PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
November 9, 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, November 9, 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 September 28, 2022.
September 28, 2022 - Minutes

2.B Consideration to Approve the Planning Commission Meeting Minutes from October 12, 2022.
October 12, 2022 - Minutes

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. REGULAR AGENDA

5.A **4001 Kearns Boulevard – Amend the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD) –** The Applicant Proposes to Modify the Uses, Number, Footprints, and Building Heights of the Remaining Density Allocated in the MPD on Lot 1B only, to Allow for Studio Crossing, a Mixed-Use Affordable Housing Project in the Community Transition - Regional Commercial Overlay Zoning District. PL-22-05206 (90 mins.)

(A) Public Hearing; (B) Possible Action
Studio Crossing Staff Report
Exhibit A: MPD Approved Site Plan
Exhibit B: Applicant's Project Narrative
Exhibit C: Studio Crossing Conceptual Plan Set

Exhibit D: Applicant's Parking Analysis
Exhibit E: Trip Gen Memorandum
Exhibit F: Applicant's Housing Mitigation Plan
Exhibit G: Letter of Support from the City's Housing Team
Exhibit H: Letter of Support - Housing Resource Center
Exhibit I: Letter of Support - Mountainlands Community Housing Trust
Exhibit J: Additional Background Information
Exhibit K: Draft Action Letter
Exhibit L: Draft Ordinance 2022-XX

5.B

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

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on November 17, 2022

See Studio Crossing Staff Report and Draft Ordinance Above

5.C **161 Park Avenue - Plat Amendment** - The Applicant Proposes to Remove the Interior Lot Line Between Lots 15 and 16. PL-22-05346 (10 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on December 8, 2022
161 Park Avenue Plat Amendment Staff Report
Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat
Exhibit B: Survey No. S-7220
Exhibit C: Applicant Statement
Exhibit D: Property Photos
Exhibit E: Public Comment

5.D **327 McHenry Avenue - Conditional Use Permit -** The Applicant is Proposing to Construct a Private Recreation Facility/Pool in their Backyard. PL-22-05389 (30 mins.)
(A) Public Hearing; (B) Final Action
327 McHenry Staff Report
Exhibit A- Draft Final Action Letter
Exhibit B- Final Action Letter for 2021 HDDR
Exhibit C- Proposed Plans
Exhibit D- Plans with Applicant Measurements of Setbacks
Exhibit E- Public Comment

5.E **Parcels: PCA-S-79-B and PCA-S-79 C (Bransford Parcels) - Zoning Map Amendment** - The Applicant is Proposing a Zone Change for Two (2) Parcels of Three (3) Acres Each, From Recreation Open Space (ROS) to Estate (E) Zoning for the Construction of Two Single Family Homes. PL-21-05042 (45 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on December 15, 2022
Bransford Parcels Zone Change Staff Report

Exhibit A - Draft Ordinance
Attachement 1: Proposed Zoning Map Amendment
Exhibit B: Applicant Narrative and Presentation
Exhibit C: Topography Survey with Deer Valley Easment
Exhibit D: Record of Survey December 2013
Exhibit E: JJ Johnson Development Feasibility Study 1981
Exhibit F: Access and Utility Easment along Twisted Branch into Red Cloud Subdivision
Exhibit G: 3.2.2007 recorded Flagstaff - Amended Development Agreement with Exhibits
Exhibit H: Park City Annexation of Flagstaff Mountain Resort
Exhibit I: Snyderville Basin Land Use Plan and Devlopment Potential Matrix 1998 Ord. 323
Exhibit J: Public Comment

6. WORK SESSION

6.A **Sensitive Land Overlay Land Management Code Amendments** - Proposed Amendments to Update Designated Vantage Points and Ridgelines and to Expand Designated Vantage Points and Ridgelines to the Newly Annexed Southeast Quinn's Junction Area is Continued to January 23, 2023, to Accommodate the Planning Commission's Review of Studio Crossing.

6.B **Support Commercial, Residential, and Resort Accessory Uses in Master Planned Developments** - The Planning Commission Will Conduct a Work Session on Land Management Code Amendments for Accessory Uses that are Exempt from Density in Master Planned Developments.
Accessory Uses in Master Planned Developments Staff Report

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.**

Planning Commission Agenda Item Report

Meeting Date: November 9, 2022
Submitted by: Levi Jensen
Submitting Department: Planning
Item Type: Minutes
Agenda Section: MINUTES APPROVAL

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

Suggested Action:

Attachments:
September 28, 2022 - Minutes

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
September 28, 2022

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Lillian Lederer, City Planner I; Spencer Cawley, City Planner; Jason Glidden, Housing Development Manager; Mark Harrington, City Attorney

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1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. and reported that all Planning Commissioners were present.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from September 14, 2022.

Commissioner Hall asked if the minutes could be amended to reflect what she intended by a comment as opposed to how it was reflected in the meeting. Senior City Attorney, Mark Harrington, stated that the minutes should be left as-is as they cannot clarify the context of the comment if it is accurately reflected. Mr. Harrington stated that Commissioner Hall could comment and reflect if the comment was material in nature. Commissioner Hall stated that her context would not materially change anything from the meeting. She referenced page 9 of the minutes and stated that the component that was missing was that she wanted to keep the Frontage Protection Zone in line with the height.

Chair Suesser suggested including this in the minutes and called for a motion to approve the minutes, as amended, by Commissioner Hall.

MOTION: Commissioner Kenworthy moved to APPROVE the Minutes from the Planning Commission Meeting of September 14, 2022, as amended by Commissioner Hall. Commissioner Johnson seconded the motion.

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

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3. PUBLIC COMMUNICATIONS

Bill Ciraco reported that two weeks earlier at the City Council Retreat there was discussion regarding three items. The first was a Feasibility Study for the Arts & Culture District. Item number two was a Small Area Plan for the Bonanza Park/Iron Horse District, which was discussed as running concurrently with the aforementioned Feasibility Study. The third item involved updates to the General Plan. He requested that the Planning Commission prioritize considering the Small Area Plan and stated that the feasibility of the Arts & Culture District is a direct function of what will get planned for the overall area. In addition, he stated that the process for the Small Area Plan was expected to take four to six months, whereas the Feasibility Study was expected to take three to four months.

Mr. Ciraco reiterated that the Small Area Plan needs to be a priority and stated that the Planning Commission should consider giving feedback to the City Council that a moratorium for that area would be in order. He noted that as soon as they discuss updating the zoning in the area, they will likely see additional applications for redevelopment. He recalled prior Planning Commission and City Council Meetings where he spoke about the Doubletree Hotel being functionally obsolete and likely to be redeveloped. He noted that as he stated, there is an application to demolish the Doubletree Hotel. Without a moratorium, he felt there would be no need for a Small Area Plan because all they would be planning for would be the five-acre Arts & Culture District and potentially the Munchkin Lot.

Diego Zegarra identified himself as the Vice President of Equity and Impact with Park City Community Foundation. He expressed general support for affordable housing and thanked the Commission for being champions for families and the workforce. He noted that the Community Foundation is a partner with the City in the advancement of affordable housing. They are at the table because community members are asking for this and the issue has reached critical levels. He lives in affordable housing and expressed support for future projects. He believed in the value of the mixed-income housing project in King's Crown, where he resides. Mr. Zegarra commented that some units are affordable and some are attainable. He reiterated his gratitude for the work of the Commission in looking out for the community. Mr. Zegarra encouraged them not to let perfection be the enemy of progress.

Helen Nadel identified herself as a recent full-time Park City resident. She voiced her strong support for both affordable and attainable housing. She understood that the City Council set an exciting goal of 1,000 units by 2026 and felt that having that support for affordable and attainable housing for the workforce and others was very important and one she was excited to support.

Commissioner Kenworthy asked if now was the appropriate time to find out about any existing Master Planned Developments ("MPD") that do not have sunset clauses. Mr. Harrington stated that the issue would be addressed in the Staff Report as part of the Area Plan or Strategic Plan. Planning Director, Gretchen Milliken, reported that Staff is currently researching the answer to Commissioner Kenworthy's question and would bring the matter back before the Commission when they present the overview of the Bonanza Park Small Area Plan.

In response to Chair Suesser's request for clarification, Director Milliken confirmed that the Small Area Plan included the Art & Cultural District. She also noted that the Feasibility Study for the Bonanza Park area and the Small Area Plan were intended to complement each other, which was why they proposed running them concurrently. She explained that the Feasibility

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Study would look at the feasibility of an Art & Cultural District in that specific location. It would also raise the question of whether that District is still the direction the community wants to take for that site. Director Milliken added that because the Feasibility Study was specific to that one site and will run concurrently but separate from the Small Area Plan. She averred that the Art & Cultural District will be included in the Small Area Plan. She stated they might retain a Consultant who can take on both plans.

Chair Suesser asked about short-term plans for the Bonanza Park area, specifically the Art & Cultural District that discussed utilizing the property for something prior to developing it. Director Milliken was unaware of any short-term plans but believed there had been discussions. Mr. Harrington commented that both the Implementation Department and Special Events have a program to utilize the site for programming. The Transportation Department is always looking at sites for short-term remedies and it was part of the annual process in terms of evaluating what will be done during the upcoming winter. He did not feel that any specific decisions had been made. Mr. Harrington observed that the Code was not intended for temporary uses and for that reason, they would be confined by the Code in terms of how they can use the site. He noted that it remains within the realm of Special Events.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Director Milliken reported that the City Council would be announcing the new Planning Commissioner at the October 6, 2022, City Council Meeting. They expect the new Planning Commissioner to attend the October 26th meeting. She stated that they will add three new Commissioners and hoped to schedule a special meeting in which they could conduct some training and introduction to the Planning Department and other Departments that touch on applications that come before the Planning Commission. She stated that Staff would reach out to the Commission to schedule the special meeting, which would be in addition to a regularly scheduled Planning Commission meeting. Chair Suesser noted that there were to be two new Commissioners, not three.

5. CONTINUATIONS

A. 220 King Road – Plat Amendment and Conditional Use Permit – The Applicant Proposes to Combine Two Parcels into One Lot and Amend Existing Plat Note Requirements to Construct a New Single-Family Dwelling Located off King Road, which will replace the Two Existing Dwellings at 220 King Road. (PL-22-05318, PL-22-05319).

Director Milliken announced that Senior City Planner, Alexandra Ananth, was not present and asked that she communicate that Staff recommended a continuation of the above item as a Work Session on a Plat Amendment and Conditional Use Permit ("CUP") to October 26, 2022. The continuance was requested to allow additional time to research the Sweeney MPD, in which the property is located. Mr. Harrington added that this item was not scheduled for a public hearing, so they just needed a motion to continue.

Chair Suesser noted that the New Planning Commission Member would be present at the October 26 meeting.

MOTION: Commissioner Hall moved to CONTINUE 220 King Road to October 26, 2022. Commissioner Christin Van Dine seconded the motion.

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

6. REGULAR AGENDA

A. 569 Park Avenue - Plat Amendment - The Applicant Proposes to Remove an Interior Lot Line to Create One Lot Of Record. PL-22-05320.

City Planner, Lillian Lederer, presented the staff report and stated that the subject property is located in the Historic Residential (HR-1) Zone. The home sits on Lots 17 and 18 of Block 5, and the applicant proposed to combine them into one Lot. This is a Significant Historic Site built around 1917. She presented photographs of the home. On September 7, 2022, the Historic Preservation Board ("HPB") approved the relocation of the structure four feet to the north, as well as material deconstruction of a portion of the rear and south side façade to accommodate a rear garage and basement addition. The approval occurred prior to the pending Plat Amendment. After the Plat Amendment, Staff would review the pending Historic District Design Review ("HDDR") application.

Planner Lederer reported that the proposal complies with the Land Management Code ("LMC") Chapter 15-2.2 in terms of Minimum Lot Size, Lot Width, and Maximum Building Footprint. Additionally, she referenced the analysis in the Staff Report that the proposal complied with the Front Setback as Legal Non-Complying. She added that the Rear Setback and Side Setbacks were in compliance, as well as Building Height.

Planner Lederer stated that there was good cause for the Plat Amendment and noted that no public street right-of-way or easement would be vacated or amended. This Plat Amendment would allow the applicant to create one 50-foot-wide lot for the Significant Historic Site. In addition, the Plat Amendment would allow the applicant to rehabilitate the Significant Historic Structure, construct a rear garage and basement addition, and rehabilitate and preserve the Significant Historic Site to enhance the historic feel and character of the HR-1 Zoning District.

The Development Review Committee reviewed the proposal on August 2, 2022, and did not identify any issues. She added that the Planning, Engineering, and Legal Departments reviewed this application and no significant issues were raised. She reported that on September 14, 2022, Staff published notice to the City website, City Hall, *The Park Record*, and the property, and mailed courtesy notices to property owners within 300 feet. Staff did not receive any public input prior to this meeting. Staff recommended the Planning Commission hold a public hearing and consider forwarding a positive recommendation for Council's consideration on October 27, 2022.

Chair Suesser asked Planner Lederer to address the public input submitted to the Historic Preservation Board. Planner Lederer stated that there had been a number of different proposals for the property and in the past, some residents did not support the proposal. Based on changes made by the applicant, there were three comments in support of this design.

Mr. Harrington added that in addition to the written comments in favor of the proposal, there was comment at the HPB hearing in opposition, which was based on the enabling nature of a Lot combination similar to what the Commission heard at the last meeting. He stated that a majority of the HPB decided that the single-story addition and the recessed garage outweighed any

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concern about the shift of several feet that would be enabled by the HDDR and this Plat Amendment. He reported that the HPB voted 4-to-2 to approve the application at that level.

Chair Suesser asked if the applicant would be allowed to build outside the footprint of the historic home. Planner Lederer explained that the applicant would only be adding an addition and a recessed garage. The specific design would be subject to approval by the HDDR, and the applicant would not be allowed to go outside the scope of what was approved by the Historic Preservation Board. Commissioner Johnson asked why they could not require the applicant to make the Front Setback compliant, as opposed to Legal Non-Compliant since part of the proposal was that they would move the building four feet. Planner Lederer stated she was unsure of the answer and could do some research on whether they could require that.

Mr. Harrington explained that there was a determination of legal non-compliance, which the applicant was allowed to maintain, and there was already a determination made that would not allow the increase in the degree of non-compliance. The design was more compliant with the Code because it allowed the recessed parking that was supported by the redevelopment. He noted that this was the focus of the HPB discussion.

Commissioner Johnson mentioned that there were also concerns at the HPB level with regard to a tree and significant vegetation. He asked if there were any trees larger than six inches in diameter. Planner Lederer responded that there is one tree toward the front of the property, and understood it would remain. Director Milliken added that the applicant would likely have to remove a tree on the back part of the property that would be considered Significant Vegetation. She explained that when Significant Vegetation is removed, there must be a replacement to compensate for the removal.

Director Milliken remarked that the basement under the home will not continue underneath the front porch of the Historic Structure, so the new foundation would be compliant with the Front Setbacks. A new foundation would be poured for the home and the basement would be compliant with Front Setbacks.

Commissioner Johnson understood why the front setback could remain legal non-complying, but read the plans as showing that the foundation from the edge of the porch was still one foot within the setback. Director Milliken stated that this was changed recently, so he could be referencing old plans. She provided assurance that the applicant pulled back the foundation so that it was only under the structure, which is not within the Front Setback. Commissioner Johnson stated that based on that representation, he had no issues.

Mr. Harrington referenced Condition of Approval 5, which specified that new construction must comply with the current Code. Planner Lederer added that much of the information in the Staff Report came from the HPB as background information, and did not contain the more recently updated information.

Commissioner Kenworthy requested confirmation that the “significant” designation remain intact. Planner Lederer confirmed this.

Commissioner Frontero asked about access to the proposed garage at the rear of the home. Planner Lederer understood that a driveway would be added to access the garage. She noted that the home does not currently have a garage. Planner Lederer referenced the plans regarding the location of the driveway. Commissioner Johnson read the plans as showing that

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with the shifting of the home to the right, the driveway would be to the left of the home. He added that the new structure would not increase the height of the existing house. Director Milliken commented that currently there is a concrete parking pad to the right of the home that would be removed when the home is shifted.

Chair Suesser asked for a visual of the proposed garage, which Planner Lederer presented. Commissioner Frontero observed that the driveway would be a cement or paved area from the street leading to the garage. Director Milliken reiterated that there is currently a fairly large concrete area to the right of the home where the concrete pad merges with the neighbor's driveway. Based on the plans, the neighbor's driveway would be smaller and the house would be moved over into the concrete pad area. She noted that the Historic District Design Guidelines recommend that the garage be set back from the front façade and preferably in the back of the Lot.

Chair Suesser opened the public hearing.

Angela Moschetta appeared virtually and stated that she resides in Old Town. She was opposed to the application before the Historic Preservation Board. She felt that the matter was not dissimilar from many others and presented an area of opportunity to defend the character and integrity of Old Town. She acknowledged that this particular home is beautiful and felt that the plans were appropriate from the street view. The issue was one of development, the changes they are seeing in Old Town, and situations where the Code fails the community. She stated that as the City government looks at changes to the General Plan and Code, she hoped something would resonate and they actually start to do something. Her issue was that Planner Lederer simply stated there was good cause for this application, which she felt was disingenuous. Simply stating that there was not tremendous harm or obvious violation of the Code was not the same thing as "good cause." Every time they consider lot combinations and plat amendments, it is only to allow someone to add to the existing footprint of their home.

Ms. Moschetta acknowledged that the prosed additions can be beautiful but they should consider the cultural implications, which is why she looked to the Historic Preservation Board. The HPB exists to preserve the integrity of the City's mining era. It was not just about aesthetics, but culture as well. Back in that era, people did not have SUVs and did not need to park on driveways with parking pads and indoor garages. People also did not have gear for multiple family members and multiple sports. She stressed that every time they allow lot combinations and plat amendments, they allow home values to increase and the use of the home to change. She mentioned nightly rentals, more guests, cars, and people. If they truly want to uphold the General Plan that prioritizes community, at some point they need to take a stand.

Ms. Moschetta stated that whether it is this project or one in the future, she hoped that the day will come when they take a stand because they are running out of options and she was running out of neighbors and workforce neighbors. She commented that those who have remained are rich and white and it is not very interesting in Old Town anymore. She suggested that if an application like this were to be approved, it be conditioned on preserving the integrity of the home by preserving the existing footprint and allowing it to be raised so that the foundation could be assured. She did not agree with the idea that there is "good reason" to move a home simply to accommodate a lifestyle. She apologized to her neighbors and reiterated that there home is beautiful.

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

Chair Suesser sought clarification of the plans for the sub-level. Planner Lederer explained that part of the addition will be a basement and a garage on the ground level. Chair Suesser asked if there was something that requires the applicant to maintain the home at current grade. Planner Lederer explained that deconstruction must match the existing grade, so it could not exceed the height, which is usually 27 feet in the HR-1 Zone. The applicant proposed to match the height of the Historic Structure, which is 14 feet.

Commissioner Kenworthy understood the history of the home and that the owners won an appeal against the "significant" designation. He felt that the owner was working well with the City and they proposed a nice solution. He acknowledged the public comment on the combination of lots and stated that it is something they will be addressing as they go forward with the General Plan and Land Management Codes. He commented that this particular property has such a beautiful significant home that he found what is proposed to be a great compromise. Commissioner Kenworthy was pleased that this lot will retain its "significant" designation. If they move forward with the understanding that it remains "significant" he would support the request.

Commissioner Van Dine agreed with Commissioner Kenworthy.

Mr. Harrington clarified that the appeal was stayed pending the outcome of this application. He referenced Exhibit D to the Staff Report and stated that the City received an adverse opinion from State Private Property Ombudsmen. He added that the active discussions were primarily between the owner and the neighbors to reach a compromise as opposed to pursuing two stand-alone homes on the individual lots. He stressed that they allowed the lot combination and HDDR stand on their own merits.

Commissioner Frontero commented that since a driveway is being added, he asked if they could condition approval on the existing car park area being removed. He would not want to see a driveway on the left and a cement carport on the right housing other vehicles. Planner Lederer stated that since the home is being shifted, there would not be room to use the existing concrete pad to park vehicles, so the pad should be eliminated. Commissioner Frontero asked that a Condition be added to specify that the car park on the right is converted to landscaping. Mr. Harrington suggested a Condition of Approval affirmatively prohibiting use of the remaining side area in combination with the adjacent lot for parking. He noted that the plans show a water or sewer lateral in that location that might prevent landscaping in the area. Prohibiting the parking should be sufficient to address the concerns. Commissioner Frontero felt this was a good suggestion.

Commissioner Hall would support a positive recommendation as presented in the Staff Report and felt it would be superfluous to make that change. She would support a small bike parking area to the right.

Chair Suesser stated that the suggested amendment was to prohibit car parking. Commissioner Hall was satisfied with what was proposed in the Staff Report.

Commissioner Johnson observed that when the home is shifted there will be no room for cars. He mentioned the removal of the tall, old-growth tree. He noted that the HPB did a good job of mitigating the issues and was complimentary of the design.

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Commissioner Frontero was satisfied that once the home is moved, the ability to park cars on the right side will be eliminated. He withdrew his requested Condition of Approval.

MOTION: Commissioner Hall moved to forward a positive recommendation for City Council's consideration on October 27, 2022, for 569 Park Avenue Plat Amendment and Conditional Use Permit, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

1. The property is located at 569 Park Avenue within the Historic Residential (HR-1) District.

2. The 569 Park Avenue Plat Amendment consists of Lot 17 and 18 of Block 5.

3. On July 19, 2022, the Applicant submitted a Plat Amendment application to combine two existing lots into one lot of record containing a total of 3,748.5 square feet.

4. Staff deemed the Plat Amendment application complete on July 19, 2022.

5. The subject parcel is PC-82.

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. The Use of the current structure on the lot is a Single-Family Dwelling, which is an Allowed Use in the HR-1 Zone.

7. The minimum lot width allowed in the HR-1 Zone is twenty-five feet (25'). The proposed combined lot width is 49.98'. The lot depth is 75'.

8. The minimum side setbacks for a 49.98' wide lot are 5' each.

9. The minimum front and rear setbacks for 75' deep lot are 10' each.

10. New construction must comply with the HR-1 Zone setbacks.

11. The proposed plat amendment will not cause undo harm to adjacent property owners.

12. The proposed lot area of 3,748.5 square feet is a compatible lot combination as the entire HR-1 Zone has an abundance of sites with the same or similar dimensions and lot area.

13. The existing Single-Family Dwelling has a footprint of 1,085 square feet.

14. The maximum footprint allowed in the HR-1 zone is 1519.74 square feet for the proposed lot.

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15. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because the combination of the two lots creates one lot for a Significant Historic Structure.

2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1- 6, and 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's Office, 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 the Historic District Design Review application if required, is submitted and approved for the property.

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 Lot and Site Requirements outlined in Land Management Code Section 15-2.2-3, including Setbacks.

6. Any construction on the property requires submittal and approval of a Historic District Design Review application.

7. 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.

Commissioner Johnson seconded the motion.

PENDING APPROVAL

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

B. 1201 Stonebridge Circle - Condominium Plat Amendment - The Applicant Proposes Amending the Stonebridge Condominium Plat to Accommodate a 54 Square Foot Addition to Unit 14F For The Purpose of Adding an Exterior Elevator. PL-22-05265.

City Planner, Spencer Cawley, reported that Stonebridge is a Planned Unit Development ("PUD") approved by the City Council in 1981. It has 26 units and is located in the Residential Development ("RD") Zoning District. The request to amend the plat was for the purpose of adding an exterior elevator, which would allow the property owner to have accessibility access to the interior and exterior. The addition is approximately 54 square feet. Planner Cawley reported that the property owner received 79% approval from the Homeowners' Association ("HOA"). Planner Cawley presented images depicting the existing plat for Unit 14F, as compared to the image showing the addition for the elevator.

He reported that the proposed Plat Amendment, as conditioned, complies with the RD Zoning District requirements. A 20-foot sewer easement is platted between this unit and the neighboring unit, and he advised that the proposed elevator will not visually impact the neighbors, will not impact the Side Setback, and will not impact the sewer easement. Staff recommended a Condition that ensures that the elevator addition will not exceed the height of the existing structure.

Planner Cawley stated that the proposal complies with the Stonebridge Plat requirements and maintains all platted easements. The HOA approved the change from common to private for the elevator addition, and although the City does not enforce the CC&Rs, the applicant received HOA support and approval. He noted that private ownership for other units would not change as part of this proposal.

Planner Cawley reported that the proposal complies with the LMC regulations governing Plat Amendments. There was good cause for this Plat Amendment because it will not increase density, will not increase off-street parking requirements, preserves the character of the neighborhood, ensures the safety and quality of life for the property owner, will aid in accessibility, provides variation to the housing stock, and no right-of-way will be vacated or amended. He stated that the Development Review Committee met on July 19, 2022, to review the application, and did not identify any concerns. The Planning, Engineering, and City Attorney's Office reviewed the Staff Report. On September 14, 2022, Staff published notice on the City's website, the Utah Public Notice website, posted notice to the property, and mailed courtesy notices to property owners within 300 feet. Notice was published in *The Park Record* published the same day. At the time the Staff Report was published, Staff did not receive any public input.

Planner Cawley reported that Staff recommended that the Planning Commission review the proposed Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on October 27, 2022.

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

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Commissioner Johnson asked if the proposed elevator would impact the pine tree next to the unit. Planner Cawley responded that the elevator will be located further down behind the pine tree and will not impact it. He confirmed that no significant vegetation will be impacted by the addition.

MOTION: Commissioner Hall moved to forward a positive recommendation for City Council's consideration on October 27, 2022, for 1201 Stonebridge Circle Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

Background:

1. The property is located at 1201 Stonebridge Circle.

2. The Parcel is listed with Summit County as SBG-14-F.

3. The property is in the Residential Development (RD) Zoning District.

4. No easement is vacated or amended as a result of the Plat Amendment.

5. The LMC regulates the RD Zoning District Lot and Site Requirements per LMC Chapter 15-2.13.

6. On May 20, 1981, the Planning Commission forwarded a positive recommendation for the Stonebridge Plat to the City Council.

7. On August 20, 1981, the City Council approved the Plat.

8. The Applicant proposes amending the Stonebridge Plat for the purpose of adding an exterior elevator for Unit 14F.

9. The maximum density in the RD Zoning District is three units per acre. The Stonebridge Planned Unit Development has approximately 9.2 Units per acre.

10. The required Font Setback is 10 feet.

11. The required Rear Setback is 15 feet.

12. The required Side Setback is 12 feet.

13. Maximum Building height in the RD Zoning District is 28 feet measured from Existing Grade.

14. The existing Structure is 2,650 square feet. The Applicant proposes adding approximately 54 square feet of non-livable space to the Building Footprint to accommodate an elevator addition.

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15. There are two existing off-street parking spaces for Unit 14F.

16. The proposal complies with the Stonebridge Plat requirements.

Conclusions of Law

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13, Residential Development (RD) District, and LMC § 15-7.1-3(B), Plat Amendment.

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

3. Approval of the 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's Office, and City Engineer will review and approve the final form and content of the Subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Subdivision.

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

3. The plat shall note that fire sprinklers are required for all new or renovation construction, to be approved by the Chief Building Official.

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

5. City Engineer review and approval for Lot grading, utility installation, public improvement, and drainage plans are required for compliance with City standards prior to issuance of any building permits.

6. The Applicant shall ensure the exterior elevator will not exceed the height of the existing structure.

Commissioner Kenworthy seconded the motion.

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

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C. 1875 Homestake Road - Affordable Master Planned Development and Conditional Use Permit - The Applicant Proposes Constructing Approximately 200,436 Square Feet on Lot B of the Yard Subdivision for 123 Units Totaling 103,060 Square Feet (46 One-Bedroom Units, 74 Two-Bedroom Units, and 3 Three-Bedroom Units), 6,461 Square Feet of Amenity Space, and 42,237 Square Feet for 125 Parking Space in the General Commercial Zoning District. 80% of the Units are Proposed to be Affordable; 20% are Proposed to be Market Rate. PL-22-05288, PL-22-05300.

Mr. Harrington reported that given the focus on trees in this meeting, the City has a Tree Program that provides an opportunity to have trees subsidized for $40. Information was available through links in the media or on the City's website, www.parkcity.org. Commissioner Kenworthy noted that the subsidized trees were required to be planted in Park City.

Planner Cawley reported that this project proposes 123 units, 99 of which will be affordable. This project is located in the Bonanza Park neighborhood. The Park City General Plan addresses the purposes of the Bonanza Park neighborhood. He specifically referenced the purpose and stated that the overriding goal for the neighborhood is to create new housing opportunities while maintaining the existing affordable housing units. The General Plan also identifies the neighborhood as a mixed-use neighborhood, where locals live and work.

Planner Cawley reported that the applicant has gone through various public outreach events and had one-on-one conversations. That information was included in the packet. He referenced the Work Session on July 27, 2022, and a site visit on August 24, 2022, and noted that the applicant had done a great job of supplying additional information. This marks the first Planning Commission review and public hearing on this item. He mentioned that Staff anticipated Planning Commission action on October 26, 2022, with a public hearing conducted on that date. The Staff Report set forth the requirements for both the CUP and the Affordable Master Planned Development ("AMPD"). He stated that the LMC requires the Planning Commission to make 15 findings to approve the AMPD, and review 16 criteria for the CUP.

Planner Cawley noted that the criteria are outlined in detail in the Staff Report, and he would highlight compliance. Following his presentation, the applicant would present the project to the Commission. For the October 26th meeting, Staff anticipated that the City Engineer will address the Traffic Study and provide additional detail on the overall plans for connectivity improvements for the neighborhood. Planner Cawley reported that the City Engineer was available at this meeting to answer questions in addition to the City's Environmental Regulation Program Manager who was present to answer questions regarding soils.

Planner Cawley addressed the issue of protecting affordability and deed restrictions. He explained that a deed restriction is a provision to ensure continued affordability. The LMC requires that deed restrictions be recorded prior to receiving a Certificate of Occupancy for any market-rate or affordable unit. This was in alignment with the Affordable Housing Resolution and remains in full force for a period of not less than 40 years.

Deed restriction requirements also provide that the City shall have six months upon expiration to determine that the affordable units in the AMPD are no longer necessary to satisfy the affordable or workforce housing needs of the City. He identified the City Council as the body that will make the final determination. If no determination is made, the deed restrictions will renew at an interval of consecutive 10-year terms.

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Planner Cawley explained that the AMPD Code was enacted in 2021 to incentivize development of affordable units based on a three-year project with consultant research, evaluation of best practices, Planning Commission recommendation, and City Council enactment. The AMPD Code requires a mix of market-rate and affordable units that give opportunities to a wide range of incomes. He explained that the Code also allowed for increased Height and Density, and decreased parking requirements if the impacts are mitigated. He added that the AMPD Code also uses the General Plan as a guide to find neighborhood compatibility. Affordable housing development is intended to be mixed-use, walkable, sustainable, and reduce the impacts of vehicles on the community.

Planner Cawley reported that the Code requires that 50% of the Residential Unit Equivalents (RUEs) be affordable. He referenced a table showing the applicant's proposal that 80% of the units be affordable and noted that the Staff Report includes a breakdown by type of unit by bedroom, number of affordable, and number of market-rate units. The Staff Report also included the RUEs and the square footage totals for the different unit types. The LMC provides that front setbacks for the General Commercial Zone are 20 feet; however, this requirement could be reduced to 10 feet if all parking is satisfied at the rear of the project or underground. Rear and side setbacks are 10 feet as well. He reported that the applicant had not requested exceptions to any of the setbacks. Building Height within an AMPD must comply with the underlying Zoning District for perimeter building façade planes. The General Commercial Zoning District height is capped at 35 feet from existing grade. The building height may increase to 45 feet when there is a 10-foot step back on all Building Façade planes. Additionally, building height may increase if infrastructure is in place or can be updated to meet the increased demand. The proposal must also comply with the Building Façade variation requirements.

Planner Cawley reported that the applicant achieved the 10-foot step back and proposed roof overhangs that go into the step back. Additionally, the Park City Water Department verified that the infrastructure will accommodate the height of the building. The Snyderville Basin Water Reclamation District verified that the infrastructure in place could be updated to accommodate the height of the building. Within the AMPD Building Height, the building may exceed 45 feet by up to five feet above the highest point for items such as antennas, chimneys, and flues. Water towers, mechanical equipment, Solar Energy Systems may extend up to five feet provided they are screened, and Elevator Penthouses may extend up to eight feet above the 45-foot building height.

In terms of Façade Variation, Planner Cawley stated that the Code requires that buildings that exceed 120 feet in length on any façade provide a prominent shift in the mass of the building reflecting a change in function or scale and a 15-foot change in façade alignment, height change or a combination of both. With regard to the CUP, Planner Cawley did not touch on all 16 criteria but highlighted the ones that required more explanation. In terms of size and location of the Site, he noted that this site is smaller than the surrounding lots; however, the General Plan encourages this type of development because it is located within one-quarter mile of transit and within walking distance to grocery stores, pharmacies, restaurants, and trails. He noted that Traffic and Circulation will be reviewed by the Commission on October 26, 2022.

With respect to utilities, Planner Cawley reiterated that they received information from Snyderville Basin Water Reclamation District and the Water Department that the infrastructure could be updated to support the height of the building. For emergency access, the Fire

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Department requested updated landscape plans, which were prepared and scheduled for review by the Fire Department on October 4, 2022. The applicant proposed rooftop screening for all proposed mechanical equipment as well as a proposal to screen or partially screen the Substation. For mass, bulk and orientation, AMPDs may exceed the mass and bulk of other properties as allowed by Code. He noted that sign permits will be required if the applicant proposes any signs in the future. For lighting, Staff recommended a Condition of Approval to ensure compliance with the Dark Sky Code.

Planner Cawley stated that the Homestake AMPD will align with future developments, thereby satisfying the Compatibility criteria for a Conditional Use Permit. As this area is redeveloped, they will see other applications where Building Height will be at the allowed 35 feet in this zone. With regard to the noise, vibration, and odors criteria, the Code specifies that the proposal cannot affect any building or person off-site. He stated that there is nothing in the proposal that will affect people off-site, and the applicant proposed to mitigate any issues with the substation for those who live on-site. He commented that the units will be long-term rentals and nightly rentals or timeshares will be prohibited in both the affordable and market-rate units. He reiterated that this proposal is consistent with the General Plan.

Planner Cawley referenced the AMPD Code that requires at least ten RUEs and noted that this application proposed 41.1 affordable RUEs and 10.1 market-rate RUEs. The Code also requires that at least 50% of the units be affordable and this application proposes 80% affordable. The Code allows affordable units to differ from market-rate units with regard to interior amenities and gross floor area if the differences are not apparent in the general exterior appearances. This does not include differences in insulation, windows, heating systems, or other energy-efficiency items.

Planner Cawley mentioned that they are required to look at 16 criteria for site planning and stated that Internal Circulation, Transportation Amenities, and Service and Delivery will be addressed at the next meeting. For Internal Circulation, the applicant provided information about how the residents will access the site. Staff requested additional information regarding whether the ground-level units will have access from the street level, at the internal courtyard, or at the external boundaries along the Ironhorse Commercial Park Subdivision and Substation. The applicant provided information regarding Snow Removal, which they proposed to be located along Homestake and Munchkin Roads, as well as within the public plaza area. The proposal included enclosed Trash and Recycling located on the ground level. He explained that although Child Care is not proposed as an amenity use with this project, because it is allowed under current zoning, there was a possibility for Child Care in the future.

With regard to Design Guidelines, Planner Cawley stated that the Planning Commission could request the following three things:

- Exterior cladding material, style, dimensions, and materials of a roof structure and roof pitch;
- Exterior non-structural architectural ornamentation, location, design, placement, and styling of windows and doors; and
- Location, design placement, and styling of garage doors.

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He noted that Staff did not recommend Design Guidelines but recommended a Condition of Approval that the applicant would show compliance with the Architectural Design Guidelines contained in LMC Section 15-5-5.

The Open Space requirement calls for 20% on-site open space and amenities, which could include playgrounds, trails, and landscaping. The Homestake AMPD sits on a 1.86-acre lot. The applicant proposed hardscape plazas with raised planters, as well as additional Open Space, for a total of 32.64% of Open Space on the site.

Planner Cawley represented that there was no Significant Vegetation on the Homestake property but some exist on the Homestake right-of-way. The mature trees along Homestake Road will be removed when the City expands Homestake Road and introduces a 12-foot multi-use path. The applicant proposed new and varying vegetation to the site in the plaza area and along the perimeters of the project, which will improve what is now a concrete parking lot with no vegetation.

With regard to Non-Vehicular Transportation, he explained that AMPDs are required to incorporate existing trails into Open Space elements. This application includes planned improvements for connectivity within the neighborhood for the Rail Trail. He added that there are also planned improvements for roadways, which would further increase connectivity to Kearns Boulevard.

The Poison Creek Trail is accessible from Iron Horse Drive or Bonanza Drive. He added that the applicant proposed bike storage and potential bike-share and bike repair amenity space. The LMC requires the applicant to install bike racks for 13 bikes, and there are requirements for bike storage. He reported that Staff suggested adding both of these as Conditions of Approval.

Planner Cawley reported that Park City has an ambitious goal to be 100% renewable electricity by 2022 within the municipality and community-wide by 2030. The applicant met with the Sustainability Department and proposed several strategies including:

- Walkability and multi-modal connectivity to basic life amenities supported through bike storage and electric bicycle stations;
- Electric Vehicle (“EV”) charging stations for residents;
- Building orientation to maximize passive solar strategies; and
- A design that meets the International 2021 Energy Conservation Code.

The applicant provided a report from Blue Ledge Consulting regarding the Physical Mine Hazards, and the report stated that there were no features that met the definition of Mine Hazard; however, the abundance of mill tailings in the Prospector Subdivision warranted further study of the Homestake site and mitigation if proven to be required. It was noted that lead and other metals could prove to be hazardous if exposures occur under the right circumstances.

With respect to Historic Mine Waste, Planner Cawley advised that the applicant supplied a report showing that lead concentrations in excess of the Soil Ordinance in 7 of the 17 testing sites. The Park City Soils Ordinance requires development to comply with methods of remediation and/or removal, subject to the requirements of State and Federal regulations as well as the Municipal Code of Park City, Chapter 11-15. He added that the Soils Boundary Ordinance establishes additional requirements for landscaping and topsoil, and the City’s

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Environmental Regulatory Program Manager was present to discuss how contaminated soils could be handled and removed from the site for disposal.

Planner Cawley stated that Commonwealth Heritage Group provided a report showing that there are no above-ground historic structures that would be affected by this project. This site was historically used as a rail yard and stockyard. He referenced LMC Section 15-6.1-9, which requires an AMPD to comply with the LMC requirements for off-street parking unless the Planning Commission grants reduced parking based on a Parking and Traffic Study and Parking Demand Mitigation. The applicant did not request a reduction in parking and planned to satisfy the parking requirements onsite.

Planner Cawley referenced a table in the Staff Report that demonstrated the parking requirement and noted that anything less than 1,000 square feet requires one parking space. Anything between 1,000 and 2,000 square feet requires 1.5 parking spaces and 2,000 square feet or greater requires two parking spaces. The bulk of the units fall within the less than 1,000 square foot category. He noted that the applicant proposed a total of 131 off-street parking spaces.

The applicant provided a Parking Management Plan ("PMP"), and Staff recommended that the PMP be outlined in the Conditions of Approval, with a modification to Condition of Approval 5 to read as follows: "Residents will be granted no more than one parking space for those units 1,000 square feet or less." He reported that EMF Utah, LLC completed a Magnetic Field Survey on August 23, 2022. Staff requested that the Commissioners indicate if they felt that the Survey provided enough information or if more was needed. If necessary, the applicant could provide any additional requested information at the next meeting.

Planner Cawley presented a rendering of the proposed Substation Wall, which is a board-form concrete wall approximately eight to 10 feet in height, with a mural that might include painted scenes. Staff recommended that the Planning Commission review the proposed project and identify additional information needed for possible final action on October 26, 2022. In addition, Staff recommended the Planning Commission open a public hearing and continue it and Item review on October 26.

Housing Development Manager, Jason Glidden, reported that the most recent Needs Assessment for Affordable Housing was completed in December 2021. The study showed that even with the progress made there was still a need for development of 800 to 1,000 more units in the next five years to maintain 15% of the workforce living within City limits. The study also showed that 80% of the need must be rental units and this need continues to increase. He acknowledged that the Planning Commission recognized these needs and referenced the Commission's approval of the Affordable Master Planned Development Section of the Code as well as its support of the Housing Team and approval of the Moderate-Housing Plans.

Manager Glidden remarked that the City identified public/private partnerships as one of the most efficient tools to move toward the City's goals. These partnerships are the most efficient financially and in terms of timing. He noted that units could be delivered at a much lower price based on a per-unit cost to the City than any other method and they can have multiple projects going on at one time. With respect to the Homestake project, he acknowledged there had been questions from some of the Commissioners as to what the ground lease might look like. He stated that a ground lease cannot be completed until they get through the planning process. A

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number of things need to be in place in terms of design before they can actually get to the specifics of a ground lease.

That being said, Manager Glidden stated that they have begun work on the ground lease and identified items that will be incorporated into the document. They will be looking at a ground lease for the property that will be provided to the developer for an extended period of time, yet to be established; however, he stated that it would be greater than 50 years. In exchange for that agreement would come the construction of the units. He referenced Planner Cawley's explanation of deed restrictions and stated that they will require the deed restrictions be in place as long as the ground lease is in place.

Manager Glidden addressed the questions regarding soil mitigation and reported that it was expected that the City will bear the financial burden of soil mitigation on the site so that it could deliver a site that has been fully mitigated for the development of this project. He explained that a Soil Mitigation Plan would be developed and approved in accordance with the Soil Ordinance. The City plans to upgrade Homestake Road, which is a project that has been evaluated and funded by the City Council. The project is currently in the design process but he stressed that it was a funded project that will occur in the next couple of years.

Manager Glidden referenced questions regarding the relocation of the Recycle Center and stated that it is a high priority for the City. Staff was currently working on this issue and have identified a couple of options. They would be going before the City Council in the coming months to present those options.

With regard to the Kimball Arts Center, Manager Glidden explained that a parking lease with the Kimball Arts Center, which the City intends to honor, encumbers this property. He noted that the lease allows the City to relocate the parking spots to another location. The City plans to exercise that option within the confines of the lease. The Housing Department sees the Homestake project as providing 99 affordable rental units at 60% or below Area Median Income ("AMI"). The City does not have that type of inventory now. He emphasized that the location of the project is centrally located near major employment hubs and transit and is exactly the type of property the City is looking to identify to build these types of projects. He added his belief that this is the type of location the Planning Commission intended for these types of projects.

It will be a mixed-income property that will help the project pencil financially and noted that these projects are very difficult to finance especially when rental properties are offered at such a low AMI. More importantly, however, mixed-income housing is beneficial in helping to increase diversity and build community. Manager Glidden stressed that regardless of the financial aspect, the City will strive to push mixed-income types of development moving forward.

Rory Murphy, on behalf of the applicant, J Fisher Companies, addressed Commissioner Hall's comments and questions raised at the last meeting. He recalled that Commissioner Hall was okay with the proposed commercial uses, which they have since determined were not in the best interest of the building or the neighborhood. In addition to the increased traffic and parking the commercial uses would have demanded, the mixed-use building would trigger an upgrade in the building construction type and add considerably to the cost of construction. As a result, the applicant elected to not pursue any commercial uses in the building. With regard to Electric and Magnetic Fields ("EMFs"), Mr. Murphy advised that they submitted a very detailed report as part of the submittal package.

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Commissioner Hall also expressed support for the separating wall and indicated that the applicant submitted several proposed designs for consideration. Mr. Murphy commented that they decreased the size of that wall as it was determined that a higher wall would create a canyon atmosphere and they would like to use that open space for people to enjoy. He addressed parking reduction and stated that although the AMPD allows for up to a 50% reduction in parking, the applicant elected to park the project as though it were a conventional project and not seek any reduction in parking.

Mr. Murphy recalled Commissioner Hall's question about expanding the footprint given that the current proposal was under the required Open Space commitment. With regard to a sunset of the approval, the applicant agreed to this and would adhere to the LMC and City Attorney's office.

Mr. Murphy next addressed Chair Suesser's request for greater detail on the City's plans for Munchkin Road, the Homestake expansion, and changes to the Recycle Center. He stressed that this project will not affect the Recycle Center as it is not part of this property. He added that the Recycle Center is entirely within the City's purview. He stated that the Park City Engineering Department has undertaken a considerable amount of work on the improvements to the roads. The City has primacy on the road improvements and the future of the Recycle Center. In terms of parking enforcement, Mr. Murphy ensured that they would meticulously police the parking on the site, and added that they were within the conventional standards of parking as outlined in the Land Management Code. He stated that the applicant concurred with Chair Suesser's comments that there should be no ambiguity regarding the ground lease.

With respect to Open Space percentage, he stated that while the Open Space plan was entirely within the Code, the applicant would remain open to suggestions and additional considerations regarding building design. Mr. Murphy added that Chair Suesser also inquired about EMFs and the status of the Traffic Study. He reported that the Traffic Study was completed in June and was being reviewed by a third party in conjunction with the City Engineer. He expected to receive comments on the Traffic Study in the near future. He reported that the applicant completed the Phase 2 Environmental Study, which was submitted to Planning Staff. As the landowner, the City would be expected to absorb the cost to remediate the site. He recalled that Chair Suesser expressed support for a sidewalk on Homestake Road, as well as a visual of the Substation wrapping, which they included in the Staff Report.

Mr. Murphy reported that Commissioner Van Dine expressed strong support for daycare facilities. The applicant agreed and there were plans to include a children's play area both inside and outside the building. He clarified that this would not be a daycare facility because that would initiate a commercial use in the building; however, they would include sitting areas, games, toy areas, and toddler areas both inside and outside the building. The applicant agreed that this needed to be a part of the fabric of the building.

With respect to Commissioner Van Dine's request for clarity on the connections to Poison Creek, Mr. Murphy explained that those connections would be from Munchkin Road and from behind the drugstore. They would work with the Windsors to ensure that the project is properly fenced and people are not cutting across the Windsor's property. He stated that the current parking on the site was being used by a combination of the residents of Homestake and Claimjumper Condominiums; workers and patrons of the restaurants and Kimball Arts Center; local area contractors to park trailers and large vehicles; and residents from other areas for long-term parking.

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Mr. Murphy stated that Commissioner Kenworthy pointed out that the Historic Park City Alliance ("HPCA") has 220 parking stalls in that lot and expressed concern about the parking plan as well as how the Recycle Center will be addressed in sync with this project. Mr. Murphy reiterated that the Recycle Center is not part of this project.

He recalled Commissioner Kenworthy's request for a comprehensive parking study of the area, as well as his concerns about quality of life considerations for the neighborhood. Mr. Murphy stated that the maximum number of residents in the building will be two people per bedroom. With a total of 203 bedrooms, which could result in a maximum of 406 total occupants. Mr. Murphy explained that the average occupancy across J Fisher Companies' affordable portfolio is 1.4 occupants per bedroom; therefore, he felt that a more accurate number would be around 280 residents.

He acknowledged that parking was a significant issue. While they can only plan their small piece of the area, the applicant does not have the authority or the land to come up with a comprehensive parking solution for the District. Mr. Murphy observed that the Council was embracing this issue and he had been emphatically reminded that it is the Council's business to determine. After extensive communication, the applicant was confident that the Council, Staff, and Commission would come up with a plan that would address the current uses and allow for a solution that would be acceptable to everyone.

Mr. Murphy noted that Commissioner Johnson expressed support for interior bike storage that is a planned amenity. The applicant produced a formal EMF Report, floor by floor, which is included in the Staff Report. He explained that they used a scissor-lift to get the readings for that report. Mr. Murphy explained that the wall is intended to be 10 to 12 feet in height and will include a decorative mural as shown in the submittal for this meeting. He noted Commissioner Johnson's suggestion that it would be advantageous to concurrently review the Windsor property. In response to the question about improvements to the Utah Department of Transportation ("UDOT") intersection, Mr. Murphy advised that this issue was to be addressed with the City's Homestake Road plans. He noted that they would support a four-way stop at that intersection, but he was asked to "keep in his lane" regarding that issue.

He stated that former Chair John Phillips requested an EMF Report and information on what impacts the future upgrades to Utah Power would have to be made to the current plan. Mr. Murphy stated that the future upgrade would either follow the current alignment or go through the east side of the yard property. In either case, it would not affect the Homestake property. With regard to questions regarding the "life term of the wall," Mr. Murphy could not recall what former Chair Phillips was referencing. Mr. Murphy recalled that former Chair Phillips implored Staff to communicate plans for the surrounding properties and stressed that quality of life was a primary concern.

Mr. Murphy confirmed that a Parking Plan for the project was included in the latest submittal to the Commission. He mentioned that the contamination on the site resulted from petrochemicals from the rail operations and tailings that might have fallen off the trains. He added that while there were some hotspots, the contamination was consistently at 12 to 18 inches deep. The Environmental Officer for United Park City Mines Company confirmed that the vast majority of the tailings from the Ontario Mine bypassed the property to the east.

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Mr. Murphy next addressed public comments from the last meeting. With respect to Mark Fischer's comments regarding soil remediation, Mr. Murphy stated that it was proposed to be the first action completed on the site. He referenced Mr. Fischer's concern about the garbage location and any impact on the existing businesses to the north of the project, as well as the sewer issues and the importance of the Recycle Center. Mr. Murphy stated that infrastructure issues would be resolved by the City Council in order for the project to proceed and the project will not receive occupancy permits without that infrastructure in place. He reiterated that the applicant has no control over the Recycle Center and that the City Council would determine the future of that facility.

Mr. Murphy thanked Linda Rosepink, Vice President of Homestake, for her participation in the informal public process and the thoughtful and considerate concerns she raised. He noted that she was refreshingly civil and polite throughout the process. She advocated for the project traffic to leave the project and take a right to Munchkin Road rather than onto Homestake Road. The traffic considerations were noted and the street improvements were within the purview of the City and the Council. There was mention by Deb Rentfrow that the infrastructure should be put in place prior to, or concurrently with the project's construction. He reiterated that they could not receive their occupancy permit without the necessary infrastructure.

Mr. Murphy acknowledged that the overriding concern was parking and the position that every occupant that resides at this project would have a car. He mentioned the comments of the owner of the Boneyard Restaurant that the residents and guests would use the Boneyard parking lot that is already fully utilized.

Mr. Murphy stated that he had no intention of making the parking situation at the Boneyard Restaurant any more difficult. While it might seem unlikely that there will not be multiple cars per unit, the fact is that the situation currently exists and works at the affordable housing projects at Silver Star and King's Crown. Neighborhood parking is tighter at both of these locations and it works. He noted that the working population is extraordinarily adept at using public transit, and the concept of reduced availability to cars works in practice.

He stated that there was not a single parcel in the City that could accommodate a meaningful contribution to the affordable housing problem that does not have obstacles, blemishes, or concerns. This project is an opportunity to provide a substantial amount of affordable housing that will be extraordinarily beneficial to this community for many years to come. Permanent residents and projects that only allow for yearlong plus rentals are the heart and soul of a community. Affordable housing and traffic are recognized as the two most significant concerns facing this community.

Mr. Murphy opined that meaningful contributions to affordable housing would not happen 20 units at a time. In an effort to address this problem, the Planning Commission passed the AMPD Ordinance last year. The Homestake application was submitted under the new Code and precisely meets its intention and the letter and spirit of the ordinance. He stressed that the application does not seek a single variance. He thanked and appreciated the efforts of the Staff and the Commission to understand and improve this project.

Chair Suesser invited questions from the Commission prior to opening the public hearing.

Commissioner Kenworthy asked how many parking stalls currently exist on the property. Mr. Murphy would have the answer to that question at the next meeting.

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Chair Suesser opened the public hearing.

Matthew Nagie stated that he lives in affordable housing in Old Town and is a Physics teacher at Park City High School. He expressed his support for the project. He felt that there might be concerns expressed about this project that are not made in good faith. With respect to the concern about parking, he stated that people that need affordable housing generally cannot afford to own a car. Families that live in affordable housing are not the traditional Park City families who are buying their children BMWs. He also stated that there will likely be comments in support of affordable housing but just not this project. Mr. Nagie emphasized that people that need affordable housing do not have the luxury of picking the perfect project. He echoed the statements made during the presentation that there has to be a continual push forward with housing.

He added that for people in single-family homes to say they are concerned about their commute into Park City because of the density or to say they are concerned about open space is disingenuous and misses the point. There is an incredible need for affordable housing in the community for people like him. He stated that he is the only one from the Park City High School class of 2011 who owns a home in Park City. He explained that he was very fortunate to have chosen a path in education and getting into the Affordable Housing Program. Mr. Nagie did not like the fact that his classmates no longer live in the community. He stressed that the housing need is so drastic that it truly overrides some of the petty concerns that the Commission will likely hear from others.

Steve Bolton asked if this project would be coordinated with the development at Sundance and noted that there is a large empty lot in that location. It was clarified that he was referring to the former Arts & Cultural District known as Bonanza Park. He also asked if the Homestake Road project will begin before this project. Chair Suesser explained that the present application was what was before the Commission and there were no development applications for the Bonanza Park parcel. She added that the Planning Commission and the City Council were considering it.

Megan McKenna identified herself as a Housing Advocate for the Housing Resource Center. She echoed the points made by Staff and Mr. Murphy and stated that the Center was in support of this project. She felt it was an excellent example of the type of projects that the City Council set out as one of the strategies going forward.

Jane Burdon stated that she has been a homeowner at Claimjumper Condominiums since 2005 and she currently resides in Midway. She is also the HOA Board President for Claimjumper Condominiums. She likes the project location but was concerned about height, density, and traffic. She also expressed concern that the infrastructure will not follow the development. Ms. Burdon commented that the sewer and water lines are not that great along Homestake Road because she has had to replace two of them in the past couple of years. Ms. Burdon asked if the improvements were in the City's Capital Plan. Manager Glidden responded that the improvements were in the Capital Plan that was approved by the City Council. The Water Department planned to upgrade the two-inch line to a 10-inch line and was coordinating with the City Engineering Department, which is working on the upgrades to Homestake Road.

Manager Glidden stated that there was coordination between this project and the construction mitigation of that project noting that they do not want to put in a new road while running heavy machinery for the excavation of this project. The utilities will be upgraded during the road

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improvements. He reiterated that there was an approved project for the upgrade of the waterline in that area. He explained that there is a capital budget that is approved on an annual basis, and the waterline improvements are a line item that is approved by the City Council.

In terms of the building height, Ms. Burdon asked if it was possible to limit it to 35 feet. She felt that the height would impact view corridors and sun exposure for Claimjumper. She understood that the project was trying to get the maximum number of units in that space, but they should also consider people's quality of life. She also expressed concern about green space and did not feel there would be much in this project. Mr. Burdon stated that traffic is already a problem in that location, and people use the Claimjumper complex for day skier parking. She expressed concern as to how parking will be managed on this site. She felt that the occupancy for this project would be larger than what was estimated.

Ronnie Wedig was present representing the No Name Saloon, Annex Burger, Butchers Chop House & Bar, and Boneyard Saloon. He stated that he also served multiple terms on the HPCA, and deals with such issues as employee housing. He was currently serving on the HPCA but was not representing the HPCA at this meeting. He expressed complete support for employee housing and saw a need for a more diverse community. His issue was the total occupancy as it relates to the parking. He stated that there are not enough stalls to accommodate the project. Mr. Wedig stated that he has issues with cars parking illegally at Boneyard throughout the year.

To complement this development and others, he hoped the City took the opportunity to work on the parking and transit for the Arts & Cultural District. The current funding to activate the area was not being utilized to the area's full potential. He felt that a more useful utilization of the City's money would be to activate this space for parking and transit while setting aside the needed spaces for the Sundance Institute and the Kimball Arts Center. Mr. Wedig stated that this project will benefit the much-needed employee housing in the area while serving the community.

David Werksman stated that he has lived at Homestake for 24 years. The presentation did not state how much the developer will charge for the units. He referenced a meeting between the developer and Homestake months ago where the applicant stated that the rent would be $1,600 per month for the units. He asked if that was still accurate. Mr. Werksman stated that the applicant also previously indicated that the people they were hoping to house at this new affordable housing development were people who work for Vail Resorts. With the ski seasons getting shorter, this housing will not be affordable. He knows people who work on Main Street who are leaving the community because they cannot make enough because the seasons are not long enough. He stressed that employees working the lifts for Vail will also not be able to make enough money to live.

Mr. Werksman questioned the calculations regarding occupancy shared by Mr. Murphy. He offered that there would be over 400 residents in this project and more than 131 cars. Displacing all of the cars parked around Homestake Road and in that lot will not work. He mentioned that the City has plenty of room by the Movie Studio and suggested that this project go in there, and then they could bus the residents to Vail Resorts where they are going to work. He mentioned that they have at least 12 baskets from the market on his complex's property and there would be more at this property. He contested the representation that the developer will police unit overcrowding. He predicted that some of the units will have eight to 10 people and it will be a mess. Mr. Werksman stressed that this project will not work in this location. He

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commented that once they start digging, everyone will breathe in the contamination from the site.

Tal Adair identified himself as the Government Affairs Director for the Park City Board of Realtors. He stated that the Board of Realtors supports this project as it meets a critical need and forms a community. He added that the developer has been in the area for years and loves Park City. He reiterated that the Board fully stood behind this project.

Heather Scholz identified herself as a Business Manager and Broker in Park City. She has lived in the community for a decade and in the State of Utah for 20 years. She is also a member of the Park City Board of Realtors' Affordable Housing Committee that was formed recently. She has always been a supporter of balance. She has heard stories of people being hired in the community but not having a place to live. She has also heard of restaurant owners housing employees in their own homes because there were no other options. Ms. Scholz stated that a town cannot run off of fluff. There is definitely a need to strike a balance and she supported this project. She preferred ownership but rentals are still great. She felt that the location was good and that this project will add beauty and community to the area. She added that residents will likely not have to commute as far to their places of employment. The City needs these types of developers to bring projects into the community. Her parents are both teachers, and she empathized with the prior speaker. They need people in the community who know the community and help make it vibrant. Parking is a reality and she wondered if it is possible to issue a certain number of parking spaces and then potentially allow for a different rent structure for those who do not need a parking space.

Bill Jahsman stated that since 2004, he has been an owner of 1900 Homestake Road. He felt it interesting that the remarks made in support of Stonebridge, heard earlier in this meeting, do not apply to this project. He offered that this project would visually impact the neighbors, increase density, impact traffic, and most importantly, would impact parking. He stated that the parking issue was acknowledged by the developers as "the elephant in the room." He found it difficult to understand how it was overlooked in the developer's presentation. Mr. Jahsman was a fan of affordable housing and did not come to this meeting in bad faith.

Ryan Landis stated that he manages property in Park City, Salt Lake City, and elsewhere and felt it would be helpful to understand the allowable occupancy per bedroom for this zone as it relates to affordable housing. He reported that one-bedroom units have a much different housing structure for occupants than two or three-bedroom. As the Commission evaluates affordable housing in Park City, he suggested they consider which families or individuals are in need and try to provide housing needs for that demographic. He stated that if the need were greatest for families with three children, they would not want to build a lot of one-bedroom units. Mr. Landis urged the Commission to consider this breakdown of need by groups in affordable housing projects moving forward.

Linda Rosepink identified herself as an owner at Homestake and a very proud resident of Park City. She suggested that another session be held where they can address all of the issues. She commented that the prior speakers were only recently made aware of the project and other residents along Homestake Road were not even aware of this project. She felt that those people would have comments and concerns that would also need to be addressed. Chair Suesser stated that the application was on the agenda for the October 26th Planning Commission meeting, and they would hold another public hearing at that time.

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Ms. Rosepink understood that the October 26 meeting will address traffic concerns and plans for Homestake Road. She asked if the funds for Homestake Road will be used regardless of what happens with this project. Manager Glidden confirmed that those funds were dedicated separately from the housing project. Ms. Rosepink raised the issues of density and height and questioned whether the schools will be ready for the population that will come with the project. She stated that there are other options for sites for this type of project. They all want affordable housing; however, it is not appropriate for this particular site. She acknowledged that Mr. Murphy and his company have spent a lot of time and money on this plan and she raised the possibility of moving this project to Bonanza.

She also mentioned available land on the backside of Wells Fargo going up the hill. Most of the taller buildings in the community are built against a hill. She commented that the surrounding area buildings are only two stories, and there were other locations with three-story buildings where this project would be a better fit. She referenced her handwritten comments provided to Staff and felt that the public needed more time to learn about this project so that they could be a part of this process. It was confirmed that Ms. Rosepink's written comments would be made part of the public record.

There was discussion about the submission of additional written comments. Chair Suesser advised that this item was scheduled for final action on October 26th, but it would be up to the Commission as to whether they were ready to take action at that time.

Ms. Rosepink asked about further on-site visits. Chair Suesser advised that the Commission conducted an on-site walk of the property that was open to the public, and got a good feel for the location, the neighborhood, and the applicant's proposal. Ms. Rosepink asked how they could remedy the issue of making sure everyone receives notice of these items so that the public can be more aware of the timeline. Chair Suesser stated they would look into compliance with the notice requirements and confirm that everyone within 300 feet of the project received notice of the application. Ms. Rosepink stated that while Mr. Murphy and this project might meet the Code that does not make this project right. She felt there was an opportunity to build these projects to disperse people rather than create so much density.

John Paris reported that he manages 15 of the Homestake condominium units. He felt that every part of this made sense. He owns a company, and it is difficult for him to find employees. He noted that they always find overcrowded units. Mr. Paris noted, however, that there has not been talk about a smaller project in the same location. He felt that the overall amount of occupancy proposed could be dispersed in other locations. He commented that transit and parking in that area could be phenomenal and then they could move people in from other housing to that transit point. He felt the better option was a smaller, less aggressive project. As the City addressed the need for housing, he suggested that they do not just jump into it and cause overflow in density and parking. Mr. Paris stated that traffic will likely be a significant issue.

Elizabeth Felice stated that she is a resident at Homestake and her family has been an owner there since 1987. She wanted to know why the scope of this project needs to be so large, who will be making the money off of the project, who is getting kickbacks, and why Bonanza Park cannot be used as the location for this project. She stressed that the City has space at Bonanza Park, as well as the ability to have a flow of traffic that would be easier than at Homestake. Ms. Felice understood the need for affordable housing; however, many do not understand that the units would not be limited to two people, and these units would be used as

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Airbnbs. She stressed that even people who cannot afford housing drive vehicles in the City. Workers have to rely on more than just public transportation to get around. She noted that public transportation had taken a back seat recently. Ms. Felice stated that the public input was not being made in bad faith; they are citizens who are tired of the City becoming a parking lot.

Andre Dumas [via Zoom] is a long-time Park City resident and a firm supporter of affordable housing. He felt that this project raised some issues of concern, namely parking. He stated that the lot is currently advertised as a Park & Ride for employees throughout the City. By eliminating 123 parking spaces for employees of the City, he questioned whether other areas could be utilized as public transit hubs for the employees. He asked if the proposed Open Space will be open to the public, or simply for the residents. He uses the parking in the area as overflow and noted that this project would eliminate two currently advertised overflow parking lots for employees and patrons of the Boneyard. Mr. Dumas reiterated that he is a supporter of affordable housing and was interested in seeing how the development at the Movie Studio works out. He felt that the other location was more functional than this one. He stressed that this location already had a function and questioned why they would use it for this project.

He commented that the design renderings have looked like a four-story concrete parking garage with windows, and others have looked like a parking garage with some aesthetic amenities. He recognized the desire for more affordable rentals than ownership but felt the breakdown should be 50/50. He noted the desire for home ownership, but also the difficulties with lending and the strict income requirements. Mr. Dumas felt that the current use of the lot and access should be taken into greater consideration, especially with other options available in the City.

Pat Matheson [via Zoom] introduced himself as the Executive Director of the Mountainlands Community Housing Trust. He supported the project and thanked the Planning Commissioners for their hard work. He felt this was a critical issue and appreciated everything that was being done to address it.

Mike Wong [via Zoom] stated that he is been a long-term resident of Park City. When he moved here in 2005, he was able to purchase an affordable unit at Redstone where they had one assigned parking spot. That worked out well and he was in full support of the project. The City needs affordable housing and the proposed size and scope work well.

Mary Christa Smith [via Zoom] supported this affordable housing project and stated that she was the lucky recipient of affordable housing, which was transformative for her and her family. Ms. Smith hoped this opportunity would be available to others in the community. She commented that there is a tremendous sense of urgency for affordable housing. Ms. Smith commended Mr. Murphy and the developer for complying across the board with the Land Management Code and the process. She stressed that there was not a single request for an exception or variance. The application complies with the height requirement, setbacks, density, and parking. She implored the Planning Commission to approve this project to meet a critical need for affordable housing in the community. She thanked the Commissioners for their time and efforts.

Angela Moschetta [via Zoom] expressed support for the comments made by Mr. Nagie and Ms. McKenna, which she felt were spot on. She was a convert on the project but wanted to see this as part of a more holistic look at the entire Bonanza Park District. It seemed evident to her that many are not aware of the direction the City was looking to move in terms of an Area Plan and a Master Plan for an area. She mentioned Bonanza Park, Snow Creek, the entire

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commercial district in Prospector, and potentially The Yarrow and the Windsor's property. She felt this was where they could start to look at some big solutions in terms of housing and smart solutions in terms of traffic and anchoring transit. Ms. Moschetta was happy with Mr. Murphy's presentation. The Yarrow recently made a presentation under the AMPD and they asked for a number of exceptions, which raised the question of whether The Yarrow was a for-profit developer trying to manipulate and exploit the new AMPD tool to make as much money as possible, or whether they were a non-profit developer trying to bring a community solution.

This project was presented differently because the applicant offered to remove the commercial, max out the residential, and potentially bring in early childhood care, which is a huge community need. She believed this was the most functional site for dense affordable housing, not just in terms of the parcel, but also in terms of the entire area. Ms. Moschetta would love to see two more stories in this building with smaller units that created more density. She stated that she is an authentic affordable housing advocate and considers the quality of life concerns of those who face tremendous housing insecurity over views. She commented that this site is adjacent to Old Town and Prospector, which are places where they traditionally have had smaller, denser homes. The people who want views, space, and quiet could go to Park Meadows or Thanes, as there is a different type of lifestyle to support in this district.

Ms. Moschetta felt that the tremendous changes and acknowledgments of the concerns by this developer were the best they could hope for from developers in Park City. She felt they needed to get some heads around the table to try and come up with bold, creative solutions. She referenced the parking concerns raised by Mr. Wedig and did not doubt that parking was a real concern; however, it might take something as simple as not putting up a fence between the Homestake Residential Development and any mixed-use development that comes online by the Windsor's property. She also suggested closing off the Boneyard and Blind Dog parking lots, and requiring that part of this development would include paying for a parking lot attendant to ensure that patrons used those lots. Ms. Moschetta emphasized that solutions involved getting people to the table to discuss what does not work and giving those bringing much-needed solutions the opportunity to provide these solutions. She mentioned a property in Old Town that is owned by Mark Stengler, who uses it as a living space for locals. That property was sold and was being used as an Airbnb, and now two men, who are known in the community, are homeless. She has seen one of these men pushing a shopping cart, and the other was seen feeding a family of ducks with some food that was given to him by 7-Eleven employees. Ms. Moschetta stated that there are bigger issues than the views in town. They have to start caring about these issues and stressed that she supports this project in every direction.

Jo Ann Stack-Askins [via Zoom] stated that she has been a resident of Park City for nearly 30 years. Recently, her daughter and family had to relocate out of Park City due to the lack of affordable housing. She voiced her support for this project and felt it was the City's opportunity to take a big step forward to address the need for affordable housing. This project will offer 99 units to people making less than 60% of AMI and will be key to addressing the urgent need for housing. This project will complement the Arts & Cultural District along with Kimball and Sundance, and there will be additional room for parking. She understood the concerns raised by some of the residents but felt that letting this project go due to a lack of parking would be a shame and set the City back several years. She lauded Mr. Murphy's reputation and felt he would do what is right for the community.

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Andre Dumas [via Zoom] provided additional comment on a walkable community for the City. He was a firm believer in having a bikeable and walkable community; however, only having 13 bike spaces for 123 units was ridiculous.

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

Commissioner Kenworthy appreciated the public comment and the applicant's presentation. He acknowledged that they have a great opportunity here and they have to get it right. He referenced Manager Glidden's comments over the past year. There was agreement that the City desperately needs affordable housing. He directed his attention to Manager Glidden and noted that roads, traffic, transit, and basic infrastructure usually need to be defined and accounted for prior to projects being approved. Commissioner Kenworthy felt that there were some unresolved issues.

Mr. Harrington asked that Commissioner Kenworthy delineate those issues since it was presented that these are off-site issues. He stated that this happens often with City projects because they want to get it right; however, he cautioned the Commission that its review authority is technically the same. If this were a private party applicant, the Planning Commission's review authority would be limited to the AMPD section and nothing more. He added that the Commission could still provide recommendations about these external issues beyond those requirements; however, if they could not tie it back to a specific requirement of the Code, the policy issues of getting it right are issues for the City Council. The Planning Commission could weigh in on those issues, but not in reviewing a third-party application.

Mr. Harrington cautioned the Commission about using comments such as "getting it right," because that is not the standard for the Commission; rather, the standard is whether the application complies with the Code and the comments must be grounded in that standard. He stressed that if they could tie it back to the Code and "get it right," then they could hopefully achieve both. He commented that Staff was here to bridge that gap but the offsite requirements and broader planning principles are policy questions. The Planning Commission and the City Council already decided that this project was appropriate for this site if it complies with the Code. Everything outside of the site would be a policy matter and the Commission could provide recommendations to City Council but not in the context of approval or denial of a particular MPD application.

Commissioner Kenworthy commented that the Traffic Study was required by Code. Mr. Harrington disagreed and averred that the Transportation Study was only required if there was a parking reduction, which was initially contemplated for this project. Since it was no longer contemplated, technically the Parking section of the AMPD would not require a Traffic Study for this application. He referenced the last of the 15 findings listed. He stated that the applicant submitted a Traffic Study because Mr. Murphy wanted to appease the Planning Commission and provide it with as much information as he could. Mr. Harrington noted that the Commission asked the applicant for a lot of information that was not a technical requirement to make sure they address crossover mitigation issues. He reiterated that if the Commission could tie a specific deficiency to the Code, there might be some relevance, but he was not sure that the Traffic Study was technically required to make this a complete application.

Assistant Planning Director, Rebecca Ward, stated that Staff could confirm these requirements at the next meeting. She noted that there was a required finding that traffic would be mitigated

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through a review of the internal access plan. She stated that Staff would address that at the next meeting.

Chair Suesser requested confirmation of what would be addressed at the next meeting and felt it would be helpful to keep the comments to what was presented at this meeting. She felt that the impact of the disturbance of the soils and the mitigation of disturbance at the site would be something within the Planning Commission's purview in their consideration of this application. She would like to understand where they stood with regard to the Soils Study and the projected cost to the City of the cleanup.

Manager Glidden reported that they undertook a Phase 1 and Phase 2 Study and the tests were submitted. The City would then determine how much would need to be excavated to attach a cost to the cleanup. He stated that the City was in the process of calculating this and they did not yet have a cost estimate. He added that he would rely on the City's Soils Expert with regard to the plan to meet the standards of the Soil Ordinance. He stated that the soils testing provided a map on which they could overlay the design of the project to determine how much they would need to excavate and move to another location.

Chair Suesser asked if the building had been designed and positioned so that the excavation could be as minimal as possible. Manager Glidden stated that when talking about underground parking, a majority of the site would be excavated. He clarified that based on the testing results, there could be a plan to mitigate different types of soil on the site that could possibly affect cost. He reiterated that they do not yet have an idea of the potential cost of soil remediation. The Commission was reminded that a Soils Report was included in the packet and the consultant found seven samples to be above the 200 Parts Per Million ("PPM") standard set in the Soil Ordinance, with the vast majority of samples well below that standard. The contamination was located primarily on the eastern and northern portions of the site, while the rest of the property was comparatively clean.

Commissioner Kenworthy addressed the issue of quality of life and noted there were huge community issues. He asked the applicant if the project would have 24-hour security. Ryan Davis, J Fisher Companies, responded that there would be full-time onsite management that would work a standard 9 to 5 shift, and in addition, there would be security systems in place. The building would be locked from the exterior, there would be key card access at all points, and there would be 24-hour monitoring through video to ensure security on the site. Physical security personnel would be on call, but not on-site during the overnight hours.

Commissioner Kenworthy noted that International Building Code ("IBC") showed occupancy at 570 and asked if occupancy would be capped at 406. Mr. Davis explained that capacity was set by the Utah Housing Corporation which oversees the Low-Income Housing Tax Credit Program, which sets a standard of two occupants per bedroom with exceptions for dependents, foster children, caretakers, and the like. Occupancy cannot exceed two per bedroom plus one. He recalled that in their portfolio of approximately 1,400 units, the average occupancy per bedroom is 1.4, so they do expect the standard to be below that. Mr. Davis stated that they were not in a position to put in guidelines beyond what is required by the Federal Program that would bring the equity to develop this project and the State authority that manages compliance.

Commissioner Kenworthy stated that it had been repeatedly represented that the occupancy number was 406, and now he was hearing something different. He requested a hard cap number because he does not want to play games with the community. Mr. Davis stated they

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would provide that once they have a final unit count and unit mix. Mr. Davis stated that the plus-one occupancy was an exception and would be taken on a case-by-case basis. He did not recall that the applicant presented an occupancy number of 406 at the prior meeting. Mr. Murphy stated when they calculated occupancy at the last meeting, he was unaware of the plus-one exception.

Commissioner Kenworthy stressed that he would like to have a conversation on this so that the community, the City, and the developer were all on the same page. He offered that currently, they were not on the same page because the applicant did not have an occupancy number. He emphasized that he is all for affordable rental units being put in this community and this location; however, he wanted an honest understanding of the numbers so that City Council can take this on realistically with what the area needs. He mentioned that the City Council was about to do a major land use visioning for this area, and they all have to have an equal understanding of this to make this better. The City has to get this right, so the Commission has to get it right regardless of the Codes.

Commissioner Kenworthy understood his role but wanted to talk about quality of life, the occupancy numbers, the security, and the impacts on the neighbors so that they could move this forward with an equal understanding between them all. Assistant Director Ward clarified that the Staff Report contained an occupancy number calculated by Staff in coordination with the Building Department and the IBC. Prior to the October 26th meeting, Staff would work with the applicant and the Utah Housing Corporation requirements that might lead to a different result. Commissioner Kenworthy expressed understanding with this clarification, and that Staff understood the need to have a number that is capped so that they have equity across the board. He would also like the City to address the streets and what will be done with the adjacent property so that the neighbors have that information. Many have mentioned the electrical substation and the Recycle Center. While these issues are not part of the LMC analysis, it remains the reality of what they are doing as a community and he hoped the City Council is listening and would address these issues for the community.

Commissioner Hall thanked Staff for a thorough Packet and thanked the applicant for addressing the Commissioner's questions. She also thanked the public for their comment and agreed with the fact that they need teachers in the community and they need affordable housing. She listed her top five reasons why she liked this project. She emphasized that this would be potentially the first AMPD for final action that has 80% as opposed to 50% affordable units. She felt that fact had not been highlighted enough. This would result in more affordable units than market rate. She also liked the fact that these were rentals. They have not processed many applications for rental projects and they know from the Housing Department that the City needs rental units. She felt that a bonus with the rentals was compliance with the Code.

Commissioner Hall loved the fact that this was taking up current concrete instead of green space, and felt that this was a prime location for transit and walkability. There were also no requested exceptions, and no variances for height, setbacks, parking, or open space. She stressed that the proposal fully complied with the Code, and she felt that the Commission's job was to process this application for Code compliance.

With respect to the Conditions of Approval, Commissioner Hall liked the fact that there appeared to be an agreement on a sunset clause. She liked the concept of a sidewalk around the entire perimeter and also liked the wall. She assumed that the Conditions of Approval would state that

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soil mitigation and sewer would be required. Commissioner Hall requested the applicant look at more secure covered parking than the 13 minimally required by the Code. She noted that could be included as a Condition of Approval as mentioned in the Staff Report. She felt that the location for bike parking was a prime location, and if the project offered more covered secure parking, it would be a better mechanism to reduce cars to lessen the parking issue. She reiterated that the applicant did not request a parking reduction and was providing more parking than required by Code.

Since the Federal guidelines set forth maximum occupancy, she wondered if they could, in lieu, set a maximum number of vehicles for a tenant. She felt this could be enforceable since everyone would have a year-plus lease. She wondered whether this could be a mechanism to mitigate some of the parking issues. She liked the public comment that suggested selling back a designated parking spot to reduce their rent.

Commissioner Hall asked about the needs identified in the studies, and the breakdown between unit types. Manager Glidden stated that across the board there was a need at every level. The larger units generally helped out the families; while, in looking at the workforce, much of it is currently single. He stated that they continue to evaluate the specific needs as more inventory becomes available and stressed that the great thing about public/private partnerships was that they could negotiate toward the need.

Mr. Harrington added that the Housing Authority and City Council would approve the final deed restrictions, and in doing so they would evaluate the disbursement with the Final Affordable Housing Plan. Manager Glidden clarified that it would be negotiated through the ground lease, which would be approved by City Council. All of these details including the number and type of units, rental amounts, and AMI level would all be included in the ground lease.

Commissioner Hall observed that the application complies with the Code and she had no further requests for information. She requested that if they could reduce the area for mechanical on the roof and get to a building height closer to 35 feet the happier people would be. She noted that as proposed, the building height with the mechanical was Code compliant. With regard to Open Space, she noted the proposal was for 32%, which excluded the sidewalks around the full perimeter. She suggested potentially spreading out the building footprint to possibly reduce the Building Height.

Commissioner Van Dine echoed many of Commissioner Hall's comments. She felt that this was the type of project they were looking for when they passed the amendment a year ago. She stated that the applicant brought everything that was put in the Code. She understood that not everyone would agree on a location for this type of project, but noted that there was not a perfect site. She did not have an issue with the 45-foot building height but agreed that if the mechanical could be lowered as much as possible, that would help. She emphasized that this project met what the City was trying to do, and the need was greater than the choice of location.

Commissioner Van Dine liked the location for this project and felt it would provide easy accessibility to the Resort Center, Main Street, and the schools. She stressed that they need teachers and workers to live in town. She agreed with the suggestion of selling back parking spots and felt it would be a good incentive that could provide a parking solution. She also agreed that more bike parking was needed. Mr. Davis stated that the 13 bike parking spots was the Code requirement, but the project would have significantly more parking and they would provide an exact count. He added that they intended to have outdoor bike parking and indoor

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secured bike storage with a mechanical room. Commissioner Van Dine added that with regard to the indoor bike storage, there needed to be outlets everywhere for e-bikes. She appreciated the effort for the daycare center and felt that a secure play area was ideal and would be appreciated by the community.

Commissioner Van Dine stated in response to the public comment about notice, that Staff does a great job of getting notice out to people and encouraging participation. She noted that they could not force people to participate in these meetings, and felt that Staff and the developer had done a good job trying to let people be heard.

Commissioner Frontero thanked the applicant for the presentation and responses to the questions from the prior meeting. He felt this was a complex application and he thanked Staff for their work. He appreciated the public comments, and while many were focused on community impacts as opposed to the Code, they were helpful. He noted that to encourage affordable housing the City created the AMPD, and this application met almost everything that the ordinance seeks. He stated that it was hard to find much fault with this application, other than people do not want it in their backyard. While he understands that, he noted there was a balance to be struck and he believed the developer has done a reasonable job trying to strike that balance.

Commissioner Frontero recognized that this project would not meet everyone's approval, but felt they were on the right track with this application. He shared Commissioner Kenworthy's concern regarding traffic and referenced LMC Section 15-6-1-11(D), highlighted by Staff, that discusses adequate interior vehicle passage, pedestrian and bicycle circulation, and the like. He did not see a report that addresses these issues but stressed that this was one of the 16 criteria considered by the Commission. He stated that this remained an open item for him.

Another open item was LMC Section 15-6-1-11(C) regarding trails and connectivity of trails. He would like to see connectivity, which he currently did not see in this application. He stressed that these were Code items that as a Commissioner, he would want to see to ensure that it is being addressed. Commissioner Frontero observed that it seemed aggressive that this would all be presented at the next meeting and there would be a vote. He understood that timing was important and supported trying to get it done.

Commissioner Johnson appreciated everything the applicant presented. With regard to the wall, he asked the applicant to look into some sort of sound barrier along the Power Plant to reduce the buzzing. Mr. Murphy stated they would look into that.

Commissioner Johnson addressed the EMF Study and asked for more information. He referenced the Statement of Purpose in the Code at Section 15-1-2, "to promote the general, health, safety and welfare of the present and future inhabitants, businesses and visitors to the City." He felt that further information was needed for the public and for the City as the owner of the land. Specifically, he requested the distances from the various rows. He would also like more information on the volts per meter for the Electric readings since that was the biggest discrepancy he saw in the report. He referenced the ground-level analysis of locations B – K and requested they show the safety level was being reduced. He would like to know if the value of 449 was safe. He stressed that they want to ensure that they were providing a safe environment for this housing. Commissioner Johnson strongly encouraged the public to review the Packet and the provided analysis because there would be no control over future output since Utah Power owns that adjacent property.

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Commissioner Johnson reiterated the Code requirement that they were providing a safe environment for the community. Mr. Murphy agreed and stated they would provide the requested information. With regard to the sound barrier wall, Commissioner Johnson stated that it was a nationwide issue, and they want to be mindful of the reflector technology that could bounce the sound to another area of town. He suggested there was likely newer technology that could be investigated. He expressed frustration that the burden was not on the Power Company.

Commissioner Johnson sought confirmation that there was adequate space for snow storage along the side and rear setbacks. It was clarified that there was adequate space for snow storage within the Setbacks.

Chair Suesser reiterated her request to see the details of the ground lease at the next meeting.

MOTION: Commissioner Kenworthy moved to CONTINUE this item, and the public hearing, to October 26, 2022. Commissioner Van Dine seconded the motion.

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

7. ADJOURN

MOTION: Commissioner Kenworthy moved to adjourn.

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

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
October 12, 2022

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

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; Caitlyn Tubbs, Senior Historic Preservation Planner; Lillian Lederer, City Planner; Spencer Cawley, City Planner; Jaron Ehlers, City Planner; Mark Harrington, City Attorney

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1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She reported that all Commissioners were present with the exception of Commissioner Christin Van Dine, who joined the meeting later.

2. MINUTES APPROVAL

There were no minutes for approval.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that Assistant Planning Director, Rebecca Ward, planned to update the Commission on the Land Management Code ("LMC") Amendments. She noted that the Commission was provided with the Staff Communication that included the schedule for next year. Assistant Director Ward was on a flight and unable to log in, but was expected to join the meeting later in the evening.

Director Milliken offered to present the Staff Communication and welcomed newly appointed Planning Commissioner, Henry Sigg.

A. 2022 - 2023 Land Management Code Amendment Schedule and Commission Liaisons,

Director Milliken stated that she would identify the Commission Liaisons for the different priorities for 2023 to see if one was a good fit for Commissioner Sigg. Staff would return with more detail regarding the 2023 schedule in January.

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In terms of specific topics for LMC Code Amendments, the Commission would be looking at the Winter Balcony Enclosure Pilot Program as well as the Landscaping Updates at this meeting. A public hearing on the Landscaping Updates would be held on October 26, 2022. A Work Session scheduled for November 9, 2022, would address the Sensitive Land Overlay. The Commission Liaison for the meeting would be Commissioner Bill Johnson. She explained that the Commission Liaison would meet with Staff before the meetings.

Also on November 9, 2022, they would address Accessory Uses in Master Planned Developments ("MPD"), for which Chair Suesser would act as the Commission Liaison. She reported that the November 23 meeting was canceled as it is the day before Thanksgiving. On December 14, 2022, there will be a Work Session on Secure Bicycle Parking Requirements with Commissioner Van Dine serving as Commission Liaison. The public hearing on the Sensitive Land Overlay was scheduled for December 14, 2022.

Staff outlined a number of priorities for 2023 and the Commission Members who elected to act as Commission Liaison for those priorities. She recapped the priorities as follows:

- Incentivizing affordable housing development and amending Transfer of Development Rights, with Commissioner John Kenworthy and Commissioner Johnson serving as Liaisons;
- Encouraging sustainability, on which Commissioner Sarah Hall and Commissioner John Frontero would serve as Liaisons;
- Improving transit, trail, and active transit connectivity would have Commissioner Van Dine as the Commission Liaison;
- Evaluating lot combinations in the Historic Districts, with Chair Suesser and Commissioner Frontero serving as Liaisons; and
- Transportation Demand Management and Traffic Impact Studies, with Commissioners Hall and Kenworthy serving as Liaisons.

Director Milliken invited Commissioner Sigg to consider which priorities he might be interested in serving as a Liaison.

She listed the following issues that the Planning Commission requested Staff to schedule for review:

- Excavation limits;
- Evaluation of steep slope standards citywide;
- Review of the Conventional Chain Businesses and vibrancy ordinances; and
- Final action review and efficiency, and whether some items normally presented to City Council could end at Planning Commission review so that it does not go through a double review.

Director Milliken presented the 2023 Meeting dates where they would schedule at least one hour dedicated to LMC work. She observed that this work would occur in one meeting per month.

Commissioner Kenworthy asked Senior City Attorney, Mark Harrington, if it was important to prioritize Conventional Chain Business and vibrancy ordinances. He noted that the rumor on

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the Historic Park City Alliance ("HPCA") was that they have filled the last spot so he wanted to ensure that they were up to date on that as a priority now that the number of chains has hit the maximum limit.

Mr. Harrington responded that prioritization would be within the prerogative of the Planning Commission. He was unclear whether the intent was to further restrict, clarify restrictions, or expand to allow more Chain Businesses. He observed that if they were looking to expand, then prioritization might be more acute since they have reached the limit. On the other hand, if the request was for an update on how it was working and to look at any adjustments, it might not be as acute in terms of priorities. Mr. Harrington did not feel it was any more acute from a Staff perspective but stated that he was unsure of the Commission's initial interest in terms of the original prioritization. He reiterated that it was up to the Commission as to whether it wanted to prioritize this issue ahead of something like lot combinations or the issues faced in existing MPDs such as support commercial.

He explained that if the Commission was seeing votes of 3-to-2, lack of clarity, or difference of perspective between applicants, the public, and the Commission and Council, those would be the areas that would seem most ripe for prioritization. He felt that general cleanup or adjustments would be more secondary in terms of priority.

Commissioner Kenworthy noted that this could become a contentious issue, and wanted to ensure that there was an understanding of what the ordinances are now and that they have hit the threshold. He understood that once they hit that limit, which they have done on the upper portion of Main, national chains will no longer be allowed on the street level at Sundance. Commissioner Kenworthy observed that this was a very current issue that would likely come before the Commission.

Chair Suesser asked if Commissioner Kenworthy's conclusion was accurate. Mr. Harrington stated that national chains would not be allowed on the street level at Sundance if they were not within the Sundance venue. He mentioned that third-party "ambush" vendors would be subject to the same rules as anyone else on the street; therefore, if they are "at capacity," they could not take up extra spots. Mr. Harrington added that the ordinance is in place, and while someone could challenge that, he did not foresee this to be something that would be part of the Commission's day-to-day workload. In terms of providing the Commission an update on how the ordinance was working, the Commission could decide its prioritization.

Commissioner Hall preferred that the Commission look at a holistic approach to Main Street and not just focus on the Chain Store limit. She felt they should look at it as a package with vibrancy ordinances. She would not be in favor of expanding the limit.

Chair Suesser was interested in hearing from Main Street business owners, landlords, and the community about the response to the introduction of Chain Businesses on Main Street. She felt that input from these groups would be helpful and she looked forward to the Work Session on that topic.

Commissioner Hall agreed and added that it should encompass the several components of Main Street, including the definitions for the First Floor, Second Floor, and the back. Chair Suesser noted that this priority included vibrancy ordinances, but noted that Chain Businesses were the big issue people talk about. Commissioner Hall added that it went further and referenced the Agenda Item for tonight's meeting about permanent tents and summer parking.

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She reiterated her belief that it should be a holistic overview of everything related to the Historic District and Main Street. Chair Suesser agreed.

Chair Suesser asked Commissioner Kenworthy if he felt this topic should be low on the priority list, or wait to weigh in when discussing the specific schedule for discussion. Commissioner Kenworthy felt it was important that the Commission understand the guidelines and commented that it would involve issues that the City would deal with, given that Sundance would probably come back with a bang and the City was looking forward to supporting it. He agreed that it would be good to put this issue on the calendar for January so that they could get an understanding. Chair Suesser asked Director Milliken to put this on the calendar as soon as possible.

Commissioner Hall asked to be included as a Liaison for active transportation. She also volunteered to add herself to some of the topics scheduled for the remainder of 2022 and noted specifically the Accessory Uses and MPDs and/or Secure Bicycle Parking Requirements.

Chair Suesser offered to take Commissioner Hall's spot on the Traffic Demand Management and Traffic Impact Studies. She added that Commissioner Sigg might be interested in joining her on the Accessory Uses and MPDs. Commissioner Sigg stated he would be happy to join that topic. It was clarified that Support Commercial was included in the Accessory Uses discussion.

Commissioner John Frontero offered to join Commissioner Johnson on the Sensitive Land Overlay work in 2022.

Commissioner Hall offered to join Commissioner Van Dine on Secure Bicycle Parking Requirements in 2022, as well as on active transportation in 2023. She confirmed that Chair Suesser would take her spot for Transportation Demand Management.

Chair Suesser noted that they are not limited to two Liaisons per topic and invited Commissioner Sigg to join any topic that interested him.

Chair Suesser disclosed that she is currently working for Summit Land Conservancy and Rory Murphy, who is an applicant tonight, is on the Board of the Conservancy. She expressed her belief that this did not create a conflict of interest.

5. CONTINUATIONS

A. 1251 Kearns Boulevard -- Conditional Use Permit -- The Applicant Proposes Constructing an Addition to The Blind Dog Restaurant in the Frontage Protection Zone, Modifying the Parking Area to Increase Parking, and Creating Shared Parking with 1351 Kearns Boulevard. PL-22-05240.

Director Milliken explained that the applicant requested a continuance to gather more information and allow for further study. For similar reasons, a continuance was requested for the next Agenda Item, 1351 Kearns Boulevard.

Chair Suesser questioned the impact of the Conditional Use Permit on the Homestake Project, if any, and asked if there was any overlap. Director Milliken stated that it would be best to look at it when it comes back in front of the Planning Commission. She noted there is always the

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potential for overlap with neighboring properties; however, she felt that it was one of the reasons for the requested continuation.

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

MOTION: Commissioner Johnson moved to CONTINUE 1251 Kearns Boulevard—Conditional Use Permit Application to a date uncertain. Commissioner Hall seconded the motion.

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

Commissioner Van Dine joined the meeting.

B. 1351 Kearns Boulevard -- Conditional Use Permit -- The Applicant Proposes Enlarging the Parking Area in the Frontage Protection Zone and Shared Parking with 1251 Kearns Boulevard. PL-22-05296.

Director Milliken reiterated that the applicant requested a continuance to gather further information.

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

MOTION: Commissioner Johnson moved to CONTINUE 1351 Kearns Boulevard—Conditional Use Permit Application to a date uncertain. Commissioner Hall seconded the motion.

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

6. WORK SESSION

A. Temporary Winter Balcony Enclosure Pilot Program – The Planning Commission Will Review the Temporary Winter Balcony Enclosure Pilot Program that Allows for Non-Historic Balconies in the Historic Commercial Business District Facing Main Street to be Enclosed from November 15 through April 30. The Pilot Program Will End in 2023 and May Require Amendments to the Land Management Code.

Senior Historic Preservation Planner, Caitlyn Tubbs, reported that the Temporary Winter Balcony Enclosure Pilot Program began a few years ago to allow for the temporary seasonal enclosure of outdoor balconies on non-historic buildings along Main Street. She confirmed that the program was in response to COVID-19 and the desire for people to be separated and outside as much as possible. Planner Tubbs stated that the pilot program was initially developed for building owners who do not have a historic balcony or patio or the ability to utilize the sidewalk during the summer months. It allowed these owners to compete with other businesses that have those features. Beginning in 2014, a member of the community approached the City Council and recommended the creation of a pilot program to allow for balcony enclosures. The City Council held a Work Session and directed Staff to prepare standards and processes for the program.

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Following input from the Historic Preservation Board ("HPB"), the Planning Commission forwarded a negative recommendation to the City Council on the creation of this pilot program; however, in 2016, pursuant to Ordinance No. 16-01, the LMC was amended to allow for the temporary enclosure of these balconies.

Planner Tubbs reported that it was revisited in 2019 when the pilot program was extended for an additional five years. The pilot program is currently scheduled to expire next year. She reported that so far, only one business along Main Street, Riverhorse on Main, has utilized the provisions in the Code for a Temporary Winter Balcony Enclosure. She noted that Main Street is listed on the National Register of Historic Places and the boundary of that designation was expanded because the City has a rich history and strong character.

Planner Tubbs commented that Riverhorse on Main is a non-historic building on Main Street. It is an in-fill building that did not have to meet the same Design Guidelines that apply to historic buildings that undergo repairs or alterations. The building was designed to fit in with Main Street, per the Historic Design Guidelines, but she stressed that the Design Guidelines for Historic Structures and the Design Guidelines for new construction or in-fill structures are different. Planner Tubbs presented photographs showing how Riverhorse on Main looked prior to the enclosure of the balcony as compared with how it looked after enclosure.

Chair Suesser asked if there was an extension out into Main Street before they enclosed the balcony. Planner Tubbs responded that the extension was in front of Riverhorse on Main. She added that Riverhorse on Main eliminated the seating on the street when they enclosed the balcony. In response to an inquiry, Planner Tubbs stated that the owner could have seating areas on both the street and the balcony, but there was a seasonality component in that the balcony enclosure was permitted from Fall through Spring, and expansion into the public right-of-way would be allowed by permit during the summer.

Commissioner Kenworthy stated that Pizza Noodle occupies the street-level deck. He reported that when he was Chair of the HPB, the owner of Riverhorse on Main wanted to enclose the balcony because he did not have the opportunity to use the street since the first-floor tenant was using it. Additionally, the owner had previous approval for the tent, which he would have to remove every six weeks.

Mr. Harrington explained that the enclosure replaces the tent and was not directly related to COVID-19 or the downstairs tenant. Commissioner Kenworthy added that in 2014, the HPB sent a positive recommendation on the pilot program to City Council. Riverhorse on Main was a rare case and no one else has used the pilot program.

Chair Suesser asked if the ordinance applied only to balconies on Main Street. Planner Tubbs confirmed that was the case and added that it only applies to balconies on non-historic structures along Main Street.

Planner Tubbs addressed Staff's concerns and reported that from the program's inception, Staff reviewed other communities where enclosures were permitted and the effects on the historic fabric of the community. Based on that review, as well as a review of the LMC, Staff had concerns that the Winter Balcony Enclosures would have the potential to detract from the overall western architectural appearance of Main Street and affect the historic character of the National Historic District. Staff also expressed concerns regarding the changes in overall shape, roof design, projections, recesses, solid-to-void ratios, and other architectural features.

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These changes have the potential to change the visual character of the original building and the street network as a whole.

Additionally, the balconies provide a strong rhythm to the pedestrian experience along Main Street and lend themselves to the creation of a strong street wall. Therefore, Staff was concerned that enclosing the balconies would break up the pedestrian experience and the street wall. Planner Tubbs explained that the attachments of the enclosure panels or other structures for the enclosure might damage historic buildings, features, or materials. She referenced the photographs of Riverhorse on Main and pointed out that the edges of the panels were connected to the neighboring buildings, which are Landmark Structures. As a result, Staff had concerns about the methods that might be utilized in the installation and removal of these panels and the effects on the neighboring historic materials.

Planner Tubbs explained that Staff was looking for feedback from the Boards and Commissions before the pilot program expires. Staff held a Work Session with the HPB on September 7 and received feedback generally in support of continuing the program and allowing the ongoing Temporary Winter Balcony Enclosures on Main Street. The HPB did not support allowing for the expansion of this program to allow for a more permanent or year-round enclosure. The HPB expressed an interest in reviewing some Design Guidelines that Staff could utilize for prospective applicants under this ordinance to help the enclosures fit in with the Historic District.

Chair Suesser asked how many balconies on Main Street could be enclosed under the pilot program. Planner Tubbs estimated that less than six buildings could potentially qualify for a Winter Balcony Enclosure. Chair Suesser stated that it would be helpful to know the impact of extending the program, which would include understanding how many possible enclosures could be installed along Main Street.

Commissioner Sigg asked if Balcony Enclosures included the dining pods they see around town. Planner Tubbs reported that the Balcony Enclosure is a full structural element, whereas the individual dining pods would fall more under the purview of a tent. Additionally, in response to Commissioner Sigg's inquiry, she stated that Balcony Enclosures include rooftops, and are more than just overhanging balconies on Main Street. She noted that Balcony Enclosures were not to expand beyond the footprint of the balcony, but they included walls and roofing material.

Chair Suesser mentioned the roofs at the Sky Lodge and the Old Kimball Arts Center. Commissioner Hall noted that those were not on Main Street, but mentioned Wasatch and Spur, which are on Main Street. She joined in Chair Suesser's question about the number of properties that would be eligible under the pilot program.

Planner Tubbs confirmed that the Old Kimball Arts Center would not be eligible under this program because it is not located on Main Street.

Commissioner Kenworthy sought confirmation that the dates these Balcony Enclosures could be up were from November 15 through April 15. Planner Tubbs confirmed the dates and that the Balcony Enclosure must be removed in the spring. Commissioner Kenworthy understood that the Temporary Winter Balconies could be allowed for winter use, whereas businesses previously used tents that would be removed. He asked if the Tent Ordinance was still in effect and noted that the Riverhorse on Main was utilizing the Tent Ordinance. He added that they did a lot of design work on the Riverhorse Balcony Enclosure to try and make it work. In addition,

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he did not believe that any of the balconies that extend over the sidewalk, such as at the Flanagan's Building, would be eligible for this program.

Mr. Harrington reported that there are three buildings on Main Street, inclusive of Riverhorse, that are eligible for a Winter Balcony Enclosure under this pilot program. He explained that only two other properties qualify because the restaurant space needs to be directly adjacent to the upper-story deck. As of the time of the last Staff Report, the only other properties that met the criteria, in addition to Riverhorse, were Wahso and 501 Main. Staff would confirm whether there had been any changes since the last Staff Report.

Chair Suesser was surprised that the Spur was not on that list. Commissioner Kenworthy noted that it had probably been added. Mr. Harrington reiterated that Staff would confirm any new developments since the last report. Chair Suesser commented that Riverhorse had taken advantage of this program and was looking for the City to extend it despite the fact that they violated the terms of the program by leaving their structure up all summer. Planner Tubbs confirmed that under this program, the structure is supposed to be removed each year, and there was an agreement entered into with City Council that reiterates that requirement. Her understanding was that Riverhorse did not obtain an agreement to keep the Balcony Enclosure up during the summer months but would verify this fact.

Mr. Harrington commented that there may have been a COVID-19 extension at some point and Riverhorse requested that the Balcony Enclosure remain pending their request to extend the program beyond the seasonal requirement. He noted there might be a stay in enforcement pending a seasonal extension. He did not believe that the fact that the balcony was still up should be part of the Commission's consideration of the extension of the pilot program as a whole.

Commissioner Johnson asked if the alternative for these businesses would be a tent application should the Winter Balcony Enclosure program expire. Planner Tubbs stated that would be an option along with the option of petitioning the City Council to enact another ordinance amendment that would allow for some other type of enclosure.

Chair Suesser recalled the tipi discussion they had last year and stated that they were allowed to be up for a continuous six months. Mr. Harrington explained that different regulations depend on structures, where they are located, and their purpose. He confirmed that there are different requirements for yurts and tipis that can fall under a 180-day rule, adding that the Code had been modified to become more permissive in some situations, and more restrictive in others.

Commissioner Hall asked why the pilot program only applies to Main Street. She stated that her initial reaction was that she would prefer to see the enclosures on Swede Alley rather than Main Street. She felt this would allow for increased capacity, while not taking away from the historic nature of Main Street. Planner Tubbs responded that the pilot program applied to Main Street because a business owner on Main Street suggested it to City Council. Chair Suesser understood that Shabu was the only business on Swede Alley with a rear balcony. Commissioner Hall also mentioned Purple Sage.

Commissioner Hall was in favor of continuing the pilot program off of Main Street and mentioned the vibrancy ordinance and the efforts to preserve the historic feel on Main Street. In response to an inquiry from Chair Suesser, Planner Tubbs stated that this program applies only to second-story balconies, and did not apply to rooftop balconies or ground-floor decks.

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Commissioner Frontero liked the idea of a tent better than an enclosure and wondered about the basis for the provision allowing tents to be up for six weeks and taken down for one week. He asked if that could be amended. Mr. Harrington stated that it probably could be amended, but noted that these are balancing decisions, which explained the split decisions on these programs. He added that some of the debate was picking the lesser of two evils and selecting the option that is the least obtrusive.

Mr. Harrington added that tents have different pragmatic challenges in terms of snow shedding, dripping, maintenance, safety, and heat. With regard to street-level decks, part of the discussion involved weighing the interests and deciding what was worth accommodating temporarily to allow increased flexibility. The Commission was being asked if these temporary design impacts were worth a temporary exception, or whether the impacts of the pilot program are observable and adverse on the street façade.

Commissioner Frontero mentioned that this program only affects three to four restaurants and only one had taken advantage of it. He also noted that Riverhorse did not remove the temporary structure during the summer months and it has been up continuously for approximately three years. He felt it was clear that the program was not working as it was intended, so he would be hard-pressed to vote to continue it as it currently exists. He felt that if there could be some changes, it might make sense to continue it.

Planner Tubbs next addressed the specific questions for the Commission, the first being whether the Commission supported the continuation of allowing Balcony Enclosures along Main Street. Commissioner Johnson did not support the continuation of the program and agreed with the Staff Report. He felt that the structures will impact the adjacent Historic Structures and the façade of the street, and have an adverse impact on Historic Main Street.

Commissioner Kenworthy supported Balcony Enclosures in 2014-2015 and continued to support them. He agreed that the Balcony Enclosure at Riverhorse should come down and there should be better oversight over taking it down and looking into how it affects the adjacent buildings. He supported the continuation of the pilot program and felt that the restaurant was in a unique situation.

Commissioner Frontero did not support continuing the program. Commissioner Hall stated she would be open to continuing to discuss Main Street but would support this program for off-Main Street businesses. While she wanted to support Main Street businesses, she would also like to preserve the historic nature of Main Street.

Commissioner Sigg felt that the current enclosure adds a Star Wars effect and it would be important for Balcony Enclosures to be better defined. He stated that the structure adds an architectural element but perhaps they should remove the Plexiglas. He would not support the Balcony Enclosure in its current state but indicated that awning enclosures may warrant consideration. He was concerned with the fact that this program was only in existence for one person, and, in general, he did not support Balcony Enclosures.

Chair Suesser stated she would be in support of continuing the pilot program during the winter months but would like to see enforcement of the requirement to remove the Balcony Enclosures during the spring, summer, and fall months.

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Commissioner Van Dine agreed with discontinuing the pilot program, noting that not enough people are taking advantage of it. She added that if the enclosures become anything more than temporary, there should be better compliance with the Design Guidelines for Main Street. She felt that the glass enclosure was obtrusive looking and does not preserve Historic Main Street. She added her support to Commissioner Hall's suggestion of looking at other locations for this program other than Main Street.

Planner Tubbs asked the Commission if they would be in support of expanding the Balcony Enclosure Program to allow for a permanent or year-round balcony enclosure. The Commission unanimously answered in the negative.

Planner Tubbs next asked which standards, if any, Staff should include in future Balcony Enclosures for the updates to the Historic District Guidelines. Chair Suesser stated that there should be a prohibition against attaching these Balcony Enclosures to historic buildings. Mr. Harrington clarified that the program does not apply to historic structures. Commissioner Johnson referenced the prior statements that the existing Balcony Enclosure is connected to two historic buildings. He added that his review of the minutes from the Planning Commission meeting at the time showed that the then-Chair could not speak on the Design Guidelines based on a lack of specific expertise in that area.

Commissioner Kenworthy agreed and stated that he knows what the tents look like. He suggested the Commission look at the Tent Guidelines on Main Street if they wish to toe-the-line for historic preservation. He understood the economic impact and that the driver is historic preservation.

In response to Chair Suesser's question to Commissioner Kenworthy as to whether he was joining the majority of the Commission in voting against extending the pilot program, Commissioner Kenworthy stated that he was not. He felt they had done a lot of work on it and the compromise they reached was because of the Tent Ordinance and the energy and sustainability factors on these limited number of buildings that could use the Enclosure Pilot Program. He understood the other side as well.

Chair Suesser added that while an enclosure may detract from the historic presence on Main Street, the diners who use the enclosure could take in the historic elements and enjoy the historic significance of Main Street. She felt that part of the reason the restaurant wants the enclosure is because Main Street is such a special view and place to sit and dine, and their patrons are appreciating that. The balcony might not be as appealing to those walking on the street, but she felt there was some value in having people enjoy Main Street from that vantage point during the winter months.

Commissioner Johnson understood Chair Suesser's point but disagreed and felt that the Riverhorse already has a wonderful dining experience in the winter, even without the balcony enclosure.

Commissioner Frontero deferred to the other Commissioners on the issue of potential Design Guidelines. Commissioner Hall wanted to make sure that it looks consistent. With regard to the Riverhorse temporary structure, she felt it did not look like a part of the overall structure. She also agreed with Commissioner Kenworthy's suggestion of revisiting the Tent Ordinance.

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Commissioner Sigg felt it would be important to see Design and Material Standards imposed so that they could see in advance what the enclosure would look like and tie it into the current structure to the extent possible. He reiterated his prior comment about awnings versus a structure with glass and stated that an awning that could be enclosed would be a temporary appurtenance to the building without taking on a structural element.

Planner Tubbs asked if there would be additional factors to be considered if the Program continued, such as fees for increased parking and utility demands. Chair Suesser noted that the majority of the Commission weighed in against continuing the Program, but invited feedback from the Commissioners in the event the City Council did not agree with the Planning Commission's position. Commissioner Johnson would not be in favor of fees for increased parking because the capacity would be the same year-round if they have the structure already erected. In terms of utility demands, he would support additional fees and noted there was also a penalty fee for non-compliance, which should be imposed especially in light of the current situation.

Commissioner Kenworthy observed that utility demands are much higher with a tent, so he would not support fees for either increased parking or increased utility demands. Commissioner Frontero also would not support fees and stated that they could not convince any other restaurants to even take advantage of this program, so adding fees did not make sense to him.

Commissioner Frontero felt that they ought to encourage the restaurants to use this program if it were to be reinstated, and not disincentivize them with fees.

Commissioner Hall supported a penalty for non-compliance. Commissioner Sigg agreed with the penalty and suggested that fees be looked at as part of the Building Permit fee or Business License Fee based on increased square footage capacity. He felt that heating and utilities were related more to the tents or awnings, and the onus would be on the individual owners and their usage of space heaters. He would not support a fee for increased parking. Commissioner Johnson stated that he changed his position on a fee for increased utility demand. Chair Suesser agreed with imposing penalties for violations.

Planner Tubbs thanked the Commissioners for their feedback and stated that Staff would return with more information as the project develops. Commissioner Hall asked when Staff anticipated returning to the Commission, and Planner Tubbs stated it would likely not be for a few months.

Commissioner Hall requested that Staff follow up on the request to identify which businesses this would apply to, and follow up on the request to re-visit the Tent Ordinance in conjunction with this program. She advised that she would be in favor of this program if it applied to areas other than Main Street.

Commissioner Frontero asked if the City Council amended the LMC to allow the Balcony Enclosures. Planner Tubbs explained that the pilot program was created to run for a certain period of time, and the LMC was amended to allow for it. She recalled that the intent was that when the program ended, the LMC would be amended to either make it a permanent fixture or remove it. Commissioner Frontero understood that if this program were not continued, then the LMC would be amended to reflect that.

Chair Suesser supported Commissioner Hall's requests and added that she would also like to know whether there was any damage to the Stark Buildings that abut Riverhorse. She recalled

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that a number of years ago, the Planning Commission approved tents for North Base in the alley between their historic building and their adjoining building during Sundance. She also wondered where the pods fall in the Code. Mr. Harrington stated that there have been some things that were temporarily allowed during COVID-19; he did not know the status of those and ensured that these issues would be addressed when Staff returns on this topic. He acknowledged that while this issue would be separate from the Balcony Enclosures, it was related.

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

City Planner, Lillian Lederer, and City Planner, Spencer Cawley presented the item. Planner Lederer reported that it came before the City Council in April and they would be presenting their updates to the Commission. She reported that since April, they posted a survey to Engage Park City that opened on October 1 and will run until October 20. They also mailed out postcards to over 8,000 property owners regarding the future Planning Commission and City Council meetings on this topic. They also passed out fliers at the City Open House.

Planner Lederer highlighted the language at the beginning of LMC Section 15-5-1, Architectural Guidelines. While this language prefaces everything, they specifically looked at LMC Section 15-5-5. She read the following:

> "It is also the intent of this section to encourage and implement water conservation practices for landscaping as it is in the public's interest to conserve water resources and promote Water Wise Landscaping. Water Wise Landscaping is a concept of landscaping with plants that use little or no supplemental irrigation and are typically native to the region. The concept also requires water-conserving irrigation practices such as drip irrigation, Hydrozoning, and effective mulching with plant-based mulches."

She commented that the idea was that these updates would work to better fulfill that stated goal.

Planner Lederer stated that there were three goals to be achieved with these updates:

- The recommended amendments would align the LMC with House Bill ("HB") 282, Water Wise Landscaping Amendments definitions and define key terms;
- Reorganize, update, and simplify landscaping regulations so they are easily understandable for the community, applicants and staff; and
- Provide additional information to applicants.

Planner Cawley explained that HB-282 was passed in the most recent Utah Legislative Session. The bill prohibits municipalities, counties, and homeowner associations ("HOAs") from prohibiting a property owner from incorporating Water Wise Landscaping by requiring a certain percentage of lawn or turf coverage. He stated that Staff was recommending that they

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implement the State's definitions, as well as updates from this bill to help strengthen the Landscape Code in the LMC.

Planner Cawley also pointed out that a municipality or HOA cannot require a property owner to install or keep in place lawn turf in an area with a width of less than eight feet. He explained that the LMC does not restrict the installation of Water Wise Landscaping; however, as they implement the amendments to reflect the language defined by the State, they are looking to unify and strengthen the current regulations. He presented a graphic showing the proposed updates and noted that these were to help clarify the existing Code, which is somewhat confusing even to Staff. He pointed out the update that would differentiate between the terms "gravel" and "rock," in terms of size and where it could be located.

He also noted updates regarding prohibiting Zeroscaping and restricting lawns, gravel or rocks on slopes with a ratio greater than 3:1. He mentioned allowing the replacement of Significant Vegetation that might not be native or Water Wise, and replacing it with Water Wise species. He noted the updates that would limit impervious surfaces and update the City's recommended plant list to identify Water Wise species.

Planner Lederer identified the following specific definitions planned to be included in the amendments as follows:

- Gravel: a round rock less than two inches;
- Rocks: greater than two inches;
- Irrigation Plan: a plan showing the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate, and operating pressure for each irrigation circuit and identification of all irrigation equipment. She noted that this had been defined within Section 15-5-5; however, they do not have it defined under the LMC Definitions at the end of the LMC;
- Impervious Surfaces: any hard-surfaced man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas;
- Graywater: wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, or laundry tubs used for landscaping as approved by the Summit County Health Department;
- Mulch: material such as rock, bark, wood chips, or other materials left loose and applied to the soil. They also differentiate between organic mulches and inorganic mulches;
- Water Wise Landscaping: a landscaping method developed especially for arid and semiarid climates utilizing water-conserving techniques, such as the use of native drought-tolerant plants, mulch, and efficient irrigation that reduces the need for supplemental irrigation. Water Wise Landscaping is a mix of plantings, rocks, and other landscaping materials with at least 50% of the landscaped area containing plants, trees, and shrubs. The use of mulch coverings, organic or stone-based, without 50% plantings does not constitute Water Wise Landscaping. She noted within this definition they also included the following:

    - Hydrozoning: plant grouping according to water needs, allowing for more efficient irrigation. Plants, trees, and shrubs that are appropriate to the local climate are used, and care is taken to avoid losing water to evaporation and runoff;

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- Xeriscaping: a sustainable landscape that conserves water and is based on sound horticultural practices designs that incorporate low water use plants planted in Hydrozones.
- Zeroscaping would be prohibited.

- Zeroscaping: a landscaped area, not including approved Impervious Surfaces that is primarily gravel, rocks, and/or mulch.

Planner Lederer explained while Zeroscaping with rock is low maintenance, it is not necessarily the best for this climate. Planner Cawley stated that Staff identified additional resources that they would like to make available for the public. While these resources would not necessarily be in the LMC, they would like to find ways for the public to take advantage of those resources.

He identified the first resource as rebates for Water Impact Fees. Section 11-13-7 of the Municipal Code allows a property owner to receive a rebate of up to 50% of the paid exterior Water Impact Fee if they install Water Wise Landscaping. Planner Cawley explained that the Planning Department helps process these rebates; however, they are seeing people who would like to receive a rebate for removing water-intensive landscaping and replacing it with Water Wise Landscaping. The Code does not allow conversions to obtain a rebate, so they could consider this moving forward.

Planner Cawley referenced a pilot program to be launched next year that involves a landscaping rebate or Cash for Grass. The Planning and Water teams are coordinating and preparing for this pilot program with updates to the Landscaping Code and a Landscaping and Water Conservation survey. He stated they would update the webpage to provide information regarding this pilot program when it is launched. He reported that there are also State incentives following State lawmakers' approval of $5 million for a statewide grass removal rebate program. This program was still under review with a possible launch later this fall.

In addition, HB-121 is a Water Conservation Modification, which offers preliminary eligibility criteria that would allow for rebates. These rebates would be available for such things as:

- The property must have living, maintained turf grass that the owner intends to replace with drought-tolerant landscaping;
- The owner must be in good standing with their water provider—no unpaid bills; and
- Participation is voluntary and not required by governmental code or policy.

Planner Cawley reported that when Staff was before the Commission in April, there was discussion of the need to look into graywater options. Summit County Health Department received approval from the Utah Department of Environmental Quality to implement the Graywater Systems Program. He explained that there were two available tiers for residents and businesses. The Tier 1 System (residential) would include a permitting fee of $140.00. The Tier 2 System (commercial and multi-family) would have a permit fee of $730.00.

Planner Cawley explained that Staff was also looking at ensuring that the Plant List in the City Code was updated to reflect Water Wise as well as Fire Wise, noting that there are requirements for Fire Wise Landscaping as well. He also mentioned maintaining and updating a

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website so that the public can access information. He specifically referenced Utah State University's Center for Water Efficient Landscaping, and Staff was still looking at additional resources.

Planner Cawley highlighted the preliminary redline of the Landscaping Code. He added that they were looking at updating the numbers for Lawn and Turf Limitations so that they more accurately reflect what is being asked of by the State. He stated that they would bring these amendments back before the Planning Commission on October 26 for action. In preparation for Commission action, Staff would finalize the definitions, research the turf lawn sizing options and create a draft website page. Staff requested any other Planning Commission direction beyond the information presented today. Following Planning Commission action, Staff will present those recommendations to the City Council on November 17.

Chair Suesser referenced the comment regarding replacing Significant Vegetation with Water Wise plants and incentivizing people to do that, and felt that replacing lawn would make sense; however, she was concerned that these updates might result in owners removing Significant Vegetation. Commissioner Hall understood that Water Wise plants are fairly limited, and referenced a large Master Planned Development where the applicant would be prohibited from replacing ten large pine trees with like kind.

Commissioner Sigg referenced the Gambel Oak, which many refer to as a "junk tree." He noted that it is an indigenous tree that is relatively water tolerant. He would like to see something along the lines that indigenous species in areas that are truly native could not be removed in favor of Xeriscape. He added that with respect to the diameter of rock, many homebuilders like to put rock in the right-of-way, and rock is generally purchased in a 3-inch minus or 4-inch minus; therefore, he felt that terms should relate to how the rocks are purchased from the quarry.

Planner Cawley reported that the Engineering Department requested the addition of language that would restrict rock from going into spaces near the right-of-way based on their requirement of four inches. Staff was trying to make this Code match what is required by the Engineering Department.

Commissioner Johnson agreed with the prior comments. He referenced the proposed change to Section 3.d.(2)(C) and suggested the following: "The Forestry Manager *and* Planning Director may approve Significant Vegetation replacement with native drought-tolerant Water Wise species of equivalent type and size." He felt it was important for the Planning Director to have that discretion from a Planning perspective, with advisement from a Forestry Manager.

Chair Suesser felt that the crux was defining Significant Vegetation in a different way, and noted that they were talking about lawn. Commissioner Frontero observed that they want to incentivize people to remove grass, not vegetation. They do not want to create a loophole for people who want to remove a lot of vegetation.

Chair Suesser noted that it is challenging to find a landscape architect or gardener in Park City, and suggested finding a way to connect homeowners with those who are knowledgeable about Water Wise plants.

Commissioner Hall thanked Staff for looking at this and agreed that the current Code is a challenge. She felt these updates were so restrictive that she envisioned problems landscaping

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small spaces. She disagreed with the exception for recreation, school, public and quasi-public institutions and that granting a blanket exception for the City was not the best practice given that the City was trying to implement these policies. She stressed that the City should be the example, not the exception. Chair Suesser agreed.

Commissioner Hall referenced Zeroscaping and felt that there were certain situations where it should be allowed, although she did not know how that could be defined. They can have patches of gravel and rock and understood they do not want a one-acre parcel of rock.

Planner Lederer stated that pursuant to the current Code, Zeroscaping was not prohibited. Commissioner Hall asked where the line was drawn and stated that as she read the proposed language, it would prohibit a large area of rocks to reduce lawn. She felt it was contradictory in that the City wants owners to be Water Wise, but they cannot do Zeroscaping.

Commissioner Hall suggested a narrow definition of Zeroscaping. She also observed that the use of artificial turf was extremely limited, and would like to revisit it as she felt there is a place for artificial turf. She noted that she previously advocated expanding the use of artificial turf, and continues to support this expansion. She asked where the Water Wise Landscaping language came from. Planner Cawley explained that it was pulled from Code, and they looked at each plant to see which ones were considered Water Wise. Commissioner Hall noted that as part of Park City Plant, many of the trees the City gave out were on the list as not Water Wise trees, but they grow well in the wetlands regions. She gave the example of a Seedless Cottonwood that is not on the list of Water Wise, but does really well near creeks and in wetlands.

Commissioner Hall wanted to discuss impervious surfaces. She did not understand what was meant by artificial turf made from sustainable materials and requested further clarification. As written and as proposed, she read the Code as not allowing someone to landscape a yard with rock and artificial turf. Commissioner Hall would like people to have realistic options so that they can be Water Wise with functionality and aesthetics. She referenced the language requiring mulch to be applied three to four inches deep, and felt that seemed like a lot and might require a landowner to excavate to place mulch. If it is just added on top, she envisioned it would run off depending on the slope.

Planner Cawley explained that the Best Practices was to have enough depth that there would not be runoff from one property to another. They were looking to retain water runoff on-site, and the mulch depth helps with retaining water.

Commissioner Hall felt the practical implications were very strict and did not know how someone would comply with this requirement. She agreed that the Code needed to be amended to support Water Wise concepts, but it needed to be understandable to a layperson. By prohibiting overhead spray irrigation, the Code effectively eliminates lawns, yet at the same time, it would also eliminate artificial turf and limit the use of rocks. Planner Lederer explained that the intent was not to eliminate artificial turf. Staff was researching the source of the table in the Staff Report.

Commissioner Hall noted that artificial turf was different than the turf limitations and observed that there is currently a stricter rule on artificial turf. She recalled that they discussed this with Bruce Erickson who was a huge proponent of this. Chair Suesser agreed and thought that residential homeowners were not allowed to use artificial turf.

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Planner Lederer explained that their idea was to promote more sustainable artificial turf that would allow water to seep through. She noted that some artificial turfs are not Water Wise because the water does not seep through. She added that the idea was not to eliminate lawn area but to reduce it or look at other options such as clover lawns or more natural mountain scape. She reiterated that the intent was not to limit homeowners to only Water Wise; rather, the updates were written to help promote the other incentives toward becoming more Water Wise than less. Currently, the Code is at 50% and they would like to work towards increasing that percentage, and these updates were intended to inform residents about the different steps or practices they could take to make their lawns more Water Wise.

Commissioner Hall agreed that they want the City to be more Water Wise; however, she felt that the provisions appear to eliminate lawns and Zeroscaping while limiting the use of rock. Planner Cawley stated they would clarify regarding overhead spray, and stated that HB 282 required that to be part of the Code. The bill contained a definition of "overhead spray" and how it could be used with Water Wise Landscaping. He reiterated that the City was required to implement the provision regarding overhead spray, but stated that they would work on making the language clearer.

Commissioner Hall requested Staff return on the issue of artificial turf and noted that the Commission previously spent a lot of time on that issue. Planner Cawley stated that artificial turf is included in the Landscaping section, and read it as follows: "Artificial turf is allowed to be used in limited quantities on decks, pathways, recreation and play areas, or as a limited landscaping material on areas in which vegetation may be unsuccessful. Artificial turf's installation shall not pool water and be installed to allow for drainage."

Commissioner Hall stated this was how she remembered it and recalled that Mr. Erickson wanted no exceptions. In response to a question from Planner Cawley, she expressed support for expanding the use and observed that it seemed counter-intuitive to promote Water Wise, but not allow artificial turf. She also felt differently with regards to someone's enclosed back yard and understood that maintaining the streets and not having a Zeroscaped from the standpoint of aesthetics.

Chair Suesser noted that the draft was to incentivize and educate people on what steps they could take to be more Water Wise, rather than prohibiting.

Commissioner Hall asked who the provisions applied to, and wondered if a Landscaping and Irrigation Plan would be required for every homeowner who was going to landscape his or her yard. Planner Lederer stated that unless they receive a Building Permit or Landscaping Plan, they do not have a way to check to see if the landscaping is Water Wise. She added that they receive Landscaping Plans from some residents that are completely renovating their landscapes in the Residential or Historic zones. If someone is just planting a new tree, they do not receive Landscaping Plans.

Commissioner Sigg noted that with soil coverage or weed mats, there could be runoff even with mulch. He felt there needed to be more definition of what an allowed substrate would be because almost every type of mulch has some type of weed barrier underneath. He also suggested looking at aspects of slope and sun and mentioned that grass grows with less water on the north side of a home. He felt that these types of applications could be informative or a

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mandate. He mentioned that often mulch is on too steep of a slope and slides down. He suggested that mulch areas should be held to a 2% grade so it does not just slide down the hill.

Planner Lederer asked the Commission if it preferred specifics with regards to items such as depth of mulch, and simply define it and leave the residents to find Best Practices on how deep to have mulch. This would keep the definitions specific, but the regulations more vague.

Commissioner Hall felt that it would be good to add some flexibility and mentioned the limitation with respect to ground cover. Planner Cawley noted that the list attached to the Staff Report was not meant to limit the types of plants. Commissioner Hall observed that as written, the Landscaping Plan would be required to be 50% Water Wise, yet the list is very specific. She noted that if someone had a steep slope that could not hold rock, gravel, mulch, or grass and they could not install artificial turf, then the option would be groundcover; however, she noted that the types of ground cover are very limited.

Planner Cawley clarified that the list in the Code is not exhaustive. There are opportunities through education for a homeowner to go beyond that list to identify plants that would work on a site-specific basis. Planner Lederer added that the entire landscaped area is what is required to be 50% Water Wise and used the example of landscaping that is split between lawn and Water Wise plants, or the irrigation is Water Wise.

Chair Suesser observed that Commissioner Hall was also emphasizing that people want to be respectful of the climate and plant Water Wise species, and the City is trying to incentivize that; however, it is presented in a way that seems too limiting. She felt that the resources that would go along with these updates would be helpful so they could implement these elements.

Planner Cawley confirmed the Commission's feedback focused on incentivizing and offering flexibility. Commissioner Hall noted that the current Code was confusing to the average person, yet this was an important topic that should be easily understood by a layperson.

Commissioner Kenworthy agreed that everyone wanted to achieve these goals. He would like to see something in the updates that protect older trees, even if it might not be ideal for water consumption. He would like simplified language so that neighbors know that nothing would be gained by the vague term "Significant Vegetation." He suggested protecting trees by age and size so they could not be removed. In terms of grass, he noted that UDOT uses a seed blend along the highways, and they could recommend these types of things on steep slopes. He added that different grasses are drought tolerant.

Planner Cawley explained that there is currently a definition for Significant Vegetation in the LMC, and sought clarification from Commissioner Kenworthy if he was asking Staff to amend that definition. Commissioner Kenworthy requested that some simple language be included that would protect older trees.

Chair Suesser added that she would like to see Staff revisit the way that the term Significant Vegetation was being used in these updates. She suggested possibly not using the term in the sections where they reference replacing Significant Vegetation with Water Wise plants.

In response to an inquiry from Commissioner Johnson, Planner Cawley advised that the prior Forestry Manager was Bruce Erickson. Mr. Harrington confirmed that the City had not yet appointed a replacement for that position.

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Commissioner Johnson assumed that the new Forestry Manager would be licensed, and felt that this position would be important in terms of these updates, and providing input regarding native trees in the area. He reiterated that he would like to blend the expertise of both the Forestry Manager and Planning Director for approvals, especially when addressing Significant Vegetation.

Chair Suesser commented on the discussion regarding the age of trees and observed that an Aspen field would be considered Significant Vegetation despite not having older or larger trees. She struggled with blanket definitions and felt that they needed to be thoughtful about them.

Commissioner Van Dine echoed Chair Suesser's comments regarding Significant Vegetation, particularly regarding replacement. She understood the confusion as to what someone could install and recalled the artificial turf discussions. However, she would not like to see those changed and felt that the Code allowed for it, although not extensive, because much of the heat islands were created with these materials. She lauded Staff for their work on these updates and noted that based on her experience with re-landscaping, the current Code language was difficult to read and understand. Commissioner Van Dine observed that while the new language was limiting, it also specified options within the limitations.

Chair Suesser asked if Staff could include recommendations for plantings on Steep Slopes. Planner Lederer stated that Staff suggested the prohibition of Zeroscaping and asked if the Commission wanted that reworked into allowing a limited amount or percentage of Zeroscaping. She explained that Staff proposed that Zeroscaping would be defined as a landscaped area, not including approved impervious surfaces, and they could re-work that as a percentage.

Commissioner Hall stated that she would like to have someone provide education on what to do in terms of landscaping. Commissioner Johnson noted that a forestry expert could provide that input and the Planning Director could take that input and apply it to the use on the property. Commissioner Van Dine mentioned the prior discussion about creating a specific place for both paid and free resources and felt that these needed to be included somewhere.

Director Milliken appreciated the Commission's feedback and praised Staff for trying to make sense of a confusing part of the Code. She pointed out that the City has a Forestry Advisory Board and when they have applications that have issues with Significant Vegetation it is brought before the Board to review. This Board has been acting as the Forestry Manager pending an appointment for that position. Chair Suesser stressed the importance of having good resources available to the public.

The Commission took a short recess. Commissioner Kenworthy reported that he recently spoke to former Commissioner Doug Thimm who sent his regards.

7. REGULAR AGENDA

A. 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 for Lot 13. PL-22-05368.

Planner Cawley reported that the subject property is located just off Meadows Drive and identified it on a map displayed. The property is located within the Single-Family Zone and

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abuts the Recreation Open Space Zone. Site photographs were displayed. Planner Cawley indicated that the applicant petitioned the City for a Plat Amendment at the end of 2021, which was reviewed by the Planning Commission and the City Council. At that time, the applicant proposed to amend the plat to allow an increase in the Building Envelope and the Maximum Building Area. The applicant requested to increase the square footage from 3,247 square feet to 3,410 square feet, and amend the Building Envelope to add 220 square feet to accommodate this addition.

In February, the Planning Commission forwarded a negative recommendation to the City Council on the applicant's request stating that the proposal did not meet Good Cause and was inconsistent with the original intent and methodology of the plat. The Commission suggested the applicant find a compromise and return with an amended application.

On March 3, 2022, the City Council denied the Ordinance based on the Planning Commission's recommendation.

Planner Cawley reported that the amended request before the Commission seeks to amend the plat to increase the Building Footprint by 120 square feet to accommodate an addition of 526 square feet. He stated that there is a portion at the front of the structure where there is a platted Building Envelope of approximately 85 square feet that remains unused. The amended plat would remove the unused portion of the footprint at the front and transfer the excess to the rear, resulting in a net increase of 35 square feet to the total Building Footprint.

Planner Cawley presented a graphic showing the proposed changes to the Building Envelope. He stated that there are definitions in the LMC regarding how the area of a structure is to be measured and presented those to the Commission. He reported that the breakdown of the measurements made by the applicant's architect of the area of the basement, the garage, the main floor, and the upper floor. Within the Code, the lowest Story of a Building, provided the floor level is not more than four feet below Final Grade for more than 50% of the perimeter can include habitable or uninhabitable Floor Areas. He explained that if 50% of the perimeter is four feet below the Final Grade, it does not count toward the Floor Area.

Planner Cawley explained that this is why both the Basement and the Garage areas both have zero square foot Floor Area. This results in a Total Livable Area measured through the LMC of 2,721 square feet.

Planner Cawley stated that the proposed Plat Amendment would meet the less restrictive Single-Family Zoning District requirements and highlighted the table showing the Front, Rear, and Side Setbacks as required by the zone and the Subdivision Plat.

In terms of House Size, the Subdivision Plat limits Lot 13 to 3,247 square feet. In addition, the Subdivision Plat is more restrictive on Building Height; however, the applicant did not request to exceed the 25-foot height from existing grade.

Planner Cawley reported that the total square footage of habitable space allowed in the Mountain Ridge Subdivision is approximately 24% of the Lot Area, or 4,600 square feet, whichever is less. The applicant's addition would increase the habitable space as defined in the LMC to meet that 3,247 square-foot maximum area limit. He observed that the Planning Commission must make a finding of Good Cause prior to forwarding a positive recommendation for City Council's consideration. The LMC defines Good Cause as:

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- 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.

Planner Cawley reported that the intent of the Subdivision Plat, as established in 1989, was that the buildings should be sited to preserve significant views so as not to break prominent ridgelines. Based on 1990 Staff Reports, stringent development controls were placed on each Lot, which include Limits of Disturbance, Revegetation, Minimum and Maximum Square Footage, and Building Height.

He read the applicant's statement of Good Cause as follows:

> There is Good Cause for this Plat Amendment as the proposal will allow homeowners to construct an addition that is in compliance with the zoning requirements, the new proposed maximum floor area is consistent with many of the other lots of the subdivision. Additionally, no non-conformities will be created and no changes in density will result from the proposed Plat Amendment. Further, the applicant will replace any disturbed vegetation, and the amendment will not result in increase density.

Planner Cawley reported that Staff received public input that was distributed to the Planning Commission prior to this meeting. Staff also received an email after this meeting started, which was also provided to the Commissioners. The input would be entered into the public record. He stated that Staff recommended the Planning Commission review the Mountain Ridge Subdivision Lot 13 Plat Amendment, hold a public hearing and consider whether there was Good Cause to forward a positive recommendation for the Council's consideration on November 11, 2022, based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the draft Ordinance.

Planner Cawley reported that the applicant, David Maya, was attending virtually should the Commission have questions. Mr. Maya stated that how the percentage of coverage of the land was determined is not specified anywhere, and there is no definition of how much coverage is allowed. He stressed that he has asked for a .25% increase to get him to approximately 23.35% coverage.

Mr. Maya commented that 10 of the 21 lots already have greater than 24% coverage. He offered that the definition of Good Cause was nebulous, but felt that it would also make the amount of land coverage equitable. He did not know how the decisions were made that one house would get 28%, another would get 30%, yet this lot gets only 22%. He was only asking for a net growth of 35 square feet and noted that he already had 526 square feet of buildable area and was only required to come before the Commission because he wants to extend the home six feet back onto his patio. He noted that he was adding one bedroom and one bathroom, and the extension was cantilevered and would not come down to the ground. Mr. Maya thanked Planner Cawley for his work and commented that he was instrumental and straightforward in this process.

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Commissioner Sigg asked if there was an HOA and if it weighed in on this application. He also asked if this was a Subdivision that required an HOA letter. Mr. Maya advised that there is a dispute as to whether there is an HOA, and noted that the corporation was inactive as of 2007 and there was no HOA registered with the State of Utah for this development. He added that someone wrote a letter claiming there is an HOA, although there has never been a meeting, minutes, and no legally incorporated entity that can call itself an HOA.

Mr. Maya stated that there are recorded Covenants, Codes, and Restrictions ("CC&Rs").

Commissioner Kenworthy referenced the letter dated October 10, 2022, from Arthur and Pamela Bingham.

Chair Suesser opened the public hearing.

Arthur Bingham referenced the applicant's statement as to why he wants this and it has nothing to do with fairness; rather, it has to do with the fact that he bought a house that he would like to enlarge. Mr. Bingham stated that the applicant is making a significant addition to the back of the house and giving up space that he is not using. He felt that there was plenty of space within the footprint for the applicant to add more space. Mr. Bingham commented that the house is completely out of character with the neighborhood and is a modern set of blocks in odd configurations that look nothing like anything in the rest of the development.

He added that it is directly in the sight line of Mr. Maya's next-door neighbors. Mr. Bingham was aware that letters had been written by nearly all of the applicant's neighbors, as well as others, who want the Plat enforced as written. He argued that the applicant's desire to add to his home was not Good Cause; in fact, Good Cause has to do with making the neighborhood better or correcting something. Mr. Bingham stressed that Good Cause is a factual statement, not an equitable statement. He stated that there are rules for this Subdivision that everyone else abides by, and they expect the applicant to abide by them as well.

Mr. Maya interjected that he was not aware that his home had to comply with Mr. Bingham's idea of a nice house.

Angela Moschetta agreed that Good Use is clearly defined and not subjective and that it did not include one's comfort or personal preference of how they would like to see their house expand. She stated she does not know the applicant and made no assumptions about the home or his tastes, but she felt that they should equitably enforce everything in every neighborhood in Park City. She referenced prior comments she made about issues in Old Town, but felt that this applies everywhere.

Mr. Maya asked if Ms. Moschetta was a resident of the neighborhood and was informed that she is a resident of Old Town.

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

Commissioner Sigg asked Mr. Harrington if the application needs to satisfy all of the elements in the definition of Good Cause. Mr. Harrington explained that the definition was not all-inclusive, and referenced the language that says "..such things as:" He stated that this definition followed State law, and was expansive to address all types of Plat Amendments across Park City. He

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observed that the broad definition worked to the advantage of most applicants, and in cases where the application is for a narrow, one-lot change in a subdivision, they typically start with whether the change was consistent with the original approval.

In addition, he explained that the Planning Commission was to look at the specifics of this proposal and take into account the neighborhood and public input in terms of the direct impacts of the proposal. At the other end of the spectrum is whether the proposal meets the minimum standards of the zone. Mr. Harrington noted that there was no doubt that this proposal met the minimum regulations for the zone. Therefore, the Commission's inquiry would focus more on compatibility and consistency with the original approval and whether the proposal has any adverse negative impacts.

Commissioner Sigg asked if there was a State law mandating that all HOAs be brought up to a certain standard. Mr. Harrington stated that there were regulations regarding incorporation and the recognition of the HOA. He cautioned against placing any bearing on the evaluation of this application because the HOA would not have veto authority in any event. Mr. Harrington added that the Commission could assess specific input from the neighbors, and stressed that the letter from the HOA would only address notice, not approval.

Chair Suesser asked if they had a visual of how the build-out might impact the neighbors' view. Planner Cawley advised that the preliminary drawings were not included in the Packet because they were not the final version. Chair Suesser noted that the public input stated that this build-out might impact a view shed that the neighbor currently enjoys, and wondered how the neighbor made that determination.

Mr. Maya stated the addition is on the back of the home and there are no homes behind his. He was unable to speak to his neighbor on one side, who was not present this summer. He was able to speak to the other neighbor and told them that if he could not get the neighbor comfortable that this addition, then he would not proceed with it.

Commissioner Kenworthy did not find Good Cause as this would not preserve the character of the neighborhood and would set a precedent. Whether or not the immediate neighbors are satisfied, numerous other neighbors have expressed concerns about the slippery slope that this would cause.

Commissioner Johnson stated that the Planning Commission Meeting Minutes from 1989 and 1990 included in the Packet shows that when the Subdivision was contemplated and approved, the City did a lot of hard work to plot this the way it is. He referenced a note that Lots 6 and 7 were originally going to have houses, but they switched it to a parkland dedication. He stressed that there was a reason for the buildable sizes on each Lot. Commissioner Johnson agreed that this would set a precedent and did not find Good Cause for this application.

Commissioner Hall disagreed with the prior Commissioners and expressed support for the application as she felt it complied with the Code and that the applicant met the Good Cause requirement. She was not concerned with the precedent, as other applications could be addressed on a case-by-case basis.

Commissioner Frontero asked Planner Cawley if he was comfortable with the architect's calculations. Planner Cawley stated that he did not confirm these measurements; however, based on the Code definitions he felt they could be accurate. Commissioner Frontero noted

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that they seemed to be debating 35 feet, assuming the architect is correct. He was not necessarily giving the architect full consideration that they were only talking about 35 feet. He also did not find Good Cause and stated that as he read the examples of Good Cause in the Code, he did not see this application meeting any of those.

Commissioner Sigg concurred with Commissioner Frontero and expressed difficulty checking the boxes with regard to Good Cause. In addition, he felt it difficult to not have a visual of what this addition would look like. He noted the negative comments from surrounding neighbors and felt that Building Envelopes were created for a reason. Whether or not it is a slippery slope, he felt everyone could submit an application; however, his focus was on Good Cause and the fact that this application did not check the boxes as set forth in the definition. Mr. Harrington clarified that the application was not required to meet all of the criteria in the definition of Good Cause. Commissioner Frontero clarified that he did not view this application as checking any of the boxes for Good Cause.

Chair Suesser understood that there might be some support for continuing this application for more information, to confirm the calculations, and to get comfortable with the proposal. Alternately, she felt that the Commission was leaning to deny this Plat Amendment.

Commissioner Van Dine agreed with Commissioner Hall that the proposal meets the requirements for the parcel; however, she understood the comments that it did not meet the Good Cause requirement. She would support a continuation to receive more information, but would also support a denial at this point.

Mr. Maya addressed the issue of setting a precedent and stated that even if the Commission allowed him to expand the Building Envelope by 1,000 square feet, he would still be restricted by the square footage allowance. Therefore, the only way that anyone in the Subdivision can add to their home as if they were below the Living Square Footage available to them. He argued that there would be no precedent being set that would allow anyone to expand beyond that restriction. He added that there might be some confusion about the 35 square feet and explained that the requested addition was to the Building Envelope, not to the house. He reiterated that his proposal was not to build out square footage beyond what he is allowed, which is 3,247 square feet. He acknowledged that if the calculations showed that he would not be allowed to do it, then he could not expand.

Mr. Maya stressed that he was not asking to go beyond 3,247 square feet. He would be willing to abide by the City's measurement of the square footage.

Planner Cawley clarified that 35 square feet would be added to the Building Envelope to accommodate the addition of approximately 500 square feet total. He confirmed that 3,247 square feet was the allowable square footage based on the Plat.

Chair Suesser observed that the proposal would still go beyond the Building Envelope established with the Subdivision.

Mr. Maya offered to provide the Commission with renderings or images of what the addition would look like. He stated that it would not change much from the preliminary drawings. He changed it from an overhang of 12 feet to an overhang of 6 feet, cutting out 120 square feet in order to stay within 3,247 square feet. He assumed that if he did not expand the Building Envelope and he had 526 square feet available to build, he would not have to come before the

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Commission to construct the addition. He added that he could do this addition without a Plat Amendment, but he would have an eight-foot ceiling because he was up against a restriction on the height.

Mr. Harrington explained that the motion would either have to identify the basis for the negative recommendation or direct Staff to return with a modified Ordinance reflecting the comments of the Commission.

MOTION: Commissioner Kenworthy moved to forward a negative recommendation for the City Council's consideration on November 11, 2022, for 3099 Mountain Ridge Court—Plat Amendment, based on the lack of Good Cause in the adjustment of the Plat Findings, as voiced by the Commission during this meeting, and based on the following Findings of Fact and Conclusions of Law:

Findings of Fact

Background:

1. The property is located at 3099 Mountain Ridge Court.
2. The property is listed with Summit County as Parcel Number MR-13.
3. The property is in the Single Family (SF) Zoning District.
4. On September 1, 2022, the Applicant submitted a Plat Amendment application to the Planning Department. The application was deemed complete on September 22, 2022.
5. The proposed Plat Amendment increases the maximum square feet for the existing Single-Family Dwelling.
6. The proposed Plat amendment amends the Building Envelope.
7. No easement is vacated or amended because of the Plat Amendment.
8. The LMC regulates Lot and Site Requirements per LMC § 15-2.11-3.
9. A Single-Family Dwelling is an allowed Use in the SF Zoning District.
10. The SF Zoning District minimum Front Setback is twenty feet (20').
11. The SF Zoning District minimum Rear Setback is fifteen feet (15').
12. The SF Zoning District minimum Side Setback is twelve feet (12').
13. The Mountain Ridge Subdivision requires a minimum Front Setback of twenty feet (20') for Lot 13.

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14. The Mountain Ridge Subdivision restricts building height to twenty-five feet (25') as measured from natural, existing grade at the building site. Gable, hip, gambrel, or other pitched roofs may extend up to thirty feet (30').

15. The Mountain Ridge Subdivision restricts the maximum total square footage of Lot 13 to 3,247 square feet.

Conclusions of Law

1. There is no Good Cause for this Plat Amendment.

Commissioner Johnson seconded the motion.

Commissioner Hall found Good Cause in that the application complied with the underlying zone, it is substantially similar to the original Subdivision Plat and CC&Rs, it sought to convert extra square footage from the front to the back, and there are no neighbors to the rear of the property. In addition, she stated that the proposal was consistent with the Subdivision for Maximum Floor Area, there were no other non-conformities, and the applicant stated that he would replace any disturbed vegetation. She also requested that they add Good Cause to the list of things discussed earlier because she felt it was too constrictive and they have approved many prior applications in compliance with a much broader definition of Good Cause. She felt it was unfair to apply the definition inconsistently.

Commissioner Kenworthy added that the applicant stated that he could achieve his addition without a Plat Amendment, which further supports the denial.

VOTE: Commissioner Kenworthy-Aye; Commissioner Johnson-Aye; Commissioner Frontero-Aye; Commissioner Sigg-Aye; Commissioner Hall-Nay; Commissioner Van Dine-Nay. The motion passed with a vote of 4-to-2.

B. 7620 Royal Street - Condominium Plat Amendment - The Applicant Proposes a condominium plat amendment to combine two existing units into one recorded unit. PL-22-05343.

City Planner, Jaron Ehlers presented an image of the location and reported that the Plat was approved in 1991. It provided access for both units to the hallway and a deck listed as semi-common space. When the building was constructed, the deck was enclosed making it a *de facto* private space. In 2010, the Plat was amended and Unit 301 was extended, which effectively cut off access for Unit 309 to the hallway, elevator, and stairs. When that was discovered, the Planning and Building Departments required a signed Access Agreement.

Planner Ehlers reported that this Plat Amendment complied with the Residential Development District Zoning requirements, as all proposed changes to the Plat would be restricted to the interior area and there would be no change to the existing condominium structure. He added that the Plat Amendment also complied with the Parking Ratio requirements within the LMC. The Amendment also meets the LMC in terms of the combination of condominiums. He advised that the unit owner must demonstrate that the removal or alteration to the partition would not impair the structural integrity of the unit, reduce support for any portion of the common areas, or violate the Utah Code and International Building Code. To ensure that, he advised that Staff

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recommended Condition of Approval 3 that would require any plans to remove or substantially alter that interior wall would require a signature and stamp from a certified engineer. Planner Ehlers stated that there was Good Cause for this Plat Amendment in that it would correct the existing non-conformities regarding the private space and semi-common space, as well as access issues.

Chair Suesser asked if there would be any change to the structural integrity of any unit outside of these two units. The applicant, Rory Murphy, explained that this would change the common walls to interior walls in these units. Any change to these interior walls would have to go through the HOA and would have to be signed off by a structural engineer. He added that they could also not get a building permit until they demonstrated that it would not impact other units.

Planner Ehlers reported that Staff did not receive any public input at the time the Staff Report was published, or thereafter. On September 28, 2022, public notice was posted to the property, on the City website, and on the Utah Public Notice website. Notice was also published in *The Park Record.*

The Development Review Committee reviewed the proposal on September 6, 2022, and did not identify any issues. The application was also reviewed by the Planning Department, Engineering Department, and City Attorney's office. He reported that Staff recommended the Planning Commission review the proposed Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for the City Council's consideration on November 17, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Mr. Murphy added that with regard to the additional space that should have been a deck but became part of a bedroom, the unit above did the same thing, so making it a deck again would not be possible. This application would bring a non-conforming building and plat into conformance.

Commissioner Sigg asked if any of the point loads that run through the building were identified. Mr. Murphy answered in the negative but added that with the addition of a door between the two units, a condition of the building permit would include a requirement for structural identification of the point loads.

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

Commissioner Frontero asked if any other units in this building had been combined. Planner Ehlers did not recall seeing any other combinations in the prior Plat Amendments for this building. Mr. Murphy advised that he was aware of the two combined retail units below.

MOTION: Commissioner Hall moved to forward a positive recommendation for City Council's Consideration on November 17, 2022, for 7620 Royal Street—Condominium Plat Amendment, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact:

1. The property is located at 7620 Royal Street E, Units 301 & 309.

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2. Royal Plaza Condominiums was approved in 1991.

3. The property is listed with Summit County as Parcel numbers ROYL-301-2 AM & ROYL-309-2 AM.

4. The Property is located in the Residential Development (RD) Zoning District.

5. When the Property was created in 1991, Limited Common Space was designated by the Plat but was constructed as Private Space.

6. This Plat Amendment correctly records the existing Private Space.

7. In 2010 a Plat Amendment was approved that made a change of ownership to the entrance alcove for Unit #301, enlarging it and leaving no room for legal access for Unit #309.

8. This Plat Amendment corrects the entrance access non-compliance.

9. The total area of the proposed Unit 309 is 2,304 square feet.

10. The proposal complies with Land Management Code Chapter 15-2.13, Residential Development (RD) District.

11. The current LMC requires two (2) parking spaces per Dwelling Unit with a Floor Area greater than 2,000 square feet in a Multi-Unit Dwelling.

Conclusions of Law:

1. There is good cause for this amendment to the plat because it memorializes existing conditions and corrects existing non-compliance.

2. The Plat Amendment is consistent with Land Management Code Section 15-7.1-3(B), Section 15-7.1-6, and Chapters 15-2.13 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 of approval, will not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval:

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

2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one year,

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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 Applicant shall record a plat note that any plans to remove or alter a partition wall shall be stamped and signed by a certified structural engineer.

4. There will be no external changes or expansion of the existing building footprint.

5. The condo uses/retires the existing density and does not create any new unit density for future use.

Commissioner Kenworthy seconded the motion.

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

C. Founders Place (Parcel 00-0021-01977 in Wasatch County; 3267 West Deer Hollow Road) – Development Agreement Modification – On January 12, 2022, the Planning Commission Approved a Modification to a Master Planned Development and Conditional Use Permit for Founders Place, a 354,264-Square-Foot Ski-In Ski-Out Village in the Deer Crest Area. On July 27, 2022, the Planning Commission Ratified the Development Agreement Outlining the Requirements of the Development. The Applicant Requests a Modification to the Development Agreement Phasing Plan. PL-21-05056, PL-21- 04917.

Planner Ehlers reported that the above application was completely withdrawn and would not be heard at this meeting.

8. ADJOURN

MOTION: Commissioner Sigg moved to adjourn.

The meeting adjourned at approximately 8:30 p.m.

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Planning Commission
Staff Report

Subject: **Studio Crossing**
Applications: **PL-22-05206 & PL-22-05212**
Author: **Alexandra Ananth, Sr. Planner**
Date: **November 9, 2022**
Type of Item: **Legislative – Amend the Park City Film Studios Annexation Ordinance and MPD**

Recommendation

(I) Review the proposed amendments to 1) the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD) and 2) the Community Transition - Regional Commercial Overlay Zoning and Ordinance 12-12; (II) Re-open the public hearings continued from August 10, 2022; and (III) Consider approving the proposed amendment to the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD) to allow for a mixed-use project including 185 affordable units.

If the Planning Commission chooses to approve the Amendment to the MPD, the Commission must forward a recommendation on the proposed exceptions to the Zone Height to the City Council, as well as a recommendation on the applicant's Housing Mitigation Plan to the City's Housing Authority, for Council consideration on November 17, 2022.

Finally, if the Planning Commission chooses to approve the Amendment to the MPD, the Planning Commission must also forward a recommendation on Ordinance 2022-Xx, an Ordinance amending the Annexation and Zoning Ordinance, for Council's consideration on November 17, 2022.

If the Council and Housing Authority approve the Ordinance, Building Height exceptions, and Housing Mitigation Plan, the Planning Department will return to the Planning Commission with a Development Agreement for ratification by the Planning Commission.

Description

Applicant:	Quinn Capital Partners, LLC (Gary Crandall, Manager)
Location:	4001 Kearns Boulevard (SR-248),
Zoning District:	Community Transition (CT), with Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), Sensitive Land Overlay (SLO), and an MPD for a Film Studio and Media Campus
Adjacent Land Uses:	Open Space and Recreation, Residential (MPD), Institutional Uses

Reason for Review:	MPD amendments require Planning Commission action[1] and a recommendation to the Housing Authority (as applicable). Ordinance Amendments require Planning Commission review and City Council action[2].

Abbreviations

AMI	Area Medium Income
CT	Community Transition
CUP	Conditional Use Permit
ECPO	Entry Corridor Protection Overlay
MPD	Master Planned Development
RCO	Regional Commercial Overlay
SLO	Sensitive Land Overlay
AUE	Affordable Unit Equivalent
UE	Unit Equivalent

Summary

On August 10, 2022, the Planning Commission held a public hearing (Staff Report; Minutes) and provided additional feedback to the applicant on the proposal, which had a work session on May 25, 2022 (Staff Report; Minutes). Issues raised by the Planning Commission at the August 10, 2022 public hearing included:

1. Building encroachments into the ECPO;
2. Proposed amenities and trail connections within the project;
3. Commercial Uses should serve the surrounding neighborhood;
4. A shared parking analysis to support the proposed parking reduction;
5. A broader range of AMI served;
6. Additional information on the sustainability of the project;
7. Concerns over the applicant's request to allow for nightly rentals in the market-rate units; and
8. An expiration on any approvals to ensure the project is completed within a certain timeframe.

Since the August public hearing the applicant has worked to address the issues raised by the Planning Commission. The Planning Department has updated the August 10, 2022, Staff Report to reflect additional information submitted since the August public hearing.

The Park City Film Studios Subdivision consists of two separate lots. Lot 1A contains the developed portion of the Park City Film Studios, and Lot 1B is currently undeveloped. Both lots are subject to an Annexation Agreement and the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD).

The applicant has submitted applications to amend 1) the MPD, to allow for additional Uses, and to modify the Use, number, footprints, and Building Heights for the remaining

[1] LMC § 15-6-4(H).
[2] LMC § 15-2.17-4(B).

Density allocated in the MPD on Lot 1B only; and 2) the Community Transition - Regional Commercial Overlay Zoning and Ordinance 12-12, the annexation and zoning Ordinance. Lot 1A will remain subject to the original Annexation, Zoning, and MPD agreements.

The applicant has 282,575 square feet of Density under the existing MPD that has not been constructed. The applicant is proposing to amend the existing MPD to construct a mixed-use development project, including 185 affordable for-rent units at 60-80% AMI, 60,000 square feet of support Commercial Uses, and up to 100 market-rate for-sale units, . LMC § 15-6-8, *Unit Equivalents*, states that "Affordable Housing units required as part of the MPD approval…do not count towards the residential Unit Equivalents of the Master Plan." The project requires 42.4 Residential Unit Equivalents which the applicant is proposing to divide into 65 Units which do not count towards the total project density. The proposed project has just less than the remaining Density under the existing MPD, which is 282,575 square feet.

Use	Units	SF
Commercial Uses	NA	60,000
Market Rate Units	100	142,000
Affordable Units	185	118,632
Total		**320,632**
Less Required UEs	**42.4**	**-38,160**
Total Density		**282,472**

The applicant has submitted:

1. Updated Conceptual Site Plans including a Phasing Plan (Exhibit C);
2. A Shared Parking Analysis (Exhibit D);
3. A Trip Generation Analysis (Exhibit E); and
4. An Updated Housing Mitigation Plan (Exhibit F).

See Exhibit J for additional Background Information.

Analysis

Since the August 10, 2022 public hearing, the applicant has reviewed Planning Commission feedback and made the following changes to the project:

1. The applicant has shifted the townhomes out of the ECPO. All 50 townhomes are 25 feet in Height and meet the 150 ECPO Setback Requirement listed in 15-2.20-5(I), *Building Height, Entry Corridor Protection Overlay*.

2. The applicant has lowered the proposed Building Height of the Phase 4 Affordable Housing Building from 48 feet to 45 feet. In addition, the applicant has shifted the building closer to the plaza to promote community connectivity and hide much of

the parking from the highway. The three Multi-Unit Dwelling buildings remain at 40 feet in Height.

3. The height of the two Commercial buildings has been reduced from 28 feet to 25 feet, providing a variety of Building Heights on site, consistent with the Film Studio MPD which allows for exceptions to the zone height for a variety of Building Heights on site. See Page 8 of Exhibit C.

4. The applicant has met with UDOT twice to discuss and design vehicular access on the west of the site that restricts access to right in/right out only. UDOT has proposed a median in SR-248 and the Planning Department recommends a Condition of Approval that the applicant work with UDOT and the City's Engineering Department to design an access that limits access to right in and right out only that must be reviewed and approved by the City's Engineering Department prior to the issuance of a building permit.

5. The applicant is proposing site amenities including a community plaza with a stage and play structure, a sheltered bus stop within the site, an e-bike station and bike fix-it station, 12-foot wide multi-use paths with pocket parks and benches throughout the site, connection to the rail trail (required by existing MPD), and Open Space with two pickleball courts, a bocce ball court, and a half basketball court.

6. The applicant has worked to narrow the list of allowed commercial uses to focus on small-scale uses that will support the surrounding community. This is discussed later in the staff report.

7. The applicant completed a parking study that accounts for internal capture and shared use. A comparison of the applicant's Newpark development indicates the development will generate approximately 527 parking stalls of demand in comparison to the 566 parking stalls provided, with the implementation of shared parking and TDM strategies to encourage other modes of transportation.

8. The applicant has worked to broaden the range of AMI in the project and is now proposing that seven (7) studio units be available to households up to 60% AMI and that 20 studio units be available to households up to 70% AMI. The rest of the required rental units will be available to households making up to 80% AMI as originally proposed. The 120 "additional" affordable units will be available to households up to 120% AMI but rents will be charged at 80%AMI.

9. The applicant has submitted additional information on the sustainability of the project and committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water-wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a

bus station, e-bike share and bike fix-it station, connection to the rail trail, and providing bike storage in all Multi-Unit Dwellings. In addition, the applicant is proposing to reduce their overall parking to prevent excess paving and increase Open Space. All lighting will meet the City's Dark Sky Ordinance in LMC § 15-5-5(J). These measures are recommended Conditions of Approval.

10. The applicant's team met with the City's Open Space Manager and Mountain Trails Foundation on-site on August 31, 2022, and agree that a connection from the site to the Rail Trail can be made. The Film Studio MPD included a condition that the applicant contribute $75,000 to the City to make a City connection to the site. The applicant made this payment in 2014. The Planning Department recommends a Condition that the applicant construct this connection upon review and approval by the City's Open Space Manager and the City will contribute up to $75,000 for the cost of this connection.

11. The applicant has looked closely at the issue of Nightly Rentals and notes that Nightly Rentals are allowed in the RCO zone, and the approved MPD includes a 100-key hotel. With the recent lowering of the AMI for 27 of the studio units the applicant is still seeking to allow for nightly rentals in the for-sale market-rate units. The applicant has noted that based on comparables in other projects they own in the area less than 20% of market-rate units are likely to be used as nightly rentals. The applicant will present additional information at the public hearing on the need to allow for nightly rentals in the market-rate units only.

12. The Planning Department recommends a Condition of Approval that if all phases of the project are not issued building permits within 6 years, the applicant shall be required to return to the Planning Commission to re-permit any remaining density prior to the issuance of building permits to ensure that the remaining development is still in the best interest of the City and immediate neighborhood.

Project Description and Proposed Phasing

Since the August public hearing the applicant has shifted the townhomes that were encroaching in the Entry Corridor Protection Overlay (ECPO) out of the 150-foot Front Setback Overlay listed in 15-2.20-5(I), *Building Height, Entry Corridor Protection Overlay*. The market-rate condominium building has also been reconfigured and pulled further into the site to better connect to the plaza area and create more community interaction. Parking has been rearranged to be more equally distributed around the site and to allow for safer traffic flow. Finally, the Phase 4 affordable building has been moved to the back of the site to further promote community connectivity, facilitate Open Space and recreation amenities on site, and the Building Height has been reduced from 48 feet to 45 feet. The proposed new location of this building also helps to screen the parking from the highway.

The applicant is proposing a mixed-use project with approximately 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale residential units totaling 142,000 square feet, and 185 affordable for-rent residential units.

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

In addition to the required affordable units, the applicant is proposing 120 "additional' affordable units that will be delivered partially in phase 1 (55 affordable units) and partially in Phase 4 or earlier (65 affordable units). The proposed bedroom mix and size of the affordable units are as follows:

Affordable Units	**Number**	**Size**
Studio	77	400
1 Bedroom	63	600
2 Bedroom	30	800
3 Bedroom	15	1,100
Units	**185**	

Phase 1 consists of the transit stop and bus shelter, the plaza area, and two mixed-use rental buildings totaling 90,000 square feet. Each building is 3-stories with a proposed Building Height of 40 feet, exceeding the zone height of 28 feet. Both buildings contain 15,000 square feet of commercial space on the ground floors and 30,000 square feet of affordable rental housing on the second and third levels. It is anticipated that Phase 1 will include approximately 120 affordable housing units, including and exceeding the applicant's Affordable Housing Requirement with 65 required units and 55 "additional" affordable units. There are no market-rate units in Phase 1.

Phase 2 consists of two commercial buildings totaling 30,000 square feet. Each building is 1-story with a Building Height of 25 feet, meeting the zone height. Each building contains 15,000 square feet of "community focused, small-scale commercial, retail or restaurant" space. A community plaza area connects the Phase 1 and Phase 2 buildings. No residential units are proposed as part of Phase 2.

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

Phase 3 consists of 50 for-sale market-rate townhomes in five clusters of 10 units totaling 82,000 square feet. Each unit is 2-stories totaling between 1,500 -1,700 square feet with a proposed building height of 25 feet, meeting the zone height, and contains 2-3 bedrooms. A single-car garage and access to surface parking are included with each townhome. There are no affordable units proposed for Phase 3.

Phase 4 consists of one market-rate building of 60,000 square feet. The building is 3-stories with a Building Height of 40 feet, exceeding the zone height. This building will contain a maximum of 50 for-sale market-rate units and 72 underground parking stalls

for residents of the building.

The site plan also includes one additional 4-story, for-rent affordable building totaling 58,632 square feet to be built concurrently with the Phase 4 market-rate building, or earlier. The building is 45 feet, exceeding the zone height and the balance of the "additional" affordable units, 65 units, will be constructed in this building. The Planning Department recommends a Condition of Approval that Certificates of Occupancy for the Phase 4 affordable units be issued prior to any market-rate unit Certificate of Occupancy.

Section 4.5 of the existing MPD expressly states that "Pursuant to the Annexation Agreement, no affordable housing is required for this MPD." However, the recent Subdivision reviewed by the Planning Commission on January 12, 2022, and approved by Council on February 3, 2022 (Ordinance 2022-06), Condition of Approval 8, states "The plat shall note that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City's current Affordable Housing Resolution shall apply." The applicant is proposing to meet and exceed the City's affordable housing requirements with this project. ***It is because the applicant is proposing to construct 185 affordable housing units that the Council was willing to conceptually support the proposed project.***

The proposed site plan for Lot 1B includes 320,632 square feet of total development. However, as affordable units that are required as part of an MPD approval do not count towards the calculated Density, the proposal totals 282,472 square feet, just under the remaining conditionally approved Density of 282,575 square feet in the original MPD. With the 91,425 square feet of Density built on the Film Studio portion of the site (Lot 1A) the entire project is 373,897 square feet, just under the 374,000 square feet of Density the site was originally approved for. The Planning Department recommends a Condition of Approval include that no additional Density be built on Lot 1A, and that Lot 1B is subject to a maximum square footage of 320,632 square feet of total development, consistent with the site plan reviewed by the Planning Commission on October 26, 2022.



Figure 1: Proposed Site Plan

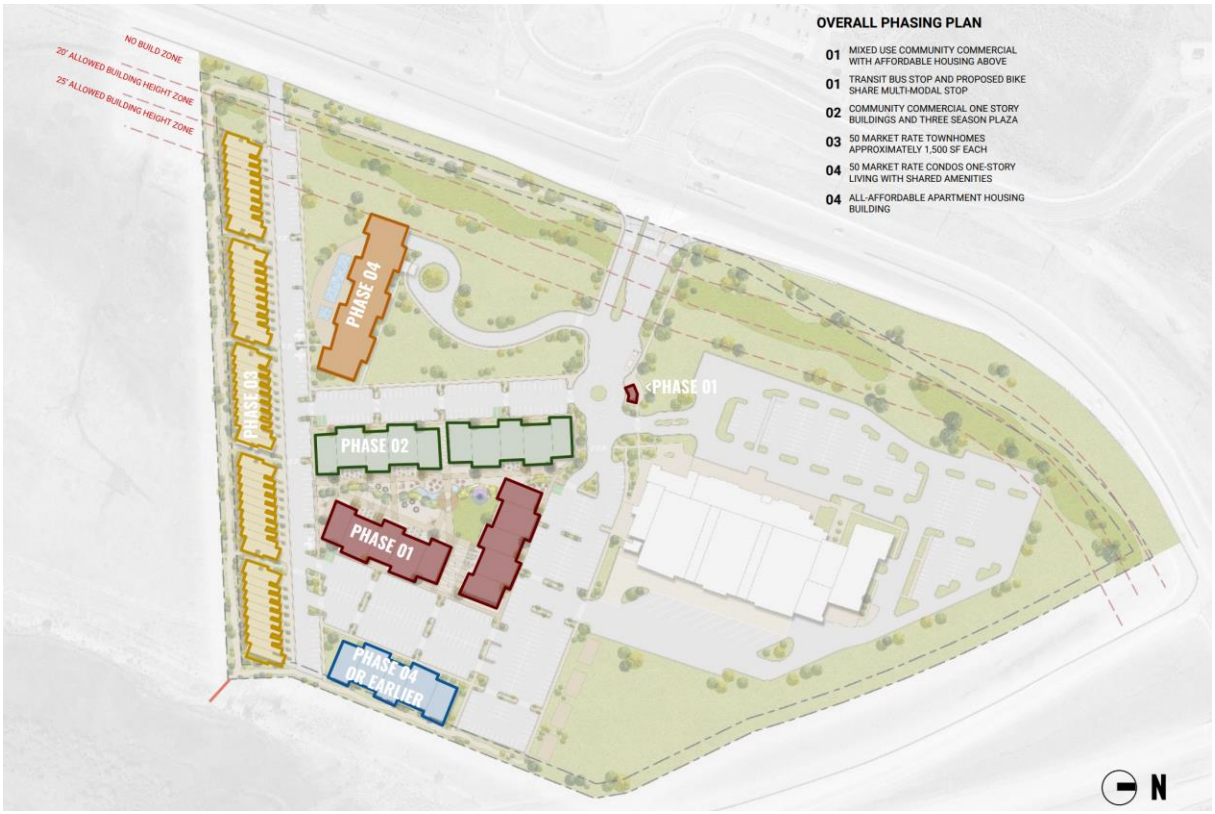

Figure 2: Proposed Phasing Plan

Commercial Uses

The Planning Commission has consistently expressed that the 60,000 square feet of Commercial Uses in the project be limited to smaller-scale community-oriented retail/commercial Uses. To that end, the applicant is proposing that the following Uses be allowed in the Commercial space and MPD without the need to return to the Planning Commission for a CUP: Child Care Center, Telecommunications Antenna, General Office, Moderate Intensive Office, Intensive Office, Medical Office and Clinic, Financial Institution, Minor Retail and Service Commercial, Major Retail and Service Commercial, Transportation Service, Neighborhood Convenience Commercial, Café, Deli, General Restaurant, Outdoor Dining Restaurant, Outdoor Events, Bar, Indoor Entertainment, and Commercial Recreation Facility.

The Planning Department recommends a condition of approval that the Planning Department complete an Administrative Conditional Use Permit for any Child Care Center, Intensive Office, and/or Major Retail or Service Use, to ensure that the majority of the Commercial Uses are smaller-scale and community-oriented and that there is sufficient parking and/or drop-off/pick-up areas for the proposed mix of uses. The Planning Department also recommends a condition of approval that Commercial Uses not include Hotels of any kind, any business with a Drive-Up window, or a Gasoline Service Station.

Under the current MPD, the remaining 282,575 square feet of Density is conditionally approved for commercial Uses as specifically identified in the Settlement Agreement and Annexation Agreement (see Page 3 of this Staff Report), including lodging, destination spa, store, offices, food services, etc. The applicant is now seeking to modify the Uses allowed under the CT-RCO zoning applicable to the MPD.

See LMC § 15-2.17-2 and § 15-2.23-2, Uses, for a complete list of Allowed and Conditional Uses in the CT and RCO Districts. Allowed Uses include Nightly Rentals, Home Occupation, Child Care, Private Recreation Facilities, and Food Trucks; however, some of these uses require a CUP. Conditional Uses include Multi-Unit Dwellings, Child Care Center, Hotel, Office and Medical Clinic, Retail and Service Commercial, Neighborhood Convenience, Restaurant and Bar, Parking or Garage, Recreation Facility, and Entertainment.

LMC § 15-2.17-4, Criteria For Commercial Development, in the RCO zoning district, requires that each proposal must include one commercial anchor, a minimum of 30,000 square feet in size, and a maximum of 65,000 square feet. The Planning Department notes that none of the proposed buildings include commercial space greater than 15,000 square feet. At the May 25, 2022, Work Session the majority of the Commission indicated that they were comfortable allowing the Film Studio to serve as the commercial anchor for the site.

Parking and Trip Generation

The applicant submitted a Parking Analysis from Fehr and Peers 's indicating the proposal requires approximately 655 parking stalls depending on the Commercial Uses (Exhibit D).

The applicant is proposing 566 stalls, leaving an 89-stall deficit for the proposed commercial Uses, as the applicant is proposing to meet the parking requirements for the residential portion of the site.

The LMC § 15-3-6(A), Parking Ratio Requirement for Residential Uses is detailed below, indicating that 343 stalls are required for the market-rate and affordable units, leaving 223 stalls available for the 60,000 square feet of commercial Uses.

Unit Type	Number	Parking Ratio	Parking Requirement
Units < 1,000 sf.	170	1	170
Units > 1,000 sf.	115	1.5	172.5
Total Residential Requirement	**285**		**342.5**

* All Units are under 2,000 SF

The LMC § 15-3-6(B), Parking Ratio Requirement for Non-Residential Uses varies, depending on the intensity of the Use. For example, Office and Retail Uses require 3-5 spaces per 1,000 sf of leasable floor area. Shopping Centers or complexes of multi-tenant retail spaces require 3.5 spaces per 1,000 sf of leasable floor area. Restaurants require 1 space for every 100 sf of net leasable area. Child Care Centers require 1 per on-duty staff per shift and one per 6 children.

If the "Shopping Centers or complexes of multi-tenant retail spaces" ratio of 3.5 stalls per 1,000 square feet were applied to the 60,000 square feet of proposed commercial space the parking requirement would be 210 stalls. 210 commercial Use stalls plus 343 residential stalls equal 553 stalls. With 566 stalls proposed, the applicant would meet the parking requirements under this scenario.

However, if more intense Uses such as Restaurants, Medical Office, or Major Retail occupy some of the space, the parking requirement increases. The Fehr and Peers Parking Analysis proposes a potential breakdown of commercial Uses and Parking Requirements below, requiring 312 commercial Use parking stalls, which exceeds the available 223 commercial stalls. If the commercial Uses were granted a 30% parking reduction the 312-parking stall requirement becomes 218 stalls, just less than the 223 number of commercial parking stalls available.

Use	1,000 sf	Parking Ratio	Parking Requirement
Restaurant	12	1 per 100 sf	120
General Office	6	3 per 1000 sf	18
Medical Office	6	5 per 1000 sf	30
Minor Retail	18	3 per 1000 sf	54
Major Retail	18	5 per 1000 sf	90
Total	**60**		**312**

LMC § 15-3-7, Parking in Master Planned Developments and Conditional Use Permits, allows the Planning Commission to reduce the initial parking requirement to prevent excess parking and paving, provided the applicant can prove that the proposed parking is adequate with a parking study. The parking study must analyze whether "parking uses will overlap, commercial spaces within the project will serve those residing within the project rather than the general public, or other factors that support the conclusion that the project will generate less parking than the Code would otherwise require."

The Parking Requirements for the commercial portion of the site vary with the Use, and the Planning Department recommends the Planning Commission consider approving a parking reduction for the commercial portion of the site not to exceed 30% of the required commercial parking, so the applicant does not need to amend the MPD as commercial Uses change over time.

The applicant's parking analysis includes a comparison of the project to the applicant's Newpark development project, which indicates that the development will generate up to 527 parking stalls of demand, with the implementation of shared parking and TDM strategies to encourage other modes of transportation. As noted earlier the applicant expects internal capture, shared uses, and parking reductions due to mode shifts such as trips made by residents, bike, and bus. Based on the applicants parking study the Planning Department finds the proposed parking should be sufficient to meet anticipated parking demand.

The applicant submitted a Trip Generation Memorandum also prepared by Fehr & Peers, which compares the trip generation of the proposed MPD to the Film Studio MPD, including 285 dwelling units and 60,000 square feet of Commercial Uses (Exhibit E). The resulting analysis shows that the proposed mixed-use project decreases daily trips by 36% when compared to an all-commercial project (the remaining uses to be constructed under the current MPD),

Should the Planning Commission choose to approve this project the Planning Department recommends a Condition of Approval that parking be phased to ensure that there will be sufficient parking for all uses at all times prior to project completion.

Affordable Housing Resolution Requirements

Park City Resolution 05-2021 is the City's Affordable Housing Resolution currently in

place, and requires that Developers provide affordable housing units in an amount of Affordable Unit Equivalents (AUEs) equal to 20% of the total Residential Unit Equivalents (RUEs) in the project. Required AUEs developed on-site in fulfillment of this requirement are not included in the Density calculation for the MPD. For Commercial Development, the Developer is required to mitigate 20% of the employees generated, according to formulas in Table 1, Resolution 05-21.

The applicant submitted a Housing Mitigation Plan, calculating the Unit Equivalents required for the Residential and Commercial portions of the project (Exhibit F). The applicant's Draft Housing Mitigation Plan notes the applicant is proposing 142,000 square feet of market-rate residential development, or 71 RUEs.

71 RUEs multiplied by the residential mitigation rate of .2 equals 14.2 AUEs required. Pursuant to the Affordable Housing Resolution, one AUE = 900 square feet. Therefore, the applicant is required to provide 12,780 net square feet of AUEs to mitigate the market rate housing.

REQUIRED AFFORDABLE HOUSING

Studio Crossings Residential Density

Market Rate SQFT	REU	AUE	Net Livable Space
142,000	**71**	**14.2**	**12,780**

*Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent

Studio Crossings Assumed Use Based on Newpark Retail Mix

Use	FT	Use Mix	SQFT	Employees	Net Livable Space
Commercial Retail	3.3	73.4%	44,028	145.3	
Medical	2.9	8.7%	5,219	15.1	
Personal Services	1.3	6.1%	3,640	4.7	
Restaurant	6.5	11.9%	7,113	46.2	
Total Commercial Density			60,000	211.4	
Mitigation rate X 0.2				42.3	
AUEs / 1.5				**28.2**	**25,367.44**

*Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent

Total Affordable Housing Obligation

Net Livable Space	AUE
38,160	**42.40**

1 AUE = 900 SF

Figure 3: Table from the Applicant's Housing Mitigation Plan

For the 60,000 square feet of commercial Uses, the project is estimated to generate 211.44 employees.

211.4 employees multiplied by the mitigation rate of .2 equals 42.3 employees.

42.3 employees divided by 1.5 workers per household equals 28.2 AUEs required. Therefore, the applicant is required to provide 25,368 net square feet of livable space for the proposed commercial Density.

The applicant, therefore, has a total Affordable Housing Obligation of 42.4 AUEs or 38,160 square feet. If the project numbers change, the Affordable Housing Obligation must be adjusted accordingly.

The applicant is proposing to construct all 65 units or 42.4 AUEs (38,160 square feet) of Affordable Housing in Phase 1, as part of its proposal to amend the 2012 MPD, meeting the City's current Affordable Housing Resolution, as follows.

Type	Units	Size	Total
Studios	27	400	10,800
1 Bedroom	23	600	13,800
2 Bedrooms	10	800	8,000
3 Bedrooms	5	1,100	5,500
Units	65		38,100
@ 900 SF			**42.4 AUEs**

Additional Affordable Housing Units

In addition to meeting the City's Affordable housing Obligation in Phase 1, the applicant is proposing to construct an "additional" 55 affordable housing units in Phase 1, and 65 more "additional" units as part of Phase 4, for a total of 120 "additional" affordable housing Units or 78.8 AUEs as follows:

Type	Units	Size
Studios	50	400
1 Bedroom	40	600
2 Bedrooms	20	800
3 Bedrooms	10	1,100
Units	**120**	
@ 900 SF		**78.8 AUEs**

As noted earlier, the Planning Department recommends a Condition of Approval that Certificates of Occupancy for the Phase 4 affordable units be tied to the issuance of the Phase 4 market-rate unit Certificates of Occupancy.

Eligibility and Pricing

The applicant is proposing that the majority of the affordable units, both the 65 required and the 120 "additional" affordable units, will be rental units available at 80% AMI, with the exception of 27 studios, that will be available to households making 60-80% AMI, broadening the affordability of these units. It is expected that 7 studios will be available at 60% AMI and 20 studios will be available at 70% AMI. This is reflected in the applicant's updated Housing Mitigation Plan.

The 2021 Park City Housing Needs Assessment indicates an extreme shortage of long-term rental inventory, and the City has set a goal of developing 800 new units by 2026. ***The applicant's proposed 185 units would contribute significantly to the City's affordable housing needs and goals.*** With a proposed commercial uses, bus stop, e-bike station, bike storage, and connections to existing trails, the proposed site appears to be a good location for affordable housing units. The Planning Department notes that the adjacent Park City Heights contains 79 affordable housing units, and the recently annexed Clark Ranch property may include additional affordable units in the immediate vicinity in the future.

The applicant has agreed to a Condition of Approval that all 65 of the required affordable housing units will be deed-restricted, will meet the City's current Affordable Housing Resolution, and will be built in the first phase of construction. A qualified third-party professional property management company will manage the rental of the units. Rental rates will be priced affordable to households with incomes ranging up to 80% of Summit County AMI, consistent with Resolution 05-21. The Planning Department recommends these commitments also be included in Conditions of Approval.

The applicant has stated that initially, the applicant shall use a geographic waterfall approach in selecting from applicants in the following priority:

1. Qualifying applicants employed in the immediate Quinn's Junction neighborhood,

including but not limited to employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, Summit Pediatrics, National Ability Center, etc.
2. Qualifying applicants employed within Park City boundaries.
3. Qualifying applicants employed within the Park City School District boundaries.
4. Qualifying applicants employed within Summit County ("additional" affordable units only).

The applicant has stated that the "additional" 120 affordable units will be available to eligible households at up to 120% of Summit County AMI. However, all rental rates charged will be at up to 80% of AMI, regardless of the AMI of individual households, meeting the City's definition of affordable. All gross rental rates will include any Homeowner Association fees or assessments that may be charged against the units, as stated in the Housing Mitigation Plan.

Amenities available to residents of the affordable units include a community plaza with a stage and play structure, a sheltered bus stop within the site, an e-bike station and bike fix-it station, 12-foot multi-use paths with pocket parks and benches throughout the site, connection to the rail trail, and Open Space with two pickleball courts, a bocce ball court, and a half basketball court.

Housing Needs Assessment/General Plan Consistency

The need for affordable housing is underscored by Park City's population and employment statistics. According to the 2021 Housing Needs Assessment, Park City is the only city in Utah where the number of jobs (11,000) outnumbers the population (8,500), requiring extraordinary levels of commuting by relatively low-wage workers. The lack of affordable housing contributes to the local labor shortage, the high cost of local services, reduced air quality, and traffic congestion at peak hours.

Goal 7 in Park City's General Plan addresses the need to create a diversity of primary housing opportunities. "By creating a mix of housing stock at varying price ranges, sizes, and designs, residents will have local options, whether they are seasonal workers, young professionals, families, empty nesters, or retirees." Varying price ranges are essential if the city is to meet its goal of 15% of workforce housing needs.

The applicant's proposal to provide 185 affordable units would meet the demand of approximately 2.3% of the more than 8,000 out-of-county workers commuting daily to Park City, bringing the City's affordable housing inventory up to approximately 8.3% of the workforce.

Building Height

The maximum Building Height in the CT zone is 28 feet with additional Height and Setback restrictions for the ECPO. The RCO allows for the ***City Council*** to grant a height exception upon recommendation from the Planning Commission. The standards for review of any height exception include the following:

1. The visual impacts of the Structure on existing Structures.

2. Potential shadows, loss of solar Access, air circulation, view corridors, or ridge line intrusion.
3. Traffic, circulation, and adjacent Open Space.
4. Compatibility of the proposed Building with adjacent Buildings.
5. Landscaping, buffer Areas, and other physical separations to mitigate and buffer the Building from adjacent Uses.
6. The Side Yard between Building(s), adjacent Streets, and alleys and their relationship to pedestrian traffic and Open Space.
7. Provision of more than the required sixty percent (60%) Transferred Development Right (TDR) Open Space within the project.
8. Reduction of the height of other Buildings or portions of a Building to a point that is lower than the underlying Zone Height.
9. Provision of exemplary architecture, high-quality materials and finishes, and in general, a superior plan and project results.
10. No net increase in the allowable square footage or Building volume above Grade over what is possible under the Zone Height.

MPDs also allow for the Planning Commission to consider an increase in Building Height based on a Site-specific analysis. 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. 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-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;
2. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site-specific analysis;
3. There is adequate Landscaping and buffering from adjacent Properties and Uses;
4. Increased Setbacks and separations from adjacent projects are proposed;
5. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible;
6. The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Building is located within the Historic District.

   If and when the Planning Commission grants additional Building Height based on a Site-specific analysis, the approved additional Building Height shall only apply to the specific plans reviewed and approved by the Planning Commission. Additional Building Height shall be specified as a Finding of Fact in the Master

Planned Development Approval, in the Development Agreement, and on each plat within the Master Planned Development that includes a Building with an additional Height allowance.

Section 2.5(e) of the Annexation Agreement specifically discusses Building Height for ***the existing MPD and allows for Building Height exceptions*** including:

- The maximum building height of 50 feet for sound stages, or a maximum height not to exceed 60 feet in Pad 7 of the site plan in the event a major, long-term film production contract necessitates the full studio height. (Pad 7)
- Non-Sound stage buildings:
  - No more than 70%of the remaining buildings on the campus are between 36-40 feet in height.
  - Remaining buildings on the campus are not greater than 28 feet in height (the CT Zone height limit).
  - No building shall be greater than 28 feet in height unless located more than 150 feet from the centerline of a public roadway.
  - Smaller buildings are massed and/or placed strategically to break up the volumes of the Sound Stage Buildings. This “stepping” will mitigate the appearance of the vertical façade of the taller buildings.

The MPD Site Plan shown on Page 8 of Exhibit C shows that there are 7 building allowed over the zone height of 28 feet. The applicant is now proposing 5 buildings that exceed the zone height, including the existing Sound Stage building on the Film Studio side of the campus.

Proposed Building Heights range from 25 feet to 45 feet, with most of the taller buildings located in the center or rear (east side) of the site. One exception to this is the market-rate Multi-Unit Dwelling located adjacent to SR-248, which is proposed at 40 feet in Height. The proposed townhomes and commercial buildings meet the Zone Building Height requirements at 25 feet in Height, and all buildings are now located outside of the EOPC 150-foot Setback requirements.

Although the project is amending the existing MPD and is not filing as an Affordable Master Planned Development (AMPD) because the proposed amount of commercial space in the project exceeds what the Code allows, the AMPD code allows non-perimeter buildings to be up to forty-five feet (45’) in height from Existing Grade when certain criteria are met. The applicant’s proposed Maximum Building Height is 45 feet for the tallest building at the back of the site, in keeping with the AMPD Maximum Building Height of 45 feet, but requiring the City Council to grant Building Height Exceptions from the CT-RCO 28-foot zone Height for four of the proposed Multi-Unit Dwellings, upon recommendation from the Planning Commission.

The Planning Department finds that the proposed Building Height Exceptions are consistent with the Film Studio MPD Building Height Exceptions and meet the standards for review of the CT-RCO zone included above. The site is located hundreds of feet from the nearest abutters and will not have a visual impact on any existing structures.

All buildings meet required Setbacks and the site meets the Open Space requirements. The Planning Department also finds that there is no net increase in the proposed square footage over what is possible under the existing MPD.

At the May 25, 2022, Work Session the majority of the Commission indicated that they were comfortable with the proposed Building Heights Exceptions.

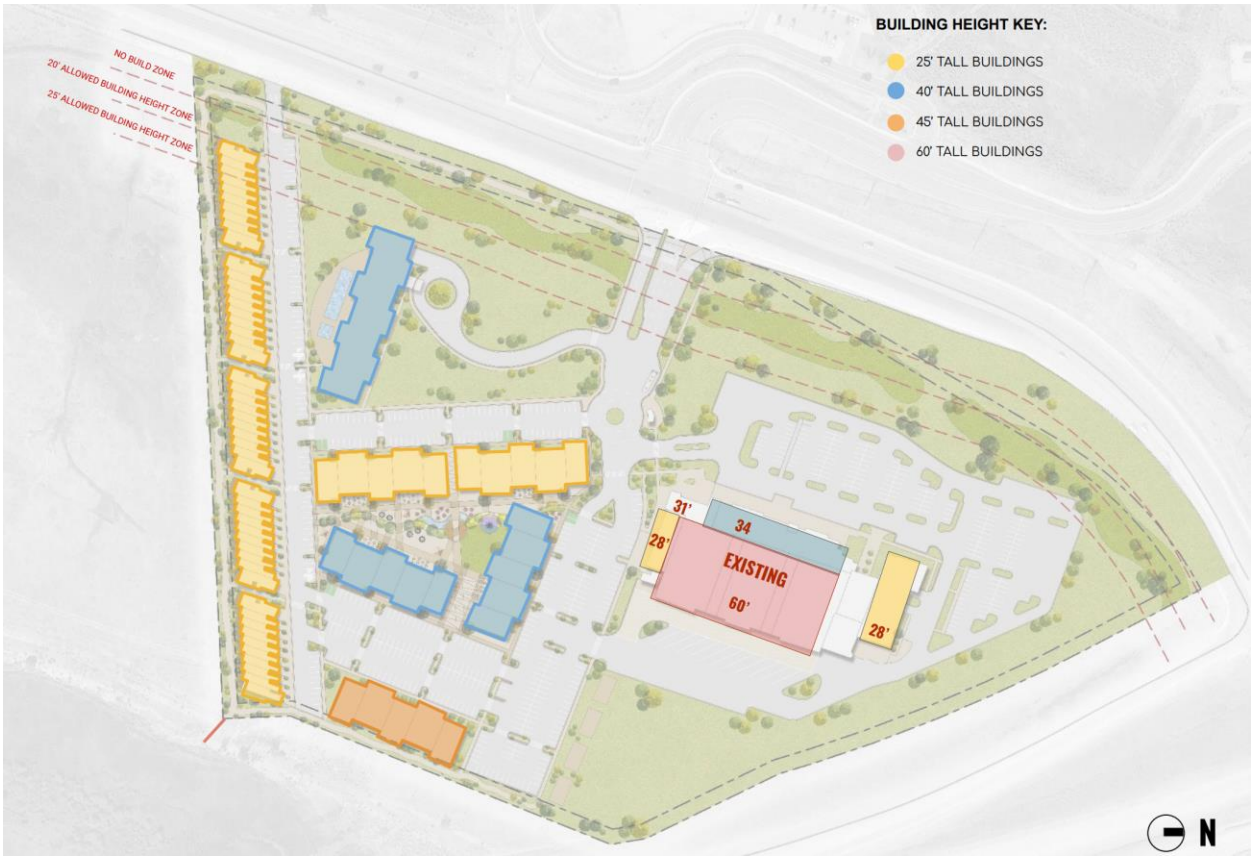

Figure 4: Applicant's Site Plan with Building Heights.

Open Space

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

The applicant's conceptual site plans include an Open Space Analysis indicating that the original MPD would have had 39.3% Open Space, and the proposed site plan will have 55.8% Open Space, therefore increasing the amount of Open Space on the site overall compared to the current MPD.

Sensitive Land Overlay

Although this site is located in the SLO, neither the Ordinance, Annexation, nor MPD discuss this or impose specific restrictions or conditions with respect to this overlay.

The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat

Area according to the City's General Plan Maps and the Planning Department finds that no additional Visual Assessment images from Vantage Points listed in the SLO are necessary. Although there is some evidence of wildlife crossings from the south to the north across SR-248 in the general area, there is significant open space surrounding the project site and the Planning Department does not have significant concerns that the proposed project will materially impact wildlife.

Sustainability

When reviewing an MPD, the Planning Commission must be able to make the findings listed in LMC § 15-6-6, including that the project "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."

The Applicant's proposal addresses the sustainability of the project on pages 53-61 of Exhibit C. The applicant has committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a bus station, e-bike share, connection to the rail trail, and providing covered bike storage in all buildings. In addition, the applicant is proposing to reduce their overall parking to prevent excess paving and increase open space. All lighting will meet the City's Dark Sky Ordinance LMC § 15-5-5(J). These measures are a recommended Condition of Approval.

Secondary Egress onto SR-248

At the May 25, 2022, Work Session the Commission expressed concerns with the secondary entrance to/from SR-248 which is conditioned to be right in/right out only in the existing MPD. The applicant is working with both UDOT and the City on a median or "pork-chop" style island and signage that will limit turns to right in and right out only, from this secondary access point. As the primary access is signalized, it is not anticipated that patrons to the site other than residents will choose to use this access as it is less convenient and requires driving through the parking area. The original MPD includes a secondary access onto RS-248 in approximately the same area. The Planning Department recommends a Condition of Approval that the applicant work with UDOT and the City's Engineering Department to design an access that limits access to right in/right out only that must be reviewed and approved by the City's Engineering Department prior to the issuance of a building permit.

Pedestrian and Bike Trails

The applicant's conceptual site plans include a 12-foot-wide multi-use path system through the site and a connections to the City's Trail System in addition to sidewalks and pathways throughout the site. The Planning Department recommends a Condition of Approval that the applicant locate an e-bike share and bike fix-it station on site and

that the applicant shall be responsible for the annual operational and maintenance costs of the stations. The Planning Department also recommends a Condition that the applicant construct a trail connection to the Park City Rail Trail, that is reviewed and approved by the City's Open Space Manager, and that the City reimburse the applicant up to $75,000 for the cost of the connection.

Transit

The applicant has revised the location of the bus pick-up and drop-off area to minimize conflicts with other vehicles and has created a dedicated area out of traffic for the bus stop. The bus stop includes a shelter and adjacent e-bike station. The Planning Department recommends a Condition of Approval that the applicant locate a sheltered bus station on site and that the location and design of the bus stop and shelter be reviewed and approved by the Engineering Department prior to the issuance of a building permit.

80% AMI and Rents

The applicant has included information on the 2022 Summit County AMI and Rents in their submittal (Exhibit C, p. 49).

Nightly Rentals

At the May 25, 2022 Work Session, and the August 10, 2022 public hearing, the Commission expressed concerns with the applicant's interest in allowing nightly rentals in the for-sale condominium units. Nightly rentals are not allowed in the CT Zoning District but are allowed under the RCO District.

The applicant has indicated that the ability for nightly rentals in the market-rate units directly contributes to the number of additional affordable housing units the applicant is able to provide and does not expect more than 20% of the market rate units to be nightly rentals. The applicant will present additional information on this issue at the public hearing.

Exhibits

Exhibit A: MPD Approved Site Plan
Exhibit B: Applicant's Project Narrative
Exhibit C: Applicant's Updated Conceptual Site Plans Dated October 26, 2022
Exhibit D: Applicant's Parking Analysis
Exhibit E: Applicant's Trip Generation Analysis
Exhibit F: Applicant's Housing Mitigation Plan
Exhibit G: Letter of Support from the City's Housing Team
Exhibit H: Letter of Support Housing Resource Center
Exhibit I: Letter of Support Mountainlands Community Housing Trust
Exhibit J: Additional Background Information
Exhibit K: Draft Final Action Letter
Exhibit L : Draft Ordinance 2022-XX

Exhibit A: MPD Approved Site Plan



PROJECT DESCRIPTION

The Applicant seeks to modify the Development Agreement for the Quinn's Junction Partnership Annexation Master Plan Development Park City, Summit County, Utah (the "Development Agreement") governing the development of the property at 4001 Kearns Blvd., in Park City, Utah (the "Property"). The intention is to allow additional conditional uses under the RCO zone and to modify the number, heights, and footprints of the remaining buildings. Currently, there are 283,000 square feet of remaining density to be built at the Property. The proposed plan will result in a more community-focused mixed-use development with affordable housing, market-rate senior-focused housing, small-scale retail such as grocery and restaurants, and offices for local residents.

USE CHANGES

Under the current Development Agreement, the remaining 283,000 square feet of density to be built at the Property are all entitled with "commercial uses." *See* Development Agreement, at 1. These commercial uses were specifically identified and described in a Settlement Agreement and Annexation Agreement that were included as attachments and expressly incorporated in the Development Agreement. These commercial uses include: "Recreation, International Film School, Commercial Support Retail, Entertainment Center, Hotel/Lodging, Motion Picture Media Campus, Sound Stages/Studios, and Event Center." The majority of these uses are not allowed or conditional uses in the CT Zone. Instead, under the Development Agreement, the City applied a Regional Commercial Overlay (RCO) zone specific to the Property. Under the RCO Zoning, the commercial uses identified above are either allowed or conditional uses.

In order to build a project in harmony with the surrounding area that meets the needs, goals, and objectives of the City, the Applicant is seeking to modify the uses allowed under the RCO zoning applicable to the Development Agreement. Specifically, the Applicant is seeking to drop the Hotel/Lodging use in favor of a Multi-Unit Dwelling. The Applicant's intention is to build a mix-use development with a strong Multi-Unit Dwelling and affordable housing component.

Under the Development Agreement, the original developer and the City agreed that "pursuant to the Annexation Agreement, no affordable housing is required for this MPD." In light of the severe affordable housing shortage, Park City is experiencing, the Applicant would like to rectify this deficiency in the current Development Agreement. The Applicant is open to input from the City as to the number and mix of affordable housing units that should ideally be constructed to meet Park City's current needs. That

said, the Applicant has spoken with a number of stakeholders and major employers in the Park City area to solicit input on the type and mix of affordable housing units that will best serve the area.The Applicant is not requesting additional density. Rather, the Applicant is proposing to convert existing commercial density to residential affordable housing density and meeting the Affordable Housing requirement imposed under the plat by constructing an additional 36,000 square feet of affordable housing consistent with Park City Code and the Housing resolution.

The Development Agreement also includes several types of commercial uses that are not defined in the Park City Code. The Applicant proposes that through this modification of the Development Agreement, those terms be updated to apply similar uses included in the Allowed and Conditional uses identified in the Park City Land Management Code as applying in the RCO zone. For example, rather than the term “Village Venues/Offices,” the Applicant proposes that “Office and Clinic, Medical” and “Office General” apply. *See* LMC 15-2.17-2.

HEIGHTS AND SITING

The Applicant seeks to modify the number, siting, and footprint of the remaining buildings to be constructed on the Property. The Applicant’s purpose is to reduce the impact of the remaining buildings on the surrounding area and to update the site plan with the changing needs of the community in light of the use change from Commercial/Hotel/Lodging to Multi-Unit Dwelling.

Specifically, the Applicant proposes to eliminate 4 buildings bringing the total number of remaining buildings to be built to 6. The Applicant is also requesting to site the buildings further back from the main entry corridor of Highway 248, to allow for the maximum buffer and view corridor. The original Development Agreement specifically waived any “open space, setbacks or affordable housing requirements.” Annexation Agreement, at 3. But the Applicant feels that maximizing open space and setbacks is in the best interest of the Property and the community.

The Development Agreement also provided that “[n]o more than 70% of the remaining buildings on the campus are between 36-40 feet.” Annexation Agreement, at 4. Meaning that at least 30% of the remaining buildings are required to be 28 feet in height, the height limit imposed by the CT Zone. *See id.* The Applicant is requesting that this requirement be modified so that the remaining buildings can all be constructed at 48-50 feet of maximum height. This will allow the Applicant to reduce the number of buildings to be built, resulting in open space and set back improvements.

PARKING

The existing parking from the Development Agreement of 466 stalls will remain, with 56 stalls from the film studio being dedicated and re-located to this development. Community amenities abound, including a transit hub, outdoor seating/dining, a trail loop with parklets, multi-purpose courts, and open space surrounding a new wildflower field as a community-oriented development meeting the requirements of development in this area.

The development boasts not only amenities, transit-oriented development, and right-scaled community-focused affordable housing, but also creates a larger open space than the original Master Planned Development. We believe that this mixed-use project will be a great opportunity to provide a destination in Quinn's Junction to reduce the traffic within the immediate context and greater community.

CODE

In accordance with Section 15-2.17-4 Criteria For Commercial Development Option, the development complies with each minimum standard:

> *A. The minimum Lot size is five (5) acres. Each proposal must include one commercial anchor, a minimum of 30,000 square feet in size, and a maximum of 65,000 square feet.* **The lot size is over five acres, at 29.55 acres. The commercial anchor is between 30,000 SF - 65,000 SF at 60,000 SF of commercial anchor.**
>
> *B. The Planning Commission may approve, disapprove, or approve with modifications a request for an increase in the allowable Building Height of some or all of the Buildings in the Development by up to twenty-five percent (25%) of the Zone Height of the underlying zone. The City Council may grant a height exception upon recommendation from the Planning Commission. Standards for review of any height exception Areas follows*
>
> *1. The visual impacts of the Structure on existing Structures.*
> *2. Potential shadows, loss of solar Access, air circulation, view corridors, or ridgeline intrusion.*
> *3. Traffic, circulation, and adjacent Open Space.*
> *4. Compatibility of the proposed Building with adjacent Buildings.*
> *5. Landscaping, buffer Areas, and other physical separations to mitigate and buffer the Building from adjacent Uses.*

6. The Side Yard between Building(s), adjacent Streets, and alleys and their relationship to pedestrian traffic and Open Space.
7. Provision of more than the required sixty percent (60%) Transferred Development Right (TDR) Open Space within the project.
8. Reduction of the height of other Buildings or portions of a building to a point that is lower than the underlying Zone Height.
9. Provision of exemplary architecture, high-quality materials and finishes, and in general, a superior plan and project results.
10. No net increase in the allowable square footage or Building volume above Grade over what is possible under the Zone Height.
The building heights are as follows: nine buildings at 28', two buildings at 45', and one building at 40'. Each building's height is in accordance with the allowable building height.

C. An anchor of at least 30,000 square feet is required to be built first. **During Phase 01, two buildings each at 45,000 square feet will be built. A total of 90,000 square feet will be built at first.**

D. Good internal circulation with limited Access to arterial Streets. **The development features exceptional internal circulation. All aspects of the site are connected with continuous roads, sidewalks, and community plazas.**

E. Buffering the Frontage Protection Zone with extensive landscaping and berms. **The development features extensive landscaping and berms. The applicant has worked to develop a proposed landscaping plan with native trees, shrubs, and plants in order to create a site that includes extensive landscaping.**

F. Screened parking. **Portions of surface parking lots are along the edge of a sidewalk, the parking lots are properly screened with landscaping. Each area of parking contains island end caps or centrally located trees in order to maintain screened parking throughout the site.**

G. An extensively landscaped buffer is required between commercial Development and adjacent Residential Uses. The Planning Commission may determine the size of the buffer depending on proposed Uses and proposed buffer design. The Planning Commission may require the buffer be constructed and landscaped prior to the remainder of the construction. **An extensively landscaped buffer is to be provided between commercial development and**

adjacent residential uses. The applicant has worked to develop a proposed landscaping plan with native trees, shrubs, and plants in order to create a site that includes extensive landscaping.

H. Compliance with all requirements of LMC Chapter 6, Master Planned Development (MPD) review process and criteria. **The development complies with all requirements of LMC Chapter 6, Master Planned Development (MPD) review process and criteria.**

I. Architecture that is consistent with the Park City Architectural Design Guidelines in LMC Chapter 15-5 and is Compatible with the community and neighborhood. **The applicant will work diligently with the design staff to ensure the architecture is consistent with the Park City Architectural Design Guidelines in LMC Chapter 15-5 and is compatible with the community and neighborhood.**

J. Submission of a sign plan at the time of Master Planned Development Application in accordance with the City Sign Code, Title 12. **The applicant will work diligently with planning staff to ensure a sign plan is provided during the application process.**

K. The Site plan for the Master Planned Development must take into consideration significant natural features such as existing vegetation, wetlands, Stream channels, and ridgelines. Development must occur outside of these sensitive Areas. **The Site Plan for the Master Planned Development takes into consideration significant natural features. The first 150 feet off of SR248 meets the entry corridor protection regulations. The development does not occur within a marked sensitive area.**

L. Submission of a lighting plan at the time of Master Planned Development Application in accordance with LMC Chapter 15-3. **The applicant will work diligently with planning staff to ensure a lighting plan is provided during the application process.**

M. Enhanced pedestrian and bicycle circulation. **The development features enhance pedestrian and bicycle circulation.**

N. Enhanced public plazas and Open Space Areas. **The development features enhanced public plazas and open space areas.**

O. Fully Screened service and delivery areas. Fully Screened dumpster locations. No service, delivery, or dumpster activities shall occur adjacent to Residential Uses.

PARKING REQUIREMENTS (ALSO ON THE ARCHITECTURAL SITEPLAN DRAWINGS)

SQ FOOTAGE	TYPE	REQUIREMENTS	COMMENT	TOTAL
189,550.00	MultiFamily	Apartment/ Condominium not greater than 1,000 sf floor Area	700 SF Average Dwelling Unit	271
33,450.00	Accessory Corridors	Zero Parking requirements		0
30,000.00	Office and Clinic	3 spaces per 1,000 sf of leasable floor Area		90
30,000.00	Retail	3.5 spaces per 1,000 sf of leasable floor Area, excluding corridors and service Areas not related to individual tenant retail spaces		105
			TOTAL	**466**
SQ FOOTAGE	**TYPE**	**REQUIREMENTS**	**COMMENT**	**TOTAL**
Existing	Existing	Per development agreement as originally planned for the remainder of site development		410 total
Existing	Existing	Moving parking stalls from greater Film Studio area outside fencing		56 stalls

			TOTAL	**466**

PREVIOUS AGREEMENTS

Existing MPD Agreement – Exhibit attached

EXISTING ZONING AND NEW REQUESTS

Community Transition Zone – RCO Overlay from Existing MPD.

LANDOWNERS WITHIN 300’ OF THE PROPOSED DEVELOPMENT:

PARK CITY MUNICIPAL CORPORATION, PO BOX 1480, PARK CITY, UT 84060-1480

UTAH DEPARTMENT OF TRANSPORTATION, 4501 CONSTITUTION BLVD, SALT LAKE CITY, 84119-5977

UNITED STATES OF AMERICA/INTERIOR DEPT, 125 S STATE ST, SALT LAKE CITY, UT 84138-1102

Welcome to **STUDIO CROSSING**

YOUR HOME in Quinns Junction

NEWPARK

A thriving mixed use development that is home to various dining, shopping, and community events. 122,303 square feet of prime retail with Best Buy as its anchor tenant.

THE COMMONS

Over 22,000 sq ft of street level commercial space with generous outdoor seating. 38 affordable for rent apartments on the 2nd and 3rd floors with a mix of Studios, 1 Bedroom, 2 Bedroom, and 3 Bedroom units.

THE TERRACES

One of Park City areas fastest selling project of its size. 60-unit, 72,647 square feet, family oriented condo development.

UTAH FILM STUDIOS

State of the art film studio that rivals any facility worldwide. Approximately 100,000 square feet, Utah Film Studios is comprised of: production offices, a mill, and three 15,000 square foot sound stages.

Local Family
Local Developments
Building Communities for all

THE COMMONS

- **38 affordable for rent apartments**
- 12,000 sqft of street level commercial space
- Mix of Studios, 1 Bedroom, 2 Bedroom, and 3 Bedrooms
- Multi-modal living in the heart of Newpark Towne Center
- Adjacent to Swaner Nature Preserve
- Convenient to both community restaurants and trails

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PROPOSED STUDIOS
AFFORDABLE LIVING
STUDIO CROSSINGS
185 QUALITY APARTMENTS

PROPOSED STUDIOS
AFFORDABLE LIVING
STUDIO CROSSINGS
185 QUALITY APARTMENTS

2012 Proposed MPD - Studio Support Commercial



BLDG #	BLDG USE	SQFT	BUILDING HEIGHT
1A	Hotel Lodging (100 keys)	112,00	40’
1B	Recording Studio	2,500	16’
1C	Stage Venue	700	28’
1D	Residence (Omitted)	0	
1E	Grand Ballroom	16,000	28’
1F	Atrium	0	28’
2	Screening Rooms / Theater	15,000	40’
3	Entertainment Venue	14,500	40’
4	Mixed Use	33,350	28’
5	Mixed Use	25,625	28’
6	Sound Effects Stage	15,700	40’
6A	Office	37,200	38’
7	Sound Stages	47,375	60’
7A	Workshop	20,000	28’
7B	Production Support / Offices	24,000	34’
8	Workshop Office	10000	18’
9	Guard House	50	10’

2022 Proposed MPD - Affordable Community



BLDG #	BLDG USE	SQFT	BUILDING HEIGHT
01	Residential Condo building	60,000	40’
02	Commercial Buildings	15,000 ea / 30,000 Total	25’
03	Mixed Use Affordable Housing	45,000 ea / 90,000 Total	40’
04	Affordable Housing	58,632 sf	45’
05	Market Rate Townhomes	1,500 ea / 82,000 Total	25’
06	Bus Transit Pick Up	0	15’’
07	*(EXISTING) Sound Stages*	*47,375*	*60’*
07A	*(EXISTING) Workshop*	*20,000*	*28’*
07B	*(EXISTING) Production Support / Offices*	*24,000*	*34’’*

Studio Crossing is Multi-generational

- Adaptive floor plans provide options for guests
- Flexible amenities create spaces for activity and play
- On-site shopping and dining
- Diverse housing options for families
- Mixed age community

Studio Crossing is aging in place

- One level living
- Less than a mile to park city hospital
- Immediate access to historic rail trail for bicycling and walking
- Community atmosphere
- Access to transit options

*https://www.kpcw.org/park-city/2022-10-10/summit-county-senior-housing-survey-points-to-a-lack-of-supply

PLANNING COMMISSION COMMENTS (08/10)	WE LISTENED, UPDATES TO DESIGN (10/26)
01. Protect the EPOC Zone, no exceptions	Building heights and locations have been lowered and shifted to be compliant with the Entry Protection Overlay Corridor Zone
02. Not in favor of height exceptions for buildings (48’ original design)	Building heights have been lowered, (1) at 45’ (3) at 40’ (52) at 25’
03. UDOT coordination of SW Entry/Exit	Met with UDOT 8/31, no issues with proposed design, UDOT prefers median curb in lieu of original porkchop design, next meeting October 04 setup for engineering review
04. More information on the community amenities	10 Amenities highlighted and analyzed in presentation
05. Narrow down allowed commercial uses, more community focused	Community Commercial has been further refined and narrowed down to focus on small scale community benefit
06. Shared parking study needed	Original and shared parking study included in Planning packet, our parking count is succinctly in between code requirements and shared parking study
07. Would you consider less than 80% AMI, especially for the single income households?	Our team met with Jason Gidden and Housing team and revised AMI **60%, 70%, 80%** **(STUDIOS RENTED (20 UNITS) AT 60% AMI AND (60) AT 70% AMI)**
08. Can you provide more information on sustainability?	5 Different sustainable organizations studied through 6 divisions, findings and proposed sustainability objectives (LEED, USGBC, PASSIVE, ETC)
09. More Rail Trail connection information	Our team met with Heinrich Deters and Rick Fournier with Mountain Trails Foundation 8/31 and all agree a Rail Trail Connection can be easily be made
10. Concern about the 4 story affordable building blocking the view of the project from the interstate, can we step it down?	Affordable Housing building height lowered, rotated and moved closer to the Plaza in order to promote community connectivity and to hide parking
11. Can you consider deed restrictions on nightly rentals?	**Proposed Partnership with Park City for LITE DEED RESTRICTION** **Affordable housing will require a minimum 6 month lease and qualify** **Nightly rentals are allowed in the RCO Zone** Nightly rental restrictions greatly impact for-sale home ownership Current Entitlement MPD allows 100% nightly rentals

SITE AND BUILDING LEGEND:

01 3-STORY MARKET RATE CONDOS WITH UNDERGROUND PARKING

02 TRANSIT STOP & E-BIKE PARKING BUS STOP AND PICKUP CENTER

03 COMMUNITY FOCUSED COMMERCIAL 1-STORY

04 COMMUNITY POCKET PARKS

05 60%, 70 & 80% AMI AFFORDABLE HOUSING 3 STORY BUILDING WITH COMMERCIAL

06 COMMUNITY PLAZA FEATURE AND DINING AREAS

07 E-BIKE DOCKING STATION

08 HISTORIC RAIL TRAIL PLANNED CONNECTION ALREADY PAID

09 80% AMI AFFORDABLE HOUSING 4 STORY ALL HOUSING

10 RESIDENT USE AMENITY MULTI-USE SPORTS COURT

11 MARKET RATE TOWNHOMES 2-STORY WITH GARAGE

12 CAMPUS RESIDENT USE GREEN OPEN SPACE WITH TRAILS

13 ELECTRIC CAR CHARGING STATIONS

14 UDOT MEDIAN, RIGHT TURN ONLY

NO BUILD ZONE

20' ALLOWED BUILDING HEIGHT ZONE

25' ALLOWED BUILDING HEIGHT ZONE

14 RIGHT TURN ENTRY/EXIT

SR248

STOPLIGHT INTERCHANGE

12' WIDE TRAIL SYSTEM ALONG PROPERTY

EXISTING PC FILM STUDIOS

HWY 189

N

OVERALL PHASING PLAN

01 MIXED USE COMMUNITY COMMERCIAL WITH AFFORDABLE HOUSING ABOVE

01 TRANSIT BUS STOP AND PROPOSED BIKE SHARE MULTI-MODAL STOP

02 COMMUNITY COMMERCIAL ONE STORY BUILDINGS AND THREE SEASON PLAZA

03 50 MARKET RATE TOWNHOMES APPROXIMATELY 1,500 SF EACH

04 50 MARKET RATE CONDOS ONE-STORY LIVING WITH SHARED AMENITIES

04 ALL-AFFORDABLE APARTMENT HOUSING BUILDING

NO BUILD ZONE

20' ALLOWED BUILDING HEIGHT ZONE

25' ALLOWED BUILDING HEIGHT ZONE

PHASE 04

PHASE 03

PHASE 02

PHASE 01

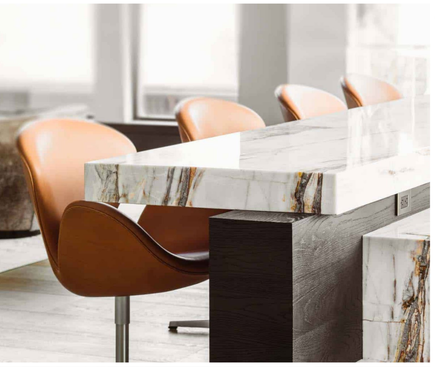
PHASE 01

PHASE 04 OR EARLIER

N

PHASE 01: MIXED USE AFFORDABLE HOUSING











PHASE 01: MIXED-USE AFFORDABLE HOUSING

BUILDING 01:

- LEVEL 01: RETAIL
- LEVEL 02: 80% AMI HOUSING
- LEVEL 03: 80% AMI HOUSING

BUILDING 02:

- LEVEL 01: RETAIL
- LEVEL 02: 80% AMI HOUSING
- LEVEL 03: 80% AMI HOUSING

- 40’ TOTAL HEIGHT
- 45,000 SF X 2 BUILDINGS = **90,000 SF TOTAL**

PHASE 01

N













PHASE 01: TRANSIT STOP / BUS STOP

- BUS SHELTER, FINAL LOCATION TBD WITH PLANNING
- MEET ALL PC TRANSPORTATION REQUIREMENTS
- FOCUS ON BUS PICKUP AT EXIT
- E-BIKE PICKUP AREA WITH SUMMIT BIKE SHARE

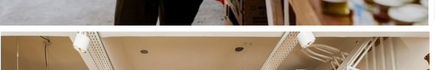
<PHASE 01

N

PHASE 02: COMMUNITY FOCUSED COMMERCIAL





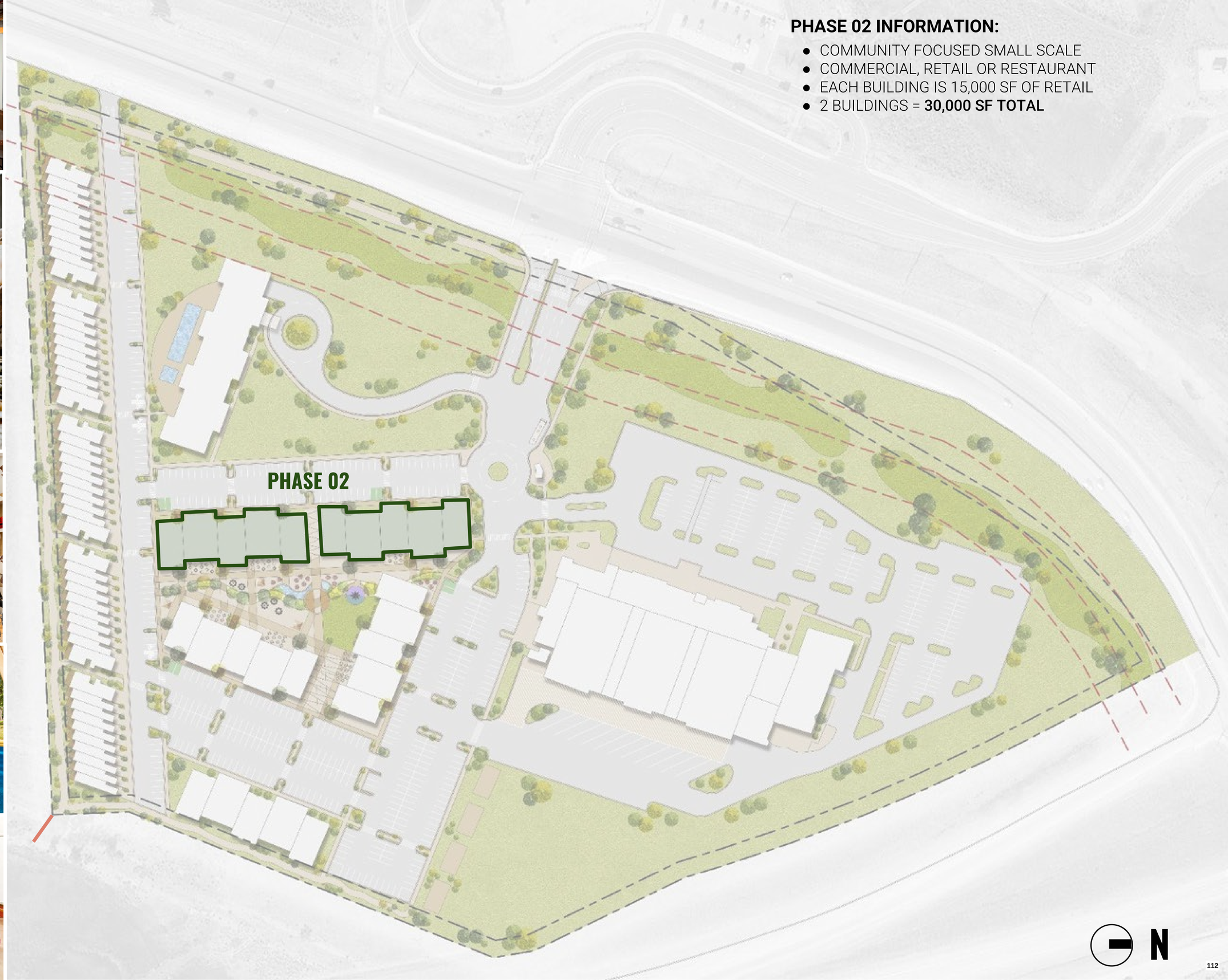






PHASE 02 INFORMATION:

- COMMUNITY FOCUSED SMALL SCALE
- COMMERCIAL, RETAIL OR RESTAURANT
- EACH BUILDING IS 15,000 SF OF RETAIL
- 2 BUILDINGS = **30,000 SF TOTAL**













PHASE 02 INFORMATION:

- COMMUNITY PLAZA AREA
- OUTDOOR DINING OUTSIDE OF EACH COMMERCIAL SPACE
- WATER FEATURED INSTALLED THROUGH CENTER OF PLAZA
- DESIGNATED AREAS FOR POTENTIAL CHRISTMAS TREE LIGHTING
- SET UP TO MAXIMIZE VIEWS TO THE SOUTH

PHASE 02

N


N

PHASE 03: MARKET RATE TOWNHOMES











PHASE 03

PHASE INFORMATION FOR APPROX 50 BUILDINGS:

- 2 & 3 BEDROOM TOWNHOMES
- 1,500 - 1,700 SF UNITS, 2 STORIES
- 50 PARKING STALLS DEDICATED TO TOWNHOMES
- 5 LIVABLE CLUSTERS OF 10 TOWNHOMES
- **82,000 SF MARKET RATE FOR-SALE UNITS**

- **MAXIMUM** 100 MARKET RATE UNITS TOTAL

N

PHASE 03: MARKET RATE CONDOS









PHASE 04

PHASE INFORMATION FOR 1 BUILDING:

- LEVEL 01: MARKET RATE CONDOS
- LEVEL 02: MARKET RATE CONDOS
- LEVEL 03: MARKET RATE CONDOS

- 40’ TALL BUILDING
- **60,000 SF MARKET RATE CONDOS**

- APPROXIMATELY 50 UNITS
- EACH UNIT UNDER 2,000 SF

- **MAXIMUM** 100 MARKET RATE UNITS TOTAL

N

PHASE 04: AFFORDABLE HOUSING

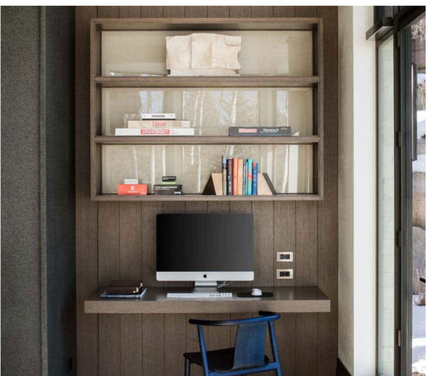












PHASE INFORMATION FOR 1 BUILDING:

- LEVEL 01: 60%, 70% 80% AMI HOUSING
- LEVEL 02 60%, 70% 80% AMI HOUSING
- LEVEL 03: 60%, 70% 80% AMI HOUSING
- LEVEL 03: 60%, 70% 80% AMI HOUSING

- EACH FLOOR IS ~11' TALL = 45' TALL BUILDING
- TOTAL BUILDING SIZE = **58,632 SF**

PHASE 04
OR EARLIER

N

BUILDING HEIGHT KEY:

- 25’ TALL BUILDINGS
- 40’ TALL BUILDINGS
- 45’ TALL BUILDINGS
- 60’ TALL BUILDINGS

NO BUILD ZONE

20’ ALLOWED BUILDING HEIGHT ZONE

25’ ALLOWED BUILDING HEIGHT ZONE

31’

34

28’

EXISTING

60’

28’

N


SETBACK KEY:
25’ PROPERTY LINE SETBACK
NO BUILD ZONE
20’ ALLOWED BUILDING HEIGHT ZONE
25’ ALLOWED BUILDING HEIGHT ZONE
N

NO BUILD ZONE

20′ ALLOWED BUILDING HEIGHT ZONE

25′ ALLOWED BUILDING HEIGHT ZONE

RESIDENTIAL ZONE

RESIDENTIAL ZONE

RETAIL ZONE

RETAIL + RESIDENTIAL

STUDIO ZONE

RESIDENTIAL

N

VEHICULAR CIRCULATION

NO BUILD ZONE

20' ALLOWED BUILDING HEIGHT ZONE

25' ALLOWED BUILDING HEIGHT ZONE

RIGHT TURN ENTRY/EXIT

SR248

STOPLIGHT INTERCHANGE

SR248

TRANSIT STOP

HWY 189

N

SITE ACCESS AND PROPOSED SECOND ENTRY

UDOT PROPOSED MEDIAN

RIGHT TURN ENTRY/EXIT

RIGHT TURN ENTRY/EXIT

SR248

STOPLIGHT INTERCHANGE

SR248

N

DIFFERENT MODES OF CIRCULATION

- PEDESTRIAN CIRCULATION
- BICYCLE CIRCULATION
- RAIL TRAIL CONNECTION

NO BUILD ZONE

20' ALLOWED BUILDING HEIGHT ZONE

25' ALLOWED BUILDING HEIGHT ZONE

RIGHT TURN ENTRY/EXIT

SR248

CONNECTION TO ROUND VALLEY RAILS, PARKS, ICE RINK, DOG PARK, HOSPITAL, PEOPLE'S CLINIC

SR248

RAIL TRAIL CONNECTION

N

NO BUILD ZONE

20' ALLOWED BUILDING HEIGHT ZONE

25' ALLOWED BUILDING HEIGHT ZONE

PUBLIC ACCESS

SECURE ACCESS

N

CODE REQUIRED RESIDENTIAL PARKING BASED ON PROPOSED HOUSING MIX

UNIT TYPE	NUMBER	PARKING RATIO	PARKING REQ.
MARKET-RATE UNITS	100	1.5	150
AFFORDABLE UNITS < 1,000 SF	170	1	170
AFFORDABLE UNITS > 1,000 SF	15	1.5	22.5
TOTAL RESIDENTIAL REQ	**285**		**342.5**

*ALL UNDER 2,000 SF

CODE REQUIRED COMMERCIAL PARKING BASED ON PROPOSED COMMERCIAL USE MIX ASSUMPTIONS (GRAYSHELL COMMERCIAL SPACE)

USE	1,000 SF	PARKING RATIO	PARKING REQ.
RESTAURANT	12	1 PER 100 SF	120
GENERAL OFFICE	6	3 PER 1000 SF	18
MEDICAL OFFICE	6	5 PER 1000 SF	30
MINOR RETAIL	18	3 PER 1000 SF	54
MAJOR RETAIL	18	5 PER 1000 SF	90
TOTAL	**60**		**312**

LMC §15-3-7, PARKING IN MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS, ALLOWS THE PLANNING COMMISSION TO REDUCE THE INITIAL PARKING REQUIREMENT WITH THE SUBMITTAL OF A PARKING STUDY SHOWING PARKING USES WILL OVERLAP, COMMERCIAL SPACES WITHIN THE PROJECT WILL SERVE THOSE RESIDING WITHIN THE PROJECT RATHER THAN THE GENERAL PUBLIC, OR OTHER FACTORS THAT SUPPORT THE CONCLUSION THAT THE PROJECT WILL GENERATE LESS PARKING THAN THE CODE WOULD OTHERWISE REQUIRE.

THE APPLICANT HAS SUBMITTED A SHARED PARKING ANALYSIS (SEPARATE FILE NOT IN PRESENTATION) TO HELP ANALYZE A REASONABLE PARKING REDUCTION FOR THE COMMERCIAL PORTION OF THE SITE, SO THE APPLICANT DOES NOT NEED TO AMEND THE MPD AS COMMERCIAL USES CHANGE OVER TIME. THE PLANNING DEPARTMENT ALSO RECOMMENDS THAT ALL COMMERCIAL USES REQUIRE AN ADMINISTRATIVE CUP TO ENSURE THAT THE PARKING REDUCTION IS NOT EXCEEDED.

CODE REQUIRED PARKING AND SUBSEQUENT PARKING REDUCTION PROPOSED

TOWNHOMES/CONDO (OVER 1,000 SF)	100 DWELLING UNITS	1.5	STALLS/DWELLING UNIT	150
AFFORDABLE HOUSING (BELOW 1,000 SF)	170 DWELLING UNITS	1	STALLS/DWELLING UNIT$_2$	170
AFFORDABLE HOUSING (OVER 1,000 SF)	15 DWELLING UNITS	1.5	STALLS/DWELLING UNIT	22.5
RETAIL	60,000 SQUARE FEET	3.5	SEE PROPOSED COM MIX	312
			LOT 1B TOTAL REQUIRED:	**654.5**
			LOT 1B TOTAL PROVIDED:	**566**
			PARKING REDUCTION:	**88.5**

NO BUILD ZONE

20' ALLOWED BUILDING HEIGHT ZONE

25' ALLOWED BUILDING HEIGHT ZONE

RIGHT TURN ENTRY/EXIT

SR248

STOPLIGHT INTERCHANGE

12 GARAGES

12 GARAGES

12 GARAGES

12 GARAGES

12 GARAGES

72 UNDERGROUND PARKING STALLS

320 EXISTING STALLS

AREA FOR PARKING IF REDUCTION IS NOT GRANTED

HWY 189

N

NO BUILD ZONE

20' ALLOWED BUILDING HEIGHT ZONE

25' ALLOWED BUILDING HEIGHT ZONE

PLANT KEY:

- DOUGLAS HAWTHORNE, SERVICEBERRY
- BLUE SPRUCE, PONDEROSA PINE
- PINYON PINE
- GLOBE MALLOWS
- PAXISTIMA MYRSINITES
- GOLDEN CURRANT

N

TRASH/RECYCLING PROPOSED SITES

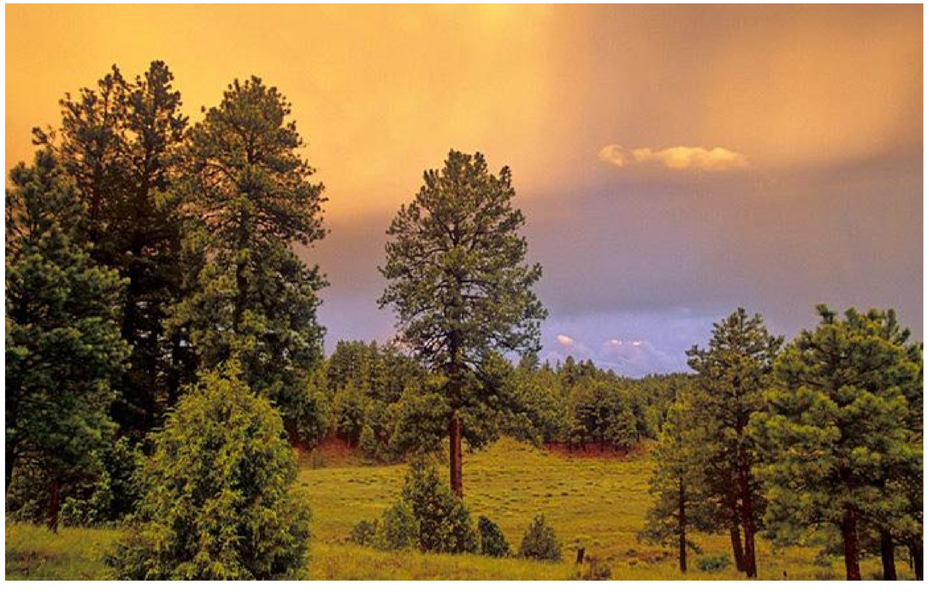
The Site plan shall include adequate Areas for trash and recycling containers and shall include an adequate circulation area for pick-up vehicles. Convenient pedestrian Access shall be provided within the Master Planned Development to the trash and recycling containers.



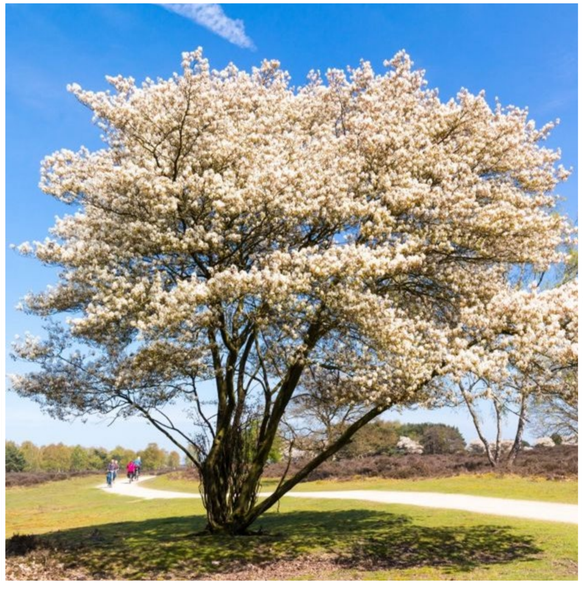
PROPOSED PLANTS



DOUGLAS HAWTHORN (NATIVE, SALT TOLERANT)



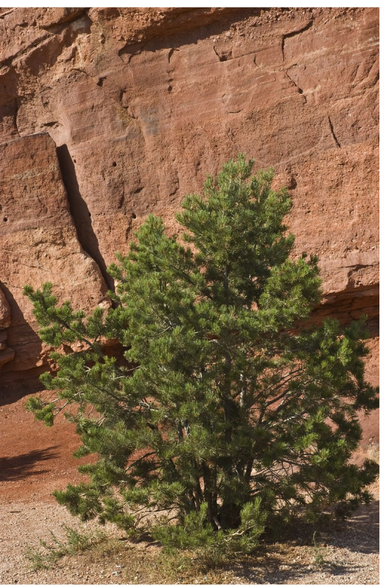
PONDEROSA PINE (NATIVE, SALT TOLERANT)



SERVICEBERRY (NATIVE, SALT TOLERANT)



BLUE SPRUCE (UTAH STATE TREE)



PINYON PINE (UTAH NATIVE)



GLOBE MALLOWS (UTAH NATIVE)



PAXISTIMA MYRSINITES (UTAH NATIVE)



GOLDEN CURRANT (UTAH NATIVE)

TRAIL CONNECTIVITY



Convenient Secure On-Site Storage



LOW DENSITY



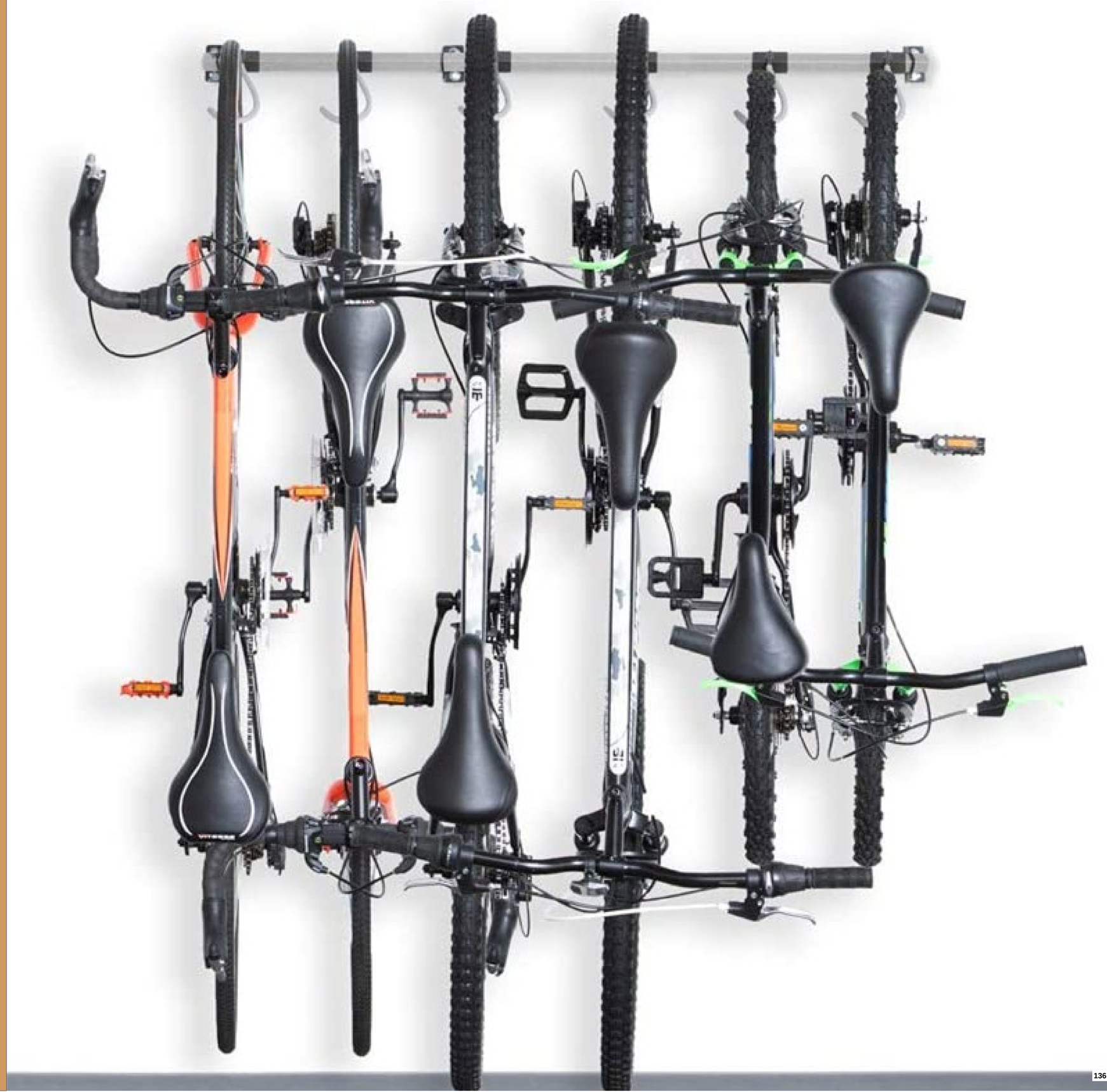
E-BIKE CHARGING

Convenient Secure On-Site Storage

HIGH DENSITY

REPAIR TOOLS

PROTECTED



ROAD CONNECTIVITY



N

DENSITY

USE	UNITS	SF
COMMERCIAL USES	NA	60,000
MARKET RATE UNITS	100	142,000
AFFORDABLE UNITS	185	118,632
TOTAL		320,632
LESS REQUIRED UEs	42.3	(38,057)
TOTAL DENSITY		**282,575**

NIGHTLY RENTALS WERE ANALYZED IN PROPERTIES IN NEWPARK, WHERE THE DEVELOPMENT TEAM HAS EXPERIENCE. ACTUAL NIGHTLY RENTALS WERE FAR LOWER THAN PERCEIVED ORIGINALLY, AND GIVES GREAT PRECEDENCE TOWARDS A PROJECTED NIGHTLY RENTAL AT STUDIO CROSSINGS MIXED USE PROJECT WITH TOWNHOMES, APARTMENTS, AND CONDOS SIMILAR IN NATURE TO THOSE AT NEWPARK.

13.3%

*TERRACE NIGHTLY RENTAL RATE

MIXED-USE CONDOMINIUM PROJECT

16.7%

*NEVIS NIGHTLY RENTAL RATE

CONDO / TOWNHOME PROJECT

16.8%

*NEWPARK TOWNHOME PROJECT

TOWNHOME PROJECT

*ACCORDING TO SUMMIT CO BUSINESS LICENSES



PROTOTYPE PARTNERSHIP WITH PARK CITY LIGHT DEED RESTRICTION

1. VOLUNTARY PROGRAM LITE DEED RESTRICTION
2. STUDIO CROSSINGS AGREE TO PROMOTE VOLUNTARY PROGRAM
3. JASON GIDDEN WORKING ON CITY-ALLOCATED TOWARDS DEED RESTRICTION
4. CERTAIN AMOUNT PER UNIT, 10-15 UNITS TOTAL EXPECTED
5. AFFORDABLE HOUSING BOARD APPROVAL REQUIRED
6. SOME OF THE MOST AFFORDABLE MARKET RATE OFFERINGS
7. COULD WORK TOWARDS FIRST-TIME HOME BUYER OR LONG TERM OWNERS NOT TYPICALLY WHO WOULD BE RESIDENTS OF PARK CITY
8. CITY-ALLOCATED FUNDS TOWARD DEPOSIT

BUILDING HEIGHT FINDINGS

1. THE INCREASE IN BUILDING HEIGHT DOES NOT RESULT IN INCREASED SQUARE FOOTAGE OR BUILDING VOLUME OVER WHAT WOULD BE ALLOWED UNDER THE ZONE-REQUIRED BUILDING HEIGHT AND DENSITY, INCLUDING REQUIREMENTS FOR FACADE VARIATION AND DESIGN, BUT RATHER PROVIDES DESIRED ARCHITECTURAL VARIATION, UNLESS THE INCREASED SQUARE FOOTAGE OR BUILDING VOLUME IS FROM THE TRANSFER OF DEVELOPMENT CREDITS;

1. 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;

2. THERE IS ADEQUATE LANDSCAPING AND BUFFERING FROM ADJACENT PROPERTIES AND USES;

3. INCREASED SETBACKS AND SEPARATIONS FROM ADJACENT PROJECTS ARE PROPOSED;

1. THE ADDITIONAL BUILDING HEIGHT RESULTS IN MORE THAN THE MINIMUM OPEN SPACE REQUIRED AND RESULTS IN OPEN SPACE THAT IS PUBLICLY ACCESSIBLE;

1. THE ADDITIONAL BUILDING HEIGHT IS DESIGNED IN A MANNER THAT PROVIDES A TRANSITION IN ROOF ELEMENTS IN COMPLIANCE WITH CHAPTER 15-5, ARCHITECTURAL REVIEW, OR THE DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES IF THE BUILDING IS LOCATED WITHIN THE HISTORIC DISTRICT.

GOVERNING DOCUMENTS

1. THE JANUARY 17, 2012 ANNEXATION AGREEMENT AND SIMULTANEOUS ZONING MAP AMENDMENT (ANNEXATION AGREEMENT).

2. THE JANUARY 18, 2012 COUNTY SETTLEMENT AGREEMENT FOR FILM AND MEDIA CAMPUS (SETTLEMENT AGREEMENT).

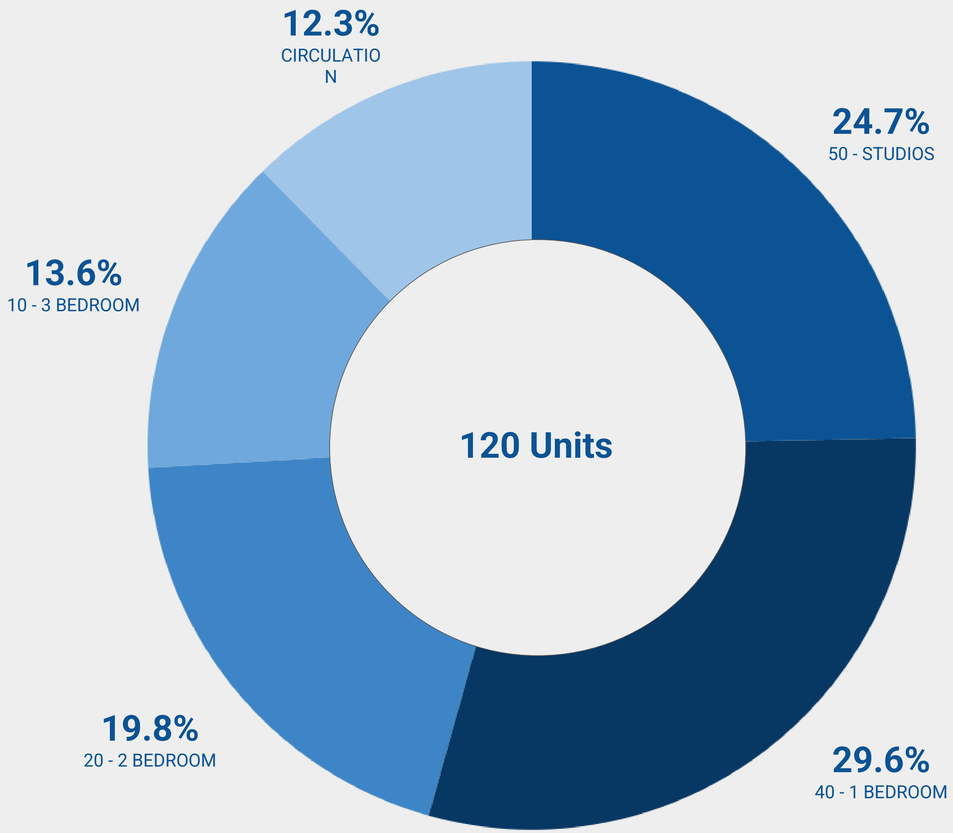
3. THE MAY 24, 2012 DEVELOPMENT AGREEMENT FOR THE QUINN'S JUNCTION PARTNERSHIP ANNEXATION MASTER PLANNED DEVELOPMENT (DEVELOPMENT AGREEMENT/MPD), INCLUDING CONDITIONS OF APPROVAL.

4. THE DECEMBER 5, 2013 PHASING PLAN AMENDMENT(BEGINNING ON PAGE 95).

BACKGROUND

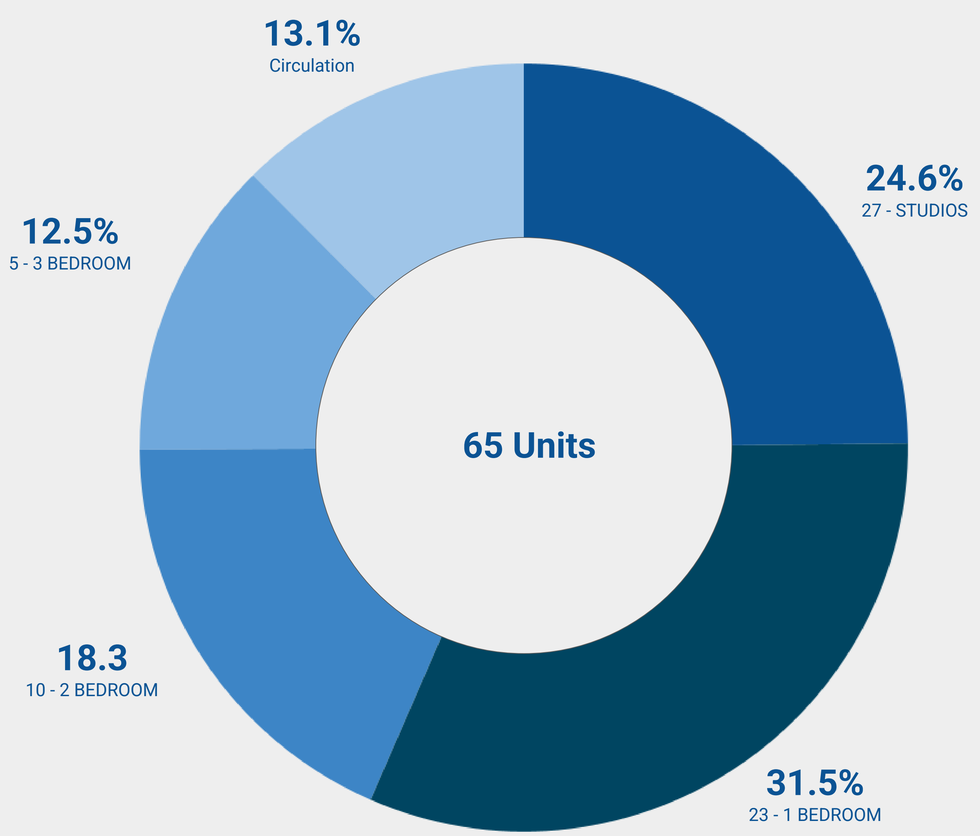
- COUNCIL MEMBERS STEVE JOYCE AND NANN WOREL DESIGNATED TO REVIEW THE OWNERS' NEW CONCEPT PLAN.
- APPLICANT PRESENTED A PROPOSAL TO THE COUNCIL ON DECEMBER 9, 2021, FOR A MIXED-USE DEVELOPMENT WITH A STRONG COMPONENT OF AFFORDABLE/ATTAINABLE HOUSING.
- COUNCIL UNANIMOUSLY SUPPORTED POTENTIAL CHANGES WITH AFFORDABLE HOUSING COMPONENT AT AN AVERAGE OF 80% OF AREA MEDIAN INCOME (AMI) AND AT A DENSITY CONSISTENT WITH THE ORIGINAL MPD.

80,575 SF AFFORDABLE HOUSING



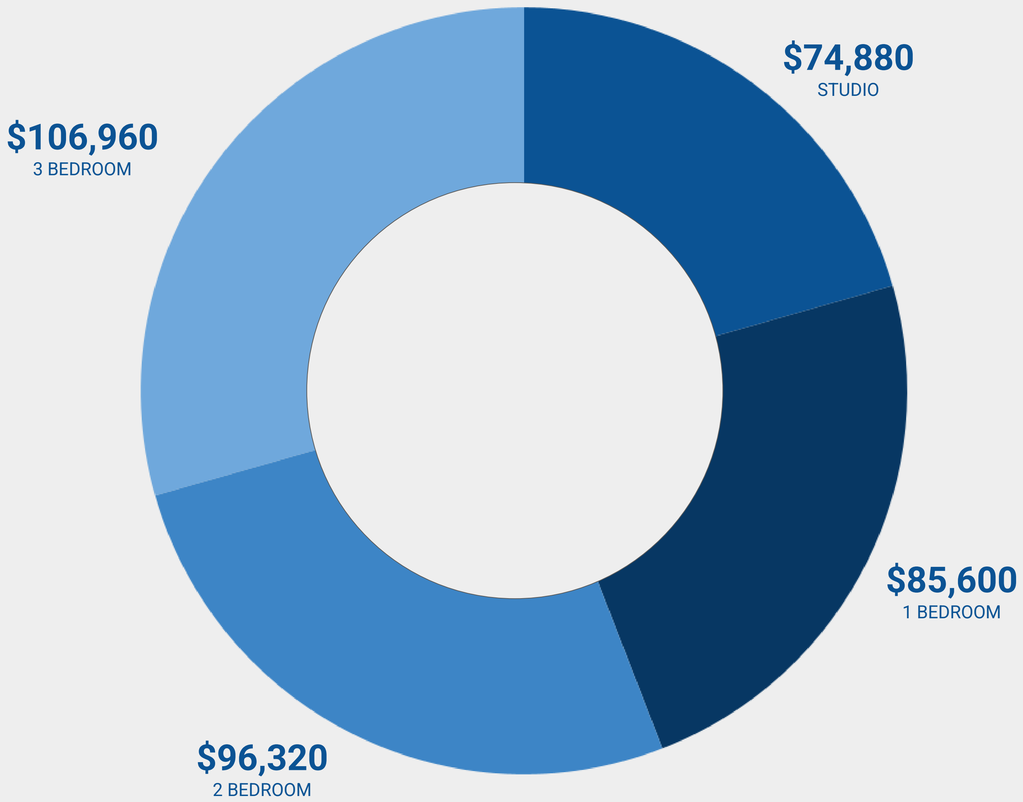
120 AFFORDABLE AVERAGE 80% AMI UNITS

38,057 SF AFFORDABLE HOUSING OBLIGATION

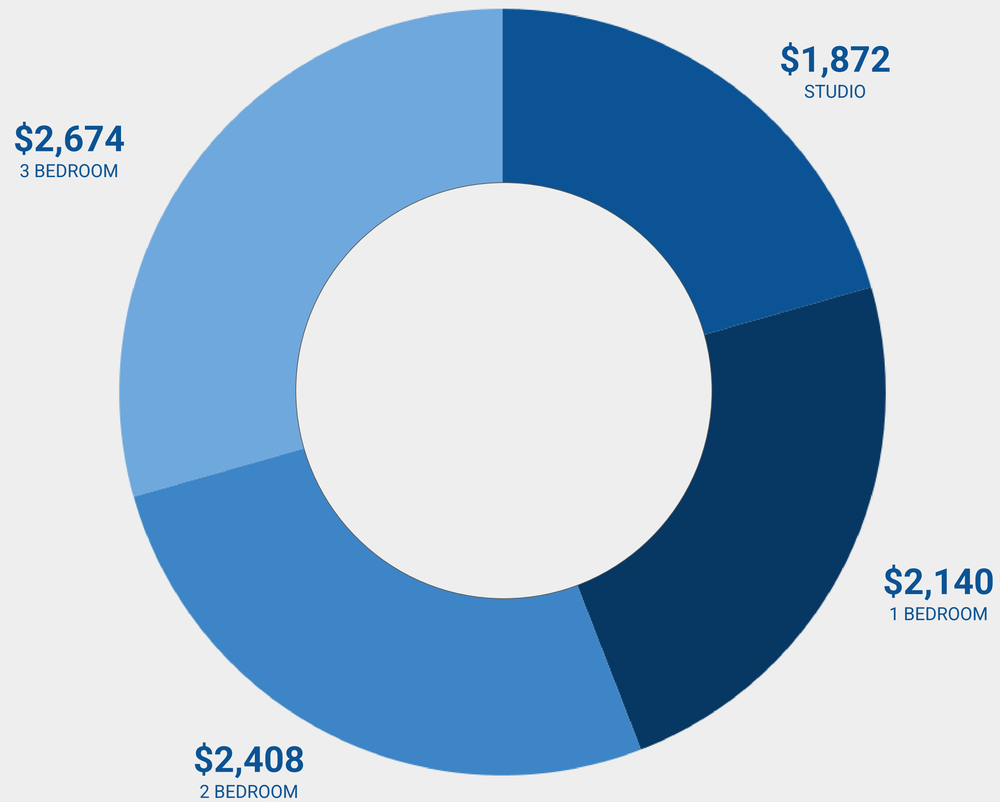


65 AFFORDABLE AVERAGE 80% AMI UNITS

2022 SUMMIT COUNTY 80% AMI RENTS



MAXIMUM MONTHLY RENT INCLUDING UTILITIES, ASSOCIATION DUES, AND PARKING FEES



REQUIRED AFFORDABLE HOUSING

Studio Crossings Residential Density

Market Rate SQFT	REU	AUE	Net Livable Space
142,000	**71**	**14.2**	**12,780**

*Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent

Studio Crossings Assumed Use Based on Newpark Retail Mix

Use	FT	Use Mix	SQFT	Employees	Net Livable Space
Commercial Retail	3.3	73.4%	44,028	145.3	
Medical	2.9	8.7%	5,219	15.1	
Personal Services	1.3	6.1%	3,640	4.7	
Restaurant	6.5	11.9%	7,113	46.2	
Total Commercial Density			60,000	211.4	
Mitigation rate X 0.2				42.3	
AUEs / 1.5				**28.2**	**25,367.44**

*Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent

Total Affordable Housing Obligation

Net Livable Space	AUE
38,160	**42.40**

1 AUE = 900 SF

CURRENT STUDIO AFFORDABLE HOUSING OBLIGATION:

- SECTION 4.5 OF THE MPD EXPRESSLY STATES THAT "PURSUANT TO THE ANNEXATION AGREEMENT, NO AFFORDABLE HOUSING IS REQUIRED FOR THIS MPD."
- ARTICLE II, SECTION 2.5(C) OF THE ANNEXATION AGREEMENT (PAGE 3) STATES THAT NO OPEN SPACE, SETBACKS, OR AFFORDABLE HOUSING REQUIREMENTS MAY BE IMPOSED ON THE MPD.
- CONDITION OF APPROVAL 8 STATES "THE PLAT SHALL NOTE THAT IF LOT 1B IS NOT DEVELOPED IN ACCORDANCE WITH THE ZONING AND ANNEXATION ORDINANCE 2012-12, THE CITY'S CURRENT AFFORDABLE HOUSING RESOLUTION SHALL APPLY."

REQUIRED AFFORDABLE HOUSING:

- 27 - STUDIOS - 400 SQ FT = 10,800 SQ FT
- 23 - 1 BEDROOMS - 600 SQ FT = 13,800 SQ FT
- 10 - 2 BEDROOMS - 800 SQ FT = 8,000 SQ FT
- 5 - 3 BEDROOMS - 1,100 SQ FT = 5,500 SQ FT
- 65 UNITS = 38,100 SQ FT
- CIRCULATION = 5,715 SQ FT

- **TOTAL BUILDING SIZE = 43,815 SQ FT**
- MEETS CITY'S CURRENT HOUSING RESOLUTION @ 900 SF / 42.4 AUEs

THE APPLICANT IS PROPOSING TO AMENDED THE MPD TO ALLOW FOR POTENTIAL COMMERCIAL USES INCLUDING THE ALLOWED AND CONDITIONAL USES LISTED IN LMC §15-2.17- 2(RCO), AND §15-2.23-2 (CT).

ALLOWED USES INCLUDE NIGHTLY RENTALS, HOME OCCUPATION, CHILD CARE, PRIVATE RECREATION FACILITIES, AND FOOD TRUCKS

CONDITIONAL USES INCLUDE MULTI-UNIT DWELLING, CHILD CARE CENTER, OFFICE AND MEDICAL CLINIC, RETAIL AND SERVICE COMMERCIAL, NEIGHBORHOOD CONVENIENCE, RESTAURANT AND BAR, PARKING OR GARAGE, RECREATION FACILITY, ENTERTAINMENT.

PROPOSED ALLOWED USES:

- Child Care, Family
- Child Care, In-Home Babysitting
- Child Care Center
- Food Truck Location
- Café, Deli
- Restaurant, General
- Restaurant, Outdoor Dining
- Bar
- Outdoor Event
- Entertainment, Indoor
- Nightly Rental
- Multi-Unit Dwelling
- Recreation Facility, Private
- Recreation Facility, Commercial
- Alternative Professional Health-Related Services
- Ancillary Support Commercial
- Neighborhood Convenience Commercial
- Telecommunication Antenna
- Transit Facilities
- Parking Structure with more than 5 spaces
- Private Residence Club Project
- Office, General
- Office, Moderate Intensive
- Office, Intensive
- Office and Clinic, Medical
- Financial Institution
- Retail and Service Commercial, Minor
- Retail and Service Commercial, Major

THE APPLICANT IS PROPOSING TO AMENDED THE MPD TO ALLOW FOR POTENTIAL COMMERCIAL USES INCLUDING THE ALLOWED AND CONDITIONAL USES LISTED IN LMC §15-2.17- 2(RCO), AND §15-2.23-2 (CT).

2012 IBI PROPOSED OPEN SPACE
TOTAL SITE (LOT 1A + 1B)
495,713 sf = 11.60 acres = 39.3% (Within Property Lines)
841,579 sf = 19.54 acres = 66.1% (Edge of Pavement)

2022 UPDATE PROPOSED OPEN SPACE
TOTAL SITE (LOT 1A + 1B)
710,490 sf = 16.31 acres = 55.8% (Within Property Lines)
1,035,634 sf = 24.25 acres = 83% (Edge of Pavement)

LOT 1B (GREEN) BY ITSELF
458,447 sf = 10.52 acres = 36% (Within Property Lines)
804,313 sf = 18.46 acres = 63.17% (Edge of Pavement)







KEY:

Standard Complies With -

One Organization

Two Organizations

Three Organizations

Four+ Organizations



STUDIO CROSSINGS incorporates multimodal transportation choices for reduced motor vehicle use. Reduces greenhouse gas emissions, air pollution, and other environmental and public health harms.

REDUCED THERMAL BRIDGING

AIR SEALING

BUILDING-LEVEL ENERGY METERING

ENERGY STAR APPLIANCES

OPTIMIZE ENERGY PERFORMANCE

STUDIO CROSSINGS achieves increasing levels of energy performance to reduce environmental and economic harms associated with excessive energy use.



STUDIO CROSSINGS creates exterior open space that encourages interaction with the environment, social interaction, passive recreation, and physical activities. The development provides 5 more acres of open space over current MPD.



STUDIO CROSSINGS connects building occupants with the outdoors to reinforce circadian rhythms, and reduce the use of electrical lighting by introducing daylight into the space.

WATER METERING

OPTIMIZE PROCESS WATER USE

OUTDOOR WATER USE REDUCTION

INDOOR WATER USE REDUCTION

WATER EFFICIENCY

STUDIO CROSSINGS creates exterior open space that encourages interaction with the environment, social interaction, passive recreation, and physical activities.



STUDIO CROSSING works to reduce the disproportionate burden of landfills and incinerators that is generated by building occupants' waste through reduction, reuse and recycling service and education.

REDUCED PARKING FOOTPRINT To minimize the environmental harms associated with parking facilities, including automobile dependence, land consumption, and rainwater runoff.	Site design aims to reduce automobile independence by keeping a range of amenities accessible through walkable site connectivity. Rainwater runoff is minimized through landscape buffers.
ACCESS TO QUALITY TRANSIT To encourage development in locations shown to have multimodal transportation choices or otherwise reduced motor vehicle use. Reduces greenhouse gas emissions, air pollution, and other environmental and public health harms.	Transit stop pick up located directly on site. Pick up is easily accessible by multi use paths. Aims to reduce greenhouse gas emissions and carbon footprint.
OPTIMIZED ENERGY PERFORMANCE To reduce the environmental and economic harms of excessive energy use by achieving a minimum level of energy efficiency for the building and its systems	Residential spaces aim to improve energy performance through Energy Star washer and dryers, refrigerators, light fixtures, etc.
ADVANCED ENERGY METERING To support energy management and identify opportunities for additional energy savings by tracking building-level and system level energy use.	Building wide energy meter checks will be conducted in order to track building and system energy usage and look for ways to improve energy efficiency long term.
LIGHT POLLUTION REDUCTION To increase night sky access, improve nighttime visibility, and reduce the consequences of development for wildlife and people.	All street lights on site will be downward facing lights. Additional lights on residential buildings will be motion sensor to reduce light pollution and save energy.
PLANT SELECTION To make ecologically conscious landscaping decisions. Selection includes choosing non invasive plant species, drought tolerant plants, and local species to promote a healthy biodiversity.	Site plan features local, drought tolerant, low water plants in order to control excessive water usage on site while promoting a healthy biodiversity.
LOW-EMITTING MATERIALS To reduce concentrations of chemical contaminants that can damage air quality and the environment, and to protect the health, productivity, and comfort of occupants.	Committed to consciously selecting low-emitting building materials. Building materials will be energy efficient in order to maintain resident comfort and conserve energy.
OPTIMIZE INDOOR AIR QUALITY PERFORMANCE To contribute to the comfort and well-being of all building occupants by establishing minimum standards for indoor air quality (IAQ).	Indoor air quality minimum standards will be created and enforced on site.
BUILDING-LEVEL WATER METERING To encourage development in locations shown to have multimodal transportation choices or otherwise reduced motor vehicle use. Reduces greenhouse gas emissions, air pollution, and other environmental and public health harms.	Building wide water meter checks will be conducted in order to track building and system water usage and look for ways to improve water conservation long term.
INDOOR WATER USE REDUCTION To encourage development in locations shown to have multimodal transportation choices or otherwise reduced motor vehicle use. Reduces greenhouse gas emissions, air pollution, and other environmental and public health harms.	Residential units will be built with low-flow plumbing fixtures, high efficiency toilets, and high efficiency washing machines in order to conserve water.
MATERIAL INGREDIENTS To select products for which the chemical ingredients in the product are inventoried using an accepted methodology and for selecting products verified to minimize the use and generation of harmful substances. To reward raw material manufacturers who produce products verified to have improved impacts.	Committed to consciously selecting low-emitting building materials. Building materials will be energy efficient in order to maintain resident comfort and conserve energy.
STORAGE AND COLLECTION OF RECYCLABLES To reduce the disproportionate burden of landfills and incinerators that is generated by building occupants' waste through reduction, reuse, and recycling service and education.	Committed to properly disposing of and, where possible, recycling of construction materials during the building process on site.

The applicant has committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a bus station, e-bike share, connection to the rail trail, and providing covered bike storage in all buildings. In addition the applicant is proposing to reduce their overall parking to prevent excess paving and increase open space. All lighting will meet the City's Dark Sky Ordinance LMC § 15-5-5(J).

These measures are a recommended Condition of Approval.

NO BUILD ZONE

20' ALLOWED BUILDING HEIGHT ZONE

25' ALLOWED BUILDING HEIGHT ZONE

RIGHT TURN ENTRY/EXIT

SR248

STOPLIGHT INTERCHANGE

SR248

07

07

07

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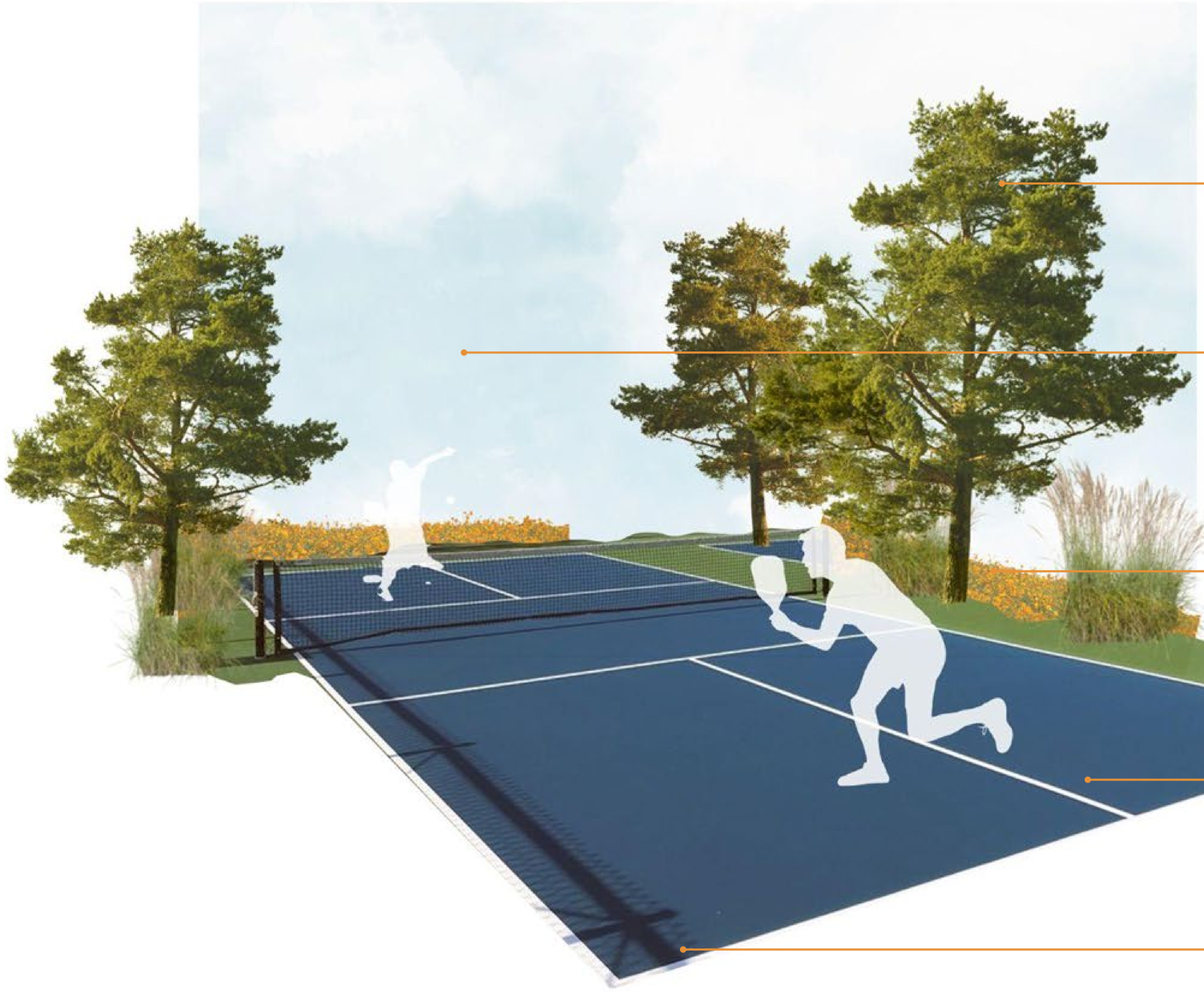
01

AMENITY LEGEND:

- 01 PICKLEBALL COURT
- 02 COMMUNITY PLAZA
- 03 CHILDREN'S PLAYGROUND
- 04 E-BIKE & BIKE FIX-IT STATION
- 05 PLAZA STAGE
- 06 BUS TRANSIT PICK UP
- 07 POCKET PARK
- 08 BOCCE BALL
- 09 HALF BASKETBALL COURT

N

AMENITY *PICKLEBALL COURT*



Drought tolerant trees on perimeter for shading and reduce heat island effect

Courts are situated to capture great views of the surrounding mountains and promote safe play with openness

Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

Multi-use court could have multiple striping options for pickleball, half-court basketball, and other community sports

Porous pavement design to let rainwater drain to the ground, reduce water run-off

AMENITY *COMMUNITY PLAZA*



Ability to use space for day or night events

Outdoor seating for potential restaurant tenants and general tenant use

Mix of greenspace and hardscape. Promotes walkability and lounge space

AMENITY *CHILDREN'S PLAYGROUND*



Drought tolerant trees on perimeter for shading and reduce heat island effect

Berliner Cubiron L climbing playground product.

Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

Recycled rubber padding. Provides soft, safe play area while promoting sustainability initiatives.

AMENITY *E-BIKE DOCKING STATION*



Solar panels to charge E-Bikes. Reduces long term cost and environmental impact.

Rentable e-bikes. Provides tenants and visitors with the option for timed bike rentals.

AMENITY *COMMUNITY PLAZA // SUMMER*



Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

Ability to use space for day or night events

Outdoor wood clad stage with possibility for live shows, displays, and events

Mix of greenspace and hardscape. Promotes walkability and lounge space

AMENITY *COMMUNITY PLAZA // AUTUMN*



Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

Ability to use space for day or night events

Outdoor wood clad stage with possibility for live shows, displays, and events

Mix of greenspace and hardscape. Ability to host events in large open hardscape

AMENITY *COMMUNITY PLAZA // WINTER*



Event stage can be used for seasonal displays

Mix of greenspace and hardscape. Ability to host events in large open hardscape

Weatherproof plaza material for use year round

AMENITY *BIKE FIX-IT STATION*



Paved 12’ wide multi use trail system to maintain a safe path for pedestrians, dog walkers, and cyclists.

Bike fix-it station. Includes all the tools necessary to perform basic bike repairs and maintenance, from changing a flat to adjusting brakes and derailleurs

AMENITY *BUS TRANSIT PICKUP*



Final bus shelter location to be determined in conjunction with Park City Engineering and Transportation Departments. Final location TBD

Modern transit hub. Promotes community connectivity and ease of access to surrounding neighborhoods and amenities

Situated to capture great views of the surrounding mountains and landscape

Drought tolerant flowers and bushes on low perimeter for visual interest and reduce hard outlines

AMENITY *6 COMMUNITY POCKET PARKS*

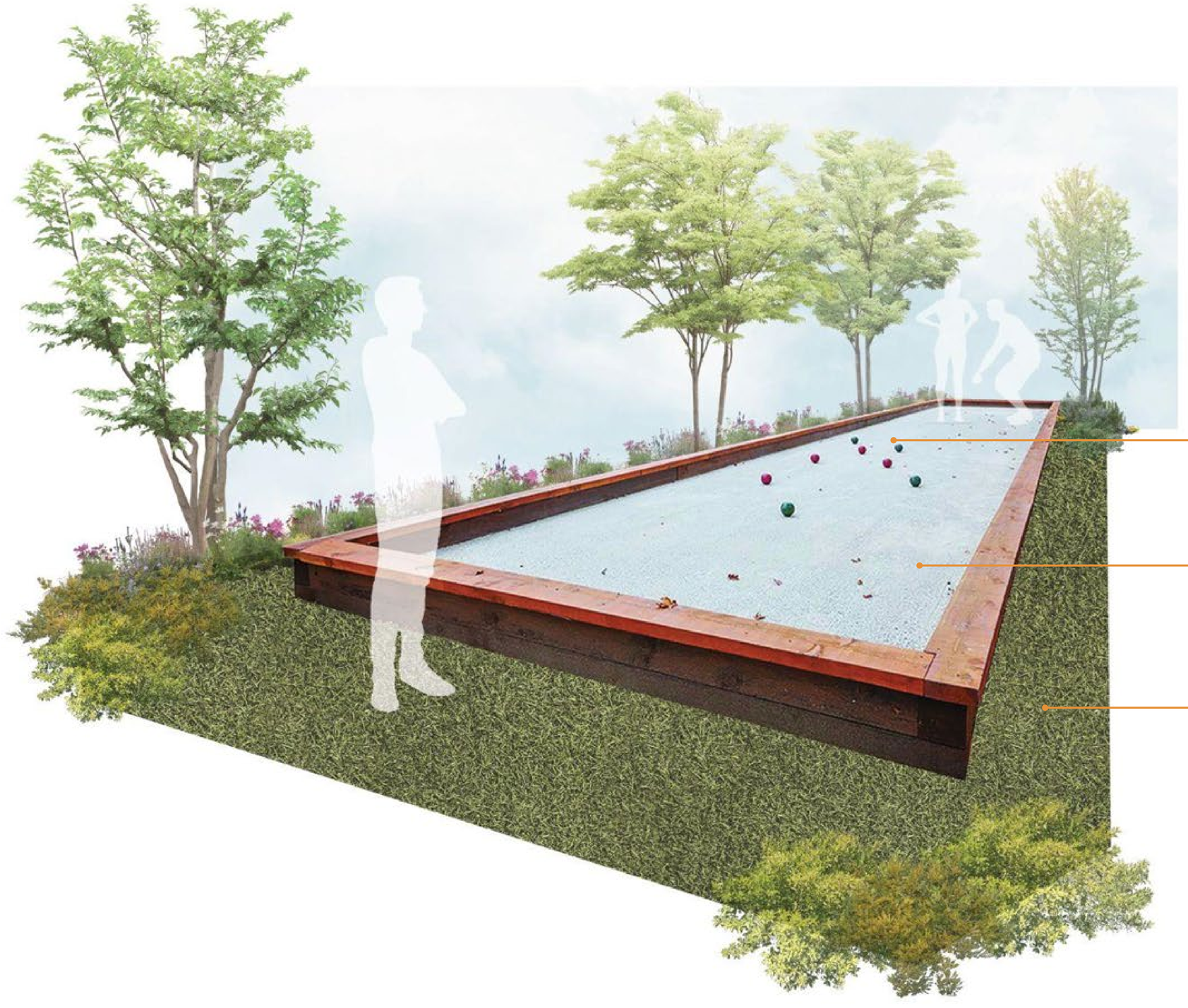


Situated amongst landscaping to give tenants an opportunity to interact with nature right outside their homes

Parks provide areas of rest and reflection off of the trail system

Paved 12’ wide multi use trail system to maintain a safe path for pedestrians, dog walkers, and cyclists.

AMENITY *BOCCE BALL COURT*



Rentable bocce balls to monitor use and preserve materials

Weather proof synthetic grass court to mimic real grass without maintenance

Located on site, easily accessible to tenants and visitors



TRANSIT STOP & E-BIKE STATION




MARKET


MARKET

MEMORANDUM

Date: October 21, 2022

To: Ryan Crandall, Quinn Capital Partners

From: Seishi Yamagata, PE, Fehr & Peers
Chris Bender, PE, Fehr & Peers
Katelynn Hall, Fehr & Peers

Subject: Studio Crossing Parking Requirement Evaluation

UT22-2377

INTRODUCTION

This memorandum summarizes Fehr & Peers' parking demand estimation for the updated land uses for the Studio Crossing development located in Park City, Utah. Fehr & Peers evaluated the parking needs of the proposed land uses in the updated plan using three methods: the first time per Park City requirements, the second time using Urban Land Institute's (ULI) *Shared Parking*, and the third time using hybrid of the two methods. The analysis presented in this memorandum follows the Park City Land Management Code requirements for off-street parking, as presented in 15-6-5, stating the following:

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:

1. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
2. A Parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy Parking.

3. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
4. An analysis of time periods of Use for each of the Uses in the project and opportunities for shared parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
5. A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
6. Provisions for overflow Parking during peak periods.
7. An evaluation of potential adverse impacts of the proposed Parking reduction and Density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.

LAND USE

Fehr & Peers estimated the parking demand for the following proposed land uses (note that the land uses are based on preliminary assumptions, and could change depending on the land use program):

- Condominium (50 dwelling units, 1300 square feet)
- Townhomes (50 dwelling units, 1500 square feet)
- Affordable Housing Studio (77 units, 400 square feet)
- Affordable Housing 1 Bed (63 units, 600 square feet)
- Affordable Housing 2 Bed (30 units, 800 square feet)
- Affordable Housing 3 Bed (15 units, 1100 square feet)
- Restaurants (12,000 square feet)
- General Office (6,000 square feet)
- Medical Office (6,000 square feet)
- Minor Retail (18,000 square feet)
- Major Retail (18,000 square feet)

PARKING

Fehr & Peers evaluated the parking requirements of the proposed development per the parking ratio requirements as presented in 15-3-6 of the Park City municipal code. **Table 1** shows the breakdown of parking needs by land use and overall parking needs for the development.

Table 1 Parking Demand Based on Park City Municipal Code

Building	Units	SqFt	Parking Requirement	Stalls
Housing				
Condominium	50	1300	1.5 per unit	75
Townhomes	50	1500	1.5 per unit	75
Affordable Housing				
Studio	77	400	1 per unit	77
1 Bed	63	600	1 per unit	63
2 Bed	30	800	1 per unit	30
3 Bed	15	1100	1.5 per unit	22.5
Commercial				
Restaurant		12000	1 per 100 sq ft	120
General Office		6000	3 per 1000 sq ft	18
Medical Office		6000	5 per 1000 sq ft	30
Minor Retail		18000	3 per 1000 sq ft	54
Major retail		18000	5 per 1000 sq ft	90
Total				**655**

Source: Fehr & Peers, Park City Municipal Code 15-3-6 *Parking Ration Requirements for Specific Land Use Categories*.

Fehr & Peers performed two additional analyses using recommendations from ULI's *Shared Parking* manual. *Shared Parking* outlines the national state-of-the-practice method for estimating parking demand within mixed-use developments. The manual demonstrates that different land uses experience a range of parking demands at different hours of the day and months of the year. For example, office parks are generally not busy in weekends, and restaurants are often busier at mealtimes and on weekends. Accounting for the range of parking demands that each land use in a mixed-use development will generate allows a broad range of land uses to share the same supply of parking spaces. Since mixed-use developments often generate more walking, bicycling, and transit trips than single-use developments, additional adjustments for modal shift (the percent of walking, bicycling, and transit trips) and non-captive ratios (the percent of trips where a person parks in one stall for multiple uses in the area) are accounted for in this methodology. The land uses do not match exactly with Park City Code as used in the first analysis, to complete the ULI facilitated analyses the following land uses were used:

- Residential Studio (77 units)
- Residential 1 bed (63 units)
- Residential 2 bed (80 units)

- Residential 3 bed (65 units)
- Fine/Casual dining (12,000 square feet)
- Office < 25ksf (6,000 square feet)
- Medical/Dental Office (6,000 square feet)
- Retail <400ksf (36,000 square feet)

Table 2 shows the results of the parking demand analysis using the ULI *Shared Parking* method and parking rates.

Table 2 Parking Demand Based on *Shared Parking*

Building	Units	SqFt	Weekday	Weekend
Housing				
Studio	77	-	29	32
1 Bed	63	-	25	28
2 Bed	80	-	58	65
3 Bed	65	-	71	81
		Reserved	175	175
		Visitor	28	42
Commercial				
Restaurant	-	12000	177	204
General Office	-	6000	2	0
Medical Office	-	6000	7	0
Retail < 400 ksf	-	36000	114	81
Total			**686**	**661**

Source: Fehr & Peers, Urban Land Institute *Shared Parking, Third Edition*.

As shown in **Table 2**, the results of the *Shared Parking* analysis indicate that the development will experience 686 stalls of demand on weekdays and 661 stalls of demand on weekends. These values are greater than the original analysis because the ULI manual includes baseline parking rates informed by parking surveys on numerous operational uses across the United States. While these are generally acceptable in many land use contexts, the baseline ULI parking rates are based on nationwide suburban area parking demands and do not perfectly mimic the unique travel and development patterns and intensities found in the study area. To address this discrepancy, Fehr & Peers performed a third analysis that used Park City's minimum parking requirements as the base parking rates of the shared parking analysis. This "hybrid" approach reflects the parking demand typically anticipated in Park City, while also accounting for the benefits of shared parking at the

development. In this analysis, Fehr & Peers recategorized the land uses to represent the parking only available to condo and townhome residents. As there will be some parking only available to the residents of the condos and townhomes, these spaces were reserved in the analysis. Office space was also reserved for employee use. Reserving a parking stall prohibits it from being shared between land uses and increases the overall number of required stalls.

- Residential Studio (77 units)
- Residential 1 bed (63 units)
- Residential 2 bed (30 units)
- Residential 3 bed (15 units)
- Residential 2 bed (condo) (50 units)
- Residential 3 bed (townhome) (50 units)
- Fine/Casual dining (12,000 square feet)
- Office < 25ksf (6,000 square feet)
- Medical/Dental Office (6,000 square feet)
- Retail <400ksf (36,000 square feet)

Table 3 shows the results of the parking demand analysis using the *Shared Parking* method and Park City parking rates.

Table 3 Parking Demand Based on *Shared Parking* and Park City Parking Rates

Building	Units	SqFt	Weekday	Weekend
Housing				
Studio	77	-	52	56
1 Bed	63	-	43	46
2 Bed	30	-	22	24
3 Bed	15	-	17	19
Condo	50	-	71	70
Townhome	50	-	72	70
		Reserved	143	140
		Visitor	17	25
Commercial				
Restaurant		12000	114	105
General Office		6000	17	17
Medical Office		6000	8	0
Retail < 400 ksf		36000	95	39
Total			**527**	**470**

As shown in **Table 3**, the results of the hybrid analysis indicate that the development will experience 527 stalls of demand on weekdays and 470 stalls of demand on weekends; this parking analysis indicates that the parking demand will likely be approximately 20% lower than was indicated by the previous analyses.

Detailed summary sheets of both ULI analyses (**Tables 2 and 3**) are included in the appendix.

REDUCTION MEASURES

The reductions in the shared parking presented previously not only accounts for internal capture and shared uses, but reductions due to mode shifts. This could be achieved by Transportation Demand Management (TDM) strategies that the development can provide. The proposed development may implement or enforce the following TDM strategies to reduce parking demand by discouraging visitors from using Single Occupancy Vehicles (SOVs) to access the development:

- Connection to the Park City Historic Rail Trail to encourage shift to other modes of active transportation
- Utilize the bike share program by placing a bike share station on-site
- Provide a transit station on-site
- Provide amenities for active transportation users, such as bike parking

COMPARISON TO SIMILAR PROJECT

Studio Crossing is proposed to be a mixed-use development, with unique shared parking opportunities as previously outlined.

The Newpark development, located near Kimball Junction, is also a mixed-use development in proximity within Summit County. This site was discussed in a meeting with Park City staff and was determined to be a comparable site to the proposed Studio Crossing development. Newpark includes the following land uses and parking supplies:

- Newpark Retail: 123,000 square feet of retail – 566 stalls
- Newpark Terrace: 60 dwelling units – 68 stalls + 3 ADA stalls
- Newpark Residences: 71 townhomes – 71 stalls
- Newpark Flats: 43 apartments – 53 stalls
- The Commons: 38 dwelling units, 12,500 square feet of retail – no dedicated stalls

The Newpark development has 212 total residential units and 135,500 ft^2 of total commercial space, providing a total of **761** parking stalls. In comparison, the proposed Studio Crossing development has 285 total residential units and 60,000 ft^2 of total commercial space, and the shared parking analysis recommends **527** parking stalls.

The Newpark development allocates 195 stalls for the 212 total residential units, and the remaining 566 stalls for the 135,500 ft^2 of total commercial space. This yields to a parking rate of roughly 1 stall/residential unit, and 4 stalls/1,000 ft^2 commercial space. Note that this is a rough estimate, which does not take into account factors such as bedroom numbers, guest stalls, type of commercial space, etc. In comparison, if using the rates currently developed at Newpark, the Studio Crossing development would require **513** parking stalls for the 285 total residential units and 60,000 ft^2 total commercial space. This shows that the **527** total stalls recommended by the shared parking analysis is adequate, compared to the existing Newpark development.

CONCLUSION

Fehr & Peers evaluated the anticipated parking demand of the proposed development according to Park City's minimum parking requirements, ULI's *Shared Parking* manual, and a hybridized approach between the two. As shown above, the hybridized shared parking analysis anticipates that the development will generate up to **527 parking stalls** of demand. The proposed Studio Crossing development is currently planned to provide **560 parking stalls**, which provides a surplus of 33 stalls above what is recommended from the shared parking analysis. As shown previously, compared to a similar project in proximity, and with the implementation of shared parking and TDM strategies to encourage other modes of transportation, the proposed 560 stall supply for Studio Crossing should be adequate to meet the demand for the site.

APPENDIX

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Project: UT22-2377
Description: Studio Crossing Shared Parking - ULI Rates

Shared Parking Demand Summary
Peak Month: DECEMBER -- Peak Period: 7 PM, WEEKDAY

Land Use	Project Data		Weekday					Weekend					Weekday			Weekend		
	Quantity	Unit	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Peak Hr Adj 7 PM	Peak Mo Adj December	Estimated Parking Demand	Peak Hr Adj 10 PM	Peak Mo Adj December	Estimated Parking Demand
Retail																		
Retail (<400 ksf)	36,000	sf GLA	2.90	98%	96%	2.74	ksf GLA	3.20	98%	98%	3.08	ksf GLA	90%	100%	89	35%	100%	38
Employee			0.70	98%	98%	0.67		0.80	98%	98%	0.77		100%	100%	25	45%	100%	13
Food and Beverage																		
Fine/Casual Dining	12,000	sf GLA	13.25	98%	97%	12.55	ksf GLA	15.25	98%	94%	14.11	ksf GLA	100%	100%	151	90%	100%	158
Employee			2.25	98%	98%	2.16		2.50	98%	98%	2.40		100%	100%	26	100%	100%	29
Entertainment and Institutions																		
Hotel and Residential																		
Residential, Urban																0%		
Studio Efficiency	77	units	0.49	100%	100%	0.49	unit	0.49	100%	100%	0.49	unit	75%	100%	29	85%	100%	32
1 Bedroom	63	units	0.52	100%	100%	0.52	unit	0.52	100%	100%	0.52	unit	75%	100%	25	85%	100%	28
2 Bedrooms	80	units	0.96	100%	100%	0.96	unit	0.96	100%	100%	0.96	unit	75%	100%	58	85%	100%	65
3+ Bedrooms	65	units	1.45	100%	100%	1.45	unit	1.45	100%	100%	1.45	unit	75%	100%	71	85%	100%	81
Reserved	42%	res spaces	0.61	100%	100%	0.61	unit	0.61	100%	100%	0.61	unit	100%	100%	175	100%	100%	175
Visitor	285	units	0.10	98%	100%	0.10	unit	0.15	98%	100%	0.15	unit	100%	100%	28	100%	100%	42
Office																		
Office <25 ksf	6,000	sf GFA	0.30	98%	100%	0.29	ksf GFA	0.03	98%	100%	0.03	ksf GFA	2%	100%	-	0%	100%	-
Reserved		empl	0.00	98%	100%	0.00		0.00	98%	100%	0.00		100%	100%	-	100%	100%	-
Employee			3.50	98%	74%	2.55		0.35	98%	74%	0.25		15%	100%	2	0%	100%	-
Medical/Dental Office	6,000	sf GFA	3.00	98%	99%	2.91	ksf GFA	0.00	98%	100%	0.00	ksf GFA	30%	100%	5	0%	100%	-
Employee			1.60	98%	74%	1.16		0.00	98%	74%	0.00		30%	100%	2	0%	100%	-
Additional Land Uses																		

Customer/Visitor	274	Customer	238
Employee/Resident	238	Employee/Resident	248
Reserved	175	Reserved	175
Total	686	Total	661
Shared Parking Reduction	16%		20%

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Project: UT22-2377
Description: Hybrid Approach Studio Crossing Shared Parking - Custom Rates

Shared Parking Demand Summary
Peak Month: DECEMBER -- Peak Period: 7 PM, WEEKDAY

Land Use	Project Data		Weekday					Weekend					Weekday			Weekend		
	Quantity	Unit	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Peak Hr Adj 7 PM	Peak Mo Adj December	Estimated Parking Demand	Peak Hr Adj 10 PM	Peak Mo Adj December	Estimated Parking Demand
Retail																		
Retail (<400 ksf)	36,000	sf GLA	2.42	99%	97%	2.31	ksf GLA	2.40	99%	98%	2.33	ksf GLA	90%	100%	75	35%	100%	29
Employee			0.58	99%	97%	0.56		0.60	99%	97%	0.58		100%	100%	20	45%	100%	10
Food and Beverage																		
Fine/Casual Dining	12,000	sf GLA	8.55	99%	95%	8.06	ksf GLA	8.59	99%	90%	7.69	ksf GLA	100%	100%	97	90%	100%	89
Employee			1.45	99%	97%	1.40		1.41	99%	97%	1.36		100%	100%	17	100%	100%	16
Entertainment and Institutions																		
Hotel and Residential																		
Residential, Suburban																0%		
Studio Efficiency		units	0.00	100%	100%	0.00	unit	0.00	100%	100%	0.00	unit	70%	100%	-	89%	100%	-
1 Bedroom		units	0.00	100%	100%	0.00	unit	0.00	100%	100%	0.00	unit	70%	100%	-	89%	100%	-
2 Bedrooms	50	units	0.00	100%	100%	0.00	unit	0.00	100%	100%	0.00	unit	70%	100%	-	89%	100%	-
3+ Bedrooms	50	units	0.00	100%	100%	0.00	unit	0.00	100%	100%	0.00	unit	70%	100%	-	89%	100%	-
Reserved	100%	res spaces	1.43	100%	100%	1.43	unit	1.40	100%	100%	1.40	unit	100%	100%	143	100%	100%	140
Visitor	100	units	0.06	99%	100%	0.06	unit	0.08	99%	100%	0.08	unit	100%	100%	6	100%	100%	9
Residential, Urban																0%		
Studio Efficiency	77	units	0.89	100%	100%	0.89	unit	0.85	100%	100%	0.85	unit	75%	100%	52	85%	100%	56
1 Bedroom	63	units	0.90	100%	100%	0.90	unit	0.86	100%	100%	0.86	unit	75%	100%	43	85%	100%	46
2 Bedrooms	30	units	0.94	100%	100%	0.94	unit	0.92	100%	100%	0.92	unit	75%	100%	22	85%	100%	24
3+ Bedrooms	15	units	1.44	100%	100%	1.44	unit	1.42	100%	100%	1.42	unit	75%	100%	17	85%	100%	19
Reserved		res spaces	0.00	100%	100%	0.00	unit	0.00	100%	100%	0.00	unit	100%	100%	-	100%	100%	-
Visitor	185	units	0.06	99%	100%	0.06	unit	0.08	99%	100%	0.08	unit	100%	100%	11	100%	100%	16
Office																		
Office <25 ksf	6,000	sf GFA	0.24	99%	100%	0.23	ksf GFA	0.24	99%	100%	0.23	ksf GFA	2%	100%	-	0%	100%	-
Reserved	100%	empl	2.76	99%	100%	2.74		2.76	99%	100%	2.74		100%	100%	17	100%	100%	17
Employee			0.00	99%	74%	0.00		0.00	99%	74%	0.00		15%	100%	-	0%	100%	-
Medical/Dental Office	6,000	sf GFA	3.26	99%	99%	3.20	ksf GFA	0.00	99%	100%	0.00	ksf GFA	30%	100%	6	0%	100%	-
Employee			1.74	99%	74%	1.27		0.00	99%	74%	0.00		30%	100%	2	0%	100%	-
Additional Land Uses																		

Customer/Visitor	195	Customer	142
Employee/Resident	173	Employee/Resident	170
Reserved	160	Reserved	157
Total	527	Total	470
Shared Parking Reduction	14%		20%

FEHR PEERS

MEMORANDUM

Date: September 22, 2022

To: Ryan Crandall, Quinn Capital Partners

From: Seishi Yamagata, PE, Fehr & Peers
Preston Stinger, PTP, Fehr & Peers

Subject: Studio Crossing Trip Generation Update

UT22-2357

INTRODUCTION

The purpose of this memorandum is to summarize the evaluation of trip generation for the updated land uses for the Studio Crossing development located in Park City, Utah. Fehr & Peers evaluated the trip generation of the proposed land uses in the previous master plan and of the proposed land uses in the updated plan in comparison. Fehr & Peers performed a comparison of trip generation summarized in a memorandum dated June 4, 2021. Since then, the proposed land uses of the development have been updated to add affordable housing units. Also, the Institute of Transportation Engineers (ITE) have published an updated edition of trip generation rates. This memorandum summarizes the evaluation of trip generation for the proposed land use changes, with the latest ITE trip generation rates.

LAND USE

The previous master plan concept (site plan attached in Appendix) proposed the following land uses:

- Hotel (100 rooms)
- Movie Theater (15,000 square feet)
- Entertainment Venue (14,500 square feet)
- Mixed Use (33,350 square feet)
- Mixed Use (25,625 square feet)

- Sound Effects Stage (15,700 square feet)
- Office (37,200 square feet)
- Workshop Office (10,000 square feet)

Fehr & Peers used trip generation rates published in the ITE Trip Generation, 11th Edition, 2021, to estimate trip generation rates for this study. To keep consistent with land uses presented in the ITE manual, the following ITE land uses were used to evaluate the previous master plan concept:

- Hotel (ITE Land Use 310) – 100 rooms
- Movie Theater (ITE Land Use 445) – 15,000 square feet
- High-Turnover Restaurant (ITE Land Use 932) – 14,500 square feet
- Strip Retail Plaza (ITE Land Use 822) – 33,350 square feet
- Strip Retail Plaza (ITE Land Use 822) – 25,625 square feet
- General Office Building (ITE Land Use 710) – 15,700 square feet
- General Office Building (ITE Land Use 710) – 37,200 square feet
- Small Office Building (ITE Land Use 710) – 10,000 square feet

The updated plan (site plan attached in Appendix) for the project site consists of the following land uses, along with the corresponding ITE land uses:

- Affordable Housing (ITE Land Use 223) – 185 dwelling units
- Low-Rise Multifamily Housing (ITE Land Use 220) – 100 dwelling units
- Strip Retail Plaza (ITE Land Use 822) – 30,000 square feet
- Strip Retail Plaza (ITE Land Use 822) – 30,000 square feet

The ITE land use for affordable housing is new in the ITE manual and had a low sample size with limited data. Therefore, the ITE land use code for multifamily housing (land use 220) was used for the 185 units of affordable housing.

TRIP GENERATION

To capture the mixed-use component of the land uses (for both the previous master plan concept and the updated plan), internal capture was incorporated into the trip generation evaluation for this study using Fehr & Peers' mixed-use development (MXD+) methodology. The MXD+ trip generation methodology accurately captures the trip-reducing benefits of mixed-use development projects and is used throughout the United States to help developers, agencies, and the public to quantify these trip reductions. The MXD+ trip generation model is promoted by the United States

Environmental Protection Agency (EPA) and has been adopted by the San Diego Association of Governments (SANDAG), American Society of Civil Engineers (ASCE), American Planning Association (APA), and many others as a recommended resource for trip generation of smart-growth developments. The MXD+ model uses ITE trip generation rates and applies additional variables to those trip generation rates. Some of the additional variables include:

- Employment
- (Population + Employment) per square mile
- Land area
- Total jobs / population diversity
- Retail jobs / population diversity
- Number of intersections per square mile
- Employment within a mile
- Employment within a 30-minute trip by transit
- Average household size
- Vehicles owned per capita

The calculated trip generation for the previous master plan concept is shown below in **Table 1**.

Table 1 Previous Master Plan Trip Generation

Land Use[1]	Number of Units	Unit Type	Daily Trip Generation[2]	% Internal Capture[4]	% Entering[3]	% Exiting[3]	Trips Entering	Trips Exiting	**New Daily Trips**
Hotel (310)	100	Rooms	660	3%	50%	50%	319	319	**638**
Movie Theater (445)	15,000	Square Feet	1,171	3%	50%	50%	566	566	**1,132**
High-Turnover Restaurant (932)	14,500	Square Feet	1,554	3%	50%	50%	751	751	**1,502**
Strip Retail Plaza (822)	33,350	Square Feet	1,816	3%	50%	50%	878	878	**1,756**
Strip Retail Plaza (822)	25,625	Square Feet	1,395	3%	50%	50%	674	674	**1,348**
Office (710)	15,700	Square Feet	232	3%	50%	50%	112	112	**224**
Office (710)	37,200	Square Feet	491	3%	50%	50%	237	237	**474**
Small Office (712)	10,000	Square Feet	144	3%	50%	50%	70	70	**140**
Net Weekday Trips							**3,607**	**3,607**	**7,214**
Land Use[1]	Number of Units	Unit Type	AM Peak Hour Trip Generation[2]	% Internal Capture[4]	% Entering[3]	% Exiting[3]	Trips Entering	Trips Exiting	**New AM Peak Hour Trips**
Hotel (310)	100	Rooms	43	7%	56%	44%	22	18	**40**
Movie Theater (445)	15,000	Square Feet	0	7%	-	-	0	0	**0**
High-Turnover Restaurant (932)	14,500	Square Feet	139	7%	55%	45%	71	58	**129**
Strip Retail Plaza (822)	33,350	Square Feet	79	7%	60%	40%	44	29	**73**
Strip Retail Plaza (822)	25,625	Square Feet	60	7%	60%	40%	34	22	**56**
Office (710)	15,700	Square Feet	34	7%	88%	12%	28	4	**32**
Office (710)	37,200	Square Feet	72	7%	88%	12%	59	8	**67**
Small Office (712)	10,000	Square Feet	17	7%	82%	18%	13	3	**16**
Net Weekday AM Peak Hour Trips							**271**	**142**	**413**
Land Use[1]	Number of Units	Unit Type	PM Peak Hour Trip Generation[2]	% Internal Capture[4]	% Entering[3]	% Exiting[3]	Trips Entering	Trips Exiting	**New AM Peak Hour Trips**
Hotel (310)	100	Rooms	46	11%	51%	49%	21	20	**41**
Movie Theater (445)	15,000	Square Feet	93	11%	94%	6%	78	5	**83**
High-Turnover Restaurant (932)	14,500	Square Feet	131	11%	61%	39%	71	46	**117**
Strip Retail Plaza (822)	33,350	Square Feet	220	11%	50%	50%	98	98	**196**
Strip Retail Plaza (822)	25,625	Square Feet	169	11%	50%	50%	75	75	**150**
Office (710)	15,700	Square Feet	36	11%	17%	83%	5	27	**32**
Office (710)	37,200	Square Feet	73	11%	17%	83%	11	54	**65**
Small Office (712)	10,000	Square Feet	22	11%	34%	66%	7	13	**20**
Net Weekday PM Peak Hour Trips							**366**	**338**	**704**
Land Use[1]	Number of Units	Unit Type	Saturday Trip Generation[2]	% Internal Capture[4]	% Entering[3]	% Exiting[3]	Trips Entering	Trips Exiting	**New Saturday Trips**
Hotel (310)	100	Rooms	644	4%	50%	50%	310	310	**620**
Movie Theater (445)	15,000	Square Feet	1,490	4%	50%	50%	717	717	**1,434**
High-Turnover Restaurant (932)	14,500	Square Feet	1,776	4%	50%	50%	855	855	**1,710**
Shopping Plaza (821)[5]	33,350	Square Feet	2,704	4%	50%	50%	1,302	1,302	**2,604**
Shopping Plaza (821)[5]	25,625	Square Feet	2,078	4%	50%	50%	1,001	1,001	**2,002**
Office (710)	15,700	Square Feet	36	4%	50%	50%	17	17	**34**
Office (710)	37,200	Square Feet	82	4%	50%	50%	39	39	**78**
Small Office (712)	10,000	Square Feet	22	4%	50%	50%	11	11	**22**
Net Saturday Trips							**4,252**	**4,252**	**8,504**

1. (XXX) Indicates ITE Land Use Code. Land Use Code from the Institute of Transportation Engineers - 11th Edition Trip Generation Manual (ITE Manual)

2. Traffic Generated by the development according to trip generation rates provided in the ITE Manual

3. Percentage of trips Entering and Exiting the development according to the ITE Manual.

4. Internal capture derived from the MXD+ methodology.

5. Saturday trip generations not available for Strip Retail Plaza (822). Saturday rates for Shopping Plaza (821) were used.

SOURCE: Fehr & Peers, 2022

The calculated trip generation for the updated plan is shown below in **Table 2**.

Table 2 Studio Crossing Updated Plan Trip Generation

Land Use[1]	Number of Units	Unit Type	Daily Trip Generation[2]	% Internal Capture[4]	% Entering[3]	% Exiting[3]	Trips Entering	Trips Exiting	**New Daily Trips**
Multifamily Housing (220)	285	Dwelling Units	1,902	5%	50%	50%	900	900	**1,800**
Strip Retail Plaza (822)	30,000	Square Feet	1,496	5%	50%	50%	708	708	**1,416**
Strip Retail Plaza (822)	30,000	Square Feet	1,496	5%	50%	50%	708	708	**1,416**
Net Weekday Trips							**2,316**	**2,316**	**4,632**
Land Use[1]	Number of Units	Unit Type	AM Peak Hour Trip Generation[2]	% Internal Capture[4]	% Entering[3]	% Exiting[3]	Trips Entering	Trips Exiting	**New AM Peak Hour Trips**
Multifamily Housing (220)	285	Dwelling Units	111	7%	24%	76%	25	78	**103**
Strip Retail Plaza (822)	30,000	Square Feet	59	7%	60%	40%	33	22	**55**
Strip Retail Plaza (822)	30,000	Square Feet	59	7%	60%	40%	33	22	**55**
Net Weekday AM Peak Hour Trips							**91**	**122**	**213**
Land Use[1]	Number of Units	Unit Type	PM Peak Hour Trip Generation[2]	% Internal Capture[4]	% Entering[3]	% Exiting[3]	Trips Entering	Trips Exiting	**New AM Peak Hour Trips**
Multifamily Housing (220)	285	Dwelling Units	143	13%	63%	37%	78	46	**124**
Strip Retail Plaza (822)	30,000	Square Feet	170	13%	50%	50%	74	74	**148**
Strip Retail Plaza (822)	30,000	Square Feet	170	13%	50%	50%	74	74	**148**
Net Weekday PM Peak Hour Trips							**226**	**194**	**420**
Land Use[1]	Number of Units	Unit Type	Saturday Trip Generation[2]	% Internal Capture[4]	% Entering[3]	% Exiting[3]	Trips Entering	Trips Exiting	**New Saturday Trips**
Multifamily Housing (220)	285	Dwelling Units	1,297	5%	50%	50%	613	613	**1,226**
Shopping Plaza (821)[5]	30,000	Square Feet	2,026	5%	50%	50%	958	958	**1,916**
Shopping Plaza (821)[5]	30,000	Square Feet	2,026	5%	50%	50%	958	958	**1,916**
Net Saturday Trips							**2,529**	**2,529**	**5,058**

1. (XXX) Indicates ITE Land Use Code. Land Use Code from the Institute of Transportation Engineers - 11th Edition Trip Generation Manual (ITE Manual)
2. Traffic Generated by the development according to trip generation rates provided in the ITE Manual
3. Percentage of trips Entering and Exiting the development according to the ITE Manual.
4. Internal capture derived from the MXD+ methodology.
5. Saturday trip generations not available for Strip Retail Plaza (822). Saturday rates for Shopping Plaza (821) were used.

SOURCE: Fehr & Peers, 2022

As shown in **Table 1**, vehicle trip reductions of approximately 3%, 7%, 11%, and 4% for daily, AM peak hour, PM peak hour, and Saturday, respectively, were applied due to internal capture for the previous master plan concept. For the updated plan, vehicle trip reductions of approximately 5%, 7%, 13%, and 5% for daily, AM peak hour, PM peak hour, and Saturday, respectively, were applied due to internal capture as shown in **Table 2**.

The comparison of total trips generated for the development between what was presented in the previous master plan and the calculated updated results for this study are shown below in **Table 3**.

Table 3 Trip Generation Comparison

	Calculated Trip Generation (Total Trips)			
	Daily	**AM Peak**	**PM Peak**	**Saturday**
Previous Master Plan	7,214	413	704	8,504
Updated Plan	4,632	213	420	5,058

SOURCE: Fehr & Peers, 2022

As shown in **Table 3**, the updated trip generation shows lower total trips generated for daily (36% trip decrease), AM peak hour (48% trip decrease), PM peak hour (40% trip decrease), and Saturday (41% trip decrease). There is also higher daily, PM peak hour, and Saturday trip reductions for the updated plan compared to the previous master plan due to the introduction of residential land use in the mix.

CONCLUSION

Fehr & Peers evaluated the total trips generated by the proposed land uses in the previous master plan, and also evaluated the trip generation of the development with redefined land uses. As shown previously above, there is a decrease in trip generation due to the redefined land uses at the proposed Studio Crossing development for daily, AM peak hour, PM peak hour, and Saturday trips.

APPENDIX

Previous Master Plan Concept

Updated Studio Crossing Concept



Building Legend

- 1A Hotel Lodging
- 1B Recording Studio
- 1C Stage Venue
- 1D Residence - omitted
- 1E Grand Ball Room
- 1F Atrium
- 2 Screening Rooms/Theater
- 3 Entertainment Venue
- 4 Mixed Use
- 5 Mixed Use
- 6 Sound Effects Stage
- 6A Office, Effects Stage
- 7 Sound Stages
- 7A Workshop
- 7B Production Support/ Offices
- 8 Workshop Office

0 100 200 400 N

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MASTER PLAN CONCEPT

April 2012

Raleigh Studios
Park City, Utah

BUILDING LEGEND:

01 3-STORY MARKET RATE CONDOS WITH UNDERGROUND PARKING

02 TRANSIT HUB & E-BIKE PARKING BUS STOP AND PICKUP CENTER

03 COMMUNITY FOCUSED COMMERCIAL 1-STORY

04 COMMUNITY POCKET PARKS

05 80% AMI AFFORDABLE HOUSING 3 STORY WITH COMMERCIAL

06 COMMUNITY PLAZA FEATURE AND DINING AREAS

07 E-BIKE DOCKING STATION

08 HISTORIC RAIL TRAIL PLANNED CONNECTION ALREADY PAID

09 80% AMI AFFORDABLE HOUSING 2 STORY ALL HOUSING

10 RESIDENT USE AMENITY MULTI-USE SPORTS COURT

11 MARKET RATE TOWNHOMES 2-STORY WITH GARAGE

12 CAMPUS RESIDENT USE GREEN OPEN SPACE WITH TRAILS

13 ELECTRIC CAR CHARGING STATIONS

RIGHT TURN ENTRY/EXIT

SR248

STOPLIGHT INTERCHANGE

SR248

EXISTING PC FILM STUDIOS

TRAIL SYSTEM ALONG PROPERTY

HWY 189

N

modern OUTWEST **STUDIO CROSSING** OVERALL SITE

October 20, 2022
Quinn Capital Partners, LLC Housing Mitigation Plan

Quinn Capital Partners, LLC is pleased to be able to incorporate this housing mitigation plan as a part of the proposed Amended Master Planned Development. This proposal will convert a substantial portion of the existing commercial square footage to affordable housing and create a vibrant, year-round neighborhood compatible with surrounding residents. The proposed modifications will also reduce daily traffic and enhance the quality of life for our residents, all while helping to meet community environmental and housing goals.

This housing mitigation plan is part of the 2022 Amendment to the Master Planned Development Agreement and Annexation Agreement. The original 2012 Development Agreement for the Quinn's Junction Partnership Annexation Master Planned Development expressly provided that no affordable housing was required to be built as a condition of development. Recognizing the needs of the community and benefits to the community in constructing affordable housing, QCAP is proposing to construct 185 units of affordable housing units as part of its proposal to amend the 2012 Development Agreement.

Background
The 2012 Development Agreement did not require the construction of any affordable housing. (DA Section 5, Affordable Housing). When QCAP subdivided the subject property earlier in 2022, the City required as a condition of plat approval a note requiring QCAP to provide affordable housing meeting the current code requirements if it any point it amended the 2012 Development Agreement. In addition to meeting the code-based requirements for affordable housing, QCAP is proposing to convert existing commercial entitlements to affordable housing.

Proposed Plan
QCAP proposes to construct more than enough affordable housing units to meet the requirements of the 2021 Park City Affordable Housing Resolution. The 2021 Housing Resolution calls for a total affordable housing square footage for commercial uses based on an employee mitigation calculation. The same resolution requires 20% of condominium units to be affordable units. Per the resolution, each affordable unit is calculated as containing 900 square feet.

The final count of units required may adjust slightly with final preparations of plans and to address City input, however the required square footage will be provided per the Resolution. Forecasted calculations for the affordable housing are shown in Table 1 below:

Table 1

Studio Crossings Residential Density			
Market Rate SQFT	REU	AUE	Net Livable Space
142,000	71	14.2	12,780

**Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.*

Studio Crossing Assumed Use Based on Newpark Retail Mix					
Use	**FT**	**Use Mix**	**SQFT**	**Employees**	**Net Livable Space**
Commercial Retail	3.3	73.4%	44,028	145.3	
Medical	2.9	8.7%	5,219	15.1	
Personal Services	1.3	6.1%	3640	4.7	
Restaurant	6.5	11.9%	7,113	46.2	
Total Commercial Density			60,000	211.3	
Mitigation Rate X 0.2				42.3	
AUEs/1.5				**28.2**	**25,367.44**

**Affordable Unit Equivalent (AUE): A two-bedroom unit with 900 square feet of Net Livable Space shall be considered one Affordable Unit Equivalent.*

Total Affordable Housing Obligation	
Net Livable Space	AUE
38,057.00	**42.40**

For the affordable housing required by the plat amendment note, QCAP proposed to construct the 42 Unit Equivalents in the following mix:

27 - Studios - 400 sqft = 10,800 sqft
23 - 1 bedrooms - 600 sqft = 13,800 sqft
10 - 2 bedrooms - 800 sqft = 8,000 sqft
5 - 3 bedrooms - 1,100 sqft = 5,500 sqft
65 units = 38,057 sqft

QCAP is also voluntarily converting 79 Unit Equivalents of currently entitled commercial space to affordable housing in the following mix:

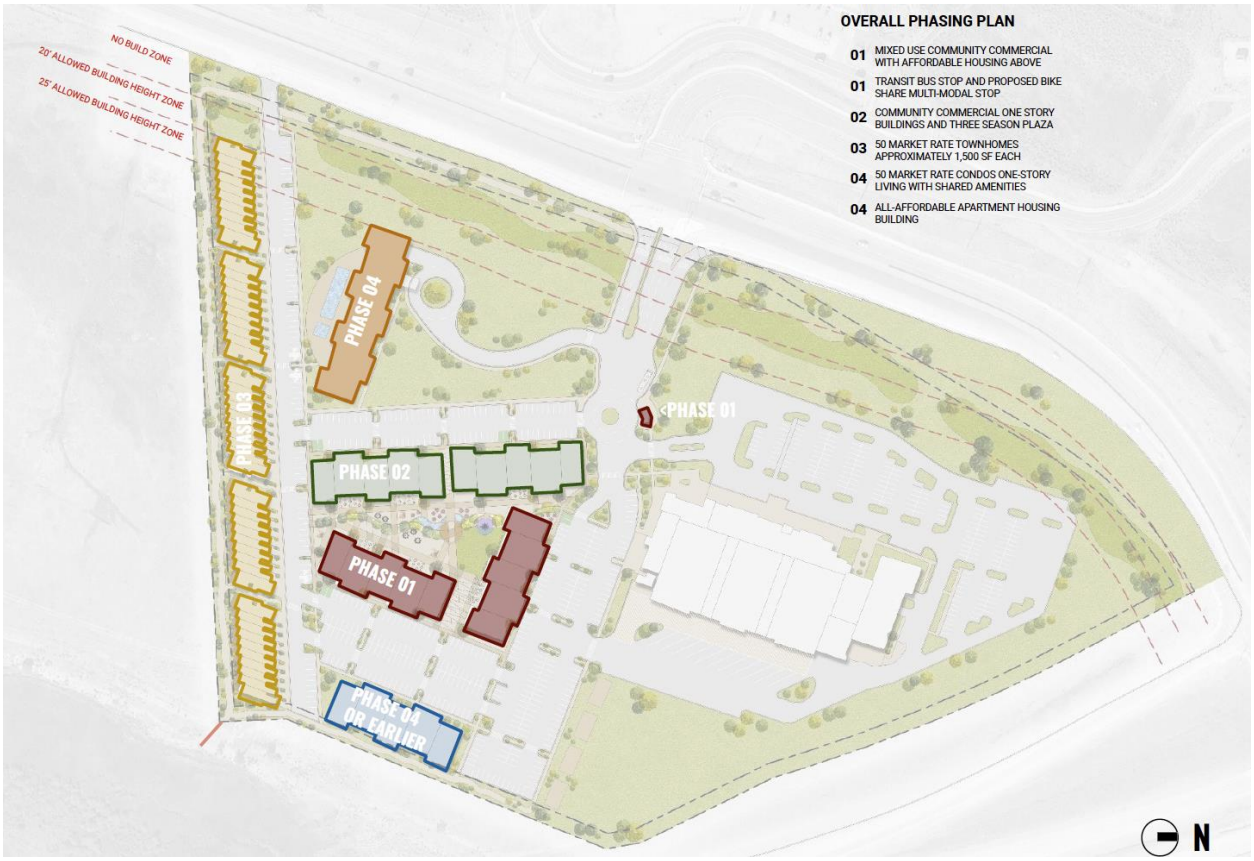
50 - Studios - 400 sqft = 20,000 sqft
40 - 1 bedrooms - 600 sqft = 24,000 sqft
20 - 2 bedrooms - 800 sqft = 16,000 sqft
10 - 3 bedrooms - 1,100 sqft = 11,000 sqft
120 units = 80,575 sqft

All affordable housing shall be deed restricted and subject to Park City affordable housing guidelines including affordable rent restrictions. All the affordable housing will be built in the

1st and 4th (anytime) phase. An unconditional certificate of occupancy, or a temporary certificate of occupancy if it allows for operation of the affordable housing units will not issue for each phase until the affordable housing requirement is met.

Site plans showing the proposed affordable housing, including the parking, are included in Exhibit A below:

Exhibit A



Eligibility and Pricing
All units will be maintained as deed restricted affordable for rent units. A qualified third-party professional property management company shall manage the rental of the units.

Eligibility for the affordable for-rent housing will be based on the AMI standards of for-rent affordable housing. In initially filling the units, QCAP shall use a geographic waterfall approach in selecting from applicants, in the following priority:

1. Qualifying applicants employed in the immediate Quinn's Junction neighborhood, including, but not limited to, employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, and Summit Pediatrics.
2. Qualifying applicants employed within Park City boundaries.
3. Qualifying applicants employed within the Park City School District boundaries.
4. Qualifying applicants employed within Summit County.

There shall be no time limit required in selecting between orders of priority. Rather, when all qualifying applicants from a category have been exhausted, applicants from the next order of priority shall immediately be given priority. This waterfall provision shall only apply at the initial generation of any waitlist and selection for the Studio Crossing affordable housing units. From that point, all applications shall be made on a first-come-first-serve basis on the existing waitlist.

QCAP may enter into one or more master leases with local employers whereby local employers may lease a block of units to meet the housing needs of their qualifying employees. The priority of any such master leases shall follow the same geographic waterfall provided previously. Any such master leases must be consistent with the remaining provisions of this Housing Mitigation Plan, as it may be amended from time to time.

For the 65 units required by the plat amendment note—and subject to the 2021 Housing Resolution—all rentals will be to households of 80% AMI or below for Summit County and will be at the allowable rental rates for households at 80% AMI as determined by the then-applicable Summit County AMI numbers, updated on an annual basis. All rental units will submit annual compliance surveys in accordance with the recorded deed restrictions.

For the 120 units QCAP is constructing from its existing commercial density, all rentals will be to households of 120% AMI or below for Summit County. However, like the units required by the plat amendment note, all rental rates charged will be at 80% of AMI, regardless of the AMI of individual households. All gross rental rates shall include any Home Owner Association fees or assessments that may be charged against the unit.

Additionally, QCAP agrees that approximately 35% (or a minimum of 27) of the studio unit rentals will be to households of 60% and 70% of AMI for Summit County and will be at the allowable rental rates for households at 60% and 70% AMI as determined by the then-applicable Summit County AMI numbers, updated on an annual basis.

Table 2 – 80% AMI Rates

Bedrooms	Occupants	*AMI (80%)	Income Percentage	Yearly Rent	Monthly Gross Rent I
0	1	$66,960	30%	$20,088.00	$1,674.00
1	2	$76,480	30%	$22,944.00	$1,912.00
2	3	$86,080	30%	$25,824.00	$2,152.00
3	4	$95,600	30%	$28,680.00	$2,486.00

Table 3 – 70% AMI Rates

Bedrooms	Occupants	*AMI (70%)	Income Percentage	Yearly Rent	Monthly Gross Rent I	No. of Units
0	1	$58,560	30%	$17,568.00	$1,464.00	20

Table 4 – 60% AMI Rates

Bedrooms	Occupants	*AMI (70%)	Income Percentage	Yearly Rent	Monthly Gross Rent I	
0	1	$50,200	30%	$15,060.00	$1,255.00	7

*AMI is based on 2021 Summit County AMI numbers.

Amenities

The Studio Crossings development will include a number of amenities available to residents of the affordable housing units. These amenities include a community plaza with a stage and play structure, a sheltered bus stop within the site, an e-bike station and bike fix-it station, 12-foot multi-use paths with pocket parks and benches throughout the site, connection to the rail trail, and Open Space with two pickleball courts, a bocce ball court, and a half basketball court.

Studio Crossings will be a transit and trail-oriented development. There will be a dedicated and improved transit stop within the development. QCAP is also working to ensure that an electric bikeshare location is included on site. In addition to these public transit options, there will be covered bike storage available for each of the affordable housing buildings. It is QCAP's intention to enable and encourage alternative transit options to private vehicle ownership.

Housing Team

August 4, 2022

RE: 4001 Kearns Boulevard (Studio Crossing) Amendment to the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD)

Dear Planning Commissioners:

The Housing Team has reviewed the MPD Amendment application associated with 4001 Kearns Boulevard (Studio Crossing), and supports the major components of the project for the following reasons:

- The project meets the requirements of the 2021 Housing Resolution to produce 42.3 Affordable Unit Equivalents (AUEs) on-site through the creation of 65 units or 38,100 SF.
- The project exceeds the required housing obligation, with an additional 120 units (approximately 78.8 AUEs) created through the production of an estimated 71,000 SF of affordable housing.
- The recent Park City Housing Needs Assessment stated that well over 800 units are likely needed over the next five years, and this project's production of 120 additional affordable units would meet approximately 15% of this need.
- The project produces a diversity of unit types, from studios to three-bedroom units, which will help to meet demand across different housing needs.
- The inclusion of commercial uses in the project will support the long-term vitality and sustainability of not only the housing created on site, but also other housing projects in the area, including the affordable and attainable units built in Park City Heights and other future area projects.
- The commercial space will increase access to goods and services for residents of affordable and attainable housing residents in the project and in the surrounding area, which may reduce vehicle miles traveled.
- The location of the project utilizes existing free public transportation for access to major employment centers and is well positioned to take advantage of future transit improvements on the SR-248 corridor.
- The location of the project and connection to the rail trail enables multi-modal transportation options and can help to reduce vehicle miles traveled by locating workers within closer proximity to their employment.

Housing
Resource
Center

October 11, 2022

To Whom it May Concern,

On behalf of The Housing Resource Center at Mountainlands Community Housing Trust, I am writing in support of the proposed Studio Crossings development.

From an affordable housing perspective, it's far from perfect but it's a significant improvement from the developer's original proposal. The proposed development includes 185 affordable rental units. Of the 185 affordable rentals, only 65 are required. That's 120 additional affordable rental units added to our very limited inventory. While we would love to see 100% affordable housing and reduced maximum rents (below 80% AMI), we are realistic that current, private development incentives for affordable housing are not in alignment with that ideology.

The market rate units may also be a good opportunity to promote the Lite Deed program as well as a downsizing option for senior residents wishing to do so. The location, amenities, and size of the market rate units are inline with some of the senior housing needs identified in the recent Leadership senior housing survey. The community centered commercial, sustainability objectives, trail connection, and public access to outdoor amenities are also a welcomed addition.

While the proposal highlights the need for greater City and County investment in affordable housing to incentivise and subsidize deeper affordability in private development, The Housing Resource Center appreciates the time and resources the developer put into the new proposal and is happy to support the significant addition of affordable housing inventory.

Thank you for your time and consideration,

Megan McKenna

Housing Resource Center- Housing Advocate
Mountainlands Community Housing Trust

megan@housinghelp.org
(435) 659-8465

October 11, 2022

MOUNTAINLANDS
COMMUNITY HOUSING TRUST

Gary Crandall
Crandall Capital
1776 Park Ave. #145
Park City, UT 84060

RE: Studio Crossing

Dear Gary,

Thank you for sharing your vision for the Studio Crossing project in Quinn's Junction with me. As you well know, there is a dire need for a broad range of housing solutions in our community. I applaud your willingness to propose an alternative development plan for your property in Quinn's Junction that will, if approved, provide much needed housing opportunities.

Mountainlands has served our community by providing and advocating for housing for nearly three decades. Many of the homes developed and owned by Mountainlands were borne out of a housing obligation imposed on a developer by a municipality. We are grateful to the developers and municipalities who have worked together to provide such opportunities and are excited for similar opportunities in the future. However, the housing deficit will continue to worsen if this form of inclusionary zoning is the only method applied to the housing crisis. Mountainlands fully supports the efforts by our local governments to provide a broad range of solutions that result in a higher ratio of restricted housing to market-rate housing.

In the case of your proposed development for Studio Crossing, the voluntary addition of a greater number of price- and income-restricted housing units is certainly commendable. I wish you the best of luck as you proceed with this project.

Sincerely,

Pat Matheson
Executive Director

Exhibit J: Additional Background Information

The subject property is located at 4001 Kearns Blvd., adjacent to the Park City Film Studio. The property's annexation into Park City was the result of extensive litigation between the original owners and Summit County for the development of the property, which resulted in a settlement that provided Park City with an option to consider the annexation prior to development in the County. As a result, Park City approved a Settlement Agreement, Annexation Agreement, and the Quinn's Junction Partnership Annexation Master Planned Development (MPD) for the purpose of constructing 374,000 square feet of "motion picture studio and media campus" (as stated in the Settlement Agreement).

The site is in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), and Sensitive Land Overlay (SLO) in addition to the MPD. The MPD is limited to a movie studio and media campus, including a 100-room hotel, amphitheater, and associated Commercial Uses and square footage, as outlined in Exhibit C of the Annexation Agreement and inserted below. The zoning was adopted at the time of annexation to enable the Film Studio MPD.

Attachment C

FILM AND TELEVISION/RECORDING STUDIO -PARK CITY

	Squae Footage	Bldg Number	Bldg Total SF
STUDIO LODGING	85,000	1	
RECORDING STUDIO	2,500	1	
DESTINATION SPA	6,000	1	
			93,500
AMPITHEATER	6,000	2	
			6,000
SPECIAL EVENT STAGE	15,000	3	
SCREENING ROOMS	14,000	3	
ENTERTAINMENT VENUE	3,000	3	
PERFORMANCE AREAS/ OTHER VILLAGE VENUES	17,500	3	
			49,500
STUDIO STORE/ OTHER VILLAGE VENUES/OFFICES	20,000	4	
			20,000
STUDIO TOUR AREAS	6,000	5	
OFFICES/ OTHHER VILLAGE VENUES	9,000	5	
			15,000
FOOD SERVICES COMMISSARY/ OFFICES ANCHOR TENANT	50,000	6	
			50,000
SOUNDSTAGES	48,000	7	
PRODUCTION SUPPORT/OFFICES	25,000	7	
			73,000
LIGHTING & GRIP	10,500	8	
WORKSHOP/EQUIPMENT STORAGE	10,500	8	
			21,000
EFFECTS STAGE/ OFFICES	46,000	9	
			46,000
		TOTAL SF	374,000

Figure 1: MPD Approved Uses and Density

To date, only Phase 1 of the Film Campus has been constructed, which includes the sound stages, workshop, and production support/offices (Buildings 7, 7A, and 7B on the approved site plan, Exhibit B and included below), associated parking, the main entrance, landscaping, and berming along Kearns Blvd, totaling 91,425 square feet of development Density. ***Currently, there are 282,575 square feet of remaining conditionally approved Density to be built on the property, for Uses and buildings consistent with the Annexation Agreement and MPD.***



Figure 2: MPD Approved Phasing and Site Plan

Article II, Section 2.5(c) of the Annexation Agreement (page 3) states that no open space, setbacks, or affordable housing requirements may be imposed on the MPD.

In 2021, while considering a phasing plan amendment to construct the allowed hotel building, the City Council indicated a willingness to entertain further amendments to the Annexation and MPD to produce more community benefits, including affordable housing, for the remaining conditionally approved Density. Former Mayor Andy Beerman and Council designated former Councilmembers Steve Joyce and Nann Worel, now Mayor, with reviewing the applicant's new concept plan in more detail.

The Planning Department, Housing staff, and Council liaisons met with the applicant on several occasions to discuss the possibility of housing on the site, and the City's need for affordable/attainable units. Included in these meetings was a tour of the applicant's recently completed project, *The Commons*, a mixed-use affordable apartment complex, in Newpark at Kimball Junction. The group continued to work with the applicant on a conceptual site plan that includes mixed-income housing, retail, smaller-scale community oriented commercial spaces, a public plaza, and a transit center/bus stop.

On December 9, 2021, the applicant returned to Council to present their concept for proposed parcel 1B (Work Session Staff Report, Minutes). Overall, the Council appeared to unanimously support the proposed change from a Film Studio Campus to a mixed-use development with a strong affordable/attainable housing component at an average of 80% of Area Median Income (AMI) and a Density consistent with the original MPD.

On February 3, 2022, the applicant received approval to subdivide the original parcel into two (2) legal Lots of record (Ordinance 2022-06). Lot 1A now consists of 8.622 acres and contains the existing Film Studio Campus. ***The applicant is not proposing any changes to this portion of the site and the existing MPD would still govern Lot 1A.*** See Figure 3 on next page.

Lot 1B consists of 20.464 acres and would contain the remaining Density to be developed with commercial and residential Uses. The applicant is seeking to amend the existing Annexation Ordinance and MPD for this portion of the site only. The application requires City Council approval for any variations to the zone height, and Housing Authority approval for the Housing Mitigation Plan.

On May 25, 2022, a Work Session was held to give the Planning Commission an overview of the proposed project, and identify issues that should be addressed by the applicant prior to a public hearing (Staff Report, Minutes).

Staff requested input on several issues including:

1. If each proposed phase of construction should require a full CUP or could be considered under an Administrative CUP as the current MPD allows.
2. If the Film Studio could be considered the commercial anchor required by the RCO zone.
3. If the Trip Generation Analysis should be reviewed by a third-party engineer.
4. Whether the number of affordable units provided, and the proposed site plan justifies the proposed zone and MPD Amendments, as well as the proposed increase in Building Height.
5. If the Commission was ready to provide a positive recommendation on the Applicant's Housing Mitigation Plan to the City's Housing Authority.

In addition, the Planning Commission asked for clarity on the number of affordable units required and the phasing of these units, along with, more information on the total

gross square footage of the project versus the approved Density, what the AMI and rents will be, clarification of the Building Heights and Setbacks, a list of allowed Uses for the commercial spaces, further discussion on the issue of short-term rentals versus full-time residents, additional information on parking, and to address right-turns in and out of the proposed secondary egress.

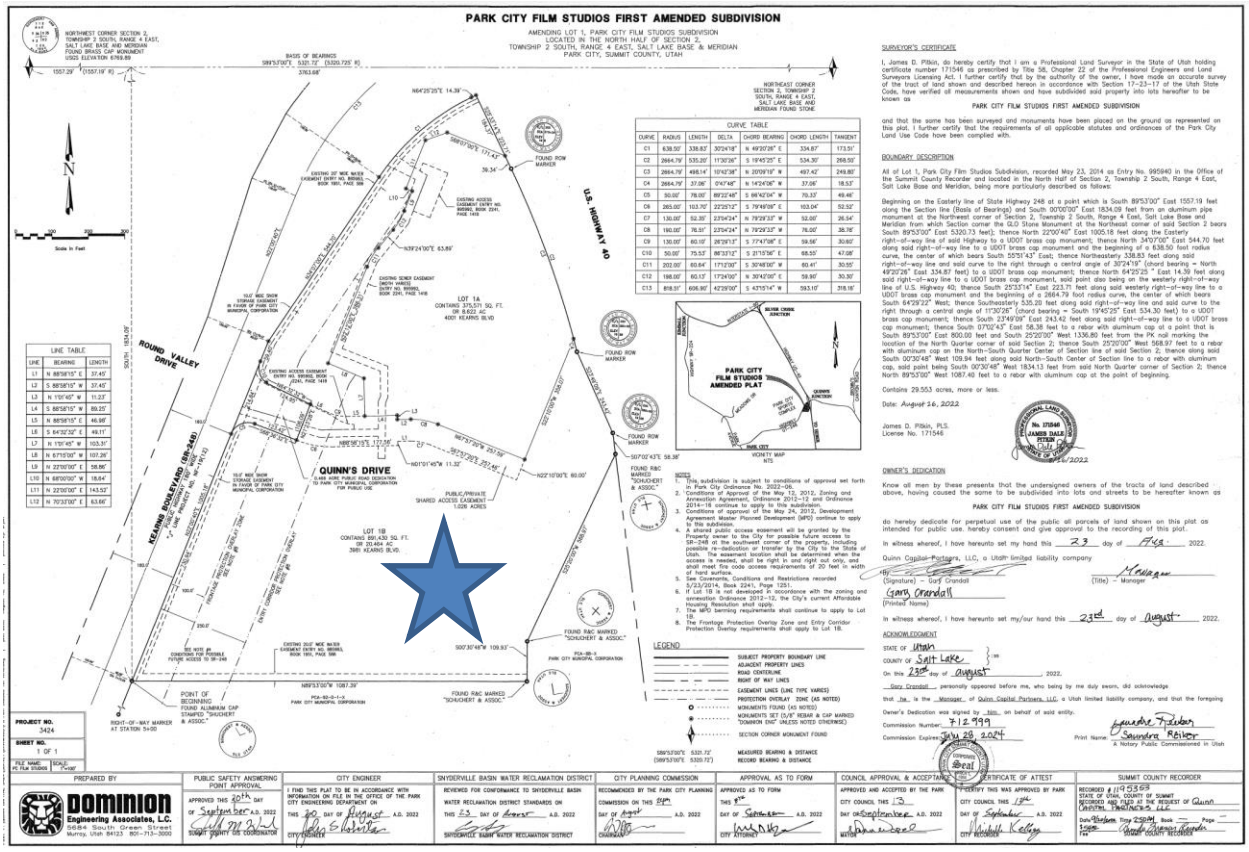


Figure 3: Recorded Plat showing Lots 1A and 1B.

Planning Department

November 9, 2022

Quinn Capital Partners
1776 Park Avenue # 145
Park City, UT 86060

CC: Justin Keys, Attorney for the Applicant

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	3891 Kearns Boulevard
Zoning District:	Community Transition (CT), with Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), Sensitive Land Overlay (SLO), and an MPD for a Film Studio and Media Campus
Application:	MPD and Amendment to the Annexation and Zoning Ordinance 2012-12
Project Number:	PL-22-05206 & PL-22-05212
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	November 9, 2022
Project Summary:	A mixed-use project with approximately 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale residential units, and 185 affordable for-rent residential units.

Action Taken

On November 9, 2022, the Planning Commission conducted a public hearing and approved the Studio Crossing project, a mixed-use project with approximately 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale residential units totaling 142,000 square feet, and 185 affordable for-rent residential units, according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The property is located at 3981 Kearns Boulevard, a 20.464-acre Lot.
2. The site is in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), and Sensitive Land Overlay (SLO) in addition to the Film Studio MPD.
3. The Park City Film Studios consists of two separate lots. Lot 1A contains the developed portion of the Park City Film Studios, and Lot 1B is currently undeveloped. Both lots are subject to an Annexation Agreement and the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD).
4. The applicant has submitted applications to amend 1) the MPD, to allow for additional Uses,

and to modify the Use, number, footprints, and Building Heights for the remaining Density allocated in the MPD on Lot 1B only; and 2) the Community Transition - Regional Commercial Overlay Zoning and Ordinance 12-12, the annexation and zoning Ordinance. Lot 1A will remain subject to the original Annexation, Zoning, and MPD agreements.

5. The applicant has 282,575 square feet of Density under the existing MPD that has not been constructed. The applicant is proposing to amend the existing MPD to construct a mixed-use project, including 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale units, and 185 affordable for-rent units up to 80% AMI.
6. The applicant submitted:
    a. Conceptual Site Plans including a Phasing Plan;
    b. A Parking Analysis;
    c. A Trip Generation Analysis; and
    d. A Housing Mitigation Plan.
7. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant is proposing to deliver in Phase 1 in the form of 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
8. In addition to the required affordable units, the applicant is proposing 120 "additional' affordable units that will be delivered partially in phase 1 (55 affordable units) and partially in Phase 4 or earlier (65 affordable units). The proposed bedroom mix and size of the affordable units is as follows:

Affordable Units	**Number**	**Size**
Studios	77	400
1 Bedrooms	63	600
2 Bedrooms	30	800
3 Bedrooms	15	1,100
Units	**185**	

9. Phase 1 consists of the transit stop and bus shelter, the plaza area, and two mixed-use rental buildings totaling 90,000 square feet. Each building is 3-stories with a proposed Building Height of 40 feet, exceeding the zone height of 28 feet. Both buildings contain 15,000 square feet of commercial space on the ground floors and 30,000 square feet of rental housing on the second and third levels. It is anticipated that Phase 1 will include approximately 120 affordable housing units, including and exceeding the applicant's Affordable Housing Requirement with 65 required units and 55 "additional" affordable units. There are no market rate units in Phase 1.
10. Phase 2 consists of two commercial buildings totaling 30,000 square feet. Each building is 1-story with a Building Height of 25 feet, meeting the zone height. Each building contains 15,000 square feet of "community focused, small-scale commercial, retail or restaurant" space. A community plaza area connects the Phase 1 and Phase 2 buildings. No residential units are proposed as part of Phase 2.
11. Phases 1 and 2 will utilize surface parking stalls and the Planning Department recommend a Condition of Approval that the applicant construct at least the required number of parking stalls for each Phase of Development prior to receiving any Certificates of Occupancy.

12. Phase 3 consists of 50 for-sale market-rate townhomes in five clusters of 10 units totaling 82,000 square feet. Each unit is 2-stories totaling between 1,500 -1,700 square feet with a proposed building height of 25 feet, meeting the zone height, and contains 2-3 bedrooms. A garage and access to surface parking are included with each townhome. There are no affordable units proposed for Phase 3.
13. Phase 4 consists of one market-rate building of 60,000 square feet. The building is 3-stories with a Building Height of 40 feet, exceeding the zone height. This building will contain a maximum of 50 for-sale market-rate units and 72 underground parking stalls for residents of the building.
14. The site plan also includes one additional 4-story, for-rent affordable building to be built concurrent to the Phase 4 market-rate building, or earlier. The building is 45 feet, exceeding the zone height and the balance of the "additional" affordable units, 65 units, will be constructed in this building.
15. Section 4.5 of the existing MPD expressly states that "Pursuant to the Annexation Agreement, no affordable housing is required for this MPD." However, the recent Subdivision reviewed by the Planning Commission on January 12, 2022, and approved by Council on February 3, 2022 (Ordinance 2022-06), Condition of Approval 8, states "The plat shall note that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City's current Affordable Housing Resolution shall apply." The applicant is proposing to meet and exceed the City's affordable housing requirements with this project. It is because the applicant is proposing to construct 185 affordable housing units that the Council was willing to conceptually support the proposed project.
16. The proposed site plan for Lot 1B includes 320,632 square feet of total development. However, as affordable units that are required as part of an MPD approval do not count towards the calculated Density, the proposal totals not more than 282,575 square feet, equaling the remaining conditionally approved Density of 282,575 square feet. With the 91,425 square feet of Density built on the Film Studio portion of the site (Lot 1A) the entire project is 374,000 square feet, equaling less than or equal to the 374,000 square feet the site was originally approved for.
17. The Planning Commission approved the amendment to the MPD on November 9, 2022, and voted to recommend exceptions to the Zone Height to the Council for consideration on December 15, 2022.
18. The Planning Commission also voted to recommend the applicants Housing Mitigation Plan to the City's Housing Authority for consideration on December 15, 2022.
19. The applicant has a total Affordable Housing Obligation of 42.4 AUEs or 38,160 square feet. If the project numbers change, the Affordable Housing Obligation must be adjusted accordingly.
20. The applicant is proposing to construct all 65 units or 42.4 AUEs (38,160 square feet) of Affordable Housing in Phase 1, as part of its proposal to amend the 2012 MPD, meeting the City's current Affordable Housing Resolution, as follows.

Type	Units	Size
Studios	27	400

1 Bedroom	23	600
2 Bedrooms	10	800
3 Bedrooms	5	1,100
Units	65	
@ 900 SF		**42.4 AUEs**

21. In addition to meeting the City's Affordable housing Obligation in Phase 1, the applicant is proposing to construct an "additional" 55 affordable housing units in Phase 1, and 65 more "additional" units as part of Phase 4, for a total of 120 "additional" affordable housing Units or 78.8 AUEs as follows:

Type	**Units**	**Size**
Studios	50	400
1 Bedroom	40	600
2 Bedrooms	20	800
3 Bedrooms	10	1,100
Units	**120**	
@ 900 SF		**78.8 AUEs**

22. The applicant is proposing that all the affordable units, both the 65 required and the 120 "additional" affordable units, will be rental units available up 80% AMI, except for 27 studios, that will be available to households making 60-80% AMI, broadening the affordability of these units. Seven studios will be available to households making up to 60% AMI and 20 studios will be available to households making up to 70% AMI. The rest of the required units will meet the City's current Housing Resolution and be available to households making up to 80% AMI. The "additional" affordable units may be rented to households making up to 120% of AMI but rent will be charged at 80% of AMI.
23. The applicant has stated that initially, the applicant shall use a geographic waterfall approach in selecting from applicants in the following priority:
    a. Qualifying applicants employed in the immediate Quinn's Junction neighborhood, including but not limited to employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, Summit Pediatrics, etc.
    b. Qualifying applicants employed within Park City boundaries.
    c. Qualifying applicants employed within the Park City School District boundaries.
    d. Qualifying applicants employed within Summit County (additional affordable units only).

24. The applicant has stated that the "additional" 120 affordable units will be available to eligible households at up to 120% of Summit County AMI. However, rental rates charged will be at 80% of AMI, regardless of the AMI of individual households, meeting the City's definition of affordable. All gross rental rates will include any Homeowner Association fees or assessments that may be charged against the units, and this will be a Condition of Approval. Seven (7) studio units will be available at 60% AMI and 20 studio units will be available at 70% AMI.
25. Amenities available to residents of the affordable units include a sheltered bus stop, e-bike station and bike fix-it station, community plaza, sports courts, sheltered bike storage, recycling rooms, outdoor dining, electric car charging station, green and dog-friendly space, and an internal pedestrian and bike trail system with connections to the broader Park City trail system.
26. Section 2.5(e) of the Annexation Agreement specifically discusses Building Height for the existing MPD and allows for Building Height exceptions
27. The maximum Building Height in the CT zone is 28 feet with additional Height and Setback restrictions for the ECPO. Proposed Building Heights range from 25 feet to 45 feet, with most of the taller buildings located in the center or rear (east side) of the site. One exception to this is the market-rate Multi-Unit Dwelling located adjacent to SR-248, which is proposed at 40 feet in Height, but is not located within the ECPO Setback. The proposed townhomes and commercial building meet the Zone Building Height requirements at 25 feet in Height, and all buildings are now located outside of the EOPC 150-foot Setback requirements.
28. The RCO allows for the City Council to grant a height exception upon recommendation from the Planning Commission.
29. The Planning Commission finds that the proposed Building Height Exceptions are consistent with the Film Studio MPD Building Height Exceptions and meet the standards for review of the CT-RCO zone. The site is located hundreds of feet from the nearest abutters and will not have a visual impact on any existing structures. All buildings meet required Setbacks. The Planning Commission also finds that there is no net increase in the proposed square footage over what is possible under the existing MPD.
30. The Planning Commission has consistently expressed that the majority of the 60,000 square feet of Commercial Uses in the project be limited to smaller-scale community oriented commercial Uses.
31. The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat Area according to the City's General Plan Maps
32. MPDs require a minimum of 60% Open Space. However, the existing MPD has no minimum Open Space requirement per the Annexation Agreement.
33. The Film Studio shall serve as the Commercial anchor for the site in compliance with LMC § 15-2.17-4.
34. The Planning Commission finds that the applicant's parking analysis meets the requirements of LMC § 15-6-5(E) and supports the determination to decrease the required number of commercial parking stalls. The applicant's project requires approximately 312 commercial parking stalls depending on the mix of uses. The overall project requires 655 stalls, and the applicant is proposing 566 stalls. In no case shall the projects parking reduction exceed more than 30% of the projects commercial parking requirement.
35. With the exception of items noted above, the project complies with all requirements of the Land Management Code, including the minimum requirement of 15-6-5.

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

Conclusions of Law:

1. The modification to the 2012 Quinn's Junction Partnership Annexation Master Planned Development Agreement is a substantive modification.
2. The Application complies with the requirements of the Land Management Code as conditioned and approved.
3. The modifications are compatible with surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The modification to the Master Planned Development:
    a. complies with all requirements of the Land Management Code;
    b. meets the minimum requirements of Section 15-6-5;
    c. provides the highest value of Open Space, as determined by the Planning Commission;
    d. strengthens and enhances the resort character of Park City;
    e. compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
    f. is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
    g. provides amenities to the community so that there is no net loss of community amenities;
    h. is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete;
    i. meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
    j. promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;
    k. was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
    l. incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;

m. addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
n. addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
o. addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
p. addresses and mitigates traffic.

Conditions of Approval:

1. Lot 1A, 4001 Kearns Boulevard, is subject to the original Annexation, Zoning, and MPD agreements.
2. Development of 3891 Kearns Boulevard is contingent upon approval of the Building Heights by the City Council, approval of the applicant's Housing Mitigation Plan by the Park City Housing Authority, and ratification of a Development Agreement by the Planning Commission.
3. Approval of this MPD shall expire two years from the date of Development Agreement execution unless construction, as defined by the International Building Code, as commenced on the project.
4. A Construction Mitigation Plan shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any building permits.
5. A storm-water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm-water Best Management Practices.
6. The project is over 1.0-acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
7. Final utility plans shall be submitted with the building permit.
8. The majority of the 60,000 square feet of Commercial Uses in the project shall be limited to smaller-scale community oriented commercial Uses set forth in the Application and Final Plan Set dated October 26, 2022, without the need to return to the Planning Commission for a CUP.
9. The Planning Department shall complete an Administrative Conditional Use Permit for any Child Care Center, Intensive Office, and/or Major Retail or Service Use, to ensure that most of the Commercial Uses are smaller-scale and community oriented, and that there is sufficient parking and/or drop-off/pick-up areas for the proposed mix of uses. A detailed parking analysis shall be submitted at the time of Administrative Conditional Use permit application to allow Planning Staff to calculate the parking demand in relation to the parking supply.
10. Commercial Uses shall not include Hotels of any kind, any business with a Drive-Up window, or Gasoline Service Station.
11. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant will deliver in the form of 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.

12. In addition to the required affordable units, the applicant is proposing 120 “additional’ affordable units that will be delivered partially in phase 1 (55 affordable units) and partially in Phase 4 or earlier (65 affordable units).
13. Phases 1 and 2 will utilize surface parking stalls and the applicant shall construct at least the required number of parking stalls for each Phase of Development prior to receiving Certificates of Occupancy for each phase.
14. Except for the parking reduction approved by the Planning Commission, the project shall comply with LMC 15-3, Off Street Parking including lighting, landscaping, bicycle parking requirements, and electric vehicle charging stations.
15. The site plan also includes one additional 4-story, for-rent affordable building totaling 58,632 square feet to be built concurrent to the Phase 4 market-rate building, or earlier. The building is 45 feet, exceeding the zone height and the balance of the “additional” affordable units, 65 units, will be constructed in this building.
16. Certificates of Occupancy for the Phase 4 market-rate units shall be tied to the Certificates of Occupancy for the Phase 4 affordable units.
17. No additional Density shall be built on Lot 1A and Lot 1B is subject to a maximum Density of 320,632 square feet of total development, consistent with the site plan and final plan set reviewed by the Planning Commission on October 26, 2022.
18. The secondary access to the site (non-signalized access) must be reviewed and approved by UDOT and the City Engineer prior to building permits and shall be right-in/right-out only.
19. The applicant shall have six years from the ratification of the Development Agreement to exercise building permits for the project. If the applicant has not exercised all the required building permits for the project the applicant shall return to the Planning Commission to re-permit remaining Density prior to the issuance of any additional building permits.
20. The applicant shall locate a bus stop and bus shelter on site at a location to be reviewed and approved by the City Engineer prior to the issuance of a building permit.
21. The applicant shall provide a bike share and bike fix it station on site and the applicant shall be responsible for the annual operational and maintenance costs of the stations.
22. Bike racks shall be provided for the various commercial uses as required by the LMC.
23. The undulating berm approved by the MPD shall be constructed and maintained consistent with the original MPD.
24. Rooftop mechanical equipment shall be architecturally screened from public view.
25. Trash and recycling enclosures shall be screened with landscaping or fencing.
26. All signage shall comply with the LMC.
27. The applicant shall provide covered bike storage in all residential buildings at a minimum rate of one stall per unit consistent with the City’s LMC requirements at the time of building permit.
28. The applicant shall provide recycling facilities in all Multi-Unit Dwellings on site.
29. A final subdivision plan shall be recorded prior to construction of the condominium units.
30. The applicant shall bring Lot 1A into compliance with the originally approved Landscape Plan. Some plant substitutions shall be allowed by the Planning Director if other species are deemed more suitable by the Planning Director.
31. The applicant shall construct a trail connection from the site to the Park City Rail Trail, upon review and approval of a plan by the City’s Open Space Manager. The City will contribute up to $75,000 for the cost of this connection.

32. The applicant has committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a bus station, e-bike share, connection to the rail trail, and providing covered bike storage in all buildings. In addition, the applicant is reducing their overall parking to prevent excess paving and increase open space. All lighting will meet the City's Dark Sky Ordinance LMC § 15-5-5(J).
33. Prior to the issuance of a building permit the applicant shall submit a plan for a bus stop and shelter for review and approval by the City Engineer and Transportation Planning Manager.
34. Prior to the issuance of a building permit the applicant shall submit a plan to limit right in/right out turns only from the secondary access point for review and approval by the City Engineer.
35. Prior to the issuance of a building permit the applicant shall submit evidence to the City Engineer and Public Utilities Director in accordance with LMC § 15-7.3-6, Water Facilities, confirming that 1) Summit Water has sufficient water supply for domestic water use and fire protection to service the existing and proposed development; or 2) an alternative water supply with sufficient capacity to serve the existing and proposed development has agreed to service the site. The burden is upon the applicant to submit responsive information regarding LMC 15-7.3-6.
36. If any phases of the project are not issued building permits within 6 years of the issuance of the first building permit, the applicant shall be required to return to the Planning Commission to re-permit any remaining density prior to the issuance of building permits to ensure that the remaining development is still in the best interest of the City and immediate neighborhood.
37. The proposed development shall not exceed the maximum approved Density of 374,000 square feet.
38. Final building plans shall comply with LMC 15-5-8, Façade Length and Variations.
39. The applicant shall add a noise mitigating fence around the pickleball courts if required by the City.

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

Sincerely,

Laura Suesser, Planning Commission Chair

CC: Project File

Ordinance No. 2022-Xx

AN ORDINANCE AMENDING THE ANNEXATION AND ZONING ORDINANCE NO. 2012-12, FOR APPROXIMATELY 20.46 ACRES OF PROPERTY LOCATED AT 3981 KEARNS BOULEVARD IN THE QUINN'S JUNCTION AREA, KNOWN AS THE PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION LOT 1B, PARK CITY. UTAH. THE SITE WAS PREVIOUSLY ZONED COMMUNITY TRANSITION (CT) WITH A REGIONAL COMMERCIAL OVERLAY (RCO) DESIGNATION.

WHEREAS, the property's annexation into Park City was the result of extensive litigation between the original owners and Summit County for the development of the property, which resulted in a settlement that provided Park City with an option to consider the annexation prior to development in the County; and

WHEREAS, as a result, Park City approved a Settlement Agreement, Annexation Agreement, and the Quinn's Junction Partnership Annexation Master Planned Development (MPD) for the purpose of constructing 374,000 square feet of "motion picture studio and media campus" (as stated in the Settlement Agreement); and

WHEREAS, the site is in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), and Sensitive Land Overlay (SLO) in addition to the MPD; and

WHEREAS, the existing MPD is limited to a movie studio and media campus, including a 100-room hotel, amphitheater, and associated Commercial Uses and square footage, as outlined in Exhibit C of the Annexation Agreement and he zoning was adopted at the time of annexation to enable the Film Studio MPD; and

WHEREAS, to date, only Phase 1 of the Film Campus has been constructed, which includes the sound stages, workshop, and production support/offices (Buildings 7, 7A, and 7B on the approved site plan, Exhibit B and included below), associated parking, the main entrance, landscaping, and berming along Kearns Blvd, totaling 91,425 square feet of development Density; and

WHEREAS, currently, there are 282,575 square feet of remaining conditionally approved Density to be built on the property, for Uses and buildings consistent with the Annexation Agreement and MPD; and

WHEREAS, in 2021, while considering a phasing plan amendment to construct the allowed hotel building, the City Council indicated a willingness to entertain further amendments to the Annexation and MPD to produce more community benefits, including affordable housing, for the remaining conditionally approved Density; and

WHEREAS, On February 3, 2022, the applicant received approval to subdivide the original parcel into two (2) legal Lots of record (Ordinance 2022-06). Lot 1A now consists of 8.622 acres and contains the existing Film Studio Campus. The applicant is

not proposing any changes to this portion of the site and the existing MPD still governs Lot 1A; and

WHEREAS, Lot 1B consists of 20.464 acres and will contain the remaining Density to be developed with commercial and residential Uses. The applicant is seeking to amend the existing Annexation Ordinance and MPD for this portion of the site only; and

WHEREAS, on July 27, 2022, the property was properly noticed and posted, and courtesy letters were sent to surrounding property owners according to the requirements of the Land Management Code; and

WHEREAS, on July 27, 2022, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held public hearings on August 10, 2022, and October 26, 2022, to receive input on the proposed amendment to the MPD and Zoning and Annexation Ordinance; and

WHEREAS, the Planning Commission, on November 9, 2022, forwarded a positive recommendation to the City Council to amend the Zoning and Annexation Ordinance and for exceptions to the Zone Height; and,

WHEREAS, on December 15, 2022, the City Council held a public hearing to receive input on the Zoning and Annexation Ordinance and for exceptions to the Zone Height; and

WHEREAS, it is in the best interest of Park City, Utah to approve an amendment to the Zoning and Annexation Ordinance and for exceptions to the Zone Height for Lot 1B only.

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

SECTION 1. APPROVAL. The Zoning and Annexation Ordinance 2012-12 as it applies to Lot 1B only, is hereby amended, including for exception to the Zone Height, as shown in Attachment 1, and is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 3981 Kearns Boulevard.
2. The site is in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), and Sensitive Land Overlay (SLO) in addition to the Film Studio MPD.
3. The Park City Film Studios consists of two separate lots. Lot 1A contains the developed portion of the Park City Film Studios, and Lot 1B is currently

undeveloped. Both lots are subject to an Annexation Agreement and the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD).

4. The applicant has submitted applications to amend 1) the MPD, to allow for additional Uses, and to modify the Use, number, footprints, and Building Heights for the remaining Density allocated in the MPD on Lot 1B only; and 2) the Community Transition - Regional Commercial Overlay Zoning and Ordinance 12-12, the annexation and zoning Ordinance. Lot 1A will remain subject to the original Annexation, Zoning, and MPD agreements.
5. The applicant has 282,575 square feet of Density under the existing MPD that has not been constructed. The applicant is proposing to amend the existing MPD to construct a mixed-use project, including 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale units, and 185 affordable for-rent units up to 80% AMI.
6. The applicant submitted:
    a. Conceptual Site Plans including a Phasing Plan;
    b. A Parking Analysis;
    c. A Trip Generation Analysis; and
    d. A Housing Mitigation Plan.
7. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant is proposing to deliver in Phase 1 in the form of 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
8. In addition to the required affordable units, the applicant is proposing 120 "additional' affordable units that will be delivered partially in phase 1 (55 affordable units) and partially in Phase 4 or earlier (65 affordable units). The proposed bedroom mix and size of the affordable units is as follows:

Affordable Units	**Number**	**Size**
Studios	77	400
1 Bedrooms	63	600
2 Bedrooms	30	800
3 Bedrooms	15	1,100
Units	**185**	

9. Phase 1 consists of the transit stop and bus shelter, the plaza area, and two mixed-use rental buildings totaling 90,000 square feet. Each building is 3-stories with a proposed Building Height of 40 feet, exceeding the zone height of 28 feet. Both buildings contain 15,000 square feet of commercial space on the ground floors and 30,000 square feet of rental housing on the second and third levels. It is anticipated that Phase 1 will include approximately 120 affordable housing units, including and exceeding the applicant's Affordable Housing Requirement with 65 required units and 55 "additional" affordable units. There are no market rate units in Phase 1.
10. Phase 2 consists of two commercial buildings totaling 30,000 square feet. Each

building is 1-story with a Building Height of 25 feet, meeting the zone height. Each building contains 15,000 square feet of “community focused, small-scale commercial, retail or restaurant” space. A community plaza area connects the Phase 1 and Phase 2 buildings. No residential units are proposed as part of Phase 2.

11. Phases 1 and 2 will utilize surface parking stalls and the Planning Department recommend a Condition of Approval that the applicant construct at least the required number of parking stalls for each Phase of Development prior to receiving any Certificates of Occupancy.
12. Phase 3 consists of 50 for-sale market-rate townhomes in five clusters of 10 units totaling 82,000 square feet. Each unit is 2-stories totaling between 1,500 -1,700 square feet with a proposed building height of 25 feet, meeting the zone height, and contains 2-3 bedrooms. A garage and access to surface parking are included with each townhome. There are no affordable units proposed for Phase 3.
13. Phase 4 consists of one market-rate building of 60,000 square feet. The building is 3-stories with a Building Height of 40 feet, exceeding the zone height. This building will contain a maximum of 50 for-sale market-rate units and 72 underground parking stalls for residents of the building.
14. The site plan also includes one additional 4-story, for-rent affordable building to be built concurrent to the Phase 4 market-rate building, or earlier. The building is 45 feet, exceeding the zone height and the balance of the “additional” affordable units, 65 units, will be constructed in this building.
15. Section 4.5 of the existing MPD expressly states that “Pursuant to the Annexation Agreement, no affordable housing is required for this MPD.” However, the recent Subdivision reviewed by the Planning Commission on January 12, 2022, and approved by Council on February 3, 2022 (Ordinance 2022-06), Condition of Approval 8, states “The plat shall note that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City’s current Affordable Housing Resolution shall apply.” The applicant is proposing to meet and exceed the City’s affordable housing requirements with this project. It is because the applicant is proposing to construct 185 affordable housing units that the Council was willing to conceptually support the proposed project.
16. The proposed site plan for Lot 1B includes 320,632 square feet of total development. However, as affordable units that are required as part of an MPD approval do not count towards the calculated Density, the proposal totals not more than 282,575 square feet, equaling the remaining conditionally approved Density of 282,575 square feet. With the 91,425 square feet of Density built on the Film Studio portion of the site (Lot 1A) the entire project is 374,000 square feet, equaling the than the 374,000 square feet the site was originally approved for.
17. The Planning Commission approved the amendment to the MPD on October 26, 2022, and voted to recommend exceptions to the Zone Height to the Council for consideration on November 17, 2022.
18. The Planning Commission also voted to recommend the applicants Housing Mitigation Plan to the City’s Housing Authority for consideration on November 17, 2022.
19. The applicant has a total Affordable Housing Obligation of 42.4 AUEs or 38,160 square feet. If the project numbers change, the Affordable Housing Obligation must

be adjusted accordingly.

20. The applicant is proposing to construct all 65 units or 42.4 AUEs (38,160 square feet) of Affordable Housing in Phase 1, as part of its proposal to amend the 2012 MPD, meeting the City's current Affordable Housing Resolution, as follows.

Type	**Units**	**Size**
Studios	27	400
1 Bedroom	23	600
2 Bedrooms	10	800
3 Bedrooms	5	1,100
Units	65	
@ 900 SF		**42.4 AUEs**

21. In addition to meeting the City's Affordable housing Obligation in Phase 1, the applicant is proposing to construct an "additional" 55 affordable housing units in Phase 1, and 65 more "additional" units as part of Phase 4, for a total of 120 "additional" affordable housing Units or 78.8 AUEs as follows:

Type	**Units**	**Size**
Studios	50	400
1 Bedroom	40	600
2 Bedrooms	20	800
3 Bedrooms	10	1,100
Units	**120**	
@ 900 SF		**78.8 AUEs**

22. The applicant is proposing that all the affordable units, both the 65 required and the 120 "additional" affordable units, will be rental units available up 80% AMI, except for 27 studios, that will be available to households making 60-80% AMI, broadening the affordability of these units.
23. The applicant has stated that initially, the applicant shall use a geographic waterfall approach in selecting from applicants in the following priority:
    a. Qualifying applicants employed in the immediate Quinn's Junction

neighborhood, including but not limited to employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, Summit Pediatrics, etc.

b. Qualifying applicants employed within Park City boundaries.
c. Qualifying applicants employed within the Park City School District boundaries.
d. Qualifying applicants employed within Summit County (additional affordable units only).

24. The applicant has stated that the "additional" 120 affordable units will be available to eligible households at up to 120% of Summit County AMI. However, rental rates charged will be at 80% of AMI, regardless of the AMI of individual households, meeting the City's definition of affordable. All gross rental rates will include any Homeowner Association fees or assessments that may be charged against the units, and this will be a Condition of Approval. Seven (7) studio units will be available at 60% AMI and 20 studio units will be available at 70% AMI.
25. Amenities available to residents of the affordable units include a sheltered bus stop, e-bike station and bike fix-it station, community plaza, sports courts, sheltered bike storage, recycling rooms, outdoor dining, electric car charging station, green and dog-friendly space, and an internal pedestrian and bike trail system with connections to the broader Park City trail system.
26. Section 2.5(e) of the Annexation Agreement specifically discusses Building Height for the existing MPD and allows for Building Height exceptions
27. The maximum Building Height in the CT zone is 28 feet with additional Height and Setback restrictions for the ECPO. Proposed Building Heights range from 25 feet to 45 feet, with most of the taller buildings located in the center or rear (east side) of the site. One exception to this is the market-rate Multi-Unit Dwelling located adjacent to SR-248, which is proposed at 40 feet in Height, but is not located within the ECPO Setback. The proposed townhomes and commercial building meet the Zone Building Height requirements at 25 feet in Height, and all buildings are now located outside of the EOPC 150-foot Setback requirements.
28. The RCO allows for the City Council to grant a height exception upon recommendation from the Planning Commission.
29. The Planning Commission finds that the proposed Building Height Exceptions are consistent with the Film Studio MPD Building Height Exceptions and meet the standards for review of the CT-RCO zone. The site is located hundreds of feet from the nearest abutters and will not have a visual impact on any existing structures. All buildings meet required Setbacks. The Planning Commission also finds that there is no net increase in the proposed square footage over what is possible under the existing MPD.
30. The Planning Commission has consistently expressed that the majority of the 60,000 square feet of Commercial Uses in the project be limited to smaller-scale community oriented commercial Uses.
31. The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat Area according to the City's General Plan Maps
32. MPDs require a minimum of 60% Open Space. However, the existing MPD has no minimum Open Space requirement per the Annexation Agreement.

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

Conclusions of Law:

1. The modification to the 2012 Quinn's Junction Partnership Annexation Master Planned Development Agreement is a substantive modification.
2. The Application complies with the requirements of the Land Management Code as conditioned and approved.
3. The modifications are compatible with surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The modification to the Master Planned Development:
    a. complies with all requirements of the Land Management Code;
    b. meets the minimum requirements of Section 15-6-5;
    c. provides the highest value of Open Space, as determined by the Planning Commission;
    d. strengthens and enhances the resort character of Park City;
    e. compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
    f. is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
    g. provides amenities to the community so that there is no net loss of community amenities;
    h. is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete;
    i. meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
    j. promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;
    k. was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
    l. incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;
    m. addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;

n. addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
o. addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
p. addresses and mitigates traffic.

Conditions of Approval:

1. Lot 1A, 4001 Kearns Boulevard, is subject to the original Annexation, Zoning, and MPD agreements.
2. Development of 3891 Kearns Boulevard is contingent upon approval of the Building Heights by the City Council, approval of the applicant's Housing Mitigation Plan by the Park City Housing Authority, and ratification of a Development Agreement by the Planning Commission.
3. The majority of the 60,000 square feet of Commercial Uses in the project shall be limited to smaller-scale community oriented commercial Uses set forth in the Application and Final Plan Set dated October 26, 2022, without the need to return to the Planning Commission for a CUP.
4. The Planning Department shall complete an Administrative Conditional Use Permit for any Child Care Center, Intensive Office, and/or Major Retail or Service Use, to ensure that most of the Commercial Uses are smaller-scale and community oriented, and that there is sufficient parking and/or drop-off/pick-up areas for the proposed mix of uses. A detailed parking analysis shall be submitted at the time of Administrative Conditional Use permit application to allow Planning Staff to calculate the parking demand in relation to the parking supply.
5. Commercial Uses shall not include Hotels of any kind, any business with a Drive-Up window, or Gasoline Service Station.
6. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant will deliver in the form of 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
7. In addition to the required affordable units, the applicant is proposing 120 "additional' affordable units that will be delivered partially in phase 1 (55 affordable units) and partially in Phase 4 or earlier (65 affordable units).
8. Phases 1 and 2 will utilize surface parking stalls and the applicant shall construct at least the required number of parking stalls for each Phase of Development prior to receiving Certificates of Occupancy for each phase.
9. The site plan also includes one additional 4-story, for-rent affordable building totaling 58,632 square feet to be built concurrent to the Phase 4 market-rate building, or earlier. The building is 45 feet, exceeding the zone height and the balance of the "additional" affordable units, 65 units, will be constructed in this building.
10. Certificates of Occupancy for the Phase 4 market-rate units shall be tied to the Certificates of Occupancy for the Phase 4 affordable units.
11. No additional Density shall be built on Lot 1A and Lot 1B is subject to a maximum Density of 320,632 square feet of total development, consistent with the site plan and final plan set reviewed by the Planning Commission on October 26, 2022.

12. Parking and lighting shall meet requirements of the LMC except for the parking reduction granted by the Planning Commission.
13. The secondary access to the site (non-signalized access) must be reviewed and approved by UDOT and the City Engineer prior to building permits and shall be right-in/right-out only.
14. The applicant shall have six years from the ratification of the Development Agreement to exercise building permits for the project. If the applicant has not exercised all the required building permits for the project the applicant shall return to the Planning Commission to re-permit remaining Density prior to the issuance of any additional building permits.
15. The applicant shall locate a bus stop and bus shelter on site at a location to be reviewed and approved by the City Engineer prior to the issuance of a building permit.
16. The applicant shall provide a bike share and bike fix it station on site and the applicant shall be responsible for the annual operational and maintenance costs of the stations.
17. Bike racks shall be provided for the various commercial uses as required by the LMC.
18. The undulating berm approved by the MPD shall be constructed and maintained consistent with the original MPD.
19. A Stormwater Management Plan shall be reviewed and approved by the City Engineer prior to the issuance of any building permits.
20. Rooftop mechanical equipment shall be architecturally screened from public view.
21. Trash and recycling enclosures shall be screened with landscaping or fencing.
22. All signage shall comply with the LMC.
23. The applicant shall provide covered bike storage in all residential buildings at a minimum rate of one stall per unit consistent with the City's LMC requirements at the time of building permit.
24. The applicant shall provide recycling facilities in all Multi-Unit Dwellings on site.
25. A final subdivision plan shall be recorded prior to construction of the condominium units.
26. The applicant shall bring Lot 1A into compliance with the originally approved Landscape Plan. Some plant substitutions shall be allowed by the Planning Director if other species are deemed more suitable by the Planning Director.
27. The applicant shall construct a trail connection from the site to the Park City Rail Trail, upon review and approval of a plan by the City's Open Space Manager. The City will contribute up to $75,000 for the cost of this connection.
28. The applicant has committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a bus station, e-bike share, connection to the rail trail, and providing covered bike storage in all buildings. In addition, the applicant is reducing their overall parking to prevent excess paving and increase open space. All lighting will meet the City's Dark Sky Ordinance LMC § 15-5-5(J).

29. Prior to the issuance of a building permit the applicant shall submit a plan for a bus stop and shelter for review and approval by the City Engineer and Transportation Planning Manager.
30. Prior to the issuance of a building permit the applicant shall submit a plan to limit right in/right out turns only from the secondary access point for review and approval by the City Engineer.
31. Prior to the issuance of a building permit the applicant shall submit evidence to the City Engineer and Public Utilities Director in accordance with LMC § 15-7.3-6, Water Facilities, confirming that 1) Summit Water has sufficient water supply for domestic water use and fire protection to service the existing and proposed development; or 2) an alternative water supply with sufficient capacity to serve the existing and proposed development has agreed to service the site. The burden is upon the applicant to submit responsive information regarding LMC 15-7.3-6.
32. If any phases of the project are not issued building permits within 6 years of the issuance of the first building permit, the applicant shall be required to return to the Planning Commission to re-permit any remaining density prior to the issuance of building permits to ensure that the remaining development is still in the best interest of the City and immediate neighborhood.
33. The proposed development shall not exceed the maximum approved Density of 374,000 square feet.
34. A Plat Note shall indicate that 3891 Kearns Boulevard, Lot 1B, is subject to Ordinance 2022-Xx.

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

PASSED AND ADOPTED this 15th day of December, 2022.

PARK CITY MUNICIPAL CORPORATION

_____
MAYOR

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

_____
City Attorney

Attachment 1 – Conceptually Approved MPD Site Plans

Planning Commission
Staff Report

Subject: **161 Park Avenue**
Application: **PL-22-05346**
Author: **Spencer Cawley, Planner II**
Date: **November 9, 2022**
Type of Item: **Administrative – Plat Amendment**

Recommendation

Staff recommends the Planning Commission (I) review the 161 Park Avenue Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on December 8, 2022, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Ordinance No. 2022-XX (Exhibit A).

Description

Applicant:	Andrew & Donna Cross Mike Stoker, Applicant Representative
Location:	161 Park Avenue
Zoning District:	Historic Residential – 1
Adjacent Land Uses:	Single-Family Dwellings, St. Mary's Chapel, Public Stairs
Reason for Review:	Plat Amendments require Planning Commission recommendation and City Council action[1]

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

161 Park Avenue is in the Historic Residential -1 (HR-1) Zoning District. The site is identified by Summit County as parcel number PC-7, the northern 15 feet of Lot 15 and all of Lot 16, Block 1, Park City Survey. 161 Park Avenue is occupied by a Landmark Historic Structure[2] as identified by the City's Historic Sites Inventory. The Landmark Historic Structure was built circa 1887 and sits on both Lots 15 and 16. The Applicant proposes removing the Lot line common to Lots 15 and 16 to create one Lot.

On August 8, 2022, the Applicant submitted a Historic District Design Review-Pre application, which is under review with the Design Review Team. The Applicant indicates they plan to rehabilitate the Landmark Historic Structure and construct an

[1] LMC § 15-7.1-2
[2] LMC § 15-11-10(D)(1)(dk)

addition.



Figure 1: View of Property from Park Avenue

Analysis

A Plat Amendment is the combining of existing Lots into one or more Lots, amendments to Plat notes, or amending other platted elements.[3] Plat Amendments require Planning Commission review and recommendation to City Council for Final Action.[4] The Applicant proposes removing the Lot line common to Lots 15 and 16 creating one Lot.

(I) The proposed Plat Amendment complies with the Historic Residential (HR-1) Zoning District Requirements.

The purposes of the HR-1 Zoning District are to:

1. Preserve present land Uses and character of the Historic residential Areas of Park City;
2. Encourage the preservation of Historic Buildings and/or Structures;
3. Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential

[3] LMC § 15-7.1-3(B)
[4] LMC § 15-12-15(B)(9)

neighborhoods;
4. Encourage single-family Development on combinations of 25' x 75' Historic Lots;
5. Define Development parameters that are consistent with the General Plan polices for the Historic core; and
6. Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale of the environment.

Single-Family Dwellings are an Allowed Use in the HR-1 Zoning District.[5]

The table below outlines the HR-1 Zoning District Lot and Site Requirements established in LMC § 15-2.2-3:

HR-1 Zoning District Requirement	**Analysis of Proposal**
Min. Lot Area: 1,875 sq. ft.	**Complies –** The proposed Lot Contains 2,935 square feet.
Min. Lot Width: 25 feet	**Complies –** The width of the combined Lots is 40 feet.
Maximum Building Footprint = (Lot Area/2) x 0.9 Lot Area/1875	**Condition of Approval 6** Based on the proposed Lot area, the Maximum Building Footprint for this site is 1,244 square feet. The Plat shall note that the Historic Structure and any new construction shall not exceed the Maximum Building Footprint of 1,244 square feet.
Setbacks: Front: 10 feet Rear: 10 feet Side: 5 feet	**Condition of Approval 7** Portions of the Historic Structure encroach into the Side Setbacks. Historic Buildings that do not comply with Setbacks are valid Non-Complying Structures.[6] Any addition to the Historic Structure shall comply with the Lot Setbacks and cannot increase the non-conformity.
Building Height: 27 feet	**Condition of Approval 8** Any addition to the Historic Structure shall not exceed the zone height of 27 feet.

Architectural Review LMC § 15.2.2-9
Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning

[5] LMC § 15-2.2-2(A)(1)
[6] LMC § 15-2.2-4

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 and compliance with LMC Chapter 15-11, *Historic Preservation*, and LMC Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites*.

(II) Staff finds Good Cause for removing the Lot line common to Lots 15 and 16 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 is vacated or amended.

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

A. The Historic Residential (HR-1) Zoning Character is retained.

One of the purposes of the HR-1 Zoning District is in part to preserve present land Uses and the character of the Historic residential Areas of Park City.[7] This proposal is consistent with the Zoning District by preserving the character of Historic residential development, encouraging the preservation of the site's Historic Structure, and encouraging construction of Historically Compatible Structures that contribute to the character and scale of the Historic District. Furthermore, this proposal supports the Park City General Plan Goal No. 15 by preserving the integrity, mass, scale, compatibility, and historic fabric of the City's Historic core.[8] The existing Structure and any new construction cannot exceed the Maximum Building Footprint of 1,244 square feet (**Condition of Approval 6**).

B. No Public Street or Right-of-Way is vacated or amended.

Access to the Lot is from Park Avenue. The Applicant's proposal does not vacate or amend any portion of the platted ROW. However, according to recorded survey No. S-7220 (Exhibit B) there is a fence, retaining wall, and rock wall that encroach into the neighboring Second Street ROW that is platted, but un-built. Staff recommends **Condition of Approval 9** requiring the Applicant to enter into an encroachment agreement with the City Engineer and to record the agreement with Summit County prior to recordation of the Plat.

[7] LMC § 15-2.2-1(A)
[8] Park City General Plan p. 106

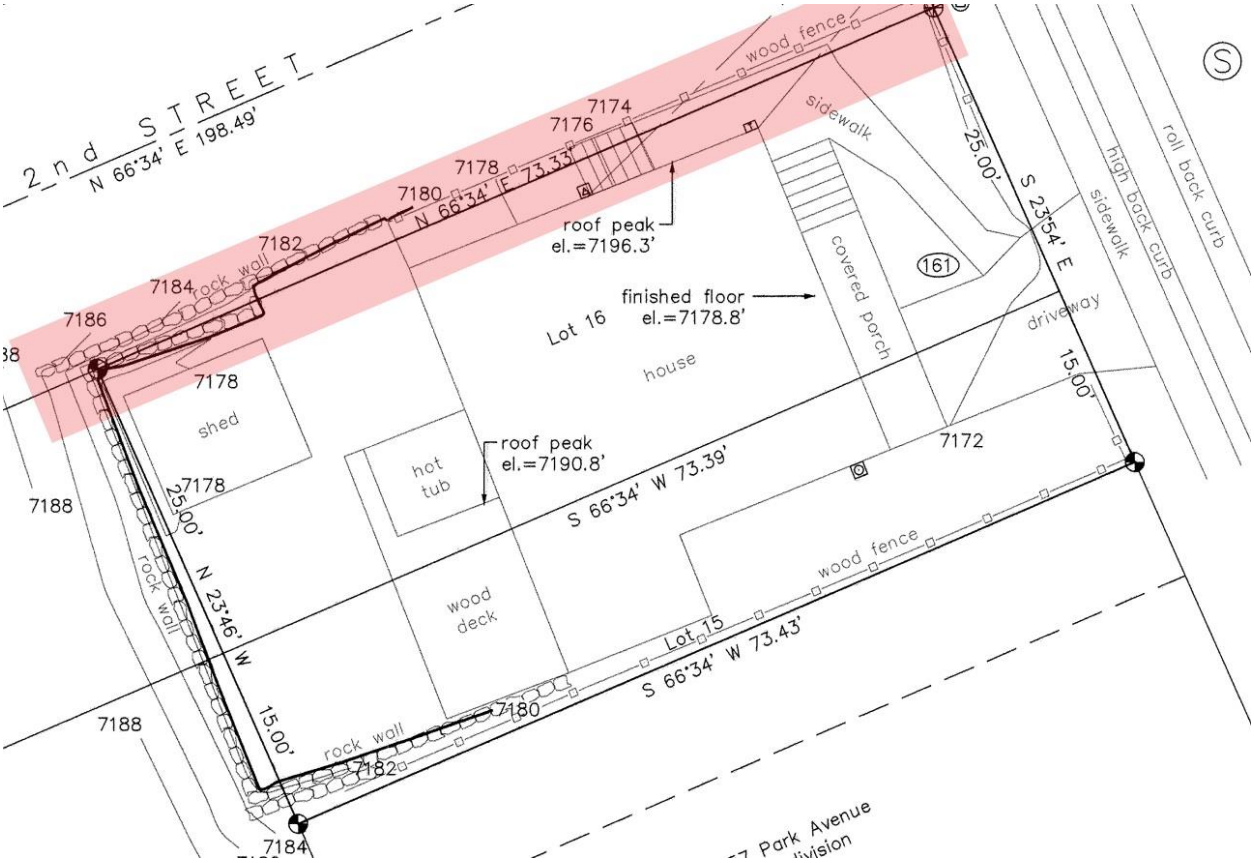


Figure 2: Area of Encroachment into Public Right-of-Way

C. No easement is vacated or amended.

(III) The Development Review Committee met on September 6, 2022, reviewed the proposal, and did not identify any issues. [9]

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on October 26, 2022. Staff mailed courtesy notice to

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

property owners within 300 feet on October 26, 2022. The *Park Record* published notice on October 26, 2022. LMC § 15-1-21.

Public Input

Public Comment is attached as Exhibit E.

Alternatives

- The Planning Commission may forward a positive recommendation for Ordinance No. 2022-XX, Approving the 161 Park Avenue Plat Amendment, to the City Council for Consideration on December 8, 2022; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2022-XX, Denying the 161 Park Avenue Plat amendment, to the City Council and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information for the 161 Park Avenue Plat Amendment and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2022-XX and Proposed Plat
Exhibit B: Survey No. S-7220
Exhibit C: Applicant Statement
Exhibit D: Property Photos
Exhibit E: Public Comment

Ordinance No. 2022-XX

AN ORDINANCE APPROVING THE 161 PARK AVENUE PLAT AMENDMENT, LOCATED AT 161 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 161 Park Avenue petitioned the City Council for approval of the 161 Park Avenue Plat Amendment; and

WHEREAS, on October 26, 2022, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on October 26, 2022, courtesy notice was mailed to property owners within 300 feet of 517 Park Avenue; and

WHEREAS, on November 9, 2022, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, on November 9, 2022, the Planning Commission forwarded a positive/negative recommendation for City Council's consideration on December 8, 2022; and

WHEREAS, on December 8, 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 161 Park Avenue Plat Amendment, located at 161 Park 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 161 Park Avenue.
2. The property is listed with Summit County as Parcel number PC-7 and consists of the northern 15 feet of Lot 15 and all of lot 16, Block 1, Park City Survey.
3. The Applicant owns the northern 15 feet of Lot 15 and all of Lot 16.
4. The property is in the Historic Residential (HR-1) Zoning District.
5. The Site contains a Historic Structure constructed circa 1887 and is on Park City's Historic Sites Inventory.
6. The Historic Structure straddles the Lot Line common to Lot 15 and Lot 16.
7. A rock wall, a retaining wall, and a fence on the north side of Lot 16 encroaches into the Second Street Right-of-Way.
8. No easement is vacated or amended as a result of the plat amendment.
9. The LMC regulates Lot and Site Requirements per LMC § 15-2.2-3.

10. A Single-Family Dwelling is an allowed Use in the HR-1 Zoning District and requires a minimum Lot size of 1,875 square feet. The combined Lot size is 2,935 square feet.
11. The minimum Lot width in the HR-1 Zoning District is 25 feet. The proposed width the Lot is 40 feet.
12. The required front Setback is ten feet (10').
13. The required Side Setback is five feet (5').
14. Pursuant to LMC § 15-2.2-4, Historic Buildings and/or Structures that do not comply with Setbacks are valid Non-Complying Structures.
15. In the HR-1 Zoning District, the Maximum Building Footprint = (Lot Area/2) x $0.9^{\text{Lot Area/1875}}$. The Maximum Building Footprint for the combined Lots is 1,244 square feet.
16. Building Height in the HR-1 Zoning District is 27 feet.
17. The findings in the Analysis section of the Staff Report are incorporated herein.

Conclusions of Law

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

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final from and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction.
4. A non-exclusive ten foot (10') public snow storage easement on Park Avenue shall be dedicated on the Plat.
5. Any addition to the Historic Structure must comply with the Land Management Code and requires Historic District Design Review.
6. The Plat shall note that the Historic Structure and any new construction shall not exceed a Maximum Building Footprint of 1,244 square feet.
7. Any addition to the Historic Structure shall comply with the Lot Setbacks and cannot increase the non-conformity.
8. Any addition to the Historic Structure shall not exceed the zone height of 27 feet.
9. To address the rock wall, retaining wall, and fence that encroach into the Second Street Right-of-Way, the Applicant shall enter into an encroachment agreement with

the Park City Engineer and record the agreement with Summit County prior to recordation of the Plat.

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

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

PASSED AND ADOPTED this 8th Day of December 2022.

PARK CITY MUNICIPAL CORPORATION

_____
Nann Worel, MAYOR

ATTEST:

_____
City Recorder

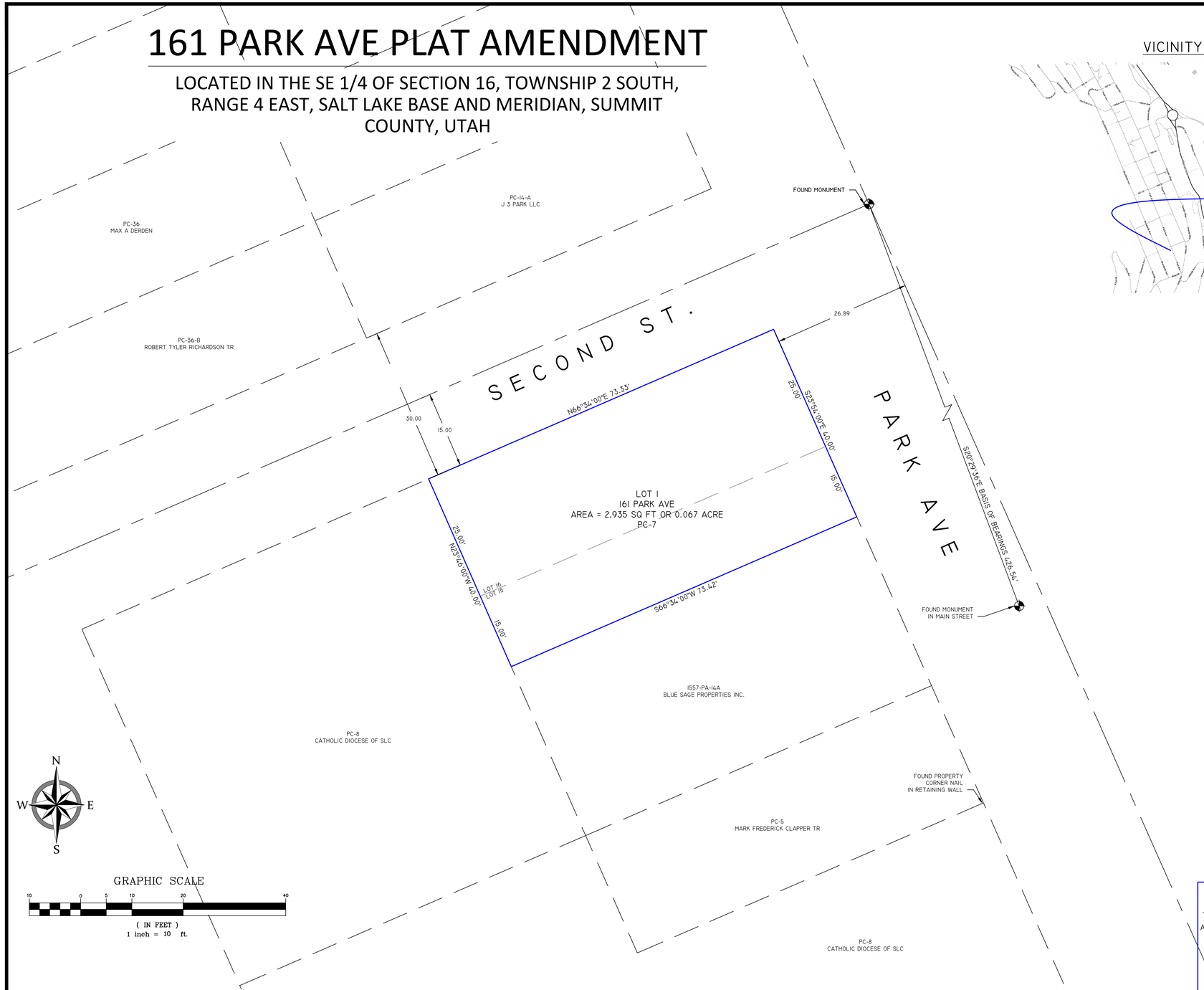
APPROVED AS TO FORM:

_____
City Attorney

Attachment 1 – Proposed Plat

161 PARK AVE PLAT AMENDMENT

LOCATED IN THE SE 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH



VICINITY MAP

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, CHAD A ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7736336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT THIS PLAT AMENDMENT WAS PREPARED BY ME AND UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION.

CHAD A. ANDERSON
PROFESSIONAL LAND SURVEYOR

07/07/22
DATE

REGISTERED LAND SURVEYOR
7736336
CHAD A. ANDERSON
07/07/22
STATE OF UTAH

SURVEYOR'S SEAL

BOUNDARY DESCRIPTION

THE NORTHERLY 15 FEET OF LOT 15 AND ALL OF LOT 16, BLOCK 1, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

AREA = 0.067 ACRE

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DONNA J. CROSS AND ANDREW M. CROSS, AS JOINT TENANTS, THE UNDERSIGNED OWNER OF THE TRACT(S) OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT AMENDMENT, HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____ , 20___.

DONNA J. CROSS

ANDREW M. CROSS

ACKNOWLEDGEMENT

STATE OF_____
COUNTY OF_____ } S.S.

ON THIS _____ DAY OF _____ , 20___, PERSONALLY APPEARED BEFORE ME DONNA J. CROSS AND ANDREW M. CROSS, AS JOINT TENANTS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____

SIGNATURE – NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____

SEAL

NOTES

1. RESIDENTIAL FIRE SPRINKLERS WILL BE REQUIRED FOR ALL NEW CONSTRUCTION PER REQUIREMENTS OF THE CHIEF BUILDING OFFICIAL.
2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE NO. 2019-60 AND ORDINANCE NO. 2021-32.
3. SUBJECT PROPERTY IS LOCATED IN ZONE X PER FEMA FLOOD MAP NO. 490139.
4. PLAT IS SUBJECT TO ENCROACHMENT AGREEMENT _____.

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS ___DAY OF _____ 20__.

BY:
SUMMIT COUNTY GIS COORDINATOR

ELEMENT LAND SURVEYING • 2296 SOUTH 270 EAST, HEBER CITY UT 84032 • 801-592-5975 & 801-657-8748

ELEMENT
LAND SURVEYING

7/7/2022 10:21:39 AM

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS.

ON THIS_____ DAY OF _____ 20___.

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION

RECOMMENDED BY THE PARK CITY PLANNING COMMISSION

ON THIS 9th DAY OF May 20__.

CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE.

ON THIS_____ DAY OF _____ 20___.

PARK CITY ENGINEER

APPROVAL AS TO FROM

APPROVED AS TO FORM.

ON THIS_____ DAY OF _____ 20___.

PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL.

ON THIS 31st DAY OF May 20__.

PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL.

ON THIS ___DAY OF _____ 20__.

MAYOR

RECORDER

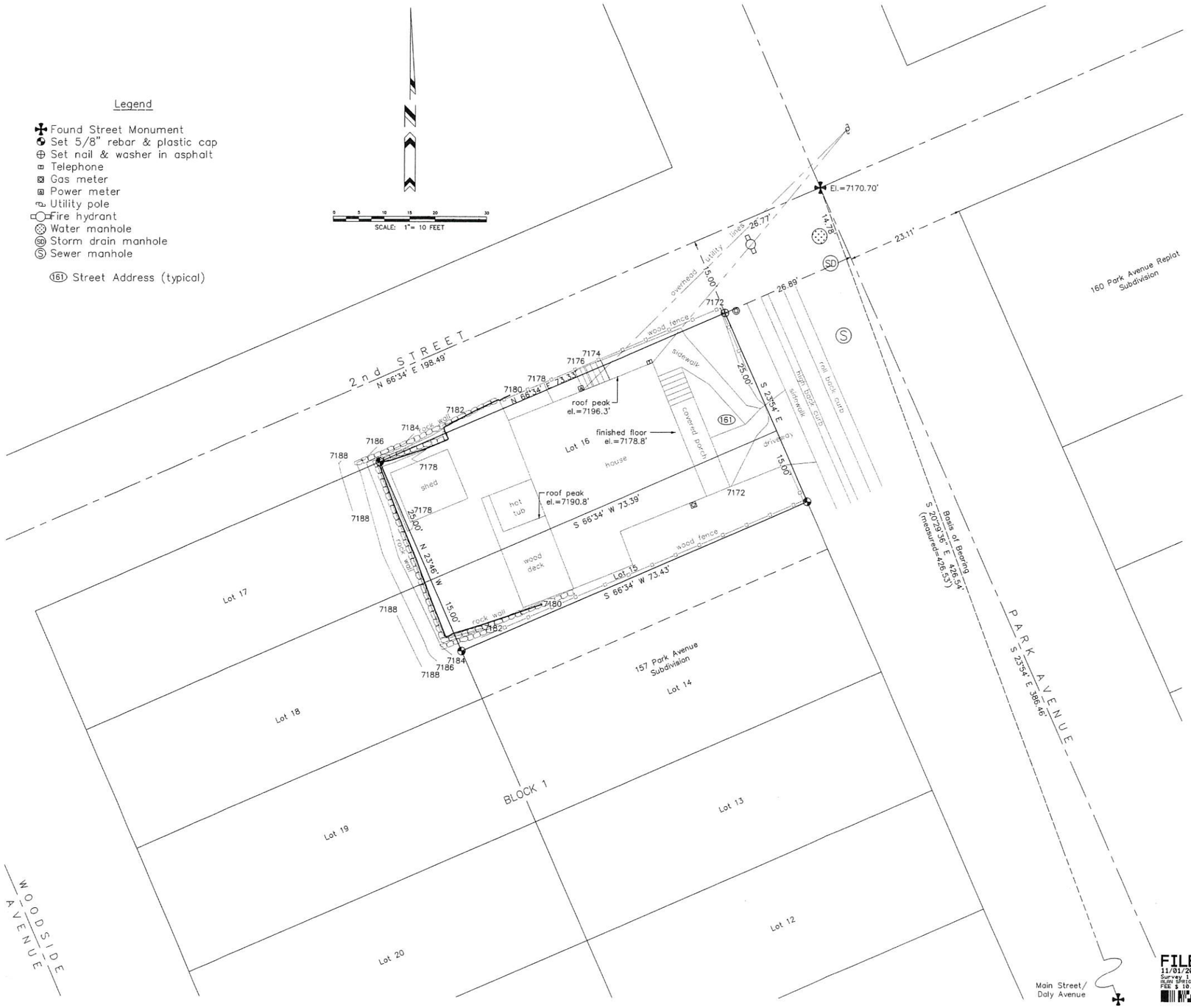
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

FEE _____

SIGNATURE – SUMMIT COUNTY RECORDER

Park City Survey, Block 1
Lot 16 and the North 15 feet of Lot 15



NARRATIVE

1. Survey requested by: Thomas Hansen.
2. Purpose of survey: locate the deed description, improvements and the specified topographic relief.
3. Basis of survey: found Street Monuments as shown.
4. Date of survey: May 6, 2009.
5. Property monuments set or found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. See the previous surveys recorded as File No.'s S-60, S-703 and S-3941 in the office of the Summit County Recorder.
9. Elevations are based on an elevation of 7170.70 feet, from the Park City Monument Control Map, at the Street Monument found at the intersection of 2nd Street and Park Avenue, as shown.

LEGAL DESCRIPTION

The Northerly 15 feet of Lot 15 and all of Lot 16, Block 1, Park City Survey, according to the official plats thereof, on file and of record in the Summit County Recorder's Office; the total containing 2935.2 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Sureyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

April 20, '10
Date

STATE OF UTAH 4/20/10 J.D. GAILEY 359005 PROFESSIONAL LAND SURVEYOR

J.D. Gailey, PLS#359005

FILE NO. S0007220
11/01/2010 03:55:01 PM
Survey 1 of 1
RUBY SPRIGGS, SUMMIT COUNTY RECORDER
FEE $ 10.00 BY ALPINE SURVEYING

Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

RECEIVED
JUN 12 2019
PARK CITY PLANNING DEPT.

S-7120

161 Park Ave
Park City, UT 84060
@1889

PROPOSAL DESCRIPTION

161 Park Ave built ~1889 is Landmark Historical mining era frame house representative of the mining town residences of that era. Andrew & Donna Cross purchased the property in May 2022 and will be doing a remodel and addition.

This amendment is to remove the interior lot line between lots 15 & 16.

Owner: Andrew & Donna Cross

Representative: Mike Stoker, Stoker Architecture

General Contractors: Hayden Andrews, Hayden Construction


SUMMIT
COUNTY









From: [redacted]
Sent: Tuesday, November 1, 2022 3:34 PM
To: Spencer Cawley
Subject: [External] Permit #PL-22-05346

[redacted]

I support removing the interior lot line between lots 15 and 16 for the construction on 161 Park Avenue.

Nancy Davidson
Owner of 214 Woodside Avenue

Planning Commission
Staff Report

Subject: **327 McHenry Avenue**
Application: **PL-22-05389**
Author: **Jaron Ehlers, Planning Technician**
Date: **November 9, 2022**
Type of Item: **Administrative – Conditional Use Permit**

Recommendation

(I) Review the Conditional Use Permit to construct a Private Recreation Facility for 327 McHenry Avenue; (II) conduct a public hearing; and (III) consider approving the Conditional Use Permit subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A)

Description

Applicant:	327 McHenry LLC Represented by Jerry Fiat
Location:	327 McHenry Avenue
Zoning District:	Historic Residential - Low Density
Adjacent Land Uses:	Single Family Residences
Reason for Review:	The Planning Commission reviews Conditional Use Permits, conducts a public hearing, and takes Final Action[1]

Abbreviations

CUP	Conditional Use Permit
HDDR	Historic District Design Review
HRL	Historic Residential – Low Density
LMC	Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

On July 12, 2021, the Applicant submitted a Historic District Design Review (HDDR) application to the Planning Department to construct a new Single-Family Dwelling in the Historic Residential – Low Density (HRL) Zoning District at 327 McHenry Avenue. The Planning Department approved the HDDR on August 24, 2021 (See Exhibit B).

On September 20, 2022, the Applicant submitted a Conditional Use Permit to install a Private Recreation Facility, specifically an outdoor pool, in their backyard. There will be

[1] LMC § 15-1-8(G)

substantial landscaping around the proposed pool, which is currently under review by the Planning Department (PL-22-05410). The image below is taken from the Applicant's submittal:



The Land Management Code (LMC) identifies outdoor swimming pools as Private Recreation Facilities. Private Recreation Facilities require a Conditional Use Permit in the HRL Zoning District. LMC § 15-15-1 *Definitions* defines "Private Recreation Facilities" as:

> *Recreation facilities operated on private property and not open to the general public, including Recreation Facilities such as swimming pools, tennis courts, outdoor Pickle Ball Courts, and similar facilities for the Use by Owners and Guests.*

Analysis

(I) The proposal to construct a Private Recreation Facility complies with the Historic Residential – Low Density (HRL) Zoning District requirements.

327 McHenry Avenue is in the HRL Zoning District. Private Recreation Facilities are a

Conditional Use in the HRL Zoning District[2] and must meet the following Lot and Site requirements:[3]

HRL Zoning Requirements	Analysis of Proposal
Minimum Lot Area: 3,750 square feet	**Complies.** The Lot is 7,501 square feet
Minimum Lot Width: 35 feet	**Complies.** The Lot is 47.33 feet at the front and increases to 60.43 feet at the back.
Maximum Building Footprint = (Lot Area/2) x $0.9^{\text{Lot Area}/1875}$	Not Applicable The Maximum Building Footprint for this site is 2,460 square feet. The proposed maximum building footprint 2,460 square feet.
Front and Rear Setbacks: 15 feet for Lot Depths over 100 feet.	**Complies.** The proposed Private Recreation Facility is approximately 15 feet from the rear lot line.
Side Setback: Five feet for Lot Widths up to 62.5 feet	**Complies.** The proposed Private Recreation Facility approximately 8 feet from the south/side lot line, and approximately 15 feet from north/side lot line.

(II) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined.

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

[2] LMC § 15-2.1-2(B)(11)
[3] LMC § 15-2.1-3

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 Criteria	Analysis of Proposal
Size and Location of the Site	**No Required Mitigation** The Lot is 7405.2 square feet. The proposed pool is in the rear yard and outside all required Setbacks. Lot is in a Historic Residential Area.
Traffic	**No Required Mitigation** The Private Recreation Facility will not generate additional traffic.
Utility Capacity	**Not Applicable** The pool will not impact existing utilities.
Emergency Vehicle Access	**Not Applicable** This proposal will not change emergency access to the property.
Parking	**Condition of Approval 2** LMC § 15-3-6(B) requires one parking space per four persons maximum rated capacity for a Private Recreation Facility. LMC § 15-3-6(A) requires two parking spaces per Dwelling Unit for Single-Family Dwelling. The Applicant provides two parking spaces in a garage with two parking spaces located in the driveway. Condition of Approval 2 prohibits on-street parking and requires parking to be satisfied on-site.
Internal Vehicular and Pedestrian Circulation	**Not Applicable** As a single-family lot with no existing trails, there is no internal circulation or pedestrian circulation.

Fencing, Screening, and Landscaping	**No Required Mitigation** The proposed swimming pool is stepped back from the rear of the property. The Applicant has stated with the grade change, four-foot retaining walls, and plantings the swimming pool should be minimally visible from adjacent properties and the right-of-way to the west of 327 McHenry. There is also a proposed wall along the north side.
Building Mass, Bulk, and Orientation	**Not Applicable**
Signs and Lighting	**Condition of Approval 3** All outdoor lighting shall be compliant with LMC § 15-5-5(J) and must be fully shielded with bulbs that do not exceed 3000 degrees Kelvin.
Physical Design and Compatibility with Surrounding Structures	**No Required Mitigation** Materials and design of the pool must be compliant with LMC Chapter 15-5, *Architectural Review* and Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites.* Completion of an HDDR and landscaping approval is required prior to submitting a building permit.
Noise, Vibration, Odors, Steam, or Other Mechanical Factors	**Condition of Approval 4** Use of pool is limited to primary owners of the residence and their guests.
Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas	**Not Applicable**
Expected Ownership and Management	**No Required Mitigation** The Applicant is the owner of record. Nightly Rentals are prohibited in the McHenry neighborhood of the HRL Zone.[4]

[4] LMC §15-2.1-2

Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes	**Not Applicable** The lot is not located in any of these areas.
Reviewed for Consistency with the Park City General Plan	**No Required Mitigation** The Use is consistent with the Park City General Plan and is an allowed Conditional Use. Goal 15 of the Park City General Plan is to preserve the integrity of the Historic District. Object 15B is to maintain the character, context, and scale of local historic districts with compatible infill[5]. This property owner must complete an HDDR application for compliance with the Historic District Guidelines prior to submittal of a building permit.

(IV) Development Review Committee reviewed the proposal and did not identify any issues.

On October 24, 2022, the Development Review Committee reviewed the proposal and did not identify any issues.

Department Review

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

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 26, 2022. Staff mailed courtesy notice to property owners within 300 feet on October 25, 2022. The *Park Record* published notice on October 22. 2022.[6]

Public Input

Staff has received public input which has been attached as an exhibit.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for a Private Recreation Facility;

[5] Park City General Plan p. 106-107
[6] LMC § 15-1-21.

- The Planning Commission may deny the Conditional Use Permit for a Private Recreation Facility 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: Final Action Letter for 2021 HDDR
Exhibit C: Proposed Plans
Exhibit D: Plans with Applicant Measurements of Setbacks
Exhibit E: Public Comment

Planning Department

November 9, 2022

Jerry Fiat
435-513-1273

CC: 327 McHenry LLC

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	327 McHenry Avenue
Zoning District:	Historic Residential - Low Density
Application:	Conditional Use Permit
Project Number:	PL-22-05389
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	November 9, 2022
Project Summary:	The Applicant is proposing the construction of a Private Recreation Facility/Pool

Action Taken

On November 9, 2022, the Planning Commission conducted a public hearing and approved the Private Recreation Facility according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The Site is located at 327 McHenry Avenue.
2. The Site is located within the Historic Residential Low-Density (HRL) Zoning District.
3. On July 12, 2021, the Planning Department received a Historic District Design Review (HDDR) application for the property at 327 McHenry Avenue; it was deemed complete July 27, 2021.
4. The Applicant proposes to construct a new Single-Family Dwelling.
5. On November 19, 2020, a Plat Amendment creating 331 McHenry Avenue Subdivision-First Amended was approved by City Council. Ordinance No. 20-50 was adopted. A ten-

DRAFT

foot (10') public snow storage easement on McHenry Avenue was required to be recorded on the plat. Two existing easements, an encroachment easement recorded August 2, 2010 and a five-foot (5') water line easement recorded June 24, 2009 were also recorded. This plat was never recorded.

6. Staff reviewed 327 McHenry's HDDR application for compliance with LMC Chapter 15-13, Design Guidelines for Historic Districts and Historic Sites.
7. The application was reviewed per LMC § 15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts and LMC Chapter 15-2.1, Historic Residential Low-Density Zoning District.
8. On August 24, 2021 this HDDR was approved by the Planning Director.
9. On September 6, 2022, a Modification to the approval of the HDDR was approved by the Planning Director.
10. On September 20, 2022, the Applicant submitted a Conditional Use Permit that proposed to install a Recreation Facility, Private, specifically a Pool, in their backyard.
11. There will be substantial landscaping around the proposed pool, which is currently under review with the Planning Department (PL-22-05410).
12. Staff published notice on the City's website, at the property, and at City Hall on October 26, 2022.
13. Staff mailed courtesy notice to property owners within 300 feet on October 25, 2022.
14. The Park Record published public notice on October 22, 2022.
15. On November 9, 2022, the Planning Commission held a public hearing.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.1, Historic Residential Low-Density (HRL) District.
2. The proposal meets the criteria for the proposal, as conditioned, and complies with the Conditional Use Permit criteria outlined in LMC § 15-1-10(E).

Conditions of Approval

1. All standard conditions of approval apply.
2. LMC Section 15-3-6(B) requires one parking space per four persons maximum rated capacity for a Private Recreation Facility. The Applicant shall ensure the use of the pool will not increase the on-street parking demand. LMC Section 15-3-6(A) requires two parking spaces per Dwelling Unit for Single Family Dwelling. The Applicant provides two parking spaces in a garage with two parking spaces located in the driveway. On-street parking is prohibited and required to be satisfied on-site.
3. All outdoor lighting shall be compliant with LMC § 15-5-5(J).
4. Use of the pool is limited to primary owners of the residence and their guests.

If you have questions or concerns regarding this Final Action Letter, please call 435-

DRAFT

615-5060 or email jaron.ehlers@parkcity.org.

Sincerely,

Laura Suesser, Planning Commission Chair

CC: Jaron Ehlers

DRAFT

August 24, 2021

Matthew and Nina Christensen
327 McHenry Avenue,
Park City, Utah
84060

NOTICE OF PLANNING DEPARTMENT ACTION

Application #	PL-21-04878
Subject	Historic District Design Review (HDDR)
Address	327 McHenry Avenue
Description	New Single-Family Dwelling
Action Taken	Approved
Date of Action	August 24, 2021

Summary of Staff Action
Staff reviewed this HDDR application for compliance with Land Management Code (LMC) Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites*. Staff reviewed the non-Historic Site in accordance with Land Management Code (LMC) Section 15-13-8, *Design Guidelines for New Residential Infill Construction in Historic Districts*, and LMC Chapter 15-2.1, *Historic Residential (HRL) District*. The plans for the project located at 327 McHenry Avenue are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact
1. The Site is located at 327 McHenry Avenue.
2. The Site is located within the Historic Residential Low-Density (HRL) Zoning District.
3. On July 12, 2021, the Planning Department received a Historic District Design Review (HDDR) application for the property at 327 McHenry Avenue; it was deemed complete July 27, 2021.
4. The Applicant proposes to construct a new Single-Family Dwelling.
5. On November 19, 20202, a Plat Amendment creating 331 McHenry Avenue Subdivision- First Amended was approved by City Council. Ordinance No. 20-50 was adopted. A ten foot (10') public snow storage easement on McHenry Avenue was required to be recorded on the plat. Two existing easements, an encroachment easement recorded August 2, 2010 and a five foot (5') water line easement recorded June 24, 2009 were also recorded. At this time, the Plat has not yet been recorded.

6. Staff reviewed 327 McHenry's HDDR application for compliance with LMC Chapter 15-13, *Design Guidelines for Historic Districts and Historic Sites.*
7. The application was reviewed per LMC § 15-13-8 *Design Guidelines for New Residential Infill Construction in Historic Districts* and LMC Chapter 15-2.1, *Historic Residential Low-Density Zoning District.*
8. Staff published notice on the City's website and at City Hall on August 10, 2021.
9. Staff mailed courtesy notice to property owners within 300 feet on July 27, 2021.
10. 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 Chapter 15-2.1, *Historic Residential Low-Density (HRL) District.*
2. The proposal meets the criteria for the *Design Guidelines for New Residential Infill Construction in Historic Districts* outlined in the LMC § 15-13-8.

Conditions of Approval:

1. Final building plans and construction details shall reflect substantial compliance with the plans approved August 24, 2021 by the Planning Department. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. If the Applicant does not obtain a complete building permit by August 24, 2022, this HDDR approval will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Department approves an extension.
3. The applicant is responsible for notifying the Building Department prior to making any changes to the approved plans.
4. 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 his/her designee prior to construction.
5. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate the impacts to the existing neighboring structures, and existing infrastructure/ streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
6. The City Engineer shall review and approve all appropriate grading, utility installations, public improvements, drainage plans, and flood plain issues for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
7. The designer, architect, and/or applicant shall be responsible for coordinating the approved architectural drawings and documents with the approved construction drawings and documents. The overall aesthetics of the approved HDDR architectural plans shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction drawings shall

be reviewed and approved prior to construction.

8. Residential fire sprinklers are required for all new or renovation construction on this lot, per requirements of the Chief Building Official.
9. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
10. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
11. New construction activity shall not physically damage nearby Historic Sites.
12. New materials should reflect the character of the Historic District.
13. No more than two feet (2') of the foundation shall be visible above Final Grade on the secondary and tertiary façades; no more than 8" of foundation shall be visible above Final Grade on the primary façade.
14. Downspouts shall be located away from architectural features and shall be visually minimized when viewed from the primary public right-of-way.
15. All proposed mechanical equipment and hot tubs shall meet all Setback requirements per LMC § 15-2.2-3 and shall be screened. All proposed mechanical equipment and utility systems and service equipment shall be noted and shown in plan on the construction documents. If the equipment is located on a secondary façade, it shall be placed behind the midpoint of the structure or in a location that is not visible from the primary public right-of-way along McHenry Street. Ground-level equipment shall be screened using landscape elements such as low fences, low stone walls, or perennial plant materials.
16. No doors or windows may be vinyl or aluminum; all new doors and windows shall be wood or aluminum-clad wood.
17. Synthetic building materials shall not be used unless the materials are made of a minimum of 50% recycled and/or reclaimed material.
18. All exterior wood shall have an opaque rather than transparent finish. When possible, low-VOC (volatile organic compound) paints and finished shall be used. Rustic, unfinished wood is inappropriate.
19. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down directed and shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
20. Construction waste should be diverted from the landfill and recycled when possible.
21. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.

22. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-Site and adjacent natural Areas.
23. The new driveways shall not exceed twelve (12) feet in width.
24. Per LMC § 15-2.2-3(K) Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
25. The Conditions of Approval noted on the approved HDDR plans shall also apply.
26. Project Conditions shall apply (attached).

If you have questions regarding your application or the action taken please contact the project Planner, Aiden Lillie, at 435-615-5067 or aiden.lillie@parkcity.org.

Sincerely,

Gretchen Milliken
Planning Director

CC: Aiden Lillie, Planner I

Attachments
Attachment 1: Standard Conditions of Approval
Attachment 2: Approved Plans

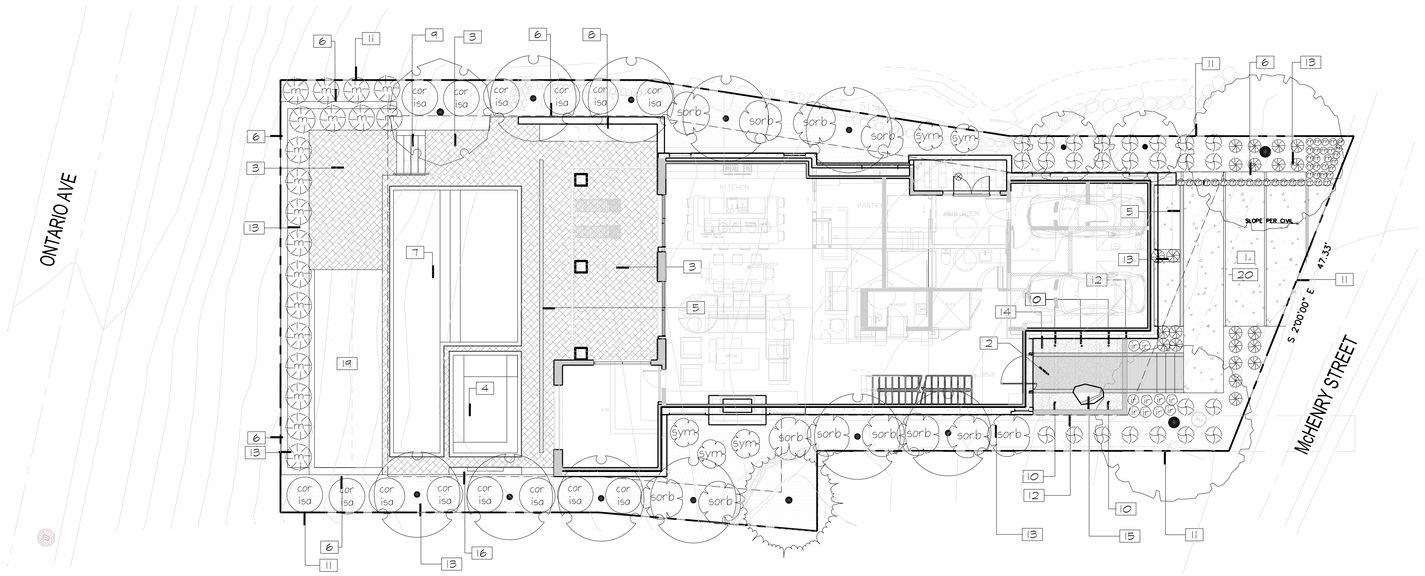
Exhibit A: Standard Conditions of Approval

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction,

including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.



PLANT SCHEDULE — A

DECIDUOUS	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	QTY
	Acer grandidentatum MULTI-TRUNK	Bigtooth Maple	B & B	2"		2
	Fraxinus pennsylvanica	Green Ash	B & B	3"		2
	Malus x 'Spring Snow'	Spring Snow Crab Apple	-	3"		1
	Populus tremuloides	Quaking Aspen	B & B	3"		10
EVERGREEN	**BOTANICAL NAME**	**COMMON NAME**	**CONT**	**CAL**	**SIZE**	**QTY**
	Abies concolor	White Fir	-		12-15' H	1
SHRUBS	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**			
cor isa	Cornus sericea 'Isanti'	Isanti Redosier Dogwood	5 gal			14
sorb	Sorbaria sorbifolia	Ash Leaf Spirea	5 gal			12
symr	Symphoricarpos albus	Common White Snowberry	5 gal			5
GRASSES	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**			
	Calamagrostis acutifolia 'Overdam'	Overdam Reed Grass	1 gal			25
	Festuca mairei	Atlas Fescue	1 gal			22
m	Miscanthus sinensis 'Gracillimus'	Maiden Grass	1 gal			19
PERENNIALS	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**			
rr	Hemerocallis hybrid 'Rosy Returns'	Rosy Returns Daylily	1 gal			41
ir	Iris pallida 'Aureo Variegata'	Variegated Yellow Blade Iris	1 gal			10

* QUANTITY INFORMATION PROVIDED FOR REFERENCE ONLY. CONTRACTOR RESPONSIBLE TO VERIFY ALL QUANTITIES.

PLANTING NOTES — B

1. CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY COSTS INCURRED DUE TO DAMAGE OF SAID UTILITIES.
2. CONTRACTOR SHALL NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED WHEN IT IS OBVIOUS THAT OBSTRUCTIONS AND/OR GRADE DIFFERENCES EXIST THAT MAY NOT HAVE BEEN KNOWN DURING DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNERS REP. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH THE LANDSCAPE CONSTRUCTION FOR THIS PROJECT.
4. ALL PLANT MATERIAL SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE UPON DELIVERY TO THE SITE, AND PRIOR TO INSTALLATION. ANY PROPOSED SUBSTITUTIONS OF PLANT SPECIES SHALL BE MADE WITH PLANTS OF EQUIVALENT OVERALL FORM, HEIGHT, BRANCHING HABIT, FLOWER, LEAF, COLOR, FRUIT AND CULTURE ONLY AS APPROVED BY THE OWNER'S REPRESENTATIVE.
5. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON THE DRAWINGS. IF DISCREPANCIES ARISE BETWEEN ACTUAL PLANTING AREA SIZES IN THE FIELD AND THOSE SHOWN ON THE PLANS, CONTRACTOR SHALL CONTACT THE OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN WILL RESULT IN CONTRACTOR'S LIABILITY FOR MATERIALS RELOCATION.
6. FINAL LOCATIONS OF ALL PLANT MATERIALS SHALL BE SUBJECT TO APPROVAL OF THE OWNER'S REPRESENTATIVE. TREES SHALL NOT BE PLANTED LESS THAN 5'-0" FROM CURBS OR HARD SURFACE AREAS UNLESS A ROOT BARRIER IS INSTALLED.
7. CONTRACTOR SHALL PROVIDE SOIL ANALYSIS AND AMMEND SOIL AS RECOMMENDED. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR THE LAST 7 INCHES OF GRADE IN TURF SOD AREAS (6 INCHES OF TOPSOIL AND 1 INCH FOR SOD) AND 15 INCHES IN SHRUB BED AREAS (3 INCHES OF BARK MULCH AND 12" OF AMENDED TOPSOIL). IF NECESSARY DIG SUBGRADE IN SHRUB BEDS AND TURF AREAS DOWN AS SPECIFIED BEFORE PLACING AMENDED TOPSOIL. THE PLANTING ISLANDS IN THE PARKING LOTS SHALL HAVE ALL ROAD BASE REMOVED PRIOR TO PLACEMENT OF TOPSOIL. REFER TO GRADING PLAN FOR FINISH GRADE AND DRAINAGE.

IRRIGATION NOTES — C

1. CONTRACTOR TO INSTALL A COMPLETE NEW AND OPERATIONAL IRRIGATION SYSTEM WITHIN IN THE LIMIT OF WORK. INSTALL ALL SPRINKLER HEADS WITH NOZZLES OF THE APPROPRIATE DEGREE AND RADIUS FOR THE AREA TO BE COVERED. ADJUST ALL NOZZLES TO ELIMINATE SPRAYING ONTO WALKS, BUILDINGS, ETC.
2. CONTRACTOR TO MAINTAIN OPERATING PRESSURE FOR EACH ZONE TO THE LAST HEAD.
3. THE IRRIGATION CONTRACTOR SHALL COORDINATE HIS WORK WITH OTHER CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE SLEEVES AND LATERALS THROUGH WALLS AND UNDER PAVING.
4. INSTALL CHECK VALVE AS NEEDED TO PREVENT HEAD DRAINAGE FROM BUBBLING, SPRAY HEADS AND DRIP EMITTERS.
5. MINIMUM SIZE PIPE ON ANY CIRCUIT IS 3/4".
6. NEW IRRIGATION SYSTEM MAY INCLUDE BUT IS NOT LIMITED TO: IRRIGATION MAINLINES AND LATERAL LINES, IRRIGATION VALVES AND CONTROL WIRING, IRRIGATION CONTROLLER, ELECTRICAL CONNECTION, BACKFLOW PREVENTER, GATE VALVE, SLEEVING, ISOLATION VALVES, QUICK COUPLING VALVES, VALVE BOXES, AND IRRIGATION HEADS.
7. IRRIGATION SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
9. ALL IRRIGATION EQUIPMENT SHALL BE INSTALLED AS PER MANUFACTURES SPECS.
10. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION FOR APPROVAL BY OWNER'S REPRESENTATIVE.
11. ONCE COMPLETE CONTRACTOR SHALL SUBMIT AS-BUILT DRAWINGS TO OWNER.

REFERENCE SCHEDULE NOTES — D

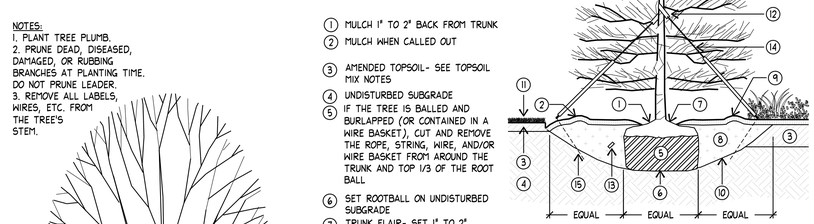
SYMBOL	DESCRIPTION	QTY
1	VEHICULAR RATED STONE PAVER OVER CONCRETE SUB SLAB HEATED DRIVE WAY, TYP. SEE SHEET L101 DETAIL G	439 sf
2	GALVANIZED MESH STEEL BRIDGE WALK AND STEPS	118 sf
3	PEDESTRIAN STONE PAVER OVER HEADETED CONCRETE SUB SLAB PATIO, TYP. SEE SHEET L501 DETAIL C	1,048 sf
4	HOT TUB WITH A SAFTEY COVER THAT MEETS LOCAL AND NATIONAL SAFTEY CODES, SEE SHEETS LG101, 100, DETAIL #551, DETAIL #554 AND DETAIL #650	
5	CAST IRON TRENCH DRAIN, SEE GRADING PLAN LG101	
6	BOARD FORM CONCRETE RETAINING WALL, SEE ARCHITECTURAL AND STRUCURAL PLANS	
7	POOL WITH A SAFTEY COVER THAT MEETS LOCAL AND NATIONAL SAFTEY CODES, SEE SHEETS LG101, 100, DETAIL #551, DETAIL #554 AND DETAIL #649	
8	OUTDOOR KITCHEN GRILL AND COUNTER	
9	STONE BLOCK STEPS OVER CONCRETE BASE, TYP.	
10	BUBBLER, TYP	
11	PROPERTY LINE	
12	BOARD FORM CONCRETE WATER FEATURE WALLS	
13	3" DEEP SOIL PEP MULCH, TYP. SEE SHEET L501 DETAIL B	2,068 sf
14	BLACK MEXICAN BEACH PEBBLES TO BE PLACED IN BOTTOM OF WATER FEATURE	116 sf
15	BOULDER TO BE PLACED IN WATER FEATURE, COME UP 18" ABOVE FINISH BRIDGE DECK	
16	6' HIGH (HOT TUB WIDTH) BOARD FORM CONCRETE FREESTANDING PRIVACY WALL AND TV MOUNT.	
19	LITA Premium Artificial Grass, Realistic Fake Grass Delux, Thick Lawn Pet Turf (or approved equal) install per manufacturers instructions.	262 sf
20	HEATED DRIVEWAY (SNOW MELT, IF SNOW STORAGE IS NECESSARY ADJACENT LANDSCAPT TO BE USED), 2 GUEST PARKING STALLS	

* QUANTITY INFORMATION PROVIDED FOR REFERENCE ONLY. CONTRACTOR RESPONSIBLE TO VERIFY ALL QUANTITIES.

SCALE & NORTH ARROW — E

NORTH SCALE: 1" = 10'-0"

0 10 20 40

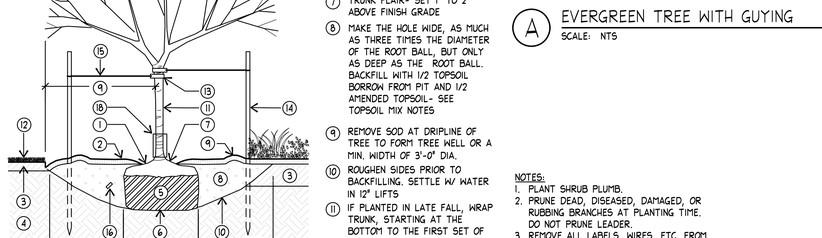


NOTES:
1. PLANT TREE PLUMB.
2. PRUNE DEAD, DISEASED, DAMAGED, OR RUBBING BRANCHES AT PLANTING TIME.
3. REMOVE ALL LABELS, WIRES, ETC. FROM THE TREE'S STEM.

(14) DOUBLE STRAND PLIABLE NO. 10-GAGE GALVANIZED STEEL WIRE OR VINYL-COATED STEEL WIRE, DO NOT PULL TAUT
(15) 1/2" X 18" REBAR STAKES (THREE STAKES PER TREE)
(16) EDGE OF WALK OR CURB
(17) TREE GUYING ALIGN 2 GUY'S PARALLEL W/ ROAD OR WALKS (USE THREE GUYS FOR ALL EVERGREEN TREES 6'-0" AND TALLER)

(1) MULCH 1" TO 2" BACK FROM TRUNK
(2) MULCH WHEN CALLED OUT
(3) AMENDED TOPSOIL
(4) UNDISTURBED SUBGRADE
(5) IF THE TREE IS BALLED AND BURLAPPED (OR CONTAINED IN A WIRE BASKET), CUT AND REMOVE THE ROPE, STRING, WIRE, AND/OR WIRE BASKET FROM AROUND THE TRUNK AND TOP 1/3 OF THE ROOT BALL
(6) SET ROOTBALL ON UNDISTURBED SUBGRADE
(7) TRUNK FLAIR- SET 1" TO 2" ABOVE FINISH GRADE
(8) MAKE THE HOLE WIDE, AS MUCH AS THREE TIMES THE DIAMETER OF THE ROOT BALL, BUT ONLY AS DEEP AS THE ROOT BALL. BACKFILL WITH 1/2 TOPSOIL BORROW FROM PIT AND 1/2 AMENDED TOPSOIL
(9) REMOVE SOD AT DRIPLINE OF TREE TO FORM TREE WELL OR A MIN. WIDTH OF 3'-0" DIA.
(10) ROUGHEN SIDES PRIOR TO BACKFILLING. SETTLE W/ WATER IN 12" LIFTS
(11) DO NOT PLANT LAWN IN TREE PIT
(12) 3" OR WIDER NYLON WEBBING W/ METAL GROMMETS
(13) FERTILIZER TABLET

A EVERGREEN TREE WITH GUYING
SCALE: NTS SECTION



NOTES:
1. PLANT TREE PLUMB.
2. PRUNE DEAD, DISEASED, DAMAGED, OR RUBBING BRANCHES AT PLANTING TIME. DO NOT PRUNE LEADER.
3. REMOVE ALL LABELS, WIRES, ETC. FROM THE TREE'S STEM.

(1) MULCH 1" TO 2" BACK FROM TRUNK
(2) MULCH WHEN CALLED OUT
(3) AMENDED TOPSOIL
(4) UNDISTURBED SUBGRADE
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(9) ROUGHEN SIDES PRIOR TO BACKFILLING. SETTLE W/ WATER IN 12" LIFTS
(10) FORM WELL AT EACH PLANT USING TOPSOIL
(11) FERTILIZER TABLET

B SHRUB
SCALE: NTS SECTION

NOTES:
1. PLANT TREE PLUMB.
2. PRUNE DEAD, DISEASED, DAMAGED, OR RUBBING BRANCHES AT PLANTING TIME. DO NOT PRUNE LEADER.
3. REMOVE ALL LABELS, WIRES, ETC. FROM THE TREE'S STEM.

(1) MULCH 1" TO 2" BACK FROM TRUNK
(2) MULCH WHEN CALLED OUT
(3) AMENDED TOPSOIL
(4) UNDISTURBED SUBGRADE
(5) IF THE TREE IS BALLED AND BURLAPPED (OR CONTAINED IN A WIRE BASKET), CUT AND REMOVE THE ROPE, STRING, WIRE, AND/OR WIRE BASKET FROM AROUND THE TRUNK AND TOP 1/3 OF THE ROOT BALL
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(9) REMOVE SOD AT DRIPLINE OF TREE TO FORM TREE WELL OR A MIN. WIDTH OF 3'-0" DIA.
(10) ROUGHEN SIDES PRIOR TO BACKFILLING. SETTLE W/ WATER IN 12" LIFTS
(11) DO NOT PLANT LAWN IN TREE PIT
(12) 3" OR WIDER NYLON WEBBING W/ METAL GROMMETS
(13) FERTILIZER TABLET
(14) TREE GAURD ON ALL TREES IN TURF / GRASS SEED AREAS

TREE STAKING ALONG ROADS OR WALK (ALL TREES LESS THAN 2" CALIPER)

TREE STAKING IN OPEN SPACES (ALL TREES LESS THAN 2" CALIPER). ALIGN STAKES PERPENDICULAR W/ DIRECTION OF PREVAILING WINDS. ALL STAKES TO BE CONSISTENT.

TREE STAKING ALIGN 2 STAKES PARALLEL W/ ROAD OR WALK (USE THREE STAKES FOR ALL DECIDUOUS TREES GREATER THAN 2" CAL.)

C DECIDUOUS TREE WITH STAKING
SCALE: NTS SECTION

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LICENSED LANDSCAPE ARCHITECT
Richard L. Gilbert
No. 5734299
09/20/2022
STATE OF UTAH

consultant:

project
Christensen Residence
327 MCHENRY AVE
PARK CITY, UT 84060

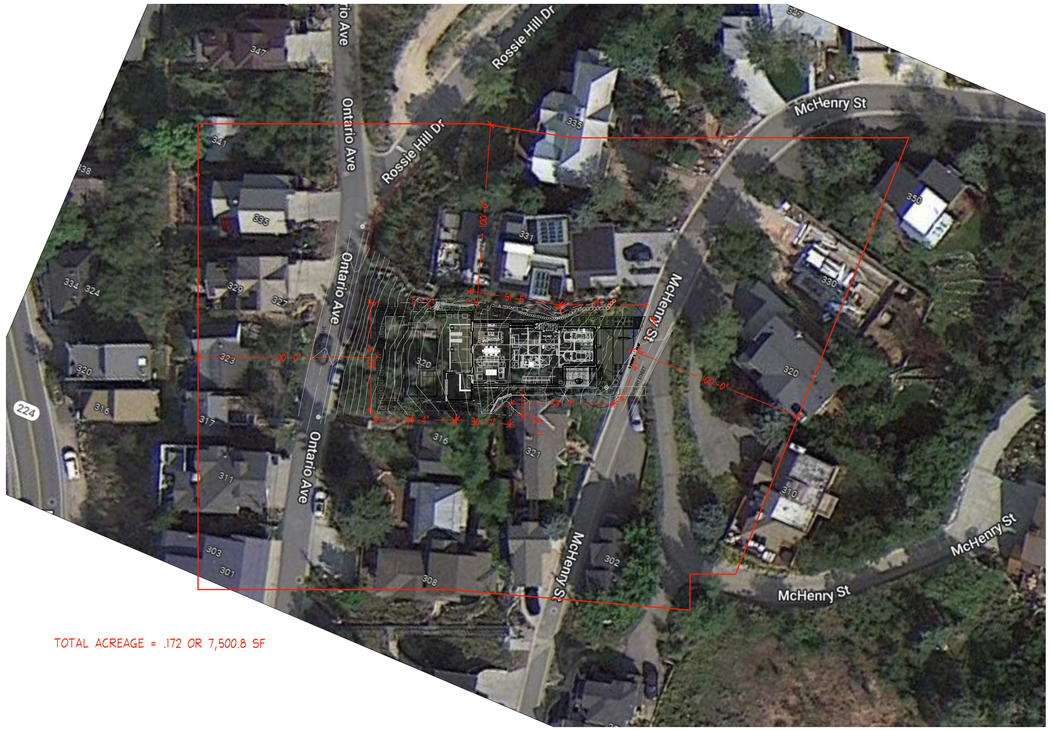
date
September 20, 2022

revisions

data
asd project no: 21077

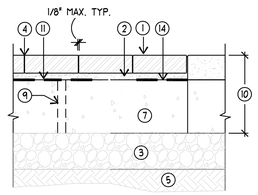
title
LANDSCAPE PLAN

sheet
L101

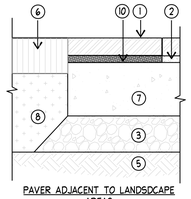


D ADJOINING PROPERTIES, NEIGHBORING LOTS AND USES WITHIN 100' OF SUBJECT PROPERTY

SCALE: 1"=40'-0"



PAVER ADJACENT TO CONCRETE AREAS



PAVER ADJACENT TO LANDSDCAPE AREAS

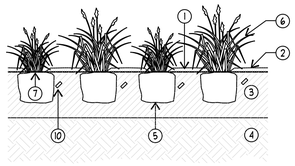
1. PAVER
2. BEDDING SAND
3. COMPACTED ROADBASE
4. POLYMERIC SAND SWEPT JOINT TYP.
5. COMPACTED SUBGRADE
6. MULCH, WHERE APPLICABLE
7. 4" CONCRETE SUB-SLAB WITH WIRE MESH AND SNOW MELT TUBES WHEN CALLED OUT
8. TOPSOIL
9. PROVIDE 1" DRAINAGE WEEP HOLES AT 4FT. OC. AND AT LOW POINTS OF CONCRETE FLATWORK
10. VERSABOND GROUT, COVER ENTIRE PAVER BASE, NO DABBING.
11. VAPOR BARRIER

NOTES:

1. AREAS HEATED, CONSULT WITH GENERAL CONTRACTOR AND MECHANICAL ENGINEER.

C PAVER OVER CONCRETE SUB SLAB

SCALE: NTS SECTION



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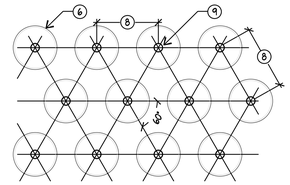


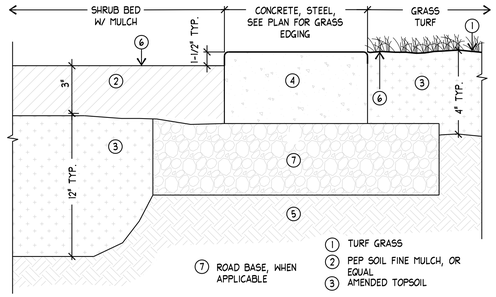
PLAN

1. MULCH BACK FROM PLANT
2. MULCH WHEN CALLED OUT
3. AMENDED TOPSOIL - SEE TOPSOIL MIX NOTES
4. UNDISTURBED SUBGRADE
5. IF PLANTS ARE POT-BOUND AT PLANTING TIME, LOOSEN THE ROOTS AROUND THE BOTTOM AND SIDES OF THE ROOT BALL
6. PLANT
7. BE SURE THE CROWN OF THE PLANT (THE POINT WHERE ROOTS AND TOP JOIN) IS EVEN WITH THE SOIL SURFACE
8. PLANT SPACING VARIES - REFER TO PLANT SCHEDULE OR PLAN
9. CENTER OF PLANT
10. FERTILIZER TABLET

NOTES:
1. PRUNE DEAD, DISEASED, DAMAGED, OR RUBBING BRANCHES AT PLANTING TIME.
2. REMOVE ALL LABELS, WIRES, ETC. FROM PLANT.
3. WATER PLANTS THOROUGHLY FOLLOWING PLANTING TO SETTLE THE SOIL AROUND THE ROOTS.

A PERENNIAL / GROUNDCOVER

SCALE: NTS SECTION/PLAN



7. ROAD BASE, WHEN APPLICABLE

1. TURF GRASS
2. PEP SOIL FINE MULCH, OR EQUAL
3. AMENDED TOPSOIL
4. LANDSCAPE EDGING
5. SUBGRADE
6. FINISH GRADE

B MULCH WITH TOPSOIL

SCALE: NTS SECTION

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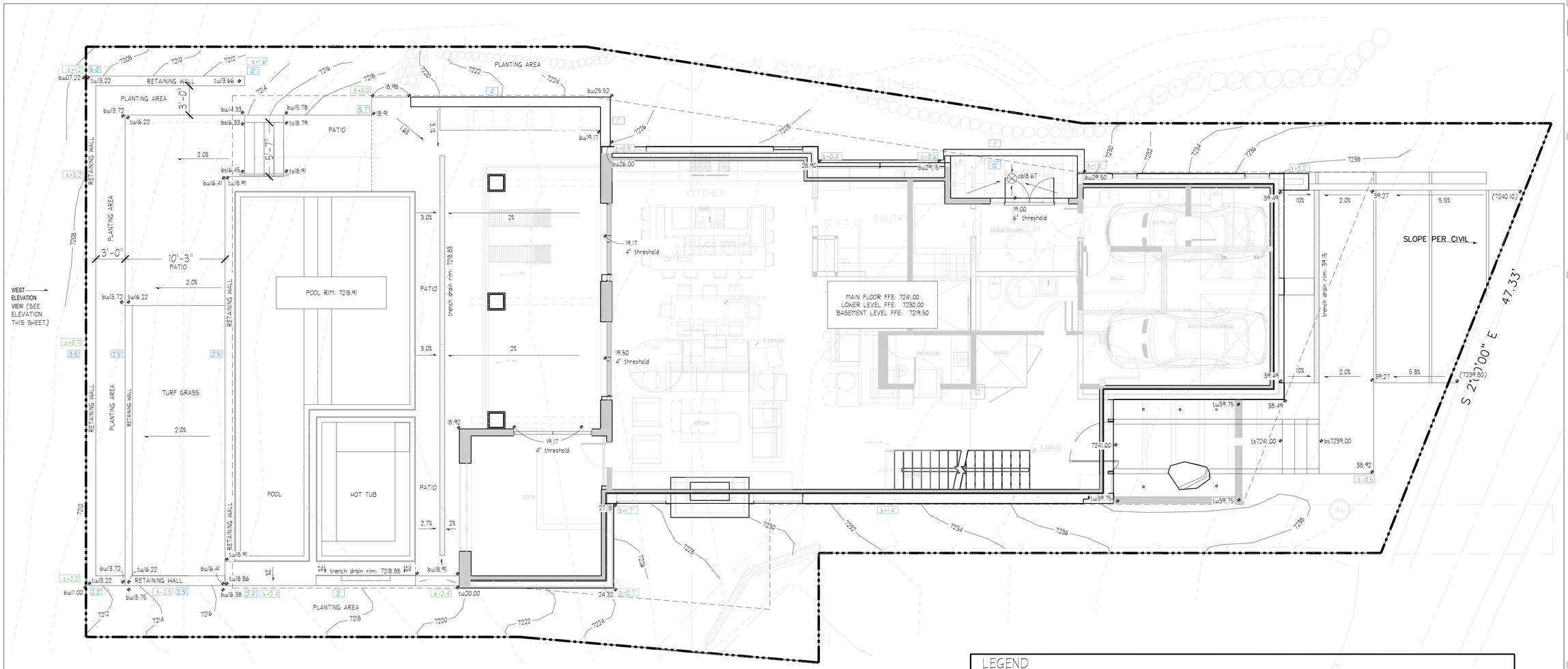
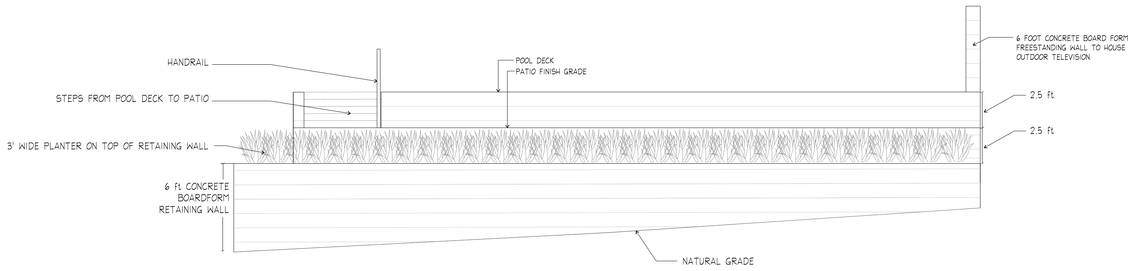


Note
Pool excavation shall be inspected by soils engineer prior to steel placement. As a condition of the use of Pool Engineering, Inc. structural plans, Soils Engineer shall certify that the pool bottom conforms to Structural Note 1 on Standard Pool Structural Plan.



WEST ELEVATION

SCALE: 1" = 5'-0"

LEGEND

4320	PROPOSED CONTOUR LINE	tw/bw4325	TOP OF WALL/ BOTTOM OF WALL
(4325)	EXISTING SPOT ELEVATION	bs/ts4325	BOTTOM/TOP OF STAIRS
4325	PROPOSED SPOT ELEVATION	cb4325.00	CATCH BASIN RIM ELEVATION
hp/lp4325	HIGH POINT / LOW POINT	Δ+3.5	DIFFERENCE BETWEEN EXISTING GRADE AND PROPOSED GRADE
1.5%	DIRECTION OF FLOW & SLOPE INDICATOR	3.5	PROPOSED WALL HEIGHT

GRADING & LAYOUT NOTES

1. FINISHED GRADES, CONTOURS, AND ELEVATIONS INDICATED ON THE GRADING AND DRAINAGE PLAN DESCRIBE FINAL SURFACE ELEVATIONS FOR COMPLETED CONSTRUCTION. THE CONTRACTOR SHALL REVIEW THE DETAILS AND SPECIFICATIONS TO ASCERTAIN SPECIFIC WORK LIMITS AND REQUIREMENTS.
2. CONTRACTOR SHALL VERIFY ALL EXISTING GRADES IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE.
3. CONSULT ALL OF THE DRAWINGS AND SPECIFICATIONS FOR COORDINATION REQUIREMENTS BEFORE COMMENCING CONSTRUCTION.
4. WHERE NEW PAVING OR EARTHWORK MEETS EXISTING PAVING OR EARTHWORK SMOOTHLY BLEND LINE AND GRADE OF EXISTING WITH NEW. ALL RIDGES AND VALLEYS SHALL HAVE A SMOOTH TRANSITIONS.
5. GRADE EVENLY BETWEEN SPOT GRADES SHOWN ON DRAWINGS. ALL PAVED AREAS MUST GRADE TO DRAIN AT A MINIMUM OF ONE-EIGHTH INCH (1/8") PER FOOT. ANY DISCREPANCIES NOT ALLOWING THIS TO OCCUR SHALL BE REPORTED TO THE OWNERS REPRESENTATIVE PRIOR TO CONTINUING WORK.
6. PRIOR TO COMMENCING ANY EXCAVATION WORK, THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES IN ACCORDANCE WITH THE REQUIRED PROCEDURES.
7. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE DIAGRAMMATIC ONLY, AND ALL UTILITIES MAY NOT BE SHOWN. THE CONTRACTOR SHALL CONTACT THE PROPER LOCAL AUTHORITIES OR RESPECTIVE UTILITY COMPANY TO CONFIRM THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE DUE TO FAILURE OF THE CONTRACTOR TO CONTACT THE PROPER AUTHORITIES SHALL BE BORNE BY THE CONTRACTOR.
8. EXCAVATION REQUIRED WITHIN PROXIMITY OF EXISTING UTILITY LINES SHALL BE DONE BY HAND. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITY LINES OR STRUCTURES INCURRED DURING CONSTRUCTION OPERATIONS AT NO COST TO OWNER.
9. ANY AREA DISTURBED OUTSIDE THE LIMIT OF DISTURBANCE/PROPERTY LINE SHALL BE RESTORED TO ITS ORIGINAL CONDITIONS AT NO COST TO OWNER.
10. CONTRACTOR SHALL SUPPLY AND MAINTAIN FOR THE DURATION OF CONSTRUCTION ALL NECESSARY DEVICES FOR EROSION, SEDIMENT AND DUST CONTROL, SUCH AS HAY BALES, GRAVEL, BOARDS, ETC., INCLUDING THOSE DEVICES NECESSARY FOR STOCKPILES AND PROTECTION OF ADJACENT PUBLIC WAYS AND SHALL REMOVE THE DEVICES AFTER PROJECT CLOSEOUT.
11. REFER TO STRUCTURAL DETAILS AND RECOMMENDATIONS FOR ROCK WALL CONSTRUCTION.
12. CUT AND FILL SLOPES SHALL BE CONSTRUCTED AS RECOMMENDED BY THE GEOTECHNICAL REPORT.
13. INSTALL DRAINAGE PIPE ON BACKSIDE OF RETAINING WALLS AND SLOPE TO DAYLIGHT DRAINS AS REQUIRED

SCALE & NORTH ARROW

NORTH

0 2.5 5 10

SCALE: 1" = 5'-0"

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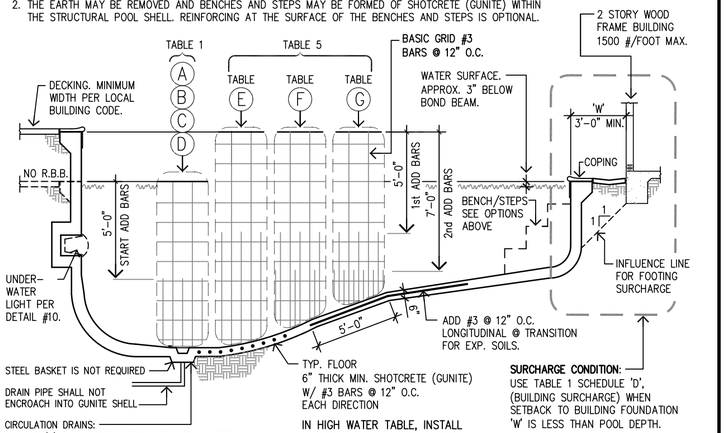
LG101

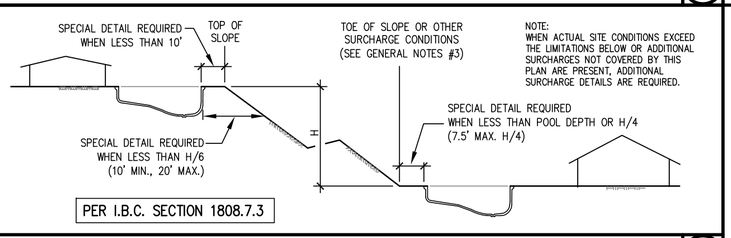
BENCH AND STEP OPTIONS:

1. UNDISTURBED EARTH MAY BE LEFT IN PLACE TO FORM THE STEPS OR BENCHES. REINFORCING STEEL SHOULD BE PLACED AROUND THE STEP OR BENCH SHAPED EARTH (3" CLEAR FROM EARTH).
2. THE EARTH MAY BE REMOVED AND BENCHES AND STEPS MAY BE FORMED OF SHOTCRETE (GUNITE) WITHIN THE STRUCTURAL POOL SHELL. REINFORCING AT THE SURFACE OF THE BENCHES AND STEPS IS OPTIONAL.



CIRCULATION DRAINS:
PROVIDE (2) ANTI-VORTEX CIRCULATION DRAINS PER PUMP, COVERED WITH APPROVED A.S.M.E. STANDARD A112.19.8 ANTI-ENTRAPMENT GRATES, THAT ARE HYDRAULICALLY BALANCED AND SYMMETRICALLY PLUMBED THROUGH "T" FITTINGS. DRAINS SHALL BE SEPARATED BY THREE FEET IN ANY DIMENSION. SEE ELECTRICAL AND PLUMBING NOTE 8.

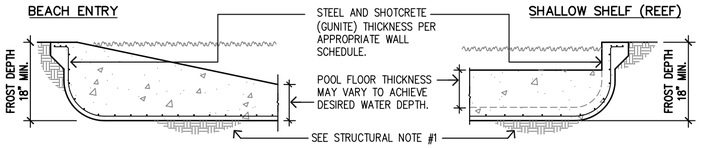
TYPICAL LONGITUDINAL SECTION — N.T.S. — 2



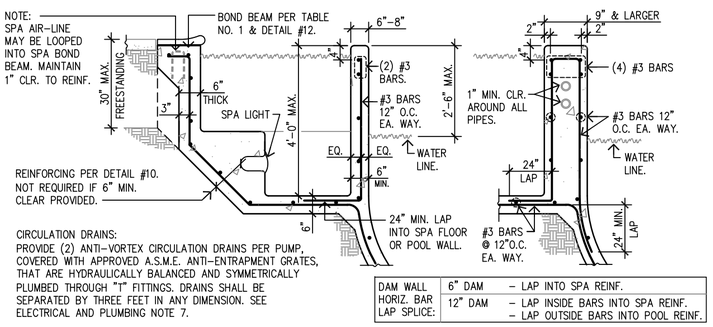
PER I.B.C. SECTION 1808.7.3

SURCHARGE CONDITIONS — ADDITIONAL SPECIAL DETAILS REQUIRED FOR CONDITIONS ABOVE — N.T.S. — 3

REFER TO AMERICAN NATIONAL STANDARD FOR RESIDENTIAL IN-GROUND SWIMMING POOLS PUBLISHED BY AMERICAN NATIONAL STANDARD INSTITUTE (ANSI) AND THE ASSOCIATION OF POOL AND SPA PROFESSIONALS (APSP)



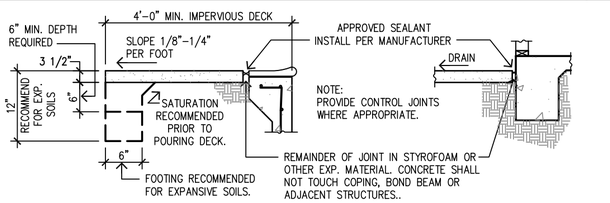
SHALLOW FEATURES — MAINTAIN 18" MIN. EMBEDMENT INTO UNDISTURBED OR 90% COMPACTED SOIL — N.T.S. — 4



CIRCULATION DRAINS:
PROVIDE (2) ANTI-VORTEX CIRCULATION DRAINS PER PUMP, COVERED WITH APPROVED A.S.M.E. ANTI-ENTRAPMENT GRATES, THAT ARE HYDRAULICALLY BALANCED AND SYMMETRICALLY PLUMBED THROUGH "T" FITTINGS. DRAINS SHALL BE SEPARATED BY THREE FEET IN ANY DIMENSION. SEE ELECTRICAL AND PLUMBING NOTE 7.

DAM WALL HORIZ. BAR LAP SPLICE:	6" DAM	– LAP INTO SPA REINF.
	12" DAM	– LAP INSIDE BARS INTO SPA REINF. – LAP OUTSIDE BARS INTO POOL REINF.

SPA DETAILS — SPA DETAILS MAY BE USED FOR SPAS WITHOUT POOLS. — N.T.S. — 7

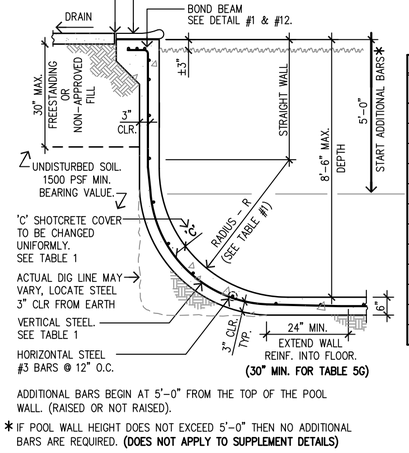


EXPANSIVE SOIL DETAILS | IN EXPANSIVE SOILS WHERE MIN DECK REQMTS ARE NOT MET USE TABLE 1, SCHEDULE 'C' — N.T.S. — 8

STANDARD WALL SECTION — N.T.S. — 1

SLOPE EARTH SURFACE 1/4" PER FOOT OR SLOPE DECKING 1/8" TO 1/4" PER FOOT AWAY FROM POOL.

NOTE: BOND BEAM HORIZONTAL BARS MAY BE OVER OR UNDER VERTICAL BARS. TYPICAL INCLUDING ALL SPECIAL DETAILS.



ADDITIONAL BARS BEGIN AT 5'-0" FROM THE TOP OF THE POOL WALL. (RAISED OR NOT RAISED).

* IF POOL WALL HEIGHT DOES NOT EXCEED 5'-0" THEN NO ADDITIONAL BARS ARE REQUIRED. **(DOES NOT APPLY TO SUPPLEMENT DETAILS)**

TABLE NO. 1

	NON-EXPANSIVE	EXPANSIVE	NO DECK/HIGH EXP.	BUILD'G SURCHARGE
	A	B	C	D
	(3) #3 BARS.	(4) #3 BARS.	(4) #3 BARS.	(4) #3 BARS.
E.F.P.	30 P.C.F.	45 P.C.F.	62.4 P.C.F.	45 P.C.F.
D / R	C / VERTICAL STEEL	C / VERTICAL STEEL	C / VERTICAL STEEL	C / VERTICAL STEEL
3'0" / 1'-0"	3" / #3 @ 12"	3" / #3 @ 12"	3" / #3 @ 12"	3" / #3 @ 12"
3'6" / 1'-0"	3"	3"	3"	3"
4'0" / 1'-0"	3"	3"	4"	4"
4'6" / 1'-0"	3"	3½"	5"	5"
5'0" / 1'-6"	3" / 6"	4" / 6"	5" / #3 @ 6"	5" / #3 @ 6"
5'6" / 2'-0"	3"	4"	5"	5½"
6'0" / 2'-6"	3"	4"	6"	6"
6'6" / 3'-0"	3"	4½"	7"	6½"
7'0" / 3'-6"	3"	5"	8"	7"
7'6" / 4'-0"	3"	5½"	8½"	8"
8'0" / 4'-6"	3"	6"	9"	8½"
8'6" / 5'-0"	3"	6"	9"	

INDICATES TYPICAL RADIUS (ACTUAL RADIUS MAY VARY, SEE STRUCTURAL NOTE #12)

'D' IS DISTANCE DOWN FROM TOP OF POOL WALL.

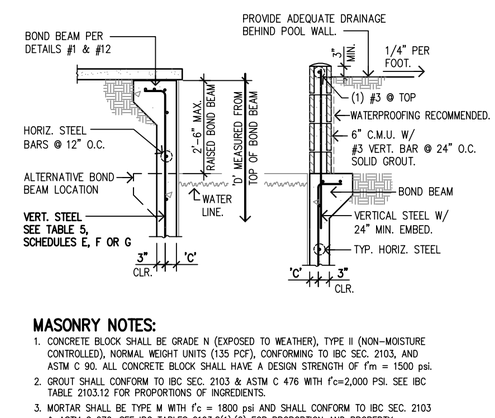
NO DECK OR HIGH EXPANSIVE SOIL

BUILDING FOOTING SURCHARGE

ITEM NOT APPLICABLE

POOL ENGINEERING, INC.

RAISED BOND BEAM — N.T.S. — 5



MASONRY NOTES:

1. CONCRETE BLOCK SHALL BE GRADE N (EXPOSED TO WEATHER), TYPE II (NON-MOISTURE CONTROLLED), NORMAL WEIGHT UNITS (135 PCF), CONFORMING TO IBC SEC. 2103, AND ASTM C 90. ALL CONCRETE BLOCK SHALL HAVE A DESIGN STRENGTH OF f'm = 1500 psi.
2. GROUT SHALL CONFORM TO IBC SEC. 2103 & ASTM C 476 WITH f'c=2,000 PSI. SEE IBC TABLE 2103.12 FOR PROPORTIONS OF INGREDIENTS.
3. MORTAR SHALL BE TYPE M WITH f'c = 1800 psi AND SHALL CONFORM TO IBC SEC. 2103 & ASTM C 270. SEE IBC TABLES 2103.8(1),(2) FOR PROPORTION AND PROPERTY SPECIFICATIONS.

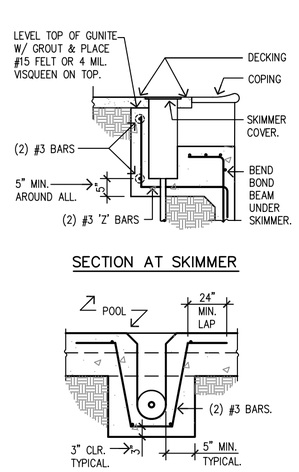
TABLE NO. 5 RAISED BOND BEAM

	NON-EXPANSIVE	EXPANSIVE	NO DECK/HIGH EXP.
	E	F	G
E.F.P.	30 P.C.F.	45 P.C.F.	62.4 P.C.F.
D	C / VERTICAL STEEL	C / VERTICAL STEEL	C / VERTICAL STEEL
3'6"	3" / #3 @ 12"	3" / #3 @ 12"	3" / #3 @ 12"
4'0"	3"	3"	4"
4'6"	3"	3½"	5"
5'0"	3" / #3 @ 6"	3½" / #3 @ 6"	5" / #3 @ 6"
5'6"	3"	4"	6"
6'0"	3½"	5"	7"
6'6"	4"	6"	8"
7'0"	5"	6" / #3 @ 4"	8" / #3 @ 3"
7'6"	5½"	6"	8"
8'0"	6½"	7"	8½"
8'6"	7"	8"	9½"
9'0"	9"	9"	10½"
9'6"	9"	10"	11½"
10'0"	9"	11"	12"
11'0"	9"	11"	12½"

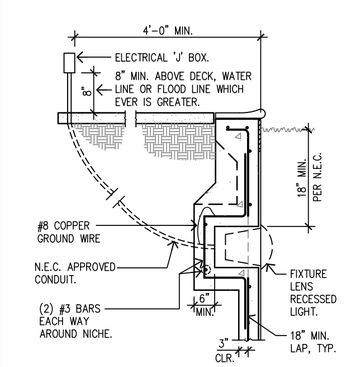
ITEM NOT APPLICABLE

POOL ENGINEERING, INC.

SKIMMER DETAIL — N.T.S. — 9

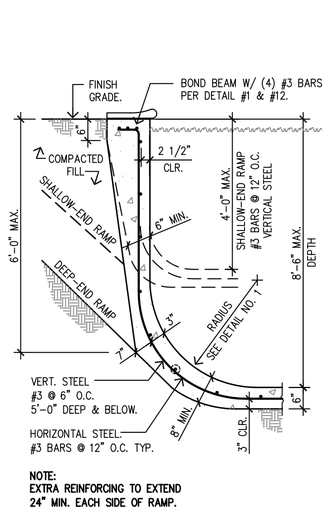


SECTION AT LIGHT — N.T.S. — 10



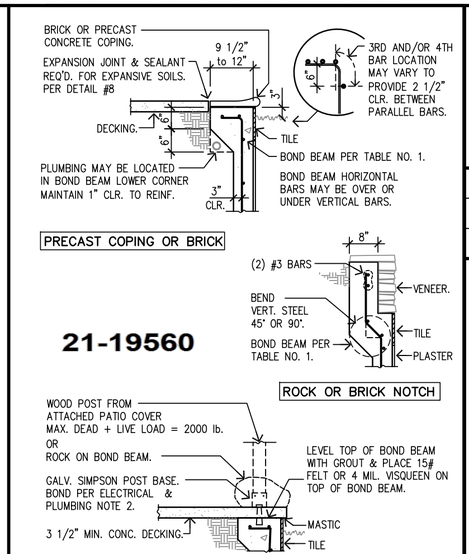
NOTES:
1. INSTALL NO. 8 COPPER GROUND WIRE FROM LIGHT NICHE TO BRASS CONDUIT TO POOL REBAR, OR NON-METALLIC CONDUIT CAN BE USED WITH INSULATED NO. 8 COPPER WIRE INTERIOR W/ APPROVED POTTING COMPOUND PER THE N.E.C.
2. SWIMMING POOL LIGHTING FIXTURES SHALL COMPLY WITH APPLICABLE UNDERWRITERS' LABORATORIES REQUIREMENTS FOR LIGHTING FIXTURES U.L. STANDARD 676.

FREESTANDING POOL WALL — 11



NOTE:
EXTRA REINFORCING TO EXTEND 24" MIN. EACH SIDE OF RAMP.

BOND BEAM DETAILS — N.T.S. — 12



GENERAL NOTES

1. THIS STANDARD POOL STRUCTURAL PLAN MUST BE ACCOMPANIED BY A CLEAR PLOT PLAN SHOWING POOL & OR SPA SHAPE, DEPTH AND DISTANCE TO PROPERTY LINE, SLOPES AND STRUCTURES.
2. REPRESENTATIVES OF POOL ENGINEERING INC. HAVE NOT INSPECTED THE SITE & ARE RELYING ON INFORMATION PROVIDED BY THE CONTRACTOR OR OWNER TO DETERMINE THE ADEQUACY OF THIS STANDARD POOL STRUCTURAL PLAN FOR THE ACTUAL SITE CONDITIONS. SHOULD SITE CONDITIONS VARY FROM THAT COVERED BY THIS STANDARD POOL STRUCTURAL PLAN, IT IS THE RESPONSIBILITY OF THE CONTRACTOR OR THE OWNER TO NOTIFY POOL ENGINEERING INC. AND OBTAIN APPLICABLE SPECIAL ENGINEERING DETAILS PRIOR TO CONSTRUCTION. EXPANSIVE SOIL DETAILS ARE VALID ONLY FOR STATED EQUIVALENT FLUID PRESSURES AND POOL ENGINEERING INC. RECOMMENDS THAT THE OWNER OR CONTRACTOR OBTAIN A SOILS REPORT.
3. THIS PLAN IS NOT VALID WITHOUT ADDITIONAL SURCHARGE DETAILS WHEN THE CONDITIONS AS SHOWN BELOW IN FIGURE 18 APPLY (PER 2012/2015/2018 IBC SEC. 1808.7.3).
4. THE STANDARD POOL STRUCTURAL PLAN IS NOT INTENDED TO BE APPLICABLE TO NON- STRUCTURAL ITEMS INCLUDING BUT NOT LIMITED TO PLUMBING, ELECTRICAL, FENCING, CONCRETE DECKING AND POOL GEOMETRICS.
5. DECKING CONSTRUCTION IS SHOWN AS RECOMMENDED MINIMUM CONSTRUCTION AND DOES NOT DEMONSTRATE A SYSTEM THAT WILL RESIST HEAVING DUE TO SOIL EXPANSION.
6. ALL CONSTRUCTION SHALL COMPLY WITH THE LATEST ADOPTED EDITION OF THE INTERNATIONAL BUILDING CODE AND LOCAL ORDINANCES.
7. POOLS WITH DIVING BOARDS SHALL MEET DIVING BOARD MANUFACTURER'S POOL GEOMETRIC STANDARDS AND/OR LOCAL CODES.
8. SIGNS & SAFETY EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH LOCAL CODES.
9. PUBLIC POOLS REQUIRE COUNTY HEALTH DEPARTMENT APPROVAL AND PROVISIONS FOR ASSISTIVE DEVICES FOR THE DISABLED.
10. CONTRACTOR OR OWNER SHALL VERIFY ALL FIELD CONDITIONS & DIMENSIONS AT JOB SITE.
11. POOL LENGTH, GRADE BREAK LOCATIONS & DEPTH DIMENSIONS AS NOTED ON THE PLOT PLAN SHALL COMPLY WITH APSP SUGGESTED MINIMUM STANDARDS FOR RESIDENTIAL POOLS OR APPLICABLE STATE AND LOCAL HEALTH DEPARTMENTS REGULATIONS AND MANUFACTURERS RECOMMENDATIONS.
12. IN ACCORDANCE WITH IBC, A SITE SPECIFIC SOILS INVESTIGATION MAY BE REQUIRED FOR PROJECTS LOCATED IN SEISMIC DESIGN CATEGORIES D, E, OR F.
13. WHERE FREEZING TEMPERATURES OCCUR, THE POOL SHALL BE WINTERIZED TO PREVENT DAMAGE TO THE POOL STRUCTURE, PLUMBING, AND POOL EQUIPMENT. CONTACT LOCAL PROFESSIONAL FOR PROPER WINTERIZATION PROCEDURES.

ELECTRICAL AND PLUMBING

ALL ELECTRICAL SHALL BE IN CONFORMANCE WITH THE NATIONAL ELECTRICAL CODE (NEC).

1. IN ACCORDANCE WITH NEC SECTION 680.26, ALL METAL WITHIN 5' HORIZ. OF INSIDE WALL OF POOL AND 12' VERT. ABOVE WATER LINE MUST BE BONDED VIA EQUIPOTENTIAL BONDING GRID. BONDING GRID SHALL EXTEND UNDER PAVED WALKING SURFACES 3' HORIZ. BEYOND INSIDE WALL OF POOL. CONCRETE REINFORCING TIE WIRES SHALL BE MADE TIGHT FOR BONDING PURPOSES.
2. OBTAIN ELECTRICAL AND PLUMBING PERMITS ALONG WITH POOL BUILDING PERMIT.
3. ALL EQUIPMENT SHALL BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS AND IN ACCORDANCE WITH LOCAL REGULATIONS.
4. POOLS SHALL BE EQUIPPED WITH A FILTERING SYSTEM.
5. BACKWASH SHALL BE DISPOSED OF IN AN APPROVED MANNER.
6. POOL/SPA WATER HEATER AND GAS PIPING INSTALLATION TO BE IN CONFORMANCE WITH THE IBC.
7. CONTRACTOR IS ADVISED TO REFER TO THE INTERNATIONAL POOL AND SPA CODE AND ANSI/APSP-7 FOR PROPER INSTALLATION OF THE POOL CIRCULATION SYSTEM SUCTION OUTLETS.
8. WHERE REINFORCING STEEL IS ENCAPSULATED WITH A NONCONDUCTIVE COMPOUND, PROVISIONS SHALL BE MADE FOR AN ALTERNATIVE MEANS TO ELIMINATE VOLTAGE GRADIENTS THAT WOULD OTHERWISE BE PROVIDED BY BONDED REINFORCING STEEL.

STRUCTURAL NOTES

1. SOIL SHALL HAVE A MINIMUM BEARING VALUE OF 1500 PSF. CONCRETE SHALL BE PLACED AGAINST UNDISTURBED SOIL OR SOILS ENGINEER APPROVED 90% COMPACT FILL. THIS PLAN IS NOT SUITABLE WHERE POTENTIAL EXISTS FOR DIFFERENTIAL MOVEMENT FROM DISSIMILAR SOIL CONDITIONS UNDER POOL, SUCH AS CUT–FILL TRANSITIONS.
2. ALL REINFORCING STEEL SHALL BE DEFORMED BARS & CONFORM TO ASTM A615 GRADE 40 FOR #3 BARS AND #4 BARS. SPLICES TO BE LAPPED A MINIMUM OF 24". MINIMUM CLEARANCE BETWEEN PARALLEL BARS IS 2 1/2".
3. (1) #4 BAR IS EQUIVALENT TO AND MAY BE USED IN PLACE OF (2) #3 BARS, WITH THE EXCEPTION THAT IF #4 BARS ARE USED FOR THE BASIC GRID, THE MAXIMUM SPACING IS #4 BARS AT 18" O.C..
4. THE PLAN TABLES SPECIFY THE MINIMUM REQUIRED REINFORCEMENT. FOR CONVENIENCE OF THE INSTALLER, THERE MAY BE MORE REINFORCEMENT THAN SPECIFIED AT ANY GIVEN POINT IN THE POOL STRUCTURE.
5. GROUNDING/BONDING (PER THE LATEST ADOPTED EDITION OF THE NATIONAL ELECTRICAL CODE) OF THE STRUCTURAL REINFORCING MUST BE INSTALLED PRIOR TO PLACEMENT OF CONCRETE.
6. SHOTCRETE (GUNITE) TO BE IN CONFORMANCE WITH 2018 IBC SECTION 1908 (2015 IBC SECTION 1908, 2012 IBC SECTION 1910, 2009 IBC SECTION 1913) & SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 2,500 PSI AT 28 DAYS.
7. WHERE APPLICABLE, SHOTCRETE (GUNITE) TO BE IN CONFORMANCE WITH ACI 318 CHAPTER 4, DURABILITY REQUIREMENTS. CONCRETE THAT WILL BE EXPOSED TO FREEZING AND THAWING, DEICING CHEMICALS OR OTHER EXPOSURE CONDITIONS SHALL COMPLY WITH ACI 318 TABLES 4.2.1 AND 4.3.1. CONCRETE EXPOSED TO FREEZING AND THAWING OR DEICING CHEMICALS SHALL BE AIR ENTRAINED IN ACCORDANCE WITH ACI 318 TABLE 4.4.1. CONCRETE THAT WILL BE SUBJECT TO THE FOLLOWING EXPOSURES SHALL CONFORM TO THE CORRESPONDING MAXIMUM WATER–CEMENTITIOUS MATERIALS RATIOS AND MINIMUM SPECIFIED CONCRETE COMPRESSIVE STRENGTH REQUIREMENTS OF ACI 318, SECTION 4.2.1; CONCRETE INTENDED TO HAVE LOW PERMEABILITY WHERE EXPOSED TO WATER, CONCRETE EXPOSED TO FREEZING AND THAWING IN A MOIST CONDITION OR DEICER CHEMICALS, OR CONCRETE WITH REINFORCEMENT WHERE THE CONCRETE IS EXPOSED TO CHLORIDES FROM DEICING CHEMICALS, SALT, SALT WATER, BRACKISH WATER, SEAWATER OR SPRAY FROM THESE SOURCES..
8. CEMENT SHALL CONFORM TO IBC SECTION 1903.1, ACI 318 SECTION 3.2, & ASTM C 150.
9. SHOTCRETE/GUNITE IN CONTACT WITH SOIL SHALL BE IN ACCORDANCE WITH ACI 318 SECTION 4.2.1 FOR CONCRETE EXPOSURE TO SULFATE AND AS DIRECTED BY LOCAL BUILDING OFFICIAL.
10. KEEP CONCRETE DAMP CONTINUOUSLY FOR 14 DAYS.
11. ALL INTERIOR SURFACES OF POOL/SPA SHALL BE COATED WITH A WATER–PROOF SURFACE.
12. FLOOR TO WALL TRANSITION RADIUS MAY VARY DEPENDING ON CONTRACTOR OR OWNER DESIGN INTENT. RADIUS SHALL NOT BE LESS THAN 1–FOOT AND SHALL NOT EXCEED 5–FEET.
13. IN AREAS WITH SOIL CONDITIONS SUBJECT TO FROST–HEAVE, THE FOLLOWING REQUIREMENTS APPLY:
    a. IN ACCORDANCE WITH IBC SECTION 1809.5, THE ENTIRE BOTTOM OF POOL STRUCTURE AND OR PLUMBING MUST EXTEND BELOW THE FROST LINE OF THE LOCALITY.
    b. ALTERNATIVELY, WHERE DAMAGE TO THE POOL STRUCTURES, PLUMBING, ADJACENT STRUCTURES AND SURFACE IMPROVEMENTS IS A CONCERN, SELF–DRAINING GRANULAR BACKFILL MAY BE EXTENDED BELOW THE FROST–LINE WITH A MEANS TO PRECLUDE BUILD–UP OF WATER.

OWNER

1. KEEP SHOTCRETE (GUNITE) DAMP CONTINUOUSLY FOR 14 DAYS AFTER INSTALLATION.
2. DO NOT TURN ON LIGHT WHEN POOL IS EMPTY.
3. DO NOT USE BLACK RUBBER HOSE WHEN FILLING POOL (IT MARKS THE PLASTER).

GLAZING IN HAZARDOUS LOCATIONS

GLAZING SHALL COMPLY WITH 2018/2015/2012 IBC SECTION 2406.4.5 INCLUDING LOCALLY ADOPTED AMENDMENTS.

1. GLAZING IN WALLS AND FENCES ENCLOSING INDOOR AND OUTDOOR SWIMMING POOLS, HOT TUBS AND SPAS WHERE ALL OF THE FOLLOWING CONDITIONS ARE PRESENT:
   A: THE BOTTOM EDGE OF THE GLAZING ON THE POOL OR SPA SIDE IS LESS THAN 60 INCHES ABOVE A WALKING SURFACE ON THE POOL OR SPA SIDE OF THE GLAZING; AND
   B. THE GLAZING IS WITHIN 60 INCHES HORIZONTALLY OF THE WATER'S EDGE OF A SWIMMING POOL OR SPA.

ENCLOSURES AND SAFETY DEVICES

1. PRIOR TO FILLING, THE POOL AND OR SPA SHALL BE COMPLETELY ENCLOSED BY 4' MIN. HIGH FENCING & GATES WITH NO OPENINGS GREATER THAN 4". GATES TO BE SELF–CLOSING & SELF–LATCHING WITH LATCH A MIN. OF 4' HIGH. WHERE THIS VARIES FROM LOCAL CODES, THE LOCAL CODES SHALL PREVAIL.
2. WHEN REQUIRED BY THE BUILDING OFFICIAL, BARRIERS SHALL COMPLY WITH IBC SECTION 3109 INCLUDING LOCALLY ADOPTED AMENDMENTS.
3. ENTRAPMENT AVOIDANCE SHALL COMPLY WITH THE INTERNATIONAL SWIMMING POOL AND SPA CODE AND ANSI/APSP–7.
   SUCTION OUTLETS SHALL BE DESIGNED TO PRODUCE CIRCULATION THROUGHOUT THE POOL OR SPA. SINGLE–OUTLET SYSTEMS, SUCH AS AUTOMATIC VACUUM CLEANER SYSTEMS, OR OTHER SUCH MULTIPLE SUCTION OUTLETS WHETHER ISOLATED BY VALVES OR OTHERWISE SHALL BE PROTECTED AGAINST USER ENTRAPMENT. ALL POOL AND SPA SUCTION OUTLETS SHALL BE PROVIDED WITH A COVER THAT CONFORMS TO ASME A112.19.8M.
   IN ADDITION, ALL POOL AND SPA CIRCULATION SYSTEMS SHALL BE EQUIPPED WITH AN ATMOSPHERIC VACUUM RELIEF SHOULD GRATE COVERS LOCATED THEREIN BECOME MISSING OR BROKEN. SUCH VACUUM RELIEF SYSTEMS SHALL INCLUDE AT LEAST ONE APPROVED OR ENGINEERED METHOD OF THE TYPE SPECIFIED HEREIN, AS FOLLOWS: 1. SAFETY VACUUM RELEASE SYSTEMS CONFORMING TO ASME A112.19.17S; OR 2. APPROVED GRAVITY DRAINAGE SYSTEM.
   IN ADDITION, SINGLE– OR MULTIPLE–PUMP CIRCULATION SYSTEMS SHALL BE PROVIDED WITH A MINIMUM OF TWO SUCTION OUTLETS OF THE APPROVED TYPE. A MINIMUM HORIZONTAL OR VERTICAL DISTANCE OF 3 FEET SHALL SEPARATE SUCH OUTLETS. THESE SUCTION OUTLETS SHALL BE PIPED SO THAT WATER IS DRAWN THROUGH THEM SIMULTANEOUSLY THROUGH A VACUUM–RELIEF–PROTECTED LINE TO THE PUMP OR PUMPS.
   IN ADDITION, WHERE PROVIDED, VACUUM OR PRESSURE CLEANER FITTING(S) SHALL BE LOCATED IN AN ACCESSIBLE POSITION(S) AT LEAST 6 INCHES AND NOT GREATER THAN 12 INCHES BELOW THE MINIMUM OPERATIONAL WATER LEVEL OR AS AN ATTACHMENT TO THE SKIMMER(S).

GEOTECHNICAL NOTES:

POOL ENGINEERING INC. (PEI) STRONGLY SUGGESTS THAT THE PROPERTY OWNER AND/OR POOL CONTRACTOR CONSULT WITH A GEOTECHNICAL ENGINEER/ENGINEERING GEOLOGIST TO OBTAIN A SOILS AND/OR GEOTECHNICAL ENGINEERING REPORT FOR THE PROPERTY ON WHICH THE POOL IS TO BE CONSTRUCTED. IF A GEOTECHNICAL ENGINEERING REPORT WAS PROVIDED TO PEI, THE DETAIL SHEETS PROVIDED BY PEI ARE BASED ON THE REPORT. IF A SOIL REPORT HAS NOT BEEN PROVIDED TO PEI, THE PLANS AND DETAILS PROVIDED BY PEI ARE BASED ON INFORMATION PROVIDED BY THE OWNER/CONTRACTOR AS WELL AS THE ALLOWABLE PRESUMPTIVE SOIL PARAMETERS PROVIDED IN THE REFERENCED BUILDING CODE.

IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER AND/OR POOL CONTRACTOR TO CAUSE THE GEOTECHNICAL ENGINEER/ ENGINEERING GEOLOGIST TO CONFIRM THAT THE PLANS AND THE DETAILS PROVIDED BY PEI MEET THE REQUIREMENTS OF THE PROJECT SITE AND THE GEOTECHNICAL ENGINEERING REPORT.

NOTES — BY THE USE OF THIS PLAN, THE USER ACKNOWLEDGES THAT HE HAS READ & UNDERSTANDS ALL OF THE NOTES INCLUDED HEREIN. — 6

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CALCS BY: A.J.C.

DRAWN BY: T.L.L.

CHECKED BY: R.L.L.

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REGISTERED PROFESSIONAL ENGINEER — 7686740-2202 — TODD LEE LACHER

CALCULATIONS

METHODOLOGY:

γ = EQUIVALENT FLUID PRESSURE

CASE I

OTM = 1/6 γ H^3 WHERE γ = 60 pcf

NET MOM = OTM − RESISTING MOMENT

CASE II

OTM = 1/6 γ H^3 WHERE γ = 62.4 pcf

NET MOM = OTM + RESISTING MOMENT

$$fs = \frac{M(12\ in/ft)}{As\ j\ d} = \frac{Mt\ (12)}{As\ (0.887)\ d}$$

$$fc = \frac{M(2)\ 12\ in/ft}{j\ k\ b\ d^2}$$

$$= \frac{Mt\ (2)(12)}{(0.887)(0.339)(12)\ d^2} < 1125\ psi$$

$$vc = \frac{(1/2)\ \gamma\ H^2}{(12\ in/ft)\ j\ d}$$

$$= \frac{\gamma\ H^2}{(2)(12)(0.887)\ d} < 55\ psi$$

f'c = 2,500 psi

Fs = 20,000 psi

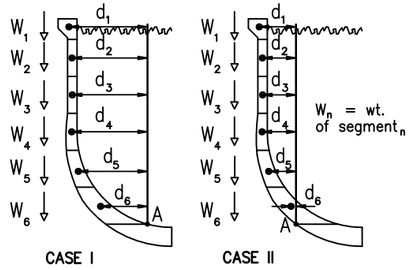
fc = 0.45 f'c = 1125 psi

Vc = 1.1 $\sqrt{f'c}$ = 55 psi

RESISTING MOMENT:

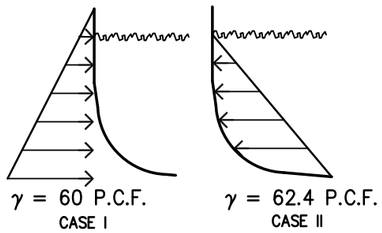
RESISTING MOMENT ABOUT POINT A

RM = $W_1 d_1 + W_2 d_2 + \ldots W_n d_n$



LOADING DIAGRAM:

THIS DETAIL IS DESIGNED FOR EACH OF THE LOAD CASES DEFINED BELOW.



CALCULATION RESULTS:

FREESTANDING WALL
EQUIVALENT FLUID PRESSURE = 60 P.C.F.
RESULTS FOR NO RAISED BOND BEAM

DEPTH 'D'	SOIL OTM ft-#	WATER OTM ft-#	SOIL RM ft-#	WATER RM ft-#	NET Mom	CASE I d1 SOIL	CASE II d2 WATER	VERTICAL STEEL	fs p.s.i.	fc p.s.i.	vc p.s.i.
3'-6"	429	446	106	−53	393	3"	3"	#3 @ 12"	15354	427	10.6
4'-0"	640	666	124	−55	611	3"	3"	#3 @ 6"	12275	508	13.9
5'-0"	1250	1300	230	−57	1020	3½"	4½"	"	17454	660	17.9
6'-0"	2160	2246	497	−2	1663	4"	5½"	add 3 #4	8283	580	22.5
7'-0"	3430	3567	1046	315	3882	4"	5½"	"	13807	832	30.6
8'-0"	5120	5325	2259	971	6296	4"	6½"	"	18781	998	40.0
8'-6"	6141	6387	4820	888	7275	4"	7½"	"	18671	889	45.2

RESULTS FOR 2'-6" MAX. RAISED BOND BEAM

HEIGHT 'H'	SOIL OTM ft-#	WATER OTM ft-#	SOIL RM ft-#	WATER RM ft-#	NET Mom	CASE I d1 SOIL	CASE II d2 WATER	VERTICAL STEEL	fs p.s.i.	fc p.s.i.	vc p.s.i.
3'-6"	429	10	106	−53	323	3"	3"	#3 @ 12"	12607	351	10.2
4'-0"	640	35	116	−63	524	3"	3"	#3 @ 6"	10537	436	13.3
5'-0"	1250	163	135	−99	1115	3½"	3"	"	19071	722	17.9
6'-0"	2160	446	163	−165	1997	4½"	3"	#3 @ 3"	13563	666	20.0
7'-0"	3430	948	251	−163	3179	5"	3"	"	19325	891	24.5
8'-0"	5120	1730	508	−82	4612	6"	3"	add 3 #4	14965	938	26.7
9'-0"	7290	2856	1031	195	6259	6½"	4"	"	18669	1064	31.2
10'-0"	10000	4388	2082	611	7918	8"	5½"	"	18993	1021	31.3
11'-0"	13310	6387	6678	291	6678	8½"	6½"	"	19921	1034	35.6

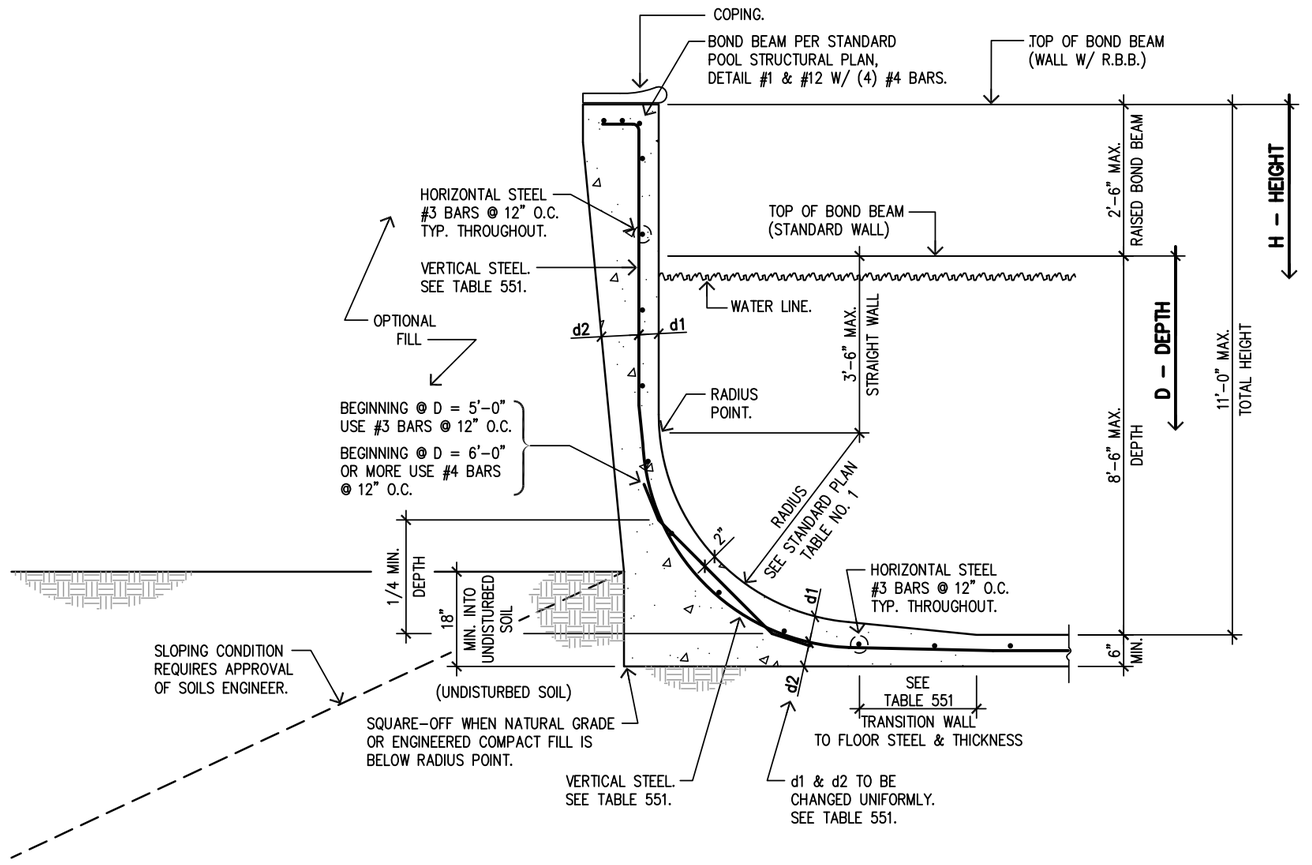


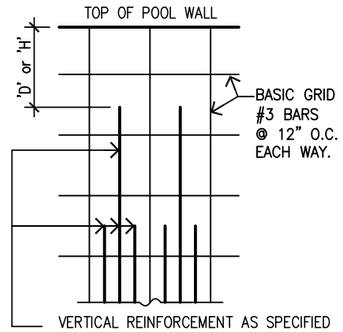
TABLE 551

'D' OR 'H' IS DISTANCE FROM TOP OF POOL WALL DOWNWARD.
BEGIN SPECIFIED STEEL & GUNITE THICKNESS AT INDICATED 'D' OR 'H' DEPTH.
(SEE STANDARD STRUCTURAL PLAN, DETAIL #2)

POOL DEPTH	NO RAISED BOND BEAM			REQ'D TRANS.
D	d1	d2	VERTICAL STEEL	
0 to 3'6"	3"	3"	#3 @ 12"	2'-0"
4'-0"	3"	3"	#3 @ 6"	2'-0"
4'-6"	3"	3½"	"	2'-0"
5'-0"	3½"	4½"	"	2'-0"
5'-6"	4"	5½"	"	2'-0"
6'-0"	4"	5½"	add 3 #4	2'-0"
6'-6"	4"	5½"	"	2'-0"
7'-0"	4"	5½"	"	2'-0"
7'-6"	4"	5½"	"	2'-0"
8'-0"	4"	6½"	"	2'-0"
8'-6"	4"	7½"	"	2'-0"

TOTAL HEIGHT	2'-6" MAX. RAISED BOND BEAM			REQ'D TRANS.
H	d1	d2	VERTICAL STEEL	
0 to 3'6"	3"	3"	#3 @ 12"	2'-0"
4'-0"	3"	3"	#3 @ 6"	2'-0"
4'-6"	3"	3"	"	2'-0"
5'-0"	3½"	3"	"	2'-0"
5'-6"	4½"	3"	"	2'-0"
6'-0"	4½"	3"	#3 @ 3"	2'-0"
6'-6"	4½"	3"	"	2'-0"
7'-0"	5"	3"	"	2'-8"
7'-6"	6"	3"	"	2'-8"
8'-0"	6"	3"	add 3 #4	2'-10"
8'-6"	6"	3½"	"	2'-11"
9'-0"	6½"	4"	"	3'-0"
9'-6"	7"	5"	"	3'-2"
10'-0"	8"	5½"	"	3'-2"
10'-6"	8½"	6½"	"	3'-2"
11'-0"	8½"	6½"	"	3'-2"

TYPICAL ADD BAR REINFORCING DIAGRAM



VERTICAL REINFORCEMENT AS SPECIFIED IN TABLE STARTS A DISTANCE 'D' OR 'H' DOWN FROM TOP OF POOL WALL. REINFORCEMENT OTHER THAN BASIC GRID NEED NOT EXTEND TO TOP OF POOL WALL. ADD BARS TO BE EQUALLY SPACED BETWEEN BASIC GRID.

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REGISTERED PROFESSIONAL ENGINEER
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~~TODD~~
LEE
LACHER
STATE OF UTAH

Date: 12/8/2021

21-19560

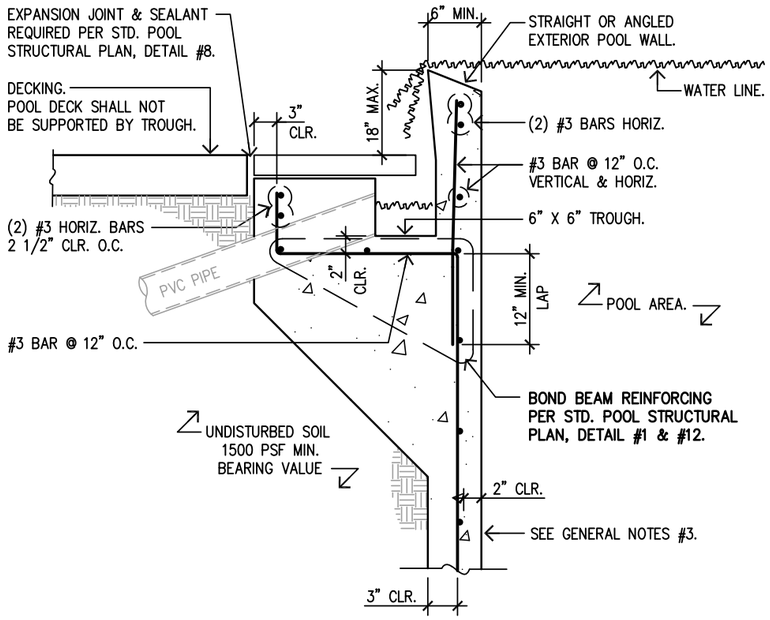
PLAN VALID ONLY WITH ENGINEER'S SIGNATURE IN RED INK ON PLAN.

THIS DETAIL TO BE USED IN CONJUNCTION WITH STANDARD POOL STRUCTURAL PLAN

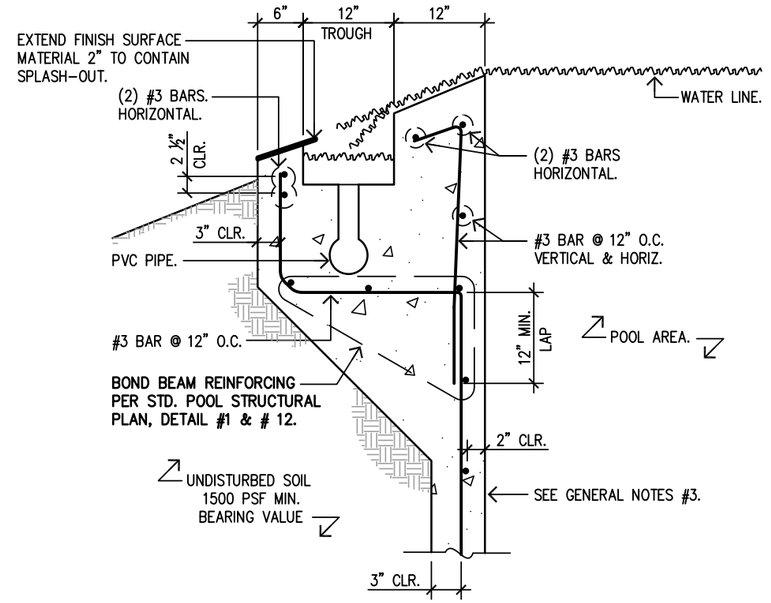
FREESTANDING WALL
EQUIVALENT FLUID PRESSURE = 60 P.C.F.

DETAIL #551 266

19v1 OCTOBER 31, 2019



TROUGH AT LEVEL EDGE **A**



TROUGH AT TOP OF WEIR WALL **B**

GENERAL NOTES:

1. LAP ALL STEEL 24" MIN. UNLESS NOTED OTHERWISE.
2. MAINTAIN 2" CLEARANCE BETWEEN ALL PLUMBING & REINFORCING STEEL.
3. FOR POOL WALL GUNITE THICKNESS & STEEL REINFORCING, SEE STANDARD POOL STRUCTURAL PLAN.
4. FINAL CONFIGURATION OF WEIR AS DIRECTED BY CONTRACTOR.
5. GUTTER TROUGH TO BE WATERPROOFED.
6. SPECIAL PRECAUTIONS MUST BE TAKEN TO WATERPROOF PENETRATIONS INTO TROUGH.

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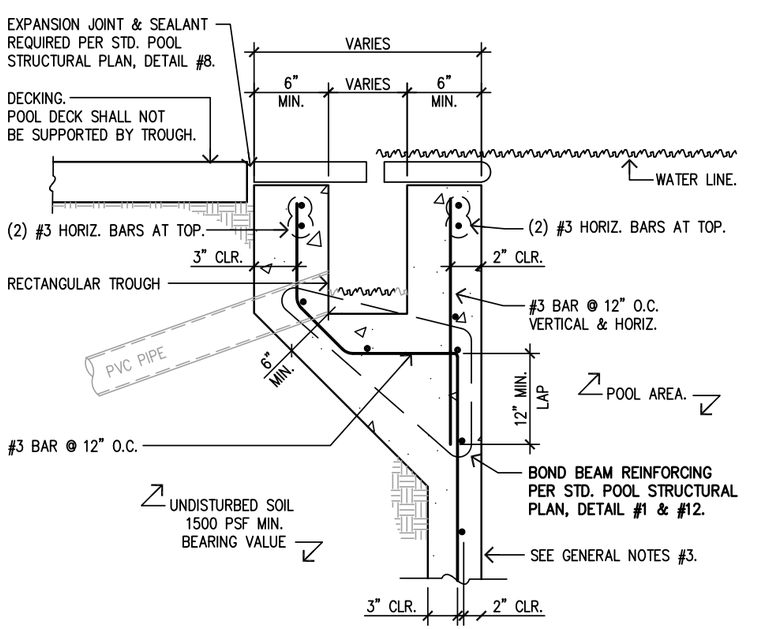
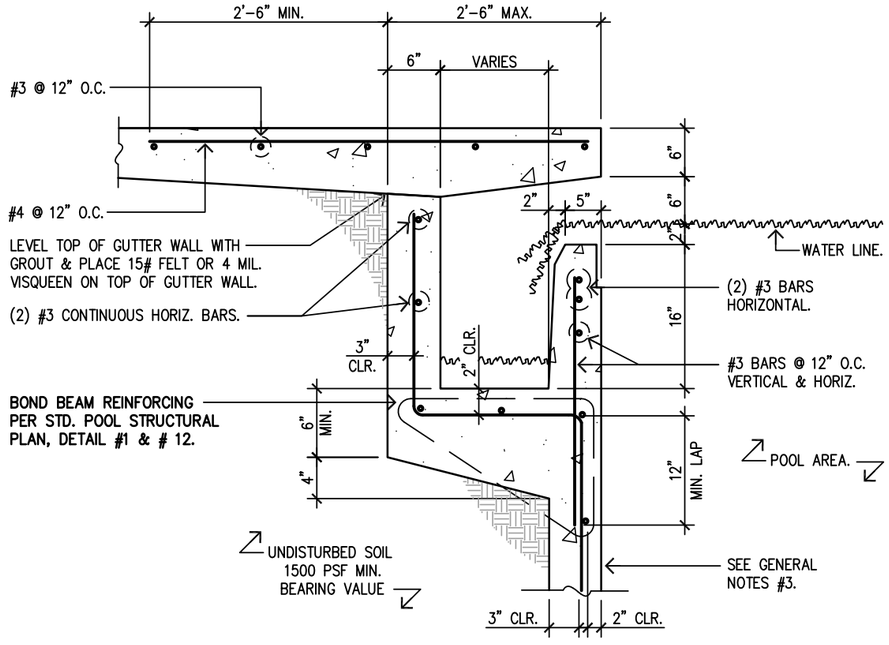


GH AT ZERO EDGE **C**



OVERFLOW GUTTER **D**

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REGISTERED PROFESSIONAL ENGINEER
7686740-2202
TODD LEE LACHER
STATE OF UTAH

Date: 2/14/2022

21-19560

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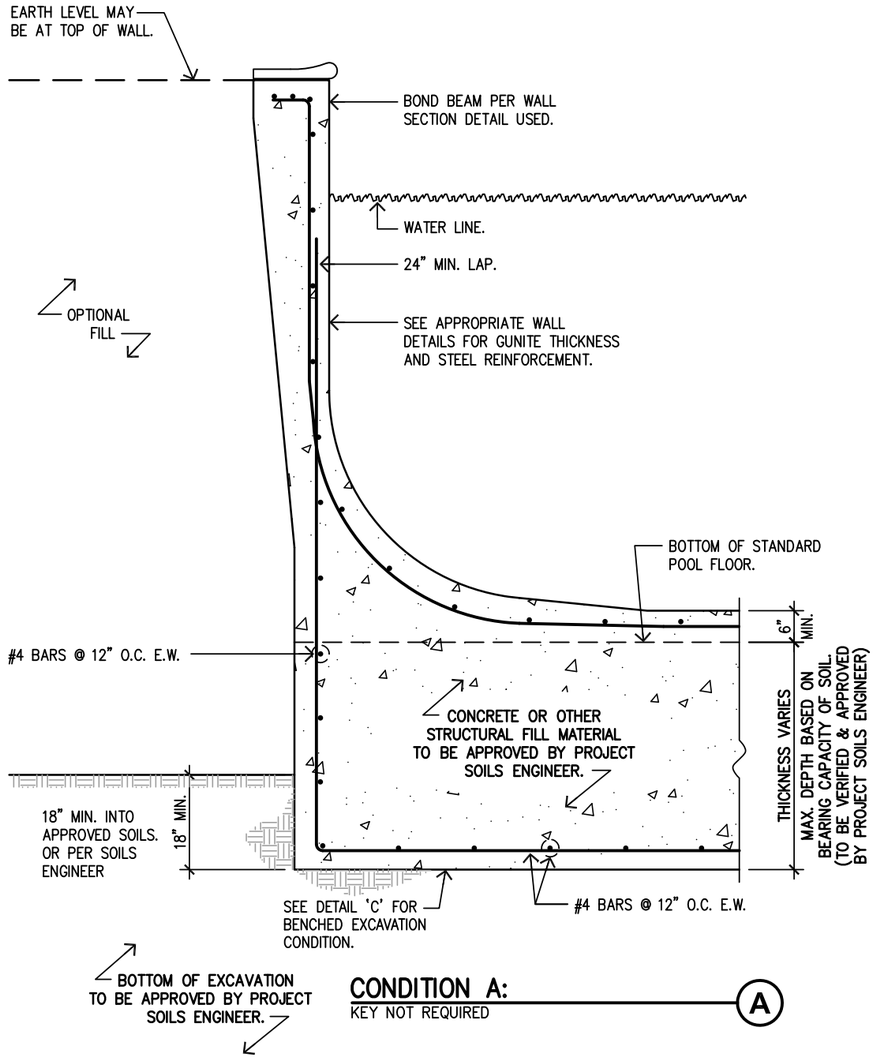
THIS DETAIL TO BE USED IN CONJUNCTION WITH STANDARD POOL STRUCTURAL PLAN

VANISHING OR ZERO EDGE TROUGH & OVERFLOW GUTTER DETAIL

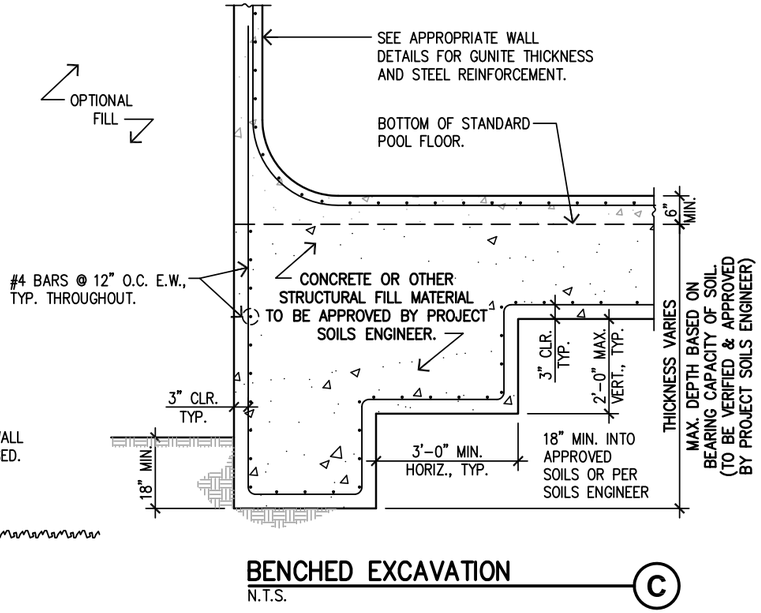
DETAIL #649

19v1 NOVEMBER 27, 2019



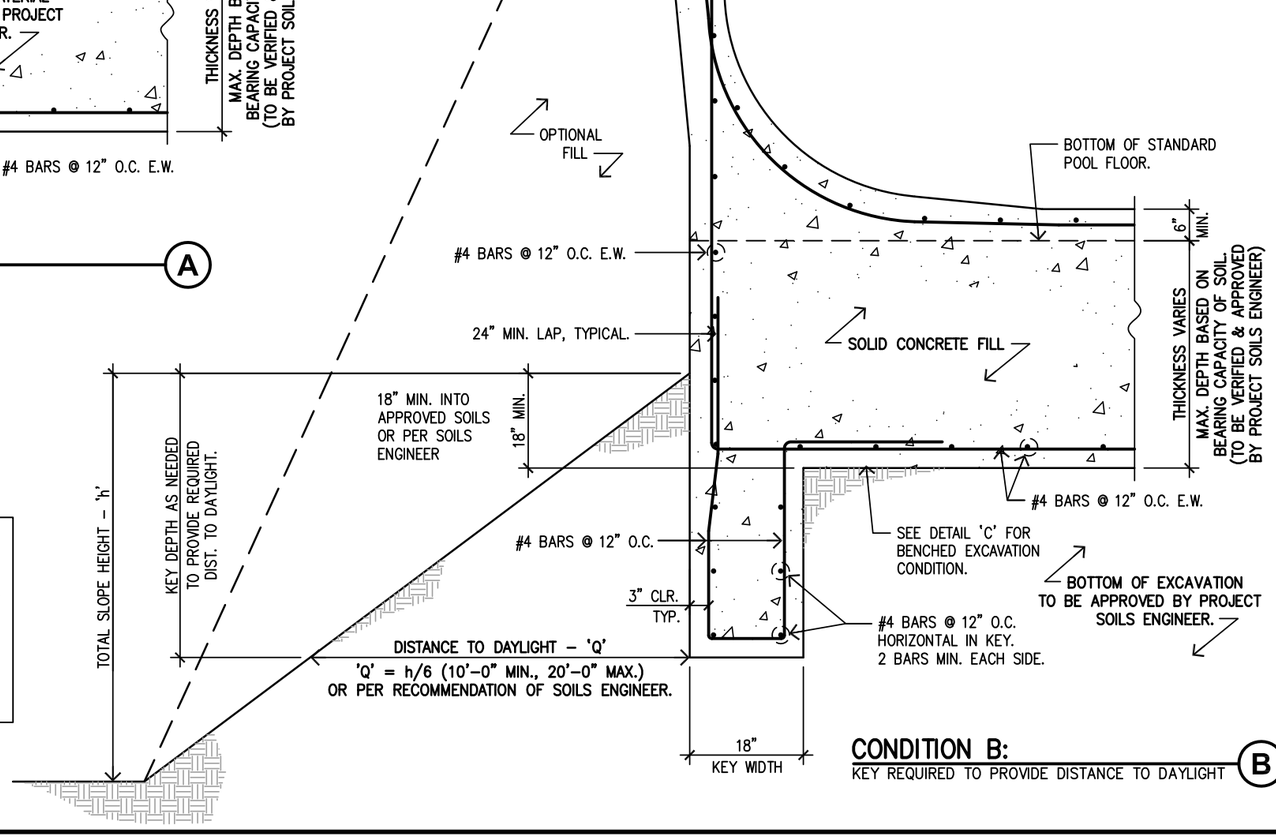
CONDITION A:
KEY NOT REQUIRED

A



BENCHED EXCAVATION
N.T.S.

C



CONDITION B:
KEY REQUIRED TO PROVIDE DISTANCE TO DAYLIGHT

B

STANDARD POOL STRUCTURAL PLAN, STRUCTURAL NOTE #1 IS REPEATED HERE FOR EMPHASIS:

1. SOIL SHALL HAVE A MINIMUM BEARING VALUE OF 1,500 P.S.F. CONCRETE SHALL BE PLACED AGAINST UNDISTURBED SOIL OR BUILDING DEPARTMENT APPROVED 90% COMPACT FILL. THIS PLAN IS NOT SUITABLE WHERE POTENTIAL EXISTS FOR DIFFERENTIAL MOVEMENT FROM DISSIMILAR SOIL CONDITIONS UNDER POOL, SUCH AS CUT–FILL TRANSITIONS.

NOTES
1. ALL STEEL SHALL BE 3" CLR. FROM EARTH.
2. ALL LAPS TO BE 24" MIN. UNLESS OTHERWISE NOTED.

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21-19560

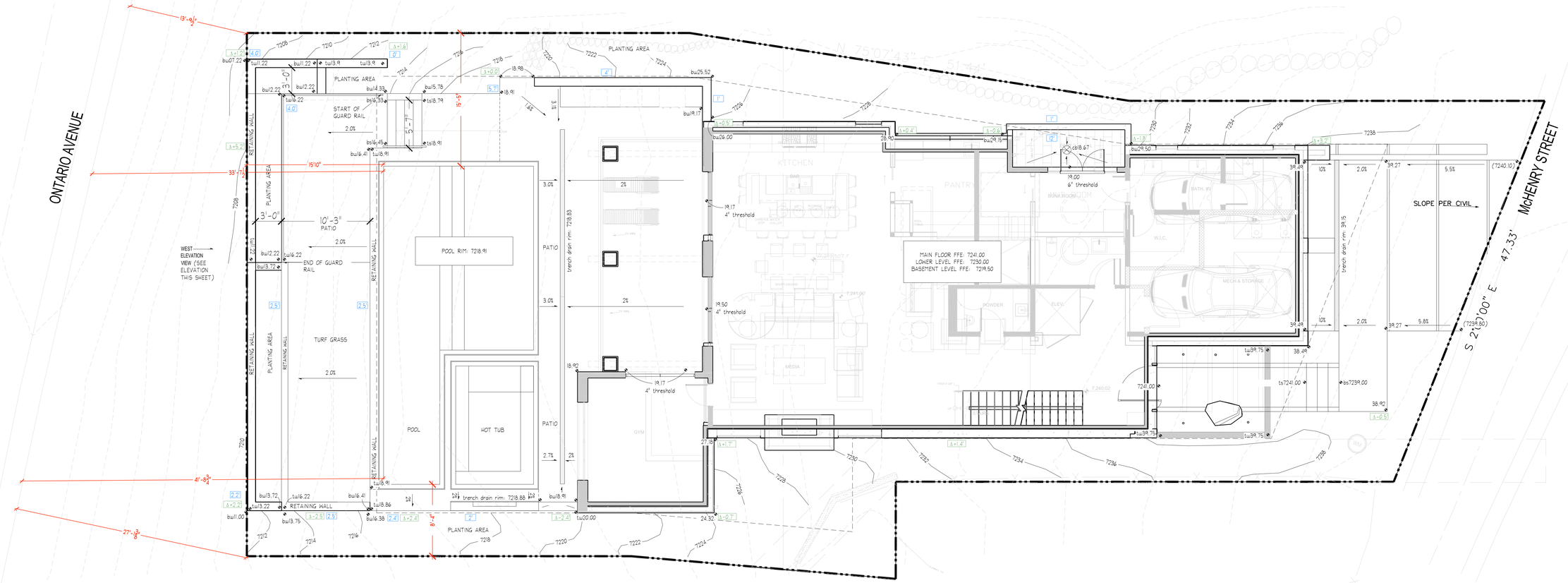
PLAN VALID ONLY WITH ENGINEER'S SIGNATURE IN RED INK ON PLAN.

THIS DETAIL TO BE USED IN CONJUNCTION WITH STANDARD POOL STRUCTURAL PLAN

DEEPENED POOL EXCAVATION

DETAIL #554

19v1 DECEMBER 11, 2019



WEST ELEVATION

SCALE: 1" = 5'-0"

LEGEND

4320	PROPOSED CONTOUR LINE	tw/bw4325	TOP OF WALL/ BOTTOM OF WALL
(4325)	EXISTING SPOT ELEVATION	bs/ts4325	BOTTOM/TOP OF STAIRS
4325	PROPOSED SPOT ELEVATION	cb4325.00	CATCH BASIN RIM ELEVATION
hp/lp4325	HIGH POINT / LOW POINT	Δ+3.5	DIFFERENCE BETWEEN EXISTING GRADE AND PROPOSED GRADE
1.5%	DIRECTION OF FLOW & SLOPE INDICATOR	3.5	PROPOSED WALL HEIGHT

GRADING & LAYOUT NOTES

1. FINISHED GRADES, CONTOURS, AND ELEVATIONS INDICATED ON THE GRADING AND DRAINAGE PLAN DESCRIBE FINAL SURFACE ELEVATIONS FOR COMPLETED CONSTRUCTION. THE CONTRACTOR SHALL REVIEW THE DETAILS AND SPECIFICATIONS TO ASCERTAIN SPECIFIC WORK LIMITS AND REQUIREMENTS.
2. CONTRACTOR SHALL VERIFY ALL EXISTING GRADES IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE.
3. CONSULT ALL OF THE DRAWINGS AND SPECIFICATIONS FOR COORDINATION REQUIREMENTS BEFORE COMMENCING CONSTRUCTION.
4. WHERE NEW PAVING OR EARTHWORK MEETS EXISTING PAVING OR EARTHWORK SMOOTHLY BLEND LINE AND GRADE OF EXISTING WITH NEW. ALL RIDGES AND VALLEYS SHALL HAVE A SMOOTH TRANSITIONS.
5. GRADE EVENLY BETWEEN SPOT GRADES SHOWN ON DRAWINGS. ALL PAVED AREAS MUST GRADE TO DRAIN AT A MINIMUM OF ONE-EIGHTH INCH (1/8") PER FOOT. ANY DISCREPANCIES NOT ALLOWING THIS TO OCCUR SHALL BE REPORTED TO THE OWNERS REPRESENTATIVE PRIOR TO CONTINUING WORK.
6. PRIOR TO COMMENCING ANY EXCAVATION WORK, THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES IN ACCORDANCE WITH THE REQUIRED PROCEDURES.
7. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE DIAGRAMMATIC ONLY, AND ALL UTILITIES MAY NOT BE SHOWN. THE CONTRACTOR SHALL CONTACT THE PROPER LOCAL AUTHORITIES OR RESPECTIVE UTILITY COMPANY TO CONFIRM THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE DUE TO FAILURE OF THE CONTRACTOR TO CONTACT THE PROPER AUTHORITIES SHALL BE BORNE BY THE CONTRACTOR.
8. EXCAVATION REQUIRED WITHIN PROXIMITY OF EXISTING UTILITY LINES SHALL BE DONE BY HAND. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITY LINES OR STRUCTURES INCURRED DURING CONSTRUCTION OPERATIONS AT NO COST TO OWNER.
9. ANY AREA DISTURBED OUTSIDE THE LIMIT OF DISTURBANCE/PROPERTY LINE SHALL BE RESTORED TO ITS ORIGINAL CONDITIONS AT NO COST TO OWNER.
10. CONTRACTOR SHALL SUPPLY AND MAINTAIN FOR THE DURATION OF CONSTRUCTION ALL NECESSARY DEVICES FOR EROSION, SEDIMENT AND DUST CONTROL, SUCH AS HAY BALES, GRAVEL, BOARDS, ETC., INCLUDING THOSE DEVICES NECESSARY FOR STOCKPILES AND PROTECTION OF ADJACENT PUBLIC WAYS AND SHALL REMOVE THE DEVICES AFTER PROJECT CLOSEOUT.
11. REFER TO STRUCTURAL DETAILS AND RECOMMENDATIONS FOR ROCK WALL CONSTRUCTION.
12. CUT AND FILL SLOPES SHALL BE CONSTRUCTED AS RECOMMENDED BY THE GEOTECHNICAL REPORT.
13. INSTALL DRAINAGE PIPE ON BACKSIDE OF RETAINING WALLS AND SLOPE TO DAYLIGHT DRAINS AS REQUIRED

SCALE & NORTH ARROW

NORTH SCALE: 1" = 5'-0"

0 2.5 5 10

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LICENSED LANDSCAPE ARCHITECT
Richard L. Gilbert
No. 5734299
09/20/2022
STATE OF UTAH

consultant:

project

CHRISTENSEN RESIDENCE
327 MCHENRY AVE
PARK CITY, UT 84060

date
Sept. 20, 2022

revisions

data
asd project no: 21077

title
GRADING PLAN

sheet
LG101

327 McHenry Avenue CUP November 4, 2022

Dear Planning Commissioners,

I have written this without being able to view the packet and a complete set of plans, I apologize if some of my letter is covered in the packet.

To date the house under Construction at 327 McHenry has hauled off 300 loads of dirt and hauled back 50 for the car lift in the garage.

That means on a substandard, narrow dead- end street we have had 350 trucks back up our hill and 350 trucks travel down. This house is on its second year, and they are still framing it. Now we find out they want to build a swimming pool. This should have been submitted with the original plans so everyone could have addressed the impact before approvals.

About 1981 our neighborhood with the help of the Planning Director at that time wrote the HRL Zone to limit the amount of density on our substandard narrow dead- end street. Over the years the zones have been watered down by pressure from the development community.

This property was subdivided into one large lot and 2 small lots with neighborhood support. Later the developer and owner of the 3 lots asked planning to combine the 2 small lots into one large lot.

We spoke against the combination and asked Planning Commission deny as we would end up with a house that didn't fit the scale and character of the neighborhood. The lots were combined and that leads us to a swimming pool in Old Town.

The code was changed so now decks are not allowed on the front of a house for fear they will turn into party decks. **Therefore, you can't have a deck where you and your neighbors can visit but you can have a party pool?**

When I got on the Planning Commission the planning director Pat Putt gave me a training session, he told me to start with the General Plan and see if it conforms, then go on to the purpose statement for the zone and see if the use fits in the zone. Then go to the LMC and find items that back up your findings.

Although this is an old analysis tool, I believe it still leads to common sense conclusions:

General Plan----Our current General Plan doesn't give you much to work with, but it does talk about our 4 core values: Small Town, Natural Setting, Sense of Community and Historic Character. This project doesn't fit in with any of these values.

Going to the section on Old Town 6.1 "Infill and new additions should be compatible in the neighborhood context and subordinate to existing historic structures....." **DOES NOT COMPLY**

6.10 "The aesthetic of Old Town neighborhood should be preserved,"

The historic specialist hired by the City said that what was going to destroy our sense of history would be the mass and scale of new construction.

A-Reduced density that is accessible only by substandard streets, so these streets are not impacted beyond their reasonable carrying capacity.

B- Provide an area of lower density residential use within the old portion of Park City.

C-Preserve the character of Historic residential development in Park City.

D- Encourage the preservation of historic structures,

E- Encourage construction of historically compatible structures that contribute to the character and scale of the historic district and maintain existing residential neighborhoods.

F- Establish development review criteria for new development on steep slopes which mitigate impacts to mass and scale and the environment, and

G- Define development parameters that are consistent with the General Plan policies for Historic core.

15-2.1-6 Development on steep slopes must be environmentally sensitive to hillside areas and carefully planned to mitigate adverse effects on neighboring land and improvements and consistent with historic district design guidelines.

15-2.1-9 The property owner must protect significant vegetation during any development activity. Significant vegetation includes large trees six inches in diameter.....

The developer of this property took out about 6 significant trees, these trees were about 30 feet in height, and we were told they would be replaced. The only place on the site that could hold them is the backyard where the party pool is to go.

15-4-2-1-6 Steep slope, VISUAL **ANALYSIS**. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

To determine potential impacts of the proposed Access, and Building mass and design; and

To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

BUILDING FORM AND SCALE. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged.

The Commission should ask for a section starting on the west side of Ontario to the west side of McHenry, also for a street view from Ontario with adjacent buildings. A site visit may be appropriate. This will give a better idea of the scale of the project and what the impacts will be to the homes located on Ontario.

Due to the complexity of the site the Commission should ask Building to require a construction mitigation plan.

15-1-10 CUP-----If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, **the Conditional Use may be denied**.

LMC-----15-2-1 Purpose

This project will increase lighting, noise, steam that can freeze on neighbors' trees and yard, and be used as a party area.

Looking at 15-1-7-E I believe the owner cannot mitigate these items.

(1) Size and location of the site

(7) Fencing, screening, and landscaping to separate the use from adjoining uses

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

(10) signs and lighting;

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

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

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

(16) reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding.

In conclusion, building an outdoor swimming pool goes against some of Park City's most important goals...i.e. Conserve energy, be carbon neutral and conserve water. The City can't ask residents to reduce energy and water usage and then allow someone to build this project.

Thank you for your time and consideration,

Charlie Wintzer

320 McHenry Ave.

Planning Commission
Staff Report

Subject: **Bransford Parcels**
Application: **PL-21-05042**
Author: **Makena Hawley, Planner II**
Date: **November 9, 2022**
Type of Item: **Legislative - Zoning Map Amendment**

Recommendation

Staff recommends the Planning Commission (I) review the application and consider the applicant's request for a proposed zone change from Recreation Open Space to Estate for two three-acre parcels from a parcel totaling 39.62 acres (Parcels PCA-S-79-B and PCA-S-79-C, also known as the "Bransford Parcels,"); (II) conduct a public hearing; and (III) consider forwarding a recommendation for City Council's consideration on December 15, 2022.

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, Sensitive Land Overlay
Proposed Zoning:	Estate, Sensitive Land Overlay
Adjacent Uses:	Open Space, Deer Valley Resort, Trails, Red Cloud Subdivision
Reason for Review:	Rezone Applications Require a Planning Commission Recommendation and City Council Action.[1]

Abbreviations

1999 DA	1999 Flagstaff Development Agreement
2007 DA	2007 Amended Flagstaff Development Agreement
E	Estate
LOD	Limits of Disturbance
LMC	Land Management Code
MPD	Master Planned Development
ROS	Recreation Open Space
SFD	Single Family Dwelling
SLO	Sensitive Land Overlay
UPCM	United Park City Mines

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

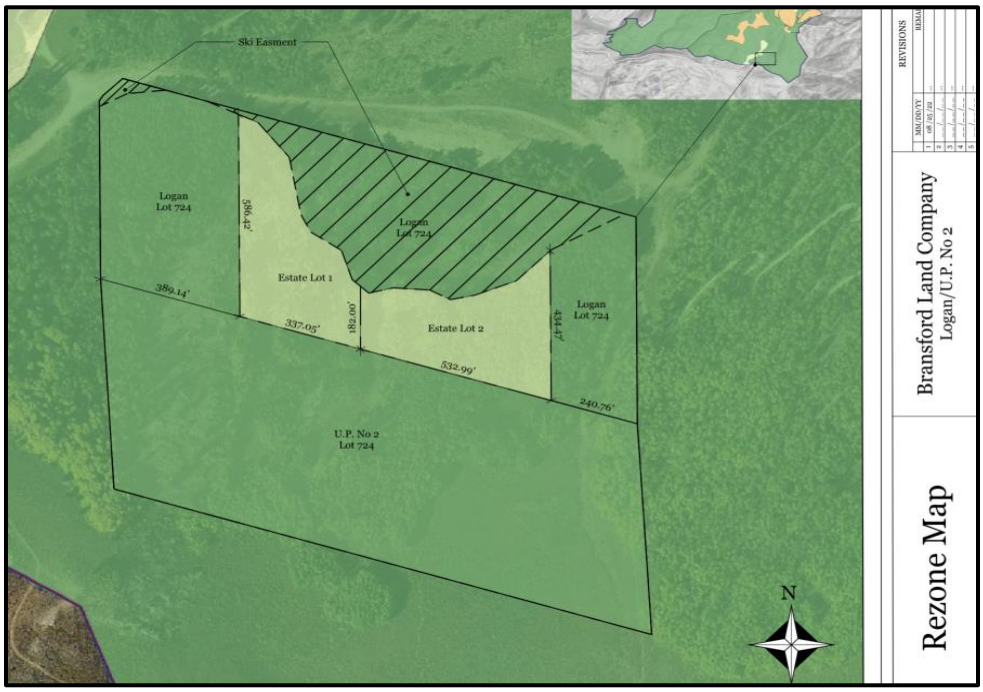
Summary

The Applicant is proposing rezoning six acres total from Recreation Open Space (ROS), where no residential density is permitted, to Estate (E) to develop one (1) Single-Family Dwelling (SFD) per parcel for a total of two (2) units for the 39.62 acre site. The parcels

[1] LMC § 15-1-7

include:

- PCA-S-79-C (also known as the Logan Parcel), 19.80 acres
- PCA-S-79-B (also known as the U.P. No. 2 Parcel), 19.82 acres



Proposed Zone change - 6 Acres (Shown in Exhibit B)

The Applicant is proposing an incremental approval process, starting with a rezone with a maximum density of two (2) SFDs. The site-specific related challenges anticipated in the subdivision process are supported by conditions of approval in the Draft Ordinance. If the City Council approves the rezone and establishes the limited density requested for the parcels, the Applicant will initiate the process for a subdivision plat, which will require subsequential review and recommendation by the Planning Commission and final action by the City Council.

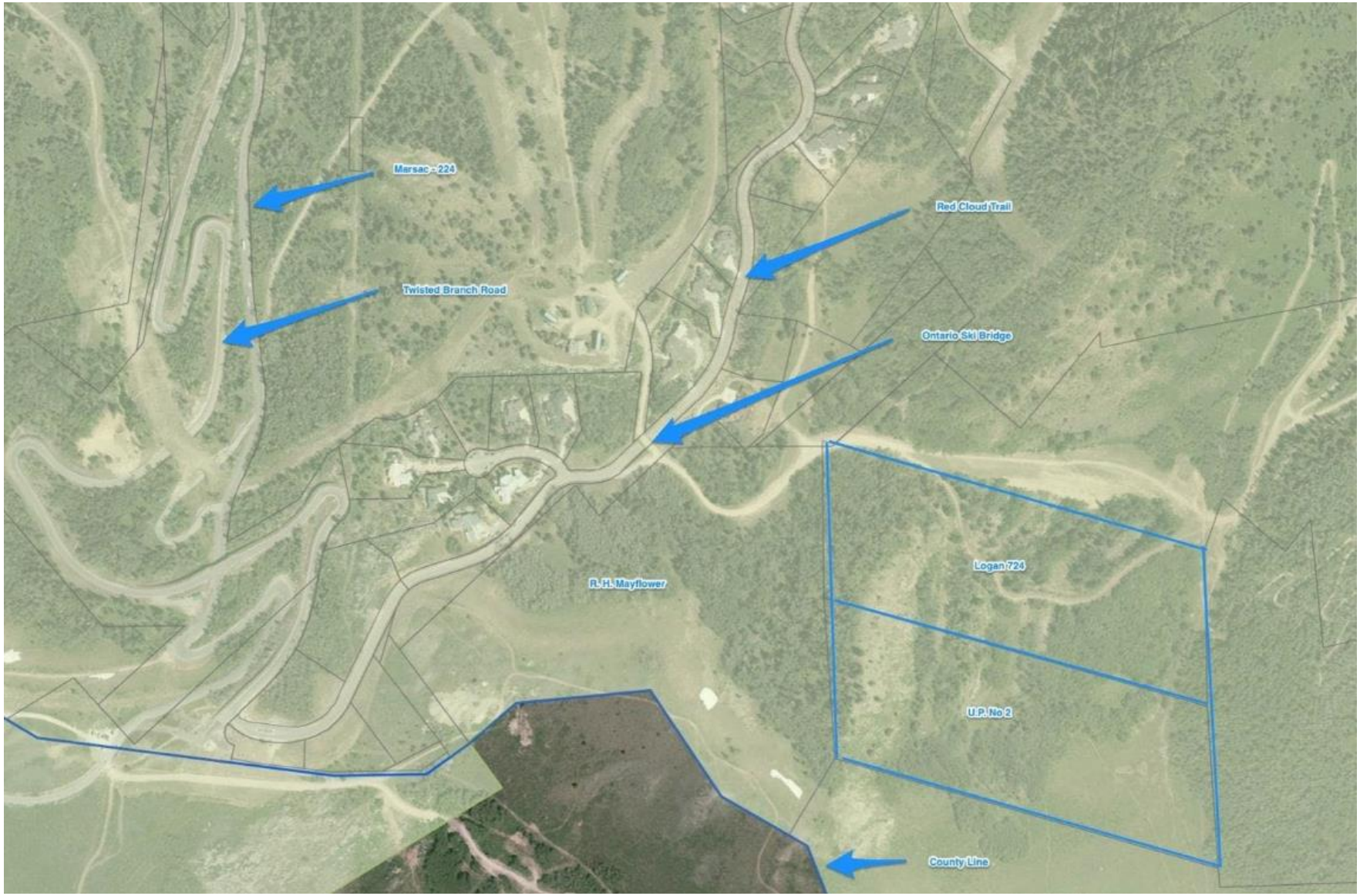


Image provided by the Applicant to provide overview of the area in which the parcels lie.

Background

The Applicant has owned percentages of the Logan and U.P. No. 2 mining claims for approximately 97 years, which are located on the east slope of Flagstaff Peak, just north of the Wasatch County line in Summit County. Previous percentages of ownership of the mining claims belonged to United Park City Mines Company (UPCM). In 2016 the Applicant (Bransford Land Company) acquired 100% ownership of each parcel.

As of 1998 before the parcels were annexed into Park City, Summit County zoned the parcels Mountain/Remote, which allowed a base density of one (1) dwelling unit per 40 acres. At the time, this was the maximum allowed density, and an additional proposal of density would require a Special Plan Development, which is a proposal by the developer to the county to outline density in a form that would be beneficial to the community. Under the Summit County regulations, the Applicant may have had zero units of density allocated to the land or up to seven or eight units, depending on the proposals and their compliance with the Snyderville Basin Development Potential Matrix 2.3.F(1) (Exhibit G, Page 2).

In 1999, the Bransford Parcels were included in 1,750 acres of property in unincorporated Summit County that was annexed into Park City Municipal under the 1999 Flagstaff Development Agreement (1999 DA). However, the Applicant (the Bransfords) did not sign the Flagstaff Development Agreement (later, the 2007 Amended Flagstaff Development Agreement (2007 DA) – Exhibit F).

At the time of the annexation, the Bransford Parcels were included with a group of properties identified throughout the DAs as the "Northside Neighborhood" and "Northside Neighborhood Property Owners." This group represented a 63-acre portion of Flagstaff Mountain and includes five separate property owners, as noted on Page 5 of the 2007 DA.

The 2007 Development Agreement states:

> 2.4 *"..upon their* [The Northside Neighborhood] *written acceptance of the terms of this Agreement, may contain a maximum of 38 homes, the size and location of which shall be determined at Small Scale MPD/Subdivision review. The Northside Neighborhood may also contain a 1000 sq. ft. non-denominational Chapel that will remain open and reasonably available to the public."*

In Section 2.4.1 it describes the Small Scale MPD:

> 2.4.1 *"The Small Scale MPD must include all Northside Neighborhood Property Owners to achieve the maximum density of 38 detached single-family homes. Absent participation by all Northside Neighborhood Property Owners, DEVELOPER and DEER VALLEY may apply for a Small Scale MPD for a maximum of 30 single-family homes on the portion of the Northside Neighborhood owned by DEVELOPER and DEER VALLEY.9 …."*

2.4.1 is followed by a set of restrictions regarding limited development in the Northside Neighborhood for the Developer and Deer Valley, outlined in the

majority of the Development Agreement 2.4.

To summarize, the 2007 DA stated that if the Northside Neighborhood property owners could come to an agreement for development of their property, they could develop a total of 38 homes and a chapel, collectively. If the Northside Neighborhood property owners could not come to an agreement, the 2007 DA still allowed UPCM and Deer Valley 30 SFDs.

The Northside Neighborhood property owners did not come to an agreement and UPCM and Deer Valley proceeded with the permitting and construction of the 30 SFDs, now known as the Red Cloud Subdivision (See Ordinance and Subdivision Map, Exhibit F).

After the annexation of the parcels into Park City, the area was zoned Recreation and Open Space (ROS) Master Planned Development (MPD) in which a Single-Family Dwelling (SFD) is a prohibited Use.

Please see the staff reports linked below for additional analysis regarding the proposed rezone.

April 13, 2022 Planning Commission Meeting (Staff Report, Minutes)
On April 13, 2022, the Planning Commission held a Work Session to provide preliminary input and identify additional analysis that would be required to make an informed recommendation on the rezone.

During the meeting, several items were discussed with the main points of interest identified below. Each item is evaluated in the Analysis Section of the Staff Report.

- Where would the development be located?
    - Center of the south parcel near the Deer Valley ski trail
- What other impacts or adverse effects need to be considered?
    - Vegetation removal and steep slopes

June 8, 2022 Planning Commission Meeting (Staff Report, Minutes)
Rezone Application was continued to June 15, 2022.

June 15, 2022 Planning Commission Meeting (Staff Report, Minutes)
The Applicant narrowed the location of the proposed developments:

- No development on slopes over 30%
- Preservation of 82% of the ~40 acres
- Applicant would provide easements for existing trails on the property and fund any required relocation of trails

Staff reviewed the following:

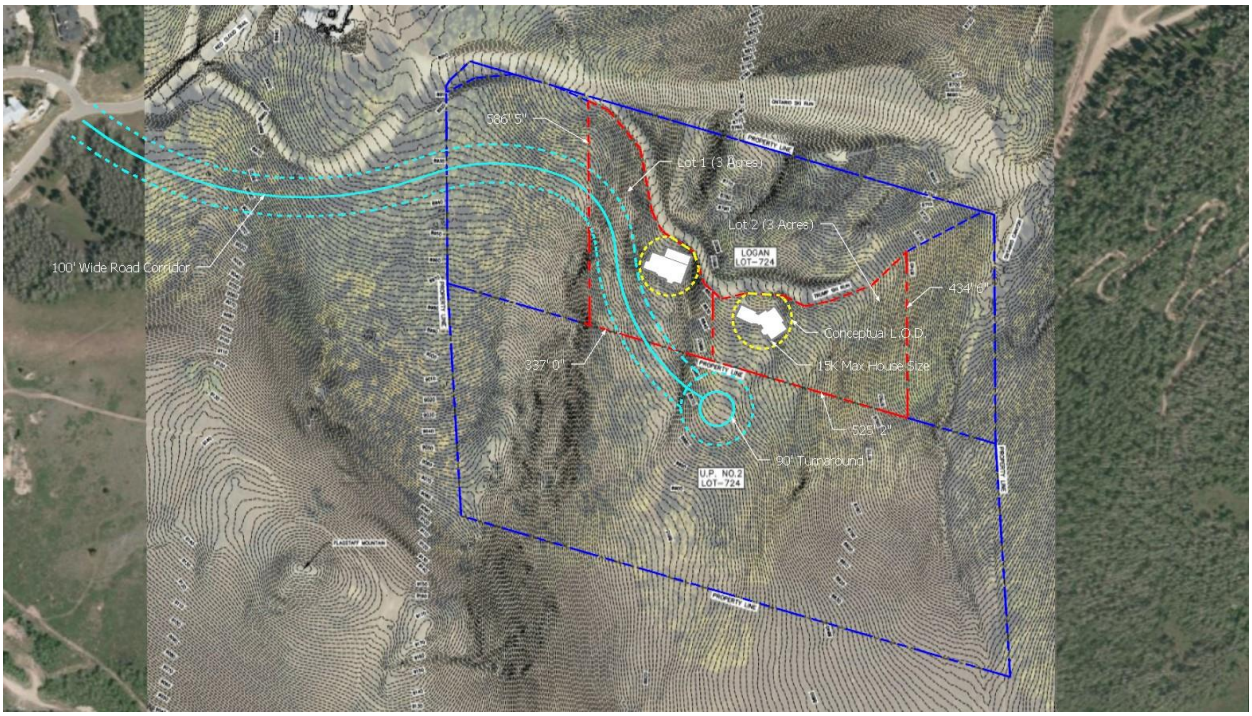
- Conditions for Approval - A list of proposed conditions or additional information that may be required to mitigate impacts of the rezone
- Setting a Precedent – This property is unique due to the Flagstaff annexation and

DA. Future rezone requests would require Planning Commission review and recommendation and City Council final action

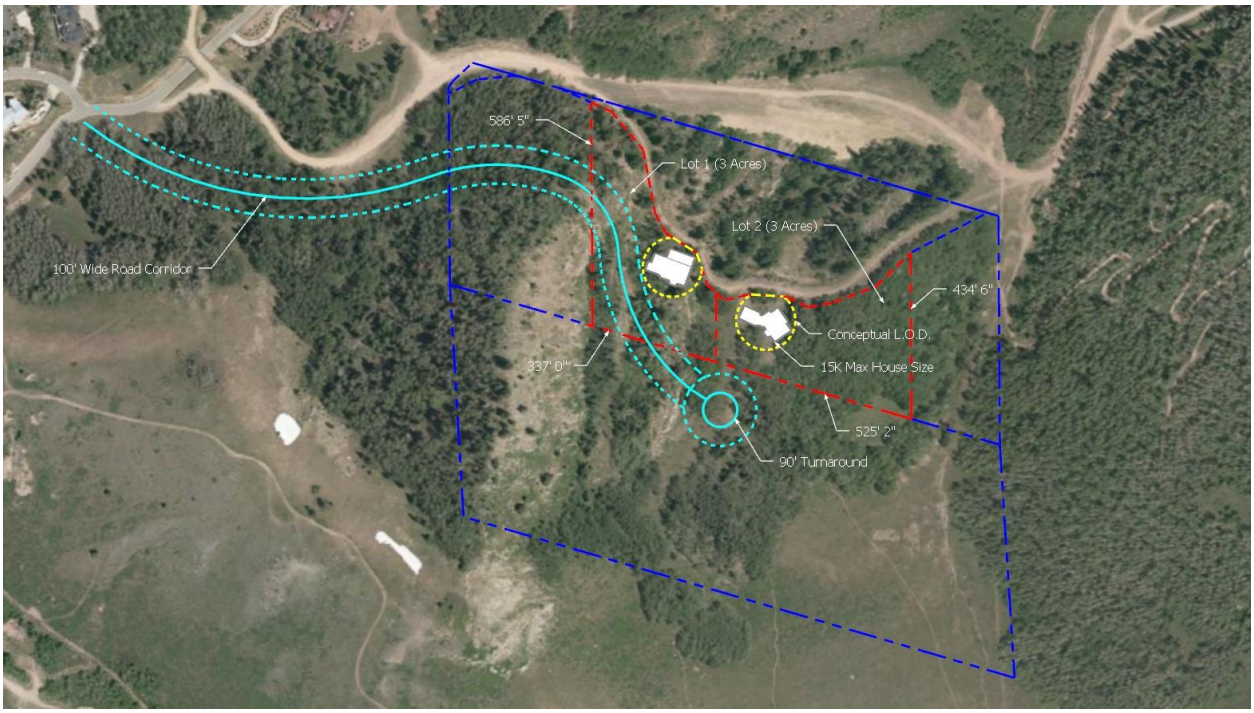
- Consistency with the General Plan - The area is in the Upper Deer Valley Neighborhood in the General Plan. Staff finds the Applicant's proposal is consistent in the context of the area, like Red Cloud; however, due to the topography and location of the parcels, this proposal requires specific Conditions of Approval to mitigate adverse effects

August 10, 2022 Planning Commission Meeting (Staff Report, Minutes)
The Commission identified the following concerns regarding the proposal:

- Access
  - The SFDs will require a lengthy private drive
- Environmental impact
  - Interest in low-impact, sustainable development
  - Use of renewable energy resources
- Building on steep slopes, 30% or greater
  - Impact of road and structures
- Maximum home size
  - 10,000 square feet is in line with neighboring Red Cloud



Proposed parcels for Zone Change (outlined in red) over topographic lines.



Proposed parcels for Zone Change (outlined in red) with option for two Single Family Dwellings and option for private road with fire turnaround.

Analysis

LMC § 15-1-7 outlines the process for amendments to the Zoning Map, requiring public notice to each owner of record affected by the proposed change, a public hearing before the Planning Commission, a Planning Commission recommendation to the City Council, and a City Council public hearing and final action. If written objections are submitted relating to the Zoning Map amendment, the Planning Commission considers each objection when adopting its formal recommendation and forwards all objections to the City Council.[2] Public Comment received prior to publication is attached as Exhibit J.

Staff finds that the rezone could be Conditioned to mitigate adverse effects if a subdivision plat is completed in a timely manner. As a result, staff recommends a sunset clause in which the rezone approval expires in two years.

Condition of Approval 2: Prior to any building permit submittal, the Applicant shall complete a Subdivision Plat to create two Lots for parcel PCA-S-79-C (the Logan Parcel). Each lot shall include no more than three acres of Estate Zoning for one Single-Family Dwelling (two in total), with the remainder of the acreage designated Recreation Open Space.

Condition of Approval 5: The approval of this rezone is subject to a two-year Sunset Clause, with the opportunity for one, one-year extension approved by the City Council. If the Subdivision Plat is not approved within two years of the date of this Ordinance, the

[2] LMC § 15-1-7(B)(2)(c).

Zone for parcel PCA-S-79-C will revert to Recreation Open Space (ROS).

Below, staff has outlined the proposal comparing the existing and proposed zoning purpose statements and compatibility with the General Plan Upper Deer Valley Neighborhood:

Recreation and Open Space Zoning District

Purpose Statement	Review of Application
Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots	**Conditions of Approval 2, 3, 4, 6** The Applicant is proposing two (2) Single-Family Dwellings on two three-acre Lots out of approximately 40 acres. The Applicant is proposing to place a conservation easement on approximately 82% of the total 40 acres.
Permit recreational Uses and preserve recreational Open Space land	**Condition of Approval 6** The Applicant is proposing to maintain and grant easements for the existing bike and ski trails located on the property. If the trails require relocation the Applicant has agreed to move the trails at their own expense, as approved by the Trails and Open Space Manager.
Encourage parks, golf courses, trails and other Compatible public or private recreational Uses	See above.
Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.	**Conditions of Approval 8, 9** The Applicant will be required to comply with Sensitive Land Overlay to preserve and protect sensitive lands, including steep slopes and wetlands. Furthermore, prior to submitting a subdivision plat application, the Applicant will be required to submit an arborist report identifying Significant Vegetation. Impacted Significant Vegetation shall be replaced in kind, as approved by the Planning Director, evaluated at the time of subdivision plat review.
Encourage sustainability, conservation, and renewable energy.	**Conditions of Approval 16 and 17** To encourage sustainability and

	environmentally responsible second homes, development on site shall comply with COAs: **COA 16** "All structures built on the re-zoned property shall be designed to have an Energy Use Intensity (EUI) cap of 40. All structures shall be built with an all-electric utility plan, utilizing mini-split heating and cooling heat pump solutions and will require energy modeling for confirmation and maintenance. Inspection of compliance shall be placed on the developed/owner and confirmation of such systems shall be provided prior to CO." **COA 17** "All outdoor appliances or energy consuming items, such as pavement heating, heat tape, etc. shall be connected to timers and moisture sensors as to only pull energy when necessary."

Estate Zoning District

Purpose Statement	Review of Application
Preserves ridge tops, meadows, and visible hillsides	New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Preserves large, cohesive, unbroken Areas of Open Space and undeveloped land	New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development	Required per SLO. New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Mitigates geologic and flood hazards	Required per SLO.

	New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Protects views along the City's entry corridors	Not Applicable.
Decreases fire risk by keeping Development out of sensitive wild land interface Areas	Plans will require compliance with Wildland Urban Interface standards, the Fire District standards, the Estate Zoning District, and the SLO.
Incorporate pedestrian trail linkages between and through neighborhoods	**Condition of Approval 6, 10** New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.
Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands Ordinance	Required per SLO. New development must comply with the Estate Zoning District, LMC Chapter 15-2.10, and the Sensitive Land Overlay LMC Chapter 15-2.21.

General Plan

Upper Deer Valley Neighborhood	Review of Application
91% of Occupancy in this neighborhood is Secondary Residents	The proposal is consistent, and Nightly rentals are allowed in the Estate Zoning District.
Flagstaff proposed development pods framed by Open Space	**Condition of Approval 3, 4** The proposal, as conditioned, is consistent. The two SFDs would be clustered and surrounded by conservation easements.
Resort Oriented Development, second homes and nightly rentals with a focus on a comfortable visitor experience and support resort economy.	The proposal is consistent, and Nightly rentals are allowed in the Estate Zoning District.

Expansion of summer activities.	**Condition of Approval 6** As noted in the first table above, the Applicant proposes to maintain and grant easements for all existing bike and ski trails.
Consistent with the General Plan's Goal 1: "Park City will grow inward, strengthening existing neighborhoods while protecting undeveloped land representative of the community's core values from future development"	**Conditions of Approval 3, 4** Taken in the context of the broader annexation which clustered development within defined residential pods, the limited density proposed remains consistent with the Flagstaff planning and adjacent to the Red Cloud Subdivision, from which utilities can be run.
Environmentally responsible second homes. "Unoccupied homes use as much energy and emit as much carbon dioxide on average, as an occupied home." "Future improvements toward increased energy efficiency in second homes and nightly rentals should be sought to counter the issue."	**Condition of Approval 16 and 17** As noted in the first table above, the rezone is conditioned, and the future subdivision plat could also be conditioned to require energy-saving options. See Conditions of Approval 16 and 17.
Preservation of the natural setting.	**Conditions of Approval 3, 4** The application is consistent, proposing 82% of the 40 acres to be conserved.

Department Review

The Development Review Committee[3] met on November 16, 2021, in addition to the application being reviewed by the Planning, Engineering, and Legal Departments. Several concerns were raised such as access easements, water and sewer connections, and fire code compliance and access. These items must be evaluated fully if density is approved for the site as part of the Subdivision Plat review.
Conditions of Approval 2, 5

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

Notice

Staff published notice on the City's website and the Utah Public Notice website on October 26, 2022. Staff mailed courtesy notice to property owners within 300 feet on October 26, 2022. The *Park Record* published notice on October 26, 2022.[4] Notice was posted along Red Cloud Trail, across from Ruby Hollow and south of the Deer Valley ski bridge. Because the property does not have existing access staff did not post notice to the parcels because it would not be accessible to the general public.

Public Input

Public input is available in Exhibit J. Any public input not included will be forwarded to the Planning Commission prior to the public hearing on November 9, 2022.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the rezone request for six acres on Parcel PCA-S-79-C from Recreation Open Space to Estate; or
- The Planning Commission may forward a negative recommendation to the City Council for the rezone request for six acres on Parcel PCA-S-79-C from Recreation Open Space to Estate and direct staff to make Findings for the denial; or
- The Planning Commission may request additional information and continue the discussion to date certain.

Exhibits

Exhibit A: Draft Ordinance No. 2022-XX
Attachment 1: Proposed Zoning Map Amendment
Exhibit B: Applicant Narrative and Presentation
Exhibit C: Topography Survey with Deer Valley Easement
Exhibit D: Record of Survey December 2013
Exhibit E: JJ Johnson Development Feasibility Study 1981
Exhibit F: Applicant's Submittal Showing Existing Access Easement Granted by REDUS
Exhibit G: 2007 Amended Flagstaff Development Agreement and Exhibits
Exhibit H: Park City Annexation of Flagstaff Mountain
Exhibit I: Snyderville Basin Land Use Plan and Development Potential Matrix 1998
Ord. 323
Exhibit J: Public Comment

[4] LMC § 15-1-21

Ordinance No. 2022-XX

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT TO REZONE SIX (6) ACRES FROM RECREATION OPEN SPACE (ROS) TO ESTATE (E) FROM A PORTION OF THE PCA-S-79-C (THE BRANSFORD PROPERTY, ALSO KNOWN AS THE LOGAN PARCEL), PARK CITY, UTAH, SUBJECT TO SUBDIVISION PLAT APPROVAL BY THE CITY COUNCIL OF PARK CITY BY DECEMBER 15, 2024

WHEREAS, Parcel PCA-S-79-C, a 19.8-acre parcel, is owned by the Bransford Land Company;

WHEREAS, the Bransford Land Company petitioned the City Council to rezone six acres within Parcel PCA-S-79-C from Recreation Open Space to Estate;

WHEREAS, the Bransford Land Company requests the City Council rezone six acres within Parcel PCA-S-79-C from Recreation Open Space to Estate to create two three-acre pods for the future construction of two Single-Family Dwellings, with each Single-Family Dwelling located on one three-acre pod;

WHEREAS, on April 13, 2022 and June 15, 2022, the Planning Commission conducted work sessions to review the proposed rezone;

WHEREAS, on October 25, 2022, staff posted notice to a location nearest the property, mailed notice according to the requirements of the Land Management Code, and posted notice to the Utah Public Notice website and City website;

WHEREAS, on October 26, 2022, the Park Record published legal notice, according to the requirements of the Land Management Code;

WHEREAS, on November 9, 2022, the Planning Commission held a public hearing;

WHEREAS, on November 9, 2022, the Planning Commission forwarded a positive/negative recommendation to the City Council;

WHEREAS, on December 15, 2022, the City Council held a public hearing; and

WHEREAS, the proposed zoning map amendment is consistent with the purposes of the Utah Municipal Land Use, Development, and Management Act, Utah Code Section 10-9a-102:

The purposes of this chapter are to:

a. provide for the health, safety, and welfare;
b. promote the prosperity;
c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
d. protect the tax base;
e. secure economy in government expenditures;
f. foster the state's agricultural and other industries;
g. protect both urban and nonurban development;
h. protect and ensure access to sunlight for solar energy devices;
i. provide fundamental fairness in land use regulation;

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j. facilitate orderly growth and allow growth in a variety of housing types; and
k. protect property values.

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

SECTION 1. APPROVAL. The Zoning Map Amendment to rezone six acres from Recreation Open Space to Estate within Parcel PCA-S-79-C, as shown in Attachment, 1 is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. Parcel PCA-S-79-C (the Bransford Parcel, also known as the Logan Parcel) contains 19.8 acres and is currently zoned Recreation Open Space.
2. The Applicant proposes to rezone six acres within Parcel PCA-S-79-C from Recreation Open Space to Estate to create two three-acre pods to accommodate the development of two Single-Family Dwellings, one for each three-acre pod.
3. Parcel PCA-S-79-C is in the Sensitive Land Overlay and development must comply with the regulations of Land Management Code Chapter 15-2.21.
4. Prior to the annexation into Park City in 1998, the Snyderville Basin Development Code located the existing parcels in the West Mountain neighborhood within the Mountain/Remote Area.
5. The Bransford Parcels were included in the 1,750 acres of property in unincorporated Summit County that was annexed into Park City Municipal under the 1999 Flagstaff Development Agreement.
6. After the annexation of the parcels into Park City, the area was zoned Recreation and Open Space (ROS) Master Planned Development (MPD) in which a Single-Family Dwelling (SFD) is a prohibited Use.
7. The Applicant's proposed Zone Change to Estate (E) will allow the development of two Single Family Dwelling.

Conclusions of Law:

1. The Zoning Map Amendment request is consistent with the Park City General Plan and the Land Management Code, including Section 15-1-7(B)(2).
2. The Zoning Map Amendment is consistent with applicable state law.
3. The Zoning Map Amendment furthers the purposes of Utah Code Section 10-9a-102.

Conditions of Approval:

1. The Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the Zoning Map Amendment for compliance with State Law, the Land Management Code, and the Conditions of Approval.
2. Maximum density in the rezoned area is two (2) Single Family Dwelling Units. No building permit may be submitted to develop Parcel PCA-S-79-C until a subdivision plat application is submitted by the property owner that meets the requirements of these Conditions of Approval, is reviewed and recommended by the Planning Commission, is approved by the City Council, and is recorded with the Summit County Recorder's Office. Prior to submitting a Subdivision Plat application, the Applicant shall secure access to Parcel PCA-S-79-C in accordance with Land Management Code standards.

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3. Consistent with the General Plan, and Flagstaff annexation approvals, the Applicant shall record a conservation easement for the remaining Recreation Open Space acreage for Parcel PCA-S-79-B and the adjacent PCA-S-79-C, excluding the six allocated Estate acres, at the time of Subdivision Plat recordation.
4. Proposed development on the site must comply with the Sensitive Land Overlay. Development on Steep Slopes is prohibited.
5. The Applicant shall submit an arborist report to the Planning Director with the subdivision plat application that identifies Significant Vegetation.
6. New development must comply with the Estate Zoning District regulations outlined in LMC Chapter 15-2.10 and the Sensitive Land Overlay regulations outlined in LMC Chapter 15-2.21.
7. Access to the rezoned Estate areas within Parcel PCA-S-79-C requires a common/shared driveway to minimize site disturbance and shall be located to prevent Significant Vegetation disruption and steep slope disturbance.
8. The subdivision plat shall require a maximum irrigated or landscaped area and additional restrictions to maintain a reliable Limits of Disturbance (LOD).
9. In keeping with Red Cloud Subdivision, the Maximum House Size shall not exceed 10,000 square feet.
10. The City shall require the finalization of plans for utilities and access, prior to submittal of a subdivision plat application. The approval of this Ordinance does not guarantee approval of the subdivision plat, or future development. Future applications shall be evaluated according to the Land Management Code in effect at the time of application, and these additional conditions of approval.
11. Prior to submitting a subdivision plat application, the property owner shall identify and protect any wildlife corridors that may exist on the property.
12. Final location of the two proposed Single-Family Dwellings and Limits of Disturbance shall be outlined on the subdivision plat with a Planning Commission Finding that these locations meet the requirements of the Sensitive Land Overlay, Land Management Code, and General Plan.
13. All structures built on the re-zoned property shall be designed with an Energy Use Intensity (EUI) cap of 40. All structures shall be built with an all-electric utility plan, utilizing mini-split heating and cooling heat pump solutions and will require energy modeling for confirmation and maintenance. Inspection of compliance shall be placed on the developed/owner and confirmation of such systems shall be provided prior to Certificate of Occupancy.
14. All outdoor appliances or energy consuming items, such as pavement heating, heat tape, etc. shall be connected to timers and moisture sensors as to only pull energy when necessary.

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

PASSED AND ADOPTED this 15th day of December 2022.

PARK CITY MUNICIPAL CORPORATION

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_____
Nann Worel, MAYOR

ATTEST:

_____
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

_____
Margaret Plane, City Attorney

Attachment 1: Zoning Map Amendment

DRAFT

ROS

E

Red Cloud

Ski Easment

Logan
Lot 724

586.42'

Logan
Lot 724

Estate Lot 1

389.14'

337.05'

182.00'

Estate Lot 2

434.47'

Logan
Lot 724

532.99'

240.76'

U.P. No 2
Lot 724

Wasatch County Line

N

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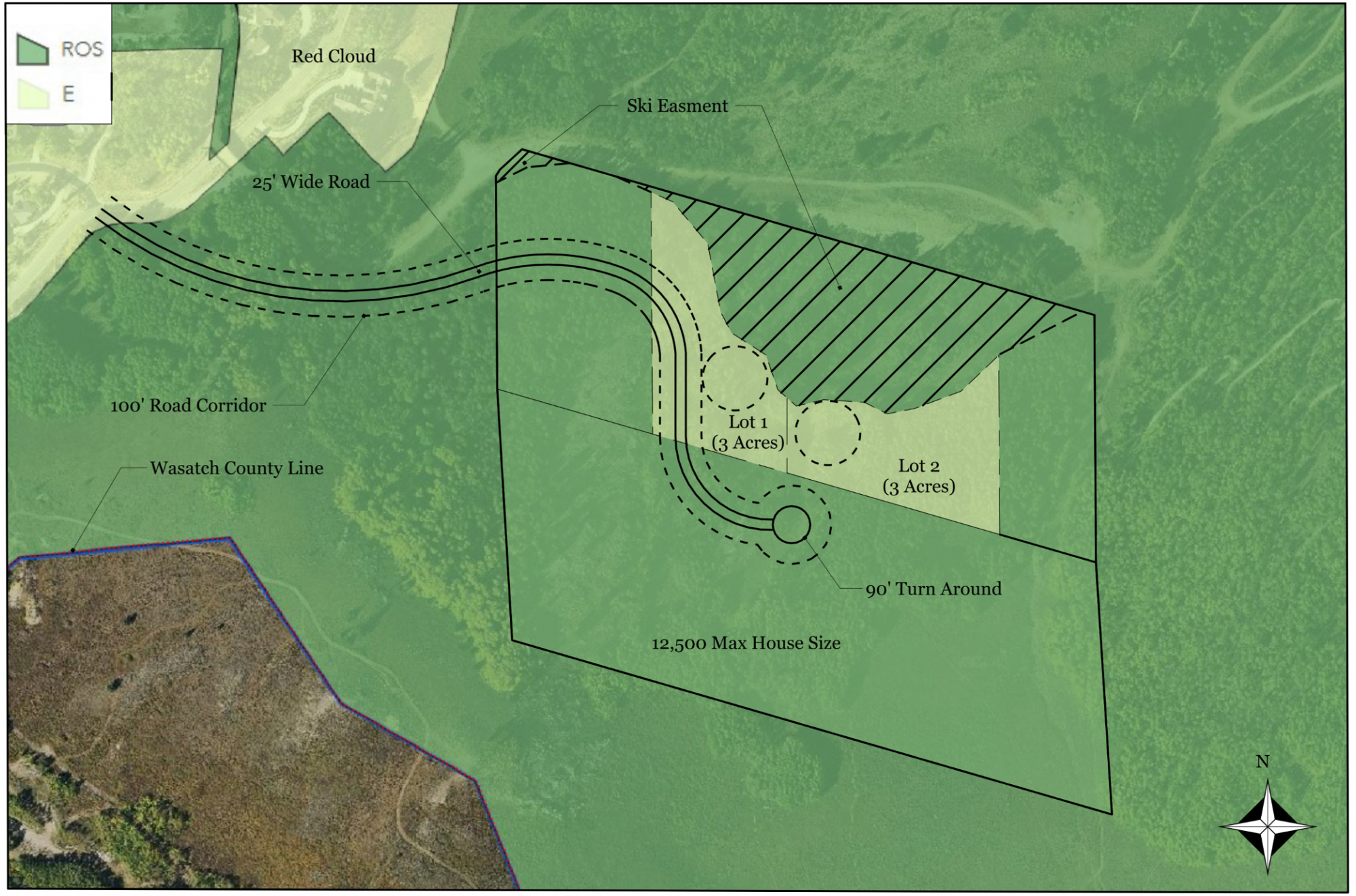
Bransford Land Company
Logan/U.P. No 2

Rezone Map

Presentation for 11-09-22 Planning Commission - Consent Agenda for the **BLC Zone Change Application**

From Rural Open Space to R.O.S + two 3-acre single family Estate parcels

(A Framework for the Preliminary Subdivision Plat)



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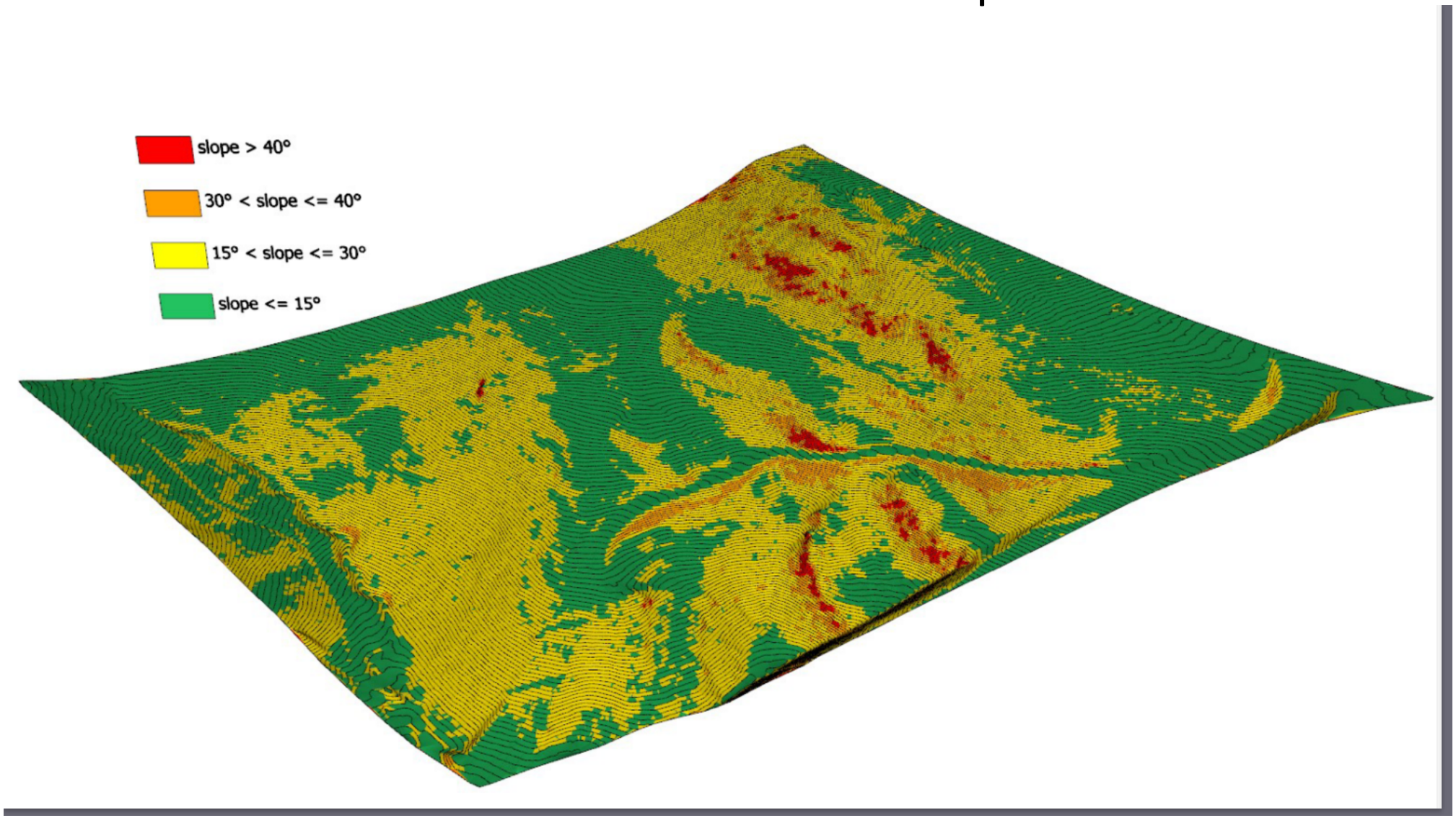
Bransford Land Company
Logan/U.P. No 2

Conceptual Plat

New 4-zone heat map



New 4-zone heat map – per LMC # 15-2.21-3 Sensitive Lands Overlay Zone - Ordinance Provisions

- **15-2.21-3 Sensitive Lands Overlay Zone - Ordinance Provisions**
- **SENSITIVE LANDS ANALYSIS**. Any Applicant for Development must produce a Sensitive Lands Analysis performed by a Qualified Professional(s) that identifies and delineates all the following features and conditions:
  - **SLOPE/TOPOGRAPHIC MAP**. A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geologic hazard, Areas subject to land sliding, and all significant Steep Slopes[1] in the following categories:
    - Greater than fifteen percent (15%), but less than or equal to thirty percent (30%);
    - Greater than thirty percent (30%) but less than or equal to forty percent (40%); and
    - Very Steep Slopes, greater than forty percent (40%).
  - **RIDGE LINE AREAS**. A map depicting all Crests of Hills and Ridge Line Areas.

What we heard the Commissioners ask
from 8-10-22 Public Hearing

Who	Question or point
Laura	1. 1998 County Development Code. 2. Concerned about Access issues. 3. Would like to see more renewable Energy. 4. Sustainability would be helpful. 5. Good on Conservation.
Laura / Sarah	6. Concerned with serial applications. 1. Concerned with 1998 County Status Report. 7. Anne mentioned Hank Rothwell and that the two parcels are "Lots of Record".
Sarah	1. Concerned with Density. I::40 not 2::40. 8. Concerned with Dwelling size. 2. Concerned we don't have the access Easement yet. 9. Wants a Sunset Clause. 6. Would prefer to process Zone Change in parallel with a complete Plat Application.
John (JK)	9. Concerned with driveways shown on areas of slope over 30%. (Jeffrey explained that the heat maps only show the general conditions but not the specific conditions. Our land planners feel we can comply with code). 10. JK could find for 2 parcels with heavy handed conditions. 11. Precedents intent is in our favor.
Christin	12. Appreciates BLC only asked for 2 parcels. 1. 1::40? – feels we are a good fit. 13. Concerned we limit disturbance on the access road.
John (JF)	5. Appreciates the 82% preservation. 14. OK with 3-acre parcels – should we reduce the lot size?
Bill	9. Concerned with steep roads. 8. Concerned with 15,000'.
Laura	8. Concerned with 15,000' homes – 10,000 to 12,000 would be better.

BLC RESPONSES TO PLANNING COMISSIONERS FEEDBACK AND QUESTIONS

#1 Re: Density allowed under 1998 County Development Code. Even though that display has been attached in prior Staff Reports the discussion on this matter, frankly, took us by surprise. We thought the displays in the 1998 Flagstaff Annexation and Development Agreements would take center stage.

Exhibit G was reported to have said the Density of Bransford Land Company's ("BLC") Parcels are governed under the West Mountain area. According to the Chart included in the packet it appears they intended for BLC to have a "mandatory" limit of 1::20 Acres – but could have applied for and won a density of up to 1::5 Aces.

BLC learned that there are two mountainous areas in that geo range. BLC also learned there are three different classifications of land - each with unique Density Allocations. If desired, please see slides 41 – 43 for additional comment on this topic.

BLC spoke with Summit County Planner Kirsten Whetstone to see if any more reliable data is available. Kirsten advised us that BLC had two Lots of Record when it was in the County and still has two Lots of Record today – which entitles BLC to a minimum of two dwellings.

The Flagstaff Annexation process took almost ten years to from application, 1999 Annexation, until the final agreement was recorded. (Please refer to Slide # 13 for important dates.) It is often called the most stringently reviewed land management process to date; and, approved of an allocation for BLC to an undivided interest in the right to develop 8 Estates along with Mayflower Stichting in covenants that run with the land in perpetuity.

Once BLC's land was annexed in July of 1999 (see slide # 11) Park City's Land Management Code took precedence over Summit County Code.

#2 *Concerned* about Access issues. This is a reasonable concern – we are too. According to PCMC LMC the Applicant is not required to submit any Easements until the Plat phase of the entitlement process.

#3 W*ould like to see* more renewable Energy. BLC supports Park City's Net Zero Energy policy, however, full compliance with that standard requires the project to make up any energy deficiency by generating the energy on site (which is not a good fit for ROS or SLO zones). We would also consider using a different standard - such as the US Green Building Standard (that PCMC used for the Silver Creek Housing Project) or other high performing building design standards.

Note: BLC will specify "all electric utilities" for heating and AC, which are, technically, a Net Zero solution *(because Park City requires Rocky Mountain Power to supply it exclusively from renewable resources)*.

#4 Sustainability *would be helpful.* BLC agrees.

#5 Good on Conservation. BLC appreciates the feedback and agrees.

#6 *Concerned* with serial applications. BLC understands and appreciates that the review process would be far more detailed and efficient for the planning commissioners if the Zone Change was processed in parallel with the Plat process. Unfortunately, as has been established via their public input, the access issue is the subject of litigation, and the other side is currently unwilling to discuss any form of settlement with BLC. Accordingly, BLC is forced to rely upon the serial approach allowed under PCMC's LMC.

#7 Anne mentioned that the two parcels are "Lots of Record". Kirsten Whetstone did as well. Each Lot of Record is typically entitled to at least one Dwelling. There seems to be similar development rights associated with Mining Claims.

#8 *Concerned* with Dwelling size. BLC agrees this is a reasonable concern. BLC hoped to postpone specifying a maximum house size until the Plat approval process; but is willing to compromise now. We propose a maximum house size of 12,500'. While the eventual dwelling may well neve be that big, we do want to ensure the allowable house size can fulfill the expectations of an eventual buyer.

#9 *Concerned* with driveways shown on areas of slope over 30%. BLC agrees that this is a reasonable and relevant concern. BLC wants to provide a safe and comfortable access experience for the residents and their guests. BLC is advised by its land planners and Engineers they can meet code requirements and do a better job of mitigating visual impacts in the location shown in our Staff Report than other potential easier or less expensive routes.

Please note: The fully developed road alignment will come back before you again in the Plat stage - before any grading or construction can be permitted or begin. The current application is not the last time this matter will come before you.

#10 JK could find for 2 parcels with heavy handed conditions. BLC agrees that the conditions are appropriate and appreciates the feedback.

#11 Precedents intent is in our favor. BLC appreciates the feedback.

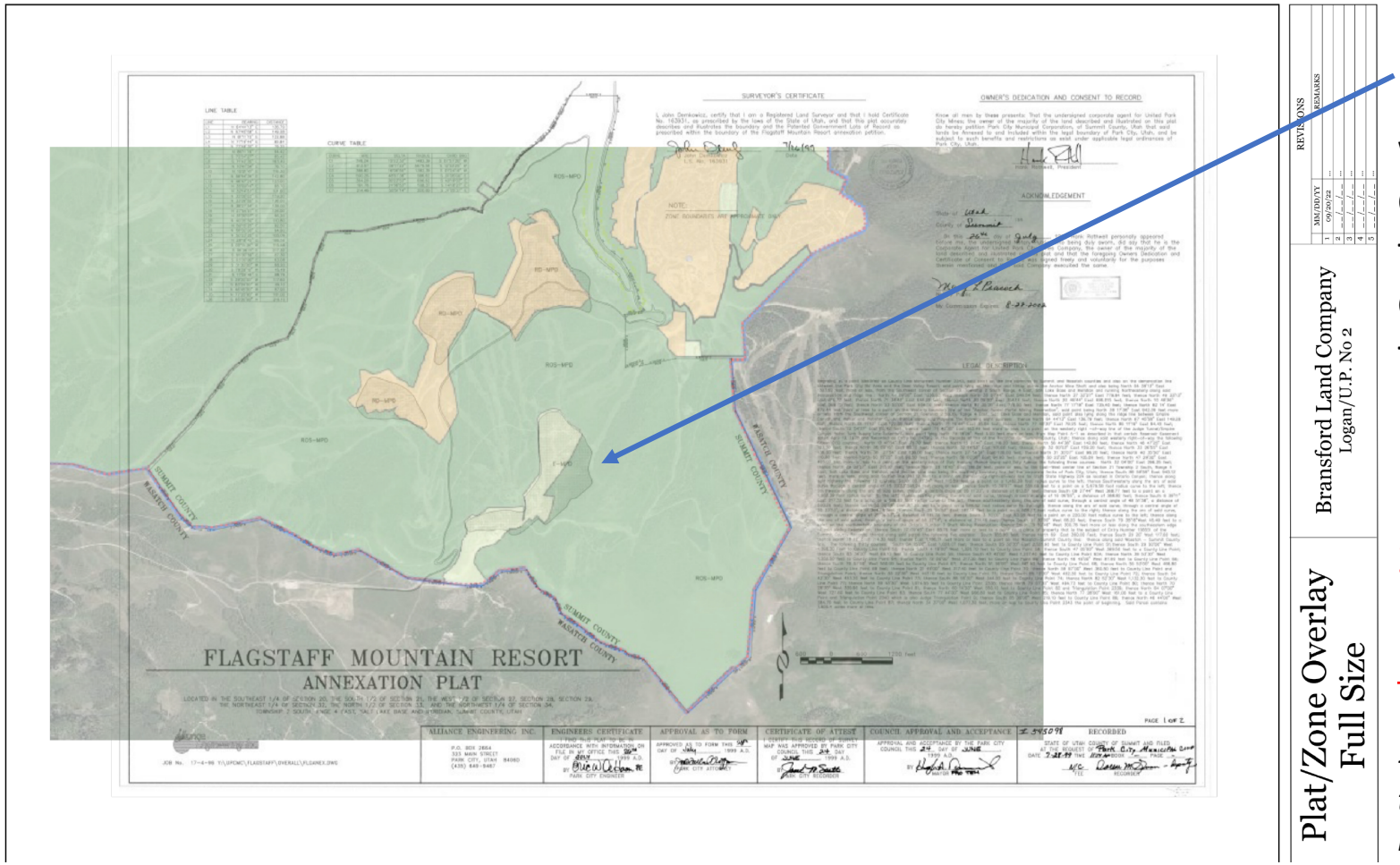
#12 Appreciates BLC only asked for 2 parcels. BLC appreciates the feedback and hopes that our process can help you to set a new precedent that applicants should not ask for more density that they feel the land can support or do so prophylactically.

#13 *Concerned* we limit disturbance on the access road. As mentioned above in item 9, BLC shares the concern and will be sensitive to the matter. BLC will continue to work diligently to refine the most effective access solutions.

#14 with 3-acre parcels – should we reduce the lot size? Staff advises that under the LMC, a minimum of 3-acres is necessary to allow a zone change to the Estate Zone.

Please note: Reducing the lot size would not increase the undisturbed percentages of the two parcels because the bulk of each parcel will remain undisturbed regardless of whether it is a 2-acre or 3-acre parcel.

Flagstaff Mountain Resort Annexation Plat - July 1999 under current PCMC Zoning Map



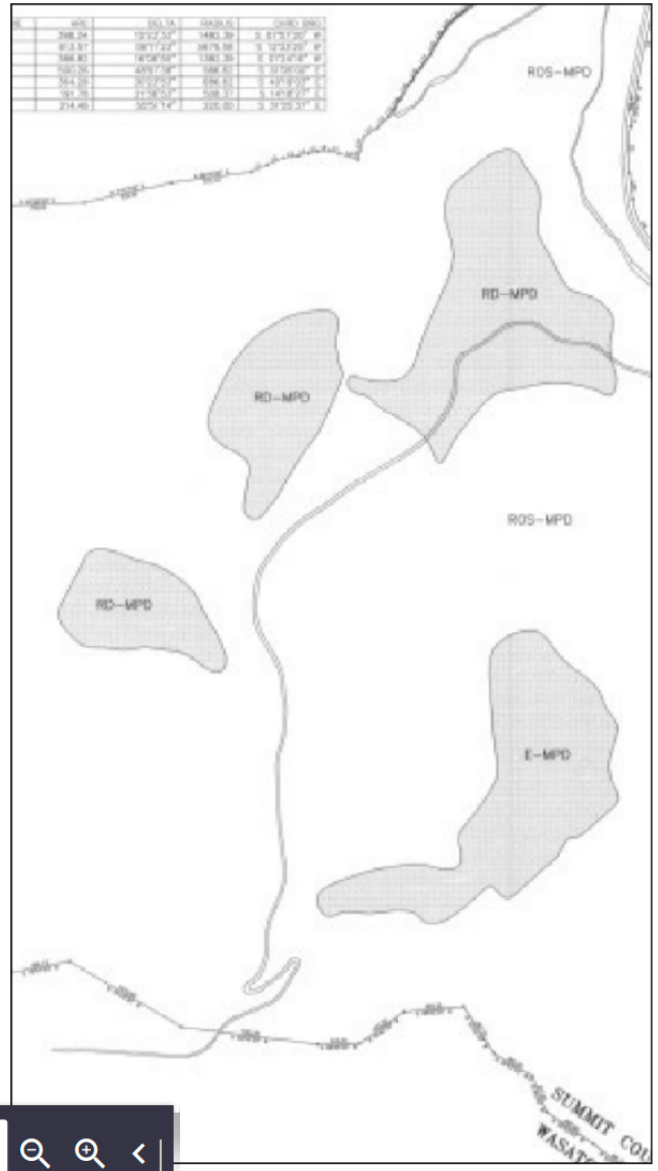
The Flagstaff Annexation included POD D and both the Bransford Parcels. All the developable land was zoned RD-MPD or E-MPD. The developable areas shown is smaller than the property boundaries delineated in the Agreement and/or those on PCMC's Zoning Map.

Mayflower and Bransford were rezoned R.O.S. shortly after the 2007 Flagstaff Agreement was recorded - without notice to Bransford Land Company.

- See Slide 12 and slide 13 for other views of this data. The 1998 EMERGENCY RESPONSE PLAN for another view of this area.

- Dozens of similar images are included in the various studies listed on Slide 23.

Flagstaff Plat → Overlay ← Zone Map







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Bransford Land Company
Logan/U.P. No 2

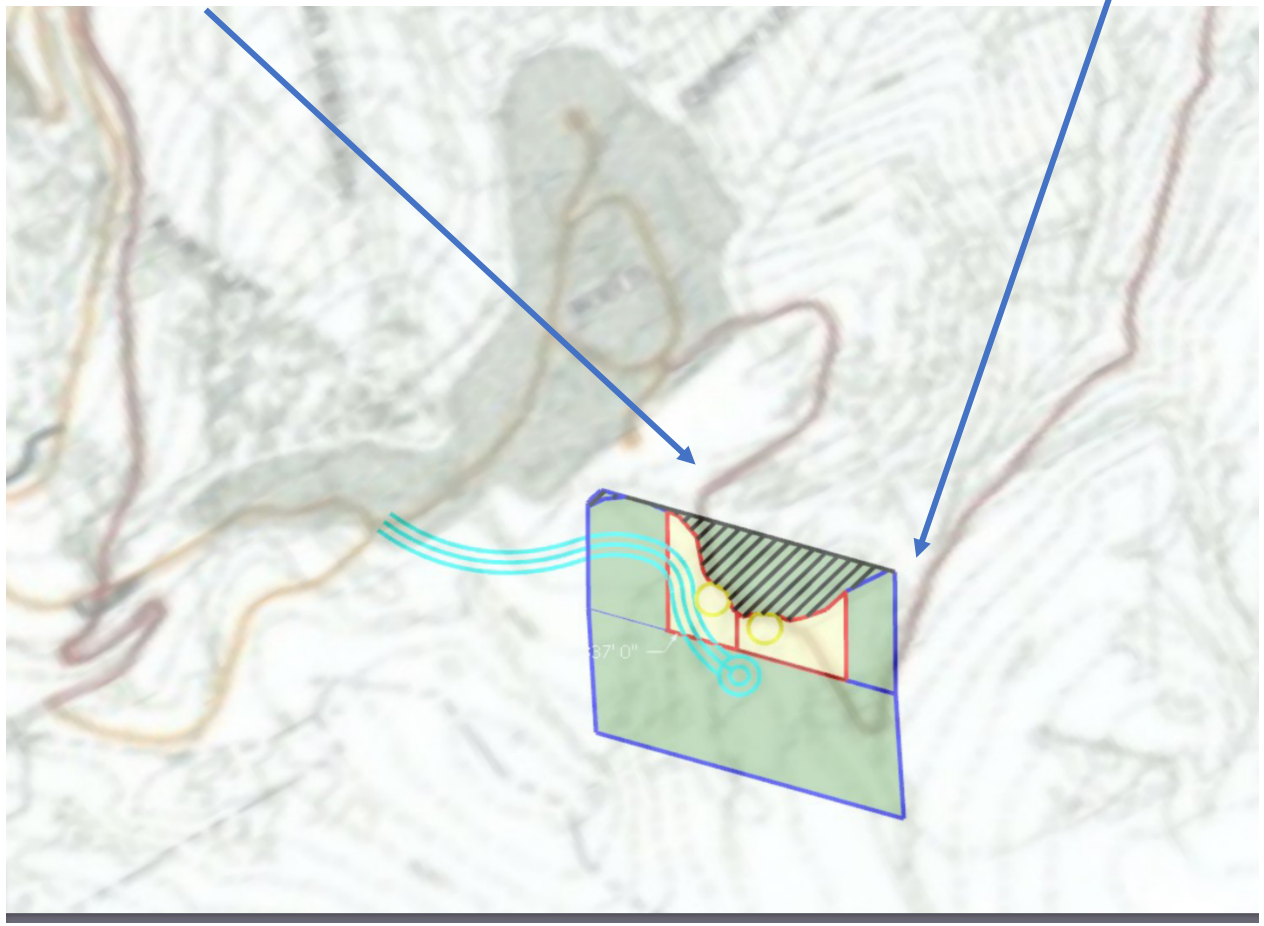
Plat/Zone Overlay
Zoomed

09%

Capacity to provide Emergency Services?

Exhibit 7 of the Flagstaff Annexation Agreement provides a detailed analysis of Emergency Services**.** It includes several related displays – showing approved Winter and Summer access and egress routes.

<u>Note</u> – Exhibit 7 extended the emergency exists onto and up above the Trump Ski Run and into both the Bransford Parcels.



This display is another objective piece of evidence substantiating that the UPCM and Deer Valley planned from the very beginning to provide all services for the Bransfords Estate uses on the subject property…

Flagstaff Annexation Agreement – the early days:

Date	Description of Event(s)
Dec. 1981	BRANSFORD PROPERTY FEASIBILITY STUDY BY J.J.JOHNSON
Summer 1993	Trees were cut down without permission on Bransford property for Ontario ski trail.
12/16/1993	Annexation Agreement process starts.
01/2/1994	Anne receives "Master Plan" from Hank.
01/19/1994	Hank Rothwell told Anne UPCMC wanted to involve us in the decision-making process, was anxious to have our involvement and even offered to fly back to NY and meet with Anne and Larry.
02/03/1994	PCMC City Council Adopts Resolution No. 3-94 which states they will promote and protect the Flagstaff Mountain project.
12/07/1994	Memorandum of Lease with Bransford and Deer Valley Resort
July 1998	Jay Hamburger starts covering Empire Canyon for the Park Record.
9-10-1998	PC Council voted in favor of Empire Canyon MPD 5-0.
Nov. 1998	2nd Amendment to Lease Agreement, Bransford and Deer Valley Resort.
07-28-1999	BLC 1999 Annexation Plat is recorded in Park City. Per County Recorder
08/19/1999	Anne meets with Hank in Deer Valley and received copy of Approved Annexation. Hank told Anne: "if BLC doesn't agree to sign the Development Agreement it can build on its own property and 1 in 40 will not apply".
May 2001	Easement Agreement between Bransford and Deer Valley Resort.
07/18/2003	Quit Claim Deed recorded between Bransford and UPCMC for Remaining Ski Lease Land.
10/12/2005	Bransford Quiet Titles Cavanaugh and Cupit interests in Logan and UP No 2.
03/02/2007	Recordation for Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, Quinn's Junction Parcel and Iron Mountain.
08/30/2013	Amended and Reinstated Easement Agreement between Bransford and Deer Valley Resort.
11/03/2015	Bob Wells dies.
03/06/2015	Wells Fargo forecloses on Talisker $163.8M.
07-13-2021	Anne and Jeffrey first meeting with Gretchen
09/22/2021	Anne and Jeffrey meet with Gretchen and Makena and file
10/22/2021	BLC filed its Zone change application with PCMC.

SLIDES 16 – 33 have been reviewed in our prior meetings

Some of those slides have been edited and some of the images have been updated. We will try to focus our presentation upon the newest information and most recent changes.

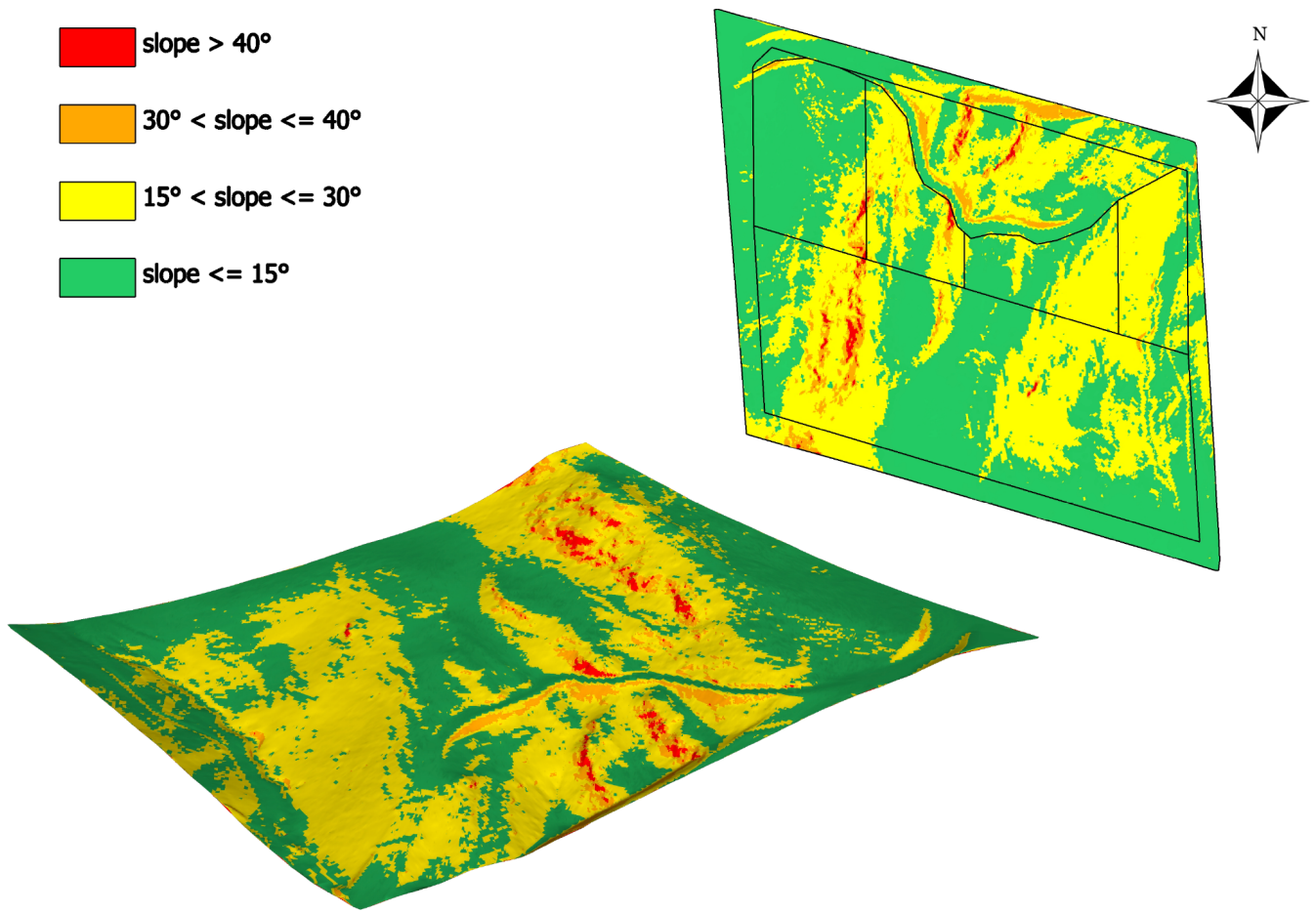
6-8-22 Work Session Notes:

What we heard the commissioners ask

PRIOR INPUT AND QUESTIONS

Laura Suesser	**Where would the roads go?**
Douglas Thimm	How would it be developed? Is there **sufficient Utility capacity** and access to them? Does **the Fire Department and Police Department** have the capacity to **provide Emergency Services** there?
Bill Johnson	Expressed the need to verify that, if approved, our Estate Zone wouldn't become an Island in the sea of other R.O.S. Properties
Christin Van Dine	Feels the same as Douglas. Clarify what other properties would be affected by an approval to the Zone Change request. Are there any other mine claims that could make the same zone change request based upon an approval of our request?
Sarah Hall	Asked for information on our recent paved roads access easement. (*It is included the Staff package.*)
John Kenworthy	Asked what other mine claims could make the same request?
?	**Where would the homes go?** (*Was this a comment from Douglas?)*
?	**How much land could be bulldozed if approved? How much land could be preserved?**

Slope Analysis Display



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Bransford Land Company
Logan/U.P. No 2

Slope Map

Rough order of magnitude Calculations on how much land would be bulldozed?

(from prior heat map)

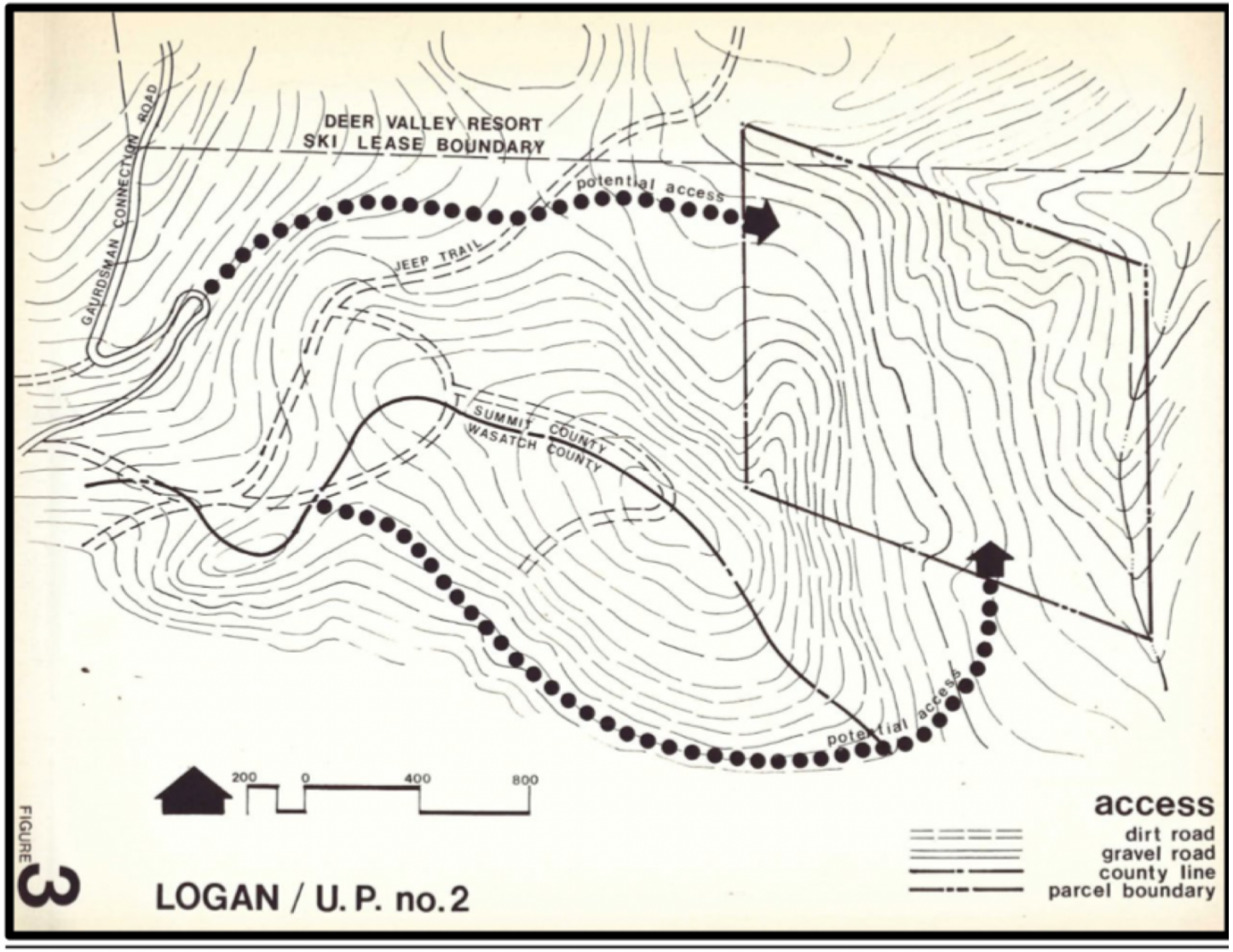
Grade Range			Area	Acerage	Percentage	Preserved or undisturbed acreage	
0%	to	15%	190,553.79	4.37	11.41%		
15%	to	30%	862,267.55	19.79	52%		88.59%
30%	to	100%	616,560.64	14.15	37%	37	
			1,669,381.98	38.32	100.00%		

Impacted Land				
	2 pads	6	-18%	Portion proposed for Conditional Zone Change
	Private Drive	1		
	Percentage preserved		82%	NIC the undisturbed majority of each 3 acre Estate Pad

82% or more of the land would be preserved
(or remain Undisturbed)

Where would the Roads go?

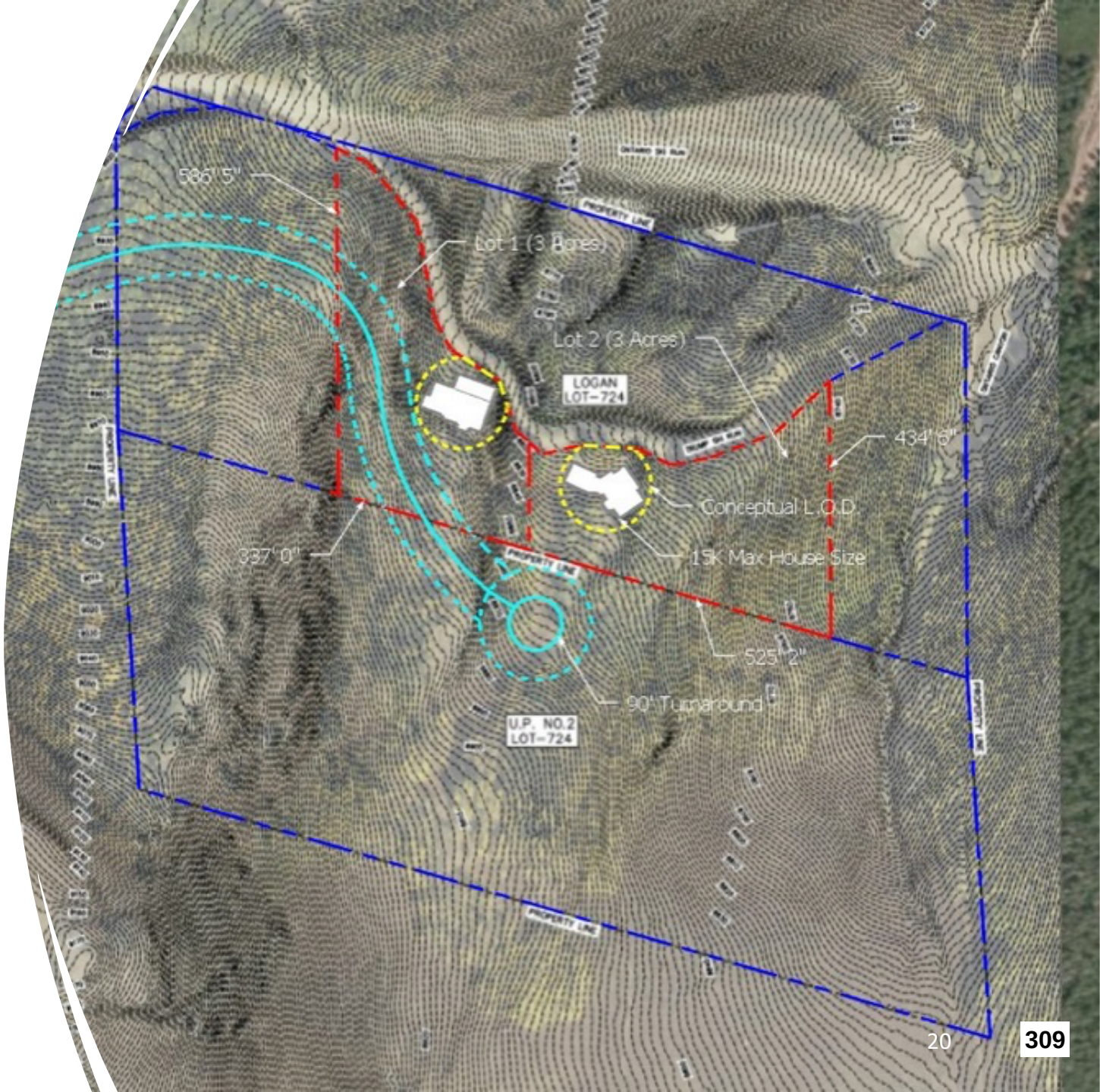
The most likely locations for the private driveway remain the same as those identified in the **1981 JJ Johnson Feasibility Study**.

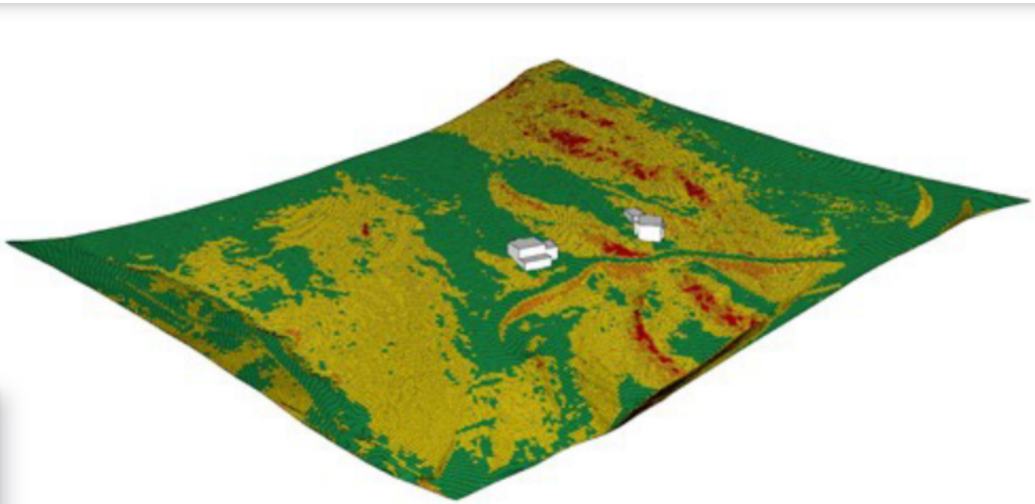


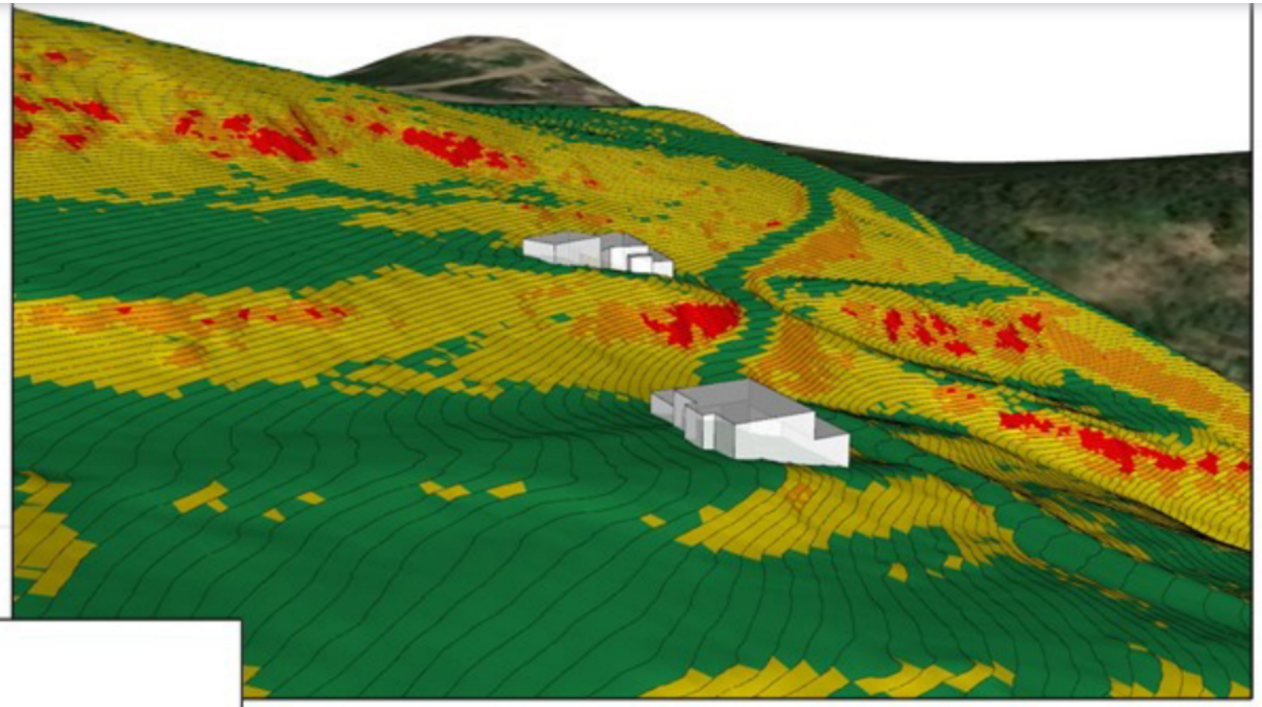
Where would the Homes & Lots Lines be?

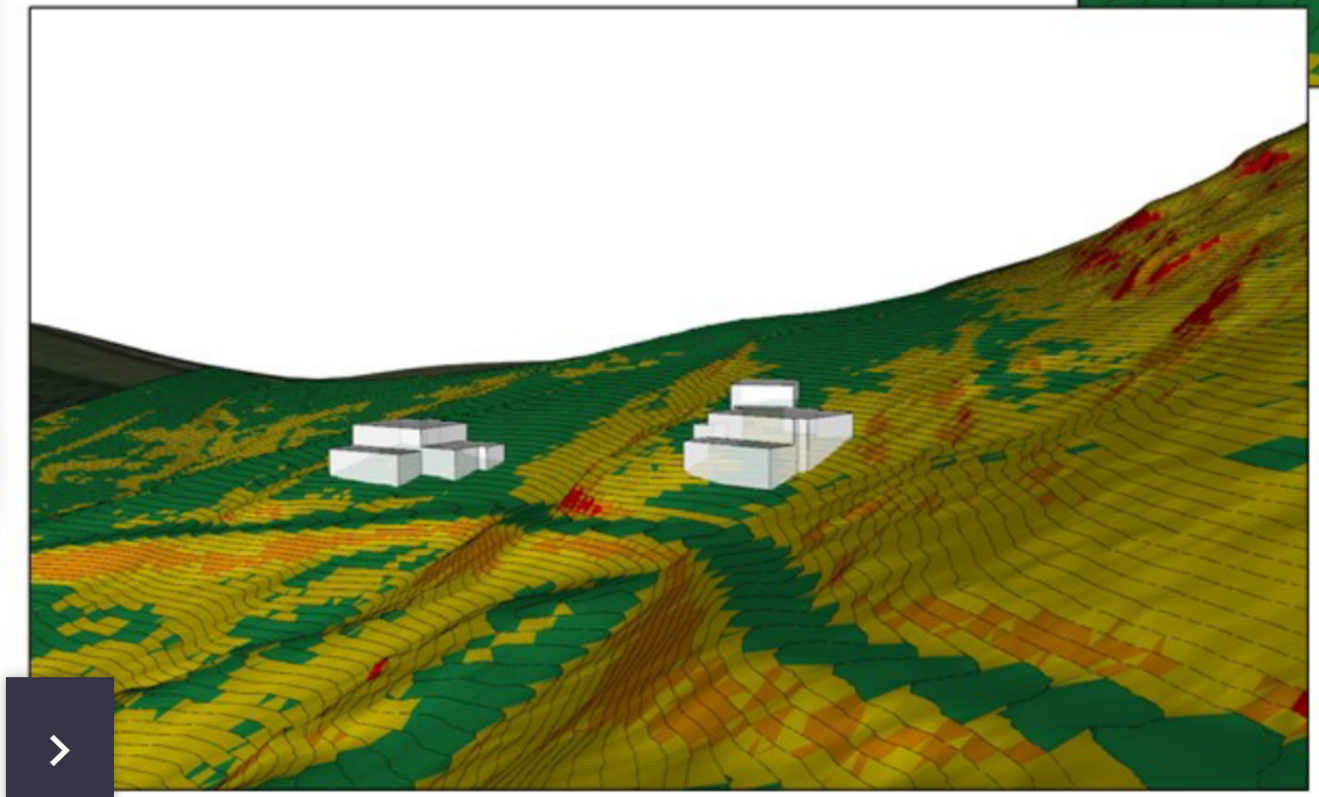
We propose siting the two homes uphill from the Trump Ski Run.

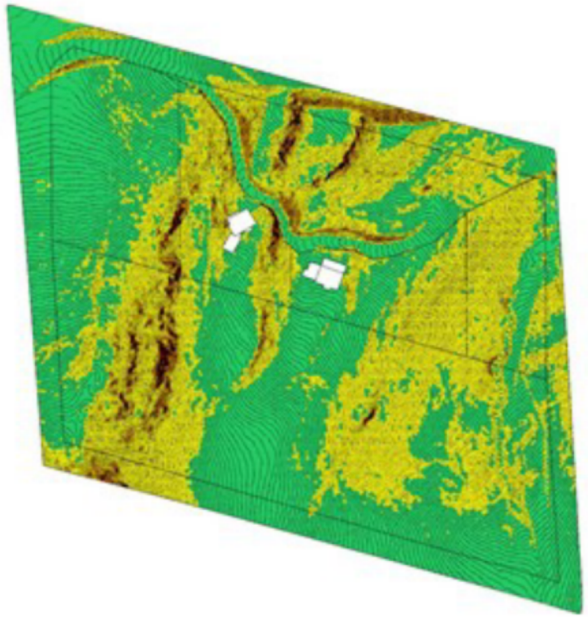
- *The dark blue lines are the overall boundary of each parcel.*
- *The red lines are the lot lines.*
- *The light blue lines represent a “100-foot-wide corridor” that will accommodate the future private drive.*
- *The white boxes represent the proposed homes.*
- *The yellow lines represent a “to-be-determined” limit of disturbance for each* home.







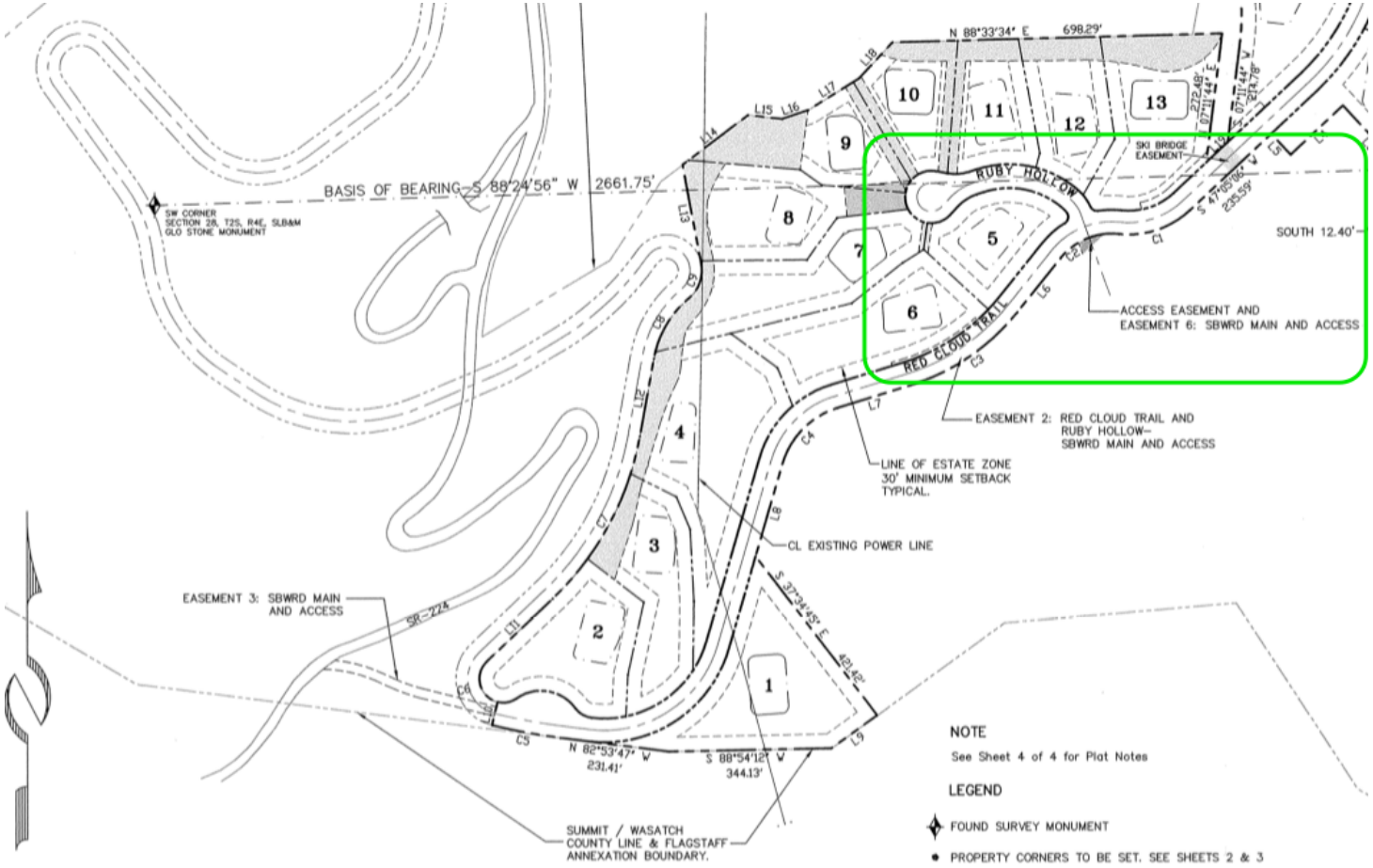




Does sufficient Utility Capacity exist and where is it ?

The Developer stubbed our utilities / Access ROW off Red Cloud Trail

(across the street from Ruby Hollow - as shown in the green rectangular area).



Other studies referred to in the 1998 Flagstaff Annexation Agreement

These are the studies PCMC relied upon when they approved the 2007 Flagstaff Annexation Agreement...

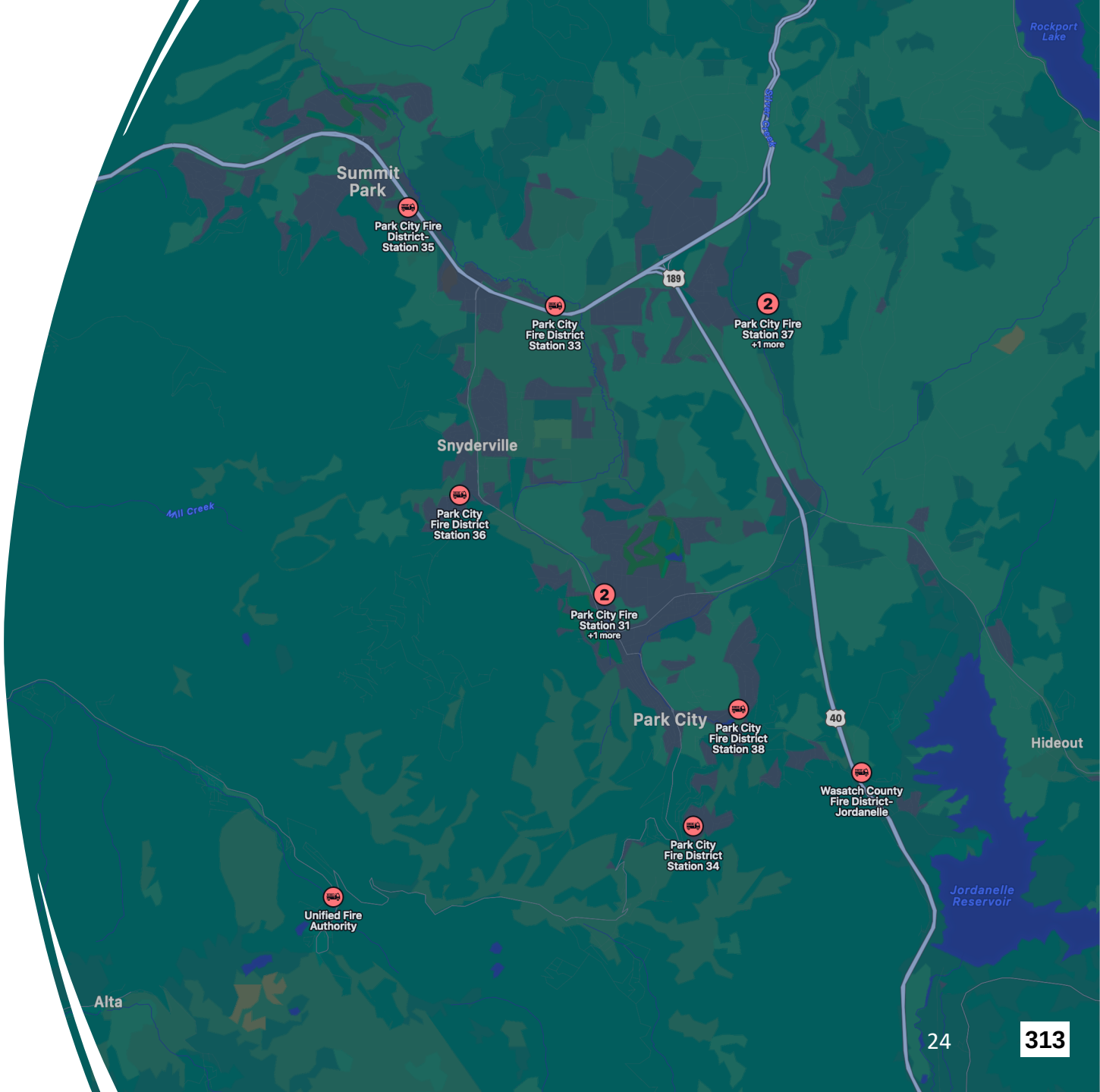
☑ May 2001	Large Scale Master Planned Development Application
☑ Exhibit 1	May 2001 - Mine Soil Hazard Mitigation Plan
☑ Exhibit 2	May 2001 - Design Guidelines
☐ **Exhibit 3**	May 2001 - Specific Transit Plan
☑ Exhibit 4	May 2001 - PARKING MANAGEMENT PLAN
☐ **Exhibit 5**	May 2001 - Open Space Management Plan
☑ Exhibit 6	May 2001 - HISTORIC PRESERVATION PLAN
☐ **Exhibit 7**	May 2001 - **Emergency Response Plan**
☐ **Exhibit 8**	May 2001 - **Trails Master Plan**
☐ **Exhibit 9**	May 2001 - **Private Road Access Limitation Procedures**
☑ Exhibit 10	May 2001 - CONSTRUCTION AND DEVELOPMENT PHASING PLAN
☑ Exhibit 11	May 2001 - UTILITY MASTER PLAN
☑ Exhibit 12	May 2001 - DRAINAGE STUDY
☑ Exhibit 13	May 2001 - WILDLIFE STUDY
☑ Exhibit 14	May 2001 - EMPLOYEE/AFFORDABLE HOUSING PLAN
☑ Exhibit 15	May 2001 - CONSTREUCTION MITIGATION PLAN
☑ Exhibit 16	May 2001 - GEOTECHNICAL INVESTIGATION
☐ Exhibit 17	*Per Page 2 of the 2001 Large Scale Master Planned Development Application*
☐ Exhibit 18	"
☐ Exhibit 19	"
☐ Exhibit 20	"
☐ Exhibit 21	"

Red Checks indicate those studies we still have original copies of.

Red Text indicates copies we found online in the Planning Dept's Web Site.

WHERE IS THE CLOSEST FIRE STATION?

The closest PCMC Fire Station is Silver Lake Village in upper Deer Valley.



Are there any other Mining Claims that can make the same request for the same reasons?

No

These are the only Mining Claims with the following three attributes:

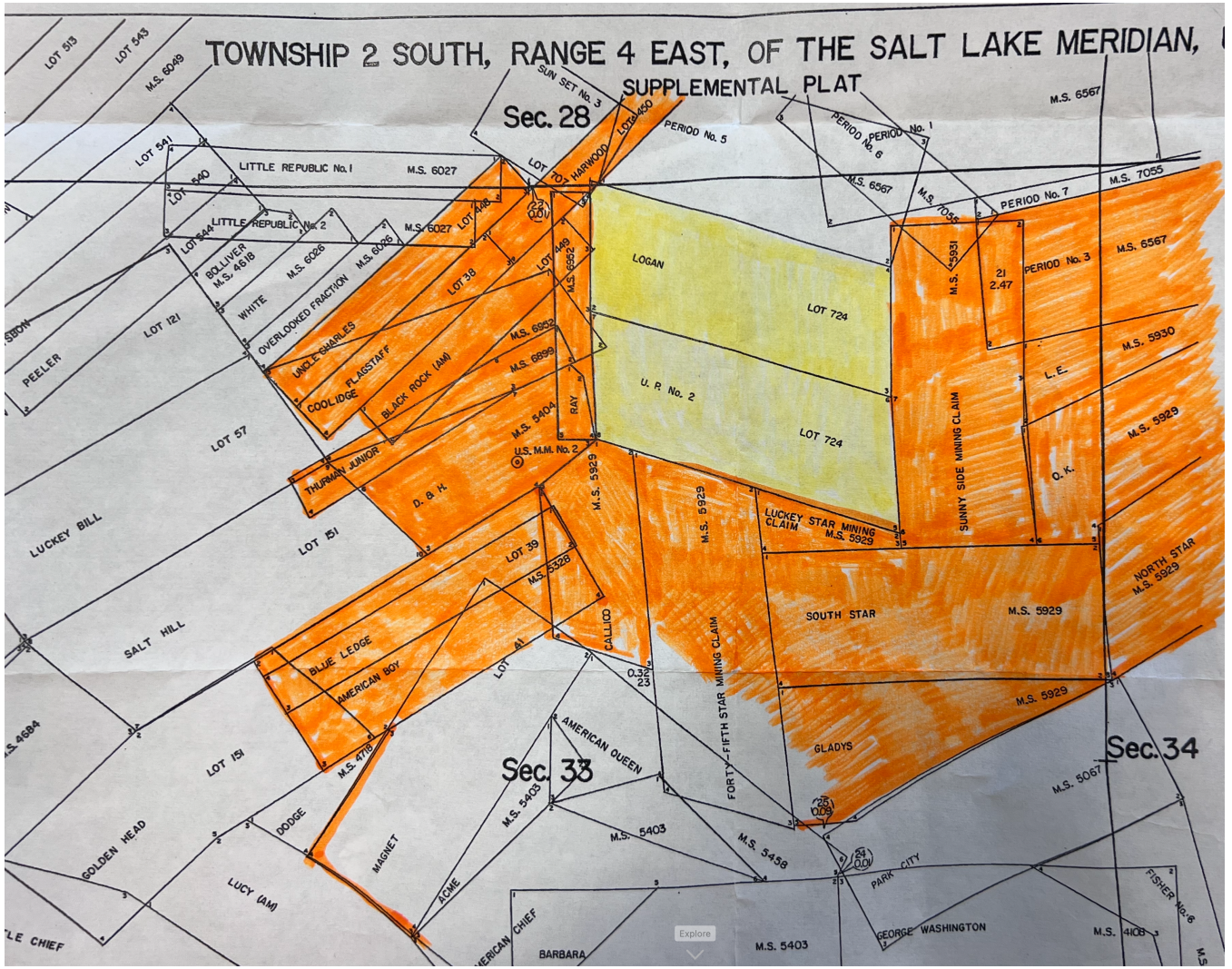
1. The same Mining Claim metes and bounds as their annexed Park City Parcels *(Tax ID #s)*
2. Were specifically and included in the 2007 Flagstaff Annexation Agreement.
3. That own their surface and subsurface mineral rights too.

Would our Estate Zone become an "Estate Island" in a sea of R.O.S. Parcels?

No. We assume that our neighbor (to the west) will eventually acquire development rights as delineated in the Flagstaff Annexation Agreement - or denser. If so, the BLC Parcels zone change would create the lowest dwellings per acre in a series of shrinking densities radiating away from the existing core uses in the Red Cloud Neighborhood.

What other Mine Claims could make the same request?

- None of the other mine claims are also parcels previously annexed into Park City..



How big will the houses be?

We propose a maximum home size of 12,500 SF on each 3-acre parcel (*with approximately 34 acres of remaining preserved land*).

It is not yet clear if the two dwellings will become a new HOA or if they will be subject to the EPMOA Master Association.

We have not asked to be annexed into the Red Cloud HOA; but we would be pleased to do so - if desired by them.

Red Cloud, is comprised, primarily, of 1 – 2 acer parcels with a 10,000 SF maximum size.

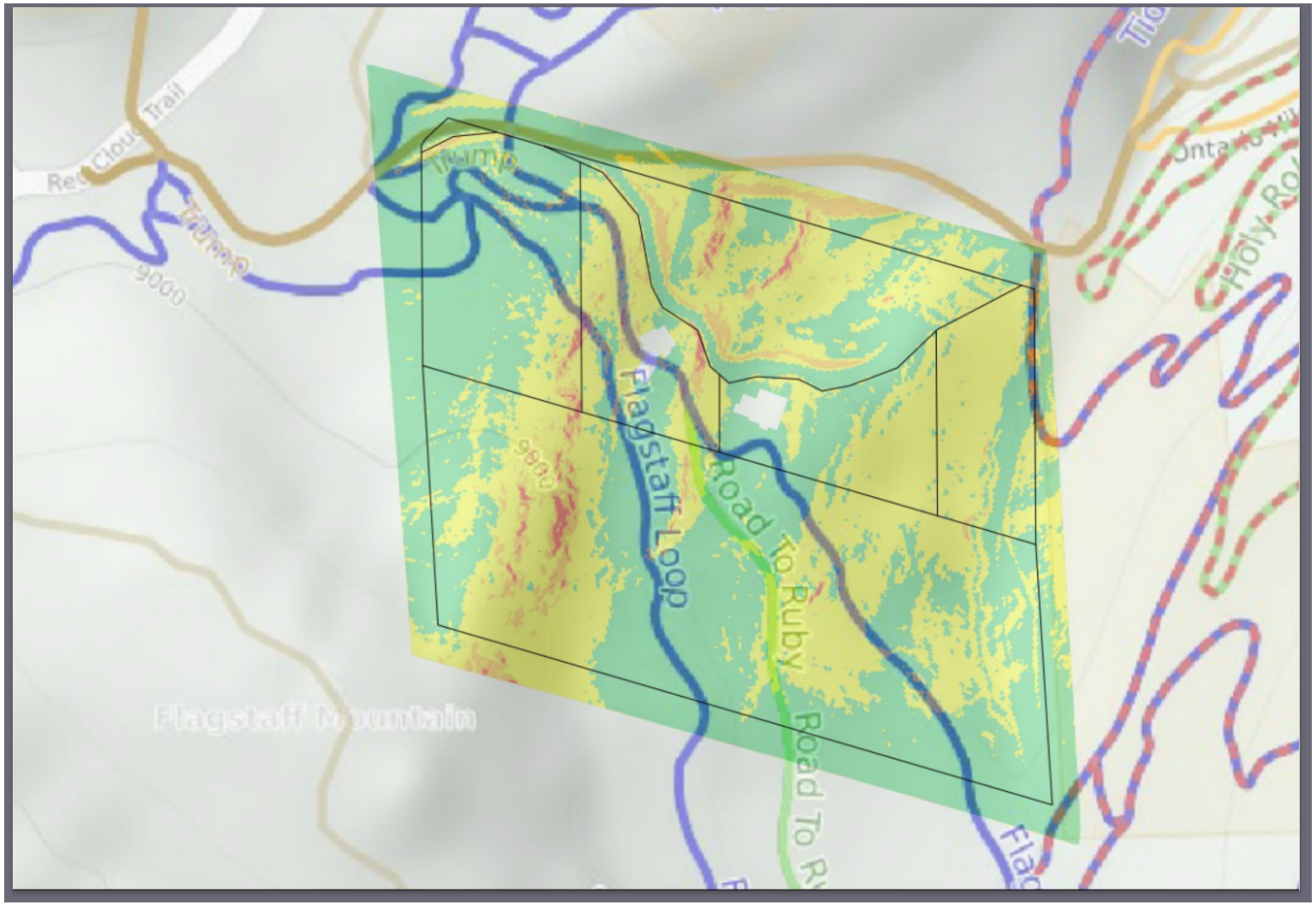


All Bike Trails on BLC Land will be protected.

This image shows the portions of the three bike trails that traverse the land and will continue to do so.

They include parts of:

1. Flagstaff Loop Trail,
2. Road to Ruby, and
3. Tidal Wave (*along our Eastern Border*).



Existing Vegetation on BLC Land will be protected.

Last year BLC met with:

Wendy Fisher, of Utah Open Space, and Elizabeth Kitchens, of the Nature Conservancy Trust to initiate discussions on creating the Conservation Easements.



Statements on Good Cause

- The project satisfies the primary objectives of the R.O.S Zone and the S.L.O.
- The land has been held in Trust as a Bransford Family legacy statement.
- Limiting Density to 1 Dwelling per 20 Acres +/-.
- 82% + preserved Open Space available for conservation Easements.
- Protection of Bike and Ski Trails.
- Protection of existing vegetation.
- Protection of wildlife habitats.



BLC is Willing to accept Conditional Approval

A Conditional Zone Change approval does not convey any development rights until all such conditions have been met. BLC seeks assurance from the P.C. that it agrees that the Conditional Use of two Estates is appropriate on the two subject parcels

- BLC did not ask for a blanket zone change on all 40 acres.
- BLC only seeks the zone change for Single Family Estate use on two 3-acre Parcels.
- BLC proposes that the balance of the land remain R.O.S.
- BLC agrees and accepts that any Zone Change approval will be conditioned upon all the factors addressed in these pages, all our verbal assurances and satisfaction of the subsequent Sub-division Plat requirements.

Other Factors:

- Our Access Easement across Twisted Branch and Red Cloud Trail was formally approved by both the Empire Pass Master Owners Association (EPMOA) and by the Red Cloud Home Owners Association.

- Our proposed on-site road is a Private Driveway – not a Public Road.

- The 1981 Bransford Property Feasibility Study, Anne's Family History intro and the decade long efforts involved with the Flagstaff Annexation establishes BLC's long term intent to develop. We believe it also negates any opposing theories regarding BLC's election to not sign onto the 2007 Development Agreement at that time.

A landing page to a share folder with all the complete digital exhibits referred to in the Deck…

- Anne’s intro of BLC to PC
- BLC Slope Analysis Map
- ROM - preserved land calcs
- EMPOA CCRS - building sizes - section 3.2 2 33' height
- Flagstaff Design Guidelines – December 2001
- 3-D Slope Map
- Mining Claims colored maps
- AutoCAD Slope Map over Survey
- And several older documents of record such as the Flagstaff Annexation docs, Red Cloud Plat and HOA docs, Redus Access & Utility Easement over Twisted Branch and Red Cloud Trail, etc.

Appendix

Additional Images and/or additional discussion points

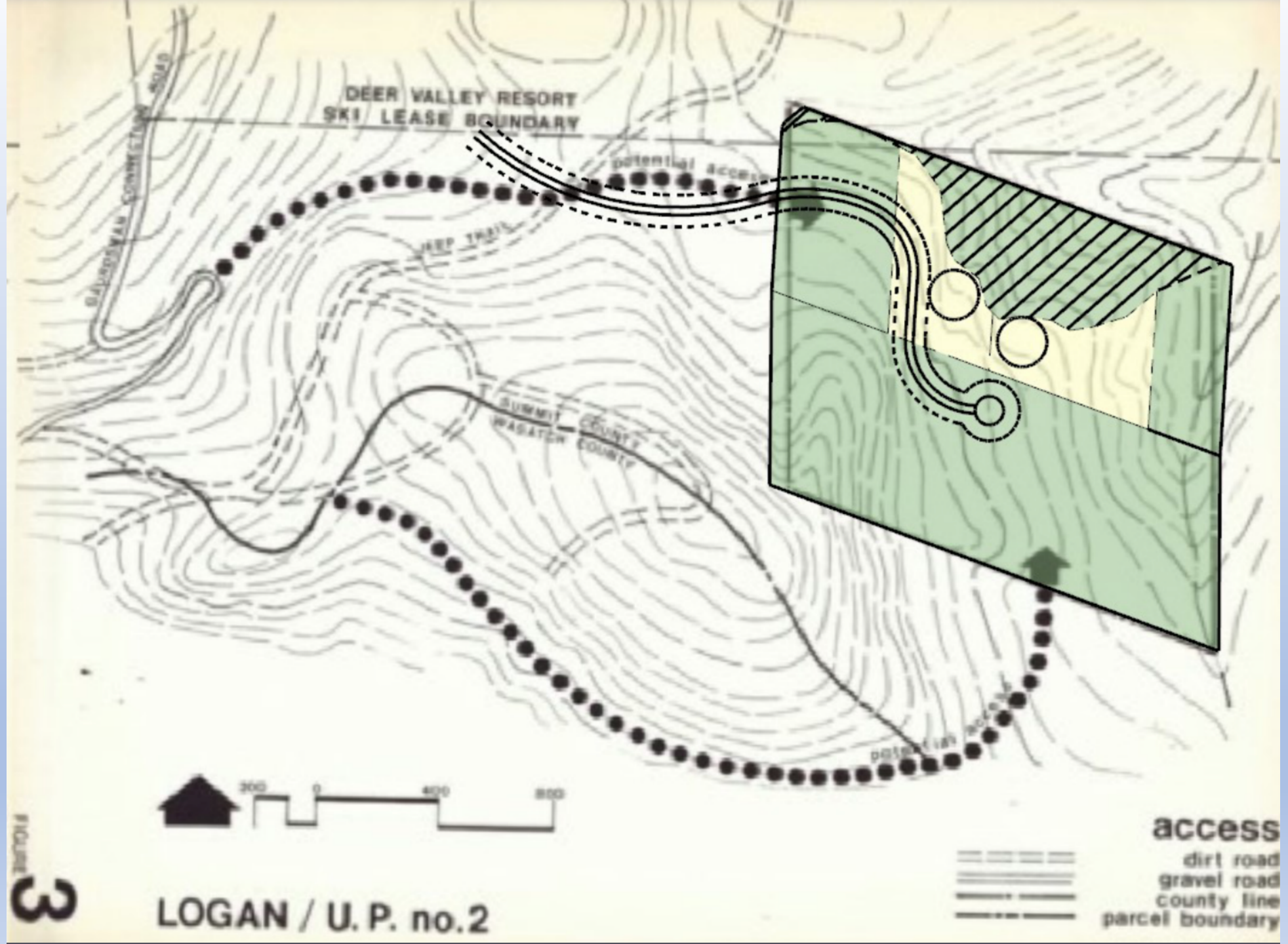
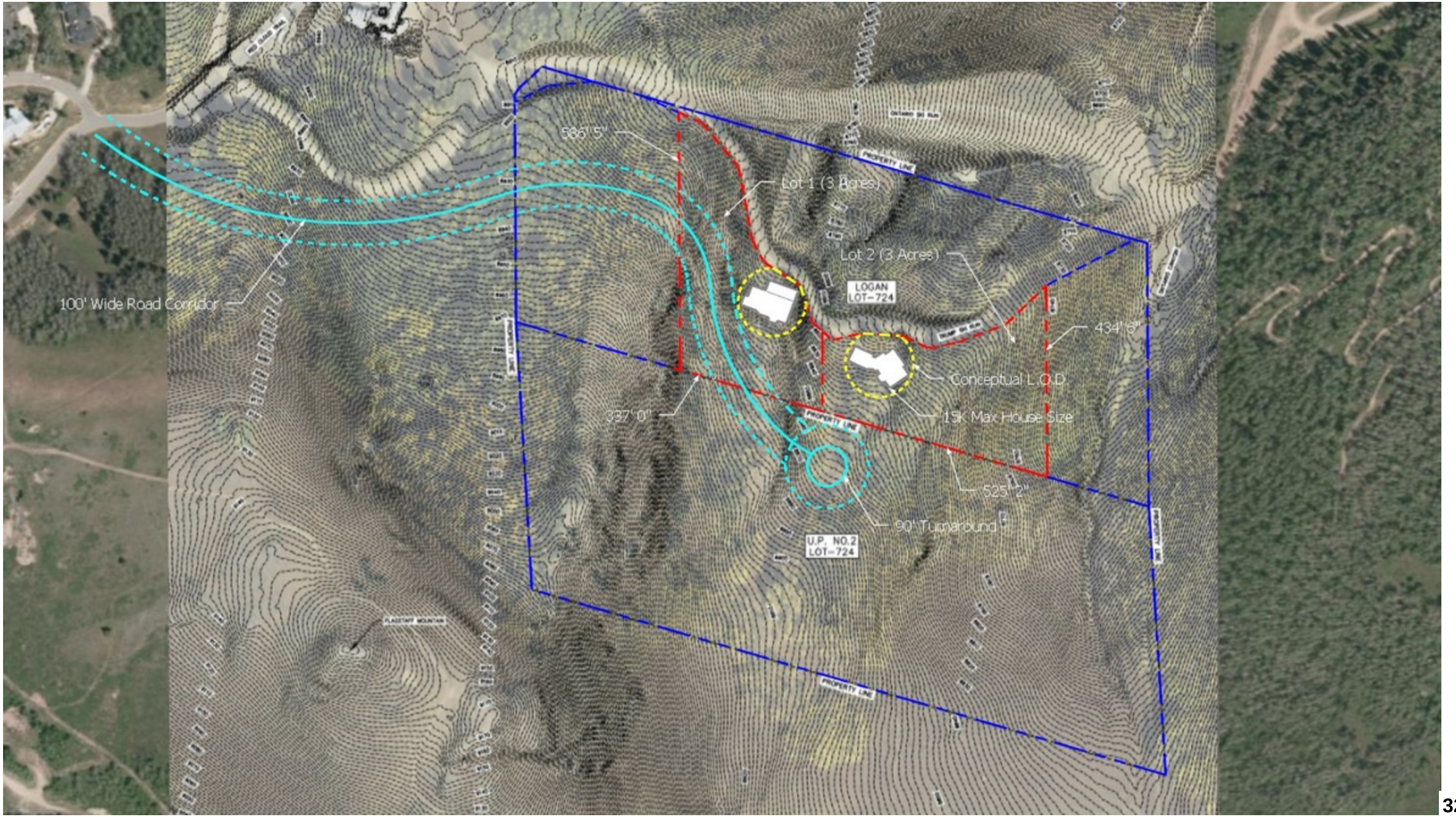


FIGURE 3

LOGAN / U. P. no.2


100' Wide Road Corridor
586'5"
Lot 1 (3 Acres)
Lot 2 (3 Acres)
LOGAN
LOT-724
434'8"
Conceptual L.O.D
15K Max House Size
337'0"
525'2"
90' Turnaround
U.P. NO.2
LOT-724
PROPERTY LINE

Further comments on Exhibit G

Exhibit G neither identifies where BLC's Parcels are located (nor the location of any of the orienting landmarks such as the roads, nor which neighborhood designation was applied to them. *Looks like it was either in the 1::20-Acre or 1::5-Acre category.*

Kirsten Whetstone (Summit County Planner and prior PC Planner) advised me that post annexation Summit County no longer includes areas annexed into Park City in their County Zoning maps. Additionally, the annexed parcels were no longer treated as land included in their West Mountain area. Moreover, those parcels were no longer subject to Summit County Code. Park City (PCMC) had become the governing entity.

Kirsten observed that the parcels had clearly been Lots of Record before 1998 and remained Lots of Record after Annexation into Park City.

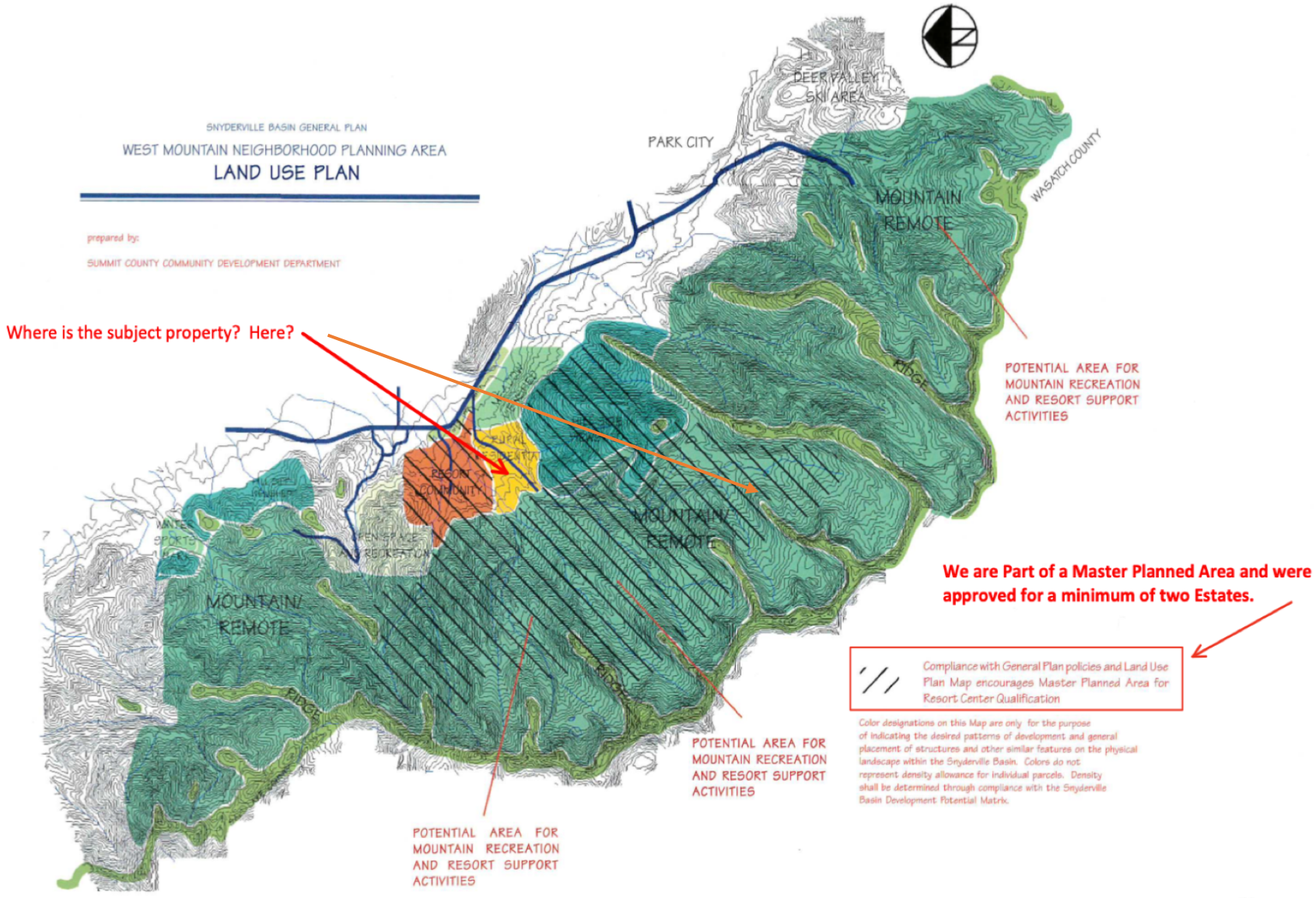
Staff also acknowledged the County Code was a pre-annexation condition.

Exhibit G is so vague that we have no idea how anyone could tell what the density is on our land.

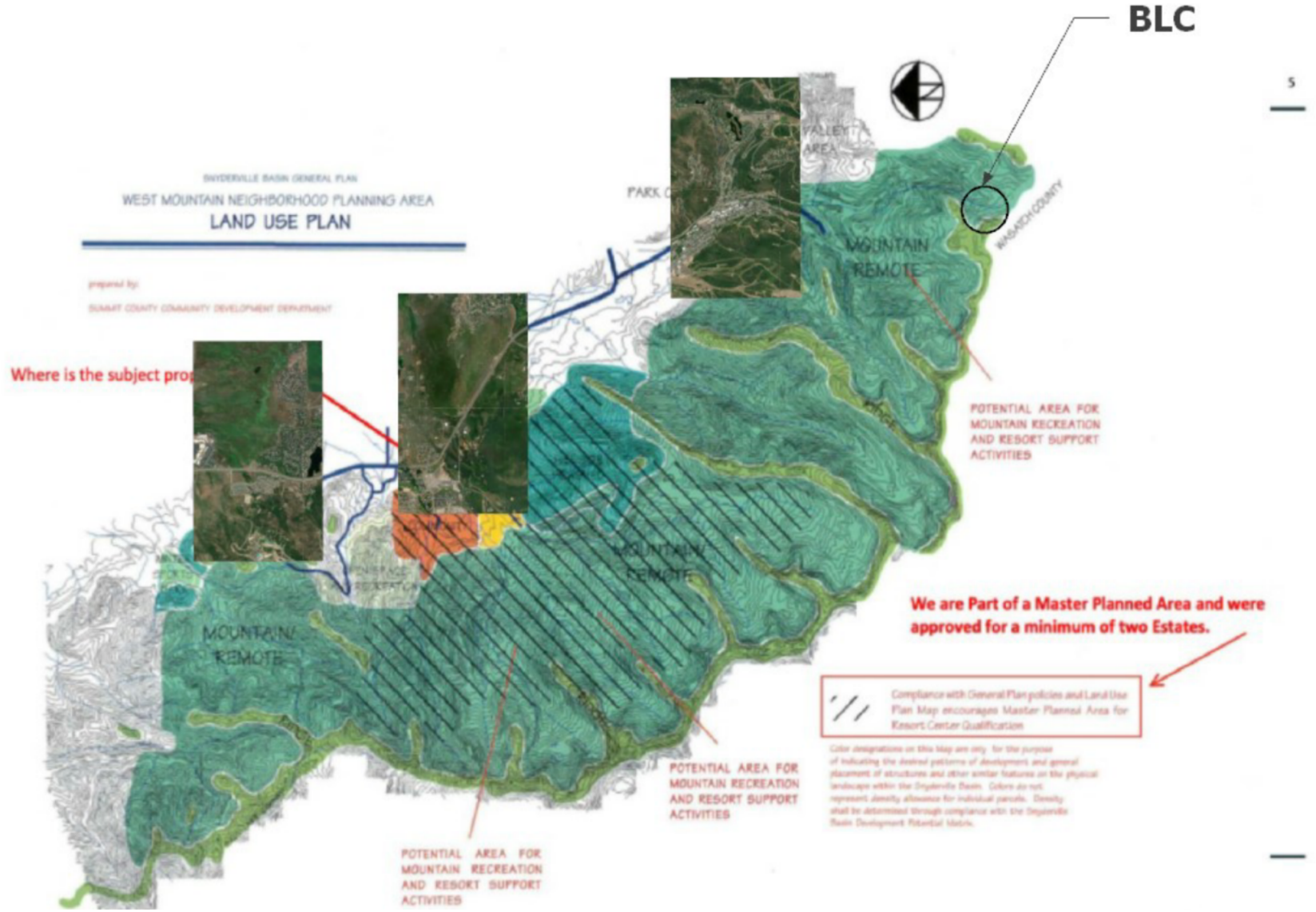
2.3.F(1) SNYDERVILLE BASIN DEVELOPMENT POTENTIAL MATRIX

Minor Development

Planning Area	Base Density: Mountain/ Remote Areas[1]	Base Density: All Other Land Use Designations[1]	Land Use Planning Principles (Mandatory): Dedication and Preservation of Viewshed/Environment Features of the Area[2]	Consistency with Desired Neighborhood Character[3]	Community and Neighborhood Recreation Facilities[4]	Maximum Possible Density[5]
East Basin		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Mandatory	Mandatory	Mandatory	1 Unit/20 Acres
West Mountain		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Mandatory	Mandatory	Mandatory	1 Unit/20 Aacres


SNYDERVILLE BASIN GENERAL PLAN
WEST MOUNTAIN NEIGHBORHOOD PLANNING AREA
LAND USE PLAN
prepared by:
SUMMIT COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
Where is the subject property? Here?
DEER VALLEY SKI AREA
PARK CITY
WASATCH COUNTY
MOUNTAIN REMOTE
RIDGE
POTENTIAL AREA FOR MOUNTAIN RECREATION AND RESORT SUPPORT ACTIVITIES
RESORT COMMUNITY
RURAL RESIDENTIAL
OPEN SPACE AND RECREATION
MOUNTAIN REMOTE
MOUNTAIN REMOTE
RIDGE
POTENTIAL AREA FOR MOUNTAIN RECREATION AND RESORT SUPPORT ACTIVITIES
POTENTIAL AREA FOR MOUNTAIN RECREATION AND RESORT SUPPORT ACTIVITIES
We are Part of a Master Planned Area and were approved for a minimum of two Estates.
Compliance with General Plan policies and Land Use Plan Map encourages Master Planned Area for Resort Center Qualification
Color designations on this Map are only for the purpose of indicating the desired patterns of development and general placement of structures and other similar features on the physical landscape within the Snyderville Basin. Colors do not represent density allowance for individual parcels. Density shall be determined through compliance with the Snyderville Basin Development Potential Matrix.

The reason this Map didn't make sense is because it for the Canyons Resort



LOT NO. 724 M.S. NO. 688
UINTAH MINING DISTRICT

LOCATED IN SECTION 28 & 33,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

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

PROFESSIONAL LAND SURVEYOR
No. 4857264
MICHAEL DEMKOWICZ
01/13/2022
STATE OF UTAH

NOTES

1. Topography survey was derived from an aerial survey performed in 2018.
2. Refer to Record of Survey S–7976, recorded in the Summit County Recorder's Office, for further boundary details.
3. Owner provided description of leased property being Exhibit 1 to memorandum of leased property.

100' 0 100' 200'

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060–2664

STAFF: MICHAEL DEMKOWICZ, CONNOR DINSMORE

DATE: 01/13/2022

TOPOGRAPHIC MAP
MINE CLAIM LOT–724: LOGAN & U.P NO.2

FOR: Bransford Property
JOB NO.: 13–7–19
FILE: X:\Empire\dwg\Bransford\130719–Bransford Topography.dwg

SHEET 1 **OF** 1

RECORD OF SURVEY

Lot No. 724 M.S. No. 688
Uintah Mining District
Section 28 & 33 Township 2 South, Range 4 East
Salt Lake Base & Meridian
Summit County, Utah

Prepared for
Bransford Land Company
2700 Youngfield Street, Suite 202
Lakewood, Colorado 80215-7055

EXPLANATION

Public Land Survey

Recovered Public Land Survey Corner as described hereon.

Mineral Surveys

- Set: 3.25 in. dia. Aluminum Cap affixed to a 2.375 x 36 in. flared bottom pipe.
- Set: 3.25 in. dia. Aluminum Cap affixed to a 0.75 x 24 in. reinforcing bar.
- Set: 2.5 in. dia. Aluminum Cap affixed to a 0.75 x 24 in. reinforcing bar.
- Set: 0.75 x 24 inch x-drilled steel rod.
- Calculated position: Not monumented.
- Recovered: Original in situ Bearing Tree, Used to verify Original Corner position.
- Recovered: Original Mound of Stones, not excavated, position at center of mound.
- Recovered: 3 in. dia. Iron Cap affixed to a 2.5 in. dia. Iron Pipe. Clearly Stamped with Corner and Lot numbers.
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- Recovered: Red Plastic Cap affixed to a 5/8 inch. Rebar. Marked LS-187821.
- Recovered: Original 6x6 inch square pine post, reset in a mound of stone (MS-2931).
- Computed: Original position of US Mineral Monument No.2, based on Lot-724 & MS-5404.

County Line

- Recovered: Angle Point in Summit/Wasatch County Line (1936). 1 in. Iron Pipe.
- Recovered: Angle Point in Summit/Wasatch County Line (1936). 2.5 in. dia. Iron Cap affixed to a 2 in. Dia. Iron Pipe.

Geodetic Control

- PARK Azimuth 1938 Recovered: 3.5 in. dia. Brass Disk set in solid rock as described by USC&GS (CM5708)

NARRATIVE

The sole purpose of this survey was to retrace, recover, and re-monument the Original Lines, and Corners of U.S. Lot No. 724 (Mineral Survey No. 688), executed by Deputy Mineral Surveyor Robert Gorlinski on September 27, 1891.

The Lines and Corners of several overlapping, adjoining, or nearby Mineral Surveys and U.S. Lots germaine to the situs and extent of the lands conveyed on October 18, 1892, by Patent No. 22107 (Mineral Certificate No. 1818).

No attempt was made during the course of this survey to investigate the existence, situs, or extent of easements, encumbrances, conflicts, or utilities, which may be present within the Original Boundaries as shown hereon.

LEGAL DESCRIPTION

The Boundaries and extent of the Lands conveyed by U.S. Patent No. 22107 on April 18, 1892, are described by metes and bounds in the body of said Official Document, and incorporated herein by this reference.

It must be noted, that U.S. Patent No. 22107 expressly excepts and excludes that portion of the Black Rock Lode (Lot 449) embraced within the Boundaries of the Logan lode. This exception is based on the computed position of Post No. 3 of said Lot 449, as returned by Deputy Gorlinski in 1891. Said Post No. 3 was NOT found during Gorlinski's Survey of the Logan Lode. During the 2013 Survey, ancient monuments purporting to mark several Corners of Lot 449 (as well as Lots 448 & 450) were recovered and accepted as the long established Corners of these Lots.

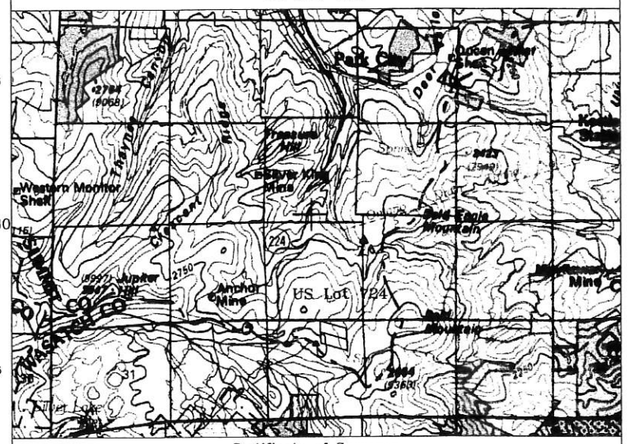
Bearings & Distances

S13°E 600.0(m) = Measured Distance
S13°E 600.0(r) = Record values

ORIGIN OF COORDINATES

NAD83(2011) Epoch 2010.00 Coordinate estimates are based on multiple GPS observations on Control Stations in the Project area, and constrained by the National Spatial Reference System

Location Map
US Lot 724



Certificate of Surveyor

I, Loyal D. Olson III of Evanston, Wyoming, do hereby certify that I am a Registered Land Surveyor in the State of Utah, and that I hold Certificate No.4954 as prescribed by the Laws of Utah. I also certify that said Certificate is currently valid and in good standing.

I hereby affirm that the information depicted hereon, is an accurate representation of the results of an actual retracement and dependent resurvey of the described surveys and monuments thereof as indicated, and that the monuments shown hereon were recovered and/or set as described.

PROFESSIONAL LAND SURVEYOR · STATE OF UTAH · LOYAL D. OLSON III · NOT VALID UNLESS SIGNED & DATED 12/20/13 · No. 4954

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

FILE NO. S0007976
12/20/2013 02:14:19 PM
Survey 1 of 2
PEGGY SAU TRUSSELL, SUMMIT COUNTY, RECORDER
FEE $ 20.00 BY LOYAL D OLSON III CONSULTING SURVEYOR

S-7976

RECORD OF SURVEY

Lot No. 724 M.S. No. 688
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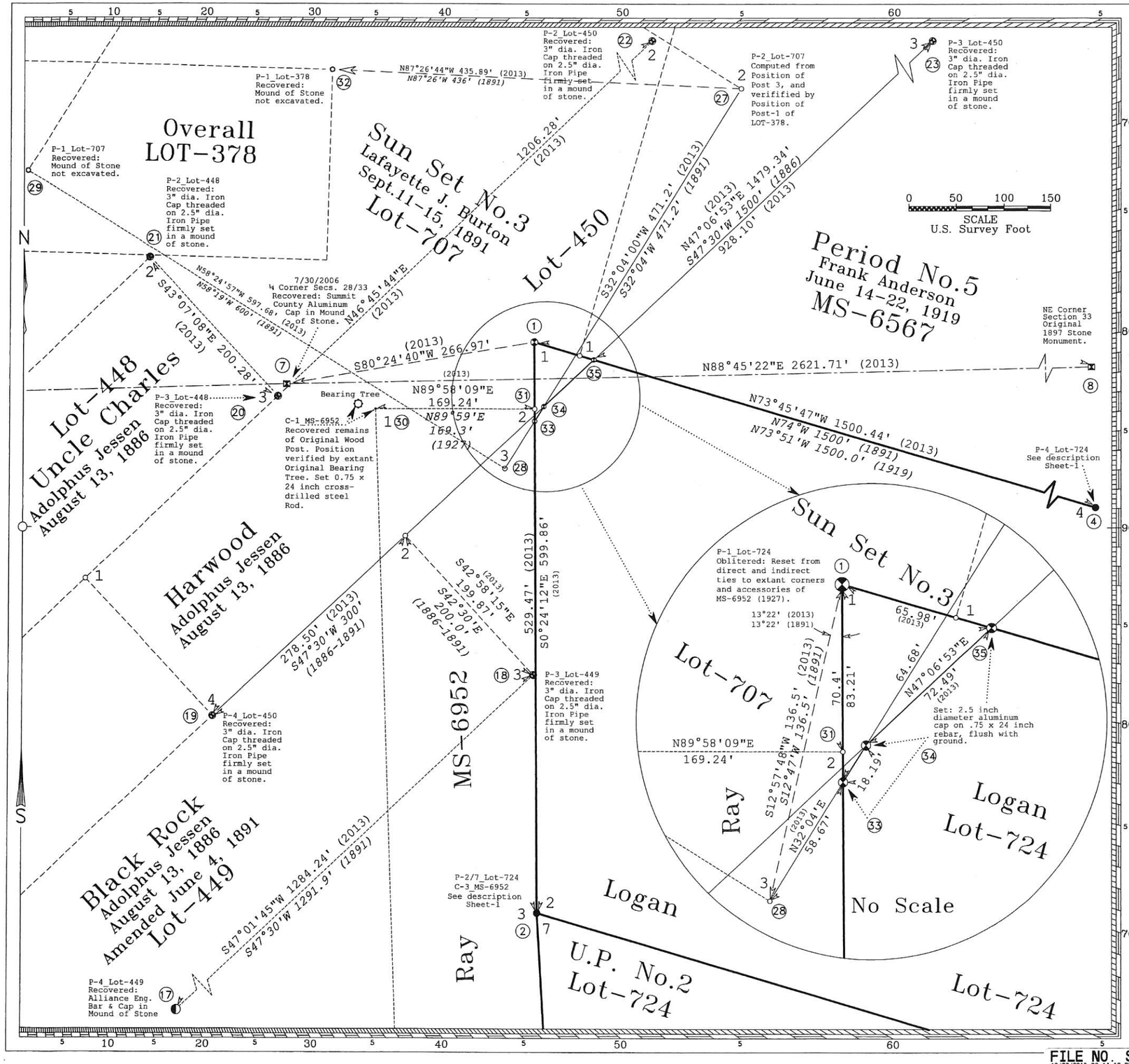

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NAD83(2011) Epoch 2010.00 Coordinate estimates are based on multiple GPS observations on Control Stations in the Project area, and constrained by the National Spatial Reference System

All bearings and distances shown hereon, are based on a NAD83(2011) Low Distortion Projection as defined below, and the distances are thereby expressed at an approximate Elevation of 8,900 Feet NAVD88.

Coordinate System Parameters

Transverse Mercator

Datum	= NAD83(2011) EPOCH 2010.0000	
Origin Latitude	=	40°36'20.42780" N
Central Meridian	=	111°30'01.36740" W
Scale Reduction	=	1.000 422 unitless
False Northing	=	200,000.00 USSF
False Easting	=	50,000.00 USSF
GEOID12a (N)	=	-15.442 (m)
Developed GRID @ ~8,900 NAVD88		

Geodetic Coordinates

No	Latitude	Longitude	Description
1	40° 36' 33.73671" N	111° 29' 56.52819" W	p1-724
2	40° 36' 27.81197" N	111° 29' 56.47359" W	p2-7/c3-724/6952
3	40° 36' 23.66998" N	111° 29' 37.80781" W	p3-6/c7-724/5931
4	40° 36' 29.59351" N	111° 29' 37.85820" W	p4/c2-724/6567
5	40° 36' 17.63190" N	111° 29' 37.30317" W	p5/c2/c6-724/5929/5931
6	40° 36' 21.79601" N	111° 29' 56.00404" W	p8/c3/c4-724/5404/5929/6952
7	40° 36' 33.29824" N	111° 29' 59.94001" W	¼ Corner Secs. 28/33
8	40° 36' 33.85875" N	111° 29' 25.96883" W	Cor. Secs.28/27/33/34
9	40° 36' 7.817803" N	111° 29' 24.84568" W	¼ Corner Secs. 33/34
10	40° 36' 7.112304" N	111° 29' 34.98618" W	County Line Post #64
11	40° 36' 13.18128" N	111° 29' 50.81262" W	County Line Post #68
12	40° 36' 20.41296" N	111° 30' 01.27165" W	USMM No.2 (computed)
13	40° 36' 20.42780" N	111° 30' 01.36740" W	PARK Azimuth USC&GS
14	40° 36' 20.46563" N	111° 30' 01.41142" W	County Line Angle Point
15	40° 36' 20.46398" N	111° 30' 01.52578" W	Large Carin
16	40° 36' 24.31647" N	111° 30' 04.74246" W	County Line Post #71
17	40° 36' 21.63043" N	111° 30' 08.70961" W	p4-449
18	40° 36' 30.27690" N	111° 29' 56.53125" W	p3-449
19	40° 36' 29.84942" N	111° 30' 00.94165" W	p3/p4-38/450
20	40° 36' 33.17226" N	111° 30' 00.05867" W	p3-448
21	40° 36' 34.61630" N	111° 30' 01.83293" W	p2-448
22	40° 36' 41.33413" N	111° 29' 48.66848" W	p2-450
23	40° 36' 39.79285" N	111° 29' 46.89329" W	p3-450
24	40° 36' 21.33194" N	111° 29' 53.89746" W	c2/1-5929
25	40° 36' 19.53810" N	111° 29' 45.85062" W	c2/1-5929
26	40° 36' 16.96177" N	111° 29' 37.22373" W	c3/c5-5929/5931
27	40° 36' 36.36683" N	111° 29' 53.68280" W	p2-707
28	40° 36' 32.42284" N	111° 29' 56.92506" W	p3-707
29	40° 36' 35.51474" N	111° 30' 03.52364" W	p1-707
30	40° 36' 33.04050" N	111° 29' 58.71517" W	c1-6952
31	40° 36' 33.04137" N	111° 29' 56.52179" W	c2-6952
32	40° 36' 36.55877" N	111° 29' 59.32647" W	p3-378
33	40° 36' 32.91484" N	111° 29' 56.52061" W	Prop-Cor
34	40° 36' 33.06710" N	111° 29' 56.39544" W	Prop-Cor
35	40° 36' 33.55453" N	111° 29' 55.70719" W	Prop-Cor

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No. 4954

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

FILE NO. S0007976
12/20/2013 02:14:19 PM
Survey 2 of 2
MARY ANN TRUSSELL SUMMIT COUNTY RECORDER
FEE $ 20.00 BY LOYAL D OLSON III CONSULTING SURVEYOR

S-7976

BRANSFORD PROPERTY

FEASIBILITY STUDY

prepared for
MARILYN A. BRANSFORD
December 1981

J.J.Johnson & Associates

Civil Engineering
Land Planning
Surveying

PARK MEADOWS PLAZA HWY 248 PARK CITY UTAH 84060 (801) 649 9811

CONTENTS

1. Introduction

2. Logan/UP #2

   A. Site analysis
   B. Density/zoning analysis

3. Silver Bond/Horn Silver/Point Junction

   A. Site analysis
   B. Density/zoning analysis

4. Dutchman
   A. Site analysis
   B. Density/zoning analysis

5. Utility Analysis

6. Conclusion

7. References

INTRODUCTION

J. J. Johnson & Associates have been contracted to prepare a parcel analysis regarding six (6) mining claims owned jointly by Bransford Estate and United Park City Mines Company. The following is a list of those mining claims and the percent of ownership of each.

	Ownership	
	Bransford Estate	U.P.C.M. Co.
Dutchman-M.S. 3008	25%	75%
Silver Bond - Lot 123	66.67%	33.33%
Horn Silver - M.S. 5398	66.67%	33.33%
Point Junction - Lot 125	66.67%	33.33%
U.P. No 2 - Lot 724 (1)	55%	
Logan - Lot 724 (2)	55%	36% (1 & 2)

The first four of the listed claims fall westerly of the Deer Valley and Greater Park City demarcation line, and thusly Greater Park City would be a part to the surface interest held by the United Park City Mines Company.

The last two claims currently fall within the property interest of the Deer Valley Lease, and thusly Deer Valley Resort Company would be a party to that surface interest held by the United Park City Mines Company.

Deer Valley Resort is in the process of decreasing the present leased area. The proposed boundary is indicated on the location map (see figure 1).

The Dutchman, Logan and U.P. No. 2 Mining Claims fall within Summit County jurisdiction while the other three (3) claims are under Wasatch County Jurisdiction (see location map No. 1). All six mining claims are south of Park City, Deer Valley Resort and Park City Resort and are accessed by Highway 224, an unimproved road connecting Park City, Brighton and the Heber Valley. This access is currently a 20 - 25 foot wide gravel road with grades up to 14%. The road is only open to the automobile during the summer months (April - November). During the winter months (December - March), it is used as a major snowmobile trail. The Utah Department of Transportation has future plans to improve this highway for year round automobile use; however, that action is based on development and population demand.

The environmental information gathered for this report is general in nature, therefore, site specific data is recommended prior to development to guarantee no underlying problems. The following sections will address site, zoning and density analysis for the above mentioned parcels.

SITE ANALYSIS

Logan and U.P. No. 2 mining claims are located on the east slope of Flagstaff Peak and extend east to the Ontario Canyon drainage swale (see figure 1). This parcel contains approximately 40 acres lying just north of the county line in Summit County.

Slopes ranging from 10 to 70 percent descend convexly north along the ridgeline and east in a terraced pattern. Approximately 13 acres of the site have a grade greater than 30 percent leaving approximately 27 acres with grades of less than 30 percent, which is 68 percent of the total site area.

The site drops in elevation from 9100 feet to 8700 feet at the lowest convergence point of the Ontario Canyon drainage and the east parcel boundary line (see figure 2).

The ridgeline is dominated on its east side by rock outcroppings, varying from slight protrusions above the landscape to prominant nearly vertical cliffs. Sparse amounts of grasses and sedge occur on the very shallow soil material. In places, scrubby conifers and shrubs grow in clumps or as individual plants mainly in cracks and small pockets of soil material. The effective rooting depth is approximately 19 inches (1).

The remainder of the site terraces in three gradual steps to the northeast. Its soil is very deep and well drained with moderate to high content of organic matter occurring in the surface layer. In a typical profile, the surface is very dark brown, loam, about 6 inches thick. The first underlying layer is very dark brown, very cobbly loam about 21 inches thick. The second underlying layer is brown, very cobbly sandy loam about 31 inches thick. The third underlying layer is dark grayish brown very cobbly sandy loam, to a depth of more than 60 inches. The soil is neutral throughout. Rock fragments are boulders, stones, cobbles and gravel and the content is 10 percent in the surface layer, 50 percent in the first underlying layer and 70 to 75 percent in the remaining layers. Permeability is moderate to moderately rapid. Available water capacity is moderately low. Surface runoff is medium and erosion hazard is slight under natural vegetation and high where vegetation is removed and the soil is left bare.

The typical vegetation in the terraced area consists of aspen scattered with conifers, snowberry, elderberry, mountain bromegrass and slender wheatgrass. The effective rooting depth is 60 inches. The soil layers in the terraced area avearage 10

to 12 feet in depth, while the ridgeline and rock outcropping area has only a maximum of three (3) feet surface soils before reaching bedrock (1).

The average annual precipitation is 35 to 45 inches. The majority of precipitation which falls on the site each year accumulates as a thick snowpack during the winter months. An average of 280 inches can be expected annually.

Irregular surfaces, good vegetation coverage and moderate climatic conditions indicate a slight avalanche hazard. The south end of the bowl and its east slopes have a moderate danger because of its lack of vegetation and steep slopes.

Seventy percent of the site is located on a Weber Quartzite formation. The remainder of the area has been plotted by the U. S. Geological Survey as pockets of intrusive porphyries. The structural capabilities of all formations found on site are considered acceptable for contemplated construction.

Two small earthquake faults are located on the site and two other faults parallel the north and south boundary lines (2). This general area is considered part of the Intermountain Seismic Belt (I.S.B.). The Wasatch Fault, which at its closest point lies 16 miles due west of Park City, is one of the largest and most seismically active faults in the I.S.B. Although many faults have been recognized in the Park City Mining District, none are known to show evidence of recent activity (4).

The mean annual temperature ranges between 35 and 50 degrees (1). Northwest storm winds are slowed significantly by the Wasatch Mountains to the west. The site is partially sheltered from storm winds by the west ridgeline and thick conifer stands. The sites moderate to good solar orientation would appear to increase the frost free season which averages 50 to 70 days (1).

Wildlife typical to this habitat might be grouse, woodpeckers, squirrels, procupine, hare, deer and elk. (1)

Nordic skiing and snowmobiling are the dominant forms of winter recreation in this area. A formal access for downhill skiing is not available to the area at this time, however, Deer Valley Resort has a preliminary lift and ski run plan proposed for the north side of Flagstaff Mountain to be developed in the future. This would make available possible ski-in/ski-out facilities for this site.

Views are predominantly short range due to the close proximity of the mountains which surround the site. Access to the northwest corner of the site can currently be reached by way of an unimproved roadway from the Guardsman Connection Road (State Highway 224) originating at the summit (see access map No. 3). At the present time, the access point is approximately 150 feet northwest of the site. Any future access to the site would have to be coordinated with surrounding developers.

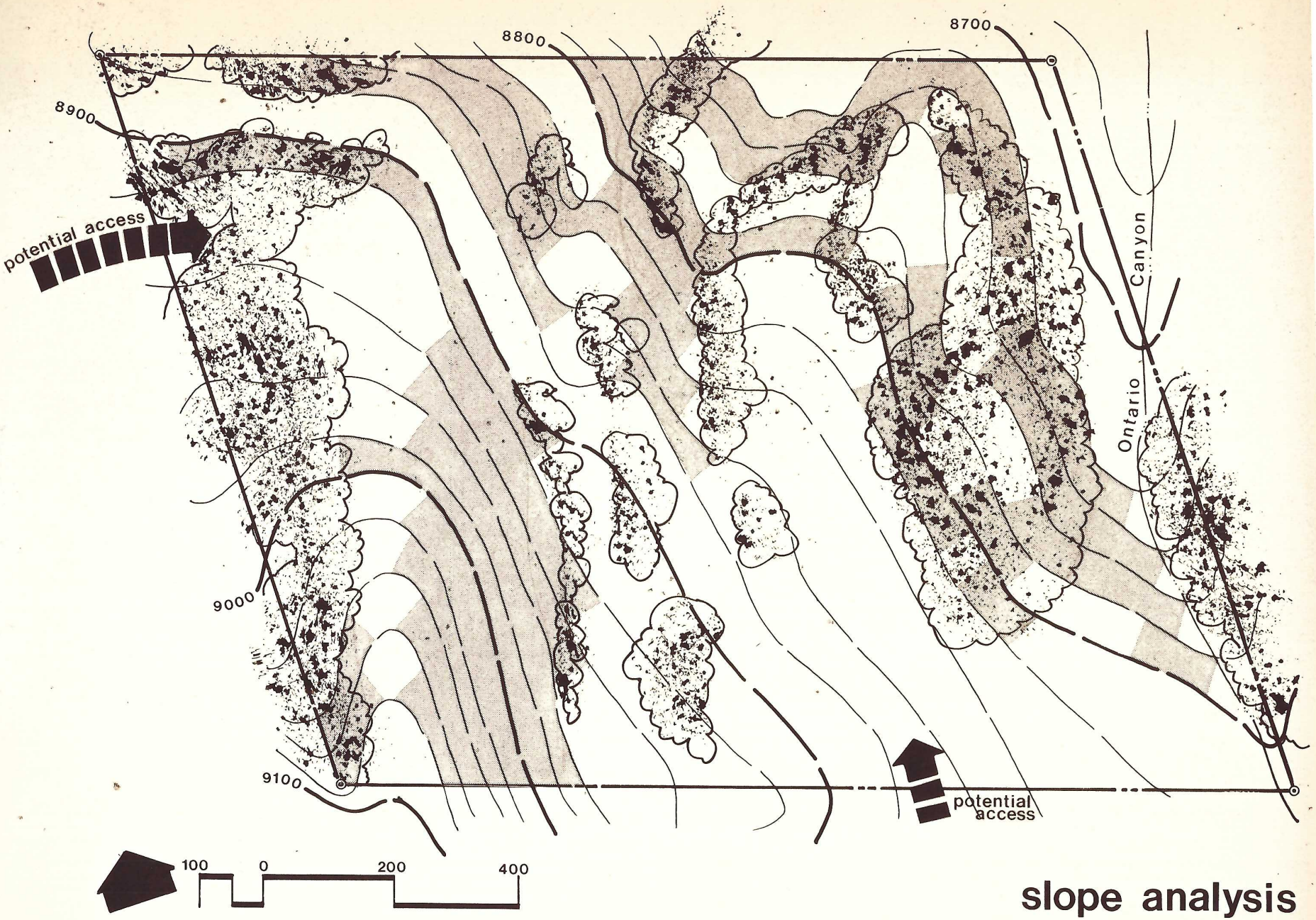


FIGURE 339

LOGAN / U. P. no. 2

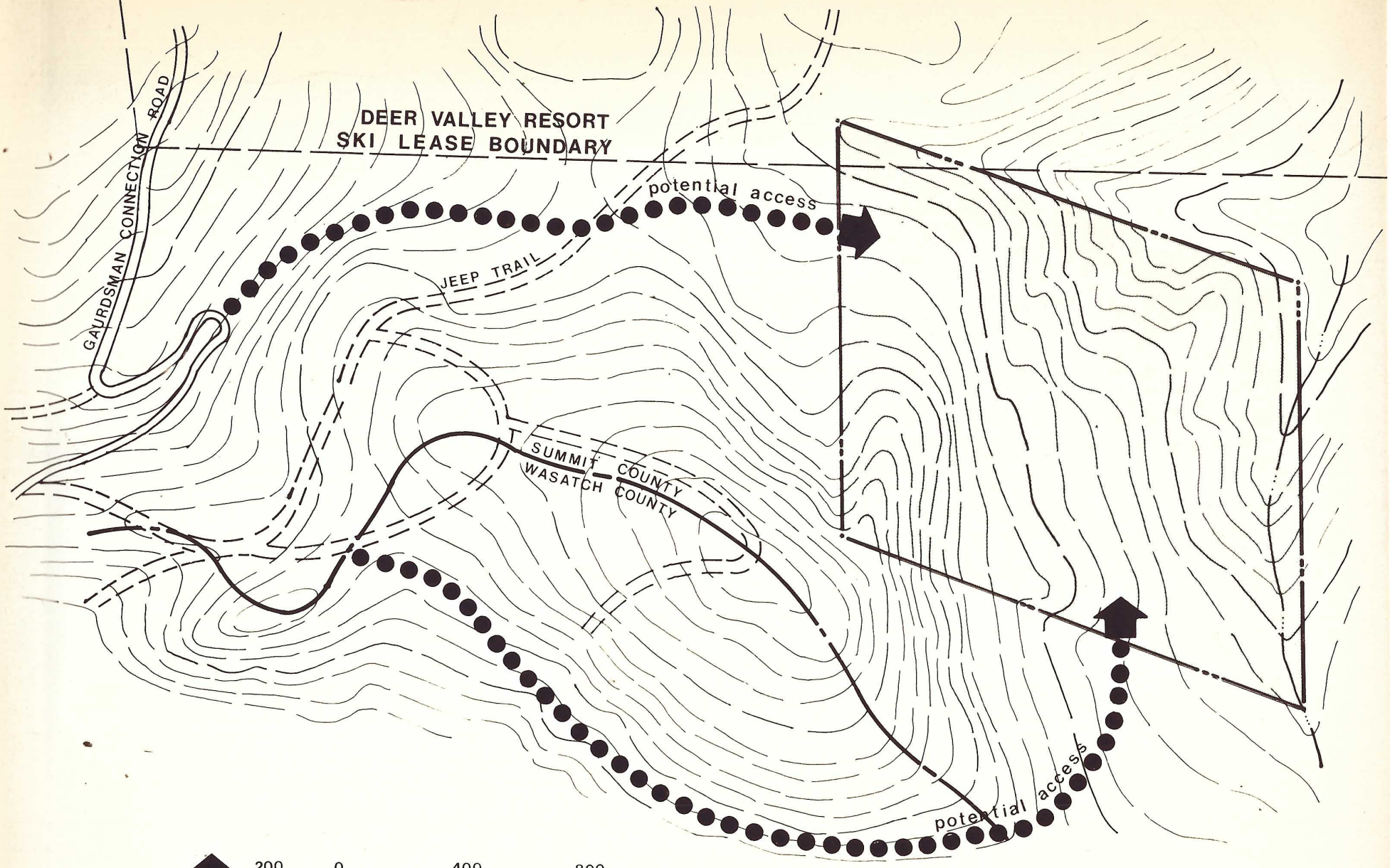


FIGURE 340

LOGAN / U. P. no. 2

DENSITY / ZONING ANALYSIS

Logan & U.P. No. 2 mining claims are currently zoned agriculture-grazing (AG-1) which allows one (1) dwelling unit/40 acres or a total density on this site of one (1) unit. To achieve a greater density, it will be necessary to rezone the property. At the present time Recreation 5 (R-5) or Recreation 1 (R-1) under the Planned Unit Development Exception, would be the best possibilities. These zones would not require any improvement to the present access road (Guardsman-Brighton Connection) and under R-5 a central water system may be waved by the Planning Commission. Density is calculated only on ground under 30% and a density bonus of 50% is given for the P.U.D. exception. Under the R-5, you could achieve a total density of 7 units. This allows 5 units for the 27 acres under 30% and 2 units for the 50% bonus. Under the R-1 zone you could achieve a total density of 40 units. This allows 27 units for the 27 acres under 30% and 13 units for the 50% bonus. It typically takes 9 - 12 months to take a site plan through rezone and the preliminary submittal process and another 2 - 3 months for final plat approval.

Of this 27 acres, there are 19 acres which should be accessible for development. This should accommodate a density of 60 - 70 multi-family units. This would be a long-range goal. To achieve this density, it would be necessary to rezone the property to a Rural Residential 2 designation (RR-2 will accommodate 1 unit per 1/2 acre) or annex the site and all the property between to Park City. For this to happen, it would be necessary to fully improve Guardsman-Brighton Connection, provide water and sewer systems and the other utilities as discussed under the utility section of this report. Proposed densities are based on a slope analysis on U.S.G.S. topography. These numbers may vary when refined contours are obtained.

CONCLUSION

Of the six mining claims, five have long-term development potential; Silver Bond, Horn Silver, Point Junction, Logan and U.P. #2. Each have a reasonable percentage of land considered developable with a possibility of access off Highway 224 of under 10%.

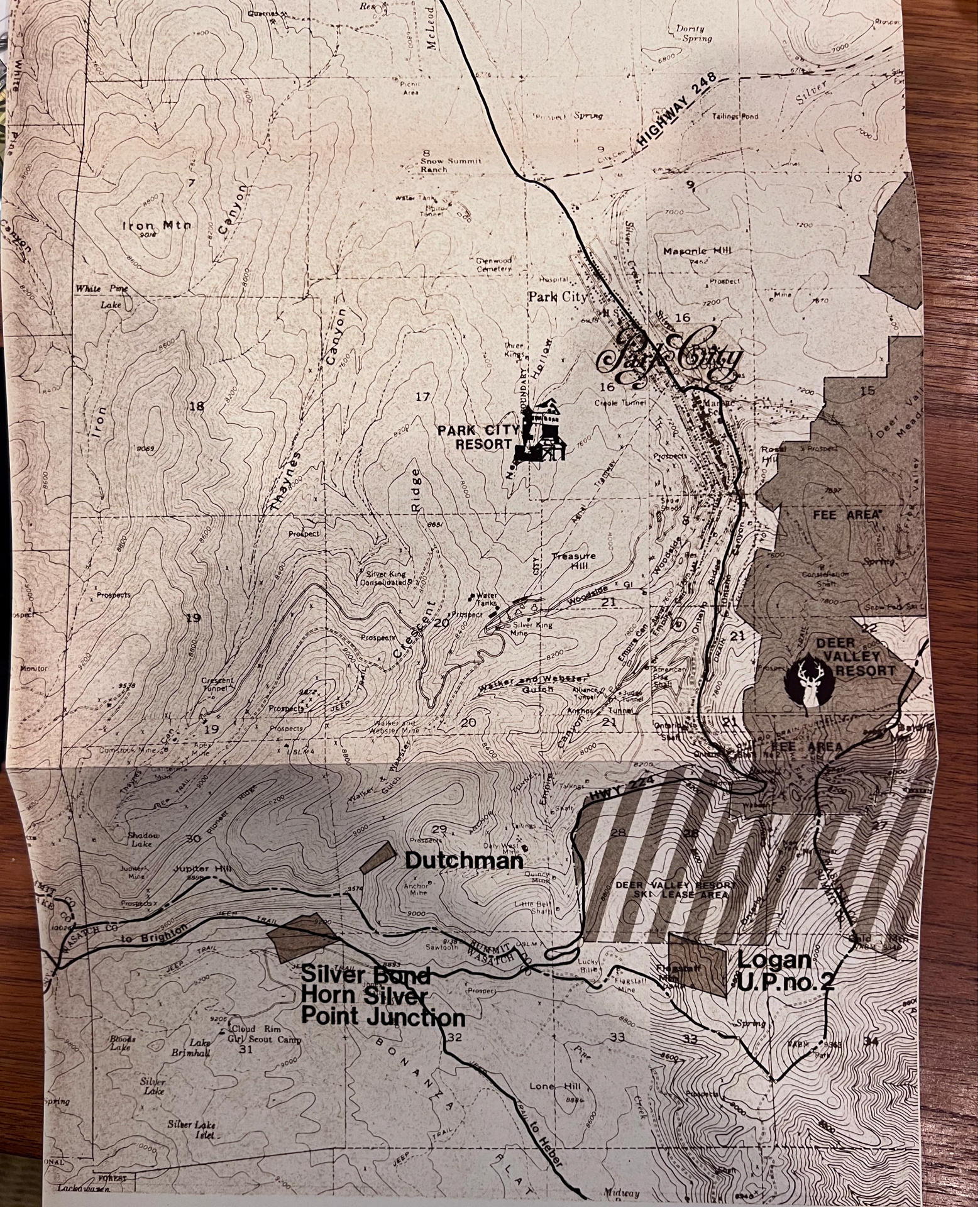
Their remoteness to other major developments and the negative political atmosphere surrounding development in this area make rezoning or development unadvisable at the present time. It is recommended that the parcels be developed in conjunction with the surrounding property. This will defer some of the development costs incurred by the developer. Also, the political powers would be more receptive to the development if it is part of a large-scale planned unit development, rather than individual developments scattered throughout the area.

U.P. No. 2-Logan Parcel

Water - same as the Dutchman Parcel if wells are considered. Water may be piped up the Guardsmen connection Road via the same system that would supply the Dutchman and Silver Bond-Horn Silver-Point Junction Parcel. Additional expense would be about $60,000. Independent expense would be about $200,000.

Sewer - same as the Dutchman Parcel. An alternative that might be available would be to pipe the sewage into the Snyderville Basin Sewer Improvement District system near Deer Valley Resort's Silver Lake Lodge. An easement may be negotiated for.

Power, Gas, Telephone - same as for the Dutchman Parcel.



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.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Conditions Precedent**. All of the terms of this Agreement are expressly conditioned upon the satisfaction of the following conditions:

(a) Legal Access between Unimproved Access Areas and Bransford Property. Prior to commencing any construction on or over the Unimproved Access Areas, the Bransford Property must have obtained record legal access over the real property located between the Unimproved Access Areas and the Bransford Property, such area currently being a portion of the "BLX Property" benefitted by and further described and defined in that certain Access and Utility Easement Agreement [Twisted Branch and Red Cloud Trail] recorded with the Summit County Recorder on July 11, 2018 as Entry No. 01094892, at such locations approved by or for the underlying fee owner(s) thereof;

(b) Release of Notice of Interest. Bransford shall have executed and recorded in the official records of the Summit County Recorder a full release of the Notice, in a form agreed to by separate written agreement between the Parties; and

(c) Payment to Redus. Bransford shall have paid to Redus such amounts as agreed to by a separate written agreement between the Parties executed contemporaneously herewith.

2. **Ingress and Egress Easement**. Subject to the terms and conditions of this Agreement, Redus, for itself and as declarant for EPMOA, hereby grants to Bransford, a perpetual, non-exclusive and continuous easement and right-of-way (the "**Access Easement**"), over, upon, and across the Bransford Access Area on the terms set forth herein. The Access Easement is limited to vehicular and pedestrian ingress and egress over the Bransford Access Area and further, access over the Unimproved Access Areas is limited to the specific location approved in writing in advance by Redus, which approval shall not be unreasonably withheld, conditioned, or delayed, and in coordination with BLX (defined below). Bransford hereby covenants and agrees that the Bransford Property shall be developed only for the following approved uses (the "**Approved Uses**"): single-family homes and accessory/ancillary structures; chapel; open space, trails and other similar uses; conservation uses as allowed or required by a conservation easement; firebreak and fuels reduction; and for recreational ski/bike/hike/multipurpose trails, ski runs, lifts, skier amenities and other improvements related thereto and the provision of skier services thereon.

3. **Utility Easement**. Subject to the terms and conditions of this Agreement, Redus, for itself and as declarant for EPMOA, hereby grants to Bransford a perpetual, nonexclusive easement and right-of-way (the "**Utility Easement**") to install, construct, maintain, repair, replace, and operate underground public and quasi-public utility facilities (collectively, the "**Utility Facilities**") within the Unimproved Access Areas; provided however such Utility Facilities shall only be constructed at locations and connected pursuant to plans and specifications approved in writing in advance by the applicable service providers and by Redus, which Redus approval shall not be unreasonably withheld, conditioned, or delayed, and in coordination with BLX (defined below). Bransford, at its sole cost and expense, shall install, construct, maintain, repair, replace and operate the Utility Facilities installed by Bransford or Bransford's contractors, subcontractors or employees in a good and safe condition and in compliance with all applicable laws, rules, regulations and ordinances.

4. **Coordination with BLX**. The Utility Easement and the Access Easement are collectively referred to herein as the "**Easements**". Bransford acknowledges and agrees that the Easements are expressly nonexclusive and that Redus has previously granted to BLX Pioche LLC, 32 Dom Mayflower LLC, and RH Mayflower LLC, each a Delaware limited liability company (collectively, and with their respective successors and permitted assigns, "**BLX**"), certain access and utility rights, covenants and agreements affecting the Bransford Access Area as more particularly described in that certain Access and Utility Easement Agreement [Twisted Branch and Red Cloud Trail] by and between Redus and BLX dated July 11, 2018 and recorded with the Summit County Recorder on the same date as Entry No. 01094892 and that certain Access and Utility Easement Agreement [R-2A] by and between Redus and BLX dated July 11, 2018 and recorded with the Summit County Recorder on the same date as Entry No. 01094893

(the "**BLX Agreements**"). Bransford acknowledges and agrees that (a) the Easements and road across the Unimproved Access Areas must be coordinated with BLX, and (b) the Utility Facilities may only be installed, constructed, maintained, repaired, replaced, and operated in coordination with BLX and with the prior approval of Redus and applicable service providers as set forth in Section 3 above. The Parties acknowledge the placement and construction of the Easements may require an amendment to the Red Cloud Subdivision Plat approved by Park City and Redus agrees to cooperate, as to any land that Redus owns within a proposed amendment to the Red Cloud Subdivision Plat, with such amendment to allow Bransford to use the easements described herein, at no cost to Redus.

5. **Repair of Damage**. If, in connection with the use and enjoyment of the Easements hereby granted, any landscape, sidewalk, roadway surface or other improvements of or on the Bransford Access Area are damaged or destroyed by one or more of Bransford, the Bransford Parties (defined below) or any of their respective contractors, subcontractors or employees, then, within thirty (30) days (or such longer period as may be reasonably necessary therefor, so long as Bransford shall commence any necessary cure within such thirty (30)-day period and diligently prosecute the same to completion) thereafter, Bransford shall repair or replace, or cause to be repaired and replaced on a lien-free basis, such damaged or destroyed improvements to a condition as near as practical to that existing before any such damage or destruction.

6. **Development Agreement**. The Easements granted herein are subject to the restrictions, conditions and rights contained in that certain Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel and Iron Mountain dated as of March 2, 2007, and recorded on March 2, 2007 as Entry No. 00806100 in Book 1850, Page 1897 (the "**Development Agreement**"). Bransford shall not allow the Bransford Parties, or any of them, to use the Easements over the Bransford Access Area to benefit lands located in Wasatch County, Utah.

7. **Rights Run With The Land/Personal Easement/Assignability**. Subject to the terms hereof, all provisions of this Agreement, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the successors and permitted assigns of the Parties. The Easements and applicable provisions of this Agreement are personal to Bransford and may not be assigned or transferred to another party without the prior written consent of Redus, which consent may be withheld in Redus' sole discretion. Notwithstanding the foregoing, Bransford may assign its rights hereunder to any subsequent owner of the Bransford Property, or any portion thereof, and to any homeowners' association formed in connection with the development of the Bransford Property (the "**Bransford HOA**") (collectively, with Bransford, the "**Bransford Parties**" or singularly a "**Bransford Party**"), without the prior written consent of Redus or its successor. The Bransford Parties shall be permitted to grant temporary licenses to use the Bransford Access Area to their respective agents, invitees, employees, and contractors solely for purposes of, and in connection with, construction, maintenance, and development of, or access to and from, the Bransford Property. Redus may assign this Agreement and its rights and obligations hereunder to EPMOA provided that EPMOA must first provide a written acceptance and assumption agreement satisfactory to Bransford and Redus, each in the exercise of their reasonable discretion.

8. **Term of Easements**. The Easements granted herein are perpetual in nature and shall remain effective so long as the Easements are being utilized by the Bransford Parties, or any of them, in accordance with the terms and conditions of this Agreement. If a Bransford Party fails to use the Easements in accordance with the terms and conditions of this Agreement, then the Easements shall terminate as to that particular Bransford Party. Should the Bransford Access Area, or any portion thereof, become a public road, then this Agreement shall automatically terminate as to such portion. In addition to the foregoing, should the Bransford Property be used for a purpose other than the Approved Uses or become part of EPMOA through the filing of a Supplemental Declaration or otherwise, then this Agreement shall automatically terminate.

9. **Reservation of Rights**. Redus hereby reserves the following rights, for itself and its successors and assigns, and any other holder of fee title to the Bransford Access Area (collectively, the "**Redus Parties**"), in their sole discretion and without the consent or approval of Bransford or any other individual or entity with rights in and to the Bransford Access Area (with the following list not being a limitation on any other rights the Redus Parties may reserve from time to time with respect to their respective interests in the Bransford Access Area, so long as reasonable access is granted and available to the Bransford Parties consistent with the terms of this Agreement):

(a) to sell, encumber, lease, convey, dedicate or otherwise transfer ownership of all or any portion of the Bransford Access Area, including, without limitation, dedicating all or any portion of such Bransford Access Area to any state agency or local municipality for use as a public road, but only to the extent consented to by Redus in a separate, future writing;

(b) to maintain the Bransford Access Area as and when the Redus Parties deem necessary and appropriate; and

(c) to alter any existing improvements currently located on the Bransford Access Area and/or to install additional improvements on the Bransford Access Area, including, without limitation, installing gates at locations as the Redus Parties deem appropriate from time to time, so long as EPMOA and/or Redus shall provide keys or access codes to the Bransford Parties for any such gate(s) leading to or located on the Bransford Access Area (provided that it is understood and agreed by the Parties hereto that access may be denied to the Bransford Access Area as expressly set forth in this Agreement and in accordance with the terms of this Agreement).

10. **Maintenance, Repair and Replacement**. Except as set forth in Section 10(a) below, the ongoing maintenance, repair and replacement of the Bransford Access Area and related improvements, including, without limitation, gates, utility sleeves, culverts, landscaping and snow removal, each to the extent occurring within the Bransford Access Area, and the costs and expenses for snow removal performed by EPMOA on Marsac Avenue pursuant to the Development Agreement (collectively, the "**Road Maintenance**"), shall be performed by EPMOA or its assigns (in accordance with the Master Declaration); provided, however, that EPMOA's obligations to perform (or cause to be performed) the Road Maintenance shall, at EPMOA's election and in its sole discretion, be conditioned upon the users of the Bransford

Access Area paying their respective shares of the costs and expenses for such Road Maintenance to the extent the same are due and owing to Redus.

(a) The ongoing maintenance, repair and replacement of the Unimproved Access Areas and related improvements, including, without limitation, utility sleeves, culverts, landscaping and snow removal, each to the extent occurring within the Unimproved Access Areas shall be the responsibility of the Bransford Parties, in coordination with BLX.

11. **Payment of Costs**. Redus shall allocate, in a commercially reasonable manner, all Road Maintenance costs (for the Bransford Access Area and Marsac Avenue) incurred by Redus, to the users of the Bransford Access Area (including the Bransford Parties); or if assigned in accordance with the terms of this Agreement, the reasonable Road Maintenance costs incurred by the assignee. Redus shall invoice Bransford annually, in advance, for estimated Road Maintenance costs. Bransford hereby covenants and agrees, and each of the Bransford Parties by acceptance of a conveyance of fee title to any portion of the Bransford Property covenants and agrees, jointly and severally, to pay the share of the Road Maintenance costs and expenses (which shall include a reasonable reserve fund allocation for capital expenditures in connection with the Road Maintenance and may include specific assessments in connection with construction impact fees and related charges in connection with maintenance and repairs resulting from the use of the Bransford Access Area in connection with the development of the Bransford Property) allocated to the Bransford Property (the "**Bransford Share**"), within thirty (30) days after receiving an invoice therefor from Redus. Bransford acknowledges and agrees, for itself and the Bransford Parties that Redus may, in accordance with commercially reasonable accounting and management principles, both reasonably estimate, and finally determine, the Road Maintenance costs for each calendar year during the term of this Agreement and invoice to Bransford each month the Bransford Share applicable to such month. Within one hundred twenty (120) days after the end of each calendar year during the term of this Agreement, or within such longer period of time as may be reasonably necessary (not to exceed an additional one hundred twenty (120) days), Redus shall furnish to Bransford a statement of the actual Road Maintenance costs incurred for the preceding calendar year and the Bransford Share of the actual Road Maintenance costs incurred. If the Bransford Share of the Road Maintenance costs for that calendar year exceeds the annual payments made by Bransford, then Bransford shall pay Redus the deficiency within thirty (30) days after receipt of the statement. If the payments of the Bransford Share made during that calendar year exceed the Bransford Share of the Road Maintenance costs for that calendar year, then, at Redus' option, either Redus, or its successors or assigns, shall pay Bransford the excess at the time Redus furnishes the statement to Bransford, or Bransford shall be entitled to offset the excess against the next installment(s) of Road Maintenance costs due. Notwithstanding the foregoing, Redus agrees that until such time as Bransford has commenced developing or otherwise installing or constructing improvements on the Bransford Property, the Bransford Share shall be zero (0).

12. **Remedies**. If the Bransford Share is not paid in full on or before the expiration of the above-referenced 30-day period, then Redus shall provide Bransford (or the then-current party identified for notices under this Agreement in accordance with Section 17 below) with an additional notice stating that the Bransford Share must be paid within ten (10) days (the "**Final Notice Period**") or Redus shall have the right to exercise its remedies under this Agreement. If

the Bransford Share is not paid in full on or before the expiration of the Final Notice Period, then Redus shall have the right to pursue any and all remedies available under law or in equity, including, without limitation, the right to prevent the Bransford Parties from using the Bransford Access Area through any legal and lawful means, including, without limitation, denying the Bransford Parties access to the Bransford Access Area through locking of gates, changing access codes, or otherwise preventing access to the Bransford Access Area. Notwithstanding the foregoing, if the Bransford Share is not paid as and when due, then in addition to, and not in lieu of, any other remedies available to Redus, Redus may charge the Bransford Parties interest on the outstanding Bransford Share amount at the greater of: (a) fifteen percent (15%) per annum; or (b) a rate equal to four percent (4%) over the commercial lending rate quoted by Wells Fargo Bank, N.A. from time to time.

13. **Additional Obligations with Respect to Easements Over Red Cloud Parcels**. The easements over the Red Cloud Parcels are expressly non-exclusive and any development thereon by Bransford must be coordinated with Redus, EPMOA, or its successors or assigns, and Red Cloud Subdivision Homeowner's Association, Inc., a Utah nonprofit corporation, or its successors or assigns (collectively with EPMOA the "**Associations**"). Bransford hereby acknowledges that Redus has not represented to Bransford that it has the power or authority to grant any third-party approvals to Bransford for Bransford's use of the Red Cloud Parcels and that Bransford agrees to undertake to obtain any approvals required under the governing documents of each of the Associations for any improvements to be placed thereon. Bransford also acknowledges that Redus has informed Bransford that the Red Cloud Parcels are being used or are contemplated to be used by others, including without limitation, lot owners within the Associations and/or the Talisker Club.

14. **Relocation**. Redus may relocate the Bransford Access Area, at the sole cost and expense of Redus, so long as the relocation does not interfere materially with the use and purposes of the above-described Easements.

15. **Indemnification**. The Bransford Parties shall indemnify, defend, and hold harmless Redus and the Redus Parties and their respective affiliates, members, managers, agents, tenants, and representatives for, from, and against all claims, damages, expenses (including, without limitation, reasonable attorney fees and reasonable investigative and discovery costs), liabilities, and judgments on account of injury to persons, loss of life, or damage to property resulting from the negligent or willful act or omission of the Bransford Parties, arising out of the use of the Bransford Access Area by such Bransford Parties, except to the extent such claims are due solely to the negligence or willful act or omission of Redus or the Redus Parties.

16. **No Public Dedication/No Third Party Beneficiaries**. The provisions of this Agreement are not intended to and do not constitute a dedication for public use of the Easements, and the rights herein created are for private use of the Bransford Parties, and no other. This Agreement is not intended to confer benefits on any other party.

17. **Notices** All notices and other communications hereunder shall be in writing, and be deemed duly given: (i) when given, if personally delivered; (ii) three (3) days after mailing, if mailed by certified mail, return receipt requested, postage prepaid; (iii) one business (1) day after

shipping via FedEx or other nationally recognized overnight courier service; and (iv) upon the recipient's reply to the sender's Email after sending by Email, to the following addresses:

If to Bransford Parties:	Bransford Land Company, LLC P.O. Box 681318 Park City, Utah 84068 Attention: Manager Email: bransfordland@gmail.com
If to Redus:	Redus Park City LLC c/o Wells Fargo Bank, Wholesale Commercial ORE 333 Market Street, 17th Floor San Francisco, CA 94105 Attention: David Ash Email: david.ash@wellsfargo.com
with a copy to:	Wells Fargo Bank, N.A. c/o Wells Fargo Law Department 333 Market Street, 27th Floor San Francisco, CA 94105 Attention: Alilda Ferraro, Esq. Email: alilda.ferraro@wellsfargo.com
and, with a copy to:	Snell & Wilmer L.L.P. 15 West South Temple, Suite 1200 Salt Lake City, Utah 84101 Attention: Wade R. Budge, Esq. Email: wbudge@swlaw.com

The Parties shall be responsible for notifying each other of any change of address.

18. **Miscellaneous**. If any term, provision or condition contained in this Agreement shall to any extent be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected thereby, and each remaining term, provision and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law. This Agreement shall be governed by the laws of the State of Utah, without giving effect to its conflict of laws principles. All references in this Agreement to exhibits shall, unless otherwise expressly provided, be deemed to be references to the exhibits attached to this Agreement. All such exhibits attached hereto are incorporated into this Agreement as though fully set forth herein. No modification, waiver, or amendment of any provision of this Agreement shall be made except by a written agreement signed by the Parties, or their successors or assigns, and recorded in the office of the Summit County Recorder

[*Signatures and Acknowledgements Follow*]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

REDUS:

REDUS PARK CITY LLC,
a Delaware limited liability company

By: REDUS Properties, Inc.,
a Delaware corporation
Its: Manager

By: _____
David Ash, Senior Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa)

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

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

P. GAMMON
Notary Public - California
Contra Costa County
Commission # 2301610
My Comm. Expires Aug 16, 2023

Signature Page to Access and Utility Easement Agreement

BRANSFORD:

BRANSFORD LAND COMPANY, LLC,
a Utah limited liability company

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

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 11th day of March, 2021 by Anne L. Bransford, as the Manager of BRANSFORD LAND COMPANY, LLC, a Utah limited liability company.

Mae Mair
Notary Public

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

MAE MAIR
NOTARY PUBLIC • STATE OF UTAH
COMMISSION# 694862
COMM. EXP. 05-14-2021

Signature Page to Access and Utility Easement Agreement

CONSENT

Redus Park City LLC, as declarant of the Red Cloud Subdivision Homeowners Association, Inc., a Utah nonprofit corporation, hereby consents to the foregoing Access and Utility Easement Agreement, pursuant to the powers reserved to declarant under the Declaration of Covenants, Conditions and Restrictions for Red Cloud Subdivision dated January 20, 2005 and recorded January 27, 2005 as Entry No. 00724722 with the Summit County Recorder.

RED CLOUD SUBDIVISION HOMEOWNERS ASSOCIATION, INC.,
a Utah nonprofit corporation

By: REDUS PARK CITY LLC,
a Delaware limited liability company
Its: Declarant

By: REDUS Properties, Inc.,
a Delaware corporation
Its: Manager

By: _____
David Ash, Senior Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa)

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

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

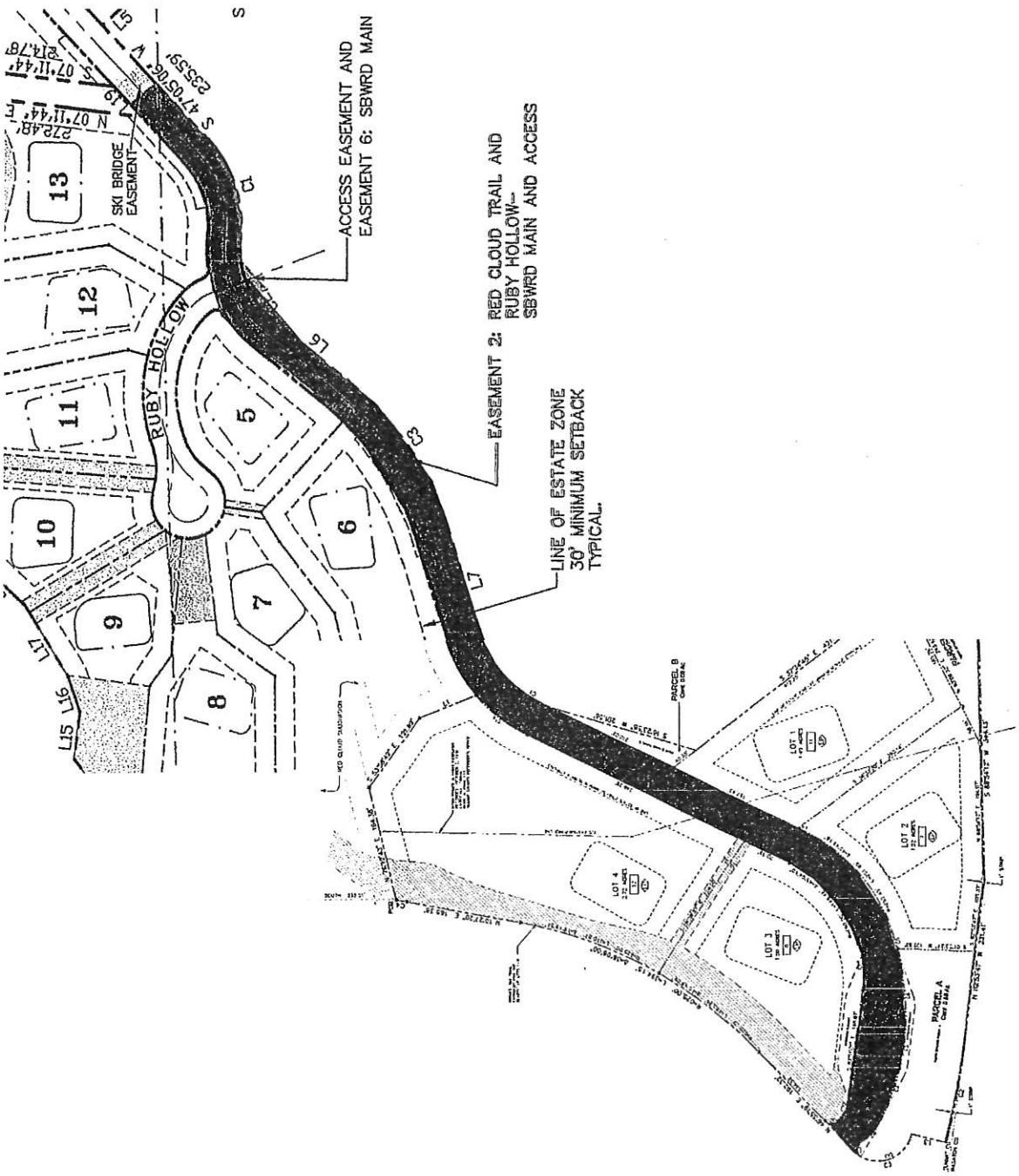
WITNESS my hand and official seal.

P. GAMMON
Notary Public - California
Contra Costa County
Commission # 2301610
My Comm. Expires Aug 16, 2023

Signature _____ (Seal)

Signature Page to Access and Utility Easement Agreement

EXHIBIT A TO EASEMENT
[Depiction of Red Cloud Trail Access Area]



Red Cloud Trail, Red Cloud Subdivision, as amended
(Originally part of Tax Identification No. PCA-S-98)

Page 1 of Exhibit A

EXHIBIT B TO EASEMENT
[Legal Description of the Twisted Branch Access Area]

A parcel of land located in the west half of Section 28, the southeast quarter of Section 29, the northeast quarter of Section 32 and the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 00°30'49" West 157.00 feet coincident with the section line and East 643.05 feet from the west quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian (a 3-1/4" aluminum cap and pipe was set on the section line South 00°30'49" West 12.00 feet from the quarter corner location), said point being on the boundary of Marsac Avenue Right of Way, recorded June 28, 2002, as Entry No. 623451 in the office of the recorder, Summit County, Utah; and running thence along Marsac Avenue Right of Way South 64°06'13" East 50.00 feet; thence South 25°53'47" West 31.85 feet to a point on a curve to the left having a radius of 475.00 feet, of which the radius point bears South 64°06'13" East; thence along the arc of said curve 196.38 feet through a central angle of 23°41'17"; thence South 02°12'30" West 123.76 feet to a point on a curve to the left having a radius of 375.00 feet, of which the radius point bears South 87°47'30" East; thence along the arc of said curve 59.05 feet through a central angle of 09°01'18"; thence South 75°35'15" West 51.67 feet to a point on a curve to the left having a radius of 30.00 feet, of which the radius point bears South 14°24'45" East; thence along the arc of said curve 52.17 feet through a central angle of 99°38'04"; thence South 24°02'49" East 469.37 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 65°57'11" West; thence along the arc of said curve 428.20 feet through a central angle of 46°43'53" to a point of reverse curve to the left having a radius of 4475.00 feet, of which the radius point bears South 67°18'56" East; thence southerly along the arc of said curve 956.54 feet through a central angle of 12°14'50" to a point of compound curve to the left having a radius of 25.00 feet, of which the radius point bears South 79°33'46" East; thence easterly along the arc of said curve 76.99 feet through a central angle of 176°26'25" to a point of compound curve to the left having a radius of 4975.00 feet, of which the radius point bears North 76°00'10" West; thence northerly along the arc of said curve 321.87 feet through a central angle of 03°42'25" to a point of reverse curve to the right having a radius of 75.00 feet, of which the radius point bears South 79°42'35" East; thence easterly along the arc of said curve 226.54 feet through a central angle of 173°03'41"; thence South 03°21'06" West 392.14 feet to a point on a curve to the right having a radius of 1025.00 feet, of which the radius point bears North 86°38'54" West; thence along the arc of said curve 211.22 feet through a central angle of 11°48'25" to a point of compound curve to the right having a radius of 250.00 feet, of which the radius point bears North 74°50'29" West; thence southwesterly along the arc of said curve 149.56 feet through a central angle of 34°16'39"; thence South 49°26'10" West 233.46 feet to a point on a curve to the right having a radius of 275.00 feet, of which the radius point bears North 40°33'50" West; thence along the arc of said curve 241.95 feet through a central angle of 50°24'35" to a point of compound curve to the right having a radius of 305.00 feet, of which the radius point bears North 09°50'45" East; thence northwesterly along the arc of said curve 246.21 feet through a central angle of 46°15'05" to a point of reverse curve to the left having a radius of 40.00 feet, of which the radius point bears South 56°05'50" West; thence southwesterly along the arc of said curve 126.68 feet through a central angle of 181°26'58" to a point of reverse curve to the right having a radius of 1525.00 feet, of which the radius point bears South 54°38'52" West;

thence southeasterly along the arc of said curve 273.26 feet through a central angle of 10°16'00" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 64°54'52" East; thence easterly along the arc of said curve 607.09 feet through a central angle of 92°45'25"; thence North 62°09'27" East 324.38 feet to a point on a curve to the left having a radius of 425.00 feet, of which the radius point bears North 27°50'33" West; thence along the arc of said curve 231.93 feet through a central angle of 31°16'00" to a point of reverse curve to the right having a radius of 75.00 feet, of which the radius point bears South 59°06'33" East; thence southeasterly along the arc of said curve 181.22 feet through a central angle of 138°26'24" to a point on the southwesterly boundary of Red Cloud Subdivision, recorded January 27, 2005, as Entry No. 724721 in the office of the recorder, Summit County, Utah; thence coincident with the boundary of Red Cloud Subdivision the following five (5) courses: 1) continuing along the arc of said curve 80.07 feet through a central angle of 61°10'16" to a point of reverse curve to the left having a radius of 215.00 feet, of which the radius point bears South 39°29'53" East; thence 2) southwesterly along the arc of said curve 150.27 feet through a central angle of 40°02'47"; thence 3) South 10°27'20" West 165.38 feet to a point on a curve to the right having a radius of 625.00 feet, of which the radius point bears North 79°32'40" West; thence 4) along the arc of said curve 394.15 feet through a central angle of 36°08'00"; thence 5) South 46°35'19" West 192.32 feet; thence continuing South 46°35'19" West 19.00 feet; thence North 43°24'41" West 50.00 feet; thence North 46°35'19" East 211.31 feet to a point on a curve to the left having a radius of 575.00 feet, of which the radius point bears North 43°24'41" West; thence along the arc of said curve 362.62 feet through a central angle of 36°08'00"; thence North 10°27'20" East 165.38 feet to a point on a curve to the right having a radius of 265.00 feet, of which the radius point bears South 79°32'40" East; thence along the arc of said curve 185.22 feet through a central angle of 40°02'47" to a point of reverse curve to the left having a radius of 25.00 feet, of which the radius point bears North 39°29'53" West; thence northwesterly along the arc of said curve 87.10 feet through a central angle of 199°36'40" to a point of reverse curve to the right having a radius of 475.00 feet, of which the radius point bears North 59°06'33" West; thence southwesterly along the arc of said curve 259.21 feet through a central angle of 31°16'00"; thence South 62°09'27" West 324.38 feet to a point on a curve to the right having a radius of 425.00 feet, of which the radius point bears North 27°50'33" West; thence along the arc of said curve 688.04 feet through a central angle of 92°45'25" to a point of reverse curve to the left having a radius of 1475.00 feet, of which the radius point bears South 64°54'52" West; thence northwesterly along the arc of said curve 264.30 feet through a central angle of 10°16'00" to a point of reverse curve to the right having a radius of 90.00 feet, of which the radius point bears North 54°38'52" East; thence northeasterly along the arc of said curve 285.02 feet through a central angle of 181°26'58" to a point of reverse curve to the left having a radius of 255.00 feet, of which the radius point bears North 56°05'50" East; thence southeasterly along the arc of said curve 205.85 feet through a central angle of 46°15'05" to a point of compound curve to the left having a radius of 225.00 feet, of which the radius point bears North 09°50'45" East; thence easterly along the arc of said curve 197.96 feet through a central angle of 50°24'35"; thence North 49°26'10" East 233.46 feet to a point on a curve to the left having a radius of 200.00 feet, of which the radius point bears North 40°33'50" West; thence along the arc of said curve 119.65 feet through a central angle of 34°16'39" to a point of compound curve to the left having a radius of 975.00 feet, of which the radius point bears North 74°50'29" West; thence northerly along the arc of said curve 200.92 feet through a central angle of 11°48'25"; thence North 03°21'06" East 392.14 feet to a point on a curve to the left having a radius of 25.00 feet, of which the radius

point bears North 86°38'54" West; thence along the arc of said curve 75.51 feet through a central angle of 173°03'41" to a point of reverse curve to the right having a radius of 5025.00 feet, of which the radius point bears North 79°42'35" West; thence southerly along the arc of said curve 325.10 feet through a central angle of 03°42'25" to a point of compound curve to the right having a radius of 75.00 feet, of which the radius point bears North 76°00'10" West; thence westerly along the arc of said curve 230.96 feet through a central angle of 176°26'25" to a point of compound curve to the right having a radius of 4525.00 feet, of which the radius point bears South 79°33'46" East; thence northerly along the arc of said curve 967.23 feet through a central angle of 12°14'50" to a point of reverse curve to the left having a radius of 475.00 feet, of which the radius point bears North 67°18'56" West; thence northerly along the arc of said curve 387.42 feet through a central angle of 46°43'53"; thence North 24°02'49" West 469.37 feet to a point on a curve to the right having a radius of 80.00 feet, of which the radius point bears North 65°57'11" East; thence along the arc of said curve 139.12 feet through a central angle of 99°38'04"; thence North 75°35'15" East 10.21 feet to a point on a non tangent curve to the right having a radius of 425.00 feet, of which the radius point bears North 89°08'22" East; thence Northerly along the arc of said curve 22.76 feet through a central angle of 03°04'07"; thence North 02°12'30" East 123.76 feet to a point on a curve to the right having a radius of 525.00 feet, of which the radius point bears South 87°47'30" East; thence along the arc of said curve 217.05 feet through a central angle of 23°41'17"; thence North 25°53'47" East 31.85 feet to the point of beginning.

Description contains 8.26 acres.

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

EXHIBIT B-1 TO EASEMENT

[Depiction of Twisted Branch Access Area]

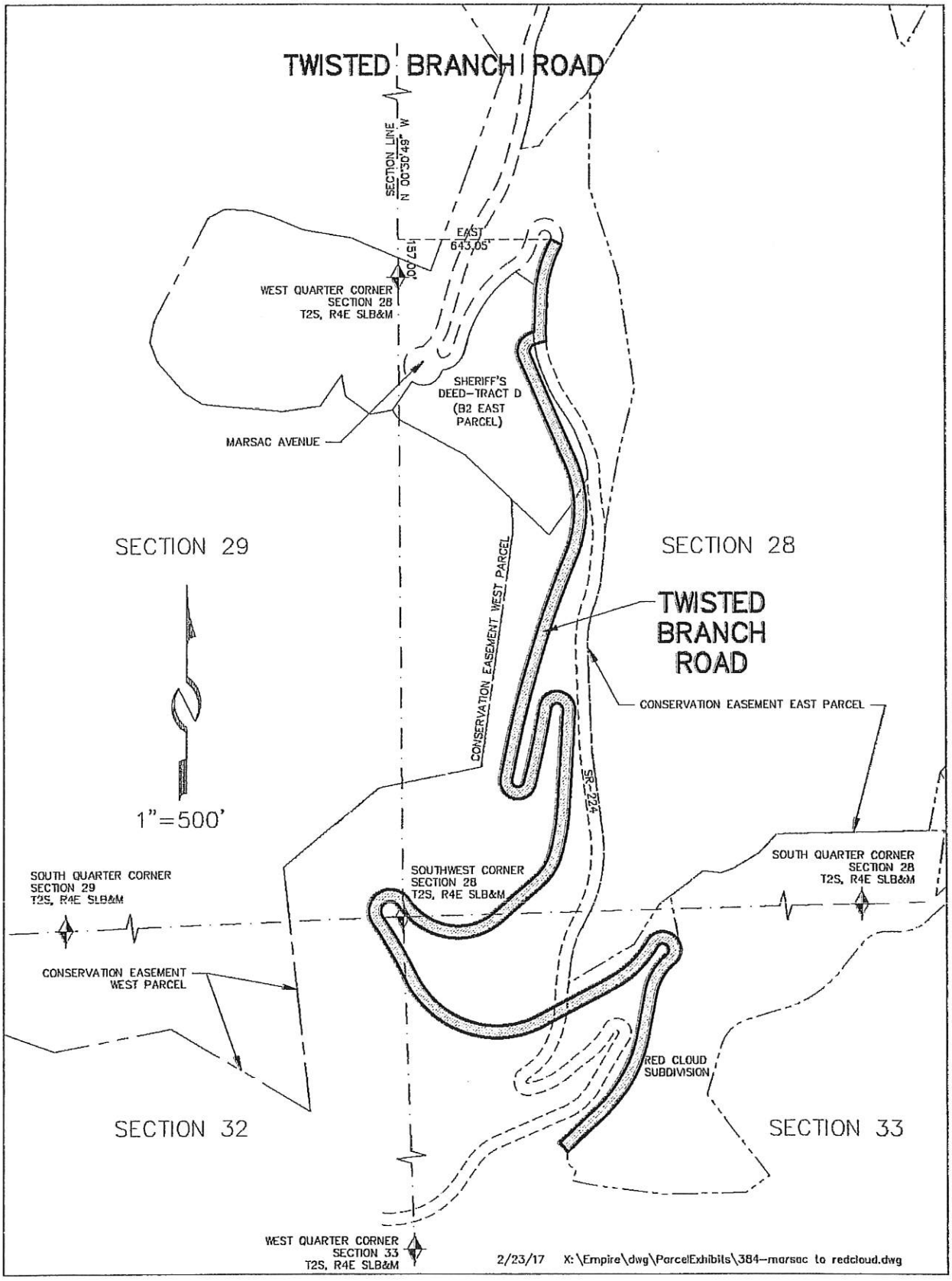


EXHIBIT C TO EASEMENT
[Legal Description of Unimproved Access Areas]

R-2a:

EMPIRE PASS R-2a - Summit County
A parcel of land located in the Northwest quarter of Section 33 and the Southwest quarter of Section 28, Township 2 South Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is South 88°24'56" West 255.32 feet coincident with the section line and North 37.02 feet from a 3-1/4 inch diameter cap on an aluminum pipe at the North quarter corner of Section 33, Township 2 South Range 4 East, Salt Lake Base and Meridian, said point being on the boundary of Red Cloud Subdivision, recorded January 27, 2005, as Entry No. 724721 in the Office of the Recorder, Summit County, Utah, and also being on the Northerly sideline of Lot 448, Uncle Charles Lode in the Uintah Mining District as shown on the survey recorded December 1, 2014, as S-8175 in the Office of the Recorder, Summit County, Utah; and running thence coincident with said Lot 448, Uncle Charles Lode South 47°06'18" West 419.94 feet to the Easternmost corner of Mineral Survey 6026, Overlooked Fraction Lode in the Uintah Mining District; thence coincident with said Mineral Survey 6026, Overlooked Fraction Lode the following two (2) courses: 1) North 36°45'45" West 144.77 feet; thence 2) South 47°12'46" West 908.31 feet to a point on the Easterly sideline of Lot 121, Home Station in the Uintah Mining District as shown on said recorded Survey S-8175; thence coincident with said Easterly sideline of Lot 121, Home Station North 36°45'47" West 70.43 feet to a point on the boundary of said Red Cloud Subdivision; thence coincident with said Red Cloud Subdivision the following nine (9) courses: 1) North 16°23'58" East 87.02 feet to a point on a curve to the right having a radius of 175.00 feet, of which the radius point bears South 73°36'02" East; thence 2) along the arc of said curve 173.22 feet through a central angle of 56°42'44"; thence 3) North 73°06'42" East 161.91 feet to a point on a curve to the left having a radius of 465.00 feet, of which the radius point bears North 16°53'18" West; thence 4) along the arc of said curve 277.03 feet through a central angle of 34°08'06"; thence 5) North 38°58'36" East 145.23 feet to a point on a curve to the right having a radius of 140.00 feet, of which the radius point bears South 51°01'24" East; thence 6) along the arc of said curve 140.18 feet through a central angle of 57°22'03" to a point of reverse curve to the left having a radius of 190.00 feet, of which the radius point bears North 06°20'39" East; thence 7) Easterly along the arc of said curve 163.35 feet through a central angle of 49°15'33"; thence 8) North 47°05'06" East 235.59 feet; thence 9) South 42°54'54" East 61.00 feet to the point of beginning.

(Summit County Tax Serial No. PCA-S-98-SD-4)

Red Cloud Parcels:

Parcel B and the east portion of Parcel A (such portion located east of Red Cloud Lot 2) of the Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision recorded with the Summit County Recorder on July 26, 2006 as Entry No. 785276.

(Summit County Tax Serial Nos. RCLD-B-AM and part of RCLD-A-AM)

Home Station and Luckey Bill (east of Red Cloud Subdivision):

HOME STATION AND LUCKEY BILL MINING CLAIMS – Summit County

A parcel of land located in the north half of the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is North 88°24'56" East 1302.94 feet coincident with the section line and South 662.99 feet from a GLO stone monument at the northwest corner of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the easterly boundary of Parcel B, Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision, recorded July 31, 2006, as Entry No. 785276 in the Office of the Recorder, Summit County, Utah, said point also being on the northeasterly end line of Lot 121, Home Station, in the Snake Creek Mining District; and running thence coincident with the northeasterly end lines of Home Station and Lot 57, Luckey Bill, in the Snake Creek Mining District as shown on that certain Record of Survey, recorded March 3, 2017, as Entry No. 0002928 in the Office of the Recorder, Wasatch County, Utah, South 36°31'50" East 492.11 feet to the Summit/Wasatch County line; thence coincident with the Summit/Wasatch County line South 54°41'12" West 83.61 feet to the easternmost corner of Parcel A of said Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision; thence coincident with Parcel A and Lot 1 of said Amendment to Lots 1, 2, 3 & 4 Red Cloud Subdivision North 37°34'45" West 421.42 feet to the easterly boundary of said Parcel B; thence coincident with Parcel B North 16°23'58" East 114.44 feet to the point of beginning.

The Basis of Bearing for the above description is North 88°24'56" East 2661.75 feet between the northwest corner and the north quarter corner of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

(Part of Summit County Tax Serial No. PCA-S-98-SD-9)

EXHIBIT C-1 TO EASEMENT
[General Depiction of Unimproved Access Areas]

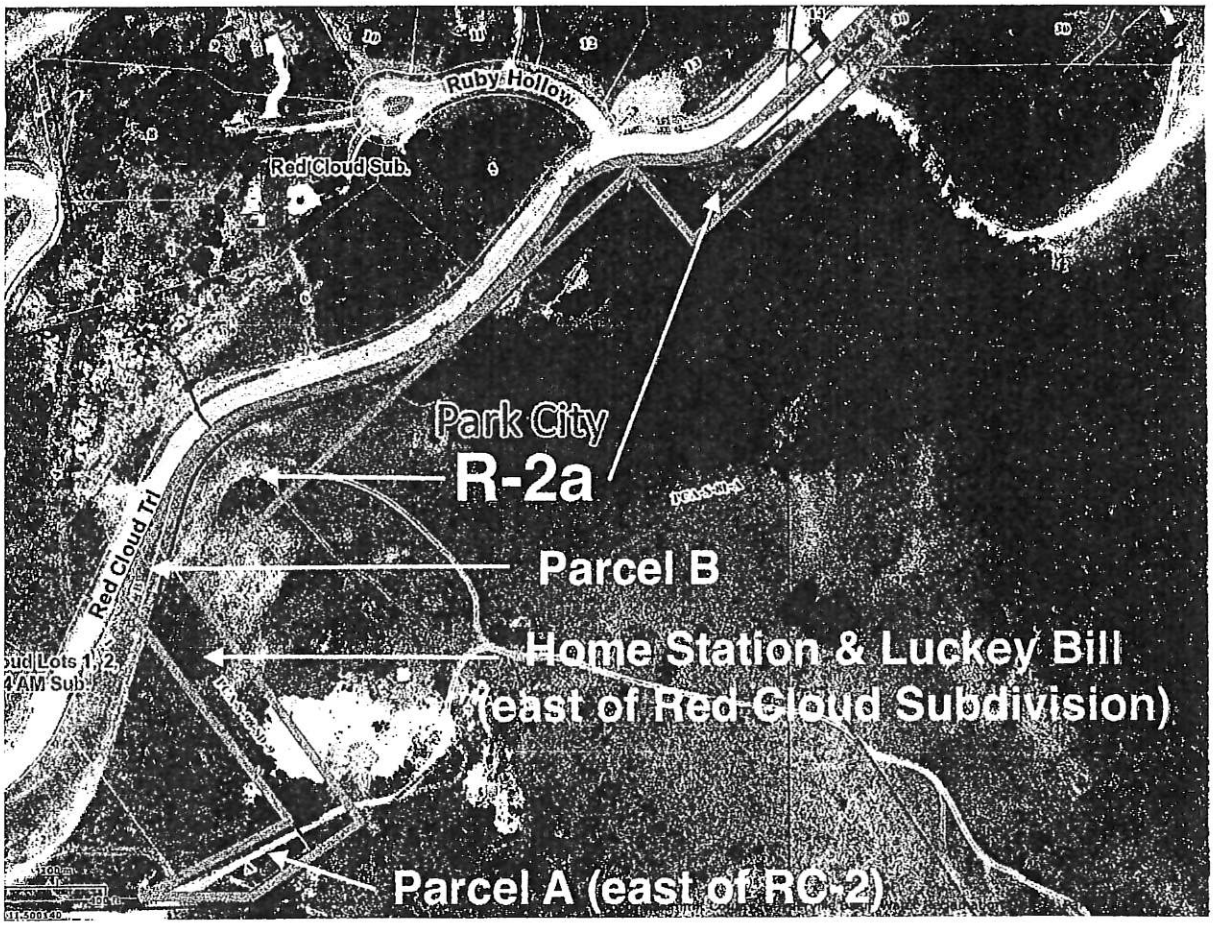


EXHIBIT D TO EASEMENT
[Legal Description of the Bransford Property]

The Logan Patented Lode Mining Claim, Lot No. 724, as the same is more particularly described in that certain Patent recorded November 30, 1892 In Book C of Mining Patents at Page 29 of the official records in the office of the Summit County Recorder.

Summit County Tax Serial Number: PCA-S-79-C

The U.P. No. 2 Patented Lode Mining Claim, Lot No. 724, as the same Is more particularly described in that certain Patent recorded November 30, 1892, In Book C of Mining Patents at Page 29 of the official records in the office of the Summit County Recorder.

Summit County Tax Serial Number: PCA-S-79-B

Recorded at the request of and return to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

Recorded this ___ day of _____, 2007
at Book #___ Page #___

ENTRY NO. 00806100
03/02/2007 02:42:51 PM B: 1850 P: 1897
Agreement PAGE 1 / 49
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE $ 0.00 BY PARK CITY MUNICIPAL CORP

AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR FLAGSTAFF MOUNTAIN, BONANZA FLATS, RICHARDSON FLATS, THE 20-Acre QUINN'S JUNCTION PARCEL AND IRON MOUNTAIN

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;

C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;

D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;

E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;

F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;

G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and

I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

1.1 **"Annexation Property"** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.

1.2 **"Bonanza Flats"** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, consituting all of UPCM's holdings in Bonanza Flats and described and depicted on Exhibit C.

1.3 **"DEER VALLEY"** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.

1.4 **"DEVELOPER"** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

1.5 **"Inaction"** provisionally[1] means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.

1.6 **"Meeting Accessory Uses"** provisionally[2] means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:

1.6.1 Administrative and Banquet Offices

1.6.2 Banquet Storage Areas

1.6.3 Banquet Prep Areas Storage Areas

1.6.4 Common A/V Storage Areas

1.6.5 Coat Check Areas

1.6.6 Public Restrooms

1.6.7 Public Telephone Areas

1.6.8 Public Hallways

1.6.9 Public Circulation Areas.

1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B_1, and B_2) and maximum densities, unit equivalencies and configuration more fully described herein.

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

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

1.8 **"Northside Neighborhood"** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.

1.9 **"Northside Neighborhood Property Owners"** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.

1.10 **"Pedestrian Village"** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.

1.11 **"Planned Unit Development"** or **"PUD"** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.

1.12 **"Pod Z"** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.

1.13 **"Project"** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.

1.14 **"Residential Accessory Uses"** provisionally[3] means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

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

1.14.1 Common Ski Lockers

1.14.2 Common Lobbies

1.14.3 Registration

1.14.4 Concierge

1.14.5 Bell Stand/Luggage Storage

1.14.6 Common Maintenance Areas

1.14.7 Mechanical Rooms

1.14.8 Common Laundry Facilities and Common Storage Areas

1.14.9 Employee Facilities

1.14.10 Common Pools, Saunas and Hot Tubs

1.14.11 Public Telephone Areas

1.14.12 Public Restrooms

1.14.13 Administrative Offices

1.14.14 Public Hallways and Circulation Areas

1.15 **"Resort Accessory Uses"** provisionally[4] means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

1.15.1 Information

1.15.2 Lost and Found

1.15.3 Mountain Patrol

1.15.4 Mountain Administration

1.15.5 Mountain Maintenance and Storage Facilities

1.15.6 Mountain Patrol and Emergency Medical Facilities

1.15.7 Public Lockers

1.15.8 Public Restrooms

1.15.9 Employee Lockers

1.15.10 Ski School/Day Care

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

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **"Richardson Flats"** means all of UPCM's property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **"Transportation Hub"** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **"Unit Equivalent,"** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.[5] Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER's responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

[5] Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent.

2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;

2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;

2.1.3. Specific Transit Plan;

2.1.4. Parking Management Plan;

2.1.5. Detailed Open Space Management Plan;

2.1.6. Historic Preservation Plan;

2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;

2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;

2.1.9. Private Road Access Limitation Procedures;

2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;

2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;

2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;

2.1.13. Wildlife Management Plan; and

2.1.14. Affordable Housing Plan, including phasing.

2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 **Mountain Village:** The Mountain Village is constrained as follows:

2.2.1.1 **Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.

2.2.1.2. **Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.

2.2.1.3. **Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.[6] Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.

2.2.1.4. **Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B_1, and B_2) within the Mountain Village must be linked by transit.

2.2.1.5. **Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

[6] Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

2.2.1.6. **Mine Site Reclamation**. To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim[7] all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.

2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.

2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

[7] Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Mater Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,

may contain a maximum of 38 homes, the size and location of which shall be determined at Small Scale MPD/subdivision review. The Northside Neighborhood may also contain a 1000 sq. ft. non-denominational Chapel, that will remain open and reasonably available to the public.[8]

2.4.1 **Small Scale MPD.** The Small Scale MPD must include all Northside Neighborhood Property Owners to achieve the maximum density of 38 detached single-family homes. Absent participation by all Northside Neighborhood Property Owners, DEVELOPER and DEER VALLEY may apply for a Small Scale MPD for a maximum of 30 single-family homes on the portion of the Northside Neighborhood owned by DEVELOPER and DEER VALLEY.[9] In all circumstances, DEVELOPER and DEER VALLEY shall limit development in the Northside Neighborhood as follows:

2.4.1.1. **Meadow Restriction.** Homes shall not be in the meadow area generally designated on Exhibit A and further defined in the Small Scale MPD process.

2.4.1.2. **Ski Run Separation.** Limits of disturbance for each site shall be a minimum of 50 feet from any ski run, except where existing ski runs conflict with platted ski easements or platted lots, in which event the City shall have the discretion and authority to approve case-by-case exceptions to the foregoing distance limitation.

2.4.1.3. **Viewpoint Restrictions.** Structures and roads must be configured to minimize road and utility impacts and to

[8] No utility extension will be allowed for the Chapel. Power may be allowed if it is readily accessible. Location of the Chapel cannot cause the extension of an improved road. Siting and construction must comply with all Code provisions.

[9] If Park City Star, Bransford or Mayflower do not reach an agreement with DEVELOPER and DEER VALLEY with respect to the joint development of the detached single family homes within the Northside Neighborhood, then DEVELOPER and DEER VALLEY shall grant to the City the right to connect to the utility lines and to grant limited access to roads within the Northside Neighborhood without cost to serve the remaining property owners.

minimize wintertime visual impacts[10] from ski runs and designated viewpoints, including but not limited to the knoll behind the terminus of what is presently known as the Northside chairlift.

2.4.1.4. **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER, DEER VALLEY, and Northside Neighborhood Property Owners shall dedicate to the City improved public trails and trail easements that connect to the surrounding trail system. Where trails pass through the Deer Valley Ski Area, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.

2.4.1.5. **Enchanted Forest.** No development shall occur in the "Enchanted Forest" area generally designated on Exhibit A and further defined in the Small Scale MPD process.

2.4.1.6. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER shall record perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which shall prevent the construction thereon of residential, commercial and retail structures but shall allow ski-related uses.

2.4.2. **Northside Neighborhood Conservation Plan.** DEVELOPER and DEER VALLEY agree to refrain from transferring, improving or developing the Northside Neighborhood for 3 years, from the date of this Agreement to facilitate the potential of (a) the fee simple sale of the Northside Neighborhood, or (b) the sale and transfer of the development rights from the Northside

[10] As well as summertime visual impacts.

Neighborhood. In either case, the sale would be completed within said time period and would be to a conservation buyer or buyers at fair market value at the date of purchase. Fair market value in this context shall reflect the entitlement for single family detached units set forth in the Large Scale Master Plan and this Agreement or, if the Small Scale Master Plan has been issued, as reflected in the Small Scale Master Plan for the Northside Neighborhood. The three-year period noted above shall not limit the Planning Commission's authority in connection with approval of the phasing plans required in sections 2.1.10 and 2.1.11.

2.5. **Ski-Related Development.** Subject to conditional use review, DEER VALLEY may construct a skier day lodge of a maximum of 35,000 square feet, in the approximate location depicted on Exhibit A. The day lodge shall have no day skier parking, and must have adequate emergency vehicle access. Any parking lot for the lodge shall be for the purpose of meeting temporary events, intermittent seasonal dining, and service and administrative requirements, and shall be reviewed by the planning commission as a Conditional Use. Such Conditional Uses will have a traffic mitigation plan that may include the number of events, hours of operation, shuttle bus requirements and/or a limit to the number of guests. Pursuant to a Conditional Use Permit, said temporary parking area may be located on adjacent properties. Permanent non-skier parking for the Empire Day Lodge will be considered as part of the POD B-2 Master Plan Development. Such parking shall consist of not more than 75 spaces. These parking spaces are in addition to those otherwise required or allowed under this Agreement and the LMC. DEER VALLEY shall provide deed-restricted employee/affordable housing units as defined by the City's affordable housing policy in an amount equal to 20% of the commercial Unit Equivalents approved by the City for the day lodge prior to issuance of a Certificate of Occupancy for the day lodge.

2.5.1 **Conditional Use (Administrative).** Ski terrain and ski-related development is an administrative conditional use within the Project, consistent with the Deer Valley Ski Area Master Plan depicted in Exhibit F attached hereto, provided that only two graded runs shall be allowed in ski Pod Z, with thinning and other limited vegetation removal in the balance of Pod Z for skier safety and glade skiing. Review of ski terrain and ski-related development shall include, but shall not be limited to consideration of the following:

2.5.1.1 Openings for ski trails and lifts with straight edges and uniform widths will be minimized to the greatest extent possible.

2.5.1.2 Trails that are designed for base area return or circulation between fall line areas shall be designed for appropriate grades and widths consistent with minimizing visual impact.

2.5.1.3 Lift towers shall be painted or otherwise treated to blend with the natural surroundings.

2.5.1.4 Vegetation management, re-vegetation and erosion control techniques shall be designed in accordance with the "Deer Valley Resort Company Ski Run Construction and Revegetation Standards" attached hereto as Exhibit G. The objective shall be to achieve a vegetative condition that enhances the skier experience and long term forest health. Re-vegetation shall be designed to control erosion and to restore ground cover as quickly as possible after ground disturbing activities.

2.6 Beano's Style Private Club. DEVELOPER may construct a private restaurant (Beano's Cabin at Beaver Creek-style[11]), at a location to be determined at the CUP phase. No private parking areas or vehicular

[11] Beano's is a 10,000 square foot private restaurant at Beaver Creek, Colorado.

access will be allowed except (i) access and space for patron drop-off's and pick-up's, and (ii) access, loading areas and circulation for emergency, delivery and service vehicles. The size of the private restaurant shall be determined by the Planning Commission at the CUP review phase, and shall be between 7,000 and 10,000 square feet.

2.7 **Silver Mine Adventure.** DEVELOPER may continue to operate the Silver Mine Adventure on the Ontario Mine Site as a valid, non-conforming use. Any change or expansion of use shall be processed in accordance with the LMC in effect at the time of the DEVELOPER's submission of a complete application for the proposed expansion.

2.8 **Access and Alignment of S.R. 224.** DEVELOPER shall access Flagstaff Mountain by means of S.R. 224, and a private road system. DEVELOPER shall realign a portion of S.R. 224 in the approximate location set forth on Exhibit H attached hereto, and shall construct a private road system for Flagstaff Mountain in the approximate location depicted on Exhibit H. The Parties agree to the following access and alignment of the road systems within Flagstaff Mountain:

2.8.1 **Alignment.** Upon Planning Commission approval of the first Small Scale MPD for Flagstaff Mountain, DEVELOPER shall petition to vacate the existing S.R. 224 alignment and, if granted, shall realign and dedicate the relocated S.R. 224 right of way to a standard similar to the existing S.R. 224 (with an asphalt surface for dust control). Such alignment shall be as generally depicted on Exhibit H. DEVELOPER shall block and prohibit vehicular access over the discontinued historic alignment of S.R. 224. Access over the realigned S.R. 224 shall remain seasonal (warm weather only). Upon completion of construction thereof, to the reasonable satisfaction of the City Engineer, the City shall accept the dedication of public roads under its jurisdiction identified on Exhibit H, or as determined by the Council, upon

recommendation of the Planning Commission through the Small Scale MPD and subdivision processes.

2.8.2 **Private Road.** Upon Small Scale MPD approval, and only to the extent of the Small Scale MPD approval, DEVELOPER shall construct a private road system within Flagstaff Mountain, as depicted in Exhibit H, over which DEVELOPER shall maintain all-season access throughout the year. Said private road, from its point of departure from S.R. 224 to the Summit/Wasatch County line, may be converted to a public road, in which event existing S.R. 224 from said point of departure to the county line shall no longer be used as a public road.

2.8.3 **Seasonal, Controlled Automobile Access.** DEVELOPER shall support and shall not undermine seasonal closure of realigned S.R. 224 and shall control motorized vehicular access from S.R. 224 to the private road system to prevent vehicular through traffic.

2.8.4 **Emergency Deer Valley Access.** The Project's seasonal emergency secondary access is through the Deer Valley Ski Area generally as depicted on Exhibit I and crash-gated in the approximate locations shown on Exhibit I. DEER VALLEY shall provide the City and the Park City Fire Service District with keys and/or combinations to the gates. The emergency access is necessary as a controlled evacuation route and as an emergency access for fire and safety personnel and equipment only. The secondary access route is an important ski run to the Deer Valley Ski Area that, in all but the most exceptional circumstances, will be used by skiers and over-the-snow vehicles. The Park City Fire Marshall may cause the access to be plowed and placed into winter service for emergency and evacuation purposes in that

exceptional emergency situation when normal road access to Flagstaff Mountain is interrupted for an extended period.[12]

2.8.5 **Controlled Snowmobile Access.** Winter snowmobile access to Brighton Estates and to Bonanza Flats is presently available over portions of S.R. 224. DEVELOPER and DEER VALLEY shall allow seasonal snowmobile access to property owners and renters in Brighton Estates over those portions of S.R. 224 within the Project that are presently used or alternatively over similar portions of S.R. 224 as may be relocated. DEVELOPER and DEER VALLEY shall otherwise prevent wintertime motorized vehicular access to the extent such action is consistent with the policy of the public entity that owns S.R. 224. The current recreational snowmobile concession in Flagstaff Mountain shall be eliminated with the relocation of S.R. 224.

2.8.6 **DEVELOPER's Consent to Transfer.** DEVELOPER consents to cooperate with the City in any state transfer of any portion of S.R 224.

2.9 **Flagstaff Mountain Mitigation/Amenities.** At the City's request, the DEVELOPER shall deliver the following mitigation and amenities as an inducement to execute this Development Agreement:

2.9.1 **Trails.** DEVELOPER shall construct, maintain and commit to free public use, an improved public trail system as set forth in an approved Trails Master Plan. The construction of the trails shall be phased with the progress of the development of the Project. Existing trails shall remain open to the public until provisional or final trails have been constructed. Final trail locations may vary due to field conditions and season. Relocation of any trails shall be identified in the Trails Master Plan. Where the trails pass through the Deer Valley Ski Area, or are located on non-development lands owned or controlled by Deer Valley, Deer

[12] The Park City Fire Marshall may not cause the access to be plowed simply for pubic convenience.

Valley shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for trail use, including reasonable rules and regulations intended to prevent or minimize conflict between potential trail uses. Pedestrian and bicycle uses of the trail system shall not be prohibited or restricted without being so identified in the Trails Master Plan.

2.9.2 **No Gondola Alternative.** DEVELOPER shall contribute $1,000,000 in cash to the City to be used specifically for other traffic mitigation projects in the City related to the Project. Additionally, the DEVELOPER shall (i) contribute $10,000 toward the cost of a feasibility study, when commissioned by the City, to evaluate a potential ski amenity gondola, and (ii) contribute toward the construction of the Richardson Flats parking improvements described in the last paragraph of Section 3.1 of this Agreement, which shall be constructed in accordance with the specifications and conditions attached hereto as Schedule 3.1. The parking improvements shall be constructed in phases as established during the MPD for those improvements in cooperation with Summit County. Construction of the parking improvements will be assured through a form of completion bonding consisting of a draw-down letter of credit or other similar instrument in an amount equal to the good faith estimated cost to construct the parking improvements, but in an amount not to exceed $1,800,000. In the event any permit application is denied such that the parking improvements cannot be constructed. the City shall be entitled to draw the entire amount of the completion bond, letter of credit or similar instrument (as the case may be), and DEVELOPER shall have no further obligation to construct the parking improvements.

2.9.3 **Historic Preservation.** The Historic Preservation Plan, at a minimum, shall contain an inventory of historically significant

structures located within the Project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City, with respect to any such historically significant structures. The head frame at the Daly West site is historically significant.

2.9.4 **Enhanced Environmental Protection.** DEVELOPER shall limit the construction or installation of wood-burning devices to one wood-burning device in each of the 54 single-family homes in the Project. DEVELOPER shall not request approval from the City for wood-burning devices in any other attached, or detached, residential uses. Within each lodge, or hotel constructed within the Project, DEVELOPER shall have the right to construct one wood-burning device in each such lodge or hotel, except the Montage which may have three.

2.9.5 **Lady Morgan Springs Open Space (Passive Use).** The Lady Morgan Springs Area[15], shall be restricted, by conservation easements acceptable to the City, and signs and monitoring, if necessary, to limit use of the area to skiing (without cutting runs, glading, or thinning trees) and daytime recreational hiking. Neither construction activity nor motorized vehicular use of any kind shall be allowed in the Lady Morgan Springs Area, except as allowed, with City staff approval, for forestry and wetlands management.

2.9.6 **Open Space (Active).** All land outside of the development areas (ski terrain and open space designated on Exhibit A) will be zoned as Recreation Open Space (ROS-MPD). Upon issuance of the first Small Scale MPD for any portion of the Project, DEVELOPER and DEER VALLEY shall execute a conservation easement, for the benefit of the City and a third party conservation trust (or similar entity), to limit their use of the

[15] Described and depicted on Exhibit J, and as further defined in the Small Scale MPD process.

Flagstaff Mountain ski terrain to construction, development and operation of ski and mountain bike lifts, ski and mountain bike runs, one skier day lodge, and other similar winter and summer recreational uses and services. Such conservation easements shall prohibit any hotel, lodging, residential or commercial construction or use on ROS-zoned land in Flagstaff Mountain. Such conservation easement shall be to the reasonable satisfaction of the City and shall be first in priority in title.

2.9.7 **Open Space (Prospect Ridge).** Within 30 days of issuance of a Small Scale MPD, DEVELOPER shall grant to the City a conservation easement, with free public trail access, without encumbrances, over acreage located on Prospect Ridge, contiguous with City-owned open space. The conservation easement area on Prospect Ridge is identified on Exhibit K attached hereto. Such conservation easement shall be to the reasonable satisfaction of the City and shall be first in priority in title.

2.9.8 **Open Space (Iron Mountain).** Upon the issuance of any Small Scale MPD, for any portion of the Project, DEVELOPER shall deed restrict or transfer to Park City, the Iron Mountain Parcels with City-approved encumbrances. In connection with such dedication, DEVELOPER shall reserve to DEVELOPER the right to lease to third parties the Iron Mountain Parcels for ski and other environmentally sensitive recreational uses. Such reservation shall not include the right to cut runs, glade, or thin trees, or construct or install ski lifts or developed alpine ski runs. DEVELOPER shall also reserve the right to retain all rent, proceeds and other consideration resulting from or generated by DEVELOPER leasing the Iron Mountain Parcels to third parties for ski and recreation-related uses. DEVELOPER shall indemnify, defend and hold the City harmless from any claim

arising from DEVELOPER's or a third party lessee's use of the Iron Mountain Parcels. Nothing herein should be construed to limit or waive governmental immunity with respect to claims made against the City.

2.9.9 **Neighborhood-Specific Design Guidelines.** DEVELOPER shall incorporate a Master Resort Association for Flagstaff Mountain and a Project-specific Property Owners' Association for the Mountain Village and Northside Neighborhood areas to cooperatively manage certain aspects of the Project. The Design Guidelines for both the Project and Bonanza Flats must emphasize a strong, common architectural theme, and shall be enforceable by one or more of the above-mentioned Associations.

2.9.10 **Public Safety.** A comprehensive emergency response plan will be required. The proposal includes a public safety site, at a minimum. The final public safety and emergency access plan must be determined prior to any permit issuance and only after coordination with the affected entities, such as the Park City Fire Service District. To the extent the Montage hotel structure requires additional safety equipment or infrastructure to achieve a minimum standard that will not result in a degradation of the Park City Fire District's I.S.O. rating, and to the extent ongoing tax revenues and impact fees generated by the Montage are insufficient to cover the costs of such additional equipment and infrastructure, any such shortfall shall be paid by DEVELOPER. Changes to any applicable Technical Report must be approved by the Park City Fire Marshall.

2.9.11 **Sandridge Parking Lots**. Prior to the issuance of a Small Scale MPD for any portion of Flagstaff Mountain, DEVELOPER shall irrevocably offer to dedicate to the City a conversation easement, or deed, satisfactory to the City to preserve the Sandridge

Parking Lots, described in Exhibit L as a public parking facility. Such interest shall be offered with no outstanding monetary encumbrances.

2.9.12 **Sandridge Heights Property**. Developer further agrees to limit its use of its Sandridge Heights property, described in Exhibit L, to either affordable housing or open space.

2.10 **FLAGSTAFF MOUNTAIN MITIGATION MEASURES:**

2.10.1 **Water System.** DEVELOPER shall build and dedicate to the Park City Water Service District an adequate water delivery system within Flagstaff Mountain to serve the Project, including all fire flow and irrigation needs.

2.10.1.1 **Withdrawal of Water Protests.** DEVELOPER shall immediately withdraw its protests to the City's pending water change application(s) before the State Engineer and agrees not to protest future City applications before the State Engineer.

2.10.1.2 **Water Source.** DEVELOPER shall design and construct a water source and delivery system to transport water from the water source to Flagstaff Mountain and to dedicate that system to the City. DEVELOPER and the City anticipate that such delivery system will include the development of a well of sufficient capacity to serve the Project.

2.10.1.3 **Group II Rights.** The City and DEVELOPER agree to file a joint application with the State Engineer to convert to municipal use within the boundaries of the Park City Water Service District all "Group II" water rights owned by both parties. The joint application will list all mutual points of diversion, all of the City's municipal sources, and all of DEVELOPER's sources including the proposed Ontario and Empire Canyon

Wells. DEVELOPER and the City shall divide the Group II rights approved for municipal use evenly, with DEVELOPER and the City each taking ownership of one-half of the total approved rights. DEVELOPER agrees to sell exclusively to the City its portion of the approved Group II water rights and DEVELOPER's interest in its Theriot Springs and Haueter Springs water rights (Weber Decree Award #456, #467 and #468) collectively referred to herein as the "Committed Water".

2.10.1.4 **Committed Water.** Once approved for municipal use, all Committed Water shall be leased to the City at a nominal cost and will therefore be unavailable for sale to others. DEVELOPER shall dedicate the Committed Water to the City, and the City shall pay to DEVELOPER from time to time an amount equal to the water development impact fees actually collected by the Park City Water Service District from the development of Flagstaff Mountain. Each such payment from the City to DEVELOPER shall be paid within 30 days following the receipt by the Park City Water Service District of each such water development impact fee.

2.10.1.5 **Excess Water Rights.** If after ten (10) years or 90% buildout of Flagstaff Mountain and Bonanza Flats, whichever last occurs, DEVELOPER retains water rights in excess of the water demand for both projects, the City may purchase the excess water rights from DEVELOPER at fair market value based on an appraisal from a mutually agreed upon appraiser or the City may relinquish its interest in the excess water rights. The City shall elect to either purchase (some or all of the

excess water rights) or relinquish its interest in the excess water rights within 180 days of written notice of the expiration of 10 years or 90% buildout of both projects, whichever last occurs. If the City takes no action within the 180 days, City will be deemed to have relinquished its interest in the excess water rights.

2.10.1.6 **Impact Fees and Water Rates.** The City will charge water development and connection impact fees and water rates within the Project in an amount equal to the water development and connection impact fees and water rates charged to other water users within the Park City Water Service District, unless extraordinary costs can be identified by the City and fairly assigned to the water users within the Project.

2.10.2 **Subsequent Agreements.** Since the time the original Agreement was adopted and executed, the City and DEVELOPER have entered into agreements that impact, implement and/or clarify certain provisions of the original Agreement including (i) An Agreement For A Joint Well Development Program dated January 14, 2000, (ii) a Memorandum of Understanding, dated January 14, 2000, Between Park City Municipal Corporation and United Park City Mines Company Clarifying and Implementing the Water Service and Water Source Development Provisions of the Development Agreement of June 24, 1999, and (iii) the Water Agreement dated effective as of March 2, 2007 (collectively, the Subsequent Agreements). The fact that this Agreement is styled as an amended and restated agreement shall not operate or be deemed to supersede, contravene, or amend the terms, conditions or provisions of the Subsequent Agreements.

2.10.3 **Transportation and Traffic Mitigation.** DEVELOPER has agreed to provide the following transportation and traffic mitigation measures.[14] Prior to the issuance of a Certificate of Occupancy within the Mountain Village,[15] the DEVELOPER shall provide the following to reduce the traffic anticipated by the Project:

2.10.3.1 **Van and Shuttle Service.** DEVELOPER shall provide for its owners, employees and guests, van and shuttle service alternatives consisting of regular circulator service within the Mountain Village and service from the Mountain Village to key destinations such as the Salt Lake International Airport, Main Street, Silver Lake, golf courses, and recreational trail heads.

2.10.3.2 **Road and Intersection Improvements.** Attached hereto as Exhibit M is a map and a more detailed list of improvements, which shall be constructed by DEVELOPER in satisfaction of this obligation. Prior to the construction of any of the improvements described below, the City shall review and approve or reject with suggested changes all plans, drawings and specifications with respect to the alignment and construction of such road and intersection improvements. Following DEVELOPER's completion of the construction of such improvements, DEVELOPER shall offer to dedicate such improvements to the appropriate governmental entity.

[14] However, within the Small Scale MPD process, the City may conclude that these transportation and traffic measures should be reduced, and will modify DEVELOPER's obligations accordingly.
[15] Except for DEER VALLEY's day lodge pursuant to paragraph 2.5 herein.

2.10.3.3 **Contribution to Marsac Roundabout.** DEVELOPER shall financially participate in the reconstruction of the intersection of Marsac Avenue and Deer Valley Drive. DEVELOPER is responsible for paying its proportionate share (determined by projected traffic generation) of the City's cost of such reconstruction to mitigate the impact of the Flagstaff Mountain and Bonanza Flats projects on the intersection.

2.10.3.4 **Runaway Truck Lane.** DEVELOPER, or an affiliate of DEVELOPER, shall construct a run-away truck lane on the Mine Road section of S.R. 224, as described on Exhibit N attached hereto. DEVELOPER expects to dedicate the Runaway Truck Lane to UDOT.

2.10.3.5 **Mine Road Widening.** Upon Planning Commission recommendation, DEVELOPER shall widen the Mine Road section of S.R. 224 as described on Exhibit M attached hereto.

2.10.3.6 **Mine Road Passing Lane.** Upon Planning Commission recommendation, DEVELOPER shall create and dedicate a passing lane on the Mine Road section of S.R. 224 as described on Exhibit M attached hereto.

2.10.3.7 **Drainage Improvements.** DEVELOPER shall improve drainage to S.R. 224 as described on Exhibit M attached hereto.

2.10.3.8 **Landscaping.** Upon Planning Commission approval, DEVELOPER may construct and create, at DEVELOPER'S sole cost and expense, landscape improvements in the area depicted on

Exhibit M, uphill from the intersection of S.R. 224 with Hillside to act as a Project entry statement.

2.10.4 **Construction Mitigation.** DEVELOPER shall provide the following measures, all to the reasonable satisfaction of the City's Chief Building Official, to mitigate the impact of construction within Flagstaff Mountain. DEVELOPER shall also adhere to the usual construction impact mitigation measures required by the City. Additional reasonable site-specific mitigation measures may be required at the Small Scale MPD phase. These measures will be permanently reflected in Covenants, Conditions and Restrictions of each development parcel. The Detailed Construction Phasing Plan to be submitted by DEVELOPER to the City shall include, without limitation, provisions pertaining to:

2.10.4.1 Limits of Disturbance and Vegetation Protection for all construction, including construction of public improvements.

2.10.4.2 Construction staging, on-site batch plants, and materials stockpiling[16] and recycling in the Daly West area to keep all excavated materials on site during the Project infrastructure and construction phases.

2.10.4.3 Construction traffic routing plan to minimize traffic impacts on Old Town and residential areas, by only allowing construction traffic to use current state roads, unless otherwise directed by the City.

2.10.4.4 Dust and soils monitoring and containment, along with remediation of contaminated mining waste within the areas that are disturbed during the construction of the improvements within the Project and erosion and runoff controls for the entire Project

[16] Developer shall stockpile all earthen material on site.

2.10.4.5 Temporary public access trails throughout construction.

2.10.4.6 Tools and equipment storage on-site adequate to serve all construction.

2.10.5 **Employee/Affordable Housing.** DEVELOPER shall provide deed-restricted employee/affordable housing units ("Affordable Unit Equivalents" or "AUEs") as defined by the City's affordable housing policy in an amount equal to 10% of the residential Unit Equivalents and 20% of the commercial Unit Equivalents approved by the City for the Project (collectively, the "Base AUEs"). The employee/affordable housing requirement for the Project, including the Montage, is 98.9 Base AUEs. One AUE equals 800 square feet. In addition to the Base AUEs, DEVELOPER has committed to construct, off-site, 20 additional AUEs (the "Additional AUEs") as an additional community benefit for the Project. Within 24 months from the effective date of this Agreement, the DEVELOPER (or any assignee thereof) shall either (i) begin construction of the 20 Additional AUEs, or (ii) post a financial guarantee in a form acceptable to the City Attorney in favor of the City equal to 10 percent of the estimated construction costs of the Additional AUEs. Each Additional AUE shall be sold or rented at prices and terms consistent with the City's affordable housing guidelines in effect at the time a Certificate of Occupancy is issued for the AUE. The calculation of total AUEs is detailed in the following table:

Type of Use	Unit Equivalents	Mitigation Rate	AUEs Required
Residential			
Residential Units	785	0.1	78.50
Single Family Home Sites	54	0.1	5.40
Subtotal Residential	***839***		***83.90***
Type of Use	**Square Footage / 1,000 SF**	**Mitigation Rate**	**AUEs Required**
Commercial			
Commercial Unit Equivalents	75	0.2	15.00
Subtotal Commercial	***75***		***15.00***
Base AUEs On-Site (25%): 24.725			
Base AUEs Off-Site (75%): 74.175 *			
Total Base AUEs			**98.90**
Additional AUEs Contributed by Developer (located Quinns Junction)			**20.00**
TOTAL AUEs			***118.00***

*May be located at Quinns Junction, consistent with the City's approved employee/affordable housing plan.

A minimum of 25% of the Base AUEs shall be located on-site within the Project; however, at DEVELOPER'S option, any such on-site Base AUEs not actually constructed on-site or contractually committed to be constructed on-site may be constructed off-site on a 1.5-for-1 basis. DEVELOPER and the City shall consult with Mountainlands Housing Trust, or its equivalent (if any), to determine the type and location of employee/affordable housing which would be most effective in offsetting the demand generated from the Project. DEVELOPER shall provide the remaining 75% of the Base AUEs consistent with the City's approved employee/affordable housing plan. The employee/affordable housing will be phased with the Project in accordance with the approved Phasing Plan. Upon Planning Commission recommendation, the Housing Authority may direct DEVELOPER to:

2.10.5.1 Develop, subject to deed restrictions some of the remaining units on the 20-Acre Quinn's Junction Parcel; or

2.10.5.2 Donate in a form satisfactory to the City, without restrictions or encumbrances, the 20-Acre Quinn's Junction Parcel to the City in lieu of some or all of the remaining portion of DEVELOPER's affordable housing obligation; or

2.10.5.3 Build the units on an alternate parcel provided to DEVELOPER by the City. DEVELOPER must donate the 20-Acre Quinn's Junction Parcel to the City if the City offers to donate otherwise suitable land to DEVELOPER. If the City and DEVELOPER exchange parcels with respect to the new employee/affordable housing units, then DEVELOPER shall construct on such alternate parcel such number of new employee/affordable housing units, up to the required number of units, for which DEVELOPER is able to obtain approval. In no event shall the cost incurred by DEVELOPER to construct the new employee/affordable housing units on an alternate parcel provided by the City exceed the cost which DEVELOPER would have incurred to construct such new employee/affordable housing units on the 20-Acre Quinn's Junction Parcel; or

2.10.5.4 If mutually acceptable to DEVELOPER and the City, pay to the City a fee in lieu of constructing employee/affordable housing, consistent with the City's affordable housing policy, if such payment in lieu of constructing employee/affordable housing results in the construction or dedication of actual units for affordable /employee housing; or

2.10.5.5 Satisfy its obligation in a manner otherwise consistent with the City's affordable housing policy.

2.10.6 **5-Year Irrevocable Offer to Annex the 20-Acre Quinn's Junction Parcel**. For the next five years from the date of this Amended and Restated Agreement, DEVELOPER hereby irrevocably offers to annex the 20-Acre Quinn's Junction Parcel to the City.

SECTION III. ADDITIONAL PUBLIC BENEFITS

In addition to the foregoing, DEVELOPER offers the following inducements to contract:

3.1 **Richardson Flats.** DEVELOPER unconditionally offers to annex Richardson Flats to the City and, regardless of the annexation of Richardson Flats, to restrict development of Richardson Flats to one of the following options to be selected by DEVELOPER, at DEVELOPER'S sole discretion:

Option 1. Under Option one DEVELOPER must limit the use of Richardson Flats to golf (with the requisite clubhouse, maintenance buildings and other related improvements), equestrian uses (including the construction of an arena or indoor equestrian center), and/or such other public recreational opportunities or special events as the City may deem proper. In the event DEVELOPER is able to obtain necessary approvals from EPA and/or DEQ, then DEVELOPER must construct on Richardson Flats a golf course, clubhouse, and driving range with adequate[17] provisions for defined public access.

Option 2. Under Option two, DEVELOPER must limit the use of Richardson Flats to an 18-hole golf course (with the requisite clubhouse, maintenance buildings and other related improvements)[18] and would make available to the City a site for a second 18-hole golf course. The site to be donated to the City would not include land in need of environmental remediation. If a second golf course is constructed under Option two, then the City and DEVELOPER shall work cooperatively to develop shared facilities such as a driving range and golf maintenance shops.

Option 3. If, after diligent efforts, DEVELOPER cannot receive EPA or DEQ approval of the aforementioned recreational

[17] The course must be operated to maximize play.

[18] Under Option 2 DEVELOPER may in the City's sole discretion be afforded the right to use Richardson Flats for such other public recreational opportunities or special events as the City may deem proper.

improvements, DEVELOPER will perpetually deed restrict Richardson Flats to prevent further development.[19]

In addition to the foregoing provisions, DEVELOPER shall, in part as an additional public benefit and in part as a traffic mitigation measure, provide the City with fee title (unless the City otherwise agrees to a long term lease) to 30 acres at Richardson Flats. Such acreage will be used only for ball fields or similar recreational spaces, and improvements related thereto, and parking. On this acreage, DEVELOPER will provide a parking area which may be paved and which will accommodate segregated Montage and Empire Pass parking (up to 100 spaces), and parking for the City (up to 650 spaces), for a total of up to 750 spaces. This parking area will also serve as the location for Montage construction parking, and DEVELOPER or Montage shall be responsible for providing or arranging construction parking shuttles. The parking improvements may be constructed in phases. DEVELOPER will have naming rights for the ball fields or similar recreational spaces, and will not select a name that is inappropriate. The parking improvements (excluding the 100 dedicated Montage spaces and spaces required for construction parking and other operational needs) may be used by the City for reasonable ancillary uses such as special events.

3.2 **Open Space/Transit Management Fund.** DEVELOPER shall pay on each transfer of DEVELOPER's land, and shall separately covenant with all successors in interest in a manner which runs with the land, to assess a 1% Open Space/Transit Management Fee on the gross sales price of all real property within the Project. 50% of the Open Space/Transit Management Fee shall belong to the Flagstaff Mountain Master Resort

[19] The timing of Richardson Flats development shall be addressed in the Construction Phasing and General Infrastructure Phasing Plans required in Sections 2.1.10 and 2.1.11 with development commencing as early as possible.

Association to reduce Master Resort Association dues associated with obligations assumed herein or to enhance the Master Resort Association's service to its members. 50% of the Open Space/Transit Management Fee shall be paid to the City to assist in funding the costs and expenses for enhanced transportation to the Project, recreation improvements and/or open space acquisition, maintenance or preservation. This Open Space/Transit Management Fee shall not apply to the transfer of real property within the Project either solely as security for financing (e.g. mortgage) or for nominal consideration solely to initially capitalize the development entity. DEVELOPER acknowledges that the Project requires an open space management fee to mitigate the adverse effects of the Project. As such, DEVELOPER covenants that it will pay this fee as a contractual obligation, and not as a regulated entity. DEVELOPER shall vigorously defend the imposition of such fees. DEVELOPER shall not take any action (contractually, judicially, or legislatively) to challenge or otherwise adversely affect the enforceability of the Open Space/Transit Management Fee as a valid and enforceable real covenant.

SECTION IV. IMPACT FEES/PLAN CHECK FEES

4.1 **Conditions of Approval and Impact Fees.** With respect to the development of Flagstaff Mountain, DEVELOPER accepts and agrees to comply with the impact, connection and building fees of the City currently in effect, or as amended, to the extent the amended fees are applied uniformly within an impact fee district. DEVELOPER acknowledges that the Project requires infrastructure supported by impact fees and finds the fees currently imposed to be a reasonable monetary expression of exactions that would otherwise be required at this time. As such, DEVELOPER covenants that it will pay impact fees as a contractual obligation, and not exclusively as a regulated entity. If the state legislature disallows the imposition of a regulatory impact fee, DEVELOPER will pay those impact fees in effect at the time of such change in state law throughout the remaining buildout of the Project. Further DEVELOPER

agrees to pay plan check fees in the amount of 65% of the building permit fee.

SECTION V. BONANZA FLATS DEVELOPMENT PARAMETERS

5.1 **Restrictions on Bonanza Flats Development**. DEVELOPER covenants that it will never apply, nor assist in any application, to the City or to Wasatch County for the development of Bonanza Flats in excess of the following maximum densities. Further, DEVELOPER shall amend its development application with Wasatch County, and shall restrict development in Bonanza Flats to the following maximum densities:

5.1.1 A maximum of 260 residential units (280 Unit Equivalents), of which no more than 160 units shall be Bonanza Flats single family home sites.

5.1.2 An 18-hole golf course, including the construction of no larger than a 20,000 sq. ft club house and other golf-related facilities, with Nordic skiing thereon during the winter, all as generally depicted on Exhibit O.

5.1.3 75,000 square feet of resort-related commercial uses.

5.1.4 Alpine and Nordic ski terrain, ski runs, ski lifts and other ski-related improvements, all as depicted on Exhibit O.

5.2 **Wasatch County Approval of Bonanza Flats Development Proposal**. DEVELOPER has a pending application in Wasatch County, with respect to Bonanza Flats, requesting density far in excess of that which the City regards as appropriate. As an inducement for the City to enter into this Agreement, DEVELOPER agrees to amend its development application with Wasatch County in order to reflect the terms and conditions of this Agreement regarding the development of Bonanza Flats. City's contractual restrictions on Bonanza Flats development are in no respect an endorsement of development on Bonanza Flats. DEVELOPER agrees that the portions of Bonanza Flats, as described on Exhibit C attached hereto, which are not to be developed shall be subjected to restrictive covenants or conservation easements, dedicated to a third party conservation trust (or

similar entity), in a form acceptable to the City, so that the real property which is not to be developed shall be limited in perpetuity to recreational and open-space uses. DEVELOPER and the City acknowledge that the annexation of Bonanza Flats to the City is not being considered at this time by either the City or by DEVELOPER.

5.3 **Snyderville Basin Sewer Improvement District Annexation.** Snyderville Basin Sewer Improvement District ("SBSID") must agree to annex Bonanza Flats and agree to provide sewer service within Bonanza Flats if Park City is to provide water service to the area. SBSID capacity shall be restricted in size to accommodate no more than the restricted densities agreed to herein. If Wasatch County approves the use of Park City water for culinary use in Bonanza Flats, then DEVELOPER must apply for and pursue annexation to SBSID.

5.4 **Annexation.** If Wasatch County recommends that DEVELOPER seek annexation to the City of Bonanza Flats, then DEVELOPER shall request that the City annex Bonanza Flats. In the event that DEVELOPER requests that the City annex Bonanza Flats, the City anticipates the execution of an interlocal agreement with Wasatch County to address fiscal issues in connection with the City's annexation of Bonanza Flats.

5.5 **Request for Transfer of Bonanza Flats Density to Flagstaff Mountain.** DEVELOPER may seek approval from the City of additional density within Flagstaff Mountain in exchange for DEVELOPER transferring approved density from Bonanza Flats and deed restricting such land as open space. City's contractual restrictions on development in Bonanza Flats in no way shall be construed as an endorsement of such densities either in Bonanza Flats nor transferred to the Mountain Village. Upon DEVELOPER's request, the City would consider such transfer. If favorably inclined to entertain such density transfer, the City would attempt in good faith to negotiate an interlocal agreement with Wasatch County to address fiscal issues associated with such action. In connection with any such request by DEVELOPER, the City may give higher priority

to the transfer of multifamily or lodging units and may consider many factors, including but not limited to the following:

5.5.1 The location and quality of open space within the Bonanza Flats property that would occur as a result of the transfer;

5.5.2 The suitability of increased density in the Mountain Village;

5.5.3 The potential reduction of traffic;

5.5.4 The potential positive impacts on the transportation system;

5.5.5 The visual and other impacts to the Mountain Village; and

5.5.6 The positive and negative impacts to the Bonanza Flats Property.

5.6 **Private Road.** Consistent with an approved phasing plan for Flagstaff Mountain, DEVELOPER may construct a private controlled access road between the Flagstaff Mountain and the Bonanza Flats development areas, provided that such private road is properly controlled to prevent through access to adjacent properties and deed restricted to prevent its extension beyond the terminus depicted in Exhibit C.

5.7 **Water Service.** DEVELOPER and the City acknowledge and agree that water service and sewer service to Bonanza Flats should be provided from the same basin in order to avoid any trans-basin transfer issues. Inasmuch as the City shall be providing water service to the Project, the City and DEVELOPER desire that the City provide water service to Bonanza Flats as well. If Wasatch County: 1) approves DEVELOPER's amended proposal for the limited development of Bonanza Flats detailed herein, and 2) approves DEVELOPER's proposal that the City provide water service to Bonanza Flats, then, subject to a City-approved infrastructure phasing plan, DEVELOPER shall build and dedicate to the Park City Water Service District an adequate water delivery system, to service Bonanza Flats, including all fire flow and irrigation needs. DEVELOPER shall work cooperatively with the City to develop a water source or sources, including, but not limited to, making well sites, water rights and easements available to the City. The City shall provide culinary water to Bonanza Flats according to the terms of this Agreement. DEVELOPER will

construct all infrastructure, including a source of water necessary to provide water service to Bonanza Flats. City water development and connection fees, as well as water rates, shall be the same as those imposed in the Project, unless the City can identify and fairly assign extraordinary costs to end users within Bonanza Flats. No water from a Weber Drainage Basin source shall be used for outdoor uses in Bonanza Flats.

5.8 **No Annexation Alternative.** If Bonanza Flats is not annexed into the City, and if the requirements described in Sections 5.3, 5.6 and 5.7 are satisfied, then DEVELOPER shall not build within Bonanza Flats more than the units described in Section 5.1 above.

5.9 **Conditions of Development of Bonanza Flats.** Regardless of the annexation of Bonanza Flats to the City, DEVELOPER agrees to the following:

5.9.1 The residential and commercial units constructed within Bonanza Flats shall not be located adjacent to the lakes within the Bonanza Flats property.

5.9.2 If Bonanza Flats is developed, but is not annexed DEVELOPER agrees to provide employee/affordable housing units consistent with its obligations in the Flagstaff Mountain annexation.

5.9.3 Within Bonanza Flats, DEVELOPER shall limit the construction of wood-burning devices to one wood-burning device per single family unit. DEVELOPER shall not request approval from Wasatch County or from the City for wood-burning devices in any other attached, or detached, residential uses. Within each lodge, or hotel constructed within Bonanza Flats, DEVELOPER may construct one wood-burning device in each such lodge or hotel.

5.9.4 DEVELOPER shall pursue an interlocal agreement with Wasatch County whereby the Park City Fire Protection District will provide fire protection services within Bonanza Flats.

5.9.5 Upon reallignment of S.R. 224, DEVELOPER shall prohibit

commercial snowmobile use within Bonanza Flats.

SECTION VI. AMENDMENT OF AGREEMENT AND DEVELOPMENT PLAN

6.1 This Agreement may be amended from time to time by mutual written consent of the Parties.

SECTION VII. IMPLEMENTATION OF THIS AGREEMENT

7.1 **Processing and Approvals.** Site specific plans shall be deemed proposed Small Scale Master Plans and shall be subject to the process and limitations set forth in the Park City Municipal Corporation Land Management Code that is in effect when the DEVELOPER submits a complete application for a Small Scale MPD.

7.2 **Cooperation in the Event of Legal Challenge.** If any third party challenges the validity, or any provision, of this Agreement, (1) the Parties shall cooperate in defending such action or proceeding, and (2) DEVELOPER shall hold harmless, and shall indemnify the City for all costs (including attorneys' fees) associated with defending this Agreement. Nothing herein shall be construed as a waiver of governmental immunity, as applicable.

7.3 **Impossibility of Performance.** If this Agreement is delayed in its effect by actions beyond the control of City or DEVELOPER, this Agreement shall remain in full force and effect during such delay. If such delay in the effect of this Agreement extends for a period of more than one year, this Agreement shall be terminable by DEVELOPER or the City upon written notice to the other at any time after such initial one-year period. In the event of termination, all rights and obligations hereunder shall be deemed terminated, provided, however, that the parties shall cooperate to return to the status quo ante.

Section VIII. GENERAL PROVISIONS

8.1 **Covenants Running with the Land.** The provisions of this Agreement shall constitute real covenants, contract and property rights and equitable servitudes, which shall run with all of the land subject to this Agreement. The burdens and benefits hereof shall bind and inure to the benefit of each

of the Parties hereto and all successors in interest to the Parties hereto. All successors in interest shall succeed only to those benefits and burdens of this Agreement which pertain to the portion of the Project to which the successor holds title. Such titleholder is not a third party beneficiary of the remainder of this Agreement or to zoning classifications and benefits relating to other portions of the Project.

8.2 **Transfer of Property.** DEVELOPER and DEER VALLEY shall have the right, without obtaining the City's consent or approval, to assign or transfer all or any portion of its rights, but not its obligations, under this Agreement to any party acquiring an interest or estate in the Project, or any portion thereof. Third party assumption of DEVELOPER's or DEER VALLEY's obligations under this Agreement shall not relieve DEVELOPER or DEER VALLEY of any responsibility or liability with respect to the expressly assumed obligation, unless the City expressly agrees in writing to the reduction or elimination of DEVELOPER's or DEER VALLEY's responsibility or liability. DEVELOPER and DEER VALLEY shall provide notice of any proposed or completed assignment or transfer. If DEVELOPER or DEER VALLEY transfers all or any portion of the property comprising Flagstaff Mountain, Richardson Flats, Sandridge or Bonanza Flats, the transferee shall succeed to all of DEVELOPER's or DEER VALLEY's rights under this Agreement. To the extent the City believes (in its sole discretion, considering the totality of the DEVELOPER's and/or DEER VALLEY's obligations) that the successor in interest has ample resources to secure the City's rights under this Agreement, the City may release DEVELOPER and/or DEER VALLEY from its proportionate liability under this Agreement.

8.3 **No Agency, Joint Venture or Partnership.** It is specifically understood and agreed to by and among the Parties that: (1) the subject development is a private development; (2) City, DEER VALLEY and DEVELOPER hereby renounce the existence of any form of agency relationship, joint venture or partnership among City, DEER VALLEY and DEVELOPER;

and (3) nothing contained herein shall be construed as creating any such relationship among City, DEER VALLEY and DEVELOPER.

SECTION IX. MISCELLANEOUS

9.1 **Incorporation of Recitals and Introductory Paragraphs.** The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.

9.2 **Other Miscellaneous Terms.** The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

9.3 **Severability.** If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

9.4 **Construction.** This Agreement has been reviewed and revised by legal counsel for DEVELOPER, DEER VALLEY and the City, and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement. Since the time the original Agreement was adopted and executed, many of the DEVELOPER'S obligations hereunder have been satisfied. The fact that this Agreement is styled as an amended and restated agreement shall not be deemed or construed to reinstate the DEVELOPER obligations that have been satisfied as of the date hereof.

9.5 **Notices.** Any notice or communication required hereunder between the Parties must be in writing, and may be given either personally or by registered or certified mail, return receipt requested. If given by registered or certified mail, the same shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States

mail. If personally delivered, a notice is given when delivered to the Party to whom it is addressed. Any Party hereto may at any time, by giving ten (10) days written notice to the other Parties hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at the address set forth below:

If to City to:
City Manager
445 Marsac Ave.
P.O. Box 1480
Park City, UT 8406^

Copy to:
City Attorney
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

FALISKER
900 MAIN ST SUITE 611
P.O. BOX 4349
84060

If to DEVELOPER to:
United Park City Mines
c/o David J. Smith
P.O. Box 1450
Park City, UT 84060

Copy to:
Clark K. Taylor
VanCott Bagley Cornwall & McCarthy
P. O. Box 45340
Salt Lake City, Utah 84145

If to DEER VALLEY:
Deer Valley Resort Company
Attn: Bob Wheaton, President
2250 Deer Valley Drive South
P.O. Box 889
Park City, Utah 84060

Copy to:

General Counsel
Royal Street Corporation
7620 Royal Street East, Suite 205
P.O. Box 3179
Park City, Utah 84060

9.6 **No Third Party Beneficiary.** This Agreement is made and entered into for the sole protection and benefit of the Parties and their assigns. No other party shall have any right of action based upon any provision of this Agreement whether as third party beneficiary or otherwise.

9.7 **Counterparts and Exhibits.** This Agreement is executed in four (4) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of forty-two (42) pages, including notary acknowledgment forms, and in addition, sixteen (16) exhibits, which constitute the entire understanding and agreement of the Parties to this Agreement. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

Exhibit A	Map and Legal description of Flagstaff Mountain
Exhibit B	Map and Legal description of the Iron Mountain Parcels
Exhibit C	Map and Legal description of Bonanza Flats
Exhibit D	Map and Legal description of Richardson Flats
Exhibit E	Map and Legal description of 20-Acre Quinn's Junction Parcel
Exhibit F	Deer Valley Ski Area Master Plan
Exhibit G	Deer Valley Resort Company Ski Run Construction and Revegetation Standards
Exhibit H	Guardsman Realignment
Exhibit I	Emergency Access
Exhibit J	Lady Morgan Springs Open Space Area
Exhibit K	Approximate Location of Prospect Ridge Open Space
Exhibit L	Map and Legal description of Sandridge Parking Lots and Sandridge Heights parcels
Exhibit M	Road and Intersection Improvements Detail
Exhibit N	Runaway Truck Lane
Exhibit O	Bonanza Flats golf course and ski improvements

Exhibit P Zoning Map for Flagstaff Mountain

9.8 **Attorneys' Fees.** In the event of a dispute between any of the Parties arising under this Agreement, the prevailing Party shall be awarded its attorneys' fees and costs to enforce the terms of this Agreement.

9.9 **Duration.** This Agreement shall continue in force and effect until all obligations hereto have been satisfied. DEVELOPER shall record the approved annexation plat for Flagstaff Mountain within 30 days of the City's adoption of an annexation ordinance to annex Flagstaff Mountain. The Large Scale Master Plan for Flagstaff Mountain granted herein shall continue in force and effect for a minimum of four years from its issuance and shall be effective so long as construction is proceeding in accordance with the approved phasing plan. Upon expiration of the minimum four-year period, approval will lapse after two additional years of Inaction following the expiration of such four-year period, unless extended for up to two years by the Planning Commission.

IN WITNESS WHEREOF, this Agreement has been executed by UPCM and by DEER VALLEY by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council effective as of the 2nd day of March, 2007.

PARK CITY MUNICIPAL CORPORATION

By: _____
Dana Williams, Mayor

ATTEST: City Clerk

By: _____
Janet Scott, City Recorder

APPROVED AS TO FORM:

_____
Mark D. Harrington, City Attorney

DEVELOPER:
United Park City Mines Company,
a Delaware corporation

David J. Smith, Authorized Signing Officer

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

On this 28th day of ~~March~~ February, 2007 before me, Lorrie J. Hoggan, the undersigned Notary Public, personally appeared David J. Smith, personally known to me to be the Authorized Signing Officer of United Park City Mines Company, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.

NOTARY PUBLIC
STATE OF UTAH
My Commission Expires
October 11, 2007
LORRIE J. HOGGAN
4549 NSR32
Oakley, Utah 84055

Notary Public, State of Utah
Residing in Oakley, Utah

DEER VALLEY RESORT COMPANY,
a Utah limited partnership
By: Royal Street of Utah, a Utah corporation,
General Partner

By: _____
Robert Wells, Vice President

DEVELOPER:
United Park City Mines Company,
a Delaware corporation

David J. Smith, Authorized Signing Officer

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

On this 28th day of ~~March~~ February, 2007 before me, Lorrie J. Hoggan, the undersigned Notary Public, personally appeared David J. Smith, personally known to me to be the Authorized Signing Officer of United Park City Mines Company, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.

NOTARY PUBLIC
STATE OF UTAH
My Commission Expires
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LORRIE J. HOGGAN
4549 NSR32
Oakley, Utah 84055

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By: _____
Robert Wells, Vice President

DEVELOPER:
United Park City Mines Company,
a Delaware corporation

David J. Smith, Authorized Signing Officer

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

On this 28th day of ~~March~~ February, 2007 before me, Lorrie J. Hoggan, the undersigned Notary Public, personally appeared David J. Smith, personally known to me to be the Authorized Signing Officer of United Park City Mines Company, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.

NOTARY PUBLIC
STATE OF UTAH
My Commission Expires
October 11, 2007
LORRIE J. HOGGAN
4549 NSR32
Oakley, Utah 84055

Notary Public, State of Utah
Residing in Oakley, Utah

DEER VALLEY RESORT COMPANY,
a Utah limited partnership
By: Royal Street of Utah, a Utah corporation,
General Partner

By: _____
Robert Wells, Vice President

STATE OF ~~UTAH~~ ARIZONA)
: ss
COUNTY OF ~~SUMMIT~~ MARICOPA)

On this 1 day of MARCH, 2007 before me, Constance M Richards, the undersigned Notary Public, personally appeared **Robert Wells**, personally known to me to be the Vice President of Royal Street of Utah, on behalf of the corporation named herein, and acknowledged to me that the corporation executed it. Witness my hand and official seal.

OFFICIAL SEAL
CONSTANCE M. RICHARDS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires Feb. 1, 2008

Constance M Richards
Notary Public, State of ~~Utah~~ AZ
Residing in Maricopa County, AZ

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.

OFFICIAL SEAL
CONSTANCE M. RICHARDS
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires Feb. 1, 2008

Constance M Richards
Notary Public, State of ~~Utah~~ AZ
Residing in Maricopa County, AZ

SCHEDULE 3.1

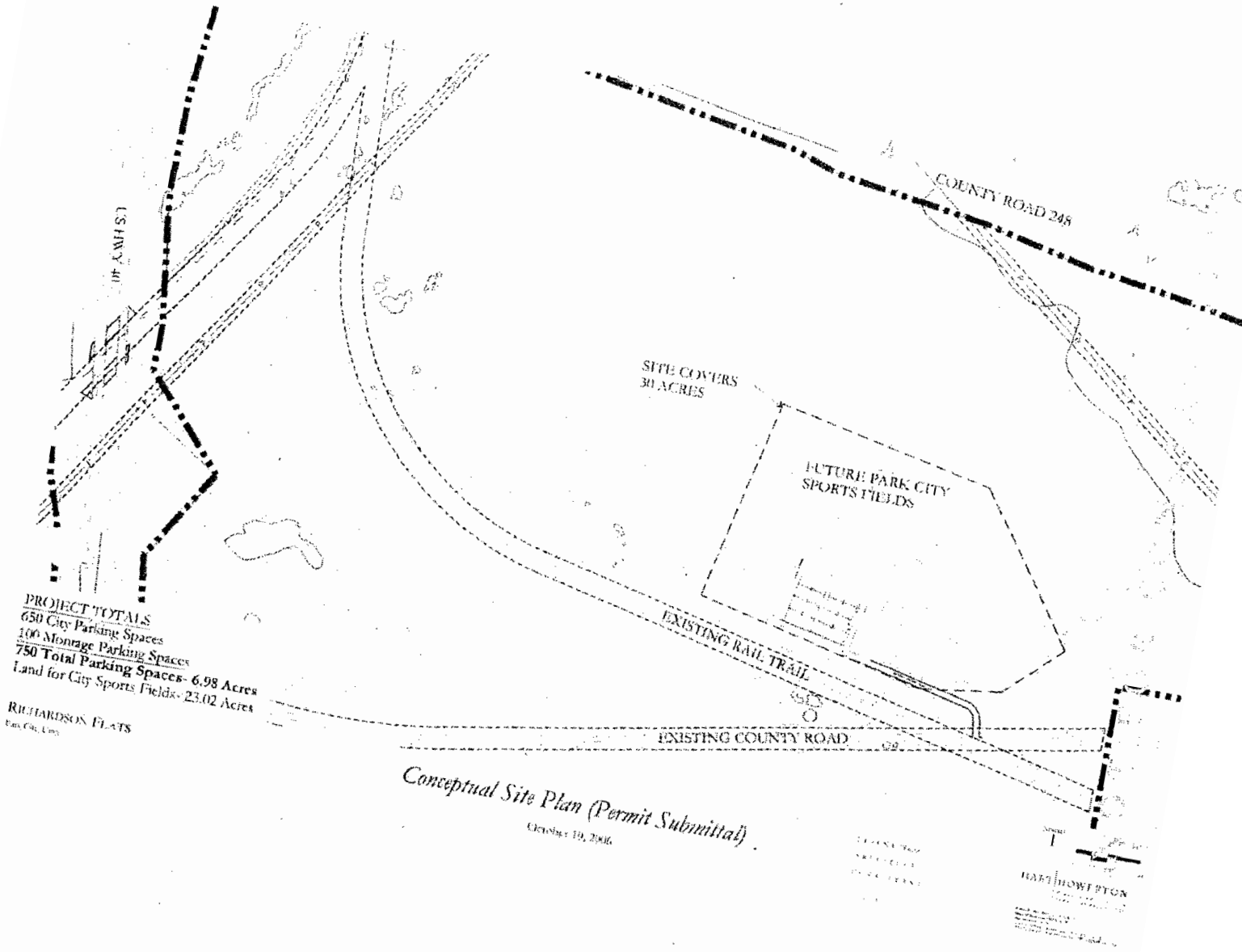
RICHARDSON FLATS PARKING AREA SPECIFICATIONS

Talisker or United Park City Mines Company will provide the City with fee title (unless the City otherwise agrees to a long term lease) to 30 acres at Richardson Flats (map attached). The use of this land is provided on the basis that it will be only for ball fields or similar recreational spaces (and related improvements) and parking. On this acreage, Talisker will provide a paved area which will accommodate segregated Montage and Empire Pass parking (up to 100 spaces) and parking for the City (up to 650 spaces) for a total of up to 750 spaces. The cost of improving the existing County road leading to the site shall be paid for by the Developer, and shall be subject to a late comer's agreement. The parking improvements shall be constructed in phases as established during the MPD for those improvements in cooperation with Summit County. The parking improvements (excluding the 100 dedicated Montage spaces and spaces required for construction parking and other operational needs) may be used by the City for reasonable ancillary uses such as special events. Construction of the parking improvements will be assured through a form of completion bonding consisting of a draw-down letter of credit or other similar instrument in an amount equivalent to the good faith estimated cost to construct the parking improvements, but in an amount not to exceed $1,800,000. In the event any permit application is denied such that the parking improvements cannot be constructed, the City shall be entitled to draw the entire amount of the completion bond, letter of credit or similar instrument (as the case may be), and DEVELOPER shall have no further obligation to construct the parking improvements.

Additional specifications are as follows:

1. Adequate space will be provided for drainage & snow storage.
2. The area will have reasonably flat terrain.
3. The parking lot will allow adequate bus travel through the parking area.
4. An allowance for signs and street lights is included.
5. The lot will be paved to accommodate the weight of City busses, in accordance with applicable Summit County construction standards and/or the Park City Construction Specifications and Standard Drawings as reasonably applied by the City engineer and the DEVELOPER'S design engineer.

The precise layout and cost of the ball fields or similar recreational spaces within the 30 acre parcel, and improvements related thereto, are the City's responsibility.



Conceptual Site Plan (Permit Submittal)

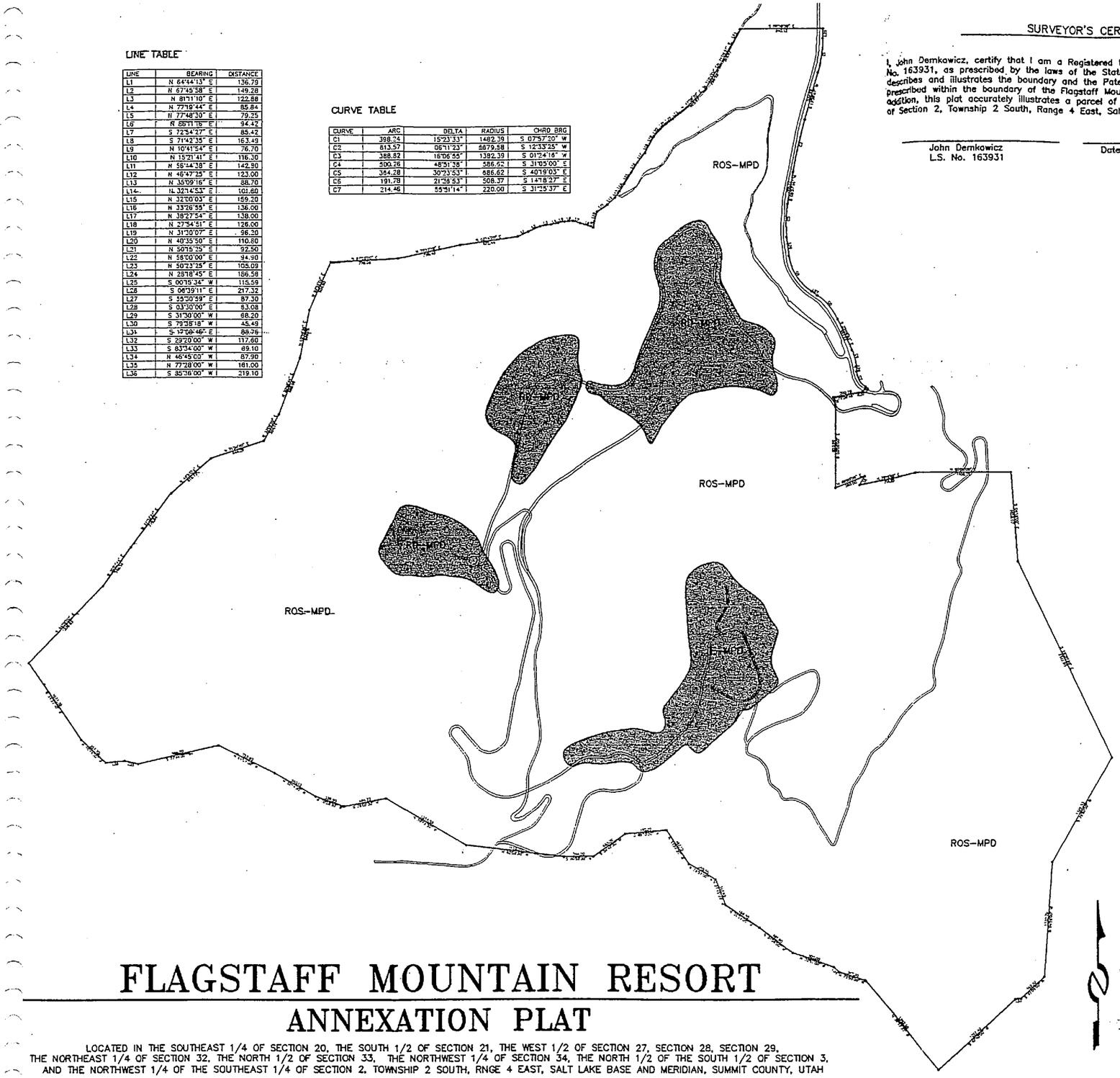
October 19, 2006

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 64°44'13" E	136.79
L2	N 67°45'58" E	149.28
L3	N 81°11'10" E	122.88
L4	N 77°19'44" E	85.84
L5	N 77°48'30" E	79.25
L6	N 88°11'16" E	94.42
L7	S 72°54'27" E	85.42
L8	S 71°42'35" E	163.49
L9	N 10°41'54" E	76.70
L10	N 15°21'41" E	116.30
L11	N 56°44'38" E	142.80
L12	N 46°47'25" E	123.00
L13	N 35°09'16" E	88.70
L14	N 32°14'53" E	101.60
L15	N 32°00'03" E	159.20
L16	N 33°26'55" E	136.00
L17	N 38°27'54" E	138.00
L18	N 27°54'51" E	126.00
L19	N 31°30'07" E	98.20
L20	N 40°35'50" E	110.60
L21	N 50°15'25" E	92.50
L22	N 58°00'00" E	94.90
L23	N 50°23'25" E	105.09
L24	N 28°18'45" E	186.56
L25	S 00°15'34" W	115.59
L26	S 08°39'11" E	217.32
L27	S 55°30'59" E	87.30
L28	S 03°30'00" E	83.08
L29	S 31°30'00" W	68.20
L30	S 79°38'18" W	45.49
L31	S 12°08'46" E	88.79
L32	S 29°20'00" W	117.60
L33	S 83°34'00" W	89.10
L34	N 46°45'00" W	87.90
L35	N 77°28'00" W	161.00
L36	S 85°36'00" W	219.10

CURVE TABLE

CURVE	ARC	DELTA	RADIUS	CHRD BRG
C1	398.24	15°23'33"	1482.39	S 07°57'20" W
C2	813.57	05°11'23"	8879.58	S 12°33'25" W
C3	388.82	16°06'55"	1382.39	S 01°24'16" W
C4	500.26	48°51'38"	586.62	S 31°05'00" E
C5	364.28	30°23'53"	686.62	S 40°19'03" E
C6	191.78	21°28'53"	508.37	S 14°18'27" E
C7	214.46	55°51'14"	220.00	S 31°25'37" E



FLAGSTAFF MOUNTAIN RESORT

ANNEXATION PLAT

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 20, THE SOUTH 1/2 OF SECTION 21, THE WEST 1/2 OF SECTION 27, SECTION 28, SECTION 29, THE NORTHEAST 1/4 OF SECTION 32, THE NORTH 1/2 OF SECTION 33, THE NORTHWEST 1/4 OF SECTION 34, THE NORTH 1/2 OF THE SOUTH 1/2 OF SECTION 3, AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 2 SOUTH, RNGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this plat accurately describes and illustrates the boundary and the Patented Gamvernment Lots of Record as prescribed within the boundary of the Flagstaff Mountain Resort annexation petition. In addition, this plat accurately illustrates a parcel of land located in the Southwest Quarter of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

John Demkowicz
L.S. No. 163931

Date

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned corporate agent for United Park City Mines; the owner of the majority of the land described and illustrated on this plat do hereby petition Park City Municipal Corporation, of Summit County, Utah that said lands be Annexed to and included within the legal boundary of Park City, Utah, and be subject to such benefits and restrictions as exsist under applicable legal ordinances of Park City, Utah.

Hank Rothwell, President

ACKNOWLEDGEMENT

State of _____
:ss
County of _____

On this _____ day of _____, 1999 Hank Rothwell personally appeared before me, the undersigned Notary Public, who being duly sworn, did say that he is the Corporate Agent for United Park City Mines Company, the owner of the majority of the land described and illustrated on this plat and that the foregoing Owners Dedication and Certificate of Consent to Record was signed freely and voluntarily for the purposes therein mentioned and that said Company executed the same.

Notary Public

My Commission Expires: _____

LEGAL DESCRIPTIONS

Beginning at a point identified as County Line Monument Number 2343, said point on the line common to Summit and Wasatch counties and also on the demarcation line between the Park City Ski Area and the Deer Valley Resort, said point lying on the ridge and hilltop above the Anchor Mine Shaft and also being North 04 39'13" East 1303.92 feet, more or less, from the Southwest corner of Section 29, Township 2 South Range, 4 East, Salt Lake Base and Meridian and running Northeasterly along said demarcation and ridge line : North 44 05'00" East 1256.63 feet; thence North 35 07'44" East 548.54 feet; thence North 49 33'13" East 616.72 feet; thence North 71 34'40" East 644.25 feet; thence North 30 09'00" East 354.14 feet; thence North 20 45'44" East 698.015 feet; thence North 10 48'35" East 569.75 feet; thence North 23 55'00" East 604.00 feet; thence North 87 35'00" East 778.00 feet; thence North 77 17'18" East 735.40 feet; thence North 82 14' East 672.44 feet more or less to a point on the Westerly boundary line of the "Anchor Tunnel Portal Mining Reservation", said point being North 39 17'18" East 942.39 feet more or less from the Southwest corner of Section 21 Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also lying along the ridge line between Empire Canyon and Walker and Webster Gulch; thence along said ridgeline the following eight courses: thence North 64 44'13" East 136.79 feet; thence North 67 45'58" East 149.28 feet; thence North 81 11'10" East 122.88 feet; thence North 77 19'44" East 85.84 feet; thence North 77 48'30" East 79.25 feet; thence North 88 11'16" East 94.42 feet; thence South 72 54'27" East 85.42 feet; thence South 71 42'35" East 163.49 feet more or less to a point on the westerly right -of-way line of the Judge Tunnel/Empire Canyon Water Tank Supply Line Easement, said point lying North 79 18'06" West 5.00 feet more or less, from Map Point A-1 as described in that certain Reservoir Easement dated April 19, 1978 and Recorded as Entry No. 147912 in the Records of the of the Recorder for Summit County, Utah; thence along said westerly right-of-way the following fifteen (15) courses: North 10 41'54" East 76.70 feet; thence North 15 21'41" East 116.30 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 101.60 feet; thence North 32 00'03" East 159.20 feet; thence North 33 26'55" East 136.00 feet; thence North 38 27'54" East 138.00 feet; thence North 27 54'51" East 126.00 feet; thence North 31 30'07" East 98.20 feet; thence North 40 35'50" East 110.60 feet; thence North 50 15'25" East 92.50 feet; thence North 58 00'00" East 94.90 feet; thence North 50 23'25" East 105.09 feet; thence North 47 29'30" East 405.07 feet more or less to a point on the westerly edge of Daly Avenue; thence along said Daly Avenue the following three courses: North 32 04'00" East 298.25 feet; thence North 29 09'57" East 315.97 feet; thence North 28 18'45" East 188.56 feet, more or less, to the East-West center line of Section 21 Township 2 South, Range 4 East, Salt Lake Base and Meridian, said Section Line also being the southerly boundary line for the corporate limits of Park City, Utah; thence South 89 59'59" East 940.12 feet, more or less, along said Section line 940.12 feet to a point on the easterly right-of-way line for Utah State Highway 224 as located in Ontario Canyon; thence along said highway the following 12 courses; South 00 15'34" West 111.59 feet to a point on a 1,482.39 foot radius curve to the left; thence Southeasterly along the arc of said curve through a central angle of 15 23'33"398.24 feet more or less; thence South 15 39'07" West 559.89 feet to a point on a 5,879.58 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 08 11'23", a distance of 813.57 feet; thence South 09 27'44" West 368.77 feet to a point on a 1,382.39 foot radius curve to the left; thence southerly along the arc of said curve, through a central angle of 16 06'55", a distance of 388.82 feet; thence South 6 39'11" East 217.32 feet to a point on a 586.62 foot radius curve to the left; thence southeasterly along the arc of said curve, through a central angle of 48 51'38", a distance of 500.26 feet; thence South 55 30'59" East 87.30 feet to a point on a 686.62 foot radius curve to the right; thence along the arc of said curve, through a central angle of 30 23'53", a distance of 364.28 feet; thence South 25 06'53" East 397.14 feet to a point on a 508.37 foot radius curve to the right; thence along the arc of said curve, through a central angle of 21 36'53", a distance of 191.78 feet; thence South 3 30'00" East 83.08 feet to a point on a 220.00 foot radius curve to the left; thence along the arc of said curve, through a central angle of 55 51'14", a distance of 214.46 feet; thence South 31 30'00" West 68.20 feet; thence South 79 38'18"West 45.49 feet to a point on the southeasterly boundary of the Ontario Number 3 Shaft Mining Reservation; thence South 79 59'46" West 300.78 feet more or less along the southeastern edge of said Mining Reservation; thence South 17 09'45" East 88.78 feet more or less to a point on a piece of property that is the subject of Entry Number 158551 of the Summit County Records; thence along said parcel the following five courses: South 955.96 feet; thence North 69 East 360.00 Feet; thence South 29 20' West 117.60 feet; thence North 78 10' East 714.30 feet; thence East 1,108.71 feet more or less to a point the Wasatch-Summit County line; thence along said Wasatch - Summit County line. The following thirty courses: South 04 19'00" East 1,028.07 feet; thence South 25 30'30" East 2,521.90 feet to County Line Point 51; thence South 29 50'00" West 1,398.30 Feet to County Line Point 55; thence South 4 18'00" West 1,320.70 feet to County Line Point 58; thence South 47 05'00" West 369.50 feet to a County Line Point; thence South 83 34'00" West 89.10 feet to County Line Point 59; thence South 47 42'00" West 1,207.40 feet to County Line Point 62A; thence North 39 53'30" West 1,352.50 feet to County Line Point 64; thence North 72 50'00" West 317.30 feet to County Line Point 65; thence North 48 45'00" West 87.90 feet to County Line Point 66; thence North 70 57'00" West 502.00 feet to County Line Point 67; thence North 51 56'00" West 481.90 feet to County Line Point 68; thence North 55 53'00" West 466.80 feet to County Line Point 69 feet; thence North 21 49'00" West 317.40 feet to County Line Point 70; thence North 59 57'00" West 360.50 feet to County Line Point and Triangulation Point; thence North 33 22'30" West 467.10 feet to County Line Point 71; thence South 85 10'30" West 492.30 feet to County Line Point 72; thence South 54 42'30" West 453.20 feet to County Line Point 73; thence South 88 55'30" West 344.00 feet to County Line Point 74; thence North 82 52'30" West 1,132.30 feet to County Line Point 77; thence North 59 43'30" West 1,074.55 feet to County Line Point 2338; thence North 79 07'30" West 494.73 feet to County Line Point 80; thence North 70 28'30" West 339.90 feet to County Line Point 81; thence North 60 14'30" West 550.10 feet to County Line Point 82 and Triangulation Point 2339; thence North 64 07'00" West 727.60 feet to County Line Point 83; thence South 77 44'00" West 966.50 feet to County Line Point 84; thence North 48 44'00" West 384.70 feet to County Line Point 87; thence North 34 37'00" West 1,077.30 feet, more or less to county Line Point 2343 the point of beginning. Said Parcel contains 1,555.4 acres more or less.

600 0 600 1200 feet

RECEIVED
JUL 2 1999
PARK CITY
PLANNING DEPT.

EXHIBIT "A"

1 OF 2

JOB No. 17-4-96 FLAGSTAFF\OVERALL\FLGANEX

ALLIANCE ENGINEERING INC.	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (435) 649-9467	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 1999 A.D. BY _____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 1999 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF _____, 1999 A.D. BY _____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 1999 A.D. BY _____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 1999 A.D. BY _____ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ _____ FEE _____ RECORDER

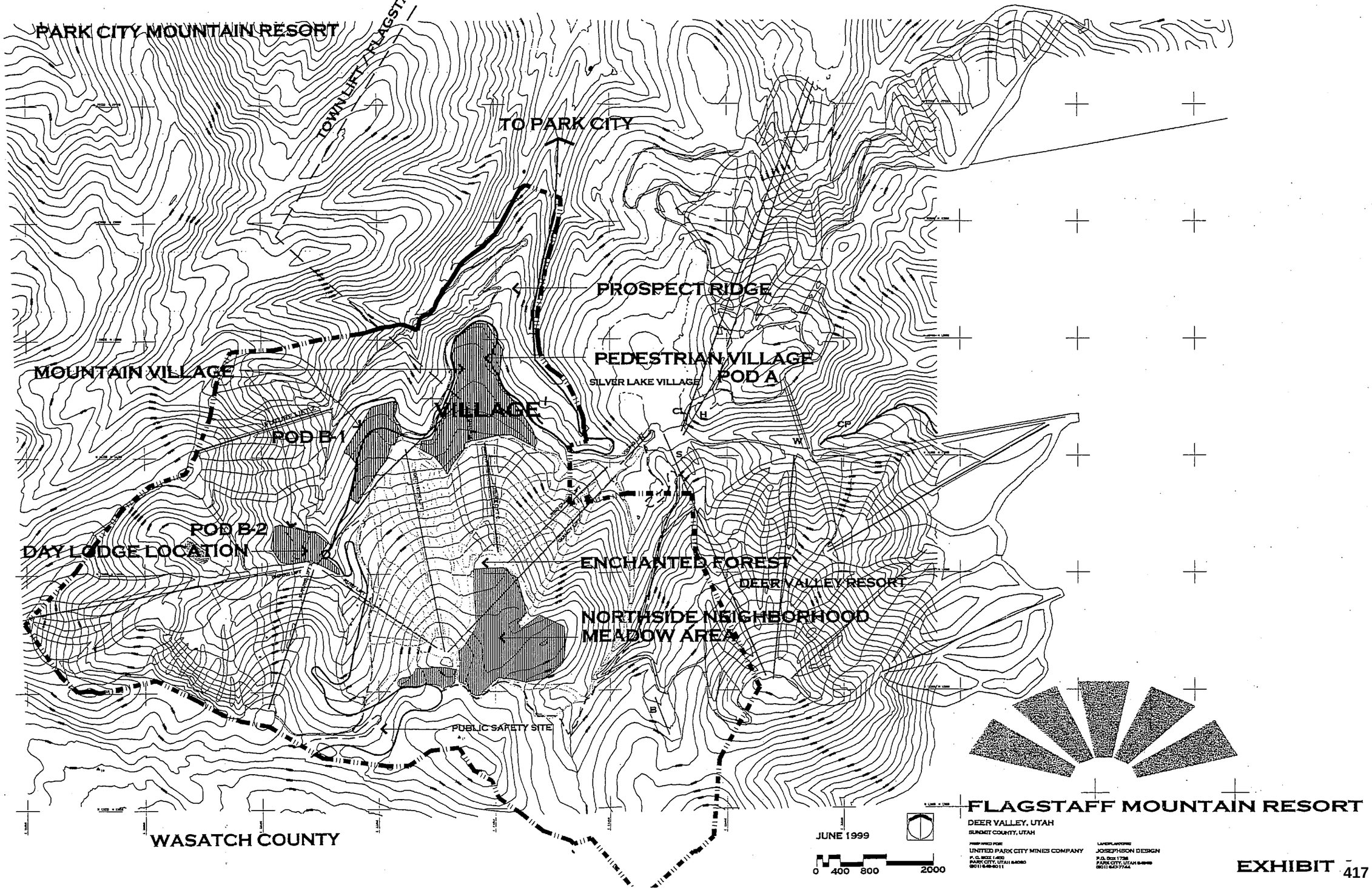
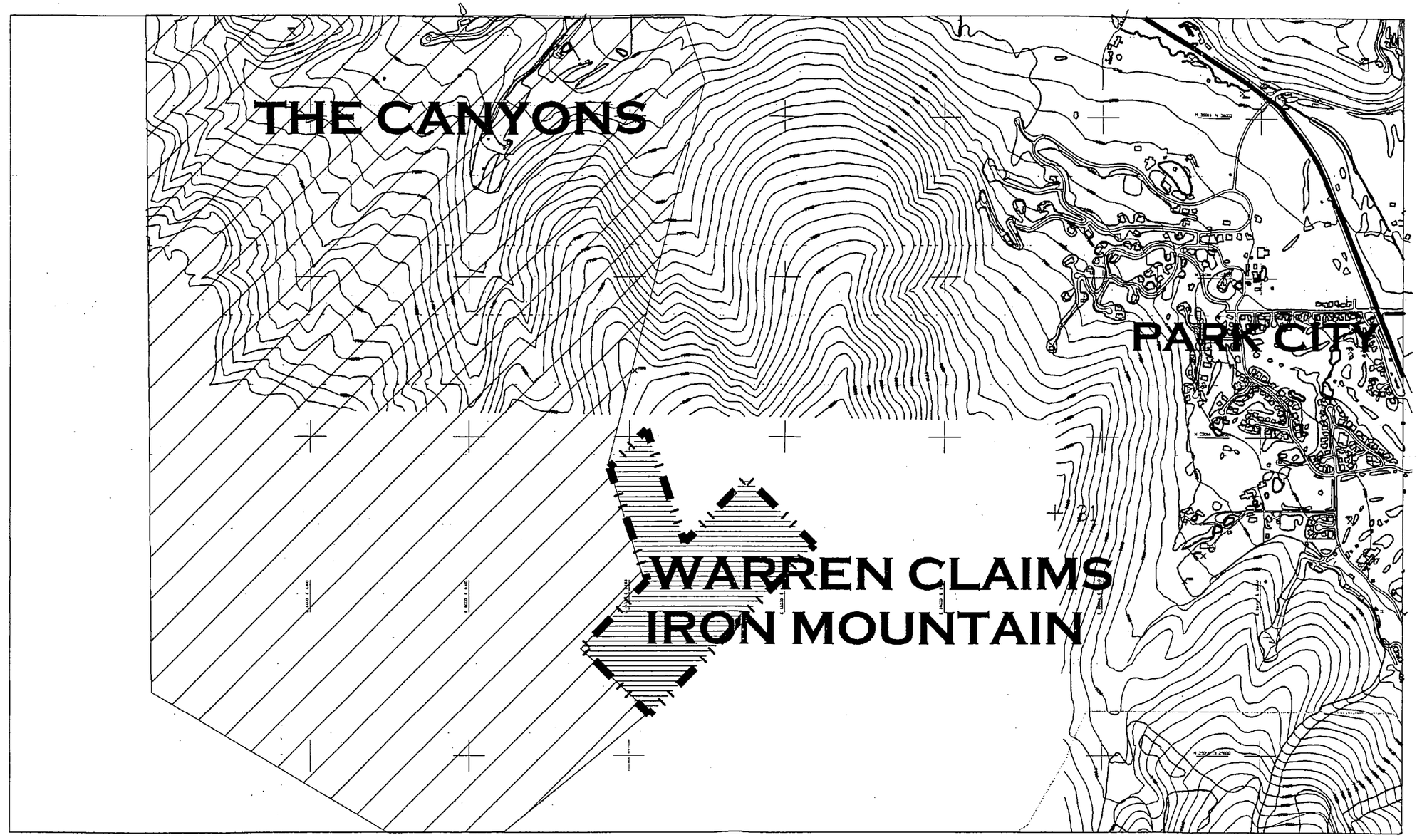

PARK CITY MOUNTAIN RESORT
TOWN LIFT / FLAGSTAFF GONDOLA
TO PARK CITY
PROSPECT RIDGE
PEDESTRIAN VILLAGE
SILVER LAKE VILLAGE
POD A
MOUNTAIN VILLAGE
VILLAGE
POD B-1
POD B-2
DAY LODGE LOCATION
ENCHANTED FOREST
DEER VALLEY RESORT
NORTHSIDE NEIGHBORHOOD
MEADOW AREA
PUBLIC SAFETY SITE
WASATCH COUNTY
FLAGSTAFF MOUNTAIN RESORT
DEER VALLEY, UTAH
SUMMIT COUNTY, UTAH
JUNE 1999
0 400 800 2000
UNITED PARK CITY MINES COMPANY
JOSEPHSON DESIGN

EXHIBIT 417



IRON MOUNTAIN PARCEL

SUMMIT COUNTY, UTAH

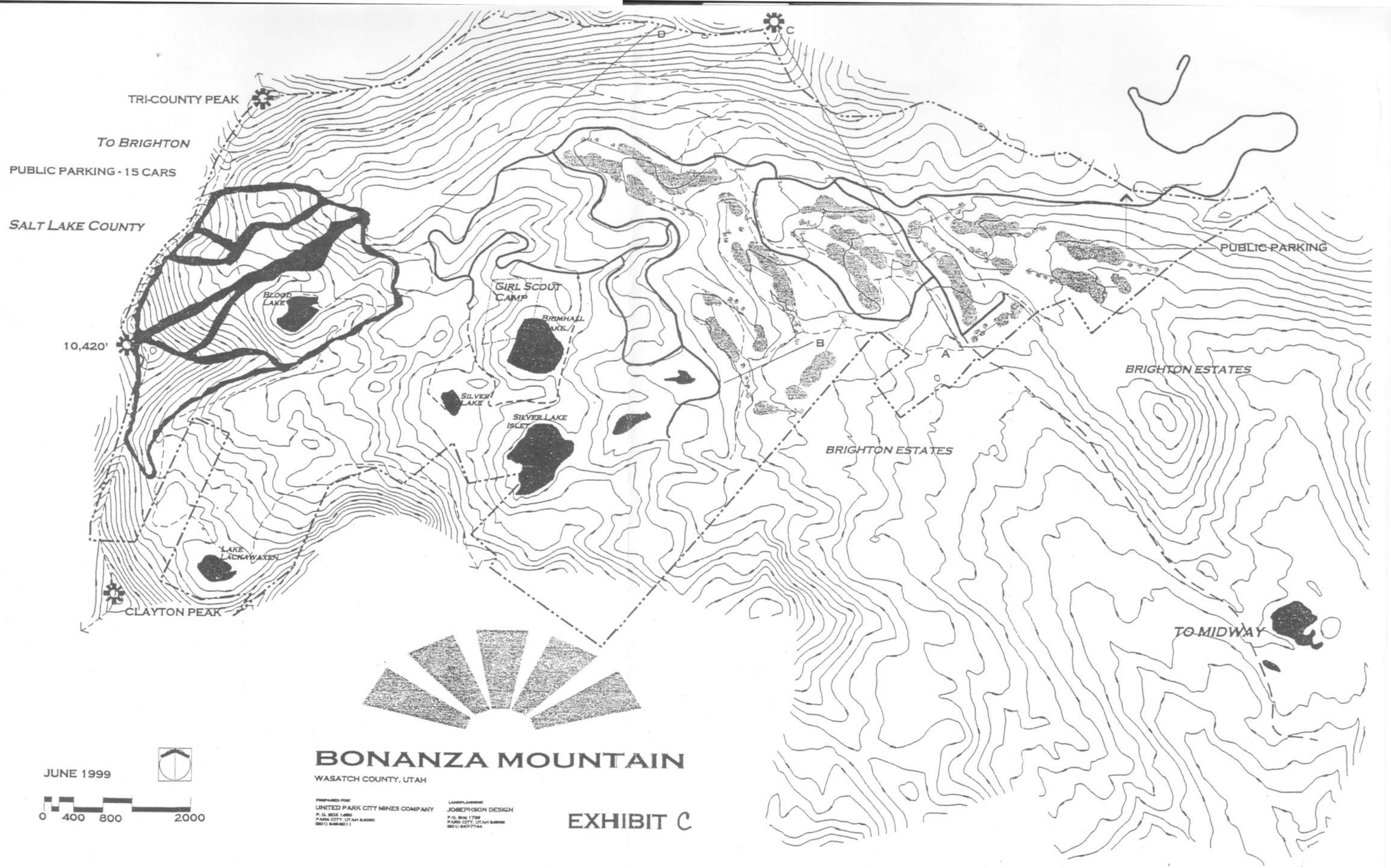
APRIL 1999

0 400 800 2000

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-8011

LAND PLANNING:
JOSEPHSON DESIGN
P.O. Box 1728
PARK CITY, UTAH 84060
(801) 640-7744

EXHIBIT B



JUNE 1999

0 400 800 2000

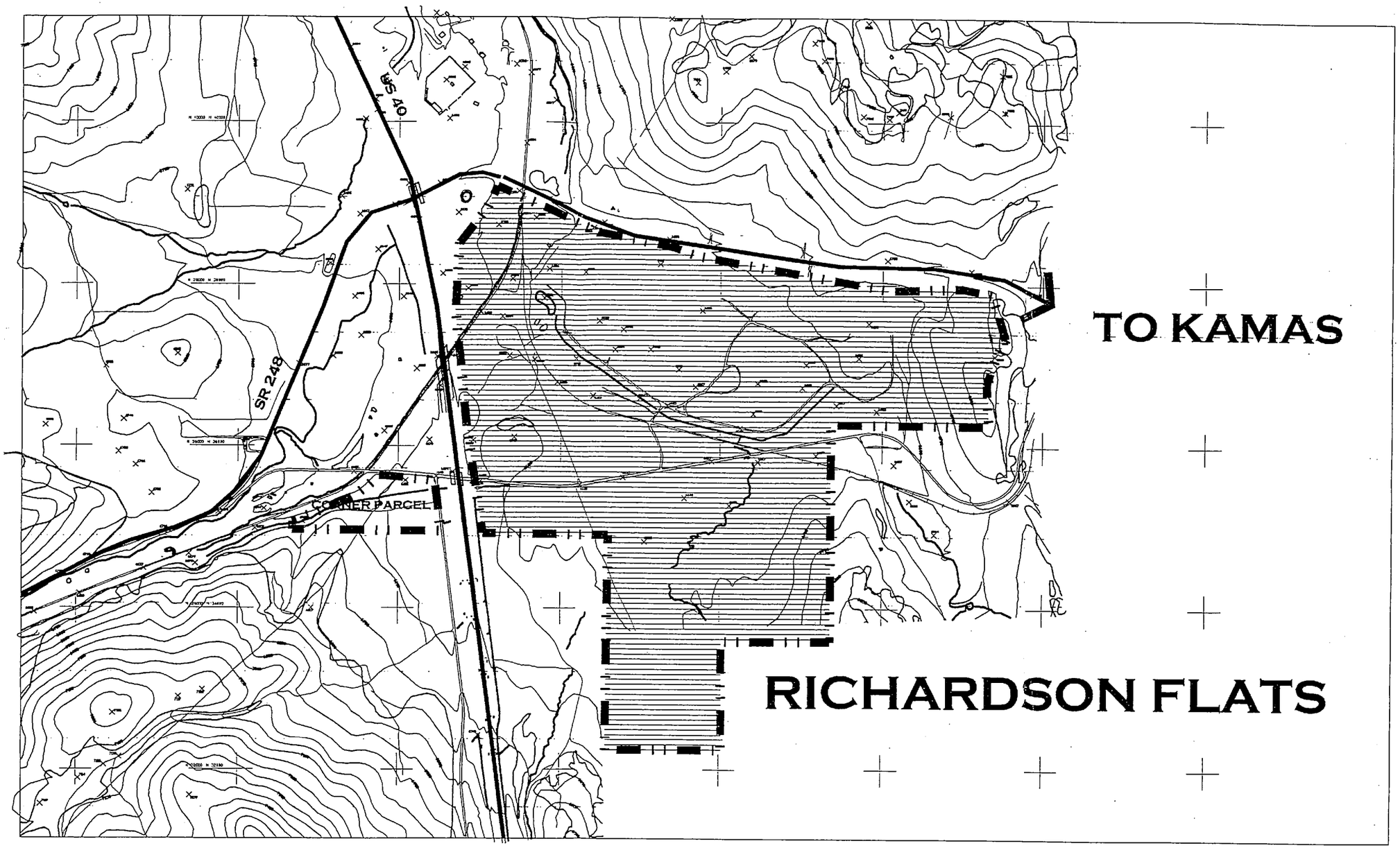
BONANZA MOUNTAIN

WASATCH COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-8011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1738
PARK CITY, UTAH 84060
(801) 647-7744

EXHIBIT C



RICHARDSON FLATS PARCEL

APRIL 1999

0 400 800 2000

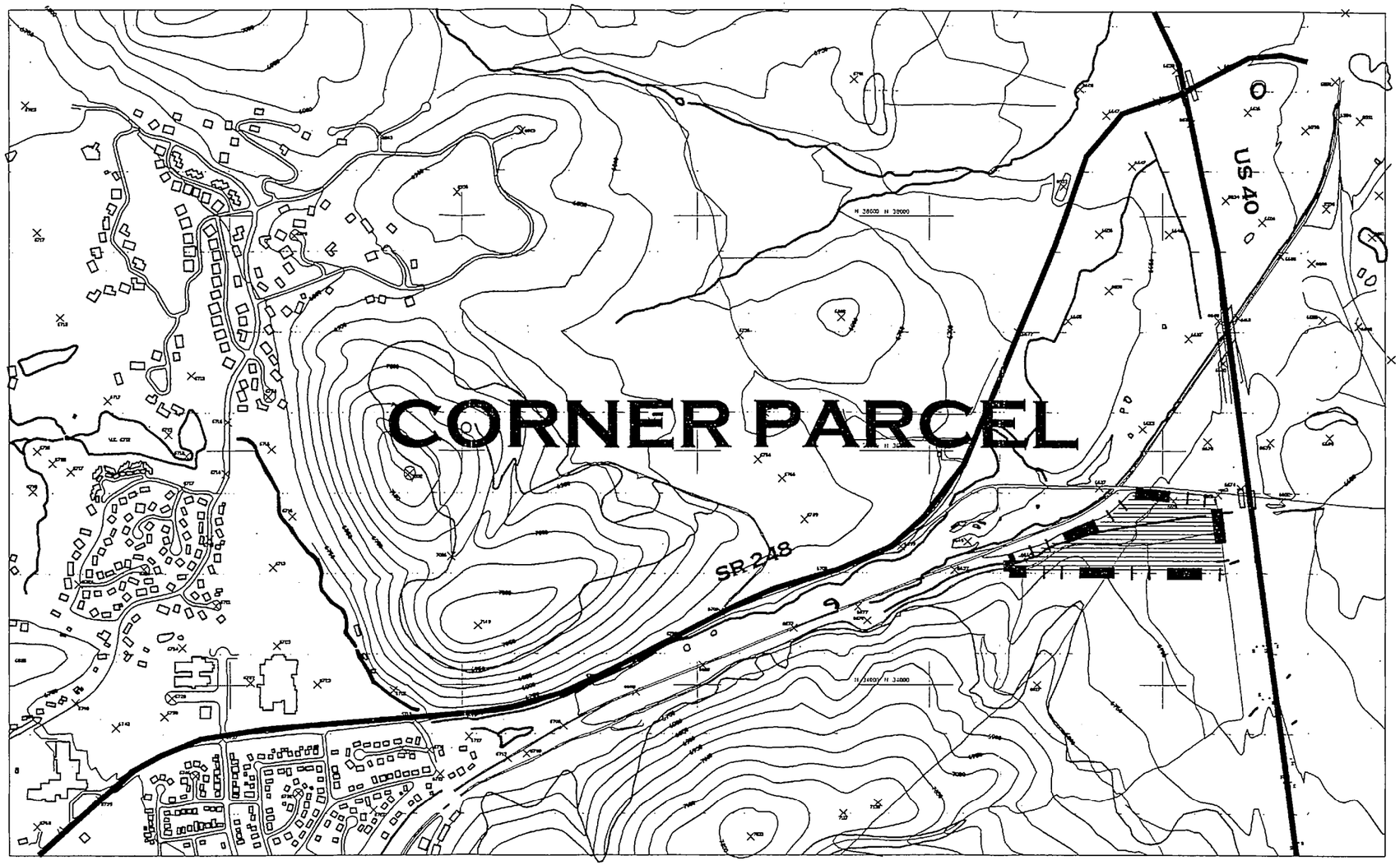
SUMMIT COUNTY, UTAH

SUMMIT COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-8011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1738
PARK CITY, UTAH 84060
(801) 647-7744

EXHIBIT D



CORNER PARCEL

APRIL 1999

0 400 800 2000

SUMMIT COUNTY, UTAH

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-9011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1725
PARK CITY, UTAH 84969
(801) 647-7744

EXHIBIT E

SKI AREA PLAN

DEER VALLEY RESORT COMPANY

EXISTING SKI RUNS (NAMED)

PROPOSED SKI RUNS (NUMBERED)

EXISTING SKI LIFTS (NAMED)

PROPOSED SKI LIFTS (LETTERED)

NOTE:
THIS EXHIBIT IS NOT INTENDED TO BE A SURVEY OF BOUNDARY AND PLANIMETRIC FEATURES SHOWN. MAP ACCURACY IS LIMITED TO GENERAL DESCRIPTIVE PURPOSES ONLY.

400 0 400 800 FEET

Exhibit F

SHANER
Design Graphics

ANCHOR

EMPIRE CANYON EXPRESS QUAD CHAIR LIFT

DALY WEST

PROPOSED PUBLIC ROAD

PROPOSED ROUND ABOUT

EXISTING GAURDSMAN ROAD ABANDONED

PROPOSED PUBLIC ROAD

FUTURE VILLAGE ROAD

ONTARIO MINE

PROPOSED PRIVATE ROAD

PROPOSED RE-ALIGNMENT TO GAURDSMAN ROAD

RUBY CHAIR LIFT

NORTH SIDE QUAD CHAIR LIFT

PROPOSED PRIVATE ROAD

EXISTING GAURDSMAN ROAD

PROPOSED OVERPASS

PROPOSED PRIVATE ROAD

ACCESS GATE

RED CLOUD CHAIR LIFT

QUINCY CHAIR LIFT

VIKING CHAIR

WASATCH COUNTY

EXHIBIT "H"

500 0 500 1000 FEET

RECEIVED
JUL - 8 1999
PARK CITY PLANNING DEPT.

(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060

REVISED:
9-1-98
1-13-99
4-13-99
6-9-99

STAFF:
S. DECKERT
D. CARDWELL

DATE: 6-22-98

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
GAURDSMAN RE-ALIGNMENT
PROPOSED PUBLIC/PRIVATE ROADS
FOR: UPCMC

JOB NO.: 5-2-94
FILE: \UPCMC\OVERALL\D\ROAD-EX

EXISTING GAURDSMAN ROAD

RUBY CHAIR LIFT

NORTH SIDE QUAD CHAIR LIFT

TO SILVER LAKE

PROPOSED PUBLIC ROAD

STEIN ERIKSEN LODGE

RED CLOUD CHAIR LIFT

QUINCY CHAIR LIFT

EXISTING ROAD

DEER VALLEY MAINTAINANCE

PROPOSED NORTH SIDE SUBDIVISION

PROPOSED PRIVATE ROAD

WASATCH COUNTY

PROPOSED 20' WIDE 10% MAX GRADE SEASONAL EMERGENCY ACCESS ROAD

ONTARIO CANYON

EXISTING 20' WIDE 10% MAX GRADE SEASONAL EMERGENCY ACCESS ROAD

EXHIBIT "I"

500 0 500

RECEIVED
JUL - 7 1999
PARK CITY PLANNING DEPT.

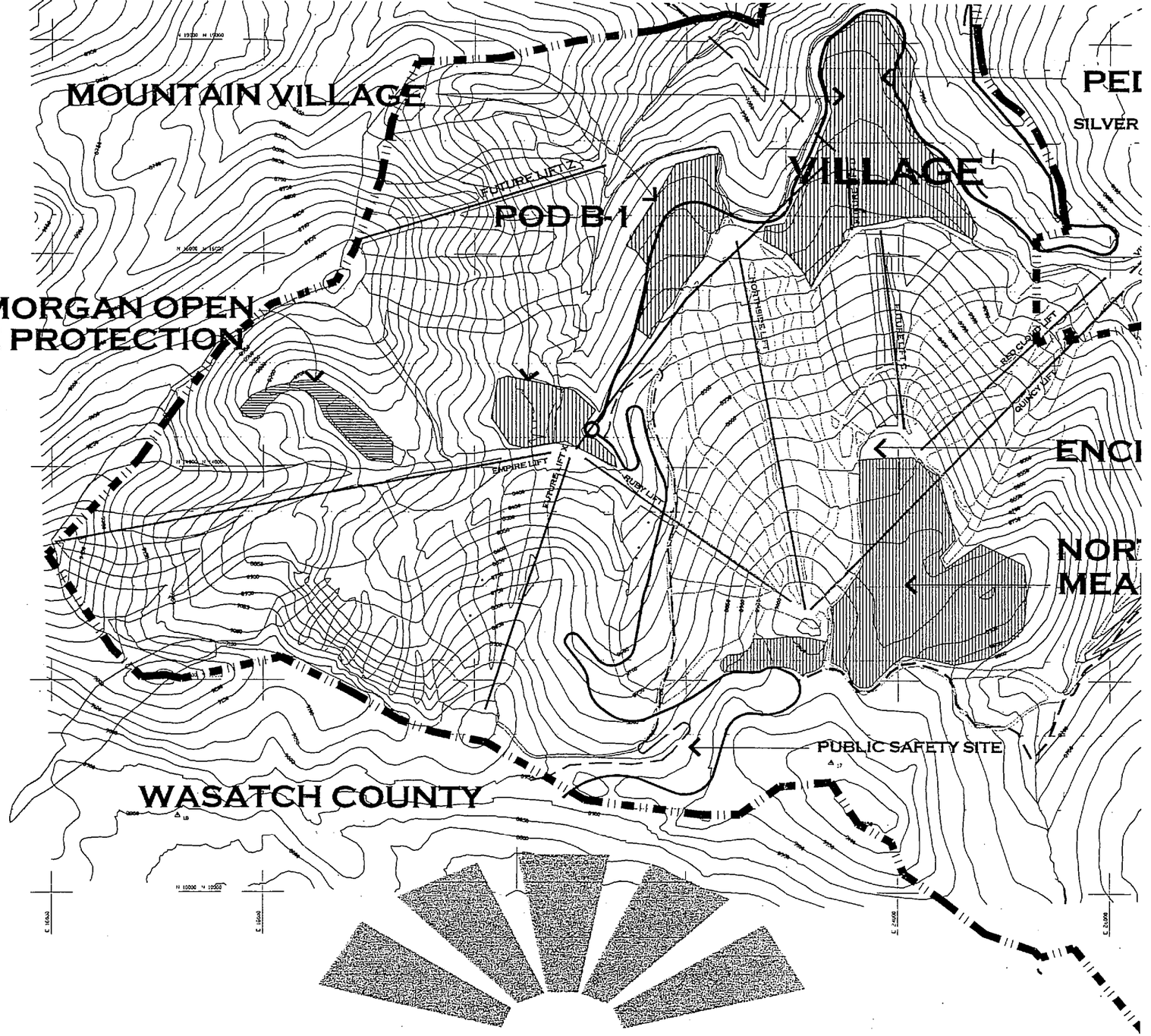
(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060

REVISED:
9-1-98
4-13-99

STAFF:
S. DECKERT
D. CARDWELL

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
PROPOSED SEASONAL EMERGENCY ACCESS ROAD
FOR: UPCMC
JOB NO.: 5-2-94



FLAGSTAFF MOUNTAIN RESORT

SUMMIT COUNTY, UTAH

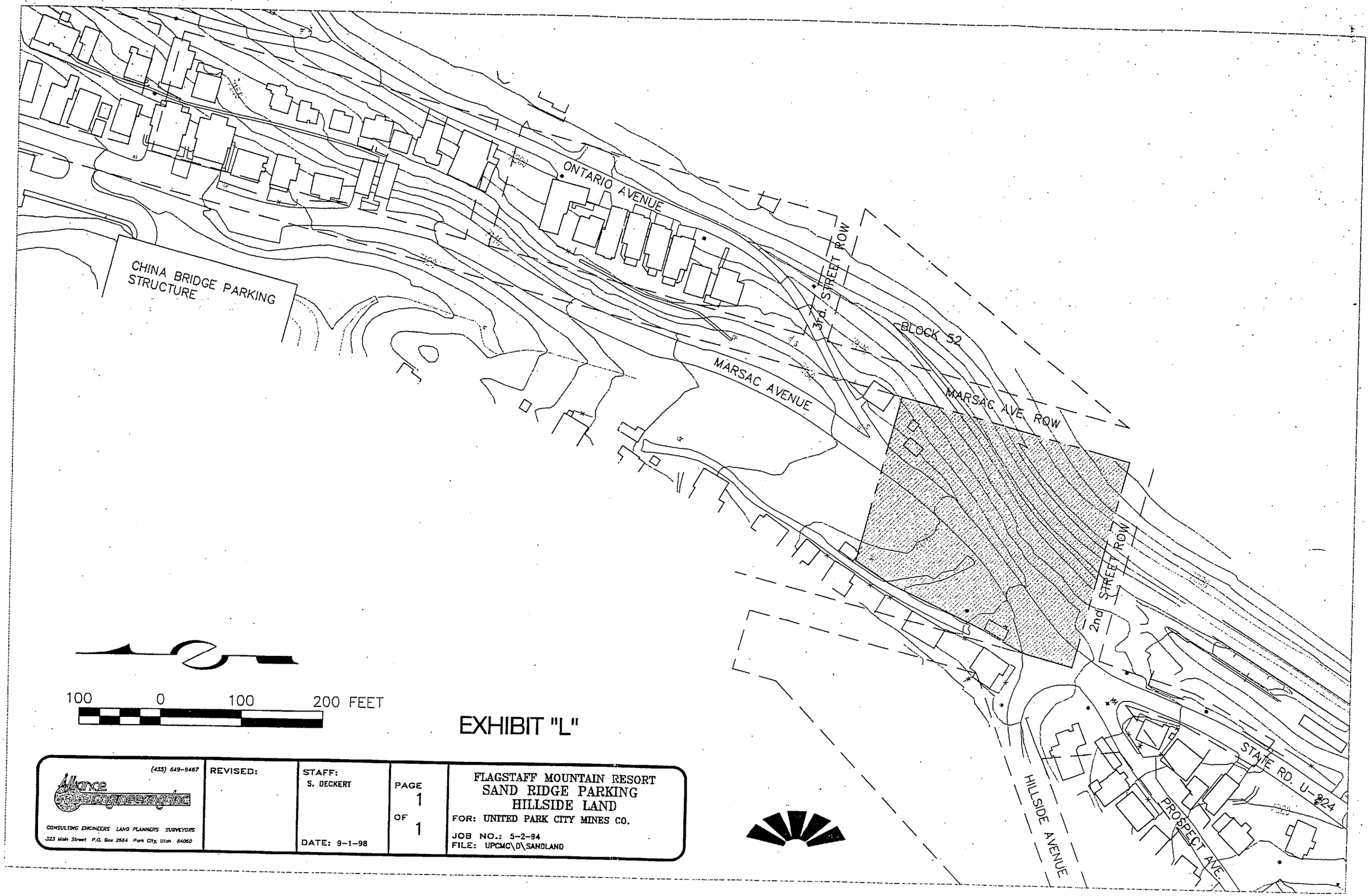
JUNE 1999

0 400 800 2000

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-8011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1726
PARK CITY, UTAH 84969
(801) 647-7744

EXHIBIT J



100 0 100 200 FEET

EXHIBIT "L"

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060

REVISED:

STAFF: S. DECKERT

DATE: 9-1-98

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
SAND RIDGE PARKING
HILLSIDE LAND
FOR: UNITED PARK CITY MINES CO.

JOB NO.: 5-2-94
FILE: UPCMC\D\SANDLAND

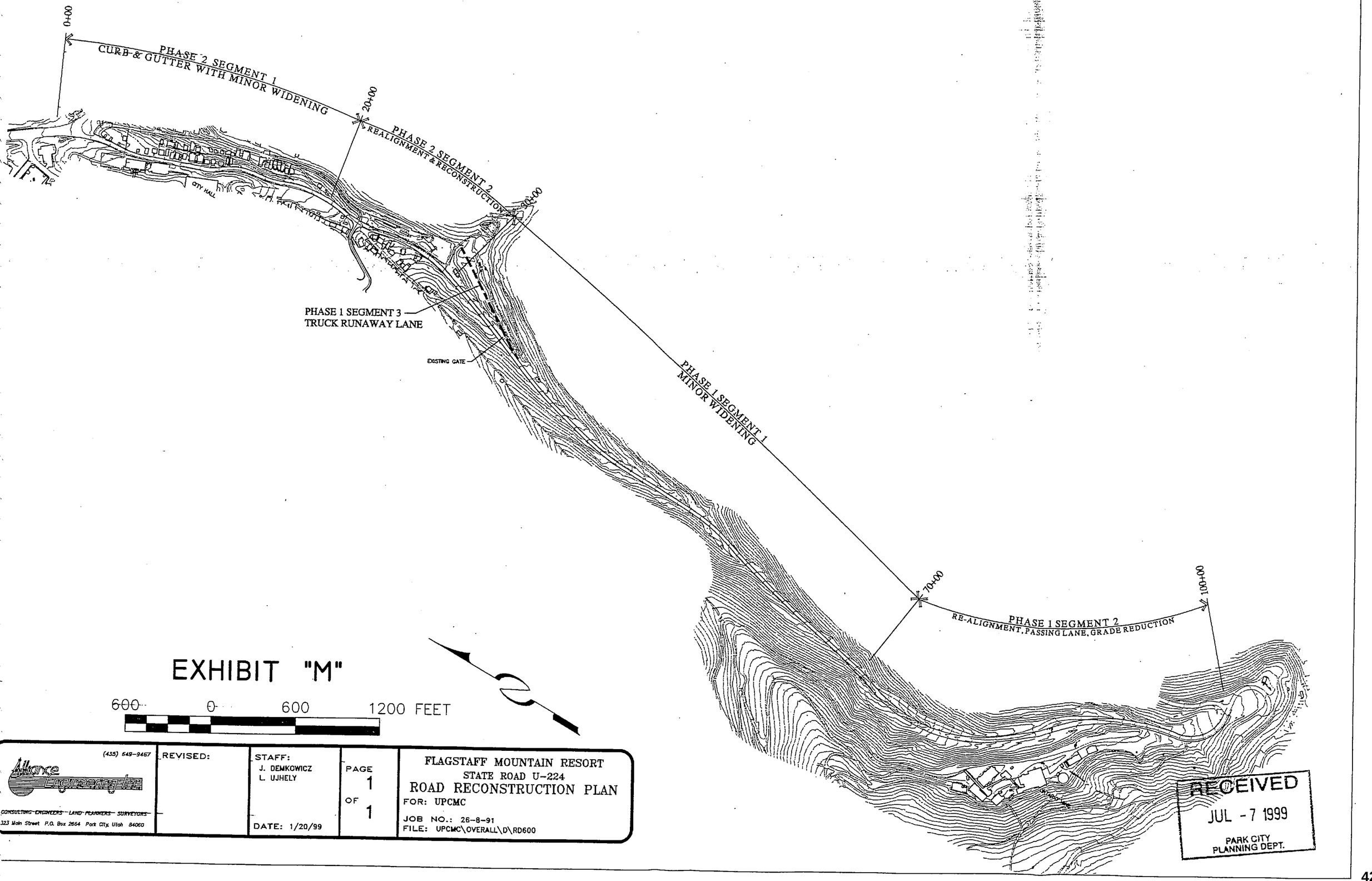


EXHIBIT "M"

600 0 600 1200 FEET

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS - LAND PLANNERS - SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060

REVISED:

STAFF:
J. DEMKOWICZ
L. UJHELY

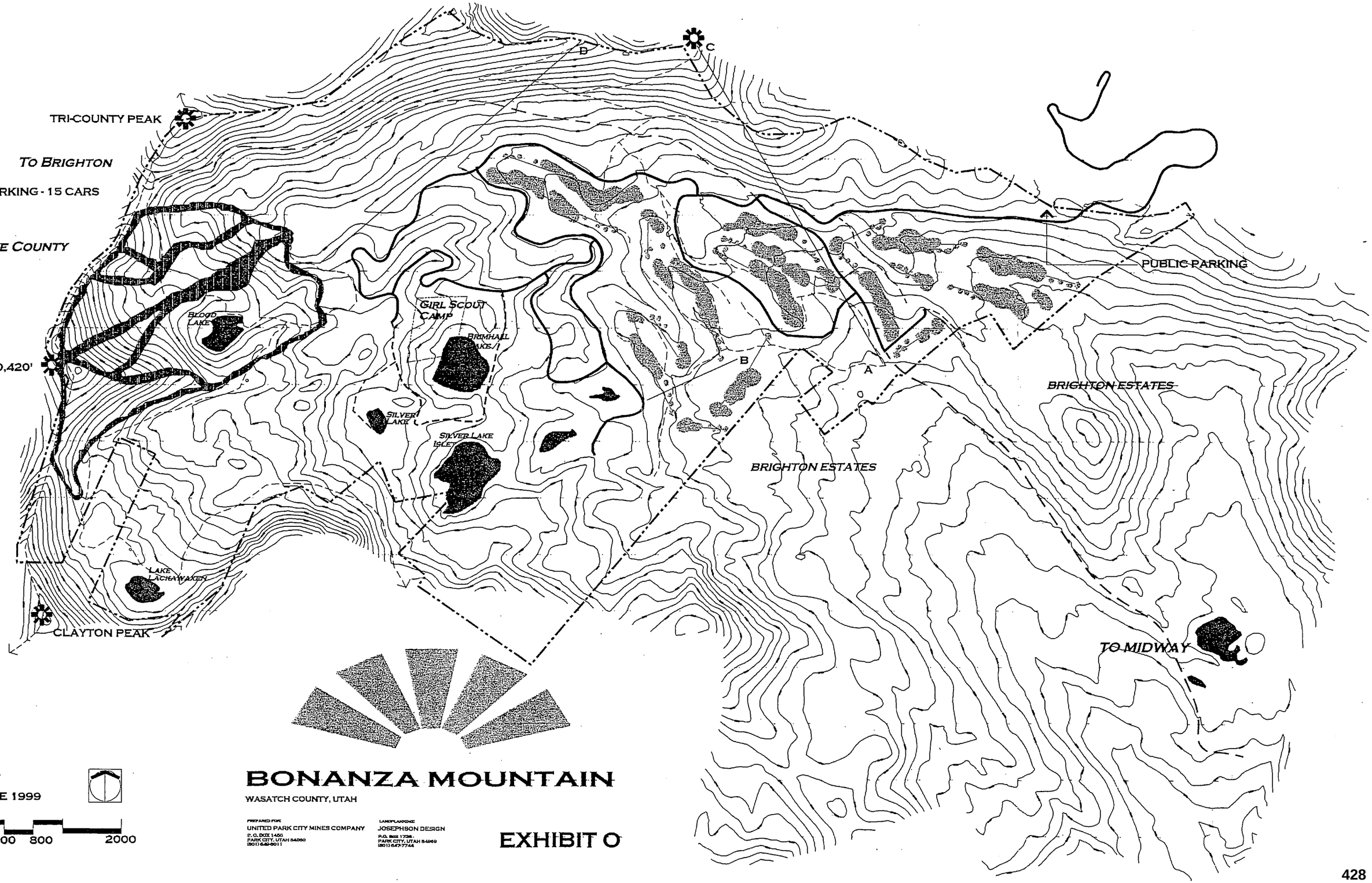
DATE: 1/20/99

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
STATE ROAD U-224
ROAD RECONSTRUCTION PLAN
FOR: UPCMC

JOB NO.: 26-8-91
FILE: UPCMC\OVERALL\D\RD600

RECEIVED
JUL - 7 1999
PARK CITY
PLANNING DEPT.



BONANZA MOUNTAIN

WASATCH COUNTY, UTAH

JUNE 1999

0 400 800 2000

PREPARED FOR:
UNITED PARK CITY MINES COMPANY
P. O. BOX 1450
PARK CITY, UTAH 84060
(801) 649-9011

LANDPLANNING:
JOSEPHSON DESIGN
P.O. Box 1726
PARK CITY, UTAH 84060
(801) 647-7744

EXHIBIT O

RD–MPD

RD–MPD

RD–MPD

ROS–MPD

ROS–MPD

ROS–MPD

E–MPD

ROS–MPD

EMPIRE CANYON EXPRESS QUAD CHAIR LIFT

DALY WEST

RUBY CHAIR LIFT

NORTH SIDE QUAD CHAIR LIFT

RED CLOUD CHAIR LIFT

QUINCY CHAIR LIFT

ONTARIO MINE

VIKING CHAIR

EXHIBIT "P"

500 0 500 1000 FEET

RECEIVED
JUL - 7 1999
PARK CITY
PLANNING DEPT.

(435) 649-9467

Alliance Engineering Inc

REVISED:

STAFF:
S. DECKERT
D. CARDWELL

PAGE 1 OF 1

FLAGSTAFF MOUNTAIN RESORT
DEVELOPMENT PODS
"ZONING MAP"
FOR: UPCMC

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, RNGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

II 545098 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Park City Municipal Corp
DATE 7-28-99 TIME 11:14 AM BOOK ___ PAGE ___
N/C FEE
Darlene M. Dunn - Deputy RECORDER

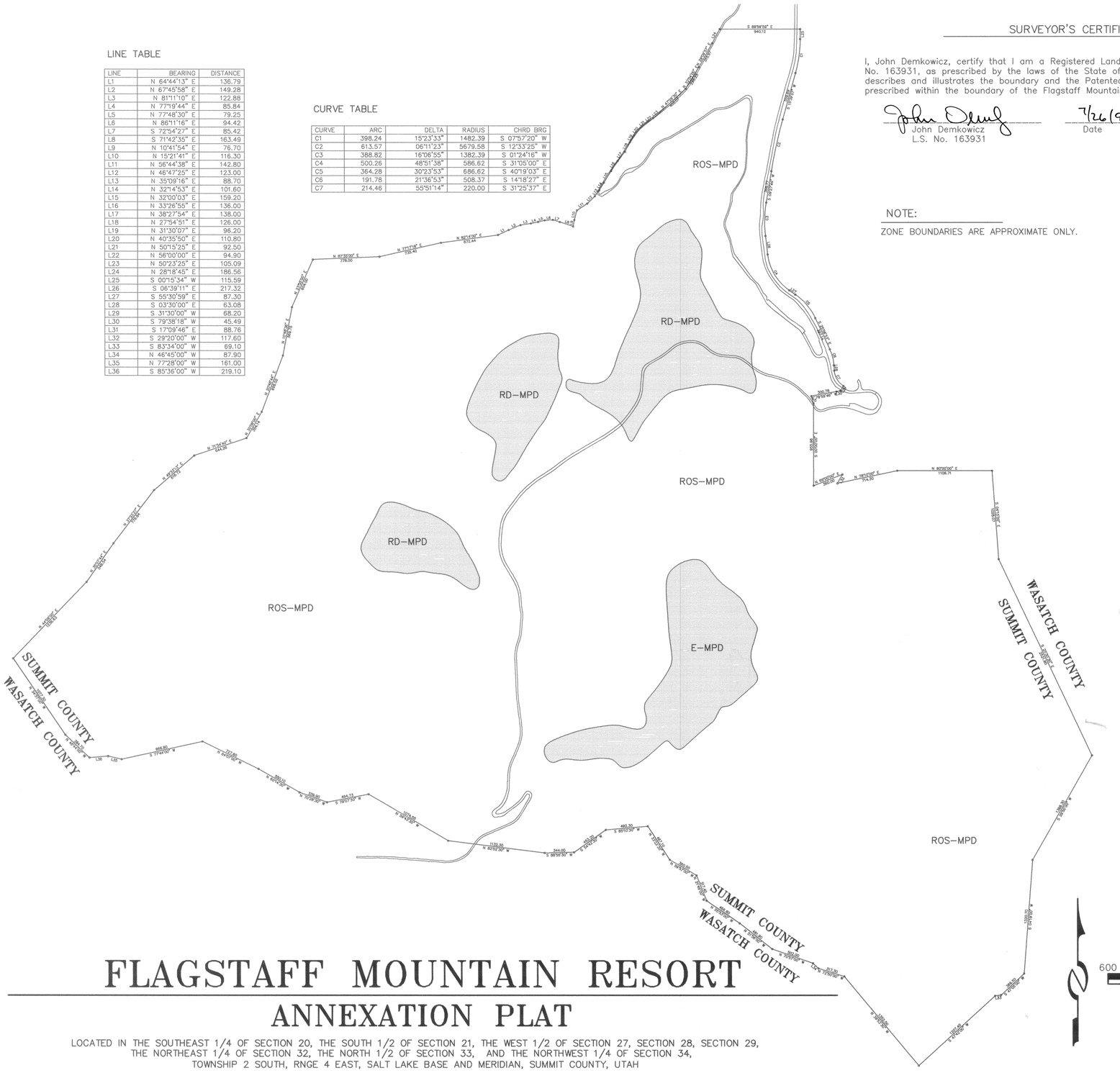
JOB NO. 17-4-96 FLAGSTAFF\OVERALL\FLGANEX2

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 64°44'13" E	136.79
L2	N 67°45'58" E	149.28
L3	N 81°11'10" E	122.88
L4	N 77°19'44" E	85.84
L5	N 77°48'30" E	79.25
L6	N 86°11'16" E	94.42
L7	S 72°54'27" E	85.42
L8	S 71°42'35" E	163.49
L9	N 10°41'54" E	76.70
L10	N 15°21'41" E	116.30
L11	N 56°44'38" E	142.80
L12	N 46°47'25" E	123.00
L13	N 35°09'16" E	88.70
L14	N 32°14'53" E	101.60
L15	N 32°00'03" E	159.20
L16	N 33°26'55" E	136.00
L17	N 38°27'54" E	138.00
L18	N 27°54'51" E	126.00
L19	N 31°30'07" E	96.20
L20	N 40°35'50" E	110.80
L21	N 50°15'25" E	92.50
L22	N 56°00'00" E	94.90
L23	N 50°23'25" E	105.09
L24	N 28°18'45" E	186.56
L25	S 00°15'34" W	115.59
L26	S 06°39'11" E	217.32
L27	S 55°30'59" E	87.30
L28	S 03°30'00" E	63.08
L29	S 31°30'00" W	68.20
L30	S 79°38'18" W	45.49
L31	S 17°09'46" E	88.76
L32	S 29°20'00" W	117.60
L33	S 83°34'00" W	69.10
L34	N 46°45'00" W	87.90
L35	N 77°28'00" W	161.00
L36	S 85°36'00" W	219.10

CURVE TABLE

CURVE	ARC	DELTA	RADIUS	CHRD BRG
C1	398.24	15°23'33"	1482.39	S 07°57'20" W
C2	613.57	06°11'23"	5679.58	S 12°33'25" W
C3	388.82	16°06'55"	1382.39	S 01°24'16" W
C4	500.26	48°51'38"	586.62	S 31°05'00" E
C5	364.28	30°23'53"	686.62	S 40°19'03" E
C6	191.78	21°36'53"	508.37	S 14°18'27" E
C7	214.46	55°51'14"	220.00	S 31°25'37" E



FLAGSTAFF MOUNTAIN RESORT

ANNEXATION PLAT

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 20, THE SOUTH 1/2 OF SECTION 21, THE WEST 1/2 OF SECTION 27, SECTION 28, SECTION 29, THE NORTHEAST 1/4 OF SECTION 32, THE NORTH 1/2 OF SECTION 33, AND THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 2 SOUTH, RNGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this plat accurately describes and illustrates the boundary and the Patented Gonvernment Lots of Record as prescribed within the boundary of the Flagstaff Mountain Resort annexation petition.

John Demkowicz
L.S. No. 163931

7/26/99
Date

REGISTERED LAND SURVEYOR No. 163931 JOHN DEMKOWICZ State of Utah

NOTE:

ZONE BOUNDARIES ARE APPROXIMATE ONLY.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned corporate agent for United Park City Mines; the owner of the majority of the land described and illustrated on this plat do hereby petition Park City Municipal Corporation, of Summit County, Utah that said lands be Annexed to and included within the legal boundary of Park City, Utah, and be subject to such benefits and restrictions as exist under applicable legal ordinances of Park City, Utah.

Hank Rothwell, President

ACKNOWLEDGEMENT

State of Utah
:ss
County of Summit

On this 26th day of July, 1999 Hank Rothwell personally appeared before me, the undersigned Notary Public, who being duly sworn, did say that he is the Corporate Agent for United Park City Mines Company, the owner of the majority of the land described and illustrated on this plat and that the foregoing Owners Dedication and Certificate of Consent to Record was signed freely and voluntarily for the purposes therein mentioned and that said Company executed the same.

Mary L Peacock
Notary Public

NOTARY PUBLIC MARY L PEACOCK 1794 W. 1700 S. OGDEN, UT 84401 My Comm. Exp. 1-3-2002 State of Utah

My Commission Expires: 8-28-2002

LEGAL DESCRIPTION

Beginning at a point identified as County Line Monument Number 2343, said point on the line common to Summit and Wasatch counties and also on the demarcation line between the Park City Ski Area and the Deer Valley Resort, said point lying on the ridge and hilltop above the Anchor Mine Shaft and also being North 04 39'13" East 1303.92 feet, more or less, from the Southwest corner of Section 29, Township 2 South Range, 4 East, Salt Lake Base and Meridian and running Northeasterly along said demarcation and ridge line : North 44 09'00" East 1236.63 feet; thence North 35 07'44" East 548.54 feet; thence North 37 33'27" East 779.84 feet; thence North 49 33'13" East 616.72 feet; thence North 71 34'40" East 644.26 feet; thence North 30 09'00" East 354.14 feet; thence North 20 48'44" East 698.015 feet; thence North 10 48'36" East 569.75 feet; thence North 23 55'00" East 604.00 feet; thence North 87 35'00" East 778.00 feet; thence North 77 17'18" East 735.40 feet; thence North 82 14' East 672.44 feet more or less to a point on the Westerly boundary line of the "Anchor Tunnel Portal Mining Reservation", said point being North 39 17'38" East 942.39 feet more or less from the Southwest corner of Section 21 Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also lying along the ridge line between Empire Canyon and Walker and Webster Gulch; thence along said ridgeline the following eight courses: thence North 64 44'13" East 136.79 feet; thence North 67 45'58" East 149.28 feet; thence North 81 11'10" East 122.88 feet; thence North 77 19'44" East 85.84 feet; thence North 86 11'16" East 94.42 feet; thence South 72 54'27" East 85.42 feet; thence South 71 42'35" East 163.49 feet more or less to a point on the westerly right –of–way line of the Judge Tunnel/Empire Canyon Water Tank Supply Line Easement, said point lying North 79 18'06" West 5.00 feet more or less, from Map Point A–1 as described in that certain Reservoir Easement dated April 19, 1978 and Recorded as Entry No. 147912 in the Records of the of the Recorder for Summit County, Utah; thence along said westerly right–of–way the following fifteen (15) courses: North 10 41'54" East 76.70 feet; thence North 15 21'41" East 116.20 feet; thence North 56 44'38" East 142.80 feet; thence North 46 47'25" East 123.00 feet; thence North 35 09'16" East 88.70 feet; thence North 32 14'53" East 101.60 feet; thence North 32 00'03" East 159.20 feet; thence North 33 26'55" East 136.00 feet; thence North 38 27'54" East 138.00 feet; thence North 27 54'51" East 126.00 feet; thence North 31 30'07" East 96.20 feet; thence North 40 35'50" East 110.80 feet; thence North 50 15'25" East 92.50 feet; thence North 56 00'00" East 94.90 feet; thence North 50 23'25" East 105.09 feet; thence North 47 29'30" East 405.07 feet more or less to a point on the westerly edge of Daly Avenue; thence along said Daly Avenue the following three courses: North 32 04'00" East 296.25 feet; thence North 29 09'57" East 315.97 feet; thence North 28 18'45" East 186.56 feet, more or less, to the East–West center line of Section 21 Township 2 South, Range 4 East, Salt Lake Base and Meridian, said Section Line also being the southerly boundary line for the corporate limits of Park City, Utah; thence South 89 59'59" East 940.12 feet, more or less, along said Section line 940.12 feet to a point on the easterly right–of–way line for Utah State Highway 224 as located in Ontario Canyon; thence along said highway the following 12 courses; South 00 15'34" West 115.59 feet to a point on a 1,482.39 foot radius curve to the left; thence Southwesterly along the arc of said curve through a central angle of 15 23'33"398.24 feet more or less; thence South 15 39'07" West 559.69 feet to a point on a 5,679.58 foot radius curve to the left; thence Southwesterly along the arc of said curve, through a central angle of 06 11'23", a distance of 613.57 feet; thence South 09 27'44" West 368.77 feet to a point on a 1,382.39 foot radius curve to the left; thence southerly along the arc of said curve, through a central angle of 16 06'55", a distance of 388.82 feet; thence South 6 39'11" East 217.32 feet to a point on a 586.62 foot radius curve to the left; thence southeasterly along the arc of said curve, through a central angle of 48 51'38", a distance of 500.26 feet; thence South 55 30'59" East 87.30 feet to a point on a 686.62 foot radius curve to the right; thence along the arc of said curve, through a central angle of 30 23'53", a distance of 364.28 feet; thence South 25 06'53" East 397.14 feet to a point on a 508.37 foot radius curve to the right; thence along the arc of said curve, through a central angle of 21 36'53", a distance of 191.78 feet; thence South 3 30'00" East 63.08 feet to a point on a 220.00 foot radius curve to the left; thence along the arc of said curve, through a central angle of 55 51'14", a distance of 214.46 feet; thence South 31 30'00" West 68.20 feet; thence South 79 38'18"West 45.49 feet to a point on the southeasterly boundary of the Ontario Number 3 Shaft Mining Reservation; thence South 79 59'46" West 300.78 feet more or less along the southeastern edge of said Mining Reservation; thence South 17 09'45" East 88.76 feet more or less to a point on a piece of property that is the subject of Entry Number 158551 of the Summit County Records; thence along said parcel the following five courses: South 955.96 feet; thence North 69 East 360.00 Feet; thence South 29 20' West 117.60 feet; thence North 78 10' East 714.30 feet; thence East 1,106.71 feet more or less to a point on the Wasatch–Summit County line: thence along said Wasatch – Summit County line. The following thirty courses: South 04 15'00" East 1,028.07 feet; thence South 25 30'30" East 2,521.90 feet to County Line Point 51;thence South 29 50'00" West 1,398.30 Feet to County Line Point 55; thence South 4 19'00" West 1,320.70 feet to County Line Point 58; thence South 47 05'00" West 369.50 feet to a County Line Point; thence South 83 34'00" West 69.10 feet to County Line Point 59; thence South 47 42'00" West 1,207.40 feet to County Line Point 62A; thence North 39 53'30" West 1,352.50 feet to County Line Point 64; thence North 72 50'00" West 317.30 feet to County Line Point 65; thence North 46 45'00" West 87.90 feet to County Line Point 66; thence North 70 57'00" West 502.00 feet to County Line Point 67; thence North 51 56'00" West 481.90 feet to County Line Point 68; thence North 55 53'00" West 466.80 feet to County Line Point 69 feet; thence North 21 49'00" West 317.40 feet to County Line Point 70; thence North 59 57'00" West 360.50 feet to County Line Point and Triangulation Point; thence North 33 22'30" West 467.10 feet to County Line Point 71; thence South 85 10'30" West 492.30 feet to County Line Point 72; thence South 54 42'30" West 453.20 feet to County Line Point 73; thence South 88 55'30" West 344.00 feet to County Line Point 74; thence North 82 52'30" West 1,132.30 feet to County Line Point 77; thence North 59 43'30" West 1,074.55 feet to County Line Point 2338; thence North 79 07'30" West 494.73 feet to County Line Point 80; thence North 70 28'30" West 339.90 feet to County Line Point 81; thence North 60 14'30" West 550.10 feet to County Line Point 82 and Triangulation Point 2339; thence North 64 07'00" West 727.60 feet to County Line Point 83; thence South 77 44'00" West 966.80 feet to County Line Point 85; thence North 77 28'00" West 161.00 feet to a County Line Point and Triangulation Point 2340 which is also Judge Triangulation Point Q; thence South 85 36'00" West 219.10 feet to County Line Point 86; thence North 46 44'00" West 384.70 feet to County Line Point 87; thence North 34 37'00" West 1,077.30 feet, more or less to county Line Point 2343 the point of beginning. Said Parcel contains 1,655.4 acres more or less.

Alliance Engineering Inc

JOB No. 17–4–96 Y:\UPCMC\FLAGSTAFF\OVERALL\FLGANEX.DWG

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(435) 649–9467

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 26th DAY OF JULY, 1999 A.D.

BY Eric W DeHaan PE
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 26th DAY OF July, 1999 A.D.

BY
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 24 DAY OF JUNE, 1999 A.D.

BY Janet M. Scott
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 24 DAY OF JUNE, 1999 A.D.

BY
MAYOR PRO TEM

545098 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Park City Municipal Corp
DATE 7-28-99 TIME 11:44 AM BOOK ___ PAGE ___

N/C
FEE

RECORDER

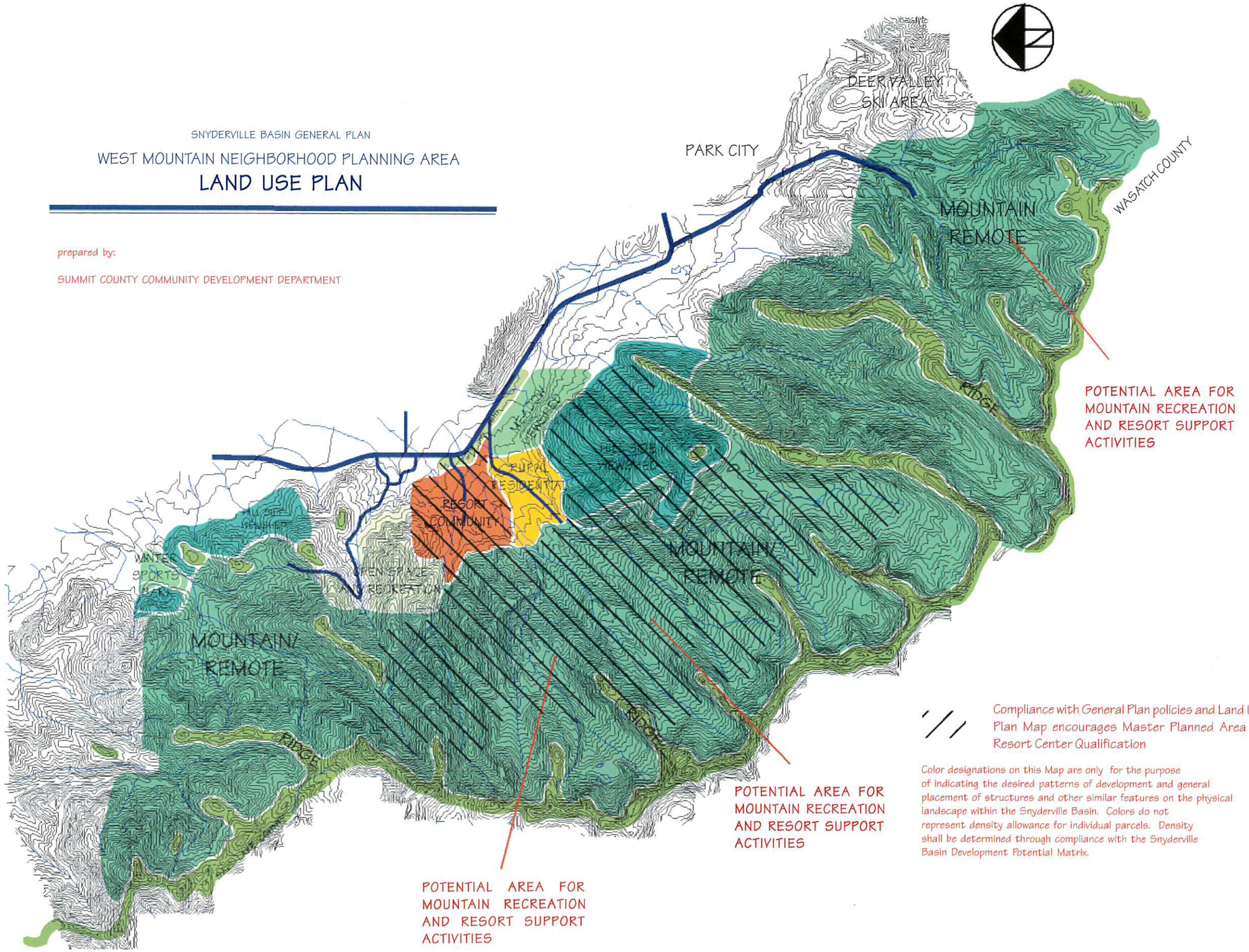
SNYDERVILLE BASIN GENERAL PLAN

WEST MOUNTAIN NEIGHBORHOOD PLANNING AREA

LAND USE PLAN

prepared by:

SUMMIT COUNTY COMMUNITY DEVELOPMENT DEPARTMENT



Compliance with General Plan policies and Land Use Plan Map encourages Master Planned Area for Resort Center Qualification

Color designations on this Map are only for the purpose of indicating the desired patterns of development and general placement of structures and other similar features on the physical landscape within the Snyderville Basin. Colors do not represent density allowance for individual parcels. Density shall be determined through compliance with the Snyderville Basin Development Potential Matrix.

2.3.F(1) SNYDERVILLE BASIN DEVELOPMENT POTENTIAL MATRIX

Minor Development

Planning Area	Base Density: Mountain/ Remote Areas[1]	Base Density: All Other Land Use Designations[1]	Land Use Planning Principles: Mandatory — Dedication and Preservation of Viewshed/Environment Features of the Area[2]	Consistency with Desired Neighborhood Character[3]	Community and Neighborhood Recreation Facilities[4]	Maximum Possible Density[5]
East Basin		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Mandatory	Mandatory	Mandatory	1 Unit/20 Acres
West Mountain		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Mandatory	Mandatory	Mandatory	1 Unit/20 Aacres
North Mountain		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Desirable	Mandatory	Mandatory	1 Unit/20 Acres
Old Ranch Road		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
Kimball's Junction		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
The Summit		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
	1 Unit/ 40 Acres		Desirable	Desirable	N/A	1 Unit/40 Acres
	1 Unit/ 20 Acres		Desirable	Mandatory	Mandatory	1 Unit/20 Acres
Sun Peak/Silver Springs		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres
Rasmussen/ Bitner		1 Unit/ 40 Acres	Desirable	Desirable	N/A	1 Unit/40 Acres
		1 Unit/ 20 Acres	Mandatory	Mandatory	Mandatory	up to 1 Unit/ 5 Acres

[1]Base densities shall be not exceed those indicated and must be consistent with Policy 1.3 of the General Plan. Development projects that comply with "base density" limits require compliance only with sound project planning principles and fundamental objectives of the Snyderville Basin General Plan, as indicated in this matrix. All development must b ₁laced in the least environmentally and visually sensitive areas within the parcel. Development on slopes of thirty (30) percent or greater, in jurisdictional wetlands, and within 100 year flood plains, is not allowed except where "specifically" permitted in the Development Code and when consistent with the General Plan. Reference shall be made to the applicable Neighborhood Land Use Plan Map, the Visual Sensitivity Guidelines of the Snyderville Basin General Plan, and field observation for assessing the visual impacts of the project. Driveways and roads also shall be placed in the least sensitive parts of the site. All development must be compatible with appropriate and applicable resort, rural, and mountain design principles.

[2]Preservation of viewsheds shall include, when possible, the retention of all or major portions of all meadow and hillside viewsheds, all ridge lines, and significant environmental features such as, but not limited to minimizing the removal of vegetation from the site and the amount of over-lot grading required to fit the project into the natural landscape; all waterways and non-jurisdictional wetlands, wildlife habitat, wildfire hazard areas, historic and cultural artifacts, and geologic features. These important features of the pre-development landscape shall be as identified on the applicable land use plan map or by field inspection at the time of a development application.

[3]Development shall be compatible with the desired neighborhood development patterns and policies identified in the Snyderville Basin General Plan and both the applicable Neighborhood Planning Area Plan and Land Use Plan Map. Minor development that exceeds base densities shall ensure economy of service delivery not only for the Summit County and special service districts, but also to residents of the development. At least sixty (60) percent of the total parcel that will exceed base density shall be maintained as open space in a manner that is consistent with the goals and objectives of the Snyderville Basin Development Code. In certain instances, at the option of Summit County and when requested in writing by the developer, development may make a cash-in-lieu of open space contribution to the Summit County for the purposes of acquiring open space and open use recreation facilities at another location.

[4]Development shall provide appropriate neighborhood recreation and trail facilities, in terms of location, type, and variety, that meet the specific neighborhood resident demands that will be generated by the development project. The areas designated for such uses shall not simply be left over spaces within a development. They shall be appropriate in terms of size and quality for the intended use. The specific recreation and trail facilities provided shall be adequate to satisfy the neighborhood demand. While consideration shall be given to standards established in the Code, the unique characteristics of the neighborhood shall be taken into consideration in determining specific requirements. The long-term care of these facilities shall be the responsibility of the developer or subsequent residents of the project. In certain instances, development with minimal units, at the option of Summit County and when requested in writing by the developer, may make a cash-in-lieu of facility contribution to the Snyderville Basin Special Recreation District to fulfill required neighborhood requirements. Written agreement approving the contribution and use of the funds shall require the consent of the Snyderville Basin Special Recreation District. Community contributions shall include the provision/dedication of sufficient land to accommodate public trail links/connections identified on the Recreation and Trails Master Plan. A development's contribution may occur on or off-site, so long as the contribution is consistent with the intent of and serves the purpose identified in the Master Plan.

[5]The density potential in a project that exceeds the base density may be up to but shall not to exceed the possible density indicated. The density and use shall be consistent and compatible with applicable Neighborhood Planning Area Plans. The potential density represents the "maximum" density possible given adherence to the basic Snyderville Basin General Plan development objectives. The "actual" density approved in the project may be less than the maximum indicated depending on the proximity to services and the extent to which the specific project promotes all of the basic planning objectives identified on this Snyderville Basin Development Potential Matrix.

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Medical Coordinator

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PARK CITY, UTAH

www.MountainTrails.org
Mailing Address:
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Street Address:
5792 N. Highland Dr.
Park City, UT 84098

October 24, 2022

Re: Bransford Land Conditional Zone Change Application

Dear Ladies and Gentlemen:

Mountain Trails Foundation and Park City's trail users have long appreciated the privilege of access to the Bransford's private property in the Flagstaff Mountain area of Deer Valley. For nearly three decades, Mountain Trails Foundation has worked with the Bransford's for the benefit of community trails. We are grateful for their commitment to doing right by our community.

Insofar as the two estate homes they have requested do not detract in any way from the character of the trail system in that area, MTF supports the Bransford's proposed zone change.

The Bransford's have proven to be conscientious stewards of the land and, as they continue to share their precious resource with trail users, we honor their generosity with a recommendation that, in return for their benevolence, their request before you goes forward swiftly and smoothly.

Please feel free to call me with questions.

Respectfully,

Lora Smith
Executive Director
Mountain Trails Foundation
Lora@MountainTrails.org
(435) 513-0347

From: Matt Mullin
To: Makena Hawley
Subject: [External] Bransford Parcels
Date: Wednesday, August 17, 2022 4:32:16 PM

[CAUTION] This is an external email.

Hello Makena,

I hope all is well with you! I wanted to send you a letter of support of the rezone application on behalf of teh Bransford Family.

Having been involved with Empire Pass since its conception I am aware of the Bransford Family parcels and have kept in touch with them over the years relative to their intentions with their land. Recently, they made me aware that they were seeking a Zone Change to improve their properties. I am writing you today to express my support for this Zone Change.

The Bransford Family land should be utilized for single-family homes in keeping with the neighboring properties. These parcels, used in this way, would seem to compliment the existing zoning in the area.

Could I ask that you add my comments to your files and present them to the Planning Commission as well?

Many thanks,

Matt Mullin
(435) 901-4707

From:	Nick Frost
To:	Sarah Hall; John Kenworthy; John Frontero; Bill Johnson; Laura Suesser; Christin VanDine
Cc:	Mark Harrington; Makena Hawley; Robert Rosing; Vanessa Vietz
Subject:	Bransford Parcels Rezone Objection
Date:	Tuesday, August 16, 2022 5:50:37 PM
Attachments:	image001.png

Dear Planning Commissioners:

My firm represents the Red Cloud HOA in connection with the proposed Bransford application for a zone change and subsequent development on Recreation Open Space land. I attended the Planning Commission meeting last Wednesday evening wherein the Bransford matter was discussed during a scheduled Work Session. During the Work Session, the Applicant falsely represented that the Red Cloud HOA supports, or at the very least, does not object to the proposal. I am writing this brief email to formally object to the Applicant's false assertion and affirmatively state that the Red Cloud HOA directly opposes the proposal in its entirety. While any false or misleading assertion is troubling, on its own merits, the Bransford proposal is illegal and should result in a negative recommendation and denial for multiple reasons. To that end, my firm will be providing you with a comprehensive objection letter outlining these issues and concerns in the near future.

Best,

NICK FROST

435-901-2995

frost@rosingdavidson.com

136 Heber Ave, Suite 205 Park City, Utah 84060

ROSING
DAVIDSON
FROST

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August 10, 2022

BY EMAIL
Park City Planning Commission
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
planning@parkcity.org

Re: Work Session Re: Bransford Land Company, LLC's Zone Change Application for Parcels PCA-S-79-B and PCA-S-79-C

Dear Planning Commission:

Our firm represents several affiliates of Extell Development Company (collectively "**Extell**") that own property on Flagstaff Mountain. On August 10, 2022, the Commission is holding a work session for a zoning change application submitted by Bransford Land Company, LLC ("**Bransford**"). The application relates to Bransford's two Flagstaff Mountain parcels, PCA-S-79-B and PCA-S-79-C. Those parcels are adjacent to Extell's property.

Having reviewed the latest staff report ("**Staff Report**") and applicant presentation attached as Exhibit A ("**Presentation**"), Extell would like to raise three principal issues to the Commission's attention. *First*, the Staff Report and Presentation depict a proposed 100-foot-wide road corridor crossing Extell's property to the Branford property. As Extell has notified the Commission through prior correspondence, Bransford has no such access. *Second*, Bransford suggests that the Commission would not establish precedent for rezoning other mining claims if the application were approved. Bransford's basis for that conclusion is not sound. *Finally*, Bransford states that approval of the application would not result in an "island" of Estate zoning. But Bransford's conclusion is based on an assumption that should not guide the Commission's decision-making.

A. <u>Bransford does not have access across Extell's property, much less a 100-foot-wide "road corridor."</u>

The Staff Report and Presentation include depictions of Bransford's proposed development. These depictions show a "most likely road location" for the development—a 100-foot-wide "road corridor" crossing Extell's land and the Bransford property.

As Extell has previously notified the Commission,[1] Bransford does not have access across Extell's land. There is no agreement for access, much less an agreement for a 100-foot-wide road corridor. The Planning Department's staff report for the Commission's June 8, 2022, hearing correctly noted that the Bransford land is not presently developable, due in part to a lack of access. We want to make sure that the depictions in the latest Staff Report are not construed to suggest that Bransford has a 100-foot-wide road corridor across Extell's land. It does not.

The parties are currently litigating the issue of access. In the litigation, Bransford asserts easement rights across Extell's property, which Extell disputes. Notably, Bransford's claimed easement in the litigation is in a **different location** from the road depicted in the materials provided to the Commission. Bransford's claimed easement route in the litigation overlaps with Deer Valley's Ontario ski run, whereas the "proposed" road corridor in the Staff Report and Presentation is to the south.

Bransford also has never claimed a 100-foot-wide road corridor in the litigation. Rather, Bransford has asserted rights in a "historic roadway" along a centerline within a 60-foot-wide corridor. Accordingly, the "most likely road location" depicted in the Staff Report and Presentation does not match the location or width of the easement Bransford has claimed in the litigation.

The viability of the proposed road corridor is also suspect. It would traverse land on the west side of the forested Bransford property. Page 4 of the Presentation contains a topographical image depicting areas with grades of 15% to 30% (yellow) and 31% to 100% (red). The proposed 100-foot-wide corridor on the Bransford land would traverse swaths of those steep areas.

The Presentation also claims that 82% of the total Bransford acreage would be "preserved or undisturbed" by the planned development.[2] In reaching that conclusion, Bransford suggests that only 1 acre of land would be disturbed for a "private drive."[3] But our calculation estimates that Bransford's proposed corridor leading from Red Cloud Trail to the proposed road terminus would extend approximately 2,000 feet. A 100-foot-wide corridor extending 2,000 feet would encompass **4.6 acres** of total land, a substantial portion of which would be on Extell's property. And, as previously stated, Bransford lacks access across Extell's property to construct any such road.

---

[1] On behalf of Extell, our office transmitted letters regarding Bransford's application on April 7, 2022, and June 7, 2022. Those letters are attached as Exhibit H to the Staff Report.

[2] *See* Staff Report at page 4; Presentation at page 5.

[3] A prior staff report indicated that the 1-acre figure was based on a 40-foot-wide road extending 1,100 feet.

B. Bransford's surface rights are not unique to its mining claims.

Bransford also suggests that approval of its application would not likely establish a precedent for owners of other mining claims in the area.[4] This is so, according to Bransford, because, unlike other mining claims, Bransford's mining claims have "surface rights too."[5]

But as Utah courts have observed, patented "mining claims presumptively include **both the surface and mineral estates**." *United Park City Mines Co. v. Estate of Clegg*, 737 P.2d 173, 176 (Utah 1987) (emphasis added); *see also Gillmor v. Blue Ledge Corp.*, 2009 UT App 230, ¶ 17, 217 P.3d 723, 728 (noting that, as a general principle, "a mining patent includes … surface rights"). Several mining claims on Flagstaff Mountain were patented around the same time as the Bransford claims and under the same federal laws. So it is unclear why Bransford believes its patented mining claims come with surface rights, but other patented mining claims on Flagstaff Mountain do not.

Further, Bransford attempts to distinguish its application because its mining claims' metes and bounds match those in tax records, and because Bransford was invited to join the 2007 Amended Flagstaff Development Agreement.[6] But Bransford does not explain why those two factors—even assuming they are unique to Bransford—would preclude other owners of mining claims or land zoned as Recreation Open Space ("**ROS**") from applying for a rezone to Estate.

C. Approval of Bransford's application would result in an island of Estate zoning.

Bransford also attempts to assuage the Commission's concern that approval of the application would result in an "Estate island" in a sea of ROS zoning. In responding to this concern, Bransford "assume[s]" that Extell—Bransford's "neighbor to the west"—"will eventually acquire development rights similar to ours."[7] Thus, Bransford suggests that its land would not be the only "Estate" development in the area.

With all due respect, Bransford's contention is pure speculation. The Commission should not base its decision-making on Bransford's assumptions. Setting those assumptions aside, what we do know is that approval of Bransford's application would immediately result in an island of Estate zoning among ROS land.[8] And that island would have no access for development.

---

[4] *See* Presentation at p. 13.
[5] *Id.*
[6] *Id.*
[7] *Id.* at 14.
[8] We note that the original application requested approval for Estate zoning so that Bransford could "build a single Estate on **each of the two**" parcels. (Application at 4.) The depictions in the Staff Report and Presentation indicate that Bransford now intends for two single family homes to be constructed on **one of the two parcels**—the Logan parcel.

* * *

Extell appreciates that the Planning Department has done its best to try to move Bransford's troubled application forward. But the application continues to be plagued with problems. Principal among those is a lack of access to the Bransford parcels. For the foregoing reasons and the reasons expressed in our prior correspondence, the Commission should not recommend approval of the Bransford application.

Sincerely,

PARSONS BEHLE & LATIMER

Adam E. Weinacker
Attorney at Law

AEW:
None
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 Frontero (via email: john.frontero@parkcity.org)
Laura Suesser (via email: laura.suesser@parkcity.org)
Bill Johnson (via email: bill.johnson@parkcity.org)
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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)

June 7, 2022

Planning Commission
c/o Planning Department – Attn: Makena Hawley
Park City Municipal Corporation
[Sent via email: makena.hawley@parkcity.org]

Re: Bransford Land Company – Conditional Zoning Change

Dear Ms. Hawley:

Please accept this letter written in support of the recent application by Bransford Land Company, as it relates to their request for zoning change of their property on Flagstaff Mountain.

As you're aware, I have been intimately involved with the Flagstaff Development Agreement, Land Management Code and the improvements made to Park City for most of my career. The history of our town and all it's great people that helped us from the fruitful, then shuddered, mining days to what we and our great visitors enjoy today has been my life's passion for close the last two decades.

During my career in Park City, I have watched some exciting projects spring up and bring really terrific amenities and people to our fun mountain town. I've worked with the Park City Community Foundation as it was just getting started and introduced many new homeowners to it and the great community non-profits we all know and love. They jumped in and generously supported the needs of the Community. And during that process, I've watched a few particular families roll up their sleeves and be VERY involved in such interests, helping wherever they could. One of those families has been the Bransfords. Anne, Mary and Carolyn have been the most special sisters I've been fortunate to cross paths with. They have contributed their time and passion, their dollars, and even their property, allowing mountain bikers and hikers to enjoy Flagstaff Loop, Road to Ruby and Deer Camp!

Knowing the Bransfords' life-long (and beyond, when considering their ancestry all the way back to the Silver Queen) commitment to Park City and understanding the development rights enjoyed by their neighbors and those existing across town, makes me **strongly** feel that if **anyone** were to be granted an ability to rezone and obtain development rights for their property, it should be the Bransfords. They have always been a great neighbor to Deer Valley Resort and while they have quite simply used their property in the past for family gatherings, picnics and maintaining the health of the forest by harvesting firewood and deadfall, they had always intended to build something special there. Their request for Estate zoning at 1 home per 20 acres is not only modest, it is directly in line with the long term plan for the area. As an example, in case this group was unaware, in 2001 court appointed Referees (later ratified by District Court and Supreme Court of Utah) recommended a certain partitioning of property adjacent to the Bransfords and cited evidence from the LMC and Flagstaff Development Agreement ("FDA") as support. While their ruling was focused on partitioning of jointly owned property and not directly on development rights, they indirectly assessed the 8 units contemplated in the FDA and agreed a portion of the 8 units were to be allocated to the Bransfords. I cite this not as evidence, but intent that had always been considered for the area and the Bransfords' property in particular.

I appreciate your consideration and am hopeful the Bransford family is successful in their endeavors. I would also like to request this letter be shared with the Planning Commission members as well. If there is any way that my history and knowledge related to this can be helpful to Staff or Commission, I would be more than happy to discuss and assist where I can. Thank you.

Sincerely,

Steve Issowits

cc: Gretchen Milliken, Planning Director
Park City Planning Commission Members

PARSONS BEHLE & LATIMER

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Adam E. Weinacker
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Direct 801.536.6911
AWeinacker@parsonsbehle.com

June 7, 2022

BY EMAIL AND U.S. MAIL
Park City Planning Commission
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
planning@parkcity.org

Re: Objection to Bransford Land Company, LLC's Zone Change Application for Parcels PCA-S-79-B and PCA-S-79-C

Dear Planning Commission:

Our firm represents several affiliates of Extell Development Company (collectively "**Extell**") that own property on Flagstaff Mountain. Extell has received notice that the Commission is formally considering—through a public hearing on June 8, 2022, which is to be continued to August 10, 2022—a zoning change application submitted by Bransford Land Company, LLC ("**Bransford**"). The application relates to two Flagstaff Mountain parcels, PCA-S-79-B and PCA-S-79-C, that are adjacent to Extell's property. Pursuant to Park City's Land Management Code ("**LMC**") § 15-1-7(2)(b), Extell objects to Bransford's application and any amendment to the City's zoning map to re-zone the Bransford parcels from "Recreation Opens Space" to "Estate."

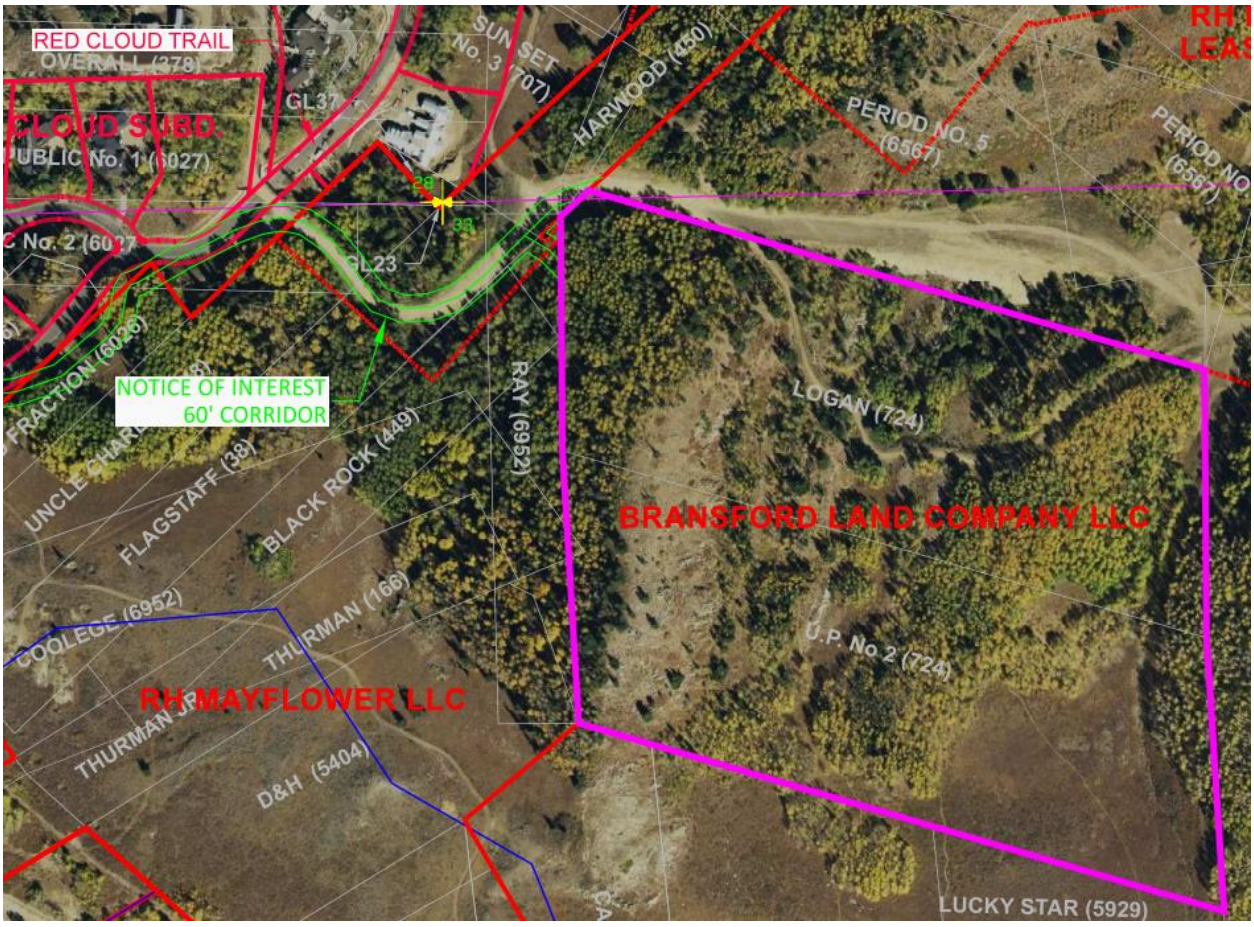
When the Bransford application came before the Commission for a work session in April, we provided the Commission with a letter outlining Extell's concerns about the application. Rather than restate those concerns, we attach that letter hereto as Exhibit 1 and expressly incorporates it as part of Extell's formal objection under LMC § 15-1-7(2)(b).

Since that time, we have reviewed the Planning Commission Staff Report ("**Staff Report**") prepared for the hearing on June 8, 2022. The Staff Report correctly notes that the Bransford parcels are not presently developable. (Staff Report at p. 2.) This is due, in part, to the lack of access across Extell's property and the "numerous challenges" that Bransford must overcome, including installation of utilities across Extell's land. (*Id.*) And while the Staff Report suggests that some development details "can be confirmed through the plat amendment process," (*id.* at 8), many of the identified details would be premature to address given Bransford's lack of an access or utility easement to the parcels.

At the work session addressing Bransford's application, Commission members requested additional details about Bransford's plans. Members requested clarity on the location of an access

road to the Bransford parcels, as well as clarity on how utilities could be connected. Although two months have transpired, there is still no clarity on these issues and, as the Staff Report notes, "more information would be necessary to conceptualize workable plans." (*Id.* at 7.)

Not only do the materials before the Commission lack information responsive to commissioners' concerns about access and utilities, they omit the fact that Bransford is in litigation with Extell to establish an alleged easement that would partially coincide with Deer Valley's Ontario ski run. Below is a depiction prepared by Bransford's own retained surveyor identifying the location of Bransford's alleged 60-foot-wide access "corridor" (in green) to its parcels, and which Extell disputes:



As you can see, Bransford alleges it has rights to a substantial corridor that overlaps with the portion of the Ontario ski run southeast of Red Cloud Trail. The Bransford application omits

this critical detail or any discussion about how Bransford's alleged access easement, if successful,[1] could impact others' rights and potential recreation on Flagstaff Mountain.

* * *

The Staff Report recognizes a host of challenges to developing Bransford's parcels, including the lack of an access and utility easement reaching the parcels. And Bransford's alleged access "corridor," if established through litigation, could disrupt an existing ski run and recreation within that "corridor"—something the application and Staff Report do not address. Although Bransford may wish to further its own private development goals by changing the parcels' zoning to "Estate," its request is not ripe in light of the many obstacles to development raised in the Staff Report and unanswered questions about access and utilities. The application should therefore be denied.

Sincerely,

PARSONS BEHLE & LATIMER

Adam E. Weinacker
Attorney at Law

AEW:
Attachment
cc: Thomas Barton (via email: tbarton@parsonsbehle.com)
Sarah Hall (via email: sarah.hall@parkcity.org)
John Kenworthy (via email: john.kenworthy@parkcity.org)
John Phillips (via email: john.phillips@parkcity.org)
Laura Suesser (via email: laura.suesser@parkcity.org)
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Mark Harrington (via email: mark@parkcity.org)
Margaret Plane (via email: margaret.plane@parkcity.org)
Jennifer Ingrassia (via email: jingrassia@alterramtnco.com)

[1] Bransford is currently attempting to adjudicate this alleged corridor in court, and the parties are still in active litigation over the existence and scope of Bransford's claimed easement.

EXHIBIT 1

PARSONS BEHLE & LATIMER

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April 7, 2022

BY EMAIL AND U.S. MAIL
Park City Planning Commission
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
planning@parkcity.org

Re: Bransford Land Company, LLC – Zone Change Application for Parcels PCA-S-79-B and PCA-S-79-C

Dear Planning Commission:

Our firm represents several affiliates of Extell Development Company (collectively "**Extell**") that own property on Flagstaff Mountain. It has come to our attention that Bransford Land Company, LLC ("**Bransford**") has submitted an application for a zoning change for two Flagstaff parcels—PCA-S-79-B and PCA-S-79-C.[1]

We write to make sure the Commission is aware that Extell owns property between Red Cloud Trail and PCA-S-79-B and PCA-S-79-C, and that Bransford does **not** have a written easement agreement permitting vehicular or other access to its parcels from Red Cloud Trail across Extell's property. Bransford and Extell are in active litigation over whether Bransford has an implied or prescriptive easement to access Bransford's parcels, as well as the scope of Bransford's alleged easement. Extell vigorously disputes Bransford's claimed access rights across its property—including vehicular access for development—and opposes the installation of utilities across its property to serve the Bransford parcels. Extell will robustly resist any attempt to provide for such utilities or access across its property.

Because Bransford lacks ensured access—including vehicular access for development—or utilities to the Bransford parcels, the application to change the zoning of Bransford's parcels to "estate" is inconsistent with the purpose of that zoning designation and is premature. The zoning application should therefore be denied.

[1] We have made several requests to the Planning Department for any final application submitted after Bransford's initial application submitted in October 2021. That initial application, in our view, did not satisfy all submittal requirements. We have not received any additional application..

A. <u>The Bransford Application Is Inconsistent with the Purpose of Estate Zoning.</u>

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. <u>Bransford Has Conceded that It Lacks Access, and Extell Disputes Bransford's Claimed Access Across Its Lands in Litigation. Accordingly, the Application is Premature.</u>

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 <u>Exhibit A</u>.
[5] *See Stichting Mayflower Mountain Fonds v. United Park City Mines Company*, 2017 UT 42.

Further, even if Bransford were to gain access to its parcels, it does not have a claim in the current litigation that would permit it to ensure that utilities serve the parcels. Extell would oppose any such effort, including any eminent domain proceedings, which would be an improper use of that power to serve a clearly private use.

* * *

On March 15, 2022, Anne Bransford, a member of Bransford Land Company, gave public comment on "Deer Valley Development Company's Petition for the City to Vacate Portions of Right-Of-Way on Deer Valley Drive West and South, and to Dedicate Doe Pass Road to the City, as Part of the Snow Park Village Subdivision Application." She urged the Commission to get clarity on that petition before delivering the plan to the City Council. And she urged the applicant to "communicate with [its] neighbors" in approaching its development plans.

The Commission should likewise have full clarity about Bransford's application and understand how this step relates to parcels with no ensured access or utility service. It should also take notice that Bransford's neighbor Extell objects to Bransford's efforts to attempt to develop the parcels and negatively impact Extell's property in doing so. As explained herein, Bransford's application is inconsistent with the City's code, is premature, and should be denied.

Sincerely,

PARSONS BEHLE & LATIMER

Adam E. Weinacker
Attorney at Law

AEW:
Attachment
cc: Thomas Barton (via email: tbarton@parsonsbehle.com)
Sarah Hall (via email: sarah.hall@parkcity.org)
John Kenworthy (via email: john.kenworthy@parkcity.org)
John Phillips (via email: john.phillips@parkcity.org)
Laura Suesser (via email: laura.suesser@parkcity.org)
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Gretchen Milliken (via email: gretchen.milliken@parkcity.org)
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Mark Harrington (via email: mark@parkcity.org)
Margaret Plane (via email: margaret.plane@parkcity.org)
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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
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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.

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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. UPCMC (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.

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- The marketplace proved that there is sufficient demand and capacity to successfully develop this type of high elevation neighborhood.
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- We regularly read about their Extell's "Billion Dollar Ski Area" development plans.

BLC decided to prepare their property for disposition:

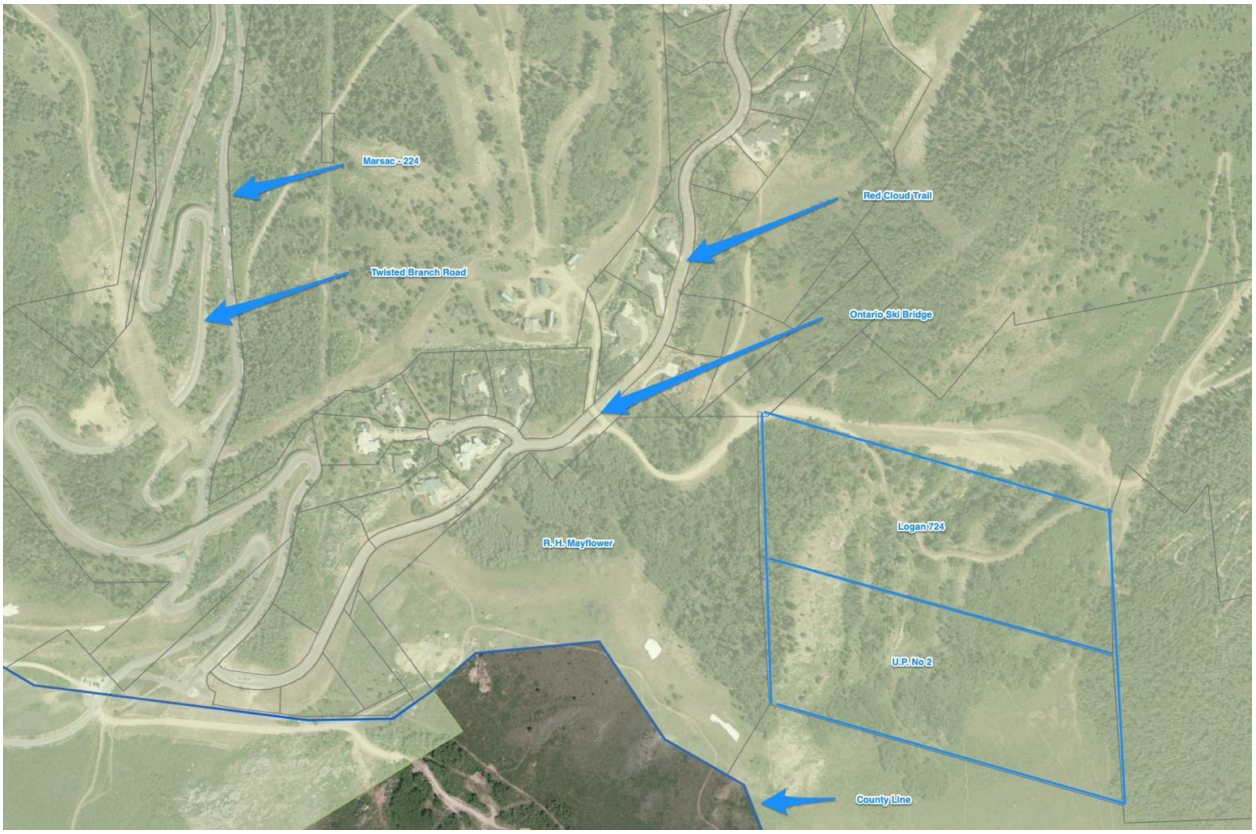
They retained Kuhn Company as a consultant to help them do so. BLC acquired an access and utility easement from Redus on Twisted Branch and Red Cloud Trail to the Ontario Ski Bridge (about 1,000 feet from our closest property line). To date BLC has been unable to negotiate to an Easement from the public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


Marsac - 224
Red Cloud Trail
Twisted Branch Road
Ontario Ski Bridge
R. H. Mayflower
Logan 724
U.P. No 2
County Line

Chair Phillips explained that he would recuse himself from this item. Commissioner Suesser would conduct the discussions. Planner Hawley reported that the applicant was requesting a zone change from Recreation Open Space ("ROS") to Estate ("E") with one single-family dwelling per parcel. The applicant had brought additional information and Staff had provided some recommendations for review. She recommended that the Planning Commission open a public hearing and continue the item to the next Planning Commission Meeting.

Commissioner Suesser opened the public hearing.

Doug Ogilvy explained that he had been the President of the Empire Pass Master Association for the last 10 years and he was familiar with the Bransford property. He felt the proposed use was consistent with what was originally envisioned in the Flagstaff Development Agreement. Additionally, he felt it was compatible with the adjacent community. What the Bransford Family was proposing for the property was appropriate and he was supportive of the application.

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

MOTION: Commissioner Kenworthy moved to CONTINUE the Application for a Zoning Map Amendment for Two Parcels From Recreation Open Space (ROS) to Estate (E) Zoning for the Construction of Two Single-Family Homes on Parcels PCA-S-79-B and PCA-S-79-C - PL-22-05249 to Wednesday, June 15, 2022, at 5:30 p.m.

Commissioner Johnson seconded the motion.

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

6. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 11:02 p.m.

APPROVED

PARSONS BEHLE & LATIMER

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A Professional
Law Corporation

Adam E. Weinacker
Attorney at Law
Direct 801.536.6911
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April 7, 2022

BY EMAIL AND U.S. MAIL
Park City Planning Commission
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
planning@parkcity.org

Re: Bransford Land Company, LLC – Zone Change Application for Parcels PCA-S-79-B and PCA-S-79-C

Dear Planning Commission:

Our firm represents several affiliates of Extell Development Company (collectively "**Extell**") that own property on Flagstaff Mountain. It has come to our attention that Bransford Land Company, LLC ("**Bransford**") has submitted an application for a zoning change for two Flagstaff parcels—PCA-S-79-B and PCA-S-79-C.[1]

We write to make sure the Commission is aware that Extell owns property between Red Cloud Trail and PCA-S-79-B and PCA-S-79-C, and that Bransford does **not** have a written easement agreement permitting vehicular or other access to its parcels from Red Cloud Trail across Extell's property. Bransford and Extell are in active litigation over whether Bransford has an implied or prescriptive easement to access Bransford's parcels, as well as the scope of Bransford's alleged easement. Extell vigorously disputes Bransford's claimed access rights across its property—including vehicular access for development—and opposes the installation of utilities across its property to serve the Bransford parcels. Extell will robustly resist any attempt to provide for such utilities or access across its property.

Because Bransford lacks ensured access—including vehicular access for development—or utilities to the Bransford parcels, the application to change the zoning of Bransford's parcels to "estate" is inconsistent with the purpose of that zoning designation and is premature. The zoning application should therefore be denied.

[1] We have made several requests to the Planning Department for any final application submitted after Bransford's initial application submitted in October 2021. That initial application, in our view, did not satisfy all submittal requirements. We have not received any additional application..

A. The Bransford Application Is Inconsistent with the Purpose of Estate Zoning.

Bransford's application requests a zoning change from "R.O.S." to "E-Estate" for PCA-S-79-B and PCA-S-79-C. "Estate" zoning is intended for "very low density, environmentally sensitive residential [d]evelopment."[2] Park City's municipal code assumes that lots zoned as "estate" are capable of such development and are accessible.[3]

Because Bransford's parcels do not have ensured access from Red Cloud Trail, or a right to install utilities across the Extell properties to permit development, Bransford's zoning change application is inconsistent with the City's municipal code. It should be denied for that reason.

B. Bransford Has Conceded that It Lacks Access, and Extell Disputes Bransford's Claimed Access Across Its Lands in Litigation. Accordingly, the Application is Premature.

Because Bransford cannot develop its parcels without access or utilities, the zoning change application is premature.

In communications with the Park City Planning Department, Bransford conceded it does not have ensured access to its parcels. Bransford has correctly noted that it "has been unable to negotiate an Easement from [Red Cloud Trail] to the BLC Property Line" across the Extell property, and that access from Red Cloud Trail is 1,000 feet away.[4]

As you may recall, several years ago the Mayflower Stichting entities attempted to establish access to Flagstaff lands through litigation and failed in that effort.[5] Extell likewise disputes that Bransford has a historic access rights across the Extell properties, which are formerly Mayflower lands. Extell also disputes the scope of Bransford's claimed easement in the ongoing litigation. Thus, the issue of access is still very much unsettled. Extell believes it is improper for Bransford to attempt to obtain "estate" zoning for parcels that cannot be developed under the current state of affairs.

Even if Bransford were able to establish its alleged easement through trial and appeal—and Extell intends to defend those efforts at all stages—the claimed route would overlay Deer Valley's Ontario ski run. The Commission should be aware that the Bransford zoning application is part of a plan to develop parcels for which ensured access and utility service do not exist, and which may very well interfere with ski operations.

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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.

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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.

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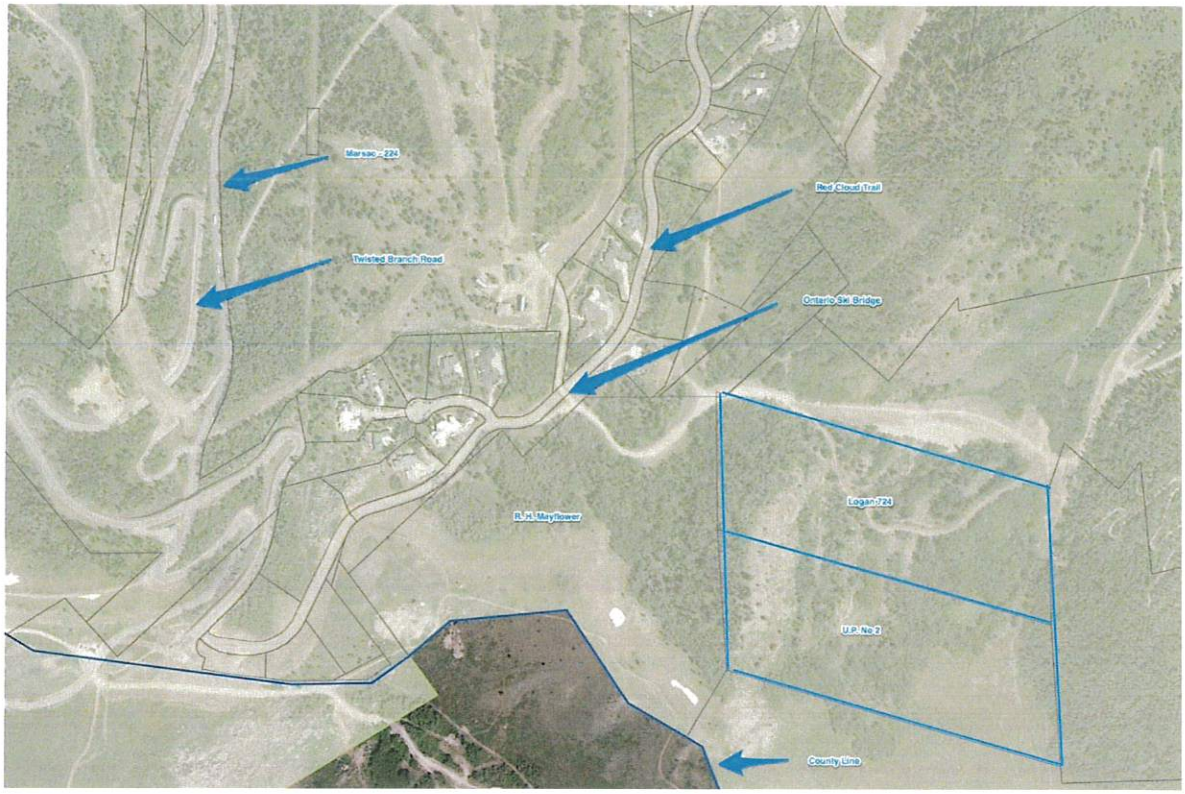
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A Professional
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Park City Planning Commission
445 Marsac Avenue
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- We regularly read about their Extell's "Billion Dollar Ski Area" development plans.

BLC decided to prepare their property for disposition:

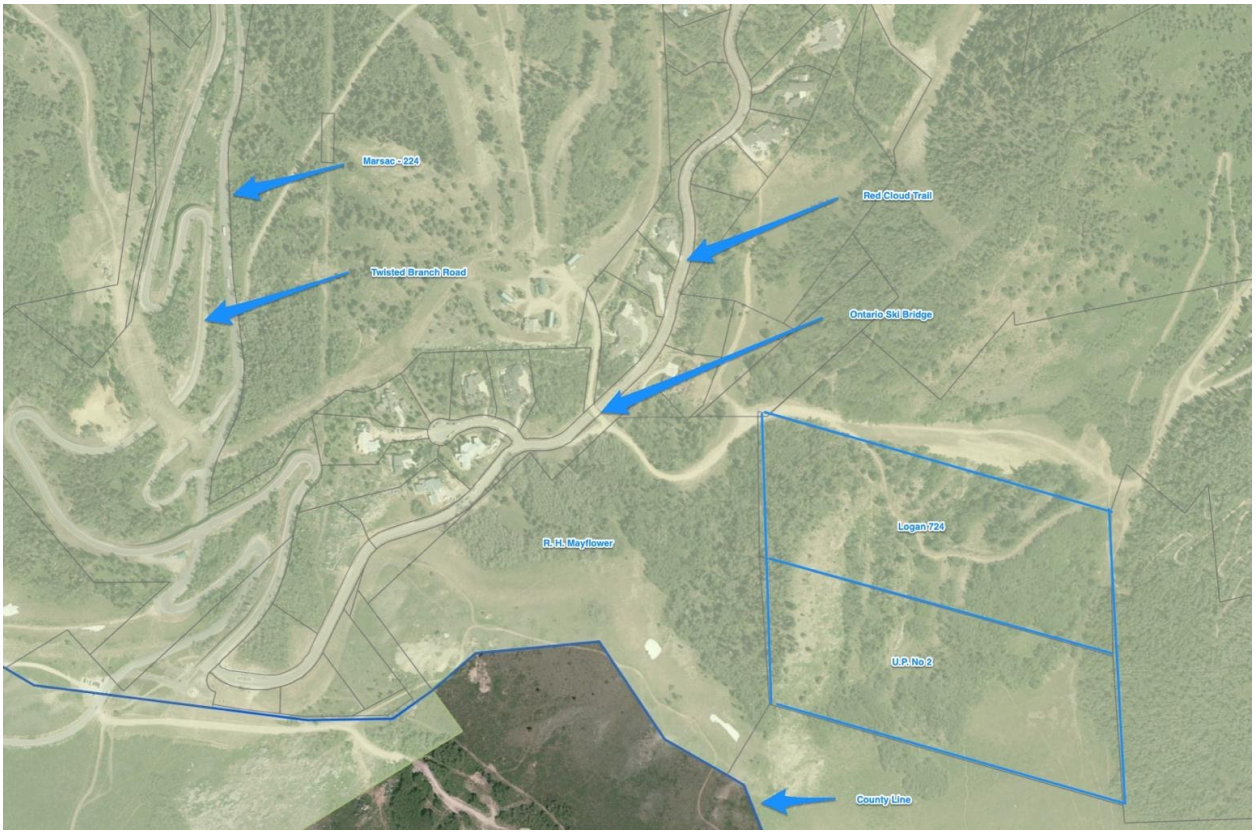
They retained Kuhn Company as a consultant to help them do so. BLC acquired an access and utility easement from Redus on Twisted Branch and Red Cloud Trail to the Ontario Ski Bridge (about 1,000 feet from our closest property line). To date BLC has been unable to negotiate to an Easement from the public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


Marsac - 224
Red Cloud Trail
Twisted Branch Road
Ontario Ski Bridge
R. H. Mayflower
Logan 724
U.P. No 2
County Line

From:	planning
To:	Makena Hawley
Subject:	FW: [External] New eComment for Planning Commission - Bransford
Date:	Tuesday, April 12, 2022 9:12:01 AM

From: noreply@granicusideas.com <noreply@granicusideas.com>
Sent: Tuesday, April 12, 2022 9:09 AM
To: planning <planning@parkcity.org>
Subject: [External] New eComment for Planning Commission

[CAUTION] This is an external email.

SpeakUp

New eComment for Planning Commission

Clive Bush submitted a new eComment.

Meeting: Planning Commission

Item: 5.A) Parcels: PCA-S-79-B and PCA-S-79-C (Bransford Parcels) -The Applicant is Proposing a Zone Change of Two Parcels for a Total of 39.62 Acres From Recreation Open Space (ROS) to Estate (E) Zoning With a Condition of Approval Limiting the Density to a Maximum of Two Single Family Homes. PL-21-05042 (60 minutes).

eComment: Recreation Open Space should remain as ROS, and especially in this location that is not infill - Staff doesn't explain its statement that "we" expected private land owners to apply for these zone changes or that should somehow make it acceptable? - there is no reasonable requirement to allow such a change in use.

View and Analyze eComments

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Direct 801.536.6911
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April 7, 2022

BY EMAIL AND U.S. MAIL
Park City Planning Commission
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
planning@parkcity.org

Re: Bransford Land Company, LLC – Zone Change Application for Parcels PCA-S-79-B and PCA-S-79-C

Dear Planning Commission:

Our firm represents several affiliates of Extell Development Company (collectively "**Extell**") that own property on Flagstaff Mountain. It has come to our attention that Bransford Land Company, LLC ("**Bransford**") has submitted an application for a zoning change for two Flagstaff parcels—PCA-S-79-B and PCA-S-79-C.[1]

We write to make sure the Commission is aware that Extell owns property between Red Cloud Trail and PCA-S-79-B and PCA-S-79-C, and that Bransford does **not** have a written easement agreement permitting vehicular or other access to its parcels from Red Cloud Trail across Extell's property. Bransford and Extell are in active litigation over whether Bransford has an implied or prescriptive easement to access Bransford's parcels, as well as the scope of Bransford's alleged easement. Extell vigorously disputes Bransford's claimed access rights across its property—including vehicular access for development—and opposes the installation of utilities across its property to serve the Bransford parcels. Extell will robustly resist any attempt to provide for such utilities or access across its property.

Because Bransford lacks ensured access—including vehicular access for development—or utilities to the Bransford parcels, the application to change the zoning of Bransford's parcels to "estate" is inconsistent with the purpose of that zoning designation and is premature. The zoning application should therefore be denied.

[1] We have made several requests to the Planning Department for any final application submitted after Bransford's initial application submitted in October 2021. That initial application, in our view, did not satisfy all submittal requirements. We have not received any additional application..

A. The Bransford Application Is Inconsistent with the Purpose of Estate Zoning.

Bransford's application requests a zoning change from "R.O.S." to "E-Estate" for PCA-S-79-B and PCA-S-79-C. "Estate" zoning is intended for "very low density, environmentally sensitive residential [d]evelopment."[2] Park City's municipal code assumes that lots zoned as "estate" are capable of such development and are accessible.[3]

Because Bransford's parcels do not have ensured access from Red Cloud Trail, or a right to install utilities across the Extell properties to permit development, Bransford's zoning change application is inconsistent with the City's municipal code. It should be denied for that reason.

B. Bransford Has Conceded that It Lacks Access, and Extell Disputes Bransford's Claimed Access Across Its Lands in Litigation. Accordingly, the Application is Premature.

Because Bransford cannot develop its parcels without access or utilities, the zoning change application is premature.

In communications with the Park City Planning Department, Bransford conceded it does not have ensured access to its parcels. Bransford has correctly noted that it "has been unable to negotiate an Easement from [Red Cloud Trail] to the BLC Property Line" across the Extell property, and that access from Red Cloud Trail is 1,000 feet away.[4]

As you may recall, several years ago the Mayflower Stichting entities attempted to establish access to Flagstaff lands through litigation and failed in that effort.[5] Extell likewise disputes that Bransford has a historic access rights across the Extell properties, which are formerly Mayflower lands. Extell also disputes the scope of Bransford's claimed easement in the ongoing litigation. Thus, the issue of access is still very much unsettled. Extell believes it is improper for Bransford to attempt to obtain "estate" zoning for parcels that cannot be developed under the current state of affairs.

Even if Bransford were able to establish its alleged easement through trial and appeal—and Extell intends to defend those efforts at all stages—the claimed route would overlay Deer Valley's Ontario ski run. The Commission should be aware that the Bransford zoning application is part of a plan to develop parcels for which ensured access and utility service do not exist, and which may very well interfere with ski operations.

---

[2] Park City Mun. Code § 15-2.10-1.
[3] *See, e.g., id.* § 15-2.10-3 ("Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.").
[4] *See* Bransford Land Company's Zone Change Justification, attached as Exhibit A.
[5] *See Stichting Mayflower Mountain Fonds v. United Park City Mines Company*, 2017 UT 42.

Further, even if Bransford were to gain access to its parcels, it does not have a claim in the current litigation that would permit it to ensure that utilities serve the parcels. Extell would oppose any such effort, including any eminent domain proceedings, which would be an improper use of that power to serve a clearly private use.

* * *

On March 15, 2022, Anne Bransford, a member of Bransford Land Company, gave public comment on "Deer Valley Development Company's Petition for the City to Vacate Portions of Right-Of-Way on Deer Valley Drive West and South, and to Dedicate Doe Pass Road to the City, as Part of the Snow Park Village Subdivision Application." She urged the Commission to get clarity on that petition before delivering the plan to the City Council. And she urged the applicant to "communicate with [its] neighbors" in approaching its development plans.

The Commission should likewise have full clarity about Bransford's application and understand how this step relates to parcels with no ensured access or utility service. It should also take notice that Bransford's neighbor Extell objects to Bransford's efforts to attempt to develop the parcels and negatively impact Extell's property in doing so. As explained herein, Bransford's application is inconsistent with the City's code, is premature, and should be denied.

Sincerely,

PARSONS BEHLE & LATIMER

Adam E. Weinacker
Attorney at Law

AEW:
Attachment
cc: Thomas Barton (via email: tbarton@parsonsbehle.com)
Sarah Hall (via email: sarah.hall@parkcity.org)
John Kenworthy (via email: john.kenworthy@parkcity.org)
John Phillips (via email: john.phillips@parkcity.org)
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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. UPCMC (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.
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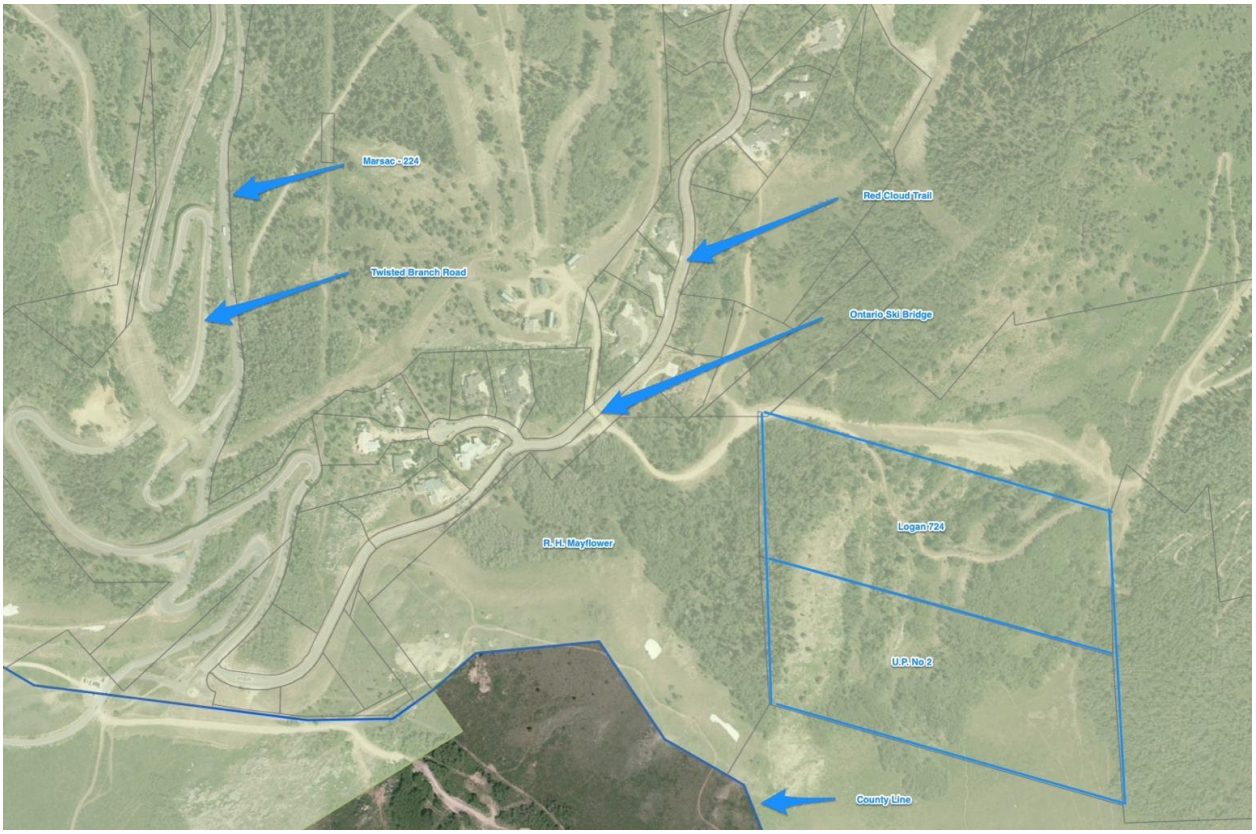
Jeffrey Kuhn
On behalf of:
Bransford Land Company, LC


Marsac - 224
Red Cloud Trail
Twisted Branch Road
Ontario Ski Bridge
R. H. Mayflower
Logan 724
U.P. No 2
County Line

Planning Commission
Staff Report

Subject: **Accessory Uses in Master Planned Developments**
Application: **PL-22-05447**
Author: **Rebecca Ward, Assistant Planning Director**
Date: **November 9, 2022**
Type of Item: **Legislative – Land Management Code Amendments**

Recommendation

Provide input on Land Management Code amendments for Accessory Uses in Master Planned Developments and determine whether proposed amendments are ready for a December 14, 2022 public hearing and recommendation for City Council's consideration in 2023.

Background

Residential development 20,000+ square feet or commercial development 10,000+ square feet requires a Master Planned Development (MPD) application and review by the Planning Commission pursuant to Land Management Code (LMC) Chapter 15-6. As part of the MPD review, LMC § 15-6-8 *Unit Equivalents* establishes a formula for Density. The LMC exempts certain Support Commercial, Residential, and Resort Accessory Uses[1] from counting toward the total Unit Equivalents (UEs) within an MPD.

The Accessory Use exemptions from UEs presented challenges for some MPD reviews because of the increased mass and bulk of proposed projects. On September 9, 2020, the Planning Commission forwarded a positive recommendation to the City Council to adopt phase I amendments for MPDs[2] and provided input on phase II amendments to modify Support Commercial, Residential, and Resort Accessory Uses. Initial input from the Planning Commission included the following:

- Do not be so restrictive that projects cannot be successful; allow for development in a way that is manageable
- Consider reinstating caps like those originally in the code in the 1980s but be flexible – the caps may need to be increased
- Consider reinstating the 2,000-square-foot cap—or something similar—for each Accessory Use to limit off-site visitors

[1] LMC § 15-15-1 defines an *Accessory Use* as a land Use that is customarily incidental and subordinate to the primary Use located on the same Lot.
[2] On October 1, 2020, the City Council adopted Ordinance No. 2020-45, amending the LMC to clean up remnant code, outline substantive and minor modifications, separate the MPD review process from the Conditional Use permit process, outline required compliance with all relevant sections of the LMC, require more or less restrictive height or setbacks to be noted on the plat and in the development agreement, require a public hearing prior to ratifying a development agreement, establish Planning Commission discretion to require applicants to provide additional studies and to fund those studies, and require sufficient traffic mitigation as a required finding and conclusion for approval (Staff Report; Minutes, p. 6).

- Consider 25% or more for a cap on Residential Accessory Uses because these exemptions support efficiency of design
- Remove the redundancy from Residential and Resort Accessory Use lists
- Residential Accessory Uses are supported as is, but if any exemptions contribute to additional intensity of staffing, ensure that these impacts are considered when determining traffic and parking for the MPD approval
- Use caution when creating caps because uses may change over time, especially considering the pandemic and impacts this may have on the future of design with social distancing
- Work to balance caps with project success
- Caps provide a mechanism for enforcement (Staff Report; Minutes, p. 11)

Analysis

The LMC implements the goals and policies of the General Plan in part to protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the historic character, and the unique mountain town community.[3] The Planning Commission reviews LMC amendments and forwards a recommendation to City Council for final action.[4]

Recommended amendments based on Commission input to clarify Accessory Uses within MPDs are outlined below:

Support Commercial Accessory Uses

When the MPD process was first established in the LMC in the 1980s, the LMC allowed Support Commercial Facilities, which were defined as commercial uses oriented toward the internal circulation of the development "for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the Master Planned Development." The definition included examples like barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops or other hotel lobby type uses.

Each Support Commercial Facility was capped to no more than 2,000 gross square feet of floor area and the total Support Commercial Facilities were capped to no more than 10% of the total gross floor area. Signage for Support Commercial Facilities could only be visible from within the development. The 1980s LMC also allowed up to 5% of the total floor area to be dedicated to meeting spaces without requiring UEs.

The definition of *Support Commercial Use* has been slightly modified since the 1980s, but still establishes the requirement that the Use serve the needs of residents or users of the development. LMC § 15-15-1 *Definitions* outlines the following:

[3] LMC § 15-1-2
[4] LMC § 15-12-15(A)(3)

> **Commercial Use, Support**. A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

When the City re-wrote the LMC in the early 2000s, the LMC continued to allow within a Residential MPD for a Hotel or Nightly Rental condominium up to 5% of the total floor area for Support Commercial and 5% of the total floor area for meeting spaces without counting toward UEs. This has not changed. LMC § 15-6-8(C) *Unit Equivalents* currently establishes the following for residential MPDs:

> **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS**. Within a Hotel or Nightly Rental condominium project, the Floor Area of Support Commercial uses may not exceed five percent (5%) of the total Floor Area of the approved residential Unit Equivalents. Any unused support commercial floor area may be utilized for meeting space Uses.

And LMC § 15-6-8(D) *Unit Equivalents* further allows the following:

> **MEETING SPACE**. Within a Hotel or Condominium project, Floor Area of meeting space may not exceed five percent (5%) of the total Floor Area of the approved residential unit equivalents. Any unused meeting space floor area may be utilized for support commercial uses within a Hotel or Nightly Rental Condominium project.

Support Commercial is also defined for the resorts. § 15-15-1 *Definitions* outlines the following:

> **Commercial Use, Resort Support**. A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.
>
> **RESORT SUPPORT COMMERCIAL**. Use that is clearly incidental to, and customarily found in connection with, the principal Building or Use, and that is operated and maintained for the benefit and convenience of the Owners, occupants, employees, customers, or visitors to the principal Use or Building.

However, LMC Chapter 15-6 outlining MPD regulations is silent regarding Resort Support Commercial. Resort Support Commercial is established through the Park City Mountain Resort and Deer Valley Development Agreements specific to each project and

no proposed amendments to the LMC would impact what is already defined and established specific to each resort.

The following Support Commercial amendments for future Residential MPDs for Hotel or Nightly Rental uses are recommended:

- Reinstate the 1980s cap for each Support Commercial Use for residential MPDs to no more than 2,000 gross square feet of floor area, while still allowing for up to 5% of the total MPD square footage for Support Commercial Use and up to 5% of the total MPD square footage for Meeting Spaces
- Reinstate the requirement that signage for Support Commercial Facilities only be visible from within the development

Residential Accessory Uses

The 2002 LMC further exempted administrative and banquet offices, as well as Residential Accessory Uses from UEs, which included ski lockers, lobbies, registration, concierge, bell stand/luggage storage, maintenance areas, mechanical rooms, laundry facilities, employee facilities, common pools, saunas, and hot tubs not open to the public, telephone areas, public restrooms, administrative offices, hallways and circulation, elevators and stairways, and back of house uses. There is no square footage or percentage cap on Residential Accessory Uses.

LMC § 15-15-1 *Definitions* does not define Residential Accessory Uses. However, LMC § 15-6-8(F) *Unit Equivalents* includes the following description:

> **RESIDENTIAL ACCESSORY USES**. Residential Accessory Uses include typical back of house uses and administration facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project and that are common to the residential project and are not located within any individual Residential unit. Residential Accessory Uses do not require the use of Unit Equivalents and include, but are not limited to, such Uses as:
>
> Ski/Equipment lockers
> Lobbies
> Registration
> Concierge
> Bell stand/luggage storage
> Maintenance Areas
> Mechanical rooms and shafts
> Laundry facilities and storage
> Employee facilities
> Common pools, saunas and hot tubs, and exercise areas not open to the public
> Telephone Areas

Guest business centers
Public restrooms
Administrative offices
Hallways and circulation
Elevators and stairways

Initial Commission input was to consider a 25% or greater cap on Residential Accessory Uses. Also, if any exemptions contribute to additional intensity of staffing, to ensure these impacts are considered when determining traffic and parking for MPDs. The Planning Commission could consider amending LMC § 15-6-8 *Unit Equivalents* to require the Applicant to identify Accessory Uses that require additional employees and to include these numbers in the traffic impact study and parking calculations for the project.

Resort Accessory Uses

The 2002 LMC added Resort Accessory Uses, exempting lost and found, mountain patrol, mountain administration, mountain maintenance, emergency medical facilities, public lockers, public restrooms, employee restrooms, ski school/day care facilities, ticket sales, ski check, circulation, and hallways from UEs. There is no square footage or percentage cap on Resort Accessory Uses.

The General Plan and recommended strategies acknowledge the need for flexibility with resort development, while preserving the City's core values. Goal 11 of the General Plan is to support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. Objective 11A states the vibrancy of Park City's resorts is essential to the success of resort support businesses and the City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City. Objective 11B is to preserve our community core values of Small Town, Natural Setting, Sense of Community, and Historic Character to maintain the unique Park City experience for visitors and residents.

LMC § 15-15-1 *Definitions*, while defining *Resort Support Commercial Use* and *Resort Support Commercial* as shown above, does not define Resort Accessory Uses. LMC § 15-6-8(G) *Unit Equivalents* includes the following:

> **RESORT ACCESSORY USES**. The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to,

such Uses as:

Information
Lost and found
First Aid Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, employee locker rooms, employee break rooms, and employee dining areas
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways for these Resort Accessory Uses

Initial Planning Commission input was supportive of Resort Accessory Uses as drafted, with the comment that ski schools and day care facilities and other Accessory Uses that may trigger additional employee traffic and parking be taken into consideration. The Planning Commission could consider amending LMC § 15-6-8 *Unit Equivalents* to require the Applicant to identify those Accessory Uses that require additional employees and to include these numbers in the traffic impact study and parking calculations for the project.

Questions for Consideration:

- Should the 1980s cap be reinstated for Support Commercial Use to no more than 2,000 gross square feet of floor area?
- Should the requirement that signage for Support Commercial Facilities only be visible from within the development be reinstated?
- Should a 25% or greater cap on Residential Accessory Uses be explored?
- Should LMC § 15-6-8 *Unit Equivalents* be amended to require the Applicant to identify Accessory Uses that require additional employees and to include these numbers in the traffic impact study and parking calculations for the project?
- Are there uses that should be added or removed from the exemptions?
- Are there additional concerns regarding Accessory Use in MPDs that should be addressed?