6-5 Master Planned Development Requirements, § 15-6.1-11 Site Planning, § 15-7-3 Policy, § 15-7-4 Authority, § 15-7-7 Vacation, Alteration or Amendment of Plats, § 15-7.2-1 Improvements, § 15-7.4-3 Final Subdivision Plat, § 15-9-1 Purpose, § 15-9-4 Abandonment or Loss of Non-Conforming Use, § 15-10-1 Establishment of Board, § 15-10-3 Powers and Duties, § 15-10-7 Appeals, § 15-10-8 Variance, § 15-10-9 Persons Entitled to Appear, § 15-11-1 Establishment of Board, § 15-11-5 Purpose, § 15-11-6 Additional Duties, § 15-11-11 Design Guidelines for Historic Districts and Historic Sites, § 15-11-12 Historic District or Historic Site Design Review, § 15-11-12.5 Historic Preservation Board Review for Material Deconstruction, § 15-12-5 Authority, § 15-12-15 Review by Planning Commission, § 15-15-1 Definitions are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 26th day of May 2022.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

15-1-2 Statement Of Purpose

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the Park City General Plan, and for the following purposes:

A. To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,

B. To protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,

C. To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,

D. To protect the tax base and to secure economy in governmental expenditures,

E. To allow Development in a manner that encourages the preservation of environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,

F. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,

G. To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create potential dangers to life and safety in the community or that detracts from the quality of life in the community,

H. To protect and ensure access to sunlight for Solar Energy Systems, and

I. To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC to fully exercise all of the powers granted to the City by the provisions of ~~the~~ Utah Code Title 10, Chapter 9a, ~~of~~ the ~~Utah~~ Municipal Land Use, Development, and Management Act ~~[- Utah Code Annotated, 1991]~~, as amended, and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

Amended by Ord. 06-22 on 4/27/2006

Amended by Ord. 2018-27 on 5/31/2018

....

15-1-9 Allowed Use Review Process

A. An Applicant must file a Complete Application, using the forms established by the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

1. is an Allowed Use within the zone for which it is proposed;
2. complies with all applicable Development requirements of that zone, including Building Height, ~~Setback,~~ Front, Side, and Rear ~~Yards~~ Setbacks, and Lot coverage;
3. respects Lot Lines of a legally subdivided Lot;
4. meets the applicable parking requirements;

- 48 5. conforms to ~~[the Park City]~~ Architectural ~~[Design Guidelines]~~ Review
49 and/or the Design Guidelines for Historic Districts and Historic Sites, and
50 the architectural review process established for that zone;
- 51 6. can be adequately serviced by roads, and existing or proposed utility
52 systems or lines; and
- 53 7. pertains to land in which all tax assessments have been paid.
- 54 B. If approved by the Planning Department ~~[Planning]~~ Staff, the plans must be
55 forwarded to the Engineering Department and Building Department. The plans
56 shall be reviewed for Building Code compliance and permit issuance procedures.
57 Approval of Allowed Uses must be noted by the issuance of a Building Permit in
58 compliance with the provisions of the ~~[Uniform Building Code]~~ International
59 Building Code, as adopted by Park City.
- 60 C. If the Application does not comply with the requirements of the zone, the
61 Planning Department shall notify the Owner of the project or ~~[his]~~ the Owner's
62 Agent, if any, stating specifically what requirements of the zone have not been
63 satisfied, and also stating whether the project could be reviewed as submitted as
64 a Conditional Use for that zone.
- 65 D. **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this
66 section have not been met.

67 HISTORY

68 *Adopted by Ord. 00-25 on 3/30/2000*

69 *Amended by Ord. 06-22 on 4/27/2006*

70 Amended by Ord. [09-23](#) on 7/9/2009

71 Amended by Ord. [11-05](#) on 1/27/2011

72

73 **15-1-11 Special Applications**

74 A. **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS**. Applications
75 for MPDs shall be reviewed according to [LMC] Chapter 15-6. Applications for
76 Affordable MPDs shall be reviewed according to Chapter 15-6.1.

77 B. **VARIANCES ~~[AND NON-CONFORMING USES]~~**. The Board of Adjustment must
78 review Applications for Variances. ~~[and appeals of Planning Director~~
79 ~~determinations regarding Non-Conforming Uses and Non-Complying Structures~~
80 ~~in accordance with the regulations set forth in LMC Chapter 15-9.]~~ Such approval
81 must be obtained from the Board of Adjustment prior to the issuance of any
82 Conditional Use permit or Master Planned Development, or other approval by the
83 Planning Commission or Planning Department. All action on an Application shall
84 be stayed upon the determination that a Board of Adjustment approval is
85 required.

86 C. **PLAT AMENDMENTS/SUBDIVISION**. Plat Amendments and Subdivisions must
87 be reviewed pursuant to [LMC] Chapter 15-7. No Building Permit may be issued
88 prior to such an approval.

89 D. **ADMINISTRATIVE CONDITIONAL USE PERMITS**. The Planning Director~~[;]~~ or
90 ~~[his or her]~~ designee~~[;]~~ shall review and take Final Action on Administrative
91 Conditional Use permits. Review process shall be consistent with Section 15-1-

10[(A-H)], with the exception that no published notice, as described in Section
15-1-12, shall be required.

E. **ADMINISTRATIVE PERMITS**. The Planning Department shall review and take
Final Action on Administrative Permits. Review process shall be consistent with
the requirements herein for those Uses requiring an Administrative Permit, such
as a Medical Cannabis Production Establishment or a Medical Cannabis
Pharmacy; temporary tents, Structures, and vendors; temporary change of
occupancy permits; regulated Accessory Apartments; specified Outdoor Events
and Uses; Family Child Care in specified Zoning Districts; and temporary
Telecommunication Antennas, where these Uses are designated as requiring
Administrative Permits. These Uses may require Administrative Conditional Use
permits or Conditional Use permits in some Zoning Districts pursuant to Chapter
15-2.

HISTORY

Adopted by Ord. [00-25](#) on 3/30/2000

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2019-64](#) on 12/19/2019

Amended by Ord. [2020-36](#) on 7/30/2020

....

15-1-12 Notice

All notice of public hearing, unless otherwise specified in this Code or State law, must be provided in accordance with this Section and must state the general nature of the proposed action; describe the land affected; and state the time, place, and date of the hearing. Once opened, the hearing may be continued, if necessary, without republication of notice until the hearing is closed. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

A. **POSTED NOTICES**. The Planning Department must post notice on the Property affected by the Application and as further specified in Section 15-1-21 Notice Matrix.

B. **PUBLISHED NOTICE**. Published notice shall be given by publication in a newspaper having general circulation in Park City and by publication on the Utah Public Notice Website, as further specified in Section 15-1-21 Notice Matrix.

C. **MAILED NOTICE**. Pursuant to Section 15-1-21 Notice Matrix for required or courtesy mailed notice to adjacent and surrounding Property Owners, and to Affected Entities, the Applicant must provide the Planning Department with an electronic list of each Property Owner of record of each Parcel located entirely or partly within ~~[three hundred feet (300')]~~ the distance designated by Application type in Section 15-1-21 from all Property Lines of the subject Property, and as further specified in Section 15-1-21 Notice Matrix. The addresses for Property Owners must be as shown on the most recently available Summit County tax assessment rolls. If the ~~[subject]~~ Property that is the subject of the Application is a Condominium, the Owners Association is sufficient in lieu of the address for each unit Owner. For courtesy mailed notice that is not a legal requirement per

Utah ~~[State]~~ Code, for specific actions and noted herein, and further specified in Section 15-1-21 Notice Matrix, any defect in such courtesy mailed notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

D. **APPLICANT NOTICE**. For each land Use Application, the Planning Department must notify the Applicant of the date, time, and place of each public hearing and public meeting to consider the Application and of any Final Action on the pending Application. A copy of each Staff report regarding the Applicant or the pending Application shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting. If the requirements of this ~~[subsection]~~ **Subsection** are not met, an Applicant may waive the failure so that the Applicant may stay on the agenda and be considered as if the requirements had been met.

E. **EFFECT OF NOTICE**. Proof that notice was given pursuant to this Section is prima facie evidence that notice was properly given. If notice given under authority of this ~~[section]~~ **Section** is not challenged as provided for under State law within thirty (30) days after the date of the hearing or action for which the challenged notice was given, the notice is considered adequate and proper.

F. **OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION**.

1. **REGISTRATION**. Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00). The registration must consist of a copy of the Owners

association's Utah State Business or corporate registration and the
[name(s)] names, addresses including post office box numbers, and
telephone numbers of at least three (3) authorized representatives of the
Owners association and a notarized statement certifying that these
individuals are the authorized representatives of said association.

Associations not registered with the City will not be included in the
published list of Owners associations and do not receive notice of Building
Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the
Building Department within ten (10) days of the change.

2. **NOTICE.** Prior to, or at the time of Application for a permit for any
Development, the Applicant must file with the City evidence of notification
to the appropriate registered Owners association(s). Acceptable evidence
of notification shall be the following:
 - a. the properly executed notice form, as approved by the City; or
 - b. a signed return receipt from a certified letter posted to the
registered association representative, with a copy of the notice form
approved by the City.

3. **CITY NOT PARTY TO DISPUTES.** The City is not the arbiter of disputes
between an Applicant and an Owners association. Nothing herein shall be

183 interpreted to require Owners association consent prior to City Final
184 Action. This notice is courtesy notice only.

185 G. **NOTICE FOR AN AMENDMENT TO PUBLIC IMPROVEMENTS.** Prior to
186 implementing an amendment to adopted specifications for public improvements
187 that apply to Subdivisions or Development, the City shall give thirty (30) days
188 mailed notice and an opportunity to comment to anyone who has requested the
189 notice in writing.

190 HISTORY

191 *Adopted by Ord. [00-25](#) on 3/30/2000*

192 *Amended by Ord. [02-57](#) on 12/19/2002*

193 *Amended by Ord. [06-22](#) on 4/27/2006*

194 *Amended by Ord. [09-10](#) on 3/5/2009*

195 *Amended by Ord. [11-05](#) on 1/27/2011*

196 *Amended by Ord. [12-37](#) on 12/20/2012*

197 *Amended by Ord. [2016-44](#) on 9/15/2016*

198 *Amended by Ord. [2020-34](#) on 7/9/2020*

199

200 **15-1-18 Appeals And Reconsideration Process**

201 A. **STAFF.** ~~[Any decision]~~ **Final Action** by either the Planning Director or Planning
202 Staff ~~[regarding Application of this LMC to a Property]~~ may be appealed to the
203 Planning Commission. ~~[Appeals of decisions]~~ **Final Action** regarding the Design
204 Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board
205 of Adjustment. ~~[or City Council at the request of the appellant. If the appellant~~

~~chooses to have the City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.]~~

B. **HISTORIC PRESERVATION BOARD (HPB)**. The City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment. ~~[or City Council at the request of the appellant. If the appellant chooses to have City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.]~~

C. **PLANNING COMMISSION**. The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use

ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

1. **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS.** The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

- a. Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
- b. Follow complex oral and written arguments and identify key issues of local concern.
- c. Master non-legal concepts required to analyze specific situations, render findings and determinations.
- d. Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.

2. **PROCESS.** Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the "City Council" in this

~~[section 15-1-18 (G-I)]~~ Section. The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.

D. **STANDING TO APPEAL**. The following has standing to appeal a Final Action:

1. Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board, or Planning Commission;
2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
3. Any City official, Board or Commission having jurisdiction over the matter; and
4. The Owner of the subject Property.

E. **TIMING**. All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority which is a decision by Staff regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, the applicant may appeal the decision within thirty (30) days after the day on which the historic preservation authority issues a written decision. ~~[If the appellant chooses to have City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.]~~ The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45)

days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

F. **FORM OF APPEALS**. Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; ~~[his or her]~~ the petitioner's relationship to the project or subject Property; and ~~[must have]~~ a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide courtesy mailing to all parties who received mailed notice for the action being appealed within fourteen (14) days of filing the appeal.

G. **BURDEN OF PROOF AND STANDARD OF REVIEW**. The appeal authority shall act in a quasi-judicial manner even if the appeal authority is the City Council. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo, without deference to the land use authority's determination of factual matters. The appeal authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. All appeals must be

made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal. ~~[City Council, when acting as an appeal body for appeals of Historic Preservation decisions, may exercise only administrative authority.]~~

H. **NON-ADVERSARIAL PROCESS.** For all appeals before City Council, and any Board or Commission, the following shall apply:

1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
3. In the absence of clear evidence in the record that a staff member has lost ~~[his or her]~~ impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claims of bias by the applicant.

I. **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law, and the Order.

J. **CITY COUNCIL ACTION ON APPEALS.**

1. The City Council, with the consultation of the appellant, shall set a date for the appeal.

2. The City Recorder shall notify the Property Owner and/or the Applicant of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.

3. The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

4. Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

K. **CITY COUNCIL CALL-UP.** Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority

343 vote of the Council. Notice of the call-up shall be given to the Chairman of the
344 Commission and/or Planning Director by the Recorder, together with the date set
345 by the Council for consideration of the merits of the matter. The Recorder shall
346 also provide notice as required by Sections 15-1-12 and 15-1-18(K) herein. In
347 calling a matter up, the Council may limit the scope of the call-up hearing to
348 certain issues. The City Council, with the consultation of the Applicant, shall set a
349 date for the call-up. The City Recorder shall notify the Applicant of the call-up
350 date. The City Recorder shall obtain the findings, and all other pertinent
351 information and transmit them to the Council.

352 L. **NOTICE**. There shall be no additional notice for appeals of Staff determination
353 other than listing the matter on the agenda, unless notice of the Staff review was
354 provided, in which case the same notice must be given for the appeal. Notice of
355 appeals of Final Action by the Planning Commission and Historic Preservation
356 Board; notice of all appeals to City Council, reconsiderations, or call-ups shall be
357 given by:

- 358 1. Publishing the matter once at least fourteen (14) days prior to the first
359 hearing in a newspaper having general circulation in Park City;
- 360 2. Mailing courtesy notice at least fourteen (14) days prior to the first hearing
361 to all parties who received mailed courtesy notice for the original action.
- 362 3. Posting the Property at least fourteen (14) days prior to the first hearing;
363 and
- 364 4. Publishing notice on the Utah Public Notice Website at least fourteen (14)
365 days prior to the first hearing.

M. **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon the filing of an appeal, any approval granted under this ~~[Chapter]~~ Title will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

N. **APPEAL FROM THE CITY COUNCIL**. The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

O. **RECONSIDERATION**. The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

P. No participating member of the appeal panel may entertain an appeal in which ~~[he or she]~~ the participating member acted as the land Use authority.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

Amended by Ord. 06-22 on 4/27/2006

Amended by Ord. 09-10 on 3/5/2009

389 Amended by Ord. [09-23](#) on 7/9/2009
390 Amended by Ord. [10-15](#) on 4/15/2010
391 Amended by Ord. [12-37](#) on 12/20/2012
392 Amended by Ord. [14-37](#) on 7/17/2014
393 Amended by Ord. [15-35](#) on 10/12/2015
394 Amended by Ord. [15-53](#) on 12/17/2015
395 Amended by Ord. [16-15](#) on 3/24/2016
396 Amended by Ord. [2016-44](#) on 9/15/2016
397 Amended by Ord. [2017-04](#) on 2/16/2017
398 Amended by Ord. [2017-42](#) on 8/3/2017
399 Amended by Ord. [2018-46](#) on 8/2/2018
400 Amended by Ord. [2020-34](#) on 7/9/2020

401

402 **15-2.1-3 Lot And Site Requirements**

403 Except as may otherwise be provided in this Code, no Building Permit shall be issued
404 for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a
405 Street shown as a private or Public Street on the Streets Master Plan, or on a private
406 easement connecting the Lot to a Street shown on the Streets Master Plan.

407

408 All Development activity must comply with the following minimum Lot and Site
409 requirements:

410 A. **LOT SIZE**. The minimum Lot Area is 3,750 square feet.

411 B. **LOT WIDTH (HRL DISTRICT)**. The minimum width of a Lot is thirty-five feet
412 (35'), measured fifteen feet (15') back from the Front Lot Line. In the case of

unusual Lot configurations, Lot width measurements shall be determined by the Planning Director

C. **BUILDING ENVELOPE (HRL DISTRICT)**. The Building Pad, Building Footprint, and height restrictions define the maximum Building Envelope in which all Development must occur, with exceptions as allowed by Section 15-2.1-3(D).

D. **BUILDING PAD (HRL DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The remainder of the Building Pad must be open and free of any other Structure except:

- a. Porches or decks, with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Department approval based on a determination that the proposed exceptions result in a design that:

a. provides increased architectural interest consistent with the

~~[Historic District Design Guidelines]~~ Design Guidelines for Historic

Districts and Historic Sites;

b. maintains the intent of this section to provide horizontal and vertical

Building articulation.

E. **BUILDING FOOTPRINT (HRL DISTRICT)**. The maximum Building Footprint of

any Structure shall be located on a Lot, or combination of Lots, not exceeding

18,750 square feet in Lot Area, shall be calculated according to the following

formula for Building Footprint. The maximum Building Footprint for any Structure

located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot

Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet

per dwelling unit for garage floor area. A Conditional Use Permit is required for

all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not

expanded, enlarged or incorporated into the Main Building, shall not count in the

total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A = Lot Area.

Example: 3,750 sq. ft. Lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

See the following Table 15-2.1. for a schedule equivalent of this formula for common Lot Sizes.

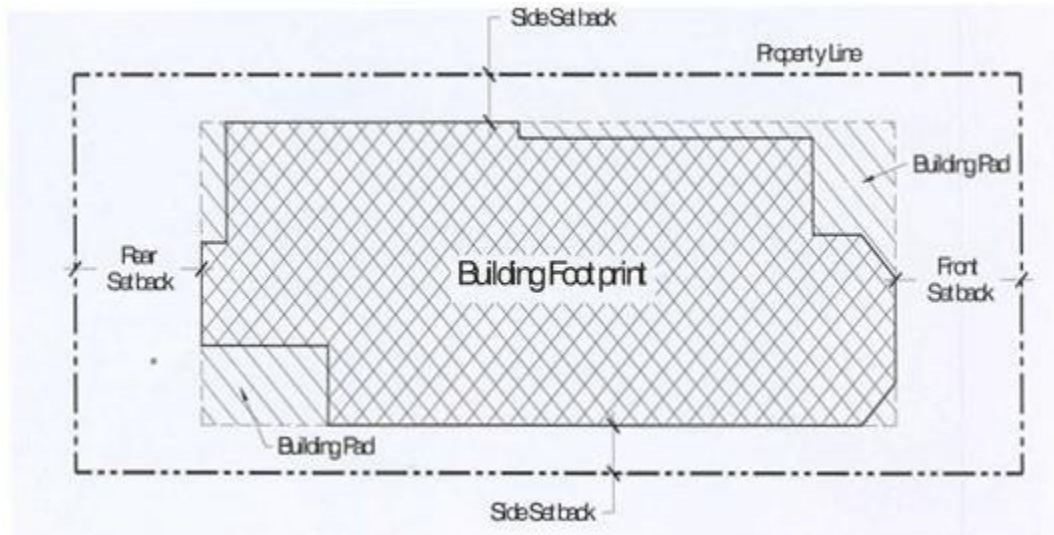
TABLE 15-2.1.

Lot Depth (ft.) **	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	37.5*	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 7,500	Per Formula

* for existing 25' wide lots, Use HR-1 standards.

** for lots > 75' in depth use Footprint formula

464



465

466 F. **FRONT AND REAR SETBACKS**. Front and Rear Setbacks are as follows:

467

468 TABLE 15-2.1a

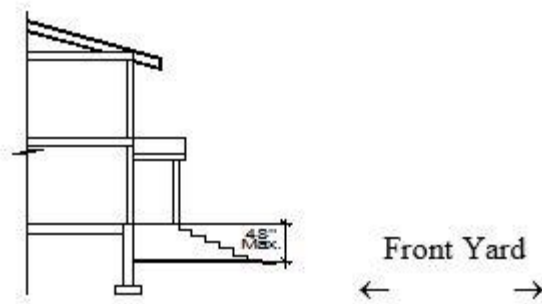
Lot Depth	Minimum Front/Rear Setback	Total of Setback
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

469

470 G. **FRONT SETBACK EXCEPTIONS**. The Front ~~[Yard]~~ **Setback** must be open and
 471 free of any Structure except:

- 472 1. Fences, walls, and retaining walls not more than four feet (4') in height, or
 473 as permitted in Section 15-4-2 Fences and Retaining Walls. On Corner
 474 Lots, Fences more than three feet (3') in height are prohibited within
 475 twenty-five feet (25') of the intersection, at back of curb.

2. Uncovered steps leading to the Main Building, provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



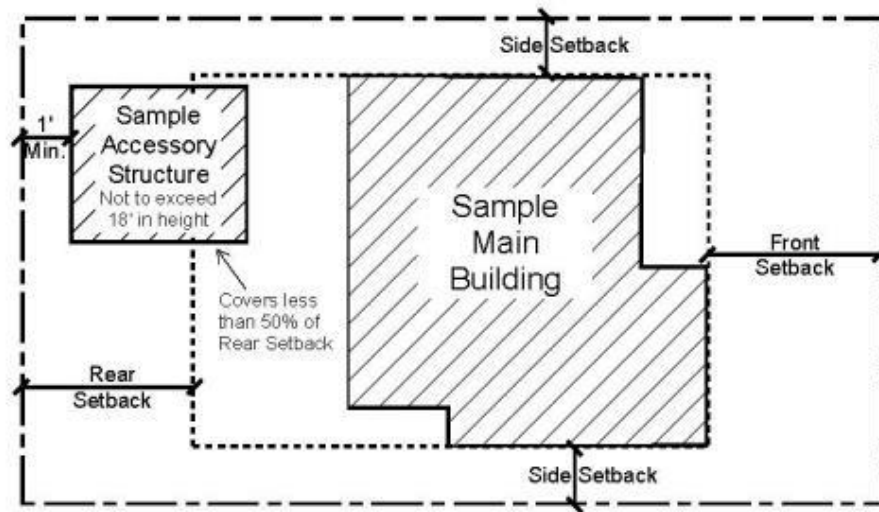
3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.
4. Roof overhangs, eaves, or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to either a garage or an approved Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.

- 495 3. Window wells not exceeding the minimum International Residential Code
496 (IRC) or International Building Code (IBC) requirements for egress may
497 extend not more than four feet (4') into the Rear Setback. Should egress
498 requirements be met within the building pad, no Rear Setback exception is
499 permitted.
- 500 4. Roof overhangs or eaves projecting not more than two feet (2') into the
501 Rear Setback.
- 502 5. Window sills, belt courses, cornices, trim, exterior siding, or other
503 ornamental features projecting not more than six inches (6") beyond the
504 main Structure to which they are attached.
- 505 6. Detached Accessory Buildings not more than eighteen feet (18') in height,
506 and including any free-standing Solar Energy Systems, located a
507 minimum of five feet (5') behind the front facade of the Main Building, and
508 maintaining a minimum Rear Setback of one foot (1'). Such Structure must
509 not cover over fifty percent (50%) of the Rear Setback. See the following

510 illustration:



- 511
- 512 7. A Hard-Surfaced Parking Area subject to the same location requirements
- 513 as a Detached Accessory Building.
- 514 8. Mechanical equipment (which must be screened), hot tubs, or similar
- 515 Structures located at least three feet (3') from the Rear Lot Line.
- 516 9. Fences, walls, and retaining walls as permitted in Section 15-4-2 Fences
- 517 and Retaining Walls.
- 518 10. Patios, decks, pathways, steps, or similar Structures not more than thirty
- 519 inches (30") above Final Grade, not including any required handrail, and
- 520 located at least one foot (1') from the Rear Lot Line.
- 521 11. Pathways or Steps connecting to a City staircase or pathway.
- 522 12. One (1) Shared Driveway leading to either a garage or an approved
- 523 Parking Area. See Section 15-2.1-7 Parking Regulations for additional
- 524 requirements.

I. **SIDE SETBACKS.** Side Setbacks are as follows:

TABLE 15-2.1b

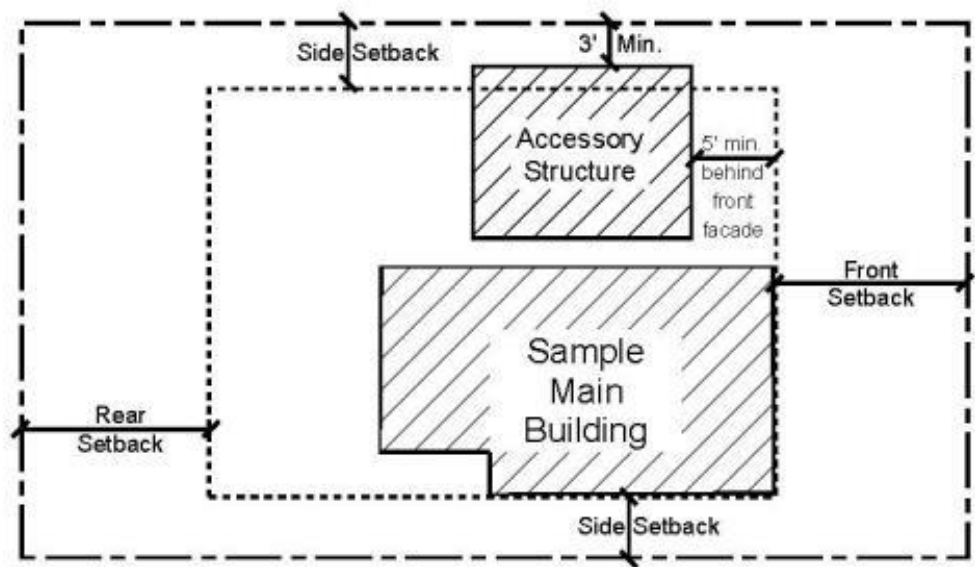
Lot Width (ft.) up to:	Minimum Side Setback	Total of Setback
37.5*	3 ft. each side	6 ft.
50.0	5 ft. each side	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

* for existing 25' wide lots, Use HR-1 standards.

- On Corner Lots, the minimum Side Setback that faces a side Street or a platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.
- J. **SIDE SETBACK EXCEPTIONS.** The Side Setback must be open and free of any Structure except:

- 537 1. Bay Windows not more than ten feet (10') wide and projecting not more
538 than two feet (2') into the Side Setback.
- 539 2. Chimneys not more than five feet (5') wide and projecting not more than
540 two feet (2') into the Side Setback.
- 541 3. Window wells not exceeding the minimum International Residential Code
542 (IRC) or International Building Code (IBC) requirements for egress may
543 extend not more than four feet (4') into the Side Setback. Only permitted
544 on Lots with a minimum required Side Setback of five feet (5') or greater.
545 Should egress requirements be met within the building pad, this Side
546 Setback exception is not permitted.
- 547 4. Roof overhangs or eaves projecting not more than two feet (2') into the
548 Side Setback on Lots with a minimum required Side Setback of five feet
549 (5') or greater. A one foot (1') eave overhang is permitted on Lots with a
550 Side Setback less than five feet (5').
- 551 5. Window sills, belt courses, trim, exterior siding, cornices, or other
552 ornamental features projecting not more than six inches (6") beyond the
553 main Structure to which they are attached.
- 554 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
555 inches (30") in height from Final Grade, not including any required
556 handrail.
- 557 7. Fences, walls or retaining walls, as permitted in Section 15-4-2 Fences
558 and Retaining Walls.

8. One (1) private or Shared Driveway leading to a garage or an approved Parking Area. See Section 15-2.1-7 Parking Regulations for additional requirements.
9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front Facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures, located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE.** Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

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

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [2018-27](#) on 5/31/2018

Amended by Ord. [2018-43](#) on 7/19/2018

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.1-4 Existing Historic Buildings And/or Structures

Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. All Conditional Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION.** In order to achieve new construction consistent with the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic

Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.1-8 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 Architectural Review Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and Architectural Review Chapter 15-5.]~~

~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in Section 15-1-18 of the Code.]~~

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [09-23](#) on 7/9/2009

Amended by Ord. [15-53](#) on 12/17/2015

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.1-9 Vegetation Protection

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Sections [15-3-3](#) [and 15-5-5\(N\)](#), and Title 14.

643 HISTORY

644 *Adopted by Ord. [00-15](#) on 3/2/2000*

645 *Amended by Ord. [06-56](#) on 7/27/2006*

646 *Amended by Ord. [2020-42](#) on 9/17/2020*

647

648 **15-2.1-11 Related Provisions**

- 649 • Fences and Retaining Walls. Section 15-4-2.
- 650 • Accessory Apartments. Section 15-4-7.
- 651 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 652 • Telecommunication Facilities. Section 15-4-14.
- 653 • Off-Street Parking. Chapter 15-3.
- 654 • Landscaping. Title 14; [Sections](#) 15-3-3[;] and [~~Chapter~~] 15-5-[5\(N\)](#).
- 655 • Lighting. Sections 15-3-3 [~~;~~] [and](#) 15-5-5([J](#)).
- 656 • Historic Preservation. Chapter ~~s~~ 15-11 [and 15-13](#).
- 657 • Park City Sign Code. Title 12.
- 658 • Architectural Review. Chapter 15-5.
- 659 • Snow Storage. Section 15-3-3
- 660 • Parking Ratio Requirements. Section 15-3-6.

661 HISTORY

662 *Adopted by Ord. [00-15](#) on 3/2/2000*

663 *Amended by Ord. [2020-42](#) on 9/17/2020*

664

665 **15-2.2-3 Lot And Site Requirements**

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

All Development activity must comply with the following minimum Lot and Site requirements:

A. **LOT SIZE.** The minimum Lot Area is 1,875 square feet for a Single Family Dwelling and 3,750 square feet for a Duplex. For properties platted as lots within the historic Park City Survey and originally platted as 25 foot wide 75 foot deep with a lot size of 1,875 square feet, the Planning Director may make a determination that the minimum Lot Size may be reduced up to 20 square feet if subsequent surveys find that the final lot dimensions are less than 25 feet by 75 feet. The Footprint shall be reduced in accordance with the Lot Size and no variation to setbacks will be allowed.

B. **LOT WIDTH.** The minimum width of a Lot is twenty five feet (25'), measured fifteen feet (15') back from the Front Lot Line. In the case of unusual Lot configurations, Lot width measurements shall be determined by the Planning Director.

C. **BUILDING ENVELOPE (HR-1 DISTRICT).** The Building Pad, Building Footprint and height restrictions define the maximum Building envelope within which all Development must occur, with exceptions as allowed by Section 15-2.2-3.

D. **BUILDING PAD (HR-1 DISTRICT)**. The Building Pad is the Lot Area minus required Front, Rear, and Side Setback Areas.

1. The Building Footprint must be within the Building Pad. The Building Pad must be open and free of any other Structure except:

- a. Porches or decks with or without roofs;
- b. At Grade patios;
- c. Upper level decks, with or without roofs;
- d. Bay Windows;
- e. Chimneys;
- f. Sidewalks, pathways, and steps;
- g. Screened hot tubs; and
- h. Landscaping.

2. Exceptions to the Building Pad Area, excluding Bay Windows, are not included in the Building Footprint calculations, and are subject to Planning Director approval based on a determination that the proposed exceptions result in a design that:

- a. provides increased architectural interest consistent with the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites;
- b. maintains the intent of this section to provide horizontal and vertical Building articulation.

E. **BUILDING FOOTPRINT (HR-1 DISTRICT)**. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750

square feet in Lot Area, shall be calculated according to the following formula for Building Footprint. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.

Accessory Buildings listed on the Park City Historic Sites Inventory that are not expanded, enlarged or incorporated into the Main Building, shall not count in the total Building Footprint of the Lot.

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP = maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

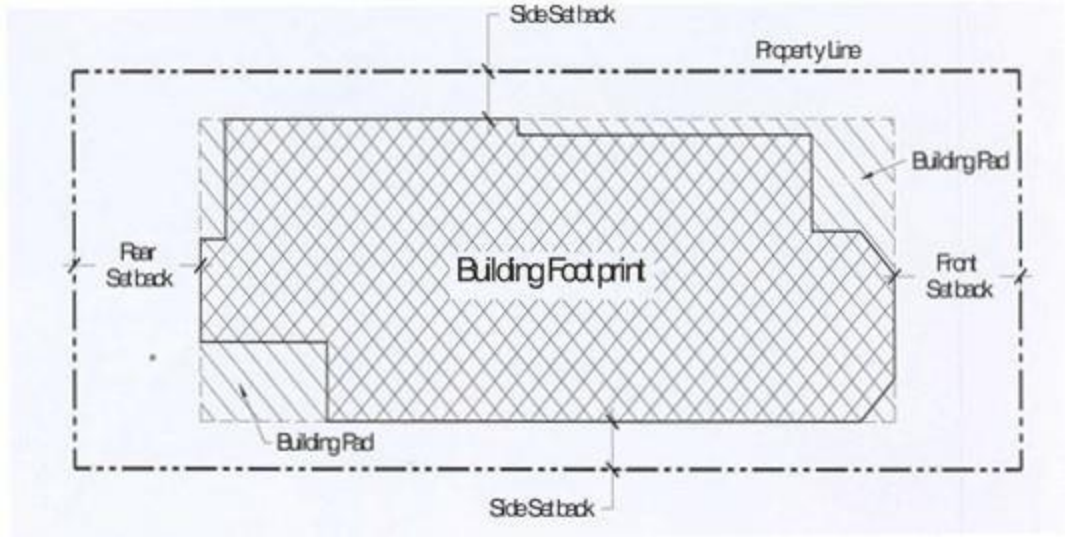
See the following Table 15-2.2. for a schedule equivalent of this formula for common Lot Sizes.

TABLE 15-2.2

Lot Depth (ft.)	Lot Width (ft.)	Lot Area Sq. Ft.	Max. Bldg. Footprint Sq. Ft.
75 ft.	25.0	1,875	844

75 ft.	37.5	2,813	1,201
75 ft.	50.0	3,750	1,519
75 ft.	62.5	4,688	1,801
75 ft.	75.0	5,625	2,050
75 ft.	87.5	6,563	2,269
75 ft.	100.0	7,500	2,460
75 ft.	Greater than 100.0	Greater than 75 ft.	Per Formula

* For Lots > 75' in depth use footprint formula.



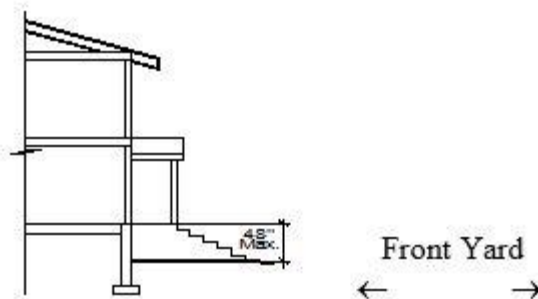
F. **FRONT AND REAR SETBACKS.** Front and Rear Setbacks are as follows:

TABLE 15-2.2a

Lot Depth	Minimum Front/Rear Setback	Total of Setbacks
Up to 75 ft., inclusive	10 ft. each	20 ft.
From 75 ft. to 100 ft.	12 ft./13 ft. (or vice versa)	25 ft.
Over 100 ft.	15 ft. each	30 ft.

G. **FRONT SETBACK EXCEPTIONS**. The Front Setback must be open and free of any Structure except:

1. Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2, Fences and Retaining Walls. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection, at back of curb.
2. Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4') in height from Final Grade, not including any required handrail, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.



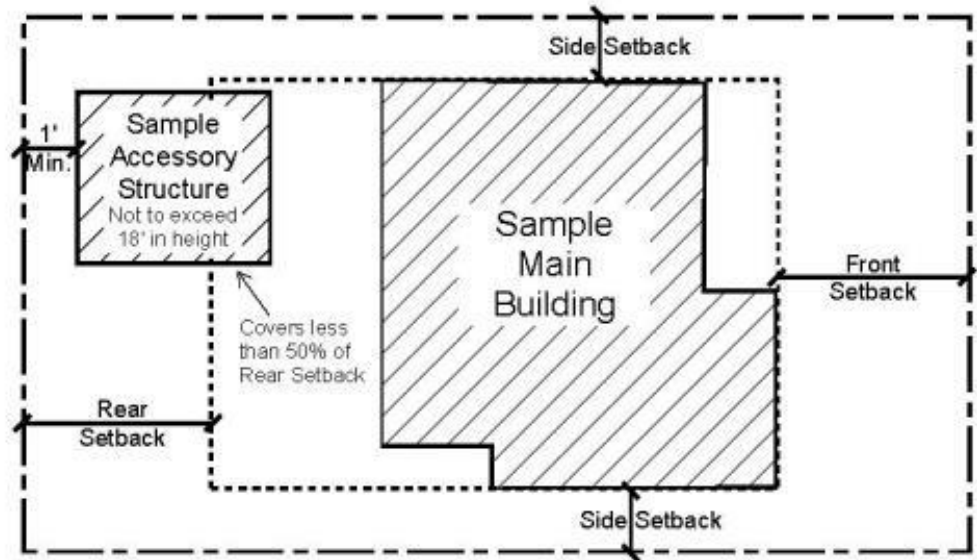
3. Decks, porches, or Bay Windows not more than ten feet (10') wide and projecting not more than three feet (3') into the Front Setback.

4. Roof overhangs, eaves or cornices projecting not more than three feet (3') into the Front Setback.
5. Sidewalks and pathways.
6. Driveways leading to a Garage or approved Parking Area. No portion of a Front Yard, except for patios, driveways, allowed Parking Areas and sidewalks, may be Hard-Surfaced or graveled.

H. **REAR SETBACK EXCEPTIONS.** The Rear Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide and projecting not more than two feet (2') into the Rear Setback.
2. Chimneys not more than five feet (5') wide and projecting not more than two feet (2') into the Rear Setback.
3. Window wells not exceeding the minimum International Residential Code (IRC) or International Building Code (IBC) requirements for egress may extend not more than four feet (4') into the Rear Setback. Should egress requirements be met within the building pad, no Rear Setback exception is permitted.
4. Roof overhangs or eaves projecting not more than two feet (2') into the Rear Setback.
5. Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the main Structure to which they are attached.

6. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Setback. See the following illustration:



7. A Hard-Surfaced Parking Area subject to the same location requirements as a Detached Accessory Building.
8. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Rear Lot Line.
9. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences and Retaining Walls.

10. Patios, decks, pathways, steps, or similar Structures not more than thirty inches (30") above Final Grade, not including any required handrail, and located at least one foot (1') from the Rear Lot Line.

11. Pathways or steps connecting to a City staircase or pathway.

12. One (1) Shared Driveway leading to a garage or approved Parking Area.

See Section 15-2.2-8 Parking Regulations for additional requirements.

I. **SIDE SETBACKS**. Side Setbacks are as follows:

TABLE 15-2.2b

Lot Width (ft.) up to:	Minimum Side Setback	Total of Setbacks
25.0	3 ft. each	6 ft.
37.5	3 ft. each	6 ft.
50.0	5 ft. each	10 ft.
62.5	5 ft. minimum	14 ft.
75.0	5 ft. minimum	18 ft.
87.5	10 ft. minimum	24 ft.
100.0	10 ft. minimum	24 ft.
Greater than 100.0	10 ft. minimum	30 ft.

1. On Corner Lots, the minimum Side Setback that faces a side Street or platted Right-of-Way is five feet (5'). A three foot (3') Side Setback along the platted Right-of-Way may be approved by the City Engineer when the Lot Width is less than 37.5 feet; no Side Setback exceptions shall be

utilized and the sight triangle shall be maintained when the Setback is three feet (3') along the Right-of-Way.

2. A Side Setback between connected Structures is not required where Structures are designed with a common wall on a Property Line, each Structure is located on an individual Lot, the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official, all applicable Building and Fire Code requirements are met, and the Use is an Allowed or Conditional Use in the Zoning District.

- a. Exterior Side Setbacks shall be based on the required minimum Side Setback for each Lot; however the Planning Commission may consider increasing exterior Side Setbacks during Conditional Use Permit review to mitigate potential impacts on adjacent Property. Side Setback exceptions continue to apply.

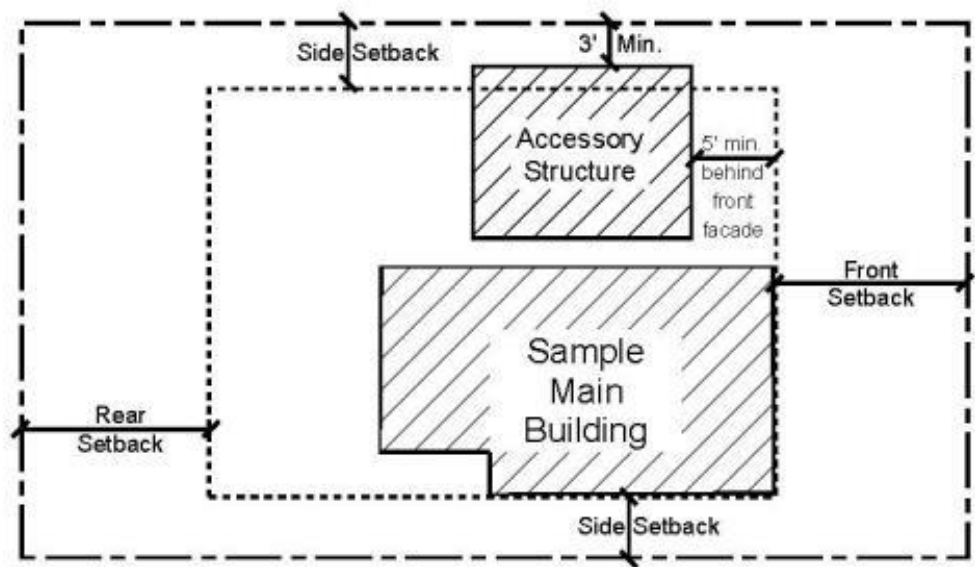
- b. Building Footprint shall be based on the total lot Area of the underlying Lots. The Planning Commission may consider decreasing Building Footprint during Conditional Use Permit review to mitigate potential impacts on adjacent Property.

J. **SIDE SETBACK EXCEPTIONS**. The Side Setback must be open and free of any Structure except:

1. Bay Windows not more than ten feet (10') wide, and projecting not more than two feet (2') into the Side Setback. Only permitted on Lots with a minimum required Side Setback of five feet (5') or greater.

- 823 2. Chimneys not more than five feet (5') wide projecting not more than two
824 feet (2') into the Side Setback. Only permitted on Lots with a minimum
825 required Side Setback of five feet (5') or greater.
- 826 3. Window wells not exceeding the minimum International Residential Code
827 (IRC) or International Building Code (IBC) requirements for egress may
828 extend not more than four feet (4') into the Side Setback. Only permitted
829 on Lots with a minimum required Side Setback of five feet (5') or greater.
830 Should egress requirements be met within the building pad, no Side
831 Setback exception is permitted.
- 832 4. Roof overhangs or eaves projecting not more than two feet (2') into the
833 Side Setback on Lots with a minimum required Side Setback of five feet
834 (5') or greater. A one foot (1') roof or eave overhang is permitted on Lots
835 with a Side Setback of less than five feet (5').
- 836 5. Window sills, belt courses, trim, cornices, exterior siding, or other
837 ornamental features projecting not more than six inches (6") beyond the
838 main Structure to which they are attached.
- 839 6. Patios, decks, pathways, steps, or similar Structures not more than thirty
840 inches (30") in height above Final Grade, not including any required
841 handrails.
- 842 7. Fences, walls, and retaining walls as permitted in Section 15-4-2, Fences
843 and Retaining Walls.

8. One (1) private or Shared Driveway leading to a garage or approved Parking Area. See Section 15-2.2-8 Parking Regulations for additional requirements.
9. Pathways or steps connecting to a City staircase or pathway.
10. Detached Accessory Buildings, not more than eighteen feet (18') in height, and including any free-standing Solar Energy Systems, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Setback of three feet (3'). See the following illustration:



11. Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3') from the Side Lot Line.

K. **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

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

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [15-35](#) on 10/12/2015

Amended by Ord. [2016-44](#) on 9/15/2016

Amended by Ord. [2018-27](#) on 5/31/2018

Amended by Ord. [2018-43](#) on 7/19/2018

Amended by Ord. [2019-07](#) on 1/29/2019

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.2-4 Existing Historic Buildings And/or Structures

Historic Buildings and/or Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Additions to Historic Buildings and/or Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. All Conditional

Uses proposed on the Site, excluding Development on a Steep Slope, shall comply with parking requirements of Chapter 15-3.

A. **EXCEPTION**. In order to achieve new construction consistent with the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings and/or Structures, including detached Garages:

1. Upon approval of a Conditional Use permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

HISTORY

Adopted by Ord. 00-15 on 3/2/2000

Amended by Ord. 06-56 on 7/27/2006

Amended by Ord. 07-25 on 4/19/2007

Amended by Ord. 2016-44 on 9/15/2016

Amended by Ord. 2020-42 on 9/17/2020

. . . .

15-2.2-9 Architectural Review

904 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
905 Department shall review the proposed plans for compliance with Architectural Review
906 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for
907 Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic~~
908 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~
909 ~~Architectural Review Chapter 15-5.]~~
910 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
911 ~~Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and~~
912 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~
913 ~~Section 15-1-18 of the Code.]~~

914 HISTORY

915 *Adopted by Ord. 00-15 on 3/2/2000*

916 *Amended by Ord. 06-56 on 7/27/2006*

917 *Amended by Ord. 09-23 on 7/9/2009*

918 *Amended by Ord. 15-53 on 12/17/2015*

919 *Amended by Ord. 2020-42 on 9/17/2020*

920

921 **15-2.2-10 Vegetation Protection**

922 The Property Owner must protect Significant Vegetation during any Development
923 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
924 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
925 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

926 measured at the drip line.

927

928 Development plans must show all Significant Vegetation within twenty feet (20') of a
929 proposed Development. The Property Owner must demonstrate the health and viability
930 of all large trees through a certified arborist. The Planning Director shall determine the
931 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
932 consistent with Landscape Criteria in Sections 15-3-3 and 15-5-5(N), and Title 14.

933 HISTORY

934 *Adopted by Ord. 00-15 on 3/2/2000*

935 *Amended by Ord. 06-56 on 7/27/2006*

936 *Amended by Ord. 2020-42 on 9/17/2020*

937

938 **15-2.2-12 Related Provisions**

- 939 • Fences and Retaining Walls. Section 15-4-2.
- 940 • Accessory Apartments. Section 15-4-7.
- 941 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 942 • Telecommunication Facilities. Section 15-4-14.
- 943 • Off-Street Parking. Chapter 15-3.
- 944 • Landscaping. Title 14; Sections 15-3-3[;] and [~~Chapter~~] 15-5-5(N).
- 945 • Lighting. Sections 15-3-3 [~~;~~] and 15-5-5(J).
- 946 • Historic Preservation. Chapter s 15-11 and 15-13.
- 947 • Park City Sign Code. Title 12.
- 948 • Architectural Review. Chapter 15-5.

- Snow Storage. Section 15-3-3
- Parking Ratio Requirements. Section 15-3-6.

HISTORY

Adopted by Ord. [00-15](#) on 3/2/2000

Amended by Ord. [06-56](#) on 7/27/2006

Amended by Ord. [2020-42](#) on 9/17/2020

....

15-2.3-8 Special Requirements For Master Planned Developments And

Conditional Use Permits In Sub-Zone A

A. **SUB-ZONE A.** Sub-Zone A consists of Lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13. (B) The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Building and/or Structure, constructing an approved addition to an Historic Building and/or Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

1. All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Chapter 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential

973 Structure or Structures facing Park Avenue. Occupancy of the below
974 Grade Floor Area is conditioned upon completion of the residential
975 structure on the HR-2 Lot.

976 2. All Buildings within the HR-2 portion of the development must meet the
977 minimum Side and Front Setbacks of the HR-2 District as stated in
978 Section 15-2.3-4, unless the Planning Commission grants an exception to
979 this requirement during the MPD review and the development is consistent
980 with the MPD Section 15-6-5. Below Grade Structures, such as parking
981 structures and Commercial Floor Area extending from Main Street
982 beneath a residential Structure or Structures on Park Avenue may occupy
983 Side Setbacks subject to Building and Fire Codes and trespass
984 agreements.

985 3. All Buildings within the HR-2 portion of the development must meet the
986 Building Height requirements of the HR-2 District as stated in Section 15-
987 2.3-6.

988 4. Existing and new Structures fronting on Park Avenue may not contain
989 Commercial Uses, except as permitted in Section 15-2.3-8.

990 5. A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial
991 Floor Area. Only the Lot Area within the HCB Lot may be used to
992 calculate the Commercial Floor Area.

993 6. The number of residential units allowed on the HR-2 portion of the
994 Development is limited by the Lot and Site Requirements of the HR-2
995 District as stated in Section 15-2.3-4.

- 996 7. All entrances and Access, including service and delivery, for the
997 Commercial Use must be off of a Street or easement within the HCB
998 District. The Commercial Structure must be designed to preclude any
999 traffic generation on residential Streets, such as Park Avenue. Any
1000 emergency Access, as required by the [~~Uniform Building Code (UBC)~~]
1001 International Building Code, onto the HR-2 portion of the Property must be
1002 designed in such a manner as to absolutely prohibit non-emergency Use.
1003 Alarms shall be installed on all emergency doors that provide access to
1004 Park Avenue.
- 1005 8. Commercial portions of a Structure extending from the HCB to the HR-2
1006 District must be designed to minimize the Commercial character of the
1007 Building and Use and must mitigate all impacts on the adjacent
1008 Residential Uses. Impacts include such things as noise, odor and glare,
1009 intensity of activity, parking, signs, lighting, Access and aesthetics.
- 1010 9. No loading docks, service yards, exterior mechanical equipment, exterior
1011 trash compounds, outdoor storage, ADA Access, or other similar Uses
1012 associated with the HCB Uses are allowed within the HR-2 portion of the
1013 Property, and all such Uses shall be screened for visual and noise
1014 impacts.
- 1015 10. The Property Owner must donate a Preservation Easement to the City for
1016 any Historic Buildings and/or Structures included in the Development.

1017 11. Any Historic Buildings and/or Structures included in the development shall
1018 be restored or rehabilitated according to the requirements of Historic
1019 Preservation Chapter 15-11.

1020 12. Any adjoining Historic Buildings and/or Structures under common
1021 ownership or control must be considered a part of the Property for review
1022 purposes of the Conditional Use permit and/or Master Planned
1023 Development.

1024 13. The allowed Building Width of any Structure above Final Grade is up to
1025 forty (40) feet. Building Widths shall reflect the typical variation, pattern
1026 and Historic character of the surrounding residential neighborhood.

1027 14. Residential Density Transfers between the HCB and HR-2 Zoning Districts
1028 are not permitted. A portion of the Gross Floor Area generated by the
1029 Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in
1030 the HCB Zone, may be located in the HR-2 Zone as allowed by this
1031 Section.

1032 15. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section
1033 15-6-5.

1034 HISTORY

1035 *Adopted by Ord. [00-51](#) on 9/21/2000*

1036 *Amended by Ord. [10-14](#) on 4/15/2010*

1037 *Amended by Ord. [2018-43](#) on 7/19/2018*

1038 *Amended by Ord. [2020-42](#) on 9/17/2020*

1039

1040 **15-2.3-13 Architectural Review**

1041 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
1042 Department shall review the proposed plans for compliance with Architectural Review
1043 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for
1044 Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic~~
1045 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1046 ~~Architectural Review Chapter 15-5.]~~
1047 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
1048 ~~Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1049 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~
1050 ~~Section 15-1-18 of the Code.]~~

1051 HISTORY

1052 *Adopted by Ord. 00-51 on 9/21/2000*
1053 *Amended by Ord. 06-56 on 7/27/2006*
1054 *Amended by Ord. 09-10 on 3/5/2009*
1055 *Amended by Ord. 09-23 on 7/9/2009*
1056 *Amended by Ord. 10-14 on 4/15/2010*
1057 *Amended by Ord. 15-35 on 10/12/2015*
1058 *Amended by Ord. 2020-42 on 9/17/2020*

1059

1060 **15-2.3-14 Vegetation Protection**

1061 The Property Owner must protect Significant Vegetation during any Development
1062 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1063 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1064 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

1065 measured at the drip line.

1066

1067 Development plans must show all Significant Vegetation within twenty feet (20') of a
1068 proposed Development. The Property Owner must demonstrate the health and viability
1069 of all large trees through a certified arborist. The Planning Director shall determine the
1070 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1071 consistent with Landscape Criteria in ~~[Chapter]~~ Sections 15-3-3 and 15-5-5(N), and Title
1072 14.

1073 HISTORY

1074 *Adopted by Ord. 00-51 on 9/21/2000*

1075 *Amended by Ord. 06-56 on 7/27/2006*

1076 *Amended by Ord. 10-14 on 4/15/2010*

1077 *Amended by Ord. 2020-42 on 9/17/2020*

1078

1079 **15-2.3-16 Related Provisions**

- 1080 • Fences and Retaining Walls. Section 15-4-2.
- 1081 • Accessory Apartments. Section 15-4-7.
- 1082 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 1083 • Telecommunication Facilities. Section 15-4-14.
- 1084 • Off-Street Parking. Chapter 15-3.
- 1085 • Landscaping. Title 14; Sections s 15-3-3 and ~~[Chapter]~~ 15-5-5(N).
- 1086 • Lighting. Sections 15-3-3~~[,]~~ and 15-5-5~~(J)~~.
- 1087 • Historic Preservation. Chapters s 15-11 and 15-13.
- 1088 • Park City Sign Code. Title 12.

- 1089 • Architectural Review. Chapter ~~[15-11]~~ 15-5.
- 1090 • Snow Storage. Section 15-3-3.
- 1091 • Parking Ratio Requirements. Section 15-3-6.

1092 HISTORY

1093 *Adopted by Ord. [00-51](#) on 9/21/2000*

1094 *Amended by Ord. [06-56](#) on 7/27/2006*

1095 *Amended by Ord. [10-14](#) on 4/15/2010*

1096 *Amended by Ord. [2020-42](#) on 9/17/2020*

1097

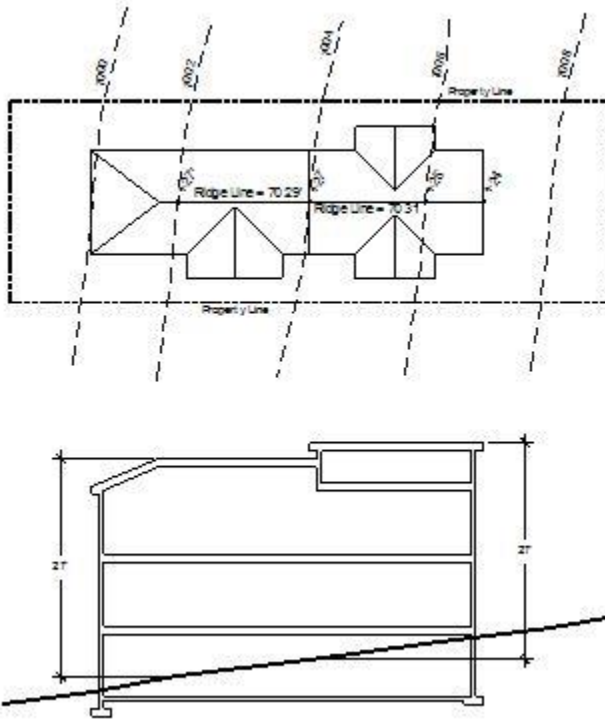
1098 **15-2.4-5 Building Height**

1099 No Structure shall be erected to a height greater than twenty-seven feet (27') from

1100 Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4')

1101 of Existing Grade, except for the placement of approved window wells, emergency

1102 egress, and a garage entrance.



1103

1104 A. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

1105 1. Antennas, chimney, flues, vents, and similar Structures may extend up to
1106 five feet (5') above the highest point of the Building to comply with
1107 International Building Code (IBC) requirements.

1108 2. Water towers, mechanical equipment, and Solar Energy Systems, when
1109 enclosed or Screened, may extend up to five feet (5') above the height of
1110 the Building. See Section 15-5-5.

1111 3. Church spires, bell towers, and like architectural features as allowed under
1112 the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic
1113 Districts and Historic Sites, may extend up to fifty percent (50%) above the
1114 Zone Height, but may not contain Habitable Space above the Zone
1115 Height. Such exception requires approval by the Planning Director.

1116 4. To accommodate a roof form consistent with the Design Guidelines for
1117 Historic Districts and Historic Sites, the Planning Director may grant
1118 additional Building Height provided that no more than twenty percent
1119 (20%) of the roof ridge line exceeds the Zone Height requirements and
1120 complies with height exception criteria in 15-2.2-6.

1121 5. Elevator Penthouses may extend up to eight feet (8') above the Zone
1122 Height.

1123 HISTORY

1124 *Adopted by Ord. [00-51](#) on 9/21/2000*

1125 *Amended by Ord. [06-69](#) on 10/19/2006*

1126 *Amended by Ord. [09-10](#) on 3/5/2009*

1127 *Amended by Ord. [15-35](#) on 10/12/2015*

1128 *Amended by Ord. [2018-27](#) on 5/31/2018*

1129 *Amended by Ord. [2020-42](#) on 9/17/2020*

1130

1131 **15-2.4-7 Special Requirements For Triplex And Multi-Unit Dwellings**

1132 A. **FRONT SETBACK**. The Front Setback for any Triplex, or Multi-Unit Dwelling is
1133 twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-
1134 five feet (25') from the Front Property Line. All Yards fronting any Street are
1135 considered Front Yards for the purposes of determining required Setbacks. See
1136 ~~[15-2.4-4]~~ [15-2.4-3](#), Front Setback Exceptions.

1137 B. **REAR SETBACK**. The Rear Setback for a ~~ny~~ Triplex or Multi-Unit Dwelling is ten
1138 feet (10'). See Section ~~[15-2.4-4]~~ [15-2.4-3](#), Rear Setback Exceptions.

C. **SIDE SETBACK**. The Side Setback for any Triplex~~[7]~~ or Multi-Unit Dwelling is ten feet (10'). See Section ~~[15-2.4-4]~~ **15-2.4-3**, Side Setback Exceptions.

D. **OPEN SPACE**. The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for all Triplex and Multi-Unit Dwellings. If reviewed as a Master Planned Development, then the Open Space requirements of Section 15-6-5 shall apply. Parking is prohibited within the Open Space. See Section 15-15-**1** Open Space. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing at least fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [13-42](#) on 10/17/2013

Amended by Ord. [2018-43](#) on 7/19/2018

Amended by Ord. [2020-42](#) on 9/17/2020

. . . .

15-2.4-12 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 **Architectural Review Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for Historic Districts and Historic Sites Chapter 15-13.** ~~[the Design Guidelines for Historic Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~

1163 ~~Architectural Review Chapter 15-5.]~~
1164 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
1165 ~~Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1166 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~
1167 ~~Section 15-1-18 of the Code.]~~

1168 HISTORY

1169 *Adopted by Ord. [00-51](#) on 9/21/2000*
1170 *Amended by Ord. [06-69](#) on 10/19/2006*
1171 *Amended by Ord. [09-23](#) on 7/9/2009*
1172 *Amended by Ord. [15-53](#) on 12/17/2015*
1173 *Amended by Ord. [2020-42](#) on 9/17/2020*

1174

1175 **15-2.4-13 Vegetation Protection**

1176 The Property Owner must protect Significant Vegetation during any Development
1177 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1178 measured four and one-half feet (4 ½') above the ground, groves of small trees, or
1179 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1180 measured at the drip line.

1181

1182 Development plans must show all Significant Vegetation within twenty feet (20') of a
1183 proposed Development. The Property Owner must demonstrate the health and viability
1184 of all large trees through a certified arborist. The Planning Director shall determine the
1185 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1186 consistent with Landscape Criteria in Sections [15-3-3](#) [and 15-5-5\(N\)](#), and Title 14.

1187 HISTORY

1188 *Adopted by Ord. [00-51](#) on 9/21/2000*

1189 *Amended by Ord. [06-69](#) on 10/19/2006*

1190 *Amended by Ord. [2020-42](#) on 9/17/2020*

1191

1192 **15-2.4-15 Related Provisions**

- 1193 • Fences and Retaining Walls. Section 15-4-2.
- 1194 • Accessory Apartments. Section 15-4-7.
- 1195 • Placement of Satellite Receiving Antennas. Section [~~15-5-13~~] 15-4-13.
- 1196 • Telecommunication Facilities. Section [~~15-5-14~~] 15-4-14.
- 1197 • Off-Street Parking. Chapter 15-3.
- 1198 • Landscaping. Title 14; Section s 15-3-3 and [~~Chapter~~] 15-5-5(N).
- 1199 • Lighting. Section 15-3-3[~~r~~] and 15-5-5(J).
- 1200 • Historic Preservation. Chapter s 15-11 and 15-13.
- 1201 • Park City Sign Code. Title 12.
- 1202 • Architectural Review. Chapter 15-5.
- 1203 • Snow Storage. Section 15-3-3.
- 1204 • Parking Ratio Requirements. Section 15-3-6.

1205 HISTORY

1206 *Adopted by Ord. [00-51](#) on 9/21/2000*

1207 *Amended by Ord. [2020-42](#) on 9/17/2020*

1208

1209 **15-2.5-2 Uses**

1210 Uses in the HRC are limited to the following:

1211	A. <u>ALLOWED USES.</u> ¹⁰
1212	1. Single Family Dwelling ⁵
1213	2. Duplex Dwelling ⁵
1214	3. Secondary Living Quarters ⁵
1215	4. Lockout Unit ^{1,5}
1216	5. Accessory Apartment ^{2,5}
1217	6. Nightly Rental ⁵
1218	7. Home Occupation ⁵
1219	8. Child Care, In-Home Babysitting
1220	9. Child Care, Family ³
1221	10. Child Care, Family Group ³
1222	11. Child Care Center ³
1223	12. Accessory Building and Use
1224	13. Conservation Activity
1225	14. Agriculture
1226	15. Bed and Breakfast Inn ^{4,5}
1227	16. Boarding House, hostel ⁵
1228	17. Hotel, Minor, fewer than sixteen (16) rooms ⁵
1229	18. Office, General ⁵
1230	19. Parking Area or Structure, with four (4) or fewer spaces ⁵
1231	20. Food Truck Location ¹¹
1232	B. <u>CONDITIONAL USES.</u> ^{9, 10}
1233	1. Triplex Dwelling ⁵

1234	2. Multi-Unit Dwelling ⁵
1235	3. Guest House, on Lots one (1) acre ⁵
1236	4. Group Care Facility ⁵
1237	5. Public and Quasi-Public institution, church, or school
1238	6. Essential Municipal public utility Use, facility, service, and Structure
1239	7. Telecommunication Antenna ⁶
1240	8. Satellite dish, greater than thirty-nine inches (39") in diameter ⁷
1241	9. Plant and Nursery stock products and sales
1242	10. Hotel, Major ⁵
1243	11. Timeshare Projects and Conversions ⁵
1244	12. Private Residence Club Project and Conversion ^{4,5}
1245	13. Office, Intensive ⁵
1246	14. Office and clinic, Medical ⁵
1247	15. Financial institution, without drive-up window ⁸
1248	16. Commercial Retail and Service, Minor ⁸
1249	17. Commercial Retail and Service, Personal Improvement ⁸
1250	18. Neighborhood Convenience Commercial, without gasoline sales
1251	19. Café or Deli ⁸
1252	20. Restaurant, General ⁸
1253	21. Restaurant and Café, outdoor dining ⁴
1254	22. Outdoor Events and Uses ⁴
1255	23. Bar
1256	24. Parking Area or Structure, with five (5) or more spaces ⁵

- 1257 25. Temporary Improvement⁴
- 1258 26. Passenger Tramway station and ski base facility
- 1259 27. Ski tow, ski lift, ski run, and ski bridge
- 1260 28. Recreation Facility, Commercial, Public, and Private
- 1261 29. Entertainment Facility, Indoor
- 1262 30. Fences greater than six feet (6') in height from Final Grade⁴
- 1263 31. Private Residence Club, Off-Site⁵
- 1264 32. Private Event Facility⁵
- 1265 C. **PROHIBITED USES**. Unless otherwise allowed herein, any Use not listed above
- 1266 as an Allowed or Conditional Use is a prohibited Use.
- 1267 ¹Nightly rental of Lockout Units requires a Conditional Use permit.
- 1268 ²Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.
- 1269 ³See Section 15-4-9, Child Care And Child Care Facilities.
- 1270 ⁴Requires an Administrative or Administrative Conditional Use permit, see Chapter 15-4.
- 1271 ⁵Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue,
- 1272 excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC
- 1273 Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the
- 1274 plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street,
- 1275 890 Main Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within
- 1276 Storefront Property; however access, circulation, and lobby areas are permitted within Storefront
- 1277 Property.
- 1278 ⁶See Section 15-4-14, Telecommunication Facilities.
- 1279 ⁷See Section 15-4-13, Placement Of Satellite Receiving Antennas.
- 1280 ⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use.
- 1281 ⁹No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are

1282 permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah
1283 Code 32B-1-202, to obtain a liquor license.

1284 ¹⁰Within the HRC Zoning District, no more than seven (7) Conventional Chain Businesses are permitted in
1285 Storefront Properties.

1286 ¹¹The Planning Director~~[,]~~ or ~~[his or her]~~ designee shall~~[,]~~ upon finding a Food Truck Location in
1287 compliance with Municipal Code Section 4-5-6, issue the property owner a Food Truck Location
1288 administrative approval letter.

1289 HISTORY

1290 *Adopted by Ord. [00-51](#) on 9/21/2000*

1291 *Amended by Ord. [04-39](#) on 3/18/2004*

1292 *Amended by Ord. [06-69](#) on 10/19/2006*

1293 *Amended by Ord. [07-55](#) on 8/30/2007*

1294 *Amended by Ord. [09-10](#) on 3/5/2009*

1295 *Amended by Ord. [12-37](#) on 12/20/2012*

1296 *Amended by Ord. [16-02](#) on 1/7/2016*

1297 *Amended by Ord. [2017-45](#) on 8/17/2017*

1298 *Amended by Ord. [2018-55](#) on 10/23/2018*

1299 *Amended by Ord. [2020-36](#) on 7/30/2020*

1300 *Amended by Ord. [2020-42](#) on 9/17/2020*

1301 *Amended by Ord. [2021-51](#) on 12/16/2021*

1302

1303 **15-2.5-4 Existing Historic Buildings And/or Structures**

1304 Historic Buildings and/or Structures that do not comply with Building Height, Building
1305 Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying
1306 Structures. Additions to Historic Buildings and/or 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 new construction consistent with the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites, the Planning Director may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings and/or Structures:

1. Upon approval of a Conditional Use Permit, and
2. When the scale of the addition and/or driveway is Compatible with the Historic Building and/or Structure, and
3. When the addition complies with all other provisions of this Chapter, and
4. When the addition complies with the adopted Building and Fire Codes, and
5. When the addition complies with the Design Guidelines for Historic Districts and Historic Sites.

HISTORY

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 2016-44 on 9/15/2016

Amended by Ord. 2020-42 on 9/17/2020

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 Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the height of the Building. See Section 15-5-5.
4. Church spires, bell towers, and like architectural features subject to the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites, 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]~~ Design Guidelines for Historic Districts and Historic Sites, 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 15-2.5-5.

1352 HISTORY

1353 *Adopted by Ord. [00-51](#) on 9/21/2000*

1354 *Amended by Ord. [06-69](#) on 10/19/2006*

1355 *Amended by Ord. [07-55](#) on 8/30/2007*

1356 *Amended by Ord. [09-10](#) on 3/5/2009*

1357 *Amended by Ord. [2018-27](#) on 5/31/2018*

1358 *Amended by Ord. [2020-42](#) on 9/17/2020*

1359

1360 **15-2.5-12 Architectural Review**

1361 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning

1362 Department shall review the proposed plans for compliance with Architectural Review

1363 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for

1364 Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic~~

1365 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~

1366 ~~Architectural Review Chapter 15-5.]~~

1367 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~

1368 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~

1369 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~

1370 ~~Section 15-1-18 of the Code.]~~

1371 HISTORY

1372 *Adopted by Ord. [00-51](#) on 9/21/2000*

1373 *Amended by Ord. [06-69](#) on 10/19/2006*

1374 *Amended by Ord. [09-23](#) on 7/9/2009*

1375 Amended by Ord. [15-53](#) on 12/17/2015

1376 Amended by Ord. [2020-42](#) on 9/17/2020

1377

1378 **15-2.5-13 Vegetation Protection**

1379 The Property Owner must protect Significant Vegetation during any Development
1380 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1381 measured four and one-half feet (4 ½') above the ground, groves of small trees, or
1382 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1383 measured at the drip line.

1384 Development plans must show all Significant Vegetation within twenty feet (20') of a
1385 proposed Development. The Property Owner must demonstrate the health and viability
1386 of all large trees through a certified arborist. The Planning Director shall determine the
1387 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1388 consistent with Landscape Criteria in Sections [15-3-3](#) [and 15-5-5\(N\)](#), and Title 14.

1389 HISTORY

1390 Adopted by Ord. [00-51](#) on 9/21/2000

1391 Amended by Ord. [06-69](#) on 10/19/2006

1392 Amended by Ord. [2020-42](#) on 9/17/2020

1393

1394 **15-2.5-15 Related Provisions**

- 1395 • Fences and Retaining Walls. Section 15-4-2.
- 1396 • Accessory Apartments. Section 15-4-7.
- 1397 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 1398 • Telecommunication Facilities. Section 15-4-14.

- 1399 • Off-Street Parking. Chapter 15-3.
- 1400 • Landscaping. Title 14; Section s 15-3-3 and [~~Chapter~~] 15-5-5(N).
- 1401 • Lighting. Sections 15-3-3[~~r~~] and 15-5-5(J).
- 1402 • Historic Preservation. Chapter s 15-11 and 15-13.
- 1403 • Park City Sign Code. Title 12.
- 1404 • Architectural Review. Chapter 15-5.
- 1405 • Snow Storage. Section 15-3-3.
- 1406 • Parking Ratio Requirements. Section 15-3-6.

1407 HISTORY

1408 *Adopted by Ord. 00-51 on 9/21/2000*

1409 *Amended by Ord. 2020-42 on 9/17/2020*

1410

1411 **15-2.6-2 Uses**

1412 Uses in the Historic Commercial Business (HCB) District are limited to the following:

1413 A. **ALLOWED USES**.¹¹

- 1414 1. Single Family Dwelling¹
- 1415 2. Multi-Unit Dwelling¹
- 1416 3. Secondary Living Quarters¹
- 1417 4. Lockout Unit^{1,2}
- 1418 5. Accessory Apartment^{1,3}
- 1419 6. Nightly Rental⁴
- 1420 7. Home Occupation¹
- 1421 8. Child Care, In-Home Babysitting¹

1422	9. Child Care, Family ^{1,5}
1423	10. Child Care, Family Group ^{1,5}
1424	11. Child Care Center ^{1,5}
1425	12. Accessory Building and Use ¹
1426	13. Conservation Activity
1427	14. Agriculture
1428	15. Bed and Breakfast Inn ^{1, 6}
1429	16. Boarding House, hostel ¹
1430	17. Hotel, Minor, fewer than 16 rooms ¹
1431	18. Office, General ¹
1432	19. Office, Moderate Intensive ¹
1433	20. Office and clinic, Medical ¹
1434	21. Financial institution, without drive-up window
1435	22. Commercial Retail and Service, Minor
1436	23. Commercial Retail and Service, Personal Improvement
1437	24. Commercial Neighborhood Convenience, without gasoline sales
1438	25. Restaurant, Cafe or Deli
1439	26. Restaurant, General
1440	27. Bar
1441	28. Parking Lot, Public or Private with four (4) or fewer spaces
1442	29. Entertainment Facility, Indoor
1443	30. Salt Lake City 2002 Winter Olympic Games Legacy Displays ⁷
1444	31. Temporary winter Balcony enclosures

1445	32. Food Truck Location ¹²
1446	B. <u>CONDITIONAL USES.</u> ^{10, 11}
1447	1. Group Care Facility ¹
1448	2. Public and Quasi-Public institution, church, or school
1449	3. Essential municipal public utility Use, facility, service, and Structure
1450	4. Telecommunication Antenna ⁸
1451	5. Satellite dish, greater than thirty-nine inches (39") in diameter ⁹
1452	6. Plant and Nursery stock products and sales
1453	7. Hotel, Major ¹
1454	8. Timeshare Projects and Conversions ¹
1455	9. Timeshare Sales Office, Off-Site within an enclosed Building ¹
1456	10. Private Residence Club Project and Conversion ^{1,6}
1457	11. Commercial Retail and Service, Major
1458	12. Office, Intensive ¹
1459	13. Restaurant, outdoor dining ⁶
1460	14. Outdoor Events and Uses ⁶
1461	15. Hospital, Limited Care Facility ¹
1462	16. Parking Area or Structure for five (5) or more cars ¹
1463	17. Temporary Improvement ⁶
1464	18. Passenger Tramway station and ski base facility
1465	19. Ski tow, ski lift, ski run, and ski bridge
1466	20. Recreation Facility, Public or Private
1467	21. Recreation Facility, Commercial

1468 22. Fences greater than six feet (6') in height from Final Grade⁶

1469 23. Private Residence Club, Off-Site¹

1470 24. Private Event Facility¹

1471 C. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use

1472 is a prohibited Use.

1473 ¹Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and

1474 Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and

1475 lobby areas are permitted within Storefront Property.

1476 ²Nightly Rental of Lock Units requires a Conditional Use permit.

1477 ³Requires an Administrative Permit. See Section 15-4-7, Accessory Apartments.

1478 ⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses.

1479 ⁵See Section 15-4-9, Child Care And Child Care Facilities.

1480 ⁶Requires an Administrative or Administrative Conditional Use permit.

1481 ⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City

1482 Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

1483 on the original Property set forth in the services Agreement and/or Master Festival License. Requires an

1484 Administrative Permit.

1485 ⁸See Section 15-4-14, Telecommunication Facilities.

1486 ⁹See Section 15-4-13, Placement Of Satellite Receiving Antennas.

1487 ¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are

1488 permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah

1489 Code 32B-1-202, to obtain a liquor license.

1490 ¹¹Within the HCB Zoning District, no more than seventeen (17) Conventional Chain Businesses are

1491 permitted in Storefront Properties.

1492 ¹²The Planning Director or ~~[his or her]~~ designee shall, upon finding a Food Truck Location in compliance

1493 with Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative

1494 approval letter.

1495 HISTORY

1496 *Adopted by Ord. [00-51](#) on 9/21/2000*

1497 *Amended by Ord. [02-38](#) on 9/12/2002*

1498 *Amended by Ord. [04-39](#) on 3/18/2004*

1499 *Amended by Ord. [06-69](#) on 10/19/2006*

1500 *Amended by Ord. [07-55](#) on 8/30/2007*

1501 *Amended by Ord. [09-10](#) on 3/5/2009*

1502 *Amended by Ord. [12-37](#) on 12/20/2012*

1503 *Amended by Ord. [16-02](#) on 1/7/2016*

1504 *Amended by Ord. [16-01](#) on 1/7/2016*

1505 *Amended by Ord. [2017-45](#) on 8/17/2017*

1506 *Amended by Ord. [2018-55](#) on 10/23/2018*

1507 *Amended by Ord. [2020-36](#) on 7/30/2020*

1508 *Amended by Ord. [2020-42](#) on 9/17/2020*

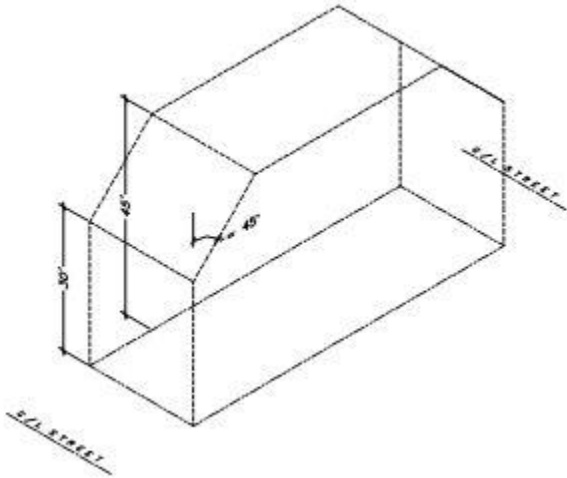
1509 *Amended by Ord. [2021-51](#) on 12/16/2021*

1510

1511 **15-2.6-5 Maximum Building Volume And Height**

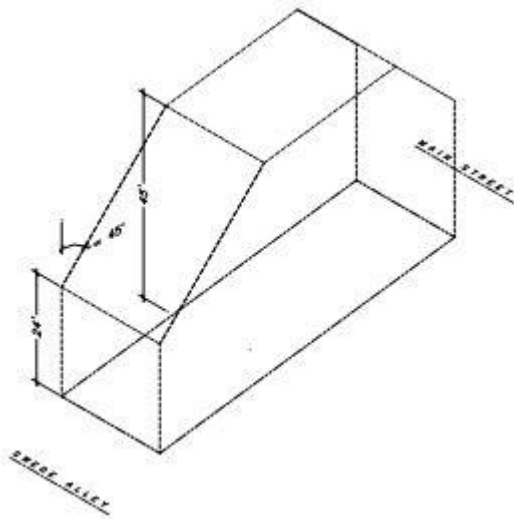
1512 A. The maximum Building volume for each Lot is defined by a plane that rises
1513 vertically at the Front Lot Line to a height of thirty feet (30') measured above the
1514 average Natural Grade and then proceeds at a forty-five degree (45°) angle
1515 toward the rear of the Property until it intersects with a point forty-five feet (45')

1516 above the Natural Grade and connects with the rear portion of the bulk plane.



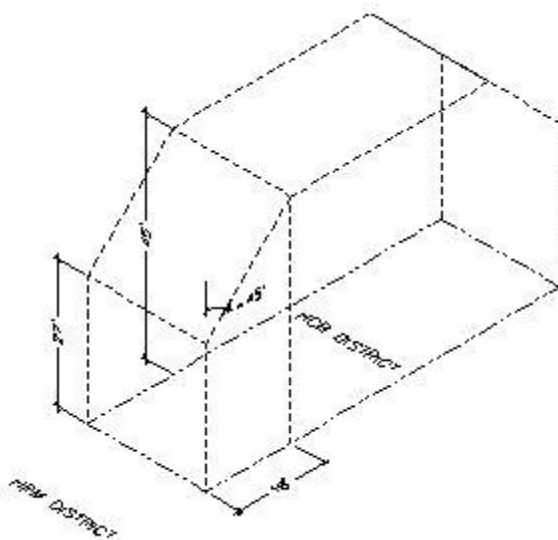
- 1517
- 1518 B. The rear portion of the bulk plane for each Lot that does not abut Swede Alley is
- 1519 defined by the plane that rises vertically at the Rear Property Line to a height of
- 1520 thirty feet (30') measured above the average Natural Grade and then proceeds at
- 1521 a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a
- 1522 point forty-five feet (45') above the Natural Grade of the Building Site. No part of
- 1523 a Building shall be erected to a height greater than forty-five feet (45'), measured
- 1524 from Natural Grade at the Building Site. This provision must not be construed to
- 1525 encourage solid roofing to following the forty-five degree (45°) back plane.
- 1526 C. For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a
- 1527 plane that rises vertically at the Rear Property Line to a height of twenty-four feet
- 1528 (24') measured above the average Natural Grade and then proceeds at a forty-
- 1529 five degree (45°) angle toward the Front Lot Line until it intersects with a point
- 1530 forty-five feet (45') above the Natural Grade. This provision must not be
- 1531 construed to encourage solid roofing to follow the forty-five degree (45°) back

1532 plane.



1533

1534 D. Wherever the HCB District abuts a residential Zoning District, the abutting portion
1535 of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line
1536 to a height matching the maximum height of the abutting Zone, measured from
1537 Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the
1538 opposite Lot Line until it intersects with a point forty-five feet (45') above Existing
1539 Grade.



1540

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 Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the height of the Building. See ~~[LMC]~~ Section 15-5-5.
4. Church spires, bell towers, and like architectural features, subject to the ~~[Historic District Design Guidelines]~~ Design Guidelines for Historic Districts and Historic Sites, 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').

1563 HISTORY

1564 *Adopted by Ord. [00-51](#) on 9/21/2000*

1565 *Amended by Ord. [03-38](#) on 7/17/2003*

1566 *Amended by Ord. [06-69](#) on 10/19/2006*

1567 *Amended by Ord. [2018-27](#) on 5/31/2018*

1568 *Amended by Ord. [2018-43](#) on 7/19/2018*

1569 *Amended by Ord. [2020-42](#) on 9/17/2020*

1570

1571 **15-2.6-7 Swede Alley Development Criteria**

1572 In addition to the standards set forth in this Chapter, all Development abutting Swede

1573 Alley must comply with the following criteria:

1574 A. Structures must step down toward Swede Alley at an angle of forty-five degrees
1575 (45°) to a maximum height of twenty-four feet (24') at the edge of the Swede
1576 Alley Right-of-Way. A variety of one and two-Story facades are encouraged.
1577 Designs that create a strong indoor/outdoor connection at the ground level are
1578 strongly encouraged.

1579 B. Entrances must be pedestrian-scaled and defined with porches, awnings and
1580 other similar elements as described in the [Park City Historic District Design
1581 Guidelines] [Design Guidelines for Historic Districts and Historic Sites](#). Entrances
1582 must make provisions for shared public and service Access whenever possible.
1583 When Main Street additions extend to Swede Alley, the materials and colors of
1584 the new construction must be designed to coordinate with the existing Structure.

- 1585 C. Structures must continue the existing stair-step facade rhythm along Swede
1586 Alley. No more than sixty feet (60') of a Swede Alley facade may have the same
1587 height or Setback. On facades greater than sixty feet (60') wide, Structures must
1588 provide a variety of Building Setbacks, height, and Building form. Setbacks in the
1589 facades and stepping upper stories, decks, and Balconies are strongly
1590 encouraged. Uniform height and Setbacks are discouraged.
- 1591 D. Provisions for public Open Space, open courtyards, and landscaping are strongly
1592 encouraged.
- 1593 E. Pedestrian connections from Swede Alley to Main Street are encouraged
1594 whenever possible. Open and landscaped pedestrian connections are favored.
- 1595 F. Swede Alley facades must be simple, utilitarian, and subordinate in character to
1596 Main Street facades. While facades should be capped, details should be simple.
1597 Ornate details typically found on Main Street facades are prohibited. The
1598 Applicant must incorporate a mix of materials, accent trim and door treatments to
1599 provide architectural interest. Materials must be similar in character, color,
1600 texture and scale to those found on Main Street. Exposed concrete, large Areas
1601 of stucco and unfinished materials are prohibited.
- 1602 G. Window display Areas are allowed. However, the Swede Alley window Area must
1603 be subordinate in design to the Main Street window Area.
- 1604 H. Service Areas and service equipment must be Screened. Utility boxes must be
1605 painted to blend with the adjacent Structures. Group trash containers must be
1606 Screened.

1607 HISTORY

1608 *Adopted by Ord. [00-51](#) on 9/21/2000*

1609

1610 **15-2.6-13 Architectural Review**

1611 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
1612 Department shall review the proposed plans for compliance with Architectural Review
1613 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for
1614 Historic Districts and Historic Sites Chapter 15-13. ~~[the Design Guidelines for Historic~~
1615 ~~Districts and Historic Sites, Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1616 ~~Architectural Review Chapter 15-5.]~~

1617 ~~[Appeals of departmental actions on compliance with the Design Guidelines for Historic~~
1618 ~~Districts and Historic Sites Chapter 15-13, Historic Preservation Chapter 15-11, and~~
1619 ~~Architectural Review Chapter 15-5 are heard by the Board of Adjustment as outlined in~~
1620 ~~Section 15-1-18 of the Code.]~~

1621 HISTORY

1622 *Adopted by Ord. [00-51](#) on 9/21/2000*

1623 *Amended by Ord. [06-69](#) on 10/19/2006*

1624 *Amended by Ord. [09-23](#) on 7/9/2009*

1625 *Amended by Ord. [15-53](#) on 12/17/2015*

1626 *Amended by Ord. [2020-42](#) on 9/17/2020*

1627

1628 **15-2.6-14 Vegetation Protection**

1629 The Property Owner must protect Significant Vegetation during any Development
1630 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

1631 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1632 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1633 measured at the drip line.

1634

1635 Development plans must show all Significant Vegetation within twenty feet (20') of a
1636 proposed Development. The Property Owner must demonstrate the health and viability
1637 of all large trees through a certified arborist. The Planning Director shall determine the
1638 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1639 consistent with ~~[landscape criteria]~~ Landscape Criteria in Sections 15-3-3 and 15-5-
1640 5(N), and Title 14.

1641 HISTORY

1642 *Adopted by Ord. 00-51 on 9/21/2000*

1643 *Amended by Ord. 06-69 on 10/19/2006*

1644 *Amended by Ord. 2020-42 on 9/17/2020*

1645

1646 **15-2.6-16 Related Provisions**

- 1647 • Fences and Retaining Walls. Section 15-4-2.
- 1648 • Accessory Apartments. Section 15-4-7.
- 1649 • Placement of Satellite Receiving Antennas. Section 15-4-13.
- 1650 • Telecommunication Facilities. Section 15-4-14.
- 1651 • Off-Street Parking. Chapter 15-3.
- 1652 • Landscaping. Title 14; Sections 15-3-3 and ~~[Chapter]~~ 15-5-5(N).
- 1653 • Lighting. Sections 15-3-3~~[,]~~ and 15-5-5~~(J)~~.
- 1654 • Historic Preservation. Chapter 15-11 and 15-13.

- 1655 • Park City Sign Code. Title 12.
- 1656 • Architectural Review. Chapter 15-5.
- 1657 • Snow Storage. Section 15-3-3.
- 1658 • Parking Ratio Requirements. Section 15-3-6.
- 1659 • Passenger Tramways and Ski Base Facilities. Section 15-4-18.

1660 HISTORY

1661 *Adopted by Ord. [00-51](#) on 9/21/2000*

1662 *Amended by Ord. [2020-42](#) on 9/17/2020*

1663

1664 **15-2.7-2 Uses**

1665 Uses in the ROS District are limited to the following:

1666 A. **ALLOWED USES.**

- 1667 1. Conservation Activity
- 1668 2. Food Truck Locations⁴

1669 B. **ADMINISTRATIVE CONDITIONAL USES**¹.

- 1670 1. Trail and Trailhead Improvement
- 1671 2. Outdoor Recreation Equipment
- 1672 3. Essential Municipal Public Utility Use, Service, or Structure, less than 600
- 1673 sq. ft.
- 1674 4. Accessory Building, less than 600 sq. ft.
- 1675 5. Ski-related Accessory Building, less than 600 sq. ft.
- 1676 6. Parking Area or Structure with four (4) or fewer spaces
- 1677 7. Outdoor Event, Outdoor Music
- 1678 8. Temporary Construction Improvement

1679	9. Raising, grazing of horses
1680	10. Raising, grazing of livestock
1681	11. Anemometer and Anemometer Towers
1682	C. <u>CONDITIONAL USES.</u>
1683	1. Agriculture
1684	2. Recreational Outdoor and Trail Lighting
1685	3. Recreation Facility, Private
1686	4. Recreation Facility, Public
1687	5. Recreation Facility, Commercial
1688	6. Golf Course
1689	7. Passenger Tramway Station and Ski Base Facility
1690	8. Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
1691	9. Recreational Sports Field
1692	10. Skating Rink
1693	11. Skateboard Park
1694	12. Public and Quasi-Public Institution, Church, and School, Park, Plaza,
1695	Structure for Public Assembly, greater than 600 sq. ft.
1696	13. Essential Municipal Public Utility Use, Facility, Service, and Structure,
1697	greater than 600 sq. ft.
1698	14. Accessory Building, greater than 600 sq. ft.
1699	15. Ski-Related Accessory Building, greater than 600 sq. ft.
1700	16. Child Care Center
1701	17. Commercial Stable, Riding Academy

1702 18. Vehicle Control Gates²

1703 19. Resort Support, Commercial

1704 20. Cemetery

1705 21. Parking Area or Structure with five (5) or more spaces

1706 22. Telecommunications Antenna³

1707 23. Mines and Mine Exploration

1708 24. Plant and Nursery stock products and sales

1709 25. Fences greater than six feet (6') in height from Final Grade.

1710 26. Small Wind Energy Systems

1711 D. **PROHIBITED USES**. Any use not listed above as an Allowed or Conditional Use

1712 is a prohibited Use.

1713 ¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process.

1714 Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time

1715 frames and shall be removed at the expiration of the Master Festival permit.

1716 ²See Section 15-4-19 for specific review criteria for gates

1717 ³Subject to ~~[LMC Chapter]~~ Section 15-4-14, Telecommunications

1718 ⁴The Planning Director~~[, or his]~~ or designee shall, upon finding a Food Truck Location in compliance with

1719 Municipal Code Section 4-5-6, issue the property owner a Food Truck Location administrative approval

1720 letter.

1721 HISTORY

1722 *Adopted by Ord. 00-51 on 9/21/2000*

1723 *Amended by Ord. 04-08 on 3/4/2004*

1724 *Amended by Ord. 09-10 on 3/5/2009*

1725 *Amended by Ord. 2018-55 on 10/23/2018*

1726

15-2.7-5 Architectural Review

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with ~~the~~ Architectural ~~Design Guidelines, LMC~~ Review, Chapter 15-5.
~~[Appeals of Departmental actions on architectural compliance are heard by the Planning Commission.]~~

HISTORY

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 09-10 on 3/5/2009

. . . .

15-2.7-6 Vegetation Protection

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4½') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with ~~[landscape criteria]~~ Landscape Criteria in Sections 15-3-3 and 15-5-5(N), and Title 14.

1750 HISTORY

1751 *Adopted by Ord. [00-51](#) on 9/21/2000*

1752 *Amended by Ord. [04-08](#) on 3/4/2004*

1753 *Amended by Ord. [09-10](#) on 3/5/2009*

1754

1755 **15-2.7-11 Related Provisions**

- 1756 • Fences and Walls. [~~LMC Chapter~~] [Section](#) 15-4-2.
- 1757 • Accessory Apartment. [~~LMC Chapter~~] [Section](#) 15-4-7.
- 1758 • Satellite Receiving Antenna. [~~LMC Chapter~~] [Section](#) 15-4-13.
- 1759 • Telecommunication Facility. [~~LMC Chapter~~] [Section](#) 15-4-14.
- 1760 • Parking. [~~LMC~~] Chapter 15-3.
- 1761 • Landscaping. Title 14; [~~LMC Chapter~~] [Sections](#) 15-3-3[(D)] [and 15-5-5\(N\)](#).
- 1762 • Lighting. [~~LMC Chapters 15-3-3(C), 15-5-5(I)~~] [Sections 15-3-3 and 15-5-5\(J\)](#).
- 1763 • Historic Preservation. [~~LMC~~] Chapter ~~s~~ 15-11 [and 15-13](#).
- 1764 • Park City Sign Code. Title 12.
- 1765 • Architectural [~~Design~~] [Review](#). [~~LMC~~] Chapter 15-5.
- 1766 • Snow Storage. [~~LMC Chapter~~] [Section](#) 15-3-3[(E)].
- 1767 • Parking Ratio Requirements. [~~LMC Chapter~~] [Section](#) 15-3-6.

1768 HISTORY

1769 *Adopted by Ord. [00-51](#) on 9/21/2000*

1770 *Amended by Ord. [09-10](#) on 3/5/2009*

1771

1772 **15-2.8-5 Architectural Review**

1773 Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the
1774 Planning Department shall review the proposed plans for compliance with ~~[the]~~
1775 Architectural ~~[Design Guidelines, LMC]~~ Review, Chapter 15-5.
1776 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~
1777 ~~Commission.]~~

1778 HISTORY

1779 *Adopted by Ord. [00-51](#) on 9/21/2000*

1780 *Amended by Ord. [06-69](#) on 10/19/2006*

1781

1782 **15-2.8-6 Vegetation Protection**

1783 The Property Owner must protect Significant Vegetation during any Development
1784 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1785 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1786 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1787 measured at the drip line.

1788

1789 Development plans must show all Significant Vegetation within twenty feet (20') of a
1790 proposed Development. The Property Owner must demonstrate the health and viability
1791 of all large trees through a certified arborist. The Planning Director shall determine the
1792 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1793 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3 and 15-5-5(N),
1794 and Title 14.

1795 HISTORY

1796 *Adopted by Ord. [00-51](#) on 9/21/2000*

1797 *Amended by Ord. [06-69](#) on 10/19/2006*

1798

1799 **15-2.8-8 Related Provisions**

- 1800 • Fences and Walls. [~~LMC Chapter~~] [Section](#) 15-4-2.
- 1801 • Accessory Apartments. [~~LMC Chapter~~] [Section](#) 15-4-7.
- 1802 • Satellite Receiving Antenna. [~~LMC Chapter~~] [Section](#) 15-4-13.
- 1803 • Telecommunication Facility. [~~LMC Chapter~~] [Section](#) 15-4-14.
- 1804 • Parking. [~~LMC~~] Chapter 15-3.
- 1805 • Landscaping. Title 14; [~~LMC Chapter 15-3-3.(D)~~] [Sections 15-3-3 and 15-5-5\(N\)](#).
- 1806 • Lighting. [~~LMC Chapters~~] [Sections](#) 15-3-[3](#) and 15-5-[5\(J\)](#).
- 1807 • Historic Preservation Board. [~~LMC~~] Chapter~~s~~ 15-11 [and 15-13](#).
- 1808 • Park City Sign Code. Title 12.
- 1809 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 1810 • Snow Storage. [~~LMC Chapter~~] [Section](#) 15-3-3[~~(E)~~]
- 1811 • Parking Ratio Requirements. [~~LMC Chapter~~] [Section](#) 15-3-6.
- 1812 • Passenger Tramways and Ski Base Facilities. [~~LMC Chapter~~] [Section](#) 15-4-18.

1813 HISTORY

1814 *Adopted by Ord. [00-51](#) on 9/21/2000*

1815

1816 **15-2.9-5 Architectural Review**

1817 Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the

1818 Planning Department must review the proposed plans for compliance with ~~the~~

1819 Architectural ~~[Design Guidelines]~~ Review, [LMC] Chapter 15-5.
1820 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~
1821 ~~Commission.]~~

1822 HISTORY

1823 *Adopted by Ord. [00-51](#) on 9/21/2000*

1824 *Amended by Ord. [06-69](#) on 10/19/2006*

1825

1826 **15-2.9-10 Vegetation Protection**

1827 The Property Owner must protect Significant Vegetation during any Development
1828 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1829 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1830 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1831 measured at the drip line.

1832

1833 Development plans must show all Significant Vegetation within twenty feet (20') of a
1834 proposed Development. The Property Owner must demonstrate the health and viability
1835 of all large trees through a certified arborist. The Planning Director shall determine the
1836 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1837 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3 and 15-5-5(N),
1838 and Title 14.

1839 HISTORY

1840 *Adopted by Ord. [00-51](#) on 9/21/2000*

1841 *Amended by Ord. [06-69](#) on 10/19/2006*

1842

1843 **15-2.9-12 Related Provisions**

- 1844 • Fences and Walls. [~~LMC Chapter 15-5-2~~] Section 15-4-2.
- 1845 • Accessory Apartments. [~~LMC Chapter~~] Section 15-4-7.
- 1846 • Satellite Receiving Antenna. [~~LMC Chapter~~] Section 15-4-13.
- 1847 • Telecommunication Facility. [~~LMC Chapter~~] Section 15-4-14.
- 1848 • Parking. [~~LMC~~] Chapter 15-3.
- 1849 • Landscaping. Title 14; [~~LMC Chapter~~] Sections 15-3-3[(~~D~~)] and 15-5-5(N).
- 1850 • Lighting. [~~LMC Chapter~~] Sections 15-3-3[(~~C~~)] and 15-5-5[(~~H~~)](J) .
- 1851 • Historic Preservation [~~Board~~]. [~~LMC~~] Chapters 15-11 and 15-13.
- 1852 • Park City Sign Code. Title 12.
- 1853 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 1854 • Snow Storage. [~~LMC Chapter~~] Section 15-3-3 [(~~E~~)].
- 1855 • Parking Ratio Requirements. [~~LMC Chapter~~] Section 15-3-6.

1856 HISTORY

1857 *Adopted by Ord. 00-51 on 9/21/2000*

1858

1859 **15-2.10-5 Architectural Review**

1860 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning

1861 Department must review the proposed plans for compliance with [~~the~~] Architectural

1862 [~~Design Guidelines~~] Review, [~~LMC~~] Chapter 15-5.

1863 [~~Appeals of departmental actions on architectural compliance are heard by the Planning~~

1864 ~~Commission.~~]

1865 HISTORY

1866 *Adopted by Ord. [00-51](#) on 9/21/2000*

1867 *Amended by Ord. [06-69](#) on 10/19/2006*

1868

1869 **15-2.10-10 Vegetation Protection**

1870 The Property Owner must protect Significant Vegetation during any Development
1871 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1872 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1873 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1874 measured at the drip line.

1875

1876 Development plans must show all Significant Vegetation within twenty feet (20') of a
1877 proposed Development. The Property Owner must demonstrate the health and viability
1878 of all large trees through a certified arborist. The Planning Director shall determine the
1879 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1880 consistent with Landscape Criteria in [~~LMC Chapter~~] Sections 15-3-3(D) and 15-5-
1881 5(N). and Title 14.

1882 HISTORY

1883 *Adopted by Ord. [00-51](#) on 9/21/2000*

1884 *Amended by Ord. [06-69](#) on 10/19/2006*

1885

1886 **15-2.10-12 Related Provisions**

- 1887 • Fences and Walls. [~~LMC Chapter~~] Section 15-4-2.
- 1888 • Accessory Apartments. [~~LMC Chapter~~] Section 15-4-7.

- 1889 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 1890 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 1891 • Parking. ~~[LMC]~~ Chapter 15-3.
- 1892 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3~~[(D)]~~ and 15-5-5(N).
- 1893 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3~~[(C)]~~ and 15-5-5~~[(H)]~~(J).
- 1894 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapters 15-11 and 15-13.
- 1895 • Park City Sign Code. Title 12.
- 1896 • Architectural Review. ~~[LMC]~~ Chapter 15-5.
- 1897 • Snow Storage. ~~[LMC Chapter]~~ Section 15-3-3~~[(E)]~~.
- 1898 • Parking Ratio Requirements. ~~[LMC Chapter]~~ Section 15-3-6.

1899 HISTORY

1900 *Adopted by Ord. [00-51](#) on 9/21/2000*

1901

1902 **15-2.11-5 Architectural Review**

1903 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning

1904 Department must review the proposed plans for compliance with ~~[the]~~ Architectural

1905 ~~[Design Guidelines]~~ Review, ~~[LMC]~~ Chapter 15-5.

1906 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

1907 ~~Commission.]~~

1908 HISTORY

1909 *Adopted by Ord. [00-51](#) on 9/21/2000*

1910 *Amended by Ord. [06-76](#) on 11/9/2006*

1911

1912 **15-2.11-10 Vegetation Protection**

1913 The Property Owner must protect Significant Vegetation during any Development
1914 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
1915 measured four and one-half feet (4½') above the ground, groves of smaller trees, or
1916 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
1917 measured at the drip line.

1918 Development plans must show all Significant Vegetation within twenty feet (20') of a
1919 proposed Development. The Property Owner must demonstrate the health and viability
1920 of all large trees through a certified arborist. The Planning Director shall determine the
1921 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1922 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3 [(D)], and 15-5-
1923 5(N), and Title 14.

1924 HISTORY

1925 *Adopted by Ord. 00-51 on 9/21/2000*

1926 *Amended by Ord. 06-76 on 11/9/2006*

1927

1928 **15-2.11-12 Related Provisions**

- 1929 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 1930 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 1931 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 1932 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 1933 • Parking. ~~[LMC]~~ Chapter 15-3.
- 1934 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3 [(D)] and 15-5-5(N).
- 1935 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3[(C),] and 15-5-5[(H)](J).
- 1936 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapter s 15-11 and 15-13.

1937 • Park City Sign Code. Title 12

1938 • Architectural Review. ~~[LMG]~~ Chapter 15-5.

1939 • Snow Storage. ~~[LMG Chapter]~~ Section 15-3-3~~[(E)]~~.

1940 • Parking Ratio Requirements. ~~[LMG Chapter]~~ Section 15-3-6.

1941 HISTORY

1942 *Adopted by Ord. 00-51 on 9/21/2000*

1943

1944 **15-2.12-6 Architectural Review**

1945 Prior to the issuance of a Building Permit, the Planning Department must review the

1946 proposed plans for compliance with ~~[the]~~ Architectural ~~[Design Guidelines]~~ Review,

1947 ~~[LMG]~~ Chapter 15-5.

1948 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

1949 ~~Commission.]~~

1950 HISTORY

1951 *Adopted by Ord. 00-51 on 9/21/2000*

1952 *Amended by Ord. 06-76 on 11/9/2006*

1953

1954 **15-2.12-10 Vegetation Protection**

1955 The Property Owner must protect Significant Vegetation during any Development

1956 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

1957 measured four and one-half feet (4½') above the ground, groves of smaller trees, or

1958 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

1959 measured at the drip line.

1960

1961 Development plans must show all Significant Vegetation within twenty feet (20') of a
1962 proposed Development. The Property Owner must demonstrate the health and viability
1963 of all large trees through a certified arborist. The Planning Director shall determine the
1964 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
1965 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(D)]~~ and 15-5-
1966 5(N), and Title 14.

1967 HISTORY

1968 *Adopted by Ord. 00-51 on 9/21/2000*

1969 *Amended by Ord. 06-76 on 11/9/2006*

1970

1971 **15-2.12-12 Related Provisions**

- 1972 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 1973 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 1974 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 1975 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 1976 • Parking. ~~[LMC]~~ Chapter 15-3.
- 1977 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(D)]~~ and 15-5-5(N).
- 1978 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3 ~~[(C);]~~ and 15-5-5[(4)](J).
- 1979 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapter s 15-11 and 15-13.
- 1980 • Park City Sign Code. Title 12.
- 1981 • Architectural Review. ~~[LMC]~~ Chapter 15-5.
- 1982 • Snow Storage. ~~[LMC Chapter]~~ Section 15-3-3 ~~[(E)]~~.
- 1983 • Parking Ratio Requirements. ~~[LMC Chapter]~~ Section 15-3-6.

1984 HISTORY

1985 *Adopted by Ord. [00-51](#) on 9/21/2000*

1986

1987 **15-2.13-5 Architectural Review**

1988 Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the

1989 Planning Department must review the proposed plans for compliance with ~~the~~

1990 Architectural ~~[Design Guidelines]~~ **Review**, ~~[LMC]~~ Chapter 15-5.

1991 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

1992 ~~Commission.]~~

1993 HISTORY

1994 *Adopted by Ord. [00-51](#) on 9/21/2000*

1995 *Amended by Ord. [06-76](#) on 11/9/2006*

1996

1997 **15-2.13-10 Vegetation Protection**

1998 The Property Owner must protect Significant Vegetation during any Development

1999 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2000 measured four and one-half feet (4½') above the ground, groves of smaller trees, or

2001 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2002 measured at the drip line.

2003

2004 Development plans must show all Significant Vegetation within twenty feet (20') of a

2005 proposed Development. The Property Owner must demonstrate the health and viability

2006 of all large trees through a certified arborist. The Planning Director shall determine the

2007 Limits of Disturbance and may require mitigation for loss of Significant Vegetation

2008 consistent with ~~[landscape criteria]~~ Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-
2009 3 and 15-5-5(N), and Title 14.

2010 HISTORY

2011 *Adopted by Ord. 00-51 on 9/21/2000*

2012 *Amended by Ord. 06-76 on 11/9/2006*

2013

2014 **15-2.14-5 Architectural Review**

2015 Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the

2016 Planning Department must review the proposed plans for compliance with ~~[the]~~

2017 Architectural ~~[Design Guidelines]~~ Review, ~~[LMC]~~ Chapter 15-5.

2018 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

2019 ~~Commission.]~~

2020 HISTORY

2021 *Adopted by Ord. 00-51 on 9/21/2000*

2022 *Amended by Ord. 06-76 on 11/9/2006*

2023

2024 **15-2.14-10 Vegetation Protection**

2025 The Property Owner must protect Significant Vegetation during any Development

2026 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2027 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or

2028 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2029 measured at the drip line.

2030

2031 Development plans must show all Significant Vegetation within twenty feet (20') of a

2032 proposed Development. The Property Owner must demonstrate the health and viability
2033 of all large trees through a certified arborist. The Planning Director shall determine the
2034 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2035 consistent with Landscape Criteria in Sections 15-3-3 and 15-5-5(N), and Title 14.

2036 HISTORY

2037 *Adopted by Ord. 00-51 on 9/21/2000*

2038 *Amended by Ord. 06-76 on 11/9/2006*

2039

2040 **15-2.14-12 Related Provisions**

- 2041 • Fences and Walls. [~~LMC Chapter~~] Section 15-4-2.
- 2042 • Accessory Apartments. [~~LMC Chapter~~] Section 15-4-7.
- 2043 • Satellite Receiving Antenna. [~~LMC Chapter~~] Section 15-4-13.
- 2044 • Telecommunication Facility. [~~LMC Chapter~~] Section 15-4-14.
- 2045 • Parking. [~~LMC~~] Chapter 15-3.
- 2046 • Lighting. [~~LMC Chapter~~] Section 15-3-3[(C)] and 15-5-5(J).
- 2047 • Historic Preservation [~~Board~~]. [~~LMC~~] Chapters 15-11 and 15-13.
- 2048 • Park City Sign Code. Municipal Code Title 12.
- 2049 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 2050 • Snow Storage. [~~LMC Chapter~~] Section 15-3-3[(E)].
- 2051 • Parking Ratio Requirements. [~~LMC Chapter~~] Section 15-3-6[(A)(B)].

2052 HISTORY

2053 *Adopted by Ord. 00-51 on 9/21/2000*

2054

2055 **15-2.15-6 Architectural Review**

2056 Prior to the issuance of a Building Permit, for any Conditional or Allowed Use, the
2057 Community Development Department must review the proposed plans for compliance
2058 with ~~[the]~~ Architectural ~~[Design Guidelines]~~ Review, ~~[LMC]~~ Chapter 15-5.
2059 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~
2060 ~~Commission.]~~

2061 HISTORY

2062 *Adopted by Ord. [00-51](#) on 9/21/2000*

2063

2064 **15-2.15-9 Vegetation Protection**

2065 The Property Owner must protect Significant Vegetation during any Development
2066 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
2067 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or
2068 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
2069 measured at the drip line.

2070

2071 Development plans must show all Significant Vegetation within twenty feet (20') of a
2072 proposed Development. The Property Owner must demonstrate the health and viability
2073 of all large trees through a certified arborist. The Planning Director shall determine the
2074 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2075 consistent with Landscape Criteria in ~~[LMC Chapters]~~ Sections 15-3-3~~[(D)]~~ and 15-5-
2076 5(N), and Title 14.

2077 HISTORY

2078 *Adopted by Ord. [00-51](#) on 9/21/2000*

2079

2080 **15-2.15-11 Related Provisions**

- 2081 • Fences and Walls. [~~LMC Chapter~~] Section 15-4-2.
- 2082 • Accessory Apartments. [~~LMC Chapter~~] Section 15-4-7.
- 2083 • Satellite Receiving Antenna. [~~LMC~~] Section 15-4-13.
- 2084 • [~~Chapter 15-4-13.~~]
- 2085 • Telecommunication Facility. [~~LMC Chapter~~] Section 15-4-14.
- 2086 • Parking. [~~Section~~] Chapter 15-3.
- 2087 • Landscaping. Title 14; [~~LMC Chapter~~] Sections 15-3-3[~~(D)~~] and 15-5-5(N).
- 2088 • Lighting. [~~LMC Chapter~~] Sections 15-3-3[~~(C)~~,] and 15-5-5[~~(H)~~](J) .
- 2089 • Historic Preservation [~~Board~~]. [~~LMC~~] Chapters 15-11 and 15-13.
- 2090 • Park City Sign Code. Title 12.
- 2091 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 2092 • Snow Storage. Section 15-3-3.[~~(E)~~]
- 2093 • Parking Ratio Requirements. Section 15-3-6.

2094 HISTORY

2095 *Adopted by Ord. 00-51 on 9/21/2000*

2096

2097 **15-2.16-7 Architectural Review**

- 2098 A. **ALL DEVELOPMENT**. Prior to the issuance of Building Permits for any
- 2099 Conditional or Allowed Use, the Planning Department shall review the proposed
- 2100 plans for compliance with [~~the~~] Architectural [~~Design Guidelines, LMC~~] Review.
- 2101 Chapter 15-5.
- 2102 [~~Appeals of departmental actions on architectural compliance are heard by the~~
- 2103 ~~Planning Commission.~~]

B. **SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE HISTORIC AREAS.**

~~1. Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:~~

~~1. Any residential Development that is within a two (2) Block radius of the HR-1 District, and~~

~~2. Any residential Development that is located along or Accessed off of Park Avenue.~~

~~The Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.~~

~~2. Appeals of departmental determinations of compliance with the Design Guidelines for Historic Districts and Sites, LMC Section 15-11 and Section 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of this Code.]~~

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [06-76](#) on 11/9/2006

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [11-05](#) on 1/27/2011

. . . .

15-2.16-13 Vegetation Protection

The Property Owner must protect Significant Vegetation during any Development activity. Significant vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or

2128 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
2129 measured at the drip line.
2130
2131 Development plans must show all Significant Vegetation within twenty feet (20') of a
2132 proposed Development. The Property Owner must demonstrate the health and viability
2133 of all large trees through a certified arborist. The Planning Director shall determine the
2134 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2135 consistent with ~~[landscape criteria]~~ Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-
2136 3~~[(D)]~~ and 15-5-5(N), and Title 14.

2137 HISTORY

2138 *Adopted by Ord. [00-51](#) on 9/21/2000*

2139 *Amended by Ord. [06-76](#) on 11/9/2006*

2140 *Renumbered by Ord. [2016-44](#) on 9/15/2016*

2141

2142 **15-2.16-15 Related Provisions**

- 2143 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 2144 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 2145 • Satellite Receiving Antenna. [LMC] Section 15-4-13.
- 2146 • ~~[Chapter 15-4-13]~~
- 2147 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 2148 • Parking. ~~[Section]~~ Chapter 15-3.
- 2149 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3~~[(D)]~~ and 15-5-5(N).
- 2150 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3~~[(C)]~~ and 15-5-5~~[(H)]~~(J).
- 2151 • Historic Preservation ~~[Board]~~. [LMC] Chapters 15-11 and 15-13.

- 2152 • Park City Sign Code. Title 12.
- 2153 • Architectural Review. [LMG] Chapter 15-5.
- 2154 • Snow Storage. Section 15-3-3.[(E)]
- 2155 • Parking Ratio Requirements. Section 15-3-6.

2156 HISTORY

2157 *Adopted by Ord. [00-51](#) on 9/21/2000*

2158 *Renumbered by Ord. [2016-44](#) on 9/15/2016*

2159

2160 **15-2.17-3 Procedure For Commercial Development Option**

2161 An Applicant may apply for the commercial Development option by submitting an
2162 application to the Planning Department. Application for the commercial Development
2163 option will be reviewed by the Planning Commission as a Master Planned Development
2164 (MPD). The Planning Commission shall consider all factors set forth in [LMG] Chapter
2165 15-6, and shall also consider the criteria listed below in Section 15-2.17-4 to determine
2166 whether implementation of the commercial Development option is warranted.

2167 ~~[Appeals of Planning Commission decisions are heard by the City Council.]~~

2168 HISTORY

2169 *Adopted by Ord. [00-51](#) on 9/21/2000*

2170

2171 **15-2.17-9 Vegetation Protection**

2172 The Property Owner must protect Significant Vegetation during any Development
2173 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
2174 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or
2175 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2176 measured at the drip line.

2177

2178 Development plans must show all Significant Vegetation within twenty feet (20') of a
2179 proposed Development. The Property Owner must demonstrate the health and viability
2180 of all large trees through a certified arborist. The Planning Director shall determine the
2181 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2182 consistent with ~~[landscape criteria in Title 14 and LMC Chapter]~~ Landscape Criteria in
2183 Sections 15-3-3~~(D)~~ and 15-5-5(N), and Title 14.

2184 HISTORY

2185 *Adopted by Ord. 00-51 on 9/21/2000*

2186 *Amended by Ord. 06-76 on 11/9/2006*

2187

2188 **15-2.17-11 Related Provisions**

- 2189 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 2190 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 2191 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 2192 • ~~[Chapter 15-4-13.]~~
- 2193 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 2194 • Parking. ~~[Section]~~ Chapter 15-3.
- 2195 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3~~(D)~~ and 15-5-5(N).
- 2196 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3~~(C)~~, and 15-5-5~~(H)~~(J).
- 2197 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapters 15-11 and 15-13.
- 2198 • Park City Sign Code. Title 12.
- 2199 • Architectural Review. ~~[LMC]~~ Chapter 15-5.

2200 • Snow Storage. Section 15-3-3.~~[(E)]~~

2201 • Parking Ratio Requirements. Section 15-3-6.

2202 HISTORY

2203 *Adopted by Ord. [00-51](#) on 9/21/2000*

2204

2205 **15-2.18-5 Architectural Review**

2206 Prior to the issuance of a Building permit for any Conditional or Allowed Use, the

2207 Planning Department must review the proposed plans for compliance with ~~the~~

2208 Architectural ~~[Design Guidelines, LMC]~~ Review, Chapter 15-5.

2209 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

2210 ~~Commission.]~~

2211 HISTORY

2212 *Adopted by Ord. [00-51](#) on 9/21/2000*

2213 *Amended by Ord. [06-76](#) on 11/9/2006*

2214

2215 **15-2.18-11 Vegetation Protection**

2216 The Property Owner must protect Significant Vegetation during any Development

2217 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2218 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or

2219 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2220 measured at the drip line.

2221

2222 Development plans must show all Significant Vegetation within twenty feet (20') of a

2223 proposed Development. The Property Owner must demonstrate the health and viability
2224 of all large trees through a certified arborist. The Planning Director shall determine the
2225 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2226 consistent with Landscape Criteria in ~~[LMC Chapter]~~ Sections 15-3-3[(C)] and 15-5-
2227 5(N). and Title 14.

2228 HISTORY

2229 *Adopted by Ord. 00-51 on 9/21/2000*

2230 *Renumbered by Ord. 2016-44 on 9/15/2016*

2231

2232 **15-2.18-13 Related Provisions**

- 2233 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 2234 • Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- 2235 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 2236 • ~~[Chapter 15-4-13.]~~
- 2237 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 2238 • Parking. ~~[Section]~~ Chapter 15-3.
- 2239 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3[(D)] and 15-5-5(N).
- 2240 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3[(C)], and 15-5-5[(H)](J).
- 2241 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapters 15-11 and 15-13.
- 2242 • Park City Sign Code. Title 12.
- 2243 • Architectural Review. ~~[LMC]~~ Chapter 15-5.
- 2244 • Snow Storage. Section 15-3-3.~~[(E)]~~
- 2245 • Parking Ratio Requirements. Section 15-3-6.

2246 HISTORY

2247 *Adopted by Ord. [00-51](#) on 9/21/2000*

2248 *Renumbered by Ord. [2016-44](#) on 9/15/2016*

2249

2250 **15-2.19-7 Architectural Review**

2251 Prior to the issuance of a Building permit for any Conditional or Allowed Use, the

2252 Planning Department must review the proposed plans for compliance with ~~the~~

2253 Architectural ~~[Design Guidelines, LMC]~~ Review, Chapter 15-5.

2254 ~~[Appeals of departmental actions on architectural compliance are heard by the Planning~~

2255 ~~Commission.]~~

2256 HISTORY

2257 *Adopted by Ord. [00-51](#) on 9/21/2000*

2258 *Amended by Ord. [06-76](#) on 11/9/2006*

2259

2260 **15-2.19-13 Vegetation Protection**

2261 The Property Owner must protect Significant Vegetation during any Development

2262 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2263 measured four and one-half feet (4.5') above the ground, groves of smaller trees, or

2264 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2265 measured at the drip line.

2266

2267 Development plans must show all Significant Vegetation within twenty feet (20') of a

2268 proposed Development. The Property Owner must demonstrate the health and viability

2269 of all large trees through a certified arborist. The Planning Director shall determine the
2270 Limits of Disturbance and may require mitigation for loss of Significant Vegetation
2271 consistent with Landscape Criteria~~[, LMC Chapter]~~ in Sections 15-3-3~~(D)~~ and 15-5-
2272 5(N), and Title 14.

2273 HISTORY

2274 *Adopted by Ord. 00-51 on 9/21/2000*

2275 *Amended by Ord. 06-76 on 11/9/2006*

2276

2277 **15-2.19-15 Related Provisions**

- 2278 • Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- 2279 • Accessory Apartments~~s~~. ~~[LMC Chapter]~~ Section 15-4-7.
- 2280 • Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- 2281 • ~~[Chapter 15-4-13]~~
- 2282 • Telecommunication Facility. ~~[LMC Chapter]~~ Section 15-4-14.
- 2283 • Parking. ~~[Section]~~ Chapter 15-3.
- 2284 • Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3~~(D)~~ and 15-5-5(N).
- 2285 • Lighting. ~~[LMC Chapter]~~ Sections 15-3-3~~(C)~~ and 15-5-5~~(H)~~(J).
- 2286 • Historic Preservation ~~[Board]~~. ~~[LMC]~~ Chapters 15-11 and 15-13.
- 2287 • Park City Sign Code. Title 12.
- 2288 • Architectural Review. ~~[LMC]~~ Chapter 15-5.
- 2289 • Snow Storage. Section 15-3-3.~~(E)~~
- 2290 • Parking Ratio Requirements. Section 15-3-6.

2291 HISTORY

2292 *Adopted by Ord. [00-51](#) on 9/21/2000*

2293

2294 **15-2.22-5 Architectural Review**

2295 A. **REVIEW**. Prior to issuance of a Building Permit for any Conditional or Allowed
2296 Use, the Planning Department must review the proposed plans for compliance
2297 with the Architectural Review standards, Chapter ~~[15-9]~~ [15-5](#). Restorations,
2298 rehabilitations, adaptive reuses, and additions to Historic Structures within the
2299 PUT shall be reviewed by the Planning Department for compliance with the
2300 ~~[Historic District Design Guidelines]~~ [Design Guidelines for Historic Districts and](#)
2301 [Historic Sites](#).

2302 B. **NOTICE TO ADJACENT PROPERTY OWNERS**. When the Planning
2303 Department determines that proposed Development plans comply with all LMC
2304 and/or ~~[Historic District Design Guidelines]~~ [Design Guidelines for Historic](#)
2305 [Districts and Historic Sites](#), the staff shall post the Property and provide written
2306 notice to Owners immediately adjacent to the Property, directly abutting the
2307 Property and across Public Streets and/or Rights-of-Way.
2308 The notice shall state that the Planning Department staff has made a preliminary
2309 determination finding that the proposed plans comply with the LMC and/or
2310 ~~[Historic District Design Guidelines]~~ [Design Guidelines for Historic Districts and](#)
2311 [Historic Sites](#).

2312 C. **APPEALS**. ~~The posting and notice shall include the location and description of~~
2313 ~~the proposed Development project and shall establish a ten (10) day period to~~

2314 ~~appeal staff's determination of compliance to the Planning Commission. Appeals~~
2315 ~~must be written and shall contain the name, address, and telephone number of~~
2316 ~~the petitioner, his or her relationship to the project and the Code provisions~~
2317 ~~violated by the staff determination.]~~

2318 HISTORY

2319 *Adopted by Ord. [05-12](#) on 3/3/2005*

2320

2321 **15-2.22-10 Vegetation Protection**

2322 The Property Owner must protect Significant Vegetation during any Development
2323 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater
2324 measured four and one-half feet (4½') above the ground, groves of small trees, or
2325 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more
2326 measured at the drip line.

2327

2328 Development plans must show all Significant Vegetation within twenty feet (20') of a
2329 proposed Development. The Property Owner must demonstrate the health and viability
2330 of all large trees through a certified arborist. The Planning, Building, and Engineering
2331 Departments shall determine the Limits of Disturbance and may require mitigation for
2332 loss of Significant Vegetation consistent with ~~[landscape criteria in LMC Chapter]~~

2333 Landscape Criteria in 15-3-3[(D)] and 15-5-5(N), and Title 14.

2334 HISTORY

2335 *Adopted by Ord. [05-12](#) on 3/3/2005*

2336

2337 **15-2.22-12 Related Provisions**

- 2338 • Fences and Walls. [~~LMC Chapter~~] Section 15-4-2.
- 2339 • Accessory Apartments. [~~LMC Chapter~~] Section 15-4-7.
- 2340 • Satellite Receiving Antenna. [~~LMC Chapter~~] Section 15-4-13.
- 2341 • Telecommunication Facility. [~~LMC Chapter~~] Section 15-4-14.
- 2342 • Parking. [~~LMC~~] Chapter 15-3.
- 2343 • Landscaping. Title 14; [~~LMC Chapter~~] Sections 15-3-3[~~(D)~~] and 15-5-5(N).
- 2344 • Lighting. [~~LMC Chapter~~] Sections 15-3-3[~~(C)~~] and 15-5-5[~~(H)~~](J).
- 2345 • Park City Sign Code. Title 12.
- 2346 • Architectural Review. [~~LMC~~] Chapter 15-5.
- 2347 • Snow Storage. [~~LMC Chapter~~] Section 15-3-3[~~(E)~~].
- 2348 • Parking Ratio Requirements. [~~LMC Chapter~~] Section 15-3-6.

2349 HISTORY

2350 *Adopted by Ord. [05-12](#) on 3/3/2005*

2351

2352 **15-2.23-13 Vegetation Protection**

2353 The Property Owner must protect Significant Vegetation during any Development

2354 activity. Significant Vegetation includes large trees six inches (6") in diameter or greater

2355 measured four and one-half feet (4½') above the ground, groves of small trees, or

2356 clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more

2357 measured at the drip line.

2358

2359 Development plans must show all Significant Vegetation within twenty feet (20') of a

proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning, Building, and Engineering Departments shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with ~~[landscape criteria in LMC Chapter]~~ Landscape Criteria in Sections 15-3-3(D) and 15-5-5(N), and Title 14.

HISTORY

Adopted by Ord. [06-48](#) on 6/29/2006

....

15-2.23-16 Related Provisions

- Fences and Walls. ~~[LMC Chapter]~~ Section 15-4-2.
- Accessory Apartments. ~~[LMC Chapter]~~ Section 15-4-7.
- Satellite Receiving Antenna. ~~[LMC Chapter]~~ Section 15-4-13.
- Parking. ~~[LMC]~~ Chapter 15-3.
- Landscaping. Title 14; ~~[LMC Chapter]~~ Sections 15-3-3(D) and 15-5-5(N).
- Lighting. ~~[LMC Chapter]~~ Sections 15-3-3(C), and 15-5-5(H)(J).
- Park City Sign Code. Title 12.
- Architectural ~~[Design]~~ Review. ~~[LMC]~~ Chapter 15-5.
- Snow Storage. ~~[LMC Chapter]~~ Section 15-3-3(E).
- Parking Ratio Requirements. ~~[LMC Chapter]~~ Section 15-3-6.

HISTORY

Renumbered by Ord. [09-10](#) on 3/5/2009

....

15-2.24-4 Development Credit Determination Letter

A. The total number of Development Credits available to a Sending Site shall be determined as follows:

1. TDR – Sending Old Town1 (TDR-SOT1), Sending Old Town 2 (TDR-SOT2), and Sending Old Town 3 (TDR-SOT3). For Properties within TDR-SOT1, TDR-SOT2, and TDR-SOT3, one (1) Development Credit may be calculated per existing minimum lot area within the underlying Zoning District.

2. TDR – Sending Historic District (TDR-SHD).

a. For vacant Lots of record in the Historic Districts, one (1) Development Credit per existing Lot of record may be calculated. For Sites listed on the Historic Sites Inventory, one (1) Development Credit per 2,000 square feet of unused development potential.

B. If requested, this calculation will be made by the Park City Planning Director or ~~his or her~~ designee in the form of a determination letter. If the calculation results in a fraction it shall be rounded to the nearest hundredth. Such letter will indicate the Development Credits at the time the request is made. The letter is an indication of possible Development Credits that may Transfer. The Development Credits are not Base Zone Density. The number of Development Credits may change if an MPD is amended or expires, or if the LMC is amended. A determination letter is not a binding document and does not grant a vested right.

2404 HISTORY

2405 *Adopted by Ord. [11-12](#) on 3/31/2011*

2406 *Amended by Ord. [2018-15](#) on 4/19/2018*

2407

2408 **15-2.25-2 Related Provisions**

- 2409 • Administrative Permit. ~~[LMC §]~~ **Section** 15-1-11(E).
- 2410 • Licensing. ~~[Park City Code,]~~ Title 4.
- 2411 • Frontage Protection Zone. ~~[LMC]~~ Chapter 15-2.20.
- 2412 • Fences and Retaining Walls. ~~[LMC §]~~ **Section** 15-4-2.
- 2413 • Placement of Satellite Receiving Antennas. ~~[LMC §]~~ **Section** 15-4-13.
- 2414 • Parking. ~~[LMC]~~ Chapter 15-3.
- 2415 • Landscaping. Title 14; ~~[LMC §]~~ **Sections** 15-3-3 ~~[(D)]~~ and 15-5-5(N).
- 2416 • Lighting. ~~[LMC §]~~ **Sections** 15-3-3(C) and ~~[§]~~ 15-5-5(J).
- 2417 • Sign Code. ~~[Park City Code,]~~ Title 12.
- 2418 • Architectural ~~[Design]~~ **Review**. ~~[LMC]~~ Chapter 15-5.
- 2419 • Snow Storage. ~~[LMC §]~~ **Section** 15-3-3~~[(E)]~~.

2420 HISTORY

2421 *Adopted by Ord. [2019-64](#) on 12/19/2019*

2422

2423 **15-2.26-2 Uses**

2424 Uses in the UPZ District are limited to the following:

2425 A. ALLOWED USES.

2426 1. Conservation Activity

- 2427 2. Food Truck Locations¹
- 2428 B. ADMINISTRATIVE CONDITIONAL USES.²
- 2429 1. Trail and Trailhead Improvement
- 2430 2. Outdoor Recreation Equipment
- 2431 3. Essential municipal public utility Use, service, or Structure less than 600 sq.
- 2432 ft.
- 2433 4. Accessory Building, less than 200 sq. ft.
- 2434 5. Outdoor Event, outdoor music
- 2435 6. Temporary Improvement
- 2436 C. CONDITIONAL USES.
- 2437 1. Essential municipal public utility Use, service, or Structure 600 sq. ft. or
- 2438 greater³
- 2439 2. Accessory Building, 200 sq. ft. or greater, not to exceed 600 sq. ft.
- 2440 3. Recreational outdoor lighting
- 2441 4. Community gardens
- 2442 5. Recreation Facility, Public
- 2443 6. Recreational Facility, Commercial
- 2444 7. Golf course
- 2445 8. Recreational sports field and courts
- 2446 9. Skateboard park
- 2447 10. Public and Quasi-Public institution, education, park, plaza, Structure for
- 2448 public assembly greater than 600 sq. ft.
- 2449 11. Vehicle Control Gates⁴

- 2450 12. Surface Parking Area with five (5) or more spaces
- 2451 13. Telecommunications Antenna⁵
- 2452 14. Fences greater than six feet (6') in height from Final Grade
- 2453 15. Anemometer and Anemometer Towers
- 2454 16. Olympic Games Displays⁶

2455 D. PROHIBITED USES. Any Use not listed above as an Allowed or Conditional Use
 2456 is a prohibited Use.

2457 ¹The Planning Director or ~~[his or her]~~ designee shall, upon finding a Food Truck Location in compliance
 2458 with Municipal Code of Park City Section 4-5-6, issue the property owner a Food Truck Location
 2459 administrative approval letter.

2460 ² Subject to an Administrative Conditional Use permit.

2461 ³ Essential municipal utilities or infrastructure related to the provision of essential municipal utilities requires
 2462 a Conditional Use permit with approval by the Planning, Commission.

2463 ⁴ Subject to Section 15-4-19, Review Criteria For Vehicle Control Gates.

2464 ⁵ Subject to Section 15-4-14, Telecommunication Facilities.

2465 ⁶Olympic Displays limited to those specific Structures approved under the SLOC/Park City Municipal
 2466 Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the
 2467 original Property set forth in the services agreement and/or Master Festival License.

2468 HISTORY

2469 *Adopted by Ord. [2020-39](#) on 11/19/2020*

2470

2471 **15-2.26-5 Related Provisions**

- 2472 • Fences and Walls. ~~[LMC §]~~ [Section](#) 15-4-2.
- 2473 • Satellite Receiving Antenna. ~~[LMC §]~~ [Section](#) 15-4-13.
- 2474 • Parking. ~~[LMC]~~ Chapter 15-3.

- 2475 • Landscaping. Title 14; ~~[LMC §]~~ Sections 15-3-3~~[(D)]~~ and 15-5-5(N).
- 2476 • Lighting. ~~[LMC §]~~ Sections 15-3-3~~[(C)]~~ and ~~[§]~~ 15-5-5(J).
- 2477 • Historic Preservation. ~~[LMC]~~ Chapter s 15-11 and 15-13.
- 2478 • Park City Sign Code. Title 12.
- 2479 • Architectural ~~[Design]~~ Review. ~~[LMC]~~ Chapter 15-5.
- 2480 • Snow Storage. ~~[LMC §]~~ Section 15-3-3~~[(E)]~~.

2481 HISTORY

2482 *Adopted by Ord. [2020-39](#) on 11/19/2020*

2483

2484 **15-3-7 Parking In Master Planned Developments And Conditional Use Permits**

2485 A. In Master Planned Developments and in review of Conditional Use permits, the
2486 initial parking requirement is determined by referring to the requirements for the
2487 Use and the underlying zone. The Planning Commission may reduce this initial
2488 parking requirement to prevent excessive parking and paving. The Applicant
2489 must prove by a parking study that the proposed parking is adequate. The
2490 parking study must analyze whether:

- 2491 1. parking Uses will overlap,
- 2492 2. commercial spaces within the project will serve those residing within the
2493 project rather than the general public,
- 2494 3. or other factors that support the conclusion that the project will generate
2495 less parking than this Code would otherwise require.

2496 B. Master Planned Developments with a parking demand of eight (8) or fewer
2497 Parking Spaces may not reduce required parking under any circumstance.

2498 C. See [~~LMC Chapter 10, Master Planned Developments,~~] [Section 15-3-3 and](#)
2499 [Chapter 15-6](#) for Parking Area Landscaping Requirements for MPDs.

2500 HISTORY

2501 *Adopted by Ord. [00-25](#) on 3/30/2000*

2502

2503 **15-4-2 Fences And Retaining Walls**

2504 A. **LOCATION.** Fences and retaining walls may be erected or allowed within the
2505 buildable Area, and as allowed in the Setback exceptions in Chapters [15-2.1](#)
2506 [through 15-2.26](#).

2507
2508 Fences and retaining walls shall not exceed six feet (6') in height measured from
2509 Final Grade within any required Rear Setback or Side Setback. Within any
2510 required Front Setback or Street Side Setback, Fences and retaining walls shall
2511 not exceed four feet (4') in height, measured from Final Grade.

2512
2513 Where a Fence or retaining wall occurs along a Property Line separating two (2)
2514 Lots and there is a difference in the Grade of the Properties, the Fence or
2515 retaining wall may be erected or allowed to the maximum height permitted on
2516 either side of the Property Line.

2517 1. **EXCEPTION.** The height of retaining walls in the Front Setback may
2518 exceed four feet (4'), measured from Final Grade, subject to approval by
2519 the Planning Director and City Engineer, and may exceed six feet (6') in
2520 height subject to approval of an Administrative Conditional Use permit or

2521 as approved as part of a Master Planned Development (MPD) or
2522 Conditional Use permit. Prior to issuance of an Administrative Conditional
2523 Use permit the Property shall be posted and affected adjacent Property
2524 Owners shall be noticed ten (10) days prior to Final Action.

2525

2526 The height of retaining walls in the Side or Rear Setback may exceed six
2527 feet (6'), measured from Final Grade, subject to approval of an
2528 Administrative Conditional Use permit or as approved as part of a Master
2529 Planned Development or Conditional Use permit. Prior to issuance of an
2530 Administrative Conditional Use permit the Property shall be posted and
2531 affected adjacent Property Owners shall be noticed ten (10) days prior to
2532 Final Action.

2533 B. **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones
2534 with the following exceptions, which must be approved by the Planning Director.

- 2535 1. For recreational facilities such as tennis courts,
- 2536 2. As temporary limits of disturbance, fencing during construction as
2537 approved by the Planning Department.
- 2538 3. Chain link Fences within the required Setback Areas may be permitted in
2539 other circumstances by the Planning Director when it is found that the
2540 Fence is necessary in the interest of security or public safety, and when
2541 the Fencing needs cannot be reasonably met with any other type of
2542 Fencing.

C. **BERMS**. Berms within the required Setback Area may be constructed subject to the following:

1. Landscaping shall be incorporated into the design of the berm and shall extend its entire length.
2. Berms shall be designed with sufficient undulation to provide visual relief and shall meander for the entire length.
3. Within Front Setback Areas berms may not be constructed to interfere with required sight distance and may not obstruct driver's line of sight from Streets and roads.

D. **PERMIT**. A Building Permit is required for construction of any Fence or retaining wall greater than six feet (6') in height. Within any of the Historic zoning districts construction of any Fence or retaining wall greater than four feet (4') in height requires a Building Permit.

HISTORY

Adopted by Ord. [02-07](#) on 5/23/2002

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [07-25](#) on 4/19/2007

Amended by Ord. [09-10](#) on 3/5/2009

Amended by Ord. [12-37](#) on 12/20/2012

Amended by Ord. [2018-43](#) on 7/19/2018

. . . .

15-4-11 Timeshare Conversion

- A. **TIMESHARE CONVERSION**. Developers of Timeshare Conversions shall file with the Planning Department the following information as part of a Conditional Use permit Application:
1. The proposed duration of Timeshare Intervals, which shall not be less than seven (7) days.
 2. Identification of the Timeshare Interval as a Timeshare Estate or Timeshare Use.
 3. Any restrictions on the Use, occupancy, alteration or alienation of Timeshare Intervals.
 4. A copy of the proposed Timeshare Instruments whereby the Timeshare Project is established, which may include, without limitation, the following: Timeshare Declaration; Condominium Declaration; Covenants, Conditions and Restrictions; Declaration of Trust; Cooperative Articles of Incorporation; Bylaws and Proprietary Lease; Vacation Club Master Agreement and Membership Agreement; Vacation License Contract; Articles of Incorporation of Owners' Association; Bylaws of Owners' Association; Rules and Regulations; and Management or Agency Agreement for the maintenance and operation of the Timeshare Project and/or Timeshare Units.
 5. The name, address and phone number of the managing Agent of the project having authority to act on behalf of the Developer and/or the Owners' Association in emergency situations. Any change in name,

2587 address or phone number of the managing Agent shall be filed with the
2588 Planning Department and the Park City Business Licensing Division.

2589 6. The name, address and phone number of the central contact Persons for
2590 the Developer and/or the Timeshare Project for Business license, tax and
2591 utility service payments, who will be responsible for making such
2592 payments on behalf of the Developer as provided by the Timeshare
2593 Instrument. Any change in name, address or phone number of the central
2594 contact Persons shall be filed with the Planning Department and the Park
2595 City Business Licensing Division.

2596 7. A list of all Owners of the Property being converted, or if the Property has
2597 previously been divided into separately owned units, Dwelling Units or
2598 Lots, a list of all Owners of such units, Dwelling Units or Lots. This list
2599 shall be prepared by a title company or licensed abstractor.

2600 8. A plan showing in reasonable detail the means by which the Timeshare
2601 Conversion will comply with the Park City parking requirements for
2602 Timeshare Projects, including the purchase of any necessary additional
2603 Property.

2604 9. Evidence of a review and approval by the appropriate sewer district and
2605 the Park City Water Department regarding anticipated increases in sewer
2606 flows and water Use resulting from the change in Use.

2607 10. For the conversion of any units in any Condominium project or Dwelling
2608 Units in any Planned Unit Development project, the written statements
2609 from not less than sixty five percent (65%) of the Owners of all existing

2610 units or Dwelling Units in the project indicating their unconditional approval
2611 of the Timeshare Conversion signed by such Owners not more than ninety
2612 (90) days prior to the date of the Application for a Conditional Use permit.

2613 11. Any other information that the Developer or Planning Department deems
2614 reasonably necessary to the consideration of the project.

2615 B. **CONDITIONS FOR CONVERSION APPROVAL.** In determining whether, and
2616 under what conditions, to issue a Conditional Use permit for Timeshare
2617 Conversions, the City shall review the following conditions and considerations
2618 and approve the project if:

- 2619 1. Timeshare Conversion will have no serious adverse effect on present and
2620 future City services, including loss of sales tax revenue due to Timeshare
2621 Uses being exempt from sales tax. The cumulative effect of the subject
2622 project and other Timeshare Projects may be considered.
- 2623 2. Timeshare Conversion will have no serious adverse effect on traffic
2624 circulation and parking.
- 2625 3. The Applicant's ability to guarantee the future adequacy, stability and
2626 continuity of a satisfactory level of management and maintenance of the
2627 Timeshare Conversion.
- 2628 4. Whether an office of the managing Agent or agency is located locally or
2629 within the Timeshare Conversion and the impact that may cause.
- 2630 5. Timeshare Conversion will have no serious adverse effect on meeting
2631 space, convention Business and Nightly Rentals within the City. The

2632 cumulative effect on the proposed conversion and other existing projects
2633 may be considered.

2634 6. Compliance with this Code, parking requirements, Park City Planning
2635 Commission policies, the City's Comprehensive Plan, and other applicable
2636 City ordinances and guidelines in force at the time of Application.

2637 7. Compliance with the ~~[Park City Uniform Building Code]~~ International
2638 Building Code and other Park City Building Department regulations in
2639 force at the time of Application.

2640 8. Any other factors that the Applicant or Planning Commission deems
2641 reasonably necessary to the consideration of the Timeshare Conversion.

2642 9. For the conversion of any units in any Condominium project or Dwelling
2643 Units in any Planned Unit Development project, the written statements of
2644 not less than Owners of sixty five percent (65%) of all existing units or
2645 Dwelling Units in the project indicating their unconditional approval of the
2646 Timeshare Conversion signed by such Owners not more than ninety (90)
2647 days prior to the date of the Application for a Conditional Use permit.

2648 10. The Structure proposed for conversion is in substantial compliance with
2649 the Building Codes and fire Codes adopted by Park City.

2650 C. **DENIAL OR APPROVAL.** The City may approve or deny the request for
2651 Timeshare Conversion of a project on the basis of its findings on the above-listed
2652 matters. Any action to approve or deny by either the Planning Department,
2653 subject to ratification by the Planning Commission, or the City Council shall give
2654 written findings on the matter, and state specifically the reasons for the denial.

D. **OFF-PREMISES TIMESHARE CONTACTING LOCATIONS PERMITTED**

SUBJECT TO A CONDITIONAL USE PERMIT. In determining whether, and under what conditions to issue a Conditional Use permit for an off-premises timeshare contacting location, the Planning Department may consider:

1. The impact the off-premises contacting location may have on pedestrian and vehicular traffic circulation in the area.
2. The proximity of the off-premise contacting location to other off-premises contacting locations servicing the same Timeshare Project.
3. Whether the off-premise contacting can be confined to a completely enclosed Building.
4. Compliance with this Code and Park City Planning Commission policies, the City's Comprehensive Plan and other applicable City ordinances and guidelines in force at the time of Application, and compliance with the Business licensing provisions of Park City.
5. Any other factors that the Applicant or Planning Commission deems reasonably necessary to the consideration of the off-premises contacting location. This provision shall not apply to licensed solicitors, soliciting on behalf of timeshare companies in the fully enclosed premises of another Person with the consent of that Person. No Conditional Use permit is required under these circumstances.

E. **TIMESHARE CONVERSIONS.** Existing projects, Properties or units, including, without limitation, those presently owned and operated as Condominiums, Planned Unit Developments, Hotels and Motels, shall not be converted to

2678 Timeshare Projects as defined in ~~[LMC Chapter]~~ Section 15-15-1 without first
2679 obtaining a Conditional Use permit as required by this Chapter. A Conditional
2680 Use permit must be obtained for the conversion of each separate project or
2681 Property being converted.

2682 HISTORY

2683 *Adopted by Ord. 02-07 on 5/23/2002*

2684 *Amended by Ord. 06-22 on 4/27/2006*

2685

2686 **15-5-2 Historic Districts And Historic Sites**

2687 All Uses within the Historic Districts and on Historic Sites outside the Historic Districts,
2688 both Allowed and Conditional, are subject to design review by the Planning Department
2689 for compliance with Chapter 15-11 Historic Preservation and Chapter 15-13 the Design
2690 Guidelines for Historic Districts and Historic Sites ~~[adopted by the City Council in a~~
2691 ~~resolution of July 9, 2009 and requirements stated in Section 15-11-12. Historic District~~
2692 ~~or Historic Site Design Review of this Code. Those guidelines are incorporated into this~~
2693 ~~Code by reference, but may be revised from time to time by resolution of the City~~
2694 ~~Council.]~~

2695
2696 Design review for all Uses, Allowed and Conditional, within the HRL, HR1, HR2, HRM,
2697 HRC, HCB Districts, and Historic Sites located outside these districts is initially
2698 performed by the Planning Department as set forth in ~~[LMC Chapter]~~ Sections 15-11-12
2699 Historic District and Historic Site Design Review and Chapter 15-13 Design Guidelines
2700 For Historic Districts And Historic Sites~~], with a right of appeal to the Historic~~

2701 ~~Preservation Board]~~.
2702
2703 Design review by the Historic Preservation Board is limited to matters ~~[of design~~
2704 ~~compliance,]~~ outlined in Chapter 15-11 with all functional review of Conditional Uses
2705 performed by the City staff and/or Planning Commission per Section ~~[15-1-11]~~ 15-1-10.

2706 HISTORY

2707 *Adopted by Ord. [02-07](#) on 5/23/2002*
2708 *Amended by Ord. [06-56](#) on 7/27/2006*
2709 *Amended by Ord. [09-23](#) on 7/9/2009*
2710 *Amended by Ord. [12-37](#) on 12/20/2012*

2711

2712 **15-5-3 Conditional Use Review**

2713 Conditional Uses outside the Historic Districts ~~s~~ [zones] are subject to design review by
2714 the Planning Department~~[-with a right of appeal to the Planning Commission]~~. The
2715 standards of review are set forth in this ~~[Code]~~ Title, but additional design review
2716 standards may be adopted by resolution of the City Council, provided that resolution is
2717 consistent with the provisions of this ~~[Code]~~ Title. ~~[and the Park City Design Guidelines.]~~

2718 HISTORY

2719 *Adopted by Ord. [02-07](#) on 5/23/2002*
2720 *Amended by Ord. [06-56](#) on 7/27/2006*

2721

2722 **15-5-4 Permitted Use Review**

2723 Permitted Uses in all ~~[zones]~~ Zoning Districts outside the Historic Districts are subject to
2724 design review by the Planning Department~~[, with a right of appeal to the Planning~~
2725 ~~Commission.]~~ The standards of review are set forth in this ~~[Code and the Park City~~
2726 ~~Design Guidelines]~~ Title.

2727 HISTORY

2728 *Adopted by Ord. 02-07 on 5/23/2002*

2729 *Amended by Ord. 06-56 on 7/27/2006*

2730

2731 **15-5-5 Architectural Design Guidelines¹**

- 2732 A. **PROHIBITED ARCHITECTURAL STYLES AND MOTIFS**. The following
2733 architectural styles and motifs are prohibited in Park City because these styles
2734 and motifs have a strong connection or association with other regions:
- 2735 1. A-frame Structures;
 - 2736 2. Geodesic dome Structures;
 - 2737 3. Mediterranean motifs;
 - 2738 4. Tudor or mock Tudor, half timbering;
 - 2739 5. Swiss chalets;

¹ Pursuant to Utah Code Section 10-9a-534, no affirmative requirements may be imposed on “building design elements” for Single-Family or Duplex Dwellings, unless that Dwelling is:

(a) located within an area designated as a historic district in:

(i) the National Register of Historic Places;

(ii) the state register as defined in Utah Code Section 9-8-402; or

(iii) a local Historic District or area, or a site designated as a Significant or Landmark Historic Site on the Park City Historic Sites Inventory, created by ordinance before January 1, 2021;

(b) located within an area that:

(i) is zoned primarily for residential use; and

(ii) was substantially developed before calendar year 1950; or

(c) such requirement is imposed by a Development Agreement or other exception listed in Utah Code Section 10-9a-534.

Unless otherwise stated, prohibitions which do not impose a requirement shall apply.

- 2740 6. Highly ornate Victorian;
- 2741 7. Rustic frontier;
- 2742 8. Colonial;
- 2743 9. Nouveau-Chateau, French Provincial, Fairy Tale or Castle. Tower features
- 2744 and turrets may be allowed if roofs are not conical and if the roof line is
- 2745 integrated into the main Structure. Round exterior walls are permitted but
- 2746 not as semi-detached round rooms, i.e., a round room may not exceed
- 2747 270 degrees;
- 2748 10. New Structures designed to imitate Historic Buildings and/or Structures
- 2749 built in Park City or elsewhere, unless the project complies with the
- 2750 ~~[Historic District Architectural Guidelines]~~ Design Guidelines For Historic
- 2751 Districts And Historic Sites.
- 2752 11. ~~[Exemption]~~ EXEMPTION.
- 2753 a. The above provisions addressing Tudor, Victorian, and colonial
- 2754 styles and tower elements shall not apply in the Prospector Park
- 2755 Subdivision.
- 2756 B. **PROHIBITED SIDING MATERIALS.** The following siding, fascia, and soffit
- 2757 materials are prohibited because they have proved to be unsuitable for Use in
- 2758 Park City due to the extreme climate, or because their appearance is such that
- 2759 the values of adjoining or abutting Properties are adversely affected:
- 2760 1. Thick shake shingles;
- 2761 2. Ceramic tiles;
- 2762 3. Slump bloc, weeping mortar;

- 2763 4. Plastic or vinyl siding;
- 2764 5. Used brick;
- 2765 6. Synthetic stone products such as simulated stone or brick, cultured stone
- 2766 or brick, pre-cast stone or concrete imbedded with stone fragments;
- 2767 7. Lava rock, clinkers;
- 2768 8. Asphalt siding;
- 2769 9. Plywood siding;
- 2770 10. Aluminum siding;
- 2771 11. Vinyl, or other similar material derived from petroleum;
- 2772 12. Exemption.
- 2773 a. The Applicant may request to use a prohibited siding material, but
- 2774 shall be required to bring a sample of the material and description
- 2775 of the application method of the requested siding and/or synthetic
- 2776 stone to be approved by the Planning Director.
- 2777 1. Vinyl siding, including soffits and fascia, and synthetic stone
- 2778 products may be permitted upon approval by the Planning
- 2779 Director, on Structures when such Structures are located in
- 2780 Areas predominately developed with Structures utilizing the
- 2781 same type of materials, such as in Prospector Village, Park
- 2782 Meadows and Prospector Park Subdivisions. The Applicant
- 2783 shall submit an exhibit documenting siding materials found in
- 2784 the surrounding neighborhood.

- 2785 2. Metal siding shall have a minimum thickness of .019 inches;
2786 shall be backed or insulated with a minimum of 3/8 inch
2787 fiberboard of polystyrene foam; and shall have a matte or flat
2788 finish.
- 2789 3. Plywood siding may be approved by the Planning Director if
2790 utilized as a base for board and batten siding;
- 2791 4. Existing Buildings with synthetic stone products and
2792 aluminum or vinyl siding may be re-sided or repaired using
2793 synthetic stone products and aluminum or vinyl siding with
2794 specific approval by the Planning Director.

2795 C. **DESIGN ORNAMENTATION.**

2796 **1.** Architectural design in Park City has historically been simple. Highly
2797 ornate Buildings are inconsistent with the architectural patterns of the
2798 community, and due to the close proximity of one Development to another,
2799 inconsistent ornamentation may become unsightly and detract from
2800 Property values.

2801 To add architectural interest to Buildings, special ornamental siding
2802 materials may be used, provided that no more than twenty five percent
2803 (25%) of any facade of the Building is covered with ornamental siding.
2804 Examples of ornamental siding provided for information purposes only and
2805 not as a limitation, are as follows:

- 2806 a. Fish scale cut shingles;
2807 b. Half-timbered stucco;

2808 c. Match-sticked wood or other inlays.

2809 D. **NUMBER OF EXTERIOR WALL MATERIALS.**

2810 **1.** Different exterior siding materials add interest to a Building, and to the
2811 community as a whole, however, the Use of too many exterior materials,
2812 like excessive ornamentation, detracts from the values of adjoining
2813 Properties. Exterior walls of any Building may be sided with up to three (3)
2814 different materials per Building, but no more than three (3) materials may
2815 appear on any one (1) wall, including ornamental siding. Trim shall not be
2816 counted as a siding material, but ornamentation is counted as a siding
2817 material. If trim covers more than ten percent (10%) of a side of the
2818 Building, it shall be counted as a siding material on that side.

2819 E. **ROOFING MATERIALS.**

2820 1. Because of the steep Grade changes within Park City, and the fact that
2821 residents and visitors are frequently in a position to look down on the City
2822 from the adjoining mountains, the appearance of roofs in Park City is of
2823 more significance than in other communities. Some roof types do not
2824 perform well in Park City's harsh climate. In addition, the Area's dry
2825 climate creates a high potential for wild land fires which makes the Use of
2826 wood roofs unsafe in some Areas. For these reasons, the following roof
2827 types are prohibited in Park City:

- 2828 a. Untreated aluminum or metal, except that copper may be used;
2829 b. Reflective materials;

- 2830 c. Roof colors shall be neutral and earth-tone, brightly colored roofing
2831 such as bright red, blue, yellow, green, white or similar colors are
2832 highly visible. Exception: Green is allowed if it is determined that its
2833 hue, color, chroma and other attributes of color are similar to other
2834 earth tone colors currently approved in Park City. In no case shall
2835 the color be determined to be bright or highly reflective or towards
2836 the yellow tones of the color spectrum;
- 2837 d. Wood shingles, including fire retardant, prohibited only in wild land
2838 interface zones. Wood roofs may be allowed on additions to
2839 existing Structures with wood roofs, only upon specific approval of
2840 the Chief Building Official. In addition, wood roofing may be allowed
2841 on later phases, which continue the specific design of existing
2842 projects and where the original phase has wood roofing[~~-~~];
2843 Existing non-conforming Structures must comply with this section
2844 when the Structure's roof is replaced;
- 2845 e. Except on Historic renovations or reconstructions with adequate
2846 documentation, roof ornamentation such as scroll work, finials, and
2847 bead-and-dowel work are prohibited.

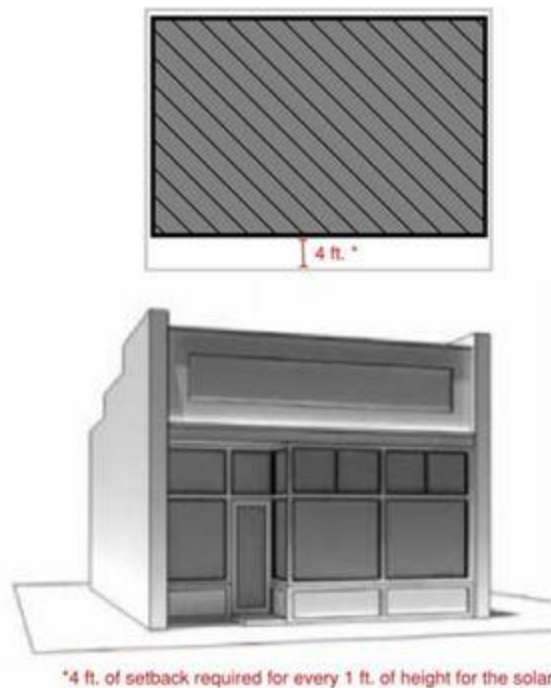
2848 **F. ROOF SHAPES.**

- 2849 1. The following roof shapes are prohibited in Park City as the dominant roof
2850 form because they either do not perform well in the harsh climate, or tend
2851 to detract from the value of adjoining Property. As minor roof elements,
2852 the following shapes may be allowed if approved by the Planning Director:

- 2853 a. Mansard or fake mansard roofs;
- 2854 b. Gambrel roofs;
- 2855 c. Curvilinear roofs;
- 2856 d. Domed roofs;
- 2857 e. Geodesic domes;
- 2858 f. Conical roofs, greater than 270 degrees around;
- 2859 g. A-frame or modified A-frame roofs.
- 2860 2. Mechanical equipment on roofs must be hidden with a visual barrier so it
- 2861 is not readily visible from nearby Properties.
- 2862 G. **SOLAR ENERGY SYSTEMS**. Any solar energy system shall be designed as
- 2863 follows:
- 2864 1. Solar Energy Systems shall be designed so as to be incorporated in the
- 2865 roof plan or architectural features of the structure to the best extent
- 2866 possible. Solar Energy Systems shall generally be mounted flush to the
- 2867 roof plane. In instances where due to the existing roof angle the panel
- 2868 needs to be angled from the roof plane for optimum solar gain, alternative
- 2869 designs may be considered upon review of a visual analysis and
- 2870 mitigation of visual impacts from surrounding properties.
- 2871 2. Solar panels, solar devices, and Solar Energy Systems and mounting
- 2872 equipment shall use non-reflective finishes such as an anodized finish.
- 2873 3. Solar energy systems in the Historic Districts are subject to the Design
- 2874 Guidelines for Historic Districts and Historic Sites and shall also meet the
- 2875 following:

a. On a Flat Roof, the Solar Energy System shall be mounted flush to the roof or on racks. When this is not possible, the Solar Energy System shall extend no more than five Feet (5') above the highest point of the roof. Solar Energy Systems shall be screened from view of the primary right-of-way by:

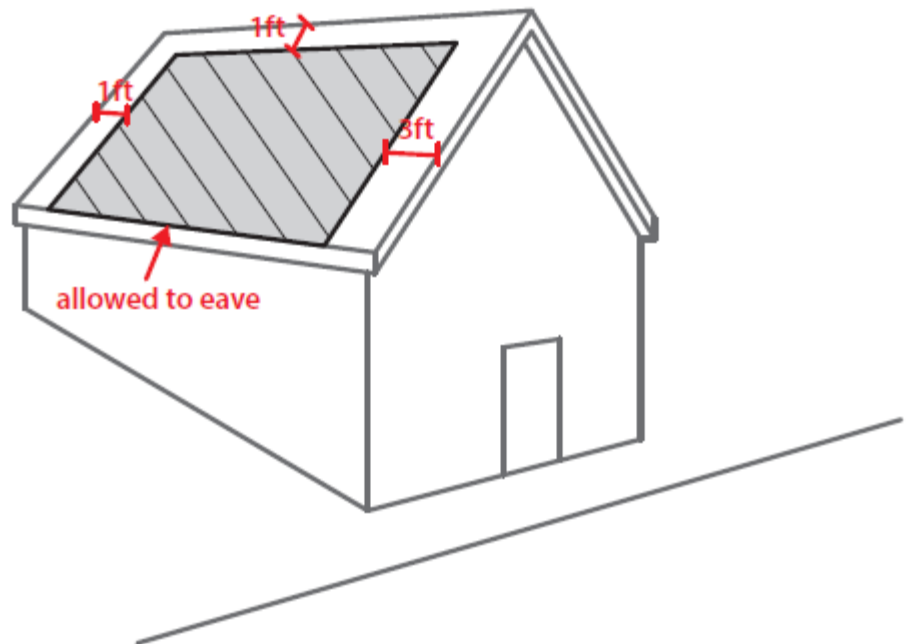
1. An existing parapet along the street-facing facade that is as tall as the tallest part of the Solar Energy System; or
2. Setting the Solar Energy System back from the edge of the roof facing the primary right-of-way at least four feet (4') for each one foot (1') of Solar Energy System height (including any necessary racks).



b. Solar Energy Systems are permitted on pitched roofs facing a rear or side lot line that is not visible from the right-of-way. The Solar

2890 Energy System shall be mounted flush on the pitched roof, with the
2891 system no more than one foot (1') from the surface of the roof at
2892 any point. Solar Energy Systems shall be screened from view of
2893 the primary right-of-way in the following ways:

- 2894 1. The Solar Energy System shall be located at least one foot
2895 (1') from the ridgeline of the pitched roof.
- 2896 2. The Solar Energy System shall be located at least three feet
2897 (3') from the edge of the roof facing a right-of-way and one
2898 foot (1') from the edge of the roof facing the rear property
2899 line.
- 2900 3. The Solar Energy System shall not alter the slope of the
2901 roof.



2902

- 2903 c. Solar shingles and Propanel-type/standing seam integrated
2904 products may be appropriate on roof surfaces visible from the
2905 primary right-of-way in the Historic Districts when it can be shown
2906 that they are sized similar to conventional asphalt shingles or metal
2907 roofing. They shall be similar in color to roofing materials in the
2908 Historic Districts and shall possess an anti-reflective top coating,
2909 such as Tempered Glass Tefzel Glazing or titanium dioxide. All
2910 metal surfaces shall have a matte finish.
- 2911 d. Freestanding Solar Energy Systems shall meet all the setback
2912 requirements of an Accessory Building as outlined in the Historic
2913 zoning districts. They shall be installed in locations that minimize
2914 visibility from the public right-of-way. These systems shall be
2915 screened from the public right-of-way with materials such as
2916 fencing or vegetation of suitable scale for the Historic District.
- 2917 e. Exceptions to the location and height of the Solar Energy System
2918 above the roof are subject to Planning Director approval based on a
2919 determination that:
- 2920 1. A professional experienced in energy-efficient construction
2921 has conducted an energy audit and the building has
2922 optimized its energy efficiency through other means; and
 - 2923 2. The location of the Solar Energy System does not detract
2924 from the Historic character of the site and/or the Historic

2925 District (by making the Solar Energy System a character-
2926 defining element of the building); and
2927 3. The application has demonstrated that the proposed plan will
2928 result in a net positive generation of 105% or greater.

2929 H. **SKYLIGHTS.** Any skylight, or other translucent roof material which allows the
2930 transmission of light from the interior of the Building to the exterior, shall be
2931 designed as follows:

- 2932 1. Skylights shall be limited to no more than twenty-five percent (25%) of the
2933 total roof Area;
- 2934 2. The skylight design shall facilitate the Use of natural light into the Building
2935 and any light emitted or reflected from the skylight shall be shielded from
2936 adjacent Properties;
- 2937 3. The skylight feature shall not be the highest point of the Structure; and
- 2938 4. The skylight feature shall be designed to fit as flush as possible with the
2939 roof. Skylights shall generally extend no more than two feet (2') above the
2940 roof plane.
- 2941 5. Skylights in the Historic Districts are subject to the Design Guidelines for
2942 Historic Districts and Historic Sites.

2943 I. **WINDOW TREATMENTS.**

- 2944 1. Windows other than rectangular windows may be used as accents and
2945 trim, but arched, rounded, or Bay Windows as the primary window
2946 treatment are prohibited. Untreated aluminum and untreated metal window
2947 frames are prohibited. Small pane colonial style windows are not allowed.

Untreated aluminum, untreated metal, vinyl, and other similar window frames are generally not considered appropriate in the Historic Districts (HRL, HR-1, HR-2, HRM, HRC, HCB), and on any site designated as Historic outside of the Historic Districts. The Planning Director may, however, consider requests for the Use of these materials. The design of the Structure shall be consistent with ~~[the Park City Design Guidelines]~~ this Chapter. The Applicant will be required to bring a sample of the type and color of the material to be approved by the Planning Director.

J. **OUTDOOR LIGHTING.**

1. **PURPOSE.** It is the intent of this Subsection to establish lighting practices and systems to minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining nighttime safety, utility, and security; and curtail the degradation of the nighttime visual environment.

It is recognized that the topography, atmospheric conditions, and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

The functional objectives in providing outdoor lighting are to illuminate Areas necessary for safe, comfortable, and energy-efficient Use. Outdoor

2971 lighting shall be limited to provide for safe entry and egress and for sign
2972 and Business identification.

2973

2974 With the exception of Americans with Disabilities Act lighting
2975 requirements, the minimum lighting standards generally applied and
2976 recommended by the Illuminating Engineering Society of North America
2977 (IES) are observed by this Code.

2978 2. **CONFORMANCE WITH APPLICABLE CODES.** All outdoor electrically
2979 powered illuminating devices shall be permitted, inspected, and installed
2980 in conformance with the provisions of this Code, the International Building
2981 Code, the Electrical Code, the Illuminating Engineering Society of North
2982 America standards, and the Sign Code. When discrepancies in these
2983 Codes exist, the most restrictive shall apply.

2984 3. **APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR**
2985 **INSTALLATION/OPERATION.** The provisions of this Code are not
2986 intended to prevent the Use of any design, material or method of
2987 installation or operation not specifically prescribed by this Code, provided
2988 any such alternate has been approved. The Chief Building Official may
2989 approve any such proposed alternate providing they find that:

2990 a. The alternative provides approximate equivalence to the applicable
2991 specific requirement of this Code;

2992 b. The alternative is otherwise satisfactory and complies with the
2993 intent of this Code; or

2994 c. The alternate has been designed or approved by a registered
2995 professional engineer and the content and function promotes the
2996 intent of this Code.

2997 4. **SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH**
2998 **CODE.**

2999 a. The Applicant for any permit required by any provisions of the laws
3000 of this jurisdiction in connection with proposed work involving
3001 outdoor lighting fixtures shall submit, as part of the Application for
3002 permit, evidence that the proposed lighting will comply with this
3003 Code. The submission shall contain the following:

- 3004 1. Plans indicating the location on the premises, and the type of
3005 illumination devices, fixtures, lamps, supports, reflectors, and
3006 installation and electrical details;
- 3007 2. Description of illuminating devices, fixtures, lamps, supports,
3008 reflectors, and other devices. The description may include,
3009 but is not limited to, catalog cuts by manufacturers, and
3010 drawings. For commercial, resort, recreation, and industrial
3011 Uses, photometric data is required. A point by point light plan
3012 may also be required to determine the adequacy of lighting
3013 over the entire Site.
- 3014 3. A table showing the total number of proposed exterior lights
3015 by fixture type, degrees Kelvin, Lumens per fixture, and lamp
3016 type.

3017 4. Additional information may be required elsewhere in the laws
3018 of this jurisdiction upon Application for the required permit.

3019 b. Lamp or Fixture Substitution. On commercial Structures if any
3020 outdoor light fixture or the type of Light Source therein is proposed
3021 to be changed after the permit has been issued, a change request
3022 must be submitted to the Planning Department for approval.
3023 Adequate information to assure compliance with this Code must be
3024 provided and the request must be received prior to substitution.

3025 5. **COLOR TEMPERATURE.** The maximum color temperature for outdoor
3026 lighting is 3,000 degrees Kelvin. The Planning Director may approve
3027 outdoor lighting with a color temperature up to 5,000 degrees Kelvin when
3028 required for public safety or law enforcement activities.

3029 6. **LUMENS.**

3030 a. Multi-Unit Dwellings and commercial Uses shall not exceed 2,500
3031 Lumens per light and the total lighting shall not exceed 100,000
3032 Lumens per acre. Lumens shall correspond with the size of the Lot.

3033 b. Parking Area lighting is exempt from the Lumen calculation.

3034 7. **SHIELDING.** All non-exempt outdoor lighting shall be Fully Shielded.

3035 8. **GAS STATION CANOPIES.** Lighting for Gas station canopies shall be
3036 Fully Shielded with flat lenses so that the lighting is recessed or flush with
3037 the bottom surface of the canopy and shielded by the fixture or edge of the
3038 canopy. The canopy undersurface shall be non-reflective.

3039 **9. BUILDING CANOPY, SOFFIT, AND WALL MOUNTED LIGHTING.**

3040 Lighting fixtures mounted on a Canopy or soffit shall be recessed so that
3041 the lighting is flush with the bottom surface and Fully Shielded by the
3042 fixture or the edge of the Canopy or soffit. Wall-mounted fixtures shall not
3043 be mounted above eighteen feet (18') as measured from the top of the
3044 fixture to the adjacent Grade or horizontal plane being lit by the fixture.

3045 **10. CONSTRUCTION SITES.** All commercial construction Sites shall submit a
3046 lighting plan as part of the Construction Mitigation Plan for the project prior
3047 to Building Permit issuance. Criteria for review shall include duration,
3048 number, location, height, Light Source, and hours of operation.

3049 **11. PATHWAY LIGHTING.** The intent of pathway lighting is to provide pools
3050 of light to help direct pedestrians along the path, not to fully illuminate the
3051 path. Pathway intersections should be illuminated for safety. Pathway
3052 lighting shall not be mounted more than ten feet (10') above finished
3053 grade.

3054 **12. RECREATIONAL LIGHTING.** Because of their unique requirements for
3055 nighttime visibility and their limited hours of operation, baseball diamonds,
3056 playing fields, tennis courts, and ski area runs may operate with the
3057 following conditions and exceptions:

- 3058 a. The height of outdoor recreational posts shall not exceed seventy
3059 feet (70') above Natural Grade. The average Horizontal Foot
3060 Candle shall not exceed 3.6 across the Area boundary with a
3061 uniformity ratio of 4:1. Ski area lighting may require higher

3062 illumination levels in some instances. Those levels shall be
3063 reviewed and approved by the Planning Commission under the
3064 Conditional Use process outlined in Section 15-1-10.

3065 b. All fixtures shall be Fully Shielded or be designed or provided with
3066 sharp, cutoff capability to minimize up-light, spill light, and glare.

3067 c. Recreational lighting shall be turned off within thirty (30) minutes of
3068 the completion of the last game, practice, or event. In general,
3069 recreational lighting shall be turned off by 11:00 p.m., unless an
3070 exception is granted by the Planning Director for a Special Event,
3071 permitted under Municipal Code Title 4A.

3072 d. Private sport court facilities shall use Fully Shielded fixtures.
3073 Lighting shall be turned off by 11:00 p.m.

3074 **13. SEASONAL DISPLAY OF LIGHTS.** Low-Lumen winter seasonal lights
3075 that do not cause light trespass or interfere with the reasonable use and
3076 enjoyment of property are permitted from the first of November to the first
3077 of March. Seasonal lights are exempt from the Fully Shielded requirement
3078 and any color of lights may be used; however, seasonal lights shall not be
3079 used to create advertising messages or signs. Spelling out the name of a
3080 Business with seasonal lights is prohibited.

3081 a. Residential seasonal lights shall comply with zone-required
3082 Setbacks and be turned off by 11:00 p.m.

3083 b. Commercial seasonal lights shall be turned off by midnight.

3084 c. EXCEPTIONS.

3085 (1) Low-Lumen seasonal lights outlining buildings on Main
3086 Street, Swede Alley, and the General Commercial Zoning
3087 District are allowed year-round. Seasonal lights outlining
3088 buildings on Main Street and Swede Alley shall be turned off by
3089 2:30 a.m.

3090 (2) String Lights are exempt from the Fully Shielded requirement
3091 and may be used year-round to illuminate decks, porches, and
3092 patios, but are prohibited from illuminating landscaping or
3093 outlining Structures.

3094 **14. OUTDOOR DISPLAY LOTS.** Any Light Source permitted by this Code
3095 may be used for lighting of outdoor display Lots such as, but not limited to,
3096 automobile sales or rental, recreational vehicle sales, Building material
3097 sales, and seasonal goods, provided all the following conditions are met:

- 3098 a. All fixtures shall be Fully Shielded.
- 3099 b. The lighting shall be setback so that the lighting does not trespass
3100 on adjacent properties.
- 3101 c. Display lighting shall be turned off within thirty (30) minutes of
3102 closing of the Business. Lighting used after 11:00 p.m. shall be
3103 security lighting. Security lighting shall be required to be motion
3104 sensor. Infrared sensor security lights are the only type of security
3105 light permitted.

3106 **15. PROHIBITED LIGHTING.** Unless otherwise exempted, the following are
3107 prohibited:

- 3108 a. Up-lighting;
- 3109 b. Unshielded Floodlights;
- 3110 c. Unshielded Spotlights;
- 3111 d. Architectural lighting;
- 3112 e. Landscape lighting;
- 3113 f. Search lighting, laser source lights, or high intensity lighting except
- 3114 by police and fire personnel or at their discretion;
- 3115 g. Flashing, blinking, intermittent, or other lights that move or give the
- 3116 impression of movement;
- 3117 h. Neon or luminous tube lighting;
- 3118 i. Lighting fixtures affixed to Buildings for the purposes of lighting
- 3119 Parking Areas.

3120 **16. OUTDOOR LIGHTING IN THE HISTORIC DISTRICTS.** Fixtures on Sites
3121 listed on the Historic Sites Inventory that replicate a Historic fixture shall
3122 be permitted to be installed without Full Shielding with the approval of the
3123 Planning Director. The Owner bears the burden of proving the fixture
3124 replicates a Historic fixture, which shall be reviewed in accordance with
3125 Section 15-11-10, Park City Historic Sites Inventory. Each Historic fixture
3126 replica shall be limited to extremely low output lamps, no more than 400
3127 Lumens each.

3128 **17. OUTDOOR LIGHTING IN RIDGE LINE AREAS AND STEEP SLOPES.**

3129 Outdoor lighting in Ridge Line Areas and on Steep Slopes shall be the

3130 minimum necessary to provide adequate illumination of pathways,
3131 entryways, and private outdoor areas.

3132 a. Floodlights are prohibited.

3133 b. Outdoor lights generally may not exceed twelve feet (12') above
3134 Existing Grade, but the Planning Commission or Planning staff may
3135 approve outdoor lights twelve feet (12') above Existing Grade with
3136 additional shielding.

3137 c. Ground-level fixtures are encouraged.

3138 d. Additional shielding may be required to mitigate glare or light
3139 trespass.

3140 e. The Planning Commission shall consider outdoor lighting
3141 restrictions for Properties located in Ridge Line Areas at the time of
3142 Subdivision or Plat approval.

3143 f. The Planning Commission or Planning staff shall consider
3144 additional shielding requirements to mitigate outdoor lighting as part
3145 of a Steep Slope Conditional Use Permit review.

3146 g. The Planning Director shall verify compliance with shielding
3147 requirements for Properties located in Ridge Line Areas and on
3148 Steep Slopes at the time of Building Permit approval.

3149 **18. LIGHT TRESPASS.** Light trespass is artificial light that falls beyond the
3150 legal boundaries of the property it is intended to illuminate. Outdoor
3151 lighting shall be aimed and Fully Shielded so that the direct illumination
3152 shall be confined to the property boundaries of the source.

3153 19. **EXEMPTIONS.** The following are exempt from this Subsection:

3154 a. Gas Lights. All outdoor light fixtures producing light directly by the
3155 combustion of natural gas or other fossil fuels are exempt from the
3156 requirements of this Code.

3157 b. Up-lighting. Up-lighting is permitted in limited circumstances: for
3158 City-funded or owned statues, public monuments, the McPolin
3159 Barn, ground-mounted Public Art, or flags of the United States of
3160 America.

3161 (1) All up-lighting shall be shielded and/or have beam-angle
3162 control and shall be aimed to limit the directed light to the
3163 illuminated object only.

3164 (2) Up-lighting is permitted thirty (30) minutes before sunset
3165 and until 11:00 p.m.; or, one hour after the close of location
3166 based on normal hours of operations, whichever is later.

3167 c. Temporary lighting for outdoor filming and outdoor performance
3168 venues.

3169 d. Underwater lighting in swimming pools, hot tubs, and other water
3170 features.

3171 e. Traffic control signals and devices.

3172 f. Streetlights.

3173 g. Public Trails lighting.

3174
3175 The following are exempt from the Fully Shielded requirement:

3176 (1) Pathway lighting less than eighteen inches (18”) in height
3177 with a total light output that is less than 300 Lumens.

3178 (2) Fixtures having a total light output less than 1,000
3179 Lumens (a 60-watt incandescent, a 15-watt compact
3180 fluorescent bulb, or LED equivalent), provided:

3181 (A) The fixture has a top that is completely opaque such
3182 that no light is directed upwards;

3183 (B) The fixture has sides that completely cover the
3184 light source and are made of opaque or semi opaque
3185 material. Fixtures with opaque sides may have
3186 incidental decorative perforations that emit small
3187 amounts of light;

3188 (C) Semi opaque material such as dark tinted glass or
3189 translucent plastic may be used if the light source is
3190 not discernable behind the material;

3191 (D) Completely transparent materials such as clear
3192 glass are prohibited;

3193 (E) The bulb or lamp is not visible from any point
3194 outside the property on which the fixture is located.

3195 (3) Seasonal Lights

3196 (4) String Lights

3197 **20. COMPLIANCE TIMELINE.**

- 3198 a. All outdoor lighting installed after the effective date of this Outdoor
3199 Lighting Subsection shall conform.
- 3200 b. All outdoor lighting legally existing and installed prior to the effective
3201 date of this Outdoor Lighting Subsection and which is not exempted
3202 shall be updated with lights that comply with the 3,000 degrees
3203 Kelvin requirement by December 31, 2024.
- 3204 c. Immediate compliance is required as a condition of approval for site
3205 improvements, construction, reconstruction, expansion, alteration,
3206 or modification of existing Structures.
- 3207 d. Damaged or inoperative nonconforming outdoor lighting shall be
3208 replaced or repaired with lighting that complies with this Outdoor
3209 Lighting Subsection.
- 3210 e. Property owners shall not replace outdoor lighting with non-
3211 compliant fixtures.

3212 **21. TEMPORARY EXEMPTION.**

- 3213 a. Requests. Any Person may submit a written request to the Planning
3214 Director for a temporary exemption. A temporary exemption request
3215 shall contain the following information:
- 3216 (1) Specific exemption or exemption request;
- 3217 (2) Type and Use of outdoor light fixtures involved;
- 3218 (3) Duration of time for requested exemption;
- 3219 (4) Total Lumens;
- 3220 (5) Proposed location on Site;

3221 (6) Description of event or reason for need of exemption;
3222 and
3223 (7) Other data as deemed necessary to adequately review
3224 and made a determination on the request.

3225 b. Approval; Duration. The Planning Department shall have ten (10)
3226 Business days from the date of a complete submission of the
3227 temporary request to act, in writing, on the request. The Planning
3228 Department shall approve the request if it finds that the exemption
3229 is necessary for public safety, security or other public necessity and
3230 the exemption does not materially subvert the purpose of this
3231 Subsection. If approved, the exemption shall be valid for not more
3232 than thirty (30) days from the date of approval. The approval shall
3233 be renewable by the Planning Director upon consideration of all the
3234 circumstances and provided a finding of public safety or necessity
3235 is made, and no intent to circumvent the intent of this Subsection is
3236 present. Each such renewed exemption shall be valid for not more
3237 than thirty (30) days.

3238 c. ~~[Denial/Appeal. If the request for a temporary exemption is denied,~~
3239 ~~the Person making the request, in writing, may appeal the decision~~
3240 ~~to the Planning Commission within ten (10) days of the denial as~~
3241 ~~provided for in Section 15-1-18.]~~

3242 K. **TRASH AND RECYCLING ENCLOSURES**. In addition to County health
3243 standards, the following trash enclosure design standards shall apply:

- 3244 1. Trash and storage Areas shall be Screened by landscaping, Fencing,
3245 berms or other devices integral to overall Site and Building design;
- 3246 2. Trash and storage enclosures shall be designed and constructed of
3247 materials that are Compatible with the proposed or existing Building and
3248 with surrounding Structures. The enclosure's design, construction, and
3249 materials shall be substantial and consisting of masonry, steel, or other
3250 materials approved by the Planning and Building Department and capable
3251 of sustaining active use by residents and trash/recycling haulers. The
3252 design shall, if physically possible, include both a pedestrian door and a
3253 truck door or gate;
- 3254 3. Trash and storage Areas shall be well maintained including prompt repair
3255 and replacement of damaged gates, Fences and plants;
- 3256 4. Openings of trash enclosures shall be oriented away from public view or
3257 Screened with sturdy gates wide enough to allow easy Access for trash
3258 collection, where practical;
- 3259 5. The consolidation of trash Areas between Businesses and the Use of
3260 modern disposal techniques is encouraged.
- 3261 6. Exception. These standards shall not apply to existing Structures that
3262 have been built with zero Setbacks or when such enclosures would
3263 negatively impact Access, circulation, or snow removal efforts.
- 3264 L. **MECHANICAL EQUIPMENT**. All electrical service equipment and sub-panels
3265 and all mechanical equipment, including but not limited to, air conditioning, pool
3266 equipment, fans and vents, utility transformers, except those owned and

maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure. Minor exceptions to Setback requirements for Screened mechanical equipment may be approved by the Planning Director where the proposed location is the most logical location for the equipment and impacts from the equipment on neighboring properties, historic facades, and streetscapes can be mitigated and roof top mechanical placement and visual clutter is minimized.

M. **PATIOS AND DRIVEWAYS**. A Building Permit is required for all non-bearing concrete flatwork, asphalt, and/or any Impervious Surface, regardless of size or area. This includes any repairs, alterations, modifications, and expansion of existing flatwork.

N. **LANDSCAPING**. A complete landscape plan must be prepared for the limits of disturbance area for all Development activity. The landscape plan shall utilize the concept of Water Wise Landscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped, the percentage of the landscaping that is irrigated, the type of irrigation to be used, and Hydrozones. The plan shall identify all existing Significant Vegetation. The plan shall also identify the 50 percent (50%) of any Water Wise Landscaped area

3290 comprised of appropriate plants, trees, and shrubs. Any proposed boulders or
3291 rocks greater than two inches (2") in diameter and Gravel must be identified.
3292 Materials proposed for driveways, parking areas, patios, decks, and other hard-
3293 scaped areas shall be identified on the plan. A list of plant materials indicating
3294 the botanical name, the common name, quantity, and container or caliper size
3295 and/or height shall be provided on the plan. Refer to the Municipal Code of Park
3296 City [Title] Section 14-1-5 for a City approved Plant List. A diverse selection of
3297 plantings is suggested to provide plantings appropriate to the Park City climate
3298 and growing season, to provide aesthetic variety and to prevent the spread of
3299 disease between the same species. Artificial turf is allowed to be used in limited
3300 quantities on decks, pathways, recreation and play areas, or as a limited
3301 landscaping material on areas in which vegetation may be unsuccessful. Artificial
3302 turf's installation shall not pool water and be installed to allow for drainage. Areas
3303 of mulch shall be identified on the plan. Approved mulches include natural
3304 organic plant based or recycled materials. Gravel is only allowed in the following
3305 applications: as an approved walkway, patio, drainage plan, and/or defensible
3306 space. The Planning Director or [his/her] designee may determine if proposed
3307 defensible space areas are not required to include plantings. Any Gravel or stone
3308 within the HRL, HR-1, HR-2, HRM, HRC, or HCB Zoning Districts must meet the
3309 requirements of [Park City's] the Design Guidelines for Historic District and
3310 Historic Sites. Gravel is not an allowed surface for parking, ground cover on
3311 berms or finished grade with a ratio greater than 3:1, within platted or zoned
3312 open space, or as a material in parking strips or City rights-of-way. To the extent

3313 possible, existing Significant Vegetation shall be maintained on Site and
3314 protected during construction. When approved to be removed, based on a Site
3315 Specific plan, Conditional Use, Master Planned Development, or Historic District
3316 Design Review approval, the Significant Vegetation shall be replaced with
3317 equivalent landscaping in type and size. The Forestry Manager or Planning
3318 Director may grant exceptions to this if upon their review it is found that
3319 equivalent replacement is impossible or would be detrimental to the site's existing
3320 and/or proposed vegetation. Multiple trees equivalent in caliper to the size of the
3321 removed Significant Vegetation may be considered instead of replacement in
3322 kind and size. Where landscaping does occur, it should consist primarily of native
3323 and drought tolerant species, drip irrigation, and all plantings shall be adequately
3324 mulched. Significant Vegetation preservation and/or replacement shall be
3325 prioritized, but where applicable, Firewise Landscaping and/or Defensible Space
3326 landscaping plans for Property within the Wildland-Urban Interface area that
3327 include Significant Vegetation removal shall be in accordance with Municipal
3328 Code Chapter 11-21. A detailed irrigation plan shall be drawn at the same scale
3329 as the landscape plan including, but not limited to: a layout of the heads, lines,
3330 valves, controller, backflow preventer, and a corresponding legend and key.
3331 Landscaped areas shall be provided with a WaterSense labeled smart irrigation
3332 controller which automatically adjusts the frequency and/or duration of irrigation
3333 events in response to changing weather conditions. All controllers shall be
3334 equipped with automatic rain delay or rain shut-off capabilities. Irrigated lawn and
3335 turf areas are limited to a maximum percentage of the allowed Limits of

3336 Disturbance Area of a Lot or Property that is not covered by Buildings,
3337 Structures, or other Impervious paving, based on the size of the Lot or Property
3338 according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

3339
3340 O. Where rock and boulders are allowed and identified on the Landscape Plan,
3341 these shall be from local sources. All noxious weeds, as identified by Summit
3342 County, shall be removed from the Property in a manner acceptable to the City
3343 and Summit County, prior to issuance of Certificates of Occupancy.

3344 HISTORY

3345 *Adopted by Ord. [02-07](#) on 5/23/2002*
3346 *Amended by Ord. [06-56](#) on 7/27/2006*
3347 *Amended by Ord. [11-05](#) on 1/27/2011*
3348 *Amended by Ord. [12-37](#) on 12/20/2012*
3349 *Amended by Ord. [2018-27](#) on 5/31/2018*
3350 *Amended by Ord. [2019-30](#) on 5/30/2019*
3351 *Amended by Ord. [2020-19](#) on 4/16/2020*

3352 Amended by Ord. [2020-35](#) on 7/9/2020

3353 Amended by Ord. [2020-42](#) on 9/17/2020

3354 Amended by Ord. [2021-05](#) on 1/21/2021

3355

3356 **15-5-6 Permitted Design Features**

3357 Any design~~[7]~~ or any material that is not expressly prohibited by this Chapter, or a
3358 resolution adopted to supplement it, or by the ~~[Historic District Architectural Design~~
3359 ~~Guidelines]~~ Design Guidelines For Historic Districts And Historic Sites, are permitted.

3360 HISTORY

3361 Adopted by Ord. [02-07](#) on 5/23/2002

3362

3363 **15-5-8 Facade Length And Variations**

- 3364 A. Structures greater than sixty feet (60'), but less than 120 feet in length must
3365 exhibit a prominent shift in the facade of the Structure so that no greater than
3366 seventy five percent (75%) of the length of the Building Facade appears
3367 unbroken. Each shift shall be in the form of either a ten foot (10') change in
3368 Building Facade alignment or a ten foot (10') change in the Building Height, or a
3369 combined change in Building Facade and Building Height totaling ten feet (10').
- 3370 B. Structures that exceed 120 feet in length on any facade shall provide a prominent
3371 shift in the mass of the Structure at each 120 foot interval, or less if the
3372 Developer desires, reflecting a change in function or scale. The shift shall be in
3373 the form of either a fifteen foot (15') change in Building Facade alignment or a
3374 fifteen foot (15') change in the Building Height. A combination of both the Building

3375 Height and Building Facade change is encouraged and to that end, if the
3376 combined change occurs at the same location in the Building plan, a fifteen foot
3377 (15') total change will be considered as full compliance.

3378 C. The special facade and volume requirement of the Historic District are found in
3379 ~~[LMC] Chapters 15-2.1 through 15-2.6~~ and in the ~~[Historic District Architectural~~
3380 ~~Design Guidelines]~~ Design Guidelines For Historic Districts And Historic Sites,
3381 Chapter 15-13.

3382 D. The facade length and variation requirements apply to all sides of a Building.

3383

3384 **15-5-9 Sensitive Lands Review**

3385 Any project falling within the ~~[Sensitive Lands Area Overlay Zone]~~ Sensitive Land
3386 Overlay Zone may be subject to additional architectural review requirements and
3387 regulations as outlined in ~~[the Sensitive Area Overlay Zone regulations, LMC]~~ Chapter
3388 15-2.21.

3389 HISTORY

3390 *Adopted by Ord. 02-07 on 5/23/2002*

3391 *Amended by Ord. 06-56 on 7/27/2006*

3392

3393 **15-6-5 Master Planned Development Requirements**

3394 All Master Planned Developments shall contain the following minimum requirements.

3395 Many of the requirements and standards will have to be increased in order for the

3396 Planning Commission to make the necessary findings to approve the Master Planned

3397 Development.

A. **DENSITY**. 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. The Site shall be looked at in its entirety, including all adjacent Property under the same ownership, and the Density shall be located in the locations that support the goals set forth in Section 15-6-1.

1. Additional Density may be granted within a Transfer of Development Rights Receiving Overlay Zone (TDR-R) within an approved Master Planned Development.

2. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that shift results in a project that better meets the goals set forth in Section 15-6-1.

a. **Exception.** Residential Density shifts between the HCB and HR-2 Zoning Districts are not permitted. A portion of the gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zoning District, may be located in the HR-2 Zoning District as allowed by Section 15-2.3-8.

3. Density for Master Planned Developments is based on the Unit Equivalent formula, defined in Section 15-6-8.

a. **Exceptions.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

3421 (1) Donates Open Space in excess of the sixty percent
3422 (60%) requirement, either in fee or a less-than-fee interest to
3423 either the City or another unit of government or nonprofit
3424 land conservation organization approved by the City. Such
3425 Density bonus shall only be granted upon a finding by the
3426 Planning Director that such donation will ensure the long-
3427 term protection of a significant environmentally or visually
3428 sensitive Area; or
3429 (2) Proposes a Master Planned Development in which more
3430 than thirty percent (30%) of the Unit Equivalents are
3431 employee/ Affordable Housing consistent with the City's
3432 adopted employee/ Affordable Housing guidelines and
3433 requirements; or
3434 (3) Proposes a Master Planned Development in which more
3435 than eighty percent (80%) of the project is Open Space as
3436 defined in this Code and prioritized by the Planning
3437 Commission.

3438 B. **MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED**
3439 **DEVELOPMENTS WITHIN THE HR-1 AND HR-2 ZONING DISTRICTS.**

3440 1. The Land Management Code sets forth a maximum Building Footprint for
3441 all Structures in the HR-1 and HR-2 Zoning Districts based on Lot Area.
3442 For purposes of establishing the maximum Building Footprint for Master
3443 Planned Developments that include Development in the HR-1 and HR-2

3444 Zoning Districts, the maximum Building Footprint for the HR-1 and HR-2
3445 portions shall be calculated based on the conditions of the Subdivision
3446 Plat or the Lots of record prior to a plat amendment combining the Lots as
3447 stated in Section 15-2.3-4.

3448 a. The Area of below Grade Parking in the HR-1 and HR-2 Zoning
3449 Districts shall not count against the maximum Building Footprint of
3450 the HR-1 or HR-2 Lots.

3451 b. The Area of below Grade Commercial Use extending from a Main
3452 Street business into the HR-2 Subzone A shall not count against
3453 the maximum Building Footprint of the HR-2 Lots.

3454 c. The Floor Area Ratio (FAR) of the HCB Zoning District applies only
3455 to the HCB Lot Area and may be reduced as part of a Master
3456 Planned Development. The FAR may not be applied to the HR-1 or
3457 HR-2 Lot Area.

3458 d. The Floor Area for a detached, single car Garage, not to exceed
3459 two-hundred and twenty square feet (220 square feet) of Floor
3460 Area, shall not count against the maximum Building Footprint of the
3461 HR-2 Lot.

3462 C. **SETBACKS.**

3463 1. The minimum Setback around the exterior boundary of a Master Planned
3464 Development shall be twenty-five feet (25') for Parcels greater than two (2)
3465 acres. The Planning Commission may decrease the required perimeter
3466 Setback from twenty-five feet (25') for Master Planned Development

3467 Applications greater than two (2) acres to the zone-required Setback if it is
3468 necessary to provide desired architectural interest and variation.

3469 2. For parcels greater than two (2) acres and located inside the HRM, HR-1,
3470 HR-2, HRC, and HCB Zoning Districts, the minimum Setback around the
3471 exterior boundary of a Master Planned Development shall be determined
3472 by the Planning Commission in order to remain consistent with the
3473 contextual streetscape of adjacent Structures.

3474 3. For parcels two (2) acres or less, the minimum exterior boundary
3475 Setbacks shall be the zone-required Setbacks.

3476 4. In all Master Planned Developments, for either the perimeter Setbacks or
3477 the Setbacks within the project, the Planning Commission may increase
3478 Setbacks to retain existing Significant Vegetation or natural features, to
3479 create an adequate buffer to adjacent Uses, or to meet Historic
3480 Compatibility requirements.

3481 5. The Planning Commission may reduce Setbacks within the project
3482 boundary, but not perimeter Setbacks, from those otherwise required in
3483 the Zoning District to match an abutting zone-required Setback, provided
3484 the project meets minimum International Building Code and Fire Code
3485 requirements, does not increase project Density, maintains the general
3486 character of the surrounding neighborhood in terms of mass, scale, and
3487 spacing between Structures, and meets Open Space criteria set forth in
3488 Section 15-6-5(D).

- 3489 6. Final Setback approvals shall be specified as a Finding of Fact in the
3490 Master Planned Development Approval, in the Development Agreement,
3491 and on each plat within the Master Planned Development.

3492 D. **OPEN SPACE.**

- 3493 1. **MINIMUM REQUIRED.** All Master Planned Developments shall contain a
3494 minimum of sixty percent (60%) Open Space as defined in Chapter 15-15,
3495 with the exception of the General Commercial (GC), Historic Residential
3496 Commercial (HRC), Historic Commercial Business (HCB), and the Historic
3497 Residential (HR-1 and HR-2) Zoning Districts.

- 3498 2. The minimum Open Space requirement for redevelopment of existing
3499 Developments shall be thirty percent (30%).

- 3500 a. For Applications proposing the redevelopment of existing
3501 Developments, the Planning Commission may reduce the required
3502 Open Space to thirty percent (30%) in exchange for project
3503 enhancements in excess of those otherwise required by the Land
3504 Management Code that may directly advance policies reflected in
3505 the applicable General Plan sections or more specific Area plans.
3506 Such project enhancements may include, but are not limited to,
3507 Affordable Housing, greater Landscaping buffers along public ways
3508 and public/private pedestrian Areas that provide a public benefit,
3509 increased landscape material sizes, public transit improvement,
3510 public pedestrian plazas, pedestrian way/trail linkages, Public Art,
3511 and rehabilitation of Historic Structures.

3. **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of Open Space for each Master Planned Development. The Commission's determination shall be based on the guidance given in the General Plan. Landscaped Open Space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open Space may not be utilized for Streets, roads, driveways, Parking Areas, Commercial Uses, or Buildings requiring a Building Permit.

E. OFF-STREET PARKING.

1. The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of the Land Management Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a Parking analysis submitted by the Applicant at the time of Master Planned Development submittal. The Parking analysis shall contain, at a minimum, the following information:

- a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- b. A Parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy Parking.
- c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.

- 3535 d. An analysis of time periods of Use for each of the Uses in the
3536 project and opportunities for shared parking by different Uses. This
3537 shall be considered only when there is Guarantee by Use covenant
3538 and deed restriction.
- 3539 e. A plan to discourage the Use of motorized vehicles and encourage
3540 other forms of transportation.
- 3541 f. Provisions for overflow Parking during peak periods.
- 3542 g. An evaluation of potential adverse impacts of the proposed Parking
3543 reduction and Density increase, if any, upon the surrounding
3544 neighborhood and conditions of approval to mitigate such impacts.
- 3545 The Planning Department shall review the Parking analysis and provide a
3546 recommendation to the Commission. The Commission shall make a
3547 finding during review of the Master Planned Development as to whether or
3548 not the Parking analysis supports a determination to increase or decrease
3549 the required number of Parking Spaces.
- 3550 2. The Planning Commission may permit an Applicant to pay an in-lieu
3551 Parking fee in consideration for required on-Site Parking provided that the
3552 Planning Commission determines that:
- 3553 a. Payment in-lieu of the on-Site Parking requirement will prevent a
3554 loss of significant Open Space, Yard Area, and/or public amenities
3555 and gathering Areas;

- b. Payment in-lieu of the on-Site Parking requirement will result in Preservation and Rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;
- c. Payment in-lieu of the on-Site Parking requirement will not result in an increase project Density or intensity of Use; and
- d. The project is located on a public transit route or is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required Parking shall be subject to the provisions in the Municipal Code of Park City Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

F. **BUILDING HEIGHT**. The Building Height requirements of the Zoning District in which a Master Planned Development is located shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. The Applicant must request a Site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made, according to Subsections (1) through (5) below. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, the Planning Commission must find that:

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-

3579 required Building Height and Density, including requirements for Facade
3580 variation and design, but rather provides desired architectural variation,
3581 unless the increased square footage or Building volume is from the
3582 Transfer of Development Credits;

3583 2. Buildings have been positioned to minimize visual impacts on adjacent
3584 Structures. Potential problems on neighboring Properties caused by
3585 shadows, loss of solar Access, and loss of air circulation have been
3586 mitigated as determined by the Site specific analysis;

3587 3. There is adequate Landscaping and buffering from adjacent Properties
3588 and Uses;

3589 4. Increased Setbacks and separations from adjacent projects are
3590 proposed;

3591 5. The additional Building Height results in more than the minimum Open
3592 Space required and results in Open Space that is publicly accessible;

3593 6. The additional Building Height is designed in a manner that provides a
3594 transition in roof elements in compliance with Chapter 15-5, Architectural
3595 Review, or the Design Guidelines for ~~Park City's~~ Historic Districts and
3596 Historic Sites if the Building is located within the Historic District.

3597 If and when the Planning Commission grants additional Building Height
3598 based on a Site specific analysis, the approved additional Building Height
3599 shall only apply to the specific plans reviewed and approved by the
3600 Planning Commission. Additional Building Height shall be specified as a
3601 Finding of Fact in the Master Planned Development Approval, in the

3602 Development Agreement, and on each plat within the Master Planned
3603 Development that includes a Building with an additional Height allowance.

3604 G. **SITE PLANNING**. A Master Planned Development shall be designed to take into
3605 consideration the characteristics of the Site upon which it is proposed to be
3606 placed. The project should be designed to fit the Site, not the Site modified to fit
3607 the project. The Applicant shall address the following in the Site planning for a
3608 Master Planned Development:

- 3609 1. Units shall be clustered on the most developable and least visually
3610 sensitive portions of the Site. Open Space shall separate the clusters. The
3611 Open Space should be designed so that existing Significant Vegetation is
3612 maintained on the Site.
- 3613 2. Projects shall be designed to minimize Grading and the need for large
3614 retaining Structures.
- 3615 3. Roads, utility lines, and Structures should be designed to work with the
3616 Existing Grade. Cuts and fills shall be minimized.
- 3617 4. Existing trails shall be incorporated into the Open Space elements of the
3618 project and shall be maintained in their existing location whenever
3619 possible. Applicants may be required to grant the City a trail easement to
3620 connect proposed trails with existing trails. Construction of new trails shall
3621 be consistent with the Park City Trails Master Plan.
- 3622 5. Adequate internal vehicular, pedestrian, and bicycle circulation shall be
3623 provided. Pedestrian and bicycle circulations shall be separated from
3624 vehicular circulation and shall provide safe travel within the boundaries of

3625 the Master Planned Development and safe travel to adjoining public
3626 sidewalks, trails, and Rights-of-Way. Private internal Streets may be
3627 considered for Condominium projects if they meet the minimum
3628 emergency and safety requirements.

3629 6. The Site plan shall include adequate Areas for snow removal and snow
3630 storage. The Landscaping plan shall allow for snow storage Areas.
3631 Structures shall be set back from any hard surfaces so as to provide
3632 adequate Areas to remove and store snow. Snow shall be stored on-Site,
3633 unless otherwise approved by the Planning Commission.

3634 7. The Site plan shall include adequate Areas for trash and recycling
3635 containers and shall include an adequate circulation area for pick-up
3636 vehicles. Convenient pedestrian Access shall be provided within the
3637 Master Planned Development to the trash and recycling containers.
3638

3639 No Site plan with a Commercial Development or Multi-Unit Dwelling shall
3640 be approved unless there is a mandatory recycling program, which may
3641 include Recycling Facilities for the Site. Single Family Dwellings shall
3642 include a mandatory recycling program with curb side recycling, and may
3643 also include Recycling Facilities. The Recycling Facilities shall be
3644 identified on the Site plan to accommodate for materials generated by the
3645 tenants, residents, users, operators, or owners of such Master Planned
3646 Development. Such Recycling Facilities shall include, but are not limited
3647 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 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.

8. The Site plan for a Master Planned Development shall include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

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

H. **LANDSCAPE AND LIGHTING**. A preliminary Landscaping plan must be submitted with the Master Planned Development Application. The Landscaping plan shall comply with all criteria and requirements of Section 15-5-5(N) LANDSCAPING. All noxious weeds, as identified by Summit County, shall be removed from the Property in accordance with the Summit County Weed Ordinance prior to issuance of Certificates of Occupancy. Lighting must meet the requirements of Section 15-5-5(J).

3670 I. **SENSITIVE LANDS COMPLIANCE.** Applicants for a Master Planned
3671 Development that contains any Area within the Sensitive Land Overlay Zone
3672 shall conduct a Sensitive Lands Analysis and shall conform to the Sensitive
3673 Lands Chapter 15-2.21.

3674 J. **EMPLOYEE/AFFORDABLE HOUSING.** Master Planned Developments
3675 Applicants shall submit a housing mitigation plan that addresses employee
3676 Affordable Housing required by the adopted housing resolution in effect at the
3677 time of a complete Application.

3678 K. **CHILD CARE.** A Site designated and planned for a Child Care Center may be
3679 required for all new Single Family Dwellings and Multi-Family Dwellings within a
3680 Master Planned Development if the Planning Commission determines that the
3681 project will create additional demands for Child Care.

3682 L. **MINE HAZARDS.** All Master Planned Development Applications shall include a
3683 map and list of all known Physical Mine Hazards on the Property and a Physical
3684 Mine Hazard mitigation plan.

3685 M. **HISTORIC MINE WASTE MITIGATION.** An Applicant for a Master Planned
3686 Development with Property that is located within the Park City Soils Ordinance
3687 Boundary shall submit a soil remediation mitigation plan and shall indicate areas
3688 of hazardous soils and proposed methods of remediation and/or removal subject
3689 to the requirements and regulations of the Municipal Code of Park City Chapter
3690 11-15.

- 3691 N. **GENERAL PLAN REVIEW.** The Planning Commission shall review Master
3692 Planned Developments for consistency with the goals and objectives of the
3693 General Plan; however such review for consistency shall not alone be binding.
- 3694 O. **HISTORIC SITES.** All Master Planned Development Applicants shall submit a
3695 map and inventory of Historic Structures and Sites on the Property and a Historic
3696 Structures Report prepared by a Qualified Historic Preservation Professional.
- 3697 P. **LAND MANAGEMENT CODE REVIEW.** All Master Planned Development
3698 Applications shall be reviewed in accordance with the Land Management Code,
3699 including:
- 3700 1. the underlying Zoning District requirements in Chapter 15-2;
 - 3701 2. relevant Overlay Zoning requirements in Chapter 15-2;
 - 3702 3. Chapter 15-3, Off-Street Parking;
 - 3703 4. Chapter 15-4, Supplementary Regulations;
 - 3704 5. Chapter 15-5, Architectural Review;
 - 3705 6. Chapters 15-7.1, 15-7.2, 15-7.3, and 15-7.4, Subdivision Provisions;
 - 3706 7. Chapters 15-11 and 15-13 for Master Planned Developments located in a
3707 Historic Zoning District;
 - 3708 8. any other relevant provisions of the Land Management Code.
- 3709 Q. **DESIGN GUIDELINES.** The Planning Commission may require Design
3710 Guidelines for Master Planned Developments, including regulation of building
3711 design elements for Single-Family Dwellings and/or Duplex Dwellings, that
3712 specify:
- 3713 1. Exterior cladding material;

- 3714 2. Style, dimensions, and materials of a roof structure, roof pitch, and porch;
3715 3. Exterior nonstructural architectural ornamentation;
3716 4. Location, design, placement, and architectural styling of windows and
3717 doors; and
3718 5. Location, design, placement, and architectural styling of a garage door.

3719 HISTORY

3720 *Adopted by Ord. [02-07](#) on 5/23/2002*
3721 *Amended by Ord. [04-08](#) on 3/4/2004*
3722 *Amended by Ord. [06-22](#) on 4/27/2006*
3723 *Amended by Ord. [09-10](#) on 3/5/2009*
3724 *Amended by Ord. [10-14](#) on 4/15/2010*
3725 *Amended by Ord. [11-05](#) on 1/27/2011*
3726 *Amended by Ord. [11-12](#) on 3/31/2011*
3727 *Amended by Ord. [13-23](#) on 7/11/2013*
3728 *Amended by Ord. [15-36](#) on 6/25/2015*
3729 *Amended by Ord. [2016-44](#) on 9/15/2016*
3730 *Amended by Ord. [2017-46](#) on 8/17/2017*
3731 *Amended by Ord. [2020-09](#) on 1/30/2020*
3732 *Amended by Ord. [2020-45](#) on 10/1/2020*

3733

3734 **15-6.1-11 Site Planning**

3735 An Affordable Master Planned Development shall be designed to take into consideration
3736 the characteristics of the Site upon which it is proposed to be placed. The Development

should be designed to fit the Site, not the Site modified to fit the project. The Applicant shall address the following in the Site planning:

- A. **CLUSTERED DEVELOPMENT**. Units shall be clustered on the most developable and least visually sensitive portions of the Site. Open Space shall separate the clusters. The Open Space should be designed so that existing Significant Vegetation is maintained on the Site.
- B. **GRADING**. Projects shall be designed to minimize Grading and the need for large retaining Structures. Roads, utility lines, and Structures should be designed to work with Existing Grade. Cuts and fills shall be minimized.
- C. **TRAILS**. Existing trails shall be incorporated into the Open Space elements of the project and shall be maintained in their existing location whenever possible. Applicants may be required to grant the City a trail easement to connect proposed trails with existing trails. Construction of new trails shall be consistent with the Park City Trails Master Plan.
- D. **INTERNAL CIRCULATION**. Adequate internal vehicular, pedestrian, and bicycle circulation shall be provided. Pedestrian and bicycle circulations shall be separated from vehicular circulation and shall provide safe travel within the boundaries of the Affordable Master Planned Development and safe travel to adjoining public sidewalks, trails, and Rights-of-Way. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.
- E. **SNOW REMOVAL**. The Site plan shall include adequate Areas for snow removal and snow storage. The Landscaping plan shall allow for snow storage Areas.

Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. Snow shall be stored on-Site, unless otherwise approved by the Planning Commission.

F. **TRASH AND RECYCLING**. 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. Single Family Dwellings shall include a mandatory recycling program with curb side recycling, and may also include Recycling Facilities. 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.

- 3783 G. **TRANSPORTATION AMENITIES**. The Site plan shall include transportation
3784 amenities including drop-off Areas for van and shuttle service, and a bus stop, if
3785 applicable.
- 3786 H. **SERVICE AND DELIVERY**. Access and loading/unloading Areas must be
3787 included in the Site plan. The service and delivery should be kept separate from
3788 pedestrian Areas.
- 3789 I. **LANDSCAPE AND LIGHTING**. A preliminary Landscaping plan must be
3790 submitted with the Affordable Master Planned Development Application. The
3791 Landscaping plan shall comply with all criteria and requirements of Section 15-5-
3792 5(N). All noxious weeds, as identified by Summit County, shall be removed from
3793 the Property in accordance with the Summit County Weed Ordinance prior to
3794 issuance of Certificates of Occupancy. Lighting must meet the requirements of
3795 Section 15-5-5(J).
- 3796 J. **SENSITIVE LANDS COMPLIANCE**. Applicants for an Affordable Master
3797 Planned Development that contains any Area within the Sensitive Land Overlay
3798 Zone shall conduct a Sensitive Lands Analysis and shall conform to Chapter 15-
3799 2.21.
- 3800 K. **CHILD CARE**. A Site designated and planned for a Child Care Center may be
3801 required for an Affordable Master Planned Development if the Planning
3802 Commission determines that the project will create additional demands for Child
3803 Care.
- 3804 L. **MINE HAZARDS**. Applications shall include a map and list of all known Physical
3805 Mine Hazards on the Property and a Physical Mine Hazard mitigation plan.

M. **HISTORIC MINE WASTE MITIGATION.** An Applicant for an Affordable Master Planned Development with Property that is located within the Park City Soils Ordinance Boundary shall submit a soil remediation mitigation plan and shall indicate areas of hazardous soils and proposed methods of remediation and/or removal subject to the requirements and regulations of the Municipal Code of Park City Chapter 11-15.

N. **GENERAL PLAN REVIEW.** The Planning Commission shall review Affordable Master Planned Developments for consistency with the goals and objectives of the General Plan; however such review for consistency shall not alone be binding.

O. **HISTORIC SITES.** Applicants shall submit a map and inventory of Historic Structures and Sites on the Property and a Historic Structures Report prepared by a Qualified Historic Preservation Professional.

P. **DESIGN GUIDELINES.** The Planning Commission may require Design Guidelines for Affordable Master Planned Developments, including regulation of building design elements for Single-Family Dwellings and/or Duplex Dwellings, that specify:

1. Exterior cladding material;
2. Style, dimensions, and materials of a roof structure, roof pitch, and porch;
3. Exterior nonstructural architectural ornamentation;
4. Location, design, placement, and architectural styling of windows and doors; and
5. Location, design, placement, and architectural styling of a garage door.

3829 HISTORY

3830 *Adopted by Ord. [2021-10](#) on 2/25/2021*

3831

3832 **15-7-3 Policy**

3833 A. It is hereby declared to be the policy of Park City to consider the Subdivision of
3834 land and the subsequent Development or amendment of the Subdivision plat, or
3835 the adjustment of Lot lines therein, as subject to the control of Park City pursuant
3836 to the official General Plan of Park City for the orderly, planned, efficient, and
3837 economical Development of Park City.

3838 B. Land to be subdivided or re-subdivided, or Lot lines that shall be adjusted
3839 therein, shall be of such character that it can be used safely for Building
3840 purposes without danger to health or peril from fire, flood, landslide, mine
3841 subsidence, geologic hazards, or other menace, and land shall not be
3842 subdivided, re-subdivided, or adjusted until available public facilities and
3843 improvements exist and proper provision has been made for drainage, water,
3844 sewerage, and capital improvements such as schools, parks, recreation facilities,
3845 transportation facilities, and improvements.

3846 C. The existing and proposed public improvements shall conform and be properly
3847 related to the proposals shown in the General Plan, Streets Master Plan, Official
3848 Zoning Map, and the capital budget and program of Park City, and it is intended
3849 that these regulations shall supplement and facilitate the enforcement of the
3850 provisions and standards contained in the adopted [~~Uniform Building and~~
3851 ~~Housing Codes~~] International Building Code, the Land Management Code,
3852 General Plan, Official Zoning Map, and capital budget and program of Park City.

3853 HISTORY

3854 *Adopted by Ord. [01-17](#) on 5/17/2001*

3855 **15-7-4 Authority**

3856 A. By authority of ordinance of the City Council of Park City, hereinafter referred to
3857 as "City Council", adopted pursuant to the powers and jurisdictions vested
3858 through Title 10, Chapters 3 and 9a, and Title 17, Chapter 27a of the Utah Code,
3859 ~~[Annotated (1953, as amended)]~~ as amended and other applicable laws,
3860 statutes, ordinances, and regulations of the State of Utah, the City Council
3861 hereby exercise the power and authority to review, approve, and disapprove
3862 plats for subdividing land within the corporate limits of Park City which show Lots,
3863 blocks, or Sites with or without new Streets or highways.

3864 B. By the same authority, the City Council does hereby exercise the power and
3865 authority to pass and approve Development in Subdivisions, Re-subdivisions, or
3866 Lot Line Adjustments of land already recorded in the office of the County
3867 Recorder if such are entirely or partially undeveloped.

3868 C. The plat, Subdivision, Re-subdivision or Lot Line Adjustment shall be considered
3869 to be void if:

- 3870 1. the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been
3871 recorded with the County Recorder's office without a prior approval by the
3872 City Council, or in the case of a Lot Line Adjustment, its designated
3873 responsible official, or
3874 2. the plat, Subdivision, Re-subdivision, or Lot Line Adjustment has been
3875 approved by the City Council where the approval has been granted more

3876 than three (3) years prior to granting a Building permit, on the partially or
3877 entirely undeveloped land and the zoning regulations, either bulk or Use,
3878 for the district in which the Subdivision is located, have been changed
3879 subsequent to the original final plat, Subdivision, Re-subdivision, or Lot
3880 Line Adjustment approval.

3881 D. A Transfer of land pursuant to a void plat is voidable.

3882 HISTORY

3883 *Adopted by Ord. [01-17](#) on 5/17/2001*

3884 *Amended by Ord. [06-22](#) on 4/27/2006*

3885

3886 **15-7-7 Vacation, Alteration Or Amendment Of Plats**

3887 The City Council may, on its own motion, or pursuant to a petition, consider and resolve
3888 at a public hearing any proposed vacation, alteration or amendment of a Subdivision
3889 plat, or any Street, Lot, alley or public Use Area contained in a Subdivision plat, as
3890 provided in Section 10-9a-608 through 10-9a-611 of the Utah Code [~~Annotated (1953)~~].
3891 as amended. If the amended plat is approved and recorded, the recorded plat shall
3892 vacate, supersede, and replace any contrary provision in a previously recorded plat on
3893 the same land. The recorded vacating ordinance shall replace a previously recorded
3894 plat described in the vacating ordinance.

3895 HISTORY

3896 *Adopted by Ord. [01-17](#) on 5/17/2001*

3897 *Amended by Ord. [06-22](#) on 4/27/2006*

3898 *Amended by Ord. [2016-44](#) on 9/15/2016*

3899

3900 **15-7.2-1 Improvements**

3901 A. **COSTS OF IMPROVEMENTS.** All required Site or Public Improvements shall be
3902 made by the Applicant, at his expense, without reimbursement by the City or any
3903 improvement district therein, and in accordance with related codes, fee
3904 schedules, and ordinances.

3905 B. **ESCROW DEPOSITS, CASH DEPOSITS, OR LETTERS OF CREDIT FOR LOT**
3906 **IMPROVEMENTS.**

3907 1. **ACCEPTANCE OF ESCROW FUNDS.** Whenever, by reason of the
3908 season of the year any improvements required by the Subdivision
3909 regulations cannot be performed, the Building Official may, nevertheless,
3910 issue a temporary Certificate of Occupancy, provided there is no danger to
3911 health, safety, or general welfare, upon accepting as a Guarantee an
3912 Escrow deposit, a cash deposit, or a letter of credit in an amount to be
3913 determined by the Chief Building Official, or his designee, for the cost of
3914 said improvements. The Guarantee covering such Lot improvements shall
3915 remain in full force and effect.

3916 2. **PROCEDURES ON ESCROW FUND.** All required improvements for
3917 which a Guarantee has been accepted by the Chief Building Official, or his
3918 designee, at the time of issuance of a Certificate of Occupancy shall be
3919 installed by the Developer within a period of nine (9) months from the date
3920 of deposit and issuance of the temporary Certificate of Occupancy. In the
3921 event that the improvements have not been properly installed, at the end
3922 of the time period the Chief Building Official, or his designee, shall give

3923 two (2) weeks written notice to the Developer requiring him to install the
3924 same, and in the event that the same are not installed to the City's
3925 satisfaction, the Chief Building Official, or his designee, may request the
3926 City Council to authorize the City to proceed to contract out the work for
3927 the installation of the necessary improvements in a sum not to exceed the
3928 amount of the Guarantee. At the time of the issuance of the Certificate of
3929 Occupancy for which a Guarantee is deposited with the Chief Building
3930 Official, or his designee, the Applicant shall obtain and file with the
3931 Building Official prior to obtaining the Certificate of Occupancy a notarized
3932 statement from the purchaser or purchasers of the premises authorizing
3933 the Building Official to install the improvements at the end of the nine (9)
3934 month period in the event that the same have not been duly installed by
3935 the Developer.

3936 C. **TEMPORARY IMPROVEMENTS**. The Applicant shall build and pay for all costs
3937 of Temporary Improvements required by the Planning Commission or City
3938 Engineer and shall maintain same for the period specified. Prior to construction
3939 of any temporary facility or improvement, the Developer shall file with the City a
3940 separate suitable Guarantee, in accordance with the Land Management Code,
3941 for temporary facilities, which Guarantee shall insure that the temporary facilities
3942 will be properly constructed, maintained, and removed.

3943 D. **DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS**.

- 3944 1. The Planning Commission may recommend that the City Council defer or
3945 waive at the time of final approval, subject to appropriate conditions, the

3946 provision of any or all such improvements as, in its judgment, are not
3947 requisite in the interests of the public health, safety, and general welfare,
3948 or which are inappropriate because of inadequacy or lack of connecting
3949 facilities.

- 3950 2. Whenever it is deemed necessary by the Planning Commission to defer
3951 the construction of any improvement required herein because of
3952 incompatible Grades, future planning, inadequate or lack of connecting
3953 facilities, or for other reasons, the Applicant shall pay his share of the
3954 costs of the future improvements to the City government prior to the
3955 signing of the final Subdivision Plat, or the Applicant may post a
3956 Guarantee insuring completion of said improvements upon demand of the
3957 municipality.

3958 E. **INSPECTION OF IMPROVEMENTS.**

- 3959 1. **GENERAL PROCEDURE AND FEES.** The Planning Commission in
3960 consultation with or upon the advice of the City Engineer or Planning
3961 Director, shall provide for inspection of required improvements during
3962 construction and insure their satisfactory completion. The Applicant shall,
3963 in accordance with the City's fee resolution, pay to the City an inspection
3964 fee and the Subdivision Plat shall not be signed by the Chairman of the
3965 Planning Commission or Mayor unless such fee has been paid. These
3966 fees shall be due and payable upon demand of the City and no Building
3967 Permits or certificates of occupancy shall be issued until all fees are paid.
3968 If the City Engineer finds upon inspection that any of the required

improvements have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance Guarantee, the Applicant and the issuing company shall be severally and jointly liable for completing the improvements according to specifications. Prior to commencement of construction on any public improvement or private improvement required to be built to public standards, the Developer shall first obtain a Notice to Proceed from the Planning Director or [his] designee.

F. **MAINTENANCE OF IMPROVEMENTS.**

1. The Applicant shall be required to maintain all improvements on the individual subdivided Lots and provide for snow removal on Streets and sidewalks until acceptance of said improvements by the City Council. If there are any certificates of occupancy on a Street not dedicated to the City, the City may on twelve (12) hours notice plow the Street or effect emergency repairs and charge same to Applicant. The City will not normally accept water improvements or Street improvements or assume responsibility for either general maintenance or snow removal until over fifty percent (50%) of the Lots within the Subdivision are built upon.

G. **COMPLETION OF IMPROVEMENTS.** Before the plat is signed by the Chairman of the Planning Commission and the Mayor, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other

3992 improvements, i.e: storm drainage, trails, sidewalk, curb, gutter, Street signs,
3993 water lines, etc., including Lot improvements on the individual Lots of the
3994 Subdivision as required, and as approved by the Planning Commission and the
3995 City Council, and to dedicate same to the local government, free and clear of all
3996 liens and encumbrances on the Property and public improvements thus
3997 dedicated.

3998 H. **CERTIFICATE OF SATISFACTORY COMPLETION**. Subject to maintenance
3999 provisions contained in Section 15-7.2-1(F), the City will not accept dedication of
4000 required improvements, or release or reduce a performance Guarantee, until the
4001 City Engineer has submitted a certificate stating that all required improvements
4002 have been satisfactorily completed and until the Applicant's engineer or surveyor
4003 has certified to the City Engineer, through submission of detailed "as-built"
4004 survey plats of the Subdivision, indicating location, dimensions, materials, and
4005 other information required by the Planning Commission and City Engineer, that
4006 the layout of the line and Grade of all public improvements is in accordance with
4007 the City approved construction plans for the Subdivision and that a commitment
4008 for a title policy or other acceptable evidence has been furnished to the City
4009 Attorney and City Engineer indicating that the improvements have been
4010 completed, are ready for dedication to the local government and are free and
4011 clear of any and all liens and encumbrances. Upon such approval and
4012 recommendation, the City Council shall thereafter accept the improvements for
4013 dedication in accordance with the established policy and procedure.

I. **FAILURE TO COMPLETE IMPROVEMENT.** For Subdivisions for which no performance Guarantee has been posted, if the improvements are not completed within the period specified by the Planning Commission and City Council in the Ordinance approving the plat, the approval shall be deemed to have expired. In those cases where a performance Guarantee has been posted and required improvements have not been installed within the terms of such performance Guarantee, the Planning Department may thereupon declare the Guarantee to be in default and require that all the improvements be installed.

HISTORY

Adopted by Ord. [01-17](#) on 5/17/2001

Amended by Ord. [06-22](#) on 4/27/2006

Amended by Ord. [09-09](#) on 2/12/2009

Amended by Ord. [14-37](#) on 7/17/2014

. . . .

15-7.4-3 Final Subdivision Plat

A. **GENERAL.** The final Subdivision Plat shall be presented in India ink on tracing cloth or reproducible mylar at the same scale and contain the same information, except for any changes or additions required by the Planning Commission, as required by Section 15-7.4-1 Preliminary Plat. The Preliminary Plat may be used as the final Subdivision Plat if it meets these requirements and is revised in accordance with the Planning Commission's requirements. All revision dates must be shown as well as the following:

- 4036 1. Notation of any self-imposed restrictions, and locations of any Building
4037 lines proposed to be established in this manner, if required by the
4038 Planning Commission in accordance with these regulations.
- 4039 2. All monuments erected, corners, and other points established in the field
4040 in their proper places. The material of which the monuments, corners, or
4041 other points are made shall be noted at the representation thereof or by
4042 legend. The legend for metal monuments shall indicate the kind of metal,
4043 the diameter, length, and weight per lineal foot of the monuments.
- 4044 3. Form for endorsements by the Planning Commission chair, Mayor, City
4045 Recorder, City Engineer, City Attorney, Snyderville Basin Water
4046 Reclamation District and other entities as required by the City Engineer.

4047 B. **PREPARATION**. The final Subdivision Plat shall be prepared by a land surveyor
4048 licensed by the State of Utah. The surveyor shall certify that the survey of the
4049 Property described on the Plat is in accordance with Title 17, Chapter 23, Section
4050 17 of the Utah Code, [~~Annotated (1953, as amended)~~] as amended, and has
4051 verified all measurements and has placed monuments as represented on the
4052 Plat.

4053 HISTORY

4054 *Adopted by Ord. [01-17](#) on 5/17/2001*

4055 *Amended by Ord. [06-22](#) on 4/27/2006*

4056 *Amended by Ord. [11-05](#) on 1/27/2011*

4057

4058 **15-9-1 Purpose**

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in ~~[Chapter]~~ Section 15-15-1. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. In addition, Applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the Use in relation to other Uses.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

. . . .

15-9-4 Abandonment Or Loss Of Non-Conforming Use

A. **ABANDONMENT OF NON-CONFORMING USE**. A Non-Conforming Use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Abandonment may also be presumed to have occurred if a majority of the primary Structure associated with the Non-Conforming Use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the Non-Conforming Use; or the primary Structure associated with the Non-Conforming Use remains vacant for a period of one (1) year.

Any party claiming that a Non-Conforming Use has been abandoned shall have the burden of establishing the abandonment.

Any subsequent Use of the Building, Structure, or land must conform to the regulations for the Zoning District in which it is located.

B. **REBUTTABLE PRESUMPTION OF ABANDONMENT**. The presumption of abandonment may be rebutted upon a showing that during such period:

1. any period of discontinued Use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the Use; or
2. the Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the Use and the Owner has been maintaining the Building, Structure, or land in accordance with the ~~[Uniform Building Code]~~ International Building Code; or
3. the Owner can demonstrate no abandonment of the Use.

The Property Owner shall have the burden of establishing that any claimed abandonment has not in fact occurred.

HISTORY

Adopted by Ord. [00-25](#) on 3/30/2000

Amended by Ord. [06-35](#) on 6/8/2006

Amended by Ord. [15-35](#) on 10/12/2015

. . . .

15-10-1 Establishment Of Board

In order to avail the City of the powers provided in Chapter 9a of Title 10 of the Utah Code, as amended ~~[(1953, as amended)]~~, there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting

4107 alternate to vote when a regular member is absent. Members shall be appointed by the
4108 Mayor with the advice and consent of the City Council. The Council may fix per diem
4109 compensation for the members of the Board of Adjustment by resolution, based on
4110 necessary and reasonable expenses for meetings actually attended. All members of the
4111 Board of Adjustment shall reside within the City limits, and are deemed to have resigned
4112 if they move their residence from the City limits.

4113 HISTORY

4114 *Adopted by Ord. [01-17](#) on 5/17/2001*

4115

4116 **15-10-3 Powers And Duties**

4117 A. The Board of Adjustment shall hear and decide:

- 4118 1. Appeals ~~[from zoning decisions applying Title 15, Land Management~~
4119 ~~Code]~~ **pursuant to Section 15-1-18;**
- 4120 2. Variances from the terms of the Land Management Code.
- 4121 3. ~~[Appeals and call-ups of Final Action by the Planning Commission at the~~
4122 ~~request of the City Council for City Development applications.~~
- 4123 4. ~~Appeals of Final Action by the Planning Staff on Historic District Design~~
4124 ~~Review applications when the Historic Preservation Board takes part in~~
4125 ~~the review and Final Action.~~
- 4126 5. Appeals of Final Action by the Historic Preservation Board on
4127 ~~Determination of Significance applications.]~~

4128 B. The Board of Adjustment shall make determinations regarding the modification of
4129 Non-Conforming Uses and shall hear appeals on the determination of Non-

4130 Conforming or Non-Complying status by the Director of the Planning Department,
4131 as provided in ~~[Title 15, Chapter 9]~~ Chapter 15-9.

4132 HISTORY

4133 *Adopted by Ord. 01-17 on 5/17/2001*

4134 *Amended by Ord. 06-35 on 6/8/2006*

4135 *Amended by Ord. 10-11 on 4/1/2010*

4136 *Amended by Ord. 12-37 on 12/20/2012*

4137 *Amended by Ord. 15-35 on 10/12/2015*

4138

4139 **15-10-7 Appeals**

4140 ~~[Also see] See~~ Section 15-1-18. ~~[The Board shall hear and decide appeals from an~~
4141 ~~Applicant or any other Person or entity, including any officer or board of the City,~~
4142 ~~adversely affected by a final decision administering or interpreting the Land~~
4143 ~~Management Code which alleges that there is an error in any order, requirement,~~
4144 ~~decision or determination of the Land Management Code.~~

4145

4146 ~~The appeal must be made in writing and submitted to the Planning Department within~~
4147 ~~ten (10) days of the decision. The Board may, in conformity with the provisions of the~~
4148 ~~Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision~~
4149 ~~or determination appealed from and may make such order, requirement, decision, or~~
4150 ~~determination as ought to be made, and to that end shall have all the powers of the~~
4151 ~~administrative official, board, or commission from whom the appeal is taken. The~~
4152 ~~Person or entity making the appeal has the burden of proving that an error has been~~
4153 ~~made.~~

4154
4155 ~~A Person may not appeal, and the Board of Adjustment may not consider, any~~
4156 ~~amendments to the Land Management Code, or appeals of Conditional Use permits or~~
4157 ~~Master Planned Developments, which shall be appealed to the City Council, unless~~
4158 ~~specifically requested by the City Council for City Development. Appeals may not be~~
4159 ~~used to waive or modify the terms or requirements of the Land Management Code.~~

4160
4161 ~~The Board of Adjustment shall review factual matters de novo and it shall determine the~~
4162 ~~correctness of the decision of the land use authority. The scope of review of the Board~~
4163 ~~of Adjustment is limited to issues brought to the land use authority. Appeals shall be~~
4164 ~~heard by the Board of Adjustment within forty-five (45) days of the date that the~~
4165 ~~appellant files an appeal unless all parties, including the City, stipulate otherwise.]~~

4166 HISTORY

4167 *Adopted by Ord. [01-17](#) on 5/17/2001*

4168 *Amended by Ord. [06-35](#) on 6/8/2006*

4169 *Amended by Ord. [09-10](#) on 3/5/2009*

4170 *Amended by Ord. [10-11](#) on 4/1/2010*

4171 *Amended by Ord. [15-35](#) on 10/12/2015*

4172

4173 **15-10-8 Variance**

4174 A. Any Person or entity desiring a waiver or modification of the requirements of the
4175 Land Management Code as applied to a Parcel or Property that [he/she] a
4176 person or entity owns, leases, or in which he/she holds some other beneficial

4177 interest may apply to the Board of Adjustment for a variance from the terms of
4178 the Land Management Code.

4179 B. An Application for variance review must be filed with the Planning Department,
4180 and the required fee paid in advance. The Application shall state the nature of
4181 the hardship and the nature of the variance requested. If the request for a
4182 variance is a result of a denial of any Building Permit or Conditional Use
4183 approval, the Application shall so state, and all documents on file concerning the
4184 matter shall be forwarded to the Board for review as a part of the request. The
4185 Applicant or the City may present any information as might be reasonably
4186 required by the Board in evaluating the request.

4187 C. Variances shall be granted only if all of the following conditions are found to exist:

- 4188 1. Literal enforcement of the Land Management Code would cause an
4189 unreasonable hardship for the Applicant that is not necessary to carry out
4190 the general purpose of the Land Management Code;
- 4191 2. There are special circumstances attached to the Property that do not
4192 generally apply to other Properties in the same zone;
- 4193 3. Granting the variance is essential to the enjoyment of a substantial
4194 Property right possessed by other Property in the same zone;
- 4195 4. The variance will not substantially affect the General Plan and will not be
4196 contrary to the public interest; and
- 4197 5. The spirit of the Land Management Code is observed and substantial
4198 justice done.

4199 D.

4200 1. In determining whether or not enforcement of the zoning ordinance would
4201 cause unreasonable hardship under Subsection ~~[15-10-9(C)(1)]~~ 15-10-
4202 8(C)(1), the Board of Adjustment may not find an unreasonable hardship
4203 unless the alleged hardship is located on or associated with the Property
4204 for which the variance is sought and comes from circumstances peculiar
4205 to the Property, not from conditions that are general to the neighborhood.

4206 2. In determining whether or not enforcement of the Land Management Code
4207 would cause unreasonable hardship under Subsection ~~[15-10-9(C)(1)]~~ 15-
4208 10-8(C)(1), the Board of Adjustment may not find an unreasonable
4209 hardship if the hardship is self-imposed or economic.

4210 E. In determining whether or not there are special circumstances attached to the
4211 Property under Subsection ~~[15-10-9(C)(2)]~~ 15-10-8(C)(2), the Board of
4212 Adjustment may find that special circumstances exist only if the special
4213 circumstances relate to the hardship complained of and deprive the Property of
4214 privileges granted other Properties in the same zone.

4215

4216 The Applicant shall bear the burden of proving that all of the conditions justifying
4217 a variance have been met.

4218 F. Variances run with the land.

4219 G. The Board of Adjustment and any other body may not grant a Use variance.

4220 H. In granting a variance, the Board of Adjustment may impose additional
4221 requirements on the Applicant that will:

4222 1. mitigate any harmful affects of the variance; or

4223 2. serve the purpose of the standard or requirement that is waived or
4224 modified.

4225 HISTORY

4226 *Adopted by Ord. [01-17](#) on 5/17/2001*

4227 *Amended by Ord. [06-35](#) on 6/8/2006*

4228 *Amended by Ord. [12-37](#) on 12/20/2012*

4229 *Amended by Ord. [15-35](#) on 10/12/2015*

4230

4231 **15-10-9 Persons Entitled To Appear**

4232 At the hearing on any matter before the Board of Adjustment, any Person aggrieved or
4233 interested in the matter may appear in person or through ~~his~~ **their** attorney to testify on
4234 the matter. The Applicant shall have the right to respond to testimony offered in
4235 opposition to the Application.

4236 HISTORY

4237 *Adopted by Ord. [01-17](#) on 5/17/2001*

4238

4239 **15-11-1 Establishment Of Board**

4240 ~~[Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953,~~
4241 ~~and other applicable power, there]~~ **There** is hereby created a Park City Historic
4242 Preservation Board (HPB). The HPB shall be composed of seven (7) members.

4243 HISTORY

4244 *Adopted by Ord. [02-07](#) on 5/23/2002*

4245 Amended by Ord. [03-34](#) on 7/10/2003

4246 Amended by Ord. [06-69](#) on 10/19/2006

4247

4248 **15-11-5 Purposes**

4249 The purposes of the HPB are:

4250 A. To preserve the City's unique Historic character and to encourage compatible
4251 design and construction through the creation, and periodic update of

4252 comprehensive ~~[Design Guidelines for Park City's Historic Districts and Historic~~
4253 ~~Sites]~~ Design Guidelines For Historic Districts And Historic Sites, Chapter 15-13;

4254 B. To identify as early as possible and resolve conflicts between the preservation of
4255 cultural resources and alternative land Uses;

4256 C. To provide input to staff, the Planning Commission and City Council towards
4257 safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or
4258 Structures;

4259 D. To recommend to the Planning Commission and City Council ordinances that
4260 may encourage Historic preservation;

4261 E. To communicate the benefits of Historic preservation for the education,
4262 prosperity, and general welfare of residents, visitors and tourists;

4263 F. To recommend to the City Council Development of incentive programs, either
4264 public or private, to encourage the preservation of the City's Historic resources;

4265 G. To administer all City-sponsored preservation incentive programs;

4266 H. To review and take action on all designation of Sites to the Historic Sites
4267 Inventory Applications submitted to the City; and

4268 I. To review and take action on material deconstruction applications for those Sites
4269 listed on the Historic Sites Inventory.

4270 HISTORY

4271 *Adopted by Ord. [02-07](#) on 5/23/2002*

4272 *Amended by Ord. [03-34](#) on 7/10/2003*

4273 *Amended by Ord. [09-23](#) on 7/9/2009*

4274 *Amended by Ord. [15-53](#) on 12/17/2015*

4275 *Amended by Ord. [16-15](#) on 3/24/2016*

4276 *Amended by Ord. [2016-44](#) on 9/15/2016*

4277

4278 **15-11-6 Additional Duties**

4279 In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of
4280 the City Council:

4281 A. Participate in the design review of any City-owned projects located within the
4282 designated Historic District or are structures on the Historic Sites Inventory.

4283 B. Recommend to the City Council the purchase of interests in Property for
4284 purposes of preserving the City's cultural resources.

4285 C. Recommend to the Planning Commission and the City Council zoning boundary
4286 changes for the district to preserve the historical integrity of the Area.

4287 Subdivision, Conditional Uses, and ~~[planned-unit]~~ Master Planned Development
4288 Applications must continue to be acted upon by the Planning Commission.

4289 D. Provide advice and guidance on request of the Property Owner or occupant on
4290 the construction, restoration, alteration, decoration, landscaping, or maintenance

4291 of any cultural resource, Historic Site, and Property within the Historic District, or
4292 neighboring Property which are structures on the Historic Sites Inventory or
4293 are within a two (2) block radius of the Historic District.

4294 HISTORY

4295 *Adopted by Ord. [02-07](#) on 5/23/2002*

4296 *Amended by Ord. [03-34](#) on 7/10/2003*

4297 *Amended by Ord. [09-23](#) on 7/9/2009*

4298 *Amended by Ord. [16-15](#) on 3/24/2016*

4299

4300 **15-11-11 Design Guidelines For ~~[Park City's]~~ Historic Districts And Historic Sites**

4301 The HPB shall promulgate and update as necessary the Design Guidelines for Historic
4302 Districts and Historic Sites, Chapter 15-13. ~~[for Use in the Historic District zones and for~~
4303 ~~Historic Sites. These guidelines shall, upon adoption by resolution of the City Council,~~
4304 Planning Department staff shall review Historic District Design Review Applications for
4305 properties within the Historic Districts and Landmark and Significant Historic Sites
4306 designated on the Park City Historic Sites Inventory pursuant to the Design Guidelines
4307 for Historic Districts and Historic Sites, Chapter 15-13. ~~[be used by the Planning~~
4308 ~~Department staff in reviewing Historic District/Site design review Applications.]~~ The
4309 Design Guidelines for ~~[Park City's]~~ Historic Districts and Historic Sites ~~[shall]~~ address
4310 rehabilitation of existing Structures, additions to existing Structures, and the
4311 construction of new Structures. ~~[The Design Guidelines are incorporated into this Code~~
4312 ~~as Chapter 15-13.]~~ From time to time, the HPB may recommend changes ~~[in]~~ to the
4313 Design Guidelines for ~~[Park City's]~~ Historic Districts and Historic Sites to the Planning

4314 Commission and Council, provided that no changes in the guidelines shall take effect
4315 until adopted by an ordinance of the City Council.

4316 HISTORY

4317 *Adopted by Ord. [02-07](#) on 5/23/2002*

4318 *Amended by Ord. [03-34](#) on 7/10/2003*

4319 *Amended by Ord. [09-23](#) on 7/9/2009*

4320 *Amended by Ord. [2017-42](#) on 8/3/2017*

4321

4322 **15-11-12 Historic District Or Historic Site Design Review**

4323 The Planning Department shall review and approve, approve with conditions, or deny,
4324 all Historic District/Site design review Applications involving an Allowed Use, a
4325 Conditional Use, or any Use associated with a Building Permit, to build, locate,
4326 construct, remodel, alter, or modify any Building, accessory Building, or Structure, or
4327 Site located within the Park City Historic Districts or Historic Sites, including fences and
4328 driveways.

4329

4330 Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning
4331 Department shall review the proposed plans for compliance with Architectural Review
4332 Chapter 15-5, Historic Preservation Chapter 15-11, and the Design Guidelines for
4333 Historic Districts and Historic Sites Chapter 15-13, ~~LMC Chapter 15-11, and LMC~~
4334 ~~Chapter 15-5~~. Whenever a conflict exists between the LMC and the Design Guidelines
4335 for Historic Districts and Historic Sites, the more restrictive provision shall apply to the
4336 extent allowed by law.

4337 A. PRE-APPLICATION CONFERENCE.

- 4338 1. It is strongly recommended that the Owner and/or Owner's representative
4339 attend a pre-Application conference with representatives of the Planning
4340 and Building Departments for the purpose of determining the general
4341 scope of the proposed Development, identifying potential impacts of the
4342 Development that may require mitigation, providing information on City-
4343 sponsored incentives that may be available to the Applicant, and outlining
4344 the Application requirements.
- 4345 2. Each Application shall comply with all of the Design Guidelines for Historic
4346 Districts and Historic Sites unless the Planning Department determines
4347 that, because of the scope of the proposed Development, certain
4348 guidelines are not applicable. If the Planning Department determines
4349 certain guidelines do not apply to an Application, the Planning Department
4350 staff shall communicate, via electronic or written means, the information to
4351 the Applicant. It is the responsibility of the Applicant to understand the
4352 requirements of the Application.
- 4353 3. The Planning Director~~[,]~~ or ~~[his]~~ designee~~[,]~~ may upon review of a Pre-
4354 Application submittal, determine that due to the limited scope of a project
4355 the Historic District or Historic Site Design Review process as outlined in
4356 ~~[LMC Sections]~~ Section 15-11-12~~[(B-E)]~~ and Historic Preservation Board
4357 Review For Material Deconstruction as outlined in ~~[LMC Sections]~~ Section
4358 15-11-12.5 are not required and is exempt.
- 4359

4360 If such a determination is made, the Planning Director^[7] or ~~his~~ designee
4361 may, upon reviewing the Pre-Application for compliance with applicable
4362 Design Guidelines for Historic Districts and Historic Sites, approve, deny,
4363 or approve with conditions, the project. If approved, the Applicant may
4364 submit the project for a Building Permit.

4365
4366 Applications that may be exempt from the Historic Design Review
4367 process, include, but are not limited to the following:

- 4368 a. For Non-Historic Structures and Sites - minor routine maintenance,
4369 minor routine construction work and minor alterations having little or
4370 no negative impact on the historic character of the surrounding
4371 neighborhood or the Historic District, such as work on roofing,
4372 decks, railings, stairs, hot tubs and patios, foundations, windows,
4373 doors, trim , lighting, mechanical equipment, paths, driveways,
4374 retaining walls, fences, landscaping, interior remodels, temporary
4375 improvements, and similar work.
- 4376 b. For Significant Historic Structures and Sites - minor routine
4377 maintenance, minor routine construction work and minor alterations
4378 having little or no negative impact on the historic character of the
4379 surrounding neighborhood, the Historic Structure or the Historic
4380 District, such as work on roofing, decks, railings, stairs, hot tubs
4381 and patios, replacement of windows and doors in existing or to
4382 historic locations, trim, lighting, mechanical equipment located in a

4383 rear yard area or rear façade, paths, driveways, repair of existing
4384 retaining walls, fences, landscaping, interior remodels, temporary
4385 improvements, and similar work.

4386 c. For Landmark Historic Structures and Sites - minor routine
4387 maintenance and minor routine construction having no negative
4388 impact on the historic character of the surrounding neighborhood,
4389 the Historic Structure, or the Historic District, such as re-roofing;
4390 repair of existing decks, railing, and stairs; hot tubs and patios
4391 located in a rear yard; replacement of existing windows and doors
4392 in existing or historic locations; repair of existing trim and other
4393 historic detailing; lighting, mechanical equipment located in a rear
4394 yard area or rear façade, repair of paths, driveways, and existing
4395 retaining walls; fences, landscaping, interior remodels, temporary
4396 improvements, and similar work.

4397 d. For Significant and Landmark Historic Structures and Sites, the
4398 Planning Director may determine that the proposed work is
4399 Emergency Repair Work having little or no negative impact on the
4400 historic character of the surrounding neighborhood or the Historic
4401 District.

4402 B. **COMPLETE APPLICATION**. The Owner and/or Applicant for any Property shall
4403 be required to submit a Historic District/Site design review Application for
4404 proposed work requiring a Building Permit in order to complete the work.

C. **NOTICE**. Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 ~~[of this Code]~~.

D. **PUBLIC HEARING AND DECISION**. Following the fourteen (14) day public notice period noted in Section 15-1-21 ~~[of this Code]~~ the Planning Department staff shall hold a public hearing and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

1. Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for ~~[Park City's]~~ Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines for Historic Districts and Historic Sites, the Application shall be denied.

2. With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in Section 15-11-10(A)(1).

3. An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the

4428 Significant Site no longer meeting the criteria set forth in [Section](#) 15-11-
4429 10(A)(2).

4430 E. **EXTENSIONS OF APPROVALS**. Unless otherwise indicated, Historic District
4431 Design Review (HDDR) approvals expire one (1) year from the date of the Final
4432 Action. The Planning Director^[7] or designee^[7] may grant an extension of an
4433 HDDR approval for one (1) additional year when the Applicant is able to
4434 demonstrate no change in circumstance that would result in an unmitigated
4435 impact or that would result in a finding of non-compliance with the Park City
4436 General Plan or the Land Management Code in effect at the time of the
4437 extension request. Change of circumstance includes physical changes to the
4438 Property or surroundings. Notice shall be provided consistent with the original
4439 HDDR approval per [Section](#)s 15-1-12 [and 15-1-21](#). Extension requests must be
4440 submitted to the Planning Department in writing prior to the date of the expiration
4441 of the HDDR approval.

4442 HISTORY

4443 *Adopted by Ord. [02-07](#) on 5/23/2002*

4444 *Amended by Ord. [03-34](#) on 7/10/2003*

4445 *Amended by Ord. [09-23](#) on 7/9/2009*

4446 *Amended by Ord. [10-11](#) on 4/1/2010*

4447 *Amended by Ord. [11-05](#) on 1/27/2011*

4448 *Amended by Ord. [12-37](#) on 12/20/2012*

4449 *Amended by Ord. [15-53](#) on 12/17/2015*

4450 *Amended by Ord. [16-15](#) on 3/24/2016*

4451

4452 **15-11-12.5 Historic Preservation Board Review For Material Deconstruction**

4453 A. All Applications for Material Deconstruction involving any Building(s) (main,
4454 attached, detached, or public, Accessory Buildings and/or Structures designated
4455 to the Historic Sites Inventory as Landmark or Significant shall be subject to
4456 review and approval, approval with conditions, or denied by the following Review
4457 Authorities:

4458 1. The Planning Director or [his/her] designee shall review the following:

4459 a. Routine Maintenance, including, but not limited to:

4460 (1) Re-Roof;

4461 (2) Chimney repair;

4462 (3) Foundation repair; or

4463 (4) Replacement or repair of the following:

4464 (A) Historic wood features;

4465 (B) Door or Window replacement; and

4466 (C) Historic Site Features.

4467 b. Removing or Replacing Non-Historic Features.

4468 2. The Historic Preservation Board shall review the following:

4469 a. Removal of Historic Material to Accommodate New additions, New
4470 Construction, or Structural Upgrades.

4471 Prior to issuance of a Building Permit for any Material

4472 Deconstruction work, the Review Authority shall review the

4473 proposed plans for compliance with [the Land Management Code]

4474 Chapter 15-13 Design Guidelines For Historic Districts and Historic
4475 Sites.

4476 B. Material Deconstruction Reviews are subject to the following review process:

- 4477 1. **COMPLETE APPLICATION**. The Owner and/or Applicant for any
4478 Property shall be required to submit a Historic Preservation Board Review
4479 For Material Deconstruction for proposed work requiring a Building Permit
4480 in order to complete the work.
- 4481 2. **NOTICE**. Upon receipt of a Complete Application, but prior to taking action
4482 on any Historic Preservation Board Review for Material Deconstruction
4483 application, the Planning staff shall provide notice pursuant to Section 15-
4484 1-12 and 15-1-21 ~~[of this Code]~~.
- 4485 3. **PUBLIC HEARING AND DECISION**. Following the fourteen (14) day
4486 public notice period noted in Section 15-1-21 ~~[of this Code]~~, the Historic
4487 Preservation Board and/or the Planning Director or ~~[his/her]~~ designee shall
4488 hold a public hearing and make written findings, conclusions of law, and
4489 conditions of approval or reasons for denial, supporting the decision sand
4490 shall provide the Owner and/or Applicant with a copy.

4491 HISTORY

4492 *Adopted by Ord. 02-07 on 5/23/2002*

4493 *Amended by Ord. 03-34 on 7/10/2003*

4494 *Amended by Ord. 15-53 on 12/17/2015*

4495 *Amended by Ord. 16-15 on 3/24/2016*

4496 *Amended by Ord. 2020-14 on 2/27/2020*

4497

4498 **15-12-5 Authority**

4499 The Planning Commission shall have all necessary authority conferred on Planning
4500 Commissions pursuant to Chapter 9a of Title 10, Utah Code ~~[Annotated, 1953]~~, as
4501 amended, and such other powers as are conferred on it by the City Council.

4502 HISTORY

4503 *Adopted by Ord. [01-17](#) on 5/17/2001*

4504

4505 **15-12-15 Review By Planning Commission**

4506 A. General planning and review of specific Development projects by the Planning
4507 Commission shall be divided into the following functions:

- 4508 1. City General Plan and General Plan amendments review and
4509 recommendation to City Council;
- 4510 2. Annexation and zoning review with recommendation to City Council;
- 4511 3. Land Management Code and re-zoning review with recommendation to
4512 City Council;
- 4513 4. Subdivision approval with recommendation to City Council;
- 4514 5. ~~[Large-scale]~~ Master Planned Development and Affordable Master
4515 Planned Development approval;
- 4516 6. Conditional Use permit ratification of findings of fact, conclusions of law
4517 and conditions of approval, if applicable;
- 4518 7. Consent agenda items;
- 4519 8. Review of appeals of Planning Director [] Final Action [] on land use
4520 applications;

- 4521 9. Subdivision and Condominium plat and plat amendment review with
4522 recommendation to City Council;
4523 10. Sensitive Lands review; and
4524 11. Extension of Conditional Use permit and Master Planned Development
4525 approvals.

4526 B. The scope of review for each of these functions is as follows:

- 4527 1. **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have
4528 the primary responsibility to initiate and update the City General Plan,
4529 including planning for adequate Streets and utilities, parks, trails,
4530 recreation facilities, housing, and open space. The Commission shall
4531 consider long-range zoning and land use objectives, protection of
4532 Sensitive Lands, and shall conduct periodic review of existing plans to
4533 keep them current.
- 4534 2. **ANNEXATION REVIEW.** The Commission shall review all annexation
4535 requests according to the Utah State Code regarding annexations,
4536 including Section 10-2-401.5, regarding adoption of an annexation policy
4537 plan, and shall make a recommendation to City Council for action. The
4538 Commission shall recommend zoning on land to be annexed.
- 4539 3. **LAND MANAGEMENT CODE AND REZONING REVIEW.** The
4540 Commission shall initiate or recommend zone changes and review the
4541 Land Management Code Development standards within zones. The
4542 Commission shall hear all requests for zone changes and forward a
4543 recommendation to City Council for action. The Commission shall have

the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

4. **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

5. **[LARGE SCALE] MASTER PLANNED DEVELOPMENT AND AFFORDABLE MASTER PLANNED DEVELOPMENT APPROVAL.** ~~[All]~~
The Planning Commission shall review proposals for ~~[large scale]~~ Master Planned Development pursuant to Chapter 15-6 and Affordable Master Planned Development pursuant to Chapter 15-6.1 ~~[approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.]~~

6. **RATIFICATION OF CONDITIONAL USE PERMITS.** The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions

of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

7. **CONSENT AGENDA ITEMS.** The following items may be placed on the consent agenda, if the Application is uncontested, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

1. Conditional Use permits, including Steep Slope Conditional Use permits;
2. Plat and plat amendment approvals;
3. Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals[.];
4. Other items of a perfunctory nature, which the Chair directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Applicant requests the item be continued in order to prepare additional information to respond to the Commissions concerns.

4589 8. REVIEW OF APPEALS OF THE PLANNING STAFF'S

4590 ~~[INTERPRETATION]~~ FINAL ACTION ON A LAND USE

4591 ~~[APPLICATIONS]~~ APPLICATION. ~~[The Owner, Applicant, or any non-~~

4592 ~~Owner with standing as defined in Section 15-1-18(D) of this Code may~~

4593 ~~request that Planning Staff Final Action on a project be reviewed by the~~

4594 ~~Planning Commission. The standard of review by the Planning~~

4595 ~~Commission shall be the same as the scope of review at the Staff level.~~

4596 ~~Appeal process shall be in accordance with Section 15-1-18. Appeals~~

4597 ~~shall be heard by the Planning Commission within forty-five (45) days of~~

4598 ~~the date that the appellant files an appeal unless all parties, including the~~

4599 ~~City, stipulate otherwise.]~~ See Section 15-1-18.

4600 9. SUBDIVISION AND CONDOMINIUM PLAT AND PLAT AMENDMENT

4601 **REVIEW.** The Commission shall review all plats affecting land within the

4602 City limits or annexations to the City, according to Section 15-7. The

4603 scope of review on plat approval is limited to finding substantial

4604 compliance with the provisions of the state statute on recording of plats,

4605 and that all previously imposed conditions of approval, whether imposed

4606 by the Staff or the Commission have been satisfied.

4607
4608 Upon finding that the plat is in compliance with the state statute, and that

4609 conditions of approval have been satisfied, the plat must be approved.

4610 The City Engineer, City Attorney, City Recorder, City Council, and Mayor

4611 shall all review the plat as required by statute before recording. Plats may
4612 be approved on the consent agenda.

4613 **10. SENSITIVE LANDS REVIEW.** Any project falling within the Sensitive
4614 Lands Area Overlay Zone is subject to additional requirements and
4615 regulations as outlined in ~~[the Sensitive Area Overlay Zone Regulations,~~
4616 ~~Section]~~ Chapter 15-2.21.

4617 **11. EXTENSION OF CUP AND MPD APPROVAL.** See extension of
4618 Conditional Use Permit, Section 15-1-10(G) and MPD Section 15-6-4(H),
4619 Length of Approval.

4620 HISTORY

4621 *Adopted by Ord. [01-17](#) on 5/17/2001*

4622 *Amended by Ord. [06-35](#) on 6/8/2006*

4623 *Amended by Ord. [09-10](#) on 3/5/2009*

4624 *Amended by Ord. [10-11](#) on 4/1/2010*

4625 *Amended by Ord. [11-05](#) on 1/27/2011*

4626 *Amended by Ord. [2018-24](#) on 5/31/2018*

4627

4628 **15-15-1 Definitions**

4629

4630 **CONSERVATION EASEMENT.** An easement, covenant, restriction, or condition in a
4631 deed, will, or other instrument signed by or on behalf of the record owner of the
4632 underlying real property for the purpose of preserving and maintaining land or water
4633 areas predominantly in a natural state, scenic, or open condition, or for recreational,
4634 agricultural, cultural, wildlife habitat, or other use or condition consistent with the
4635 protection of open land. Conservation easement(s) granted from the Transfer of

4636 Development Rights Ordinance shall be subject to The Land Conservation Easement
4637 Act, Section 57-18-1 (et seq.), Utah Code [Annotated], [1953] as amended.

4638

4639 **FOOD TRUCK.**

4640 "Food Truck" means:

4641 a. a fully encased food service establishment:

4642 i. on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
4643 and

4644 ii. from which a food truck vendor, standing within the frame of the vehicle,
4645 prepares, cooks, sells, or serves food or beverages for immediate human
4646 consumption; and

4647 iii. does not include the sale of any products other than food and beverages
4648 for human consumption.

4649 b. a food cart; or

4650 c. an ice cream truck. [~~"Food truck" does not include a food cart or an ice cream~~
4651 ~~truck.~~]

4652 d. "Food cart" means a cart:

4653 i. that is not motorized; and

4654 ii. that a vendor, standing outside the frame of the cart, uses to prepare, sell,
4655 or serve food or beverages for immediate human consumption.

4656 e. "Ice cream truck" means a fully encased food service establishment:

4657 i. on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

- 4658 ii. from which a vendor, from within the frame of the vehicle, serves ice
4659 cream;
- 4660 iii. that attracts patrons by traveling through a residential area and signaling
4661 the truck's presence in the area, including by playing music; and
- 4662 iv. that may stop to serve ice cream at the signal of a patron.
- 4663