



**PARK CITY REGULAR PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
November 10, 2021**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Park City, Utah will hold its Regular Planning Commission Meeting at the www.parkcity.org/public-meetings for the purposes and at the times as described below on Wednesday, November 10, 2021.

SITE VISIT 4:00 PM

The Planning Commission will visit Founders Place (formerly called Deer Hollow Village) Parcel 00-0021-01977 in a gated community accessed from Deer Hollow Road. Members of the public wishing to participate should contact planning prior to November 9, 2021 at 5:00 PM. For more Information: 435-615-5060 or planning@parkcity.org.

MEETING CALLED TO ORDER AT 5:30 PM.

Notice of Electronic Meeting and How to Comment Virtually

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

Planning Commission members will connect electronically. Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

1.ROLL CALL

2.MINUTES APPROVAL

2.A. Consideration to Approve the Planning Commission Meeting Minutes from October 13, 2021.

Consideration to Approve the Planning Commission Meeting Minutes from October 20, 2021.

[10.20.21 Planning Commission Minutes - Pending Approval](#)

[10.13.21 Planning Commission Minutes - Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5.WORK SESSION

- 5.A. 543 Park Ave - Hotel, Minor Conditional Use Permit - The Applicant Requests a Minor Hotel Conditional Use Permit to Convert the Washington School Inn, a Landmark Historic Structure on the Park City Historic Sites Inventory in the Historic Residential -- 1 Zoning District, from a Bed and Breakfast to a Minor Hotel with Accessory Facilities for Events. PL-20-04477.

(A) Work Session; (B) Public Hearing

[Staff Report](#)

[Exhibit A: Washington School House CUP Management Plan](#)

[Exhibit B: Applicant's 2020 Project Description](#)

[Exhibit C: 1983 CUP Application for a Bed & Breakfast](#)

[Exhibit D: 1983 Conditional Use Permit Approval Letter](#)

[Exhibit E: November 5, 2001 Community Development Director Determination](#)

[Exhibit F: December 12, 2001 Planning Commission Staff Report](#)

[Exhibit G: November 10, 2010 Planning Commission Approval for Outdoor Pool](#)

[Exhibit H: August 21, 2012 Planning Commission Conditional Use Permit Approval Letter](#)

[Exhibit I: June 24, 2015 Planning Commission Approval Letter to Relocate Laundry](#)

[Exhibit J: September 21, 1983 Conditional Use Permit Staff Report](#)

[Exhibit K: 1984 Parking Easement Agreement](#)

[Exhibit L: 1984 Non-Exclusive Agreement with Park City Municipal](#)

[Exhibit M: Hales Engineering Parking Study](#)

[Exhibit N: 2012 Historic Preservation Board Award to Washington School House](#)

[Exhibit O: Washington School House Historic Site Form](#)

[Exhibit P: Neighbor's Concerns for the Washington School CUP](#)

[Exhibit Q: Compiled Public Comments](#)

6.REGULAR AGENDA

- 6.A. Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision, Phases 2 and 3 - Amendment to the Land Management Code Sec. 15-2.13.2 to Prohibit Nightly Rentals in Phase 2 and Phase 3 of the Hidden Oaks at Deer Valley Subdivision.

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on December 16, 2021.

[Staff Report](#)

[Exhibit A: Draft Ordinance No. 2021-XX](#)

[Exhibit B: Applicant Statement](#)

[Exhibit C: Emails of Support from Property Owners](#)

[Exhibit D: Ordinance No. 95-21 Approving the Hidden Oaks Subdivisions](#)

- 6.B. Founders Place (formerly called Deer Hollow Village) Parcel 00-0021-01977 – Modification to a Master Planned Development and Conditional Use Permit – The Applicant Proposes a 78-Unit Residential Ski-In Ski-Out Village in Three Phases in the Recreation Commercial Zoning District. The Planning Commission Will Determine Whether the Proposed Project is a Minor or Substantive Modification to the Master Planned Development. PL-21-04917 and PL-21-05056

(A) Public Hearing; (B) Action; (C) Continuation to December 8, 2021

[Staff Report](#)

Exhibit A: Proposed Subdivision Plat
Exhibit B: Applicant's Conditional Use Permit Submittal
Exhibit C: November 4, 2021 Supplemental Materials
Exhibit D: Wasatch County Density Determination
Exhibit E: 1995 Settlement Agreement
Exhibit F: First Amendment to the Settlement Agreement
Exhibit G: First Amended Wasatch County Density Determination
Exhibit H: Ordinance No. 98-53 Annexing Approximately 253 Acres of the Deer Crest Property
Exhibit I: Ordinance No. 98-51 Zoning the Deer Crest Annexation Areas
Exhibit J: Deer Hollow Subdivision
Exhibit K: Founders Place Modification Change Application - Applicant Statement
Exhibit L: Founders Place Trip Generation Study
Exhibit M: 1995 Site Plan
Exhibit N: Third Amendment Settlement Agreement
Exhibit O: Public Input
Exhibit P: Sensitive Lands Analysis

- 6.C. Accessory Apartments – Land Management Code Amendments – The Planning Commission Will Review Amendments to Land Management Code Sections 15-2.23-2, 15-4-7, and 15-15-1 Regarding Reduced Accessory Apartment Regulations to Incentivize Construction of Long-Term Rentals.
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on December 9, 2021

Staff Report

Exhibit A: Draft Ordinance No. 2021-XX
Exhibit B: Background
Exhibit C: Sudbury Memo
Exhibit D: Accessory Apartment Survey Results
Exhibit E: Public Input

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 validations will be provided for meeting attendees that park in the China Bridge parking structure.**



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
October 20, 2021**

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

EX OFFICIO: Gretchen Milliken, Planning Director; Julie Schultz, Executive Office Administrator; Alexandra Ananth, Senior City Planner; Rebecca Ward, Assistant Planning Director; Mark Harrington, City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m. Commissioner Laura Suesser stated that she would have to leave the meeting at 6:30 p.m.

The following written determination was read:

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

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from September 29, 2021.

MOTION: Commissioner Suesser moved to APPROVE the September 29, 2021, Planning Commission Meeting Minutes. Commissioner John Kenworthy seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Chair Phillips confirmed that the Sommet Blanc site visit was scheduled for October 27, 2021,, at 4:00 p.m. Commissioner Suesser confirmed her understanding that they would not be assessing Twisted Branch Road. City Attorney, Mark Harrington clarified that the inspection would involve a two-pronged approach to this visit, with the Commission starting at the top where Twisted Branch Road comes into Guardsman Road. Here, the Commission would get a perspective from the upper portion of the road. He clarified that Twisted Branch Road is relevant as it applies the Commission's evaluation of that portion of the proposal.

Commissioner Suesser requested clarification regarding the construction that is currently underway on the Sommet Blanc project. Planning Director, Gretchen Milliken stated that Staff would provide a site history and overview of what has occurred to date.

Commissioner Thimm requested an 11' x 17' graphic illustrating the existing conditions and the proposed site plan. Director Milliken confirmed that Staff was assembling a packet and an agenda for the site visit. She also explained that Staff was looking into having a van to carpool the Commissioners to the site. She confirmed that the agenda calls for everyone to be at the site at 4:00 p.m. and will start on the upper portion of the site where the applicant has proposed a curb cut and a new parking area for the Mid-Mountain Trailhead. City Staff from the relevant departments will be present to walk the Commissioners through the proposal.

Director Milliken stated that the visit would then move to the lower part of the site where they will look at the curb cut off of the roundabout. The Commission will then be given the site history and permitting that has occurred to date. The applicant will then walk the Commission through the proposal, including the locations of buildings, sight lines, and heights, among other aspects. The site visit will conclude at 5:00 p.m. to allow the regular Planning Commission Meeting to start at 5:30 p.m. to 5:45 p.m. She added that Staff was working to get someone from the Utah Department of Transportation ("UDOT") to attend the site visit.

5. WORK SESSION

- A. Park City Mountain Resort Base Parking Lots - MPD Modification Work Session- Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. The Commission Will Discuss Off-Site Parking and Transportation, Draft Findings of Fact, Draft Conditions of Approval, and Other Issues Raised in the Staff Report. PL-20-04475.**

Senior City Planner, Alexandra Ananth reminded those present that this application seeks to amend the 1998 Park City Mountain Resort Development Agreement and replace the expired Exhibit D (the 1998 Master Plan Study) with a new Master Plan, known as the Park City Base Area Lot Redevelopment Master Plan. She explained that she would provide a quick update, followed by a presentation by the applicant, Planning Commission comment, and public input. She reported that the next meeting is scheduled for November 17, 2021, at which time they expect to focus on transportation and off-site parking. Planner Ananth suggested that any transportation

or off-site parking-related questions be forwarded to her so that they could be addressed at the next meeting.

Planner Ananth reported that the applicant proposed to transfer density to Parcel C to allow for a hotel use on Parcel C instead of a skier services/condominium building. The applicant has also proposed to change the employee housing obligations to not provide an additional 600 underground parking stalls for the resort.

The applicant has proposed updates to the Phasing Plan, Traffic Plan, and Parking Mitigation Exhibits. Planner Ananth stated that in terms of the Land Management Code (“LMC”) exceptions to the proposed new site plan, the applicant is seeking a reduction in the perimeter setback for two facades on Parcel B, a portion of the Shadow Ridge Road façade, and a portion of the Empire Avenue façade.

Planner Ananth explained that the applicant is also seeking a reduction of 502 parking stalls from what the LMC requires for off-street parking. Most of the requested reduction relates to commercial and residential parking while maintaining the existing 1,200 day skier parking stalls. The applicant is also seeking an increase in allowed building height from the zone height of 35 feet for all parcels. She noted that for this meeting, the applicant would be presenting additional perspectives of the proposed site plan, including perspectives from eye level. The applicant would also review their open space calculations, skier drop-off and pick-up areas, and possibly the commercial and commercial support uses in the Parcel C hotel building, time permitting.

Robert Schmidt from PEG Development addressed the perspectives discussed during the last meeting. He explained that HKS Architects prepared perspectives from a broad project view to help understand the scope and relationship of how the project will fit into the surrounding contexts. He introduced Emir Tursic from HKS Architects to present the perspectives.

Mr. Tursic reported that they developed three additional perspectives, which include an aerial view from the southeast, an aerial view from the northeast corner, and a street perspective from eye level. He explained that the perspectives use professional drone images with exact coordinates and field of view perspectives. These images provide the most accurate perspectives they can achieve, not only of the mountain range and existing conditions but all of the existing buildings surrounding the project. He added that the renderings not only provide an understanding of how the buildings fit into the context but a better understanding of separation from the surrounding buildings, the relationship in terms of heights and massing to the surrounding buildings, and the open space. He explained that the renderings demonstrate that the proposed project is very compatible with the existing buildings and context. He stated that they took the height, mass, and density and pushed it toward the Resort Center and the mountain. The massing steps down on each parcel as they approach the streets, plazas, and adjacent developments. Although the graphics do not represent the final architectural design, it is articulated enough to provide a sense of massing and scale, and how it would fit into the existing context.

Mr. Tursic reported that they used the same process to develop the rendering from the southeast perspective. He highlighted Parcel B from this perspective and explained that architecturally, they worked to modulate its scale and stepped it down to a three-story townhome along Empire Avenue. He commented that this was significantly lower than what was contemplated by the 1998 Master Plan. Mr. Tursic stated that they located and transferred the height and density along

Lowell Avenue closer to the Resort Center and removed an entire level along Shadow Ridge in an effort to reduce the impact on the adjacent buildings and relate to the scale of those buildings.

He presented the street perspective from the corner of Silver King Drive and Empire Avenue and explained that they took professional images at an elevation of five feet, which they felt was an average eye-level perspective. He noted that the image was taken from across the intersection, which is lower than if someone were standing next to the building. He presented the overlay as well as a complete rendering, which demonstrated the sense of the mountain view corridor they are trying to preserve. This would also provide a sense of arrival at the Resort, and he emphasized the incredible experience this entrance would be as compared with the existing conditions, whether a visitor arrived by car, bus, or on foot.

Commissioner Suesser noticed that the sidewalks around Building D were not included in the images and would like to see what a 15-foot sidewalk would look like.

Mr. Schmidt introduced Josh Givens from Hales Engineering who addressed questions raised regarding the Traffic Study. Mr. Givens recalled that there were questions as to how the latest Traffic Study compared with the previous studies completed a year or two ago. He explained that the new Traffic Study was a collaborative effort involving City Staff and AECOM to arrive at different solutions to make this a “transit first” system and keep pedestrians safe. They wanted to create a multi-modal system that would benefit all modes of transit.

Mr. Givens noted that the most recent questions involved future traffic volume projections and the software that was utilized. Mr. Givens explained that in the previous study, in order to determine growth from the present to 2040, they assumed an annual growth rate of 1% based on historical trends. In the latest study, they used the Travel Demand Model developed for Summit and Wasatch Counties. The Travel Demand Model was not available at the time of the previous study but has become standard practice. He explained that this model is a land use-based model that helps in understanding where growth occurs in the City and the County and gives a better prediction of traffic volumes.

Mr. Givens reported that the Travel Demand Model showed a 1% growth in the PCMR Base Area, and as a result, the volumes were similar to those previously reported. They were able to use this model to confirm their analysis and to calibrate the traffic volumes for other movements outside of the Base Area. He explained that they utilized VISSIM software for the updated study, which is a robust software used often for multi-modal analyses, including transit and pedestrian studies. In this case, it was the best tool to use, especially when looking at a “transit only” lane in the Base Area.

Commissioner Kenworthy asked about the source for the 1% annual growth rate. Mr. Givens stated that it initially came from a UDOT database for Empire Avenue as it enters the Base Area. Historically, that area has shown a growth rate of 1% per year. He noted that the Travel Demand Model also showed similar growth. Mr. Givens explained that because they focused on a peak hour analysis, the 1% growth rate was applied to a peak hour. He noted that it was a daily growth rate, but trends show that the peak hour tends to have similar growth and change, as do the daily volumes.

Commissioner Kenworthy asked if over the past 10 years the intersection has averaged a 1% increase in traffic. Mr. Givens confirmed that that was correct and clarified that specifically, it was

the Empire Avenue leg of the intersection that has experienced that growth. He assumed that the other streets experienced similar growth.

In response to Commissioner Kenworthy's inquiry regarding growth projections on the intersection and all of the legs into the intersection, Mr. Givens agreed to forward that information. He recalled that on an annual basis, the legs to the north and east of Empire Avenue experienced approximately 0.5% growth per year. He recalled that the growth rate for Park Avenue is approximately 0.1% annually.

Commissioner Kenworthy expressed surprise at these numbers and questioned how to bypass roads could have less than a 1% growth rate when traffic has increased substantially. Mr. Givens noted that these numbers were obtained from the Traffic Demand Model and explained that land that is already built out would have low future growth. Typically, growth numbers would be higher in areas where there was the potential for development. Planner Ananth sought clarification that the growth rate was applied to the 2017 data. Mr. Givens confirmed that and stated that the initial counts were collected in 2017. They used UDOT data to grow that to a 2020 condition at the time. They then used the Travel Demand Model numbers to grow that to the 2040 projections.

Planner Ananth wondered if UDOT would have reported traffic growth of 5% between 2017 and 2020 or used historic numbers. Mr. Givens stated that they used UDOT's data, which includes traffic counters on SR-224 and SR-248, to calibrate it from the 2017 to 2020 condition and then used the future forecast in the model to bring them to the 2040 projection.

Mr. Schmidt added that they used 2017 data because that was a heavy snow year and had higher traffic numbers than in prior years. Mr. Givens noted that 2017 was not necessarily a high-volume year but they compared it to other years. Since UDOT's data is month-to-month, they were able to figure out if the volumes were higher in one month of a year compared to the same month in a different year. He emphasized that they were able to true up the data to a 2020 condition and assume a high ski year.

Commissioner Kenworthy referenced the 2016 intersection numbers and noted that the 2020 numbers were 500 less than those for 2016. Mr. Givens explained that was why they did not use the 2020 numbers exactly. They wanted to be conservative in their analysis and ensure that they accounted for high ski years. The 2020 count was done to see how it had changed, but they wanted to ensure that they were not low on their estimate. He offered that if anything, their analysis was conservatively high. Mr. Givens referenced the Traffic Demand Management ("TDM") strategies to reduce traffic by 20%.

In response to an inquiry regarding 2021 numbers and the potential impact of COVID-19, Mr. Givens stated that they did not collect those numbers but could provide an analysis. He noted that they did not collect new data for this year because of potential COVID-19 impacts. Planner Ananth expressed that the public would be interested in this information.

Commissioner Kenworthy commented that no one would consider that there is currently less traffic than what existed in 2016 at that intersection. He added that because the traffic access to the area would be enforced that would push more vehicles to the intersection at Empire Avenue. He asked Mr. Givens if that increased volume had been planned for and considered. Mr. Givens stated that they shifted traffic within the study area based on the lane configuration of the roadways. He acknowledged that they did not eliminate the traffic coming from the streets to the

east and the west because he understood that those vehicles would still have access to Park Avenue.

Chair Phillips interjected that this discussion was not intended to be part of the agenda for this meeting. He would like to have a full discussion during the next meeting. He stated that the new information is helpful but expressed that he and likely the public and other Commissioners were not fully prepared to discuss this in detail during this meeting. He added that this new information was helpful in preparing them for the next meeting but did not want this meeting to go off in that direction when that is not what was part of the agenda.

Commissioner Suesser recognized that PEG stated that they could not collect traffic numbers for this project. She understood that the Traffic Study was based on the Treasure Hill data, which was updated by King's Crown. Rather than preparing a Traffic Study specific to this project, PEG relied on data from those two other projects. Therefore, significant guesswork and modifications to those numbers went into the Traffic Study for the project.

Commissioner Suesser added that because PEG used the Traffic Study for the Treasure Hill and King's Crown project, there was no data for drop-off/pick-up or resort-specific operations around the base. Commissioner Suesser stated that data on those issues should have been included in this Traffic Study. She noted that the Traffic Study does not capture the significant increase in traffic to the roads around King's Crown. Additionally, Epic Pass sales have increased significantly since 2017, which has also increased the number of skiers coming to the Resort. She questioned why a 2017 Traffic Study was being used. If the reason is COVID-19, they are guessing at the numbers. She would like to see the traffic data during COVID-19.

Mr. Schmidt stated that a Traffic Study was specifically conducted for this project. He added that it is common practice to collaborate with, rely on, and use other Traffic Studies completed in the immediate area, and utilize that underlying data for consistency. He stressed that using data from a Traffic Study for a project that is adjacent to the subject project is a practical, common approach.

Commissioner Suesser asked if Hales Engineering completed any field study work for PCMR. Mr. Givens confirmed that Hales Engineering collected some counts on their own that were not included in the older studies. They collected data for the intersection of Silver King and Lowell, and Three Kings. He added that they have also been at the site during the winter months to observe conditions on busy ski days. Mr. Givens explained that their models are simulation-based and they wanted to ensure that they were calibrated appropriately so that they represent the queues and the flow that they saw in the field. Mr. Givens reiterated that they completed their own Traffic Study, and while they used previous traffic counts, they prepared their own study, created their own models, results, and recommendations. Commissioner Suesser asked if the Treasure Hill and King's Crown projects counted the cars coming from Silver King to Manor.

Chair Phillips reiterated his request to stay with the agenda and expressed that there might be members of the public who did not attend this meeting because these topics were not on the agenda. He cautioned about having these discussions as it might exclude people who want to be part of the discussions. He clarified that it would be appropriate to ask questions to give PEG direction on items to be addressed at the next meeting.

Commissioner Suesser commented that the fact that they do not have the counts for drop-off/pick-ups as part of the Traffic Study was significant.

Commissioner Kenworthy asked for the gross projections and numbers for the intersections.

Mr. Schmidt next addressed the Commission's questions regarding Parcel B and the setback requests. He presented the plan view of Parcel B and explained that the red line represented the property line, the blue line represented the 20-foot setback, and the yellow line represented the 25-foot setback. Mr. Schmidt stated that they also prepared a cross-section at each frontage. He explained that the areas along Empire Avenue where they have requested the exception are the eight entryways over the door into each one of the townhome units. He noted that each of the setback exception locations is the width of the entryway where it touches the 20-foot setback line. He presented the plan sections illustrating the requested setbacks along Empire Avenue. Planner Ananth clarified that the property line intersects the sidewalk, so there would be an additional space of half of the sidewalk width in addition to the landscape buffer. Mr. Schmidt stated that the additional distance is 11 feet to the back of the curb. Therefore, the distance from the curb to the door would be 31 feet and the distance from the curb to the majority of the townhome façade would be 36 feet.

Commissioner Van Dine clarified that the requested exception was not just for the entryway but the entire façade along with the entryway from ground level to the top of the building. Commissioner Thimm noted that the façade was not flat and undulated between the 20 and 25-foot setback. Mr. Schmidt stated the width of the requested setback for each entryway would be five to eight feet. Mr. Tursic recalled that each of the requested exceptions along Empire Avenue would be approximately five feet wide. Chair Phillips requested an elevation view to help them visualize the requested exceptions.

Mr. Schmidt presented the setback exceptions for Floors 2 and 3 along Shadow Ridge Road. He highlighted the 60-foot right-of-way, sidewalk, and landscaped areas, and explained that they requested a 25-foot setback from the right-of-way line to the majority of the façade and at the ground plane. He demonstrated how Floors 2 and 3 step out to a 20-foot line to provide architectural interest and variation along that façade. Mr. Schmidt explained that with regard to the requested setbacks, they have proposed a healthy amount of landscaping and a 12-foot-wide multi-use trail. Additionally, Shadow Ridge will be constructed to be 12 feet wider than it is currently, and in its improved condition, would be 35 feet wide.

Commissioner Suesser asked if an overlay image could be provided. Mr. Schmidt stated that it was possible and noted that it would take approximately three weeks to generate. He stated that they could provide the 3-D modeling of that building that was previously presented.

Commissioner Thimm stated that a detailed plan view would be helpful for the Commission to visualize the width of the requested 20-foot setback and the width of the 25-foot setback. He noted that this would help in understanding where the undulation would occur and how it would relate to the exception to the LMC.

Mr. Schmidt next presented a view of the bus stop looking north along Lowell Avenue. In this location, there would be a 15-foot sidewalk and a full setback of 25 feet from the property line. He confirmed that there was no requested exception along Lowell Avenue. Similarly, PEG was not requesting an exception in the location of the shuttle drop-off. Commissioner Thimm confirmed that PEG had only requested a 20-foot setback at defined areas along Empire Avenue and Shadow Ridge Road. Mr. Schmidt stated that they previously requested a setback exception along Lowell Avenue that would protrude out similarly to the condition along Shadow Ridge Road but determined that the element was minor enough to eliminate. Mr. Tursic added that in May

2021, they presented enlarged site plans at the ground level that identified the setback encroachments. He confirmed that the entryway to each townhome is nearly 11 feet.

Mr. Schmidt presented the view along Manor Way that showed a 60-foot right-of-way, two lanes of street travel, a 12-foot pedestrian multi-use trail, and landscape buffer. He confirmed that PEG had not requested a setback exception along this façade.

Mr. Tursic shared the ground-level plan views with the Commission that were presented in May and reported that the setback exceptions along Empire Avenue are approximately 11' x 5'. He explained that there were no encroachments at the ground level along Shadow Ridge; rather, the encroachments start at the second level. He added that along Lowell Avenue, the façade is set back 25 to 28 feet from the property line. The only exception was the mid-block paseo stair, which according to LMC Section 15-2-16-3, would be allowed because it is less than four feet. He understood that a setback exception would not need to be requested for this encroachment because it is allowed by the Code.

In response to Commissioner Thimm's request, Mr. Tursic stated that for the final submittals, they would locate these encroachments dimensionally so that the encroachments could be highlighted and identified. Chair Phillips echoed Commissioner Thimm's request and added that PEG should also present elevation views that are dimensioned as well.

Commissioner Thimm commented that along Empire Avenue, a majority of the building would be within the 25-foot setback, with less than half of the façade having the reduced setback. Mr. Tursic confirmed that approximately 77 feet in total length would be within 20 feet.

Commissioner Suesser asked if a deck would be able to protrude out toward the street from the façade. Planning Director Milliken noted that this project is located within the Historic District, where they strongly discourage decks on the front façade. It would, therefore, have to go through a Historic District Design Review and would probably not be recommended under the current design guidelines. It was clarified by Planner Ananth that this project is located in the Recreation Commercial District.

Commissioner Suesser referenced the King's Crown Townhouses where decks have been added to the facades. Chair Phillips suggested adding a Condition of Approval to disallow decks. Planner Ananth stated that the Code would allow decks, porches, and bay windows not more than 10 feet wide that do not project out more than five feet into the front yard. She stressed that PEG has not requested those exceptions, which Mr. Schmidt confirmed. Chair Phillips reiterated that they could add a Condition of Approval prohibiting decks.

Mr. Schmidt asked Mr. Tursic to highlight for the Commission the areas of requested exceptions along the Shadow Ridge façade. It was confirmed that the setback exception was only requested for Floors 2 and 3. The ground level would maintain the 25-foot setback. In response to an inquiry from Commissioner Thimm, Mr. Schmidt stated that the height from ground level to the requested exceptions is one story at grade, noting that the roadway slopes.

Planner Ananth reiterated that the street-level façade along Shadow Ridge would be 25 feet. Chair Phillips added his request for a dimensioned on an elevation view for this façade. Commissioner Thimm agreed and stated that a dimensioned view would control enforcement of the requested exceptions.

Commissioner Thimm noted that his questions on this issue were answered. Commissioner Johnson echoed the requests for an elevation view. He agreed with Commissioner Suesser that the photo simulations provided were extremely helpful in showing perspective and requested that similar simulations be provided for the requested setbacks along Empire Avenue that show the architectural facade as compared to the residential units across the street. Mr. Tursic presented an image presented earlier from the southeast perspective to illustrate the protrusions at the entryways to the townhomes and indicated that they would be provided to the Commission.

It was noted by Robert McConnell, PEG's Counsel, that there appeared to be decks on the second and third level that protrude out into the 25-foot setback area that would be permitted pursuant to the Code. It was noted that PEG was not requesting an exception for the decks, but they would not want those decks removed by condition.

Chair Phillips acknowledged that his prior suggestion was made before looking at the view presented by Mr. Tursic, so he retracted the suggested Condition of Approval regarding decks. He stated that prohibiting decks would not improve the articulation and variation along the Empire Avenue façade.

Commissioner Suesser stated that once the images are provided to the Commission for their review, they could additionally assess the issue of the decks. Mr. Schmidt restated that these perspective images were intended to convey the massing, scale, and context only. The elevations and plan views prepared by HKS are what would be submitted for approval, while the renderings include some artistic license.

Commissioner Thimm expressed his view that the balconies add texture and break down the massing of the building. This would be preferred over prohibiting them. Commissioner Hall and Chair Phillips agreed.

Commissioner Van Dine did not have a significant issue with the balconies; rather, her issue was with the sidewalk depth. Mr. Schmidt cautioned that the sidewalks would not be accurately rendered on the images presented today. Commissioner Van Dine stated that her concern was obscuring the walkway with oversized vehicles parked in driveways but agreed to circle back on this in future meetings. She also expressed agreement with Commissioner Thimm's comments regarding the balconies.

Mr. Tursic presented an image that depicted the garage and driveway. Mr. Schmidt confirmed that the driveway would be 20 feet from the garage door to sidewalk. He also confirmed that the garage door would start at the 25-foot setback line.

Commissioner Suesser's explained that her concern about the balconies was that they would protrude from the 20-foot setback line. She agreed that they would add depth and interest to the façade. She wondered why the images presented today were not accurate. Mr. Schmidt explained that the person who created the renderings was tasked with rendering the building in the location and context of the photograph. The plan view would clarify the sidewalks. Mr. Schmidt reiterated that they have demonstrated sufficient room for the 12-foot sidewalk, driveways, doors, and landscaping.

Commissioner Thimm commented that as they go through establishing the final approval exhibits, he felt it was important that they all be tested for accuracy so the Commission knows what they

would be approving. If a rendering is not accurate, he suggested an annotation referring to the accurate drawing.

Chair Phillips asked if the Commission could be provided a final packet. Commissioner Suesser clarified that it would be better termed as the current proposal that could be posted on the website for ease of reference. Chair Phillips would like a physical packet, in addition to what would get posted online. Mr. Schmidt stated that they have been working on preparing the current proposal. There was discussion regarding what is located across the street from Empire Avenue façade. Planner Ananth stated that there were single family-homes.

Before leaving the meeting, Commissioner Suesser was invited to comment or ask questions about the items on the agenda. With respect to the open space calculations, she noted that because the applicant has not provided the dimensions for the open space areas, the Commission could not verify or calculate the proposed open space. She requested that the applicant provide the dimensions of the proposed open spaces. She also expressed her opinion that the front yards of the townhouses should not be included in the open space calculations. Commissioner Suesser asked if the 11 acres of the snow was included in this project as open space because that area is outside of the property line. She thought the NAC Building was supposed to be located on part of that 11 acres and wondered how the open space would be impacted if that building were included.

With respect to the drop-off/pick-up zones, she commented that the proposal for the coned-off underground parking stalls was still woefully inadequate and not an improvement on the current drop-off and pick-up system. She felt that the applicant's proposal was actually worse than the current system and that a surface drop-off/pick-up area was desperately needed for the site. She commented that the site plan should be revised to provide for a lot more drop-off/pick-up zones given the needs of the resort and the way the community is accustomed to dropping off and picking up at the resort.

Commissioner Suesser looked at the Breckenridge drop-off/pick-up plan and noted that it looked like what was proposed in the 1998 Development Agreement, which was a much more appropriate system. If PEG was going to suggest that an underground drop-off/pick-up zone worked in other resorts, then the Commission needs an understanding of the number of stalls, the zone locations, and specific details of how such a system would work. She noted that no pick-up area has been proposed. She also expressed concern about how Uber and Lyft would find people in an underground garage if the zones are contemplated to be a pick-up area for rideshares.

Commissioner Suesser was excused from the remainder of the meeting.

Mr. Schmidt next addressed the open space calculations and noted that they would be happy to provide the CAD files for Staff to calculate the open space. He noted that dimensioning something as complex as this project would be difficult. Chair Phillips agreed that providing the CAD files would suffice and would rely on Planner Ananth's assessment of those drawings. He presented the calculations to the Commission. With respect to Commissioner Suesser's question of why the 11 acres were included in the open space calculations, Mr. Schmidt explained that the 11 acres were part of the 1998 Development Agreement, which specifically set that area aside as the open space in return for clustering the density at the base. He added that this was how the entire project area, including the Marriott Mountainside in Parcel A, would achieve its open space requirements.

Mr. McConnell added that this was also consistent with the LMC that provides for three separate categories of open space: landscape, natural, and transferred development. With respect to the last category, it references that portion of a Master Planned Development, Planned Unit Development, Cluster Plan, or another development plan from which density is permanently transferred. In terms of the methodology used to calculate open space, Mr. Schmidt explained that the areas shaded greenish-gray were included, and areas highlighted by blue hatch marks were not included. He stated that they would provide whatever resources the Planning Department would need to verify the calculations.

Mr. Schmidt proceeded to discuss the drop-off/pick-up program. He stated that they have discussed at length how to balance the numerous interests on this site and make the site effective for its many different uses. Ultimately, their plan includes a mode split and getting people to ride the bus, as well as recognizing the need to accommodate arrivals primarily for dropping off children for ski schools. He felt that their system to use the parking garage would be very effective. They believe the system could be managed effectively, and they have discussed a few things internally that could be implemented from an operational standpoint. These include communications, and plaques in cars to help people get to where they need to be. He noted that those programs and ideas could be refined as they go through the CUP process.

Mr. Schmidt stressed that they have the programming in place for the physical facilities to accommodate drop-off and pick-up. He commented that this is a big project and would change the behavior of many people in a number of different ways and they recognize that this could be difficult and present challenges. He added that PEG, PCMR, and the other partners at the base were all committed to making a positive change, and they think this system would be that positive change. From a physical standpoint, the parking garage would be nearly the entire length of Lowell Avenue between Shadow Ridge and Manor Way, which would provide a lot of room in the garage for vehicles and drop-off capacity. He ensured that they recognize that this would have to be managed but believed that it could be done effectively.

In terms of pick-ups, they have had numerous internal discussions about how it could be best handled and explained that the primary reason they implemented the 30 minutes free parking was that they do not want people queuing in staging areas waiting for their pick-up. He likened it to cell phone lots at airports, where people can wait for a call from their traveler rather than queuing and waiting in traffic. Mr. Schmidt stated that between 2:00 p.m. and 4:00 p.m. when drivers are arriving for their pick-ups, the lot begins to empty, which would allow the arriving vehicles to park and wait until their pick-up was ready. He expressed confidence that the program would work. He noted that different resorts have different ways of handling drop-offs and pick-ups, and the system at Breckenridge, which is located in the parking structures, works.

Kara Bowyer from Vail Resorts commented that the system works for them. She stressed that it is important for the Planning Commission to understand that their guest experience is the primary driver of operations, and they want their guests to have the best experience possible. She added that they want their guests who are in the ski clubs to have a seamless experience. She stressed that the queue lines would not be parking spaces; rather, it would be more akin to a school drop-off line. The queue would hold 20 cars at a time, and drivers would drive through the line rather than park. The garage would fit more than 20 vehicles during the drop-off period and would move continuously. She stressed that this system would work from an operational standpoint and highlighted that it has been proven in their other resorts. She emphasized that the visitor's experience is extraordinarily important for their business, and they would not support a

configuration that would detract from that experience. Ms. Bowyer stressed that as the mountain operator, they fully support this system and believe it would work and be an improvement over what exists today.

Commissioner Kenworthy referenced the availability of parking spaces in the afternoons and asked whether those spaces would not be parked during the day. Ms. Bowyer stated that this is one of those operational issues that they would observe as the program is implemented. She felt that by the time the ski schools and programs were ready for pick-up, there would be enough turnover in the garage that the 30-minute free parking could easily be utilized because the garage would not be fully parked at 3:00 p.m. She noted that they see the first big turn in parking around lunchtime. She commented that pick-ups would not involve the same concerns regarding traffic flow as they have in the morning because there would be many more empty spaces in the garage, and everyone can park free for 30 minutes.

Commissioner Kenworthy saw a problem if there were seven cars parked in the 20-stall area and then having a moving line going around those cars. Notwithstanding, he asked where the drop-offs would be for the private ski school and Park City Ski School. Ms. Bowyer responded that all of the drop-offs would occur in this garage and added that most of Vail's Ski School's participants come with families who ski all day. Ms. Bowyer added that this drop-off was tailored more toward the ski clubs or programs, with the assumption that it would be used more by local traffic than the destination guests. She emphasized that the elementary school drop-off model works in large group situations, and the students would be corralled once they were dropped off.

Commissioner Kenworthy asked how many total spaces would have to be removed to maintain this drop-off/pick-up zone all day long. Mr. Schmidt stated that with a 20-car line, and assuming two minutes per drop-off, he roughly estimated that the zone would process approximately 600 cars per hour. He offered that Hales Engineering could provide a more detailed analysis. In terms of the pick-up, they would have a certain number of stalls that would be 30-minute only stalls. He explained that at 3:00 p.m., someone could start coning off the 30-minute only stalls. He stated that the pick-up area could be much smaller since the wave of people would be more spread out than during drop-offs. From a management standpoint, he expressed confidence that they could work with that internally to provide for a smooth pick-up.

Commissioner Kenworthy was concerned about the concentrated arrivals at 9:00 a.m. Mr. Schmidt reiterated that the garage would be the full length of Lowell Avenue and would accommodate in excess of the capacity that exists today. Commissioner Kenworthy commented that currently, the queuing is spread out over an open asphalt lot where people can improvise when dropping off; having the drop-off in the garage would limit the ability of last-minute arrivals to improvise to complete their drop-off. He added that currently, the spaces are full at 8:30 a.m., so the only spaces left for last-minute arrivals would be those that they coned off. He emphasized that on any powder day there would be no available spaces by 8:45 a.m.

In response to an inquiry by Commissioner Johnson, Ms. Bowyer stated that Vail Mountain utilizes this system. Commissioner Johnson understood that Vail Resorts has its own dedicated building and drop-off, so he would like a different example showing that this model would work for this location. Ms. Bowyer clarified that she was referring to the ski and race programs that run on the mountain outside of the private club referenced by Commissioner Johnson.

Commissioner Johnson acknowledged the model could work, but noted that between the various programs, they would be looking at 500 children under the age of 12 being dropped off on

Saturday and Sunday. He echoed Commissioner Suesser's comments that they should look at some actual data showing that this would work. Mr. Schmidt stated that S.E. Group calculated the number of skiers arriving by rideshare; Hales also included an element of rideshare in their analysis as well.

Commissioner Johnson stated that the proposal was a vast improvement from the initial proposal but still inadequate. He suggested that they look at other aboveground options. He referenced the "Get Out and Play" days, where every Friday, 180 children are brought to the resort at 1:00 p.m. by charter bus. He also expressed concern about where rideshares would pick up. Ms. Bowyer asked Commissioner Johnson whether his concern was the capacity or the location. Commissioner Johnson stated that his concerns were based on both capacity and location. He referenced the staging area in Parcel B, where vehicles and pedestrians would then have to cross the vortex of where the buses would enter the transit center. He stated that for Parcel E, he felt it was not ideal to have vehicles go into the garage. Looking back to Exhibit D, the hotel was meant to be a learning center and he could not help but think that the 1998 Planning Commission was looking at that to address these concerns.

Mr. Schmidt stated that the 1998 Development Agreement did not contain a very good drop-off program, to which Commissioner Johnson agreed. The 1998 plan contemplated 12 vehicles, which, if they were double-stacked to 24 vehicles, people would have to cross a lane of traffic to leave. While he appreciated the reference to the 1998 plan, it had its own set of issues. He stressed that PEG has proposed a plan that is much improved, relevant to today, and doable. He emphasized that the 1998 plan did not get built because it could not be built.

Commissioner Johnson commented that he referenced the 1998 plan because it was the community-based part of the project. He noted that last year, there were 800 children in Park City Ski and Snowboard, and they have grown this year. Commissioner Johnson stated that he is trying to find a way to get PEG's proposal to adapt to the key part of the community. Ms. Bowyer added that they could provide data and metrics to demonstrate capacity. Commissioner Johnson felt that there should be more aboveground options in various sections of the development. He opined that the eight spots between Parcels C and E would be filled and potentially cause some traffic concerns. He would like to see the applicant think more out of the box to find a better solution. It was noted by Mr. Schmidt that the 1998 plan had more aboveground drop-off zones, although only by four cars. Commissioner Johnson referenced the public comments and the opinion of Heinrich Dieter, Open Space, and Trails, who recommended 40 aboveground spaces for bikes.

Ms. Bowyer commented that in a lot of ways, this development would have to change behavior, and what the City is trying to do with its "car-free" initiatives is change behavior. She offered that she would personally prefer to drop her children off in an enclosed, covered area. She added that if the concerns center on the children crossing the street that could be managed.

Commissioner Johnson stated that he would be more comfortable with this program if it were a dedicated drop-off/pick-up zone. He did not see this system working.

Chair Phillips commented that the drop-offs/pick-ups have improved throughout the process. He saw this program as an improvement on what exists today, but it still needs to be adequate. He felt that the applicant was close and liked the earlier suggestion of having a portion of the garage remain 30-minute parking throughout the day and dedicating a certain number of stalls for pick-

up. As this program is managed, if the dedicated stalls were not deemed necessary, then it could be adjusted.

Chair Phillips appreciated that a big part of this process is the flexibility that is being built into it. He understood how programs like this work and could envision some demarcation so that the parents would be aware of where they need to go. He also liked the idea of having the drop-off/pick-up in one, centralized location. He reiterated that this has come a long way, although stopped short of saying that the proposal is 100% appropriate. More information would be needed to prove that this would work.

Commissioner Van Dine echoed the comments of Chair Phillips and thought it would be a good system. A garage drop-off would be preferred to sitting in a parking lot in the weather. Her concern was the location on the property because the drop-off traffic would be integrating with all of the normal ski traffic. Overall, she believed the system would work and relayed her own experience with drop-offs. She felt that this was a superior plan to what currently exists. She agreed with Commissioner Johnson that there were improvements that could still be made, be it a permanent drop-off area or something else. Commissioner Van Dine did not feel pick-ups would be much of an issue as she is always able to find a parking spot at the end of the day. She agreed that many of the parents who drop-off spend their day skiing.

A benefit of the drop-off zone being in Lot B would be that it is near the bus drop-off. She agreed that this would require a significant behavior change but felt it would be a good one if they could get more local children on the buses.

Commissioner Van Dine applauded the work done by the applicant and looked forward to seeing continued improvement in the plan.

Commissioner Thimm expressed that based on his personal experience, in the past few years as he would drop his grandchildren off at PCMR, he would have to drive around to find a parking stall before getting them up to Crescent Lift. He liked the idea of being able to drive in and drop them off to their coaches to be escorted to the mountain. He stated this would be a tremendous improvement to what exists currently and did not see any problems with this proposal.

Commissioner Kenworthy asked someone to speak to the NAC drop-off and how that would work separately from this proposed drop-off. Mr. Schmidt responded that NAC was not part of this application, although they have had discussions with NAC who would have an access road to their building that could be used for their drop-off. He added that NAC would be more than welcome to use PEG's proposed facilities as well but understood that NAC had a way to get children and adults to the mountain. Mr. Schmidt added that NAC's program was somewhat dependent on PEG's project moving forward.

Mr. Schmidt believed that NAC would intend to use the access road for their drop-offs and added that they were working with NAC to ensure that they would have access and easements. Commissioner Kenworthy would like to see how that would work. He understood that the NAC was a different situation in terms of drop-offs and would like to ensure that this project would be considerate and have a plan for them.

Commissioner Kenworthy commented that 600 vehicles an hour sounds great but questioned how it could be accomplished. He did not see the comparison to school drop-offs and felt that some vehicles would be at the drop-off area for longer than anticipated while children gather their

gear. He liked the idea of isolating some of the space, but then that would raise an issue of parking capacity.

Commissioner Kenworthy raised the issue of Sprinter vans and recalled discussions regarding height on this floor. Mr. Schmidt confirmed that the clear dimension height for this floor would be 9'6", which was increased from 9 feet. Commissioner Johnson noted that a Sprinter van would not fit on this level, which was a big problem for Commissioner Kenworthy. He doubted that this system would work with military-like precision and felt that additional options were needed. He reiterated that the drop-off for the NAC was critical for him.

Commissioner Kenworthy noted that this is a fill-in project and therefore confined. He stated he was looking at this as an optimist and would like to get to the right decision. The City has waited 20 years to do this project, but they have to get it right, and he commented that they could do better than this. He added that while this proposal was an improvement, there was still a way to go to satisfy the community's good cause. He added that while he liked hearing that 600 vehicles per hour could go through the drop-off zone, he would like to be shown that it would work.

In response to an inquiry from Commissioner Hall, Mr. Schmidt stated that the intent for the drop-off/pick-up area was that the ski clubs would primarily use it. He anticipated that rideshare would use the surface drop-off between Parcels C and E. He noted that there are a number of operational questions to address as this plan is worked through but highlighted that the proposal would be managed to accommodate the ski schools and clubs.

Commissioner Hall would like data points for the ski school only, as well as if they were going to include NAC and rideshare. She would also like to see the operational plan to manage the movement of the children being dropped off, as she could not envision the space to corral the children with their coaches. She was open to creative solutions and if this system worked elsewhere, it should be easy to duplicate. She agreed with Chair Phillips that they should start with a plan that would change people's behavior, and then modify it and potentially backtrack from there.

Chair Phillips stated that he would like to see the submittal include an exhibit that captured this discussion and that showed the surface area and drop-offs outside of the building. This would help to visualize the entire flow of traffic coming in and going out. Ms. Bowyer commented that they presented this at the last meeting. Chair Phillips would like that to be included in the official submission. He emphasized that he would like to capture all of these discussions with the illustrations so that they could have all of this information in front of them.

Mr. Schmidt confirmed that they completed their presentation for today's meeting. Chair Phillips invited additional comments and asked Planner Ananth if other items should be discussed.

Planner Ananth suggested that the applicant show where they could land a helicopter at the Base Area and expressed hope that they would hear from the S.E. Group on how the lift expansion might or might not affect the Comfortable Carry Capacity ("CCC") and the parking. Ms. Bowyer addressed the lift expansion and explained what CCC is and what it is not. She explained that the CCC is not a cap on visitation; rather, it is a design standard meant to define the number of daily resort visitors that the resort can efficiently accommodate at one time without overburdening infrastructure. She added that the CCC is also not solely a calculation of uphill capacity, and a new lift does not necessarily mean the CCC would increase.

The CCC calculation is complicated and includes terrain capacity, lift capacity, design capacity, and capacity within certain lift pods. Ms. Bowyer explained that S.E. Group presented the industry-standard formula that is used to calculate the CCC. All the ski resorts use the formula, as does the Forest Service, and was the methodology used in 1998 and approved as part of the Mountain Upgrade Plan. She stated that the improvements in the Mountain Upgrade Plan have not all been implemented and constructed; therefore, the approved CCC in the Mountain Upgrade Plan has not yet been met. The CCC in the Mountain Upgrade Plan is set at 13,700; S.E. Group reported that the current CCC was 12,540, while the CCC with the upgraded condition was 13,440.

Ms. Bowyer reported that the proposed lift replacements would not exceed the CCC of 13,440, and was estimated to remain around 13,000. She emphasized that the lift replacements were subject to Conditional Use approval and its' own public process. She anticipated that the application would be submitted within the next few weeks. She commented that lift upgrades do not necessarily increase the CCC or parking demand and would help to improve the experience on the mountain. The improvements are not about getting more people on the mountain; rather, they are about getting people distributed more efficiently without overburdening infrastructure.

Ms. Bowyer noted that there were a variety of reasons why a lift replacement would be done, including the age of the lift. She specifically highlighted the Silver Load Lift, which has never been run at its designed CCC capacity due to mechanical issues. She reiterated that the goal of these lift improvements was to distribute people and get them out of lift lines and onto the mountain. Ms. Bowyer added that Park City Mountain is the largest ski resort in the United States and distributing visitors across the terrain is important. Their focus is the guest experience, and these lift improvements would enhance that guest experience.

Ms. Bowyer reiterated that the impact of the lift improvements on the CCC was not expected to exceed what it approved as part of this project. The 1,200 parking stalls are already in place and were shown to support the CCC after the replacements. She expressed confusion at the notion that additional parking would be needed at the base given the direction provided by Staff. She opined that there would not be an additional parking demand generated by the improvements and the CCC at 13,440 would have an additional 156 extra over the 1,200 spaces. She emphasized that the CCC is a planning tool; it is not a measure or metric of visitation.

Planner Ananth asked for examples of the type of expansions that would increase CCC to the 14,000 – 15,000 range. Ms. Bowyer explained that new terrain and trails in combination with new lifts would increase the CCC, as would the addition of new ski pods. She explained that each pod and each lift has its own CCC that gets totaled into the mountain CCC.

Ms. Bowyer stressed that the proposed lift improvements were replacing what already exists. In response to comments from Chair Phillips, she confirmed that the resort plan was to replace these lifts next summer; therefore, they would likely apply within the next three to five weeks.

Commissioner Kenworthy asked about the impact of the lift replacements on ticket sales. Ms. Bowyer explained that the CCC was not a visitation metric and even if ticket sales increased significantly, it would not affect the CCC because the mountain has an inherent CCC based on infrastructure.

Commissioner Kenworthy recalled an earlier presentation that compared CCC to a movie theater. He also recalled a presentation about replacing the Town Lift, which would increase to 200 to 400

people per day. Ms. Bowyer acknowledged that the Town Lift replacement could impact the CCC; however, the two proposed lift replacements would not impact the CCC. She confirmed that S.E. Group's calculations for the Town Lift were strictly for the parking analysis. Ms. Bowyer confirmed that as long as the terrain stays the same, the CCC would not be increased no matter how many tickets are sold.

Commissioner Kenworthy commented that he was starting to get his head around the parking issues but was having difficulty understanding the CCC calculations and how ticket sales would not impact the CCC. Ms. Bowyer offered that having 1,200 parking spaces inherently limits the number of people who could access the mountain. Other things influence visitation and how people get to the resort, however, that is a different analysis from the CCC, which is purely an infrastructure and planning tool for ski operations.

Ms. Bowyer referenced the Mountain Upgrade Plan in which it was anticipated that the CCC would be exceeded in pure visitation numbers. She acknowledged that while the CCC is what they design to, there are days when lines are long. This highlights the fact that the CCC is just a planning metric and has nothing to do with how many people are on the mountain at any given time.

In response to an inquiry from Commissioner Kenworthy, Ms. Bowyer stated that they chose these two lifts for replacement based on a variety of factors. The replacement of the Eagle Lift would dramatically improve this Base Area development, whereas the Silver Load Lift has technical and mechanical issues. She added that the realignment of Eagle Lift would improve the distribution of skiers so that they could take advantage of the full mountain.

Commissioner Kenworthy reiterated the movie theatre presentation and the difficulty he was having understanding how ticket sales do not impact the CCC.

Chair Phillips invited comments on the helicopter landing area. Mr. Schmidt stated that they were proposing a place for the helicopter to land as opposed to a helipad or heliport. This would involve a discussion with Vail and PCMR Operations about how and where a helicopter could land. He reported that they were still having ongoing internal discussions and noted that a helicopter could land in landscaped areas, roped-off areas of the plaza, or any number of places that make sense. He had nothing new to report to the Commission at this time.

After a brief recess, the Commission reconvened. Chair Phillips confirmed that all Commissioners were present, with the exception of Commissioner Suesser who was previously excused.

Chair Phillips opened the public hearing.

Debra Hickey questioned the setbacks along Shadow Ridge as being of architectural interest and stated that she would consider setbacks to provide architectural interest, not overhangs over the street. She also stated that the images provided to the public before the meeting should also be posted publicly so that they could continue to review them. She questioned why they were not provided well before the meeting. She commented that the new renderings created the illusion of space, especially through the aerial shot taken by the drone. The further back one moves, however, the perspective changes. She added that the street-level perspective was taken from across a large intersection, so she felt like the real street-level view was not presented to show how the building would look. She would like to see the buildings from other perspectives as well.

Ms. Hickey opined that PEG was still disregarding the local citizens and not leaving any room for drop-offs. She would like to see how the ski school would drop off over 600 children or more at one location. Ms. Hickey stated that she lives on Lowell Avenue and has a birds' eye view of the hundreds of vehicles that drop off at the Park City parking lots and opined that this plan would require people to arrive 30 – 50 minutes ahead of schedule. She would not like to see a bunch of children waiting in a cold garage waiting for the last child in the group to arrive. Ms. Hickey could not conceive of how anyone could consider that this would create a good and safe flow of traffic for young families.

She requested that PEG submit proof that they can fund this entire project. The economy is showing signs of stress and she wanted to know that they would not be left with some big holes in the ground in front of the Park City Resort when PEG decides they do not want to build anymore.

Nicole Deforge shared her screen with the Commission and reported that she would address open space, setbacks, and building heights. She expressed appreciation to the developer for the recent drawings that show what they claim to be open space; however, she was disappointed that those drawings did not include any dimensions that would allow them to verify the numbers. She requested the City continue to request those numbers so that the open space calculations could be verified. She noted that based on what was submitted, there were areas designated as open space that is not allowed to be included in the calculations under the LMC. She referenced an area on Parcel B that is built on top of a structure, which the LMC does not count as open space. She referenced the definition of "landscaped open space," found in the Code, which "can include public landscaped and hardscaped plazas, but excludes buildings or structures." She opined that to the extent that any of these areas would be included on a structure, it would not count as open space.

She reminded the Commission that they addressed this issue on the Woodside Affordable Housing project, where the applicant initially claimed that the landscaped area on top of the parking garage was open space. The City agreed with her argument and did not allow them to count the area as open space. The definition of "structure" under the LMC is very broad, which would certainly include parking garages. Therefore, any areas that the applicant included in their open space calculation that is located on a structure should not be counted. She referenced other areas on the graphic presented to the Commission that should not be counted as open space.

Ms. Deforge addressed the helipad and noted that the LMC prohibits a helipad area within an open space area. The Code provides that landscaped open space could only be used for "project amenities such as gardens, greenways, pathways, plazas, and other similar uses." She stressed that PEG could not simply avoid designating a helipad area in order to double count it as open space.

With regard to setbacks and building heights, Ms. Deforge hoped that the Commissioners would separate these issues from their overall feelings about this project. She added that there are exceptions that could not be granted without the Code requirements being met. Ms. Deforge presented an image to the Commission taken in June 2021. She stated that residents are entitled under the Code to have an adjacent project set back 25 feet from the property line. This right cannot be impinged on or avoided simply because the developer requested it, and the City cannot allow the exception no matter how much they like the project. She reiterated that the specific requirements of the Code must be met.

The Code requires that the setback exception must be necessary for architectural design and interest. Ms. Deforge explained that the setbacks for garages might be a nice feature desired by the developer, but that does not mean that the setback reductions would be necessary. The Planning Commission should not grant the exception over the right of the homeowner who lives across the street and stressed that the City must enforce the homeowner's rights.

Ms. Deforge applied the same reasoning to the requested building height exceptions and argued that the height of the building across from a residential homeowner could not be more than 35 feet. That is a right of the homeowner. She stated that the City has to enforce the Code, and the developer could only build higher than 35 feet if they met the requirements in the LMC. She argued that the homeowners across the street should not be faced with a 70 to the 100-foot-tall building. The LMC provides that in order to grant a building height exception, six defined factors must be met. Ms. Deforge stressed that the burden is on the applicant to provide that they have met these factors; it is not the Commission's burden to prove that they have not been met.

Ms. Deforge highlighted the factor requiring increased setbacks and separations from adjacent projects. She stated that there were no increased setbacks in Parcel B from the adjacent project that supported the building height exception. Ms. Deforge concluded that if the Commission were to approve the building height exceptions, it must make a finding that there were increased setbacks supporting the request. She opined that the Commission could not make that finding because those increased setbacks do not exist. A single area of increased setback could not justify approval of height exceptions for the entire project.

She also referenced the factor that requires the additional building height would result in more than the minimum open space required and would result in open space that is publicly accessible. She referenced Parcel B and asked what additional open space resulted from the increased building height. She offered that the areas around the perimeter of the building could not be counted because it was required for setback requirements.

Ms. Deforge also noted that the front yards could not be counted as additional open space because they would not be accessible to the public. She offered that this is an issue that exists all over this project and there was nothing in the applicant's calculations to show how much of the open space would be publicly accessible and was the result of building height increases. Ms. DeForge closed by stating that the Commission could not make the required findings to grant the building height or setback exceptions no matter how much they like this project.

Tom Gadek spoke about the renderings presented by PEG and compared what was presented at this meeting versus those presented previously. He noted that the vanishing point of the view and questioned whether it was accurate. He presented an image that showed the actual ridgeline and specific points, including the top of the Eagle and Crescent lifts and the shape of the mountain directly above Building E. He noted that PEG's original drawing depicted the mountain directly behind Building E, while everything else was an artistic rendering where a little too much artistic license was taken. He commented that the northwest corner of Building D corresponded to the bullnose of Building E; he used that to arrive at an adjustment in the height and width of Building E. He then used the adjusted Building E to adjust the dimensions of Building C.

Mr. Gadek arrived at a different view than what was shown by the applicant. PEG's current renderings showed landscaping that was photo-shopped into the image and obscured Building E. He stressed that the applicant must show the size of the buildings and their orientation on the

site, and he felt that there was a lot of obfuscation in the presentation. He indicated that he would apply his analysis to PEG's new presentation but felt that it was quite misleading.

Mr. Gadek compared PEG's current rendering with his own photographs and pointed out the PEG's rendering was a low-resolution image of the mountain itself. He did not see any clarity in how the proposal would welcome people into the resort and noted that Building D blocked the mountain from the intersection. He stressed that he does not want to see artistic renderings; he wants to see the reality of how the buildings would look like. He would like the dimensions and measurements relative to each other. Mr. Gadek would also like to know at what point one could no longer see the mountain as they approach Building C or Building E. He pointed out that from the opposite corner of the street, Building C already blocks half the mountain, which is pretty massive in his mind. Mr. Gadek stated that he would submit his analysis on the original proposal and would apply his analysis to the current drawings provided he could access the full package of slides presented at this meeting.

Nancy Lazenby stated that the applicant did not present a street view from Empire Avenue and Manor Way. She referenced statements by Mr. Schmidt and PEG that they reduced the heights of the buildings on the front of Empire Avenue to 45 feet by including townhouses. She agreed that this was a much better design from where they started; however, the building directly behind the townhomes has remained at 87 feet in height. The illusion that the building is only a 45-foot townhome along Empire Avenue is inaccurate because the building directly behind is still too high. She thought a street perspective from that corner would be important and invaluable for the community, the Commissioners, and the Planning Department to see what that building would look like.

Ms. Lazenby referenced the Think Project, where the developer prepared a 3-D model that was available during every meeting so everyone could see what the project would look like. It eliminated the questions of whether it was accurate or just artistic. She did not understand why a 3-D model was not created for this massive project that is so important to the community. She added that this has been previously requested, and Mr. Schmidt has stated that they would prepare a 3-D model when they were preparing to sell the condominiums. She asked why it could not be built now.

Ms. Lazenby felt strongly that everyone has taken the position that his or her point of view is what would be best for the City. It is up to the Commission to weigh that and decide that issue. She acknowledged that it was a hefty task in light of all of the projects that are going on within the City. She expressed that this project was being broken down into many smaller projects and questioned why the impact of lift upgrades on parking would be discussed at another meeting. She commented that Park City is experiencing an influx of people and developments. It is impossible to keep Park City's character if they are building skyscrapers in the middle of Old Town. Ms. Lazenby added that the City is losing its authenticity and if they do not look at everything as a whole, they would end up losing the character of the City. She expressed support and appreciation for what the Planning Commission was doing and stressed that they want what is best for Park City.

John Stafsholt stated that he has tried to avoid weighing in on this project, having spent 30 years of activism on various issues, including Treasure Hill. He stated that this application has gone way beyond the pale because there was no way that the Commission could legally grant all of the requested exceptions requested by the developer. He commented that if the Planning Commission followed the LMC, it would be required to deny this application as it presently stands.

He understood that applications go through a process and this one might be getting better; however, the developer has ignored the basic tenants of the 1998 Development Agreement and the LMC.

Mr. Stafsholt expressed issues with the public process. He noted that traffic discussions were not to be part of this meeting, yet an hour was spent discussing traffic. He added that having rideshare operate underground was ludicrous and referenced China Bridge. Based on his experience with having a child at the NAC, he has direct, accurate knowledge the developer's Circulation Plan ignores the interests of the citizens. He reminded the Commissioners that in July 2005, the Fehr and Peers Traffic Study graded Deer Valley Drive and Park Avenue as a level of service E, and Empire Avenue and Silver King as an F. Since that time, a lot has changed, more tickets are sold, and they are acting like this is not real. This will not get better; it will get worse.

He referenced Mr. Schmidt's statements that trying to verify the open space calculations would make anyone technically exhausted. Mr. Stafsholt felt it laughable that the developer would not give dimensions to prove that their plan meets the basic open space requirements. He claimed the Code requires 70%, not 60% open space. In addition, the developer could not include the 11 acres on the resort if it is going to house future buildings and pointed out that the NAC is a building that is in that space. The developer should not be allowed to count these 11 acres as part of its open space calculations. He expressed his disgust and reminded the Commission that the residents live in Park City and the developer, and this development will be the signature of the City. The Planning Commission should represent the citizens, not the developers. He requested the Commissioners envision Building B with a plaque with their names on it.

Deb Rentfrow felt it very important that they receive the 2021 New Concept Master Plan in its entirety, as requested by Chair Phillips so that everyone was working from the same canvas. In addition, in the past she has requested copies of PEG's presentation slides that she has never received. She expressed that anything they present should be made available to the Commissioners and the public. Ms. Rentfrow stated that the issue of actual numbers and actual data keeps coming up. She felt that they need this across the board for drop-offs, number of cars, AVO, and number of students. She does not want guesswork or estimates.

In terms of the drop-offs, she commented that 600 cars an hour trying to get into the garage would be interesting, considering that at the same time 760 day skier stalls would be accessed. She also expressed concern that if the entire stretch of the block were used for drop-offs, then that would eliminate a whole stretch of day-skier parking stalls. She felt that this would decrease the 1,200 day-skier parking stalls, and whatever options they implement would take away from the day-skier parking. She stated that the fact that there would be no dedicated rideshare drop-offs was a problem and requiring rideshare vehicles to go through the garage would create a safety issue.

Ms. Rentfrow disagreed with the statement that there would be plenty of open stalls in the afternoon. She offered that she typically walks through the parking lot to go home at 2:00 p.m. to 3:00 p.m. and noted that people are circling for parking spots. She commented that comparing the drop-off area to a school drop-off would probably be okay for children 10 years and older, but she would not be comfortable dropping off her five-year-old granddaughter with her gear to be corralled with her instructor and then moved upstairs and through the transit hub.

Ms. Rentfrow agreed with Commissioner Kenworthy's comments on the increase in pass sales not impacting parking. She felt it necessary for the City to hire its consultant to investigate that

and prove that it is correct. She noted that Vail has a vested interest in the approval of this project. With respect to the higher clearance in the parking garage, Ms. Rentfrow stated that there were only two locations proposed: one level in Garage B, and one level in Garage E. The available stalls for high clearance vehicles with a Thule box on top would be less than 16% of the total day-skier parking. Additionally, because it would be first-come, first-served, you could have vehicles that do not need the higher clearance that would take spots away from those that do.

Ms. Rentfrow added that there has been no discussion of extra depth for any parking spaces to accommodate bikes or boxes on the backs of vehicles. This is not a shopping mall; it is an outdoor venue. She asked Staff to verify that PEG was no longer requesting any below-grade setbacks in Parcel B. She also pointed out that on the Lowell Avenue setback drawing, AECOM recommended at least a 20-foot clearance between the bus and building, and PEG has proposed 15 feet. She added that the parallel parking at the drop-off along Lowell Avenue continues to be a problem and to only have 8 drop-off spaces for the public would be insufficient. She appreciated everyone's time and hoped to see the presentation information made available to the public.

Chair Phillips confirmed that the underground setbacks were removed from the application.

There were no further public comments. Chair Phillips closed public comment.

Mr. Schmidt asked to address some of the comments. Mr. McConnell stated that with respect to interpretations of the Code, they have worked through this application for a considerable amount of time and have worked with Staff to propose items consistent with their historical interpretation and application of the Code. Ultimately, how the Code would be applied to this application will be up to the Planning Commission. He stated that with regards to open space, PEG believes that the Code would include landscape plazas and public pedestrian areas at ground level as open space and recognized that on a sloping site the ground level transitions. He added that because there were no buildings proposed above those plazas and the plazas are not within the buildings, it would be consistent with the Code as open space. Mr. McConnell acknowledged that it would ultimately be an interpretation issue. He reminded the Commission that they are required to interpret and apply land use regulations to favor a land use application unless the land use regulation restricts the application. Mr. McConnell was not inclined to tell the Commission how to interpret the Code. He echoed these comments as they apply to building heights and setbacks.

Mr. Schmidt pointed out that on all of the renderings presented at this meeting, they included coordinates and the camera lenses used. The renderings were placed in those pictures and were prepared to be technically correct in terms of massing and scale. He reiterated that they would provide a CAD file for Staff to verify the open space calculations. He noted that dimensions would not provide a reliable way to calculate the open space; a CAD program would be much more accurate and was the method they used to calculate it.

Chair Phillips agreed that CAD drawings would be the best way to calculate open space. He appreciated the coordinates and camera information included in the renderings and based on his experience, he saw the effort put into those renderings. The question remained as to whether the Commission wanted additional perspectives, as previously discussed.

Commissioner Van Dine invited Mr. McConnell to expand on his statements regarding Code interpretation given the public comments regarding the Code. Chair Phillips suggested pulling up the relevant sections for discussion and how they have been historically applied. Commissioner

Van Dine focused on the sections regarding the open space calculation and the height exemption requirements, specifically number 4.

Chair Phillips agreed that it would be important, either now or at the next meeting, to discuss the interpretation of the Code.

The open space section was displayed. Mr. McConnell directed the Commission to the definition of "open space." He noted that Ms. Deforge referenced the landscape category within the open space definition and the exclusion of buildings or structures. Mr. McConnell stated that the proposal included plazas located on parking decks, but the upper surface of those decks would be at ground level. He then directed the Commission to the definition of "structure," which is "anything constructed the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground. The definition includes buildings." He stated that the plaza between Parcels C and E would be between the two buildings, at ground level on the slope side with the parking structure underneath. The Planning Commission must decide whether that plaza counts as open space given those definitions.

Mr. McConnell stated that the plaza in Parcel B was different in that it is more elevated and located on top of the higher level of the parking structure. In both locations, there is nothing proposed above the open space.

Chair Phillips commented that Planner Ananth would use the CAD files to verify the calculations and also to review the proposed areas and how the City historically applied the Code to open space on other projects.

Commissioner Thimm liked the idea suggested by Chair Phillips. Planner Ananth stated she would be happy to provide that analysis for the next meeting.

Chair Phillips asked if the Commissioners would like to defer the other Code issues regarding building height and setbacks until after receipt of Staff's analysis.

Mr. McConnell stated that for building height, the language in the Code regarding increased setbacks and separations could be open for interpretation depending on the argument made. He acknowledged that Ms. Deforge's argument was a potential interpretation. He offered that one could also argue that with respect to an MPD that already has increased setbacks pushed back to the 25 feet, you could only extend to the 20 feet by special exception. He stated that one could also argue that the increased setbacks would be applicable to the entire MPD project area. There is no specific intent outlined in the Code as to what interpretation would be correct. He was not inclined to tell the Commission what the interpretation should be but reiterated the fact that there was no specificity, and it should be read in favor of the applicant given the requirements of State law. He added that because it does not include that detail, an alternative interpretation would be allowed.

Chair Phillips suggested that the Code analysis be included on the agenda on both of these issues so that they could review Staff's analysis. He stressed the importance of understanding the City's intent behind these provisions and work from there.

Commissioner Thimm referenced the public comment about the townhome height of 45 feet and the taller building directly behind it. He expressed his understanding that building height would

be measured by the façade. He also felt that the exceptions were in place to break down the scale and have a more interesting façade. If they flatten the façade, he felt that it would not be as much a part of that street scene as it is with that included.

Chair Phillips noted that this is not the first time this issue has come up, and he has made similar comments in the past and he still feels the same way with respect to both setbacks and height.

Chair Phillips invited any other comments. Commissioner Van Dine asked whether the applicant could prepare a 3-D model. Chair Phillips understood the 3-D model as referring to a virtual model and might have misunderstood what was requested in the submitted comments. He offered that a better definition would be a physical model, which he noted has historically been the norm. He suggested that things have moved away from a physical model to a 3-D virtual model and felt that the visuals they were receiving were far superior to a scaled-down model.

Mr. Schmidt expressed that they have provided a lot of material in 3-D perspectives and at this point, they would allow their proposal to stand and ask the Commission to deliberate and make a decision based on what has been submitted.

Commissioner Van Dine clarified that she did not necessarily need a 3-D model; rather, she was asking whether it was possible given the public comment.

Commissioner Johnson expressed a wish list of more simulations and perspectives, despite Mr. Schmidt's comments. He pointed out that it would be helpful to have better views for the height and setback exceptions, specifically from the 14th Street corridor, and look at them in relation to the other buildings. As far as drop-offs, PEG's proposal that the eight aboveground spots would be available for rideshare would be a reduction in what currently exists aboveground. He referenced Commissioner Suesser's comments regarding the NAC building and asked whether the NAC building would be on some of the projected open space. He wanted to know if that would affect NAC's application if this application were approved.

Planner Ananth confirmed that the NAC building would go into the area counted as open space, so they could back out the footprint of that building and make sure it is restricted from future development.

Commissioner Johnson stressed that they need to focus on the drop-off because he felt it would not meet the needs of the resort and the NAC in the underground configuration. Commissioner Kenworthy recalled that Mr. Schmidt agreed to define the drop-off for the NAC in the next meeting. Mr. Schmidt confirmed that they would work with the NAC and Vail and bring that back next month. It was agreed that the NAC is a critical component for the community.

Planner Ananth added that it would be nice to dedicate the handicapped parking for the NAC in the project's garages. Chair Phillips added that dedicated parking for high clearance vehicles should be considered. Planner Ananth was asked to incorporate Mr. Dieter's public comment regarding the trails in the Staff Report. It was suggested that the open space calculation be discussed during the next meeting. It was noted that Staff would be speaking with the NAC, and Planner Ananth reported that she met with the NAC earlier in the process to talk through how the project would affect them.

Commissioner Kenworthy asked whether there was information on garage heights and the net open area for the garage drop-offs and wondered whether they could designate multiple options

for the varied height restrictions in the garages. Mr. Schmidt referenced the graphics presented during the last meeting that showed the heights. Commissioner Kenworthy wanted to understand the height requirement that Mr. Dieter was referencing and whether the calculation took into account opening the Thule boxes. He also wondered whether the 'trails to transit' vehicles would fit in the garages.

Mr. Schmidt stated that the intent was not to have vehicles pull into the parking structure with bikes on top; they would stage bikes before pulling into the garage. Bikes mounted on the back of a vehicle would not be a problem. Planner Ananth reported that Mr. Dieter did not think it necessary that the garages needed to accommodate cars with bikes on top so long as there would be good drop-off areas for people to unload their bikes. It was noted that Parcel E would be the only location that would accommodate a van over the 9'6" clearance. Commissioner Hall would like to get back to the Transit Plan and agreed with the public comment that hoping that they have the right strategy is not enough.

6. ADJOURN

MOTION: Commissioner Thimm moved to adjourn.

The meeting adjourned at approximately 9:40 p.m.



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
October 13, 2021**

COMMISSIONERS IN ATTENDANCE: John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Bill Johnson

EX OFFICIO: Gretchen Milliken, Planning Director; Julie Schultz, Executive Office Administrator; Rebecca Ward, Assistant Planning Director; Spencer Cawley, City Planner; Makena Hawley, City Planner; Mark Harrington, City Attorney; City Planner, Lillian Lederer

1. ROLL CALL

Chair Suesser called the meeting to order at approximately 5:30 p.m. Chair John Phillips was traveling and was listening to the meeting. Commissioner Van Dine was excused from this meeting.

The following written determination was read:

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

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. MINUTES APPROVAL

- A. Consideration to Approve the Planning Commission Meeting Minutes from September 8, 2021, September 15, 2021, and September 22, 2021.**

MOTION: Commissioner Doug Thimm moved to APPROVE the Meeting Minutes from September 8, 2021. Commissioner Bill Johnson seconded the motion.

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

MOTION: Commissioner Doug Thimm moved to APPROVE the Meeting Minutes from September 15, 2021. Commissioner Bill Johnson seconded the motion.

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

MOTION: Commissioner Doug Thimm moved to APPROVE the Meeting Minutes from September 22, 2021. Commissioner Bill Johnson seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Commissioner Kenworthy reported that he recently wrote an op-ed for *The Park Record* and wanted to make it clear that he was speaking only in his individual capacity. He was not speaking on behalf of any organization or board on which he has been a member or chaired. He added that he made sure that the editor noted this on the online version. He encouraged everyone to use his or her First Amendment rights and be passionate about this election.

Planning Director, Gretchen Milliken, reported that the applicant for 543 Park Avenue (Washington School Inn) requested that the matter be continued to the November 10, 2021, meeting.

5. CONSENT AGENDA

A. 1335 Lowell Avenue – Conditional Use Permit – The Applicant Proposes to Install Shielded Rooftop Antennas to Relieve Telecommunications Capacity Coverage in the Recreation Commercial Zoning District. PL-21-04768

City Planner, Spencer Cawley presented the application for a Conditional Use Permit (“CUP”) for the AT&T New Build Quarry Trigger for 1335 Lowell Avenue. He clarified that this matter was on the Consent Agenda because it does not require a public hearing; however, the Commission has the discretion to allow a public hearing. He explained that the Lowell Condominiums are located at 1335 Lowell Avenue. On March 22, 2017, a CUP was approved for Verizon Wireless to place two rooftop antennas at this location. On February 18, 2021, AT&T submitted an application to establish a new telecommunications facility that would co-exist with the existing antennas.

The item was continued from the June 23 and July 28 Planning Commission meetings. Planner Cawley explained that the concealment was revised due to different antenna mounts that were used inside the rooftop concealment boxes. He explained that the new mounts would allow the antennas to be mounted directly to the concealment boxes, which have a slightly smaller footprint than the original proposal.

Planner Cawley reported that Staff determined that the proposal to establish this wireless Telecommunications Facility complied with the Recreational Commercial (“RC”) zoning lot and site requirements. He explained that the front setback is 20 feet, and the rear setbacks are set at 10 feet. The RC zone requires that mechanical equipment must be screened and located at least

three feet from the rear and side lot lines. He presented a graphic that illustrated the location of the existing Verizon Wireless antenna, the proposed antenna locations, and the property line location.

Planner Cawley explained that the RC zone has a building height limit of 35 feet from existing grade; however, in 2006 the Board of Adjustment approved a 10-foot variance for the Lowell Condominiums. He added that pursuant to the Land Management Code ("LMC"), antennas may extend up to five feet above the highest point of the building. Therefore, since the Lowell Condominiums building is 44 feet high, the antennas would be allowed to extend to 49 feet. The proposed antennas sit at 47'1" and the top of the concealment is 48'1" in height. Planner Cawley presented photographs of proposed antennas from the viewpoint of the right-of-way.

Planner Cawley reported that the proposal meets the standards of the Telecommunication Facilities section of the LMC. He noted that the applicant made efforts to co-locate the equipment with existing antennas and selecting the smaller footprint antenna and concealments mitigated any potential negative impacts. He added that the LMC allows the roof-mounted antenna to extend up to 10 feet above the existing structure when mounted on a flat roof; the zoning standard allows an additional 5 feet. Planner Cawley stated that the proposed antenna does not exceed the additional 5 feet allowed in the RC zone. He explained that the antenna setback is measured from the edge of the roof, and requires a minimum distance equal to, or greater than the height of the antenna; therefore, the minimum setback distance would be 5'2" and the difference between the top of the building and the top of the antenna is 3'11" in height.

Planner Cawley stated that this facility will be an ancillary use to the condominium use. The antenna is associated equipment and was proposed to blend in with the existing structure. He explained that the antenna panels are required to be less than five square feet per face, and they comply with this requirement. He noted that there were no signs proposed with this application. He added that the Lowell Condominium Homeowners Association (HOA) approved the lease of the rooftop and garage storage areas.

Planner Cawley explained that Staff found that the application complied with the conditional use provisions of the LMC, and highlighted the sections that require the following Conditions of Approval ("COA"):

- Physical design and compatibility with surrounding structures (COA Nos. 2, 3).
- Fencing, screening and landscaping (COA No. 4); and
- Signs and lighting (COA No. 7).

He explained that this proposal was reviewed by the Engineering Department; they requested a Condition of Approval (No. 9), which states that the City's Building and Engineering Departments would require the applicant to include a structural calculation for review and approval when they apply for the Building Permit. Planner Cawley noted that the Engineering Department expressed concern that the proposed antennas could add static weight and dynamic loading to the roof that could compromise its' stability. He presented the radio frequency maps for discussion.

Planner Cawley reported that this application was noticed on the City's website and on the property on September 29, 2021. Courtesy mailings were sent to property owners on September 29, 2021, and the Park Record published a notice on that same date. He reported that Staff did not receive any public input. He clarified that the matter was not noticed for public input; however,

the Commission has discretion remove it from the Consent Agenda and open it up for public hearing. Staff recommended the Commission review the request for the CUP for the establishment of a new roof-mounted Telecommunications Facility and consider approving the conditional use based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Chair Suesser invited questions or comments from the Commissioners. Commissioner Johnson asked if the proposed antenna matched Verizon's stealthing design. Planner Cawley responded that he did not look at Verizon's stealthing design but understood that the proposed antenna would be smaller than what was approved for Verizon in 2017. Commissioner Johnson referenced page 125 of the Meeting Packet that shows what appears to be a panel configuration versus horizontal slats that presently exist for the Verizon facilities. He expressed that the proposal should match what already exists on the roof.

The applicant's representative, Kara Subleski from Smart Link LLC, confirmed that the concealments would match those for the Verizon antennas as well as the building itself. She added that this was a requirement from the property owner as well.

Commissioner Johnson raised the issue of maintenance of the stealthing and highlighted another property where it was unfinished for a considerable amount of time. He queried whether they could add a Condition of Approval to ensure that the stealthing would be maintained on an annual basis. Planner Cawley agreed that they could add this as a Condition of Approval.

Chair Suesser suggested that based on her review of LMC Section 15-4-14, the first requirement for this type of facility is that the applicant must present documentary evidence regarding the need for the Telecommunications Facilities within the City. She noted that they received information regarding the applicant's coverage areas, however, she would have expected some data showing that what exists is not sufficient, therefore, meeting the requirement that this additional facility was needed.

Planner Cawley explained that Exhibit D to the Staff Report showed the existing and proposed coverage areas. Commissioner Suesser commented that the application simply stated that the facilities were needed rather than demonstrating that they were needed. Planner Cawley submitted that the requirement raised by Chair Suesser was met through Exhibit D, which showed how the new facilities would add to the carrying capacity for the area, specifically at the base of the resort. He offered to have the applicant provide any additional information.

Chair Suesser commented that the justification for the facilities were simply images of where the existing facilities were, whereas the LMC requires a showing that they need the facilities due to coverage or degradation of service in this particular area. Ms. Subleski referenced the propagation maps contained within Exhibit D and explained the slide that showed what coverage these facilities would provide. She echoed the comments of Planner Cawley that this site was working together with other sites in the area to provide better coverage in the immediate area, as well as allow the existing sites to work better for their areas.

Commissioner Johnson commented that Existing Site A was already providing the most coverage to the entire area and was likely reaching capacity quicker. He asked if there was any way that the applicant could provide better information substantiating the need for the facility. Commissioner Johnson added that the Existing Site A was clearly overloaded due to the size of the area it covers but agreed with Chair Suesser's question regarding further information.

In response to an inquiry, Commissioner Johnson stated that the applicant has rarely provided the data substantiating the need for an additional facility. He added that the information contained in the application was sufficient for him. Chair Suesser stated that based on the coverage maps, Commissioner Johnson's experience and the Staff Report, she would find that information reliable.

Commissioner Johnson expressed shock at the lack of propagation on the Alpha sector, as it appears to be focused on the resort and does not appear to cover much north of the site. Ms. Subleski invited the engineer to respond to Commissioner Johnson's concern. He explained that the propagation is due to the limits on the height; the antenna they have proposed would concentrate coverage around the resort where they would have a lot of traffic, especially during peak season. Commissioner Johnson commented that Quarry Mountain was still covering the Existing Site A, which is a vast area, and requested whether AT&T had plans for additional macros between Sites A and B or use small cell infrastructure to cover those areas. The engineer understood that there were plans to install small cells to add more capacity in the area outside of the proposed site. He added that the site on top of Quarry Mountain covered a very large area, and they were splitting sectors to add more capacity, especially the sector near the Park City Resort.

Commissioner Johnson referenced the Zoom In Coverage Map contained in Exhibit D, and asked what would happen if new construction is put in the area noted with a "P" that exceeds the height of the proposed facility. The engineer stated that they would probably require another macro facility to the north if the proposed antenna were blocked; however, it could probably be accomplished with small cell facilities. He added that additional buildings would add traffic to the network and block it from traveling through the buildings.

Chair Suesser sought clarification of the effects of the parking lot, to which Commissioner Johnson replied that the impact would be to the north and east of the proposed facility.

Commissioner Kenworthy asked whether the coverage maps were based on a human number, or how many people they expect to be in this area. The engineer explained that the capacity was usually based on the current traffic on the existing sites. He stated that they have Key Performance Indicators (KPI) that illustrates the AT&T users of each site on a daily basis.

The engineer further explained that they measure Internet data usage through smart phones on a daily basis to determine the congestion of a particular sector or site. He stated that they do not measure congestion in terms of subscribers, but data usage in a given sector.

Chair Suesser inquired whether Staff had discussed with the applicant the proposed development of the base resort and whether the applicant was comfortable moving forward with this facility at this time. Planner Cawley affirmed that he discussed this issue with the applicant. Mr. Subleski expressed that they looked at a number of areas in this vicinity and even with the proposed development; they concluded that this location would still provide a significant offload from the current site on Quarry Mountain. She acknowledged that the proposed development would affect this site, but there were two other sectors that would shoot away from the location of the proposed development so they expect it would still provide coverage to the immediate area and provide relief to the overloaded site. Chair Suesser explained that she would need a motion to move this item from the Consent Agenda to the Regular Agenda to allow further discussion and open the public hearing.

MOTION: Commissioner Doug Thimm moved to move this item from the Consent Agenda to the Regular Agenda. Commissioner Sarah Hall seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.
The 1335 Lowell Avenue Conditional Use Permit was moved to the Regular Agenda and proceeded as follows:

Chair Suesser opened the public hearing. City Attorney, Mark Harrington, requested that Planner Cawley reference an e-mail received on this item.

Planner Cawley stated that they did not receive any public input prior to publishing the Staff Report; after publication of the Staff Report and public notice, they received one public comment that was forwarded to the Planning Commission for their review.

AT&T Project Manager, Jan Robinette, addressed some of the questions raised regarding this project. She reiterated that this would be an offload site, because the site at the top of Quarry Mountain is at maximum capacity. She explained that when a call is dropped, does not connect, or is degraded, a signal is sent to the system letting them know that there is a problem. The engineers then look to ways to help with capacity. She explained that in mountain towns, there are extreme elevation changes and tall buildings that create issues. She reminded that their macro cells are like umbrellas and provide the broad coverage. They are trying to provide additional means for wide coverage that would help handle the capacity.

Ms. Robinette stated that they specifically looked at the new development at the base area, and although Building B would impact one of their sectors, the new facility would still provide a lot of capacity for hand-off. They also have coverage on the other two sectors that would split the difference with the new development. The senior engineers felt that this new site would still benefit the network. She added that because they do not have additional spectrum to continue to build more macro cells in this area, they have small cells. She described small cells as the smaller umbrellas under the larger umbrella that help provide capacity for those on the street.

Ms. Robinette stated that they have been working with Park City in terms of trying to implement different agreements for situations such as Sundance, which creates an extreme number of users. She commented that even in a good season, there was a lot of usage. Because the three major carriers do not work on the same network, when Verizon builds a tower, then AT&T and T-Mobile need their respective towers as well. She stated that with this proposal, AT&T seeks to provide coverage in the area that is lacking by co-locating in the same area with Verizon. They try to do what they can to put carriers with carriers and build like with like.

Chair Suesser closed the public hearing.

Commissioner Johnson noted that the Alpha and Beta sectors might get affected by the new base area development, and they might see another macro application further north in the future. He clarified that a future macro would be an addition, not a replacement, and would be needed.

Chair Suesser wondered why levels of radio frequency ("RF") are not measured or assessed for these applications. Mr. Harrington explained that federal and local government limits the City's ability to regulate environmental impacts of RF as long as the carrier is in compliance with FCC regulations. The Code requires the carriers to remain in compliance.

MOTION: Commissioner Doug Thimm moved to APPROVE the Conditional Use Permit for Establishment of a New Roof-mounted Telecommunications Facility at 1335 Lowell Avenue, based on the following:

Findings of Fact

1. The Applicant proposes installing three sets of enclosed of “stealth” roof-mounted antennas to establish a new Telecommunication Facility at the Lowell Condominiums.
2. 1335 Lowell Avenue is in the Recreation Commercial (RC) District.
3. Telecommunications Antenna are a Conditional Use in the RC Zoning District and require Planning Commission review and approval.
4. The minimum Front Setback for the RC Zoning District is 20 feet.
5. The minimum Rear Setback for the RC Zoning District is 10 feet.
6. The minimum Side Setback for the RC Zoning District is 10 feet.
7. The equipment will sit atop the existing structure and will not encroach into the Setbacks.
8. Antennas may extend up to five feet (5') above the highest point of the Building to comply with International Building Code requirements.
9. Telecommunication Facilities must be Compatible with the unique characteristics of each Zoning District, mitigate adverse impacts on community quality and safety, and locate related equipment where they are least visible from Public Streets, public Areas, and designated view corridors.
10. Roof Mounted Antenna are an ancillary Use.
11. The Lowell Condominium HOA consents to the location of the Roof Mounted Antenna.
12. Conditional use Permits require review pursuant to the criteria outlined in Land Management Code §15-1-10(E).
 - a. Size and Location of Site – No Required Mitigation. The equipment is limited to the rooftop and designated storage areas in condominium limited common space.
 - b. Traffic – No Required Mitigation. The proposed equipment will have no direct impact to traffic.
 - c. Utility Capacity – No Required Mitigation. No undue burden to existing utilities is identified.

- d. Emergency Vehicle Access – No Required Mitigation. On June 15, 2021, the Development Review Committee reviewed this proposal and did not identify any emergency vehicle access concerns.
- e. Parking – No Required Mitigation. Planned storage in garage level 3 is designated limited common ownership on the Plat and no parking will be displaced.
- f. Internal Vehicular and Pedestrian Circulation – No Required Mitigation. The Applicant does not propose any changes.
- g. Fencing, Screening, and Landscaping – Condition of Approval No. 4.
- h. Building Mass, Bulk, and Orientation – No Required Mitigation. The proposed equipment will occupy three (3) leased sectors. Each sector is 143 square feet and contains two (2) antennas, four (4) Remote Radio Heads, one (1) surge suppressor, and one (1) stealth mount.
- i. Open Space – No Required Mitigation. Open Spaces as defined in the LMC excludes Buildings or Structures.
- j. Signs and Lighting - Condition of Approval No. 7.
- k. Physical Design and Compatibility with Surrounding Structures – Conditions of Approval No. 2 and 3.
- l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors – No Required Mitigation. The proposed Use is consistent with adjacent Uses.
- m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas – No Required Mitigation. No changes are proposed to this site.
- n. Expected Ownership and Management – No Required Mitigation. All equipment is proposed to occupy limited common ownership areas. On March 3, 2021, the Condominium HOA submitted a letter approving the lease of these areas.
- o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes - No Required Mitigation. This site is not located in any additional Overlay Zones, Environmentally Sensitive Lands, or Park City Soils Ordinances. The proposed Use does not trigger a review of Steep Slopes.
- p. Reviewed for Consistency with the Goals and Objectives of the Park City General Plan – Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. Implementation Strategy 10.9: Public infrastructure policy

should provide visitors with the Park City experience, including cutting edge technology which exhibits Park City's commitment to the visitor experience and the environment.

Conclusions of Law

1. The application complies with all requirements of the LMC.
2. The Use is compatible with surrounding structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. The Conditional Use will expire one year from the date of Planning Commission approval unless the Applicant has commenced on the project, or a Building Permit for the Use has been issued.
2. Antenna panels shall be no more than five square feet (5 sq. ft.) in Area per face.
3. The rooftop antenna and all mounting equipment shall be set back ten feet (10') from the roof edge and shall not exceed more than five feet (5') above the roofline.
4. The Roof Mounted Antennas shall be concealed within antenna skids.
5. The antenna skids and cable chases shall be painted to match the structure's exterior façade.
6. All equipment located within the parking garage's approved storage area shall be screened to designate an area of separate Use.
7. Signs shall only be installed near the equipment and storage area as required to alert the public of health and safety concerns. No other signs are approved with this CUP.
8. The Applicant must obtain a Building Permit prior to installing the equipment.
9. The Applicant shall submit roof structural calculations for review and approval by both the Building and Engineering Departments.
10. The Applicant must perform annual maintenance on the stealth panels.

Commissioner Kenworthy seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.

6. WORK SESSION

A. 1660 & 1700 Three Kings Drive - Payday Condominiums - Plat Amendment - The Applicant is Requesting to Amend the Existing Plat to Rectify Inconsistencies and Clarify Developable Private Residential Space for Condominium Owners.

City Planner, Makena Hawley, presented the staff report and state that the Payday Condominiums are located in the Residential Development ("RD") zone, along the back nine of Park City Municipal Golf Course. Park City Mountain base is an approximately 15-minute walk away. The property is surrounded by several condominium developments to the south, including Three Kings Condominiums and Silverstar Development. To the north, there are larger lots with single-family homes. Planner Hawley explained that the property was platted and built in 1972, and a Conditional Use Permit was issued to allow it to be built in the former Forest Estate (FE) zone. The condominiums are located on 5.26 acres and house 51 units in 21 buildings, along with 62 parking spaces. She reported that within the FE zone and the Planned Unit Development portions of the 1972 LMC, Payday Condominiums fully complied with the LMC at the time it was built. Currently, the development is located within the RD zone, and is subject to different zoning regulations. She explained that because the condominiums were lawfully constructed, the buildings would be considered "existing, non-complying structures" under the LMC.

Planner Hawley reported that in 2018, an owner proposed an addition to their unit, and the application was flagged because it was outside of the area stated on the plat. After further review, the Planning Department discovered that over the years, the City approved numerous remodels and additions that fell outside the platted private residential areas. Planner Cawley explained that the goals of this plat amendment would be to (1) update the plat to reflect the existing private ownership; and (2) to specify the entire building envelope to limit and create predictable future conversions to allow equity among the Payday neighbors. This second goal would also create a harmonious and homogenous design across the property.

Since the 2018 application, the Planning Department has been in support of the proposed plat amendment as long as the expanded areas were located within the existing building plat. Staff advised the current applicant that a plat amendment should equitably allocate developable space, rectify many existing discrepancies and clearly define where, what and how much could be added to the units. In addition, this plat amendment would also eliminate the need to otherwise amend each unit incrementally and allow for a predictable and transparent process for remodels and additions.

Planner Hawley added that the plat amendment would acknowledge and fix the existing error on the current Payday plat that includes a portion of Three Kings Drive. She explained that this is a complex plat that has been extensively reviewed by the Planning Department. She reported that the Planning Director preliminarily determined that the changes do not constitute an expansion of the degree of non-conformity. She explained that this Work Session would allow the Planning Commission to review Staff's analysis prior to bringing it before the Commission as an Action Item. Because the Planning Commission is charged with issuing a separate finding of "good cause" and LMC compliance, Staff and the Applicant jointly requested to bring this before the Commission to assess Staff's recommendations.

Planner Hawley indicated that due to the change in zone and the 49 years of change that this development has seen, there are several areas of non-conformity in density, setbacks, height and parking. With respect to density, Planner Hawley stated that the current maximum density in the

RD zone is three units per acre, and five units per acre of a Master Planned Development ("MPD"). She noted that Payday is not an MPD, and current average density is 9.1 units per acre.

Planner Hawley stated that because the applicant has not proposed to increase the total number of units, Staff found no increase in this non-conformity; therefore, they determined that this complied. She reported that with regard to setbacks, several units were already within the setback area for the RD zone. When the development was originally approved, the Planning Commission simply reviewed dimensions and locations of buildings and structures on the site. She noted that as no additional units were proposed to be expanded further into the setbacks, and because any current expansion would be subject to current setback regulations, Staff found no increase in the non-conformity.

With respect to height, she noted the interesting design of the triplex buildings. She observed that they all have the same layout and size, but the middle unit has a raised a level to allow for additional light. She explained that there is a stairwell on the ground level that goes up to what is the first floor for the middle unit. She noted that this configuration has served as a significant barrier to allow for equitable dispersion of assets to the Payday community. As the height would be increased, and the changes improve the design and mitigate perceived heights, Staff found substantial compliance. Planner Hawley referenced the 3-D drawings contained in the Staff Report that show the proposed addition. The Applicant also provided realistic renderings.

Planner Hawley next addressed parking and noted that the original plat required 51 spaces for 51 units. Over time, the development added spaces to bring it to a total of 72 parking spots. She explained that the current parking threshold for multi-unit dwellings over 2,000 square feet is two parking spaces per unit. She noted that the surrounding area is dense with amenities, including three bus stops within a five-minute walk of this development. There are also hiking and biking trails, a restaurant and ski lift. Additionally, the RD zone includes intentions for growth capabilities, clustering of residential units, and minimizing impacts of the automobile on architectural design.

She also reported that the applicant reported that parking has never been an issue and no additional parking would be necessary, as the use and the density were not increasing. Planner Hawley stated that with no Unit Equivalents ("UE") being proposed, the history of parking, and with the proposal in keeping with the RD zone purpose statements, Staff found no reason to require an increase the amount of parking. She summarized her presentation by stating that they have worked with the Applicant to find a suitable solution to correct the changes over the past 49 years. This proposal would be an improvement in the design and would create equity among the Payday community while increasing livability. Without the increase in UE's, the Planning Director would be inclined to determine that the proposed plat amendment would be in substantial compliance. She was interested to hear to the Commission's feedback regarding the amendments.

Planner Hawley introduced the applicant and President of the Payday Board, Susan Philipp, Property Manager Eric Runions, Payday's Counsel Robert Rosing, and Spencer Swalberg, AIA. In response to a question from Commissioner Kenworthy, Planner Hawley stated that if the proposed changes were approved, all units were already non-conforming. Commissioner Kenworthy wondered whether there would be any egregious examples of a non-conforming unit that would remain outside of this proposed amendment.

Planner Hawley responded that there were a few units with additions that would not necessarily be included in the available new space that could be enclosed. The number is minimal, and she

explained that Staff decided that it would be too much to include those in this application. This application sought to create a holistic design that improves the entire property, rather than impacting the more extreme additions.

Commissioner Kenworthy clarified that this proposed amendment seeks to be equitable to the owners who have not expanded their units, but the issue remains that there are a few owners who have gone beyond the “reasonable area.” He questioned how they would address potential applications that seek more extreme additions. Mr. Harrington commented that the proposed CC&Rs would clarify that only these proposed changes would be allowed in the future. He noted that internal additions have occurred in virtually any condominium project in the City and recognized that this was more a product of changes in law and building standards over the past 50 years.

Mr. Harrington emphasized that the degree of the compliance that this proposed amendment would achieve far outweighed the equitable solution. While the equitable reasoning was laudable and formed the basis for consent from the HOA, the degree to which this amendment would achieve compliance is vital for regulatory purposes and formed the basis for his suggestion that the Commission consider this amendment.

Commissioner Kenworthy asked if the proposed amendment was clean and final. Mr. Rosing spoke to that question and stated that from the HOA’s perspective, this concern was precisely the issue that they were trying to eliminate. He commented that currently, an owner could question why they could not expand out like their neighbor was allowed to do. He opined that this plat amendment would foreclose that argument and define the allowable types of expansion.

Mr. Rosing added that they received the affirmative vote of over 2/3 of the ownership to approve this amendment. He commented that it is actually more difficult currently to deal with the potential arguments referenced above because no one is in compliance with the plat. He reiterated that this amendment would set forth the location of everyone’s unit, the current condition that would match the plat and set forth the options for expansion. Mr. Swalberg added that he was involved in the 2018 application, and he tried to use the above argument on a regular basis to help get things approved but was shut down.

Chair Suesser asked about the availability of an image for the 2018 application. Mr. Swalberg added that this model of the triplex was based on the building in the 2018 application. Planner Hawley stated that she did not have an image on hand for the 2018 application. With regard to the unit that “went too far,” Chair Suesser requested an image and noted that while it might have been in compliance with the plat at the time, this amendment would be seeking to preclude similar expansion. Mr. Swalberg pointed out that one of the main issues with that building was that it started with common space; he could not recall if the original plat gave that common space to the middle unit. He added that there was a lot of space for that particular unit and once the drawings were submitted, it had been built out and framed but was not dedicated to living space on the plat.

Mr. Swalberg referenced the images presented for Three Existing, as set forth in the Staff Report, and explained that the area under the sliding glass doors was on stilts, with a build-out structure. It was clarified that the presented 3-D images depict existing conditions on the left and proposed on the right. Commissioner Thimm asked if there was an existing application to make the proposed changes depicted in the images. Mr. Rosing expressed his belief that there were no applications pending because currently, the plat would not allow it.

Commissioner Thimm noted that this amendment would seek to establish limitations within agreed-to parameters, and the additions would reflect the extent of what an owner could do with their unit. Planner Hawley confirmed that there were no pending applications, and that this amendment seeks to address future applications. Mr. Rosing expressed that from the HOA's perspective, amending a plat is difficult because it requires a vote of 2/3 of the owners. In order to get to the proposed plat, they tried to make it equitable and provide the owners options for the future.

Commissioner Thimm understood that this amendment seeks to establish a way to accept some level of additions or remodel of the existing buildings within certain limits and provide guidance for future applications. He noted that there were a number of non-conforming conditions at the property. Commissioner Thimm questioned whether there was a need to include acknowledgment of the non-conforming portions of the building and accept them in this amendment. Mr. Harrington stated that without inspecting every single unit, there would be no way to know 100% whether a given unit was conforming or non-conforming. He would therefore not recommend that they grant that degree of estoppel, since those issues would still be assessed when they go through the process. He opined that the number of those instances would be minimal, and this proposed amendment would be the most consistent option that mirrored what is known to exist at the site.

He added that the amendment would be limited to defined areas and emphasized that the Planners walked the site and established the most logical way to accomplish this. He would not recommend speculating in terms of additional issues that might arise in the future. Owners would still have the option to subject their individual requests to the process. Commissioner Thimm confirmed his understanding that there would not be a need to acknowledge the other non-conforming uses and by accepting this change, the amendment would provide for limitations moving forward within the purview of what is defined by this change.

Mr. Rosing mentioned that some of the existing non-conformities were reflected on the new plat, which seeks to encompass all of the known changes. He clarified that this amendment would not require owners to remove non-conforming changes.

Commissioner Thimm expressed his agreement with the need to correct the previous errors and approvals and to provide limitations moving forward. He agreed with the architectural and parking/planning conclusions of the Planning Director and Staff and addressing the right-of-way allocation.

Chair Suesser echoed the comments of Commissioner Thimm. She asked if the HOA would be prevented from moving forward with assessments for making these changes for all of the units. Mr. Rosing expressed that from an HOA law perspective, a common assessment applied to everyone would result in unequal benefits to certain owners. He was confident that there would be significant push back if the HOA tried to do that and questioned whether the HOA could do that. He stressed that the HOA's primary charge is for the maintenance of the property, not the construction of additions to units.

Commissioner Kenworthy saw this amendment as giving the HOA the best tool possible to clean up this plat and move forward. He acknowledged that the owners already voted and approved of this amendment and to keep it in line for new owners. Mr. Rosing agreed with this summation and stressed that this would be the best tool for the HOA to address the non-conformities. He commented that the 2018 application was just as much an issue for the HOA as it was for the

City. Since exterior changes to the units must be approved by the HOA, the plat amendment would be the best way to eliminate the issue that arose in 2018.

Mr. Rosing added that one of the other functions of plats is to put people on notice. When a new owner buys in, they could see and know what they are buying. For the HOA, that eliminates the potential for litigation.

Commissioner Kenworthy commented that the HOA let this issue get out of control, and City Hall cannot be the mitigator of all of these issues. The City would count on the HOA to be able to address anyone who might want to act outside of this proposed amendment so that going forward, it does not get out of control. He expressed agreement with the Planning Director on all issues.

Ms. Philipp commented that this entire plat issue came as a big surprise to the current HOA Board and explained that the expansions that occurred into common areas occurred in the late 1980s to early 1990s. She confidently expressed that the current Board would use this amended plat, along with some of the new systems they have in place, to stay on top of owner additions. They have implemented design and construction specifications, processes for remodel applications, and created an Architectural Review Committee. She commented that the Building Department must also have an application signed by the HOA before proceeding.

Ms. Philipp stated that they were sorry that this occurred in the past, but the current Board has tried to resolve the issues; this plat amendment would resolve much of the past developments onto common and limited common areas and would allow new or existing homeowners the equal and fair opportunity to remodel and expand their property within the original footprint of the platted buildings.

She mentioned that the original plat showed a certain number of parking spaces for Payday, and the current layout, which has not changed significantly from the original plat, was more efficient. They also removed some of the community laundry facilities on site, which provided a few extra parking spaces. Ms. Philipp confirmed that they do not have many parking issues; she acknowledged that when Sundance first came into town, they did experience some issues of Sundance visitors using their lot. They now have a hangtag policy in place that has helped to address unauthorized vehicles.

Ms. Philipp stressed that they are working hard to manage the property, and they see it as very valuable to the community. She acknowledged that it could be improved aesthetically, and the 3-D images represent the new remodel additions in the new plat that enhance the Payday property, especially on the fourth level.

Commissioner Johnson asked about the demographics of the units in term of rentals versus owner-occupied. Ms. Philipp stated that they are a nightly rental property, and because of that, most people only have one vehicle to park, or are using ride-share or other transit options. She estimated that 2/3 of the units were used for nightly rentals. She stressed that people do not want a lot of renters coming in and out to damage their property; as a result, Payday has become a much more sophisticated property.

Commissioner Johnson wanted to clarify that there were no real parking issues and understood from Ms. Philipp that there were not. Most of the full-time residents have two automobiles, but they also receive two parking tags. They do not have a problem issuing two tags per unit, since

two-thirds of the units often only have one vehicle. She reiterated that they were not having any parking issues.

Commissioner Kenworthy expressed appreciation to Ms. Philipp and noted that she seemed to know exactly what is going on with the property. With regards to nightly rentals, he stated that the HOA could make sure that all of the units had their correct licenses. He noted that they have found that approximately 50% of properties that are used for nightly rentals never get licensed, and as a City, they are working on improving that. He stated that the HOA could help the City by ensuring that all of the units being used as nightly rentals be properly licensed and renewed annually.

Ms. Philipp noted Commissioner Kenworthy's request and stated that she would raise this at the next Board meeting. She expressed that they could include something in their Rules and Regulations without having to modify the CC&R's.

Commissioner Hall asked if that should be included as a Condition of Approval. Ms. Philipp expressed that they could easily add that to their Rules and Regulations but does not know how they could 100% guarantee that it could be enforced. Mr. Rosing added that HOA's have to be careful with this issue since the lobbies have been influential in pushing through statutes with respect to nightly rental units. Trying to include it in the Rules and Regulations would likely be acceptable under those laws, but if the HOA took it too far and treated short-term rental units differently, it would violate the Condominium Act.

Commissioner Hall agreed with Commissioner Kenworthy's comments. She suggested a Condition of Approval specifically calling it out under the conditions that require compliance with all laws and ordinances. Mr. Harrington stated that they would work on this with the applicant to see if they could include a COA that highlights this issue. He emphasized the limitations facing the HOA.

Chair Suesser opened up a public hearing on this item. Planning Director Milliken stated that there was a raised hand, but the person left. It was clarified that Payday's Property Manager, Eric Runions, was the one who raised a hand. He addressed the parking concerns and explained that he has managed Payday for 10 years, and that over those 10 years, 20-25% of the new owners used to be full time residents. He agreed that approximately 2/3 of the units were being used currently for nightly rentals; in the last five years, they have gone through Sundance with a decreasing number of parking spaces actually utilized due to rideshare.

Mr. Runions stated that the HOA has a very good parking enforcement policy, and they heavily monitor the lot, especially during peak times. Since implementation of parking enforcement and the presence of rideshare, they have not had to tow a vehicle in over 5 years.

In response to a question by Commissioner Johnson, Mr. Runions clarified that 10 years ago, they had approximately 50-60% owner-occupied units. Presently, with owner-occupied units at approximately 30-35%, there is more parking availability. He highlighted that of those 30-35% owner-occupied units, only three units have full time residents, while the remainder are utilized as second homes. Ms. Philipp acknowledged that they still have unauthorized vehicles park in their lot to utilize the ski lift across the street, but stressed, however, that they were not having issues and she did not foresee that they would due to the transit opportunities.

Commissioner Johnson expressed that his concern would be what could happen in 10 years if the owner-occupied percentage increases and there is not enough space. Commissioner Thimm commented that the parking at the site complied with what was required when it was built, so they were not dealing with a deficiency. Mr. Runions added that the HOA could reduce the amount of permanent parking spaces per unit in the future. Ms. Philipp confirmed that the HOA documents do not specify how many spaces per unit were granted. In terms of future issues, she felt it unlikely that they would run into issues because the property is so deficient in storage and garages.

Ms. Philipp reiterated her hope that the Commission would see this plat amendment as a valuable solution to the past and moving forward. Mr. Rosing commented that this plat amendment does not affect the parking issue raised by Commissioner Johnson. Commissioner Hall agreed with the Staff Report, and felt that there was clearly good cause, and had no issue with the density and parking. She expressed that the bigger issues were the setback violations. She understood that what exists would be properly labeled as "legal non-conforming, however, felt that the non-conformities were significant as compared to the current Code requirements. She also noted that height was a significant issue.

Commissioner Hall expressed that she was fine with adding density and had no problem with the 3-D rendering on page eight that illustrated enclosing the open area. She expressed that allowing the non-conformity with regards to setbacks while also allowing a height exemption did not sit well with her. She understood the desire to be equitable but combining the height exemption with the setback exemption should be addressed. Commissioner Hall stated that she would generally not be in favor of allowing increased height because the building would increase in mass.

Mr. Harrington clarified that only new setback issues would result from the new right-of-way dedication proposed in this amendment. All other setback issues were existing. He explained that this amendment would not expand any setback violations, but rather correct the right-of-way. He added that there were not adjacent property owners impacted by those areas adjacent to the right-of-way. Mr. Harrington stated that this could be further explained when this comes back before the Commission. The slide demonstrating the setback violations and the right-of-way was referenced and discussed. Planner Hawley pointed out that the right-of-way was already dedicated, but for some reason was never recorded in the original plat.

Commissioner Thimm stated that it would be important that the amendment include a statement that there would be no future encroachments into setbacks allowed. Mr. Rosing added that this is implicit in the plat amendment because none of the proposed expansion areas were further setback violations. Planner Hawley added that under this amendment, if someone proposed to extend their deck, they would need to comply with current LMC regulations, regardless of whether the unit was conforming or non-conforming.

Mr. Rosing addressed Commissioner Hall's concerns and stated that they could not chop back the setback violations, nor allow new setback violations. Commissioner Hall confirmed that her concern was that those buildings that were non-conforming should not be allowed to have the fourth-floor expansion.

Ms. Philipp clarified that all of the center triplex units have a fourth level pop out on top. Those existing pop-outs are small and not very usable. The proposal in the plat amendment would allow an 8 x 12 remodel addition located in those middle units only. She stated that they felt the impact

was quite minimal, and everything else complied with LMC height limits. She noted that the 3-D renderings represent a positive architectural aesthetic without impacting visual density.

Mr. Rosing stressed that from the HOA perspective, equity was how they got to this point and how they got the votes they needed for this plat amendment. It was hard to find something to give to the middle units, in particular, because they are sunk into the middle of two other units. The proposal would actually make the space usable and was the best, most equitable solution for those units. He commented that to remove this portion of the amendment would likely impact the support for this plat amendment from those owners because it would be unfair.

In response to an inquiry from Chair Suesser, Mr. Rosing clarified that the plat amendment allows different modifications, but the fourth-floor modifications were the only modifications that impact height and would only be allowed for the middle units.

Commissioner Thimm commented that because these additions will be in the center of the building, they are not really adding height but are slightly changing the volumetrics. He felt that it seemed that the proposal was still in keeping with what presently exists. Chair Suesser stated that this is something that could be revisited when the application comes back before the Commission.

Planner Hawley confirmed that she would revisit this and expressed she would confirm that they would not be giving a lot of extra height as a result of this amendment. Ms. Philipp added that the rendering that contains the yellow highlighted area shows the only proposed remodel addition included in this proposed plat amendment. She emphasized that currently those spaces are inefficient. The proposal would have minimal impact and would not increase the height because it is located in the middle of the building, allowing the density to taper down in all directions.

Planner Hawley asked Commissioner Hall if there was an issue that she could focus on that could help with her review of this matter. Commissioner Hall stated that she had a difficult time seeing on the overhead plat map where extra height density was coming from. Chair Suesser added that she had difficulty understanding the height of the proposed additions on the end units and if any of those end units would violate the height limitations for the zone. Planner Hawley confirmed that the end units do not violate the height limitations and would not violate the height limitations with the proposed additions.

Chair Suesser closed the work session on this item.

B. Land Management Code Amendments - The Planning Commission Will Conduct a Work Session on Reduced Accessory Apartment Regulations to Incentivize Development of Long-Term Rentals. PL-21-05000.

Assistant Planning Director, Rebecca Ward explained that the Code amendments were specific to Accessory Apartments, which are defined as dwelling units with cooking, sleeping, and sanitary facilities attached to a single-family dwelling or garage. The units have been allowed within most zones in Park City since the 1990's.

The LMC sets forth the following requirements for Accessory Apartments:

- They cannot be less than 400 square feet, or more than 1,000 square feet;

- They cannot be larger than 1/3 of the square footage of the main home;
- They cannot have more than two bedrooms;
- One additional parking space per bedroom is required;
- No more than four Accessory Apartments can be located within a 300-foot radius; and
- The Accessory Apartment and the associated single-family dwelling must be rented for more than 30 days.

Assistant Planning Director Ward reported that the City Council directed Staff to evaluate Code amendments to reduce Accessory Apartment regulations in an effort to incentivize private development of long-term rentals. She introduced Housing Manager, Jason Glidden. She added that the City Council identified reduced regulations on Accessory Apartments as one of the goals of the Housing Plan for this year. She stated that the Historic Preservation Board would review the proposed amendments specific to Significant and Landmark Historic Sites and what detached Accessory Apartments might look like on those sites. The Board would also look at any other potential impacts to the Historic Districts.

Assistant Planning Director Ward stated that the proposed amendments were scheduled to come back before the Planning Commission on November 10, 2021, for a public hearing and a recommendation to City Council. A Work Session with the City Council is scheduled for December 9, 2021, with a public hearing and action scheduled for December 16, 2021. She reported that in 2020, the City hired a consultant to evaluate the obstacles contained in the Code that prevented residents from building Accessory Apartments. The policy research memorandum is referenced throughout the Staff Report and referred to as the Sudbury Memo.

Work sessions for both the Planning Commission and the City Council dating back to 2018 have resulted in feedback and input that included the following:

- Allowing Accessory Apartments in the Community Transition zone (Park City Heights area);
- Allowing detached Accessory Apartments in some areas;
- Extending the minimum rental timeline from 31 days to 90 days or longer;
- Reducing the minimum square footage to as low as 280 square feet;
- Potentially eliminating the proximity requirements;
- Prohibiting nightly rentals;
- Potentially reducing parking requirements; and
- Potentially eliminating the requirement that the property owner live on site.

She added that there is an online survey that specifically addresses Accessory Apartments. Notice was sent out to community members, who can visit www.parkcity.org to complete the survey. The results to date were included in the Staff Report. Assistant Planning Director Ward referenced the 12 questions in the Staff Report where Staff is seeking input to help shape the draft Code that would be presented to the Commission in November. With regard to whether the property owner should be required to live on site, she noted that the current regulations require that the property owner either live in the single-family dwelling or the Accessory Apartment. The owner must also record a deed restriction.

She reported that the survey results indicate that opinions on this requirement were split approximately 50/50. The Sudbury Memo identified that owner-occupancy requirements present

challenges for the property owners because it limits the value of the Accessory Apartment investment by limiting how the owners can use their property. Additionally, owners could not move without selling their property, which eliminates maintaining the property as a future investment. She also reported that owner-occupancy requirements limit the value of the property in the eyes of the lender.

Assistant Planning Director Ward noted that communities like Los Angeles, San Francisco, Portland, Vancouver, and Austin have eliminated the owner-occupancy requirements. The Sudbury Memo found that many of the property owners in those communities continue to live on site even though it is not a requirement. They found that in Portland, 64% of the property owners continue to live on the property after the Accessory Apartment was completed. She highlighted Salt Lake City, which still requires owner-occupancy; however, a few years back Salt Lake City amended their Code where they expanded the definition of a "property owner" to include anyone who is related by blood, marriage, or adoption. Salt Lake City also included some exceptions to the owner-occupancy requirement, such as owners deployed for military service, temporary job assignments, or sabbaticals.

Assistant Planning Director Ward stated that if the owner-occupancy requirements are removed, Staff would recommend that the deed restriction requirement be maintained, so that nightly rentals would remain prohibited. She invited the Commission to provide their input on the issue of owner-occupancy. Chair Suesser noted that of the communities referenced that eliminated the owner-occupancy requirement, none of them were resort communities, or communities where second homes are prevalent. Assistant Planning Director Ward responded that they did not find any resort communities that eliminated the owner-occupancy requirement. Their initial research into resort communities found that the restrictions in those areas were more stringent, both in terms of the deed restrictions and who could live in the Accessory Apartment. She highlighted Breckenridge, which recently amended its' Code to require that tenants in Accessory Apartments be employed within the County. Breckenridge maintained its owner-occupancy requirement.

Commissioner Hall stated that she would like to see the rental period extended to 90 days, because she would like to capture the accessory dwelling units for use by longer-term community members. She reiterated her position that as long as the rental of both the main dwelling and the Accessory Apartment was at least 90 days, she would have no objection to eliminating the owner-occupancy requirement. She felt that this would encourage both units to have a long-term, vested community member.

Commissioner Thimm agreed with Commissioner Hall's comments, including the minimum length of a lease for the main dwelling. Chair Suesser also agreed with these comments and stated that she would agree that an owner should not be required to reside on the premises as long as there is a long-term lease of greater than 30 days. Commissioners Thimm and Johnson stressed that they would like to see the minimal rental time be 90 days. Commissioner Kenworthy agreed as well.

Chair Suesser agreed that they want to encourage long-term rentals, but commented that 90 days seems more restrictive, but would consider it further. Commissioner Hall explained that the reason that she settled on a minimum of 90 days was she felt that it would encourage a vested community member. She commented that many HOA's have a 30-day minimum requirement, which people get around by only using the rental for a week or ten days, thereby functioning like a nightly rental. Commissioner Kenworthy agreed and added that the 90-day minimum would

give the seasonal worker a better chance at housing. Chair Suesser agreed that a 90-day minimum would be appropriate.

Assistant Planning Director Ward next addressed whether the Planning Commission should approve Accessory Apartments, approved by Planning Staff, or through by-right approval that would only require a building permit. With the exception of three of the Historic Residential zones, an applicant currently needs only to file an application with the Planning Department. If it complies with the Code, an approval letter is issued. The application carries with it a fee of \$330.00 and the process does not require a public hearing and is relatively quick.

In the three Historic Residential districts, there is a CUP requirement that triggers fee of \$1,140, Planning Commission review, a public hearing and approval. This process requires that the Accessory Apartment comply with the Code criteria as well as the CUP criteria, which includes evaluation of traffic; utility capacity; emergency vehicle access; fencing/screening/landscaping; building mass bulk and orientation; physical design; noise; expected ownership; and consistency with the General Plan. She added that the CUP process in the Historic Residential zones allow the Planning Commission to impose reasonable conditions to mitigate anticipated impact of the Accessory Apartment.

Survey results to date indicate a split in the community on this issue, with overall support for Planning Commission or Planning Staff review. A minority of respondents supported the by-right permit process. Assistant Planning Director Ward asked the Commission whether they wished to retain the CUP process for Accessory Apartments in Historic Residential zones or allow it to be handled at the Staff level.

Commissioner Thimm stated that he was open to the idea of having a well-written ordinance that established by-right zoning. Commissioner Hall agreed. Chair Suesser questioned how by-right would work with the limitation on the number of accessory units within a 300-foot radius. Acting Planning Director Ward noted that there were some challenges with that section of the Code. Commissioner Hall stated that she would advocate for removal of the cap in conjunction with by-right and having a clear permit process. Commissioner Thimm agreed.

Commissioner Kenworthy wanted to believe that could be done; but a 'one size fits all' process given the different neighborhoods and topography could present some issues. Chair Suesser added that she lives in Old Town and has concerns about allowing Accessory Apartments by-right. She highlighted parking issues, density and building on historic lots. She noted that Accessory Apartments would intensify the use in an already intensely used environment. Commissioner Kenworthy echoed these concerns.

Commissioner Hall suggested that as long as homeowners in Old Town were not exceeding their square footage or limits regarding disturbance, setbacks and heights, she would not be concerned. Chair Suesser offered that the Commission should retain the right to review these applications initially to see how they are going, and then potentially shift it to Staff review in the future.

Commissioner Johnson was agreeable with by-right, but in any Historic Residential zones, he would want to retain the CUP process. He added that it seemed like a volatile issue and the Commission should keep their focus on it. Chair Suesser and Commissioner Kenworthy agreed.

Assistant Planning Director Ward moved on to the question of whether the proximity cap should be removed. She explained that the current Code places a cap of four Accessory Apartments within a 300-foot radius. The cap also outlines a process for non-conforming accessory apartments to come into compliance with the Code, noting that they are aware of some illegal Accessory Apartments. The Planning Department has a record of approximately 50 Accessory Apartment approvals citywide. She explained that bringing non-conforming units into compliance could present challenges, particularly if there were already more than four Accessory Apartments within a 300-foot radius. If they could craft a Code that mitigated impacts on site, particularly as to parking and setbacks, then removing the proximity cap might be achievable.

Commissioner Kenworthy suggested that they could not remove the proximity cap in areas of Old Town. He noted that it might work to lift the cap in Park Meadows but did not think it would be a good idea in some of the Historic areas in Old Town. In response to a question regarding documentation of known illegal Accessory Apartments, Assistant Planning Director Ward stated that they know they exist, but they do not have record of them. She added that there might also be accessory buildings approved for a different use that over time transitioned into a dwelling unit.

Commissioner Hall commented that from her standpoint, a significant goal would be to encourage community members to live in the City full-time, which would hopefully reduce some of the use and disturbances to the community.

Chair Suesser asked if there was a cap on the number of people who could dwell in Accessory Apartments. She commented that she has seen long-term rentals in Old Town, where there are nine people living in a three-bedroom home, bringing with it a lot of vehicles. Assistant Planning Director Ward stated that the Code caps the number of bedrooms in Accessory Apartments to two, and the square footage to 1,000 square feet. She stated that they could work with the Building Department to see what the Building Code would regulate for occupancy.

Commissioner Thimm offered that the mitigating measures discussed could eliminate certain properties from being able to apply for an Accessory Apartment. He was bothered by the idea that within a district one owner might be able to do something with their property that another would not. He was not in favor of the 300-foot radius.

Commissioner Kenworthy also struggled with that issue and highlighted Kings Road, which is a historically problematic winter street. If there were four or more Accessory Apartments in a 300-foot radius in that area, it would be dangerous. Commissioner Thimm noted that the four units would all have to meet stringent criteria, including parking. It was noted by Commissioner Kenworthy that there is transit at the bottom of that street.

Commissioner Thimm explained that is the reasoning behind allowing a transit reduction for parking; transit reduces the need for parking. Commissioner Kenworthy agreed that anything close to transit could have reduced parking but stated that Kings Road is too dangerous to allow more occupancy. He noted that there were other areas like Kings Road throughout the City.

Chair Suesser commented that the reality is that even though they might reduce parking, parking is still happening with some of these units, and they would have to anticipate that there would be some violations. She would agree to remove the proximity cap outside of the Historic District. Commissioner Thimm expressed his support for that alternative, as did Commissioners Kenworthy and Johnson.

Assistant Planning Director Ward next raised the issue of whether detached Accessory Apartments should be allowed. She reported that the survey results to date show that 75% of the respondents answered in the affirmative. Research showed that some communities have minimum lot sizes for detached accessory dwelling units, with the average ranging from 4,500 square feet to one acre. She noted that in Park City, a minimum lot size of 3,750 square feet would allow for detached accessory apartments in most zones outside of the Historic Districts. It would also allow for some detached Accessory Apartments in the Historic Residential Low Density zoning district that have larger lot sizes. She explained that allowing detached Accessory Apartments on larger lots might allow for them to be developed; however, there could be challenges with some of the individual restrictions on buildable areas on those larger lots.

Assistant Planning Director Ward reported that overall, there was community support, as well as support by the Planning Commission and the City Council that detached Accessory Apartments should be allowed. She requested input from the Commission regarding issues such as lot size, allowable zoning districts, or any other restrictions.

Chair Suesser sought clarification of the low-density historic districts. Assistant Planning Director Ward clarified that they could be allowed in the HRL zone, which includes very limited residential zones within Old Town.

Commissioners Kenworthy and Thimm expressed support for the requirement of a 3,750 square foot lot size. In response to an inquiry, Assistant Planning Director Ward stated that the typical lot size in Old Town was 1,875 square feet. Commissioner Kenworthy explained that he was agreeable to the 3,750 square foot threshold since it is nearly double the lot sizes in Old Town. Commissioners Thimm, Johnson and Hall agreed.

Assistant Planning Director Ward clarified that the minimum lot size of 3,750 square feet would be applicable in all zones. She then addressed the issue of exempting Accessory Apartments from current Code requirements. She explained that currently, an Accessory Apartment must be within the maximum floor area specified in the LMC for a single-family dwelling. She added that many subdivision approvals specify a maximum square footage for the structure built on each lot, and most of the homes are built to that square footage. If Accessory Apartments were to continue to follow that requirement, it might prevent them from being constructed on lots where they might otherwise be allowed. Limits of disturbance and areas of disturbance, especially for larger lots and subdivisions, were established as part of the approval and is shown for each lot within a subdivision. She reported that some communities allow for some exceptions to maximum building footprints and limits of disturbance/area of disturbance.

With regard to setbacks, she explained that currently, Accessory Apartments must be constructed in a way that they are attached to the single-family dwelling. As a result, they must comply with the zoning district's setbacks. The LMC provides exceptions for accessory buildings, which can have reduced setbacks as low as 1' to the rear property line, or 3' to the side property line. The LMC currently excludes dwelling units from the definition of "accessory buildings." She added that if dwelling units were included in the definition of "accessory buildings," then Accessory Apartments would qualify to be built on site with these reduced setbacks. Alternatively, the Code could be crafted to provide that accessory buildings, whether detached or detached, would still need to meet the full setback requirements for the single-family dwelling on site.

Assistant Planning Director Ward explained that based on the input received to date, 54% of respondents were in favor of exempting maximum square footage. In allowing Accessory

Apartments to be exempt from limits of disturbance/areas of disturbance, only 43% were in support. She noted that limits of disturbance/areas of disturbance were often included in Conditions of Approval to satisfy items such as protecting vegetation, view sheds and ridgeline areas. She explained that communities such as Truckee, California require that the Accessory Apartments be constructed on lots with the most restrictive requirements applied. She continued by reporting that 54% of survey respondents felt that Accessory Apartments should meet the same setbacks as the single-family dwelling. In summary, community input to date showed support for applying the current restrictions to Accessory Apartments, with the exception of the maximum square footage restriction.

In response to an inquiry regarding whether these Code changes would supersede HOA rules and regulations, Assistant Planning Director Ward stated that they would not. Commissioner Kenworthy expressed that he would not want to turn every HOA upside down with these potential changes to the Code. Mr. Harrington stated that as a general rule, CC&Rs could supersede and be more restrictive than Code requirements. He noted, however, that the State legislature has started to limit what HOA's can regulate in terms of Accessory Apartments. He stated that they would present the State law at the next meeting on this item.

Assistant Planning Director Ward stated that with regard to Internal Accessory Dwelling Units ("IADU"), which are distinct from Accessory Apartments, the State has precluded HOA's from imposing restrictions. Accessory Apartments, whether attached or detached, are not currently regulated by the State.

Commissioner Hall felt strongly about the LMC setbacks and heights, and noted that in many of the HOAs, the lots have a small footprint. She suggested allowing the City to issue permits for simple applications that comply with requirements for square footage, limits of disturbance, setbacks and height. Staff, at its discretion, could look at the plat map for the square footage and limits of disturbance. She would support a requirement that an application that seeks a setback or height exemption go through the CUP process. She also stated that she would be open to the idea of not outright disallowing any exemption, and rather make determination on a case-by-case basis. Commissioner Johnson agreed that this would be a good solution.

Commissioner Thimm would not agree to change setbacks and area of disturbance; he also would not change allowable area unless that the area for the Accessory Apartment would be for a unit that the owner would allow to be deed restricted as a rental to an individual or individuals who would qualify for a 50% Area Median Income ("AMI"). He added that the Commission has looked at a number of situations where adjustments to area of disturbance were discussed, and he would rather see the Code remain unchanged.

Commissioner Kenworthy expressed concern about these issues. He liked Commissioner Thimm's suggestion but remained concerned that these changes would give someone an argument against his or her HOA. He noted that especially in the more exclusive neighborhoods, the accessory dwellings could be attached or, if detached, could fit into the existing setbacks and areas of disturbance. He stated that he was reluctant to agree with these exemptions unless there was something similar to that mentioned by Commissioner Thimm. He also wanted to know the target renter and the community good cause. He did not how they could include that in the LMC to define the target renter. Commissioner Kenworthy confirmed that he was not open to reducing setbacks or areas of disturbance. Commissioner Thimm and Chair Suesser were in agreement with this position.

Assistant Planning Director Ward confirmed that they could prepare the information requested for presentation at the next meeting. Mr. Glidden agreed that they should better define the target renter and added that they were currently working on a scope of service for a new needs assessment that should help them define that better. Mr. Glidden stated that based on Staff's research, they would look at a target AMI of 30 to 60 percent, based on area wages across the workforce. They want to ensure that they would be providing an AMI level that would be suitable for that target market.

Commissioner Hall expressed her belief that the target renter would include restaurant workers, single teachers and the like, and this type of structure would be conducive to that. She further explained her position and highlighted the community input on these issues. She would like to ensure that there would be some measure of flexibility to allow applicants to make their arguments to the Planning Commission or to Staff.

Assistant Planning Director Ward asked whether the Planning Commission would be on board with something similar to the parking reductions that were implemented for the Affordable Master Planned Development. She explained that parking reductions might be granted for those Accessory Apartments that were close to transit. Currently, the Code requires one parking space per bedroom. She also referenced prior discussions regarding allowing micro-units of 280 square feet and asked if there would be a willingness to include a parking waiver if a micro-unit was close to transit or an employment center.

Commissioner Thimm stated that he would be in favor of 280 square foot micro-units and the reduced parking, provided it would meet the Traffic Demand Management Plan requirements for reducing parking. Commissioners Kenworthy and Hall agreed. Chair Suesser also agreed but expressed continued concerns and requested that the Commission be presented with research on how the number of people dwelling in these units is regulated in other communities.

Assistant Planning Director Ward asked the Commission if there were anything else they would like Staff to address for the next meeting. Commissioner Thimm commented that they were trying to increase housing stock in the City and place it where it is needed. He wondered whether there was a way to inform homeowners that they could be able to have Accessory Apartment units on their property. Assistant Planning Director Ward stated that they have sent postcard notice to over 7,000 property owners in the zoning districts where Accessory Apartments are allowed. She stated that they could send another postcard notice after these Code amendments were enacted.

7. REGULAR AGENDA

A. 316 Ontario Avenue – Plat Amendment – The Applicant Proposes Creating One Lot for Parcel PC-488-A to Remove Remnant Lot Lines for a Landmark Historic Single-Family Dwelling in the Historic Residential Low – Density Zoning District. PL-20-04641.

City Planner, Lillian Lederer, introduced herself to the Commission. She reported that 316 Ontario Avenue is located within the Historic Residential Low zoning district and is a Landmark Historic Site. The applicant has proposed to remove two remnant lot lines in order to create one lot for a single-family dwelling. Planner Lederer stated that the Board of Adjustment approved a variance to the front setback for a detached garage. There is also a pending Historic District Design Review and Steep Slope Conditional Use Permit for the detached garage. She presented the proposed plat to the Commission.

Planner Lederer reported that the Planning Commission must find good cause for the proposed amendment. The proposed plat amendment provides for onsite parking along a narrow and steep right-of-way, resolves existing issues with the Landmark Historic Structure build-over lot lines and would be in character with the neighborhood. With regard to the Conditions of Approval, the applicant would be required to request a variance from the minimum lot size requirements from the Board of Adjustment prior to recording the plat. The applicant must also enter into an encroachment agreement with the City for driveway access over a right-of-way. In addition, the applicant must complete the Historic District Design Review and Steep Slope Review CUP, which is a Staff level approval, prior to recording the plat. Planner Lederer reported that Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the City Council's consideration on October 28, 2021.

Chair Suesser opened the public hearing.

David Dorsey stated that he had hoped to provide public comment on the Accessory Apartments item. Chair Suesser clarified that that item was part of a Work Session, so it was not noticed as a public hearing. She agreed, however, to accept Mr. Dorsey's comments on Accessory Apartments. Mr. Dorsey strongly urged the Planning Commission to recommend modifying the LMC to eliminate parking requirements for Accessory Apartments near transit lines. The primary purpose of creating these units is to allow more people who work in Park City to live here. Reducing traffic in and out of town might offset any potential impact from parking.

Mr. Dorsey also commented that it was unfair to not impose parking restrictions on single families who might own many vehicles yet enforce them on Accessory Apartment owners and tenants. He stated that the Sudbury Report clearly presented strong evidence that eliminating the parking requirement could greatly increase Accessory Apartment development while minimally impacting neighborhood parking issues. He highlighted the conclusion that there was little to no evidence that Accessory Apartments affected parking congestion. Mr. Dorsey stated that he would be agreeable to require Accessory Apartment tenants to utilize remote parking lots when out of town travel was required. Public transit or active transportation could be used for in-town transportation and commuting.

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

MOTION: Commissioner John Kenworthy moved to forward a positive recommendation for City Council's consideration on October 28, 2021, for the Plat Amendment on 316 Ontario Avenue, subject to the following:

Findings of Fact

1. 316 Ontario Avenue is a cross-wing type house constructed circa 1895.
2. 316 Ontario Avenue is designated a Landmark Historic Site on the Park City Historic Sites Inventory.
3. To enable construction of the detached garage, the Applicant proposes creating one Lot for 316 Ontario Avenue to remove remnant Lot lines for the Landmark Historic Site.

4. The Applicant also submitted a Historic District Design Review and Steep Slope Conditional Use Permit, which is pending Planning Department review and a public hearing.
5. The proposal complies with Land Management Code Chapter 15-2.1, Historic Residential Low – Density District.
6. A Single-Family Dwelling is an allowed use in the Historic Residential Low-Density (HRL) Zoning District.
7. The proposed plat amendment creates one Lot for the Landmark Historic SingleFamily Dwelling at 316 Ontario Avenue.
8. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setback to locate a detached garage along Ontario Avenue.
9. However, pending Planning Commission recommendation and City Council approval, the Applicant will also need to request Variance approval for the Lot size, which does not meet the HRL Zoning District requirements.
10. The HRL Zoning District requires a minimum Lot Size of 3,750 square feet. The Applicant must request Board of Adjustment approval for a Variance from the minimum Lot size requirements in the HRL Zoning District prior to recordation of the amended plat. The proposed Lot is 2,444 square feet.
11. The minimum Lot width in the HRL Zoning District is 35 feet. The proposed Lot is 36.48 feet.
12. The Building Footprint for a 2,444-square-foot Lot is 1,065 square feet. The proposed project will contain 1,050 square feet.
13. The required Front Setback in the HRL Zoning District is 10 feet. On October 15, 2019, the Board of Adjustment approved a Variance to the Front Setbacks to locate a detached garage along Ontario Avenue.
14. The required Rear Setback in the HRL Zoning District is 10 feet.
15. The Rear Setback ranges from nine feet to ten feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures pursuant to LMC Section 15-2.1-4.
16. The required Side Setbacks in the HRL Zoning District are five feet. The southern Setback is just under three feet; the northern Setback is three feet. Historic Structures that do not comply with Setbacks are valid Non-Complying Structures pursuant to LMC Section 15-2.1-4.
17. New construction must comply with Setbacks.

Conclusions of Law

1. There is Good Cause for this plat amendment because the amendment allows for on-site parking along a narrow and steep Right-of-Way, resolves existing issues with a Landmark Historic Structure built over Lot lines, and is in character with the neighborhood.
2. The Plat Amendment is consistent with Land Management Code Section 15-7.1-3(B), 15-7.1-6, and Chapters 15-2.1 and 15-7.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval 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 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.
4. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. New construction must comply with Setbacks.
6. The Applicant shall enter into an Encroachment Agreement for a driveway and access over the City Right-of-Way to the detached garage.
7. The Applicant shall obtain Board of Adjustment approval for a Variance from the minimum HRL Zoning District Lot size prior to recordation of this plat.
8. Site plans and building designs must resolve snow release issues to the satisfaction of the Chief Building Official.
9. The detached garage must comply with the Historic District Design Guidelines and completion of the Historic District Design Review Process and Steep Slope Conditional Use Permit approval is required prior to recordation of the plat.

10. 316 Ontario Avenue does not have a culinary water meter or sanitary sewer lateral. The Engineering Department requires that the Applicant submit a site plan showing utilities, grading, and storm drainage design and calculations for review and approval prior to submitting a building permit.

Commissioner Sarah Hall seconded the motion.

VOTE: Commissioner Thimm-Aye; Commissioner Johnson-Aye; Commissioner Kenworth-Aye, Commissioner Hall-Aye, Commissioner Suesser-Nay. The motion passed 4-to-1.

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

Chair Suesser reported that the above item was continued to the November 10, 2021, Planning Commission meeting.

MOTION: Commissioner Sarah Hall moved to CONTINUE the 543 Park Avenue Conditional Use Permit to the November 10, 2021, Planning Commission meeting.

Commissioner John Kenworthy seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.
Chair Suesser opened the public hearing.

Graham Gilbert spoke on the behalf of the applicant and confirmed that the applicant requested the continuance. He reported that City Planner, Browne Sebright, shared with the applicant several public comments and he stated that they wished to speak with the neighbors who made the comments about the application and the proposed mitigation. They reached out to the neighbors who submitted written comments to advise of the requested continuance and to schedule Zoom meetings to hear their feedback in advance of the November 10 meeting.

Chair Suesser asked Mr. Harrington if it was appropriate for Planning Commissioners to attend the Zoom meetings with the neighbors. Mr. Harrington answered in the negative and explained that the Commissioners are still subject to *ex parte* limitations on an administrative application.

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

- C. 402 Park Avenue - Plat Amendment - The Applicant Proposes to Remove an Interior Lot Line, Combining Lots 31 and 32 of Block 10 of the Park City Survey, to Create One Lot of Record in the Historic Residential - 2A (HR-2A) Zoning District. PL-21-04961.**

Planner Sebright presented the staff report and stated that the request is for a plat amendment that originally was submitted as a Historic District Design Review application, which remains pending. He explained that the proposed plat amendment seeks to remove an internal lot line that is common to Lots 31 and 32 in order to create a single lot of record. He stated that the

owners were considering modifications to the accessory structure on the rear of the property. He presented a schematic to the Commission illustrating the proposed plat amendment.

Planner Sebright reported that the structure is the old Park City Community Church, and a Landmark Historic Site. The building is well over 100 years old. For context, he explained that 402 Park Avenue is within the heart of Old Town, just off Main Street. It is located in the HR-2A zoning district, which provides a buffer between the Historic Commercial core of Old Town and the residential neighborhoods to the West. The building is located at the corner of Park Avenue and Fourth Street.

Planner Sebright presented photographs of the current building, as well as the accessory structure, which is referred to as the Pastor's house. He reported that Staff determined that this application complies with the requirements of the HR-2A zoning district. Because it is a Landmark Historic Site, it does not necessarily comply with building footprint; however, he explained that because it is a Landmark Historic Site, it would not be changing anytime soon.

Planner Sebright stated that the detached accessory unit that houses a garage and small space above was granted variances for setbacks in 1994. He added that there were no proposed changes to those setbacks included in this application. He reported that Staff also analyzed this application against general subdivision requirements and found that it complied. They have proposed Conditions of Approval to ensure compliance with the LMC. In terms of general lot design requirements, Planner Sebright stated that Staff found it complied as conditioned. Staff also determined that good cause exists for the plat amendment because it would resolve existing issues and allow for future improvements to the site.

He reported that in August 2021, the Design Review Committee found no issues with this application. Staff found that the proposed amendment complied with the zoning district, lot and site requirements, subdivision requirements and general lot design requirements as outlined and conditioned in the Staff Report. Planner Sebright stated that Staff has not received any public comment and recommended that the Commission forward a positive recommendation for City Council's consideration on November 11, 2021.

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

MOTION: Commissioner John Kenworthy moved to forward a positive recommendation on the 402 Park Avenue Plat Amendment for City Council's consideration on November 11, 2021, subject to the following:

Findings of Fact

1. On September 22, 2021, the Planning Department received a complete Plat Amendment Application.
2. The property is located at 402 Park Avenue.
3. 402 Park Avenue is described by metes and bounds and includes Lots 31 and 32, Block 10, the Park City Survey. PC-162-A.
4. 402 Park Avenue was constructed across Lot lines.

5. The current configuration of these lots has been in place since 1899.
6. Prior to 1979, 402 Park Avenue was in the R-1 Zoning District.
7. From 1979 to 1983, the property was in the HR-2 Zoning District.
8. From 1983 to 2000, the property was in the HR-2 Zoning District, and the Historic Transition Overlay (“HTO”).
9. Since 2000, the property has been in the HR-2A Zoning District.
10. In addition to creating two Lots, this Plat Amendment accommodates the dedication of King Road, a Public Right-of-Way.
11. On June 29, 1993, the Board of Adjustments granted 402 Park Avenue Variances for Rear and Side Setbacks of the Detached Accessory Garage.
12. The Applicant proposes the 402 Park Avenue Plat Amendment to create a 3,893 square foot Lot in the Historic Residential – 2A Zoning District.
13. The proposed Plat Amendment complies with the purposes of the Historic Residential – 2A Zoning District.
14. The proposed Subdivision complies with the Lot and Site requirements for the Historic Residential – 2A Zoning District.
15. The proposed Subdivision complies with Land Management Code Section 15- 7.3-2, as outlined in the staff report, and conditioned below.
16. The proposed Subdivision complies with Land Management Code Section 15- 7.3-3, as outlined in the staff report, and conditioned below.
17. Plat Amendments shall be reviewed according to Section 15-7.1-6 Final Subdivision Plat and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Conclusions of Law

1. There is Good Cause for this Subdivision because the removal of the Lot lines resolves existing issues and encourages orderly and beneficial Development to comply with the Land Management Code.
2. The Subdivision complies with Land Management Code Chapters 15-2.3, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

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

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction, to be approved by the Chief Building Official. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.
4. Any additions to the existing Structures and all new Structures must comply with the required Setbacks of the Zoning District.
5. The property is not located within the Soils Ordinance 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.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. All Significant Vegetation that is removed shall be replaced in kind.
8. Existing natural drainage shall be maintained. Future improvements to the hardscape of the property should include porous paving or the removal of hardscape in order to abate surface water runoff and heat island effect.
9. Site plans and Building designs shall resolve snow release issues to the satisfaction of the Chief Building Official.
10. Lot drainage shall be laid out to provide positive drainage away from the Single-family Dwelling in accordance with the International Building Code.
11. All disturbed areas on the Lot shall be covered with topsoil and revegetated.
12. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy

Commissioner Bill Johnson seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.

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

Planner Sebright presented the staff report and state that this item and the next involve two applications for 3805 Fox Tail Trail. The applications previously came before the Planning Commission in July 2021. He reported that the applicant has proposed to create one lot from an existing parcel that spans the Estate Zoning District and the Recreation Open Space Zoning District. The applicant seeks to construct a single-family dwelling on the new parcel. As part of this application, the applicant proposed to dedicate a 23.89-acre parcel to the City, subject to a conservation easement.

Fox Tail Trail is 32 acres in size and currently unimproved. He explained that the proposed lot is located on the east side of Park City above the upper Deer Valley neighborhood and Park City Heights. He explained that currently, the proposed parcel contains three acres within the Estate Zoning District, with the remaining located within the Recreation Open Space Zone. He presented a schematic showing an aerial view of the site and noted that there is a protected ridgeline on the site, which determined the location of the proposed dwelling. He noted that the single-family residence would be located on three acres of the site, with the balance of the site remaining as open space.

Planner Sebright presented a photograph of the property taken from the end of Fox Tail Trail. He highlighted the ridgeline and noted that these ridgelines were outlined in the LMC and the Park City General Plan. They have been denoted and are afforded a 150' radius around them where development is prohibited. The applicant has proposed to put the single-family dwelling in the Estate Zone portion of the parcel. He noted that due to the protected ridgeline, it would be more difficult to fit a home in that location given the other constraints of the site, including a right-of-way easement that runs diagonally through the parcel. As a result, the applicant proposed a subdivision to provide a residence building pad location outside of the ridgeline.

Planner Sebright explained that Lot 1 will hold the single-family residence and the remainder of the parcel would be dedicated to the City. Staff determined that the application complied with the purposes of the Estate and Recreation Open Space Zoning Districts. He explained that the applicant has proposed a single lot with one single-family home and would leave the rest of the site virtually untouched. He added that the proposal complied with the regulations of the Estate and Recreation Open Space Zoning Districts. Staff compared the Fox Tail subdivision with lot and site requirements of the Estate Zoning District, and this proposal complied with those requirements.

Planner Sebright stated that with regard to general subdivision requirements, Staff found that the proposal complied as conditioned. He noted that the five categories in the Conditions of Approval were limits of disturbance; natural drainage and existing grade; vegetation protection; ridgeline protection; and trails.

With regards to limits of disturbance, Planner Sebright explained that Staff recommended, and the applicant proposed, maximum floor area and maximum site disturbances. He noted that Staff

compared this proposal with large lots in the Hidden Meadows subdivision and arrived at a maximum site disturbance of 16,000 square feet for the building pad, and a maximum floor area of 10,000 square feet. Additionally, it was recognized that a longer driveway would be required, so Staff proposed limits of disturbance for the driveway and required sewer line of 13,700 square feet. He noted that Staff also included Conditions of Approval to preserve natural drainage and existing grade. The driveway was designed to minimize cuts and fills to further minimize disturbance to the grade and drainage.

Planner Sebright reported that Staff included Conditions of Approval for vegetation protection to require that vegetation is replaced in kind, and the applicant would be required to submit a Vegetation Protection Plan prior to applying for the Building Permit. They also included a Condition of Approval that would denote the ridgeline and ridgeline area on the final plat. In addition, they included a condition that trails would require 10-foot-wide easements and would maintain public trail access in perpetuity. He also noted that the applicant would be financially responsible for trail relocation and the Certificate of Occupancy would not be issued until the relocation of the trails and dedication of the easements is complete.

Planner Sebright explained that there would be no new trails, only relocation of trail segments. The Fox Tail Trail segment would be located further out to accommodate the building site, while the other trail segment would be relocated to accommodate the new driveway access. He referenced the discussions at the prior Planning Commission meeting regarding a potential Condition of Approval to keep a part of the relocated trail segments at least 30 feet away from the setback side property line. He explained that while most of the trail would be beyond that 30-foot setback, at least some portion of the trail would need to be within the side setback due to the location and orientation of the driveway. He reported that after discussion with Park City's Trails and Open Space Manager, they determined that having the trail share space with the driveway could lead to confusion and potential liability issues. He stated that the preference would be to have the trail remain separate when relocated.

Planner Sebright referenced an additional exhibit provided by the applicant that addressed the concerns of the neighbors regarding existing vegetation. He explained that a certain amount of the site would have to be disturbed for a connection to the sewer line and for the relocated trail segment. Neighbors had indicated that there are a couple of groves of Gambel oak that should be protected. In response, Planner Sebright explained that the applicant proposed adjusting the trail location to protect those areas of Gambel oak, although there would likely still be some cutting required for the sewer connection.

Planner Sebright next addressed the public comment regarding relocation of the trailheads and concerns about increased traffic. He reiterated that no new trailheads or trails were being proposed; the applicant only seeks to adjust where the trailheads meet the cul-de-sac. No additional improvements, signage, kiosks or trashcans have been proposed. He reported that Staff took the applications to the Neighborhood Traffic Management Program Committee, and they suggested a monitoring and management plan for those trailheads. This would include counters, documenting parking issues, and determining any public safety issues if vehicles were blocking hydrants or driveways. Additionally, the Committee provided a plan to continue to monitor and enforce as necessary.

Planner Sebright reported that Staff recommended Conditions of Approval to address general lot design requirements of the LMC. These conditions involve items such as building envelope, square footage and drainage. Staff found good cause for the subdivision, as it would protect the

ridgeline area, encourage orderly and beneficial development and comply with the Estate and Recreation Open Space Zoning Districts. Staff also found that it complied with the lot and site requirements, and the requirements of the Sensitive Lands Overlay as outlined and conditioned in the Staff Report.

Planner Sebright noted that Staff received inquiry regarding the status of this application from a number of the neighbors who are part of the Hidden Meadows HOA Board. He reported that Staff received three written public comments, which have been shared with the Commission. He noted that many of the comments were similar to those made during the last meeting on this application. Staff recommended the Commission forward a positive recommendation for City Council's consideration subject to Findings of Facts, Conclusions of Law, and Conditions of Approval. He advised that the applicant's representative, Doug Ogilvy, was also present.

Chair Suesser asked who would be responsible for paying for the trail relocation. Planner Sebright responded that the applicant would be financially responsible for the relocation of trails on Lot 1; on the portion dedicated to the City, the City would be financially responsible for relocating the trails. Mr. Ogilvy clarified that at the last meeting, he offered that the applicant would pay for the reconstruction of the trails on Parcel A as well.

With respect to the grading of the driveway and the necessity for retaining walls, Planner Sebright explained that the intent with the driveway location was to minimize cut and fill. He referenced the Civil Engineering drawings included as an attachment to the Staff Report but could not state whether the areas of cut and fill would require retaining walls. He explained that due to the length of the proposed driveway, Staff recommended separate limits of disturbance. One would be for the home site, with a second for the driveway and sewer easement.

Chair Suesser noted that the area of disturbance was calculated relative to the Hidden Meadows homes, and it would amount to 8.56% of the 4.3-acre lot for the home site only. Planner Sebright confirmed this and added that this was how the Areas of Disturbance were calculated for the homes in Hidden Meadows; in the Hidden Meadows plat notes they specifically stated that driveways were not included in this calculation. Chair Suesser commented that the driveways in Hidden Meadows were a fraction of this proposed driveway.

The proposed sewer line was discussed. Chair Suesser asked whether the proposed location was the only option. Mr. Ogilvy explained that the location was appropriate because it would connect to a low-pressure sewer line that already exists across Lot 25. He noted that when Hidden Meadows was constructed, the intent was that this property would tie into that sewer line.

In response to an inquiry from Commissioner Thimm, Mr. Ogilvy stated that there was an existing sewer line crossing Lots 24 and 25. He confirmed that what has been proposed was the basic intent when Hidden Meadows was initially constructed.

Chair Suesser asked if alternatives for the placement of the sewer were explored. Planner Sebright stated that they reached out to the sewer district and were advised that this location is the best option for the home to be serviced by the sewer district because it ties into the existing sewer line.

In response to a question by Commissioner Hall, Planner Sebright confirmed that the City's Trails and Open Space Manager reviewed the proposed new trail connections.

Chair Suesser opened the public hearing.

Randy Johnston stated that he and his wife own property located at 3790 Fox Tail, which is Lot 27 and adjoins this proposed development. He stated that the drawings they have reviewed show the maximum of an eight-foot cut for the driveway. He added that the intent for the sewer line never contemplated this proposed driveway, or this proposed home. He understood that several members of his neighborhood reached out to the developer, who has been unresponsive. He expressed that there were two facts being advanced in support of this application that are being misused. He noted that he authored two of the letters submitted to the Commission today.

Mr. Johnston stated that the neighbors were concerned about nightly rentals in a 10,000 square foot home. The HOA prohibits those rentals, however because the original Lot 26 is not in the HOA, nightly rentals would be permitted. He explained that the two facts that he believed were being misrepresented were (1) it was always contemplated that there would be a home on Lot 26; and (2) the HOA had the opportunity to include Lot 26 in the HOA and failed to do so. Mr. Johnston stated that what was contemplated on Lot 26 was not what is being sought now. He added that Lot 26 was essentially not buildable because of the ridgeline requirements, and the HOA declined to include it in the HOA because it was not buildable.

Mr. Johnston stressed that the current developer wanted to change things and take the position that the HOA missed their chance of including this parcel within the HOA. He indicated that some of the neighbors would drop their objections if there were an agreement with the applicant to either join the HOA or otherwise restrict nightly rentals. He stated that they have had no response to that proposal. He reiterated that the neighbors remain opposed to this development under the proposed terms and any discussion regarding what was originally contemplated ignores the reality that the world was different when those decisions were made.

Chair Suesser asked why the HOA had the impression that Lot 26 was not buildable. Planner Sebright could not speak to that but noted that this area was annexed into Park City in 1994 and the Sensitive Lands Ordinance was enacted sometime later. He does not know when the Ridgeline Ordinance actually went into effect that would have made this lot significantly more challenging to build.

Chair Suesser noted that the portion of this lot that would be dedicated to the City would not be buildable because it is zoned Recreational Open Space. Planner Sebright agreed that the intent behind the Recreational Open Space Zone was to keep land as open space. Chair Suesser reiterated that the 23.89-acre parcel that the applicant proposed to dedicate to the City is not a buildable parcel.

Planner Sebright commented that there might be opportunity for future trail improvements or other gathering areas on some of the overlooks on that land. With respect to the sewer line easement, Planner Sebright understood that the sewer line was built specifically to service Lots 25 and 26, which is why it was extended to the property line.

James Letchford stated that he resides at the mouth of Fox Tail Trail. He echoed his neighbors' comments and stated that he represents the HOA Board. He reported that many have expressed concern about this property going in as a subdivision that would use all of the Hidden Meadows' road systems and plumbing infrastructure, yet it is set out as its' own subdivision and governed by no one. While he was not around when the HOA declined to take this property into the HOA, his review of the documents indicated that that this property was not developable. Mr. Letchford

offered that this application seeks an extreme variance to many of the Building Codes through a driveway that would have 14,000 square feet of impact, in addition to the 10,000 square foot home.

He commented that they would be looking at a hotel that could have short-term rentals in their neighborhood, with a driveway that comes off of their road systems. Mr. Letchford stated that this proposal is very concerning to the neighbors. He stated that they reached out to the developer on several occasions to see if they could come to some sort of agreement, however the applicant has not responded. Mr. Letchford added that several months ago there was an HOA vote on short-term rentals, and it was rejected. He also noted that Hidden Meadows suffered two water main breaks in August. In the past year, they have had approximately six water main breaks. By allowing this enormous property at the back of Hidden Meadows, it would pull off the public utilities that are already stressed, without being under the umbrella of the HOA.

Cyndi Sharp identified herself as the owner of Lot 25, which is the property to the west of the subject property. She echoed the concerns expressed by Mr. Johnston that there were not any CC&R's applicable to this property. There should be something consistent with the Hidden Meadows HOA, primarily with respect to nightly rentals. She also would like to see more definition with respect to the proposed Area of Disturbance. She stated that CC&R Section 4.2 of Article 4 provides that the total square footage should include the driveway, garage and the home. She understood that the CC&R's do not apply to this subdivision but argued that they should apply as far as fitting in with the existing neighborhood.

She reiterated that the prospect for nightly rentals was a significant issue and referenced some homes in Hidden Oaks that are nightly rentals and create a lot of traffic and parking issues. She noted that if CC&Rs were not recorded at the time of the plat, they never would be. Ms. Sharp also suggested that they move the sewer line to the cul-de-sac, which would reduce the amount of cut and fill and vegetation disturbance.

Cooper Williams stated that he sits on the Hidden Meadows HOA Board. He echoed the comments of Ms. Sharp and although he understood that the CC&R's do not apply to this property, he noted conflicts within the original platting that stated the maximum allowable square footage would exclude the driveway. He stated that because Staff used Hidden Meadows square footage and Area of Disturbance as a guideline, the CC&R's have never excluded the driveway from the Area of Disturbance calculation. He recalled that when he constructed his home in 2014, the 200-foot-long driveway was included in the square footage calculation.

Mr. Williams also noted that on the original plat for the subdivision, there was a note that no construction should occur on an adjoining property until the Hidden Meadows Phase Two subdivision plat was recorded. He requested clarification on these issues. From the HOA's perspective, the main concerns were that Fox Tail would never be opened up into Park City Heights. He understood from Planner Sebright that a road from Fox Tail to Park City Heights would likely never be constructed, and this development would limit that possibility forever. He understood from the prior HOA President that platting for Park City Heights would prevent that as well. He also listed short-term rentals as a major concern with this development. He suggested that some compromise be explored on that issue. He referenced the earlier discussions on Accessory Apartments about encouraging long-term community members and stated that the neighborhood would prefer a longer-term tenant to a weekend frat party.

Madeline Letchford, the wife of James Letchford, requested clarification that the proposed trail relocations were fully approved by the Trails and Open Space Manager. She stated that the County Sheriff's Department recently put down an aggressive mountain lion and noted that the proposed development area has a lot of wildlife. There is a large moose population, a significant number of deer and their predators. Her concerns surrounded impacts to the wildlife community, and those community members who live and use those areas.

Ms. Letchford stated that when she and her family moved to Hidden Meadows, they were particular to ensure that short-term rentals were not going to be an issue in their neighborhood, having had lived through that before. She stated that she was not against development, but there should be protections for those members of the community who sought out areas where short-term rentals would not be allowed. She expressed that the proposed lot would kill the 50 homes in Hidden Meadows and the amazing community.

Cooper Williams sought clarification of the total square footage of the proposed home. Planner Sebright confirmed that the maximum building area would be 10,000 square feet, which is consistent with the maximum allowed for homes in Hidden Meadows. He also confirmed that the Trails and Open Space Department approved the configuration of the trail relocations and included their specific conditions on the orientation and relocation of those trail segments.

Planner Sebright clarified that the Hidden Meadows subdivision plat notes specifically mention that driveways were excluded from the Area of Disturbance. He noted that CC&R's might be more restrictive, however the City does not regulate development based on CC&R's. With respect to the comment regarding prohibiting development on Lot 26 until Hidden Meadows Phase Two was recorded, Planner Sebright stated that the plat does contain that note, however that option expired.

Planner Sebright addressed the concern about a road connecting the Fox Tail cul-de-sac to Park City Heights and stated that this proposal would not accommodate that, and Staff did not request any easement for any future road extension.

Chair Suesser requested further information on the notion that Lot 26 was considered unbuildable. Planner Sebright stated that he did not have a clear understanding of where that notion originated. He reiterated that this area was annexed into the City in 1994 and concurrently zoned to include a portion of the lot in the Estate Zone. He concluded that this zoning would imply that this would have a lot on it. He added that during the Hidden Meadows Phase One subdivision, Lot 26 was included in a potential Phase Two, which would suggest that there was an understanding that there would be a lot on this property.

In response to questions from Commissioner Thimm, Planner Sebright confirmed that Fox Tail Trail is a public street and not owned by the HOA. He also confirmed that the sewer and water utilities that service that street were public utilities and clarified that the sewer easement across Lot 25 is a private sewer easement.

Commissioner Thimm questioned whether they required input from the City Engineer to determine whether capacities for water and sewer for a home on Lot 26 would be accounted for. Planner Sebright explained that the Development Review Committee did not raise any concerns regarding capacity.

Commissioner Thimm asked Mr. Ogilvy if the applicant would be opposed to a Condition of Approval prohibiting nightly rentals. Mr. Ogilvy stated that he heard the concerns of the neighbors regarding nightly rentals in the Hidden Oaks subdivision. He stated, however, that Park City is a resort community, and this home would be located at the end of a 700-foot driveway, which would be a different condition than that found in Hidden Oaks. He expressed that if nightly rentals were permitted anywhere within the Estate Zone, then a home at the end of a 700-foot driveway would be an appropriate place for them.

He added that they have not marketed the home and do not know what the goals and aspirations of the end user would be but given the significant physical separation of the proposed home site from the adjacent neighborhood, he opined that nightly rentals would not be anything like the impacts felt in Hidden Oaks. Mr. Ogilvy expressed concern about a Condition of Approval prohibiting nightly rentals and was not convinced it was appropriate.

Commissioner Hall requested further information on the expiration of the plat note for the Hidden Meadows Phase Two subdivision and wondered why this parcel would not be included in the HOA. Planner Sebright deferred to Assistant Planning Director Ward, who assisted with some of the historical documentation.

Mr. Ogilvy recalled that the reason that Lot 26 was not included in the original plat was there was some question as where United Parks land ownership started and stopped. The Hidden Meadows plat was recorded with overlapping property lines, which were resolved prior to submitting this application. He added that there is a sunset clause in the CC&R's that stated that the HOA would not be allowed to annex the property after a certain date, which has passed. Under City Code, an owner could not build on an unplatted lot, so the plat note on Phase One makes sense and supports the reasoning behind this application. He reiterated that the sunset clause in the CC&R's prohibits the annexation of this property into the HOA.

Chair Suesser requested the language contained in the note on the original plat for Hidden Meadows, Phase One. Assistant Planning Director Ward presented the plat note requested and read it as follows: "No construction shall occur on adjoining property until Hidden Meadows Phase Two Subdivision plat is recorded." Planner Sebright referenced the Hidden Meadows CC&R's, attached as Exhibit H to the Staff Report that sets forth the sunset clause, which he recalled being a date in 2007.

Chair Suesser asked the applicant if they would consider joining the Hidden Meadows HOA. On behalf of the applicant, Mr. Ogilvy expressed opposition to that suggestion. He reiterated that this property would be 700 feet removed from the nearest neighbors and would not need to be subjected to a 1995 set of CC&R's.

Commissioner Johnson understood the reasoning behind the sewer connection on Lot 25, but noted the presence of a manhole at the bottom of the driveway on Lot 24 and wondered whether that could provide a sewer location that would stay in the right-of-way. He commented that the connection point of the sewer along the edge of Lot 25 would essentially be unbuildable on Lot 26 due to the ridgeline. He felt the sewer line location should be explored further.

Mr. Ogilvy commented that Park City Heights was not developed at the time this sewer was installed, so the manhole might be a storm drain. Mr. Ogilvy expressed that if that manhole was a sewer, he would have expected the district to direct them to connect to that location instead of the proposed location.

Chair Suesser asked Planner Sebright to explore the possible sewer location raised by Commissioner Johnson to evaluate whether they could avoid the disturbance of the Gambel oaks and the vegetation.

Commissioner Kenworthy pointed out that the General Plan gives the Planning Commission direction to protect primary residents and long-term neighborhoods, as well as nightly rental neighborhoods. Over the years, they have ended up with territorial definitions and separations for nightly rentals. He noted the significant history of defining those nightly rentals and primary residences by the territories. He added that this neighborhood was certainly a primary neighborhood that its' residents have invested in as such. He encouraged the applicant to try and work this out with the neighbors and expressed his opinion that the Commission would have the right to include a Condition of Approval and he would lean towards including that condition for this property.

Chair Suesser requested clarification on the grade of the driveway and the necessity for retaining walls. Given the length of the driveway and the fact that it would not be included in the Area of Disturbance, she felt that more details would be appropriate.

Mr. Ogilvy referenced the engineering drawings and offered his belief that they show driveway grades of 5% [poor audio] and cut and fill slopes, which were included within the Area of Disturbance calculation. He pointed out that the Area of Disturbance is approximately 2% of the 32 acres that make up this property. He noted that with respect to the 24 acres proposed to be dedicated to the City that are zoned Open Space, the property owner would be permitted the use of that property. By conveying this land to the City, they have an ability to enhance the trail network that would not be possible if it remained private land.

In response to an inquiry regarding the percentage area of disturbance on the 8.84 acres retained by the owner, Mr. Ogilvy calculated that to be 8%. Commissioner Hall expressed confusion as to why the applicant would not be part of the HOA and governed by the CC&R's. She would like further information supporting the position that this lot would not be governed by the CC&R's. It was noted that this parcel was intended to be a part of the HOA but was not included due to an oversight. She also felt that the Conditions of Approval for the ridgeline area would be appropriate and requested additional information to ensure that they were handling the ridgeline area correctly.

Commissioner Thimm suggested that they listen to the re-zone presentation and then discuss how to move forward on these applications.

There were no further public comments. Chair Suesser closed the public hearing and reserved Commission comments until after the presentation on the Fox Tail Trail Re-Zone Application.

MOTION: Commissioner Doug Thimm moved to continue the 3805 Fox Tail Trail Subdivision Application to December 8, 2021.

Commissioner Bill Johnson seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.

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

Planner Sebright reported that approximately three acres of the proposed subdivision were currently in the Estate Zoning District, with the remaining portion zoned Recreation and Open Space. He mentioned the protected ridgeline that terminates on this property. The applicant submitted a proposal for a zoning boundary adjustment to change the location of the Estate Zoning boundary so that it would encompass the proposed residence location and exclude the ridgeline. He presented a graphic of the proposed zoning boundary adjustment. He previously explained how the proposed re-allocation of Estate and Recreation Open Space would not impact trails. The next issue was whether the proposed re-zone would comply both with the zoning districts and the Sensitive Lands Overlay. He noted that the LMC and the General Plan define a series of ridgelines that are considered protected, and also designate a series of official vantage points from where development on or near the ridgelines should be evaluated.

Chair Suesser commented that she understood why neighbors felt this lot was considered unbuildable, since without this boundary adjustment, the lot would not be buildable due to the ridgeline. Planner Sebright believed that the annexation and subdivision of Hidden Meadows Phase One preceded the adoption of the ridgeline portion of the Sensitive Lands Overlay Ordinance. He stated that the LMC designates two vantage points from where the development is evaluated. One is the viewpoint from Treasure Mountain Junior High; the other is a turnout one-quarter mile from Highway 40, referred to as the "248 Vantage Point."

Planner Sebright explained that from the 248 Vantage Point, the applicant presented an image of the maximum permitted height of 33 feet above existing grade. The Sensitive Lands Ordinance intends to mitigate homes that extend above the ridgeline and protrude into the skyline. He stated that while the location of this home extends above a lower ridgeline, because there is a second ridgeline behind, it would not protrude into the skyline from either vantage point. Mr. Ogilvy clarified that the home would not be visible from Treasure Mountain Junior High.

Planner Sebright reported that this application went through the Development Review Committee, as well as utilities and other Park City Departments. The one Condition of Approval requested was to tie the existing sewer easement to the new proposed sewer line on Lot 25. This application also went before the Neighborhood Traffic Management Program and their conditions and recommendations were included in the Staff Report.

Planner Sebright reported that Staff found that the proposal complied with the Estate and Recreation Open Space Zoning Districts and Sensitive Lands Overlay as conditioned. The Conditions of Approval included dedication of a portion of the lot to the City pursuant to a conservation easement, and a requirement that the applicant to submit materials outlined in the Sensitive Lands review for Planning Director approval. He noted that Staff received comment from numerous members of the public, both in writing and during this meeting. He stated that Staff recommended that the Commission forward a positive recommendation for City Council's consideration.

In response to a question from Commissioner Thimm, Planner Sebright confirmed that this application did not involve a lot line adjustment. The boundaries of what was called Lot 26 were not defined, other than that they were beyond the limits of Hidden Meadows, Phase One. He clarified that the zoning boundary between the Estate and Open Space parcels would follow the ridgeline area and wrap around the proposed residence location.

Mr. Harrington clarified that any reference to the "Lot" refers to the preliminary lot designation, which was never carried forward. This is not a lot of record, rather it is two parcels; therefore, the statements that the parcel was not buildable because of Sensitive Lands were all assumptions. He stressed that the presumed difficulty of the original parcels is a red herring. The analysis of these parcels should be looked at as if these parcels were proposed in Phase Two. He stressed that the re-zone would not amend anything, and the proposal seeks to shift the zone line from one section to another as though it were being platted for the first time. He clarified that the only lines being shifted would be the zoning lines, which were established when the land was annexed into the City. There was never a subdivision plat establishing a lot within that area. In response to an inquiry from Commissioner Thimm, Planner Sebright believed that the Ridgeline Ordinance was enacted after the zone line was established but stated that he would have to do further research to confirm.

Commissioner Thimm stated that the timing would be important to him to understand whether a change in ordinance for the ridgeline imposed a zone line restriction that made a parcel unbuildable. Mr. Ogilvy understood that the Sensitive Lands Ordinance was adopted in approximately 2001, which was after the plat. The ridgeline area showed up in the General Plan, therefore he was fairly certain that the ridgeline area did not exist in 1995 when this was platted. Commissioner Thimm reiterated his request for information regarding the timing.

Commissioner Johnson asked Staff to go back to Snyderville Basin Water Reclamation District to evaluate alternative solutions to the sewer location.

Chair Suesser opened the public hearing.

Randy Johnston reported that he received the information regarding whether Lot 26 was buildable from Planner Sebright, who said that the original Lot 26, as contemplated, could not be built upon. He read the proposed zoning map amendment as showing 10% of the property within the Estate Zoning District, which he assumed was the only area that could be built upon and was the original Lot 26. He confirmed that he has never seen a plat. Mr. Johnston stated that there were multiple references to what he interpreted to be Lot 26, which could have been annexed into the HOA as a lot of either 3 or 4 acres. He also assumed it was unbuildable due to the ridgeline restriction and the power line easement that runs through it. He explained this to the extent that his comments might have caused confusion.

Bill Ligety identified himself as the husband of Cyndi Sharp, and the owner of Lot 25. He restated that the neighborhood would bear all of the impacts of anything that gets developed on this property. When he and his wife purchased the property, their expectation was that any house built on that property would be consistent with the architectural design and use of the neighborhood.

He respected the rights of the owner; however, asking for a zone change would be entirely inconsistent with the neighborhood. It would be like putting a hotel at the end of a quiet cul-de-sac. Mr. Ligety commented that the applicant seemed resistant to the idea of any kind of

restrictions that would make the property fit in with the neighborhood. He concluded that a change of zoning to enable that would not be appropriate. He felt that the zone change would enable a much more intense use than was ever contemplated in the CC&R's and certainly beyond any use when they purchased their property. Mr. Ligety suggested that there was more work that could be done before this application would be ready for any sort of action by the Planning Commission.

James Letchford echoed the comments of Mr. Ligety and stated that re-zoning this property would turn this into a hotel-like structure. After hearing Mr. Ogilvy's comments that the applicant would not be open to becoming a part of the HOA, the intent for this property is clear. He stated that the entire Hidden Meadows neighborhood has a minimum rental requirement of one year. Zoning this for otherwise would be a step in the wrong direction.

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

Commissioner Thimm stated that further information is needed and suggested that the item be continued. He would like to understand when the ridgeline ordinance was enacted on this property in comparison with the establishment of the adjacent subdivision. He also would like to know if there is a legitimate sewer service that could be installed without disturbing the Gambel oaks that exist on the property.

Commissioner Thimm stated he would not be in favor of any sort of positive recommendation without a Condition of Approval prohibiting nightly rentals. Commissioner Hall agreed with Commissioner Thimm's comments. She commented that everything should be cohesive and felt that any expiration in the CC&Rs would have been more of an option. She referenced the Annexation Agreement stated that the property would be part of a HOA. Commissioner Hall agreed with a continuance of this matter.

Commissioner Johnson stated that both applications should be continued. Commissioner Kenworthy agreed with the statements of the other Commissioners. He was troubled by the non-conformity that the applicant seemed to be pushing, knowing that the community was planned and did not have an exemption for that lot. He saw this as something that slipped through the cracks and wanted to find a solution where it would remain in conformity with the original intention of the development. Chair Suesser agreed with the comments of the Commissioners.

Planner Sebright stated that they could follow up with Snyderville Basin regarding the requested information regarding sewer alternatives. They could also obtain the historical information regarding the annexation and adoption of Sensitive Lands fairly quickly and suggested that this matter could be continued to a date certain. There was discussion regarding the agendas for upcoming meetings. Planning Director Milliken stated that there will be only two Planning Commission meetings in November and two in December due to the holidays. She suggested the December 8, 2021, meeting.

MOTION: Commissioner Doug Thimm moved to continue the 3805 Fox Tail Trail Zone Map Amendment to December 8, 2021.

Commissioner Sarah Hall seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.

F. 7805 Royal Street - Zone Change - The Applicant Proposes a Zone Change for Parcel PCA-1200-4-X, from Estate (E) to Public Use Transition (PUT). PL-21-04913

Planner Cawley announced that the applicant representative, John Shirley, AIA and Fire Chief Bob Zanetti, joined him. He explained that 7805 Royal Street is home to Fire Station No. 34 in the Upper Deer Valley area. The parcel is less than one-quarter of an acre zoned Estate and is surrounded by a Residential Development Zone. When Deer Valley was zoned to Residential Development in the 1980's, this parcel was not re-zoned. He stated that the use, size and setbacks of this parcel were inconsistent with the Estate Zoning District. The applicant requested a re-zone to a Public Use Transition Zoning District to accommodate planned expansion.

Planner Cawley reported that the current structure is to be replaced to accommodate the growth in Upper Deer Valley. The station would require additional personnel, and the new space would accommodate up to six firefighters and larger fire apparatus. The expansion of essential municipal public facilities and structures within the Estate Zone is a conditional use. He explained that in 2002, the Board of Adjustment approved a variance allowing the Park City Fire District to expand and encroach into the setbacks. Also in 2002, the Planning Commission approved a Conditional Use Permit allowing the expansion of essential municipal and public facilities.

Planner Cawley explained that the proposed rezone will allow for the expansion of a permitted use, as opposed to a conditional use. The proposal to rezone this parcel would ensure compliance with the Public Use Transition Zoning District requirements, as well as the Sensitive Lands Overlay Zone. He referenced the Staff Report that included a comparison of allowances in the Estate Zone and the Public Use Transition Zone. He highlighted the comparisons of density, setbacks, and maximum building height. With respect to building height, the Public Use Transition Zone requires a 45' measurement from existing grade, and a height of 30' at the front of the lot line that proceeds at a 45-degree angle towards the rear of the property until it intersects with a point 45' above natural grade.

Planner Cawley stated that the 12th Amended Deer Valley MPD height limitation is 64 feet. He reported that the tallest buildings surrounding this parcel were 64' and the shortest were 35 feet. The proposed fire station would not exceed 30 feet in height. He presented a rendering that depicted the proposed expansion of the structure. He stated that this proposal complied with the General Plan, specifically in terms of meeting Small Town Goal No. 1. The proposal would allow for community input for future development of the parcel through a public CUP review process.

The proposal also meets the Natural Setting Goals Nos. 10 and 14. He explained that the future remodel and expansion would be held to the standards established in the Sensitive Lands Overlay, allowing development in a manner that encourages the preservation of Park City's environment and unique urban scale. Although good cause is not a requirement for a zoning amendment, Planner Cawley spelled out the good cause, noting that it was tied to a Condition of Approval in that Staff has encouraged the applicant to complete a plat amendment to create one lot of record. This would ensure that future development would be kept within the approved setbacks.

He stated that the proposed zone change complies with the Sensitive Lands Overlay. One of the purposes of the Sensitive Lands Overlay is to prohibit development on ridgeline areas, steep slopes and wetlands, and this parcel meets all of those requirements. He added that the Public

Use Transition Zoning District will ensure that development complies with these requirements moving forward.

Planner Cawley reported that the Development Review Committee did not identify any issues with this re-zone. The application was also reviewed by Planning, Engineering and Legal Departments, who likewise did not identify any issues. Public notice was provided on the Utah Public Notice website, and the property was noticed on September 29, 2021, with courtesy mailings to owners within 300 feet on the same date. Notice was also placed in *The Park Record* on September 29, 2021. He reported that Staff did not receive any public input on this proposal.

Staff recommended that the Planning Commission consider this application for re-zone, conduct a public hearing and consider forwarding a positive recommendation for the City's Council's consideration on October 28, 2021.

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

Chair Suesser referenced Condition of Approval No. 5. Planner Cawley stated that the Draft Ordinance states that prior to completing any upgrades to the existing structure, the applicant shall complete a plat amendment to create one lot of record.

MOTION: Commissioner John Kenworthy moved to forward a positive recommendation for City Council's consideration on October 28, 2021, for the Park City Fire District Station No. 34, Parcel No. PCA-1200-4-X from Estate to Public Use Transition, subject to the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

1. The property contains 0.17 acres and is currently zoned Estate (E).
2. The Parcel is identified by Summit County as PCA-1200-4-X.
3. The Applicant proposes to rezone the Parcel from the Estate Zone to Public Use Transition Zone to accommodate planned expansion of the current Use and ensure compatibility with future Public Use.
4. The Parcel is located in the Sensitive Lands Overlay and will comply with the regulations of Land Management Code Chapter 15-2.21.
5. Under the Land Management Code, expansion of essential municipal public facilities and structures in the Estate Zone are Conditional Uses, which require review by the Planning Commission.
6. The Applicant's proposed Zone Change to Public Use Transition will allow the expansion of these public services as a Permitted Use.

Conclusions of Law

1. There is Good Cause for this Zoning Map Amendment.

2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code, including Section 15-1-7(2).
3. The Zoning Map Amendment is consistent with applicable state law.
4. The Zoning Map Amendment furthers the purposes of UCA § 10-9a-102(1).

Conditions of Approval

1. The City Planner, 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. Park City Fire District shall request the Board of Adjustment to modify the 2002 Variance approval if the proposed plan does not meet the approved Setbacks.
3. The building height will comply with the Public Use Transition zoning district and will not exceed the height of surrounding structures.
4. Prior to submitting a building permit application to construct a new Fire Station within the Public Use Transition Zoning District, the Applicant must submit the materials outlined in Land Management Code Section 15-2.10-6, Sensitive Lands Review, subject to Planning Director Approval.
5. Prior to completing any upgrades to the existing structure, the Applicant shall complete a Plat Amendment to create one Lot of Record for parcel PCA-1200-4-X.

Commissioner Doug Thimm seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.

G. 3099 Mountain Ridge Court - Plat Amendment - The Applicant Proposes to Amend the Mountain Ridge Subdivision Plat to Modify the Limitations on Building Height and Maximum Floor Area. PL-21-04950

Planner Cawley noted that the applicant, David Maya, requested a continuance and requested that he confirm that request. Mr. Maya requested a continuance so that his architect could attend. There was discussion regarding a date certain for the continued hearing.

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

MOTION: Commissioner John Kenworthy moved to continue the 3099 Mountain Ridge Court Plat Amendment to the October 27, 2021, Planning Commission Meeting.

Commissioner Doug Thimm seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Suesser-Aye, Kenworthy-Aye, Commissioner Thimm-Aye. The motion passed unanimously.

8. ADJOURN

MOTION: The meeting adjourned at approximately 11:00 p.m.

PENDING APPROVAL

Planning Commission Staff Report



Subject: The Washington School Inn
Application: PL-20-04477
Author: Browne Sebright
Date: November 10, 2021
Type of Item: Work Session

Recommendation

(I) Hold a Work Session on the Applicant's request to convert the Washington School Inn from a Bed & Breakfast to a Minor Hotel, (II) conduct a public hearing.

Pending Planning Commission review and direction, the Washington School Inn Minor Hotel Conditional Use Permit may be scheduled for another work session or for a public hearing and action on January 12, 2021.

Description

Applicant:	Washington School House LLC, represented by Jason Boal
Location:	543 Park Avenue
Zoning District:	Historic Residential – 1
Adjacent Land Uses:	Residential; Parking Structure; Offices
Reason for Review:	The Planning Commission reviews and takes final action on Conditional Use Permits ¹

Acronyms

CUP	Conditional Use Permit
HR – 1	Historic Residential – 1
LMC	Land Management Code
WSI	Washington School Inn

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

Background

On April 28, 2021, the Planning Commission conducted a work session on the proposed Conditional Use Permit ([Staff Report and Exhibits](#); [Minutes](#), p. This application had been previously scheduled for a public hearing on October 8, 2021, however at the Applicant's request the item was continued to a later date. In a previous [Staff Report](#) for the October 8th meeting, Staff had considered recommending approval for the Applicant's request for a Minor Hotel Conditional Use Permit, based on the initial feedback from the April 28th Planning Commission work session. However, Staff now is considering alternative recommendations, based on neighborhood feedback, which includes contesting the adequacy of proposed mitigation measures, and further review of the requirements of the Land Management Code. Specifically, Staff seeks feedback

¹ LMC [§ 15-1-8\(G\)](#).

from the Planning Commission on whether the site is appropriate for additional outdoor activities, whether the change in use triggers additional parking requirements, and if the Applicant needs to provide more information, including Conditions of Approval beyond those outlined in the proposed Management Plan (Exhibit A).

The Washington School House was constructed in 1889 during Park City's Settlement & Mining Boom Era (1868-1893). The Structure is one of the few to survive the Great Fire of 1898. In 1978, the Washington School House was nominated for listing on the National Register of Historic Places. The Washington School House is also a Landmark Historic Structure on the Park City Historic Sites Inventory (Exhibit O).² The Detached Accessory Garage was built sometime between 1941 and 1978. While the garage is non-Historic, it would have been permitted at the time of construction and can be considered a valid Non-Complying Structure. The table below shows the applicable zoning codes for Detached Accessory Garages in the 1968 and 1976 LMCs. The setbacks for the garage complies with both of these codes.

R-M Residential Zoning District (1968)	HR-1 Residential Zoning District (1976)
The minimum side yard for a private garage or other accessory building located at least (6) feet on the rear of the main building, shall be one (1) foot.	The minimum side yard for a private garage or other structure located at least six (6) feet from the rear of the main building shall be one (1) foot, except when openings are proposed on an exterior wall adjacent to the property line, at which time the minimum shall be three (3) feet.

Figure 1. Applicable zoning codes for Detached Accessory Garages

By the 1980s, the Washington School House had fallen into disrepair. The Land Management Code (LMC) at that time allowed Bed & Breakfast and Minor Hotel Uses within Historic Structures in the Historic Residential – 1 Zoning District to incentivize the rehabilitation and preservation of Historic Structures.³

1983 Bed & Breakfast Conditional Use Permit Approval

On September 1, 1983, the Washington School House Property Owner applied to rehabilitate the Structure and convert it to a Bed & Breakfast (Exhibit B). On September 21, 1983, the Historic District Commission approved a Conditional Use Permit (CUP) to operate a 14-room Bed & Breakfast with an additional room for the caretaker (Exhibit C). In 2011, the Applicant completed an interior renovation and reduced the number of rooms from 15 to 12 (Exhibit D).

2001 Plat Amendment Approval

² LMC [§ 15-11-10\(D\)](#).

³ LMC [§ 15-2.2-2\(B\)](#).

On June 7, 2001, the City Council approved a Plat Amendment to combine seven old town Lots into one Lot of Record. The combined Lot is known as Lot 1 of the Washington School Inn Replat. At the time of the Plat Amendment, Lot 1 contained all the improvements and structures on the property, including the Accessory Garage.

2001 Garage Renovation Community Development Director Determination

On November 5, 2001, the Park City Community Development Director issued a determination letter for the renovation of the Accessory garage that found that the WSI garage met the criteria of the 1983 Conditional Use Permit, and that the conversion of the roof of the garage to a flat-roof/terrace was allowed in the HR-1 Zoning District. However, the determination letter states that, “programming the flat-roof/terrace for outdoor commercial activities which are inconsistent with the character and scope of bed and breakfast inn operations is not permitted under the 1983 conditional use permit or the HR-1 district regulations.”

2010 Outdoor Pool Conditional Use Permit Approval

On November 10, 2010, the Planning Commission approved the request for a Private Recreation Facility Conditional Use Permit for the purposes of constructing a swimming pool. Finding of Fact #15 stated, “passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit”.

2012 Outdoor Pool Modification to Conditional Use Permit Approval

On August 22, 2012, the Planning Commission approved a Modification to the Conditional Use Permit to expand the site to include Lot 34 of Block 5 of the Park City Survey. The purposed of this modification was to allow for the Washington School Inn, which owns both Lot 1 of the Washington School Inn Replat and Lot 35 of Block 5, to enclose both properties by a six-foot-high fence. The only improvements that were proposed for Lot 35 were steppingstones, vegetation, and the extension fence around the Lot. Condition of Approval 2 states that, “if the owner plans to build a structure on Lot 34 in the future, the conditional use permit must be modified to review the proposed change. If the owner chooses to develop the lot separately, the CUP must be modified to no longer include Lot 34”.

Request for a Minor Hotel Conditional Use Permit to Expand the Use to include Accessory Facilities for Events

In 2020, the Applicant submitted a CUP application to convert the Washington School Inn (WSI) Bed & Breakfast to a Minor Hotel. A Bed & Breakfast requires the Property Owner or manager to live on-site—or to have a manager on the site 24-7—and is

limited to guest rooms and facilities for guest meals, whereas a Minor Hotel allows for accessory facilities like restaurants, bars, spas, meeting rooms, group dining facilities, and other activities customarily associated with Hotels. Please see Exhibit B to read the Applicant's Project Description. The Applicant's Parking Study indicates the Applicant proposes private events for corporate retreats, weddings, and other milestones for those who are not overnight guests (Exhibit M).

The table below outlines previous land use approvals for the property:

Meeting Date	Summary	Links and Exhibits
September 21, 1983	Historic District Commission approved a Conditional Use Permit (CUP) to operate a 14-room Bed & Breakfast with an additional room for the caretaker.	CUP Application (Exhibit C) CUP Approval Letter (Exhibit D)
June 7, 2001	City Council approved a Subdivision Plat that combined 7 old town lots into one lot of record for the historic building (WSI-1).	Staff Report (starting page 47) Minutes (starting page 14) Ordinance (starting page 191)
November 5, 2001	The City approved renovations to the non-historic, detached garage on the property because it qualifies as an allowed accessory building.	Community Development Director determination letter (Exhibit E)
December 22, 2001	The Planning Commission upheld the Community Development Director's determination interpreting the Land Management Code	Staff Report (Exhibit F)
November 10, 2010	Planning Commission approved a Conditional Use Permit (CUP) for a private recreation facility, which allowed a lap pool behind the Washington School House.	CUP Approval Letter (Exhibit G)
May 24, 2011	Planning Department approved an Administrative Conditional Use Permit to allow the Applicant to complete a total interior renovation of the Washington School House. As part of the renovation, the Applicant decreased the number of rooms from 15 to 12.	Administrative CUP Approval Letter
August 22, 2012	Planning Commission approved a modification to the 2011 CUP. The modification expanded the site to include landscaping improvements on Lot 34 of Block 5 of the Park City Survey.	CUP Approval Letter (Exhibit H)

June 24, 2015	Planning Commission approved a modification to the Bed & Breakfast CUP to shift the laundry facilities from the basement of the WSI to the detached garage, which was being used for storage (and has never been used for parking).	CUP Approval Letter (Exhibit I)
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Figure 2. Previous land use approvals for the property

On April 28, 2021, the Planning Commission held a public hearing on the proposed Minor Hotel Conditional Use Permit and asked questions of the Applicant regarding clarification of what rights the property would have as a Minor Hotel versus a Bed and Breakfast, whether the proposed parking on Woodside Avenue would bring additional traffic to that street, pedestrian access, employee parking, lighting, and deliveries to the property. The Commission asked for clarification on the proposed lighting, and potentially for the Applicant to provide an outdoor lighting plan. The Planning Commission also discussed noise and outdoor use for events. The Commission requested that the Applicant come back with illustrations showing the area where outdoor events would occur. The Applicant has provided an updated Management Plan that includes provisions for Noise Management (Exhibit A-4), and the location on the property where Outdoor Events are proposed (Exhibit A-5).

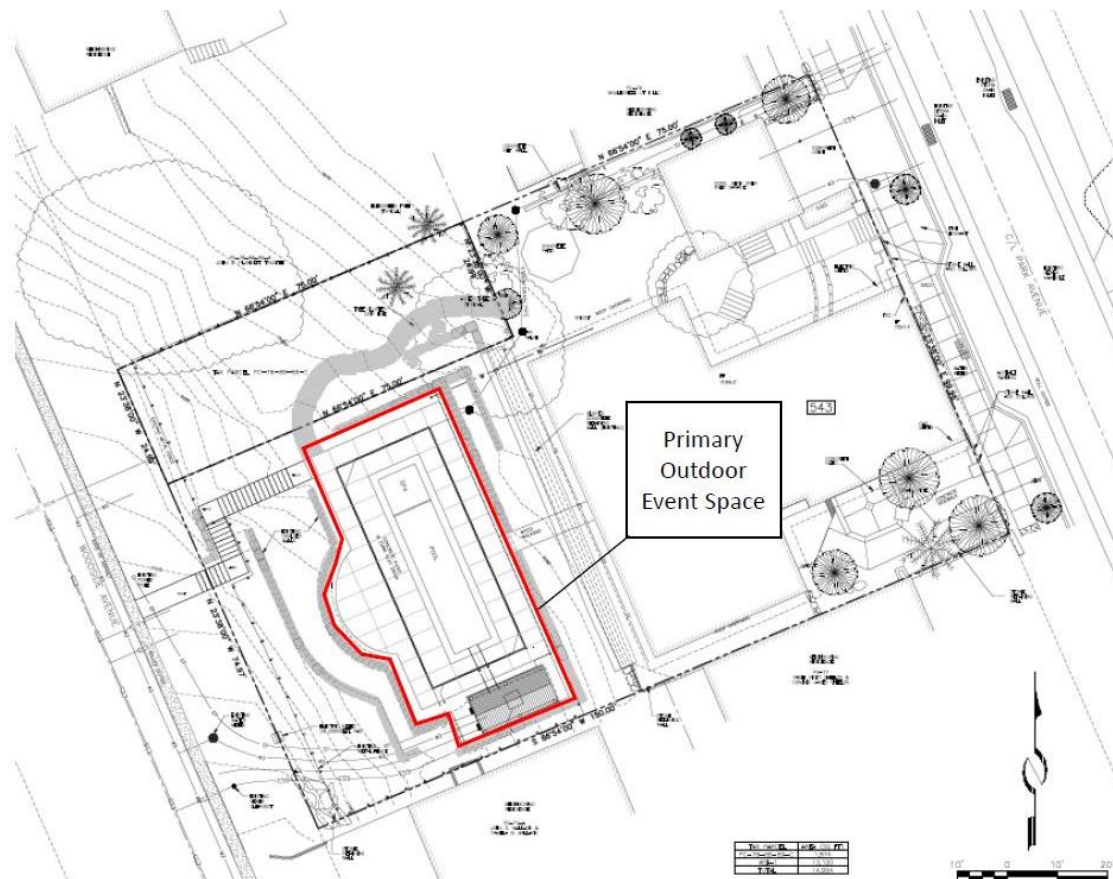


Figure 3. Proposed location for Outdoor Events

The change in Use from a Bed and Breakfast to a Minor Hotel is discussed in Analysis I, and includes how the proposed Conditional Use Permit would impact how the property is used, and what constraints would remain by nature of the property's location in a residential zoning district. Parking management is discussed in Analysis IV in this Staff Report, which includes an overview of guest and employee parking, deliveries to the property, and the parking space on Woodside Avenue. Lighting and other externalities requiring mitigation are discussed in Analysis III, and include an overview of the relevant Conditions of Approval. The Applicant has also updated the proposed Management Plan to address these questions and includes a "Supplemental Information" section with succinct responses (Exhibit A).

Additionally, on August 26, 2021, Staff took this application to the Neighborhood Traffic Management Program (NTMP) for review and discussion based on the questions raised at the Planning Commission Public Hearing. The recommendations from the NTMP are discussed in Analysis III, and include notifying and encouraging employees of the [Ride On Park City](#) program or to use public transit for their commute. This program works by matching the user with other residents and employees taking similar trips in order to enable alternative trips to single occupancy vehicles. This program connects employees to carpools, bikes, buses, and pedestrian routes through a single website.

Analysis

The Planning Commission reviews and takes final action on Conditional Use Permits.⁴ The Planning Commission approves Conditional Use Permits "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."⁵

Criteria the Planning Commission considers when evaluating Conditional Uses include traffic, location and amount of off-street parking, noise and other factors that might affect people and property off-site, control of delivery and service vehicles, and loading and unloading zones.⁶

(I) The Applicant states the purpose of the proposed Minor Hotel Use is to continue much the same as the existing Bed and Breakfast Use.

In the Project Description, the Applicant states that, "the proposed Hotel, Minor will not create special issues that need to be mitigated. Functionally, the proposed use will continue much the same as the existing, Bed and Breakfast use".

The Applicant notes that they do not intend to increase the number of staff as a result of the contemplated change and that there will be no changes to the historic Washington School House and its accessory facilities. The proposed change in use would impact the parking requirement for the property, requiring the Washington School House Inn to construct a 12th spot on the property, however, the Applicant is seeking a reduction in

⁴ LMC [§ 15-1-8\(G\)](#).

⁵ LMC [§ 15-1-8\(G\)](#).

⁶ LMC [§ 15-1-10\(E\)](#).

the parking requirement by the Planning Commission to keep the grounds of the WSI in its present condition.

As a Bed and Breakfast Inn, the passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR-1 Zoning District and that use is consistent with the 1983 conditional use permit approval. However, organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies are outside the scope of the 1983 Conditional Use Permit.

The WSI website currently advertises several kinds of events that can take place in the Washington School House and on its grounds. These include weddings, executive retreats, and “special events”. Because organized events at the WSI are not permitted under the scope of the 1983 Conditional Use Permit, the Owner must seek a Permit for each event that requires licensing or services beyond the normal scope of business; and/or temporary events that do not normally occur with the permitted venue use. Staff has not found record of any Administrative CUP for an event, nor any record of a Special Event Permit for this property. In 2017, a representative from a marketing company sought information on holding a Corporate-Sponsored event at the WSI, but the application was withdrawn.

The current designation of a Bed and Breakfast allows the WSI to operate as a lodging use where typical lodging services are provided, such as daily maid services. By contrast, a Hotel is defined as a lodging facility that, “includes accessory facilities such as restaurants, bars, spas, meeting rooms, on-site check-in lobbies, recreation facilities, group dining facilities, and/or other facilities and activities customarily associated with Hotels, such as concierge services, shuttle services, room service, and daily maid service”.

The Owner seeks the proposed Minor Hotel Use so that they can use the property for occasional Private Events, which are defined as, “an event, gathering, party or activity that is closed to the general public or that requires an invitation and/or fee to attend”. Private Event Facilities are not a permitted Use in the HR-1 Zoning District, which are defined as, “a facility where the primary Use is for staging, conducting, and holding Private Events”. The Applicant is proposing to retain the Minor Hotel use as the primary use of the property, with the ability to hold occasional private events.

Additionally, the HR-1 Zoning District does not include an Outdoor Use or Event as an Allowed or Conditional Use.⁷ An Outdoor Use or Event is defined as any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage; and outdoor events and music.

The Owner has an active Nightly Rental business license with Park City’s Finance Department. The current business license has an assessed fee for the 12 rental rooms

⁷ LMC § [15-2.2-2](#)

but does not currently assess the other internal and external spaces for guests on the property. Staff recommends the Owners of the WSI provide updated business operations and square footages to the Finance Department upon renewal of their business license so that the WSI will be assessed a licensing fee that is consistent with how other Park City hotels are assessed.

Section 4-5-3 of the Park City Municipal Code regulates Nightly Rental business license.⁸ The Code limits the use of Nightly Rentals for, “commercial uses not otherwise permitted in the zone. Nightly rentals may not be converted to Corporate Sponsor or Business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for”.

The following table establishes the maximum number of hotel guests, outside guests, and employees that have historically been permitted on-site during the 1983 CUP, what the Applicant is proposing, and what Staff recommends.

	1983 CUP	Applicant's Proposal	Staff Recommendation
Overnight Guests	Maximum occupancy of the WSI is approximately 30 guests	No change—maximum occupancy is approximately 30 guests	No change—maximum occupancy is approximately 30 guests
Nonresident Guests	Non-resident guests are not permitted under the 1983 CUP	Maximum of 30 non-resident guests	No maximum of non-resident guests, but 50 guests maximum
Employees	No maximum – WSI operates normally with no more than 5 employees	Maximum of 8 employees	Maximum of 8 employees, including valet staff
Total Occupancy	Approximately 35 people	68 people	50 guests maximum, 8 employees maximum

Figure 4. Comparison of property occupancy requirements

(II) The Planning Commission evaluates the proposed Minor Hotel for compliance with the Historic Residential – 1 Zoning District requirements outlined in LMC [Chapter 15-2.2](#).

The purposes of the Historic Residential – 1 (HR – 1) Zoning District are in part to preserve present land Uses and character of the Historic residential Areas of Park City, encourage the preservation of Historic Buildings and/or Structures, and to maintain existing residential neighborhoods.⁹

⁸ LMC § [5-4-3\(B\)\(11\)](#)

⁹ LMC § [15-2.2-1](#).

The HR – 1 Zoning District requires the following Lot and Site requirements:¹⁰

Zoning Requirement	Analysis of Proposal
There is no Minimum Lot size for Minor Hotels	Lot 1 of the Washington School Inn Replat is 13,068 square feet. Lot 34 of Block 5 of the Park City Survey is 1,875 square feet
Minimum Lot width is 25 feet	Complies The width of Lot 1 of the Washington School Inn Replat is 100 feet. The width of Lot 34 of Block 5 of the Park City Survey is 25 feet.
Maximum Building Footprint for a 13,068-square-foot Lot is 3,135 square feet ¹¹	Historic Buildings that do not comply with Building Footprint are valid Non-Complying Structures. ¹² The Building Footprint for the Washington School House is 3,507 square feet. The Footprint of the Detached Accessory Garage is 483 square feet.
Front and Rear Setbacks for Lots over 100 feet in length are 15 feet each for a total of 30 feet	Historic Buildings that do not comply with Building Setbacks are valid Non-Complying Structures. The Front Setback for the WSI is zero feet (0'); the Front Setback for the Detached Accessory Garage is twelve feet (12'). The rear setback of the WSI is seventy-five feet (75').
Side Setbacks for Lots up to 100 feet wide are 10 feet each for a total of 24 feet Detached Accessory Buildings, located a minimum of five feet (5') behind the Front facade of the Main Building, maintaining a minimum Side Setback of three feet (3')	Historic Buildings that do not comply with Building Setbacks are valid Non-Complying Structures. The south Side Setback of the WSI is 5.5 feet. The north Side Setback of the Detached Accessory Garage is 4.5 feet.

¹⁰ LMC [§ 15-2.2-3](#).

¹¹ MAXIMUM FP = (A/2) x 0.9^{A/1875} where FP = maximum Building Footprint and A = Lot Area.

¹² LMC [§ 15-2.2-4](#).

Figure 5. HR – 1 Zoning District Lot and Site requirements

(III) The Planning Commission evaluates the proposal for compliance with Conditional Use Permit Criteria, as outlined in LMC Section 15-1-10.

In the HR – 1 Zoning District, Minor Hotels are a Conditional Use and require a Conditional Use Permit. LMC [§ 15-1-10](#) outlines Conditional Use Permit criteria.

The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items.¹³

The criteria the Planning Commission evaluates for Minor Hotel Conditional Use Permits are outlined below with staff analysis and recommended Conditions of Approval:

Criteria	Analysis of Proposal
Size and Location of Site	The proposed Conditional Use Permit applies to both Lot 1 of the Washington School Inn Replat and Lot 34 of Block 5 of the Park City Survey. Staff recommends that a Condition of Approval require that the Applicant submit a Plat Amendment Application within 30 days of CUP approval and that a Plat Amendment be reviewed and approved within 1 year of the approval of the CUP to combine the two Lots into one Lot of Record. Creating one Lot will join Lot 34 of Block 5 to the Washington School Inn Lot, preventing the potential future sale of Lot 34 of Block 5. This will provide an opportunity for additional parking on the site if parking management subject to the CUP Conditions of Approval does not adequately mitigate the parking impact.
Traffic capacity	The proposed Management Plan requires a valet to be stationed outside the Washington School House on Park Avenue during guest arrival and departure. As vehicles arrive during an event, the valet(s) will direct them to temporarily park in the Washington School House's driveway, or in the pull-out (public residential parking) on Park Avenue utilizing residential parking permits. As a business within the Residential Permit Program, the WSI is eligible to receive one residential guest permit along with their

¹³ LMC [§ 15-1-10\(E\)](#)

	residential parking permit which is only to be used during periods when guests are visiting the permit holder's address. When guests depart, the valet(s) will return vehicles to them at the driveway, or in the pull-out on Park Ave. The valet(s) are counted towards the maximum of 8 employees permitted on site. The Development Review Committee did not identify any issues regarding traffic counts or capacity of streets in the area. Recommendations from the Neighborhood Traffic Management Program include notifying and encouraging employees of the Park City Ride On program to carpool and/or use public transit for their commute.
Utility capacity	543 Park Avenue is accessed by Park Avenue, which serves as a utility easement. The Development Review Committee did not identify any issues regarding utility capacity.
Emergency vehicle access	The property will be accessed via Park Avenue and Woodside Avenue. Park Avenue is the primary access to the property. Woodside Avenue access is limited to service vehicles, consistent with the 2010 CUP Approval for pool service and delivery vehicles.
Off-street parking	Please see the analysis below for off-street parking.
Internal vehicle and pedestrian circulation	The WSI will have standard interior circulation, and vehicular access will be provided via a driveway off Park Avenue. The internal circulation, including the queuing of guests, location of the valet service, and the use of the primary and sidewalk-level entrances is outlined in the proposed Management Plan (Exhibit A).
Fencing, screening, landscaping to separate use from adjoining properties	The project will maintain the existing landscaping of shrubs and trees to separate the WSI from adjacent land uses. Staff recommends that the Planning Commission grant a one-year grace period to the Owner to retain the grove of trees in the northwest corner of the

	property in lieu of a twelfth parking space. No change to fencing is proposed (See Parking, Section IV).
Building mass, bulk, and orientation	No changes are proposed to the existing structures on site.
Usable open space	No changes are proposed to the existing open space on site.
Signs and lighting	No changes to existing approved signs are proposed. Outdoor lighting must comply with LMC § 15-5-5-(J) . All outdoor lighting must be 3,000 degrees Kelvin or less by December 31, 2024. Fully Shielded outdoor lighting is required for new construction.
Physical design and compatibility with surrounding structures	If the Owner chooses to or is required to construct the 12 th parking space, all significant vegetation that is removed during the construction of the twelfth parking spot must be replaced on-site.
Noise, vibration, odors, steam, or other mechanical factors	<u>Staff seeks clarification from the Planning Commission on whether the proposed Minor Hotel Use should allow for the memorialization of outdoor events at the Washington School Inn.</u> The proposed hours of operations for outdoor events are 8:00 AM to 10:00 PM. Each event is subject to the proposed Noise Management Plan. Patio and lawn events shall be programmed and oriented to minimize sound impacts to the surrounding neighbors. The Owner shall regularly monitor noise levels to ensure compliance with the Noise Ordinance. Non-amplified live music, amplified background music, and amplified speeches are allowed during patio and lawn events.
Control of delivery and service vehicles, loading and unloading screening of trash and recycling pickup areas	Consistent with the 2010 CUP Approval (PL-10-01066), pool service and delivery vehicles may use Woodside Avenue. All other delivery and service vehicles shall park on Park Avenue. Vehicles less than 14' in length may park temporarily in the driveway at Washington School House, provided that the vehicles do not block the sidewalks. The driveway shall not be counted towards the parking requirements. The Owner shall use reasonable efforts to schedule event-related delivery and pickup on days other than the event.

	The Owner will continue to screen trash and recycling storage areas.
Expected ownership	No change in ownership is proposed.
Environmentally Sensitive Lands, Physical Hazards, Historic Mining Waste, Park City Soils Ordinance, Steep Slope	The proposed twelfth parking space on Woodside Avenue will require a Steep Slope Conditional Use Permit. Significant vegetation that is removed if the twelfth parking spot is constructed must be replaced on-site. The other criteria are not applicable for this application. Property is not located in any additional Overlay Zones, Environmentally Sensitive Lands, or Park City Soils Ordinance Parcels.
General Plan consistency	The project site is located within the Old Town neighborhood of Park City. The General Plan stresses the importance of infill development being compatible in the neighborhood context and subordinate to existing historic structures. The proposed conversion from a Bed & Breakfast to a Minor Hotel preserves the existing historic development of the site. Strategy 3.1 of the General Plan (starting on page 44) encourages development and redevelopment to increase the potential for multi-modal transportation options. The Owners have documented how the proposal encourages walking, biking, public transportation, and shuttle services over the single-occupancy vehicle. The WSI will be required to install three (3) bicycle Parking Spaces on site, as required by LMC 15-3-9 (A). In Section 6.4 of the General Plan (starting on page 28), the plan stresses that the character of historic sites must be retained and preserved. The plan indicates that the traditional aspects of sites (such as vegetation and landscaping) are threatened by parking demands and that many sites are losing their historic integrity due to the addition of driveways, parking pads, and the removal of landscaping elements to accommodate the car.

Figure 6. Conditional Use Permit Criteria Analysis

(IV) The applicant seeks Planning Commission approval to reduce the parking requirement.¹⁴

LMC [§ 15-3-6\(B\)](#) requires one parking space per room and one parking space per on-duty manager for Bed & Breakfasts, and one parking space per room and one space per 200 square feet of separately leasable commercial space for Minor Hotels. While Historic Structures in the HR – 1 Zoning District that do not comply with parking are valid Non-Complying Structures, “Conditional Uses proposed on the Site . . . shall comply with parking requirements of Chapter 15-3.”¹⁵

In 1983, staff recommended 0.66 parking spaces per hotel room and 1 space for the caretaker’s unit (Exhibit J). The 1983 Bed & Breakfast CUP required two Conditions of Approval to address parking:

1. That an agreement acceptable to the City Attorney that commits the developer to provide 11 parking stalls for the Washington School be recorded.
2. That if the land to the north of the Sun Classics building is under City ownership, that the developer reach an acceptable agreement with the City for use of the land for stairways and parking access. The agreement should protect the possibility of closing the driveway to Main Street if necessary (Exhibit B).

The Property Owner fulfilled both Conditions of Approval:

- On October 9, 1984, the Property Owner of WSI entered into an Easement Agreement for 11 parking spaces east across Park Avenue (Summit County Recorder Entry No. 225977; Exhibit K).
- In March of 1984, Park City Municipal Corporation and the Property Owner of WSI entered into a Non-Exclusive Easement Agreement to improve the Right-of-Way connecting Park Avenue and Main Street. The City granted to the WSI Property Owner a private non-exclusive pedestrian and vehicular Right-of-Way easement (Exhibit L). The Google Map image below shows the upper level of the Parking Structure:

The images below show the upper level of the parking structure as viewed from Park Avenue (Figure 7), the Right-of-Way easement that provides access to the lower parking level (Figure 8), a dimensioned plan of the upper level of the parking structure (Figure 9), and a dimensioned plan of the lower level of the parking structure (Figure 10).

¹⁴ LMC [§ 15-3-7\(A\)](#)

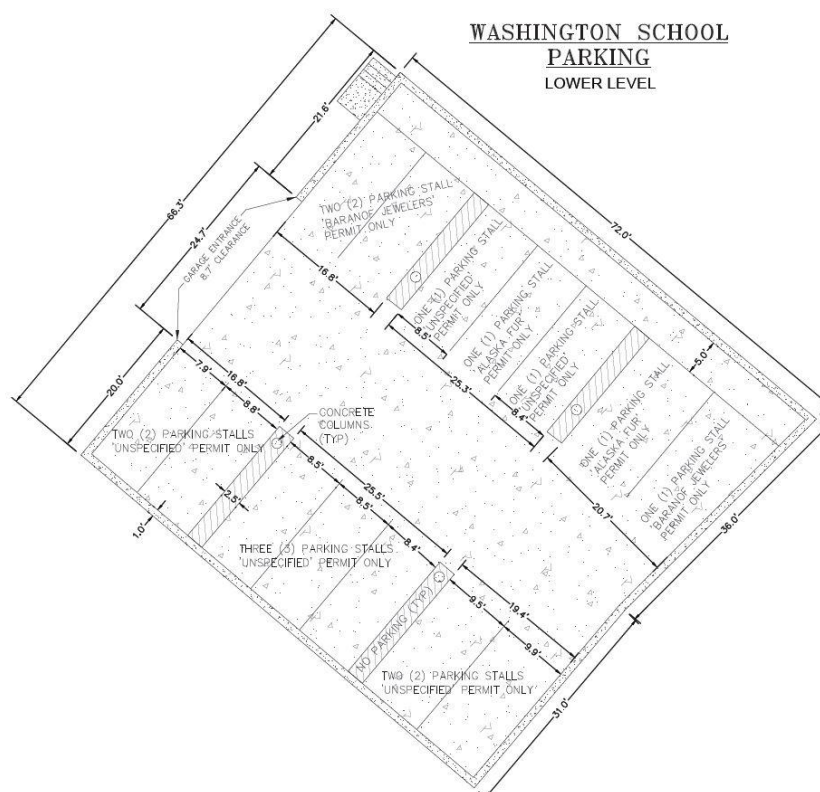
¹⁵ LMC [§ 15-2.2-4](#).



Figure 7. Upper level of the parking structure from Park Avenue



Figure 8. The Right-of-Way easement that provides access to the lower parking level



As configured, five of the eleven parking spaces are substandard in width, and do not

meet the required dimensions outlined in the Land Management Code. Per LMC § 15-3-3(F), parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long. The City Engineer may approve minor variations in Parking Space dimensions. Four of the substandard parking spaces are between 8.4' and 8.8' feet in width. One parking space is 7.9' in width. The Applicant has sought approval from the City Engineer to count the five substandard parking spaces toward the parking requirement.¹⁶ On October 27, 2021, the City Engineer gave written support to a minor variation to the minimum parking stall dimensions, giving the following determinations:

1. The existing parking lot is considered a valid non-compliant structure, and remodeling is not feasible.
2. The striping of the parking stalls is limited by the location of the reinforced concrete columns (see Figure 3).
3. The hardship of the existing parking stalls being smaller than required by the city code is not self-imposed.
4. The existing striping still works for small and mid-size sedan vehicles.
5. The applicant could coordinate the parking of large size vehicles before a scheduled event.

LMC [§ 15-3-7](#) grants the Planning Commission discretion to reduce parking requirements for Conditional Uses:

The Applicant must prove by a parking study that the proposed parking is adequate. The parking study must analyze whether:

1. parking Uses will overlap,
2. commercial spaces within the project will serve those residing within the project rather than the general public, or
3. other factors that support the conclusion that the project will generate less parking than this Code would otherwise require.

In review of Conditional Use permits, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The Planning Commission may reduce this initial parking requirement to prevent excessive parking and paving. The Applicant must prove by a parking study that the proposed parking is adequate.

In March of 2021, the Applicant submitted the *Washington School House Inn Parking Study* ("Parking Study") completed by Hales Engineering (Exhibit M). The study identifies a total of 12 parking spaces for the WSI: 11 located across Park Avenue, one proposed along Woodside Avenue, and two in the existing driveway (leading to the detached garage that now serves as the laundry facility).

¹⁶ LMC [§ 15-3-3 \(F\)\(1\)](#).

The Parking Study indicates that the Minor Hotel Use “would allow the Washington School House to host small, private events. These special events are anticipated to include small corporate retreats, and small, private celebrations for weddings or other milestone events.” The Parking Study concludes that approximately 25% of overnight guests bring their own vehicles and require parking and that only three of the 12 parking spaces would regularly used, leaving nine parking spaces available for WSI events (Exhibit M, p. 4).

The Parking Study also identifies that WSI will manage parking during Private Events through use of a valet service.

In response to questions posed by Staff and Commissioners at the April 28, 2021, Planning Commission meeting, the Application provided the following information:

- If more than six (6) employees will be onsite, each employee in excess of six (6) employees shall be required to arrive at the Washington School House by walking, active transportation, or using public transit. Employees who must park prior to taking transit will be required to park at the Homestake Lot and then use public transit (Condition of Approval 26). If the Homestake Lot is no longer available for employee parking, employees will be directed to park in other City-approved lots and then use public transit.
- The Driveway on Park Avenue is approximately fourteen feet (14') deep and eighteen feet (18') wide. The Owner does not propose to use space in the driveway to satisfy off-street parking requirements. However, appropriately sized delivery and service vehicles may park in the driveway at the Washington School House, provided that the vehicles do not block the sidewalks. To the extent possible, delivery and service vehicles shall use Woodside Avenue to separate those vehicles from vehicles associated with the private events. (Condition of Approval 17).

A Minor Hotel requires one off-street parking space per bedroom. The WSI has a parking easement for 11 spaces across Park Avenue and is proposing one new spot off Woodside Avenue. Staff recommends that Planning Commission reduce the parking requirement for the Conditional Use Permit from 12 spaces to 11 to maintain the status quo condition of WSI grounds and to preserve Significant Vegetation. This reduction in parking requirement is subject to a one-year grace period, during which the Owner will be responsible for proactive monitoring, documentation, and study of the parking conditions of the 11 spaces and the Residential Parking within 100' feet of the WSI on Park Avenue (Condition of Approval 19).

Additionally, Staff recommends the following Conditions of Approval to mitigate parking issues:

- The Owner must proactively monitor parking conditions on Park Avenue and Woodside Avenue, at locations within 100' of the Washington School Inn before, during, and after all events.

- WSI staff must monitor when guests improperly use public residential parking on Park Avenue and proactively work to relocate the vehicles as soon as possible, and to report improper use of residential parking to the City.
- One year from the approval of the Conditional Use Permit, the Owner is required to provide an updated Parking Study to the Planning, Engineering, and Parking Departments that details the average and peak usage of the available parking spaces to validate whether the additional space is required. This study shall include photographs of on-street parking within 100' of the WSI during all Private Events. In order to finalize the parking conditions of the CUP, the Applicant shall return to the Planning Commission to seek final approval for the reduced parking requirements.
- The Owner of WSI must apply for a Special Use of Public Parking Permit to utilize the "Park Avenue Pullout" during private events.
- If the parking study determines that the demand of spaces exceeds the available supply, or if the Parking Department finds that the residential parking on Park Avenue, Woodside Avenue, or other Rights-of-Way has been regularly disrupted during times that coincide with WSI private events, the Owner shall be responsible for executing the option of developing the 12th parking space on Woodside Avenue.

Staff have noted that the twelve (12) parking spaces only meets the requirement for the number of rooms offered and does not consider the parking space that is required, "separately leasable commercial space". LMC Section [15-3-6 \(B\)](#) requires 1 space per 200 sf of separately leasable commercial space. The Applicant has proposed using 2,273 square feet of indoor spaces for events, and 2,701 square feet of outdoor space for events. The LMC defines Net Leasable Floor Area in a way that specifically excludes unenclosed patios and decks, but if the WSI were a standalone Private Event Facility, the amount of leasable floor area would require 14 parking spaces. While the interior spaces are currently used by the WSI as dining spaces for their Bed and Breakfast use, Staff seeks clarification from the Planning Commission on whether the parking requirement for Minor Hotel Use should be inclusive of the spaces required per room and the spaces required for separately leasable area.

The Management Plan for the Washington School House (Exhibit A) outlines the proposed parking conditions during a maximum occupancy event. WSI will proactively notify private event guests that a limited number of parking vouchers will be available, and during the private event, event staff will valet park the allowed vehicles (Condition of Approval 24). The remaining guests will arrive from off-site via shuttle, rideshare, taxi, public transit, or on foot. In the event that excess vehicles arrive, the Applicant proposes that the private event staff will direct the guests to park at their off-site lodging, or at lots identified in the Parking Management Plan, and then travel to the event by shuttle, rideshare, taxi, public transit, or on foot. Staff seeks input from the Planning Commission on whether additional Conditions of Approval that propose a solution prior to problems arising should be required.

If the Planning Commission determines the Applicant meets the criteria to reduce the

parking requirement for the Conditional Use Permit, the Owner will remove the proposed Woodside Avenue parking space from the application. Based on the submitted drawings, it is possible for the Owner to fit two or more parking spaces off of Woodside Avenue. The Applicant submitted the details of the Woodside Avenue off-street parking space, shown below:

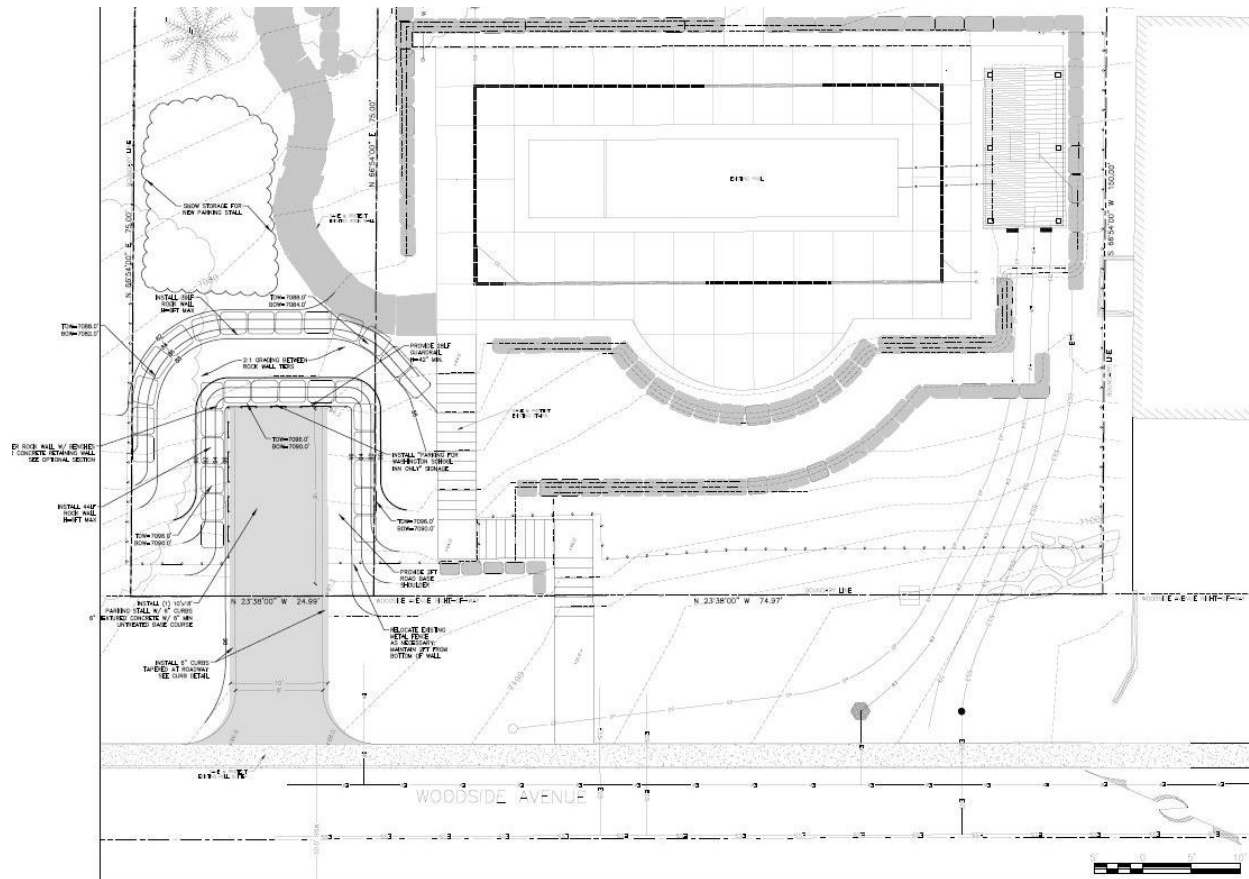


Figure 11. Proposal of the Woodside Avenue off-street parking space

Section 15-2.2-10 of the Land Management Code requires the Property Owner to protect Significant Vegetation during any Development activity. Significant Vegetation is defined as large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

The Google Map image below shows the location of the proposed Woodside Avenue off-street parking space and the existing vegetation of that location.



Figure 12. The proposed location of the Woodside Avenue off-street parking space

However, the Land Management Code also allows applicants to remove Significant Vegetation when a certified arborist determines the vegetation is not healthy, and the Planning Director may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in Section 15-3-3 and Title 14. In this case, Staff recommends a one-year grace period whereby the additional space is not required to be provided because as the intent of this recommendation for approval is to memorialize the status quo of the physical and operational conditions of the site and to maintain the vegetative buffer between the outdoor spaces of the WSI and the neighboring residential properties.

The proposed Condition of Approval would require that in one year from the approval of the Conditional Use Permit, the Owner would be required to provide an updated Parking Study to the Planning, Engineering, and Parking Departments that details the average and peak usage of the available parking spaces to validate whether the additional space is not required. To finalize the parking conditions of the CUP, the Applicant must return to the Planning Commission to seek final approval for the reduced parking requirements. The Planning Commission will consult the updated parking study and the recommendation from Planning, Engineering, and Parking Staff to determine whether residential parking on Woodside Avenue has been regularly disrupted during times that coincide with WSI events. If the Planning Commission makes the determination that additional parking spaces are required, the Owner shall be responsible for executing the option of developing the 12th parking space on Woodside Avenue.

Additionally, because this proposed parking space is on a vacant parcel – Staff recommends an additional Condition of Approval that requires the applicant to complete

a Plat Amendment within one year of the approval of the Conditional Use Permit to preserve the option of meeting additional parking requirements on site. If the Applicant develops the 12th parking space, a Steep Slope Conditional Use Permit will also be required.

The Applicant submit a Plat Amendment Application within 30 days of CUP approval and that a Plat Amendment be reviewed and approved within 1 year of the approval of the CUP to combine the two Lots into one Lot of Record. Creating one Lot will join Lot 34 of Block 5 to the Washington School Inn Lot, preventing the potential future sale of Lot 34 of Block 5. This will provide an opportunity for additional parking on the site if parking management subject to the CUP Conditions of Approval does not adequately mitigate the parking impact.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application. The Neighborhood Traffic Management Program committee also reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on August 25, 2021. Staff posted notice to the property and mailed courtesy notice to property owners within 300 feet on August 25, 2021. The *Park Record* published notice on August 25, 2021.¹⁷

Public Input

On October 7, 2021, Planning Department Staff received a combined comment from 24 neighbors of the Washington School Inn who are in opposition to commercial outdoor events in the HR-1 Zoning District (Exhibit P). It states that they would like the Washington School Inn's CUP application to be denied and that they wish for the property to continue as a Bed and Breakfast use with limitations on parking and organized outdoor events.

This comment was updated on October 20, 2021 and signed by 28 homeowners of 22 homes on Woodside and Park Avenues. The names of the commentators include John Plunkett, Barbara Kuhr, Mike & Katie Mueller, John & Dianne Browning, Linda & Will Cox, Robin & Bill Dark, Ben & Shelly Chigier, Larry Meadows, Clayton McNeel, Robert Gebhart, Jodi VanDresser, Jen Tashima, Tim & Alisa Hoffman, Jeff Love, Jim Tuton, Rachel & Kirk Wilson, Kirsten Ehrich, Kevin Efrusy, Bruce Ward & Cynthia Coe, Jack Wallack, and Mark Fischer.

The comment included the map below, showing the homes in relation to the Washington School Inn property. The full map is included in Exhibit P.

¹⁷ LMC [§ 15-1-21](#).

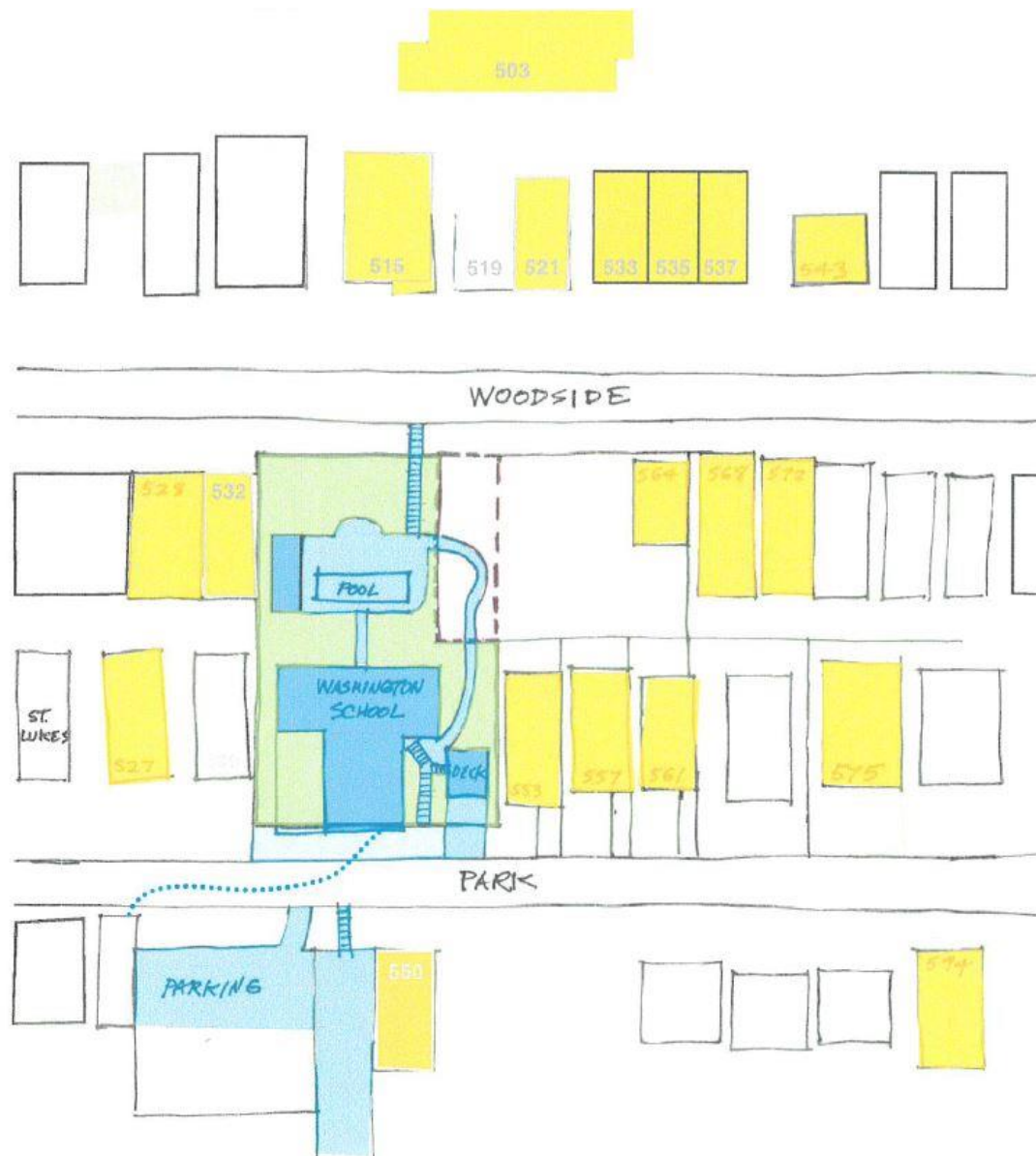


Figure 13. A map of neighbors of the Washington School Inn who are opposed to commercial outdoor events in the HR-1 Zoning District

An additional ten (10) public comments were submitted via email prior to publication. The comments included opposition to outdoor commercial events, the accumulation and management of trash after events, and concerns about parking generated by the property (Exhibit Q).

Based on the neighborhood feedback that contests the adequacy of proposed mitigation measures and further review of the requirements of the Land Management Code, Staff is seeking input from the Planning Commission on whether the site is appropriate for additional outdoor activities, whether the change in use should trigger additional parking requirements, and if the Applicant needs to provide additional information, including Conditions of Approval beyond those outlined in the proposed Management Plan.

Exhibits

Exhibit A: Applicant's Proposed Management Plan
Exhibit B: Applicant's 2020 Project Description
Exhibit C: 1983 CUP Application for a Bed & Breakfast
Exhibit D: 1983 Conditional Use Permit Approval Letter
Exhibit E: November 5, 2001 Community Development Director Determination
Exhibit F: December 12, 2001 Planning Commission Staff Report
Exhibit G: November 10, 2010 Planning Commission Approval for Outdoor Pool
Exhibit H: August 21, 2012 Planning Commission Conditional Use Approval Letter
Exhibit I: June 24, 2015 Planning Commission Approval Letter to Relocate Laundry
Exhibit J: September 21, 1983 Conditional Use Permit Staff Report
Exhibit K: 1984 Parking Easement Agreement
Exhibit L: 1984 Non-Exclusive Agreement with Park City Municipal
Exhibit M: Hales Engineering Parking Study
Exhibit N: 2012 Historic Preservation Board Award to Washington School House
Exhibit O: Washington School House Historic Site Form
Exhibit P: Neighbor's Concerns for the Washington School CUP
Exhibit Q: Compiled Public Comments

Exhibit A
Management Plan
Washington School House
Project Number PL-20-04477

SUMMARY

The Washington School House is located at 543 Park Avenue. The property includes Summit County Parcel Nos. WSI-1 and PC-78-88-89-C. The Owner, Washington School House LLC, prepared this Management Plan to facilitate implementation of Conditions of Approval for the Washington School House's Hotel (Minor) Conditional Use Permit. The Owner shall comply with the terms and requirements of this Management Plan.

This Management Plan includes the following components:

- Exhibit A-1: Parking Management Plan
- Exhibit A-2: Public Parking Lots and Employee Parking Lot
- Exhibit A-3: Parking Management Site Plan
- Exhibit A-4: Noise Management Plan
- Exhibit A-5: Outdoor Event Site Plan
- Exhibit A-6: Sample Hotel Contact Information
- Exhibit A-7: Response to Complaint for CUP Event

Exhibit A-1
Parking Management Plan
Washington School House
Project Number PL-20-04477

The Owner holds a private easement (Entry No. 225977) that authorizes it to use 11 parking stalls located in a two-level parking lot on the east side of Park Avenue, near the Washington School House (“**Park Avenue Lot**”). In addition, the Owner has the ability to create one (1) off-street parking space located on the Washington School House Property and accessed from Woodside Avenue, that if needed, could be utilized. In total, the Owner will provide eleven (11) off-street parking stalls, unless the data collected over a year after the approval of the Planning Commission show that a twelfth (12th) spot is needed. A site plan for this Parking Management Plan is included as **Exhibit A-3**. To facilitate implementation of this Parking Management Plan, the Owner will limit occupancy to sixty (60) guests, inclusive of overnight and nonresident guests.

- **Guest Parking and Circulation.**

- Arriving and departing guests may self-park, or use the valet parking at the Washington School House’s entrance on Park Avenue, to park in the Park Avenue Lot.
- Guests arriving on site shall do so on a reservation-only basis. When the reservation is made, the Owner shall advertise that parking is only available through use of its valet service. If vehicles in excess of the Washington School House’s eleven (11) available spots arrive, staff will direct the vehicles to park at the lots shown in **Exhibit A-2**, or other City-approved lots.
- The Owner will encourage all guests to arrive directly from their off-site lodging using a private shuttle, ride share, taxi, public transit, or on foot.
- The valet(s) will direct the private shuttle, ride shares, or taxis to temporarily park in the Washington School House’s driveway, or in the pull out on Park Avenue, when guests are loading or unloading.
- The Owner will encourage nonresident guests to arrive directly from their off-site lodging using a private shuttle, ride share, taxi, public transit, or on foot.
- The Owner will operate, or contract for, the private shuttle. The private shuttle will have flexibility in its pick-up and drop off locations and it will help to decrease parking demand and the number of vehicle trips.
- The Owner will provide valet parking for hotel activities. One or two valets will be stationed outside the Washington School House during guest arrival and departure. As vehicles arrive, the valet(s) will direct them to temporarily park in the Washington School House’s driveway, or in the pull out on Park Avenue, as shown on **Exhibit A-3**. The valet(s) will then park the vehicles at the Washington School House’s off-street parking stalls. When guests depart, the valet(s) will return vehicles to them at the driveway, or in the pull out on Park Avenue. To avoid blocking the sidewalk, the valet(s) will only direct appropriately sized vehicles to use the driveway for pick-up and drop-off. In addition, the valet will instruct vehicles not to block the sidewalk.
- The Owner will file an application with the City for a “special use of public parking permit” (“Special Parking Permit”) for any nonresident guest activities that necessitate the use on the pullout. The purpose of the Special Parking Permit is to authorize use of the pull out on Park Avenue for pick up and drop off. The Special

Parking Permit relates only to guest arrival and departure, it does not require or involve review of activities planned on the Property.

- Upon arrival, guests will enter the Washington School House through the Hotel Entrance, as shown on **Exhibit A-3**. Due to the limited number of guests, no queuing is anticipated during guest arrival. If a queue does form at the entrance, guests will be directed to wait at the Northeast Patios, shown on **Exhibit A-3**, until they are able to enter the building. This will help avoid sidewalk congestion. When guests depart, they will exit through the Hotel Entrance, or the sidewalk level door, as shown on **Exhibit A-3**. The sidewalk level door locks automatically and will not be used as an entrance. If multiple guests are waiting for vehicles, they will be directed to wait inside, or at the Northeast Patios, to avoid sidewalk congestion.

- **Employee Parking and Circulation.**

- Employees will be required to arrive at the Washington School House using one of the following methods: on foot; using public transit; parking at the Homestake Lot and then use public transit; or using one of the trip options available through Ride On Park City (“Ride On”). The Homestake Lot is depicted in **Exhibit A-2**. If the Homestake Lot is no longer available for employee parking, employees will be directed to park in other City-approved lots and to then use public transit. The Owner will notify employees of their commute options, including the Ride On program and public transit. The Owner will encourage employees to use the Ride On program and public transit for their commute.

- **Delivery and Service Vehicles.** All vendors making deliveries to the Washington School House shall adhere to the following guidelines:

- Subject to the exception noted below, delivery and service vehicles shall park on Park Avenue. In addition, appropriately sized delivery and service vehicles may park in the driveway at the Washington School House, provided that the vehicles do not block the sidewalk.
- Consistent with the 2010 CUP Approval (Project No. PL-10-01066), pool service and delivery vehicles may use Woodside Avenue.
- Subject to the exception for limited pool deliveries, delivery and service vehicles for Washington School House shall not park on Woodside Avenue.
- The Owner shall use reasonable efforts to schedule delivery and pickup on days and at times to minimize all impacts.

Exhibit A-2 Public Parking Lots

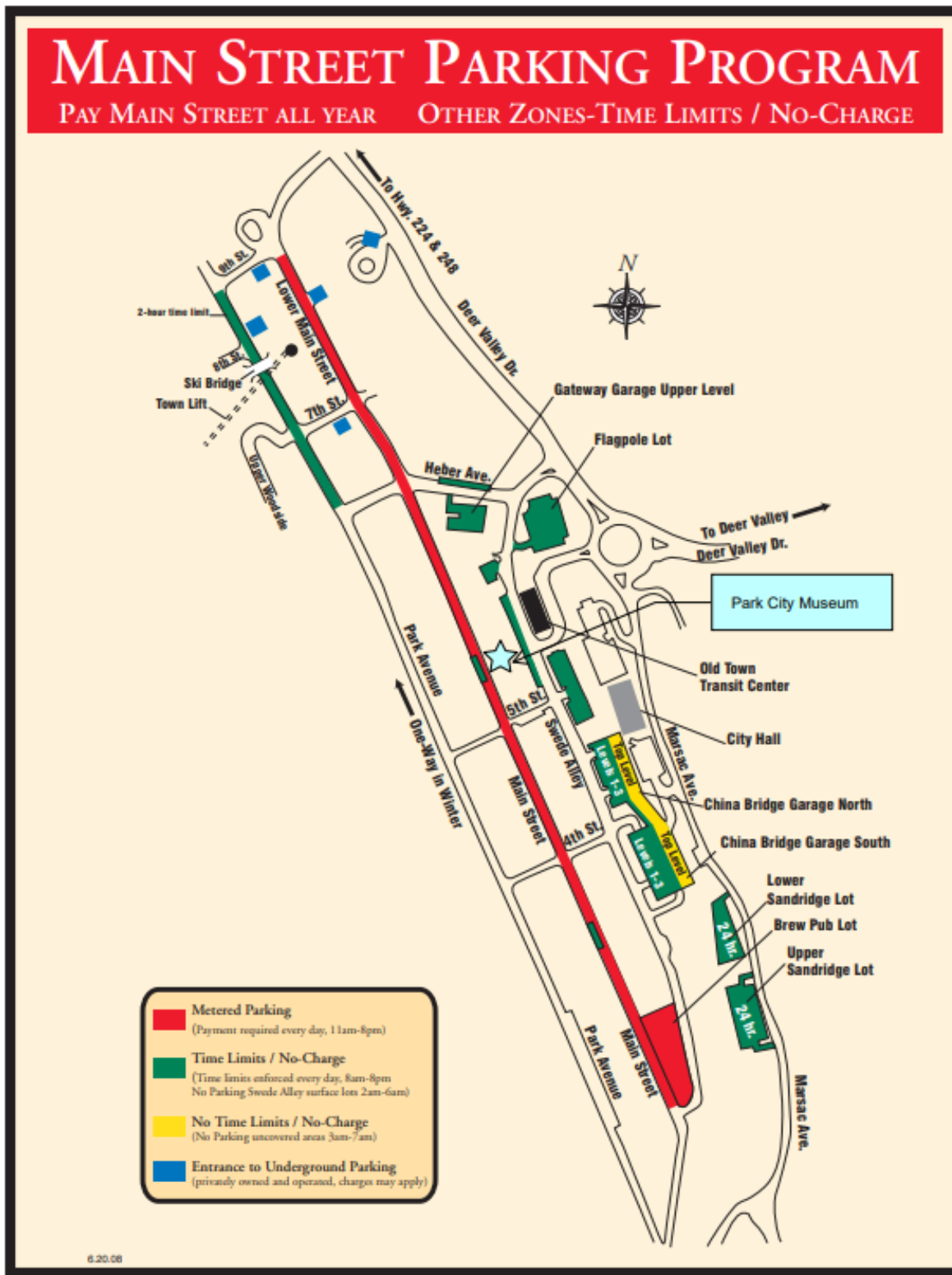


Exhibit A-2 Employee Parking Lot



Exhibit A-3

Northeast Patios (for guest use to avoid sidewalk congestion during arrival and departure)

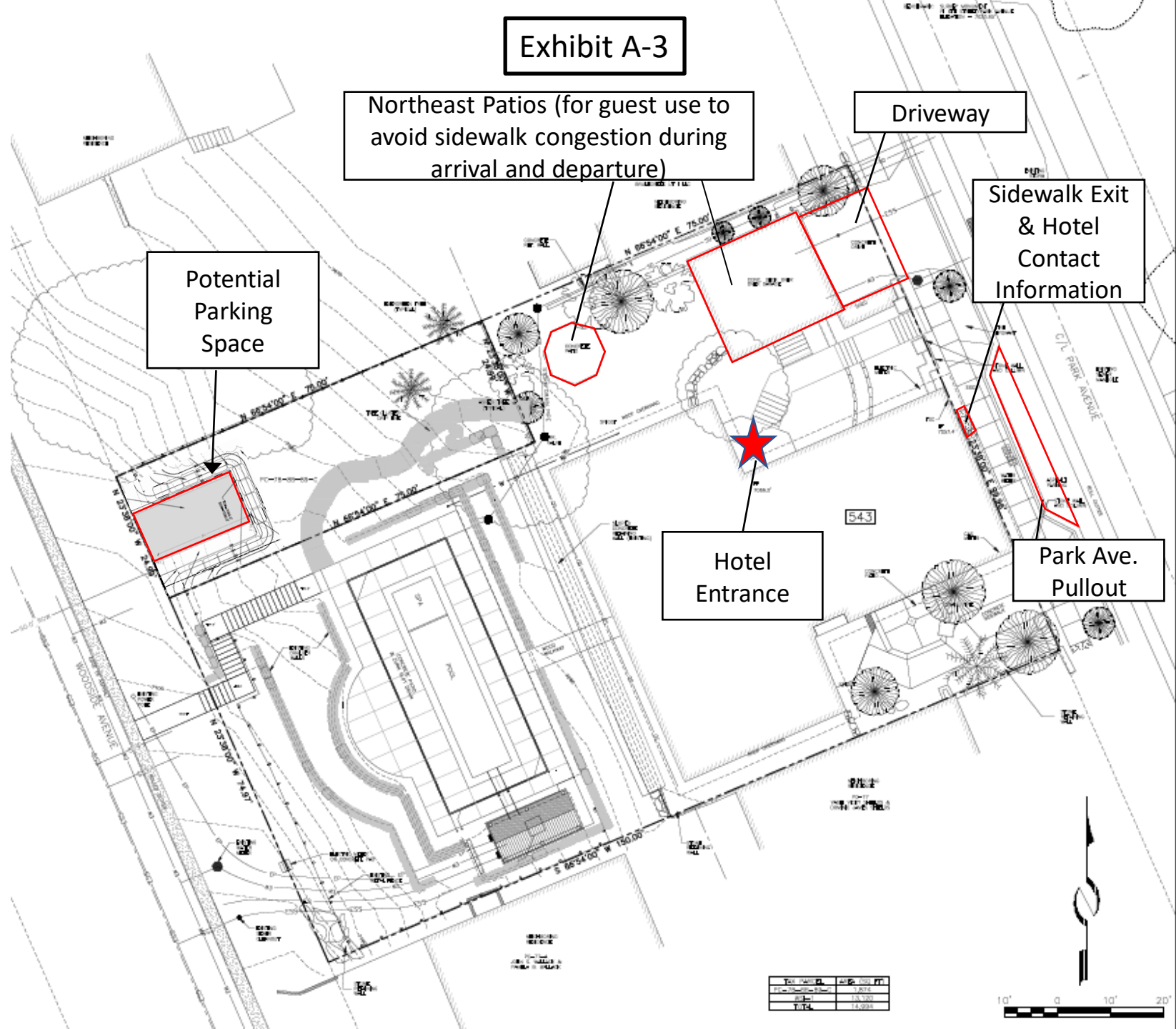
Driveway

Sidewalk Exit & Hotel Contact Information

Potential Parking Space

Hotel Entrance

Park Ave. Pullout



TO	DATE	BY	REV.
1	10/1/10	JL	1
2	10/1/10	JL	2
3	10/1/10	JL	3

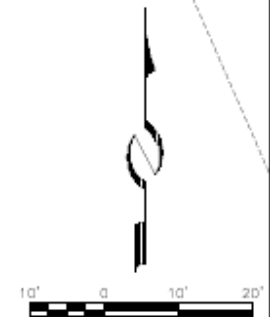


Exhibit A-4
Noise Management Plan
Washington School House
Project Number PL-20-04477

SUMMARY

The purpose of this Noise Management Plan is to detail the procedures in place to ensure compliance with the CUP and the Park City Noise Ordinance, City Code 6-3-9 (“**Noise Ordinance**”). This Noise Management Plan will be applicable to all activities, pursuant to the approval of the CUP. The primary location for outdoor activities will be on the west side of the building, around the pool, as shown in **Exhibit A-5**. Outdoor activities may also use other patio and lawn areas on the property.

Key Requirements

- The hours of operation for outdoor activities are 8:00 AM – 10:00 PM. The closing time will be strictly enforced.
- The Owner will designate a City Coordinator for all activities on the Property. The City Coordinator’s information will be provided to the city and the neighbors.
- Activities shall be programmed and oriented to minimize sound impacts to the surrounding neighbors.
- The Owner shall regularly monitor noise levels to ensure compliance with the Noise Ordinance.
- Non-amplified live music, amplified background music, and amplified speeches are allowed for activities on the Property.
- On-site management staff will be trained to monitor compliance with the Noise Ordinance.

Key Elements of the Plan

Information and Communication

- The City Coordinator will inform potential guests of the Key Requirements in the Noise Management Plan and answer any questions related to the operation of activities.
- The City Coordinator will help identify noise sources, like those listed below, and devise methods to mitigate sound impacts. Noise sources and mitigation strategies include:
 - Live Music (non-amplified only). Particular attention should be paid to the orientation of the band to mitigate sound impacts from live acoustic bands to neighbors. Live music should reduce in volume and style to reflect a calm ending as closing time approaches.
 - Amplified Music (background music only). Particular attention should be paid to low frequency bass levels and volumes. The specification, selection, orientation and operation of amplified music equipment should also be considered. Background music should reduce in volume and style to reflect a calm ending as closing time approaches.

- Speeches (non-amplified and amplified). The specification, selection, orientation, and operation of public address systems, or other amplification equipment, should be considered. In addition, particular attention should be paid to the orientation of the speaker, in order to minimize impact to the neighbors.
- Ambient Guest Noise. Particular attention should be paid to the type of outdoor activity and the location of service stations, tables, chairs and traffic flow to minimize the intensity of guest noise.
- The City Coordinator will communicate the consequences (listed below under the Compliance provisions) of excessive noise to guests.

Site Planning

- The City Coordinator will work to lay out activities in a way to minimize all impacts to the neighbors. Outdoor activities should be designed in a way to mitigate sound impacts to the adjacent neighbors.
- Hotel staff will ensure a timely and orderly dispersal and removal of any trash or equipment at closing time.

Monitoring

- Hotel staff will take a proactive approach to noise management including checking noise levels periodically during operations. This includes:
 - Using a professional quality, hand-held sound meter to measure noise levels at Woodside Avenue and the north and south property lines.
 - Documenting the noise levels recorded and maintaining records for review.
 - Increased noise checks during outdoor activities that include either non-amplified live music, amplified background music, or amplified speeches.
 - If necessary, communicating the results of noise checks to guests and requiring modification of the layout of the activity to reduce noise levels.
- Hotel staff will ensure that all third-party entertainment providers are made aware of the Noise Ordinance and measures taken to monitor compliance during this Noise Management Plan.

Compliance

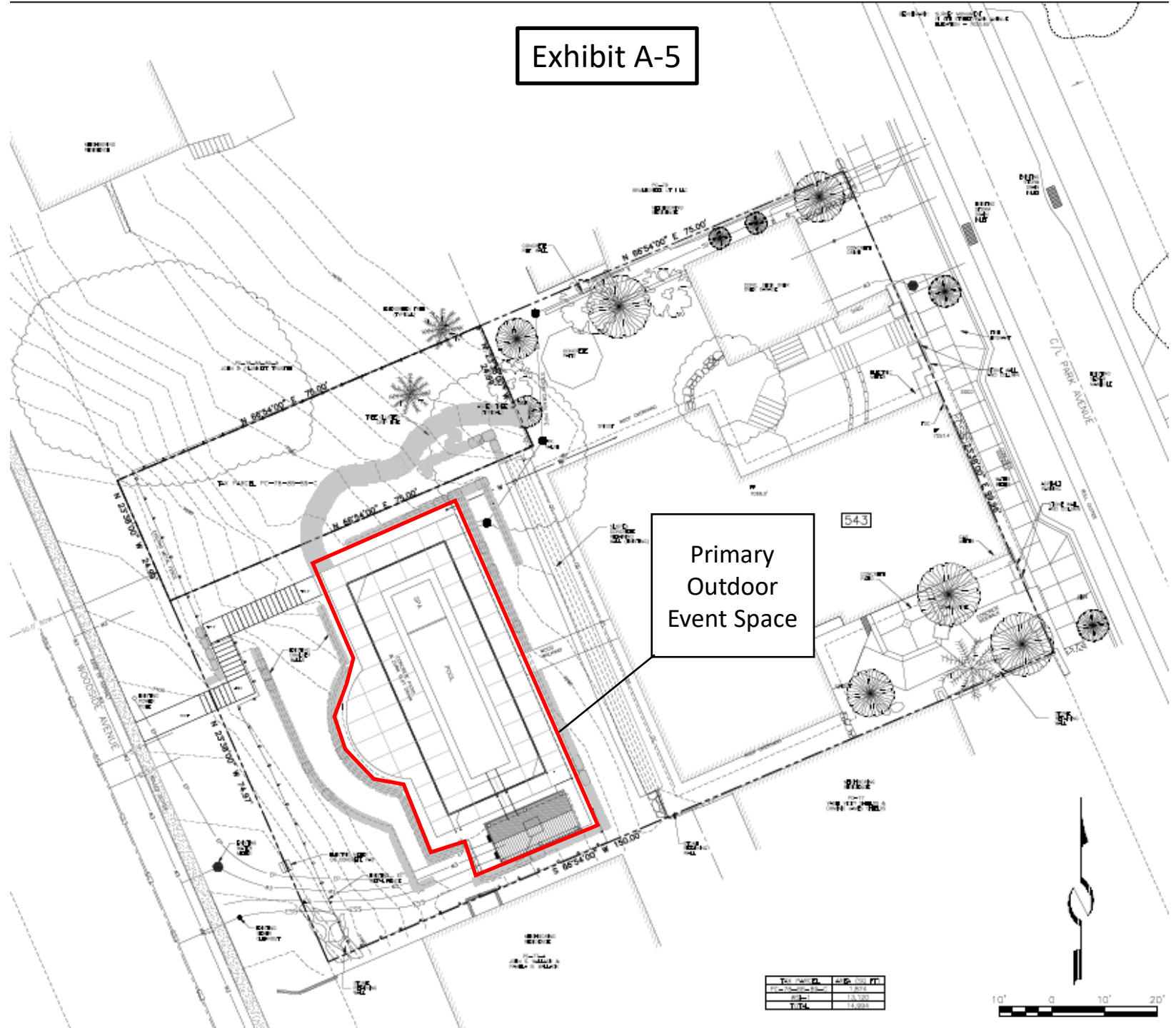
- Hotel staff will address any noise deemed unacceptable. One warning will be given to guests to reduce noise to an acceptable level. If the noise continues to exceed acceptable levels, staff will take measures to immediately reduce noise to an acceptable level. These measures may include:
 - Discontinued use of non-amplified live music, amplified background music, and amplified speeches.
 - Reduction of the number of guests allowed outside.
 - Relocation of services, such as food or bar services, to facilitate less activity.
 - Rearranging or removal of tables and chairs.
 - Removal of identified individuals contributing to, or encouraging excessive noise.
 - Early termination of the outdoor activity.

- If needed, the City Coordinator may call the local Police to facilitate compliance with the Noise Ordinance.

Complaint Resolution

- For the public's benefit, the Washington School House's contact information will be permanently posted at the location shown on **Exhibit A-3**, in a form similar to **Exhibit A-6**. The City Coordinator shall be available at the phone number shown in **Exhibit A-6**. The Washington School House's contact information is also available on its website at <https://washingtonschoolhouse.com/>.
- Complaints related to noise originating from outdoor activities should be reported directly to the City Coordinator. Any complaints received by the Planning Department will be forwarded to the City Coordinator upon receipt.
- The City Coordinator will investigate each complaint and take appropriate action to address the complaint.
- The City Coordinator will document each response to a complaint in the form provided in **Exhibit A-7**. These responses will be provided to the Park City Planning Department staff member assigned to the CUP. The staff member assigned to the CUP as of the date of this Management Plan is Browne Sebright (browne.sebright@parkcity.org).
- If requested, and contact information is provided by the complainant, a verbal or written response will be provided from the City Coordinator to the complainant within a reasonable amount of time. The response will include the measures taken to resolve the complaint.

Exhibit A-5



WASHINGTON SCHOOL HOUSE

H O T E L

24 HOUR MANAGEMENT CONTACT

435.649.3800

EXHIBIT A-7

RESPONSE TO COMPLAINT FOR CUP EVENT	
The Washington School House Project Number: PL-20-04477	
Event Date	
Complaint Time	
Nature of Complaint	
Actions Taken to Cure	
Complainant Contact Info	
Follow up Conducted?	
Respondent	
Direct Contact Information	

Supplemental Information
Washington School House
Project Number PL-20-04477

The Washington School House, LLC, Owner, filed a Hotel (Minor) Conditional Use Permit Application. The Planning Commission and Planning Staff have asked follow-up questions regarding the Application. The Owner has provided responses to these questions below. Questions that are not answered below have been addressed in the Owner's proposed Conditions of Approval and the accompanying Management Plan. In addition, the Owner has provided additional information related to its request to decrease its off-street parking requirements from 12 spaces to 11 pursuant to section 15-3-7 of the City Code.

1. Provide the square footage for indoor and outdoor space that will be used for events.

The indoor and outdoor square footage proposed for use during events is summarized in the table below. The maximum occupancy during events shall be 60 guests. The primary location for patio and lawn events will be on the west side of the building, around the pool. Outdoor events may also use other patio and lawn areas on the property.

Location	Square Feet
Indoor	2,273
Outdoor	2,701
Total	4,974

2. Estimate the number of employees that will be required during events.

As noted above, the maximum occupancy during events shall be 60 guests. During an event with maximum occupancy, the Owner plans to have 8 employees on-site. Thus, the total occupancy during a maximum occupancy event will be 68 people (including 60 guests and 8 staff).

3. Provide measurements showing the dimensions of the on-site driveway and whether parking will encroach onto the Park Avenue Right-of-Way.

A driveway on the east side of the property connects to Park Avenue. The Owner does not propose to use space in the driveway to satisfy its off-street parking requirements. Based on a conversation with Planning and Engineering Staff, no conditions of approval are necessary for this driveway because it will not be used to satisfy off-street parking requirements.

4. Provide information on the proposed on-site parking space along Woodside Avenue and the potential to connect the parking space to the Washington School House without requiring pedestrians to use the Right-of-Way.

The Owner will operate the proposed Woodside Avenue parking space as a valet-only space. This will prevent guests from traveling on Woodside Avenue in search of parking. It will also prevent guests from using the right-of-way to access the stairs from Woodside Avenue to the

building. Consistent with the 2010 CUP Approval, pool service and delivery vehicles may also use the Woodside Avenue parking space. Owner's request to eliminate the Woodside Avenue parking space pursuant to section 15-3-7 of the City Code is discussed in detail below.

5. When will the Owner file a Historic District Design Review application?

The Owner will file a Historic District Design Review application once the Hotel (Minor) CUP is approved.

6. How will events conducted under the Owner's proposed Hotel (Minor) Conditional Use Permit compare to events that may currently be approved under a Special Use Permit?

The City Code establishes tiers of special event permit based on an event's size and characteristics. A Level One event is a one-day event with attendance of between 50 and 250 people that has a minor impact on transportation and surrounding areas. Importantly, the City Code does not limit the number of Level One special event permits that an applicant may obtain each year. Key requirements for a Level One special event (e.g., parking regulations, event time, etc.) are set on a case-by-case basis, during the application review process.

The Owner's Hotel (Minor) CUP application would allow events at the Washington School House. The Owner proposes that events at the Washington School House would have a maximum occupancy of 60 guests. This maximum occupancy falls at the low end of what is allowed under a Level One special event permit. Because proposed events at the Washington School House are similar to what is allowed under a Level One special event permit, and because the City Code does not limit the number of Level One special event permits, a Hotel (Minor) CUP will not increase the intensity or frequency of events allowed at the Washington School House.

There will also be several benefits to allowing events through a Hotel (Minor) CUP, as compared to through the special event permit process. The CUP process provides a thorough, open process for Planning Staff, the Planning Commission, and the public to comment on events. Potential detrimental effects identified during this process may be addressed through mitigation memorialized in conditions of approval for the CUP. This thorough process will ensure that comprehensive and consistent requirements apply to events at the Washington School House. A CUP has the added benefit of decreasing the burden on staff of reviewing frequent special event permits.

7. What is the source of the ITE parking demand rate?

The Institute of Transportation Engineer's ("ITE") parking demand rates are based on 11 study sites located across the United States. ITE's parking demand rates are discussed further in Item 7.

8. The Owner proposes reducing off-street parking from 12 spaces to 11 pursuant to section 15-3-7 of the City Code.

Section 15-3-6(B) of the City Code requires the Owner to provide 12 off-street parking

spaces for its proposed Hotel (Minor). The Owner has an easement to use 11 existing spaces in a parking lot located on Park Avenue, across from the Washington School House. To meet the City Code's requirements for a Hotel (Minor), the Owner proposed a twelfth space on Woodside Avenue. The 12 off-street parking spaces are dedicated, private spaces for the Hotel (Minor); they will not overlap with other parking uses. Section 15-3-7 of the City Code authorizes the Planning Commission to reduce the parking requirement to prevent excessive parking and paving. The Owner requests that the Planning Commission reduce its off-street parking requirement from 12 spaces to 11.

Hales Engineering completed a March 15, 2021 Parking Study for the Washington School House. To estimate parking requirements for the Hotel (Minor), the Parking Study relied on the ITE Parking Generation Manual (5th Ed. 2019). The ITE Manual estimates a parking demand rate for uses similar to the proposed Hotel (Minor) based on 11 study sites across the United States. The parking rate, and recommended number of spaces for the Hotel (Minor), are summarized in Table 1 (excerpted from the Parking Study).

Table 1: ITE Parking Generation

Park City - Washington School House Inn ITE Parking Generation (LU 312)		
Rate Type	Rate (stalls/dwelling unit)	Stalls
Average	0.72	9
85th Percentile	0.83	10
Maximum	0.85	11
ITE Parking Generation, 5th Edition, 2019		
Source: Hales Engineering, February 2021		

Hales Engineering drew two important conclusions from Table 1. First, Hales Engineering typically recommends that the ITE's 85th Percentile parking demand estimate be increased by 10%. For the Hotel (Minor), this results in a parking demand of 11 spaces. Second, the ITE data showed a maximum observed parking demand rate of 0.85 spaces. For the Washington School House, this results in a parking demand of 11 spaces. In addition, the Owner collected parking data during 2019 based on the number of off-street parking passes issued to guests. The Owner determined that guests for the existing bed and breakfast use at the Washington School House use only 3 of the 11 available parking spaces. In summary, the ITE data, and existing use patterns, support the conclusion that the Hotel (Minor) needs only 11 off-street parking spaces.

Proposed events at the Hotel (Minor) don't necessitate a twelfth parking space. The Owner proposes a maximum occupancy during events of 60 guests. Up to 30 of these will be overnight guests. The remaining 20-30 people will be nonresident guests that arrive from offsite. The Owner's Parking Management Plan details how parking will be managed during events. Notably, the Owner will discuss parking management with the booking guest and cap the number of vehicles allowed to park at the event by contract. Event staff will valet park the allowed vehicles. The remaining guests will arrive from off-site via shuttle, ride share, taxi, public transit, or on foot. If

excess vehicles arrive, event staff will direct the guests to park at their off-site lodging, or at lots identified in the Parking Management Plan, and to then travel to the event by shuttle, ride share, taxi, public transit, or on foot. Because the Owner will cap the number of vehicles allowed at an event and require other guests to be picked up/dropped off, or travel by foot, a twelfth parking space is not necessary for parking during events.

For the reasons set forth above, a twelfth spot is not needed for the proposed Hotel (Minor). As a result, the Owner requests that the Planning Commission reduce its off-street parking requirement from 12 spaces to 11. If the off-street parking requirement is reduced, the Owner will remove the proposed Woodside Avenue parking space from its Application.

Project Description

- 1. On a separate sheet of paper, give a general description of the proposal and answer the questions below. Attach it to the application (See Submittal Requirement #2).**

This Application requests a new conditional use permit (“CUP”) to allow the Washington School House to change from its current operations as a Bed and Breakfast Inn to a Hotel, Minor. The Washington School House was originally constructed in 1889 from limestone quarried in Peoa, Utah. It is a landmark structure that is listed on the Park City Historic Sites Inventory and the National Register for Historic Places. A prior owner granted the Utah State Historical Society a preservation easement on the building’s façade.

On September 21, 1983, the Historic District Commission granted a conditional use permit that authorized a 15-unit bed and breakfast on the property. The Historic District Commission granted the approval to encourage the restoration and adaptive reuse of the Washington School House. A recorded easement (Entry No. 225977) provides 11 parking spaces for the Washington School House.

The property has been the subject of several subsequent approvals. In 2001, the City approved a plat that combined 7 old town lots into the one lot of record for the historic building. The lot is currently identified as Parcel No. WSI-1. At the same time, the City approved renovations to the non-historic, detached garage on the property because it qualifies as an allowed accessory building.

On November 10, 2010, the Planning Commission approved a CUP for a private recreation facility, which allowed a lap pool behind the Washington School House. In 2012, the Planning Commission approved a modification to the CUP it approved in 2010. The modification expanded the site plan to include landscaping improvements on Lot 34 (identified by Parcel No. PC-78-88-89-C), which is located on the northwest side of Parcel No. WSI-1. The modification also included changes to the screening of mechanical equipment.

The Applicant completed a total interior renovation of the Washington School House in 2011. As part of the renovation, the Applicant decreased the number of rooms from 15 to 12. This application requests a new CUP to operate a 12 room Hotel, Minor. The CUP will apply to both Parcel No. WSI-1 and Parcel No. PC-78-88-89-C.

a. How will the proposed use “fit-in” with surrounding uses?

The Washington School House operated as a Bed and Breakfast and offered 15 rooms for nightly rental from 1983 to 2011. After its renovation in 2011, the Washington School House continued to operate as a Bed and Breakfast, but it decreased the number of rooms available from 15 to 12. The proposed Hotel, Minor will offer 12 rooms for nightly rental. This use is comparable to the existing Bed and Breakfast use.

The Washington School House is in the Historic Residential (HR-1) Zoning District (“HR-1

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PARK CITY
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*Washington School House
Hotel, Minor CUP Application
Supplemental Information*

Zone”). The HR-1 Zone has numerous nightly rentals. The nightly rental of rooms from the proposed Hotel, Minor is consistent with other nightly rental uses in the HR-1 Zone.

b. What type of service will it provide to Park City?

The proposed Hotel, Minor will offer 12 rooms for nightly rental. The Hotel, Minor will offer facilities, amenities, and activities customarily associated with a hotel and its guests.

c. Is the proposed use consistent with the current zoning district and with the General Plan?

A Hotel, Minor is consistent with the General Plan. The General Plan encourages adaptive reuse of historic structures, preservation of the character of historic sites, and prevention of the loss of historic resources. A Hotel, Minor qualifies as an adaptive reuse of this historic school house. The Hotel, Minor will facilitate the ongoing preservation and maintenance of this historic site.

The General Plan divides the City into neighborhoods. The Washington School House is in the Old Town neighborhood. The General Plan encourages preservation of the aesthetic of Old Town. The Washington School House has been an important part of Old Town’s aesthetic for many decades. The Washington School House’s façade is now protected by a preservation easement. This Application does not propose any modifications to the exterior of the historic school house. In fact, the Hotel, Minor will help support preservation of this historic building.

The General Plan also recognizes that Old Town contains a mix of primary homes, secondary homes, and nightly rentals. The Hotel, Minor will offer rooms for nightly rental, which is consistent with the existing use and the many other nightly rentals in the neighborhood.

A Hotel, Minor is permitted as a conditional use in historic structures in the Historic Residential (HR-1) Zoning District. The Washington School House is located in the HR-1 Zone and qualifies as a historic structure. As a result, grant of a CUP to allow operation of a Hotel, Minor is consistent with the HR-1 Zone.

d. Is the proposed use similar or compatible with other uses in the same area?

As described above, the General Plan recognizes that this Old Town neighborhood includes a mix of primary homes, secondary homes, and nightly rentals. The proposed Hotel, Minor is compatible with the other nightly rentals in this neighborhood.

Additionally, as described above, the HR-1 Zone permits a Hotel, Minor as a conditional use. The HR-1 Zone also permits the following uses that are similar to the proposed Hotel, Minor: Nightly Rental; Bed and Breakfast Inn; and Boarding House, Hostel.¹

¹ Nightly Rentals are an approved use in the HR-1 Zone. Nightly Rental of a Lockout Unit, Bed and Breakfast Inns, and Boarding House, Hostels are conditional uses in the HR-1 Zone.

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*Washington School House
Hotel, Minor CUP Application
Supplemental Information*

The proposed Hotel, Minor is similar to the Bed and Breakfast Inn that has operated on the property for the past 35 years. It is also similar to the Blue Church Lodge and the numerous nightly rentals that are located within close proximity to the Washington School House.

e. Is the proposed use suitable for the proposed site?

Yes, the Washington School House has operated as a Bed and Breakfast Inn on this property for 35 years. In 2011, the building underwent a complete interior renovation. The Washington School House now has 12 rooms that are suitable for use as a Hotel, Minor.

f. Will the proposed use emit noise, glare, dust, pollutants, and odor?

Like the existing Bed and Breakfast, the Hotel, Minor will be operated in compliance with the City's noise ordinance. This application does not propose any exterior lighting changes. If the Washington School House proposes lighting changes, it will apply for a separate permit, if required by the City Code. The proposed Hotel, Minor will not emit abnormal dust, pollutants, or odor.

g. What will be the hours of operation and how many people will be employed?

Similar to the existing Bed and Breakfast, guests may be on the premises 24 hours a day. Staff, including a night manager, are available to assist guests during these times. The Washington School House anticipates that it will continue to employ approximately 15 full and part-time employees. The Washington School House does not intend to increase its staff as a result of this contemplated change.

h. Are there other special issues that need to be mitigated?

The proposed Hotel, Minor will not create special issues that need to be mitigated. Functionally, the proposed use will continue much the same as the existing, Bed and Breakfast use.

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MUNICIPAL CORP.



CUSTOM BUILDERS/DEVELOPERS

HDC. rec - Sept. 21
B. J. H. Oct. 4B

September 1, 1983

Mr. Bill Ligety
Director of Planning
Park City, Utah 84060

Re: Washington School Application for
Conditional Use Permit #378

Dear Mr. Ligety:

Regarding our application yesterday for restoration of the Washington School, we would like to provide some additional information for your consideration. Please be advised that we are working closely with the Utah State Historical Society, the Utah Heritage Foundation and the National Trust for Historical Preservation on this project.

Our purpose is to renovate the 100 year old historic school house to the Washington School Inn in order to save the building from demolition or accidental loss, to provide overnight lodging facilities for guests, and to provide education and pleasure for the community in the preservation of an important and beautiful Park City landmark.

The exterior of the building will be restored as completely as possible to the original detail of the building including the fabulous roof and bell tower. The building sits on a lot 75' x 75'. The adjacent lot on Woodside Avenue of 75' x 75' will be dedicated green space and provide garden area for the restored building. Total site square footage is 11,250.

The interior of the building will be refurbished and professionally decorated to reflect the historical value of the structure and to meet all current building and safety codes for lodging of overnight guests.

Parking will be provided in an adjacent parking structure provided by agreement with Old Town Associates.

The Inn will provide overnight lodging facilities with 14 rental bedrooms, public rooms such as lounge, spa, sauna, locker rooms and dining room for serving continental breakfast to guests. The

Mr. Bill Ligety
Page two
September 1, 1983

Inn will also contain living quarters for the innkeeper.

The Inn should influence other property owners in the neighborhood to restore and maintain buildings. The use of the school house as the Washington School Inn will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity.

We are appreciative of your assistance with this project.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Malcolm S. MacQuoid', written in a cursive style.

Malcolm S. MacQuoid

MSM/nb



Community Development/Engineering
Building and Planning Departments

September 26, 1983

The Mac Quoid Company
P.O. Box 1825
Park City, Utah 84060
Attn: Mr. Malcolm S. Mac Quoid

RE: WASHINGTON SCHOOL
545 Park Avenue

Dear Mac:

The Park City Historic District Commission approved your conditional use application for a Bed and Breakfast Inn to be located at 545 Park Avenue at their regularly scheduled September 21, 1983 meeting. The Commission stressed that they approved the use because by doing so, a significant, Nationally Registered Historic Building would be restored. The approval was granted on the following two conditions:

1. That an agreement acceptable to the City Attorney that commits the developer to provide 11 parking stalls for the Washington School be recorded.
2. That if the land to the north of the Sun Classics building is under City ownership, that the developer reach an acceptable agreement with the City for use of the land for stairways and parking access. The agreement should protect the possibility of closing the driveway to Main Street if necessary.

Please keep in mind that the Commission approved only the use of the building, the Staff will review the final drawings for the project. Besides the standard submittal requirements, the Staff is particularly interested in reviewing the landscape plans, the elevations of the parking structure, stairway locations and details, alteration of rock walls, fencing details, details for the decorative iron railings and signage. Modifications to the Sun Classics building will be considered as a separate application.

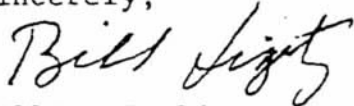
The Staff is satisfied with the drawings for the school. However, while we would approve the building with the additional dormers, we caution you that the Federal Government may question the approval of the building for the tax

Washington
September 26, 1903
Page Two

credits with such modifications.

We look forward to continue working with you toward the completion of a successful project. If you have any questions, please don't hesitate to contact either Alison Child or me at 649-6714.

Sincerely,



William C. Ligety
Planning Director

WCL:ew



Department of Community Development
Engineering • Building Inspection • Planning

Via facsimile transmission to (435) 940-1032
Originals to follow via US Mail

November 5, 2001

Ms. Jodi Hoffman, Esq.
Hoffman Law
PO Box 681333
Park City, Utah 84068

Mr. Frank O'Bryan
c/o Washington School Inn
PO Box 17689
Irvine, CA 92623

RE: Washington School Inn; Conditional Use Permit Status

Dear Ms. Hoffman and Mr. O'Bryan:

As you are aware, on October 25, 2001, the Planning Department discovered a 1983 file containing Washington School Inn's (WSI) 1983 conditional use permit application and related documentation. Contents of that file were copied to you shortly thereafter. As the cover letter accompanying the file copy explains, that file was not discovered by Planning Department staff despite more than ten hours of diligent searching due to labeling and filing pursuant to a Main Street address. In light of this recent discovery, I have reviewed the file in order to make determinations concerning the status of WSI's apparent conditional use permit and its effect on previous determinations, including the September 27th and October 2nd non-conforming use status and expansion letters; the October 4th Land Management Code (LMC) interpretation letter; and the October 12th letter concerning the status of the June 7, 2001 lot combination plat. This letter shall serve as my official notice of determinations regarding those issues.

WSI Conditional Use Permit Status:

The 1983 File contents, together with Historic District Commission meeting minutes dated September 23, 1983, indicate that the Historic District Commission issued a conditional use permit for WSI to operate as a Bed & Breakfast on September 21, 1983. This conditional use permit was issued pursuant to Land Management Code Section 3.7, in effect on that date. More specifically, the conditional use permit authorized fifteen (15) inn units at property located 545 Park Avenue (lots 10, 11, and 12, Block 5 of the Park City Survey). Two conditions of approval were attached to the CUP, both addressing the developer's need "to provide 11 parking stalls for the Washington School Inn."

Washington School Inn
Conditional Use Permit; LMC Determinations
November 5, 2001
Page 2 of 3

September 27th and October 2nd Non-Conforming Use Status and Expansion Determinations:

Because I have determined that WSI has a valid conditional use permit to operate as a Bed & Breakfast Inn, I hereby withdraw my September 27, 2001 determination of non-conforming status. Furthermore, because the WSI is not a non-conforming use, my determinations of enlargement of non-conforming use dated September 27 and October 2, 2001 are likewise hereby withdrawn.

October 4th Land Management Code Determinations:

On October 4, 2001, I issued a letter to John Plunkett and Barbara Kuhr adopting Patrick Putt's LMC determinations as set forth in his September 27, 2001 letter to Mr. Plunkett and Ms. Kuhr. My determinations affirming Mr. Putt's findings remain unchanged.

Status of June 7, 2001 Lot Combination Plat:

On October 12, 2001, I issued a letter to Jodi Hoffman and Frank O'Bryan finding that the aforementioned lot combination plat was void ab initio because it unlawfully enlarged a non-conforming use since WSI did not possess a conditional use permit to operate as a bed & breakfast inn. Because I have determined that WSI does possess a valid conditional use permit to operate as a bed & breakfast inn, I hereby withdraw my October 12th finding. I find that the June 7, 2001 lot combination plat legally combined 7 lots owned by WSI into one lot of record.

Effect of the Conditional Use Permit on WSI's Current Project:

1. The garage renovation does not require a new conditional use permit nor modification to WSI's 1983 conditional use permit. Accessory buildings and uses are allowed uses in the HR-1 District pursuant to the Land Management Code (LMC), Section 15-2.2-2(A). Accessory buildings and uses are defined in the LMC as follows:

An "Accessory Building" is:

A building on the same lot as the principal building and that is:

- a. Clearly incidental to, and customarily found in connection with such principal building;
- b. is operated and maintained for the benefit of the principal use located on the same lot; and
- c. is not a dwelling unit. (LMC § 15-15-1.3)

An "Accessory Use" is a "land use that is customarily incidental and subordinate to the primary use located on the same lot." (LMC §15-15-1.4)

I find that the WSI garage meets these above-listed criteria. Because the garage is allowed in the HR-1 district, no additional conditional use permit or modification to the 1983 permit is required, provided the character and scope of its use remains consistent with the aforementioned LMC definitions. This qualification further applies to the use of the proposed flat-roof/terrace element of the garage or

Washington School Inn
Conditional Use Permit; LMC Determinations
November 5, 2001
Page 3 of 3

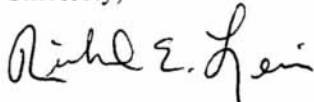
other permitted improvements. No additional conditional use permit or modification to the 1983 permit is required, provided use of the flat-roof/terrace element conforms to the aforementioned definitions and remains consistent in character and scope with the use of other residential flat-roof/terrace elements in the HR-1 district. Programming the flat-roof/terrace for outdoor commercial activities which are inconsistent with the character and scope of bed and breakfast inn operations is not permitted under the 1983 conditional use permit or the HR-1 district regulations.

2. I also find that the remaining elements of the current WSI project, including landscaping, grading, and exterior stairs, do not require a new conditional use permit nor modification to the 1983 permit.

Pursuant to the Land Management Code, Section 15-1-17(A), my decision(s) applying the Land Management Code to the aforementioned issues are appealable to the Planning Commission. Any such appeal must be made in writing and submitted to the Community Development Department within ten (10) calendar days. Please refer to LMC Section 15-1-17(F) for further information concerning the required form of appeal. The appeal deadline is November 15, 2001. The filing fee for an appeal to the Planning Commission is \$50.

If you have any questions, please contact me at 615-5057.

Sincerely,



Richard E. Lewis, AICP
Community Development Director

- C. Toby Ross, City Manager
Timothy C. Twardowski, Assistant City Attorney
Dwayne A. Vance, Esq. (via facsimile only)
John Plunkett and Barbara Kuhr (via facsimile only)

PLANNING COMMISSION STAFF REPORT

DATE: December 12, 2001
DEPARTMENT: Planning Department
TITLE: 543 Park Avenue, Washington School Inn
TYPE OF ITEM: Appeal of Community Development Director's decisions interpreting the Land Management Code.

SUMMARY RECOMMENDATION: Conduct a hearing, consider public input, and uphold the Community Development Director's decisions applying the Land Management Code to the improvements project at the Washington School Inn according to the Findings of Fact, and Conclusions of Law in this staff report.

A. PROJECT

Project Name: Washington School Inn Garage Renovation and Improvements
Appellant: John Plunkett/Barbara Kuhr
Location: 543 Park Avenue
Zoning: Historic Residential (HR-1) zone
Adjacent Land Uses: Historic residential/commercial
Date of Application: May 2, 2001
Project Planner: Ray Milliner

B. BACKGROUND.

The appellant is requesting that the Planning Commission review several decisions made by the Community Development Director applying the LMC to certain elements of the garage renovation and improvements project at the Washington School Inn (WSI). The following is a narrative description of the events that have transpired leading up to this hearing.

Plat Amendment

To accommodate a garage renovation, the WSI submitted an application for a plat amendment to combine seven Old Town lots into one on March 28, 2001. City Planner Ray Milliner was assigned to the project in April of 2001, and subsequently, it was scheduled for staff review on April 17, 2001, Planning Commission review on May 9, 2001 and City Council review on June 7, 2001. At staff review, staff checked the garage side yard setbacks to ensure that it met the LMC requirements. Subsequent reviews by staff confirmed that the structure as proposed would meet the requirements of the LMC on the wider lot. The application was taken to both the Planning Commission and the City Council with positive recommendations from staff and final approval was granted by the City Council on June 7, 2001. Property owners within a 300 foot radius of the subject property were mailed notices of the scheduled public hearing for the project. Both reviews included a public hearing, at which no public comments were received.

Historic District and Building Permit Approval

On May 2, 2001, the WSI submitted an Historic District Design Review Application for the renovation of the existing, non-historic, detached, gable-roofed, two-car garage located adjacent to the Washington School Inn, at 543 Woodside Avenue. Following the City Council action and plat recordation, Staff reviewed the proposed garage renovation project for compliance with the Historic District Guidelines and approved it on August 7, 2001. The applicant obtained a building permit on August 7, 2001 and commenced work on the project.

Appeal of Staff Approval

Director=s decisions applying the Land Management Code to the improvements project at the Washington School Inn according to the Findings of Fact, and Conclusions of Law below:

Findings of Fact

8. The WSI is located within the HR-1 District.
9. An plat amendment combining lots 10, 11, 12, 13, 37, 36 and 35 of Block 5 of the Park City Survey into one lot was approved by the City Council on June 7, 2001.
10. Staff approval for the garage reconstruction was granted on August 7, 2001.
11. John Plunkett=s letter appealing staff=s approval was received by staff on August 17, 2001.
12. On October 15, 2001 the Historic District Commission overturned staff=s August 7, 2001 approval for the garage design.
13. The Historic District Commission decision was appealed to the Board of Adjustment by WSI on October 25, 2001.
14. On September 27, 2001 CDD Director Richard Lewis sent a letter to the WSI indicating his determination that the WSI was a non-conforming use, that the garage reconstruction constituted an expansion of the non-conforming use, and as a result the WSI would be required to acquire a CUP from the Planning Commission.
15. On October 12, 2001 the WSI appealed Director Lewis= determination of enlargement of non-conforming use.
16. On October 23, 2001 the WSI submitted evidence to the Community Development Department indicating that the WSI received a CUP for a 15 unit bed and breakfast in the HR-1 District on September 21, 1983.
17. On November 5, 2001 Director Lewis distributed a letter rescinding his September 27, 2001 determination of non-conforming use and making a number of LMC related determinations.
18. On November 12, John Plunkett submitted a letter appealing the Director Lewis' November 5, 2001 determinations.
19. The proposed garage is an allowed use in the HR-1 District.
20. Access stairways are allowed uses in the HR-1 District
21. Landscaping is an allowed use in the HR-1 District.
22. The proposed garage reconstruction is an accessory building.
23. The proposed garage reconstruction is approximately 15' above grade at its highest point.
24. The LMC requires that accessory buildings not exceed a height of 18'
25. The proposed garage reconstruction is set back 10' from the front facade of the main structure.
26. The LMC requires that accessory buildings in the HR-1 District be set back at least 5' from the front facade of the main structure.
27. The proposed garage reconstruction has a side yard setback of 4'.
28. The LMC requires a 3' side yard setback for accessory buildings.

Conclusions of Law

29. The proposal is consistent with Section 15-1-9(D), and Section 15-2.2-2(A) of the Park City Land Management Code.
30. The Community Development Director did not err in his November 5, 2001 letter which outlined his conclusions as they relate to the non-conforming status of the WSI.
31. The WSI is in compliance with the conditions of approval of the 1983 CUP.
32. The 1983 CUP did not require that the property behind the main WSI structure be dedicated as green space.
33. The WSI meets the 11 space parking requirement as specified by condition #1 in the

1983 CUP approval. On October 29, 1984 WSI executed an easement agreement with Old Towne Associates which granted 11 parking spaces on Old Towne Associates property in exchange for maintenance and landscaping.

34. The 1983 CUP did not specifically restrict WSI use to the interior of the building.
35. The proposed garage renovation does not require a new CUP or modification to the 1983 CUP.
36. Use of the garage for guest or employee parking does not require a modification of the 1983 CUP approval.
37. Construction of an exterior staircase connecting WSI to Woodside Avenue does not require a CUP or a modification to the 1983 CUP.
38. Issuance of the building permit for the building permit for the WSI did not violate Section 15-1-9(D) of the Land Management Code.
39. The WSI's purchase of the garage lot and reconstruction of the garage does not constitute a transfer of the 1983 CUP from one property to another.
40. The appellant's lack of notice of the staff's August 7, 2001 Historic District Design Review approval was remedied by conversations with staff on August 15 and 16, 2001, the staff notice dated September 17, 2001, and subsequent hearings before the HDC on October 1, 2001 and October 15, 2001.

EXHIBITS:

- Exhibit A - August 16, letter from John Plunkett to Director Lewis
- Exhibit B - September 27, letter from Director Lewis to WSI
- Exhibit C - October 2, letter from Director Lewis to WSI
- Exhibit D - September 27 letter from Jodi Hoffman to Director Lewis
- Exhibit E - October 23 letter from Jodi Hoffman to Director Lewis
- Exhibit F - September 26, 1983 WSI CUP approval letter
- Exhibit G - November 5, 2001 Letter from Director Lewis to WSI
- Exhibit H - November 12, 2001 Letter from John Plunkett to Director Lewis
- Exhibit I - September 1, 1983 Letter from WSI to Staff
- Exhibit J - September 21, 1983 CUP Staff Report
- Exhibit K - 1983 WSI CUP application
- Exhibit L - October 9, 1984 Easement Agreement
- Exhibit M - September 17, 2001 notice letter
- Exhibit N - September 27, 2001 Letter from Administrator Putt to John Plunkett
- Exhibit O - October 4, 2001 from Director Lewis to John Plunkett
- Exhibit P - October 15, 2001 letter from John Plunkett to Director Lewis
- Exhibit Q - November 1, 2001 letter From Director Lewis to John Plunkett
- Exhibit R - November 26, 2001 letter from WSI to Director Lewis
- Exhibit S - Land Management Code Section 15-2.2-2(A)
- Exhibit T - Land Management Code Section 15-1-9(D)

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PLANNING DEPARTMENT

**THE PLANNING COMMISSION
PARK CITY, SUMMIT COUNTY, UTAH**

**RE: CONDITIONAL USE PERMIT FOR A 'RECREATION FACILITY, PRIVATE'
IN THE (HR-1) HISTORIC RESIDENTIAL ZONE**

The Planning Commission of Park City, Utah met on Wednesday, November 10, 2010 for a regularly scheduled and duly noticed meeting. After determining that a quorum was present, the Commission conducted its scheduled business. Among the items heard by the Commission was the 543 Park Avenue Conditional Use Permit application.

NOTICE OF PLANNING COMMISSION ACTION:

Project Address: 543 Park Avenue
 Project Number: PL-10-01066
 Type of Hearing: Conditional Use Permit – Recreation Facility, Private (swimming pool) for Bed & Breakfast
 Hearing Date: November 10, 2010

Commission Action: **APPROVED** the request pursuant to the findings of fact, conclusions of law and conditions of approval as written below.

Findings of Fact - 543 Park Avenue

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed Conditional Use Permit is for a private recreation facility (lap pool).
4. The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair.
5. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as a bed and breakfast.
6. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.
7. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.

8. On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record on the site where the Inn is located.
9. The dimensions of the proposed lap pool are ten feet wide by forty feet long.
10. Retaining walls are necessary due to the steepness of the existing grade in the rear yard. The proposed retaining walls exceed six feet in height in some locations within the building pad area. Six foot high retaining walls and fences within the side yard setbacks and four foot high retaining walls and fences within the front setbacks are permitted by the Code. 15-4-2(1) allows an increase to six foot high retaining walls and fences in the front yard setback.
11. Additional parking requirements for the site are not affected by this application. Parking by guests or employees shall only occur in designated parking associated with the original Conditional Use Permit for the bed and breakfast.
12. The lap pool is for the use of the Washington School Inn guests. No additional traffic will be produced by the addition of a lap pool on the property.
13. The heated lap pool will not be enclosed. No enclosed structures are included within this application. The pool will be fenced.
14. The application includes an open shade structure and landscape improvements. Approval for compliance with the historic district design guidelines is required prior to issuance of a building permit.
15. Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval. Organized events for the Washington School Inn patrons and/or the general public including parties weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit.
16. The Washington School Inn is identified as a Landmark Structure on the Historic Sites Inventory with a recorded Facade Easement with the State of Utah.
17. The stone walkway and landscape improvements through adjacent lot have been removed and are reflected in the drawings dated November 10, 2010.

Conclusions of Law - 543 Park Avenue

1. There is good cause for this Conditional Use Permit.
2. The Conditional Use Permit is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed Conditional Use Permit.
4. Approval of the Conditional Use Permit subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 543 Park Avenue

1. New retaining walls and fences proposed within the private recreation facility conditional use permit may not exceed six feet (6') in height.
2. The outdoor pool and spa shall be restricted to use between the hours of 7 am to 10 pm. A sign must be posted by the pool area stating the operating hours of the pool.
3. This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the present private recreation facility conditional use permit.
4. No guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 Bed & Breakfast conditional use permit approval.
5. The applicant will apply for a building permit from the City within one year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.
6. Any modifications to signs shall be reviewed under separate application.
7. An approved Historic District Design review is required prior to building permit issuance.
8. Lighting of the proposed pool and deck will be restricted to hours of pool operation, 7 am to 10 pm.
9. Delivery and service vehicles to the Washington School Inn and related pool area will occur off of Park Avenue. Woodside Avenue may be used by maintenance vehicles to service pool only. Two or more complaints will require Planning Commission review. An administrative review will be conducted by Staff one year from the date of approval.
10. Noise levels will comply with 6-3-9 of the Park City Municipal Code.
11. Retaining walls and fences up to six feet (6') in height will be allowed in the front yard setback and side yard setbacks.
12. Improvements in the City right-of-way will require an Encroachment Agreement.
13. Mechanical equipment pad shall have roof structure shielding the mechanical equipment from view above.

Best Regards,



Kayla Sintz
Planning Department



August 22, 2012

P.C.E.
PO Box 536
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-12-01535
<u>Subject</u>	Washington School House
<u>Address</u>	543 Park Avenue
<u>Description</u>	Modification to Conditional Use Permit
<u>Action Taken</u>	Approved
<u>Date of Action</u>	August 21, 2012

On August 22, 2012 the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the modification to the Conditional Use Permit based on the following:

Findings of Fact:

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. On November 10, 2010, the Planning Commission approved a Conditional Use Permit for a private recreation facility. In the HR-1 zone, a Conditional Use Permit is required for a private recreation facility. A private lap pool for the bed and breakfast falls under the definition of a private recreation facility within the Land Management Code (LMC). The approved CUP allowed a lap pool behind the Washington School Inn.
4. On April 24, 2012, the City received a request for a modification to the November 10, 2010 approved CUP to expand the site to include Lot 34 of Block 5 of the Park City survey.
5. Lot 34 of Block 5 of the Park City survey is located on the north-west corner of the property. It is owned by the owner of the Washington School Inn. The lot is

a single lot of record, dimensioned twenty-five feet wide by seventy-five feet deep.

6. The proposed modification encloses Lot 34 with the site of the Washington School Inn within a six foot high fence.
7. A conditional use permit can include more than one lot of record.
8. Multiple lots of record may be enclosed by a fence.
9. The fence was installed in violation of the Conditional Use Permit. The fence enclosed the entire rear yard of the Washington School Inn including Lot 34 of Block 5 of the Park City survey. Lot 34 was not included in the site for the November 10, 2010 CUP approval.
10. A modification of the CUP is required to allow the fence to stay in the current location and for the owner to receive a Certificate of Occupancy from the City.
11. No structures are proposed on Lot 34. Stepping stones, vegetation, and the extension of the fence around the lot are the only improvement proposed on Lot 34.
12. If the owner plans to build a structure on lot 34 in the future, the conditional use permit will have to be modified to review the proposed change. If the owner chooses to develop the lot separately, the CUP must be modified to no longer include Lot 34.
13. The Washington School Inn is a landmark structure listed on the Park City Historic Sites Inventory and the National Register for Historic Places (listed 1978). The stone building was built in 1889. According the Park City Historic Sites Inventory, when the site was nominated to the National Register in 1978, the building was vacant and in disrepair.
14. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to rehabilitated and adaptively reused as a bed and breakfast. The site continues the use as a bed and breakfast.
15. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.
16. On October 9, 1984 an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.
17. On June 7, 2001, the City Council approved a plat amendment to combine seven old town lots into one lot of record.
18. Parking requirements for the site are not affected by this application.
19. The exterior of the existing historic Landmark Structure will not be modified.
20. Passive use of the Washington School Inn garden and grounds by patrons of the Inn are a permitted use in the HR1 zone and consistent with the 1983 conditional use permit approval.

21. Organized events for the Washington School Inn patrons and/or the general public including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 condition use permit.

Conclusions of Law:

1. There is good cause for this Conditional Use Permit.
2. The Conditional Use Permit is consistent with the Park City Land Management Code and applicable State Law.
3. Neither the public nor any person will be materially injured by the proposed Conditional Use Permit.
4. Approval of the Conditional Use Permit 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 conditions of approval within the November 10, 2010 Conditional Use Permit continue to apply.
2. If the owner plans to build a structure on lot 34 in the future, the conditional use permit must be modified to review the proposed change. If the owner chooses to develop the lot separately, the CUP must be modified to no longer include Lot 34.
3. This approval is for a private recreation facility. Any additional uses, including public assemblies, must be reviewed independently and are outside the scope of the 1983 bed and breakfast conditional use permit and the present private recreation facility conditional use permit.
4. Any modifications to signs, lighting, or landscaping shall be reviewed under the appropriate application.
5. The applicant is required to submit for a review by the Planning Commission by August 22, 2013. The Planning Commission review is for compliance with the Conditional Use Permit.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5068 or kcattan@parkcity.org.

Sincerely,

Katie Cattan
Senior Planner



June 25, 2015

P.C.E.
PO Box 536
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-15-02759
<u>Subject</u>	Washington School House, 543 Park Avenue
<u>Address</u>	543 Park Avenue
<u>Description</u>	Modification of Conditional Use Permit
<u>Action Taken</u>	Approved
<u>Date of Action</u>	June 24, 2015

On June 25, 2015 the Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved the modification of the 1983 Conditional Use Permit (CUP):

Findings of Fact

1. The property is located at 543 Park Avenue, and is currently the home of the Washington School House bed and breakfast.
2. The zoning is Historic Residential (HR-1).
3. The proposed Modification to Conditional Use Permit is to permit the construction of on-site laundry facilities consisting of one (1) commercial size washing machine, one (1) commercial size dryer, one (1) commercial ironing board, one (1) small utility sink, and one (1) heating/cooling unit. The on-site laundry facilities are an auxiliary use of the bed and breakfast, in the non-historic accessory garage structure. The garage is north of and adjacent to the Washington School House building and is located within the same lot of record.
4. The Washington School House bed and breakfast is a landmark structure listed on the Park City Historic Sites Inventory (HSI) and the National Register of Historic Places (listed in 1978). The stone building was constructed in 1889. According to the HSI, the building was vacant and in disrepair at the time of its listing on the National Register in 1978.

5. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as such, and it has twelve (12) guest rooms. The Washington School House provides breakfast, snacks, and other light meals as needed to its guests.
6. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.
7. On October 9, 1984, an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.
8. On June 7, 2001, the Park City Council approved a plat amendment to combine seven Old Town lots into one lot of record on the site where the Inn is located.
9. On November 10, 2010, the Planning Commission approved a Conditional Use Permit for a private recreation facility, which included a year-round heated lap pool with connected hot tub and spa located behind the Washington School Inn. bed and breakfast
10. Use of the garage as an accessory structure is an allowed use in the HR-1 zone.
11. The garage has a side yard setback of four feet (4') along the north property line; the required side yard setback is three feet (3'). The garage is not historic.
12. The garage measures approximately 21 feet by 23 feet, or approximately 483 square feet. It is currently used as a storage room to support the bed and breakfast use only; it is not currently being used for parking.
13. The property is currently over footprint for the lot configuration with the existing historic structure and non-historic garage, thus no addition could be added to either existing structure, and no new enclosed building could be placed on the site.
14. Additional parking requirements for the site are not affected by this application. Parking by guests or employees shall only occur in designated parking associated with the original Conditional Use Permit for the bed and breakfast. The 1983 CUP approval did not include the garage as part of the site's parking requirement, thus any current use of the garage for private guest parking was an additional, but not required, benefit to the bed and breakfast.
15. The proposed laundry room does not require additional parking per the requirements of the Land Management Code. The relocation of the laundry room to the accessory structure will not displace any existing parking.
16. Adherence to previously approved associated parking with the original bed and breakfast CUP will be followed. Guests and employees will continue to not be permitted to park on Woodside Avenue. Deliveries and servicing of the bed and breakfast as well as its pool will continue to occur off of Park Avenue, per the existing CUP applications. Because the bed and breakfast will no longer be outsourcing their laundry, there will be a reduction to trucks servicing the site to fulfill the bed and breakfast's laundry needs.

17. The laundry facility in the garage will not interfere with existing access routes for emergency vehicles. The most direct emergency access to the laundry room will be from Park Avenue.
18. Minor exterior changes to the non-historic garage will include revising the design and operation of the existing overhead door, as well as new vents and flues on the south elevation of the structure. Laundry facilities are an auxiliary use to the bed and breakfast. Only laundry for the bed and breakfast will be done on site. Any new exhaust vents will not impact the site's existing open space.
19. Ownership of the current business license will not change. The use is limited to owners and guests of the property.
20. The use is proposed to be contained within the existing accessory structure—the garage, and no new structures are proposed at this time. The garage is not located on a Steep Slope, nor is the property located in the Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance.
21. Staff findings in the Analysis section are incorporated herein.

Conclusions of Law

1. The CUP, as proposed, is not consistent with all requirements of the Park City Land Management Code.
2. The CUP, as proposed, is consistent with the Park City General Plan.
3. Neither the public nor any person will be materially injured by the proposed CUP.
4. Approval of the CUP is 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 applicant shall apply for a building permit from the City within one (1) year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.
2. An approved Historic District Design Review will be required prior to building permit issuance for any exterior work.
3. Fire sprinklers will be required by the Chief Building Official at the time of review of the building permit submittal.
4. Any improvements in the City right-of-way will require an Encroachment Agreement with the City prior to building permit issuance.
5. The needed exterior condenser will comply with LMC 15-2.2-3(I) which requires screened mechanical equipment and similar structures to be located a minimum of 5 feet from the side lot line. Any new exterior exhaust vents and similar equipment shall be screened with vegetation.
6. The laundry room shall only be used between the hours of 7am and 8pm.
7. The approval is for the on-site laundry room use only. Any additional uses would require additional CUP modification and are outside the scope of the 1983 bed and breakfast conditional use permit, the 2010 private recreation facility conditional use permit, and this 2015 modification to CUP.
8. No guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 conditional use permit

approval. Service and deliveries for the Washington School House Bed and breakfast shall continue along Park Avenue.

9. Any new signage will require a new sign permit.
10. No new lighting is proposed at this time. Any new lighting shall be reviewed and approved by the Planning Department prior to installation.
11. Noise levels shall comply with 6-3-9 of the Park City Municipal Code.

If you have questions regarding your project or the action taken please do not hesitate to contact me at 435-615-5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The script is cursive and fluid, with the first name "Anya" being more prominent than the last name "Grahn".

Anya Grahn
Historic Preservation Planner



Community Development/Engineering
Building and Planning Departments

AGENDA

HISTORIC DISTRICT COMMISSION MEETING

September 21, 1983

MARSAC SCHOOL

5:00 p.m.

Present
Gene
Nina
Jacqie
Alison
max
Boyd
Erna
Absent
Paul
Alb

WORK SESSION

5:00 p.m.

1. Park Avenue Rezoning - Discussion of rezoning options for Park Avenue between Heber Avenue and 11th Street.
2. Demolition - Discussion of incentives to discourage the demolition of historic buildings.
3. Bed and Breakfast - Discussion of elements that an ordinance regulating Bed and Breakfast accommodations should contain.

REGULAR MEETING

6:00 p.m.

1. Washington School Inn - Consideration of Conditional Use Application for Bed and Breakfast Inn proposed for 545 Park Avenue, in the HR-1 Zone.
2. Election of Chairperson

Posted: 9/12/83
Published: 9/15/83

HISTORIC DISTRICT COMMISSION

DIRECTORS RECOMMENDATIONS

September 21, 1983

5:00 p.m.

I. Washington School Inn - Consideration of Conditional Use Application for Bed and Breakfast Inn proposed for 545 Park Avenue, in the HR-1 Zone.

This proposal is to restore the Washington School to a Bed and Breakfast Inn. Fourteen individual rental rooms would be provided in addition to a caretaker's unit. The exterior of the building would be restored to its original condition with the exception of the addition of new dormers. The interior would be completely redesigned to accommodate the proposed use.

The Washington School is located in the Historic Residential Zone (HR-1) where hotels and lodging facilities are not allowed. However, there is a provision in the Land Management Code Section 3.7 (see attached copy) which gives the Historic District Commission the authority to approve uses that are not consistent with the zoning regulations when such an approval is necessary to preserve an historic structure.

Since the Washington School is a Nationally Registered Historic Site, Section 3.7 seems especially well suited to this proposal.

The following are the items in the proposal do not conform to the existing zoning regulations:

- 1) The use of rooms in the proposed "Inn".
- 2) The parking structure would be located off the property, it does not meet side yard setback requirements of the zone, and it exceeds the maximum amount of hard surfaced area allowed for parking.
- 3) Two parking stalls are 9' x 20' when 10' x 20' is the minimum for outside spaces.

The parking for the "Inn" is proposed to be located directly east of the Washington School on the other side of Park Avenue behind the Sun Classics Building. The existing parking lot behind Sun Classics would be covered with a parking deck that would be accessed from Park Avenue. The upper level of the deck would contain 10 spaces plus a trash area. The lower level would be redesigned to hold 13 cars. Access to the existing parking area is from a driveway that

runs between Main Street and Park Avenue. The access would remain unchanged. There exists a question as to whether the driveway is privately owned or owned by the City. It is the Staff's primary concern that the addition of the second parking level not preclude closing the Main Street access should Main Street be closed to vehicular traffic. The Staff and the ordinance discourage parking lots between Main Street and Park Avenue, however, this situation is different because the Sun Classics's lot already exists and the upper level is to serve a residential use in the HR-1 Zone.

The Staff recommends the application of the more liberal RC Zone parking standard for this project given its location and unit configuration. Parking recommended is .66 spaces per hotel room and 1 space for the caretaker's unit.

If the conditional use permit is approved by the Commission, the Staff will review the final drawings for the project. We have requested that the applicant provide the submittal requirements outlined in the attached lists. The Staff is particularly interested in reviewing the landscape plans, the elevations of the parking structure, stairway locations and details, alteration of rock walls, fencing details, details for the decorative iron railings and signage. Modifications to the Sun Classics building will be considered as a separate application.

The Staff is satisfied with the drawings for the school. However, while the Staff would approve the building with the additional dormers, we caution the applicant that the Federal Government may question the approval of the building for the tax credits with such modifications.

Recommendations

Staff recommends approval of the project on two conditions:

- 1) That an agreement acceptable to the City Attorney that commits the developer to provide all parking stalls for the Washington School be recorded.
- 2) That if the land to the north of the Sun Classics building is under City ownership, that the developer reach an acceptable agreement with the City for the use of the land for stairways and parking access. The agreement should protect the possibility of closing the driveway to Main Street if necessary.

When recorded return to:

Old Towne Associates
P.O. Box 1825
Park City, Utah 84060

Entry No.	225977
REQUEST OF	The McQuoid Company
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ 12.00	By Susan Roberts
RECORDED 10-9-84	at 3:45 M

EASEMENT AGREEMENT

This Agreement is made and entered into by and between Old Towne Associates, a Utah general partnership ("Old Towne"), and Sierra Pacific Financial, a California general partnership ("Sierra Pacific").

Recitals:

A. Old Towne is the owner of certain real property located in Park City, Utah and more particularly described in Exhibit "A" attached to this Agreement and incorporated by this reference.

B. Sierra Pacific is the owner of certain real property located at 543 Park Avenue, Park City, Utah known as the Washington School and more particularly described in Exhibit "B" attached to this Agreement and incorporated by this reference.

C. By this Agreement the parties intend to provide an easement for parking purposes whereby the property described in Exhibit "A" will be subject to an easement in favor of the property described in Exhibit "B" for motor vehicle parking purposes, as provided in this Agreement.

Now, therefore, the parties hereto agree as follows:

1. Old Towne hereby grants to Sierra Pacific a private easement for parking purposes, sufficient to allow Sierra Pacific to park 11 automobiles or comparably sized motor vehicles on the property described in Exhibit "A". Such easement shall be a benefit appurtenant to the property described in Exhibit "B" and shall run with title to such property.

2. Old Towne shall improve and maintain the property described in Exhibit "A" sufficient to allow compliance with the easement for parking purposes described herein.

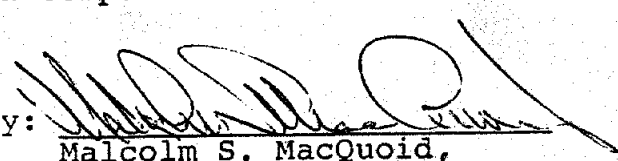
3. This Agreement and the rights and duties provided herein shall be binding on, and shall inure to the benefit of, the successors and assigns of Old Towne and Sierra Pacific, respectively.

316 PAGE 696

In witness whereof, the parties have entered into this Agreement as of the date first written above.

Old Towne Associates,
a Utah general partnership

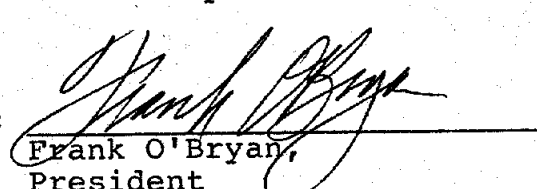
By The MacQuoid Company,
a Utah corporation

By: 

Malcolm S. MacQuoid,
President

Sierra Pacific Financial,
a California general partnership

By Spring Mountain Enterprises,
a California corporation

By: 

Frank O'Bryan,
President

300A 316 PAGE 697

State of Utah)
) ss.
County of Summit)

On the 4th day of October, 1984, personally appeared before me Malcolm S. MacQuoid, who being by me duly sworn did say that he is the president of The MacQuoid Company, a Utah corporation, a general partner of Old Towne Associates, a Utah general partnership, and that said instrument was signed in behalf of said corporation and said partnership by authority, and said Malcolm S. MacQuoid acknowledged to me that said corporation and said partnership executed the same.

Jessie Ann Lawson
Notary Public

Residing at:

Laurel City, Utah

My Commission Expires:

February 10, 1986

State of California)
) ss.
County of Orange)

On the 3rd day of October, 1984, personally appeared before me Frank O'Bryan, who being by me duly sworn did say that he is the president of Spring Mountain Enterprises, a California corporation, a general partner of Sierra Pacific Financial, a California general partnership, and that said instrument was signed in behalf of said corporation by authority, and said Frank O'Bryan acknowledged to me that said corporation and said partnership executed the same.

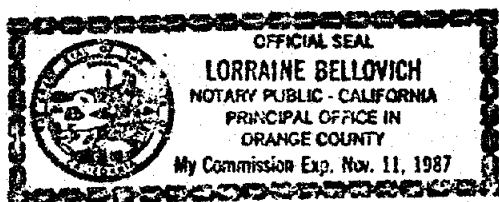
Lorraine Bellovich
Notary Public

Residing at:

Huntington Beach, Ca.

My Commission Expires:

11-11-87



JUD. 316 PAGE 698

All of Lots 37, 38 and 39 in Block 9, Park City Survey, except the following:

Beginning at a point on the Easterly line of Park Avenue, said point being South 23°38' East along said Park Avenue 12.90 feet from the Northwest Corner of Lot No. 37, Block 9, Park City Survey and running thence North 66°22' East 20.00 feet; thence South 23°38' East 30.00 feet; thence South 66°22' West 20.00 feet to the Easterly line of said Park Avenue, thence North 23°38' West along said Easterly line 30.00 feet to the point of beginning.

Subject to the general property taxes for the year 1983, and thereafter, and any special assessments now due or to become payable.

Subject to easements and restrictions of record or enforceable in law and equity.

Exhibit "A"

316 PAGE 699

All of Lots 10, 11 and 12, Block 5, Amended Plat of Park City Survey, according to the plat of record and on file in the office of the County Recorder, Summit County, Utah.

Subject to easements and restrictions of record or enforceable in law and equity.

Excepting all oil, gas and/or other minerals which were previously reserved.

Exhibit "B"

300 316 PAGE 700

Entry No.	218601
REQUEST OF	The MacQuoid Company
FEE	ALAN SPRIGGS, SUMMIT CO. RECORDER
\$ 19.00	By Susan Liberman
RECORDED	3-22-84 at 4:00 M

NON-EXCLUSIVE EASEMENT AGREEMENT

This Agreement is entered into by and among Park City Municipal Corporation ("City"), Old Towne Associates, a Utah general partnership ("Old Towne"), and Sierra Pacific Financial, a California general partnership ("Sierra Pacific"), as of March 22, 1984.

Recitals:

A. Old Towne is the owner of certain real property located at 537 Main Street, Park City, Utah presently known as the Old Towne Shoppes and more particularly described in Exhibit "A" attached to this Agreement and incorporated by this reference.

B. Sierra Pacific is the owner of certain real property located at 543 Park Avenue, Park City, Utah known as the Washington School and more particularly described in Exhibit "B" attached to this Agreement and incorporated by this reference.

C. Old Towne and Sierra Pacific have entered into a parking agreement which necessitates the improvement of an existing right-of-way connecting Park Avenue and Main Street and more particularly described as the North 21.5 feet of Lot 11, and all of Lot 36, Block 9, of the amended plat of Park City Survey ("the Right-of-Way").

D. It is in the best interests of the public health, safety and welfare to improve the Right-of-Way described above and to grant non-exclusive easements to Old Towne and Sierra Pacific appurtenant to each of the properties described in Exhibits "A" and "B", as provided in this Agreement.

Now, therefore, the parties hereto agree as follows:

1. City hereby grants to Old Towne a private non-exclusive pedestrian and vehicular right-of-way easement over the Right-of-Way as described above. Such easement shall be appurtenant to the property described in Exhibit "A" and shall run with such property.

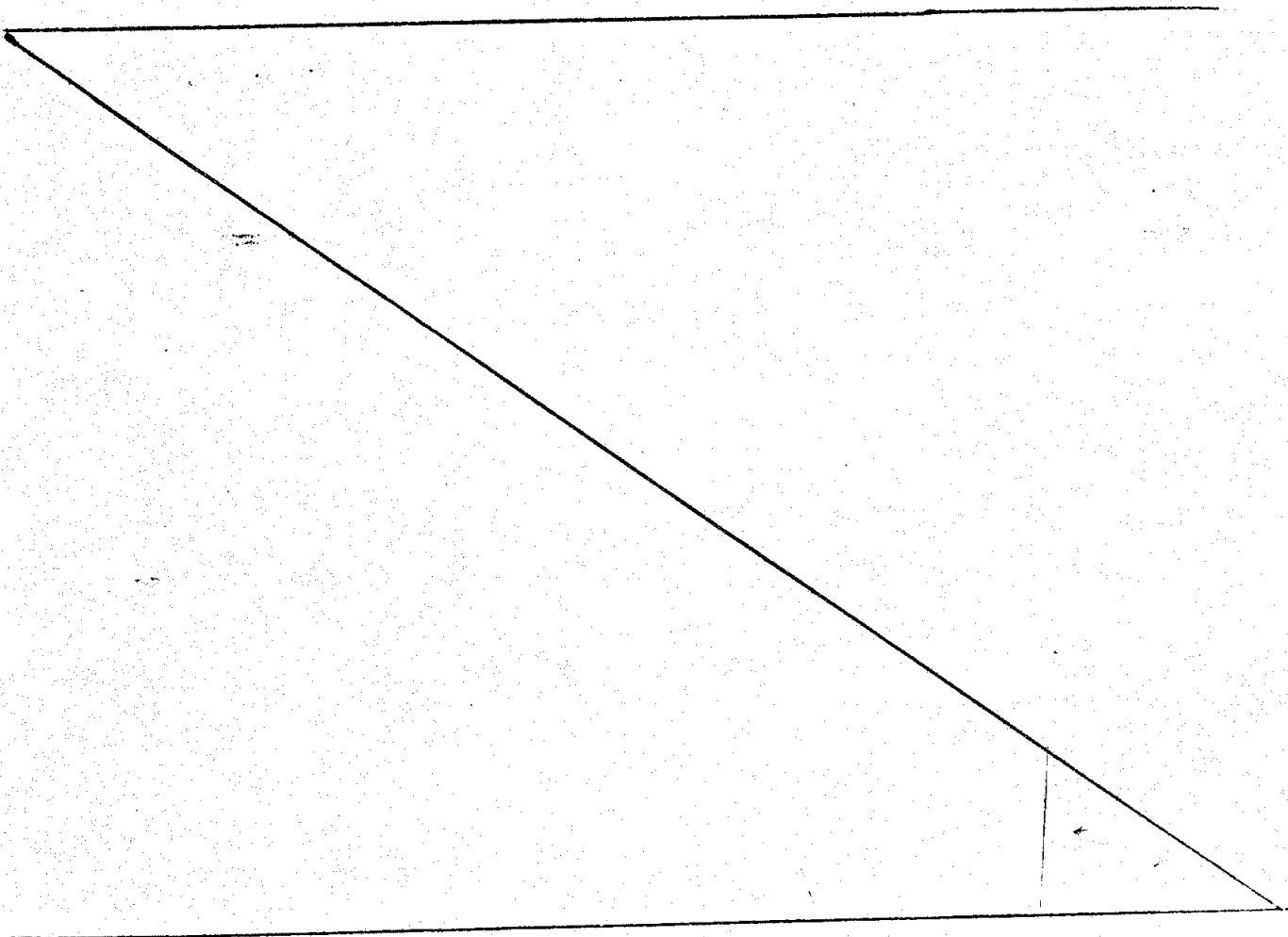
2. City hereby grants to Sierra Pacific a private non-exclusive pedestrian and vehicular right-of-way easement over the Right-of-Way as described above. Such easement shall be appurtenant to the property described in Exhibit "B" and shall run with such property.

BOOK 295 PAGE 135

3. Old Towne and Sierra Pacific shall improve the Right-of-Way by, among other things, rebuilding the existing stairs and installing lights to light the stairs. Such lights shall be hooked into the City's lighting system. All improvements to the Right-of-Way shall be subject to City's prior approval.

4. City shall maintain the Right-of-Way as required for safe pedestrian access, but Old Towne and Sierra Pacific may supplement the City's maintenance as they deem necessary or appropriate.

5. The easement granted hereby shall create no implication or duty by City to provide or allow vehicular access to the Right-of-Way from Main Street. At such time, if any, that motor vehicles are prohibited or restricted from access to the Right-of-Way from Main Street, City shall permit the Right-of-Way to be used in a manner that will permit vehicular access from Park Avenue to the lower level of parking at the rear of the property described in Exhibit "A".



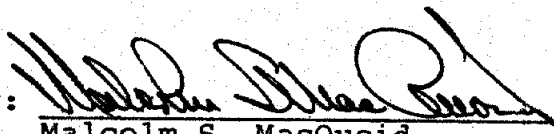
BOOK 295 PAGE 136

6. This Agreement shall be binding on, and shall inure to the benefit of, the successors and assigns of Old Towne and Sierra Pacific, respectively.

In witness whereof, the parties have entered into this Agreement as of the date first written above.

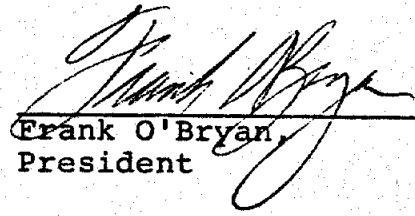
Old Towne Associates,
a Utah general partnership

By The MacQuoid Company,
a Utah corporation

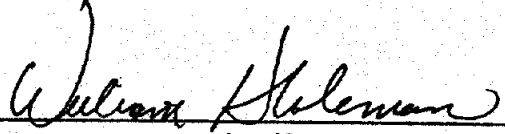
By: 
Malcolm S. MacQuoid,
President

Sierra Pacific Financial,
a California general partnership

By Spring Mountain Enterprises,
a California corporation

By: 
Frank O'Bryan,
President

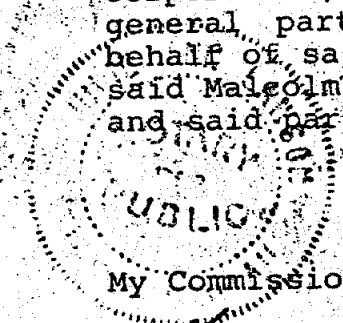
Park City Municipal Corporation

By: 
Maya Pro Tempore

BOOK 295 PAGE 137

State of Utah)
) ss
County of Summit)

On the 16th day of March, 1984, personally appeared before me Malcolm S. MacQuoid, who being by me duly sworn did say that he is the president of The MacQuoid Company, a Utah corporation, a general partner of Old Towne Associates, a Utah general partnership, and that said instrument was signed in behalf of said corporation and said partnership by authority, and said Malcolm S. MacQuoid acknowledged to me that said corporation and said partnership executed the same.


Julie Ann Larson
Notary Public

My Commission Expires:

February 10, 1986

Residing at:

Park City Utah

State of California)
) ss.
County of Orange)

On the 20th day of March, 1984, personally appeared before me Frank O'Bryan, who being by me duly sworn did say that he is the president of Spring Mountain Enterprises, a California corporation, a general partner of Sierra Pacific Financial, a California general partnership, and that said instrument was signed in behalf of said corporation by authority, and said Frank O'Bryan acknowledged to me that said corporation and said partnership executed the same.

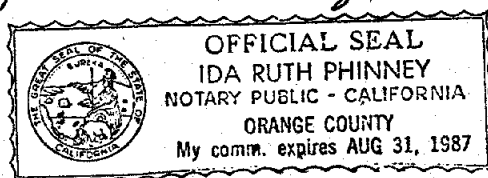

Ida Ruth Phinney
Notary Public

My Commission Expires:

August 31, 1987

Residing at:

Newport Beach, California



State of Utah)
) ss.
County of Summit)

On the 27th day of March, 1984, personally appeared before me William H. Coleman, who being by me duly sworn did say that he is the Mayor Pro-Tempore of Park City Municipal Corporation, a municipal corporation organized and existing under the laws of the State of Utah, and that said instrument was signed in behalf of said Park City Municipal Corporation by authority of a resolution of its City Council, and said William H. Coleman acknowledged to me that said Park City Municipal Corporation executed the same.

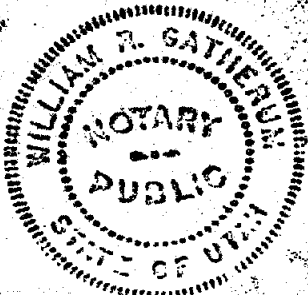
William R. Gatherum
Notary Public

My Commission Expires:

May 13, 1987

Residing at:

Salt Lake City, Utah



BOOK 295 PAGE 139

The North 3.50 feet of Lot No. 8, all of Lot Nos. 9 and 10, the South 3.50 feet of Lot No. 11, and all of Lot Nos. 37, 38 and 39, in Block 9, Park City Survey; Except the following:

Beginning at a point on the Easterly line of Park Avenue, said point being South 23°38' East along said Park Avenue 12.90 feet from the Northwest Corner of Lot No. 37, Block 9, Park City Survey and running thence North 66°22' East 20.00 feet; thence South 23°38' East 30.00 feet; thence South 66°22' West 20.00 feet to the Easterly line of said Park Avenue, thence North 23°38' West along said Easterly line 30.00 feet to the point of beginning.

Subject to the general property taxes for the year 1983, and thereafter, and any special assessments now due or to become payable.

Subject to easements and restrictions of record or enforceable in law and equity.

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Exhibit "A"

Lots 10, 11, 12, 32, 33, 34, 35, 36, and 37, Block 5, Amended Plat of PARK CITY SURVEY, according to the plat of record and on file in the office of the County Recorder, Summit County, Utah.

Subject to the general property taxes for the year 1983 and thereafter, and any special assessments now due or to become due.

Subject to easements and restrictions of record or enforceable in law and equity.

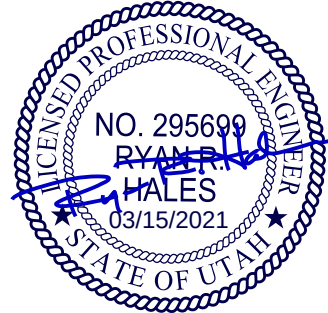
Excepting all oil, gas and/or other minerals which were previously reserved.

Exhibit "B"

BOOK 395 PAGE 141

MEMORANDUM

Date: March 15, 2021
To: Washington School House, LLC
From: Hales Engineering



Subject: Washington School House Inn Parking Study

UT21-1830

This memorandum discusses the parking study completed for the Washington School House Inn in Park City, Utah. The study identifies the parking supply included in the site plan, the parking supply rates required by the City and parking demand rates identified by the Institute of Transportation Engineers (ITE). A discussion of the anticipated parking demand for special events on the property is also included.

Project Description

The Washington School House is located at 543 Park Avenue. A vicinity map of the project site is shown in Figure 1, and a full site plan is found in Appendix A. The Washington School House operates as a boutique bed and breakfast. It serves a limited number of guests that seek a small, private, and exclusive destination. The Washington School House has been recognized in the media, including Travel + Leisure, as a destination draw for Park City.

The owners of the property applied for a conditional use permit to change the Washington School House's current operations as a Bed and Breakfast Inn to a Hotel Minor land use under Park City code. The hotel will have 12 rooms. The property site plan identifies a total of 12 stalls (11 stalls located in a lot across Park Avenue and authorized by easement and 1 parking stall planned for the west end of the property on Woodside Avenue). A driveway on the property offers 2 additional stalls that do not meet the City's off-street parking dimensions.



Figure 1: Site vicinity map of the project in Park City, Utah

Park City Parking Code

The Park City code specifies parking rates for various land use types. According to section 15-3-6B of the code, the City requires “1 space per room or suite, and one space per 200 sf of separately leasable commercial space.” This property doesn’t include any separately leasable commercial space. Based on these requirements, the Washington School House is required to provide a total of 12 off-street parking spaces. This requirement will be met with the 11 current off-street parking spaces and the 1 proposed parking space.

ITE Parking Demand Rates

While the planned usage of the Washington School House is unique and smaller than a typical hotel, it is comparable to the Institute of Transportation Engineers (ITE), *Parking Generation*, 5th Edition, 2019, business hotel land use. The average parking demand rate for a business hotel (ITE land use 312 is 0.72 parking stalls per hotel room, with an 85th percentile demand rate of 0.83 stalls per room and a maximum observed rate of 0.85 parking stalls per room. This is based on 11 study sites across the United States since the year 1980, with an average parking supply of 1.1 spaces per room. The number of stalls needed based on each of these rates for the proposed project is shown in Table 1.

Table 1: ITE Parking Generation

Park City - Washington School House Inn ITE Parking Generation (LU 312)		
Rate Type	Rate (stalls/dwelling unit)	Stalls
Average	0.72	9
85th Percentile	0.83	10
Maximum	0.85	11
ITE Parking Generation, 5th Edition, 2019		
Source: Hales Engineering, February 2021		

It is typically recommended that the parking demand be increased by 10% to provide an adequate parking supply for the property. If the 85th percentile parking demand of 10 stalls is used, then a parking supply of 11 stalls is advisable. A summary of the parking rates from the existing site plan, the Park City code, and ITE data can be found in Table 2.

Table 2: Parking Rate Comparison

Park City - Washington School House Inn Parking Rate Comparison		
Source	Rate (stalls / room)	# of Stalls
Park City Parking Code	1.00	12
ITE 85th Percentile Parking Demand	0.83	10
Existing Site Parking (off-street)	1.00	12
ITE Parking Generation, 5th Edition, 2019		
1. Two driveway parking spaces exist and have not been included in these numbers		
Source: Hales Engineering, February 2021		

The proposed site plan, which includes 12 off-street parking spaces, exceeds the recommended ITE parking supply. Moreover, the property owner reports, based on experience with the bed and breakfast, that only about 25% of guests require parking during their stay. This results in use of about 3 of the available parking spaces. The remaining guests arrive via transit, ridesharing services, or private transportation services and use these same services during their stay. Guests using transportation services are picked up and dropped off in a pull out located in front of the Washington School House.

Special Events

The Hotel (Minor) land use would allow the Washington School House to host small, private events. These special events are anticipated to include small corporate retreats, and small, private celebrations for weddings or other milestone events.

The property owners have indicated that no more than 60 guests would be permitted on the property for special events. This is due to the private, exclusive nature of the property and the small nature of the gathering spaces. This number includes up to 34 overnight guests (which is the Washington School House's full occupancy, based on sleeping areas available in the 12 guest rooms). The balance of special event guests would arrive from offsite.

As described above, the property owner stated that most overnight guests utilize ridesharing services for transportation to and from the Washington School House. Approximately 25% of overnight guests bring their own vehicles and require parking. If 25% of the overnight guests use parking spaces, then only 3 of the 12 spaces on the property are being used by these guests. That leaves more than adequate parking capacity for non-overnight, special event guests (estimated at 26 for special events when the Washington School House is completely rented out), the majority of which will also likely use ridesharing or other transportation services. Guests arriving by rideshare, or other transportation service, will be picked up and dropped off in the pull out in front of the Washington School House. The Washington School House will manage parking during special events through use of a valet service.

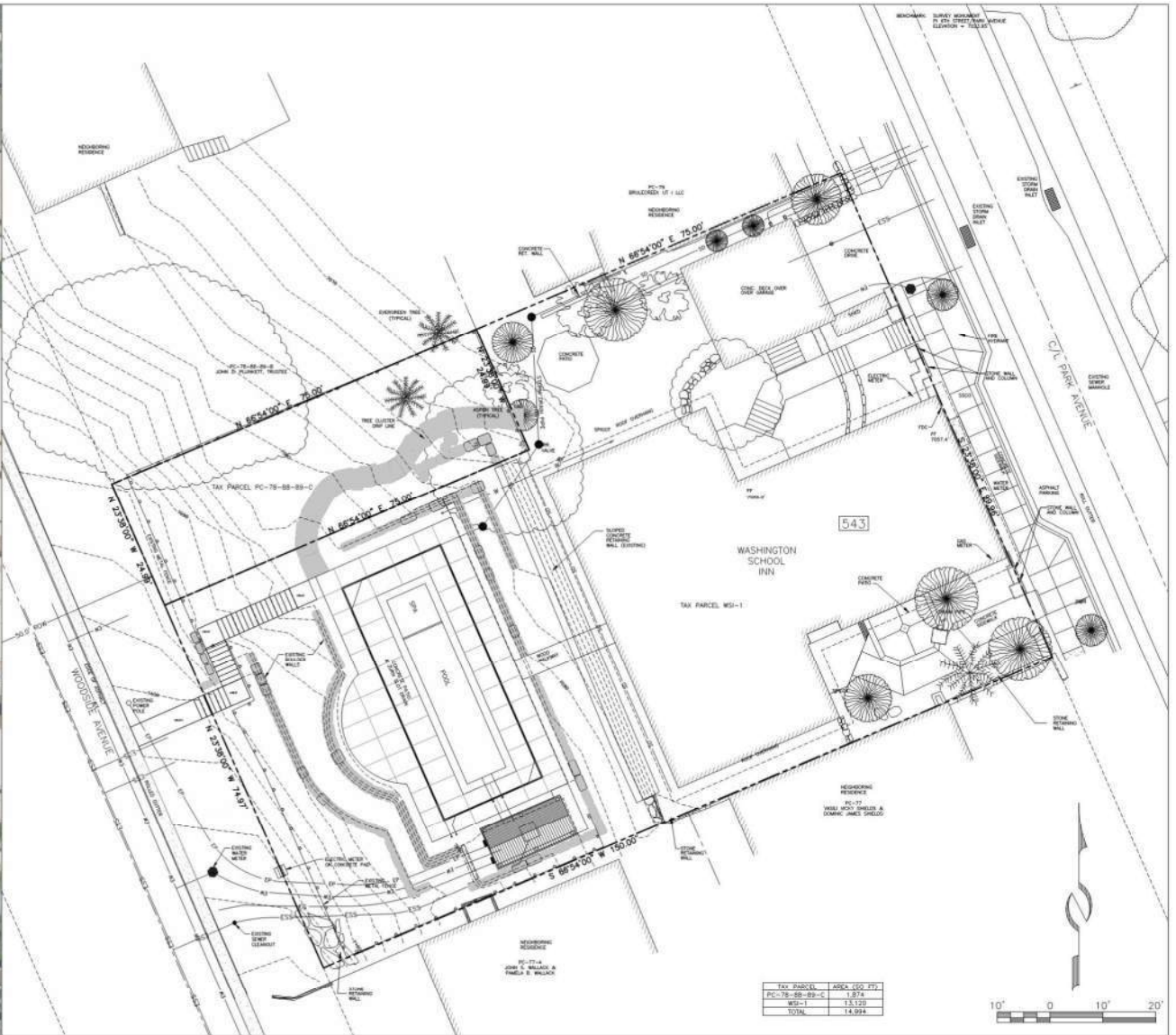
Conclusions and Recommendations

Hales Engineering makes the following conclusions for parking at the proposed Washington School House Hotel in Park City, Utah:

- The proposed site plan for the Washington School House Hotel identifies a total of 12 off-street parking spaces, with 2 additional spaces available in the driveway at the property. This equals a parking supply of 1 parking space per room.
- Section 15-3-6B of the Park City code would require 12 parking spaces for the Washington School House property under the “Hotel (minor)” land use. This translates to a parking supply rate of 1.0 parking space per room.
- The ITE 85th percentile parking demand rate for a business hotel is 0.83 parking stalls per room, translating to 10 parking stalls. With a 10% increase to parking demand, a parking supply of 11 parking stalls is recommended.
 - The current site plan meets the number of parking spaces required in the Park City code and exceeds the number recommended by the ITE data.
 - Based on past parking usage at the property, overnight guests will only use approximately 3 of the 12 available spots.
- The Washington School House is a small, private, exclusive destination that is meant to provide a high level of service to a limited number of guests. It may host small, private, special events under the new “Hotel (minor)” land use.
 - The events will largely cater to overnight guests, with a limited number of additional special event guests who are not staying at the Hotel.
 - Based on past experience, most guests at the Hotel will use ridesharing services and do not require on-site parking. It is not anticipated that parking demand will exceed the 12 supplied parking spaces during special events.

APPENDIX A

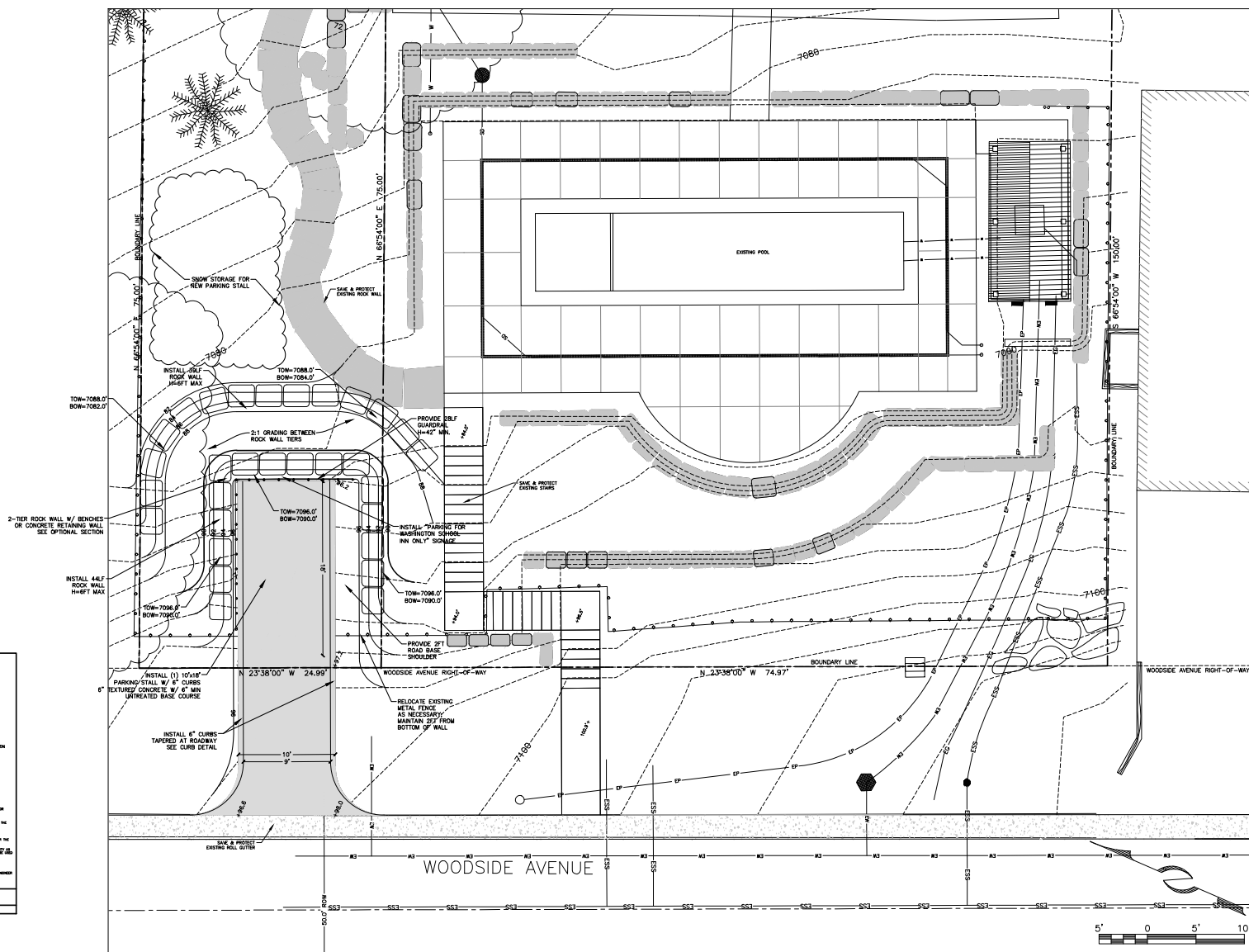
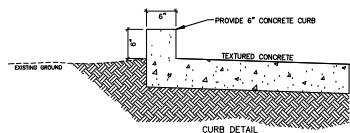
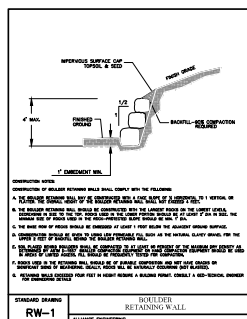
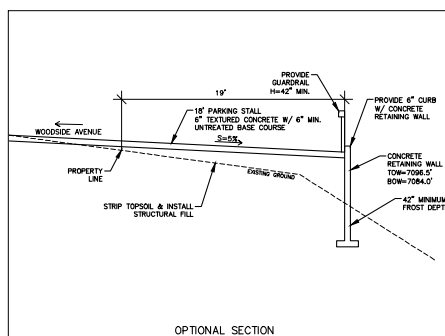
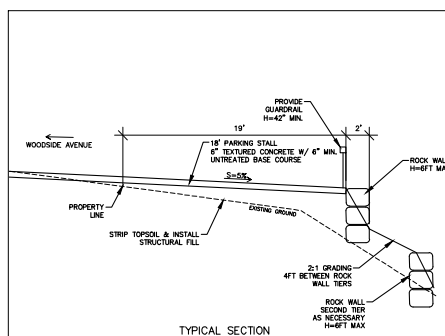
Site Plan



(435) 449-8467
STAFF:
 MICHAEL DEMKOWICZ
 RYAN BETZ
DATE: 2/12/20

2020 EXISTING CONDITIONS & VICINITY
543 PARK AVENUE
WASHINGTON SCHOOL INN
FOR: TRIP BENNETT
JOB NO.: 20-T-17
FILE: X:\ParkCitySurvey\dwg\T-4-10\2017 improvements\wa2017.dwg

SHEET
1
OF
2



(435) 649-9481

STAFF:
MICHAEL DEMKOWICZ
RYAN BETZ

2020 IMPROVEMENTS
543 PARK AVENUE
WASHINGTON SCHOOL INN

FOR: TRIP BENNETT
JOB NO.: 20-7-17

FILE: X:\ParkCitySurvey\dwg\7-4-10\2017 improvements\WSI-civil.dwg

DATE: 2/12/20

SHEET
2
OF
2



City Council Staff Report

Subject: 2012 HPB Award to Washington School Hotel
Authors: Anya Grahn, Historic Preservation Planner
Department: Planning Department, GI-11-00124
Date: May 16, 2013

Summary Recommendation:

Staff recommends that the City Council partner with the Historic Preservation Board (HPB) to present the 2012 HPB Award to the Washington School House Hotel at 543 Park Avenue for its Excellence in Restoration of a landmark structure.

Background:

This is the second year that the Historic Preservation Board (HPB) has chosen to recognize a significant preservation project in the community. The award is not meant to compete with any of the Historical Society's awards, but complement the existing joint preservation efforts already taking place and highlight the *Design Guidelines for Historic Districts and Historic Sites* by which all development in the Historic Districts must comply.

Properties are selected for this award based on the following categories:

- Adaptive Re-Use
- Infill Development
- Excellence in Restoration
- Sustainable Preservation
- Embodiment of Historical Context
- Connectivity of Site

In 2011, the Historic Preservation Board recognized the exemplary adaptive reuse of the High West Distillery. The Board commissioned artist Sid Ostergaard to create a twenty (20) by thirty (30) inch oil painting of the building that currently hangs in the entry area of City Hall.

The HPB chose to honor the hotel at 543 Park Avenue for its Excellence in Restoration. Listed on the National Register of Historic Places in 1978, the Washington School House Hotel required significant interior renovation work, bringing back many of the historical elements that had been lost over time. The 1889 limestone school is a local landmark, and its adaptive reuse contributes to the success of our resort economy. The restoration of the landmark Washington School House Hotel also promotes historic preservation within Park City, which adds to our community's identity and sense of place. Preservation is an integral part of the City, and supports our cultural-heritage tourism and resort-based economy. This year, the Board commissioned artist Jan Perkins to create a twenty (20) by twenty (20) inch oil painting of the Washington School Hotel to be displayed in the entry area of City Hall.

The Washington School was the first of three (3) schools built in Park City during the late nineteenth century that followed the "ward school" concept. Built of hammered and tooled limestone blocks quarried in Peoa, Utah, the 1889 structure is a T-plan concept that originally had three (3) classrooms and a centrally located, square bell tower. It was built for a cost of \$13,000. The school was one of the few buildings that survived the Great Fire of June 19, 1898. Elementary school classes commenced on November 18, 1889. Due to declining

enrollments, the school was sold in 1931. Though much of its historic materials were lost over time, the Washington School House Hotel has restored much of the structure's historic character and integrity.

Department Review:

Legal, Planning, and the City Manager reviewed this report and their feedback was incorporated.

Exhibit A—Historic Sites Inventory Form

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Internationally recognized & respected brand ~ Unique and diverse businesses + + +	~ Reduced municipal, business and community carbon footprints + Enhanced conservation efforts for new and rehabilitated buildings	+ Preserved and celebrated history; protected National Historic District + Community gathering spaces and places + Primarily locally owned businesses + Vibrant arts and culture offerings	+ Fiscally and legally sound + Engaged, capable workforce
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 	Very Positive 	Positive 
Comments: The Staff Recommendation advances a variety of goals and is responsive to historic preservation that enhance community character.				

Recommendation:

Staff recommends that the City Council partner with the Historic Preservation Board (HPB) to present the 2012 HPB Award to the Washington School House Hotel at 543 Park Avenue for its Excellence in Restoration of the landmark structure.

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property: **Washington School**

Address: 543 Park Ave

AKA: 541 Park Avenue

City, County: Park City, Summit County, Utah

Tax Number: WSI-1

Current Owner Name: PCE

Parent Parcel(s): PC-78-88-89 PC-79-A

Current Owner Address: PO BOX 536, PARK CITY, UT 84060-0536

Legal Description (include acreage): ALL LOTS 9 BLK 5 PARK CITY SURVEY; CONT 0.04 AC

2 STATUS/USE

Property Category

- ☒ building(s), main
- ☐ building(s), attached
- ☐ building(s), detached
- ☐ building(s), public
- ☐ building(s), accessory
- ☒ structure(s)

Evaluation*

- ☒ Landmark Site
- ☐ Significant Site
- ☐ Not Historic

Reconstruction

- Date:
- Permit #:
- ☐ Full ☐ Partial

Use

- Original Use: Institutional
- Current Use: Commercial

*National Register of Historic Places: ☐ ineligible ☒ eligible
☒ listed (date: 12/08/1978 - Individually listed.)

3 DOCUMENTATION

Photos: Dates

- ☐ tax photo:
- ☒ prints:
- ☐ historic: c.

Drawings and Plans

- ☐ measured floor plans
- ☐ site sketch map
- ☐ Historic American Bldg. Survey
- ☐ original plans:
- ☐ other:

Research Sources (check all sources consulted, whether useful or not)

- ☐ abstract of title
- ☒ tax card
- ☐ original building permit
- ☐ sewer permit
- ☒ Sanborn Maps
- ☐ obituary index
- ☐ city directories/gazetteers
- ☐ census records
- ☐ biographical encyclopedias
- ☐ newspapers
- ☒ city/county histories
- ☐ personal interviews
- ☐ Utah Hist. Research Center
- ☐ USHS Preservation Files
- ☐ USHS Architects File
- ☐ LDS Family History Library
- ☐ Park City Hist. Soc/Museum
- ☐ university library(ies):
- ☐ other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah:

University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: School type

No. Stories: 2

Additions: ☐ none ☒ minor ☐ major (describe below) Alterations: ☐ none ☒ minor ☐ major (describe below)

Number of associated outbuildings and/or structures: ☐ accessory building(s), # ____; ☒ structure(s), # 1.

General Condition of Exterior Materials:

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: 12-2008

☒ Good (Well maintained with no serious problems apparent.)

☐ Fair (Some problems are apparent. Describe the problems.):

☐ Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):

☐ Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Stone retaining walls extend along the Park Avenue.

Foundation: Stone

Walls: Stone.

Roof: Cross-wing roof form sheathed in Wooden shingles.

Windows/Doors: Four-over-four double-hung sash type, small one-over-one double-hung sash type in paired or grouped.

Essential Historical Form: ☒ Retains ☐ Does Not Retain, due to:

Location: ☒ Original Location ☐ Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The 2-story stone structure remains largely as it was described in the National Register nomination (see Nomination Form, National Register of Historic Places Inventory, 1978). When the site was nominated to the NR, the photographs suggest the building was vacant and in disrepair. The structure has been rehabilitated and adaptively reused as a Bed & Breakfast. Some changes have been made--garage added on north end of property--but many of the historical elements lost over time have been returned. The changes do not affect the site's original design integrity.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been significantly altered from what is suggested in the Sanborn Insurance maps and what is described in the National Register nomination.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The physical evidence from the period that defines this as an educational building constructed during the mining era are the use of stone, the building type of a central block with projecting wings, the bell tower, and the plain finishes.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of the type of educational buildings constructed in western towns of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The school building was constructed in 1889. It is one of the oldest buildings in Park City and is associated with development of public education in Park City.

This site was individually listed on the National Register of Historic Places in 1978. It was built c. 1889, is associated with the development of public education in Park City, and it retains its historic integrity. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

5 SIGNIFICANCE

Architect: ☒ Not Known ☐ Known: (source:)

Date of Construction: c. 1889¹

Builder: ☐ Not Known ☒ Known: R. Hobbs, contractor (source: National Register nomination)

¹ National Register nomination.

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- ☒ Settlement & Mining Boom Era (1868-1893)
- ☐ Mature Mining Era (1894-1930)
- ☐ Mining Decline & Emergence of Recreation Industry (1931-1962)

As stated in the National Register nomination, " The Washington School, constructed in 1889 of limestone quarried at Peoa, Utah is the remaining structure of the three public schools constructed in Park City in the late nineteenth century that followed the "ward school" concept. In addition, the structure is one of the few remaining buildings which survived the Great Fire of June 19, 1898. "

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: Southeast oblique. Camera facing northwest, 2006.

Photo No. 2: East elevation. Camera facing west, 2006.

Photo No. 3: Northeast oblique. Camera facing southwest, 2006.

Photo No. 4: East elevation - garage. Camera facing west, 2006.

Photo No. 5: Southeast oblique. Camera facing northwest, 1995.

Photo No. 6: Northeast oblique. Camera facing southwest, 1978.

Photo No. 7: Southeast oblique. Camera facing northwest, 1978.

SERIAL NO.
RE-APPRAISAL CARD (1940 APPR. BASE)

Owner's Name _____
 Owner's Address _____
 Location _____
 Kind of Building Res Street No. 553 Park Ave
 Schedule 1 Class 3 Type 1-2-3-4 Cost \$ _____ X %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
<u>1</u>	<u>x x</u>		<u>752</u>	<u>\$ -</u>	<u>\$ 1470</u>
	<u>x x</u>			<u>\$</u>	<u>\$</u>
	<u>x x</u>			<u>\$</u>	<u>\$</u>

No. of Rooms 4 Condition _____

Description of Building	Add	Deduct
Foundation—Stone Conc. None ☒		<u>120</u>
Ext. Walls <u>Siding</u>		
Insulated—Floors Walls Clgs.		
Roof—Type <u>Gab</u> Mat. <u>Pot. Shg.</u>		
Dormers—Small Med. — Lg.		
Bays—Small Med. — Lg.		
Porch—Front <u>8' x 11' @ 1.10</u>	<u>97</u>	
Rear <u>8' x 11' @ 1.10</u>	<u>84</u>	
Cellar—Basm't <u>1/4 1/2 3/4 full-floor</u> <u>Dirt</u>		
Basement Apts.—Rooms Fin.		
Attic Rooms Fin. — Unfin.		
Plumbing— Class <u>1</u> Tub <u>1</u> Trays <u>1</u> Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Urns <u>1</u> Ftns. <u>1</u> Shr. <u>1</u> Dishwasher <u>1</u> Garbage Disp. <u>1</u>	<u>350</u>	
Heat—Stove <u>H. A.</u> Steam <u>S.</u> Blr. <u>1</u> Oil <u>1</u> Gas <u>1</u> Coal <u>1</u>		
Air Conditioned Incinerators		
Radiant—Pipeless		
Finish— Hd. Wd. <u>1</u> Floors <u>1</u> Hd. Wd. <u>1</u> Fir. <u>1</u> Conc. <u>1</u>		
Cabinets <u>1</u> Mantels <u>1</u>	<u>40</u>	
Tile— Walls <u>1</u> Wainscot. <u>1</u> Floors <u>1</u>		
Lighting—Lamp <u>1</u> Drops <u>1</u> Fix. <u>1</u> <u>Lbr. Lined No. 35-11 @ 35"</u>		<u>140</u>
Total Additions and Deductions	<u>571</u>	<u>260</u>
Net Additions or Deductions	<u>-260</u>	<u>1470</u>

Ave. Age 45 Yrs. by ☒ Est. Owner ☒ Tenant ☒ Neighbors ☒ Records

REPRODUCTION VALUE \$ 1281
 Depr. 12-3-4-5-6 54/42 % \$ 548
 Reproduction Val. Minus Depr. \$ 748

Remodeled Est. Cost _____ Remodeling Inc. _____ % \$ _____
 Garage—S 8 C. 1 Depr. 2% 3% _____ Obsolescence _____ \$ _____
 Cars _____ Walls _____ Out Bldgs. _____ \$ _____
 Roof _____ Size x Age _____ \$ _____
 Floor _____ Cost _____ Depreciated Value Garage _____ \$ _____

Remarks 37 yr Ave Used 1940 Total Building Value \$ _____

Appraised 10/1949 By 45 AD-A-T

Location _____

Kind of Bldg. RES St. No. 553 Park Ave

Class 3 Type 1 3 Cost \$ _____ X _____ %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		752		\$ 1527
	x x				
	x x				

Gar.—Carport x Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions
Foundation—Stone _____ Conc. _____ None ☒	
Ext. Walls <u>SIDING</u>	
Insulation—Floors _____ Walls _____ Clgs. _____	
Roof Type <u>Gal</u> Mtl. <u>Pat</u>	
Dormers—Small _____ Med. _____ Large _____	
Bays—Small _____ Med. _____ Large _____	
Porches—Front <u>88</u> @ <u>1.00</u>	<u>88</u>
Rear <u>84</u> @ <u>1.00</u>	<u>84</u>
Porch _____ @ _____	
Metal Awnings _____ Mtl. Rail _____	
Basement Entr. _____ @ _____	
Planters _____ @ _____	
Cellar—Bsmt. — $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ Full _____ Floor <u>dust</u>	<u>50</u>
Bsmt. Apt. _____ Rooms Fin. _____ Unfin. _____	
Attic Rooms Fin. _____ Unfin. _____	
Plumbing { Class <u>1</u> Tub <u>1</u> Trays _____ Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Wtr. Sfr. _____ Shr. St. _____ O.T. _____ Dishwasher _____ Garbage Disp. _____	<u>350</u>
Built-in-Appliances _____	
Heat—Stove ☒ H.A. _____ Steam _____ Stkr. _____ Blr. _____ Oil _____ Gas _____ Coal _____ Pipeless _____ Radiant _____	
Air Cond. _____	
Finish—Fir ☒ Hd. Wd. _____	
Floor—Fir ☒ Hd. Wd. _____ Other _____	
Cabinets <u>1</u> Mantels _____	
Tile—Walls _____ Wainseot _____ Floors _____	
Storm Sash—Wood D. _____ S. _____; Metal D. _____ S. _____	
Total Additions	<u>572</u>

Year Built _____	Avg. Age <u>53</u>	Current Value	\$ <u>2099</u>
Inf. by <u>Owner</u> Tenant - _____		Commission Adj.	%
<u>Neighbor - Record - Est.</u>		Bldg. Value	
		Depr. Col. 1 2 3 4 5 6 <u>34</u>	%
Remodel Year _____	Est. Cost _____	Current Value Minus Depr.	\$ <u>714</u>
Garage—Class _____	Depr. 2% 3% _____	Carport—Factor _____	
Cars _____	Floor _____	Walls _____	Roof _____
Size— <u>x</u>	Age _____	Cost _____	x _____ %
Other _____			
Total Building Value			\$

Appraised 11-29 19 57 By 1331

PC 79
Serial Number

Card Number

Owners Name

Location

Kind of Bldg. Res St. No. 653 Park

Class 3 Type 1 2 3 4. Cost \$ X 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
	x x	752		\$ 3,363	\$
	x x				
	x x				

Att. Gar. — C.P. — x — Flr. — Walls — Cl. —

Description of Buildings

Foundation—Stone — Conc. A Sills

Ext. Walls sid (A)

Roof Type gab Mtl. RR

Dormers—Small — Med. — Large

Bays—Small — Med — Large

Porches—Front 80 @ 150 120

Rear 36 @ 100 36

Porch @

Planters @

Ext. Base. Entry @

Cellar/Bsmt. — 1/4 1/2 3/4 Full — Floor 80

Bsmt. Gar.

Basement-Apt. — Rms. — Fin. Rms.

Attic Rooms Fin. 1 Unfin. 225

Plumbing { Class 1 Tub. 1 Trays

Basin 1 Sink 1 Toilet 1 550

Wtr. Sfr. — Shr. St. — O.T.

Dishwasher — Garbage Disp.

Heat—Stove — H.A. — FA X HW — Stkr — Elec. 329

Oil — Gas X Coal — Pipeless — Radiant

Air Cond. — Full — Zone

Finish—Fir. 1 Hd. Wd. — Panel

Floor—Fir. 1 Hd. Wd. — Other

Cabinets 1 Mantels

Tile—Walls — Wainscot — Floors

Storm Sash—Wood D. — S. — Metal D. 1 S. 30

Awnings — Metal — Fiberglass

Total Additions 1320

Year Built 1904 Avg. 1/904 Replacement Cost 4753

Age 2 Obsolescence

Inf. by Owner Tenant Adj. Bld. Value

Neighbor Record Est. Conv. Factor 1.15

Replacement Cost—1940 Base

Depreciation Column 1 2 3 4 5 6

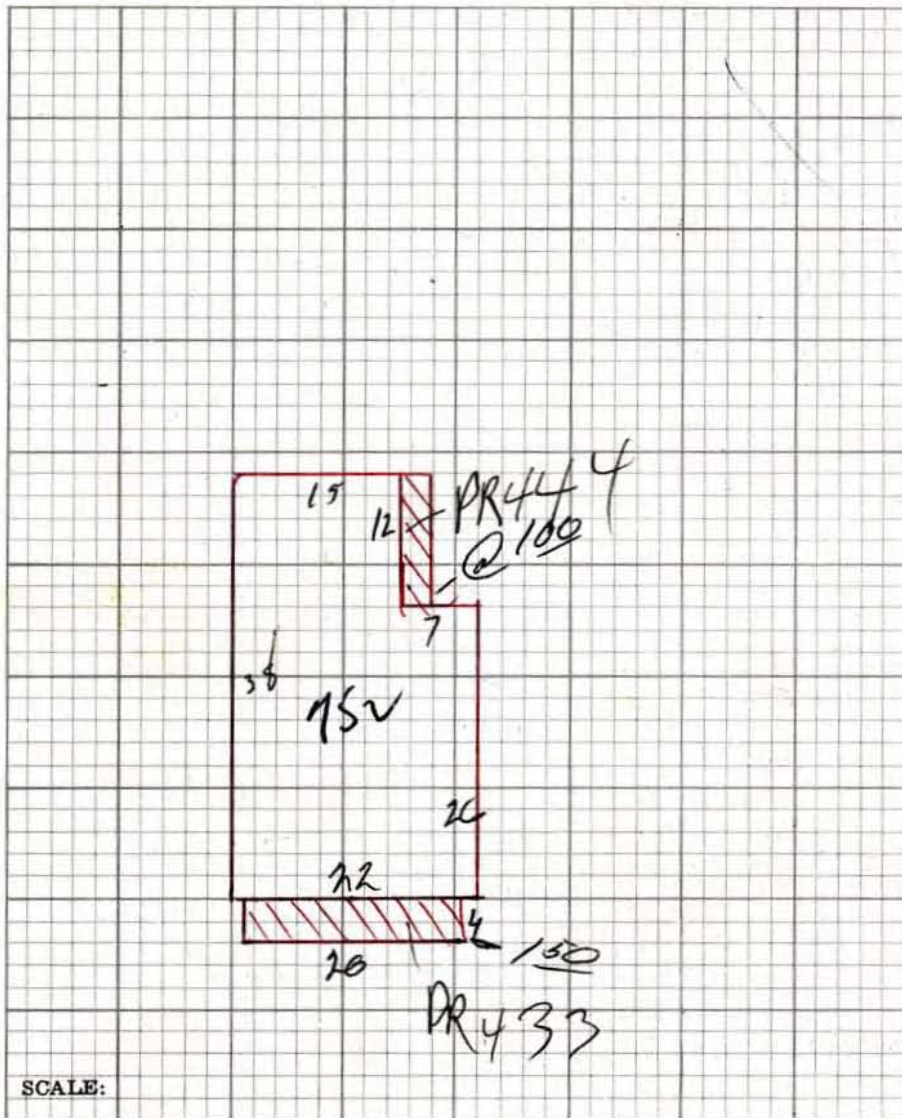
1940 Base Cost, Less Depreciation

Total Value from reverse side

Total Building Value \$

Appraised ① 10-17-68 48 By 1208 DEC 13 1968

Appraised ② 19 By 1328



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class _____ Depr. 2% 3% _____

Cars _____ Floor _____ Walls _____ Roof _____ Doors _____

Size _____ x _____ Age _____ Cost _____ x 47% _____

_____ 1940 Base Cost _____ x _____ % Depr. _____

Total _____

REMARKS _____

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

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SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS**1 NAME**

HISTORIC

Washington School

AND/OR COMMON

Public School District No. 12

2 LOCATION

STREET & NUMBER

541 Park Avenue

___ NOT FOR PUBLICATION

CITY, TOWN

Park City

CONGRESSIONAL DISTRICT

STATE

Utah

___ VICINITY OF

CODE

COUNTY

Summit

CODE

3 CLASSIFICATION**CATEGORY**

___ DISTRICT

☒ BUILDING(S)

___ STRUCTURE

___ SITE

___ OBJECT

OWNERSHIP

___ PUBLIC

☒ PRIVATE

___ BOTH

PUBLIC ACQUISITION

___ IN PROCESS

___ BEING CONSIDERED

STATUS

___ OCCUPIED

☒ UNOCCUPIED

___ WORK IN PROGRESS

ACCESSIBLE

___ YES: RESTRICTED

☒ YES: UNRESTRICTED

___ NO

PRESENT USE

___ AGRICULTURE

___ COMMERCIAL

___ EDUCATIONAL

___ ENTERTAINMENT

___ GOVERNMENT

___ INDUSTRIAL

___ MILITARY

___ MUSEUM

___ PARK

___ PRIVATE RESIDENCE

___ RELIGIOUS

___ SCIENTIFIC

___ TRANSPORTATION

☒ OTHER: Vacant**4 OWNER OF PROPERTY**

NAME

David S. Grow

STREET & NUMBER

P. O. Box 202

CITY, TOWN

Provo

___ VICINITY OF

STATE

Utah

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,

REGISTRY OF DEEDS, ETC.

Summit County Courthouse

STREET & NUMBER

CITY, TOWN

Coalville

STATE

Utah

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

Utah State Historic Sites Inventory

DATE

1973/1978

___ FEDERAL ☒ STATE ___ COUNTY ___ LOCALDEPOSITORY FOR
SURVEY RECORDS

Utah State Historical Society

CITY, TOWN

Salt Lake City

50

STATE

Utah

171

7 DESCRIPTION

CONDITION

___EXCELLENT
___GOOD
___FAIR

XDETERIORATED
___RUINS
___UNEXPOSED

CHECK ONE

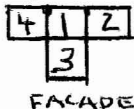
XUNALTERED
___ALTERED

CHECK ONE

XORIGINAL SITE
___MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

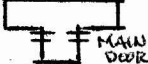
The basic plan of the George Washington Schoolhouse is a "T" plan built in stone. It is a split level structure rising to a height of two full storeys at the main elevation and one and one half at the rear. Three wings extend from the central block on both sides and the front. The central square and wings will be numbered as follows:



The plot is located on a slope which causes the split leveling. The basement, done in cut stone, is partial, only extending under section #3. The exterior wall material is also cut stone and is a combination of broken course and composition coursing. The texture of the stone is hammered or tooled. In the exterior wall of the main facade there is a date stone which reads "Public School District No. 12, 1889."

The total roof shape is a "T" gable covered with wood (probably cedar) shingles. There are three interior chimneys which are centrally located at the end of wings 2,3, and 4. These are single units made of brick. There are several dormer windows of pediment shape and having windows of the "four sash with mullions" type. The eaves are done in wood which projects and have no exposed rafters. The raking is a wood fascia and frieze with no special features.

The main windows on the first floor are flat two sash (double hung) with a plain lintel. There are no side elements, but the sill is of lugsill type. Both lintel and sill are done in smoothly cut stone. The second floor windows are two sash with one upper and one lower. There are two circular windows in the uppermost storey of section two.

There are two identical doors, one main and one secondary, located off-center on the main floor.  Their structural openings are flat with plan, cut stone surround heads and sides. The architrave type is plain with embrasure. The side panels are recessed on both sides and the transom panels are plain and recessed. The doors are double, four panel doors, and the panels are recessed with moulded railings. The glazing on the door was undeterminable.

The location of the main staircase is at the main door. They extend straight from the main door parallel to the exterior wall from a low porch supported by wooden blocks.

One of the more interesting features of the building is the centrally located bell tower which is square in shape, supported at four corners by wood columns having bracketed eaves and scroll worked corner brackets. Topping the steep cupola roof is a flag pole which could be original. The sides of the cupola below the roof are open at this time and the bell has been removed.

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW				
☐ PREHISTORIC	☐ ARCHEOLOGY-PREHISTORIC	☐ COMMUNITY PLANNING	☐ LANDSCAPE ARCHITECTURE	☐ RELIGION	
☐ 1400-1499	☐ ARCHEOLOGY-HISTORIC	☐ CONSERVATION	☐ LAW	☐ SCIENCE	
☐ 1500-1599	☐ AGRICULTURE	☐ ECONOMICS	☐ LITERATURE	☐ SCULPTURE	
☐ 1600-1699	☒ ARCHITECTURE	☒ EDUCATION	☐ MILITARY	☐ SOCIAL/HUMANITARIAN	
☐ 1700-1799	☐ ART	☐ ENGINEERING	☐ MUSIC	☐ THEATER	
☒ 1800-1899	☐ COMMERCE	☐ EXPLORATION/SETTLEMENT	☐ PHILOSOPHY	☐ TRANSPORTATION	
☐ 1900-	☐ COMMUNICATIONS	☐ INDUSTRY	☐ POLITICS/GOVERNMENT	☐ OTHER (SPECIFY)	
		☐ INVENTION			

SPECIFIC DATES 1889

BUILDER/ARCHITECT R. Hobbs, contractor

STATEMENT OF SIGNIFICANCE

The Washington School, constructed in 1889 of limestone quarried at Peoa, Utah is the remaining structure of the three public schools constructed in Park City in the late nineteenth century that followed the "ward school" concept. In addition, the structure is one of the few remaining buildings which survived the Great Fire of June 19, 1898.

HISTORY

Park City, Utah, quickly became one of the leading and most profitable argentiferous lead mining areas in the world. The initial discover date is cited as 1868, but it was the Ontario Mine, sold to George Hearst in 1872, that initiated efforts to mine lode ores and acted as the catalyst for Park City's reputation as a bonanza camp. The district grew rapidly attracting a diverse population, with commercial and social activity centered in the town of Park City.

The increase in population and prosperity affected Park City's development from a settlement, to a camp, and finally to a town. Within such a framework of development the social environment underwent changes, with various aspects of that environment needing attention. Education, practically from the outset, became of particular importance.

The first educational efforts in Park City culminated in the establishment of the Ontario School, in 1875. Other reports indicate that earlier in the winter of 1875, John L. Street and George C. Snyder sponsored a school taught by Dominic Dignan; followed by the Ontario School, which was supported by subscriptions from the Ontario miners, and also from donations. Following closely were other schools sponsored by the Catholic Church, Congregational Church and the Public Free School No. 12.

The 1870's and 1880's proved a difficult period for public schools in Park City. Tax measures to aid public education were voted down and in addition, the presence of other schools, Saint Mary's (Catholic) and the Park Academy (Congregational), created alternatives to public education. The Free School was originally run by the New West Education Commission, Congregational Church, but sponsorship was later dropped because of financial difficulties. The church shortly thereafter sponsored the Park Academy. In 1883 citizens voted down a school tax levy;² children were to be sent to either Saint Mary's (still remaining) or the Park Academy.

¹William McPhee, The Trail of the Leprechaun: Early History of a Utah Mining Camp (Hicksville, N.Y., 1977), p. 69; J. Weston Woodbury, "A History of the Park City School District," (M.S. Thesis, University of Utah, 1960).

²Ibid., pp. 69-78: Woodbury, Park City School District, p. 57

9 MAJOR BIBLIOGRAPHICAL REFERENCES

McPhee, William M. The Trail of the Leprechaun: Early History of a Utah Mining Camp Hicksville, N.Y. 1977

Woodbury, J. Weston, "A History of the Park City School District." M.S. thesis, University of Utah, 1960

Park City School District No. 12, Treasurer Ledger, August 1880, to June 1897. Park City Board of Education Office

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY less than one acre

QUADRANGLE NAME Park City East, Utah

QUADRANGLE SCALE 1:24000

UTM REFERENCES
458-020 A 12 457990 44991210
ZONE EASTING NORTHING
C
E
G

B
ZONE EASTING NORTHING
D
F
H

VERBAL BOUNDARY DESCRIPTION

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE CODE COUNTY CODE

STATE CODE COUNTY CODE

11 FORM PREPARED BY

NAME / TITLE

Philip F. Notarianni, Historian

ORGANIZATION

Utah State Historical Society

DATE

March 31, 1978

STREET & NUMBER

307 West 2nd South, Suite 1000

TELEPHONE

533-6017

CITY OR TOWN

Salt Lake City,

STATE

Utah

12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL

STATE X

LOCAL

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE

TITLE

SHPO

DATE

May 24, 1978

FOR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

DATE

12-8-78

ATTEST:

William H. Bramham
KEEPER OF THE NATIONAL REGISTER

DATE

William H. Bramham
CHIEF OF REGISTRATION

53

12-8-78

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

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CONTINUATION SHEET

ITEM NUMBER 8

PAGE 2

Population growth, apparently increased a demand, as reports indicated an enrollment of one hundred during the 1885-1886 school year. At that time the Public Free School, District No. 12³ had John F. Bledsoe as principal, later replaced by Miss Lizzie Holding, assisted by Miss Mary Kelly. During the 1886-1887 year, C.A. Short was hired as principal, with assistants Mrs. F. V. Davis and Miss E. L. Stalker. Enrollment increased to 162. In 1888, Professor M. G. Hoover replaced Short, with rolls climbing to 194 students.

During 1888, the Trustees of School District No. 12 debated the issue of building new schools. Opposition formed against the idea of a large central school because of a lack of a sufficient population and a lack of property valuation to provide for construction. This followed from an earlier meeting, in July 1888, in which interest was generated in the building of two ward school houses (political "wards")-upper and lower Park Avenue. This system was favored, and as a result studies were made, and plans obtained, of two existing schools -- one a ward school in Grand Haven, Michigan, and the other the school at Lynn, near Ogden, Utah.⁴

The June 15, 1889 issue of The Park Record related that the old public school house on Park Avenue was to be demolished to make way for a new structure. In July the Trustees of District No. 12 decided that the school should be constructed of rock, not lumber, and would contain three rooms, each 30 by 30 feet in size, with 16 foot ceilings. A contract was let to R. Hobbs, and grading commenced, but the excessive amount of grading necessary to prepare the lot caused a delay in the structure's completion.⁵

The rock building, in contrast to the red brick used in later structures, was completed in the late fall of 1889, at a cost of about \$13,000.⁶ Classes for the elementary grades commenced on November 18, 1889, and The Park Record quickly labeled the building as "... one of the finest in the state." The school, known originally as the Central School, or Building No. 1, was the first of three schools built in the 1880s and 1890s to accomodate Park City's growing population. School Buildings No. 2 and No. 3 were erected in 1891 and 1895 respectively. On July 12, 1897, F. R. Davis, Clerk of District No. 12, suggested that due to confusion, the Central School, and Buildings No. 2 and 3 be named the Washington, Jefferson, and Lincoln Schools. Davis' motion carried.⁸

³The first record of this district is a Treasurer's Ledger, dated August 10, 1880.

⁴The Park Record, July 14, 1888; December 1, 1888. In the July, 1888 meeting, Frank E. James stated that by law the trustees were not allowed to bond the school district or involve it in heavy debt; therefore, the board decided to postpone a decision until 1889, in time to have increased the building fund.

⁵The Park Record, June 15, 1889; July 27, 1889; September 14, 1889; Park City School District No. 12, Treasurer Ledger, August, 1880 to June 1897, p. 49, Hobbs was paid \$348.55.

⁶Sources vary from \$10,5550.00 to \$13,807.54.

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CONTINUATION SHEET

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⁷The Park Record, November 9, 1889.

⁸Record of District School No. 12, July 8, 1895- July 6, 1906, pp. 38,39.

The Washington School continued to function as an important part of Park City's educational program until 1931. At that time the school and lot were listed for sale, the Trustees having decided to close the school in the term, apparently due to declining enrollments. It was sold in 1936 to the Veterans of Foreign Wars for \$200.00. A new central school, the Marsac Elementary School, was constructed in 1936 when the Trustees voted to build a new central elementary school rather than remodeling the Jefferson or Lincoln schools.

Thus, the Washington School remains and is most significant because of its architectural detailing (see Item 7) and its role in documenting the history of public education in Park City, Utah. The present owner has granted the Utah State Historical Society a preservation easement on the facade to insure the building's preservation.

⁹Woodbury, Park City School District, p. 61; Hazel T. Taylor, Clerk, to Kent Powell, Historian, Utah State Historical Society, October 22, 1971.

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CONTINUATION SHEET

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The Park Record, July 14, 1888; December 1, 1888; June 15, 1889; July 27, 1889;
September 14, 1889; November 9, 1889.

Record of District School No. 12, July 8, 1895 - July 6, 1906. Park City Board of
Education Offices.















HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property: **Washington School**

Address: 543 Park Ave

AKA: 541 Park Avenue

City, County: Park City, Summit County, Utah

Tax Number: WSI-1

Current Owner Name: PCE

Parent Parcel(s): PC-78-88-89 PC-79-A

Current Owner Address: PO BOX 536, PARK CITY, UT 84060-0536

Legal Description (include acreage): ALL LOTS 9 BLK 5 PARK CITY SURVEY; CONT 0.04 AC

2 STATUS/USE

Property Category

- ☒ building(s), main
☐ building(s), attached
☐ building(s), detached
☐ building(s), public
☐ building(s), accessory
☒ structure(s)

Evaluation*

- ☒ Landmark Site
☐ Significant Site
☐ Not Historic

Reconstruction

- Date:
Permit #:
☐ Full ☐ Partial

Use

- Original Use: Institutional
Current Use: Commercial

*National Register of Historic Places: ☐ ineligible ☒ eligible
☒ listed (date: 12/08/1978 - Individually listed.)

3 DOCUMENTATION

Photos: Dates

- ☐ tax photo:
☒ prints:
☐ historic: c.

Drawings and Plans

- ☐ measured floor plans
☐ site sketch map
☐ Historic American Bldg. Survey
☐ original plans:
☐ other:

Research Sources (check all sources consulted, whether useful or not)

- ☐ abstract of title
☒ tax card
☐ original building permit
☐ sewer permit
☒ Sanborn Maps
☐ obituary index
☐ city directories/gazetteers
☐ census records
☐ biographical encyclopedias
☐ newspapers
☒ city/county histories
☐ personal interviews
☐ Utah Hist. Research Center
☐ USHS Preservation Files
☐ USHS Architects File
☐ LDS Family History Library
☐ Park City Hist. Soc/Museum
☐ university library(ies):
☐ other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah:

University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: School type

No. Stories: 2

Additions: ☐ none ☒ minor ☐ major (describe below) Alterations: ☐ none ☒ minor ☐ major (describe below)

Number of associated outbuildings and/or structures: ☐ accessory building(s), # ____; ☒ structure(s), # 1.

General Condition of Exterior Materials:

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: 12-2008

☒ Good (Well maintained with no serious problems apparent.)

☐ Fair (Some problems are apparent. Describe the problems.):

☐ Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):

☐ Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Stone retaining walls extend along the Park Avenue.

Foundation: Stone

Walls: Stone.

Roof: Cross-wing roof form sheathed in Wooden shingles.

Windows/Doors: Four-over-four double-hung sash type, small one-over-one double-hung sash type in paired or grouped.

Essential Historical Form: ☒ Retains ☐ Does Not Retain, due to:

Location: ☒ Original Location ☐ Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The 2-story stone structure remains largely as it was described in the National Register nomination (see Nomination Form, National Register of Historic Places Inventory, 1978). When the site was nominated to the NR, the photographs suggest the building was vacant and in disrepair. The structure has been rehabilitated and adaptively reused as a Bed & Breakfast. Some changes have been made--garage added on north end of property--but many of the historical elements lost over time have been returned. The changes do not affect the site's original design integrity.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been significantly altered from what is suggested in the Sanborn Insurance maps and what is described in the National Register nomination.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The physical evidence from the period that defines this as an educational building constructed during the mining era are the use of stone, the building type of a central block with projecting wings, the bell tower, and the plain finishes.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of the type of educational buildings constructed in western towns of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The school building was constructed in 1889. It is one of the oldest buildings in Park City and is associated with development of public education in Park City.

This site was individually listed on the National Register of Historic Places in 1978. It was built c. 1889, is associated with the development of public education in Park City, and it retains its historic integrity. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

5 SIGNIFICANCE

Architect: ☒ Not Known ☐ Known: (source:)

Date of Construction: c. 1889¹

Builder: ☐ Not Known ☒ Known: R. Hobbs, contractor (source: National Register nomination)

¹ National Register nomination.

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- ☒ Settlement & Mining Boom Era (1868-1893)
- ☐ Mature Mining Era (1894-1930)
- ☐ Mining Decline & Emergence of Recreation Industry (1931-1962)

As stated in the National Register nomination, " The Washington School, constructed in 1889 of limestone quarried at Peoa, Utah is the remaining structure of the three public schools constructed in Park City in the late nineteenth century that followed the "ward school" concept. In addition, the structure is one of the few remaining buildings which survived the Great Fire of June 19, 1898. "

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: Southeast oblique. Camera facing northwest, 2006.

Photo No. 2: East elevation. Camera facing west, 2006.

Photo No. 3: Northeast oblique. Camera facing southwest, 2006.

Photo No. 4: East elevation - garage. Camera facing west, 2006.

Photo No. 5: Southeast oblique. Camera facing northwest, 1995.

Photo No. 6: Northeast oblique. Camera facing southwest, 1978.

Photo No. 7: Southeast oblique. Camera facing northwest, 1978.

SERIAL NO.
RE-APPRAISAL CARD (1940 APPR. BASE)

Owner's Name _____
 Owner's Address _____
 Location _____
 Kind of Building Res Street No. 553 Park Ave
 Schedule 1 Class 3 Type 1-2-3-4 Cost \$ _____ X %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
<u>1</u>	x x		<u>752</u>	\$ -	\$ <u>1470</u>
	x x			\$	\$
	x x			\$	\$

No. of Rooms 4 Condition _____

Description of Building	Add	Deduct
Foundation—Stone Conc. None ☒		<u>120</u>
Ext. Walls <u>Siding</u>		
Insulated—Floors Walls Clgs.		
Roof—Type <u>Gob</u> Mat. <u>Pot. Shg.</u>		
Dormers—Small Med. — Lg.		
Bays—Small Med. — Lg.		
Porches—Front <u>88" @ 1.10</u>	<u>97</u>	
Rear <u>84" @ 1.00</u>	<u>84</u>	
Cellar—Basement— $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ full-floor <u>Dirt</u>		
Basement Apts.—Rooms Fin. —		
Attic Rooms Fin. — Unfin. —		
Plumbing— Class <u>1</u> Tub <u>1</u> Trays <u>1</u> Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Urns <u>1</u> Ftns. <u>1</u> Shr. <u>1</u> Dishwasher <u>1</u> Garbage Disp. <u>1</u>	<u>350</u>	
Heat—Stove <u>H. A.</u> Steam <u>S.</u> Blr. <u>1</u> Oil <u>1</u> Gas <u>1</u> Coal <u>1</u>		
Air Conditioned — Incinerators —		
Radiant—Pipeless —		
Finish— Hd. Wd. <u>1</u> Floors <u>1</u> Hd. Wd. <u>1</u> Fir. <u>1</u> Fir. <u>1</u> Conc. <u>1</u>		
Cabinets <u>1</u> Mantels —	<u>40</u>	
Tile— Walls <u>1</u> Wainscot. <u>1</u> Floors <u>1</u>		
Lighting—Lamp <u>1</u> Drops <u>1</u> Fix. <u>1</u> <u>Lbr. Lined No. Sides - 11 @ 35"</u>		<u>140</u>
Total Additions and Deductions	<u>571</u>	<u>260</u>
Net Additions or Deductions	<u>-260</u>	<u>1470</u>

Ave Age 45 Yrs. by { Est. Owner ☒ Tenant ☒ Neighbors ☒ Records ☒ } REPRODUCTION VALUE \$ 1781
 Depreciation 12-3-4-5-6 58/42 % \$ 748
 Reproduction Val. Minus Depr. \$ 1033
 Remodeled Est. Cost _____ Remodeling Inc. _____ %
 Garage—S 8 C 1 Depr. 2% 3% _____ Obsolescence _____ %
 Cars _____ Walls _____ Out Bldgs. _____ %
 Roof _____ Size x Age _____ %
 Floor _____ Cost _____ Depreciated Value Garage _____ %
 Remarks 37yr Ave Used (1941) Total Building Value \$ _____

Appraised 10/1949 By Chas. A. J.

Location _____

Kind of Bldg. RES St. No. 553 Park Ave

Class 3 Type 1 2 3 3 Cost \$ _____ X _____ %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		752		\$ 1527
	x x				
	x x				

Gar.—Carport _____ x _____ Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions
Foundation—Stone _____ Conc. _____ None ☒	
Ext. Walls <u>SIDING</u>	
Insulation—Floors _____ Walls _____ Clgs. _____	
Roof Type <u>Gbl</u> Mtl. <u>pat</u>	
Dormers—Small _____ Med. _____ Large _____	
Bays—Small _____ Med. _____ Large _____	
Porches—Front <u>88</u> @ <u>100</u>	<u>88</u>
Rear <u>84</u> @ <u>100</u>	<u>84</u>
Porch _____ @ _____	
Metal Awnings _____ Mtl. Rail _____	
Basement Entr. _____ @ _____	
Planters _____ @ _____	
Cellar—Bsmt. — $\frac{1}{4}$ $\frac{1}{8}$ $\frac{1}{2}$ $\frac{3}{4}$ Full _____ Floor <u>dnt</u> <u>50</u>	
Bsmt. Apt. _____ Rooms Fin. _____ Unfin. _____	
Attic Rooms Fin. _____ Unfin. _____	
Plumbing { Class <u>1</u> Tub <u>1</u> Trays _____ Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Wtr. Sfr. _____ Shr. St. _____ O.T. _____ Dishwasher _____ Garbage Disp. _____	<u>350</u>
Built-in-Appliances _____	
Heat—Stove ☒ H.A. _____ Steam _____ Stkr. _____ Blr. _____ Oil _____ Gas _____ Coal _____ Pipeless _____ Radiant _____	
Air Cond. _____	
Finish—Fir ☒ Hd. Wd. _____	
Floor—Fir ☒ Hd. Wd. _____ Other _____	
Cabinets <u>1</u> Mantels _____	
Tile—Walls _____ Wainseot _____ Floors _____	
Storm Sash—Wood D. _____ S. _____; Metal D. _____ S. _____	
Total Additions	<u>572</u>

Year Built _____	Avg. <u>53</u>	Current Value	\$ <u>2099</u>
Inf. by { Owner _____ Tenant _____ Neighbor - Record - Est.	Age <u>53</u>	Commission Adj. _____ %	
Remodel Year _____	Est. Cost _____	Bldg. Value	
		Depr. Col. 1 2 3 4 5 6 <u>34</u> %	
		Current Value Minus Depr.	\$ <u>714</u>
Garage—Class _____	Depr. 2% 3% _____	Carport—Factor _____	
Cars _____	Floor _____	Walls _____	Roof _____
Size— <u>x</u>	Age _____	Cost _____	x _____ %
Other _____			
Total Building Value			\$ _____

Appraised 11-29 19 57 By 1331

PC 79
Serial Number

Card Number

Owners Name

Location

Kind of Bldg.

St. No.

Class

Type 1 2 3 4. Cost \$

X 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
	x x	752		\$ 3,363	\$
	x x				
	x x				

Att. Gar. C.P. x Flr. Walls Cl.

Description of Buildings	Additions	Additions
Foundation—Stone Conc. A Sills		
Ext. Walls Sid (A)		
Roof Type Gal Mtl. RR		
Dormers—Small Med. Large		
Bays—Small Med Large		
Porches—Front 80 # @ 150	120	
Rear 36 # @ 100	36	
Porch @		
Planters @		
Ext. Base. Entry @		
Cellar/Bsmt. — 1/4 1/8 1/2 3/8 3/4 Full Floor	80	
Bsmt. Gar.		
Basement—Apt. Rms. Fin. Rms.		
Attic Rooms Fin. 1 Unfin.	225	
Plumbing { Class 1 Tub. 1 Trays Basin 1 Sink 1 Toilet 1 Wtr. Sfr. Shr. St. O.T. Dishwasher Garbage Disp.	550	
Heat—Stove H.A. FA X HW Stkr Elec.	329	
Oil Gas X Coal Pipeless Radiant		
Air Cond. — Full Zone		
Finish—Fir. 1 Hd. Wd. Panel		
Floor—Fir. 1 Hd. Wd Other		
Cabinets 1 Mantels		
Tile—Walls Wainscot Floors		
Storm Sash—Wood D. S.; Metal D. 1 S.	30	
Awnings — Metal Fiberglass		

Total Additions

Year Built 1904

Avg. 1904

Age 2.

Replacement Cost

Obsolescence

Inf. by

Owner Tenant
Neighbor Record Est.

Adj. Bld. Value

Conv. Factor

Replacement Cost—1940 Base

Depreciation Column 1 2 3 4 5 6

1940 Base Cost, Less Depreciation

Total Value from reverse side

Total Building Value \$

Appraised ①

10-17-68 19

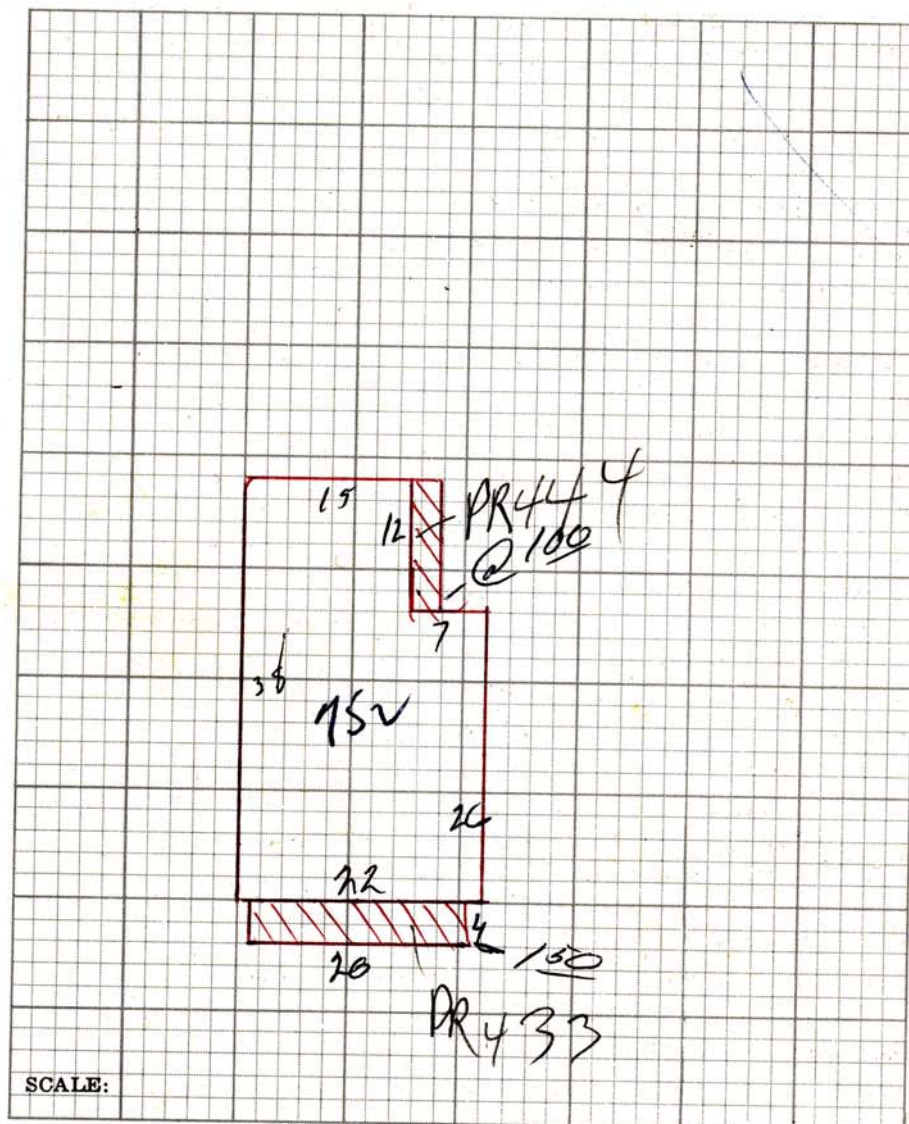
By

1208

Appraised ②

19 By

1328



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class _____ Depr. 2% 3% _____

Cars _____ Floor _____ Walls _____ Roof _____ Doors _____

Size _____ x _____ Age _____ Cost _____ x 47 % _____

1940 Base Cost _____ x _____ % Depr. _____

Total _____

REMARKS _____

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

FOR NPS USE ONLY

RECEIVED

JUN 6 1978

DATE ENTERED

DEC 8 1978

SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS**1 NAME**

HISTORIC

Washington School

AND/OR COMMON

Public School District No. 12

2 LOCATION

STREET & NUMBER

541 Park Avenue

___ NOT FOR PUBLICATION

CITY, TOWN

Park City

CONGRESSIONAL DISTRICT

STATE

Utah

___ VICINITY OF

CODE

COUNTY

Summit

CODE

142

3 CLASSIFICATION**CATEGORY**

___ DISTRICT

☒ BUILDING(S)

___ STRUCTURE

___ SITE

___ OBJECT

OWNERSHIP

___ PUBLIC

☒ PRIVATE

___ BOTH

PUBLIC ACQUISITION

___ IN PROCESS

___ BEING CONSIDERED

STATUS

___ OCCUPIED

☒ UNOCCUPIED

___ WORK IN PROGRESS

ACCESSIBLE

___ YES: RESTRICTED

☒ YES: UNRESTRICTED

___ NO

PRESENT USE

___ AGRICULTURE

___ COMMERCIAL

___ EDUCATIONAL

___ ENTERTAINMENT

___ GOVERNMENT

___ INDUSTRIAL

___ MILITARY

___ MUSEUM

___ PARK

___ PRIVATE RESIDENCE

___ RELIGIOUS

___ SCIENTIFIC

___ TRANSPORTATION

☒ OTHER: Vacant**4 OWNER OF PROPERTY**

NAME

David S. Grow

STREET & NUMBER

P. O. Box 202

CITY, TOWN

Provo

___ VICINITY OF

STATE

Utah

5 LOCATION OF LEGAL DESCRIPTIONCOURTHOUSE,
REGISTRY OF DEEDS, ETC.

Summit County Courthouse

STREET & NUMBER

CITY, TOWN

Coalville

STATE
Utah**6 REPRESENTATION IN EXISTING SURVEYS**

TITLE

Utah State Historic Sites Inventory

DATE

1973/1978

___ FEDERAL ☒ STATE ___ COUNTY ___ LOCALDEPOSITORY FOR
SURVEY RECORDS

Utah State Historical Society

CITY, TOWN

Salt Lake City

STATE
Utah

7 DESCRIPTION

CONDITION

___EXCELLENT
___GOOD
___FAIR

XDETERIORATED
___RUINS
___UNEXPOSED

CHECK ONE

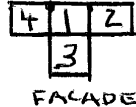
XUNALTERED
___ALTERED

CHECK ONE

XORIGINAL SITE
___MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The basic plan of the George Washington Schoolhouse is a "T" plan built in stone. It is a split level structure rising to a height of two full storeys at the main elevation and one and one half at the rear. Three wings extend from the central block on both sides and the front. The central square and wings will be numbered as follows:



The plot is located on a slope which causes the split leveling. The basement, done in cut stone, is partial, only extending under section #3. The exterior wall material is also cut stone and is a combination of broken course and composition coursing. The texture of the stone is hammered or tooled. In the exterior wall of the main facade there is a date stone which reads "Public School District No. 12, 1889."

The total roof shape is a "T" gable covered with wood (probably cedar) shingles. There are three interior chimneys which are centrally located at the end of wings 2,3, and 4. These are single units made of brick. There are several dormer windows of pediment shape and having windows of the "four sash with mullions" type. The eaves are done in wood which projects and have no exposed rafters. The raking is a wood fascia and frieze with no special features.

The main windows on the first floor are flat two sash (double hung) with a plain lintel. There are no side elements, but the sill is of lugsill type. Both lintel and sill are done in smoothly cut stone. The second floor windows are two sash with one upper and one lower. There are two circular windows in the uppermost storey of section two.

There are two identical doors, one main and one secondary, located off-center on the main floor.  Their structural openings are flat with plan, cut stone surround heads and sides. The architrave type is plain with embrasure. The side panels are recessed on both sides and the transom panels are plain and recessed. The doors are double, four panel doors, and the panels are recessed with moulded railings. The glazing on the door was undeterminable.

The location of the main staircase is at the main door. They extend straight from the main door parallel to the exterior wall from a low porch supported by wooden blocks.

One of the more interesting features of the building is the centrally located bell tower which is square in shape, supported at four corners by wood columns having bracketed eaves and scroll worked corner brackets. Topping the steep cupola roof is a flag pole which could be original. The sides of the cupola below the roof are open at this time and the bell has been removed.

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW				
☐ PREHISTORIC	☐ ARCHEOLOGY-PREHISTORIC	☐ COMMUNITY PLANNING	☐ LANDSCAPE ARCHITECTURE	☐ RELIGION	
☐ 1400-1499	☐ ARCHEOLOGY-HISTORIC	☐ CONSERVATION	☐ LAW	☐ SCIENCE	
☐ 1500-1599	☐ AGRICULTURE	☐ ECONOMICS	☐ LITERATURE	☐ SCULPTURE	
☐ 1600-1699	☒ ARCHITECTURE	☒ EDUCATION	☐ MILITARY	☐ SOCIAL/HUMANITARIAN	
☐ 1700-1799	☐ ART	☐ ENGINEERING	☐ MUSIC	☐ THEATER	
☒ 1800-1899	☐ COMMERCE	☐ EXPLORATION/SETTLEMENT	☐ PHILOSOPHY	☐ TRANSPORTATION	
☐ 1900-	☐ COMMUNICATIONS	☐ INDUSTRY	☐ POLITICS/GOVERNMENT	☐ OTHER (SPECIFY)	
		☐ INVENTION			

SPECIFIC DATES 1889

BUILDER/ARCHITECT R. Hobbs, contractor

STATEMENT OF SIGNIFICANCE

The Washington School, constructed in 1889 of limestone quarried at Peoa, Utah is the remaining structure of the three public schools constructed in Park City in the late nineteenth century that followed the "ward school" concept. In addition, the structure is one of the few remaining buildings which survived the Great Fire of June 19, 1898.

HISTORY

Park City, Utah, quickly became one of the leading and most profitable argentiferous lead mining areas in the world. The initial discover date is cited as 1868, but it was the Ontario Mine, sold to George Hearst in 1872, that initiated efforts to mine lode ores and acted as the catalyst for Park City's reputation as a bonanza camp. The district grew rapidly attracting a diverse population, with commercial and social activity centered in the town of Park City.

The increase in population and prosperity affected Park City's development from a settlement, to a camp, and finally to a town. Within such a framework of development the social environment underwent changes, with various aspects of that environment needing attention. Education, practically from the outset, became of particular importance.

The first educational efforts in Park City culminated in the establishment of the Ontario School, in 1875. Other reports indicate that earlier in the winter of 1875, John L. Street and George C. Snyder sponsored a school taught by Dominic Dignan;¹ followed by the Ontario School, which was supported by subscriptions from the Ontario miners, and also from donations. Following closely were other schools sponsored by the Catholic Church, Congregational Church and the Public Free School No. 12.

The 1870's and 1880's proved a difficult period for public schools in Park City. Tax measures to aid public education were voted down and in addition, the presence of other schools, Saint Mary's (Catholic) and the Park Academy (Congregational), created alternatives to public education. The Free School was originally run by the New West Education Commission, Congregational Church, but sponsorship was later dropped because of financial difficulties. The church shortly thereafter sponsored the Park Academy. In 1883 citizens voted down a school tax levy;² children were to be sent to either Saint Mary's (still remaining) or the Park Academy.

¹William McPhee, The Trail of the Leprechaun: Early History of a Utah Mining Camp (Hicksville, N.Y., 1977), p. 69; J. Weston Woodbury, "A History of the Park City School District," (M.S. Thesis, University of Utah, 1960).

²Ibid., pp. 69-78; Woodbury, Park City School District, p. 57

9 MAJOR BIBLIOGRAPHICAL REFERENCES

McPhee, William M. The Trail of the Leprechaun: Early History of a Utah Mining Camp Hicksville, N.Y. 1977

Woodbury, J. Weston, "A History of the Park City School District." M.S. thesis, University of Utah, 1960

Park City School District No. 12, Treasurer Ledger, August 1880, to June 1897. Park City Board of Education Office

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY less than one acre

QUADRANGLE NAME Park City East, Utah

QUADRANGLE SCALE 1:24000

UTM REFERENCES

458-020 A 12 457990 44991210

ZONE

EASTING

NORTHING

B
ZONE EASTING NORTHING

C

D

E

F

G

H

VERBAL BOUNDARY DESCRIPTION

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE

CODE

COUNTY

CODE

STATE

CODE

COUNTY

CODE

11 FORM PREPARED BY

NAME / TITLE

Philip F. Notarianni, Historian

ORGANIZATION

Utah State Historical Society

DATE

March 31, 1978

STREET & NUMBER

307 West 2nd South, Suite 1000

TELEPHONE

533-6017

CITY OR TOWN

Salt Lake City,

STATE

Utah

12 STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL

STATE X

LOCAL

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE

TITLE

SHPO

DATE

May 24, 1978

FOR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

DATE 12-8-78

KEEPER OF THE NATIONAL REGISTER

ATTEST:

DATE

CHIEF OF REGISTRATION

William H. Bowman 12-8-78

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

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CONTINUATION SHEET

ITEM NUMBER 8

PAGE 2

Population growth, apparently increased a demand, as reports indicated an enrollment of one hundred during the 1885-1886 school year. At that time the Public Free School, District No. 12³ had John F. Bledsoe as principal, later replaced by Miss Lizzie Holding, assisted by Miss Mary Kelly. During the 1886-1887 year, C.A. Short was hired as principal, with assistants Mrs. F. V. Davis and Miss E. L. Stalker. Enrollment increased to 162. In 1888, Professor M. G. Hoover replaced Short, with rolls climbing to 194 students.

During 1888, the Trustees of School District No. 12 debated the issue of building new schools. Opposition formed against the idea of a large central school because of a lack of a sufficient population and a lack of property valuation to provide for construction. This followed from an earlier meeting, in July 1888, in which interest was generated in the building of two ward school houses (political "wards")-upper and lower Park Avenue. This system was favored, and as a result studies were made, and plans obtained, of two existing schools -- one a ward school in Grand Haven, Michigan, and the other the school at Lynn, near Ogden, Utah.⁴

The June 15, 1889 issue of The Park Record related that the old public school house on Park Avenue was to be demolished to make way for a new structure. In July the Trustees of District No. 12 decided that the school should be constructed of rock, not lumber, and would contain three rooms, each 30 by 30 feet in size, with 16 foot ceilings. A contract was let to R. Hobbs, and grading commenced, but the excessive amount of grading necessary to prepare the lot caused a delay in the structure's completion.⁵

The rock building, in contrast to the red brick used in later structures, was completed in the late fall of 1889, at a cost of about \$13,000.⁶ Classes for the elementary grades commenced on November 18, 1889, and The Park Record quickly labeled the building as ". . . one of the finest in the state." The school, known originally as the Central School, or Building No. 1, was the first of three schools built in the 1880s and 1890s to accomodate Park City's growing population. School Buildings No. 2 and No. 3 were erected in 1891 and 1895 respectively. On July 12, 1897, F. R. Davis, Clerk of District No. 12, suggested that due to confusion, the Central School, and Buildings No. 2 and 3 be named the Washington, Jefferson, and Lincoln Schools. Davis' motion carried.⁸

³The first record of this district is a Treasurer's Ledger, dated August 10, 1880.

⁴The Park Record, July 14, 1888; December 1, 1888. In the July, 1888 meeting, Frank E. James stated that by law the trustees were not allowed to bond the school district or involve it in heavy debt; therefore, the board decided to postpone a decision until 1889, in time to have increased the building fund.

⁵The Park Record, June 15, 1889; July 27, 1889; September 14, 1889; Park City School District No. 12, Treasurer Ledger, August, 1880 to June 1897, p. 49, Hobbs was paid \$348.55.

⁶Sources vary from \$10,5550.00 to \$13,807.71.

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CONTINUATION SHEET

ITEM NUMBER 8 PAGE 3

⁷The Park Record, November 9, 1889.

⁸Record of District School No. 12, July 8, 1895- July 6, 1906, pp. 38,39.

The Washington School continued to function as an important part of Park City's educational program until 1931. At that time the school and lot were listed for sale, the Trustees having decided to close the school in the term, apparently due to declining enrollments. It was sold in 1936 to the Veterans of Foreign Wars for \$200.00. A new central school, the Marsac Elementary School, was constructed in 1936 when the Trustees voted to build a new central elementary school rather than remodeling the Jefferson or Lincoln schools.

Thus, the Washington School remains and is most significant because of its architectural detailing (see Item 7) and its role in documenting the history of public education in Park City, Utah. The present owner has granted the Utah State Historical Society a preservation easement on the facade to insure the building's preservation.

⁹Woodbury, Park City School District, p. 61; Hazel T. Taylor, Clerk, to Kent Powell, Historian, Utah State Historical Society, October 22, 1971.

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

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CONTINUATION SHEET

ITEM NUMBER 9 PAGE 2

The Park Record, July 14, 1888; December 1, 1888; June 15, 1889; July 27, 1889;
September 14, 1889; November 9, 1889.

Record of District School No. 12, July 8, 1895 - July 6, 1906. Park City Board of
Education Offices.















Browne Sebright

From: John Plunkett <[REDACTED]>
Sent: Thursday, October 7, 2021 2:39 PM
To: Browne Sebright
Cc: John Browning; Bill & Robin Dark; Barbara Kuhr; Linda Cox; Kirsten Ehrich
Subject: [External] Neighbor's concerns for the Washington School CUP staff report

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This is an external email.

Hi Browne,

There are now 24 homeowners (and counting) of 17 homes on both Woodside and Park Avenues, next to or near the Washington School, who are united in opposition to Commercial Outdoor Events in our HR-1 neighborhood.

We call on the Planning Department to protect our homes and investments in this Residential Zone, and to recommend that the Washington School's new C.U.P. requests be denied.

We also ask that the Staff Report include our names and concerns — Please include the color map below as part of the staff report — It lists all the homeowners and shows our home's locations in yellow with street addresses (Gray shows homeowners who we haven't heard back from yet, and two who are undecided).

We neighbors are happy for the School to continue just as it has for over 30 years, as a quiet, low-impact B&B whose Conditions of Approval limit parking and do not allow 'Organized Outdoor Events' to take place. We also don't mind if the School continues to call itself a hotel for marketing purposes.

Thank-you for the Department's consideration and acknowledgement of our concerns, as well as the many millions of dollars we have collectively invested to improve both our Historic District and our homes.

Sincerely,

John Plunkett, Barbara Kuhr, Mike & Katie Mueller, John & Dianne Browning, Linda & Will Cox, Robin & Bill Dark, Ben & Shelly Chigier, Larry Meadows, Clayton McNeel, Robert Gebhart, Jodi VanDresser, Jen Tashima, Tim & Alisa Hoffman, Jeff Love, Jim Tuton, Rachel & Kirk Wilson, Kirsten Ehrich

24 Homeowners United Against Commercial Outdoor Events in Our Residential Neighborhood!

Woodside Avenue:

503 Ben & Shelly Chigier
 515 Larry Meadows
 537 Katie & Mike Mueller
 543 Clayton McNeel
 528 Robert Gebhart
 564 Barbara Kuhr, John Plunkett
 568 Jodi VanDresser & family
 572 Jen Tashima
 605 Tim & Alisa Hoffman
 615 Jeff Love
 621 Jim Tuton

Park Avenue:

527 Rachel & Kirk Wilson
 553 Kirsten Ehrich & family
 557 Barbara Kuhr & John Plunkett
 561 Dianne & John Browning
 575 Linda & Will Cox
 594 Robin & Bill Dark



Woodside Avenue:

503 Kevin Efrusy
 503 1/2 Ben & Shelly Chigier
 515 Larry Meadows
 521 Bruce Ward & Cynthia Coe
 533, 535, 537 Katie & Mike Mueller
 528 Robert Gebhart
 532 Jack Wallack
 543 Clayton McNeel
 564 Barbara Kuhr, John Plunkett
 568 Jodi VanDresser & family
 572 Jen Tashima
 605 Tim & Alisa Hoffman
 615 Jeff Love
 621 Jim Tuton

Park Avenue:

527 Rachel & Kirk Wilson
 553 Kirsten Ehrich & family
 550 Mark Fischer
 557 Barbara Kuhr & John Plunkett
 561 Dianne & John Browning
 575 Linda & Will Cox
 594 Robin & Bill Dark

28 Homeowners of 22 Homes

October 20, 2021



Browne Sebright

From: Nicole Deforge <ndeforge@fabianvancott.com>
Sent: Thursday, November 4, 2021 12:15 PM
To: planning; Browne Sebright
Cc: John Phillips; Laura Suesser; Mark Sletten; Douglas Thimm; Christin VanDine; Sarah Hall; John Kenworthy; Bill Johnson
Subject: [External] Public comments on Washington School B&B CUP
Attachments: PLUNKETT-WASHINGTON SCHOOL CUP opp ltr.pdf
Categories: WSI Public Comment

[CAUTION] This is an external email.

Dear Planning Commission and Staff,

Please see the attached letter regarding the pending Washington School B&B Conditional Use Permit application. Please include the letter as part of the public comments in advance of the November 10, 2021 Planning Commission meeting.

Thank you.

Nikki

NICOLE M. DEFORGE

Attorney

FabianVanCott

215 South State Street, Suite 1200

Salt Lake City, UT 84111-2323

(T) 801-531-8900 (D) 801-574-2620

ndeforge@fabianvancott.com

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November 4, 2021

VIA E-MAIL (planning@parkcity.org)

Park City Planning Commission
P.O. Box 1480
Park City UT 84060

Re: Washington School B&B—CUP Application

Dear Commissioners and Staff:

I am writing on behalf of a group of Park City residents who live adjacent to the Washington School bed and breakfast inn. These residents wish to express their opposition to the pending CUP application to convert the property from a Bed and Breakfast to a Hotel, Minor. Additionally, although not specifically raised as a request for approval in the CUP application, the residents oppose any use of the B&B property for outdoor of as a private event facility. Both requests should be denied.

First, it is important to understand the long history of this property and various land use applications over the years. The pattern has been for the owner to seek a limited approval for some new use, ignore the restrictions and conditions in the approval, unilaterally expand beyond what was allowed, then go back and ask the City for forgiveness, removal of the restrictions that were imposed to mitigate the impact of the approved use, and validation of the unilaterally expanded use. That is precisely what is happening yet again with the pending CUP application.

- In 1983, the City approved a conditional use permit for the property to be operated as a bed and breakfast with 14 bedrooms with an additional room for the caretaker.
- In 2001, the owner requested a plat amendment to build a garage on the property. The staff report stated that "the addition of the garage will increase the amount of off-street parking available to the Washington School Inn by two spaces without increasing the amount of density." Following approval in June 2001, the owner never used the garage for parking.
- Instead, after receiving the June 2001 approval, the owner unilaterally tore the peaked roof off the garage and built an outdoor terrace on top of the garage. After receiving City and neighbor complaints, the owner filed an after-the-fact conditional use permit application for the terrace. In the 2001 CUP approval, the City expressly stated that "[p]rogramming the flat-roof/terrace for outdoor commercial activities which are inconsistent with the character and scope of bed and breakfast in operations is not permitted under the 1983 conditional use permit or the HR-1 district regulations.

- In 2010, the owner requested a conditional use permit for a swimming pool. In its Findings of Fact, the Planning Commission stated that "organized events for the Washington School Inn patrons and/or the general public, including parties, weddings, or other public assemblies, are not permitted in the HR1 zone and are outside the scope of the 1983 conditional use permit." The 2010 CUP approval further expressly stated that "no guest or employee parking shall occur on Woodside Avenue or Park Avenue."
- In 2015, the owner sought permission to modify the garage for use as a laundry facility instead of for parking. FOF #5 stated that "guests and employees will continue to not be permitted to park on Woodside Avenue. Deliveries and services of the bed and breakfast as well as its pool will continue to occur off of Park Avenue, per the existing CUP applications." COA #8 likewise states that "no guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 conditional use permit approval. Service and deliveries ... shall continue along Park Avenue." Yet, the owner has somehow obtained residential or guest parking permits from the City and there are often guests and employees parking on Park Avenue. There are also delivery trucks on Park that regularly block driveways and sidewalks.
- The owner has also been using a building across the street at 528 Park Avenue as an accessory building for the B&B without a permit or approval from the City. Such off-site commercial use is not allowed in the HR-1 zone.

The owner has now filed yet another CUP seeking permission to again expand the use of its property to allow the very things it was expressly prohibited from doing in prior CUPs. The owner has not even complied with the past conditions and mitigation measures imposed by the Planning Commission for its existing uses and cannot be expected to comply with future mitigation measures now. The toe-in-the-door approach cannot be sanctioned by removing the mitigation requirements that the City imposed in prior CUPs for current uses.

Second, in its application, the owner falsely claims that "the proposed Hotel, Minor will not create special issues that need to be mitigation. Functionally, the proposed use will continue much the same as the existing Bed and Breakfast use." In fact, changing the approved use of the property from a Bed and Breakfast to a Hotel, Minor will dramatically alter the use of the property. It would permit the applicant to have "accessory facilities such as restaurants, bars, spas, meeting rooms ... recreational facilities" and the like on the property, squarely in the middle of a residential neighborhood and zone. (LMC § 15-15.)

Allowing a restaurant, bar, or meeting room on the property would draw additional traffic to the property and increase the parking demand at the site on a daily and nightly basis, which could not be mitigated by valet parking for events. It would also increase the noise associated with the property in an already dense neighborhood with little space between properties. Given the change in and significant expansion of use requested by the applicant, the following LMC factors governing conditional use permits weigh heavily against approval:

1. Size and location of the Site: The site is narrowly wedged in between residential homes that are tightly packed along Park Avenue and Woodside Avenue. The area is zoned HR-1 and is a residential area in historic Old Town. Although a Hotel, Minor use, along with the accessory restaurants and meeting rooms might be appropriate

in other HR-1 zones where the homes are spread out, it is not appropriate for this very densely packed area with homes mere feet apart. In fact, one neighbor living next door to the B&B recently noted that she could reach out of her window and grab a cup of coffee off the tables on the B&B garage deck.

2. Traffic considerations including capacity of the existing Streets in the Area. Park Avenue and Woodside Avenue are particularly narrow in these areas. They are not designed for and cannot handle any increase in traffic driven by expanded public use at the B&B property due to restaurants, parties, and events.
3. Emergency vehicle Access. This is already a difficult area to access in wintertime, particularly after a snowstorm. Adding more traffic to these narrow, historic streets would further impair access.
4. Location and amount of off-Street parking. The applicant curiously proposes to nearly *double* the number of occupants allowed on site while *reducing* the amount of parking it is currently required to have just to operate a B&B. The LMC requires 12 spots for the B&B use *alone*, and the applicant wants to provide only 11 spots *total* (despite being allowed to build a garage onsite that it claimed it would use as two additional parking spaces and instead uses for laundry). The applicant also wants to change the current B&B use to allow it to add a restaurant, meeting spaces, and events and increase the number of allowed occupants by 27 people—all without providing any additional parking spaces. Merely capping the number of permitted occupants will not mitigate anything. The occupancy numbers suggested by the applicant and considered by staff do not even include all the catering and event planning staff and workers that would be needed on site for events. And it is not realistic to assume that the applicant will remove guests from the property if an event exceeds the permitted number. The applicant's anecdotal claim that it doesn't need the parking it already has is unsupported by any evidence other than its self-serving claim. Rather than allowing or requiring the applicant to construct an additional parking pad on Woodside (which cannot be used for guest or employee parking anyway), the City should require the applicant to use the garage that it claimed would provide two additional parking spaces *for parking*—not laundry.
5. Fencing, Screening, and landscaping to separate the Use from adjoining Uses. The applicant is proposing to take down out Significant Vegetation and other landscaping that currently separates its property from the adjacent home in order to build another parking structure. Regardless, the homes next to the property are so close to the property lines as to make adequate separation from the proposed uses impossible.
6. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. This is a major issue for the densely packed neighborhood and homes mere feet from the property. Outdoor events are currently prohibited on the property under current CUPs. They are also prohibited under the LMC. Allowing such use would create unmanageable noise issues and violate the LMC. Even allowing bars, restaurants, meeting rooms, and private events indoors would generate unacceptable levels of noise with the vehicle and pedestrian traffic and event logistics, like catering, set-up, and take-down that would go late into the

night. And, it is not feasible to think that the applicant could keep partygoers indoors at all times or would even attempt to do so. The burden of enforcement, if even possible, would be shouldered by the neighbors.

7. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. Although current CUPs for the property prohibit activities such as pool maintenance from taking place off of Woodside Avenue, that it is exactly what is happening. Additionally, delivery trucks on Park Avenue frequently block driveways and sidewalks, and Park is also being used for guest and/or employee parking. Overflowing trash cans are left on the street, and the trash will markedly increase with the proposed expansion of the property. Enforcement of the current CUP conditions and mitigation measures is borne by the residents, not the applicant. Pushing even greater enforcement burdens onto the neighbors is no reasonable or fair.
8. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding. The proposed use is not consistent with the goals and objectives of the General Plan. One of the core goals of the General Plan is to incentivize "primary homeownership in Old Town" because "in order to Keep Park City Park City, it is essential that Parkites be located in the heart of the City." To the end, that General Plan states that the City must "work to ensure the continued livability of residential areas around the historic commercial core." Allowing outdoor events, restaurants, and bars on the property with the associated noise, traffic, and parking demand will not make the neighborhood livable or attractive for homeowners.

There is no way to mitigate these material impacts on the neighborhood and its residents. The mitigation measures imposed in prior CUPs, like limiting parking on Park Avenue or service vehicles on Woodside, have not been followed and it is not reasonable to believe that simply imposing new requirements would be followed either. Additional mitigation measures would only impose a greater burden on the neighbors to police the property and attempt to enforce the conditions. That does not make for a livable neighborhood for primary homeownership.

Third, regardless of whether the property is designated as Bed and Breakfast or Hotel, Minor, the Planning Commission cannot approve the applicant's request to use the property for outdoor events or as a private event facility. Neither use is an allowed or even conditional use in the HR-1 zone. The Planning Staff correctly noted this fact in its October 13, 2021 staff report. And, as noted above, the Planning Commission has repeatedly informed the applicant that such uses are not allowed under the LMC in prior CUPs and expressly restricted such uses in the conditions of approval, including in the 2001 CUP and the 2010 CUP. Because such uses are not permitted under the LMC, the Planning Commission cannot approve applicant's request to hold private or outdoor events even if it approves the change from Bed & Breakfast to Hotel, Minor.

Finally, it is important to note that none of the CUP factors include consideration of the business needs of the applicant. It is not the responsibility of the City to allow uses that harm residents and neighborhoods simply because the applicant claims that such uses would be beneficial or even necessary to the business. The CUP factors solely focus on the capacity of

existing infrastructure and the interests of residents. The Planning Commission must likewise focus solely on those issues.

We appreciate your consideration of the neighbors' concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nicole M. Deforge", with a stylized, cursive script.

Nicole M. Deforge

cc: client

Browne Sebright

From: John Plunkett <john@plunkettkuhr.com>
Sent: Thursday, November 4, 2021 4:20 AM
To: Sarah Hall; Laura Suesser; John Kenworthy; Christin VanDine; Douglas Thimm; John Phillips; Bill Johnson
Cc: Browne Sebright; Gretchen Milliken; Mike Mueller; katiemuelleraz@gmail.com; BWARD@allresco.com; Clayton McNeel; [REDACTED] lawrencemeadows@yahoo.com; jim@tuton.com; mlincoln@cooley.com; Jeff Love; Kevin Efrusy; Jack Wallack; Robert Gebhart; [REDACTED] Ben@chigier.com; Bill & Robin Dark; John Browning; Dianne Browning; Will & Linda; mark fischer; Jodi VanDresser; Jim Tuton; Kirk Wilson; Kirsten Ehrich; ccoe@allresco.com; Barbara Kuhr; Nicole Deforge
Subject: [External] Notes from the Zoom with HR-1 Property Owners, Friday Oct 22
Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This is an external email.

Dear Planning Commissioners,

On Oct 22, Friday, fourteen property owners in the HR-1 Zone between Park and Woodside Avenues participated in a zoom conference.

One of the property owners, Tom Holtus, wants to hold commercial outdoor events in our Residential Zone, and increase parking and deliveries on both Park and Woodside Avenues.

Tom's neighbors (see map below) do not think that one property owner should be allowed by the City to create commercial outdoor events at the expense of all the other property owners in this residential zone, particularly since outdoor events are a Prohibited Use in the HR-1.

We're also very concerned that a future owner could seek to add a restaurant and bar, as per the LMC definition of Hotel Uses.

For these reasons we've asked Tom Holtus to withdraw the Hotel C.U.P. application. However if Tom and the Washington School go forward, we ask the Commission to Deny this C.U.P request.

Please see our zoom notes below.

Property Owners in attendance (see map below):

Kevin Efrusy,	503 Woodside, private home
Mike Mueller,	533,535, 537 Woodside, three private condos
Robert Gebhart,	528 Woodside, private home
Jack Wallack,	532 Woodside, private home
Clayton McNeel,	543 Woodside, private home
Barbara Kuhr,	564 Woodside & 557 Park private homes & Woodside lot
John Plunkett	(same as Barbara K)

Kirk Wilson,	527 Park, private home
Tom Holtus,	543 Park (Washington School) commercial bed & breakfast
Mark Fischer,	550 Park, private home
Kirsten Ehrich,	553 Park, private home
John Browning,	Lot 33, Woodside & 561 Park, private home & Woodside lot
Dianne Browning	(same as John B)
Linda Cox	575 Park, private home

Summary:

As the map below shows, most of the School's adjacent property owners were on the zoom. Tom Holtus and his manager Michael Gregory represented the School. The discussion lasted about 90 minutes.

Tom indicated he would like to hear ideas from neighbors on how to best mitigate the School's proposed change from a B&B C.U.P. to a Hotel, and how to mitigate Outdoor Events such as weddings and corporate retreats. He proposed limits on the number of outdoor events, the size of events, and ways to reduce noise and parking problems. He said that he, "did not want to disturb you" and that, "functionally it is the same use."

In response, it's fair to say that all the neighbors disagreed with Tom. We first expressed regret that we can't support the School's Hotel and Outdoor Event applications, as we think the School has (mainly) been a good neighbor, BUT, we are very concerned about the additional Crowds, Noise, Parking, Deliveries, and Trash Management on our narrow streets. And how that would affect our quality of life and our property values. Last and most important, even if Tom is the good neighbor he intends to be with a Hotel C.U.P., we are very concerned that a new owner would claim the right to add other hotel activities such as a public restaurant and bar, outdoor dining, more outdoor events, etc.

Individual Comments:

Kevin Efrusy (on zoom and in emailed comments)

"He's a nice guy, took the time to hear us out, and I do love the property, so it hurts me a little to fight it. But...there are tight neighbors everywhere and it's just unfair to them for him to just be able to suddenly throw all those large outdoor events. Even 15 events, given they would (most likely) only be in the summer, is at least 1 *every* weekend during that season. Kinda rough to have every one of your Saturday nights ruined in the summer."

"It would be loud for me, but unbearable for his nearer neighbors, and honestly severely dent their property values. No one wants to move in next to that..."

Mike Mueller

Very concerned about the noise from outdoor events being way too much for Woodside neighbors who sit above the School

Does not want Parking and Deliveries on Woodside.

Does not want a commercial parking pad across from his home.

John Browning

Concerned that a future owner would enlarge the hotel activities ("it's a slippery slope")

Adamantly does not want a Woodside parking pad next door to his Woodside lot.

Kirsten Ehrich

No additional noise or activity is acceptable — Her home is on Park Avenue directly next to the School's garage. The outdoor deck is only a few feet from her window. Their bedroom window faces out to the spot where a wedding chapel was proposed (and rejected) in 2001.

Deliveries and (prohibited) guest and employee parking often block her driveway. No additional deliveries and caterers for events is acceptable on our tiny street.

Barbara Kuhr

Pointed out how much noise carries in the Woodside backyards even now, with just occasional guest and staff activity. Can't imagine the noise of caterers setting up and tearing down 60 chairs for summertime events.

Mark Fischer

Very annoyed by multiple, over-flowing garbage cans that are placed in front of his property, and left there before and after the School's commercial pick-ups, two or three times per week. "if there's this much garbage right now, how much more would there be for a 60 person wedding? There's just no room for this on Park Ave or Woodside"

Mark also asked, "How do these plans benefit the neighbors? What do we get in return?"

Tom Holtus' Response: "improved Property Values"

John Plunkett

Moderated the zoom and was glad that the discussion remained civil on all sides.

Reiterated the points made by everyone else. Stressed that the School's business plan was a good one if they were in a commercial zone, but HR-1 is a Residential zone.

Asked Tom about the building at 528 Park across from the School. Tom said it is used by the School, and that it and the NW Woodside lot, along with the School, are all 'owned by the same entity'.

John asked Tom, on behalf of his fellow property owners, to save us all a lot of time and stress and money, and to please withdraw the School's application.

Tom said no, the School would exercise it's property rights. John assured Tom that the neighbors will also fight to preserve our property rights and property values.

We agreed to disagree and the zoom concluded.

Woodside Avenue:

503 Kevin Efrusy
 503^{1/2} Ben & Shelly Chigier
 515 Larry Meadows
 521 Bruce Ward & Cynthia Coe
 533,535,537 Katie & Mike Mueller
 528 Robert Gebhart
 532 Jack Wallack
 543 Clayton McNeel
 564 Barbara Kuhr, John Plunkett
 568 Jodi VanDresser & family
 572 Jen Tashima
 605 Tim & Alisa Hoffman
 615 Jeff Love
 621 Jim Tuton

Park Avenue:

527 Rachel & Kirk Wilson
 553 Kirsten Ehrich & family
 550 Mark Fischer
 557 Barbara Kuhr & John Plunkett
 561 Dianne & John Browning
 575 Linda & Will Cox
 594 Robin & Bill Dark

HR-1 Property Owner Zoom Meeting:
13 Homeowners of 19 properties, and
Tom Holtus, owner of the School and
two other, related (?) properties
Friday, Oct 22



Browne Sebright

From: John Browning <jb@poyais.com>
Sent: Thursday, November 4, 2021 9:24 AM
To: Browne Sebright; Sarah Hall; John Kenworthy; John Phillips; Bill Johnson; Laura Suesser; Douglas Thimm; Christin VanDine
Subject: [External] Opposing Washington School Inn change of use

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: WSI Public Comment

[CAUTION] This is an external email.

Dear Planning Commissioners,

I am writing to oppose the Washington School Inn's application to hold outdoor events, expand its parking and change its status from B&B to Minor Hotel. I live at 561 Park Ave, two doors down from the Washington School Inn.

Park Avenue and Woodside are residential neighborhoods; granting this application would make them commercial. It would bring:

- * crowds of people going to and from events
- * a parking lot on Woodside, where there is now houses and green space
- * noise from events
- * an easy path through planning to even more commercialisation: including an open restaurant and bar and full commercialisation

I am sorry to oppose this. The Inn has generally been a good neighbor, and I'm sure that the past couple of years have been tough on them economically, as they have all Park City small businesses. I would like them to prosper.

But I believe it is critical not just for us residents but for the continued prosperity of Park City as a whole to preserve the Victorian residential neighborhoods that give the town its unique character. This would be a step towards their destruction.

Thank you for your time and consideration in reading this.

allbests,

.....
John Browning

Browne Sebright

From: Jodi Van Dresser [REDACTED]
Sent: Thursday, November 4, 2021 11:54 AM
To: Sarah Hall; Laura Suesser; John Kenworthy; Christin VanDine; Douglas Thimm; John Phillips; Bill Johnson; Browne Sebright
Cc: john@plunkettkuhr.com
Subject: [External] REQUEST TO DENY WASHINGTON SCHOOL HOTEL C.U.P. APPLICATION (568 Woodside Ave)

Follow Up Flag: Follow up
Flag Status: Completed

Categories: WSI Public Comment

[CAUTION] This is an external email.

To All Members of the Planning Commission,

Although we were unable to attend the zoom conference on Oct 22 due to a travel conflict, we are fulling informed on the exchange of information between the Park and Woodside Avenue property owners and those representing Washington School.

We strongly oppose Washington School's request for commercial outdoor events and request that the Planning Commission deny the application.

We purchased our home at 568 Woodside Ave in 1997 and have experienced the challenges that residential growth alone has created, especially over the past 5 years. Parking, through traffic, construction vehicles and waste collection has grown exponentially and continues to be a management challenge. Given the narrowness of Woodside Ave (Park as well) and the number of street-side residential parking permits issued, it is often difficult to maneuver Woodside Ave and access our home. This is a year-round problem... not only in-season when winter conditions greatly impact the flow of traffic, but especially in the off-season months when residential construction upgrades and city maintenance are the priority.

The current C.U.P. restrictions prohibit guest and employee parking on both Woodside and Park Avenues. Allowing the Washington School to host outside events would increase commercial traffic (parking, commercial transportation, deliveries) and further exacerbate accessibility. It would also, undoubtedly, challenge residential noise ordinances. There's simply NO room for such allowances.

Furthermore, approval as a "Hotel C.U.P." lays the groundwork for the current and/or future owners to expand their commercial endeavors including... increased frequency/operational hours and the real (expected) possibility of pursuing permits to operate a restaurant and/or bar. The current co-existence between Old Town residents and the Main Street commercial district is a delicate and necessary balance requiring clear and defined zoning... without exception. Approving the Washington School's application would establish a precedence and set the path for more residential encroachment.

Should this application be approved, the impact would be significant and intrusive, especially to those homes surrounding the perimeter of the School House property. The current designation as a HR-1 Zone,

prohibiting commercial outdoor events, justly protects the rights, property values and quality of life of the homeowners in our residential area and should be upheld.

Respectfully,

568 Woodside Ave...

Dan & Jodi Van Dresser

Dick & Barbara Van Dresser

Rick & Jane Van Dresser

Bill Van Dresser

Browne Sebright

From: Mark J Fischer <mark@fischernetwork.com>
Sent: Thursday, November 4, 2021 2:49 PM
To: John Phillips; Laura Suesser; Mark Sletten; Douglas Thimm; Christin VanDine; John Kenworthy
Cc: Sarah Hall; Browne Sebright; Gretchen Milliken
Subject: [External] Washington School Inn: keep it as a B&B please!
Categories: WSI Public Comment

[CAUTION] This is an external email.

Dear Planning Commissioners, cc: Staff

Please accept my public input regarding the Washington School Inn's request for a zoning change as NEGATIVE.

I live directly across the street at from the property at 550 Park Ave and it appears that they are already exceeding their existing limitations which are designed to work on a neighborhood street like this section of Park Ave. I constantly deal with overflowing garbage cans directly in front of my house and to add more volume of events and such would only result in an increased hazard and eye sore.

Washington School Inn works at being a good neighbor in their "as is" condition and it needs to stay that way, in my opinion. The neighbors would receive no increased benefit from a zoning change as we can't eat there, drink there or use the pool.

Please deny this application to protect the rights of ALL the surrounding Property owners — both our quality of life and our property values. Also, if the current owners sell the property then the new owner will be even harder to deal with and this is a significant concern. The improved zoning would most likely increase the value of the property and this could be motivating the Applicant to make this attempt.

Thank you,

Mark J Fischer
cell: 435-640-6858

PS: Please make sure Commissioner Johnson receives this email. When you click on his email up comes Mark Sletten's old email address. Also, when you click on John Kenworthy's email up comes Laura Suesser's email address. Someone should look into this issue and fix it.

Mark J Fischer
mark@fischernetwork.com
cell: 435-640-6858

Browne Sebright

From: Tim Hoffman <[REDACTED]>
Sent: Thursday, November 4, 2021 11:18 AM
To: Browne Sebright; Sarah Hall; johm.kenworthy@parkcity.org; John Phillips; Bill Johnson; Laura Suesser; douglass.thimm@parkcity.org; Christin VanDine
Subject: [External] Washington School request for commercial outdoor events
Categories: WSI Public Comment

[CAUTION] This is an external email.

Park City Planning Commission,

My name is Tim Hoffman and my wife and I own the house on 605 Woodside. We moved to Park City in 2018 to enjoy all that the area has to offer and have never second guessed our decision to move to Park City.

That being said I am very concerned about the proposed request for the Washington School to hold commercial outdoor events. This request does not comply with HR-1 zoning and will have many negative repercussions to the adjacent neighbors - myself included. The additional traffic, parking and noise will have a serious negative impact to our neighborhood - both from a quality of life and from a property value perspective.....not to mention the slippery slope that it creates for future requests from this property and others.

Please deny this application from one property owner, to protect the rights of ALL the surrounding Property owners.

Regards,
Tim and Alisa Hoffman
605 Woodside Ave

Browne Sebright

From: Bill Dark <pcdarks@yahoo.com>
Sent: Wednesday, November 3, 2021 11:09 AM
To: Browne Sebright
Cc: Sarah Hall; Laura Suesser; John Phillips; Douglas Thimm; Christin VanDine
Subject: [External] Washinton School Inn

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION] This is an external email.

As a long time resident of Park Ave, (28 years) We have concerns over the application to allow outside commercial events on the property. Even though we back up to Main street and get noise from there this is something we live with. To allow The Washington School Inn a permit would surround us with noise on all sides and will seriously affect the quality of living here. The dynamics of the street noise from the houses above us magnify to the point that we can hear individual conversations. The location of the proposed outside events will do the same. They have been good neighbors in the past with limited impact on the street and we would prefer to see it stay that way. Thank you.

Bill and robin Dark 594 Park Ave.

Browne Sebright

From: Clayton McNeel [REDACTED]
Sent: Thursday, November 4, 2021 12:37 PM
To: Browne Sebright
Cc: Sarah Hall; Christin VanDine; Laura Suesser; Bill Johnson; Douglas Thimm; John Phillips; John Kenworthy
Subject: [External] Washington School Hotel C.U.P. application

Follow Up Flag: Follow up
Flag Status: Completed

Categories: WSI Public Comment

[CAUTION] This is an external email.

To whom it may concern:

We are part of the HR-1 neighborhood group opposed to the Washington School's request for commercial Outdoor Events. While we appreciate having a well-run B&B in a historical building in the neighborhood, we believe the use of the outdoor space for commercial events does not comply with HR-1 as they are not allowed nor a conditional use. Indeed, the current C.U.P. for the Washington School allows it to operate in harmony within the HR-1 by:

- Not generating noise from outdoor events;
- Not allowing guest and employee parking on both Park and Woodside; and,
- Not allowing commercial deliveries from Woodside;

The quality of life that we all enjoy in our neighborhood supports our property values. A change in the Washington School C.U.P., while benefiting their business alone, adversely impacts all surrounding property owners. We strongly suggest the planning commission deny this application.

Thank you

Sincerely,

Clayton W. McNeel & Mary B. McNeel

543 Woodside Ave.

Park City, UT

84060

Phone: [REDACTED]
[REDACTED]

Browne Sebright

From: Jennifer Tashima [REDACTED]
Sent: Thursday, November 4, 2021 4:02 PM
To: Browne Sebright; Sarah Hall; John Kenworthy; John Phillips; Bill Johnson; Laura Suesser; Douglas Thimm; Christin VanDine
Subject: [External] re: Washington School
Categories: WSI Public Comment

[CAUTION] This is an external email.

Hi,

My name is Jennifer Tashima and I own 572 Woodside Ave in PC. I'm part of the HR-1 neighborhood group that is strongly opposed to the Washington School's request to hold commercial outdoor events.

I've owned my home since early 2016, and appreciate the fact that the Washington School has been a quiet B&B. My neighbors and I would like to keep it that way. Outdoor events are not allowed in the HR-1, and guest and employee parking bans on Park Ave and Woodside Ave should remain in place.

I join my neighbors in respectfully requesting that this application from the Washington School property owner be denied in order to protect the quality of life and the rights of all surrounding property owners.

Thank you,

Jennifer Tashima
Box 2156
Park City, UT 84060

Browne Sebright

From: Kirsten Ehrich [REDACTED]
Sent: Thursday, November 4, 2021 5:49 PM
To: Browne Sebright; sara.hall@parkcity.org; John Phillips; Bill Johnson; Laura Suesser; Douglas Thimm; Christin VanDine
Subject: [External] Washington School Inn opposition

Follow Up Flag: Follow up
Flag Status: Completed

Categories: WSI Public Comment

[CAUTION] This is an external email.

To whom it may concern,

My name is Kirsten Ehrich and we live at 553 Park Avenue, next door to the Washington Schoolhouse Inn. We respectfully request the planning department deny the request for commercial outdoor events and continue to restrict the Inn to bed and breakfast designation.

While it is a privilege to live next door to a beautiful building and its grounds, it comes at a cost on days when guests/staff block our parking, or there are multiple service trucks on the narrow residential street, not to mention the often and many overflowing garbage cans. If the Inn were to be granted hotel status, not only would the number and size of events increase, it would have a domino effect on all the supporting services creating a traffic nightmare on an already crowded side street of a small, historic town.

We recognize the owner's desire to expand their business; however, they can't change the fact that they bought a business in the heart of a deeply crowded residential neighborhood with some of the greatest square foot values in the area. We believe that their business expansion would negatively financially impact a neighborhood of multimillion dollar historic homes.

Obviously as we are located just a few feet from the proposed event space, I am personally opposing the requested hotel status and commercial outdoor events, but I am equally opposed on behalf of the quaint, historic Old Town of Park City. There is not room for this business to expand while retaining the neighborhood charm we *all* cherish and value so much.

Very sincerely,
Kirsten Ehrich
553 Park Avenue

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Nightly Rentals in Hidden Oaks at
Deer Valley Subdivision, Phases 2 and 3
Application: PL-21-04997
Author: Spencer Cawley, Planner I
Date: November 10, 2021
Type of Item: Legislative – Land Management Code Amendment

Recommendation

(I) Review the proposed Land Management Code amendment to prohibit nightly rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on December 16, 2021.

Description

Applicant: Cindy Welsh and Chris Carter, representatives for the residents of Hidden Oaks at Deer Valley, Phases 2 and 3
Amended LMC Section: § 15-2.13-2 *Residential Development – Uses*
Zoning District: Residential Development
Reason for Review: Land Management Code amendments require Planning Commission review and recommendation to the City Council for Final Action

Abbreviations

CC&Rs Covenants, Conditions, & Restrictions
E Estate Zoning District
HOA Homeowner's Association
LMC Land Management Code
RD Residential Development Zoning District

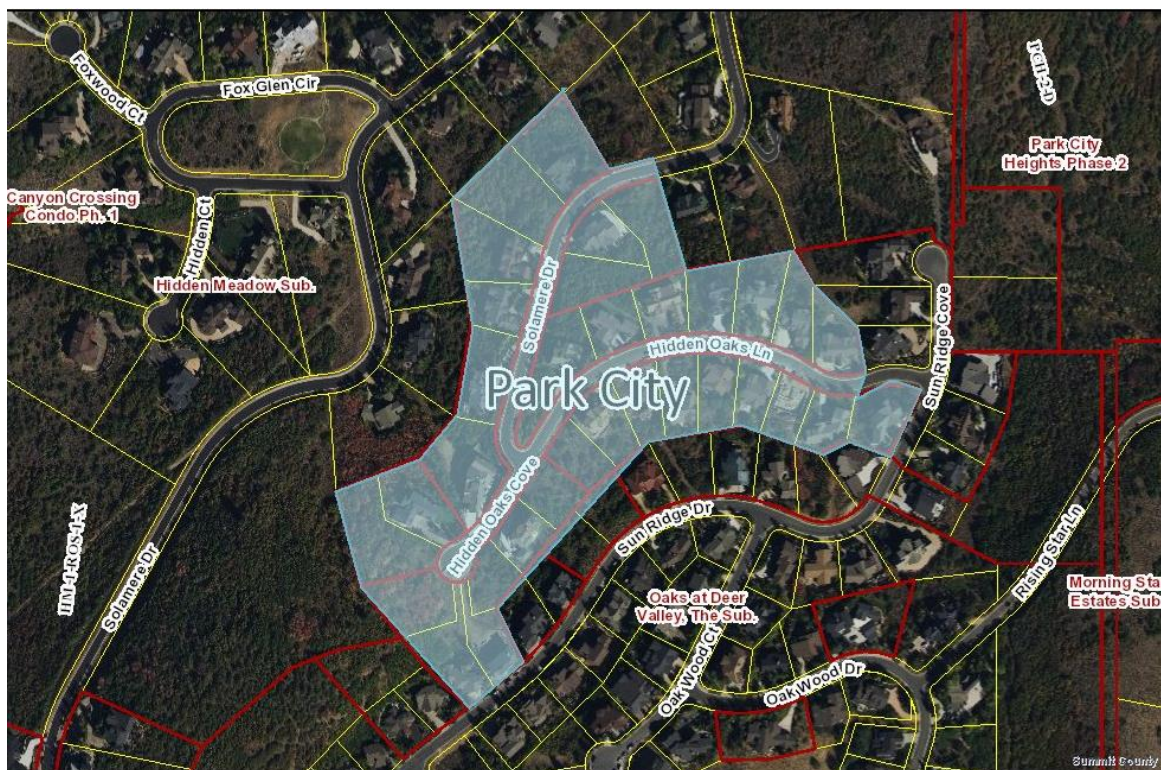
Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

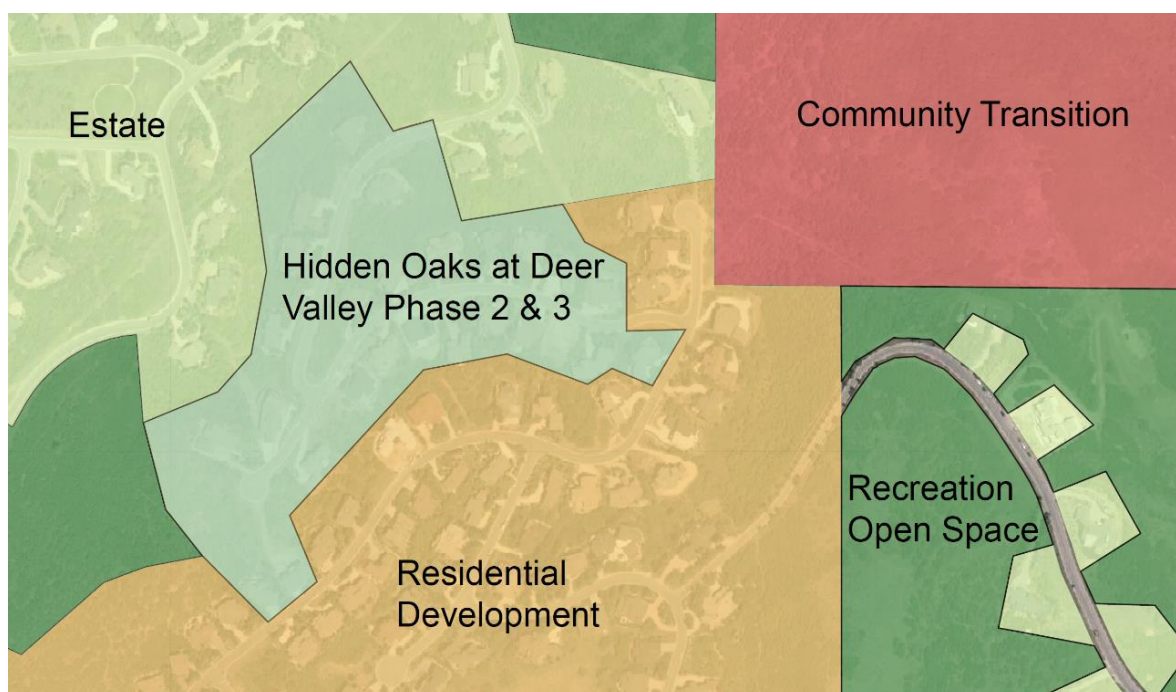
The Hidden Oaks at Deer Valley Subdivision Phases 2 and 3 are in the Residential Development (RD) Zoning District. Per LMC [§ 15-2.13-2](#), the RD Zoning District allows Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision. On September 17, 2021, property owners in Phases 2 and 3 of the Hidden Oaks at Deer Valley Subdivision applied to amend LMC [§ 15-2.13-2](#) to prohibit Nightly Rentals in their subdivisions. In total, 78% of property owners support this amendment. Please see Exhibit B to review the Applicant's statement, and Exhibit C to review property owner input.

On May 11, 1995, the City Council adopted Ordinance No. 95-21, approving Phases 1, 2, and 3 of the Hidden Oaks at Deer Valley Subdivisions (Exhibit D). Phase 2 contains 16 Lots and Phase 3 contains 17 Lots. Five Lots of Phase 3 are undeveloped. In total,

26 of the 33 Lots are developed (79%). The map below from the Summit County Parcel Viewer shows the general location of Phase 2 and Phase 3 of the Hidden Oaks at Deer Valley Subdivision in the Lower Deer Valley Neighborhood:



The following map shows the location of Hidden Oaks at Deer Valley Phases 2 and 3 within the RD Zoning District. The subdivision abuts the Estate Zoning District:



In Phase 2, of the total 16 property owners, 11 have expressed support to amend the LMC to prohibit Nightly Rentals: Lots 33, 34, 35, 38, 40, 41, 43, 44, 45, 47, and 48. The property owners of Lots 42 and 46 have a Nightly Rental Business License.

In Phase 3, of the total 17 property owners, 15 have expressed support to amend the LMC to prohibit Nightly Rentals: Lots 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, and 64. The property owner of Lot 50 has a Nightly Rental Business License.

The active Nightly Rental Business Licenses for the three properties within the subdivision Phases 2 and 3 will remain valid if the City Council approves the LMC amendment prohibiting Nightly Rentals as long as the property owners renew the Business License each year and comply with Municipal Code of Park City [§ 4-5-3, Regulation of Nightly Rentals](#).

According to the 2020 Summit County Tax Account website, of the 33 Lots in Phases 2 and 3, 18% are primary residents and 61% are secondary. Seven Lots remain unimproved/vacant.

Analysis

(I) The proposed Land Management Code Amendment to prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Phases 2 and 3 complies with the Park City General Plan and Land Management Code.

The LMC implements the goals and policies of the Park City General Plan.¹ The General Plan outlines specific strategies to address Nightly Rentals to balance the positive impacts of short-term stays in a resort town while mitigating adverse impacts, preserving primary residential neighborhoods, and protecting a sense of community. The General Plan identifies the following strategies and objectives:

Objective 7C: Focus future nightly rental units to resort neighborhoods – near Park City Mountain Resort and Deer Valley.

Community Planning Strategy 7.4: Focus nightly rentals within resort neighborhoods – Deer Valley and Park City Mountain Resort areas.

Community Strategy 11.4: Limit visitor-oriented development and nightly rental to existing resort neighborhoods. Restrict nightly rentals from primary residential neighborhoods.

The Hidden Oaks Subdivision is located within the Lower Deer Valley Neighborhood. Lower Deer Valley encompasses the following Zoning Districts and corresponding regulations of Nightly Rentals:

¹ LMC [§ 15-1-2](#)

Zoning District	Nightly Rental Regulation
Community Transition	Prohibited
Estate	Allowed
Residential Development	Allowed in most subdivisions ²
Recreation Open Space	Prohibited

The purposes of the RD Zoning District are to:

1. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
2. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
3. allow commercial and recreational activities that are in harmony with residential neighborhoods,
4. minimize impacts of the automobile on architectural design,
5. promote pedestrian connections within Developments and between adjacent Areas; and
6. provide opportunities for variation in architectural design and housing types.³

Per LMC [§ 15-2.13-2](#), the RD Zoning District allows Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision. However, Footnote three addresses the prohibition of Nightly Rentals in other Subdivisions:

Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivisions Phases #1A and #1B, and Fairway Meadows Subdivision.

Prohibiting Nightly Rentals in Phases 2 and 3 of the Hidden Oaks at Deer Valley Subdivision is consistent with the General Plan as well as within some of the neighboring Zoning Districts of the Lower Deer Valley Neighborhood, outlined in Footnote three above.

There is precedent for the proposed LMC amendment within the RD Zoning District in Lower Deer Valley because other Subdivisions have restricted Nightly Rentals. The petitioners assert their subdivision similarly needs to eliminate the impacts because, due to the size of the homes and the number of bedrooms, Nightly Rentals “are essentially ‘hotels’” and have generated parking, noise, and other concerns and complaints. Please see Exhibit B to read the Applicant’s statement and Exhibit C to read property owner input.

² Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, and Fairway Meadows Subdivision.

³ LMC [§ 15-2.13-1](#)

Since 2014, the City Council has approved Land Management Code amendments prohibiting Nightly Rentals in three other instances within the Residential Development Zoning District, described below.

On June 26, 2014, the City Council approved [Ordinance No. 14-35](#), amending LMC [§ 15-2.13-2](#) to prohibit Nightly Rentals in the April Mountain and Mellow Mountain Estates Subdivisions. According to the June 26, 2014 City Council Staff Report ([page 184](#)), the LMC Amendment was suggested by the Planning Department Staff:

At the time of approval and recordation of the April Mountain and Mellow Mountain Estates Subdivisions, Nightly Rental Uses were prohibited from these subdivisions. There are notes on the Plats stating that Nightly Rental is prohibited within these subdivisions. Nightly Rentals are an Allowed Use in the Residential Development (RD) Zoning District where these subdivisions are located. To reduce confusion, Staff recommends that a footnote be added to the “Nightly Rental” listing under Allowed Uses to codify the prohibition of Nightly Rentals within these two subdivisions. This is an administrative amendment . . .

In 2020, the Meadows Estate Homeowners Association petitioned the City to amend the Land Management Code to prohibit Nightly Rentals in Phases #1A and #1B of their subdivision. On July 8, 2020, the Planning Commission unanimously forwarded a positive recommendation to City Council for the amendment ([Staff Report](#); [Minutes](#), p. 43). On July 30, 2020, the City Council passed [Ordinance No. 2020-38](#), *An Ordinance Amending the Land Management Code of Park City § 15-2.13-2 to Prohibit Nightly Rentals in the Meadows Estates Subdivision Phases #1A and #1B* ([Staff Report](#); [Minutes](#), p. 16).

In 2021, the Fairway Meadows Homeowner Association also petitioned the City to amend the Land Management Code to prohibit Nightly Rentals in their subdivision. On March 24, 2021, the Planning Commission unanimously forwarded a positive recommendation to City Council for the amendment ([Staff Report](#); [Minutes](#), p. 31). On April 15, 2021, the City Council passed [Ordinance No. 2021-16](#), *An Ordinance Amending the Land Management Code Section 15-2.14-2 to Prohibit Nightly Rentals in the Fairway Meadows Subdivision* ([Staff Report](#); [Minutes](#), p. 6).

Here, residents in the Hidden Oaks at Deer Valley Subdivision, Phases 2 and 3 request an amendment to the LMC as indicated in the Summary of this report. Staff recommends amending LMC [§ 15-2.13-2](#) as follows:

Existing Footnote #3:

Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, and Fairway Meadows Subdivision.

Proposed Footnote #3:

Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, and Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Subdivision, Phase 2 and Phase 3.

The City processed and approved Nightly Rental Business Licenses for the following addresses in Phase 2 and 3 of the Hidden Oaks at Deer Valley Subdivision:

- 25 Hidden Oaks Lane, Lot 42 (Expires September 30, 2022)
- 65 Hidden Oaks Lane, Lot 46 (Expires September 30, 2022)
- 105 Hidden Oaks Cove, Lot 50 (Expires September 30, 2022)

If the City Council amends the LMC to prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3, the owners of the properties with valid Nightly Rental Business Licenses may continue to operate the Nightly Rental and will be grandfathered in, so long as the owner retains an active Nightly Rental Business License and complies with Municipal Code of Park City [§ 4-5-3](#), *Regulation of Nightly Rentals*. No additional properties in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3 will be approved for Nightly Rental Business Licenses.

Department Review

On October 19, 2021, the Development Review Committee reviewed the proposal. The Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City's website and the Utah Public Notice website on October 27, 2021. Staff mailed courtesy notice to property owners within Phases 2 and 3 of the Hidden Oaks at Deer Valley Subdivision on October 27, 2021. The *Park Record* published notice on October 27, 2021.⁴

Public Input

Please see Exhibit C for property owner input.

Alternatives

- The Planning Commission may forward a positive recommendation for the City Council's consideration on December 16, 2021;
- The Planning Commission may forward a negative recommendation for the City Council's consideration on December 16, 2021; or
- The Planning Commission may request additional information and continue the discussion to a date certain.

⁴ LMC [§ 15-1-21](#).

Exhibits

- Exhibit A: Draft Ordinance and Proposed Amendment to LMC § 15-2.13-2
- Exhibit B: Applicant Statement
- Exhibit C: Emails of Support from Property Owners
- Exhibit D: Ordinance No. 95-21

Ordinance No. 2021-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-2.13-2 TO PROHIBIT NIGHTLY RENTALS IN THE HIDDEN OAKS AT DEER VALLEY SUBDIVISION PHASES 2 AND 3

WHEREAS, property owners within the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3 petitioned the City Council to amend the Land Management Code to prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3; and

WHEREAS, on October 27, 2021, staff posted notice according to the requirements of the Land Management Code; and

WHEREAS, on October 27, 2021, staff mailed courtesy notice to all affected property owners and legal notice was published in the Park Record and the City and Utah Public Notice Websites; and

WHEREAS, on November 10, 2021, the Planning Commission held a public hearing to receive input on the proposed Land Management Code amendments;

WHEREAS, on November 10, 2021, the Planning Commission forwarded a _____ recommendation to the City Council;

WHEREAS, on December 16, 2021, the City Council held a public hearing;

WHEREAS, it is in the best interest of Park City, Utah, to amend the Land Management Code to prohibit Nightly Rentals in the Hidden Oaks at Deer Valley Subdivision Phases 2 and 3;

WHEREAS, Staff finds that the amendment to the Land Management Code will not cause undue harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met; and

WHEREAS, the proposed Land Management Code amendment is consistent with the following purposes of the Utah Municipal Land Use, Development, and Management Act (LUDMA) Section 10-9a-102, Purposes – General land use authority.

- 1) The purposes of this chapter are to:
 - a. provide for the health, safety, and welfare;
 - b. promote the prosperity;
 - c. improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
 - d. protect the tax base;
 - e. secure economy in government expenditures;
 - f. foster the state's agricultural and other industries;

- g. protect both urban and nonurban development;
- h. protect and ensure access to sunlight for solar energy devices;
- i. provide fundamental fairness in land use regulation;
- j. facilitate orderly growth and allow growth in a variety of housing types; and
- k. protect property values.

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

SECTION 1. MUNICIPAL CODE OF PARK CITY, LAND MANAGEMENT CODE TITLE 15. The recitals above are incorporated herein as findings of fact. Section 15-2.13-2 is hereby amended as outlined in Attachment 1.

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

PASSED AND ADOPTED this 16th day of December 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney's Office

1 **15-2.13-2 Uses**

2 Uses in the RD District are limited to the following:

3 A. **ALLOWED USES.**

- 4 1. Single-Family Dwelling
- 5 2. Duplex Dwelling
- 6 3. Secondary Living Quarters
- 7 4. Lockout Unit¹
- 8 5. Accessory Apartment²
- 9 6. Nightly Rental³
- 10 7. Home Occupation
- 11 8. Child Care, In-Home Babysitting⁴
- 12 9. Child Care, Family⁴
- 13 10. Child Care, Family Group⁴
- 14 11. Accessory Building and Use
- 15 12. Conservation Activity Agriculture
- 16 13. Parking Area or Structure with four (4) or fewer spaces
- 17 14. Recreation Facility, Private
- 18 15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
- 19 16. Food Truck Location¹⁶

20 B. **CONDITIONAL USES.**

- 21 1. Triplex Dwelling⁶
- 22 2. Multi-Unit Dwelling⁶
- 23 3. Guest House

- 24 4. Group Care Facility
- 25 5. Child Care Center⁴
- 26 6. Public and Quasi-Public Institution, Church, and School
- 27 7. Essential Municipal Public Utility Use, Facility, Service, and Structure
- 28 8. Telecommunication Antenna⁷
- 29 9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
- 30 10. Raising, grazing of horses
- 31 11. Cemetery
- 32 12. Bed and Breakfast Inn
- 33 13. Hotel, Minor⁶
- 34 14. Hotel, Major⁶
- 35 15. Private Residence Club Project and Conversion¹⁰
- 36 16. Office, General^{6,9}
- 37 17. Office, Moderate Intensive^{6,9}
- 38 18. Office, Medical^{6,9}
- 39 19. Financial Institution without drive-up window^{6,9}
- 40 20. Commercial Retail and Service, Minor^{6,9}
- 41 21. Commercial Retail and Service, personal improvement^{6,9}
- 42 22. Commercial, Resort Support^{6,9}
- 43 23. Café or Deli^{6,9}
- 44 24. Restaurant, Standard^{6,9}
- 45 25. Restaurant, Outdoor Dining¹⁰
- 46 26. Outdoor Event¹⁰

47	27. Bar ^{6,9}
48	28. Hospital, Limited Care Facility ^{6,9}
49	29. Parking Area or Structure with five (5) or more spaces
50	30. Temporary Improvement ¹⁰
51	31. Passenger Tramway Station and Ski Base Facility ¹¹
52	32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge ¹¹
53	33. Recreation Facility, Public
54	34. Recreation Facility, Commercial ⁶
55	35. Entertainment Facility, Indoor ^{6,9}
56	36. Commercial Stables, Riding Academy ¹²
57	37. Master Planned Development with moderate income housing density
58	bonus ¹²
59	38. Master Planned Development with residential and transient lodging Uses
60	only ¹²
61	39. Master Planned Development with Support Retail and Minor Service
62	Commercial Uses ¹²
63	40. Heliport ¹²
64	41. Vehicle Control Gate ¹³
65	42. Fences and walls greater than six feet (6') in height from Final Grade ¹⁰
66	43. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays ¹⁴
67	44. Amenities Club
68	45. Club, Private Residence Off-Site ¹⁵

C. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, and Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley Phases 1 and 2.

⁴See LMC Chapter 15-4-9 for Child Care Regulations

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an administrative Conditional Use permit.

¹¹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development.

¹³See Section 15-4-19 for specific review criteria for gates.

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit. Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more

96 units with approved Support Commercial space. A Parking Plan shall be submitted to determine site
97 specific parking requirements.

98 ¹⁶The Planning Director, or his designee shall, upon finding a Food Truck Location in compliance with
99 Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

Park City Municipal Corporation
Planning Department
445 Marsac Avenue, PO Box 1480
Park City, Utah 84060

September 16, 2021 (phase 2)
October 4, 2021 (phase 3)

Dear Planning Department,

Please see the enclosed application for a change in the Land Management Code to prohibit nightly rentals for the Hidden Oaks at Deer Valley phase 2 subdivision which includes lots HODV 33-48 inclusive as noted on the Summit County Parcel Viewer (<https://summitcounty.maps.arcgis.com/apps/webappviewer/index.html?id=85c6c55514ae4d4f9218202e364fec73#> accessed 9/16/21) as well in for Hidden Oaks at Deer Valley phase 3 subdivision which includes lots HODV 49-65.

These Hidden Oaks subdivisions are viewed as peaceful and quiet neighborhoods by the inhabitants. We bike, hike, walk our dogs and get together to enjoy each other's company. We do not consider our subdivision as one of the 'resort areas' that exist along the bus routes where the rental housing is typically located.

We note that the General Plan outlines specific strategies to address Nightly Rentals in an effort to strike a delicate balance to maintain our sense of community such as focusing nightly rental units to resort neighborhoods - near Park City Mountain Resort and Deer Valley Resort. The local ambiance of our neighborhood is an essential part of its character.

Please see the attached emails from the owners of HODV-2 lots 33, 34, 38, 40, 41, 43, 44, 45, 47 and 48 as well as the owners of HODV-3 lots 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 63 and 64 agreeing to the proposed change to the land management code to prohibit nightly rentals in our subdivisions.

The owners of lots 35, 36, and 39 in HODV-2 and 58 in HODV-3 were not able to be contacted via information in the tax record database nor using google searches.

The remaining two HODV-2 lots, 42 and 46, have structures with ≥ 10 bedrooms that are essentially "hotels" continuously rented out by the owners via vrbo and Airbnb resulting in multiple complaints being lodged with the police and the nightly rental complaint form with respect to rude renters, noise, traffic, parking, events, landscaping, and construction fencing to which the owners have been non-responsive. We understand that the same owners also own lot #65 at 3859 Solamere Drive in HODV-3. They were not contacted regarding this land management code change assuming they would not be in agreement.

I have attached a red-lined version of the proposed change as well as a side-by-side table of the change to the following:

15-2.13-2 Uses

1. ALLOWED USES
6. Nightly Rentals³

If you require any additional information, please feel free to contact me for HODV-2:

[REDACTED]
[REDACTED]

Please contact Chris Carter for HODV-3:

[REDACTED]
[REDACTED]

Thank you for your consideration of this matter.

Cindy Welsh

Chris Carter

PROPOSED CHANGE

[15-2.13-2 Uses](#)

Uses in the RD District are limited to the following:

1. **ALLOWED USES.**
 1. Single-Family Dwelling
 2. Duplex Dwelling
 3. Secondary Living Quarters
 4. Lockout Unit¹
 5. Accessory Apartment²
 6. Nightly Rental³
 7. Home Occupation
 8. Child Care, In-Home Babysitting⁴
 9. Child Care, Family⁴
 10. Child Care, Family Group⁴
 11. Accessory Building and Use

12. Conservation Activity Agriculture
13. Parking Area or Structure with four (4) or fewer spaces
14. Recreation Facility, Private
15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵
16. Food Truck Location¹⁶

2. **CONDITIONAL USES.**

1. Triplex Dwelling⁶
2. Multi-Unit Dwelling⁶
3. Guest House
4. Group Care Facility
5. Child Care Center⁴
6. Public and Quasi-Public Institution, Church, and School
7. Essential Municipal Public Utility Use, Facility, Service, and Structure
8. Telecommunication Antenna⁷
9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
10. Raising, grazing of horses
11. Cemetery
12. Bed and Breakfast Inn
13. Hotel, Minor⁶
14. Hotel, Major⁶
15. Private Residence Club Project and Conversion¹⁰
16. Office, General^{6,9}
17. Office, Moderate Intensive^{6,9}
18. Office, Medical^{6,9}
19. Financial Institution without drive-up window^{6,9}
20. Commercial Retail and Service, Minor^{6,9}
21. Commercial Retail and Service, personal improvement^{6,9}
22. Commercial, Resort Support^{6,9}

23. Café or Deli^{6,9}
24. Restaurant, Standard^{6,9}
25. Restaurant, Outdoor Dining¹⁰
26. Outdoor Event¹⁰
27. Bar^{6,9}
28. Hospital, Limited Care Facility^{6,9}
29. Parking Area or Structure with five (5) or more spaces
30. Temporary Improvement¹⁰
31. Passenger Tramway Station and Ski Base Facility¹¹
32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
33. Recreation Facility, Public
34. Recreation Facility, Commercial⁶
35. Entertainment Facility, Indoor^{6,9}
36. Commercial Stables, Riding Academy¹²
37. Heliport¹²
38. Vehicle Control Gate¹³
39. Fences and walls greater than six feet (6') in height from Final Grade¹⁰
40. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴
41. Amenities Club
42. Club, Private Residence Off-Site¹⁵

3. **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See Section 15-4-7, Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, ~~and~~ Fairway Meadows Subdivision, and Hidden Oaks at Deer Valley phases 2 and 3 subdivisions.

⁴See Section 15-4-9 Child Care and Child Care Facilities

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See Section 15-4-14, Telecommunications Facilities

⁸See Section 15-4-13, Placement of Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an Administrative Conditional Use permit.

¹¹As part of an approved Ski Area Master Plan. See Section 15-4-18 Passenger Tramways and Ski Base Facilities.

¹²Omitted.

¹³See Section 15-4-19, Review Criteria For Control Vehicle Gates.

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹⁵Only allowed within a Master Planned Development. Requires an Administrative Conditional Use permit. Is permitted only in approved existing Commercial spaces or developments that have ten (10) or more units with approved Support Commercial space. A Parking Plan shall be submitted to determine site specific parking requirements.

¹⁶The Planning Director or their designee shall, upon finding a Food Truck Location in compliance with Municipal Code 4-5-6, issue the property owner a Food Truck Location administrative approval letter.

Current Land Management Code	Proposed Change to Land Management Code
³ Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, and Meadows Estates Subdivision Phases #1A and #1B.	³ Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain, Mellow Mountain Estates Subdivisions, Meadows Estates Subdivision Phases #1A and #1B, and Fairway Meadows Subdivision, <u>and Hidden Oaks at Deer Valley phases 2 and 3 subdivisions.</u>

HISTORY

Adopted by Ord. [00-51](#) on 9/21/2000

Amended by Ord. [02-38](#) on 9/12/2002

Amended by Ord. [04-08](#) on 3/4/2004

Amended by Ord. [05-39](#) on 6/30/2005

Amended by Ord. [06-76](#) on 11/9/2006

Amended by Ord. [11-05](#) on 1/27/2011

Amended by Ord. [14-35](#) on 6/26/2014

Amended by Ord. [2018-23](#) on 5/17/2018

Amended by Ord. [2018-55](#) on 10/23/2018

Amended by Ord. [2020-38](#) on 7/30/2020

Amended by Ord. [2020-45](#) on 10/1/2020

Amended by Ord. [2021-16](#) on 4/15/2021

Cindy Welsh

From: Jimmy Berg [REDACTED]
Sent: Wednesday, September 15, 2021 7:29 PM
To: Scott A. Greenberg, CLU, ChFC, CFBS
Cc: Cindy Welsh
Subject: Re: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

Harriet and I fully support this change. First, it allows the city to take the heat and potential liability. Second, it will give us time to establish a HOA and codify our guidelines. We can then shut these “hotels” down and establish reasonable rules allowing for weekly/monthly/seasonal rentals that we can tolerate and manage.

Jimmy Berg
[REDACTED]

On Sep 15, 2021, at 6:21 PM, Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED] wrote:

Hi Jimmy –

If you can, please send me a brief note of why you support this initiative (two or three sentences would be great).

Thanks,

Scott

Scott A. Greenberg, CLU, ChFC, AEP®, CFBS
[REDACTED]

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[REDACTED]

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Cindy Welsh

From: Susan Keyes [REDACTED]
Sent: Wednesday, September 15, 2021 7:07 PM
To: Scott A. Greenberg, CLU, ChFC, CFBS
Cc: Cindy Welsh
Subject: Re: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

We support this effort and will gladly pay our portion of costs for legal and filing fees required to try to find a remedy for the problems discussed at Tuesday's meeting, and by email today.

Susan Keyes
30 Hidden Oaks Lane.

Sent from my iPhone
Please forgive the typos

On Sep 15, 2021, at 6:03 PM, Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED] wrote:

Dear Hidden Oaks Phase 2 Neighbors –

It has been brought to our attention today that we have a time-sensitive, VERY limited opportunity to **submit an application to change the land management code in our specific subdivision to prohibit nightly rentals!**

There is a \$2,000 fee to submit the paperwork to the city – and there may be some legal fees involved if we hire an attorney to help guide us through this process. This should run about \$300 per address in our subdivision. Cindy will do the heavy lifting, but we need to act quickly.

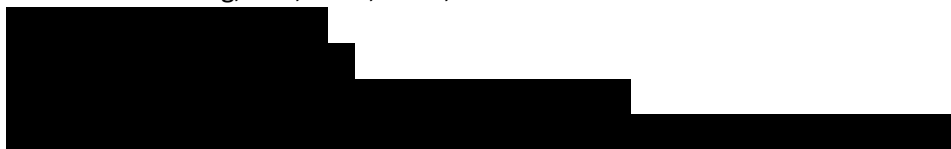
This is extremely time-sensitive – so please respond back to me with an email acknowledging your support.

Thank you,

Scott Greenberg

<image002.png>

Scott A. Greenberg, CLU, ChFC, AEP®, CFBS



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Cindy Welsh

From: Marc Tessier-Lavigne [REDACTED]
Sent: Thursday, September 16, 2021 12:37 AM
To: Scott A. Greenberg, CLU, ChFC, CFBS
Cc: Cindy Welsh; Mary Hynes
Subject: Re: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

Importance: High

Mary and I are happy to support.

On Sep 15, 2021, at 5:03 PM, Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED] wrote:

Dear Hidden Oaks Phase 2 Neighbors –

It has been brought to our attention today that we have a time-sensitive, VERY limited opportunity to **submit an application to change the land management code in our specific subdivision to prohibit nightly rentals!**

There is a \$2,000 fee to submit the paperwork to the city – and there may be some legal fees involved if we hire an attorney to help guide us through this process. This should run about \$300 per address in our subdivision. Cindy will do the heavy lifting, but we need to act quickly.

This is extremely time-sensitive – so please respond back to me with an email acknowledging your support.

Thank you,

Scott Greenberg

<image002.png>Scott A. Greenberg, CLU, ChFC, AEP®, CFBS



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Cindy Welsh

From: Scott A. Greenberg, CLU, ChFC, CFBS
Sent: Wednesday, September 15, 2021 8:53 PM
To: Wayne Aaron
Cc: Cindy Welsh
Subject: RE: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

Thank You Wayne! I'll keep you posted.

Scott

Scott A. Greenberg, CLU, ChFC, AEP®, CFBS

[REDACTED]

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[REDACTED]

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From: Wayne Aaron [REDACTED]
Sent: Wednesday, September 15, 2021 6:42 PM
To: Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED]
Subject: Re: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

I support.

Thanks,

Wayne

On Wed, Sep 15, 2021 at 8:03 PM Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED] wrote:

Dear Hidden Oaks Phase 2 Neighbors –

It has been brought to our attention today that we have a time-sensitive, VERY limited opportunity to **submit an application to change the land management code in our specific subdivision to prohibit nightly rentals!**

There is a \$2,000 fee to submit the paperwork to the city – and there may be some legal fees involved if we hire an attorney to help guide us through this process. This should run about \$300 per address in our subdivision. Cindy will do the heavy lifting, but we need to act quickly.

This is extremely time-sensitive – so please respond back to me with an email acknowledging your support.

Thank you,

Scott Greenberg

 Scott A. Greenberg, CLU, ChFC, AEP®, CFBS





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Cindy Welsh

From: Rosemary Schatzman [REDACTED]
Sent: Wednesday, September 15, 2021 8:19 PM
To: Scott A. Greenberg, CLU, ChFC, CFBS
Cc: Cindy Welsh; Matt Schatzman; Jimmy Berg; Craig Budner; Jeff Laufer
Subject: Re: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

Importance: High

Scott,

Apologies for the lack of punctuation on my previous email, I was typing quickly.

Matt (copied above) and I are supportive of this effort. A couple of additional questions:

1. Does this replace setting up an HOA or is this in addition to setting one up?
2. Who are the Hidden Oaks Phase 2 neighbors?
3. Can you provide us a list of everyone who is supporting the fee?

Will send a check for our share, just let me know the final amount and who to send it to.

Best regards,

Rosemary

On Sep 15, 2021, at 7:03 PM, Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED] wrote:

Dear Hidden Oaks Phase 2 Neighbors –

It has been brought to our attention today that we have a time-sensitive, VERY limited opportunity to **submit an application to change the land management code in our specific subdivision to prohibit nightly rentals!**

There is a \$2,000 fee to submit the paperwork to the city – and there may be some legal fees involved if we hire an attorney to help guide us through this process. This should run about \$300 per address in our subdivision. Cindy will do the heavy lifting, but we need to act quickly.

This is extremely time-sensitive – so please respond back to me with an email acknowledging your support.

Thank you,

Scott Greenberg

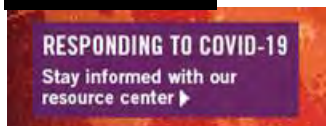
<image002.png>Scott A. Greenberg, CLU, ChFC, AEP®, CFBS

Cindy Welsh

From: Budner, Craig [REDACTED]
Sent: Wednesday, September 15, 2021 10:43 PM
To: Scott A. Greenberg, CLU, ChFC, CFBS; Rosemary Schatzman
Cc: Cindy Welsh; Matt Schatzman; Jimmy Berg; Jeff Laufer; [REDACTED]
Subject: RE: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

The Budners support this but I will also be out of pocket tomorrow.

[REDACTED]
Craig W. Budner



From: Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED]
Sent: Wednesday, September 15, 2021 7:53 PM
To: Rosemary Schatzman [REDACTED]
Cc: Cindy Welsh [REDACTED]; Matt Schatzman [REDACTED]; Jimmy Berg [REDACTED]; Budner, Craig [REDACTED]; Jeff Laufer [REDACTED]
Subject: RE: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

Hi Rosemary -

All excellent questions. Please see answers below...

This is a quick band aid approach which affects the property at 65 Hidden Oaks Lane more than any other property in the subdivision. It does not affect our ability to form an HOA and it can be “undone” in the future if the HOA deems it necessary. It only affects the 15 homes in this particular subdivision of Hidden Oaks. I am unavailable tomorrow, but please call me on my cell phone on Friday and I will share some details with you regarding this strategy.

And thank you for your support!

Cindy Welsh

From: Jeff Laufer [REDACTED]
Sent: Wednesday, September 15, 2021 7:26 PM
To: Scott A. Greenberg, CLU, ChFC, CFBS
Cc: Cindy Welsh
Subject: Re: Urgent - Please Read: Land Management Code Change for Hidden Oaks Sub-Division

ABSOLUTELY!!!!

Jeff Laufer-[REDACTED] cell. Sent from my iPhone

On Sep 15, 2021, at 6:03 PM, Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED] wrote:

Dear Hidden Oaks Phase 2 Neighbors –

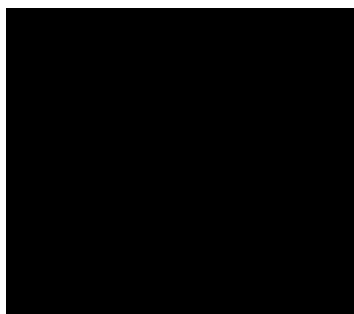
It has been brought to our attention today that we have a time-sensitive, VERY limited opportunity to **submit an application to change the land management code in our specific subdivision to prohibit nightly rentals!**

There is a \$2,000 fee to submit the paperwork to the city – and there may be some legal fees involved if we hire an attorney to help guide us through this process. This should run about \$300 per address in our subdivision. Cindy will do the heavy lifting, but we need to act quickly.

This is extremely time-sensitive – so please respond back to me with an email acknowledging your support.

Thank you,

Scott Greenberg



Scott A. Greenberg, CLU, ChFC, AEP®, CFBS



Cindy Welsh

From: Scott A. Greenberg, CLU, ChFC, CFBS
Sent: Wednesday, September 15, 2021 10:24 PM
To: Bob Finney
Cc: Cindy Welsh
Subject: RE: Change to Land Management Code

Thank you.

Scott A. Greenberg, CLU, ChFC, AEP®, CFBS

[REDACTED]

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[REDACTED]

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From: Bob Finney [REDACTED]
Sent: Wednesday, September 15, 2021 9:22 PM
To: Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED]
Subject: Change to Land Management Code

Scott and Cindy-

We are supportive of changing the LMC for the subdivision (HODV -2) to restrict nightly rentals. It is unfortunate that we must go through the process and expense to have quiet enjoyment of the properties that we all have owned for many years. I think it is time for Park City and its property owners to take a stand to stop the commercialization of its established residential neighborhoods.

Please let us know if you need any thing from us.

Robert and Elisha Finney

3797 Sun Ridge Drive

Park City, Ut 84060

From: Cindy Welsh [REDACTED]
Sent: Friday, October 15, 2021 9:59 AM
To: Rebecca Ward; Spencer Cawley
Subject: [External] FW: Changes in the Hidden Oaks Neighborhood

[CAUTION] This is an external email.

An additional homeowner agreement (60 hidden oaks lane) in support of the land management code change to add to our file.

Thank you,
Cindy

From: Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED]
Sent: Friday, October 15, 2021 10:15 AM
To: Cindy Welsh <cindywelsh@gwellc.com>
Subject: FW: Changes in the Hidden Oaks Neighborhood

Backing for land management change

Scott A. Greenberg, CLU, ChFC, AEP®, CFBS

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED]
[REDACTED]

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From: Cristina von Barga [REDACTED]
Sent: Friday, October 15, 2021 9:00 AM
To: Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED]
Cc: Budner, Craig [REDACTED]; Hank Oster [REDACTED]; Jeff Laufer

[REDACTED]; Jonathan McHardy [REDACTED]; Michael Weiner
[REDACTED]; Susan Oster [REDACTED]

Subject: Re: Changes in the Hidden Oaks Neighborhood

You have our backing, thanks for all the work on this.

Best

Cristina and Jonathan

On Fri, Oct 15, 2021 at 9:49 AM Scott A. Greenberg, CLU, ChFC, CFBS [REDACTED] wrote:

Dear Sue, Hank, Cristina and Jonthan –

As a follow up to my email yesterday, and in advance of the email I will be sending later today regarding the formation of the Hidden Oaks HOA, I am would like to know if I could obtain your backing for the change to the Land Management Use Agreement for Hidden Oaks Phase Two which would restrict nightly rentals. We have been fortunate enough to receive the overwhelming support of 11 of the 16 homes in the subdivision (two of the homes belong to the developers of the “hotel” houses). I am still trying to get in touch with the owners of [20 Hidden Oaks Lane](#) and hope to hear from the owners of [50 Hidden Oaks Lane](#) today.

With any luck, I am optimistic that we will be able to end up with 14 of the 16 homes in favor of the change.

Many thanks in advance for your help.

With kind regards,

Scott Greenberg

[55 Hidden Oaks Lane](#)

Scott A. Greenberg, CLU, ChFC, AEP®, CFBS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]
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Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Saturday, October 2, 2021 11:19 PM
To: Cindy Welsh
Subject: Fwd:

Begin forwarded message:

From: Hank Oster [REDACTED]
Date: October 2, 2021 at 1:30:10 PM CDT
To: Chris Carter [REDACTED]
Subject: Re:

Hi Chris,

We own Lot 35 which is 60 Hidden Oaks Lane and Lot 63 (below us/vacant lot) which is 3831 Solamere Dr.

So you can add the same four names I gave you to the petition for the 3831 Solamere Dr. property.

Best,

Hank

On Sat, Oct 2, 2021 at 11:11 AM Chris Carter [REDACTED] wrote:

Thanks so much Hank

Do you also own lots 60 and 63? 3862 and 3831 Solamere? Those lots are both in Hidden Oaks at Deer Valley - phase 3 and I am trying to get support from as many of the 17 house and lot owners as I can.

Thanks,

Chris

Sent from my iPhone

On Oct 1, 2021, at 12:31 PM, Hank Oster [REDACTED] wrote:

Hi Chris,

Thank you for the additional info.

Yes, we are very supportive of blocking nightly rentals and to discourage this kind of development.

We feel the same way as you about our neighborhood and as you know we are at 60 Hidden Oaks just across the street from that 65 development.

Count us in on the amendment (formal deed is listed as Henry and Susan Oster and Jonathan McHardy and Cristina Bon Bargen) and let me know if there is anything more you need from us.

Our close friends own the house just below us on Solamere and I will let them know what is happening and ask them to submit their names for the amendment as well.

Thanks again,
Hank Oster
[REDACTED]

Sent from my iPhone

On Oct 1, 2021, at 9:43 AM, Chris Carter [REDACTED]
wrote:

Hi Hank - I am one of your neighbors in Park City. Our homes are part of the 17 homes/lots that make up the Hidden Oaks at Deer Valley - phase 3 subdivision. I got your email from John Hill at 110 Hidden Oaks. My wife and I own the home at 105 hidden oaks and the lot at 95 Hidden Oaks. We live in Dallas and get back to Park City as often as we can. We have really fallen in love with the area and it is a tremendous source of peace and enjoyment for our family. We have four kids ages 9-16.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we don't have a similar issue in our subdivision.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This would disincentivize developers from buying open lots around us and building house/hotels. I am reaching out to the neighbors in our subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3. We have seen tremendous support for this change from our neighbors in phase 2 and 3.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]

Look forward to meeting you in the future,
Chris

Cindy Welsh

From: Doug Hudson [REDACTED]
Sent: Monday, September 20, 2021 11:47 AM
To: Cindy Welsh
Cc: [REDACTED]
Subject: Re: change to land management code on hidden oaks

Yes, we approve. Thank you for your efforts!

Doug & Peggy Hudson

On Thu, Sep 16, 2021 at 5:19 PM Cindy Welsh [REDACTED] wrote:

Hi Peggy and Doug,

I am submitting an application to the city to prohibit nightly rentals in our subdivision of 16 homes.

Please reply to this email with your agreement so I can include it in the application package.

Thank you.

Cindy

55 hidden oaks ln

Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Saturday, October 2, 2021 11:19 PM
To: Cindy Welsh
Subject: Fwd:

Begin forwarded message:

From: Dianne Gibson [REDACTED]
Date: October 2, 2021 at 8:11:43 PM CDT
To: Chris Carter [REDACTED]
Subject: Re:

Thanks Chris.

We are happy to be included in the amendment proposal as per your email.

As discussed we would also be supportive if phase 3 wished to proceed on a stand alone basis.

Dianne and Colin
120 Hidden Oaks Lane

On Oct 1, 2021, at 10:19 AM, Chris Carter [REDACTED] > wrote:

Colin - thanks again for the time today. Please see below and email me back if you and Dianne are supportive of this amendment. These emails will be included in our application with the city and will be helpful.

Our homes are part of the 17 homes/lots that make up the Hidden Oaks at Deer Valley - phase 3 subdivision.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we don't have a similar issue in our subdivision.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This would disincentivize developers from buying open lots around us and building house/hotels. I am reaching out to the neighbors in our subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and

then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3. Rentals once a month would still be allowed.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]
[REDACTED].

Chris

Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Saturday, October 2, 2021 11:23 PM
To: Cindy Welsh
Subject: Fwd:

Begin forwarded message:

From: Cameron Breitner [REDACTED]
Date: September 30, 2021 at 5:22:43 PM CDT
Subject: Re:

External: This email was sent from [REDACTED]

Hey Chris great to hear from you. I think we maybe even met in the context of work sometime as I have you in my contacts. I used to spend time in the energy sector long ago.

Anyhow thanks for the outreach on this, we are very supportive and actually replied all to this effect to Scott's email.

So long as the intention is focused on restricting these nightly rentals we are glad to support the effort!

On Sep 30, 2021, at 3:04 PM, Chris Carter [REDACTED] wrote:

This email came from outside CVC

Hi Cameron - I am one of your neighbors on hidden oaks. I got your email from Scott Greenberg. We met briefly several months ago. My wife and I own 105 hidden oaks. We live in Dallas and get back to Park City as often as we can. We have four kids ages 9-16.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we never have a similar issue on our end of the street.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks - phase 2 (their subdivision) to restrict nightly rentals. This still allows residents to rent their homes but to no more than one tenant per month. This would disincentivize developers from buying open lots around us and building house/hotels. You and I are in the same subdivision - Hidden Oaks at Deer Valley - phase 3. I am reaching out to all of our neighbors in that subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city

yesterday and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]
[REDACTED]

Look forward to getting to know you better,
Chris

Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Saturday, October 2, 2021 11:20 PM
To: Cindy Welsh
Subject: Fwd:

Begin forwarded message:

From: [REDACTED]
Date: October 2, 2021 at 9:37:36 AM CDT
To: [REDACTED]
Subject: Re:
Reply-To: [REDACTED]

Hi Chris,

The Kirchhoffs at 3525 Sun Ridge Dr support the filing proposed for Hidden Oaks Phase 2 and Phase 3 to amend the nightly rental restrictions in our neighborhood. Thanks for your efforts...Steve Kirchhoff

-----Original Message-----

From: Chris Carter [REDACTED]
To: [REDACTED]
Sent: Fri, Oct 1, 2021 7:29 am

Hi Steve and Linnea - I am one of your neighbors in Park City. Our homes are part of the 17 homes/lots that make up the Hidden Oaks at Deer Valley - phase 3 subdivision. I got your email from John Hill at 110 Hidden Oaks. My wife and I own the home at 105 hidden oaks and the lot at 95 Hidden Oaks. We live in Dallas and get back to Park City as often as we can. We have really fallen in love with the area and it is a tremendous source of peace and enjoyment for our family. We have four kids ages 9-16.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we don't have a similar issue in our subdivision.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This would disincentivize developers from buying open lots around us and building house/hotels. I am reaching out to the neighbors in our subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer

Valley - phase 3. Rentals once a month would still be allowed.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED].

Look forward to meeting you in the future,
Chris

Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Saturday, October 2, 2021 11:21 PM
To: Cindy Welsh
Subject: Fwd:

Begin forwarded message:

From: Patrice Decorrevont [REDACTED]
Date: September 30, 2021 at 9:13:55 PM CDT
To: Chris Carter [REDACTED]
Cc: John DeCorrevont [REDACTED]
Subject: Re:

Hi Chris,

John and I are absolutely supportive of this effort. Let us know what else we can do.

Thanks!

Patrice and John DeCorrevont

On Sep 30, 2021, at 5:47 PM, Chris Carter [REDACTED] wrote:

Hi John and Patricia - I am one of your neighbors in Park City. Patricia, I think we have met when you and your daughter were walking your dog last summer. I got your email from Scott Greenberg. My wife and I own 105 hidden oaks. We live in Dallas and get back to Park City as often as we can. We have four kids ages 9-16.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we never have a similar issue on our end of the street.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This still allows residents to rent their homes but to no more than one tenant per month. This would disincentivize developers from buying open lots around us and building house/hotels. Your lot at 145 Hidden Oaks is in the same subdivision as us - Hidden Oaks at Deer Valley - phase 3. I am reaching out to all of our neighbors in that subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city yesterday and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]

Look forward to getting to know you better,
Chris

Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Saturday, October 2, 2021 11:19 PM
To: Cindy Welsh
Subject: Fwd:

Begin forwarded message:

From: John Hill [REDACTED]
Date: October 2, 2021 at 10:22:19 PM CDT
To: Chris Carter [REDACTED]
Subject: Re:

Been at the Wine Festival today. Just checked in. I support.

Sent from my iPhone

On Oct 2, 2021, at 10:54 AM, Chris Carter [REDACTED] wrote:

John - can you email back your support for the land use change to block nightly rentals so we can include in our revised amendment with the city? Thanks, Chris

Our homes are part of the 17 homes/lots that make up the Hidden Oaks at Deer Valley - phase 3 subdivision.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we don't have a similar issue in our subdivision.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This would disincentivize developers from buying open lots around us and building house/hotels. I am reaching out to the neighbors in our subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3. Rentals once a month would

still be allowed.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]

Chris

Cindy Welsh

From: Lesli Bowering [REDACTED]
Sent: Saturday, October 2, 2021 10:26 PM
To: Chris Carter
Cc: Dale Bowering; Scott A. Greenberg, CLU, ChFC, CFBS; Cindy Welsh
Subject: Re:

We completely support this amendment application and are available to meet with Cindy tomorrow if necessary. Thanks for your effort. Do you know whether we can continue to submit signatures in support of the amendment after it has been filed?

Sent from my iPhone

On Oct 2, 2021, at 1:12 PM, Chris Carter [REDACTED] wrote:

Thanks for the time today Dale and Lesli. Please see below and reply back if you are in support. We will include these support emails in our amendment application. I am also copying Scott Greenberg and Cindy Welsh on this email.

Thanks,
Chris

Our homes are part of the 17 homes/lots that make up the Hidden Oaks at Deer Valley - phase 3 subdivision. I got your email from John Hill at 110 Hidden Oaks. My wife and I own the home at 105 hidden oaks and the lot at 95 Hidden Oaks. We live in Dallas and get back to Park City as often as we can. We have really fallen in love with the area and it is a tremendous source of peace and enjoyment for our family. We have four kids ages 9-16.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we don't have a similar issue in our subdivision.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This would disincentivize developers from buying open lots around us and building house/hotels. I am reaching out to the neighbors in our subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3. We have seen tremendous support for this change from our neighbors in phase 2 and 3.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]

Chris

Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Sunday, October 3, 2021 1:23 PM
To: Cindy Welsh
Cc: [REDACTED]
Subject: Fwd: Hidden Oaks

Good news below. This adds two more properties that support our amendment.

Sent from my iPhone

Begin forwarded message:

From: "John R. Knox" [REDACTED]
Date: October 3, 2021 at 11:39:43 AM CDT
To: Chris Carter [REDACTED]
Cc: Lexie Knox [REDACTED]
Subject: Hidden Oaks

Hi Chris, you just spoke with my wife, Lexie, copied here. I also got a voice mail on this subject from John Hill and was planning on calling him back tomorrow.

We fully support restricting nightly rentals. We own the lot (3850 Solamere Dr) next to our house and therefore do not support restricting building homes on empty lots. When we sell our house, presumably many years from now, we will offer the lot for sale with the home but if the buyer does not want the lot we would want to be able to sell the lot on its own and if building was not allowed on it, its value would be significantly diminished. It was not clear from your conversation with Lexie if home building restriction was contemplated as part of the proposed amendment.

Regardless we fully support and will sign any amendment to restrict nightly rentals.

Thx
John

From: Chris Carter [mailto:[REDACTED]]
Sent: Saturday, October 2, 2021 4:25 PM
To: [REDACTED]
Subject:

Hi John and Lexie - I am one of your neighbors in Park City. Our homes are part of the 17 homes/lots that make up the Hidden Oaks at Deer Valley - phase 3 subdivision. I got your email from Dale and Lesli Bowerman on Solamere. My wife and I own the home at 105 Hidden Oaks and the lot at 95 Hidden Oaks. We live in Dallas and get back to Park City as often as we can. We have really fallen in love with the area and it is a tremendous source of peace and enjoyment for our family. We have four kids ages 9-16.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has

happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we don't have a similar issue in our subdivision.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This would disincentivize developers from buying open lots around us and building house/hotels. I am reaching out to the neighbors in our subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3. We have seen tremendous support for this change from our neighbors in phase 2 and 3.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]

Look forward to meeting you in the future,
Chris

Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Saturday, October 2, 2021 11:20 PM
To: Cindy Welsh
Subject: Fwd:

Begin forwarded message:

From: Paul [REDACTED]
Date: October 1, 2021 at 10:09:30 AM CDT
To: Chris Carter [REDACTED]
Subject: Re:

You can count on me.

On Oct 1, 2021, at 7:11 AM, Chris Carter [REDACTED] wrote:

Hi Paul - I am one of your neighbors in Park City. Our homes are part of the 17 homes/lots that make up the Hidden Oaks at Deer Valley - phase 3 subdivision. I got your email from John Hill at 110 Hidden Oaks. My wife and I own the home at 105 hidden oaks and the lot at 95 Hidden Oaks. We live in Dallas and get back to Park City as often as we can. We have really fallen in love with the area and it is a tremendous source of peace and enjoyment for our family. We have four kids ages 9-16.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we don't have a similar issue in our subdivision.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This would disincentivize developers from buying open lots around us and building house/hotels. I am reaching out to the neighbors in our subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3. We have seen tremendous support for this change from our neighbors in phase 2 and 3.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]
[REDACTED]

Look forward to meeting you in the future,
Chris

Cindy Welsh

From: Chris Carter [REDACTED]
Sent: Sunday, October 3, 2021 8:43 PM
To: Cindy Welsh

Another supporter. The Goetzmans. Now only one who has not been reached.

From: Leslie Goetzman [REDACTED]
Date: October 3, 2021 at 7:04:24 PM MDT
To: Paul Jacobsen [REDACTED]
Cc: Lesli Bowering [REDACTED], Marianne Miller [REDACTED]
[REDACTED]
Subject: Re: Hidden Oaks Land Amendment

Just received -you have our support for the amendment. Let me know what we can do.

Leslie Goetzman
[REDACTED]

from my iPhone
Typos included

On Oct 3, 2021, at 9:46 PM, Paul Jacobsen
[REDACTED] wrote:

Leslie

I am forwarding a message I received from one of your close neighbors and a friend of mine Lesli Bowering. Just wanted to bring you into the loop of some neighborhood discussion. I Have included Marianne also. If you want to include Gary directly let him know but i didn't want to disturb him as i know he's busy and out of the country currently.

I can put either of you together directly via phone numbers also if needed.

Thanks, and good luck!!!

Paul

Sent from my iPhone

On Oct 3, 2021, at 1:10 PM, Lesli Bowering
[REDACTED] wrote:

From: Lesli Bowering
Sent: Sunday, October 3, 2021 1:06 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Hidden Oaks Land Amendment

Hi Paul, I am forwarding an email regarding a land use issue in Hidden Oaks. The lot across the street from us, and next to Gary and Leslie Goetzman, -- Lot 65 at 3859 Solamere -- has been purchased by the same developer that recently built two homes on Hidden Oaks. If you have an email address for the Goetzman's can you please send that to me or forward this to them.

Gary and Leslie,

You have probably seen the hotel/houses developed at 25 and 65 Hidden Oaks. Those homes have 10 bedrooms and can allegedly (according to the ad on VRBO) accommodate 27 guests. There is constant rental turnover for very large parties at both of those homes. In our HODV Phase 3 development there are 19 homes. Our neighbor, Chris Carter, took the lead and has successfully gained support for a land use amendment that will be filed tomorrow. Seventeen of our 19 neighbors in Phase 3 have sent written support for the amendment. We are hoping for your support also.

Below are emails from Chris that provide some detail related to the planned amendment:

Thanks for the time today Dale and Lesli. Please see below and reply back if you are in support. We will include these support emails in our amendment application. I am also copying Scott Greenberg and Cindy Welsh on this email.

Thanks,
Chris

Our homes are part of the 17 homes/lots that make up the Hidden Oaks at Deer Valley - phase 3 subdivision. I got your email from John Hill at 110 Hidden Oaks. My wife and I own the home at 105 hidden oaks and the lot at 95 Hidden Oaks. We live in Dallas and get back to Park City as often as we can. We have really fallen in love with the area and it is a tremendous source of peace and enjoyment for our family. We have four kids ages 9-16.

I have been spending time over the past couple of weeks learning about different options to reduce the risk of more house/hotels being constructed around us. After seeing and hearing about what has happened up the street at 25 and 65 Hidden Oaks, I really want to make sure we don't have a similar issue in our subdivision.

Scott Greenberg and Cindy Welsh live at 55 Hidden Oaks and have done a lot of research. Cindy recently submitted an application with the city to amend the land use of Hidden Oaks at Deer Valley - phase 2 (their subdivision) to restrict nightly rentals. This would disincentivize developers from buying open lots around us and building house/hotels. I am reaching out to the neighbors in our subdivision (17 lots and homes on Hidden Oaks, Sun Ridge and Solamere) to enlist support on including our subdivision in the land use amendment that Cindy has filed with the city. I spoke to Rebecca Ward with the city and she said it would be most efficient for us to apply together. The city would review the amendment, provide notice to all landowners and then vote on the amendment in November or December.

I wanted to see if you would be supportive of this change to block nightly rentals in Hidden Oaks at Deer Valley - phase 3. We have seen tremendous support for this change from our neighbors in phase 2 and 3.

Thanks for the consideration. Feel free to give me a call if you would like to discuss. [REDACTED]

Chris

From: Chris Carter [REDACTED]
Sent: Sunday, October 3, 2021 8:09 AM
To: Lesli Bowering [REDACTED]
Dale Bowering [REDACTED]
Subject: Fwd:

Thanks Lesli - below are the results of where we are at this point with our phase 3 neighbors.
I will try Leslie Knox today.
Very good progress!
Thanks for the help,
Chris

Sent from my iPhone

Begin forwarded message:

From: Chris Carter

Date: October 2, 2021 at 11:18:05 PM CDT

To: Cindy Welsh

Hi Cindy - we have made really good progress. I am going to send you the emails of support I have received. More may come in but here is the summary.

Support

49 - Chris and Abbey Carter
50 - Chris and Abbey Carter
51 - Colin and Dianne Gibson
52 - Cameron Breitner
53 - Steve and Linnea Kirchoff
54 - John and Patrice Decorrevant
55 - Colin and Dianne Gibson
56 - Colin and Dianne Gibson
57 - John and Deborah Hill
59 - Dale and Lesli Bowering
62 - Paul Hydok
63 - Hank and Susan Oster

Have not been able to make contact

58 - Tim Sutton
60 - John Knox
61 - John Knox
64 - Gary Goetzman

Not Contacted

65 - Jonathan Baird

**AN ORDINANCE APPROVING THE FINAL PLAT OF HIDDEN OAKS
LOCATED AT SOLAMERE DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Hidden Oaks petitioned the Planning Commission for approval of a revision to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed conversion on April 26, 1995; and

WHEREAS, it is in the best interest of Park City to approve the final plat; and

WHEREAS, staff supports the revision to the final plat at Hidden Oaks as it reduces the visual impacts of the original plat approval; and

WHEREAS, there is good cause for the revision as the reconfiguration will allow for visual mitigation on Phase II; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision;

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

SECTION 1. The Hidden Oaks final plat is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation the final plat shall be reviewed and approved by the City Engineer, City Attorney, and City Council. The final plat shall reflect the designated utility and roadway easements as reviewed and approved by the City Engineer.
2. Prior to plat recordation the applicant shall post a security, for all phases, in a form acceptable to the City Attorney, in an amount equal to 125% of the cost of public improvements as estimated by the City Engineer.

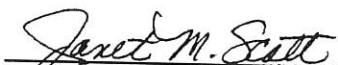
SECTION 2. This Ordinance shall take effect immediately.

DATED this 11th day of May, 1995.

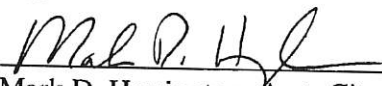
PARK CITY MUNICIPAL CORPORATION


Mayor Bradley A. Olch

Attest:


Janet M. Scott, Deputy City Recorder

Approved as to form:


Mark D. Harrington, Asst. City Attorney

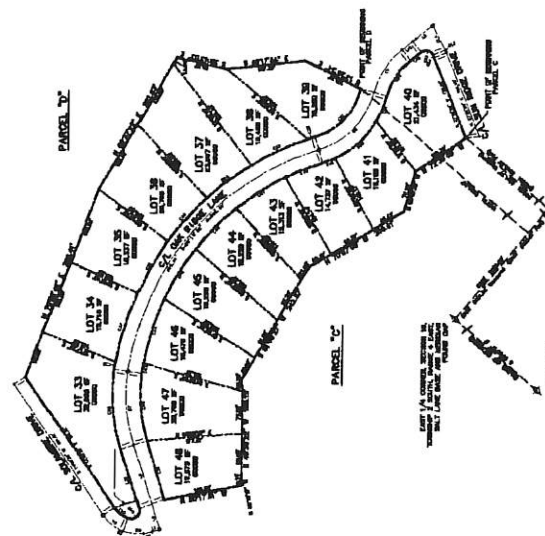


SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor of the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the same, and that the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.

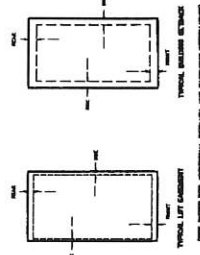
WITNESSED my hand and seal of office this _____ day of _____, 1995.

Surveyor



GENERAL NOTES

1. The survey was made by the undersigned, a duly qualified and licensed Surveyor of the State of Missouri, and the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.
2. The survey was made by the undersigned, a duly qualified and licensed Surveyor of the State of Missouri, and the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.
3. The survey was made by the undersigned, a duly qualified and licensed Surveyor of the State of Missouri, and the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.
4. The survey was made by the undersigned, a duly qualified and licensed Surveyor of the State of Missouri, and the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.
5. The survey was made by the undersigned, a duly qualified and licensed Surveyor of the State of Missouri, and the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.
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8. The survey was made by the undersigned, a duly qualified and licensed Surveyor of the State of Missouri, and the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.
9. The survey was made by the undersigned, a duly qualified and licensed Surveyor of the State of Missouri, and the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.
10. The survey was made by the undersigned, a duly qualified and licensed Surveyor of the State of Missouri, and the same is in accordance with the laws of the State of Missouri relating to the recording of surveys.



HIDDEN OAKS AT DEER VALLEY

PHASE 2

A SUBDIVISION LOCATED IN SECTIONS 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

PROGRESS DRAWING 5-3-95

PAGE 1 OF 1

ENGINEER'S CERTIFICATE I, the undersigned, being a duly qualified and licensed Engineer of the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the same, and that the same is in accordance with the laws of the State of Missouri relating to the recording of surveys. WITNESSED my hand and seal of office this _____ day of _____, 1995. _____ Engineer	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 1995 A.D. BY _____ CHAIRMAN	ENGINEERS' CERTIFICATE I, the undersigned, being a duly qualified and licensed Engineer of the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the same, and that the same is in accordance with the laws of the State of Missouri relating to the recording of surveys. WITNESSED my hand and seal of office this _____ day of _____, 1995 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 1995 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I, the undersigned, being a duly qualified and licensed Surveyor of the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the same, and that the same is in accordance with the laws of the State of Missouri relating to the recording of surveys. WITNESSED my hand and seal of office this _____ day of _____, 1995 A.D. BY _____ MAYOR	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 1995 A.D. BY _____ MAYOR	RECORDED STATE OF MISSOURI OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FILE _____ RECORDED _____
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ALLIANCE ENGINEERING INC.
P.O. BOX 2444
222 MAIN STREET
SALT LAKE CITY, UT 84143
(801) 544-2444

Planning Commission Staff Report

Subject: Founders Place (formerly Deer Hollow)
Applications: PL-21-05056
Author: Rebecca Ward
Date: November 5, 2021
Type of Item: Administrative



Recommendation

(I) Review the Applicant's proposal, (II) conduct a public hearing, and (III) determine whether the Founders Place development is a minor or substantive modification to the Master Planned Development.

Description

Applicant: Bill Fiveash with Deer Crest Associates I, LC

Location: Parcel 00-0021-01977 in Wasatch County

Zoning District: Recreation Commercial within a Master Planned Development

Adjacent Uses: Residential; Deer Valley Resort

Applications: Subdivision (PL-21-04914)
Conditional Use Permit for a Multi-Unit Dwelling (PL-21-04917)
Master Planned Development Modification (PL-21-05056)

Reason for Review: The Planning Commission determines whether modifications to Master Planned Developments are minor or substantive. The Planning Commission reviews substantive modifications.¹

Summary

The Applicant submitted a Subdivision (PL-21-04914; Exhibit A) and Conditional Use Permit application (PL-21-04917; Exhibit B) to construct approximately 350,000 square feet with 199,200 square feet for 78 residential units in four buildings (plus four employee units), 3,327 square feet of support commercial, 97,589 square feet of Residential Accessory Uses, and 45,289 square feet for 123 parking spaces. The Applicant proposes developing the project in three phases.

¹ LMC [§ 15-6-4\(K\)](#).

On October 27, 2021, the Planning Commission conducted an initial work session for the project ([Staff Report](#); [Audio](#)). The Planning Commission requested additional information. The Applicant submitted supplemental materials (Exhibit C), including:

- 1995 & 2021 Roof Slope Diagram
- 1995 & 2021 Plan Calculations
- Overall Reference Exterior Elevations
- Roof Type Analysis
- Schematic Site Plan
- Site Sections

On November 2, 2021, the Applicant applied for a Planning Commission determination on whether the modification to the Master Planned Development is minor or substantive.

On November 4, 2021, the Wasatch County Planning Department and district and utility representatives preliminarily reviewed the proposal. Initial input from Wasatch County was regarding the Applicant's request to reduce parking. One requirement of agreement outlining development for the site states that Wasatch County officials will establish the appropriate parking for the site.² Wasatch County requested the Applicant's traffic and parking study and will meet with the Applicant on November 12, 2021, to further discuss the project.

The Planning Commission will visit the Founders Place site from 4:00 – 4:45 PM on November 10, 2021. The site visit is open to the public and the Queen Esther and Jordanelle Gates will be accessible for the duration of the site visit.

Background

Founders Place (formerly known as Deer Hollow and Slalom Village³) is in the Deer Crest area originally within unincorporated Wasatch County, east of the Deer Valley Resort, west of HWY 40. The Applicant's Site Vicinity Map is included below:

² 1995 Settlement Agreement ¶ 5.2.3.10.

³ The 1995 Settlement Agreement refers to the site as Slalom Village. The Deer Crest Homeowner Association Materials refer to the site as Deer Hollow. The Applicant submitted material for Deer Hollow, but later changed the name to Founders Place. The property will be referred to as Founders Place throughout this staff report.



In 1989, the property owner applied for a Density Determination from the Wasatch County Planning Department to develop what was then called the Telemark Park Resort (Exhibit D).

In 1995, Park City Consolidated Mines Company, Trans-Wasatch Company, and Park City Municipal Corporation entered into the Telemark Settlement Agreement (1995 Settlement Agreement; Exhibit E). The 1995 Settlement Agreement ¶ 2.2 describes the location of the Deer Crest property, which straddles several jurisdictions:

A portion of the Property lies within Park City city limits, and another portion of the Property lies within the annexation boundary of Park City. Of the approximately 678 acres, 524 acres lie within unincorporated Wasatch County, approximately 84 acres lie within unincorporated Summit County and approximately 70 acres lie within the Park City Municipal Corporation city limits.

The 1995 Settlement Agreement outlines the process and conditions for annexing portions of the Deer Crest property into Park City, as well as development parameters.

The 1995 Settlement Agreement establishes the following regarding Founders Place within what was then identified as the Slalom Village development envelope:

- No more than 83 Multi-Unit Dwellings at 2,400 square feet per unit (199,200 square feet)
- 60% of the Multi-Unit Dwellings concentrated in a Primary Village Structure
- Four Single-Family Dwellings
- A 20,000-square-foot Ski Academy
- A ski chairlift located within a 1,100-foot radius of Founders Place
- Support commercial space up to 5% of the gross square footage and appropriate amenities

In 1997, the 1995 Settlement Agreement was amended, transferring the 20,000-square-foot Ski Academy to Telemark Park (Jordanelle Village Resort). The Single-Family Dwellings within Founders Place were increased from four to five (Exhibit F).

The 1995 Settlement Agreement required the property owners to amend the 1991 Wasatch County Density Determination. In 1996, the First Amended Density Determination was recorded with Wasatch County (Exhibit G). The First Amended Density Determination outlined the following for the development:

- Founders Place on a 12-acre site
- Five single-family dwellings and 83 townhouse/cottages (units not to exceed 2,400 square feet)

On December 17, 1998, the City Council approved Ordinance No. 98-53, annexing 253 acres of the Deer Crest property into Park City (Exhibit H). Also on December 17, 1998, the City Council approved Ordinance No. 98-51, amending the Zoning Map to include the Deer Crest annexation area (Exhibit I). Founders Place is in the Recreation Commercial within a Master Planned Development Zoning District.⁴

On December 23, 1998, Deer Crest Associates I, LC recorded the Deer Hollow Village Subdivision at Deer Crest, creating five single-family Lots pursuant to the Founders Place density allocation (Wasatch County Recorder Entry No. 209772, Exhibit J). In 2021, the Applicant submitted a Conditional Use Permit to construct the remaining Multi-Unit Dwelling density.

Analysis

The Planning Commission determines whether a proposed modification to an approved Master Planned Development is minor or substantive.⁵ Minor modifications comply with the Land Management Code (LMC) and do not trigger

⁴ Staff interprets the Settlement Agreement and amendments and Density Determinations and amendments to be the Master Planned Development approval for this property. In 1998, when the City Council adopted Ordinance No. 98-51 to zone the annexed area, the zoning designation was Recreation Commercial – MPD (Exhibit I).

⁵ LMC [§ 15-6-4\(K\)](#).

additional parking, reduce Open Space, or increase traffic by 5% or more as demonstrated by a traffic generation study. The Planning Director reviews and takes Final Action on a minor modification.

However, ¶ 7.6 of the 1995 Settlement Agreement states the following:

. . . . Unless this Agreement is amended by vote of the City Council, taken with the same formality as the vote approving this Agreement, no officer, official or agent of Park City has the power to amend, modify or alter this Agreement or waive any of its conditions as to bind Park City by making any promise or representation not contained herein.

Substantive modifications create additional impacts and require review of the entire MPD and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. Substantive modifications include but are not limited to a change to a Finding of Fact or Condition of Approval, a change in Use or an increase in Floor Area that triggers additional Off-Street Parking requirements, a change in Use or an increase in Floor Area that generates more than a 5% increase in traffic demonstrated by a traffic generation study, or a reduction in Open Space.

The Applicant suggests the proposed development is a minor modification. Please see the following:

- Exhibit K, Founders Place Modification Change Application – Applicant Statement
- Exhibit L, Founders Place Trip Generation Study

Staff views the Founders Place proposal to be a substantive modification because the changes to the development parameters outlined in the approval documents are equivalent to modifying Findings of Fact and Conditions of Approval.

(I) Substantive modifications create additional impacts and require review of the entire MPD and Development Agreement by the Planning Commission. Since initial City review of the Deer Crest development in 1995, the approval documents have been amended three times without an evaluation of Founders Place in the context of the overall changes to Deer Crest.

¶ 5.2.3 outlines the parameters of the Founders Place development:

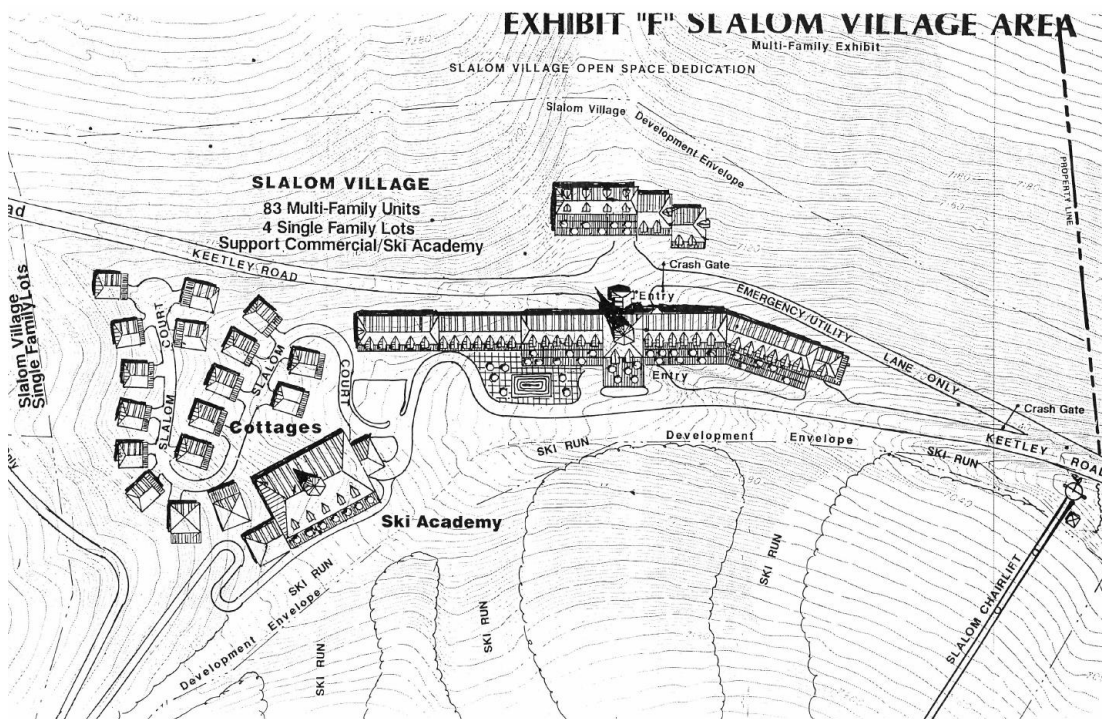
- No more than 83 Multi-Unit Dwellings (2,400 square feet per unit, which shall not be deemed unit equivalents under the Land Management Code)

- Not less than 60% of the Multi-Unit Dwelling shall be concentrated into a single structure (the Primary Village Structure)
- Support commercial up to 5% of the gross square footage of the Slalom Village structures
- Appropriate amenities
- Built within the development envelope

The 1995 Settlement Agreement ¶ 5.12 *Conceptual Plans*, provides some flexibility in project design:

The Parties acknowledge that the structures shown on Exhibits . . . are illustrative concept plans, and are not final architectural plans. Final plans may vary, except that such variations may not violate the defined development envelopes . . . Further, such variation may not violate any explicit requirements of this Agreement.

¶ 5.2.3.1 outlines the annexation procedure for the Founders Place area and states that Park City staff and City Council reviewed the 1995 Site Plan, Exhibit F to the 1995 Settlement Agreement (Exhibit M), “and have found the same to be generally acceptable as to density, use and configuration.”



However, since City review finding the density, use, and configuration generally acceptable as shown on the 1995 Site Plan, the 1995 Settlement Agreement was amended three times, resulting in substantial changes to the overall Deer Crest area. For example:

- In 1997, the Second Amended Settlement Agreement increased the single-family lots from four to five and transferred the 20,000-square-foot ski academy from Founders Place to the Jordanelle Village Resort (Exhibit F).
- In 2017, the Third Amended Settlement Agreement removed the requirement that Founders Place disconnect Keetley Road, resulting in a need to reevaluate how the site is accessed (Exhibit N).

These amendments and the impact to Founders Place have not yet been evaluated in the context of the overall Deer Crest development.

¶ 5.3.8 states:

At a minimum, any application to annex and improve and/or develop the . . . [Founders Place] shall comply with Park City resolutions and ordinances in effect at the time a proposal is submitted to Park City for consideration, subject to the limitations of Sections 5.10 [Subsequently Enacted Regulations/Retained Powers] and 5.11 [Private Roads].

¶ 5.10 states:

Property Owners shall comply with all subsequently-enacted state and local rules, laws, ordinances and regulations. Nothing in this Agreement shall limit the future exercise of the police power of Park City in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation and other land use plans, policies, ordinances and regulations after the date of this Agreement. Any legislation which is inconsistent with the terms and provisions of this Agreement shall not be applied to development activities on or about those portions of the Property subject to possible annexation, as appropriate, unless the legislation also has general application to development activity in Park City. Provided however, that for a period of 15 years from [December 29, 1995], no rule, law, ordinance, or regulation subsequently enacted by Park city [sic] shall decrease the density, use, or configuration (including the roads) of the development contemplated by this Agreement.

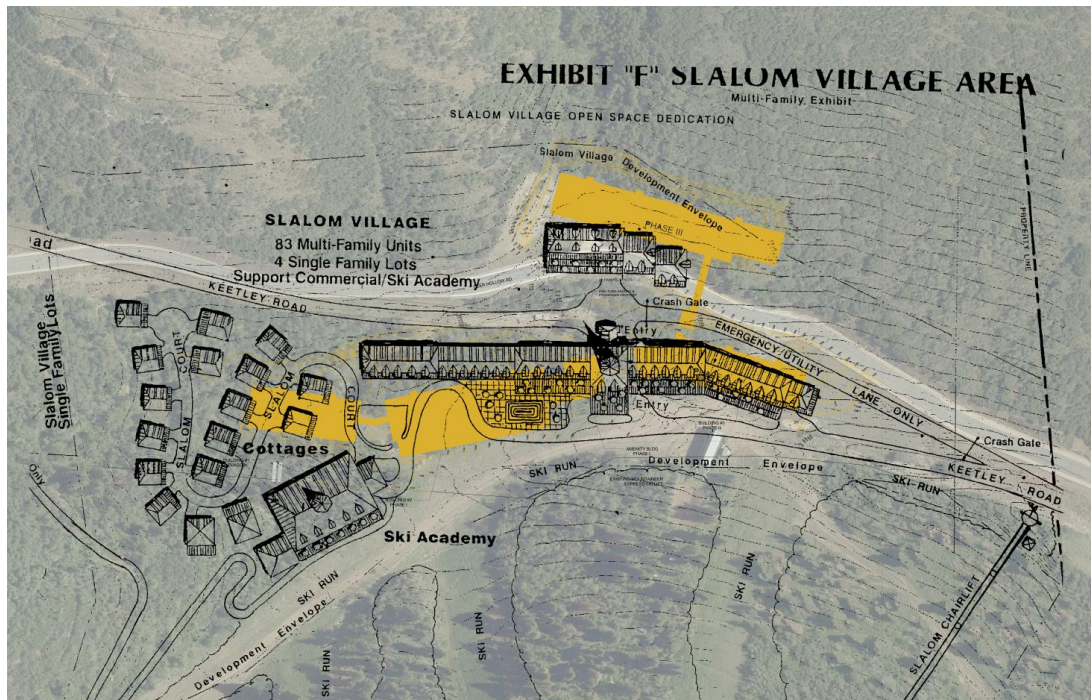
It has been nearly 26 years since the 1995 Settlement Agreement. As a result, the Planning Commission may reevaluate density, use, and configuration (including the roads) for the Founders Place proposal in the context of the amended Deer Crest area, subject to current City land use regulations and resolutions. Staff interprets this discretion to be a substantive modification to the Master Planned Development.

(II) The Applicant proposes modifications to the site plan.

The original Wasatch County Density Determination in 1989 outlines the opportunities and challenges of the site:

The property is adjacent to Summit County, Park City, the Deer Valley Ski Resort and between the town of Park City and the new alignment of Highway 40 above the Jordanelle Reservoir, as well as central to a large number of recreational amenities in Wasatch County, Summit County and Park City. The project area occupies a hilly to mountainous parcel of land rising from 6,600 feet at its eastern end to 8,000 feet at its high point on the west. This topography creates opportunities for recreation development including alpine and Nordic skiing, recreational trails and forested open space. The terrain also creates challenges to the proper development of the parcel and has raised many concerns on the part of the County Planning Staff. It is the opinion of staff that such development will require a high level of attention to environmental mitigation, vegetation preservation and re-vegetation, site specific design and aesthetic control, as provided in [this Density Determination] (Exhibit D).

The 1995 Settlement Agreement included a site plan for the property. At staff's request, the Applicant superimposed the current building footprint proposal (in orange) over the 1995 Site Plan (outlined in black):



The Applicant also prepared bird's eye view exhibits comparing the proposed project (in color) with the 1995 approval (in white):



BIRDSEYE VIEW LOOKING NORTHEAST - COMBINED
FOUNDERS PLACE - PHASE I

east west partners
SPARANO + MOONEY ARCHITECTURE

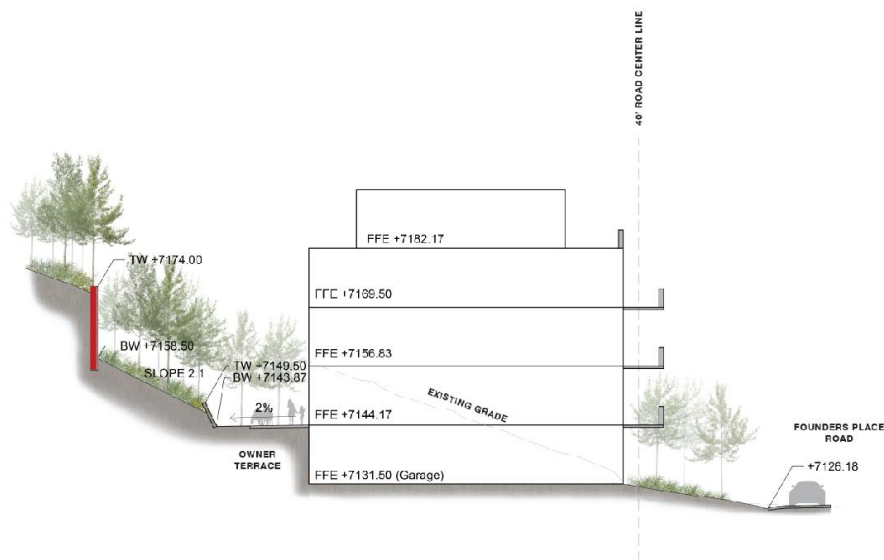


BIRDSEYE VIEW LOOKING NORTHWEST - COMBINED
FOUNDERS PLACE - PHASE I

east west partners
SPARANO + MOONEY ARCHITECTURE

Staff recommends the Planning Commission fully evaluate the impacts changes to the site plan will have on site disturbance. The Applicant's November 4, 2021 Site Sections submittal (Exhibit C, p. 12) shows a 16-foot-tall retaining wall (highlighted in red by staff below), and there is not yet a full analysis of the required retaining walls to accommodate the proposed modifications to the site plan.

SECTION CC'
SCALE: 1" = 10'-0"



On November 5, 2021, the Applicant submitted a Sensitive Lands Analysis showing the steep slopes, ridge lines, and other features of the site that will require consideration pursuant to the proposed changes to the building footprints and access (Exhibit P).

Due to the changes to the site plan, staff recommends the Planning Commission consider the proposal to be a substantive modification to the Master Planned Development so the Commission may review the project in accordance with LMC [§ 15-6-5\(G\)](#), *Site Planning*, [§ 15-6-5\(I\)](#), *Sensitive Lands Compliance*, and [§ 15-6-6](#) to evaluate the project within the context of the larger Deer Crest development.

(III) The Applicant requests changes to parking requirements.

The 1995 Settlement Agreement ¶ 5.2.3.10 outlines the following:

[Founders Place Parking]. Property Owners may construct no more parking stalls underneath the [Founders Place] multi-family unit structure than are required to service that structure as may be

required by the appropriate Wasatch County official(s). . . .

Parking was approved to be underneath the Founders Place structures and the Applicant proposes shifting some parking to the first level.

Additionally, ¶ 11(C) of the First Amended Density Determination approved by Wasatch County requires 166 parking spaces for the development. The Applicant proposes 123 parking spaces, a 35% reduction.

As a result, staff recommends the Planning Commission consider this to be a substantive modification to the Master Planned Development so the Commission may evaluate the project pursuant to Land Management Code § 15-6-5(E), [Off-Street Parking](#) to analyze site-specific parking demands.

(IV) The Applicant requests changes to height and roof forms.

The First Amended Density Determination states the following:

8. BUILDING HEIGHT

. . . .

A. Lodge Condos at [Founders Place]: Height shall be measured from the elevation of the finished grade at midpoint of building. The maximum height shall be 75 feet, consisting of not more than five levels. The building shall have a gable roof (a roof consisting of two inclined planes that meet at a ridge over the center of the building and slope down to the sidewalls) or a hip roof (a roof similar to a gable roof with a central ridge except that the roof slopes from the ridge to all outside walls), with the top level being partly located in the roof structure. The top level shall not cover more than 50% of the Building Footprint. The building must then step from such top level on both the ski hill side and the road side to avoid any vertical wall more than three levels in height.

The Applicant proposes modifying the requirements that the buildings have a gable roof or hip roof and that the building shall avoid any vertical wall more than three levels in height:

Keetley Road as a means of vehicular travel from U.S. Highway 40 to Park City. An emergency/utility road . . . shall bypass [Founders Place] connecting the easterly and westerly sections of the disconnected Keetley Road, and shall be crash gated to prevent vehicular through traffic by the general public, except as limited by Section 5.2.3.4 above.

¶ 5.2.3.10 states:

. . . . [t]he parking structure at Primary Village Structure may be accessible from Park City so long as the connection between the parking levels is designed to Park City's reasonable satisfaction in such a manner that sufficiently discourages the tendency to use the Keetley Road as a means of vehicular travel from U.S. 40 to Park City. It is contemplated that such will be accomplished by the construction of a multi-level structure with vertical separation between the east and west parking entrances, and in internal ramping and gate system. No more than 25 vehicular parking spaces shall be constructed at the Ski Academy. Shuttle service to and from the Ski Academy and/or [Founders Place] shall be provided by all reasonable means in order to discourage the use of individual vehicular forms of transportation.

The 2017 Amended Settlement Agreement removed the requirement that Founders Place disconnect Keetley Road, but the impacts to the Founders Place development were not evaluated at that time (Exhibit N).

Also, ¶ 5.3.7 of the 1995 Settlement Agreement states:

Prior to completion of the foundation for the primary [Founders Place] multi-family structure, the Property Owners shall construct (at their cost and expense) and convey to Park City, in fee simple, title in the [Founders Place] Emergency Utility Road designated on the Development Plan as running in a northwest/southeast direction just northeast of [Founders Place]. . . .

As a result of the changes to the road configurations, staff recommends the Planning Commission consider the modification to the Master Planned Development to be substantive so the Planning Commission can evaluate the changes to Keetley Road, access, traffic, parking, through-traffic, and emergency access pursuant to the criteria outlined in Land Management Code [§ 15-6-5\(G\)](#), *Site Planning*, and [§ 15-6-6\(P\)](#), addressing and mitigating traffic.

Public Input

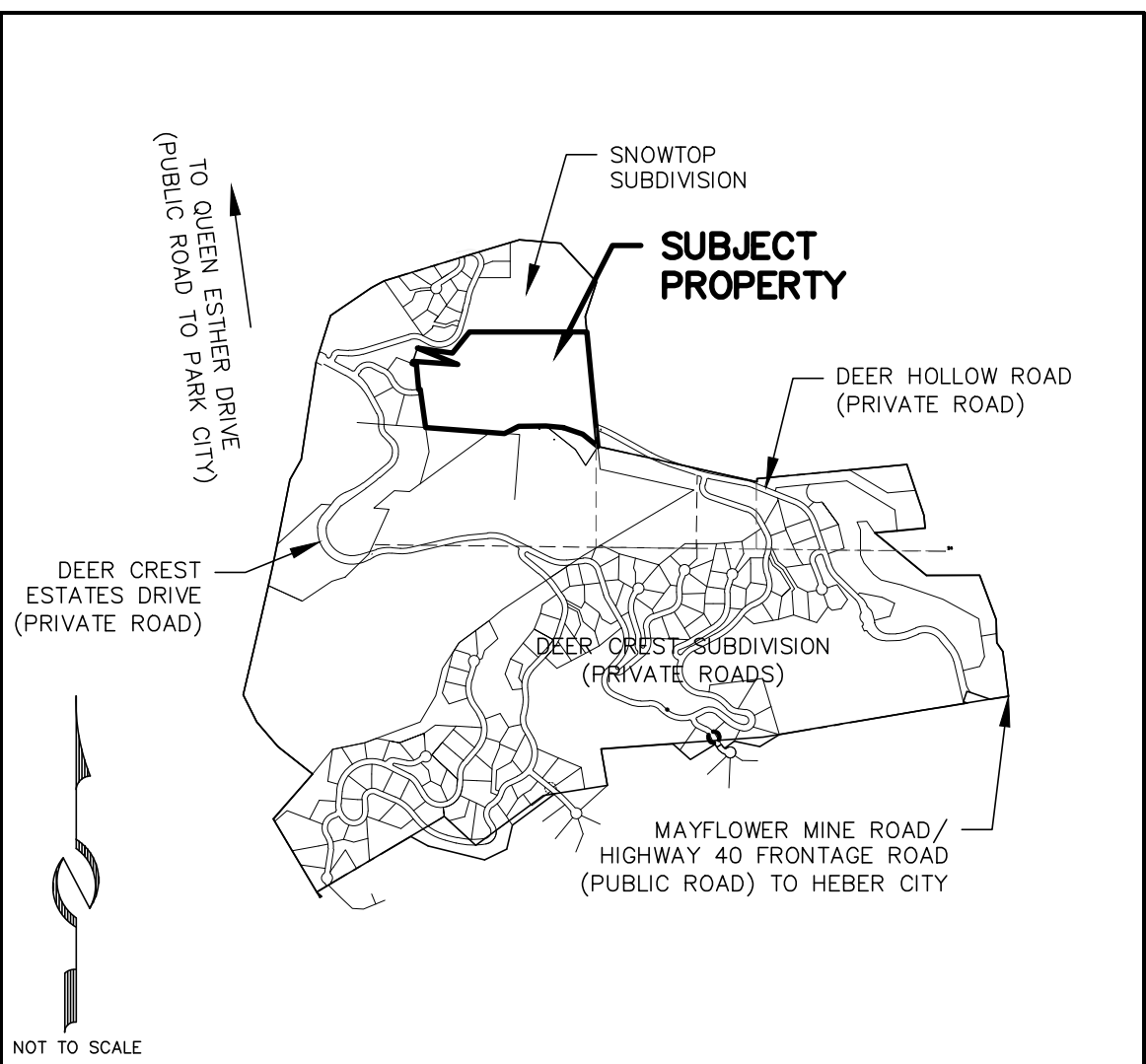
Please see Exhibit O to view public input.

FOUND 0.3" METAL PIPE
FILLED WITH CONCRETE, WITH NAIL
W 1/4 COR, S14, T2S, R4E, SLB&M

FOUND 0.3" METAL PIPE
FILLED WITH CONCRETE, WITH NAIL
W 1/4 COR, S14, T2S, R4E, SLB&M

FOUND 0.3" METAL PIPE
FILLED WITH CONCRETE, WITH NAIL
SW COR, S14, T2S, R4E, SLB&M

FOUND 3" BRASS CAP
"J" PLS 147581"
W 1/4 COR, S23, T2S, R4E, SLB&M



VICINITY MAP

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S 84°51'43" W	15.85'
L2	N 5°08'17" W	224.04'
L3	N 68°20'38" W	41.23'
L4	N 18°45'09" E	22.41'
L5	S 85°42'00" E	414.97'
L6	N 39°16'30" E	250.51'
L7	N 50°41'29" W	180.00'
L8	N 71°41'29" W	190.00'
L9	N 84°41'29" W	160.00'
L10	S 89°18'31" W	250.00'
L11	S 63°01'02" W	146.41'

LINE TABLE		
LINE	DIRECTION	LENGTH
L12	N 84°51'43" E	63.57'
L13	S 73°59'21" E	99.31'
L14	S 60°34'33" E	63.18'
L15	S 76°46'58" E	48.93'
L16	S 67°59'26" E	118.20'
L17	N 76°46'58" W	48.93'
L18	N 60°34'33" W	63.18'

SNOWTOP SUBDIVISION
AT DEER CREST
ENTRY NO. 209773

LINE TABLE		
LINE	DIRECTION	LENGTH
L19	N 71°7'09" E	50.00'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	355.00'	131.04'	21°08'56"
C2	385.00'	107.76'	16°02'11"
C3	240.50'	58.37'	13°54'23"
C4	175.00'	132.42'	43°21'22"
C5	425.00'	120.22'	16°12'25"
C6	125.00'	39.75'	18°13'09"
C7	525.00'	86.38'	9°25'38"
C8	175.00'	55.65'	18°13'09"
C9	375.00'	106.07'	16°12'25"
C10	225.00'	170.26'	43°21'22"
C11	190.50'	46.24'	13°54'23"

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C12	225.00'	85.13'	21°40'41"
C13	225.00'	85.13'	21°40'41"
C14	175.00'	66.81'	21°48'35"
C15	175.00'	65.81'	21°32'47"



SURVEYORS CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the land shown on this plat and described hereon, and have combined said land into three (3) lots, hereafter to be known as DEER HOLLOW SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

That portion of estate conveyed in that Special Warranty Deed recorded July 01, 1996, as Entry No. 187886, in Book 325, at Page 746, of Official Records, and being located in Section 14, Township 2 South, Range 4 East, Salt Lake Base and Meridian, which intersects the following patented mining claims:

- Roosevelt (Mineral Survey 6645)
- Queen Esther No. 3, and Queen Esther No. 6 (Mineral Survey 6979)
- Gilt, Galena, Park City Consolidated No. 31, and Silver (Mineral Survey 6867)
- Less and excepting therefrom the following described properties:
- a) Deer Hollow Village at Deer Crest Official Plat recorded as Entry No. 209772, in Book 408, at Page 256.
 - b) Snowtop Subdivision at Deer Crest Official Plat recorded as Entry No. 209773, in Book 408, at Page 276.
 - c) Deer Crest Estates Phase II Official Plat recorded as Entry No. 209775, in Book 408, at Page 336.
 - d) Roosevelt No. 1 (Mineral Survey 6645)
 - e) Lot 27, Section 14, Township 2 South, Range 4 East, Salt Lake Base and Meridian.
 - f) The property described in that Special Warranty Deed recorded as Entry no. 411705, in Book 1129, at Page 679.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be divided into lots, and parcels, together with easements as set forth to be hereafter known as DEER HOLLOW SUBDIVISION and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set his hand this ____ day of _____, 2021.

Deer Crest Associates I, L.C.
a Utah limited liability company

By: _____

Its Authorized signatory

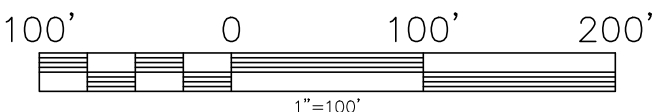
ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 2021, _____ personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed DEER HOLLOW SUBDIVISION.

By: _____
Notary Public

Printed Name _____
Residing in: _____
My commission expires: _____
Commission No. _____



SHEET 1 OF 1

7/22/21 JOB NO.: 14-6-18 FILE: X:\DeerCrest\dwg\sr\plat2018\140618.dwg

(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

JORDANELLE SPECIAL SERVICE DISTRICT AND SPECIAL IMPROVEMENT DISTRICT APPROVED THIS ____ DAY OF _____, 2021 BY _____ GENERAL MANAGER	PLANNING COMMISSION RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2021 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2021 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF _____, 2021 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2021 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2021 BY _____ PARK CITY RECORDER	WASATCH COUNTY FIRE DISTRICT APPROVED THIS ____ DAY OF _____, 2021 BY _____ FIRE CHIEF	RECORDED STATE OF UTAH, COUNTY OF WASATCH, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
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DEER HOLLOW VILLAGE

CONDITIONAL USE PERMIT SUBMITTAL
PHASES I, II, AND III



July 8, 2021

east west partners
SPARANO + MOONEY ARCHITECTURE

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- 2.10 Site and Landscape Design
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- 2.12 Hours of Operation, Employment, and Workforce Housing
- 2.13 Special Issues and Mitigation
- 2.14 Phasing

3.0 ATTACHMENTS

Attachment 1: Proposed Deer Hollow Village Design Drawings - Phases I, II, and III

- Exhibit 1: Site Plan
- Exhibit 2: Vegetation Plan
- Exhibit 3: Architectural Site Plan
- Exhibit 4: Phasing Plan
- Exhibit 5: Floor Plan - Elev. 7078.25
- Exhibit 6: Floor Plan - Elev. 7090
- Exhibit 7: Floor Plan - Elev. 7102
- Exhibit 8: Floor Plan - Elev. 7114
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- Exhibit 13: Floor Plan - Elev. 7179.25
- Exhibit 14: Gross Building Area Calculations
- Exhibit 15: Housing Unit Schedule and Square Footage Summary
- Exhibit 16: Exterior Elevations
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- Exhibit 18: Project Rendering - View 1
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- Exhibit 22: Civil Cover Sheet
- Exhibit 23: Civil Overall Site Plan
- Exhibit 24: Civil Grading Plan
- Exhibit 25: Civil Slope Map
- Exhibit 26: Civil Utilities Plan
- Exhibit 27: Civil Storm Drain Plan

4.0 ADDITIONAL EXHIBITS UNDER SEPARATE COVER

- Exhibit 28: Phase I Environmental Site Assessment (Dated November 17, 2020)
- Exhibit 29: Deer Crest Design Guidelines
- Exhibit 30: Entitlements Timeline

1.0 EXECUTIVE SUMMARY

Deer Hollow Development LLC is seeking a Conditional Use Permit for the development and construction of residential units in stack flat condominium buildings, including an amenity building, for the exclusive use of all **Deer Hollow Village** residents. The Deer Hollow Village project, located within the Deer Crest development, offers a unique ski-in ski-out location, providing a private and secluded living experience focused on outdoor recreation and wellness.

The Deer Hollow Village (aka Slalom Village) parcel is part of the land subject to the 1995 Deer Crest Master Planned Development and Settlement Agreement, including amendments 1 through 3. This application seeks to move forward the approvals as required in the development agreement and restated in the Planning Staff Report for the Third Amendment to the Settlement Agreement “Analysis, Findings of Fact, Conclusions of Law and Conditions of Approval”, dated March 22, 2017. Exhibit ‘F’ below shows the approved concept for the Slalom Village Area from the 1995 Settlement Agreement.

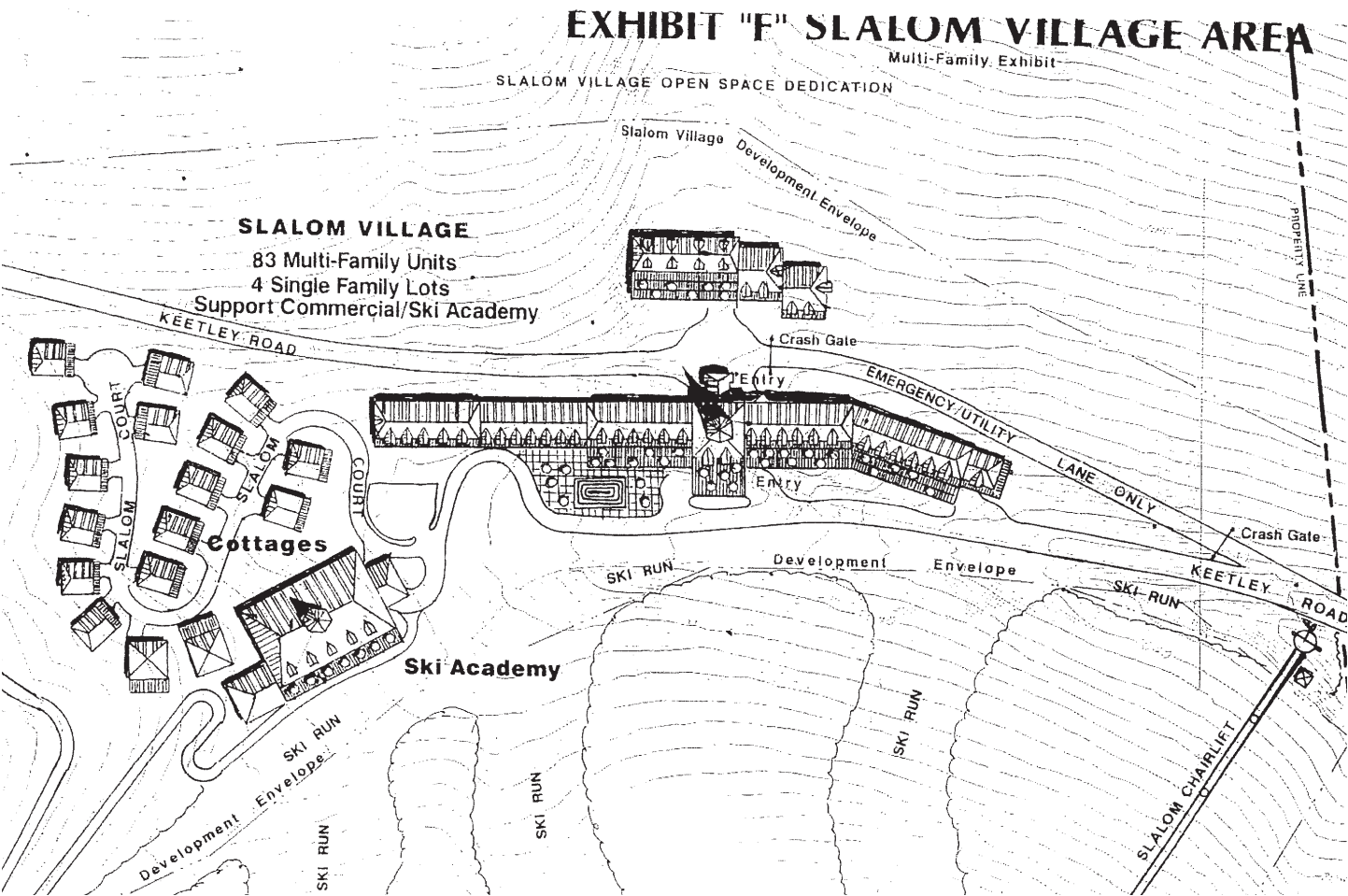


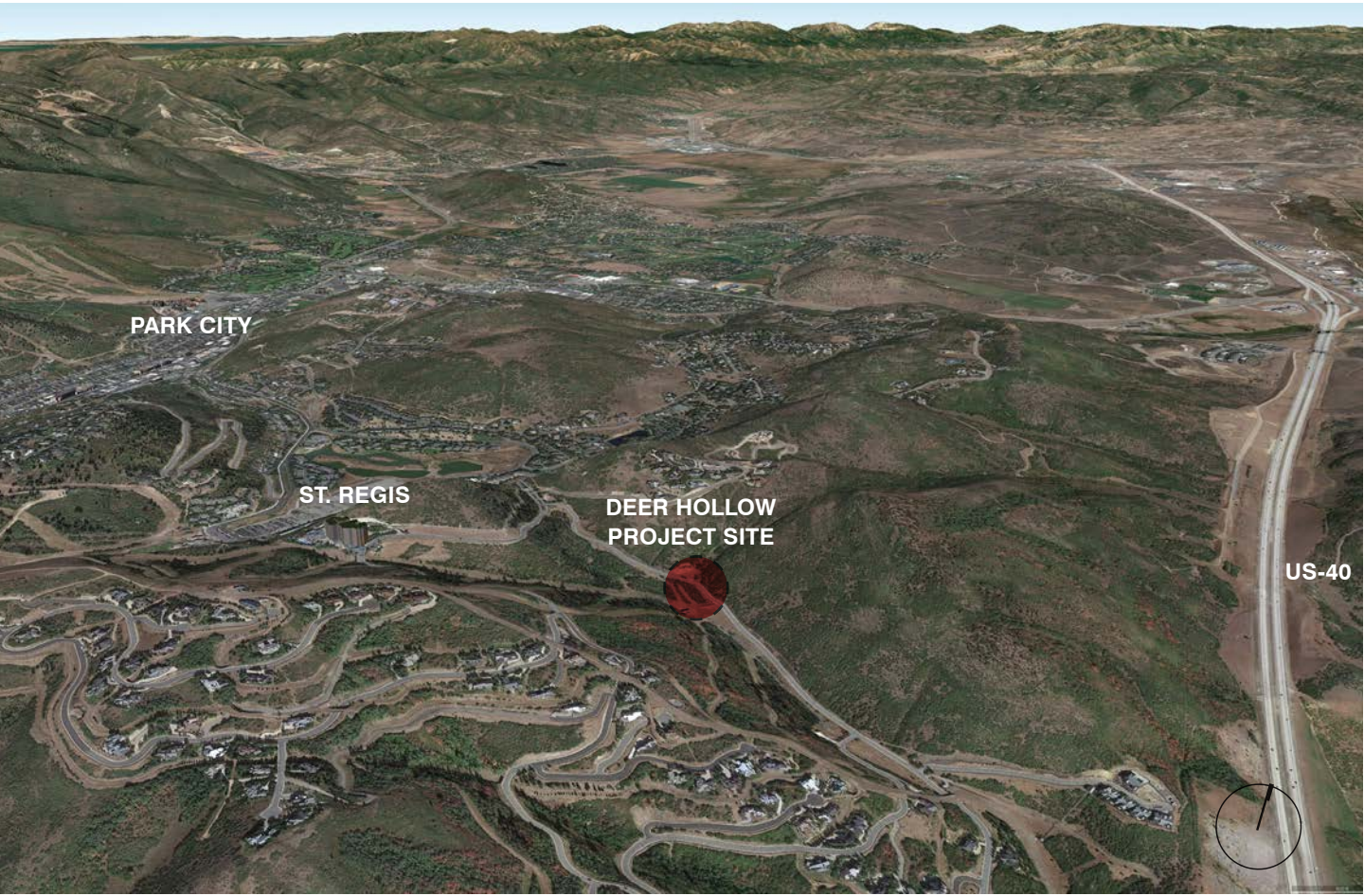
EXHIBIT 'F' - SLALOM VILLAGE AREA

Deer Hollow Development LLC is proposing to build NTE 199,200 SF total residential square footage divided over four building and consisting of 78 residential for sale properties, 4 Employee Housing Units as required by the development agreement, and 124 total parking spaces and various Residential Accessory Uses as defined in the Development Agreement. The project will be constructed in 3 phases.

Sustainable design strategies of Deer Hollow Village include the integration of the buildings into the site topography, minimization of the building footprints, maximization of open space and passive solar orientation, and LEED™ Residential BD+C Multifamily certification criteria. Access to daylight, fresh air, recreational opportunities, and wellness components are primary project drivers. Although the open space requirement for the original MPD has already been satisfied, of the 30 acre development parcel, 13 acres will be dedicated as additional open space.

1.1 PROJECT DESCRIPTION

Applicant:	Deer Hollow Development LLC		
Project Address:	TBD - not yet registered		
Parcel:	00-0021-1977		
Application Type:	CUP (a Subdivision Plat is being submitted concurrently)		
Zoning:	Recreational Commercial (RC-MPD) District		
Governing Documents:	Telemark Park Settlement Agreement and Amendments 1, 2, and 3 Density Determination for Telemark Park Resort and Amendments 1 and 2 Deer Crest Interlocal Agreement (Wasatch County and Park City Municipal) Deer Crest Design Guidelines Park City LMC Park City General Plan		
Density/SF Summary:	78 Condominium Units	=	199,200 NSF
	Residential Accessory Uses/Parking Garages/Circulation	=	151,923 GSF
	Total Project GSF	=	351,123 GSF



SITE LOCATION MAP

2.0 OVERVIEW

2.1 SITE LOCATION

The Deer Hollow Village project site is located within the Deer Crest development at the Deer Valley Resort, adjacent to the Mountaineer Express ski lift, to the northeast of the St. Regis, and to the west of US-40. Access to the project site is via a private and gated road, Deer Hollow Road, with control points at the Queen Ester gatehouse to the west, and the Jordanelle gatehouse to the east. The 30 acres site is bifurcated by Deer Hollow road, with 20 acres to the north of the road and 10 acres to the south. The site resides within Wasatch County, and has been annexed into Park City.



SITE VICINITY MAP

2.2 CONTEXT

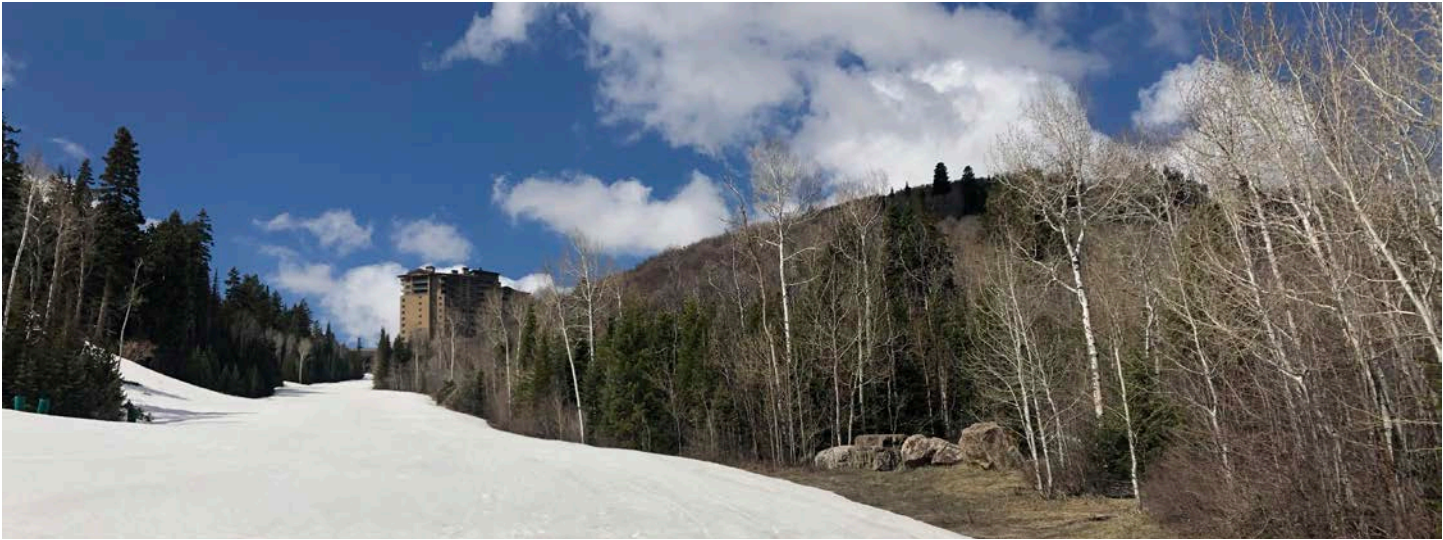
The Deer Hollow project site is private and secluded, with no residential or commercial development within close proximity. The nearest development to the proposed built-area of the Deer Hollow Village project site includes the residences at Snowtop Court approximately 750 feet to the northwest; the residences at Deer Crest Estates approximately 1,800 feet to the south; and the St. Regis hotel approximately 2,500 feet to the southwest. The Deer Hollow project site is located at the base of the adjacent hillsides at an elevation of 7100 feet, approximately 300 feet below the elevation of the St. Regis hotel and closest residential areas.

2.3 VIEWSHED AND NIGHT SKY

Given the location of the Deer Hollow project site, at the base of the adjacent hillsides, the new development does not impede the views from any existing surrounding development, nor does the development approach any ridgeline. Clear views to the surrounding vistas, mountains, and Jordanelle Reservoir are maintained. The night sky resource will also be protected, maintaining existing residents views to the stars. Lighting for the new development will meet all Park City LMC outdoor lighting ordinances to protect the night sky, including fully shielded fixtures, 3,000 degree Kelvin light temperature, and maximum lumen per acre requirements; thus providing and protecting views to the night sky by the new development occupants.



SITE VIEW LOOKING SOUTH TO MOUNTAINEER EXPRESS LIFT



SITE VIEW LOOKING WEST TO THE ST. REGIS



VIEW WEST UP DEER HOLLOW ROAD

JORDANELLE RESERVOIR

PROJECT SITE

MOUNTAINEER EXPRESS SKI LIFT

DEER HOLLOW ROAD

ST. REGIS

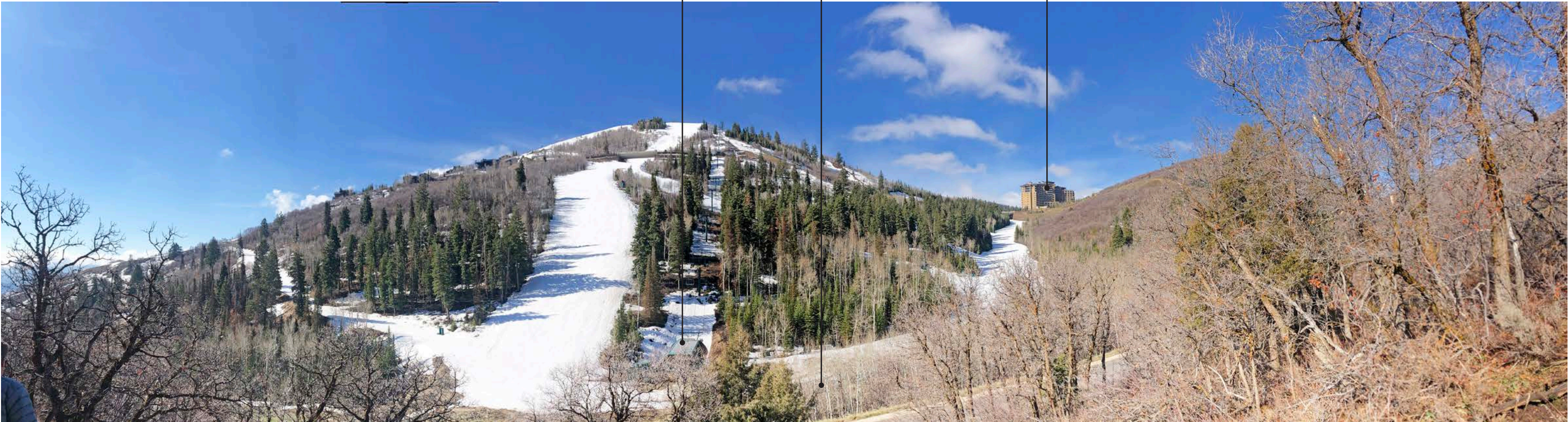


PANORAMIC OVERVIEW FROM SNOWTOP COURT SUBDIVISION

MOUNTAINEER EXPRESS SKI LIFT

PROJECT SITE

ST. REGIS



PANORAMIC OVERVIEW

2.4 SURROUNDING USES AND FITTING-IN

The Deer Crest development is a gated community comprised of primarily resort-oriented residential development (Multi-Family and Single Family). Other uses in the Deer Crest and Deer Valley area include hotel and nightly rentals recreation commercial development, and open space. The proposed Deer Hollow Village project continues this residential development pattern, supporting recreational activity and the ski-in ski-out experience. In addition, the project proposes development of 17 of the 30 acre parcel, with dedication of 13 acres to open space.

The Deer Valley Resort and Deer Crest community include buildings constructed from the 1980’s to the present, with various architectural styles ranging from a more traditional mountain aesthetic to heritage and mountain modern interpretations. Predominant materials used in the area include wood siding, natural stone, log, stucco and standing seam or similar metal panels. Other predominant material references found in the Park City Area include bevel, tongue and groove, and ship lap painted wood siding; board formed concrete; and large format corrugated metal panels. The proposed Deer Hollow Condominium project proposes a compatible material palette including the use of natural wood siding, board formed concrete, and standing seam metal panels. This palette is also consistent with the limit on the number of exterior materials as set forth in the LMC and Deer Crest Design Guidelines.

Scale and massing of buildings and homes in the Deer Valley Resort and Deer Crest community include multi-level single family homes, typically 2 to 3 stories and approximately 28 feet in height, and larger resort development including the St. Regis at 11 stories and approximately 150 feet in height. The Deer Hollow Condominium project height maximum based on the Settlement Agreement documents is 75 feet from finished grade. To limit the apparent height of the proposed buildings, the design includes parking at the 1st level, which is underground to the extent possible, and 4 levels of housing above, with the top story stepping back at all sides. Generally, this gives the appearance of a four story building, with average heights above the finished grade of 54 feet to 68 feet from wall base at finished grade to roof peak.

The development of a resort style condominium property was specifically contemplated for this site within the previously granted MPD. The proposed buildings fit the approved massing, scaling and square footage allowances per previous approvals. (Re. first amendment & density determination of the Deer Crest settlement agreement).

The project site is surrounded by open space with access to trails and adjacent to the Deer Hollow ski run at Deer Valley Resort for ski-in/ski-out access from the property. The target buyer for these homes are primarily second home owners seeking a ski vacation property.

2.5 SERVICE AND BENEFIT TO PARK CITY

The Deer Hollow Village property is part of the Deer Crest MPD, a resort residential community, and will mostly be occupied by non-primary residents. It is anticipated that these homes will be lightly occupied throughout the year and impose a minimal burden to Park City and Wasatch County while at the same time provide significant tax benefits as laid out in the approved and adopted 1998 Interlocal Agreement between Park City and Wasatch County (resort sales tax, transit tax, property tax, etc.).

2.6 CONSISTENCY WITH THE ZONING DISTRICT AND GENERAL PLAN

The proposed Deer Hollow Village project is consistent with the Deer Crest Master Plan Development and Settlement Agreement . In addition, the proposed Deer Hollow Village project is consistent with the purposes and goals of both the Recreational Commercial (RC-MPD) District zoning and the Park City General Plan as the project:

- 1. Clusters the development to minimize the building footprint and maximize open space.
- 2. Places the new development at the base of the hillside to minimize visibility and impact to view.
- 3. Provides variation in architectural design and housing type.
- 4. Promotes pedestrian, bike, and ski-in/ski-out connections to the outdoors and adjacent areas.
- 5. Minimizes architectural impact of the automobile by limiting parking to 1.5 stalls per unit, concealing parking within enclosed parking garages, and utilizing a transportation network.
- 6. Conserves a healthy network of open space for continued access to and respect for the natural setting.
- 7. Promotes sustainable design strategies including limiting the foot print, protection of open space, optimal solar orientation, and LEED™ Residential BD+C Multifamily certification criteria.
- 8. Increases the number of workforce housing units.
- 9. Supports the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience.

2.7 DENSITY

Density for the development parcel is defined by the Settlement Agreement, and no changes are proposed to the approved densities outlined in the Settlement Agreement, as amended. The Deer Hollow site (formerly Slalom Village) is one of the remaining undeveloped areas of the original MPD. Per the Settlement Agreement the density “shall not exceed 83 multifamily units (maximum 2,400 square feet per unit) with support commercial space up to 5% of the gross square footage and appropriate amenities and five (5) single-family lots (per 1st Amendment)”. The maximum square footage allowed for the housing units is 199,200 SF (83 x 2,400 SF).

Per the Settlement Agreement, where the “average square footage of one or more of the units exceeds the average footage given in the Land Use table, the maximum number of Units and maximum total square footage shall control, and adjustments must be made in number of units or size of other so as not to exceed either”. The Deer Hollow Village project will consist of 78 housing units and the maximum total square footage will be maintained at 199,200 SF.

2.8 BUILDING DESIGN AND MATERIALITY

The form of the Deer Hollow Village project references the western vernacular building forms found throughout the American West, those typologies found within Deer Crest and Park City, and with an emphasis on simplicity and functionality. The buildings integrate thoughtfully into the site topography, minimizing site disturbance, with a narrow footprint oriented with the site contours. The southern orientation of the buildings allows for maximizing daylight and passive solar design. Fenestration of the buildings provides focused views and an interface to the active ski slopes to the south, the distant view of Jordanelle to the east, and close proximity mountain views to the north and west.

The building design includes a board form concrete base that surrounds the parking garage, a three story volume of wood siding for the primary housing units that include equally spaced projected board form concrete cores, and a recessed top story penthouse that is a mixture of standing seam metal panels and wood siding. This material palette is consistent with the mountain character of the site and surrounding development, as well as the Park City and the greater Western region.

2.9 PARKING AND TRANSPORTATION

Parking for the Deer Hollow Village project will consist of enclosed parking garages at the base of each building, as well as two small surface lots for general service and passenger loading. Proposed parking for the project is based on 1.5 stalls per unit for a total of 117 parking stalls associated with the condominium housing (78 units x 1.5), 4 stalls associated with the workforce housing units, and 7 service/loading stalls, for a parking total of 128 stalls. All off-street parking will abide by Park City Municipal Code, including dimensioning, grading and drainage, surfacing, lighting, landscaping, and snow storage standards.

The developer intends to implement an on demand ride-share program for the benefit of all residents within the proposed development of Deer Hollow Village, similar to the “dial-a-ride” program at Empire Pass. The spirit of the service is to substantially reduce traffic between the Deer Hollow Village neighborhood and various destinations within the greater Park City limits. Furthermore, it is the intent of the developer to work with the Deer Crest Master Association to expand the program and make these services available for the entire Deer Crest Community.

2.10 SITE AND LANDSCAPE DESIGN

The site and landscape design meets the requirements of the Park City LMC. Key topics not covered under other sections of the narrative include the following:

Emergency Vehicle Access

The proposed site plan accounts for fire and emergency vehicle access. For Phase I and Phase II buildings, emergency vehicle turnarounds are proposed at the western terminus of the proposed driveway and within the proposed central drop-off area, on the north side of Phase I. Emergency access for Phase III is to be from existing Deer Hollow Road. The drop offs abide to the required wing and radius dimensions.

Internal Vehicular and Pedestrian Circulation System

Vehicles will arrive and drop-off at the central drop-off area for all phases of the proposed development. Vehicles will park within each building’s indoor parking facilities. Outdoor pedestrian circulation is proposed as an interconnected network of sidewalks and pathways that facilitate movement between buildings and from buildings to the adjacent Deer Hollow Resort ski run. Pathway surfacing and grading will maximize accessibility and minimize disturbance of surrounding landscape.

Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses

The proposed site plan separates the development from adjoining Recreation Commercial Zone uses at the Deer Valley Resort primarily through siting of buildings and clear designation of outdoor pathways. Site walls and special plantings will provide visually unobtrusive screening where deemed necessary and appropriate, including to screen exterior mechanical equipment. Proposed trees, shrub and meadow species will be consistent with those found within the area and will allow for ecological integration of the development and surrounding natural habitats. In disturbed areas, the height of retaining walls will be minimized to accommodate necessary grading. Existing forest to the southwest will be preserved along the property boundary.

Building mass, bulk, and orientation, and the location of Buildings on the Site

Buildings, outdoor amenities, and accompanying grading are placed strategically to limit disturbance of surrounding landscape, including proposed cut and fill. Buildings and amenities have also been placed to facilitate access to the Deer Valley Ski Resort, whereby some units will have ski-in/ski-out access and others will have access via shared indoor and outdoor circulation corridors.

Orientation to Buildings on Adjoining Lots

Proposed buildings and amenities are located to facilitate views toward the Deer Valley Resort’s mountainous landscape and the outlying Jordanelle Reservoir and not the existing St Regis Hotel. This is to provide a visual barrier between both properties. Furthermore, buildings are sited, scaled, and oriented to integrate with the landscape as viewed from Deer Hollow Road and adjoining lots, and to minimize blocking of views from these locations.

Usable Open Space

Open space requirements per the Settlement Agreement have been satisfied for the Deer Crest MPD and granted to DCMA via a special warranty deed (411704) on 12/29/2014, Additional open space in Deer Hollow Village will be provided. The proposed development is consistent with Open Space requirements for Recreation Commercial District Zone and requirements for steep slopes within Sensitive Land Overlay Zone, such that greater than 60% of the Lot is devoted to Open Space uses and less than 25% of the Steep Slope Area is developed.

Control of Delivery/Service Vehicles, Loading and Unloading Zones, and Screening of Trash/Recycling

Delivery and service vehicles will access the site at the small surface lots provided or within parking garages as necessary. All structures for storing refuse will be within the enclosed parking garages. Loading and unloading of goods will take place entirely on site, and loading and unloading zones will be screened from general public view.

Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and Appropriateness of the Proposed Structures to the Existing Topography

Buildings and amenities are located to comply with regulations regarding steep slopes and general requirements for developments in Sensitive Land Overlay Zone areas. The proposed grading is designed to limit cut/fill and to preserve ecological function. The owner commissioned a Phase I ESA in 2018, and Wasatch Environmental conducted surficial soil sampling at 22 locations (see Attachment 2). The development furthermore aims to minimize disturbance of wildlife and habitats, and to maximize tree preservation. Exposed slopes will be revegetated with native species using high quality fill soil that will support plant growth.

2.11 SUSTAINABILITY

As noted previously, integrating the building into the site topography, minimizing the building footprint, maximizing open space, and maximizing passive solar orientation are the major sustainable site related strategies of the project. In addition to these strategies, LEED™ Residential BD+C Multifamily certification criteria will be pursued. LEED™ related sustainable aspects of the Deer Hollow project include:

- a. **Heat Island Reduction:** Strategies will include reduction in hardscape, maximizing landscape and open space, and inclusion of green and ballasted roofs.

- b. **Light Pollution Reduction:** In addition to the requirements of the LMC, vertical illuminance calculations will be completed at the lighting boundary to minimize light pollution and protect the night sky resource.
- c. **Water Use Reduction:** Strategies include the use of low-flow plumbing fixtures in public areas, and minimizing irrigation demand through the use of native and drought tolerant plantings.
- d. **Minimum Energy Performance:** Strategies include energy efficient mechanical systems, Energy Star rated appliances, tight thermal enclosure with associated enclosure commissioning, and fenestration systems that exceed prescriptive U values.
- e. **Indoor Air Quality:** Strategies include whole house (unit) ventilation systems, access to fresh air through operable window/door systems, air filtering, and low emittance product specifications for interior materials.

2.12 HOURS OF OPERATION, EMPLOYMENT, AND WORKFORCE HOUSING

As a residential property, Deer Hollow Village is expected to be occupied 24 hours a day. The developer is proposing to have Deer Valley Lodging operate the HOA and thus will employ at least one FTE employee as a lodge keeper, plus other support employees from existing staff of DV Lodging. Per the Settlement Agreement, workforce housing will total 4% of the total number of condominium units, which equals four workforce housing units.

2.13 SPECIAL ISSUES AND MITIGATION

The proposed use is similar in design and function to other second-home condominium buildings around the Deer Valley Ski area. No Historic sites and structures exist within the development parcel. The developer will coordinate access requirements to the ski run and lift terminal with Deer Valley Resort. There are no extraordinary uses or mechanical systems that one would expect to produce any emissions (noise, glare, dust, pollutants, odor) dissimilar to the other existing properties.

2.14 PHASING

The project will be constructed in 3 phases with a timeline based on the economic conditions of the time. A summary of the scope and general timeline of each phase is defined below:

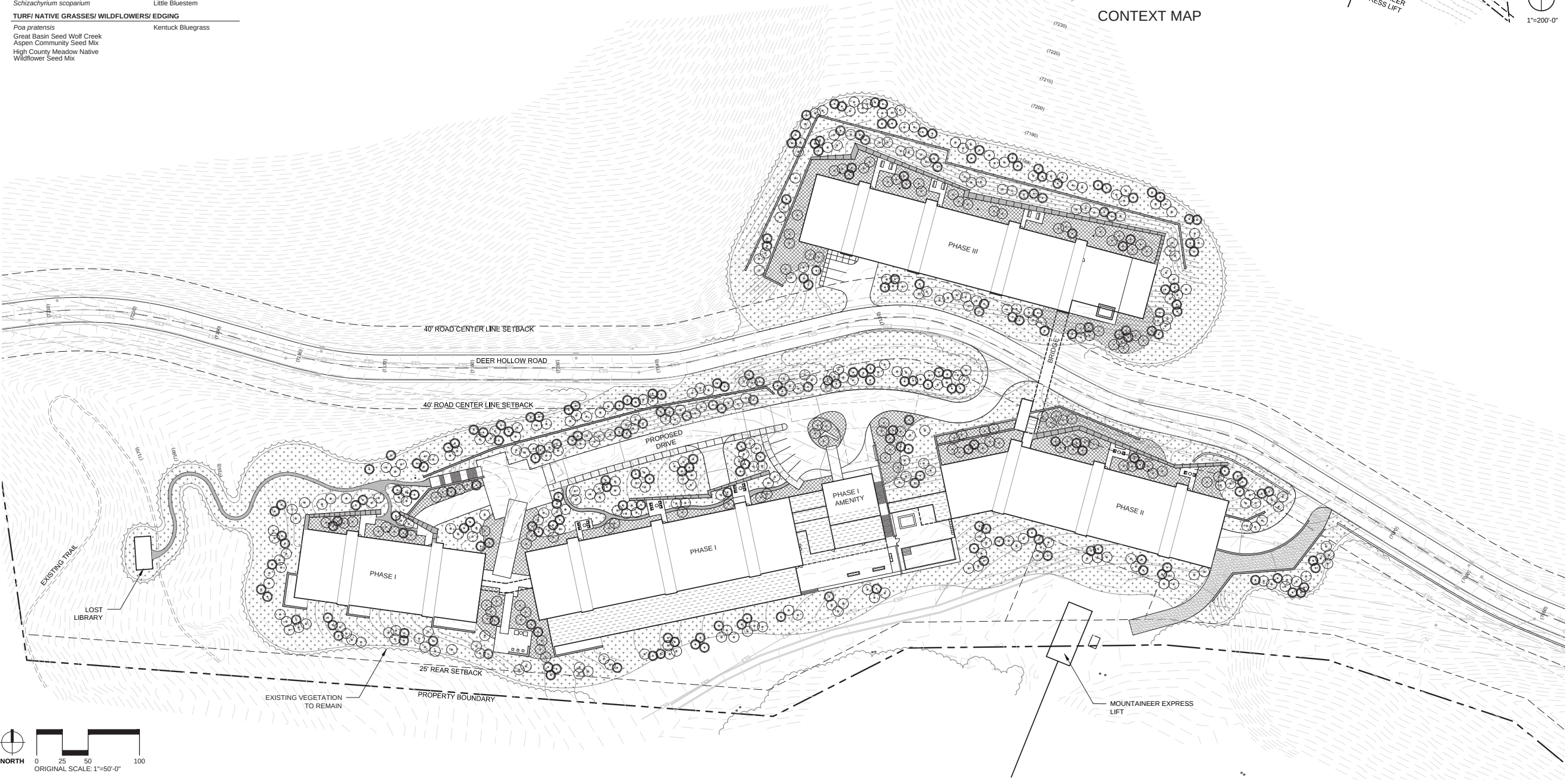
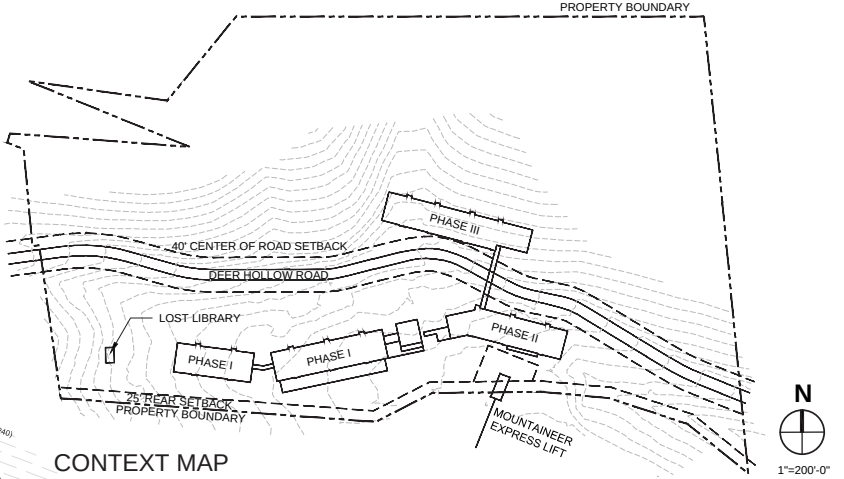
- Phase I:	Includes Buildings 1 and 2, Amenity Space, and the Pool/Ski Deck.		
	Housing Unit Count this Phase:	34	
	Total GSF this Phase:	164,696 GSF	
	Construction Start Date:	Spring 2022	
- Phase II:	Includes Building 3		
	Housing Unit Count this Phase:	19	
	Total GSF this Phase:	83,379 GSF	
	Construction Start Date:	Spring 2023	
- Phase III:	Includes Building 4 and Associated Pedestrian Bridge		
	Housing Unit Count this Phase:	25	
	Total GSF this Phase:	103,048 GSF	
	Construction Start Date:	Spring 2024	

PLANT LIST

BOTANICAL NAME	COMMON NAME
DECIDUOUS TREES	
<i>Acer glabrum</i>	Rocky Mountain Maple
<i>Acer grandidentatum</i>	Bigtooth Maple
<i>Acer negundo</i>	Boxelder
<i>Amelanchier canadensis</i>	Shadlow Serviceberry
<i>Celtis occidentalis</i>	Common Hackberry
<i>Populus tremuloides</i>	Quaking Aspen
<i>Quercus gambelii</i>	Gambel Oak
CONIFEROUS TREES	
<i>Abies concolor</i>	White Fir
<i>Juniperus scopulorum</i>	Rocky Mountain Juniper
<i>Picea engelmannii</i>	Engelmann Spruce
<i>Picea pungens</i>	Colorado Spruce
<i>Pseudotsuga menziesii</i>	Douglas Fir
DECIDUOUS & EVERGREEN SHRUBS	
<i>Artemisia tridentata</i>	Big Sagebrush
<i>Holodiscus dumosus</i>	Rock Spirea
<i>Juniperus communis</i>	Common Juniper
<i>Rosa woodsii</i>	Wood's Rose
<i>Rhus glabra</i>	Smooth Sumac
<i>Sambucus cerulea</i>	Blue Elderberry
<i>Symphoricarpos oreophilus</i>	Mountain Snowberry
GROUNDCOVERS / ORNAMENTAL GRASSES	
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick
<i>Bromus marginatus</i>	Mountain Brome
<i>Elymus trachycaulus</i>	Slender Wheatgrass
<i>Pseudoroegneria spicata</i>	Bluebunch Wheatgrass
<i>Paxistima canbyi</i>	Canby's Mountain Lover
<i>Schizachyrium scoparium</i>	Little Bluestem
TURF/ NATIVE GRASSES/ WILDFLOWERS/ EDGING	
<i>Poa pratensis</i>	Kentuck Bluegrass
Great Basin Seed Wolf Creek	
Aspen Community Seed Mix	
High County Meadow Native	
Wildflower Seed Mix	

PLANTING LEGEND

-  PROPOSED EVERGREEN TREE
-  PROPOSED DECIDUOUS TREE
-  SHRUB, PERENNIALS + GROUNDCOVER AREAS
-  NATIVE REVEGETATION AREAS
-  GREEN ROOF



DEER HOLLOW VILLAGE

VEGETATION PLAN

DRAWING NO. EX-2 DATE: 07/08/21 JOB NO. 21-08

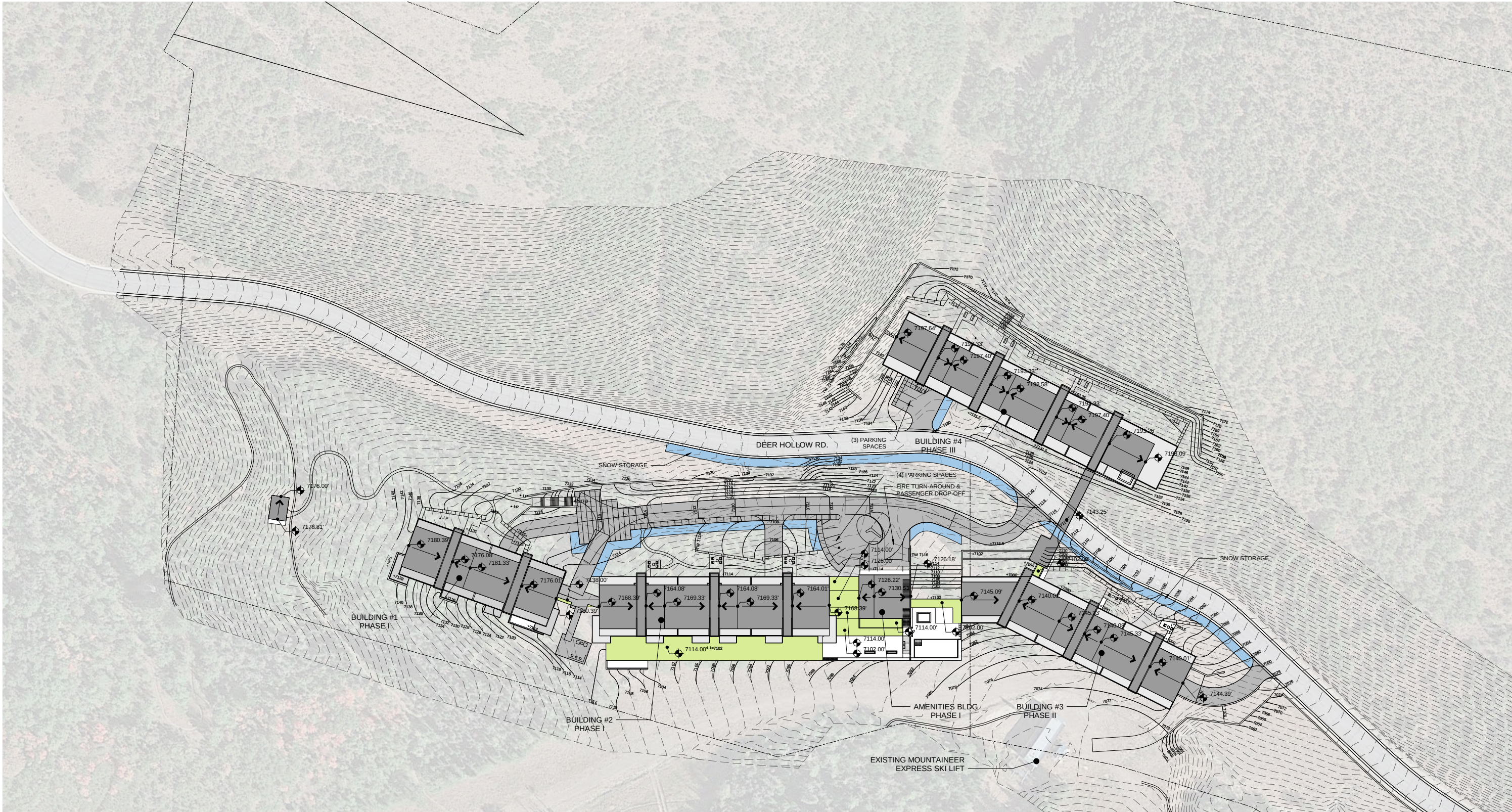
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1 SITE PLAN
1" = 50'-0"



DEER HOLLOW VILLAGE

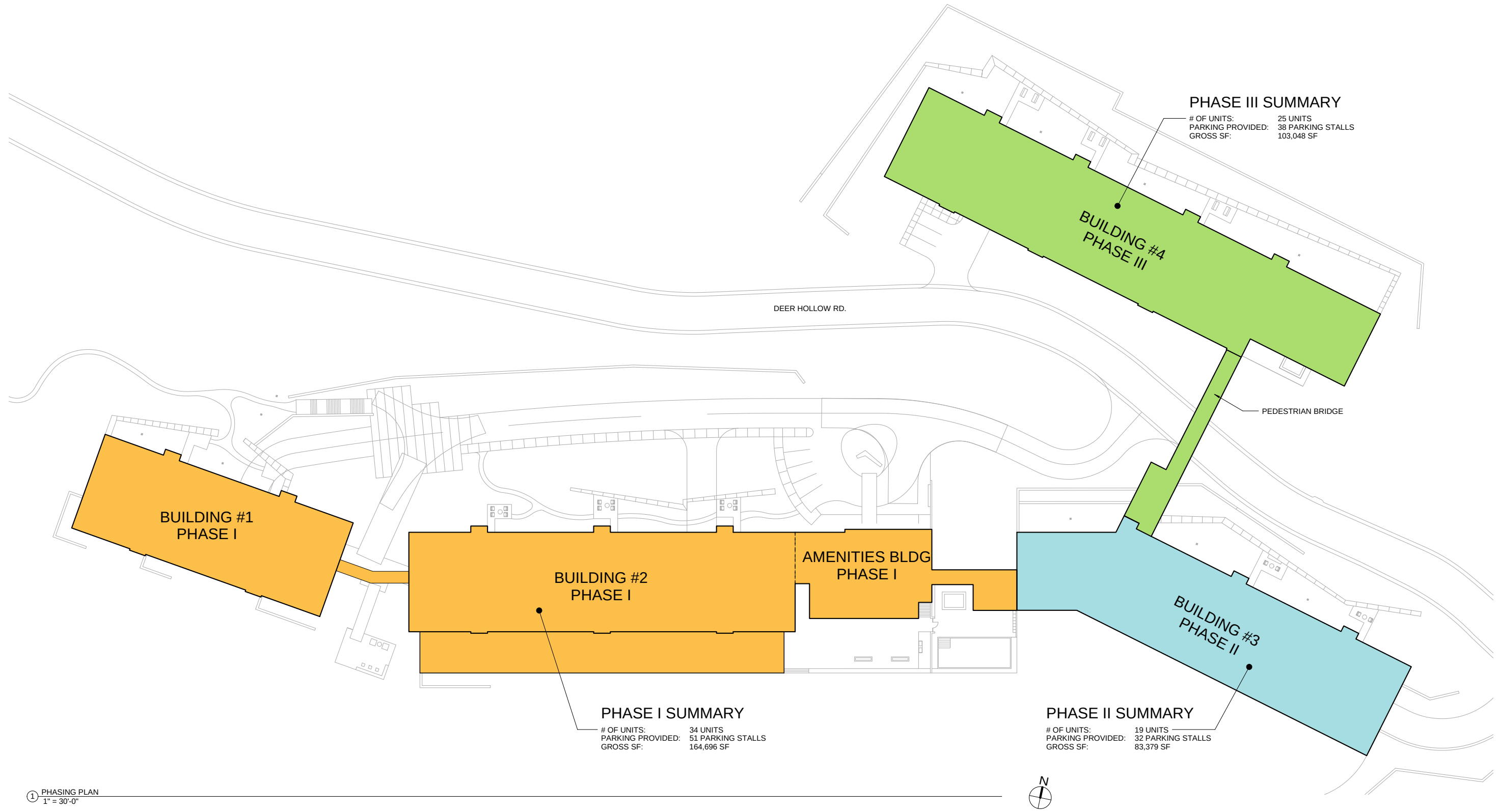
ARCHITECTURAL SITE PLAN

DRAWING NO. EX - 3 DATE: 07/08/21 JOB NO. 21-08

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① PHASING PLAN
1" = 30'-0"



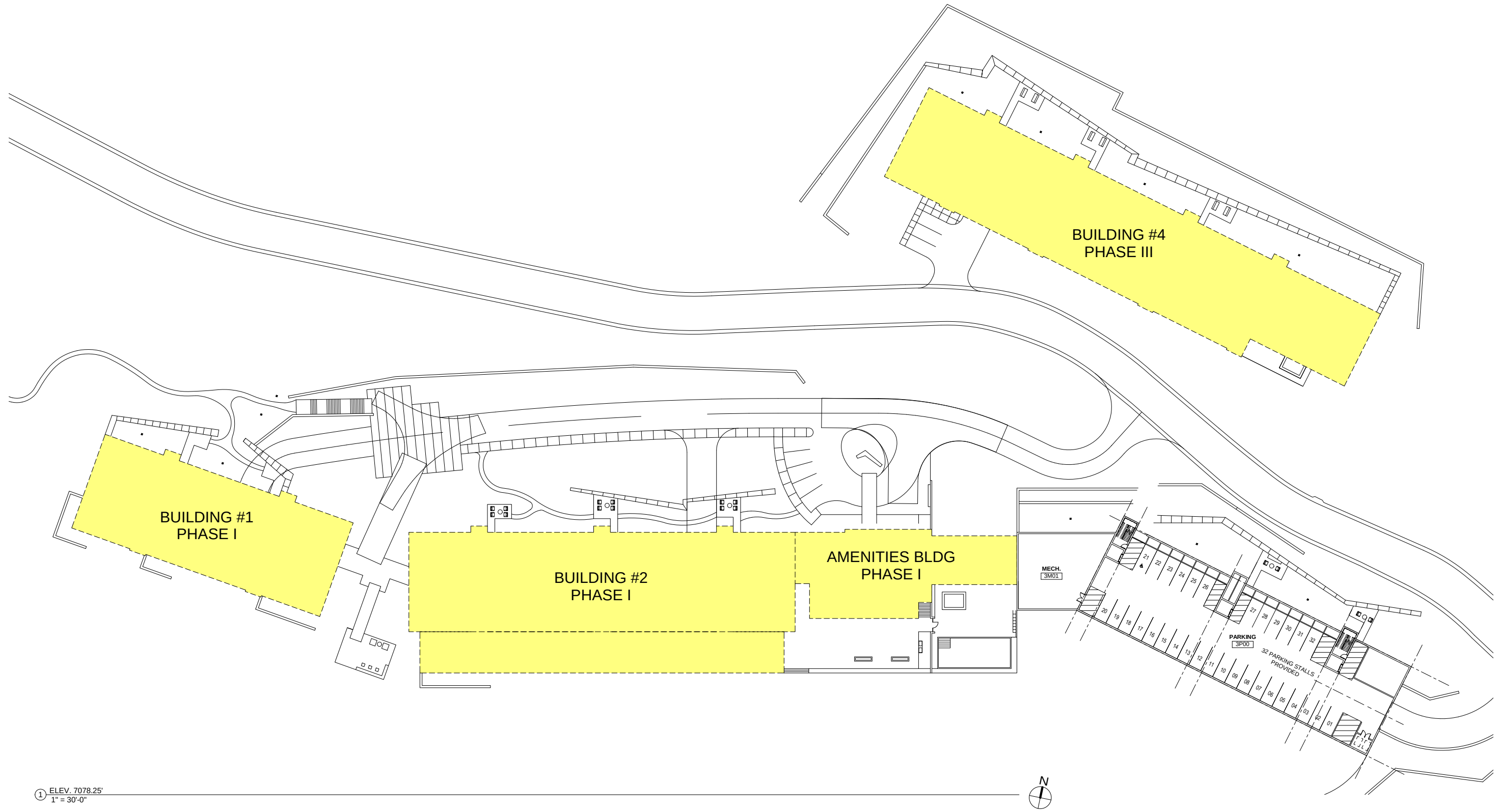
DEER HOLLOW VILLAGE

PHASING PLAN
DRAWING NO. EX - 4
DATE: 07/08/21
JOB NO. 21-08

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DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7078.25'

DRAWING NO. EX - 5 DATE: 07/08/21 JOB NO. 21-08

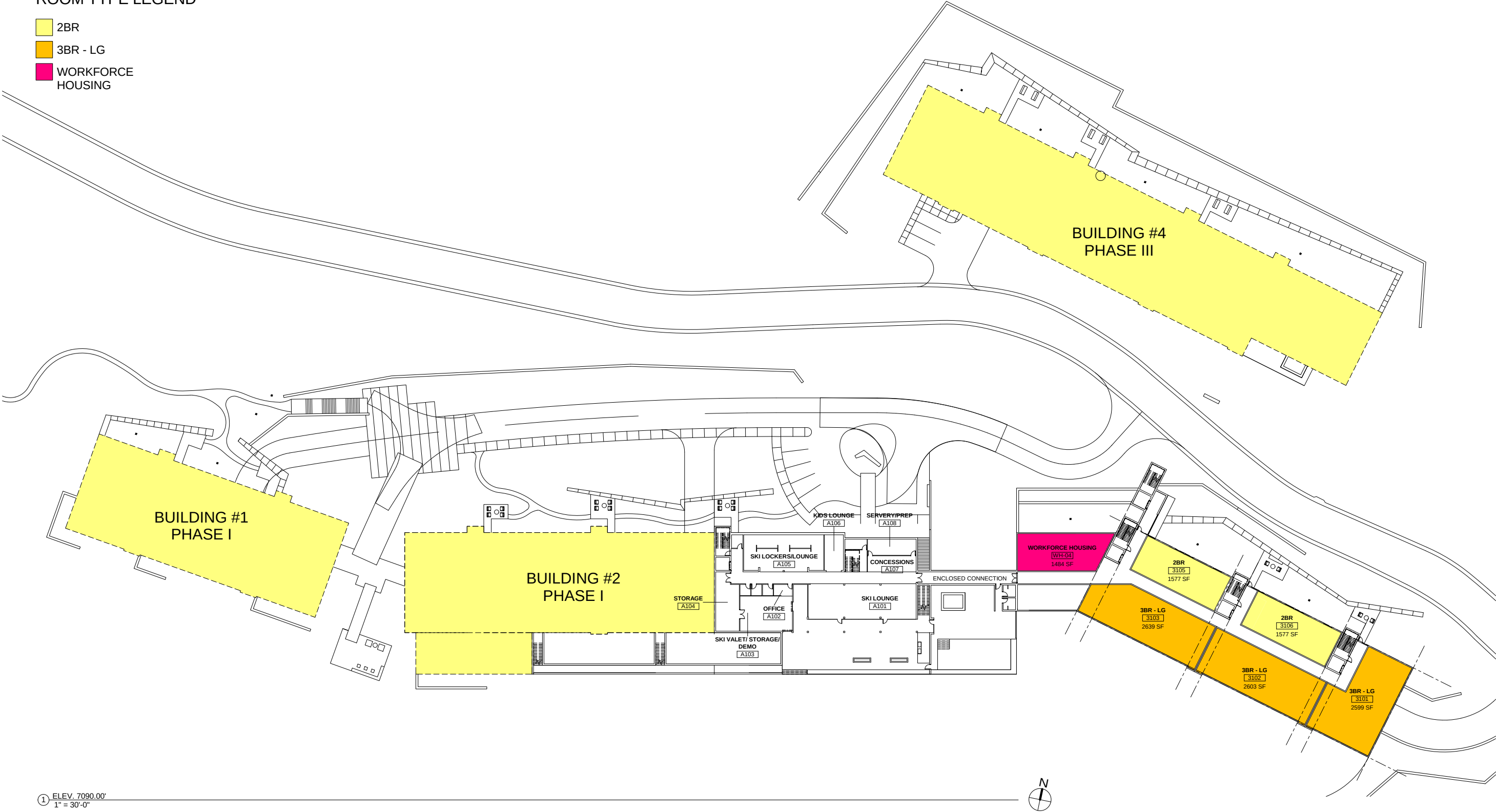
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ROOM TYPE LEGEND

- 2BR
- 3BR - LG
- WORKFORCE HOUSING



DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7090.00'

DRAWING NO. EX - 6 DATE: 07/08/21 JOB NO. 21-08

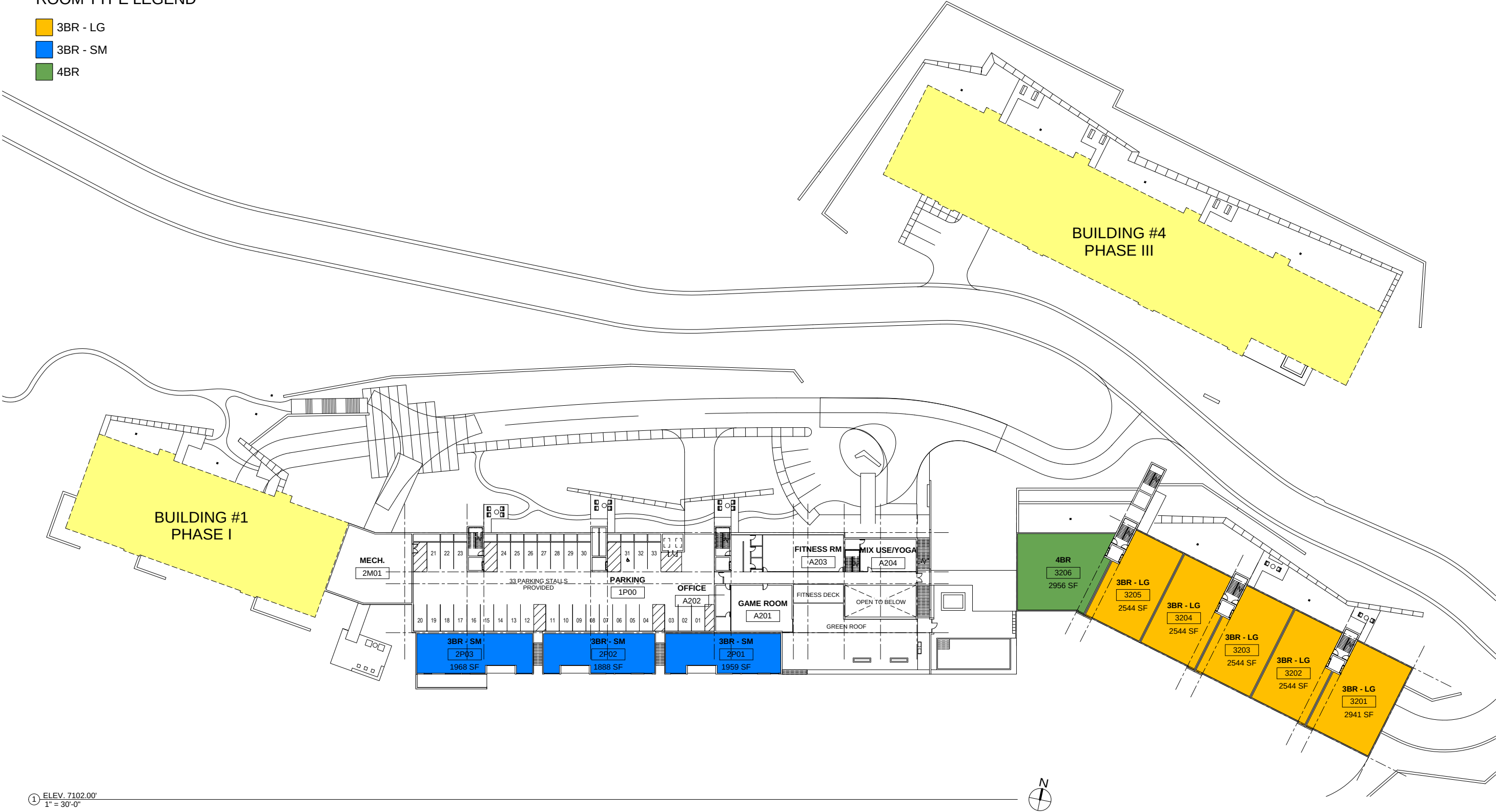
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ROOM TYPE LEGEND

- 3BR - LG
- 3BR - SM
- 4BR



DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7102.00'

DRAWING NO. EX - 7 DATE: 07/08/21 JOB NO. 21-08

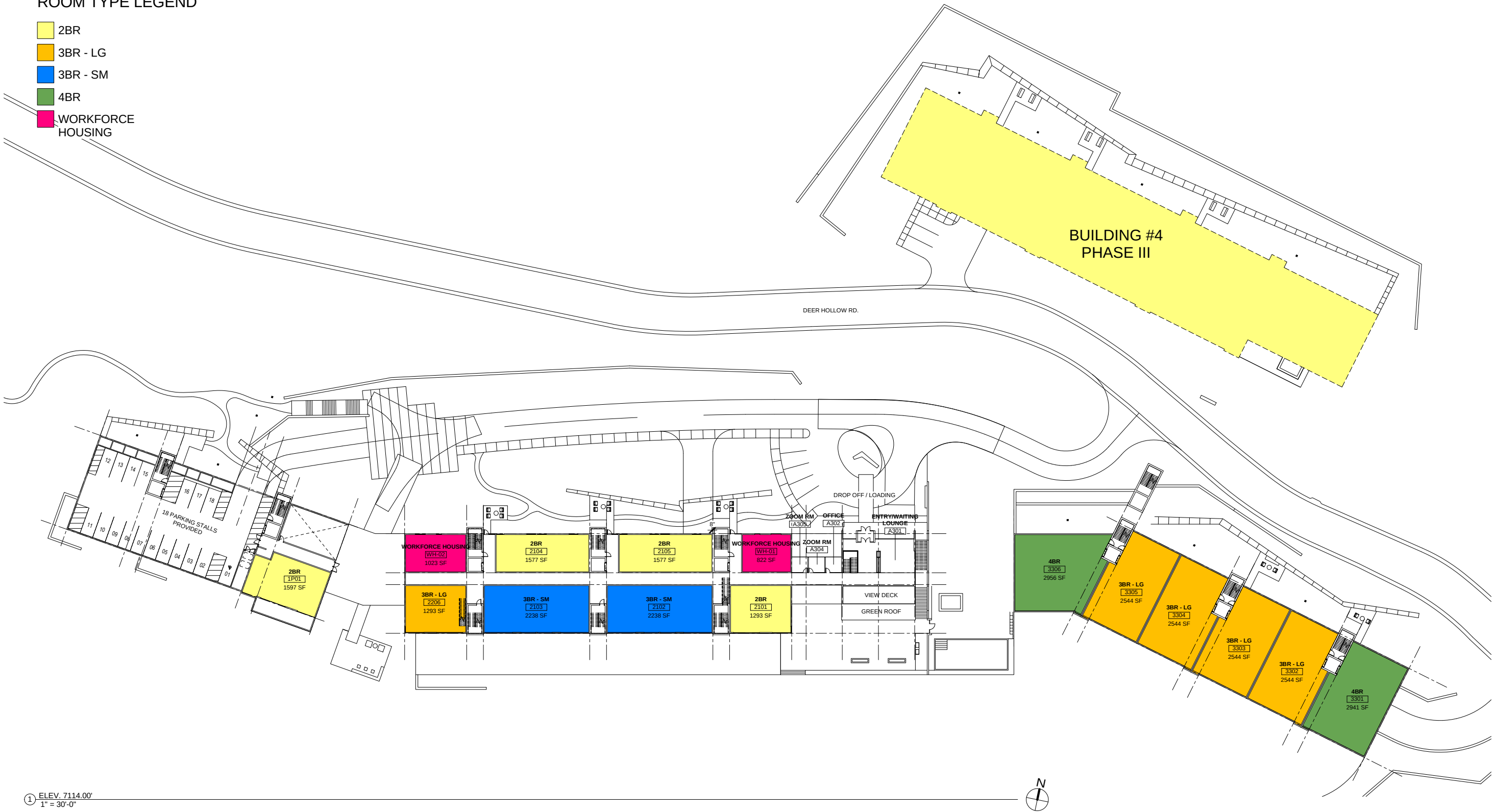
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ROOM TYPE LEGEND

- 2BR
- 3BR - LG
- 3BR - SM
- 4BR
- WORKFORCE HOUSING



DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7114.00'

DRAWING NO. EX - 8 DATE: 07/08/21 JOB NO. 21-08

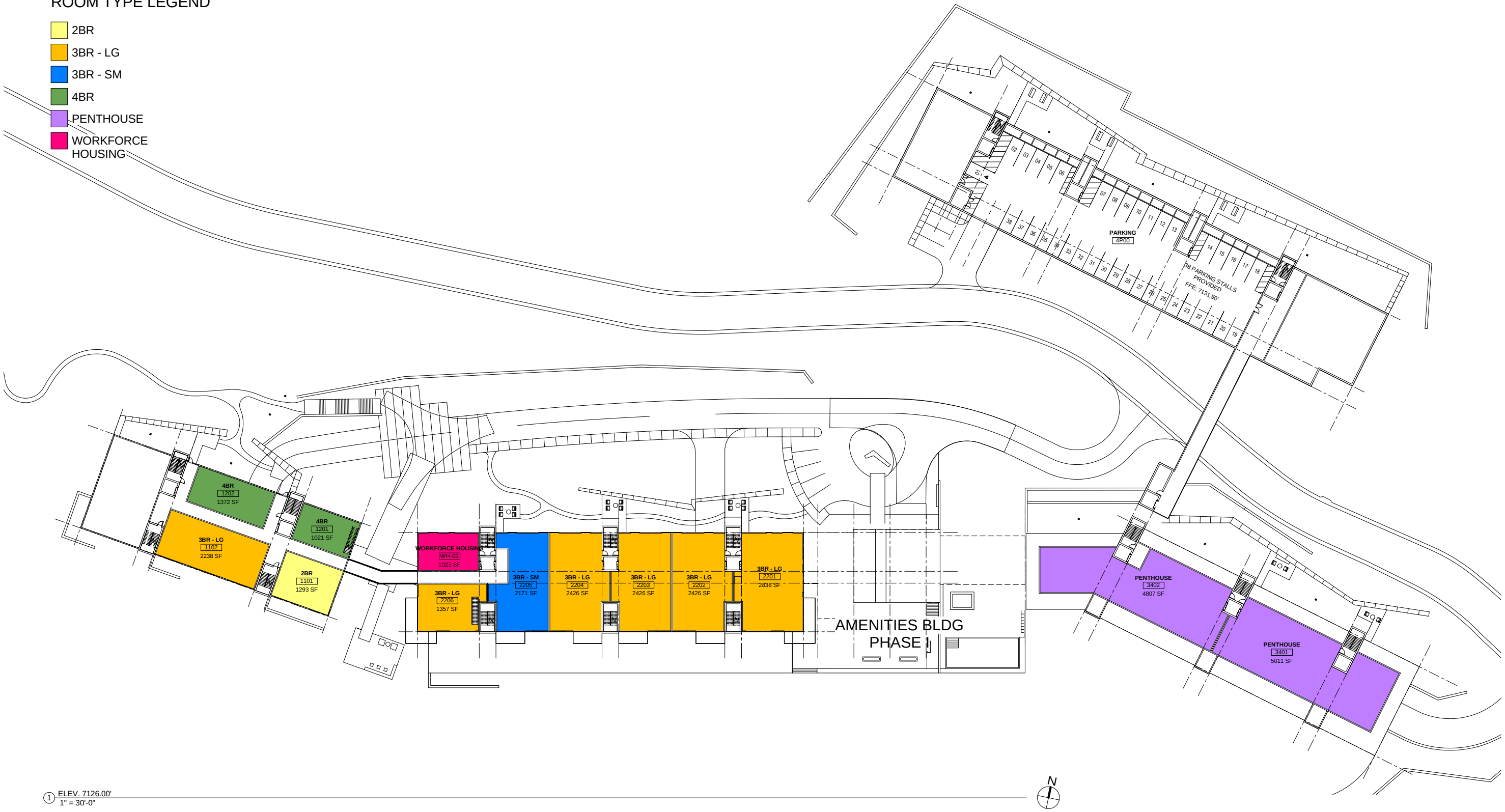
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ROOM TYPE LEGEND

- 2BR
- 3BR - LG
- 3BR - SM
- 4BR
- PENTHOUSE
- WORKFORCE HOUSING



DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7126.00'

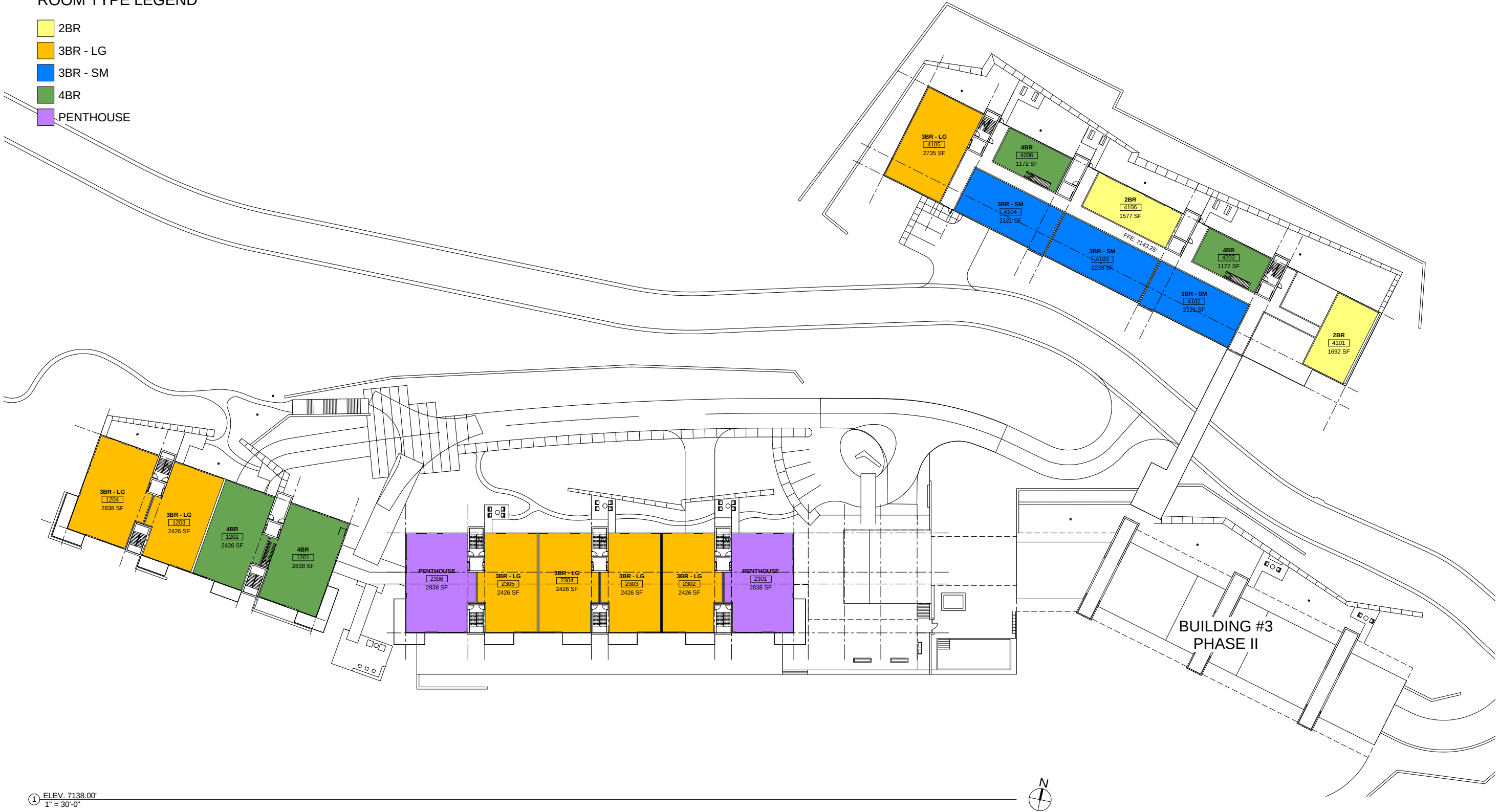
DRAWING NO. EX - 9 DATE: 07/08/21 JOB NO. 21-08

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ROOM TYPE LEGEND

- 2BR
- 3BR - LG
- 3BR - SM
- 4BR
- PENTHOUSE



DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7138.00'

DRAWING NO. EX - 10 DATE: 07/08/21 JOB NO. 21-08

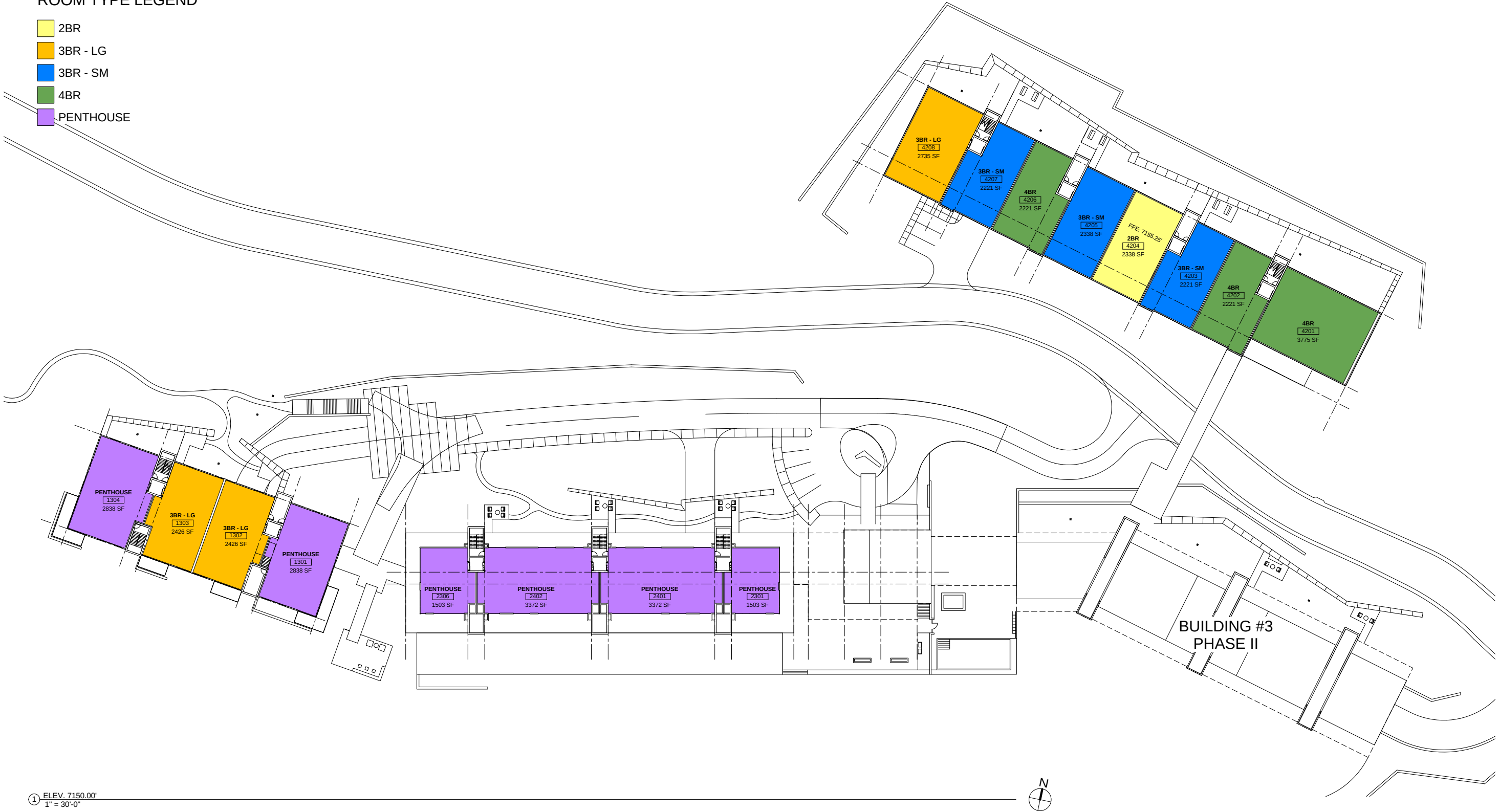
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ROOM TYPE LEGEND

- 2BR
- 3BR - LG
- 3BR - SM
- 4BR
- PENTHOUSE



DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7150.00'

DRAWING NO. EX - 11 DATE: 07/08/21 JOB NO. 21-08

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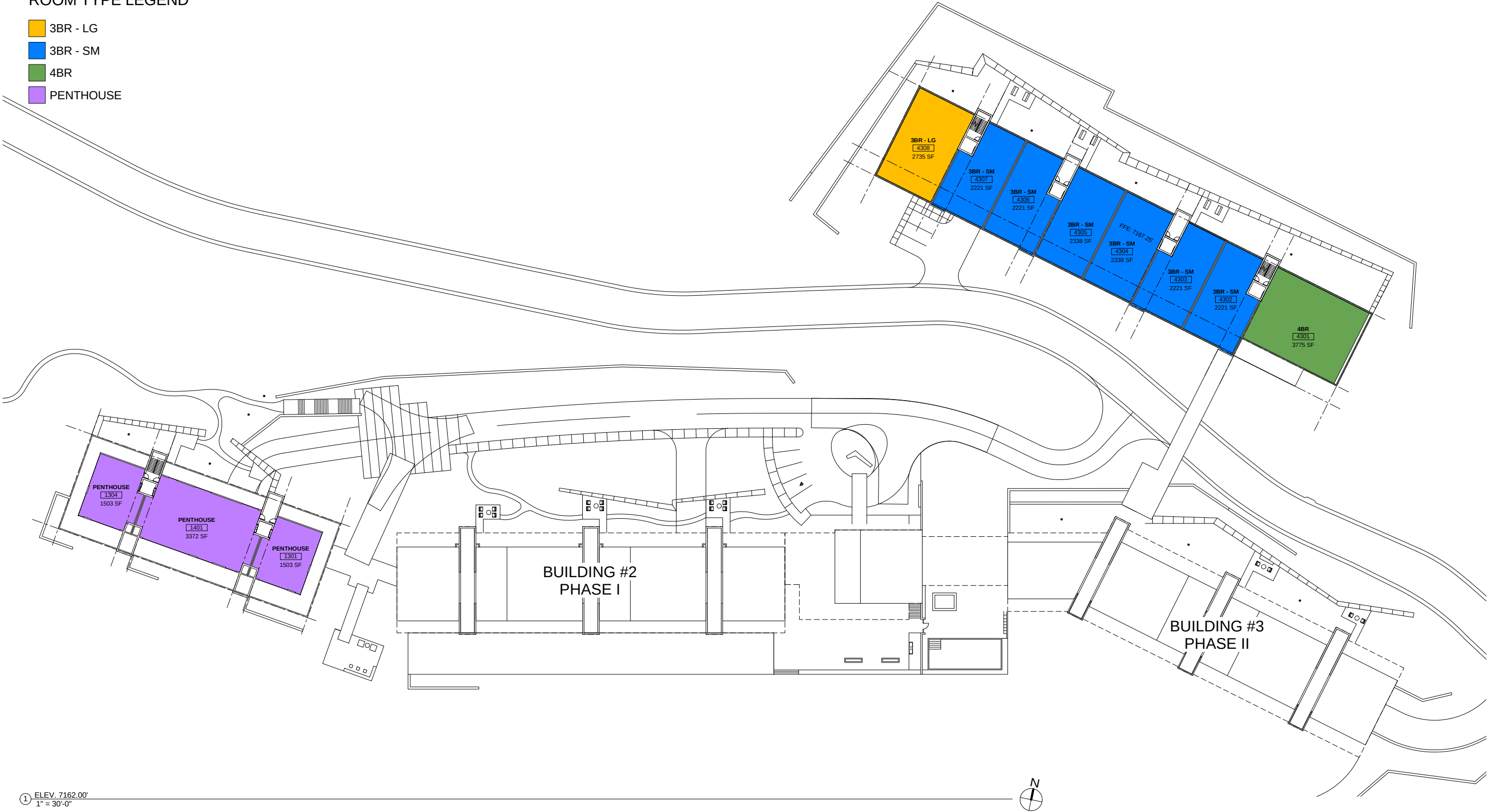
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ROOM TYPE LEGEND

- 3BR - LG
- 3BR - SM
- 4BR
- PENTHOUSE



DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7162.00'

DRAWING NO. EX - 12 DATE: 07/08/21 JOB NO. 21-08

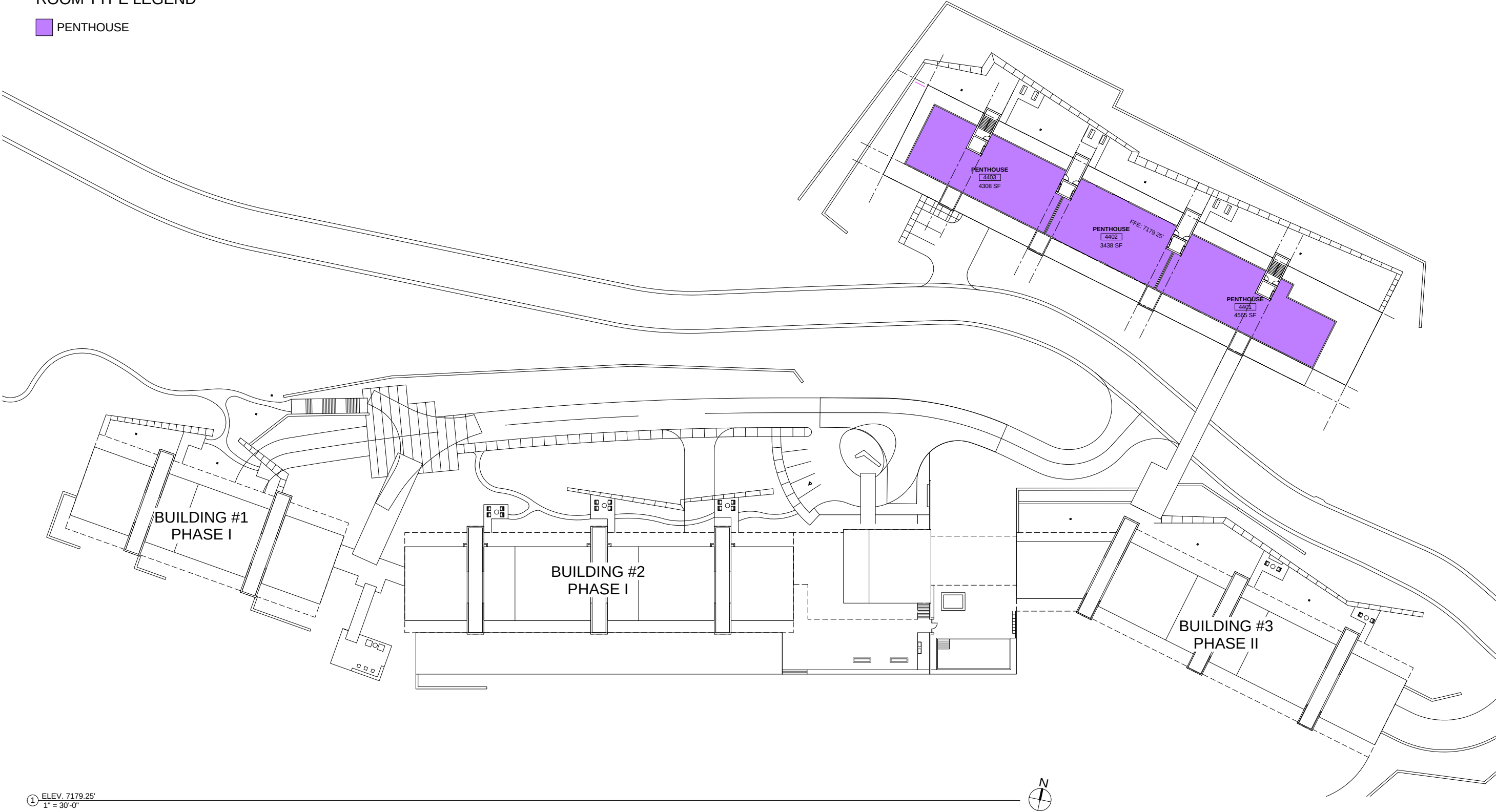
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ROOM TYPE LEGEND

PENTHOUSE



DEER HOLLOW VILLAGE

FLOOR PLAN - ELEV. 7179.25'

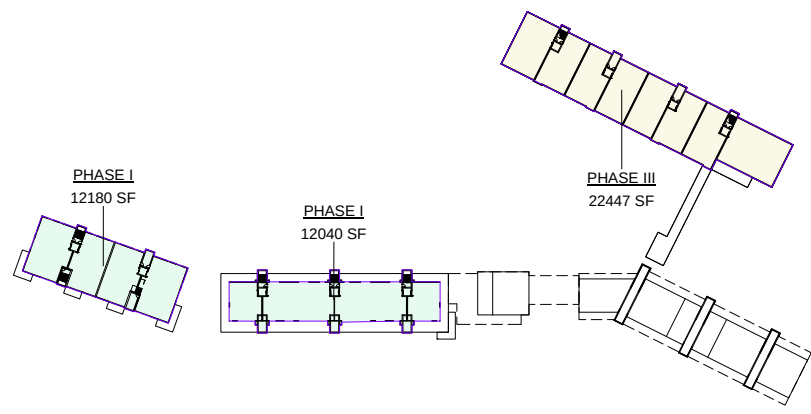
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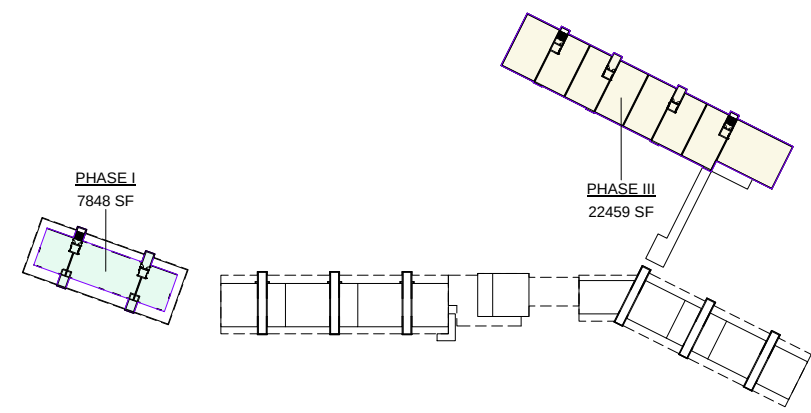
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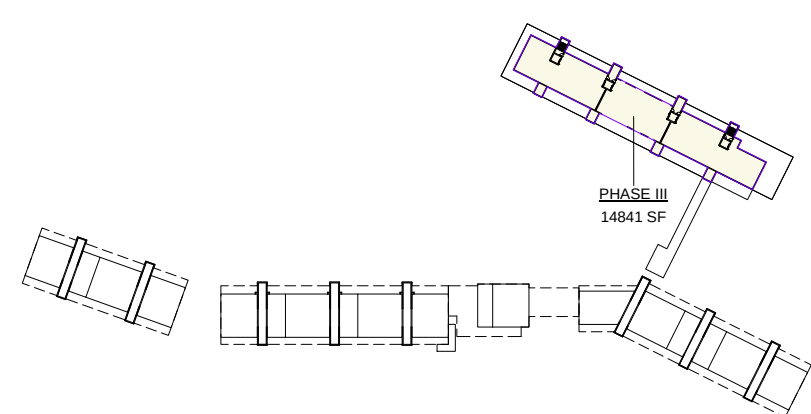
GROSS BUILDING AREA SCHEDULE		
PHASE	LEVEL	AREA
AMENITIES BUILDING	ELEV. 7090.00'	9263 SF
AMENITIES BUILDING	ELEV. 7102.00'	7226 SF
AMENITIES BUILDING	ELEV. 7114.00'	2318 SF
AMENITIES BUILDING: 3		18807 SF
PHASE I	ELEV. 7102.00'	23028 SF
PHASE I	ELEV. 7114.00'	17830 SF
PHASE I	ELEV. 7114.00'	12156 SF
PHASE I	ELEV. 7126.00'	30440 SF
PHASE I	ELEV. 7138.00'	17866 SF
PHASE I	ELEV. 7138.00'	12180 SF
PHASE I	ELEV. 7150.00'	12040 SF
PHASE I	ELEV. 7150.00'	12180 SF
PHASE I	ELEV. 7162.00'	7848 SF
PHASE I	ELEV. 7162.00'	320 SF
PHASE I: 10		145889 SF
PHASE II	ELEV. 7078.25'	17845 SF
PHASE II	ELEV. 7090.00'	17944 SF
PHASE II	ELEV. 7102.00'	17850 SF
PHASE II	ELEV. 7114.00'	17850 SF
PHASE II	ELEV. 7126.00'	11889 SF
PHASE II: 5		83379 SF
PHASE III	ELEV. 7090.00'	619 SF
PHASE III	ELEV. 7102.00'	619 SF
PHASE III	ELEV. 7114.00'	348 SF
PHASE III	ELEV. 7126.00'	20823 SF
PHASE III	ELEV. 7138.00'	20893 SF
PHASE III	ELEV. 7150.00'	22447 SF
PHASE III	ELEV. 7162.00'	22459 SF
PHASE III	ELEV. 7179.25'	14841 SF
PHASE III: 8		103048 SF
Grand total: 26		351123 SF



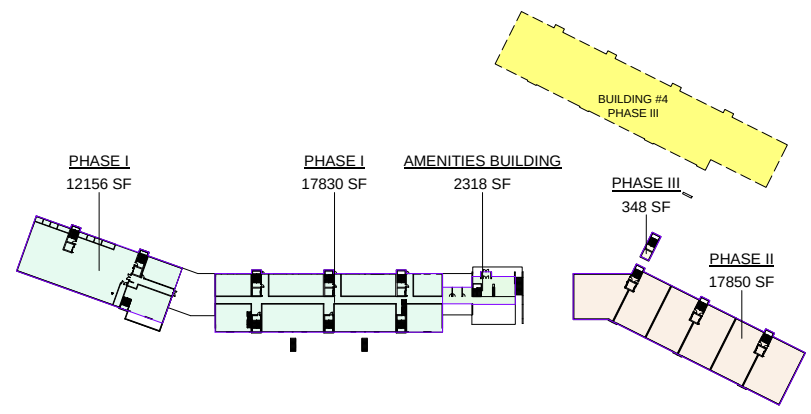
⑦ ELEV. 7150.00'
1" = 100'-0"



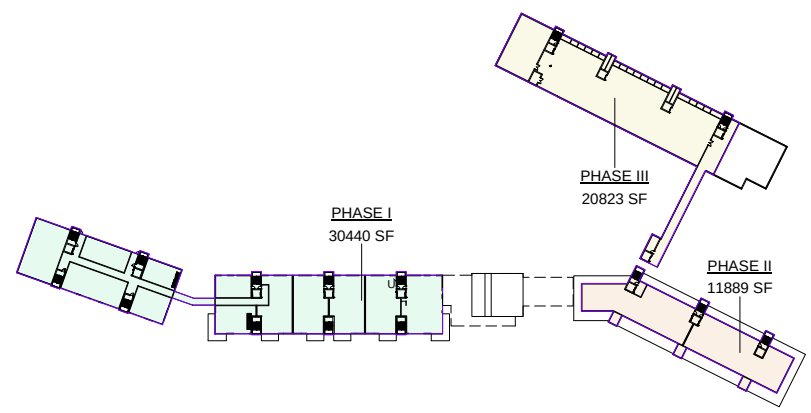
⑧ ELEV. 7162.00'
1" = 100'-0"



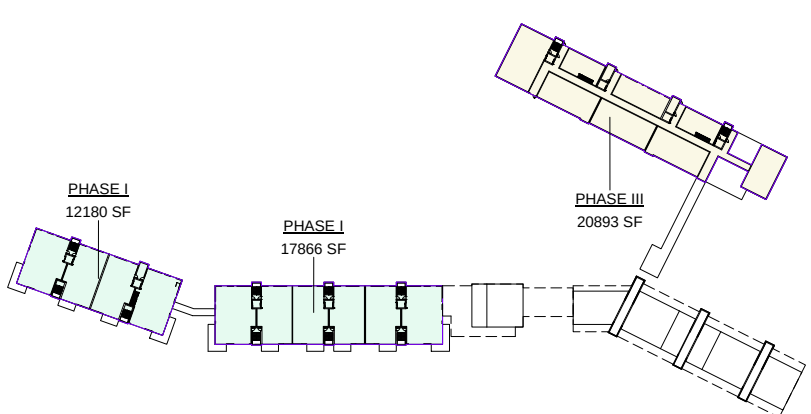
⑨ ELEV. 7179.25'
1" = 100'-0"



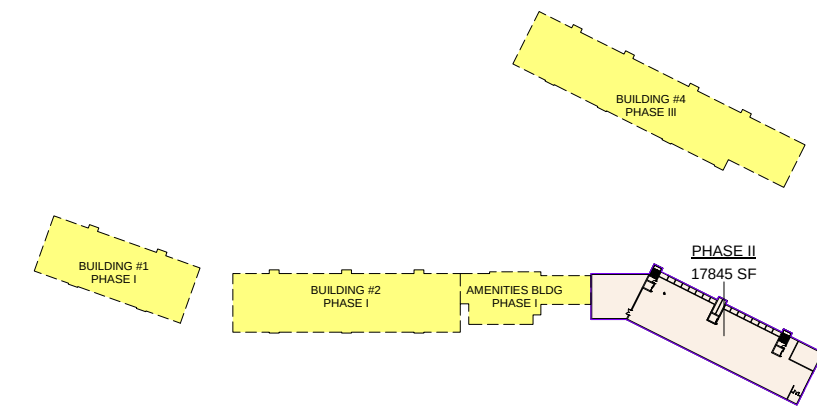
④ ELEV. 7114.00'
1" = 100'-0"



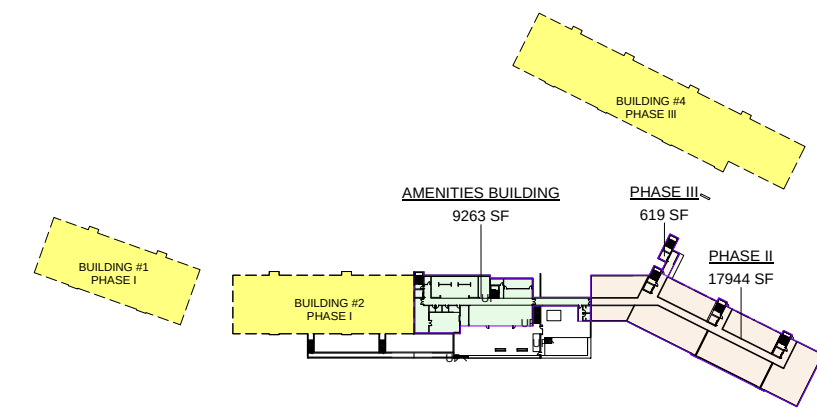
⑤ ELEV. 7126.00'
1" = 100'-0"



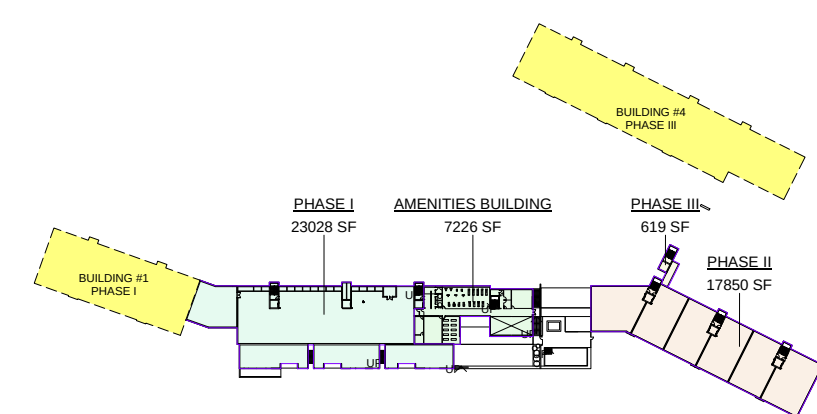
⑥ ELEV. 7138.00'
1" = 100'-0"



① ELEV. 7078.25'
1" = 100'-0"



② ELEV. 7090.00'
1" = 100'-0"



③ ELEV. 7102.00'
1" = 100'-0"

DEER HOLLOW VILLAGE

GROSS BUILDING AREA CALCULATIONS

DRAWING NO. EX - 14 DATE: 07/08/21 JOB NO. 21-08

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DEER HOLLOW VILLAGE

HOUSING UNIT SCHEDULE AND SQUARE FOOTAGE SUMMARY

DRAWING NO. EX - 15
DATE: 07/08/21
JOB NO. 21-08

UNIT NET SQUARE FOOTAGE				
TYPE	ROOM NUMBER	LEVEL	AREA	PHASE
PHASE I				
2BR	1P01	ELEV. 7114.00'	1473 SF	PHASE I
3BR - SM	2P01	ELEV. 7102.00'	1835 SF	PHASE I
3BR - SM	2P02	ELEV. 7102.00'	1764 SF	PHASE I
3BR - SM	2P03	ELEV. 7102.00'	1844 SF	PHASE I
2BR	1101	ELEV. 7126.00'	1169 SF	PHASE I
3BR - LG	1102	ELEV. 7126.00'	2114 SF	PHASE I
4BR	1201	2 STORY UNIT	3811 SF	PHASE I
4BR	1202	2 STORY UNIT	3550 SF	PHASE I
3BR - LG	1203	ELEV. 7138.00'	2302 SF	PHASE I
3BR - LG	1204	ELEV. 7138.00'	2714 SF	PHASE I
PENTHOUSE	1301	2 STORY UNIT	4093 SF	PHASE I
3BR - LG	1302	ELEV. 7150.00'	2302 SF	PHASE I
3BR - LG	1303	ELEV. 7150.00'	2302 SF	PHASE I
PENTHOUSE	1304	2 STORY UNIT	4093 SF	PHASE I
PENTHOUSE	1401	ELEV. 7162.00'	3248 SF	PHASE I
2BR	2101	ELEV. 7114.00'	1169 SF	PHASE I
3BR - SM	2102	ELEV. 7114.00'	2114 SF	PHASE I
3BR - SM	2103	ELEV. 7114.00'	2114 SF	PHASE I
2BR	2104	ELEV. 7114.00'	1453 SF	PHASE I
2BR	2105	ELEV. 7114.00'	1453 SF	PHASE I
3BR - LG	2201	ELEV. 7126.00'	2714 SF	PHASE I
3BR - LG	2202	ELEV. 7126.00'	2302 SF	PHASE I
3BR - LG	2203	ELEV. 7126.00'	2302 SF	PHASE I
3BR - LG	2204	ELEV. 7126.00'	2302 SF	PHASE I
3BR - SM	2205	ELEV. 7126.00'	2046 SF	PHASE I
3BR - LG	2206	2 STORY UNIT	2402 SF	PHASE I
PENTHOUSE	2301	2 STORY UNIT	4093 SF	PHASE I
3BR - LG	2302	ELEV. 7138.00'	2302 SF	PHASE I
3BR - LG	2303	ELEV. 7138.00'	2302 SF	PHASE I
3BR - LG	2304	ELEV. 7138.00'	2302 SF	PHASE I
3BR - LG	2305	ELEV. 7138.00'	2302 SF	PHASE I
PENTHOUSE	2306	2 STORY UNIT	4093 SF	PHASE I
PENTHOUSE	2401	ELEV. 7150.00'	3248 SF	PHASE I
PENTHOUSE	2402	ELEV. 7150.00'	3248 SF	PHASE I
			84675 SF	
PHASE II				
3BR - LG	3101	ELEV. 7090.00'	2474 SF	PHASE II
3BR - LG	3102	ELEV. 7090.00'	2479 SF	PHASE II
3BR - LG	3103	ELEV. 7090.00'	2515 SF	PHASE II
2BR	3105	ELEV. 7090.00'	1453 SF	PHASE II
2BR	3106	ELEV. 7090.00'	1453 SF	PHASE II
3BR - LG	3201	ELEV. 7102.00'	2817 SF	PHASE II
3BR - LG	3202	ELEV. 7102.00'	2420 SF	PHASE II
3BR - LG	3203	ELEV. 7102.00'	2420 SF	PHASE II
3BR - LG	3204	ELEV. 7102.00'	2420 SF	PHASE II
3BR - LG	3205	ELEV. 7102.00'	2420 SF	PHASE II
4BR	3206	ELEV. 7102.00'	2831 SF	PHASE II
4BR	3301	ELEV. 7114.00'	2817 SF	PHASE II
3BR - LG	3302	ELEV. 7114.00'	2420 SF	PHASE II
3BR - LG	3303	ELEV. 7114.00'	2420 SF	PHASE II
3BR - LG	3304	ELEV. 7114.00'	2420 SF	PHASE II
3BR - LG	3305	ELEV. 7114.00'	2420 SF	PHASE II
4BR	3306	ELEV. 7114.00'	2831 SF	PHASE II
PENTHOUSE	3401	ELEV. 7126.00'	4886 SF	PHASE II
PENTHOUSE	3402	ELEV. 7126.00'	4883 SF	PHASE II
			50597 SF	
PHASE III				
2BR	4101	ELEV. 7143.25'	1567 SF	PHASE III
3BR - SM	4102	ELEV. 7143.25'	1997 SF	PHASE III
3BR - SM	4103	ELEV. 7143.25'	2114 SF	PHASE III
3BR - SM	4104	ELEV. 7143.25'	1997 SF	PHASE III
3BR - LG	4105	ELEV. 7143.25'	2611 SF	PHASE III
2BR	4106	ELEV. 7143.25'	1453 SF	PHASE III
4BR	4201	ELEV. 7155.25'	3651 SF	PHASE III
4BR	4202	2 STORY UNIT	3145 SF	PHASE III
3BR - SM	4203	ELEV. 7155.25'	2097 SF	PHASE III
2BR	4204	ELEV. 7155.25'	2214 SF	PHASE III
3BR - SM	4205	ELEV. 7155.25'	2214 SF	PHASE III
4BR	4206	2 STORY UNIT	3145 SF	PHASE III
3BR - SM	4207	ELEV. 7155.25'	2097 SF	PHASE III
3BR - LG	4208	ELEV. 7155.25'	2611 SF	PHASE III
4BR	4301	ELEV. 7167.25'	3651 SF	PHASE III
3BR - SM	4302	ELEV. 7167.25'	2097 SF	PHASE III
3BR - SM	4303	ELEV. 7167.25'	2097 SF	PHASE III
3BR - SM	4304	ELEV. 7167.25'	2214 SF	PHASE III
3BR - SM	4305	ELEV. 7167.25'	2214 SF	PHASE III
3BR - SM	4306	ELEV. 7167.25'	2097 SF	PHASE III
3BR - SM	4307	ELEV. 7167.25'	2097 SF	PHASE III
3BR - LG	4308	ELEV. 7167.25'	2611 SF	PHASE III
PENTHOUSE	4401	ELEV. 7179.25'	4441 SF	PHASE III
PENTHOUSE	4402	ELEV. 7179.25'	3314 SF	PHASE III
PENTHOUSE	4403	ELEV. 7179.25'	4184 SF	PHASE III
			63928 SF	
GRAND TOTAL			199200 SF	

PHASE I UNIT TYPES		
TYPE	ROOM NUMBER	PHASE
PHASE I		
2BR		
2BR	2105	PHASE I
2BR	2104	PHASE I
2BR	2101	PHASE I
2BR	1101	PHASE I
2BR	1P01	PHASE I
2BR: 5		
3BR - LG		
3BR - LG	2304	PHASE I
3BR - LG	2305	PHASE I
3BR - LG	2303	PHASE I
3BR - LG	2302	PHASE I
3BR - LG	2204	PHASE I
3BR - LG	2203	PHASE I
3BR - LG	2202	PHASE I
3BR - LG	2201	PHASE I
3BR - LG	2206	PHASE I
3BR - LG	1303	PHASE I
3BR - LG	1302	PHASE I
3BR - LG	1203	PHASE I
3BR - LG	1204	PHASE I
3BR - LG	1102	PHASE I
3BR - LG: 14		
3BR - SM		
3BR - SM	2205	PHASE I
3BR - SM	2102	PHASE I
3BR - SM	2103	PHASE I
3BR - SM	2P01	PHASE I
3BR - SM	2P02	PHASE I
3BR - SM	2P03	PHASE I
3BR - SM: 6		
4BR		
4BR	1202	PHASE I
4BR	1201	PHASE I
4BR: 2		
PENTHOUSE		
PENTHOUSE	2402	PHASE I
PENTHOUSE	2401	PHASE I
PENTHOUSE	2306	PHASE I
PENTHOUSE	2301	PHASE I
PENTHOUSE	1401	PHASE I
PENTHOUSE	1301	PHASE I
PENTHOUSE	1304	PHASE I
PENTHOUSE: 7		
PHASE I: 34		

PHASE I UNIT TYPES SUMMARY		
TYPE	UNIT TOTALS	PERCENTAGE
2BR	5	14.7%
3BR - LG	14	41.2%
3BR - SM	6	17.6%
4BR	2	5.9%
PENTHOUSE	7	20.6%

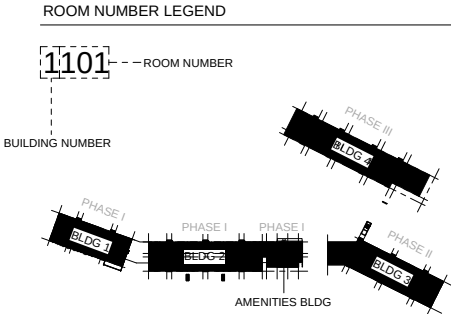
OVERALL PROJECT UNIT TYPES SUMMARY		
TYPE	UNIT TOTALS	PERCENTAGE
2BR	10	12.8%
3BR - LG	29	37.2%
3BR - SM	18	23.1%
4BR	9	11.5%
PENTHOUSE	12	15.4%

PHASE II UNIT TYPES		
TYPE	ROOM NUMBER	PHASE
PHASE II		
2BR		
2BR	3106	PHASE II
2BR	3105	PHASE II
2BR: 2		
3BR - LG		
3BR - LG	3201	PHASE II
3BR - LG	3203	PHASE II
3BR - LG	3205	PHASE II
3BR - LG	3302	PHASE II
3BR - LG	3303	PHASE II
3BR - LG	3304	PHASE II
3BR - LG	3305	PHASE II
3BR - LG	3101	PHASE II
3BR - LG	3102	PHASE II
3BR - LG	3103	PHASE II
3BR - LG	3204	PHASE II
3BR - LG	3202	PHASE II
3BR - LG: 12		
4BR		
4BR	3301	PHASE II
4BR	3206	PHASE II
4BR	3306	PHASE II
4BR: 3		
PENTHOUSE		
PENTHOUSE	3402	PHASE II
PENTHOUSE	3401	PHASE II
PENTHOUSE: 2		
PHASE II: 19		

PHASE II UNIT TYPES SUMMARY		
TYPE	UNIT TOTALS	PERCENTAGE
2BR	2	10.5%
3BR - LG	12	63.2%
4BR	3	15.8%
PENTHOUSE	2	10.5%

PHASE III UNIT TYPES		
TYPE	ROOM NUMBER	PHASE
PHASE III		
2BR		
2BR	4204	PHASE III
2BR	4101	PHASE III
2BR	4106	PHASE III
2BR: 3		
3BR - LG		
3BR - LG	4308	PHASE III
3BR - LG	4208	PHASE III
3BR - LG	4105	PHASE III
3BR - LG: 3		
3BR - SM		
3BR - SM	4304	PHASE III
3BR - SM	4305	PHASE III
3BR - SM	4303	PHASE III
3BR - SM	4302	PHASE III
3BR - SM	4306	PHASE III
3BR - SM	4307	PHASE III
3BR - SM	4207	PHASE III
3BR - SM	4205	PHASE III
3BR - SM	4203	PHASE III
3BR - SM	4102	PHASE III
3BR - SM	4103	PHASE III
3BR - SM	4104	PHASE III
3BR - SM: 12		
4BR		
4BR	4301	PHASE III
4BR	4201	PHASE III
4BR	4202	PHASE III
4BR	4206	PHASE III
4BR: 4		
PENTHOUSE		
PENTHOUSE	4402	PHASE III
PENTHOUSE	4403	PHASE III
PENTHOUSE	4401	PHASE III
PENTHOUSE: 3		
PHASE III: 25		

PHASE III UNIT TYPES SUMMARY		
TYPE	UNIT TOTALS	PERCENTAGE
2BR	3	12.0%
3BR - LG	3	12.0%
3BR - SM	12	48.0%
4BR	4	16.0%
PENTHOUSE	3	12.0%



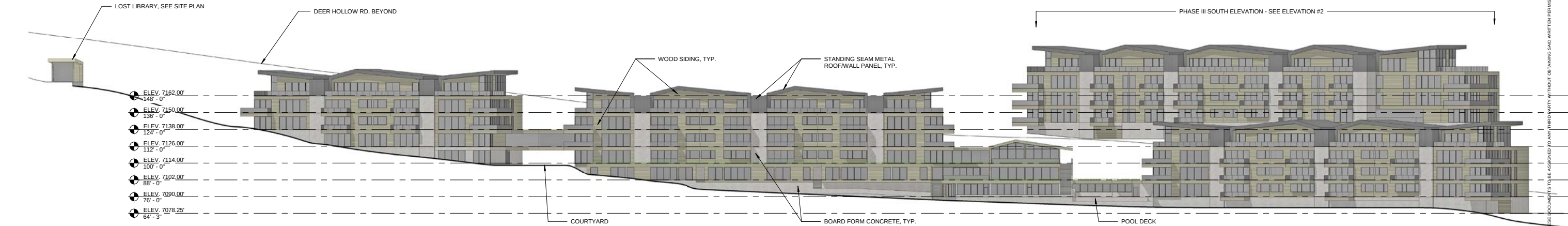
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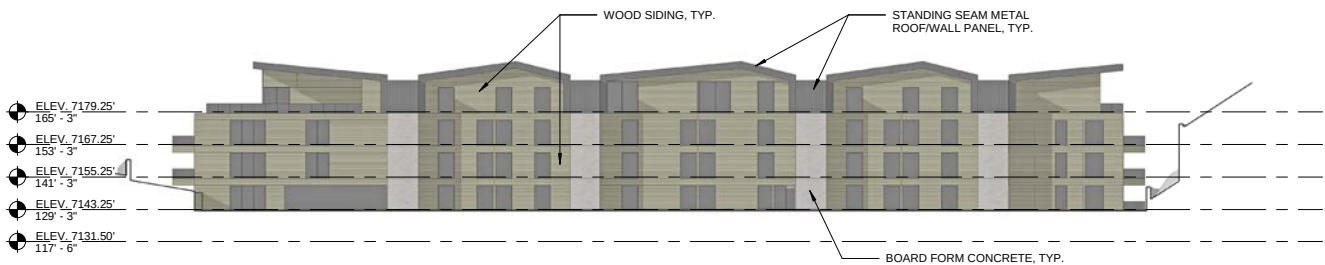
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① SOUTH ELEVATION
1/32" = 1'-0"



③ NORTH ELEVATION - PHASE III
1/32" = 1'-0"



② SOUTH ELEVATION - PHASE III
1/32" = 1'-0"



④ NORTH ELEVATION - PHASE I & II
1/32" = 1'-0"

DEER HOLLOW VILLAGE

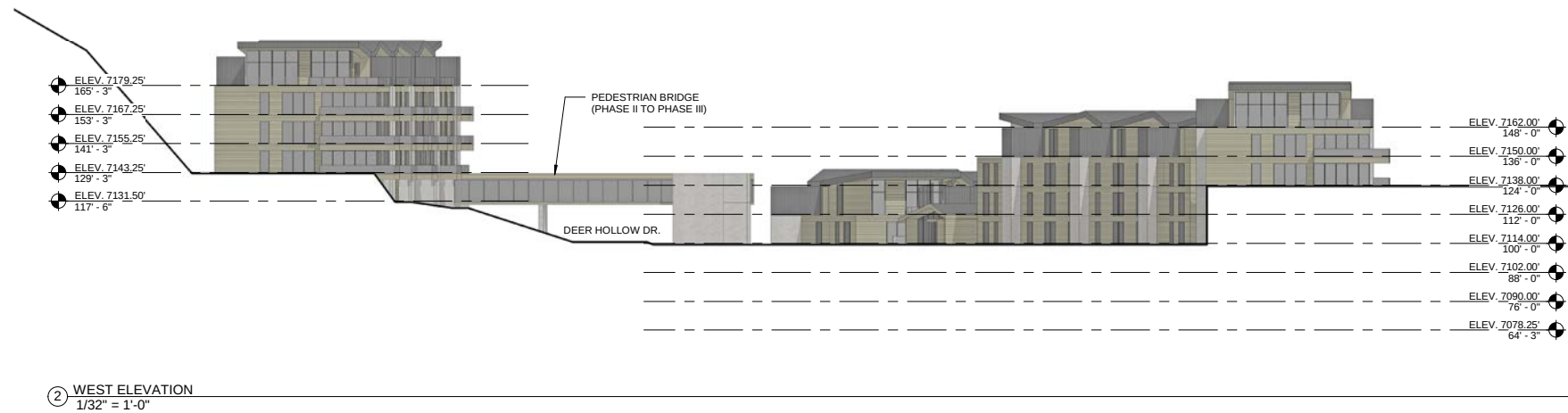
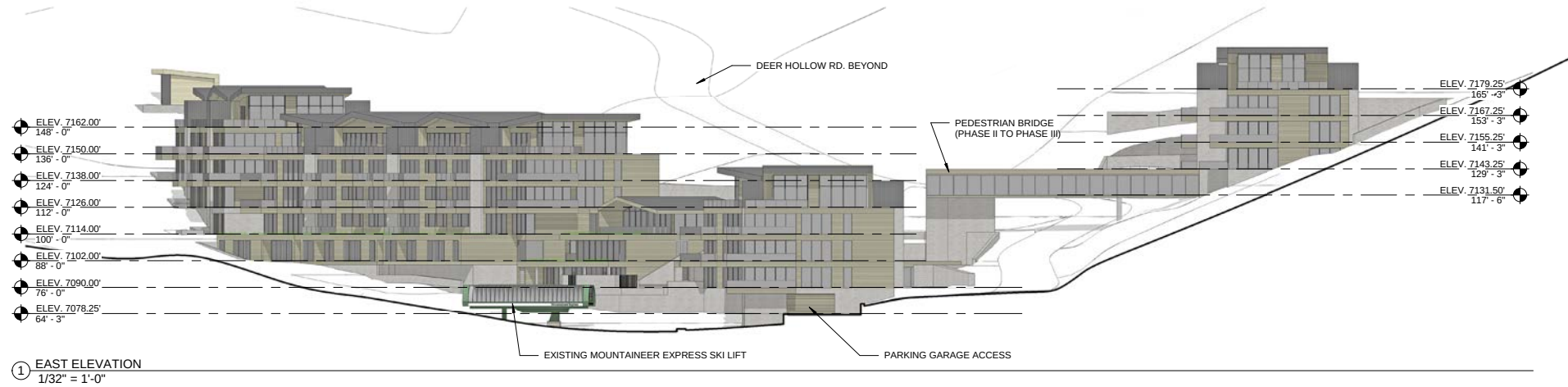
EXTERIOR ELEVATIONS

DRAWING NO. EX - 16 DATE: 07/08/21 JOB NO. 21-08

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DEER HOLLOW VILLAGE

EXTERIOR ELEVATIONS

DRAWING NO. EX - 17 DATE: 07/08/21 JOB NO. 21-08

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DEER HOLLOW VILLAGE

PROJECT RENDERING - VIEW 1

DRAWING NO.	DATE:	JOB NO.
EX - 18	07/08/21	21-08

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DEER HOLLOW VILLAGE

PROJECT RENDERING - VIEW 2

DRAWING NO. EX - 19 DATE: 07/08/21 JOB NO. 21-08

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DEER HOLLOW VILLAGE

PROJECT RENDERING - VIEW 3

DRAWING NO. EX - 20 DATE: 07/08/21 JOB NO. 21-08

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DEER HOLLOW VILLAGE

PROJECT RENDERING - VIEW 4

DRAWING NO.	DATE:	JOB NO.
EX - 21	07/08/21	21-08

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VICINITY MAP



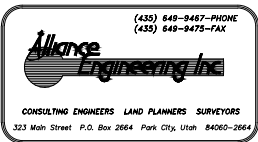
DEER HOLLOW VILLAGE
CONDITIONAL USE SUBMITTAL
PHASES I, II, AND III

JULY 9, 2021

SHEET INDEX

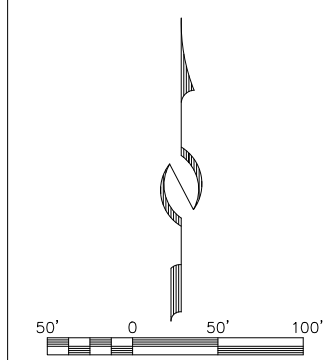
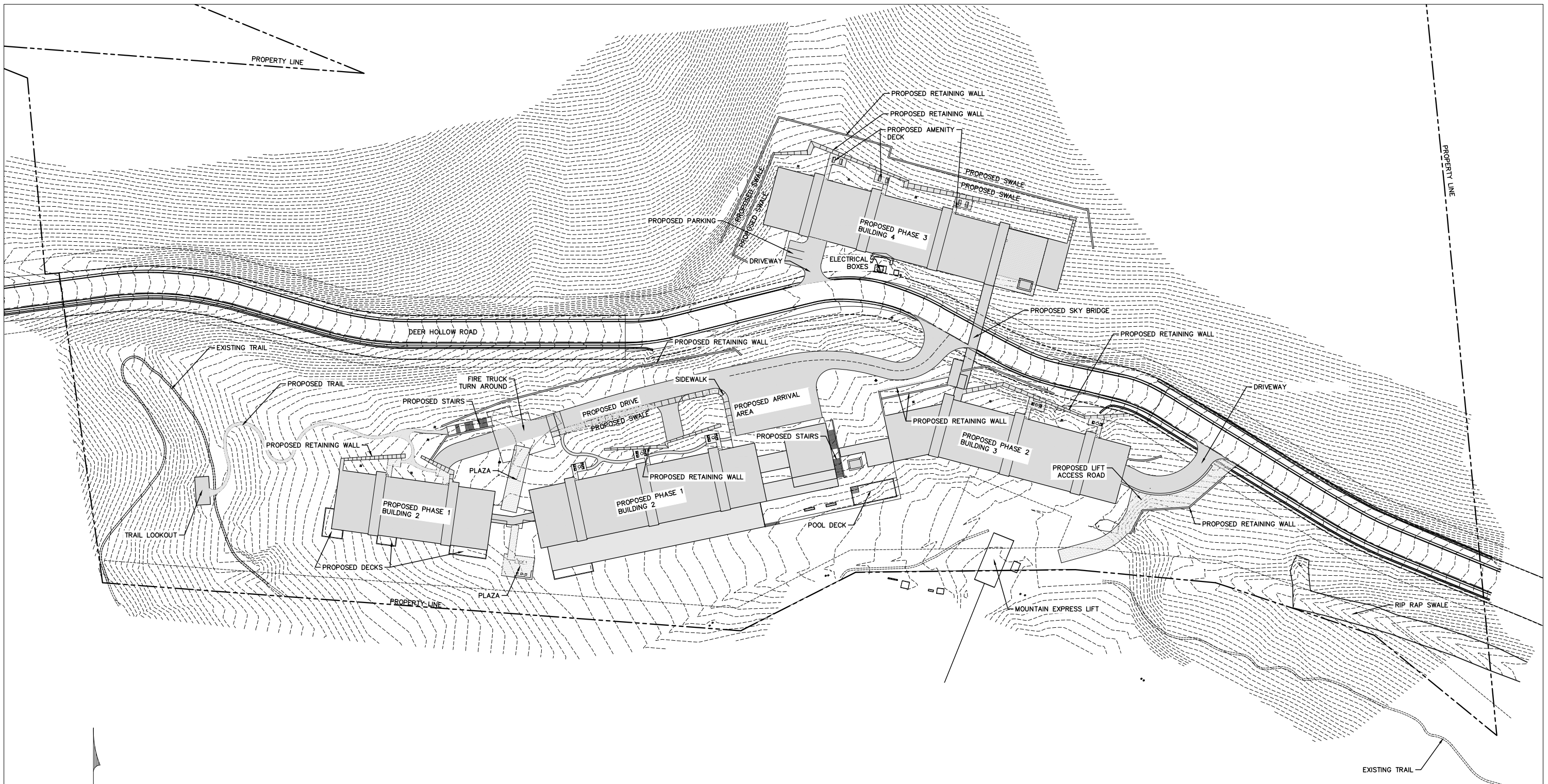
- 1. OVERALL SITE PLAN
- 2. GRADING PLAN
- 3. SLOPE PLAN
- 4. UTILITIES PLAN
- 5. STORM DRAIN PLAN

CIVIL ENGINEER

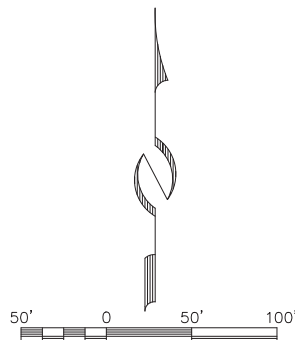
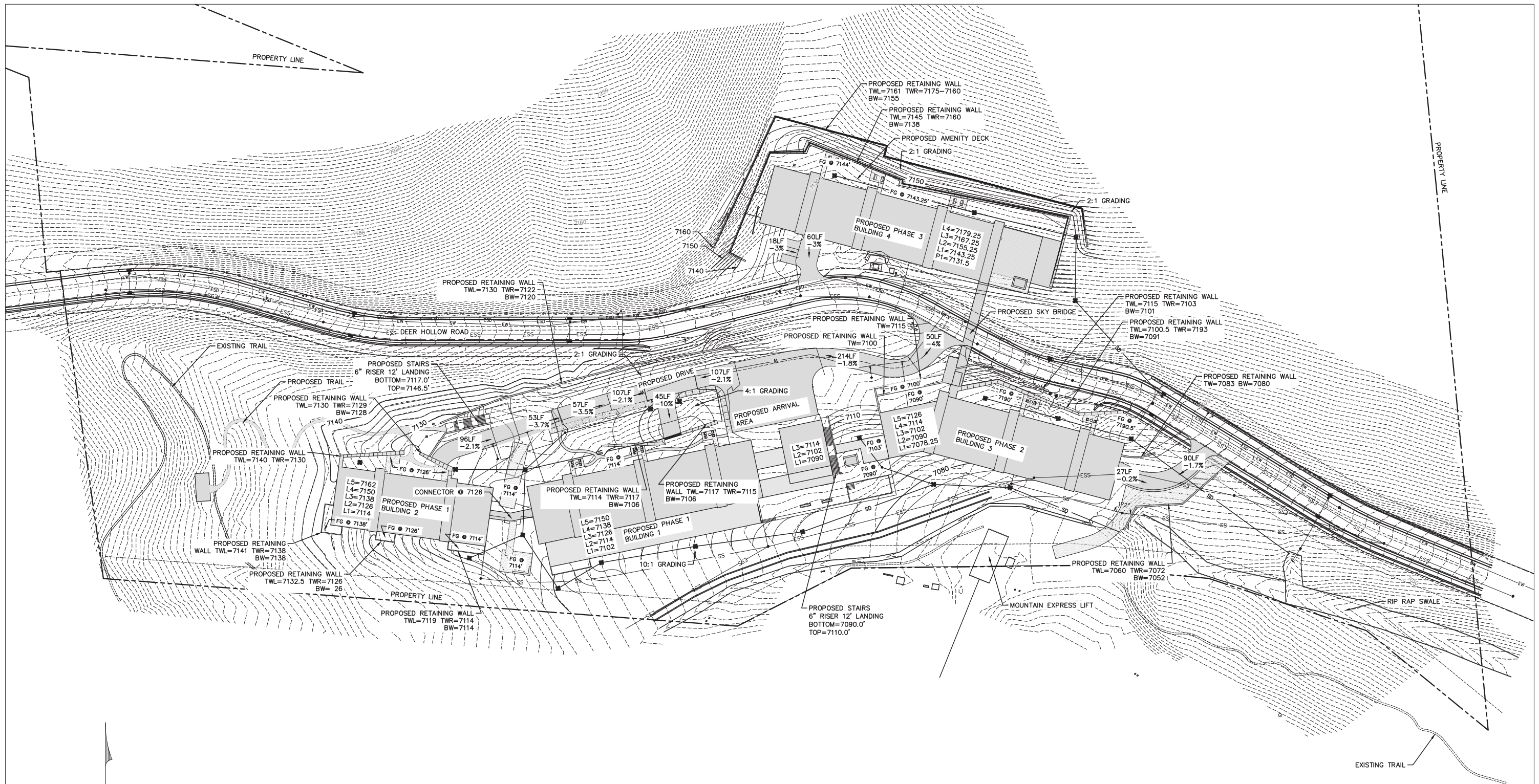


GENERAL NOTES

- G-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
- A. Jordanelle Special Service District Standards, Construction Specifications, and Standard Drawings, Latest Edition.
 - B. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.
 - D. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - E. Approved construction plans and details.
 - F. Approved Traffic Control Plan.
 - G. Storm Water Pollution Prevention Plan. (SWPPP)
- G-2 Contractor/Bidder shall obtain a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, Jordanelle Special Service District engineer, and their designated representatives and inspectors.
- G-3 The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, manholes, vaults, catch basins, earthwork operations, and road construction.
- G-4 The contractor shall maintain accurate records of "As Built" conditions of all underground work. The "As Builts" shall be tied to easily defined monuments and/or surface improvements or as required by accuracy for the as-built conditions. The as-built information shall be given to the owner and be incorporated in the final "As Built" drawings. Special as-built requirements for HDPE sewer mains are required per as outlined on the drawings.
- G-5 Prior to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- G-6 The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.
- G-7 All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by the project owner.
- G-8 The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.
- G-9 Compaction testing shall be an integral part of the project. Compaction testing shall include, but shall not be limited to earthwork, trench back-fill, base course, and asphalt pavement. Compaction testing shall be performed by a qualified, independent testing company retained by the contractor.



	 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MICHAEL DEMKOWICZ MITCHELL WAGNER	DEER HOLLOW VILLAGE DEER HOLLOW OVERALL SITEPLAN FOR: EAST WEST PARTNERS JOB NO.: 14-6-18 FILE: X:\DeerCrest\dwg\Deer Hollow\140618-Deer Hollow Civil.dwg	SHEET 1 OF 5
DATE: 7/09/21					



NOTE: TWL= TOP WALL LEFT
TWR= TOP WALL RIGHT



Alliance Engineering Inc.
(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

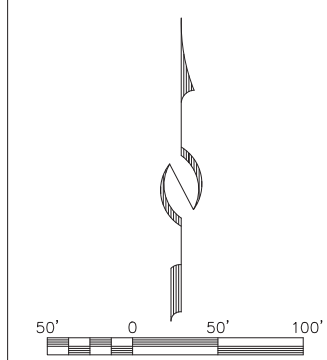
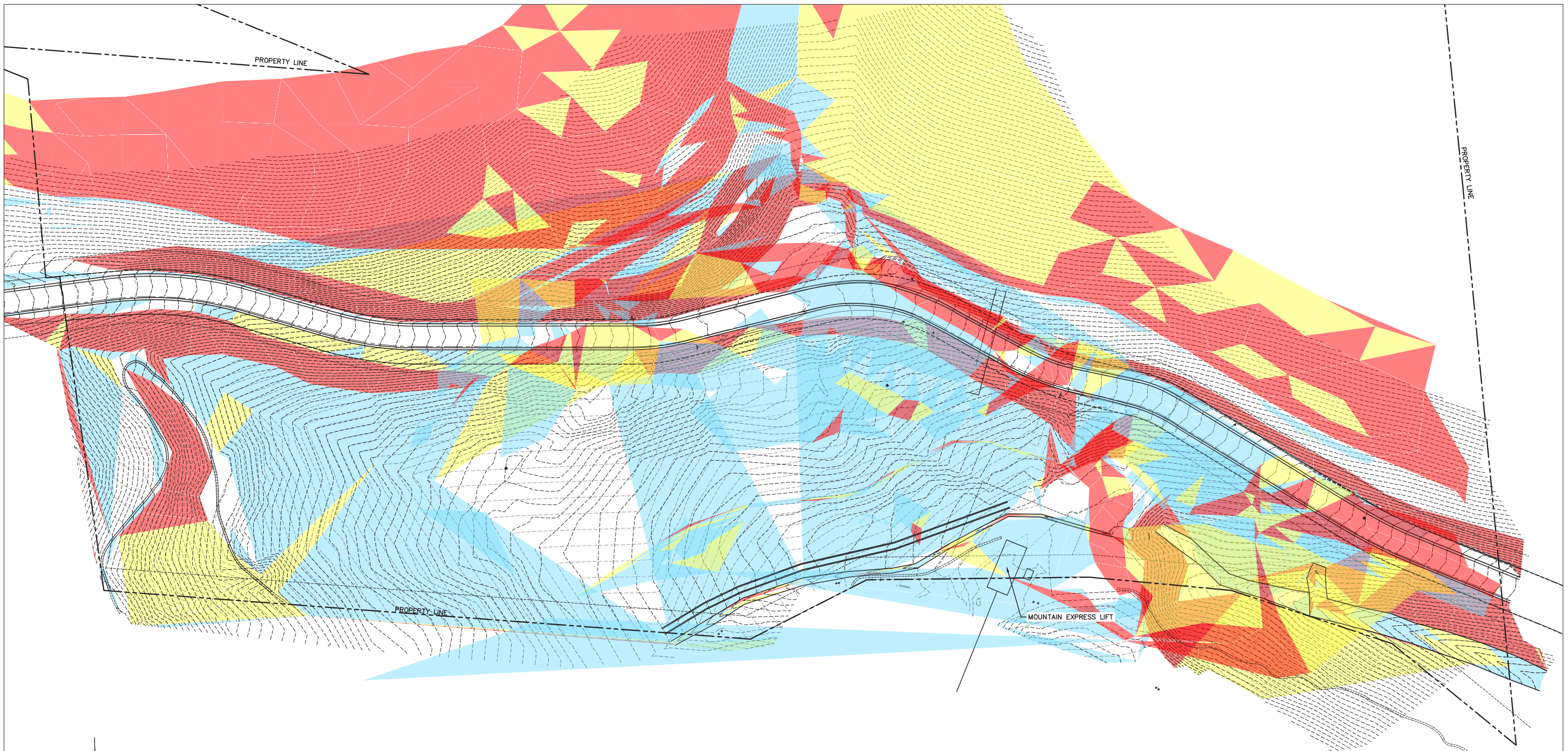
STAFF:
MICHAEL DEMKOWICZ
MITCHELL WAGNER

**DEER HOLLOW VILLAGE
DEER HOLLOW GRADING PLAN**

FOR: EAST WEST PARTNERS
JOB NO.: 14-6-18
FILE: X:\DeerCrest\dwg\Deer Hollow\140618-Deer Hollow Civil.dwg

DATE: 7/09/2021

SHEET
2
OF
5



Slopes Table		
Minimum Slope	Maximum Slope	Color
0%	15%	
15.00%	30.00%	
30.00%	40.00%	
40.00%	100.00%	





(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

STAFF:

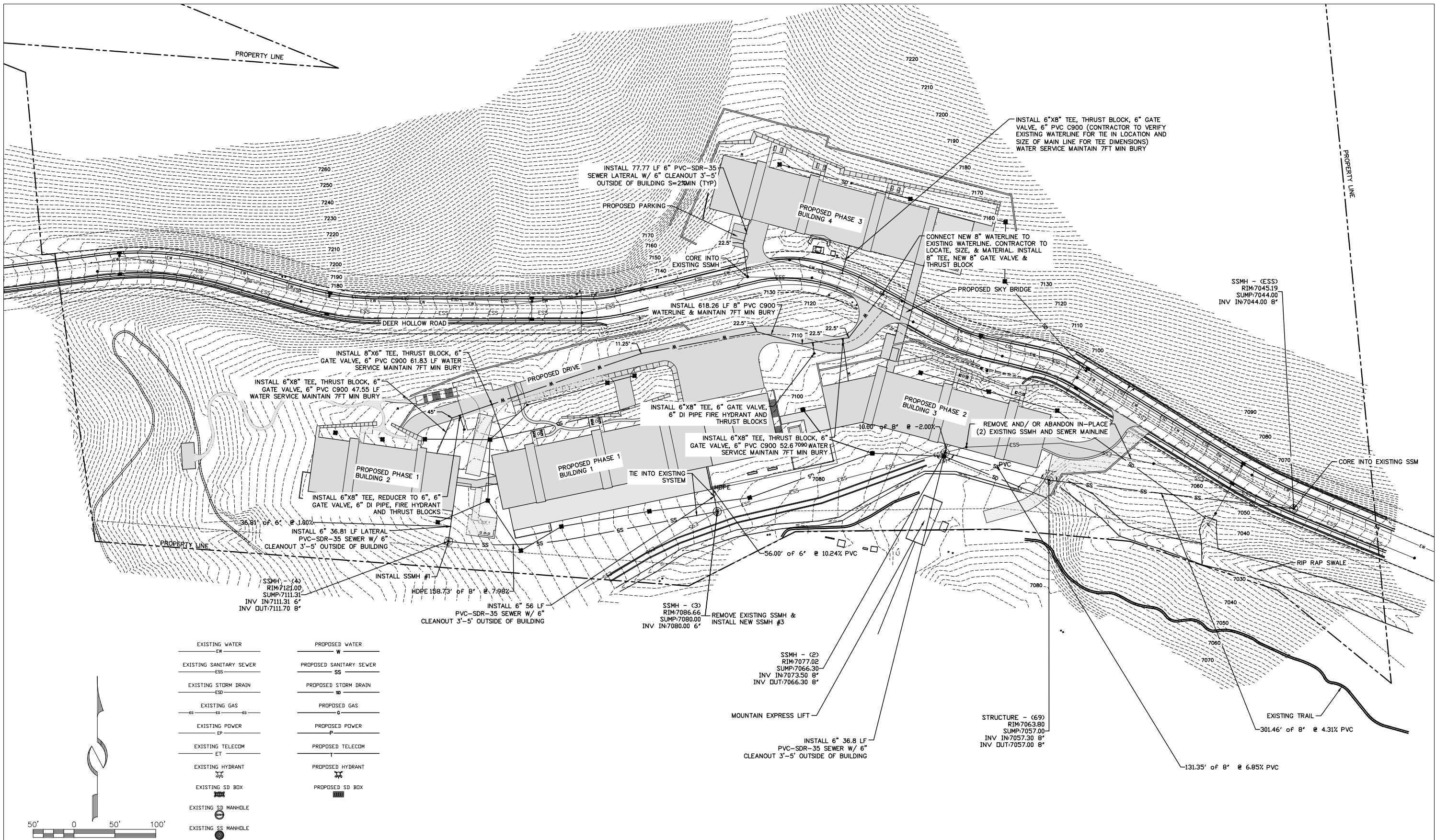
MICHAEL DEMKOWICZ
MITCHELL WAGNER

DATE: 7/09/21

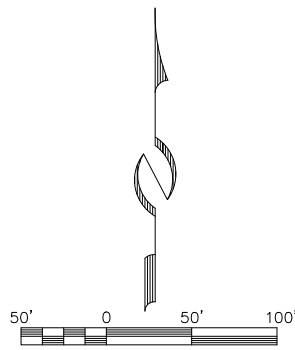
DEER HOLLOW VILLAGE
DEER HOLLOW SLOPE MAP

FOR: EAST WEST PARTNERS
JOB NO.: 14-6-18
FILE: X:\DeerCrest\dwg\Deer Hollow\140618-Deer Hollow Civil.dwg

SHEET
3
OF
5



EXISTING WATER EW	PROPOSED WATER W
EXISTING SANITARY SEWER ESS	PROPOSED SANITARY SEWER SS
EXISTING STORM DRAIN ESD	PROPOSED STORM DRAIN SD
EXISTING GAS EG	PROPOSED GAS G
EXISTING POWER EP	PROPOSED POWER P
EXISTING TELECOM ET	PROPOSED TELECOM T
EXISTING HYDRANT 	PROPOSED HYDRANT
EXISTING SD BOX 	PROPOSED SD BOX
EXISTING SD MANHOLE 	
EXISTING SS MANHOLE 	



(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

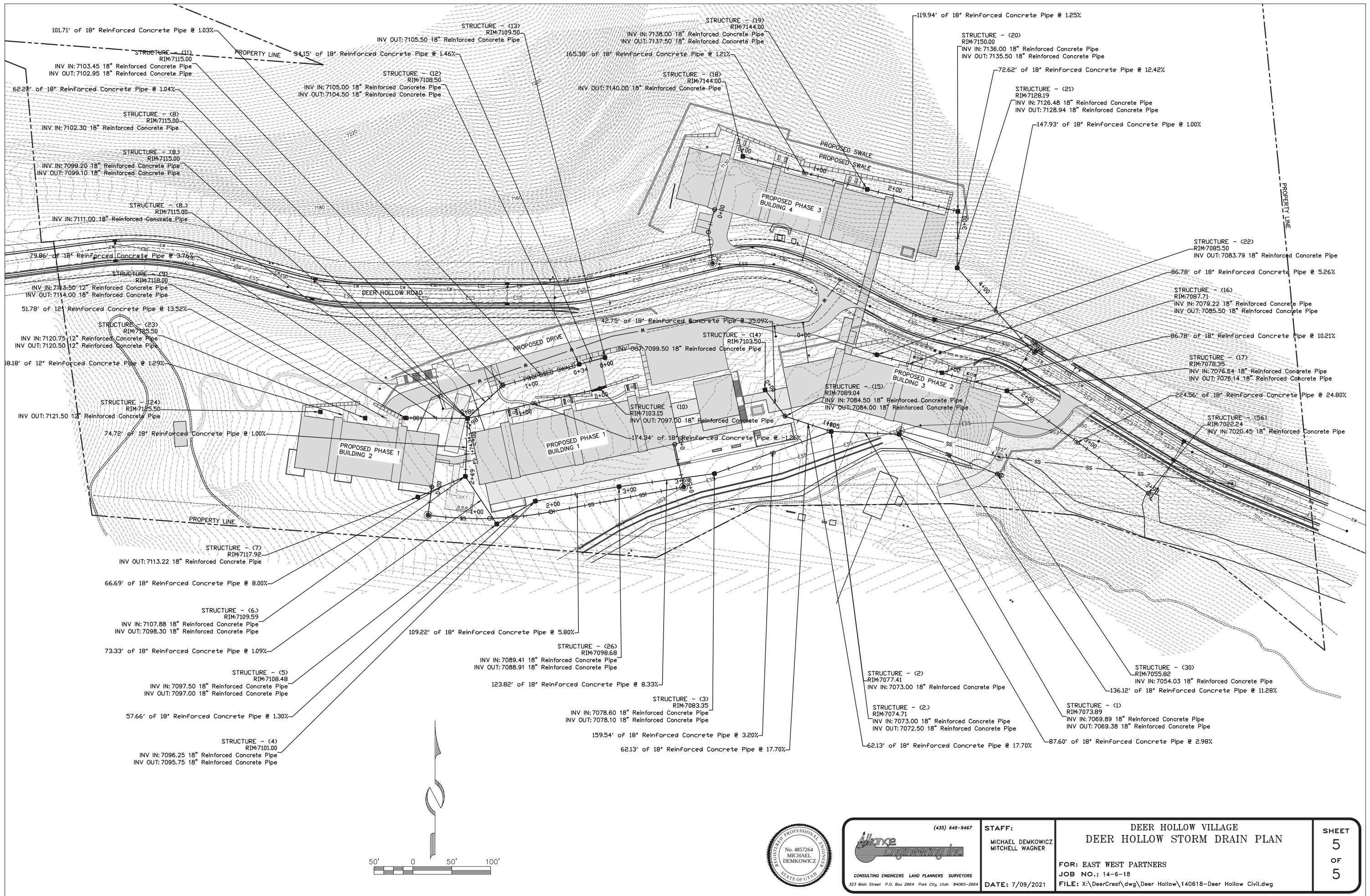
STAFF:
MICHAEL DEMKOWICZ
MITCHELL WAGNER

DATE: 7/09/2021

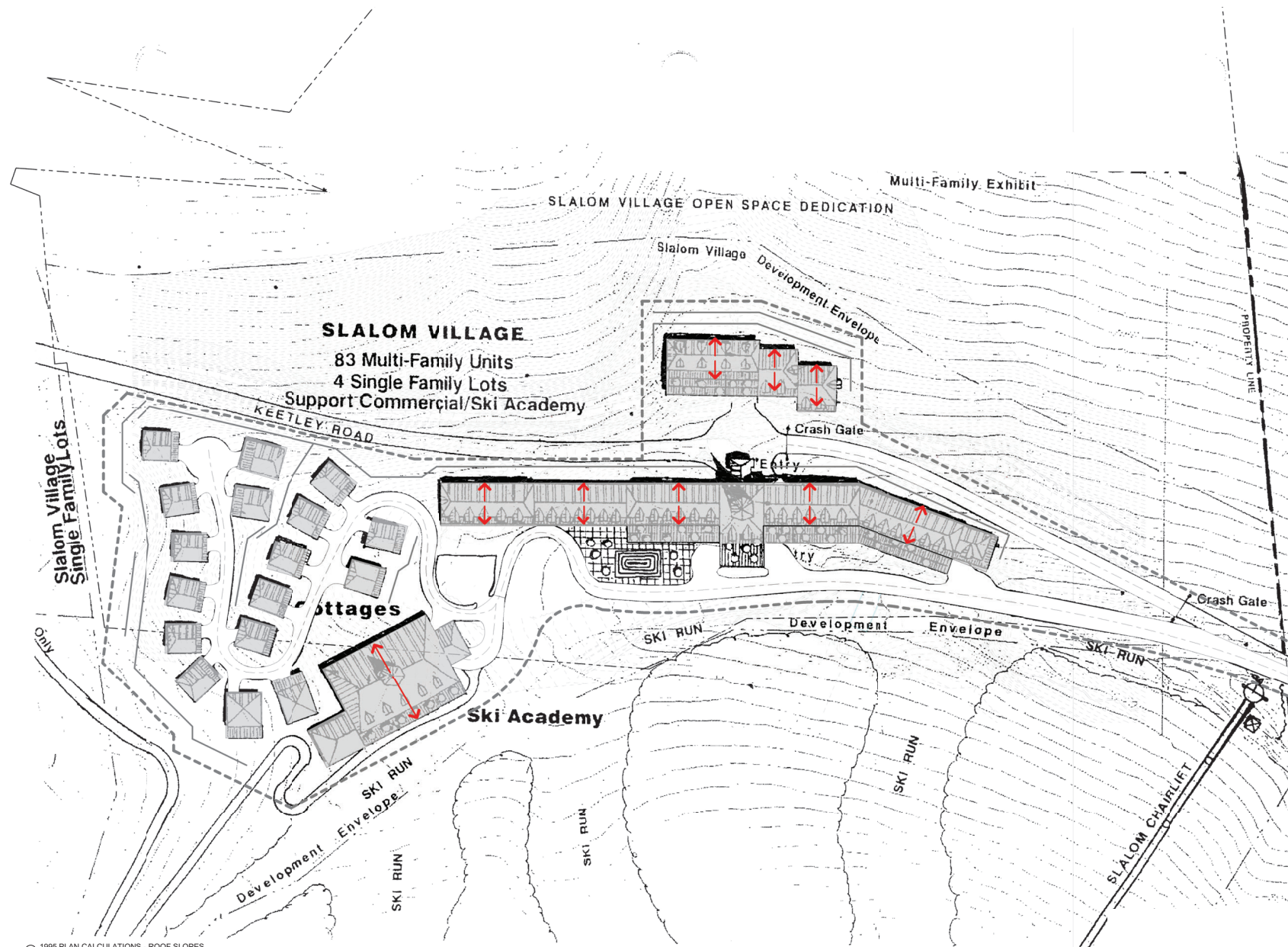
**DEER HOLLOW VILLAGE
DEER HOLLOW UTILITIES PLAN**

FOR: EAST WEST PARTNERS
JOB NO.: 14-6-18
FILE: X:\DeerCrest\dwg\Deer Hollow\140618-Deer Hollow Civil.dwg

SHEET
4
OF
5



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MICHAEL DEMKOWICZ MITCHELL WAGNER	DEER HOLLOW VILLAGE DEER HOLLOW STORM DRAIN PLAN FOR: EAST WEST PARTNERS JOB NO.: 14-6-18 FILE: X:\DeerCrest\dwg\Deer Hollow\140618-Deer Hollow Civil.dwg	SHEET 5 OF 5
DATE: 7/09/2021			



↑ ROOF SLOPE (DOWN)

① 1995 PLAN CALCULATIONS - ROOF SLOPES
1" = 60'-0"

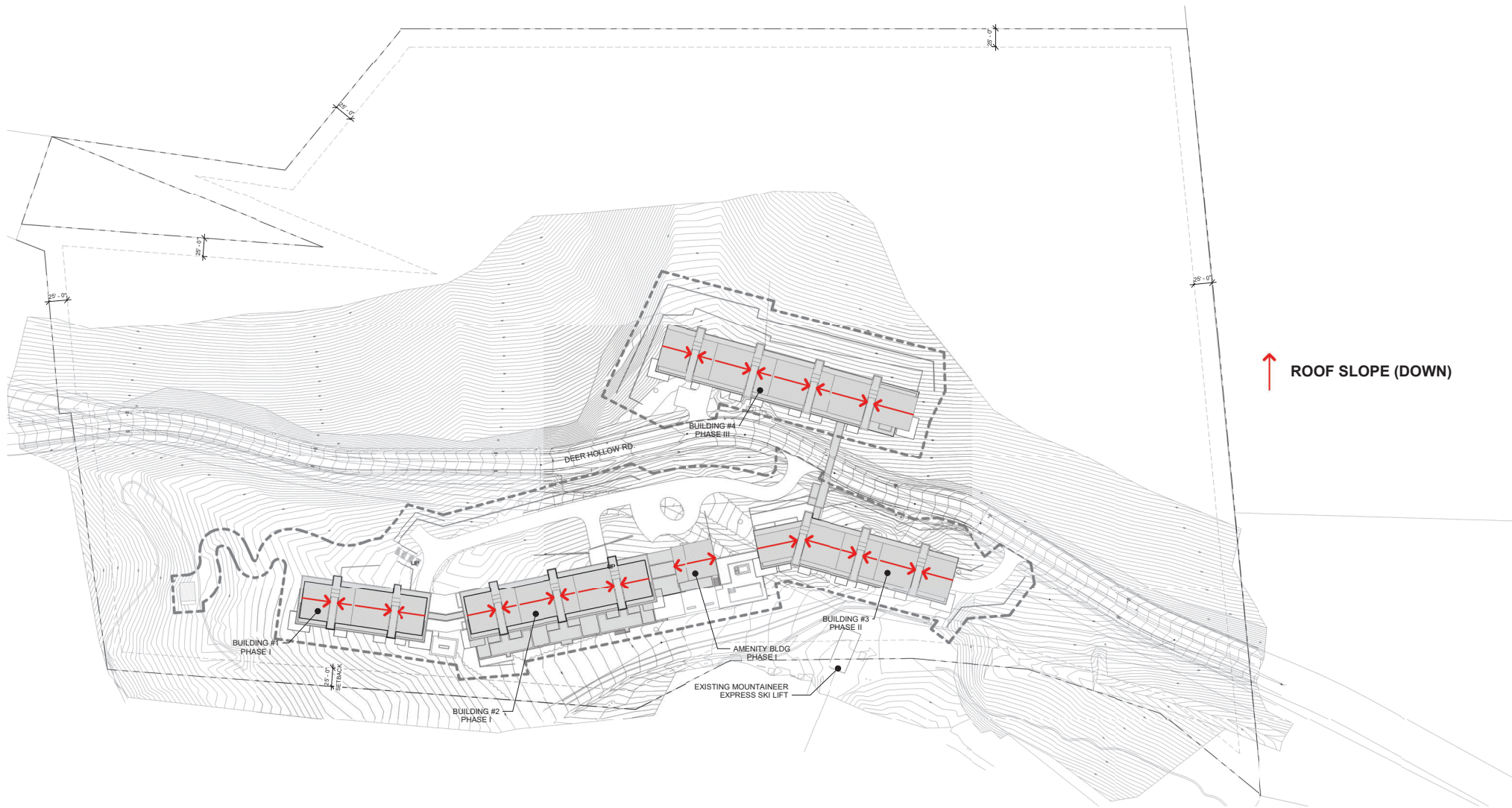
FOUNDERS PLACE PHASE I

1995 ROOF SLOPE DIAGRAM

DRAWING NO. EX - 23.4 DATE 11/04/21 JOB NO. 21-08

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① 2021 DESIGN FOUNDERS PLACE PLAN - ROOF SLOPES
1" = 80'-0"

FOUNDERS PLACE PHASE I

2021 ROOF SLOPE DIAGRAM

DRAWING NO. EX - 23.5 DATE 11/04/21 JOB NO. 21-08

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LIMIT OF DISTURBANCE
SQ FT = 469,241 SF

DRIVEWAY
LINEAR FT = 2,757 FT
SQ FT = 73,493 SF

GROSS BLDG SQ FT
SQ FT = 376,419 SF

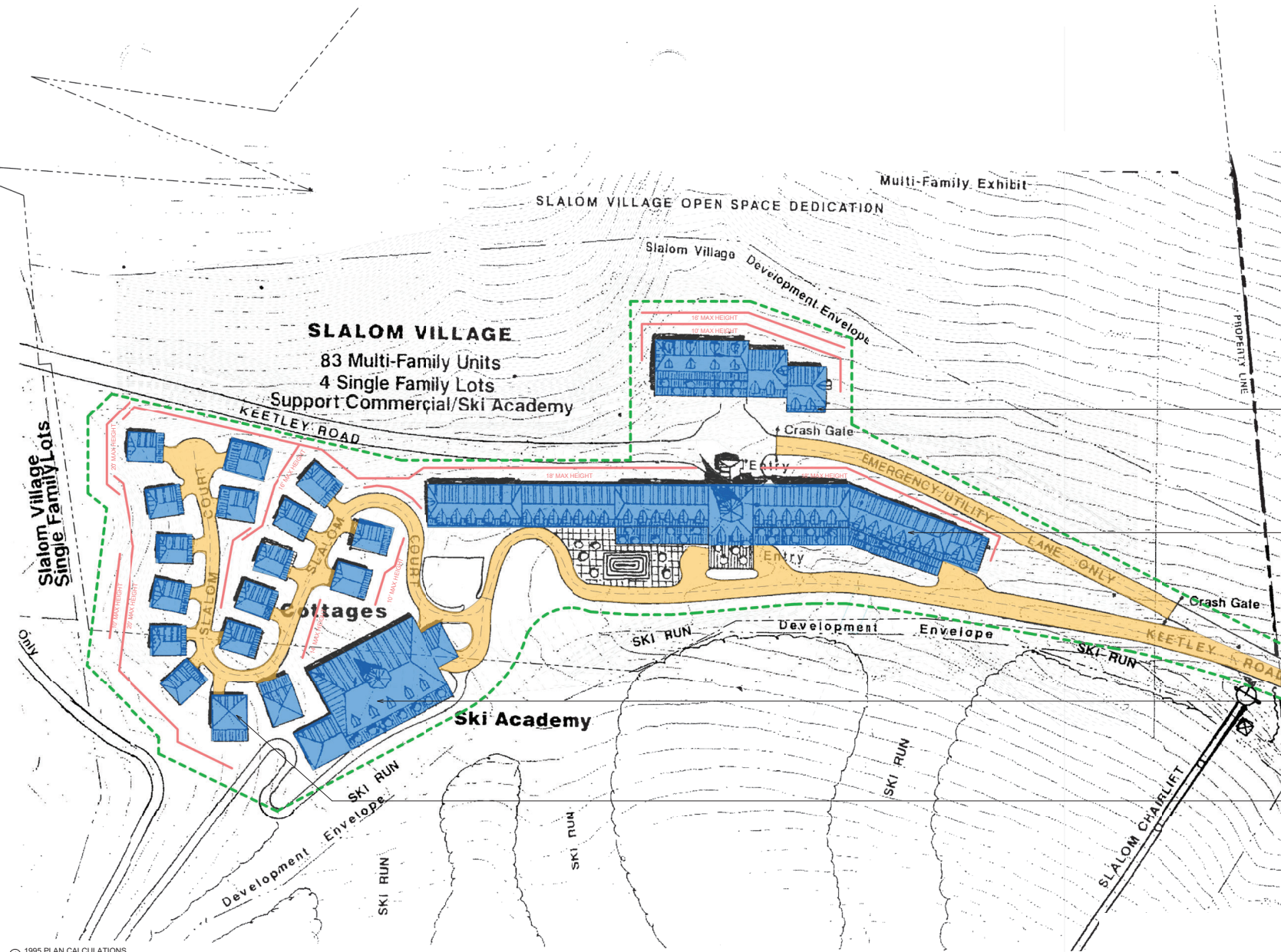
RETAINING WALLS
LINEAR FT = 3,070 LF

BUILDING 2
- (16) UNITS @ 2,400 SF. EA. = 38,400 SF.
- ACCESSORY/AMENITY = 25,044
- PARKING = 15,861 SF.
- TOTAL SQ FT = 79,305 SF

BUILDING 1
- (50) UNITS @ 2,400 SF. EA. = 120,000 SF.
- ACCESSORY/AMENITY = 72,496 SF
- PARKING = 43,818 SF.
- TOTAL SQ FT = 236,314

SKI ACADEMY
= 20,000 SF.

COTTAGES
- (17) @ 2,400 SF. EA.
= 40,800 SF.



1995 PLAN CALCULATIONS
1" = 60'-0"

FOUNDERS PLACE PHASE I

1995 PLAN CALCULATIONS

EX - 23 11/01/21 21-08

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- LIMIT OF DISTURBANCE**
SQ FT = 264,153 SF
- DRIVEWAY**
LINEAR FT = 887 FT
SQ FT = 22,309 SF
- GROSS BLDG SQ FT**
SQ FT = 345,405 SF
- RETAINING WALLS**
LINEAR FT = 2,807 LF

2021 DESIGN FOUNDERS PLACE PLAN CALCULATIONS
1" = 60'-0"

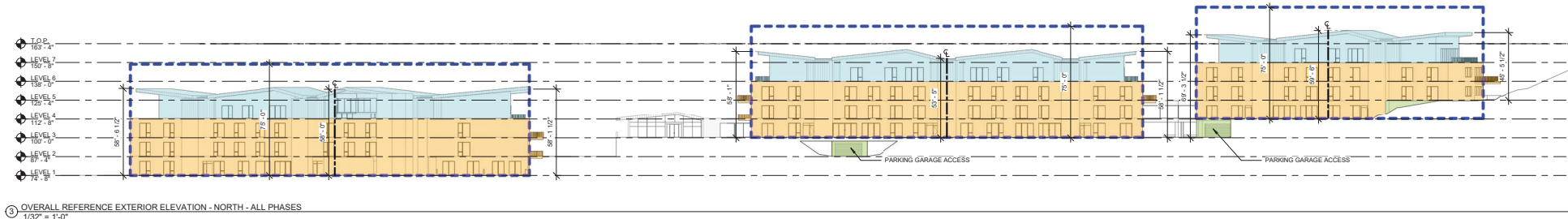
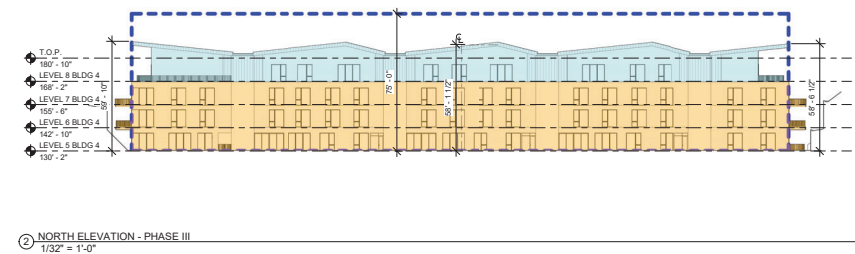
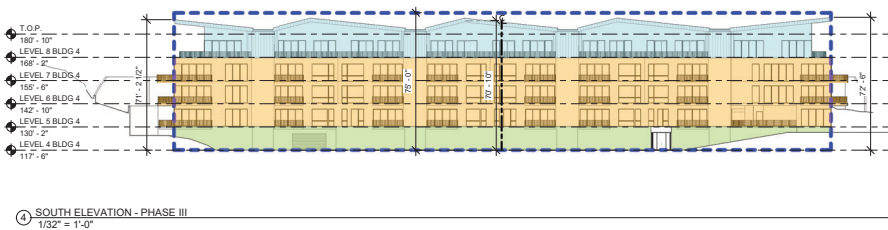
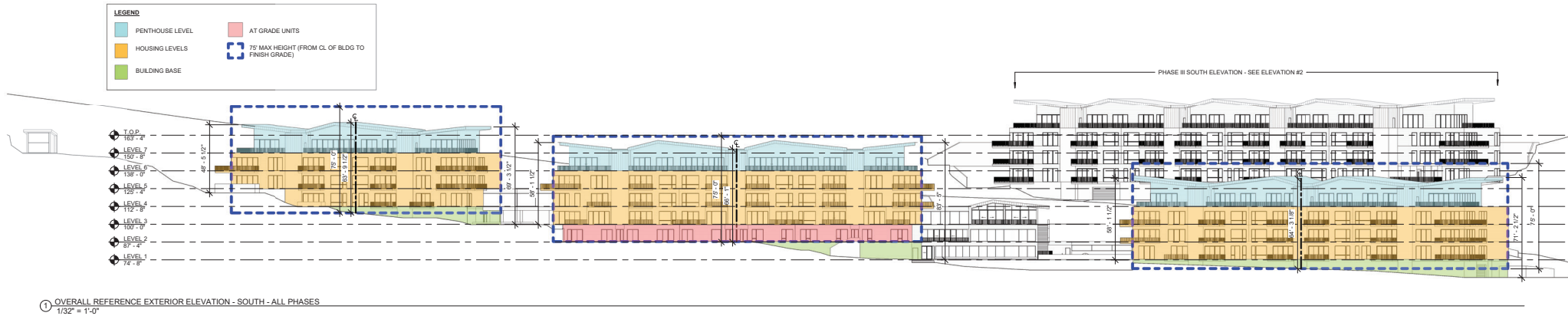
FOUNDERS PLACE PHASE I

2021 PLAN CALCULATIONS

DRAWING NO. EX - 23.2 DATE 11/02/21 JOB NO. 21-08

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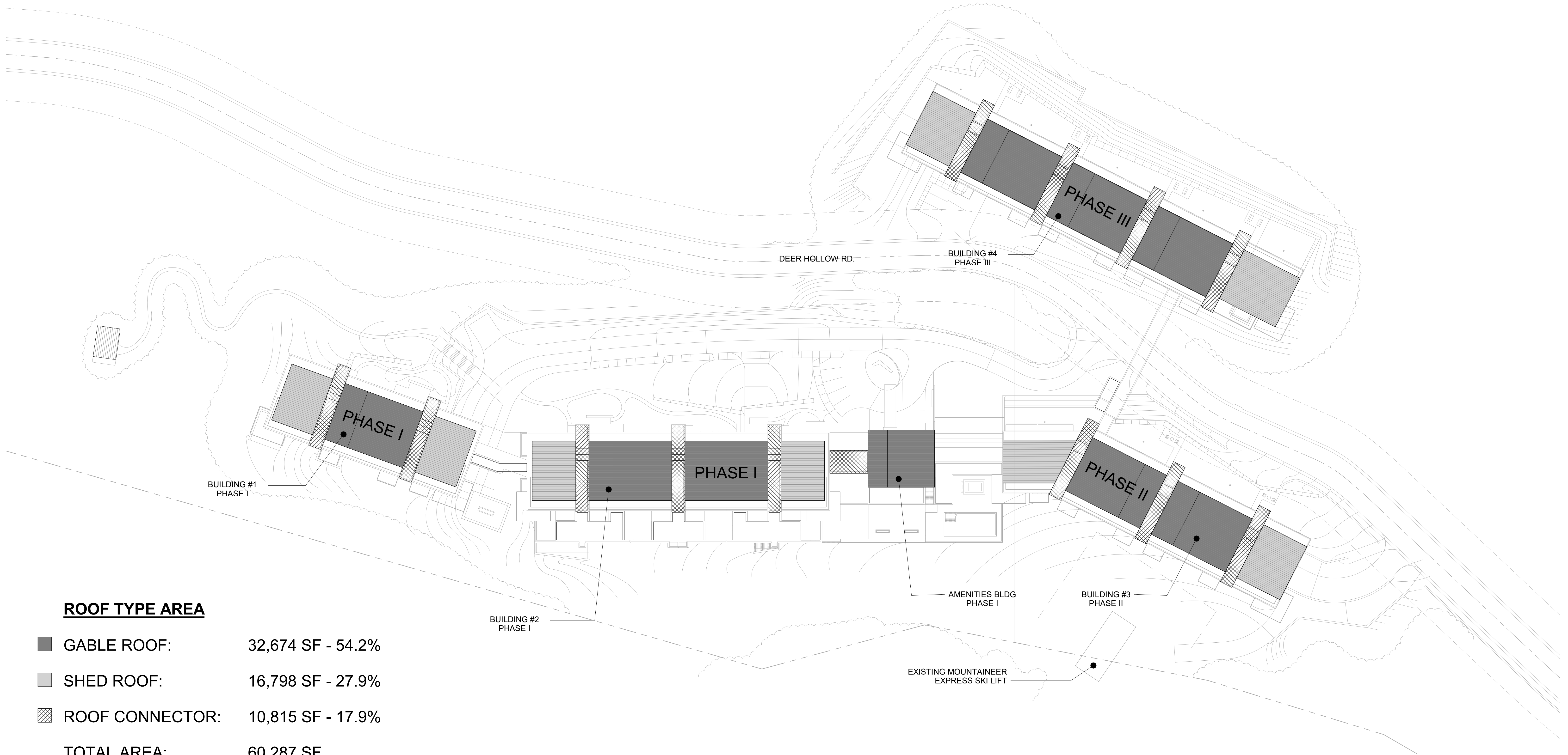
FOUNDERS PLACE PHASE I

OVERALL REFERENCE EXTERIOR ELEVATIONS

DRAWING NO. EX - 22 DATE 11/01/21 JOB NO. 21-08

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ROOF TYPE AREA

GABLE ROOF:	32,674 SF - 54.2%
SHED ROOF:	16,798 SF - 27.9%
ROOF CONNECTOR:	10,815 SF - 17.9%
TOTAL AREA:	60,287 SF

FOUNDERS PLACE PHASE I

ROOF TYPE ANALYSIS

DRAWING NO. EX - 00 DATE: 11/01/21 JOB NO. 21-08

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F O U N D E R S P L A C E

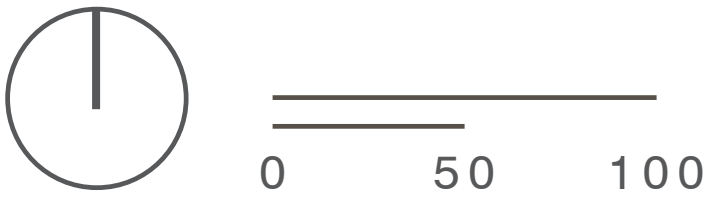
Schematic Design
November 4, 2021

east west partners | SPARANO + MOONEY ARCHITECTURE | DESIGNWORKSHOP

- LEGEND
- 1. Arrival Court
 - 2. Central Amenity Deck
 - 3. Ski-In/Ski-Out
 - 4. Owner Terraces
 - 5. Fireplace Terrace
 - 6. Parking Garage Entry
 - 7. Fire Truck Turn-Around
 - 8. Lift Maintenance Access
 - 9. Lost Library
 - 10. Trail



SCHEMATIC SITE PLAN
FOUNDERS PLACE





PHASE 1 ENLARGEMENT
FOUNDERS PLACE



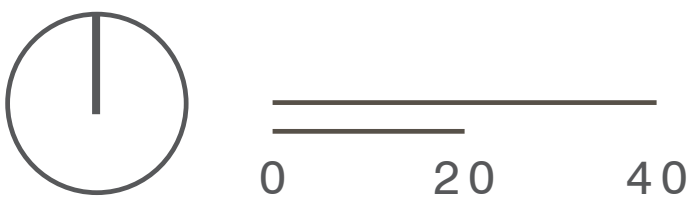


PHASE 2 ENLARGEMENT
FOUNDERS PLACE

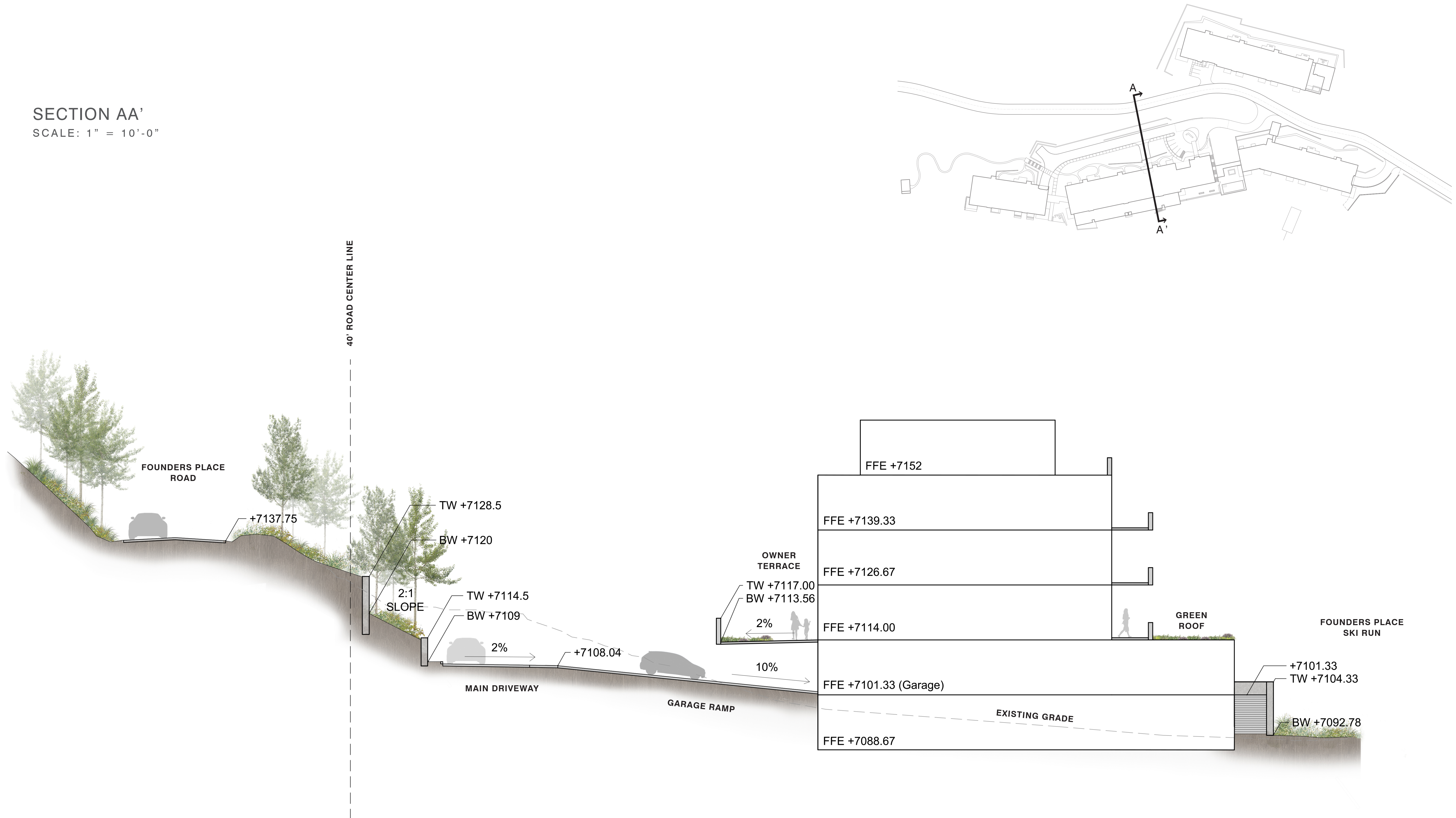




PHASE 3 ENLARGEMENT
FOUNDERS PLACE

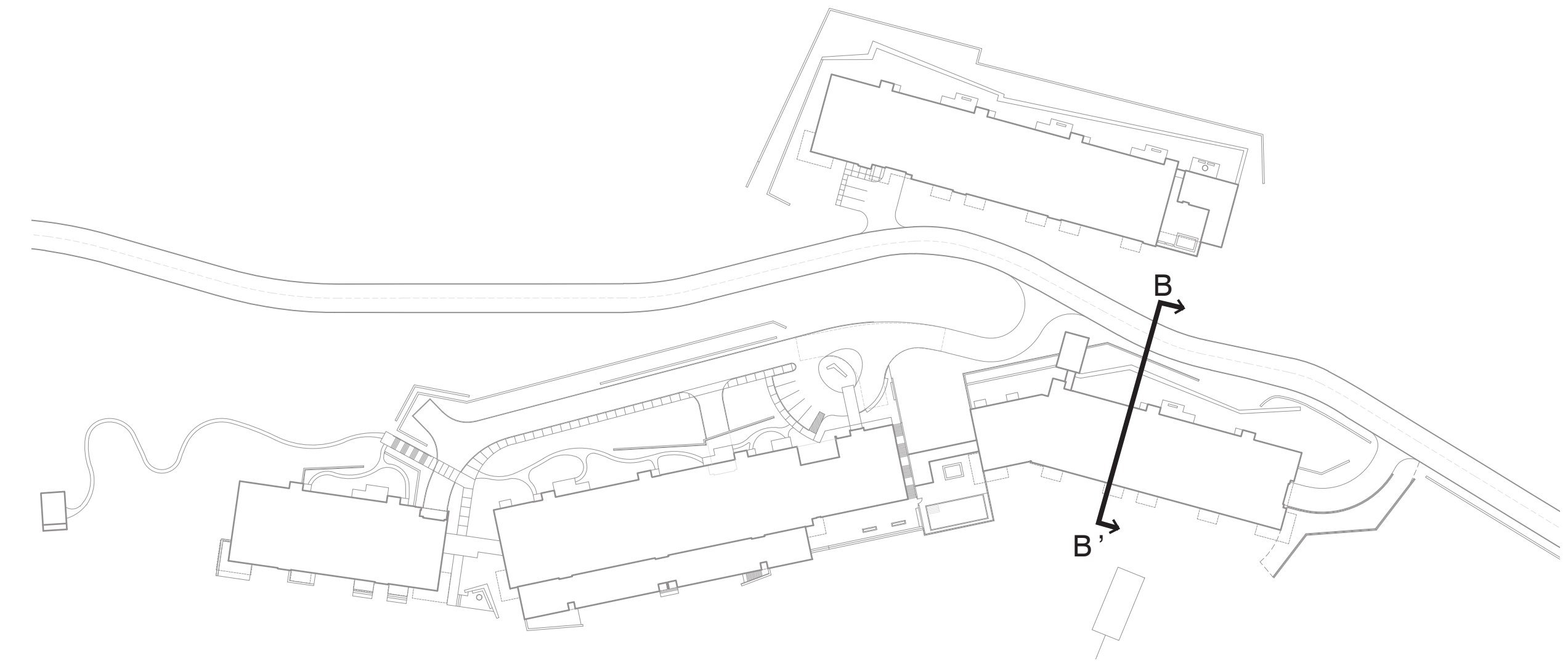
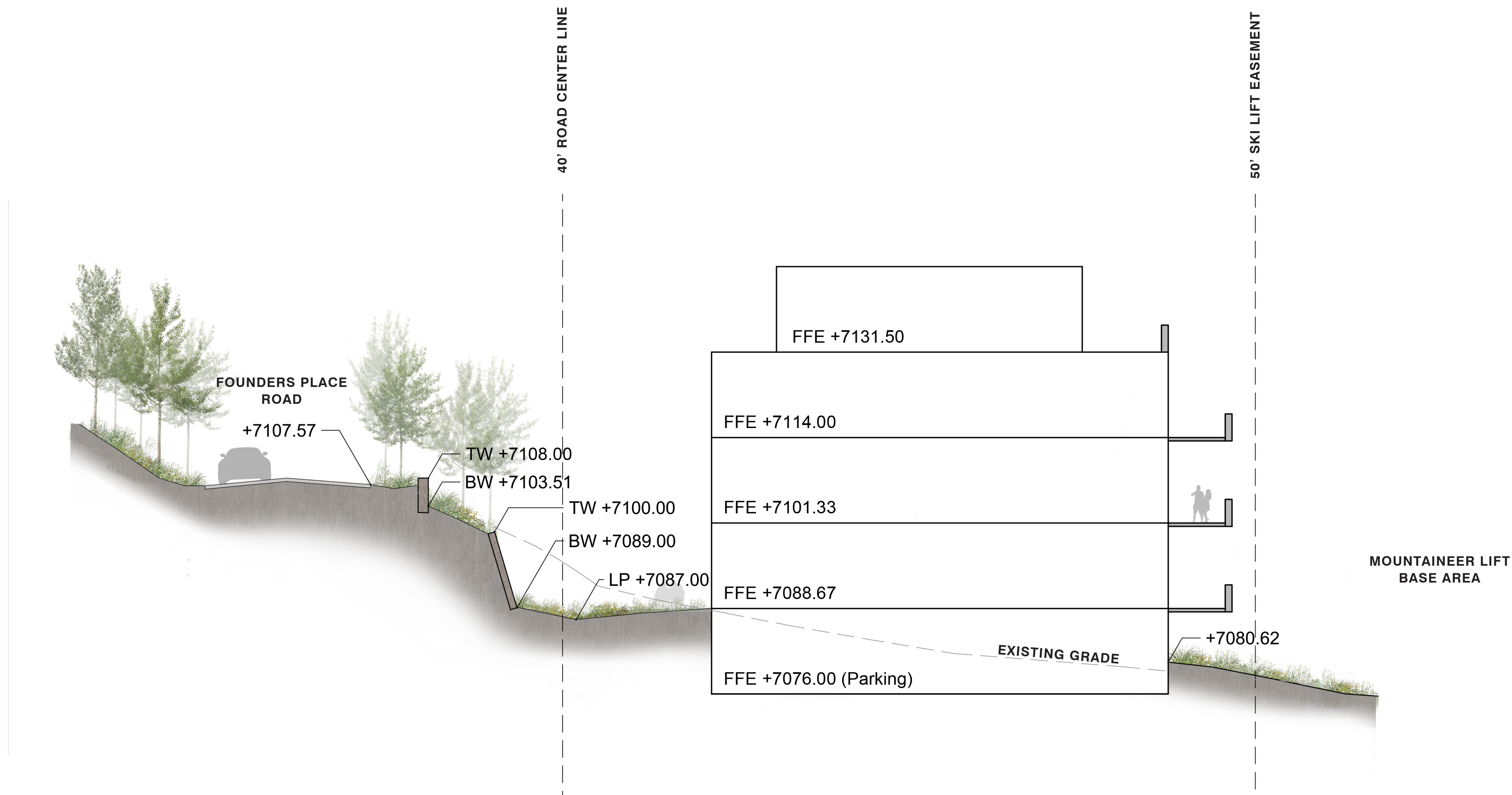


SECTION AA'
SCALE: 1" = 10'-0"

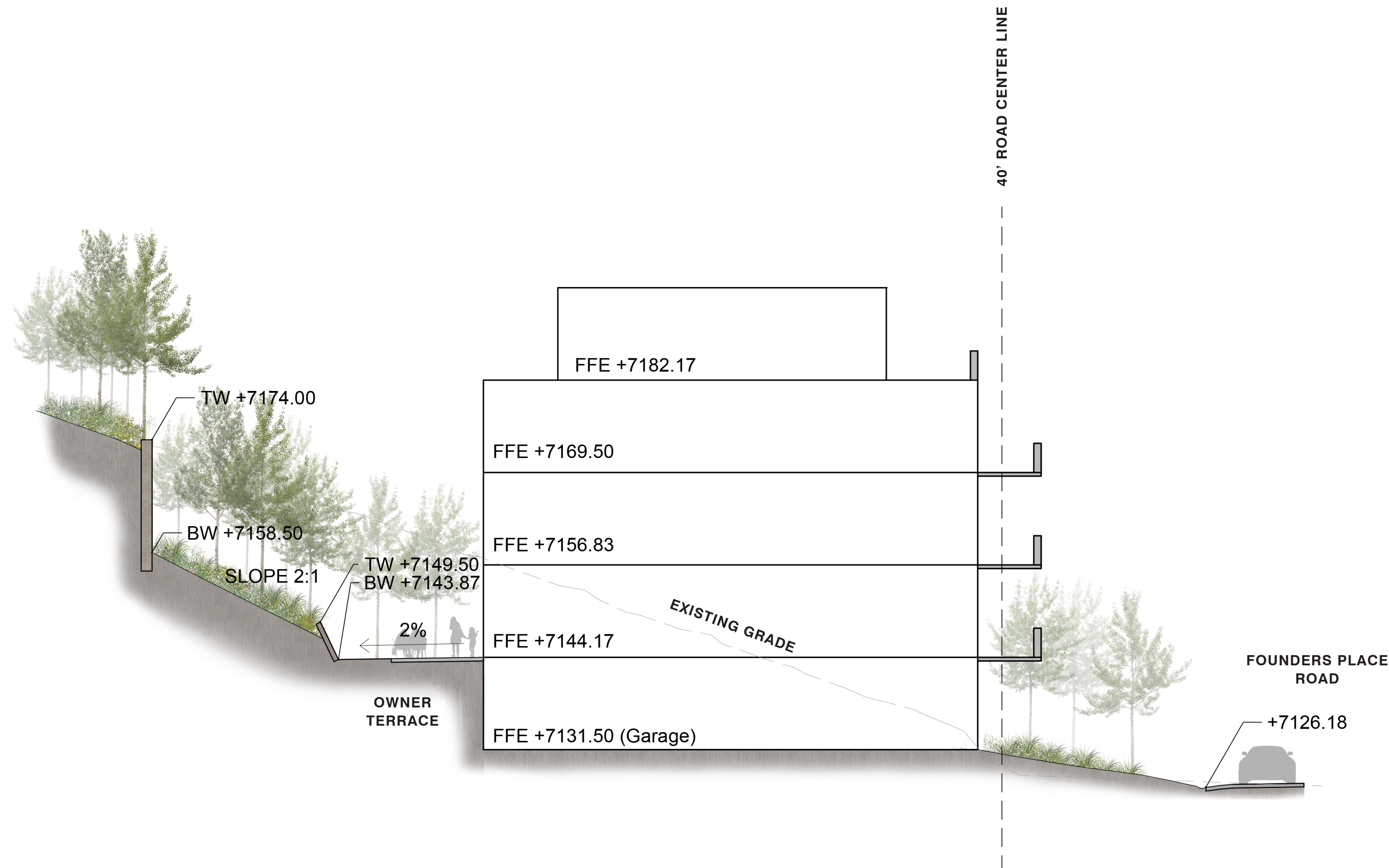
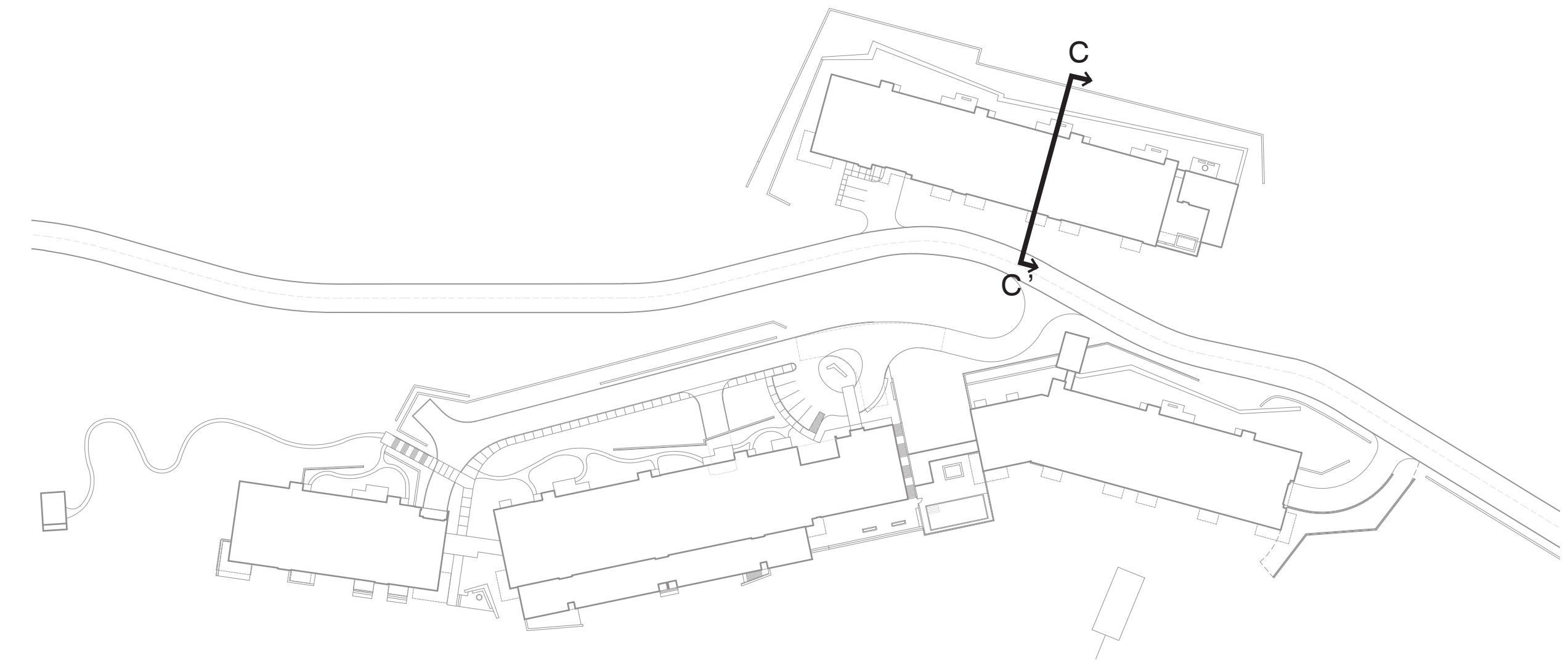


SITE SECTIONS
FOUNDERS PLACE

SECTION BB'
SCALE: 1" = 10'-0"

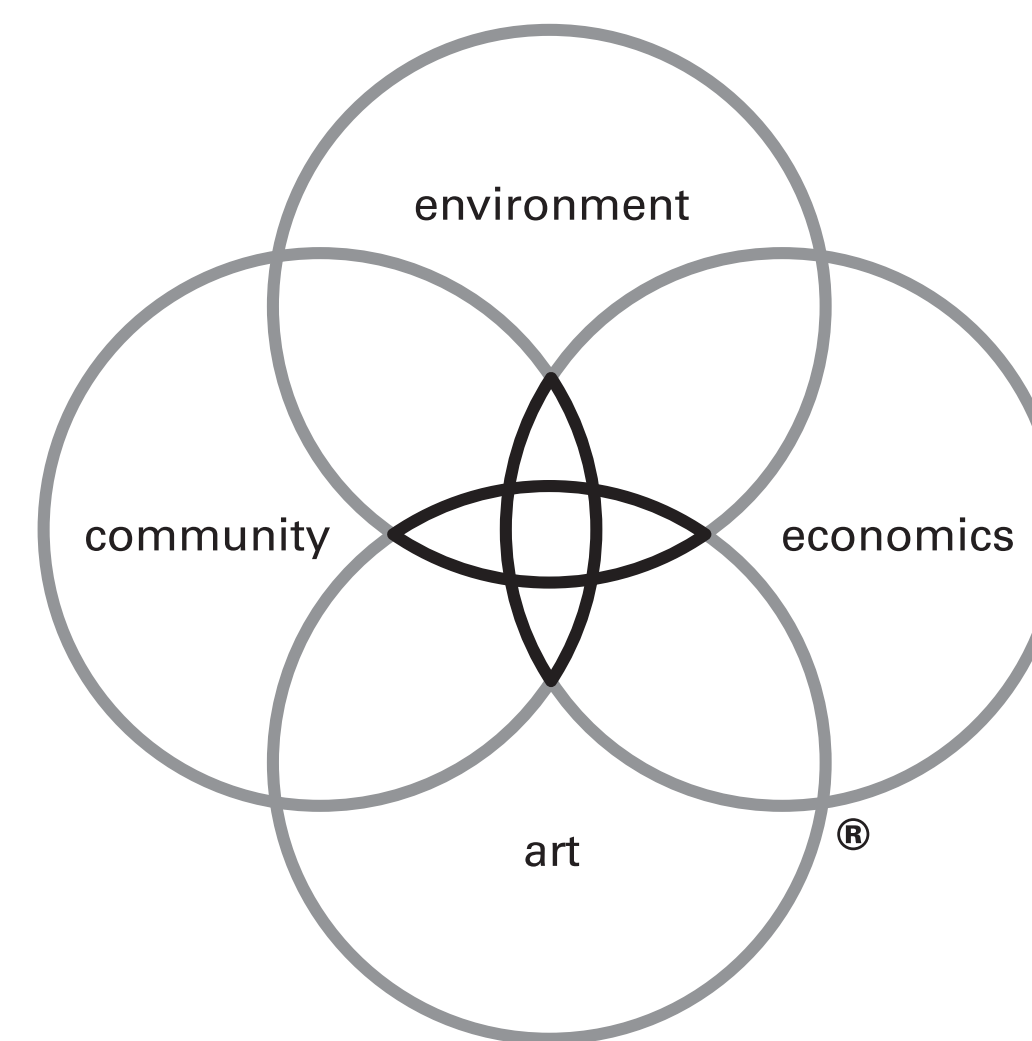


SECTION CC'
SCALE: 1" = 10'-0"



SITE SECTIONS
FOUNDERS PLACE





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158784
DATE 12-31-91 TIME 1443 P 123-00
RECORDED FOR MICHAEL EDWARDS BOOK 237 PAGE 241-332
RECORDED BY JOE DEN HURER

BEFORE THE BOARD OF COUNTY COMMISSIONERS

WASATCH COUNTY, UTAH

IN THE MATTER OF	:	
THE APPLICATION OF	:	FINDINGS AND ORDER
TRANS-WASATCH COMPANY	:	ON DENSITY DETERMINATION
FOR DENSITY DETERMINATION	:	
FOR TELEMAR PARK RESORT	:	

The Board of County Commissioners in and for Wasatch County, Utah, upon the recommendation of the County Planning Commission and the review and consideration of the matters submitted by the Applicant and those items raised at public hearing, hereby enters its Findings and Order on Density Determination for the Telemark Park Resort as follows:

I. PROJECT SUMMARY

The Trans-Wasatch Company filed its application for density determination for the Telemark Park Resort on December 29, 1989 asking for density determination for the Telemark Park Resort under the regulations for the Recreation Forestry-1 Zone of the Wasatch County Development Code. The property considered for this approval consists of approximately 526 acres, on which a mixture of single family, multi-family, and commercial buildings are proposed, as set forth in this Order and Density Determination.

The property is adjacent to Summit County, Park City, the Deer Valley Ski Resort and between the town of Park City and the new alignment of Highway 40 above the Jordanelle Reservoir, as well as central to a large number of recreational amenities in Wasatch County, Summit County and Park City. The project area occupies a hilly to mountainous parcel of land rising from 6,600 feet at its eastern end to 8,000 feet at its high point on the west. This topography creates opportunities for recreation development including alpine and nordic skiing, recreational trails and forested open space. The terrain also creates challenges to the proper development of the parcel and has raised many concerns on the part of the County Planning Staff. It is the opinion of staff that such development will require a high level of attention to environmental mitigation, vegetation preservation and

revegetation, site specific design and aesthetic control, as provided in this Order and Permit.

II. FINDINGS

Based upon a careful review of the record before it and subject to the truth of the representations and warranties made, and information provided by the Developer in the record, and also subject to conformance to the Application and strict adherence to and compliance with the Conditions, Definitions, and other matters and requirements set forth in this Order and Density Determination, the Board of County Commissioners for Wasatch County, Utah makes the following findings:

1. The Applicant, Trans-Wasatch Company, submitted its application pursuant to Section 9.3 of the Development Code on December 29, 1989. The Application was accepted as complete and in full compliance with the Development Code, and processing began at that time.

2. Subsequent amendments and additional submittals were made throughout the process, with the result that the project as presented to the Planning Commission is somewhat different from that originally applied for. Based on the review process, the original application was revised on July 26, 1990, with further revisions in February of 1991 and August 1, 1991. These amendments have revised the requested density from 697 units and 50,000 square feet of commercial space to the present 516 units and 62,000 square feet of commercial space.

3. The County Planning Commission reviewed the application, the revisions, and the recommendations made by the County Planner and a team of County review consultants. The application went to public hearing before the Planning commission on September 16, 1991. On October 3, 1991, the Wasatch County Planning Commission voted to recommend approval of the Density Determination as provided in Section 9.3 of the Development Code.

4. The recommendations of the Planning Commission are in substantial compliance with the terms and conditions of the Development Code, and are adopted by the Board of Commissioners as set forth in this Order.

5. The Property subject to the Application is located within unincorporated Wasatch County, and is not within the limits of any incorporated City or Town, nor is the property within the annexation policy declaration boundary of any incorporated City or Town.

6. The Property subject to the Application is located within the boundaries of the Wasatch County School District, Wasatch County Fire Special Service District, Wasatch County Solid Waste Disposal Service District, and Central Utah Water Conservancy District. The Property has been subject to the property tax levies of each of those Districts, as well as Wasatch County itself.

7. The Application and Development are consistent with the general intent of the Development Code, the intent with respect to the RF-1 zone in which the development is situated, the intent with respect to large scale developments set forth in Paragraph 9.1.A.1 of the Development Code, and the intent with respect to Planned Recreation Developments set forth in Paragraph 9.3.A.1 of the Development Code; specifically finding that:

(a) With mitigation as provided in this Order, the proposed development can be built without increasing the turbidity of the water supply of the County and surrounding counties.

(b) With mitigation as provided in this Order, the proposed development can be built without degrading the quality of the water supply of the County and surrounding counties beyond the Development's proportionate share of allowable County-wide degradation under the State water quality standards.

(c) The proposed development can be built without unduly contributing to the violation of ambient air standards for the County, particularly with respect to fugitive dust and automobile emissions.

(d) The proposed development can be built without adversely affecting the functioning of aquifer recharge areas located in the Development.

(e) The proposed development can be built without unduly adversely affecting the continued production of plants and wildlife within the Development and other mountain areas of the County.

(f) The proposed development can be built without placing structures on active fault lines, collapsible soils, slopes in excess of thirty percent (30%), unstable soils, landslide areas, or other geological hazards.

(g) The proposed development can be built without placing structures on wetlands, areas where ground water periodically rises to within seven (7) feet of the

surface, areas within one hundred (100) feet of a live or intermittent waterway, areas within a fifteen hundred (1,500) foot up-drainage radius from a spring used for culinary water, areas within a one hundred fifty (150) foot radius from a well used for culinary water, areas within a 100-year, 24-hour, storm incident drainage path; and any other water-related area where development will have an unreasonable effect on the water course or aquifer.

(h) The proposed development will not endanger sites of cultural, historical, or archeological significance.

(i) The proposed development will not require expenditures by the County for the following extended services to the Development which are not generally provided on a County-wide basis: extended police protection; structural fire protection; water retail service; water conservation; park, recreation or parkway facilities and services; sanitary sewers; sewage and storm water treatment and disposal; flood control; street lighting; airports; planning and zoning; solid waste disposal; local streets and roads; and curb, gutter, and sidewalk construction and maintenance; or mosquito abatement.

8. Notice of the public hearing and proposed action by the County Commission was published in the Wasatch Wave as required by Ordinance on October 30, November 6, 13, and 20. The proposed Findings recommended by the Planning Commission were posted for public review in the office of the County Planner, and this matter was brought before the Board of County Commissioners as prescribed by ordinance.

III. ORDER OF DENSITY DETERMINATION

Based on the foregoing Findings, the Board of County Commissioners enters the following Order of Density Determination. This Density Determination is intended to define the sites on which development may occur, the land uses within each of those sites, and the building mass to be constructed. The Density Determination is expressly conditioned upon the standards and conditions imposed by this Order in Section III "Pre-Conditions to Construction" and compliance with the other conditions and regulations contained in this Order of Density Determination.

The Board of County Commissioners enters the following Order of Density Determination:

1. Development Parcels. The Telemark Park Resort property is divided into twelve development sites as shown on the attached Land Use and Area Exhibit attached as Exhibit A. All development is to occur within those designated development sites. The development sites are identified on Table I, which shows the acreage and allowable uses for each development site, and also identifies those sites within the property that will remain as open space under one of two Open Space designations.

TABLE I
LAND USE AND AREA

<u>MULTI-FAMILY & COMMERCIAL (MF&C)</u>	<u>46 acres TOTAL</u>
Telemark Park Village Center	11.6 acres
St. Louis Village:	5.7 acres
Little Baldy Village:	20.0 acres
Roosevelt Gap Village	7.6 acres
McKinley Gap Cottages:	0.9 acres
<u>SINGLE FAMILY NEIGHBORHOODS (SF)</u>	<u>101 acres Total</u>
McKinley Gap Neighborhood:	3.3 acres
Snowtop Neighborhood:	8.4 acres
Little Baldy Neighborhood:	29.9 acres
St. Louis & Telemark Hollow Neighborhood:	53.3 acres
Snowberry Neighborhood:	6.00 acres
<u>FOREST & WOODLAND PRESERVE OPEN SPACE (FR&WP)</u>	<u>149 acres Total</u>
St Louis Gulch Forest Preserve	65.3 acres
Telemark Hollow Forest Preserve	12.0 acres
Mont Neef Slope Woodland Preserve	49.1 acres
McKinley Knoll Forest Preserve	23.1 acres
<u>RECREATION & FOREST CONSERVATION OPEN SPACE (R&FC)</u>	<u>156 acres Total</u>
Little Baldy Alpine Ski Area:	150.1 acres
St. Louis Gulch Nordic Skiing & Teahouse	3.9 acres
Total Trail Stations:	1.9 acres
<u>MAINTENANCE & SPECIAL PURPOSE</u>	<u>15 acres TOTAL</u>
East End Service & Maintenance:	1.4 acres
McKinley Gap Service & Maintenance:	1.8 acres
Well Site Service & Maintenance:	3.0 acres
Telemark Hollow Greenhouse & Water Quality	4.9 acres
Little Baldy Water Tank:	1.3 acres
Caretaker Dwellings:	2.3 acres
<u>ROAD RIGHT OF WAY (RRW)</u>	<u>49 acres TOTAL</u>
Heber Avenue:	11.9 acres
District Road Right of Ways:	37.2 acres
<u>MINING RESERVATION</u>	<u>10.0 acres</u>
<u>TOTAL ACREAGE</u>	<u>526 acres</u>

1. Density and Unit Sizes. The density of development on the designated development sites for Telemark Park is limited to a total of 516 residential units and 62,000 net square feet of commercial space. The location of this density is shown on Table II, which lists the number and average sizes of units or commercial space to be constructed on each of the development sites.

TABLE II
UNITS ON DEVELOPMENT SITES

Development Site	Single Family	Townhouse/Cottages	Lodge Condo Units	Apartment Condo	Commercial Square Footage
Village Center		6	50		20,000
Little Baldy Ski Academy					20,000 (academy)
McKinley Gap	4	4			
Snowtop	20				
Roosevelt Gap		6	58		5,000
Little Baldy	50	108	40		10,000
St. Louis	60				
Telemark Hollow	1				
Snowberry	10				
St. Louis village				98	2,000
Nordic Trailhead & Teahouse					5,000
Caretaker Delling	1				
TOTALS	146	124	148	98	62,000
Average Area in Square Feet	n/a	2,400	2,000	1,000	n/a

Total number of dwelling units or (Sleeping Apartments) 516*

*includes 16 units of employee housing.

Notes to Table II:

(a) Within a Lodge, up to 5% of the total floor area may be dedicated to meeting rooms and support commercial areas in addition to the maximum square footage approved in the Land Use Table.

(b) The Maximum Square Footage approved in the Land Use Table refers to footage within habitable spaces and commercial spaces, and does not include circulation spaces, lobbies, hallways, stairways, covered parking spaces, elevator spaces and mechanical spaces, and other enclosed space reasonably necessary for the intended function of the structure.

(c) Computation of floor areas and square footage shall be as provided in the Uniform Building Code.

(d) Where the land use and unit configuration fits one of the above designations, but the square footage of one of more of the units exceeds the average footage given in the Land Use table, the maximum number of Units and maximum total square footage shall control, and adjustments must be made in number of units or size of other units so as not to exceed either maximum.

(e) The Developer shall have the right to elect to apply the allowed number of units and square footage within each Village or Neighborhood at the time of Final plan application under conditions established below in Nature of Units.

2. RF-1 Zone Compliance. Development may occur in accordance with the uses and densities shown on the Tables, and if the project is built in accordance with the densities shown on the tables, and in conformity with the other terms and conditions of this Order of Density Determination, the intent and specific requirements of the Development Code as it pertains to the RF-1 zone will have been satisfied.

3. Phasing Plan. Many of the impacts of the development can be mitigated through the use of a phasing plan. The following Phasing Plan is adopted for the Telemark Park Resort:

(a) For purposes of this provision, the term "Platting" is deemed to include the formal recordation of a subdivision plat or condominium record of survey map, and also, in the case of those Dwelling Units for which a formal plat is not required (such as rental apartments, employee housing, and lodge Dwelling Units that are not held in condominium ownership), the issuance of a building permit. Those Dwelling Units which do not technically require recordation of a plat are deemed to be "Platted," for purposes of the Phasing Plan, when the building permit for the construction of those dwellings is issued. Single family dwellings are considered Platted, for purposes of this section, upon the recording of the subdivision plat, without regard to when construction of the dwelling actually occurs.

(b) The County will not allow the Platting of more than 150 Dwelling Units in the three year period commencing with the first Platting, as defined above.

(c) After the first three year period, the County shall not approve the Platting of more than 150 Dwelling Units in subsequent five year periods; provided that any unused Platting entitlement from one period may be carried forward into subsequent periods.

(d) Support Commercial space is considered an essential component of the Project, and must be phased with the residential component of the Project. At the minimum, support commercial will be constructed at least pro-rata to the Dwelling Units until 50% of the approved commercial space is constructed. Under this provision, the ratio of commercial to residential is 1,000 square feet of commercial space for each 12 Dwelling Units Platted, provided that no commercial space of less than 2,500 square feet needs to be built. This ratio will be applied in increments of 30 Dwelling Units; that is, prior to the Platting of more than 30 Dwelling Units, and again prior to the Platting of another 30 Dwelling Units, the Developer shall have commenced construction or actually completed construction of at least the commercial space ratable to the Dwelling Units already constructed. This requirement will terminate upon completion of construction of 50% of the approved commercial space. Developer may accelerate construction of the support commercial.

(e) Recreation Amenities are also subject to the phasing plan, except for Pre-Development Recreation. Prior to the first Plat, Developer shall construct or bond for all of the Phase 1 Amenities as described in Section VIII. Prior to the Platting of any units beyond 50% of the total units approved, Developer shall construct or bond for the construction of all of the Phase 2 Amenities as described in Section VIII. The developer may construct the recreation amenities sooner than required under this provision.

4. Pre-Conditions. No development other than those recreation facilities described below as "pre-development recreation" may occur until each of the Pre-Conditions to Construction listed in Section VI of this Order have been satisfied or expressly waived by the County.

IV. PRE-CONDITIONS TO CONSTRUCTION

This density determination is predicated upon satisfaction by the Developer of the following pre-conditions, and no construction other than "Pre-Development Recreation Facilities" may be built unless and until the Developer has demonstrated to the reasonable satisfaction of the County that all of the following conditions have been satisfied:

1. Sewage Treatment. The applicant must present a wastewater facilities plan and preliminary engineering report that conforms to the Jordanelle Basin Facilities Plan currently under development by Wasatch County. This plan must be approved by the County and the appropriate State Agencies prior to preliminary approval or any subdivision plat or building permit for habitable structures.

2. Secondary Access Road. There must be two points of ingress and egress to the development. Developer must demonstrate the right to improve a secondary access via Heber Avenue from Park City or the Snowtop Road from the north to the Highway 40 frontage road. If neither of these roads is available to the project the developer must show both that practical alternative routing is possible and that the developer has a legal right to construct these roads prior to preliminary approval or any plat or building permit for any habitable structure.

3. Government Services Plan. The Telemark Park Resort is not located near any existing Wasatch County service facilities or within an area where regular services have been required on a routine basis. The development will require a full complement of governmental services, including but not limited to extended law enforcement, fire protection, education, road maintenance, storm drainage and flood control, sanitary sewage collection and treatment, retail water service, and road maintenance. Some of these services can reasonably be provided by logical extensions or expansions of existing Wasatch County based services. Others may have to be established through new districts within the Project or in conjunction with other developments in its immediate area. Still other services may be most economically provided by contracts with, or annexations to, other existing districts, municipalities, or state or federal agencies. Prior to

construction, the Developer must present to the Board of County Commissioners a Governmental Services Plan showing that essential governmental services are available to the Project, the providers of those services, and whether the service arrangements are interim or long term. Part of the Governmental Services Plan includes appropriate mitigation of impacts on the service providing agency. The County Commission will review the Government Services Plan, and, upon finding that necessary services are available and committed, and that the public health, safety and welfare have been adequately provided for by the several agencies identified within the plan, and that the public interest is served, shall approve the Plan as being adequate to satisfy this Pre-Condition.

4. Execution by Affected Parties. All persons or lenders who have an interest in this property must agree to the terms of this Density Determination before it is effective.

V. INFRASTRUCTURE REQUIREMENTS

This Order of Density Determination is based upon the Developer providing the necessary infrastructure to support the proposed development. This infrastructure includes public and private roads, utilities, storm drainage controls, wastewater, and all similar services. Infrastructure is to be built with each Development Parcel in a manner that the parcel could stand alone and function independently if no subsequent development occurred. Requests for preliminary and final approval will be granted only if the following standards for infrastructure have been satisfied:

A. ROADS. There are different classes and types of roads approved in the Project, which are described as follows:

1. Public Roads:

Heber Avenue: Heber Avenue as it connects from Highway 40 through the project to Deer Valley is a County Road. There is a portion of the estimated traffic volume on the road, approximately 1,600 A.D.T. at build out, which is not related directly to the Resort. In the event that the Park City side of Heber Avenue is closed, or if the Wasatch County Commission formally abandons Heber Avenue, through traffic may be restricted or eliminated.

In that event, the road, or portions of it, may be maintained the Telemark Park Resort Special Services District.

(a) Design Standards for Heber Avenue and other County Roads:

County roadways shall consist of a 30' paved section. Graded width shall be 42' except where geotechnical considerations or excessive grading would justify a 36' graded width. In no event shall the graded width be less than 36'.

Right of Way width shall be a minimum of 66' unless the roadway is abandoned by the County, in which case the County will consider, at its sole discretion, a reduction to 50'. Right of way width must be widened where necessary to include cut and fill slopes. Right of way width must be at least 76' in areas which contain passing lanes and left turn pockets.

Ten foot snow storage areas are to be provided on shoulders, as measured from the edge of pavement.

Climbing lanes are to be added where the slope of the road equals or exceeds 8% for more than 500 feet, in which case the roadway section shall be 40' of pavement and 52' of graded width within a 76' right of way.

Left turn pockets will be provided along Heber Avenue at district road intersections and at entrance to the Village Center, where the roadway section shall be 40' of pavement and 52' of graded width.

A special design study of Heber Avenue at the Village Center must be prepared at Preliminary Plan stage for the Village to demonstrate the safety of road and intersection design. Such study shall address, but shall not be limited to, an analysis of vertical and horizontal sight distance and operation during winter months, considering the potential for snow and ice buildup.

The design speed of the road is to be 30 miles per hour, which is intended to help reduce excavation and discourage the use of the road for through traffic unrelated to the Project.

(b) Design Standards for Service District Roads:

With the exception of Telemark Parkway/Heber Avenue or its functional replacement if Heber Avenue is closed at the Park City end, the roads in the Project will be owned and maintained by the Special Service District and/or the Master Association or private entities such as condominium associations. The classifications and design standards for these roads are as follows:

District Sub-Collector Roadway section: 28' of pavement and 36' of graded width within a 50' right of way.

District Local Roadway section: 26' of pavement and 34' of graded width within a 50' right of way.

Roads through condominiums and through parking areas must conform to fire requirements set in the Uniform Building and Fire Codes. Fire service lanes shall be a minimum of 20 feet wide per the 1991 Edition of the Uniform Fire Code.

Temporary Construction roads should follow the future alignment of permanent roads as much as possible to minimize site disturbance.

Access roads to water tanks and other project facilities may also be used as fire service lanes. These access roads do not need to be paved.

(c) Designation of Ownership: The roads within the project are classified as follows for ownership, maintenance, and control purposes:

County Roads:

Heber Avenue or its functional replacement

District Subcollectors:

Little Baldy Road
Snow Top Road
St. Louis Drive

In the event that any of these Sub-Collector roads is connected through to service property other than the land within the Project, these roads may be transferred to the County, and become County roads.

District Locals:

East Ontario Place
Pioche Place
Pocatello Loop
Snowtop Circle
Snowtop Court
Snowberry Circle
St. Louis Circle
St. Louis Court
Telemark Hollow Road
Serviceberry Circle

(d) Design Standards for Project Roads: The following design standards will apply to all County and District roads within the Resort:

The minimum centerline radii will be at least 75 feet,

Left turning lanes on Heber Avenue are required at the intersections with Snowberry Circle, Serviceberry Circle, St. Louis Drive, the Village Center, and Little Baldy and Snow Top Roads.

At intersections grade shall not exceed 4% for all approaches for a distance of at least 100 feet as measured from the centerline of the appropriate roadway or for a minimum of 50 feet from the stop bar, whichever is greater.

Maximum centerline road grade will not exceed 10%.

The minimum tangent distances out of intersections will be 100 feet on County Roads, and 50 feet on District roads.

The minimum tangent distances between reverse curves will be 100 feet on County Roads, 50 feet on District roads.

The minimum tangent distances between broken back curves will be 200 feet on County Roads, 100 feet on District roads.

B. WATER SUPPLY, WATER RIGHTS, AND FIRE FLOWS

1. Water Rights

Wasatch County does not provide retail water service, and the burden of providing water rights, waterworks, and the retail water system is entirely borne by the Developer. The Developer shall have obtained adequate water rights, shall have secured approval of any necessary change applications from the State Engineer and shall have demonstrated the development of water source in quality and flows meeting the requirements of the State Health Department in the amounts necessary to service the development phase proposed on each application for Preliminary Approval at the time such application is made. In the event that Developer has not satisfied any of the above requirements prior to the filing of such application, County may, at its sole discretion, process the Application for other areas of concern but shall not approve such application until the requirements of this section have been met.

Notwithstanding the foregoing, no first phase proposed for Telemark Park Resort may be approved without rights, flows and storage meeting the Fire Flow requirements of this Section.

(a) Quantity of Water:

(1) Total Water Demand. The total required water rights for Telemark Park Resort if all Density approved herein is constructed is 316 Acre Feet annually, according to the County's consultant. Applicant represents a desire to implement water conservation measures which might reduce this total amount. As the County wishes to encourage water conservation, but such measures are unproven to the County, the following requirements are imposed:

Any first phase proposed for Telemark Park Resort must have water rights and flows calculated on a per unit basis according to the table below. The Developer may perform a metered water use study on the first phase and present the results to the County. Any such study must meet the requirements of the State Division of Drinking Water and must be reviewed and approved by the State prior to any reductions in system demands or water rights. At the County's sole discretion, the total required

water rights for Telemark Park Resort may be reduced according to the results of that study.

TELEMARK PARK RESORT WATER RIGHTS REQUIREMENTS

TYPE USE	UNITS	STORAGE DEMAND	DEMAND (GALLONS)	ANNUAL DEMAND	TOTAL**
COMMERCIAL	62*	40	2,080	.225	13.95
LODGE CONDO	148	450	66,600	.500	74.00
APART. CONDO	98	400	39,200	.450	44.10
TOWNHM/COTT	124	475	58,900	.530	65.72
SINGLE FAMILY	146	500	73,000	.560	81.76

* Commercial square footage in 1000's

** Demand stated in Acre Feet per year.

NOTE: For common area, snowmaking and seasonal demands, reference is made to Table 1 of the above referenced report by EWP.

(b) Phasing of Water Acquisition.

In order to prevent an undesirable situation from resulting if Developer is unable to obtain the total required water rights or develop the necessary sources, the following conditions are imposed:

(1) Prior to approval of Preliminary Plans, Developer must demonstrate that substantive and valid water purchase options have been secured or that a valid application has been made to the Central Utah Water Conservancy District for C.U.P. water in the total amount required for the project.

(2) If the total water rights and sources have not been secured prior to the first Preliminary Plan, such plan must show the proposed development utilizing the Applicant's existing 100 acre feet of water, and a demonstration that such development would be capable of standing alone in the event that no further water rights may be obtained or sources secured.

(3) If, within five years of the first Preliminary Approval, total water rights and sources for the project as approved herein, or as modified by the County pursuant to a metered water use study, have not been secured, Developer shall file with the County a proposed Amended Density Determination showing the proposed reduced project size and application of the then perfected water rights and sources.

2. Water System Capacity and Fire Flows:

Because of the wildland fire exposure in the Telemark Park Resort, and the distance from established Wasatch County fire fighting services, the Fire Flow demand for the Development has been set at a level in excess of that required by the Uniform Fire Code. The estimated fire flow demand for each type of Unit is shown on the following table:

Unit Type	Peak Day Source Demand and Flows	
	Gallons/Day	
	Winter	Summer
Commercial Space, Per 1,000 sq. ft.:	75	80
Lodge Condos:	800	900
Apartment Condos:	600	800
Townhouse/Cottage:	800	950
Single Family Lots:	800	1000
Open Space, Per Acre:	-0-	4030
Snow Making, Per Acre:	3000	-0-
Total Demand in gallons per minute:	358.9	360.8
Total Storage Demand -		
50% of Peak Daily Flow, in gallons: 268,000*		260,000
*(includes 60,000 gallons snowmaking)		

(a) Fire Flows and Storage Demand:

- (i) Multi-Family and Commercial Villages: 2,500 GPM flows for 3 hours.
- (ii) Single Family Areas: 2,000 gallons per minute for 4 hours shall be the required fire flow and storage in all areas.
- (iii) Total Fire Flow Storage: The total storage per the above requirements would be 450,000 gallons for 2,500 GPM X 3 Hours, or 480,000 gallons for 2,000 GPM X 4 hours. As the greater of these two is 480,000 gallons, the required fire storage shall be 500,000 gallons.

(b) Total Storage Demand:

Total storage demand is the sum of fire flow storage, unit storage demand, any other storage demand, and is the greater of summer or winter storage demand. This is calculated to be 770,000 gallons. This is the required total storage for Telemark Park Resort. This may only be reduced through alternate storage or source for snowmaking water, which accounts for 60,000 gallons during the winter, and/or a reduction in unit demand based upon a metered water use study as provided for above.

3. Water System Design Standards. The following design standards apply to the construction of the water system in Telemark Park:

(a) Storage Location, System Design & Main Depth:

Total water system storage may be provided in a single location in the project, or divided up into multiple locations throughout the project such that fire flow storage plus domestic storage is satisfied at any particular location.

Each Neighborhood is to have available to it the required fire flow storage plus average daily flow storage, or one-half peak daily demands, for the entire neighborhood considering building types.

Conceptual water system design for the overall project (well locations and capacities; main sizes; and tank locations, elevations, & sizes shall be submitted with preliminary plans.

Water mains are to be buried to a minimum depth of 7 feet in roadways and at a depth of 5 feet in other locations.

(b) Fire Protection and Suppression Requirements:

(i) Fire Sprinklers. All residential and commercial structures within Telemark Park Resort shall be internally fire-sprinklered in accordance with the provisions of the Uniform Fire Code, as updated from time to time. Unless specifically approved by the Fire Marshall for non-combustibility, all such structures shall contain exterior sprinklers as well. Such exterior sprinklers shall include at least under eave sprinklers, but may be required to include roof top sprinkling in areas or on structures deemed by the Fire Marshall to have wildfire hazard or vegetation to roof relationships justifying such measures.

(ii) Fire Breaks. The Application contains provisions for fire breaks around structures. Conformance to the Application in this regard is a condition of this approval and future construction permitting.

(iii) Building Construction/Combustibility Standards. Construction shall meet all applicable fire safety requirements of local, state and federal agencies, and shall be at least as fire resistive as Type V-ONE-HOUR

Construction, maximum compartment size 21,000 square feet, per Table 5-C of the Uniform Building Code.

(iv) Fire Access. Access to structures for fire suppression equipment shall meet all applicable requirements of the Fire District and shall be subject to review by the Fire Marshall, which shall in no event exceed the requirements of the Uniform Fire Code.

(v) Non-County Fire District Service. In the event that Telemark Park Resort contracts with a non-County fire district for interim service the Fire Marshall of said district shall have interim authority hereunder to enforce Fire Safety measures. Approval by the Fire Marshall having jurisdiction and responsibility over the Development shall be binding in the event of a later transfer of jurisdiction, and property owners will not be required to modify existing structures solely on the basis of a jurisdictional transfer.

C. SANITARY SEWER

All commercial buildings and residential dwellings within the Telemark Park Resort shall be served with sanitary sewer service from a sewage collection and or treatment utility or district consistent with the Jordanelle Basin Wastewater Treatment Plan adopted by the County.

D. STORM WATER AND WATER QUALITY

Telemark Park Resort is located within the watershed of the Jordanelle Reservoir and the Provo River. This approval is conditioned upon recognition of the non-degradation status of the hydrologic setting.

(1) Stormwater Plans. Preliminary Plans shall be required to show compliance with the Telemark Park Surface Water Runoff Control Conceptual Level Master Plan by Hansen, Allen & Luce, dated December, 1989 (hereafter the Water Quality Plan). Any proposed variation from the provisions of this plan are subject to review and approval by the County.

Preliminary Plans will be required to show compliance with that plan and shall specifically address:

Location of all building sites outside of storm water discharge routes.

Detention Structures.

The Water Quality Plan identified detention basins. The Water Quality Plan also identified the potential for Preliminary Plans to identify and propose alternatives, so long as the mitigating effect upon water quality equals that provided by the basins. In the absence of alternatives proposed by developer and approved by the County at Preliminary Plan stage, the following detention basins are required to be constructed by Developer as a condition of this approval:

Drain Tunnel Gulch (AKA Telemark Hollow)

St Louis Gulch

U.S. 40 (Just above U.S. 40 Embankment in lower Drain Tunnel Gulch, AKA Telemark Hollow)

(2) Ownership and Maintenance:

All storm water conveyance facilities and detention basins shall be owned by the Special Services District. All storm water conveyance facilities and detention basins shall be operated and maintained by the Special Services District.

(3) Water Quality Control:

The Hansen, Allen & Luce Water Quality Plan referred to above is incorporated herein by reference. The summary measures below are extracted from that plan. The following summary does not replace the more detailed plan.

(4) Stormwater Design Criteria:

All drainage ways with 10 year design flow velocities above 4 feet per second shall be lined with riprap sized with a minimum safety factor of 1.5 in accordance with the Barfield (1981) method. Drainage way hydraulics shall be analyzed with the Mannings flow equation. Cross road drainage facilities including culverts will be designed to convey at least the 10 year design storm after development. The 100 year after development storm event must be considered in the design of such cross road drainage facilities as well as natural and improved open channels, storm drain inlets and storm drain pipe systems so as to provide that such an event does not inundate structures, damage utilities, endanger the public or adversely impact the environment. The design of drainage ways and culverts shall be included in Preliminary Plans

and construction detail shall be provided in the Final Plans.

All building sites and essential facilities shall be positioned such that they are free of flood hazard and/or are protected from 100 year stormwater flows.

Stormwater planning, design, and construction will be integrated with water quality planning.

E. RELATIONSHIP OF ROADS AND UTILITIES TO OTHER PROPERTIES.

Utilities are to be sized to allow adjacent property owners to use them. A reimbursement scheme shall be developed and must be approved by the County and Developer before any other properties are authorized to connect to facilities constructed by the Developer of Telemark Park. Neighboring properties may not be landlocked if they now have a legal right to use the property for access. Neighboring properties that may use project roads for access to their property are to be disclosed as part of Preliminary Planning Process.

F. PUBLIC TRANSPORTATION

There is no established public transportation service in the area at this time. Limited common carrier or hotel courtesy-type public transportation should be anticipated. Public transportation shall consist of bus and van service. Loading zones only in multifamily and village areas shall be provided at walking distances no greater than 500 feet and shall have the following characteristics: 40 feet long and 10 feet wide located outside the normal travel lanes of roadways.

VI. DEVELOPMENT AND SITING OF IMPROVEMENTS

Although a great deal of siting detail has been developed through the Density Determination stage, the specifics as to the development to occur on each of the identified development sites is still quite general in nature, with final design and engineering to follow as individual development sites move to Preliminary and Final Approval. Subsequent applications for Preliminary or Final Approval are to be in substantial conformance with the Application. Subsequent submittals will be deemed to be in substantial conformance with the

Application and this Order of Density Determination if they meet the following standards:

A. DEVELOPMENT PARCELS

Density Determination is considered approval of Density in the areas shown on the Land Use and Area Exhibit according to the conditions contained herein and according to the Pre-Conditions described in Section IV. The location and boundaries of the Development Parcels are identified on Exhibit A which is incorporated by reference. Parcel boundaries may be adjusted at Preliminary Plan level, but may not be significantly changed. Specifically, boundaries are expected to be within 50 feet of those shown on the Land Use and Area Exhibit. The area of Development Parcel areas may be decreased.

Adjustment of Multi-Family Development Parcels may not increase total area by more than 5% of that shown on the Land Use and Area Exhibit. Any such increase may not increase the allowable building mass.

Single Family Parcels may be adjusted, but may not be increased in area unless such increase is due to the conversion of adjacent road right of way (RRW) or MultiFamily (MF&C) areas. Lot lines as shown on the Concept Plan may be reconfigured and the overall number of lots may be reduced according to the Single Family Lot Guidelines herein, but in no event may open space be reduced after dedication to the Master Association.

In no event may the net acreage of Open Space areas be decreased from that shown on the Land Use & Area Exhibit by more than 2%.

Any proposed adjustment of Parcel boundaries from the Application must be shown at Preliminary Application. At Final Application adjustment may only represent survey correction, not reconfiguration.

Within applicable setbacks within MF&C areas, Developer may reconfigure building footprints and shapes from those shown on the Concept Plan and shall show such reconfiguration at Final Plan Application. Such reconfiguration shall be subject to all other conditions contained herein.

At Preliminary Plan developer may adjust roadway locations from those shown on the Concept Plan in the interest of minimizing site disturbance and grading. Such adjustment may not result in more than a 5% increase in total RRW area shown on the Land Use and Area Exhibit, unless such increase is due to an increased width condition imposed by the County.

B. SITING GUIDELINES APPLICABLE TO ALL DEVELOPMENT PARCELS

The following guidelines apply to all development parcels within the Telemark Park Resort:

Building envelopes shall be configured within required setbacks within parcels approved in this Determination for such use, and shall be designated on Preliminary Plan submittal.

Preliminary plans shall be of 1"=50' or greater scale. Such plans shall show existing vegetation of 4" DBH (diameter at breast height) or larger trunk caliper and shall demonstrate an effort to preserve such vegetation wherever possible, with emphasis on preservation of larger and slower growth type trees and groves.

Preliminary plans submitted for review and approval shall show setbacks, limits of disturbance, building envelopes, snow storage areas, cuts, fills, proposed slopes for disturbed areas, general utilities, rights-of-way, easements, and proposed night lighting.

Preservation of natural features and vegetation to the extent reasonably possible is required. Retain existing tree stands and existing terrain where possible.

Building siting should be responsive to the overall development concept, adjacent development, and (i) Topography, (ii) Geology/soils conditions, (iii) Hydrology, (iv) drainage and flood plain considerations, (v) Vegetation, (vi) Views, (vii) Solar and micro-climate considerations, (viii) Access and circulation; pedestrian and vehicular, (ix) Seasonal response, (x) View corridors, (especially to the mountains), and (xi) Snow storage requirements.

C. COMMERCIAL SPACE.

Location: Commercial Space shall be constructed in the Villages indicated on the Master Plan, and shall not be transferrable between Villages. That space designated as Nordic Skiing Commercial shall be allocated between the Nordic Skiing Trailhead, the Teahouse and the Trail Stations. Actual allocation may be made on Preliminary Application.

Allowed Commercial uses: Office, Restaurant, Retail, Ski & Sports Shop, Tavern, Convenience Store, Delicatessen, Cafe, Sports/Fitness and other uses related to the recreational and residential nature of the development.

Prohibited Commercial Uses: Any business activity producing noxious fumes, hazardous waste or noise pollution, any other business activities prohibited in the zone or the County.

D. SET BACK AND SIDEYARD STANDARDS

Minimum Setbacks SINGLE FAMILY:

Front Lot Line: 20 Feet
Rear Lot Line: 30 Feet
Side Lot Line: 10 Feet
Distance from Road Centerline: 45 Feet

Minimum Setbacks MULTIPLE FAMILY:

Front Lot Line: 15 Feet
Rear Lot Line: 25 Feet
Side Lot Line: 10 Feet
Distance from Road Centerline: 40 Feet
No building or structure other than fences shall be built within the setback criteria as described above.

E. SINGLE FAMILY SUBDIVISION LOT DESIGN STANDARDS:

It is the intent of these criteria to minimize surface and visual impact from the development of single family lots and to restrict dwelling placement, height, size and design so as to provide for unobtrusive, attractive dwellings in harmony and proportion with their surroundings.

The following parameters are being approved out of consideration for the environment, to allow for clustering of single family dwellings and larger open space areas, and to achieve aesthetic variation within the project. Applications for Preliminary and Final Approval of Subdivisions containing Single Family Lots will be approved if they demonstrate compliance with the following standards:

Lot Size: The minimum Lot size will be at least 10,000 Square Feet

Limits of Disturbance: Within each Lot, the Preliminary Plan and Final Plat must designate and show an area within each lot where grading and vegetation removal is allowed and where the dwelling and all improvements must be sited. Outside of the Limits of Disturbance only approved above-ground thinning of existing vegetation or spot planting, and the reasonable and necessary placement of utility service lines to the Lot may occur. The Limits of Disturbance Area will be shown on the Final Plat and

varies from lot to lot to protect vegetation, drainage, and areas of steep slope.

Maximum Dwelling Coverage: Within each Lot, the Preliminary and Final Plat must designate the maximum size of allowable structures in plan view, including eaves, overhangs, and outbuildings, which may be constructed on the Lot. This is not the Floor Area, but the area of Lot coverage. The Maximum Dwelling Coverages and Maximum Dwelling Sizes shown on the following tables are approved for Single Family Lots within the Telemark Park Resort.

Maximum Impervious Area: Within each Lot, the Preliminary and Final Plat must designate the maximum area of impervious surface allowed on a lot in addition to the Dwelling Coverage, including driveways, concrete slabs, walkways, steps and other surfaces impervious to water. The coverages shown on the following tables are approved for Single Family Lots within the Telemark Park Resort.

Maximum Total Floor Area: Within each Lot, the Preliminary and Final Plat must designate the maximum Floor Area as defined by the Uniform Building Code, which does not include garages. The Maximum Floor Areas shown on the following tables are approved for Single Family Lots within the Telemark Park Resort.

Maximum Garage Area: Each Lot must contain a garage. The maximum allowable garage shall be 600 square feet per dwelling. Larger garage areas will be counted against the total Allowable Floor Area of the Dwelling.

Maximum Irrigated Landscape Area: The Preliminary and Final Plats for each Single Family Subdivision must show the maximum allowable irrigated area for each Lot. The irrigated area is that portion of the Lot which may be irrigated or planted in non-native plants using additional water. The actual irrigated area will be shown on the final plat, but will average 1,600 square feet on each Lot. Some drip irrigation of native and drought resistant plants may be done beyond this limitation. Notwithstanding any of the foregoing, the Telemark Park Resort Special Services District will establish water rate schedules penalizing excessive landscape watering.

Upper Story Restriction: Succeeding or higher stories of a dwelling must be no larger than 75% of the next lower story if that lower story is 50% or more above natural grade. In split-level designs such ratio is by reference to the floor directly below as opposed to the half-story.

Initial Construction Limitation: Initial Construction, defined as any construction occurring within 24 months of approval of a single family dwelling, shall not exceed 90% of the allowable maximum Dwelling Coverage or Floor Area. Subsequent approved construction may not exceed the maximum allowed.

Master Association Architectural Control Committee: Notwithstanding any of the foregoing, the Master Association Architectural Control Committee must approve all planned construction prior to any alteration of existing site conditions. The Telemark Park Resort Architectural Guidelines shall define this procedure, which regulates architecture, landscaping, siting, vegetation removal, thinning for firebreak, stormwater discharge and environmental guidelines. The standards and regulations of this Density Determination will be incorporated into the Subdivision Covenants, Conditions, and Restrictions for each Subdivision.

SINGLE FAMILY LOT COVERAGE TABLES

Lot Area Dwelling Increment (square feet)	Coverage Factor for Increment	Maximum Coverage in Square Feet	Total Coverage in Square Feet
For the first 11,000 sq. ft.	26% coverage	up to 2860	up to 2860
For the next 11,000 sq. ft. (11,001-22,000)	18% coverage	up to an additional 1980 sq. ft.	up to 4840
For the next 11,000 sq. ft. (22,001-33,000)	8% coverage	up to an additional 880 sq. ft.	up to 5720
For the next 11,000 sq. ft. (33,001-44,000)	4% coverage	up to an additional 440 sq. ft.	up to 6160
For Area above 44,001 sq. ft.	3%		

As an example of using the above Table, consider a 15,000 square foot lot: the Total Dwelling Coverage would be computed as follows: For the first 11,000 square foot of Lot area, a coverage of 26% applies. For the Lot Area above 11,001, a coverage factor of 18% applies. $26\% \text{ of } 11,000 = 2860 + 18\% \text{ of } 4000 (15,000 - 11,000) = 720$ for a total of 3580 square feet.

MAXIMUM SINGLE FAMILY LOT "OTHER IMPERVIOUS" COVERAGE GUIDELINES:

lot area increments (sq ft)	maximum other coverage %	maximum other coverage (sq ft)	maximum total other coverage (sq ft)
up to 11,000	15.0%	1650	1650
11,001-22,000	10.0 %	1100	2750
22,001-33,000	5.0%	550	3300
33,001-44,000	2.5 %	275	3575
44,001 +	2.0 %		

As an example of using the above Table, consider a 15,000 square foot lot: the total other coverage would be $15\% \text{ of } 11,000 = 1650 + 10\% \text{ of } 4000 (15,000 - 11,000) = 400$ for a total of 2050 square feet.

CUMULATIVE MAXIMUM SINGLE FAMILY LOT "TOTAL IMPERVIOUS" COVERAGE GUIDELINES: ("DWELLING" COVERAGE + "OTHER IMPERVIOUS" COVERAGE)

lot area increments (sq ft)	total dwelling coverage (sq ft)	total other coverage (sq ft)	total impervious coverage (sq ft)
up to 11,000	2860	1650	4510
11,001-22,000	4840	2750	7590
22,001-33,000	5720	3300	9020
33,001-44,000	6160	3575	9735
44,001 +			

As an example of using the above Table, consider a 15,000 square foot lot: the total impervious coverage would be the total of 3580 sq ft computed above and 2050 sq ft computed above for a total of 5630 square feet.

MAXIMUM SINGLE FAMILY LOT "FLOOR AREA" GUIDELINES:

lot area increments (sq ft)	maximum total floor area %	maximum total floor area (sq ft)	maximum total floor area (sq ft)
up to 11,000	45%	4950	4950
11,001-22,000	30%	3300	8250
22,001-33,000	15%	1650	9900
33,001-44,000	8%	880	10780
44,001 +	4%		

As an example of using the above Table, consider a 15,000 square foot lot: the total floor area would be 45% of 11,000 = 4950 + 30% of 4000 (15,000 - 11,000) = 1200 for a total of 6150 square feet.

F. COMBINATION OF LOTS

At Preliminary Plan submittal developer may reduce the total number of lots within a neighborhood by combination of lots. The resulting larger lots shall be allowed construction according to the formula in Tables above. In no event shall the foregoing allow developer to increase the total area of single family development or to increase the number of lots or total allowed construction.

Preliminary Plans for the first single family lots in the project shall contain, in form satisfactory to the County, Covenants for single family neighborhoods which contain provisions that:

Adjoining Lots may be combined if owned by one party. The

resulting parcel shall be treated as one lot for all further purposes and such combination shall be deemed permanent. No lots, once combined, may be subdivided. The owner shall be required to file a Notice of Combination with the Master Association which shall record such notice with the County Recorder prior to commencement of construction. (The ownership of adjoining Lots is not, by itself, evidence of combination or intent to combine, and combination is not deemed to have occurred unless and until a Notice of Combination has been recorded, or a structure built which crosses the common Lot boundary line.)

The resulting larger lot shall be allowed coverage, impervious area and dwelling size according to the tables preceding as 1 lot, not the sum of the allowed areas prior to combination.

The limits of disturbance area shall be revised by applying the ratio between the dwelling size allowed on the largest uncombined lot to the combined dwelling size allowed to the area of disturbance on the largest uncombined lot. The configuration of such area must meet all applicable setbacks and shall be subject to discretionary review by the Master Association Architectural Control Committee. Committee may disapprove the limits of disturbance based upon visual impact, vegetation impact and neighborhood compatibility. The Committee shall consider and rule upon such combinations prior to purchase if so requested.

Assessments by the Master Association shall be based upon a minimum per lot and an additional amount ratable to dwelling size, combined lots to be assessed as one (1) lot. No combination of Lots shall have the effect of increasing the assessment applicable to other Lots in the Subdivision which were not combined.

Dwellings in excess of 20,000 square feet of floor area must be approved by the Planning Commission on an individual basis.

G. SPECIAL GUIDELINES FOR TELEMAR HOLLOW LOT:

The Lot shown on the Concept Plan as the Telemar Hollow Single Family shall be subject to the following additional guidelines:

Driveway: The driveway shall be limited to 16' of graded width and 10' of pavement width. The limits of disturbance shall not exceed 32' feet measured horizontally.

Dwelling Height: The dwelling shall not break ridgeline as viewed from Jordanelle State Park Hailstone Marina Visitors Center by more than 12' and shall not exceed 24' from natural grade at any point.

Site Plan for limits of disturbance and driveway shall be submitted with final plan and be subject to discretionary review by County. Revegetation of all site cuts and fills shall conform to regulations established in Section VI, Sub-Sections L and M.

H. BUILDING HEIGHT.

Unless otherwise stated in regard to specific buildings or building locations, the following height standards shall apply within the Telemark Park Resort. Height is restricted on a neighborhood by neighborhood basis. Maximum height refers to the highest peak or ridge as measured vertically from natural grade at that point. Natural grade is defined as a plane formed by the corners of the dwelling prior to any excavation. The height regulations for specific sites are as follows:

(1) Lodge Condos at Village Center: Height shall be measured from the elevation of the finished grade at midpoint of building. The maximum height shall be 75 feet, consisting of not more than five levels. The building shall have a gable roof (a roof consisting of two inclined planes that meet at a ridge over the center of the building and slope down to the sidewalls) or a hip roof (a roof similar to a gable roof with a central ridge except that the roof slopes from the ridge to all outside walls), with the top level being partly located in the roof structure. The top level shall not cover more than 50% of the Building Footprint. The building must then step from such top level on both the ski hill side and the road side to avoid any vertical wall more than three levels in height.

(2) Commercial at Village Center: is to be contained within the Lodge Condo configuration.

(3) Little Baldy Ski Academy: Height shall be measured from finish grade at midpoint of building and shall not exceed 45 feet in height.

(4) Slalom Stadium: Height and capacity must be approved by county planner at preliminary plan submittal prior to final approval and construction.

(5) Telemark Hollow Cottages: Height shall be measured from natural grade and shall not exceed 28 feet.

(6) Roosevelt Gap Lodge: Height shall be determined from an on-site balloon flying to determine maximum height allowable yet not be visually obtrusive from the Deer Valley Plaza parking area. Maximum elevation of building is provisionally determined to be 7466 at roof peak until balloon flight and acceptance of height determination by County Planner.

(7) Little Baldy Village and St. Louis Village: Height shall be measured from the natural grade at midpoint of each building. The maximum height shall be 38 feet to midpoint of roof.

(8) Snowtop: The maximum height of these dwellings shall be 24' for perimeter lots, defined as the outer row of 1 lot depth on the southwest, south and east sides of the neighborhood, and 28 feet for all other lots, as measured from natural grade at any point in the dwelling.

(9) Single Family and Duplex Units: The maximum height of these buildings shall be 28 feet, except in certain areas where it shall be 24', as measured from designated natural grade at any point in the dwelling.

I. STANDARDS INCORPORATED INTO RECORDED COVENANTS.

The recorded covenants governing each portion of the Development shall establish specific guidelines, consistent with these standards, and reasonably acceptable to the County for final siting of buildings and roads; building bulk, form and height limitations; building materials, colors and textures; and building orientations for maximum solar access and energy conservation purposes. The Design Guidelines attached as Exhibit C will also be incorporated into the master Declaration Covenants, Conditions, and Restrictions for the Telemark Park Resort.

J. HANDICAPPED/ELDERLY ACCESS.

Access for the handicapped must be provided in all buildings open to or used by the general public.

K. PARKING AND LOADING REQUIREMENTS.

(1) General Parking Design Considerations. Each development site is required to provide its own parking, which shall be

under the control and ownership of the owners of that development site. All parking spaces shall be located on the same parcel as the building or use for which they are required. The Master Association Covenants, Conditions and Restrictions, or where appropriate, the neighborhood or condominium covenants shall address parking and include the following limitations:

No parking spaces shall be located within the setback area of a parcel boundary.

There shall be no parking of commercial vehicles with three or more axles in residential and accommodation parcels.

Service bays within the building or parking structure shall provide for maneuvering of service vehicles.

Underground parking clearance shall be a minimum of 8 feet high to accommodate vans and vehicles with ski racks. Driveways shall not exceed 15%, but should generally have a slope of less than 6%.

(2) Parking For Residential Uses.

Parking for residential uses is based on the size of the residential structure, as shown on the following table:

Parking Required for Residential Uses

unit type	number of bedrooms	number of covered spaces	total number off-street spaces
sf	1-5	2	4
sf	6	2	5
sf	7+	3	6+*
ac	1	1	1
ac	2	1	2
ac	3	1	2
ac	4+	2	3+*
lc	1-2	1	1
lc	3-4	2	2
lc	4+	2+*	2+*
th/c	1-2	2	2
th/c	3-4	2	4
th/c	4+	2	4+*

* where asterisked, one additional space for each two additional bedrooms

if housing unit sizes increase (in number of bedrooms) over proposals of the Application, the number of parking spaces shall increase in compliance with Section IV.K.2.a. Residential Parking above.

(3) Parking for Commercial Uses.

Parking for commercial buildings and uses shall be provided in the ratio of 5 spaces per 1000 square feet of commercial building area, which includes employee parking requirements.

(4) Parking for Recreational Uses.

Fifty (50) parking spaces shall be provided for the Alpine Ski Facility. Twenty (20) parking spaces shall be provided for the Trailhead serving Nordic skiing and summer trail use.

(5) Ski Academy Parking.

Ski Academy parking shall be provided in the ratio of 5 spaces per 1000 square feet of habitable building area, which includes employee parking requirements.

L. SITE PREPARATION, GRADING, AND RE-VEGETATION.

Prior to any construction or the issuance of any building permit, Developer shall comply with the following conditions:

(1) Geological Reconnaissance and Geotechnical Analysis.

The Report by Dames and Moore entitled Engineering Geology Reconnaissance and Geotechnical Study Telemark Park Proposed Development, dated December, 1988 and Amended July 13, 1989, is incorporated herein by reference. The recommendations of the above report are incorporated herein as conditions of this approval.

Notwithstanding the foregoing, Preliminary Plans shall be subject to site specific geotechnical review by the County and its consultants. Such plans shall show all proposed grading, cuts and fills.

Notwithstanding the foregoing, any building permits applied for in Telemark Park Resort shall conform to the specific geotechnical recommendations established for that site during Preliminary Review, and, in the absence of such recommendations shall be required to obtain such a site specific report.

(2) Site Preparation: Building Areas, and Trails.

The outlines of areas of site work shall be staked prior to beginning site clearing, grubbing or grading. All work areas shall be flagged including, but not limited to, access roads, storage areas, trails, buildings, utility corridors, road rights-of-way, building areas, and construction roads. Trees and vegetated areas which are within the defined areas and which are to be protected shall be encircled with snow fencing or other barriers of sufficient durability to last through a construction period. The County shall inspect and approve areas of site work prior to construction.

Methods of disposal of vegetative materials shall be approved by the County prior to any site work.

Stripped and stocked topsoil shall be seeded or protected by other erosion control methods acceptable to the County upon the earlier of: (i) 30 days after a stockpile is completed; or (ii) immediately, if a stockpile is completed between August 15th and the following May 1st.

A clearing, grubbing and grading specification which describes all operations, including, but not limited to, depth of root removal, dust control, temporary surface drainage

controls, seasonal phasing, and haul routes, shall be approved by the County prior to any site work.

Site clearing, grubbing and grading shall be phased according to County approved construction schedules.

(3) Site Grading, Drainage, and Erosion Control and Revegetation.

In order to minimize site disturbance, roadbeds shall be graded and stabilized prior to other site preparation.

Excavation or the extension of fill beyond the boundary of Disturbed Area is prohibited. Foundation construction shall be accomplished with precise cuts and fills.

Dust control measures approved by the County for work on-site and for haulage off-site shall be instituted to minimize fugitive dust problems.

Damage to trunks and roots of trees that are to be saved and soil compaction to root systems of such trees shall be avoided. Cuts, or fills over root zones of plants that are to be saved shall be avoided. Grading shall not be permitted within six feet of trees that are to be saved.

Utility lines shall be installed within road rights-of-way, under future trails, paths, or ski runs, or in areas otherwise unavoidably disturbed by construction. Trenches for utilities shall not be dug within the drip lines of trees that are to be preserved. If it is found absolutely necessary to route utility lines through undisturbed areas, the location of such lines shall require the advance approval of the County. If so approved, such areas shall be regraded after proper compaction of trenches and re-vegetated with native plant materials; seeded areas shall be protected with crimped straw, aspen mats or with another method approved by the County for erosion control.

Drainage diversions and structures shall be installed prior to any site disturbance in an affected drainage.

Graded surfaces shall not be left unprotected through the winter. All such surfaces shall be hydro-mulched or protected with crimped straw, aspen mats or with another method approved by the County. All disturbed slopes of 30% or greater longer than 12' as measured perpendicular to the contour shall be protected by dikes or perimeter diversions of a type, size, and location approved by the County.

In order to prevent loss of natural vegetation, the County may require installation of retaining structures where

the vertical differential at centerline of the finished road profile grade and the natural grade exceeds 25 feet. All retaining walls and structures proposed in the Application or other wise required by the County shall be constructed by Developer.

In order to protect natural vegetation and to minimize erosion, the horizontal cross section of the roadway limits of disturbance in excess of 100 feet shall require the approval of the County Planner.

All retaining structures proposed in the application or otherwise required by the County shall be the responsibility of and constructed by the Developer.

(4) Grading confined within parcel boundary.

All grading requirements of each development must be resolved within the property boundary.

Cuts and fills should be minimized and blended into the existing terrain.

No retaining walls shall exceed 10' in height without a step or horizontal break of at least 3'. Timber retaining walls are discouraged.

Slopes of cut and fill banks should be determined by soil characteristics for the specific site to avoid erosion and promote re-vegetation opportunities.

Maximum allowable slope shall be 2:1 (3:1 for mowable grass areas) unless stamped site specific geotechnical analysis allows steeper slopes.

The tops of cut slopes shall be rounded so as to blend with natural grade.

M. REVEGETATION & EROSION CONTROL POLICIES.

Preliminary Plans shall be required to show specific revegetation and erosion control plans for all disturbed areas within the Project. Such plans shall conform to the following minimum standards:

(1) Plant Materials & Application:

Plant materials shall be native to the area or adapted to non-irrigated conditions for the area planted. Seed mixes shall be varied for slope, aspect and soil type & cover. Seed mixes shall contain a minimum of 4 approved grass species and 2 approved legumes. Revegetation methods shall include an

application of approved seed mix on a prepared surface at a minimum of 30 lbs/acre PLS, with an organic mulch applied at a minimum of 2,000 lbs/acre.

(2) Revegetation of Ski Runs, Cut & Fill Slopes & Non-Irrigated Landscape:

Where disturbed, ski runs shall be revegetated to a minimum hydrologic cover of 50% within 3 growing seasons. Cut & fill slopes shall be revegetated to a minimum 30% hydrologic cover within 3 growing seasons except where the County approves a rock surface. Ski runs shall be revegetated with grass and herbaceous plants as opposed to shrubs, trees and woody species. Cut and fill slopes shall be seeded with grasses and legumes, but may also include shrubs, trees and woody species. Disturbed areas shall not be allowed to remain over winter, and shall be treated with seed and mulch within 8 weeks of disturbance or 4 weeks of finish grading. Preliminary Plans shall show revegetation plans and Final Plans shall show construction detail.

(3) Erosion Control:

Erosion shall be controlled in the long term by revegetation and permanent conveyance and detention structures. During construction and prior to the establishment of vegetation, erosion and sedimentation shall be controlled by means of silt fencing, straw bales, the construction of water bars directing sheet runoff into non-disturbed areas at regular intervals and the application of mulches and erosion control blankets as soon as possible after disturbance. Preliminary Plans shall show erosion control design, and Final Plans shall Show construction detail for such measures.

(4) Site Drainage:

The heavy snowfalls in the Telemark Park Resort area require special attention to drainage.

Preliminary plans shall be required to indicate how storm discharge from each parcel and any related improvements is directed so as to conform to the requirements of the Hansen Allen Luce Telemark Park Surface Water Runoff Control Conceptual Level Master Plan of December 1989. Such plans shall be subject to further review by Wasatch County for conformance to County Requirements.

Runoff from impervious surfaces such as roofs and pavement areas shall be collected and directed to drains.

Positive drainage of all public and private plaza and walkways is required. Drains should be full catch basins or trench drains. Balcony floor type drains are not acceptable.

VII. EMPLOYEE HOUSING

Developer shall be required to provide one employee housing unit for each 32 dwelling units and single family lots platted within the project, up to a maximum of 16 such units. Employee housing units are defined as units held permanently for rental on a monthly basis. Such units shall not be sold individually or converted to condominiums. Such units shall be approximately 1,000 square feet, must be located within the project, and must conform to all other requirements for residential construction in Telemark Park Resort.

Until such time that 16 such units have been constructed, Developer shall be required to show on each preliminary plan submission, the provision of one such unit for each 32 dwelling units.

VIII. RECREATION AMENITIES, OPEN SPACE, AND COMMON AREA MANAGEMENT

Within the Telemark Park Resort property there are a number of areas that have been reserved as Open Space Areas under this Density Determination. The management and ownership of these open space areas is an important consideration in the overall Density Determination, and is viewed as an essential amenity to the development sites. The following policies and regulations will apply to the use, ownership, and management of the open space areas:

A. OPEN SPACE OWNERSHIP.

(1) Forest & Woodland Preserve (F&WP):

Forest and Woodland Preserve shall be master common area owned by the Telemark Park Resort Master Association.

(2) District Roadways (RRW):

All district roadways shall be owned by the Telemark Park Resort Special Services District.

(3) Recreation and Forest Conservation:

Title to R&FC lands may be retained by Developer or conveyed to the Ski Academy, the Master Association or other parties capable of assuming the responsibilities attached thereto.

(4) Public Access:

Common areas within Telemark Park Resort will be private. The developer and the Master Association may allow public access to Recreation Amenities and may charge for such use. Such charges may have a differential between Master Association Members, Wasatch County Residents and the general public, but shall not otherwise discriminate against members of the general public. The common areas are not dedicated to the public.

(5) Open Space Covenant:

At the first Plat Approval or building permit, the Developer must record an open space covenant preserving open space areas from non-open space uses.

B. RECREATION AMENITIES.

(1) Recreation Amenities Defined:

The Recreation Amenity Exhibit, 1" = 200', dated July, 1991, is incorporated by this reference. Recreation Amenities shall be constructed in general conformance to the Exhibit in terms of location, dimensions and limits of disturbance. Specifications for Trails are contained on the referenced exhibit. Fixed structures shall be designed at Final Plan approval and may vary in terms of footprint, but shall conform to the Architectural Guidelines set out for the project. Variation from the exhibit shall be subject to approval by the County Planner, and may be denied if found to be inconsistent with the intent of this approval.

(2) Conformance to standards:

The development of all skier and other recreation amenities shall conform to:

Any inter-resort agreements for operations, maintenance, and construction.

AASHTO bridge construction and specifications.

Alpine Ski Facilities:

- 1 Ski Run not to exceed 5 acres total area.
- 1 Surface Ski Tow not to exceed 1100 ft length.

(b) Phase 1 Recreation Amenities:

Phase 1 Recreation Amenities shall be constructed or bonded for prior to the first plat approval or building permit issued.

Alpine Ski Facilities:

- 1 Detachable Platter Surface Tow, approximately 2,200 ft. length, approximately 750 skiers/hour @ 600 ft./minute.

4 Ski Runs, identified as Wedelin, Arlberg, Christiana and Game Trail on Master Plan. Approximately 20 skiable acres.

Snowmaking facilities adequate to cover 10 Acres.

25 Off-street parking spaces

Restroom facilities capable of serving 150 SAOT

Trails/Nordic Ski Facilities:

3 Miles of machine groomable Super Trail

3 Miles of Single Track Trail

12 Off-street parking spaces

Trailhead warming hut

(c) Phase 2 Recreational Amenities:

Phase 2 Recreational Amenities shall be constructed or bonded for prior to the platting of or the issuance of building permits for more than 50% of the residential units in the project.

Alpine Ski Facilities:

- 1 Double Chair Lift, approximately 3,400 ft. length, approximately 1200 skiers/hour @ 475 ft./minute.

4 Additional ski runs, 30 additional net skiable acres (8 total, 50 total acres).

20 Additional acres snowmaking (30 Total).

25 Additional off-street parking spaces (50 Total).

Restroom facilities capable of handling 500 SAOT.

Trails/Nordic Ski Facilities:

2 Additional miles machine groomable super trail (5 Total).

8 Additional off street parking spaces (20 Total).

Trailhead shop, 600 s.f. minimum.

Tennis Courts:

2 Regulation tennis courts @ Village Center.

(d) Optional Recreation Amenities:

Optional Recreation Amenities may be constructed by Developer, but shall not be required.

Alpine Ski Facilities:

20 Additional Acres Snowmaking (50 Total)

Spectator seating and parking for Special Events (subject to approval by County).

Trails/Nordic Ski Facilities:

3 Additional miles Super Trail (8 Total).

5 Additional Miles Single Track Trail (8 Total).

Additional commercial space @ Trailhead, up to 2,000 s.f..

Teahouse Restaurant and Trail Stations, up to 3,000 s.f..

Nordic Ski Jumps (subject to approval by County).

Sports/Fitness & Swimming:

Swimming Pool at Village Center

Sports/Fitness Center @ Village Center (to be deducted from approved commercial space).

(e) Association Common Area Recreation Facilities:

At Preliminary Plan Developer may apply, or after construction individual homeowners associations may apply to the County and the Master Association Architectural Control Committee for right to construct common area amenities such as tot lots, picnic facilities, single tennis courts, hot tubs, small pools, game areas etc.. Such facilities must be located within the common area of said Association, may not encroach upon Master Association Open Space and may be denied due to visual impact, environmental impact, or neighborhood incompatibility.

4. Recreation Amenity Ownership & Operation:

(a) Developer Primary Owner & Operator:

The Developer shall have primary ownership of and operating responsibility for major amenities. Developer may retain ownership to such amenities and operate them as for-profit businesses. The Maintenance Agreement will define methods by which ownership and operating responsibilities may be transferred to parties willing and capable of assuming the responsibilities attached thereto.

(b) Master Association May Own and Operate.

According to terms defined in the Maintenance Agreement the Master Association may be invited to operate and may receive title to some or all recreation amenities. The Master Association may elect not to operate such amenities, in which case the Abandonment Bonds shall be used to restore and/or stabilize the improvements. Under certain circumstances described in the Maintenance Agreement, the Master Association may not decline title to the R&FC lands.

(c) Recreation and Forest Conservation Lands:

Those lands shown on the Land Use Exhibit as Recreation and Forest Commercial shall be owned by the developer, the Master Association or other operator of the recreation amenities connected thereto. The parcels shown on the referenced exhibit may not be further divided or converted to other uses.

(d) Alpine Ski Facilities:

Alpine Ski Facilities, including the R&FC parcels to which they are attached, shall be owned by the Developer, Master Association or Operator of the facility as defined in the Maintenance Agreement. Owner may lease such facilities to a Concessionaire as defined in the Maintenance Agreement.

(e) Trails/Nordic Ski Facilities:

Trails and Nordic Ski Facilities, which include the R&FC parcels so designated as well as the Trail Easements over F&WP lands, shall be owned by the Developer, Master Association or Operator of such facilities as defined in the Maintenance Agreement. Owner may lease such facilities to Concessionaires as defined in the Maintenance Agreement.

(f) Other Recreation Amenities:

Individual Homeowner Associations shall own and operate all amenities located within their Common Area. Village Center Sports/Fitness, Swimming & Tennis facilities shall be owned and operated in the same fashion as the Ski Amenities.

(5.) Access to Recreation Amenities:

Homeowners, Residents and Guests of Telemark Park Resort shall enjoy access to all Recreation Amenities, but may be charged by the Owner or Operator of such amenities at rates no greater than those charged the general public. Developer or owner of such amenities shall be free to enter into agreements with the Master Association for special rates and access arrangements to such Amenities, and may exclude the general public or charge the general public higher rates. Such agreements may include payment of all fees by Master Association, and access to Homeowners, Residents and Guests controlled by the Master Association. Notwithstanding any of the foregoing, no method of exclusion shall be implemented which shall deny access at fair market rates to Homeowners, Residents and Guests of Telemark Park Resort. This shall not preclude the closure of specific trails from time to time for the purposes of the Ski Academy and its related uses for training, special events, as reasonably necessary or convenient for the purposes of the Academy.

(6.) Pre-Development Recreation:

Developer shall have the right to construct and operate the Recreation Amenities inventoried in Paragraph B.3(a) of this Section prior to application for preliminary approval or plat approval for the first phase of the Project, subject to the following conditions:

(a) Developer shall submit a Pre-Development Water Quality Plan for review and approval by the County's water quality consultants. County's consultants must review and approve plans for conformity to Telemark Park Resort Water Quality Control plan and non-degradation of off site water quality.

(b) Developer shall submit plans at 100 scale or better to the county showing: proposed construction, proposed limits of disturbance, proposed construction methods, proposed erosion control and revegetation, estimated cost of improvements, estimated cost of abandonment and bond or letter of credit for amount in excess of existing out of pocket fund. Such plans shall be subject to approval by the County Planner and Building Official, and staking shall be subject to inspection for conformance to plans prior to construction.

(c) Pursuant to such approval, Developer may apply for permits to operate a Nordic Skiing and Mountain Biking operation as a business with advertising to the general public.

(d) Developer is specifically prohibited from operating Alpine Skiing except on a private, non-advertised or club basis prior to Preliminary Approval.

(e) Developer must meet all other County and State requirements for any such operation, including health requirements. Sewage must be totally contained, must be handled by licensed waste operators, and may not be disposed of on site. It is contemplated that sewage would be handled by chemical toilet only.

(f) Warming Huts must be portable and may not exceed a total of three and total square footage of 400 feet.

(7.) Recreation Amenities Abandonment Plans & Bonds.

Final Plans shall contain abandonment plans for any recreation amenities proposed addressing steps and costs necessary to restore and stabilize the site to a nondegrading condition in the event that the recreation amenity is abandoned.

Excepting Pre-Development Recreation, Abandonment Bonds shall be posted prior to the construction of Recreation Amenities. The administration of such bonds shall be provided for in the Maintenance Agreement.

IX. MAINTENANCE AND ADMINISTRATION

A. MAINTENANCE AGREEMENT.

On or before the approval of the first plat or the issuance of the first building permit, with the exception of Pre-Development Recreation, Developer, Master Association and Special Services District shall execute and record, in form and substance satisfactory to the County, a Maintenance Agreement satisfying or containing each of the following:

(1) Each beneficiary, mortgagee, lienholder or other owner of interest in the property, of record as of the recording date of said Agreement, shall execute an agreement subordinating their interest to the Maintenance Agreement.

(2) Provisions for Maintenance and Abandonment Bonds which shall be posted by Developer in conformance to Maintenance and Abandonment Plans, and shall cover Recreation Amenities, Stormwater Conveyance and Water Quality Facilities.

(3) An Open Space Preservation Agreement covering the Forest and Woodland Preserve areas of the Property.

(4) Provisions for the operation and maintenance of the Recreation Amenities inventoried in Section VIII, in conformance to the following terms:

Developer or assigns shall operate and maintain the Amenities or lease them to entities capable of doing so.

In the event that Developer declines to operate any or all amenities, such failure shall be deemed an invitation to the Master Association to operate and maintain said amenities.

The Master Association shall have the right to choose not to operate said amenities, in which case the Developer shall be responsible to disassemble and restore said amenities to safe, stable conditions requiring no further maintenance. In the event that Developer fails to make such Restoration, the Abandonment Bonds shall be made available to the Master Association for such abandonment.

Nothing herein shall be construed to alter or displace the right of Developer to operate the Recreation Amenities, provided, however, that should Developer desire to resume operation of said Amenities after a period of operation by the Association it shall be

required to give 30 days notice, to reimburse the Association for any costs in excess of receipts which it incurred during such operation, plus a fair interest rate from the dates of such expenses.

The Recreation Amenity Operation Rights shall run with the land. Provisions shall be made in the Maintenance Agreement to prevent the enforcement of liens, mortgages, deeds of trust or other obligations of Developer from damaging, removing or dismantling Recreation Amenities (including but not limited to Ski Lifts).

(5) Recreation Amenity Abandonment Bonds:

The Maintenance Agreement shall contain provisions governing the administration of Abandonment Bonds. Abandonment Bonds are described in Section VIII.

(6) Water Quality Maintenance:

The Maintenance Agreement shall have provisions for the operation and maintenance of Stormwater Conveyance and Water Quality facilities:

After construction, three years of operation and inspection, Special Services District shall accept permanent maintenance and operation of such facilities.

Following construction, such facilities shall be inspected annually for a period of three years, after which they shall be inspected at five year intervals. Such inspection shall be defined in the Maintenance Agreement to the satisfaction of the County's Water Quality Consultant.

In the absence of seasonal or perennial streams discharging from the Property, Water Quality shall be monitored as follows:

At the outlet of the lowest detention basin, or above the Telemark Hollow culvert at U.S. Highway 40, whichever of the following measures is considered most reliable by County's water quality consultant shall be installed: Either a device capable of collecting water quality samples during storm events, which samples must be collected within 24 hours of an event, or a monitor connected to offices and caretaker dwelling which would signal the issuance of water from the detention basin so as to notify personnel to collect such samples on a 24 hour basis.

B. LEGAL STRUCTURE OF THE DEVELOPMENT.

(1) Developer's Responsibilities.

The Developer is defined as the Applicant or Applicant's assigns or successors in the surface estate of the Property. The Developer shall bear primary responsibility for conformance to the conditions in this Approval, for construction of all improvements as shall be required under Preliminary and Final Approvals, for the posting of all required bonds and securities, for the construction of Recreational Amenities in accordance with Section VIII of this approval and for such other requirements as may be imposed by Preliminary and Final Approvals.

(2) Telemark Park Resort Special Services District.

Wasatch County will assist and participate in the creation of a Special Services District (or districts) to be organized in conformance with appropriate Utah law to own, operate and maintain the water system and water rights, sanitary sewer collection and conveyance facilities, stormwater conveyance and water quality facilities, all non-county roads and right of ways and such other services and facilities as may be appropriate and permitted by applicable law.

(3) Telemark Park Resort Master Association.

A Utah non-profit corporation shall be organized in accordance with the Development Code as an owners association to own, operate and maintain all Master Common Area, to enforce the Covenants, Conditions & Restrictions, to enforce the Architectural & Environmental Guidelines and, if it chooses, certain Recreation Amenities. The Master Association must be constituted in a manner satisfactory to the County in the following respects:

(a) The Master Association must have the power to assess members of the association to carry out its necessary and intended purposes.

(b) Assessments and voting rights must be reasonable and fair, it must be bound by the maintenance agreement, its assessment liens must take precedence over all other liens excepting governmental entities, and it shall be governed by a fairly elected Board of Trustees.

(4) Sub-Associations.

Individual Condominiums, Lodges and/or neighborhoods may organize non-profit corporations or condominium owners associations under Utah law to own, operate & maintain sub--common area and enforce sub-covenants within certain areas. In the case of condominium ownership, an association of condominium owners will be formed as required by applicable law to govern the common areas of the condominium.

(5) Sale of Development Parcels.

It is anticipated that Applicant may, from time to time, sell some of the Development Parcels to third party Developers. The sale of development parcels within the Resort can occur only pursuant to approved Preliminary Plans and shall not relieve Developer of any responsibilities conditioned in this approval. Such parcels shall be entitled to rely upon the Density Determination and other development standards contained in this Order, provided that they will remain subject to final plan and review and all other Conditions of this approval. The owner of such Parcels shall become the Developer of that parcel, but shall not be the Developer of the Resort as defined hereunder. The conditions imposed and rights conferred by this Order are intended to run with the land.

C. OTHER APPLICABLE LAWS.

All additional applicable state and federal laws and regulations shall also apply to this project.

X. DURATION OF APPROVAL

The County's Development Code, has been amended November 21, 1984 to allow planned Recreation Developments to obtain a Density Determination that would last longer than two years. The amendments were approved November 21, 1984 and became effective with the publication date of December 4, 1986. The following are the ordinance changes made effective December 4, 1986:

1. Insert the following at the end of Section 9.3.C.2. (entitled "scope"):

Determining density standards applicable to a proposed development in accordance with the procedures set forth herein is in the nature of specifying the density characteristic of the zoning applicable to the property in such proposed development and is not in the

nature of granting approval of the proposed development itself or any part thereof. Approval to proceed with any portion of the proposed development is granted only as a plat or building permit relating to such portion is finally approved or issued in accordance with Steps 3 through 21 of Paragraph 9.1.D. of this Code. Except as expressly set forth therein or in the density standards established for a proposed development, all County ordinances, resolutions, rules, regulations, impact and development fees, and other charges shall apply to any portion of a proposed development as they exist at the time the plat or building permit relating to such portion is finally approved or issued in accordance with Steps 3 through 21 of Paragraph 9.1.D. of this Code. Once density standards applicable to a proposed development are established in accordance with the procedures set forth herein, and unless and until such standards are amended, suspended, or terminated in accordance with Section 9.3.C.7. thereof, (all design, engineering, construction, and development activities relating to the proposed development shall be in strict accordance with the Density Data for the proposed Development (and all of the designs, plans, plats, drawings, representations, requirements, terms, and provisions contained therein) as modified, conditioned, revised, or refined in accordance with the County Commission's findings and order establishing the density standards for the proposed development.)

2. Replace Section 9.3.C.i. (entitled "Step 9") with the following:

Step 9: Within thirty (30) days following the posting of the County Commission's findings and order, the developer shall prepare and cause to be recorded a form of Notice of Density Standards (satisfactory in form and substance to the County Attorney) containing (i) a property description of all parcels included in the proposed development with sufficient accuracy to enable proper recording and abstracting (ii) an incorporation by reference of all the conditions, restrictions, requirements, limitations, terms and provisions of said findings and order and a general summary thereof; (iii) the names and addresses of representatives of developer and County who can be contacted concerning the density standards; (iv) notice of any stipulations of the developer submitted to the County concerning the density standards and the fact that the density standards and any such stipulations bind present and future owners and mortgagees of any part of the proposed development; (v) such other matters as the Planning Commission staff and/or the developer deem to be appropriate or helpful; and (vi) the acknowledged signatures of all Owners of any

part of the proposed development. A draft of said notice prepared by the developer and a preliminary title report and color coded map reflecting the location and description of each parcel comprising a part of the proposed development shall be delivered by the developer to the Planning Commission staff at least two (2) weeks prior to the end of said thirty (30) day period. In the event the developer fails or refuses to prepare such Notice the County may prepare such Notice and cause it to be recorded at the developers expense and without the Signatures of such Owners. Such Notice shall be recorded to give notice to all persons now or hereafter interested in the proposed development. Upon completion of the foregoing Steps 1 through 8 and this Step 9, the developer shall proceed as set forth in Steps 3 through 21 of Paragraph 9.1.D.

3. Insert the following new Section 9.3.C.7.:

Amendment, Suspension, or Termination of Density Standards: Following the establishment of density standards for a proposed development in accordance with Paragraph 9.3.C., such density standards shall remain applicable to and shall bind all real property comprising a part of such proposed development as a portion of the zoning requirements for such property unless and until amended, suspended, or terminated in accordance with one or more of the following paragraphs a, b, and c.

a. **Amendment, suspension, or termination of density standards proposed by developer.** The density standards proposed for a particular development may be amended, suspended, or terminated by the developer again proceeding in accordance with Steps 1 through 9 of Paragraph 9.3.C. Any density data filed in an effort to seek such amendment, suspension, or termination shall contain title evidence satisfactory to the County disclosing all Owners of any portions of the development subject to the initial density standards, shall contain a written request for such amendment, suspension, or termination signed by all Owners of, and lien holders upon all portions of the development for which a final plat or plats have not therefore been recorded, or for which building permits have not been issued and all construction under such permits completed, and may rely upon those portions of the Density Data submitted in support of the initial density standards which are certified and warranted as still true and correct by all such Owners at the time of such amendment, suspension, or termination is requested. In conjunction with any amendment, suspension, or termination requested by the developer under this paragraph a., the Planning Commission and County Commission may consider and adopt

any other amendment, suspension, or termination of the density standards which they deem appropriate. The Planning Commission may recommend and the County Commission shall approve an order amending, suspending, or terminating the initial density standards if the developer proves by a preponderance of the evidence that the density standards for the development, as amended, suspended, or terminated, satisfy each of the requirements of Paragraph 9.3.C.5. and that the developer is in accordance with all of the conditions, restrictions, requirements, limitations, terms, and provisions of the density standards as so amended, suspended, or terminated.

b. Amendment, suspension, or termination by County or others. Because density standards are established in accordance with this Paragraph 9.3.C. constitute zoning characteristics for the property within a proposed development, such standards may be amended, suspended, or terminated in accordance with procedures set forth in Paragraph 5.6. of this Code for amending the zoning applicable to all properties situated in the County.

c. In accordance with the density standards. In the event of any breach of or default under any condition, restriction, limitation, term, or provision of the density standards applicable to a development, the County may pursue any rights or remedies set forth in the density standards with respect to such breach or default, may amend, suspend, or terminate the density standards under the foregoing paragraph b. or under any rights or remedies set forth in the density standards, and/or may pursue any other legal or equitable remedy to enforce compliance with such condition, restriction, limitation, term, or provision. The foregoing rights and remedies of the County shall be cumulative and may be pursued simultaneously or separately."

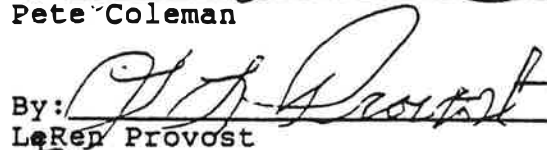
It is the intention of the County in entering this Order that the Density Determination have the maximum duration allowable under these Code amendments.

These Findings and this Order of Density Determination have been entered pursuant to the provisions of the Wasatch County Development Code this ____ day of _____, 1991.

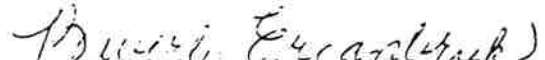
BOARD OF COUNTY COMMISSIONERS
WASATCH COUNTY, STATE OF UTAH

By: 
J. Moroni Besendorfer

By: 
Pete Coleman

By: 
LeRep Provost

Attest:


County Clerk

Attest:

County Clerk

ACCEPTANCE AND APPROVAL OF PROPERTY OWNER

Trans-Wasatch Company, a Utah corporation, as the successor to Park City Consolidated Mines Company, and the applicant before the County, hereby acknowledges its acceptance and consent to the conditions imposed by the foregoing Findings and Order of Density Determination entered by the Wasatch County Commission.

Dated this 20th of December, 1991.

TRANS WASATCH COMPANY

By: [Signature]
W. McKay Edwards
President

JOINDER BY LIEN HOLDER

Park City Consolidated Mines Company, a Utah corporation which holds the beneficial interest in a deed of trust covering the property that is subject to this application, hereby acknowledges the foregoing Order of Density Determination, and agrees that it will be bound by the terms and conditions of the Order, and will succeed to the burdens of the Developer under this Order in the event that it takes title or possession under the deed of trust.

Dated this 19th day of December, 1991.

Park City Consolidated Mines
Company,

By: [Signature]
Its: President

STATE OF UTAH)
COUNTY OF Wasatch)
~~SUMMIT~~

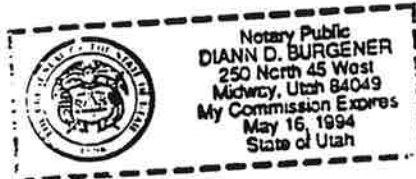
:SS

The foregoing instrument was acknowledged before me this 23 day of December, 1991 by .. Moroni Besendorfer, Pete Coleman, and LeRen Provost, who are the members of the Wasatch County Commission, and who executed the foregoing on behalf of Wasatch County.

Diann D. Burgener
Notary Public
Residing at: Midway, UT

Commission Expires:

5-16-94



:SS

STATE OF UTAH)
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 20 day of December, 1991 by H. McKay Edwards, who is the President of Trans-Wasatch Company, who executed the foregoing on behalf of that corporation with proper authority.

Rebecca D. LeVanger
Notary Public
Residing at: Summit County, Utah

Commission Expires:

7-7-92



STATE OF UTAH)

: ss

COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 19th day of December, 1991 by James Quiggley, who is the President of Park City Consolidated Mines Company, who executed the foregoing on behalf of that corporation with proper authority.

Rebecca D. Le Vanger
Notary Public
Residing at: Summit County, Utah

Commission Expires:

7-7-92

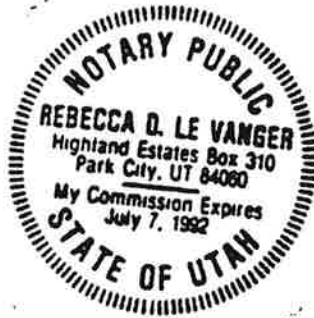


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EXHIBIT A, SITE MAP SHOWING DEVELOPMENT PARCELS

EXHIBIT B, LEGAL DESCRIPTION AND COMMITMENT FOR TITLE
INSURANCE

APPENDIX 1, DESIGN GUIDELINES

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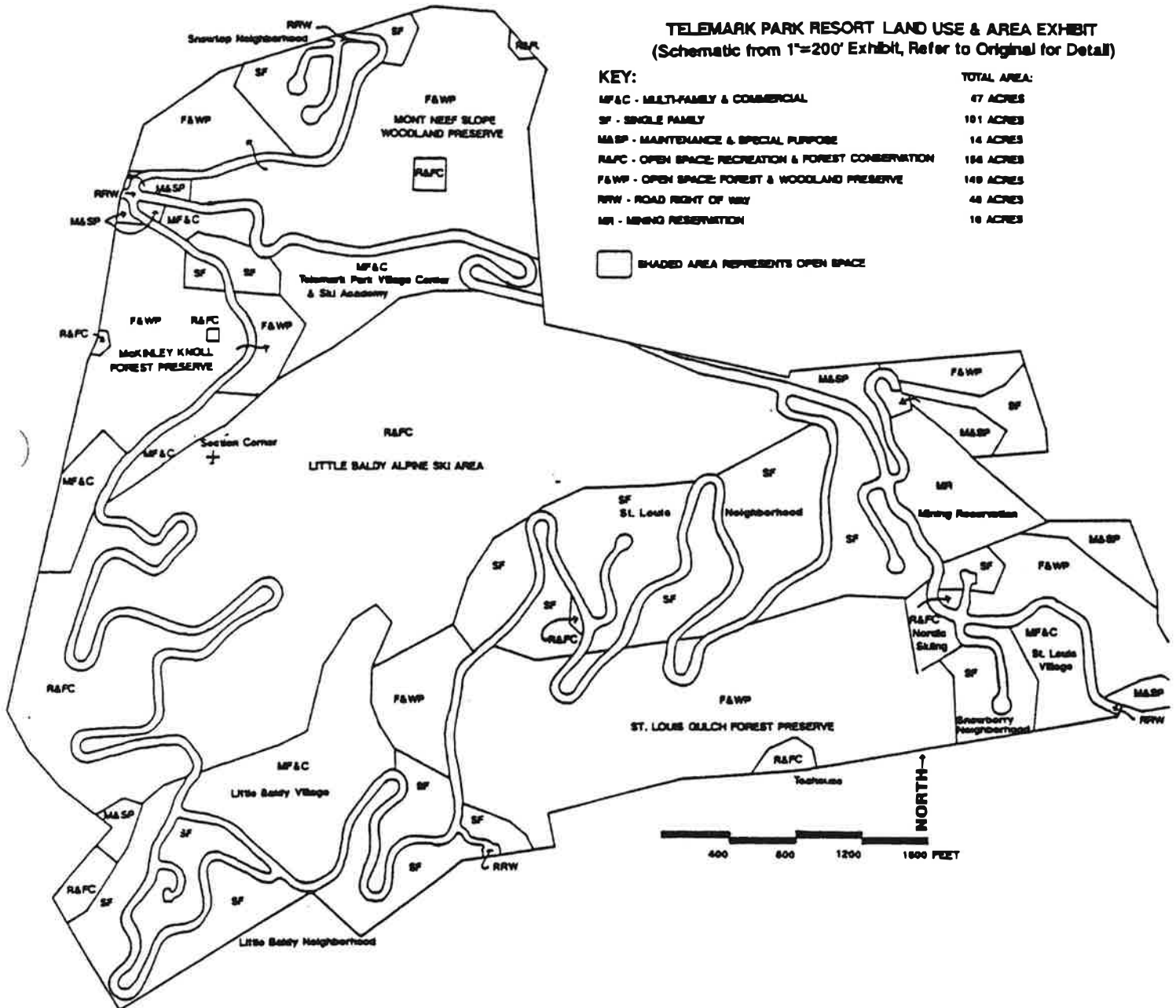
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LIST OF EXHIBITS

- EXHIBIT A LAND USE AND AREA EXHIBIT
- EXHIBIT B LEGAL DESCRIPTION OF PROPERTY,
TITLE REPORT
- EXHIBIT C DESIGN GUIDELINES

EXHIBIT A

LAND USE AND AREA EXHIBIT



T000019426

EXHIBIT B

LEGAL DESCRIPTION & TITLE REPORT

T000019427

COMMITMENT FOR TITLE INSURANCE

Trans-Wasatch Company
614 Main Street #206
Park City, Utah 84060
Becky

Order No. F-W-2

Re:

SECURITY UNION TITLE INSURANCE COMPANY

a California corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

Issued By:

Founders Title Company

1890 Bonanza Drive
Park City, Utah 84068-0845
Phone (801) 649-1945
From Salt Lake (801) 531-9606


Authorized Signature

ALTA COMMITMENT—1966

SECURITY UNION TITLE INSURANCE COMPANY

By:


President



By:


Secretary

T000019428

CONDITIONS AND STIPULATIONS

- The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to Paragraph 3 of these Conditions and Stipulations.
 3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
 4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

NOTE: The language contained in the printed Exclusions from Coverage and Conditions and Stipulations of the policy committed for may be examined by reference to forms on file in the office of the Department of Insurance or by inquiry at the office which issued this Commitment.

COMMITMENT FOR TITLE INSURANCE

FOUNDERS TITLE COMPANY

SCHEDULE A

File Number: F-W-2177

1. Effective Date: December 12, 1991 at 8:00 A.M.

2. Policy or Policies to be issued:

A. ☐ ALTA Owner's Policy, (4-6-90) ☐ Standard Coverage ☐ Extended coverage Amount \$
Premium \$

Proposed Insured:

B. ☐ ALTA Loan Policy, (4-6-90) ☐ Standard Coverage ☐ Extended coverage Amount \$
Premium \$

Proposed Insured:

C. Amount \$
Premium \$

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

fee simple

4. Title to the fee simple estate or interest in said land is at the effective date hereof
vested in:
TRANS-WASATCH COMPANY, a Utah Corporation

5. The land referred to in this Commitment is described as follows:

Situated in the County of Wasatch, State of Utah:

See Schedule C attached hereto, and by this reference made a part hereof.

SCHEDULE A

Commitment
Reorder Form No. 11143 Rev. 8/90

T000019430

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I

File Number: F-W-2177

Page: 3

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

B. **General Exceptions:**

- (1) Rights or claims of parties in possession not shown by the public records.*
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.*
- (3) Easements, or claims of easements, not shown by the public records.*
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
- (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.*
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*

*Paragraphs 1, 2, 3, 4, 5 and 6 will not appear as printed exceptions on extended coverage policies, except as to such parts thereof which may be typed as a Special Exception in Schedule B-Section 2.

C. **Special Exceptions:**

(See Schedule B-Section 2 beginning on next page)

Continued.

T000019431

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION 2

F-W-2177

File Number: _____

Special Exceptions:

1. Taxes for the year 1991 have been paid in the amount of \$374.11.
Tax Sidwell No. STA-0140.
2. Said property is included within the boundaries of WASATCH COUNTY FIRE PROTECTION DISTRICT, and is subject to the charges and assessments thereof.
3. Rights of way for any roads, ditches, canals, or transmission lines now existing over, under, or across said property.
4. Any and all outstanding oil and gas, mining and mineral rights, etc., together with the right of the proprietor of a vein or lode to extract his ore therefrom should the same be found to penetrate or intersect the premises, and the right of ingress and egress for the use of said rights.
5. A perpetual easement and right of way for the erection and continued maintenance, repair, alteration, and replacement of the electric transmission, distribution and telephone circuits of the Grantee, and 3 guy anchors, two 2-pole towers and seven single poles, with the necessary guys, stubs, cross-arms and other attachments thereon, or affixed thereto, for the support of said circuits, to be erected and maintained upon and across the land described herein, executed by Park City Consolidated Mines Company, a Corporation doing business in the State of Utah, in favor of Utah Power and Light Company, a Corporation.
6. A Right of Way and Easement thirty feet in width to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes and other gas transmission and distribution facilities (hereinafter collectively called "Facilities") through and across the property described herein,

as shown by that certain Right of Way and Easement Grant recorded August 11, 1964 as Entry No. 86293 in Book 49 at pages 219-220 of Official Records, executed by Park City Consolidated Mines Company in favor of Mountain Fuel Supply Company.
7. A Memorandum of Mineral Lease recorded February 20, 1981 as Entry No. 122316 in Book 130 at pages 596-606 of Official Records, executed by Park City Consolidated Mines Co., a Utah Corporation, to Noranda Mining Inc., a Delaware Corporation.

The effect of that certain Affidavit recorded November 30, 1989 as Entry No. 150593 in Book 214 at pages 90-96 of Official Records. (See attached copy for further recitals.)
8. The effect of that certain Quit Claim Deed recorded June 5, 1985 as Entry No. 135597 in Book 172 at page 276 of Official Records, and executed by Keetley Water Company in favor of Park City Consolidated Mines Company, a Utah Corporation.

Continued.

COMMITMENT FOR TITLE INSURANCE
CONTINUATION

SCHEDULE "B"

File Number: F-W-2177

Commitment Number: _____

9. UNRECORDED UNIFORM REAL ESTATE CONTRACT
Seller: Park City Consolidated Mines Company
Purchaser: Trans-Wasatch Company
Dated: October 1, 1990
as shown by:

NOTICE OF CONTRACT

Recorded: November 29, 1990
Entry No.: 154209
Book/Page: 224/166

See Attached copy for further recitals.

NOTE: Judgments were checked as to Trans-Wasatch, and none were found of record.

Inquiries regarding this commitment should be directed to:

KEVIN DI STEFANO
TAMI CLEGG

COMMITMENT FOR TITLE INSURANCE

SCHEDULE C

F-W-2177

File Number: _____

The land referred to in this Commitment is described as follows:

As to that portion of the following mining claims located in Wasatch County:

The Roosevelt and Roosevelt No. 2 Lode Mining Claim U.S.M.S. No. 6645, situated in the Blue Ledge Mining District, Wasatch County, State of Utah.

The McKinley No. 1, Mc Kinley No. 2, Mc Kinley No. 3, and Mc Kinley No. 4 Lode Mining Claims, U.S.M.S. No. 6645, situated in Blue Ledge Mining District, Wasatch County, State of Utah.

The Mountain Neef, being Survey No. 6798, situated in the Blue Ledge Mining District, Wasatch County, State of Utah.

Dewet #1, Dewet #2, Dewet #3, Dewet #4, Kruger #1, Kruger #2, Kruger #3, Kruger #4, Old Missouri Lode Mining Claims, designed by the Surveyor-General as Lot No. 5161, situated in the Blue Ledge Mining District, Wasatch County, State of Utah.

Rucker #1, Rucker #2, Fred Williams #1, Fred Williams #2, Hanna Lode #1, Hanna Lode #2, Dieter, Schuyler and Sommer Lode Mining Claims designed by the Surveyor General as Lot No. 5166, situated in the Blue Ledge Mining District, Wasatch County, State of Utah.

Silver and Last Chance Lode, Galena, Gilt Edge, Park City Consolidated #3, Park City Consolidated #4, Park City Consolidated #22, Park City Consolidated #31, designated as U.S. Mineral Survey No. 6867, situated in Blue Ledge Mining District, Wasatch County, State of Utah.

Queen Esther #1, Queen Esther #2, Queen Esther #3, Queen Esther #6, and Queen Esther #1 designated as Survey No. 6979, situated in the Blue Ledge Mining District, Wasatch County, State of Utah.

T000019434

SCHEDULE C

Commitment

Recorded in Book No. 11174

PAGE () INDEX () ABSTRACT () PLAT () CHECK ()

When Recorded Return to:
Park City Consolidated Mines Company
c/o Corporate Secretary
P. O. Box 497
Park City, Utah 84060

ENTRY NO. 154209 DATE 11-27-90 TIME 10:56 FEE \$13.00
RECORDED FOR CONVEYANCE TITLE BOOK 234 PAGE 1169
IN UTAH BY USA SECURITIES

NOTICE OF CONTRACT

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, PARK CITY CONSOLIDATED MINES COMPANY,
a Utah Corporation, HEREBY GIVES NOTICE:

That we have sold the property hereinafter described pursuant to the terms of a Real Estate Sales Contract dated October 1, 1990 wherein TRANS-WASATCH COMPANY, a Utah Corporation appears as Buyer and to which reference is hereby made for the complete terms and conditions of sale. Said agreement is made with respect to certain real property located in Wasatch County, State of Utah, particularly described as follows to-wit:

Beginning at a point on the Summit-Wasatch County line, said point is located South $0^{\circ}30'11''$ West 5482.77 feet along the section line and East 4743.36 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the County Line the following 16 courses: 1) North $41^{\circ}02'08''$ East 549.09 feet; thence 2) North $51^{\circ}35'50''$ West 408.17 feet; thence 3) North $40^{\circ}47'43''$ West 296.74 feet; thence 4) North $26^{\circ}08'13''$ West 279.53 feet; thence 5) North $12^{\circ}53'14''$ East 499.61 feet; thence 6) North $12^{\circ}51'25''$ East 724.39 feet; thence 7) North $11^{\circ}18'39''$ East 801.35 feet; thence 8) North $28^{\circ}29'27''$ East 214.25 feet; thence 9) North $8^{\circ}43'41''$ East 906.05 feet; thence 10) North $17^{\circ}33'57''$ East 446.92 feet; thence 11) North $55^{\circ}26'54''$ East 454.52 feet; thence 12) North $61^{\circ}48'14''$ East 133.55 feet; thence 13) North $73^{\circ}02'55''$ East 812.81 feet; thence 14) North $73^{\circ}11'51''$ 485.08 feet; thence 15) South $85^{\circ}09'01''$ East 382.13 feet; thence 16) South $43^{\circ}00'37''$ East 488.15 feet; thence along the east line of the Queen Esther No. 3 Mining Claim (MS 6779) South $18^{\circ}31'58''$ West 333.29 feet; thence along the West line of the Mountain Neef No. 5 Mining Claim (MS 6798) South $5^{\circ}39'38''$ East 573.77 feet; thence along the West line of the Mountain Neef No. 3 Mining Claim South $5^{\circ}26'45''$ East 627.94 feet; thence along the south line of the Mountain Neef No. 3 Mining Claim South $77^{\circ}30'43''$ East 1500.74 feet; thence along the east line of the Mountain Neef No. 3 Mining Claim North $5^{\circ}26'43''$ West 28.39 feet; thence along the North line of the Mountain Neef Mining Claim North $84^{\circ}33'15''$ East 1386.12 feet; thence along the right-of-way line of US 40 South $18^{\circ}46'46''$ East

Excepting therefrom the following 5 parcels:

Exception #1 (McKinley East of County Line)

Beginning at a point on the North Line of the McKinley Mining Claim (MS 6645) and on the Summit-Wasatch County Line, said point being South $00^{\circ}30'11''$ West 1203.97 feet along the section line and east 5121.79 feet more or less from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the North line of the McKinley Mining Claim South $85^{\circ}42'00''$ East 400.24 feet; thence along the east line of the McKinley Mining Claim South $4^{\circ}18'00''$ West 600.00 feet; thence along the South line of the McKinley Mining Claim North $85^{\circ}42'00''$ West 458.40 feet; thence along the Summit-Wasatch County Line North $8^{\circ}43'41''$ East 527.66 feet; thence along the Summit-Wasatch County Line North $17^{\circ}33'57''$ East 75.94 feet to the point of beginning.

Exception #2 (Roosevelt No. 1 Mining Claim)

Beginning at the Northwest corner of the Roosevelt No. 1 Mining Claim (MS 6645), said point being South $00^{\circ}30'11''$ West 1832.31 feet along the section line and East 5481.43 feet more or less from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the North line of the Roosevelt No. 1 Mining Claim South $85^{\circ}42'00''$ East 1500.00 feet; thence along the east line of the Roosevelt No. 1 Mining Claim South $4^{\circ}18'00''$ West 600.00 feet; thence along the South Line of the Roosevelt No. 1 Mining Claim North $85^{\circ}42'00''$ West 1500.00 feet; thence along the West line of the Roosevelt No. 1 Mining Claim North $4^{\circ}18'00''$ East 600.00 feet to the point of beginning.

Exception #3 (Roosevelt No. 4 less MS 5166)

Beginning at the Northwest corner of the Roosevelt No. 4 Mining Claim (MS 6645); said point being South $00^{\circ}30'11''$ West 3000.53 feet along the section line and East 5021.79 feet more or less from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the north line of the Roosevelt No. 4 Mining Claim South $85^{\circ}42'00''$ East 1500.00 feet; thence along the east line of the Roosevelt No. 4 Mining Claim South $4^{\circ}18'00''$ West 437.42 feet; thence along the North line of the Dieter and the Schuyler Mining Claims (MS 5166) South $74^{\circ}25'00''$ West 478.02 feet; thence along the south line of the Roosevelt No. 4 Mining Claim North $85^{\circ}42'00''$ West 1050.48 feet; thence along the West line of the Roosevelt No. 4 Mining Claim North $4^{\circ}18'00''$ East 600.00 feet to the point of beginning.

Exception #4 (BLM Fraction North)

Beginning at a point on the North line of the Roosevelt Mining Claim (MS 6645) and on the East Line of the Queen Esther No. 11 Mining Claim (MS 6979), said point being South 00°30'11" West 1269.25 feet along the section line and East 5990.53 feet more or less from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the north line of the Roosevelt Mining Claim South 85°42'00" East 414.97 feet; thence along the south line of the Queen Esther No. 6 Mining Claim North 67°49'00" West 402.56 feet; thence along the east line of the Queen Esther No. 11 Mining Claim South 18°45'00" West 127.66 feet to the point of beginning.

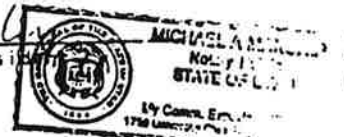
Exception #5 (BLM Fraction South)

Beginning at a point on the East line of the Hanna Lode Mining Claim (MS 5166) and the South Line of the Schuyler Mining Claim (MS 5166), said point is located South 0°30'11" West 5156.19 feet along the section line and East 6294.91 feet more or less from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of the Schuyler Mining Claim North 74°15'00" East 99.87 feet more or less; thence along the North Line of the Sommer Mining Claim (MS 5166) South 52°50'00" West 97.07 feet more or less; thence along the east line of the Hanna Lode Mining Claim North 30°46'00" West 36.70 feet more or less to the point of beginning.

Dated October 1, 1990

Park City Consolidated Mines Company

BY: James Quigley
James Quigley, President



State of Utah)

County of Salt Lake)

On the 19 day of November, 1990, personally appeared before me JAMES QUIGLEY, who by me being duly sworn, did say that he the said JAMES QUIGLEY, is the President of PARK CITY CONSOLIDATED MINES COMPANY, a Utah Corporation; and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said JAMES QUIGLEY duly acknowledged to me that said corporation executed the same.

Michael A. Manship SLCLH
Notary Public, Residing at:

My Commission expires:

OST 40032916

ENTRY NO. 154210 DATE 11-29-90 TIME 1:03 P.M. FEE 9.00

PMT.

T000019439

ENTRY NO. 150593 DATE 11-30-89 TIME 1:30 FEE 28.00
RECORDED FOR FIRST AMERICAN TITLE BOOK 214 PAGE 90-916
RECORDER JOE DEAN HUBER BY BRUCE BAILEY
AFFIDAVIT

of Utah, as Trustee, under
in
1984 County Recorder,
warranty, to the person or
on Deed, which Trust Deed

STATE OF UTAH)
COUNTY OF SUMMIT)

PAGE (X) INDEX () ABSTRACT () PLAT () CHECK ()

Comes now H. MCKAY EDWARDS, who after being duly sworn, deposes and says:

That I am of legal age and in all respects competent to make this Affidavit;

That I was Corporate Secretary of Park City Consolidated Mines Company in 1982 and am now President of Park City Consolidated Mines Company;

That I am well and truly acquainted with Gordon Scott, President of Park City Consolidated Mines Company in 1982 and Richard J. Fanning, President of Noranda Mining Inc. in 1982;

That I know of my own knowledge that that certain Memorandum of Mineral Lease recorded in Wasatch County on February 20, 1981 as Entry No. 122316 in Book 138 at Pages of 596-606 of the official records of Wasatch County and recorded in Summit County on February 20, 1981 as Entry No. 176586 in Book 180 at Pages 255 through 265 of the official records of Summit County, executed by Park City Consolidated Mines Co., a Utah Corporation to Noranda Mining Inc., a Delaware Corporation has been dissolved and a settlement agreement concerning Noranda Mining Inc.'s development commitment was reached in August of 1982, and therefore the Lease Agreement is no longer in effect;

That the letter marked as Exhibit "A" attached hereto and by reference made a part hereof is the true written acknowledgement of said settlement agreement;

That this Affidavit is given in support of the record legal encumbrances of the property described in Exhibit "B" attached hereto and by reference made a part hereof;

That the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and that said corporation executed the same.

Further Affiant sayeth not.

Park City Consolidated Mines Co.

By H. McKay Edwards
President

On the 13th day of November, A.D. 1989, appeared before me H. McKay Edwards, who after being duly sworn, did say that he is the said H. McKay Edwards is the President of PARK CITY CONSOLIDATED MINES CO. and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said H. McKay Edwards duly acknowledged to me that said corporation executed the same.

My Commission expires:
7-7-92

Rebecca B. LeVanger
Notary Public, Residing at:

Park City, Utah



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North 323.6

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ike City, Utah

noranda

Noranda Mining Inc.
Suite 220
986 Atherton Drive
Salt Lake City, Utah 84107

EXHIBIT "A" ATTACHED TO AND FORMING A PART OF THAT CERTAIN
AFFIDAVIT EXECUTED BY H. MCKAY EDWARDS DATED NOVEMBER 12, 1980

August 20, 1982

Park City Consolidated Mines Company
1725 Beneficial Life Tower
36 South State Street
Salt Lake City, Utah 84111

Re: Development Commitment Under December 15, 1980
Mineral Lease

Gentlemen:

This letter when counter-signed by you will serve as written acknowledgement of the settlement agreement reached between Noranda Mining, Inc., a Delaware corporation and Park City Consolidated Mines Company, a Utah corporation, concerning Noranda's development commitment pursuant to the December 15, 1980 Mineral Lease between the parties.

Pursuant to paragraph 5 of that lease, Noranda agreed to perform or cause to be performed exploration and development work on the claims in a minimum amount of \$1,000,000 during the first three years of the lease. Paragraph 3(a) allowed Noranda, upon 90 days prior written notice, to surrender or terminate the lease and be relieved of all further obligations except for the obligations accruing prior to or by reason of the termination. Noranda has so terminated the lease.

Paragraph 3(a) further provides, however, that Noranda's \$1,000,000 minimum development work obligation shall not be extinguished upon termination of the lease within the first three years, but that Noranda may at its option complete the unfinished portion of the commitment or pay to Park City Consolidated Mines Company a sum equal to the amount not spent. Noranda's records indicate that it expended \$892,000 on development work prior to termination of the lease.

In full consideration and release of all claims and obligations arising or imposed by paragraphs 5 and 3(a) discussed above, the parties have agreed that Noranda will pay to Park City Consolidated Mines Company the amount of \$50,000 upon Park City Consolidated Mines Company's acceptance and written

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EXHIBIT "A"

(Attached to and made a part of Memorandum of Mineral Lease
dated effective as of December 15, 1980 from Park City Consolidated
Mines Co. to Noranda Mining, Inc.)

MINING CLAIMS

1. The following patented lode mining claims located in T.2
S., R.4 E., S.L.B. & M., Summit and/or Wasatch Counties, Utah:

<u>Name of Claim</u>	<u>Survey No.</u>	<u>Recording Data</u> <u>(Book/Page/County)</u>	<u>Section(s)</u>
1. McKinley #1	6645	137/218 (Wasatch)	15
		M174/128 (Summit)	
2. Roosevelt	6645	137/214 (Wasatch)	14, 15
3. Roosevelt #2	6645	137/214 (Wasatch)	14, 15, 22, 23
4. McKinley #2	6645	137/218 (Wasatch)	15, 22
		M174/128 (Summit)	
5. McKinley #3	6645	137/218 (Wasatch)	22
		M174/128 (Summit)	
6. McKinley #4	6645	137/218 (Wasatch)	22
		M174/128 (Summit)	
7. Park City Con#3	6867	10/170 (Wasatch)	22
		F/436 (Summit)	
8. Park City Con#4	5887	10/170 (Wasatch)	22, 23
9. Park City Con#22	6867	10/170 (Wasatch)	14, 23
10. Gilt Edge	6867	10/170 (Wasatch)	14
11. Galena	6867	10/170 (Wasatch)	14
12. Park City Con#31	6867	10/170 (Wasatch)	14
13. Silver	6867	10/170 (Wasatch)	14
14. Last Chance	6867	10/170 (Wasatch)	14, 15
15. Mountain Neef	6798	10/34 (Wasatch)	14
16. Fred Williams #1	5166	10/167 (Wasatch)	22, 23
		F/422 (Summit)	
17. Fred Williams #2	5166	10/167 (Wasatch)	23
18. Schuyler	5166	10/167 (Wasatch)	22, 23
19. Dieter	5166	10/167 (Wasatch)	23
20. Rucker #1	5166	10/167 (Wasatch)	22, 23
		F/422 (Summit)	
21. Hanna Lode #1	5166	10/167 (Wasatch)	22, 23
22. Hanna Lode #2	5166	10/167 (Wasatch)	23
23. Sommer	5166	10/167 (Wasatch)	23
24. Dewet #1	5161	0/463 (Wasatch)	23
25. Dewet #2	5161	0/459 (Wasatch)	23
26. Dewet #3	5161	0/459 (Wasatch)	23
27. Dewet #4	5161	0/463 (Wasatch)	23
28. Kruger #1	5161	0/463 (Wasatch)	23, 24
29. Kruger #2	5161	0/459 (Wasatch)	23, 24
30. Kruger #3	5161	0/459 (Wasatch)	14, 23
31. Kruger #4	5161	0/463 (Wasatch)	23, 24

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on lines 1-2 of said lode to its intersection with the East boundary of Lot 27, Section 22, in Township 2 South of Range 4 East of the Salt Lake Meridian; thence South 0°52' East 103.8 feet on said east boundary of Lot 27 to its intersection with a line bisecting the angle between lines 1-4 Survey No. 4570 Deer Valley East lode and lines 1-2 extended of Survey No. 5166 Fred Williams No. 1 lode; thence South 24°57' East 1371.3 feet on said bisecting line to its intersection with lines 2-1 Survey No. 6741 Antelope lode; thence North 59°18' East 189.4 feet on said lines 2-1 to its intersection with lines 1-2 Survey No. 5166 Hanna Lode No. 1 lode; thence North 30°42' West 1112.8 feet on said lines 1-2, and on lines 1-2 Survey No. 5166 Rucker No. 1 lode to corner No. 1 Survey No. 5166 Fred Williams No. 1 lode the place of beginning.

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EXHIBIT "D"

(Attached to and made a part of Memorandum of Mineral Lease dated effective as of December 15, 1980 from Park City Consolidated Mines Co. to Noranda Mining, Inc.)

FISHER TUNNEL RIGHT
AND
ASSOCIATED MINING CLAIMS

1. All right, title and interest of Lessor in and to the following described land located in Section 13, T. 2 S., R. 4 E., S.L.B.&M., Wasatch County, Utah:

The Southeast quarter of said Section 13, lying East-erly of the right of way of the Union Pacific Railroad Company, as it pertains to the exclusive right to perpetually use, for the purpose of conducting mining operations only, a five acre tract of land situated in the S24 and more particularly described as follows: Beginning at the corner stake common to corners of Sections 13 and 24, in Township 3 South, Range 4 East, and to corners of Sections 18 and 19, in said Township and Range; thence North 65° West 1530 feet to center of 5 acre tract, and probable portal-site of tentative tunnel. Said five acre tract of land will embrace the north slope of the gulley, or ravine, that bisects the 'horseshoe bend' of the Union Pacific Railroad tracks and will adjoin the tracks on the east side of the railroad.

2. All right, title and interest of Lessor in and to the following described unpatented lode mining claims located in Section 13, T. 2 S., R. 4 E., S.L.B.&M., Wasatch County, Utah:

<u>Name of Claim</u>	<u>Date of Location</u>	<u>Recorded</u> <u>(Book/Page)</u>	<u>UMC No.</u>
1. Ontario	August 19, 1980	135/450 (Wasatch)	224667
2. St. Louis	August 19, 1980	135/451 (Wasatch)	224668
3. Mt. Neef 6	September 3, 1980	135/447 (Wasatch)	226521
4. Mt. Neef 7	September 3, 1980	135/448 (Wasatch)	226522
5. Mt. Neef 8	September 3, 1980	135/500 (Wasatch)	226523

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SETTLEMENT AGREEMENT

BY AND BETWEEN

**PARK CITY CONSOLIDATED MINES COOMPANY,
a Utah corporation,**

**TRANS-WASATCH COMPANY, L.L.C.,
a Utah limited liability company,**

AND

**PARK CITY MUNICIPAL CORPORATION,
a political subdivision of the State of Utah**

DATED: DECEMBER 29, 1995

SETTLEMENT AGREEMENT

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EXHIBIT "V"	--	MAINTENANCE RESTRICTIVE COVENANT
EXHIBIT "W"	--	CRASH GATES
EXHIBIT "X"	--	SPECIAL WARRANTY DEED (Emergency Utility Road)
EXHIBIT "Y"	--	RESTRICTIVE COVENANT (Controlled Access Gates)

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is entered into as of this _____ of December, 1995, by and between PARK CITY CONSOLIDATED MINES COMPANY, INC., a Utah corporation, TRANS-WASATCH COMPANY, L.L.C., a Utah limited liability company (the "Property Owners") and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah ("Park City").

RECITALS

A. The Property Owners own or control a total of approximately 678 acres of real property more particularly described in Exhibit "A" (the "Property").

B. Park City is named in a legal action filed by the Property Owners in Trans-Wasatch Company, et al. v. Park City Municipal Corporation, Civil No. 930390001, which was originally filed in the Third Judicial District Court, Summit County, State of Utah, on September 10, 1993 (the "Action"). The parties also have additional disputes as of this date that are not alleged in the Action, but which the parties intend to resolve by this Agreement.

C. Without conceding or waiving their respective positions, the parties desire to settle all of their outstanding disputes and to redefine certain rights and obligations between them.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

I.

PURPOSE AND INTENT

1.1 The purpose and intent of this Agreement is to provide a framework for the resolution of all outstanding issues and disputes between the parties. This framework, by necessity, makes the full force and effect of this Agreement contingent upon the happening of certain events within the discretion of non-party jurisdictions. The only obligation or representation created upon signing this Agreement is that, upon the deposit into escrow of the building permit referenced in Section 4.5, Property Owners shall diligently pursue and attempt to accomplish the following succession of events as more fully set forth: (a) an amended density determination as outlined in the Development Section of this Agreement (Section V), also defined herein as the Amended Telemark Park Resort, or an amended density determination acceptable to each of the parties; and (b) the abandonment and/or vacation of Keetley Road within the Property. Once both of these events occur, all further contract rights and obligations set forth herein shall vest. Similarly, if either one of these events does not occur, then the remaining obligations, releases and representations contained in this Agreement shall have no force and effect.

1.2 The parties intend that upon completion of the conditions precedent described in Section 1.1, and (a) the installation of temporary gates across Keetley Road, (b) dismissal of the Action with prejudice, and (c) the release of the building permit to improve and pave Keetley Road to the Property Owners, Property Owners shall have the right to use Keetley Road as vehicular access to the development anticipated herein in accordance with the terms and conditions set forth in this Agreement.

II.

THE PROPERTY

2.1 The legal description of the Property, which is the subject of this Agreement, is attached hereto as Exhibit "A" and incorporated into this Agreement by reference. No property may be added to the legal description for purposes of this Agreement without the express written consent of the parties.

2.2 It is understood and acknowledged by the parties that the Property straddles the Wasatch County and Summit County lines and both penetrates and abuts the Park City Municipal Corporation boundary. A portion of the Property lies within Park City city limits, and another portion of the Property lies within the annexation boundary of Park City. Of the approximately 678 acres, 524 acres lie within unincorporated Wasatch County, approximately 84 acres lie within unincorporated Summit County, and approximately 70 acres lie within the Park City Municipal Corporation city limits.

III.

DEFINITIONS

The following terms shall be used throughout this Agreement and, unless specified otherwise, have the following meanings:

3.1 **Property Owners.** The term Property Owners shall mean and refer to Park City Consolidated Mines Company, a Utah corporation, and Trans-Wasatch Company, L.L.C., a Utah limited liability company, as well as the assigns, successors, purchasers and/or transferees of these companies. The term Property Owners shall also mean and refer to the past, present and future officers, directors, shareholders, agents, employees and attorneys of Park City Consolidated Mines Company and Trans-Wasatch Company, only to the extent that it is legally permissible for these companies, acting through their authorized officers or directors, to individually bind or represent such persons or entities.

3.2 **Park City.** The term Park City shall mean and refer to Park City Municipal Corporation, a political subdivision of the State of Utah, its past, present and future members of its City Council, Mayor, City Manager, City Attorney, staff, employees and agents, both personally and in their professional capacities.

3.3 **1991 Density Determination.** The term 1991 Density Determination means and refers to the Wasatch County density determination for the Wasatch County portion of the Property filed in 1991 under Wasatch County Recording No. 158784.

3.4 **Development Plan.** The term Development Plan means and refers to the development anticipated for the entire Property as set forth in Section V, and depicted in Exhibit "B" attached hereto.

3.5 **Amended Telemark Park Resort.** The term Amended Telemark Park Resort shall mean and refer to that development anticipated and described herein for that real property lying within Wasatch County and depicted in Exhibit "C" attached hereto. The Amended Telemark Park Resort generally consists of a plan to construct one ski chair lift (the Slalom Village Chair), and, if feasible, an additional ski chair lift associated with the Telemark Park Village (the US-40 Chair), ski runs, and six distinct communities or neighborhoods known as the Snowtop Neighborhood (as defined and described in Section 5.2.1), the Roosevelt Gap Development (as defined and described in Section 5.2.2), the Slalom Village Development (as defined and described in Section 5.2.3 herein), the Little Baldy Neighborhood (as defined and described in Section 5.2.5 herein), the St. Louis Neighborhood (as defined and described in Section 5.2.4 herein), and the Telemark Park Village (as defined and described in Section 5.2.6 herein).

3.6 **Snowtop/Hidden Hollow.** The term Snowtop/Hidden Hollow means and refers to the development anticipated for that real property as depicted in Exhibit "D" attached hereto and described more fully in Section 5.2.1.

3.7 **Roosevelt Gap Development.** The term Roosevelt Gap Development means and refers to the development anticipated for that real property as depicted in Exhibit "E" attached hereto and described more fully in Section 5.2.2.

3.8 **Snow Park Hotel Site.** The term Snow Park Hotel Site shall mean and refer to the development of that real property as depicted in Exhibit "E" attached hereto and more fully described in Section 5.2.2.

3.9 **Slalom Village Area.** The term Slalom Village Area means and refers to the development anticipated for that real property as depicted in Exhibit "F" attached hereto and more fully described in Section 5.2.3.

3.10 **St. Louis Neighborhood.** The term St. Louis Neighborhood means and refers to the development anticipated for that real property as depicted in Exhibits "B" and "C" attached hereto and more fully described in Section 5.2.4.

3.11 **Little Baldy Neighborhood.** The term Little Baldy Neighborhood means and refers to the development anticipated for that real property as depicted in Exhibits "B" and "C" attached hereto and more fully described in Section 5.2.5.

3.12 **Telemark Park Village.** The term Telemark Park Village means and refers to the development anticipated for that real property as depicted in Exhibits "B" and "C" attached hereto and more fully described in Section 5.2.6.

3.13 **Keetley Road.** The term Keetley Road shall mean and refer to that portion of the right of way, which lies within the Property, and which runs in a southeasterly direction from Queen Esther Drive in Park City, over McKinley Gap to the east end of the Property near U.S. Highway 40.

IV.

DISMISSAL OF ACTION

4.1 **Dismissal of Action.** The Action may be dismissed with prejudice at any time by the Property Owners. The Action shall be dismissed with prejudice upon: (a) Wasatch County's amendment of the 1991 Density Determination (Amended Telemark Park Resort) as provided herein, and (b) the abandonment and/or vacation of Keetley Road. Nothing herein shall require the dismissal of the Action with prejudice until the preceding events have occurred. Dismissal of the Action shall be accomplished by filing the Stipulation of Dismissal with Prejudice in the form attached hereto as Exhibit "G".

4.1.1 **Dismissal Checklist.** Prior to the execution of the Stipulation of Dismissal with Prejudice, the parties will acknowledge their agreement to the completion of specific conditions precedent to dismissal (the "Dismissal Checklist"), a copy of which is attached hereto as Exhibit "H."

4.2 **Amendment of Wasatch County 1991 Density Determination.** Concurrent with the execution of this Agreement, Property Owners shall proceed in Wasatch County to seek an amendment to the 1991 Density Determination into the Amended Telemark Park Resort in accordance with the terms and conditions set forth herein.

4.3 **Abandonment of Keetley Road.** Upon Wasatch County's amendment of the 1991 Density Determination into the Amended Telemark Park Resort, Property Owners shall commence and diligently pursue, in accordance with Utah law, proceedings in

Park City and Wasatch County that will lead to formal abandonment and/or vacation of public rights of access, if any, in Keetley Road.

4.3.1 Third Party Access. Concurrent with the execution of this Agreement, the Property Owners and Park City have secured executed agreements, to the satisfaction of Park City, from Weilenmann, Land der Berg, LLC, United Park City Mines Company, and Deer Valley Resort Company, concerning their maximum anticipated private rights to use Keetley Road, which are in addition to the Property Owners' access rights as contemplated herein, subsequent to abandonment and/or vacation as contemplated by this Agreement. Copies of said executed agreements are attached hereto as Exhibit "I." ~~To the extent that the third parties referred to above and/or their agents and employees use Keetley Road in any manner other than as expressly contemplated in the emergency access provisions of the third party agreements,~~ Property Owners shall indemnify Park City for any costs associated with enforcing the emergency access provisions of the third party agreements and shall pay to Park City One Hundred Dollars (\$100.00) per vehicle which uses Keetley Road under non-emergency circumstances ~~in violation of the emergency access provisions of the third party agreements.~~ *jh*

4.3.1.1 Additional Density from Third Party Agreements.

The additional maximum density intended in the third party agreements are in addition to the density contemplated by the Development Plan as outlined in this Agreement. Nothing herein constitutes an endorsement by Park City of the proposed third party densities nor prevents Park City from contesting the merits of the third party development proposals.

4.3.2 Conditional Vacation of Keetley Road/Reservation of Rights/

Obligation to Record Amended Density Determination. The petition to abandon and/or vacate the Wasatch County portion of Keetley Road may be conditioned upon Wasatch County's approval of the Amended Telemark Park Resort. If the Park City portion of Keetley Road is not vacated, Property Owners retain the right and discretion to refrain from recording Wasatch County's density determination for Amended Telemark Park Resort. If the Park City portion of Keetley Road is vacated and the building permit to improve and pave Keetley Road is released from escrow to Property Owners, the Property Owners shall immediately record Wasatch County's density determination for the Amended Telemark Park Resort.

4.4 Temporary Physical Disconnection. Within 30 days of Park City's abandonment and/or vacation of Keetley Road, Property Owners shall construct temporary gates, in accordance with Section 5.3.5 *infra*, which shall precede a permanent physical disconnection of Keetley Road as outlined in this Agreement. A temporary physical disconnection shall be deemed to have occurred when the Property Owners have constructed (at the Property Owners' cost and expense) at least two temporary gates across the historic configuration of Keetley Road, which preclude unauthorized vehicular traffic as more fully described in Section 4.4.1. One such temporary gate shall be located across Keetley Road near its intersection with Queen Esther Drive.

4.4.1 Access Rights Upon Installation of Temporary Gates.

Property Owners, who are record title holders, shall retain the right to use Keetley Road to

access the Property for all reasonable purposes, except for construction traffic which is expressly prohibited by Section 5.3.2. Property Owners shall not permit real estate agents access to the Property via Keetley Road from Park City prior to the issuance of the first single family residential building permit on a platted lot or the construction and operation of permanent controlled access gates pursuant to Section 5.3.3. Real estate agents shall have access to the Property via the eastern perimeter controlled access gate (either temporary or permanent) prior to the issuance of the first building permit. Real estate agents shall never have unrestricted access to the Property. Each individual lot or multi-family unit purchaser (resident or guest), within the perimeter gates of the Development Plan shall have the same right of access as the Property Owners during that purchaser's ownership of a lot or multi-family unit.

4.5 Escrow of Building Permit for Keetley Road. Concurrent with the execution of this Agreement, Park City shall place in escrow a building permit to improve and pave the Park City portion of Keetley Road. The escrow agent selected by the Parties is *First American Title Company, Park City, Utah*. The escrow agent shall deliver the building permit to the Property Owners consistent with and subject to the terms and conditions described in the escrow instructions attached hereto as Exhibit "J."

4.6 Order of Dismissal With Prejudice. With the filing of the Stipulation of Dismissal With Prejudice, the Parties shall immediately secure from the Third Judicial District Court an Order of Dismissal With Prejudice of the Action in substantially the form of Exhibit "K" attached hereto.

4.7 Development Application Process. Property Owners will not submit, and Park City will not accept for review and processing, any development application or annexation petition related to the Property until: (1) the Action is dismissed with prejudice, as set forth in Sections 4.1 and 4.6 above and (2) the temporary gates across Keetley Road have been installed as set forth in Section 4.4 above.

4.8 Release From Escrow of the Building Permit. Upon Wasatch County's amendment of the 1991 Density Determination into the Amended Telemark Park Resort, abandonment and/or vacation of Keetley Road, the dismissal of the Action with prejudice, and the installation of temporary gates across Keetley Road as provided herein, the escrow agent [identify by name] shall deliver to the Property Owners the building permit to *First American Title Company, Park City Office* *jh* *[Signature]* improve and pave Keetley Road according to the terms contained in the building permit attached hereto as Exhibit "L." Park City has reviewed and approved the construction plans and other materials related to the improvements authorized by the building permit for Keetley Road. Upon release of the building permit from escrow, the building permit shall vest in the Property Owners, and Property Owners shall have the right to proceed with the improvement and pavement of that portion of Keetley Road which is located within the city limits of Park City. Park City shall not be entitled to terminate the building permit unless there has been a material breach of this Agreement, violation of the terms and standards of the building permit or release by the Escrow Agent in violation of the Escrow Instructions, described in Exhibit "J." In the event of a violation of the terms and standards of the building permit or the Escrow Agent releases the building permit in violation of the Escrow Instructions, the

parties shall take reasonable steps to remedy the violation of the building permit or the improper release.

4.9 **Conditional General Release of Park City.** Upon dismissal of the Action with prejudice, all claims (including without limitation, claims for attorneys' fees, expenses and disbursements), demands, losses, damages, actions, causes of action or suits of any kind whatsoever of Property Owners against Park City, any of its agencies or departments or any of its past or present employees and elected or appointed officials, connected with or arising out of the Action (or any other dispute not alleged in the Action, but pertaining to the Property and which have accrued prior to the date that all conditions precedent to this Agreement are satisfied), shall thereby be remised, released, acquitted and forever discharged. However, nothing in this Agreement shall be construed as a release of any liability arising out of or connected with the breach of any covenant, representation or warranty contained in this Agreement.

4.10 **Conditional General Release of the Property Owners.** Upon dismissal of the Action with prejudice, all claims, (including without limitation, claims for attorneys fees, expenses and disbursement), demands, losses, damages, actions, causes of action or suits of any kind whatsoever of Park City against the Property Owners, their officers, directors, shareholders, subsidiaries, affiliates, agents, employees and their heirs and assigns connected with or arising out of the Action (or any other dispute not alleged in the Action, but pertaining to the Property (excluding property taxes), and which have accrued prior to the date that all conditions precedent to this Agreement are satisfied), shall thereby

be remised, released, acquitted and forever discharged. However, nothing in this Agreement shall be construed as a release of any liability arising out of or connected with the breach of any covenant, representation or warranty contained in this Agreement.

V.

THE DEVELOPMENT

5.1 **Intent to Develop the Property.** Upon the execution of this Agreement, Property Owners will seek to amend the 1991 Density Determination. The anticipated and proposed amendments to the 1991 Density Determination are set forth in this Section V of the Agreement. Property Owners agree to apply and petition to Park City, as appropriate, for development approvals for those portions of the Property (located within Park City or contemplated for possible annexation), as more fully set forth by further provisions in this Section of the Agreement.

5.2 **Density, Use and Configuration.** The Development Plan for the entire Property as anticipated in this Agreement shall not exceed 545 units (150 single-family, 395 multi-family units) with 42,000 gross square feet of commercial space and a 20,000 gross square foot Ski Academy. The parties agree that there shall not be more than:

- (a) 338 residential units,
- (b) a 20,000 square foot Ski Academy,
- (c) support commercial space up to 5% of the gross square footage of the Slalom Village Area multi family units and the Roosevelt Gap Development,

(d) 10,000 square feet of support commercial space at the Little Baldy Neighborhood,
and

(e) amenities and recreation facilities as generally identified and depicted herein,
all within the perimeter gates of the Property with access to Park City via Keetley Road
through the west perimeter gate. Approximately an additional 182 multi family units located
within the Telemark Park Village shall have vehicular access to Park City only via U.S.
Highway 40 and S.R. 248.

Units Lying West of East Perimeter Gate

	Single Family	Multi-Family	Max. Size Per Multi-Family Unit
Snowtop	16	0	
Hidden Hollow	4	0	
Roosevelt Gap Development	0	105	2,000 sq. ft./unit
Little Baldy	60	0	
Slalom Village	4	83	2,400 sq. ft./unit
St. Louis	66	0	
Sub-total	150	188	

Units Lying East of East Perimeter Gate

	Single Family	Multi-Family	
Telemark Park Village	0	182*	varied sq. ft.

* Density may increase as provided herein.

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Snow Park Hotel Site

Snow Park Hotel Site	25*	2,000 sq. ft./unit
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* Density may increase as provided herein.

5.2.1 Snowtop/Hidden Hollow. The 1991 Density Determination contains an approval for 20 single family lots in the Snowtop neighborhood. Property Owners will prepare a plat for the development of 16 single family lots in the Snowtop neighborhood which they will submit to Wasatch County for review and consideration, with timely written notice and copies of all materials submitted to Wasatch County to Park City. The Hidden Hollow property comprises roughly 84 acres, upon which Property Owners propose to develop four single family Estate lots, with building envelopes, areas of disturbance, limits of disturbance and open space conservation easements, all as generally depicted on the map (for both Snowtop and Hidden Hollow) attached hereto as Exhibit "D."

5.2.1.1 Annexation Procedure for the Snowtop/Hidden Hollow Area. Upon dismissal of the Action with prejudice, temporary physical disconnection of the Keetley Road (as provided in Section 4.4 above), and Wasatch County's approval of the final plat for a 16 lot subdivision of the Snowtop neighborhood, Property Owners shall submit to Park City a complete petition for annexation, as limited by this Section, for the Snowtop/Hidden Hollow Area, with offers of dedication of designated open space and conservation easements of contiguous property (the Snowtop/Hidden Hollow Area), all as depicted on Exhibits "D" and "N." The parties agree and acknowledge that the portion of the complete petition for annexation for the Snowtop neighborhood shall be submitted in the form of a final unrecorded plat. Property Owners' petition for annexation for the Snowtop/Hidden Hollow Area may be submitted without a visual analysis or

annexation fee. The petition for annexation of the Snowtop/Hidden Hollow Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing obligation for the Snowtop/Hidden Hollow area shall be one (1) unit. Property Owners' affordable employee housing obligation can be satisfied anywhere on the Property, at Property Owners' discretion. The Park City staff and the City Council have reviewed Exhibit "D" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the petition for annexation, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information requested by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the application within which to annex the Snowtop/Hidden Hollow Area. Property Owners will attempt to supply the additional information necessary for its consideration, review and approval of the petition for annexation. Upon the expiration of the 120 day period, Property Owners may record the final plat and obtain building permits from Wasatch County for the construction of the Snowtop Neighborhood as a Wasatch County development, but will not object to or interfere with Park City's efforts to annex the Snowtop neighborhood after the lesser of one year or the completion and/or installation of the infrastructure.

5.2.1.2 Annexation Agreement. If the Snowtop/Hidden Hollow Area is annexed into Park City, then the following conditions of development shall

bind the parties: (a) the density of the Snowtop/Hidden Hollow Area shall not exceed sixteen (16) single-family lots within the Snowtop neighborhood and four Estate lots within the Hidden Hollow neighborhood; (b) the Snowtop neighborhood shall be annexed as platted by Wasatch County; (c) the Hidden Hollow neighborhood shall be annexed as four Estate lots that are restricted by plat, easements, and real covenants to include Property Owners' offer of dedication of conservation easements, designated building envelopes, maximum areas of disturbance, and limits of disturbance as depicted in Exhibit "D" and the Annexation and Open Space Exhibit, Exhibit "N," both of which are attached hereto; (d) the remainder of the Snowtop/Hidden Hollow Area, except roads depicted on Exhibit "B," shall be offered to Park City in fee simple as dedicated open space as generally depicted in Exhibits "D" and "N" attached hereto; and (e) Property Owners shall provide for one (1) unit of affordable employee housing as described in Section 5.2.1.1.

5.2.1.3 Conditions of Development Absent Park City

Annexation. If the Snowtop/Hidden Hollow Area is not annexed into Park City within the time frames established by Section 5.3.1, as appropriate, Property Owners may seek development approval from Summit County of the Hidden Hollow neighborhood without interference from Park City (as to access, density or use) if and only if: (a) Property Owners seek development approval in Summit County for density in accordance with the configuration and development restrictions depicted in Exhibit "D" and described in Section 5.2.1, or some lesser density, use or configuration and (b) the same area designated for open space dedication and conservation easements proposed in Section 5.2.1.1 and depicted in

Exhibits "D" and "N" shall be preserved by conservation easements granted to and accepted by a public entity or a private non-profit open space conservancy to the reasonable satisfaction of Park City. If the Snowtop/Hidden Hollow Area is not annexed into Park City as provided herein, Property Owners shall have the right to proceed to develop the Snowtop neighborhood as a Wasatch County development, as depicted in Exhibit "D."

5.2.1.4 Vehicular Access to Snowtop/Hidden Hollow. Regardless of annexation, if the Action is dismissed with prejudice, there shall be two points of ingress and egress to the Snowtop/Hidden Hollow Area as contemplated in this Agreement. The primary point of ingress and egress shall be via the Keetley Road from Queen Esther Drive to the Snowtop/Hidden Hollow Road. The second point of ingress and egress shall be via Llama Lane to the U.S. 40 West-Side Frontage Road. The second point of vehicular ingress and egress shall not exceed the minimum requirements of a fire apparatus access road as defined in section 10-201 et. seq. of the *Uniform Fire Code*, or as required by the Park City Fire Marshal.

5.2.1.5 Water Rights If the Snowtop neighborhood and the Hidden Hollow area are annexed into Park City and Park City provides water service to the Snowtop/Hidden Hollow Area, then Property Owners shall irrevocably offer to transfer and to cooperate in the exchange of the current point of diversion of approximately 15 acre feet of certified water rights pursuant to Weber Basin Appropriation Water Right No. 3006A-10948(3582).

5.2.2 Roosevelt Gap Development. The 1991 Density Determination contains an approval for a 64 multi-family unit structure at Roosevelt Gap. Property Owners will seek to amend the 1991 Density Determination and shall pursue annexation into Park City of the Roosevelt Gap/Snowpark Hotel Site Development Area (as depicted in Exhibit "E") to allow for the development of one of the following options: (a) a single 105 multi-family unit structure (2,000 sq. ft./unit) at the Roosevelt Gap Development site connected to the Snow Park Hotel Site via a funicular and associated dedication of trail easements and open space (Alternative A) or (b) a five lot single-family home subdivision encompassing a total area of approximately seven (7) acres at the Roosevelt Gap Development site, as depicted in Exhibit "O," with limits of disturbance (as established and approved in the Amended Telemark Park Resort), and without funicular connection to the Snow Park Hotel Site but with dedication of trail easements and open space (Alternative B). The parties contemplate pursuing and prefer Alternative A. However, prior to development approval of the Snow Park Hotel Site, Property Owners may, upon written notice to Park City, pursue Alternative B. If Park City does not annex the Roosevelt Gap Development under Alternative A or B as provided herein, then Property Owners have the right to seek development approval of the Roosevelt Gap Development as a five single-family lot subdivision (as depicted in Exhibit "O") without funicular connection to the Snow Park Hotel Site, which would be subject to processing and approval by Wasatch County (Alternative C). Alternatives A and B contemplate annexation to Park City and either Alternative A or B will

be fully pursued, as set forth herein, by Property Owners before pursuing development approval of the Roosevelt Gap Development under Alternative C.

5.2.2.1 Snow Park Hotel Site Density, Use and

Configuration. Under all development alternatives (A, B, and C) for the Roosevelt Gap Development, Property Owners have the right to construct a single, 25 multi-family Park City unit equivalent structure on the Snow Park Hotel Site, which structure will be designed to fall within the maximum height of 45-feet and with architectural treatment that reduces the apparent bulk of the structure in a manner that is similar to the mass, scale and stepping of the 1986 Snow Park Hotel Master Plan Development and is depicted in Exhibit "P" attached hereto. The Snow Park Hotel Site may include support commercial up to five percent (5%) of gross square footage of the Snow Park Hotel Site, along with appropriate amenities. Based on the merits of the design, Property Owners may increase the density at the Snow Park Hotel Site from 25 to up to 35 Park City unit equivalents. However, such increased density shall occur only if: (a) Property Owners transfer the increased density at Snow Park Hotel Site from the Slalom Village Area to Telemark Park Village (outside of the eastern perimeter controlled access gate) and (b) Park City approves the design with increased density, use and configuration, after reasonable review of the plans. Increased density at Snow Park Hotel Site beyond 25 units shall be within Park City's discretion.

5.2.2.2 Alternative A for Roosevelt Gap Development. The

density of the Roosevelt Gap Lodge is contingent on a funicular connection to the Snow Park Hotel Site. With funicular, the density of the Roosevelt Gap Lodge shall not exceed 105

Park City unit equivalents (2,000 sq. ft/unit). The Roosevelt Gap Lodge may also include support commercial space totaling five percent (5%) of the gross square footage of the Roosevelt Gap Lodge and additional appropriate amenities. The visual intrusion of the Roosevelt Gap Lodge shall be minimal as depicted in Exhibit "Q" attached hereto.

5.2.2.3 Alternative B for Roosevelt Gap Development.

Without a funicular connection, Property Owners may develop the Roosevelt Gap Development as a single-family lot subdivision with no more than five (5) lots and no visual intrusion from the vantage point described in Section 5.3.9 *infra*.

5.2.2.4 Annexation Procedure for Alternatives A or B for the Roosevelt Gap/Snow Park Hotel Area. Property Owners shall submit to Park City a complete petition for annexation for the Roosevelt Gap /Snow Park Hotel Area for Alternative A or B, as described in Sections 5.2.2.2 and 5.2.2.3 above, for Roosevelt Gap Development in substantially the same form depicted in Exhibits "E" or "O." The petition for annexation of the Roosevelt Gap/Snow Park Area shall provide for affordable housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing shall be ten percent (10%) of the total number of unit equivalents within the Roosevelt Gap/Snow Park Area. Property Owners' affordable employee housing obligation can be satisfied anywhere on the Property, at Property Owners' discretion. The Park City staff and City Council have reviewed Exhibits "E" and "O" and found them to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the petition for annexation, Park

City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information by Property Owners or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 180 days from receipt of a complete petition within which to annex the Roosevelt Gap/Snow Park Development Area. Property Owners shall not submit a competing application for development in Wasatch County during the identified 180-day period. After the lapse of the 180-day exclusive review period, the parties may continue to negotiate annexation, but Property Owners' may withdraw their development application and, at their discretion, elect to pursue development Alternative C. Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier.

5.2.2.5 Annexation Agreement for Alternative A for the Roosevelt Gap/Snow Park Hotel Area. If the Roosevelt Gap/Snow Park Development Area is annexed into Park City under Alternative A, then the following conditions of development shall bind the parties: (a) the density of the Roosevelt Gap Lodge shall not exceed 105 Park City unit equivalents, (b) the funicular tramway shall be installed at the earliest opportunity, (c) Property Owners shall make offers of dedication of conservation easements, and shall designate development envelopes, all as depicted in Exhibit "N" attached hereto, (d) the remainder of the Roosevelt Gap/Snow Park Development Area shall be dedicated open space to Park City as depicted on Exhibit ~~"X"~~ attached hereto, and (e) there shall be no overnight parking at Roosevelt Gap Lodge.

jh *N* *Det*

5.2.2.6 Annexation Agreement for Alternative B. If the Roosevelt Gap/Snow Park Hotel Area is annexed into Park City under Alternative B, then the following conditions of development shall bind the parties: (a) the density of the Roosevelt Gap Development shall not exceed 5 single-family lots, (b) Property Owners shall make offers of dedication of conservation easements and shall designate building envelopes, maximum areas of disturbance, and limits of disturbance as depicted in Exhibits "N" and "O" attached hereto, and (c) the remainder of the Roosevelt Gap/Snow Park Hotel Area shall have dedicated open space and conservation/open space easements as depicted on Exhibit "N" attached hereto.

5.2.2.7 Alternative C for Roosevelt Gap Development. If Park City does not annex the property under either Alternatives A or B, Property Owners have the right to seek development approval under Wasatch County jurisdiction of a single-family lot subdivision with density not to exceed five (5) lots encompassing a total area of approximately seven (7) acres at the Roosevelt Gap Development, with designated limits of disturbance, all as depicted and described in Exhibit "O." The parties agree that the resulting five lot subdivision shall be platted and deed-restricted to result in no visual intrusion from the vantage point described in Section 5.3.9. The subdivision identified by this paragraph will be developed within the Roosevelt Gap Development envelope, with limits of disturbance as defined in the Amended Telemark Park Resort or the equivalent approval obtained from Wasatch County. The Park City staff and City Council have

reviewed Exhibit "O" and found it to be generally acceptable as to density, use and configuration.

5.2.2.8 Property Owners Choice of Alternatives. Property Owners must choose between either Alternatives A or B prior to petitioning for annexation to Park City of the Roosevelt Gap/Snow Park Annexation Area.

5.2.2.9 Access to Roosevelt Gap Development. Under Alternative A, as described in Section 5.2.2.2 above, Roosevelt Gap Lodge employee, guest and resident access shall be via a funicular lift, which shall be designed to the reasonable satisfaction of Park City, and constructed at the Property Owners expense. The funicular lift shall begin at the Snow Park Hotel Site. Under Alternative A, vehicular access to the Roosevelt Gap Development from Park City via Keetley Road and through the western perimeter controlled access gate(s), depicted and generally described in Exhibits "B," "C" and "E," shall be limited to service, stock, delivery, and maintenance vehicles. There shall be no guest or employee access to Roosevelt Gap Development under Alternative A via the western perimeter access gate(s). Vehicular access under Alternatives B or C from Park City to the Roosevelt Gap Development shall be via Keetley Road and the western perimeter controlled access gate(s). Ski run access from the Roosevelt Gap Development to and from the Deer Valley ski area is both contemplated and encouraged.

5.2.2.10 Parking at Roosevelt Gap Lodge. Under Alternative A, as described in Section 5.2.2.2, parking at Roosevelt Gap Lodge shall not exceed 50 stalls, with no overnight parking. Property Owners shall grant Park City a parking

enforcement easement, in substantially the form of Exhibit "R," which shall grant Park City public safety personnel the right to enforce the no overnight parking restriction at Roosevelt Gap Lodge. The prohibition on overnight parking at the Roosevelt Gap Lodge solely applies and is applicable to Alternative A for the Roosevelt Gap Development (the 105-multi family unit structure). Under Alternative A, guest and resident parking for the Roosevelt Gap Lodge and Snow Park Hotel Site shall be served by an on site parking facility at the Snow Park Hotel Site. Property Owners may provide for employee shuttle service from the east perimeter gate to the Roosevelt Gap Lodge. Residents or guests within the perimeter gates of the Amended Telemark Park Resort may use the parking facilities at the Roosevelt Gap Hotel Development as limited by the "no overnight parking" restriction.

5.2.2.11 Exclusive Development Alternatives for the Roosevelt Gap Development. Subject to the terms and conditions of this Agreement, Property Owners agree to pursue only Alternatives A, B or C in development of the Roosevelt Gap Development.

5.2.3 Slalom Village. Property Owners will seek to amend the 1991 Density Determination to allow for the development of the Slalom Village Area, with no more than 83 multi-family units (2,400 sq.ft/unit, which shall not be deemed unit equivalents under *Park City Land Management Code*) (of which not less than 60% of the units developed shall be concentrated into a single structure (the "Primary Village Structure")), with support commercial up to five percent (5%) of the gross square footage of the Slalom Village structures and appropriate amenities, all within the Slalom Village development envelope,

along with four (4) single-family lots, a 20,000 gross square foot Ski Academy, and a ski chair lift which base terminal may be located in any reasonable location within a 1,100 foot radius of Slalom Village all as depicted in Exhibit "F."

5.2.3.1 Annexation Procedure for the Slalom Village Area.

Upon the approval of a final plat or record of survey in Wasatch County for any portion of the Slalom Village Area, but in all cases prior to application for a building permit for any portion of the Slalom Village, Property Owners will deliver to Park City a petition for annexation of the Slalom Village Area to Park City. The petition for annexation of the Slalom Village Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95.

The total ~~affordable~~ employee housing shall be four percent (4%) of the total number of units within the Slalom Village Area. At their own discretion, Property Owners' affordable employee housing obligation can be satisfied within any unincorporated area of the Property.

The Park City staff and City Council have reviewed Exhibit "F" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the petition for annexation, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the petition within which to annex the Slalom Village Area.

The complete annexation petition delivered to Park City as outlined above shall be exclusive

to Park City for 120 days, and during such period Property Owners shall not pull building permits. Upon the expiration of the 120 day period, Property Owners may obtain building permits from Wasatch County for the construction of Slalom Village as a Wasatch County development, but will not object to or interfere with Park City's efforts to annex Slalom Village Area after the lesser of one year or the completion and/or installation of the infrastructure. Park City shall promptly commence and process the annexation review upon complete petition filed by Property Owners.

5.2.3.2 Annexation Agreement. If Slalom Village is annexed into Park City, then the following conditions of development shall bind the parties: (a) the density of Slalom Village Area shall not exceed 83 multi-family units (maximum 2,400 sq. ft./unit) with support commercial space up to 5% of the gross square footage and appropriate amenities, four (4) single-family lots, and a 20,000 square foot ski academy, (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure at Slalom Village prior to the issuance of a certificate of occupancy for any portion of the Slalom Village Area, (c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) the Property Owners shall irrevocably grant limited conservation easements to the ski run(s) and remaining areas, as so depicted in Exhibit "N." Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier. As more fully described in Section 5.2.2.1 above, Property Owners may transfer up to ten (10) single-family and/or multi-family units from the Slalom Village

Area to Telemark Park Village outside the eastern perimeter controlled access gate, in exchange for an increase of up to ten (10) multi-family units being added to the Snow Park Hotel Site, upon Park City's consent.

5.2.3.3 Development Alternative to Slalom Village. In the event Property Owners elect not to construct the development described in Section 5.2.3 above, then Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. The twelve (12) lots shall be platted in Wasatch County and may be recorded within the Slalom Village development envelope with limits of disturbance established by Wasatch County and as generally depicted in Exhibit "S." The Park City staff and City Council have reviewed Exhibit "S," and found said exhibit to be generally acceptable as to density, use and configuration. The twelve (12) single-family lots are in addition to the four (4) lots shown on Exhibits "C" and "F" and the 20,000 square foot Ski Academy. Property Owners shall have the right to develop the 12 single-family lot subdivision and the 20,000 square foot Ski Academy as a Wasatch County development. In the event Property Owners elect to develop the twelve (12) single-family lot subdivision, then Property Owners shall realign and construct Keetley Road as depicted on Exhibit "S," wherein Slalom Village becomes a cul-de-sac that is not accessible from the eastern portion of Keetley Road except via St. Louis Drive.

5.2.3.4 Disconnection of Keetley Road at Slalom Village
Location. A permanent physical disconnection of Keetley Road shall occur at the Slalom Village Area location, which disconnection shall be accomplished as follows: (a) Upon the

plating of lots in the Little Baldy neighborhood or upper St. Louis neighborhood. Property Owners shall disconnect, either by steel gates and/or boulders and natural vegetation, Keetley Road so as to prevent vehicular through traffic in the Slalom Village Area; and (b) disconnection shall be permanent at the Slalom Village location upon the construction of the Primary Village Structure at Slalom Village (the footprint of which shall partially be within the historic configuration of Keetley Road right-of-way, such that the right-of-way is completely obstructed) or the construction of the cul-de-sac configuration described in Section 5.2.3.3. Upon the permanent physical disconnection, there shall be no reconnection of Keetley Road at the Slalom Village location. Nothing herein shall preclude the parking and internal circulation at the Primary Village Structure as described in Section 5.2.3.7.

5.2.3.5 Conditions of Development Absent Park City

Annexation. If the Slalom Village Area is not annexed into Park City pursuant to Sections 5.2.3.1 and 5.2.3.2, Property Owners may proceed to develop Slalom Village as a Wasatch County development so long as (a) the Property Owners seek development approval in Wasatch County for density in accordance with the configuration and development restrictions described herein and depicted in Exhibits "C," "F" or "S," (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure prior to the issuance of a certificate of occupancy for any portion of Slalom Village, (c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) the same area designated for dedication and conservation easements shall be preserved by conservation easements granted to and accepted by a public entity or a

private non-profit open space conservancy to the reasonable satisfaction of Park City.

Nothing in this Section shall prevent Property Owners, at their discretion, from pursuing the development alternative for Slalom Village area as described in Section 5.2.3.3 and as depicted in Exhibit "S" attached hereto.

5.2.3.6 Conditions Precedent to Occupancy of Slalom

Village. No portion of the Slalom Village Area may be occupied by residents or guests until the proposed Slalom Village Chair (as approximately designated on the Development Plan) is fully operational. During the Deer Valley ski season, subject to snow, weather and/or other operational conditions, Property Owners commit to the continuous daily operation of the Slalom Village Chair from the issuance of the first certificate of occupancy for any portion of the Slalom Village.

5.2.3.7 Ski Academy. The parties understand and agree that the 20,000 square foot Ski Academy, which the parties anticipate being constructed at Slalom Village, shall be used as an academic athletic institution and/or ski training facility whose students/attendees are expected to reside within the Slalom Village Area and/or Amended Telemark Park Resort. Alternatively, Property Owners may use the 20,000 square foot Ski Academy or other approved structure in a manner that will similarly limit the level of vehicular traffic on Keetley Road. 

5.2.3.8 Vehicular Access to Slalom Village. Access to Slalom Village area shall be via Keetley Road from the western and eastern perimeter controlled access gates, except as limited by Section 5.2.3.4 above. However, parking and internal

circulation within Slalom Village shall discourage the use of Keetley Road as a means of vehicular travel from U.S. Highway 40 to Park City. An emergency/utility road, as described in paragraph 5.3.7.3 below, shall bypass Slalom Village connecting the easterly and westerly sections of the disconnected Keetley Road, and shall be crash gated to prevent vehicular through traffic by the general public, except as limited by Section 5.2.3.4 above.

5.2.3.9 Grade and Width of Keetley Road. The parties understand and agree that the width and grade of Keetley Road from McKinley Gap to Slalom Village area might only be 24 feet wide, and may have a grade of twelve percent (12%). If annexed by Park City, these development standards are deemed sufficient for purposes of constructing a private road, and are acceptable, and the road may be constructed.

5.2.3.10 Slalom Village Parking. Property Owners may construct no more parking stalls underneath the Slalom Village multi-family unit structure than are required to service that structure as may be required by the appropriate Wasatch County official(s). The parking structure at Primary Village Structure may be accessible from Park City so long as the connection between the parking levels is designed to Park City's reasonable satisfaction in such a manner that sufficiently discourages the tendency to use the Keetley Road as a means of vehicular travel from U.S. 40 to Park City. It is contemplated that such will be accomplished by the construction of a multi-level structure with vertical separation between the east and west parking entrances, and an internal ramping and gate system. No more than 25 vehicular parking spaces shall be constructed at the Ski Academy. Shuttle service to and from the Ski Academy and/or Slalom Village Area shall be

provided by all reasonable means in order to discourage the use of individual vehicular forms of transportation.

5.2.4 St. Louis Neighborhood. Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the St. Louis neighborhood shall contain a maximum density of 66 single family lots. The Park City staff and City Council have reviewed Exhibits "B" and "C" and found them to be generally acceptable as to density, use and configuration. The St. Louis neighborhood shall be developed as a Wasatch County development.

5.2.4.1 Access to St. Louis Neighborhood. There shall be two principal points of ingress and egress to the St. Louis neighborhood. One of the accesses to the St. Louis Neighborhood shall be via Keetley Road and St. Louis Drive from Park City through the western perimeter gate(s), which access shall be restricted by the installation of a perimeter controlled access gate in accordance with either Section 5.3.3 or 5.3.5, as appropriate. The other primary access to the St. Louis Neighborhood shall be via the controlled access gate, in accordance with either Section 5.3.3 or 5.3.5, as appropriate, at the east end of the Property.

5.2.5 Little Baldy Neighborhood. Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the Little Baldy neighborhood shall contain a maximum density of 60 single-family lots and no more than 10,000 square feet of support commercial. The Little Baldy neighborhood shall have no visual intrusion (into Park City) from the vantage point described

in Section 5.3.9. The Park City staff and City Council have reviewed Exhibits "B" and "C" and found them to be generally acceptable as to density, use and configuration. The Little Baldy neighborhood shall be developed as a Wasatch County development.

5.2.5.1 Access to Little Baldy Neighborhood. There shall be two points of ingress and egress to the Little Baldy neighborhood. One of the accesses to the Little Baldy Neighborhood shall be via Keetley Road, St. Louis Drive and Little Baldy Drive from Park City through the western perimeter gate(s), which access shall be restricted by the installation of a perimeter controlled access gate in accordance with either Section 5.3.3 or 5.3.5, as appropriate. The other primary access to the Little Baldy Neighborhood shall be via the perimeter controlled access gate, in accordance with Section 5.3.3 or 5.3.5, as appropriate, at the east end of the Property.

5.2.6 Telemark Park Village. Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the Telemark Park Village shall contain a density of 188 multi-family units and identified commercial space. Property Owners may increase the density of the Telemark Park Village as described in Sections 5.2.2.1 and 5.2.6.2.

5.2.6.1 Access to Telemark Park Village. Vehicular access to Telemark Park Village shall be only via the frontage road from U.S. Highway 40 at the Mayflower interchange. Telemark Park Village residents and users shall have no vehicular access to Park City via Keetley Road.

5.2.6.2. **Increased Density for Telemark Park Village.** In the event Property Owners choose to develop a five (5) single-family lot subdivision and not a 105 multi-family unit lodge at the Roosevelt Gap Development, Property Owners may increase the density at Telemark Park Village by no more than fifty (50) multi-family units at the Telemark Park Village. Density at the Telemark Park Village may also be increased to satisfy the affordable housing requirements anticipated by this Agreement. Density may also be increased in accordance with Section 5.2.2.1. Any additional units added to the Telemark Park Village, in accordance with this Section, may be developed pursuant to Wasatch County standards, configurations and square footage.

5.3 **Additional Development Requirements.** Any development under the Development Plan for the Property shall be subject to the following additional requirements, if the conditions as set forth in Section 1.2 above are satisfied:

5.3.1 **Timing Of Annexation of Snowtop/Hidden Hollow Area, Roosevelt Gap Development and Slalom Village.** As more particularly described in Sections 5.2.1.1, 5.2.2.4 and 5.2.3.1, Property Owners contemplate submitting petitions of annexation, as more fully described herein, for the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area and Slalom Village Area to Park City. With respect to the Snowtop Neighborhood and Slalom Village Area, these development areas will be petitioned for annexation solely as platted or surveyed (and depicted in Exhibits "D" and "F") in Wasatch County. Park City shall have a specified number of days in which to annex the petitioned area(s). Property Owners agree not to pursue annexation of the Snowtop/Hidden Hollow

Area, Roosevelt Gap Development or the Slalom Village Area concurrently, simultaneously, or within the same time period, except as provided herein.

5.3.1.1 Track I for Annexation by Park City. In the event Property Owners have received Wasatch County approval for the recordation of final plats and/or records of survey for the Snowtop Neighborhood Area or Slalom Village Area in Wasatch County, and Property Owners submit a petition for annexation of the Snowtop/Hidden Hollow Area and/or Slalom Village Area to Park City, as depicted in Exhibits "D," "F" and/or "S," Park City shall have up to 120 days during which to approve the annexation before Property Owners shall be entitled to pull Wasatch County building permits for such development. Property Owners may also submit the petitions for annexation, including the petition for annexation of the Roosevelt Gap/Snow Park Area with such other petitions, simultaneously or prior to the completion of review of a prior petition, provided the Snowtop Neighborhood and Slalom Village Area final plats are ready for recordation in Wasatch County at the time the respective petition is submitted.

5.3.1.2 Track II for Annexation by Park City. In the event Property Owners are not prepared to record plats or records of survey and have not secured all necessary utilities for the Snowtop Neighborhood Area or Slalom Village Area in Wasatch County, Property Owners may submit petitions for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area or the Slalom Village Area to Park City sequentially, in any order as determined by Property Owners, with no two petitions being considered by Park City for approval simultaneously. After the passage of the time period in

which Park City shall have the exclusive right to review and approve a petition for annexation (120 or 180 days as defined herein), Property Owners may submit for review and consideration a second petition for annexation of an additional annexation area as contemplated herein. If Property Owners request Park City's assistance in securing utility services and/or other development infrastructure for the Snowtop/Hidden Hollow Area or Slalom Village Area, then the annexation period may be extended an additional six months at Park City's discretion.

5.3.1.3 Track III for Annexation by Park City. In the event that Property Owners bring one annexation petition for all development areas subject to annexation as set forth herein, with or without plat approval from Wasatch County, Park City shall have one year as provided by applicable law to review and annex such development areas.

5.3.2 Construction Traffic. All construction vehicles for any development for the Property, except the Snow Park Lodge Site (and the funicular tramway to Roosevelt Gap Lodge) shall access the Property from U.S. Highway 40. No construction vehicles shall access the Property, except the Snow Park Hotel Site, from Park City. Construction vehicles shall be permitted on that portion of Keetley Road from McKinley Gap to Queen Esther Drive, solely to improve the Keetley Road pursuant to the building permit (Exhibit "L"), provided the construction vehicles access that portion of Keetley Road from the eastern side of the Property via U.S. Highway 40. Property Owners hereby agree to

grant Park City a public safety easement to enforce traffic restrictions on all private roadways within the annexation area.

5.3.3 Permanent Controlled Access Gates. As designated and identified in the Development Plan and shown on Exhibit "B," Property Owners (at their cost and expense) shall construct, maintain and operate at least two permanent controlled-access gates, which shall be designed so as to restrict access to the Property as described in this Agreement.

5.3.3.1 Design of Permanent Controlled Access Gates. The perimeter controlled access gates shall be designed and constructed as depicted on Exhibit "T," which Park City staff and City Council have reviewed and found to be acceptable as to design operation and approximate location.

5.3.4 Private Vehicular Access Only. Access to the Property from Park City shall be limited as described in Section 5.2 above. The perimeter controlled access gates shall provide for private vehicular access only to property owners and their guests for all areas within the perimeter controlled access gates. Roosevelt Gap Development (Alternative A) shall be limited to service and maintenance vehicles only.

5.3.5 Temporary Gates. The temporary gates shall be constructed of a steel construction (i.e. agricultural-type steel gate), which is manually operated and controlled by padlocks and keys. The temporary gates shall be installed by the Property Owners (at their cost and expense) at (i) the intersection of Queen Esther Drive and Keetley Road and (ii) the eastern perimeter controlled access gate as depicted on Exhibit "B," or the

east end of the Property. The temporary gates shall remain locked at all times and shall not be removed until the issuance of the first single family residential building permit, and the replacement of the temporary gate(s) with permanent perimeter controlled access gates pursuant to Section 5.3.3. During the construction phase of the development of the Property, but for no longer than two years from commencement of construction, Property Owners, may substitute the temporary gates with the permanent perimeter controlled access gates described in Section 5.3.3 and depicted in Exhibit "T."

5.3.6 Secondary Access. As designated on the Development Plan and the Trails and Secondary Access Exhibit attached as Exhibit "U," the Property Owners may construct three types of secondary access roads and trails: (i) a Bicycle/Pedestrian Path; (ii) an Emergency/ Bicycle/Pedestrian Path; and (iii) an Emergency Utility Road. The paths shall be open to the public to the same extent as to residential guests. Except in the case of an emergency, use of any secondary access shall be limited to non-vehicular traffic, such as bicycles, horses, skiers and pedestrians. In addition, the configuration, improvement and maintenance of secondary access shall be as follows:

5.3.6.1 Bicycle/Pedestrian Paths. Bicycle/Pedestrian Paths shall be so controlled as to be unavailable or inaccessible to motorized vehicles, insofar as practical.

5.3.6.2 Emergency/Bicycle/Pedestrian Paths. Emergency/ Bicycle/Pedestrian Paths shall be constructed in a manner not to exceed the minimum requirements necessary to be classified ^{as emergency access} by the Park City Fire Marshal.

5.3.6.3 Emergency Utility Roads. Emergency Utility Roads shall be limited to an eight (8) foot wide paved surface with two (2) foot gravel shoulder on one side and a ten (10) foot gravel shoulder on the other side for a total width not to exceed twenty (20) feet, or such other minimum requirements as shall be required by the Park City or Wasatch County Fire Marshal, as appropriate.

5.3.6.4 Maintenance. Maintenance of all secondary accesses shall be the exclusive obligation of the Property Owners, ^{at record title} ~~future property owners~~ and homeowners associations within the Property. Upon dismissal of the Action with prejudice, Property Owners shall record in the official records of Summit County and Wasatch County, Utah, a restrictive covenant and equitable servitude relating to the maintenance of the secondary accesses which provides that such maintenance shall be the obligation of the Property Owners, future property owners and/or homeowner's associations. The restrictive covenant and equitable servitude shall run with the land and shall be substantially in the form of Exhibit "V," which covenant shall be added later in the form of an executed and recorded covenant, conditions and restrictions.

5.3.6.5 Crash Gates. At the entrance of Emergency/ Bicycle/Pedestrian Paths and the Emergency Utility Road, the Property Owners shall (at their own cost and expense) construct crash gates which shall be designed in substantially the form attached hereto as Exhibit "W" to allow immediate entry by emergency vehicles and personnel, but to prevent entry by all other motorized vehicles.

5.3.7 Construction and Conveyance of Slalom Village Emergency Utility Road. Prior to completion of the foundation for the primary Slalom Village multi-family structure, the Property Owners shall construct (at their cost and expense) and convey to Park City, in fee simple, title in the Slalom Village Emergency Utility Road designated on the Development Plan as running in a northwest/southeast direction just northeast of the Slalom Village Area. Said deed shall take the form of Exhibit "X."

5.3.8 Compliance with Park City Resolutions and Ordinances. At a minimum, any application to annex and improve and/or develop the Snowtop/Hidden Hollow Area, the Roosevelt Gap Development and the Slalom Village Area shall comply with Park City resolutions and ordinances in effect at the time a proposal is submitted to Park City for consideration, subject to the limitations of Sections 5.10 and 5.11.

5.3.8.1 With respect to the Slalom Village Area, Snowtop Neighborhood and Roosevelt Gap Alternative C, the parties agree that Park City will annex those areas as platted and recorded in Wasatch County, as to density, use and configuration, including road configuration.

5.3.9 Ridge Lines. With the exception of Roosevelt Gap Development, which is dealt with in Section 5.3.9.1 below and ski lift towers and terminals, no portion of any structure within the Amended Telemark Park Resort shall break the ridge line as viewed from the back deck of the Stew Pot Restaurant 1375 Deer Valley Drive (except for the limited area of the funicular as depicted on Exhibits "E" and "P"). The term "Critical Ridge Line" refers to the ridge line as shown on Exhibit ~~"B"~~ "N".

5.3.9.1 Vantage Point. As to Roosevelt Gap Development, maximum height shall be determined in the field, such that no portion of the Roosevelt Gap Development will be visually obtrusive from the vantage point of the Stew Pot Restaurant deck at 1375 Deer Valley Drive. The maximum height shall be determined in good faith by the judgment of Park City's Community Development Department.

5.3.10 State Land Leases. The Utah School and Institutional Trust Lands Administration (the "State") is the owner of certain lands located within the confines of the Amended Telemark Park Resort, which lands are identified on the Development Plan. The State and those claiming under it shall have access rights via Keetley Road, and the use of Keetley Road by such persons shall not be a violation of this Settlement Agreement. Property Owners have obtained nine special use leases from the State covering the state lands, which comprise approximately 57 acres. The state leases have terms of 51 years and contain cross-default provisions. The Property Owners have disclosed this Settlement Agreement to the State. The Property Owners shall have the right to seek such amendments and revisions to the state leases from time to time as they deem appropriate (including extensions of the lease term and elimination of the cross-default provisions between unrelated third-party assigns), and the right from time to time to assign individual leases to third parties for development to the extent permitted by the leases and applicable law; provided, however, that the Property Owners' use of the lands covered by the leases during the terms thereof shall be consistent with the Development Plan and this Settlement Agreement, to the extent permitted by the state leases. However, Property Owners agree

that cross default provisions shall nevertheless remain in effect as between the leases in the group covering Parcels 1C, 1D, 2A, 2B, 2C and 2D (Group 1), and also as between the leases in the group covering Parcels 3A, 3B, 3C, and 3D (Group 2), (but not between any lease(s) in Group 1 and any lease(s) in Group 2). Property Owners further agree (subject to applicable law and the terms of the state leases), to associate the Group 1 leases with the Slalom Village development and the Group 2 leases with the Roosevelt Gap development such that the developer of each such development shall have the right and the obligation to cure any defaults in the associated state leases. The Property Owners promptly will provide Park City with a copy of any notice(s) of default from the State under any of the nine leases that have not been previously developed or assigned to third parties for purposes of development. Park City will have the right, but not the obligation, to cure the default if the Property Owners fail to do so, and upon curing the default to receive an assignment of all rights under those state leases as to which notice was given; provided, however, that Park City will have no right to cure such default or receive an assignment of the Property Owners' rights under the State leases if Property Owners are attempting to cure such default or are appealing or in good faith disputing the State's determination of the existence of such default; provided, further, Park City's right to cure and receive an assignment shall at all times be subordinate to the right of Property Owners' lender(s) or mortgagee(s) to cure such default, including such lender(s) or mortgagee(s) right of receiving an assignment of lease or of appealing or in good faith disputing the State's determination of the existence of such defaults; provided, however, that this paragraph shall not limit the State's statutory right to

approve or disapprove any such assignment. If Park City exercises its right to cure, as provided herein, Park City shall have the right to seek and maintain an action for reimbursement against the lessee(s) of the applicable group of leases subject to default to recoup reasonable costs directly associated with cure. The Property Owners will seek the concurrence of the State with the uses of the state lands contemplated herein, and will ask the State to agree to send Park City a copy of any notice of default under a state lease and to allow Park City to exercise its rights specified above, subject to applicable law and the terms of the leases.

5.4 **Plat Notes.** The following notes shall be on all plats and records of survey for all areas west of the eastern perimeter controlled access gate:

NOTES:

1. Vehicular access through the eastern perimeter controlled access gate and the western perimeter controlled access gate is limited solely to residents and guests and shall otherwise be closed at all times.
2. All construction traffic regardless of vehicular weight is limited to U.S. Highway 40 and the eastern perimeter controlled access gate.
3. Public safety access and utility easements are hereby dedicated for all roads.
4. Permanent maintenance of all perimeter gates, roads, hard surfaced pedestrian/bicycle pathways, including snow removal, shall be the sole responsibility of the property owners and/or homeowners' association, to the reasonable satisfaction of Park City.
5. Park City Municipal Corporation is a third-party beneficiary and these plat notes may not be amended without Park City's written consent.

For any plat within Park City, the plat shall contain a public dedication of the bicycle/pedestrian paths, emergency/bicycle/pedestrian paths and emergency utility roads.

For any plat outside of Park City, a public easement shall be granted over the bicycle/pedestrian paths, emergency/bicycle/pedestrian paths and emergency utility roads as shown on Exhibit "U."

5.5 Covenants, Conditions and Restrictions. Any homeowners association covenants, conditions and restrictions relating to the Property west of the eastern perimeter controlled access gate shall contain the exact information referred to in Section 5.4.

5.6 Recorded Restrictive Covenant. The perimeter controlled access gates shall limit access from Park City to the Property and vice versa. Upon dismissal of the Action with prejudice, Property Owners shall, as soon as reasonably practical and necessary, record on the official records of Summit County and Wasatch County, Utah a restrictive covenant and equitable servitude relating to the perimeter controlled access gates which provides for the placement of the gates, for the maintenance and use of the gates, and which prohibits the removal or disabling of the gates without the prior written consent of the Property Owners and Park City. No party to this Agreement shall have the authority, unilaterally or otherwise, to remove any controlled access gates, or to otherwise allow non-resident vehicular traffic through the controlled access gates. The restrictive covenant and equitable servitude shall run with the land and shall be substantially in the form of Exhibit "Y".

5.7 **Processing Fees and Charges.** The following processing fees shall be applied to the development of the Property:

5.7.1 Property Owners shall pay all usual, planning and processing fees for the Roosevelt Gap Development, the Snow Park Hotel Site and Hidden Hollow.

5.7.2 Property Owners shall not be obligated to pay initial planning fees for Slalom Village and Snowtop unless Property Owners seek development approval prior to their receipt of approval from Wasatch County.

5.7.3 Property Owners and Park City shall fully cooperate with the annexation process by providing and/or seeking any information reasonably necessary for the review of the areas including, providing the statutory notice required by the *Park City Land Management Code*.

5.7.4 Property Owners shall be required to pay planning, building and impact fees, except as provided herein, for any portion annexed to Park City with appropriate offsets for contributions and improvements and without any duplication of impact fees.

5.7.5 **Impact Fees.** Park City's impact fee ordinances shall apply to all portions of the Property that are currently within the City's corporate boundary and to those portions of the Property that are annexed into Park City. Park City's impact fees are assessed at the building permit application phase. Pursuant to this Agreement, some of the area contemplated for annexation into Park City could in fact be annexed *after* building

permits have been issued by another jurisdiction. In such a case, Park City may not unilaterally assess additional Park City impact fees.

Property Owners shall not petition to annex any portion of the Property into the Park City School District. Park City's School Facilities Impact Fee is a fee charged to offset the impacts of growth on the need for new facilities in the Park City School District. Park City shall not charge a School Facilities Impact Fee for development within that portion of the Property that is not within the Park City School District.

Property Owners intend to serve all of a large portion of the annexation areas with sewer and water facilities that are not part of the Snyderville Basin Sewer Improvement District (SBSID) or the Park City municipal water system. Park City shall not impose water or sewer impact fees on that development within those portions of the Property that are annexed into Park City but that are not served by the Park City municipal water system of the SBSID.

Property Owners are offering to dedicate public access to a significant network of trails and to deed to Park City title to Statutory Warranty Deed and perpetual conservation easements (to the reasonable satisfaction of Park City) to a significant amount of passive open space as a component of their petitions for annexation. This network of trails and dedicated open space is an offer in excess of the trails/open space system that Park City typically requires of Master Planned Developments. Further, the offer specifically contributes trails and open space in a manner that contributes to Park City System Improvements as that term is defined in the Park City Impact Fee Ordinance. As such, once

dedicated, the value of the offered improvements that actually exceeds that typically required in Park City for development approval shall be considered an offset to the Parks, Trails, and Open Space impact fee that is imposed at the time of building permit application.

While Park City impact fees may change from time to time, and while a change in impact fees is not precluded not provided for by this Agreement, the value of the excess open space and trails anticipated herein is in excess of the Parks, Trails and Open Space impact fee calculation for the maximum development anticipated within the annexation areas. Generally, Park City requires Master Planned Developments within its boundaries to leave 60% of the land in open space and requires dedication of a far less extensive and extensively-maintained public access trail system. If all annexation areas are annexed, Property Owners shall be entitled to an offset of up to \$1.118 Million (adjusted by CPI, with a base year of 1995) against the park City's Parks, Trails, and Open Space Impact Fee actually assessed for the value of excess open space and trails that is actually dedicated to Park City.¹ Of the \$1.118 Million offset, \$500,000 is attributable to excess land and trails dedications associated with the Roosevelt Gap/Snow Park Annexation, \$300,000 is attributable to the excess land and trails dedications associated with the Slalom Village Annexation Area, and \$318,000 is attributable to excess land and trails dedications associated with the Snowtop/Hidden Hollow Annexation Area. Offsets will be available annexation

¹ The \$1.118 Million calculation assumes 335 acres zoned Recreation Open Space (pursuant to the *Park City Land Management Code*), with approximately 105 acres dedicated to Park City in fee simple absolute, approximately 177 acres *conservation easements (drafted to the reasonable satisfaction of Park City)*, and approximately ten miles of improved and maintained trails.

area, by annexation area, at the time of application for building permits. Any unused offset from one annexed area may be transferred to another annexed area. Property Owners are not entitled to a rebate of dedicated land or money.

5.8 **Good Faith.** The parties have dealt with each other in good faith and will continue to do so.

5.9 **Discretionary Approvals.** All discretionary approvals required under the *Park City Land Management Code* or any other state or local rule or law, which have not yet been granted or otherwise resolved by this Agreement, must be obtained by the Property Owners in accordance with all applicable state and local regulations.

5.10 **Subsequently Enacted Regulations/Retained Powers.** Property Owners shall comply with all subsequently-enacted state and local rules, laws, ordinances and regulations. Nothing in this Agreement shall limit the future exercise of the police power of Park City in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation and other land use plans, policies, ordinances and regulations after the date of this Agreement. Any legislation which is inconsistent with the terms and provisions of this Agreement shall not be applied to development activities on or about those portions of the Property subject to possible annexation, as appropriate, unless the legislation also has general application to development activity in Park City. Provided however, that for a period of 15 years from the date of this Agreement, no rule, law, ordinance, or regulation subsequently enacted by Park city shall

decrease the density, use, or configuration (including the roads) of the development contemplated by this Agreement.

5.11 **Private Roads.** The parties agree and understand that all roads within the Development Plan will be private at the time of development, subject to specified public easements, and may not meet Park City's public road standards or *Park City Land Management Code* requirements. The private roads within the Development Plan are depicted on Exhibit "B." The Parties agree that roadway corridors will be retained by Property Owners so as to overlay and include the roadways approximately as shown on Exhibit "B," and will not be encumbered by conservation easements, dedicated as open space and may not be included on adjacent plats. Roadway corridors shall generally be 50 feet in width, except where construction requirements, such as cuts, fills, skier bridges and other related structures may require additional width. Property owners will, in such cases, retain as little width as necessary to include such improvements. Roadway corridors may be dedicated to a master homeowners association or special service districts.

5.11.1 **Right to Construct Roads.** The Parties acknowledge and agree that certain roads within the areas contemplated for annexation herein are necessary for the development of areas not contemplated for annexation. In the event Property Owners proceed to develop non-annexation areas prior to the areas which are contemplated for annexation, Park City agrees not to interfere with the construction of such roads within the annexation area pursuant to Wasatch County approvals and building permits. Such construction shall not alter the Property Owners' obligations, as set forth and

contemplated herein, to offer annexation of those areas prior to development. Such roads may be constructed prior to any plat or record of survey approval within the annexation area.

5.12 **Conceptual Plans.** The Parties acknowledge that the structures shown on Exhibits "B," "C," "D," "E," "N," "O" and "P" at Snow Park, Roosevelt Gap and Slalom Village are illustrative concept plans, and are not final architectural plans. Final plans may vary, except that such variations may not violate the defined development envelopes shown on Exhibits "N," "O" and "S." Further, in the case of Snow Park/Roosevelt Gap Development, such variation may not violate the visual impact restrictions in Sections 5.2.2.2 and 5.3.9 and, in the case of the Snow Park Hotel Site, may not violate the massing requirements contained in Section 5.2.2.1. Further, such variation may not violate any explicit requirements of this Agreement.

VI.

DURATION OF APPROVAL

6.1 In the event Park City grants/approves all or any portion of the Property Owners' application to annex and/or develop contemplated herein, the duration of the approval shall conform to the provisions of the *Park City Land Management Code* which exists on the date of approval.

VII.

MISCELLANEOUS PROVISIONS

7.1 **Agreement Binds Successors and Assigns.** Property Owners shall be entitled to transfer and/or assign their rights and obligations under this Agreement to any

purchaser or transferee of the Property. This Agreement shall be binding on the successors and assigns of the Property Owners in the ownership or development of any portion of the Property. Except as reflected on the plat notes, real covenants, equitable servitudes and easements contemplated herein, this Agreement shall not bind individual single family lot or multi-family unit purchasers in their capacity as lot or unit owners and is not intended to be reflected on their individual titles.

7.2 Release of Property Owners From Obligations Under This

Agreement. In the event of a transfer of all or any portion of the Property, the Property Owners shall transfer such rights and obtain an assumption by the transferee(s) of the Property Owners' obligations under this Agreement. Upon full and complete transfer of all rights and obligations, the transferee(s) shall be fully substituted as the Property Owners under this Agreement. Except as reflected on the plat notes, real covenants, and easements contemplated herein, this Agreement shall not bind individual single family lot or multi-family unit purchasers in their capacity as lot or unit owners and the Agreement or its terms are not intended to be reflected on their individual titles.

7.3 Effect of Park City Resolution No. 38-92. The terms and provisions of Park City Resolution 38-92 shall not nullify, supersede, or otherwise impair the obligations, benefits or rights provided for and or obtained by this Agreement.

7.4 Notice. Property Owners shall give Park City immediate written notice and copies of any and all documents filed and/or submitted to Wasatch County and/or Summit County concerning any proposed development of the Property. To the extent notice

is required by this Agreement, such notice shall be given in writing and personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the parties at the following addresses:

Trans Wasatch Company, L.L.C.: McKay Edwards, President
190 North Main Street, Suite #1
Heber City, Utah 84032

Park City Consolidated
Mines Company Harry Reed, President
P.O. Box 497
Park City, Utah 84060

Copy to: Stephen G. Crockett, Esq.
Giauque, Crockett, Bendinger & Peterson
170 South Main Street
Suite 400
Salt Lake City, Utah 84101

Park City Municipal Corporation Toby Ross
City Manager
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

Copy to: Jodi F. Hoffman, Esq.
City Attorney
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

Copy to: Mark R. Gaylord, Esq.
Sutiter Axland & Hanson
175 South West Temple
Suite 700
Salt Lake City, Utah 84101

7.5 **Enforcement.** In the event Park City or the Property Owners violate the terms of this Agreement, the non-breaching party may, without seeking an injunction and after fifteen (15) days written notice to correct the violation, take such actions as shall be deemed appropriate under law until such conditions have been satisfied.

7.6 **Failure to Exercise Rights.** Failure of a party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future time that right or any other right it may have hereunder. Unless this Agreement is amended by vote of the City Council, taken with the same formality as the vote approving this Agreement, no officer, official or agent of Park City has the power to amend, modify or alter this Agreement or waive any of its conditions as to bind Park City by making any promise or representation not contained herein.

7.7 **Entire Agreement.** This Agreement, with Exhibits "A" through "Y", constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by all parties to this Agreement.

7.8 **Fees and Costs of Enforcement.** The prevailing party shall be entitled to recover all of its reasonable attorneys' fees and all costs and expenses necessary to enforce this Agreement.

7.9 **Third Party Representations.** Each party to this Agreement is not liable or otherwise responsible for the other party's representations or statements made to third party individuals or entities.

7.10 **Authority to Execute Agreement.** Each party to this Agreement warrants and hereby represents that the individuals executing this Agreement on its behalf, have full and complete authority to do so.

7.11 **Stipulations of Continuance.** The parties agree that prior to the dismissal of the Action with prejudice, as required under this Agreement, to execute such stipulations or other documents as are necessary to maintain the Action.

7.12 **Captions.** The article and section headings contained in this Agreement are for purposes of reference only and shall not limit, expand or otherwise effect the construction of any provisions hereof.

7.13 **Governing Law.** This Agreement and all matters relating thereto shall be governed by, construed and interpreted according to the laws of the State of Utah.

7.14 **Interpretation.** Whenever the context shall require, the plural shall include the singular, the whole shall include any part thereof, and any gender shall include both other genders. This Agreement has been drafted with the input of both parties and shall be interpreted and construed as such.

7.15 **Severability.** If any term or provision of this Agreement shall be determined by a court of competent jurisdiction to be void, voidable or unenforceable, such void, voidable or unenforceable term or provision shall only affect such other term(s) or

provision(s) of this Agreement as is necessary to preserve the material objectives of the parties.

PARK CITY CONSOLIDATED MINES COMPANY, INC.

By James Ingley
Its Chairman

TRANS-WASATCH COMPANY, L.L.C.

By [Signature]
Its President

PARK CITY MUNICIPAL CORPORATION

By [Signature]
Its Mayor

ATTEST:

Anita Sheldon
Anita Sheldon, City Clerk

APPROVED AS TO FORM:

[Signature]
Jodi Hoffman, City Attorney

setlmm1.pcm

Executed Copy

First Amendment to the Telemark Park Settlement Agreement

This First Amendment to the Settlement Agreement by and between Park City Consolidated Mines Company, Inc., a Utah corporation, Trans-Wasatch Company, L.L.C, and Utah limited liability company (collectively, the Property Owners) and Park City Municipal Corporation, a political subdivision of the State of Utah, dated December 29, 1995 (the Telemark Park Settlement Agreement or the Settlement Agreement), is entered into this 8 day of April, 1997 by and between Deer Crest Associates I, L.C., the successors in interest to the settling Property Owners and Park City Municipal Corporation (Park City). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Deer Crest Associates I, L.C., the successor in interest to the Property Owner's interest in the Settlement Agreement, and Park City Municipal Corporation hereby agrees to modify the Telemark Park Settlement Agreement as follows:

1. Add new paragraph 3.14 to define the terms construct and construction as follows:

3.14 **Construction.** The term "construct" or "construction" means and refers to any development or construction activity (vertical or horizontal, combustible or non-combustible) for which a permit would be required by Wasatch County or Park City.

2. Paragraph 5.2 is hereby revised to read as follows:

5.2 Density, Use and Configuration. The Development Plan for the entire Property as anticipated in this Agreement shall not exceed 545 units (150 single-family, 395 multi-family units) with 42,000 gross square feet of commercial space and a 20,000 gross square foot Ski Academy. The parties agree that there shall not be more than:

- (a) 338 residential units,
- (b) support commercial space up to 5% of the gross square footage of the Slalom Village Area multi family units and the Roosevelt Gap Development,
- (c) 10,000 square feet of support commercial space at the Little Baldy Neighborhood, and
- (d) amenities and recreation facilities as generally identified and depicted herein,

all within the perimeter gates of the Property with access to Park City via Keetley Road through the west perimeter gate. Approximately an additional 182 multi-family units and a 20,000 square foot Ski Academy located within the Telemark Park Village shall have vehicular access to Park City only via U.S. Highway 40 and S.R. 248.

Units Lving West of East Perimeter Gate

	<u>Single Family</u>	<u>Multi-Family</u>	<u>Maximum Size Per Multi-Family Unit</u>
Snowtop	15	0	
Hidden Hollow	4	0	
Roosevelt Gap Dev.	0	105	2,000 sq. ft./unit
Little Baldy	60	0	
Slalom Village	5	83	2,400 sq. ft./unit
St. Louis	66	0	
Sub-Total	150	188	

Units Lving East of East Perimeter Gate

	<u>Single Family</u>	<u>Multi-Family</u>	
Telemark Park Village	0	182*	varied sq. ft.
*Density may increase as provided herein			

Snow Park Hotel Site

Snow Park Hotel Site	25*	2,000 sq. ft./unit
*Density may increase as provided herein		

3. Paragraph 5.2.1 is hereby revised to read as follows:

5.2.1 Snowtop/Hidden Hollow. The Amended Density Determination contains an approval for 19 single family lots in the Snowtop/Hidden Hollow neighborhoods. Property Owners will prepare a plat for the development of 15

single family lots in the Snowtop neighborhood which they will submit to Wasatch County for review and consideration, with timely written notice and copies of all materials submitted to Wasatch County to Park City. The Hidden Hollow property comprises roughly 84 acres, upon which Property Owners propose to develop four single family Estate lots, with building envelopes, areas of disturbance, limits of disturbance and open space conservation easements, all as generally depicted on the map (for both Snowtop and Hidden Hollow) attached hereto as Exhibit "D."

4. Paragraph 5.2.1.1 is hereby revised to read as follows:

5.2.1.1 Annexation Procedure for the Snowtop/Hidden Hollow Area. Upon dismissal of the Action with prejudice, temporary physical disconnection of the Keetley Road (as provided in Section 4.4 above), Property Owners may submit a complete application for annexation of the Snowtop/Hidden Hollow Area. Upon Wasatch County's approval of the final plat for a 15 lot subdivision of the Snowtop neighborhood, Property Owners shall submit to Park City a complete petition for annexation, as limited by this Section, for the Snowtop/Hidden Hollow Area, with irrevocable offers of dedication of designated open space and conservation easements of contiguous property (the Snowtop/Hidden Hollow Area), all as depicted on Exhibits "D" and "N." The parties agree and acknowledge that if the portion of the complete petition for annexation for the Snowtop neighborhood is submitted in the form of a final unrecorded plat, Property Owners shall be entitled to an expedited annexation review process (Expedited Petition), more fully described below. Property Owners' Expedited Petition for annexation for the Snowtop/Hidden Hollow Area may be submitted without a visual analysis or annexation

fee. Any petition for annexation of the Snowtop/Hidden Hollow Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing obligation for the Snowtop/Hidden Hollow area shall be one (1) unit. Property Owners' affordable employee housing obligation can be satisfied anywhere on the Property, at Property Owners' discretion. The Park City staff and the City Council have reviewed Exhibit "D" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of an Expedited Petition for annexation and irrevocable offer for dedication, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information requested by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the Expedited Petition within which to annex the Snowtop/Hidden Hollow Area. Prior to application for annexation, and during annexation review, Property Owners shall not engage in any construction activity within the Snowtop/Hidden Hollow Area. Property Owners will attempt to supply the additional information necessary for its consideration, review and approval of the Expedited petition for annexation. Upon the expiration of the 120 day period following the submission of an Expedited Petition for annexation, Property Owners may record the final plat and obtain building permits from Wasatch County for the construction of the Snowtop Neighborhood as a Wasatch County development, but the irrevocable offers of dedication of designated open space and conservation easements made pursuant to this Section 5.2.1.1 shall continue in force.

Property Owners will not object to or interfere with Park City's efforts to annex the Snowtop neighborhood after the lesser of one year or the completion and/or installation of the infrastructure.

5. Paragraph 5.2.3 is hereby revised to read as follows:

5.2.3 Slalom Village. Property Owners will seek to amend the 1991 Density Determination to allow for the development of the Slalom Village Area, with no more than 83 multi-family units (2,400 sq. ft/unit, which shall not be deemed unit equivalents under *Park City Land Management Code*) (of which not less than 60% of the units developed shall be concentrated into a single structure (the "Primary Village Structure")), with support commercial up to five percent (5%) of the gross square footage of the Slalom Village structures and appropriate amenities, all within the Slalom Village development envelope, along with five (5) single-family lots, and a ski chair lift which base terminal may be located in any reasonable location within a 1,100 foot radius of Slalom Village all as depicted in Exhibit "F."

Paragraph 5.2.3.1 is hereby revised to read as follows:

5.2.3.1 Annexation Procedure for the Slalom Village Area. Property Owners may submit an application for annexation of the Slalom Village Area at any time. Upon the approval of a final plat or record of survey in Wasatch County for any portion of the Slalom Village Area, but in all cases prior to application for a building permit for any portion of the Slalom Village, Property Owners will deliver to Park City a petition for annexation of the Slalom Village Area to Park City which shall be entitled to expedited

review (the Expedited Petition). Any petition for annexation of the Slalom Village Area shall provide for affordable employee housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing shall be four percent (4%) of the total number of units within the Slalom Village Area. At their own discretion, Property Owners' affordable employee housing obligation can be satisfied within any unincorporated area of the Property. The Park City staff and City Council have reviewed Exhibit "F" and have found the same to be generally acceptable as to density, use and configuration. Within fourteen (14) days of the receipt of the Expedited Petition for annexation, Park City shall notify Property Owners of any additional information necessary to make the petition complete. Upon the earlier of submittal of the additional information requested by Park City or after the passage of fourteen (14) days without providing written notification to Property Owners, Park City shall have up to 120 days from such notice and submission of the petition within which to annex the Slalom Village Area. The complete Expedited Petition delivered to Park City as outlined above shall be exclusive to Park City for 120 days, and during such period Property Owners shall not pull building permits or engage in any construction activity except as explicitly described herein. Upon the expiration of the 120 day period, following submission of an Expedited Petition, Property Owners may obtain building permits from Wasatch County for the construction of Slalom Village as a Wasatch County development, but will not object to or interfere with Park City's efforts to annex Slalom Village Area after the lesser of one year or the completion and/or installation of the infrastructure. Park City shall promptly commence and process the annexation review upon complete petition filed by Property Owners.

7. Paragraph 5.2.3.2 is hereby revised to read as follows:

5.2.3.2 Annexation Agreement. If Slalom Village is annexed into Park City, then the following conditions of development shall bind the parties: (a) the density of Slalom Village Area shall not exceed 83 multi-family units (maximum 2,400 sq. ft./unit) with support commercial space up to 5% of the gross square footage and appropriate amenities, five(5) single-family lots, (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure at Slalom Village prior to the issuance of a certificate of occupancy for any portion of the Slalom Village Area, (c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) the Property Owners shall irrevocably grant limited conservation easements to the ski run(s) and remaining areas, as so depicted in Exhibit "N." Property Owners shall offer, but Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier. As more fully described in Section 5.2.2.1 above, Property Owners may transfer up to ten (10) single-family and/or multi-family units from the Slalom Village Area to Telemark Park Village outside the eastern perimeter controlled access gate, in exchange for an increase of up to ten (10) multi-family units being added to the Snow Park Hotel Site, upon Park City's consent.

8. Paragraph 5.2.3.3 is hereby revised to read as follows:

5.2.3.3 Development Alternatives to Slalom Village. In the event Property Owners elect not to construct the development described in Section 5.2.3 above, then

Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. The twelve (12) lots shall be platted in Wasatch County and may be recorded within the Slalom Village development envelope with limits of disturbance established by Wasatch County and as generally depicted in Exhibit "S." The Park City staff and City Council have reviewed Exhibit "S," and found said exhibit to be generally acceptable as to density, use and configuration. The twelve (12) single-family lots are in addition to the five (5) lots shown on Exhibits "C" and "F". Property Owners shall have the right to develop the 12 single-family lot subdivision as a Wasatch County development. In the event Property Owners elect to develop the twelve (12) single-family lot subdivision, then Property Owners shall realign and construct Keetley Road as depicted on Exhibit "S," wherein Slalom Village becomes a cul-de-sac that is not accessible from the eastern portion of Keetley Road except via St. Louis Drive.

9. Paragraph 5.2.3.7 is hereby revised as follows:

5.2.3.7 **Ski Academy.** The parties understand and agree that the 20,000 square foot Ski Academy, which Deer Crest Associates I, L.C. may construct at Telemark Park Village (now known as Jordanelle Village Resort), shall be used as an academic athletic institution and/or ski training facility whose students/attendees are expected to reside within the Telemark Park Village and/or Amended Telemark Park Resort (now known as Deer Crest). Alternatively, Property Owners may use the 20,000 square foot Ski Academy or other approved structure in a manner that will result in similar impacts to the area within the Property.

10. Paragraph 5.2.3.10 is hereby revised as follows:

5.2.3.10 Slalom Village Parking. Property Owners may construct no more parking stalls underneath the Slalom Village multi-family unit structure than are required to service that structure as may be required by the appropriate Wasatch County official(s). The parking structure at Primary Village Structure may be accessible from Park City so long as the connection between the parking levels is designed to Park City's reasonable satisfaction in such a manner that sufficiently discourages the tendency to use the Keetley Road as a means of vehicular travel from U.S. 40 to Park City. It is contemplated that such will be accomplished by the construction of a multi-level structure with vertical separation between the east and west parking entrances, and an internal ramping and gate system.

11. Paragraph 5.2.6 is hereby revised as follows:

5.2.6 Telemark Park Village. Property Owners will seek to amend the 1991 Density Determination in Wasatch County as depicted in Exhibits "B" and "C," wherein the Telemark Park Village shall contain a density of 188 multi-family units, a 20,000 square foot ski academy and identified commercial space. Property Owners may increase the density of the Telemark Park Village as described in Sections 5.2.2.1 and 5.2.6.2.

12. Paragraph 5.3.1 is hereby revised follows:

5.3.1 Timing of Annexation of Snowtop/Hidden Hollow Area, Roosevelt Gap Development and Slalom Village. As more particularly described in Sections

5.2.1.1, 5.2.2.4 and 5.2.3.1, Property Owners contemplate submitting petitions of annexation, as more fully described herein, for the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area and Slalom Village Area to Park City. With respect to the Snowtop Neighborhood and Slalom Village Area, these development areas will be petitioned for annexation either as agreed, or as platted or surveyed (and depicted in Exhibits "D" and "F") in Wasatch County. Park City shall have a specified number of days in which to annex the area(s) submitted on Expedited Petitions. Park City may, but is not required to, allow Property Owners to pursue not more than two (2) Expedited Petitions for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap Development or the Slalom Village Area concurrently, simultaneously, or within the same time period.

13. Paragraph 5.3.1.2 is hereby revised as follows:

5.3.1.2 Track II for Annexation by Park City. In the event Property Owners are not prepared to record plats or records of survey and have not secured all necessary utilities for the Snowtop Neighborhood Area or Slalom Village Area in Wasatch County, Property Owners may submit petitions for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap/Snow Park Area or the Slalom Village Area to Park City sequentially, in any order as determined by Property Owners, with no two petitions being considered by Park City for approval simultaneously without prior approval from Park City. After the passage of the time period in which Park City shall have the exclusive right to review and approve a petition for annexation (120 or 180 days as defined herein), Property Owners may submit for review and consideration a second

petition for annexation of any additional annexation area as contemplated herein. If Property Owners request Park City's assistance in securing utility services and/or other development infrastructure for the Snow Top/Hidden Hollow Area or Slalom Village Area, then the annexation period may be extended for an additional six months at Park City's discretion.

14. Paragraph 5.11.1 is hereby revised as follows:

5.11.1 Right to Construct Roads, Ski Runs, Lift and Related Appurtenances.

The parties acknowledge and agree that certain roads, six (6) ski runs, one (1) ski access trail, one (1) ski lift and certain lift and related appurtenances within the areas contemplated for annexation herein are necessary for the development of areas not contemplated for annexation. In the event Property Owners proceed to develop non-annexation areas prior to Property Owners' petition for annexation, Park City agrees not to interfere with the construction of improvements identified below pursuant to Wasatch County approvals and building permits. Such construction shall not alter the Property Owners' obligations, as set forth and contemplated herein, to offer the first annexation of those areas prior to February 2, 1998 (and the last offer no later than October 31, 1998) and to not construct any further infrastructure or improvements within the proposed annexation areas prior to the determination of annexation, as provided in this Settlement Agreement. The roads, utilities, ski runs, ski lifts and related appurtenances which may be constructed prior to any petition for annexation, or any plat or record of survey approved within the annexation areas are depicted on the attached Exhibits "Z-1" and "Z-

2" and are more particularly described in Paragraph 5.11.1.1, 5.11.1.2 and 5.11.1.3, below:

5.11.1.1 Ski Lift, Ski Runs and Related Improvements. Deer Crest Associates I, L.C. intends to add ski terrain to Deer Valley Resort for the 1997-98 ski season. To complete the work Deer Crest Associates I, L.C. will commence work in early Spring 1997 before completing any annexation process. Accordingly, Deer Crest Associates I, L.C. may proceed to complete construction of six (6) ski runs and one (1) ski access trail, including grading and widening, plus any utilities and facilities (i.e., Deer Crest Chairlift) located in the areas shown on Exhibits "Z-1" and "Z-2." The acreage of said runs will be approximately 34 acres. Also, Homerun ski trail (portions of which were constructed Summer '96) may be widened and/or constructed consistent with Paragraph 5.11.1.3 below and Exhibit Z-2. The first step will be a "line of sight" survey for the Deer Crest Chair Lift. Construction will include related improvements such as snowmaking/irrigation/fire protection lines (one common "green line") and equipment, electric power to operate the lifts, transformer housings, telephone lines, an inconspicuously placed maintenance/storage building not exceeding 500 square feet, drainage and water quality control devices, etc., as well as a 250 square foot temporary office at the base of the lift for the use by the operator of the ski facilities (not to be used for real estate sales or promotion). Deer Crest Associates I, L.C. may also construct water and sewer lines along the side of the Kid's Delight run adjacent to Lots 1 through 5, water

lines along the side of the Weasel Run to Roosevelt Gap, and the sewer line along the Deer Hollow Run from Roosevelt Gap to Deer Hollow Road.

5.11.1.2 Other Open Space Improvements. Deer Crest Associates

I, L.C. will construct or restore in the open space and annexation areas contemporaneously with the construction identified in subparagraph 5.11.1.1 above, biking and hiking trails as shown on Exhibit "Z-2," (i.e., restoration and/or construction of super spin and spin cycle).

5.11.1.3 Roads Serving Non-Annexation Areas. Deer Crest Associates I,

L.C. may proceed with construction of Deer Hollow Road (formerly known as Keetley Road), Summit Drive (formerly known as Little Baldy Road) and Deer Crest Estates Drive (formerly known as St. Louis Drive) all of which access a non-annexation area. Also, Home Run will serve as the temporary secondary access to such areas and may have to be widened in places. Road construction will also include the permanent west gates and gate house as well as utilities (sanitary sewer, water, irrigation, storm water, power, telephone, gas, and cable tv) in the roadway corridors, and improvements associated with the roadways such as retaining walls, guardrails, lighting, signs, and certain utilities that must be placed in the roadway or adjacent open space areas.

5.11.1.4 Mini-Review Process. Deer Crest Associates I, L.C. will provide

Park City with plans and applications relating to the construction activities provided under this Section 5.11.1, twenty-one (21) days in advance of filing the same with

Wasatch County for Park City's substantive review and comment for conformance with the Settlement Agreement, as amended.

5.11.1.5 Review Fees. Upon submitting any application under 5.11.1.4 Property Owner shall pay all Park City Community Development permit review fees associated with permitted construction activity within the annexation areas.

15. Add new paragraph 5.13 to define terms of timing annexation applications as follows:

5.13 Timing of Annexation Applications. Pursuant to subparagraphs 5.2.1.1, 5.2.2.4 - 5.2.2.6, 5.2.3.1 Deer Crest Associates I, L.C. is obligated to submit complete applications for annexation of the Snowtop/Hidden Hollow Area, Roosevelt Gap Development Area, and Slalom Village Area. Property Owners may submit an application for annexation to Park City of one or all of these areas at anytime, but shall submit the first application for annexation to Park City of these areas no later than February 2, 1998 and the last application for annexation to Park City of these areas no later than October 31, 1998.

16. Paragraph 7.4 is hereby revised to read as follows:

7.4 Notice. Except where a longer period is provided in Section 5.11.1 above, Deer Crest Associates I, L.C. will provide Park City with copies of plan packages and other processing documents (i.e. building permit applications) to be filed by

Deer Crest Associates I, L.C. in Wasatch County ten (10) days in advance of filing with the County. Upon receipt, Deer Crest Associates I, L.C. will promptly provide Park City with copies of any written communications from Wasatch County in response to such submittals. Deer Crest Associates I, L.C. will attempt to accommodate Park City's comments under Paragraph 5.11.1.4 and this Paragraph 7.4 in the spirit of good faith and cooperation before any submittal is made to Wasatch County. To the extent notice is required by this Agreement, such notice shall be given in writing and personally delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the parties at the following addresses:

Deer Crest Associates I, L.C.:

c/o LCC Properties Group, L.C.
David M. Luber
Managing Member
136 Heber Ave. Suite 308
P.O. Box 8888
Park City, Utah 840060

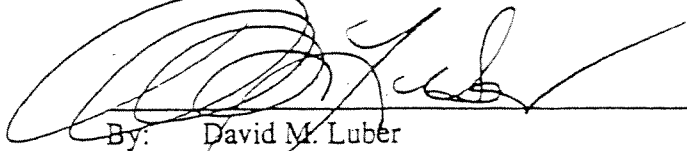
Park City Municipal Corporation

Toby Ross
City Manager
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

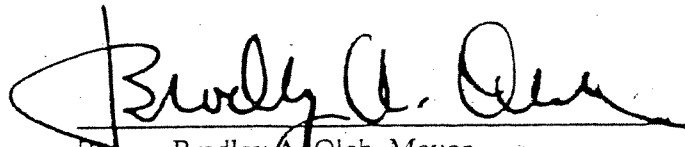
Executed this 8 day of April, 1997.

DEER CREST ASSOCIATES I.L.C.

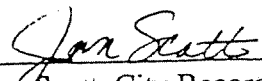
By: LCC PROPERTIES GROUP, L.C.

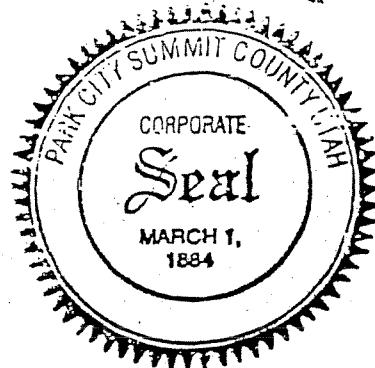

By: David M. Luber
Managing Member

PARK CITY MUNICIPAL CORPORATION

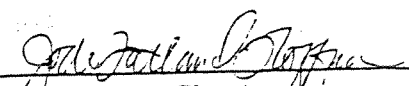

By: Bradley A. Olch, Mayor

ATTEST:


Jan Scott, City Recorder



APPROVED AS TO FORM:

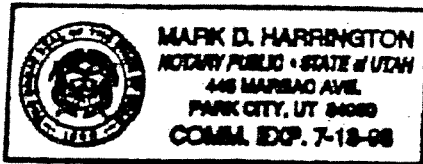

Jodi Hoffman, City Attorney

STATE OF UTAH

SS.

COUNTY OF SUMMIT

On this 8th day of April, 1997, personally appeared before me David M. Luber, whose identity is personally known to me (or proved to me on the basis of satisfactory evidence) and who by me duly sworn (or affirmed), did say that he is the Managing Member of DEER CREST ASSOCIATES I, L.C., by LCC PROPERTIES GROUP, L.C. and that said document was signed by him in behalf of said corporation by authority of its bylaws (or of a Resolution of its Board of Directors), and said David M. Luber acknowledged to me that said corporation executed the same.



~~Notary Public~~

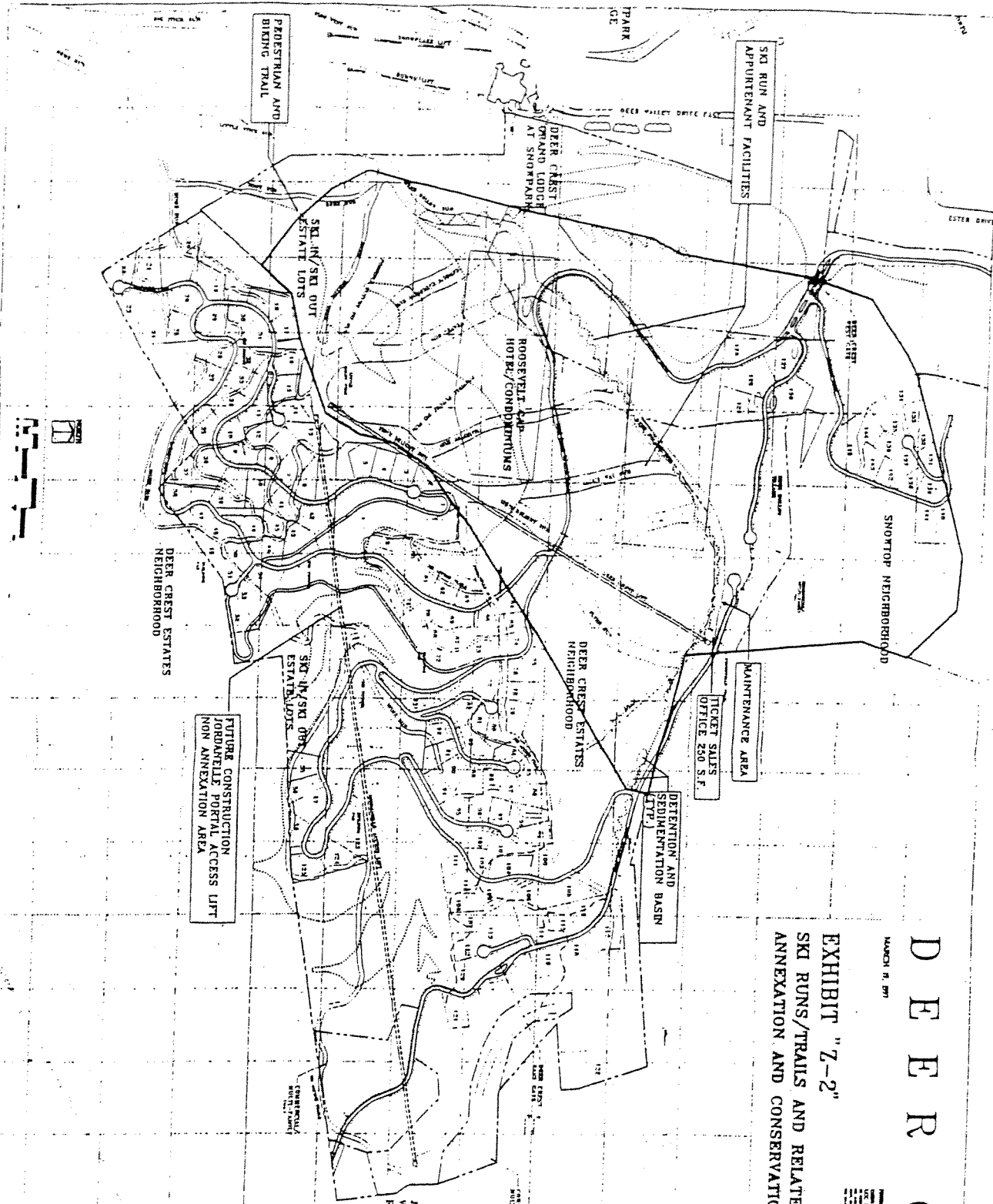
DEER CREST

MARCH 11, 1971

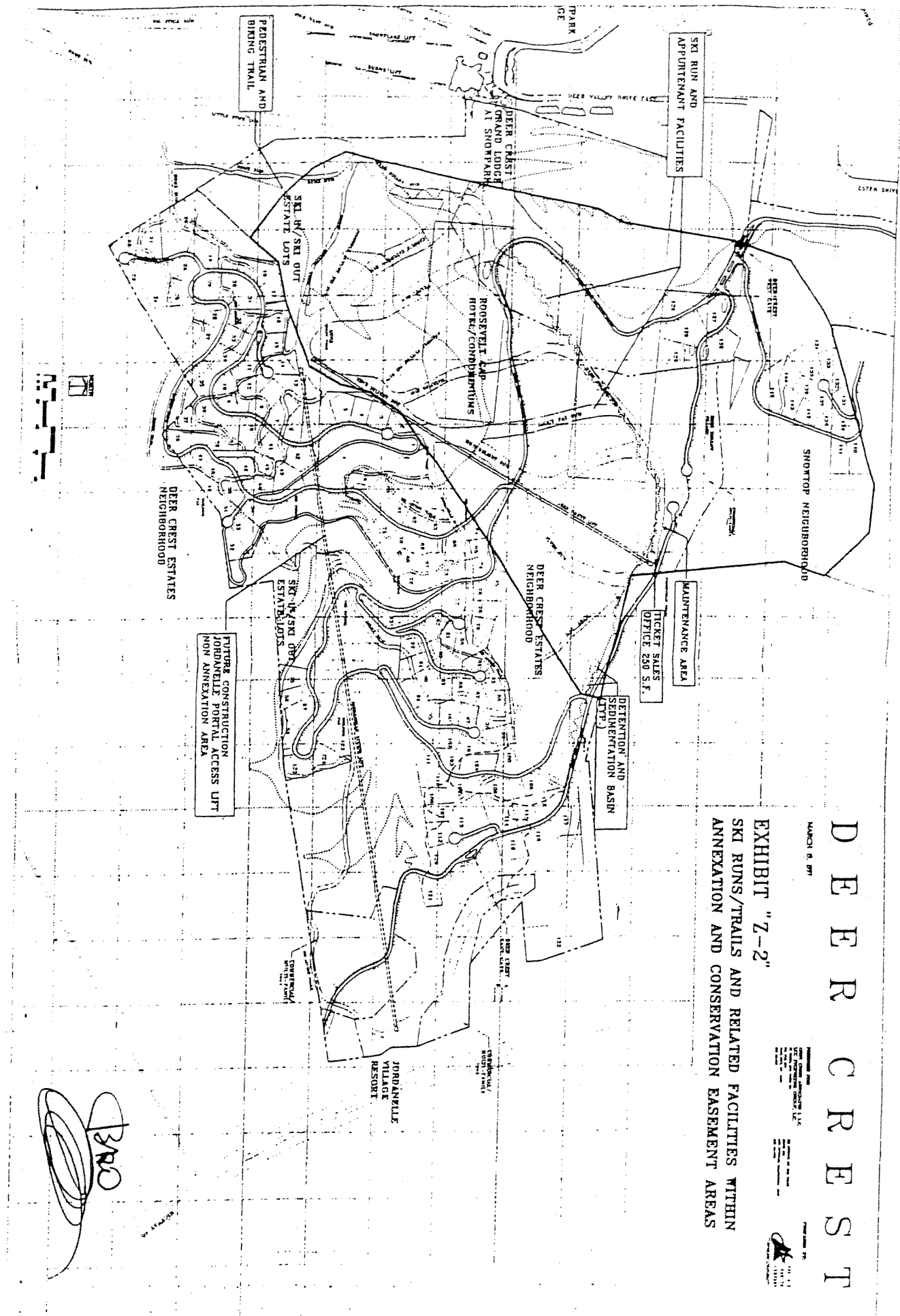
EXHIBIT "Z-2"

SKI RUNS/TRAILS AND RELATED FACILITIES WITHIN
ANNEXATION AND CONSERVATION EASEMENT AREAS

JOHN J. COOPER ARCHITECTS, INC.
1000 10TH AVENUE, SUITE 100
DENVER, COLORADO 80202



BAO

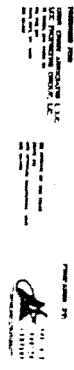


DEER CREST

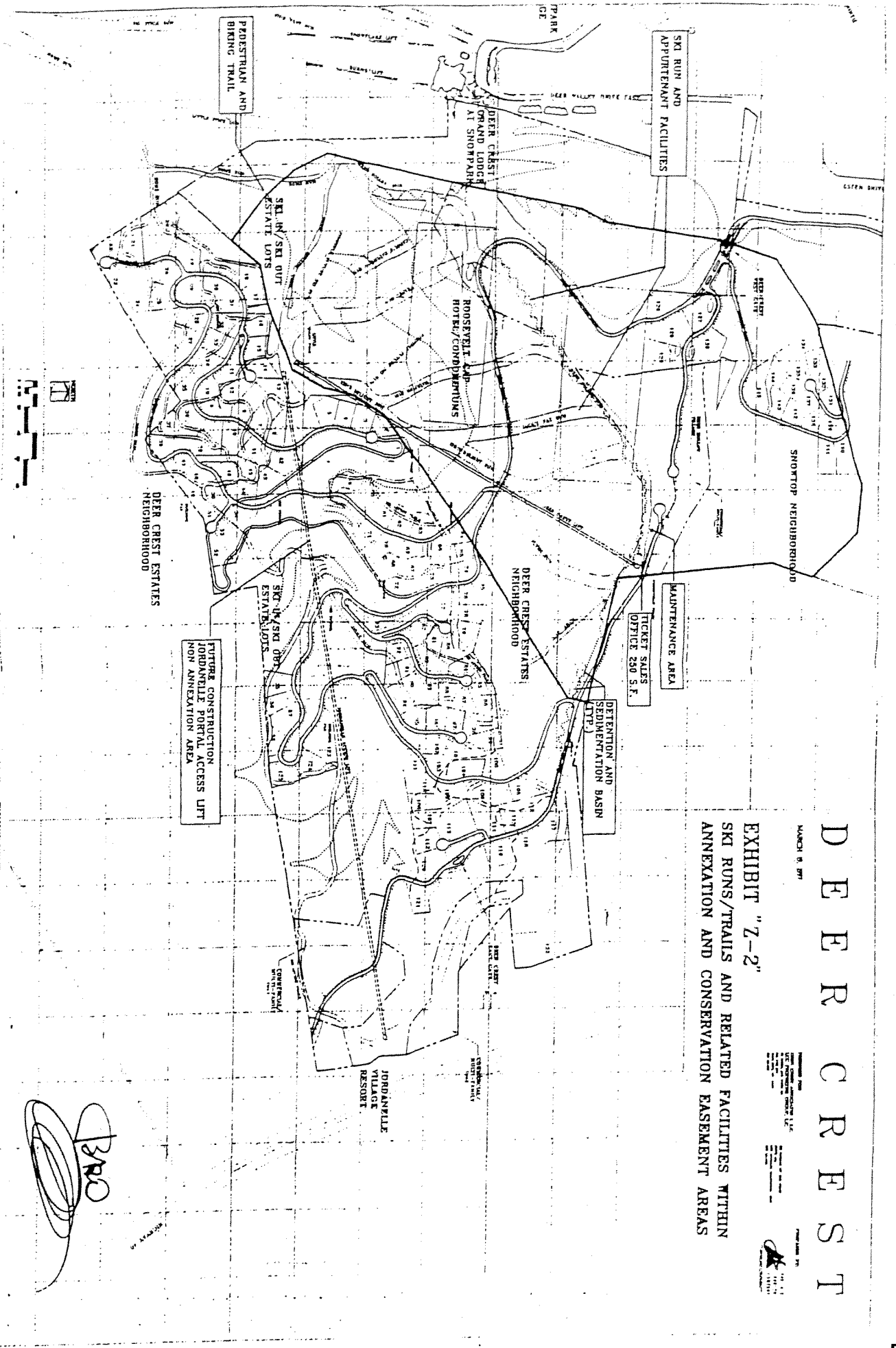
MARCH 8, 1971

EXHIBIT "Z-2"

SKI RUNS/TRAILS AND RELATED FACILITIES WITHIN ANNEXATION AND CONSERVATION EASEMENT AREAS



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DEER CREST

MARCH 8, 1971

EXHIBIT "Z-2"

SKI RUNS/TRAILS AND RELATED FACILITIES WITHIN
ANNEXATION AND CONSERVATION EASEMENT AREAS

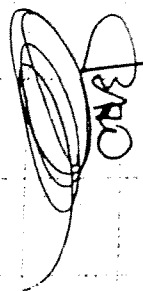
DEER CREST
ANNEXATION AND CONSERVATION EASEMENT AREAS
MARCH 8, 1971

DEER CREST
ANNEXATION AND CONSERVATION EASEMENT AREAS
MARCH 8, 1971

DEER CREST
ANNEXATION AND CONSERVATION EASEMENT AREAS
MARCH 8, 1971

BRD

ROBERT H. D'

SKI RUNS/TRAILS AND RELATED FACILITIES WITHIN
ANNEXATION AND CONSERVATION EASEMENT AREAS

SECOND AMENDMENT TO THE TELEMARK PARK SETTLEMENT AGREEMENT

This Second Amendment to the Telemark Park Settlement Agreement (this "Second Amendment") is entered into this 6th day of April, 2001 by and between Hidden Hollow Associates, LLC, a Utah limited liability company ("Hidden Hollow"), Deer Crest Associates I, L.C., a Utah liability company ("Deer Crest") and Park City Municipal Corporation, a political subdivision of the State of Utah ("Park City").

Recitals

A. Pursuant to a Settlement Agreement between Park City Consolidated Mines Company, Inc., a Utah corporation ("Consolidated Mines"), Trans-Wasatch Company, L.L.C., a Utah limited liability company ("Trans-Wasatch"), and Park City dated December 29, 1995 (the "Settlement Agreement"), the parties thereto made reciprocal promises affecting, among other parcels, the parcel of land described in Exhibit "A" (the "Hidden Hollow Property").

B. The parties to the Settlement Agreement agreed that four (4) single family Estate lots would be permitted on the Hidden Hollow Property, with building envelopes, configurations, and other features further specified within the Settlement Agreement and its Exhibits.

C. Pursuant to a First Amendment to the Settlement Agreement between Deer Crest, the successor in interest to Consolidated Mines and Trans-Wasatch with respect to a portion of the subject property, and Park City dated April 8, 1997 (the "First Amendment"), the parties thereto made certain revisions of and clarifications to the Settlement Agreement.

D. Deer Crest and Park City approved additional revisions of and clarifications to the Settlement Agreement in December of 1998, but never recorded said amendments in written form. The parties now wish to include those revisions in this Second Amendment (Paragraph 5, below).

E. Hidden Hollow owns the Hidden Hollow Property and is the successor in interest to all of the rights and obligations in the Hidden Hollow Property which resulted from the Settlement Agreement and the First Amendment.

F. Upon Hidden Hollow's application to Park City to subdivide the property, Hidden Hollow expressed its willingness to redesign the subdivision based upon input from the Park City Community Development staff and the Park City Planning Commission. Several of the more visible building envelopes were eliminated, thereby decreasing opportunities for building sites. In exchange for this concession, Park City agreed to allow five (5) single family Estate lots on the Hidden Hollow Property with the building envelopes, configurations, and other features further specified in this Second Amendment.

G. The parties to this Second Amendment wish to amend the Settlement Agreement and the First Amendment to reflect Park City's decision to allow five (5) single family Estate lots on the Hidden Hollow Property with the building envelopes, configurations, and other features further specified in this Second Amendment. Park City wishes to do so without decreasing the total number of lots permitted to the owners of other real property parcels which were subject to the Settlement Agreement.

Agreement

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties to this Second Amendment, intending to be legally bound, hereby agree as follows:

1. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to four (4) single family Estate lots on the Hidden Hollow Property, and references to five (5) single family Estate lots on the Hidden Hollow Property are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraphs 5.2 to 5.2.1.5, inclusive; Exhibit B, "Develop. Density Table"	Paragraphs 2 and 3

2. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to one hundred fifty (150) total single family units lying West of the East Perimeter Gate, and references to one hundred fifty-one (151) total single family units lying West of the East Perimeter Gate are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraph 5.2(e)	Paragraph 2

3. The following paragraphs in the Settlement Agreement and the First Amendment are hereby amended to delete references to five hundred forty-five (545) units, and references to five hundred forty-six (546) units are hereby inserted in place of the deleted references:

Settlement Agreement	First Amendment
Paragraph 5.2	Paragraph 2

Any other references in the Settlement Agreement and First Amendment to unit numbers which should be increased by virtue of the increase in total single family units from one hundred fifty (150) to one hundred fifty-one (151) shall be deemed so increased.

4. The map attached hereto as Exhibit "B" supersedes any inconsistent exhibits contained in the Settlement Agreement and First Amendment for the Hidden Hollow and Snow Top property, including, but not limited to, Settlement Agreement Exhibits "B", "D", "N" and "U" and First Amendment Exhibits "B", "D", "N" and "U". Accordingly, for purposes of the Settlement Agreement, as amended, and development of the Hidden Hollow and Snow Top properties, Exhibit "B" controls over other plats and maps.

5. Paragraph 5.2.2.5 of the Settlement Agreement is hereby deleted, and replaced by the following amended Paragraph 5.2.2.5, approved by the City Council of Park City in December of 1998:

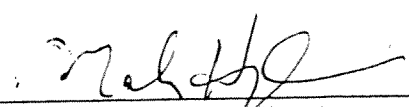
5.2.2.5 Annexation Agreement for Alternative A for the Roosevelt Gap/Snow Park Hotel Area. If the Roosevelt Gap/Snow Park Development Area is annexed into Park City under Alternative A, then the following conditions of development shall bind the parties: (a) the density of the Roosevelt Gap Lodge shall not exceed 105 Park City Unit equivalents; (b) the funicular tramway shall be installed at the earliest opportunity; (c) Property Owners shall make offers of dedication of conservation easements, and shall designate development envelopes, all as depicted in Exhibit "N" attached hereto; (d) the remainder of the Roosevelt Gap/Snow Park Development Area shall be dedicated open space to Park City as depicted in Exhibit "N" attached hereto; and (e) there shall be no overnight parking at Roosevelt Gap Lodge unless the Planning Commission approves overnight parking at Roosevelt Gap Lodge in conjunction with a Master Planned Development of a luxury resort hotel, upon Property Owner's demonstration that the remainder of the Project has been modified to result in no net increase of traffic on the Keetley Road as a consequence of the provision of overnight parking at Roosevelt Gap. The Planning Commission may approve up to 105 overnight parking spaces at Roosevelt Gap without further Council action.

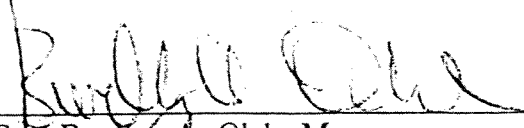
6. Any references within the Settlement Agreement or the First Amendment which are inconsistent with the intent of the parties to this Second Amendment, as set forth in paragraph "G" in the "Recitals" section and paragraphs 1, 2, and 3, above of this Second Amendment, are hereby reformed and shall be construed to be consistent with this Second Amendment.

IN WITNESS WHEREOF, the parties have executed this Second Amendment as of the date first written above.

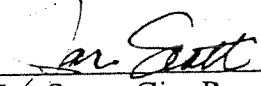
APPROVED AS TO FORM:

PARK CITY MUNICIPAL CORPORATION


Mark Harrington, City Attorney


By: Bradley A. Olch, Mayor

ATTEST:

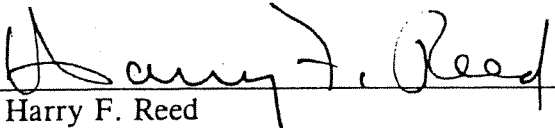

Jan Scott, City Recorder



HIDDEN HOLLOW ASSOCIATES, LLC

By: Skyline Land Company, Inc.

Its: Manager


By: Harry F. Reed
Its: President

DEER CREST ASSOCIATES I, L.C.

By: Grand Harvest Venture, LLC

Its: Manager

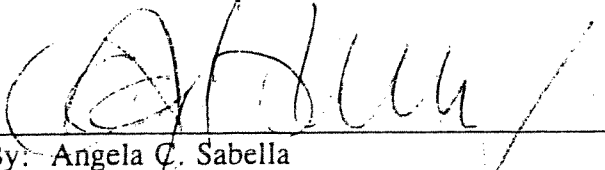

By: Angela C. Sabella
Its: Manager

EXHIBIT "A" To Second Amendment to

Telemark Park Settlement Agreement

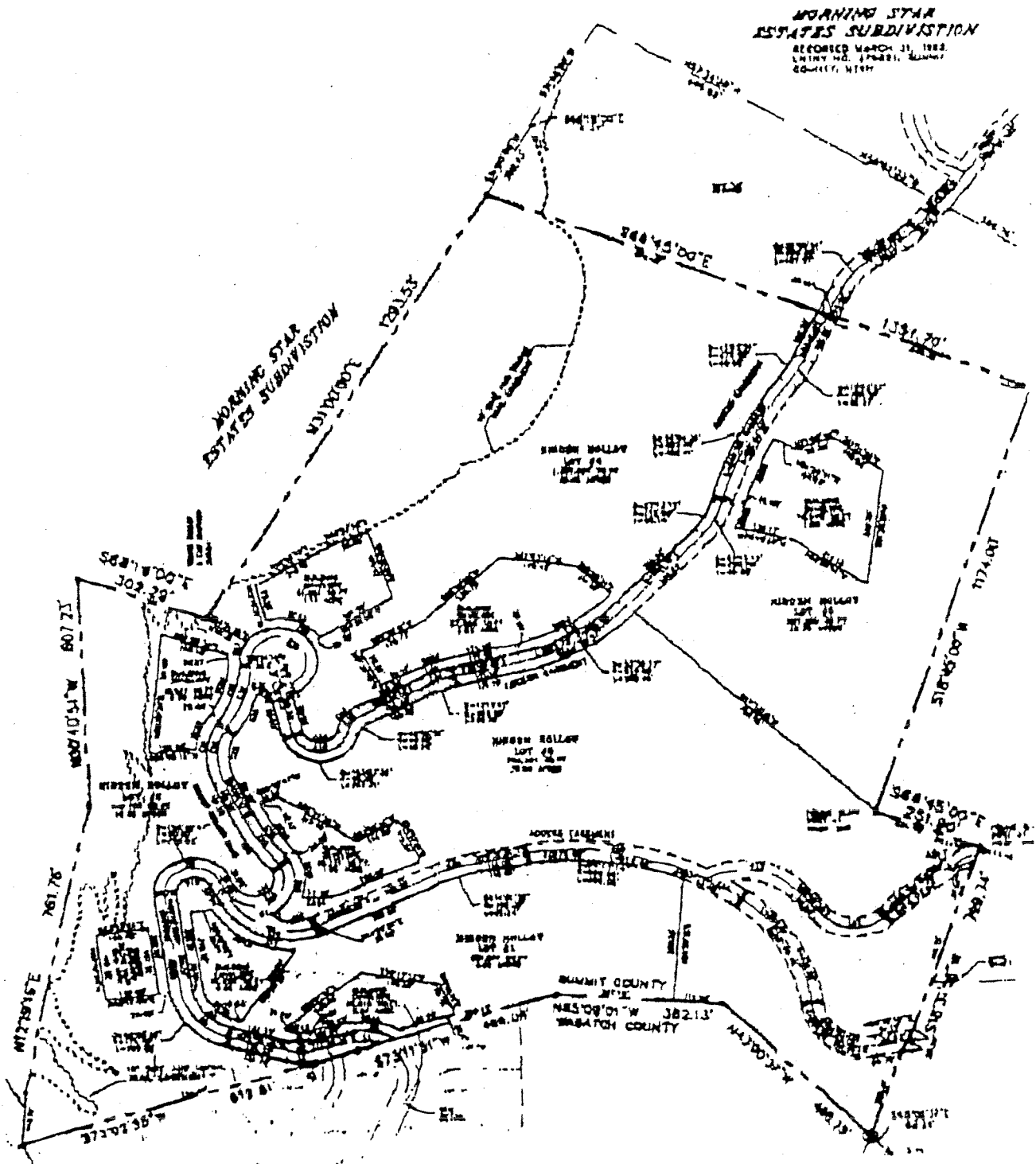
Beginning at a point on the Summit-Wasatch County line, said point being South 0°30'11" West 529.16 feet along the section line and East 5719.73 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 4°33'29" East 142.89 feet; thence North 12°19'16" East 761.76 feet; thence North 0°40'51" West 620.11 feet more or less; thence along the South line of the Republican Mining Claim (MS 4980) South 68°19'00" East 310.72 feet more or less; thence along the East line of the Republican Mining Claim North 31°00'00" East 1281.41 feet more or less; thence along the North line of the Queen Esther No. 5 Mining Claim (MS 6979) South 66°45'00" East 1350.12 feet more or less; thence along the East line of the Queen Esther No. 4 and the Queen Esther No. 5 Mining Claims South 18°45'00" West 1174.00 feet more or less; thence along the North line of the Queen Esther No. 3 Mining Claim South 66°45'00" East 251.90 feet more or less; thence along the East line of the Queen Esther No. 3 Mining Claim South 18°31'58" West 799.74 feet; thence along the Summit-Wasatch County line the following 4 courses: 1) North 43°00'37" West 488.15 feet; thence 2) North 85°09'01" West 382.13 feet; thence 3) South 73°11'51" West 485.08 feet; thence 4) South 73°02'55" West 812.81 feet to the point of beginning.

TOGETHER WITH all rights-of-way and easements appurtenant to such real property set forth in the Declaration of Easements, Covenants and Restrictions, recorded July 1, 1996 as Entry No. 457356 in Book 975 at Page 335 of the official records of the Summit County Recorder.

TOGETHER WITH Water Right No. 35-8833, Certificate No. 3006, as such right is more particularly defined in the records of the Utah Division of Water Rights.

EXHIBIT "B"

To Second Amendment to Telemark Park Settlement Agreement



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WASATCH CO RECORDER-ELIZABETH M PARCELL
 1996 AUG 08 13:37 PM FEE \$185.00 BY MMM
 REQUEST: TRANSWASATCH COMPANY LLC

BEFORE THE BOARD OF COUNTY COMMISSIONERS

WASATCH COUNTY, UTAH

IN THE MATTER OF	:	
THE APPLICATION OF	:	FIRST AMENDED FINDINGS AND
TRANS-WASATCH COMPANY	:	ORDER ON DENSITY
FOR FIRST AMENDED	:	DETERMINATION
DENSITY DETERMINATION	:	
FOR TELEMAR PARK RESORT	:	

The Board of County Commissioners in and for WASATCH County, Utah, upon the recommendation of the County Planning Commission and the review and consideration of the matters submitted by the Applicant and those items raised at public hearing, hereby enters its Findings and Order on Density Determination for the Telemark Park Resort as follows:

I. PROJECT SUMMARY

The Trans-Wasatch Company filed its original application for density determination for the Telemark Park Resort on December 29, 1989 asking for density determination for the Telemark Park Resort under the regulations for the Recreation Forestry-1 Zone of the Wasatch County Development Code. The property considered for this approval consists of approximately 526 acres, on which a mixture of single family, multi-family, and commercial buildings are proposed, as set forth in this Order and Density Determination.

The property is adjacent to Summit County, Park City, the Deer Valley Ski Resort and between the town of Park City and the new alignment of Highway 40 above the Jordanelle Reservoir, as well as central to a large number of recreational amenities in Wasatch County, Summit County and Park City. The project area occupies a hilly to mountainous parcel of land rising from 6,600 feet at its eastern end to 8,000 feet at its high point on the west. This topography creates opportunities for recreation development including alpine and nordic skiing, recreational trails and forested open space. The terrain also creates challenges to the proper development of the parcel and has raised many concerns on the part of the County Planning Staff. It is the opinion of staff that such development will require a high level of attention

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to environmental mitigation, vegetation preservation and revegetation, site specific design and aesthetic control, as provided in this Order and Permit.

The Trans-Wasatch Company filed a request for Amended Density Determination on April 9, 1996.

II. FINDINGS

Based upon a careful review of the record before it and subject to the truth of the representations and warranties made, and information provided by the Developer in the record, and also subject to conformance to the Application and strict adherence to and compliance with the Conditions, Definitions, and other matters and requirements set forth in this Order and Density Determination, the Board of County Commissioners for Wasatch County, Utah makes the following findings:

1. The Applicant, Trans-Wasatch Company, submitted its application pursuant to Section 9.3 of the Wasatch Development Code (adopted June 23, 1979) on December 29, 1989. The Application was accepted as complete and in full compliance with the Development Code, and processing began at that time.

2. Subsequent amendments and additional submittals were made throughout the process, with the result that the project as presented to the Planning Commission was somewhat different from that originally applied for. Based on the review process, the original application was revised on July 26, 1990, with further revisions in February of 1991 and August 1, 1991. These amendments have revised the requested density from 697 units and 50,000 square feet of commercial space to the present 516 units and 62,000 square feet of commercial space.

3. The County Planning Commission reviewed the application, the revisions, and the recommendations made by the County Planner and a team of County review consultants. The application went to public hearing before the Planning Commission on September 16, 1991. On October 3, 1991, the Wasatch County Planning Commission voted to recommend approval of the Density Determination as provided in Section 9.3 of the Wasatch Development Code (adopted June 23, 1979).

4. Wasatch County established the Jordanelle Special Service District on August 23, 1993, which has the authority to provide sanitary sewer, water distribution, storm drainage, water quality protection, and transportation services with the Jordanelle Basin generally, and on the Telemark Park Resort property specifically. The District has constructed a sanitary sewer line to the project boundary and the Commission

finds that the sanitary sewer pre-condition of the 1991 Density Determination Order has been satisfied.

5. The litigation between the property owner and Park City Municipal Corporation, entitled Park City Consolidated Mines Company et al. v. Park City Municipal Corp., Third District Court, Summit County, Civil No. 930390001 (the "Litigation") has been settled by the parties. Under the terms of the settlement, Trans-Wasatch has petitioned Wasatch County on June 3, 1996 and Park City on June 13, 1996 for the vacation of Keetley Road through the Property, abandoning all public rights of way that have existed. The vacation process is proceeding simultaneously with the review of the Amended Density Determination. The road will continue to exist as a limited access, private roadway serving the Telemark Park Resort.

6. The Trans-Wasatch Company filed a request for Amended Density Determination on April 9, 1996. The following are an outline only of substantive changes requested:

- A. Reconfigured Transportation Elements:
 - 1. Vacation of Subsequent Gating of Keetley Road
- A. Reconfigured Transportation Elements:
 - 2. Disconnection of Keetley Road
- A. Reconfigured Transportation Elements:
 - 3. Funicular Tramway at Roosevelt Gap
- A. Reconfigured Transportation Elements:
 - 4. Non-Vehicular Transportation Elements
- A. Reconfigured Transportation Elements:
 - 5. Density Transfer
- B. Density Transfer and Employee Housing
- C. Park City Annexation

Also the following is an outline of substantive changes requested in each of the above Exhibits:

Exhibit A Land Use and Area Map, Amended April 1996.

Exhibit B Table I Land Use and Area

Exhibit C Concept Master Plan, Revised April, 1996.

Exhibit D Recreation Amenity and Open Space Exhibit, Revised April, 1996.

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Exhibit E Revised Design Guidelines and Building Height Restrictions

Exhibit F Density and Unit Sizes

Exhibit G Road Standards

Exhibit H Recreation Amenity Inventory and Phasing

Exhibit I Parking Requirements

For summaries and detailed presentations of the applicants requested changes in Amended Density Determination, together with Wasatch County Review Engineer Planning/Engineering Review Report, and Wasatch County Planning Department Staff Recommendations see "Density Data Transcript" of joint Wasatch County Commission and Wasatch County Planning Commission public hearing held May 16, 1996.

7. The Amended Density Determination application was accepted by the Planning Department on April 9, 1996, however during the review process it was found that additional information was needed from the applicant such as maps, exhibits, documentation, additional studies and details to adequately complete the review process. These items were requested of the applicant and provided by the applicant during the review process.

8. Subsequent amendments and additional submittals were made throughout the review process, with the result that the project as presented to the Planning Commission is somewhat different from that originally applied for.

9. The County Planning Commission reviewed the application, the revisions, and the recommendations made by the County Planner and a team of County review consultants. The application went to public hearing before the Planning Commission on May 16, 1991. On June 20, 1996 the Wasatch County Planning Commission voted to recommend approval of the Revised Density Determination as provided in Section 9.3 of the Development Code.

10. The requested reconfigurations in project density and transportation elements within the Project result in a reduction in overall internal traffic within the project.

11. As a private road, Keetley Road is sufficient to meet the requirements of Wasatch County that the project have two points of access for emergency ingress and egress, subject to conditions contained herein.

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12. The recommendations of the Planning Commission are in substantial compliance with the terms and conditions of the Development Code, and are adopted by the Board of Commissioners as set forth in this Order.

13. The Property subject to the Application is located within unincorporated Wasatch County, and is not within the limits of any incorporated City or Town, nor is the property within the annexation policy declaration boundary of any incorporated City or Town.

14. The Property subject to the Application is located within the boundaries of the Wasatch County School District, Wasatch County Fire Special Service District, Wasatch County Solid Waste Disposal Service District, Jordanelle Special Services District, and Central Utah Water Conservancy District. The Property has been subject to the property tax levies of each of those Districts, as well as Wasatch County itself.

15. The Application and Development are consistent with the general intent of the Development Code, the intent with respect to the RF-1 zone in which the development is situated, the intent with respect to large scale developments set forth in Paragraph 9.1.A.1 of the Wasatch Development Code (adopted June 23, 1979), and the intent with respect to Planned Recreation Developments set forth in Paragraph 9.3.A.1 of the Wasatch Development Code (adopted June 23, 1979); specifically finding that:

(a) With mitigation as provided in this Order, the proposed development can be built without increasing the turbidity of the water supply of the County and surrounding counties.

(b) With mitigation as provided in this Order, the proposed development can be built without degrading the quality of the water supply of the County and surrounding counties beyond the Development's proportionate share of allowable County-wide degradation under the State water quality standards.

(c) The proposed development can be built without unduly contributing to the violation of ambient air standards for the County, particularly with respect to fugitive dust and automobile emissions.

(d) The proposed development can be built without adversely affecting the functioning of aquifer recharge areas located in the Development.

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(e) The proposed development can be built without unduly adversely affecting the continued production of plants and wildlife within the Development and other mountain areas of the County.

(f) The proposed development can be built without placing structures on active fault lines, collapsible soils, slopes in excess of thirty percent (30%), unstable soils, landslide areas, or other geological hazards.

(g) The proposed development can be built without placing structures on wetlands, areas where ground water periodically rises to within seven (7) feet of the surface, areas within one hundred (100) feet of a live or intermittent waterway, areas within a fifteen hundred (1,500) foot up-drainage radius from a spring used for culinary water, areas within a one hundred fifty (150) foot radius from a well used for culinary water, areas within a 100-year, 24-hour, storm incident drainage path, and any other water-related area where development will have an unreasonable effect on the water course or aquifer.

(h) The proposed development will not endanger sites of cultural, historical, or archeological significance.

(i) The proposed development will not require expenditures by the County for the following extended services to the Development which are not generally provided on a County-wide basis: extended police protection; structural fire protection; water retail service; water conservation; park, recreation or parkway facilities and services; sanitary sewers; sewage and storm water treatment and disposal; flood control; street lighting; airports; planning and zoning; solid waste disposal; local streets and roads; and curb, gutter, and sidewalk construction and maintenance; or mosquito abatement.

16. Notice of the public hearing and proposed action by the County Commission was published in the Wasatch Wave as required by Ordinance on October 30, November 6, 13, and 20, 1991. The proposed Findings recommended by the Planning Commission were posted for public review in the office of the County Planner, and this matter was brought before the Board of County Commissioners as prescribed by ordinance.

17. Notice of the public hearing and proposed action by the Wasatch County Commission and Wasatch Planning Commission was published in the Wasatch Wave as required by Ordinance on April 17, 1996, May 8, 1996, and May 15, 1996. The proposed Findings recommended by the Planning Commission and County

Commission were posted for public review in the office of the County Planner, and this matter was brought before the Planning Commission and Board of County Commissioners in a joint hearing May 16, 1996 as prescribed by ordinance.

III. ORDER OF DENSITY DETERMINATION

Based on the foregoing Findings, the Board of County Commissioners enters the following Order of Revised Density Determination. This Revised Density Determination is intended to define the sites on which development may occur, the land uses within each of those sites, and the building mass to be constructed. The Revised Density Determination is expressly conditioned upon the standards and conditions imposed by this Order in Section III "Pre-Conditions to Construction" and compliance with the other conditions and regulations contained in this Order of Density Determination.

The Board of County Commissioners enters the following Order of Density Determination:

1. Development Parcels.

The Telemark Park Resort property is divided into five (5) development sites as shown on the Telemark Park Resort, Land Use and Area Exhibit, revised June 7. All development is to occur within those designated development sites. The development sites are identified on Table I, which shows the acreage and allowable uses for each development site, and also identifies those sites within the property that will remain as open space under one of two Open Space designations.

TABLE I
LAND USE AND AREA

<u>LAND USE</u>	<u>ACREAGE</u>
Open Space; Recreation & Forest Conservation: (Map Symbol: R&FC)	200 acres
Little Baldy Ski Area:	145 acres
Telemark Village Ski Area:	63 acres
Open Space; Forest & Woodland Preserve: (Map Symbol: F&WP)	112 acres
Snowtop/Mont Neef:	48 acres
Roosevelt Gap:	24 acres
St. Louis Gulch:	40 acres
Single Family Neighborhoods: (Map Symbol: SF)	123 acres

Snowtop:	10 acres
Slalom Village:	6 acres
Little Baldy/St. Louis:	107 acres
Multi-Family & Commercial: (Map Symbol: MF&C)	46 acres
Telemark Village:	22 acres
Roosevelt Gap:	12 acres
Slalom Village:	12 acres
Road Right of Ways: (Map Symbol: RRW)	42 acres
Maintenance & Special Purpose: (Map Symbol: M&SP)	3 acres
Total Project Area:	526 acres

2. Density and Units Sizes.

The density of development on the designated development sites for Telemark Park is limited to a total of 516 residential units and 72,000 gross square feet of commercial space. The location of this density is shown on Table II, which lists the number and average sizes of units or commercial space to be constructed on each of the development sites.

Table II
Units on Development Sites

	Single Family Dwellings	Townhouse/ Cottage	Lodge Condo- miniums	Apartment Condo- minimums	Employ- ee Hous- ing	Commercial Square Footage
Telemark* Village		41	43	82	16	62,000** ***
Snowtop	15					
Slalom Village	5	83				*** ***
Roosevelt Gap			105			
Little Baldy/ St. Louis	126					10,000***
Totals	146	124	148	82	16	72,000
Average Area in Square Feet	na	2,400	2,000	1,000	1,000	na

* Telemark Village density may be increased by one unit for each two units not constructed at Roosevelt Gap and by up to 10 units for up to 10 units not constructed at Slalom Village.

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** Telemark Village Commercial includes 20,000 square foot Ski Academy.

*** All multi-family areas may include an additional up to 5% of gross floor area as support commercial. Support Commercial may include restaurants, lobby shops and similar commercial areas which primarily draw their customers from the guests and others staying within a hospitality facility or nearby in the project, but not designed or intended to draw customers from a broader area. In the case of Telemark Village, therefore, such commercial space would be in addition to the non-support commercial allowance of 42,000 square feet which may be designed to draw customers from off-project.

Notes to Table II:

(a) Within a Lodge, up to 5% of the total floor area may be dedicated to meeting rooms and support commercial areas in addition to the maximum square footage approved in the Land Use Table.

(b) The Maximum Square Footage approved in the Land Use Table refers to footage within habitable spaces and commercial spaces, and does not include circulation spaces, lobbies, hallways, covered parking spaces, elevator spaces and mechanical spaces, and other enclosed space reasonably necessary for the intended function of the structure.

(c) Computation of floor areas and square footage shall be as provided in the Uniform Building Code.

(d) Where the land use and unit configuration fits one of the above designations, but the square footage of one of more of the units exceeds the average footage given in the Land Use table, the maximum number of Units and maximum total square footage shall control, and adjustments must be made in number of units or size of other units so as not to exceed either maximum.

(e) The Developer shall have the right to elect to apply the allowed number of units and square footage within each Village or Neighborhood at the time of Final plan application under conditions established below in Nature of Units.

(f) The Telemark Park Resort, Concept Master Plan, revised June 7, 1996 contains the following flag lots:

Lot #	Driveway length
45	200 feet
80	300 feet

87	500 feet
88	400 feet
99	400 feet
110	350 feet
111	350 feet
127	1,200 feet

which are approved under the following conditions:

- 1. Flag lot driveways and appurtenances are private and are to be maintained (including snow removal) by the home owners association.
- 2. Paved drives will have to be a minimum of 20 feet wide for fire protection purposes to service a single lot, and can be grouped side by side, or combined into a multiple driveway 24' wide to serve two homes.
- 3. In multiple lot configurations the 24' of pavement shall be centered along two side by side 15' wide fee title access strips, and that reciprocal easements be granted each lot owner to the other for access and utility purposes.
- 4. Water mains and fire hydrants should be extended such that a fire hydrant is constructed at the terminus of the driveway as it opens into the building site.
- 5. A hammerhead turn around is constructed in the area of the fire hydrant to facilitate turn around of emergency vehicles.
- 6. A street light be constructed over the fire hydrant,
- 7. Building permits for these lots will be issued only if the permittee comply with all fire code regulations in effect at the time that permit is issued.

3. Reconfigured Transportation Elements: Funicular Tramway at Roosevelt Gap.

The Roosevelt Gap Lodge is connected to the Snow Park Hotel (in lower Deer Valley) via a funicular tramway with primary lodge guest parking provided at Snow Park in addition to 50 parking spaces on the site at the Roosevelt Gap Lodge. The Lodge size is increased from the 1991 Determination of 64 units to 105 units. These items are shown on Telemark Park Resort, Concept Master Plan, revised June 7, 1996.

4. Reconfigured Transportation Elements: Non-Vehicular Transportation Elements.

The Park City Settlement Agreement creates a contractual obligation on the part of the developer to construct the trails and ski access as non-vehicular transportation elements of the 1991 Determination plans. The obligation to "hard surface" certain trails is part of the agreement. Trails and

ski access are shown on Telemark Park Resort, Recreation Amenity Exhibit, revised June 7.

5. Reconfigured Transportation Elements: Density Transfer.

The previous 148 unit Little Baldy multi-family density near the center of the project has been moved to outside the East Gate and to Roosevelt Gap, where the funicular reduces traffic; substantial traffic loading is eliminated from interior project roads and from projected generation.

6. Density Transfer and Employee Housing.

The Amendment does not alter the approved Density from 1991 either by unit type or in total. Significant density is proposed to be transferred from the Little Baldy area to Telemark Village on the east end of the project, and to Roosevelt Gap and, to a lesser extent, to Slalom Village. All the conventional Commercial Space has been transferred to Telemark Village.

Developer shall be required to provide one employee housing unit for each 32 dwelling units and single family lots constructed or platted within the project, up to a maximum of 16 employee housing units. Employee housing units are defined as units held permanently for rental on a monthly/long term basis, or such other restriction as may be imposed so as to meet the employee housing commitment developer has made with Park City Municipal Corporation under the litigation settlement agreement. Such units shall be approximately 1,000 square feet and shall be located within the Telemark Park Village development envelope within the project, or elsewhere within a multi-family/commercial development envelope, and shall meet all other requirements for residential construction in Telemark Park Resort.

Employee housing is acceptable to Wasatch County, except in no case can the units be screened or administered by Park City Housing Authority without written agreement by Wasatch County. In no case may the residents be screened to exclude people who do not now live in Park City, or require that they are now employed in Park City.

7. Water System Fire Flow

Building permits for lots will be issued only if the permittee complies with all fire code regulations in effect at the time that permit is issued.

8. Snow Storage

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It is recommended that adequate snow storage be provided along project roadways and adjacent to buildings. A site specific snow storage plan is to be submitted with all preliminary plans subject to approval of Wasatch County and Wasatch County Review Engineer. The following are suggested snow storage requirements which should be utilized within the project:

- With respect to roadways, the 4' shoulder and 4' drainage ditch can be used as snow storage area. In addition to that, snow storage easement outside the right of way line should be provided.
- With respect to buildings, a minimum of 5' adjacent to buildings outside the eave line on land no steeper than 2% slope to be used as snow storage.
- With respect to Parking Lots, an area equal to 15% of the pavement surface area should be reserved for snow storage - this can be provided on the pavement or in adjacent planter areas if the planting can survive the snow loading.

9. Street Lights

Street lights shall be constructed over fire hydrants and at street intersections within the project for public safety reasons. The applicant should submit a street lighting plan for public safety considerations and residents convenience within the project with preliminary plans.

10. Ski Bridges

The Master Home Owners Association shall maintain all ski bridges including ski bridges leading to individual lots.

11. Park City Annexation

The western portion of the project adjoins Park City, and certain services may be more economically provided by Park City. Annexation may be the most appropriate and economical way to provide government services. The Commission is willing to consider the annexation of the western portions of the project. Specifically, the Commission will consider annexation of Roosevelt Gap after approval of this Amended Order of Density Determination, and of Slalom Village and Snowtop after Developer has completed Preliminary or Final Approval (as defined in the Wasatch County Development Code) of those sites under Wasatch County jurisdiction. The Commission would not favorably consider an annexation which does not meet the requirements of, or does not recognize the entitlement of this Density Determination, or which does not maintain Wasatch County control of water quality.

In addition to the municipal annexation, the Commission will review annexations and disconnections from various special service districts involved in providing services which are not provided directly by the County or Park City, such as fire, water, sewer, and similar services in order to provide a high quality of service within the project. Service district annexations and disconnections will be based on logical and efficient extensions, both for the service providers and the project. Depending on how services are provided, the jurisdictional adjustments for each of the annexation areas may be different, and will be considered on a case by case basis. The balance of the project is logically and economically served as a Wasatch County project, and annexation east of Slalom Village would not be favorably considered by Wasatch County under present circumstances.

The Settlement Agreement with Park City requires that the Developer offer certain areas adjacent to Park City for annexation to Park City. The Developer agreed to this on the condition that Wasatch County approved the Density, and certain other planning elements would remain intact. The rationale for Park City's request was that certain areas of the project, as approved, were much too dense or "urban" in character to be located so close to a City and not be serviced by the City. The Developer believes that the annexation area agreed to will provide a workable future boundary between Park City and unincorporated Wasatch County. A substantial open space within the project divides the annexed development parcels from the nearest non-annexed development. There is a rational land use reason for placing the line where proposed.

The Park City annexation is not approved as part of this Amended Density Determination because:

- A. At this time there has been no petition filed with Park City for annexation, and it is not known to be within the Park City Annexation Policy Declaration.
- B. Preliminary and final approval of subdivision plats and/or records of survey, as appropriate for either single family lot subdivisions or multi-family developments, shall be obtained from Wasatch County prior to petitioning annexation of the Snowtop neighborhood and Slalom Village developments to Park City. Recordation of the plats, of filing of the Record of Surveys shall be completed pursuant to Wasatch County approval prior to annexation to Park City. Final Design Approval and Annexation of the Roosevelt Gap development may be sought and petitioned from Park City following approval of First Amended Density Determination.
- C. Park City and Wasatch County shall achieve an agreed upon working relationship on water, fire, garbage, police, and road maintenance.

12. Fiscal Impact

Fiscal impact information provided by the applicant was found to be insufficient to address the impact of the proposed development on the County's general fund. Also it is understood that definitive financial assessments are difficult to make at this time due to the quickly changing nature of the Jordanelle Basin. Amended Density Determination is, however, approved based on conditions contained in IV. PRE-CONDITIONS TO CONSTRUCTION 3. Government Services Plan below.

13. RF-1 Zone Compliance.

Development may occur in accordance with the uses and densities shown on the Tables, and if the project is built in accordance with the densities shown on the tables, and in conformity with the other terms and conditions of this Order of Density Determination, the intent and specific requirements of the Development Code as it pertains to the RF-1 zone will have been satisfied.

14. Phasing Plan.

The following Phasing Plan is adopted for the Telemark Park Resort:

(a) For purposes of this provision, the term "Platting" is deemed to include the formal recordation of a subdivision plat or condominium record of survey map, and also, in the case of those Dwelling Units for which a formal plat is not required (such as rental apartments, employee housing, and lodge Dwelling Units that are not held in condominium ownership), the issuance of a building permit. Those Dwelling Units which do not technically require recordation of a plat are deemed to be "Platted," for purposes of the Phasing Plan, when the building permit for the construction of those dwellings is issued. Single family dwellings are considered Platted, for purposes of this section, upon the recording of the subdivision plat, without regard to when construction of the dwelling actually occurs.

(b) Prior to the Platting of any units beyond 50% of the total units approved, Developer shall have constructed all of the Phase I Recreation Amenities, and have constructed or bonded for the construction of all the Phase II recreation Amenities.

(c) Recreation Amenities are also subject to the phasing plan, except for Pre-Development Recreation. Prior to, or with the first Plat, Developer shall construct or bond for all of the Phase I Amenities as described in Section VIII. Prior to the Platting of any units beyond 50% of the total units

approved, Developer shall construct or bond for the construction of all of the Phase 2 Amenities as described in Section VIII. The developer may construct the recreation amenities sooner than required under this provision.

15. Relation of Roads and Infrastructure to Adjoining Properties.

(a) In conjunction with the settlement of the Litigation, the property owner has obtained agreements from abutting property owners United Park City Mines Company, Land Der Berg, LLC, and Milton L. Weilenmann concerning the maximum densities on their adjoining properties which might logically be served from the roads in Telemark Park. These properties are labeled on the Telemark Park Resort, Concept Master Plan, revised June 7, 1996. These adjoining properties are all of the privately owned land that can be logically served or accessed through the Telemark Park property due to terrain conditions. Utilities and roads will be designed and constructed in a manner that anticipates serving these properties, subject to such line extension agreements as the parties may work out among themselves and approved by Wasatch County. Except for these abutting owners, no other property will be served through, or have access through or by the Telemark Park road system or utilities. Road and utility stubs are not required to be provided to any other property.

(b) In requiring these road and utility stubs to the three adjoining properties, Wasatch County is endeavoring to efficiently plan for future utility services and minimize future costs or duplication of services should development later occur on those properties, and to preserve historic rights of access. Nothing in this Order of Density Determination is intended to, or shall be interpreted as granting or recognizing any specific development rights to those properties, which are owned by third parties.

16. Telemark Park Master Owners Association and Telemark Park Special Service District.

The 1991 Density Determination contemplated the formation of a special service district that included only the Telemark Park Resort property. Most of the intended functions of that district have been assumed by the Jordanelle Special Service District, which covers a larger area. It is now anticipated that the functions and services not provided by the Jordanelle Special Service District, and not provided by Wasatch County generally, will be provided by, and paid for, by the Telemark Park Master Owners Association as described in the 1991 Density Determination, however, certain or all of these functions and services may be provided by a Telemark Park Special Services District.

17. Transfer of Interest.

As a result of a merger dated December 29, 1995, Trans-Wasatch Company, Inc., a Utah corporation, was merged into Trans-Wasatch Company, LLC, a Utah limited liability company. [As a result of a purchase of the property which is subject to these First Amended Findings and Order from Trans-Wasatch Company L.C.C. on June 20, 1996, Deer Crest Associates, L.C., a Utah Limited Liability Company became the owner of the property and the successor entity.] The successor entity succeeds to all the rights, entitlements, and obligations of its predecessor pursuant to Section IX.2.A. of the original Density Determination.

18. Pre-Conditions.

No development other than those recreation facilities described below as "pre-development recreation" may occur until each of the Pre-Conditions to Construction listed in Section IV of this Order have been satisfied or expressly waived by the County.

19. First Amended Findings and Order on Density Determination.

This "Findings and Order on Amended Density Determination in the Matter of the Application of Trans-Wasatch Company for Amended Density Determination for Telemark Park Resort" supersedes "Findings and Order on Density Determination in the Matter of the Application of Trans-Wasatch Company for Density Determination for Telemark Park Resort" recorded as Instrument No. 158784 December 31, 1991 in Book 237, Pages 241 to 332, Official Records of Wasatch County.

IV. PRE-CONDITIONS TO CONSTRUCTION

This density determination is predicated upon satisfaction by the Developer of the following pre-conditions, and no construction other than "Pre-Development Recreation Amenities" described in Section VIII.2.C.(a). may be built unless and until the Developer has demonstrated to the reasonable satisfaction of the County that all of the following conditions have been satisfied:

1. Sewage Treatment.

Sewage collection, distribution, and transmission is being provided by Jordanelle Special Services District. Sewage treatment is being provided by Heber Valley Special Services District. This pre-condition is, therefore deemed to have been satisfied.

2. Secondary Access Road - Keetley Road Vacation.

The proposed plan would "privatize the entirety of Keetley Road within the project. Controlled access gates will be placed at east and west ends of the project. In order to satisfy Park City's desire to permanently disconnect the historic right of way so as to preclude the road reverting to use as a public thoroughfare at some future date, Keetley Road will be physically "disconnected" by placing a structure [a multi-family hospitality facility in Slalom Village] across the right of way (after vacation). The structures internal parking may "ramp" between disconnected segments of the road, but through traffic will be precluded.

The formal Petition for the Vacation of Keetley Road in Sections 14, 15, 23, and 24 of Township 2 South, Range 4 East, Salt Lake Base Meridian, Wasatch County, Utah was filed with the Wasatch County Commissioners June 3, 1996, and to Park City on June 13, 1996. The petition requested vacation of Keetley Road, also known as Heber Avenue extending northwesterly approximately 1.5 miles from the terminus of Wasatch County Class B Roadway known as the "L" Line. The matter was set for public hearing June 24 at 4:00 pm at the Wasatch County Courthouse and was published in the Wasatch Wave June 5, 12, and 19, 1996.

In order to satisfy Wasatch County requirements for public safety, there must be two points of ingress and egress to the development. Original Density Determination Approval required that Developer must demonstrate the right to improve a secondary access via Heber Avenue from Park City or the Snowtop Road from the north to the Highway 40 frontage road. If neither of these roads is available to the project the developer must show both that practical alternative routing is possible and that the developer has a legal right to construct these roads prior to preliminary approval or any plat or building permit for any habitable structure. Amended Density Determination proposes the use of vacated Keetley Road (a private street) into the Deer Valley area of Park City as a secondary access to the project.

Wasatch County recommends approval of the vacation of Keetley Road and the acceptance of the Private Street version of Keetley Road to satisfy "secondary access", upon the following conditions:

- A. Ski Academy is located in Telemark Village.
- B. Replacement of motor vehicle access with a system of public trails within the project: in lieu of motor vehicle access, public access will be provided by a system of public trails as shown on Telemark Park Resort, Recreation Amenity Exhibit, revised June 7, 1996.

- C. The following utilities: Pacific Power, Mountain Fuel, U. S. West, and others who may have not have written easements along Keetley Road by virtue of being located in the old roadway must be provided written easements prior to the vacation of Keetley Avenue.
- D. An easement over Keetley Road is to be retained by Wasatch County for emergency traffic.
- E. That a bypass roadway be constructed at the Slalom Village location according to the following Section:
- 24' of pavement with 4' shoulders on each side for a total graded width of 32'.
- sufficient to serve as a secondary emergency access through the project,
- F. That this bypass roadway shall be deed restricted in perpetuity to serve as a "secondary emergency access" for the project,
- G. That this bypass roadway shall perpetually be maintained the projects Master Property Owners Association, and
- H. That the entire roadway through the project consisting of Keetley Road to the Slalom Village, the bypass roadway around Slalom Village, Keetley Road from Slalom Village to the Summit County/Wasatch County line, and Keetley Road in the Park City from the Summit County/Wasatch County line to Queen Esther Drive in Deer Valley be deed restricted in perpetuity to serve as "secondary emergency access" for the project.
- I. That the maintenance of this entire roadway described in Item D. above be guaranteed by the Telemark Park Master Association.

3. Government Services Plan.

The Telemark Park Resort is not located near any existing Wasatch County service facilities or within an area where regular services have been required on a routine basis. The development will require a full complement of governmental services, including but not limited to extended law enforcement, fire protection, education, road maintenance, storm drainage and flood control, sanitary sewage collection and treatment, retail water service, and road maintenance. The county must know how these services are to be provided, and further provide that the provision of these services can be done in such a way that the taxpayers in incorporated areas are not subsidizing services in unincorporated areas. Some of these services can reasonably be provided by logical extensions or expansions of existing Wasatch County based services. Others may have to be established through new districts within the Project or in conjunction with other developments in its immediate area. Still other services may be most economically provided by contracts with, or

annexations to, other existing districts, municipalities, or state or federal agencies.

Prior to construction, or with the application for preliminary approval, the Developer must present to the Board of County Commissioners a Governmental Services Plan showing that essential governmental services are available to the Project, the providers of those services, and whether the service arrangements are interim or long term.

Part of the Governmental Services Plan includes appropriate mitigation of impacts on the service providing agency. The County Commission will review the Government Services Plan, and, if it finds that necessary services are available and committed, and that the public health, safety and welfare have been adequately provided for by the several agencies identified within the plan, and that the public interest is served, shall approve the Plan as being adequate to satisfy this Pre-Condition.

4. Execution by Affected Parties.

All persons or lenders who have an interest in this property must agree to the terms of this Density Determination before it is effective.

V. INFRASTRUCTURE REQUIREMENTS

This Order of Density Determination is based upon the Developer providing the necessary infrastructure to support the proposed development. This infrastructure includes public and private roads, utilities, storm drainage controls, wastewater, and all similar services. Infrastructure is to be built with each Development Parcel in a manner that the parcel could stand alone and function independently if no subsequent development occurred. Requests for preliminary and final approval will be granted only if the following standards for infrastructure have been satisfied:

1. ROADS. There are different classes and types of roads approved in the Project, which are described as follows:

A. Public Roads:

Heber Avenue: Heber Avenue as it connects from Highway 40 frontage road through the project to the guard gate in Telemark Village is approximately 1,400 feet in length. The applicant estimates traffic volumes on this portion of project roads at 3,226 A.D.T. at project build out.

B. Private Roads

- Keetley Road from east gate to intersection of St. Louis Drive.
- Little Baldy Drive
- Keetley Road west of St. Louis Drive intersection.
- Snowtop Road
- Snowberry Court
- Lower Acorn Circle
- Upper Acorn Circle
- Pocatello Court
- Boiler Point Circle
- Pioche Place
- Little Baldy Court
- Slalom Court
- Snowtop Circle

C. Road Classifications

The following road classifications are specified within the project.

Road classifications based on Peak ADT

Collector	> 1,200 ADT
Sub Collector	600 - 1,200 ADT
Local	< 600 ADT

Designation of roads:

Collector:

- Keetley Road (Heber Avenue) east of East Guard Gate

Sub-collector:

- Keetley Road from east gate to intersection of St. Louis Drive.
- Little Baldy Drive

Local:

- Keetley Road west of St. Louis Drive intersection.
- Snowtop Road
- Snowberry Court
- Lower Acorn Circle
- Upper Acorn Circle
- Pocatello Court
- Boiler Point Circle
- Pioche Place
- Little Baldy Court
- Slalom Court
- Snowtop Circle

D. Design Standards for Heber Avenue and other County Roads:

4' wide drainage ditch, or additional shoulder

4' gravel shoulder,
 30' of asphaltic or concrete driving surface,
 4' gravel shoulder, and
 4' wide drainage ditch, or additional shoulder
 Total graded width of 46'

Right of Way width shall be a 60'. Right of way width must be widened within the right of way or within easements where necessary to include cut and fill slopes. Right of way width must wider in areas which contain passing lanes and left turn pockets.

Ten foot snow storage areas are to be provided on shoulders, as measured from the edge of pavement.

A special design study of Heber Avenue at the Telemark Village must be prepared at Preliminary Plan stage for the Village to demonstrate the safety of road and intersection design. Such study shall address, but shall not be limited to, an analysis of vertical and horizontal sight distances and operation during winter months, considering the potential for snow and ice buildup.

The design speed of the road is to be 30 miles per hour.

E. Design Standards for Service District Roads:

The roads in the Project will be owned and maintained by the Special Service District and/or the Master Association or private entities such as condominium associations. The classifications and design standards for these roads are as follows:

Collector:

4' wide drainage ditch, or additional shoulder
 4' gravel shoulder,
 30' of asphaltic or concrete driving surface,
 4' gravel shoulder, and
 4' wide drainage ditch, or additional shoulder
 Total graded width of 46'

Sub-collector:

4' wide drainage ditch,
 4' gravel shoulder, or additional shoulder
 26' of asphaltic or concrete driving surface,
 4' gravel shoulder, and
 4' wide drainage ditch, or additional shoulder
 Total graded width of 42'

Local:

4' wide drainage ditch,
 4' gravel shoulder, or additional shoulder

26' of asphaltic or concrete driving surface,
' gravel shoulder, and
4' wide drainage ditch, or additional shoulder
Total graded width of 42'

Eight foot snow storage areas are to be provided on
shoulders as measured from the edge of the pavement.

The above delineated 8 foot shoulders are being provided
for the following purposes:

- the shoulders give additional travel surface if a vehicle's wheel gets off of the pavement,
- having a shoulder rather than the drainage ditch adjacent to the pavement prevents a vehicle's wheel from dropping into a drainage swale,
- a drainage swale directly adjacent to pavement can undermine the edge of the pavement due to erosion of the swale.
- the presence of the shoulder, rather than a drainage swale adjacent to the roadway should increase the integrity of the pavement, and reduce pavement maintenance costs,
- the combined shoulder and drainage ditch provide an emergency parking area,
- the combined shoulder and drainage ditch provide a snow storage area,
- the combined shoulder and drainage ditch provides a construction area for natural gas, power, telephone, and cable TV utilities, street lights, and fire hydrants. Gas, power, telephone, and cable TV are not normally installed under the pavement surface,
- the 8' total width shoulder, and/or shoulder/drainage swale combination provides room for guard rails where required.

A typical section for sub-collector roads and local roads is included herein.

F. Designation of Ownership: The roads within the project are classified as follows for ownership, maintenance, and control purposes:

County Roads:

Heber Avenue at the easterly end of the project only.

District Private Roads:

Sub-collector:

- Keetley Road from east gate to intersection of St. Louis Drive.
- Little Baldy Drive

Local:

- Keetley Road west of St. Louis Drive intersection.
- Snowtop Road
- Snowberry Court
- Lower Acorn Circle
- Upper Acorn Circle
- Pocatello Court
- Boiler Point Circle
- Pioche Place
- Little Baldy Court
- Slalom Court
- Snowtop Circle

G. Design Standards for Project Roads: The following design standards will apply to all County and District roads within the Resort:

The minimum centerline radii will be at least 75 feet,

Left turning lane on Keetley Road required at the intersection of Keetley Road and Telemark Village Center.

At intersections grade shall not exceed 4% for all approaches for a distance of at least 100 feet as measured from the centerline of the appropriate roadway or for a minimum of 50 feet from the stop bar, whichever is greater.

Street Grades: Maximum centerline road grade shall not exceed 10%, except for Keetley Road:

- west of Slalom Village to St Louis Drive, and
 - east of Slalom Village to St Louis Drive,
- where centerline grade shall not exceed 12%.

The minimum tangent distances out of intersections will be 100 feet on County Roads, and 50 feet on District roads (this standard may be modified at the time of submitting preliminary plans - based on site specific recommendations of traffic/civil engineer, subject to approval of county review engineer).

The minimum tangent distances between reverse curves will be 100 feet on County Roads, 50 feet on District roads (this standard may be modified at the time of submitting preliminary plans - based on site specific recommendations of traffic/civil engineer, subject to approval of county review engineer).

The minimum tangent distances between broken back curves will be 200 feet on County Roads, 100 feet on District roads (this standard may be modified at the time of submitting preliminary plans - based on site specific

recommendations of traffic/civil engineer, subject to approval of county review engineer).

H. Right of Way Widths

Public Roads

Right of way widths for public roads shall be 60' subject to the provision of additional easements for the following purposes outside the 60' right of way:

- slope easements for construction and maintenance of cut and fill slopes,
- utility easements (if necessary) for the construction and maintenance of additional project utilities, and
- snow storage easements for the storage of snow and other road related materials from project roadways.

Private Roads

Right of way widths for private roads shall be 50' subject to the provision of additional easements for the following purposes outside the 50' right of way:

- slope easements for construction and maintenance of cut and fill slopes,
- utility easements (if necessary) for the construction and maintenance of additional project utilities, and
- snow storage easements for the storage of snow and other road related materials from project roadways.

2. WATER SUPPLY, WATER RIGHTS, AND FIRE FLOWS

A. Water Rights

Wasatch County does not provide retail water service, and the burden of providing water rights, waterworks, and the retail water system is entirely borne by the Developer. The Developer shall have obtained adequate water rights, shall have secured approval of any necessary change applications from the State Engineer and shall have demonstrated the development of water source in quality and flows meeting the requirements of the State Health Department in the amounts necessary to service the development phase proposed on each application for Preliminary Approval at the time such application is made. In the event that Developer has not satisfied any of the above requirements prior to the filing of such application, County may, at its sole discretion, process the Application for other areas of concern but shall not approve such application until the requirements of this section have been met.

Notwithstanding the foregoing, no first phase proposed for Telemark Park Resort may be approved without rights, flows

and storage meeting the Fire Flow requirements of this Section.

(a) Quantity of Water:

(1) Total Water Demand. The total required water rights for Telemark Park Resort if all Density approved herein is constructed is 316 Acre Feet annually, according to the County's consultant. Applicant represents a desire to implement water conservation measures which might reduce this total amount. As the County wishes to encourage water conservation, but such measures are unproven to the County, the following requirements are imposed:

Any first phase proposed for Telemark Park Resort must have water rights and flows calculated on a per unit basis according to the table below. The Developer may perform a metered water use study on the first phase and present the results to the County. Any such study must meet the requirements of the State Division of Drinking Water and must be reviewed and approved by the State prior to any reductions in system demands or water rights. At the County's sole discretion, the total required water rights for Telemark Park Resort may be reduced according to the results of that study.

TELEMARK PARK RESORT WATER RIGHTS REQUIREMENTS

TYPE USE	UNITS	STORAGE DEMAND (gallons)	DEMAND (gallons)	ANNUAL DEMAND (af)	TOTAL** (af)
COMMERCIAL	72*	40	2,880	.225	16.20
LODGE CONDO	148	450	66,600	.500	74.00
APART. CONDO	98	400	39,200	.450	44.10
TOWNHOUSE/COTT	124	475	58,900	.530	65.72
SINGLE FAMILY	146	500	73,000	.560	81.76

* Commercial square footage in 1000's

** Demand stated in Acre Feet per year.

NOTE: For common area, snowmaking and seasonal demands, reference is made to Table 1 of the above referenced report by EWP.

(b) Phasing of Water Acquisition.

In order to prevent an undesirable situation from resulting if Developer is unable to obtain the total required water rights or develop the necessary sources, the following conditions are imposed:

(1) Prior to approval of Preliminary Plans, Developer must demonstrate that substantive and valid water purchase options have been secured or that a valid application has been made to the Central Utah Water Conservancy District for C.U.P. water in the total amount required for the project.

(2) If the total water rights and sources have not been secured prior to the first Preliminary Plan, such plan must show the proposed development utilizing the Applicant's existing 100 acre feet of water, and a demonstration that such development would be capable of standing alone in the event that no further water rights may be obtained or sources secured.

(3) If, within five years of the first Preliminary Approval, total water rights and sources for the project as approved herein, or as modified by the County pursuant to a metered water use study, have not been secured, Developer shall file with the County a proposed Amended Density Determination showing the proposed reduced project size and application of the then perfected water rights and sources.

B. Water System Capacity and Fire Flows:

Because of the wildland fire exposure in the Telemark Park Resort, and the distance from established Wasatch County fire fighting services, the Fire Flow demand for the Development has been set at a level in excess of that required by the Uniform Fire Code. The estimated fire flow demand for each type of Unit is shown on the following table:

Unit Type	Peak Day Source Demand and Flows	
	Gallons/Day	
	Winter	Summer
Commercial Space, Per 1,000 sq. ft.:		
	75	80
Lodge Condos:	800	900
Apartment Condos:	600	800
Townhouse/Cottage:	800	950
Single Family Lots:	800	1000
Open Space, Per Acre:	-0-	4030
Snow Making, Per Acre:	3000	-0-
Total Demand in gallons per minute:	358.9	360.8
Total Storage Demand -		

50% of Peak Daily Flow, in gallons: 268,000*
260,000
*(includes 60,000 gallons snowmaking)

(a) Fire Flows and Storage Demand:

(1) The following fire flow requirements were established in the 1991 Density Determination and are understood as minimum standards. Final requirements for the project will be established in accordance with the criterion in Section V.2.B. (a).

- Multi-Family and Commercial Villages: 2,500 GPM flows for 3 hours, based on type of construction and the requirements for fire sprinklers. Uniform Fire Code, 1994 Edition shall govern.

- Single Family Areas: 2,000 gallons per minute for 4 hours shall be the required fire flow and storage in all areas, based on type of construction and the requirements for fire sprinklers. Uniform Fire Code, 1994 Edition shall govern.

- Total Fire Flow Storage: The total storage per the above requirements would be 450,000 gallons for 2,500 GPM X 3 Hours, or 480,000 gallons for 2,000 GPM X 4 hours. As the greater of these two is 480,000 gallons, the required fire storage shall be 500,000 gallons.

(2) Fire flow storage provided within the development shall be no less than specified by current fire flow rates and durations specified in the current Uniform Fire Code as adopted by Wasatch County at the time of the recordation of each phased portion of the project. Fire storage may therefore be greater than values specified above depending upon the construction phasing of the project.

(3) Fire flow storage for Roosevelt Gap, Slalom Village, and Snowtop developments shall, in addition to Wasatch County requirements, comply with Park City Fire Code standards of general application at the time of construction.

(b) Total Storage Demand:

(1) Total storage demand is the sum of fire flow storage, unit storage demand, any other storage demand, and is the greater of summer or winter storage demand. This is calculated to be 770,000 gallons. This is the

minimum required total storage for Telemark Park Resort. This may only be reduced through alternate storage or source for snowmaking water, which accounts for 60,000 gallons during the winter, and/or a reduction in unit demand based upon a metered water use study as provided for above.

(2) Domestic storage provided within the development shall be no less than specified by current standards specified in the current Utah State Drinking Water Standards, and in current Jordanelle Special Services District Standards at the time of the recordation of each phased portion of the project. Domestic storage may therefore be greater than values specified above depending upon the construction phasing of the project.

C. Water System Design Standards. The following design standards apply to the construction of the water system in Telemark Park:

(a) Storage Location, System Design & Main Depth:

Total water system storage may be provided in a single location in the project, or divided up into multiple locations throughout the project such that fire flow storage plus domestic storage is satisfied at any particular location.

Each Neighborhood is to have available to it the required fire flow storage plus average daily flow storage, or one-half peak daily demands, for the entire neighborhood considering building types.

Conceptual water system design for the overall project (well locations and capacities; main sizes; and tank locations, elevations, & sizes shall be submitted with preliminary plans.

Water mains are to be buried to a minimum depth of 7 feet in roadways and at a depth of 5 feet in other locations, or as established by Jordanelle Special Services District Standards.

(b) Fire Protection and Suppression Requirements:

(1) Fire Sprinklers. All residential and commercial structures within Telemark Park Resort shall be internally fire-sprinklered in accordance with the provisions of the Uniform Fire Code, as updated from time to time. Unless specifically approved by the Fire Marshall for non-combustibility, all such structures shall contain exterior sprinklers as well. Such exterior

sprinklers shall include at least under eave sprinklers, but may be required to include roof top sprinkling in areas or on structures deemed by the Fire Marshall to have wildfire hazard or vegetation to roof relationships justifying such measures.

(2) Fire Breaks. The Application contains provisions for fire breaks around structures. Conformance to the Application in this regard is a condition of this approval and future construction permitting.

(3) Building Construction/Combustibility Standards. Construction shall meet all applicable fire safety requirements of local, state and federal agencies, and shall be at least as fire resistive as Type V-ONE-HOUR Construction, maximum compartment size 21,000 square feet, per Table 5-C of the Uniform Building Code.

(4) Fire Access. Access to structures for fire suppression equipment shall meet all applicable requirements of the Fire District and shall be subject to review by the Fire Marshall, which shall in no event exceed the requirements of the Uniform Fire Code.

(5) Non-County Fire District Service. In the event that Telemark Park Resort contracts with a non-County fire district for interim service the Fire Marshall of said district shall have interim authority hereunder to enforce Fire Safety measures. Approval by the Fire Marshall having jurisdiction and responsibility over the Development shall be binding in the event of a later transfer of jurisdiction, and property owners will not be required to modify existing structures solely on the basis of a jurisdictional transfer.

3. SANITARY SEWER

All commercial buildings and residential dwellings within the Telemark Park Resort shall be served with sanitary sewer service from a sewage collection and or treatment utility or district consistent with the Jordanelle Basin Wastewater Treatment Plan adopted by the County.

4. STORM WATER AND WATER QUALITY

Telemark Park Resort is located within the watershed of the Jordanelle Reservoir and the Provo River. This approval is conditioned upon recognition of the non-degradation status of the hydrologic setting.

A. Stormwater Plans.

Preliminary Plans shall be required to show compliance with the Telemark Park Surface Water Runoff Control Conceptual Level Master Plan by Hansen, Allen & Luce, dated December, 1989 (hereafter the Water Quality Plan). Any proposed variation from the provisions of this plan are subject to review and approval by the County.

Preliminary Plans will be required to show compliance with that plan and shall specifically address:

- Location of all building sites outside of storm water discharge routes.
- Detention Structures.

B. Water Quality Control.

The Hansen, Allen & Luce Water Quality Plan referred to above is incorporated herein by reference. The summary measures below are extracted from that plan.

"The Water Quality Plan identified detention basins. The Water Quality Plan also identified the potential for Preliminary Plans to identify and propose alternatives, so long as the mitigating effect upon water quality equals that provided by the basins. In the absence of alternatives proposed by developer and approved by the County at Preliminary Plan stage, the following detention basins are required to be constructed by Developer as a condition of this approval:

- Drain Tunnel Gulch (AKA Telemark Hollow)
- St Louis Gulch
- U.S. 40 (Just above U.S. 40 Embankment in lower Drain Tunnel Gulch, AKA Telemark Hollow)"

The size and design of the above basins shall be determined based on site specific hydrology, hydraulic and water quality calculations and considerations presented by the developer's engineer with Preliminary Plans subject to review and approval of Wasatch County and Wasatch County Review Engineer.

Based on Telemark Park Resort, Concept Level Water Quality Plan, June 7, 1996, detention basins may be constructed at the following locations and sizes within the project to satisfy the above requirements:

Location	Size
• Roosevelt Gap	0.5 acre feet
• Little Baldy #1	0.5 acre feet
• Little Baldy #2	0.5 acre feet
• Little Baldy #3	0.5 acre feet
• Little Baldy #4	0.5 acre feet
• St. Louis #1	3.0 acre feet

- St. Louis #2 2.0 acre feet
- St. Louis #3 2.0 acre feet
- Gordon's Gulch 0.5 acre feet
- Spin-Cycle 7.0 acre feet
- US 40 Basin 10.0 acre feet

Preliminary and final plans for Telemark Park shall include sufficient analysis and documentation, presented to Wasatch County for review and approval, to assure that the proposed mitigation plan is implemented. Commitments shall include design and construction techniques, plans and specifications.

Water Quality plans prepared for Preliminary Plan and Final Plan submission shall be designed in accordance with the following references:

- "Wasatch County Hydrologic/Water Quality Study," Hansen Allen & Luce Inc., June, 1994.
- "Wasatch County, A Guide for Erosion and Sediment Control at Construction Sites, EWP, Draft Report, December 11, 1995"

C. Ownership and Maintenance:

All storm water conveyance facilities and detention basins shall be owned by the Telemark Park Master Homeowners Association or a Telemark Park Special Services District. All storm water conveyance facilities and detention basins shall be operated and maintained by the Telemark Park Master Homeowners Association or a Telemark Park Special Services District.

D. Stormwater Design Criteria:

All drainage ways with 10 year design flow velocities above 4 feet per second shall be lined with riprap sized with a minimum safety factor of 1.5 in accordance with the Barfield (1981) method. Drainage way hydraulics shall be analyzed with the Mannings flow equation. Cross road drainage facilities including culverts will be designed to convey at least the 10 year design storm after development. The 100 year after development storm event must be considered in the design of such cross road drainage facilities as well as natural and improved open channels, storm drain inlets and storm drain pipe systems so as to provide that such an event does not inundate structures, damage utilities, endanger the public or adversely impact the environment. The design of drainage ways and culverts shall be included in Preliminary Plans and construction detail shall be provided in the Final Plans.

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All building sites and essential facilities shall be positioned such that they are free of flood hazard and/or are protected from 100 year stormwater flows.

Stormwater planning, design, and construction will be integrated with water quality planning.

5. RELATIONSHIP OF ROADS AND UTILITIES TO OTHER PROPERTIES.

Neighboring properties that now have a legal right to use the Telemark property for access may not be landlocked. Anticipated properties that may use project roads for access to their property are disclosed in Section III. 15. of this First Amended Density Determination. Terms for the provision of utilities to these properties is also described in Section III. 15. A reimbursement scheme for utility services shall be developed and must be approved by the County and Developer before any other properties are authorized to connect to facilities constructed by the Developer of Telemark Park.

6. PUBLIC TRANSPORTATION

There is no established public transportation service in the area at this time. Limited common carrier or hotel courtesy-type public transportation should be anticipated. Loading zones only in multifamily and village areas shall be provided at walking distances no greater than 500 feet and shall have the following characteristics: 40 feet long and 10 feet wide located outside the normal travel lanes of roadways.

VI. DEVELOPMENT AND SITING OF IMPROVEMENTS

Although a great deal of siting detail has been developed through the Density Determination stage, the specifics as to the development to occur on each of the identified development sites is still quite general in nature, with final design and engineering to follow as individual development sites move to Preliminary and Final Approval. Subsequent applications for Preliminary or Final Approval are to be in substantial conformance with the Application. Subsequent submittals will be deemed to be in substantial conformance with the Application and this Order of Density Determination if they meet the following standards:

1. DEVELOPMENT PARCELS

Density Determination is considered approval of Density in the areas shown on the Telemark Park Resort, Land Use and Area Exhibit, revised June 7 according to the conditions contained herein and according to the Pre-Conditions described in Section IV. The location and boundaries of the Development

Parcels are identified on Land Use and Area Exhibit. Parcel boundaries may be adjusted at Preliminary Plan level, but may not be significantly changed. Specifically, boundaries are expected to be within 50 feet of those shown on the Telemark Park Resort, Land Use and Area Exhibit, revised June 7. The area of Development Parcel areas may be decreased.

Adjustment of Multi-Family Development Parcels may not increase total area by more than 5% of that shown on the Telemark Park Resort, Land Use and Area Exhibit, revised June 7. Any such increase may not increase the allowable building mass.

Single Family Parcels may be adjusted, but may not be increased in area unless such increase is due to the conversion of adjacent road right of way (RRW) or MultiFamily (MF&C) areas. Lot lines as shown on the Concept Plan may be reconfigured and the overall number of lots may be reduced according to the Single Family Lot Guidelines herein, but in no event may open space be reduced after dedication to the Master Association.

In no event may the net acreage of Open Space areas be decreased from that shown on the Land Use & Area Exhibit by more than 2%.

Any proposed adjustment of Parcel boundaries from the Application must be shown at Preliminary Application. At Final Application adjustment may only represent survey correction, not reconfiguration.

Within applicable setbacks within MF&C areas, Developer may reconfigure building footprints and shapes from those shown on the Concept Plan and shall show such reconfiguration at Final Plan Application. Such reconfiguration shall be subject to all other conditions contained herein.

At Preliminary Plan developer may adjust roadway locations from those shown on the Concept Plan in the interest of minimizing site disturbance and grading. Such adjustment may not result in more than a 5% increase in total RRW area shown on the Telemark Park Resort, Land Use and Area Exhibit, revised June 7, unless such increase is due to an increased width condition imposed by the County.

2. SITING GUIDELINES APPLICABLE TO ALL DEVELOPMENT PARCELS

The following guidelines apply to all development parcels within the Telemark Park Resort:

Unless otherwise approved during the preliminary plan phase of the project, Building envelopes shall be configured

within required setbacks within parcels approved in this Determination for such use, and shall be designated on Preliminary Plan submittal.

Preliminary plans shall be of 1"=50' or greater scale. Such plans shall show existing vegetation of 4" DBH (diameter at breast height) or larger trunk caliper and shall demonstrate an effort to preserve such vegetation wherever possible, with emphasis on preservation of larger and slower growth type trees and groves.

Preliminary plans submitted for review and approval shall show setbacks, limits of disturbance, building envelopes, snow storage areas, cuts, fills, proposed slopes for disturbed areas, general utilities, rights-of-way, easements, and proposed night lighting.

Preservation of natural features and vegetation to the extent reasonably possible is required. Retain existing tree stands and existing terrain where possible.

Building siting should be responsive to the overall development concept, adjacent development, and (i) Topography, (ii) Geology/soils conditions, (iii) Hydrology, (iv) drainage and flood plain considerations, (v) Vegetation, (vi) Views, (vii) Solar and micro-climate considerations, (viii) Access and circulation; pedestrian and vehicular, (ix) Seasonal response, (x) View corridors, (especially to the mountains), and (xi) Snow storage requirements.

3. COMMERCIAL SPACE.

Location: Commercial Space shall be constructed in the Villages indicated on the Master Plan, and shall not be transferrable between Villages.

Allowed Commercial uses: Office, Restaurant, Retail, Ski & Sports Shop, Tavern, Convenience Store, Delicatessen, Cafe, Sports/Fitness and other uses related to the recreational and residential nature of the development.

Prohibited Commercial Uses: Any business activity producing noxious fumes, hazardous waste or noise pollution, any other business activities prohibited in the zone or the County.

4. SET BACK AND SIDEYARD STANDARDS

Minimum Setbacks SINGLE FAMILY:

Front Lot Line: 20 Feet
Rear Lot Line: 30 Feet
Side Lot Line: 10 Feet
Distance from Road Centerline: 45 Feet

Minimum Setbacks MULTIPLE FAMILY:

Front Lot Line: 15 Feet

Rear Lot Line: 25 Feet

Side Lot Line: 10 Feet

Distance from Road Centerline: 40 Feet

No building or structure other than fences shall be built within the setback criteria as described above.

5. SINGLE FAMILY SUBDIVISION LOT DESIGN STANDARDS:

It is the intent of these criteria to minimize surface and visual impact from the development of single family lots and to restrict dwelling placement, height, size and design so as to provide for unobtrusive, attractive dwellings in harmony and proportion with their surroundings.

The following parameters are being approved out of consideration for the environment, to allow for clustering of single family dwellings and larger open space areas, and to achieve aesthetic variation within the project. Applications for Preliminary and Final Approval of Subdivisions containing Single Family Lots will be approved if they demonstrate compliance with the following standards:

Lot Size: The minimum Lot size will be at least 10,000 Square Feet

Limits of Disturbance: Within each Lot, the Preliminary Plan and Final Plat must designate and show an area within each lot where grading and vegetation removal is allowed and where the dwelling and all improvements must be sited. Outside of the Limits of Disturbance only approved above-ground thinning of existing vegetation or spot planting, and the reasonable and necessary placement of utility service lines to the Lot may occur. The Limits of Disturbance Area will be shown on the Final Plat and varies from lot to lot to protect vegetation, drainage, and areas of steep slope.

Maximum Dwelling Coverage: Within each Lot, the Preliminary and Final Plat must designate the maximum size of allowable structures in plan view, including eaves, overhangs, and outbuildings, which may be constructed on the Lot. This is not the Floor Area, but the area of Lot coverage. The Maximum Dwelling Coverages and Maximum Dwelling Sizes shown on the following tables are approved for Single Family Lots within the Telemark Park Resort.

Maximum Impervious Area: Within each Lot, the Preliminary and Final Plat must designate the maximum

area of impervious surface allowed on a lot in addition to the Dwelling Coverage, including driveways, concrete slabs, walkways, steps and other surfaces impervious to water. The coverages shown on the following tables are approved for Single Family Lots within the Telemark Park Resort.

Maximum Total Floor Area: Within each Lot, the Preliminary and Final Plat must designate the maximum Floor Area as defined by the Uniform Building Code, which does not include garages. The Maximum Floor Areas shown on the following tables are approved for Single Family Lots within the Telemark Park Resort.

Maximum Garage Area: Each Lot must contain a garage. The maximum allowable garage shall be 600 square feet per dwelling. Larger garage areas will be counted against the total Allowable Floor Area of the Dwelling.

Maximum Irrigated Landscape Area: The Preliminary and Final Plats for each Single Family Subdivision must show the maximum allowable irrigated area for each Lot. The irrigated area is that portion of the Lot which may be irrigated or planted in non-native plants using additional water. The actual irrigated area will be shown on the final plat, but will average 1,600 square feet on each Lot. Some drip irrigation of native and drought resistant plants may be done beyond this limitation. Notwithstanding any of the foregoing, the Telemark Park Resort Special Services District will establish water rate schedules penalizing excessive landscape watering.

Upper Story Restriction: Succeeding or higher stories of a dwelling must be no larger than 75% of the next lower story if that lower story, as measured by the intersection of the floorplate plane with natural grade, is 50% or more above natural grade. In split-level designs such ratio is by reference to the floor directly below as opposed to the half-story.

Master Association Architectural Control Committee: Notwithstanding any of the foregoing, the Master Association Architectural Control Committee must approve all planned construction prior to any alteration of existing site conditions. The Telemark Park Resort Architectural Guidelines shall define this procedure, which regulates architecture, landscaping, siting, vegetation removal, thinning for firebreak, stormwater discharge and environmental guidelines. The standards and regulations of this Density Determination will be incorporated into the Subdivision Covenants, Conditions, and Restrictions for each Subdivision.

SINGLE FAMILY LOT COVERAGE TABLES

Lot Area Dwelling Increment (square feet)	Coverage Factor for Increment	Maximum Coverage in Square Feet	Total Coverage in Square Feet
For the first 11,000 sq. ft.	26% coverage	up to 2860	up to 2860
For the next 11,000 sq. ft. (11,001-22,000)	18% coverage	up to an additional 1980 sq. ft.	up to 4840
For the next 11,000 sq. ft. (22,001-33,000)	8% coverage	up to an additional 880 sq. ft.	up to 5720
For the next 11,000 sq. ft. (33,001-44,000)	4% coverage	up to an additional 440 sq. ft.	up to 6160
For Area above 44,001 sq. ft.	3%		

As an example of using the above Table, consider a 15,000 square foot lot: the Total Dwelling Coverage would be computed as follows: For the first 11,000 square foot of Lot area, a coverage of 26% applies. For the Lot Area above 11,001, a coverage factor of 18% applies. 26% of 11,000 = 2860 + 18% of 4000 (15,000 - 11,000) = 720 for a total of 3580 square feet.

MAXIMUM SINGLE FAMILY LOT "OTHER IMPERVIOUS" COVERAGE GUIDELINES:

lot area increments (sq ft)	maximum other coverage %	maximum other coverage (sq ft)	maximum total other coverage (sq ft)
up to 11,000	15.0%	1650	1650
11,001-22,000	10.0 %	1100	2750
22,001-33,000	5.0%	550	3300
33,001-44,000	2.5 %	275	3575
44,001 +	2.0 %		

As an example of using the above Table, consider a 15,000 square foot lot: the total other coverage would be 15% of 11,000 = 1650 + 10% of 4000 (15,000 - 11,000) = 400 for a total of 2050 square feet.

CUMULATIVE MAXIMUM SINGLE FAMILY LOT "TOTAL IMPERVIOUS" COVERAGE GUIDELINES: ("DWELLING" COVERAGE + "OTHER IMPERVIOUS" COVERAGE)

lot area increments (sq ft)	total dwelling coverage (sq ft)	total other coverage (sq ft)	total impervious coverage (sq ft)
up to 11,000	2860	1650	4510
11,001-22,000	4840	2750	7590
22,001-33,000	5720	3300	9020
33,001-44,000	6160	3575	9735

44,001 +

As an example of using the above Table, consider a 15,000 square foot lot: the total impervious coverage would be the total of 3580 sq ft computed above and 2050 sq ft computed above for a total of 5630 square feet.

MAXIMUM SINGLE FAMILY LOT "FLOOR AREA" GUIDELINES:

MAXIMUM SINGLE FAMILY LOT FLOOR AREA GUIDELINES:			
Lot area increments (sq. ft.)	maximum total floor area (percent)	maximum total floor area (by increment) (sq. ft.)	maximum total floor area (cumulative) (sq. ft.)
up to 11,000	45%	4,950	4950
11,001-22,000	30%	3,300	8250
22,001-33,000	15%	1,650	9900
33,001 +	8%	na	na

As an example of using the above Table, consider a 15,000 square foot lot: the total floor area would be 45% of 11,000 = 4950 + 30% of 4000 (15,000 - 11,000) = 1200 for a total of 6150 square feet.

6. COMBINATION OF LOTS

At Preliminary Plan submittal developer may reduce the total number of lots within a neighborhood by combination of lots. The resulting larger lots shall be allowed construction according to the formula in Tables above. In no event shall the foregoing allow developer to increase the total area of single family development or to increase the number of lots or total allowed construction.

Preliminary Plans for the first single family lots in the project shall contain, in form satisfactory to the County, Covenants for single family neighborhoods which contain provisions that:

Adjoining Lots may be combined if owned by one party. The resulting parcel shall be treated as one lot for all further purposes and such combination shall be deemed permanent. No lots, once combined, may be subdivided. The owner shall be required to file a Notice of Combination with the Master Association which shall record such notice with the County Recorder prior to commencement of construction. (The ownership of adjoining Lots is not, by itself, evidence of combination or intent to combine, and combination is not deemed to have occurred unless and until a Notice of Combination has been recorded, or a structure built which crosses the common Lot boundary line.)

The resulting larger lot shall be allowed coverage, impervious area and dwelling size according to the tables preceding as 1 lot, not the sum of the allowed areas prior to combination.

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The limits of disturbance area shall be revised by applying the ratio between the dwelling size allowed on the largest uncombined lot to the combined dwelling size allowed to the area of disturbance on the largest uncombined lot. The configuration of such area must meet all applicable setbacks and shall be subject to discretionary review by the Master Association Architectural Control Committee. Committee may disapprove the limits of disturbance based upon visual impact, vegetation impact and neighborhood compatibility. The Committee shall consider and rule upon such combinations prior to purchase if so requested.

Assessments by the Master Association shall be based upon a minimum per lot and an additional amount ratable to dwelling size, combined lots to be assessed as one (1) lot. No combination of Lots shall have the effect of increasing the assessment applicable to other Lots in the Subdivision which were not combined.

Dwellings in excess of 20,000 square feet of floor area must be approved by the Planning Commission on an individual basis.

7. SPECIAL GUIDELINES FOR TELEMAR HOLLOW LOT:

The Lot shown on the Telemark Park Resort, Concept Master Plan, revised June 7, 1996 as Lot 127 (previously Telemark Hollow Single Family) shall be subject to the following additional guidelines:

Driveway: The driveway shall conform to flag lot driveway standards and conditions contained herein.

Dwelling Height: The dwelling shall not break ridgeline as viewed from Jordanelle State Park Hailstone Marina Visitors Center by more than 12' and shall otherwise conform to single family dwelling height restrictions as revised.

Site Plan for limits of disturbance and driveway shall be submitted with final plan and be subject to discretionary review by County. Revegetation of all site cuts and fills shall conform to regulations established in Section VI, Sub-Sections L and M.

8. BUILDING HEIGHT.

Unless otherwise stated in regard to specific buildings or building locations, the following height standards shall apply within the Telemark Park Resort. Height is restricted on a neighborhood by neighborhood basis. Maximum height refers to the mid-point of a roof as measured from the ridge to the intersection of the roof and wall. Natural grade is defined

as a plane formed by the corners of the dwelling prior to any excavation. The height regulations for specific sites are as follows:

A. Lodge Condos at Slalom Village: Height shall be measured from the elevation of the finished grade at midpoint of building. The maximum height shall be 75 feet, consisting of not more than five levels. The building shall have a gable roof (a roof consisting of two inclined planes that meet at a ridge over the center of the building and slope down to the sidewalls) or a hip roof (a roof similar to a gable roof with a central ridge except that the roof slopes from the ridge to all outside walls), with the top level being partly located in the roof structure. The top level shall not cover more than 50% of the Building Footprint. The building must then step from such top level on both the ski hill side and the road side to avoid any vertical wall more than three levels in height.

B. Commercial at Slalom Village: is to be contained within the Lodge Condo configuration.

C. Ski Academy: Height shall be measured from finish grade at midpoint of building and shall not exceed 45 feet in height.

D. Roosevelt Gap Lodge: Height shall be determined in the field such that no portion of the Roosevelt Gap Development will be visually obtrusive from the vantage point of the Stew Pot restaurant located at 1375 Deer Valley Drive, Park City.

E. Telemark Village: Height will be restricted by reference to parcels on the Telemark Village, Concept Master Plan, June 7, 1996. Height shall be measured from natural grade as defined above and parcel numbers below are from Telemark Village, Concept Master Plan, June 7, 1996. Building height shall not exceed 38 feet at roof mid-point and 28 feet at eaveline (except gable and dormer ends) on Parcels #1 and #3, 58 feet at mid-point and 48 feet at eaveline (except gable and dormer ends) on Parcel #2, and 48 feet at mid-point and 38 feet at eaveline (except gable and dormer ends) for Parcel #4. Subject to further design discretion of the Planning Commission, Telemark Village structures, or special architectural features of such structures, with special mitigating architectural treatment, may exceed the above height restrictions.

F. Single Family Dwellings: The maximum height of these buildings shall be 33 feet as measured from natural grade, chimneys and roof vents excepted.

9. STANDARDS INCORPORATED INTO RECORDED COVENANTS.

The recorded covenants governing each portion of the Development shall establish specific guidelines, consistent with these standards, and reasonably acceptable to the County for final siting of buildings and roads; building bulk, form and height limitations; building materials, colors and textures; and building orientations for maximum solar access and energy conservation purposes. The Design Guidelines attached as Exhibit C will also be incorporated into the master Declaration Covenants, Conditions, and Restrictions for the Telemark Park Resort.

10. HANDICAPPED/ELDERLY ACCESS.

Access for the handicapped must be provided in all buildings open to or used by the general public.

11. PARKING AND LOADING REQUIREMENTS.

A. General Parking Design Considerations.

Each development site is required to provide its own parking, which shall be under the control and ownership of the owners of that development site. All parking spaces shall be located on the same parcel as the building or use for which they are required. The Master Association Covenants, Conditions and Restrictions, or where appropriate, the neighborhood or condominium covenants shall address parking and include the following limitations:

(a) No parking spaces shall be located within the setback area of a parcel boundary.

(b) There shall be no parking of commercial vehicles with three or more axles in residential and accommodation parcels.

(c) Service bays within the building or parking structure shall provide for maneuvering of service vehicles.

(d) Underground parking clearance shall be a minimum of 8 feet high to accommodate vans and vehicles with ski racks. Driveways shall not exceed 15%, but should generally have a slope of less than 6%.

B. Special Provision for Roosevelt Gap:

The litigation settlement agreement in the action entitled Park City Consolidated Mines Company et al. v. Park City Municipal Corp., Third District Court, Summit County, Civil No. 930390001 contemplates that the parking for Roosevelt Gap, if constructed as approved herein as a 105 unit lodge facility, will be primarily located at the adjoining Snow Park Hotel site in Deer Valley and will be connected to the Roosevelt Gap facility by funicular tramway so that guests and or residents would primarily access the facility from Snow Park. Parking provided in this manner will be acceptable to Wasatch County as meeting the requirement for on-site parking.

C. Parking For Residential Uses.

Parking for residential uses is based on the size of the residential structure, as shown on the following table:

Parking Required for Residential Uses

unit type	number of bedrooms	number of covered spaces	total number off-street spaces
sf	1-5	2	4
sf	6	2	5
sf	7+	3	6+*
ac	1	1	1
ac	2	1	2
ac	3	1	2
ac	4+	2	3+*
lc	1-2	1	1
lc	3-4	2	2
lc	4+	2+*	2+*
th/c	1-3	1	2
th/c	4+	2	3+*

* where asterisked, one additional space for each two additional bedrooms

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if housing unit sizes increase (in number of bedrooms) over proposals of the Application, the number of parking spaces shall increase in compliance with Section IV.K.2.a. Residential Parking above.

D. Parking for Commercial Uses.

Parking for Commercial and Support Commercial Uses. Parking for commercial space shall be provided in the ratio of 3 spaces per 1000 square feet of commercial building area, which includes employee parking requirements for those areas. This parking requirement does not apply to support commercial as the parking for those uses is accounted for in the residential parking requirements.

E. Parking for Recreational Uses.

Parking for Recreational Uses. Developer shall be required, in the sequence described herein, to provide 25 off street parking spaces in the Telemark Village area suitable for trailhead use. Such spaces may double for the commercial parking requirement at Telemark Village, as the timing of use is anticipated to be reasonably complementary and often related to both commercial and trail facilities.

F. Ski Academy Parking.

Ski Academy Parking shall be as shown below using a ratio of 3 parking spaces per 1,000 sq. ft.

G. Telemark Village Parking

Lodge Condominiums (2,000 sq ft avg)

Type	Units	Ratio	ps	
cv	43		1.5	64
uc	43		0.5	22
Total	43		2.0	86

NOTES:

cv indicates covered offstreet
uc indicates uncovered offstreet

Townhouse Cottages (2,400 sq ft)

Type	Units	Ratio	ps	
cv	41		2	82
uc	41		2	82
Total	41		4	164

NOTES:

cv indicates covered offstreet
uc indicates uncovered offstreet

Apartment Condominiums (1,000 sq ft)

Type	Units	Ratio	ps
cv	82	1.0	82
uc	82	1.0	82
Total	82	2.0	164

NOTES:

cv indicates covered offstreet
uc indicates uncovered offstreet

Employee Housing (1,000 sq ft)

Type	Units	Ratio	ps
cv	16	1.0	16
uc	16	1.5	24
Total	16	2.5	40

NOTES:

cv indicates covered offstreet
uc indicates uncovered offstreet

Commercial (42,000 sq ft)

Type	Units	Ratio	ps
ap	42	3.0	126

NOTES:

ap indicates applicant request

Ski Academy (20,000 sq ft)

Type	Units	Ratio	ps
ap	20	3.0	60

NOTES:

ap indicates applicant request

The following is a summary of proposed parking provided within the Telemark Village

Type of use	ps
Lodge Condominiums	86
Townhouse Cottages	164
Apartment Condominiums	164
Employee Housing	40
Commercial*	126
Ski Academy*	60
Total	640

* using the applicants proposed ratio of 3 spaces per 1,000 sq. ft.

12. SITE PREPARATION, GRADING, AND RE-VEGETATION.

Prior to any construction or the issuance of any building permit, Developer shall comply with the following conditions:

A. Geological Reconnaissance and Geotechnical Analysis.

The Report by Dames and Moore entitled Engineering Geology Reconnaissance and Geotechnical Study Telemark Park Proposed Development, dated December, 1988 and Amended July 13, 1989, is incorporated herein by reference. The recommendations of the above report are incorporated herein as conditions of this approval.

Notwithstanding the foregoing, Preliminary Plans shall be subject to site specific geotechnical review by the County and its consultants. Such plans shall show all proposed grading, cuts and fills, and shall specify slope angles and construction specifications for both cut and fill slopes.

Notwithstanding the foregoing, any building permits applied for in Telemark Park Resort shall conform to the specific geotechnical recommendations established for that site during Preliminary Review, and, in the absence of such recommendations shall be required to obtain such a site specific report.

In addition to site specific geology and geotechnical recommendations made by project geologists and geotechnical engineers, all project grading work shall be in accordance with provisions of Chapter A33 of the Uniform Building Code, 1994 Edition, or subsequent adopted revision thereto.

B. Site Preparation: Building Areas, and Trails.

The outlines of areas of site work shall be staked prior to beginning site clearing, grubbing or grading. All work areas shall be flagged including, but not limited to, access roads, storage areas, trails, buildings, utility corridors, road rights-of-way, building areas, and construction roads. Trees and vegetated areas which are within the defined areas and which are to be protected shall be encircled with snow fencing or other barriers of sufficient durability to last through a construction period. The County shall inspect and approve areas of site work prior to construction.

Methods of disposal of vegetative materials shall be approved by the County prior to any site work.

Stripped and stocked topsoil shall be seeded or protected by other erosion control methods acceptable to the County upon the earlier of: (i) 30 days after a stockpile is completed;

or (ii) immediately, if a stockpile is completed between August 15th and the following May 1st.

A clearing, grubbing and grading specification which describes all operations, including, but not limited to, depth of root removal, dust control, temporary surface drainage controls, seasonal phasing, and haul routes, shall be approved by the County prior to any site work.

Site clearing, grubbing and grading shall be phased according to County approved construction schedules.

C. Site Grading, Drainage, and Erosion Control and Revegetation.

In order to minimize site disturbance, roadbeds shall be graded and stabilized prior to other site preparation.

Excavation or the extension of fill beyond the boundary of Disturbed Area is prohibited. Foundation construction shall be accomplished with precise cuts and fills.

Dust control measures approved by the County for work on-site and for haulage off-site shall be instituted to minimize fugitive dust problems.

Damage to trunks and roots of trees that are to be saved and soil compaction to root systems of such trees shall be avoided. Cuts, or fills over root zones of plants that are to be saved shall be avoided. Grading shall not be permitted within six feet of trees that are to be saved.

Utility lines shall be installed within road rights-of-way, under future trails, paths, or ski runs, or in areas otherwise unavoidably disturbed by construction. Trenches for utilities shall not be dug within the drip lines of trees that are to be preserved. If it is found absolutely necessary to route utility lines through undisturbed areas, the location of such lines shall require the advance approval of the County. If so approved, such areas shall be regraded after proper compaction of trenches and re-vegetated with native plant materials; seeded areas shall be protected with crimped straw, aspen mats or with another method approved by the County for erosion control.

Drainage diversions and structures shall be installed prior to any site disturbance in an affected drainage.

Graded surfaces shall not be left unprotected through the winter. All such surfaces shall be hydro-mulched or protected with crimped straw, aspen mats or with another method approved by the County. All disturbed slopes of 30% or greater longer

than 12' as measured perpendicular to the contour shall be protected by dikes or perimeter diversions of a type, size, and location approved by the County.

In order to prevent loss of natural vegetation, the County may require installation of retaining structures where the vertical differential at centerline of the finished road profile grade and the natural grade exceeds 25 feet. All retaining walls and structures proposed in the Application or otherwise required by the County shall be constructed by Developer.

In order to protect natural vegetation and to minimize erosion, the horizontal cross section of the roadway limits of disturbance in excess of 100 feet shall require the approval of the County Planner.

All retaining structures proposed in the application or otherwise required by the County shall be the responsibility of and constructed by the Developer.

D. Grading confined within parcel boundary.

All grading requirements of each development must be resolved within the property boundary.

Cuts and fills should be minimized and blended into the existing terrain.

No retaining walls shall exceed 10' in height without a step or horizontal break of at least 3'. Timber retaining walls are discouraged.

Slopes of cut and fill banks should be determined by soil characteristics for the specific site to avoid erosion and promote re-vegetation opportunities.

Maximum allowable slope shall be 2:1 (3:1 for mowable grass areas) unless stamped site specific geotechnical analysis allows steeper slopes.

The tops of cut slopes shall be rounded so as to blend with natural grade.

13. REVEGETATION & EROSION CONTROL POLICIES.

Preliminary Plans shall be required to show specific revegetation and erosion control plans for all disturbed areas within the Project. Such plans shall conform to the following minimum standards:

A. Plant Materials & Application:

Plant materials shall be native to the area or adapted to non-irrigated conditions for the area planted. Seed mixes shall be varied for slope, aspect and soil type & cover. Seed mixes shall contain a minimum of 4 approved grass species and 2 approved legumes. Revegetation methods shall include an application of approved seed mix on a prepared surface at a minimum of 30 lbs/acre PLS, with an organic mulch applied at a minimum of 2,000 lbs/acre.

B. Revegetation of Ski Runs, Cut & Fill Slopes & Non-Irrigated Landscape:

Where disturbed, ski runs shall be revegetated to a minimum hydrologic cover of 50% within 3 growing seasons. Cut & fill slopes shall be revegetated to a minimum 30% hydrologic cover within 3 growing seasons except where the County approves a rock surface. Ski runs shall be revegetated with grass and herbaceous plants as opposed to shrubs, trees and woody species. Cut and fill slopes shall be seeded with grasses and legumes, but may also include shrubs, trees and woody species. Disturbed areas shall not be allowed to remain over winter, and shall be treated with seed and mulch within 8 weeks of disturbance or 4 weeks of finish grading. Preliminary Plans shall show revegetation plans and Final Plans shall show construction detail.

C. Erosion Control:

Erosion shall be controlled in the long term by revegetation and permanent conveyance and detention structures. During construction and prior to the establishment of vegetation, erosion and sedimentation shall be controlled by means of silt fencing, straw bales, the construction of water bars directing sheet runoff into non-disturbed areas at regular intervals and the application of mulches and erosion control blankets as soon as possible after disturbance. Preliminary Plans shall show erosion control design, and Final Plans shall show construction detail for such measures.

D. Site Drainage:

The heavy snowfalls in the Telemark Park Resort area require special attention to drainage.

Preliminary plans shall be required to indicate how storm discharge from each parcel and any related improvements is directed so as to conform to the requirements of the Hansen Allen Luce Telemark Park Surface Water Runoff Control Conceptual Level Master Plan of December 1989. Such plans shall be subject to further review by Wasatch County for conformance to County Requirements.

Runoff from impervious surfaces such as roofs and pavement areas shall be collected and directed to drains.

Positive drainage of all public and private plaza and walkways is required. Drains should be full catch basins or trench drains. Balcony floor type drains are not acceptable.

VII. EMPLOYEE HOUSING

Developer shall be required to provide one employee housing unit for each 32 dwelling units and single family lots platted within the project, up to a maximum of 16 such units. Employee housing units are defined as units held permanently for rental on a monthly basis. Such units shall not be sold individually or converted to condominiums. Such units shall be approximately 1,000 square feet, and will be located in Telemark Village, and must conform to all other requirements for residential construction in Telemark Park Resort.

Until such time that 16 such units have been constructed, Developer shall be required to show on each preliminary plan submission, the provision of one such unit for each 32 dwelling units.

VIII. RECREATION AMENITIES, OPEN SPACE, AND COMMON AREA MANAGEMENT

Within the Telemark Park Resort property there are a number of areas that have been reserved as Open Space Areas under this Density Determination. The management and ownership of these open space areas is an important consideration in the overall Density Determination, and is viewed as an essential amenity to the development sites. The following policies and regulations will apply to the use, ownership, and management of the open space areas:

1. OPEN SPACE OWNERSHIP.

The following open space classifications are shown on the Telemark Park Resort, Land Use and Area Exhibit, revised June 7, 1996.

A. Forest & Woodland Preserve (F&WP):

Forest and woodland preserve areas will be owned by the Telemark Park Master Owners Association, with restrictive covenants in favor of Wasatch County and/or a conservation organization to guarantee the preservation and maintenance of these natural areas, and prohibiting development on those properties, or dedicated to the public with similar

restrictions. Certain open space preserves, as shown on the Telemark Park Resort, Land Use and Area Exhibit, revised June 7, 1996. may be dedicated to Park City.

B. Master Association Roadways (RRW):

Private roads will be vested in the Telemark Park Master Owners Association, which will have the power to assess properties within the project for purposes of road maintenance and operation.

Public roads leading to the project will be dedicated to either Wasatch County or the Jordanelle Special Service District, as directed by Wasatch County.

C. Recreation and Forest Conservation:

Recreation and Forest Conservation areas will be owned by the developer, or the Telemark Park Master Owners Association, and may be leased or sold to other private parties, including but not limited to Deer Valley Resort Company, for operation and maintenance of the recreation amenities including ski lifts and ski runs. Conservation easements over certain areas, as shown on the Telemark Park Resort, Land Use and Area Exhibit, revised June 7, 1996., may be granted to Park City.

D. Public Access:

Common areas within Telemark Park Resort will be private. The developer and the Master Association may allow public access to Recreation Amenities and may charge for such use. Such charges may have a differential between Master Association Members, Wasatch County Residents and the general public, but shall not otherwise discriminate against members of the general public. The common areas are not dedicated to the public.

E. Open Space Covenant:

At the first Plat Approval or building permit, the Developer must record an open space covenant preserving open space areas from non-open space uses.

2. RECREATION AMENITIES.

A. Recreation Amenities Defined:

Telemark Park Resort, Recreation Amenity Exhibit, revised June 7, 1996. is incorporated by this reference. Recreation Amenities shall be constructed in general conformance to the Exhibit in terms of location, dimensions and limits of disturbance. Specifications for Trails are

contained on the referenced exhibit. Fixed structures shall be designed at Final Plan approval and may vary in terms of footprint, but shall conform to the Architectural Guidelines set out for the project. Variation from the exhibit shall be subject to approval by the County Planner, and may be denied if found to be inconsistent with the intent of this approval.

B. Conformance to standards:

The development of all skier and other recreation amenities shall conform to:

Any inter-resort agreements for operations, maintenance, and construction.

AASHTO bridge construction and specifications.

All padding, parapet, curbs, and railing requirements as described by ANSI standards.

All applicable UBC standards for design, snow, and vehicle landings and for earthquake loadings.

Area operator and his insurance carriers requirements.

The design and construction of skier bridge and or tunnels shall adhere to the aforementioned requirements with particular consideration towards skier and vehicular clearances, padding, structure leakage protection, widths, slopes of ski trails both entering and exiting structures, and to finish surfaces and their relative grades.

C. Inventory & Phasing.

(a) Pre-Development Recreation Amenities:

Developer may apply for permits necessary to construct the following Pre-Development Amenities prior to Preliminary Approval of the first phase, subject to the conditions contained herein.

Alpine Ski Facilities:

Up to 30 Acres of Alpine Ski Runs and trails.

Trails/Nordic Skiing Facilities:

All Class I, II & III Trail, up to 15 Miles Total.

Parking & Guest Facilities:

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Temporary Gravel Surfaced parking for up to 20 vehicles.
Temporary Restroom Facilities (Self Contained, Licensed).
Up to 3 portable warming huts, not to exceed 600 square feet in total floor area.

Pilot Roads and Snow Cat Lanes:

Up to 5 miles of geotechnical investigation pilot roads and snow cat lanes.

(b) Phase 1 Recreation Amenities:

Phase 1 Recreation Amenities shall be constructed or bonded for prior to or with the first plat or condominium record of survey recordation.

Alpine Ski Facilities:

Option A (Alpine). If first phase is Roosevelt Gap and/or Snowtop Neighborhood only:

Fife's Run with return to Snow Park Lodge
(Park City)

Option B (Alpine). If first phase is other than or includes other than Roosevelt Gap, and when any area other than Roosevelt Gap/ Snowtop Neighborhood is platted:

Slalom Chairlift Constructed

4 Ski Runs from Slalom Chairlift servicing Roosevelt Gap and Slalom Village.

Adequate snowmaking to cover up to 20 acres.

Trails:

Minimum 3 Miles Class I Trail

Minimum 5 Miles total Class II & III Trail.

Minimum 15 off-street parking spaces at Telemark Village Center suitable for trailhead use (may double as commercial parking).

(c) Phase 2 Recreation Amenities.

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Phase 2 Recreation Amenities must be constructed or bonded for prior to or with platting or record of survey recordation for more than 50% of the residential units in the project.

Alpine Ski Facilities:

Additional ski runs so as to provide approximately 40 total acres.

Additional snowmaking so as to cover minimum 30 acres.

Trails/Nordic Ski facilities:

Additional 3 Miles total class II & III Trail.

Additional 10 Off-Street Parking Spaces at Telemark Village Center suitable for trailhead use, 25 total (may double as commercial parking).

(d) Optional Recreation Amenities:

Optional Recreation Amenities are contemplated by this Density Determination, are depicted or referenced on the Telemark Park Resort, Recreation Amenity Exhibit, revised June 7., may be constructed, but are not required.

Alpine Ski Facilities:

Jordanelle Access Chairlift
Additional Ski Runs, up to 70 acres.
Neighborhood Access Ski Lanes.*
Additional snowmaking, up to 60 acres.

Tennis/Swimming/Health Spa:

2 Regulation Tennis Courts at Roosevelt Gap, Slalom Village, Telemark Village Center, Little Baldy; 8 Total.

Swimming pools @ Roosevelt Gap, Slalom Village & Telemark Village Center, 3 total.

Health Spa Facilities at all multi-family & commercial centers.

Trails:

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Up to 15 total miles.

* Note: Neighborhood Access Alpine Ski Lanes are alpine skiing trails connecting development sites and dwellings to major ski runs and trails. Lanes are to be designed to minimize grading impact and must be machine groomable in winter. As alignment will depend upon final lot layout, lanes are referenced but not depicted on Telemark Park Resort, Recreation Amenity Exhibit, revised June 7, 1996. Lanes are to be shown on Preliminary

(e) Association Common Area Recreation Facilities:

At Preliminary Plan Developer may apply, or after construction individual homeowners associations may apply to the County and the Master Association Architectural Control Committee for right to construct common area amenities such as tot lots, picnic facilities, single tennis courts, hot tubs, small pools, game areas etc.. Such facilities must be located within the common area of said Association, may not encroach upon Master Association Open Space and may be denied due to visual impact, environmental impact, or neighborhood incompatibility.

D. Recreation Amenity Ownership & Operation:

(a) Developer Primary Owner & Operator:

The Developer shall have primary ownership of and operating responsibility for major amenities. Developer may retain ownership to such amenities and operate them as for-profit businesses. The Maintenance Agreement will define methods by which ownership and operating responsibilities may be transferred to parties willing and capable of assuming the responsibilities attached thereto.

(b) Master Association May Own and Operate.

According to terms defined in the Maintenance Agreement the Master Association may be invited to operate and may receive title to some or all recreation amenities. The Master Association may elect not to operate such amenities, in which case the Abandonment Bonds shall be used to restore and/or stabilize the improvements. Under certain circumstances described in the Maintenance Agreement, the Master Association may not decline title to the R&FC lands.

(c) Recreation and Forest Conservation Lands:

Those lands shown on the Land Use Exhibit as Recreation and Forest Commercial shall be owned by the developer, the Master Association or other operator of the recreation amenities

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connected thereto. The parcels shown on the referenced exhibit may not be converted to other uses.

(d) Alpine Ski Facilities:

Alpine Ski Facilities, including the R&FC parcels to which they are attached, shall be owned by the Developer, Master Association or Operator of the facility as defined in the Maintenance Agreement. Owner may lease such facilities to a Concessionaire as defined in the Maintenance Agreement.

(e) Trails/Nordic Ski Facilities:

Trails and Nordic Ski Facilities, which include the R&FC parcels so designated as well as the Trail Easements over F&WP lands, shall be owned by the Developer, Master Association or Operator of such facilities as defined in the Maintenance Agreement. Owner may lease such facilities to Concessionaires as defined in the Maintenance Agreement. Owner also may dedicate such facilities to the public or a non-profit entity subject to approval of Wasatch County.

(f) Other Recreation Amenities:

Individual Homeowner Associations shall own and operate all amenities located within their Common Area. Village Center Sports/Fitness, Swimming & Tennis facilities shall be owned and operated in the same fashion as the Ski Amenities.

E. Access to Recreation Amenities:

Homeowners, Residents and Guests of Telemark Park Resort shall enjoy access to all Recreation Amenities, but may be charged by the Owner or Operator of such amenities at rates no greater than those charged the general public. Developer or owner of such amenities shall be free to enter into agreements with the Master Association for special rates and access arrangements to such Amenities, and may exclude the general public or charge the general public higher rates. Such agreements may include payment of all fees by Master Association, and access to Homeowners, Residents and Guests controlled by the Master Association. Notwithstanding any of the foregoing, no method of exclusion shall be implemented which shall deny access at fair market rates to Homeowners, Residents and Guests of Telemark Park Resort. This shall not preclude the closure of specific trails from time to time for the purposes of the Ski Academy and its related uses for training, special events, as reasonably necessary or convenient for the purposes of the Academy.

F. Pre-Development Recreation Amenities:

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Developer shall have the right to construct and operate the Recreation Amenities inventoried in Section VIII.2.c.(a). prior to application for preliminary approval or plat approval for the first phase of the Project, subject to the following conditions:

(a) Developer shall submit a Pre-Development Water Quality Plan for review and approval by the County's water quality consultants. County's consultants must review and approve plans for conformity to Telemark Park Resort Water Quality Control plan and non-degradation of off site water quality.

(b) Developer shall submit plans at 50 scale or better to the county showing: proposed construction, proposed limits of disturbance, proposed construction methods, proposed erosion control and revegetation, estimated cost of improvements, estimated cost of abandonment and bond or letter of credit for amount in excess of existing out of pocket fund. Such plans shall be subject to approval by the County Planner and Building Official, and staking shall be subject to inspection for conformance to plans prior to construction.

(c) Pursuant to such approval, Developer may apply for permits to operate a Nordic Skiing and Mountain Biking operation as a business with advertising to the general public.

(d) Developer is specifically prohibited from operating Alpine Skiing except on a private, non-advertised, promotional, or club basis prior to Preliminary Approval.

(e) Developer must meet all other County and State requirements for any such operation, including health requirements. Sewage must be totally contained, must be handled by licensed waste operators, and may not be disposed of on site. It is contemplated that sewage would be handled by chemical toilet only.

(f) Warming Huts must be portable and may not exceed a total of three and total square footage of 600 feet.

(g) Geotechnical pilot roads must be within the proposed alignment right of way of project roads.

G. Recreation Amenities Abandonment Plans & Bonds.

Final Plans shall contain abandonment plans for any recreation amenities proposed addressing steps and costs necessary to restore and stabilize the site to a nondegrading

condition in the event that the recreation amenity is abandoned.

Excepting Pre-Development Recreation, Abandonment Bonds shall be posted prior to the construction of Recreation Amenities. The administration of such bonds shall be provided for in the Maintenance Agreement.

IX. MAINTENANCE AND ADMINISTRATION

1. MAINTENANCE AGREEMENT.

On or before the approval of the first plat or the issuance of the first building permit, with the exception of Pre-Development Recreation, Developer, Master Association and Special Services District shall execute and record, in form and substance satisfactory to the County, a Maintenance Agreement satisfying or containing each of the following:

A. Each beneficiary, mortgagee, lienholder or other owner of interest in the property, of record as of the recording date of said Agreement, shall execute an agreement subordinating their interest to the Maintenance Agreement.

B. Provisions for Maintenance and Abandonment Bonds which shall be posted by Developer in conformance to Maintenance and Abandonment Plans, and shall cover Recreation Amenities, Stormwater Conveyance and Water Quality Facilities.

C. An Open Space Preservation Agreement covering the Forest and Woodland Preserve areas of the Property.

D. Provisions for the operation and maintenance of the Recreation Amenities inventoried in Section VIII, in conformance to the following terms:

Developer or assigns shall operate and maintain the Amenities or lease them to entities capable of doing so.

In the event that Developer declines to operate any or all amenities, such failure shall be deemed an invitation to the Master Association to operate and maintain said amenities.

The Master Association shall have the right to choose not to operate said amenities, in which case the Developer shall be responsible to disassemble and restore said amenities to safe, stable conditions requiring no further maintenance. In the event that Developer fails to make such Restoration, the Abandonment Bonds shall be made available to the Master Association for such abandonment.

Nothing herein shall be construed to alter or displace the right of Developer to operate the Recreation Amenities, provided, however, that should Developer desire to resume operation of said Amenities after a period of operation by the Association it shall be required to give 30 days notice, to reimburse the Association for any costs in excess of receipts which it incurred during such operation, plus a fair interest rate from the dates of such expenses.

The Recreation Amenity Operation Rights shall run with the land. Provisions shall be made in the Maintenance Agreement to prevent the enforcement of liens, mortgages, deeds of trust or other obligations of Developer from damaging, removing or dismantling Recreation Amenities (including but not limited to Ski Lifts).

E. Recreation Amenity Abandonment Bonds:

The Maintenance Agreement shall contain provisions governing the administration of Abandonment Bonds. Abandonment Bonds are described in Section VIII.

F. Water Quality Maintenance:

The Maintenance Agreement shall have provisions for the operation and maintenance of Stormwater Conveyance and Water Quality facilities:

After construction, three years of operation and inspection, the Master Homeowners Association or a Special Services District shall accept permanent maintenance and operation of such facilities.

Following construction, such facilities shall be inspected annually for a period of three years, after which they shall be inspected at five year intervals. Such inspection shall be defined in the Maintenance Agreement to the satisfaction of the County's Water Quality Consultant.

In the absence of seasonal or perennial streams discharging from the Property, Water Quality shall be monitored as follows:

At the outlet of the lowest detention basin, or above the culvert at U.S. Highway 40, whichever of the following measures is considered most reliable by County's water quality consultant shall be installed: Either a device capable of collecting water quality samples during storm events, which samples must be collected within 24 hours

of an event, or a monitor connected to offices and caretaker dwelling which would signal the issuance of water from the detention basin so as to notify personnel to collect such samples on a 24 hour basis.

2. LEGAL STRUCTURE OF THE DEVELOPMENT.

A. Developer's Responsibilities.

The Developer is defined as the Applicant or Applicant's assigns or successors in the surface estate of the Property. The Developer shall bear primary responsibility for conformance to the conditions in this Approval, for construction of all improvements as shall be required under Preliminary and Final Approvals, for the posting of all required bonds and securities, for the construction of Recreational Amenities in accordance with Section VIII of this approval and for such other requirements as may be imposed by Preliminary and Final Approvals.

B. Jordanelle and Telemark Park Resort Special Services Districts.

It is anticipated that the existing Jordanelle Special Services District will operate and maintain the sanitary sewers collection and conveyance facilities, and may operate and maintain the water system and other facilities within the area and the project. Wasatch County may assist, if appropriate, and participate in the creation of a Telemark Park Special Services District (or districts) to be organized in conformance with appropriate Utah law to own, operate and maintain facilities not operated by the Master Association or the Jordanelle Special Services District.

C. Telemark Park Resort Master Association.

A Utah non-profit corporation shall be organized in accordance with the Development Code as an owners association to own, operate and maintain all private roadways, Master Common Area, and Master Common Facilities such as ski bridges, etc., to enforce the Covenants, Conditions & Restrictions, to enforce the Architectural & Environmental Guidelines and, if it chooses, certain Recreation Amenities. The Master Association must be constituted in a manner satisfactory to the County in the following respects:

(a) The Master Association must have the power to assess members of the association to carry out its necessary and intended purposes.

(b) Assessments and voting rights must be reasonable and fair, it must be bound by the maintenance agreement, its

assessment liens must take precedence over all other liens excepting governmental entities, and it shall be governed by a fairly elected Board of Trustees.

D. Sub-Associations.

Individual Condominiums, Lodges and/or neighborhoods may organize non-profit corporations or condominium owners associations under Utah law to own, operate & maintain sub-common area and enforce sub-covenants within certain areas. In the case of condominium ownership, an association of condominium owners will be formed as required by applicable law to govern the common areas of the condominium.

E. Sale of Development Parcels.

It is anticipated that Applicant may, from time to time, sell some of the Development Parcels to third party Developers. The sale of development parcels within the Resort can occur only pursuant to approved Preliminary Plans and shall not relieve Developer of any responsibilities conditioned in this approval. Such parcels shall be entitled to rely upon the Density Determination and other development standards contained in this Order, provided that they will remain subject to final plan and review and all other Conditions of this approval. The owner of such Parcels shall become the Developer of that parcel, but shall not be the Developer of the Resort as defined hereunder. The conditions imposed and rights conferred by this Order are intended to run with the land.

3. OTHER APPLICABLE LAWS.

All additional applicable state and federal laws and regulations shall also apply to this project.

X. DURATION OF APPROVAL

The County's Development Code, the Wasatch Development Code (adopted June 23, 1979) has been amended November 21, 1984 to allow planned Recreation Developments to obtain a Density Determination that would last longer than two years. The amendments were approved November 21, 1984 and became effective with the publication date of December 4, 1986. The following are the ordinance changes made effective December 4, 1986:

1. Insert the following at the end of Section 9.3.C.2. (entitled "scope"):
Determining density standards applicable to a proposed development in accordance with the procedures

set forth herein is in the nature of specifying the density characteristic of the zoning applicable to the property in such proposed development and is not in the nature of granting approval of the proposed development itself or any part thereof. Approval to proceed with any portion of the proposed development is granted only as a plat or building permit relating to such portion is finally approved or issued in accordance with Steps 3 through 21 of Paragraph 9.1.D. of this Code. Except as expressly set forth therein or in the density standards established for a proposed development, all County ordinances, resolutions, rules, regulations, impact and development fees, and other charges shall apply to any portion of a proposed development as they exist at the time the plat or building permit relating to such portion is finally approved or issued in accordance with Steps 3 through 21 of Paragraph 9.1.D. of this Code. Once density standards applicable to a proposed development are established in accordance with the procedures set forth herein, and unless and until such standards are amended, suspended, or terminated in accordance with Section 9.3.C.7. thereof, (all design, engineering, construction, and development activities relating to the proposed development shall be in strict accordance with the Density Data for the proposed Development (and all of the designs, plans, plats, drawings, representations, requirements, terms, and provisions contained therein) as modified, conditioned, revised, or refined in accordance with the County Commission's findings and order establishing the density standards for the proposed development.)

2. Replace Section 9.3.C.i. (entitled "Step 9") with the following:

Step 9: Within thirty (30) days following the posting of the County Commission's findings and order, the developer shall prepare and cause to be recorded a form of Notice of Density Standards (satisfactory in form and substance to the County Attorney) containing (i) a property description of all parcels included in the proposed development with sufficient accuracy to enable proper recording and abstracting (ii) an incorporation by reference of all the conditions, restrictions, requirements, limitations, terms and provisions of said findings and order and a general summary thereof; (iii) the names and addresses of representatives of developer and County who can be contacted concerning the density standards; (iv) notice of any stipulations of the developer submitted to the County concerning the density standards and the fact that the density standards and any such stipulations bind present and future owners and mortgagees of any part of the proposed development; (v)

such other matters as the Planning Commission staff and/or the developer deem to be appropriate or helpful; and (vi) the acknowledged signatures of all Owners of any part of the proposed development. A draft of said notice prepared by the developer and a preliminary title report and color coded map reflecting the location and description of each parcel comprising a part of the proposed development shall be delivered by the developer to the Planning Commission staff at least two (2) weeks prior to the end of said thirty (30) day period. In the event the developer fails or refuses to prepare such Notice the County may prepare such Notice and cause it to be recorded at the developers expense and without the Signatures of such Owners. Such Notice shall be recorded to give notice to all persons now or hereafter interested in the proposed development. Upon completion of the foregoing Steps 1 through 8 and this Step 9, the developer shall proceed as set forth in Steps 3 through 21 of Paragraph 9.1.D.

3. Insert the following new Section 9.3.C.7.:

Amendment, Suspension, or Termination of Density Standards: Following the establishment of density standards for a proposed development in accordance with Paragraph 9.3.C., such density standards shall remain applicable to and shall bind all real property comprising a part of such proposed development as a portion of the zoning requirements for such property unless and until amended, suspended, or terminated in accordance with one or more of the following paragraphs a, b, and c.

a. **Amendment, suspension, or termination of density standards proposed by developer.** The density standards proposed for a particular development may be amended, suspended, or terminated by the developer again proceeding in accordance with Steps 1 through 9 of Paragraph 9.3.C. Any density data filed in an effort to seek such amendment, suspension, or termination shall contain title evidence satisfactory to the County disclosing all Owners of any portions of the development subject to the initial density standards, shall contain a written request for such amendment, suspension, or termination signed by all Owners of, and lien holders upon all portions of the development for which a final plat or plats have not therefore been recorded, or for which building permits have not been issued and all construction under such permits completed, and may rely upon those portions of the Density Data submitted in support of the initial density standards which are certified and warranted as still true and correct by all such Owners at the time of such amendment, suspension, or termination is requested. In conjunction with any

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amendment, suspension, or termination requested by the developer under this paragraph a., the Planning Commission and County Commission may consider and adopt any other amendment, suspension, or termination of the density standards which they deem appropriate. The Planning Commission may recommend and the County Commission shall approve an order amending, suspending, or terminating the initial density standards if the developer proves by a preponderance of the evidence that the density standards for the development, as amended, suspended, or terminated, satisfy each of the requirements of Paragraph 9.3.C.5. and that the developer is in accordance with all of the conditions, restrictions, requirements, limitations, terms, and provisions of the density standards as so amended, suspended, or terminated.

b. **Amendment, suspension, or termination by County or others.** Because density standards are established in accordance with this Paragraph 9.3.C. constitute zoning characteristics for the property within a proposed development, such standards may be amended, suspended, or terminated in accordance with procedures set forth in Paragraph 5.6. of this Code for amending the zoning applicable to all properties situated in the County.

c. **In accordance with the density standards.** In the event of any breach of or default under any condition, restriction, limitation, term, or provision of the density standards applicable to a development, the County may pursue any rights or remedies set forth in the density standards with respect to such breach or default, may amend, suspend, or terminate the density standards under the foregoing paragraph b. or under any rights or remedies set forth in the density standards, and/or may pursue any other legal or equitable remedy to enforce compliance with such condition, restriction, limitation, term, or provision. The foregoing rights and remedies of the County shall be cumulative and may be pursued simultaneously or separately."

It is the intention of the County in entering this Order that the Density Determination have the maximum duration allowable under these Code amendments.

These Findings and this Order of Density Determination have been entered pursuant to the provisions of the Wasatch County Development Code this 5th day of August, 1996.

BOARD OF COUNTY COMMISSIONERS
WASATCH COUNTY, STATE OF UTAH

By: *LaRen Provost*
LaRen Provost

By: *Keith Jacobson*
Keith Jacobson

By: *Sharron J. Winterton*
Sharron Winterton

Attest:

Brent R. Titcomb
County Clerk

XI. ACCEPTANCE AND APPROVAL OF PROPERTY OWNER

Trans-Wasatch Company, L.L.C., a Utah Limited Liability Company, as the successor to Trans-Wasatch Company, a Utah Corporation, and the applicant before the County, hereby acknowledges its acceptance and consent to the conditions imposed by the foregoing Findings and Order of Density Determination entered by the Wasatch County Commission.

Dated this 2 of August, 1996.

TRANS WASATCH COMPANY, L.L.C.

By: *H. McKay Edwards*
H. McKay Edwards
Chief Operating Officer

ASSIGNMENT OF INTEREST

Pursuant to sale of property subject to the foregoing First Amended Findings and Order of Density Determination, Trans-Wasatch Company, L.L.C., the successor in interest to Trans-Wasatch Company, a Utah Corporation, the

Applicant before the County, hereby assigns all rights connected herewith to Deer Crest Associates L.C., A Utah Limited Liability Company.

Dated this 8 of Aug., 1996.

TRANS WASATCH COMPANY, L.L.C.

By: [Signature]
H. McKee Edwards
Chief Operating Officer

Deer Crest Associates, L.C., a Utah Limited Liability Company, as successor to Trans-Wasatch Company L.L.C., hereby acknowledges its acceptance and consent to the conditions imposed by the foregoing First Amended Findings and Order of Density Determination entered by the Wasatch County Commission.

I
DEER CREST ASSOCIATES, L.C.
By: LCC Properties Group, L.C.
By: [Signature]
David M. Huber, its
Managing General Partner
member

JOINDER BY LIEN HOLDER

Park City Consolidated Mines Company, a Utah corporation which holds the beneficial interest in a deed of trust covering the property that is subject to this application, hereby acknowledges the foregoing Order of Density Determination, and agrees that it will be bound by the terms and conditions of the Order, and will succeed to the burdens of the Developer under this Order in the event that it takes title or possession under the deed of trust.

Dated this 8 day of Aug., 1996.

Park City Consolidated Mines Company,

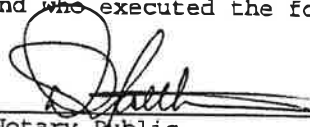
By: [Signature]
Its: President

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STATE OF UTAH)
COUNTY OF WASATCH)

:SS

The foregoing instrument was acknowledged before me this 5th day of August, 1996 by LeRen Provost, Keith Jacobson, and Sharron Winterton who are the members of the Wasatch County Commission, and who executed the foregoing on behalf of Wasatch County.


Notary Public
Residing at: _____

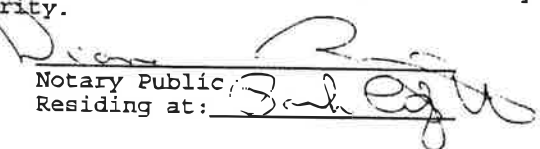
Commission Expires: _____



STATE OF UTAH)
COUNTY OF SUMMIT)

:SS

The foregoing instrument was acknowledged before me this 2 day of August, 1996 by H. McKay Edwards, who is the Chief Operating Officer of Trans-Wasatch Company, L.L.C., who executed the foregoing on behalf of that Limited Liability Company with proper authority.


Notary Public
Residing at: _____

Commission Expires: _____

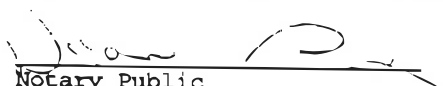
4/3/98



STATE OF UTAH)
COUNTY OF SUMMIT)

:SS

The foregoing instrument was acknowledged before me this 2 day of August, 1996 by Harry Reed, who is the President of Park City Consolidated Mines Company, who executed the foregoing on behalf of that corporation with proper authority.


Notary Public

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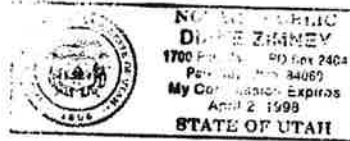
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Residing at: Paul E. Luber

Commission Expires:

4/2/98



STATE OF UTAH)

:ss

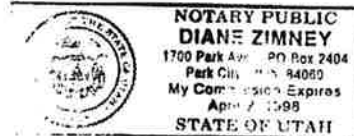
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me
 this 21 day of June, 1996 by David M. Luber, who is
 the Managing General Partner of Deer Crest Associates, L.C.,
 who executed the foregoing on behalf of that Limited Liability
 Company with proper authority.

Diane Zimney
 Notary Public
 Residing at: Paul E. Luber

Commission Expires:

4/2/98



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LIST OF EXHIBITS

- Telemark Park Resort, Concept Master Plan, revised June 7, 1996.
- Telemark Village, Concept Master Plan, June 7, 1996.
- Telemark Park Resort, Land Use and Area Exhibit, revised June 7, 1996.
- Telemark Park Resort, Recreation Amenity Exhibit, revised June 7, 1996.
- Telemark Park Resort, Concept Level Water Quality Plan, June 7, 1996.
- LEGAL DESCRIPTION - Telemark Park Property in Wasatch County
- DESIGN GUIDELINES
- TYPICAL ROAD SECTION - WASATCH COUNTY, June 17, 1996

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TELEMARK PARK PROPERTY LOCATED IN WASATCH COUNTY:

Beginning at a point on the Summit-Wasatch County line, said point is located South 0°30'11" West 5482.77 feet along the section line and East 4743.36 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the County Line the following 16 courses: 1) North 41°02'08" East 549.09 feet; thence 2) North 51°35'50" West 408.17 feet; thence 3) North 40°47'43" West 296.74 feet; thence 4) North 26°08'13" West 279.53 feet; thence 5) North 12°53'14" East 499.61 feet; thence 6) North 12°51'25" East 724.39 feet; thence 7) North 11°18'39" East 801.35 feet; thence 8) North 28°29'27" East 214.25 feet; thence 9) North 8°43'41" East 906.05 feet; thence 10) North 17°33'57" East 446.92 feet; thence 11) North 55°24'54" East 454.52 feet; thence 12) North 61°48'14" East 133.55 feet; thence 13) North 73°02'55" East 812.81 feet; thence 14) North 73°11'51" East 485.08 feet; thence 15) South 85°09'01" East 382.13 feet; thence 16) South 43°00'37" East 488.15 feet; thence along the east line of the Queen Esther No. 3 Mining Claim (MS 6979) South 18°31'58" West 333.29 feet; thence along the West line of the Mountain Neef No. 5 Mining Claim (MS 6798) South 5°39'38" East 573.77 feet; thence along the West line of the Mountain Neef No. 3 Mining Claim South 5°26'45" East 627.94 feet; thence along the south line of the Mountain Neef No. 3 Mining Claim South 77°30'43" East 1500.74 feet; thence along the east line of the Mountain Neef No. 3 Mining Claim North 5°26'43" West 28.39 feet; thence along the North line of the Mountain Neef Mining Claim North 84°33'15" East 1386.12 feet; thence along the right-of-way line of US 40 South 18°46'46" East 493.82 feet more or less; thence along the east line of the Mountain Neef Mining Claim South 5°26'45" East 119.49 feet more or less; thence along the south line of the Mountain Neef Mining Claim South 84°40'19" West 468.55 feet more or less; thence along the east line of the Kruger No. 3 Mining Claim (MS 5161) South 50°41'13" East 615.39 feet; thence along the north line of the Old Missouri Mining Claim (MS 5161) South 89°54'38" East 490.17 feet; thence along the right-of-way line of US 40 the following 3 courses: 1) South 20°26'22" East 433.78 feet more or less; thence 2) South 1°51'02" East 213.74 feet; thence 3) South 34°17'35" East 97.77 feet more or less; thence along the west line of the Thurman Lode (Lot 155) South 7°10'00" East 414.32 feet more or less; thence along the South line of the Kruger No. 4 Mining Claim South 80°45'00" West 805.77 feet more or less; thence along the South Line of the Kruger No. 4 Mining Claim South 80°20'00" West 683.50 feet more or less; thence along the south line of the Dewet No. 4 Mining Claim (MS 5161) South 80°20'00" West 798.50 feet more or less; thence along the South line of the Dewet No. 4 Mining Claim South 85°53'00" West 697.41 feet more or less; thence along the North line of the Pioche No. 14 Mining Claim South 85°53'00" West 798.80 feet more or less; thence along the west line of the Pioche No. 14 Mining Claim (lot 181) South 9°45'00" East 341.45 feet more or less; thence along the south line of the Sommer Mining Claim (MS 5166) South 81°01'45" West 597.51 feet more or less; thence along the South line of the Sommer Mining Claim South 53°31'51" West

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772.57 feet; thence along the West line of the Sommer Mining Claim North 47°08'25" West 395.50 feet; thence along the South line of the Hanna Lode No. 1 Mining Claim (MS 5166) South 56°21'07" West 61.39 feet more or less; thence along the north line of the North Dakota Mining Claim (Lot 185) South 59°25'05" West 1303.28 feet more or less; thence along the west line of the Hanna Lode No. 1 North 30°41'11" West 532.49 feet more or less; thence along the west line of the Rucker No. 1 Mining Claim (MS 5166) North 30°48'29" West 247.82 feet to the point of beginning.

Together with the following described property:

Beginning at the Southwest corner of the Hanna Lode Mining Claim (MS 5166), said point is located South 0°30'11" West 6213.60 feet along the section line and East 5184.07 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the West line of the Hanna Lode Mining Claim North 30°41'11" West 59.50 feet more or less; thence along the North line of the North Dakota Mining Claim (MS 185) South 47°40'42" East 61.25 feet more or less; thence along the South line of the Hanna Lode Mining Claim South 56°21'07" West 17.92 feet more or less to the point of Beginning.

Excepting therefrom the following 3 parcels:

Exception #1 (BLM Fraction North)

Beginning at a point on the North line of the Roosevelt Mining Claim (MS 6645) and on the East Line of the Queen Esther No. 11 Mining Claim (MS 6979), said point being South 00°30'11" West 1269.25 feet along the section line and East 5990.53 feet more or less from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the north line of the Roosevelt Mining Claim South 85°42'00" East 414.97 feet; thence along the south line of the Queen Esther No. 6 Mining Claim North 67°49'00" West 402.56 feet; thence along the east line of the Queen Esther No. 11 Mining Claim South 18°45'00" West 127.66 feet to the point of beginning.

Exception # 2 (BLM Fraction South)

Beginning at a point on the East line of the Hanna Lode Mining Claim (MS 5166) and the South Line of the Schuyler Mining Claim (MS 5166), said point is located South 0°30'11" West 5156.19 feet along the section line and East 6294.91 feet more or less from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the North line of the Schuyler Mining Claim North 74°15'00" East 99.87 feet more or less; thence along the North Line of the Sommer Mining Claim (MS 5166) South 52°50'00" West 97.07 feet more or less; thence along the east line of the Hanna Lode Mining Claim North 30°46'00" West

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36.70 feet more or less to the point of beginning.

Exception #3 (Frontage Road)

A Parcel of Land for a frontage road incident to the construction of an expressway known as Project No. NF-19, being part of an entire tract of property, situate in Kruger No. 4, Survey No. 5161 of the Blue Ledge Mining District, located in the northwest quarter (NW 1/4) of Section Twenty-Four (24), Township Two (2) South, Range Four (4) East, Salt Lake Base and Meridian, Wasatch County, Utah, more particularly described as follows.

Beginning at a point fifty (50.0) feet perpendicularly distant northerly from the centerline of said frontage road known as "L" line for said project at Engineer Station 18+50.00, which point is approximately Thirteen Hundred Fifty-Two and Forty-Nine Hundredths (1352.49) feet South 0°09'44" West and Two Hundred One and Ninety-Nine Hundredths (201.99) feet South 89°50'16" East from the Northwest Corner of said Section 24: Thence South 71°13'00" East Two Hundred Twenty-Eight and Forty-One Hundredths (228.41) feet to the southerly mining claim line of said Kruger No. 4; thence South 80°45'West (South 80°55'52" West Highway Bearing) Two Hundred Fourteen and Four Hundredths (214.04) feet, more or less, along said southerly mining claim line to a point fifty (50.0) feet perpendicularly distant southerly from said centerline; thence North 71°13'00" West Thirty-Nine and Sixteen Hundredths (39.16) feet, more or less; thence North 18°47'00" East one hundred (100.00) feet to the point of beginning.

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STATE LANDS - TELEMAR PARK PARCELS (leased parcels included in above legal description)

(McKinley East of County Line)

Beginning at a point on the North Line of the McKinley Mining Claim (MS 6645) and on the Summit-Wasatch County Line, said point being South 00°30'11" West 1203.97 feet along the section line and east 5121.79 feet more or less from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the North line of the McKinley Mining Claim South 85°42'00" East 400.24 feet; thence along the east line of the McKinley Mining Claim South 4°18'00" West 600.00 feet; thence along the South line of the McKinley Mining Claim North 85°42'00" West 458.40 feet; thence along the Summit-Wasatch County Line North 8°43'41" East 527.66 feet; thence along the Summit-Wasatch County Line North 17°33'57" East 75.94 feet to the point of beginning.

(Roosevelt No. 1 Mining Claim)

Beginning at the Northwest corner of the Roosevelt No. 1 Mining Claim (MS 6645), said point being South 00°30'11" West 1832.31 feet along the section line and East 5481.43 feet more or less from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the North line of the Roosevelt No. 1 Mining Claim South 85°42'00" East 1500.00 feet; thence along the east line of the Roosevelt No. 1 Mining Claim South 4°18'00" West 600.00 feet; thence along the South Line of the Roosevelt No. 1 Mining Claim North 85°42'00" West 1500.00 feet; thence along the West line of the Roosevelt No. 1 Mining Claim North 4°18'00" East 600.00 feet to the point of beginning.

(Roosevelt No. 4 less MS 5166)

Beginning at the Northwest corner of the Roosevelt No. 4 Mining Claim (MS 6645); said point being South 00°30'11" West 3000.53 feet along the section line and East 5021.79 feet more or less from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the north line of the Roosevelt No. 4 Mining Claim South 85°42'00" East 1500.00 feet; thence along the east line of the Roosevelt No. 4 Mining Claim South 4°18'00" West 437.42 feet; thence along the North line of the Dieter and the Schuyler Mining Claims (MS 5166) South 74°25'00" West 478.02 feet; thence along the south line of the Roosevelt No. 4 Mining Claim North 85°42'00" West 1050.48 feet; thence along the West line of the Roosevelt No. 4 Mining Claim North 4°18'00" East 600.00 feet to the point of beginning.

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DESIGN GUIDELINES FOR TELEMARK PARK RESORT

The Planning Commission recommendation contained a number of matters that, while not specific to density determination, will lessen the impact of the Development through careful design of improvements. The following design guidelines are adopted, and it is the intention of the County that substantially similar design guidelines be adopted by the Developer and incorporated in the Master Declaration of Covenants, Conditions and Restrictions for the project:

I. BUILDING CHARACTER AND SCALE.

Facade design shall display a finished appearance on all sides of the building.

Single Family Dwellings in Telemark Park Resort are usually restricted to 2 1/2 stories or less. Higher buildings must be stepped back or otherwise respond to pedestrian scale.

Upper Floor Design:

The design of the upper facade of buildings is important to the scale and texture of the Villages. The building faces are envisioned as a rich collection of varied yet harmonious facades, adding interest, scale and rhythm to the Village.

Facade elements must reflect "Village scale":

Building facades must include architectural features including bay windows, balconies, dormers and facade detailing as textural elements which strengthen the scale and resort images.

Building facades shall give a substantial appearance, and openings shall display a "punched" appearance. Curtain

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walls or facades incorporating long horizontal strip windows are not permitted.

Every living unit shall have a spot to catch the sun.

Decks, balconies, and porches are strongly encouraged as they provide sunny usable outdoor space and add life and interest to the street.

Little Baldy Village and St. Louis Village:

The buildings shall be stepped, angled, and articulated as to mitigate the visual impact and to minimize blocking of sunlight in the plazas and to each unit.

II. BUILDING BULK CRITERIA.

To the extent possible, buildings in the Development should conform to the following criteria in order to attain architectural forms visually related to the shapes of the mountains and to achieve strong architectural ties to the landscape:

Buildings shall step from level to level as possible.

Unbroken vertical elevations shall be avoided; and

Elevations designed to emphasize horizontal lines by use of stepped levels and/or balconies and decks are encouraged.

III. OUTDOOR ACTIVITIES.

Outdoor activity areas are vital to the atmosphere of the project and should be created. The site plans for each development parcel should consider, where appropriate, the provision of outdoor activity areas accommodating a range of ages and activity levels, and in commercial areas, the provision of seating areas and restaurants overlooking pedestrian areas.

IV. SOLAR ACCESS.

Insofar as practical, all buildings shall be oriented and designed to maximize solar access for passive and active solar systems. Insofar as possible, interior and exterior living spaces shall have optimum relationships to views and year-round sunlight. Site specific plans should:

Preserve sunlight on neighboring outdoor or indoor spaces (i.e. restaurants). Late afternoon sun is most important for outdoor use/activities.

Design the building volumetric to create sheltered sunny pockets in public spaces and neighboring properties in order to encourage winter use.

A solar shading diagram must be provided for all multi-use and attached multi-family developments in Telemark Park Resort.

V. SNOW MANAGEMENT.

The effects of snow and ice build-up, if improperly handled, can be destructive to buildings, pose risks to pedestrians and vehicles, and impose high on-going snow removal and maintenance costs. The heavy snows and extreme freeze/thaw cycle of Telemark Park Resort combine to make snow management an important design consideration. Designers not thoroughly familiar with snow country design should retain a consultant early in the design process. The design for each development site should consider the following:

A snow management plan shall be submitted with preliminary plans for all multifamily commercial and recreation parcels.

Snow management is the responsibility of each site developer

The basic building form must be conducive to snow management. Snow management shall be considered from the earliest building concepts through to the detailing and working drawings.

Snow and drainage from roofs may not be dumped onto adjoining streets or properties.

Snow accumulation shall be managed on an ongoing basis.

Snow must be positively shed or positively retained. The developer may use snow diverters, snow retainers, or vary roof pitch and roof materials for snow retention. Snow diverters or snow retainers must be designed as an integral part of the roofscape.

Entrances and pedestrian routes must be fully protected from snow sheds and icicles. Shedding snow must be deflected from pedestrian areas by dormers, angled roofs, canopies or other means.

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All handicapped/elderly access to public buildings must be covered or heat traced. De-icing salts are prohibited due to the damage caused to structures.

Snow dump areas must not be accessible to pedestrians.

A snow management plan must be provided for service areas and garage entries.

Access to vehicle service bays shall be protected from shed snow, and shall be functional in harsh winter conditions, and snow and ice accumulation.

Sufficient vertical clearance shall be provided for vehicles, taking into account the effects of ice and snow build-up.

Pedestrian or vehicular entry-ways shall be protected from shedding snow.

Service areas and entry ramps should be covered or heat-traced wherever possible.

Building projections shall be durable.

Roofs dumping snow onto a series of lower roofs or onto a lower roof from great height must be prohibited because shedding snow can cause extreme snow loads or impact loads respectively.

Balconies shall not be planned such that they are subject to dangerous amounts of shedding snow.

VI. ROOF DETAIL AND DESIGN.

Roof design and detail is important not only to the preservation of architectural standards within the development, but also for safety considerations in snow management, and minimizing maintenance demands. Roofscapes are an important design element which are viewed from pedestrian level, and the ski slopes above Villages, from Highway 40 and from Village approaches. The skyline shall be a unified composition of sloping roofs in a limited variety of materials and colors. The following roof design standards shall be incorporated into the Architectural Standards of the Master Association CC&Rs:

Snow splitters must be substantial, and fitted to all projections on sloped roofs which are not located close to the roof ridge (eg. chimneys, vents, skylights, etc.).

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Generally, conventional eaves troughs or built-in eaves troughs should be avoided as they are subject to damage from snowshed.

Roof design shall conform to the snow management plan.

Roof design shall consider the effect of slope, materials, construction, projections and slope/flat roof distribution on snow shedding characteristics.

Roofs shall be designed to withstand the extreme freeze/thaw cycle at Telemark Park Resort and its impact on snow shed, snow retention, roof drip, icicle management, ice dams, and water infiltration.

Sloped roofs shed accumulated snow in avalanche fashion and can be dangerous to pedestrians below. The design of roofs and pedestrian areas below them shall conform to Snow Management as discussed in Section IV.J.

Roof form shall be modulated.

Roof form shall be broken up with the use of dormers, or other architectural features. The ridgeline should not be continuous but should be varied in height or broken with chimneys, cupolas, towers or other features.

Major roof slopes in Telemark Park Resort shall be between 3:12 and 8:12. In general, architectural guidelines shall encourage low angled roofs.

Large areas of flat roofs are not acceptable. A composition of sloped roofs is required in each project with small areas of flat roofs acceptable in multi-family-commercial areas.

Mansard roofs are not acceptable.

Roofs of connected and adjacent buildings must be fully coordinated.

Consider coordination with adjoining eaves, peaks, gables and slopes. Exposed party walls are not acceptable.

Consider the color of neighboring roofs to create a complementary roof palette: avoid selecting strongly contrasting colors.

Flat roof design:

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All flat roofs shall incorporate a colored roof membrane or special roof aggregate consistent with the building color scheme.

Roof materials:

Cedar shake, cedar shingles and metal roofs shall be selected so as to be functional and durable considering the effects of climate and snow. Asphalt shingles have been prohibited by the developer.

The color of roof materials must be generally neutral or muted in order to blend with or enhance the colors of the natural landscape. Brightly colored roofs will not be considered with the exception of major public use buildings or selected landmarks.

All roof flashing materials shall be pre-pre-finished metal to match roof color.

All chimneys shall be enclosed in a material identical or similar to the building cladding or finished with stone or other approved architectural treatment.

Thin wood trim sections are prohibited. Wood trim sections and eave lines should have substantial appearance.

Roof mounted equipment must be concealed

Satellite dishes, and mechanical equipment must be planned as part of the roof so they are concealed from all pedestrian viewpoints and any overlooking development.

Venting stacks, flues and other similar projections should be concealed or integrated within the roof form and or color.

Horizontal Relief: Eave lines, a major cornice/trim line, or other significant horizontal relief shall be located below the third story to bring the building down to a pedestrian scale.

188648 B1328

VI. PARKING DESIGN CONSIDERATIONS

(1) Service access and circulation:

Truck access, utilities, storage, and garbage must be considered in the design.

Service bays and loading docks must be unobtrusive.

Both interior and exterior service bays shall be provided with permanent visual screening.

Adequate space for garbage storage and recycling must be provided and must meet the requirements of the Wasatch County Solid Waste Disposal Special Service District. Garbage storage must be enclosed.

Garbage storage and containers must be enclosed and away from public view. Containers must be easily accessible to garbage trucks. Enclosures must conform to design guidelines. Adequate ventilation must be provided (exhaust to roof).

Service bay design must be durable. Wear and tear on these areas must be considered.

In order to allow winter garbage pick-up, design service bay entries to prevent ice and snow build-up, or steep grades at loading areas.

Telemark Park Resort has a strong pedestrian orientation and the design of buildings shall minimize the conflicts between vehicle and pedestrian circulation.

Parking entrances to underground parking must be well signed yet unobtrusive.

Landscaping, appropriate materials and signage shall be used to make parking entries less conspicuous and more attractive.

(2) Surface Parking Design.

The layout of the roads and parking areas shall incorporate site design features to maximize the efficient use of snow removal equipment.

Provide adequate areas for snow storage and drainage. These may be combined with islands of planting to break up large areas of paving.

Screen surface parking areas by a combination of walls, fences, landscaping and berms at least 4 feet in height.

Consider providing separate pedestrian circulation routes within parking areas.

Provide separate parking areas for buses and large recreational vehicles.

(3) Underground Parking Design.

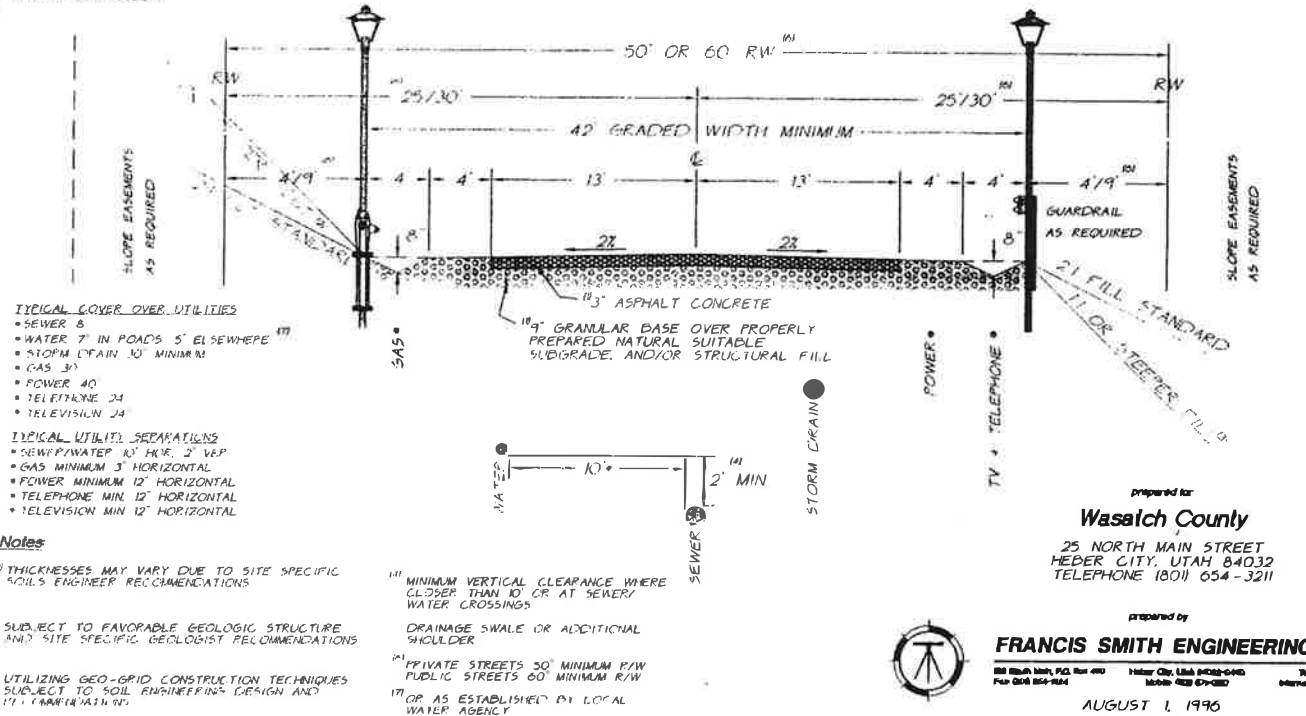
Underground parking facilities must be designed to anticipate use by over-height vehicles, such as vans with ski racks on the roof.

Driveway slopes must anticipate snow and icing conditions, and provide reliable ramping and good visual interface with pedestrian areas and street intersections.

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(NO SCALE)

WHILE SIDEWALKS AND OTHER PUBLIC RIGHTS-OF-WAY ARE USUALLY SHOWN ON ROAD CROSS SECTIONS, THEY ARE NOT SHOWN HERE BECAUSE THEY ARE SHOWN ELSEWHERE ON PROJECT PLANS. THIS TYPICAL CROSS SECTION DOES NOT NEGATE THE NEED FOR PROVIDING FOR PEDESTRIAN TRAFFIC WITHIN THE PROJECT.



25 NORTH MAIN STREET
HEBER CITY, UTAH 84032
TELEPHONE (801) 654-3211

prepared by
FRANCIS SMITH ENGINEERING, INC.

800 828-1818, FAX 800 440-1818 New City, Ltd. 800-840-0410 The 800 840-1818
Fax 800 840-1818 Mobile 800 870-0817 Internet the-800.com

AUGUST 1, 1996

00188648 BK00328 PG00768

WASATCH COUNTY STATE OF UTAH

25 North Main • Heber City, Utah 84032 • Phone (801) 654-3211

BOARD OF COUNTY COMMISSIONERS

KEITH D. JACOBSON

T. LAREN PROVOST

SHARRON J. WINTERTON

July 22, 1996

Wasatch County Commission
25 North Main Street
Heber City, Utah 84032

Gentlemen:

Attached hereto is the recommendation from the Wasatch County Planning Commission regarding the Telemark Park subdivision. The recommendation is in two parts: First, the motion which approved the recommendation and second, the Order itself.

Please note that the Planning Commission expressed grave concern and deep reservations about road abandonment and any annexation of Wasatch County by Park City. The recommended First Amended Findings and Order was not approved without a motion stating directly the Planning Commission's concern and opposition to this part of the application.

The Planning Commission asked that you consider these issues carefully before granting approval for this project.

At the special Wasatch County Planning Commission Meeting on June 26, 1996, the following motion was made regarding the Telemark Park proposal:

T. Laren Provost made a motion that we accept the density package for Telemark Park and that we oppose the annexation to Park City. Vicci Gaspmyer amended the motion to state that the foregoing motion include that the Planning Commission also recommend that the Wasatch County Commission study and evaluate the road closure and that it be noted that

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CLERK AUDITOR
BRENT E. TITCOMB

RECORDER SURVEYOR
ELIZABETH M. PARCELL

SHERIFF
MIKE SPANOS

ASSESSOR
GLEN C. BURGESS

TREASURER
KAROLYN KIRKHAM

ATTORNEY
DAN M. MATTHEWS

JUSTICE COURT JUDGE
BLAIN WYLLON

769

the Planning Commission is not in favor of the road closure. Ernest T. Giles seconded the motion which passed unanimously.

Sincerely yours,

Claude R. Hicken

Claude R. Hicken
Planning Commission Chairman

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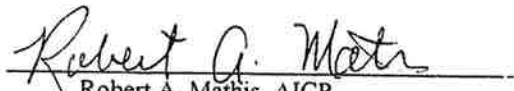
CERTIFICATION OF PROCESS

Telemark Park Resort First Amended Findings and Order of Density Determination

Pursuant to and in conformance with provisions of section 9-3 of the Wasatch County Development Code, the above-referenced Amended Density Determination came before the Wasatch County Planning Commission and Board of County Commissioners on the dates and pursuant to the notices and process described herein:

- A. A joint public hearing before the Planning Commission and County Commission was held May 16, 1996, pursuant to notice published in *The Wasatch Wave* on April 17, May 8, and 15, 1996. Deliberations before the Planning Commission were continued to June 20 and 26, 1996.
- B. On June 26, 1996, the Planning Commission unanimously voted to forward the proposed Amended Density Determination together with a statement of policy relative to certain issues as shown on the attached letter from the Planning Commission Chairman.
- C. The Board of County Commissioners heard the recommendation of the Planning Commission on July 22, 1996, and unanimously adopted the Findings and Order of Amended Density Determination, a complete copy of which is attached hereto.
- D. A true and complete copy of the First Amended Findings and Order of Amended Density Determination for Telemark Park Resort, as adopted by the Wasatch County Commission, was posted on August 5, 1996, at the Wasatch County Courthouse.

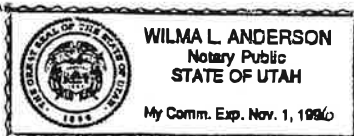
DATED this eighth day of August 1996.


Robert A. Mathis, AICP
Wasatch County Planner

Subscribed and sworn to before me this eighth day of August 1996.


Notary Public
My Commission Expires November 1, 1996

P.L. Telemark A.R.



00188648 Br00328 Pg00771



Ordinance No. 98-53

**AN ORDINANCE ANNEXING APPROXIMATELY
253 ACRES OF THE DEER CREST PROPERTY
LOCATED ADJACENT TO DEER VALLEY
INTO THE CORPORATE LIMITS OF PARK CITY, UTAH**

WHEREAS, a petition was filed by Deer Crest LLC requesting Park City to annex a portion of the Deer Crest Project (the Property, Exhibit A) to the City on July 10, 1998;

WHEREAS, the petition was determined to be complete upon receipt of the required fiscal impact analysis on August 21, 1998;

WHEREAS, the petition is generally consistent with the 1995 Settlement Agreement which applies to the property;

WHEREAS, the Planning Commission conducted a public hearing on August 26, 1998 and forwarded a positive recommendation on the requested annexation on September 23, 1998;

WHEREAS, the annexation petition was accepted by the City Council on September 24, 1998 and certified by the City Recorder on October 21, 1998;

WHEREAS, the City Council conducted a public hearing on December 3, 1998;

WHEREAS, the Property is not included within any other municipal jurisdiction and there have been no protests filed by any other jurisdictions;

WHEREAS, Park City and Wasatch County have negotiated the Deer Crest Interlocal Agreement relating to the Property;

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

SECTION 1. ANNEXATION. The property is hereby annexed to the corporate limits of Park City, Utah according to the annexation and zoning plat executed in substantially the same form as it is attached hereto as Exhibit A. The Property so annexed shall enjoy the privileges of Park City and shall be subject to all City levies and assessments as described in the terms of the 1995 Settlement Agreement (as amended) and the Deer Crest Interlocal Agreement between Wasatch County and Park City. The Property shall be subject to all City laws, rules and regulations upon the effective date of this ordinance.

SECTION 2. COMPLIANCE WITH STATE LAW. This annexation, in the judgement of Park City, meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code.

SECTION 3. GENERAL PLAN CONSISTENCY. This annexation is consistent with the Park City General Plan.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect upon recordation of the annexation plat.

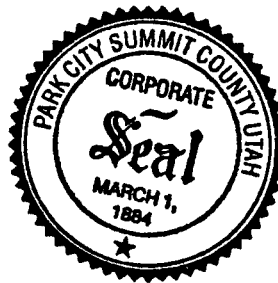
DATED this 17th day of December, 1998

PARK CITY MUNICIPAL CORPORATION


BRADLEY A. OLCH, MAYOR

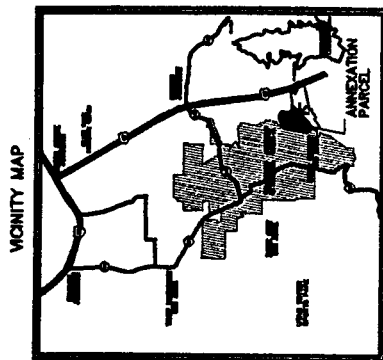
ATTEST:


Jan Scott, City Recorder



APPROVED AS TO FORM:


Jodi Fatland Hoffman, City Attorney



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UNUSUAL CIRCUMSTANCES

JACK DECIDES TO HENRY CERRY THAT HE A RECOVERING LAMP SURVIVOR AND THAT HE HOLD CERTIFICATE NO. 10,000 AS PROVED UNDER THE LAWS OF THE STATE OF TEXAS. A FURTHER CERRY THAT THIS PLAY IS A CORRECT REPRESENTATION OF THE LEGAL ACCEPTANCE OF THE ASSOCIATION AND THAT THE INFORMATION SHOWN ON THIS PLAY IS CORRECT BASED UPON THE INFORMATION PROVIDED.

_____ **DATE**

_____ **ISSUED BY**

ANNEXATION PLAT NO
DEER CREST PROPERTIES
LYING WITHIN WASATCH COUNTY, UTAH
LOCATED IN SECTIONS 14, 16, 18 AND 20 OF
TOWNSHIP 3 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERIDIAN



**THE JACK
JOHNSON
COMPANY**

1890 Progressor Avenue • Port City, Utah 84060
(801) 642-9000 • Fax (801) 646-1930

RECORDED

N. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF: _____

COUNTY RECORDER _____

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS _____
DAY OF _____, 19____, A.D.
CITY ATTORNEY

CITY ENGINEER

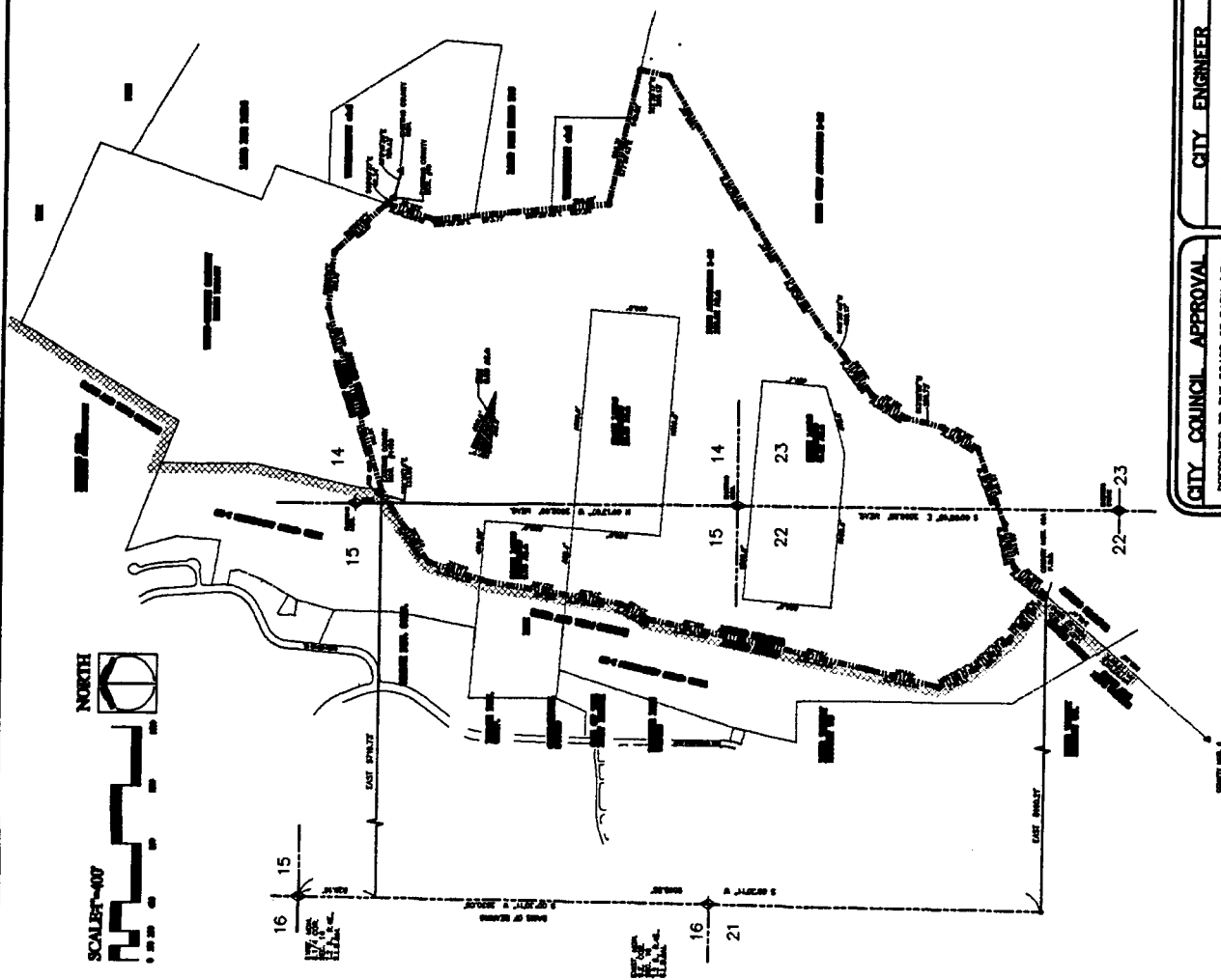
APPROVED AND ACCEPTED BY THE
PAID CITY ENGINEERING DEPARTMENT
ON THIS _____ DAY OF _____
19 __, A.D. _____

CITY ENGINEER _____

CITY COUNCIL APPROVAL
PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS _____ DAY OF _____ A.D., AT WHICH TIME THIS APPROPRIATION WAS APPROVED.

MAYOR _____
CITY RECORDER _____

RECEIVED
DEC 11 1998
PARK CITY
PLANNING DEPT.





Ordinance No. 98-51

**AN ORDINANCE AMENDING THE ZONING MAP OF PARK CITY
TO INCLUDE THE DEER CREST ANNEXATION AREAS
LOCATED ADJACENT TO THE CURRENT CORPORATE BOUNDARIES
OF PARK CITY, UTAH**

WHEREAS, Deer Crest LLC petitioned to annex a portion of the Deer Crest project to the City; and

WHEREAS, the annexation is consistent with the 1995 Settlement Agreement between Park City and the property owners; and

WHEREAS, the Planning Commission held a public hearing on August 26, 1998 and forwarded a positive recommendation to the City Council on the Annexation and Zoning on September 23, 1998; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code and Utah State Law; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, on December 3, 1998, the City Council held a public hearing to receive input on the proposed annexation and zoning; and

WHEREAS, it is in the best interest of Park City, Utah to amend the Official Zoning Map of Park City to include the property within the City's regulatory boundary.

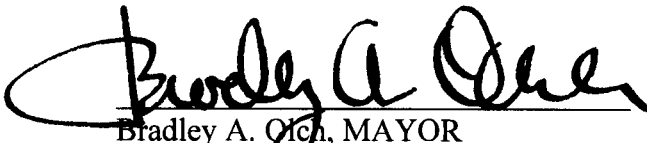
NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. Zoning Map Amended. The Zoning Map of Park City as adopted by section 1.9 of the Park City Land Management Code, is hereby amended to include the annexed portions of the Deer Crest project as depicted in Exhibit A.

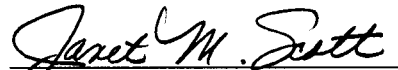
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon recordation of the annexation plat.

PASSED AND ADOPTED this 17th day of December 1998.

PARK CITY MUNICIPAL CORPORATION


Bradley A. Orr, MAYOR

ATTEST:

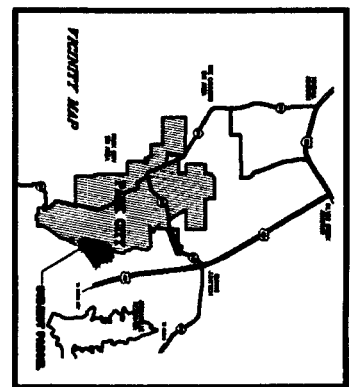
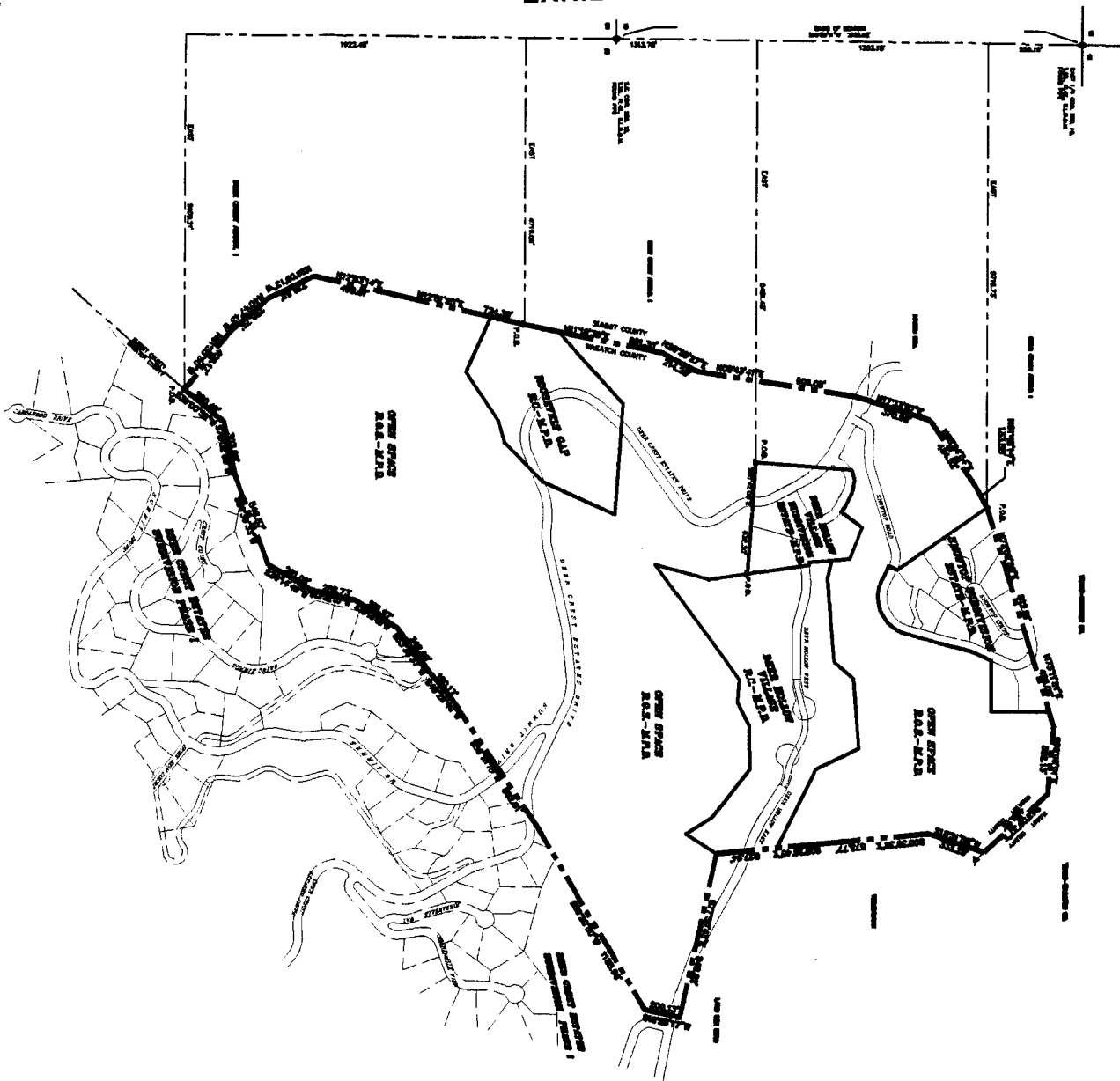

Janet M. Scott, City Recorder

APPROVED AS TO FORM:


Jodi F. Hoffman



EXHIBIT A



GENERAL INFORMATION:

This map was prepared by The Jack Johnson Company, Inc. for the Park City Planning Department. It is intended to show the zoning designations for the area shown on the map. The map is based on the latest available information and is subject to change without notice. The map is not to be used for any other purpose without the written consent of The Jack Johnson Company, Inc.



LEGEND:

RES - RESIDENTIAL DEVELOPMENT
 COM - COMMERCIAL DEVELOPMENT
 IND - INDUSTRIAL DEVELOPMENT
 AGR - AGRICULTURAL DEVELOPMENT
 PLE - PLEASURE DEVELOPMENT
 MISC - MISCELLANEOUS DEVELOPMENT

**PARK CITY
 DEER CREST PROPERTIES**

LOCATED IN SECTIONS 14, 15, 16 AND 17 OF
 TOWNSHIP 3 NORTH, RANGE 4 EAST
 SALT LAKE BASIN AND MOUNTAIN

RECEIVED

DEC 11 1998

PARK CITY
 PLANNING DEPT.

**DEER CREST - PARK CITY
 ZONING EXHIBIT MAP**

FOR DEER CREST ASSOC.

JOB NO. 314568.05

DATE 12/09/98

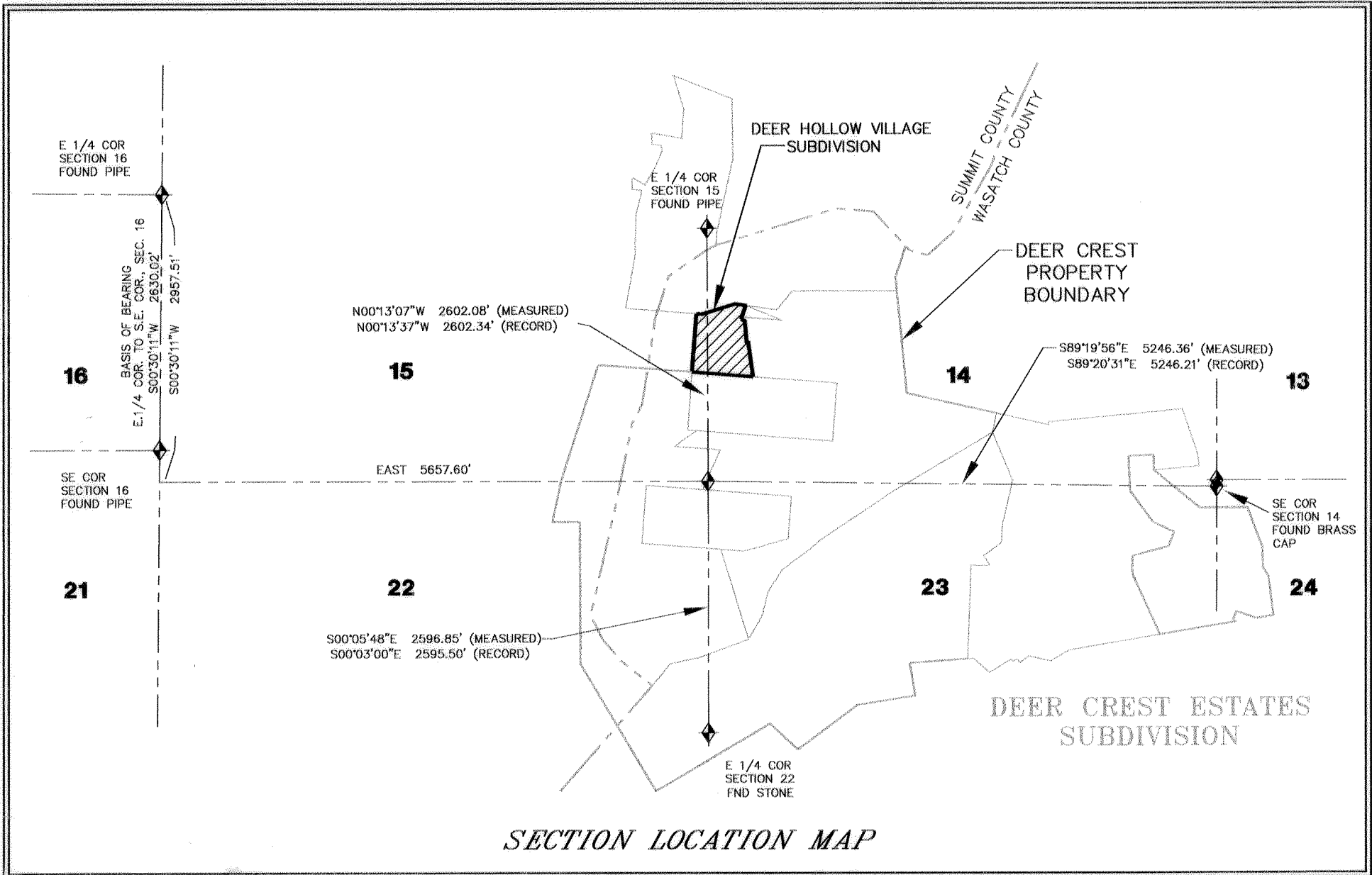
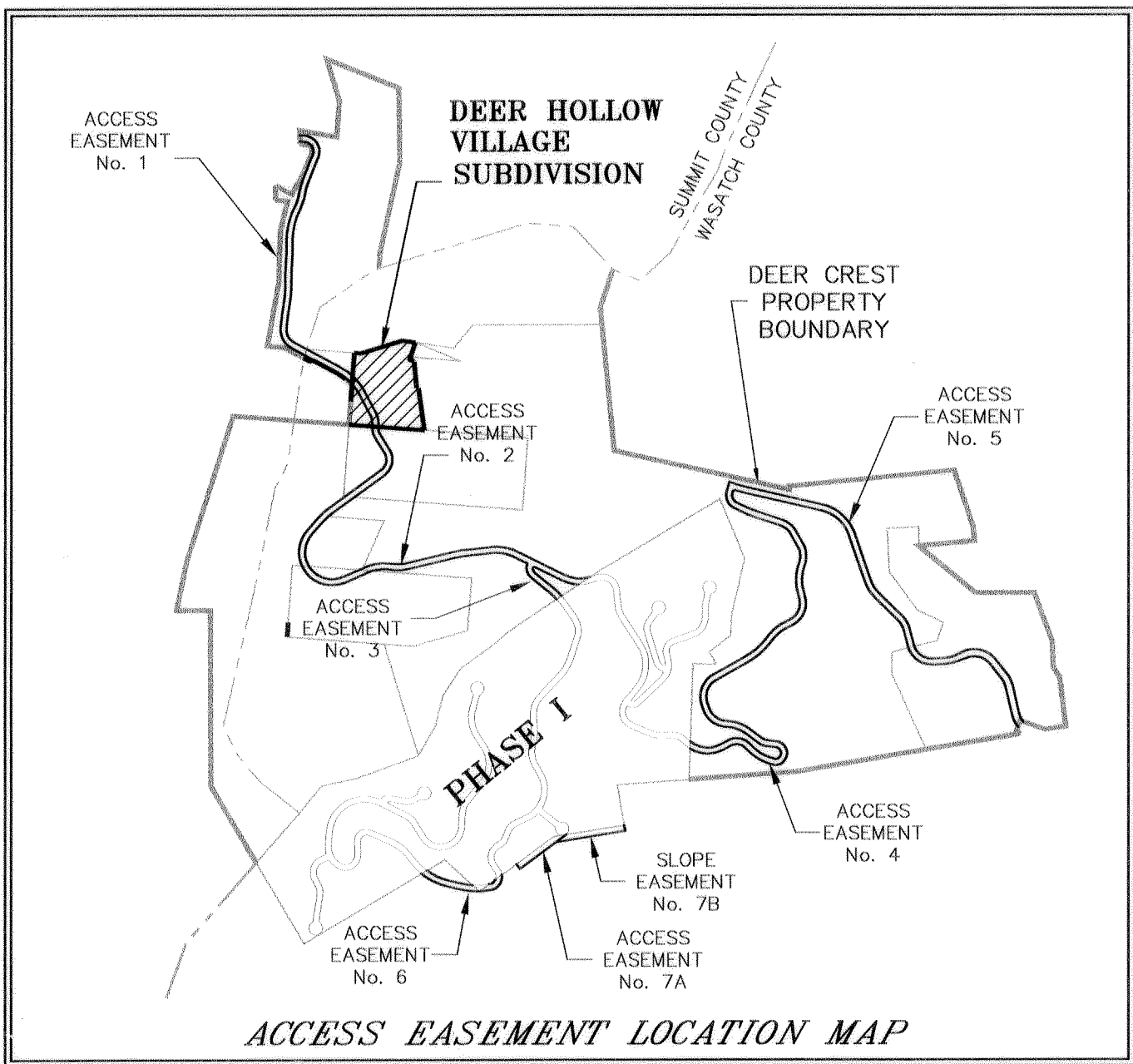
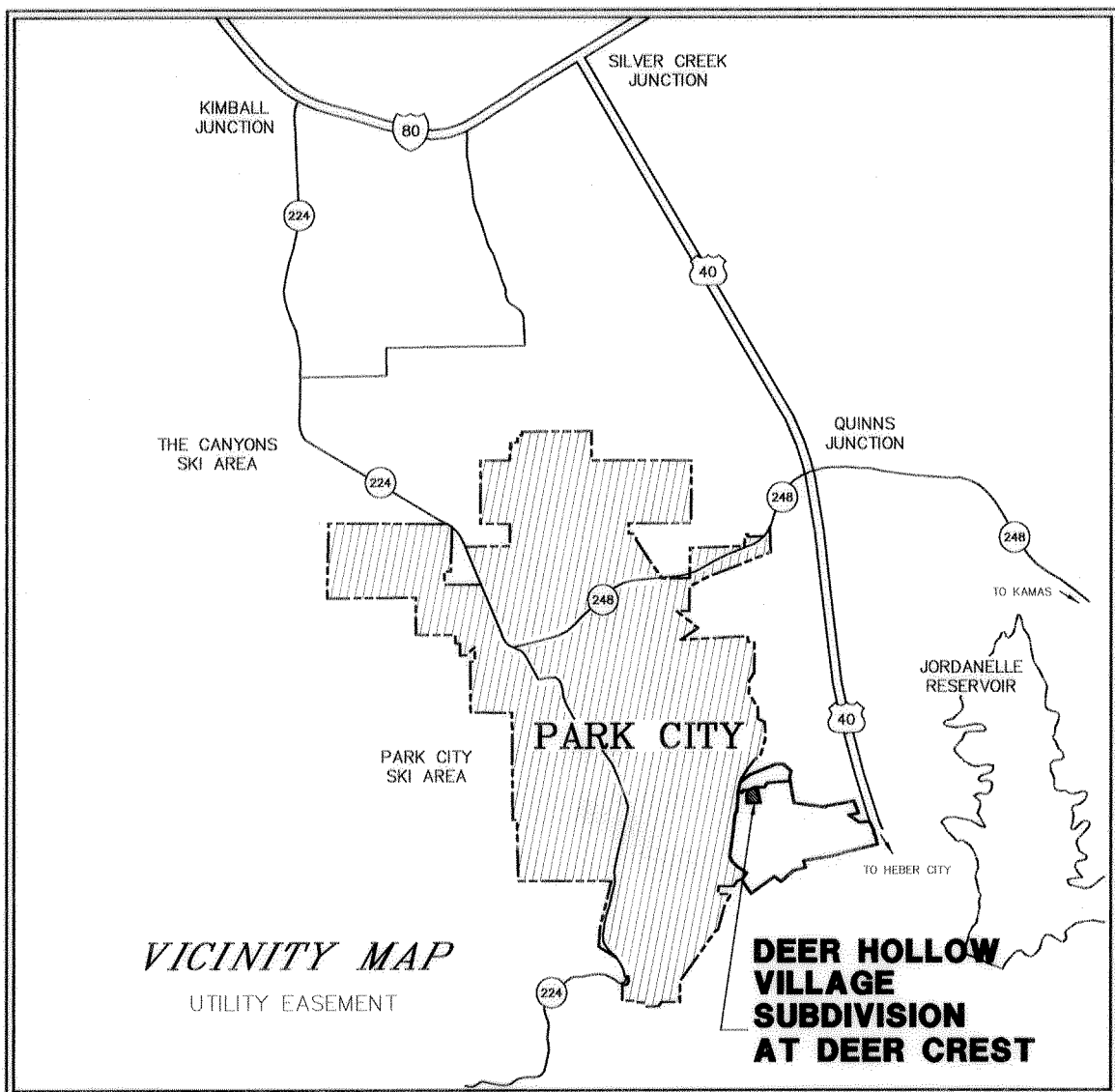
BY

DATE 12/09/98
 BY
 R. SORENSON

DATE	BY	REVISION
		COMMENTS



1777 Sun Peak Drive • Park City, Utah 84098
 (801) 646-0000 • fax (801) 646-1000



GENERAL NOTES

- The Lots are covered by a Master Declaration of Covenants, Conditions and Restrictions for Deer Crest (the "Master Declaration"). Each Lot owner will be a member of the Deer Crest Master Association, a Utah non-profit corporation (the "Master Association"), and subject to the terms of its Articles of Incorporation, its Bylaws and the rules and regulations that may be established by the Master Association from time to time. Construction of structures on each Lot shall be subject to the terms and processes of the Deer Crest Design Guidelines ("Design Guidelines") as established and amended from time to time by the Master Association. The siting and design of each structure shall be approved by the Deer Crest Review Committee (the "Design Review Committee") prior to commencement of construction following the process established by the Design Guidelines. Following approval by the Design Review Committee, construction on a Lot must secure the approval of and a building permit from the applicable governmental entities.
- The following easements are dedicated by the recordation of this plat for use by the Developer, the Master Association, parties identified in the plat notes as beneficiaries by a specific easement, Lot owners, owners of units within condominium or multifamily projects within the Deer Crest Project subject to the access limitations in note 13 and guests and permitted invitees, including easements covering all areas within the legal description of the Lots and outside of the building envelope shown in any lot:
 - An easement for ingress and egress across all private roadways shown on the Plat.
 - An easement for the maintenance and construction of the roads and related slopes and retaining walls across portions of Lots outside of building envelopes and adjacent to the roads.
 - An easement for all public utilities and for drainage across portions of all Lots outside the building envelopes which also runs in favor of each utility providing services within the Deer Crest Project.
 - Other easements relating to the construction, landscaping, improvements and sales of the Deer Crest Project by the Owner and the operations of the Master Association as are described in the Master Declaration.
- The Deer Crest Project is also subject to existing easements and other interests of record.
- Each Lot on the Plat illustrates the maximum building envelope that will be allowed. Maximum dwelling coverage, maximum impervious area, maximum floor area and maximum garage area are also set forth in this Plat. Any actual structure proposed to be constructed on the Lot may reflect a smaller size than the maximum shown on the Plat. Structures may not encroach on the set backs shown on the Plat. The maximum dwelling coverage is the maximum size of allowable structures in plan view, including eaves, overhangs and outbuildings which may be constructed on the Lot. The maximum impervious area is the maximum area of impervious surface allowed on a lot in addition to the dwelling coverage including driveways, concrete slabs, walkways, steps and other surfaces impervious to water.
- The limits of disturbance on each Lot shall be minimized; however, in no event shall the disturbance exceed an area that is 15 feet from the outside face of any structure to be constructed on any Lot. In addition, significant clusters of vegetation and large tree specimens shall be preserved where possible or where required by the Design Review Committee. Such clusters of vegetation and large trees shall be identified on a preliminary landscape plan which shall be submitted to the Design Review Committee with the first submittal of proposed improvement plans. Irrigated landscape shall be limited to 1,600 square feet and the additional area to be served by drip irrigation systems shall be limited to 4,500 square feet. The proposed location of irrigation systems shall be reflected on the final landscape plan.
- The roads and trails within the Subdivision are classified as private though subject to certain public.
- pedestrian and bike access easements in certain locations. All road maintenance, including snow removal, shall be arranged and paid for by the Master Association. Driveways shall be constructed in accordance with the requirements of the Uniform Fire Code and any exceptions granted pursuant thereto.
- Wasatch County prohibits the building of structures on active fault lines, collapsible soils, unstable soils, landslide areas and other geologic hazards. A soils report is available from the Developer for review. It is required that the lot owner consult a qualified geotechnical engineer and other design professionals to conduct a lot-specific investigation and submit a geotechnical and geology report to Wasatch County for review and approval prior to site development for all grading, driveway, and building construction. Existing mine workings have been identified and analyzed by AGRA Earth and Environmental Geotechnical Engineers. Their report has been recorded at the Wasatch County, Utah Recorder's Office as part of the Master Declaration.
- Local service providers or approved alternate(s):
 - Utah Power
 - Questar Gas Company
 - U.S. West Communications
- Residential structures shall be fire sprinkled pursuant to Park City requirements and shall be constructed in accordance with the provisions of the Uniform Fire Code (UFC). See the Design Guidelines.
- The ownership, operation and maintenance of common elements, including Open Space, and conditions for the construction of Lots, are set forth in the Master Declaration.
- Wasatch County prohibits building on wetlands or areas where ground water periodically rises to within 7 feet of the surface, on areas within 100 feet of a live or intermittent water way, on areas within 100 feet radius from a well used for culinary water, on areas within a 100-year 24 hour storm incident drainage path, and on any other water related area where development will have an unreasonable effect on the water course or aquifer.
- Vehicular access through the eastern perimeter controlled access gate and the western perimeter controlled access gate is limited solely to residents and guests of properties within the gates and shall other wise be closed at all times.
- All construction traffic regardless of vehicular weight is limited to U.S. Highway 40 and the eastern perimeter controlled access gate.
- Public safety access and utility easements are hereby dedicated for all roadways and emergency access roads.
- Permanent maintenance of all perimeter gates, roadways, hard surfaced pedestrian/bicycle pathways, including snow removal, shall be the sole responsibility of the Master Association to the reasonable satisfaction of Park City.
- Park City Municipal Corporation is a third-party beneficiary and these plat notes 13 thru 17 may not be amended without Park City's written consent.
- The Easements identified on the plat as Easements Parcels 1, 2, 3, 4, 5, 6a, 6b, 7a and 7b generally describe the proposed location of roads to be constructed in the future and are intended to provide a legal right of access to and from the platted lots and publicly dedicated streets. The legal descriptions of these Easement Parcels may be modified by a subsequently recorded plat or instrument reflecting approval of the County and providing an alternative or modified easement location. Any such plat or instrument shall not be deemed to be an amendment to this plat and shall not require the application of a plat amendment process or the consent of existing lot owners or mortgage holders.
- The owner of the parcels shall not modify or disturb the established trails, structures, slopes, landscaping and other improvements built by the developer, without consent of the Master Association. Ski runs, trails and related slopes as constructed may encroach on building envelopes, and an easement is hereby granted for such encroachments.
- Maintenance of all storm water and water quality facilities, including individual lot run-off storage/infiltration systems, shall be the sole responsibility of the Master Association.
- The Master Declaration and the Design Guidelines contain restrictions on the modification of established drainage channels on Lots and requirements for on-lot drainage control structures. Some established drainage channels and on-lot drainage control structures may affect the building envelopes designated on the plat.

- The Subdivision is created together with easements across certain rights-of-way shown on the Plat and certain additional rights-of-way shown on the plat of Deer Crest Estates Subdivision--Phase I, Deer Crest Estates Subdivision--Phase 2, Snowtop Subdivision, Deer Hollow Village master plat, Roosevelt Gap master plat and the Jordanella Village master plat, each of which is recorded prior to or contemporaneously with, or is intended to be recorded after, this plat.
- The property covered by this plat is subject to annexation to Park City. The development of the parcel is subject to the terms of a certain settlement agreement with Park City which is effective whether or not the property is annexed.
- The annexation of this property to Park City does not entitle the residents access to the Park City School District.

US WEST COMMUNICATIONS, INC. APPROVAL

Approved and accepted this 15 day of Dec, 1998.

by John P. Smith
Authorized Representative

QUESTAR GAS COMPANY APPROVAL

Approved and accepted this 16 day of Dec, 1998.

by Rich L. Lovendahl
Authorized Representative

WASATCH COUNTY HEALTH DEPARTMENT APPROVAL

Approved and accepted this 15 day of Dec, 1998.

by Phyllis D. Wright
Authorized Representative

WASATCH COUNTY FIRE DISTRICT APPROVAL

Approved and accepted this 16 day of Dec, 1998.

by Shirley J. Smith
Authorized Representative

WASATCH COUNTY WATER BOARD APPROVAL

Approved and accepted this 15 day of Dec, 1998.

by Shirley J. Smith
Authorized Representative

JORDANELLE SPECIAL SERVICE DISTRICT APPROVAL

Approved and accepted this 15 day of Dec, 1998.

by Shirley J. Smith
Authorized Representative

UTAH POWER AND LIGHT, A DIVISION OF PACIFIC CORP. APPROVAL

Approved and accepted this 15th day of December, 1998.

by M. Smith
Authorized Representative

NOTE--
THIS PLAT IS A TWO (2) SHEET PACKAGE. INFORMATION
CONTAINED ON ANY ONE SHEET SHALL APPLY TO ALL
SHEETS AND LOTS.

OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That Deer Crest Associates I, L.C., a Utah limited liability company, the owner of the hereon described tract of land hereby causes the same to be divided into lots and private streets together with all ingress/egress and utility easements, as depicted or described hereon, hereafter to be known as the Deer Hollow Village Subdivision of Deer Crest, subject to the declaration of covenants, conditions, restrictions and reservation of easements for the Deer Hollow Village Subdivision at Deer Crest, which will be recorded in the offices of the County Recorder of Wasatch County, Utah, concurrently with the recording of this plat. The undersigned further consents to the recordation of this plat in accordance with Utah law.

Executed this 15 day of Dec, 1998.

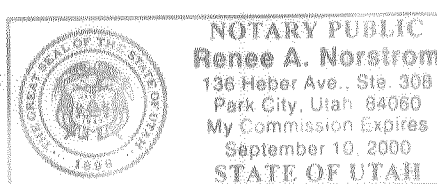
Deer Crest Associates I, L.C.,
by its Managing Member:
LCC Properties Group, L.C.

David M. Luber, Managing Member

ACKNOWLEDGEMENT

On this 15th day of December, 1998 personally appeared before me David M. Luber, who, being duly sworn did say that he is the Managing Member of LCC Properties Group, L.C., a Utah limited liability company, the Managing Member of Deer Crest Associates I, L.C., and the signer of the foregoing Owner's Consent to Record, and said David M. Luber, duly acknowledged to me that he executed the same.

by Renee A. Norstrom
Notary Public



LIEN HOLDER'S CONSENT TO RECORD

The undersigned Lien holder hereby consents to the recordation of this plat.

Executed this day of , 1998.

Dynamic Finance Corporation,
a California Corporation

ACKNOWLEDGEMENT

On this day of , 1998 personally appeared before me Angela C. Sabella, who, being duly sworn did say that she is the President of Dynamic Finance Corporation, a California Corporation and the signer of the foregoing Owner's Consent to Record, and said Angela C. Sabella, duly acknowledged to me that she executed the same.

Notary Public my commission expires:

LEGAL DESCRIPTION

A parcel of land located in the West Half of Section 14 and the East Half of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southeast Corner of the McKinley Mining Claim (MS 6645), said point is located North 00°13'07" West 1112.98 feet along the Section Line and North 85°42'00" West 162.50' feet from the Southwest Corner of Section 14, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 89°19'56" West 5246.36 feet between said Southwest Corner and the Southeast Corner of said Section 14); and running thence along the East line of said McKinley Mining Claim North 04°18'00" East 600.00 feet; thence South 85°42'00" East 57.79 feet; thence North 72°55'47" East 359.21 feet; thence South 81°54'49" East 110.17 feet to the Northerly Corner of the BLM Exception Parcel; thence along the Westerly line of said BLM Parcel South 18°45'09" West 127.66 feet; thence South 18°45'09" West 22.41 feet; thence South 68°20'38" East 41.23 feet; thence South 05°08'17" East 224.04 feet; thence North 84°51'43" East 15.85 feet; thence South 08°00'00" East 355.75 feet to the North line of the Roosevelt No. 1 Mining Claim (MS 6645); thence along said North line North 85°42'00" West 632.30 feet to the POINT OF BEGINNING.

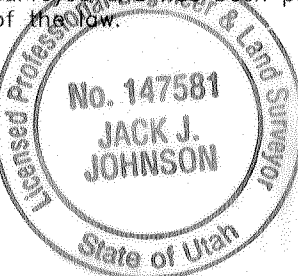
Together with all ingress/egress and utility easements as depicted or described hereon.

Containing 370,679 sq. ft. or 8.51 acres of land more or less.

SURVEYOR'S CERTIFICATE

I, Jack Johnson, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 147581 as prescribed under the laws of the State of Utah. I further certify that a survey has been made of the land shown on this plat and described hereon. I further certify that this plat is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the State of Utah.

Jack Johnson
Date: 12/15/98



DEER HOLLOW VILLAGE
SUBDIVISION AT DEER CREST
LOCATED IN THE WEST HALF OF SECTION 14,
AND THE EAST HALF OF SECTION 15
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
WASATCH COUNTY, UTAH
SHEET 1 OF 2

COUNTY COMMISSION

PRESENTED TO THE BOARD OF
COUNTY COMMISSIONERS THIS 15 DAY OF
Dec. A.D., 1998 AT WHICH TIME THIS
SUBDIVISION WAS APPROVED AND ACCEPTED.



COUNTY CHAIRMAN
COUNTY CLERK

COUNTY ENGINEER

I HEREBY CERTIFY THAT I HAVE HAD
THIS PLAT EXAMINED BY THIS OFFICE AND IT
IS CORRECT IN ACCORDANCE WITH INFORMATION
ON FILE IN THIS OFFICE.

COUNTY ENGINEER
DATE

COUNTY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
COUNTY PLANNING COMMISSION ON THIS
15 DAY OF Dec. A.D., 1998.

CHAIRMAN

APPROVAL AS TO FORM

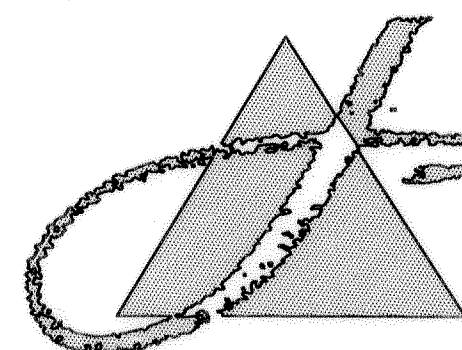
APPROVED AS TO FORM ON THIS
15 DAY OF Dec. A.D., 1998.

COUNTY ATTORNEY

RECORDED

BOOK 408
PAGE 256-275
DATE: 12-23-98 TIME: 14:32
STATE OF UTAH
COUNTY OF WASATCH
RECORDED AND FILED AT THE REQUEST OF:

DEER CREST ASSOCIATES I LC
ELIZABETH M. PARRELL
COUNTY RECORDER

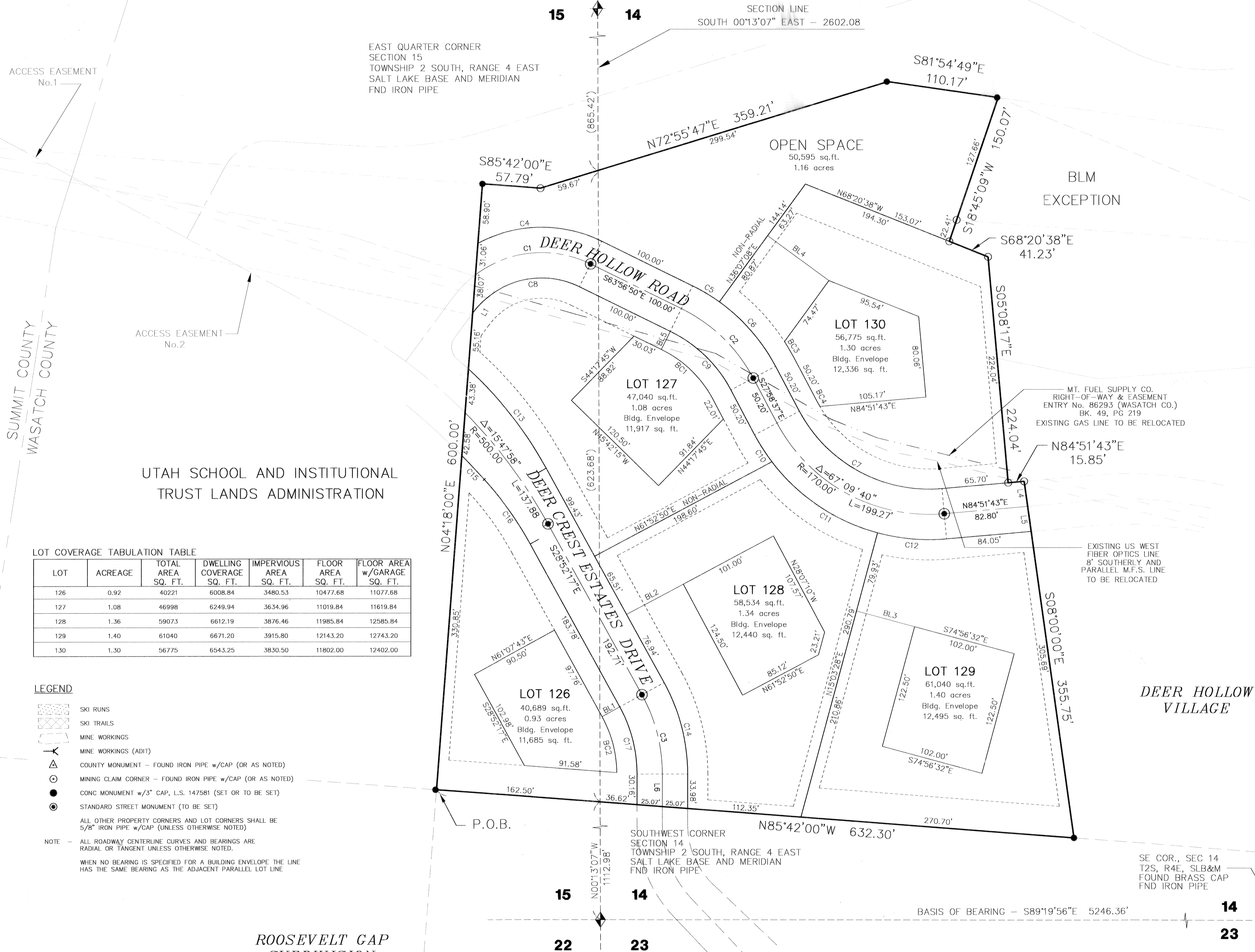


THE JACK
JOHNSON
COMPANY

1777 Sun Peak Drive * Park City, Utah 84098
(801) 645-9000 * fax (801) 649-1620

DEER HOLLOW VILLAGE SUB AT DEER CREST
SECTIONS 14-15 T.2S. R.4E. sheet 1072

Y:\314 Luba\314118\FNL-DH455.dwg Mon Dec 07 17:33:06 1999 B. Olsen

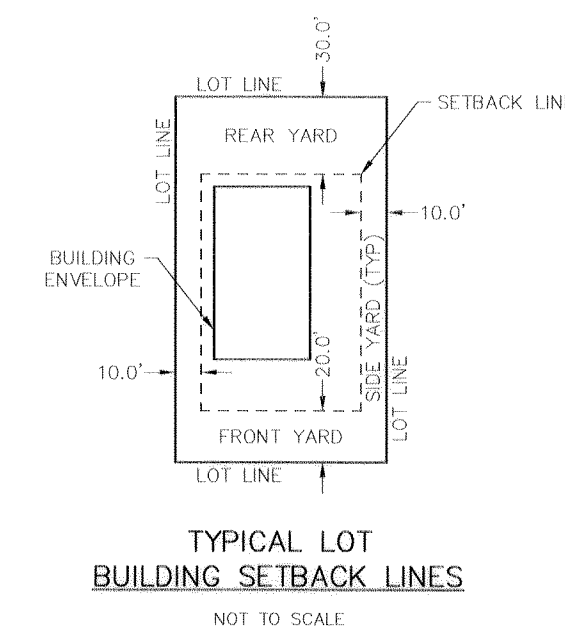


ROADWAY AND LOT CURVE TABLE						
LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
RDWAY C/L	C1	110.00'	120.41'	114.49'	N84°41'34"E	62°43'13"
RDWAY C/L	C2	160.00'	100.45'	98.81'	N45°57'44"W	35°58'12"
RDWAY C/L	C3	162.50'	81.68'	80.82'	N14°28'18"W	28°48'00"
OPEN SPACE	C4	135.00'	127.34'	122.67'	N89°01'52"E	54°02'37"
OPEN SPACE	C5	185.00'	30.96'	30.92'	N59°09'13"W	09°35'14"
LOT 130	C6	185.00'	85.19'	84.44'	S41°10'07"E	26°22'58"
LOT 130	C7	145.00'	169.97'	160.40'	S61°33'27"E	67°09'40"
LOT 127	C8	85.00'	118.13'	108.85'	S76°14'19"W	79°37'43"
LOT 127	C9	135.00'	84.75'	83.37'	S45°57'44"E	35°58'12"
LOT 127	C10	195.00'	31.59'	31.55'	N32°37'04"W	09°16'52"
LOT 128	C11	195.00'	128.25'	125.95'	S56°06'01"E	37°41'02"
LOT 129	C12	195.00'	68.73'	68.38'	S85°02'25"E	20°11'45"
LOT 127	C13	387.00'	125.45'	124.90'	N38°09'29"W	18°34'24"
LOT 128	C14	187.50'	94.25'	93.26'	N14°28'18"W	28°48'00"
LOT 126	C15	740.50'	32.38'	32.38'	N43°22'51"W	02°30'20"
LOT 126	C16	340.50'	78.78'	78.61'	N36°35'22"W	13°15'23"
LOT 126	C17	137.50'	69.11'	68.39'	N14°28'18"W	28°48'00"

BUILDING ENVELOPE CURVE TABLE						
LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
LOT 127	BC1	115.00'	72.20'	71.02'	S45°57'44"E	35°58'12"
LOT 126	BC2	117.50'	57.61'	57.03'	N14°49'35"W	28°05'25"
LOT 130	BC3	205.00'	17.56'	17.55'	S30°25'51"E	04°54'27"
LOT 130	BC4	125.00'	5.48'	5.48'	N29°13'57"W	02°30'39"

BUILDING ENVELOPE LINE TABLE		
LINE	DIRECTION	DISTANCE
BL1	N61°07'43"E	20.00'
BL2	N61°52'50"E	65.00'
BL3	S74°56'32"E	59.50'
BL4	S53°52'52"E	75.00'
BL5	S26°03'10"W	20.00'

ROADWAY AND LOT LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N36°25'27"E	00.25'
L2	N36°25'27"E	00.25'
L3	N36°25'27"E	00.25'
L4	S08°00'00"E	25.03'
L5	N08°00'00"W	25.03'
L6	N00°04'18"W	32.07'



SW COR., SEC 13
T2S, R4E, SLB&M
FOUND BRASS CAP

24 DEER HOLLOW VILLAGE
SUBDIVISION AT DEER CREST
LOCATED IN THE SOUTH HALF OF SECTION 14,
THE SOUTHEAST QUARTER OF SECTION 15
AND THE NORTHWEST QUARTER OF SECTION 23
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
WASATCH COUNTY, UTAH
SHEET 2 OF 2

RECORDED Book 408
No. 209172 DATE 12-23-98 TIME 14:32
STATE OF UTAH PAGE
COUNTY OF WASATCH FEE \$54.00 356-275
RECORDED AND FILED AT THE REQUEST OF:
DEER CREST ASSOCIATES I LC
ELIZABETH M. PARCELL
COUNTY RECORDER

THE JACK
JOHNSON
COMPANY
1777 Sun Peak Drive * Park City, Utah 84098
(801) 645-9000 * fax (801) 649-1620
DEER HOLLOW VILLAGE SUB AT DEER CREST
SECTIONS 14-15 T.2S, R.4E, sheet 2 of 2

This application is being submitted as part of the process related to the CUP Application Number PL-21-04917. Upon application, planning staff has indicated that the application may require a Modification to the Master Planned Development (“MPD”).

The MPD for Parcel 00-0021-1977 is found within two historical documents, the *1995 Settlement Agreement by and between Park City Consolidated Mines Company, Trans-Wasatch Company, and Park City Municipal Corporation*, dated December 29, 1995 and the *First Amended Findings and Order of Density Determination*, in Wasatch County, Dated August 8, 1996, with further requirements found within the *Park City Land Management Code Chapter 15*.

Within the MPD the following language drives the entitlements and what shall be approved on the Parcel.

Category	Requirement	Document / Section
Density	83 Multi-Family Units (max. 2,400SF)	1995 Settlement Agreement – Section 5.2.3
Density	Support Commercial up to 5% of gross SF	1995 Settlement Agreement – Section 5.2.3
Density	Appropriate amenities	1995 Settlement Agreement – Section 5.2.3
Density	Employee Housing – 4% of total Units	1995 Settlement Agreement – Section 5.2.3.1
Height	75’, max 5 Levels, Top level limited to 50% of building footprint, no vertical wall greater than 3 levels.	1996 Density Determination – Section VI, Subsection 8(A)
Roof Form	Gable Roof (consisting of two inclined planes that meet at ridge and slope to sidewalls)	1996 Density Determination – Section VI, Subsection 8(A)
Building Form	”60% of the units developed shall be concentrated into a single structure (the “Primary Village Structure”)”	1995 Settlement Agreement – Section 5.2.3
Configuration	“Although a great deal of siting detail has been developed...development sites is still quite general in nature, with final design and engineering to follow...”	1996 Density Determination – Section VI
Configuration	“Adjustment of Multi-Family Development Parcels may not increase total area by more than 5% of that shown on the [plan]...”	1996 Density Determination – Section VI Subsection 1
Configuration	“...Developer may reconfigure building footprints and shapes from those shown on the Concept Plan...”	1996 Density Determination – Section VI Subsection 1

Configuration	“Building siting should be responsive to the overall development concept, adjacent development, and (i) Topography, (ii) Geology/soils conditions, (iii) Hydrology, (iv) Drainage and flood plain considerations, (v) Vegetation, (vi) Views, (vii) Solar and micro-climate considerations, (viii) Access and circulation; pedestrian and vehicular, (ix) seasonal response, (x) view corridors, (especially mountains), and (xi) Snow storage requirements.”	1996 Density Determination – Section VI Subsection 2
Parking	Parking to consist of 1 space for each 1-2 bedroom unit, 2 spaces for 3-4 bedroom units, and 1 additional space per bedroom for each unit greater than 4 bedroom. Direction was given to follow Flagstaff Development Agreement language as modified plan required by Park City to achieve goals of strategic plan.	1996 Density Determination – Section VI Subsection 11

Staff has requested that the applicant seek a determination by the Planning Commission as to whether the CUP Application requires a modification to these requirements in order to approve the project.

The applicant has submitted the application with a design compliant with the requirements above; however, there are three specific questions that are not deemed to be directly compliant. The question before the Planning Commission is, are these three issues outside the normal scope of a CUP approval; thus, require a modification to the MPD? If they are outside the CUP approval process, is this deemed to be a Substantive Modification or a Minor Modification as outlined in the LMC Section 15-6-4 K MPD Modification.

The three areas which require review are:

Area 1 – Roof Form: The requirement from the MPD states: “Gable Roof (consisting of two inclined planes that meet at ridge and slope to sidewalls).” The applicant believes that the form of roof used within the current design is considered a “Mixed-Form”. The primary reason for the mixed-form is that the building steps and changes as it climbs from the foundation wall to the top in order to create interest and to avoid a monolithic form. The dominant roof form on the top of the building consists of a gabled roof for more than approximately 80% of the total building area. These gabled forms break along the length of the building into short lengths of flat roof located above the stair/elevator circulation towers. This form was created to enhance view shed to the south for passive solar gain during winter months, and to break-up the form of the building to appear more interesting along the dominant side that the project will be viewed (skier view).

The applicant believes this is consistent with the requirements within the MPD and can be approved at the CUP Application Level based on the language in the 1996 Density Determination – Section VI Subsection 2 restated in the above chart. The general form is that of a gabled roof with design elements intended to be responsive to the overall project design including Solar Design and View Corridor responsiveness.

Area 2 – Height: There are four components of Height that are required design elements from the *1996 Density Determination – Section VI, Subsection 8(A)*. The project is specifically consistent with three of the four requirements by being under the 75’ Height Limit, and the Top Floor is Less than 50% of the overall footprint, and the building is no more than 5 levels. The fourth requirement “no vertical wall more than 3 levels” is not strictly compliant. The design of the project has incorporated this design element, however, due to a desire to limit site disturbance and cut & fill, there are three areas of the underground garage that are partially exposed at grade. The applicant is working on design to bring this into strict conformance. However, in the spirit of the 1996 Density

Determination – Section VI Subsection 1 & 2 restated above, the applicant is seeking a variance to this requirement to allow for some foundational walls exposed to reduce the site disturbance. The Applicant believes this is compliant with the spirit of the agreements and can be approved at the CUP level.

Area 3 – Parking: A strict interpretation of the 1996 Density Determination – Section VI Subsection 11 would require the inclusion of an average of 2 parking spaces per unit across the 78 units. The Applicant is requesting a Parking Reduction to 1.5 Spaces Per unit. This is similar to the parking requirement within the Flagstaff Development Agreement where reduced parking was considered a factor in reducing the estimated number of trips that the project will generate. This reduced parking requirement was also part of the requirement to create an HOA funded shuttle alternative to reduce the need for personal vehicles when moving around the Park City area to Main Street and to other retail areas. The Applicant is proposing the same ratio as the Flagstaff Development Agreement and a similar on-demand shuttle system. Additionally, since the project is directly adjacent to the Deer Valley Resort facilities and many public trails, the applicant believes this is ample parking to cover the needs of the residential units that will largely be used as vacation occupancy. We believe this can be approved at the CUP level pursuant to LMC Code 15-3-7, where parking shall be revisited at the CUP Application level.

In the spirit of working with our Community, the Applicant is requesting that the Planning Commission review these three areas prior to the Public Hearing related to the CUP Application Number PL-21-04917. There are three possible determinations that the applicant is requesting you consider:

Outcome #1 – These three areas of change do not constitute a required change to the MDP. All three of these areas are considered compliant as part of the requirement within the MPD that the project be professionally designed with allowance for changes in design responsive to the many factors stated in 1996 Density Determination – Section VI Subsection 2 that should be reviewed in their entirety as part of the CUP approval.

Outcome #2 – These three areas of change constitute a Minor Modification to the MPD pursuant to LMC Section 15-6-4 K 1.

Minor Modification. A minor modification to an approved Master Planned Development is a modification that complies with the Land Management Code and Master Planned Development approval and does not trigger additional Off-Street Parking requirements, does not reduce Open Space, and does not increase traffic by 5% or more as demonstrated by a traffic generation study.

Outcome #3 – These three areas of change constitute a Substantive Modification to the MPD pursuant to LMC Section 15-6-4 K 2.

Substantive Modifications. Substantive modifications to an approved Master Planned Development create additional impacts and require review of the entire Master Planned Development and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. Substantive modifications include but are not limited to a change to a Finding of Fact or Condition of Approval, a change in Use or an increase in Floor Area that triggers additional Off-Street Parking requirements, a change in Use or an increase in Floor Area that generates more than a 5% increase in traffic demonstrated by a traffic generation study, or a reduction in Open Space.

Memorandum

Date: October 27th, 2021
To: Bill Fiveash, East West Partners
From: Dan Cawley, Jon Nepstad; Fehr & Peers
Subject: **Founders Place Trip Generation Study**

UT21-2319

This memorandum presents trip generation estimates for the proposed Founders Place project in Park City, Utah. Founders Place is one element of the Deer Hollow proposal, located within the gated Deer Crest community. Founders Place is comprised of 78 dwelling units, a variety of residential support uses, and a 1,500 square foot restaurant intended to serve guests.

In 1995, Park City Municipal Corporation approved a proposed development at the same location, then referred to as Slalom Village. The 1995 proposal included 83 multifamily dwelling units, four lots of single-family houses, and a 20,000 square foot ski academy.

The Founders Place project seeks a conditional use permit (CUP) from Park City Municipal Corporation, allowing for a deviation from the original, approved proposal. This memorandum provides new trip generation estimates based on the 2021 proposal, and compares them to estimates for the 1995 proposal. In sum, the Founders Place proposal is expected to generate fewer trips than the Slalom Village proposal.

Project Description

Founders Place is comprised of 78 for-sale condominiums, four employee housing units, and a 3,300 square foot restaurant, which only serves guests staying at Founders Place. The proposed site plan includes 123 parking spaces. Founders Place will benefit from ski-in, ski-out access and includes a homeowners' association-facilitated ski valet service to further reduce the need for guests to leave the property.



Founders Place Trip Generation Estimates

Trip generation estimates were prepared using the Institute of Transportation Engineers *Trip Generation Manual, 11th Edition*. Estimates were prepared for AM peak hour, PM peak hour, and Saturday peak hour. Trip generation estimates are presented below in **Table 1**.

Table 1: Founders Place Trip Generation Estimates

Land Use	ITE Code	Unit	Count	AM Peak Hour			PM Peak Hour			Saturday		
				In	Out	Total	In	Out	Total	In	Out	Total
Multi-Family (mid-rise)	221	Dwelling Unit	82	5	19	24	19	13	32	17	16	33
In-House Restaurant	n/a	Square Feet	3,300	5	1	6	1	5	6	4	2	6
Total				10	20	30	20	18	38	21	18	39

Source: Fehr & Peers, 2021.

As ITE does not provide trip generation estimates for a skier-serving amenities, we conservatively estimated that four employees (driving alone) and one delivery vehicle would arrive during a weekday AM peak hour, and that four employees (driving alone) and one delivery vehicle would depart during a weekday PM peak hour. On Saturdays, we assume that four employees (driving alone) would arrive, and two delivery vehicles would arrive and depart during the peak hour.

Founders Place is expected to generate 29 trips during the AM weekday peak hour, 37 trips during the PM weekday peak hour. On Saturdays, Founders place is expected to generate 37 peak-hour trips.

Slalom Village Project Description

The approved 1995 proposal included 83 multi-family dwelling units, and four single family parcels. In addition to the proposed residential uses, Slalom Village included a 20,000 square foot ski academy. Ski academy students were expected to be Deer Hollow residents.

Slalom Village Trip Generation Estimates

Trip generation estimates were prepared using the Institute of Transportation Engineers *Trip Generation Manual, 11th Edition*. Estimates were prepared for AM peak-hour, PM peak-hour, and daily periods for weekdays and weekends. Trip generation estimates are presented below in **Table 2**.



Table 2: Slalom Village Trip Generation Estimates

Land Use	ITE Code	Unit	Count	AM Peak Hour			PM Peak Hour			Saturday		
				In	Out	Total	In	Out	Total	In	Out	Total
Multi-Family (mid-rise)	221	Dwelling Unit	83	6	19	25	20	13	33	17	16	33
Single-Family Detached	210	Dwelling Unit	4	1	3	4	3	2	5	7	6	13
Ski Academy	534	Students	120	47	32	79	9	14	23	0	0	0
Total				54	54	108	32	29	61	24	22	46

Source: Fehr & Peers, 2021.

The approved Slalom Village project did not include an assumed number of students or staff for the planned ski academy, either of which is used by ITE to develop trip generation estimates. To account for this, we identified a nearby winter sports-focused school, the Winter Sports School in Park City, Utah, that was of the same square footage (20,000 square feet). Enrollment at the Winter Sports School is capped at approximately 120 students, which was used as assumed enrollment for the ski academy. The Private High School (ITE land use code 534) was then used to estimate trips that would have been generated by the ski academy.

Conclusion

Founders Place is expected to generate fewer trips than the Slalom Village proposal for any of the three time periods. A comparison of trip generation estimates for the 2021 Founders Place proposal and the 1995 Slalom Village proposal is presented below in **Table 3**.

Table 3 – Project Trip Comparison

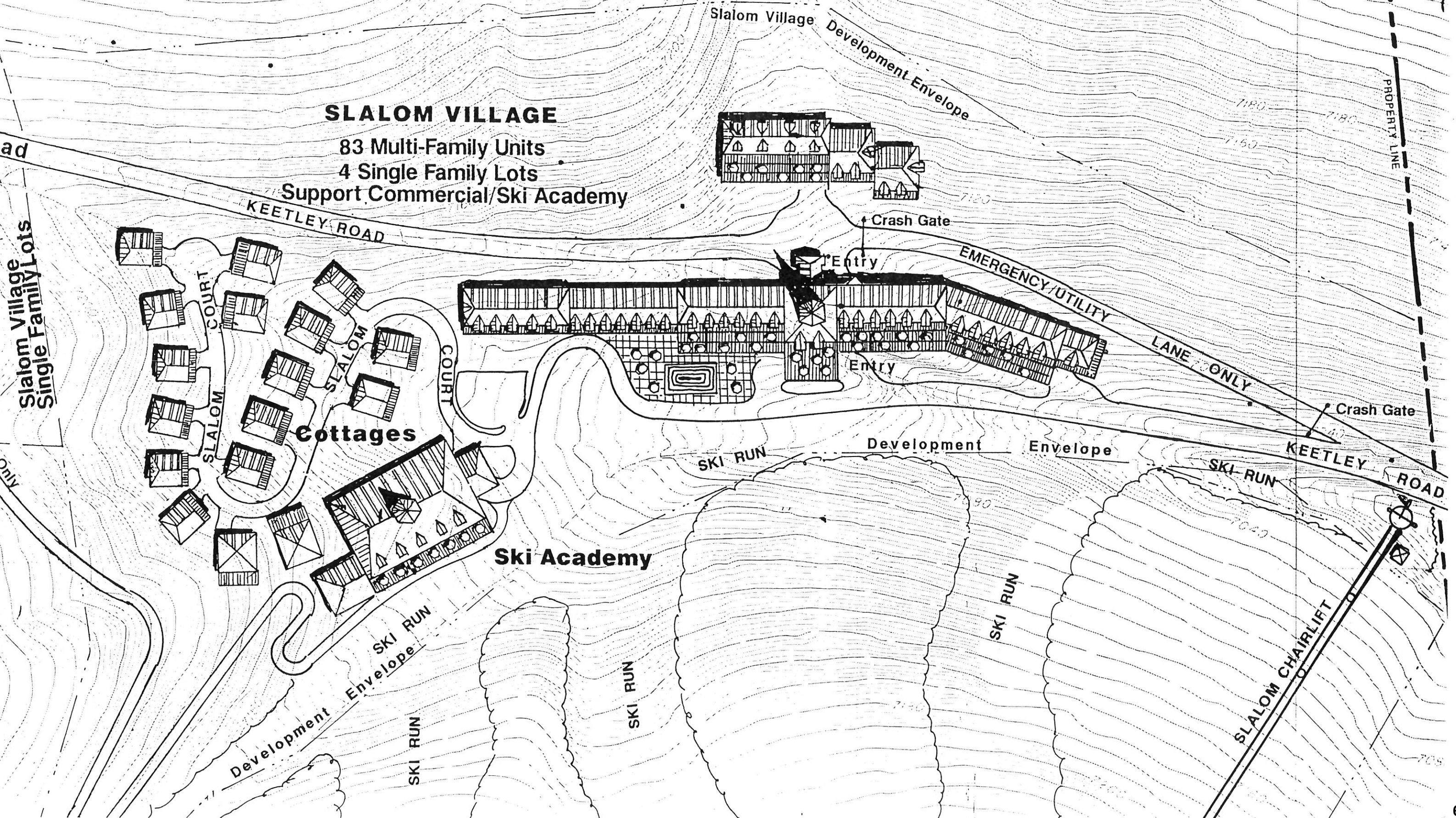
Time Period	Slalom Village Trips	Founders Place Trips
Weekday AM Peak Hour	108	30
Weekday PM Peak Hour	61	38
Saturday Peak Hour	46	39

Source: Fehr & Peers, 2021.

EXHIBIT "F" SLALOM VILLAGE AREA

Multi-Family Exhibit

SLALOM VILLAGE OPEN SPACE DEDICATION



WHEN RECORDED, PLEASE RETURN TO:

Park City Recorder
PO Box 1480
Park City, UT 84060

THIRD AMENDMENT TO SETTLEMENT AGREEMENT

This THIRD AMENDMENT TO SETTLEMENT AGREEMENT ("Amendment") is made and executed as of November 10, 2017 by and among DEER CREST ASSOCIATES I, L.C., a Utah limited liability company ("DCA"), DEER CREST MASTER ASSOCIATION, INC., a Utah non-profit corporation ("DCMA"), and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah ("City").

RECITALS

A. The City, Trans-Wasatch Company, L.L.C., a Utah limited liability company ("Trans-Wasatch"), and Park City Consolidated Mines Company, a Utah corporation ("ParkCon") entered into that certain Telemark Park Settlement Agreement dated December 29, 1995, as amended by that certain First Amendment to the Telemark Park Settlement Agreement dated April 8, 1997, and that certain Second Amendment to the Telemark Park Settlement Agreement dated April 6, 2001 (collectively, the "Settlement Agreement"), which agreement governed certain development rights within a residential development known as Deer Crest ("Project").

B. DCA acquired all of the interest of Trans-Wasatch and ParkCon in and to the Project, including all rights and obligations of Trans-Wasatch and ParkCon under the Settlement Agreement.

C. The Settlement Agreement contemplated that Keetley Road within the Project (now known and referred to herein as "Deer Hollow Drive"), the location of which is described on attached Exhibit "A" which is attached hereto and incorporated herein by this reference, would be disconnected and that physical improvements would be placed on the historic location of such road in order to prevent through traffic use of Deer Hollow Drive.

D. In furtherance of a common plan of development for the Project, DCA adopted the Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Deer Crest dated October 31, 1997, as amended (the "Master Declaration"), which sets forth master covenants, conditions and restrictions affecting the Project. Pursuant to the Master Declaration, DCA also created DCMA for the purposes set forth in the Master Declaration including, without limitation, for the purposes of owning, maintaining, and administering the common elements in the Project.

E. DCA has conveyed to DCMA all of the roads, open space parcels and other common elements in the Project, including Deer Hollow Drive.

F. The parties believe that it is in the best interest of the Project and the City that Deer Hollow Drive be preserved as a means of access through the Project, including access by emergency vehicles.

G. The parties desire to modify the Settlement Agreement to suspend the requirement to create a physical disconnect on Deer Hollow Drive in order to prevent through traffic over Deer Hollow Drive, and to remove any requirement that structures be built in the historic location of such road.

H. DCA, DCMA and the City desire to amend the Settlement Agreement as set forth herein.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, DCA, DCMA and the City hereby agree as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Amendment shall have the meaning or meanings given to them in the Settlement Agreement. The foregoing recitals are true and correct and are incorporated herein by reference.

2. References to Keetley Road. All references in the Settlement Agreement to Keetley Road shall mean and refer to Deer Hollow Drive.

3. Continued Existence of Deer Hollow Drive. The requirement for a permanent physical disconnect of Deer Hollow Drive, at the Slalom Village location, is hereby suspended. Subject to the terms and conditions of this Amendment, Deer Hollow Drive shall remain a main road within the Project, and shall not be disconnected, either temporarily or permanently, except as provided herein.

4. Right to Relocate Deer Hollow Drive. DCA, its successors and assigns, shall have the right to relocate portions of Deer Hollow Drive, at its sole cost and expense, to accommodate the eventual development of Slalom Village and other properties within the Project.

5. Use of Deer Hollow Drive. Official vehicles of emergency service providers (police, fire and emergency medical) shall always be allowed to use Deer Hollow Drive to provide emergency services to properties, residents, guests and others within the Project. Otherwise, Deer Hollow Drive shall be for the exclusive use by the owners, guests, and invitees within the Project; provided, however, that Deer Hollow Drive may be used by members of the general public in the event of (i) an evacuation necessary to protect human life, (ii) a natural disaster, or (iii) a major public safety event, in each case as determined by the Park City Fire Marshall, Park City Police Chief, Wasatch County Fire Chief or other public safety officer of similar rank in Park City or Wasatch County. Without broadening the uses provided for in the immediately preceding sentence, the parties acknowledge and agree that traffic congestion or

delays caused by weather, public or private events and gatherings, and other non-life endangering causes shall not be considered events of sufficient health and safety risk to justify or allow access to public traffic over Deer Hollow Drive.

6. Maintenance of Access Gates. The access gates on the east and west sides of the Project shall continue to be maintained and operated in accordance with the Settlement Agreement to prevent general public access through the Project between Highway 40 and Park City. DCMA shall maintain and operate the access gates, or shall cause the access gates to be maintained and operated, in accordance with the Settlement Agreement so as to prevent general public access through the Project between Highway 40 and Park City.

7. Failure to Maintain Access Gates. In the event that the City finds that the access gates on the east and west sides of the Project are not being maintained or operated in such manner so as to prevent general public access through the Project between Highway 40 and Park City, the City shall notify DCA and DCMA, in writing, of any such objectionable circumstance (each such circumstance, a "Gate Defect"), whereupon DCMA shall have sixty (60) calendar days to respond to each such notice and remedy the Gate Defect. In the event that a Gate Defect cannot reasonably be remedied within sixty (60) calendar days, DCMA will have such additional time as reasonably necessary to remedy the Gate Defect if it notifies the City of the manner in which the Gate Defect will be cured, and if appropriate corrective action is instituted within the initial sixty (60) calendar day period and is diligently pursued after the corrective action begins. In the event that the City continues to dispute the sufficiency of the maintenance and operation of the access gates after DCMA has taken the action it believes to be adequate to correct a Gate Defect, and the City and DCMA are unable to reach an agreement as to the appropriate action to be taken, such dispute shall be submitted for resolution in the Third Judicial District Court for State of Utah.

8. Reinstatement of Disconnect Requirement. In the event the failure to fully remedy a Gate Defect or other violation of the Settlement Agreement regulating access over Deer Hollow Drive and a court of competent jurisdiction determines that there has been an uncured default under the Settlement Agreement, the City may reinstate the Deer Hollow Drive disconnect requirement, and cause DCMA to construct, at its sole cost and expense, permanent gates, landscaping, boulders or other means to permanently disconnect Deer Hollow Drive and to render it unusable for travel between the east and west boundaries of the Project. The method and placement of the Deer Hollow Drive disconnect shall be determined by DCA and DCMA, but shall not impede the development of Slalom Village, and there shall be no requirement that the Primary Village Structure developed as part of Slalom Village be built to physically disconnect Deer Hollow Drive. In the event that the suspension of the disconnect requirement is terminated and the disconnect requirement is reinstated at some time in the future, a gated emergency bypass road that allows the passage of emergency and snow removal vehicles, as well as pedestrian and bicycle use, shall be constructed at the same time as the disconnect to create an emergency bypass around the constructed disconnect.

9. General Amendment of Settlement Agreement. Notwithstanding any specific reference, or lack thereof, in this Amendment, the Settlement Agreement is hereby amended to reflect the foregoing intent and agreement of the parties. Any provision of the Settlement

Agreement inconsistent with this Amendment is hereby terminated or amended to be consistent with this Amendment.

10. Specific Amendments. Without limiting the generality of the foregoing provisions, and subject to the conditions set forth above, the Settlement Agreement is hereby amended as follows:

10.1. Section 5.2.3.2 of the Settlement Agreement is hereby amended as follows:

5.2.3.2 Annexation Agreement. If Slalom Village is annexed into Park City, then the following conditions of development shall bind the parties: (a) the density of Slalom Village Area shall not exceed 83 multi-family units (maximum 2,400 sq. ft./unit) with support commercial space up to 5% of the gross square footage and appropriate amenities, four (4) single-family lots, and a 20,000 square foot ski academy, (b) a ski chair lift shall be constructed within a 1,100 foot radius of the Primary Village Structure at Slalom Village prior to the issuance of a certificate of occupancy for any portion of the Slalom Village Area, ~~(c) the Primary Village Structure shall be placed to physically disconnect the historical configuration of Keetley Road, and (d) and (c)~~ (c) the Property Owners shall irrevocably grant limited conservation easements to the ski run(s) and remaining areas, as so depicted in Exhibit "N." Park City shall not accept the conservation easements until the ski runs and appurtenant ski facilities are built or for a period of one year from certificate of occupancy, whichever is earlier. As more fully described in Section 5.2.2.1 above, Property Owners may transfer up to ten (10) single-family and/or multi-family units from the Slalom Village Area to Telemark Park Village outside the eastern perimeter controlled access gate, in exchange for an increase of up to ten (10) multi-family units being added to the Snow Park Hotel Site, upon Park City's consent. The final sentence of Section 5.2.3.3 of the Settlement Agreement is hereby deleted in its entirety and is of no further force and effect.

10.2. Section 5.2.3.3 of the Settlement Agreement is hereby amended as follows:

5.2.3.3 Development Alternative to Slalom Village. In the event Property Owners elect not to construct the development described in Section 5.2.3 above, then Property Owners shall have the right to develop a single family subdivision not to exceed twelve (12) lots in place of the 83 multi-family units. The twelve (12) lots shall be platted in Wasatch County and may be recorded within the Slalom Village development envelope with limits of

disturbance established by Wasatch County and as generally depicted in Exhibit "S." The Park City staff and City Council have reviewed Exhibit "S," and found said exhibit to be generally acceptable as to density, use and configuration. The twelve (12) single-family lots are in addition to the four (4) lots shown on Exhibits "C" and "F" and the 20,000 square foot Ski Academy. Property Owners shall have the right to develop the 12 single-family lot subdivision and the 20,000 square foot Ski Academy as a Wasatch County development. ~~In the event Property Owners elect to develop the twelve (12) single-family lot subdivision, then Property Owners shall realign and construct Keetley Road as depicted on Exhibit "S," wherein Slalom Village becomes a cul-de-sac that is not accessible from the eastern portion of Keetley Road except via St. Louis Drive.~~

10.3. Section 5.2.3.4 of the Settlement Agreement is hereby deleted in its entirety as follows:

5.2.3.4 Disconnection of Keetley Road at Slalom Village Location. ~~A permanent physical disconnection of Keetley Road shall occur at the Slalom Village Area location, which disconnection shall be accomplished as follows: (a) Upon the platting of lots in the Little Baldy neighborhood or upper St. Louis neighborhood, Property Owners shall disconnect, either by steel gates and/or boulders and natural vegetation, Keetley Road so as to prevent vehicular through traffic in the Slalom Village Area; and (b) disconnection shall be permanent at the Slalom Village location upon the construction of the Primary Village Structure at Slalom Village (the footprint of which shall partially be within the historic configuration of Keetley Road right of way, such that the right-of-way is completely obstructed) or the construction of the cul-de-sac configuration described in Section 5.2.3.3. Upon the permanent physical disconnection, there shall be no reconnection of Keetley Road at the Slalom Village location. Nothing herein shall preclude the parking and internal circulation at the Primary Village Structure as described in Section 5.2.3.7.~~

10.4. Section 5.2.3.8 of the Settlement Agreement is hereby amended as follows:

5.2.3.8 Vehicular Access to Slalom Village. Access to Slalom Village area shall be via Keetley Road from the western and eastern perimeter controlled access gates, ~~except as limited by Section 5.2.3.4 above. However, parking and internal circulation within Slalom Village shall discourage the use of Keetley Road as a means of vehicular travel from U.S. Highway 40 to Park City. An emergency/utility road, as described in paragraph 5.3.7.3~~

~~below, shall bypass Slalom Village connecting the easterly and westerly sections of the disconnected Keetley Road, and shall be crash gated to prevent vehicular through traffic by the general public, except as limited by Section 5.2.3.4 above.~~

10.5. Section 5.2.3.10 of the Settlement Agreement is hereby amended as follows:

5.2.3.10 Slalom Village Parking. Property Owners may construct no more parking stalls underneath the Slalom Village multi-family unit structure than are required to service that structure as may be required by the appropriate Wasatch County official(s). ~~The parking structure at Primary Village Structure may be accessible from Park City so long as the connection between the parking levels is designed to Park City's reasonable satisfaction in such a manner that sufficiently discourages the tendency to use the Keetley Road as a means of vehicular travel from U.S. 40 to Park City. It is contemplated that such will be accomplished by the construction of a multi-level structure with vertical separation between the east and west parking entrances, and an internal ramping and gate system.~~ No more than 25 vehicular parking spaces shall be constructed at the Ski Academy. Shuttle service to and from the Ski Academy and/or Slalom Village Area shall be provided by all reasonable means in order to discourage the use of individual vehicular forms of transportation.

10.6. Section 5.3.7 of the Settlement Agreement is hereby deleted in its entirety as follows:

~~5.3.7 Construction and Conveyance of Slalom Village Emergency Utility Road. Prior to completion of the foundation for the primary Slalom Village multi-family structure, the Property Owners shall construct (at their cost and expense) and convey to Park City, in fee simple, title in the Slalom Village Emergency Utility Road designated on the Development Plan as running in a northwest/southeast direction just northeast of the Slalom Village Area. Said deed shall take the form of Exhibit "X."~~

11. Settlement Agreement Remains in Effect. This Amendment shall be considered supplemental to the Settlement Agreement. Except as expressly amended by the foregoing, the Settlement Agreement shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by this Amendment.

12. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be an original, and all of which together shall constitute a single instrument.

[Signatures on Following Page]

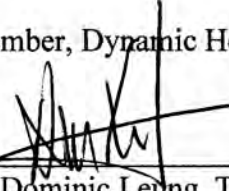
IN WITNESS WHEREOF, this THIRD AMENDMENT TO SETTLEMENT AGREEMENT is entered into as of the date first set forth above.

DCA:

DEER CREST ASSOCIATES I, L.C.,
a Utah limited liability company

By: Grand Harvest Ventures, LLC, its Managing
Member

By: Its Member, Dynamic Holdings Corporation

By: 
Dominic Leung, Treasurer

STATE OF TEXAS)
COUNTY OF HARRIS) :ss

The foregoing instrument was acknowledged before me this 18th day of OCT, 2017 by Dominic Leung, Treasurer of Dynamic Holdings Corporation, the Member of Grand Harvest Ventures, LLC, the Managing Member of Deer Crest Associates I, L.C.




Notary Public
Residing at: Houston TX
My Commission Expires: 1-29-18

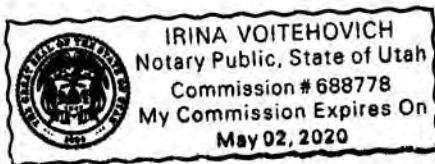
DCMA:

DEER CREST MASTER ASSOCIATION, INC.,
a Utah non-profit corporation

By: [Signature]
Name: W. James Tozer, Jr.
Its: PRESIDENT

STATE OF Utah)
COUNTY OF Salt Lake) :SS

The foregoing instrument was acknowledged before me this 25 day of October, 2017 by W. James Tozer, Jr., the President of Deer Crest Master Association, Inc., a Utah non-profit corporation



[Signature]
Notary Public
Residing at: SLC, UT
My Commission Expires: May 02, 2020

CITY:

PARK CITY MUNICIPAL CORPORATION, a
political subdivision of the State of Utah

By: [Signature]
Name: Jack Thomas
Its: Mayor

ATTEST:

[Signature]
City Recorder, deputy

APPROVED AS TO FORM:

[Signature]
City Attorney



EXHIBIT A

Legal Description of Deer Hollow Road

Commencing at the southwest corner of Section 14, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence South $89^{\circ}19'56''$ East 2955.35 feet coincident with the south line of said Section 14; Thence North $00^{\circ}40'04''$ East 671.43 feet to the northwest corner of Deer Hollow Road as platted by the Amended Plat Deer Crest Estates Subdivision Phase II, recorded as Entry 220132, in Book 446, at Pages 138-217 of the Wasatch County Records ("DCE Phase II Plat") and a point on the arc of a 1029.16 foot radius curve and the TRUE POINT OF BEGINNING; Thence Northwesterly 5.12 feet along the arc of said 1029.16 foot radius curve to the right (center bears North $18^{\circ}03'11''$ East) through a central angle of $00^{\circ}17'06''$ to a point of tangency; Thence North $71^{\circ}39'43''$ West 279.65 feet to a point of curvature; Thence westerly 181.25 feet along the arc of a 1025.00 foot radius curve to the right (center bears North $18^{\circ}20'17''$ East) through a central angle of $10^{\circ}07'54''$ to a point on the southerly boundary of the "Weilenmann, Etal" parcel; Thence continuing westerly 7.54 feet along the arc of said 1025.00 foot radius curve to the right (center bears North $28^{\circ}28'11''$ East) through a central angle of $00^{\circ}25'18''$ to a point of tangency; Thence North $61^{\circ}06'31''$ West 389.74 feet to a point of curvature; Thence westerly 117.11 feet along the arc of a 975.00 foot radius curve to the left (center bears South $28^{\circ}53'29''$ West) through a central angle of $06^{\circ}52'54''$ to a point of tangency; Thence North $67^{\circ}59'26''$ West 41.19 feet to a point on the westerly boundary of said Weilenmann parcel; Thence continuing North $67^{\circ}59'26''$ West 118.21 feet to a point of curvature; Thence westerly 86.38 feet along the arc of a 525.00 foot radius curve to the right (center bears North $22^{\circ}00'34''$ East) through a central angle of $09^{\circ}25'38''$ to a point of tangency; Thence North $58^{\circ}33'48''$ West 230.24 feet to a point of curvature; Thence westerly 39.75 feet along the arc of a 125.00 foot radius curve to the left (center bears South $31^{\circ}26'11''$ West) through a central angle of $18^{\circ}13'09''$ to a point of tangency; Thence North $76^{\circ}46'58''$ West 48.93 feet to a point of curvature; Thence westerly 120.22 feet along the arc of a 425.00 foot radius curve to the right (center bears North $13^{\circ}13'02''$ East) through a central angle of $16^{\circ}12'25''$ to a point of tangency; Thence North $60^{\circ}34'33''$ West 63.18 feet to a point of curvature; Thence westerly 132.42 feet along the arc of a 175.00 foot radius curve to the left (center bears South $29^{\circ}25'27''$ West) through a central angle of $43^{\circ}21'22''$ to a point of tangency; Thence South $76^{\circ}04'05''$ West 161.41 feet to a point of curvature; Thence westerly 58.37 feet along the arc of a 240.50 foot radius curve to the right (center bears North $13^{\circ}55'55''$ West) through a central angle of $13^{\circ}54'23''$ to a point of tangency; Thence South $89^{\circ}58'28''$ West 241.73 feet to a point of curvature; Thence westerly 107.76 feet along the arc of a 385.00 foot radius curve to the right (center bears North $00^{\circ}01'32''$ West) through a central angle of $16^{\circ}20'11''$ to a point of tangency; Thence North $73^{\circ}59'21''$ West 99.31 feet to a point of curvature; Thence westerly 131.04 feet along the arc of a 355.00 foot radius curve to the left (center bears South $16^{\circ}00'39''$ West) through a central angle of $21^{\circ}08'56''$ to a point of tangency; Thence South $84^{\circ}51'43''$ West 63.55 feet to a point on the easterly boundary of the Deer Hollow Village Subdivision, recorded as Entry 209722, in Book 408, at Pages 256-275 of the Wasatch County Records ("DHV Plat"); Thence

North 08°00'00" West 50.06 feet coincident with said easterly subdivision line;
 Thence North 84°51'43" East 66.05 feet to a point of curvature; Thence easterly 149.49 feet along the arc of a 405.00 foot radius curve to the right (center bears South 05°08'17" East) through a central angle of 21°08'56" to a point of tangency; Thence South 73°59'21" East 99.31 feet to a point of curvature; Thence easterly 93.76 feet along the arc of a 335.00 foot radius curve to the left (center bears North 16°00'39" East) through a central angle of 16°02'11" to a point of tangency; Thence North 89°58'28" East 241.73 feet to a point of curvature; Thence easterly 46.24 feet along the arc of a 190.50 foot radius curve to the left (center bears North 00°01'32" West) through a central angle of 13°54'23" to a point of tangency; Thence North 76°04'05" East 161.41 feet to a point of curvature; Thence southeasterly 170.26 feet along the arc of a 225.00 foot radius curve to the right (center bears South 13°55'55" East) through a central angle of 43°21'22" to a point of tangency; Thence South 60°34'33" East 63.18 feet to a point of curvature; Thence easterly 106.07 feet along the arc of a 375.00 foot radius curve to the left (center bears North 29°25'27" East) through a central angle of 16°12'25" to a point of tangency; Thence South 76°46'58" East 48.93 feet to a point of curvature; Thence southeasterly 55.65 feet along the arc of a 175.00 foot radius curve to the right (center bears South 13°13'02" West) through a central angle of 18°13'09" to a point of tangency; Thence South 58°33'48" East 230.24 feet to a point of curvature; Thence southeasterly 78.15 feet along the arc of a 475.00 foot radius curve to the left (center bears North 31°26'12" East) through a central angle of 09°25'38" to a point of tangency; Thence South 67°59'26" East 92.24 feet to a point on the westerly line of said Weilenmann parcel; Thence continuing South 67°59'26" East 67.15 feet to a point of curvature; Thence southeasterly 123.11 feet along the arc of a 1025.00 foot radius curve to the right (center bears South 22°00'35" West) through a central angle of 06°52'54" to a point of tangency; Thence South 61°06'32" East 389.74 feet to a point of curvature; Thence southeasterly 111.43 feet along the arc of a 975.00 foot radius curve to the left (center bears North 28°53'29" East) through a central angle of 06°32'54" to the common boundary line of said Weilenmann parcel and the Deer Pointe, L.L.C. parcel a.k.a. "Land Der Berg parcel"; Thence continuing southeasterly 68.15 feet along the arc of a 975.00 foot radius curve to the left (center bears North 22°20'34" East) through a central angle of 04°00'17" to a point of tangency; Thence South 71°39'43" East 151.75 feet to the easterly boundary of said Deer Pointe L.L.C. parcel; Thence continuing South 71°39'43" East 127.91 feet to a point on the westerly boundary of Amended Plat, Deer Crest Estates Phase II, recorded as Entry 220132, in Book 446, at Pages 138-217 of the Wasatch County Records; Thence South 12°29'17" West 50.25 feet coincident with said westerly subdivision boundary to the point of beginning.

TOGETHER WITH: those portions of Deer Hollow Drive, also sometimes referred to as "Deer Hollow Road", as shown on the DCE Phase II Plat, the DHV Plat, and the Deer Crest Village 2 subdivision plat, recorded as Entry No. 248308, in Book 575, at Page 410 of the Wasatch County Records.

**Deer Hollow Village Project
Parcel No. 00-0021-1977
Applicant's Conditional Use Permit Submittal
Phases I, II, and III
Public Hearing Review Comments
(Part 1 of 2)**

Dear Rebecca Ward, Lillian Lederer & Park City Planning Commission-

Thank you Lillian for your prior comments and direction regarding Deer Hollow Village Project public review process which are most appreciated. As you suggested, I reached out to Bill Fiveash with East West Partners with the attached email and (4) Attachments on October 8th and follow-up on October 25th without a reply. I've attached these items here because it provides a general overview and background involving my Parcel No. 00-0020-2050 - BLM Lot 27 Parcel/Project in the preliminary planning phase adjacent Deer Hollow Village and Snowtop Neighborhood. The link you provided on October 11th was very helpful to view Project details together with Work Session items scheduled for October 27, 2021. After reviewing these materials, please accept this email together with overview materials sent to Bill Fiveash as my Public Review Comments for the record. Or please indicate if other methods or means are required in this process.

I respectfully request Park City Planning Department and Planning Commission consideration for the following Deer Hollow Village Public Hearing Review Comments:

1. To encourage and support the opportunity to design, interface and coordinate a funicular railway connection by others to traverse in both directions between the Deer Hollow Village base area to/from the Snowtop Neighborhood area. For example, there are various alignment options to allow a logical and safe means consistent with Building No. 4 designs and Pedestrian Bridge roadway overpass to access Deer Valley Resort Mountaineer Express Ski Lift and terrain. This would also be consistent with other similar funicular systems and connections approved and built within the Deer Crest Community, would enhance other properties in the Community with ski-in ski-out convenience, and would reduce impacts of additional vehicle emissions, transportation and parking needs by such users of this quiet, safe and efficient funicular system alternative.
2. To encourage and support numerous and sizeable plant materials vegetation together with rock retaining materials to screen areas along uphill retaining walls, outdoor parking areas, and other service and utility Project support areas. These materials are desirable and helpful to assist in screening such areas particularly when viewed from adjoining properties located uphill in the Snowtop Neighborhood area together with vehicle and pedestrian travel along roadways.

Thank you for the opportunity to submit these Review Comments and for keeping me updated in this Public Hearing process.

Respectfully Submitted,
Gary Heintz
Royal Oaks, LLC
Owner of Parcel 00-0020-2050

(Email Reference with (4) Attachments sent to Bill Fiveash on October 8, 2021)

Deer Crest - BLM Lot 27 & Deer Hollow Village Projects

Dear Bill Fiveash-

As an introduction, my name is Gary Heintz and owner of a (0.58 acre) Parcel No. 00-0020-2050 (BLM Lot 27) located adjacent Snowtop Neighborhood and your Deer Hollow Village Project in Deer Crest. I was provided your name and contact information from Lillian Lederer with Park City Planning Department as a result of a Public Hearing Notice Card I recently received in the mail involving your Project. I'm a Landscape Architect - Development Planner and have been directly involved in many prominent Salt Lake, Park City and Wasatch area resort developments and master plans since 1978 upon receiving my first career position in PC after college. See Exterior Design Coalition website link below with attached Resume for additional information.

BLM Lot 27

As a general background of BLM Lot 27, I initiated and orchestrated 2 complex BLM Land Exchanges involving the transfer of (2,653.98 acres) of former Client's Offered Mining Claim Properties located in Utah's West Desert and received (344.4 acres) of Selected Lands from the BLM in this process. Of this acreage, transferred (216.0 acres) into the Tuhaye Project which I was part of the original development planning group that created the venture prior to Talisker acquisition. In addition, sold a (13.02 acre) Parcel to Deer Valley Resort located at the top of Bald Mountain within the ski area, and retained BLM Lot 27.

See attached BLM Letter dated January 11, 2007 with Attachments which explains the 'Origin of Government Lot 27'. The exchange process resulted in receiving a US Land Patent for this property with old road cuts and mining claim activity still visible as shown in Project Overview Photos and Plats. My current focus involves pursuing what is needed with Deer Crest Master Association, Wasatch County, Park City and other government agencies for Lot entitlements and development plan approvals. I envision an 'Executive Retreat' type development for this desirable site location similar to one of my other Projects titled 'Dreamscape Villa', the 'SKI Dream Home' property in Deer Crest, and others in the Park City - Deer Valley area. See 'Project Examples' website links below.

The Hilltrac-Skytrac Options attachment were originally introduced a few years ago by Paul Burningham formerly with Spectrum Development who built most homes located in the Snowtop Neighborhood. Paul approached me with these plans to see if I would be interested to participate together with other property owners in the Snowtop area. There appears to be significant interest, benefits and property enhancements with Snowtop area owners including my property to provide convenient funicular transportation to access Deer Valley Resort ski terrain and lifts.

I've spent considerable time and site visits with Don Taylor (former Deer Crest Master Association GM recently retired, replaced by Tanner Blackburn) who highly recommended that I consult with the new owners of Deer Hollow Village Project in order to explore potential design options at this location near the base of Mountaineer Express Lift. Don indicated the Association would likely support a funicular connection to the Snowtop area because it would be consistent with others approved in the Deer Crest Community. Please understand these are preliminary conceptual ideas and would welcome your comments and direction in the design process.

Deer Valley Resort & Deer Hollow Village Project

Jerry Perrine and I collaborated with Jack Johnson Company in 1978-80 involving Deer Valley Resort design process which opened in 1981-82 winter season. Our offices were next door to each other at that time in the Mt. Air Mall Building. Brad Johnson became partners with Jack in 1978 as Brad and I graduated together from Utah State University Landscape Architecture program that year. I've had summer and winter seasonal positions at Deer Valley Resort and volunteer with DV Freestyle International World Cup Mogul Crew. Before the Alterra Mountain Company acquisition, I worked directly with Bob Wheaton, Kim McClelland, Kim Mayhew and other senior staff involving my 'Silverlake Village Project' located adjacent both Solitude and Brighton Resorts. Was also involved with the Deer Crest Community in the early years which has an interesting and dynamic history as Deer Hollow Village is well positioned in a prime location. I'm very interested to learn more about your Project and participate in its development if an opportunity becomes available as East West Partners commands an impressive Portfolio and Credentials. Also visit: <http://Silverlake-Village.com> Project referenced above.

I look forward to meeting with you on a site visit, your office or by phone to discuss these Projects in further detail. Thank you for your time to review these materials and please inquire with any comments or questions.

Respectfully,
Gary Heintz
Royal Oaks, LLC
<http://ExteriorDesignCoalition.com>

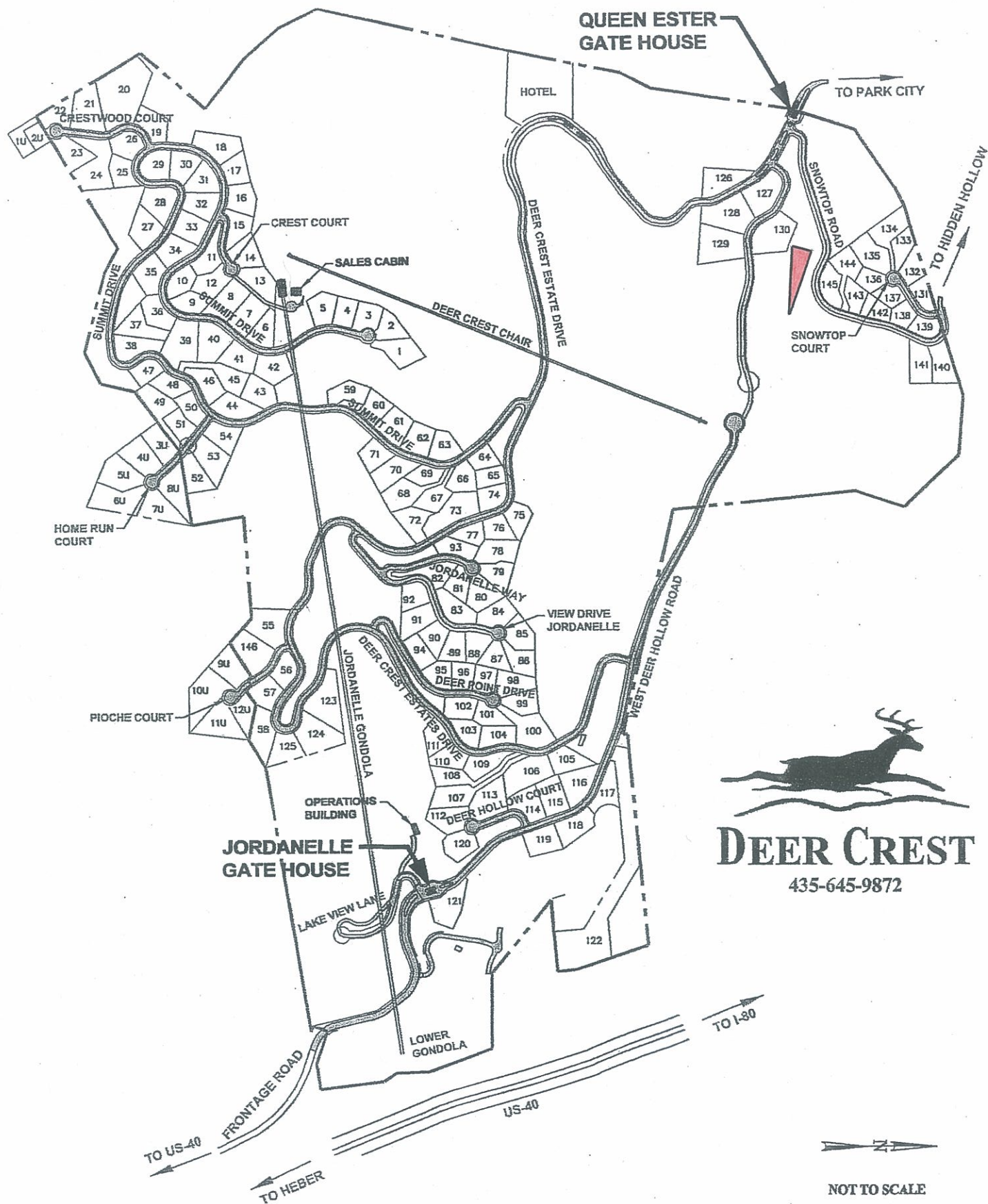
Deer Crest Project

Parcel No. 00-0020-2050

Lot 27 (0.58 acres)

Park City, Utah

Gary R. Heintz
1938 East Garfield Avenue
Salt Lake City, Utah 84108
garyheintz@hotmail.com
(801) 467-4272









DEER CREST

Mountain Living At Its Very Best
In The Heart Of Deer Valley

MASTER PLAN

(Revised July 1, 1997)

PREPARED BY:



PREPARED FOR:

DEER CREST ASSOCIATES I, L.C.
LCC PROPERTIES GROUP, L.C.
166 HEBER AVE. SUITE 308
P.O. BOX 8885
PARK CITY, UT 84060
(800) 455-9822

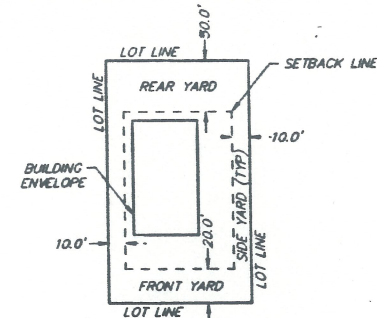


DEER CREST IS A DEVELOPMENT OF DEER CREST ASSOCIATES I, L.C. OF WHICH LCC PROPERTIES GROUP, L.C. IS ITS MANAGING MEMBER. THE INFORMATION PRESENTED HERE IS SUBJECT TO CHANGE AND REFINEMENT BY THE DEVELOPER FROM TIME TO TIME AND IS SUBJECT TO REVISIONS AND APPROVAL BY WASATCH COUNTY AND PARK CITY MUNICIPAL CORPORATION. THE INFORMATION IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THIS PLAN SHALL NOT CREATE AN OBLIGATION TO CONSTRUCT THE CONCEPTS SHOWN.

Deer Valley Resort

Connection from Little Stick Ski Trail

Connection from Roamer and Kimberly Ski Trails



TYPICAL LOT
BUILDING SETBACK LINES
NOT TO SCALE

Note: this is a three (3) sheet package, information depicted on any one sheet shall apply to all sheets and lots.

DEER CREST ASSOC. I

WEST 1/4 COR. SEC. 14,
T.2S., R.4E., S.L.B.&M.
FND IRON PIPE

TRANS-WASATCH CO.

SEE SHEET 3

LOT 131

LOT 132

LOT 133

LOT 134

LOT 135

LOT 136

LOT 137

LOT 138

LOT 139

LOT 140

LOT 141

LOT 142

LOT 143

LOT 144

LOT 145

LOT 146

LOT 147

LOT 148

LOT 149

LOT 150

LEGEND

- SKI RUNS
- SKI TRAILS
- MINE WORKINGS
- MINE WORKINGS (ADIT)
- COUNTY MONUMENT - FOUND IRON PIPE w/CAP (OR AS NOTED)
- MINING CLAIM CORNER - FOUND IRON PIPE w/CAP (OR AS NOTED)
- CONC MONUMENT w/3" CAP, L.S. 147581 (SET OR TO BE SET)
- STANDARD STREET MONUMENT, (TO BE SET)
- BOUNDARY CORNERS - 5/8" IRON PIPE w/CAP
- NOTE - ALL OTHER PROPERTY CORNERS AND LOT CORNERS SHALL BE 5/8" IRON PIPE w/CAP (UNLESS OTHERWISE NOTED)
- ALL ROADWAY CENTERLINE CURVES AND BEARINGS ARE RADIAL OR TANGENT UNLESS OTHERWISE NOTED.
- WHEN NO BEARING IS SPECIFIED FOR A BUILDING ENVELOPE THE LINE HAS THE SAME BEARING AS THE ADJACENT PARALLEL LOT LINE

OPEN SPACE 1
344,303 SQ.FT.
7.90 ACRES

OPEN SPACE 2
808,677 SQ.FT.
18.56 ACRES

SNOWTOP SUBDIVISION
AT DEER CREST
LOCATED IN THE WEST HALF OF SECTION 14
AND THE EAST HALF OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
WASATCH COUNTY, UTAH
SHEET 2 OF 3

BUREAU OF
LAND MANAGEMENT

MINE TUNNEL
020414HC1

DEER CREST ASSOC. I

DEER HOLLOW
ROAD

SUMMIT COUNTY
WASATCH COUNTY

UTAH SCHOOL AND INSTITUTIONAL
TRUST LANDS ADMINISTRATION

DEER CREST
ESTATES DRIVE

RECORDED Book 408
N. 20973 DATE 12-23-98 TIME 14:35
STATE OF UTAH
COUNTY OF WASATCH FNS 84.00 2016 305
RECORDED AND FILED AT THE REQUEST OF:
DEER CREST ASSOCIATES F LC
ELIZABETH M. PARRELL
COUNTY RECORDER

THE JACK
JOHNSON
COMPANY
1777 Sun Peak Drive • Park City, Utah 84098
(801) 645-9000 • fax (801) 948-1820
SNOWTOP SUB AT DEER CREST



442-AF

N13 82

0.75 ACRE
BLDG. ENVELOPE
11,130 SQ.FT. BC1

$\Delta=43^{\circ}44'18''$
 $R=150.00'$ $L=114.51'$

56319'54"E
ROLLED CONC. CURB
GUARDRAIL

OPEN SPACE 2
808,677 SQ.FT.
18.56 ACRES

$\Delta=100^{\circ}22'17''$
 $R=193.00'$ $L=338.10'$

RETAINING WALL

BUREAU OF
LAND MANAGEMENT

MINE TUNNEL
020414 HC1

1" = 30'

Resume of Professional Experience

Gary R. Heintz

1938 East Garfield Avenue
Salt Lake City, Utah 84108
Gary@ExteriorDesignCoalition.com
GaryHeintz@hotmail.com
(801) 467- 4272

OVERVIEW

Land Planner and Project Manager offering over (38) years of skills and experience in landscape architecture, land planning, architecture, civil engineering, regulatory administration, construction, real estate development, and project management. This multi-disciplinary knowledge enhances valuable skills with the ability to coordinate creative solutions through a complex range of government regulations, special interests, and project demands. Project implementation capability includes real estate transactions and funding methods, ability to negotiate business elements, and to secure necessary approvals, permits and entitlements. Diverse interrelated design-build expertise provides a comprehensive, effective and efficient approach to project coordination, implementation and management.

PROFESSIONAL EXPERIENCE

Land Planner and Project Management Consultant

Salt Lake City, Utah (1993 to Present)

Responsibilities include: Prepare project architectural, landscape architectural, land planning and development solutions for private and public sector clients. Coordinate and facilitate project development activities including property acquisitions, land trades, negotiations and bids, consultant and contractor selections, project planning and management. Interface all phases of the project with clients, professional support services, funding resources, material suppliers, construction activities, inspectors and regulatory agencies. For additional information visit (www.ExteriorDesignCoalition.com)

Salt Lake City Corporation - Planning Division

Salt Lake City, Utah (1980 - 1993)

Responsibilities included: Served as East Bench Community Planner responsible for direct participation with the Mayor, City Council, Planning Commission, Board of Adjustment, Historic Landmark Committee, various advisory groups, and the general public on all community planning and development issues. Performed complex planning and development activities including property annexations, rezoning petitions, conditional use requests, subdivisions, trails and open spaces, preparation of master plans, planning and zoning administration. Coordinated and negotiated planning, environmental and development solutions with citizen groups, officials from the City, Counties, other Municipalities, Regional Planning Agencies, the State of Utah, and the Federal Government ranging from urban to Wasatch Canyon proposals and issues.

Eckhoff, Watson and Preator Engineering - now Stantec Consulting

Salt Lake City, Utah (1979 - 1980)

Responsibilities included: Performed and coordinated project engineering functions, site analysis, plat and survey data, geotechnical and soils reports, drainage and utility infrastructure design, subdivision and planned unit development plans and details. Consultant to economic development solutions, local community governments for growth management, business trends, land use planning, and administrative policies.

Jerry L. Perrine Associates Landscape Architects

Park City, Utah (1978 - 1979)

Responsibilities included: Prepared comprehensive mixed-use master plans and density studies for mountain communities, villages, golf courses and ski resorts. Project design and development included site analysis, topographical and environmental mapping, mining claims, and geologic review from individual sites to communities. Prepared architectural and landscape architectural designs, bids and construction drawings for residential, commercial, and mixed-use projects.

EDUCATION

- Landscape Architecture and Environmental Planning Bachelor Degree; Business and Real Estate Minor Degree - Utah State University, Logan, Utah (1978)
- Civil Engineering Associate Degree - Michigan Technological University, Houghton, Michigan (1975)

REGISTRATIONS

- Licensed Landscape Architect and Land Planner - State of Utah
- Licensed Real Estate Agent - State of Utah
- American Society of Landscape Architects

REFERENCES

CLIENTS

(1995 to 2006)

Richard S. Johnson Estate (Land Owners)
225 South 200 East, Suite 150
Salt Lake City, Utah 84111

Estate Representatives:

- Robert C. Cummings - Attorney; Swen A. Mortenson - Certified Public Accountant; Kent B. Bateman - Movie Producer; and Koral Robinson - Widow
- Gary R. Heintz - Vice-President and Executive Director of Real Estate Development for Estate Board of Directors

PROJECTS

(2) Bureau of Land Management Land Exchanges

Titles: BLM / Cummings Land Exchange
BLM / Exchange Lands Management Land Exchange

Overview: Initiated and orchestrated (2) complex Land Exchange packages with the BLM.
Client's Offered Lands: (2653.98) acres located at Utah's West Desert.
BLM Selected Lands: (344.44) acres located at Jordanelle and Park City Area.

Jordanelle Development - Tuhaye

Client: Exchange Lands Management Company, LLC (ELM)

Overview: Project Planner-Member-Developer of Client's (216) acre ELM Property (from BLM Exchanges) into a Mixed-Use Development including all entitlements within Tuhaye and Hideout Canyon Resort Communities, Park City.
Approvals: Received Master Plan, Land Use, Density and Zoning approval for (300) ERU's, Residential and Estate Lots, PUD's, Executive Retreat and Spa.

White Pine Canyon Development - The Colony

Client: Mines Ventures Company, Inc.

Overview: Project Planner-Member-Developer of Client's (186) acre Mining Claim Property into (9) Ski-in/Ski-out Estate Lots located in the Colony at White Pine Canyon.
Approvals: Received Master Plan, Land Use, Density and Zoning approval for (9) Estate Lots including all entitlements adjacent to Canyons Resort, Park City.

Silverlake Village PUD Development - Brighton-Solitude

Owner: Rocky Mountain Management Company, LLC (www.Silverlake-Village.com)

Overview: Project Owner, Land Planner and Developer of (2.5) acre Property into a Boutique Multi-Use Resort Development located at Brighton and Solitude Area.
Approvals: Received FCOZ Conditional Use and Density approval for a (5) Lot Single-Family Dwelling PUD Subdivision, Short-Term Rental capability, and Office for Management and Support Services including all entitlements.

Gary R. Heintz

Resume Supplement

Additional Resources

- Resume of Professional Experience
- Exterior Design Coalition (ExteriorDesignCoalition.com)

Project Examples

- Tuhaye Community (TaliskerClub.com)
- The Colony at White Pine Canyon (TheColonyWPC.com)
- Dreamscape Villa Executive Retreat (DreamscapeVilla.com)
- The Lodges at Silverlake Village (Silverlake-Village.com)
- Others

Volunteer every year at the following Community Special Events and Organizations

- Red Butte Garden (University of Utah)
- Utah Arts Festival
- Salt Lake City Arts Council
- Twilight Concert Series
- Living Traditions Festival
- Sundance Film Society
- Utah Blues Society
- Deer Valley Freestyle International World Cup (Mogul Crew)
- Others

**Hilltrac makes inaccessible
terrain, accessible terrain!**

About Us

HillTrac is the culmination of over 100 years of combined design, engineering and construction experience in the outdoor transportation industry. Our vision drew on this experience to provide business and property owner's with convenient and affordable upscale access to all terrain. You can rely on HillTrac with confidence for your trouble-free access solutions.

**HILL
TRAC**

Inclined Transportation Systems

Slope Length = 905'

OPENING ELE
EL 6937.87

Hilltrac Inc.

2061 West 2300 South
Salt Lake City, UT 84117

Phone (801) 972-1699

Fax (801) 972-1899

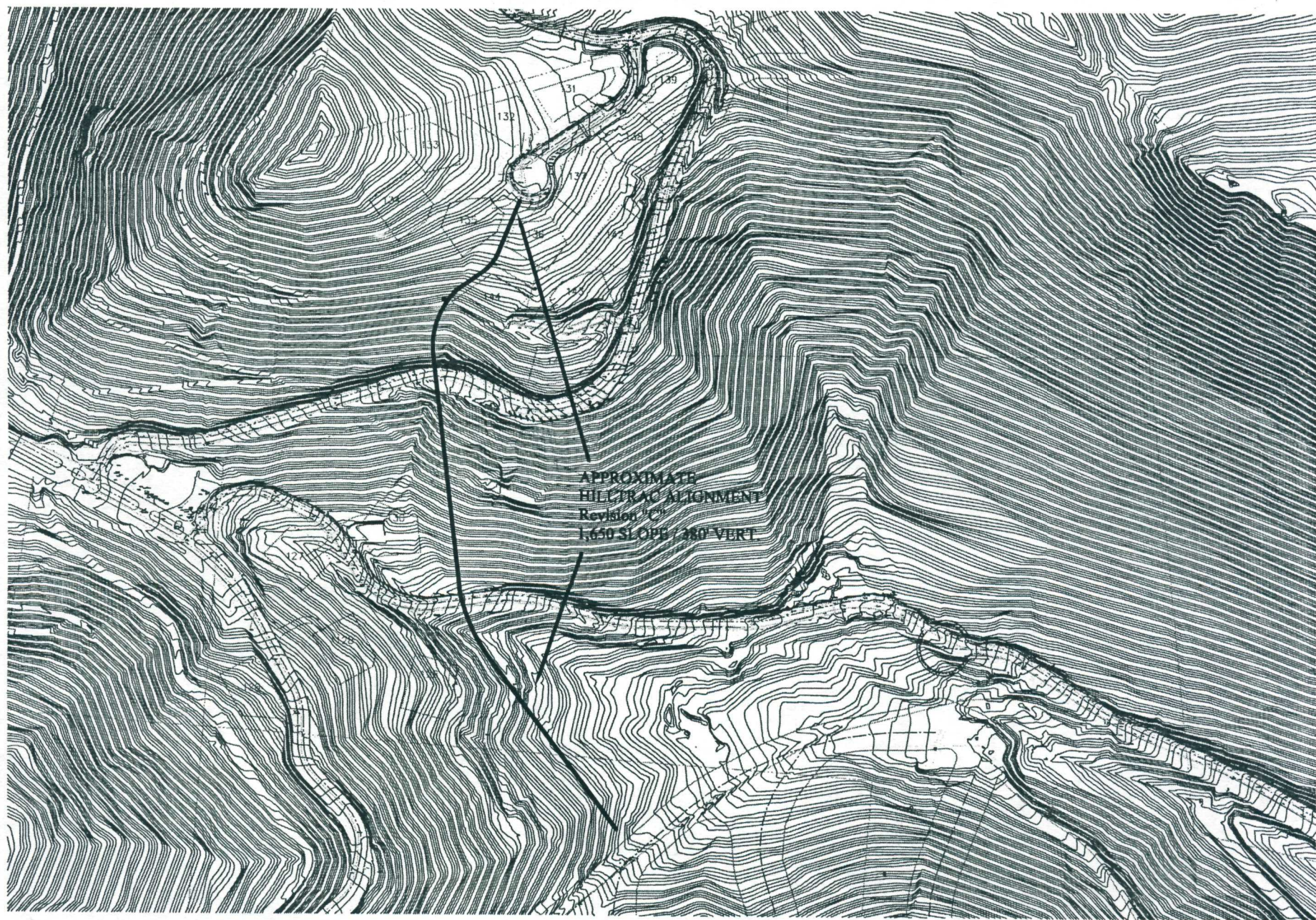
info@hilltrac.com

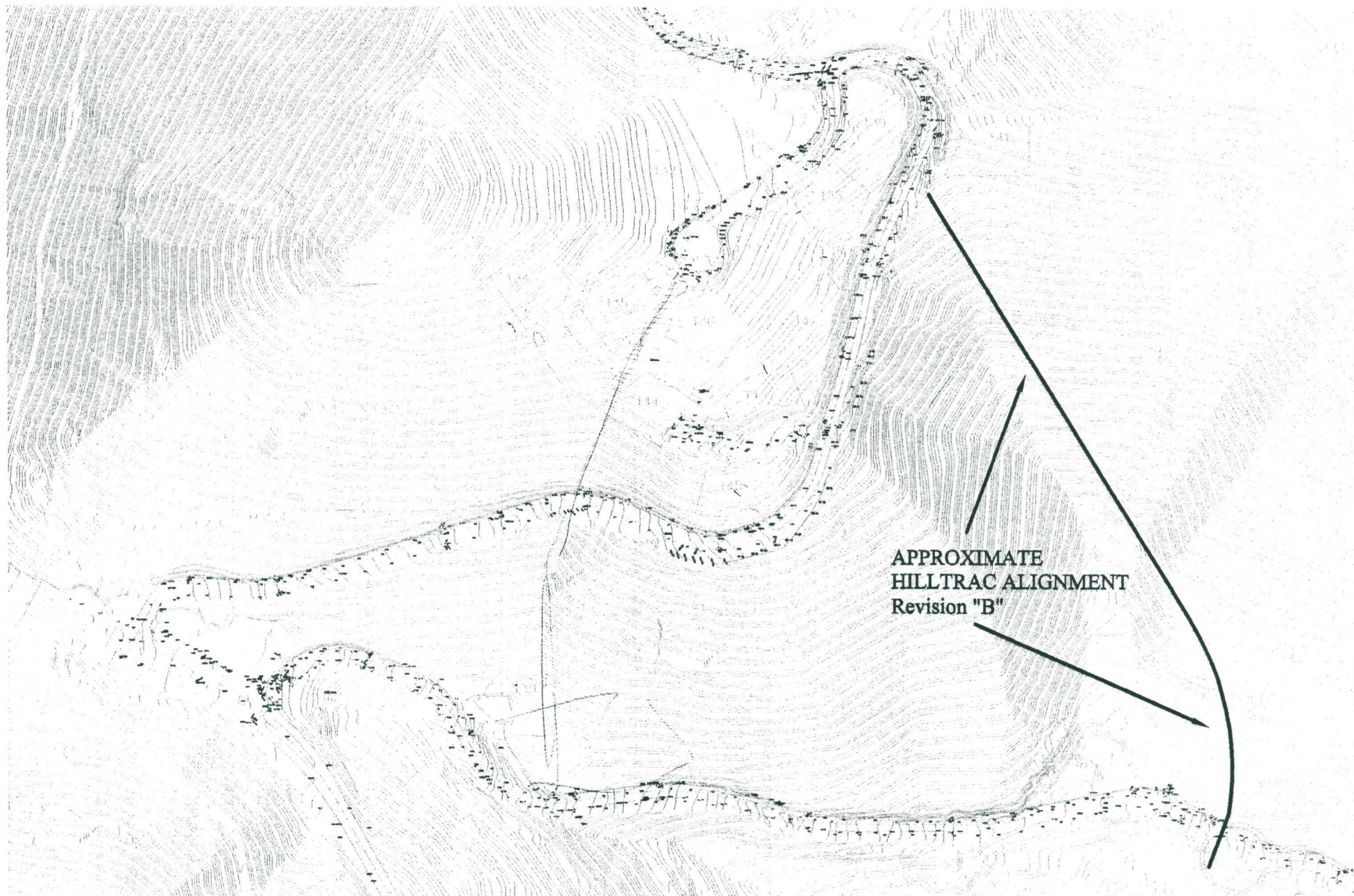
**HILL
TRAC**





1" = 300'





FOUNDER'S PLACE



Park City Land Management Code

Abstract
Title 15-2.21-3 Sensitive Land Overlay Zone
Ordinance Provisions

Alliance Engineering, Inc.
323 Main Street, Park City, UT

Chapter 2.21.3 Sensitive Lands Overlay Zone – Ordinance Provisions

PURPOSE: The purpose of the Sensitive Land overlay (SLO) is to:

- A) Require dedicated open space in aesthetically and environmentally sensitive Areas;
- B) Encourage preservation of large expanses of open space and wildlife habitat;
- C) Cluster development while allowing a reasonable use of property;
- D) Prohibit development on ridge line areas, steep slopes, and wetlands; and
- E) Protect and preserve environmentally sensitive land.

(Amended by Ord. No. 07-81)

OVERLAY REVIEW PROCESS: The overlay review process has four primary steps:

- A) **SENSITIVE LAND ANALYSIS**
 - Applicants for development within the SLO must identify the property's sensitive environmental and aesthetic areas such as steep slopes, ridge line areas, wetlands, stream corridors, wild land interface, and wildlife habitat areas and provide at time of application a sensitive land analysis.
- B) **APPLICATION OF OVERLAY ZONE REGULATIONS**
 - Regulatory standards apply to the type of sensitive land delineated.
- C) **SITE DEVELOPMENT SUITABILITY DETERMINATION**
 - Staff shall review the sensitive land analysis, apply the applicable sensitive land overlay regulations, Section 15-2.21-4 through 15-2.21-9, and shall prepare a report to the applicant and the Planning Commission identifying those areas suitable for development as developable land.
- D) **HARDSHIP RELIEF**
 - If the Applicant demonstrates that the regulations PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Land Overlay Zone (SLO) Regulations 15-2.21-2 would deny all reasonable use of the property, the Planning Commission may modify application of these regulations to provide the applicant reasonable use of the property.

(Amended by Ord. No. 07-81)

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

SENSITIVE LAND ANALYSIS:

1) 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 area of high geologic hazard, areas subject to land sliding, and all significant steep slopes in the following categories: greater than 15%, greater than 30%, and very steep slopes greater than 40%.

2) Ridge Line Area

- A map depicting all crests of hills and ridge line areas.

3) Vegetative Cover

- A detailed map of vegetative cover, depicting the following: deciduous trees, coniferous trees, gamble oak or high shrub and sage, grassland, and agricultural crops.
- The Planning Department may require a more detailed tree/ vegetation survey if the site has unusual or significant vegetation, stand of trees, or woodlands.

4) Designated Entry Corridors and Vantage Points

- Designated entry corridors and vantage points present within or adjacent to the site, including Utah highway-248 east of Wyatt Earp Way and Utah highway-224 north Holiday Ranch.

5) Wetlands

- A map delineating all wetlands established by using the 1987 *Federal Manual for identifying and Delineating Jurisdictional Wetlands*, as amended. **See Section 15-2.21-6.**

6) Stream Corridors, Canals, and Irrigation Ditches.

- A map delineating all stream corridors, canals, and irrigation ditches, defined by the Ordinary High-Water Mark.

7) Wildlife Habitat Areas

- A map depicting all wildlife habitat areas, as defined by the wildlife habitat report shall be provided by the applicant. The wildlife habitat report shall be prepared by a professional, qualified in the areas of ecology, wildlife biology, or other relevant disciplines.

1. Slope & Topographic Map

A slope analysis was performed in order to better understand the parcel's topography where the proposed project would have the least impact as well as water run-off (**Figure 1.1**). Of the total 30.7 acres, 64.5% (20.99 acres) was surveyed for the slope analysis. Over 60% of this area falls below 40% slope where the Founder's Place development is proposed. Any structure or landscaping which intrudes a slope greater than 40% will require significant retaining walls or substantial grading at a minimum of 2:1 (50%) slope. Proposed utility design should seek to remain in areas below 30% when necessary to reduce construction complexity and depth to meet utility slope and clearance requirements. Water retention and bio swales will be required to slow the terrain's run-off and to redirect the flow around proposed structures and daylight to existing streams and channels (**Figure 6.1**). More erosion control will be necessary as well in areas greater than 40%.

FOUNDER'S PLACE SLOPE MAP

Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.00%	15.00%	
2	15.00%	30.00%	
3	30.00%	40.00%	
4	40.00%	100.00%	

ANALYSIS:

AREA= 20.99 ACRES

(0–15%)=22% AREA

(15–30%)=22% AREA

(30–40%)=24% AREA

(40–100%)=32% AREA

Founder's Place
Park City Land Management Code
Title 15 -2.21.3– Sensitive Land Overlay

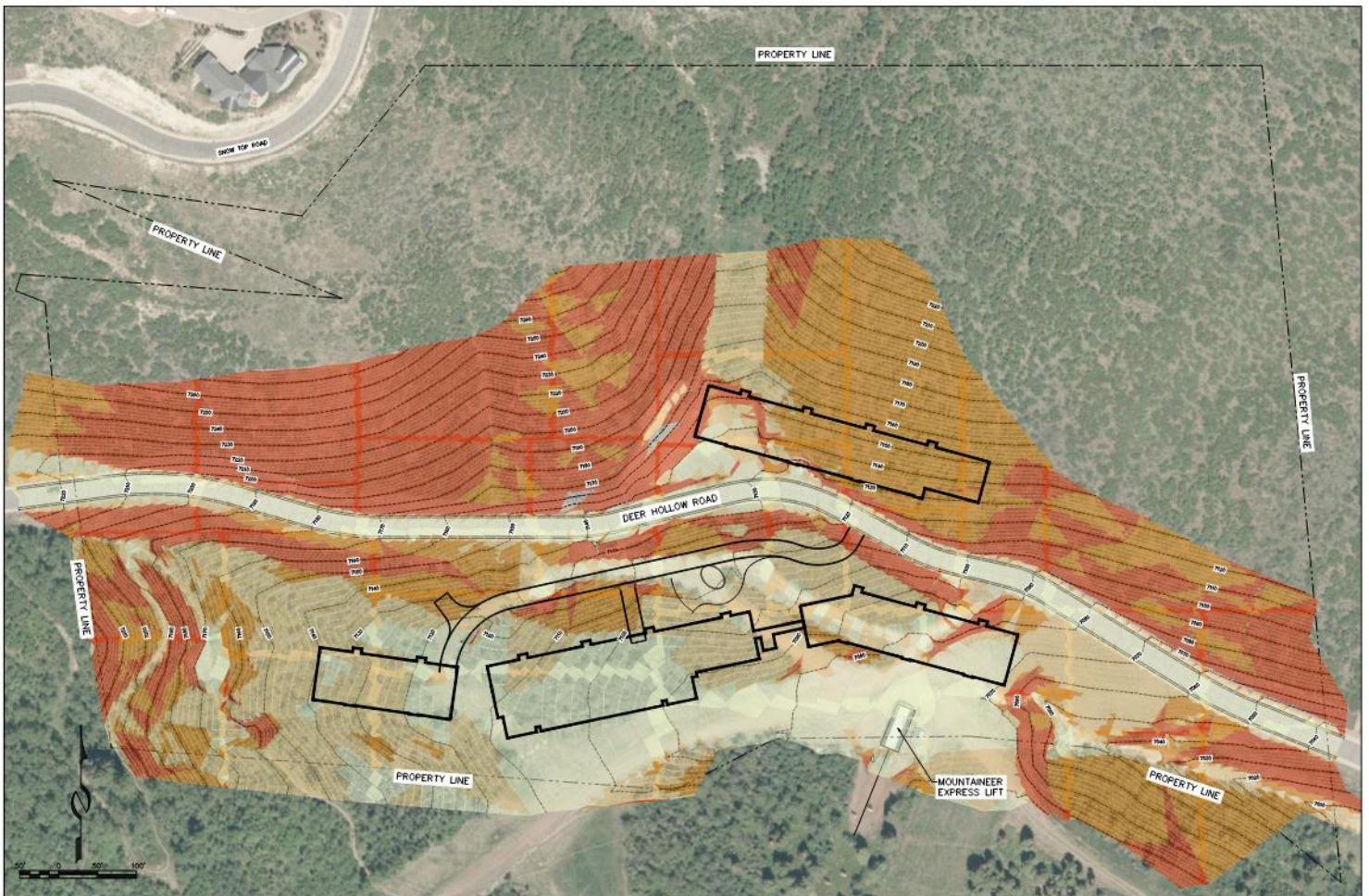


Figure 1.1: Slope analysis of existing topography.

2. Ridgeline Area

A ridgeline study was performed to understand the affects future development will have on the mountainous views of Park City from various vantage points. The development of Founder's Place sits between three mountain peaks and the base of Mountaineer Express ski run at an elevation of 7088'-7182'. Due to its positioning within a valley created from the natural topography, any development will only affect the views of the residents from St. Regis and Snowtop Court looking easterly down Deer Hollow Road and from a narrow vantage point from US-40 looking westerly.

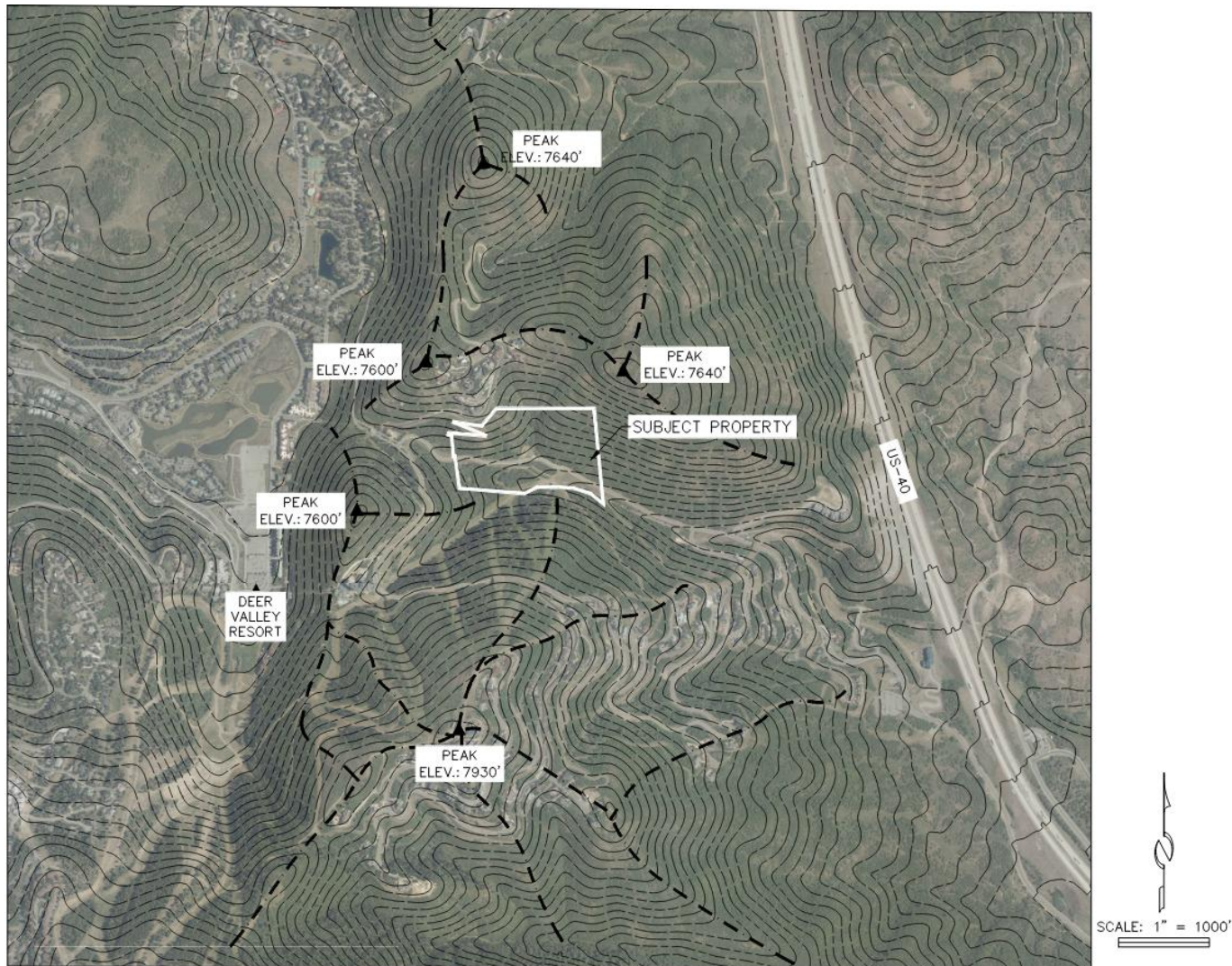


Figure 2.1: Ridgelines immediately adjacent to subject property.

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

3. Vegetative Cover

The Founder's Place property falls within the mountain zone ranging from 6,900 to 9,200 ft in elevation. Expected climate involves cool, humid winters and warm, dry summers. Mean annual precipitation is between 10.4 inches in the winter and 5 inches in the summer. Average annual evapotranspiration is greater than the annual precipitation for 5.5 months of the year. Growing season starts mid-May and ends around the first week of September. Expected vegetation: Big Sagebrush, Aspen, Oak Brush, Spruce-Fir, Mixed Conifer, Lodgepole Pine, Bigtooth Maple, Pinyon-Juniper and other miscellaneous vegetation.

Subject property contains three distinct vegetative characteristics: turf meadows, a mixture of shrub thickets and evergreens. Over half of the property is dominated by dry turf meadows, while the rest is divided in shrub thickets and aspens with a small portion dedicated to evergreens on the south end of the property leading up the Mountaineer Express ski run. Below is a comprehensive list of the plant make-up:

Dry Meadow

Geum rossii
Carex rupestris
Carex scirpoidea
Carex elynoides
Kobresia myosuroides
Deschampsia caespitosa

Common Name

Alpine Avens
 Curly Sedge
 Canadian Single-spike Sedge
 Blackroot Sedge
 Mouse-Tail Bog Sedge
 Tufted Hair Grass

Shrub Thicket

Salix planifolia
Salix glauca
Salix drummondiana
Polygonum bistortoides
Quercus gambelii
Quercus turbinella

Common Name

Diamondleaf Willow
 Gray Willow
 Drummonds Willow
 Western Bistort
 Gamble Oak
 Scrub Oak

Evergreens

Pinus ponderosa
Pseudotsuga menziesii

Common Name

Ponderosa Pine
 Douglas-Fir

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

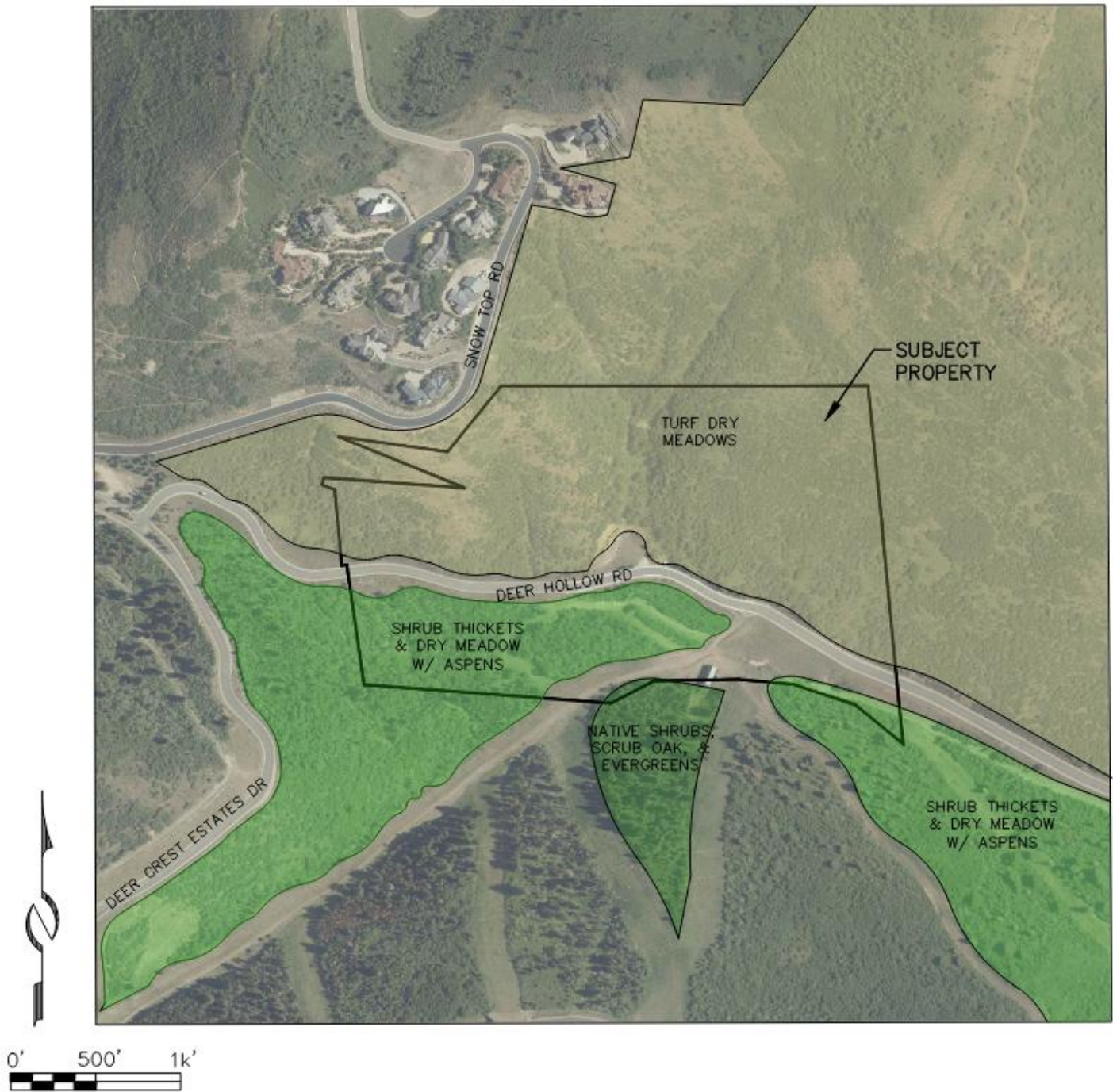


Figure 3.1: Overview of existing vegetation within the Founder's Place development..

4. Designated Entry Corridors & Vantage Points

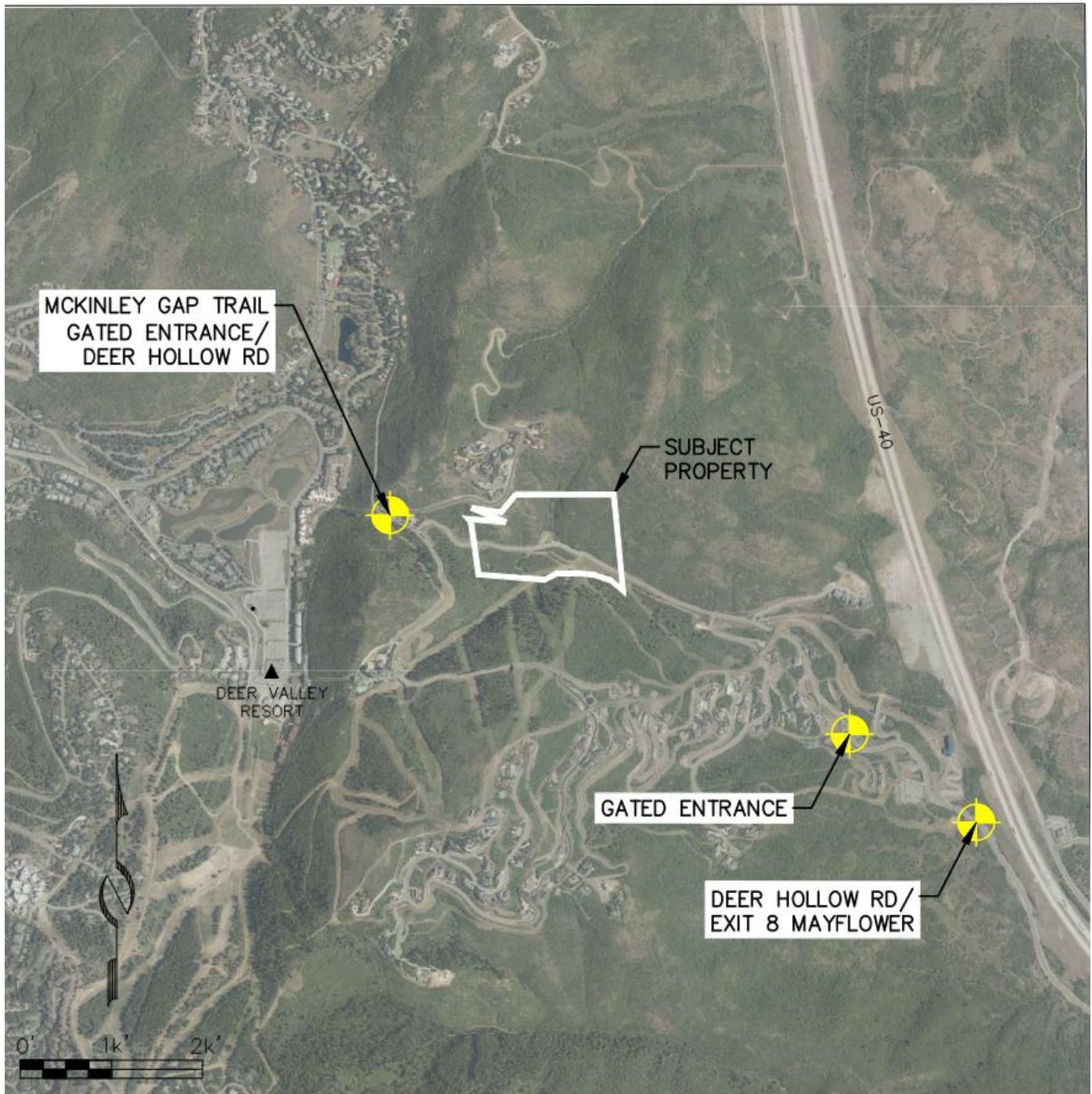


Figure 4.1: Access points to the Founder's Place development.

Vantage Points



Figure 4.2: Vicinity map by East West Partners and Sparano & Mooney Architecture.

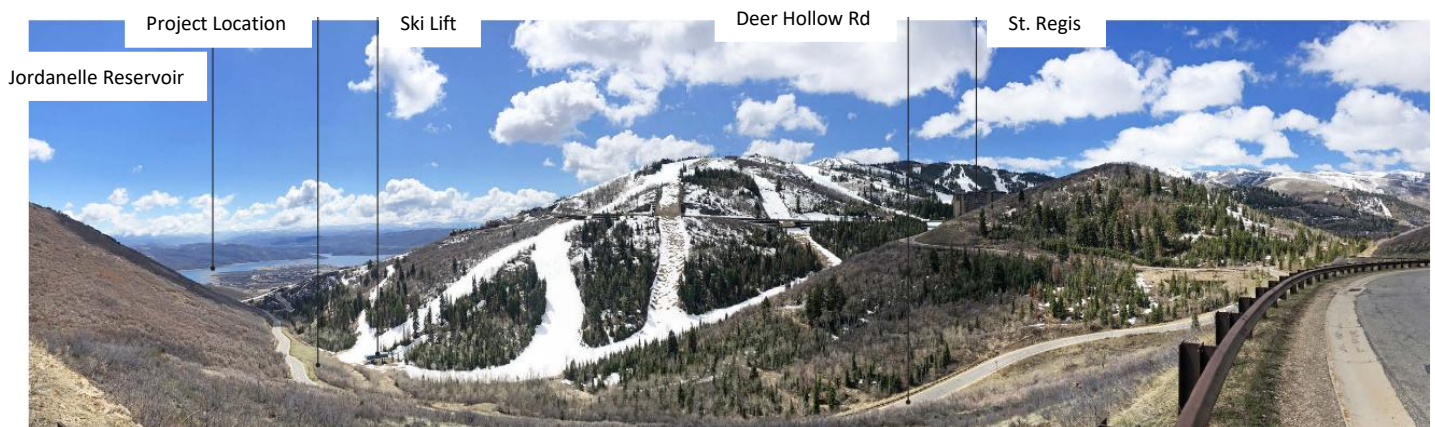


Figure 4.3: Shows panoramic view of Deer Hollow Rd . Photo by Sparano & Mooney Architecture.

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay



Figure 4.4: Mountaineer Express looking southerly. Photo by Sparano & Mooney Architecture.



Figure 4.5: St. Regis looking southwesterly. Photo by Sparano & Mooney Architecture.



Figure 4.6: Deer Hollow Road looking westerly. Photo by Sparano & Mooney Architecture.

5. Wetlands

The Utah Department of Environmental Quality data does not identify any wetlands within the subject property.

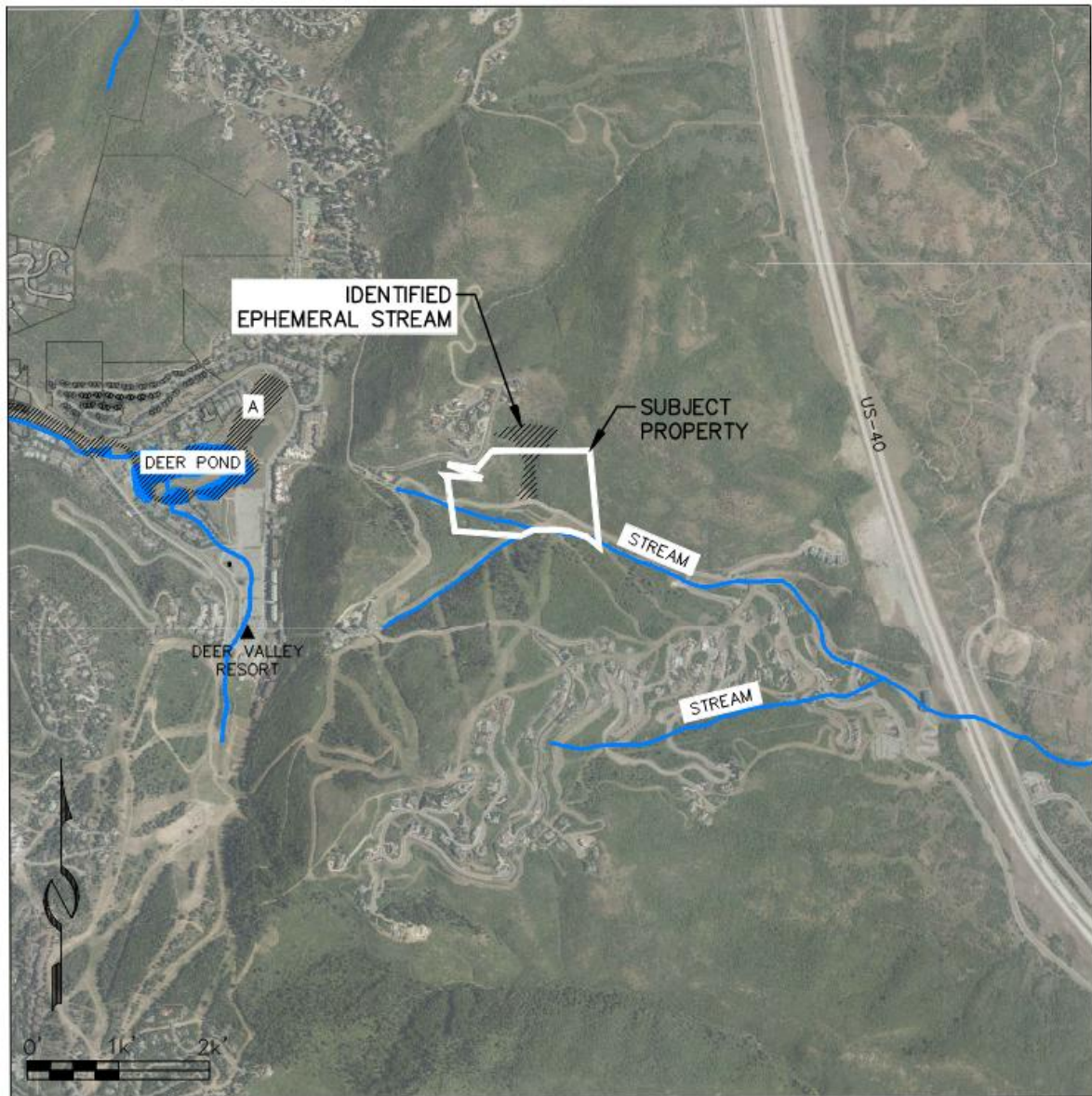


Figure 5.1: Existing wetlands surrounding the Founder's Place development.

6. Stream Corridors, Canals & Ditches

The Utah Department of Environmental Quality data identifies a seasonal stream running through the subject property. This stream is caused by snow and ice melt which drains towards the Jordanelle Reservoir. An important area to notice is an ephemeral stream located on the north side of the property. Clear evidence of erosion and mountain peaks (**Figure 2.1**) shows substantial run-off flowing down to Deer Hollow Road and meeting up with the natural stream (**Figure 6.1**). This site will need to direct or design a storm drain system to move around or through all proposed structures and allow run-off back into existing stream.

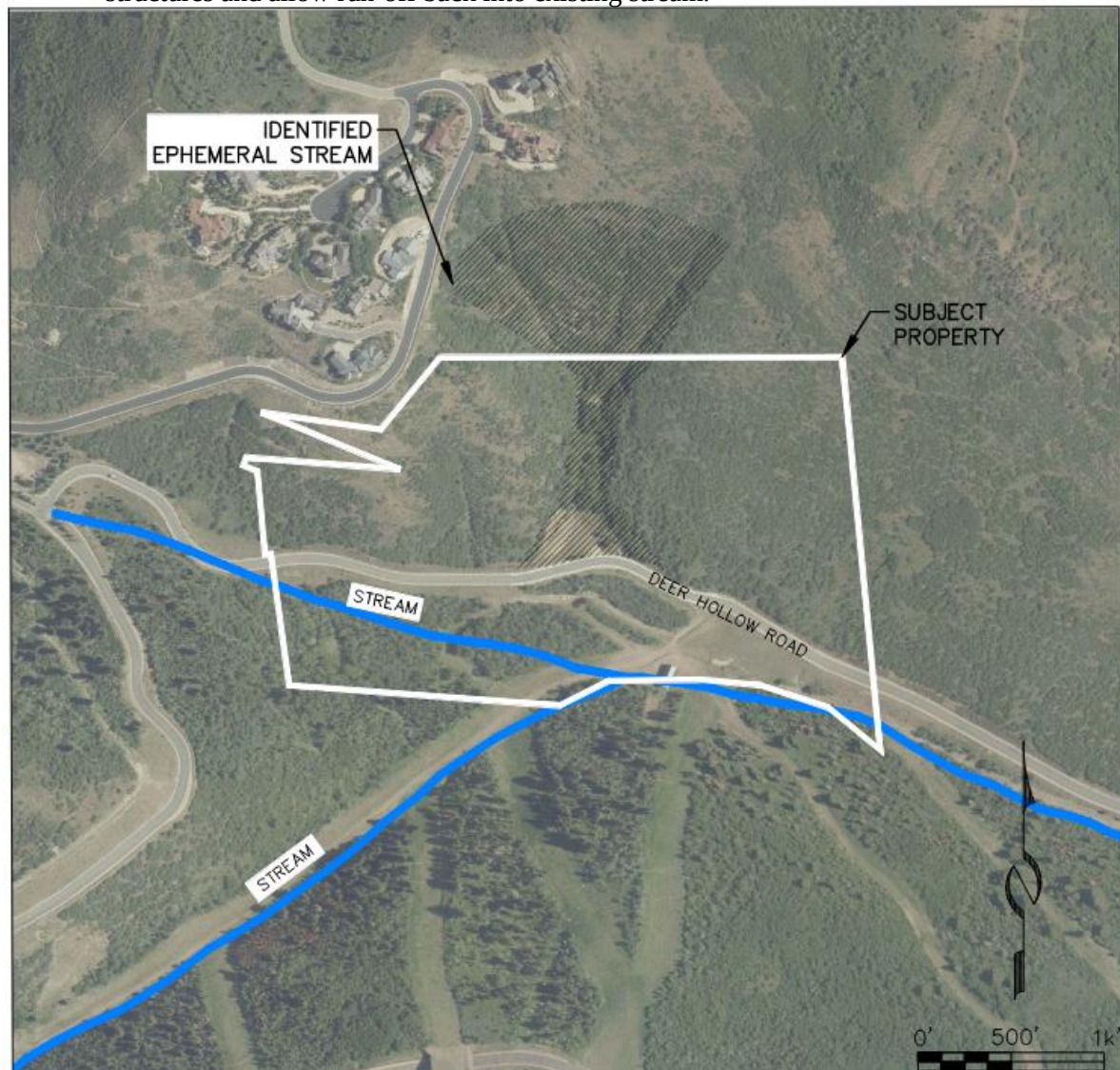


Figure 6.1: Canals, streams and ditches surrounding the Founder's Place development.

7. Wildlife Habitat Areas

Founder's Place is identified as a wildlife habitat by the Utah Department of Natural Resources for the following species: black bear, dusky grouse, moose, mule deer, rocky mountain elk and white-tail jackrabbit. Specified as either **crucial**- the local population depends heavily on the area for survival, as there are no available alternative habitats in the area, or **substantial**- the habitat is used by the species but is not crucial for the population's survival. Each study (**Figures: 1-6**) shows the species' approximate habitat zone using the latest data uploaded by Utah's Division of Wildlife Resources. Data was collected by wildlife biologists using observations, surveys and radio/satellites. Additional endangered species were identified within a two mile radius of the site but do not directly impact subject property: Greater Sage-grouse, Ferruginous Hawk, Western Toad, Bald Eagle, Mountain Marshsnail, Columbia Spotted Frog, Northern Leopard Frog and Lewi's Woodpecker. The following is a table of the wildlife directly impacting subject property:

<u>Species</u>	<u>Habitat</u>
Black Bear	Year-Long Crucial
Dusky Grouse	Year-Long Crucial
Moose	Year-Long Crucial, Calving Habitat
Mule Deer	Summer Crucial
Rocky Mountain Elk	Winter Crucial
White Tail Jackrabbit	Year-Long Crucial

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

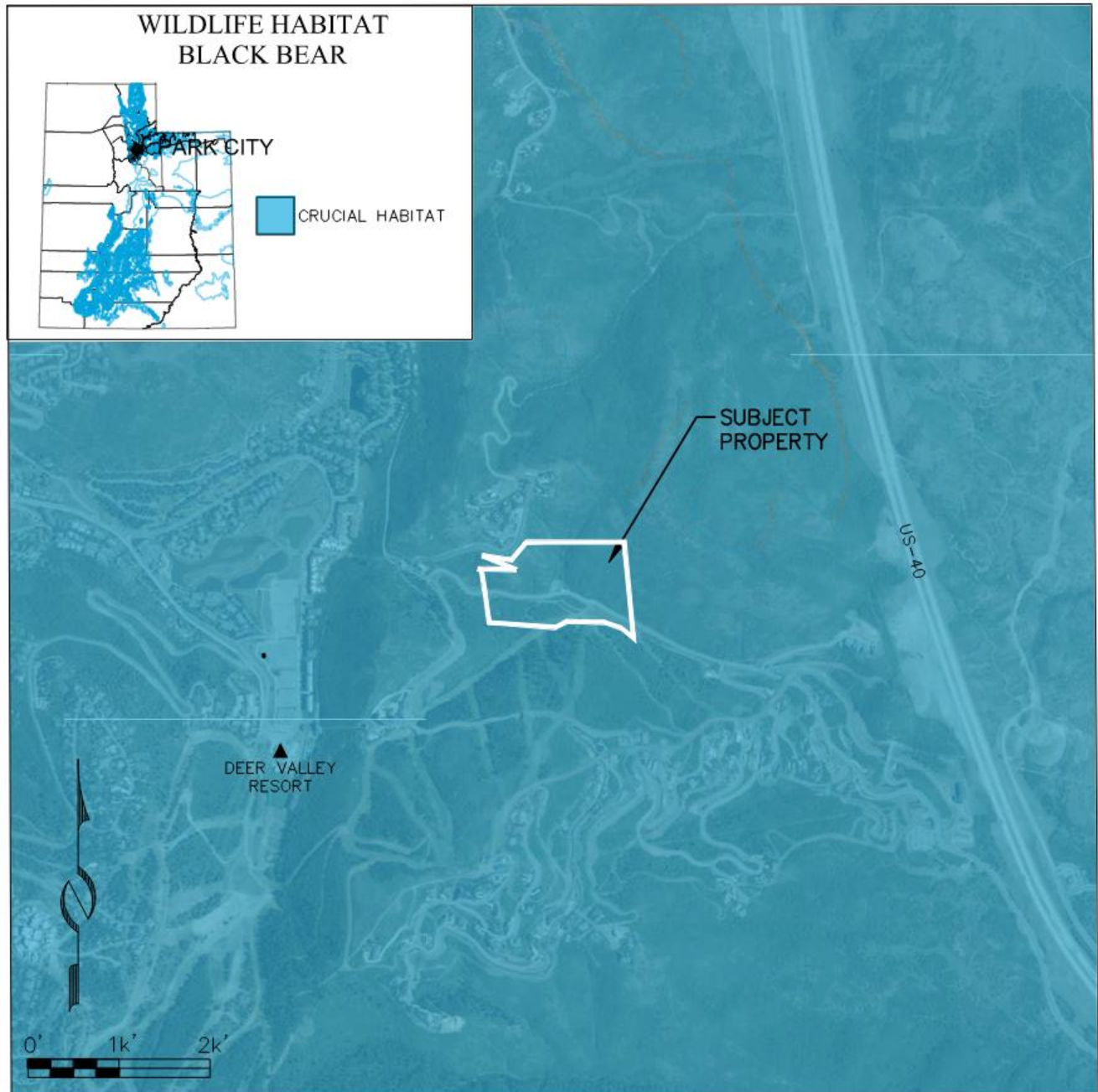


Figure 7.1: Year-long crucial black bear habitat. Data updated: January 13, 2021

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

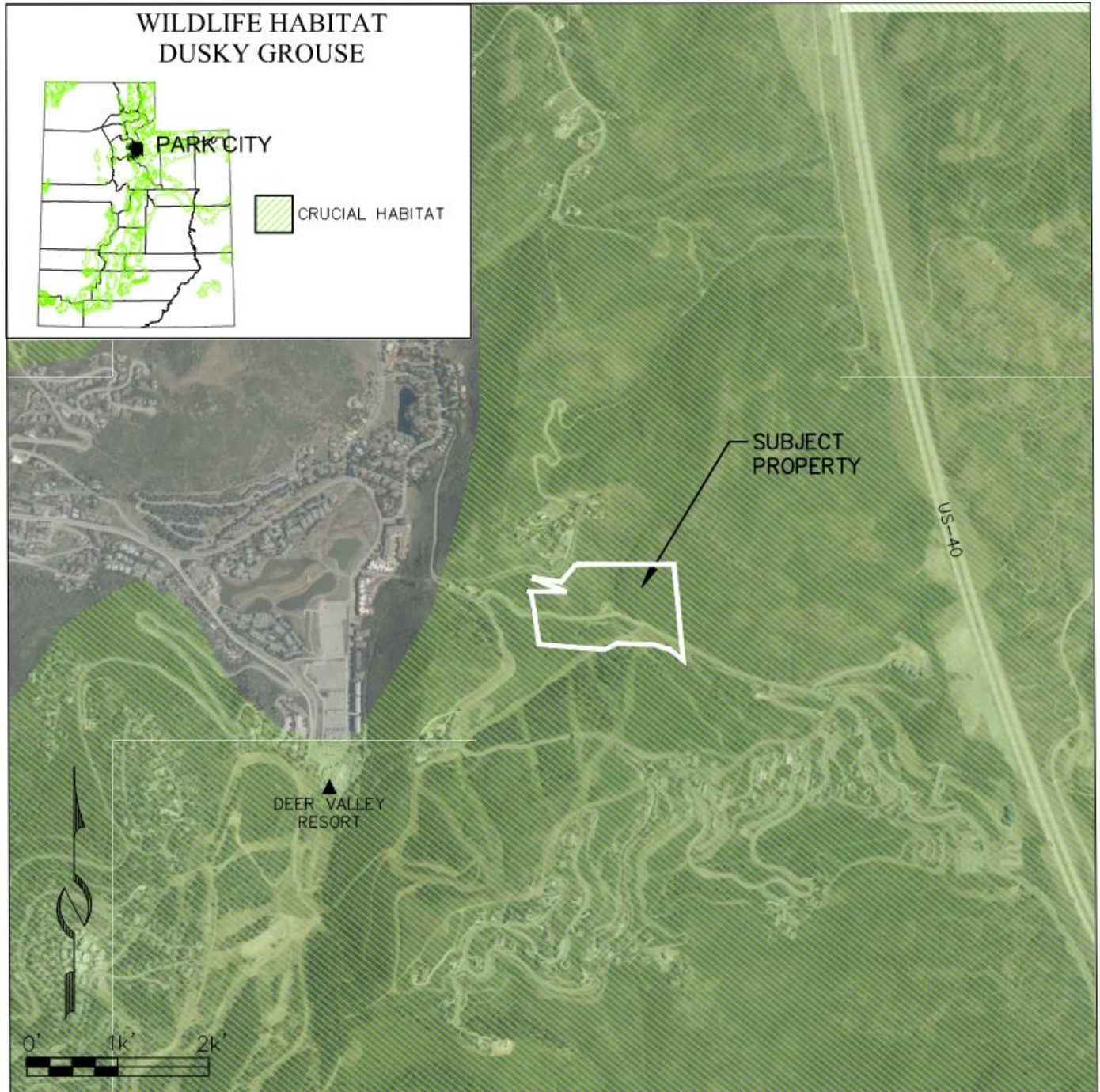


Figure 7.2: Year-long crucial dusky-grouse habitat. Data updated: January 13, 2021

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

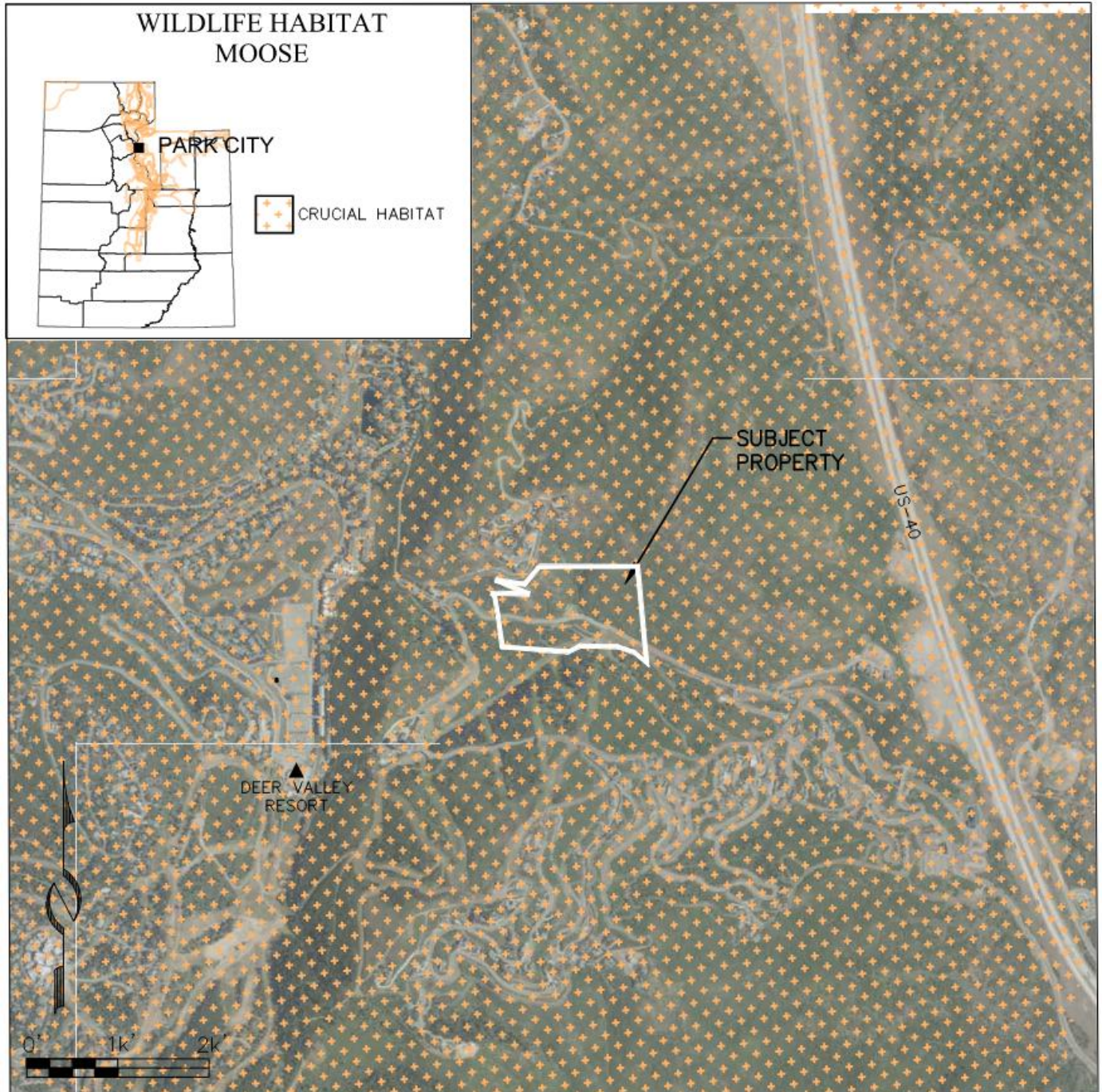


Figure 7.3: Year-long crucial moose habitat. Data updated: January 13, 2021

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

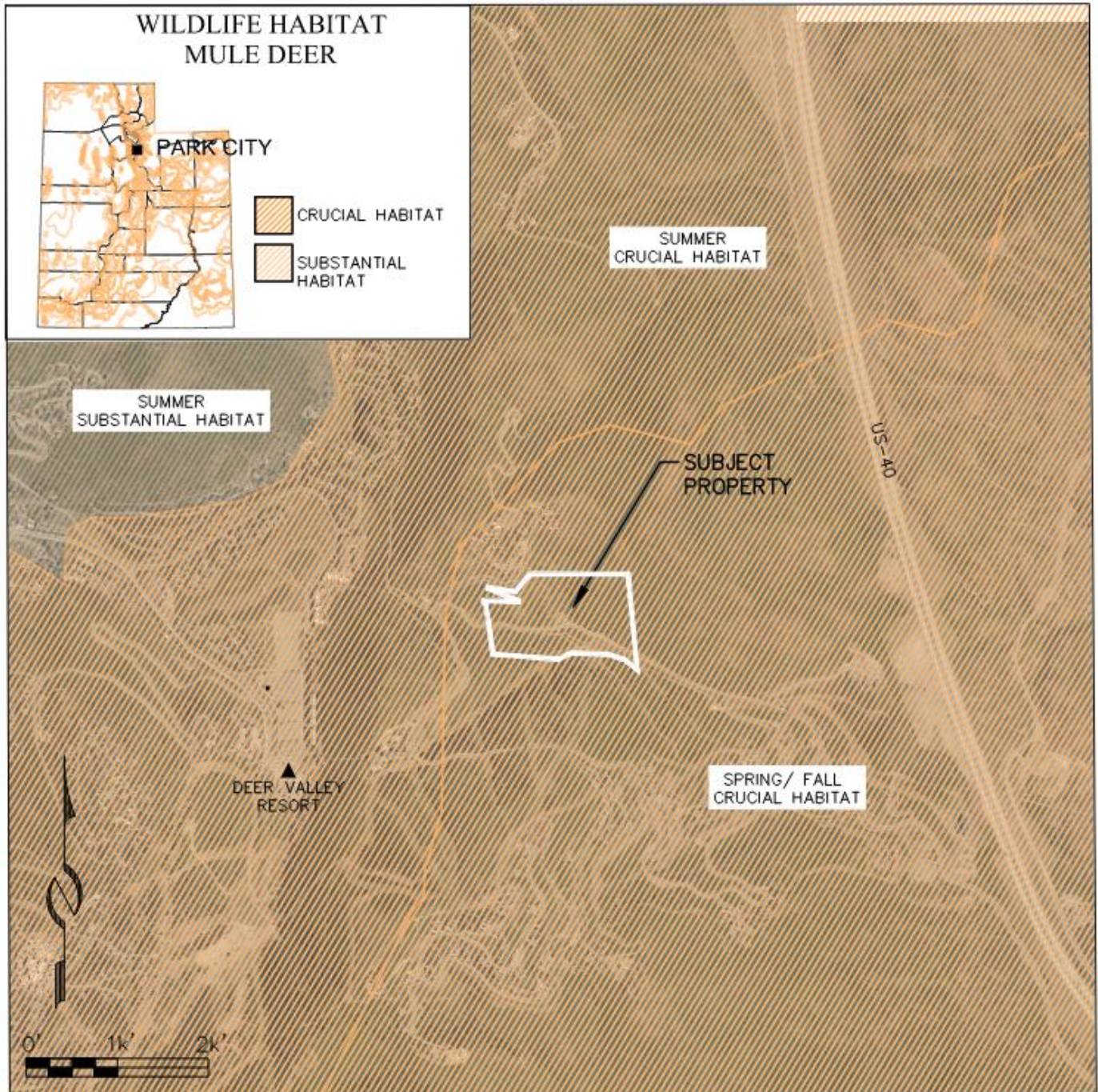


Figure 7.4: Seasonal crucial & substantial mule deer habitat. Data updated: June 14, 2021

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

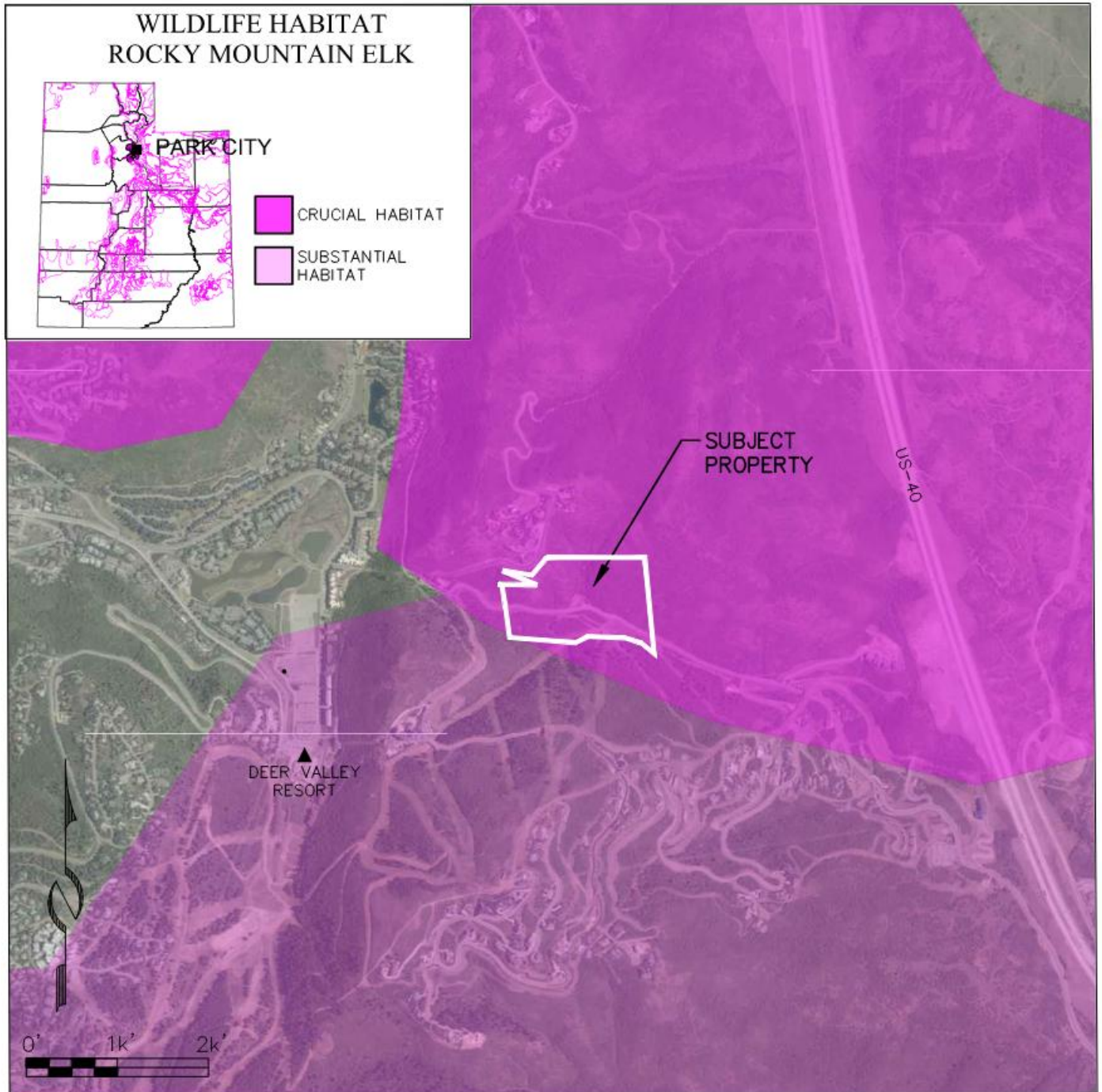


Figure 7.5: Seasonal crucial & substantial elk habitat. Data updated: November 1, 2021

Founder's Place

Park City Land Management Code

Title 15 -2.21.3– Sensitive Land Overlay

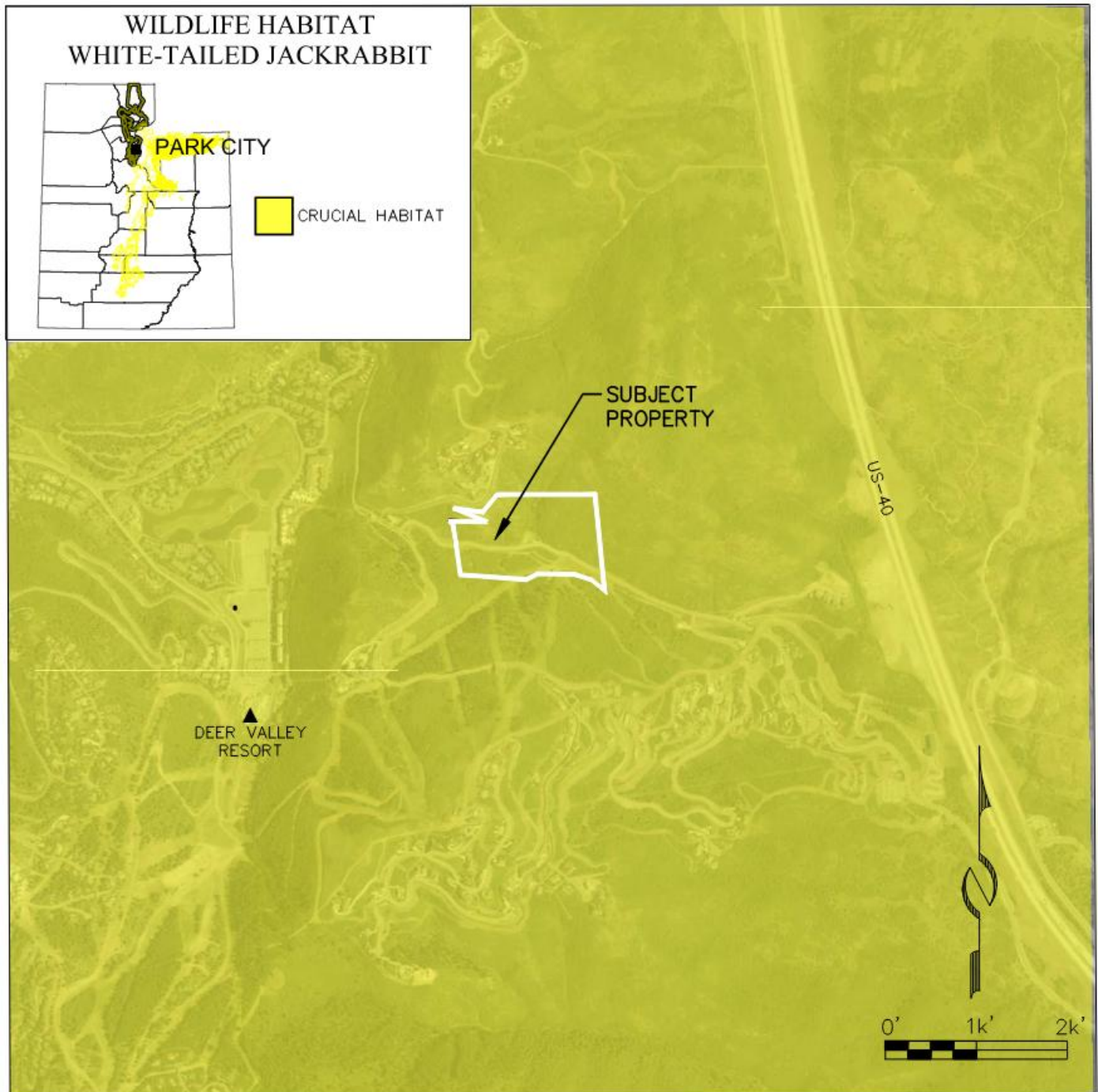


Figure 7.6: Year-long crucial jackrabbit habitat. Data updated: August 27, 2020

Planning Commission Staff Report

Subject: Accessory Apartments
Application: PL-21-05000
Author: Rebecca Ward
Date: November 10, 2021
Type of Item: Legislative – Land management Code Amendment



PLANNING DEPARTMENT

Recommendation

(I) Review the proposed Land Management Code amendments to reduce Accessory Apartment regulations to incentivize development of long-term rentals; (II) conduct a public hearing; and (III) consider forwarding a positive recommendation for City Council's consideration on December 9, 2021, as outlined in the Draft Ordinance No. 2021-XX (Exhibit A).

Description

Applicant: Planning Department

Land Management Code Sections: 15-4-7 *Accessory Apartments*
15-4-7.1 *Internal Accessory Dwelling Units*
15-15-1 *Definitions*

Reason for Review: The Commission has the primary responsibility of reviewing Land Management Code amendments and forwarding a recommendation for City Council's consideration. The City Council conducts a public hearing and takes Final Action.

Summary

Please see the October 27, 2021 Planning Commission [Staff Report](#) for a project summary, and Exhibit B for background information.

Background

The City has considered Accessory Apartments an avenue to address affordable housing needs since 1994 and has carefully crafted land use regulations to ensure Accessory Apartments are appropriately located and integrated into neighborhoods.

Land Management Code [§ 15-4-7](#) currently establishes the following regulations for Accessory Apartments, which are Dwelling Units attached to a Single-Family Dwelling or detached garage that contain cooking, sleeping, and sanitary facilities:¹

- Cannot be less than 400 or more than 1,000 square feet
- Cannot be larger than 1/3 of the square footage of the main home
- Cannot exceed two bedrooms
- Requires one additional parking space per Accessory Apartment bedroom
- No more than four may be located within a 300-foot radius
- Must be rented for more than 30 days

¹ LMC [§ 15-15-1](#).

In 2020, the City hired a consultant to evaluate obstacles to Accessory Apartment construction. On May 6, 2020, Sudbury Consulting LLC submitted an [Accessory Apartment Unit Policy Research Memo](#) (Sudbury Memo; Exhibit C) outlining recommendations on what the City can do to incentivize more Accessory Apartment development. The memo recommends:

- Reducing land use restrictions
- Adopting an administrative approval process for Accessory Apartments
- Analyzing and potentially reduce fees associated with Accessory Apartments
- Partnering with local banks and credit unions to explore the possibility of offering Accessory Apartment financing programs
- Developing and offering user-friendly Accessory Apartment manuals, process materials, workshops, and technical assistance resources to community members interested in Accessory Apartment development

On October 13, 2021, the Planning Commission provided input on proposed Land Management Code amendments, including:

- Removing the requirement that the property owner live on site
- Continuing to prohibit Nightly Rentals (rentals for 30 days or less)
- Increasing the minimum rental period to 90 days
- Removing the proximity cap of four Accessory Apartments within a 300-foot radius
- Allowing detached Accessory Apartments on Lots 3,750 square feet or greater
- Capping maximum height for detached Accessory Apartments to 18 feet
- Requiring that Accessory Apartments comply with limits of disturbances and areas of disturbances established on plats
- Requiring that Accessory Apartments comply with the same Zoning District setbacks outlined for Single-Family Dwellings
- Reducing allowable size from 400 to 280 square feet
- Requiring additional review for Accessory Apartments in Historic Districts
- Potentially allowing affordable Accessory Apartments to be exempt from maximum square footage
- Establishing potential parking reductions for affordable Accessory Apartments if impacts can be mitigated and the unit is located to proximity to transit

([Staff Report](#); [Audio](#)).

The Housing Department hired a consultant to complete a five-year housing assessment, which will provide updated data on housing demands in the spring. Staff will continue to evaluate potential incentives for property owners of affordable Accessory Apartments that record a deed restriction capping rent to 80% Area Median Income or less like exceptions to maximum building footprint and reduced parking and will continue to evaluate the possibility of deed restrictions that prohibit car ownership in lieu of requiring additional parking spaces.

In the October 27, 2021 work session, the Planning Commission requested occupancy information for residential units. According to the Building Department, the International Building Code determines residential occupancy at one per 200 square feet. As a result, under the

current Land Management Code, a 1,000-square-foot Accessory Apartment would have a maximum occupancy of five.

On November 3, 2021, the Historic Preservation Board provided input on Accessory Apartments in the Historic Districts and on Significant and Landmark Historic Sites on the Park City Historic Sites Inventory, including:

- Allowing detached Accessory Apartments on Lots 3,750 square feet or greater in the Historic Districts
- Allowing detached Accessory Apartments on Significant and Landmark Historic Sites if the Accessory Apartment complies with the Historic District Design Guidelines
- Amending the Historic District Design Guidelines to prohibit detached Accessory Apartments in the front, requiring that detached Accessory Apartments be set back behind the Single-Family Dwelling front façade
- Amending the Historic District Design Guidelines to address conversion of a basement garage to an Accessory Apartment
- Requiring that attached the Accessory Apartment entry be on a secondary or tertiary facade
- Considering evaluating deed restrictions that prohibit car ownership in lieu of requiring additional parking spaces
- Evaluating a car share to reduce parking requirements
- Considering staff-level approvals for Accessory Apartments in the HR – 1, HR – 2, and HRL Zoning Districts rather than requiring Planning Commission review and approval for a Conditional Use Permit

([Staff Report](#); [Audio](#))

Staff has started amendments to LMC [Chapter 15-3](#), *Design Guidelines For Historic District And Historic Sites* to address detached Accessory Apartments.

Based on Historic Preservation Board input, staff requests the Planning Commission's input:

Should the Conditional Use Permit process in the HR – 1, HR – 2, and HRL Zoning Districts become an Allowed Use requiring only Planning Department review?

On September 24, 2021, staff published the Accessory Apartment Survey on engageparkcity.org. Nearly 200 community members participated. Please see Exhibit D to view the results. Please see Exhibit E to review public comments submitted to date. Staff thanks the many community members who provided input on the proposed amendments.

Analysis

Goal 2 of the [2021 Update to the Housing Assessment and Plan](#), an addendum to the [Park City General Plan](#), is to complete Land Management Code amendments to reduce Accessory Apartment regulations to incentivize more long-term rentals. Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents and Goal 8 is to increase affordable housing opportunities and associated services for the workforce of Park City. The [Housing Toolbox](#) in the General Plan recommends revising the

Land Management Code (LMC) to allow for attached and detached Accessory Apartments to provide a diversity of housing types within neighborhoods (p. 23 - 24).

The LMC implements the goals and policies of the [Park City General Plan](#), in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the City's resort-based economy, and to protect or promote moderate income housing.²

The proposed amendments:

- Reduce the minimum Accessory Apartment size from 400 to 280 square feet
- Allow for staff-level approval for tandem parking in the Historic Zoning Districts
- Remove the proximity restriction of four Accessory Apartments within a 300-foot radius
- Remove the requirement that the property owner live on site
- Increase the required rental term from 30 days to 90 days
- Allow detached Accessory Apartments on Lots 3,750 square feet or greater, but require compliance with the same Zoning District Setbacks required for Single-Family Dwellings, compliance with the Area of Disturbance, Limits of Disturbance, and any other regulation indicated on the recorded plat more restrictive than the underlying Zoning District, and a maximum height of 18 feet
- Allow Accessory Apartments in the Community Transition Zoning District

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Staff mailed notice to property owners within primarily residential Zoning Districts on October 5, 2021. Staff published notice on the City's website and the Utah Public Notice website on October 27, 2021. The *Park Record* published notice on October 27, 2021.

Public Input

Please see Exhibit D to review the Accessory Apartment Survey results and Exhibit E to review public input.

Exhibits

Exhibit A: Draft Ordinance No. 2021-XX

Exhibit B: Background

Exhibit C: Sudbury Memo

Exhibit D: Survey Results

Exhibit E: Public Input

² LMC [§ 15-1-2](#).

Ordinance No. 2021-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTIONS 15-4-7, ACCESSORY APARTMENTS, AND 15-15-1, DEFINITIONS

WHEREAS, Goal 2 of the *2021 Update to the Housing Assessment and Plan*, an addendum to the Park City General Plan, is to complete Land Management Code amendments to reduce Accessory Apartment regulations;

WHEREAS, Goal 7 of the General Plan is to create a diversity of primary housing opportunities to address the changing needs of residents;

WHEREAS, Goal 8 of the General Plan is to increase affordable housing opportunities and associated services for the workforce of Park City;

WHEREAS, the General Plan Housing Toolbox recommends revising the Land Management Code to allow for attached and detached Accessory Apartments to provide a diversity of housing types within neighborhoods;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the City's resort-based economy, and to protect or promote moderate income housing;

WHEREAS, the City has considered Accessory Apartments an avenue to address affordable housing needs since 1994 and has carefully crafted land use regulations to ensure Accessory Apartments are appropriately located and integrated into neighborhoods;

WHEREAS, in 2020, the City hired a consultant to evaluate obstacles to Accessory Apartment construction and the consultant recommended in part reducing land use restrictions and administrative review processes;

WHEREAS, the City Council conducted a work session on July 12, 2018, and the Planning Commission conducted work sessions on June 24, 2020, April 28, 2021, and October 13, 2021, and the Historic Preservation Board conducted a work session on November 3, 2021;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 10, 2021, and forwarded a _____ for City Council's consideration;

WHEREAS, the City Council conducted a work session on December 9, 2021, and a duly noticed public hearing on December 16, 2021;

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

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City § 15-4-7, § 15-2.23-2, and § 15-15-1 are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 16th day of December 2021.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

15-4-7 Accessory Apartments

Accessory Apartments are subject to the following criteria:

A. CRITERIA FOR USE.

1. SIZE. Accessory Apartments may be no more than one third (1/3) of the dwelling size, shall be limited to a maximum floor Area of 1,000 square feet and shall be no less than ~~[400]~~ 280 square feet. Accessory Apartments shall have ~~[with]~~ no more than two (2) Bedrooms. An Accessory Apartment may not increase the floor Area of a Structure over the maximum floor Area as specified in the Land Management Code or Subdivision approval.

2. PARKING. One (1) Parking Space per Bedroom must be provided in addition to the existing requirement for the primary residence. Parking Spaces for Accessory Apartments need not be covered and may be provided in tandem, parking one vehicle behind another, subject to one of the following criteria:

a. One (1) Parking Space for an Accessory Apartment may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.

b. One (1) Parking Space for an Accessory Apartment may be provided in tandem ~~[in an effort]~~ to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

c. Historic Zoning Districts ~~[Zones]~~. One (1) tandem Parking Space~~[,~~
~~parking one vehicle behind another,]~~ for an Accessory Apartment
proposed in any residential Historic Zoning District ~~[Zone]~~ may be
provided when the Applicant has secured an Administrative
Conditional Use permit and the Planning ~~[Commission]~~ Department
has made the following findings:

- 1) Tandem Parking will not create an undue hardship for the neighborhood.
- 2) Other parking options are less desirable than the proposed tandem space.
- 3) Reasonable efforts, such as automatic garage door openers, lease provisions and/or limitation of garage storage, have been made to encourage the Use of all Off-Street Parking.

3. APARTMENTS PER LOT. No more than one (1) Accessory Apartment may be located on a Lot.

4. REQUIREMENTS FOR REVIEW. The Applicant for an Accessory Apartment must submit a floor plan, architectural elevations, and Site plan showing any proposed changes to the Structure or Site.

~~**5. DENSITY LIMITS.** A permit for an Accessory Apartment may not be granted if more than three (3) of the homes within three hundred feet (300') of the Applicant's Property boundary contain other established Accessory Apartments. There may be no more than four (4) Accessory Apartments within a three hundred foot (300') radius.~~

~~6. **OWNERSHIP.** One (1) unit, either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.]~~

5. DEED RESTRICTION. A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

"A permit for an Accessory Apartment was issued to _____, the current Owner of this Property on _____. This permit runs with the land and is automatically transferred to the new owner by the sale or Transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Land Management Code Section 15-4-7[(B)(1)]. ~~[Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner.]~~ The Owner and tenants shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short-term rentals of less than ~~[thirty (30) days]~~ ninety (90) days.

6. ~~[NIGHTLY RENTALS]~~ RENTAL TERM. ~~[If an Accessory Apartment permit is granted, neither the]~~ Nightly Rentals are prohibited in the Single-Family Dwelling and Accessory Apartment. Rental terms for the ~~[main Dwelling Unit nor]~~ Single-Family Dwelling and/or the Accessory Apartment

~~[may be rented for periods of time less than thirty (30) days]~~ shall be no less than ninety (90) days.

7. HOMEOWNERS ASSOCIATION REGISTRATION AND

NOTIFICATION. All Accessory Apartments shall be subject to the Homeowners Association notification requirements established in ~~[LMC Chapter]~~ Section 15-1-12(F)(E).

8. DETACHED ACCESSORY APARTMENTS. Detached Accessory Apartments are allowed on Lots 3,750 square feet or greater. Detached Accessory Apartments shall comply with Zoning District Setbacks for Single-Family Dwellings and the Area of Disturbance, Limits of Disturbance, and any other regulation indicated on the recorded plat that is more restrictive than the underlying Zoning District. Detached Accessory Apartments shall not exceed a maximum height of eighteen feet (18') from Existing Grade.

B. **REGULATED USE REVIEW.** The Planning Department shall review Accessory Apartments ~~[in those zones where the Apartments are a Regulated Use. This includes all Zoning Districts where Accessory Apartments]~~ in Zoning Districts where they are an Allowed Use ~~[and not a Conditional Use]~~. After submission of a complete Application and payment of the Application fee as established by the fee schedule, the Planning Department shall approve a permit if the requested Accessory Apartment complies with the criteria for Use in Section 15-4-7 ~~[(A), established herein]~~. The Planning Department shall impose reasonable conditions to mitigate any impacts to the surrounding neighborhood.

92 1. **PERMIT REVOCATION.** The Accessory Apartment permit may be
93 revoked by the Planning Department for non-compliance with the criteria
94 of this ~~[Chapter]~~ Section. The permittee may appeal the determination to
95 the Board of Adjustment, which will evaluate the Planning Department's
96 determination of permit non-compliance and decide if permit revocation
97 should occur.

98 C. **CONDITIONAL USE REVIEW.** In those ~~[zones]~~ Zoning Districts where
99 Accessory Apartments are subject to a Conditional Use permit, the Planning
100 Commission shall review the requested Use. After submission of a complete
101 Application and payment of the Application fee as established by the fee
102 schedule, the Planning Commission shall approve a permit if the requested
103 Accessory Apartment complies with the criteria established in Section 15-4-7 ~~[(A)~~
104 ~~herein]~~. In addition, prior to issuance of a Conditional Use permit, the Planning
105 Commission shall determine that parking and other impacts as outlined in LMC
106 ~~[Chapter]~~ Section 15-1-10 have been mitigated.

107 1. **PERMIT REVOCATION.** The Accessory Apartment permit may be
108 revoked by the Planning Department for non-compliance with the criteria
109 of this ~~[Chapter]~~ Section and any additional conditions of approval. The
110 permittee may appeal the determination to the Board of Adjustment, which
111 will evaluate the Planning Department's determination of permit non-
112 compliance and decide if permit revocation should occur.

113 D. **EXISTING NON-CONFORMING ACCESSORY APARTMENTS.** Existing non-
114 conforming Accessory Apartments may be approved by the Planning Department

provided that the Accessory Apartment meets all of the criteria outlined in Section 15-4-7[(A)]. If the existing Accessory Apartment does not meet the criteria as specified, the Planning Commission shall review the Use. The Planning Commission shall approve the request only if the following findings can be made:

1. The Apartment contains no more than two (2) Bedrooms;
2. One (1) Parking Space per Bedroom is provided for Use by the Accessory Apartment occupants. On-Street parking shall not be counted to fulfill parking requirements;
3. ~~[One (1) unit is Owner-occupied;]~~
3. Impacts of the Use can be mitigated;
4. Neither Dwelling Unit is proposed to be rented for periods less than ~~[thirty (30)]~~ ninety (90) days; and
5. All significant impacts to the surrounding neighborhood are reasonably mitigated and continue to be mitigated.

15-2.23-2 Uses

Uses in the Community Transition District are limited to the following:

A. ALLOWED USES.

1. Conservation Activities
2. Home Occupation
3. In-Home Babysitting
4. Family Child Care
5. Secondary Living Quarters

- 138 6. Agriculture
- 139 7. Food Truck Location²
- 140 8. Accessory Apartments

141

142 **15-15-1 Definitions**

143

144 **ACCESSORY APARTMENT**. A self-contained Apartment, with cooking, sleeping, and

145 sanitary facilities, created by adding on to or within a Single-Family Dwelling or

146 detached garage. Accessory Apartments do not increase the residential Unit Equivalent

147 of the Property and are an Accessory Use to the primary Dwelling.

148

The City has considered Accessory Apartments an avenue to address affordable housing needs since 1994 and has carefully crafted land use regulations to ensure Accessory Apartments are appropriately located and integrated into neighborhoods, mitigating impacts.

On February 3, 1994, the City Council adopted Resolution No. 3-94 to establish priorities and identified affordable housing and accessory units as a top priority. On February 17, 1994, the City Council adopted Ordinance No. 94-4 to establish Accessory Apartments in the Land Management Code (LMC).

The original regulations established Accessory Apartments—apartments within or additions to Single-Family Dwellings or detached garages— as an allowed use in residential Zoning Districts and a conditional use in Historic residential Zoning Districts.

The purpose of Accessory Apartments outlined in the 1994 LMC was to:

encourage accessory apartments as an affordable housing opportunity while protecting the existing quality of life found in single-family zones throughout the community. While preservation of the single-family zone is of paramount importance, increasing affordable housing opportunities will benefit the community in its entirety.

The 1994 Accessory Apartment code was restrictive and only allowed Accessory Apartments between 400 and 800 square feet that were no more than one-quarter the size of the Single-Family Dwelling, capped Accessory Apartments to three within a 300-foot radius, and required:

- A parking space for each bedroom
- The property owner to live on site
- At least a six-month rental term for the Accessory Apartment
- Recordation of a deed restriction that terminated with the sale or transfer of property, requiring each property owner to re-apply for an Accessory Apartment permit
- A one-year review for each Accessory Apartment permit to evaluate complaints

In 2002, the City Council adopted Ordinance No. 02-07, adopting a comprehensive and substantive revision to the LMC. Accessory Apartment regulations were loosened:

- Accessory Apartments could be one-third of the size of the Single-Family Dwelling, up to 1,000 square feet, but capped at two bedrooms
- The driveway length required for tandem parking was reduced
- The rental term of Accessory Apartments was reduced from six months to 30 days or more

Exhibit B - Accessory Apartment Background

In 2007, the City Council adopted Ordinance No. 07-49 to amend Accessory Apartment regulations to:

- Allow approvals and recorded deed restrictions to run with the land
- Prohibit Nightly Rental of both the Single-Family Dwelling and Accessory Apartment
- Allow the Planning Department to impose reasonable conditions to mitigate any impacts to the surrounding neighborhood
- Remove the required one-year review

To incentivize private construction of more long-term rentals, at the direction of City Council, staff has evaluated amendments to Accessory Apartments.

July 12, 2018	City Council Work Session Staff provided an analysis of Accessory Apartments and potential barriers to development. Staff identified additional parking requirements as the major constraint to Accessory Apartment development. The Council expressed support to pursue Accessory Apartment LMC amendments and requested that staff return with a list of options to remove barriers to affordable units. (Staff Report; Minutes, p. 2 – 3)
November 7, 2019	City Council Adopted the 2020 Housing Assessment and Plan Goal 3 of the 2020 Housing Assessment and Plan (p. 16) is in part to amend the LMC to incentivize the construction and rental of affordable Accessory Apartments through reduced parking requirements. (Staff Report; Minutes, p. 16)
May 6, 2020	Sudbury Consulting, LLC submitted recommendations to incentivize Accessory Apartment development The City hired a consultant to evaluate the Accessory Apartment code. The consultant's Accessory Apartment Unit Policy Research Report (Policy Research Report) recommends eliminating restrictions, establishing by-right approval for projects that meet certain standards, reducing application and impact fees, partnering with local banks to explore financing programs, and creating user-friendly manuals, materials, workshops, and technical assistance for community members.

Exhibit B - Accessory Apartment Background

June 24, 2020	Planning Commission Work Session Staff provided research on tiny homes and presented the findings of the Policy Research Report. The Planning Commission expressed support to: • Allow Accessory Apartments in the Community Transition Zoning District • Expand the Land Management Code to allow detached Accessory Dwelling Units in some Zoning Districts • Extend the minimum rental timeline from 31 days to 90 days • Reduce the minimum square footage to as low as 280 square feet • Evaluate the proximity prohibitions and eliminate them in certain Zoning Districts (Staff Report; Minutes, p. 9)
November 19, 2020	City Council Adopted the 2021 Update to the Housing Assessment and Plan Goal 2 of the 2021 Housing Assessment and Plan is to complete the amendments to allow ADUs in appropriate neighborhoods (p. 5). (Staff Report; Minutes, p. 7)
April 28, 2021	Planning Commission Work Session The Commission evaluated the impacts of H.B. 82 Single-Family Housing Modifications that preempts some regulations of what the state identifies to be Internal Accessory Dwelling Units (IADUs), apartments constructed within the existing building footprint of a single-family dwelling. (Staff Report; Minutes, p. 14)
September 15, 2021	Planning Commission Public Hearing The Planning Commission reviewed stopgap Land Management Code amendments to prepare for state preemption of IADUs and forwarded a positive recommendation for City Council's review. (Staff Report; Minutes, p. 2)
September 23, 2021	City Council Public Hearing The City Council enacted stopgap Land Management Code amendments to prepare for state preemption of IADUs. The adopted code is outlined in Land Management Code Section 15-4-7.1. (Staff Report; Audio)

Exhibit B - Accessory Apartment Background

September 24, 2021	Accessory Apartment Survey Staff created an Accessory Apartment Survey open for public input through November 4, 2021. 195 community members participated.
October 13, 2021	Planning Commission Work Session The Planning Commission provided input on proposed Land Management Code amendments, including: • Removing the requirement that the property owner live on site • Continuing to prohibit Nightly Rentals (rentals for 30 days or less) • Increasing the minimum rental period to 90 days • Removing the proximity cap of four Accessory Apartments within a 300-foot radius • Allowing detached Accessory Apartments on Lots 3,750 square feet or greater • Potentially allowing affordable Accessory Apartments to be exempt from maximum square footage • Requiring Accessory Apartments to comply with limits of disturbances and areas of disturbances established on plats • Requiring Accessory Apartments to comply with the same Zoning District setbacks outlined for Single-Family Dwellings • Capping maximum height for detached Accessory Apartments to 18 feet • Reducing allowable size to 280 square feet • Establishing potential parking reductions for affordable Accessory Apartments if impacts can be mitigated and the unit is located to proximity to transit • Requiring additional review for Accessory Apartments in Historic Districts (Staff Report; Audio)
November 3, 2021	Historic Preservation Board Work Session The Historic Preservation Board provided input on Accessory Apartments in the Historic Districts in general, and Accessory Apartments on Significant and Landmark Historic Sites designated on the Park City Historic Sites Inventory, as follows: • Allow detached Accessory Apartments on Lots 3,750 square feet or greater in the Historic Districts • Allow detached Accessory Apartments on Significant and Landmark Historic Sites if the Accessory Apartment complies with the Historic District Design Guidelines • Amend the Historic District Design Guidelines to prohibit detached Accessory Apartments in the front, requiring that detached Accessory Apartments be set back behind the

Exhibit B - Accessory Apartment Background

	Single-Family Dwelling front façade • Amend the Historic District Design Guidelines to address conversion of a basement garage to an Accessory Apartment • Require that attached Accessory Apartment entry be on a secondary or tertiary facade • Consider evaluating deed restrictions that prohibit car ownership in lieu of requiring additional parking spaces • Evaluate a car share for reduced parking • Consider allowing staff-level approvals for Accessory Apartments in the HR – 1, HR – 2, and HRL Zoning Districts rather than requiring Planning Commission review and approval for a Conditional Use Permit (Staff Report; Audio)
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To: Hannah Tyler, Rebecca Ward, Jason Glidden
From: Noella Sudbury, Sudbury Consulting LLC
Re: **[DRAFT]** Accessory Apartment Unit (AAU) Policy Research
Date: May 6, 2020

You have asked me to review Park City's current Accessory Apartment Unit (AAU) ordinance and provide some research and recommendations on what Park City can do to incentivize more AAU development.

Executive Summary

This memorandum concludes that in order to see any significant increase in AAU development, Park City should consider taking the following steps:

- Revising its existing AAU ordinance to eliminate restrictions on development;
- Adopting a by-right or ministerial approval process for AAU projects that meet certain requirements;
- Analyze and potentially reduce fees associated with AAU development;
- Partner with local banks and credit unions to explore the possibility of offering AAU financing programs; and
- Develop and offer user-friendly AAU manuals, process materials, workshops, and technical assistance resources to community members interested in AAU development.

This memorandum proceeds as follows. Section I contains a brief overview of the factors necessary for significant AAU development. Section II outlines Park City's existing AAU ordinance and state of AAU development. Section III addresses recommended changes Park City should make to its regulatory landscape. Section IV discusses cost and financing of AAUs. Section V discusses the need for community outreach and education.

I. The Right Recipe for AAU Development

In North America, the Pacific Northwest continues to lead AAU development, with Portland and Vancouver often being cited as model communities for other cities looking to grow AAU stock. In Portland, AAUs are popping up faster than in any city in the United States. In 2017, the city issued 588 AAU permits, and in 2018, it issued 660.¹

¹See <https://accessorydwellings.org/2019/01/14/adu-permit-trends-in-portland-in-2017-and-2018/>

Research from Portland, Vancouver, and other cities with emerging AAU development demonstrates that in order for AAU development to occur, a city must: (1) have the right market environment to incentivize AAU development; (2) create a development-friendly regulatory environment; (3) employ a collection of strategies to reduce the up-front cost of development, including reducing administrative fees, and offering local financing options.

Park City likely has the right market for AAU development. In order for AAU development to occur, it must make economic sense. This requires a tight rental market with low vacancy rates; market rents that are high relative to income; and a high number of single-family residential zones.

Park City seems to meet all of these characteristics. First, Park City has a tight rental market with low vacancy rates. According to Park City's 2020 Housing Assessment and Plan, while Park City's rental market is "difficult to survey" occupancy rates in traditional multi-unit rentals "hover around 97 percent, which is virtually a fully occupied rental market."² Second, rents are high relative to income. Third, Park City is predominantly zoned for single-family dwellings. According to planning staff, 16 out of 20 zoning districts—80% of all zoning districts, are zoned for single-family homes.

While Park City's economic landscape seems ripe for AAU development, Park City does not meet the other two criteria needed for significant AAU development to occur.

II. Park City's Current AAU Ordinance and State of Development

Park City has allowed [Accessory Apartment Units](#) (AAUs) to be built since 2002, but according to planning staff, only 42 Accessory Apartment Units have been developed during this 18 year period.

Part of the reason more AAU development has not occurred is likely due to the development requirements and restrictions that currently exist in Park City's AAU ordinance. More specifically, individuals who develop AAUs in Park City must adhere to the following requirements:

- 1. Size:** Accessory Apartment Units may not be more than one third (1/3) of the dwelling size, must be between 400 and 1000 square feet, and not more than 1000 square feet.³
- 2. Parking:** "one parking space per [AAU] bedroom" must be provided (in addition to the 2 off-street parking spaces required for the primary residence).⁴

² See [Park City 2020 Housing Assessment and Plan](#) at 9.

³ Park City Mun. Code § 15-4-7(1).

⁴ Park City Mun. Code § 15-4-7(2).

3. **Conditional Approval.** An application for an AAU permit must include a floor plan, architectural elevations, and a site plan.⁵
4. **Density Limits:** a permit for an AAU may not be granted if more than three (3) other homes within a 300 ft. radius contain an AAU on the property.⁶
5. **Owner Occupancy Requirement:** “either the main Dwelling Unit or the Accessory Apartment shall be occupied by the Owner of the Structure, and the Accessory Apartment shall not be sold separately.”⁷
6. **Prohibition on Short-Term Rentals.** If an Accessory Apartment permit is granted, neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty (30) days.”⁸

As discussed in the next section, it is likely that these restrictions are significantly hindering development, and if politically feasible, Park City should consider adjusting or eliminating most or all of these requirements.

III. If Park City desires to increase AAU development, it will likely need to review and adjust its AAU ordinance and create a by-right development process.

As mentioned above, housing policy experts agree that no significant AAU development will occur unless and until the regulatory environment of a city changes to welcome this type of development. Thus, if Park City is truly committed to making AAU development a central housing development strategy, it will need to review and adjust its zoning, permitting, and other regulatory requirements. As one expert put it:

“[T]he vast majority of communities that claim to allow [AAUs] over-regulate them to such a degree that they may as well be banned.”⁹

While there are a variety of restrictions that hinder development, there are three that are most often cited as particularly problematic: (1) owner-occupancy requirements; (2) off-street parking requirements; and (3) conditional or discretionary review processes. Several AAU developers I spoke with went as far to say that if any of these three requirements exist, no viable movement on AAU development will ever take place. Park City has all three of these restrictions.

⁵ See Park City Mun. Code § 15-4-7(4).

⁶ See Park City Mun. Code § 15-4-7(5).

⁷ See Park City Mun. Code § 15-4-7(6).

⁸ See Park City Mun. Code § 15-4-7(7).

⁹ Kol Peterson, *Backdoor Revolution: The Definitive Guide to ADU Development* (2018) at 135.

1. **Owner Occupancy Requirements.** Owner occupancy provisions require an owner to live on the property if there is an AAU on it. Historically, these types of provisions were adopted in response to biases against renters and fears that unless the owner remained on the property, the appearance of the structure would not be maintained. While the owner occupancy requirement is incredibly common, there does not appear to be much of a policy basis for it, especially considering it is not required for similar types of units, such as duplexes and triplexes.

Owner occupancy requirements are problematic for several reasons.

First, they limit the value of the AAU investment by depriving homeowners of the flexibility of choosing how to use the property. With an owner occupancy requirement in place, owners cannot move away from the property without selling it, and cannot consider the option of the property serving as a future investment property. Because AAUs are expensive to build, putting limitations on future income generated by the AAU is a huge deterrent.

Second, owner occupancy requirements limit the value of the property in the eyes of a lender. One expert estimates that owner occupancy requirements can strip the value of an AAU down by as much as 90%.¹⁰ Owner-occupancy requirements make it difficult to determine how much value an AAU adds to a property, making it hard for appraisers to assign a value to the improvement. In turn, low appraisals lead to lack of adequate financing for development, and undermine a homeowner's motivation and ability to build the AAU in the first place.¹¹

A prominent AAU developer in the San Francisco area commented that having an owner occupancy requirement is like saying, "we don't want you to develop [AAUs] here."¹² He went on to say that if California had not eliminated this requirement (which just a few years ago in California, existed in almost every local code), he does not think any significant amount of AAU development would have occurred.

Consistent with this statement, it appears that all of the cities across the country that have seen significant AAU development (including Los Angeles, San Francisco, Portland, Vancouver, and Austin) have eliminated the owner occupancy requirement, and none have reported negative impacts on the community. In fact, in many of these places, homeowners continues to live on the property, even though they are no longer required to do so. For example, in Portland, 70-90% of AAUs were developed by the homeowner while living on the

¹⁰ *Id.* at 146.

¹¹ *Id.*

¹² April 30, 2020 Interview with Mark Hogan, San Francisco Architect, AAU developer, and Principal Owner of [OpenScope Studios](#).

property, and 64% have continued to live on the property after project completion.¹³

From a city housing policy perspective, it should not matter who develops an AAU, or who lives in it, as long as they are built. Given the lack of evidence that owner occupancy requirements prevent neighborhood deterioration or serve any other purpose, Park City should consider eliminating this requirement.

2. Off-Street Parking

Off-street parking requirements are incredibly common and have existed in most local AAU ordinances for many years. This requirement stems from the fear of cities (and outspoken constituents) that if AAUs do not come with additional parking spaces, they will destroy the character of single-family neighborhoods and create unmitigated parking issues throughout cities. But there does not appear to be any evidence to support this claim.

There are two main problems with the off-street parking requirement:

First, for many lots where a homeowner would want to build an AAU, adding an additional parking space is highly undesirable, and is sometimes impossible.

Second, creating a third parking space can be extremely expensive, adding thousands of dollars to the already high development cost of an AAU.

Across the country, off-street parking requirements have been found to significantly hinder AAU development, and almost all cities that have experienced significant growth in AAUs have eliminated off-street parking requirements all together.

For example, in a series of statewide changes beginning in 2016, and adjusted in October 2019, California eliminated the off-street parking requirement statewide, so long as an AAU is within a half mile from public transit or is part of the primary structure. As a result of this change, L.A. has quickly emerged as a national leader in AAU development, with over 4,000 AAU permits issued in 2018, and AAUs accounting for 20% of all new development.¹⁴

¹³ Peterson, *supra* n.9 at 141.

¹⁴ Here is a link to [AB 68](#), the latest language governing California's statewide AAU reform. See also <https://www.sightline.org/2019/04/05/la-adu-story-how-a-state-law-sent-granny-flats-off-the-charts/>

To fully appreciate the effect of an off-street parking requirement on AAU development, it is helpful to compare California's AAU to growth to the city of Seattle. While Seattle made a number of other changes to their code to incentivize AAU

Although eliminating off-street parking requirements has not been extensively studied, the research that exists to date suggests that eliminating this requirement is unlikely to have any noticeable impact on neighborhoods or residential parking supply. According to one [report](#) analyzing the removal of this requirement in Portland:

“The effect of ADUs on parking in Portland has been **negligible**, to date, for a number of reasons. ADUs are associated with a modest number of vehicles per dwelling; some of these cars are parked off the street; ADUs are dispersed throughout neighborhoods; ADUs are generally rare; and other forms of development have far more impact. Until those factors change substantially, the fear that ADUs harm parking conditions will have little rational basis.”¹⁵

If *permanently* eliminating the off-street parking requirement is not politically feasible, Park City may consider piloting the concept in certain zones, eliminating it when the AAU is attached to the primary home, or allowing a waiver of the parking requirement if the AAU is located within a short distance from public transit, or there is legal on-street parking available.¹⁶ Park City could also consider retaining an expert to do a parking study predicting the effect on neighborhoods (likely, lack of effect) of eliminating this requirement.

Ultimately, Park City must consider whether continuing to require off-street parking for AAUs is undermining its policy goals regarding housing access and affordability. Even if AAU development grows in Park City, it is likely to be rare, and dispersed throughout neighborhoods. Combined with the fact that Park City also limits the number of AAUs to four units within 300 feet, it is unlikely that eliminating the off-street parking requirement is going to have any noticeable impact on neighborhoods.

development, they did not eliminate the off-street parking requirement until August 2019. See [here](#) for a summary of the ordinance making this change. While Seattle’s AAU stock has grown relative to some places (approving about a hundred AAUs per year), it pales in comparison to other cities like Vancouver, Portland, and those throughout California. Given that Seattle has a similar economic and cultural climate to these places, it is likely that Seattle’s off-street parking requirement has contributed to the difference in development.

¹⁵ Jordan Palmeri, *Accessory Dwelling Units in Portland, Oregon: Evaluation and Interpretation of a Survey of ADU Owners*, State of Oregon Department of Environmental Quality (2014). Retrieval at: <https://www.oregon.gov/deq/FilterDocs/ADU-surveyinterpret.pdf>

¹⁶ [Salt Lake City](#) has recently amended its ADU ordinance to include a waiver of the parking requirement under certain circumstances, such as where the property is a quarter mile from public transit.

3. Conditional or Discretionary Reviews.

Most jurisdictions require homeowners or developers who want to add an AAU to their property to go through some type of “conditional-use” or discretionary review process. By giving increased power to review boards, elected officials, and city staff to impose conditions unique to specific projects, this process can be expensive, time consuming, and lack predictability.¹⁷ Indeed, homeowners who wish to develop AAUs must first produce and provide project documents that can cost several thousand dollars, including site plans, floor plans, architectural elevation drawings, and designs. This is a significant investment—one that many potential AAU developers will be unwilling to make, if there is a chance that the project will not be allowed to move forward.

In order to fix this process, cities are increasingly adopting a “by-right” development process. A by-right development process saves time and money, and removes uncertainty by assuring homeowners that if their project meets certain outlined requirements, it will be approved. Some jurisdictions are even considering offering [pre-approved AAU models](#) to choose from, introducing more certainty into the process and accelerating the review and permitting time to as little as 2 weeks.

All cities that have seen significant growth in AAU development have created a “by right,” “administrative permit,” or “ministerial” approval process, meaning they have used “uniform, codified, and consistent zoning and development regulation to streamline and enable new housing developments.”¹⁸ This lowers the cost of development through a faster, more predictable approval process, and increases housing supply, lowering competition between new and long-time residents for existing housing.

If Park City wants to incentivize AAU development, it should consider adopting a by-right approval process for AAU projects that meet certain conditions.¹⁹

¹⁷ See The Housing Affordability Toolkit, at 65, National Multi-Housing Council (2019) retrievable at: https://housingtoolkit.nmhc.org/wp-content/uploads/2019/04/NMHC_PDF-Sections_Full-Doc.pdf

¹⁸ See The Housing Affordability Toolkit, *supra* n.12 at 55.

¹⁹ Many cities have encountered strong neighborhood opposition to development of a by-right process, so it is likely strong political will and leadership will be required to make this change. See *id.* (note that this issue came up in my interview with the Mayor of Corte Madera, a community of similar size and wealth to Park City). If Park City chooses to create a by-right development process, it should consider ways to counter likely opposition by activating YIMBY groups and highlighting the advantages of AAU development to homeowners.

4. Other Potential Changes to Consider:

While the three requirements set forth above seem to be the most critical changes needed to incentivize AAU development, other communities have also focused on the following:

- Reducing setback requirements;
- Increasing size limits;²⁰
- Making adjustments to minimum lot sizes;
- Increasing flexibility on permitted structural forms;
- Eliminating requirement for designated sewer or water connections;
- Reducing utility connection fees;
- Eliminating or reducing residential impact fees²¹

If Park City is committed to incentivizing AAU development, it should consider these changes as well.

IV. Cost and Financing of AAUs

Even if a city has created a development-friendly regulatory environment, significant AAU development is not likely to occur unless cities do something to address the high cost and financing barriers associated with these types of projects.

A. Cost

Many housing experts believe that the number one barrier to AAU development is cost. While the cost to develop an AAU varies considerably by city and type of project, most estimates range from \$100,000 to \$150,000, with construction labor and materials being the biggest cost drivers.²² The table below, created based on survey data gathered by the Berkeley Center for Housing Innovation, provides a cost-breakdown of an average AAU project:

Average AAU Cost Breakdown ²³	
Construction Labor	33%
Construction Materials	34%
Architecture & Engineering	8%

²⁰ State and local governments making adjustments to size limits usually do so because the permitted AAUs are too small. Park City's size limits seem quite reasonable to me, and are in line with states that have high AAU development.

²¹ Many of these changes are discussed in more detail in [this report](#).

²² Karen Chapple, Jake Wegmann, Farzad Mashhood, and Rebecca Coleman, *Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver*, (2019), at 16. Retrieval at: https://turnercenter.berkeley.edu/uploads/ADU_report_4.18.pdf

²³ *Id.* at 17.

City permits	8%
Utility Connections	5%
Other	13%
Total	100%

There is little a city can do to address the cost of construction labor and materials, so any reduction in cost must occur through adjustments to the permitting process (i.e., creating a by-right development process and/or pre-approved plans to choose from), or reductions in impact fees or utility connection costs.

The total costs in Park City associated with permitting, utility connections, and impact fees is unclear, as fees associated with these activities are not controlled by the planning department. However, most of the research I reviewed, and all of the AAU developers I spoke with,²⁴ mentioned these fees end up being a minimum of \$10,000, if not much higher. Park City should do some additional research to determine the average cost of these fees, and consider whether any of them can be reduced or eliminated to help off-set the high cost of AAU development.

B. Financing

Because AAU development is still relatively new and uncommon, specific AAU loan products do not really exist in the market. As a result, it can be difficult or sometimes impossible to obtain conventional financing through a bank for AAU construction. Indeed, according to at least two recent AAU development surveys conducted in Oregon, Portland, and Vancouver, at least a third to half of all respondents reported that obtaining financing was the biggest hurdle to AAU development.²⁵

One reason financing continues to be a barrier may have to do with old guidance from Fannie Mae and Freddie Mac that limited an appraiser's ability to consider the income-generating value of an AAU in an appraisal.²⁶ While this guidance no longer exists, there is still confusion about how an AAU *should be* appraised, and no agreed upon method to determine how much value an AAU adds to a property. As a result,

²⁴ This topic came up in my interview with Mayor Beckman, AAU developer and Mayor of the city of Corte Madera, as well as in my interviews with the San Francisco Housing Coalition, and OpenStudios development. It was also highlighted in almost all the research I reviewed.

²⁵ See June Grant, Shanon Guzman, and Rodney Harrell, *Accessory Dwelling Units: an ADU Guide to Design and Development* (2019), at 31, retrievable at: <https://futureofhousing.aarp.org/wp-content/themes/aarp-housing/dist/ADU-Catalog.pdf>; Peterson, *supra* n.9 at 38, 235 (citing an Oregon study concluding financing was a barrier for 56% of people developing an ADU).

²⁶ See Peterson at 143.

many lending institutions tend to devalue AAUs, with some giving only incidental or contributory value to the improvement.²⁷

In order to better understand what can be done to improve the financing of AAUs, it is helpful to review the most common financing options currently used to design and build an AAU on a property. As outlined more fully below, the following forms of financing are most commonly used for an AAU project: (1) Cash-out refinance; (2) Home Equity Line of Credit (HELOC); (3) cash on-hand; and (4) renovation loans.²⁸

1. **Cash-Out Refinance:** This financing option is used by homeowners who want to refinance the loan on their primary home to lock in a better mortgage interest rate. In order to be eligible for this option, the homeowner must have at least 15% equity in their home. While terms vary, at the time of the refinance, the homeowner can typically obtain the difference between their equity position and 15% of the value of the property as a cash payout from the refinance. The biggest benefit of this option is that a homeowner will enjoy a fixed interest rate. The biggest disadvantage to this option is that banks typically charge initiation fees, which can be anywhere from \$3,000-\$10,000.
2. **Home Equity Line of Credit (HELOC):** if a homeowner has sufficient equity in their home, they may be able to obtain a home equity line of credit (i.e., second mortgage) on their property, providing access to a short-term, variable interest loan. This is the second most common way to finance an AAU, and is used about 40% of the time.²⁹

The drawback of these first two options is that the amount of money available to borrow is based on the value of the primary home. This limits the amount a homeowner can borrow, and does not take into account the future value of the AAU.

3. **Cash on-hand or other liquid assets:** About 50% of people who build an AAU report using at least some cash on hand to pay for AAU construction. Once the

²⁷ For a more in depth discussion of this issue, see:

<https://accessorydwellings.org/2011/11/21/appraisals-and-gses-critical-issues-in-adu-financing-and-development/>

²⁸ While much less common, other financing options are also used. The two most common other sources I came across included loans: (1) from family and friends (typically with a 0-8% interest rate); (2) from 401(k) or 403(b) retirement accounts to pay for construction. As you may know, some retirement plans offer ways for individuals to take out money from their retirement savings as a low-interest loan that can be repaid without penalty, as long as the money is used for a primary residence.

²⁹ See Grant, Guzman, and Harrell, *supra* n.25 at 28.

AAU is complete, the homeowner can refinance their home to account for the potential increased value of the AAU on the property.³⁰

4. **Renovation loans:** Renovation or construction loans base the loan amount on the future value of the property after an improvement is made. While renovation loans are common financing tools for improvements made to a primary home, they are difficult to obtain for AAU development, particularly in areas where AAUs are not well-established. One reason for this is that the after-repair market value is based on comparisons to similar properties, in the same geographic area, during a recent time frame. If there are no comparable properties with AAUs, a lender could determine that the future value of the AAU is close to zero.³¹ Another disadvantage of a renovation loan is that it typically requires homeowners to supply permitted drawings and use the services of a licensed general contractor, which can significantly increase the cost.³²

All of these financing options have significant drawbacks. First, in order to qualify for a loan, individuals must typically have a high credit score and a low debt to income ratio. Second, in determining whether someone qualifies for the loan, and for what amount, none of these financing options take into account the future rental income the AAU will generate.

In response to some of these issues, local governments are partnering with community-based lenders and foundations to come up with solutions. Some interesting and innovative ways to address this issue are included below:

1. **Local governments can partner with local banks and credit unions to provide forgivable loans, or low and zero interest loans to homeowners who want to add an AAU to their property.** For example:

[The City of Santa Cruz loan program](#) provides low interest loans (4.5%) for up to \$100,000 to homeowners in the city who want to build an AAU on their property. As a requirement of the program, homeowners must agree to keep the rental unit affordable to low-income tenants for a period of at least 15 years. More information can be found [here](#).

[Boston's Additional Dwelling Unit Loan Pilot program](#) provides zero-interest loans of up to \$30,000 for an AAU remodeling project.

³⁰ *Id.* at 29; see also Chapple, Wegmann, Mashhood, and Coleman, *supra* n.17 at 21 (reporting 30% of respondents used their own cash to develop an ADU, and another 15% used credit cards).

³¹ For further discussion of this issue see: <https://www.urban.org/urban-wire/unleash-housing-supply-allow-and-finance-accessory-dwelling-units>

³² Peterson, *supra* n.9 at 45.

[Napa's Junior Initiative Program](#) provides a forgivable loan of up to \$50,000 to create a "junior unit" on the property. Payments are deferred, and the loan is forgiven 5 percent per year, if the unit is rented out at an affordable rate set by the city.

[The City of Baltimore's Healthy Neighborhoods loan fund](#) offers below-market interest rate loans and free design advice to encourage investment and development of AAUs in target neighborhoods.

[Craft 3](#), in Portland, provides low interest loans of up to \$130,000 for AAU projects, using a sliding scale based on income (6.68% APR for individuals at or above 100 percent of Portland's AMI; 5.49% APR for individuals below 100 percent of Portland's AMI)

The [LA ADU Pilot Project](#) led to development of the [Backyard Homes Project](#), a program that offers financial assistance to homebuilders who agree to rent an ADU to a Section 8 voucher recipient for a minimum of 5 years.

2. Local governments can provide pre-development loans to jumpstart projects and offset initial design and planning costs.

For example, the [Housing Trust Fund of Silicon Valley](#) offers \$1,000 planning grants, start-up loans of \$25,000, and free educational workshops and financial assistance to Bay Area homeowners who want to develop an AAU.

3. Local governments can partner with local non-profit design, construction, and development organizations to offer free design and project support, and help develop a set of pre-approved, permit-ready AAU plans for homeowners to choose from.

Offering pre-approved plans can save potential AAU developers significant time and money. For example, [Seattle's new pre-approved plan process](#), is expected expedite the review and permit process to as little as 2 weeks.

4. Local governments can provide information on other existing options that can reduce the cost of AAU development. Examples include:

There are a growing number of companies that save homeowners time, and bring down up-front building cost through pre-fabrication. Nationally, many companies are not only starting to offer pre-fabricated materials, but exploring other innovation as well. For example, the company [Cover](#) uses algorithmic software and a survey of 50-100 questions to design an AAU for \$250. It uses modeling of the sun to determine the best orientation for windows (to ensure maximum energy efficiency), and uses GIS and zoning data to calculate needed setbacks and maximum heights. The company [Dweller](#) not only provides pre-fabricated AAUs, but fronts the cost of permitting and installing the unit on the

homeowner's property. Property managers rent out the unit to long-term tenants selected by the homeowner, and property owners split the rents 70/30. The property owner can purchase the AAU at any time, based on a declining buy-out program established by an agreement. At the end of the lease term, the property owner owns the ADU outright.

Pre-fabrication companies are starting to pop up locally as well, and will only increase as the regulatory environment for AAUs becomes for development friendly.³³

In addition, there are other programs that can help with the initial AAU investment cost. For example, the [Home Depot Project Loan](#) allows customers with good credit to purchase up to \$55,000 in goods and services from Home Depot at an 8% interest rate for the first six months.

IV. Community Engagement, Education, and User-Friendly Development Materials

Once cities have a development-friendly environment, and have done all they can do to address the cost and financing barriers related to AAU development, they should engage in a significant community outreach effort to educate property owners about the changes and financial benefits to AAU development.³⁴

Housing policy experts agree that once the environment is right, taking steps to engage with the community, developing user-friendly AAU development materials and workshops, and offering technical assistance to homeowners seeking to develop AAUs can go a long way towards increasing AAUs throughout the city.

A recent report from the Turner Center for Housing Innovation found that local governments play a “catalytic role” in publicizing and marketing the possibility of [AAU] development to homeowners.³⁵ Indeed, “[a] big part of winning hearts and minds in the battle for ADUs is simply raising awareness.”³⁶ Cities that “take steps to educate homeowners (for instance, via ADU manuals and prototype plans), as well as providing technical assistance, will likely see a payoff for relatively minimal cost and effort.”

³³ For some local examples, see [Mod3 design](#), and [Modal](#).

³⁴ It is worth noting that if a city is not willing to make the changes to its regulatory landscape that are necessary to incentivize development, that community engagement and education efforts are not likely to change the AAU development landscape. Thus, Park City should invest time and money into implementing these strategies *only if* it is willing to significantly revise its ordinance.

³⁵ Chapple, Wegmann, Mashhood, and Coleman, *supra* n.22 at 23.

³⁶ *Id.*

Several planning departments around the country have moved in this direction. For example, the Salt Lake City Planning Department just issued this [ADU handbook](#) to assist people through the process. Other cities like Seattle have developed [FAQs](#), and are working to develop pre-approved ADU plans for people to choose from, saving them the time and money of going through the permitting process.

Any materials the city develops must be very simple and easy to follow. As one California AAU developer put it, “once a planning department refers a constituent to the code to answer a question, there isn’t really much hope of large-scale development.”³⁷

If Park City is willing to make the adjustments needed to foster AAU growth, it should also consider the following educational and community outreach activities:

- Conducting a survey of current AAU owners and the broader community to assess barriers to development, to gauge interest in AAU development, to analyze potential responses to proposed reforms, and to identify the most effective messaging.
- Develop materials to market the advantages of AAU development.
- Create a user-friendly AAU manual and offer access to pre-approved prototypes.
- Offer technical assistance and AAU workshops.
- Consider a more regional and targeted approach to AAU development.³⁸

³⁷ April 30, 2020 Interview with Mark Hogan, San Francisco Architect, AAU developer, and Principal Owner of [OpenScope Studios](#).

³⁸ While Park City recently convened a Blue Ribbon housing task force and asked the Park City Community Foundation to assist with an affordable housing report, Park City may consider a more regional and targeted model, similar to San Mateo County’s [Home for All](#) program.

Accessory Apartment Survey

SURVEY RESPONSE REPORT

24 September 2021 - 04 November 2021

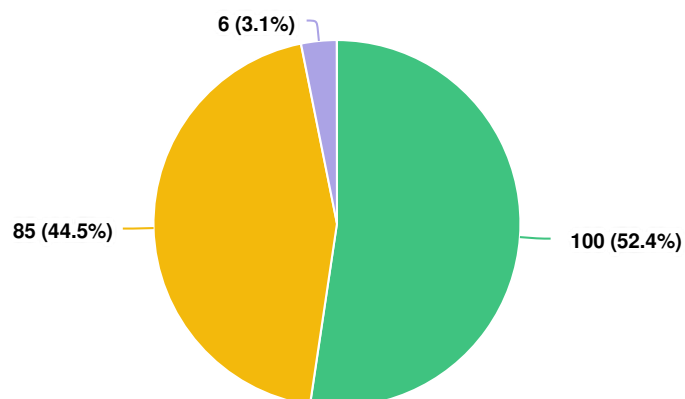
PROJECT NAME:

Accessory Apartment Survey



SURVEY QUESTIONS

Q1 | The current Land Management Code requires Accessory Apartments to be attached to a single-family dwelling or to a detached ...



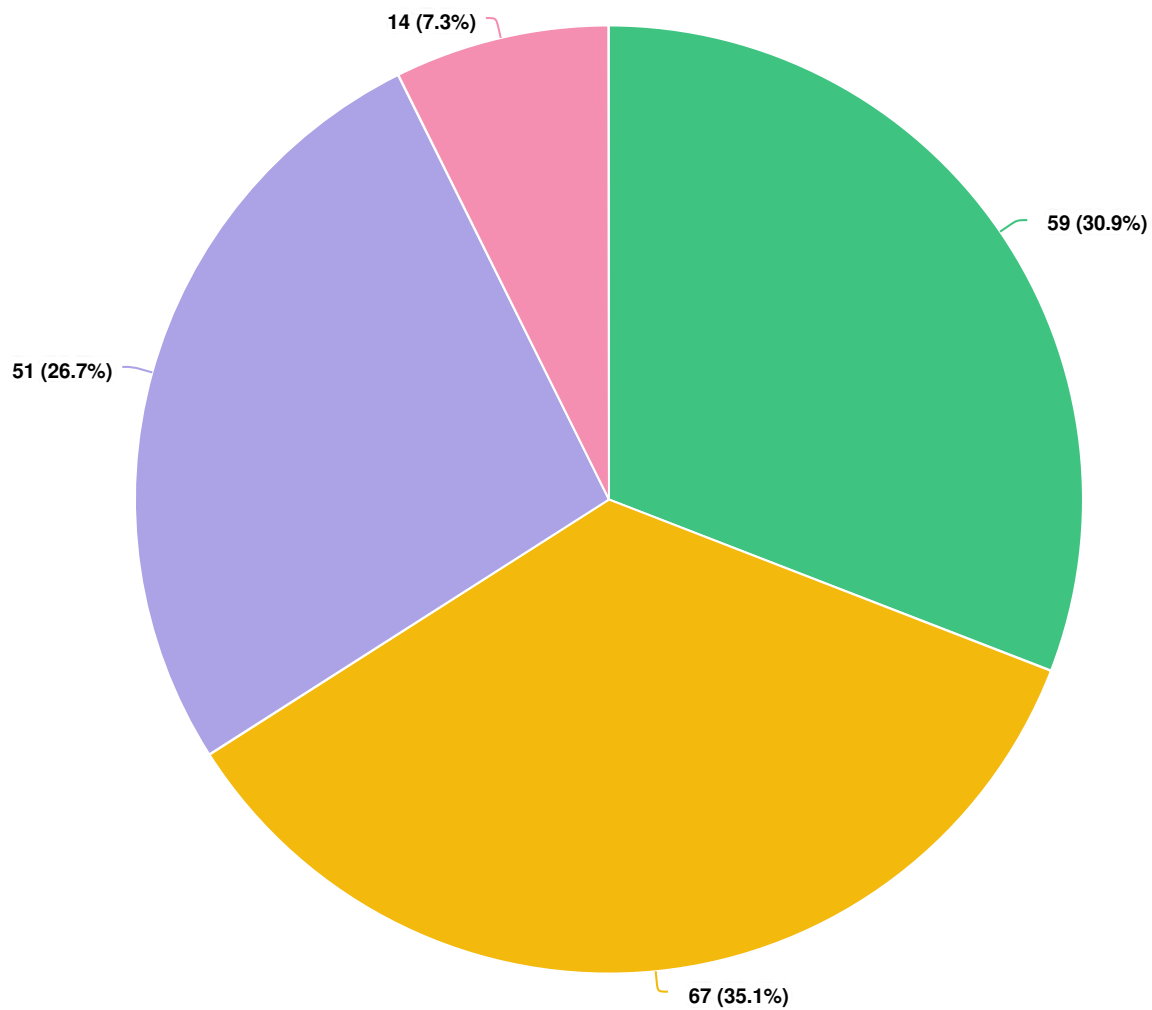
Question options

● Yes ● No ● Other (please specify)

Optional question (191 response(s), 1 skipped)

Question type: Dropdown Question

Q2 What kind of review and approval process should be required for Accessory Apartments?



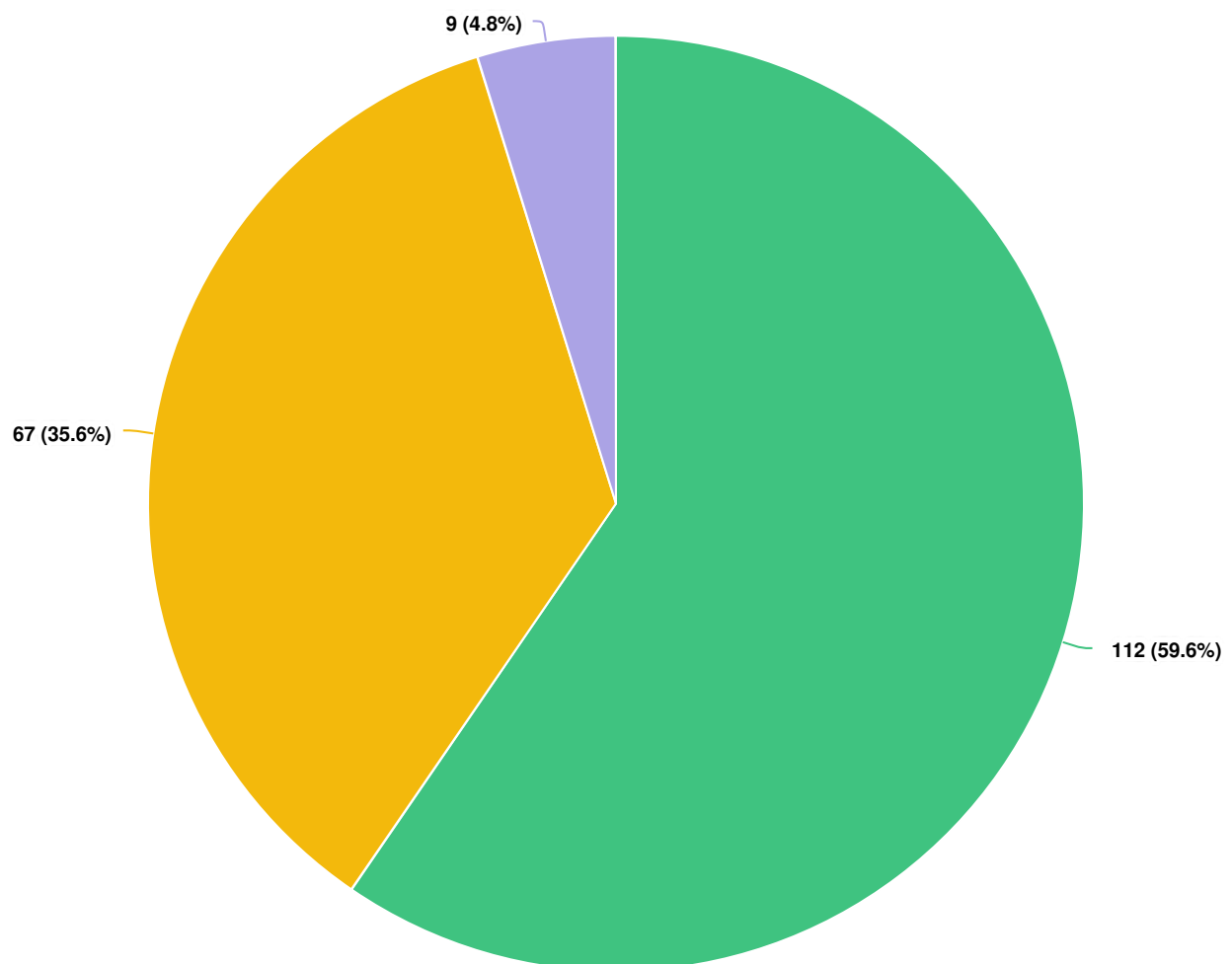
Question options

- Accessory Apartments should require a staff-level review and approval
- Accessory Apartments should require Planning Commission review and approval
- Accessory Apartments should be allowed by right and only require a building permit
- Other (please specify)

Optional question (191 response(s), 1 skipped)

Question type: Dropdown Question

Q3 | The current Land Management Code requires property owners with an Accessory Apartment to be full-time residents of the single-family dwelling or the Accessory Apartment. Should this requirement be removed?

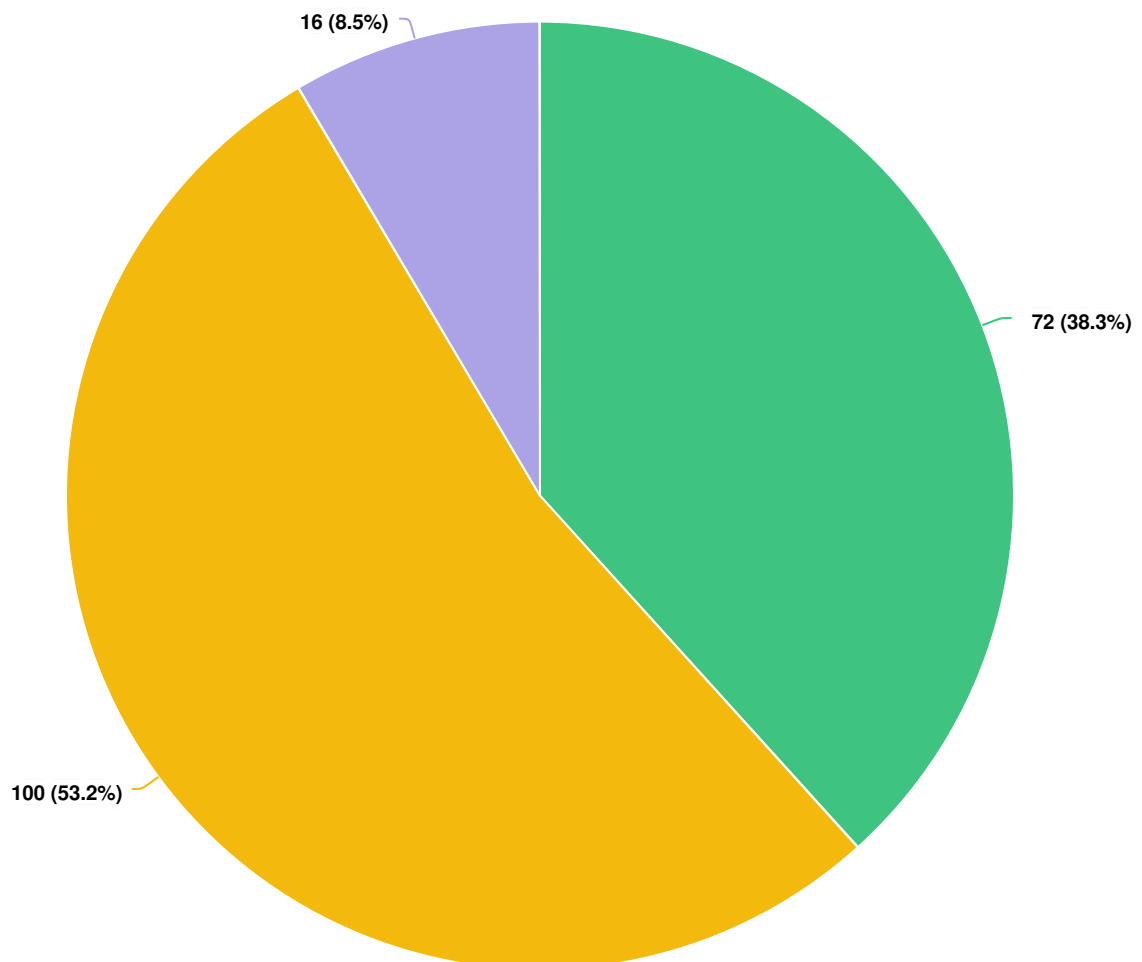


Question options

- The property owner should be required to live in the single-family dwelling or Accessory Apartment
- The property owner should not be required to live in the single-family dwelling or Accessory Apartment
- Other (please specify)

Optional question (188 response(s), 4 skipped)
Question type: Dropdown Question

Q4 | The current Land Management Code only allows for four Accessory Apartments within 300 feet. Should this proximity requirement be removed?

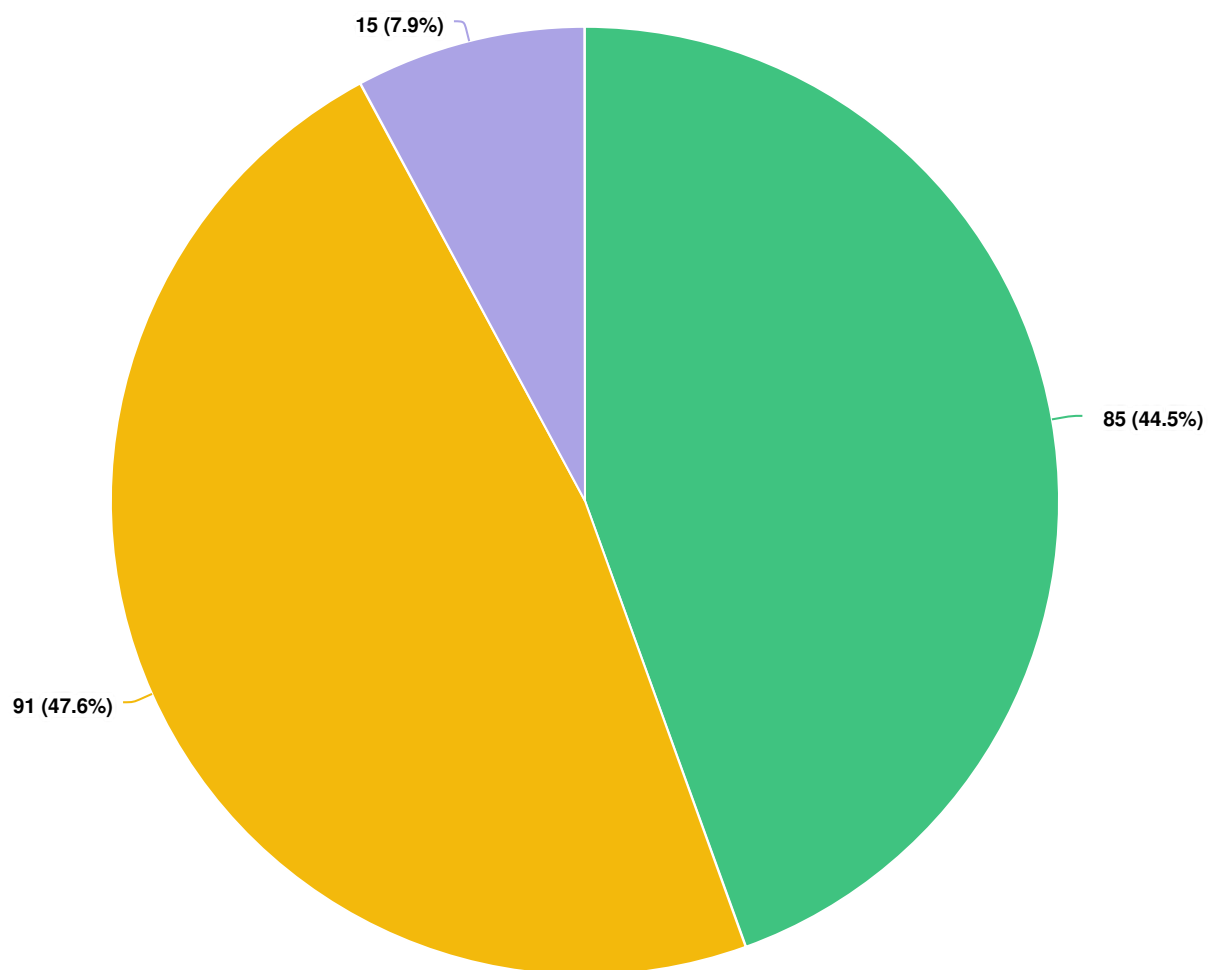


Question options

● Yes ● No ● Other (please specify)

Optional question (188 response(s), 4 skipped)
Question type: Dropdown Question

Q5 Under current regulations, property owners must record a deed restriction with the county stating the Accessory Apartment may not be used as a Nightly Rental – defined as a rental for less than 30 days. Should property owners also be required to re...

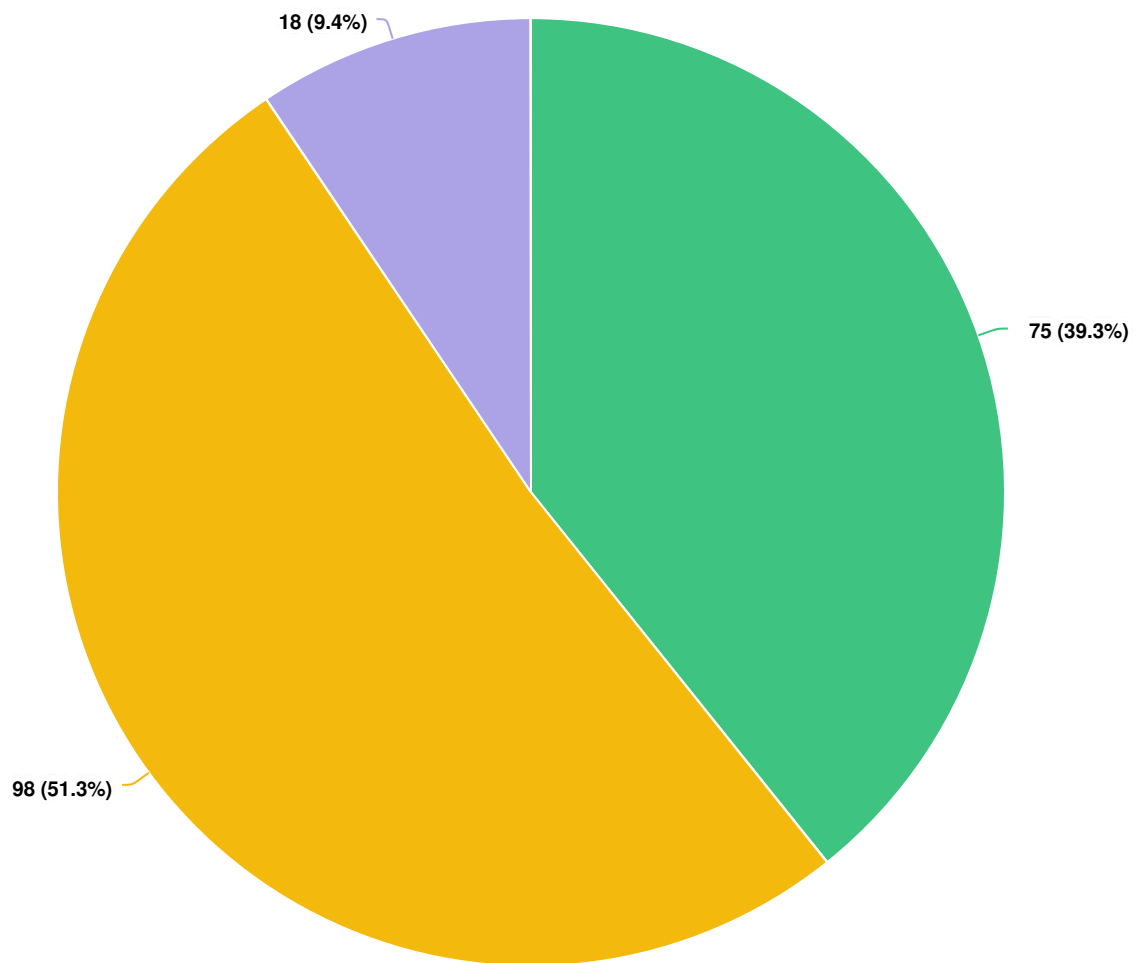


Question options

● Yes ● No ● Other (please specify)

Optional question (191 response(s), 1 skipped)
Question type: Dropdown Question

Q6 If detached Accessory Apartments are allowed, should they be permitted the same height as the single-family dwelling, or should they be restricted to a lower height?

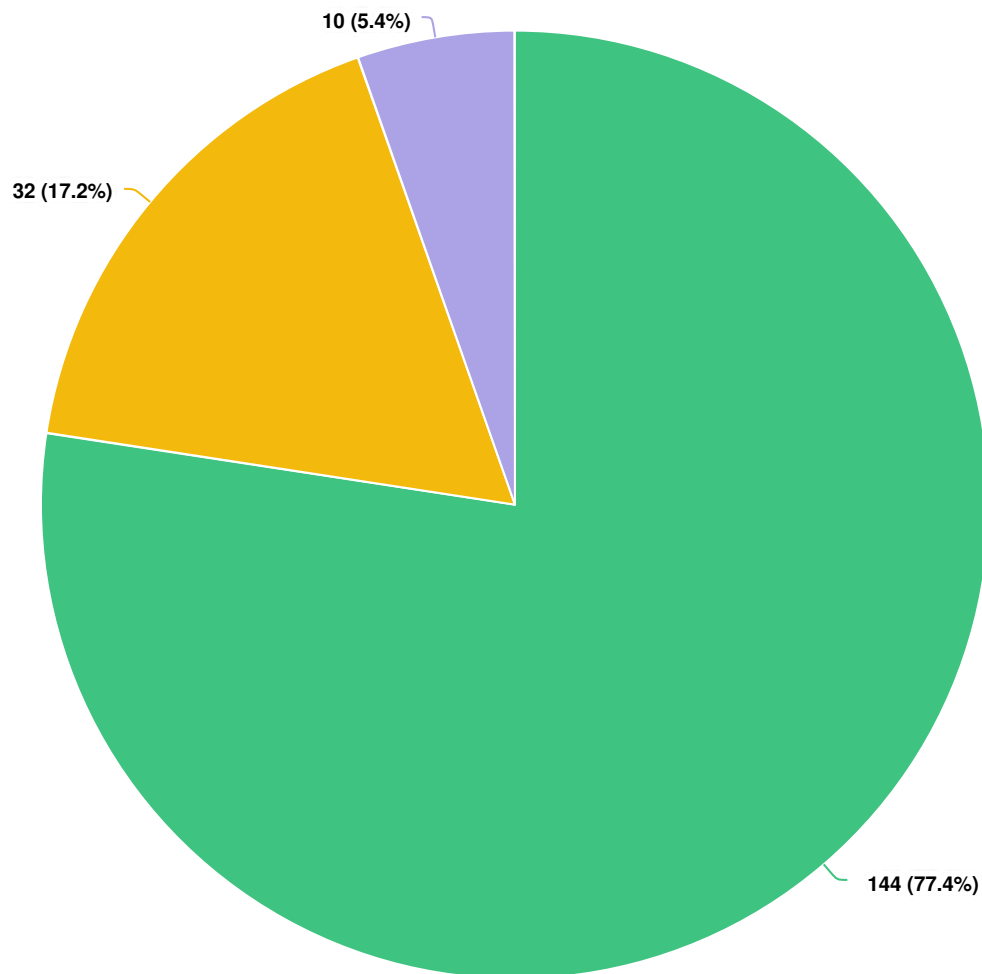


Question options

- Detached Accessory Apartments should be permitted the same height as the single-family dwelling
- Detached Accessory Apartments should be restricted to a lower height
- Other (please specify)

Optional question (191 response(s), 1 skipped)
Question type: Dropdown Question

Q7 | If detached Accessory Apartments are allowed, should the design and materials be required to reflect the single-family dwelling?

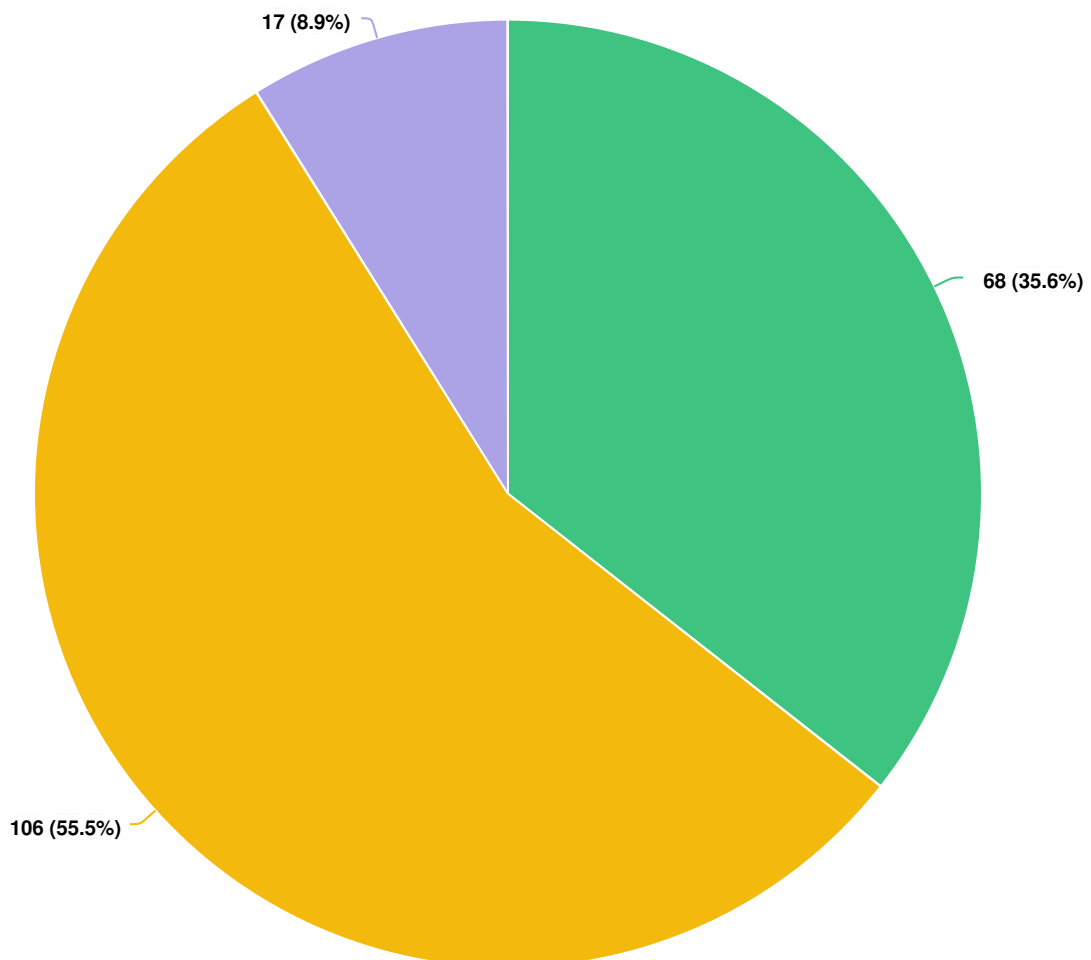


Question options

● Yes ● No ● Other (please specify)

Optional question (186 response(s), 6 skipped)
Question type: Dropdown Question

Q8 If detached Accessory Apartments are allowed, should they be allowed on properties designated Significant or Landmark on the Park City Historic Sites Inventory?

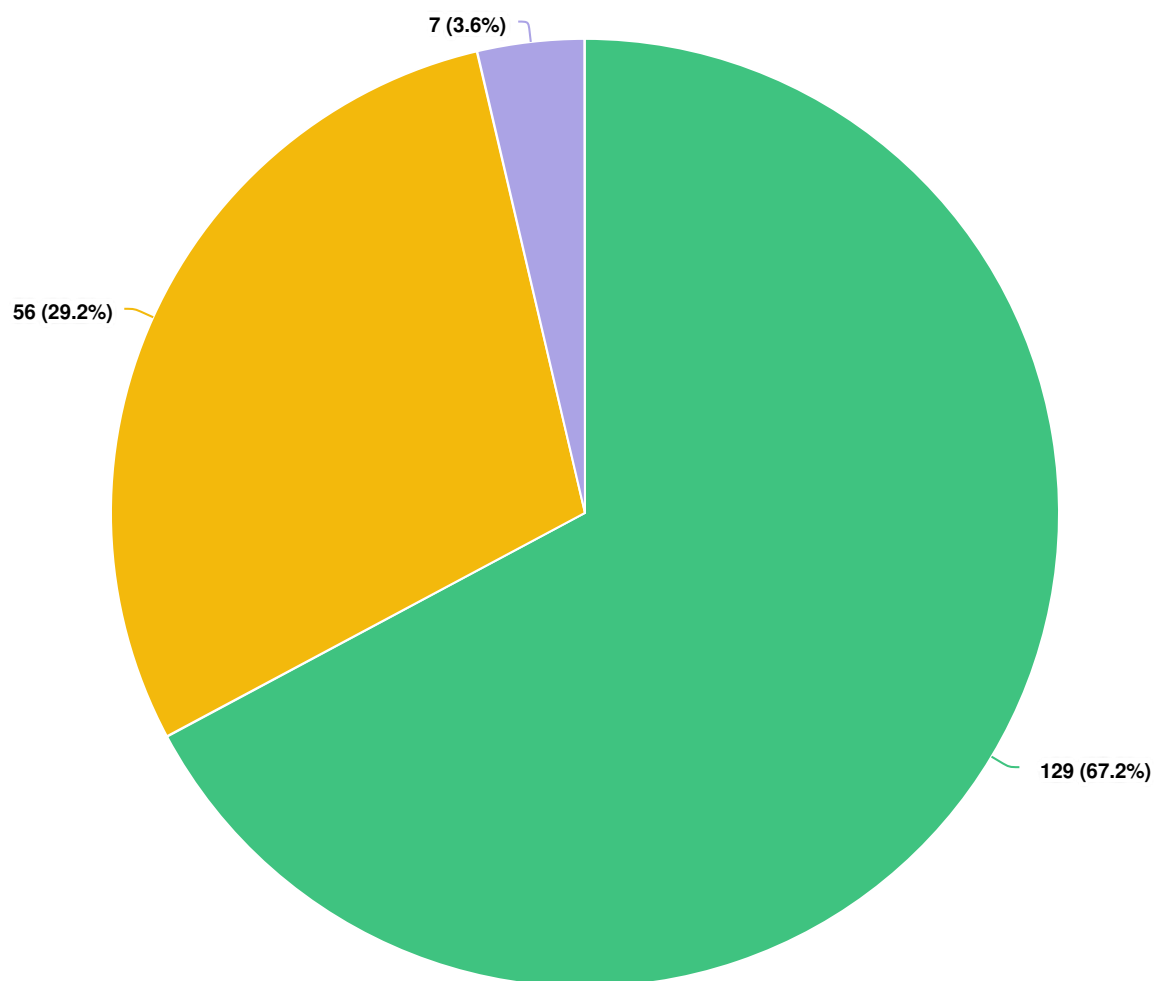


Question options

● Yes ● No ● Other (please specify)

Optional question (191 response(s), 1 skipped)
Question type: Dropdown Question

Q9 Many properties in Park City have a maximum building footprint or maximum square footage outlined for a single-family dwelling. Should Accessory Apartments count toward the maximum building footprint or maximum square footage?

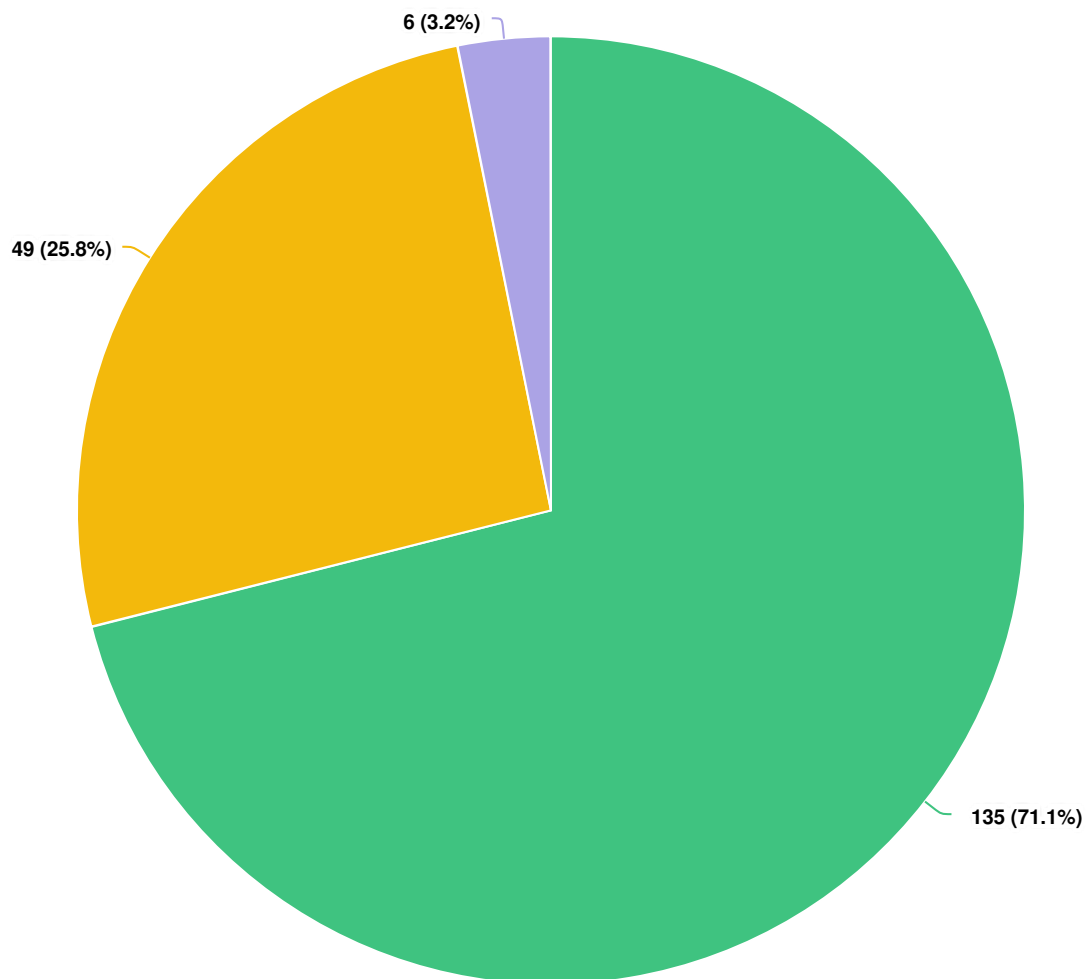


Question options

- Yes – Accessory Apartments should count toward the maximum building footprint or maximum square footage
- No – Accessory Apartments should be exempt from maximum building footprint or maximum square footage caps
- Other (please specify)

Optional question (192 response(s), 0 skipped)
Question type: Dropdown Question

Q10 The Land Management Code allows for reduced setbacks for Accessory Buildings that are not dwelling units. If detached Accessory Apartments are allowed, what setbacks should they meet?

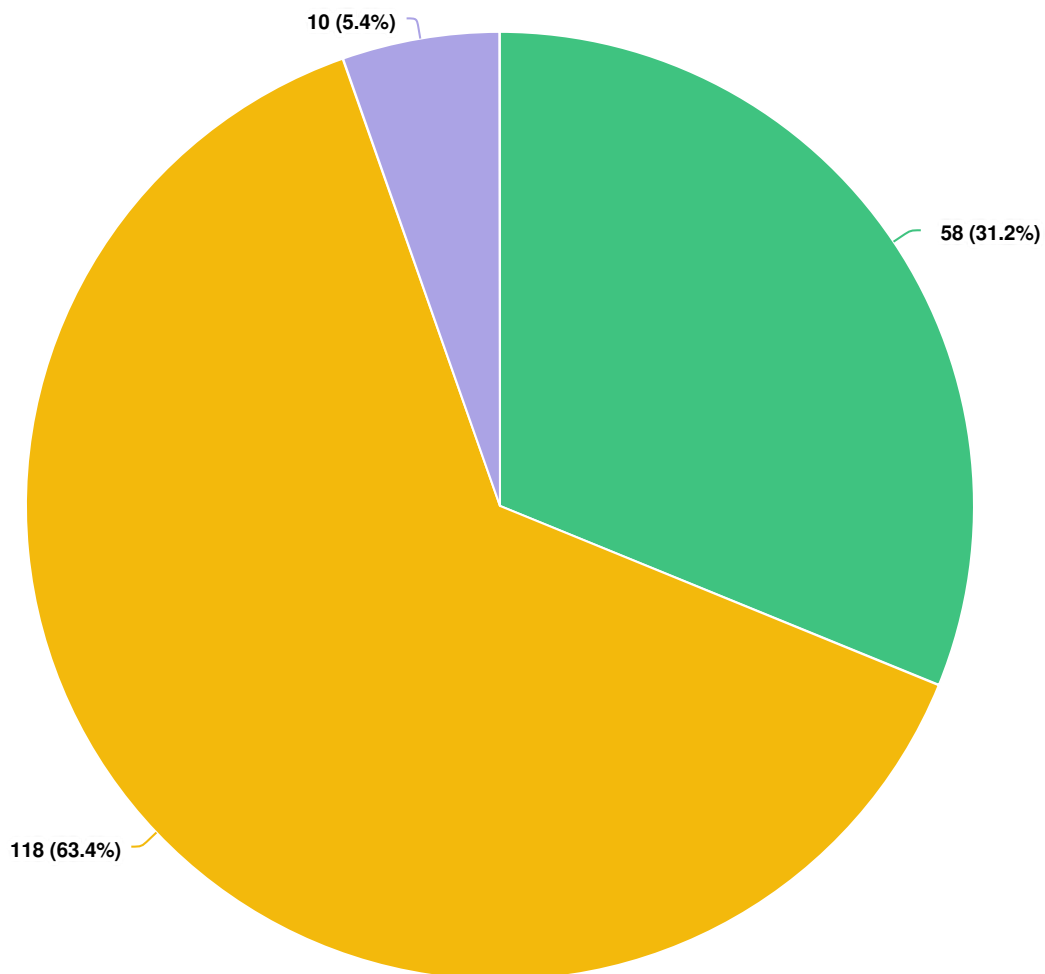


Question options

- Accessory Apartments should meet the same setbacks required for the single-family dwelling
- Accessory Apartments should be allowed to be located within reduced setbacks
- Other (please specify)

Optional question (190 response(s), 2 skipped)
Question type: Dropdown Question

Q11 Many properties in Park City have an Area of Disturbance or Limit of Disturbance outlined on the plat, indicating where the single-family dwelling must be located. Should Accessory Apartments be allowed outside of the boundaries of the Area of Dist...

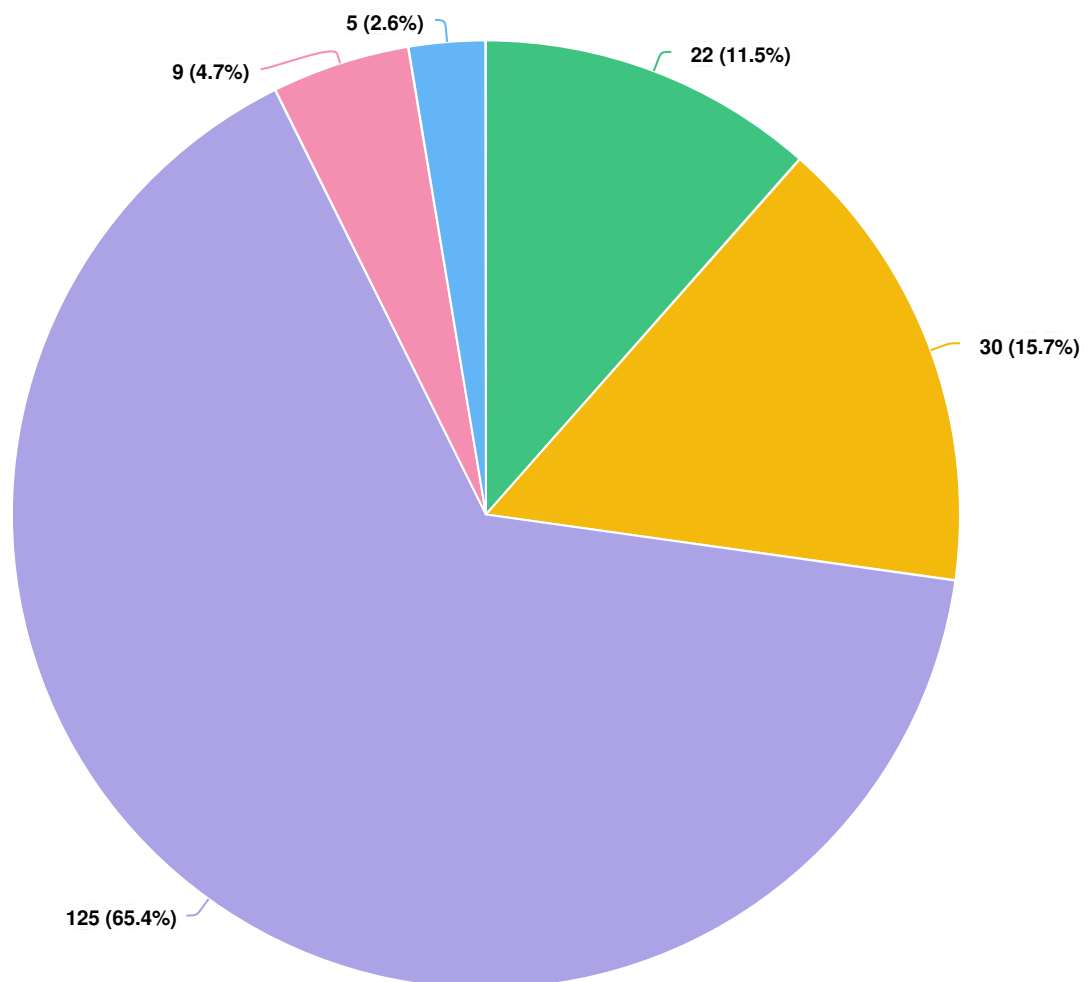


Question options

- Yes – Accessory Apartments should be allowed anywhere on site if they comply with setbacks
- No – Accessory Apartments should be required to be located within the Area of Disturbance or Limit of Disturbance
- Other (please specify)

Optional question (186 response(s), 6 skipped)
Question type: Dropdown Question

Q12 How likely are you to construct an Accessory Apartment on your property?



Question options

Highly likely Likely Not likely I already have an Accessory Apartment Other (please specify)

Optional question (191 response(s), 1 skipped)

Question type: Dropdown Question

Q13 | What potential impacts for Accessory Apartments should be mitigated:

Anonymous

9/28/2021 09:21 AM

None. Legalize housing.

Anonymous

9/28/2021 09:33 AM

Appearance is important, but within reason. If a MIL unit is visually appealing and well-maintained, then I think it should be permitted.

Anonymous

9/28/2021 10:21 AM

Require sound-proof material.

Anonymous

9/28/2021 06:36 PM

Parking requirements should be kept to a bare minimum or removed altogether in order to disincentivize car ownership and vehicular traffic congestion. I know many people will argue the opposite, but if we provide ample parking then we will make it easy for people to own (and drive) more cars than they otherwise would. Minimum parking requirements induce the traffic congestion we all loathe.

Anonymous

9/29/2021 02:31 PM

They should be encouraged near kimball or the resorts or within walking or cycling distance of workplaces. No additional parking should be required to preserve vegetation and native landscaping on the site. They should be required to have low flow and watersense fixtures installed to mitigate the increased water use per property. They should be required to be submetered when possible to encourage reduced energy consumption especially in winter.

Anonymous

9/29/2021 02:32 PM

Absolutely none. Though they will create impacts, they will also profoundly reduce other impacts currently caused by scarce housing inventory, work force commute traffic & emissions, and the increasing socioeconomic segregation defining our town.

Anonymous

9/29/2021 03:09 PM

None. We should encourage maximum build out of ADU's. We should remove all parking requirements for ADU's

Anonymous

9/29/2021 03:23 PM

Unknown at this time.

Anonymous

9/29/2021 03:27 PM

I am for attached and detached accessory apartments but am not in favor of allowing the detached apartments in a homeowner association where the covenants prohibit them. I believe that the City will require the homeowner associations to enforce and mitigate the requests, but that all costs time, money, lawyers and bad will with neighbor to neighbor conflict. I understand that on October 1st, the attached accessory apartments are not allowed to be disallowed under the new State Law, but that is not the case with unattached accessory apartments.

Anonymous

9/29/2021 04:29 PM

Additional parking strain & traffic on neighborhood, overbearing structures.

Anonymous

9/29/2021 04:31 PM

Tree and vegetation removal. Blocking of views. Amount of land covered in blacktop or other non-permeable material that discourages water absorption into the soil.

Anonymous

9/29/2021 04:48 PM

The deed restriction should also include the accessory apt be rented by a FT resident or one employed within Park City. Anecdotally, I have an acquaintance who loves their ADU renters: \$3500 per month for a pied-à-terre for a CA couple, who come for occasional weekends. We're not trying to expand the hotel bed base with ADUs. We'd like people to be able to live where they work and be part of the community.

Anonymous

9/29/2021 05:09 PM

Prioritize the available housing for resident use first. If demand by residents is met, outline a program to make the housing available for nightly rentals. Look at the devastating effect the AirBnB moratorium had on Sausalito's local economy (also very tourist based). You need to address this. Extra units make ALL housing more affordable. More full time residents make communities work.

Anonymous

9/29/2021 05:31 PM

Parking must be available on the driveway or in the garage of the primary residence. No street parking should be permitted.

Anonymous

9/29/2021 06:34 PM

I'm not sure I know enough to give a valid opinion. I do like the idea because we need affordable housing, but it shouldn't be a blemish on our city.

Anonymous

Again there is no enforcement of prohibited nightly rentals in my

9/29/2021 07:32 PM

neighborhood. I believe that allowing more ADUs will lead only to more illegal nightly rentals.

Anonymous

9/29/2021 08:48 PM

I think parking is the biggest issue and what most neighbors would complain about

Anonymous

9/29/2021 10:23 PM

They should coordinate with the current house and blend with the current house construction so they don't become an "eyesore"

Anonymous

9/29/2021 10:33 PM

To make sure neighborhoods do not become overcrowded and low quality looking. Accessory apartments should follow the same aesthetics and rules as single family homes.

Anonymous

9/30/2021 04:55 AM

Street parking

Anonymous

9/30/2021 07:19 AM

Parking must be off street

Anonymous

9/30/2021 08:17 AM

Its a great idea.

Anonymous

9/30/2021 09:21 AM

Additional off-street parking requirements...at least one spot, and an additional one for each bedroom, no matter where the unit is located no nightly rentals no more than one accessory apartment on any property no more than 2 bedrooms limit the number of accessory apartments in any one area/neighborhood

Anonymous

9/30/2021 09:47 AM

Nightly rentals

Anonymous

9/30/2021 12:21 PM

Any long term rental will be less impactful than having that space used as a business or a nightly rental. Long term renters become a part of the community, form relationships with neighbors, and add to the health of this tourist town. Before we bought a home, I know that I loved getting to know my neighbors when I moved to a new rental. Many of those relationships are still strong for me and my wife. We have also made friends with people in ADUs and other long term rentals near by our home. Let's not overthink this...

Anonymous

9/30/2021 12:30 PM

Paking - should need some kind of parking pass so neighbors know whose car is the renters. This could help reduce nightly rental activity too.

Anonymous

9/30/2021 03:35 PM

You cannot mitigate this. You are increasing density haphazardly. There is no plan and no long term thought process as to the possible long term impact.

Anonymous

9/30/2021 03:51 PM

We already are set for parking

Anonymous

9/30/2021 05:05 PM

Increase in energy consumption by fossil fuel intensive building design Light pollution Noise pollution Increase of fire risk View-sheds blocked Parking Safety for the tenants

Anonymous

10/01/2021 06:59 AM

Size

Anonymous

10/01/2021 08:24 AM

Second home owners adding even more inflated pricing. These should be for full-time residents 30 days or longer

Anonymous

10/01/2021 09:09 AM

Be maintained and not allow storage of left over appliances, furniture, junk etc on grounds, on street side and front of units.

Anonymous

10/01/2021 03:30 PM

Parking. Not a fan of rental units being forced to park their car on street while owner has a huge driveway. South prospector Cul de sacs are a parking lot and it's terrible. Cars should be required to be on property and there should be a limit to cars. Example, 4 people sharing a 2bedroom apt and each person has a car. It's too much. Effects snowplows, garbage trucks, threatens kids safety bc cars can't see them biking or crossing street bc of parked cars and if this moves ahead, it would be a great way to encourage public transportation which is easily accessible in prospector.

Anonymous

10/02/2021 10:12 AM

Keeping it as no nightly rentals for any accessory apartments.

Anonymous

10/02/2021 05:24 PM

None. Maybe parties. If an owner rents to short term rentals and doesn't mitigate parties there should be three strikes your out for the year rule. But otherwise we shouldn't worry about issues that

don't really exist.

Anonymous

10/02/2021 05:27 PM

Parking and guarding against nightly rentals. The purpose should be to increase workforce housing. So AMI restrictions.

Anonymous

10/04/2021 10:18 AM

How many people can live in a unit , parking, street parking

Anonymous

10/05/2021 12:13 PM

No nightly rentals or rentals shorter than 30 days, property owner should identify parking limitations and clarify expectations for renters.

Anonymous

10/05/2021 04:51 PM

Congestion/transients, tenants/crime/traffic etc. Destroying single family neighborhoods

Anonymous

10/11/2021 09:57 AM

Noice, parking

Anonymous

10/11/2021 12:30 PM

Do not let them become nightly rentals. We need more long term housing.

Anonymous

10/12/2021 10:30 AM

Parking but that's already an issue

Anonymous

10/12/2021 11:47 AM

To completely eliminate any opportunity for VRBO, corporate ownership of rentals in residential neighborhoods. Corporate VRBO's are ruining residential communities!

Anonymous

10/12/2021 02:43 PM

street parking. Off street parking must be provided.

Anonymous

10/12/2021 03:39 PM

noise , parking, congestion , Making the city look like a slum.

Anonymous

10/12/2021 04:21 PM

Stringent parking requirements must be enforced.

Anonymous

none

10/12/2021 04:24 PM

Anonymous

10/12/2021 05:49 PM

We like neighbors. We don't like additional vehicles. The biggest problem is every long term renter adds at least one vehicle and usually two. Look at all your accessory apt diagrams on this page, none includes a single garage addition and every one adds an additional 1 or 2 cars to be parked on the street. You are just plain kidding yourselves if you think you will eliminate or mitigate this issue. You are absolutely creating it. There is no code enforcement in these neighborhoods and the new accessory apartment dweller's vehicles will be parked in front of our neighbor's houses.

Anonymous

10/12/2021 07:07 PM

Neighborhood/HOA requirements should be no more restrictive than measures adopted by the City.

Anonymous

10/12/2021 08:57 PM

I have 2 accessory apartments on my street. They create a lot of extra cars--parking should be limited to the driveway, and street parking limits should be enforced. Entries/doors should not be visible from the street, and yards should not be fenced in half for tenants. In my experience, accessory dwellings are a way for the homeowners to make money, and the additional units are not affordable housing. They degrade the neighborhood feel of my cul-de-sac. All of the other homeowners on my street have complained about the added traffic and disinterest the accessory dwellers have in being good neighbors.

Anonymous

10/13/2021 07:34 AM

Access to roadways, landscaping, number of occupants, parking requirements

Anonymous

10/13/2021 08:10 AM

Additional policing to ensure no short term rentals

Anonymous

10/13/2021 09:34 AM

There needs to be clearly enforced regulations related to short term rentals. The ADU initiative is way for property owners to build additional square footage that will likely never be used as affordable housing. The ADU's will be guest houses for family or a way for the property owner to generate income.

Anonymous

10/13/2021 10:59 AM

Need to have enough restrictions so that it doesn't look like two homes on one lot.

Trailhead

10/13/2021 11:08 AM

Accessory Apartments in Park City should *not* be expanded. They detract from the character of the town, will lead to increased traffic, water usage, etc. Folks who own property knew the restrictions when they acquired their property. DO NOT EXPAND, ENHANCE, OR MAKE EASIER ACCESSORY APARTMENTS.

Anonymous

10/13/2021 01:59 PM

nightly rentals are a problem. these need to be long term rental or limit the nights they can rent per year. Parking on the street is an issue, they need onsite parking.

Anonymous

10/13/2021 02:04 PM

parking must be supplied for all living there

Anonymous

10/13/2021 03:40 PM

Traffic, utility resources

Anonymous

10/13/2021 05:28 PM

Definitely no nightly rentals, 30 min rental does not alleviate a housing shortage with these units, should consider 90-120 day minimum rental period

Anonymous

10/13/2021 05:37 PM

Cap rent so these are for HOUSING not nightly rentals. Limit occupancy numbers. Minimum lease term 6 months NOT 31 days. How about tenants must be employed in Park City? City must go to great lengths to eliminate loopholes that nightly renters will slither through.

Anonymous

10/13/2021 07:53 PM

Ensure that the building requirements are held to the same standard of all other buildings in the area. Ensure that views are not comprised for existing owners. Accessory apartments will add to the already crowded streets and increase parking issues. Additional apartments should be added on the outside of town.

Anonymous

10/13/2021 10:51 PM

Parking should be a key issue, particularly in Old Town.

Anonymous

10/13/2021 10:51 PM

Bus use and facilities in park meadows, silver creek, thaynes

Anonymous

10/14/2021 07:02 AM

1. A 1-year minimum lease must be required, and that lease must be filed with the City. 2. A deed restriction filed with the county

should set a minimum lease duration of 1 calendar year without substitutions. 3. A deed restriction filed with the county should specify that no tenant automobiles/trucks may be parked overnight on the street. 4. A deed restriction filed with the county should specify no tenant automobiles/trucks are allowed to be parked overnight in the driveway. 5. A deed restriction filed with the county must state that no more than a single tenant (1 tenant) is allowed. No couples. No roommates. No shoving 6 people into the Accessory Apartment. 6. A deed restriction filed with the county must state NO PETS and NO EMOTIONAL SUPPORT ANIMALS.

DOUG FARR

10/14/2021 10:28 AM

Park City is over crowded and any type of future building should be curtailed.

Anonymous

10/14/2021 11:40 AM

Parking - absolutely no street parking. Noise. Heights, density and visual impact for surrounding neighbors. Length of rental - 30 days is too generous, should be for longer. Saying all that, I don't know how you are going to enforce any of this once something is built and a person decides they are going to not abide by the rules.

Anonymous

10/14/2021 02:57 PM

Parking and Noise

Anonymous

10/14/2021 04:01 PM

To be honest I would hate to see an accessory apartment in our neighborhood. As it is, everyone builds such big houses and to add an accessory dwelling would take away open spaces in neighborhoods and probably detract from people's views. We already have a provision for attached dwellings what is the point of taking up more open space with this? Thank you for letting me comment without getting cut off or put down.

Anonymous

10/14/2021 06:58 PM

Noise restrictions.

Anonymous

10/15/2021 08:36 AM

1) Parking. Enclosed parking should be required so that cars are not visible from the street or parked on the street. 2) Accessory Apartments should not be allowed to encroach on adjacent neighbors privacy and outdoor yard space and views.

Anonymous

10/15/2021 08:51 AM

No nightly or weekly rentals. 6 month leases or longer for the accessory and other homes on the lot.

Anonymous

10/15/2021 11:24 AM

Vehicle(s) from Accessory Apartments should be parked on property, not street.

Anonymous

10/15/2021 12:13 PM

parking. Noise from vents and outdoor area use. Lighting both indoor and outside use.

Anonymous

10/15/2021 12:29 PM

Moving in and out (esp. for Air BnB apartments) should be restricted as much as possible. Residential neighborhoods are regularly affected by AirBNB renters who don't respect the residential neighborhood!

Anonymous

10/15/2021 04:07 PM

If you think placing a DEED RESTRICTION on my property is an incentive you need to rethink that crazy idea. Why would I encumber my property potentially adversely affecting the value. NO WAY

Anonymous

10/15/2021 04:13 PM

Off street parking requirement is essential in residential neighborhood. Owner-occupied is essential, otherwise the property is just another duplex. Limiting the number in a specified radius is also essential.

Anonymous

10/16/2021 08:10 AM

I live in the Aerie. A "no nightly rental zone" within the City. Yet, many homes support nightly vacation rentals. The City has done nothing about it. The City has been informed and notified many times. How does the City plan to enforce the 30 day minimum rental period? No additional enforcement...no change in building code.

Anonymous

10/16/2021 08:33 AM

These will become a haven for nightly rentals and shouldn't be allowed. The City already doesn't do a good job of enforcing nightly rental bans and this will only increase the problem.

Anonymous

10/16/2021 08:58 AM

I would increase the deed restriction on rental to say minimum 90 days rather than 30 days.

Anonymous

10/16/2021 09:53 AM

Street parking

Anonymous

10/17/2021 01:18 PM

Our street looks like a used car lot with I think only 2 accessory apartments (Venus Ct) and it will be a nightmare if it ever snows. And constant high speed traffic up and down the street.

Anonymous

10/17/2021 06:54 PM

These units detract from the area beautify and do not enhance the value of nearby properties.

Anonymous

10/17/2021 11:13 PM

Parking issues in Old Town could conceivably be an issue. Also heeding ten o'clock curfew for low noise disturbance. In an effort to maintain a community life style with apartments designed for those who wish to live in a "home" environment with privacy. Also a limitation on the number of people that can live in square footage. One bedroom, max 2 - crib?

Anonymous

10/18/2021 12:43 PM

I do think they should limit nightly rentals, but don't think they should cap the rent and make them affordable housing.

Anonymous

10/18/2021 03:39 PM

First, any design modifications must be approved by the controlling HOA and must meet all current zoning regulations. Second, the homeowner must be a primary resident. In California corporations are buying single family homes, adding dwelling units and raising prices for everyone. This is a very stupid idea.

Anonymous

10/18/2021 04:11 PM

Traffic, Noise, Safety, Fire that could engulf neighboring properties.

Anonymous

10/19/2021 10:32 AM

for those who have invested in building accessory units already, they should not be required to adjust minimum stay because the code changes. Ive invested in creating my accessory unit based on a 30 day minimum rental. I do not want to see that code change because it affects my ability to continue renting at a rate that makes it financially feasible.

Anonymous

10/19/2021 10:35 AM

There are significant potential negative impacts associated with increased population density in Park City. Many of these cannot be mitigated. Some like potential impacts on the school system could be mitigated by significantly increasing the real estate taxes on properties with accessory dwellings. This might sound like a ridiculous idea but there are many examples of municipalities that have been crippled by increased population densities. Providing

public education is very expensive as I'm sure you understand. What will a major expansion of the school system do to the city's budget? Where will that money come from?

Anonymous

10/19/2021 05:12 PM

I represent Solamere and OAK's HOA's. Our 225 lot owners adamantly oppose this change. Keep within HOA rules of the area. Do not allow what has happened in Hidden Oaks. Must be attached to dwelling.

Anonymous

10/19/2021 05:58 PM

Parking needs to be provided for on any approved plan. Trash collection problems should be addressed. Would separate meters for water, gas and electric be required? How will an Accessory Apartment impact neighbors. How will property taxes be affected? How will the Accessory Apartments be insured ?

Anonymous

10/20/2021 10:51 AM

No accessory apartments. Definitely do not change code

Anonymous

10/20/2021 02:14 PM

those building accessory apts. should get approval of neighbors adjacent to and across the street from units

Anonymous

10/20/2021 05:57 PM

Making it easier for PC residence to build accessory apartments is not the answer, it will create a tidal wave of negative impacts, not easily undone. These are not potential impacts, they are obvious impacts that will need to be mitigated: more people- I am really happy right now in Prospector, but if 12 people lived next door, that would suck and you all know it. You have not stated a limit on the number of people living on one parcel. more cars parked on streets- all these people come with vehicles. where would they park? Especially when the snow plows come to clear the roads. Think Old Town and Prospector- already a nightmarish parking situation. more traffic- we all know traffic is already bad. more air pollution threatening the snowpack. more contaminated soil to be deposited somewhere. Someone? Anyone? want some nasty mine tailings so I can build my accessory apartment and line my pockets with rental cash. How will the city be able to keep these apartments in the long term rental pool? The short term brings in so much more money. Please don't make me rat out my neighbors. This town mascot is the moose, not rat.

Anonymous

10/21/2021 09:57 AM

I think that you have the right idea for Accessory Apartments from what I read

Anonymous

10/21/2021 11:30 AM

Living across the street from a whole house rental, I have concerns about adding additional rentals in a neighborhood. Excessive noise caused by parties and drinking are an issue. There should be a limit on the number of persons permitted in an Accessory Apartment. This will reduce noise and limit how many cars might try to park in the one additional parking space required. Additionally, no more than one Accessory Apartments on a single property will reduce the concentration of guests in a single spot.

Anonymous

10/21/2021 12:10 PM

parking and traffic in existing neighborhoods

Anonymous

10/21/2021 02:18 PM

not allowing additional parking for accessory apartments on front lawns and side yards, increased neighborhood traffic, increased noise, increased number of people/pets per single family residential lot

Anonymous

10/21/2021 09:57 PM

water and energy use

Anonymous

10/22/2021 06:41 AM

While living in San Francisco I saw the City go from fining and persecuting landlord owners of "accessory dwelling units" to begging us and rewarding us to establish them as long as they were also offered to public employees - teachers, police persons, fire persons and other city workers who could not afford to live within the County. I foresee the same thing happening within the City here in the future as I currently see it in my property taxes annually.

Anonymous

10/22/2021 12:41 PM

Appearance/neighborhood fit, noise, parking, tree/environment preservation, overcrowding, traffic. Also would want to limit the number of people living in a unit.

Anonymous

10/22/2021 04:39 PM

Should be congruent to the dwelling/garge

Anonymous

10/24/2021 10:30 AM

Over population density, traffic, snow removal.

Anonymous 10/24/2021 07:39 PM	Traffic. Cars. Trailers. Boats. Campers. People. Kids. All of the necessary support services and friends.
joeinpc 10/24/2021 08:18 PM	No outrageous building structures, but other than that let's try to find some solutions to our affordable housing problem in town.
Anonymous 10/25/2021 07:31 AM	Property owners should be able to optimize their value
Anonymous 10/26/2021 10:18 AM	Multiple accessory apartments would be very detrimental to zoned single home communities. The zoning and roads will not handle the additional issues of parking and traffic. This is true in the historic downtown as well as in single family home communities such as Park Meadows. Thirty day rentals are still short term rentals and if allowed, will result in sanctioned rentals for profit not a solution for affordable housing. If the parking rules are adhered to the parking lots created will violate the other in place zoning rules regarding additional off street parking and driveway width. It will further result in run off with rain water and melting snow not going into our water table for the local vegetation.
Anonymous 10/26/2021 11:59 AM	More apartments = more people = more traffic, greater requirements for schools and services - all of the challenges Park City currently encounters. Making it easier to have accessory apartments will add to these challenges.
Anonymous 10/26/2021 12:02 PM	Parking and the number of residents per unit
Anonymous 10/26/2021 04:24 PM	Please do not decrease the parking requirement for homes. Parking must be available off street for accessory apartments.
Anonymous 10/31/2021 09:39 PM	impact on infrastructure - roads/traffic, water, sewer, schools impact on the environment impact on fire season
Anonymous 11/01/2021 08:32 AM	Noise, lighting, parking
Anonymous 11/01/2021 11:22 AM	unknown

Anonymous

11/01/2021 01:16 PM

Parking. Street Parking! Parking on grass. If your plot and driveway cant accommodate extra people and their cars, it clogs the whole neighborhood. Inadequate parking on lot/personal plot...affects winter snow plowing. The extra cars are a neighborhood nuisance for those who follow the rules. I support accessory apartments, but the immediate trickle down effect of parking has to be considered with it.

Anonymous

11/02/2021 06:13 PM

Parking will become a greater issue. I appreciate finding ways to increase density without increasing height, but already a parking issue in many areas, so not sure how to mitigate this.

EBellquist

11/03/2021 09:22 AM

Accessory Apartments should have at least one off street parking space. However I think the existing regulation of one parking space per bedroom is too restrictive. I also think that limiting the size of an Accessory Apartment to 1,000 square feet is too restrictive.

Anonymous

11/03/2021 10:30 AM

parking, noise, hot tubs. total #, # per street or neighborhood.
Height - limit to one story if an access building.

Anonymous

11/03/2021 11:42 AM

Impacts of increased street parking

Anonymous

11/03/2021 02:43 PM

Aesthetics and noise should definitely be carefully monitored and controlled.

Anonymous

11/03/2021 08:24 PM

The amount of individuals that would reside in the apartment

Anonymous

11/03/2021 09:03 PM

Limit the amount of occupants per unit

Anonymous

11/03/2021 10:52 PM

Apartment parking only on homeowners approved driveway. No street parking allowed. No separate driveway for apartments. Limit the number of cars outside on the entire lot, use garage for vehicles. (Neighborhood homesites might tend to look like a parking lot) Limit the number of people in the 2 bedrooms apartment, as 2 bedrooms could house a lot of people if no limit is stated. Review and limit animals within the apartment/lot. No

separate apartment hot tubs. Keep windows smaller not the huge picture windows we see today. Creates visual disturbances to neighborhood. No outside RV, sprinter van, trailers, boats etc. There should be discussion about having inside storage for bikes, toys etc to eliminate unsightliness. Some apartments could greatly impact neighbors view, noise and peace. Get surrounding neighbors and HOA approvals of design, height and location... please define the terms: single-family dwelling, property owners, full-time residents Thank you

Anonymous

11/04/2021 02:08 PM

Requiring additional parking for every bedroom in an ADU is not smart when encouraging people to take mass transit.

Anonymous

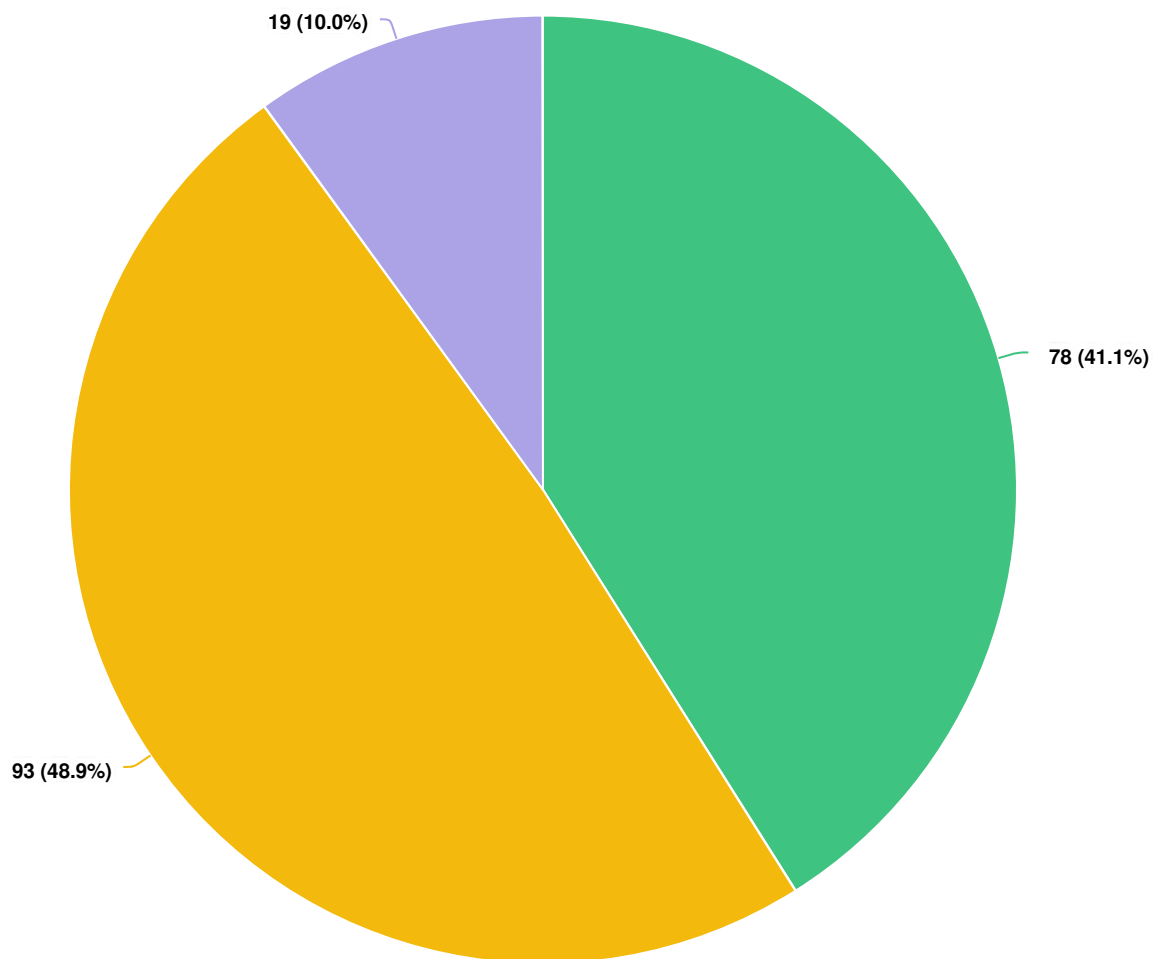
11/04/2021 11:21 PM

My neighbors have an accessory apartment and for two years their tenants had good sized gatherings everyday from morning to night outside right next to our property when the weather was nice. They were all drinkers and smokers, so they were loud and the smoke would billow into our property so we could smell it in our house when the windows were open. We stopped eating outside in the summer, and we kept our windows shut. They generally quieted down around 10:30pm so there was no justifiable reason to complain about them. I have no idea how to mitigate that impact!

Optional question (123 response(s), 69 skipped)

Question type: Essay Question

Q14 | Should Accessory Apartments located near transit stops have reduced parking requirements:



Question options

● Yes ● No ● Other (please specify)

Optional question (190 response(s), 2 skipped)
Question type: Dropdown Question

Exhibit E – Public Input

Greetings - to the Park City Planning Commissioners:

We are in interesting times in our little Park City. Property value is soaring, but small (and large) businesses in every sector are scrambling and stressed. Why? We're understaffed because workers can't afford to live in Park City or even greater Park City.

After 25 years, 2021 has devalued my company. I'm running $\frac{1}{4}$ the crew I need for my landscape contracting company. This year, I turned down over 35 jobs and then stopped counting. I pay well and offer benefits for return staff and still, I can't find enough new hires.

Lost tax revenue: Lost revenue to business is lost tax revenue for government. I'm curious about a comparison on tax revenue generated by current zoning and tax revenue lost, (due to staff shortages).

Carbon Footprint: For the last several years—and this is a complete change from my first 10 years of business operations--the majority of my staff lives in Salt Lake City. We need to include the carbon costs of pushing workers out of Park City, just like we considered tourist travel when assessing our city's carbon output.

Affordable housing without building: We need affordable housing, but that doesn't mean more building. There are hundreds or more viable rental spaces in Park City—rooms and lock outs that sit empty—many due to current state and local codes.

Over the years and this year as well, I've had people seek out my company for hire from across the country, due to the particulars of our work. Once they research housing costs, they cancel.

Our daughters and sons: Additionally, despite a lifetime of relationships and connections, many Park City hometown kids have to move to Salt Lake City due to high housing costs. This is so for one of my children.

Ejecting our youth says a lot about what a community really values. Can we please change that?

Impact of nightly rental zoning: Long term rentals took a huge hit and continue to, due to the nightly rental phenomenon. My home in Prospector sits on the boundary of nightly rental allowances. Now, on my west side in what used to be a long term rental property, I have nightly renters who are ready to party on the weekends when I'm ready to rest.

I start with a conversation with these folks, yet alcohol amplifies emotion. I've been threatened, filmed and called vile names and then I do call the police.

Do we really want police to be dealing with "over the fence" conflicts?

More importantly, why have we allowed so many long term rentals to be zoned for nightly rentals when we are such and extreme housing deficit?

Why are we allowing tourism to seep into our neighborhoods when there are empty hotel rooms?

What I value: I don't want to distill my viewpoint through the lens of economics and tax / revenue comparisons. I want Park City to begin valuing **real** community with diversity of all kinds including socio-economic and ethnic. I want continuity for the people who grew up here to be able to live here as adults. I want Park City to consider the entire community **system**—not just revenue when making all decisions—including housing.

In closing, I would like to see two things:

1. Remove the "300' " and other limitations on accessory apartments. I think these units should meet several standards with consideration to neighbors and safety for renters.
2. Minimize zoning for nightly rentals and concentrate them in the Main Street areas which are already impacted with noise and alcohol revelry.

Thank you all for serving on the Planning Commission!

Dee Downing

Prospector resident / Red Ant Works, Inc.

Thank you for sending the card announcing the "Public Hearing". We are unable to attend tonight's zoom meeting. We are opposed to any change/s to codes adding traffic, parking problems, parking enforcement, (no sidewalks - kids must walk to school in street - hazardous especially in Winter), reducing property values. We were not aware of zoning changes that allowed "Alternative dwelling units" in Park Meadows II. The ADUs have ignored (or been given variance to) the side and rear setbacks and are rented out at exorbitant rates. We hear that these were approved by the city in a unusual way, yet it took eight trips to Marsac for me to get a permit to replace my driveway. Our neighbors, Kitty and Frode Jensen, are out of state and will not be able to zoom - they are also opposed to this. This might be a repeat of an attempt to solve a problem creates three more! What is the process after this hearing - thanks Bob and Becky Burns.

Exhibit E – Public Input

I would strongly urge the planning commission to recommend modifying the LMC to eliminate parking requirements for ADUs near transit lines. First, the primary purpose of creating these units is to allow more people who work in Park City to live here. Reducing traffic in and out of town largely offsets any potential impact from parking. Second, it is unfair to impose no parking restrictions on single families (who may own many cars) yet enforce them on ADU owners and tenants. Third, the Sudbury Report presents strong evidence that eliminating the parking requirement can greatly increase ADU development, while having minimal impact on neighborhood parking issues.

We would be agreeable to requiring ADU tenants to utilize remote parking lots to park their vehicles for use when out-of-town travel is required, with public transit/bicycle/walking always used for in-town transportation and commuting.

Thank you once again for your dedication and for taking my comment.

--

David Dorsey

I am sorry not to have sent a follow up email earlier, but I do support amendments to city code which would incentivize accessory dwelling units and accessory apartments. Here are just a few reasons:

~ It's good for the environment and for quality of life for workers to live nearby and be able to take advantage of our public transit, bike or walk to work;

~ It's good for the community to have diversity of residents. Minorities, young people starting out in the workforce, the elderly on fixed incomes, and other economically disadvantaged people deserve to be a part of this great community;

~ It's good for aging homeowners who might need assistance to remain in their homes during their twilight years;

~ It's good for multigenerational families to be able to live nearby or communally without being "too close";

~ It's good for our tax base to have more income producing people live within the city.

Thank you for sharing this information with Staff participating in this discussion.

Exhibit E – Public Input

Dear Ms. Ward-I am writing to share my thoughts regarding proposed easing of regulations which control the construction and occupancy of accessory apartments on single unit housing lots in Park City.

I oppose any easing of regulations governing construction and occupancy of accessory apartments.

My reasoning is based upon observing building in Park City for the past 40 years. From my perspective the Planning Commission, City Council and Planning Department eventually approve virtually every project on privately held land parcels-residential and commercial. 40 years ago breaking the ridge line was supposedly verboten in Park City. I watched from my perch on the playground at the old Carl Winters Middle School as a then very modern home design broke the ridge line on the mountain just east of the old school and Park Avenue. The town was up in arms-the ridge line was broken. Evidently, the City acquiesced and the owners completed the project, moved in, and sent their kids to the middle school.

In the last few years the former owner of the Grub Steak decided more money could be made developing land on a virtual cliff than selling prime rib. Said owner had long and strong relationships with those in government in Park City. A monstrosity of houses and condos was born and built. While it may not actually break a ridge line, it overwhelms the historic mining houses and neighborhoods below. As with many other long term locals, I struggle to see how this visual carnage improves life and living in Park City. A few people make the money and the rest of us suffer from the damage caused. Such approvals are part of a sad pattern in our community that relegates many to lower standards of living.

This laxity continues to this day. The latest is the forty year old approvals that are soon to be enacted on the Vailterra parking lots below Park City Resort and Deer Valley. It is evident that these projects will be approved but what remorse it will cause in a thirsty community with a craving for livability. There is a solution to the challenge of eight story above ground structures. Force the developers in both cases to go four to six stories underground. Such a requirement will test their economic will-they can build what they want within, say four stories above ground, but they must match that and go deeper beneath the surface. If these developers are truly devoted to Park City and to quality of life for both residents and guests, they will need to expend the financial resources to dig these giant holes and fill them with concrete.

Most residents shrug and say that ultimate approvals of building permits with evidence of apparent oversight and modification represent what Park City has become-private property rights for the individual or development company in the end prevail over the well-being of community virtually every time. One can only imagine the flagrant abuses and deviations from what used to be code and community norms will soon be omnipresent with the new deregulation of accessory apartments. Traditional view lines abrogated. Water that we do not have in our county and, indeed, our state will be in

Exhibit E – Public Input

even shorter supply. More cars and people will be jammed into what used to be and still is a small canyon to the south. Street parking will become the norm. Nightly rentals will invade formerly quiet neighborhoods. Quality of life will continue to degrade. The permanent exodus of full time residents will continue and perhaps grow continuing the trend to community with no community. Those who have lived here 30, 40, 50 years never imagined that the intensity to build more, pave over every square inch it seems, would get so far out of control even with the obvious natural limitations of water and space.

Less regulation generally means more abuse. That is what I envision with the proposed changes to the accessory apartment building codes.

Accordingly as stated at the outset of this email, I oppose any changes and reductions to the regulations governing construction and occupancy of accessory apartments.

Sincerely,

Brian Schiller

I am 100% opposed to reducing regulations to incentivize construction of Accessory Apartments. Instead, Accessory Apartments should be banned.

Park City has too many people, period. Park City does not have the infrastructure to support more people. Adding Accessory Apartments means bringing in more people, and that just makes the quality of life worse for everyone.

More people wish to live here than there are homes/apartments for them – but that DOES NOT mean The City has an obligation to create more homes/condominiums/townhouses/apartments to satisfy that demand. Bringing yet more people to Park City via more Accessory Apartments should be a NON-objective. Reducing the number of people in Park City should be the objective.

Phil Palmintere

Hi Rebecca, In answer to part of your question and some thoughts and feelings on Air B and B.

And if so, is this in the old town area? Parking might be a big issue. I am not sure I understand the accessory apartments. Does this mean I could assign part

Exhibit E – Public Input

of my house as a separate unit rental? .I see the provision for parking, but that seems unrealistic in old-town?

What I am concerned about is the Air B & B. So many in my neighborhood, and some are in the party mood at odd hours in the morning. They also sometimes park in my space and I am constantly defining my boundaries to people who are innocent in a way, they simply rented a vacation house and don't know the rules and boundaries. I end up taking out their garbage most of the time (it gets full and smelly). Now I don't mind doing this for a neighbor as a community, but to do it for a one house hotel, I should get payment for that. I do not know exactly how to contact the owners or know who the rental properties are. Can this be information available to the neighborhood as a unit? The out of town owners do not understand Old Town at all. The rental properties should be taking out the garbage AND returning the can to the storage area. I have three AB&B's in my backyard too. One will soon be occupied by mountain employees. One year they had 8 young men in a one bedroom house, they smoked and partied all the time. Even vomiting over the porch rail of a darling 1890's historical cottage. The owners live out of town and don't seem to have any involvement with who rents or how it is managed by the rental companies.

I want to know who the property managers are. All of these houses but one are owned by young people and they all seem to be friends. They call us the old-timers "The Karens"...imagine that. That would not describe me as I am very peaceful, loving to all, and helpful. I try to be a good neighbor and clean up after them and offer services like taking care of package delivery when they are not on the site.

I manage a couple of houses in Deer Valley myself and understand how it works. The houses I manage, however, are owned by out of towners from New England, but are used only by these families two or three times a year. They are not AB & B's. They are not monthly rentals. I take care of these homes in Deer Valley as if they were my own. And I should not have to take out garbage on a busy road like Marsac when I have all these other properties to take care of. As you know I will be 80 in February, but I am quite fit and seem much younger.

This summer while I was painting the outside of my house (myself with a brush on a ladder) the downhill neighbor was doing construction. They had a power saw under my dining room window (one foot away) this resulted in sawdust all over my freshly power washed wall. And later the same thing on my fresh paint. I talked to the contractor and agreed to hold off on my painting until they were finished. Of course this took much longer than anticipated. I did get my house finished before the first snowfall. Also, the neighbors left out many shipping boxes , and large pieces of styrofoam left against their

Exhibit E – Public Input

house to blow around. The owners left a great deal of this garbage before rushing off to Florida as they had a client coming in. All I took care of.

I take pride in my historical home and the yard is always spotless.

I am not addressing a complaint, but simply making an effort to show how it is for long-time residents in old-town and answering your question for feedback . Some of the times we have very nice people renting next door and that is a plus. I love people and there are some lovely folks too. I love My Town. I wouldn't want to live anywhere else and have been a resident for 36 years in this house. A total of 40 in Park City.

If you have any direct questions just ask. I want to be helpful and I want Park City to be a beautiful town reminiscent of Aspen, or Carmel with the old homes being "the jewels" and adding character of an old mining town, such that it is.

What happened to the deed restricted rental agreement plan?

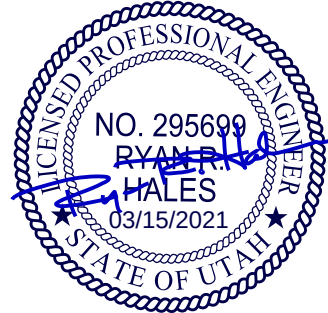
Thanks so much for including me in your research.
My best,
Anita

This is a very bad idea that will serve primarily to increase traffic, crowd streets with excess cars parked to accommodate renters and drive up the cost of housing as speculators acquire properties to generate income for their investments. It is already happening and must be stopped. I live in Park Meadows and there is enough crowding of street parking caused by trucks and cars of workers doing remodels of homes - we don't need more congestion for the construction of Accessory Apartments followed by renters parking on the street. Further, how will City snow plows be able to clear streets with the additional overnight parking blocking the streets? Enough is enough! I strongly object to allowing this to happen. I will be away from Park City for the hearings but want to register my objections.

Respectfully, John E. Brubaker

MEMORANDUM

Date: March 15, 2021
To: Washington School House, LLC
From: Hales Engineering



Subject: Washington School House Inn Parking Study

UT21-1830

This memorandum discusses the parking study completed for the Washington School House Inn in Park City, Utah. The study identifies the parking supply included in the site plan, the parking supply rates required by the City and parking demand rates identified by the Institute of Transportation Engineers (ITE). A discussion of the anticipated parking demand for special events on the property is also included.

Project Description

The Washington School House is located at 543 Park Avenue. A vicinity map of the project site is shown in Figure 1, and a full site plan is found in Appendix A. The Washington School House operates as a boutique bed and breakfast. It serves a limited number of guests that seek a small, private, and exclusive destination. The Washington School House has been recognized in the media, including Travel + Leisure, as a destination draw for Park City.

The owners of the property applied for a conditional use permit to change the Washington School House's current operations as a Bed and Breakfast Inn to a Hotel Minor land use under Park City code. The hotel will have 12 rooms. The property site plan identifies a total of 12 stalls (11 stalls located in a lot across Park Avenue and authorized by easement and 1 parking stall planned for the west end of the property on Woodside Avenue). A driveway on the property offers 2 additional stalls that do not meet the City's off-street parking dimensions.



Figure 1: Site vicinity map of the project in Park City, Utah

Park City Parking Code

The Park City code specifies parking rates for various land use types. According to section 15-3-6B of the code, the City requires “1 space per room or suite, and one space per 200 sf of separately leasable commercial space.” This property doesn’t include any separately leasable commercial space. Based on these requirements, the Washington School House is required to provide a total of 12 off-street parking spaces. This requirement will be met with the 11 current off-street parking spaces and the 1 proposed parking space.

ITE Parking Demand Rates

While the planned usage of the Washington School House is unique and smaller than a typical hotel, it is comparable to the Institute of Transportation Engineers (ITE), *Parking Generation*, 5th Edition, 2019, business hotel land use. The average parking demand rate for a business hotel (ITE land use 312 is 0.72 parking stalls per hotel room, with an 85th percentile demand rate of 0.83 stalls per room and a maximum observed rate of 0.85 parking stalls per room. This is based on 11 study sites across the United States since the year 1980, with an average parking supply of 1.1 spaces per room. The number of stalls needed based on each of these rates for the proposed project is shown in Table 1.

Table 1: ITE Parking Generation

Park City - Washington School House Inn ITE Parking Generation (LU 312)		
Rate Type	Rate (stalls/dwelling unit)	Stalls
Average	0.72	9
85th Percentile	0.83	10
Maximum	0.85	11
ITE Parking Generation, 5th Edition, 2019		
Source: Hales Engineering, February 2021		

It is typically recommended that the parking demand be increased by 10% to provide an adequate parking supply for the property. If the 85th percentile parking demand of 10 stalls is used, then a parking supply of 11 stalls is advisable. A summary of the parking rates from the existing site plan, the Park City code, and ITE data can be found in Table 2.

Table 2: Parking Rate Comparison

Park City - Washington School House Inn Parking Rate Comparison		
Source	Rate (stalls / room)	# of Stalls
Park City Parking Code	1.00	12
ITE 85th Percentile Parking Demand	0.83	10
Existing Site Parking (off-street)	1.00	12
ITE Parking Generation, 5th Edition, 2019		
1. Two driveway parking spaces exist and have not been included in these numbers		
Source: Hales Engineering, February 2021		

The proposed site plan, which includes 12 off-street parking spaces, exceeds the recommended ITE parking supply. Moreover, the property owner reports, based on experience with the bed and breakfast, that only about 25% of guests require parking during their stay. This results in use of about 3 of the available parking spaces. The remaining guests arrive via transit, ridesharing services, or private transportation services and use these same services during their stay. Guests using transportation services are picked up and dropped off in a pull out located in front of the Washington School House.

Special Events

The Hotel (Minor) land use would allow the Washington School House to host small, private events. These special events are anticipated to include small corporate retreats, and small, private celebrations for weddings or other milestone events.

The property owners have indicated that no more than 60 guests would be permitted on the property for special events. This is due to the private, exclusive nature of the property and the small nature of the gathering spaces. This number includes up to 34 overnight guests (which is the Washington School House's full occupancy, based on sleeping areas available in the 12 guest rooms). The balance of special event guests would arrive from offsite.

As described above, the property owner stated that most overnight guests utilize ridesharing services for transportation to and from the Washington School House. Approximately 25% of overnight guests bring their own vehicles and require parking. If 25% of the overnight guests use parking spaces, then only 3 of the 12 spaces on the property are being used by these guests. That leaves more than adequate parking capacity for non-overnight, special event guests (estimated at 26 for special events when the Washington School House is completely rented out), the majority of which will also likely use ridesharing or other transportation services. Guests arriving by rideshare, or other transportation service, will be picked up and dropped off in the pull out in front of the Washington School House. The Washington School House will manage parking during special events through use of a valet service.

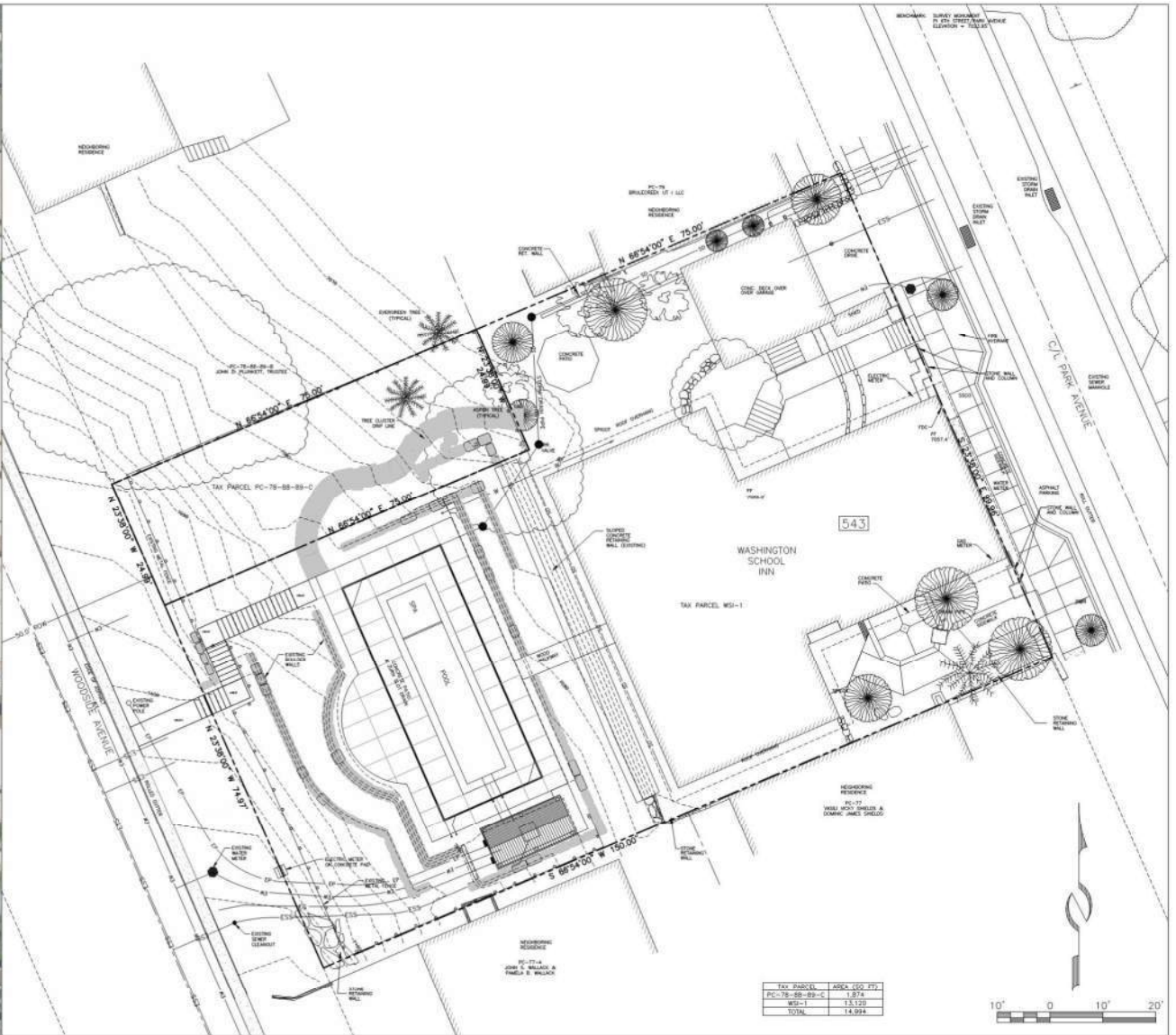
Conclusions and Recommendations

Hales Engineering makes the following conclusions for parking at the proposed Washington School House Hotel in Park City, Utah:

- The proposed site plan for the Washington School House Hotel identifies a total of 12 off-street parking spaces, with 2 additional spaces available in the driveway at the property. This equals a parking supply of 1 parking space per room.
- Section 15-3-6B of the Park City code would require 12 parking spaces for the Washington School House property under the “Hotel (minor)” land use. This translates to a parking supply rate of 1.0 parking space per room.
- The ITE 85th percentile parking demand rate for a business hotel is 0.83 parking stalls per room, translating to 10 parking stalls. With a 10% increase to parking demand, a parking supply of 11 parking stalls is recommended.
 - The current site plan meets the number of parking spaces required in the Park City code and exceeds the number recommended by the ITE data.
 - Based on past parking usage at the property, overnight guests will only use approximately 3 of the 12 available spots.
- The Washington School House is a small, private, exclusive destination that is meant to provide a high level of service to a limited number of guests. It may host small, private, special events under the new “Hotel (minor)” land use.
 - The events will largely cater to overnight guests, with a limited number of additional special event guests who are not staying at the Hotel.
 - Based on past experience, most guests at the Hotel will use ridesharing services and do not require on-site parking. It is not anticipated that parking demand will exceed the 12 supplied parking spaces during special events.

APPENDIX A

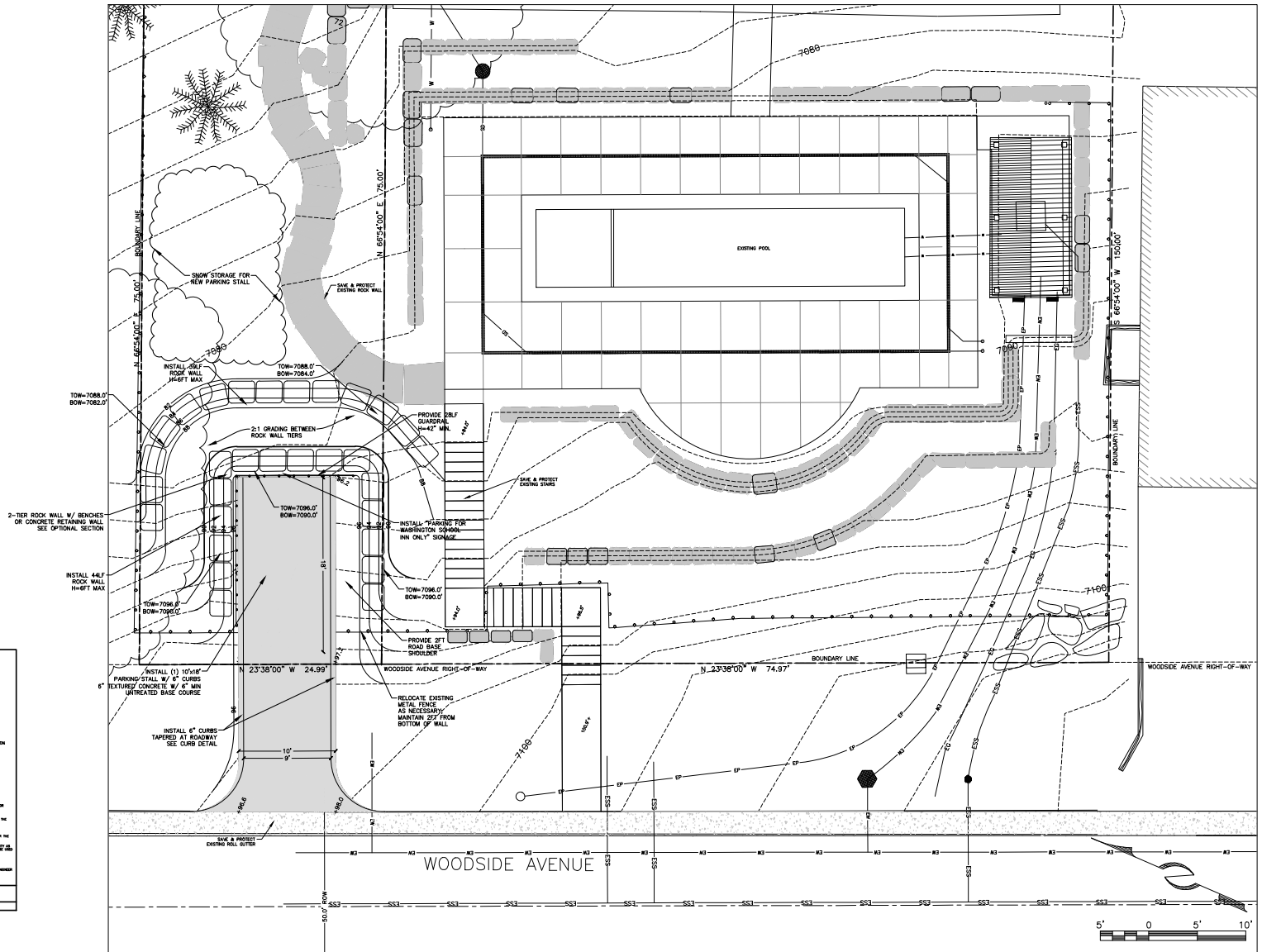
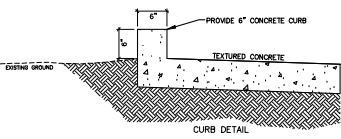
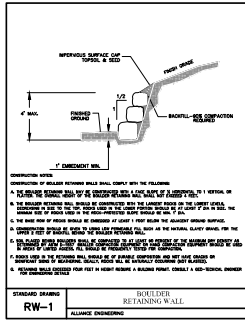
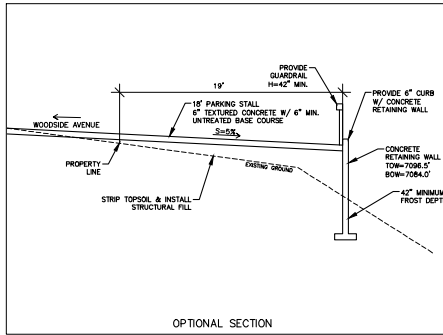
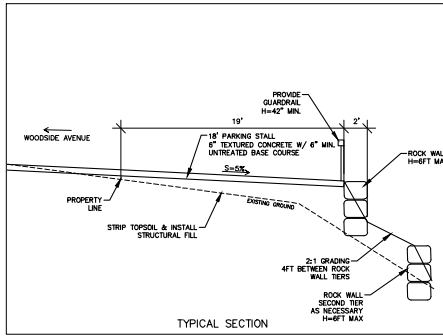
Site Plan



(435) 649-8467
STAFF:
 MICHAEL DEMKOWICZ
 RYAN BETZ
DATE: 2/12/20

2020 EXISTING CONDITIONS & VICINITY
543 PARK AVENUE
WASHINGTON SCHOOL INN
FOR: TRIP BENNETT
JOB NO.: 20-T-17
FILE: X:\ParkCitySurvey\dwg\T-4-10\2017 improvements\wa2017.dwg

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(435) 648-8487 STAFF: MICHAEL DEMKOWICZ RYAN BETZ	2020 IMPROVEMENTS 543 PARK AVENUE WASHINGTON SCHOOL INN FOR: TRIP BENNETT JOB NO.: 20-7-17 FILE: X:\ParkCitySurvey\dwg\7-4-10\2017 improvements\WSI-civil.dwg	SHEET 2 OF 2
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