



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
December 9, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the PLANNING COMMISSION of Park City, Utah will hold its Regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060 for the purposes and at the times as described below on Wednesday, December 9, 2020.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

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

Exhibit A: Determination of Substantial Health and Safety Risk

On November 18, the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location.

Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include: • Governor Herbert declared a COVID-19 State of Emergency on November 8, 2020. • Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021. • Statewide COVID cases and hospitalizations are increasing exponentially.

This determination is valid for 30 days, and is set to expire on December 18, 2020.

Dated: November 18, 2020

MEETING CALLED TO ORDER AT 5:30 PM.

1.ROLL CALL

2.MINUTES APPROVAL

- 2.A. Consideration to Approve the Planning Commission Meeting Minutes from November 11, 2020 and November 18, 2020.

[PC Minutes 11.11.2020_Pending Approval](#)

[PC Minutes 11.18.2020_Pending Approval](#)

3.PUBLIC COMMUNICATIONS

4.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

- 4.A. Staff Communication
[2020 and 2021 Land Management Code Amendments](#)

5.WORK SESSION

- 5.A. Open and Public Meetings Act Training
[OPMA Training 2020](#)
- 5.B. Land Management Code Amendment – The Planning Commission will Consider Updates to the City's Outdoor Lighting Regulations, Land Management Code § 15-5-5(J), to Align with Summit County's Recently-Adopted Code and the International Dark-Sky Association Standards to Set Maximum Lumens for Fixtures and Properties, to Prevent Harsh Lighting with a Maximum of 3,000 degrees Kelvin, and to Fully Shield Lighting.
(A) Public Hearing (B) Continued Discussion on January 13, 2020
[Outdoor Lighting Code Staff Report](#)
[Exhibit A: Public Input](#)
[Exhibit B: HPCA Letter Regarding Seasonal Lights](#)
- 5.C. Amendments to Land Management Code Section 15-6-7, Master Planned Affordable Housing Developments – Review of Land Management Code Amendments to Reduce Off-Street Parking, Increase Building Height, and Allow Market-Rate and Affordable Units for Master Planned Affordable Housing Developments.
[Affordable Master Planned Development Staff Report](#)

6.REGULAR AGENDA

- 6.A. 1271 Lowell Avenue – Condominium Plat Amendment – The Applicant Proposes Amending Building D of the King's Crown Condominiums to Reduce the Units from 12 to 11, Reduce the Parking from 22 to 21 Spaces, Reduce the Limited Common Area by 386 Square Feet, and Increase the Private Area Square Footage by 712 Square Feet.
PL-20-04661
Application Withdrawn
[Application Withdrawn](#)
- 6.B. 1241, 1249, 1257 Rothwell Road – Plat Amendment – The Applicant Proposes Combining Single-Family Dwelling Lots 27, 28, and 29 of the King's Crown Re-Subdivision into Two Lots. PL-20-04660
(A) Public Hearing (B) Possible Recommendation for City Council's Consideration on January 7, 2021
[Lots 27, 28, and 29 of the King's Crown Re-Subdivision Lot Combination Staff Report](#)
[Exhibit A: Draft Ordinance and Proposed Plat](#)
[Exhibit B: Applicant's Statement](#)
[Exhibit C: King's Crown Development Agreement](#)
[Exhibit D: King's Crown Third Amended Housing Mitigation Plan](#)
[Exhibit E: January 10, 2018 MPD-CUP Final Action Letter](#)

7.ADJOURN

A majority of PLANNING COMMISSION members may meet socially after the meeting. If so, the location will be announced by the PLANNING COMMISSION Chair Person. City business will not be conducted. 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. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***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
November 11, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: David Everitt, Deputy City Manager, Hannah Tyler, Planner; Rebecca Ward, Planner; Liz Jackson, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, use eComment or raise your hand on Zoom. eComments submitted before the meeting date will be attached to the packet as appendices. eComments submitted on Commission meeting days will be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org.

Exhibit A: Determination of Substantial Health and Safety Risk

On October 23, 2020 the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021.
- Statewide COVID cases and hospitalizations are

increasing. This determination is valid for 30 days and is set to expire on November 23, 2020.

Dated October 23, 2020.

ROLL CALL

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

APPROVAL OF MINUTES

October 28, 2020

Commissioner Thimm referred to page 13, first paragraph, fourth line from the bottom, and removed the word square from the sentence to correctly read, "Parking is within 1,000 feet of the development".

MOTION: Commissioner Hall moved to APPROVE the Minutes of October 28, 2020 as amended. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

David Everitt, Deputy City Manager, stated that he would be sitting in for Planning Director Bruce Erickson in his absence.

Mr. Everitt reported on a new process for the Planning Commission to take public comment from constituents in order to be consistent with how it is done with the City Council. The process will include public comments in real time, as well as how public comments are archived in the record moving forward. Mr. Everitt stated that they would use the current method for this meeting and the special meeting regarding PCMR base on November 18th because both have been noticed accordingly. The new process will be implemented beginning with the November 9th meeting.

Mr. Everitt remarked that under the new process, if people wish to make comments during the meeting they will need to do so live as opposed to having the Staff read

comments into the record during the meeting. The intent is to be consistent with how public hearings are conducted in all City Council and Board and Commission meetings.

Commissioner Suesser stated that she has heard complaints from the public about the meetings. She asked if the public would also be able to see who the participants and panelists are at the meeting. Apparently, the meetings have not utilized all the Zoom options and she heard from a frustrated participant who was not able to tell who the panelists were, who was speaking, or who from the public was in attendance.

Mr. Everitt was unsure whether they would be able to show who from the public was attending. He was not too familiar with Zoom, but he thought there might be a setting to allow people to at least see a list of attendees. Chair Phillips explained his own frustrations when he virtually attended the Hideout meetings and was not able to see the attendees. He agreed that it is helpful to know which citizens are there. If possible, he encouraged finding a way to give the citizens the ability to see who is in attendance without further communication. Mr. Everitt understood their concern and offered to look into it further. He noted that the City is constantly trying to navigate Zoom plus Granicus. Chair Phillips believed the way they were trying to revise the public comment portion of the Zoom meetings was more in line with what they would experience if the meetings were held in person.

Mr. Everitt introduced Brendan Conboy, the new Senior Planner who started yesterday. The Commissioners welcomed Mr. Conboy.

Jessica Nelson stated that trying to show all the attendees for the general public on Zoom might be possible, but they also stream the meetings through Granicus and there is no way to record or capture members of the public who tune in through Granicus off the listen live page. She wanted the Commissioners to understand that there is no way to capture a complete picture of everyone from the public who tune into these meetings.

Commissioner Kenworthy commented on the Transportation Committee that he and Commissioner Suesser sit on. The committee has not had a meeting in over a year, and he asked if Mr. Everitt could provide an update. He asked whether they would be gathering with the regional team to catch up, recognizing that Covid had changed things for everyone. Mr. Everitt asked if Commissioner Kenworthy was referring to the committee that was put together for the Park City Forward Master Planning process. Mr. Kenworthy answered yes. Mr. Everitt stated that the City Council recently gave direction to get back on board with making that happen. However, they are currently down to one transportation planner. With Alexis leaving, Julia Collins is the only staff member. They have hired one staff and they are trying to fill a vacancy for a third staff

member. Mr. Everitt remarked that Julia Collins has it on her priority list, but it might be the first of the year before they full reengage on the Park City Forward Plan process.

Chair Phillips asked if Mr. Everitt had a timeline to replace Mark Sletten who recently resigned from the Planning Commission. Mr. Everitt thought the vacancies would be advertised in the next couple of weeks to expedite the necessary replacements.

CONTINUATIONS – (Public Hearing and Continue to Date Specified.)

- 5A. Olive Branch Condominiums - 472A Deer Valley Loop- Appeal of a Planning Director Determination – The Planning Commission will Review the Appeal of the Planning Director's Determination to Require a Plat Amendment to Expand Private Area into Platted Common Area of a Two-Unit Condominium Located at 472 A Deer Valley Loop.

City Attorney Harrington stated that the Planning Commission did not need a motion to continue. The LMC provides that Staff can grant the continuance if the request is five days prior to the hearing, which it was in this case. The Staff has approved it and it was stipulated by both sides of the Appeal. Mr. Harrington clarified that because this item was noticed, it was posted on the Agenda only as notification to the Planning Commission and the public. No action was required.

WORK SESSION

- 6A. Off-Street Parking Standards and Maximum Building Height for Master Planned Affordable Housing Developments.

Planner Hannah Tyler noted that in their report, Cascadia Partners stressed that it was crucial for Park City to reduce the off-street parking; however, they also put emphasis on the need to provide height increases for affordable housing. Cascadia believes that both changes together would enhance the financial feasibility, which is what the City asked them to identify. Planner Tyler stated that Cascadia recommended four Code updates to address the increase in building height. The Staff was requesting direction on the four Code amendments. However, when they come back with the density bonus discussion, it is important to revisit the height to make sure the Staff and the Planning Commission understand how large a building would be using the density bonus. Planner Tyler wanted to make sure they do that exercise so everyone is educated on what the density bonus will give if it is implemented as Code.

Planner Tyler showed the current maximum building height standards for all of the zones that was included in the Staff report. She noted that generally the residential zones hover

around 27' to 28'. Most zones have a height exception for a roof pitch. In that case a taller building can be achieved with the appropriate roof pitch, which in most cases is greater than 4/12. Commercial and resort zones typically have a taller maximum building height than residential zones, which can be anywhere from 35' to 45'.

Planner Tyler reported that the first Code amendment recommended by Cascadia is allowing affordable housing MPDs to build up to four stories in order to achieve a density bonus. The existing zoning districts with a maximum building height of 45' typically already results in four-story developments. If the Planning Commission is interested in allowing four-story developments in zoning districts where the maximum height is less than 45', the Staff would recommend allowing the building height up to 45', based on their knowledge of previous developments in Park City. She intended to show examples of buildings that have achieved four stories in a 45' setting.

Planner Tyler remarked that it is feasible to squeeze five stories into 45', however, the Planning Commission could recommend a maximum number of stories in addition to building height. One reason for doing that is because once it goes above four stories it shifts into a different building code and the structure becomes much more expensive. Planner Tyler stated that a bigger issue is that Park City's utility infrastructure has been developed based on known development standards and future projections for development. Therefore, capacity has been determined by the building heights and densities in the zones. In some instances, the water department would not be able to service a structure greater than four stories due to issues with water pressure and capacity. Planner Tyler noted that the water system could be upgraded, but it would be very expensive. She assumed most of the developments would stay around 4-stories.

Planner Tyler believed that allowing developments to increase building height to 45' to achieve the four-stories poses concerns regarding compatibility with existing neighborhood developments. However, the issue could be addressed by supplemental LMC amendments that address the bulk, massing, and scale.

Planner Tyler walked through building height in a zone by zone setting. She noted that the Staff report includes the high level and initial thoughts based on the different zoning district typologies. The Staff was requesting direction from the Planning Commission on whether to allow the one-story height bonus going from three-stories to allow four-stories, and basically look at a 45' maximum height. Planner Tyler pointed out that the Staff was not in favor of this occurring in the historic districts. The existing height in the historic districts is 27'. In the commercial districts there is already code that allows buildings to achieve 45', and it has a massing code that is specific for the historic districts. She emphasized that the Staff was not supportive of any additional height exceptions for that zone, primarily because they worked so hard to build the design guidelines and the existing LMC to address compatibility. The Staff was concerned that

adding anything else at this point would compromise the success of that program.

Planner Tyler stated that the next typology were the residential zones, which is the RD zone, the Estate zone, and the Single-Family zones. The existing maximum building height is 28'. Planner Tyler noted that the Staff has concerns with increasing building height in the existing neighborhoods because they are predominantly residential, and not located within the resort-oriented areas. The existing maximum building height in these zones have resulted in mostly one, two, and some three-story buildings. Allowing a development with a fourth story could seem out of context. Planner Tyler stated that with appropriate with supplemental codes to address mass and bulk, it could maybe be appropriate with the right architecture. The Staff was concerned that because the maximum height has resulted in a maximum of 3-stories, that four-stories would be out of context.

Planner Tyler stated that the next zoning typology was a more mixed residential and resort-oriented zone. These are all zones on Deer Valley Drive heading up to the Resort. The existing maximum building height is 28'. These are generally a mix of residential and more resort-oriented developments, and they are located within the resort area. Planner Tyler stated that due to the existing topography in that canyon, there are some areas where structures still complied with the Code, but they were able to achieve four-stories because of how the slope worked. The Staff could see no issues with considering a four-story allowance because it would not be out of context with the neighboring development. She presented a slide showing an affordable housing development that achieved four-stories. Planner Tyler noted that the Staff was recommending codes to address the massing and the bulk and believed this would be a good place to consider a height increase.

Planner Tyler stated that the next zoning typology was the resort-oriented and commercial zoning districts. These are mostly in the commercial areas of town that one would think of as commercial; as well as at the PCMR base. Planner Tyler pointed out that the existing heights are either 30' or 35' with exceptions for a pitch to achieve a taller building. Planner Tyler stated that many developments within these areas have been granted a height exception through the MPD process, and some buildings are well over four-stories. The Staff believes this is an area where there should be no issue with adding a fourth story. It would not be out of context and they could apply the additional mitigation strategies to look at the mass and bulk. Planner Tyler anticipated redevelopment in some of these areas because the highest and best use might not be what exists now. This could be a great opportunity to incentivize additional affordable housing through a height increase to four stories.

Planner Tyler stated that the next typology was the entry corridor off of Highway 40, which is the CT zone. It is a unique zone that allows for a wide variety of uses ranging from residential in Park City Heights to Intermountain Healthcare and USSA Center of Excellence. Planner Tyler remarked that the development pattern is very complex, and it is difficult to assign a typology to this zoning district. However, this zone is intended to act as a transition to development within the City, and it encourages low-density development that is visually compatible with the natural landscape and provide open space opportunities. The Staff would definitely want to look at additional mitigation strategies to make sure they were still complying with the intent of that zone. Planner Tyler noted that there are already developments in the CT zone that have achieved four-stories. She commented on the concern with adding additional residential in some of these area in the event there is not enough transit to serve it. She believed they could get through that with development as long as there are mitigation strategies on the overall mass and bulk.

Chair Phillips understood that Park City Heights was not included. Planner Tyler replied that Park City Heights is technically within the CT zone, but at this point the Staff could see no reason to add additional height in Park City Heights unless the Planning Commission gives direction to do so.

Planner Tyler stated that the next typology was the open space zoning districts. These zones have a maximum building height; however, development is typically open space-oriented development such as the ice rink and trailhead management items. The Staff did not support adding height in the open space zoning districts. Aside from the fact that residential uses in open space would not comply with the zone, there would not be enough services to warrant additional development.

Planner Tyler asked if the Planning Commission wanted to add the one-story height bonus to allow four stories, and whether they would want to codify the maximum building height and the number of stories to four stories in the event that someone could achieve five stories, which would create an infrastructure issue. The Staff recommended doing both and requested that the Planning Commission have that discussion at the end of her presentation.

Planner Tyler reported that the next recommendation is to require height step downs adjacent to lower intensity zones. She noted that the concept behind a height step down is to limit the drastic change between a lower maximum building height and a taller development. Planner Tyler explained that the Staff did not want to only require this next to lower intensity zones. They would want to apply it to any site that is seeking a height increase. The Staff believes there is a greater impact on the entire zone and not just the adjacent zone. They would push for it along the edges of a development

and not just when adjacent to another zoning district. Planner Tyler stated that it could be applied as a specific setback for the fourth story from either the edge of the building or from the property line. A similar tactic is used in the historic districts for all front facades on Main Street and in the residential zones. She thought the Main Street model was more applicable because that zone limits the front facade to 30' at the front.

It must then step back before going to the zone height of 45'. Planner Tyler presented a slide of the Susan Schwartz Studio on Main Street, noting that behind the facade was a third story that the studio was able to achieve. She noted that the perceived height of the building is a two-story brick building, but they were able to achieve a larger development by reducing the bulk and the mass. The Staff believes a step down will help with any concerns someone would have on the bulk, massing and scale, and could allow for the maximum building height increase in zones that are predominantly residential or in other zoning districts where the maximum building height is 28'. Planner Tyler recommended requiring the step down everywhere.

Planner Tyler asked for direction on whether the Planning Commission wanted to consider a step down, and if so, do the Commissioners want to require measuring the step down from the edge of the building or from the edge of the property line. The Staff recommended measuring from the edge of the property line. Codes throughout the Country do it either way; however, the Staff believes that going from the edge of the building would reduce the bulk of the overall building.

Planner Tyler stated that facade articulation and length were the next two recommendations by Cascadia. She noted that the City already regulates those type of things in the design guidelines and on a city-wide scale through Land Management Code. Planner Tyler remarked that it is basically intended to encourage new development in the historic districts when it is compatible with historic structures. In the broader LMC, it is intended to regulate large buildings to reduce the bulk.

Planner Tyler remarked that Cascadia proposed two different recommendations; however, the City already does both of them. The first is to require a breakup in the facade when the facade is greater than a certain length. The second would be to require some level of articulation. Rather than a single break, require articulation either at certain points or a percentage of a facade. Planner Tyler noted that the existing Code has regulations for buildings that measure more than 60 feet but less than 120 feet. The Code also has regulations for any buildings over 120 feet. It requires a shift in the facade to create the articulation and to better break up the overall length. Planner Tyler thought Park City was doing a hybrid between the two recommendations.

Planner Tyler asked if the Planning Commission thought the City should change it or if they believe the existing Code that they have applied on other buildings is sufficient. It has been successful, and they know it works. The Staff was prepared to continue to apply this to large developments regardless of whether or not they are affordable housing. She asked if the Commissioners wanted to look at other shifts in the Code or just use the existing requirements.

Commissioner Suesser understood that people have floated the idea of potentially putting affordable housing on top of the Dan's shopping center. She asked Planner Tyler to walk through what the maximum height would look like if affordable housing were to be put on top of that strip mall. Planner Tyler could not recall the exact zoning and used the GC zone as an example. If someone wanted to flatten the entire development and seek this new affordable housing MPD, the City would like to be able to say if they do x-amount of affordable housing, the maximum height could be x. If a developer scraped Dan's and came to the Planning Department with an appropriate affordable housing project, they could build four stories. She believed that Dan's is three stories. The proposal would also need to comply with the new parking regulations. It would be more dense than what would typically be seen because they would be seeking a density bonus. She explained that the only way to get the density bonus is through a height exception. In response to Commissioner Suesser's question, Planner Tyler believed they could see four stories.

Chair Phillips asked if allowing additional height beyond what exists now would impact the fire department having access and the proper equipment to handle a fire in a larger building. Planner Tyler offered to meet with the Fire Marshal, who is currently the Chief Building Official, to ask that question. She noted that the issue did not come up in any of the discussions about adding four stories because the distance to the hydrant does not change. She will make sure it does not trigger the need for a different ladder truck or other issues. Planner Tyler noted that the City already has four-story buildings, and she did not anticipate that it would be an issue.

Commissioner Kenworthy asked if the Staff was recommending measuring to the property line or the edge of the building. She replied that the Staff would recommend the edge of the building. Commissioner Kenworthy asked her to repeat her explanation. Planner Tyler stated that the Staff recommended edge of the building because it is predictable and easy to apply. Measuring from the property line, if the building shifts at all the distance will start to shrink. The Staff wanted to make sure that every building within a development has a reduction in the massing. Requiring it at the edge of the wall would require every building in the development to have reduced bulk and mass.

Chair Phillips supported edge of building because if parking is put in front of the building, there may not be a step back in the facade. It would be better captured at the face of the building.

Planner Tyler asked if the Planning Commission wanted to regulate the number of stories in addition to regulating height, no matter which zone they end up doing this in. Chair Phillips questioned why they would not allow a fifth story if the height did not change. If someone could find a cost-effective way to add another floor and stay within the height limit, he thought it would be a good opportunity to create affordable units. Chair Phillips personally thought height was more of an issue than the number of stories.

Planner Tyler stated that any development that comes before the Planning Commission will have gone through a development review. The water department would review the plans and they would know whether or not it could be serviced before it comes to the Planning Commission.

Commissioner Thimm did not believe the Planning Commission needed to get involved in the regulation of number of stories versus building code. She stated that it goes from a Type 5A building to a Type 3A building, and there is a little bit of a premium. With regard to water pressure, he knows an architect who designed many buildings with booster pumps, and it has not been a problem. Commissioner Thimm did not think those issues should be the deciding factor in any decisions they make.

Commissioner Thimm stated that measured height has more of an impact on the community and not necessarily the number of stories. He preferred to deal with the 45' measured height rather than number of stories, especially if it provides more affordable housing where it is needed. It helps create a walkable and multi-generational community and it creates a sense of neighborhood.

Chair Phillip thought the Central Park Condo project on the Rail Trail in Prospector is a good example of what they were trying to accomplish. He noted that an exception in the Code allowed that project additional height at the discretion of the Planning Commission. Chair Phillips recalled that at the time the project needed a fourth story in order to pencil out what they were trying to achieve. He thought the Planning Commission had granted an additional 5 feet. Chair Phillips stated that this was another reason for not limiting stories because the additional story made the project work. He thought Central Park Condos was a good model on which to base some the decisions they were being asked to make now.

Commissioner Suesser asked if they talk about a maximum building height, whether that would be from existing grade. Planner Tyler replied that it would be determined zone by zone. Sometimes it is existing grade and sometimes it is final grade. She stated that they could add language in the affordable housing code stating that if a developer seeks a height increase it is measure from existing or final grade, whichever the Planning Commission decides on. Chair Phillips thought it would be good to know when they make the final decision what zones those are. For example, if someone wanted to dig down ten feet in Prospector to gain an additional level, he did not think that was suitable. He thought it was a good question. Planner Tyler stated that she would include that for the next meeting.

Planner Tyler asked if the Commissioners wanted to go through each zone and say yes or no on whether to add height.

Chair Phillips agreed with Planner Tyler's comments. Commissioner Suesser concurred. She had gone through her notes and she agreed with all of the Staff's recommendations. Commissioner Van Dine also agreed with the Staff recommendations. Commissioner Thimm echoed agreement. However, he thought they needed to start with baby steps. There may be other areas to look at later, but he did not believe now was the time to do it.

Commissioner Suesser stated that she agreed with the step down from the edge of the building. She also agreed with requiring the step down in all areas.

Commissioner Kenworthy wanted to be able to use the CT zone in the Highway 40 entry corridor. He agreed with his fellow Commissioners on the other zones, but he was concerned about limiting the Highway 40 entry corridor because they will be doing transportation somewhere along the SR248/Rail Trail/Highway 40. He believed it would be a big transportation center at some point in the future. Commissioner Kenworthy was concerned about limiting that for affordable housing and asked Planner Tyler to explain why the City's concern for that zone. Planner Tyler stated that the concern primarily stems from the intent and purpose of the zone as it is currently written. She thought they could caveat and say that with the property mitigation strategies, such as the step down and the facade articulation, there is an opportunity for success in a future housing development if the step down can be applied. Commissioner Kenworthy understood that this zone would be up for discussion in the future. Planner Tyler answered yes.

Planner Tyler asked if there was Planning Commission consensus for measuring from the edge of the Building. Commissioner Thimm was comfortable with it, but he was

concerned that it might have a tendency to cause buildings to increase their footprint, resulting in less open space. Commissioner Thimm agreed with the intent.

Commissioner Suesser asked Commissioner Thimm to explain what he meant about losing open space. Commissioner Thimm stated that he was talking about on site open space. If someone wants to take advantage of the additional height and they measure from the edge of the building, they may have a tendency to bring the edge of the building closer to the property line than they might otherwise. He thought it could be an unintended consequence.

Planner Tyler presented another example of building articulation. She noted that the Staff believes the Code already addresses it because any affordable housing MPD will still be subject to the chapter that addresses articulation. She asked if the Staff wanted to change it.

Chair Phillips could not see a need for anything additional if the Staff felt the current Code language was sufficient. Commissioner Suesser asked if Planner Tyler was referring to the provision in the Code that gives an exception for building height requirements for additional articulation. Planner Tyler believed they would pull the required articulation out of this and apply it to the Affordable Housing Code. She asked if the Commissioners liked the makeup of the recommendation that is requiring the articulation as currently written and apply it to the affordable housing projects. Commissioner Suesser asked if they were removing the provision that gives a building height exception for added articulation. Planner Tyler stated that the two were different. She understood that this one is applicable to any development. As part of the affordable housing MPD, they would create a section related to facade length and variation using the same or similar code, and make sure it is catered to the affordable housing projects.

Commissioner Thimm thought they should stay with the articulation as currently written and understood rather than introducing something new. Commissioner Suesser agreed.

Planner Tyler reported that the Staff will come back for a density bonus work session. They will also bring back their final thoughts on the height and rudimentary modeling to help everyone understand if they get height what they would achieve with the density bonus. Planner Tyler stated that the Staff was still monitoring the vehicle ownership responses. The due date was not yet complete, and she would continue to update the Planning Commission on how many people actually own cars. The Staff would be doing a thorough and robust outreach effort to the affected zoning districts, as well as the larger community.

Commissioner Suesser asked if they would have another thorough discussion on the parking requirements for affordable housing projects. Planner Tyler stated that for the next meeting they will focus that discussion on the density bonus and bring some modeling. She will also bring back some redlines based on the feedback at the last meeting. Planner Tyler stated that the Commissioners will have an opportunity to discuss the redlines for parking specifically. At this point, they were still trying to collect all the feedback so they could bring back code for the Planning Commission to review and discuss.

Chair Phillips asked if the Staff had an ending timeframe for completion. Planner Tyler stated that the Staff was working through timing on the density bonus discussion so they do not overburden the schedule. They will come back as soon as the Staff does it, and then turnaround the redline package as quickly as possible. Planner Tyler was hopeful that the Planning Commission could expect redlines sometime in the beginning of 2021. In the meantime, the Staff will work with the engagement team to think about how to engage the public during Covid.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

5.A. Land Management Code Amendment – The Planning Commission will Consider Updates to the City’s Outdoor Lighting Regulations, Land Management Code § 15-5-5(J), to Align with Summit County’s Recently-Adopted Code and the International Dark-Sky Association Standards to Set Maximum Lumens for Fixtures and Properties, to Prevent Harsh Lighting with a Maximum of 3,000 degrees Kelvin, and to Fully Shield Lighting.

Planner Rebecca Ward stated that the Planning Commission would be reviewing proposed redlines to update the outdoor lighting regulations. She noted that the updates to the Night Sky Ordinance was a recommendation from the General Plan. Planner Ward noted that mitigating the impacts of outdoor lighting was already a policy and purpose in the Land Management Code. However, because the Code has not been updated since 1998, the Staff was proposing these amendments. In February 2020 this was identified by the Planning Commission as a 2020 priority.

Planner Ward remarked that this was a follow-up on the September 9, 2020 work session. On October 4, 2020 the City initiated a dark sky survey and 306 community members provided input through the survey. They received over 50 emails and had a lot of phone calls and public input. Planner Ward stated that two virtual community discussions took place with representatives from the Utah Chapter of the IDA, as well as an additional virtual community discussion on November 5th. The Staff was pleased

with the public input received and they have done their best to incorporate what they could at this point.

Planner Ward stated that potentially the items discussed this evening could be viewed as Phase 1. If there are additional areas where the Planning Commission would like to see more regulations, the Staff would come back with additional phases. Planner Ward stated that recreation lighting was a major topic for public input. She noted that the Staff worked with the Recreation Department and looked into IDA regulations and what is in the existing code, and also the possibilities for mitigating some of these impacts. At this time the Staff was not proposing any changes to what is currently in the Code. The existing Code requires that lights be fully shielded, have fixtures with sharp cut-off capability to mitigate glare, and that the light be shut off by 11:00 p.m.

Planner Ward reported that there are some IDA criteria for community friendly outdoor sports lighting, which was developed in 2018. With this criteria IDA recognizes that it is difficult for existing structures to be brought into compliance. It is still new, and they are finding ways to ways to measure and certify these recreation lighting areas. Planner Ward stated that the current Code does require IES Class 3 and 4 compliance for these recreation facilities, and the Recreation Department is in the process of updating the lighting at the Quinn's Recreation Facility. They are aware of community concerns and are working to mitigate those impacts.

Planner Ward stated that streetlights are regulated through the Engineering Department because they are in the City rights-of-way. However, since 2015 the City has been in the process of updating the streetlights from high pressure sodium lights to LED lights that comply with what they were proposing for these updated amendments. Planner Ward noted that the new lighting fixtures being installed in several area throughout town comply with the fully shielded fixture.

Planner Ward reported on input from community members who voiced concerns about streetlights. She noted that there are shields the Engineering Department and Public Works can install to reduce the impact of lights in residential areas.

Planner Ward stated that public safety is another issue that was raised. The question is whether they would be creating a dangerous situation by implementing these Code amendments. Public input brought up the point that fully shielding lighting could potentially reduce the area being lit and might require additional lighting installations. Planner Ward noted that the City Engineering Department looked into this issue when they were fully shielding the streetlights. It does require more lights to be installed, but because the lights are fully shielded the impacts is lessened.

Planner Liz Jackson walked through some of the benefits of mitigating light pollution. She stated that a big idea is good neighbor lighting, which is not having a bulk of lighting on the property and not spilling over onto other properties or blinding the neighbors. Some of the concepts include light only what you need, use energy efficient bulbs and only as bright as you need. Keep lights down directed and shielded. Use timers. Choose warm light lightbulbs versus the bright blue or white lights. Planner Jackson stated that a lot of light can be an energy suck, and this is an opportunity to allow for the entire community to conserve more energy.

Planner Jackson referred to a document produced by Utah Work Force Services Housing and Community Development Office for rural planning regarding lighting. A major aspect is disruption of circadian rhythms of sleep in humans and community members, which can be connected to many physical disorders. Planner Jackson reported that circadian rhythm can be affected by blue rich light. That is another reason why going in the direction of warm light is a good move.

Planner Jackson stated that another aspect is lessening the eco-system impact. She noted that all animals are affected by the natural light cycle. They depend on it for reproduction, sustenance, sleep, migration, etc. This issue has been raised by the IDA, National Parks Service, National Institute of Environmental Health Sciences and many other agencies. All have confirmed the negative effects of light pollution on not only humans but wildlife as well.

Planner Jackson presented an article that was published by the Salt Lake Tribune regarding a study showing that light pollution attracts deer to urban areas and cougars follow. It was a University of Michigan study that tracked deer herds and cougars in Utah, Arizona, Nevada, and California. The idea is that the deer are attracted to the light as it mimics their preferred grazing time, and the cougars tend to follow.

Planner Jackson reviewed the overall ideas of the Code amendments. She stated that the Staff was proposing to set a maximum lumen for fixtures and properties. Lumens are the output of the fixtures. Another aspect is to prevent harsh lighting with a maximum of 3,000 degrees Kelvin, which is the warmer side of the lights versus going higher, which is white and blue. Last is to fully shield the lighting and have it down directed.

Planner Ward stated that the Staff was also proposing a few additional changes to establish a light trespass standard and to reorganize the Code to consolidate lighting that is prohibited. Planner Ward stated that the Staff received considerable input regarding the lighting impacts on ridgeline and steep slopes. She reported that some

community members brought up the idea of requiring film or establishing a light setback for interior lights that can be viewed on ridgelines and steep slopes. Planner Ward remarked that the Staff looked into that issue and included it in the public survey. She noted that 40% of the community members were willing to add film to windows to mitigate the impact of interior lights. However, at this time the Staff was only recommending additional mitigations for outdoor lighting on ridgelines and steep slopes, and additional shielding to mitigate the impacts. Planner Ward stated that while interior lights on a ridgeline and on steep slopes are visible, it is not a glare. The Staff also recommended heightening the gas station canopy regulations, so those lights are flush with the canopy to mitigate those impacts. They were also prohibiting landscape lighting, such as lighting of trees and shrubs. Low lumen pathway lighting that is less than 300 lumens will be exempt. They were also proposing to exempt historic replica fixtures but to cap the lumens to 400.

Chair Phillips asked how the City could regulate the historic replica lighting after the fact if people change the bulbs. He knew of a few historic replica fixtures in the historic district that have very bright bulbs. He questioned whether requiring low lumens would be effective. Planner Ward stated that later in the presentation they would be talking about bringing lighting into compliance and making sure it remains in compliance with the updated Code.

Commissioner Suesser asked Planner Ward to talk more about the prohibition on landscape lighting. Planner Ward replied that under the current Code lighting is allowed to illuminate trees, moonlighting, etc. The Staff was proposing to prohibit landscape lighting with the exception of pathway lighting for walks and driveways. Commissioner Suesser asked about holiday lighting. Planner Ward stated that the Staff received a lot of public input on holiday lights. Some people love seasonal lighting and others requested putting mitigations in place. She stated that currently seasonal lighting is allowed under the Code from November 1st through April 15th. It is required to be turned off by midnight. The Staff did considerable research to try to find model codes on how to cap the lumens or establish a standard for seasonal lights. Planner Ward remarked that Moab caps their seasonal lights at 70 lumens. The Staff looked into what that would look like and how it could be regulated. Depending on the color of the lights used, the lumens output and the impacts are different. At this stage, the Staff was recommending that seasonal lighting in residential areas be turned off at 11:00 p.m. rather than midnight. They also recommending language that establishes a standard so seasonal lights do not cause light trespass or interfere with reasonable use and enjoyment of property. Planner Ward stated that the Staff also recommended exempting the string lights on Main Street, Swede Alley, and commercial uses in the General Commercial Zoning District from the November 1st to April 15th restrictions to reflect existing conditions, but to require that this lighting be turned off by midnight.

Planner Ward stated that there may be opportunities to go in through the Code, and if they can find a better way to set a standard that is easily regulated and understood by the public, they were open to looking into an amendment for a future phase.

Planner Ward stated that the big question with the outdoor lighting amendments is how they want them to apply. The Staff recommends putting them into place right now so all new construction going forward meets these heightened standards. Planner Ward noted that Summit County enacted their Code in March 2019 and gave the property owners through March 2024 to bring existing properties into compliance. She asked if the Planning Commission wanted to follow Summit County's procedure.

Planner Ward stated that the Staff was proposing that all new construction comply. As currently drafted, all properties, commercial and residential, would need to be brought into compliance by December 31, 2024. Outdoor lighting that is damaged or operative would be required to be come into compliance when it is replaced.

Planner Ward reported that 73.9% of the 306 respondents felt they would be able to bring their property into compliance by December 31, 2024. Based on research for single-family dwellings, the Staff found that the cost could be around \$500, and more for some properties, to update these outdoor lighting fixtures. Planner Ward remarked that some properties might require a significant investment and time in retrofitting the property. Planner Ward stated that the Staff had looked into establishing a grant program to help property owners who can demonstrate economic hardship. The grant program would offer support to help the owners bring their lighting into compliance. The Staff was recommending that all lighting be brought into compliance by the end of 2020, and that would include City property lighting.

Planner Ward outlined some things that could be helpful through this compliance timeline. IDA encourages public outreach, public education, and community events. She thought there may be an opportunity in the Spring of 2021 to collaborate with the University of Utah Dark Sky Consortium students. These students are minoring in dark skies and they focus on a community for their project. Planner Ward stated that if the Planning Commission was interested in the amendments being proposed this evening, the Staff could work with the students and evaluate City-owned property to get an idea of the required updates, and to come up with a plan for those updates through 2024. Planner Ward noted that the students also have drones and equipment to measure the light pollution that currently exists. At the end of 2024 they would have something to measure the changes against.

Planner Ward stated that in preparation for this Planning Commission meeting, the Planning Department sent over 8,000 public notices to the community members to let the property owners know that these Code changes were being proposed. If these amendments are enacted, the Planning Department would send out an additional mailer with information on how to comply and the resources to bring property into compliance. They would also update the website to outline information. In addition, the Planning Department would host several community events with the Utah IDA Chapter regarding the new standards.

Planner Jackson commented on the possibility of a dark sky community designation for Park City. The Staff presented the idea in the survey and 69.3% of the respondents would like to see Park City designated as a dark sky community. She noted that it is not short-term and not necessarily easy, but if the Planning Commission would like the Staff to pursue it, they were willing to look into it.

Planner Jackson read a summarized list in the IDA documentation. 1) A quality comprehensive lighting policy is required, i.e. these Code amendments. 2) Community commitment shown by City-owned lighting conforming to the lighting policy within five years, and Municipal supportive efforts via publications, fliers, funding of light upgrades, etc., which could be the grant program, outreach, and a timeline of compliance. 3) Broad support for dark skies from a wide range of community organizations, such as HOAs, Chamber of Commerce, lighting retailers, IDA Chapters, etc. 4) Community commitment to dark skies and education. 5) Success in light pollution control must be demonstrated. If they were to apply, they would need to show success stories. 6) A sky brightness measurement program needs to be established and maintained. Once it is established, the community must erect and maintain appropriate signage indicating the International Dark Sky community designation.

Planner Jackson stated that the application and nomination are both required. They need to apply, as well as have a nomination from an IDA representative or something similar, and the process could take one to three years. Planner Jackson mentioned some of the benefits. It would be recognition of community efforts to protect the night sky. It would be promoted throughout the City and visitors and community members could take pride in it. It would enhance community awareness of the dark sky efforts. It would include IDA promotion of community efforts on their website. If Park City does certain things IDA would talk about it. Planner Jackson stated that the designation would also attract visitors and economic benefits through tourism. It is an effort to make the night sky more visible.

The Staff recommended that the Planning Commission review the proposed Code amendments, conduct a public hearing, and consider forwarding a positive recommendation for City Council's consideration on December 10, 2020.

Commissioner Kenworthy noted that in reading the public input there was a woman who asked if they had reached out to law enforcement for their opinion. Planner Ward replied that the Staff had not reached out to law enforcement regarding public safety where the regulations are down shielded lighting and not necessarily less lighting. However, that was taken into consideration when the lighting was updated in the rights-of-way.

Commissioner Kenworthy asked if the Staff had reached out to the Historic Business Alliance on Main Street regarding the requirement to turn off the lights at midnight. Planner Ward stated that they did reach out to HPCA, and there was no response specific to the 12:00 p.m. shutoff time. Commissioner Kenworthy noted that most of the late night businesses close at 1:00 a.m. and he thought it would be strange to have the lights go off at 12:00.

Commissioner Suesser asked if Commissioner Kenworthy was talking about exterior commercial businesses on Main Street. Planner Ward clarified that it was for the buildings outlined in string lights on Main Street. Chair Phillips agreed with Commissioner Kenworthy. He was comfortable exempting Main Street because people enjoying Main Street will not be complaining about bright lights. Commissioner Kenworthy was concerned that it would signal to the guests and clients that the business is closing. Planner Ward noted that Helper put into their Code is a requirement to turn off the lights 30 minutes after closing. Specific to string lights, she asked if the Planning Commission thought that would work for the Main Street area. Commissioner Kenworthy suggested discussing it further with HPCA to see how the businesses that stay open until 1:00 a.m. feel about it.

Commissioner Thimm asked if Commissioner Kenworthy had any thoughts as to when the lights should be shut off. Commissioner Kenworthy thought it should be 1:00 a.m. for the string lights. He was in favor of the dark sky, but he also wanted to be sensitive to his neighbors on Main Street. Commissioner Kenworthy thought the main lighting should be left on later for the security of people leaving the venues. He suggested leaving on some of the lights until 2:00 a.m., especially on weekends.

Commissioner Suesser asked if there are motion detector lights along public walkways in town. She particularly mentioned along Poison Creek past City Park. Planner Ward was unsure and offered to look into it. She has noticed motion detector lights in various

sections, and she was hoping to get an understanding of where it exists throughout town.

Commissioner Suesser stated that she lives in Old Town and she sees a lot of deck lighting and some people string lights around their decks. She wanted to know if that would be prohibited with the proposed amendments. Planner Ward stated that the string lights would be covered under seasonal lights from November 1 through April 15. However, low lumen stream lights would be exempt from the Code. She pointed out that stream lights in outdoor dining areas that are low lumen would be exempt from the fully shielded requirement.

Chair Phillips recalled from a previous meeting discussing holiday lights that are up all year long. He asked if they were proposing to regulate what months people are allowed to utilize holiday lights. Planner Ward stated that seasonal lights are allowed November 1st through April 15th, exempting the lights that outline the buildings on Main Street, Swede Alley, and the GC zone from that timeline. Residential seasonal lighting would be the November to April timeline.

Chair Phillips opened the public hearing.

Ed Parigian raised his hand on Zoom and was unmuted to speak.

Ed Parigian, an Old Town resident, understood that the deadline of 12/31/24 is one year longer than the County deadline. He wanted to know why the City was delaying the deadline. He thought Municipal properties should do it soon to set a standard. Mr. Parigian stated that he has been pushing dark sky in every project that he comes up against. He thought four years was too long. Mr. Parigian commented on a good neighbor policy of not regulating indoor lighting. However, in high density areas like Old Town, indoor lighting is effectively outdoor lighting. Considering the big new houses that are being built with floor to ceiling windows, he believed that created as much light pollution as anything else. Mr. Parigian referred to the IDA certification, and noted that Park City is attracting more tourists. He commented on the lights on Main Street and the issue of midnight versus 1:00 a.m. He pointed out that a lot of businesses have string lights around them and those lights are on when the businesses are closed. He suggested a time deadline for turning off the lights after the business closes. Mr. Parigian favored the proposed LMC amendments and he thought they should consider taking it a step further than what Summit County was proposing.

Planner Jackson read an eComment from Sherrie Harding that was received today.

Sherrie Harding wrote that cobra head streetlights exist on the power poles on Daly Avenue. There are extremely bright. According to the staff report we'll have to wait up to five years for these lights to be replaced and to be in compliance with dark sky. Please help to encourage Rocky Mountain Power and the Park City Engineering Office to change these power pole lights much sooner. This year.

Mari Mennel-Bell raised her hand on Zoom and was unmuted to speak.

Mari Mennel-Bell thanked the Planning Commission for taking up this topic, and for all the work that Rebecca and Liz have done. She supported Mr. Parigian in hoping that Park City would embrace the dark sky regulations even more stringently than Summit County. She was in favor of looking at lighting on ridgelines, particularly, and making sure there are not a lot of beacons up there. She had hoped they would consider if not regulating, at least advising that people control their indoor lighting. She thought it would be wonderful to send something out with tax statements or in another way to advise people to think about these issues. She personally started thinking about it differently in her own home once the City started having this conversation. Ms. Mennel-Bell thought they should do their best to encourage people to think that way.

Chair Phillips reminded Mr. Parigian and Ms. Mennel-Bell that this would be in front of the City Council on December 10th if they wanted to provide input to the Council.

Commissioner Suesser followed up on Ms. Mennel-Bell's comment. She understood that Planner Ward had said the Staff was not recommending film on windows to shield interior lighting in homes on ridgelines. Commissioner Suesser could think of one example that was very intrusive to the neighbors and she would support film on windows for homes on ridgelines.

Planner Ward clarified that the Staff recommendation at this time is that the amendment be applied to outdoor lighting; however, they were open to additional phases in the future. Film on windows could be considered in a future phase if there was Planning Commission consensus.

Chair Phillips closed the public hearing.

Planner Ward asked if the Planning Commission was interested in having the Staff come back at a later date with additional ridgeline regulations. Commissioner Thimm stated that he would be in favor.

Commissioner Hall stated that for the next meeting she would like to hear a safety evaluation for all of Main Street and for commercial to ensure they are not jeopardizing the safety of the residents and visitors.

Commissioner Suesser stated that this was her reason for asking about motion detectors. She was pretty sure there are motion detectors on the lights along Poison Creek trail leaving Main Street going towards City Park. A lot of people use those after hours leaving Main Street and throughout Old Town. Commissioner Suesser believed the 11th Street stairs has motion detectors on those lights. She asked Planner Ward to confirm whether those lights are on all night or if they go off at a certain time.

Commissioner Hall commented on pathway lighting. They want to encourage people to walk and bike around town even in the evening, and that is difficult and unsafe if they do not allow lighting. Commissioner Hall thought they should encourage lit pathways. Planner Ward stated that for public trails in the Public Trails Masterplan, the lighting standards are in place. She clarified that while there is a cap on lumens, the Code amendments still allow lighting. The difference is that the lighting needs to be shielded and warmer bulbs used. Lighting on public trails will be required to be fully shielded. Planner Ward offered to ask law enforcement for their opinion and to confirm that the lighting is sufficient for safety.

Commissioner Hall referred to the lumens section of the draft ordinance, the difference between single-family versus duplex versus multi-units versus non-residential uses, and asked Planner Ward to explain why they were distinguishing between uses.

Planner Ward explained that they looked through several codes and reached out to Summit County. She noted that these lumens are more restrictive than Summit County and align with Moab. Regarding the lumen cap, in order to ensure that entryways, driveways, and pathways have sufficient light, those lights would be exempt from the lumen cap. Planner Ward stated that this would be a way to establish a measurement to ensure that there is not excessive outdoor lighting, and to ensure that properties with large acreage have sufficient lighting. Smaller properties will have a cap on the lumens.

Commissioner Hall stated that if they were requiring the lights to be fully shielded and a darker hue, and less lumens, she asked if they needed to take the extra step in limiting the total lumens for a multi-unit dwelling. Commissioner Hall thought it seemed too restrictive and her concern was safety. Planner Ward explained that this provides a way to establish a standard that the Staff can use to measure against in approving lighting plans at the building permit phase. Commissioner Hall felt that having so many layers made the ordinance complicated. In terms of a residential compliance, a few people in Old Town shine lights all night and that is disruptive. She was not opposed to

protective measures in Old Town. However, in other areas where houses have outdoor lighting, it would be expensive and time consuming for people to retrofit their light fixtures, and the discarded lights would end up in the landfill. She thought overall compliance was a separate issue from safety and lumens.

Commissioner Suesser questioned whether the change was that drastic. She thought lights were always required to shine downward. Planner Ward stated that under the current Code light fixtures were approved in the past that would not comply with what was being proposed in the amendments. The Staff could see value in putting this Code into effect for new properties moving forward. The question is whether the Planning Commission wanted the amendments to retroactively apply to existing properties that have lighting that was compliant at the time it was approved.

Commissioner Hall recognized that there might be specific instances where they would like to retroactively apply it, but she was not in favor of forcing every home in Park City to retroactively change all their light fixtures when they were in compliance at the time they were approved.

Commissioner Thimm understood that retroactively did not mean instant. The draft ordinance allows a four-year timespan. He noted that most light fixtures have a limited lifespan, and not all light fixtures need to be torn down. Some can be modified to a higher Kelvin light source and still maintain the light fixtures. Commissioner Thimm supported the recommendations.

Chair Phillips stated that he also thought about the lifespan of a light fixture. He pointed out that even landscape lighting does not last forever. Chair Phillips suggested moving the date to target the same date as Summit County. At the same time, he thought Commissioner Hall made a good point about impacting the existing homes. Chair Phillips stated that he was trying to get an idea of the percentage of homes that would need to update their lighting.

Planner Ward stated that she has been walking around at night trying to get a feel for the impact this proposal would have on homeowners. One of the questions asked in the survey is whether property owners felt their existing lighting complied with what was being proposed. She noted that 60% of the respondents believed they were in compliance. Planner Ward agreed that retroactively updating these lights will require a lot of time and investment. The Staff believes these Code updates are needed because the Lighting Ordinance has not been updated for over 20 years. However, the Staff also recognizes that 2020 might be a difficult time to prioritize this retroactively to bring properties into compliance. Planner Ward clarified that Summit County was requiring all existing properties to come into compliance by March 2024. Park City

extend the date to December of 2024 to align with the County's timeline and to also give additional time for compliance.

Chair Phillips noted that many people do not pay attention and will not know the lighting code was updated or that it even exists. In terms of enforcement, he did not think it was fair to immediately penalize people once the deadline expires. He assumed the City would give those people leeway and some type of warning. He asked if people would be given a certain amount of time to come into compliance. He suggested allowing a year to come into compliance and if the lights have not been updated at that time, the fines begin.

Planner Ward remarked that public notice was sent to all property owners within Park City regarding these proposed changes. If these changes are enacted, the Planning Department would again send notice to all property owners and outline the timeline. They would also do a lot of community outreach in the four-year timeline. Planner Ward stated that one of the benefits of Dark Sky designation is that it brings community awareness to these priorities and the lighting ordinances. It is still possible without going back and requiring all properties to come into compliance retroactively, but it helps establish community awareness of these proposed ordinances.

Chair Phillips thought the amendments were good and he was ready to forward the proposed amendments to the City Council.

Commissioner Hall asked if the Commissioners wanted to forward a recommendation to the City Council before hearing from law enforcement on the safety aspect. Chair Phillips stated that it was noticed for action this evening and the Staff was recommending a positive recommendation to the City Council.

Commissioner Hall stated that she was not in favor of forwarding a recommendation without talking about amending the draft ordinance to include an exemption for Main Street and without addressing all the safety concerns mentioned this evening.

Commissioner Kenworthy concurred. He suggested that the Planning Commission continue this discussion and look into it further. He would make sure that Alison Kuhlowsky talks to the business owners on Main Street to get their thoughts, and relay that information to Planner Staff.

Planner Ward suggested a continuance to December 9th. Commissioner Suesser asked Planner Ward for the rate of response on the survey. Planner Ward stated that they received over 50 emails and seven phone calls. In addition, 306 community members completed the survey online. The majority of input was supportive of what

was being proposed. She noted that some community members would like to see more restrictions on ridgelines and steep slopes for interior lights. The Staff was open to bringing that forward in a later phase. The Staff had limited the amendments proposed this evening to outdoor lighting. Planner Ward stated that some community members wanted to see more restrictions on seasonal lights. The Staff tried to find a balance with a standard that could be established.

Commissioner Suesser asked if the survey was online on the City website. Planner Ward replied that they had set up an Engage Park City page and the survey was open until yesterday at 5:00 p.m.

Commissioner Hall requested an exemption for residential homes that are not impacting neighbors or the dark sky. She generally supported the concept of dark sky and recognized that a few can ruin it for everyone. However, she was concerned about unnecessarily creating significant waste, and she anticipated a lot of negative pushback from the community.

Chair Phillips noted that Park City is not the first to do this. There must be results from other cities and he was curious to know whether this type of ordinance has been a problem. He thought a difference might be the quantity of large properties in Park City versus other communities. Chair Phillips did not think the Staff was proposing anything radical or out of the norm of what has been occurring across the Country. Chair Phillips personally thought the amendments outlined in the Staff report were reasonable. In most cases, light fixtures will not need to be replaced and would only require an adjustment to bring the lighting into compliance. Chair Phillips agreed with some of the other concerns raised by Commissioner Hall.

Planner Jackson stated that in the three years she has been on Staff, even though the lighting code had some conflicting information and oddities from the past, the Staff has been encouraging people to install down directed and shielded lights. The proposed amendments add more specificity and encourages a good neighbor policy of not creeping onto other properties and into the sky. Even though this is what the Planning Department has been practicing for the past few years she still anticipated growing pains.

Commissioner Thimm thought the ordinance was well written. He also thought it was important to relook at the items that were suggested this evening. Commissioner Thimm had concerns with determining that one house does not have impact while another house might. It becomes subjective and he was unsure whether it could be fairly enforced. Chair Phillips agreed.

MOTION: Commissioner Suesser moved to CONTINUE updates to the City's outdoor lighting regulations to December 9, 2020. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission Meeting adjourned at 7:36 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 18, 2020

COMMISSIONERS IN ATTENDANCE:

Chair John Phillips, Sarah Hall, John Kenworthy, Laura Suesser, Doug Thimm, Christin Van Dine

EX OFFICIO: David Everitt, Deputy City Manager; Alexandra Ananth, Planner; Mark Harrington, City Attorney

The Planning Commission meeting was conducted virtually via Zoom.

The public was able to submit eComments during the meeting.

NOTICE OF ELECTRONIC MEETING & HOW TO COMMENT VIRTUALLY:

Chair Phillips read the Public Notice for Electronic Meetings and Exhibit A: Determination of Substantial Health and Safety Risk.

Public Notice is hereby Given that the Planning Commission of Park City, Utah will hold its regular Planning Commission Meeting at the City Council Chambers, 445 Marsac Avenue, Park City, Utah 84060, for the purposes and at the time as described below on Wednesday, November 18, 2020.

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A. Planning Commission members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, use eComment or raise your hand on Zoom. eComments submitted before the meeting date will be attached to the packet as appendices. eComments submitted on Commission meeting days will be read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings.

Exhibit A: Determination of Substantial Health and Safety Risk

On November 18, 2020 the Commission Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include:

- Governor Herbert declared a Covid-19 State of Emergency on November 8, 2020.
- Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021.
- Statewide COVID cases and hospitalizations are increasing exponentially. This determination is valid for 30 days and is set to expire on December 18, 2020.

Dated October November 18, 2020.

ROLL CALL

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

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Thimm noticed that Emir Tursic with HKS Architects was one of presenters for the applicant this evening. He disclosed that he has worked with Mr. Tursic collaboratively on a professional basis over the last couple of years. There have been no financial ties between them or their firms. Commissioner Thimm stated that his association with Mr. Tursic would have no bearing on his comments or decisions on this project.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 4.A. Park City Mountain Resort Base Parking Lots - MPD Modification - 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. This Hearing Will Focus on Revised Plans for Building B. (Application PL-20-04475.)**

Planner Alexandra Ananth stated that this evening they would be discussing the application to amend the 1998 Park City Mountain Resort Development Agreement, and replace the expired Exhibit D, the site plan from 1998, with a new Master Plan. The purpose of this meeting is to lay out some of the changes the applicant has made

to Parcel B, and to briefly discuss the exceptions that the applicant was looking for with respect to setback and height with a focus on the LMC.

Planner Ananth stated that the applicant would make the bulk of their presentation and share their changes to Building B, followed by a public hearing and Planning Commission discussion. Planner Ananth reported that the next special meeting on this project is scheduled for December 16th at 5:30 p.m.

Planner Ananth reminded the Planning Commission that in July of 2020, the Commissioners determined that the applicant's new site plan was a substantive amendment to the MPD and would therefore justify review of the entire Master Plan and Development Agreement. She stated that although the density is vested under the 1998 Development Agreement, the applicant's site plan has been newly applied for and is being reviewed under the current Land Management MPD Code. Exceptions to the setbacks and building height have also been newly applied for and will be evaluated under the current Code, and do not necessarily need to comply with the 1998 Development Agreement.

Planner Ananth presented a table from a previous Staff report that laid out how the project is being reviewed and the relevant Code sections. She thought it was important to mention because there appears to be a perception that the proposed site plan needs to comply with the 1998 Development Agreement. Planner Ananth wanted everyone to understand that the Planning Commission spent a fair amount of time in work session this summer deciding that this was a substantive amendment, and that the Planning Commission could review this project under the current Code, as well as in the context of the surrounding neighborhood. Planner Ananth clarified that she was not saying that the previous approvals should not be considered, but the decision that the application is a substantive amendment afford the Planning Commission the flexibility to look at the project in its entirety and not solely under the lens of the Development Agreement.

Planner Ananth pointed out that the fact that the proposed site plan is different from the 1998 site plan is not a basis for denial. It must be based on the Code.

Chair Phillips asked if the Commissioners could still use the 1998 Site Plan and the Development Agreement as guidance. Planner Ananth answered yes.

Commissioner Kenworthy referred to the General Plan in terms of Resort Development and noted that page 191 of the General Plan specifically called out that flexibility should be employed regarding the execution of the existing PCMR MPD approval in order to facilitate three things: One was public transit and the second was the potential relocation transfer of density. Commissioner Kenworthy asked Planner Ananth to

speak to how the General Plan goal fits in with both the old Development Agreement and the current new Master Planned Development.

Planner Ananth stated that the General Plan is also a guiding document that the Commissioner's should be looking at for review of this site plan, as well as the four critical priorities laid out by the City Council with prioritizing public transit to this site as a very important component under a new site plan. In terms of the potential transfer of density, Planner Ananth noted that the General Plan recognized that that may be helpful in developing a site plan that works for the site given the surrounding context. Planner Ananth noted that the applicant was proposing to move some density off Parcels D and E towards Parcel C. The General Plan encourages a certain amount of flexibility to accommodate the correct site plan for this area.

Commissioner Kenworthy stated that he wanted to make sure the public was aware of the General Plan specifically dealing with that issue.

Planner Ananth stated that since the last meeting in August where they talked about the site design and architecture, the applicant had made significant changes to Building B. One change was to remove a story off the affordable and employee housing that fronts on Shadow Ridge and a portion of Empire Avenue. They were able to reduce this area from six to five stories. They shifted that mass towards the Lowell Avenue and Manor Way facade. The applicant also made changes in the orientation of the building. That area grew by one story, but because of how the site slopes, the impact is not as significant. The mass was pushed away from the surrounding residential neighborhood towards the Resort, which is where it belongs.

Planner Ananth commented on another change that she thought was fantastic. The applicant added eight townhome style units along the Empire Avenue facade. In her opinion, this helps to screen the long parking garage, and it presents a much more residential facade to the Empire Avenue neighborhood and the rest of Park City.

Planner Ananth stated that these were the bulk of the change to Building B. The applicant's architect was prepared to spend a lot of time presenting those changes.

Planner Ananth commented on the setback exceptions being requested. She presented a slide that she had presented in August which highlighted the critical setbacks for the project that will help in maintaining views of the mountain, help with pedestrian circulation, and help the buildings relate to the surrounding residential neighborhood. She had highlighted in green the setbacks that she considered a particular priority.

Planner Ananth stated that the LMC gives the Planning Commission the discretion to decrease the required perimeter setbacks by five feet, from the MPD requirement of 25 feet down to the zone required setbacks of 20 feet, if the Planning Commission is able to find that the setback requests are necessary to provide desired architectural interest and variation.

Planner Ananth reported that the applicant submitted a letter trying to justify their request for setback and building height. She remarked that the basis of their argument is that because the Development Agreement in 1998 allowed for the transfer of density from the Mountain's open space to the base area parcels where the Planning Commission at that time felt the density should be focused. Planner Ananth noted that it effectively requires exceptions to the setbacks as well as the building height. She stated that the applicant was trying to argue that as opposed to covering the entire site with density, their application includes open space in excess of the required 60%, and also that many portions of the site meet the 25-foot setbacks, which were noted in the green lines on the slide. The applicant also argued that in order to build a project with the approved density, some exceptions are necessary. She pointed out that the red lines on the slide indicate where they are not able to completely meet 25-foot setbacks. Planner Ananth clarified that she was not trying to imply that the entire facade of the building where the redlines were shown are flat to the 20-foot setback. There is also variation and the project architect would discuss that in his presentation.

Planner Ananth provided an example of what the applicant was proposing with the townhouses that now front the Empire Avenue facade of Parcel B. She noted that the majority of the footprint was at the 25-foot setback. The garages for these townhomes are at the 25-foot setback; however, there are bump outs for front door entrances, as well as height in the stairwell, that the applicant argues serves as architectural interest and variation. That is a large part of why they were requesting a setback exception.

Planner Ananth stated that the Recreational Commercial District has a zone height of 35 feet, which the applicant is looking to exceed on all the parcels. She noted that the Development Agreement granted these height exceptions because of the transfer of density from the Mountain to the Base Parcel. The applicant has newly applied for height exceptions. She presented a table that attempts to show the proposed maximum building heights on the various parcels in comparison with the 1998 plan. Planner Ananth did not believe the table did justice to comparing the heights. She was prepared to show additional slides at a later time that looks back at the 1998 plan. Planner Ananth emphasized the difficulty in trying to figure out the building heights from the 1998 plan. It is very hard to tell the natural grade, what was graded up, and where parking is above grade or below grade.

Planner Ananth stated that because the applicant was looking for exceptions, the Planning Commission needs to be able to find for the six criteria in the LMC, including that the building height does not result in increased square footage or volume over what would be allowed under the zone required height, unless the increased square footage is from a transfer of development credits; that the heights have been positioned to minimize visual impact on adjacent structures such as shadows, loss of solar access, and loss of air circulation; that there is adequate landscaping; increased setbacks from adjacent properties that the building height results in more than the minimum open space; and that the applicant is able to comply with the architectural review criteria in Chapter 15-5, which they are able to do.

Planner Ananth stated that the slide attempts to summarize the applicant's argument for exceptions in that there was a transfer of density to the base area under the 1998 plan, and that effectively allows for exceptions. They also argue that they have positioned their buildings to maintain views and made height adjustments to minimize impacts on adjacent structures; they are offering landscape buffering; that significant portions of the site meet the MPD required setbacks; and that the applicant is offering architectural variation on their facades; that they meeting the open space requirements; and that they will comply with the architectural review requirements.

Chair Phillips noted that number two of the criteria mentions potential problems on neighboring properties caused by shadows. He asked if a study had been done on the impacts of shadows on properties as a result of the additional height. Planner Ananth stated that the applicant has started to look at that. She suggested that they show the Planning Commission the new architecture on Building B to make sure they were going in the right direction before going too far into the details. Chair Phillips assumed that was something the Planning Commission would need to check later if the Commissioners thought they were headed in the right direction. Planner Ananth answered yes. That detail was not necessary in this conceptual stage, but it would definitely need to be included and reviewed before any vote could be taken.

Commissioner Suesser asked about building heights in the 1998 and the proposed plan. She recalled that the May 27th Staff report had a different determination regarding building heights. Planner Ananth thought the building heights were within the realm of what the 1998 Plan proposed; however, they may be on the lower side because she cannot always tell what they were measuring from, nor can she tell if they were measured from how height is measured today.

Planner Ananth outlined points she would like the Planning Commission to think about during the applicant's presentation this evening: 1) is the applicant moving in the right direction with their changes, and have they been responsive to earlier Planning

Commission and public input; 2) are the changes enough for the Planning Commission to consider granting exceptions to building height and setbacks; 3) what additional analysis would be needed to help the Planning Commission in its determination that the project does or does not meet the criteria.

Chair Phillips referred to page 5 of the Staff report and the list of bullet points that the Planning Commission identified as important issues at the August 26th Planning Commission meeting. He asked if Planner Ananth thought any of those points were still outstanding. He was particularly interested in the cross sections showing the amount of below grade excavation. Planner Ananth replied that the applicant has attempted to address many of the concerns the Planning Commission had raised. However, at this point they have not been able to address the full list. For example, the Planning Commission was very focused on potentially getting more of the parking below grade, as well as consideration for having less than 1200 parking stalls on site, and that has not yet been addressed. Regarding views of the Mountain from 14th street, Planner Ananth thought the applicant was trying to maintain those views. The Staff requested more eye-level vantage point visuals, which she believed would be presented this evening. Planner Ananth noted that in her presentation she tried to give a comparison of heights to the 1998 plan. She understood that the applicant would be showing cross sections in their presentation; however, they had not been submitted for Staff review at this point. Planner Ananth thought the applicant intended to speak more about the amount of below grade excavation and what they can and cannot do. Planner Ananth reported that the applicant had submitted a letter putting the context of their requests into the language of the Code.

Commissioner Suesser asked whether the applicant had addressed the concern regarding the lack of connectivity through the Building B parcel to the Resort. Planner Ananth replied that it has been difficult for the applicant to address that concern based on their need for parking.

Robert Schmidt, representing PEG Development, stated that they have spent a lot of time and effort to listen and incorporate as much of the feedback as possible. They recognize the concerns and tried their best to address them.

Mr. Schmidt provided an update on some of the feedback they heard from both the Planning Commission and the public. He wanted everyone to know that they were working on trying to address these issues. He noted that there were concerns about the roundabouts and noted that the applicant had presented an option for a signalized intersection at Lowell Avenue. Regarding concerns about the heights on Building E heights, the architect will be presenting options this evening, along with Building B. Mr. Schmidt commented on the concerns related to the dock locations on Parcel E and

noted that the applicant was still reviewing potential options. Regarding ingress and egress at Building E off of Silver King Drive and relative to Three Kings Drive, the applicant was working a solution that will be submitted to the Staff for their review and input. Mr. Schmidt remarked that the specific pedestrian access along the west side of Building E for access from Three Kings Drive, the Snowflower, and the bus stop on Three Kings was implemented early on based on input from the neighbors. Resort Center parking, garage access, and road realignment was the realignment of the access to the Resort Center parking and aligning it with Shadow Ridge was on their engineering implementation list. The applicant has already made that commitment. Mr. Schmidt stated that they have continued to explore pedestrian crossing options. They explored a bridge and a tunnel, and their assessment is that those are not feasible. However, they are exploring doing a detailed people-based analysis looking at how many people are coming to and through the site, how do they arrive, and how do they move through the site. Mr. Schmidt stated that Building B will be the focus this evening in terms of height, setbacks, and view corridors. Regarding the bus stop, the applicant has presented a couple of options for transit center ideas. That conversation continues and Mr. Schmidt anticipated additional progress. He referred to comments about providing taller parking within the garage areas for taller vehicles in certain locations and they were continuing to explore it. They heard comments about needing day lockers and season lockers and those have been provided and implemented into their plans. Mr. Schmidt stated that another comment was access modifications to allow NAC access to their future building. He reported that an easement has been drafted that involves multiple parties. It is in internal review and the applicant will be sending it out to the relevant parties within the next week or two.

Emir Tursic, with HKS Architects, noted that the last time they presented an architectural design was in August. At that time, they were trying to explain the architectural concept and architectural design guidelines. Their presentation this evening will focus on the Parcel B updates since the August meeting. Mr. Tursic also intended to focus on the building height exception, as well as the setback exception; specifically, the requirements in the current Land Management Code and how they have addressed it.

Mr. Tursic spoke briefly about the overall high-level architectural concept, and some of the influences starting with the Mining Architecture. They had studied the Mining Architecture and were inspired by the simplicity of the forms and the large openings. They also studied the historic Main Street architecture. They would like to incorporate certain elements of Main Street into this project, but in a more contemporary abstracted way. Mr. Tursic remarked that they would like to take the historic Park City architecture

and execute it in a more contemporary way that reflects this era and not something that was built a hundred years ago.

Mr. Tursic stated that they began their analysis with the existing context. There are two parts to the Park City base, the upper and the lower. The Marriott Mountainside was the first phase of this project. He pointed to a collection of other existing buildings that were built over time in both the upper and lower base. Most are a collection of primarily condominium buildings that reflect the era they were built. Mr. Tursic remarked that PEG's goal is to develop an architecture language that develops some cohesiveness and some identity to the Resort. Even though it is early into the master plan level, the intent is to create some type of consistency.

Mr. Tursic stated that he would be spending time this evening talking about the architectural articulation and horizontal and vertical modulation of the buildings not only to create architectural interest, but also to reduce some of the perceived scale of the buildings.

Mr. Tursic commented on the Parcel B design updates. He walked through the concept plans and explained the changes made in the revised plans. Based on feedback from the community and the Planning Commission, they shifted the parking structure 25' to the south, all the way to the 20' setback along Lowell. It allowed them to create townhomes along Empire that would not only conceal the garage, but also create a much more contextual expression that relates in use as well as in scale and height to the adjacent existing context and the primarily single-family homes across the street. Mr. Tursic stated that going along Shadow Ridge, the continue to use employee housing to conceal the garage. He noted that the requirement to provide employee housing in the first phase of the project is partly a reason for pushing density on this particular site. Mr. Tursic pointed out how the townhomes step down on the second level along with the employee housing. He noted that the townhomes are three-stories high, and they terminate at the deck of the garage. Mr. Tursic noted that they originally had two story condos sitting on top of the parking structure along Empire; however, those condos were removed in an effort to step down the building and step down the scale. Some of the density was transitioned into the condominium building along Lowell. In addition, an entire floor of the affordable housing was removed and transferred into the condominium building along Lowell Avenue. Mr. Tursic pointed out that the changes allowed them to maintain the majority of the building height on Parcel B at approximately six stories, with the exception of the townhomes.

Mr. Tursic presented a slide looking at the townhomes from Manor Way. The townhomes have a garage with two stories of living space above it and they step down with the grade. He presented another view to show how they articulated the

townhomes. Mr. Tursic stated that the majority of the townhomes are set back 25' or more from the property line; however, certain elements come up to 20' in order to create the architectural variation required by the LMC and to reduce the perceived scale of the buildings. Mr. Tursic explained that a flat wall at a 25' setback, the building is perceived to be longer and taller than it is when they add variation. He intended to demonstrate this point when they get deeper into the setback and building height discussion.

Commissioner Suesser asked for the square footage of the townhomes. Mr. Tursic replied that the total is 2300 square feet, including the ground level garage which has no occupied space. On average, the townhomes are approximately 1500 square feet.

Planner Ananth asked Mr. Tursic to talk about the height of the townhomes. Mr. Tursic recalled that the height was approximately 30' to 35', including the gable of the roof. He would show the building heights when he goes into the elevations of the townhomes in his presentation. He noted that the townhomes also connect to the amenity deck in the back.

Commissioner Suesser asked for the width. Mr. Tursic replied that they are approximately 25' wide. He thought the townhomes were large enough to be livable. Mr. Tursic stated that the challenge with the townhomes is that they basically face the garage to allow for daylight on an entire side. By making the townhomes wider and taller, they were able to create a manageable layout to make the townhomes saleable. Commissioner Suesser was concerned about all the driveways coming out onto Empire. Mr. Tursic believed they were meeting the required separation, but they would review it with transportation as they get closer to the intersection with Manor Way. He was willing to look at potentially slightly reducing the width of the driveway. Commissioner Suesser asked about the length of the driveway. Mr. Tursic replied that the length of the driveway would be equivalent to the setback. It would be approximately 26' from the property line to the garage door. He recalled there was an additional 9' park strip buffer between the curb and the property line itself.

Planner Ananth pointed out that the townhouses are similar to a typical Old Town lot being 25' in width. She noted that a typical Old Town lot is 25' x 75'. These townhomes are significantly deeper, but she thought the comparison might give the Commissioners a sense of the rhythm on the street.

Chair Phillips asked for the number of curb cuts on the Empire side. He was told there were eight curb cuts plus the garage entrance. Mr. Tursic noted that the applicant had done a test fit study to make sure these townhomes would be livable, and saleable, which is the reason for some of the increased width. He pointed out that the increased

width also helps with the separation of driveways. Mr. Tursic reiterated how they pop up on top of the amenity deck, which allows them to connect to the condo amenities and bring some of the daylight into the townhomes via skylights to alleviate the solid wall effect. He stated that by shifting the garage, making them wider, and creating an access to the amenity deck resulted in creating nice townhomes that would be a hot commodity in this location and very relatable in scale to the existing context across the street. Chair Phillips asked if all the townhomes have a private space on the upper deck. Mr. Tursic replied that they were not private spaces. The townhomes will be for sale and considered as condos so they will have access to the amenities deck. They have their own individual entrances that allow them to access the clubhouse as well as the deck itself.

Commissioner Suesser did not recall seeing the amenity deck. She did not have a clear understanding of what it looks like and what is included. Mr. Tursic offered to provide views of the amenities deck itself. However, it would be primarily a combination of green space and other amenities for condo tenants and owners.

Commissioner Thimm asked if there was a front door presence for each of the townhomes along Empire Avenue. Mr. Tursic answered yes. Commissioner Thimm clarified that in addition to a garage door, there is also the appearance of a front door. Mr. Tursic pointed out the actual entrance to the townhome. The idea was to create a residential neighborhood feel with the addition of the townhomes on Empire.

Commissioner Kenworthy asked for the setbacks of the homes on the east side of the street. Planner Ananth had not measured it; however, the typical required setback would be 20'. She was not able to verify the measured setback this evening. Commissioner Kenworthy clarified that he was looking for continuity.

Commissioner Suesser asked about the proposed landscaping buffer between the road and the sidewalk. She was concerned that it was not as practical in terms of pedestrian access around the lot as a sidewalk more adjacent to the curb. Commissioner Suesser referred to the landscaping buffer that separates the curb from the sidewalk and suggested that giving more greenspace to the townhomes and putting the sidewalk against the curb was more practical for pedestrian access. She pointed out that there was no access to the sidewalk from the east side of Empire, which is would be particularly problematic in the winter.

Planner Ananth thought Commissioner Suesser made a good point about flipping the landscape buffer closer to the townhouses rather than closer to the street and having the sidewalk against the curb. Planner Ananth stated that her priority would be a generous wide sidewalk. She assumed the applicant would be willing to relook at the

sidewalk and the landscape buffer. Planner Ananth could not see where the driveways were shown.

Chair Phillips agreed that the driveway cuts would need to be factored in with the sidewalk going through those. He did not believe there would be much of a conflict with pedestrians and sidewalks and vehicles going in and out, but he was curious if that had been considered. Chair Phillips stated that his biggest concern was having eight driveways where cars need to be backing out into traffic. He was personally looking at vehicle access to those units and how that may conflict with the flow of traffic.

Commissioner Suesser had a concern about the driveways being able to accommodate an SUV and not interfere with the sidewalk, particularly if it is parked in the driveway. She questioned whether 26' from curb to garage door was enough.

Mr. Schmidt stated that he has a Suburban and an F-150, which is 6" longer than the Suburban. He noted that the F-150 fits into a 21' stall. He thought 26' should be adequate to park a larger vehicle in the driveway. Mr. Tursic stated that the setback dimension was measured to the property line. There is approximately 26' feet from the garage door to the property line, plus an additional 9' of buffer space. He noted that relocating the sidewalk closer to the street would also create more space. Mr. Tursic thought the driveway would be long enough to accommodate an SUV.

Mr. Tursic pointed out that the objective this evening was to find out whether the Planning Commission thought they were going in the right direction architecturally. If the conclusions at the end of this meeting is that they are going in the right direction, they were willing to explore implications on traffic, number of curb cuts, proximity to the intersection, and other related issues.

Commissioner Hall had a strong preference for the landscaping buffer for the safety of pedestrians walking, and to create a buffer where snow removal occurs. Commissioner Hall asked if it was possible to only have one curb cut for all the driveways rather than several separated curb cuts. Chair Phillips thought one curb cut was unlikely. He agreed that less curb cuts would be better, but they need to decide on the tradeoffs. Chair Phillips liked the massing better and the scale of the streetscape.

Commissioner Suesser asked if consideration was given to providing parking to the townhouses underground or as part of the rest of the facility instead of having curb cuts. Mr. Schmidt replied that they had considered that option. However, the townhouses are independent of the garage and it was difficult to find a way to line up parking stalls and get people from the parking garage to the units because the unit steps with the grade. They looked at providing a hallway in the back with stairs and an elevator, but each unit

steps independent of the other and it became a challenge to get that access from the backside of the garage. Mr. Tursic recalled that each unit steps down 18" relative to the one next door which creates accessibility challenges. He pointed out that ramps also require additional space, and that space would need to be taken out of the townhomes that already have a limited depth.

Mr. Tursic appreciated the questions and comments. He would follow up on the curb cuts and provide additional information.

Mr. Tursic moved on to the corner of Empire and Shadow Ridge. He presented a slide showing the opposite side of Empire Avenue and the revised massing of the affordable and employee housing that was stepped down an entire floor. He noted that they increased the setback in the corner significantly and took some of the mass away from the street to minimize the impacts, shadows, and solar access that was previously discussed. Mr. Tursic pointed out the articulation vertically and horizontally. He indicated the only portion of the facade along Empire and Shadow Ridge that is currently at 20' where they were seeking an exception. At the center part of the building he pointed out how the entrance ground level was recessed back and provides a minimum 25' setback, and more in some cases. The upper portion of the affordable housing units were also at the same elevation and have a significantly higher setback. Mr. Tursic remarked that this is important because if they had a six-story wall that was 25' feet, architecturally the wall would be perceived taller and longer, which is the intent for articulation in the LMC. In addition to adding architectural interest, articulation provides a sense of scale. Mr. Tursic thought it was important to articulate not only vertically, but also horizontally, which requires the setback exception.

Mr. Tursic presented a view of the opposite corner where they added another story at the corner of Lowell and Manor Way and transferred some of the affordable housing and condos from Empire and Shadow Ridge. He pointed out that it was still a six-story building that steps up and down with the adjacent grade, but he thought the visual impact was minimized. Mr. Tursic stated that from a massing perspective, at every corner on every parcel they stepped the massing and the building heights down closer to human scale to minimize the impacts of the shadows on the street and the sidewalks, and to reduce the actual and the perceived scale of the building.

Mr. Tursic reminded everyone that they were not looking at the final architecture. What he was showing were advanced master plan concept massing diagrams. Even though they were materialized to show the intent and to give the Planning Commission a better understanding, these were not the final images. They still needed to go through the conditional use and building permit processes. Mr. Tursic anticipated another year of

design on Parcel B alone refining the architecture. He emphasized that at this point they were only trying to demonstrate the intent and compliance with the LMC.

Commissioner Suesser clarified that the first three stories in the slide were parking levels, and then two additional parking levels below those. Mr. Tursic explained that the parking structure cannot be seen from anywhere on the street. They were cladding every level and part of the parking structure with units, with the exception of the entrances in and out of the garage, and a small portion of the parking garage wall that is exposed at the entrance on Manor. Mr. Tursic stated that Commissioner Suesser was correct in assuming that she was seeing the first level, the entrance into the parking garage and three additional stories on top of it. He pointed to the "transfer deck" which is where the parking structure terminates, and they begin building on top of the parking structure as it goes deeper into the site itself.

Commissioner Suesser commented on the employee housing that was transferred. She understood they took off a level of the employee housing side near Shadow Ridge and Empire and put it on the Lowell and Manor side. She asked if the transferred units were still employee housing or if it was added to the market price condo units on the Lowell and Manor side. Mr. Schmidt replied that it would still be affordable housing. He remarked that there are two components of the affordable housing; one is for-sale and one is for rent. The intent would be to transfer the for-sale component of affordable housing into that building.

Mr. Tursic presented a building section to address some of the questions the Commissioners had raised. It puts Parcel B into context, and he thought it would help them understand the relationship of Parcel B to the adjacent buildings. Mr. Tursic stated that the section was cut approximately through the last townhome and very close to 14th Street. He noted that they had estimated some of the existing buildings from Google Maps so the heights were probably not exactly correct as shown. He pointed out that he was scanning through the building as if they were standing on Manor looking north. It was the east-west section looking north. Mr. Tursic believed this section demonstrates relationship to the context. It also shows the garage and the depth of the garage. He pointed out that the garage appears to be a one-story garage on one side, but it is actually a three-story garage on the other side. The levels will vary with the grade, depending on where they cut the section. On the Lowell side there are three stories below grade and one story above grade. Day skier lockers in lobbies conceal the parking. On the opposite side are the townhomes. Mr. Tursic remarked that the section also demonstrates that the grade between Empire and Lowell is practically two stories high. In order to create the connection through the site itself, they would need to provide stairs that climb two stories, which is 20' and forty steps. In accordance with the Code, they could not just put in the stairs. The Code requires an elevator or ramps,

and the ramps would be significantly longer. Mr. Tursic remarked that there are significant challenges with providing the connection through the site itself from the standpoint of grading. Mr. Tursic stated that it would start cutting through the parking structure and effectively they would be able to maintain a single parking continuous parking level. All the other parking levels would be discontinuous. That means they could not have internal ramps to help with external circulation, and they would lose a significant amount of parking that would need to be located elsewhere. Mr. Tursic stated that the last point is that the shortcut through the site itself would drop off at an area where no one should be crossing the street. It would lead straight into the transit stop which are safety concerns that have already been discussed, and the desire to separate pedestrians and drop-off from transit. Instead, they would like to take the newly proposed sidewalks to two designated pedestrian crossings. Mr. Tursic explained that rather than cutting through the site and ending up in a location where they do not want pedestrians to be crossing, they were trying to guide people to designated crossings on Lowell. They were also providing a more pleasant experience with a 12' sidewalk where currently there is no sidewalk, with a 9' green buffer on each side and highly articulated architecture that will reduce the size of the building.

Mr. Tursic stated that going deeper with the parking is considered infeasible. Salt Lake tries to limit all developments to two underground levels. Anything beyond that is not financially feasible. For this project, the parking is three stories. They also have the challenge of balancing all the excavation and cut and fill. Mr. Tursic stated that there are multiple challenges with going deeper or cutting through that will have a great impact on the parking count that is greatly needed.

Mr. Schmidt pointed out that the bottom floor of the parking structure is approximately the same elevation as what was proposed in 1998. He noted that there were three levels of parking in 1998 and those were cut back. There were also three separate access points with no internal ramping. Mr. Schmidt stated that the recorded version of the 1998 plan does not specifically say how many stalls were on Parcel B; however, based on his calculation, approximately 600-700 stalls were on Parcel B in 1998. He noted that this proposal provides more parking. With the addition of the townhomes, the scale, and addressing the exterior of the building, they were trying to meet the intent of the Code and gain the support of the Planning Commission.

Mr. Tursic pointed out that the section shows approximately 35' from the garage doors to the curb. Mr. Tursic used the same slide to show the setbacks and the stepbacks on the section. He also moved to another slide to show the setbacks and stepbacks on Shadow Ridge. Mr. Tursic pointed to the portions where they were seeking an exception and noted that it was only in isolated locations.

The Commissioners had no further questions on Parcel B at this time.

Mr. Tursic moved to Parcel E. He noted that the applicant took a similar approach on Parcel E and evaluated how to step the massing that is adjacent to existing condominiums and the residential buildings. Mr. Tursic pointed to the portions where they modified the design to step the massing. Relative to the property line, the minimum setback was at 28'. As it steps up, the building goes from 33' to 38.5, and up to 66'. Mr. Tursic presented another section showing how the Parcel E parking that accommodates the remainder of the day skier parking is almost completely below grade under the plaza. The only area where the grade drops is in the opposite direction where the first level of parking is basically at grade level. Mr. Tursic clarified that they were dealing with the same constraints on Parcel E in terms of excavation and depth that were discussed on Parcel B. He reminded everyone that as with Parcel B, what he was showing were advanced massing diagrams and not the final architecture. They were only demonstrating how they reduced the scale and comply with the current Code.

Commissioner Suesser pointed out that the image was not showing a sidewalk along Three Kings and the accessway on the west side of the building to the Resort Base. Mr. Tursic replied that it was not shown; however, there is a sidewalk that basically follows the street. He indicated an area identified in green, which was the current access to the Mountain. Mr. Schmidt clarified that the applicant has agreed to provide access on the west side of Parcel E. Not all the sidewalks were added into the massing models, but they would be provided.

Commissioner Suesser wanted to understand the proximity to the next residential building because there are a lot of concerns on that side. She thought it would be helpful to have some perspective on how close this building gets to the existing neighboring properties on Three Kings. Mr. Schmidt stated that there was a minimum of 32' on the ground level from the Snowflower building. He believed they could show the separation from Three Kings in a plan view across the City right-of-way, plus the Three Kings setbacks. He thought there was a fair distance between the buildings.

Commissioner Suesser asked if there was any change to the loading dock or the service entrance to Building E. Mr. Schmidt replied that they were still addressing that concern but had not yet arrived at a solution. He hoped to have a solution finalized shortly to present to the Planning Commission.

Commissioner Kenworthy asked Mr. Tursic to point to the entrance and the exit to the parking on the slide. Mr. Tursic indicated the location and noted that it would be both the entrance and exit for the parking garage. He pointed to a secondary entrance to the ground level, which would be the drop-off area for the condos and the ski club; as

well as a secondary entrance and exit point. Commissioner Kenworthy asked how many parking spaces the exit provides. Mr. Schmidt replied that the public day skier parking is 440 stalls. The other one is 100 stalls. Commissioner Kenworthy noted that 540 spaces would be coming out. He recalled that it was directly from the access into the Three Kings/Thaynes neighborhood. Mr. Tursic provided a plan view showing the intersection of Three Kings on the north. Mr. Schmidt pointed out the relationship of the driveway to the parking garage and to the porte cochere. He stated that they were working on a solution that would channelize traffic and reduce the conflicts at that location. Commissioner Kenworthy stated that personally he felt this was more problematic than the eight townhomes coming out onto the street. The General Plan calls for protecting these primary neighborhoods and channeling 540 parking spaces onto those streets is a major concern. Mr. Schmidt understood the concern and hoped to have a proposal finalized soon. If they need to make alterations, they can explore other ways to get vehicles in and out of this parking structure.

Commissioner Suesser wanted to understand where skiers come out once they park in the garage. She thought it would apply for summer recreation as well. Mr. Tursic noted that there are two exit points from the garage driven by egress requirements. He showed where one access comes out onto the plaza in one location, and a second access comes up onto the plaza near ticketing. He stated that a lot of time was spent making sure that people come out in convenient locations.

Mr. Tursic believed his presentation had covered all the updates to the massing on Buildings B and E.

Mr. Tursic continued his presentation talking about building height and setback exceptions. He stated that part of the intent this evening is to begin looking specifically at what the LMC requires for a building height exception, and to demonstrate how this project complies. Mr. Tursic stated that the additional building height cannot result in additional volume, area, or density, unless the increased square footage of the building is from the transfer of development credits, which is applicable to their project. Mr. Tursic intended to talk about the siting of the buildings, adequate landscape, setbacks, and open space. At the very end as they get into setbacks, he was prepared to show how the current design on each parcel complies with the 15-5 Architectural Design Guidelines.

Mr. Tursic commented on the density. He stated that with the current and existing setbacks and the 35' building height, they would never be able to achieve the densities that the Development Agreement currently allocates to the site. For that reason, they need an exception to increase the building height. Mr. Tursic noted that is a new plan and they were using the existing plan for reference in trying to understand how it was

done. There has been a lot of focus on Parcel B and building heights and the applicant understands the concerns because Parcel B is in the heart of the residential neighborhood. However, if they compare the original 1998 Master Plan to the current design, they want to make sure they are comparing apples to apples, specifically regarding building height. Mr. Tursic stated that the original 1998 Master Plan also required 20' setbacks along Empire and Shadow Ridge. The building was broken into four different components; B1, B2, B3 and B4, and volumetrics were developed for each of the four components with a specified building height. Mr. Tursic thought it was unclear as to how the building height was measured. He measured the building height for the new proposed plan in accordance with the current definition of building height in the LMC, which goes to the grade. He stated that in looking at the original 1998 Master Plan, the height was not measured to the grade. It was measured to an established datum, which he recalled was the ground level elevation. In this case, portions B1 and B2 measured the building height from elevation 6951. Buildings B3 and B4 measured the building height from elevation 6941. Mr. Tursic provided an example showing that the building heights on a specific corner of the new proposal was measured from 6921, which is a 20' different in elevation.

Mr. Tursic understood that it was complicated, but he thought it was important information to have when they start comparing the building heights and how the original master plan was accomplishing those building heights. Mr. Tursic had overlaid the existing grading, but the footprints of the original buildings could still be seen. He reviewed the overlay to show the heights of the building under the 1998 plan for Buildings B1 and B2 measured from the 6951 elevation. He indicated areas where the grade drops significantly and by the time it reaches Empire, B1 is anywhere from 7' to 11' taller. Building B2 is anywhere between 10' and 16' taller. Buildings B3 and B4 have as much as 20' difference in the corner between what he considers the building height and how the building height was measured. Mr. Tursic stated that as they look at the volumetrics of each B component, the heights shown as 65', 49', 39' are not measured to grade. They are measured to 6951 elevation. Mr. Tursic remarked that the buildings heights are somewhat deceiving in how they were being presented today, and it is not a true comparison. He pointed out that what was showing as 75' could easily be a 95' building height. He specifically noted that at the corner of Shadow Ridge and Empire, what was labeled as a 30' ridge height is actually a 50'+ ridge height.

Mr. Tursic stated that he did a quick overlay comparison of the currently proposed building heights. There was a range in heights because of how the grade drops. Mr. Tursic explained how he measured the heights and also adjusted some of the original 1998 building heights for comparison. Mr. Tursic clarified that these were ranges and at this point nothing was exact. However, in general if they start measuring the building height the way height is measured today, it becomes apparent that the building heights

in the original Master Plan are not too far off from what was being proposed. In some cases, the buildings in the original plan are taller. Mr. Tursic remarked that the major difference between the building heights was stepping. The original master plan created a lot of vertical modulation and stepping of the roofs, and the new proposed design simplifies some of that for the architectural reasons that were previously explained.

Mr. Tursic stated that the way PEG Development is siting the density, volume, and building height is not too dissimilar from the original master plan. They were trying to place it in the areas furthest away from the street. They were also trying to increase the building heights that are not close to the street; but that becomes more challenging on Parcels B and Parcel E due to the density requirements, complex programming, parking, and affordable housing. The difference in Parcel E is the alignment of Lowell.

Mr. Tursic thought the diagram presented demonstrates compliance not only for the transfer of density, but also for the siting of the project and how the current massing had considered a great deal of topography, grading, adjacent uses, programming, and how it could be accommodated.

Commissioner Thimm understood that the before and after height elevations shown were based upon the same relative datum. Mr. Tursic replied that he was correct.

Chair Phillips thought that was the best way to measure the two side by side. Instead of height of building, he thought actual building elevation was more important. Chair Phillips was interested in seeing a comparison of the maximum building elevation in relation to each other. If they can reach an agreement, they will need to have something more specific because currently they are working with conceptual drawings that will eventually come back through a CUP process. He wanted to make sure that whatever they agree on, that they can accurately hold it up to any CUP application that comes through. Chair Phillips understood what Mr. Tursic presented with the elevations.

Chair Phillips commented on the importance of making sure that anything that is agreed on is put into very clear language.

Mr. Schmidt understood that Chair Phillips was asking for more detail of the proposal so there is something to compare with at the CUP process. Chair Phillips stated that in terms of height, he wanted it clearly defined as to what they were measuring it from and for everyone to understand the difference if there is eventual agreement on the final heights. Chair Phillips thought the previous plan was confusing, and he thought it was better to just say that different portions of each building do not exceed x-maximum elevation, which can be derived from the information provided. Chair Phillips stated that

regardless of what they agree on, everyone will need to work together to define it. His concern was allowing an exception for a setback, when the applicant was representing that what was shown this evening was conceptual for certain elements. He clarified that the requested exceptions would need to be very well defined so any future CUP application can be held up against what they agreed upon.

Mr. Schmidt presented a drawing that depicts the ridgeline elevation in terms of mean sea level. It identifies what grade contour it was being measured against and the resulting height in subtracting the ridge height from the natural grade. Chair Phillips stated that elevation in relation to sea level is important.

Mr. Tursic stated that they developed four or five different building height diagrams trying to find the best way to get a good handle on it. In the end, tying the ridge height to the sea level elevation is the best way because of so many grade changes.

Chair Phillips pointed out that the original Development Agreement and the associated exhibits do not necessarily reflect what is really the existing grade. Chair Phillips thought the applicant was on the right track for what he was looking for in the end. They would still need to work through and determine what heights to agree on.

Mr. Tursic pointed out the average building heights that vary between 35' to 45' along Empire and 65' to 75' along Shadow Ridge and Empire. The volume had increased in height because it was raised by a floor. Mr. Tursic noted the stepping as it gets closer to the intersection. On Parcel C, part of the building goes up to 85', which is the tallest ridge height as measured relative to the existing grade. The building starts stepping down as they get closer to the intersection and to adjacent residential areas. Mr. Tursic stated that Parcel D steps down as it gets closer to the street and the sidewalk and adjacent buildings. He noted that he had already identified the building heights for Parcel E earlier in his presentation as they looked at the setbacks and some of the revised massing.

Mr. Tursic reviewed the landscape buffers, which is the next requirement for building height exceptions. He presented the landscape plan that was submitted with PEG's initial master plan submissions. Although changes were made, the general intent remains the same. Large landscape buffers are being provided at each corner and along the streets. They are proposing a new pedestrian path on Parcel C that drops down with the grade to get to the ski resort. There is a landscape buffer against the street, and a landscape buffer along Lowell as well as on the large setback area of the porta cochere. On Parcel D they were creating a landscape buffer against the existing building. Some will need to be coordinated with the fire department access. Also, there have been subsequent discussions because this will need to be drivable to meet Code.

They will need to be cautious in terms of types of trees and location. Mr. Tursic remarked that the intent based on the plan submitted is to provide significant landscape buffers at each existing building, sidewalks, streets, and other places of that nature in accordance with the LMC requirements.

Mr. Tursic stated that the next requirement for a building height exception deals with setbacks. In focusing so much on Parcel B, he thought they might be losing sight of the remaining parcels where the setbacks are a lot larger. On Parcel C the setbacks were approximately 52' at some point, 100' away from the ski resort, 56' feet on the corner. The entrance to hotel itself is set back 126'. Mr. Tursic stated that the building stepping and massing on Parcel D had been modified. In the drawing shown, it was depicted at 35' and 40'; however, in reality it is quite a bit larger because it is not parallel to the property line. He indicated areas where large open spaces would be provided. Mr. Tursic remarked that in general the applicant was requesting an exception in very limited areas, but for the most part large amounts of increased setbacks will be maintained around the rest of the parcels.

Mr. Tursic noted that 60% was the minimum open space requirement. The building height exception asks the applicant to provide more open space. He remarked that the type of open space and what they were proposing is what they believe would be the best use. However, if the proposed uses were not appropriate or the Planning Commission suggests additional uses, they were willing to consider those suggestions as well. Mr. Tursic assumed everyone understood that the transfer of density begins with the 11.4 acres of open space. The intent was to extend that open space and provide open space in areas where it is most meaningful. Mr. Tursic noted that the open space continues between Parcels C and E where they were creating a new plaza, a new epicenter of activity, and a new identity for the Resort that is currently lacking. He pointed out that it continues across the street on Parcel D where they were providing another large open space as a transition to the residential area. Since this will be a condominium with retail at the ground level that they see as serving the neighborhood. The open space will also serve the neighborhood. Mr. Tursic stated that it also allows them to create a sense of arrival. He presented a sketch-up to give a sense of scale and an idea of what the vantage point looks like, as well as the size and continuity of the open space. The idea is to accommodate public gatherings outside during the ski season and through the summer months. Mr. Tursic presented an image closer to the plaza itself which provides a sense of scale, the opening, the activation of the hotel on one side and retail on the opposite side.

Mr. Tursic stated that between the 11.4 acres and the additional open space being provided, the total open space is approximately 75%, which exceeds the minimum requirement of 60% open space.

Commissioner Kenworthy wanted everyone participating in this meeting to be clear about the open space. He asked Mr. Tursic to pull up the slide showing the 11.4 acres. He noted that citizens do not like the word sprawl. He wanted it clear that the applicant was proposing to combine the density to maintain open space. He asked Mr. Tursic to show that to the public who was participating. Mr. Tursic explained that they were able to transfer the density to the other site in order to maintain the alpine terrain and preserve that portion of the Mountain from being developed. Mr. Tursic stated that the densities being transferred to Parcels B, C, E and D were densities that could have been on the side of the Mountain.

Planner Ananth stated that there are two areas of open space that were restricted in the 1998 development. One is the open area shown on the plan that contributed to the transfer of density to the base area parcels. The second is the alpine terrain higher up the mountain where development rights were taken off the mountain and put towards the base. Planner Ananth pointed out that the concept has always been to not sprawl up and around the mountain, but to concentrate density around existing services and transportation. Commissioner Kenworthy thought it was vital for the public to understand this.

Mr. Tursic commented on the setback exception. He pointed to the requirement that every master planned development must maintain a 25' setback. However, the Planning Commission has the authority to allow them to reduce it to the zone setback, which in this case is 20'. Mr. Tursic reviewed the elevations and some of the massing. He noted that they were actually complying with the 25' setback on Manor Way at the ground level. As the building steps down the setbacks go to 27' and 33'. Mr. Tursic remarked that there is some overlap between the building height requirements and the setback requirements. The overlap is that in order to get the building height, they need to comply with the building massing variation, which requires them to create setbacks vertically. He thought it was important to understand that the portions of the setback exceptions they were seeking apply to a very small portion of Parcel B. As they go around the site starting with Empire, he indicated the areas that were 20'. The building is recessed an additional five feet on the ground level. Moving down, he noted that the center portion of the building is at 20', but as it angles back, the approach is 20' and 30'. Mr. Tursic stated that the applicant was trying to comply with the LMC Code as currently written by providing not only vertical articulation, but also horizontal articulation. In order to do that, certain parts of the building on Parcel B and a few other instances are requiring a setback exception of 20'.

Mr. Tursic presented the Shadow Ridge elevation. Starting at the ground level the setback was 25'. The portion of the building along Shadow Ridge at 20' was shown in

white. Everything beyond that point is set back the required 25', and more in some cases. Mr. Tursic noted that the upper portions of the building vary anywhere between 27' to 25'. The LMC requires vertical recesses or setbacks every 120'. The elevations showed that they were creating that separation more frequently in an effort to increase the architectural interest and to reduce the perceived scale, height, and length of the building. Mr. Tursic reviewed the Lowell elevation and noted that a part of the building on the ground level requires a 20' setback. This was driven by shifting the garage south which pushed against the setback line at 20'. He stated that as the building goes up and steps back, the setbacks vary from 24' in one location to 31' at the top levels. Mr. Tursic pointed out that they were changing the roof heights as well, which as calculated, can be added. He thought the elevations demonstrated that the applicant was going above and beyond what the Code requires in terms of architectural variation in order to comply with the building height exception.

Mr. Tursic presented the Parcel C south elevation, which is across the street from the existing condos. He thought this one was deceiving because it is not perfectly parallel to the property line, but the average setback is 59'. In some areas it is 60' and 68'. The building closest to the street averages 59' feet away. The vertical recesses are further back.

Mr. Tursic reviewed the south elevation for Parcel D, which was similar to Parcel C. The average setback is approximately 42 feet'. Additional setbacks range as high as 58' to 60'. Mr. Tursic pointed out the portions of the buildings that were approximately 40' away from the property line. He pointed to the horizontal and vertical recesses that are further back.

Mr. Tursic reviewed the elevation for Parcel E. He did not believe the applicant was seeking an exception along Silver King. The setback on the ground level starts at 35'. As the building steps back and goes higher, the setback goes to 43-1/2'. Mr. Tursic had created an additional elevation due to the sensitivity of facing the Sunflower Condominiums. He remarked that the base of the building is at 28'4". As the building steps back, it increases to 38' and goes as far as 44'.

Mr. Tursic offered to submit the information and drawings presented this evening to the Planning Staff for their review in terms of compliance with the LMC for the building height and setbacks exceptions.

Robert McConnell, legal counsel for PEG Development, asked Mr. Tursic to speak about efforts to mitigate in terms of shadows, loss of solar access, and loss of air circulation. Mr. McConnell noted that Mr. Tursic had skipped item 6 in his presentation.

Mr. Tursic noted that there was a lot of overlap in terms of the additional building height and setback exceptions. He thought his review of the different setbacks, variation in building height, and roof elements on each individual parcel sufficiently addressed item 6.

Mr. Tursic thought he spoke in a general sense of how the buildings were positioned on site. Wherever there was space, they tried to take the tallest portions of the building away from the street and away from the existing developments. The buildings were stepped down closer to the human scale as they approach the intersections, so the height of the building is not overpowering. He stated that the next step will be to provide solar studies to determine whether or not the building heights impact the adjacent buildings. They need discuss that further with the Planning Staff to make sure they understand the expectations.

Mr. McConnell requested feedback from the Planning Commission with respect to specific details on any of the points so the applicant has the opportunity to address them. They intend to follow up on their concerns or any concerns raised by the public.

Mr. Schmidt stated that this concluded their presentation; however, he would like to reserve time to respond to public comments following the public hearing.

Chair Phillips opened the public hearing.

David Everitt, Deputy City Manager understood that one group had prepared a presentation for their public comment period.

Jessica Nelson reported that Nikki Deforge and two others representing RRAD were prepared to give a presentation this evening. In addition, three hands were raised on Zoom from the public wishing to make comment. She had received one eComment at this time.

Nikki Deforge stated that she was representing the Park City community organization known as the Responsible Resort Area Development (RRAD). RRAD is committed to ensuring that the base resort development proceeds in full compliance with the Land Management Code and the Development Agreement. Ms. Deforge stated that the currently proposed plans do not comply with either in many ways. She noted RRAD had prepared a lengthy letter that was included with the comments initially, and she encouraged the Commissioners to read through that letter and others that were submitted. Ms. Deforge stated that RRAD also submitted an additional letter yesterday in response to the last-minute comments and the new Parcel B plans that were submitted by the developer. She encouraged the Planning Commission to go back and

look at both submittals because they go into more detail than what she had time to address this evening as to the problematic areas in this development. Ms. Deforge stated that her comments would focus on the legal framework they should be looking at to evaluate this application. She would then turn the time over to Deb Refrow and Doug Lee, RRAD members, who would talk about the more specific issues related to resident concerns and non-conformity.

Ms. Deforge stated that to the extent that she understood the Planning Staff correctly that this Development Agreement and the original Master Plan is not in play, she strongly disagreed with that from a legal perspective. She stated that it might be the case had the development agreement not been acted upon, that no construction had ever taken place, and it had simply expired on its terms, but that is not the case. She remarked that this was an unusual project review as far as the governing law is concerned. Ms. Deforge understood that the LMC ultimately governs the review, but there is also a 1998 Development Agreement in play, and exhibits were included in that development agreement. The exhibits included the original master plan, and also the City's approval conditions for the entire master plan of the entire project. Ms. Deforge stated that those exhibits were expressly referred to repeatedly and incorporated into the development agreement. Those conditions are part of the conditions of approval for this entire site and are considered part of the development agreement. Ms. Deforge remarked that the development agreement is effectively a contract between the City and the Developer that runs with the land. The original developer exercised its rights under the development agreement when it constructed a hotel on one of the parcels that were subject to the development agreement. Doing so triggered ongoing performance obligations and requirements under that development agreement for any future development. Ms. Deforge was aware of the employee housing requirements that were triggered by the commencement of construction that were never complied with; however, she disagreed that it triggered only 23 affordable housing requirements. It actually triggered the full 80. Ms. Deforge stated that the original developer did not timely complete construction on these remaining parcels, and therefore the entitlements to build under the CMP for those parcels absolutely expired. However, the conditions and the restrictions that were imposed in the greater development agreement for the construction, including further construction of these parcels, did not expire. That means that the Planning Commission is not bound to approve any of the variances that were approved before and cannot approve them now if they do not comply with the current LMC, but the Planning Commission still must enforce the conditions for further development that were included in the development agreement and the CMP, and that the developer took advantage of in commencing construction. Having commenced construction under that contract and availed itself of the benefits of the contract, the developer cannot now wash its hands of the contract and conditions imposed for construction of the remaining parcels on the site simply by not timely completing

construction. Those plans must reflect the maximum that can be built unless an amendment is approved. And amendment should not be approved unless more is given by the developer, and that is not the case here. Ms. Deforge thought it was important to keep in mind that the development agreement was a negotiated deal between the City and the developer. The City made certain concessions to the developer in exchange for certain concessions from the developer. The developer now wants to renegotiate that deal by asking for more concessions without giving anything more to the City. Instead, it points to what it already gave for what it already received, and demands more based on what it already gave, and expects to be relieved of the conditions that were imposed for what it received. This is simply not the law, it is not a logical conclusion, and it is not proper. Ms. Deforge stated that having already made more than enough concessions to the developer in the development agreement, the City should not agree to a single additional concession without getting something more valuable in return for the residents of Park City. Now is the time to enforce the deal that was already made. It is not time to give the developer an even better deal than it made previously.

Ms. Deforge stated that what she heard tonight throughout the presentations was cherry-picking. They want the benefits of the development in certain areas, but they do not want to follow any of the conditions that go along with it. For example, the developer makes it clear that everyone considers the 11+ acres of open space that they gave in connection with the development agreement as a whole and decided as a whole, but they do not want to be held to the prohibition on reallocation of any of the density between the parcels. She pointed out that this was only one example of many that the developer showed in his presentation. Regarding the building height and setback variances being requested, Ms. Deforge pointed out that the Planning Commission does not need to grant those based on what was originally offered in the development agreement or the CMP because that has expired and the variances have expired. She stated that the variances can only be granted if they are done in strict compliance with the Land Management Code, but also with the conditions that were already imposed upon the project in the development agreement. Ms. Deforge referred the Commissioners to the letter that was submitted yesterday for additional detail.

Starting with the setbacks, Ms. Deforge stated that reductions for MPDs such as this can only be granted back to the underlying zone setbacks. In this case, the perimeter setback for MPDs is 25' and the perimeter setback for the underlying zone is 20'. She noted that the developer's most recent plans for Parcel B shows setbacks smaller than 20' on every level and on almost every side of this huge development on Parcel B. Ms.

Deforge scrolled through a few pages of the plans and noted that she had circled the places that go past the 20' reduction. She commented on the inconsistencies in the

setback and thought it would be helpful to get a consistent dotted line comparison where they can easily what exceeds 25' and what exceeds 20'. Ms. Deforge stated that if it reduced to less than 20', as a matter of law under the LMC provision the Planning Commission cannot grant it because it is below the underlying zone setback. Ms. Deforge walked through some examples on the plans. She pointed to the third level of the building on Lowell Avenue and what appeared to be tandem parking spaces that go almost to the property line. She noted that the second dotted line is the 20' setback and the other dotted line was the property line. Ms. Deforge stated that if she went through each parcel they would show the same setback issues.

Ms. Deforge commented on the setbacks that were potentially within the underlying zone setback of 20'. She remarked that the Planning Commission could not grant those unless they are shown to be necessary to provide desired architectural interest and variation. She stated that in this case the developer was admittedly requesting setback reductions simply to meet the LMC requirements for parking, affordable housing, open space, etc. On the plans they looked at earlier, the places where the reductions are requested are primarily in places where they need more space for the parking. It has nothing to do with architectural and variation. It is solely for the purpose of trying to squeeze as much parking as possible onto these parcels. Ms. Deforge stated that as laudable as that may be, it is not a reason for granting the setback requests under the LMC. She believed the same applied to affordable housing. The applicant argues that the Planning Commission should consider the fact that they were putting all the affordable housing on site. She pointed out that under the development agreement the affordable housing was supposed to be off site. Regardless, even if the City wants it to be on site, that is not a reason for granting a setback reduction request. The same applies to open space. Ms. Deforge stated that the reality is that these setback reductions are almost without exception requested in order to get as much parking as they can, particularly on Parcel B, and to get all the square footage they claim they are entitled to get under the development agreement.

Ms. Deforge commented on the building heights. She agreed that there are six numbered factors that must be met to warrant the height increases. However, for each of those six factors there are multiple subfactors within each. She thought the Planning Commission needed to pay close attention to these subfactors because the applicant has the burden to satisfy all of the conditions, not just one condition in each of the six factors. Ms. Deforge noted that the letter they submitted goes through each of the subfactors and she again referred the Commissioners to that letter. Ms. Deforge highlighted a few of the subfactors. She noted that they talked about the building height requests not resulting in an increase in square footage. She thought this was a good example of the circular reasoning with respect to the development agreement where the applicant cherry picks what they want and ignores the rest. Ms. Deforge stated that the

developer was claiming all of the square footage they were entitled to under the development agreement, as well as another 18,000 additional square feet beyond the development agreement. The developer is saying they were not requesting any more square footage than what they would get under the LMC. She believed this is a situation where the developer looks to the development agreement when it benefits them, and back to the LMC if not. They cannot have it both ways. They either need to use the square footage in the development agreement or what they are entitled to under the LMC. Ms. Deforge stated that if the developer is going off what they were entitled to under the development agreement, in order to get the building height reduction, the square footage cannot increase if it is a result of the building height increases. She noted that the same applies to the transfer of density credits. The transfer of credits came from the open space that was in the development agreement, and in exchange for that the developer was allowed an x-amount of square footage. However, the developer was requesting almost 20,000 additional square footage than what the transfer credits allow. Ms. Deforge stated that another example and a guiding principle under the analysis for height increases is that you cannot increase height and at the same time reduce perimeter setbacks. Setbacks and separations need to be increased in order to get more height, but the applicant was doing the opposite. She explained why she believed the applicant was playing a shell game with the heights and setbacks. Ms. Deforge outlined other principles that play into these factors. One is that they cannot go higher without mitigating the impacts on the neighboring properties. She pointed out that there is no evidence regarding increased shadowing and the applicant has said they are not aware of any. Ms. Deforge remarked that not being aware does not meet the burden. In terms of mitigating impacts, they need to look at the adjacent neighbors, and adjacent means more than just those who abut your property.

Ms. Deforge emphasized that the developer has not met its burden of showing that any of these requirements have been satisfied to either reduce setbacks or increase height in the buildings. She reiterated that the height increases are directly prohibited under the development agreement and she quoted directly from the development agreement to support her comments. Ms. Deforge thought the Parcel B plans shown today were an improvement over what they saw in the first iteration, but they still do not come close to complying with what was originally proposed, and what was originally approved. In addition, they certainly do not comply with the LMC.

Doug Lee, a resident at 1356 Empire Avenue, stated that he has owned the house since 1980 and they have seen a lot of things come and go in the Resort Center area. Mr. Lee remarked that he and his colleagues were speaking this evening on behalf of RRAD, which is a group of more than 160 concerned Park City citizens. Mr. Lee provided a brief summary of background. He spent 30 years in real estate starting as a

licensed architect in Washington DC where his focus was on building new buildings in historic districts. He currently has his own real estate investment firm. Mr. Lee believed he was well-qualified to speak to the issues.

Mr. Lee presented several exhibits he had prepared. Mr. Lee clarified that RRAD is not an anti-development group. They were seeking to promote thoughtful development that benefits the whole community. RRAD thinks the base area represents a unique and historic opportunity to reset the future not just at the Resort Center but of the entire City. They feel the base area can be developed in a way that satisfies all of the functional concerns of the developer and the long-term objectives of the City, while being highly sensitive to the quality of life and life safety concerns of the neighbors and the community. Mr. Lee stated that RRAD has serious concerns about numerous aspects of the project, especially the impact of additional building height, reduced setbacks, density, and traffic generation. They believe the project is non-compliant with the development agreement and the LMC in many respects.

Mr. Lee stated that he would be speaking primarily on the design aspects of the project. Mr. Renfrow was prepared to talk about traffic and circulation. Mr. Lee stated that in looking at the numbers and adjust them for above grade parking, they see a total GLA of 822,000 square feet, which is 16,000 square feet over the allowable square footage.

He remarked that aside from the overage in square footage, the issue is the effective FAR on each parcel. As a result of shifting density from the development restricted area on the Mountain to these parcels, he thought it was clear that looking at the adjusted FAR on Parcel B is 2.8 times. In a zone that is a 1.0 zone, trying to put 2.8 times on that site is a problem for the community, the neighbors, for traffic, and for quality of life. Mr. Lee believed it was important to comply with the terms of the development agreement, which says they should not build in excess of a specific square footage number for each parcel. He presented a slide showing that three of the four parcels were materially over the maximum square footage permitted per the DA. Mr. Lee cautioned everyone to be careful of the distortions that occur. When they talk about open space, he thought it was important to keep in mind that the effective open space on these parcels is not 75%. Similar to his square footage study, when calculating the actual open space on these parcels it is actually 49% open space. He pointed out that it was the derivative of moving too much density and giving the developer too much leeway on the base area parcels.

Mr. Lee stated that RRAD does not believe the height variances were justified. The building mass needs to at least consider what was approved in the original DA and CMP. There was a tremendous amount of human scale, detail, and stepping down to street level. Mr. Lee noted that the architect said several times that they had stepped down to the corners. He pointed out that they had only stepped down on three corners.

Mr. Lee emphasized that they had not stepped down on the Shadow Ridge and Empire Corner where there are one and two-story single-family homes across the street. He also noted that per the development agreement, the architectural design guidelines are considered as important as the square footage, volumetrics, and UEs. Mr. Lee did not think it was fair to disregard the architectural guidelines that were previously developed, because as far as the neighborhood is concerned, they were materially more favorable than what they are seeing in this current plan. Mr. Lee remarked that the height and density in the CMP was located in the center of the block. On the blocks that border the mountain it was located on the slope side of the site rather than on the street side of the site. He pointed out that this was not how it was developed in the PEG plan. Mr. Lee stated that in comparing the two site plans, most impartial observers would say that what was shown on the right is called a mega block in architecture. He stated that a mega block is the least appropriate for Old Town Park City. He looked at Vail Village and Zermont and there were no buildings in those village longer than 200'. Mr. Lee pointed out that the Empire side of Parcel B is almost 500' long. That is the reason why the CMP for Parcel B was so important in breaking down the scale and the mass and relating to human scale and detail.

Mr. Lee noted that Ms. Deforge had covered most of his comments regarding setbacks reductions.

Mr. Lee stated that according to the development agreement, all the architectural design guidelines are integral to the plan. He believed the architectural guidelines are still in place today and did not expire with the original plan. These include no monolithic structures and maintaining a gateway entrance to PCMR. The community believes that was better represented in the 1998 plan than in the current plan. Mr. Lee presented slides of drawings comparing old versus new and explained why they believe the architecture from 1998 was more appropriate. Mr. Lee noted that the CMP and the DA are very specific about Parcel B. He stated that Parcel B was mandated to be at least four separate buildings with semi-private courtyards accessible to the public, and the scale would be moderated by steps and cascading roofs. In order to minimize the height and shadow wall, there were ample setbacks on Empire far in excess of the Code. Mr. Lee thought it was evident why RRAD believes the project as proposed is a quality of life concern for the neighborhood. They prefer the scale, the pedestrian access, the cascade of roofs, the setbacks in the original plan.

Mr. Lee commented on the view corridors. He acknowledged the work by PEG to try to maximize the view angle in the plan to make it roughly the same as the 1998 plan for Empire and Silver King. However, the architectural style and massing shown on the left of the screen was preferable to the current proposal on the right. Instead of blockiness, dorm-like, and hotel-like they prefer alpine village because it is more appropriate, and it

was written in the CMP. Mr. Lee commented on the 14th Street corridor. He stated that he has been walking this exact access for 40 years. The access from 14th street today for most of the people who live east of the project is straight across the parking lot, straight across the bus stop and into the lower plaza by the skating rink, and up to the upper plaza. It is tremendously beneficial to the neighborhood, to the retailers, and to the community. It is vibrant and active, and not to maintain that access would be a fatal flaw of the project. Mr. Lee thought they could make the case that the access is grandfathered given the heavy use of the site. Mr. Lee stated that earlier in the process, the developer claimed that they were trying to open up some space for a view corridor. He noted that they had not made that claim this evening, but he was prepared for it. Mr. Lee stated that standing on the street bed at 14th and Empire, the elevation is 6922. The townhouses will be 35' high 30' in front of you. Given that limited view angle, people will be unable to see anything on the Mountain. Mr. Lee stated that besides not having pedestrian access, people will lose their visual access. Mr. Lee referred to the far right site plan where the dotted line crosses the green building. He noted that building was added when they removed the top floor of the Shadow Ridge building. He thought there was slightly better light and air before they moved it to the 14th Street corridor and made that change.

Debra Rentfrow, also representing RRAD, started her presentation with the parking garages. She pointed out that the Park City Council, Planning Commission, and the community are not held by the developer's contract with Vail. She stated that the Vail contract with the developer is to maintain 1200-day skier parking spaces. The developer has said they do not want to go underground due to time and money. Ms. Rentfrow stated that in the residents asked that question in the last community outreach meeting and the developer said if they were required to go underground they would request additional density and the same or higher building heights to develop additional market rate residences to cover their costs.

Ms. Rentfrow stated that the 1998 DA states that if the developer does not provide enough parking to properly handle peak day parking requirements, the City will have the opportunity and the authority to limit ticket sales to the Resort. In addition, the CMP and MPD states that parking will be spread out equally between parcels and below grade in underground structures. Ms. Rentfrow pointed out that in the new master plan, the parking will be predominantly above ground, especially on Parcel B. There are 400 less day skier stalls and almost 1,000 less spaces for retail and other uses. She noted that the developer had not submitted a parking management plan and the day skier parking is not currently spread out throughout the Resort. Ms. Rentfrow stated that specific to Parcel B there are 388 surface lot spots which represents approximately 33% of all the day skier and resort parking today. The new master plan calls for 815 stalls, which is approximately 65% of the day skier parking and 50% of the rest of the

Resort. She remarked that Mr. Lee and the developer already pointed out that there are four stories of parking and three to five stories of residential living, depending on what corner. She stated that there is limited access due to the one-way loop to enter this garage. The one entrance/exit is directly across from single-family homes on Empire. There is no designated employee parking. There is also no short-term parking for management of service vehicles. Ms. Rentfrow pointed out that the 56 townhomes and condos in this building are eligible for nightly rentals. There is also affordable and employee housing on site. All combined create major concerns. Mr. Rentfrow stated that in 2019 the City's average vehicle occupancy was rated at 2.7; however, the developer has said it was more like 3.7. Calculating with the current 388 stalls, 1436 pedestrians are unloading from vehicles. With the 3.7 calculation, 3,000 pedestrians will be unloading from vehicles to cross over Lowell. This is over 2 times the current vehicle pedestrian unloading. This does not take into account locals walking to the resort, shuttle drop-off on the east side of Lowell, affordable housing and employees living on site, or the owners and guests staying in the market rate condos or townhomes. She asked the Commissioners to imagine that volume of pedestrian traffic going across Lowell.

Ms. Rentfrow stated that there are parking garages on Parcels C and E. She noted that the existing lower lot has 584 current stalls. The new master plan calls for 720 stalls. She thought that number might have been adjusted with the new changes to Parcels B and E. She believed they had picked up a few in Parcel B and moved some to Parcel E. Mr. Rentfrow remarked that the CMP from 1998 said that Parcel C was going to be skier services and parking, but now it is a 249-key hotel. It has no day skier parking and all of the parking it does have is valet only for hotel guests. Ms. Rentfrow noted that Parcel E has 414 day-skier parking stalls, and the rest is for the ski club and the condos. She stated that it accounts for 35% of day skiers and 32% of all resort parking. Mr. Rentfrow was pleased to hear that the garage entrance was located on Silver King. She noted that CMP recommends restricting left turn traffic out of that garage to avoid traffic going through Three Kings.

In terms of traffic circulation, Ms. Rentfrow stated that the 1998 CMP suggests turning Lowell Avenue into a one-way street. With the new master plan, the developer has proposed a roundabout at Silver King, Empire, and 15th Street. Once reaching Lowell, cars will need to turn left, which becomes one-way and continues one-way all the up to Shadow Ridge, Manor Way, and then back north on Empire. Her biggest concern with that plan is that all the traffic will be going one-way on Lowell. With Uber, Lyft, Black Car, shuttle and skier drop-off points, multiple ground level pedestrian crossings, garage access points, hotel condo vehicle access points, a loading dock access point, the National Abilities Center, and the transit center stop, there is a lot on that street, which is not even a quarter of a mile long. In addition, the residents on Lowell, Kings

Crown, North Star and Empire will need to travel through that street to get to their homes and this will add to the congestion for the Resort. Ms. Rentfrow pointed out the potential for emergency vehicle delays responding to those areas. No other alternate access routes will be available. Ms. Rentfrow stated that the developer has not addressed the current traffic issues at the intersection of Park, Empire and Deer Valley.

The developer has not provided justification for the creation and effectiveness of a roundabout at Empire, Silver King, and 15th Street. The developer has said they know it works; however, she would like some documentation that proves it will work. Ms. Rentfrow anticipated traffic jam potential at the new light at Silver King and Lowell because cars will be headed to the garage in Parcel E that is beyond Lowell, oncoming traffic will be coming from Three Kings Drive, as well as pedestrians, and there is a light. If the light is not timed just right the traffic will be backed up to the roundabout and to the Park and Empire intersection and out to SR224. Ms. Rentfrow reminded everyone that the Resort guests are not hostages. They will be pursuing other activities away from the Resort, which creates additional vehicle and pedestrian traffic to and from the Resort. Ms. Rentfrow commented on diverting traffic away from Payday, Thaynes, and Three Kings. The changes the developer had made were an improvement on Parcel E, but they also need to consider what else can be done coming from the north. Ms. Rentfrow did not believe the developer had provided a TDM analysis and she thought that would be very helpful.

Ms. Rentfrow commented on pedestrian circulation. She noted that under the 1998 CMP, there is supposed to be a pathway that cuts through Parcel B. She outlined the dangerous journey for pedestrians using 14th Street who must cross Empire with no crosswalk. Also, there is no 14th Street pedestrian access through Parcel B. Therefore, pedestrians must cross garages entrances/exits and townhome driveways around Parcel B before crossing Lowell via only one of two crosswalks. Regarding Parcel E, the developer mentioned that there is a sidewalk they put in a long time ago. She did not see it on any of the slides, but she was sure they were working on it. Ms. Rentfrow thought that was a good improvement because it was recommended in the CMP, and without it people will need to walk along North Silver King and cut across Lowell and walk all the way up to the old Resort Center.

Ms. Rentfrow stated that the 1998 CMP required sidewalks be a minimum of 15' wide, unless existing buildings or setbacks do not permit. She noted that the developer was proposing that most sidewalks be only 8 to 10 feet wide, and they are generally located on only one side of the street. With the exception of Parcel D, with Silver King condos and Shadow Ridge adjacent, there are no existing buildings that would preclude the developer from building 15' wide sidewalks for pedestrian safety and easier access to all points of the Resort, including the two new plazas. Ms. Rentfrow presented a map from the developer that showed their pedestrian routes. She noted that the routes were

identified in green and the people shown in a circle was the crosswalk. Ms. Rentfrow had overlaid the drawing with red arrows to show that there is no crosswalk on 14th Street. She outlined the unsafe routes where pedestrians would need to walk without additional crosswalks.

Ms. Rentfrow commented on open space. She stated that the CMP provided two significant pockets of open space on Parcel B; however, the developer's plan provides no open space at all on Parcel B. Ms. Rentfrow noted that 11.4 acres of the Mountain is reserved for open space and the developer is getting the benefit of that. Subtracting out that acreage, the developer is only contributing 49% which is below the required threshold. She stated that the lack of open space throughout all the parcels creates a sense that this development is too big and too dense.

Ms. Rentfrow commented on employee housing. She stated that the 1998 DA said the developer needed to provide housing for 80 PCMR employees by October 2003. The new master plan has onsite employee housing. The DA also said if the employee housing was not completed by that date, the other parcels could not be developed until that criteria was met. Ms. Rentfrow pointed out that the new master plan proposes that onsite employee housing will not be complete and available for occupancy until the Fall/Winter 2023.

Regarding delivery, Ms. Rentfrow stated that the 1998 DA required that the final site planning shall be oriented away from existing residential uses. She noted that there is a loading dock off of Silver King between Snowflower condos and Parcel E near the intersection of Three Kings. She noted that the developer had stated that they were working on that. Ms. Rentfrow stated that there also appears to be a loading dock off of Lowell Avenue at Parcel C for hotel delivery and service. She thought it was skipped over in the presentations, but it is near the Uber/Lyft/Black Car skier drop-off and adjacent to the crosswalk and pathway for pedestrian traffic from the plaza and east of Lowell. On Parcel B there is a trash and mechanical facility servicing Parcel B on Empire. She noted from the drawing that it is just north of the garage entrance and there is a driveway. It is identified as trash. She imagined a big garbage truck trying to back in against one-way traffic to take away the trash. Ms. Rentfrow pointed out that it was also directly across the street from single-family homes.

Ms. Rentfrow commented on mass transit. She noted that the DA said that the bus drop-off area must be greatly improved. However, the new master plan only provides for four bus spaces. AECOM, the City's traffic consultant, has said that at least 8 spaces are needed. In an earlier meeting the Planning Department concluded that the bus stop and mass transit plans are woefully inadequate. Ms. Rentfrow pointed out that the one-way loop will cause a loss in the existing bus stops.

Ms. Rentfrow thanked the Planning Commission for their time. She stated that RRAD appreciated the opportunity to share some of their concerns and to share their screens for this presentation. She asked the Commissioners to take their comments and concerns into consideration.

Planner Ananth asked Ms. Deforge, Mr. Lee, and Ms. Rentfrow to email her the slides used in their presentation as a PDF for the public record.

Commissioner Kenworthy noted that the main focus of Ms. Rentfrow's presentation was transportation and parking. He encouraged her to come back on December 16th when transportation and parking are on the agenda. Commissioner Kenworthy pointed out that this meeting was focused on height, setbacks, and density issues.

Nancy Lazenby thanked everyone for the efforts they were all putting forth on this massive project. She stated that the Planning Department is working incredibly hard, the Planning Commission is working hard, and the last three presenters from the public did an incredible job explaining their position. Ms. Lazenby stated that she is not an attorney or a developer, but she is a concerned citizen. She wanted to present what this feels like to be a local who cares about Park City and is looking at this project from the lens of someone who actually uses the ski resort. When they talk about volumetrics, sea level heights and datum used most of it goes over her head, but she does have common sense. Ms. Lazenby stated that she has the ability to look at this from the big picture and from somebody who will be a Park City ski resort user. Ms. Lazenby appreciated everything the developer has done to Parcel B to make it better. The view they showed tonight were very nice from the corner of Manor Way and Empire, and from the corner Empire and Shadow Ridge. However, she never saw a view from 14th Street, which is a corridor they have been talking about throughout the process and is an important view corridor. Ms. Lazenby stated that they needed to consider what that will look like to all the locals coming up 14th Street and anyone accessing the Resort on the east side of Empire. She appreciated the townhomes, but they were still looking at this 500' massive structure. There is no stairway and no access. It is a giant 500' building that people will be walking into. Ms. Lazenby wanted everyone to look at this from the point of view of the people who use the Resort. She stated that coming up 14th or from the east side of Empire, there is no crosswalk. There is no access across to the sidewalk on the west side of Empire. The closest crosswalk from 14th Street is down at the golf course and down at the roundabout. Ms. Lazenby remarked that option 1 for people coming up 14th Street will be to walk all the way down to the roundabout at the golf course to cross over to get to a sidewalk. She stated PEG is talking about proposing putting a crosswalk at Manor Way and Empire although it is currently not part of the plan. If they build it, option 2 would be for pedestrian families to

go up Empire to the crosswalk at Manor Way. However, there is no sidewalk on that side of Empire. People will have to walk in the street up to a proposed crosswalk, cross over to the sidewalk on Empire, and go up Manor Way. Ms. Lazenby stated that option 3, was brought up at a community meeting with PEG over a week ago. One of the representatives for the developer said what they think will happen is that people will jaywalk across Empire and there will be a man door next to the exit of the parking structure on Empire. People can go in through the man door, walk through the parking structure, go to the elevator, go up the elevator and end up on Lowell. It is not official, but that is what PEG expects the pedestrians to do because it is the path of least resistance. Ms. Lazenby stated that the greenspace PEG talked about on Parcel B is private space and not accessible to the community. She asked if it was included in the open space calculation. Ms. Lazenby understood that traffic would be discussed at the next meeting, but she wanted to reiterate that if they were trying to get traffic to flow through the resort and they have pedestrians and traffic on the same streets, it will stop the flow of traffic. As an example, Deer Valley has parking shuttled into Snow Park. The shuttles go through Snow Park and up to the Resort. They do not drop off the pedestrians to cross over the main street at Deer Valley so they can keep the flow of traffic moving. In contrast, the PEG plan has pedestrians crossing where traffic is flowing. Ms. Lazenby appreciated the plan and what PEG was doing, but in five or six years when this project is done, PEG will move on to their next project and the people in Park City will have to live with whatever plan is approved. She wants to make sure that the approved plan is something they can all live with for generations and decades to come because PEG will move on and Park City will be living with the repercussions.

Ed Parigian stated that he has been a full-time resident for 14 years and he congratulated PEG on their latest submission. It is a far cry from the initial submission and the project is moving a little towards the desired goal. Mr. Parigian agreed with all the comments from the previous speakers. Mr. Parigian reminded the Planning Commission that this a large project and it ultimately comes down the developer wanting to make as much money as possible; however, that should not have any bearing on whether the Planning Commission decides to give them a variance. Mr. Parigian stated that if the developer wants more height it is because they need more space to make more money. Mr. Parigian remarked that his biggest issue with this particular plan presented today is the northeast corner of Empire, as well as the corner of Silver King and Empire on Parcel B. He noted that the height is 75 to 85 feet and there is virtually no setback. People coming up Empire will hit a big wall on Lot B that is 8 stories tall. Mr. Parigian reiterated that the developer was trying to get as much as they can out of the Planning Commission because they owe Park City nothing. The residents are the ones who need to live with the outcome. Mr. Parigian emphasized that the LMC should rule in all cases. The Planning Commission owes the developer a full hearing and a fair review of what they present, and they need to determine what is

best for this town. He was interested in how this will all play into the discussion next month regarding traffic. Mr. Parigian thanked everyone for all their efforts.

Deborah Hickey, a resident at the Silver King Condominiums, asked the Planning Commission to include the residents and owners who live at the Silver King and the Shadow Condominiums. They are homeowners and should be connected just like the areas of Three Kings, Old Town, and the Empire Avenue residents. She stated that the Commissioners should take into account that people who have ownerships in those condo developments are just as important and just as concerned about the amount of traffic, congestion, etc. Ms. Hickey was interested in having the Planning Commission include how the 2020 Vision Plan will be impacting this entire project. She, as well as the entire town, participated in the Visioning and a lot of effort and energy went into it. She imagined certain things will be necessary. Ms. Hickey commented on the Green Initiative to make the town efficient and she could not see how massive amounts of truck diesel fumes generated from all phases of the construction will be consistent with reduced emission that are projected to keep this beautiful mountain town of Park City as clean and pristine as it is.

Chair Phillips informed Ms. Hickey that the Planning Commission will look at that issue very heavily at a future meeting.

Ms. Hickey stated that recently King's Crown has been digging for their final phase and there is a significant amount of trucks coming down Empire Avenue and up Lowell continuously all day long. Chair Phillips reiterated that this issue would be addressed at future meetings and he encouraged Ms. Hickey to watch the agendas to know when it will be addressed. It will be better for the Commissioners to hear her comments when that specific topic is discussed.

Ms. Hickey asked PEG to provide better scaled maps to better show the relationship between the existing buildings and the buildings they are creating. From what was presented she could see no scale, how it relates, or the exact heights of the existing buildings comparative to the buildings they are proposing. She thought the town and the local citizens deserve to be able to see that clearly. She requested that they make the maps to scale from standing at the street level like a normal person would be standing. The aerial views they presented were not helpful. Ms. Hickey thought it was important to have a true perspective of the building heights and their relationship to the surrounding buildings. Ms. Hickey thanked the Commissioners for their time. She agreed with all the comments by the previous speakers. The RRAD Organization is very strong and knowledgeable, and they are helpful in setting the tone for what the local community is looking for from this project.

Sherie Harding stated that she has lived in Park City for 32 years, and she thought it would be nice to be the funky little ski town that they were in the 1980s and 1990s. Ms. Harding stated that somehow Crested Butte has managed to maintain their small-town feel. She recognized that Crested Butte is remote, and Park City is not remote, but they can attempt to meet that challenge. Ms. Harding stated that for this project, she looks at design comparisons between the 1998 plan and this 2020 plan. She recalled that Park City embraced the 1998 plan. It took a lot of time and a lot of thought went into it before it was approved. She believes it has very appealing characteristics and it supports the 2020 Vision. Ms. Harding thought they were moving too far away from the 1998 plan and she did not believe it should just be tossed aside. Mr. Harding stated that according to the 1998 CMP, development must fall within the spirit of the spirit of the guidelines. She asked if "the spirit" means project an image that responds to the character of Park City, a rustic mining town, a destination resort. Ms. Harding provided other comparisons. The 1998 CMP, at the intersection and Empire Avenue and Silver King, represents the first point of entry for the arriving visitor to PCMR, and per the 1998 plan, there should be an entry or gateway feature. She noticed from the presentation this evening that the developer was planning something in front of Parcel D. She thought the plaza appeared to be framed by high rises and it does not accomplish what the 1998 plan had hoped for. Secondly, the 1998 CMP says that building heights shall step up from major roadways, public plazas, and so forth. Ms. Harding believed the developer attempted to do that, but something was wrong. She thought Mr. Lee described it best when he pointed out that the 1998 plan had cascading roof lines. Ms. Harding stated that in the 1998 plan, the overall building volumes were broken up. She noted that there were three separate building on Parcel B. Ms. Harding remarked that the 1998 CMP states that excessive repetition without vertical and horizontal counterpoints will not be allowed. Mr. Harding stated that the 2020 design has numerous monotonous, blocky buildings.

Ms. Harding did a quick case study looking at Parcel E. She stated that the 1998 plan had skier services as a building on Parcel E. It is not part of the 2020 plan, and she thought that was unfortunate. Ms. Harding noted that the 1998 plan shows a nice hexagonal building as the iconic gateway feature. She stated that in the 1998 CMP, across from Three Kings, the massing is broken into single-story residential units. Ms. Harding stated that the 1998 CMP provides a covered pedestrian link from Silver King Drive on the west side of Parcel E. She believed the 2020 plan showed moving vehicles and she wanted to know what happens to the pedestrian link. Ms. Harding stated that the 1998 plan limits bulk and shadow impacts along Silver King Drive, and the taller portions need to be away from the road with cascading roof lines. She pointed out that the 1998 plan notes on several occasions that the loading dock would be relocated. In 2020 the developer keeps saying that the loading dock will be relocated and she was waiting to see where it would be located. Ms. Harding

commented on the shadow studies. She stated that the planners in 1998 knew the sun is on the south side in the winter and they designed it with a lot of down to the south rooflines for solar panels. She was not seeing a lot of down to the south rooflines in the current plan to accommodate solar panels. Ms. Harding was still waiting for the shadow studies. Ms. Harding appreciated the Planning Commission and she thought they were asking great questions.

Dana Williams stated that he went to almost every one of the 1998 development meetings. At the time they had CARG, Citizens Allied for Responsible Growth, and they participated in that process. Mr. Williams remarked that one of the major concerns were the two large open space areas because they provided view corridors through the Resort and up to the mountains. He noted that those view corridors are absolutely gone. He was still trying to figure out the greenspace and understood that the amenity deck is not part of the open space. Mr. Williams stated the staggered rooflines in the 1998 design gave them the funky resort and a lot of the characteristics are still there. He heard the project architect refer to the project as respectful of the historic agriculture with a contemporary vein, but he was unsure where that vein is. When he looks at this and it is reminiscent of Vail and Beaver Creek with massive amounts of density clustered around an area. That is not Park City. Neither Vail nor Beaver Creek were old historic towns, and the current plan is not respectful of that for Park City. Mr. Williams did not believe the current plan was anything close to what was envisioned in 1998. He recognized that the developer did not need to follow the 1998 plan, but he thought there was a lot of effort that was still worthy of being contemplated in their decision. Mr. Williams commented on the presentation this evening. He stated that putting the townhomes in front to create a 50' buffer that is only 30' is not in the spirit of stair stepping. The drawings did not show the driveways and he found that troublesome in terms of the amount of road cuts. Mr. Williams thought the fact that people would be backing out onto Lowell Avenue was ludicrous. He stated that if the applicant intends to keep with that plan it needs to be internal, and the townhouses need to have enough room to be able to go into one street cut that some out of there. Mr. Williams noted that someone had said that some of the heights were not fundamental different from the 1998 plan, and that it was hard to figure out exactly what they were taking about in 1998. Since the majority of the City Council and the Mayor still live in Park City, Mr. Williams suggested that they talk to those people if they have questions about intent.

Mr. Williams referred to Commissioner Kenworthy's commented that the huge access to the parking lot is right off the roundabout on Three Kings, and he found that to be extremely troublesome because they did not want to make Three Kings a major road. Mr. Williams pointed out that in the 1998 design the cascading roof lines were set back and separate. The buildings were not clustered as tight as they are now which allowed

more views. Mr. Williams stated that Snowflower was one of the most successful projects with a lot of individually owned properties that will now have a six-story building 32' from their property line. Mr. Williams thank the Planning Commission for their efforts.

Commissioner Kenworthy understood that Mr. Williams was involved from 1998 to when the new General Plan came in. After seeing that the development had failed and did not have momentum, the General Plan clearly states that it encourages flexibility on the existing approved MPD. He asked Mr. Williams to define that, as well as his elevated view of how they got from the 1998 Development Agreement to that position in the General Plan. Mr. Williams was not prepared to specifically answer his question this evening. However, during that time and throughout his tenure in office as Mayor, they talked about the Resort and how they wanted to maintain a charming entrance. He did not believe a 500' facade was a charming entrance to the Resort. Mr. Williams offered to think about Mr. Kenworthy's question and get back with him.

Jessica Nelson read an eComment that came in from Moira Howard.

Ms. Howard wrote - Who is going to be responsible for and pay for the ongoing future maintenance of the parking garages once PEG moves out. This has become a great expense for owners of the Lodge at the Mountain Village. The garages are the foundation of the buildings so a lot is riding on them. If someone qualifies for affordable housing, I question if they will be able to afford the high homeowners' dues which this project is likely to require. Will their HOA dues be subsidized and if so, by whom? To whom do parking garage fees go. As I previously emailed, the buildings as proposed, even with the new plan, are far too tall and dense and dwarf the surrounding properties. Setbacks, sidewalks - insufficient. Pedestrian/traffic conflicts a nightmare. Thank you for your work and consideration.

Chair Phillips closed the public hearing.

Chair Phillips thought it was important to have and clarity on how the Planning Commission was viewing this application against the 1998 MPD and Development Agreement. He thought it would be helpful for everyone to have the same understanding. The question is whether the Planning Commission was looking at this as an amendment or an open MPD.

Commissioner Thimm went back to their discussions over the summer on whether this could be a new submittal or a complete review of the existing 1998 plan. He recalled that the decision was to look at this as a complete review of the existing plan rather

than it being a new application. In his mind, the Planning Commission was looking at this through the lens of the 1998 approval.

Commissioner Suesser thought it also needed to comply with the Development Agreement. Commissioner Suesser clarified that the Development Agreement was part of the 1998 approval. Commissioner Suesser thought it should be emphasized that the Planning Commission was looking at a new MPD through the lens of the 1998 approval, and it also needs to comply with the Development Agreement.

Commissioner Van Dine was confused because at the beginning of the meeting they were told that the project did not need to comply with prior Development Agreement.

City Attorney Harrington thought it was a combination of the two. It needs to comply with the original approval, except where they consider and agree to amend it. He pointed out that there needs to be a basis in the current Code to amend it. Mr. Harrington stated that PEG Development was proposing to amend the 1998 approval in a number of areas. However, by definition, those areas will not comply with the 1998 agreement because they are proposing to amend those sections. Mr. Harrington remarked that the clearest amendments are heights and setback, and the Planning Commission was looking at those anew under any scenario proposed. They need to apply the current Code standards in the LMC to building heights and setbacks. Mr. Harrington stated that the other issues still need to be Code based for the performance zoning standards that are enabled by the Master Plan Development chapter. He clarified that it is not just a give and get for the community benefits. If they modify anything beyond the original approval, it must be tied to the standards in the MPD chapter. Mr. Harrington stated that this is a unique situation. The Planning Commission usually has a vested or non-vested, or an expired or non-expired situation. He pointed out that this was uncharted territory, and the Commissioners should not feel bad if there is confusion. Mr. Harrington emphasized that anything being changed either needs to be approved anew under the LMC or needs to comply with the original approval.

Commissioner Kenworthy stated as he has mentioned several times, for years the General Plan encourage flexibility on the existing approved MPD. He was not sure where that came from over the years, but he recalled that the City wanted to see PCMR become more competitive in the resort communities. It was compared to other resorts around the Country and they saw this development as a potential boost for the City. Commissioner Kenworthy wanted to keep with that intent, and he believed from the comments that the public also wanted that to a certain degree. Commissioner Kenworthy referred to recent public input from Trent Davis where he indicates that the retailers want this development to continue after a 20-year hiatus. Mr. Kenworthy

believed that was the thinking of the majority of the Park City citizens at some point. The question is how they got to that point and where it fits in with this discussion.

Commissioner Hall noted that City Attorney Harrington said the Planning Commission would either approve new amendments that comply with the current LMC, or it will comply with the previous Development Agreement. She understood that the application before them had amendments to the Development Agreement that do not currently comply with the LMC. Chair Phillips hears something similar, but also understood that it would fall under the new Land Management Code. City Attorney Harrington explained that they either need to find compliance with the existing master plan approval or the current Code for an express amendment. If neither of those are the case, they should be looking at either revisions or giving direction for findings of noncompliance.

Chair Phillips stated that he was very concerned about the 14th Street view corridor. He could see some difficulties in making that physical connection, but it was still not working, and it has not been figured out. Chair Phillips stated that he previously asked specifically for an eye-level perspective from across the street, and he would still like to see that. Chair Phillips stated that if they do not get the full connection, he would be looking at the view corridor. He was concerned about coming up 14th Street, especially with it being a connection in the previous drawings and being an important factor in the original development agreement. Chair Phillips thought the project had come a long way in other aspects that were presented this evening, but he was having a hard time with view corridor as currently presented.

Chair Phillips stated that whether it come from Staff or the applicant, there needs to be more clarity in the height. From the presentation this evening, he thought the requested height exception may not be as much as he originally thought. However, he needed to look at the analysis a little closer, especially in relation to the sea level comparisons.

Chair Phillips referred to the west elevation view from the 1998 plan that was in the RRAD presentation. He did not need to see it right now, but he thought it would be a good reference because it clearly shows the visual corridor up 14th Street.

Chair Phillips referred to his earlier comments about curb cuts and backing onto the street. He thought it would function better if the applicant could find a way to make it happen from the garage. He noted that the applicant will have the opportunity to show how it works in a future meeting.

Commissioner Thimm stated that with respect to building heights, as Commissioner Kenworthy mentioned earlier, transfer of density off of the mountain has already occurred and they need to acknowledge the additional height as it was acknowledged in

the 1998 approval. Commissioner Thimm thought it was important that height and mass be located in the right place, which he believes it towards the west, with sensitivity and buffering into existing neighborhoods. Commissioner Thimm was concerned about the height at the intersection of Shadow Ridge and Empire, as well as the east ends of Buildings D and E as presented this evening. Commissioner Thimm thought what was done to refine Building B and the Empire face with the townhomes was a major gesture. Establishing obvious permeability with front door presence along Empire Avenue is important. Commissioner Thimm stated that if the design continues along that path, he preferred a park strip solution rather than a curb edge sidewalk. It is a better solution and encourages buffered pedestrian activity and crosswalks rather than mid-blocks. Commissioner Thimm was concerned about eight additional driveways. He suggested a design that would achieve four shared driveways.

Commissioner Thimm noted that with respect to parking structure design, Thimm there was talk about how much square footage of parking structure is above grade versus not above grade. He remarked that if there is programmed area along the street or sidewalk, having more parking area above grade would be acceptable if it is completely hidden behind units or commercial space. Commissioner Thimm stated that on other projects they talk about the amount of truck traffic that would occur during construction taking thousands of yards of material out of the City. He pointed out that the amount would be reduced by staying one or two floors up. Commissioner Thimm believed that buffering it with building program was a good solution.

Commissioner Thimm commented on some of the circulation that was discussed. He thought the circulation into and out of Building E needed to be resolved. He stated that too many driving decisions need to be made and there are potential conflict situations in a small area. He thought that should be addressed in the traffic analysis. Commissioner Thimm stated that the traffic analysis should also address driveways off of Empire Avenue from the townhomes.

Commissioner Thimm noted that questions were raised, and differing numbers were presented this evening. He requested that the Planning Staff address open space requirements and whether the proposed open space is 75%, 49%, or somewhere in between. He asked if there is more or less square footage in total being requested. He recalled that it was less. However, it may have to do with parking above or below grade and he had already voiced his opinion on that issue. Commissioner Thimm notice from looking through the plans that there appears to be a parking level or portion of a parking level that extends into the building setback. If it is completely subterranean, he would like the Staff to address whether or not it is allowed by the LMC. Commissioner Thimm stated that in order to understand all of this in terms of setbacks, he would like the applicant to provide a depiction of all floors with respect to property lines/setbacks,

taking into account the property lines as they bend around intersections. Commissioner Thimm stressed the importance of providing a shadow study for all hours of the day and for all seasons of the year. Commissioner Thimm stated that the 14th Street corridor was another sticky issue that was pointed out this evening. He personally is more concerned about a mid-block connection along a 500' face of a building than he is about the view corridor itself. However, he believes the view corridor is important and needs to be addressed. Commissioner Thimm acknowledged that the applicant has been listening and has tried to address their comments. He pointed out that what they have before them is a work in progress and he appreciated the applicant's willingness to work with them. Commissioner Thimm noted that as a group, the Planning Commission pledged to work with the applicant to achieve a solution that is best for the City.

Commissioner Suesser asked the applicant to clarify the trash collection aspect of Building B that may come out onto Empire to give the Commissioners a better understanding. She was not inclined to provide the setback exception; however, if the applicant provides the analysis of Building B as Commissioner Thimm described with the articulation to show specifically what would be into that setback, it would be helpful. Commissioner Suesser was very concerned about the driveways coming on to Empire. She might reconsider if it could be reduced to four shared driveways. She stated that her biggest issue with Parcel B is the lack of pedestrian access through the lot. It was a major component of the 1998 plan with good reason. She pointed out that the City recently designed Woodside Park I and Woodside Park II with accessway up to that section of Empire. In her opinion, the issue has not been adequately addressed and it was still a major concern. Commissioner Suesser thought there should be 15' sidewalks as proposed in the 1998 plan around each development parcel of the entire project. She could see no reason not to have a sidewalk around each section. They are trying to encourage pedestrian safety and connectivity, and she thought it was absolutely necessary to have broad sidewalks that encourage and provide safe pedestrian access through the Resort.

Regarding circulation, Commissioner Suesser did not think the roundabout at Empire and Silver King will be safe for pedestrian and bike access to the Resort. She stated that roundabouts are very dangerous for pedestrian and bike access, and she was concerned about having a roundabout there. Commissioner Suesser thought that if the City would provide the property, a roundabout at Silver King and Lowell made more sense, and pedestrian and bike access could be beyond the roundabout over to the Resort. Commissioner Suesser noted that Trent Davis previously mentioned that keeping Empire two-ways might be a better solution for the Town and the Resort. She thought it should still be considered. She suggested keeping Shadow Ridge and Manor one-way and look into keeping Empire a two-way street. Commissioner Suesser was

concerned about the reduced parking being proposed. She was unsure whether that was adequately addressed by the applicant and she would like to look again at the 600 parking stall reduction to determine whether it will be adequate for the Resort.

In terms of building height, Commissioner Suesser agreed with Commissioner Thimm about looking at this through the lens of what was approved in 1998. However, after the presentation this evening, she did not have a clear understanding of exactly what they are talking about. She needs a better analysis from Staff in terms of what was in the 1998 plan and what is being proposed, as well as the height differential. She understood the ranges but thought they needed to be more specific about the building heights that were in the 1998 plan versus what was being proposed. Commissioner Suesser commented on the additional square footage. She could not see justification for the 20,000 square feet excess in Building B, especially with the other concessions the applicant was requesting.

Commissioner Van Dine noted that Ms. Deforge had mentioned the underlying zone restrictions and the setback exceptions. She requested that Planner Ananth either comment on that now or come back with an explanation. If they intend to go with the current LMC, she asked if they would be able to grant those exceptions. Commissioner Van Dine was interested in hearing a response from the developer in terms of concessions versus restrictions that were identified in the letter submitted by RRAD. Commissioner Van Dine agreed with the importance of the shadow studies and possible changes to the curb cuts along Empire.

Commissioner Van Dine appreciated the changes the applicant made to Building B, and she believed there was an effort to make it something that fits better in the community. However, she goes back to everyone focusing on the 1998 Development Agreement and how those buildings looked. While it is quaint and reflective of the town, she thought there was a certain aspect of moving forward and still keeping it their town, but also making it a viable development. Commissioner Van Dine was unsure whether they could get enough density to make this development happen if it is looked at the same way it was looked at in 1998 approval.

Commissioner Hall echoed the comments from her fellow Commissioners. She had no desire to allow for a setback reduction. She thought it was imperative to have 15' wide sidewalks around all the buildings with the addition of a landscape snow buffer and a curb to provide a safe walkway for pedestrians. Commissioner Hall appreciated that the developer was trying to think creatively in terms of having a better streetscape for Empire. However, she shares the concerns about the eight curb cuts for the main exit for all of PCMR. She did not believe it was the right location. Commissioner Hall also shared concerns regarding the 14th Street access. She thought there was a lot of effort

to improve connectivity and taking away the 14th Street access will cause logistical issues. In conjunction with that was also connectivity from Parcel D to the PCMR base with either an underground passway or a bridge. At the same time, in looking at the transit area for Parcel B, she would like to increase the bus area. Commissioner Hall stated that if they can funnel all the pedestrians either underground or overhead, it would hopefully free up some of the bus area, especially with increased traffic. She believed it is crucial to be able to funnel pedestrians safely to the Resort. Commissioner Hall stated that she was still confused about how the grading is measured for the height, and she shared the same concerns expressed by the other Commissioners. She liked the variation in the height, but she was confused on what was approved and what it will look like. Commissioner Hall noted that when they did the site visit this summer, she thought the balloons seemed very high. Commissioner Hall understood they were primarily looking at Parcel B; however, the decrease in parking was not a desirable feature for this development.

Commissioner Kenworthy agreed with most of the comments. His main concern were the height differentials, and he would like to see that on a simple spreadsheet. Using elevations was fine, but they need to know what Planner Ananth would validate as the 1998 Development Agreement height, and the current one being proposed by PEG. Commissioner Kenworthy thanked Mr. Schmidt and he appreciated that PEG was listening. He thought the advancements they shared this evening were great, and he hoped it would continue.

Commissioner Kenworthy noted that there was very little discussion about Parcel C. He thought he could be flexible with the density on Parcel C. He understood that it was the hotel piece, but he asked Mr. Schmidt to look at additional seasonal or affordable units in that piece that would add density there to help with height and density on the other parcels. Regarding setbacks, Commissioner Kenworthy was not bothered by the pop-outs that encroach. He agreed with the other Commissioners about the street level. He believes that snow storage, sidewalks, walkability, pedestrian/bicycling is desperately needed around the Resort. Commissioner Kenworthy stated that it would be difficult for him to give any encroachment on the actual street floor plan.

Commissioner Kenworthy asked Planner Ananth to confirm that the December 16th meeting will focus on transportation and they will be able to readdress the issues with Snow Engineering. Planner Ananth reported that the applicant had been working on getting numbers to the City regarding transportation, and she just received a lot of what they asked for last week. Planner Ananth stated that the Staff will not be ready to discuss transportation in December. Her inclination was to continue with architecture and go back to sustainability if possible, and push transportation to January. Commissioner Kenworthy appreciated the update. He thought it was important to make

that known to the public because parking and transportation is a main concern for the community, as well as for the Planning Commission. Since it was being pushed to January, Commissioner Kenworthy noted that he was still not hearing anything regarding public/private transit. He stated that it is the General Plan and in many other documents. Commissioner Kenworthy did not think that was being adequately addressed. He requested that Julia Collins attend the meeting in January to have someone from the City with expertise sit with Snow Engineering to add the City's perspective. Commissioner Kenworthy thought the transportation meeting would be a wonderful opportunity for the public to hear all the pros and cons and get answers to their questions.

Chair Phillips acknowledge the efforts PEG has put in and each time he feels they are moving in the right direction. What he heard from all the Commissioners comments, as well as input from the Staff and the public, is that 14th Street is a big deal. He remarked that the primary focus this evening was on Building B because it is the biggest challenge for the Planning Commission and for the applicant. Chair Phillips urged PEG to continue to look at ways to make the pedestrian access work. He stated that aside from coming up with very good mitigation, it will be hard for him to reach a resolution.

Mr. Schmidt wanted to hear what alternatives might be acceptable. Chair Phillips stated that for him personally, he would favor a way to create pedestrian access through that garage. In his mind, he pictured coming up the stairs and having a civilian entrance into that part of the building. It would be a step into the Resort where people begin to see support for skiers, even if it is only one small shop at that entrance that funnels people in that direction. Chair Phillips was concerned that people will arrive, see a large building, and not know which way to go. If there is a way to make a connection that goes through the parking, it would function well for the people who park there, and ideally, it would pop-up across the street where the transit drops off. Chair Phillips understood that there are challenges to accomplish that and that it might not be plausible.

Mr. Schmidt wanted to know what trade-offs the Commissioners would be willing to accept to achieve that. Commissioner Suesser did not think the trade-offs would necessarily need to be aligned with 14th Street. It could be somewhere along Empire where there is an accessway through. She personally thought that would be a reasonable trade-off.

Chair Phillips stated that if there is a way to come underground so all the pedestrians from the parking and from 14th Street do not cross the road, it would be a major improvement for circulation.

Mr. Schmidt presented the cross section of Parcel B just north of the 14th Street intersection from the 1998 plan to demonstrate how they accomplished the pedestrian access. He noted that they stepped the garage portion back. They had three levels of parking garage, and in the east-west direction they cake-layered it. He noted that steps went up and over those cake layers of the parking garage in certain locations. Mr. Schmidt stated that it resulted in three different accesses into the parking garage at three different levels with no ramps in between because of how it laid out horizontally. He noted that they could accomplish the step-up through the site with a series of stairs. Mr. Schmidt remarked that 20 feet of grade and a 6" inch step was 40 steps. Mr. Schmidt stated that under the current Code, they need to have a ramp as well as stairs for ADA access. A ramp would be need to be 240' long. The width of the parcel is 290'. He pointed out that a ramp would have to run the whole length. Mr. Schmidt clarified that the current Code would not allow them to build the plan the way it was envisioned in 1998.

Mr. Schmidt stated that if they were able to do a similar scheme and step the garage back in a cake layer fashion, the stalls they would lose would need to be placed somewhere else. The only place they have to put those stalls is on Parcel D. If they move the stalls, they would also have to take density and square footage to do a "hide the parking structure" scheme on Parcel D. The trade-off would be a loss of open space and view corridor on Parcel D. Mr. Schmidt stated that if they were talking about not providing physical access but maybe open up a wider corridor for view purposes, if the Planning Commission would be comfortable adding the density they shift to the west side of Parcel B as a trade-off.

Commissioner Thimm reiterated that he personally was less concerned about a view corridor and more concerned about a mid-block path. Commissioner Thimm asked if there was a way to create a sense of arrival with an elevator and stairs, and then go across the top and create another sense of arrival on that end with a path through.

Chair Phillips concurred. He realized that his earlier comments were directed towards the view, but it was assuming that they would not get a path.

Mr. Schmidt thought this was a good conversation to help him understand what the Commissioners were thinking. He noted that PEG had not considered the idea of a staircase and elevator, and a sense of arrival. He thought that was more doable because it is easier to put in a staircase and elevator than to build another 200-car parking structure on a different parcel. Mr. Schmidt believed they could find a way to solve the issue, but he did not want it to be the pin that pops the balloon. They need to provide a certain number of stalls, and the physical constraints will need to be addressed.

Commissioner Kenworthy asked Mr. Schmidt to pull up the plaza level slide from their presentation this evening. Commissioner Kenworthy asked if there was a way to connect the proposed thoroughfare across that plaza level.

Mr. Tursic stated that they had actually looked at doing that. However, if they go across the plaza level, by the time they get to the opposite side they will need to create stairs and another elevator doing down. Mr. Tursic pointed out that in order for that to be a true mid-block connection, it would technically need to go right through the middle of the garage. He had not heard anyone on the Planning Commission describe that experience. Mr. Tursic stated that the alternative would be to create some type of arrival with a stair and elevator coming through the plaza and then back down again to the lower elevation.

Commissioner Kenworthy asked about a bridge. He thought a pedestrian bridge to the Resort Center that is already one story up would be very helpful in stopping the pedestrian traffic across the street. Mr. Tursic stated that the challenge would be the length the bridge would require in order to be accessible, unless they provide elevators on to the opposite side. He asked Mr. Schmidt to speak to the development rights in that area. Mr. Tursic was not sure that land was part of the project. Mr. Schmidt asked Mr. Tursic to point out where PEG has suggested at-grade crossings. He noted that this is what they were evaluating in their people-based analysis. They tried to determine the number of people walking, where they are walking from, and where they are walking to. Mr. Schmidt stated that part of the conversation is how many people come up 14th Street, how many people will need to get across Empire, and how many people will be going to the Resort from Empire Avenue. Mr. Schmidt clarified that currently the applicant was proposing two at-grade crossings. For the volume of people anticipated, he was unsure whether a bridge would be sufficient to get that number of people across the street from the parking garage.

Commissioner Thimm thought the designers needed to look at it and come back with a proposal. Mr. Schmidt agreed. He reiterated that it was helpful for him to understand their thoughts and what they were willing to adjust before they spend time on a pathway that could end up fruitless. He appreciated their feedback.

Commissioner Hall stated that her concern was not just the people off of 14th and coming down Empire. She was also concerned about the number of people coming off of Shadow Ridge, from all the condos, and all the parking that will be dumped onto Lowell, in addition to the bus traffic. If it is the main corridor for people to be driving through, it could be a nightmare even with one or two pedestrian walkways across Lowell. Commissioner Hall stated that it will be a challenge for moving traffic on a busy

ski day. She was unsure whether an underground passway or overhead bridge was feasible, but she thought it was worth exploring.

Commissioner Suesser stated that spreading out the parking throughout the whole development was required in the 1998 plan. She liked the idea of moving some of the stalls to Parcel D to spread out the parking. Chair Phillips was not opposed to that option if the rest of it works.

Mr. Schmidt stated that regarding the square footage and the parking on Parcel B, his take on the above grade parking is that it does not count towards the overall square footage. Mr. Schmidt pointed to Table 3.2.1 of the Development Agreement, footnote #2, and read, "building square footage does not include resort and accessory uses, mechanical, maintenance or storage space that may be located below grade, or parking as shown in the concept master plan. Mr. Schmidt returned to the 1998 cross section that showed the parking in a similar configuration as what they were proposing. Since they were still in a substantive review, Mr. Schmidt believed the Planning Commission has the purview to approve the parking plan and that square footage would not count towards the square footage of the development. In terms of the other square footages and unit equivalents they would work with the Staff. He noted that PEG provided detailed tables and analysis on the square footage and calculations. He was comfortable that what they were proposing is less than allowed, and substantially less than what was allowed in the Development Agreement.

Mr. Schmidt referred to a previous comment about what the applicant was offering in terms of trade-offs, and he believed less density and less square footage was part of that. Mr. Schmidt stated that right or wrong they attempted to comply with current housing guidelines and the Housing Resolution to provide a substantial amount of affordable housing onsite.

Chair Phillips asked Mr. Schmidt and the Staff if they needed additional direction or comments, or if they heard enough to move to the next step. He felt that each time the applicant comes back they make more progress.

Commissioner Hall asked Planner Ananth to pull up the first slide with the three main questions that she was hoping to accomplish with this meeting tonight. Planner Ananth heard what they were saying this evening and it was very helpful for the Staff as well as the applicant. She stated that one of the questions she was wrestling with, is if the applicant is not able to depress the parking but they are able to get some type of cut-thru through the building, and provide more articulated massing, whether that is enough for the Planning Commission to consider this project approvable. That was her

fundamental question on Building B. Planner Ananth favored the changes to the architecture, but she questioned whether they were enough.

Chair Phillips thought the project was headed in the right direction and he thought the other Commissioners felt the same based on their comments. However, the Commissioners were asking for more clarity to better understand the heights.

Commissioner Suesser remarked that they know the 1998 proposal said that all the parking in Building B would be underground. When the applicant showed the section cut it was likely that it was not all underground in the 1998 proposal. It was also possible that on Lowell Avenue there was only one level of surface parking and everything else was below. Commissioner Suesser asked someone to confirm that the current proposal was one level of surface parking from the Lowell Avenue section with two layers under that. She thought it looked like three levels of above ground parking on Empire Avenue. She understood it would be enclosed and she thought the applicant had done a great job in covering the parking from the exterior. Commissioner Suesser stated that the 1998 proposal was so clear that there was no above ground parking and everything needed to be underground; however, Mr. Schmidt had indicated that it was not something they could do in 1998 and it cannot be done now. She wanted clarification that the parking in 1998 was not necessarily all underground parking.

Planner Ananth stated that the 1998 plans are extremely difficult to interpret, which has been a major challenge with this project. In addition, some pictures do not always match up with what the document is saying. Planner Ananth stated that she would continue to do her best to try to understand the 1998 plan.

Mr. Schmidt pulled up a section of Parcel B in the north-south direction cut right in the middle of the parcel. He pointed out that the bottom floor of their parking structure is at the same elevation as the parking structure shown in the section from 1998. Mr. Tursic pointed out that it also coincides with the Shadow Ridge grade elevation at 6920.

Planner Ananth stated that if it actually is at the same base elevation, the visual was not particularly accurate. Either they were grading up the site to appear to be hiding more of the parking, or it was an inaccurate depiction. Mr. Schmidt stated that it is a graphical representation that the parking structures are hidden, but in reality, it is not like that if there is a sidewalk and landscaping. Mr. Schmidt stated that PEG's position is that they are doing something similar on Parcel B; however, the premise is that parking does not count towards the square footage. He referred to the section in the Development Agreement that he previously read to the Commissioners.

Commissioner Kenworthy asked if Planner Ananth agreed with Mr. Schmidt. Planner Ananth stated that she agreed that the 1998 numbers do not include above grade parking, and that it is close to impossible to figure out how much above grade parking is not represented in those numbers.

Chair Phillips stated that it is very important for this Planning Commission not to make the same mistake and to make sure that whatever they decide is clear and consistent in both the images and the written documents. Chair Phillips stated that whatever exceptions they agree to, particularly on the building height and setbacks, will especially need to be quantified to make sure there is no ambiguity when the CUP comes through, especially on those items.

Commissioner Hall felt strongly about not reducing the setbacks unless there was an internal corridor within Parcel B and/or some type of bridge or safe connectivity to the ice rink area. Commissioner Hall felt strongly about the need for wide sidewalks with buffer, but she was open to a creative option. She really struggled with the 8 curb cuts on the main exit. Planner Ananth stated that if the traffic circulation stays one-way, she would be less concerned about 8 curb cuts. In looking across the street, all the residences on Empire also back out of the garage onto Empire. As far as she knows, there have been no traffic issues resulting from those homes backing out onto Empire. Planner Ananth clarified that 8 additional curb cuts that will not have a lot of activity because those people are already at the Resort are not as troubling to her as other aspects of the project. Chair Phillips pointed out that less curbs cuts would not mean less cars backing out of those eight units.

Planner Ananth clarified that if they could work out the setbacks, the massing on Parcel B is getting significantly better and was moving in the right direction. She asked if the Commissioners still had concerns with the massing on Parcel B.

Commissioner Thimm stated that he was less concerned with the massing on Parcel B than he is with the massing at the east end of Buildings D and E, and at the intersection of Shadow Ridge and Empire. Regarding setbacks, Commissioner Thimm noted that the LMC states that reduction can be considered if desired architectural interest and variation is achieved as a result. He was open minded to looking at the setbacks through that lens if they end up with a better project in the end. Commissioner Suesser pointed out that the LMC says "necessary", and it was not clear to her that the reduction is necessary. Commissioner Thimm agreed, which is why he said they should look at it through the lens of whether it is necessary to provide the desired architectural interest and variation. Commissioner Hall stated that she could be comfortable allowing for a wider footprint on the second story if the applicant provided a covered walkway along some of the main streets through architectural variation. She was not opposed to

allowing for a wider footprint as long as it is not on the main level where people will be walking.

Chair Phillips commented on the visual mitigating strategies such as stepping back of the levels. He stated that if the Planning Commission agrees to give some exceptions, it will be key to lock in the strategies the applicant was implementing into clear language.

Commissioner Suesser stated that if Planner Ananth could do the analysis with respect to the setbacks reduction it would be very much appreciated.

Commissioner Hall appreciated having a PEG specific agenda item. It allows the Planning Commission to work through the process with enough time to really focus. She thanked Planner Ananth for scheduling this special meeting.

Chair Phillips noted that the public comments addressed issues that were not related to the specific topic this evening. He asked Planner Ananth to see if there is a better way to make the specific topic clear for a particular meeting to help guide the public comments.

MOTION: Commissioner Thimm moved to CONTINUE the Park City Mountain Resort Base MPD Modification to December 16, 2020. Commissioner Suesser seconded the motion.

The Planning Commission Meeting adjourned at 10:35 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Communication



Subject: LMC Amendments Update
Author: Rebecca Ward
Date: December 9, 2020
Type of Item: 2020 LMC Summary | 2021 LMC Amendments

In early 2020, the Planning Commission prioritized Land Management Code (LMC) amendments for affordable housing, sustainability, and active transportation connectivity, and a General Plan update for Bonanza Park.¹ Additional scheduled work sessions included an evaluation of the Transfer of Development Rights and lot combinations in the Historic Districts.

This Staff Communication summarizes the LMC amendments enacted this year and the LMC amendments initiated this year that will continue into 2021. As the Planning Department transitions to new staff this year and next – and new Planning Commissioners are appointed – the 2021 amendments may evolve.

LAND MANAGEMENT CODE AMENDMENTS | 2020

AFFORDABLE HOUSING

On July 22, 2020, the Commission conducted a work session on affordable housing amendments in progress and a summary of third-party studies.² The Commission also conducted the following work sessions:

June 24, 2020 – Accessory Dwelling Units | Accessory Apartments | Tiny Homes³

October 28, 2020 – Parking reductions for Affordable Master Planned Developments (AMPDs)⁴

November 11, 2020 – Height increases for AMPDs⁵

December 9, 2020 – Affordable and market-rate units in AMPDs

¹ February 26, 2020 work session [Staff Report](#); [Proposed Schedule](#); [Minutes](#), p. 3; May 13, 2020 work session [Staff Report](#); [Proposed Schedule](#); [Minutes](#), p. 4

² [Staff Report](#); [Minutes](#), p. 10

³ [Staff Report](#); [Minutes](#), p. 9

⁴ [Staff Report](#); [Minutes](#), p. 3

⁵ [Staff Report](#); [Audio](#)

SUSTAINABILITY

On June 10, 2020, the Commission conducted a sustainability work session with the Planning and Sustainability Departments. The first phase requires Electric Vehicle Charging Station conduit and installations for new development and was enacted on November 19, 2020 ([Ordinance No. 2020-48](#)). The second phase is in development in collaboration with the Sustainability Department and the Community Advisory Committee for Decarbonizing Buildings, a group of community stakeholders led by Sustainability staff and Utah Clean Energy.

The Advisory Committee has been meeting on a monthly basis since March and is researching a potential stretch code to incentivize net-zero buildings, an energy benchmarking and transparency code, and other approaches to incentivize private developers to meet the same standards required for City developments under [Resolution 28-2017](#), *Net Zero Energy Performance Requirements*. The Advisory Committee is scheduled to complete its evaluation in April of 2021 and will submit a report to the City Council soon thereafter.

Staff will continue to evaluate opportunities to incorporate net-zero incentives into LMC review and approvals.

ACTIVE TRANSPORTATION CONNECTIVITY

The Commission conducted a work session on August 26, 2020, to discuss *Park City Forward*—the Transportation Master Plan—and potential LMC amendments to improve active transportation connectivity land use review and approvals.⁶

Park City Forward is scheduled for adoption in 2021 and staff will continue collaborating with the Transportation Department to align the LMC review and approval process and the active transportation connectivity plans and goals.

GENERAL PLAN UPDATE FOR BONANZA PARK

This was scheduled for a November 11, 2020 work session. Due to staff transitions within the Planning Department, this work session was deferred. Staff anticipates bringing this work session to the Commission in 2021.

TRANSFER OF DEVELOPMENT RIGHTS

This discussion is deferred.

LOT COMBINATIONS IN THE HISTORIC DISTRICTS

This discussion is deferred until the spring of 2021.

⁶ [Staff Report](#); [Minutes](#), p. 3

LAND MANAGEMENT CODE AMENDMENTS THAT WILL CARRY OVER INTO 2021

AMENDMENTS IN PROGRESS

OUTDOOR LIGHTING ORDINANCE

September 9, 2020 – Commission work session⁷

November 11, 2020 – Commission public hearing⁸

December 9, 2020 – Commission public hearing

January 13, 2021 – Commission public hearing

PROCESS FOR PRIVATE DRIVEWAY IN RIGHTS-OF-WAY REPLACEMENT CODE

October 14, 2020 – Commission public hearing⁹

November 19, 2020 – City Council public hearing continued to a date uncertain for additional Commission review

CONDITIONAL USE PERMIT FOR NIGHTLY RENTALS IN THE LOWER ROSSI HILL HISTORIC RESIDENTIAL LOW-DENSITY ZONING DISTRICT

September 23, 2020 – Commission public hearing; continued to a later date¹⁰

December 17, 2020 – Council will conduct a work session on heightened Nightly Rental regulations and enforcement through the Business License Code

MASTER PLANNED DEVELOPMENTS

Refine Accessory Use definitions that are exempt from Unit Equivalents;

Reinstate limitations for Accessory Uses; and

Clarify the conversion of Units to Unit Equivalents in volume-based zones

2021 AMENDMENTS

EXEMPTING UNDERGROUND PARKING STRUCTURES FROM SETBACKS

UPDATING NOTICE REQUIREMENTS

ALIGNING ENGINEERING | BUILDING | AND PLANNING CODES

SUSTAINABILITY PHASE II – INCENTIVIZING NET-ZERO DEVELOPMENT

ACTIVE TRANSPORTATION CONNECTIVITY

Please see the next page for a summary of LMC amendments enacted in 2020.

⁷ [Staff Report](#); [Minutes](#), p. 7

⁸ [Staff Report](#); [Audio](#)

⁹ [Staff Report](#); [Minutes](#), p. 5

¹⁰ [Staff Report](#); [Minutes](#), p. 11

ENACTED LAND MANAGEMENT CODE AMENDMENTS | 2020

[Ordinance No. 2020-09](#), amending Affordable Master Planned Developments (AMPDs) and reducing the minimum Setback for parcels less than two acres to the zone-required Setback; reducing Open Space for AMPDs from 50% to 20%; matching AMPD parking to MPD parking requirements

1/8/2020	Planning Commission	Staff Report ; Minutes , p. 3
1/16/2020	City Council	Staff Report ; Minutes , p. 7

[Ordinance No. 2020-12](#), repealing the Conditional Use Process for private driveways in the Rights-of-Way

1/22/2020	Planning Commission	Staff Report ; Minutes , p. 11
2/6/2020	City Council	Staff Report ; Minutes , p. 5

[Ordinance No. 2020-14](#), allowing staff to make determinations for routine maintenance, the replacement or repair of Historic Architectural Details, and the removal or replacement of non-historic Architectural Details; requiring Historic Preservation Board review for historic material to accommodate new additions, new construction, or structural upgrades

2/5/2020	Historic Preservation Board	Staff Report ; Minutes , p. 3
2/12/2020	Planning Commission	Staff Report ; Minutes , p.15
2/27/2020	City Council	Staff Report ; Minutes , p. 11

[Ordinance No. 2020-15](#), requiring Planning staff to submit approved plats to the Utah Automated Geographic Reference Center within 30 days of Council approval to provide data for the unified statewide 911 emergency database

2/12/2020	Planning Commission	Staff Report ; Minutes , p. 14
3/5/2020	City Council	Staff Report ; Minutes , p. 11

Ordinance No. 2020-19, removing the requirement that Solar Energy Systems be at least one foot from the eaves of the roof

3/4/2020	Historic Preservation Board	Staff Report ; Minutes , p. 8
3/11/2020	Planning Commission	Staff Report ; Minutes , p. 35
4/16/2020	City Council	Staff Report ; Minutes , p. 5

[Ordinance No. 2020-30](#), allowing the alternate Board of Adjustment member to count toward a quorum

5/13/2020	Planning Commission	Staff Report ; Minutes , p. 19
6/25/2020	City Council	Staff Report ; Minutes , p. 12

[Ordinance No. 2020-34](#), amending notice requirements to enable applicants and staff to transition to post card notice mailed by a third party

6/24/2020	Planning Commission	<u>Staff Report</u> ; <u>Minutes</u> , p. 25
7/9/2020	City Council	<u>Staff Report</u> ; <u>Minutes</u> , p. 20

[Ordinance No. 2020-35](#), enacting the Wildland Urban Interface Code to outline home hardening and immediate, intermediate, and extended ignition zone landscaping and maintenance requirements

6/10/2020	Planning Commission	<u>Staff Report</u> ; <u>Minutes</u> , p. 32
7/9/2020	City Council	<u>Staff Report</u> ; <u>Minutes</u> , p. 20

[Ordinance No. 2020-36](#), removing Special Event references from the Sign Code and Land Management Code and separating the Special Event permitting process from the land use permitting process

6/10/2020	Planning Commission	<u>Staff Report</u> ; <u>Minutes</u> , p. 10
7/8/2020	Planning Commission	<u>Staff Report</u> ; <u>Minutes</u> , p. 31
7/30/2020	City Council	<u>Staff Report</u> ; <u>Minutes</u> , p. 13

[Ordinance No. 2020-37](#), placing a cap on the Nightly Rental Conditional Use Permits issued in the western Historic Residential Low-Density Zoning District

7/8/2020	Planning Commission	<u>Staff Report</u> ; <u>Minutes</u> , p. 32
7/30/2020	City Council	<u>Staff Report</u> ; <u>Minutes</u> , p.14

[Ordinance No. 2020-38](#), prohibiting Nightly Rentals in the Meadows Estates Subdivision Phases 1A and 1B

7/8/2020	Planning Commission	<u>Staff Report</u> ; <u>Minutes</u> , p. 43
7/30/2020	City Council	<u>Staff Report</u> ; <u>Minutes</u> , p. 16

[Ordinance No. 2020-39](#), creating an Urban Park Zone for Rotary Park, Creekside Park, Prospector Park, City Park, and the north and south parcels of the Municipal Golf Course

5/27/2020	Planning Commission	<u>Staff Report</u> ; <u>Minutes</u> , p. 2
7/8/2020	Planning Commission	<u>Staff Report</u> ; <u>Minutes</u> , p. 38
8/4/2020	City Council	<u>Staff Report</u> ; <u>Minutes</u> , p. 7
11/19/2020	City Council	<u>Staff Report</u> ; <u>Audio</u>

[Ordinance No. 2020-42](#), amending Historic District Land Management Code Chapters for consistency

7/1/2020	Historic Preservation Board	<u>Staff Report</u> ; <u>Minutes</u> , p. 6
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7/22/2020	Planning Commission	Staff Report ; Minutes , p. 17
9/17/2020	City Council	Staff Report ; Minutes , p. 21

[Ordinance No. 2020-45](#), amending Land Management Code Chapter 15-6 to separate the MPD and CUP review process, to clean up remnant pre-MPD language, to clarify substantive and minor modifications, and to require more or less restrictive height or setback approvals to be noted on plats

7/22/2020	Planning Commission	Staff Report ; Minutes , p. 3
9/9/2020	Planning Commission	Staff Report ; Minutes , p. 11
10/1/2020	City Council	Staff Report ; Minutes , p. 6

[Ordinance No. 2020-48](#), requiring Electric Vehicle Charging Station (EVCS) conduit for 20% of required parking in Multi-Unit Dwellings and non-Residential development, EVCS installations for 5% of required parking, and EV-Ready Private Garages Single-Family Dwellings, Duplexes, and Triplexes

6/10/2020	Planning Commission	Staff Report ; Minutes , p. 2
7/8/2020	Planning Commission	Staff Report ; Minutes , p. 9
10/14/2020	Planning Commission	Staff Report ; Minutes , p. 12
11/19/2020	City Council	Staff Report ; Audio

An aerial photograph of a mountain town covered in snow. The town is densely packed with buildings, mostly in shades of brown, tan, and green. The surrounding landscape is a vast, snow-covered mountain slope. The sky is a deep blue, suggesting a clear day.

Annual Training

Open and Public Meetings Act

OPMA

MEETINGS of a **PUBLIC BODY**
are open to the public, unless an
EXCEPTION is available under
the Act that allows the meeting to
be **CLOSED**

—SPIRIT OF THE ACT—

- Act **Openly**
- Make Decisions **Openly**
- Deliberate **Openly** (the hardest part)
- Conduct the People's Business **Openly**

Openly = In Public



Citizens are entitled to **know what** government decides, AND **observe how and why** every decision is reached.



MEETINGS

THE BASICS

MEETINGS

- Convening of
- At least a quorum
- To discuss, receive comments, or act on a matter over which the Council has jurisdiction.

QUORUM

- A simple majority of the voting members of a public body.

MEETINGS INCLUDE

- Electronic meetings
- Retreats
- Workshops
- Field Trips

MEETINGS DO NOT INCLUDE

- When no quorum is present
- Social meetings
- Chance meetings



— MEETINGS —

“PUBLIC BODY” INCLUDES:

- Any local administrative, advisory, executive, or legislative body which:
- Consists of two or more persons;
- Spends, distributes, or is supported by tax money;
- Authority to make decisions about the public’s business (this includes advisory boards or groups).



— MEETINGS —

Social Events and “Meeting after the Meeting”:

OK if just social, but can’t discuss or act on matters under their official jurisdiction. Don’t use the after-meeting to rehash the meeting.

Conference Call or Video Chat:

It is a meeting if a quorum is involved.

Note: emails regarding City business are subject subject to GRAMA and OPMA.



— NOTICE —

MUST BE

- Given at least **24 hours** before the meeting.
- **Published** on the Utah Public Notice Website; and **Posted** at City Hall.

AND MUST INCLUDE

- Date & Time
- Place
- Agenda
 - Agenda must be **specific** enough for public to know what will be discussed.

Regular Annual Meetings Requirement:
Public bodies which hold regular meetings over the course of a year must give notice of its annual schedule every year.



LOCATION

The Rule: On the day of the regularly scheduled meeting, any work sessions or closed sessions must be held at the regular meeting location, unless:

- The regularly scheduled meeting is being held elsewhere;
- There is an emergency or other extraordinary circumstances;
- The meeting is being held electronically; or
- There is a site visit or traveling tour.

Notice: Must provide public notice of the location.



ELECTRONIC MEETINGS

Electronic Meeting: A public meeting convened or conducted by means of a conference using electronic communications.

Who can conduct electronic meetings?

- **City Council:** With all members physically present at one anchor location or, where a local, state, or national emergency is in effect, electronically without the single anchor location.
- **Other public bodies:** A Park City municipal public body may use electronic meetings in accordance with City Code and Utah Code, when a local emergency is declared by Park City or Summit County, for the duration of a local emergency.

Authority:

- Executive Order 2020-72
- Executive Order 2020-74
- Park City Resolution 05-2020

How ?

Conducted in a manner which allows the public to hear, or view and hear, the meeting.

- Zoom
- Conference Call
- Microsoft Teams
- Skype



ELECTRONIC MEETINGS

A public body may convene and conduct an electronic meeting without an anchor location if the chair:

- (a) makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
- (b) states in the written determination the facts upon which the determination is based;
- (c) includes in the public notice for the meeting, and reads at the beginning of the meeting the determination including the facts upon which the determination is based; and
- (d) includes in the public notice information on how a member of the public may view or make a comment at the meeting.

Based on your experiences with electronic meetings, you may adopt rules regarding how such meetings are conducted (i.e. require video connection, etc.).



ELECTRONIC MEETINGS

Additional Issues:

“It is the intent of the Legislature that the state, its agencies, and its political subdivisions **take their actions openly** and **conduct their deliberations openly.**”

If the public cannot see the communication or hear it, it likely violates the Spirit of the Act.

- Text messaging,
- Chat functions,
- Emails,
- Electronic messages.



EMERGENCY MEETINGS

Notice: Must give best notice practicable as to the time and place of the emergency meeting and the topics to be considered. Must attempt to notify all members of the body.

Convening: Majority of the body must agree to hold the meeting because of an “emergency or urgent matter.”

Minutes: Should include a statement of the unforeseen circumstances that made the meeting necessary.



—PUBLIC COMMENT—

Public must be allowed to come and watch, but there is **no requirement to allow them to comment.**

Public hearings DO require an opportunity for public comment.

Disruptions of meetings does not have to be tolerated.

OK to keep people on point.

Public's time belongs to everyone, not just the individual who is speaking.

Topics **not** on the agenda can be raised by the public and discussed, as long as **no final action** is taken.

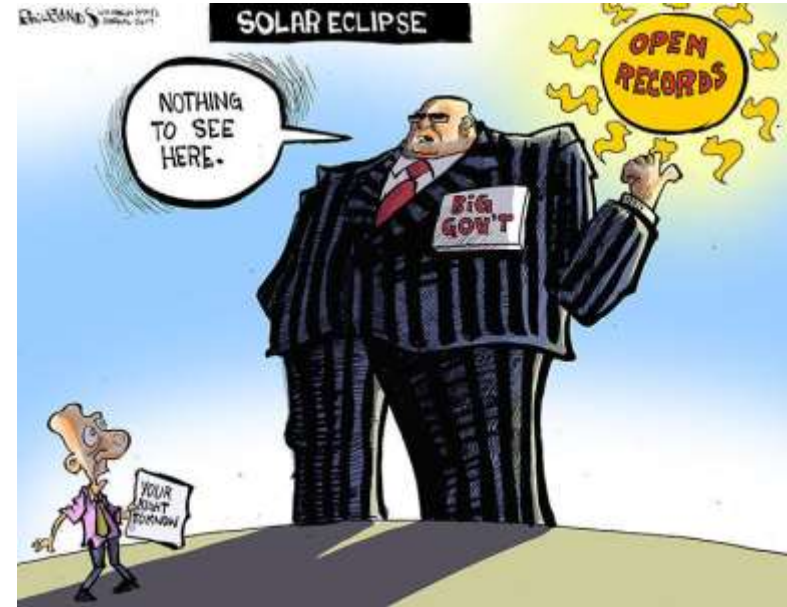


Minutes

Required for all public meetings except site visits.

Minutes: The official record of the meeting must be:

- approved by the body;
- draft minutes must be publically available within 30 days;
 - May publically release before approval, if marked “unapproved;”
- Must include:
 - Substance of all matters proposed, discussed, or decided;
 - Names people commenting and substance of comments;
 - Individual votes.



Recordings

Required for all public meetings, except for site visits.

Recordings Must Be:

- unedited
- of entire meeting
- clearly labeled
- available to the public within **three** business days

Public has **right to record** meeting, if they can do so without disrupting.



CLOSED MEETINGS

PROCEDURES

- There must be an **Open Meeting** with a **Quorum**
- **2/3 of the members of the body** must be Present and **Approve** the Closing
- Publicly **Announce** and **Enter Into the Minutes:**
 - Reason for closing the meeting
 - Location of the closed meeting
 - Vote by name aka rollcall vote



CLOSED MEETINGS

A meeting may be **closed** only to discuss **specified topics**:

- Discussion of an individual's character, professional competence, or physical or mental health.*
- Strategy to discuss pending or reasonably **imminent litigation**.
 - Must be specific, not an open-ended threat.
- Strategy to discuss the purchase, exchange, lease, or sale of **real property or water rights** if public discussion would: (a) disclose the appraisal or estimated value of the property under consideration; or (b) prevent the public body from completing the transaction on the best possible terms.
 - If selling, must give public notice that property is being offered for sale, and terms of sale must be publicly disclosed before sale is approved.
- Discussions regarding security personnel, devices, or systems.*
- Investigative proceedings regarding **allegations of criminal misconduct**.

*Does not require recording.



VIOLATIONS

What happens if someone breaks the open-meetings laws?

A member of a public body who knowingly or intentionally violates OR who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a **class B misdemeanor**.

Action taken in the meeting is voidable if the body violated the Act.

Who can enforce the law?

- Attorney General
- A county attorney
- A private citizen who has been denied rights under the law may file a lawsuit within 90 days, or within 30 days if it involves bonds, notes, or debt.



Questions?

Thank you!



Planning Commission Staff Report



Subject: Outdoor Lighting Amendments
Application: PL-20-04545
Authors: Rebecca Ward; Elizabeth Jackson
Date: December 9, 2020
Type of Item: Legislative – Land Management Code Amendment

Recommendation

Review the outdoor lighting amendments, hold a public hearing, and continue the discussion to January 13, 2021.

Description

Applicant:	Planning Department
Zoning District:	Citywide
LMC Sections:	15-3-3, <i>General Parking Area and Driveway Standards</i> 15-5-1, <i>Policy and Purpose</i> 15-5-5(J), <i>Lighting</i> 15-15-1, <i>Definitions</i> 15-15-2, <i>List of Defined Terms</i>
Reason for Review:	The Commission has the primary responsibility of reviewing LMC amendments and forwarding a recommendation for City Council's consideration. The City Council holds a public hearing and takes Final Action.

Acronyms

IDA	International Dark-Sky Association
LMC	Land Management Code
MCPC	Municipal Code of Park City
SBDC	Snyderville Basin Development Code

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

Background

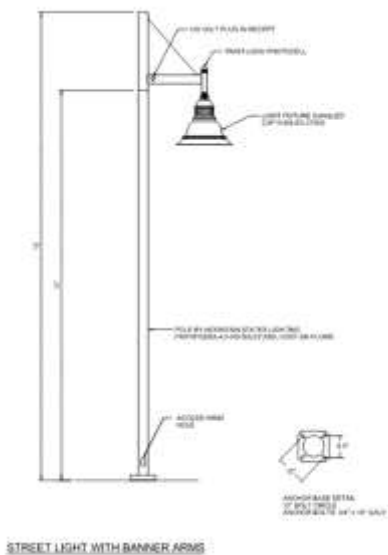
On September 9, 2020, the Planning Commission conducted a work session and provided initial input on the proposed outdoor lighting updates ([Staff Report](#); [Meeting Minutes](#), p. 7).

On November 11, 2020, the Planning Commission considered the proposed amendments, requested more information on public safety, streetlights, trail lights, recycling, and seasonal lights, and continued the public hearing to December 9, 2020 ([Staff Report](#); [Audio](#)).

Staff incorporated the Commission's input into the proposed amendments and outlined the changes in this staff report. Staff requests Commission input and proposes to bring a final outdoor lighting code to the Commission for review on January 13, 2021.

The Park City Police Department will address the Commission to share findings on lighting studies and to provide an evaluation of the proposed code.

Streetlights and Public Trail Lighting is Exempt from the Outdoor Lighting Regulations



Staff proposes exempting streetlights from the outdoor lighting ordinance. As discussed in the November 11 staff report, the City's streetlight policy is ahead of the City's outdoor lighting code. Where the City's outdoor lighting code has not been updated since 1998, the City's streetlight policy has exceeded the proposed outdoor lighting code amendments. Since 2015, the City has been updating streetlights with LEDs that are 2700 degrees Kelvin. Newly installed fixtures are Fully Shielded.

Few public trails have lighting beyond the trailhead. However, staff recommends exempting existing limited public trail lighting from the proposed code. The Park City Trails Master Plan requires that trail lighting comply with the lighting ordinance, so new trail lighting will be required to be Fully Shielded.

Streetlights and Poison Creek Trail lighting remain on all night.

Streetlights operate on photocells so they turn on when it is dark and stay on all night. (The streetlights also have a timer feature so they do not turn on during cloudy days). Similarly, the Poison Creek Trail lighting operates on photocells and remains on all night.

Beginning in January of 2021, Rocky Mountain Power (RMP) will provide an option to update the cobra-head lights on RMP poles with dark sky compliant lights.

Several community members raised concerns about the cobra-head lights on RMP poles, mostly located in Old Town. The City leases these lights through RMP. Beginning in January of 2021, RMP is initiating a new option so that cities may update the cobra-head lights on RMP poles with lights that are 3000 degrees Kelvin and Fully Shielded. Staff is exploring the cost and benefits of this update and will propose a budget to City Council to update these lights in 2021. Additionally, some of the RMP lights are being evaluated for redundancy with existing streetlights and may be removed.

The proposed outdoor lighting amendments result in lighting that is directed where it is needed, not necessarily in less lighting.

Many factors impact public safety and outdoor lighting is important not only in creating a feeling of security, but also in illuminating a secure and safe environment. Referring to the code as a dark sky code is a bit of a misnomer. The goal is not darkness. The goal is to update the code to reflect best practices, sometimes referred to as “good neighbor lighting,” by directing sufficient light where it is needed and reducing light pollution, excessive glare, and light trespass, resulting in enhanced visibility of the night sky.

There are safety implications for outdoor lighting ordinances that require low-pressure sodium (LPS) lights. LPS lights, while energy efficient, produce a nearly monochromatic light, making color difficult to distinguish. Municipalities that require low-pressure sodium lights often also require LEDs in parking areas and near building entrances to help illuminate color.

The image below illustrates this color distortion: the car on the left is bright red; the car on the right is black.



Credit: Darkest tree - Own work, CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=64836710>

The existing outdoor lighting code allows LPS lights. The proposed outdoor lighting amendments replace LPS lights with lights that are 3000 degrees Kelvin or less, preferably LEDs. LEDs provide a more accurate color rendering.

Uniform, consistent lighting is safe lighting. Fully Shielded light can help reduce glare, clarify defining features, and direct light where it is needed, improving nighttime visibility, shown in the images below:



Martin Morgan-Taylor
Overly bright light can mask intruders.



Martin Morgan-Taylor
With the light shielded, the intruder is easily seen.



George Fleener
The glare creates deep shadows.



George Fleener
The glare from the light hid a possible attacker.

1

On November 11, staff proposed maximum Lumens based on Moab's outdoor lighting code. These standards are more restrictive than Summit County's code. To mitigate concerns regarding safety, staff proposes aligning the code with Summit County's code for Multi-Unit Dwellings and non-Residential Uses, and exempting Single-Family Dwellings and Duplexes from the maximum Lumen cap.

Set a Max Lumen for Fixtures and Properties

Lumen is a measurement of light output or the amount of light emitting from a Luminaire.² The table below compares Lumens and watts (the amount of energy to produce a certain amount of light):³

¹ Images Courtesy of IDA Light Pollution and Safety [Brochure](#).

² LMC [§ 15-15-1](#)

³ <https://www.ledlightandpower.com/wattage-mean-led-lighting/>

	LUMENS				
BRIGHTNESS	220+	400+	700+	900+	1300+
Incandescent	25W	40W	60W	75W	100W
LED	4W	6W	10W	13W	18W

Summit County's lighting regulations establish maximum Lumens for individual outdoor fixtures and for total acreage through residential and commercial classifications.⁴ Staff recommends a similar maximum Lumen for Multi-Unit Dwellings and commercial properties and an increase in the total Lumens per acre from 50,000 (based on Moab's standard) to 100,000 (based on Summit County's standard):

Outdoor lighting for Multi-Unit Dwellings and non-residential Structures shall not exceed 2,500 Lumens per Luminaire. The total lighting shall not exceed 100,000 Lumens per acre. Lumens shall correspond with the size of the Lot.

Staff also recommends exempting Parking Area and Parking Structure Lumens from the maximum Lumen calculation and retaining Foot Candle measurements to ensure adequate Parking Area lighting. However, staff proposes requiring that lighting in Parking Areas be Fully Shielded and 3,000 degrees Kelvin.

Exempt some Spotlights and Pathway Lights from the Fully Shielded Requirement

While Spotlights are allowed under the proposed code, staff recommends clarifying that Spotlights controlled by motion sensors with a light output less than 1,000 Lumens per lamp are exempted from the Fully Shielded requirement (based on Moab's code) provided:

- (1) The fixture is a spotlight or other type of directed light that is down-directed;
- (2) The fixture does not illuminate an area outside the property boundaries;
- (3) Lights controlled by motion sensors are not be triggered by movement or activity located off the property on which the spotlight is located.

Also, LED and solar lights used to illuminate pathways in residential areas that are less than eighteen inches (18") in height with a total light output that is less than 300 Lumens are exempt from the Fully Shielded requirement. Fully Shielded pathway lighting is allowed.

The Park City Police Department will provide an overview of lighting and public safety studies and an evaluation of the proposed outdoor lighting code.

Staff Proposes Amendments to Seasonal Lights

The existing code allows seasonal lights from November 1 through April 15, but seasonal lights must be turned off by midnight. Staff originally proposed exempting

⁴ SBDC [§ 10-4-21\(K\)](#)

seasonal lights that outline Buildings on Main Street, Swede Alley, and for commercial uses in the General Commercial Zoning District from the November 1 through April 15 duration to reflect existing conditions. The Commission recommended allowing these lights to remain illuminated until 2:00 AM.

On November 18, 2020, the HPCA submitted a letter requesting that lights that outline Buildings on Main Street be allowed to remain illuminated until 2:30 AM (Exhibit B). The proposed code includes these extended hours, but also works to balance residential lighting.

The proposed code reduces the allowed duration of residential and non-residential seasonal lights that are not located on Main Street, Swede Alley, or the General Commercial Zoning District to align with Summit County's code, from November 15 through March 1.

Additionally, the following regulations for residential seasonal lights are proposed:

- Seasonal lights must:
 - Be turned off by 11:00 PM
 - Comply with zone-required Setbacks
 - Not cause light trespass or interfere with reasonable use and enjoyment of property

Staff Recommends Distinguishing Certain String Lights from Seasonal Lights

To distinguish seasonal lights from decorative string lights common in outdoor dining areas and outdoor patios, staff proposes amending the code to define string lights and to exempt them from the Fully Shielded requirement:

STRING LIGHTS. A maximum 2.8-watt system designed for exterior installation and use featuring clear bulbs that produce white light with individual bulb receptacles connected by exposed electrical wires that hang between two posts, poles, columns.

String Lights are exempt from the Fully Shielded requirement and may be used to illuminate decks, porches, and patios, but are prohibited from illuminating landscaping or outlining Structures. String Lights are not seasonal lights.

Not All Existing Light Fixtures will Require Replacement

Some concerns were raised that requiring compliance with the outdoor lighting code for existing properties by December 31, 2024 will result in unnecessary waste. However, there are steps property owners can take to Fully Shield existing lighting fixtures without replacing them. Also, mostly metal fixtures and LED, CFL, and Fluorescent bulbs can be recycled.

To reduce replacements, staff also proposes exempting low Lumen lights pursuant to Summit County and Moab's adopted standards so that some fixtures may comply with the replacement of a bulb:

Exemptions to Fully Shielded Lighting:

Fixtures having a total light output less than 1,000 Lumens (allowing a maximum of a 60-watt incandescent, a 15-watt compact fluorescent bulb, or LED equivalent) provided:

- (1) The fixture has a top that is completely opaque such that no light is directed upwards;
- (2) The fixture has sides that completely cover the light source and are made of opaque or semi opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light;
- (3) Semi opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material;
- (4) Completely transparent materials, such as clear glass, are prohibited;
- (5) The bulb or lamp must not be visible from any point outside the property on which the fixture is located.

Additionally, outdoor lights that meet the 3,000 degrees Kelvin standard and are shielded by a roof overhang are exempt from the Fully Shielded requirement.

Below summarizes the proposed amendments that have not changed since November 11:

Prevent Harsh Lighting with a Max of 3,000 Degrees Kelvin

Kelvin is a unit of temperature measurement – the lower degrees Kelvin, the warmer the light.



The International Dark-Sky Association and Summit County set a maximum of 3,000 degrees Kelvin for outdoor lighting color temperature. Staff recommends establishing:

- The maximum color temperature for outdoor lighting at 3,000 degrees Kelvin.
- Planning Director discretion to approve a maximum of 5,000 degrees Kelvin for outdoor lighting required for public safety or the activities of law enforcement.

Fully Shield Lighting

Fully Shielded outdoor lighting directs light output downward.



Courtesy of Grand County and Moab, Utah

The proposed amendments require:

- All non-exempt outdoor lighting to be Fully Shielded
- Updates the definition of Fully Shielded:
An outdoor Luminaire constructed and installed in such a manner that all light emitted by the Luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the Luminaire, is projected below the horizontal plane through the Luminaire's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture.
- Exempt lighting includes:
 - Fixtures having a total light output less than 1,000 Lumens (allowing a maximum of a 60-watt incandescent, a 15-watt compact fluorescent bulb, or LED equivalent) provided:
 - (1) The fixture has a top that is completely opaque such that no light is directed upwards;
 - (2) The fixture has sides that completely cover the light source and are made of opaque or semi opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light;
 - (3) Semi opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the

material;

(4) Completely transparent materials, such as clear glass, are prohibited;

(5) The bulb or lamp must not be visible from any point outside the property on which the fixture is located

- String Lights used to illuminate decks, porches, and patios, but are prohibited from illuminating landscaping or outlining Structures
- Lighting under a roof overhang
- Low-voltage LED lights and solar lights used to illuminate pathways in residential areas that are less than eighteen inches (18") in height with a total light output that is less than 300 Lumens
- Seasonal Lights

- **Parking Area Lighting**

- Move LMC § 15-3-3(C), *Parking Area Lighting*, to LMC § 15-5-5(J), *Outdoor Lighting*
- Retain Foot Candles as the unit of measurement
- Require Parking Areas with 200 or more parking spaces to have programmable fixtures, dimmable lights, and motion sensors
- Require light sources within the first 30 feet of an open garage entryway or Parking Structure to be Fully Shielded

- **Purpose Section**

- Move dark sky purposes from LMC Chapter 15-5, *Architectural Review*, to LMC § 15-5-5(J)(1), *Outdoor Lighting*

- **Establish a Light Trespass Standard**

- Define light trespass as artificial light that falls beyond the legal boundaries of the property it is intended to illuminate

- **Create a Subsection for all Prohibited Lighting**

- Up-lighting
- Floodlights
- Architectural lighting
- Landscape lighting
- Search lights, laser source lights, or high intensity lighting, except by police and fire personnel or at their direction
- Flashing, blinking, intermittent, or other lights that move or give the impression of movement
- Neon or luminous tube lighting
- Lighting affixed to Buildings for purposes of lighting Parking Areas

- **Heighten Gas Station Canopy Lighting Regulations**

- Require Full Shielding and recessed, flat lenses flush with the bottom surface of the canopy and shielded by the fixture or edge of the canopy
- Require a non-reflective canopy undersurface

- **Clarify Building Canopy, Soffit, and Wall-Mounted Lighting**
 - Require canopy and soffit lighting to be recessed or flush with the bottom surface of the soffit and Fully Shielded by the fixture or edge of the soffit
- **Clarify that Landscape Lighting is Limited to Pathway Illumination**
 - Allow Fully Shielded pathway lighting.
 - Exempt LED and solar lights used to illuminate pathways in residential areas that are less than eighteen inches (18") in height with a total light output that is less than 300 Lumens from the Fully Shielded requirement.

Example of Fully Shielded landscape lighting:



Pathway Lighting Image Courtesy of thisoldhouse.com

Example of prohibited landscape lighting:



Landscape Lighting Image Courtesy of bobvila.com

- **Exempt Historic Fixtures and Historic Replica Fixtures from the Fully Shielded Requirement**

- Restrict lamps to no more than 400 Lumens to mitigate impacts to adjacent properties and to reflect historic lighting
- **Establish Planning Director discretion to Mitigate Light Pollution in Ridge Line Areas and Steep Slopes**
 - Require additional shielding for outdoor lighting
- **Exempt Additional Lighting from the Fully Shielded Requirement**
 - Temporary lighting for permitted outdoor filming
 - Underwater lighting in swimming pools, hot tubs, and other water features



Image Courtesy of shorelinepools.com

Compliance Timeline

- Require all outdoor lighting installed after the effective date of the ordinance to conform
- Require all outdoor lighting legally existing and installed prior to the effective date of the ordinance to conform by December 31, 2024
- Require compliance for site improvements, reconstruction, expansion, alteration, or modification of existing Structures
- Require damaged or inoperative nonconforming outdoor lighting to be replaced or repaired with compliant lighting

Department Review

The Development Review Committee and Recreation, Public Works, Planning, Engineering, and Legal Departments reviewed the proposed outdoor lighting amendments.

Notice

Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on October 28, 2020. Staff mailed courtesy notice to property owners within Park City the week of October 12 and October 19. The *Park Record* published notice on October 28, 2020. LMC [§ 15-1-21](#).

Public Outreach

Staff:

- Created an [Engage Park City](#) webpage with a public survey and FAQs

- Mailed information to all property owners within the City
- Conducted Zoom meeting with community members to gather input
- Conducted community Zoom meetings with staff and an IDA representative
- Reached out to homeowner associations, the Park City Home Builders Association, Historic Park City Alliance, the Park City Area Lodging Association

Exhibits

Exhibit A: Public Input

Exhibit B: HPCA Letter Regarding Seasonal Lights

With Gratitude

Thank you to the many community members who provided input and participated in community meetings and to Summit County, Grand County, Moab, Utah, Helper, Utah Flagstaff, Arizona, and Fort Collins, Colorado for sharing their wisdom as the counties and town implemented dark sky ordinances.

Resources

Dark Skies, Bright Future: City Policies Throw Shade on Light Pollution (Allen Best, Planning Magazine, May 2017)

Finding a Way Back into Darkness: Regulating Light Pollution in Florida and Beyond (Shannon Dolson, Animal and Environmental Law, Fall 2014)

Guidance & Best Practices: Dark Sky Planning (Utah Workforce Services Housing & Community Development Office)

Light Pollution in the United States: An Overview of the Inadequacies of the Common Law and State and Local Regulation (Kristen M. Ploetz, New England Law Review, 2003)

Light Trespass and Light Pollution: Practical Approaches to Dealing with Problems (Ian Lewin, IESNA Street and Area Lighting Conference, Minneapolis, Minnesota, September 2000)

Missing the Dark: Health Effects of Light Pollution (Ron Chepsiuk, Environmental Health Perspectives, January 2009)

Pattern Outdoor Lighting Code (USA) Standard ver. 2.0 (Christian B. Luginbuhl, U.S. Naval Observatory Flagstaff Station, 2010)

States Shut Out Light Pollution (National Conference of State Legislatures, 2016)

The Promise and Challenge of LED Lighting: A Practical Guide (International Dark-Sky Association, 2018)

Model Codes

[Flagstaff, Arizona](#); International Dark-Sky Association Model Code; Ketchum, Idaho;
[Moab, Utah](#); [Springdale, Utah](#); [Torrey, Utah](#)

September 9, 2020, 8:10 PM

Hello PC Council members!

I am so happy you are updating the dark skies regs for Park City!

As per my earlier email to the council about 955 Saddle View, I believe the council should also consider requiring window treatments, esp for houses up on bluffs, where their lighting is seen far & wide! At the very least, I hope you issue recommendations for indoor lighting and window treatments.

Florida coastal lighting regs for turtle friendly lighting is a life & death matter to hatchlings. While not life and death, we have large numbers of moose and deer bedding down near McLeod Creek. This makes the issue of both indoor and outdoor lighting an important one, not just for us but also for our wildlife.

Here is a good article on permissible FL coastal lighting, including lamp posts. It addresses state rules for indoor lighting on page 4. <https://www.accessfixtures.com/wp-content/uploads/2019/01/updated-2018-fwc-sea-turtle-lighting-guidelinesdoc.pdf>

Lastly, I hope you will address the issue of outside party lights on ridgeline homes when you update the regs. I've attached a pic I took several nights ago of a house up on Finnigan's Bluff. (My apologies that it is blurry, but you will see the bright row of party lights on the bottom right side of the house.)

Thanks again for your service to us all and for revisiting and updating the important regs to insure we all continue to enjoy our wonderful starry nights and dark skies!

Warm regards,

Mari Mennel-Bell

September 11, 2020, 12:20 PM

Hello Council members!

Again, this is SO exciting that you are revisiting and updating the dark sky regs for Park City!

The issue of inside lights shining out, esp. from ridge line homes remains a priority to me. So far, there seem to be 3 alternatives:

1. What's known as "turtle friendly windows," with treatment applied between glass layers. (This could be required for new homes, esp. on ridgelines.)

Exhibit A – Public Input

2. Films that are applied to existent windows.

3. A major public awareness campaign to educate and encourage people to use dimmer inside lighting alternatives, such as LED bulbs and window-shades. (Maybe an info handout sent with property taxes?)

On other aspects of dark sky regs, here is some info I found, some of which you may be helpful, some redundant.

Utah.darksky.ngo. Chapter contact: Joseph Dane,

chapter email: jdautah@darksky.org

<https://sustainability.utah.edu/in-defense-of-dark-skies/>

RECREATION LIGHTING

International Dark Sky Association criteria for community-friendly sports lighting: <https://www.darksky.org/wp-content/uploads/2018/03/IDA-Criteria-for-Community-Friendly-Outdoor-Sports-Lighting.pdf>

Powder Mountain Night Skiing: 6,248,060 total lumens for 19 acres of skiable terrain (ratio of 7.6 lumens per square foot). 6500 Kelvin color temp. <http://ultratechlighting.com/wp-content/uploads/2016/01/SNBT-FL-300W-B2.pdf>

Nordic Valley Night Skiing: 6,639,390 lumens and about 54 acres of skiable terrain (ratio of about 3 lumens per square foot). 6500 Kelvin color temp.

International Tennis Federation: <http://www.itftennis.com/technical/facilities/facilities-guide/lighting.aspx>

FLAG LIGHTING

Federal law for US flag: <http://www.senate.gov/reference/resources/pdf/RL30243.pdf>

Federal and state facilities: See UCA §17-27a-304. <http://le.utah.gov/xcode/Title17/Chapter27A/17-27a-S304.html>

Canopy lighting a parking lot light: See IDA model ordinance regarding lumens per gas pump and lumens per parking stall: <http://darksky.org/our-work/public-policy/mlo/>

<http://www.darksky.org/idsp/become-a-dark-sky-place/>

Thanks again for your service and for undertaking this worthwhile update to dark sky regs!

All my best, Mari (Mennel-Bell)

September 11, 2020, 12:51 PM

Hello all, I am very excited about this as well. ESPECIALLY on RIDGELINES.

Thanks for the work you are doing on this.

Cheers.

Suze Weir

September 13, 2020, 4:06 PM

Hello, Tim -

I would like to raise an issue on this matter for your attention, and was not completely sure whom to include on the email, so I apologize if this email is being cc'd to folks not directly involved in this matter. I have a concern regarding residential compliance with Park City Municipal Code Title 15, Chapter 5. I live in Park Meadows and have seen a plethora of home remodels with out-facing exterior lighting that is not shielded or downfacing. While I had interacted with Code Enforcement last Fall regarding the home remodel next door to me, and was eventually told that the house in question, after some (undefined to me) modifications to the very high-intensity wall-mounted lighting (see attached photo), unshielded free-standing yard lighting (see attached photo), and unshielded eaves flood lights the seller had installed, was in compliance and no further action would be required. I am still having problems with the exterior lighting shining into my house all night long. Recently, another newly completed and sold residential remodel nearby also has the same style of out-facing, non-shielded exterior lights. These lights are now being used on numerous remodels in the neighborhood.

I don't understand how the apparently popular new style of lighting is being approved these days. It clearly does not comply with the concept of dark skies or with the Code as currently written, as far as I can discern. I am not trying to single out or ask for any action regarding my new neighbors, and I have resigned myself to living with the situation, but as long as the matter of Dark Skies is being raised, I think this issue, as it pertains to numerous houses and the neighbors around those houses, deserves recognition and consideration regarding Code Enforcement. I would appreciate some clarification of why this type of residential exterior lighting is being permitted in building plans and how the complete lack of shielding or down-facing in this style is not being regulated during the inspection process.

With much appreciation for the work you are doing - thank you –
Katherine Fagin

September 17, 2020, 12:46 PM

Hi Michelle -

Exhibit A – Public Input

Thank you for the documents. After reviewing them, my main questions are:

How are compliance, enforcement, and follow-up intended? Is this concept going to be mandated (and how would violations be addressed/corrected) or just a recommendation? Park City residents should not have to be the police for the Building and Planning Depts. The City employees in these departments need to be proactive from the start on any project. Standards are great but mean nothing if monitoring/enforcement/correction and verified compliance are waived, brushed aside, "given a pass", etc. I don't see any of that accountability in these documents.

Is the proposal meant to address pre-existing, vs currently being remodeled vs. planned construction (whether remodel or new construction)? Whenever the proposal becomes an enforceable policy document, its distribution to the community, especially in the property ownership transfer process but also for owners to provide as a requirement (not recommendation) to renters, should be mandated and signed by the respective occupants of those properties. Fines should be applicable for non-compliance.

I was unable to find anything regarding residential lighting being permitted to remain on all night. Residential exterior lighting should have a restriction on timing, since nocturnal wildlife wanders the neighborhoods, and the proposal does emphasize that leaving exterior lighting on is not a crime deterrent. Again, how would this be enforced besides putting neighbors in the position of policing others?

In the proposal, page 12, it might be more enforceable to state exactly how the horizontal plane for full shielding is determined, ex. horizontal plane is based on the lowest point of the fixture's opaque (not translucent) housing, and not at the lowest point of the contained light bulb. This is illustrated in the drawing on page 10, but could be sidestepped on technicalities.

As you can tell, I am very concerned about current residences having lighting exposures that not only don't come close to your proposal, but already flagrantly violate the existing Municipal Code.

For instance,

- As the "new" popular style of unshielded out-facing exterior residential lighting is proliferating rapidly throughout neighborhoods with remodeling or new construction, the lack of enforcement during inspections and before final permits are issued is allowing a toxic situation to embed itself in the community. This is immensely more difficult to reverse vs. not permitting these fixtures in the first place.

- Another popular trend is garage doors that have translucent glass as a major part of the doors. This obviously is unshielded light that illuminates driveways and spills out into the street. Why is this being allowed? If this style of exterior door is allowed to be installed by put actually is non-compliant, I can only imagine the pushback to try to get builders or owners to change these very expensive doors rather than clearly block their installations up front.

In the existing code, Section 15-5-5-5 J.3.3 provides a big loophole, which thwarts the entire premise of regulating exterior lighting to comply with code. Paragraph 6 Footnote 1 in this same Section also includes phrasing of "preferred but not required". This makes the code unenforceable and useless for protecting the tenets the Code apparently is intended to address. Paragraph 8 does not address lights mounted under eaves (ie neither free-standing nor wall-mounted). Does that mean those are exempt from all regulations?

Exhibit A – Public Input

I can offer a real-life experience with the failures of the City to protect our neighborhoods in the pursuit of night-sky friendly conditions. This past year, the owner/remodeler/seller of the house next door to me flagrantly ignored existing code on exterior lighting. I raised this issue with Code Enforcement, who ultimately bent over backwards to accommodate the seller's allegations that he had not received the numerous warnings about non-compliance, waived all the penalties to the seller related to his ignoring the Department notices for many weeks, and eventually approved the final permit, allowing a wholly inadequate (ie basically nonexistent) adjustment for the blatant violations, which are in large part still present. The entire exterior lighting system of this house was and still is in violation of Section 12. Light spillage to my property, flood lights, code-violating pole-mounted unshielded yard lighting, etc etc. What did I learn? The system did not work, the seller got away with clear violations, passed them on to the unsuspecting buyers, and I'm left dealing with this probably for the next 20 years. Liability belongs to the seller and the personnel who approved the final permit. I am pretty confident I am not the only neighbor of such a situation. Would the outcome of your project retroactively fix such situations?

I'm only one resident in Park Meadows. I do wonder what the City's position is when obviously non-shielded exterior lights are installed and final permits are approved. For example, look at 2401 Holiday Ranch Loop Rd.

Those front lights will shine outward unobstructed. Why was that house's exterior lighting approved? It violates existing code.

I also echo the many complaints about 955 Saddlevue on the ridge line above the bike park. The entire Code Section on ridgeline lighting is violated by this residence. When an obviously non-compliant residential construction is approved, why does the community have to literally get into an uproar in order for the City to even pay attention to gross oversights in the permit and code compliance process?

Thank you very much for this opportunity to offer my thoughts. I would be happy to follow up with anyone on your committee on these matters, as I feel strongly that the community's commitment to a harmonious and synergistic relationship with our amazing natural setting is of utmost priority to both residents and visitors.

Sincerely,
Katherine Fagin

September 18, 2020, 9:12 AM

GM Tim!

Would you be so kind as to forward this to the appropriate staff & commissioners working in PC dark sky regs? As you will see, it was taken after midnight on a week night (from my deck looking up at the bluff.) There's so much wildlife up there! I noticed to young moose moving silently off the right side of my deck just after I took the pic. I apologize for the quality – iPhones don't do it very good job in the dark!

Exhibit A – Public Input

I have also included a daytime picture with 955 in it. It deeply concerns me to think about the lighting that will be up there if this house is allowed.

Best regards,
Mari (Mennel-Bell)
2208 Jupiter View Way

October 14, 2020, 1:40 PM

Hello Rebecca and Liz!

I'm SO sorry that the people I reached out to really cut it down to the wire getting info back to me! Here is what my cousin who is an architect in Charlottesville sent. He has been working for four years to get them to adopt some of the attached regs from Edinborough.

I haven't looked at this doc yet but I wanted to get it to you immediately.

All the best & see you soon on Zoom!

Mari

October 14, 2020, 2:39 PM

I participated on the zoom call today. I am completely supportive of this effort by Park City to join the world in improving our night time darkness.

Joni Boulware

October 14, 2020, 6:50 PM

Hello Rebecca and Liz!

Just a quick thanks for the Zoom meeting today! I misunderstood & thought it was prescheduled for the public, not mainly for us to meet! That said, it was great to get others ideas. I was happy to have already shared via email the info from Fort Lauderdale and about Edinborough.

I'm sure you are aware of France being a leader in protecting their dark Skies.. Here's a good article:

<https://www.darksky.org/france-light-pollution-law-2018/>

Lastly, here is a really cute informative video that you might want to share with PC schools!! Kind of the Smokey the Bear approach of influencing kids AND their parents..



https://www.youtube.com/watch?v=t3s8Fj8iQE4&feature=emb_logo

All the best & thanks for everything you are doing!

Mari

October 19, 2020, 8:16 AM

Hi Michelle.

I left you a voice message but wanted to follow up with an email and some photos.

Our rear neighbor has installed spotlights on the back of his house which he turns on nearly every night and leaves on overnight. They are aimed right into our house and make it worse than living in a city. He also just installed Christmas lights in the backyard which are over the top and light up our entire house. He is already turning them on and has left them on until midnight several nights. It is making our life miserable as we not only can't enjoy the peace of the mountains, but our house is so lit up inside it is difficult to sleep.

We have wanted to go talk to him, but wanted to find out the city rules first. I have attached some photos for your reference. All the photos are from inside my house.

Please call me at your earliest convenience.

Diane Turner

October 22, 2020, 3:54 PM

Rebecca - a couple questions on the impacts to residential areas:

1. Do these regulations consider property safety (i.e. break-ins/robberies)?
Comment - Low or no exterior lighting provides less security.
2. Do these regulations consider the potential impact of collisions with wildlife in residential areas?

Exhibit A – Public Input

Comment - it is currently very dark at night in residential areas. Our area has no street lights and the little bit of exterior lights off the homes is helpful. Additionally, night vision degrades as we age and our area has a large number of seniors.

Thanks, Jeff Klein

October 22, 2020, 4:00 PM

Mayor Andy Should be the first to Set an Example of the Dark Sky initiative by turning off those UGLY "F"ing lights on Treasure Inn.

Its a "F"ing eyesore that never should have been allowed

Jeff Weissman

October 22, 2020, 6:42 PM

Hello Liz,

It was great talking with you all tonight. I'm forwarding the registration for the webinar on the new partnership between Audubon and IDA below for you and Rebecca (and anyone else who might be interested). I'm hoping it will cover some good content on the effects of artificial light at night and birds and provide some of the resources you might be looking for.

I'm so excited you all are doing this!

Cheers,

Heidi M. Hoven, PhD
Assistant Gillmor Sanctuary Manager

October 23, 2020, 12:19 PM

Rebecca

I live in Park City and got, in the mail, a flyer about the proposed changes to the Land Management Code covering outdoor lighting.

While the basic idea of keeping the nights dark enough to enjoy the sky is one I support, like many people who are not specialists, I struggle to understand exactly what "lumens"

Exhibit A – Public Input

and “degrees Kelvin” actually mean for the lights I encounter in my neighborhood and around Park City. My main concern is with the holiday lighting that many people put up on trees and along roof lines for much of the winter season. I do this myself on my house.

So I have two questions:

1. Will the types of strings of lights people put up for the winter season be likely to run foul of the proposed changes?
2. Where can I get more information about the implications of these regulations for homeowners? The links on your website seem to be mainly relevant for commercial lighting installations. Is this because there are effectively few implications for the typical residence?

Thanks

Michael Atkin

October 23, 2020, 1:09 PM

Thanks for the notification. My first reaction is negative, but I'd like a better explanation of the proposal. What prompted this? What is the concern? What is the benefit to the community? What are the costs to the city and to individual property owners? What's the timeline for implementation and enforcement? What are the consequences of non-compliance? Etc.....

So, lots of questions, but I clearly want to learn more. My experience in Park City is that many times these issues are influenced by emotion and not fact. Is there a detailed explanation on a website? If so, please point me in the right direction.

Thank you!

Ken Cook

October 23, 2020, 8:47 PM

Hi, Liz & Rebecca!

I completed the night sky survey but was hoping for an opportunity for free-response input. Just one comment. . . We live near the intersection of Payday Drive and 224. Our bedroom has transom windows through which we used to enjoy seeing the stars. Recently, however, the city/state installed high-mounted spotlights at the

Exhibit A – Public Input

intersection, and they glare into our bedroom all night long. Is there a way the city could adapt those to more moderate downlighting? I understand this is a dangerous intersection, but it seems like there could be a way to lower or better focus those spotlights in order to reduce the neighborhood impact.

Thanks for your consideration,

Krista Dana

October 23, 2020, 7:00 PM

Liz and Rebecca:

I am happy that PC is updating the dark sky regulations. They have needed updating for a long time. While I fully support the program, there do need to be exceptions in my opinion. Significantly, this community has spent a lot of money and resources purchasing, protecting, and preserving the white barn. It was the very first open space bond passed in the area and its success paved the way for many more successful open space and community protection bonds. Furthermore, the McPolin Barn has become among the most identifiable and celebrated images of Park City.

For years, the barn was lighted with High Pressure Sodium lights, the poor CRI of which resulted in the barn looking orange at night. Instead of simply replacing the energy hogging and poor CRI lamps with energy saving LED's which could reveal the accurate color of the barn and American Flag hanging there, now for some reason there are dark blue filters on the old lights essentially eliminating any effective illumination while wasting significant energy. Now, the barn is easily missed at night, and no longer serves at the iconic beacon of Park City. We need to contemplate exceptions to the proposed regulations which would allow the barn (and similar civic assets) to be appropriately lighted and celebrated as the community asset it is. I would be happy to help this effort in any way,

Thanks,

Peter Tomai

October 23, 2020, 7:35 PM

I have read the Park City Dark Sky material with great interest. As a long time resident, the current light pollution in the city and the Basin is disturbing. The new build out at the Canyons is particularly shocking. The new Apex residences high on the hill have no

Exhibit A – Public Input

foliage around them and their hall and stairway lighting is like that of an office building in a downtown urban setting. The Grand Summit is not very noticeable at all, but these new condos are. I am afraid of what the rest of the buildings will bring. There is also a spot light that shines on the maintenance vehicle parking lot at the Canyons and is not pointed down - rather horizontally. This light shines to the south along highway 224, across the farms and into the homes in Solamere that face that direction. It never goes off. It is a terrible example of lighting for Dark Skies. They can do better - but who holds them accountable?

I realize the Canyons is in the county - but the light pollution created there effects Park City residents. I would be happy to forward my concerns to Summit County, I am just not sure who to send them to.

Thank you for your work,

Lynn Cier

October 23, 2020, 8:15 PM

Hello Ladies,

I think dark skies are one of the biggest failures of our growing city. It's very important to keep our skies beautiful. When I first moved here, 27 years ago, I loved going out at night and seeing so many stars. As the years have gone by we have talked about dark skies, yet the growth keeps happening and no one is doing anything about the lights.

I'm super excited that you two are taking this on.

I would love to start with the City's lights. Which reminds me will the ordinance affect businesses? I certainly hope so.

Shirin Spangenberg

October 24, 2020, 7:23 AM

Rebecca,

Quick dark sky question- would dark sky prohibit Christmas tree lights on outdoor trees?

Many thanks, ELP

Ed Plummer

October 24, 2020, 10:38 AM

Hi Liz and Rebecca,

Thanks so much for hosting the community meeting this week and for listening to my thoughts about your dark sky initiative.

Just to formally submit my comments:

"I wanted to say that I'm thrilled that you're pursuing dark sky practices for Park City and I hope Summit County will as well. It's an important part of preserving what makes our community special both because it helps to keep our treasured wildlife healthy and safe, and because it allows residents and visitors to enjoy the night sky.

We moved here from a big city a few years ago and consider ourselves exceptionally lucky to be able to see as many stars as we do each night, something that's becoming increasingly rare in urban and suburban areas around the world. Thank you for working to ensure that special connection we're all able to enjoy to nature through our wildlife and our night skies will continue for generations to come. I think it's critical for maintaining quality of life for residents and to retain an important component of what makes our city attractive to tourists."

I also mentioned Heather on the call - Heather Currie is at Recycle Utah and is the co-author of a wonderful local email series focused on advocacy opportunities for Park City and Summit County residents. You might want to reach out to her so she can include some of your announcements in her emails. Her email is: [REDACTED]

Have a lovely weekend,

Trish Kenlon

Founder, Sustainable Career Pathways

October 25, 2020, 8:59 AM

Team,

Firstly, thanks for starting the Dark Sky initiative. Couple of questions:

1- What is happening with the most egregious lighting I have seen in the area...Quinns Junction. Are we waiting until 2024 to enforce this?

2- Why 2024? Costs? It's like my current company...which is basically "Let's be sustainable but not if affects our margin."

Exhibit A – Public Input

3- Is there a new construction enforcement starting now...or does that come into force in 2024?

Again, I truly appreciate the direction that we want to take this city...but am just questioning implementation...

Cheers!

Howard Silverman

October 25, 2020, 11:33 AM

Ms. Jackson,

I live at 2083 Three Kings Court, in Thaynes Canyon and am a full time resident. I'm in receipt of your flyer about outdoor lighting in the City.

There is a street light on the corner of Three Kings Court and Thaynes Canyon Drive that is, to my mind, unnecessarily bright for a residential neighborhood. Wondering if that could be mitigated.

Thank you; Kenny Levine

October 25, 2020, 11:35 AM

Hi Liz

I am very concerned with the city looking to become a dark sky community. For new construction this is fine; however, to expect existing homeowners to spend thousands of dollars to change their current lighting to comply with this is outrageous.

Money doesn't grow on trees and I don't have thousands of dollars to retrofit and change my landscape lighting fixtures. To change the rules, you need to grandfather people's existing lighting or the commission is heartless. You can't ignore the economic impact, regardless of the timeframe allowed to comply, this has on homeowners. It will take 5-10 years for many to recover from the economic effects of the pandemic and now you want to retroactively institute a change for existing homeowners- unfair and "tone deaf".

I also think that lighting on houses and businesses that outline the eaves of the home or business should be exempt as this is a signature of our city at all times of the year, not just the holidays.

Exhibit A – Public Input

You are biking or community even less affordable to live in. Don't enact this unless existing homes are exempt.

Calvin Regan

October 25, 2020, 11:35 AM

Liz & Rebecca

I am happy to participate with the Dark Sky initiative and have completed the minimal survey. I missed the Oct 22 discussion as the mailed invite arrived at the PC post office on Oct 24.

My first primary question/comment concerns street lights. Our home is on PayDay Drive in Thaynes. The public works folks have been most accommodating in placing partial shields on some of the down facing street lights to reduce specific glare issues. I would be very happy to see complete 360° shields installed on all the street lights. This is a very simple process as public works has a demonstrated competency in making and installing shields.

This process would well serve as a sign of the city's commitment to actually address the situation in the near term and lead by example. Putting off a compliance issue until the 2024 deadline is just silly.

Thanks

Kevin McCarthy

October 25, 2020, 11:23 PM

Hi Liz!

I got your letter this past day and have to admit, was surprised.

1. Our building, the Quittin Time Condominium on Woodside Avenue has exterior lighting fueled by shielded compact fluorescents that are probably beyond the desired 3,00K color. I have no idea if warmer substitutes are available as we got them 12 years ago. I am guessing not a lot of effort is going into these fixtures. If not, how should we proceed?
2. My first reaction was that this whole exercise is political. You have a 2 million person metropolis less than 20 miles away that blankets the sky with street level

Exhibit A – Public Input

illumination. What effect will shaming contractors and existing home owners into changing their lighting choices accomplish other than being able to wave the flag? Don't get me wrong. Drive down to Torrey/Teasdale/Boulder and you can see the night sky that you are trying to preserve/protect/reclaim? I think that the ship has already sailed.

My wife and I were up to our place in Old Town yesterday. The traffic was horrendous from I-80 all the way to Woodside Avenue, our turn off. The charm of our yesteryears is long gone. What is it you are trying to preserve?

Chris Whitworth

October 26, 2020, 5:20 PM

I hope this addresses commercial properties as well as residential.
Case in point- I lived on upper Saddleview Way and was always disappointed with the lighting of the Hotel Park City lighting.

Charles David

October 26, 2020, 5:39 PM

Hi Rebecca, Liz,

Hope you're both doing well and your weeks are off to a good start. My name is Mason Barrett, and I'm a Park City resident living at 2036 Prospector Ave. I recently received the Dark Sky Association compliance proposal, and wanted to reach out to share my full and enthusiastic support. Thanks for taking this initiative on and working to protect the natural environment (including the night sky) of Park City. Please let me know if there are any other steps I can take to voice my support.

On that note, I ended up poking around the Land Management Code and I have a question for you I'm hoping to get answered:

How can I assess - or ask someone from the city to assess - whether or not certain existing exterior lighting is compliant with current code, specifically considering shielding and max wattage? There are several parking and sidewalk lights on the Berrett Ln pedestrian corridor that seem to not be shielded at all and are exceptionally bright and harsh in color only ~15 yards away from (and about level in height with) my window. I've had to hang up blackout curtains, otherwise it's almost as bright as daylight all night long.

Thanks!

Exhibit A – Public Input

Mason Barrett

October 26, 2020, 9:29 PM

Ladies:

Very pleased you are spearheading this issue.

Part of the ethos of Park City is a laid back attitude that, despite the wealth in the area, generally defines our lifestyle. Of course there are always peacocks that just can't help showing what they got.

I live on April Mountain and while most of the neighbors feel no need to keep our door and garage lights on at night, we have some that always keep the lights on, while some even have the home outlined like a Broadway theater. "Look at me I have a big house!" How boring, and gauche.

And the real travesty is the impact it has on wildlife habitat and our ability to see the night sky. Both are reasons people move to a resort community. Why allow urbanization?

With all the new folks, and some with significant wealth, coming to town, it is time to let people know what the rules are and establish PC as an ecological sensitive resort town, not an LA suburb.

John Barry

October 27, 2020, 8:36 AM

I am grateful for the opportunity to participate in this conversation.

I am thrilled with the Dark Sky efforts, and believe whole heartedly that the community as a whole benefits from reduction of exterior lighting at night.

For the wildlife, for the sky watchers, for the community aesthetic, and for mental health - I am enthusiastically in favor of the Dark Sky standards.

Thank you!!!!

Cathy Lanigan

Exhibit A – Public Input

October 27, 2020, 9:44 AM

Liz, Rebecca

While I support limiting the light escaping PC into the night, one of the aspects of PC that I find truly special is the lighting in the winter that everyone puts in the trees, bushes, house gutters, etc. That lighting makes every day seem like Christmas and makes our town feel special to residents and the tourists. I hope that this initiative fully embraces this while finding ways to mitigate some of the light pollution.

Thank you
Michael Plummer

October 27, 2020, 10:30 AM

Hi Rebecca.

Thank you for reaching out.

I did have a conversation with my neighbor and I think we have resolved the issue. However, I do think that this dark sky lighting issue is huge. Spotlights, massive outdoor lighting etc really take away from the mountain community. Part of the reason many people move here is to get out of city lights and be able to see the stars. I am excited that you are working on this project.

I took the survey, but do not think I am able to attend the meeting today. I would, however, like to be involved in this project.

Please keep me informed and let me know if you need citizen involvement.

Thank you,

Diane Tanner

October 27, 2020, 11:25 AM

Dear Liz

I look forward to today's meeting and wanted to provide comments

I live in the Old Town residential area and lighting definitely needs to be addressed. I am very lucky to be able to see the Milky Way from my property on moonless nights. Just love seeing it. However, to see it, I have to climb the hillside to get above the City's

Exhibit A – Public Input

unshielded orange sodium vapor anti-crime street light which bathes the house and neighborhood in extremely harsh lighting. I trust the City will also comply with these lighting regulations and I note that Park Meadows has very limited and shielded streetlights. My exterior lights are rarely on, generally for arrival of guests. If it will help, I am happy to adopt and replace the streetlight in front of 280 Daly Ave. Would replace with a down facing LED light or remove altogether. About five years ago I contacted the City and Power Company about removing the light. I was told the City's first responders require it, I don't think that is true. I have polled the year round residents within the lights halo of excessive illumination and there is unanimous agreement that they would support removal or a much lower light level and downward lighting.

Thanks for moving in this direction

Let me know if I can be of any help

Tom Gadek

October 27, 2020, 12:19 PM

Bruce,

I'd like to add my concerns about night sky issues to those of other Park City citizens.

In our tight physical neighborhood I'm noticing a lot more LED patio lights that are not on timers. These lights are left on all night long to illuminate backyards and neighbors backyards. Some of these outdoor lights are approved installations by Park City building department. Others are LED string lights that are hung by the owners or the renters.

As you knew LED lights are much more invasive than our old lights used to be. This puts an undue burden on neighbors to request that lights be turned off at a reasonable hour. Everyone should be able to be outside or inside and enjoy that connection to our skies.

Currently there is an airy residence that has an overabundance of conifers lit up with LED lights. These lights are kept on all night long. These lights have lit up my backyard, on the opposite side of the canyon, as though there was a full moon. Doesn't daylight savings time mess with my head enough?

I understand the purpose of the LED lights on the buildings on Main Street. It was a requirement in 2002 to help Olympic visitors have a warm and festive experience. Even our visitors deserve to add an incredible night sky to their Park City experience. Can't we be known as the resort town that turns their decorative lighting OFF at night?

Thank you for your time and consideration.

Peg Bodell

October 27, 2020, 2:39 PM

Liz and Rebecca,

It is nice to see this project in the works however it seems the "SURVEY" is a bit lacking on space where people can make comments and or provide noted area of concern with regard to lighting that seems non-compliant with the desire to protect out night skys.

I have addressed a few concerns in the past with a gentleman in Park City offices however I do not recall who I spoke with... In any event I was basically told that the blinding lights along the rail trail on NEW mixed-use, condo and older existing buildings that house El Chabasco, San Fran Design etc were acceptable with in the current ordinance.

I invited said individual to walk that trail with me after dark.... declined I often wonder how often Park City field inspectors inspect things after dark? Lighting would seem to require after dark inspections?

Two additional areas of concern are, the homes on the ridge line looking into Park City from the Colony. I believe that there are 3 homes visible in that area. At one point we were seeing SPOT LIGHTS from one of the homes that were visible pointed toward Hwy 248 and Prospector area. I have not noticed these lately. The last area of concern is; Do the lights in the playing fields near the ice rink have to point out across Hwy 40 and up Hwy 248 to the point where they are near blinding as one drives into town at night? Would it be possible to orient these lights to point more toward the ground/playing fields and not broadcast them to infinity when in use?

Thank you, I look forward to continued dark skies in Park City

Is there a forum to note/list areas of concern that will be reviewed/investigated?

Steven Gibson

October 27, 2020, 2:55 PM

Hi Rebecca, Greetings Liz,

Thank you so much for the Zoom conversation today. I feel elated that the city is tending to this exponentially worsening problem.

I would like to highlight some things from the meeting and add additional comments for you to carry forward as you bring this info to other planners.

- The way to change behavior is to change the framework—change the story (which we all know).

Valuing the night sky must become cultural. Let's CELEBRATE! How lucky we are to live in the mountains.

Can we create a public program via marketing and really have fun with this? Can it go out to all tourists and residents? Can we sponsor skywatching events? ...ha, would be challenging, but maybe it could be done with Zoom as well.

Perhaps jumping off my comment about the lights preventing us from seeing Nature's lights....**the stars**. Stars, to my knowledge, have no Earthly carbon emissions and there is no carbon footprint on sourcing (the fixtures), nor the energy to create the lighting display (as in the energy it takes to emit the light).

What hubris we have to think we can improve the stars by hanging dot lighting on trees. It's so very ironic. We humans are a funny bunch.

Get the public, both citizens and visitors to **look up!**

How about having neighborhood Sky Parties sponsored by the city—the same way we've had great representation from the city at my Prospector Park HOA meetings.

Come to think of it, a Zoom meeting with an astronomer or naturalist would be great way to track, who can see what (stars) from their homes. Like I said, I've lived in Prospector Place for 18 years (Park City for over 35 yrs) and the stars keep disappearing.

Would be cool to gauge our success as a city when every household in the municipality could see a specific constellation or something.

But for those who don't want to play and **celebrate**, this ordinance must have teeth. Why is it so easy to enforce parking but not the other ordinances?

“Holiday Lighting”

I do think the “holiday lighting” window (Meg's comment on the herstory of the timeline with ski areas) should be decreased—significantly. It's not special when it goes on for so many weeks and months.

Additionally, everything—every Being needs rest, and tho' I have no data on this, I have wondered the negative impact on our conifers whose needles are sensitive to light—even in the winter—respond to that constant night lighting.

Wildlife

I consider conifers wildlife (see comment above).

There is significant data from all over the world on the negative impacts of night lighting on insects. This in turn affects our bird populations.

Though there seems to be many reasons that 1,000's of birds—some say hundreds of thousands—fell from the sky in Colorado, Texas and New Mexico this summer, ornithologists report that many of the birds were emaciated and point to the decrease in insect populations. Birds are starving. Why add to the problem with our night lighting?

The changes to the environment are happening so quickly, organisms can't keep up. We have no way of knowing how 24 hour lighting affects the microbial kingdom nor the larger primates and every Being in between.

Lead by Example

I emphatically agree with Meg Ryan's comments that the City should lead by example. Over the years, I've felt so frustrated when one arm of the City says, for example, "save water" and then another department installs sod along parking strips.

Same with soils and mine tailings. I worked hard to contain the mine tailings in my yard—went waaaaay over the ordinance and spent \$40k doing. I worked with the city's soils guy at the time. Then the water department came and changed my water vault and left hot soil spread across a large area of my yard. (This was many years ago.)

My point is that **all departments** must be involved in this Night Sky campaign.

Timeline w City Changes

I would still like to understand how in the world the new lights installed last summer along Prospect Ave. were approved....and also the lighting at the Kearns Cemetery. I agree with the Mr. Levin, WHY do we have to wait so long?

Part of this program must be an examination about how the Kearns Cemetery lighting and the Prospect Ave lighting happened. Something in the system isn't working.

The city must make these changes immediately. I understand with Covid budget shortages that we may not be able to do them all immediately, but even a one year time line is too long. How many more millions of insects will perish, then the birds and so on.

The City will need to point to examples of changes, document them (that slide from Moab was fantastic) and then kick off a "marketing" program.

Exhibit A – Public Input

Groups I think the City should target:

- Landscape contractors (I am one and tho' Red Ant doesn't promote night lighting--in fact I discourage it--we landscapers make money from this and often oversell lumens.
- HOAs
- Businesses
- Second homeowners (raise awareness of lighting when they aren't even here)
- Nightly rentals
- The School District (they didn't get the memo on saving water, so can we please involve them in lighting)

Ha, hoping you are still with me and if you are, I would love to stay involved in this program. If you have a citizen input / involvement group, count me in. I am passionate about the stars and light pollution and living lightly on this Earth.

Thank you again for initiating!

Dee Downing

October 27, 2020, 3:02 PM

Ladies,

There are a lot of street lights that glare terribly and are not compliant with dark sky regulations. Can those be shielded? It would seem fairly ease to do by adapting a top flared cover over the neighborhood or city streetlights that have the classic design per attached. They don't need replacement just a shielded cover.

Looking forward to changes,

Steve Hooker

October 27, 2020, 3:08 PM

Dear Rebecca,

We received the pamphlet regarding Outdoor Lighting Regulations.

Exhibit A – Public Input

We have a number of up lights on our trees that I am not sure comply with the new regulation.

It is unclear to me from the pamphlet what level of lighting is approved. Would you please help me understand so we can comply?

Thanks,

Bob Rollo

October 27, 2020, 3:16 PM

Hello Rebecca and Liz,

I tried to log on to the live meeting at noon on 10/27 and it says the link is expired. So I'm submitting my comment here. I also put it in the survey, but this is more detailed and specific in recommendations.

Please revise the updated lighting code to REMOVE or REVISE the Holiday Lighting EXEMPTION, for the following reasons:

- The current exemption makes it impossible for PC to be dark sky for 5 months of the year. What's the point of even trying?
- The LED lights on the trees can be VERY bright. Especially from a company called Brite Nites. With this exemption, could we issue guidelines for all lighting companies to create acceptable light installations in Park City. How would they be sold/communicated/enforced?
- In current exemption, how is "dangerous glare" defined? "dangerous glare on adjacent streets or properties"
- Our nextdoor neighbor installs holiday lights that are EXTREMELY bright. They light up half the fairway on the adjacent golf course and disturb wildlife, sleep patterns in neighboring homes, and definitely shine into windows and on the road. They are uniquely visible from the ski resort. Our HOA has refused to impose any lighting restrictions.
- If you cannot remove the exemption, or work with vendors, could you regulate hours for holiday lighting in residential neighborhoods -- 5-9 p.m. ONLY. 6-8 a.m. ONLY. AND ENFORCE IT??!!

If you are able to remove the exemption or revise it as above, you will have a chance at dark skies and happier healthier neighborhoods and neighbor relations.

Current Exemption language below:

H. Exemptions: The following shall be exempt from the requirements and review standards of this section:

Exhibit A – Public Input

1. Holiday Lighting: Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained and does not constitute a public hazard.

Many thanks,

Alexandra Ziesler

October 27, 2020, 3:52 PM

Greetings,

I filled out the survey just now.

I would have liked more questions on the survey. I am in favor of adding: any remodel requiring a permit, signal that a mandatory update in a resident's exterior lighting needs to be updated to adhere to the dark sky requirements.

In other words, I'm for current residences NOT be grandfathered in.

I hope that the LMC updates will be for all buildings

(commercial as well) and structures.

I also am in favor of a time limit on outdoor holiday lights.

For example- Nov through Jan. Thankfully they are almost always LED lights now, but some are up for 6 months!

Sincerely,

Jennifer Gardner

October 27, 2020, 6:47 PM

I question whether your "Important Outdoor Lighting Regulations Updates" mailing meets the notice requirements. My envelope was postmarked October 22nd (day of the first discussion) and received today after the second discussion meeting. No ability to participate or understand this "issue". The FAQ's are woefully inadequate.

While trying to keep an open mind, I find this idea to be a big waste of time and money. We have a lot more important things to address.

Exhibit A – Public Input

Robert Finney

October 28, 2020, 2:50 PM

Hi,

Thanks for the link; if I can't join your next Zoom meeting please submit my "dark skies" request to remove holiday lighting as an exemption; see my reasons below.

H. Exemptions: The following shall be exempt from the requirements and review standards of this section:

1. Holiday Lighting: Winter holiday lighting which is temporary in nature and which is illuminated only between and including November 15 and March 1 shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties, is maintained and does not constitute a public hazard.

Reasons for exemption to holiday lighting?

1-In our neighborhood some do not follow date restrictions. Today (and before Oct. 28) some trees and fences are fully lit and kept on past the 5 months allowed.

2-In our neighborhood some holiday lighting remains on **all night!** Why not turn it off at 10pm as with the 10 o'clock whistle tradition?

3-In our neighborhood, glass garage doors are dominating houses and emit light **all night** even if on timers, which can malfunction.

4-In all neighborhoods, immediately enforce restrictions on holiday lighting to encourage quiet neighborliness instead of self-interests.

5-One of the reasons people move to the mountains (and visitors visit) is to see the stars at night without light pollution.

Thanks for inviting local input on this important topic,

Bitsy Beall

October 28, 2020, 4:54 PM

Dear Liz:

Exhibit A – Public Input

I don't care much for corresponding with the city on issues like this because you've almost always made up your mind and are just trying to cajole the community into complying.

But let me just say, I love the Christmas lights people put up during the winter season. I don't want that to change.

Regards,

DJ Brooks

October 28, 2020, 9:06 PM

Liz,

I read the article on KSL yesterday describing the new Park City Dark Sky Ordinance. I would like to see what precautions you would like us to take concerning new signs.

We are planning on purchasing a light meter to make sure we are compliant with our signs. Can you give me any details that you might have to help us? I have already had a couple of clients who are wanting us to check their Lumen output, and another asking if we can retro-fit their existing signs for LED's that are within the correct range.

Looks like the City is really supporting Dark Sky.

Thank you for all of help!

Greg Domm

Park City Signs

October 29, 2020, 9:30 AM

I fully support this. Enforcement needs to be done. Doing this without addressing the enforcement issue is worse than not doing anything.

Bill Watson

October 29, 2020, 12:46 PM

Dear Rebecca:

Thank you for taking our input.

Exhibit A – Public Input

I think the **least** amount of light for signs, outdoor house lighting and street lights, the better. Animals need darkness and so do humans. And what a treat to see the milky way and stars (I just got off a 17-day Grand Canyon trip where the galaxy is magical).

I even think Park City should discourage ostentatious Christmas lights. Or ask that citizens turn them off at 10pm so wildlife can co-exist.

Best wishes,

Jen Seabury

November 5, 2020, 3:03 PM

Sorry I had to drop and run before questions got around to me.

I sent some comments along with my survey as to why are we not now installing 360° shades on all the street lights in Thaynes Canyon. I don't know if other lights in town are of similar design. This would be a no-brainer, the city fellow that takes care on these already makes shades to block out neighbor complaints so he could readily just make more.

Next, first an inquiry. Doesn't PCMC have current regulations addressing backlit illuminated signs? I believe we have had this in place for decades. If so, why are these regulations being enforced before we go off creating new ones for 12/31/2024. Case in point, PayDay Drive north side. The new subdivision of Country Lane proudly proclaims its presence and Private status with two large backlit and illuminated signs facing both directions to PayDay Drive. I know for certain that other neighbors have made complaint about this and the lights went out for a few months. They are now brightly illuminated all night every night.

This is a wonderful initiative, thank you for taking up the challenge. Personally I love the dark and will be most happy to see most of this vision solution removed.

V/r

Kevin McCarthy

November 5, 2020, 6:26 PM

Hi Rebecca

I saw the notice on the lighting changes. I am concerned on three points:

Exhibit A – Public Input

1. I rent my place when I am not there. Dimly lit paths and steps to the porch for those unfamiliar with my homes can lead to injuries.
2. I am retired, and cannot afford to throw out and buy new. Especially a number of bulbs all at once!
3. When light bulbs burn out I am happy to replace with the new requirements if mandated...but this is a waste of resources and only prematurely adds more to our landfills

When does this go into effect?

Thanks

Cay

November 6, 2020, 1:43 PM

I am a resident in April Mountain at 1511 Seasons Drive. I received the flyer in the mail today about the lighting regulation updates.

In the community discussions and public meetings, I would like the community to consider how this applies to Deer Valley resort. The lights at snow park lodge and parking at the base of the resort are brightly lit 365 days a year. As a resident whose home faces the resort, it is so bright at night that we have to have the curtains closed in order to sleep let alone have dark sky.

We used to live in Silver Lake area where the resort lighting was never a problem, but it is noticeable and disturbing at the snow park location. Deer Valley should not need to run lights past 10 pm when there are no events being conducted such as concerts.

Thank you for your anticipated support in putting this issue forward.

Julie Schwarz

November 7, 2020, 4:08 PM

Thank you for addressing the lighting in Park City. I would love to see PC designated as a Dark Sky City.

A major light pollution that I see in Old Town is the floor to ceiling/wall to wall windows on recent houses on the east side of Park City Old Town. The light shining from these

Exhibit A – Public Input

windows is intense and is far beyond the light coming from other house windows. I would recommend window walls in future houses not be approved by the planning dept.

Thanks again for working on this. -Jill Lesh

Jill & Richard Lesh
327 Woodside Ave.
Park City
UT 94060

November 8, 2020, 11:12 AM

Dear Planning Commissioners:

We appreciate the opportunity to share our thoughts on the proposed outdoor lighting regulation updates. We are very supportive of the proposal and have the following personal observations:

- Many residents are not here full time, yet their lights burn all year round. So much energy could be saved in our community by reasonable attention here by property managers, HOA's, etc.
- The holiday lighting proliferation can have a reasonable place and neighbor-friendly scale. We need a way to reasonably contain this impact without denying reasonable expression. Maybe "number of trees", "lumens from the street or property line". Whatever it is, it seems like it needs to be definable and explicit. Our neighbor wires five trees on a very small lot that blows the neighbors away with the intensity. You can read a newspaper from the street and wildlife must be bewildered by this growing phenomenon as people move here from large cities.
- Decorative lighting on homes seems to be increasing with fixtures washing exterior walls etc. on many homes. The objective seems to be "look at me" and is generally unnecessary. Can we limit this through property caps on exterior lumens that multiply fixtures x output, regardless of whether the fixtures comply with code? While architectural lighting might look great sometimes, it is unnecessary and should be eliminated if we are to meet our community objectives on carbon neutrality.
- Enforcement needs to be factored into this plan. If we pass regulations, there needs to be reasonable follow up and maintenance built into the City budget. We think we will have supportive residents but like all code, it will require enforcement.
- While compliance by 2024 is better than nothing, we fear that time is of the essence and any shortening of this deadline would have a bigger impact that is

Exhibit A – Public Input

sorely needed. This recent documentary by Sir David Attenborough ([trailer link](#)) emphasizes the urgency of this emergency.

Work and commitment by our community may require some sacrifices and adjustments to our normal way of thinking but if we can make these inconvenient choices, we will be rewarded with big dividends:

- These choices make a statement about the kind of community that we are and provides a leadership example for others to follow. More people will want to live in this kind of a community than not.
- These choices align our community priorities with our vision to be carbon neutral by 2030. Carbon neutrality will go a long way to protecting our local economy that is threatened by climate change.
- These choices support some of the reasons that we live in Park City by protecting dark skies, wildlife, conservation, and being good neighbors.

Best wishes on your efforts here and many of our friends and neighbors are very supportive of this initiative.

David and Sarah Peters

November 10, 2020, 9:30 AM

I fully support Dark Sky initiatives. Lighting regulations are a good start. Education, public relations, and eventual enforcement will be necessary to achieve optimal outcomes.

What plans are in place to inform the public of the benefits? How will regulations and codes be promoted? Can we enlist community support through social media and volunteerism, Dark-Sky ambassadors?

How do we implement immediate changes to get ahead of the timeline?...

Home Depot outdoor lighting displays sell almost exclusively non-compliant fixtures. Seems to me this is a HUGE opportunity for suppliers. They just need to be educated

New construction seems to be about 50% compliant. How do we educate builders and suppliers to DROP non-compliant lines. Is the code included in approval process?

What tools can be used to inform and educate residents and businesses about the changes and timeline?

Exhibit A – Public Input

Is there money available for subsidies to accelerate change? — Create a pool to incentivize homeowners willing to swap out fixtures now to avoid enforcement actions years from now.

I am willing to be involved. This is the greatest opportunity to improve our community at low cost and tremendous, universal reward.

Sincerely,

Graham Anthony

November 11, 2020, 8:28 AM

I can see the Milky Way on moonless nights from my property on Daly Ave in Old Town. This is nice and I support the Dark Sky initiative! However, I have to climb the hill to get above the orange hue of the sodium vapor streetlights which intrude on the native beauty. I believe the offending light is owned by Rocky Mountain Power and leased by the City. It has no shielding to direct the light downward and limit it to the street. In fact, the light is designed to spread illumination 360 degrees horizontally. The local neighborhood comprised is year round residents and would support adopting the light, even to the point of paying to have the light replaced with something similar to the downlighting Park Meadows has enjoyed for decades.

November 11, 2020, 10:17 AM

Good morning, Ms. Ward. At your invitation, I am following up on our brief but helpful discussion about Park City's proposed outdoor lighting regulation, last Friday. Having studied the three graphic representations in your update bulletin, I have questions about the stipulated maximum lumens and fully shielded lighting for residential and city lighting. Not to sound as though there must be someone lurking behind every tree, bush and shrub, are safety and security being considered for residences and the greater Park City area? And is law enforcement being included in the Park City planning process?

Frankly, while I like the woke concept of stemming light pollution, I also am a firm believer that light is our friend! The reduced lumens and very narrow downlighting suggested by the city will leave pockets of darkness and shadows which may enable or even invite intrusion and other nefarious activity, not to mention allowing for missteps on uneven surfaces. Over the last several decades of environmental and conservation efforts around the nation, many of those efforts have presented unexpected and undesired consequences. These efforts have ended up in even more precious resources and labor being consumed! Can we be sure that the proposed lighting will not demand that additional fixtures be installed to provide adequate lighting?

Exhibit A – Public Input

I have not heard our Park City Police Department and other law enforcement professionals weigh in on what their plans may be for our heretofore resort community, as we become "citified." Major media around the country have reported on Park City's becoming a major residential destination for folks who are fleeing their cities in favor of our inviting winter and summer climate, terrain and culture. With this influx, I assume that our city leaders and planners, to include law enforcement, must be aware of what such rapid growth will bring to our community. Such change and growth will bring challenges, not all of which will be pretty!

As a Park City homeowner since 1992, our neighbors and we have looked forward to adjourning to our little idylls in the Utah mountains, where we could leave the crush of our cities, take in breaths of our good mountain air, and still feel safe and secure, here in Park City. We know that change is coming, but I hope that any change in lighting policy will support and foster continued community safety and security.

Best wishes, Ms. Ward, and thank you for serving our delightful Park City. Can I entrust you to take the content of this email to the meeting of the Planning Commission, this evening, and to the City Council meeting on December 10th., or should I forward this email to them myself? Please advise . . .

Karen Whitney, Ph. D.
5925 Royal St.
Park City, UT 84060

November 11, 2020, 10:50 AM

Rebecca, please count me among those who are in favor of the lighting regulations. When we built our home in 1989, I could look out the window at night and see a sky filled with stars. Now I'm lucky if I see a planet or two. I long for a view of the universe! I will go to the online survey, but I'm afraid I am too late for its deadline.
Annie Lewis Garda

November 11, 2020, 3:45 PM

Hi Rebecca

Wanted to provide two case studies or examples of why we need a updated lighting plan to preserve our dark sky's. Up in Deer Valley at the Empire lodge next to the Montage & the Chase Bank next to Jans on 224. These are examples of two business that have significant light pollution as they use extremely bright lighting that contribute to light pollution..

Thanks

John

November 11, 2020, 7:36 PM

Hi Rebecca & Liz!

I'm looking to see if there are any grants & what states have addressed lighting issues. Here are 2 links that might be helpful. I can try to get a name in Ft Lauderdale for code enforcement for you to speak to. There was a lot of grumbling about the changes, and now several years later, it is simply accepted practice.

Thanks again for all your work!

Best regards, Mari

<http://www.cityofbandera.org/DocumentCenter/View/1441/Outdoor-Lighting-Grant>

November 12, 2020, 10:27 AM

Dear Rebecca and Liz,

I was able to join the meeting last night and thanks for your work on this. While my impressions were fresh I thought I would jot down a few of my reactions to share with the commissioners if you want.

- One of the comments was why can't we speed this adoption up? I would agree but even if we didn't, the point that the City could surely be an early adopter and lead the way with City buildings and street lights was a good one. Maybe public by 12/31/24 and City by 12/31/22?
- There was a comment about the string lights on Main Street being exempt from the 11pm cutoff and what happens to bar patrons when "all the lights go off". We should remember that these are not "all the lights", these are just the holiday lights strung across the street and around many buildings. These were installed just prior to the Olympics and were then left on buildings and annually reinstalled across Main Street. Everything worked well before the Olympics and I would support leaving them on a little longer but aren't the residents of Old Town entitled to dark skies as well? They shouldn't have to wait until 2am to have some normalcy and enjoy the stars. I would still expect the Main Street lights to be higher efficiency, correct color temperature, lower lumens, and still achieve great ambiance. I also agree that non-compliant private lighting on Main Street be off 30 or 60 minutes after closing. Again this is not all lighting, just exterior holiday lights.
- I agree with the comment that the fixtures that currently don't comply don't have to be "junked" but can often be re-bulbed, modified, or abandoned. I have a neighbor with 30 soffit lights brightly washing his home with no real utility. I would think he could unscrew 26 of them to comply and it would have no safety consequence of any kind.

Exhibit A – Public Input

- I agree with the ridgeline concerns but this is probably a phase 2 exploration that may be much less necessary if the above comment is addressed with so many properties.
- Regarding safety and security, we need to remember that we are not mandating eliminating lights. We are restricting how they shine and their intensity. All sidewalks, pathways, front doors, back doors, etc. can clearly be lit with the right fixture or bulb and dramatically lower our pollution. There should be no reason that law enforcement has issues if they fully understand what is being proposed. As was also stated in the meeting, dozens of cities are taking the lead on this kind of initiative and can find no online issues from Flagstaff, Tuscon, Ketchum and other cities. The IDS website has a number of published safety studies supporting dark sky initiatives.
- I looked last night at Old Town and agree that there are generally a few 1000watt residents that really don't "get it" and spoil things for everyone. Most people have some level of consideration for their neighbor and this should be a welcome reminder that our code does need to be updated on this after 18 years.
- I agree that if the County can do this so can Park City, and maybe better. Why can't we be an International Dark Sky Community like Helper, Flagstaff, Tuscon, Sedona, etc.? What a great additional reason to live here.

Finally I think it is important when considering these changes to remember why we are doing this. Park City chose to build a great trail system, we chose to buy lots of open space, we chose to eliminate plastic bags, we chose to buy electric busses, we chose to pursue an aggressive energy goal by 2030. We can also choose to live in better harmony with the nature that existed here before we arrived. Some people may not like it and that's ok. Others will really love it and this will be another strong expression of our community values and what makes Park City special.

Thanks,

David Peters

November 17, 2020, 10:47 AM

Park City Planning Commissioners:

There's a reason that astronomers, even amateur ones, use a red light when studying charts and looking back up at the sky. White lights are so bright they obscure one's vision for a few minutes. Why is this relevant to the discussion of Dark Sky regulations? White holiday lighting, especially with snow on the ground, is incredibly bright. I have noticed recently that the large conifers at THE MARC are glowing so bright white that they obscure the stop sign on Monitor Drive. The City staff may want to switch to colored lights next year.

Exhibit A – Public Input

Many residents and business owners spend thousands of dollars on holiday lighting; and, therefore, want to have them on for as long as possible. Maybe by 2024, this practice could be restrained to the traditional holiday season: Thanksgiving through New Year's Day.

Marianne Cone

November 17, 2020, 11:29 AM

Hello Ladies,

I am Bob Sfire, living at 220 King Rd for 22 years. I've always had driveway lighting for my 300' driveway. it's steep. this is the highest house in Old Town. you can only see this lighting from Marsac, except for one light that maybe a neighbor on Norfolk can see. I can and will black out that side of the light. all but 2 of our driveway lights are "neighbor friendly" with yellow shades inside. Wasatch lighting sold them to me about 3 years ago. my driveway needs lighting for safety.

if any of my neighbors have complained, please let me know and it will be corrected.

please call if you want to talk. I just saw the letter regarding the virtual discussions.

Take a deep breath,

Bob

November 19, 2020, 11:50 AM

Hi Rebecca,

Exhibit A – Public Input

Thank you for your response and for sharing all of this information with us.

It's heartening to know that there are people in our local government who understand how fragile our environment is. Kudos to those of you who are working to promote a better future.

Simultaneously, it's disheartening to know that our leaders have failed to act on this knowledge for decades, especially in as enlightened community as Park City where most people would choose to be considerate of the environment, wildlife and their human neighbors.

I appreciate the invite to call and to attend Zoom meetings. However my hearing is declining so rapidly that it has become difficult for me to communicate via speech. Without closed captioning, I miss 50-70% of the spoken dialogue on television and both my husband and I sometimes mishear things. He is also partially deaf. So, thank you very much, but we need important communication to be in writing.

While all of the information you have sent is interesting, it still does not answer our questions about what is **currently** acceptable with regards to nighttime light pollution.

We are going to interpret the proposal to change the time limit on seasonal lighting from midnight to 11 pm, as meaning that it is currently not permissible for a seasonal lighting display to be left on after midnight in single-family neighborhoods. Please advise us if that is not correct.

The accompany photos were taken in our yard on November 18, 2020 with an iPhone. There was barely a crescent moon and it was obscured by clouds for most of the dark hours that I surveyed seasonal lighting around this neighborhood. Though other neighbors have added string lighting to multiple trees, none of their displays appeared as intense and as intrusive as is the display at 7 Payday Drive, which for two of the last three nights has been on all night through at least six in the morning.



According to proposed restrictions, this "seasonal" lighting at 7 Payday Drive is probably much too bright. It also severely trespasses, falling beyond the legal boundaries of the property it is intended to illuminate. It also creates glare, which we imagine would appear much worse if we had the view that birds do. And, a little buck keeps coming back to graze in the nearby grass at night.

We would applaud the passage of ordinances that are recommended in your Sept 2020 Work Session and we would add the following restrictions.

- ◆ Seasonal lighting should be allowed only between Nov 15 and March 30.
 - The prime time for spring bird migration is from late March to early May and light pollution is an impediment to the success of songbird survival. More bugs anyone?
 - Deer are still rutting until early December and many of our wildlife species are migrating to winter ranges in November. Do we need to confuse them for our vanity?
 - Even if our winters weren't getting warmer and shorter, the ski corporations have made it fairly obvious that they are unlikely to be offering much skiing before December and after March. I long for the days when we could ski from early November to late April, but they are in the past and so should be these seasonal lighting displays.
 - Just because merchants switch from Halloween décor to Christmas decor on November 1, does not justify starting the "season of lights" two months ahead of the holiday they represent.
 - By April, most people have psychologically moved ahead to spring, there's natural light in the evening and the season of lights should be behind us
 - The nearly 6-month period allowing seasonal lights is a colossal waste of energy.
- ◆ Light displays must be located at least twenty-five feet away from the windows of adjacent dwellings.
 - Notice in these two accompanying photos, that a light display at 7 Payday Drive is ten feet away from the side of our home at 9 Payday Drive. The light pollution does not intrude on the home of the residents at 5 Payday Drive who installed the display approximately 75 away from their own house.



- ◆ Regulation of obnoxious seasonal lighting should not have to wait until 2024.

Respectfully,
Beverly and Kenneth Hurwitz

November 28, 2020, 10:35 AM

Dear Rebecca and Liz,

We live in Park Meadows and are familiar with the successes that the International Dark Sky Association has had in both rural and urban areas. It is a great idea to bring the model lighting ordinance to Park City and hopefully to Summit County in the future. The following are some thoughts on the topic but most specifically I would like to know what we can do to help the new regulations be adopted and to be implemented over time.

Target Audiences:

1. Federal and State Highway lighting - while recognizing that I-80 is not directly connected to Park City, the wasted light from inefficient freeway lights costs taxpayer money and reduces night sky visibility. Hopefully the new Park City regulation will encourage LED versus old style halogen lights along I-40 interchanges and along Utah 224 and 248 approach roads to Park City. If Summit County adopts a similar set of guidelines in the future, then the entire Park City/Snyderville Basin will be that much closer to carbon neutral and IDA standards.

2. New Commercial Developments - given the madcap pace of development that is back underway in Park City/Summit County, these regulations will be fantastic. We can see Park City Mountain Resort from where we live and we do not want to have a view of a "mountain Manhattan" as the parking lot is built up. I assume the folks in Deer Valley feel the same way about their future parking lot development not to mention the massive commercial developments around Kimball Junction. The glow from Redstone is a major issue for sky watching to the north side of Quarry Mountain and Round Valley. I assume that the new Sundance Institute and Arts Center will be in full compliance with the new ordinance as they are built out.

3. Park City Mountain and Deer Valley Ski Resorts - The elimination of night skiing at Park City mountain was generally a good thing - especially from a carbon neutral and dark sky perspective. Much of the lighting issues that the ski resorts must manage will be down at ground level and fall under the commercial development category. I do have two specific questions - first, why does Park City Mountain Resort use old style halogen lighting at an operational facility near the Treasure Hollow run all night and all year long? First, if it is for safety, it makes no sense to have an unshielded light. Second, it is clearly less efficient to operate pink halogen than a modern LED shielded light. And finally, why does it need to be on all night long summer and winter? I am not talking about SnowCat operation. They are actually interesting to watch each night and the drivers need good lighting for safe operations. But a modern fixed facility lighting installation at Treasure Hollow would have motion sensing lights and or/timers and more efficient warm LED versus the pink halogen light that glows on the mountain all night

long. There is also a relatively new facility built by Vail near Porcupine Ridge that also has lights on all night long all year long. It is not even on a major ski run that I can tell (seems to be just off Iron Canyon hiking trail). Again, why not use modern motion sensing LED lights with timers?

4. Hideout Canyon - the illegal annexation of Richardson Flat should be fought for as long as it takes (I have written to Park City Council about this in the past). In the meantime, Wasatch County style "non-regulation" development standards should not be allowed in the Park City/Round Valley/Summit County view shed. During the single public hearing Hideout Canyon held before the developer-owned town council moved ahead with the illegal annexation, I specifically challenged the Hideout Council to stop claiming that they support "open space and dark sky regulations" as they attempt to build their trashy development in Summit County. While I fully support the National Abilities Center (great group), I do wonder if they need old fashioned halogen lights for the horse corrals? It would be a fairly simple solution to modernize the few light sources that are in and around Round Valley to keep it clear from the worsening Wasatch County light pollution and waste of energy.

5. Existing Larger Commercial Developments - I assume that the generally progressive real estate development community in Park City and Summit County will be in favor of this regulation. The incremental cost of the better lighting is minimal especially when considering the life time energy savings, improved ground level safety and overall enhancement of neighborhood property values. Is there a real estate development advisory council helping you with this regulation? I think they would be very influential - hopefully in a positive way. I note that many of the designer houses in Park City have spent thousands of dollars on their outdoor lighting fixtures some of which are actually dark sky compliant. Fortunately they tend to be low lumen designer fixtures.

6. Retail and Public Lighting - As the IDA points out, properly designed lighting puts more light at ground level where it benefits customers and the general public and costs less. I believe that Moab did a detailed survey of their lighting issues (they used some college interns as I recall) and developed a long term plan to preserve as much of the night sky as they could given the need to accomodate a constant flow of paying tourists. Is there a similar survey to help guide implementation of this ordinance in Park City? Winter time lighting (e.g. the famed Bill White holiday trees) are much better now with LEDs but I do hope that all of them are turned off after a certain time when no one is going to see them. Easy enough to install timers. Ditto with the sky- facing lighting of the McPolin Barn and the barn in Snyderville which can both be optimized as a civic attraction while allowing a dark sky.

7. Public Safety Considerations - As with the lighting survey, has the Park City Police Department done geo-mapping of all the crimes and issues that they have to manage within city boundaries? I imagine that there is an excessive amount of older, poorly designed lighting in areas with low issues and other areas where new IDA compliant lighting could help address crime and public safety issues. I would assume that the private security systems vendors in Park City could also be incorporated in this planning effort. It is in everyone's best interest to have efficient ground level lighting, with minimal dark spots as often occurs with out-of-date lighting installations and motion sensors.

8. HomeOwners Associations - We belong to the Cove/Eagle Mountain HomeOwners Association(HOA). As with the real estate development council, I hope that you can develop a lighting advisory group of the HOA leaders and managers. If there is to be gradual change in an older development like ours, it will need to be done through with their assistance and potentially funding. For instance, the outdoor lights in our development are not overly harsh but they are only shielded to the standards of the late 1990's. To gradually make the transition to lighting fixtures that meet modern standards while actually improving light on the ground will take some time per association.

9. General Residential Considerations - Generally I find that people in Park City are thoughtful with their residential lighting with a few exceptions. In a new development not far away, there is a homeowner with new lighting, unfortunately not shielded, who is apparently afraid of the dark. No timers, no motion sensors, all night long, all year long. In California, during the major water shortages, the big users of water were contacted and encouraged to reduce consumption. This is a touchy area but it would be useful to have a municipal process that encourages timers and motion sensors for any lighting that impacts neighbors within the viewshed (not just next door) that encourages timers. Turning off all non-essential light after 11 PM or 12 PM should not really be a burden on anyone and should be gently encouraged.

10. General Sky Awareness - Beyond the improved energy conservation and public safety that modern lighting installations can provide, there are the health benefits of seeing a clear night sky. Whitman said it best:

When I heard the learn'd astronomer,
When the proofs, the figures, were ranged in columns before me,
When I was shown the charts and diagrams, to add, divide, and measure them,
When I sitting heard the astronomer where he lectured with much applause in the lecture-room,
How soon unaccountable I became tired and sick,
Till rising and gliding out I wander'd off by myself,
In the mystical moist night-air, and from time to time,
Look'd up in perfect silence at the stars.

Exhibit A – Public Input

While not an astronomer myself, I do enjoy watching the stars, the phases of the moon, the planets, meteor showers and these days, satellites. If there was a greater public knowledge of and interest in the constant activity in the night sky, people would be more supportive of progressive lighting ordinances. The Salt Lake Astronomical Society (SLAS) does (during non-COVID times) star parties at Jordanelle and in the Wasatch. One thought would be to engage this group with free publicity in Park City for events, say at Bonanza Flats or in Round Valley in the summer where there is access parking. I would hope that the Park Record would assist by including a weekly night sky report from either the SLAS or the Clark Planetarium that would encourage private sky watching as well as create supporters for Park City and future Summit County lighting ordinances.

Please let me know how we can be of support to this great effort,

Best regards,

Craig Wallentine
2731 Gallivan Loop
Park City, Utah 84109

One suggestion for you - if the annual Park City Civic Day is going to be held in early February (perhaps by videoconference due to the COVID epidemic), could you ask to have a section included on this Dark Sky Initiative? We always try to attend this excellent session to learn what is going on in Park City and Summit County and I think this would be a great topic to "spotlight".



November 18, 2020

Liz Jackson
Planner
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Liz:

Thank you for providing me with information regarding the proposed lighting code amendments. Seasonal lights on Main Street and potential code changes are a topic the Historic Park City Alliance would like to provide comment on.

During the Olympics the City facilitated the addition of accent lighting on buildings to add atmosphere to the attractions and activities on Main Street. From 2013 through 2027 the City completed infrastructure improvements to Main Street that included sidewalks, light poles and enhanced connections from Swede Alley. Seasonal lights are used to highlight these connections for guests to find paths to return to the Transit Center or China Bridge Parking Garage.

Bars on Main Street remain open until 2 am. The HPCA requests the Planning Commission consider allowing seasonal lights until 2:30 am. This would allow time for employees to leave businesses after their shifts and still benefit from the enhanced lighting as they return to the Transit Center or their vehicles.

Please let me know if you have questions regarding my comments.

Best regards,

A handwritten signature in black ink that reads "Alison Kuhlow".

Alison Kuhlow
Executive Director

Planning Commission Staff Report

Subject: Affordable Master Planned Developments
Author: Rebecca Ward
Date: December 9, 2020
Type of Item: Work Session



Recommendation

Review the final phase of the proposed Affordable Master Planned Development (AMPD) Land Management Code amendments and provide input.

Acronyms

AMI Area Median Income
AMPD Affordable Master Planned Development
LMC Land Management Code
MPD Master Planned Development

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

Background

In 2016, the City Council passed [Resolution HA 01-2016](#), establishing a goal to create 800 new affordable units by 2026 with an interim goal of 220 units by 2020. The graphic below illustrates the City's progress. While the City has made strides with 537 units in progress, there is still a long way to go and public-private partnerships will be important in developing the remaining 263 units in the next five years.



The proposed AMPD amendments are the final phase in a nearly three-year process to amend the AMPD code to incentivize public-private partnerships in the development of Affordable Housing.

Since 1984, the AMPD code provided a 20-unit Density Bonus for AMPDs with 100% Affordable Housing. However, in 36 years, no AMPD has ever been constructed by a private developer or through a public-private partnership. In early 2018, the City Council directed Planning and Housing staff to evaluate the AMPD code to identify obstacles.

In 2018, staff proposed AMPD amendments to (1) reduce the requirement from 100% to 50% affordable or attainable housing; (2) create a sliding scale for Density Bonuses based on the total percentage of Affordable units and the Area Median Income served – the more affordable units and the lower AMI served, the greater Density Bonus; (3) reduce Off-Street Parking to match general MPD parking requirements; and (4) exempt micro-units 500 square feet or less from parking requirements.

The Planning Commission forwarded a positive recommendation to City Council but requested continued work on Height, micro-unit limitations, and clarification with respect to market-rate units and the density bonus, parking restrictions, and rental units ([Staff Report](#), p. 52; [Minutes](#), p. 11).

When staff presented the proposed AMPD amendments, the City Council requested further study to demonstrate whether the proposed AMPD amendments went far enough to incentivize public-private partnerships. The City hired Cascadia Partners to audit the proposed AMPD code (City Council [Staff Report](#); [Minutes](#), p. 12 - 13).

On November 25, 2019, Cascadia Partners submitted the [*Affordable Master Planned Development Code Audit Report: Identifying Zoning and Housing Development Barriers*](#). Cascadia concluded that the proposed AMPD code did not sufficiently mitigate the funding gap and could not be accommodated on certain sites. Cascadia recommended additional incentives through:

- Reduced Setbacks
- Reduced Open Space
- Increased Floor Area Ratio (allow more Height)
- Increased Lot Coverage
- Reduced Parking

On December 5, 2019, the City Council reviewed Cascadia's Audit Report and directed staff to amend the AMPD code in two phases: Phase I to reduce Setbacks, Open Space, and Parking, and Phase II to increase Height and further reduce parking.

On January 30, 2020, the City Council adopted [Ordinance 2020-09](#), enacting Phase I to reduce MPD Setbacks for Lots less than two acres to the Zone-Required Setbacks, to reduce AMPD Open Space from 50% to 20%, and to reduce AMPD Parking requirements to match general MPD requirements.

To implement Phase II, staff hired Cascadia Partners to evaluate land use codes that incentivize Affordable Housing through reduced parking and increased Height. Cascadia submitted [*Best Practice Research on Height and Parking Code Standards for AMPD Update*](#). The Planning Commission conducted two work sessions and provided input below.

Parking Reductions

On October 28, 2020, the Planning Commission considered parking reductions and provided the following direction ([Staff Report](#); [Minutes](#), p. 3):

- Reduce parking for Affordable Units and require parking mitigations based on transit access, available carshares, motorcycle/scooter parking, and bicycle parking.

Current Requirement		Recommended Requirements		
Dwelling Size	All units	Dwelling Size	Market-Rate Units	Affordable Units
<1,000 SF	1 space per unit	<600 SF	0.5 spaces per unit	None
1,000 – 2,000 SF	1.5 spaces per unit	600 SF – 1,000 SF	1 space per unit	0.5 spaces per unit
>2,000 SF	2 spaces per unit	1,000 – 2,000 SF	1.5 spaces per unit	1 space per unit
		>2,000 SF	2 spaces per unit	1.5 spaces per unit

- Provide additional parking reductions for AMPDs on small sites: for every 15,000 square feet per floor, reduce the parking requirement for 5,000 square feet.
- Reduce Off-Street Parking Requirements for projects on Lots with an area less than 5,000 square feet if sufficient parking demand reductions can be implemented.
- Allow credit for on-street parking along the site frontage.
- Allow credit for off-site parking spaces within 800 to 1,000 feet from the AMPD that are dedicated to AMPD parking.

Increased Height

On November 11, 2020, the Planning Commission provided input on the following ([Staff Report](#); [Audio](#)):

- Allow Height up to 45 feet in:
 - Predominantly Residential Zoning Districts (RD, E, SF)
 - Mixed Residential and Resort-Oriented Zoning Districts (RDM, R-1, RM)
 - Resort-Oriented and Commercial Zoning Districts (RC, LI, GC)
 - Highway 40 Entry Corridor Zoning District (CT)
- Require Height stepdowns from the edge of Buildings to mitigate the impact.
- Apply a maximum building length and façade articulation standard.

AMPD Affordable/Market-Rate Requirements

The final phase in the amended AMPD code requires an evaluation of the percentage of affordable versus market-rate units. Based on amendments to the Housing Resolution and lessons learned through City development of Affordable Housing, staff recommends the following and requests Commission input:

- (I) Separate AMPDs from MPDs and Housing Resolution obligations;
- (II) Require anywhere from 40% to 50% of Affordable Units;
- (III) Allow only Affordable Units – not Attainable Units;
- (IV) Base the Density Bonus on an envelope encompassing reduced Setbacks, Open Space, and increased Height rather than on base-zoning Density;
- (V) Prohibit Nightly Rentals in both affordable and market-rate AMPDs;
- (VI) Potentially allow commercial development on the first floor if the total is less than 10,000 square feet.

Analysis

(I) Staff recommends (a) exempting AMPDs from MPD and Housing Resolution obligations; and (b) separately tailoring AMPD review and approval criteria.

MPD Affordable Housing Obligations are Regulatory

The purposes and criteria for AMPDs and MPDs are not aligned. MPD Housing Resolution obligations are regulatory in nature: they “mitigate the impact of the project on the community” and are “equitably apportioned, based on impact generation, growth inducement, and the underlying goal to provide a diversity of housing types and prices in the community, in order to maintain a healthy economy and diverse population.”¹

Recent changes to the housing mitigation requirements will result in more Affordable Housing through the MPD process. On November 12, 2020, the City Council adopted [Housing Resolution 25-2020](#), which increases Developer obligations triggered by MPDs from 15% to 20% of residential development. Formerly, residential development was calculated per unit, no matter the size of the unit. For example, a 7,500-square-foot Single-Family Dwelling triggered the same obligation as a 2,500-square-foot Single-Family Dwelling because both were counted as one unit. Now, residential obligations are calculated per Residential Unit Equivalent (2,000 square feet). As a result, [Housing Resolution 25-2020](#) increases private Affordable Unit obligations for MPD development.²

AMPDs Incentivize Affordable Housing Development Separate from the MPD Housing Resolution

The AMPD is incentive-based: it “promote[s] housing for a diversity of income groups by providing Dwelling Units for rent or sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing.”³ Due to the distinct purposes of MPDs and AMPDs, staff recommends delineating the AMPD and MPD process.

¹ [Housing Resolution 25-2020](#), ¶ 5 – 6.

² Commercial AUEs are based upon the number of employees generated per use.

³ LMC [§ 15-6-7\(A\)](#).

a. Exempt AMPDs from MPD and Housing Resolution obligations.

The initial 2018 phase of AMPD LMC amendments required a developer to build Affordable Unit Equivalents (AUEs) under the Housing Resolution in addition to the Affordable Units allowed under the AMPD Density Bonus. However, staff now recommends that AMPDs be exempted from additional MPD Housing Resolution obligations.

Otherwise, on top of the required Affordable Housing outlined in the AMPD code, an AMPD proposing 25 Residential Unit Equivalents would have to build an additional 20% or 11 AUEs under the terms of Housing Resolution. The required Affordable Housing in the AMPD code is mixed with market-rate units in order to incentivize Affordable Housing. Requiring additional AUEs on top of the AMPD code disrupts the incentives and conflates the criteria and exemptions, outlined below.

b. Separately tailor AMPD review and approval criteria.

Under the existing MPD code, “All of the [MPD] requirements and findings of this Chapter shall apply to [AMPDs].” For example, Affordable Units do not count toward MPD Density if the units are constructed on site.⁴ Any exceptions to Building Height or parking requirements are granted by the Planning Commission with consideration of the overall MPD approval. MPD Height exceptions cannot be granted to increase square footage, but rather to provide architectural variation.⁵ The Commission may reduce parking requirements based on shared parking and other factors.⁶ These discretionary determinations by the Commission are specific to MPDs in their entirety—not just to the Affordable Housing component—and rely on criteria and analysis separate from what is proposed in the AMPD code.

Staff recommends separating the AMPD and MPD review and approval process so that the AMPD incentives, which provide more certainty, are not conflated with the MPD criteria. Staff also recommends separating the AMPD process from the MPD process to limit the extent to which the AMPD incentives like reductions to Open Space, Parking, and Setbacks, and increases to Height, may apply.

Is the Commission supportive of separating the AMPD from the MPD Housing Resolution obligations?

(II) Staff Recommends Requiring Anywhere from 40% to 50% of Affordable Units to Incentivize Public-Private Partnerships.

Initial study by the Budget Department suggests that a hypothetical 50-unit project is unlikely to reach near-term profitability, despite Phase I reductions to required Setbacks, Open Space, and parking, and the proposed Phase II reductions in parking and

⁴ LMC [§ 15-6-8](#).

⁵ LMC [§ 15-6-5\(F\)](#).

⁶ LMC [§ 15-6-5\(E\)](#).

increased Height. Creation of affordable units in the required amounts will most likely still require public subsidies through land contribution or financing strategies due to the combination of rising design, construction, and land costs.

The Budget Department will participate in the work session and present to the Planning Commission how the proposed AMPD code may incentivize public-private partnerships, including the outcome for an AMPD code that requires anywhere from 40% to 50% Affordable Units.

Would the Commission consider reducing the required Affordable Units from 50% to as low as 40%?

(III) Staff Recommends a Density Bonus for Affordable Units Only.

In the initial 2018 AMPD amendments, staff recommended allowing both Affordable and Attainable Units to qualify for the Density Bonus. In 2018, Attainable Housing was defined as “[h]ousing that is affordable to households with incomes between 101 and 150 percent of Area Median Income as defined by the housing resolution in effect at time of application” ([Staff Report](#), p. 9).

Staff also recommended a Density Bonus based on the percentage of affordable or attainable units and the Area Median Income (AMI) served:

- E. **DENSITY BONUS.** The ~~reviewing agency~~ Planning Commission may increase the allowable Density ~~to a maximum of twenty (20) Unit Equivalents~~ per acre. Allocation of the increase in the allowable Density shall be subject to Density Bonus Tables X and Y and Planning Commission approval. The Density Bonus is calculated as the sum of Density Bonus Tables X and Y. The Unit Equivalent formula applies.
- (1.) A minimum of fifty percent (50%) of a Density Bonus shall be Affordable Housing, as defined by the housing resolution at the time of Application.
 - (2.) A maximum of fifty percent (50%) of a Density Bonus may include market rate housing, except in preexisting approved Master Planned Developments and Planned Unit Developments. Density Bonus allocation shall not exceed a preexisting Master Planned Development Density approval for market rate units.
 - (3.) The Density Bonus shall not be awarded for any Affordable Units which are obligatory under the Housing Resolution.
 - (4) Density Bonus Tables.

- (a) Percentage Affordable and/or Attainable shall be calculated based on the percentage of total project area that is to be designated as Affordable For Sale Units and/or Affordable Rental Units, as defined by the Housing Resolution in effect at the time of application. Table X Percent of Affordable and/or Attainable Unit Factor shall be used to determine the Density Bonus allocated by the Planning Commission based on Percentage Affordable and/or Attainable of the total project area:

TABLE X Percent of Affordable and/or Attainable Unit Factor				
<u>Percentage Affordable and/or Attainable</u>	<u>50% - 60%</u>	<u>61% - 75%</u>	<u>76% - 85%</u>	<u>86% - 100%</u>
<u>Density Bonus (Percentage of Base Zone Density)</u>	50%	60%	80%	100%

- (b) Area Median Income served shall be calculated based on the average Area Median Income of all Affordable For Sale Units and Affordable Rental Units within the project area, as defined by the Housing Resolution in effect at the time of application. Area Median Income data shall be defined by the Unit size and Family Size, as defined in the Housing Resolution in effect at the time of application Table Y Area Median Income Factor shall be used to determine the Density Bonus that may be awarded by the Planning Commission based on Average Area Median Income served:

TABLE Y Area Median Income Factor				
<u>Average Area Median Income Served</u>	<u>< 59%</u>	<u>60% - 80%</u>	<u>81% - 100%</u>	<u>101% - 150%</u>
<u>Density Bonus (Percentage of Base Zone Density)</u>	100%	80%	60%	50%

However, recent studies conducted by the Budget Department indicate that housing below 80% of AMI requires deep subsidies and is not best addressed through the AMPD process, but rather through City-specific housing development plans based on an affordable rental model.

Additionally, [Resolution 25-2020](#) redefines Attainable Housing as “[h]ousing that is priced affordable to households with incomes between 81 and 150 AMI.” Recent developments that included Attainable Housing exposed a potential gap in the market and require more study. At this time, staff recommends that the AMPD Code apply only to Affordable Units – now defined by [Resolution 25-2020](#) as “[h]ousing that is priced affordable to households with incomes at or below 80% of AMI.”

Does the Commission support the AMPD limitation to Affordable Unit Development?

(IV) Staff recommends the Density Bonus be based on an envelope encompassing reduced Setbacks, Open Space, and increased Height rather than on base-zoning Density.

In 2018, staff acknowledged that the Density Bonus would be challenging to apply in certain Zoning Districts because some are volume-based (established by Setbacks and Height), some are based on Floor Area Ratio, and others are based on units per acre ([Staff Report](#), p. 57-60).

Staff recommends that the AMPD Density Bonus be established through volume-based Density in all Zoning Districts, meaning the AMPD units can be built to the full Density available on a Lot so long as the reduced Open Space and Setback requirements, increased Height regulations, and parking requirements are met.

Does the Commission support this approach?

(V) Prohibit Nightly Rentals in all AMPDs

Staff recommends that both the affordable and market-rate units within an AMPD prohibit Nightly Rentals in order to increase primary residences and long-term rentals for the workforce.

Are there any exceptions the Commission would like to make for Nightly Rentals?

(VI) Potentially allow commercial development on the first floor if the total is less than 10,000 square feet.

Commercial, Retail, and Office space with 10,000 square feet or more of Gross Floor Area trigger the MPD process. However, Commercial, Retail, and Office space development on the first floor of an AMPD that is less than 10,000 square feet may help incentivize AMPD development because—while more expensive to finance upfront—commercial use may produce long-term returns higher than residential returns.

To put this in perspective, an average clothing boutique is up to 3,000 square feet, a coffee shop ranges from 1,500 – 2,000 square feet, a small restaurant is around 3,000 square feet, and a small pharmacy or retail store is around 10,000 square feet.

Would the Commission like to consider limited mixed-use development under the AMPD code? If so, staff will conduct further research.

Department Review

The Planning, Affordable Housing, Budget, and Legal Departments reviewed this report.

Notice

The *Park Record* published notice on November 23, 2020. Staff published notice on the City's website and the Utah Public Notice website on November 24, 2020.

Planning Commission Staff Report

Subject: King's Crown Condominiums - Building D
Application: PL-20-04661
Author: Rebecca Ward
Date: December 9, 2020
Type of Item: Administrative – Plat Amendment



The Applicant withdrew this application.

Planning Commission Staff Report



Subject: Lots 27, 28, and 29 - King's Crown Re-Subdivision
Application: PL-20-04660
Author: Rebecca Ward
Date: December 9, 2020
Type of Item: Administrative – Plat Amendment

Recommendation

(1) Review the proposed plat amendment to combine Single-Family Lots 27, 28, and 29 of the King's Crown Re-Subdivision into two Lots, (2) hold a public hearing, and (3) consider forwarding a positive recommendation for City Council's consideration on January 7, 2021.

Description

Applicant: CRH Partners, LLC
Location: 1241, 1249, 1257 Rothwell Road
Zoning District: Recreation Commercial
Adjacent Land Uses: Ski Amenity Building, Single-Family Dwellings, Open Space
Reason for Review: Plat amendments require Planning Commission review and recommendation and City Council review and action

Acronyms

CUP Conditional Use Permit
LMC Land Management Code
MPD Master Planned Development

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

Executive Summary

The Applicant proposes combining Single-Family Lots 27, 28, and 29 of the King's Crown Re-Subdivision and Master Planned Development into two Single-Family Lots (Exhibit B).

Background

The King's Crown Master Planned Development is a 32-Lot subdivision in the Recreation Commercial Zoning District with 27 Single-Family Lots, seven townhomes on Lot 30, and four Condominium Buildings on Lots 1 and 2. Over 11 acres are preserved as Open Space on Lot 32.

The image below shows the recorded Re-Subdivision plat and highlights the three Single-Family Lots proposed to be combined into two Single-Family Lots, located along Rothwell Road, a private road:



- | | |
|------------------|---|
| January 10, 2018 | The Commission approved the King's Crown Master Planned Development and Conditional Use Permit (Staff Report , p. 354; Minutes , p. 38-61) |
| February 1, 2018 | The Council approved Ordinance No. 2018-05 , the King's Crown Re-Subdivision Plat (Staff Report p. 58; Minutes , p. 8-9) |
| June 13, 2018 | The Commission ratified the King's Crown Development Agreement (Staff Report ; Minutes , p. 53-54) |
| May 22, 2019 | The Commission modified the King's Crown Master Planned Development and Conditional Use Permit (Staff Report ; Minutes , p. 46-55) |
| October 10, 2019 | The Council approved Ordinance No. 2019-51 , amending Lots 30 and 32 of the King's Crown Re-Subdivision to accommodate Setback requirements for the Ski Amenity Building (Staff Report ; Minutes , p. 7-8) |

Analysis

The Planning Commission reviews and recommends plat amendments to City Council for final action.¹ Staff recommends the Planning Commission forward a positive recommendation to City Council because the proposal complies with (I) the Development Agreement; (II) the MPD/CUP approval; (III) the Recreation Commercial Zoning District requirements; (IV) the King's Crown Re-Subdivision plat; and (V) LMC § 15-7.1-3(B).

(I) The proposal complies with the Development Agreement.

The Development Agreement allows up to 27 market rate Single-Family Lots (Exhibit C, ¶ 6.2). The Applicant proposes combining Lots 27, 28, and 29 into two Single-Family Lots, reducing the total Single-Family Lots to 26. The removed Lot and Density unit will be eliminated and may not be reallocated (Condition of Approval 4(F)).

The Developer was required to provide 9.75 Affordable Unit Equivalents (AUEs) for the King's Crown MPD pursuant to [Housing Resolution 03-2017](#). However, the Developer exceeded this requirement and provided 12.91 AUEs (Exhibit D, Finding of Fact 2). No AUE reduction is granted for reduced Density and this Lot combination will not impact the Developer's AUE obligations. No amendment to the King's Crown Housing Mitigation Plan is proposed and no AUE obligations will be reduced through this approval.

(II) The proposal complies with the King's Crown MPD/CUP approval.

On January 10, 2018, the Planning Commission approved the King's Crown MPD/CUP, including 27 Single-Family Dwelling Lots. Finding of Fact 8 states that the Applicant "does not plan on building the 27 houses, but to develop the lots to be able to sell them individually" (Exhibit E).

Finding of Fact 45 estimated that the total square footage for the 27 Single-Family Dwellings would be 71,880. Under the Recreation Commercial Zoning District, the Building Pad (the area within the Setbacks), the Building Footprint, and the Building Height determine the total square footage on each Lot. A formula for Single-Family Dwellings based on Lot size in the Recreation Commercial Zoning District reduces the Building Footprint as the Lot size increases:² $\text{MAXIMUM FOOTPRINT} = (\text{LOT AREA}/2) \times 0.9^{\text{LOT AREA}/1875}$.

The existing Single-Family Lots 27, 28, and 29 have a Building Footprint outlined below:

Lot 27	1,037 square feet
Lot 28	1,027 square feet
Lot 29	1,027 square feet
TOTAL 3,091 square feet	

¹ LMC [§ 15-12-15\(B\)\(9\)](#).

² LMC [§ 15-2.16-5\(D\)](#).

The proposal to combine the three Lots into two results in a diminished Building Footprint as follows:

Lot 27	1,447 square feet
Lot 28	1,446 square feet
TOTAL 2,893 square feet	

The plat amendment to combine three Single-Family Lots into two will reduce the Single-Family Dwelling Footprints by 198 square feet, which will then reduce the overall buildable area within the Height constraints. As a result, the overall Single-Family Dwelling square footage in the King's Crown MPD will be reduced by approximately 400 square feet.

(III) The proposal complies with the Recreation Commercial Zoning District Requirements outlined in LMC Chapter 15-2.16.

The purposes of the Recreation Commercial Zoning District in LMC [§ 15-2.16-1](#) include clustering of Development to preserve Open Space, limiting new Development on visible hillsides and sensitive view Areas, providing opportunities for variation in architectural design and housing types, minimizing architectural impacts of the automobile, and promoting Development that reflects traditional Park City architectural patterns, character, and Site designs. Single-Family Dwellings are an Allowed Use.³

The Lot Size, Building Footprint, and Setbacks for Single-Family Dwellings are regulated under LMC [§ 15-2.16-5](#):

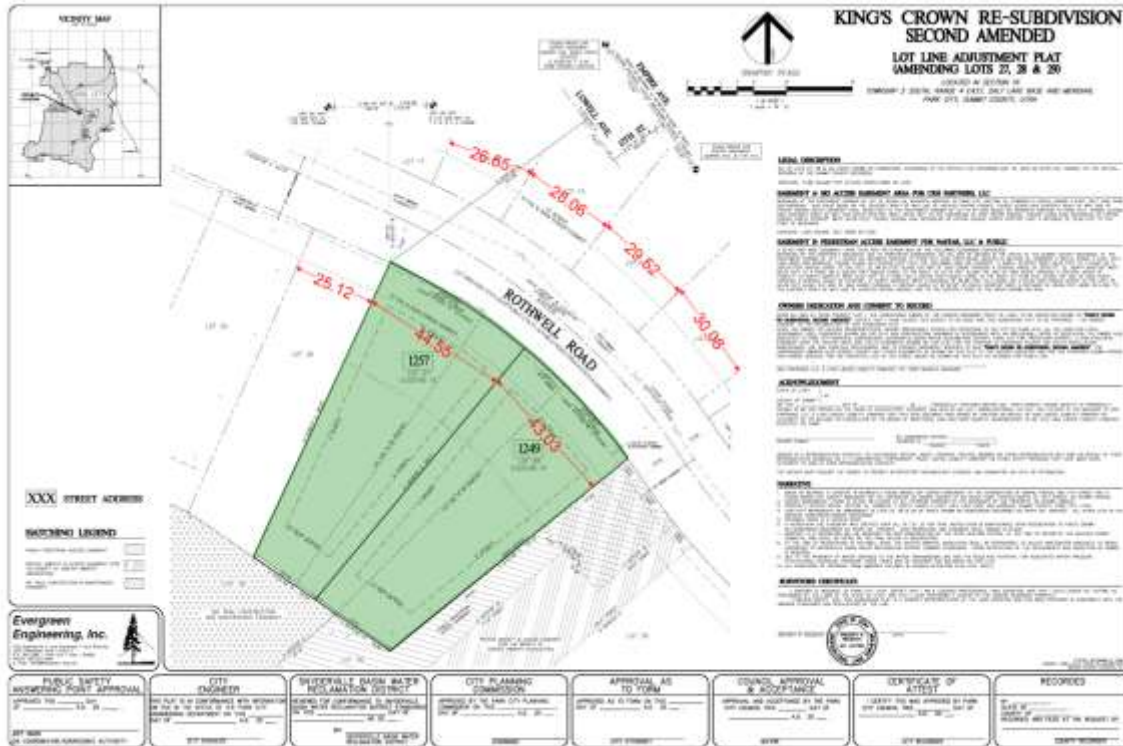
Zoning Requirement	Analysis
Minimum Lot Area is 1,875 SF	Complies Lot 27 is 3,529.95 SF Lot 28 is 3,525.85 SF
Minimum Lot width is 25 feet, measured 15 feet from the Front Lot Line	Complies Lot 27 is 44.55' Lot 28 is 43' The average width for Single-Family Lots in the King's Crown Re-Subdivision is 31 feet, with the widest (Lots 8 and 22) at 56' and the narrowest at 25'. The adjacent Lot widths are shown in the image below.

³ LMC [§ 15-2.16-2\(A\)](#).

Building Footprint is calculated based on this formula: Maximum FP = $(A/2) \times 0.9^{A/1875}$ FP = Footprint A = Lot Area	Complies Lot 27 – maximum Building Footprint is 1,447 SF Lot 28 – maximum Building Footprint is 1,446 SF Condition of Approval (4)(a) requires this Footprint maximum to be included on the plat.
For Lot widths up to 50', the Side Setbacks are 5'	Complies The Side Setbacks for both Lots are 5'
For Lot depths 75' to 100', the Front and Rear Setbacks must be at least 12' and together must total at least 25'	Complies The Front Setbacks for both Lots are 12' The Rear Setbacks for both Lots are 13'
Snow Release	Condition of Approval (4)(b) requires Site plans and Building designs to resolve snow release issues to the satisfaction of the Chief Building Official
Single-Family Dwellings in the Recreation Commercial Zoning District within two blocks of the Historic Residential-1 Zoning District must comply with the Design Guidelines for Historic Districts and Sites⁴	Condition of Approval (4)(c) requires Historic District Design Guideline review and compliance

See the image on the next page comparing adjacent Single-Family Lot widths:

⁴ LMC [§ 15-2.16-7\(B\)](#).



(IV) The recommended Conditions of Approval comply with the King's Crown Re-Subdivision Plat requirements.

The King's Crown Re-Subdivision contains the following notes that will be required for the plat combining Lots 27, 28, and 29 into two lots:

- Dry utility infrastructure must be located on the Lot and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping
- Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of building permit submittal
- Development on each Lot is limited to one (1) Single-Family Dwelling and the removed Lot and Density unit is eliminated and may not be reallocated
- Due to the proximity of water services to the water transmission line and the resulting potential for associated water pressure fluctuations, individual pressure surge tanks may be required for buildings on each Lot

These requirements are reflected in Conditions of Approval (4)(d) through (4)(g).

(V) The proposal complies with LMC § 15-7.1-3(B).

The combining of existing subdivided Lots requires (a) a finding of Good Cause and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or

amended.⁵

(a) Good Cause

LMC § 15-15-1 defines *Good Cause* as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds Good Cause because the proposed amendment reduces the overall King’s Crown MPD density and Single-Family Dwelling density accessed by a private road.

(b) No Right-of-Way is Vacated and Easements Must be Shown on the Final Plat

Lots 27, 28 and 29 are accessed by Rothwell Road, a private road. The proposed plat amendment does not vacate Rothwell Road.

The Snyderville Basin Water Reclamation District (SBWRD) requires that the *Grant of Easement and Access Easement for Construction and Maintenance of Wastewater Collection and Transportation Pipelines and Appurtenances* (Summit County Recorder Entry No. 1088815) be shown on the plat, reflected in Condition of Approval 5 (Exhibit F). Additionally, the combination of three Lots into two will require abandonment of a lateral stub. This must be completed before SBWRD grants the project Final Project Approval and is reflected in Condition of Approval 6.

Department Review

The Development Review Committee and Planning, Engineering, and Legal Departments reviewed this application.

Notice

Staff published notice on the City’s website and the Utah Public Notice website, and posted notice to the property on November 24, 2020. Staff mailed courtesy notice to property owners within 300 feet on November 24, 2020. The *Park Record* published notice on November 23, 2020. LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

⁵ LMC [§ 15-7.1-3\(B\)](#).

Exhibits

Exhibit A: Draft Ordinance and Proposed Plat

Exhibit B: Applicant's Statement

Exhibit C: King's Crown Development Agreement

Exhibit D: King's Crown Third Amended Housing Mitigation Plan

Exhibit E: January 10, 2018 MPD/CUP Final Action Letter

Exhibit F: Snyderville Basin Water Reclamation District Requirements

Ordinance No. 2021-XX

AN ORDINANCE APPROVING THE KING'S CROWN RE-SUBDIVISION SECOND AMENDED LOT LINE ADJUSTMENT PLAT, AMENDING LOTS 27, 28, AND 29, LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH

WHEREAS, the owners of the property located at 1241, 1249, and 1257 Rothwell Road petitioned the City Council for approval of the King's Crown Re-Subdivision Second Amended Lot Line Adjustment Plat combining Lots 27, 28, and 29 of the King's Crown Re-Subdivision into two Single-Family Dwelling Lots;

WHEREAS, on November 23, 2020, the *Park Record* published public notice;

WHEREAS, on November 24, 2020, staff mailed courtesy notice to property owners within 300 feet, posted notice to the property, and published notice on the City's website and the Utah Public Notice website;

WHEREAS, on December 9, 2020, the Planning Commission reviewed the proposed plat amendment to combine Lots 27, 28, and 29 into two lots, held a public hearing, and forwarded a _____ recommendation to the City Council;

WHEREAS, on January 7, 2021, the City Council reviewed the proposed plat amendment and held a public hearing;

WHEREAS, the plat amendment is consistent with the King's Crown Development Agreement, MPD/CUP approval, Recreation Commercial Zoning District requirements, the King's Crown Re-Subdivision Plat, and the Land Management Code;

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

SECTION 1. APPROVAL. The King's Crown Re-Subdivision Second Amended Lot Line Adjustment Plat, amending Lots 27, 28, and 29 to combine three Single-Family Lots into two Single-Family Lots is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development and Conditional Use Permit.
2. On February 1, 2018, the City Council approved Ordinance No. 2018-05, the King's Crown Re-Subdivision Plat (Summit County Recorder Entry No. 1091847).
3. On June 13, 2018, the Planning Commission ratified the King's Crown Development Agreement (Summit County Recorder Entry No. 1093392).

4. On May 22, 2019, the Planning Commission modified the King's Crown Master Planned Development and Conditional Use Permit.
5. On October 10, 2019, the City Council approved Ordinance No. 2019-51, amending Lots 30 and 32 of the King's Crown Re-Subdivision to accommodate Setback requirements for the Ski Amenity Building (Summit County Recorder Entry No. 1141429).
6. The King's Crown Master Planned Development is a 32-Lot subdivision in the Recreation Commercial Zoning District that includes 27 Single-Family Lots, seven townhomes on Lot 30, and four Condominium Buildings on Lots 1 and 2. Over 11 acres are preserved as Open Space on Lot 32.
7. Lots 27, 28, and 29 are for Single-Family Dwelling development and are accessed by Rothwell Road, a private road.
8. The King's Crown Development Agreement allows up to 27 market rate Single-Family Lots. The Applicant proposes reducing the Single-Family Lots from 27 to 26.
9. The Developer was required to provide 9.75 Affordable Unit Equivalents (AUEs) for the King's Crown MPD pursuant to Housing Resolution 03-2017. However, the Developer exceeded this requirement and provided 12.91 AUEs. The Lot combination reducing 27 Single-Family Lots to 26 Single-Family Lots does not impact the Developer's AUE obligations. No amendment to the King's Crown Housing Mitigation Plan is proposed and no AUE obligations will be reduced through this approval.
10. The Recreation Commercial Zoning District requires a minimum Lot Area of 1,875 square feet. Lot 27 is 3,529.95 square feet. Lot 28 is 3,525.85 square feet.
11. The Recreation Commercial Zoning District requires a minimum Lot width of 25 feet, measured 15 feet from the Front Lot Line. The Lot 27 width is 44.55 feet. The Lot 28 width is 43 feet.
12. The Recreation Commercial Zoning District Building Footprint for Single-Family Dwellings is calculated by this formula: $\text{Maximum Footprint} = (\text{Lot Area}/2) \times 0.9^{\text{LOT AREA}/1875}$.
13. The existing Building Footprint is 1,037 square feet for Lot 27, 1,027 square feet for Lot 28, and 1,027 square feet for Lot 29. The amended maximum Building Footprint is 1,447 square feet for Lot 27, and 1,446 square feet for Lot 28. The plat amendment reduces the Single-Family Footprints by 190 square feet.
14. The Recreation Commercial Zoning District Side Setbacks for Lot widths up to 50 feet are five feet. Both Lot 27 and Lot 28 meet this Side Setback requirement.
15. The Recreation Commercial Zoning District Front and Rear Setbacks must be at least 12 feet and together must total at least 25 feet. The Front Setbacks for both Lots 27 and 28 are 12 feet; the Rear Setbacks for both Lots 27 and 28 are 13 feet.

16. The Recreation Commercial Zoning District Building Height cannot exceed 27 feet and Final Grade must be within four vertical feet of Existing Grade around the periphery of the Structure.
17. Single-Family Dwellings in the Recreation Commercial Zoning District within two blocks of the Historic Residential-1 Zoning District must comply with the Design Guidelines for Historic Districts and Sites.

Conclusions of Law

1. There is Good Cause for this plat amendment because the plat amendment reduces the overall King's Crown Master Planned Development density and Single-Family Dwelling density accessed by a private road.
2. The plat amendment is consistent with the Land Management Code.
3. Neither the public nor any person will be materially injured by this 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 Applicant is responsible for compliance with all conditions of approval.
2. 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.
3. 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.
4. The final recorded plat shall include the following notes:
 - a. The maximum Building Footprint for Lot 27 is 1,447 square feet. The maximum Building Footprint for Lot 28 is 1,446 square feet.
 - b. The Site plans and Building designs shall resolve snow release issues to the satisfaction of the Chief Building Official.
 - c. The Single-Family Dwellings on Lot 27 and Lot 28 shall comply with the Design Guidelines for Historic Districts and Sites.
 - d. Dry utility infrastructure must be located on the Lot and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.

- e. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of building permit submittal.
 - f. Development on each Lot is limited to one (1) Single-Family Dwelling and the removed Lot and Density unit is eliminated and may not be re-allocated.
 - g. Due to the proximity of water services to the water transmission line and the resulting potential for associated water pressure fluctuations, individual pressure surge tanks may be required for buildings on each Lot.
5. The *Grant of Easement and Access Easement for Construction and Maintenance of Wastewater Collection and Transportation Pipelines and Appurtenances* (Summit County Recorder Entry No. 1088815) shall be shown on the plat.
6. The extra lateral stub needs to be abandoned. This must be accomplished by exposing the lateral connection at the main line (in the road) and disconnecting the lateral, installing a cap or push-in plug at the HDPE connection tee, and installing a cap in the upstream abandoned line. This work will not be required before Snyderville Basin Water Reclamation District (SBWRD) signs the plat, but must be completed before SBWRD grants the project Final Project Approval.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 7th Day of January, 2021.

PARK CITY MUNICIPAL CORPORATION

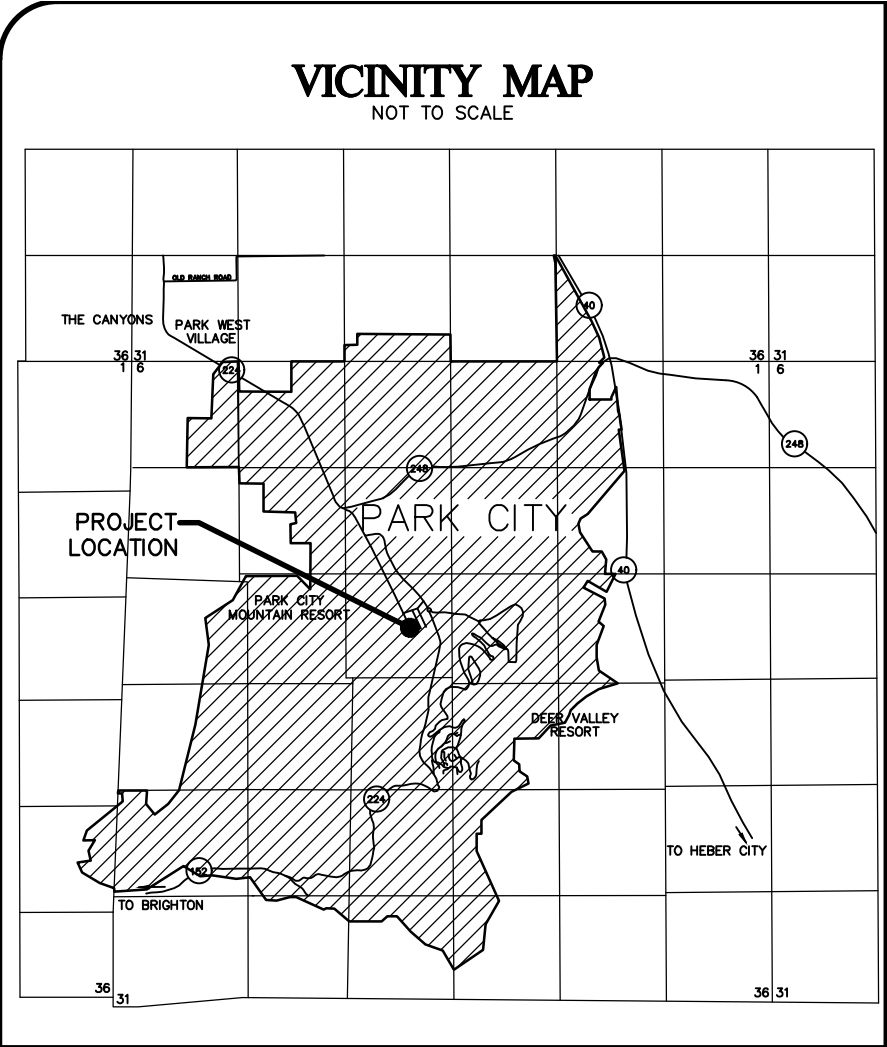
Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



XXX STREET ADDRESS

HATCHING LEGEND

- PUBLIC PEDESTRIAN ACCESS EASEMENT
- PRIVATE AMENITY & ACCESS EASEMENT (FOR THE BENEFIT OF MASTER OWNER'S ASSOCIATION)
- SKI TRAIL CONSTRUCTION & MAINTENANCE EASEMENT

Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
1678 Sidewinder Drive • Suite C
P.O. Box 2861 • Park City • Utah • 84060
Phone: 801.557.5482
E-mail: office@evergreen-eng.com



PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS _____ DAY
OF _____ A.D. 20 ____ .

JEFF WARD
GIS COORDINATOR/ADDRESSING AUTHORITY

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION
ON FILE IN THE OFFICE OF THE PARK CITY
ENGINEERING DEPARTMENT ON THIS _____
DAY OF _____ A.D. 20 ____ .

CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF _____
AD 20 ____ .

BY:

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING
COMMISSION ON THIS _____
DAY OF _____ A.D. 20 ____ .

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____
DAY OF _____ A.D. 20 ____ .

CITY ATTORNEY

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK
CITY COUNCIL THIS _____ DAY OF _____
A.D. 20 ____ .

MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS WAS APPROVED BY PARK
CITY COUNCIL THIS _____ DAY OF _____
A.D. 20 ____ .

CITY RECORDER

RECORDED

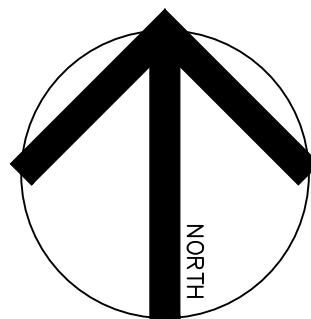
Nº. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF: _____

COUNTY RECORDER

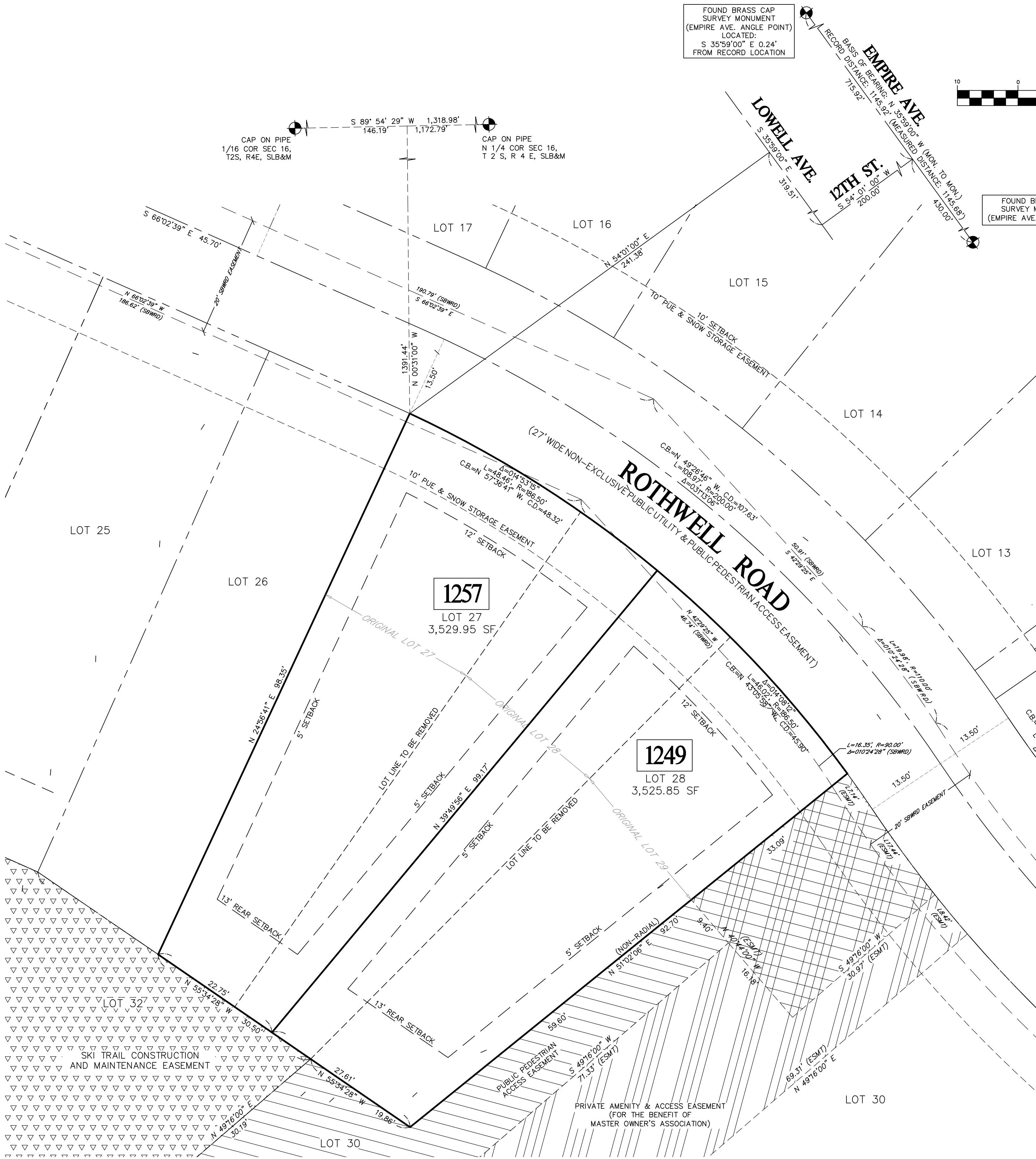
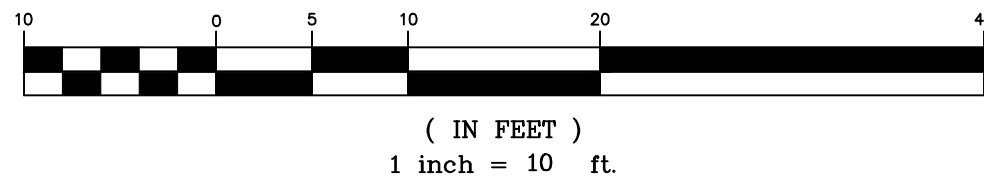
KING'S CROWN RE-SUBDIVISION SECOND AMENDED

LOT LINE ADJUSTMENT PLAT (AMENDING LOTS 27, 28 & 29)

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH



GRAPHIC SCALE



LEGAL DESCRIPTION

ALL OF LOTS 27, 28 & 29, KING'S CROWN RE-SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT RECORDED MAY 16, 2018 AS ENTRY NO. 1091847, OF THE OFFICIAL RECORDS OF THE SUMMIT COUNTY RECORDER.

CONTAINS: 7,056 SQUARE FEET (0.1620 ACRES) MORE OR LESS.

EASEMENT A: SKI ACCESS EASEMENT AREA FOR CRH PARTNERS, LLC

BEGINNING AT THE NORTHWEST CORNER OF LOT 15, BLOCK 45, SNYDER'S ADDITION TO PARK CITY, SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE SOUTH 35°59'00" EAST, 50.00 FEET TO THE SOUTHWEST CORNER OF LOT 16 OF SAID BLOCK 45, SNYDER'S ADDITION TO PARK CITY; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE SOUTH 54°01'00" WEST, 25.00 FEET TO THE CENTERLINE OF SAID PINYON AVENUE; THENCE ALONG SAID CENTERLINE OF PINYON AVENUE NORTH 35°59'00" WEST, 50.00 FEET; THENCE LEAVING SAID CENTERLINE OF PINYON AVENUE, NORTH 54°01'00" EAST A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 1,250 SQUARE FEET, MORE OR LESS

EASEMENT B: PEDESTRIAN ACCESS EASEMENT FOR NASTAR, LLC & PUBLIC

A 20.00 FOOT WIDE EASEMENT, LYING 10.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING ON THE NORTHERLY BOUNDARY LINE OF NORTSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 39, SNYDER'S ADDITION TO PARK CITY, SAID POINT BEING LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG AN EXISTING FOOT PATH THE FOLLOWING NINE (9) COURSES: 1) NORTH 43°00'27" WEST 52.04 FEET TO A POINT ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, 2) 144.20 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°02'12", 3) NORTH 68°02'39" WEST 80.24 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 4) 52.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°06'27", 5) NORTH 52°56'12" WEST 61.51 FEET TO A POINT ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, 6) 15.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°33'09", 7) NORTH 48°23'03" WEST A DISTANCE OF 84.86 FEET TO A POINT ON A 65.00 FOOT RADIUS CURVE TO THE LEFT, 8) 92.46 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°30'18", 9) SOUTH 50°06'39" WEST A DISTANCE OF 48.39 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF VACATED PINYON AVENUE, AND TO THE EASTERLY EDGE OF THE KING'S CROWN SKI RUN.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "KING'S CROWN RE-SUBDIVISION, SECOND AMENDED", CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS SUBDIVISION PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDATION OF THIS SUBDIVISION PLAT. ALSO, THE OWNER, OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY, ALL THE LAND FOR LOCAL GOVERNMENT USES, EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. THE OWNER ALSO DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, A NON-EXCLUSIVE EASEMENT OVER THE PRIVATE DRIVE AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID "KING'S CROWN RE-SUBDIVISION, SECOND AMENDED". THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON, AND HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC AREAS AS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

CRH PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY. BY: RORY MURPHY, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH } ss.
COUNTY OF SUMMIT }
ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, RORY MURPHY, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE MANAGER OF CRH PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID RORY MURPHY ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____
COUNTY, STATE

SIGNING IN A REPRESENTATIVE CAPACITY: AN AUTHORIZED OFFICER, AGENT, PARTNER, TRUSTEE, MEMBER OR OTHER REPRESENTATIVE MAY SIGN ON BEHALF OF THEIR REPRESENTATIVE BUSINESS, BE IT A CORPORATION, PARTNERSHIP, TRUST, LIMITED LIABILITY COMPANY OR OTHER ENTITY PROVIDING THEY HAVE BEEN GIVEN AUTHORITY TO SIGN IN THEIR REPRESENTATIVE CAPACITY.

THE NOTARY MUST REQUIRE THE SIGNER TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE AND ADMINISTER AN OATH OR AFFIRMATION.

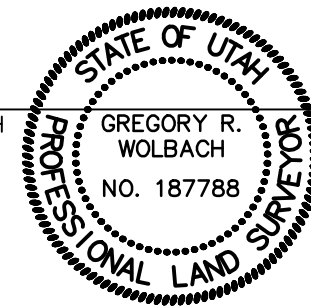
NARRATIVE

1. BASIS OF BEARING: N 35°59'00" W BETWEEN A FOUND BRASS CAP SURVEY MONUMENT AT THE INTERSECTION OF EMPIRE AVENUE AND 11TH STREET AND A FOUND BRASS CAP SURVEY MONUMENT ON THE CENTERLINE OF EMPIRE AVENUE AT AN ANGLE POINT LOCATED NORTH OF 13TH STREET, AS SHOWN HEREON.
2. SURVEY MONUMENTS: FOUND IN PLACE OR PLACED AT ALL EXTERIOR CORNERS OF THE BOUNDARY OF THE PROPERTY, AS SHOWN HEREON.
3. PROPERTY LOCATED WITHIN: SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, PARK CITY, UTAH.
4. THIS PLAT REPRESENTS AN AMENDMENT TO LOTS 27, 28 & 29 OF KING'S CROWN RE-SUBDIVISION (RECORDED AS ENTRY NO. 1091847). ALL OTHER LOTS IN THE ORIGINAL SUBDIVISION REMAIN UNCHANGED.
5. ROTHWELL ROAD IS A PRIVATE ROAD.
6. A RECREATION USE EASEMENT WAS CREATED OVER ALL OF LOT 32 FOR TRAIL INSTALLATION & MAINTENANCE UPON RECORDATION OF KING'S CROWN RE-SUBDIVISION (RECORDED AS ENTRY NO. 1091847). SAID RECREATION USE EASEMENT SHALL REMAIN IN PLACE.
7. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL AND SHALL BE NOTED ON THE FINAL MYLAR TO RECORDATION.
8. AT THE TIME OF RESURFACING OF ROTHWELL ROAD, THE MASTER OWNER'S ASSOCIATION SHALL BE RESPONSIBLE TO ADJUST WASTEWATER MANHOLES TO GRADE ACCORDING TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT (SBWRD) STANDARDS. PRIOR NOTIFICATION OF THE ADJUSTMENTS AND INSPECTION BY SBWRD IS REQUIRED.
9. DUE TO THE PROXIMITY OF WATER SERVICES TO THE WATER TRANSMISSION LINE AND THE RESULTING POTENTIAL FOR ASSOCIATED WATER PRESSURE FLUCTUATIONS, INDIVIDUAL PRESSURE SURGE TANKS MAY BE REQUIRED FOR BUILDINGS ON EACH LOT.
10. ALL CONDITIONS OF APPROVAL FROM AMENDED CUP/MPD & HOUSING MITIGATION PLAN STILL APPLY.

SURVEYORS CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY. I FURTHER CERTIFY THAT THIS SUBDIVISION PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH



DATE:

PLOTTED: SEPTEMBER 21, 2020
DRAWING: LOWELL-PLAT-LOTS26-28-AMENDED.DWG
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September 24, 2020

Rebecca Ward, Senior Planner
Park City Planning Department
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1450
Park City, UT 84060

RE: King's Crown Re-Subdivision Plat Amendment, Combination of Lots 27, 28 and 29.

Rebecca,

Please find attached to this letter a complete application for a Plat Amendment for the King's Crown Re-Subdivision. We are proposing to combine Lots 27, 28 and 29 into two lots. The proposal reduces both the over-all amount of square footage that will be built in King's Crown as well as the overall number of units that will be built. The request is reasonably straight-forward and does not affect any other part of the Development Agreement for King's Crown other than to reduce the overall units by one and to reduce the overall square footage of the project by approximately 400-450 square feet. The number is approximate due to nuances of lot configurations in the Historic District sections of the Land Management Code.

There is very little, if any, impact to the existing neighborhood except for slightly reduced vehicle trips and other end-user-oriented impacts (such as water usage, power, etc.). Generally, a reduction in the number of units will also reduce construction impacts and timing. There are no apparent negative impacts to this proposal that the Applicant can surmise. We are, however, open to any questions or concerns whatsoever regarding this proposal.

Currently the lots are configured as three lots of 2,343 sf, 2,342 sf and 2,370 sf each. The approximate house size that can be constructed on each lot is approximately 2,550-2,570 sf. Again, the figure is approximate due to nuances in the LMC that apply to Old Town Historic District lots. This would total up to 7,650-7,710 sf of built structure above-ground. The proposal to combine the three lots into two lots would result in two lots of 3,529 sf and 3,525 sf each. The approximate house size of the two new lots proposed would be 3,650-3,685 sf. This would total approximately 7,300-7,370 sf of built structure above-ground. This demonstrates that the proposal would reduce not only the overall number of units but the total amount of square footage in the King's Crown project as a whole. Visually, the variation in the house sizes between what is approved and what is proposed would be relatively minimal. There would be slightly more open space and area for landscaping due to the increase in setbacks. The LMC is very complex relative to lot sizes in the Historic Districts and can be examined in detail in Section 15-

2.16-5 of the Code. Generally speaking, as acreage in the lot size increases, the buildable area ratio formula decreases.

The applicant is proposing this to accommodate an end-user and we feel it is a reasonable request and actually reduces the over-all impacts of the project, albeit slightly. We are looking forward to discussing this with both the Staff and the Commission to understand any concerns or questions that may come up regarding this proposal. We are grateful for the Staff and the Commission's consideration of this proposal and look forward to discussing it with you.

Sincerely,

Rory Murphy
Managing Partner, CRH Partners, LLC

WHEN RECORDED, MAIL TO:
City Recorder
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060

ENTRY NO. 01093392

06/14/2018 03:43:41 PM B: 2466 P: 0980

Agreement PAGE 1/167

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 373.00 BY CRH PARTNERS LLC



**DEVELOPMENT AGREEMENT
FOR THE KING'S CROWN MASTER PLANNED DEVELOPMENT (MPD),
LOCATED AT 1201-1299 LOWELL AVENUE, PARK CITY,
SUMMIT COUNTY, UTAH**

June This Development Agreement (this "Agreement") is entered into as of this 14th day of ~~May~~, 2018, by and between CRH Partners, LLC, a Utah limited liability company ("Developer"), as the owner and developer of certain real property located in Park City, Summit County, Utah, on which Developer proposes the development of a project known as the King's Crown Master Planned Development, and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

RECITALS

A. Developer is the owner of a 15.01-acre parcel of real property located at 1201-1299 Lowell Avenue in Park City, Summit County, Utah, the legal description of which is attached hereto as **Exhibit A**, and incorporated herein by this reference (the "Property"), for which the Developer has obtained Master Planned Development approval, pursuant to Application Number PL-17-03515, and Conditional Use Permit approval pursuant to Application Number PL-17-03566 for the development known as King's Crown Master Planned Development (the "Project"), as more fully described in and subject to the Findings of Fact, Conclusions of Law and Conditions of Approval adopted by the Planning Commission on January 10, 2018, and as set forth in the Approval Letter from Park City dated January 22, 2018, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference (collectively referred to herein as the "MPD Approval Letter").

B. Park City requires development agreements under the requirements of the Park City Land Management Code ("LMC") for all Master Planned Developments.

C. Developer is willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.

D. Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, et seq., and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

Now, therefore, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developer and Park City hereby agree as follows:

1. **Property.**

The King's Crown Master Planned Development Property is a 15.01-acre parcel of real property located directly adjacent to the Park City Resort (the "Resort"), and the King's Crown ski run cuts through the Property on its western boundary. The Property is zoned RC District (4.59 acres), RC District within the SLO Zone (1.81 acres), ROS District (1.93 acres) and ROS District within the SLO Zone (6.68 acres).

2. **Project Conditions.**

2.1. The MPD Approval Letter, as approved by the Planning Commission on January 10, 2018, is attached hereto as **Exhibit B** and is incorporated herein as the Project, subject to any changes detailed herein.

2.2. In connection with Developer's application to Park City for Master Planned Development Approval and Conditional Use Permit approval for the Project, Developer submitted to the Planning Commission certain reports, plans and drawings. Attached to this Agreement and incorporated herein by this reference are copies of the following reports, plans and drawings that were submitted by Developer to Park City:

- Exhibit A -** Exhibit A – Legal Description of the Property
- Exhibit B -** Exhibit B – King's Crown Master Planned Development and Conditional Use Permit Approval Letter approved by the Planning Commission on January 10, 2018
- Exhibit C -** Cultural Survey
- Exhibit D -** Mine Site Studies
- Exhibit E -** Proposed Export Fill
Placement Exhibit and Possible
Fill Locations
- Exhibit F -** SFD Approximate Excavation Quantities
- Exhibit G -** General Drawings
- Exhibit H -** Civil Drawings (ALTA & Slope)
- Exhibit I -** Proposed Plat (updated)
- Exhibit J -** Survey
- Exhibit K -** Civil Drawings
- Exhibit L -** Landscape Drawings
- Exhibit M -** Architectural Site Drawings
- Exhibit N -** Site Compliance Drawings
- Exhibit O -** Architectural Graphics Drawings
- Exhibit P -** Architectural Drawings
- Exhibit Q -** Material Board
- Exhibit R -** Townhome Rendering
- Exhibit S -** Environmental Survey
- Exhibit T -** Open Space Use Plan
- Exhibit U -** Trails Master Plan
- Exhibit V -** Construction Mitigation Plan

2.3. As required by Conditions of Approval number 18 on page 11 of the MPD Approval Letter, an open space use plan (the "Open Space Use Plan") that has been approved by Developer and the Park City Planning Department is attached hereto as **Exhibit T** and is incorporated herein by this reference.

2.4. As required by Conditions of Approval number 19 on page 11 of the MPD Approval Letter, a trails master plan (the "Trails Master Plan") that has been approved by Developer and the Park City Planning Department is attached hereto as **Exhibit U** and is incorporated herein by this reference.

2.5. As required by Conditions of Approval number 2 on page 10 of the MPD Approval Letter, a construction mitigation plan (the "Construction Mitigation Plan") that has been delivered by Developer to the Park City Planning Department is attached here to **Exhibit V** and is incorporated herein by this reference.

2.6. Developer and its successors agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

2.7. Developer and any successors agree that the following are required to be entered into and approved by Park City prior to the issuance of any building permits for the Project: (a) a construction mitigation plan, (b) utility plans, (c) a storm water run-off and drainage plan, (d) an affordable housing plan, and (e) a water efficient landscape and irrigation plan showing storm water facilities and snow storage areas.

2.8. Developer shall be responsible for compliance with all requirements and conditions of the Snyderville Basin Water Reclamation District prior to the issuance of any building permits for the Project.

2.9. Developer is responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands. Developer is responsible for receiving any Army Corp of Engineer Permits required related to disturbance of streams and wetlands.

2.10. Developer caused to be prepared an environmental survey (the "Environmental Survey"), a copy of which is attached hereto as **Exhibit S**. The Environmental Survey revealed that there were no environmental contaminants on the Property.

2.11. Developer caused to be prepared certain mine site studies (the "Mine Site Studies"), copies of which are attached hereto as Exhibit D. The Mine Site Studies reveal that there were no mining related activities conducted in the past on the Property.

3. Developer Exactions/Public Dedications.

Along the portion of the Project that abuts and is contiguous to Lowell Avenue, Developer shall be obligated to construct and dedicate to Park City a public sidewalk that is constructed in compliance with the construction standards and specifications of Park City for a public sidewalk. In addition, Developer shall be obligated to grant a perpetual, nonexclusive easement for public

pedestrian and bicycle access through the private road identified on the Plat as Rothwell Road and through the open space trails within the Project as identified on the Plat.

4. Vested Rights and Reserved Legislative Powers.

4.1. Subject to the provisions of this Agreement, Developer shall have the right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, subject to compliance with the other applicable ordinances and regulations of Park City.

4.2. Reserved Legislative Powers. Developer acknowledges that Park City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to Park City all of its police power that cannot be so limited. Notwithstanding the retained power of Park City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in Park City; and, unless Park City declares an emergency, Developer shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

5. Successors and Assigns.

5.1. Binding Effect. This Agreement shall be binding on the successors and assigns of Developer in the ownership or development of any portion of the Project.

5.2. Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of Park City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to Park City, and the prior written consent of Park City may also be evidenced by letter from Park City to Developer or its successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developer prior to construction of buildings or improvements on the parcels, with Developer retaining all rights and responsibilities under this Agreement.

6. Phasing and Form of Ownership.

6.1. Project Phasing. The Project shall be developed in three (3) phases. Following the recording in the Office of the Recorder of Summit County, Utah of the subdivision plat ("the Plat") that has been approved by Park City for the Project, the first phase of the Project shall include the construction and completion by Developer of Rothwell Road, Building A, which is the affordable housing building, and the ski access and the associated ski facility and infrastructure, all as shown on the Plat. As a condition precedent to Park City issuing a certificate of occupancy for any market rate unit within the Project, Park City shall be provided with proof of the construction and

completion by Developer of Rothwell Road. The second phase of the Project shall be commenced and shall proceed: (a) based on the local real estate sales market acceptance for the market rate condominium units, and (b) based on the ability of Developer to obtain the requisite construction financing. Developer shall cause to be constructed during the second phase the 23 market rate condominium units in Building B, C, D within Lot 2 and the 7 market rate condominium units within Lot 30. The second phase of the Project may be commenced prior to the completion by Developer of the first phase of the Project, but as stated above Park City shall not issue a certificate of occupancy for any market rate unit within the Project in either the second phase or the third phase until Park City shall be provided with proof of the construction and completion by Developer of Rothwell Road and Building A, which is the affordable housing building. The third phase of the Project shall consist of the improvement and sale of the 27 market rate single-family lots, which Developer anticipates to be an on-going effort that may take several years to complete the sale of all such 27 single-family lots. The third phase of the Project may be commenced prior to the completion by Developer of the first phase and the second phase of the Project, but as stated above Park City shall not issue a certificate of occupancy for any market rate unit within the Project in either the second phase or the third phase until Park City shall be provided with proof of the construction and completion by Developer of Rothwell Road and Building A, which is the affordable housing building.

6.2. Form of Ownership Anticipated for the Project. The Project will consist of up to 27 market rate single-family lots, 30 market rate condominium units, 7 deed-restricted affordable housing condominium units and 8 additional non-required deed-restricted affordable housing condominium units, all of which shall be available for individual ownership.

7. Water.

Developer acknowledges that water development fees will be collected by Park City in the same manner and in the same comparative amounts as with other developments within the municipal boundaries and that impact fees so collected will not be refunded to Developer or to individual building permit applicants developing within the Project.

8. Affordable Housing.

As required by the Conditions of Approval number 8 on page 10 of the MPD Approval Letter, an Affordable Housing Plan for the Project shall be approved by the Park City Housing Authority prior to the issuance of any building permits for units within the Project, and deed restrictions pertaining to the Affordable Housing Plan shall be recorded. As required by the Conditions of Approval number 9 on page 10 of the MPD Approval Letter, as a condition precedent to receiving a certificate of occupancy for any market rate unit within the Project, Park City shall be provided with proof of compliance with the approved Affordable Housing Plan.

9. Physical Mine Hazards.

There are no known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Developer.

10. Historic Structures.

10.1. The Cultural Survey attached to this Agreement as **Exhibit C** reveals that located within the boundaries of the Project is a significant historical element referred to as the Crescent Tramway. The Crescent Tramway is an old dirt road that is currently used as a public trail for pedestrian use and for biking. The Crescent Tramway is not a structural object. The location of the Crescent Tramway is shown on the Trails Master Plan attached to this Agreement as Exhibit T. The Crescent Tramway will continue to be made available for use as a public trail for pedestrians and for biking. Developer also intends to use a portion of the Crescent Tramway as skiing access from the residential structures developed within the Project to the ski runs that are adjacent to the Project.

11. General Terms and Conditions.

11.1. Term of Agreement. Construction, as defined by the Uniform Building Code, is required to commence within two (2) years of the date of execution of this Agreement. After construction commences, the King's Crown Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The MPD approval and CUP approval for the Project, as set forth in the MPD Approval Letter, shall remain valid so long as construction is proceeding in accordance with the approved phasing plan set forth herein.

11.2. Agreement to Run With the Land. This Agreement shall be recorded against the Property, as described in Exhibit A attached hereto, and shall be deemed to run with the land and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.

11.3. No Joint Venture, Partnership or Third Party Rights. This Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto, nor any rights or benefits to third parties.

11.4. Integration. This Agreement contains the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

11.5. Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid, or unenforceable. If any condition, covenant, or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

11.6. Attorneys' Fees. If this Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorneys' fees and all costs of enforcement of the non-breaching party.

11.7. Minor Administrative Modification. Minor administrative modifications may occur to the MPD Approval Letter without revision of this Agreement.

12. Notices.

All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developer:

CRH Partners, LLC
1887 Gold Dust Lane, Suite 301
Park City, UT 84060
Attn: Hans Fuegi

To Park City:

Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: City Attorney

Such communication may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

The rest of this page is left intentionally blank.

13. List of Exhibits.

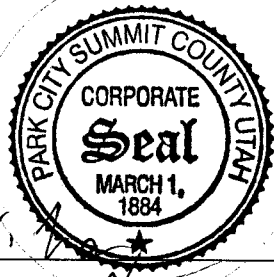
- Exhibit A – Legal Description of the Property
- Exhibit B – King’s Crown Master Planned Development and Conditional Use Permit Approval
Letter approved by the Planning Commission on January 10, 2018
- Exhibit C – Cultural Survey
- Exhibit D – Mine Site Studies
- Exhibit E – Proposed Export Fill
Placement Exhibit and Possible
Fill Locations
- Exhibit F – SFD Approximate Excavation Quantities
- Exhibit G – General Drawings
- Exhibit H – Civil Drawings (ALTA & Slope)
- Exhibit I – Proposed Plat (updated)
- Exhibit J – Survey
- Exhibit K – Civil Drawings
- Exhibit L – Landscape Drawings
- Exhibit M – Architectural Site Drawings
- Exhibit N – Site Compliance Drawings
- Exhibit O – Architectural Graphics Drawings
- Exhibit P – Architectural Drawings
- Exhibit Q – Material Board
- Exhibit R – Townhome Rendering
- Exhibit S – Environmental Study
- Exhibit T – Open Space Use Plan
- Exhibit U – Trails Master Plan
- Exhibit V – Construction Mitigation Plan

The rest of this page is left intentionally blank.

IN WITNESS WHEREOF, this Agreement has been executed by the Developer by persons duly authorized to execute the same and by the city of Park City, acting by and through its City Council as of the 14th day of June, 2018.

PARK CITY MUNICIPAL CORPORATION

By: Rebecca Gilr
Mayor
Pro Tem



ATTEST:

By: Heath R. [Signature]
City Recorder

APPROVED AS TO FORM:

[Signature]
Michele Harrington, City Attorney

DEVELOPER:

CRH PARTNERS, LLC,
a Utah limited liability company

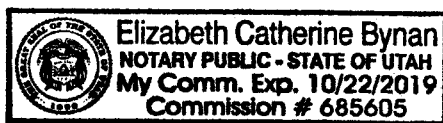
By: [Signature]
Name: ROSEY C. MURPHY
Title: MANAGING PARTNER

STATE OF UTAH)

: ss.

COUNTY OF SUMMIT)

On this 14 day of June, 2018, personally appeared before me RCM, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is a member/manager of CRH Partners, LLC, a Utah limited liability company.



Elizabeth Catherine Bynan
Notary Public
Residing at: Park City, UT

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF VACATED 13TH STREET (A.K.A. CALHOUN STREET), AND THE WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY. SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. SAID POINT ALSO LYING ON THE SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER. SAID POINT OF BEGINNING IS LOCATED SOUTH 00° 31' 00" WEST, 1192.35 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 54°01'00" EAST ALONG SAID SOUTHERLY BOUNDARY LINE OF MOUNTAINSIDE CONDOMINIUMS PHASE 2, 236.70 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE; THENCE SOUTH 35°59'00" EAST ALONG SAID WESTERLY RIGHT OF LINE OF LOWELL AVENUE, 595.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF VACATED 12TH STREET (A.K.A. NELSON STREET); THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE OF LOWELL AVENUE, SOUTH 54°01'00" WEST, 140.00 FEET; THENCE SOUTH 35°59'00" EAST, 400.00 FEET TO THE SOUTHWEST CORNER OF BARBARA'S SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF NORTHSTAR SUBDIVISION, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; THENCE SOUTH 54°01'00" WEST ALONG SAID NORTHERLY BOUNDARY LINE, 235.00 FEET TO THE NORTHWEST CORNER OF SAID NORTHSTAR SUBDIVISION; THENCE SOUTH 35°59'00" EAST ALONG THE WESTERLY BOUNDARY LINE OF SAID NORTHSTAR SUBDIVISION, 675.15 FEET TO THE SOUTHWEST CORNER OF SAID NORTHSTAR SUBDIVISION, SAID POINT ALSO BEING ON THE EAST-WEST CENTER SECTION LINE (SOUTH LINE OF THE NORTHWEST QUARTER) OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°53'05" WEST ALONG SAID EAST-WEST CENTER SECTION LINE, 493.60 FEET TO THE CENTERLINE OF VACATED SUMMIT AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID CENTERLINE OF SUMMIT AVENUE, 346.25 FEET, MORE OR LESS, TO THE EASTERLY EDGE OF THE EXISTING KING'S CROWN SKI RUN; THENCE NORTH 13°14'53" WEST ALONG SAID EASTERLY EDGE OF THE KING'S CROWN SKI RUN, 26.76 FEET TO THE CENTERLINE OF VACATED 11TH STREET (A.K.A. CRESCENT STREET); THENCE NORTH 54°01'00" EAST ALONG SAID CENTERLINE OF 11TH

STREET, 89.66 FEET; THENCE LEAVING SAID CENTERLINE NORTH 35°59'00" WEST ALONG THE SOUTHWESTLY BOUNDARY OF LOTS 1 THROUGH 4 OF BLOCK 47, SNYDER'S ADDITION TO PARK CITY, 115.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, BLOCK 47, SNYDER'S ADDITION TO PARK CITY; THENCE NORTH 54°01'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 4, 100.00 FEET TO THE CENTERLINE OF VACATED PINYON AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID CENTERLINE OF PINYON AVENUE, 159.88 FEET; THENCE LEAVING SAID CENTERLINE NORTH 25°52'01" WEST A DISTANCE OF 142.33 FEET TO THE NORTHWEST CORNER OF LOT 17, BLOCK 44, SNYDER'S ADDITION TO PARK CITY, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF SAID VACATED PINYON AVENUE; THENCE NORTH 35°59'00" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE OF PINYON AVENUE, 171.59 FEET TO THE WEST LINE OF SAID SNYDER'S ADDITION TO PARK CITY, SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY IS ALSO THE NORTH-SOUTH 1/16 SECTION LINE (WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER) OF SAID SECTION 16; THENCE NORTH 00°31'00" EAST ALONG SAID WESTERLY LINE OF SNYDER'S ADDITION TO PARK CITY, AND ALONG SAID NORTH-SOUTH 1/16 SECTION LINE, 526.72 FEET TO THE POINT OF BEGINNING.

CONTAINS: 653,761 SQUARE FEET (15.0083 ACRES) MORE OR LESS

TAX PARCEL NUMBER: ~~SA 315-318-321~~ KCRS - 1 thro KCRS - 32

EXHIBIT B
MPD APPROVAL LETTER



22 January 2018

Rory Murphy
1887 Gold Dust Lane, Suite 301
Park City, Utah 84060

Re: King's Crown Master Planned Development and Conditional Use Permit

Rory:

On January 10, 2018, the Planning Commission of Park City approved your Master Planned Development (application no. PL-17-03515) and Conditional Use Permit (PL-17-03566), subject to the following findings of fact, conclusions of law, and conditions of approval:

Master Planned Development & Conditional Use Permit Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
9. The MPD includes a total of 32 lots.
10. The MPD includes seven (7) deed restricted affordable housing condominium

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, Utah 84060-1480
Building (435) 615-5100 • Engineering (435) 615-5055 • Planning (435) 615-5060

- units (8.55 affordable unit equivalents).
11. The MPD includes eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
 12. The MPD includes 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
 13. The MPD includes 23 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
 14. Building A is a multi-unit dwelling, listed as a conditional use.
 15. Building A has 15 residential affordable housing units.
 16. Building A has the following square footage:
 - a. Residential: 16,520
 - b. Mechanical: 256
 - c. Internal circulation (hallways and stairs): 1,833
 - d. Parking and vehicular circulation: 5,571
 - e. Overall: 24,180
 17. Building A has 18 parking spaces located in an enclosed underground parking garage.
 18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
 19. Building A has 5 stories above the parking garage.
 20. Building A is on proposed lot 1.
 21. Affordable housing residential units do not count towards residential Unit Equivalents.
 22. Building B/C is a multi-unit dwelling, listed as a conditional use.
 23. Building B/C has 12 residential units.
 24. Building B/C has the following square footage:
 - a. Residential: 28,253 (14.13 residential Unit Equivalents)
 - b. Mechanical: 375
 - c. Internal circulation (hallways, stairs, and elevator): 1,133
 - d. Parking and vehicular circulation: 9,305
 - e. Overall: 39,066
 25. Building B/C has 21 parking spaces located in enclosed underground parking garages.
 26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
 27. Building B/C has 4 stories above the parking garage
 28. Building B/C is on proposed lot 2
 29. Building D is a multi-unit dwelling, listed as a conditional use.
 30. Building D has 11 residential units
 31. Building D has the following square footage:
 - a. Residential: 24,590 (12.30 residential Unit Equivalents)
 - b. Mechanical: 166
 - c. Internal circulation (hallways, stairs, and elevator): 1,827
 - d. Parking and vehicular circulation: 8,313
 - e. Overall: 34,896
 32. Building D has 22 parking spaces located in an enclosed underground parking

- garage.
33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
 34. Building D has 4 stories above the parking garage.
 35. Building D is on proposed lot 2.
 36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
 37. Townhomes Building has 7 residential units
 38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
 39. Townhomes Building has 14 parking spaces, 2 within each parking garage.
 40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
 41. Townhomes Building has 3 stories above the garage level.
 42. Townhomes Building is on proposed lot 30
 43. Single-family dwellings are an allowed use within the District.
 44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
 45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
 46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
 47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
 48. The single family lots are on proposed lots 3-29.
 49. The applicant proposed two (2) lots to be re-platted as open space.
 50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
 51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
 52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.
 53. The proposed accessory building on Lot 32 is located on the RC District.
 54. Accessory buildings are an allowed use with the RC District.
 55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
 56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
 57. The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
 58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
 59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
 60. The RC District does not provide a FAR standard for single-family dwelling lots,

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- but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 (80,963 ÷ 199,867) for multi-unit dwellings.
 62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density (199,867 - 80,963).
 63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
 64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
 65. A residential Unit Equivalent is 2,000 square feet.
 66. The applicant proposes the construction of the following 30 residential units and the allotment of 27 lots:
 - a. 12 flats within multi-unit Building B/C totaling 27,683 square feet (13.84 residential Unit Equivalents).
 - b. 11 flats within multi-unit Building D totaling 24,255 square feet (12.13 residential Unit Equivalents).
 - c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
 - d. 27 lots to accommodate one (1) future single-family dwelling on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).
 67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
 68. Applicant seeks the following setback reductions as allowed by the Code, if granted by the Planning Commission:
 - a. Proposed Lot 3-7 front setback reduction to ten feet (10').
 - b. Proposed Lot 21 side setback reduction to twenty feet (20').
 - c. Proposed Lot 22 side setback reduction to ten feet (10').
 69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
 70. The proposed setback reductions are in compliance with LMC MPD provisions.
 71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 [...].
 72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
 73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
 74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See building by building requirement:

- a. Affordable Housing Building A requires 18 parking spaces based on the size of the units. The proposed building contains 18 parking spaces.
 - b. Building B/C requires 21 parking spaces based on the size of the units. The proposed building contains 21 parking spaces.
 - c. Building D requires 21 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.
 - d. Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
 - e. Single-family dwelling residential lots require 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.
75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § 15-2.16-4 Building Height and single-family dwellings listed under LMC § 15-2.16-5 Special Requirements For Single Family And Duplex Dwellings (subsection L-M), including all applicable height exceptions as allowed in the LMC.
76. The applicant does not seek additional height under the MPD parameters listed under LMC § 15-6-5 MPD Requirements, Sub-section F.
77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.
79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.
82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
85. There are no commercial or non-residential uses with this project, and all off-

- street parking requirements are met within the project. The bus stop/ transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.
86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
 87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
 88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
 89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
 90. The proposal includes 200% of the required Affordable Housing as required by the current housing resolution (03-2017).
 91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown on a table within this staff report. The Staff and the Affordable Housing Authority retain the final say on these figures.
 92. The proposal does not create additional demands for child care.
 93. An environmental survey (Exhibit P - Environmental Survey) was prepared revealing no environmental contaminants on the property.
 94. A mine site study (Exhibit Q - Mine Site Studies) was conducted and determined that there were no mining related activities on the property.
 95. The proposal fulfills the following goals and objectives of the General Plan.
 96. A cultural survey (Exhibit O - Cultural Survey) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
 97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission..
 98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
 99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements.
 100. There are certain uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
 101. A conditional use shall be approved 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.
 102. The project is located on Lowell Avenue, between 12th and 13th Street.

103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
106. Utilities necessary for these proposed uses are available at or near the site.
107. Final utility plans, including grading and storm water run-off plans will be required at time of building permit review.
108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
109. The proposed conditional use meets all LMC parking regulations.
110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski runs.
111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
112. The project has been designed to mirror the existing neighborhood development patterns.
113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well.
114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the single-family

- lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
 124. The site is within steep slopes found throughout the site.
 125. The overall proposal, both Multi-Unit Dwellings (conditional use) and single-family detached houses (allowed use) takes place over approximately 30% of the entire site.
 126. The Applicant provided Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock
 127. Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.
 128. Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
 129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.
 130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
 131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.
 132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
 133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
 134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
 135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
 136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
 137. Applicant has provided the approximate excavation quantities of the 27 single-family dwellings which would be approximately 7500 cubic yards.
 138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
 139. The Chief Building official has studied the applicant's preliminary Construction

Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.

140. Construction Mitigation Plan will be finalized by the Building Dept. once building permits are submitted by the applicant.
141. The applicant stipulates to the conditions of approval.
142. The discussion in the Analysis section is incorporated herein.

Master Planned Development Conclusions of Law

- A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditional Use Permit Conclusions of Law:

1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
2. The proposal complies with all requirements of this LMC.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit Conditions of Approval:

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.

9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
11. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.

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22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.
24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office.

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Rory Murphy
22 January 2018
Page 13 of 13

If you have questions regarding your applications or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,



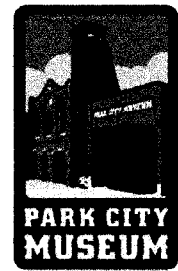
Francisco Astorga, AICP
Senior Planner

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EXHIBIT C
CULTURAL SURVEY

March 7, 2017

Rory Murphy
2590 Sidewinder Drive
Park City, UT 84060



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Sydney Reed
Randy Scott
Zibby Tozer

Dear Rory,

Thank you for contacting the Park City Historical Society & Museum regarding cultural or historical assets on your property on Lowell Avenue.

In reviewing the Sanborn Fire Insurance maps from 1907, 1929 and 1949, I did not find any structures on Block 42. The other blocks 35, 38, 39, 43, 44, 45 and 48 do not show on any of these maps

Further exploration of our extensive historic photo collection revealed that the historic Crescent Tramway lies on this property. The railroad grade is shown on the Alt/NSPS Land Title Survey (created by Evergreen Engineering dated January 17, 2017) that you provided, and is described as "pedestrian access easement for Nastar LLC". The railroad grade is also called out in the Easement Detail on this survey.

The Crescent Tramway was a narrow gauge railway constructed in 1883 to haul ore from the Crescent mine, located near the head of Thaynes Canyon, to the Mackintosh or Crescent Sampler (near Heber Ave). The tramway used two steam Shay engines, the Prospector and the Maude Withey to haul the ore cars. Plagued by derailment and winter avalanche conditions, the rail line wasn't very successful. The Crescent mine closed in 1900. In 1901, the Silver King replaced the tramway with a more reliable aerial bucket system.

Park City residents petitioned City Council to purchase the tramway bed and keep it open to the public. In 1916 the city constructed a cement walkway from Park Ave to Empire. Parts of this have since disappeared under development or roads. A section of the tramway grade above Empire Ave has become North Star Drive.

The Park City Historical Society & Museum has periodically led tours from Main Street along the Crescent Tramway railroad grade. From the intersection of the tramway with Treasure Hollow ski run and extending almost all the way to the site of the Crescent mine, the grade has become a popular hiking and mountain bike trail called Crescent Mine Grade (CMG). We would urge you to keep this easement available for pedestrian access so future generations can marvel at the tenacity of past residents and business owners and their extraordinary efforts in building a narrow gauge railroad so far into the mountain wilderness.

Sincerely,


Sandra Morrison,
Executive Director

EXHIBIT D
MINE SITE STUDIES

Blue Ledge Consulting
2334mStringham Avenue
Salt Lake City, Utah 84109

February 22, 2017

Mr. Rory Murphy
CRH Partners
2590 Sidewinder Drive
Park City, UT 84060

Dear Rory:

You have requested a determination if there are any mining related features located on a parcel of land known as the Nastar Parcel which is also known as Parcels SA-315, SA-318 and SA-321. The land is located south of the Park City Resort complex on an eastern facing hillside.

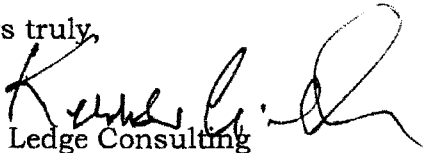
The land has its origin as platted City lots and is part of the Snyder's Addition to Park City. This is important because the land is not mining in origin. That is, a mining claim or claims did not establish this land. Had this been the case, there very well could be mine related features such as a discovery pit, shaft or other mining related feature on the property.

I have reviewed the available information which is sparse but includes U. S. G. S. Professional Paper No. 77 by Boutwell, Francis L. Colliers Mining Claim Map of the Park City area, numerous aerial photographs, mine claim maps, other maps and reports. The Minola Tunnel entrance is south and west of the property but does not appear to cross the property boundary at depth. The depot tunnel is located south of the land in the area of Creole Gulch. Neither one of these features appear to occur within or impact the property.

Based on my review of the available information there does not appear to be a mining related feature on the property owned by CRH Partners.

This should be verified in the field sometime in the future when the snow leaves the ground. I will be glad to help you with that if you like.

Yours truly,


Blue Ledge Consulting
Kerry C. Gee, President
Utah Professional Geologist No. 5260881-2250

01093392 Page 29 of 167 Summit County

Blue Ledge Consulting
2334 Stringham Avenue
Salt Lake City, Utah 84109

May 26, 2017

Mr. Rory Murphy
CRH Partners
2590 Sidewinder Drive
Park City, UT 84060

Dear Rory:

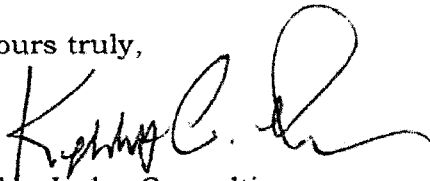
You have requested a determination if there are any mining related features located on a parcel of land known as the Nastar Parcel which is also known as Parcels SA-315, SA-318 and SA-321. The land is located south of the Park City Resort complex on an eastern facing hillside.

As per my letter of February 22, 2017 I have visited the property referenced above. I did not find anything that resembled a mine related feature on the property.

If I can be of service in the future please let me know.

Good luck with your project.

Yours truly,

A handwritten signature in black ink, appearing to read "Kerry C. Gee", with a stylized flourish at the end.

Blue Ledge Consulting
Kerry C. Gee, President
Utah Professional Geologist No. 5260881-2250

EXHIBIT E

PROPOSED EXPORT FILL

**Placement Exhibit and Possible
Fill Locations**

Kings Crown
potential fill locations

Legend
areas for fill

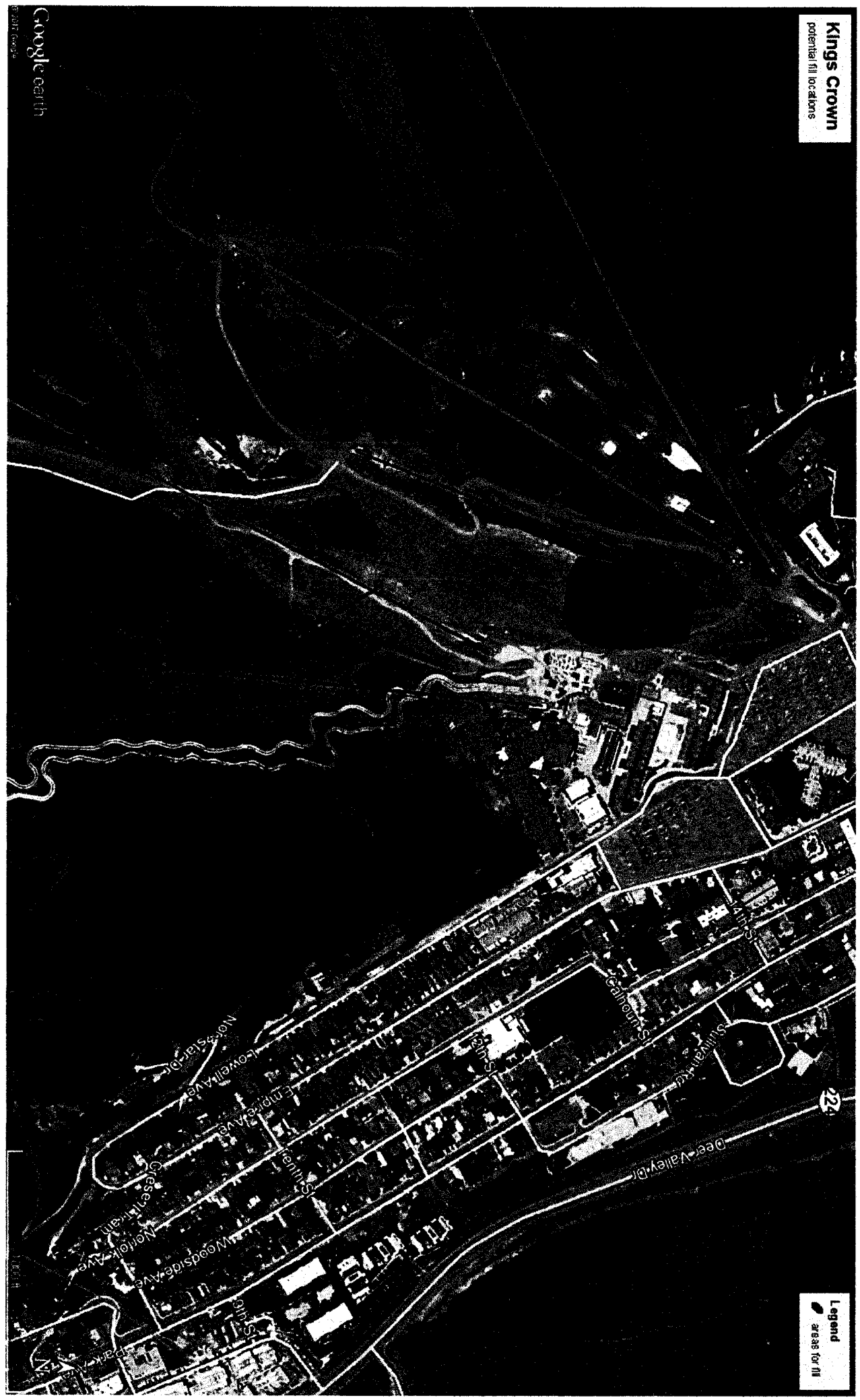


EXHIBIT F

SFD APPROXIMATE EXCAVATION QUANTITIES

King's Crown
Single Family Homes
Approximate Excavation Quantities
January 4, 2017
Prepared by Evergreen Engineering, Inc.

Lot	Avg Cut (sf)	Width (ft)	Total Cut (cf)	Total Cut (cy)
3	710	20	14200	526
4	710	20	14200	526
5	710	20	14200	526
6	460	30	13800	511
7	460	30	13800	511
8	260	30	7800	289
9	220	25	5500	204
10	295	18	5310	197
11	198	18	3564	132
12-21	0	25	0	0
22	427	25	10675	395
23	656	23	15088	559
24	776	24	18624	690
25	689	24	16536	612
26	665	24	15960	591
27	553	20	11060	410
28	515	20	10300	381
29	535	20	10700	396
			TOTAL	7456

EXHIBIT G
GENERAL DRAWINGS

CRH PARTNERS

KING'S CROWN

MASTER PLANNED DEVELOPMENT

1201-1299 LOWELL AVENUE
PARK CITY, UTAH

MPD SUBMITTAL

10.27.2017

PROJECT CONTACT INFORMATION			
OWNER	ARCHITECT	CONTRACTOR	
CRH Partners, a Utah LLC 1887 Gold Butte Loop, Suite 300 Park City, Utah 84303 Telephone: 435.646.5308 Contact: Roy Mackay email: pmackay@crhpartners.com	WOW Architecture, LLC 1725 400 S. Main Salt Lake City, Utah 84111 Telephone: 801.712.4078 Contact: Chris Cowan/Adam Allen email: chris@wowarch.com	JERRITT ENGINEERING 8650 N. Upper Canyon Lane Park City, Utah 84303 Telephone: 435.655.5571 Contact: Mike Jerritt email: mjerritt@jerritte.com	
CIVIL ENGINEER	LANDSCAPE ARCHITECT	STRUCTURAL ENGINEER	
Evergreen Engineering 12075 Borenson Dr #100, Park City, UT 84303 Telephone: 435.646.9719 Fax: 435.646.9607 Contact: David Evergreen email: dave@evergreen-eng.com	BLIC 501 East and Avenue, Building B Salt Lake City, UT 84103 Telephone Number: 435.770.1960 Contact: Mike Blichowski email: mblischowski@blc.com		
PLUMBING ENGINEER	ELECTRICAL ENGINEER	INTERIOR DESIGNER	
Mechanical Engineer PVE Inc 12075 Borenson Dr #100, Park City, UT 84303 Telephone: 435.646.9719 Fax: 435.646.9607 Contact: David Evergreen email: dave@evergreen-eng.com	BLIC 501 East and Avenue, Building B Salt Lake City, UT 84103 Telephone Number: 435.770.1960 Contact: Mike Blichowski email: mblischowski@blc.com	JERRITT ENGINEERING 8650 N. Upper Canyon Lane Park City, Utah 84303 Telephone: 435.655.5571 Contact: Mike Jerritt email: mjerritt@jerritte.com	

DRAWING INDEX - MPD

DRAWING INDEX - MPD

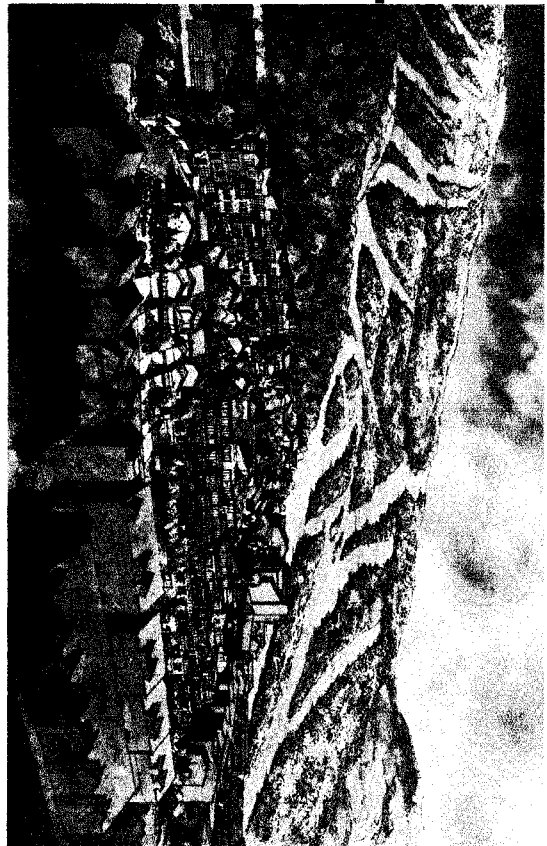
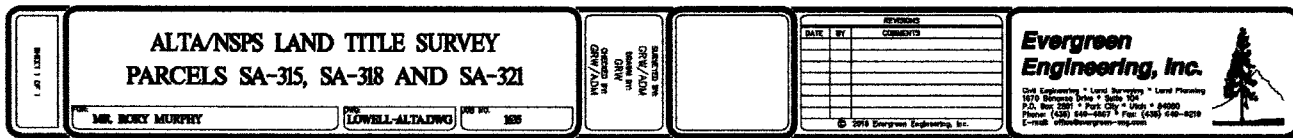


EXHIBIT H
CIVIL DRAWINGS (ALTA & SLOPE)



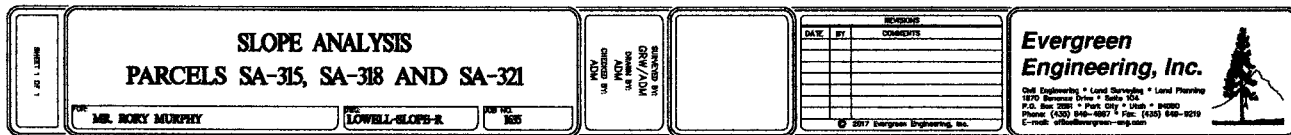


EXHIBIT I
PROPOSED PLAT (UPDATED)

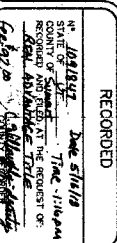


EXHIBIT J
SURVEY

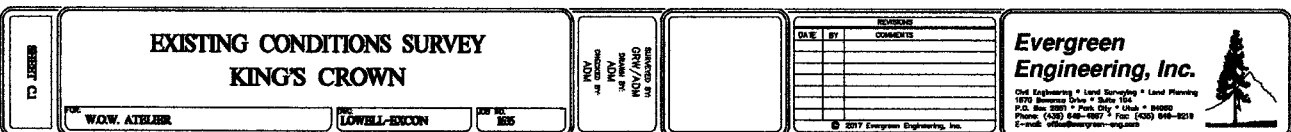
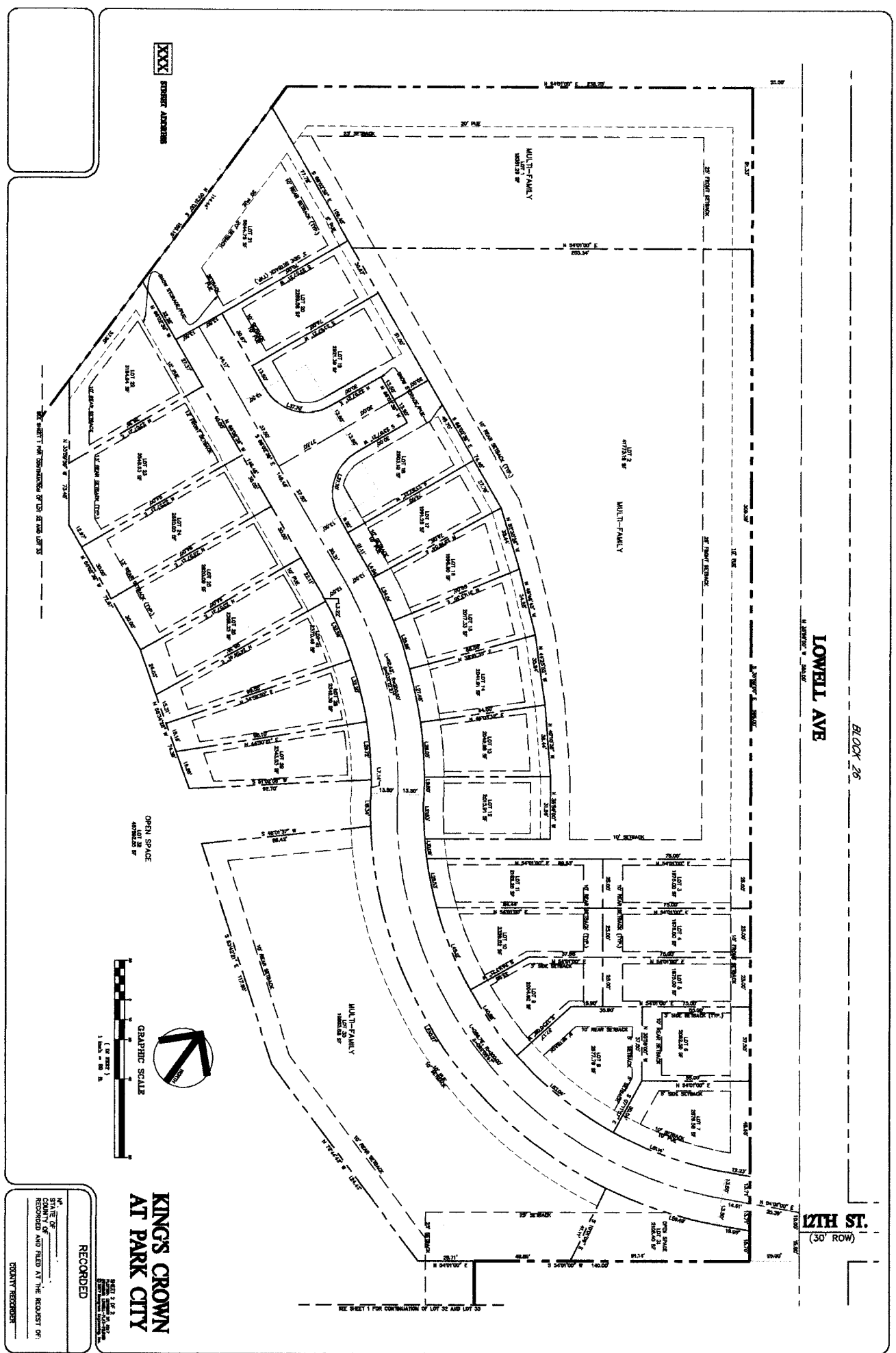
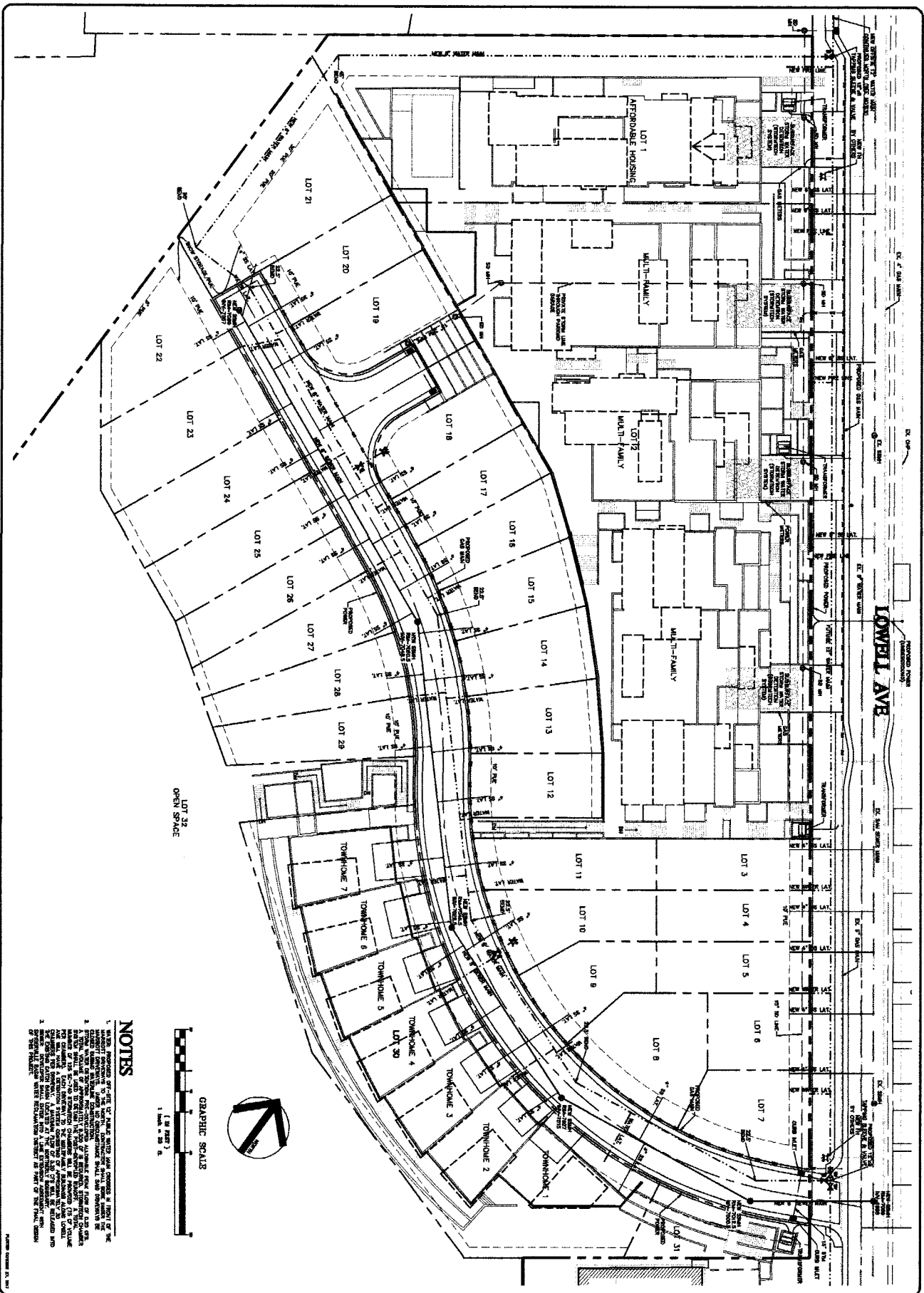


EXHIBIT K
CIVIL DRAWINGS



RECORDED
STATE OF
RECORDED AND FILED AT THE REQUEST OF:
COUNTY RECORDER

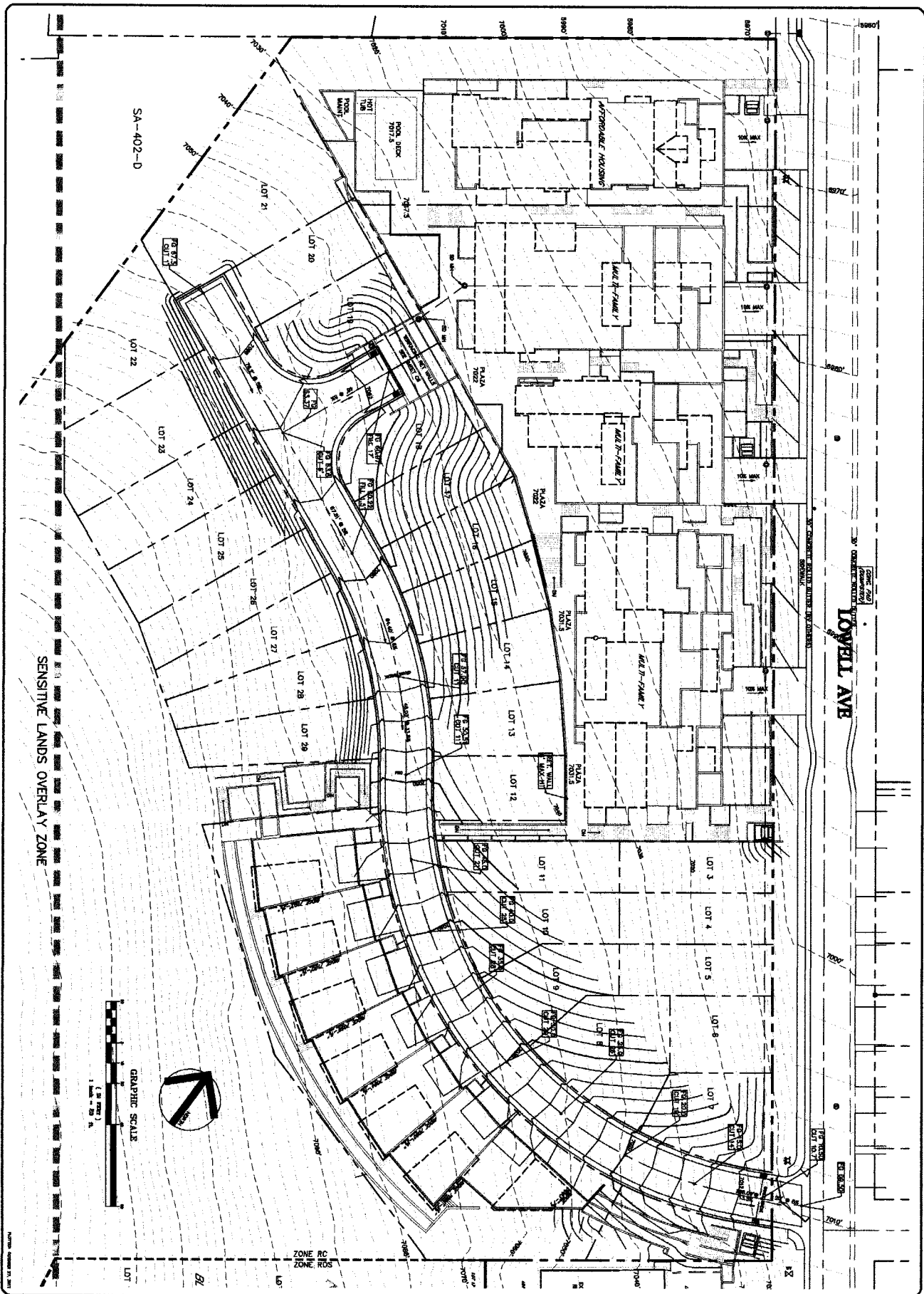
KINGS CROWN
AT PARK CITY



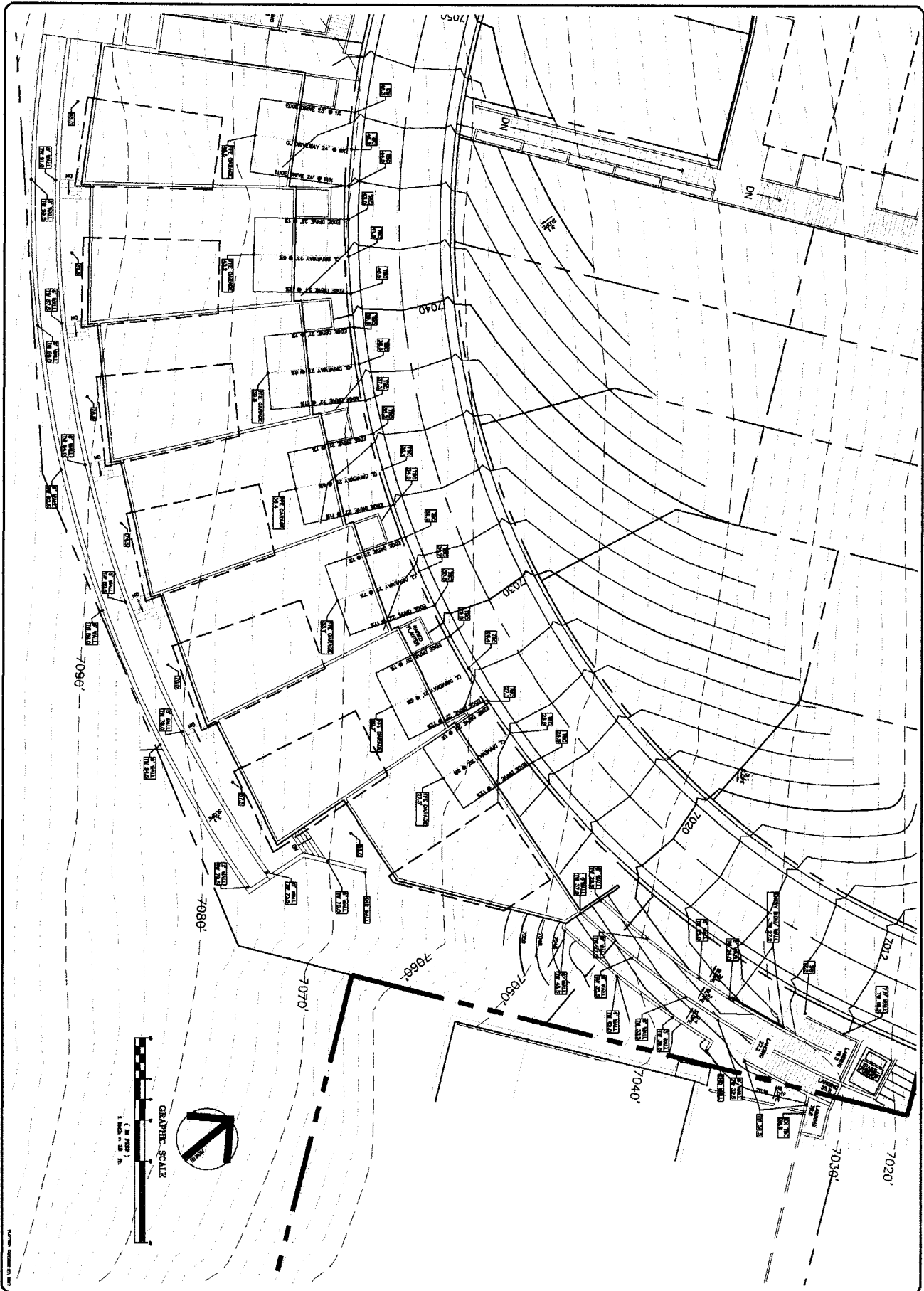
NOTES

1. ALL UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
2. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
3. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
4. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
5. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
6. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
7. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
8. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
9. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.
10. THE UTILITIES SHOWN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.

SHEET C3	PRELIMINARY UTILITY PLAN KING'S CROWN	DATE: 10/1/2017	BY: ALMA	CHECKED BY: ALMA	DESIGNED BY: ALMA	DRAWN BY: ALMA	PROJECT NO.: 1005	REVISIONS COMMENTS	Evergreen Engineering, Inc. Civil Engineering • Land Surveying • Land Planning 10700 Broadway Blvd • Suite 100 P.O. Box 888 • Park City • Utah • 84302 Phone: (435) 944-8887 • Fax: (435) 944-8889 E-mail: evergreenengr@evergreenengr.com	

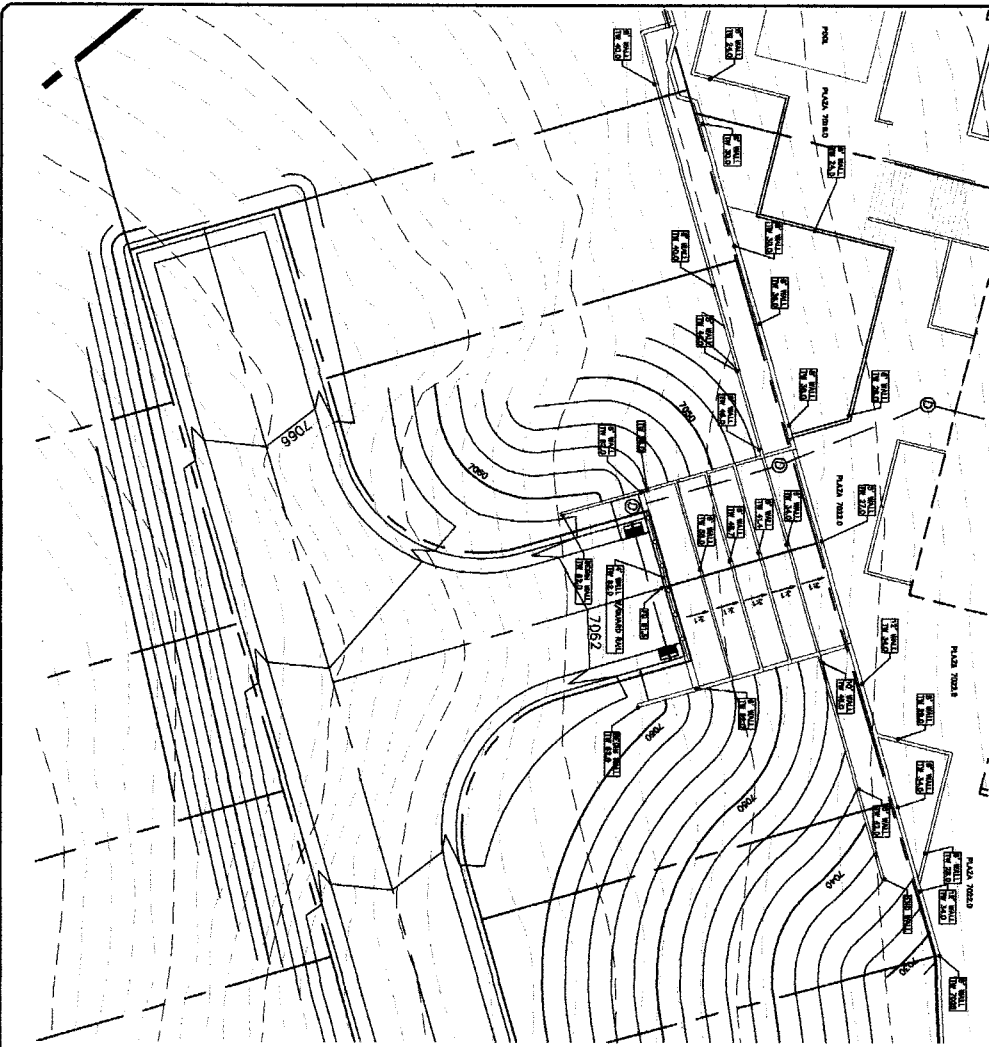


SHEET 04	PRELIMINARY GRADING PLAN KING'S CROWN		DRAWN BY: CHECKED BY: DATE:	REVISIONS COMMENTS	Evergreen Engineering, Inc. Civil Engineering • Land Surveying • Land Planning 1970 Broadway Ave • Suite 101 P.O. Box 887 • Park City • Utah • 84302 Phone (435) 944-7007 • Fax (435) 944-7009 E-mail: office@evergreen-eng.com
	FOR: WOV ATTLER	PROJECT: LOWELL-RTD-R			

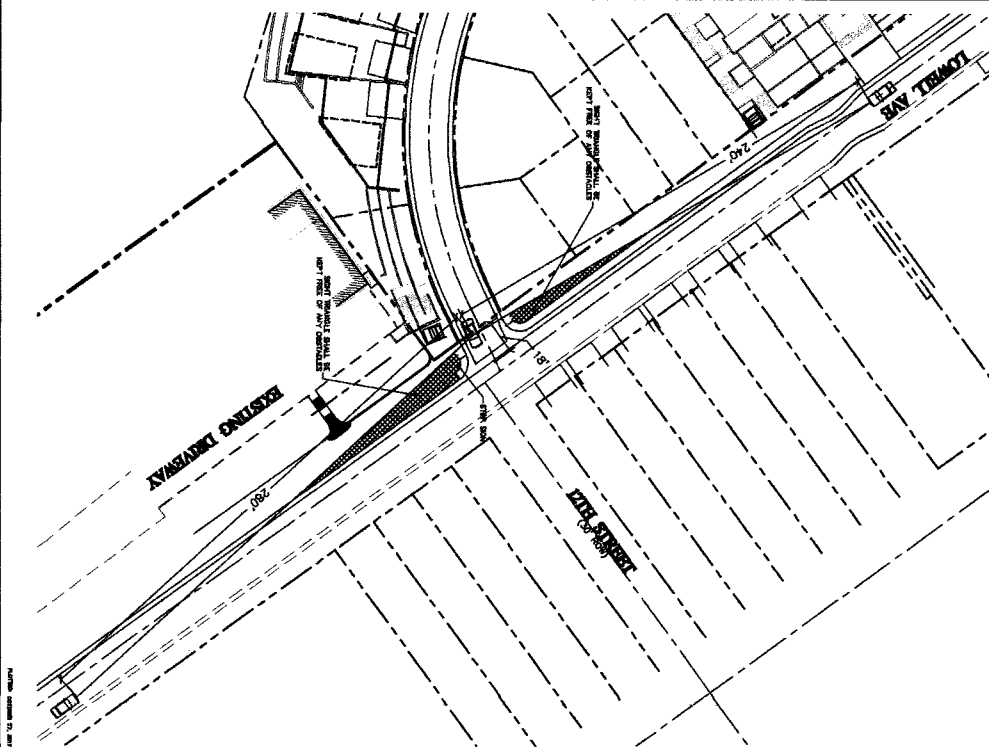
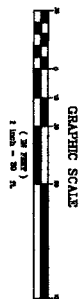


SHEET C3	DETAILED GRADING PLAN KING'S CROWN		DRAWN BY A.M. CHECKED BY A.M. DATE 2017	REVISION COMMENTS	Evergreen Engineering, Inc. Civil Engineering • Land Surveying • Land Planning 1870 Business Drive • Suite 100 P.O. Box 2001 • Park City • Utah • 84060 Phone: (435) 948-1887 • Fax: (435) 948-9272 E-mail: info@evergreen-eng.com	
	WOW ATLAS	LOWELL-BETH-R				

DETAILED GRADING PLAN

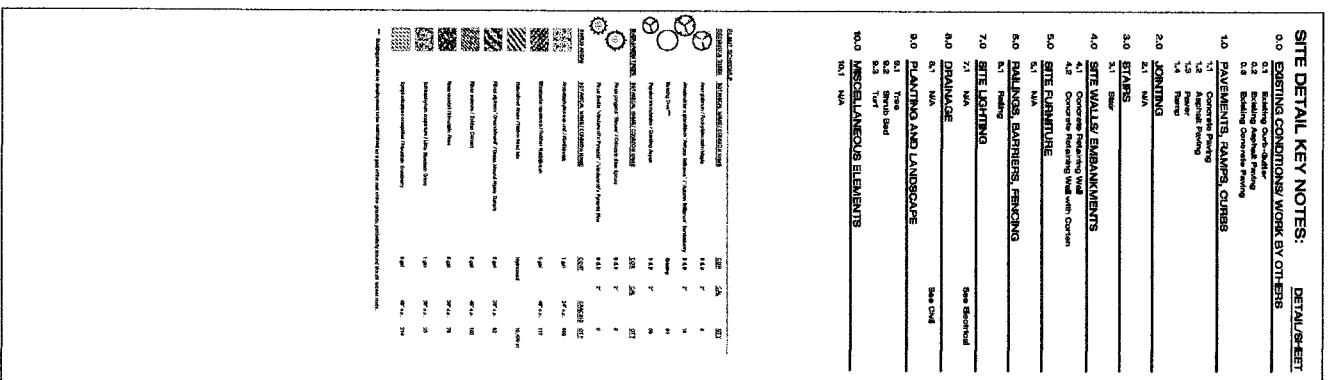


SIGHT DISTANCE EXHIBIT



PROJECT NO. WOW ATHER	DATE LOWELL-RTD-2	SCALE AS SHOWN	DESIGNED BY ALAN	CHECKED BY ALAN	DATE 2017	REVISIONS	Evergreen Engineering, Inc. Old Engineering • Land Surveying • Load Planning 10700 University Ave • Suite 100 P.O. Box 2001 • Park City • Utah • 84002 Phone: (435) 944-8887 • Fax: (435) 944-8819 E-mail: office@evergreen-eng.com

EXHIBIT L
LANDSCAPE DRAWINGS



- L5 - PLANTING L5-1	PROJECT NAME: King's Crown Park City, Utah
	201 DOW CORN 200 East 2nd Avenue Salt Lake City, Utah 84111
	PROJECT: 2.1.0000 PROJECT NUMBER: 2.1.0000 DRAWING: 2.1.0000
201 DOW CORN 200 East 2nd Avenue Salt Lake City, Utah 84111	201 DOW CORN 200 East 2nd Avenue Salt Lake City, Utah 84111

EXHIBIT M

ARCHITECTURAL SITE DRAWINGS



SITE AERIAL PLAN

AS-001

Copyright: WOW Architecture, LLC 2017

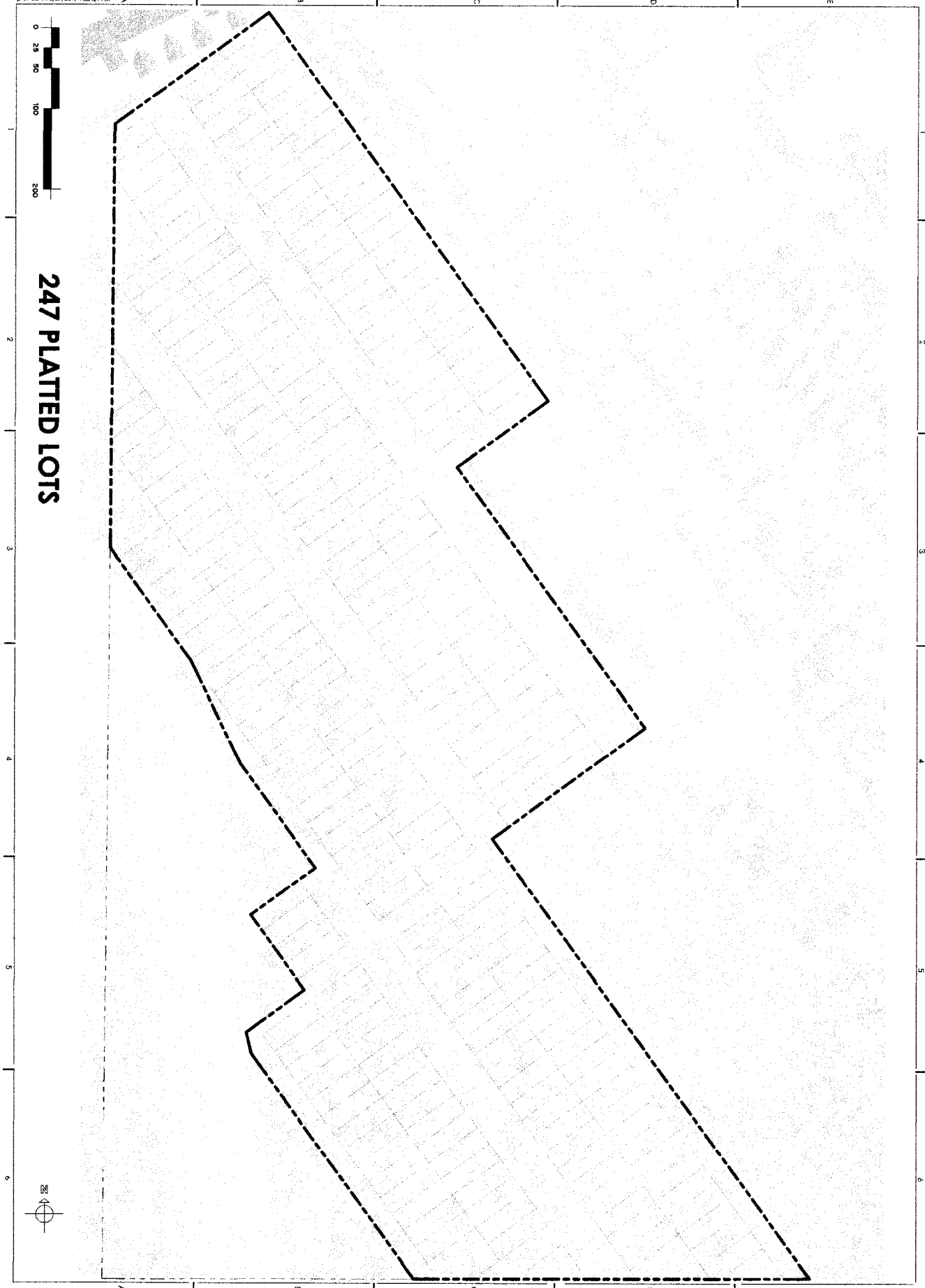
PROJECT #:
160026
ISSUE DATE:
10/27/2017
ISSUE:
MPO SUBMITTAL
REVISIONS

KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVC INC
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LODGE
INTERIOR:
WOW +

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NOT FOR
PERMIT OR
CONSTRUCTION**

WOW



247 PLATTED LOTS



EXISTING PLATTED
CONDITIONS - 247 LOTS

AS-002

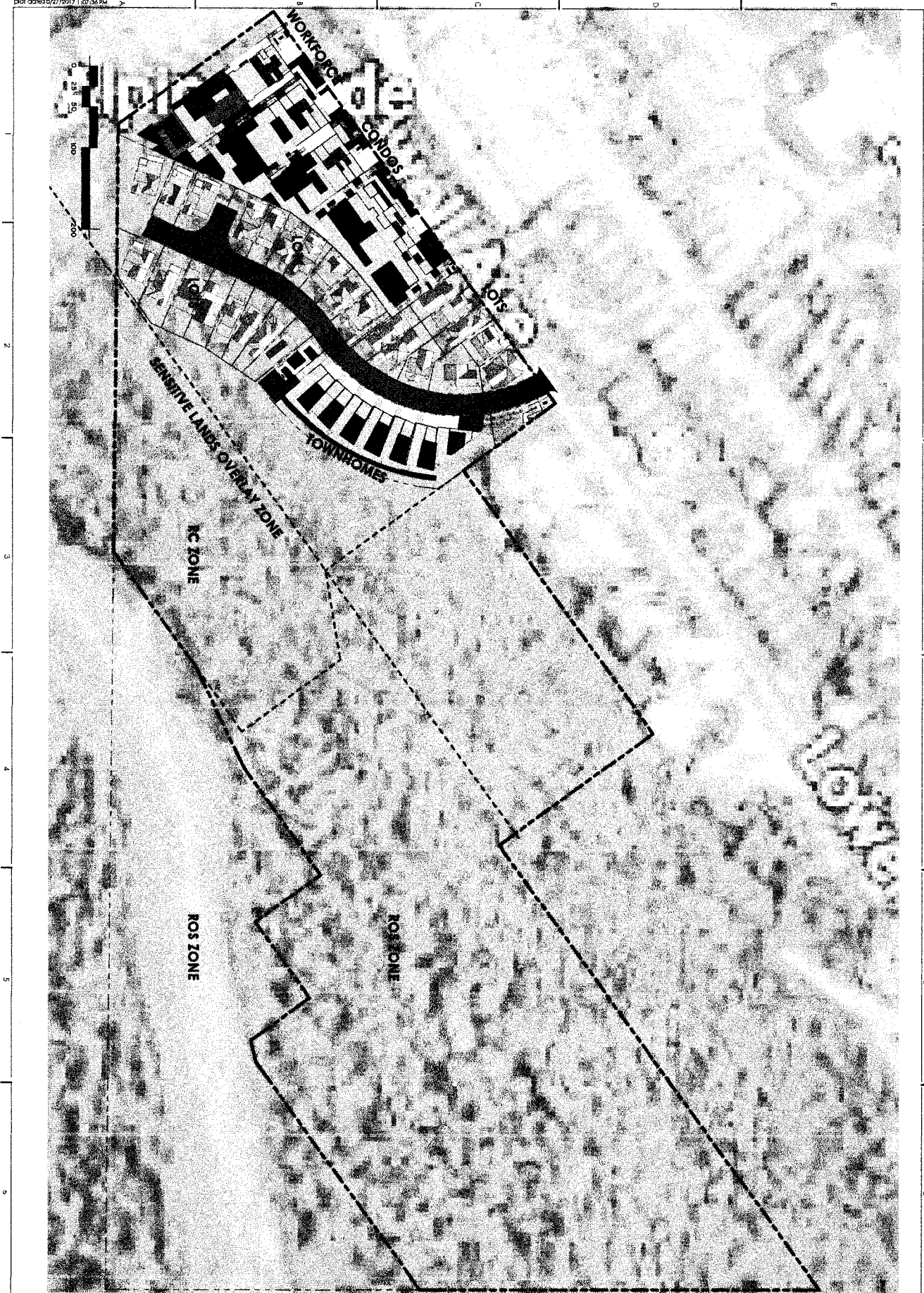
PROJECT #:
160026
ISSUE DATE:
10/27/2017
ISSUE
NPD SUBMITTAL
REVISIONS

KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL: EVERGREEN
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE INC.
ELECTRICAL: RNA CONSULTING
LANDSCAPE: LOYD
INTERIOR: WOW +

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PROJECT SCOPE

AS-003

PROJECT #: 160026
 ISSUE DATE: 10-27-2017
 ISSUE: MPD SUBMITTAL
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 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL: EVERGREEN
 STRUCTURAL: JARRATT ENGINEERING
 MECHANICAL: FIVE INC.
 ELECTRICAL: BHA CONSULTING
 LANDSCAPE: LOIC
 INTERIOR: WOW+

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DIAGRAMMATIC SITE PLAN
AS-004

PROJECT #:
 160026
 ISSUE DATE:
 10/27/2017
 ISSUE
 MPD SUBMITTAL
 REVISIONS

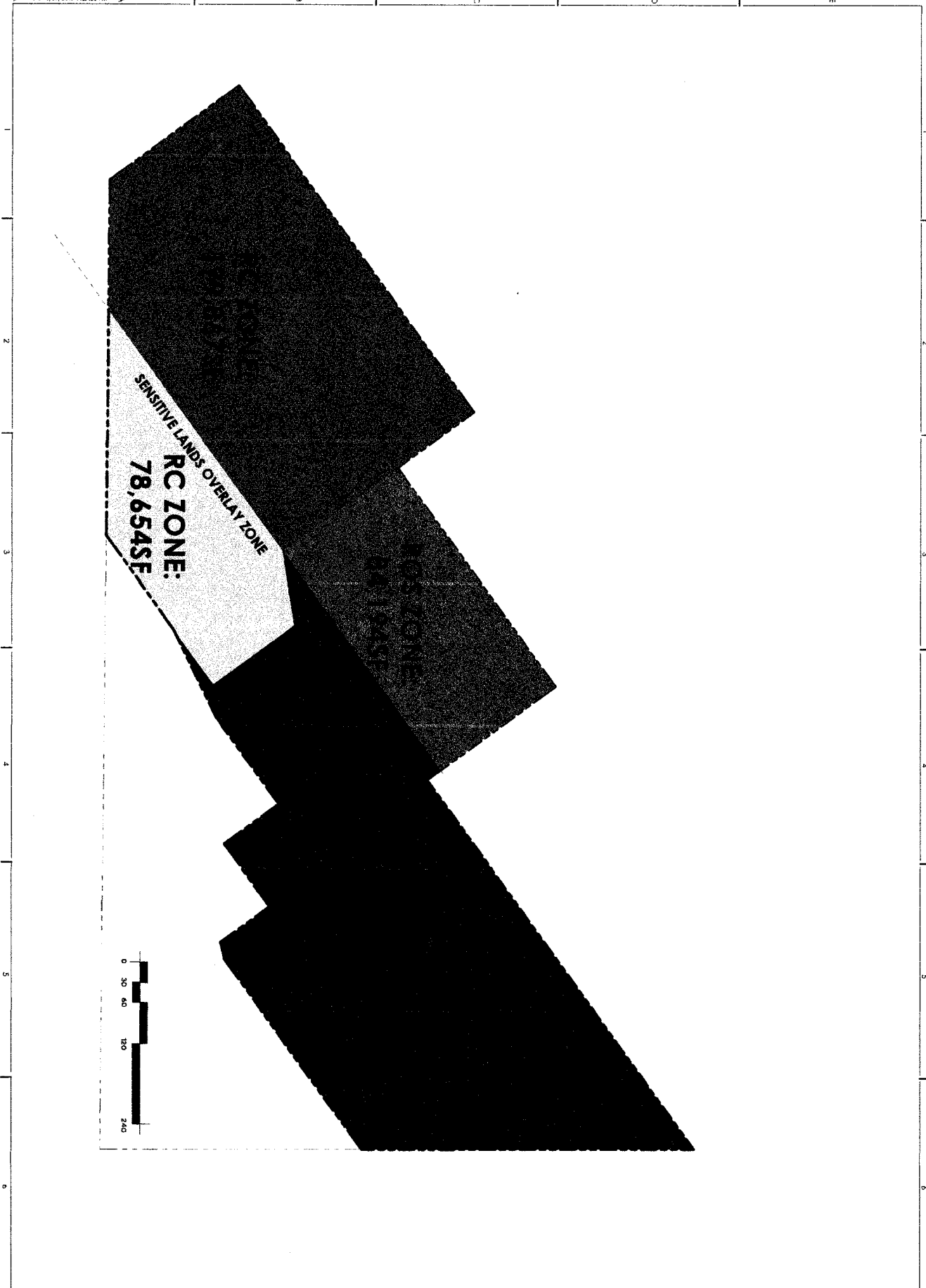
KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL:
 EVERGREEN
 STRUCTURAL:
 JARRATT ENGINEERING
 MECHANICAL:
 PVE INC
 ELECTRICAL:
 BNA CONSULTING
 LANDSCAPE:
 LOUCCI
 INTERIOR:
 WOW +

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WOW

EXHIBIT N
SITE COMPLIANCE DRAWINGS



PROPERTY ZONE AREA PLAN
AS-005

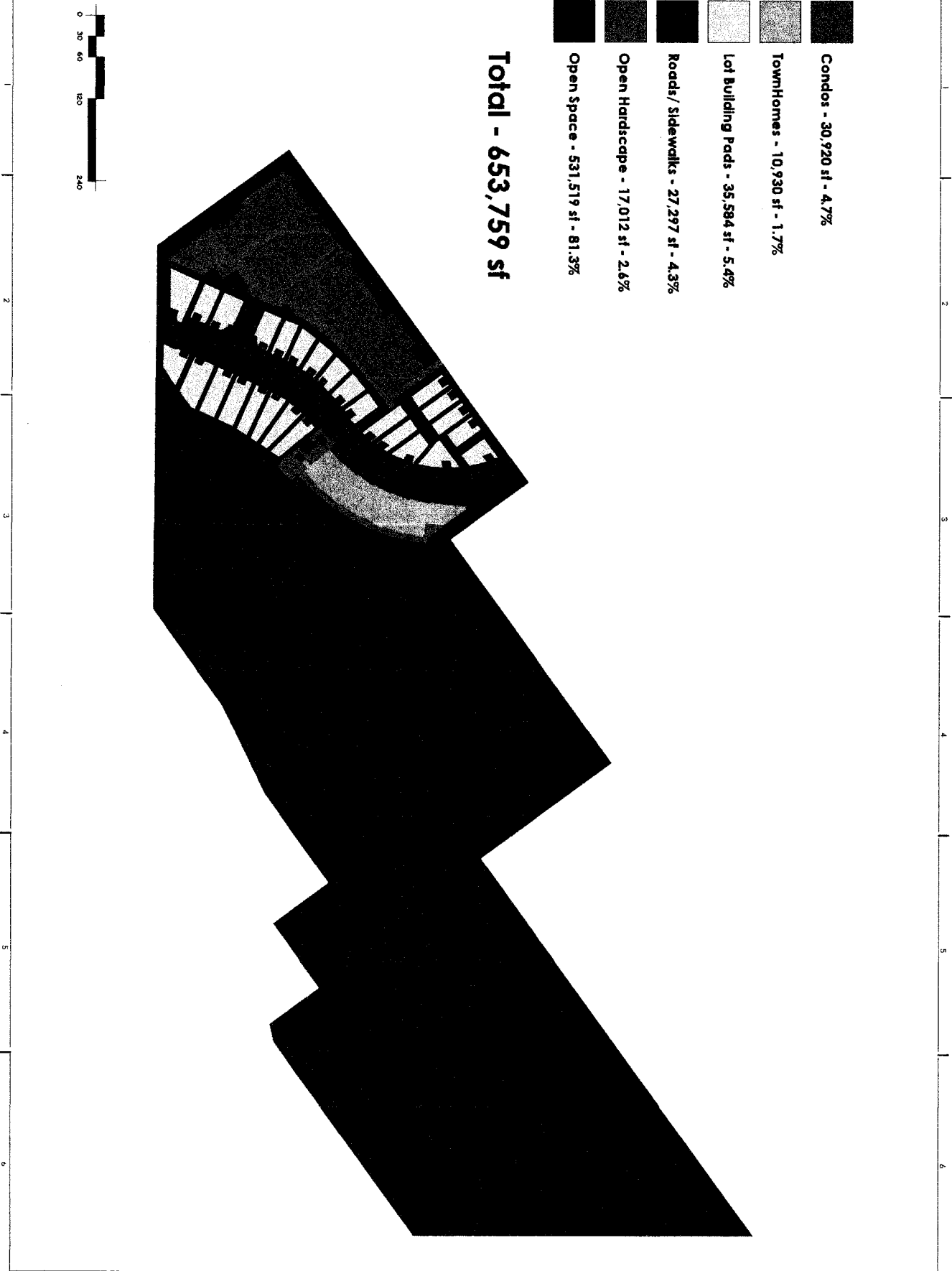
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 160002
 ISSUE DATE:
 10/27/2017
 ISSUE
 RFPD SUBMITTAL
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KING'S CROWN
 MASTER PLANNED DEVELOPMENT
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 PARK CITY, UTAH

CIVIL:
 EVERGREEN
 STRUCTURAL:
 JARRATT ENGINEERING
 MECHANICAL:
 PVE INC.
 ELECTRICAL:
 BNA CONSULTING
 LANDSCAPE:
 LOJCI
 INTERIOR:
 WOW +

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**OPEN SPACE
CALCULATIONS**

AS-006

COMPILED BY: WOW ARCHITECTS, LLC 2017

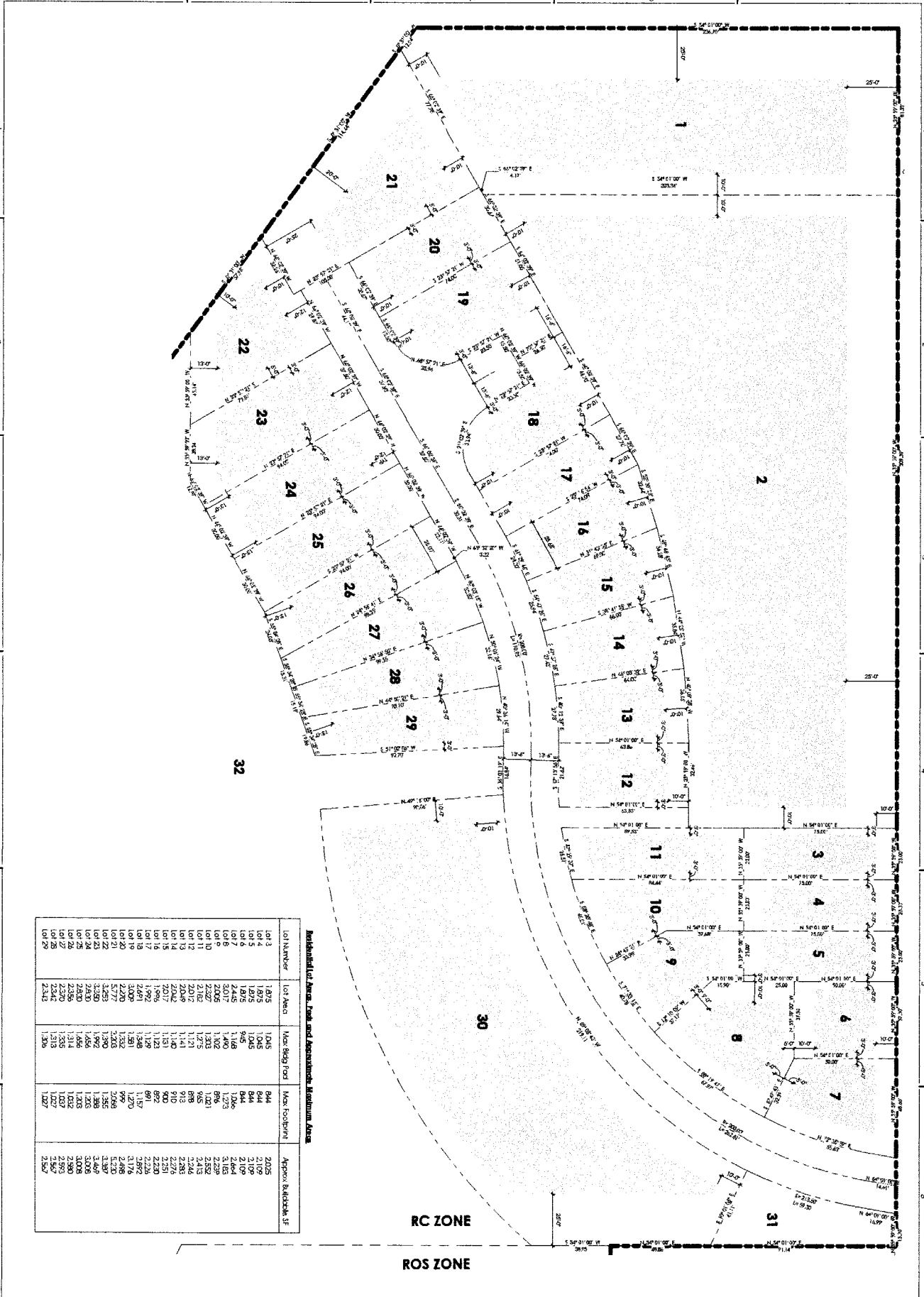
PROJECT #:
160026
ISSUE DATE:
10/27/2017
ISSUE:
MPD SUBMITTAL
REVISIONS:

KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL:
EVERGREEN
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVE INC.
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LOVELL
INTERIOR:
WOW+

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CONSTRUCTION**

WOW



Residential Area, Park and Accessory Medium Area				
Lot Number	Lot Area	Max Bldg Foot	Max Footprint	Approx. Bulkhead SF
Lot 1	1,875	1,045	844	2,025
Lot 2	1,875	1,045	844	2,025
Lot 3	1,875	1,045	844	2,025
Lot 4	1,875	1,045	844	2,025
Lot 5	1,875	1,045	844	2,025
Lot 6	1,875	1,045	844	2,025
Lot 7	1,875	1,045	844	2,025
Lot 8	1,875	1,045	844	2,025
Lot 9	1,875	1,045	844	2,025
Lot 10	1,875	1,045	844	2,025
Lot 11	1,875	1,045	844	2,025
Lot 12	1,875	1,045	844	2,025
Lot 13	1,875	1,045	844	2,025
Lot 14	1,875	1,045	844	2,025
Lot 15	1,875	1,045	844	2,025
Lot 16	1,875	1,045	844	2,025
Lot 17	1,875	1,045	844	2,025
Lot 18	1,875	1,045	844	2,025
Lot 19	1,875	1,045	844	2,025
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Lot 21	1,875	1,045	844	2,025
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Lot 28	1,875	1,045	844	2,025
Lot 29	1,875	1,045	844	2,025
Lot 30	1,875	1,045	844	2,025
Lot 31	1,875	1,045	844	2,025
Lot 32	1,875	1,045	844	2,025

**BUILDING PADS/
SETBACKS**

AS-007

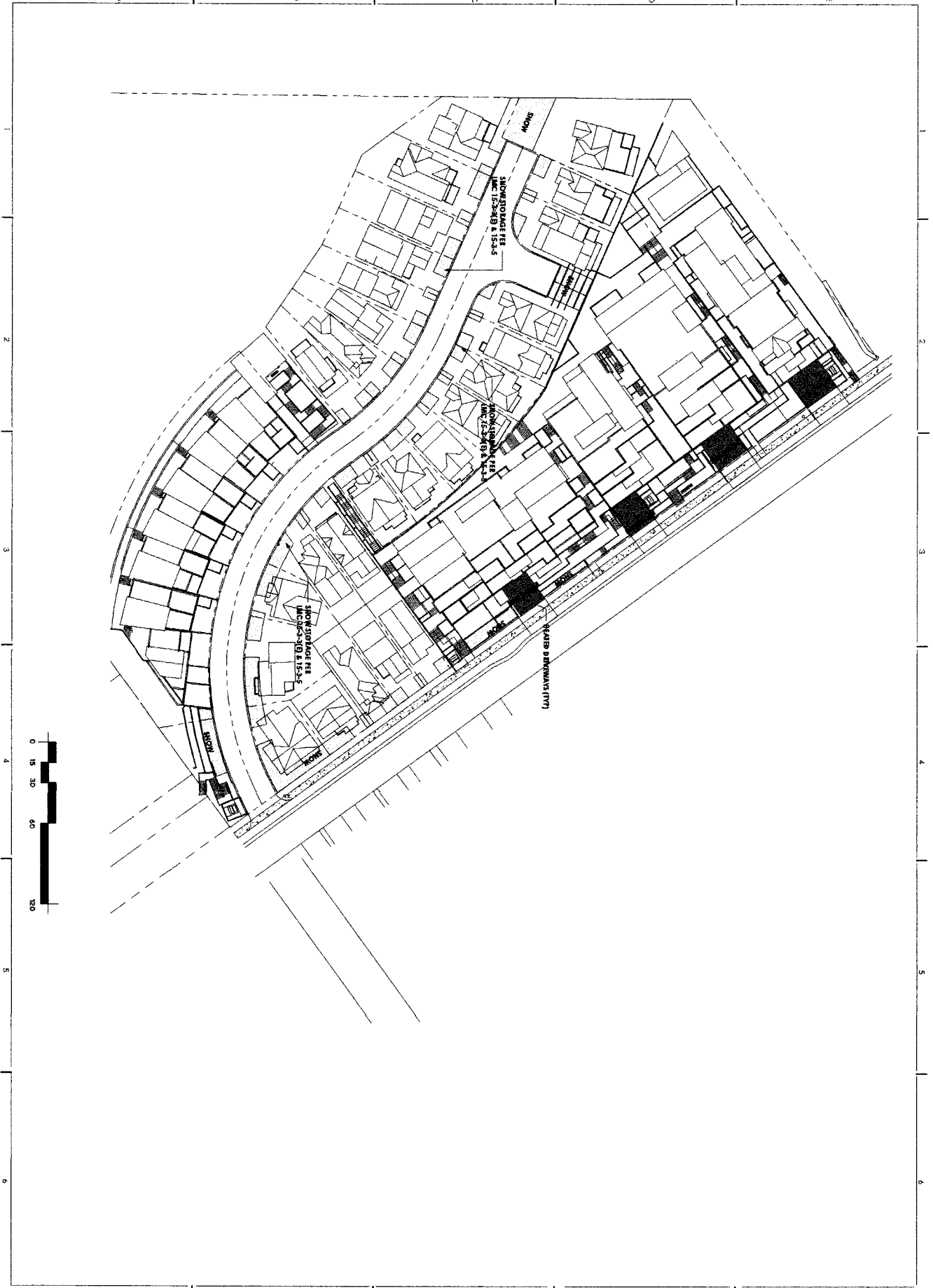
PROJECT #:
160026
ISSUE DATE:
10/27/2017
ISSUE
MPO SUBMITTAL
REVISIONS

KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PAC INC
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LOVELL
INTERIOR:
WOW +

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CONSTRUCTION**

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**SNOW STORAGE
DIAGRAM**

AS-008

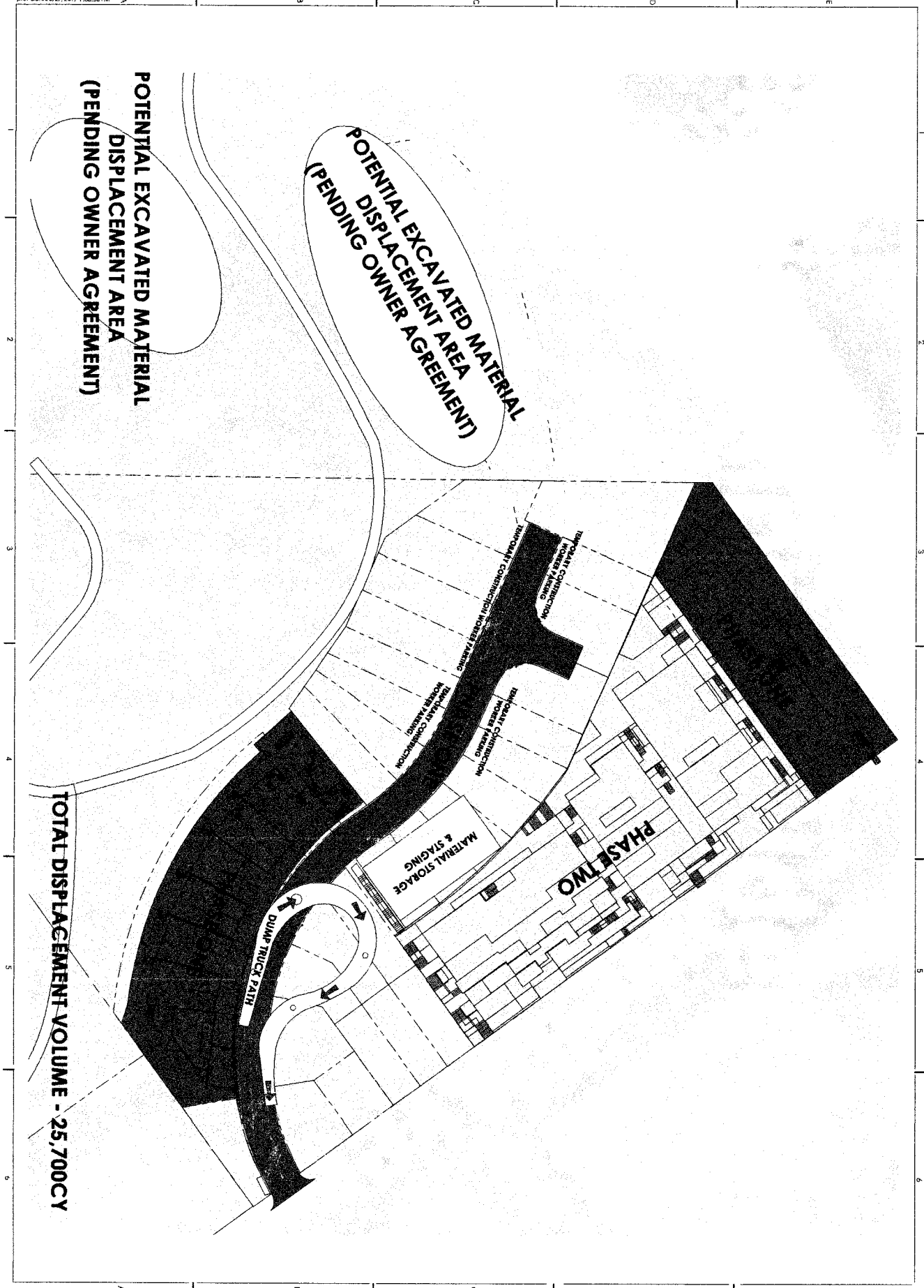
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160026
ISSUE DATE:
10/27/2017
ISSUE:
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KING'S CROWN
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1201-1299 LOWELL AVENUE
PARK CITY, UTAH

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MECHANICAL:
PVE INC.
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LOVELL
INTERIOR:
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CONSTRUCTION MITIGATION

AS-009

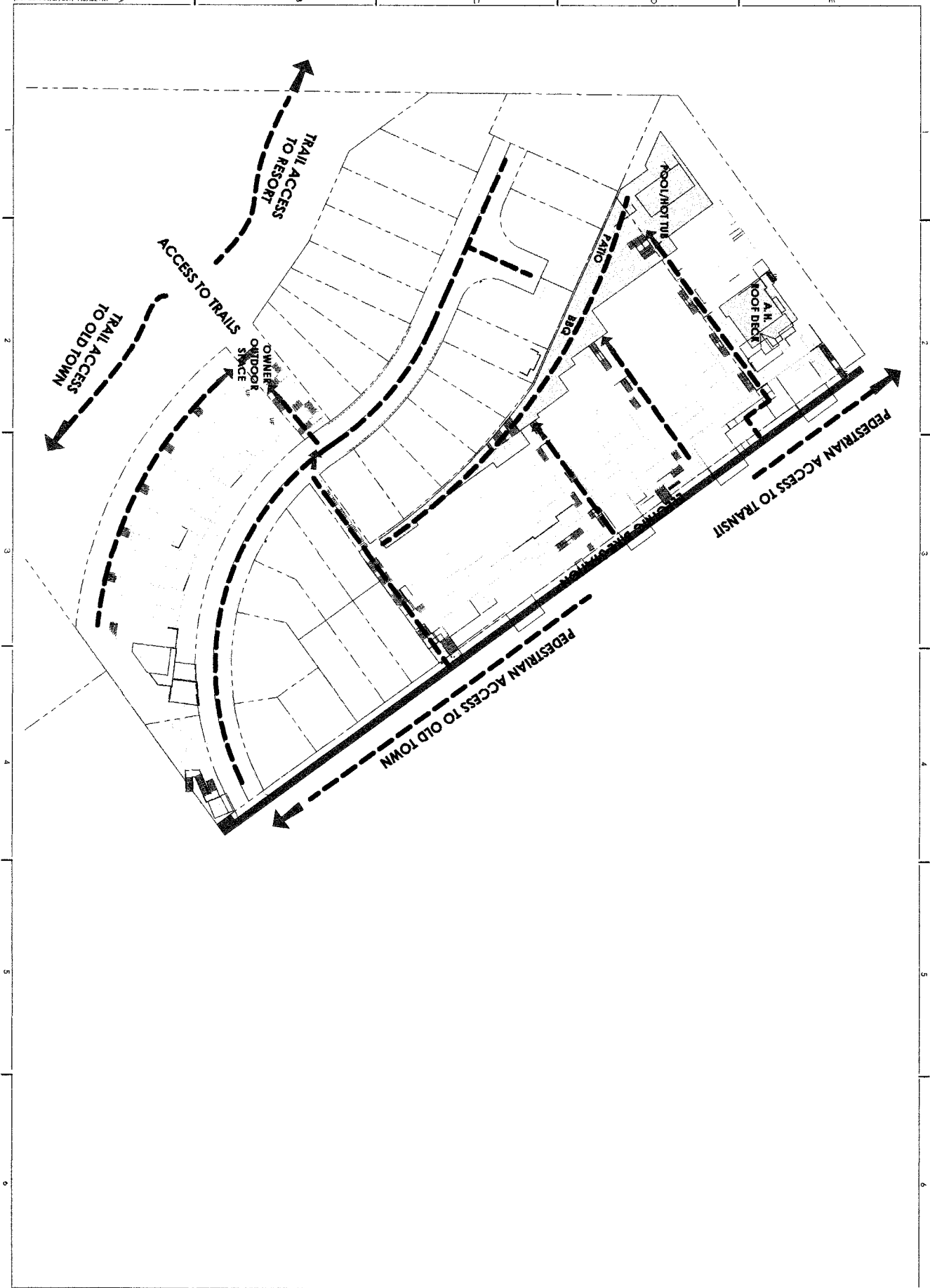
PROJECT #:
160026
ISSUE DATE:
10/27/2017
ISSUE:
NPD SUBMITTAL
REVISIONS

KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL: EVERGREEN
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: PVE INC.
ELECTRICAL: BNA CONSULTING
LANDSCAPE: LOCI
INTERIOR: WOW +

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INTERNAL PEDESTRIAN CIRCULATION
AS-010
 COPYRIGHT: WOW Atelier, LLC, 2017

PROJECT #: 160026
 ISSUE DATE: 10/27/2017
 ISSUE: MPO SUBMITTAL
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KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

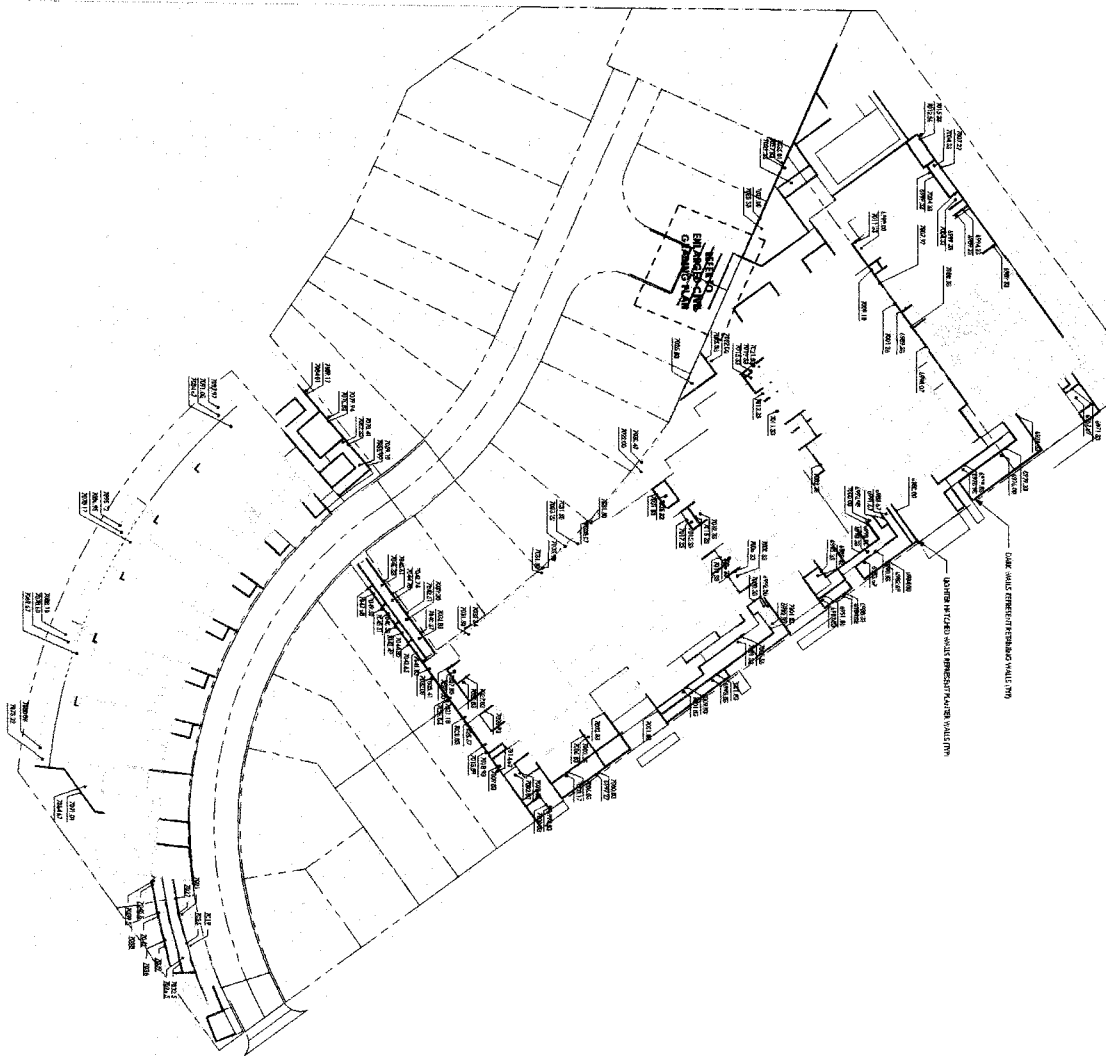
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 STRUCTURAL: JARRATT ENGINEERING
 MECHANICAL: PVE INC.
 ELECTRICAL: BHA CONSULTING
 LANDSCAPE: LOVET
 INTERIOR: WOW +

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WOW

1 RETAINING WALL & PLANTER WALL PLAN
 SCALE: 1" = 30'-0"

2 3 4 5 6



RETAINING WALL PLAN

AS-011

PROJECT #:
160026
 ISSUE DATE:
10.27.2017
 ISSUE:
MPD SUBMITTAL
 REVISIONS

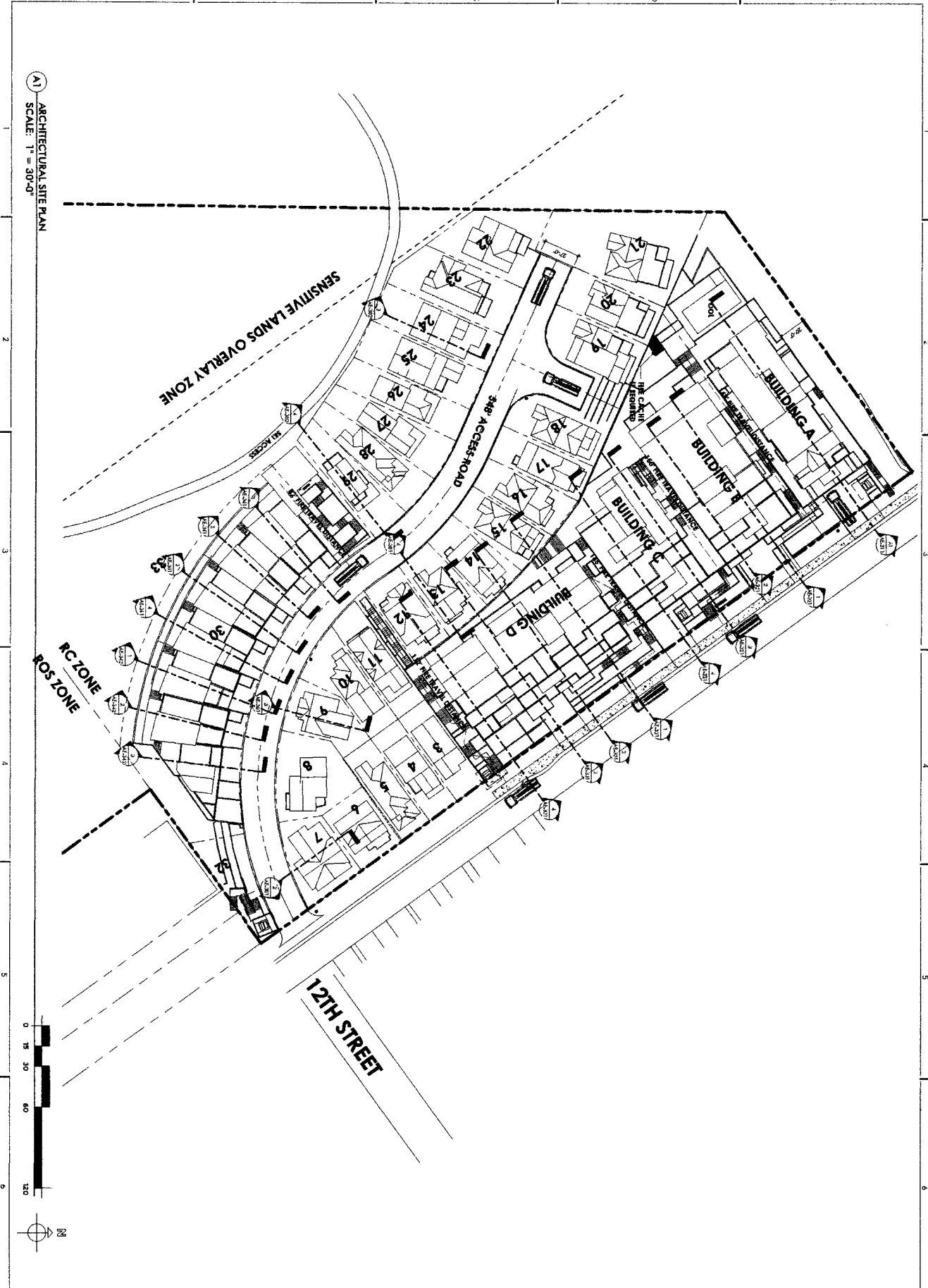
KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL:
EVERGREEN
 STRUCTURAL:
JARRATT ENGINEERING
 MECHANICAL:
PVR INC.
 ELECTRICAL:
BNA CONSULTING
 LANDSCAPE:
LOCO
 INTERIOR:
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WOW

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A1 ARCHITECTURAL SITE PLAN
 SCALE: 1" = 30'-0"

ARCHITECTURAL SITE PLAN

AS-101

PROJECT #: 160026
 ISSUE DATE: 10/27/2017
 ISSUE
 MPD SUBMITTAL
 REVISIONS

KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL: EVERGREEN
 STRUCTURAL: JARRATT ENGINEERING
 MECHANICAL: PUE INC.
 ELECTRICAL: BNA CONSULTING
 LANDSCAPE: LOICCI
 INTERIOR: WOW +

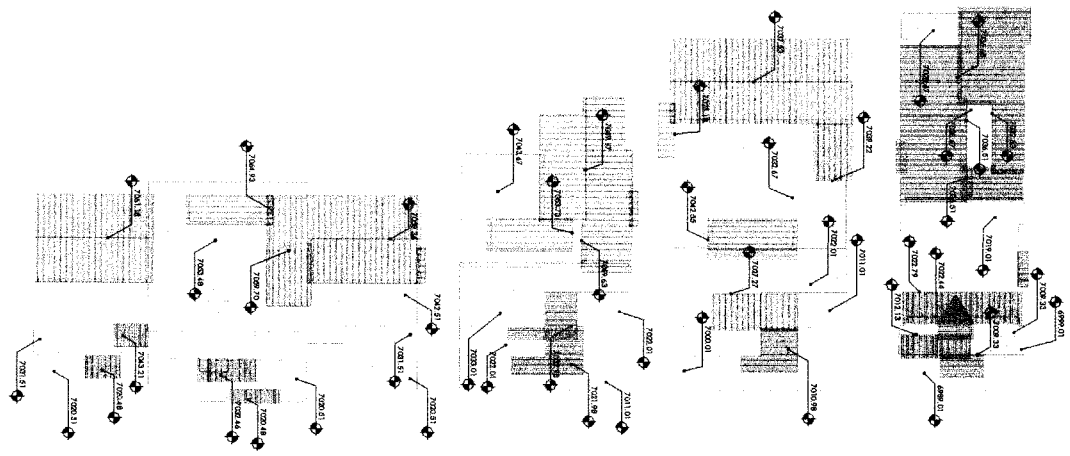
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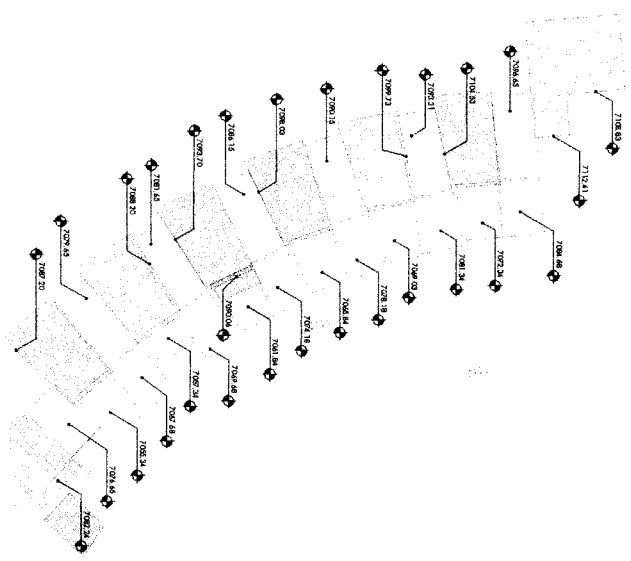
EXHIBIT O

ARCHITECTURAL GRAPHICS DRAWINGS

1 ROOF HEIGHTS @ CONDOS
SCALE: 1" = 20'-0"



2 ROOF HEIGHTS @ TOWNHOMES
SCALE: 1" = 20'-0"



ROOF HEIGHT COMPLIANCE

AG-101

PROJECT #:
140026
ISSUE DATE:
10/27/2017
ISSUE:
NPD SUBMITTAL
REVISIONS

KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN
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JARRATT ENGINEERING
MECHANICAL:
PVC INC.
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LOCO
INTERIOR:
WOW +

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CONSTRUCTION

WOW

1 35' HEIGHT STUDY
 SCALE:



2 40' HEIGHT STUDY
 SCALE:



HEIGHT FOG STUDIES

AG-102

PROJECT #:
 160026
 ISSUE DATE:
 10/27/2017
 ISSUE:
 AFD SUBMITAL
 REVISIONS

KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL:
 EVERGREEN
 STRUCTURAL:
 JARRATT ENGINEERING
 MECHANICAL:
 PVE INC
 ELECTRICAL:
 BNA CONSULTING
 LANDSCAPE:
 LOFT
 INTERIOR:
 WOW +

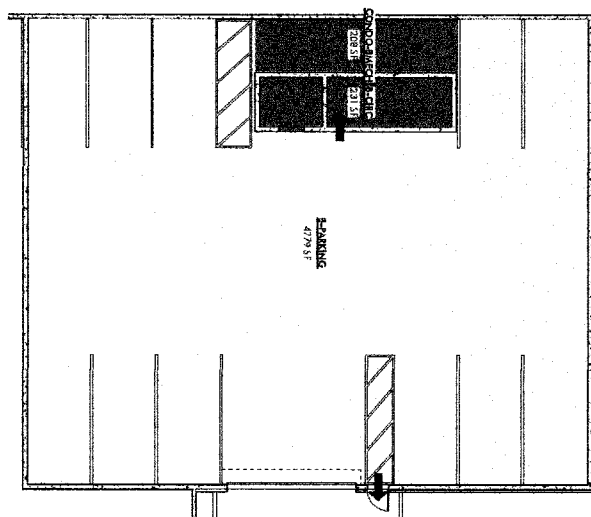
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WOW

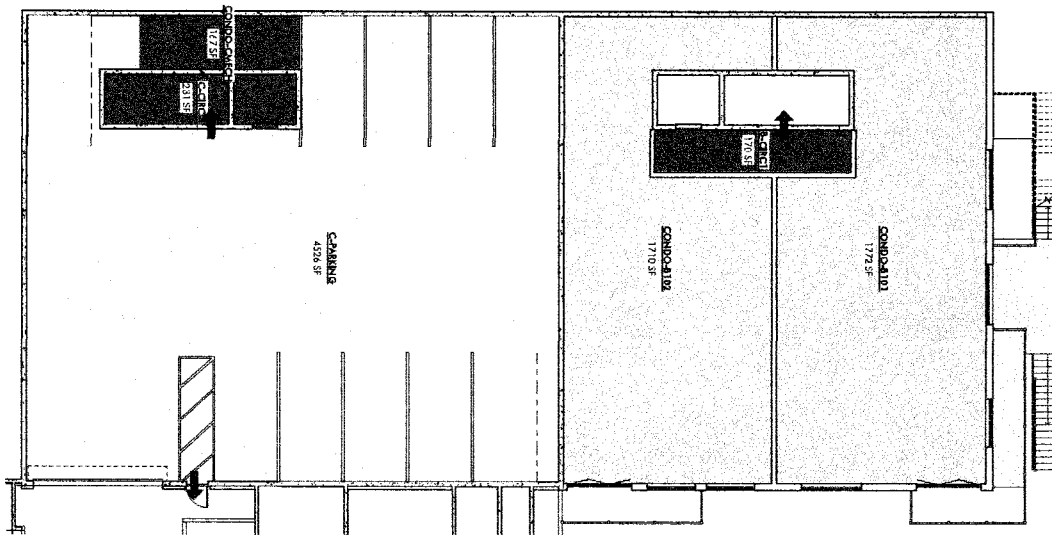
BIDG B/C CONDO AREAS	
UNIT	NET AREA
CONDO-B101	1772 SF
CONDO-B102	1710 SF
	3483 SF
CONDO-B201	1430 SF
CONDO-B202	1672 SF
CONDO-C101	1755 SF
CONDO-C102	1622 SF
	3377 SF
CONDO-B201B	1095 SF
CONDO-B202B	1190 SF
CONDO-B303	2834 SF
CONDO-C201	1745 SF
CONDO-C202	1556 SF
	3301 SF
CONDO-B401	1977 SF
CONDO-C202B	1531 SF
CONDO-C201	1612 SF
	3589 SF
CONDO-C401	2400 SF
	27693 SF
NET TOTAL AREA	

TOTAL REQUIRED PARKING SPACES: 21 PARKING SPACE
 TOTAL PROVIDED PARKING SPACES: 22 PARKING SPACES

1
 8.0
 SCALE: 1/8" = 1'-0"



2
 8.1/C/D
 SCALE: 1/8" = 1'-0"



CONDO BUILDING B/C
 AREA PLANS
AG-121

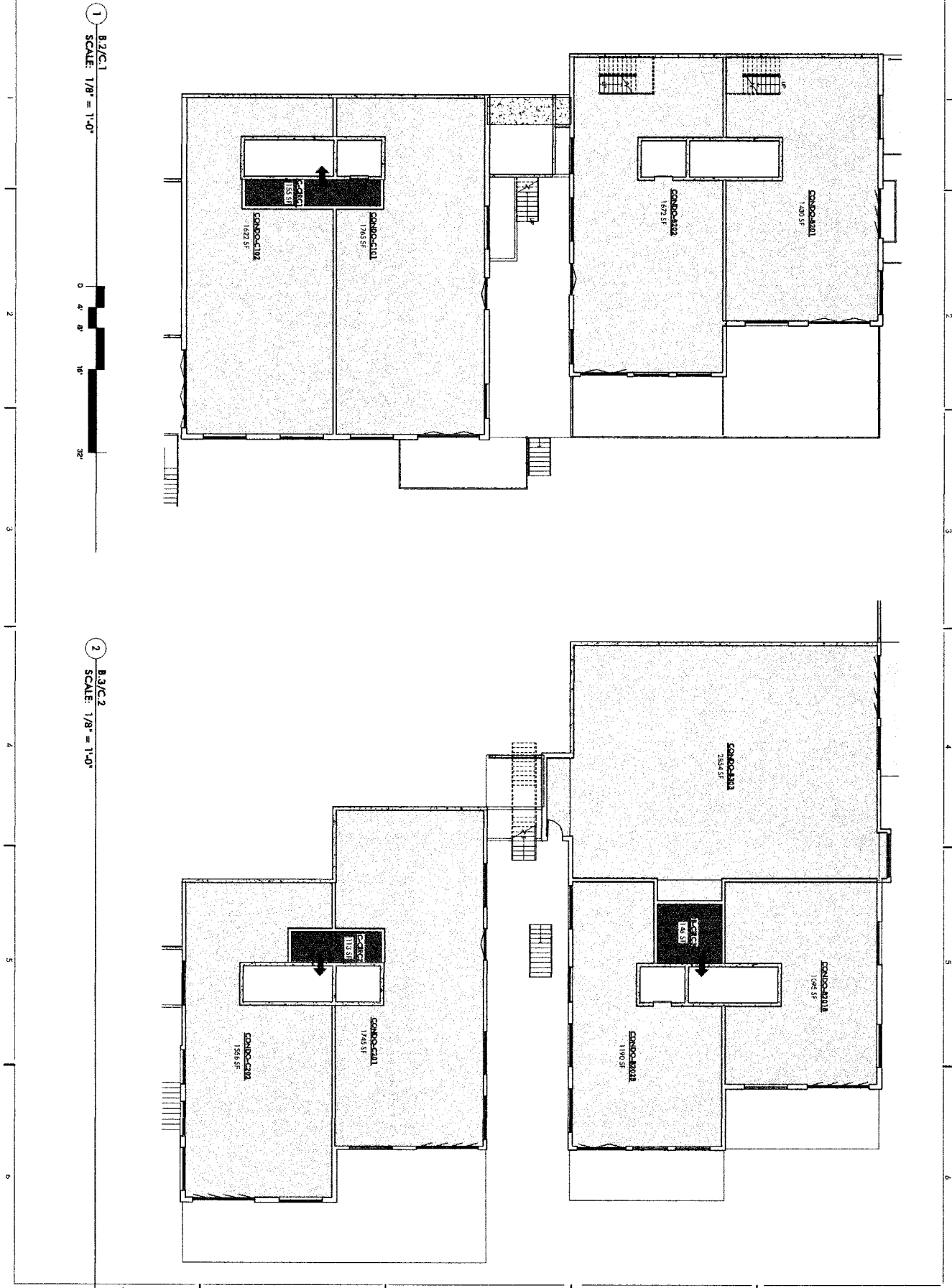
PROJECT #: 160026
 ISSUE DATE: 10/27/2017
 ISSUE: RFPD SUBMITTAL
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KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL: EVERGREEN
 STRUCTURAL: JARRATT ENGINEERING
 MECHANICAL: PVE INC
 ELECTRICAL: BNA CONSULTING
 LANDSCAPE: LOYCI
 INTERIOR: WOW +

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 CONSTRUCTION

WOW



CONDO BUILDING B/C
AREA PLANS
AG-122

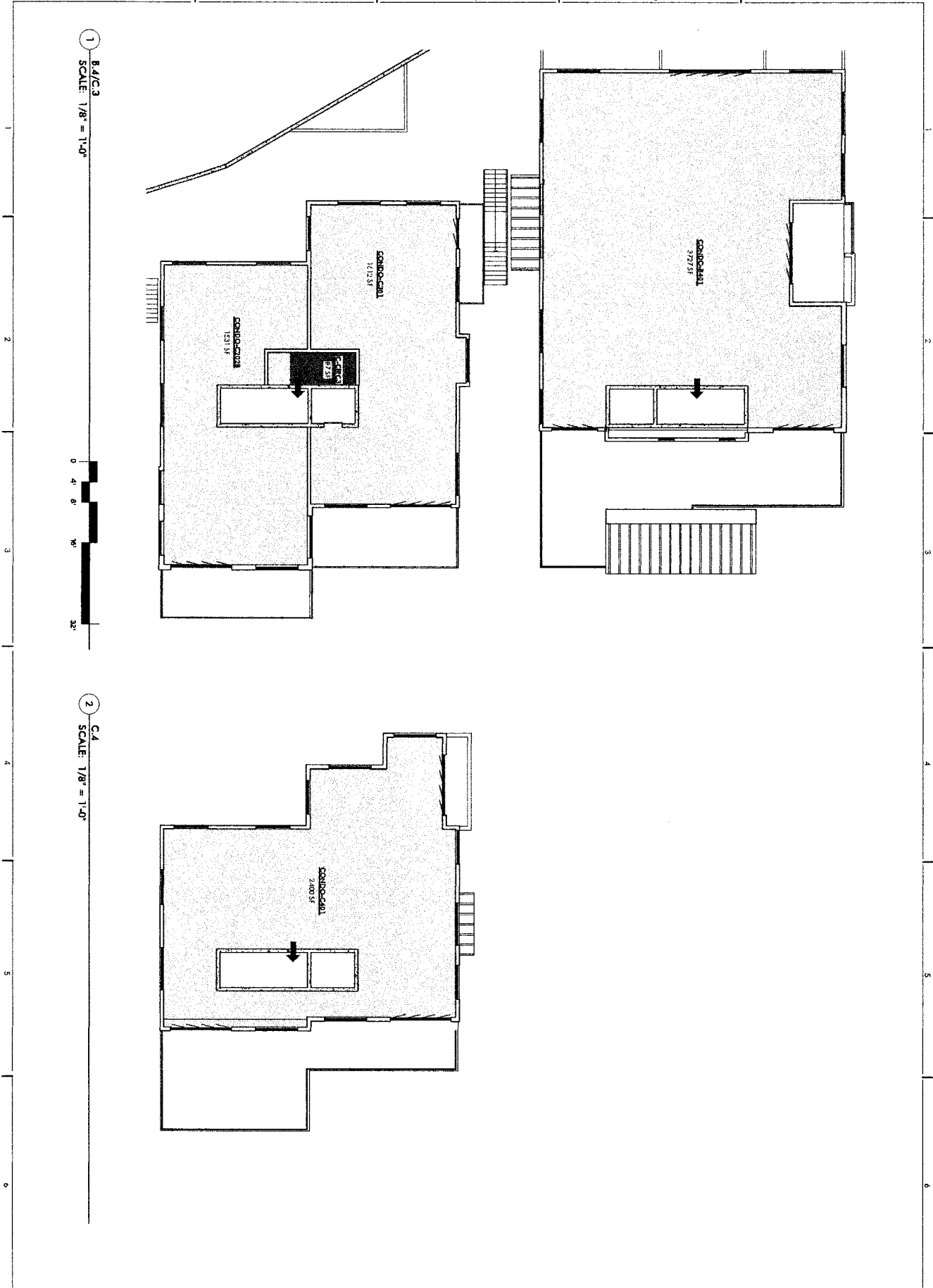
PROJECT #:
 160926
 ISSUE DATE:
 10/27/2017
 ISSUE:
 MPD SUBMITTAL
 REVISIONS

KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL: EVERGREEN
 STRUCTURAL: JARRATT ENGINEERING
 MECHANICAL: PVE INC.
 ELECTRICAL: BNA CONSULTING
 LANDSCAPE: LOIC
 INTERIOR: WOW +

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CONSTRUCTION

WOW



CONDO BUILDING B/C
AREA PLANS

AG-123

PROJECT #:
160026
ISSUE DATE:
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ISSUE:
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KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVE, INC.
ELECTRICAL:
BRA CONSULTING
LANDSCAPE:
LODGE
INTERIOR:
WOW +

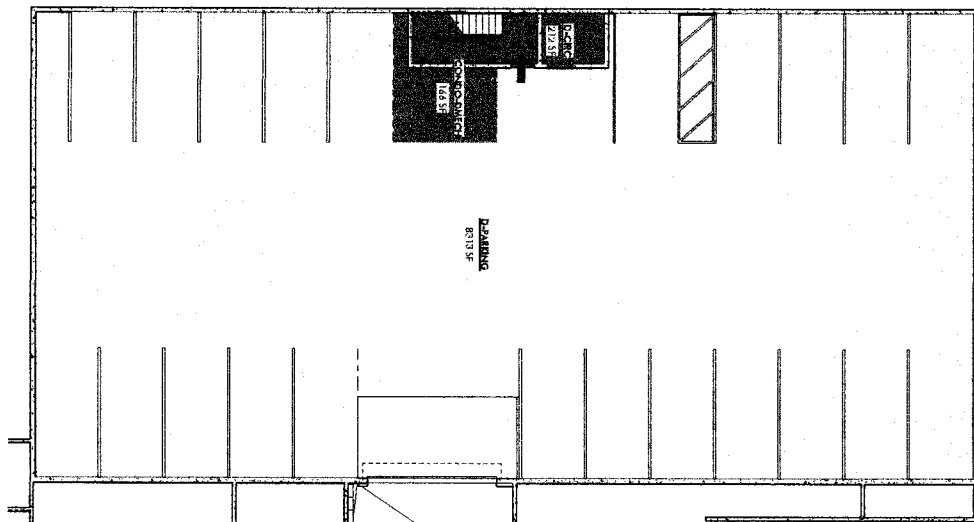
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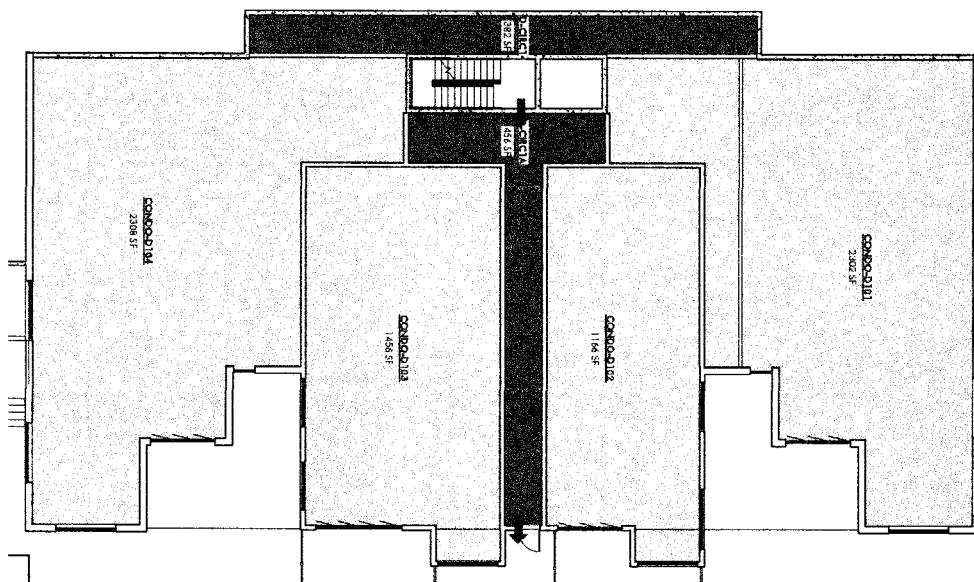
BIDG D CONDO AREAS	
UNIT	NET AREA
CONDO-D101	2302 SF
CONDO-D102	1166 SF
CONDO-D103	1456 SF
CONDO-D104	2308 SF
	7202 SF
CONDO-D201	2123 SF
CONDO-D202	1423 SF
CONDO-D203	1468 SF
CONDO-D204	2308 SF
	7344 SF
CONDO-D301B	1240 SF
CONDO-D301B	1244 SF
CONDO-D301	1722 SF
CONDO-D302	1630 SF
	5837 SF
CONDO-D301B	1097 SF
CONDO-D301B	1093 SF
CONDO-D401	2303 SF
	4142 SF
NET TOTAL AREA	24255 SF

1 D.0
 SCALE: 1/8" = 1'-0"

0 4' 8' 16' 32'



2 D.1
 SCALE: 1/8" = 1'-0"



CONDO BUILDING D
 AREA PLANS

AG-131

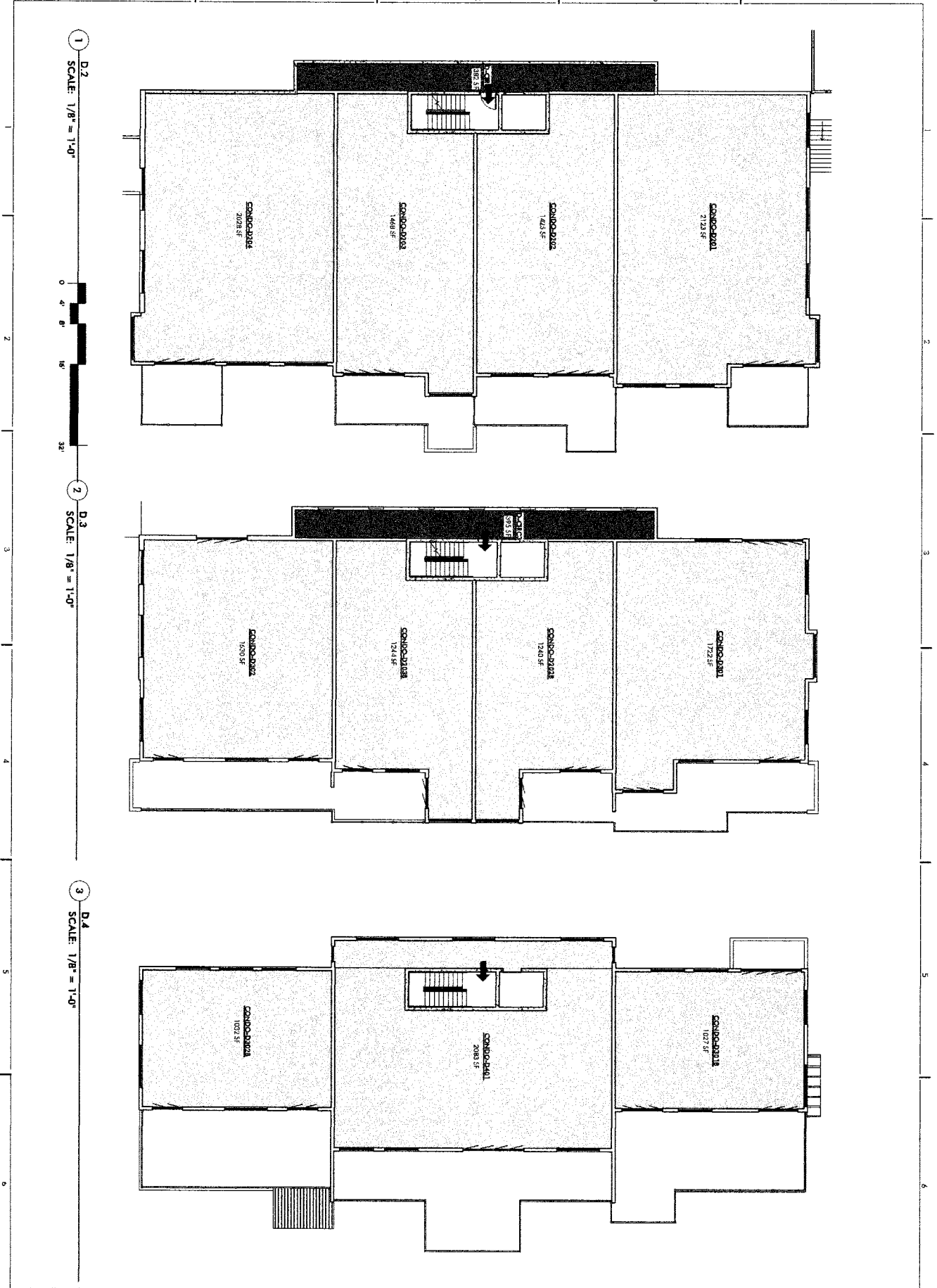
PROJECT #:
 160026
 ISSUE DATE:
 10/27/2017
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 MPD SUBMITTAL
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KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL: EVERGREEN
 STRUCTURAL: JARRATT ENGINEERING
 MECHANICAL: PVE INC
 ELECTRICAL: DNA CONSULTING
 LANDSCAPE: LOCHI
 INTERIOR: WOW +

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WOW



**CONDO BUILDING D
 AREA PLANS**
AG-132

PROJECT #:
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**KING'S CROWN
 MASTER PLANNED DEVELOPMENT**
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL:
 EVERGREEN
 STRUCTURAL:
 JARRATT ENGINEERING
 MECHANICAL:
 PVE INC
 ELECTRICAL:
 BNA CONSULTING
 LANDSCAPE:
 LOCO
 INTERIOR:
 WOW +

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 PERMIT OR
 CONSTRUCTION**

WOW

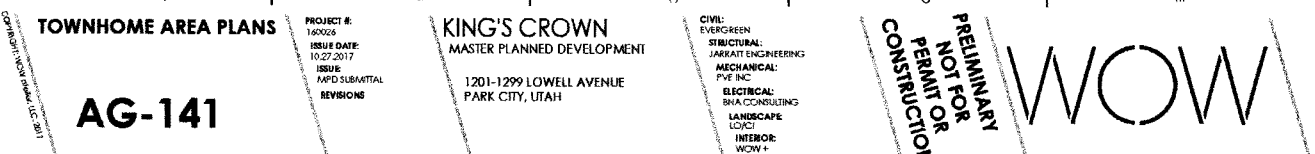
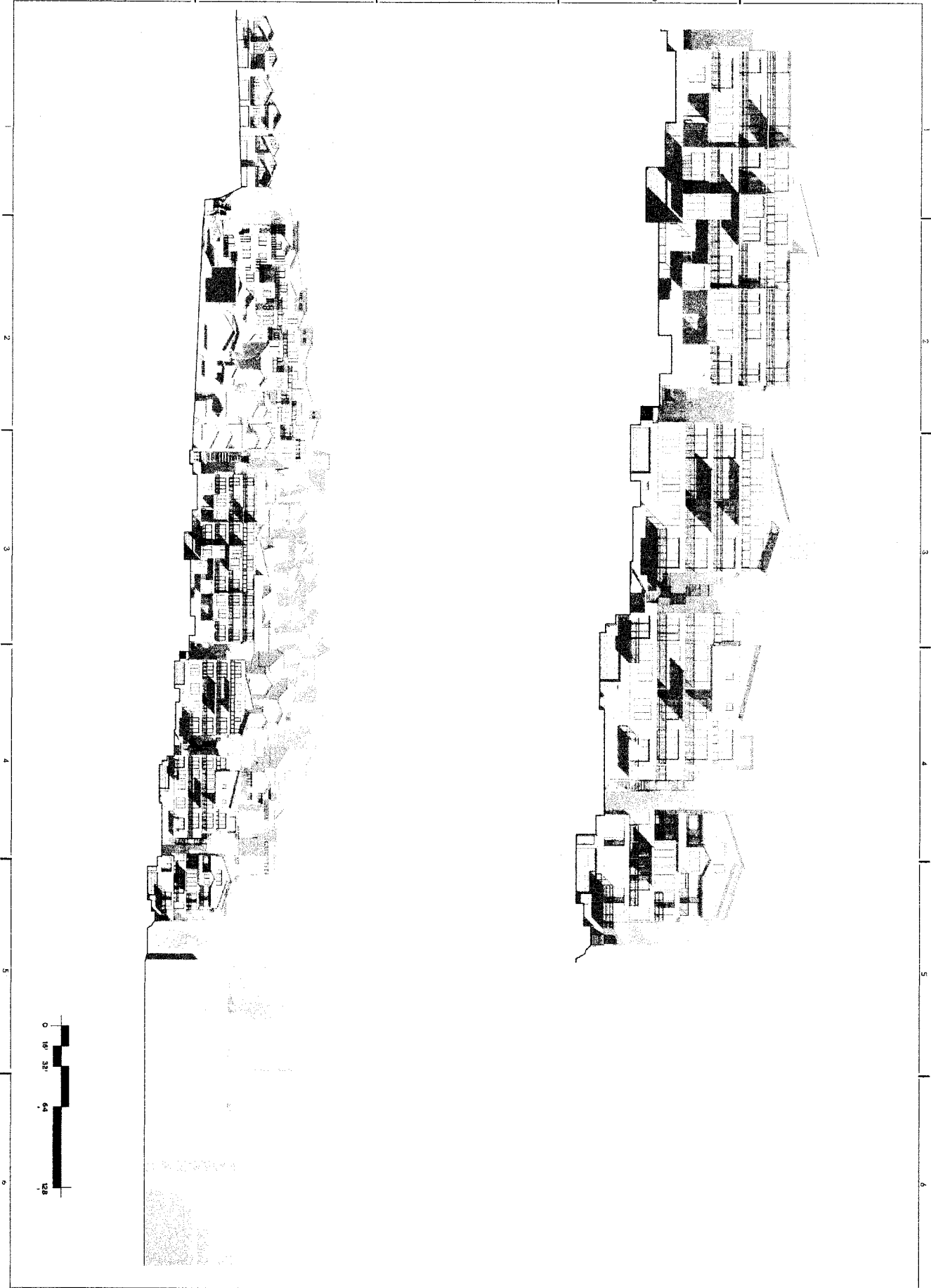


EXHIBIT P
ARCHITECTURAL DRAWINGS



**LOWELL AVE -
STREETSCAPE ELEVATIONS**

AE-201

PROJECT #:
160026
ISSUE DATE:
10/27/2017
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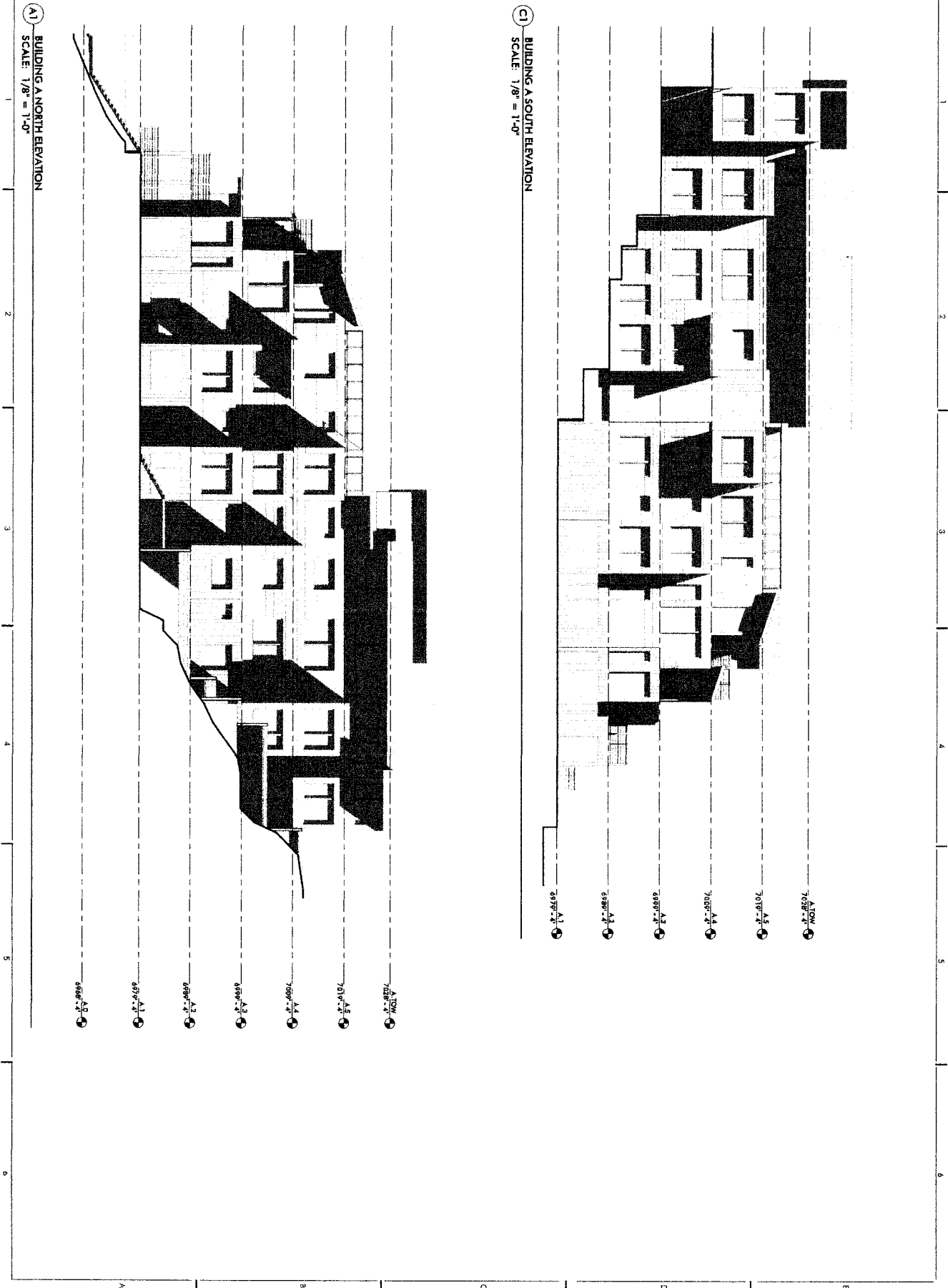
KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

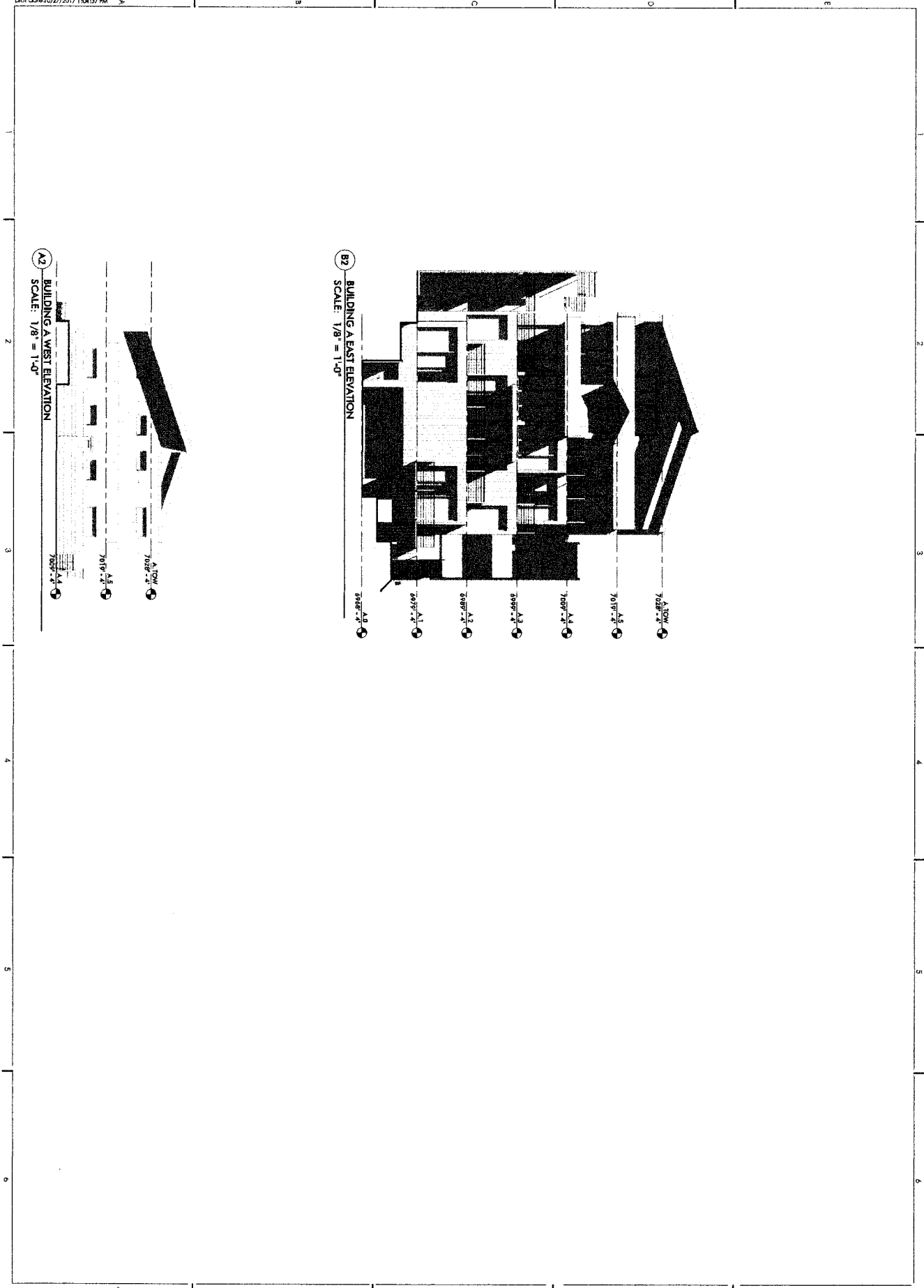
CIVIL:
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STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVE INC
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LOCO
INTERIOR:
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BUILDING A ELEVATIONS

AE-212

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MASTER PLANNED DEVELOPMENT

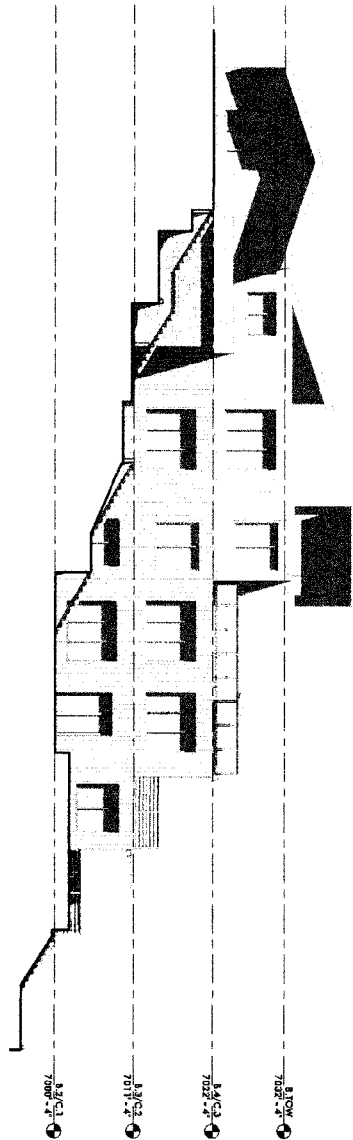
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVE INC
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LOJCT
INTERIOR:
WOW +

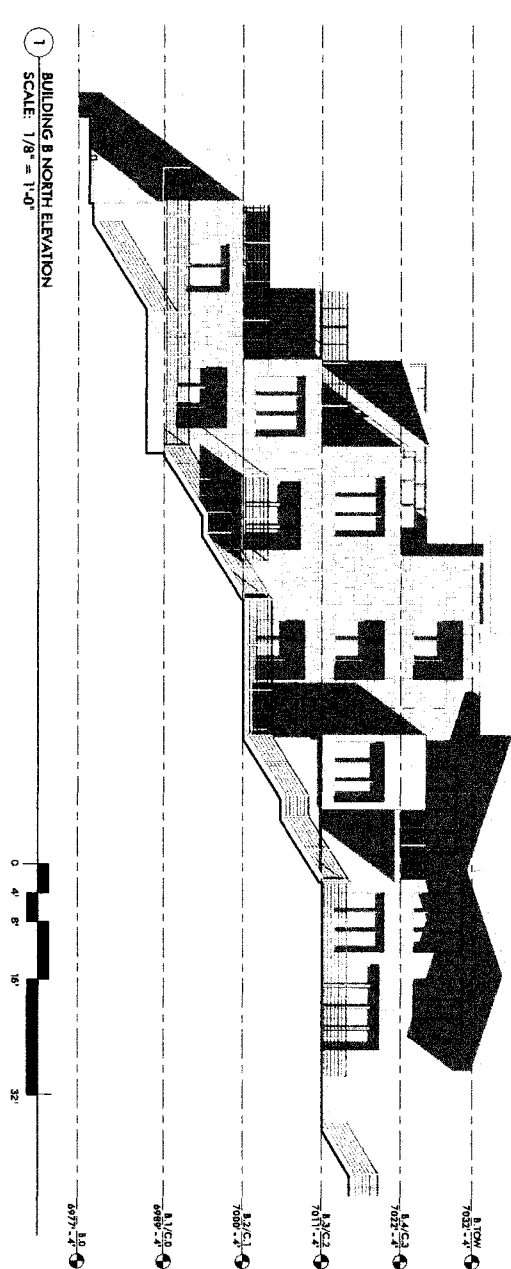
**PRELIMINARY
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CONSTRUCTION**

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2 BUILDING B SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



1 BUILDING B NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



BUILDING B ELEVATIONS

AE-221

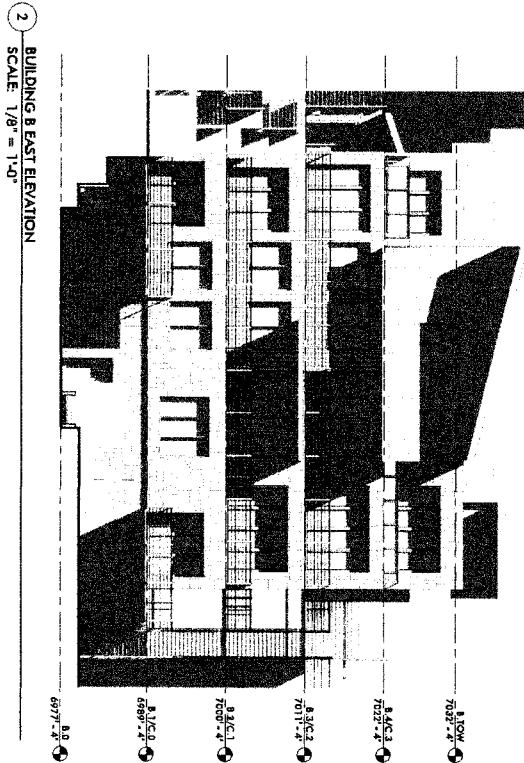
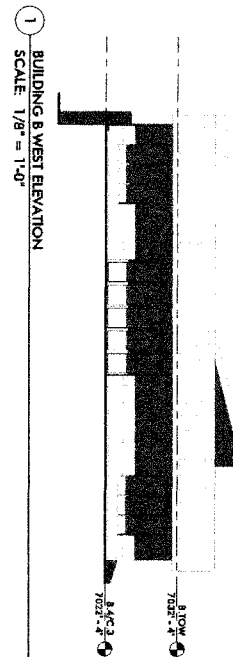
PROJECT #:
 160026
 ISSUE DATE:
 10/27/2017
 ISSUE
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 REVISIONS

KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL:
 EVERGREEN
 STRUCTURAL:
 JARRATT ENGINEERING
 MECHANICAL:
 PVE INC
 ELECTRICAL:
 BNA CONSULTING
 LANDSCAPE:
 LOCO
 INTERIOR:
 WOW +

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 NOT FOR
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 CONSTRUCTION

WOW



BUILDING B ELEVATIONS
AE-222

PROJECT #: 160056
 ISSUE DATE: 10/27/2017
 ISSUE: MPD SUBMITTAL
 REVISIONS

KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

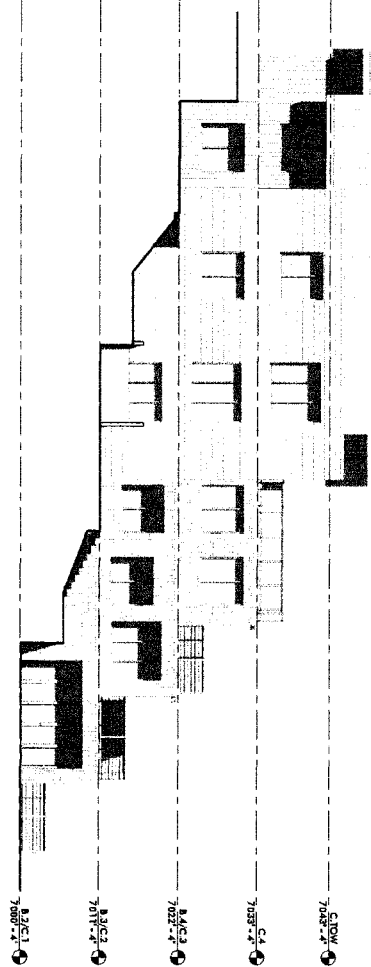
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 STRUCTURAL: JARRATT ENGINEERING
 MECHANICAL: PVE INC.
 ELECTRICAL: BNA CONSULTING
 LANDSCAPE: LOYCI
 INTERIOR: WOW +

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 CONSTRUCTION**

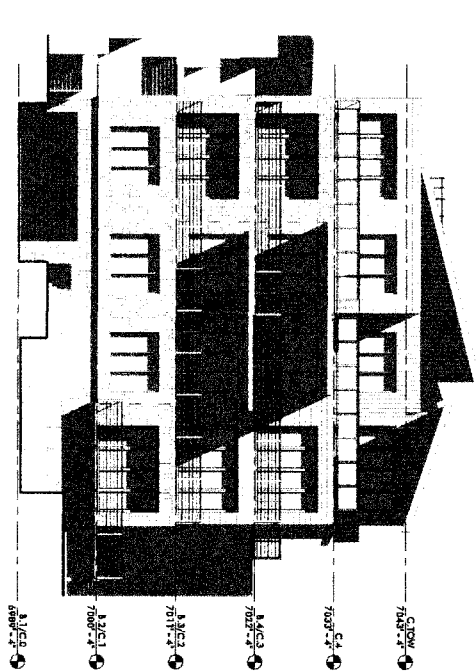
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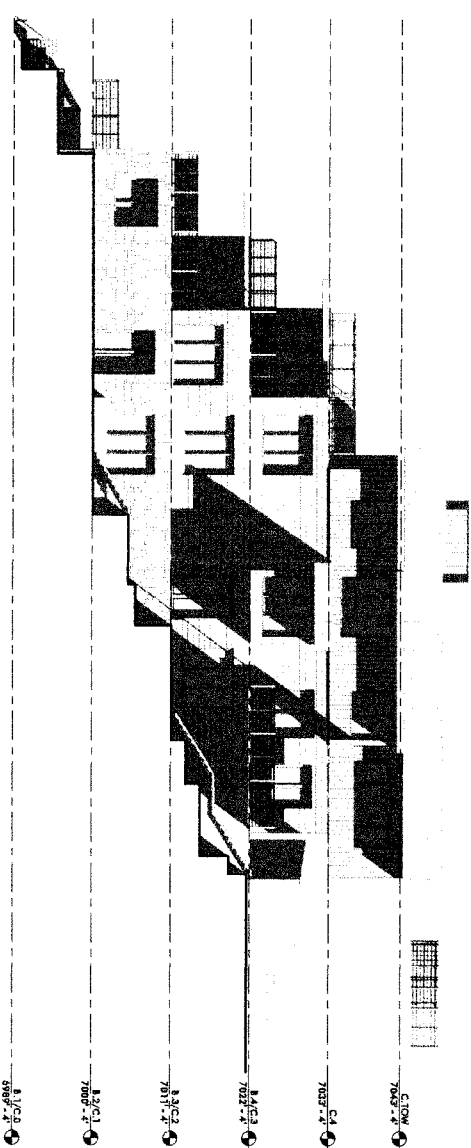
2 BUILDING C SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



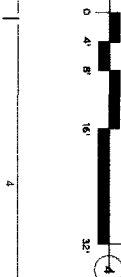
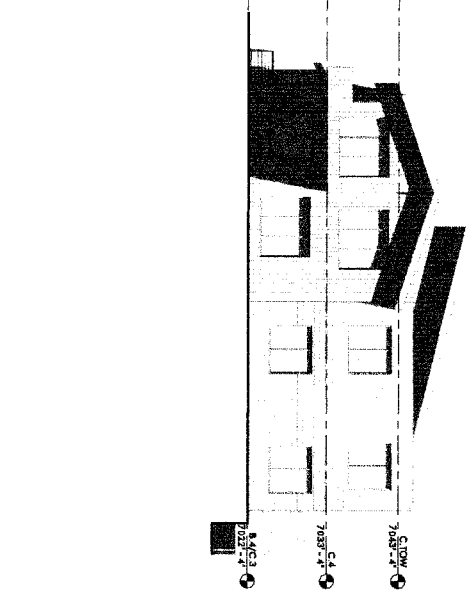
3 BUILDING C EAST ELEVATION
 SCALE: 1/8" = 1'-0"



1 BUILDING C NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



4 BUILDING C WEST ELEVATION
 SCALE: 1/8" = 1'-0"



BUILDING C ELEVATIONS

AE-223

PROJECT #: 160026
 ISSUE DATE: 10/27/2017
 ISSUE: MPD SUBMITTAL
 REVISIONS:

KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL: EVERGREEN
 STRUCTURAL: JARRATT ENGINEERING
 MECHANICAL: PVE INC
 ELECTRICAL: BNA CONSULTING
 LANDSCAPE: LOCCI
 INTERIOR: WOW +

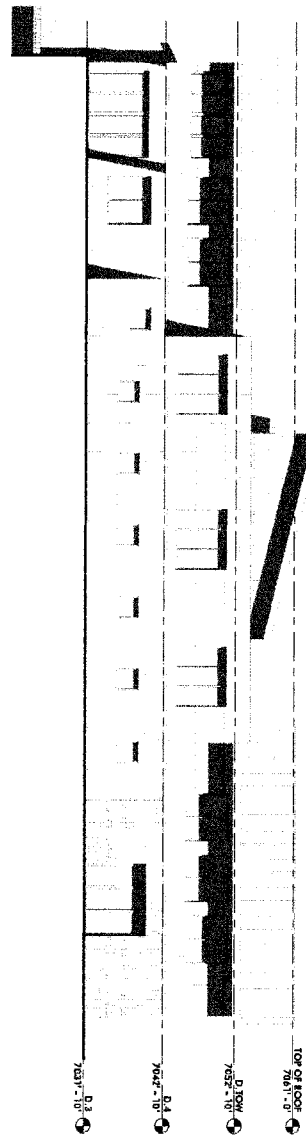
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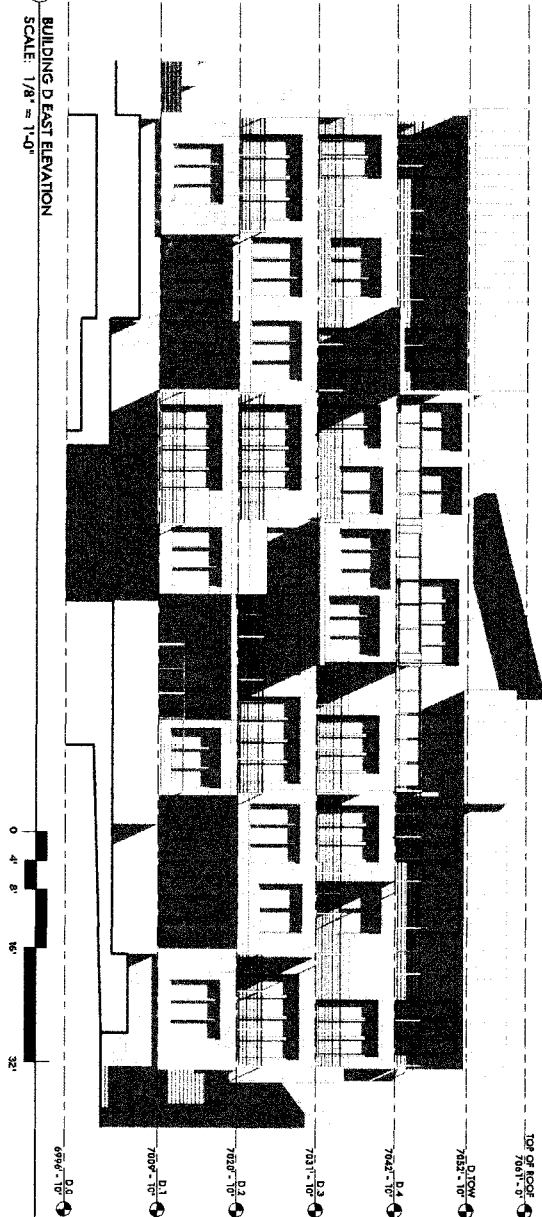
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2 BUILDING D WEST ELEVATION
 SCALE: 1/8" = 1'-0"



1 BUILDING D EAST ELEVATION
 SCALE: 1/8" = 1'-0"



BUILDING D ELEVATIONS

AE-232

PROJECT #:
 160025
 ISSUE DATE:
 10/27/2017
 ISSUE
 MPO SUBMITTAL
 REVISIONS

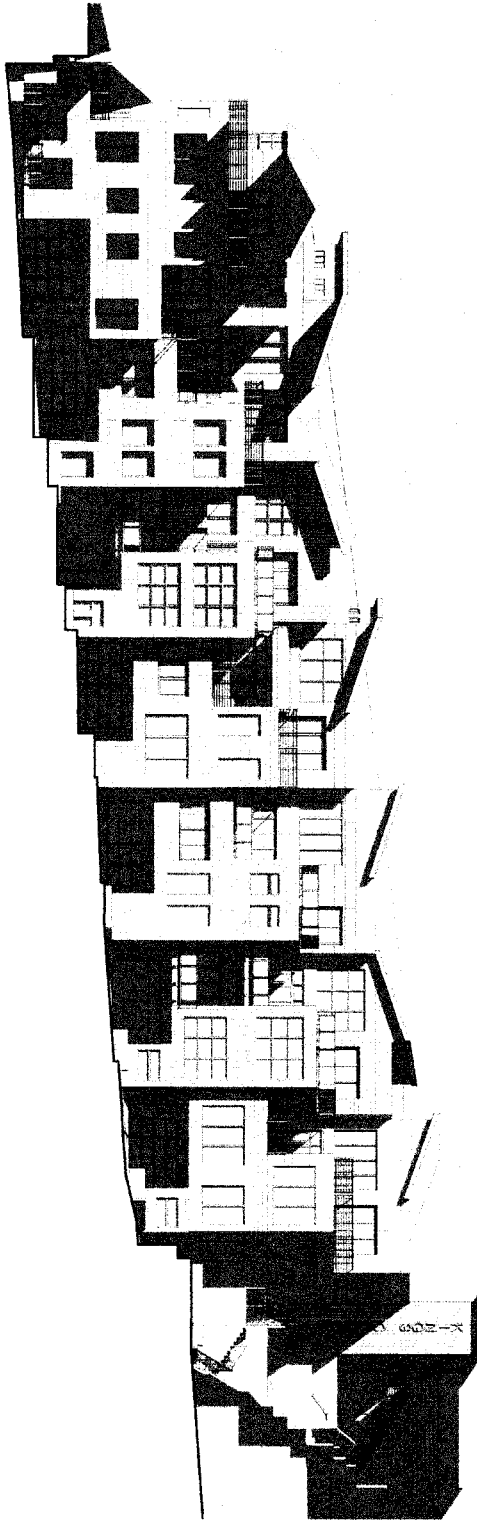
KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL:
 EVERGREEN
 STRUCTURAL:
 JARRATT ENGINEERING
 MECHANICAL:
 PVE INC.
 ELECTRICAL:
 BNA CONSULTING
 LANDSCAPE:
 LOCCI
 INTERIOR:
 WOW +

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 NOT FOR
 PERMIT OR
 CONSTRUCTION

WOW

1 TOWNHOME STREET ELEVATION
SCALE: 3/32" = 1'-0"



TOWNHOME STREET
ELEVATION

AE-241

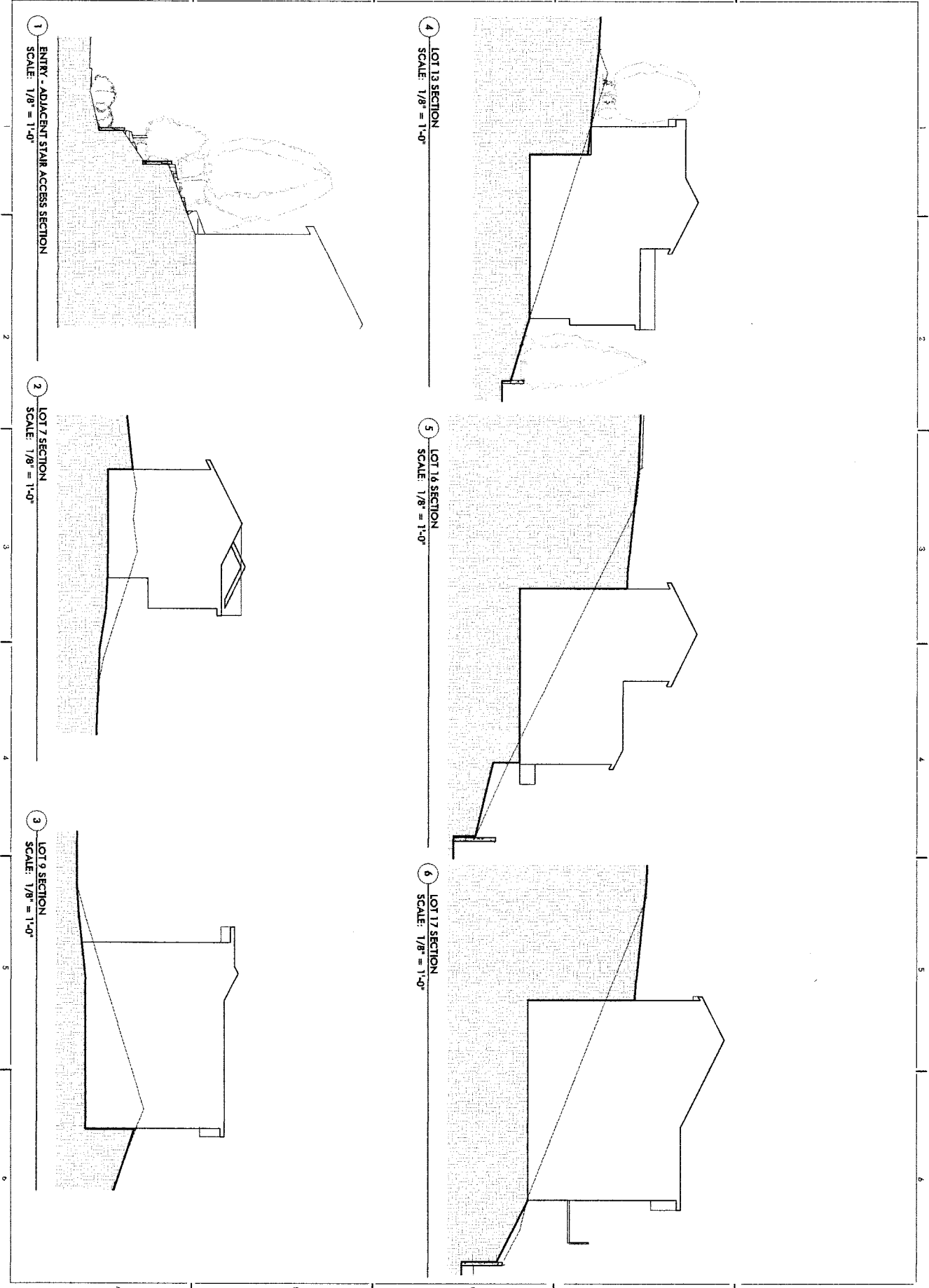
PROJECT #:
160026
ISSUE DATE:
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KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVE INC.
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LOJO
INTERIOR:
WOW+

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CONSTRUCTION

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SITE SECTIONS
AE-301

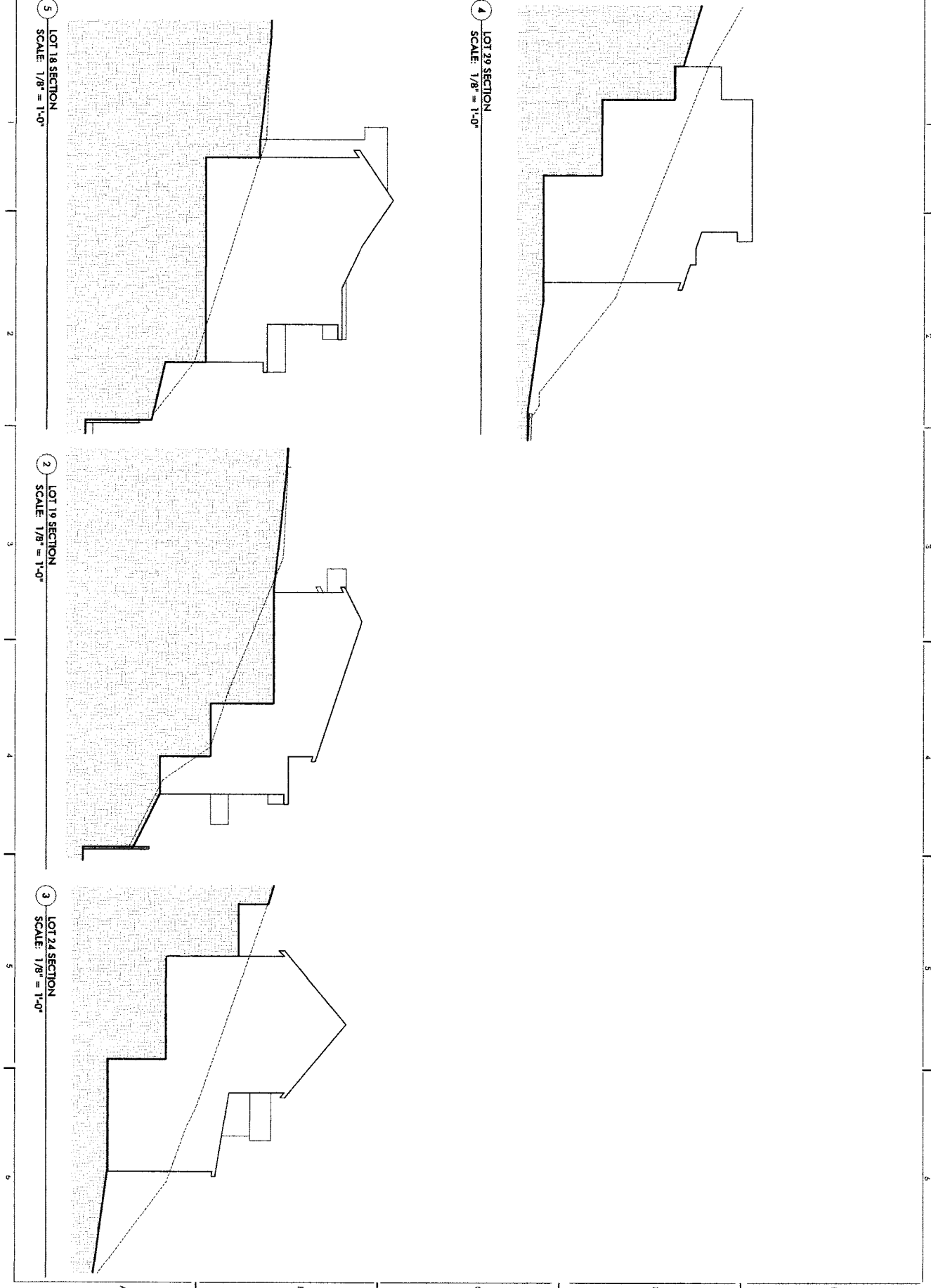
PROJECT #:
 160026
 ISSUE DATE:
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KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

CIVIL:
 OVERGREEN
 STRUCTURAL:
 JARRAIT ENGINEERING
 MECHANICAL:
 FIVE INC.
 ELECTRICAL:
 BNA CONSULTING
 LANDSCAPE:
 LOVETT
 INTERIOR:
 WOW +

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SITE SECTIONS

AE-302

PROJECT #:
169526

ISSUE DATE:
10/27/2017

ISSUE:
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KING'S CROWN
MASTER PLANNED DEVELOPMENT

1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN

STRUCTURAL:
JARRATT ENGINEERING

MECHANICAL:
PVS INC.

ELECTRICAL:
BNA CONSULTING

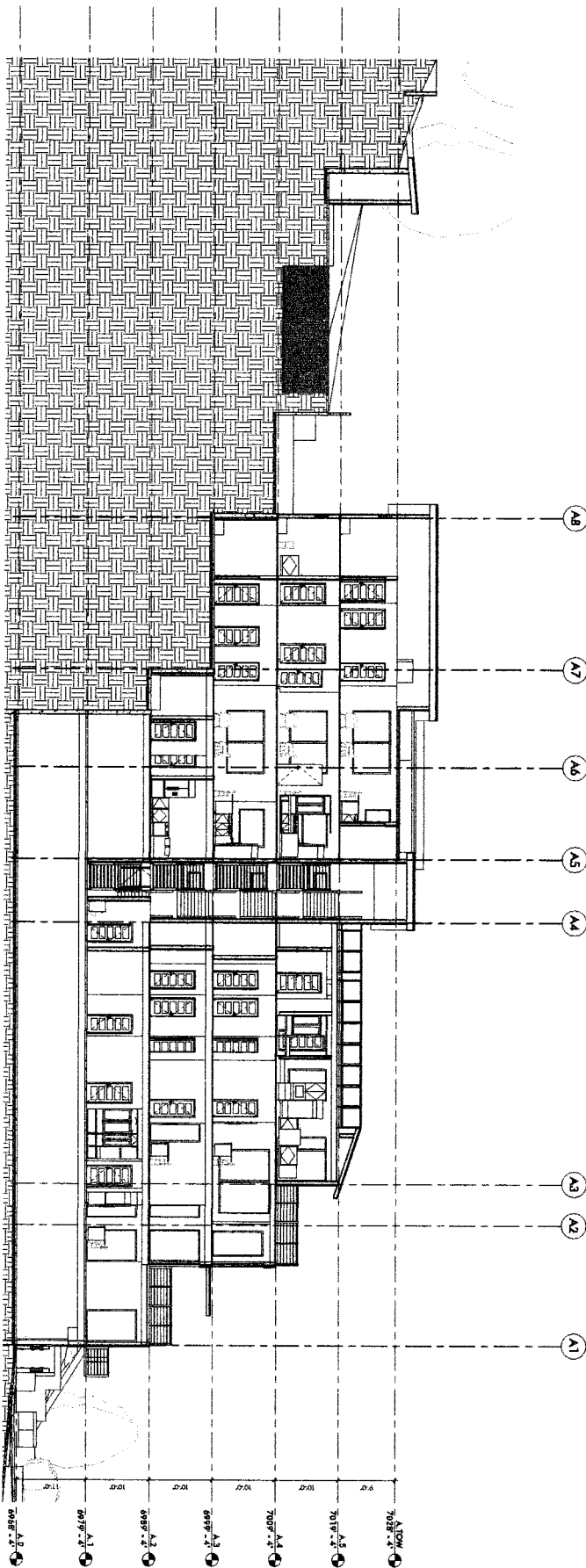
LANDSCAPE:
LOVST

INTERIOR:
WOWA

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CONSTRUCTION

WOWA

A1 BUILDING A - CROSS SECTION
 SCALE: 1/8" = 1'-0"



BUILDING A SECTIONS

AE-311

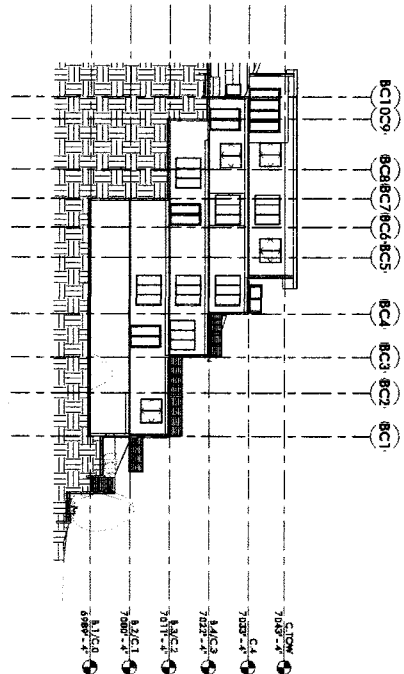
PROJECT #:
 160026
 ISSUE DATE:
 10/27/2017
 ISSUE:
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 REVISIONS

KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

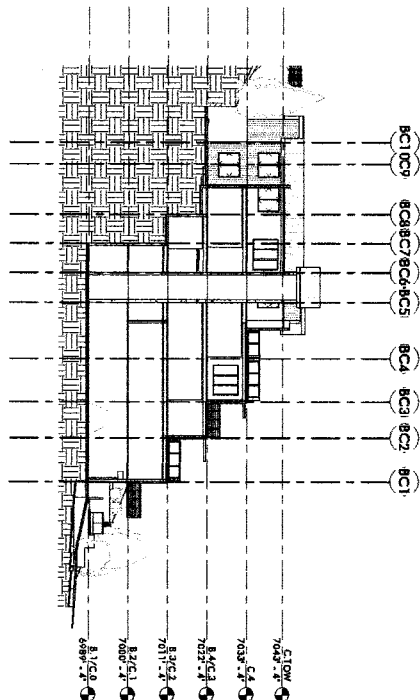
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 STRUCTURAL:
 JARRATT ENGINEERING
 MECHANICAL:
 PVE INC
 ELECTRICAL:
 BNA CONSULTING
 LANDSCAPE:
 LOCHI
 INTERIOR:
 WOW 4

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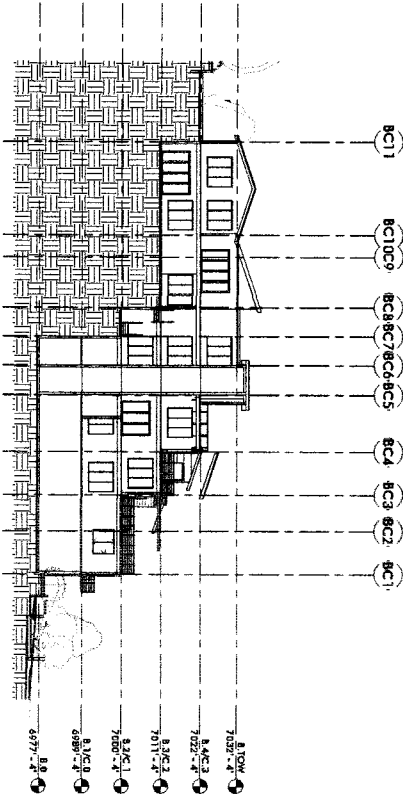
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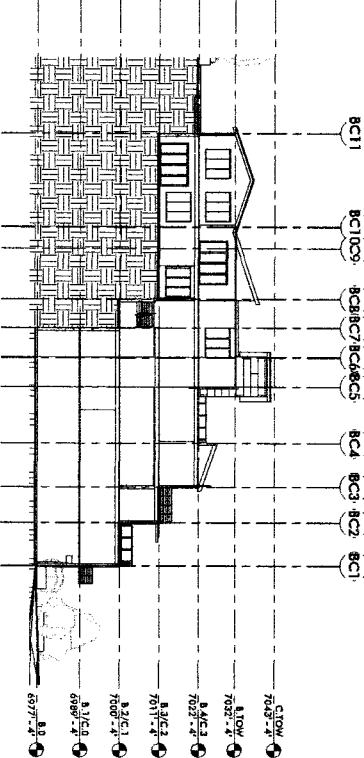
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4 C2
SCALE: 1/16" = 1'-0"



1 B1
SCALE: 1/16" = 1'-0"



2 B2
SCALE: 1/16" = 1'-0"

BUILDING B/C SECTIONS

AE-321

PROJECT #
160026
ISSUE DATE
10-27-2017
ISSUE
MPD SUBMITTAL
REVISIONS

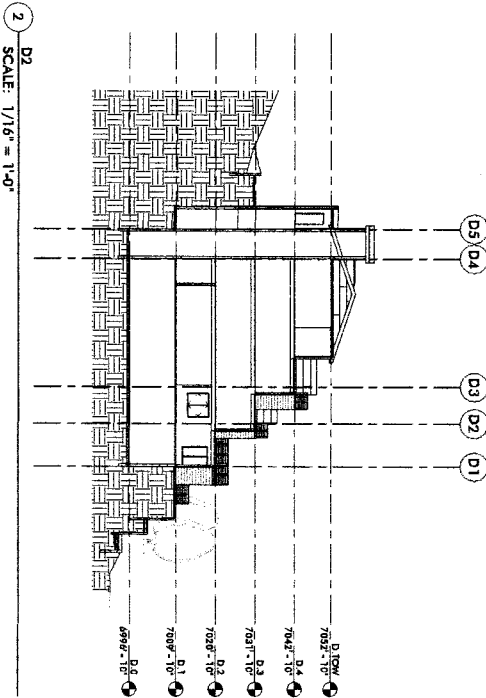
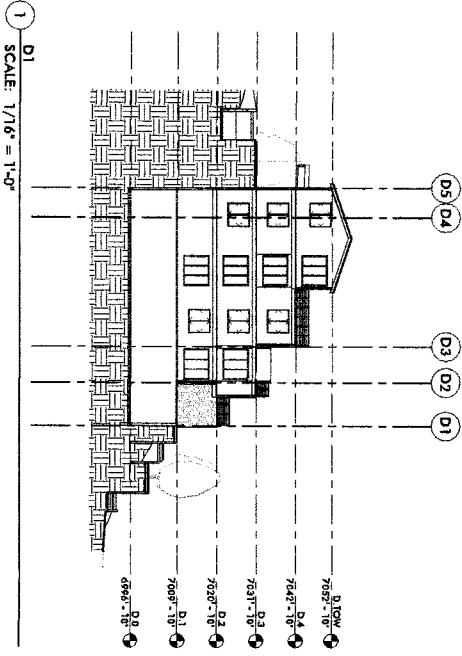
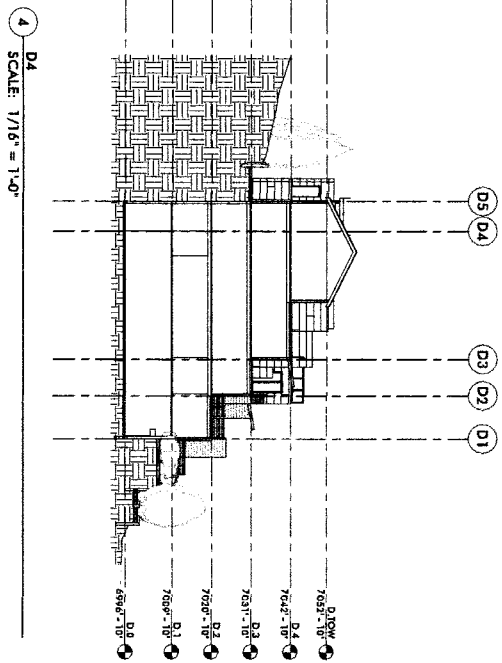
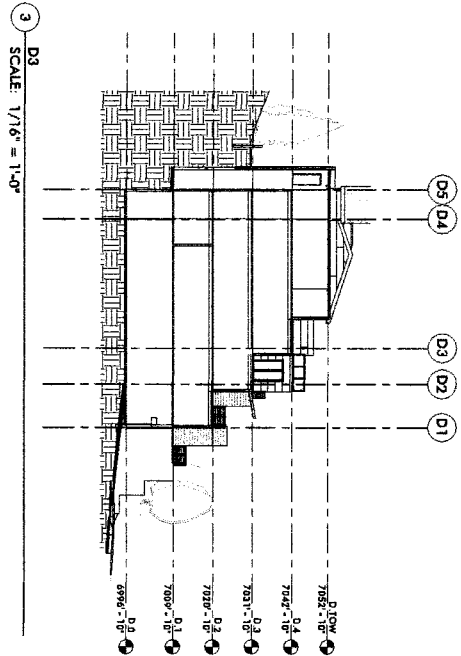
KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN
STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVE INC.
ELECTRICAL:
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LANDSCAPE:
LOCCI
INTERIOR:
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BUILDING D SECTIONS

AE-331

PROJECT #
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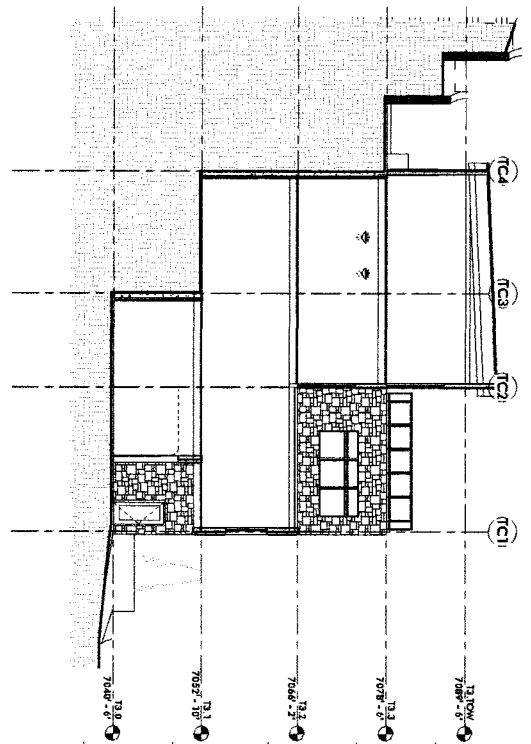
KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

CIVIL:
EVERGREEN
STRUCTURAL:
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MECHANICAL:
PVE INC
ELECTRICAL:
BNA CONSULTING
LANDSCAPE:
LOCO
INTERIOR:
WOW +

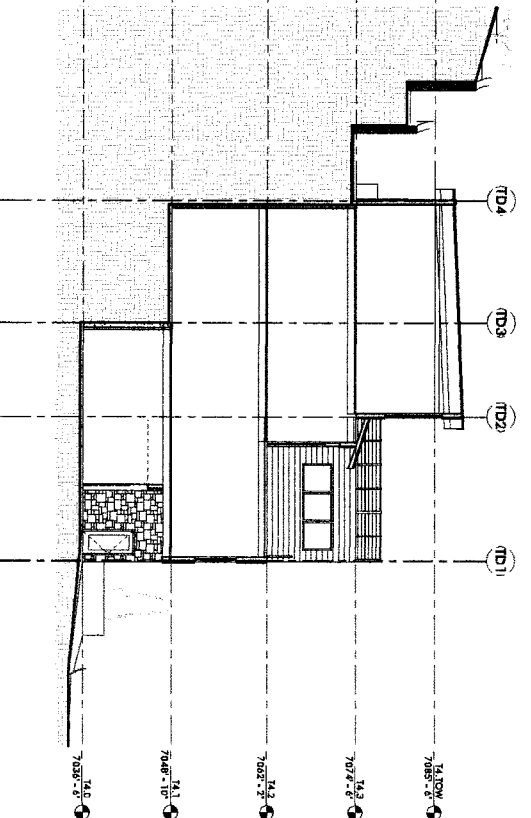
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CONSTRUCTION

WOW

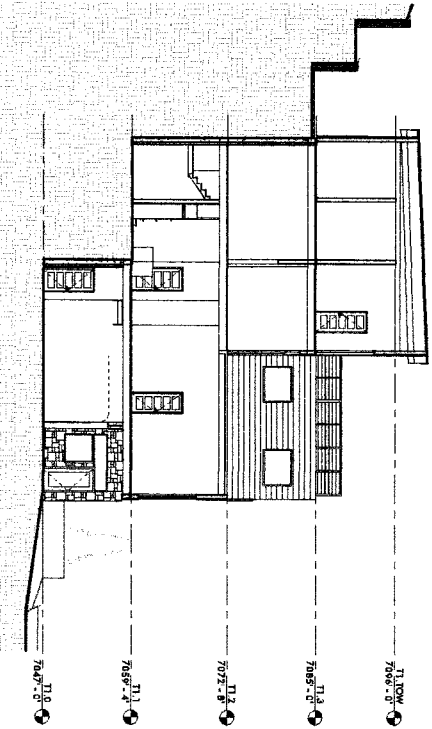
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Plot date: 10/27/2017 1:05:33 PM



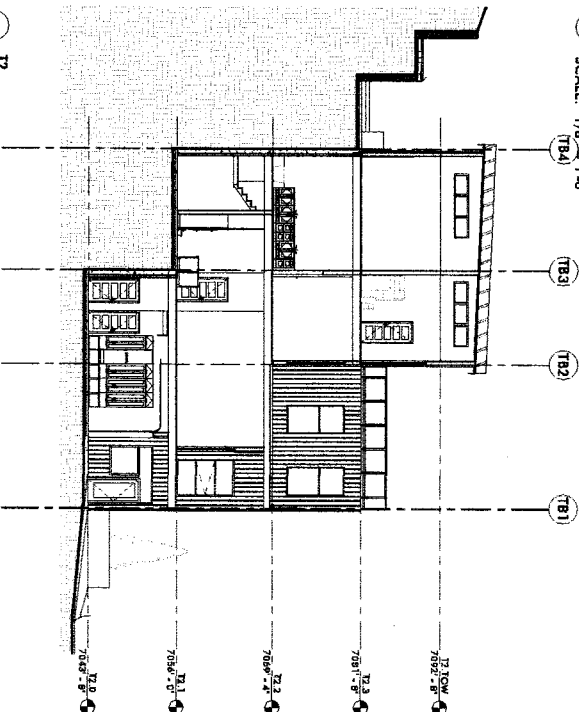
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4 T4
SCALE: 1/8" = 1'-0"



1 T1
SCALE: 1/8" = 1'-0"



2 T2
SCALE: 1/8" = 1'-0"

TOWNHOME SECTIONS

AE-341

PROJECT #:
160606
ISSUE DATE:
10/27/2017
ISSUE:
ARCH SUBMITTAL
REVISIONS

KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

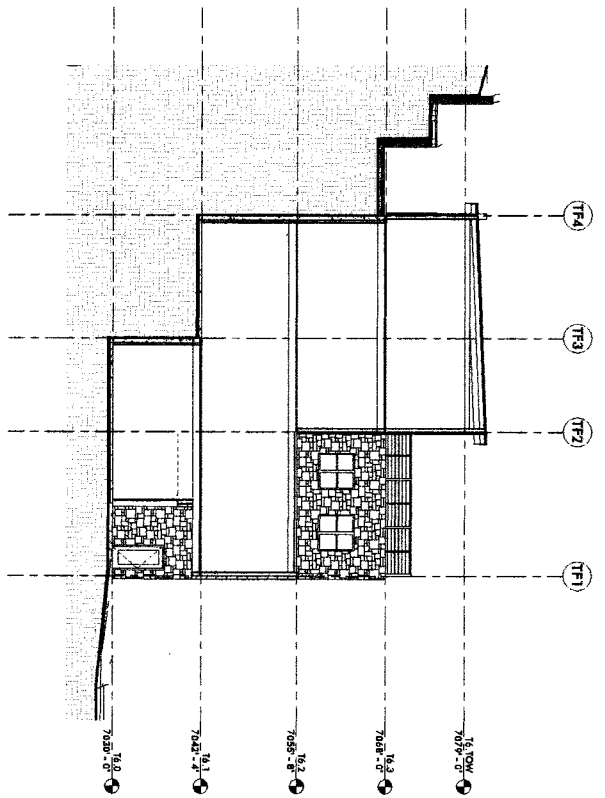
CIVIL:
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STRUCTURAL:
JARRATT ENGINEERING
MECHANICAL:
PVS INC
ELECTRICAL:
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LANDSCAPE:
LUCY
INTERIOR:
WOW +

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CONSTRUCTION

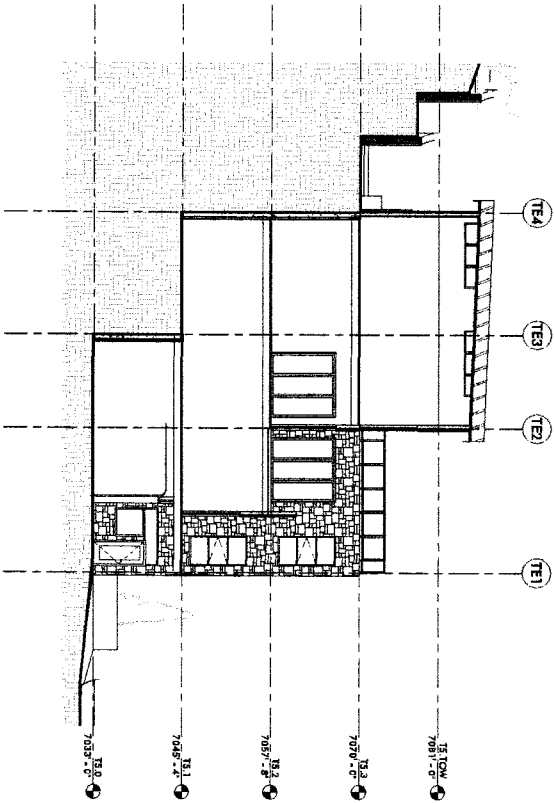
WOW

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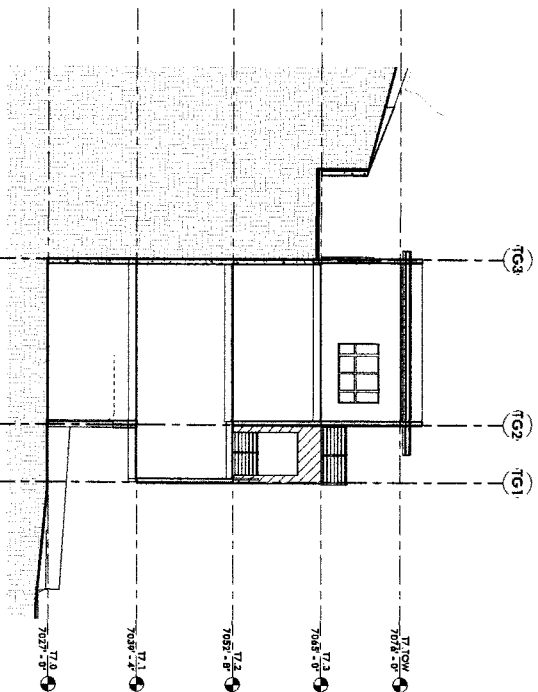
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2 TOWNHOME SECTION 6
 SCALE: 1/8" = 1'-0"



1 TOWNHOME SECTION 5
 SCALE: 1/8" = 1'-0"



3 TOWNHOME SECTION 7
 SCALE: 1/8" = 1'-0"

TOWNHOME SECTIONS

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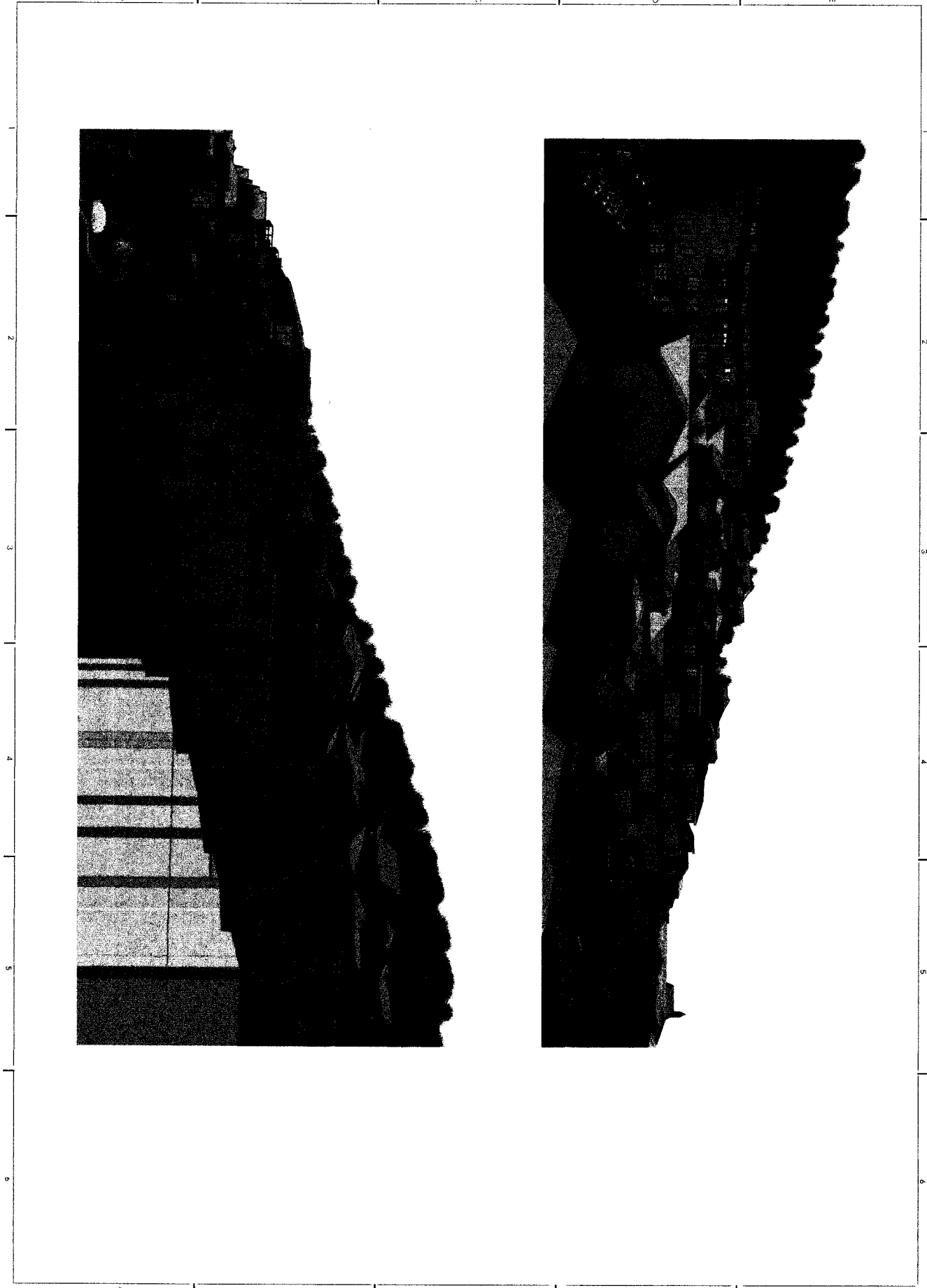
KING'S CROWN
 MASTER PLANNED DEVELOPMENT
 1201-1299 LOWELL AVENUE
 PARK CITY, UTAH

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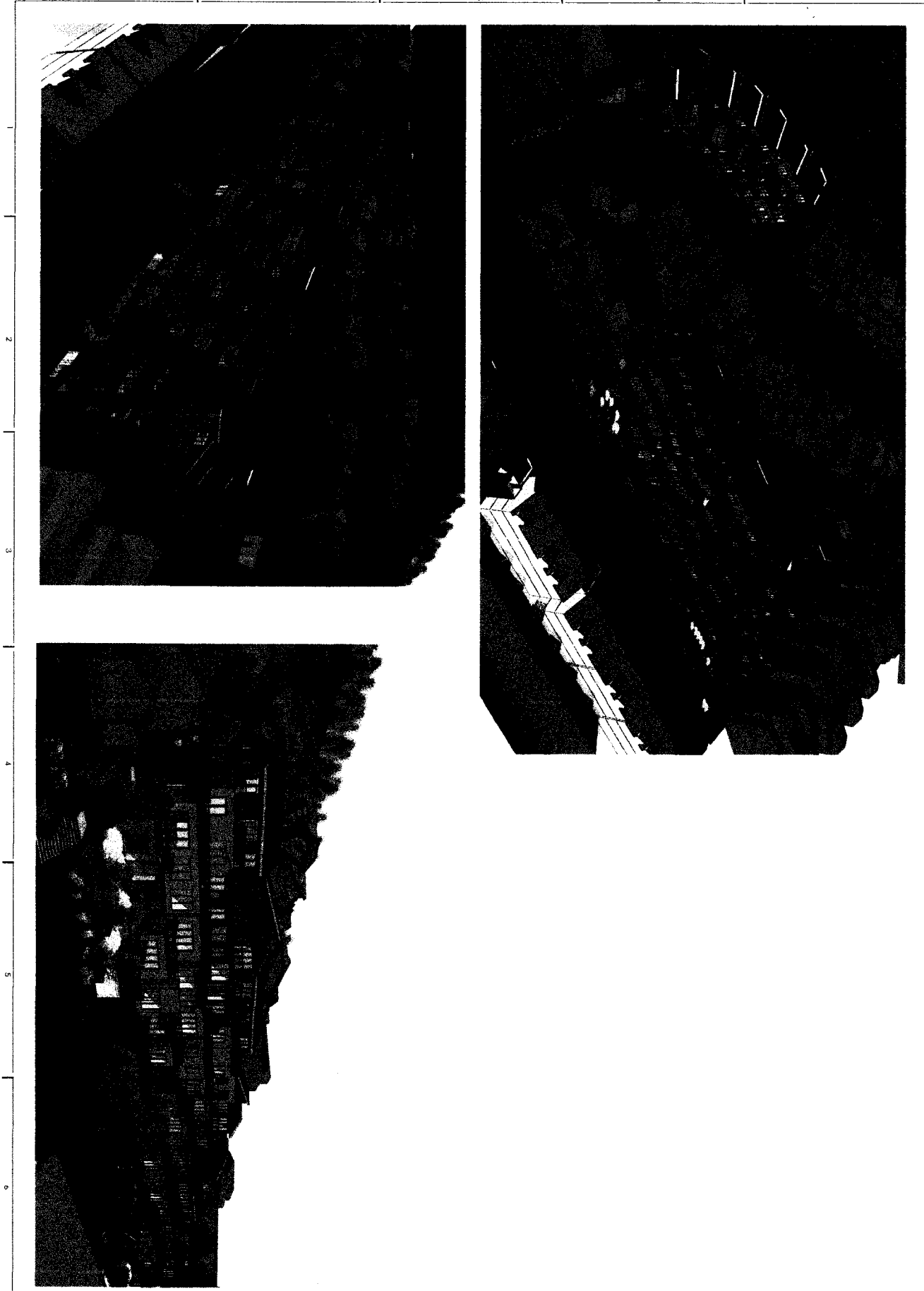
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KING'S CROWN
MASTER PLANNED DEVELOPMENT
1201-1299 LOWELL AVENUE
PARK CITY, UTAH

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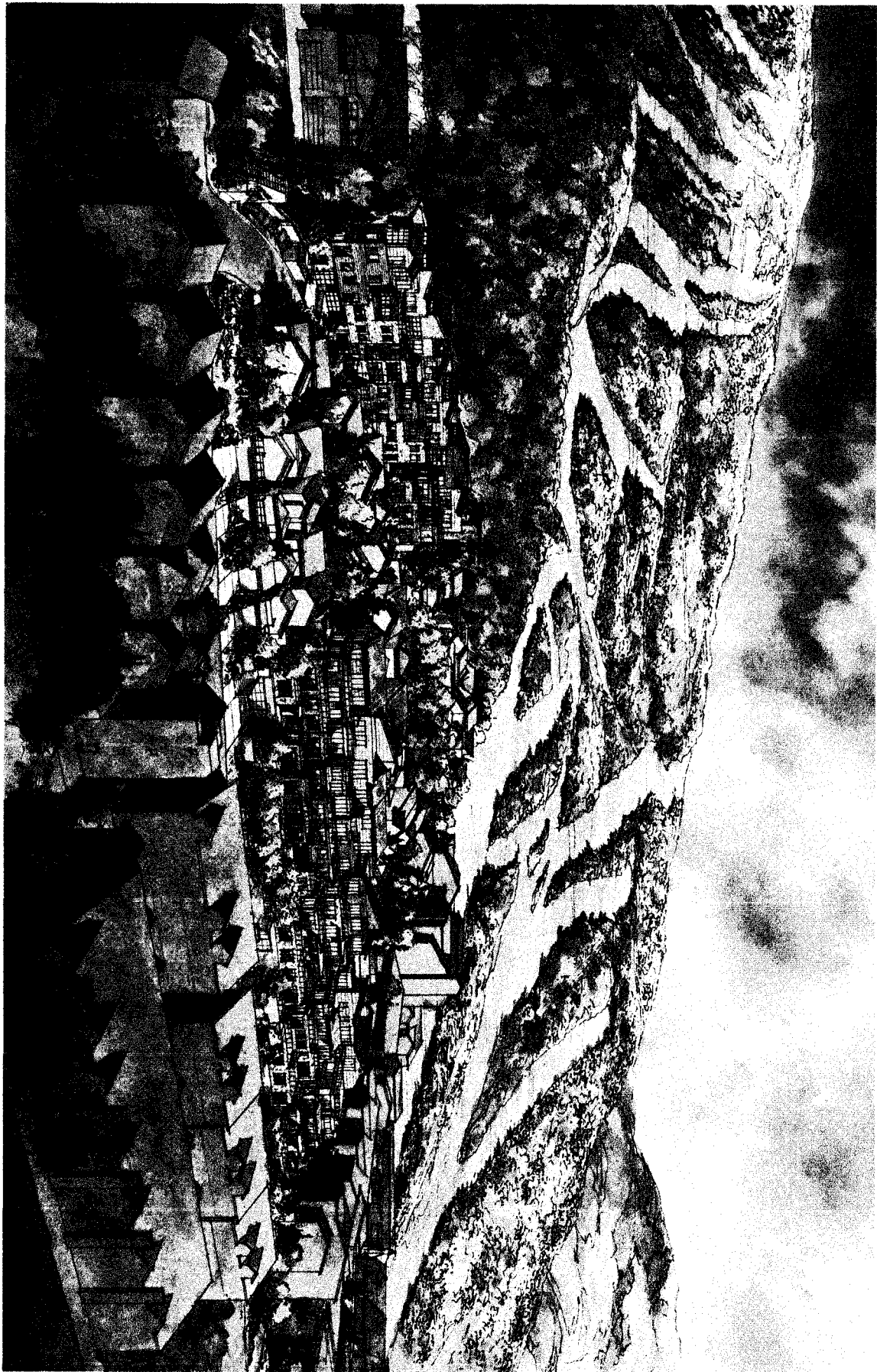
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1201-1299 LOWELL AVENUE
PARK CITY, UTAH

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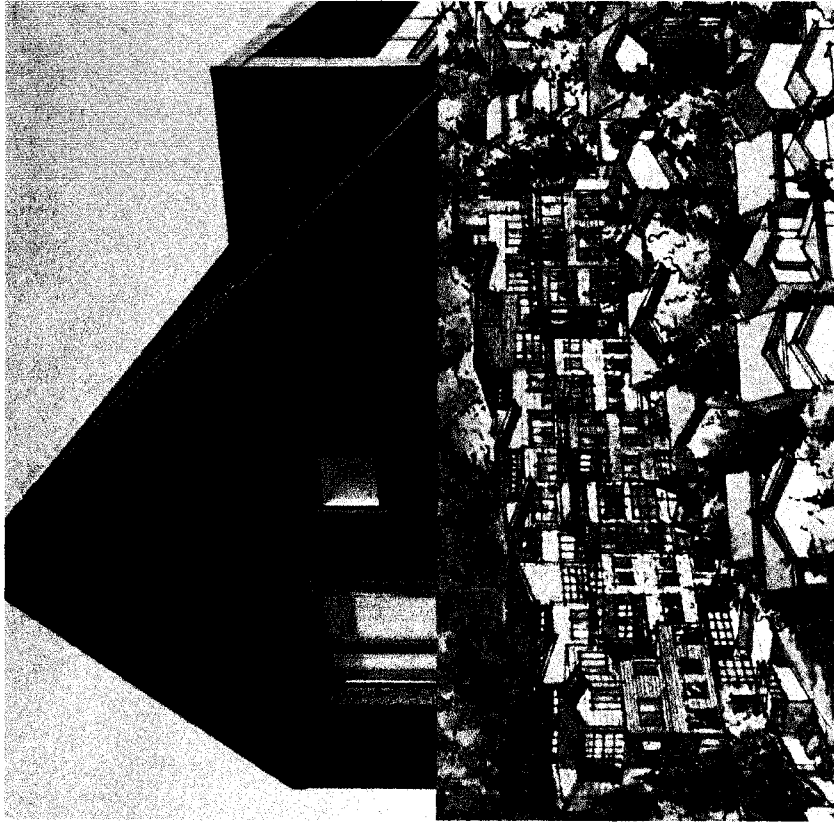
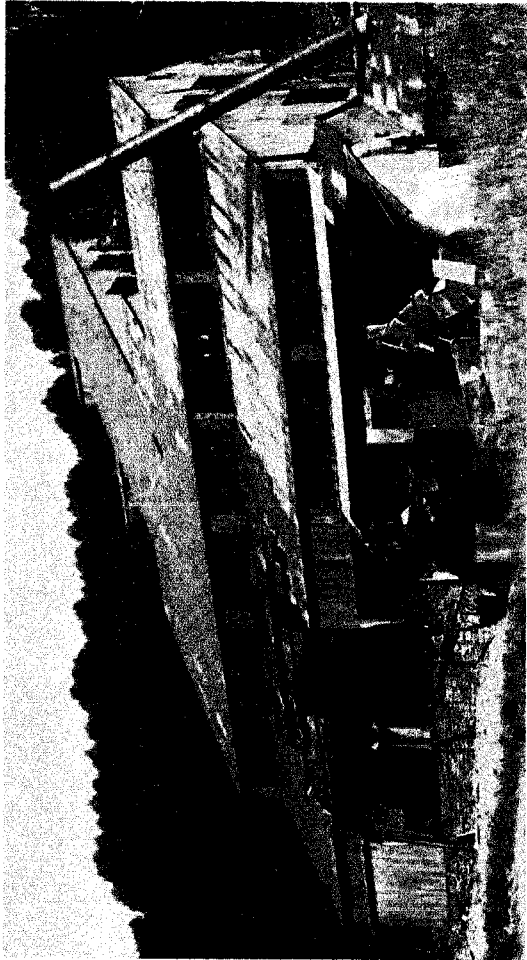
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PARK CITY, UTAH

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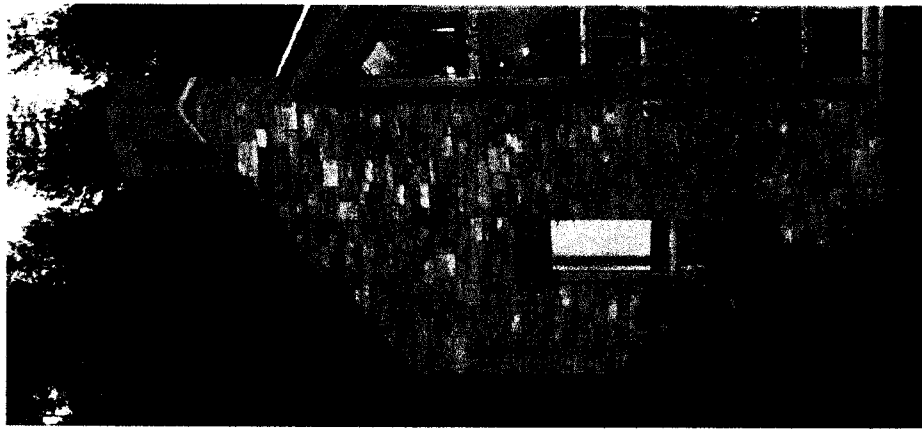
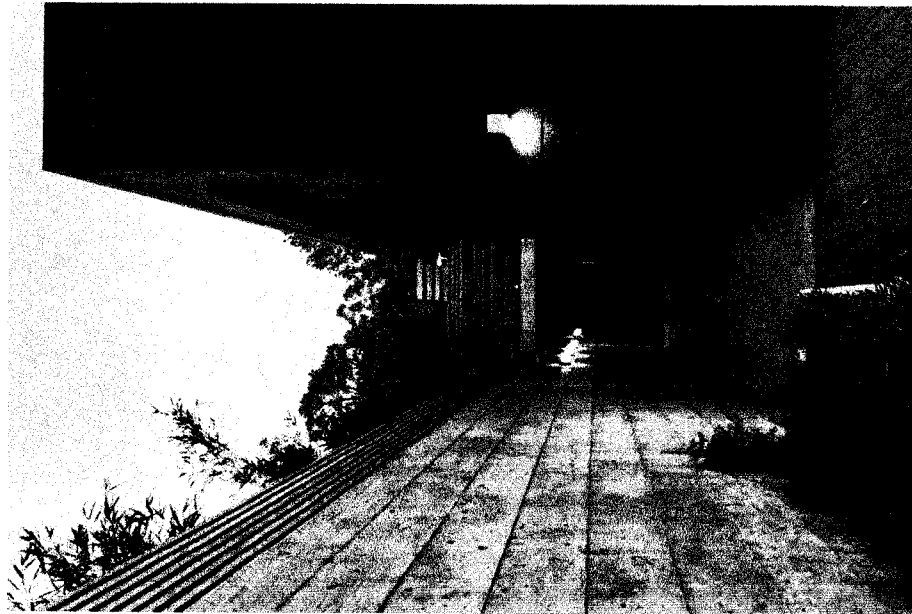
EXHIBIT Q
MATERIAL BOARD



C R H
PARTNERS

Material Palette Moodboards/ Inspiration

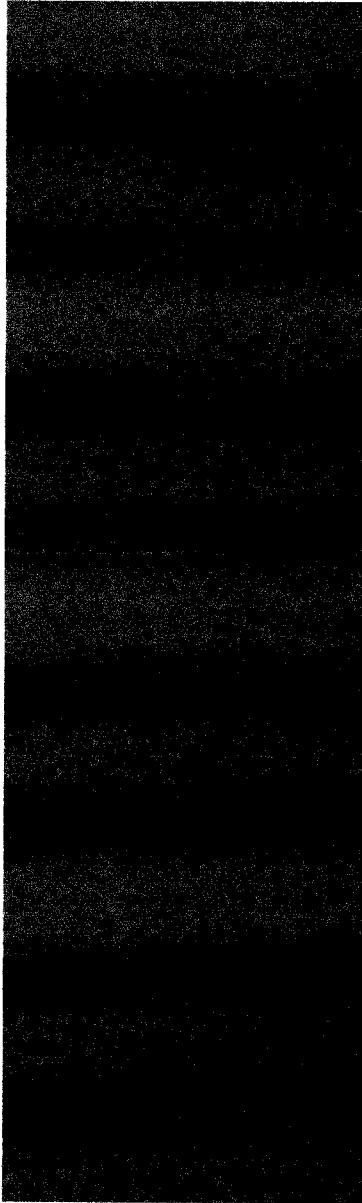
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C R H
PARTNERS

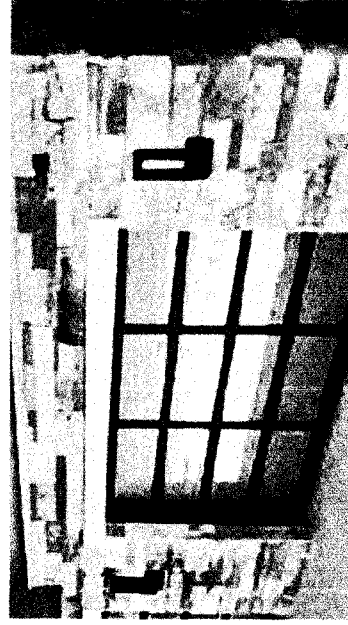
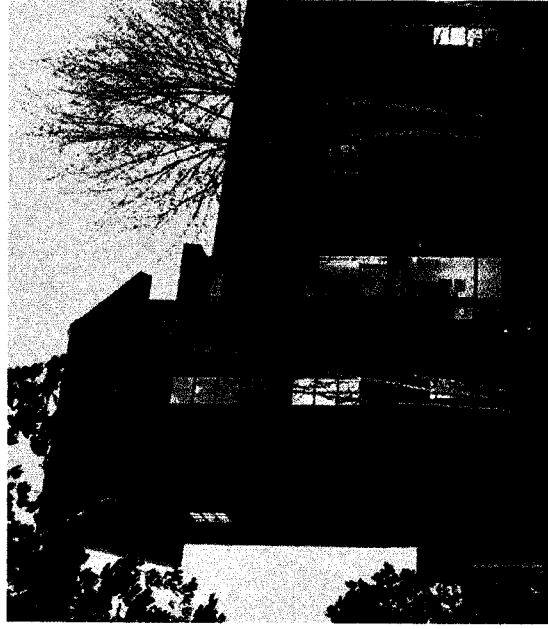
Material Palette Moodboards/ Inspiration

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C R H
PARTNERS

Material Palette Moodboards/ Inspiration



{Kings Crown} MPD

EXHIBIT R
TOWNHOME RENDERING

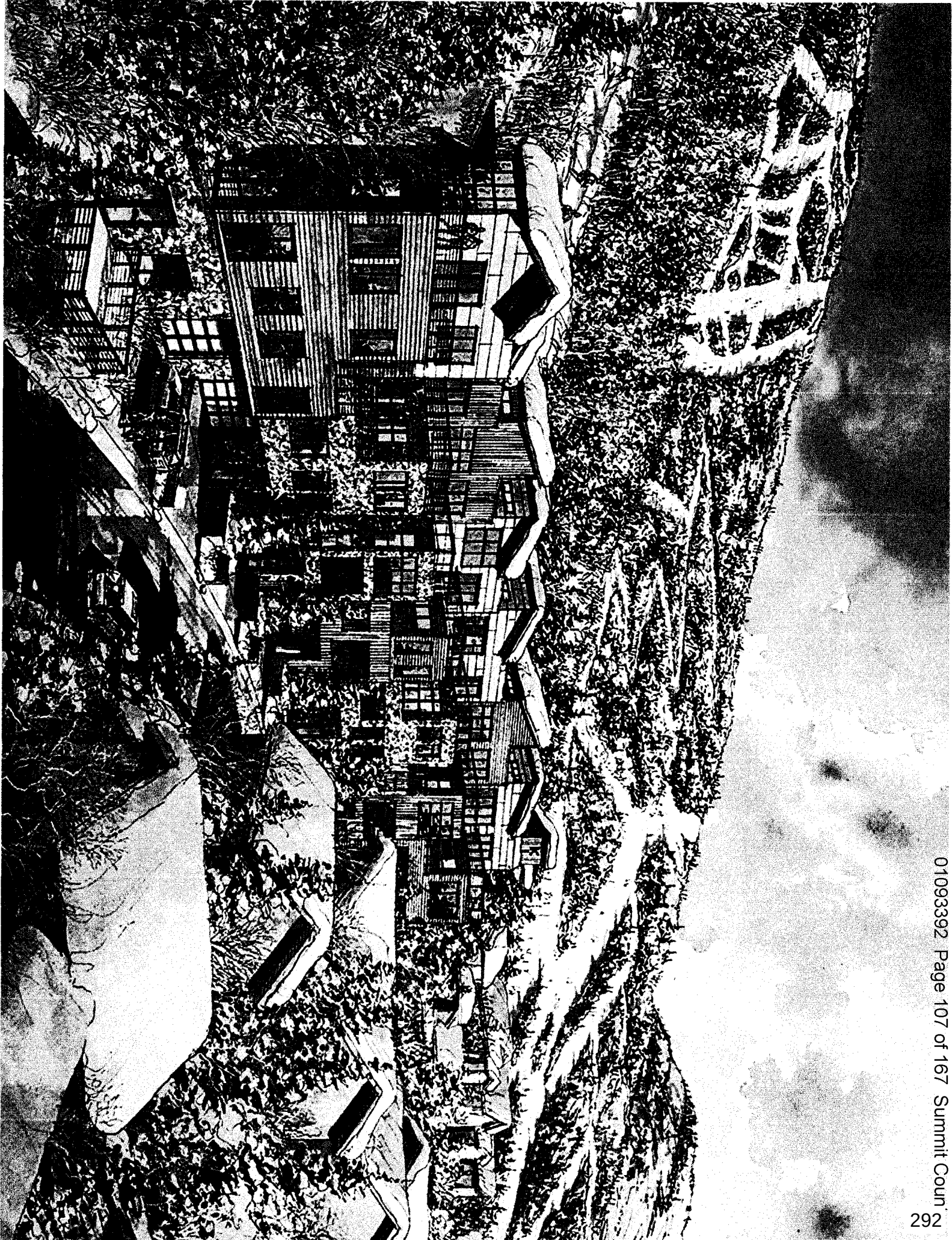


EXHIBIT S
ENVIRONMENTAL SURVEY

**ASTM PHASE I ENVIRONMENTAL SITE
ASSESSMENT REPORT
Lowell Avenue Slopeside**

**Summit County Tax Assessor Parcel SA-321
Owner Nastar, LLC; 18.51-Acres**

**Park City, Summit County, Utah
Approximately 18.51-Acres**



Prepared for:
Rory Murphy
2590 Sidewinder Drive
Park City, UT 84060

Prepared by:
Stantec Consulting Services Inc.
8160 South Highland Drive
Sandy, UT 84093

Project No.: 203706003

November 4, 2016

Sign-off Sheet and Signature of Environmental Professional

This document was prepared by Stantec Consulting Services Inc. ("Stantec") for the account of Mr. Rory Murphy and America First Credit Union. The material in it reflects Stantec's best judgment in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the responsibilities of such third parties. Stantec accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.

All information, conclusions, and recommendations provided by Stantec in this document regarding the Phase I ESA have been prepared by the professional whose signature appears below.

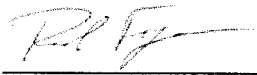
I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in § 312.10 of 40 CFR 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Property. I have developed and performed all the appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Prepared by:



John G. Russell, III, CPG
Sr. Hydrogeologist, Environmental Risk Manager

Reviewed By:



Rob Foye
Environmental Scientist



**ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
LOWELL AVENUE SLOPESIDE**

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Figure 2 Property Aerial Map, Excerpted from ERS Report

Excerpted 1955 USGS Park City West Quadrangle Topographic Map

Excerpted USGS Professional Paper 77, *Geology and Ore Deposits of Park City District*,
1912

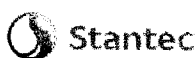
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ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT LOWELL AVENUE SLOPESIDE

Abbreviations

AAI	All Appropriate Inquiry
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
AULs	Activity Use Limitations
BLM	Bureau of Land Management, United States
CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulation
CREC	Controlled Recognized Environmental Conditions
CWA	Clean Water Act
EP	Environmental Professional
ESA	Environmental Site Assessment
HREC	Historical Recognized Environmental Conditions
LUST	Leaking Underground Storage Tank
RCRA	Resource Conservation and Recovery Act
REC	Recognized Environmental Condition
US EPA	United States Environmental Protection Agency
USGS	United States Geological Survey
UST	Underground Storage Tank
UDEQ	Utah Department of Environmental Quality
UDWR	Utah Division of Water Rights



ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT LOWELL AVENUE SLOPESIDE

November 4, 2016
SUMMARY

1.0 SUMMARY

1.1 GENERAL PURPOSE

Stantec Consulting Services Inc. ("Stantec") has completed a Phase I Environmental Site Assessment (ESA) report of the approximate 18.51-acre Property located in Park City, Summit County, Utah [the "Property"], on behalf of Mr. Rory Murphy and America First Credit Union (the "Client"). The Client and its legal counsel have been designated as the User of this report. The work was performed according to Stantec's proposal and terms and conditions dated October 25, 2016 and accepted by the Client on October 25, 2016. The Property location was identified by means of review of the User-provided figure presented in Figures and Appendix A herein as well as review of Summit County Tax Assessor Office public records.

Figures 1 and 2 provide generalized site and surrounding vicinity topographic and aerial image maps, excerpted directly from the environmental records search report. Following Figure 2 are enlarged excerpts of the United States Geological Survey (USGS) 1955 *Park City West* Quadrangle topographic map and 1912 USGS Professional Paper 77 (*Geology and Ore Deposits of the Park City District*, 1912) with the generalized Property location identified. Many of the nearby up-gradient, off-site mine sites referenced in this report are noted by name on the USGS figures.

The Phase I ESA was conducted in conformance with the requirements of the United States Environmental Protection Agency's (US EPA) All Appropriate Inquiry Rule, 40 C.F.R., Part 312 and ASTM International (ASTM-American Society for Testing and Materials) Designation E 1527-13, except as may have been modified by the scope of work, and terms and conditions, requested by the Client. Any exceptions to, or deletions from, the US EPA Rule or ASTM practice are described in Section 2.3. The Phase I ESA for the Property was performed by Mr. John Russell of Stantec, with the Site Visit and surrounding area reconnaissance being conducted on October 28, 2016. Any exceptions to, or deletions from, this practice are described in the Data Gaps section of this report.

During Stantec's Area Reconnaissance and Site Visit, Mr. Russell gained access to the Property by means of traversing/hiking the Property, investigating for visible signs of potential environmental concern including existing and/or apparent historical, land disturbance. General vicinity, off-site land use is mixed, including private residential and condominium-type land usage. Two asphalt-paved roads skirt the southeastern portions of the Property (Lowell Avenue and Northstar Road, noted on the User-Provided map in Appendix A).

The Property is located within T2S, R4E, Section 16 NW. Copies of pertinent tax record information, excerpted during October 2016 by Stantec directly from the Summit County Tax Assessor Office's public website are presented herein in Appendix A. The Client is considering purchasing the Property from the current Property owner, Nastar, LLC. Stantec's analysis of most recent Summit County tax records indicates that the Property was transferred to Nastar by several private parties during November 2011.



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As may be noted by review of the County tax records presented in Appendix A herein, the records indicate that the Property is comprised of Parcel SA-321 (approximately 19.79-acres) and two smaller sub-set parcels located in the interior of Parcel SA-321, namely Parcel 318 (0.47-acres). The User-provided figure in Appendix A indicates the Property being considered for purchase is comprised of approximately 18.51-acres of land. This ESA investigated the entire footprint of tax Parcel SA-321.

All information generated during this ESA indicates that the Property has never been developed, to any significant degree – excluding the grass-covered King's Crown Ski Run portion of the Property, which is noted on the User-provided Property map and is part of the Park City Mountain Resort that was constructed in 1963 (previously known as Treasure Mountain Resort, Park City Resort, and Alpine Meadows). The ski resort and off-site portions of this specific ski run are owned and operated currently by VR CPC Holdings, Inc. of Broomfield, Colorado (a Vail Resorts Management Company).

In summary, it must be noted that this ESA did not investigate information related to subsurface mine workings, as such investigation is beyond the scope of ASTM Standard E 1527-13. For example, the physical extent/orientation (lateral and/or vertical) of subsurface workings associated with historical mining activities, that might extend beneath and/or near the Property, are not addressed in this report. Any such subsurface concerns could be addressed, in part, by other means, including site-specific, geotechnical engineering or similar subsurface investigations for instance.

1.2 GENERAL HISTORICAL MINING BACKGROUND

In light of the documented historical use of land for precious metal mining throughout the Park City area since the late-1860s (Utah Mining District established in November 1869; ores: silver, lead, zinc, gold, etc.), Stantec analyzed historical maps, aerial photographs, and published reports of past mining activities in Park City. Stantec investigated on-site and nearby, off-site areas (topographically and hydraulically up-gradient, for example) that could possibly pose potential environmental concern to the Property. It is well documented that some waste rock piles, soils, sediments, streams, and portal discharge surface water associated with historically-mined areas located in Park City and Summit County have been impacted detrimentally by elevated concentrations of heavy metals, including arsenic, lead, and zinc for example.

Stantec reviewed historical USGS topographic maps and aerial photographs on the Nationwide Environmental Title Research, LLC (NETR) *HistoricAerials.com* public website, investigating reported and apparent land use in the vicinity of the Property and nearby areas. Copies of such materials are not presented in this ESA Report because they are copyrighted materials. Historical topographic maps were dated 1925, 1928, 1943, 1957, 1962, 1972, 1979, 1984, 1988, and 2001. NETR aerial images were dated 1953, 1962, 1967, 1978, 1993, 1997, 2004, 2006, 2009, and 2011. Stantec also reviewed several *Google Earth™* aerial images dating back to August 1993. Stantec's review of such published materials did not indicate any obvious/apparent on-site/above-ground structures, buildings, or mining-related prospects or mines on the Property nor apparent features that might pose potential environmental risk to the Property.



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Stantec's October 30, 2016 review of United States Bureau of Land Management (BLM) Land Records Status and General Land Office records indicates that there were several different historical, patented mining claims identified within T2S, R4E, Section 16. However, many such records do not indicate specific locations of respective claims within Section 16. Patent owners included numerous private individuals, as well as the Creole Mining Company (1904), the Anaconda Mining Company (1905), the Portland Park Mining Company (1908), the Utah Treasure Hill Coalition (1911), and the Silver King Coalition Mines Company (1933). Stantec's October 29, 2016 review of BLM Land Record 2000 (LR2000) records associated with unpatented mining claims indicated no "Active" or "Closed" leases.

Stantec's review of BLM General Land Office records indicates that a United States Surveyor General Office's May 1892 survey plat identifies patented mining claims (*Kentucky No. 8* and *Samuel*) located within T2S, R4E, Section 16 S1/2 of NW (i.e., southern portions of the **Property**). BLM records indicate that the patented *Kentucky* claim group was owned by Mr. William Dodge and others in 1893 (Section 16 SE NW). The records also indicate that Mr. Henry Newall owned the patented *Newall* mining claim group in 1894 (Section 16 N1/2 NW). The survey plat also identifies the off-site McHenry Mill site located in the vicinity of the Creole Tunnel within Section 16 NE SE.

In August 1882, the United States of America (USA) deeded 160-acres (comprising T2S, R4E, Section 16 W1/2 of NE and E1/2 of NW; i.e., northern portions of the **Property**) to Mr. George G. Snyder, via the May 1962 Homestead Act. No other information is presented regarding Mr. Snyder's lands within the BLM website records reviewed by Stantec. Copies of the BLM records pertaining to the Snyder lands and patented mining claims on the Property are presented in Appendix B herein.

The following information is shared, solely in light of its interesting historical background as regards Mr. Snyder's involvement with the founding of Park City, Utah, as identified by Stantec's review of Internet-published sources of historical information:

Reportedly in May 1872, George G. Snyder, the reported founding-father of the present-day city of Park City, christened the area..."Park City, for it is a veritable park." George was the younger brother of Samuel Snyder for which the Pony Express and stage-stop of Snyder's Station and then Snyderville a few miles north of Park City were named. It is quite possible that the above-referenced, patented mining claim *Samuel* might have been named for George's brother, since the claim was located on a portion of the 160-acres deeded by the USA to George Snyder in 1882.

Reportedly, George Snyder constructed the first house in Park City, located at the intersection of Heber and Park Avenues (former Eley Motor Company and Kimball Arts Center location). He built the first livery stable, the first large-scale sawmill, and associated outbuildings to support the growing mining industry – as the town was comprised solely of male miners in the early 1870s. Initially, his wives were the only females in town, and his first son and first daughter were reportedly the first children born in Park City. He also sponsored the first school in town in 1875.



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Park City was incorporated in 1884, while George Snyder became a well-known land and mill owner and a Summit County judge and was buried [with his third wife, a son, and two daughters (had six wives and 34 children, documented polygamist)] in 1887 within the Park City Cemetery – lands that Mr. Snyder donated to the town in 1879.

1.3 POTENTIAL RECOGNIZED ENVIRONMENTAL CONDITIONS (RECS)

Stantec's analysis of historical and site-specific, published information did not identify potential environmental concerns on the land surface of the Property. **This ESA did not identify any documented accounts or visual indications that the Property had been mined – nor prospected to any significant degree. Stantec's Site Visit did not indicate any obvious visual signs of past prospecting or mining (i.e., no obvious signs of disturbed land surface or waste rock piles, etc.). In summary, Stantec did not identify any on-site potential RECs.**

Stantec's review of historical information indicates that the closest reported and/or apparent **off-site**, mining-related areas, in relation to the Property, were the historical Minola Tunnel located approximately 400 to 500 feet west of the Property; the Three Kings Mine located approximately 0.5-mile due west of the Property; the Creole Mine and Creole Tunnel located approximately 0.25-mile south/southeast of the Property; and the Silver King Mine Aerial Tram (approximately 0.45-mile southeast of the Property, which conveyed ore during 1900 to 1952 from the Silver King Mine (approximately 1.35-miles south of the Property) to the town northeast of the Creole Tunnel. Aside from use of the aerial tram associated with the Silver King Mine, all such off-site areas were disturbed, prospected, and/or mined during the late-1800s to early-1900s, predominantly. Each of these off-site areas is noted on one or both of the two USGS figures presented in the Figures section of this report.

This ESA did not identify historical information pertinent to the Three Kings Mine, including exhaustive review of multiple, published sources of information referenced in this report and a general internet search. The Three Kings Mine is identified on the USGS 1957 topographic map but not on the preceding 1943, 1928, or 1925 topographic maps. The apparent Three Kings Mine waste rock pile is visible on the 1953 NETR aerial photograph, the oldest aerial image reviewed by Stantec as part of this ESA. The Three Kings Mine is identified as being located within T2S, R4E, Section 17; however, Stantec's review of historical BLM records did not identify any information referencing 'Three Kings Mine' or similar information.

Stantec identified an example of a generic Three Kings Consolidated Mining Company stock certificate located on the *miningutah.com* public website. The certificate references 500 shares purchased by Mr. D.C. Matúrin in September 1925. The only other information related to the Three Kings Mine identified during this ESA was an excerpted paragraph (on the *scribd.com* public website, reported by a Mr. Russell Hartill in 1917) that mentions that as of 1917 the Three Kings Consolidated Mining Company was working at the Three Kings Mine site, which was comprised of 154-acres of land surrounded predominantly by lands owned by the Silver King Coalition and Silver King Consolidated Companies.

The only information identified during this ESA regarding the Minola Tunnel indicates that this feature was located approximately 400 to 500 feet west of the western Property perimeter. This area is located on the same topographic expression (hill/slope) as the Property.



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Reportedly, the tunnel was constructed at an approximate elevation of 7,150 feet above mean sea level, along the eastern slope of Negro Hollow. Prior to 1902, the Minola Tunnel was part of an approximate 175-acre tract, with the tunnel reported as having been extended approximately 300 feet toward the southeast and a 500 feet deep winze that was being extended at the time from the tunnel face, as well two separate lateral drifts.

None of these off-site areas is anticipated to pose a potential risk for direct storm water runoff or air-dispersed impacts to the Property. However, it is possible that localized ground water quality might have been impacted in one or more of these off-site areas, which could in turn pose a potential off-site REC to localized ground water quality beneath the Property.

Stantec's review of historical information indicates that wet concentrator mills were constructed throughout the Park City mining area during the late-1880s and 1890s, including numerous areas located up-gradient of the Property (practically all mines located within Woodside Gulch, Walker and Webster Gulch, and Empire Canyon). Concentrator mills utilized wet technologies for amalgamation and initial matte and ore processing (example stages included: crushing, roasting, wetting, acidification, quicksilver/mercury baths, steaming, Russell lixiviation processing, etc.). In turn, large volumes of materials, potentially laden with heavy metals, were managed and stockpiled on these off-site properties (i.e., processed mattes, fines, tailings, waste rock, as well as treatment chemicals and materials, etc.).

Some materials were exposed to the natural elements for decades following initial mine development, including numerous waste rock and/or tailing piles that remain currently. It is possible that natural leaching of heavy metal constituents could have occurred at any or all of these off-site, mine site areas, posing the potential for detrimental impacts to localized ground water quality beneath and down-gradient of these off-site areas.

For example, the USGS Professional Paper 77 (see references herein) reports that there was a significant release of mercury to the ground surface at the Ontario Mine in 1904, during the remodel of the original 1877 concentrator mill to an updated, wet-processing mill. The old tanks containing mercury had leaked, possibly for several years to over two decades, without anyone realizing the release until replacement of the old tanks during the remodel. Likewise, *although this ESA did not identify any definitive information in this regard* - other historical operations at up-gradient mine sites could also have resulted in similar releases of materials to the natural environment, including for example: petroleum fuels used over the decades for fueling transport vehicles and equipment; fuel oil for heating buildings and possibly retorts/furnaces; new and used oil products associated with mining and transport equipment and railroad track operation and maintenance; etc.

Stantec's analysis of localized topography, including surface water and ephemeral drain-ways, in the vicinity of the Property and within an approximate lateral distance of 2.5-miles up-gradient of the Property suggests that regional ground water most probably flows generally from the south/southwest toward the north/northeast near and beneath the Property. In the event that ground water quality has been impacted detrimentally at off-site areas located in hydraulically up-gradient directions in relation to the Property, it is possible that ground water quality beneath the Property might also be impacted, historically, currently, or in the future. Such up-gradient, off-site areas of potential ground water impact could include, for example: historical mining-related areas, including precious metal mines, ore processing and/or beneficiation processes, stamp and/or concentrator mills, and waste rock/tailing areas associated with the Silver King,



Project No.: 203706003/05-Reports/ESARreport

1.5

ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT LOWELL AVENUE SLOPESIDE

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SUMMARY

Silver King Consolidated, Walker & Webster, Daly-Judge Tunnel, Alliance, Massachusetts, Kearns-Keith, Daly-Judge, Daly-West, and Anchor Mine site areas.

This ESA did not identify any quantified information indicating that ground water beneath the Property had been impacted detrimentally. However, in light of the historical mining-related activities in presumed, up-gradient directions in relation to the Property, **it is possible that localized ground water quality beneath portions of the Property may in the past, currently, and/or in the future, be impacted detrimentally by up-gradient sources of heavy metals**, such as lead, arsenic, and zinc for instance – **and as such, off-site, up-gradient ground water migration toward the Property must be considered a regional, potential off-site REC as defined by the ASTM Standard 1527-13.**

Stantec's October 31, 2016 review of Utah Division of Water Rights ground water production well database indicates there are no water wells located within an approximate mile of the Property. There are several reported heat-exchange wells within one-mile of the Property; however, there is no pertinent information regarding depth to uppermost ground water on any of the drilling logs. Negro Hollow is the closest ephemeral drain-way in relation to the Property, located approximately 1,200 feet west of the Property. The depth to uppermost ground water beneath the Property was not identified during this ESA; however, it is anticipated that it is most probably at least 100 to 200 feet below natural grade.

Lastly, there is the possibility for historical air-dispersion of heavy metal-laden dust and particulate matter from the stacks of any of the off-site mills to the land surface/topsoil in relatively close proximity to the individual mill sites, possibly including the Property. However, considering the predominantly west (southwest and northwest) to east wind patterns that characterize the Park City and vicinity area (historically and currently), as well as the lateral distances to reported, historical mills, it is anticipated that any such air-dispersion from off-site, historical mill sites would be expected to be minimal at the Property. Moreover, the fact that such historical air dispersion would have occurred several decades ago, it is anticipated that localized, biological degradation and leaching of any such heavy metal constituents within Property topsoil would have resulted in the natural decrease in metal concentrations in local topsoil – and as such, this potential off-site source of environmental concern is not considered a REC to the Property.



ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT LOWELL AVENUE SLOPESIDE

November 4, 2016
INTRODUCTION

2.0 INTRODUCTION

The objective of this Phase I ESA was to perform appropriate inquiry into the past ownership and uses of the Property consistent with good commercial or customary practice as outlined by the ASTM in "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process", Designation E1527-13 and 40 C.F.R., Part 312. The purpose of this Phase I ESA was to identify, to the extent feasible, adverse environmental conditions including recognized environmental conditions ("RECs") of the Property.

The ASTM E1527-13 standard indicates that the purpose of the Phase I ESA is to identify RECs, including historical recognized environmental conditions ("HRECs"), and controlled recognized environmental conditions ("CRECs") that may exist at a property. The term "recognized environmental conditions" means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property:

- 1) Due to any release to the environment;
- 2) Under conditions indicative of a release to the environment; or
- 3) Under conditions that pose a material threat of a future release to the environment.

ASTM defines a "HREC" as a REC that has occurred in connection with the property, but has been addressed to the satisfaction of the applicable regulatory authority and meets unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Before calling the past release a HREC, the environmental professional must determine whether the past release is a REC when the current Phase I ESA is conducted (for example, if there has been a change in the regulations). If the environmental professional considers the past release to be a REC at the time the Phase I ESA is conducted, the condition shall be included in the conclusions section of the report as a REC.

ASTM defines a "CREC" as a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), but with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

De minimis conditions are not RECs. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. As indicated, the term REC does not include *de minimis* conditions, which generally do not present a material risk to human health and would not likely be subject to enforcement action if brought to the attention of governmental agencies.



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This ESA was conducted according to Stantec's proposal and terms and conditions dated October 25, 2016 and accepted by the Client on October 26, 2016. The Client and its legal counsel (the "User") have been designated as the User of this report. The scope of work conducted during this Phase I ESA consisted of a visual reconnaissance of the Property, interviews with key individuals, and review of reasonably ascertainable documents. The scope of work did not include an assessment for environmental regulatory compliance of any facility ever operated at the Property (past or present), or sampling and analyzing of environmental media. Stantec was not contracted to perform any independent evaluation of the purchase or lease price of the Property and its relationship to current fair market value. The conclusions presented in this ESA Report are professional opinions based on data described herein. The opinions are subject to the limitations described in Section 2.3.

ASTM E1527-13 notes that the availability of record information varies from source to source. The User or Environmental Professional is not obligated to identify, obtain, or review every possible source that might exist with respect to a Property. Instead, ASTM identifies record information that is reasonably ascertainable from standard sources. "Reasonably ascertainable" means:

- (1) Information that is publicly available;
- (2) Information that is obtainable from its source within reasonable time and cost constraints; and
- (3) Information that is practicably reviewable.

2.1 PROPERTY DESCRIPTION

The Property consists of approximately 18.51-acres of vacant, predominantly-undeveloped land located in Park City, Summit County, Utah. Aside from the cleared, grass-covered King's Crown ski run located within southwestern portions of the Property, most of the land is covered by grasses, small shrubs, sage bushes, and gamble oak trees.

As Site Visit photographs in Appendix B indicate, the only man-made structure identified by Stantec during the Site Visit was a wooden log/stick-constructed lean-to that appears to have been constructed for temporary, recreational-type use by teenagers. No one was observed on the Property, except for a few pedestrians who were hiking along a couple of small hiking-type trails that crisscross the Property, as may be noted by review of photographs in Appendix B.

2.2 SPECIAL TERMS, CONDITIONS, AND SIGNIFICANT ASSUMPTIONS

It is assumed that the purpose of this Phase I ESA is to qualify the User, in part, for landowner protection to CERCLA liability and to facilitate possible future purchase, sale, and/or transfer of the Property. The possible contaminants of concern considered in this assessment include those hazardous compounds listed under CERCLA and petroleum products.



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2.3 EXCEPTIONS AND LIMITING CONDITIONS

This report documents work that was performed in accordance with generally accepted professional standards at the time and location in which the services were provided and given the schedule and budget constraints established by the client. No other representations, warranties, or guarantees are made concerning the accuracy or completeness of the data or conclusions contained within this report, including no assurance that this work has uncovered all potential and actual liabilities and conditions associated with the identified Property.

This report provides an evaluation of selected environmental conditions associated with the identified portion of the Property that was assessed at the time the work was conducted and is based on information obtained by and/or provided to Stantec at that time. There are no assurances regarding the accuracy and completeness of information provided by the Client or third parties. All information received from the client or third parties in the preparation of this report has been assumed by Stantec to be correct. Stantec assumes no responsibility for any deficiency or inaccuracy in information received from others.

If a service is not expressly indicated, do not assume it has been provided. If a matter is not addressed, do not assume that any determination has been made by Stantec in regards to it.

Conclusions made within this report consist of Stantec's professional opinion as of the time of the writing of this report, and are based solely on the scope of work described in the report, the limited data available and the results of the work. They are not a certification of the Property's environmental condition.

The client did not provide or contract Stantec to provide recorded title records or search results for environmental liens or activity and use limitations encumbering the Property or in connection with the Property. Stantec did not obtain historical records that document the Property history in 5-year intervals and this resulted in data gaps. These data failures represent data gaps; however, these data gaps are not considered significant, considering the undeveloped nature of the Property. Based on the information obtained during the course of this ESA and general knowledge of development at and near the Property, the absence of this information did not affect the ability of the Environmental Professionals to identify RECs, HRECs, CRECs, or de minimis conditions.

This report relates solely to the specific project for which Stantec was retained and the stated purpose for which this report was prepared and shall not be used or relied upon by the client identified herein for any variation or extension of this project, any other project or any other purpose.

This report has been prepared for the exclusive use of the Client identified herein and any use of or reliance on this report by any third party is prohibited, except as may be consented to in writing by Stantec or as required by law. The provision of any such consent is at Stantec's sole and unfettered discretion and will only be authorized pursuant to the conditions of Stantec's



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ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

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standard form reliance letter. Stantec assumes no responsibility for losses, damages, liabilities or claims, howsoever arising, from third party use of this report.

Project-specific limiting conditions are provided in Section 2.2.

The locations of any utilities, buildings and structures, and Property boundaries illustrated in or described within this report, if any, including pole lines, conduits, water mains, sewers and other surface or sub-surface utilities and structures are not guaranteed. Before starting work, the exact location of all such utilities and structures must be confirmed by the Client and Stantec assumes no liability resulting from damage to such utilities and structures.

The conclusions are based on the site conditions encountered by Stantec at the time of the work. Accordingly, additional studies and actions may be required. As the purpose of this report is to identify selected site conditions which may pose an environmental risk; the identification of non-environmental risks to structures or people on the site is beyond the scope of this assessment. The findings, observations, and conclusions expressed by Stantec in this report are not an opinion concerning the compliance of any past or present owner or operator of the site which is the subject of this report with any Federal, state, provincial or local law or regulation.

This report presents professional opinions and findings of a scientific and technical nature. It does not and shall not be construed to offer a legal opinion or representations as to the requirements of, nor compliance with, environmental laws, rules, regulations or policies of Federal, state, provincial or local governmental agencies. Issues raised by the report should be reviewed by client legal counsel.

Stantec specifically disclaims any responsibility to update the conclusions in this report if new or different information later becomes available or if the conditions or activities on the Property subsequently change.

2.4 PERSONNEL QUALIFICATIONS

This Phase I ESA was conducted by an individual that meets the ASTM definition of an Environmental Professional (EP). Stantec's Mr. John Russell has approximately 31 years of environmental consulting and ASTM-formatted, due diligence experience, including decades of work related to CERCLA- and RCRA-regulated sites and associated environmental issues. Mr. Russell has conducted numerous ESAs in Summit County during the past two decades. The credentials of the EP of this Phase I ESA are provided in Appendix E.



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USER-PROVIDED INFORMATION

3.0 USER-PROVIDED INFORMATION

ASTM E1527-13 describes responsibilities of the User to complete certain tasks in connection with the performance of "All Appropriate Inquiries" (AAI) into the Property. The ASTM standard requires that the Environmental Professional request information from the User on the results of those tasks because that information can assist in the identification of RECs, CRECs, HRECs, or de minimis conditions in connection with the Property. Towards that end, Stantec requested that the User (represented by Mr. Rory Murphy) provide the following information:

Description of Information	Provided (Yes / No)	Description and/or Key Findings
User Questionnaire	Yes	Details related to submittal of the User Questionnaire, as well as the User's responses, are presented below.
Environmental Liens or Activity Use Limitations	Yes	The User is unaware of any environmental liens or Activity Use Limitations (AULs).
Purpose of the Phase I ESA	Yes	User may purchase the Property.

Stantec submitted the below list of questions to Mr. Rory Murphy ('User' representative for this ESA), regarding knowledge and familiarity with historical issues associated with the Property. Mr. Murphy's **responses** follow herein:

USER QUESTIONNAIRE

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the User must provide the following information (if available) to the environmental professional. Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.

(1.) Environmental cleanup liens that are filed or recorded against the site (40 CFR 312.25).

Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law? **No.**

(2.) Activity and land use limitations that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26). **No.**

Are you aware of any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law? **No.**



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USER-PROVIDED INFORMATION

(3.) Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28).

As the user of this ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business? **No.**

(4.) Relationship of the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29).

Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

Yes, fair market value.

(5.) Commonly known or reasonably ascertainable information about the property (40 CFR 312.30).

Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional identify conditions indicative of releases or threatened releases? For example, as user, (a.) Do you know the past uses of the property? Need to record past ownership history and use (actual names of prior land owners, dating back to at least 1940). **No.**

(b.) Do you know of specific chemicals that are present or once were present at the property? **No.**

(c.) Do you know of spills or other chemical releases that have taken place at the property? **No.**

(d.) Do you know of any environmental cleanups that have taken place at the property? **No.**

(6.) The degree of obviousness of the presence of likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).

As the user of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property? **No.**



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RECORDS REVIEW

4.0 RECORDS REVIEW

The objective of consulting historical sources of information is to develop the history of the Property and surrounding area, in order to evaluate if past uses may have resulted in RECs. Physical setting records are evaluated to determine if the physical setting may have contributed to adverse environmental conditions in connection with the Property. During the review of historical records, Stantec attempted to identify uses of the Property from the present to the Property's first developed use. Stantec's research included the reasonably ascertainable and useful records described in this section.

4.1 PHYSICAL SETTING

A summary of the physical setting of the Property is provided in the table below with additional details in the following subsections:

Topography:	Property located within Section 16, T2S, R4E; comprised of relatively-steep topographic elevations approximating 7,400 to 7,000 feet above mean sea level. Grades slope generally from upland areas toward lowland areas – regionally from the south toward the north, with localized northwesterly and northeasterly slopes.
Soil/Bedrock Data:	The site expected to be underlain by unconsolidated topsoil comprised of poorly-sorted clay, silt, sand, and gravel loams. Underlying bedrock reported to be comprised of the Permian-aged Park City Formation (cherty limestone). Bedrock reported on USGS Park City West quadrangle Geologic Map to be dipping at 20 to 30-degree angles toward the northwest beneath the Property. Bedrock expected to be very shallow below grade.
Estimated Depth to Ground Water/ Estimated Direction of Gradient:	Uppermost ground water anticipated to be greater than 100 to 200 feet below grade. Localized flow: in general, from uplands toward lowlands – regionally from the south toward the north/northeast.
<i>Note: Site-specific ground water direction and depth can only be determined by conducting site-specific testing, which Stantec has not conducted.</i>	

4.1.1 Property Topography and Surface Water Flow

The topographic surface of the Property is relatively-steep toward the north, with localized slopes toward the northwest and the northeast, such that overland, storm water runoff will vary depending on specific location. Regional drainages grade in general from the south toward the north/northeast.



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4.1.2 Regional and Property Geology

The Property and surrounding areas are located within the Wasatch Mountains, the western edge of the Rocky Mountain Physiographic Province. The Property is located within a mountainous area adjacent to (west of) downtown Park City. The Property appears to be underlain by unconsolidated topsoil/near-surface soil characterized predominantly by poorly-sorted, mixes of clay, silt, sand, gravel, and cobbles. Underlying bedrock is characterized reportedly by the Park City Formation (cherty limestone). Off-site lands located north and northeast of the Property, comprising much of downtown Park City, are underlain by Quaternary-aged, alluvial deposits, as reported on the USGS *Park City West* Geologic Map.

4.1.3 Regional and Property Hydrogeology

Stantec did not observe any surface water on or near the Property during the Site Visit. All ephemeral drainages were completely dry. There were no significant ephemeral drainages on the Property, typically characterized by a couple to a few feet deep, localized incisions atop the ground surface.

In general, the shallow water table is often a subdued expression of surface topography. Shallow ground water generally flows from areas of ground water recharge, such as hills and broad uplands, to areas of ground water discharge, such as wetlands, creeks, streams, rivers, and lakes. Regional ground water flow is expected to be generally toward the north in the vicinity of the Property, with ultimate drainage in the general direction of McLeod Creek and Silver Creek and associated tributaries.

The environmental records review report in Appendix D herein notes that there were no water wells located on the Property. Stantec's review of published water well data reported on the Utah Division of Water Rights' Public Well Log website indicated no ground water production wells on Property lands. The closest, off-site ground water production (potable water) wells were reported as being located at least one-mile north (down-gradient) of the Property.

4.2 FEDERAL, STATE AND TRIBAL ENVIRONMENTAL RECORDS

A regulatory agency database search report was obtained from Environmental Records Search, Inc. (ERS), a third-party environmental database search firm. A complete copy of the database search report, including definition of databases searched, is provided in Appendix D. The databases covered in the report include the most current databases listed or referenced in Section 8 of ASTM E1527-13.

4.2.1 Listings for Property

The Property was not identified in the environmental database report – except for listing as located in a broad regional area (Rocky Mountains) that has the potential to be underlain by natural formations that might contain natural asbestos. Asbestos is most commonly found in



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three rock types: serpentinites, altered ultramafic rocks, and some mafic rocks. Other rock types known to host asbestos include metamorphosed dolostones, metamorphosed iron formations, carbonatites, and alkalic intrusions. In summary, only site-specific boring investigation into bedrock beneath the Property is anticipated to provide quantitative information in this regard.

4.2.2 Listings for Nearby Sites with Potential to Impact Property

Stantec's review of the reported locations and operations of off-site properties identified in the environmental database report did not identify any off-site areas that might pose potential environmental risk to the Property – *except for the possibility that historical mining-related activities in presumed up-gradient/nearby locations (such as Creole Tunnel, Silver King Consolidated Mine areas, etc. for example) might possibly pose a risk to ground water quality beneath the Property - as reported in preceding report section 1.0 Introduction.*

The Marsac Mill, located in the general vicinity of the present-day City Administration building approximately 0.5-mile southeast of the Property, is referenced in the ERS report. The mill was constructed in 1874 as the first concentrator mill in Park City and appears to be the closest, historical mill in relation to the Property. The mill was renovated to accommodate the Russell lixiviation process (wet concentrator) during 1880-1882. Numerous other historical mills existed in most of the canyons located south of the Property and Park City. None of the historical mills operate today.

There is the *possibility* for historical air-dispersion of heavy metal-laden dust and particulate matter from the stacks of any of these off-site mills to the land surface/topsoil in relatively close proximity to the individual mill sites, possibly including the Property. However, considering the predominantly west (southwest and northwest) to east wind patterns that characterize the Park City and vicinity area (historically and currently), as well as the lateral distances to the Marsac Mill and other nearby historical mills, it is anticipated that any such air-dispersion from off-site, historical mill sites would be expected to be minimal at the Property. Moreover, the fact that such historical air dispersion would have occurred several decades ago, it is anticipated that localized, biological degradation and leaching of any such heavy metal constituents within Property topsoil would have resulted in the natural decrease in metal concentrations in local topsoil – and as such, this potential off-site source of environmental concern is not considered a REC to the Property.



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4.3 HISTORICAL RECORDS REVIEW

4.3.1 Land Title Records/Deeds

A formal title search is not an ASTM-prescribed task and was not conducted by Stantec. Such records were not searched by Stantec, as such investigative measures are beyond the scope of an ASTM ESA. No one interviewed as part of this ESA was aware of any such liens or Property land use restrictions, however.

In an effort to research land ownership dating to initial land development, Stantec reviewed Summit County, Utah Tax Recorder Office deed and land ownership information. Excerpted tax records are presented in Appendix A herein.

Stantec's ESA indicates that current and historical, Property land use is undeveloped, vacant land. There is the probability that small wooden, residential-type shacks might have been constructed on the Property sometime during the late-1870s to early 1900s; however, Stantec's review of USGS topographic maps dating to 1925 do not identify above-grade structures/buildings on the Property, and Stantec's review of historical aerial photographs dating to 1953 did not identify any such structures.

4.3.2 Historical Aerial Photographs and Topographic Maps

The general type of activity on a property and land use changes can often be discerned from the type and layout of structures and land disturbances visible in photographs. However, specific elements of a facility's operation usually cannot be discerned from aerial photographs alone.

Stantec reviewed historical USGS topographic maps and aerial photographs on the Nationwide Environmental Title Research, LLC (NETR) HistoricAerials.com public website, investigating reported and apparent land use in the vicinity of the Property and nearby areas. Copies of such materials are not presented in this ESA Report because they are copyrighted materials. Historical topographic maps were dated 1925, 1928, 1943, 1957, 1962, 1972, 1979, 1984, 1988, and 2001. NETR aerial images were dated 1953, 1962, 1967, 1978, 1993, 1997, 2004, 2006, 2009, and 2011. Stantec also reviewed several Google Earth™ aerial images dating between June 2015 and August 1993. Stantec's review of such published materials did not indicate any obvious/apparent on-site/above-ground structures, buildings, or mining-related prospects or mines on the Property nor apparent features that might pose potential environmental risk to the Property.

4.3.3 Other Historical Sources

On October 30, 2016, Stantec reviewed UDEQ-published, CERCLA and RCRA site information, investigating possible, published information pertinent to UDEQ regulatory involvement with the Property and nearby, surrounding, off-site lands. Stantec reviewed local water well drilling logs



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published by the Utah Division of Water Rights. In summary, Stantec did not identify any information indicating potential on-site or off-site RECs during review of such Internet-published information.

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SITE RECONNAISSANCE

5.0 SITE RECONNAISSANCE

A visit to the Property and a surrounding Area Reconnaissance was conducted by Mr. John Russell of Stantec on October 28, 2016. Stantec hiked across the Property, along generalized 100-yard, grid-patterned, east-west traverses. Following the east-west transects, Stantec then walked along the earthen hiking trails that crisscross the Property. Photographs collected during the Site Visit are included in Appendix B.

5.1 SITE RECONNAISSANCE METHODOLOGY

The Property reconnaissance focused on observation of current conditions and observable indications of past uses and conditions that may indicate the presence of a REC. Stantec utilized the following methodology to observe the Property:

- Traversed the outer Property boundaries.
- Traversed transects across the Property.

Weather conditions during the visit to the Property and vicinity were clear and sunny. There were no weather-related property access restrictions encountered during the visit.

5.2 GENERAL DESCRIPTION

Property and Area Description:	Aside from localized, earthen hiking trails and the grass-covered/cleared King's Crown ski run to the west/southwest, the Property was vacant and undeveloped land, with a small temporary, recreational lean-to structure (sticks and logs). There were several rusted, metal pipes, presumably associated with snow-making/water-conveyance, located along the eastern side of the on-site portion of the ski run – as photo-documented in Appendix B. Current surrounding land use is comprised predominantly of similar, undeveloped lands, including the ski resort area, toward the south and west; residential to the east along the asphalt-paved Northstar and Lowell Avenue roadways; and the Marriot Mountainside Hotel located to the north/northwest.
Property Operations.	The Property was vacant and undeveloped land.
Structures, Roads, Other Improvements:	There were no improvements, structures, or paved roads on the Property.
Property Size (acres):	approximately 18.51-acres



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Estimated % of Property Covered by Buildings and/or Pavement:	Zero (0%).
Observed Current Property Use/Operations:	The Property was vacant and undeveloped, aside from the localized hiking trails and ski run.
Observed Evidence of Past Property Use(s):	The Property was vacant and undeveloped, aside from the localized hiking trails and the ski run.
Sewage Disposal Method (and age):	None observed or reported.
Potable Water Source:	None observed or reported.
Electric Utility:	None observed or reported.

5.3 HAZARDOUS SUBSTANCES AND PETROLEUM PRODUCTS

The following table summarizes Stantec's observations during the Property reconnaissance.

Observations	Description/Location
Hazardous Substances and Petroleum Products as Defined by CERCLA 42 U.S.C. § 9601(14) and/or otherwise might contain hazardous and/or petroleum hydrocarbon-type constituents:	None observed or reported.
Drums (≥ 5 gallons):	None observed or reported.
Strong, Pungent, or Noxious Odors:	None observed or reported.
Pools of Liquid:	None observed or reported.
Unidentified Substance Containers:	None observed or reported.
PCB-Containing Equipment:	None observed or reported.

5.4 INTERIOR OBSERVATIONS

The Property was vacant and undeveloped.



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SITE RECONNAISSANCE

5.5 EXTERIOR OBSERVATIONS

Stantec made the following observations during the site reconnaissance of the Property and/or identified the following information during the assessment:

Observations	Description
On-site Pits, Ponds, or Lagoons:	None observed.
Stained Soil or Pavement:	None observed.
Stressed Vegetation:	None observed.
Waste Streams and Waste Collection Areas:	None observed.
Solid Waste Disposal:	None observed.
Potential Areas of Fill Placement:	None observed.
Wastewater:	None observed.
Storm water:	None observed.
Wells:	None observed.
Septic Systems:	None observed.
Other Exterior Observations:	Nothing of significant note.

5.5 UNDERGROUND STORAGE TANKS/STRUCTURES

Existing USTs:	No visible or reported evidence (fill pipes, vent pipes, dispensers, surface patches), which would indicate the presence of USTs, was discovered during the site reconnaissance.
Former USTs:	No visible or reported evidence (fill pipes, vent pipes, dispensers, surface patches), reports, or other evidence of the former presence of USTs were discovered during this Phase I ESA.

5.6 ABOVEGROUND STORAGE TANKS

Existing ASTs:	No visible or reported evidence (fill pipes, vent pipes, dispensers, surface stains), reports, or other evidence of the former presence of ASTs was discovered during this Phase I ESA.
Former ASTs:	No visible or reported evidence (fill pipes, vent pipes, dispensers, surface stains), reports, or other evidence of the former presence of ASTs was discovered during this Phase I ESA.



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SITE RECONNAISSANCE

5.7 ADJOINING PROPERTIES

5.7.1 Current Uses of Adjoining Properties

As viewed from the Property and/or from public rights-of-way, Stantec made the following observations about use and activities on other adjoining properties:

NORTH	Marriot Mountainside Hotel
SOUTH	Vacant, undeveloped land.
EAST	Residential along Northstar Road and Lowell Avenue.
WEST	Ski resort area, predominantly undeveloped but for localized, grass-covered ski runs.

5.7.2 Observed Evidence of Past Uses of Adjoining Properties

Off-site lands to the north (Marriot), east (Northstar residences), and ski resort areas (west) appear to have been constructed sometime between 1963 to 1993. All other off-site, contiguous lands appear to have remained vacant and undeveloped.

5.7.3 Pits, Ponds or Lagoons on Adjacent Properties

As viewed from the Property, Stantec did not observe any obvious signs of surface water on nearby, off-site lands.



ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT LOWELL AVENUE SLOPESIDE

November 4, 2016
INTERVIEWS

6.0 INTERVIEWS

Name	Relationship to Property	Key findings:
Mr. Rory Murphy October 25, 2016	User, prospective purchaser	No known or reported environmental concerns as regards the Property.

6.1 FINDINGS FROM INTERVIEWS

Stantec's review of Summit County Tax Assessor Office website records indicates that recent land owners have been comprised of several different individuals and Trusts (reference Appendix A). Stantec did not interview any current or historical Property owners, in light of the relatively-quick turnaround for this ESA report and the anticipation that most of the reported, historical owners would simply state that the Property has remained vacant and undeveloped, as long as they could remember. Although Stantec did not interview a historical Property owner, and as such this is considered a Data-Gap, Stantec does not anticipate this lack of information influences Stantec's analysis of potential environmental risks posed to or by the Property. The lack of review of this information did not appear to affect the Environmental Professional's ability to identify RECs, HRECs, or *de minimis* conditions.

Mr. Murphy was unaware of any potential environmental issues or concerns associated with the Property. Mr. Murphy reported that the Property had been vacant and undeveloped, as long as he could remember.



ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT LOWELL AVENUE SLOPESIDE

November 4, 2016
EVALUATION

7.0 EVALUATION

This section provides a summary overview of or Findings, Opinions, and Conclusions.

7.1 FINDINGS AND OPINIONS

Information gathered from interviews, reviews of existing data, and a property inspection were evaluated to determine if RECs are present in connection with the Property. Based on this information, Stantec made the following findings and developed the following opinions:

- Finding 1: Property-specific, environmental liens and activity and use limitations (AULs) encumbering the Property or in connection with the Property, were not reviewed as part of this Phase I ESA, as they are the responsibility of the User per ASTM ESA protocol. However, no such information was identified by Stantec when reviewing the most recent Summit County Tax Assessor Office's public website database specific to the Property tax parcel.
- Opinion 1: The lack of review of this information did not appear to affect the Environmental Professional's ability to identify RECs, HRECs, or *de minimis* conditions, however. The User claimed no knowledge of any such liens or land Activity and Use Limitations (AULs).
- Finding 2: This ESA identified numerous up-gradient, potential sources of heavy metal constituents to localized ground water quality. The Property is located in a presumed down-gradient direction (ground water flow) in relation to many such off-site areas.
- Opinion 2: It is possible that ground water quality beneath the Property could be impacted detrimentally currently, in the past, and/or in the future by heavy metal constituents associated with these off-site, potential RECs.

7.2 DATA GAPS

The federal AAI rule [40 CFR 312.10(a)] and ASTM E1527-13 identify a "data gap" as the lack or inability to obtain information required by the standards and practices of the rule despite good faith efforts by the Environmental Professional or the User.



Project No.: 203706003/05-Reports/ESARReport

7.1

ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT LOWELL AVENUE SLOPESIDE

November 4, 2016
EVALUATION

Data gaps resulting from the Phase I ESA described in this report are listed and discussed below.

Gap	Discussion
Deletions or Exceptions From Scope of Work:	None.
Weather-Related Restrictions To Site Reconnaissance:	None.
Facility Access Restrictions to Site Reconnaissance:	None.
Other Site Reconnaissance Restrictions:	None.
Data Gaps From Environmental Records Review:	None.
Data Gaps From Historical Records Review:	None.
Data Gaps From Interviews:	Although Stantec did not interview a historical Property owner, and as such this is considered a Data-Gap, Stantec does not anticipate this lack of information influences Stantec's analysis of potential environmental risks posed to or by the Property. The lack of review of this information did not appear to affect the Environmental Professional's ability to identify RECs, HRECs, or <i>de minimis</i> conditions.
Other Data Gaps:	None.

7.3 CONCLUSIONS

Stantec has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the Property located in Park City, Utah [the "Property"]. Any exceptions to, or deletions from, this practice are described in preceding sections of this report.

Stantec's ESA did not identify potential environmental concerns on the land surface of the Property. This ESA did not identify any documented accounts or visual indications that the Property had been mined – nor prospected to any significant degree. Stantec's Site Visit did not indicate any obvious visual signs of past prospecting or mining (i.e., no obvious signs of disturbed land surface or waste rock piles, etc.). In summary, Stantec did not identify any on-site RECs.

This ESA did not identify any quantified information indicating that ground water beneath the Property had been impacted detrimentally. However, in light of the historical mining-related activities in presumed, up-gradient directions in relation to the Property, it is possible that localized ground water quality beneath portions of the Property may in the past, currently, and/or in the future, be impacted detrimentally by up-gradient sources of heavy metals, such as lead, arsenic, and zinc for instance – and as such, off-site, up-gradient ground water migration toward the Property must be considered a regional, potential off-site REC as defined by the ASTM Standard 1527-13.



Project No.: 203706003/05-Reports/ESARreport

7.2

**ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
LOWELL AVENUE SLOPESIDE**

November 4, 2016
NON-SCOPE CONSIDERATIONS

8.0 NON-SCOPE CONSIDERATIONS

The scope of work completed was limited solely to those items in the ASTM E1527-13 standard. No ASTM E1527-13 non-scope services were performed as part of this Phase I ESA.



Project No.: 203706003/05-Reports/ESARreport

8.1

ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT LOWELL AVENUE SLOPESIDE

November 4, 2016
REFERENCES

9.0 REFERENCES

American Society for Testing and Materials, Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process, Designation: E 1527-13; November 2013.

Geni.com website.

Historicalaerials.com public website (owned by National Environmental Title Research, LLC); August 18, 2016.

Historytogo.utah.gov website.

Miningutah.com website.

Scribd.com website.

Summit County Utah Tax Assessor Office's public website; October 28-31, 2016.

US BLM website (General Land Office records, *LR2000*, mineral title tracts, mining claims, etc.).

USGS Professional Paper 77, *Geology and Ore Deposits of Park City District*, 1912.

USGS *Park City West* Quadrangle topographic map, 1955.

USGS *Park City West* Quadrangle geologic map, 1966.

Utah Department of Environmental Quality's (UDEQ) public website (Environmental Interactive Mapper and multiple UDEQ Divisions); October 28-31, 2016.

Utah Division of Water Rights' public website; October 28-31, 2016.

Westernmininghistory.com website.



**ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
LOWELL AVENUE SLOPESIDE**

FIGURES

User-Provided Property Map



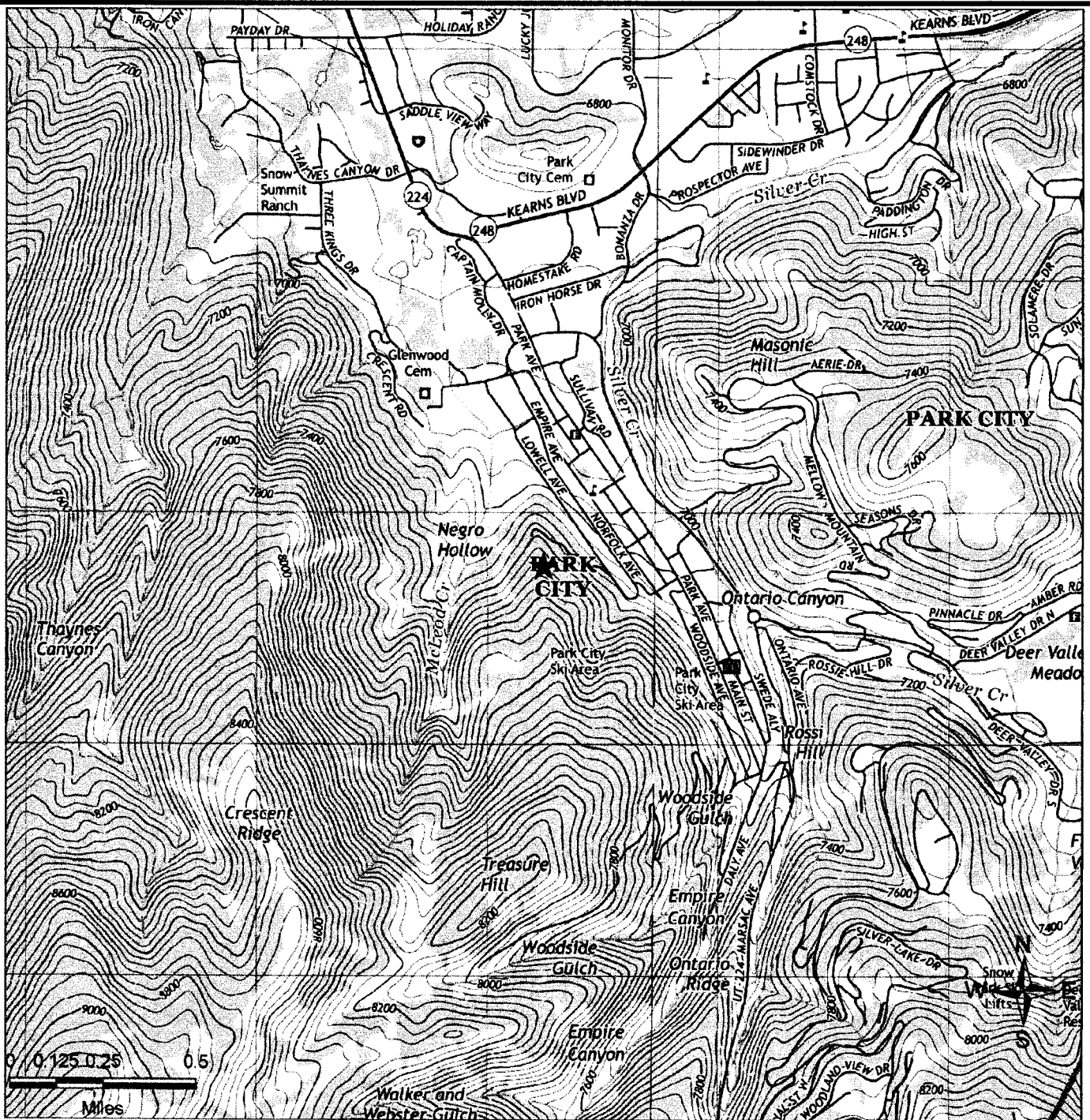
Project No.: 203706003/05-Reports/ESARreport

**ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
LOWELL AVENUE SLOPESIDE**

FIGURES

Figure 1 Property Topographic Map, Excerpted from ERS Report





SITE LOCATION TOPOGRAPHIC MAP

U.S. Geological Survey. Park City West (2014-02-05) Quadrangle, 7.5 Minute Series

Stanec

Sa-321
Park City, UT 84060

FIGURE: 1
JOB: 203706050, Task 201
DATE: 10/31/2016

**ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
LOWELL AVENUE SLOPESIDE**

FIGURES

Figure 2 Property Aerial Map, Excerpted from ERS Report



Project No.: 203706003/05-Reports/ESARreport



SITE LOCATION MAP

Stanec	Sa-321 Park City, UT 84060	FIGURE: 2 JOB: 203706050, Task 201 DATE: 10/31/2016
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**ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
LOWELL AVENUE SLOPESIDE**

FIGURES

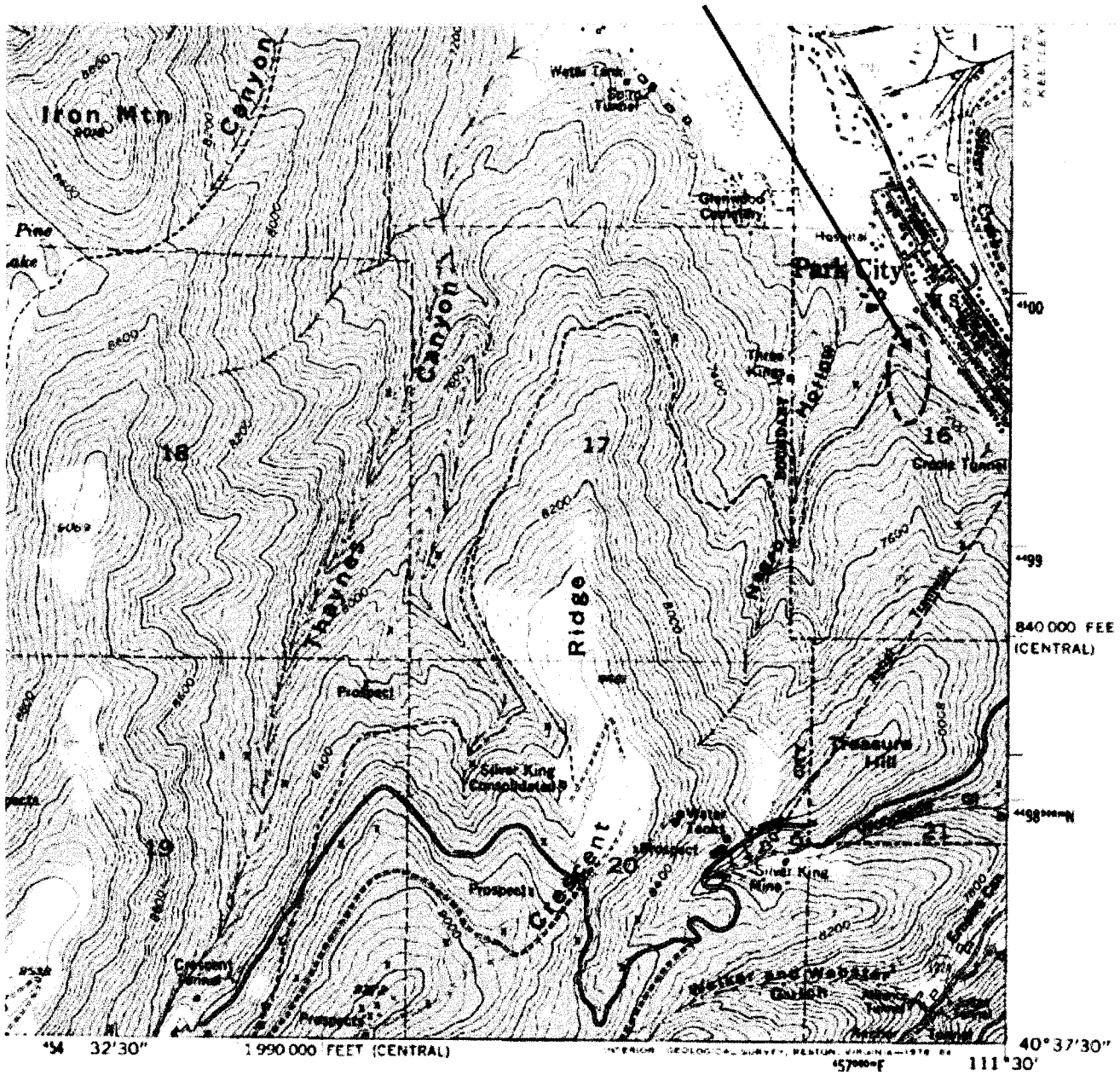
Excerpted 1955 USGS Park City West Quadrangle Topographic Map



Project No.: 203706003/05-Reports/ESARreport

Excerpted 1955 USGS Park City West Topographic Quadrangle Map

Generalized Property Area



**ASTM PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT
LOWELL AVENUE SLOPESIDE**

FIGURES

Excerpted USGS Professional Paper 77, *Geology and Ore Deposits of Park City District*, 1912



Project No.: 203706003/05-Reports/ESARreport

Excerpted from USGS Professional Paper 77,
Geology and Ore Deposits of the Park City District, 1912
 General Lowell Slopeside Property Location and 39-1 (Creole Shaft) and 39-2 (Creole Tunnel)

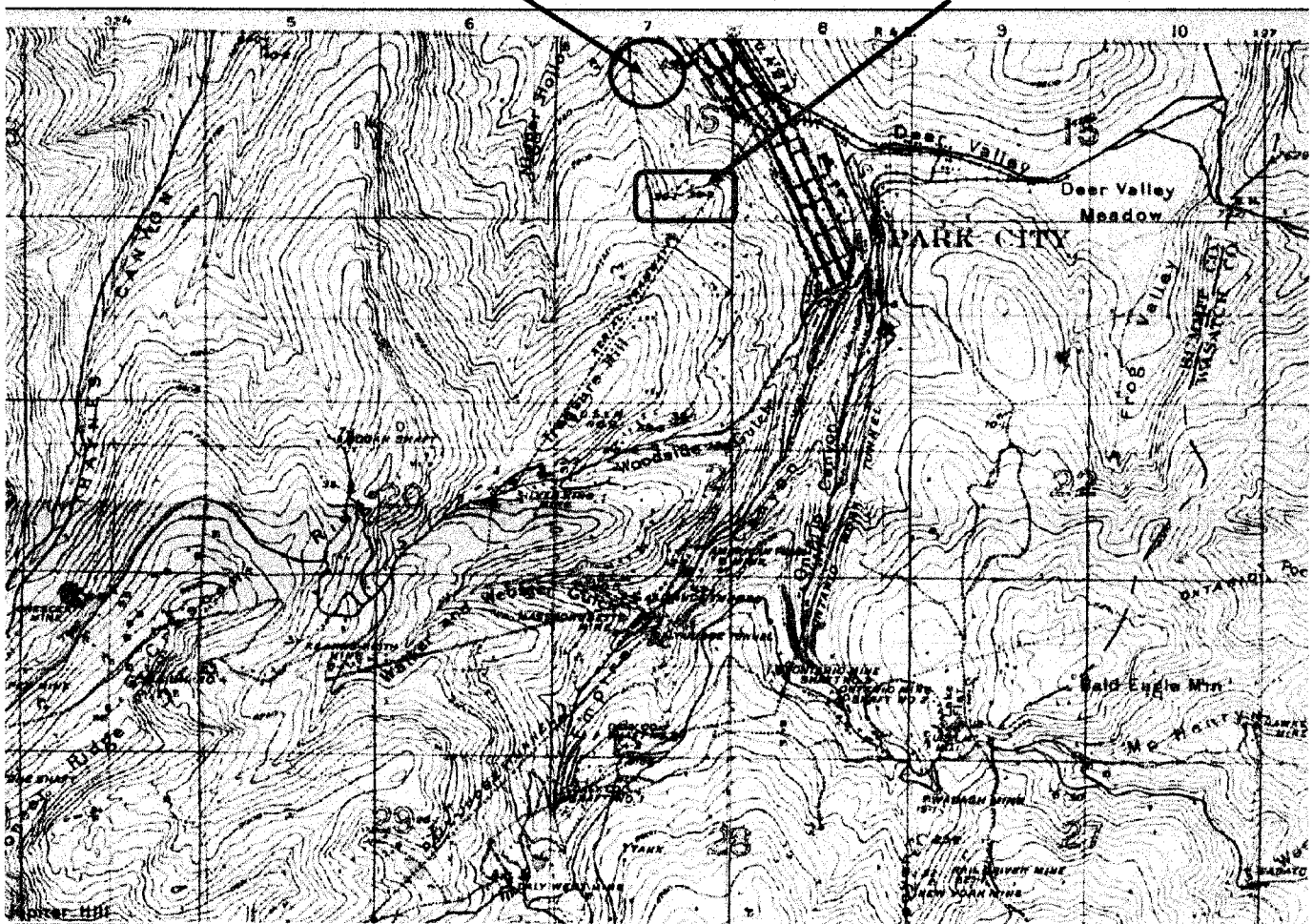


EXHIBIT T
OPEN SPACE USE PLAN

March 5, 2018

Francisco Astorga, Senior Planner
Park City Planning Department
Park City Municipal Corporation
PO Box 1450
445 Marsac Avenue
Park City, UT 84060

RE: Open Space Plan

Dear Francisco,

This report contains the Open Space Plan proposal for the Kings Crown at Park City Project. An Open Space Plan is one of the requirements of the Development Agreement in the Land Management Code Section 15-6-4 (G). The Conditions of Approval of the MPD for Kings Crown, which was approved by the Park City Planning Commission on January 8th, 2018 and ratified by the Park City Council on February 1st, 2018 required that an Open Space Plan be presented to and approved by the Planning Staff. The following is the applicant's Open Space plan proposal which is submitted to fulfill that requirement.

The Kings Crown MPD proposal has a total open space percentage of 83.9% of the total property. The MPD submittal requirement is 60% or greater. The Kings Crown proposal is well in excess of the MPD requirement. The total open space acreage is 12.59 acres. About 11 acres, or 74.6% of the total acreage, is contiguous, unbroken open space. This is identified as Lot 32 of the Kings Crown Re-Subdivision Plat (shown on attached Exhibit A). The contiguous open space is in the most visually prominent portion of the Kings Crown property and protects a mature, second-generation maple forest that is of particular importance for trails, wildlife, watershed protection and visual aesthetics. The ownership of the protected open space will be held for the time being by the Kings Crown HOA. Of the remaining open space, 6.7% (about 1.0 acres) of the entire acreage is open space found within and around the built-up areas of the property and 2.6% (about 0.4 acres) of the total acreage is hardscape. Included in this calculation is Lot 31 of the Kings Crown Re-Subdivision (shown on attached Exhibit B).

The Kings Crown HOA will hold title to both the contiguous open space parcel as well as the open space found within and around the project. The open space found within and around the project consists of natural areas, hardscape and landscaped areas found around the built-up portions of the project. Maintenance of the open space found within and around the project will be the responsibility of the HOA. There is also open space associated with the single-family lots that are part of the Kings Crown project. The maintenance and ownership of the open space located around the lots will be the responsibility of the individual homeowner.

The large, contiguous open space area will be maintained by both PCMC and the Kings Crown HOA. The applicant is currently working on a trails plan with the Trails Staff at PCMC and agreement has been reached regarding the location and number of trails located on the property. One of the tenants of the Trails Plan is that PCMR will have the responsibility for maintaining and controlling the area associated with the trails and the Kings Crown HOA will have the responsibility for maintaining and controlling the remaining open space area. Maintenance of this area will focus on trash removal, erosion control and protection of the natural resources associated with the open space.

The following Table 1.0 outlines the Prohibited and Restricted Uses for the contiguous open space parcel.

Table 1.0 Prohibited and Restricted Uses for the contiguous open space parcel at Kings Crown.

- Any industrial, commercial or for-profit recreational activity (downhill skiing is expressly permitted).
- No construction of any structures or impervious paving. (except for a ski room Residential Accessory building of about 750 square feet within the RC District and stairs/retaining walls associated with the ski access).
- No recreational improvements, except hiking/biking trails and alpine ski trails and associated equipment are permitted.
- Subdivision.
- Mining.
- Alteration of topography.
- Dumping.
- Manipulation of water.
- Roads and impervious surfaces.
- Vehicles (expressly permitted are vehicles associated with ski maintenance on the ski runs only).
- Plant removal or introduction.
- Density (units).
- Hunting.
- Perimeter fencing.
- Haying and grazing.

The following Table 2.0 outlines the Allowed and Reserved Uses for the contiguous open space parcel at Kings Crown.

Table 2.0 Allowed and Reserved Uses for the contiguous open space parcel at Kings Crown.

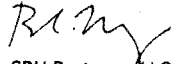
- Alpine and Nordic skiing.
- Ski-related equipment on the ski runs.
- Ski maintenance vehicles.
- Public safety vehicles.
- Conveyance of the property is allowed.
- Buried utilities associated with the ski runs.
- Signs as necessary.

- Public Access.
- Hiking/biking trails.
- Preservation, restoration or enhancement of conservation values.
- Native species may be restored.

The above conditions were agreed to be included by the applicant during the MPD approval process. They were presented both to the Planning Commission and the City Council and were approved accordingly.

Thank you for the opportunity to present this Open Space Plan to the Planning Department for review. We appreciate your consideration of this proposal and are open to any feedback or input you may have. Please do not hesitate to contact us with any questions or comments regarding this report.

Sincerely,



CRH Partners, LLC
Rory Murphy
Hans Fuegi
Chuck Heath

EXHIBIT A.

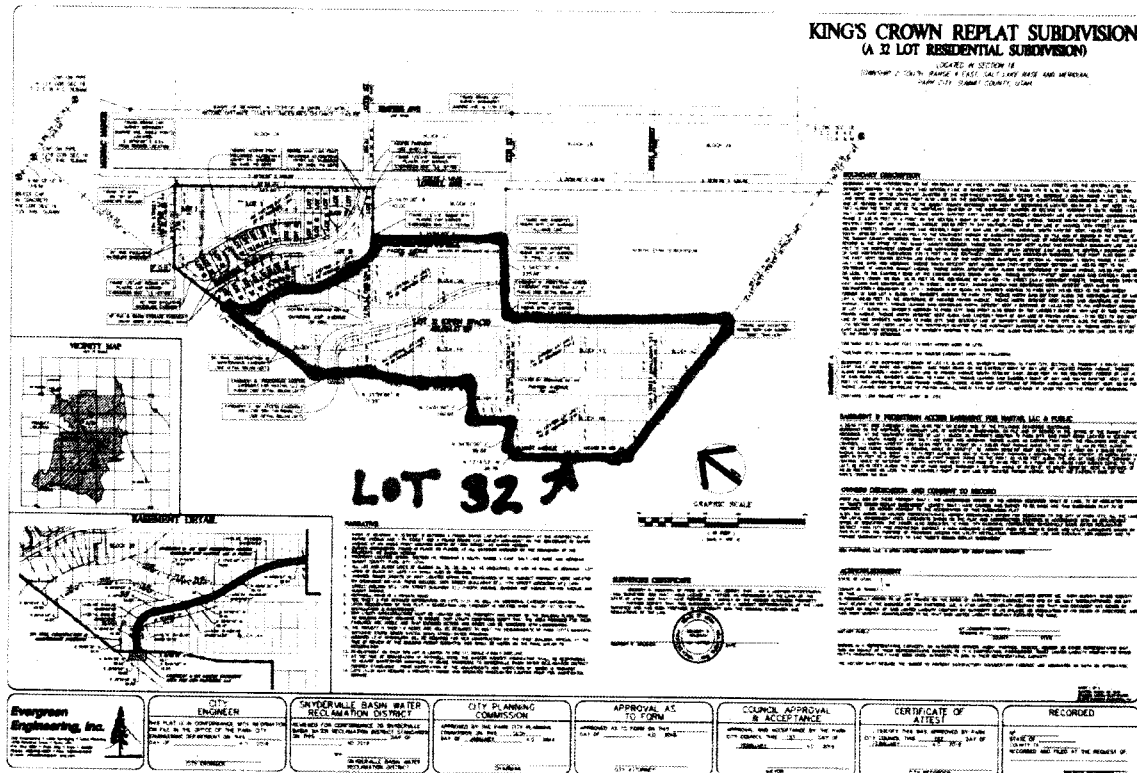


EXHIBIT B.

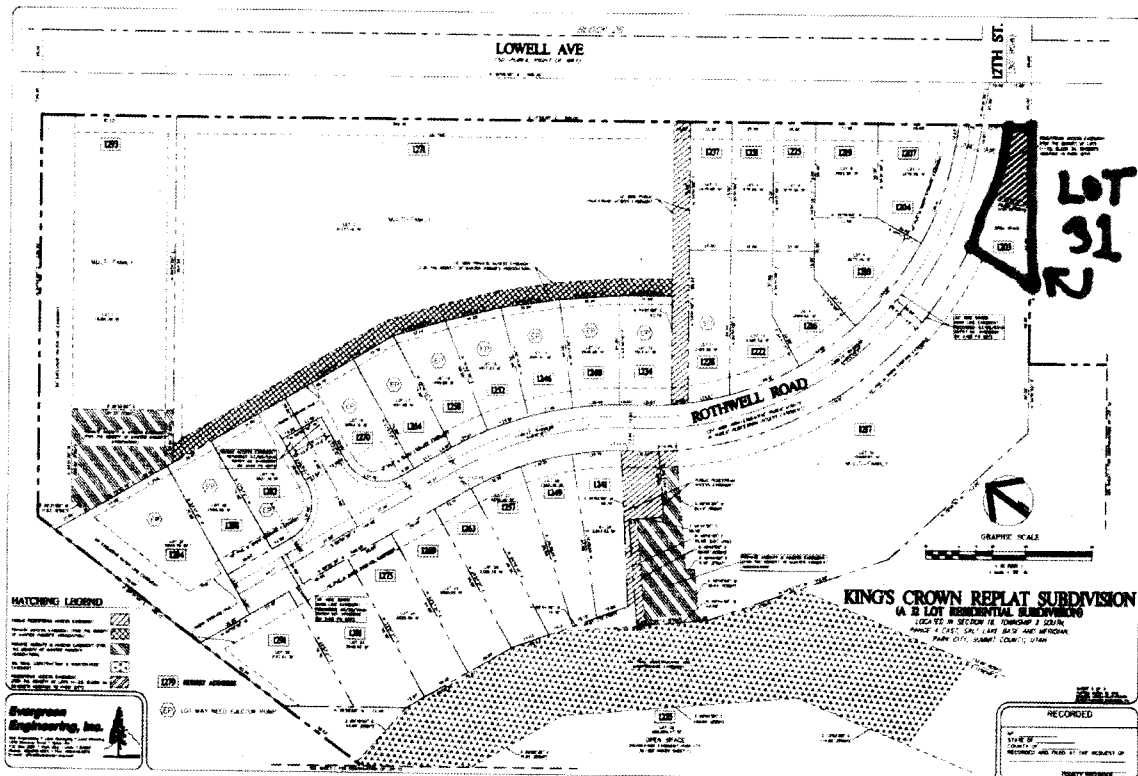


EXHIBIT U
TRAILS MASTER PLAN

March 7, 2018

Francisco Astorga, Senior Planner
Park City Planning Department
Park City Municipal Corporation
PO Box 1450
445 Marsac Avenue
Park City, UT 84060

RE: Trails Plan for Kings Crown

Dear Francisco,

Please find attached to this report a proposed Trails Master Plan for the Kings Crown project. This Trails Master Plan has been approved by both the applicant and the City Trails Staff. We have been working with Heinrich Deters and Logan Jones to finalize this report and the attached is the result of our efforts. The applicant agrees to comply with the final trails report and will assist Park City in any way towards accomplishing the trail development outlined in the map.

The applicant further agrees to memorialize the proposed trail alignment with easements once the trails are constructed and accepted by Park City into their trail network. We think it is prudent to memorialize the trails and provide easements once they are constructed in order to ground truth the trail itself in case there are significant deviations. In any event, the applicant agrees to support the proposed trail alignment as proposed by the City Trails Staff and will cooperate in any activity needed to bring these trails to compliance and operability.

The existing trails, other than the Crescent Tram trail, are planned to be abandoned in favor of the trails outlined in the attached plan. Again, the City Trails Staff will take responsibility for this and will work towards making the necessary adjustments on the ground and educating the public about the new trail alignment. It is expected that Park City will work closely with the Mountain Trails Foundation to accomplish this goal. The City and Mountain Trails will have the responsibility to maintain the trails relative to controlling access to motorized vehicles, trash removal and erosion control as well as any other pertinent activities that may be required to maintain the trails properly. The Kings Crown HOA will retain the ownership of the property for the time being and will be responsible for supporting Park City's and Mountain Trails efforts in this regard.

Thank you for the opportunity to present this Trails Plan to the Planning Staff. Please let us know if you require any additional documentation or supporting documents to fulfill this requirement. We appreciate your consideration of this proposal and are free to answer any questions or address any comments you may have.

Sincerely,
CRH Partners, LLC
Rory Murphy, Chuck Heath, Hans Fuegi



EXHIBIT V
CONSTRUCTION MITIGATION PLAN

May 30, 2018

Mr. Francisco Astorga, Senior Planner
Park City Planning Office
Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060

RE: Construction Mitigation Plan

Dear Francisco,

The following represents our proposed Construction Mitigation Plan (CMP) that is a requirement of the MPD submittal for the proposed King's Crown project per Master Planned Development/Conditional Use permit (MPD/CUP) Condition of Approval No. 2:

A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.

This plan can be modified easily to comply with the direction from Staff and Commission. This represents our understanding of the requirements of the MPD, CUP and Plat Approvals for the Kings Crown project, however, we are open to any suggestions and comments you may have. The CMP is designed to minimize the effects of the construction impacts on the surrounding neighborhoods.

1. **Hours of Operation.** The applicant does not propose any construction activity beyond the existing hours of operation set by City Code. Those are 7:00 am to 9:00 pm Monday through Saturday and 9:00 am through 6:00 pm on Sunday.

See MPD/CUP Finding of Fact No. 134: As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.

See MPD/CUP Condition of Approval no. 23: The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.

2. **Parking.** All construction and related parking will be located on the property. There will be no street parking during the construction. The single-family homes will be required to submit a parking plan to the HOA prior to receiving permission from the HOA to proceed.
3. **Deliveries.** All deliveries will be during the hours of operation only. Please see **Special Delivery Hours** section #XX below for times of further restrictions.
4. **Stockpiling and Staging.** All stockpiling and staging will be located on-site, off the public road (Lowell Avenue) and within the approved limits of disturbance.
5. **Construction Phasing.** This item will be discussed with the Planning and Building Department Staff and an approved phasing plan will be implemented prior to building permit issuance.
6. **Trash Management and Recycling.** Adequate storage and enclosed trash management will be incorporated on site during the construction process. Recycling will be undertaken both by the contractor and the applicant to ensure that the maximum amount of construction recycling can take place.
7. **Control of Dust and Mud.** This ongoing concern will be handled daily with gravel exits as well as wash down measures that ensure there is NO tracking of mud onto the neighboring streets. Dust control should not be a significant consideration due to the limited area disturbed but will be controlled through watering trucks during the construction process.
8. **Noise.** Noise levels will not exceed 65 decibels as per the noise ordinance. Noise will not be made outside of the hours of operation.
9. **Grading and Excavation.** All grading and excavation will take place within the hours of operation. The proposed truck route is to access and exit via the north end of Lowell. A turnaround will be provided on-site to accommodate this. This will keep trucks off the majority of Lowell Avenue and off Empire Avenue completely.

See MPD/CUP Finding of Fact No. 131: Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.

10. **Temporary Lighting.** As may be needed and approved beforehand by the Building Department.
11. **Construction Signage.** The required construction sign will be erected on site and will follow the temporary sign code diligently. All required information will be posted on the sign.

Permit PL-18-03807 for a temporary construction marketing sign was approved by the Planning Dept. on March 22, 2018.

12. **Dogs.** Dogs will be prohibited from construction sites.
13. **Neighborhood Notification.** Neighbors will be informed of all activities and all efforts will be made to try to minimize the disruption to the neighborhood.

See MPD/CUP COA No. 2: A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. **The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.**

14. **Soils Ordinance.** The property is located outside of the Park City Soils Ordinance.
15. **Erosion Control.** A Storm Water Pollution Protection Plan (SWPPP) will be filed with the Park City Building department as well as the Utah State Department of Environmental Quality prior to building permit issuance.
16. **SWPPP.** A SWPPP plan will be filed with the State of Utah and will be the general compliance document for the Kings Crown site relative to storm water retention and quality control. The SWPPP plan calls for frequent compliance inspections throughout the life of the project's construction. See item 15.
17. **Toilet Facilities.** All construction sites shall have permanent toilets with authorization, or temporary toilet facility. Toilets placed on the public right of way require a right of way permit from the City Engineer.
18. **Partial Road Closures.** Partial road closures are required if one lane of travel is partially blocked by construction traffic or deliveries. Partial Road Closures require 48 hours notice. Partial road closures may be obtained at the Building Department or online at www.parkcity.org.
19. **Full Road Closures.** Full road closures require approval from the City Engineer. Full Road Closures require 48 hours' notice. Full road closures applications must be filled out on line or at the Engineering Department.

20. **Right Of Way Permits.** Right of way permits are required from the City Engineers Office for any work, damage or reconstruction in the Public Right Of Way. See Municipal Code § 11-14-2 Fencing Of Public Right-Of-Way.

21. **Cranes.** All cranes must be preapproved by the Chief Building Official. Contractor will provide a site plan showing the radius of the boom over neighboring properties and streets. Airspace and trespass agreements are required to be in place in the file before the crane can be installed on the property. The crane is prohibited from swinging over neighboring properties and streets loaded or unloaded without prior approval. Flaggers are required when approval is granted if crane will affect Right of Way.

22. **Limits of Disturbance Fence.** Chain link fencing is required on sites in some areas with excavations deeper than 4 feet. Plastic construction fencing is acceptable on sites that are not being excavated. Comments: six foot chain link fence will be used on this site.

23. **Special Delivery Hours.** The applicant has agreed that it will not accept truck deliveries during the two peak times of 8:30 am to 10:00 am in the mornings and 3:30 to 4:30 pm in the afternoon hours. As a matter of the spirit of this particular restriction, it was meant for the busy ski season period times when skier traffic would be most impactful.

See MPD/CUP Finding of Fact No. 136: Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.

See MPD/CUP Condition of Approval No. 24: Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.

24. **Winter Restrictions.** The applicant has agreed that it will restrict mass excavation and footings and foundations for a) the road construction, b) the town homes, c) the affordable housing building and d) the condominium building during the very busy winter period of December 24th through April 1st of a particular calendar year in order not to have large fleets of trucks competing with skier traffic. This concession is specific to the excavation and F&F construction activities as it involves large fleets of heavy trucks and is not meant to include the delivery trucks that are a necessary part of a construction project.

See MPD/CUP Finding of Fact No. 135: Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.

25. **Special Restriction Periods.** The applicant has agreed to not perform outside work except as specially permitted by the Building Department on the following holidays and busy periods:

Christmas Week, Sundance Film Festival, Presidents Weekend, The Fourth of July Weekend and Arts Fest Weekend.

See Finding of Fact No. 134: As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.

26. **Special Material Placement.** The applicant has agreed to place all excess material that is not re-used as site fill to be placed on the adjacent Resort property. The applicant and the City recognize that the land is owned by a third party and have agreed that in the unlikely event that such excess fill may not be placed on the resort property, the applicant will present other plans for approval. Such plans to take place prior to soil removal and pending the evaluation of the CUP/MPD approved by the Planning Commission. Also truck routes require approval by the Park City Engineering Department.

See MPD/CUP Finding of Fact No. 126: The Applicant provided Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock. See Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.

See MPD/CUP Finding of Fact No. 127: Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.

See MPD/CUP Finding of Fact No. 128: Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.

See MPD/CUP Finding of Fact No. 129: Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.

See MPD/CUP Finding of Fact No. 130: Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.

See MPD/CUP Finding of Fact No. 131: Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.

See MPD/CUP Finding of Fact No. 132: Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.

See MPD/CUP Finding of Fact No. 133: The applicant estimates 14,400 cubic yards of material

(includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).

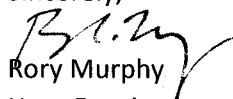
27. **Verbal Agreement from Mountain Resort.** The applicant has communicated with the resort staff and has received verbal agreements to place the material on site. Commentary: Discussion with City Officials and applicant required at this time, written permission required, Park City Mountain Limit of Disturbance (LOD) plan required, at this time.
28. **Organic Material.** The organic material generated (The "Clear and Grub") cannot be taken to the resort property as it will decompose and settle for many years and will create an unstable surface condition for decades. As a result, the resort has indicated that it will not accept organic material. The Findings of Fact (#132) specifically references excavated material.
29. **Large Rocky Excavated Material.** The applicant would like to reserve the option to request from the Planning Staff the ability to export in the traditional method material that is composed of large rocks (approximately 12"-18+" in diameter). The resort personnel have requested that such material NOT be placed on ski runs as it will create too uneven a surface to grade and compact in the future. The applicant is aware that this is a new request and one that bears further discussion with Staff. In order to accommodate the size of material the resort personnel insist upon, a rock-crushing operation would be required. The applicant feels that a rock-crushing operation would be more impactful by far than the truck trips required to remove the material. Commentary: Additional time required to review this item.

FY: Park City Municipal Corporation reserves the right to abate any inactive or abandoned construction site. PCMC gives no guarantee of partial CO's. PCMC may require the contractor to complete neighborhood noticing to their satisfaction as needed.

**** Special Instructions may be given at any time ****

Please let us know if you have questions or concerns with the above items. We can and will adjust any of our construction activities to accommodate the City's needs or wishes. We appreciate the opportunity to submit this report. Any questions can be directed to Rory Murphy at 435-640-5068.

Sincerely,


Rory Murphy

Hans Fuegi

Chuck Heath

CRH Partners, LLC

May 25, 2018

To Whom It May Concern:

Rory Murphy, representing CRH, may deliver and spread excess excavation material on Nastar, LLC property at the Park City Mountain Resort. The soil must be environmentally clean, compacted, covered with topsoil, and reseeded upon completion. This will serve to widen the ski run and fill in depressions.

Soil to be from Kings Crown Excavation only. - RMB
(R)

Sincerely,



David Bernolfo

(801) 230-4061

MAY 2018

NEW SKI TRAIL AND SOIL DISPLACEMENT PLAN

KING'S CROWN SUBDIVISION

A PRIVATE SKI-IN/SKI-OUT COMMUNITY PROJECT LOCATED IN PARK CITY, UTAH

PREPARED FOR:

CRH PARTNERS
1887 GOLD DUST LANE, SUITE 301
PARK CITY, UTAH 84060

PREPARED BY:

Evergreen
Engineering, Inc.
One Evergreen Lane, Suite 100, Park City, Utah 84060
Phone: (435) 243-1111
Fax: (435) 243-1112
www.evergreeneng.com

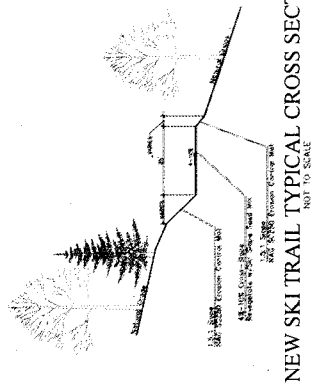
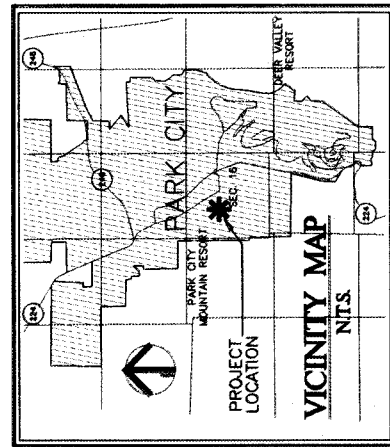


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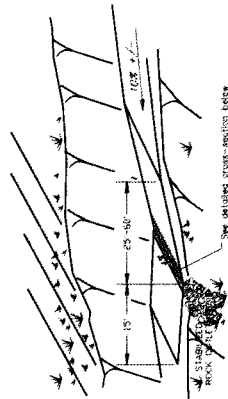
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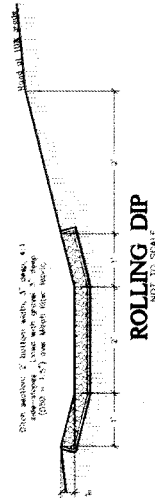
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NEW SKI TRAIL TYPICAL CROSS SECTION
NOT TO SCALE



ROLLING DIP
NOT TO SCALE



ROLLING DIP
NOT TO SCALE

SHEET INDEX

- C.501 COVER SHEET
- C.502 PROFILE OF EXISTING TRAIL STA 5+00.00 THRU 8+16.48
- C.503 PROFILE OF NEW TRAIL STA 8+16.48 THRU 13+00.00
- C.504 PROFILE OF KING'S CROWN STA 1+85 THRU 10+36
- C.505 CROSS-SECTIONS



C.501
Drawing the Plans, Layouts, and Specifications for the
Construction of the Project
© 2018 Evergreen Engineering, Inc.

THIRD AMENDED AFFORDABLE HOUSING MITIGATION PLAN FOR THE KINGS CROWN PROJECT FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL

WHEREAS, the owners of the Kings Crown Project located on Lowell Avenue and Rothwell Road have a total housing obligation of 8,775 SF equaling 9.75AUEs.

WHEREAS, the Park City Housing Authority approved a Housing Mitigation Plan on August 30, 2018, for the construction of a 15-unit building, Building A, to provide seven Affordable units priced affordable to households earning an average of 76% of AMI and eight Attainable units priced affordable to households at 150% of AMI.

WHEREAS, the Park City Housing Authority approved an amendment to the Housing Mitigation Plan on May 29, 2019, adding another AUE to Building B to meet an increase in the number of residential units due to a change in project design. The amendment also lifted the income limits for the remaining Attainable units which hadn't sold after 10 months of advertising.

WHEREAS, the Park City Housing Authority approved a 2nd amendment to the Housing Mitigation Plan on November 21, 2019 allowing the AUE in Building B to be changed from common space to private.

NOW, THEREFORE, the Housing Authority of Park City, Utah hereby approves the 3rd Amendment to the Housing Mitigation Plan as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Housing Mitigation Plan submitted by the Applicant is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The applicable Development Agreement was recorded June 14, 2018 for the Kings Crown Master Planned Development (MPD).
2. Housing Resolution 03-2017 Section 8 requires that affordable housing shall be provided equal to 15% of the market residential units in an MPD. The total residential units proposed in the MPD are sixty-five (65), 15% equals 9.75 Affordable Unit Equivalents (AUEs) totaling 8,775 SF. This requirement is met by providing 12.91 AUEs (11,616) of affordable housing averaging less than 80% of AMI. Each AUE is measured as 900 square feet of interior space.
3. The Housing Mitigation Plan was recommended for approval by the Planning Commission to the Park City Housing Authority on August 8, 2018.
4. The applicant proposes to build:
 - a. 9,697 SF of affordable housing comprised of nine (9) two and three bedroom units varying in size from 997 SF to 1,377 SF within Building A;
 - b. one (1) 1,163 SF attainable unit (150% AMI, HUD Income Limits) in the same Building A; and
 - c. One (1) unit of 756 SF in Building B.

5. The Applicant proposes to price the nine affordable units at an average household AMI of 77% (\$57,834 to \$85,680 annual household income based on the Resolution definition of household size) and one unit at attainable to 150% of AMI depending on the household size (\$128,520 to \$219,600 annual household income).
6. The Applicant proposes to plat the 756 SF, one-bedroom unit in Building B (B101) as a private unit and set rent affordable to a household at 45% of AMI.
7. Under Section 9 of the Housing Resolution, Applicant is requesting to use Alternative Distribution Ratios so that instead of building 4 townhomes, 1 single family home and 3.5 condominiums, they build 11 affordable/attainable Units in two buildings.
8. Housing Resolution 03-2017 allows for waivers by the Housing Authority.
9. The Applicant has requested the Housing Authority waive pursuant to Section 19 of Housing Resolution 03-2017 requirements related to construction timing and delivery of the affordable housing units, specifically Sections 11 (Timing of Occupancy) which states that the affordable units must be delivered in proportional timing to the market units & 14A (Construction of Market Units) which states that Affordable units shall be made available for occupancy on approximately the same schedule as a project's market units; except that Certificates of Occupancy for the last ten percent of the market units shall be withheld until Certificates of Occupancy have been issued for all of the inclusionary units.
10. The waiver provision states that the City Council may waive all or part of the requirements of this Resolution in exchange for enhanced project affordability or livability including but not limited to the incorporation of sustainable building practices and systems in the unit design and development.
11. The Applicant will build the affordable/attainable building to green building standards in compliance with Section 9.B.5 of Housing Resolution 03-2017.
12. In addition, in order to meet the spirit of the Housing Resolution timing requirements, applicant proposes that:
 - a. CRH will post a Performance Bond in an amount equal to the construction cost and in a form acceptable to the City for the completion of the Affordable Housing building.
 - b. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction, the Applicant shall appear before the Park City Housing Authority within 30 days to explain the timing discrepancy and propose a remedy. The Housing Authority shall at that time have the right to require that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.

Conclusions of Law:

1. The conditions of the Development Agreement between CRH Partners, LLC and Park City Municipal Corporation recorded on June 14, 2018 related to Affordable Housing have been met by this plan.
2. This plan complies with Park City Housing Resolution 03-2017.

3. Housing Authority approves a waiver of the Housing Resolution timing of construction and delivery of the affordable housing units.

Conditions of Approval:

1. The Affordable Housing building will be the first building to draw a building permit.
2. No Certificate of Occupancy will be granted for the Crown Homes (market townhomes) prior to receiving the CO for the affordable/attainable building.
3. CRH will post a Performance Bond equal to the cost of construction and in a form acceptable to the City for the construction of the Affordable Housing building.
4. If the construction timing of the affordable housing building deviates more than 120 days from the proposed construction, the Applicant shall appear before the Park City Housing Authority within 30 days to explain the timing discrepancy and propose a remedy. The Housing Authority shall at that time have the right to require that the applicant post a 100% cash (or cash equivalent) guarantee for the remaining portion of the affordable housing building to be constructed.
5. Units will be sold at pricing as follows:

Unit	Price	Bedrms	Price
A-101	1,349	3	\$ 308,010.00
A-102 ADA	1,000	2	\$ 200,724.00
A-201	1,000	2	\$ 242,558.00
A-202	998	2	\$ 242,558.00
A-203	1,377	3	\$ 308,010.00
A-303	1,000	2	\$ 267,632.00
A-304	997	2	\$ 267,632.00
A-301	989	2	\$ 311,358.00
A-302	987	2	\$ 311,358.00
A-502	1,163	3	\$ 577,519.00

6. Deed Restrictions shall be recorded against 11 units in a form approved by the City Attorney.
7. CCRs for the Affordable/Attainable building will include a provision that HOA fees won't increase more than three percent (3%) per year.
8. Initial HOA dues shall not exceed an average of \$250 per month per unit excluding utilities and internet and/or an average of \$370 per month per unit including utilities and internet.
9. Ten units within Building A, the affordable/attainable building shall be sold to Qualified Buyers as defined in the recorded Deed Restriction.

10. One Unit within Building B will be rented to Qualified Renters defined in the recorded Deed Restriction, or if sold, to a Qualified Buyer as defined in the recorded Deed Restriction.
11. All sales shall be approved in writing by the City Affordable Housing Office.
12. Housing Authority waived the Housing Resolution 03-2017 construction timing and delivery of the affordable housing units Sections 11 and 14.A.
13. The 756 SF one-bedroom unit in Building B (B101) shall be platted as a private unit and rent shall be set affordable to a household at 45% of AMI (\$39,528 maximum income for a family of two and \$988 monthly rent in 2019) and shall be inclusive of HOA dues. HOA dues may not be charged separately to the lease holder of Unit B101.
14. The developer is required to amend the MPD/CUP Final Action Letter and the Development Agreement to reflect the changes approved in this plan.

SECTION 2. EFFECTIVE DATE. This approval shall take effect upon adoption and execution.

PASSED AND ADOPTED this 17th day of September, 2020

PARK CITY HOUSING AUTHORITY

DocuSigned by:



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Andy Beerman, Chair

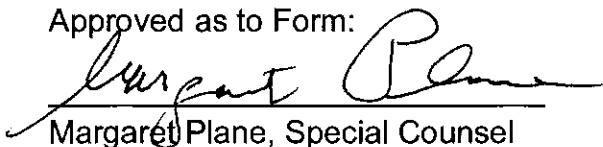
Attest:

DocuSigned by:



ESF905BB533F431
Michelle Kellogg, City Recorder

Approved as to Form:


Margaret Plane, Special Counsel



22 January 2018

Rory Murphy
1887 Gold Dust Lane, Suite 301
Park City, Utah 84060

Re: King's Crown Master Planned Development and Conditional Use Permit

Rory:

On January 10, 2018, the Planning Commission of Park City approved your Master Planned Development (application no. PL-17-03515) and Conditional Use Permit (PL-17-03566), subject to the following findings of fact, conclusions of law, and conditions of approval:

Master Planned Development & Conditional Use Permit Findings of Fact:

1. The subject site is located at 1201 – 1299 Lowell Avenue.
2. The subject site is within the RC, ROS, and SLO District.
3. The proposed development takes place roughly over 30% of the property, all contained within the RC District located adjacent to Lowell Avenue towards the northeast of the subject site.
4. The applicant proposes to build three (3) multi-unit buildings with access off Lowell Avenue, a private road/drive to be known as Rothwell Road, and a townhouse building with access off Rothwell Road.
5. The proposed private road/drive begins at the 12th Street / Lowell Avenue intersection which then curves up to a hammer-head turn around.
6. Rothwell Road climbs up approximately sixty feet (60') and is approximately 548 feet long.
7. The applicant also proposes to develop 27 single-family lots, 4 of which would be accessed off Lowell Avenue, and the remaining 24 would be accessed off Rothwell Road (15 on the west side of the private road and 8 on the east side of the private road).
8. The applicant does not plan on building the 27 houses, but to develop the lots to be able to sell them individually.
9. The MPD includes a total of 32 lots.
10. The MPD includes seven (7) deed restricted affordable housing condominium

- units (8.55 affordable unit equivalents).
11. The MPD includes eight (8) additional non-required deed restricted affordable housing condominium units (9.07 affordable unit equivalents).
 12. The MPD includes 11.2 acres of platted open space in the form of large tracts of contiguous natural open space that does not include open space area around the units, equating to 74.6%. The total open space percentage is 83.9.
 13. The MPD includes 23 market rate condominiums, 7 market rate townhomes, and 27 market rate single family detached houses.
 14. Building A is a multi-unit dwelling, listed as a conditional use.
 15. Building A has 15 residential affordable housing units.
 16. Building A has the following square footage:
 - a. Residential: 16,520
 - b. Mechanical: 256
 - c. Internal circulation (hallways and stairs): 1,833
 - d. Parking and vehicular circulation: 5,571
 - e. Overall: 24,180
 17. Building A has 18 parking spaces located in an enclosed underground parking garage.
 18. Building A has vehicular access off Lowell Avenue through one (1) driveway.
 19. Building A has 5 stories above the parking garage.
 20. Building A is on proposed lot 1.
 21. Affordable housing residential units do not count towards residential Unit Equivalents.
 22. Building B/C is a multi-unit dwelling, listed as a conditional use.
 23. Building B/C has 12 residential units.
 24. Building B/C has the following square footage:
 - a. Residential: 28,253 (14.13 residential Unit Equivalents)
 - b. Mechanical: 375
 - c. Internal circulation (hallways, stairs, and elevator): 1,133
 - d. Parking and vehicular circulation: 9,305
 - e. Overall: 39,066
 25. Building B/C has 21 parking spaces located in enclosed underground parking garages.
 26. Building B/C has vehicular access off Lowell Avenue through two (2) separate driveways.
 27. Building B/C has 4 stories above the parking garage
 28. Building B/C is on proposed lot 2
 29. Building D is a multi-unit dwelling, listed as a conditional use.
 30. Building D has 11 residential units
 31. Building D has the following square footage:
 - a. Residential: 24,590 (12.30 residential Unit Equivalents)
 - b. Mechanical: 166
 - c. Internal circulation (hallways, stairs, and elevator): 1,827
 - d. Parking and vehicular circulation: 8,313
 - e. Overall: 34,896
 32. Building D has 22 parking spaces located in an enclosed underground parking

- garage.
33. Building D has vehicular access off Lowell Avenue through one (1) driveway.
 34. Building D has 4 stories above the parking garage.
 35. Building D is on proposed lot 2.
 36. Townhomes Building is a multi-unit dwelling, listed as a conditional use.
 37. Townhomes Building has 7 residential units
 38. Townhomes Building is 29,005 (14.50 residential Unit Equivalents).
 39. Townhomes Building has 14 parking spaces, 2 within each parking garage.
 40. Townhomes Building has vehicular access off proposed private drive through individual driveways.
 41. Townhomes Building has 3 stories above the garage level.
 42. Townhomes Building is on proposed lot 30
 43. Single-family dwellings are an allowed use within the District.
 44. The applicants request to plat 27 lots to accommodate one (1) single-family dwelling on each lot.
 45. The approximate buildable square footage of the single family dwellings is 71,880 (35.94 residential Unit Equivalents).
 46. The single-family dwellings require 54 parking spaces, 2 within each lot as required.
 47. The single-family dwellings have vehicular access off proposed private drive through individual driveways and four (4) off Lowell Avenue.
 48. The single family lots are on proposed lots 3-29.
 49. The applicant proposed two (2) lots to be re-platted as open space.
 50. Proposed open space Lot 31 is 2,106.4 square feet with retaining walls and stair access to adjacent property to the south.
 51. Proposed open space Lot 32 is 487,798.29 square feet (11.2 acres).
 52. Proposed open space Lot 32 is to house an accessory building, 750 square feet, consisting of restroom and lockers for the exclusive use of property owners.
 53. The proposed accessory building on Lot 32 is located on the RC District.
 54. Accessory buildings are an allowed use with the RC District.
 55. Restrooms/lockers are considered residential accessory space and does not count towards Unit Equivalents.
 56. The site contains a total of 653,860 sf. (15.01 acres) broken down in the following manner:
 - a. RC District: 199,867 sf. (4.59 acres)
 - b. RC District within the SLO Zone: 78,654 sf. (1.81 acres)
 - c. ROS District: 84,194 sf. (1.93 acres)
 - d. ROS District within the SLO Zone: 291,145 sf. (6.68 acres)
 57. The applicant proposes to build solely within the zoning boundaries of the RC District. The applicant does not request to build within the boundary of the RC District/SLO, or within the ROS District, and these areas would be dedicated as open space.
 58. Within the RC District, sites with multi-unit dwellings receive a maximum floor area ratio (FAR) of 1.0.
 59. The portion of the site in the RC District has a maximum floor area of 199,867 sf. for multi-unit dwellings.
 60. The RC District does not provide a FAR standard for single-family dwelling lots,

- but rather, a minimum lot area requirement of 1,875 sf.
61. The proposal contains a total FAR of 0.41 ($80,963 \div 199,867$) for multi-unit dwellings.
 62. In applying the FAR at its maximum, the site would have a remaining 118,904 sf. in density ($199,867 - 80,963$).
 63. In applying the floor area not used for multi-unit dwelling for single-family dwellings, this would create approximately 63 residential lots (applying the minimum lot area of 1,875 square feet).
 64. The applicant requests to re-subdivide 27 single-family lots in conjunction with their 80,963 sf. of multi-unit dwellings.
 65. A residential Unit Equivalent is 2,000 square feet.
 66. The applicant proposes the construction of the following 30 residential units and the allotment of 27 lots:
 - a. 12 flats within multi-unit Building B/C totaling 27,683 square feet (13.84 residential Unit Equivalents).
 - b. 11 flats within multi-unit Building D totaling 24,255 square feet (12.13 residential Unit Equivalents).
 - c. 7 townhouses within the Townhome Building totaling 29,005 square feet (14.50 residential Unit Equivalents).
 - d. 27 lots to accommodate one (1) future single-family dwelling on each lot which would be approximately 71,880 square feet (35.94 residential Unit Equivalents).
 67. The applicant requests to maintain the MPD setback of 25 feet around the perimeter of the entire development, with the exception of seven (7) future single-family residential Lots 3-7 and 21-22.
 68. Applicant seeks the following setback reductions as allowed by the Code, if granted by the Planning Commission:
 - a. Proposed Lot 3-7 front setback reduction to ten feet (10').
 - b. Proposed Lot 21 side setback reduction to twenty feet (20').
 - c. Proposed Lot 22 side setback reduction to ten feet (10').
 69. The proposed setback reductions as described above matches the abutting zone setbacks and all aspect of the project will comply with applicable Building and Fire codes. The reductions do not increase project density, maintain the general character of the surrounding neighborhood in terms of mass, scale and spacing between houses, and they meet open space requirements of the MPD.
 70. The proposed setback reductions are in compliance with LMC MPD provisions.
 71. All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 [...].
 72. The site contains a total of 653,759 square feet. The site contains 17,012 square feet of hard-scaped plazas equating to 2.6% of the site and 531,519 square feet (12.20 acres) equating to 81.3% of natural open space.
 73. The applicant proposes to designate the use of the two (2) open space lots on the proposed Re-Subdivision (plat).
 74. The applicant does not request to decrease the required number of off-street parking spaces; therefore, no parking analysis has been submitted. See building by building requirement:

- a. Affordable Housing Building A requires 18 parking spaces based on the size of the units. The proposed building contains 18 parking spaces.
 - b. Building B/C requires 21 parking spaces based on the size of the units. The proposed building contains 21 parking spaces.
 - c. Building D requires 21 parking spaces based on the size of the units. The proposed building contains 22 parking spaces.
 - d. Townhome building requires 14 parking spaces based on the size of the units, two (2) parking spaces per unit. Proposed building contains 14 parking spaces.
 - e. Single-family dwelling residential lots require 54 parking spaces, based on unit count. These 27 residential lots would require a minimum of 2 parking spaces per unit.
75. The proposal complies with the provisions of the building height parameters for multi-unit buildings listed under LMC § [15-2.16-4 Building Height](#) and single-family dwellings listed under LMC § [15-2.16-5 Special Requirements For Single Family And Duplex Dwellings \(subsection L-M\)](#), including all applicable height exceptions as allowed in the LMC.
 76. The applicant does not seek additional height under the MPD parameters listed under LMC § [15-6-5 MPD Requirements, Sub-section F](#).
 77. The project has been designed to maintain the existing neighborhood development pattern, with the larger scale buildings located alongside the existing multi-family.
 78. The proposed plan uses the massing of the buildings to mitigate the need for retaining walls by burying the buildings into the hillside. The balance of the required retaining walls has been stepped in shorter wall sections to reduce/eliminate tall retaining walls.
 79. Roads and utility lines are proposed to work with the existing grades to the greatest extent possible, as indicated on the civil site and grading plans. Areas of the deepest cuts are mitigated by using the townhome buildings to step up the hill.
 80. All trails proposed with the MPD are incorporated into open space elements and in some areas are maintained and improved in their existing locations. Trail easements will be platted on the final recorded subdivision plats. Staff recommends adding a public recreation easement on Rothwell Road (private road) connecting to trail network on the mountain.
 81. The City requests to secure a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access.
 82. The City requests to prepare a public trail plan for the open space parcel, provide for trail 'corridors' subject to final alignment, which would be part of the recorded development agreement. The applicant stipulates to this condition of approval.
 83. There are sufficient areas adjacent to the streets, driveways, and parking areas to store snow.
 84. The MPD shall comply with the trash storage and collection and recycling regulations contained herein.
 85. There are no commercial or non-residential uses with this project, and all off-

street parking requirements are met within the project. The bus stop/ transportation area is located yards away from the project at the resort base. The applicant is considering placing an e-bike sharing station on site on Lowell Avenue for public use.

86. The submitted landscape plans specify the maximum area allowed for lawn or turf is limited to fifty percent (50%) of the total Area allowed to be disturbed and not covered by Buildings and other hard surfaces.
87. Drought tolerant species and species native to the area are stipulated in the Guidelines. Native rock and boulders are stipulated as allowed within the LMC.
88. Lighting is proposed to comply with requirements of LMC Chapter 15-5, Architectural Review and is further spelled out in the Guidelines.
89. No development within the MPD is located within the SLO with the exception of trails, which are an allowed use in the SLO.
90. The proposal includes 200% of the required Affordable Housing as required by the current housing resolution (03-2017).
91. The current affordable housing proposal, which is developed through the Affordable Housing Staff and the Affordable Housing Authority (The City Council), is shown on a table within this staff report. The Staff and the Affordable Housing Authority retain the final say on these figures.
92. The proposal does not create additional demands for child care.
93. An environmental survey ([Exhibit P - Environmental Survey](#)) was prepared revealing no environmental contaminants on the property.
94. A mine site study ([Exhibit Q - Mine Site Studies](#)) was conducted and determined that there were no mining related activities on the property.
95. The proposal fulfills the following goals and objectives of the General Plan.
96. A cultural survey ([Exhibit O - Cultural Survey](#)) was prepared revealing the only significant historical element on site was the Crescent Tramway, which will remain as the existing ski/ bike trail on the property. There are no historic structures on site.
97. LMC § 15-6-4 (G) states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement and shall be submitted to the Planning Department within six (6) months of MPD approval, for ratification by the Planning Commission..
98. Multi-unit dwellings and Master Planned Developments are listed as a conditional uses in the RC District.
99. The applicant proposes the construction of four (4) multi-unit dwelling buildings which includes one (1) building housing the affordable housing units that exceeds the required affordable housing requirements.
100. There are certain uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
101. A conditional use shall be approved 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.
102. The project is located on Lowell Avenue, between 12th and 13th Street.

103. The four (4) multi-unit dwellings are located at the lower portion of the subject site.
104. A traffic study (Triton Engineering, June, 2017) was provided by the applicant and reviewed by the City indicating that study intersections are anticipated to continue operating at acceptable levels of service.
105. Capacity of existing streets can handle anticipated normal traffic especially based on the fact that maximum density is not being pursued by the applicant.
106. Utilities necessary for these proposed uses are available at or near the site.
107. Final utility plans, including grading and storm water run-off plans will be required at time of building permit review.
108. The proposed plans have been reviewed by the City and the Park City Fire District for compliance and meet the requirements for emergency vehicle access based on the close proximity to Lowell Avenue and the direct connection of the private drive.
109. The proposed conditional use meets all LMC parking regulations.
110. The internal circulation plan incorporated on the site plan showing proposed access to existing trails as well community access point to the trails and ski runs.
111. Adjoining uses mirror the uses proposed in this project, and no separation is required. In fact, the project is providing community access through to adjacent open space.
112. The project has been designed to mirror the existing neighborhood development patterns.
113. The larger mass buildings are located adjacent to the larger buildings on Lowell, and the project homes mirror the East side of Lowell, with the townhomes continuing the townhome pattern as well.
114. As designed, approximately 82 percent of the project is contiguous open space, with access to skiing and bike trails.
115. All signs and lighting for the project will be approved through the Master Sign Plan application process and through building department review for compliance with the LMC.
116. The physical design of the proposed additions and new buildings, in terms of mass, scale, style, design and architectural detailing.
117. The proposed buildings complement the existing neighborhood in architectural character, materials, colors, mass and scale.
118. Proposed materials consist of metal and membrane roofing, wood and metal siding, natural stone and other elements consistent with the existing buildings.
119. This project will not create any of the conditions listed that are not normally associated in the residential nature of the proposed use.
120. There will be no commercial delivery or service vehicles to the project as the entire project is residential. Typical residential delivery service will utilize residential streets and driveways.
121. Trash and Recycling will mirror the existing Old Town pattern and usage with small residential trash bins, and shall comply with the required regulation listed under Master Planned Developments.
122. All condominiums will be sold as wholly owned condominiums and be required to follow local guidelines relative to other uses, the same applies to the single-family

- lots.
123. The proposed development is not within any environmentally sensitive lands, physical mine hazards, historic mine waste, or Park City Soils Ordinance.
 124. The site is within steep slopes found throughout the site.
 125. The overall proposal, both Multi-Unit Dwellings (conditional use) and single-family detached houses (allowed use) takes place over approximately 30% of the entire site.
 126. The Applicant provided [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations, with the](#) placement, volume and height of on-mountain waste rock on a map showing the placement areas for waste rock
 127. Applicant indicates a verbal agreement with Park City Mountain representatives to place the material from the multi-unit buildings and road construction on Park City Mountain.
 128. [Exhibit R - Proposed Export Fill Placement Exhibit and Possible Fill Locations](#) also shows the proposed study of the corresponding volumes and depths of the waste material on adjacent property.
 129. Applicant indicates that all waste material must be certified as environmentally clean, compacted in no more than 2-foot lifts (to achieve a 90%+ compaction) covered with six inches (6") of topsoil, seeded with a native grass mix and sod placed over the grass seeds.
 130. Applicant demonstrates that the maximum depth would be 5 feet, tapering off to 0 feet.
 131. Applicant proposes to transport the excavated material to the neighboring property without the necessity of using City streets. It is the Applicant's responsibility to seek such permission with the neighboring site.
 132. Applicant explains that in the highly unlikely case that they are unable to secure a written agreement with the Park City Mountain, the excavation material would be disposed of by the traditional method used in the vast majority of construction projects to be approved by the City prior to issuance of building permits.
 133. The applicant estimates 14,400 cubic yards of material (includes swell) which would equate to 1,440 truckloads (at 10 yds. / truck).
 134. As a Condition of Approval, the applicant has indicated that they would not undergo excavation or footings and foundation work on the multi-family buildings or the access road during the winter season from Christmas through April 1st.
 135. Applicant has indicated that they will instruct construction staff to keep delivery trucks off the streets during the peak busy times of between 8:30 am and 10:00 am as well as the peak afternoon times of 3:30 pm through 4:30 pm.
 136. Applicant agrees to not deliver materials during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
 137. Applicant has provided the approximate excavation quantities of the 27 single-family dwellings which would be approximately 7500 cubic yards.
 138. The applicant does not plan on building the 27 single-family dwellings but plans to sell the lots to individuals and/or builders.
 139. The Chief Building official has studied the applicant's preliminary Construction

Mitigation Plan and finds that the proposal is in compliance with current Building Department policies.

140. Construction Mitigation Plan will be finalized by the Building Dept. once building permits are submitted by the applicant.

141. The applicant stipulates to the conditions of approval.

142. The discussion in the Analysis section is incorporated herein.

Master Planned Development Conclusions of Law

- A. The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- B. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- C. The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;
- D. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- E. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- F. The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- G. The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;
- H. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
- I. The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- J. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and
- K. The MPD has been noticed and public hearing held in accordance with this Code.
- L. The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.
- M. The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.
- N. The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
- O. The MPD, as conditioned, addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan.

Conditional Use Permit Conclusions of Law:

1. The proposal satisfies the Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16).
2. The proposal complies with all requirements of this LMC.
3. The Uses will be Compatible with surrounding Structures in Use, scale, mass
4. The effects of any differences in Use or scale have been mitigated through careful planning.

Master Planned Development & Conditional Use Permit Conditions of Approval:

1. All standard project conditions shall apply.
2. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall be updated as necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control. Storm-water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service.
3. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed predevelopment drainage conditions and special consideration shall be made to protect any wetlands delineated on and adjacent to the site.
4. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.
5. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plat.
6. Dry utility infrastructure must be located on the property and shown on the building plans prior to building permit issuance to ensure that utility companies verify that the area provided for their facilities are viable and that exposed meters and boxes can be screened with landscaping.
7. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plat, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
8. An Affordable Housing Plan shall be approved by the Park City Housing Authority prior to issuance of any building permits for units within the MPD and deed restrictions shall be recorded.

9. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
10. A master sign plan for the project shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
11. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.
12. Once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be submitted to the Planning Department for ratification by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
13. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
14. Vegetation and landscaping will be planted in such a manner that screening of adjacent properties is to be consistent with approved landscape plans. The applicant recognizes that the City Engineer have final authority on landscape placement in required easement areas.
15. All interior roads shall be constructed to Park City Engineering standards. Final grades, storm drainage and width to be approved by the City Engineer.
16. Interior roads are proposed to be private and maintained by the HOA.
17. An HOA shall be in place to maintain and govern the property.
18. An open space use plan shall be approved by the Park City Planning Department and shall be included as part of the development agreement. Such uses shall be consistent with the LMC and shall include ski runs, hiking/biking trails and related ski improvements such as snow making and signage as needed and appropriate.
19. A trails master plan that is consistent with the city's needs and desires shall be forwarded by the City Trails personnel and approved by both the applicant and the Park City Planning Department, which would be part of the recorded development agreement.
20. The applicant shall allow a recreational public access easement from Lowell Avenue, up the roadway to the stairwell shown on the plans, to allow for public trail access, and shall be shown on the plat.
21. The proposal shall comply with all Architectural Design Guidelines outlined in LMC § 15-5-5 which includes prohibited architectural styles and motifs, prohibited siding materials, design ornamentation, number of exterior wall materials, roofing materials, roof shapes, solar panels and skylights, window treatments, Lighting, trash and recycling enclosures, mechanical equipment, patios and driveways, and landscaping. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 10, 2018.

22. The proposal shall comply with the trash storage and collection parameters with the language outlined in LMC § 15-5-5(G).
23. The proposal shall not undergo excavation or footings and foundation work on the multi-family buildings or the access road (Rothwell Road) during the winter season from Christmas (December 25) through April 1st.
24. Materials shall not be delivered during the busiest tourist times of Christmas week, MLK weekend, Sundance week, MLK weekend, President's Day weekend, Arts Fest, July 4th weekend, Miner's Day weekend, and Tour de Utah.
25. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 10, 2018.
26. The applicant shall record a plat prior to selling individual units.
27. A deed restriction all affordable housing units shall be recorded prior building permit issuance.
28. The CCRs shall be submitted with the plat for review and approval by the City prior to final plat recordation.
29. The CCRs submitted with condominium plats that include any deed restricted affordable housing units shall limit the HOA dues related to the deed restricted employee housing unit in order to ensure that the units remain affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the units (or exempt the units from HOA fees) to ensure that the units don't lose their affordability due to HOA fees. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
30. The Conditional Use Permit shall expire on January 10, 2019, unless an extension is requested in writing prior to expiration date and the extension is granted by the Planning Director.
31. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements and mitigates for removal of significant vegetation, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Department, and shall be in substantial conformance with the plans reviewed by the Planning Commission on January 10, 2018.
32. All requirements and conditions of the Snyderville Basin Water Reclamation District shall be met prior to building permit issuance.
33. This development is part of a common development that is greater than one (1) acre. This development shall meet the MS4 storm water requirements.

Please be aware that this approval in no way exempts the property from complying with other requirements that may be in effect on the property, and building permit regulations, as applicable. It is the responsibility of the property owner to ensure compliance with these regulations.

As the applicant, this letter is intended as a courtesy to document the status of your request. The official minutes from the Planning Commission meeting are available in the Planning Department office.

If you have questions regarding your applications or the action taken please don't hesitate to contact me at 435-615-5064 or fastorga@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Astorga". The signature is fluid and cursive, with a long horizontal stroke at the end.

Francisco Astorga, AICP
Senior Planner



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

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T 435-649-7993

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November 3, 2020

Ms. Rebecca Ward
Park City Planning Department
P.O. Box 1480
Park City, UT 84060

Subject: King's Crown Re-subdivision Second Amended
Plat Review

Dear Ms. Ward:

We appreciate the opportunity to review the referenced plat. The following items will need to be addressed on the plat:

1. Reference the SBWRD Easement Recording information on the plat (see attached easement document).

Also, with the combination of three lots into two, there is one extra lateral stub that needs to be abandoned. This must be accomplished by exposing the lateral connection at the main line (in the road) and disconnecting the lateral, installing a cap or push-in plug at the HDPE connection tee, and installing a cap in the upstream abandoned line. This work will not be required before SBWRD signs the plat but must be completed before SBWRD grants the project Final Project Approval.

Please contact Kevin Berkley at 435-214-5236 with any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Enclosure

cc: Rory Murphy, CRS Partners
Andrew Moran, Evergreen Engineering
Plat Review File