



**PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
October 25, 2023**

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. Click here for more information.

Public Comment Guidelines - Please state your full name for the record. If you are providing public comment in person, please sign in. Limit your comments to three minutes or less - a time will provide a warning. Direct your comments to the Planning Commission -- not to the applicant or audience. Please be civil - no clapping or whistling. Please address matters of the pending application or ordinance.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. MINUTES APPROVAL

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4. PUBLIC COMMUNICATIONS

5. CONTINUATIONS

- 5.A. **1415 Lowell Avenue - Condominium Plat Amendment** - The Applicant Requests an Amendment to the The Resort Center Condominiums Phase 1B First Amended to Expand an Interior Second Level Loft. PL-23-05760 (1 min.)
(A) Application Withdrawn

6. REGULAR AGENDA

- 6.A. **3981 Kearns Boulevard - Development Agreement Ratification** - The Applicant Seeks Ratification of the Development Agreement for Studio Crossing, a Mixed-Use Project With at Least 185 Affordable For-Rent Units. The Project Also Includes 60,000 Square Feet of Commercial Uses and up to 100 Market Rate Condominiums. The Site is Located in the Community Transition Zone With Regional Commercial Overlay, Entry Corridor Protection Overlay, and Sensitive Land Overlay. PL-22-05206 (20 mins.)
(A) Public Hearing; (B) Action
- 6.B. **902 Woodside Avenue - Plat Amendment** - The Applicant Proposes to Create One Lot from Two Substandard Lots. PL-23-05836 (15 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on November 16, 2023
- 6.C. **Land Management Code Amendments** - The Planning Commission Will Review Proposed Land Management Code Amendments Clarifying Landscaping Regulations to Qualify for the State's Landscape Conversion Incentive Program. PL-23-05884 (15 mins.)

A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on November 16, 2023

- 6.D. **Bald Eagle Club at Deer Valley Unit 55 Third Amended (7875 Bald Eagle Drive) - Plat Amendment** - The Applicant Proposes to Modify the Plat for Unit 55 to Reflect the As-Built Single-Family Dwelling in the Residential Development Zoning District. PL-23-05609 (20 mins.)

(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration on November 30, 2023

7. WORK SESSION

- 7.A. **Work Session – Land Management Code Amendments** – The Planning Commission Will Review Potential Amendments to Chapter 15-6.1 *Affordable Master Planned Developments* to Evaluate Parking Requirements, Mechanical Equipment and Building Height, Commercial Uses, and the Affordable Housing and Market Rate Units. (60 mins.)

8. ADJOURNMENT

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

A majority of Planning Commissioners may meet socially after the meeting. If so, the location will be announced by the Planning Commission Chair. City business will not be conducted.

Planning Commission Staff Report



Subject: Studio Crossings Development Agreement
Application: PL-22-05206
Author: Alexandra Ananth, Senior Planner
Date: October 25, 2023
Type of Item: Administrative – Development Agreement Ratification

Recommendation

(I) Review the Studio Crossings Development Agreement (DA) and (II) consider ratifying the Development Agreement (Exhibit 1).

Description

Applicant: Quinn Capital Partners, LLC (Gary Crandall, Manager)
Location: 3981 Kearns Boulevard (SR-248)
Zoning District: Community Transition (CT), with Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), and Sensitive Land Overlay (SLO)
Adjacent Land Uses: Film Studio, Open Space and Recreation, Residential, Institutional Uses
Reason for Review: The Planning Commission holds a public hearing and ratifies Development Agreements.¹

CT	Community Transition
DA	Development Agreement
ECPO	Entry Corridor Protection Overlay
LMC	Land Management Code
SLO	Sensitive Land Overlay

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

Background

The Planning Commission's scope of review on this agenda item is limited to ratifying the Development Agreement for consistency with the Commission's November 9, 2022, approval, and the Land Management Code (LMC) requirements. The Planning Commission may not revisit the terms of its prior approval. All reconsideration and appeal deadlines have run.²

The LMC requires the Applicant to submit a Development Agreement (DA) to the Planning Department within six months of the Planning Commission's November 9,

¹ LMC [§ 15-6-4\(I\)](#)

² LMC [§ 15-1-18](#)

2022, approval. On April 14, 2023, the Applicant submitted the draft DA. The Planning Department waited for the Applicant to resolve their water service before bringing the DA to the Planning Commission for ratification. This issue has now been resolved.

The DA must be ratified by the Planning Commission and recorded with the County prior to building permit issuance. The Applicant has a grading permit, but no other permits have been issued. The DA and associated exhibits are attached to this report.

The following is a timeline of events associated with the Studio Crossings project approval:

- November 9, 2022—The Planning Commission approved the Studio Crossings MPD for a mixed-use project including at least 185 affordable for-rent units. The project also includes 60,000 square feet of Commercial Uses, up to 100 market-rate condominiums, a transit stop and shelter, and a bike share and trail connection. On the same day the Planning Commission forwarded a recommendation to the City Council to amend the Annexation and Zoning Ordinance as well as for exceptions to the Zone Height for the Studio Crossings project at 3981 Kearns Boulevard ([Staff Report](#), [Minutes](#)).
- December 15, 2022 – The City Council approved Ordinance No. [2022-47](#), ([Staff Report](#), [Minutes](#)) amending the Annexation and Zoning Ordinance including exceptions to the Zone Height.
- December 15, 2022 - The City's Housing Authority approved the Applicant's Housing Mitigation Plan ([Staff Report](#), [Minutes](#)).

Analysis

The Planning Commission holds a public hearing and ratifies a DA for an approved Master Planned Development.³ Land Management Code (LMC) [§ 15-6-4\(I\)](#) requires 10 criteria for DAs. The following table outlines the criteria with the analysis of the Studio Crossings DA:

Development Agreement Requirement	Analysis of Proposal
1. A legal description of the land.	Studio Crossings DA Exhibit A – <i>Legal Description of the Property</i>
2. All relevant zoning and Land Management Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions.	Studio Crossings DA Exhibit D – <i>Studio Crossings Final Action Letter dated November 9, 2022</i> Studio Crossings DA Exhibit E – Ordinance No. 2022-47 dated December 15, 2022.
3. An express reservation of the future legislative power and zoning authority to the City.	Studio Crossings DA ¶ 4 – <i>Master Plan Approval and Reserved Legislative Powers</i>

³ LMC [§ 15-6-4\(I\)](#)

4. A Copy of the Approved Site Plan and all plans which are part of the Planning Commission Approval	Studio Crossings DA Exhibit F – <i>MPD Approved Plans</i>
5. A description of all Developer exactions or agreed-upon public dedications.	Studio Crossings DA ¶ 2.2
6. Developer agreement to pay all specified impact fees.	Studio Crossings DA ¶ 2.2
7. The form of ownership anticipated for the project.	Studio Crossings DA ¶ 6.3 – <i>Form of Ownership Anticipated for the Project</i>
8. A specific project phasing plan.	Studio Crossings DA Exhibit G –<i>Phasing Plan</i> Project Approval expires two years from the date of execution of the Development Agreement unless Construction, as defined by the International Building Code, has commenced on the project. Studio Crossings DA ¶ 2.4 requires the developer to complete the deed restricted affordable housing prior to or concurrent with the market rate condominiums.
9. A list and map of all known Physical Mine Hazards on the Property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.	Studio Crossings DA ¶ 6.5 – <i>Physical Mine Hazards</i> and Exhibit H – <i>List of all Known Physical Mine Hazards on the Property (None)</i>
10. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.	Not Applicable – There are no Historic Structures on the Property

Attachments

EXHIBIT 1: Draft Development Agreement – For The Quinn Capital Partners’ Studio Crossings Annexation and Master Planned Development, Park City, Summit County, UT

- Exhibit A: Legal Description
- Exhibit B: 2012 Development Agreement and 2012 Annexation Agreement
- Exhibit C: Site Plan
- Exhibit D: Planning Commission Final Action Letter dated November 9, 2022
- Exhibit E: Ordinance 2022-47 dated December 15, 2022
- Exhibit F: MPD Plans Approved on December 15, 2022
- Exhibit G: Phasing Plan
- Exhibit H: List of All Known Physical Mine Hazards on the Property (None)
- Exhibit I: Housing Authority Final Action Letter and Applicant’s Housing Mitigation Plan

**DEVELOPMENT AGREEMENT FOR THE
QUINN CAPITAL PARTNERS' STUDIO CROSSINGS
ANNEXATION AND MASTER PLANNED DEVELOPMENT
PARK CITY, SUMMIT COUNTY, UTAH**

This Development Agreement is entered into as of this ____ day of _____, 2023, by and between QUINN CAPITAL PARTNERS, LLC (“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 Studio Crossings (formerly known as the Quinn’s Junction Partnership Annexation 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 two legal lots of record totaling approximately 29 acres of real property located in Park City, Summit County, Utah, which real property is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and which real property is depicted on the site plan attached hereto as Exhibit C and incorporated herein by reference (the “Property”).

B. The Property is located in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), and Sensitive Land Overlay (SLO).

C. As a compromise of claims and in settlement of litigation with a prior owner of the Property, Park City recognized that the property in question has a vested development right to commercial uses and entered into that certain “Development Agreement for the Quinn’s Junction Partnership Annexation Master Planned Development” on May 24, 2012 (the “2012 Development Agreement”) (attached hereto as Exhibit B). The 2012 Development Agreement is recorded at Summit County Entry No. 00949721.

D. Park City also previously entered into an annexation agreement wherein Park City recognized the property has vested development rights to the commercial uses, densities, and configuration as part of a motion picture studio and media campus as stated in the “Annexation Agreement entered into by Quinns Junction Partnership and Park City” on January 18, 2012 (the “2012 Annexation Agreement”) (attached hereto as part of Exhibit B).

E. Under the 2012 Development Agreement and 2012 Annexation Agreement, Developer is entitled to build a 374,000 square foot mixed-use development on the Property consisting of a Motion Picture Studio and Media Campus; and ancillary and support commercial and lodging, including a one hundred (100) key hotel (the “Film Studio”).

F. Beginning in 2014, Developer constructed the first phase of the Film Studio, including an approximately 91,000 square foot film studio building, with three stages, studio workshops, and support offices.

G. On February 2, 2022, via Ordinance 2022-06, Developer obtained Park City's approval to subdivide the Property into two lots: Lot 1A consisting of 8.622 acres containing the existing developed Film Studio (generally north of Round Valley Drive) and Lot 1B consisting of 20.464 acres containing the remainder of the site (generally south of Round Valley Drive).

H. Developer subsequently applied to modify the 2012 Development Agreement and 2012 Annexation Agreement as it applies to Lot 1B. Under the Developer's application, Lot 1A remains subject to the 2012 Development Agreement and 2012 Annexation Agreement existing terms.

I. Developer seeks to modify the 2012 Development Agreement as it pertains to Lot 1B to allow for the construction of a mixed-use development with a substantial affordable housing component.

J. Under the 2012 Development Agreement and 2012 Annexation Agreement no affordable housing is required; however, as part of the subdivision approval of Lot 1B, the City Council included a plat note requiring that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City's current Affordable Housing Resolution shall apply.

K. Park City requires development agreements under its Park City Land Management Code ("LMC") for all Master Planned Developments.

L. Following a lawfully advertised public hearing, 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, made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, elected to approve this Development Agreement, amending the 2012 Annexation and 2012 Development Agreements for the Studio Crossing portion of the site only.

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. Definitions:

1.1. "Approved Uses" means the approved uses which are shown on the Site Plan and detailed in this Development Agreement.

1.2. "Additional Property" means any adjoining property that may be subject to Annexation into this Development Agreement as more fully described below.

1.3. "Building Permit" means a permit issued pursuant to the requirements of the Code, International Building Code, and related building codes as applicable in the Park City Planning District, including permits for grading, footings, foundations, and construction of other improvements.

1.4. "Code" means the Park City Land Management Code.

1.5. **“City”** means Park City Municipal Corporation, a political subdivision of the State of Utah, through its Park City City Council.

1.6. **“Developer”** means Quinn Capital Partners, LLC, a Utah limited liability company, and its assignees or transferees.

1.7. **“Development Agreement”** means this Development Agreement.

1.8. **“Effective Date”** is the date first set forth in the first paragraph of this Development Agreement.

1.9. **“Final Site Plan”** means the Final Site Plan which is included as Exhibit C to this Development Agreement including the legal description of the Property, the establishment of the Approved Uses, development layout, architectural, landscaping, lighting, and other development details of the Project.

1.10. **“Planning Commission”** means the Park City Planning Commission.

1.11. **“Permitted Uses”** means the uses allowed as set forth in the Planning Commission Final Action Letter.

1.12. **“Project”** means the vested entitlements and rights to build consistent with this Development Agreement on Lot 1B, which is known generally as the **“Studio Crossings”**.

1.13. **“Property”** means the two legal lots of record totaling approximately 29 acres of real property located in Park City, Summit County, Utah, which real property is more particularly described on Exhibit A attached hereto and incorporated herein by reference, and which real property is depicted on the site plan attached hereto as Exhibit C.

1.14. **“Public Facilities”** means those arterial and access roads and the other public infrastructure or public service facilities serving the Property.

1.15. **“Recordation Date”** means the date on which this Development Agreement is recorded in the Office of the County Recorder, Summit County, Utah, as stamped and shown on the recorded Development Agreement.

2. **Project Conditions:**

2.1. The (i) Findings of Fact, Conclusions of Law and Conditions of Approval of the Planning Commission’s Final Action Letter dated November 9, 2022, and Ordinance 2022-47, dated December 15, 2022, attached hereto as Exhibit E, and (ii) Studio Crossing Master Planned Development, prepared by Modern Out West, and reviewed by the Planning Commission on November 9, 2022 and the City Council on December 15, 2022, attached hereto as Exhibit F, together with related documents attached thereto, are hereby incorporated herein by reference (the “Approval Documents”) and shall govern the development of Project, subject to the provisions of the Development Agreement and

Annexation Agreement including the vested rights of 282,575 gross square feet of development for Lot 1B specifically set forth in this Development Agreement. The Project is located in the CT Zoning District, with an RCO. Development Applications for an Administrative Conditional Use Permit and a Park City Building Department building permit are required prior to the commencement of any construction in connection with the Project and shall be processed and granted as set forth in this Development Agreement.

- 2.2. Developer agrees to pay the then-current impact fees lawfully imposed and 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, unless otherwise made unlawful.
- 2.3. The Film Studio shall serve as the Commercial anchor for the site in compliance with LMC § 15-2.17-4.
- 2.4. Developer shall build the affordable housing as approved in the Affordable Housing Mitigation Plan dated 12/15/22 and attached as Exhibit I. Developer agrees to construct sixty-five (65) deed restricted affordable units (equaling 42.4 Affordable Unit Equivalents) in the first phase of the project. Additionally, Developer will construct a minimum of one hundred twenty (120) additional deed restricted affordable units to be delivered partially in phase 1, and partially in phase 4 or earlier. Developer agrees that a certificate of occupancy will not be granted on the phase 4 condominium building until the deed restricted affordable housing is completed.
- 2.5. The 60,000 square feet of Commercial Uses in the Project shall be limited to smaller-scale community-oriented Uses set forth in the Application and Final Plan Set dated October 26, 2022, and the applicant shall not be required to return to the Planning Commission for a Conditional Use Permit (CUP) unless noted herein. Any Conditional Use that requires a CUP in the RCO Zoning District and has a parking requirement of 5 stalls per 1,000 square feet or greater, shall require a CUP except for Restaurants, Bars or ChildCare Centers. A detailed parking analysis shall be submitted at the time of CUP application. Telecom Antennas, Office Intensive, Retail/Service Intensive, and Medical Office/Clinic shall require a CUP. The Commercial Uses shall not include Hotels of any kind, any business with a Drive-Up window, or a Gasoline Service Station. Nightly Rentals are allowed (subject to business licensing requirements) in the market-rate residential units only. See LMC § 15-2.17-2.
- 2.6. The market-rate residential units shall consist of no more than fifty (50) market-rate townhomes in five clusters of ten (10) units totaling 82,000 square feet and one market-rate building of 60,000 square feet. Developer shall ensure that any negative impacts such as parking or noise caused by the nightly rental allowance are mitigated through the CC&Rs recorded against the market-rate units.
- 2.7. Developer shall locate a bus stop and bus shelter on site at a location to be reviewed and approved by the City Engineer, and Park City Transit, with input from High Valley Transit.

- 2.8. Developer and its successors agree that the following are required to be entered into and approved by Park City prior to the issuance of a Building Permit: (a) a construction mitigation plan; (b) a utility plan; (c) a storm water plan; (d) a grading plan; and (e) a landscape plan. Approvals by Park City shall not be unreasonably withheld.

3. *Development Applications.*

- 3.1. ***Timeliness.*** Development applications shall be approved by the City within a reasonable time if they comply with the Annexation Agreement and the City's vested rights laws and conform to this Development Agreement.

- 3.2. ***City's Denial of a Development Application.*** If the City denies any Development Application, the City shall provide a written determination advising the Applicant of the reasons for denial, including the specific reasons why the City believes that the Development application is not consistent with this MPD or the City's vested rights laws.

- 3.3. ***Meet and Confer regarding Development Application Denials.*** The City and Applicant shall meet within fifteen (15) business days of a denial to resolve the issues specified in the denial of a Development Application.

- 3.4. ***City Denials of Development Applications Based on Denials from Non-City Agencies.*** If the City's denial of a Development Application is based on the denial of the Development Application by a non-city agency, Developer shall appeal any such denial through the appropriate procedures for such a decision and not through the processes specified below.

3.5. *Mediation of Development Application Denials.*

- 3.5.1. ***Issues Subject to Mediation.*** Issues resulting from the City's denial of a Development Application may be mediated pursuant to Section 1.4 of the Development Agreement for the Quinn's Junction Partnership Annexation Master Planned Development.

- 3.5.2. ***Mediation Process.*** If the City and Applicant are unable to resolve a disagreement subject to mediation, the parties shall attempt within ten (10) business days to appoint a mutually acceptable mediator with knowledge of the issue in dispute. If the parties are unable to agree on a single acceptable mediator, they shall each, within ten (10) business days, appoint their own representative. These two representatives shall, between them, choose the single mediator. Applicant shall pay the fees of the chosen mediator. The chosen mediator shall within fifteen (15) business days, review the positions of the parties regarding the mediation issue and promptly attempt to mediate the issue between the parties. If the parties are unable to reach agreement, the mediator shall notify the parties in writing of the resolution that the mediator deems appropriate. The mediator's opinion shall not be binding of the parties.

- 3.6. ***Compliance with local laws.*** Developer is responsible for compliance with all local, state,

and federal regulations regarding the soils and environmental conditions on the Property. Furthermore, Developer is responsible for receiving any required Army Corp of Engineer Permits related to the riparian zone of Silver Creek if it is required.

4. Master Plan Approval and Reserved Legislative Powers

- 4.1. MPD.** Subject to the provisions of this Development Agreement, Developer is hereby granted the right to develop and construct the Project in accordance with the general uses, densities, massing, intensities, and general configuration of development approved in the Annexation Agreement and this Development Agreement, in accordance with, and subject to, the terms and conditions of the Approval Documents, and subject to compliance with the other applicable ordinances and regulations of Park City. Both parties acknowledge the Site Plan attached as Exhibit C and the Approval Documents supersede and replace the Site Plan attached as Attachment A to the 2012 Annexation Agreement with respect to Lot 1A, the Film Studio Lot.
- 4.2. Additional Property.** If the Developer acquires any additional property contiguous to the Property and located within the bounds of Park City or the City Annexation Declaration area, then Developer may petition to annex or apply to add such future property within this Development Agreement. Park City will reasonably process and consider such petition or application in accordance with applicable state law and the Land Management Code in effect at that time.
- 4.3. Reserved Legislative Powers.** Developer acknowledges that the 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 the City all of its police power that cannot be so limited. Notwithstanding the power of the City to enact legislation under the police powers vested in a city, such exercise of power through legislation shall only be applied to modify land use and zoning regulations which are applicable to the Project in conflict with the terms of this Development 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 Development Agreement under the above specific limitations and applicable to the Project shall be of general application to all development activity in the City of Park City; and, unless Park City declares an emergency, Developer shall be entitled to the required notice and 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. Nothing in this section shall limit the future legislative amendment of more specific ordinances or codes for which the Developer does not yet have a vested right, and except as otherwise provided in this agreement, no such rights will vest until such time as a complete application is filed in conformance with the applicable code(s), including but not limited to building and energy, lighting, sign, and subdivision codes.
- 4.4. Application Under City's Future Laws.** Without waiving any rights granted by the Annexation Agreement or this Development Agreement, Developer may at any time

choose to submit a Development Application for some or all of the Project under the City's Future Laws in effect at the time of the Development Application. Any Development Application filed for consideration under the City's Future Laws shall be governed by all portions of the City's Future Laws related to the Development Application so applied for. The election by the Developer at any time to submit a Development Application under the City's Future Laws shall not be construed to prevent Developer from relying on prior Development Applications or the City's Vested right Law as they pertain thereto.

5. General Terms and Conditions.

- 5.1. Term of Agreement.** The Master Planned Development is subject to Section 15-6-4(J) of the Land Management Code. Unless a delay is a result of delay of process by the City for a complete, pending application, a building permit for the first phase of the Project must be approved within two years of the execution of this Development Agreement. If a building permit for any phase of the Project is not issued within six years of the issuance of the first building permit, the Developer shall be required to return to the Planning Commission to re-permit any remaining density prior to the issuance of building permits to ensure that the remaining development is still in the best interest of the City and immediate neighborhood.
- 5.2. Binding Effect; Agreement to Run With the Land.** This Development Agreement shall be recorded against the Property as described on Exhibit A hereto and shall be deemed to run with the land, provided it remains effective, and shall be binding on all successors and assigns of Developer in the ownership or development of any portion of the Property.
- 5.3. Provision of Municipal Services.** Except as otherwise provided in the Annexation Agreement, Park City shall provide all City services to the Project that it provides from time-to-time to other residents and properties within the City including but not limited to police and other emergency services. The services shall be provided to the Project at the same level of services, on the same terms, and at the same rates as provided to other residents and properties in the City or applicable service district. Prior to the issuance of a building permit, the Developer shall submit evidence to the City Engineer and Public Utilities Director in accordance with LMC § 15-7.3-6, Water Facilities, confirming that 1) Summit Water Distribution Company has sufficient water supply for domestic water use and fire protection to service the existing and proposed development; or 2) an alternative water supply with sufficient capacity to serve the existing and proposed development has agreed to service the site. The burden is upon the Developer to submit responsive information regarding LMC § 15-7.3-6.
- 5.4. Assignment.** Neither this Development Agreement nor any of the provisions, terms, or conditions hereof can be assigned to any other party, individual or entity without (i) assigning the rights as well as the responsibilities under this Development Agreement and (ii) obtaining the prior written consent of the City directed to the City Recorder, which consent shall not unreasonably withheld. Any such request for assignment may be made by letter addressed to the City, and the prior written consent of the City may also be evidenced by letter from the City to Developer or its successors or assigns. If no response

is given by the City within fourteen (14) calendar days following Developer's delivery of a request for consent, the City consent will be deemed to have been granted. This restriction on assignment shall not 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 Development Agreement.

5.5. No Joint Venture, Partnership or Third Party Rights. This Development Agreement does not create any joint venture, partnership, undertaking, or business arrangement between the parties hereto. Nor does it create any rights or benefits to third parties.

5.6. Integration. This Development Agreement and the Approval Documents collectively contain 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.

5.7. Severability. If any part or provision of this Development 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 Development Agreement except that specific provision determined to be unconstitutional, invalid, or unenforceable. If any condition, covenant, or other provision of this Development 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.

5.8. Attorney's Fees. If either party commences litigation regarding this Development Agreement, any of the Exhibits hereto or the Approval Documents, the prevailing party, as determined by a court of competent jurisdiction, shall be entitled to reasonable attorney's fees and all costs paid by the other party.

5.9. Minor Administrative Modification. Minor administrative modifications to the site plan shall be reviewed and approved by the Planning Director. Any substantive modifications to the site plan such as changes in access, building locations, or Density shall be reviewed by the Planning Commission for consistency with the conceptually approved site plans reviewed on November 9, 2022.

5.10. No Waiver. Failure to enforce any rights under this Development Agreement or applicable laws shall not be deemed to constitute a waiver of such right.

5.11. Default.

5.11.1. Notice. If Developer or the City fails to perform their respective obligations hereunder or to comply with the terms hereof, the party believing that a Default has occurred shall provide Notice to the other party. If the City believes that the Default has been committed by a subdeveloper, then the City shall also provide a courtesy copy of the Notice to Developer.

5.11.2. Contents of the Notice of Default. The Notice of Default shall:

5.11.2.1. Specific Claim. Specify the claimed event of Default;

5.11.2.2. Applicable Provisions. Identify with particularity the provisions of any applicable law, rule, regulation, or provision of this Development Agreement (including exhibits) under which the claimed Default has occurred;

5.11.2.3. Materiality. Identify why the Default is claimed to be material; and

5.11.2.4. Optional Cure. If the City chooses, in its discretion, propose a method and time for curing the Default which shall be of no less than sixty (60) days duration.

5.11.3. Meet and Confer; Mediation. Upon the issuance of a Notice of Default the parties shall engage in the “Meet and Confer” and “Mediation” processes specified in Sections 1.4.3- 1.4.5.

5.11.4. Remedies. If the parties are not able to resolve the Default by “Meet and Confer” or by Mediation, then the parties may have the following remedies:

5.11.4.1. Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance, and/or damages.

5.11.4.2. Security. The right to draw on any security posted or provided in connection with the Project and relating to remedying of the particular Default.

5.11.4.3. Future Approvals. The right to withhold all further reviews, approvals, licenses, building permits, and/or other permits for development of the Project in the case of a default by the Developer, or, in the case of a default by a subdeveloper, development of those Parcels owned by the subdeveloper until the Default has been cured.

5.11.5. Public Meeting. Before any remedy in Section 3.11.4 of the Development Agreement for the Quinn’s Junction Partnership Annexation Master Planned Development may be imposed by the City, the party allegedly in Default shall be afforded the right to attend a public meeting before the City Council and address the City Council regarding the Claimed Default.

5.11.6. Emergency Defaults. Anything in this Development Agreement notwithstanding, if the City Council finds on the record that a default materially impairs a compelling, countervailing interest of the City and that any delays in imposing such a default would also impair a compelling, countervailing interest of the City, then the City may impose the remedies of Section 3.11.4 of the Development Agreement for the Quinn’s Junction Partnership Annexation Master Planned Development without the

requirements of Section 3.11.5. The City shall give Notice to the Developer and/or any applicable subdeveloper of any public meeting at which an emergency default is to be considered, and the Developer and/or any applicable subdeveloper shall be allowed to address the City Counsel at that meeting regarding the claimed emergency Default.

5.11.7. Extended Cure Period. If any Default cannot be reasonably cured within sixty (60) days, then such cure period shall be extended so long as the defaulting party is pursuing a cure with reasonable diligence.

5.11.8. Cumulative Rights. The rights and remedies set forth herein shall be cumulative.

5.11.9. Default of Assignee. A default of any obligations assumed by an assignee shall not be deemed a default of Developer.

6. Phasing; Access.

6.1. Project Phasing. The Project shall be constructed in phases in accordance with the phasing plan approved together with this Development Agreement (the “Phasing Plan”) (attached hereto as Exhibit G), and in accordance with the LMC. Developer may proceed by constructing the Project all at one time or by phase within this approved project Phasing Plan. If any phases of the project are not issued building permits within 6 years of the issuance of the first building permit, the applicant shall be required to return to the Planning Commission to re-permit any remaining Density to ensure that the remaining development is still in the best interest of the City and immediate neighborhood. Any major modifications or elaborations to the approved Phasing Plan must be approved by the City Council prior to the commencement of construction of the applicable phase. If such proposed major modifications or elaborations are substantial as determined by the Chief Building Official and the Planning Director, such modifications or elaborations will come before the City Council for approval.

6.2. Construction of Access. Developer may commence grading access to the Project as approved by the City Engineer according to generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, the International Building Code (or if such Code is no longer then in effect, according to the code that is, in fact, then in effect), the Uniform Fire Code, and the Army Corps of Engineers. Developer shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

6.3. Form of Ownership Anticipated for Project. The Project will consist of commercial buildings and related improvements; mixed-use commercial and residential buildings; a market rate condominium building and townhomes totaling no more than one hundred (100) units and related improvements; and several residential buildings consisting entirely of deed restricted affordable housing. Developer anticipates that the commercial portions and the affordable housing units will be owned by Developer, or its assigns. Any condominiumization of the Project for private ownership, fractional ownership, and

common ownership of land and common facilities requires additional approvals and shall be in compliance with applicable ordinances and state code.

- 6.4. Open Space.** Pursuant to the 2012 Annexation Agreement, no definable open space is required. As part of this modification, Developer has increased the overall amount of open space over the 2012 Development Agreement. Any future amendments shall comply with the Code in effect at the time of application, unless otherwise reduced by the Planning Commission in accordance with such Code.
- 6.5. Physical Mine Hazards.** If any, a list and map of all known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner as well as a description and OPS coordinates of those Physical Mine Hazards are hereby attached and incorporated as Exhibit H.
- 6.6. 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:

Gary Crandall
1776 Park Avenue, #145
Park City, UT 84060

With a copy to:

Justin J. Keys
Hoggan Lee Hutchinson
1225 Deer Valley Drive Suite 201
Park City, Utah 84060

To Park City:

445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
Attn: City Attorney

Such communications may also be given by facsimile 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.

7. No Undisclosed Rights. Developer acknowledges that this Development Agreement does not restrict any rights that Developer holds under clearly established state law. This Agreement is expressly authorized by Utah Code Section 10-9a-532. The Parties have had the opportunity to obtain legal counsel and have them review this Agreement. Due to Developer incentives and requirements consistent with Utah Code Section 10-9a-535 (1 and 3) including City approval of Ordinance 22-47, amending the City zoning and the prior annexation, settlement agreements and ordinances regarding the project, the Parties acknowledge that this Agreement may remove, replace, or modify certain rights and responsibilities under the Utah Municipal Land Use, Development, and Management Act (the Act), the Park City Land Management Code and applicable common law. Notwithstanding any legal rights afforded to the Parties under the Act, the terms of this Agreement shall govern. Developer expressly agrees that Park City has met any obligation it may owe under Utah Code Section 10-9a-532(2)(c).

List of Exhibits.

- Exhibit A - Legal Description
- Exhibit B – 2012 Development Agreement including 2012 Annexation Agreement
- Exhibit C – Site Plan
- Exhibit D – Planning Commission Final Action Letter dated November 9, 2022
- Exhibit E – Ordinance 2022-47 dated December 15, 2022
- Exhibit F - Master Planned Development Plans Approved on December 15, 2022
- Exhibit G - Phasing Plan
- Exhibit H - List of all known Physical Mine Hazards on the property (None)
- Exhibit I – Housing Authority Final Action Letter and Applicant’s Housing Mitigation Plan

[Signatures to follow on next page]

IN WITNESS WHEREOF, this Development Agreement has been executed by Developer by a person duly authorized to execute the same, and by Park City acting by and through its City Council, as of the ____ day of _____, 20____.

“Developer”

By: _____

Its: _____

Acknowledgement

STATE OF UTAH)

:ss

COUNTY OF SUMMIT)

On this _____ day of _____, 20____, before me, the undersigned notary, personally appeared, personally known to me/proved to me through identification document allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she signed it voluntarily for its stated purpose as _____

_____ (title) for _____, a Utah _____
_____.

Notary Public

“Park City”

PARK CITY MUNICIPAL CORPORATION

By: Nann Worel: Mayor

ATTEST:

By: _____
_____, Recorder

APPROVED AS TO FORM:

_____, City Attorney

EXHIBIT A

All of Lot 1B, Park City Film Studios First Amended Subdivision, recorded September 20, 2022 as Entry No. 1195353 in the Office of the Summit County Recorder, being more particularly described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53'00" East 1557.19 feet along the Section line (Basis of Bearings) and South 00°00'00" East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian from which Section corner the GLO Stone Monument at the Northeast corner of said Section 2 bears South 89°53'00" East 5320.73 feet; and running thence North 22°00'40" East 730.94 feet to a point of curvature with a 50.00 foot radius to the right; thence northeasterly 78.00 feet along the arc of said curve through a central angle of 89°22'48" (chord bears North 66°42'04" East 70.33 feet); thence South 68°36'32" East 123.42 feet; thence North 21°23'28" East 106.09 feet; thence North 64°32'32" West 124.95 feet to a point of curvature with a 50.00 foot radius to the right; thence northerly 75.53 feet along the arc of said curve through a central angle of 86°33'12" (chord bears North 21°15'56" West 68.55 feet); thence North 22°00'40" East 59.40 feet; thence North 34°07'00" East 544.70 feet to a point on a 638.50 foot radius non-tangent curve to the right; thence northeasterly 338.83 feet along the arc of said curve through a central angle of 30°24'18" (chord bears North 49°20'26" East 334.87 feet); thence North 64°25'25" East 14.39 feet; thence South 25°33'14" East 184.37 feet; thence North 68°07'00" West 171.43 feet; thence South 70°33'00" West 63.66 feet; thence South 22°00'00" West 143.52 feet; thence South 68°00'00" East 18.64 feet; thence South 22°00'00" West 58.86 feet to a point of curvature with a 198.00 foot radius to the right; thence southwesterly 60.13 feet along the arc of said curve through a central angle of 17°24'00" (chord bears South 30°42'00" West 59.90 feet); thence South 39°24'00" West 63.89 feet to a point of curvature with a 202.00 foot radius to the left; thence southwesterly 60.64 feet along the arc of said curve through a central angle of 17°12'00" (chord bears South 30°48'00" West 60.41 feet); thence South 22°12'00" West 286.31 feet; thence South 67°15'00" East 107.26 feet; thence South 01°01'45" East 103.31 feet; thence North 88°58'15" East 89.25 feet; thence South 01°01'45" East 11.23 feet; thence North 88°58'15" East 37.45 feet to a point of curvature with a 190.00 foot radius to the right; thence easterly 76.51 feet along the arc of said curve through a central angle of 23°04'24" (chord bears South 79°29'33" East 76.00 feet); thence South 67°57'20" East 257.59 feet ; thence North 22°10'00" East 358.07 feet to a point on a 2664.79 foot radius non-tangent curve to the right; thence southerly 37.06 feet along the arc of said curve through a central angle of 00°47'48" (chord bears South 14°24'06" East 37.06 feet); thence South 23°49'09" East 243.42 feet; thence South 07°02'43" East 58.38 feet; thence South 25°20'00" West 568.97 feet; thence South 00°30'48" West 109.93 feet; thence North 89°53'00" West 1087.39 feet to the POINT OF BEGINNING.

Contains 20.464 acres, more or less.

EXHIBIT B

EXHIBIT C SITE PLAN



EXHIBIT D

November 9, 2022

Quinn Capital Partners
1776 Park Avenue # 145
Park City, UT 86060

CC: Justin Keys, Attorney for the Applicant

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	3981 Kearns Boulevard
Zoning District:	Community Transition (CT), with Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), Sensitive Land Overlay (SLO), and an MPD for a Film Studio and Media Campus
Application:	MPD and Amendment to the Annexation and Zoning Ordinance No. 2012-12
Project Number:	PL-22-05206 & PL-22-05212
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	November 9, 2022
Project Summary:	A mixed-use project with approximately 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale residential units, and at least 185 affordable for-rent residential units.

Action Taken

On November 9, 2022, the Planning Commission conducted a public hearing and approved the Studio Crossings project, a mixed-use project with approximately 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale residential units totaling 142,000 square feet, and at least 185 affordable for-rent residential units, according to the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. The property is located at 3981 Kearns Boulevard, a 20.464-acre Lot.
2. The site is in the Community Transition (CT) zone, with a Regional Commercial Overlay (RCO), Entry Corridor Protection Overlay (ECPO), and Sensitive Land Overlay (SLO) in addition to the Film Studio MPD.
3. The Park City Film Studios consists of two separate lots. Lot 1A contains the developed portion of the Park City Film Studios, and Lot 1B is currently undeveloped. Both lots are subject to an Annexation Agreement and the Quinn's Junction Partnership Annexation Master Planned Development Agreement (MPD).

4. The applicant has submitted applications to amend 1) the MPD, to allow for additional Uses, and to modify the Use, number, footprints, and Building Heights for the remaining Density allocated in the MPD on Lot 1B only; and 2) the Community Transition - Regional Commercial Overlay Zoning and Ordinance 12-12, the annexation and zoning Ordinance. Lot 1A will remain subject to the original Annexation, Zoning, and MPD agreements.
5. The applicant has 282,575 square feet of Density under the existing MPD that has not been constructed. The applicant is proposing to amend the existing MPD to construct a mixed-use project, including 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale units, and 185 affordable for-rent units up to 80% AMI.
6. The applicant submitted:
 - a. Conceptual Site Plans including a Phasing Plan
 - b. A Parking Analysis
 - c. A Trip Generation Analysis
 - d. A Housing Mitigation Plan
7. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant is proposing to deliver in Phase 1 in the form of 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
8. In addition to the required affordable units, the applicant is proposing at least 120 "additional" affordable units that will be delivered partially in phase 1 (~55 affordable units) and partially in Phase 4 or earlier (~65 affordable units). The proposed bedroom mix and size of the affordable units is as follows:

Affordable Units	Number	Size
Studios	77	400
1 Bedrooms	63	600
2 Bedrooms	30	800
3 Bedrooms	15	1,100
Units	185	

9. Phase 1 consists of the transit stop and bus shelter, the plaza area, and two mixed-use rental buildings totaling 90,000 square feet. Each building is 3-stories with a proposed Building Height of 40 feet, exceeding the zone height of 28 feet. Both buildings contain 15,000 square feet of commercial space on the ground floors and 30,000 square feet of rental housing on the second and third levels. It is anticipated that Phase 1 will include approximately 120 affordable housing units, including and exceeding the applicant's Affordable Housing Requirement with 65 required units and 55 "additional" affordable units. There are no market rate units in Phase 1.
10. Phase 2 consists of two commercial buildings totaling 30,000 square feet. Each building is 1-story with a Building Height of 25 feet, meeting the zone height. Each building contains 15,000 square feet of "community focused, small-scale commercial, retail or restaurant" space. A community plaza area connects the Phase 1 and Phase 2 buildings. No residential units are proposed as part of Phase 2.
11. Phase 1 and 2 will utilize surface parking stalls and the Planning Department recommends a Condition of Approval that the applicant construct at least the required number of parking stalls for each Phase of Development prior to receiving any Certificates of Occupancy.
12. Phase 3 consists of 50 for-sale market-rate townhomes in five clusters of 10 units totaling 82,000 square feet. Each unit is 2-stories totaling between 1,500 -1,700 square feet with a proposed building height of 25 feet, meeting the zone height, and contains 2-3 bedrooms. A garage and access to surface parking are included with each townhome. There are no affordable units proposed for Phase 3.

13. Phase 4 consists of one market-rate building of 60,000 square feet. The building is 3-stories with a Building Height of 40 feet, exceeding the zone height. This building will contain a maximum of 50 for-sale market-rate units and 72 underground parking stalls for residents of the building.
14. The site plan also includes one additional 4-story, for-rent affordable building to be built concurrent to the Phase 4 market-rate building, or earlier. The building is 45 feet, exceeding the zone height and the balance of the “additional” affordable units, ~65 units, will be constructed in this building.
15. Section 4.5 of the existing MPD expressly states that “Pursuant to the Annexation Agreement, no affordable housing is required for this MPD.” However, the recent Subdivision reviewed by the Planning Commission on January 12, 2022, and approved by Council on February 3, 2022 (Ordinance 2022-06), Condition of Approval 8, states “The plat shall note that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City’s current Affordable Housing Resolution shall apply.” The applicant is proposing to meet and exceed the City’s affordable housing requirements with this project. It is because the applicant is proposing to construct 185 affordable housing units that the Council was willing to conceptually support the proposed project.
16. The site plan for Lot 1B includes 320,632 square feet of total development. However, as affordable units that are required as part of an MPD approval do not count towards the calculated Density, the proposal totals not more than 282,575 square feet, equaling the remaining conditionally approved Density of 282,575 square feet. With the 91,425 square feet of Density built on the Film Studio portion of the site (Lot 1A) the entire project is 374,000 square feet, equaling less than or equal to the 374,000 square feet the site was originally approved for.
17. The Planning Commission approved the amendment to the MPD on November 9, 2022, and voted to recommend exceptions to the Zone Height to the Council for consideration on December 15, 2022.
18. The Planning Commission also voted to recommend the applicants Housing Mitigation Plan to the City’s Housing Authority for consideration on December 15, 2022.
19. The applicant has a total Affordable Housing Obligation of 42.4 AUEs or 38,160 square feet. If the project numbers change, the Affordable Housing Obligation must be adjusted accordingly.
20. The applicant is proposing to construct all 65 units or 42.4 AUEs (38,160 square feet) of Affordable Housing in Phase 1, as part of its proposal to amend the 2012 MPD, meeting the City’s current Affordable Housing Resolution, as follows.

Type	Units	Size
Studios	27	400
1 Bedroom	23	600
2 Bedrooms	10	800
3 Bedrooms	5	1,100
Units	65	
@ 900 SF		42.4 AUEs

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

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

22. The applicant is proposing that all the affordable units, both the 65 required and the 120 additional affordable units, will be rental units available to households at up to 80% AMI, except for the 77 studios. At least 27 Studios will be available to households making up to 60% of AMI, and at least 50 Studios will be available to households making up to 70% of AMI, broadening the affordability of these units. The rest of the 120 additional units may be rented to households making up to 120% of AMI, but rent will be charged at 80% AMI, consistent with the Applicant's Housing Mitigation Plan.
23. The applicant has stated that initially, they shall use a geographic waterfall approach in selecting from applicants in the following priority:
- Qualifying applicants employed in the immediate Quinn's Junction neighborhood, including but not limited to employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, Summit Pediatrics, etc.
 - Qualifying applicants employed within Park City boundaries.
 - Qualifying applicants employed within the Park City School District boundaries.
 - Qualifying applicants employed within Summit County (additional affordable units only).
24. The "additional" 120 affordable units will be available to eligible households at up to 120% of Summit County AMI. However, rental rates charged will be at 80% of AMI, regardless of the AMI of individual households, meeting the City's definition of affordable. All gross rental rates will include any Homeowner Association fees or assessments that may be charged against the units, and this will be a Condition of Approval. Twenty-seven (27) studio units will be available at 60% AMI and 50 studio units will be available at 70% AMI.
25. Amenities available to residents of the affordable units include a sheltered bus stop, e-bike station and bike fix-it station, community plaza, sports courts, sheltered bike storage, recycling rooms, outdoor dining, electric car charging station, green and dog-friendly space, and an internal pedestrian and bike trail system with connections to the broader Park City trail system.
26. Section 2.5(e) of the Annexation Agreement specifically discusses Building Height for the existing MPD and allows for Building Height exceptions
27. The maximum Building Height in the CT zone is 28 feet with additional Height and Setback restrictions for the ECPO. Proposed Building Heights range from 25 feet to 45 feet, with most of the taller buildings located in the center or rear (east side) of the site. One exception to this is the market-rate Multi-Unit Dwelling located adjacent to SR-248, which is proposed at 40 feet in Height, but not located within the ECPO Setback. The proposed townhomes and commercial building meet the Zone Building Height requirements at 25 feet in Height, and all buildings are now located outside of the ECPO 150-foot Setback requirement.

28. The RCO allows for the City Council to grant a height exception upon recommendation from the Planning Commission.
29. The Planning Commission finds that the proposed Building Height Exceptions are consistent with the Film Studio MPD Building Height Exceptions and meet the standards for review of the CT-RCO zone. The site is located hundreds of feet from the nearest abutters and will not have a visual impact on any existing structures. All buildings meet required Setbacks. The Planning Commission also finds that there is no net increase in the proposed square footage over what is possible under the existing MPD.
30. The Planning Commission has consistently expressed that the majority of the 60,000 square feet of Commercial Uses in the project be limited to smaller-scale community oriented commercial Uses.
31. The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat Area according to the City's General Plan Maps.
32. MPDs require a minimum of 60% Open Space. However, the existing MPD has no minimum Open Space requirement per the Annexation Agreement. The proposed new site plan increases the amount of Open Space over the previously approved MPD.
33. The Film Studio shall serve as the Commercial anchor for the site in compliance with LMC § 15-2.17-4.
34. The Planning Commission finds that the applicant's parking analysis meets the requirements of LMC § 15-6-5(E) and supports the determination to decrease the required number of commercial parking stalls. The applicant's project requires approximately 312 commercial parking stalls depending on the mix of uses. The overall project requires 655 stalls, and the applicant is proposing 566 stalls. In no case shall the project's commercial parking reduction exceed more than 30% of the project's commercial parking requirement. The Applicant shall meet the project's residential parking requirement.
35. Except for the items noted above, the project complies with all requirements of the Land Management Code, including the minimum requirements of 15-6-5.
36. The project increases the overall amount of open space over the existing MPD.
37. The project promotes the Use of non-vehicular forms of transportation through the addition of a bus stop and bus shelter on site, and e-bike station and by providing a connection to the Park City Rail Trail, which all help to mitigate traffic.
38. Per LMC § 15-2.17-2, *Uses*, Nightly Rentals shall be allowed (subject to zoning and business licensing) in the market-rate units only.

Conclusions of Law:

1. The modification to the 2012 Quinn's Junction Partnership Annexation Master Planned Development Agreement is a substantive modification.
2. The Application complies with the requirements of the Land Management Code as conditioned and approved.
3. The modifications are compatible with surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The modification to the Master Planned Development:
 - a. complies with all requirements of the Land Management Code;
 - b. meets the minimum requirements of Section 15-6-5;
 - c. provides the highest value of Open Space, as determined by the Planning Commission;
 - d. strengthens and enhances the resort character of Park City;
 - e. compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

- f. is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
- g. provides amenities to the community so that there is no net loss of community amenities;
- h. is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete;
- i. meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
- j. promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;
- k. was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
- l. incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;
- m. addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
- n. addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
- o. addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
- p. addresses and mitigates traffic.

Conditions of Approval:

1. Lot 1A, 4001 Kearns Boulevard, is subject to the Film Studio Annexation, Zoning, and MPD agreements.
2. Development of 3981 Kearns Boulevard is contingent upon approval of the Building Heights by the City Council, approval of the applicant's Housing Mitigation Plan by the Park City Housing Authority, and ratification of a Development Agreement by the Planning Commission.
3. Approval of this MPD shall expire two years from the date of Development Agreement execution unless construction, as defined by the International Building Code, has commenced on the project.
4. A Construction Mitigation Plan shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any building permits.
5. A storm-water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm-water Best Management Practices.
6. The project is over 1.0 acres and will be required to meet the requirements of Park City's municipal separate storm sewer system (MS4) storm-water program.

7. Final utility plans shall be submitted with the building permit.
8. The majority of the 60,000 square feet of Commercial Uses in the project shall be limited to smaller-scale community oriented commercial Uses set forth in the Application and Final Plan Set dated October 26, 2022, and the applicant shall not be required to return to the Planning Commission for a CUP unless noted herein. Any Conditional Use that requires a CUP in the RCO Zoning District and has a parking requirement of 5 stalls per 1,000 square feet or greater, shall require a CUP except for Restaurants, Bars or Child Care Center. A detailed parking analysis shall be submitted at the time of CUP application to allow Planning Staff to calculate the parking demand in relation to the parking supply. Telecom Antennas, Office Intensive, Retail/Service Intensive, and Medical Office/Clinic shall require a CUP.
9. The Planning Department shall complete an Administrative CUP for any Child Care Center Intensive Office, and/or Major Retail or Major Service Use, to ensure that most of the Commercial Uses are smaller-scale and community oriented, and that there is sufficient parking and/or drop-off/pick-up areas for the proposed mix of uses. A detailed parking analysis shall be submitted at the time of Administrative CUP application to allow Planning Staff to calculate the parking demand in relation to the parking supply.
10. Commercial Uses shall not include Hotels of any kind, any business with a Drive-Up window, or Gasoline Service Station.
11. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant will deliver in the form of at least 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
12. In addition to the required affordable units, the applicant is proposing at least 120 "additional" affordable units that will be delivered partially in phase 1 (~55 affordable units) and partially in Phase 4 or earlier (~65 affordable units).
13. Phases 1 and 2 will utilize surface parking stalls and the applicant shall construct at least the required number of parking stalls for each Phase of Development prior to receiving Certificates of Occupancy for each phase.
14. Except for the parking reduction approved by the Planning Commission, the project shall comply with LMC 15-3, Off Street Parking including lighting, landscaping, bicycle parking requirements, and electric vehicle charging stations.
15. The site plan includes one additional 4-story, for-rent affordable building totaling 58,632 square feet, to be built concurrent to the Phase 4 market-rate building, or earlier. The building has a maximum Building Height of 45 feet, and the balance of the "additional" affordable units will be constructed in this building.
16. Certificates of Occupancy for the Phase 4 market rate units shall be tied to the Certificates of Occupancy for the Phase for affordable units so that all affordable units shall have Certificates of Occupancy prior to the completion of the market rate units.
17. No additional Density shall be built on Lot 1A, and Lot 1B is subject to a maximum Density of 320,632 square feet of total development (including required affordable housing units), consistent with the site plan and final plan set reviewed by the Planning Commission on November 9, 2022.
18. The secondary access to the site (non-signalized access) must be reviewed and approved by UDOT and the City Engineer prior to building permits and shall be right-in/right-out only.
19. The applicant shall have six years from the ratification of the Development Agreement to exercise building permits for the project. If the applicant has not exercised all the required building permits for the project the applicant shall return to the Planning Commission to re-permit remaining Density prior to the issuance of any additional building permits.
20. The applicant shall locate a bus stop and bus shelter on site at a location to be reviewed and approved by the City Engineer and High Valley Transit prior to the issuance of a building permit.

21. The applicant shall provide a bike share and bike fix-it station on site and the applicant shall be responsible for all costs, including annual operational expenses, maintenance of the stations, infrastructure of bike station, kiosk, additional bikes to maintain service standards, and coordinate with vendor provider on installation and purchasing. The City shall review and approve the final location of the share station and the minimum number of bikes it can accommodate. A land easement to the bike share/County may be required. The applicant shall be responsible for providing electricity, adequate lighting, and access to and around the station.
22. Bike racks shall be provided for the various commercial uses as required by LMC § 15-3.
23. The undulating berm required by the Film Studio MPD shall be constructed and maintained consistent with the original MPD.
24. Rooftop mechanical equipment shall be architecturally screened from public view.
25. Trash and recycling enclosures shall be screened with landscaping or fencing.
26. All signage shall comply with the LMC.
27. The applicant shall provide covered bike storage in all residential buildings at a minimum rate of one stall per unit consistent with the City's LMC requirements at the time of building permit.
28. The applicant shall provide recycling facilities in all Multi-Unit Dwellings on site.
29. A final subdivision plan shall be recorded prior to construction of the condominium units.
30. The applicant shall bring Lot 1A into compliance with the originally approved Landscape Plan. Plant substitutions shall be allowed by the Planning Director if other species are deemed more suitable for the site.
31. The applicant shall construct a trail connection from the project site to the Park City Rail Trail, upon review and approval of a plan by the City's Open Space Manager. The City will contribute up to \$75,000 for the cost of this connection.
32. The applicant has committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a bus station, e-bike share, connection to the Rail Trail, and providing covered bike storage in all Multi-Unit Dwellings. In addition, the applicant is reducing their overall parking to prevent excess paving and increase open space. All lighting will meet the City's Dark Sky Ordinance LMC § 15-5-5(J).
33. See condition 20.
34. Prior to the issuance of a building permit the applicant shall submit a plan to limit right in/right out turns only from the secondary access point for review and approval by the City Engineer.
35. Prior to the issuance of a building permit the applicant shall submit evidence to the City Engineer and Public Utilities Director in accordance with LMC § 15-7.3-6, Water Facilities, confirming that 1) Summit Water has sufficient water supply for domestic water use and fire protection to service the existing and proposed development; or 2) an alternative water supply with sufficient capacity to serve the existing and proposed development has agreed to service the site. The burden is upon the applicant to submit responsive information regarding LMC 15-7.3-6.
36. See Condition 19
37. The proposed development shall not exceed the maximum approved Density of 374,000 square feet.
38. Final building plans shall comply with LMC 15-5-8, Façade Length and Variations.
39. The applicant shall add a noise-mitigating fence around the pickleball courts if required by the City.
40. Final CC&Rs and the Master Association shall include a management standard for the nightly rentals including but not limited to required City licensing and permits.

41. Minor administrative modifications to the site plan shall be allowed by the Planning Director. Any substantive modifications to the site plan such as changes in access, building locations, or Density shall be reviewed by the Planning Commission for consistency with the conceptually approved site plans reviewed on November 9, 2022.

If you have questions or concerns regarding this Final Action Letter, please call Alexandra Ananth, at 435-615-5066, or email alexandra.ananth@parkcity.org.

Sincerely,

Laura Suesser, Planning Commission Chair

CC: Project File

EXHIBIT E

Ordinance No. 2022-47

AN ORDINANCE AMENDING THE ANNEXATION AND ZONING [ORDINANCE NO. 2012-12](#), FOR APPROXIMATELY 20.46 ACRES OF PROPERTY LOCATED AT 3981 KEARNS BOULEVARD, IN THE QUINN'S JUNCTION AREA, KNOWN AS THE PARK CITY FILM STUDIOS FIRST AMENDED SUBDIVISION LOT 1B, PARK CITY, UTAH. THE SITE WAS PREVIOUSLY ZONED COMMUNITY TRANSITION (CT) WITH A REGIONAL COMMERCIAL OVERLAY (RCO) DESIGNATION.

WHEREAS, the property's annexation into Park City was the result of extensive litigation between the original owners and Summit County for the development of the property, which resulted in a settlement that provided Park City with an option to consider the annexation prior to development in the County; and

WHEREAS, as a result, Park City approved a [Settlement Agreement, Annexation Agreement](#), and the Quinn's Junction Partnership Annexation [Master Planned Development \(MPD\)](#) for the purpose of constructing 374,000 square feet of "motion picture studio and media campus" (as stated in the Settlement Agreement); and

WHEREAS, the site is in the [Community Transition](#) (CT) zone, with a [Regional Commercial Overlay](#) (RCO), [Entry Corridor Protection Overlay](#) (ECPO), and [Sensitive Land Overlay](#) (SLO) in addition to the MPD; and

WHEREAS, the existing MPD is limited to a movie studio and media campus, including a 100-room hotel, amphitheater, and associated Commercial Uses and square footage, as outlined in Exhibit C of the [Annexation Agreement](#) and the zoning was adopted at the time of annexation to enable the Film Studio MPD; and

WHEREAS, to date, only Phase 1 of the Film Campus has been constructed, which includes the sound stages, workshop, and production support/offices (Buildings 7, 7A, and 7B on the approved site plan, Exhibit B and included below), associated parking, the main entrance, landscaping, and berming along Kearns Blvd, totaling 91,425 square feet of development Density; and

WHEREAS, currently, there are 282,575 square feet of remaining conditionally approved Density to be built on the property, for Uses and buildings consistent with the Annexation Agreement and MPD; and

WHEREAS, in 2021, while considering a phasing plan amendment to construct the allowed hotel building, the City Council indicated a willingness to entertain further amendments to the Annexation and MPD to produce more community benefits, including affordable housing, for the remaining conditionally approved Density; and

WHEREAS, On February 3, 2022, the applicant received approval to subdivide the original parcel into two (2) legal Lots of record ([Ordinance 2022-06](#)). Lot 1A now consists of 8.622 acres and contains the existing Film Studio Campus. The applicant is

not proposing any changes to this portion of the site and the existing MPD still governs Lot 1A; and

WHEREAS, Lot 1B consists of 20.464 acres and will contain the remaining Density to be developed with commercial and residential Uses. The applicant is seeking to amend the existing Annexation Ordinance and MPD for this portion of the site only; and

WHEREAS, on July 27, 2022, the property was properly noticed and posted, and courtesy letters were sent to surrounding property owners according to the requirements of the Land Management Code; and

WHEREAS, on July 27, 2022, proper legal notice was published according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held public hearings on August 10, 2022, and October 26, 2022, to receive input on the proposed amendment to the MPD and Zoning and Annexation Ordinance; and

WHEREAS, the Planning Commission, on November 9, 2022, unanimously approved the amendment to the MPD for a mixed-use project with at least 185 affordable rental units on Lot 1B; and

WHEREAS, the Planning Commission, on November 9, 2022, forwarded a positive recommendation to the City Council to amend the Zoning and Annexation Ordinance and for exceptions to the Zone Height; and

WHEREAS, on December 15, 2022, the City Council held a public hearing to receive input on the Zoning and Annexation Ordinance and for exceptions to the Zone Height; and

WHEREAS, it is in the best interest of Park City, Utah to approve an amendment to the Zoning and Annexation Ordinance and exceptions to the Zone Height for Lot 1B only.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Zoning and Annexation Ordinance 2012-12 as it applies to Lot 1B only, is hereby amended, including for exception to the Zone Height, as shown in Attachment 1, and is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

- 1. The property is located at 3981 Kearns Boulevard.**

2. The site is in the [Community Transition](#) (CT) zone, with a [Regional Commercial Overlay](#) (RCO), [Entry Corridor Protection Overlay](#) (ECPO), and [Sensitive Land Overlay](#) (SLO) in addition to the Film Studio MPD.
3. The Park City Film Studios consists of two separate lots. Lot 1A contains the developed portion of the Park City Film Studios, and Lot 1B is currently undeveloped. Both lots are subject to an [Annexation Agreement](#) and the Quinn's Junction Partnership Annexation Master Planned Development Agreement ([MPD](#)).
4. The applicant submitted applications to amend 1) the [MPD](#), to allow for additional Uses, and to modify the Use, number, footprints, and Building Heights for the remaining Density allocated in the MPD on Lot 1B only; and 2) the Community Transition - Regional Commercial Overlay Zoning and [Ordinance 12-12](#), the annexation and zoning Ordinance. Lot 1A will remain subject to the original Annexation, Zoning, and MPD agreements.
5. The applicant has 282,575 square feet of Density under the existing MPD that has not been constructed. The applicant is proposing to construct a mixed-use project, including 60,000 square feet of Commercial Uses, up to 100 market-rate for-sale units, and at least 185 affordable for-rent units up to 80% AMI.
6. The applicant submitted:
 - a. Conceptual Site Plans including a Phasing Plan;
 - b. A Parking Analysis;
 - c. A Trip Generation Analysis; and
 - d. A Housing Mitigation Plan.
7. The project requires 42.4 Affordable Unit Equivalent (AUEs) which the applicant is proposing to deliver in Phase 1 in the form of at least 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
8. In addition to the required affordable units, the applicant is proposing at least 120 "additional" affordable units that will be delivered partially in phase 1 (~55 affordable units) and partially in Phase 4 or earlier (~65 affordable units). The proposed bedroom mix and size of the affordable units is as follows:

Affordable Units	Number	Size
Studios	77	400
1 Bedrooms	63	600
2 Bedrooms	30	800
3 Bedrooms	15	1,100
Units	185	

9. Phase 1 consists of the transit stop and bus shelter, the plaza area, and two mixed- use rental buildings totaling 90,000 square feet. Each building is 3-stories with a maximum Building Height of 40 feet, exceeding the zone height of 28 feet. Both buildings contain 15,000 square feet of commercial space on the ground floors and

30,000 square feet of affordable rental housing on the second and third levels. It is anticipated that Phase 1 will include approximately 120 affordable housing units, including and exceeding the applicant's Affordable Housing Requirement with 65

required units and 55 “additional” affordable units. There are no market rate units in Phase 1.

10. Phase 2 consists of two commercial buildings totaling 30,000 square feet. Each building is 1-story with a maximum Building Height of 25 feet, meeting the zone height. Each building contains 15,000 square feet of “community focused, small- scale commercial, retail or restaurant” space. A community plaza area connects the Phase 1 and Phase 2 buildings. No residential units are proposed as part of Phase 2.
11. Phase 3 consists of no more than 50 for-sale market-rate townhomes in five clusters of 10 units totaling 82,000 square feet. Each unit is 2-stories totaling between 1,500 **-1,700 square feet with a maximum Building Height of 25 feet, meeting the zone height, and contains 2-3 bedrooms. A garage and access to surface parking are included with each townhome. There are no affordable units proposed for Phase 3.**
12. Phase 4 consists of one market-rate building of 60,000 square feet. The building is **3-stories with a maximum Building Height of 40 feet, exceeding the zone height. This building will contain a maximum of 50 for-sale market-rate units and 72 underground parking stalls for residents of the building.**
13. The site plan also includes one additional 4-story, for-rent affordable building to be built concurrent to the Phase 4 market-rate building, or earlier. The building has a maximum Building Height of 45 feet, exceeding the zone height and the balance of the “additional” affordable units, ~65 units, will be constructed in this building.
14. Section 4.5 of the existing [MPD](#) expressly states that “Pursuant to the Annexation Agreement, no affordable housing is required for this MPD.” However, the recent Subdivision approved by Council on February 3, 2022 ([Ordinance 2022-06](#)), Condition of Approval 8, states “The plat shall note that if Lot 1B is not developed in accordance with the zoning and annexation Ordinance 2012-12, the City’s current Affordable Housing Resolution shall apply.” The applicant is proposing to meet and exceed the City’s affordable housing requirements with this project. It is because the applicant is proposing to construct at least 185 affordable housing units that the Council was willing to conceptually support the proposed project.
15. The site plan for Lot 1B includes 320,632 square feet of total development. However, as affordable units that are required as part of an MPD approval do not count towards the calculated Density, the proposal totals not more than 282,575 square feet, equaling the remaining conditionally approved Density of 282,575 square feet. With the 91,425 square feet of Density built on the Film Studio portion of the site (Lot 1A) the entire project is 374,000 square feet, equal to or less than the 374,000 square feet the site was originally approved for.
16. The Planning Commission approved the amendment to the MPD on November 9, 2022, and unanimously voted to recommend the amendment to the zoning and annexation Ordinance including exceptions to the Zone Height, to the Council for consideration on December 15, 2022.
17. The Planning Commission also voted to recommend the applicants Housing Mitigation Plan to the City’s Housing Authority for consideration on December 15, 2022.
18. The applicant has a total Affordable Housing Obligation of 42.4 AUEs or 38,160 square feet. If the project numbers change, the Affordable Housing Obligation must be adjusted accordingly.
19. The applicant will construct all 65 units or 42.4 AUEs (38,160 square feet) of required Affordable Housing in Phase 1, meeting the City’s current Affordable Housing Resolution, as follows.

Type	Units	Size
Studios	27	400
1 Bedroom	23	600
2 Bedrooms	10	800
3 Bedrooms	5	1,100
Units	65	
@ 900 SF		42.4 AUEs

20. In addition to meeting the City’s Affordable housing Obligation in Phase 1, the applicant will construct at least an “additional” 55 affordable housing units in Phase 1, and 65 more “additional” units as part of Phase 4, for a total of at least 120 “additional” affordable housing Units or 78.8 AUEs as follows:

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

21. All the affordable units, both the 65 required and the 120 “additional” affordable units, will be rental units available up to 80% AMI, except for 27 studios, that will be

available to households making 60-80% AMI, broadening the affordability of these units.

22. The applicant shall use a geographic waterfall approach in selecting from applicants in the following priority:
- Qualifying applicants employed in the immediate Quinn’s Junction neighborhood, including but not limited to employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, Summit Pediatrics, etc.
 - Qualifying applicants employed within Park City boundaries.
 - Qualifying applicants employed within the Park City School District boundaries.
 - Qualifying applicants employed within Summit County (additional affordable units only).
23. The “additional” 120 affordable units will be available to eligible households at up to 120% of Summit County AMI. However, rental rates charged will be at 80% of AMI, regardless of the AMI

of individual households, meeting the City's definition of affordable. All gross rental rates will include any Homeowner Association fees or assessments that may be charged against the units, and this will be a Condition of Approval. Seven (7) studio units will be available at 60% AMI and 20 studio units will be available at 70% AMI.

24. Amenities available to residents of the affordable units include a sheltered bus stop, e-bike station and bike fix-it station, community plaza, sports courts, sheltered bike storage, recycling rooms, outdoor dining, electric car charging station, green and dog-friendly space, and an internal pedestrian and bike trail system with connections to the broader Park City trail system.
25. Section 2.5(e) of the [Annexation Agreement](#) specifically discusses Building Height for the existing MPD and allows for Building Height exceptions.
26. The maximum Building Height in the CT zone is 28 feet with additional Height and Setback restrictions for the [ECPO](#). Proposed Building Heights range from 25 feet to 45 feet, with most of the taller buildings located in the center or rear (east side) of the site. One exception to this is the market-rate Multi-Unit Dwelling located adjacent to SR-248, with a maximum Building Height of 40 feet. The proposed townhomes and commercial buildings meet the Zone Building Height requirements at 25 feet in Height, and all buildings are located outside of the EOPC 150-foot Setback requirement.
27. The RCO allows for the City Council to grant Building Height exceptions upon recommendation from the Planning Commission.
28. On November 9, 2022, the Planning Commission found that the proposed Building Height exceptions are consistent with the Film Studio MPD Building Height Exceptions and meet the standards for review of the CT-RCO zone. The site is located hundreds of feet from the nearest abutters and will not have a visual impact on any existing structures. All buildings meet required Setbacks. The Planning Commission also finds that there is no net increase in the proposed square footage over what is possible under the existing MPD.
29. The site contains no significant slopes, ridgelines, wetlands, or significant wildlife habitat Area according to the City's General Plan Maps.
30. MPDs require a minimum of 60% Open Space. However, the existing MPD has no minimum Open Space requirement per the Annexation Agreement. The proposed new site plan increases the amount of Open Space over the previously approved MPD.
31. The Film Studio shall serve as the Commercial anchor for the site in compliance with LMC § [15-2.17-4](#).
32. With respect to Building Height, the Council finds that the proposed Building Height exceptions are consistent with the Film Studio MPD Building Height Exceptions, and meet the standards for review of the CT-RCO zone:
 - a. The site is located hundreds of feet from the nearest abutters and will not have a visual impact on any existing structures, and there will be no loss of solar access, view corridors, or ridge line intrusions (Review Criteria 1 & 2 and MPD Building Height Criteria 2).
 - b. The height exceptions do not result in additional traffic or loss of Open Space as compared to the approved Film Studio MPD (Review Criteria 3 and MPD Building Height Criteria 5).
 - c. The height exceptions are consistent with the approved Film Studio MPD (Review Criteria 4).
 - d. The landscape buffer required by the Film Studio MPD is being carried forward and will mitigate and buffer the buildings from adjacent Uses (Review Criteria 5 and MPD Building Height Criteria 3).
 - e. The application meets or exceeds all Setback requirements (Review Criteria 6 and MPD Building Height Criteria 4).
 - f. The Film Studio MPD has no Open Space requirement, and the applicant is increasing the amount of Open Space with this Amendment (Review Criteria 7).
 - g. Both the Commercial Buildings (Buildings 3 on the Site Plan) and the townhomes have maximum Building Heights of 25 feet, which is lower than the underlying Zone Height of 28 feet (Review Criteria 8 and MPD Building Height Criteria 6).

- h. The project includes high quality architecture, transit and trail connections, and a significant amount of affordable housing beyond what the LMC requires (Review Criteria 9).
- i. The amendment to the MPD does not result in a net increase in the allowable square footage or Building volume above Grade over what is possible under the existing MPD (Review Criteria 10 and MPD Building Height Criteria 1).

Conclusions of Law:

1. The modification to the 2012 Quinn's Junction Partnership Annexation Master Planned Development Agreement is a substantive modification.
2. The Application complies with the requirements of the Land Management Code as conditioned and approved.
3. The modifications are compatible with surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. The modification to the Master Planned Development:
 - a. complies with all requirements of the Land Management Code;
 - b. meets the minimum requirements of Section 15-6-5;
 - c. provides the highest value of Open Space, as determined by the Planning Commission;
 - d. strengthens and enhances the resort character of Park City;
 - e. compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
 - f. is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;
 - g. provides amenities to the community so that there is no net loss of community amenities;
 - h. is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time staff determined the Application to be complete;
 - i. meets the Sensitive Lands requirements of the Land Management Code and is designed to place Development on the most developable land and least visually obtrusive portions of the Site;
 - j. promotes the Use of non-vehicular forms of transportation through design and by providing trail connections;
 - k. was noticed and the Planning Commission held a public hearing in accordance with this Chapter;
 - l. incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application;
 - m. addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies;
 - n. addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance;
 - o. addresses Historic Structures and Sites on the Property, according to accepted City regulations and policies, and any applicable Historic Preservation Plan;
 - p. addresses and mitigates traffic.

Conditions of Approval:

1. Lot 1A, 4001 Kearns Boulevard, is subject to the original Film Studio Annexation, Zoning, and MPD agreements.
2. Development of 3981 Kearns Boulevard is contingent upon approval of the Building Heights by the City Council, approval of the applicant's Housing Mitigation Plan by the Park City Housing Authority, and ratification of a Development Agreement by the Planning Commission.
3. The majority of the 60,000 square feet of Commercial Uses in the project shall be limited to smaller-scale community-oriented commercial Uses set forth in the

Application and Final Plan Set dated October 26, 2022, and the applicant shall not be required to return to the Planning Commission for a CUP unless noted herein. Any Conditional Use that requires a CUP in the RCO Zoning District and has a parking requirement of 5 stalls per 1,000 square feet or greater, shall require a CUP except for Restaurants, Bars or Child Care Center. A detailed parking analysis shall be submitted at the time of CUP application. Telecom Antennas, Office Intensive, Retail/Service Intensive, and Medical Office/Clinic shall require a CUP.

4. Commercial Uses shall not include Hotels of any kind, any business with a Drive-Up window, or Gasoline Service Station.
5. The project requires 42.4 Affordable Unit Equivalents (AUEs) which the applicant will deliver in the form of at least 65 deed restricted units, meeting the Project's Housing Obligation in Phase 1.
6. In addition to the required affordable units, the applicant is proposing at least 120 "additional" affordable units that will be delivered partially in phase 1 (~55 affordable units) and partially in Phase 4 or earlier (~65 affordable units).
7. The site plan includes one additional 4-story, for-rent affordable building totaling 58,632 square feet, to be built concurrent to the Phase 4 market-rate building, or earlier. The building has a maximum Building Height of 45 feet, and the balance of the "additional" affordable units will be constructed in this building.
8. Certificates of Occupancy for the Phase 4 building affordable units shall be tied to the issuance of Certificates of Occupancy for the market-rate units, so that all affordable units have Certificates of Occupancy prior to the completion of the market rate units.
9. No additional Density shall be built on Lot 1A, and Lot 1B is subject to a maximum Density of 320,632 square feet of total development (including required affordable housing units), consistent with the site plan and final plan set reviewed by the Planning Commission on November 9, 2022.
10. Parking and lighting shall meet requirements of the LMC, except for the parking reduction granted by the Planning Commission as part of the MPD. See LMC § [15-3](#) and § [15-5](#).
11. The secondary access to the site (non-signalized access) must be reviewed and approved by UDOT and the City Engineer prior to building permits and shall be right- in/right-out only.
12. The applicant shall locate a bus stop and bus shelter on site at a location to be reviewed and approved by the City Engineer and High Valley Transit prior to the issuance of a building permit.
13. The applicant shall provide a bike share and bike fix it station on site and the applicant shall be responsible for all costs, including annual operational and maintenance of the stations. The City shall review and approve the final location of the share station and the minimum number of bikes it can accommodate. A land easement to the bike share/County may be required. The applicant shall be responsible for providing electricity, adequate lighting, and access around the station.
14. Bike racks shall be provided for the various commercial uses as required by LMC § [15-3](#).
15. The undulating berm required by the Film Studio MPD shall be constructed and maintained consistent with the original MPD.
16. A Stormwater Management Plan shall be reviewed and approved by the City Engineer prior to the issuance of any building permits.

17. Rooftop mechanical equipment shall be architecturally screened from public view.
18. Trash and recycling enclosures shall be screened with landscaping or fencing.
19. All signage shall comply with the LMC.
20. The applicant shall provide covered bike storage in all residential buildings at a minimum rate of one stall per unit consistent with the City's LMC requirements at the time of building permit.
21. The applicant shall provide recycling facilities in all Multi-Unit Dwellings on site.
22. A final subdivision plan shall be recorded prior to construction of the condominium units.
23. The applicant shall bring Lot 1A into compliance with the originally approved Landscape Plan. Plant substitutions shall be allowed by the Planning Director if other species are deemed more suitable for the site.
24. The applicant shall construct a trail connection from the site to the Park City Rail Trail, upon review and approval of a plan by the City's Open Space Manager. The City will contribute up to \$75,000 for the cost of this connection.
25. The applicant has committed to using water efficient low flow fixtures and Energy Star rated appliances in all units; designing the building envelopes to be energy efficient; using water wise native landscaping; and providing recycling locations throughout the site. The applicant is encouraging multimodal transportation choices by offering alternative modes of transportation on site including locating a bus station, e-bike share, connection to the Rail Trail, and providing covered bike storage in all Multi-Unit Dwellings. In addition, the applicant is reducing their overall parking to prevent excess paving and increase open space. All lighting will meet the City's Dark Sky Ordinance LMC § [15-5-5\(J\)](#).
26. Final utility plans have not been reviewed for approval, and must be submitted for review prior to the issuance of any utilities or building permits.
27. The Park City Fire District shall review and approve final plans prior to the issuance of any utilities or building permits.
28. The Snyderville Basin Water Reclamation District shall review and approve plans prior to the issuance of any utilities or building permits. All items required under the Line Extension Agreement must be completed prior to the issuance of any building permits.
29. Minor administrative modifications to the site plan shall be allowed by the Planning Director. Any substantive modifications to the site plan such as changes in access, building locations, or Density shall be reviewed by the Planning Commission for consistency with the conceptually approved site plans reviewed on November 9, 2022.
30. Prior to the issuance of a building permit the applicant shall submit evidence to the City Engineer and Public Utilities Director in accordance with LMC § 15-7.3-6, Water Facilities, confirming that 1) Summit Water has sufficient water supply for domestic water use and fire protection to service the existing and proposed development; or 2) an alternative water supply with sufficient capacity to serve the existing and

proposed development has agreed to service the site. The burden is upon the applicant to submit responsive information regarding LMC 15-7.3-6.

31. If any phases of the project are not issued building permits within 6 years of the issuance of the first building permit, the applicant shall be required to return to the Planning Commission to re-permit any remaining density prior to the issuance of building permits to ensure that the remaining development is still in the best interest of the City and immediate neighborhood.
32. A Plat Note shall indicate that 3981 Kearns Boulevard, Lot 1B, is subject to Ordinance 2022-47.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15th day of December, 2022.

PARK CITY MUNICIPAL CORPORATION

MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Conceptually Approved MPD Site Plans

EXHIBIT F

EXHIBIT G PHASING PLAN

Phase 1: The first phase consists of the transit stop and bus shelter, the plaza area, and two mixed-use rental buildings totaling Ninety Thousand (90,000) square feet. Each building is three-stories with a maximum building height of forty (40) feet, exceeding the zone height of twenty-eight (28) feet. Both buildings contain Fifteen Thousand (15,000) square feet of commercial space on the ground floors and Thirty Thousand (30,000) square feet of affordable rental housing on the second and third levels. It is anticipated that Phase 1 will include approximately One Hundred and Twenty (120) affordable housing units, including and exceeding Developer's Affordable Housing Requirement with Sixty-Five (65) required units and Fifty-Five (55) "additional" affordable units. There are no market rate units in Phase 1.

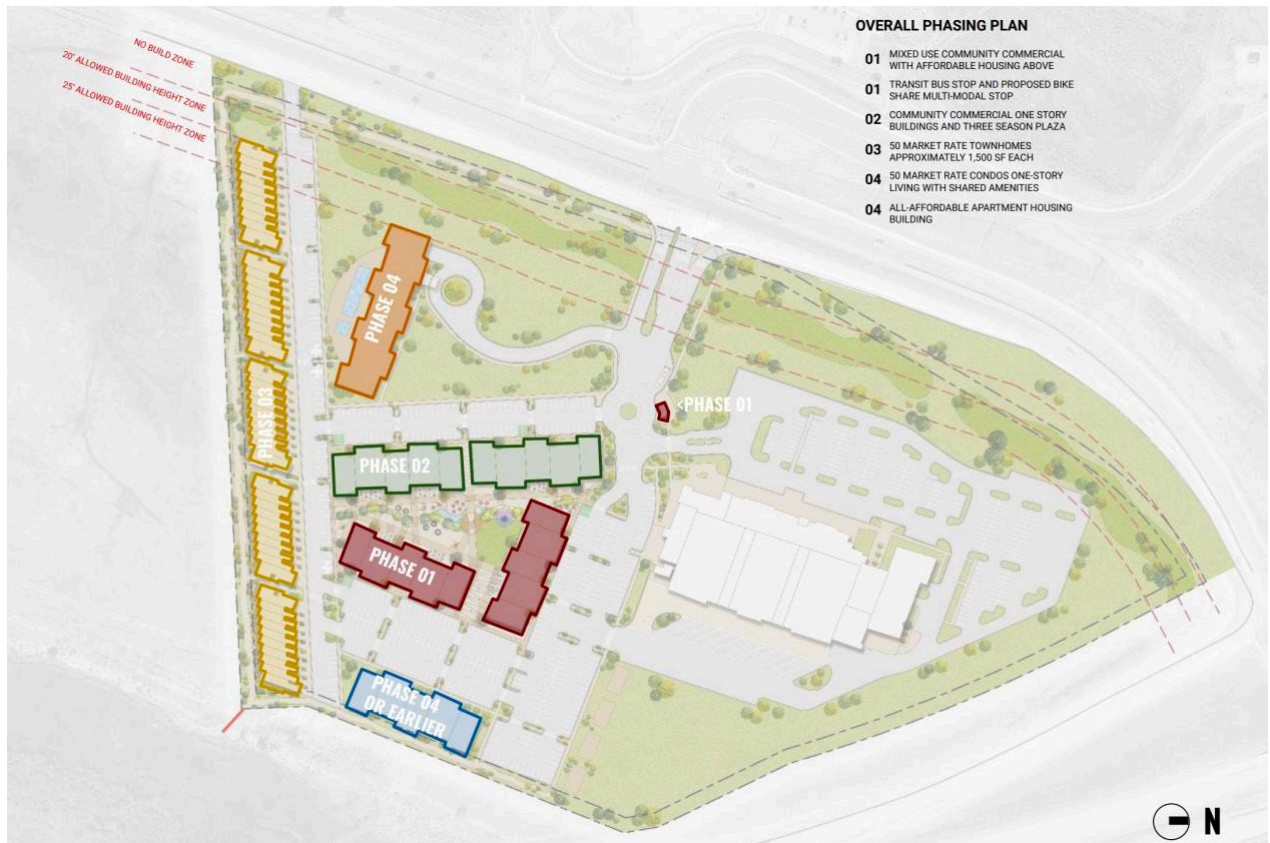
Phase 2: The second phase consists of two commercial buildings totaling Thirty Thousand (30,000) square feet. Each building is 1-story with a maximum building height of Twenty-Five (25) feet, meeting the zone height. Each building contains Fifteen Thousand (15,000) square feet of "community focused, small-scale commercial, retail or restaurant" space. A community plaza area connects the Phase 1 and Phase 2 buildings. No residential units are proposed as part of Phase 2.

Phase 3: The third phase consists of no more than Fifty (50) for-sale market-rate townhomes in five (5) clusters of Ten (10) units totaling 82,000 square feet. Each unit is two-stories totaling between 1,500 -1,700 square feet with a maximum building height of Twenty-Five (25) feet, meeting the zone height, and contains two to three bedrooms. A garage and access to surface parking are included with each townhome. There are no affordable units proposed for Phase 3.

Phase 4: The final phase consists of one market-rate building of Sixty (60,000) square feet. The building is three-stories with a maximum building height of Forty (40) feet, exceeding the zone height. This building will contain a maximum of Fifty (50) for-sale market-rate units and Seventy-Two (72) underground parking stalls for residents of the building.

Any-time Phase: The site plan also includes one additional four-story, for-rent affordable building to be built concurrent to the Phase 4 market-rate building, or earlier. The building has a maximum building height of Forty-Five (45) feet, exceeding the zone height and the balance of the "additional" affordable units, Sixty-Five (65) units, will be constructed in this building.

A bus shelter shall be provided on site by the Applicant at a location to be determined by the City Engineer.



**EXHIBIT H
MINE HAZARDS**

****There are no known mine hazards within the Property.****

NOTICE OF HOUSING AUTHORITY ACTION

Description: Affordable Housing Mitigation Plan
Project Title: Studio Crossings Development
Date of Action: December 15, 2022

Summary of Housing Authority Action

On December 15, 2022, the Park City Housing Authority approved the Housing Mitigation Plan (Attachment 1) in fulfillment of the housing obligations for the Studio Crossings development pursuant to the Studio Crossings Master Planned Development, approved by the Planning Commission on November 9, 2022. In fulfillment of the housing obligation, the Housing Authority approved an on-site development of a minimum of one hundred and eighty-five on-site affordable units.

1. On December 9, 2021, the City Council unanimously supported the proposed change from a Film Studio Campus to a mixed-use development with a significant affordable/attainable housing component at an average of 80% of Area Median Income (AMI) and a Density consistent with the original MPD.
2. On November 9, 2022, the Planning Commission unanimously approved amending the MPD to allow for additional uses and to modify the number, footprints size, and building heights for the remaining Density allocated in the MPD on Lot 1B only. Lot 1A will remain subject to the original Annexation, Zoning, and MPD agreements. The amendment to the existing MPD allows the developer to construct a mixed-use development project, including at least 185 affordable deed-restricted rental dwelling units, 60,000 square feet of support Commercial Uses, and up to 100 market-rate for-sale units. Studio Crossings will fulfill the Housing Mitigation Plan by building a minimum of 185 on-site affordable dwelling units totaling 109,080 square feet.
3. Rental rates will be set as described in the attached Housing Mitigation Plan and adjusted annually based on the Area Median Income for Summit County published by HUD.
4. The project is proposed to be developed in four phases. Sixty-five Required on-site affordable dwelling units (42.4 Units Equivalents (AUEs) are required in Phase I. The remaining affordable dwelling units will be built in later phases. No certificate of occupancy will be issued on any market rate unit until the affordable dwelling units for that phase have been completed.

Conditions of Approval:

1. A minimum of sixty-five (65) affordable dwelling units totaling 42.4 AUEs or 38,160 square feet shall be rented to qualified renters with an income at or below 80% or less of the Area Median Income (AMI) for Summit County.
2. The remaining affordable dwelling units shall be rented to a qualified renter with an income of 120% AMI or less for Summit County with the exception of 77 Studio units described below.

3. The proposed bedroom mix, size, and AMI level of the affordable units are as follows:

PHASE 1					
Type	Units	Size	AUEs	RENT LEVEL AMI	QUALIFIED HOUSEHOLD AMI
Studios	27	400	12	60%	80%
1 Bedroom	23	600	15.4	80%	80%
2 Bedrooms	10	800	8.9	80%	80%
3 Bedrooms	5	1,100	6.1	80%	80%
TOTAL	65	38,100	42.4		
REMAINING PHASES					
Type	Number	Size	AUEs	AMI	
Studios	50	400	22.2	80%	120%
1 Bedrooms	40	600	26.7	80%	120%
2 Bedrooms	20	800	17.8	80%	120%
3 Bedrooms	10	1,100	12.2	80%	120%
TOTAL	120	71,010	78.9		
TOTAL MPD REQUIRED	185	109,110	121.3		

4. At least 27 studios shall be available to households making up to 60% of AMI, and at least 50 Studios shall be available to households making up to 70% of AMI, broadening the affordability of these units.
5. The Applicant shall submit a draft Studio Crossing Homeowner Association Declaration that includes the affordable housing obligations outlined in the approved Housing Mitigation Plan for review and approval by the Planning, Housing, and Legal Departments prior to submitting a subdivision or condominium mylar. The Declaration shall be approved, executed, and recorded simultaneously with the condominium plat.
6. The required 65 affordable units built on site shall receive certificate of occupancy before any market rate unit.

7. A final housing calculation shall be conducted once final market-rate residential units and commercial uses have been determined. If the required number of affordable units changes based on a change in the number of market-rate residential units or changes in the commercial employee generation calculation prior to occupancy of the commercial spaces. In that case, the Housing Mitigation Plan must be updated and re-submitted for Housing Authority approval.

If you have any questions about this action letter, please contact Jason Glidden at 435-615-5268 or via email at jglidden@parkcity.org.

Attachments:

1. Studio Crossings Housing Mitigation Plan dated November 2022.

CONFIRMED AND ADOPTED this 15th DAY OF December 2022.

PARK CITY HOUSING AUTHORITY

Nann Worel, CHAIR

Attest:

Michelle Kellogg, City Recorder

Approved as to Form:

Mark Harrington, City Attorney

November 29, 2022

Quinn Capital Partners, LLC Housing Mitigation Plan

Quinn Capital Partners, LLC is pleased to be able to incorporate this housing mitigation plan as a part of its Amended Master Planned Development. This proposal will convert a substantial portion of the existing commercial square footage to affordable housing and create a vibrant, year-round neighborhood compatible with surrounding residents. The proposed modifications will also reduce daily traffic and enhance the quality of life for our residents, all while helping to meet community environmental and housing goals.

This housing mitigation plan is part of the 2022 Amendment to the Master Planned Development Agreement and Annexation Agreement. The original 2012 Development Agreement for the Quinn's Junction Partnership Annexation Master Planned Development expressly provided that no affordable housing was required to be built as a condition of development. Recognizing the needs of the community and benefits to the community in constructing affordable housing, QCAP is proposing to construct a minimum of 185 units of affordable housing units as part of its proposal to amend the 2012 Development Agreement.

Background

The 2012 Development Agreement did not require the construction of any affordable housing. (DA Section 5, Affordable Housing). When QCAP subdivided the subject property earlier in 2022, the City required as a condition of plat approval a note requiring QCAP to provide affordable housing meeting the current code requirements if it any point it amended the 2012 Development Agreement. In addition to meeting the code-based requirements for affordable housing, QCAP is proposing to convert existing commercial entitlements to affordable housing.

Proposed Plan

QCAP proposes to construct more than enough affordable housing units to meet the requirements of the 2021 Park City Affordable Housing Resolution. The 2021 Housing Resolution calls for a total affordable housing square footage for commercial uses based on an employee mitigation calculation. The same resolution requires 20% of condominium units to be affordable units. Per the resolution, each affordable unit is calculated as containing 900 square feet.

The final count of units required may adjust slightly with final preparations of plans and to address City input, however the required square footage will be provided per the Resolution. Forecasted calculations for the affordable housing are shown in Table 1 below:

Table 1

Studio Crossings Residential Density			
Market Rate SQFT	REU	AUE	Net Livable Space
142,000	71	14.2	12,780

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

Studio Crossing Assumed Use Based on Newpark Retail Mix					
Use	FT	Use Mix	SQFT	Employees	Net Livable Space
Commercial Retail	3.3	73.4%	44,028	145.3	
Medical	2.9	8.7%	5,219	15.1	
Personal Services	1.3	6.1%	3640	4.7	
Restaurant	6.5	11.9%	7,113	46.2	
Total Commercial Density			60,000	211.3	
Mitigation Rate X 0.2				42.3	
AUEs/1.5				28.2	25,367.44

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

Total Affordable Housing Obligation	
Net Livable Space	AUE
38,057.00	42.40

For the affordable housing required by the plat amendment note, QCAP proposed to construct the 42 Unit Equivalents in the following mix:

27 - Studios - 400 sqft = 10,800 sqft
 23 - 1 bedrooms - 600 sqft = 13,800 sqft
 10 - 2 bedrooms - 800 sqft = 8,000 sqft
5 - 3 bedrooms - 1,100 sqft = 5,500 sqft
 65 units = 38,057 sqft

QCAP is also voluntarily converting 79 Unit Equivalents of currently entitled commercial space to affordable housing in the following anticipated mix:

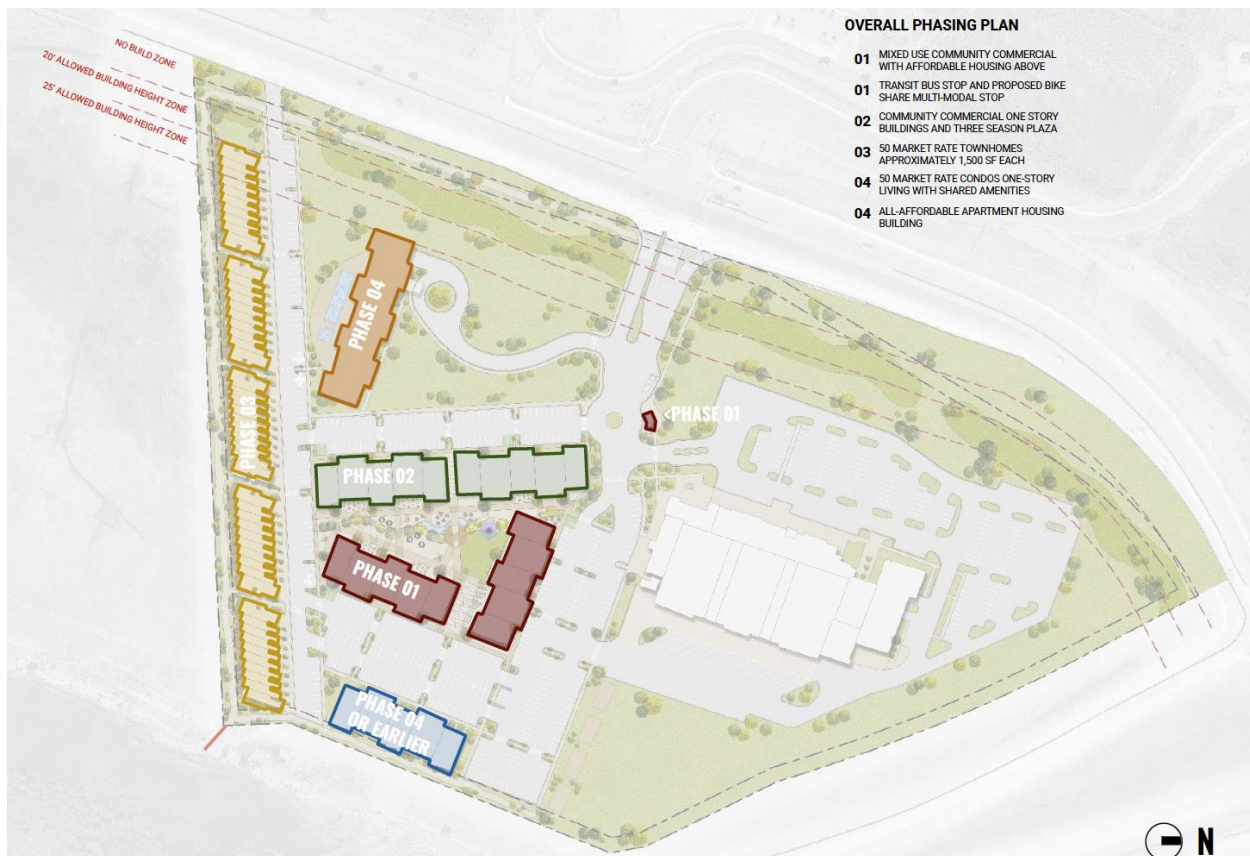
50 - Studios - 400 sqft = 20,000 sqft
 40 - 1 bedrooms - 600 sqft = 24,000 sqft
 20 - 2 bedrooms - 800 sqft = 16,000 sqft
 10 - 3 bedrooms - 1,100 sqft = 11,000 sqft
 120 units = 80,575 sqft

All affordable housing shall be deed restricted and subject to Park City affordable housing guidelines including affordable rent restrictions. All the affordable housing will be built in the

1st and 4th (anytime) phase. An unconditional certificate of occupancy, or a temporary certificate of occupancy if it allows for operation of the affordable housing units will not issue for each phase until the affordable housing requirement is met.

Site plans showing the proposed affordable housing, including the parking, are included in Exhibit A below:

Exhibit A



Eligibility and Pricing

All units will be maintained as deed restricted affordable for rent units. A qualified third-party professional property management company shall manage the rental of the units.

Eligibility for the affordable for-rent housing will be based on the AMI standards of for-rent affordable housing. In initially filling the units, QCAP shall use a geographic waterfall approach in selecting from applicants, in the following priority:

1. Qualifying applicants employed in the immediate Quinn's Junction neighborhood, including, but not limited to, employees of IHC Hospital, USSA, the Peace House, Summit County Health Department, Park City Ice Arena, and Summit Pediatrics.
2. Qualifying applicants employed within Park City boundaries.
3. Qualifying applicants employed within the Park City School District boundaries.
4. Qualifying applicants employed within Summit County.

There shall be no time limit required in selecting between orders of priority. Rather, when all qualifying applicants from a category have been exhausted, applicants from the next order of priority shall immediately be given priority. This waterfall provision shall only apply at the initial generation of any waitlist and selection for the Studio Crossing affordable housing units. From that point, all applications shall be made on a first-come-first-serve basis on the existing waitlist.

QCAP may enter into one or more master leases with local employers whereby local employers may lease a block of units to meet the housing needs of their qualifying employees. The priority of any such master leases shall follow the same geographic waterfall provided previously. Any such master leases must be consistent with the remaining provisions of this Housing Mitigation Plan, as it may be amended from time to time.

For the 65 units required by the plat amendment note—and subject to the 2021 Housing Resolution—all rentals will be to households of 80% AMI or below for Summit County and will be at the allowable rental rates for households at 80% AMI as determined by the then-applicable Summit County AMI numbers, updated on an annual basis. All rental units will submit annual compliance surveys in accordance with the recorded deed restrictions.

For the 120 units QCAP is constructing from its existing commercial density, all rentals will be to households of 120% AMI or below for Summit County. However, like the units required by the plat amendment note, all rental rates charged will be at 80% of AMI, regardless of the AMI of individual households. All gross rental rates shall include any Home Owner Association fees or assessments that may be charged against the unit.

Additionally, QCAP agrees that all (currently projected to be 77) of the studio unit rentals will be to households of 60% and 70% of AMI for Summit County and will be at the allowable rental rates for households at 60% and 70% AMI as determined by the then-applicable Summit County

AMI numbers, updated on an annual basis. QCAP will rent 27 units at 60% AMI and 50 units at 70% AMI.

Table 2 – 80% AMI Rates

Bedrooms	Occupants	*AMI (80%)	Income Percentage	Yearly Rent	Monthly Gross Rent I	No. of Units
0	1	\$66,960	30%	\$20,088.00	\$1,674.00	0
1	2	\$76,480	30%	\$22,944.00	\$1,912.00	63
2	3	\$86,080	30%	\$25,824.00	\$2,152.00	30
3	4	\$95,600	30%	\$28,680.00	\$2,486.00	15

Table 3 – 70% AMI Rates

Bedrooms	Occupants	*AMI (70%)	Income Percentage	Yearly Rent	Monthly Gross Rent I	No. of Units
0	1	\$58,560	30%	\$17,568.00	\$1,464.00	50

Table 4 – 60% AMI Rates

Bedrooms	Occupants	*AMI (60%)	Income Percentage	Yearly Rent	Monthly Gross Rent I	
0	1	\$50,200	30%	\$15,060.00	\$1,255.00	27

*AMI is based on 2021 Summit County AMI numbers.

Amenities

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

Studio Crossings will be a transit and trail-oriented development. There will be a dedicated and improved transit stop within the development. QCAP is also working to ensure that an electric bikeshare location is included on site. In addition to these public transit options, there will be covered bike storage available for each of the affordable housing buildings. It is QCAP's intention to enable and encourage alternative transit options to private vehicle ownership.

Planning Commission Staff Report



Subject: 902 Woodside Avenue
Application: PL-23-05836
Author: Lillian Zollinger, Planner II
Date: October 25, 2023
Type of Item: Plat Amendment

Recommendation

(I) Review the proposed 902 Woodside Avenue Plat Amendment; (II) conduct a public hearing; and (III) consider forwarding a positive recommendation for City Council's consideration on November 16, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in Ordinance No. 2023-XX (Exhibit A).

Description

Applicant: Merel Witteveen and Andrew Macpherson
Location: 902 Woodside Avenue
Zoning District: Historic Residential -1
Adjacent Land Uses: Single Family Dwellings
Reason for Review: Planning Commission reviews and forwards a recommendation to City Council for Plat Amendments¹

HR-1 Historic Residential - 1
HDDR Historic District Design Review
LMC Land Management Code
SFD Single Family Dwelling

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

Background

902 Woodside Avenue currently has a Non-Conforming Single-Family Dwelling (SFD) constructed in 1968 that straddles two sub-standard Lots.

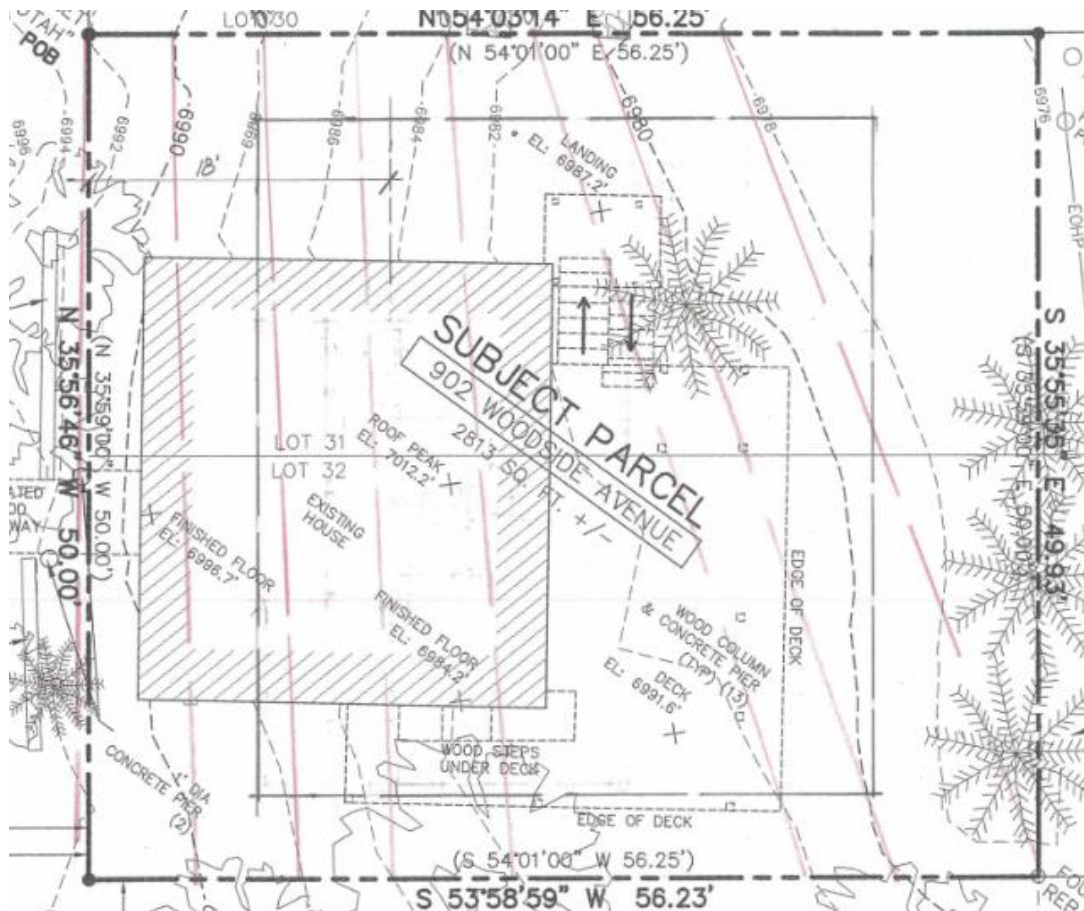
The Applicant proposes to demolish the existing SFD, combine the two sub-standard Lots into one 2,813-square-foot Lot, and construct a new SFD. The proposed 2,813-square-foot Lot complies with the pending Lot Combination Ordinance



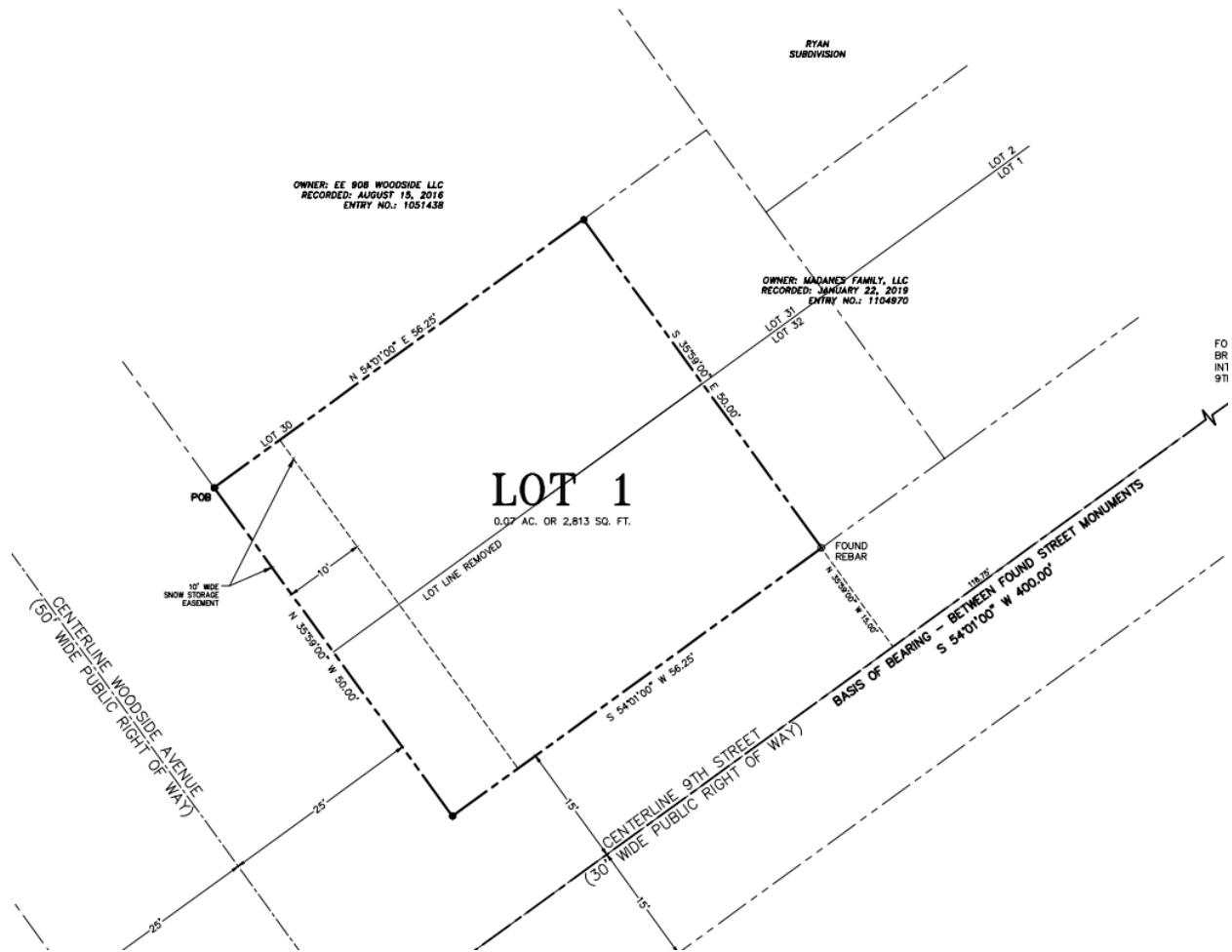
¹ LMC § [15-1-8](#)

that establishes a maximum Lot size of 3,750 square feet in the Historic Residential – 1 (HR – 1) Zoning District. The pending Lot Combination Ordinance is scheduled for City Council review on October 26, 2023.

The new SFD will require a Steep Slope Conditional Use Permit and Historic District Desing Review approval.



Existing site conditions (above)



Proposed Plat (above)

Analysis

(I) The proposed Plat Amendment complies with the Historic Residential - 1 (HR-1) Zoning District requirements outlined in LMC Chapter 15-2.2.

902 Woodside is in the HR-1 Zoning District. The Applicant applied for a Historic District Design Review (HDDR) to construct a new SFD on the Lot (PL-23-05831). LMC [§ 15-2.2-2\(A\)\(1\)](#) lists Single Family Dwellings as an Allowed Use in the HR-1 Zoning District.

The Lot is 50 feet wide by 56.25 feet wide, for a total Lot size of 2,813 square feet (sf).

The new SFD must comply with LMC [§ 15-2.2-3](#) *Lot and Site Requirements* for a Single Family Dwelling in the HR-1 Zoning District:

Requirement	Analysis of Proposal
Lot Size – 1,875 sf for Single Family	Complies: 2,813 sf

Dwellings	
Minimum Lot Width – 25'	Complies: 50'

Regulation	Requirement
Maximum Building Footprint ²	1200.9 sf
Front/Rear Setbacks	10 feet (ft) each for a 75' Lot depth
Side Setbacks	5 ft minimum, for a total of 14 ft

The table below outlines the LMC [§ 15-2.2-5](#) states, *Building Height* for a Single Family Dwelling in the HR-1 Zoning District:

Regulation	Requirement
Maximum Building Height	27' from Existing Grade
Maximum height measured from the lowest finish floor plane to the point of the highest wall top plate	35'
Stepback	A ten foot (10') minimum horizontal step in the downhill façade is required
Primary roof pitch	Between 7:12 and 12:12

(II) There is Good Cause for the Plat Amendment, and no public street, Right-of-Way, or easement is vacated or amended.

The Planning Commission and City Council review Plat Amendments according to LMC [§ 15-7.1-3\(B\)](#) and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.³

The Land Management Code defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

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

³ LMC [15-7.1-6\(C\)](#)

There is Good Cause for this Plat Amendment because it creates a single 2,813-square-foot Lot from two substandard Lots, complies with the pending Lot Combination Ordinance establishing a maximum Lot size of 3,750 square feet in the HR – 1 Zoning District, and allows for the construction of a new SFD that complies with the current requirements of the LMC. There are currently no on-site parking spaces for the property and the new SFD will be required to provide two on-site parking spaces. The proposal is also consistent with the pattern of development in the neighborhood, wherein several Woodside Lots have a width of 50 feet.

902 Woodside Avenue is accessed by Woodside Avenue, a public Right-of-Way, and the proposed Plat Amendment will not impact the Right-of-Way nor easement.

(III) The Development Review Committee reviewed the proposed Plat Amendment on October 3, 2023, and required the following.⁴

The Engineering Department requires Condition of Approval 5, which requires a ten foot snow storage easement off Woodside Avenue.

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on October 11, 2023. Staff mailed courtesy notice to property owners within 300 feet on October 11, 2023. The *Park Record* published notice on October 11, 2023.⁵

Public Input

Staff did not receive any public input at the time this report was published.

Exhibits

Exhibit A: Draft Ordinance 2023-XX
Attachment 1 - Proposed Plat

⁴ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁵ LMC [§ 15-1-21](#)

Ordinance No. 2023-XX

**AN ORDINANCE APPROVING 902 WOODSIDE AVENUE PLAT AMENDMENT,
LOCATED AT 902 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 902 Woodside Avenue petitioned the City Council for approval of the 902 Woodside Avenue Plat Amendment; and

WHEREAS, on October 11, 2023, the Park Record published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on October 11, 2023, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 11, 2023, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on October 25, 2023, the Planning Commission reviewed the proposed Plat Amendment, held a public hearing, and forwarded a positive recommendation for City Council's consideration on November 16, 2023; and

WHEREAS, on November 16, 2023, the City Council reviewed the 902 Woodside Avenue Plat Amendment and held a public hearing; and

WHEREAS, the 902 Woodside Avenue Plat Amendment is consistent with the Park City Land Management Code Chapter 15-2.2 and Section 15-7.1-6.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. APPROVAL. The 902 Woodside Avenue Plat Amendment at 902 Woodside Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 902 Woodside Avenue.
2. The Lot is within the Historic Residential - 1 Zoning District.
3. The subject property consists of 56.25 feet of Lot 31 and 32 on Block 3, or Parcel Number SA-10-B).
4. The Plat Amendment proposes to combine two Lots into one Lot.
5. The Lot contains 0.06 acres (2,318 square feet).
6. The proposed Plat Amendment is consistent with the pattern of development in the neighborhood.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because it combines two substandard Lots and creates one developable Lot.
2. The Plat Amendment is consistent with the Land Management Code, including LMC Chapter 15-2.2 and § 15-7.1-6 Final Subdivision Plat.
3. The Plat Amendment is consistent with the Land Management Code.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Any new construction shall comply with Land Management Code Chapter 15-2.2 regarding Setbacks, Building Height, Building Envelope, Building Pad, etc.
4. No remnant partial lot resulting from this approval is separately developable without a plat amendment in conformance with applicable zoning at the time of application.
5. A non-exclusive ten foot public snow storage easement on Woodside Avenue shall be dedicated on the Plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16TH of NOVEMBER 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

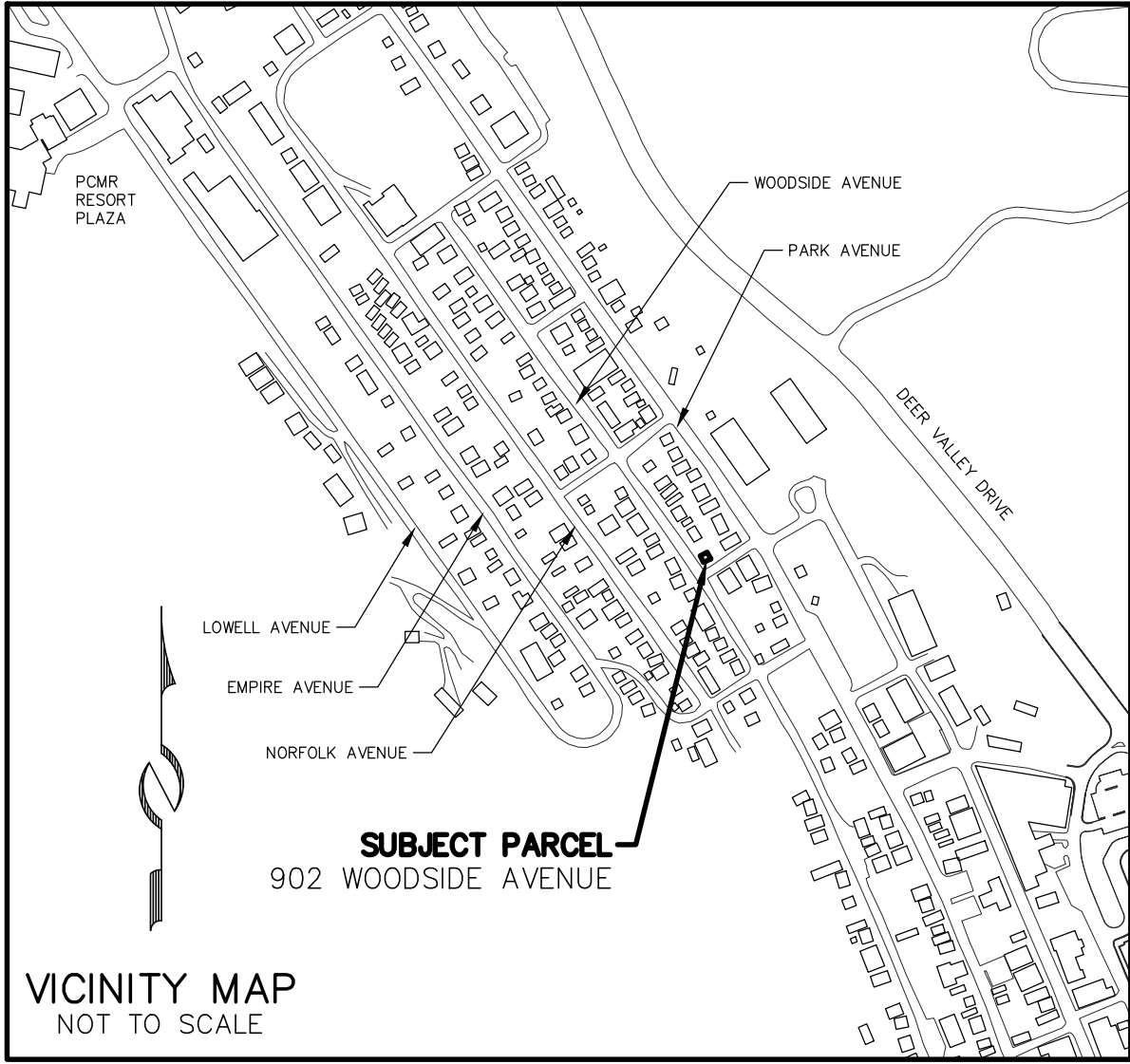
ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

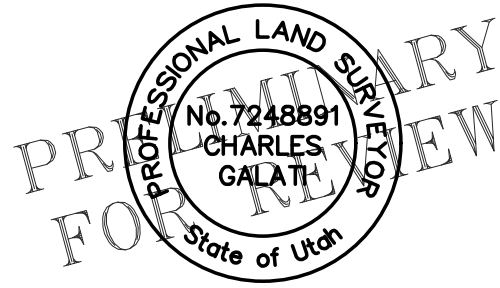
Attachment 1 – Plat



LEGAL DESCRIPTION

THE WESTERLY 56.25 FEET OF LOTS 31 AND 32, BLOCK 3, SNYDER'S ADDITION TO PARK CITY, UTAH, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 31, BLOCK 3, SNYDER'S ADDITION TO PARK CITY, UTAH, AND RUNNING THENCE NORTH 54°01' EAST 56.25 FEET; THENCE SOUTH 35°59' EAST 50.00 FEET; THENCE SOUTH 54°01' WEST 56.25 FEET; THENCE NORTH 35°59' WEST 50.00 FEET TO THE POINT OF BEGINNING.



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold license number 7248891 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that I have completed a survey and have referenced a record of survey map of the existing property boundaries in accordance with Section 17-23-17 and have verified the boundary locations and have placed monuments as represented on the plat. I do further certify that by authority of the owners, I have subdivided said property into a single lot with easements, hereafter to be known as 902 WOODSIDE AVENUE SUBDIVISION.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that the undersigned is the owner of the above described tract of land, and hereby causes the same to be combined into one (1) lot of record as set forth together with easements to be hereafter known as 902 WOODSIDE AVENUE SUBDIVISION. The undersigned owner also hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat, the same to be used for installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes hereon.

In witness whereof, the undersigned set his/her hand this _____ day of _____, 2023.

MEREL WITTEVEEV AND ANDREW MACPHERSON, TRUSTEES OF THE MACPHERSON/WITTEVEEN 2021 FAMILY TRUST DATED SEPTEMBER 2, 2021

By: _____
ANDREW MACPHERSON, TRUSTEE

By: _____
MEREL WITTEVEEN, TRUSTEE

ACKNOWLEDGEMENT

STATE OF UTAH)

:ss.

COUNTY OF SUMMIT)

On this _____ day of _____, 2023, ANDREW MACPHERSON personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he/she is signing as TRUSTEE of the MACPHERSON/WITTEVEEN 2021 FAMILY TRUST DATED SEPTEMBER 2, 2021.

Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

STATE OF UTAH)

:ss.

COUNTY OF SUMMIT)

On this _____ day of _____, 2023, MEREL WITTEVEEN personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he/she is signing as TRUSTEE of the MACPHERSON/WITTEVEEN 2021 FAMILY TRUST DATED SEPTEMBER 2, 2021.

Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance _____.
2. See Record of Survey S-11327 performed by Allterra Utah, dated August 16, 2023 on file and of record in the Office of the Summit County Recorder .

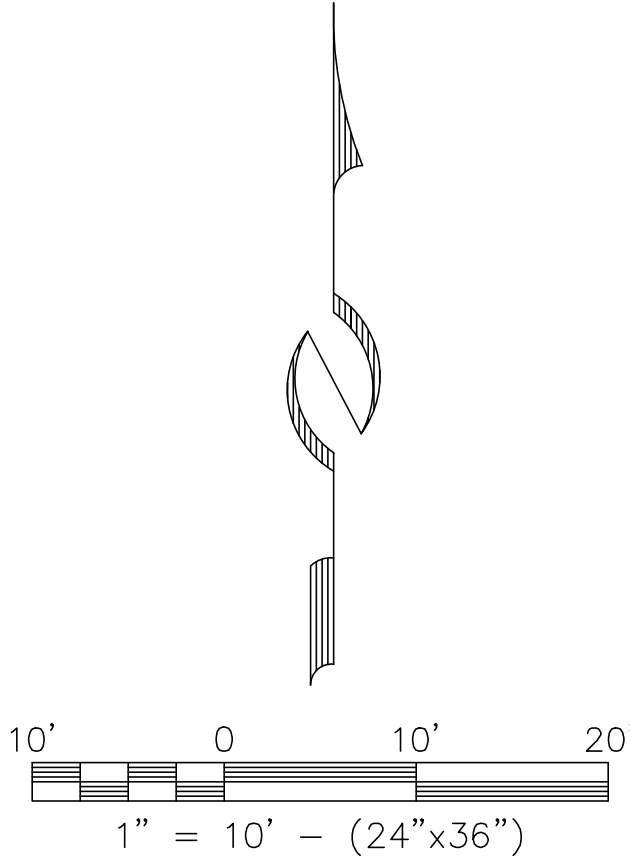
902 WOODSIDE AVENUE SUBDIVISION

AMENDING A PORTION OF LOT 31 & LOT 32, BLOCK 3, SNYDER'S ADDITION TO PARK CITY SURVEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEGEND

- Set 5/8" rebar w/cap "ALLTERRA UTAH" (Unless noted otherwise)
- Found Monument (As-Noted)
- ⦿ Found Street Monument (As-Noted)



PROFESSIONAL LAND SURVEYING
AND CONSULTING

ALLTERRA
UTAH, LLC

435-640-4200

463 SCENIC HEIGHTS ROAD, FRANCIS, UTAH 84036

PUBLIC SAFETY ANSWERING
POINT APPROVAL

APPROVED ON THIS____DAY
OF _____, 2023

BY _____
SUMMIT COUNTY GIS COORDINATOR

SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN WATER RECLAMATION DISTRICT STANDARDS
ON THIS____DAY OF _____, 2023

BY _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION

RECOMMENDED BY THE PARK CITY
PLANNING COMMISSION
THIS____DAY OF _____, 2023

BY _____
CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE
WITH INFORMATION ON FILE IN MY OFFICE
THIS____DAY OF _____, 2023

BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS
____DAY OF _____, 2023

BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS ____ DAY OF _____, 2023

BY _____
MAYOR

CERTIFICATE OF ATTEST

I CERTIFY THIS PLAT WAS APPROVED
BY THE PARK CITY COUNCIL THIS
____ DAY OF _____, 2023

BY _____
PARK CITY RECORDER

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

FEE _____ RECORDER

TIME _____ DATE _____ ENTRY NO. _____

Planning Commission Staff Report



Subject: Water Wise Landscaping
Application: PL-23-05884
Author: Spencer Cawley, Planner II
Date: October 25, 2023
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Review the proposed minor Land Management Code amendments to clarify current landscaping regulations to qualify for the State’s Landscape Conversion Incentive Program, (II) hold a public hearing, and (III) consider forwarding a positive recommendation to City Council for review on November 16, 2023, as outlined in Draft Ordinance No. 2023-XX (Exhibit A).

Description

Applicant: Planning Department
Location: All Zoning Districts
Land Management Code Sections § 15-5-5(N) *Landscaping*
§ 15-15-1 *Definitions*
Amended:
Reason for Review: The Planning Commission reviews Land Management Code amendments and forwards a recommendation for City Council’s consideration. The City Council conducts a public hearing and takes Final Action.¹

Background

On May 30, 2019, the City Council adopted [Ordinance No. 2019-30](#), amending the Land Management Code (LMC) to implement Water Wise Landscaping to reduce the need for supplemental irrigation.

On September 23, 2021, the City Council directed Planning Staff to evaluate the landscaping regulations to identify opportunities to improve water conservation in preparation for the Water Department’s [Landscape Incentive Program](#) and to further conserve water use for new construction landscaping moving forward ([Staff Report; Meeting Minutes, p. 4](#)).

On March 9, 2023, the City Council adopted [Ordinance No. 2023-10](#), An Ordinance Amending Land Management Code Section 15-5-5 *Architectural Design Guidelines*, and 15-15-1 *Definitions* to update Water Wise Landscaping Regulations, to redefine “Water Wise Landscape/Landscaping”, and to define, “Lawn/Turf”, “Mulch”, “Hardscape”, “Irrigation Plan”, and “Rocks” ([Staff Report; Meeting Minutes](#)). These amendments evolved through stakeholder outreach to property owners, subject experts,

¹ LMC [§ 15-1-7](#)

and industry practitioners, as well as from input from the Planning Commission and City Council.

On May 1, 2023, the City officially launched the Landscape Incentive Program ("Program"). The Program offers an incentive of \$2 per square foot of turf removed when replaced with Water Wise Landscaping in compliance with LMC [§ 15-5-5\(N\)](#). The State also launched its Program allowing Park City to partner with the State, through Weber Basin Water Conservancy District.

On September 28, 2023, City Council received a Program update and approved the Water Department to partner with the State and Weber Basin ([Staff Report](#); [Meeting Audio](#)). Through this partnership, Park City will increase the Program's incentive to \$3 per square foot while reducing the City's contribution from \$2 to \$1 per square foot (\$1 from the State, \$1 from Weber Basin, and \$1 from Park City Municipal). In order to enter into this partnership, and to receive these funding opportunities, the State requested clarification to the LMC's Water Wise Landscaping regulations:

- No lawn on parking strips or areas less than eight feet in width in new development;
- No more than 50% of front and side yard landscaped area in new residential developments is lawn. Lawn limitations do not apply to small residential lots with less than 250 square feet of landscaped area;
- In new commercial, industrial, and multi-family development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of Active Recreation Areas.

Analysis

One Strategic Pillar of [Park City Vision 2020](#) addresses water scarcity through Environmental Leadership (page 15). The Park City General Plan recommends Land Use regulations to help reduce water use through efficient landscaping requirements. Strategy 5.3 of the General Plan suggests adopting landscaping requirements to decrease water utilization and incentivize Water Wise Landscaping.

The LMC implements the goals and policies of the General Plan in part to promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City, and to protect and enhance the overall quality of life.²

The proposed amendments comply with the requested State modifications and include:

- Updating the table in LMC [§ 15-5-5\(N\)\(6\)](#) *Lawn/Turf* to modify the maximum Turf or Lawn Area of a Landscaped Area;
- Clarifying that Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width.

These amendments are shown below in red:

² LMC [§ 15-1-2](#)

6. LAWN/TURF.

- a. Lawn/Turf is prohibited on slopes with a ratio greater than 3:1.
- b. Irrigated Lawn/Turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, ~~or~~ Impervious Surfaces, ~~or~~ Active Recreation Areas based on the size of the ~~Lot or Property~~ Landscaped Area according to the following table:

Lot Size Landscaped Area	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre 250 square feet	20%
0.50 acres to one (1) acre	30%
0.10 acres to 0.49 acres	40%
Less than 0.10 acres 250 square feet	No limitation

- c. Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width ~~in new Residential Development.~~
- ~~d. No more than 35% of the Front and Side Yard Landscaped Area in new residential development is lawn/turf. If there is an Active Recreation Area on the lot, then no more than 20% total Landscaped Area in new Residential Development is lawn/turf.~~
- ~~e. Lawn/Turf limitations do not apply to small Residential Lots with less than 250 square feet in Landscaped Area.~~
- ~~f. d.~~ Lawn/Turf area limitations apply to all city-owned property with the exception of an Active Recreation Area or as determined by the Planning Commission under a Conditional Use Permit review.

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City and the Utah Public Notice websites, and the *Park Record* published notice on October 11, 2023.³

Exhibit

Exhibit A: Draft Ordinance 2023-XX

³ LMC [§ 15-1-21](#)

Ordinance No. 2023-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTIONS 15-5-5 ARCHITECTURAL DESIGN GUIDELINES, AND 15-15-1 DEFINITIONS CLARIFYING WATER WISE LANDSCAPE REGULATIONS TO QUALIFY FOR THE STATE'S LANDSCAPE CONVERSION PROGRAM

WHEREAS, Water Wise is a landscape planning technique to reduce water usage, and create smart landscaping;

WHEREAS, the Park City General Plan recommends Land Use regulations to help reduce water use through efficient landscaping requirements;

WHEREAS, Strategy 5.3 of the General plans is to “adopt new landscaping requirements [in the Land Management Code] to decrease water utilization and preserve the native landscape”;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health of both the residents and the City and to encourage responsible environmental stewardship;

WHEREAS, on March 9, 2023, the City Council adopted Ordinance No. 2023-10 to amend the Land Management Code to implement Water Wise Landscaping Regulations and to define terms mandated by HB282;

WHEREAS, on May 1, 2023, the City launched the Landscape Incentive Program offering \$2 per square foot of turf removed when replaced with Water Wise Landscaping pursuant to the update Land Management Code regulations;

WHEREAS, Park City's Landscape Ordinance is required to further clarify Water Wise practices to qualify for the State-funded Landscape Conversion Program;

WHEREAS, on October 11, 2023, staff posted notice to the Utah Public notice and City websites, on October 11, 2023, staff mailed courtesy notices to property owners within Park City, and on October 11, 2023, the *Park Record* published public notice;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 25, 2023, and forwarded a **positive/negative** recommendation to the City Council;

WHEREAS, the City Council conducted a duly noticed public hearing on November 16, 2023.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGE CODE TITLE 15. The recitals are incorporated herein as Findings of Fact. Municipal Code of Park City Title 15 Land Management Code § 15-5-5 *Architectural Design Guidelines* and § 15-15-1 *Definitions*, are hereby amended as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 16TH DAY OF NOVEMBER 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

Attachment 1

15-5-5 Architectural Design Guidelines – Landscaping

...

6. LAWN/TURF.

- a. Lawn/Turf is prohibited on slopes with a ratio greater than 3:1.
- b. Irrigated Lawn/Turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, ~~or~~ Impervious Surfaces, ~~or Active Recreation Areas~~ based on the size of the ~~Lot or Property~~ Landscaped Area according to the following table:

Lot Size Landscaped Area	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre 250 square feet	20%
0.50 acres to one (1) acre	30%
0.10 acres to 0.49 acres	40%
Less than 0.10 acres 250 square feet	No limitation

- c. Lawn/Turf is prohibited on parking strips or areas less than eight feet (8') in width ~~in new Residential Development.~~
- ~~d. No more than 35% of the Front and Side Yard Landscaped Area in new residential development is lawn/turf. If there is an Active Recreation Area on the lot, then no more than 20% total Landscaped Area in new Residential Development is lawn/turf.~~

~~e. Lawn/Turf limitations do not apply to small Residential Lots with less than 250 square feet in Landscaped Area.~~

~~f.~~ d. Lawn/Turf area limitations apply to all city-owned property with the exception of an Active Recreation Area or as determined by the Planning Commission under a Conditional Use Permit review.

...

DRAFT

Planning Commission Staff Report



Subject: Bald Eagle Club at Deer Valley Unit 55 Third Amended
Application: PL-23-05609
Author: Spencer Cawley, Planner II
Date: October 25, 2023
Type of Item: Administrative – Plat Amendment

Recommendation

(I) Review the Bald Eagle Club at Deer Valley Unit 55 Third Amended plat, (II) hold a public hearing, and (III) forward a recommendation for City Council's consideration on November 30, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance (Exhibit A).

Description

Applicant: Ricardo A. Salas Revocable Trust
Park City Surveying, representative
Location: 7875 Bald Eagle Drive
Zoning District: Residential Development
Adjacent Land Uses: Residential; Recreation and Open Space
Reason for Review: Plat Amendments require Planning Commission recommendation and City Council action¹

LMC Land Management Code
MPD Master Planned Development
RD Residential Development
SLO Sensitive Land Overlay

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

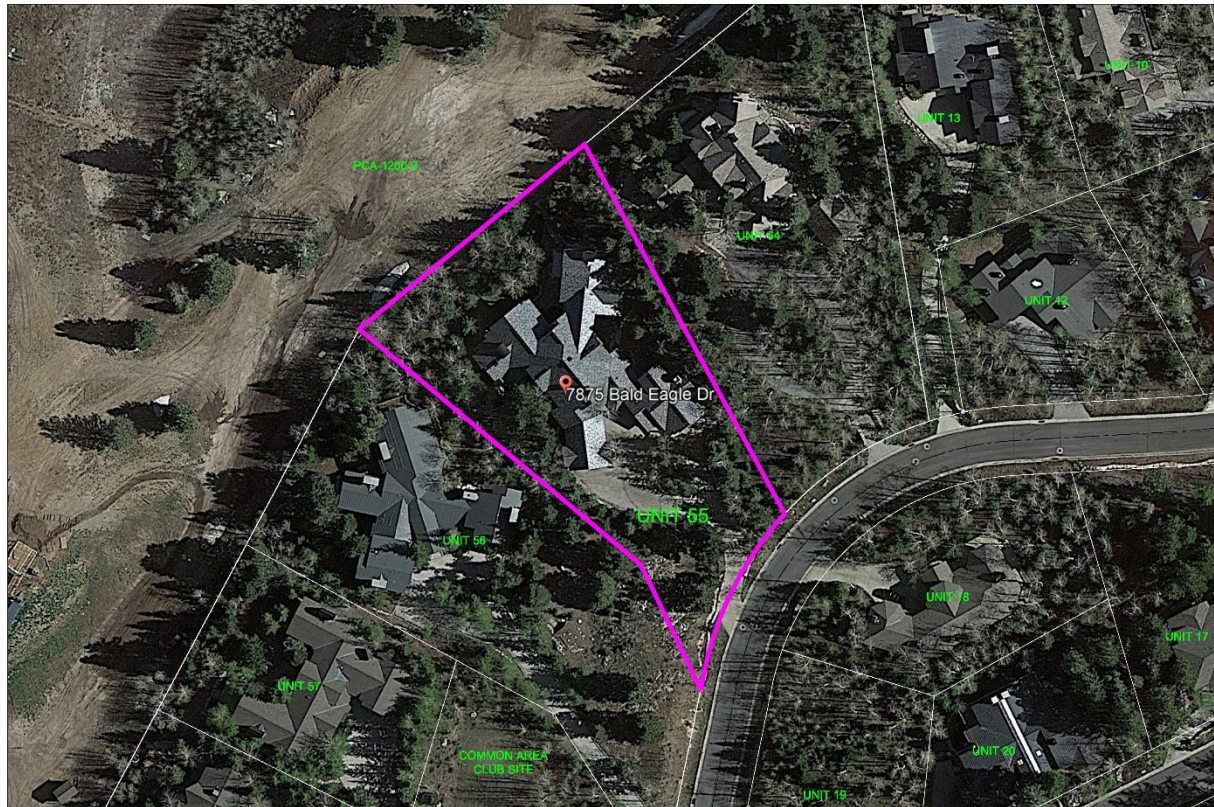
Background

7875 Bald Eagle Drive is Unit 55 of The Bald Eagle Club at Deer Valley, in the Residential Development (RD) Zoning District, and part of the Deer Valley Master Planned Development (MPD). Bald Eagle was developed as a condominium project and each Unit owner owns the ground upon which a house can be built. The Bald Eagle Community Condominiums' conceptual MPD was approved by the Planning Commission on May 3, 1989. The final Condominium Plat was approved by the City Council on July 20, 1989. The final Subdivision Plat was recorded with Summit County on August 3, 1989. The recorded plat identifies "Expandable Area A", where Unit 55 now exists.

The following image, provided by the Applicant, shows Unit 55 and the immediate

¹ LMC [§ 15-12-15\(B\)\(9\)](#)

vicinity:



On May 12, 1992, the Second Amendment to Record of Survey Map for an Expandable Condominium Called Bald Eagle at Deer Valley Drive was recorded and created five Units within platted Expandable Area A. This plat established the Limits of Disturbance (LOD) for each Unit. The LOD represents the boundary in which all building and associated construction disturbance may occur. The Building Footprint can shift within the LOD, but construction disturbance may not occur 15 feet from the established Building Footprint. See Exhibit B.

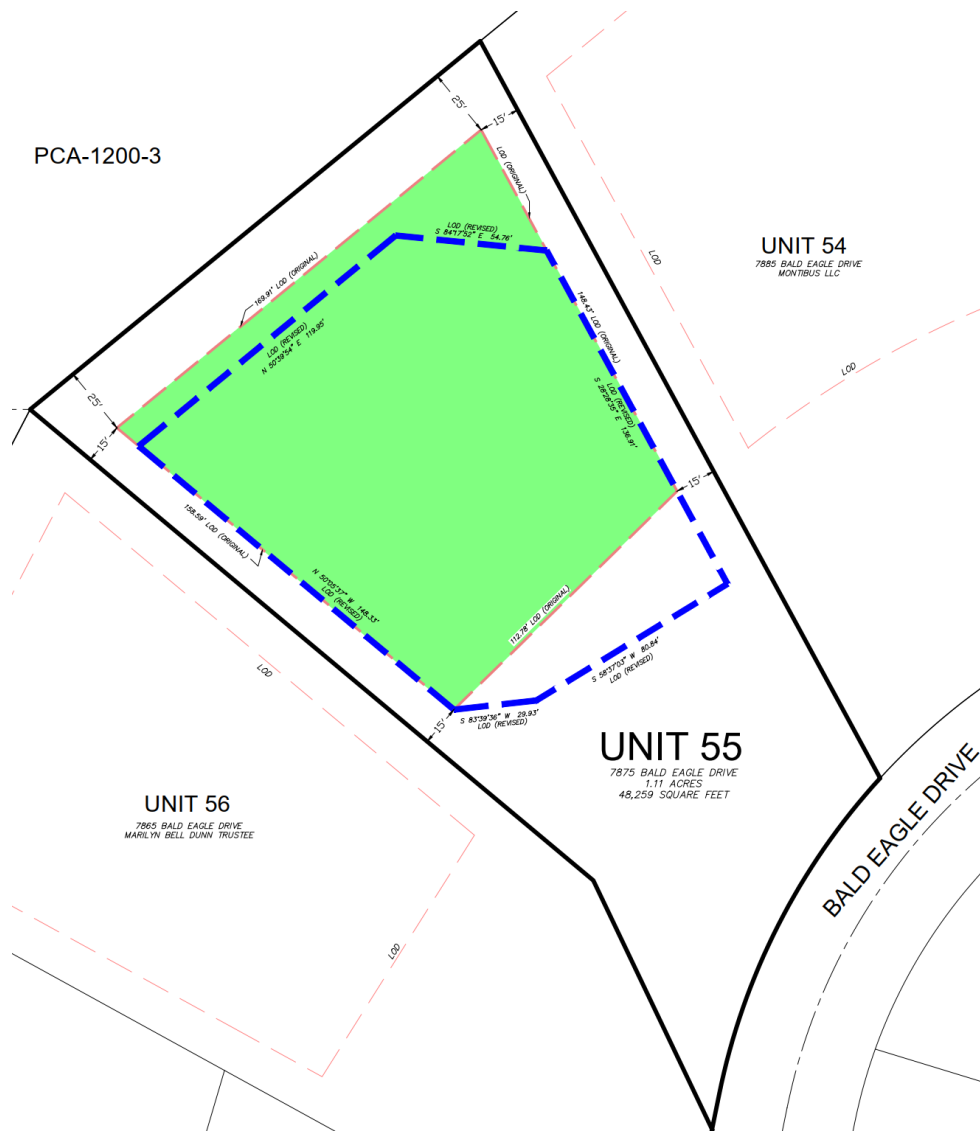


According to the Applicant's Project Description (Exhibit C), the property owner proposes to modify the platted LOD because the existing Single-Family Structure (pictured below), constructed in 1994, was built outside of the platted LOD. However,

The Building Footprint can shift within the Limits of Disturbance. Any deviation from this format shall be approved by the architectural committee.

[illegible]

The image below, provided by the Applicant's representative (Exhibit D, p. 2), shows the existing LOD shaded in green and the revised LOD indicated by the dashed blue line:



ORIGINAL LIMIT OF DISTURBANCE (PER PLAT OF RECORD)	21,285 SQUARE FEET
<u>REVISED LIMIT OF DISTURBANCE (WITH THIS PLAT AMENDMENT)</u>	<u>21,285 SQUARE FEET</u>
	(NO NET DIFFERENCE)

Analysis

(I) The proposed Plat Amendment complies with the Residential Development (RD) Zoning District Requirements.

The purposes² of the RD Zoning District are to:

1. Allow a variety of Residential Uses that are compatible with the City's Development objectives, design standards, and growth capabilities;
2. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services;
3. Allow commercial and recreational activities that are in harmony with residential neighborhoods;
4. Minimize impacts of the automobile on architectural design;
5. Promote pedestrian connections within Development and between adjacent Areas; and
6. Provide opportunities for variation in architectural design and housing types.

Single-Family Structures are an Allowed Use in the RD Zoning District.³

The table below outlines the RD Zoning District Lot and Site Requirements established in LMC [§ 15-2.13-3](#):

RD Zoning District Requirement	Analysis of Proposal
Front Setback: 15 feet	Complies - The Structure is set back 110 feet from the Front Unit Line.
Side Setback: 12 feet	Complies - The Structure is set back 15 feet, six inches on the east side and 25 feet, nine inches on the west side at the Structure's closest points to the Side Unit Lines.
Rear Setback: 15 feet	Complies - The Structure is set back 54 feet from the Rear Unit Line.

(II) The proposal complies with the Sensitive Land Overlay Criteria outlined in LMC Chapter 15-2.21.

The Site is located within the Sensitive Land Overlay (SLO). LMC [§ 15-2.21-2\(A\)](#) requires:

² LMC [§ 15-2.13-1](#)

³ LMC [§ 15-2.13-2\(A\)\(1\)](#)

Applicants for Development within the SLO must identify the Property's sensitive environmental and aesthetic Areas such as Steep Slopes, Ridge Line Areas, wetlands, Stream Corridors, Wildland interface, and Wildlife Habitat Areas and provide at time of Application, a Sensitive Lands Analysis.

The Applicant's representative compiled a Sensitive Land Overlay (SLO) Report, attached as Exhibit E. Please see the exhibits in the SLO Report to review the maps. The Applicant's representative has also provided aerial video for the Planning Commission to review which is available [here](#), [here](#) and [here](#). Additional photos of the Site are attached as Exhibit F.

The table below outlines the findings of the analysis:

SLO Analysis Criteria	Analysis of Proposal
<i>Slope/Topographic Map:</i> A Slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight Areas of high geological hazard, Areas subject to land sliding, and all significant Steep Slopes in categories of greater than 15%, 30-40%, and greater than 40%.	Per LMC § 15-2.21-4, no Development is allowed on or within 50 feet of Very Steep Slopes (greater than 40%). An Area of Very Steep Slopes must cover a topographic Area at least 25 feet vertically, upslope or downslope, and 50 feet horizontally in any direction to be subject to this prohibition. There are no slopes greater than 40% within the LOD cover an area of at least 25 feet vertically, upslope or downslope, nor 50 feet horizontally. Within the existing and proposed LOD, most slopes are less than 30%. There are some areas outside the LOD that range from 30-40% and greater. However, because these areas are outside the existing and proposed LOD, the Applicant cannot construct or develop on these steep slopes. See Exhibit E, p. 24-25.
<i>Ridge Line Areas:</i> A map depicting all Crests of Hills and Ridge Line Areas.	The site exists between the elevations of 8360 feet and 8380 feet and is not near any ridge lines. For comparison Bald Eagle Mountain is at an elevation of approximately 8471 feet.
<i>Vegetative Cover:</i> A detailed map of vegetative cover, depicting the following: a. Deciduous trees; b. Coniferous trees; c. Gamble oak or high shrub; and d. Sage, grassland,	Low Stump Tree Service provided an Arborist Consultation report identifying the site's vegetative coverage (Exhibit E, p. 18-20). a. Deciduous trees: Quaking Aspen. b. Conifer: White Fir, Douglas Fir, and Colorado Spruce. c. Gamble oak or high shrub: Not present. d. Sage, grassland, and agricultural crops: Not

and agricultural crops.	present. The Arborist report indicates good health of the site's vegetation. There are signs of a fungal disease present among the aspens, but it is below average. Pages 23 and 25 of Exhibit E shows the location of existing Significant Vegetation.⁴ This Plat Amendment will shift the LOD away from a heavily vegetated Area to an Area previously disturbed. Condition of Approval 4: To the extent possible, existing Significant Vegetation shall be maintained on Site and protected from future development. Any removed Significant Vegetation shall be replaced pursuant to the regulations outlined in LMC § 15-5-5(N) Landscaping. Multiple trees equivalent in caliper and size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
<i>Designated Entry Corridors and Vantage Points:</i> Designated entry corridors and Vantage Points present within or adjacent to the Site, including Utah Highway 248 east of Wyatt Earp Way and Utah Highway 224 north of Holiday Ranch Loop Road and Payday Drive as identified by Staff.	The property is not visible from the designated entry corridors and vantage points outlined in LMC § 15-2.21-3(6).
<i>Wetlands:</i> A map delineating all Wetlands established by using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as amended.⁵	The property is not near wetlands.
<i>Stream Corridors, Canals, and Irrigation Ditches:</i> A	The property is not affected by any streams, canals, or irrigation ditches.

⁴ LMC [§ 15-1-1](#) defines Significant Vegetation as “Includes all large trees six inches in diameter or greater measured four and one-half feet above the ground, all groves of small trees, and all clumps or oak or maple covering an Area 50 square feet or more measured at the drip line”.

⁵ See LMC [§ 15-2.21-6](#)

map delineating all stream corridors, canals, and irrigation ditches defined by the Ordinary High-Water Mark.	
<i>Wildlife Habitat Areas:</i> A map depicting all wildlife habitat areas, as defined by a Wildlife Habitat Report shall be provided by the Applicant.	In Exhibit E, p. 11-17 of the SLO Report, the following Wildlife Habitats are substantial and either cross the property or are nearby: • Elk • Moose • Black Bear • Snowshoe Hare • Dusky Grouse • Mule Deer The Site is not in or nearby any migration corridors. This Plat Amendment will not result in the disturbance of Sensitive or Specifically Valued Species occupying or using on-Site and adjacent natural Areas.

(III) The proposal complies with LMC § 15-7.1-3(B), *Plat Amendment*.

Plat amendments shall be reviewed according to LMC [§ 15-7.1-6](#), *Final Subdivision Plat*, and approval shall require a finding of Good Cause and a finding that no Public Street Right-of-Way, or easement is vacated or amended.

A. There is Good Cause for this Plat Amendment because it does not create a non-conformity and gives clarity to the platted LOD.

LMC [§ 15-15-1](#) defines Good Cause as “[p]roviding positive benefits and mitigating negative impacts, determined on a case-by-case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City Community.”

There is Good Cause for this Plat Amendment because it:

- Conforms to the site’s as-built conditions;
- Complies with the RD Zoning District Requirements;
- Does not increase density;
- Will not disturb Significant Vegetation; and,
- Maintains the platted LOD square footage as established in 1992.

B. No Public Street or Right-of-Way is vacated or amended.

All roads in the Bald Eagle Club are private. This amendment does not alter access to the property or assume the existing roads are now public Rights-of-Way.

C. No easement is vacated or amended.

Unit 55 has a five-foot-wide non-exclusive utilities and drainage easement along the side and front Unit lines. The site also has a 10-foot-wide non-exclusive utilities and drainage easement along the rear Unit line. These easements will be upheld with this Plat Amendment.

(IV) The Development Review Committee met on April 18, 2023, reviewed the proposal, and finds it complies with required standards and practices.⁶

Department Review

The Planning Department, Engineering Department, and City Attorney's Office reviewed this report.

Staff recommends the following Condition of Approval:

- **Condition of Approval 5** – The plat shall note that all Conditions of Approval and Plat Notes from the Bald Eagle Club at Deer Valley Second Amendment plat continue to apply.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on September 13, 2023. Staff mailed courtesy notice to property owners within 300 feet on September 13, 2023. The *Park Record* published notice on September 13, 2023.⁷

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

- The Planning Commission may forward a positive recommendation for Ordinance No. 2023-XX, Approving the Bald Eagle Club at Deer Valley Unit 55 Third Amended, to the City Council for Consideration on October 26, 2023; or
- The Planning Commission may forward a negative recommendation for Ordinance No. 2023-XX, Denying the Bald Eagle Club at Deer Valley Unit 55

⁶ The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Dominion Energy, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).

⁷ LMC [§ 15-1-21](#)

Third Amended, to the City Council and direct Staff to make Findings for the denial; or

- The Planning Commission may request additional information and continue the discussion to a date certain.

Exhibits

Exhibit A: Draft Ordinance and Proposed Plat

Exhibit B: Second Amendment to Record of Survey Map for an Expandable Condominium Called Bald Eagle at Deer Valley Drive

Exhibit C: Project Description

Exhibit D: Limits of Disturbance Visual Aid

Exhibit E: Sensitive Land Overlay Report

Exhibit F: Site Photos

Exhibit G: HOA Letter of Support

Ordinance No. 2023-XX

AN ORDINANCE APPROVING THE BALD EAGLE AT DEER VALLEY UNIT 55 THIRD AMENDED, LOCATED AT 7875 BALD EAGLE DRIVE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 7875 Bald Eagle Drive petitioned the City Council for approval of the Bald Eagle At Deer Valley Unit 55 Third Amended plat amendment; and

WHEREAS, on September 13, 2023, notice published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on September 13, 2023, courtesy notice was mailed to property owners within 300 feet of 7875 Bald Eagle Drive; and

WHEREAS, on September 27, 2023, the Planning Commission continued the public hearing to October 11, 2023; and

WHEREAS, on October 11, 2023, the Planning Commission continued the public hearing to October 25, 2023; and

WHEREAS, on October 25, 2023, the Planning Commission forwarded a _____ recommendation for City Council's consideration on November 30, 2023; and

WHEREAS, on November 30, 2023, the City Council reviewed the application and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code including § 15-7.1-3(B), § 15-12-15(B)(9), Chapter 15-2.13, and Chapter 15-2.21.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. APPROVAL. The Bald Eagle At Deer Valley Unit 55 Third Amended, located at 7875 Bald Eagle Drive, as shown in Attachment 1, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 7875 Bald Eagle Drive, Unit 55 of the Bald Eagle Court at Deer Valley.
2. The property is listed with Summit County as Parcel number BEC-55-2AM.
3. The property is in the Residential Development (RD) Zoning District.
4. Bald Eagle was developed as a condominium project and each Unit owner owns the ground upon which a house can be built.

5. The Second Amendment to Record of Survey Map for an Expandable Condominium Called Bald Eagle at Deer Valley Drive established five Units withing platted Expandable Area A and established the Limits of Disturbance (LOD) for each Unit.
6. The LOD represents the boundary in which all building and associated construction disturbance may occur.
7. The Building Footprint can shift within the LOD, but construction disturbance may not occur within 15 feet from the established Building Footprint.
8. The property owner proposes to modify the platted LOD because the existing Single-Family Structure, constructed in 1994, was built outside the platted LOD.
9. The proposed LOD will encompass the existing Structure, maintain the original platted LOD Area of 21,285 square feet, and will not increase the buildable area for Unit 55.
10. Single-Family Structures are an Allowed use in the RD Zoning District.
11. The required Front Setback is 15 feet; the existing Structure is set back 100 feet from the Front Unit Line.
12. The required Side Setback is 12 feet; the existing Structure is set back 15 feet, six inches on the east Side Unit Line and 25 feet, nine inches on the west Side Unit Line.
13. The required Rear Setback is 15 feet; the existing Structure is 54 feet from the Rear Unit Line.
14. The Site is located within the Sensitive Land Overlay (SLO).
15. The proposal complies with the SLO Criteria pursuant to LMC § 15-2.21-2(A)
 - a. Slope/Topography – No Development is allowed on or within 50 feet of Very Steep Slopes (greater than 40%). However, an Area of Very Steep Slopes must cover a topographic Area at least 25 feet vertically, upslope or downslope, and 50 feet horizontally in any direction to be subject to this prohibition. There are no slopes greater than 40% within the LOD cover an area of at least 25 feet vertically, upslope or downslope, nor 50 feet horizontally. Within the existing and proposed LOD, most slopes are less than 30%. There are some areas outside the LOD that range from 30-40% and greater. However, because these areas are outside the existing and proposed LOD, the Applicant cannot construct or develop on these steep slopes.
 - b. Ridge Line Areas – The site exists between the elevations of 8360 feet and 8380 feet and is not on any ridge lines.
 - c. Vegetative Coverage – Low Stump Tree Service provided an Arborist Consultation report identifying the site's vegetative coverage.
 - i. Deciduous trees: Quaking Aspen.
 - ii. Conifer: White Fir, Douglas Fir, and Colorado Spruce.
 - iii. Gable oak or high shrub: Not present.
 - iv. Sage, grassland, and agricultural crops: Not present.The Arborist report indicates good health of the site's vegetation. There are signs of a fungal disease present among the aspens but is below average. This Plat Amendment will shift the LOD away from a heavily vegetated Area to an Area previously disturbed.
 - d. Designated Entry Corridors and Vantage Points – The property is not visible from the designated entry corridors and vantage points outlined in LMC § 15-

- 2.21-3(6).
- e. Wetlands – The Property is not affected by any designated wetlands as determined by UGS data updated July 19, 2022, and approved from the National Wetland Inventory.
 - f. Stream Corridors, Canals, and Irrigation Ditches – The property is not affected by any designated streams, canals, or irrigation ditches as determined by UGS data updated July 19, 2022, and approved from the National Wetland Inventory.
 - g. Wildlife Habitat Areas – The Site is not in or nearby any migration corridors. This Plat Amendment will not result in the disturbance of Sensitive or Specifically Valued Species occupying or using on-Site and adjacent natural Areas.
16. There is Good Cause for this Plat Amendment because it resolves a non-conformity and brings the property into compliance.
- a. Conforms to the site's as-built conditions;
 - b. Complies with the RD Zoning District Requirements;
 - c. Does not increase density;
 - d. Will not disturb Significant Vegetation; and,
 - e. Maintains the platted LOD square footage as established in 1992.
17. No Public Street or Right-of-Way is vacated or amended.
- a. All roads in the Bald Eagle Club at Deer Valley are private, and
 - b. This amendment does not alter access to the property or assume the existing roads are now public Rights-of-Way.
18. No easement is vacated or amended.
19. The Development Review Committee met on April 18, 2023, reviewed the proposal, and finds it complies with required standards and practices.

Conclusions of Law

- 1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.13 *Residential Development (RD) District*, LMC Chapter 15-2.21 *Sensitive Land Overlay Zone Regulations*, and LMC § 15-7.1-6 Final Subdivision Plat.
- 2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
- 3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

- 1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat shall identify all existing non-exclusive utilities and drainage easements along the front, rear, and side Unit lines.
4. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected from future development. Any removed Significant Vegetation shall be replaced pursuant to the regulations outlined in LMC § 15-5-5(N).
Landscaping. Multiple trees equivalent in caliper and size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
5. The plat shall note that all Conditions of Approval and Plat Notes from the Bald Eagle Club at Deer Valley Second Amendment plat continue to apply.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of November 2023.

PARK CITY MUNICIPAL CORPORATION

Nann Worel, MAYOR

ATTEST:

City Recorder

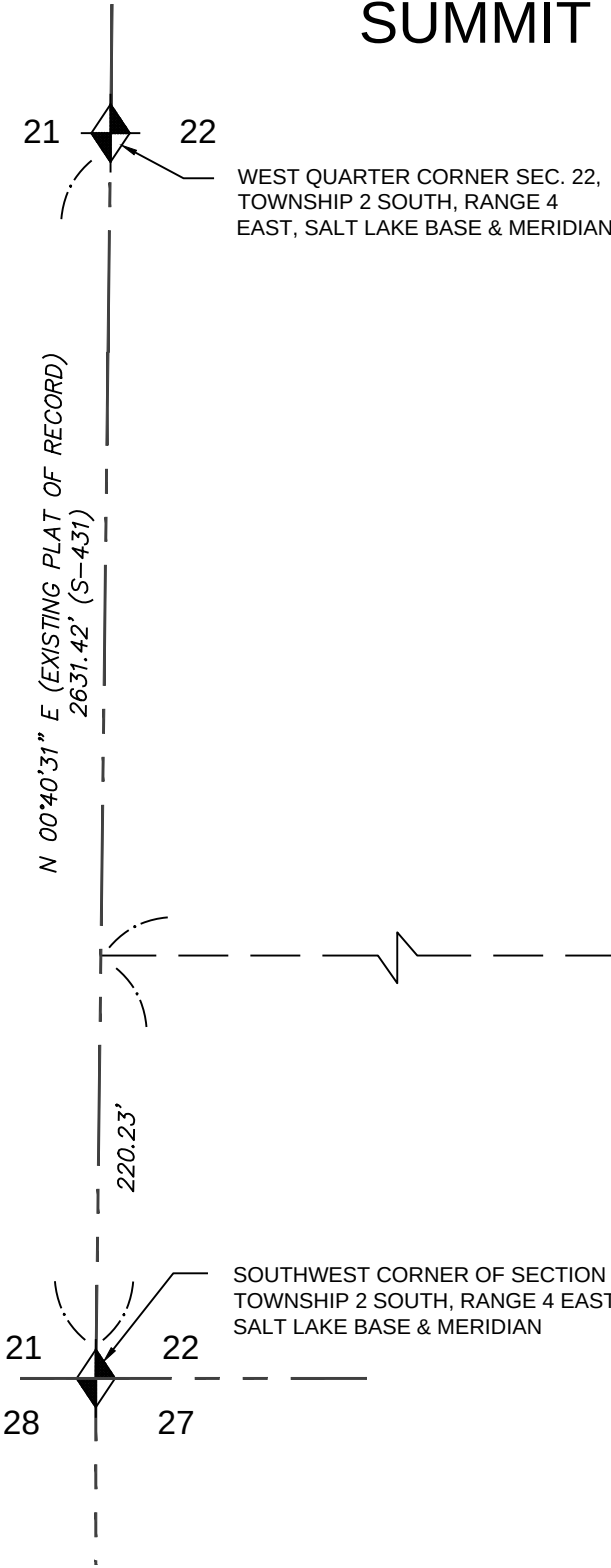
APPROVED AS TO FORM:

City Attorney's Office

Attachment 1 – Proposed Plat

BALD EAGLE CLUB AT DEER VALLEY
UNIT 55 THIRD AMENDED

UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF SURVEY
MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD
EAGLE CLUB AT DEER VALLEY" SUBDIVISION
LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



PLAT NOTES

1. THE PURPOSE OF THIS PLAT IS TO MODIFY THE LIMITS OF DISTURBANCE (LOD) TO BETTER FIT THE AS-BUILT HOME ON UNIT 55.
2. THE "2ND AMENDED BALD EAGLE PLAT OF RECORD SECOND AMENDMENT TO RECORD OF SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD EAGLE CLUB AT DEER VALLEY", ENTRY 358861, WAS RECORDED 05/12/1992. LIMITS OF DISTURBANCE (LOD) ARE SHOWN ON THAT PLAT OF RECORD.
3. THE EXISTING HOME WAS BUILT PER APPROVED BUILDING PLANS. PARK CITY MUNICIPAL APPROVED THE BUILDING PLANS 08/19/1994 AS BUILDING PERMIT B94-00250. ON THOSE APPROVED PLANS, THE PROPOSED HOME WAS SHOWN OUTSIDE OF THE LIMIT OF DISTURBANCE (LOD). SINCE THE LIMITS OF DISTURBANCE ARE SHOWN ON THE PLAT OF RECORD ENTRY 358861, RECORDED 05/12/1992, THIS PLAT AMENDMENT WILL REVISE THE LOD SHOWN THEREON, MAKING THIS PROPERTY COMPLIANT WITH PARK CITY MUNICIPAL'S LAND MANAGEMENT CODE.
4. SEE RECORD OF SURVEY S-1330, RECORDED 08/05/1993.
SEE ALSO RECORD OF SURVEY S-2735, RECORDED 08/28/1997.
SEE ALSO RECORD OF SURVEY DATED 03/28/2023.
5. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE 2023-____.
6. THIS PARCEL LIES WITHIN FEMA ZONE "X", PER FEMA FLOOD PANEL MAP 49043C09380, EFFECTIVE 03/23/2021

LEGAL DESCRIPTION
UNIT 55, CONTAINED WITHIN THE BALD EAGLE CLUB AT DEER VALLEY SECOND AMENDMENT, A UTAH CONDOMINIUM PROJECT, TOGETHER WITH AN UNDIVIDED 1/58TH OWNERSHIP INTEREST IN AND TO THE COMMON AREAS AND FACILITIES OF THE PROJECT AS THE SAME ARE DEFINED AND ESTABLISHED IN THE RECORD OF SURVEY MAP RECORDED ON AUGUST 03, 1989, AS ENTRY NO. 311265 (AS SAID RECORD OF SURVEY MAP MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED) AND IN THE DECLARATION RECORDED ON AUGUST 03, 1989, AS ENTRY NO. 311266, RN BOOK 530, AT PAGE 295 (AS SAID DECLARATION MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED).

TOGETHER WITH THE APPURTENANT UNDIVIDED INTEREST IN SAID PROJECT'S COMMON AREAS AS ESTABLISHED IN SAID DECLARATION AND ALLOWING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES.

ORIGINAL LIMIT OF DISTURBANCE (PER PLAT OF RECORD) 21,285 SQUARE FEET
REVISED LIMIT OF DISTURBANCE (WITH THIS PLAT AMENDMENT) 21,285 SQUARE FEET
(NO NET DIFFERENCE)

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, SALAS DYNASTY TRUST, DATED JANUARY 6, 2023, RICARDO A. SALAS, TRUSTEE, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE "BALD EAGLE CLUB AT DEER VALLEY UNIT 55 THIRD AMENDED", DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET OUR HAND THIS ____ DAY OF _____, 20____.

RICARDO A. SALAS, TRUSTEE

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, 20____, SALAS DYNASTY TRUST, DATED JANUARY 6, 2023, RICARDO A. SALAS, TRUSTEE, PERSONALLY APPEARED BEFORE ME, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE), AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT THEY ARE THE LANDOWNERS, AND THAT SAID DOCUMENT WAS SIGNED BY THEM, AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THIS "BALD EAGLE CLUB AT DEER VALLEY UNIT 55 THIRD AMENDED" PLAT AMENDMENT.

SIGNATURE _____

A NOTARY PUBLIC COMMISSIONED IN _____

PRINTED NAME _____

RESIDING IN _____

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER _____

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NUMBER 8910903 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT, I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY AND HAVE REFERENCED A RECORD OF SURVEY MAP OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

I DO FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE PREPARED THIS PLAT AMENDMENT, HEREAFTER TO BE KNOWN AS "BALD EAGLE CLUB AT DEER VALLEY UNIT 55 THIRD AMENDED".



NOT FOR RECORDATION:
FOR REVIEW ONLY

SHEET 1 OF 3
04/18/2023

Park City Surveying
PO Box 682993
Park City, UT 84068
435-649-2918
WWW.PARKCITYSURVEY.COM

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 20____.

S.B.W.R.D. REPRESENTATIVE

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 20____.

PARK CITY ENGINEER

COUNCIL APPROVAL & ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 20____.

PARK CITY MAYOR

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF _____, 20____.

PLANNING COMMISSION CHAIRMAN

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 20____.

PARK CITY RECORDER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF _____, 20____.

PARK CITY ATTORNEY

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS ____ DAY OF _____, 20____.

BY: JEFF WARD, GIS DIRECTOR
SUMMIT COUNTY GIS COORDINATOR

RECORDED

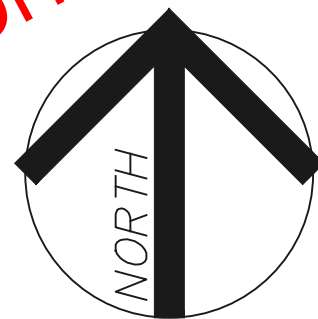
ENTRY NUMBER: _____
BOOK _____ PAGE: _____
STATE OF UTAH, COUNTY _____
DATE: _____
FEE PAID: _____
RECORDED AND FILED IN THE REQUEST OF: _____
COUNTY RECORDER: _____

NOT FOR RECORDATION:
FOR REVIEW ONLY

BALD EAGLE CLUB AT DEER VALLEY
UNIT 55 THIRD AMENDED

UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF SURVEY
MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD
EAGLE CLUB AT DEER VALLEY" SUBDIVISION
LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

FOR SUBMISSION TO PARK
CITY PLANNING
03/31/2023
REVISED (EDITS) 04/18/2023

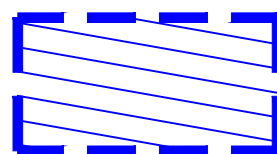


GRAPHIC SCALE
1 INCH = 20 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

LEGEND



LIMITS OF DISTURBANCE -
ORIGINAL (PLAT OF RECORD)



LIMITS OF DISTURBANCE - REVISED

BUILDING LIMITS OF DISTURBANCE (LOD) CALCULATIONS

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REVISED LIMIT OF DISTURBANCE (WITH THIS PLAT AMENDMENT)	21,285 SQUARE FEET
(NO NET DIFFERENCE)	



SHEET 2 OF 3
04/18/2023

Park City
Surveying
PO Box 682993
Park City, UT 84068
435-649-2918
WWW.PARKCITYSURVEY.COM

RECORDED

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FOR REVIEW ONLY

PCA-1200-3

UNIT 13

UNIT 12

UNIT 54

7885 BALD EAGLE DRIVE
MONTIBUS LLC

UNIT 55

7875 BALD EAGLE DRIVE
1.11 ACRES
48,259 SQUARE FEET

UNIT 56

7865 BALD EAGLE DRIVE
MARILYN BELL DUNN TRUSTEE

UNIT 57

COMMON AREA
CLUB SITE

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7900 BALD EAGLE DRIVE
ROBERT S. GORDON

UNIT 19

7871 BALD EAGLE DRIVE
MICHAEL J. ALKIRE

UNIT 20

BALD EAGLE DRIVE
(FOR PRIVATE USE)

R=240.00'
A=129.54'
A=30°55'33"
CHD BRG=S 26°59'25" W
CHD L=127.98'

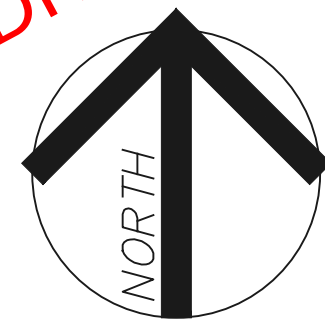
R=215.00'
A=282.54'
(SEE PLAT ENTRY 311265)

R=150.44'
A=111°31'38" W
(SEE PLAT ENTRY 311265)

BALD EAGLE CLUB AT DEER VALLEY
UNIT 55 THIRD AMENDED

UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF SURVEY
MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD
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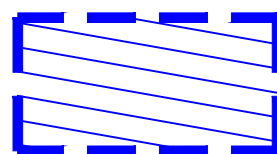


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LIMITS OF DISTURBANCE -
ORIGINAL (PLAT OF RECORD)



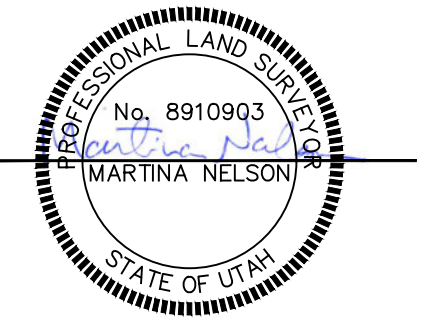
LIMITS OF DISTURBANCE - REVISED

BUILDING LIMITS OF DISTURBANCE (LOD) CALCULATIONS

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REVISED LIMIT OF DISTURBANCE (WITH THIS PLAT AMENDMENT)	21,285 SQUARE FEET
(NO NET DIFFERENCE)	

ZONING: THIS PARCEL LIES WITHIN THE PARK CITY MUNICIPAL "RESIDENTIAL DEVELOPMENT" ZONE.

SOURCE: [HTTPS://PARKCITY.MUNICIPALCODEONLINE.COM/BOOK?TYPE=ORDINANCES#NAME=15-2.13_](https://parkcity.municipalcodeonline.com/book?type=ordinances#NAME=15-2.13_RESIDENTIAL_DEVELOPMENT_(RD)_DISTRICT)
RESIDENTIAL_DEVELOPMENT_(RD)_DISTRICT



SHEET 3 OF 3
04/18/2023

Park City
Surveying
PO Box 682993
Park City, UT 84068
435-649-2918
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RECORDED

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PCA-1200-3

UNIT 13

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(FOR PRIVATE USE)

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A=129.54'
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CHD BRG=S 26°59'25" W
CHD L=127.98'

R=215.00'
A=282.54'
(SEE PLAT ENTRY 311265)

N 11°31'28" E 155.14'
(SEE PLAT ENTRY 311265)

N 25°30'06" W 99.56'

S 11°31'28" W 173.00'

N 50°42'05" E 210.00'

15' REAR SETBACK LINE
169.91' LOD (ORIGINAL)

119.89' LOD (REVISED)

54.76' LOD (REVISED)

148.33' LOD (ORIGINAL)

S 26°29'35" E 302.77'

126.91' LOD (REVISED)

112.78' LOD (ORIGINAL)

80.84' LOD (REVISED)

29.93' LOD (REVISED)

N 50°05'37" W 265.06'

118.33' LOD (REVISED)

158.59' LOD (ORIGINAL)

PLAT AMENDMENT
7875 Bald Eagle Drive
Park City, UT 84060

Unit 55 of the "Second Amendment to record of survey map for an Expandable Condominium called the Bald Eagle Club at Deer Valley."

03/31/2023

Project Description

The landowners of 7875 Bald Eagle Drive, Park City, Utah wish to modify the Platted Building Envelope. A portion of the then-approved house is currently outside of the Plat of Record Building Envelope. The revised building envelope will have the same Square Footage as on the original Bald Eagle 2nd Amended plat of record.

GOOD CAUSE: This Plat Amendment will bring the property into compliance.

- The revised LOD is compliant with the RD zone requirements.
- The revised LOD is consistent with the pattern of development in this neighborhood.
- The revised LOD will not disturb an increased area not previously allowed.
- Similar situations of this exact nature are being addressed currently through Park City Planning. (Unit 9, for example.)

OTHER DETAILS

- No boundaries along the side lot lines or road frontages are changing.
- No physical or platted roadways or easements will be affected or vacated.
- The original and revised Limits of Development (LOD) are 21,285 square feet. No net change.
- The built homes on the adjacent properties will not be negatively affected.

HISTORY

- The "Second Amendment to record of survey map for an Expandable Condominium called the Bald Eagle Club at Deer Valley" subdivision was recorded 05/12/1992.
- There is an existing home on the property (Built in approximately 1994-1996)
- The existing house, including the location of it on the lot, was approved by Park City Building Department in 1994. The Site & Grading Plan clearly shows a portion of the home outside of the platted Building Envelope.
- Gary Francis, the architect for the original house on Unit 55, states in an email dated 02/21/2023, to Martina Nelson of Park City Surveying:
"The Architectural Committee (Bob Wells) was given (sole) discretion for shifting the Building Envelope, particularly for reasons of preserving native trees. In the attached preliminary (not as-built necessarily) Site Plan shows areas of existing trees that were

preserved, and the complex footprint that purposely worked its way around these native trees. Although there is no formal “trade-off” shift represented graphically in the Building Envelope, it looks reasonable that the footprint expansion beyond the original BE is less than those areas vacated for native tree protection, as well as the self-imposed setback saving the native tree buffer along the ski run to soften the scale of the home. Again, the primary purpose for the complex shape of the footprint was in acknowledgement of native site amenities.

(See email, attached as part of this document.)

- Sometime after the home was built, there was a remodel of the Master Bedroom area. No additional building footprint on the ground was added.

3/30/23, 7:49 AM

Park City Surveying Mail - RE: Bald Eagle Unit 9 - Perrin/Gomez Home



Martina Nelson <martina@pcsurveying.com>

RE: Bald Eagle Unit 9 - Perrin/Gomez Home

Gary Francis <gary@gfarchitect.com>

Tue, Feb 21, 2023 at 1:15 PM

To: Martina Nelson <martina@pcsurveying.com>, Paul Schlachter <paul@apollo-designstudio.com>
Cc: CJ Christensen <cj@apollo-designstudio.com>

Hi All,

My recollection is that Bald Eagle originally had these lots platted for condos, but realized later that there was a much higher demand for upscale single-family. Bob Wells, who passed away a few years ago, was the man in charge of everything related to DV Real Estate and we worked with Bob extensively on this and all other DV properties. I don't find correspondence archived, however.

That said, I see on Plat Amendment 2, Notes 6 and 13, that the Architectural Committee (Bob Wells) is given (sole) discretion for shifting the Building Envelope, particularly for reasons of preserving native trees. In the attached preliminary (not as-built necessarily) Site Plan shows areas of existing trees that were preserved, and the complex footprint that purposely worked it's way around these native trees. Although there is no formal “trade-off” shift represented graphically in the Building Envelope, it looks reasonable that the footprint expansion beyond the original BE is less than those areas vacated for native tree protection, as well as the self-imposed setback saving the native tree buffer along the ski run to soften the scale of the home. Again, the primary purpose for the complex shape of the footprint was in acknowledgement of native site amenities.

I hope this helps.

Thanks,

Gary Francis

435-655-5508 Cell

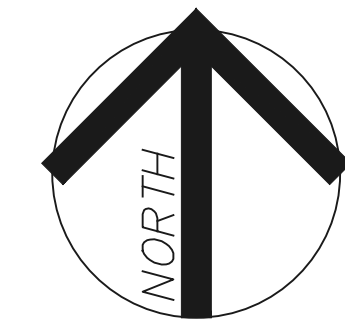
gary@gfarchitect.com

Note from Martina Nelson of Park City Surveying.

In Gary Francis' email above, he refers to Note 6 & 13.

While Plat Note 6 seems to apply, Plat Note 13 applies to the Clubhouse Parcel.

BALD EAGLE CLUB AT DEER VALLEY UNIT 55
ILLUSTRATIVE EXHIBIT



GRAPHIC SCALE
1 INCH = 20 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

LEGEND



LIMITS OF DISTURBANCE –
ORIGINAL (PLAT OF RECORD)



LIMITS OF DISTURBANCE – REVISED



BUILDING FOOTPRINT WITHIN
ORIGINAL LOD



BUILDING FOOTPRINT OUTSIDE
OF ORIGINAL LOD

BUILDING LIMITS OF DISTURBANCE (LOD) CALCULATIONS

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	(NO NET DIFFERENCE)

FOR SUBMISSION TO PARK
CITY PLANNING
09/08/2023

SHEET 1 OF 4
09/08/2023

PCA-1200-3

UNIT 13

UNIT 12

UNIT 54
7885 BALD EAGLE DRIVE
MONTIBUS LLC

UNIT 55
7875 BALD EAGLE DRIVE
1.11 ACRES
48,259 SQUARE FEET

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7865 BALD EAGLE DRIVE
MARILYN BELL DUNN TRUSTEE

UNIT 57

COMMON AREA
CLUB SITE

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ROBERT S. GORDON

UNIT 19
7871 BALD EAGLE DRIVE
MICHAEL J. ALKIRE

UNIT 20

R=240.00'
A=129.54'
A=30°55'33"
CHD BRG=S 26°59'25" W
CHD L=127.98'

BALD EAGLE DRIVE

BUILDING
FOOTPRINT

BUILDING
FOOTPRINT

N 25°30'06" W 99.56'
S 11°31'38" W 13.00'

N 50°42'05" E 210.00'

N 50°05'37" W 265.06'

169.91' LOD (ORIGINAL)

148.43' LOD (ORIGINAL)

112.78' LOD (ORIGINAL)

158.89' LOD (ORIGINAL)

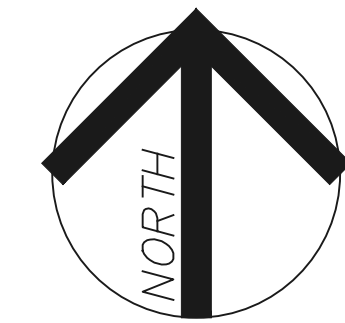
LOD (ORIGINAL)

LOD

LOD

LOD

BALD EAGLE CLUB AT DEER VALLEY UNIT 55
ILLUSTRATIVE EXHIBIT

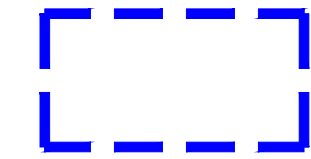


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SHEET 2 OF 4
09/08/2023

PCA-1200-3

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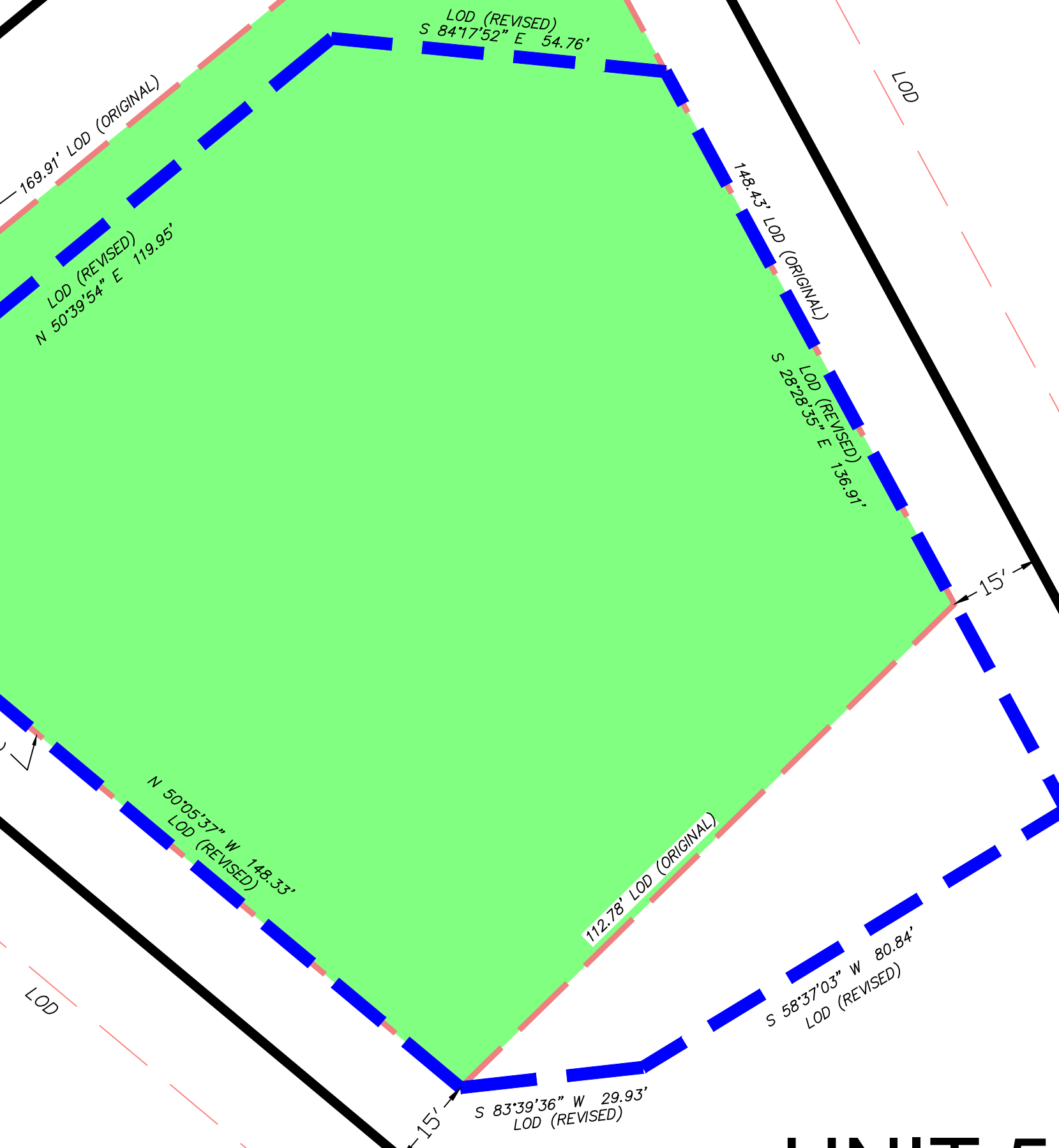
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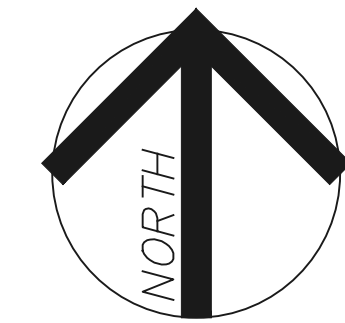
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BALD EAGLE CLUB AT DEER VALLEY UNIT 55
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SHEET 3 OF 4
09/08/2023

PCA-1200-3

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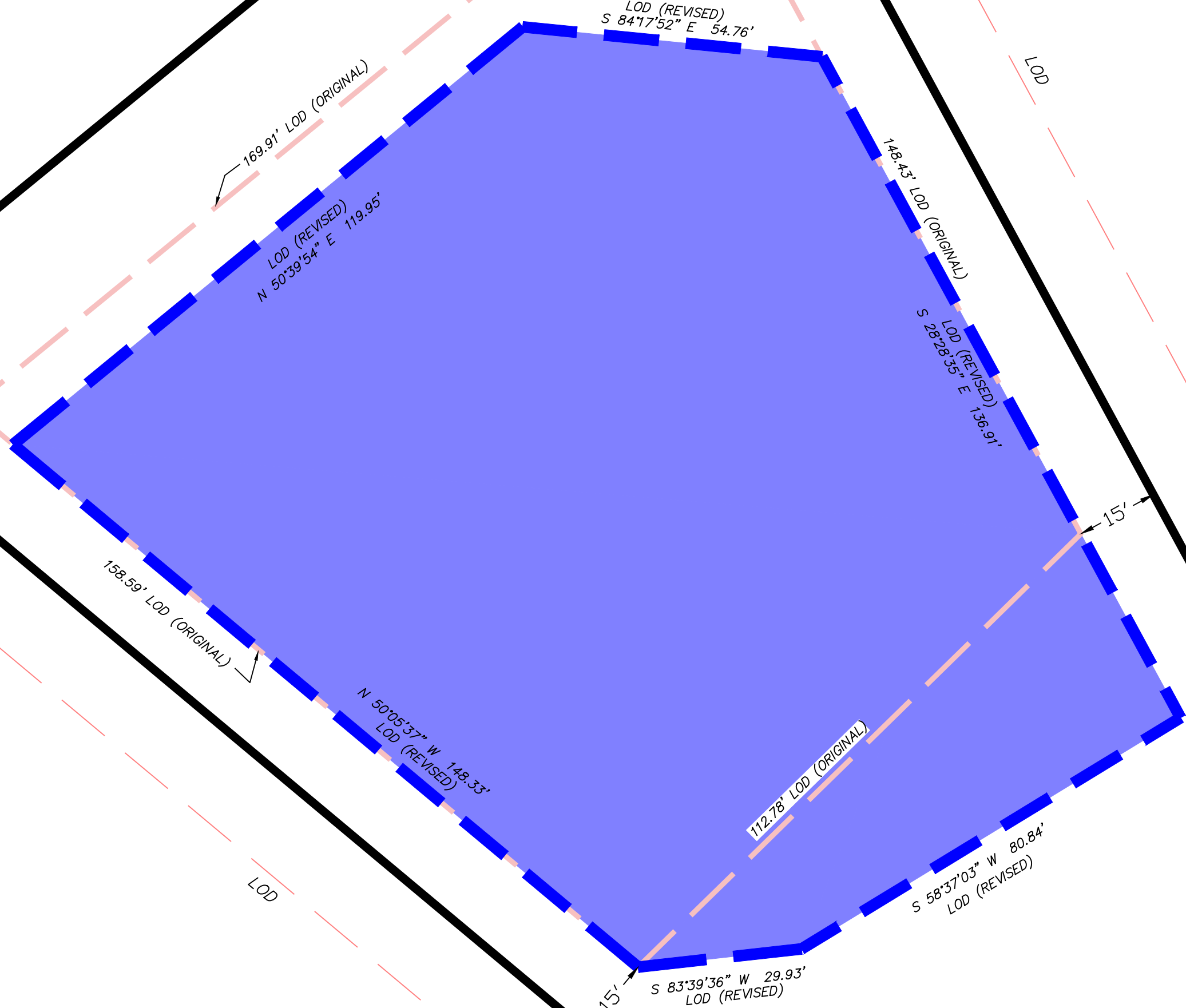
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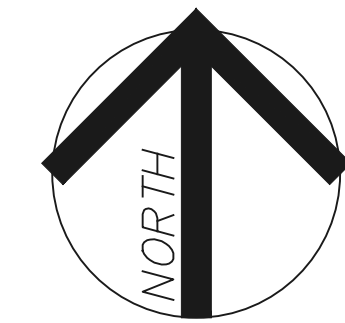
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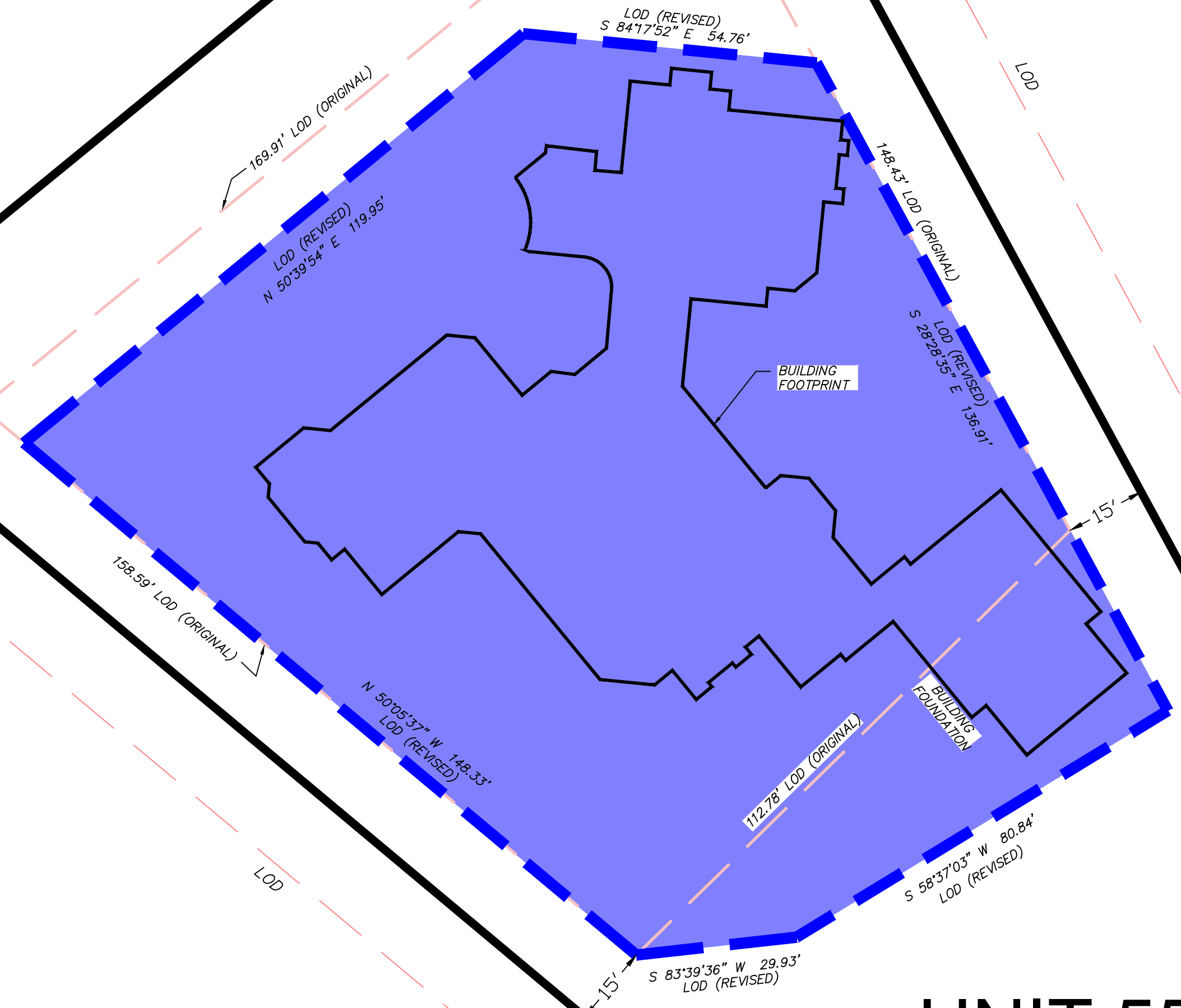
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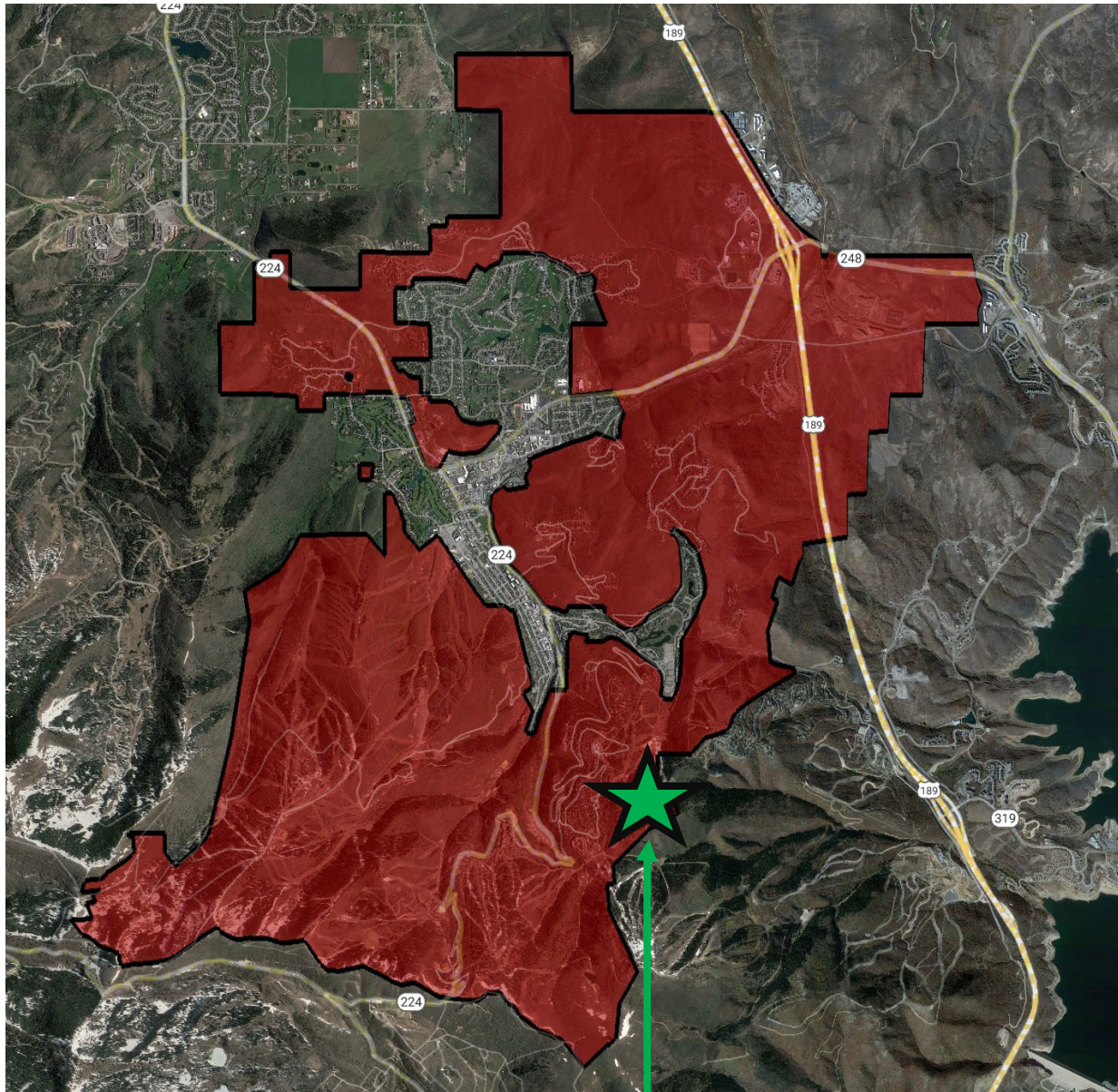
UNIT 20

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ROBERT S. GORDON

BALD EAGLE DRIVE



Park City Municipal's Sensitive Lands Overlay
Municipal code 15-2.21-3



SITE

Source for this KML: Park City Municipal GIS staff.

Chapter 2.21.3 Sensitive Lands Overlay Zone – Ordinance Provisions

PURPOSE: The purpose of the Sensitive Land overlay (SLO) is to:

- A. Require dedicated open space in aesthetically and environmentally sensitive Areas
- B. Encourage preservation of large expanses of open space and wildlife habitat
- C. Cluster development while allowing a reasonable use of property
- D. Prohibit development on ridge line areas, steep slopes, and wetlands
- E. Protect and preserve Environmentally sensitive land.

(Amended by Ord. No. 07-81)

OVERLAY REVIEW PROCESS: The overlay review process has four primary steps:

1. SENSITIVE LAND ANALYSIS

Applicants for development within the SLO must identify the property's sensitive environmental and aesthetic areas such as steep slopes, ridge line areas, wetlands, stream corridors, wild land interface, and wildlife habitat areas and provide at time of application a sensitive land analysis.

2. APPLICATION OF OVERLAY ZONE REGULATIONS

Regulatory standards apply to the type of sensitive land delineated.

3. SITE DEVELOPMENT SUITABILITY DETERMINATION

Staff shall review the sensitive land analysis, apply the applicable sensitive land overlay regulations, Section 15-2.21-4 through 15-2.21-9, and shall prepare a report to the applicant and the Planning Commission identifying those areas suitable for development as developable land.

4. HARDSHIP RELIEF

If the Applicant demonstrates that the regulations PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.21 Sensitive Land Overlay Zone (SLO) Regulations 15-2.21-2 would deny all reasonable use of the property, the Planning Commission may modify application of these regulations to provide the applicant reasonable use of the property.

(Amended by Ord. No. 07-81)

SENSITIVE LAND ANALYSIS:

1. Visual Assessment

A visual assessment of the Property from Vantage Points designated by the Planning Department and identified by the Applicant with latitude and longitude coordinates, depicting conditions before and after the proposed Development, including the proposed location, size, design, landscaping, and other visual features of the project.

2. Slope/Topographic Map

A slope and topographic map based on a certified boundary survey depicting contours at an interval of five feet (5') or less. The map must highlight area of high geologic hazard, areas subject to land sliding, and all significant steep slopes in the following categories: greater than 15%, greater than 30%, and very steep slopes greater than 40%.

3. For properties with steep slopes or with very steep slopes within fifty feet (50') of the property, the following are also required:

SOIL INVESTIGATION REPORT. A soil investigation report, including but not limited to shrink-swell potential water table elevation, general soil classification and suitability for Development, erosion potential, hazardous material analysis, and potential frost action. The soils report shall indicate whether the property is 1) within the Prospector Soils Ordinance area and 2) within a Point Source water protection zone.

GEOTECHNICAL REPORT. A geotechnical report which must include the location of major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential land slide and other high-hazard Areas such as mine shafts and avalanche paths.

ADDITIONAL SLOPE INFORMATION. A Slope/topographic map depicting contours at an interval of two feet (2').

4. Ridge Line Area

A map depicting all crests of hills and ridge line areas.

5. Vegetative Cover

A detailed map of vegetative cover, depicting the following: deciduous trees, coniferous trees, gamble oak or high shrub and sage, grassland, and agricultural crops.

The Planning Department may require a more detailed tree/ vegetation survey if the site has unusual or significant vegetation, stand of trees, or woodlands.

6. Designated Entry Corridors and Vantage Points

Designated entry corridors and vantage points present within or adjacent to the site, including Utah highway-248 east of Wyatt Earp Way and Utah highway-224 north Holiday Ranch.

7. Wetlands

A map delineating all wetlands established by using the 1987 Federal Manual for identifying and Delineating Jurisdictional Wetlands, as amended. See Section 15-2.21-6.

8. Stream Corridors, Canals, and Irrigation Ditches

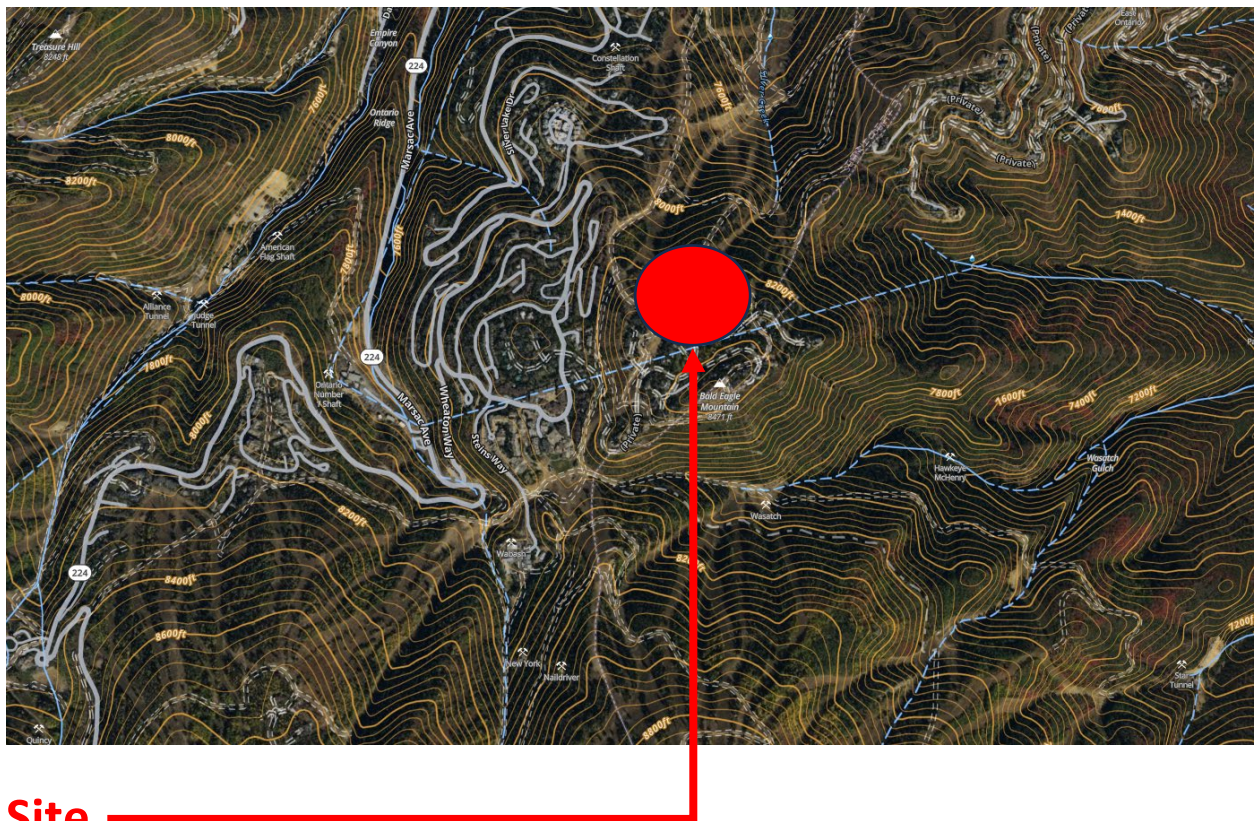
A map delineating all stream corridors, canals, and irrigation ditches, defined by the Ordinary High-Water Mark.

9. Wildlife Habitat Areas

A map depicting all wildlife habitat areas, as defined by the wildlife habitat report shall be provided by the applicant. The wildlife habitat report shall be prepared by a professional, qualified in the areas of ecology, wildlife biology, or other relevant disciplines.

A field survey was performed in August 2023, and found the subject property exists between 8360 feet and 8380 feet, N.A.V.D. 88 datum. (This is the most current Federal government elevation datum.)

The thin, blue dashed lines represent creeks/drainages on this map.

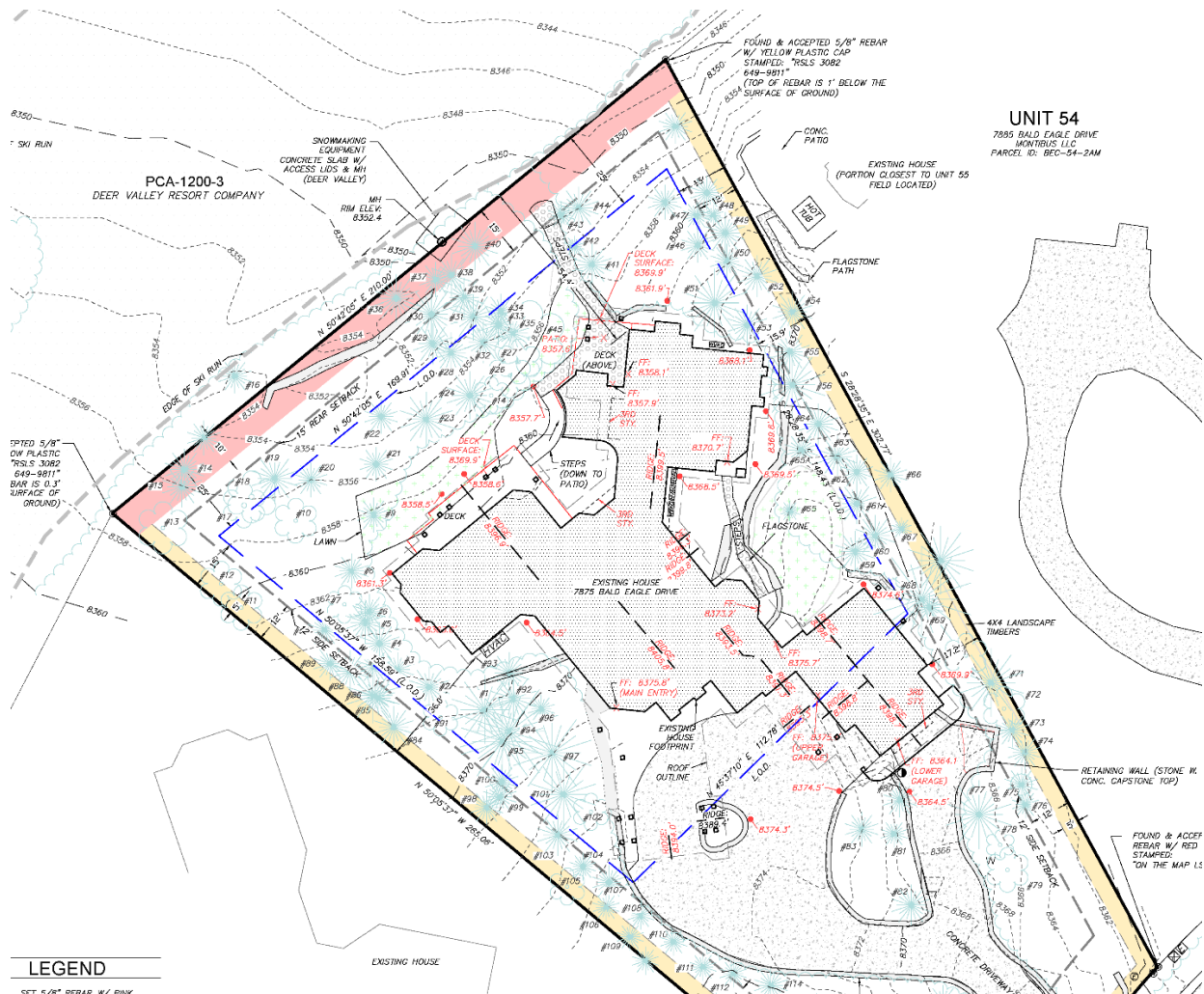


E:\Park City Surveying Dropbox\Park City Surveying Team Folder\ZDrive\B'S\Bald Eagle\Lots\Unit 55 Plat Amendment - Rick Salas - Apollo Design\SLO Analysis\SLO Analysis - Bald Eagle 55.docx

3. VEGETATIVE COVER

This property is heavily populated with deciduous and coniferous trees.

- Park City Surveying did an extensive field survey, physically locating individual trees within and adjacent to the Limits of Development shown on the existing Bald Eagle 2nd Amended Plat of record. The method used was per Park City Municipal standard for SLO work, trees with a trunk of 6 inches or larger, measured at 4 ½ above the ground.
- LMC 15-1-1 Definitions, definition:
SIGNIFICANT VEGETATION. Includes all large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, all groves of small trees, and all clumps of oak or maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.
- Sheet 3 of 3 of the Existing Conditions Survey shows the tree locations.
- See accompanying Arborist Report for details.



4. DESIGNATED ENTRY CORRIDORS AND VANTAGE POINTS

Not Applicable.

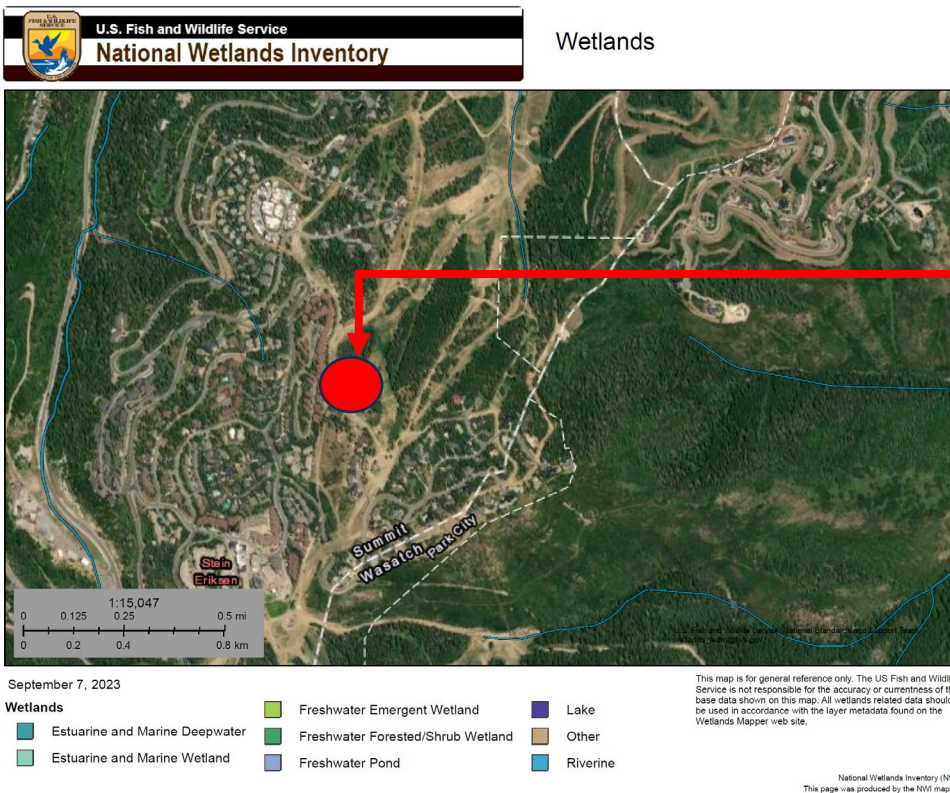
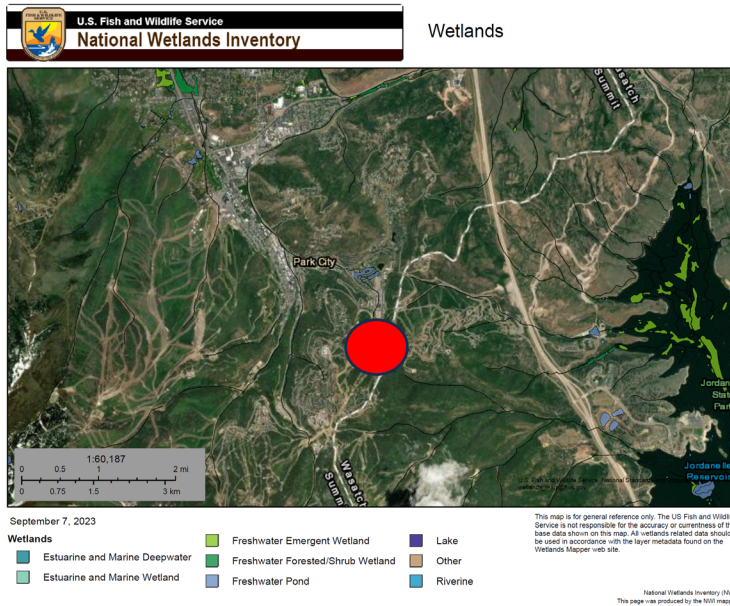
This property is not near any of the designated Park City Municipal vantage points, including:

- McPolin Barn (3000 S.R. 224)
- Park City School District Campus
- Intersection of Main Street and Heber Avenue
- Park City Ski Area Base
- Snow Park Lodge
- Intersection of Thaynes Canyon Drive and S.R. 224/Park Avenue
- Park Meadows Golf Course Clubhouse
- S.R. 248 at the turn-out one quarter mile west from HWY 40
- S.R. 224, one-half mile south of the intersection with Ute Boulevard
- The intersection of S.R. 224 and Holiday Ranch Loop Road
- The intersection of Queen Esther Drive and Deer Valley Drive
- City Hall (445 Marsac Avenue)
- The roundabout at the Park City Hospital (900 Round Valley Drive)
- The intersection of the Rail Trail and Richardson Flat Road
- Additional Vantage Points established on a case-by-case basis for evaluation of project impacts on designated Ridge Line Areas

Source: LMC 15-2.21-3 (6)

5. WETLANDS

This property contains no known wetlands, using the US Fish & Wildlife's Wetlands Mapper tool. These maps are not official water delineation maps and are specifically used as a visual aide to assess whether the subject property is affected by any designated wetlands.



6. STREAM CORRIDORS, CANALS, AND IRRIGATION DITCHES

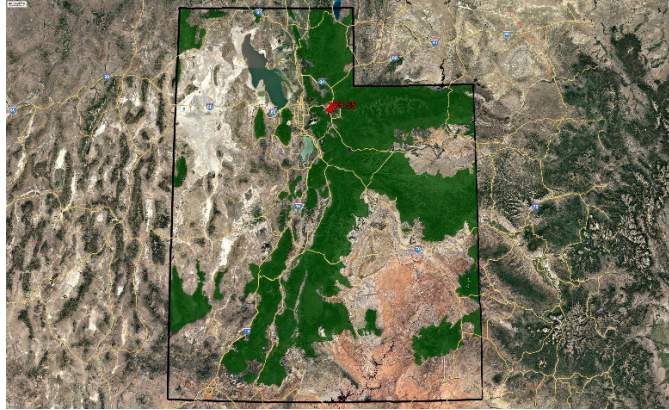
See Wetland maps (previous page).

Subject property is not affected by any designated streams, canals, or irrigation ditches.

7. WILDLIFE HABITAT AREAS

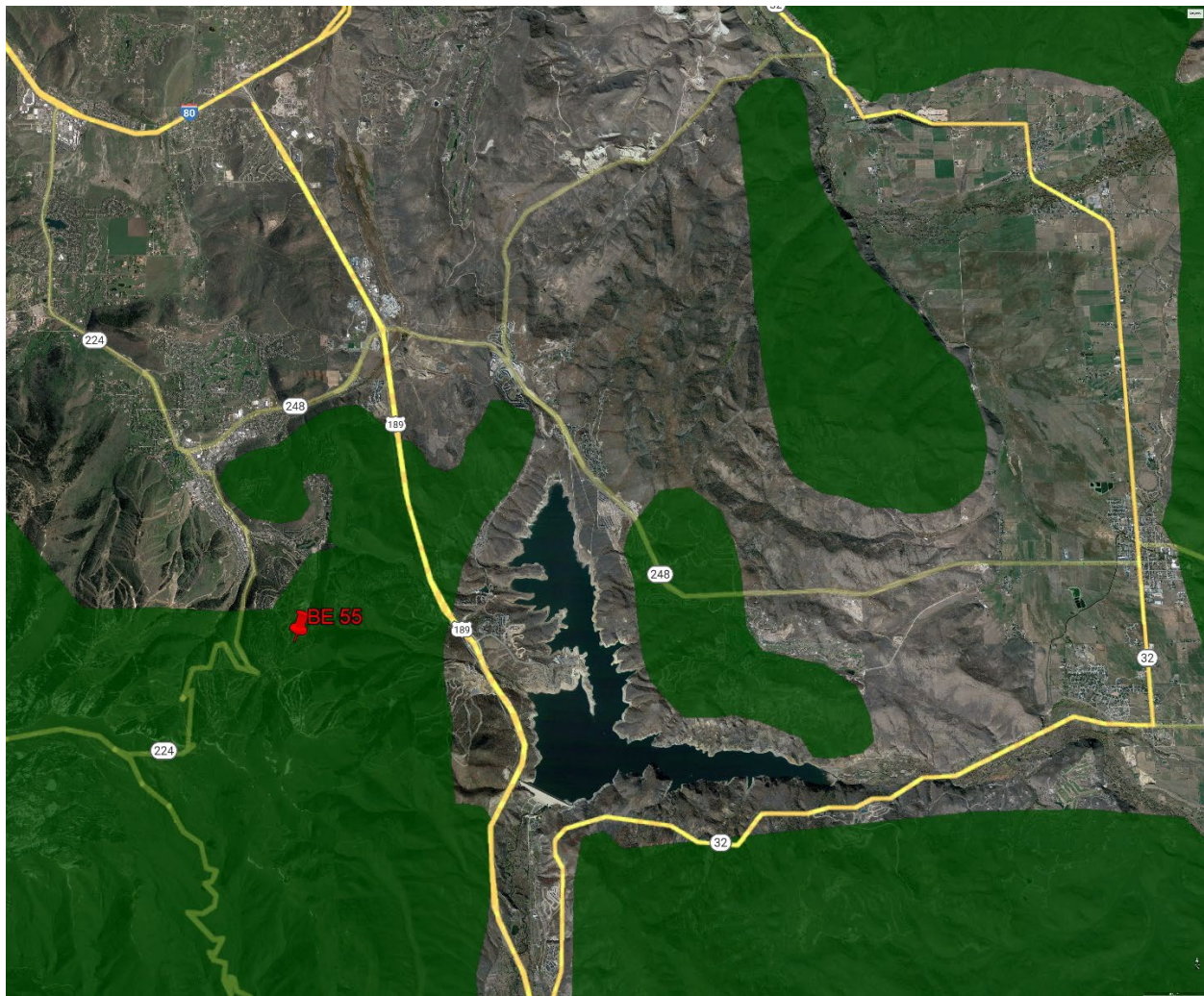
Source: <https://dwr-data-utahdnr.hub.arcgis.com/>

7.1 ELK HABITAT

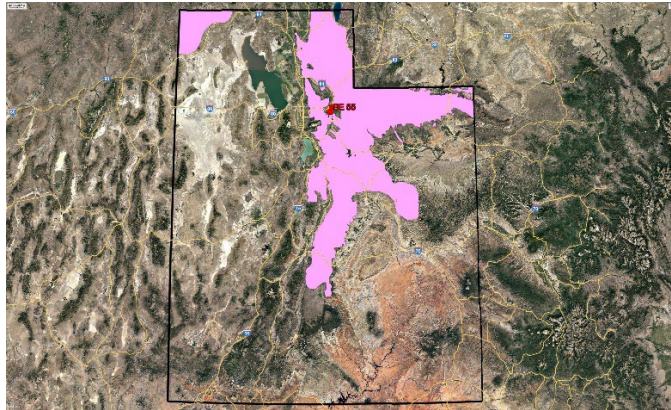


A representation of Rocky Mountain elk current distribution, season of habitat use, and habitat value.

Rocky Mountain elk distribution, season of habitat use, and habitat values are determined by local wildlife biologist relying on observations, surveys, and radio/satellite data. For use in large-scale planning and reporting.

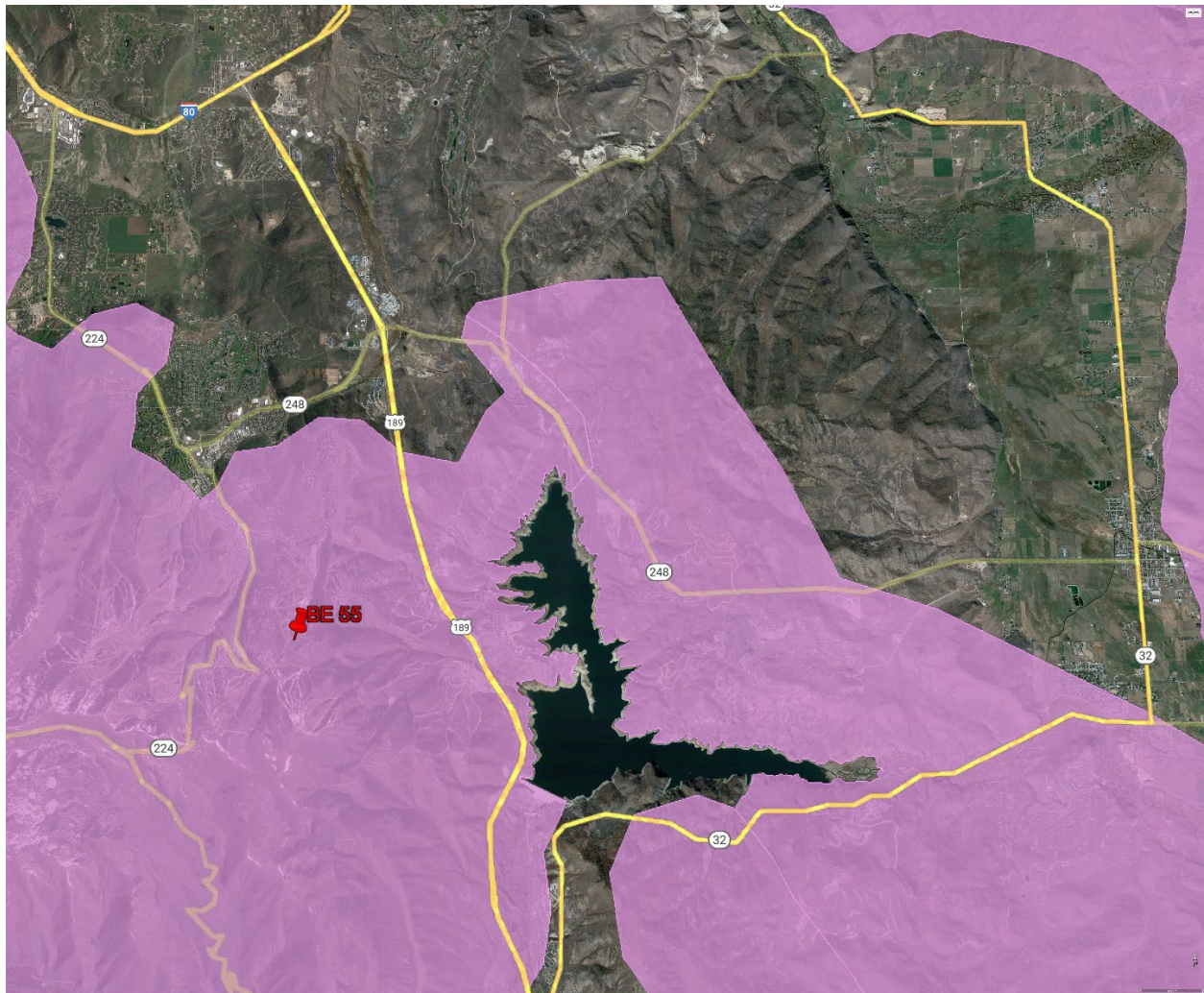


7.2 MOOSE HABITAT

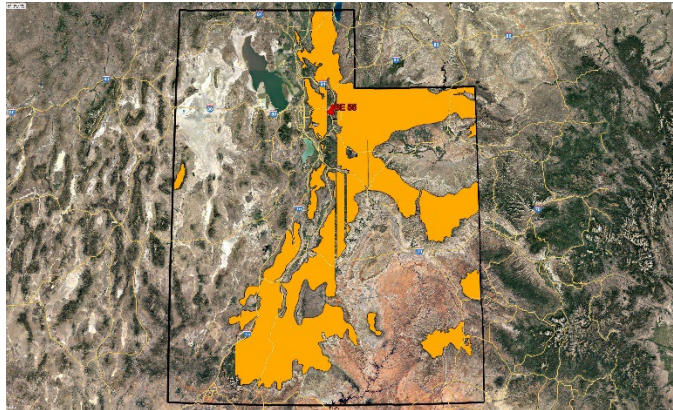


A representation of moose current distribution, season of habitat use, and habitat value.

Moose distribution, season of habitat use, and habitat values are determined by local wildlife biologist relying on observations, surveys, and radio/satellite data and reporting.

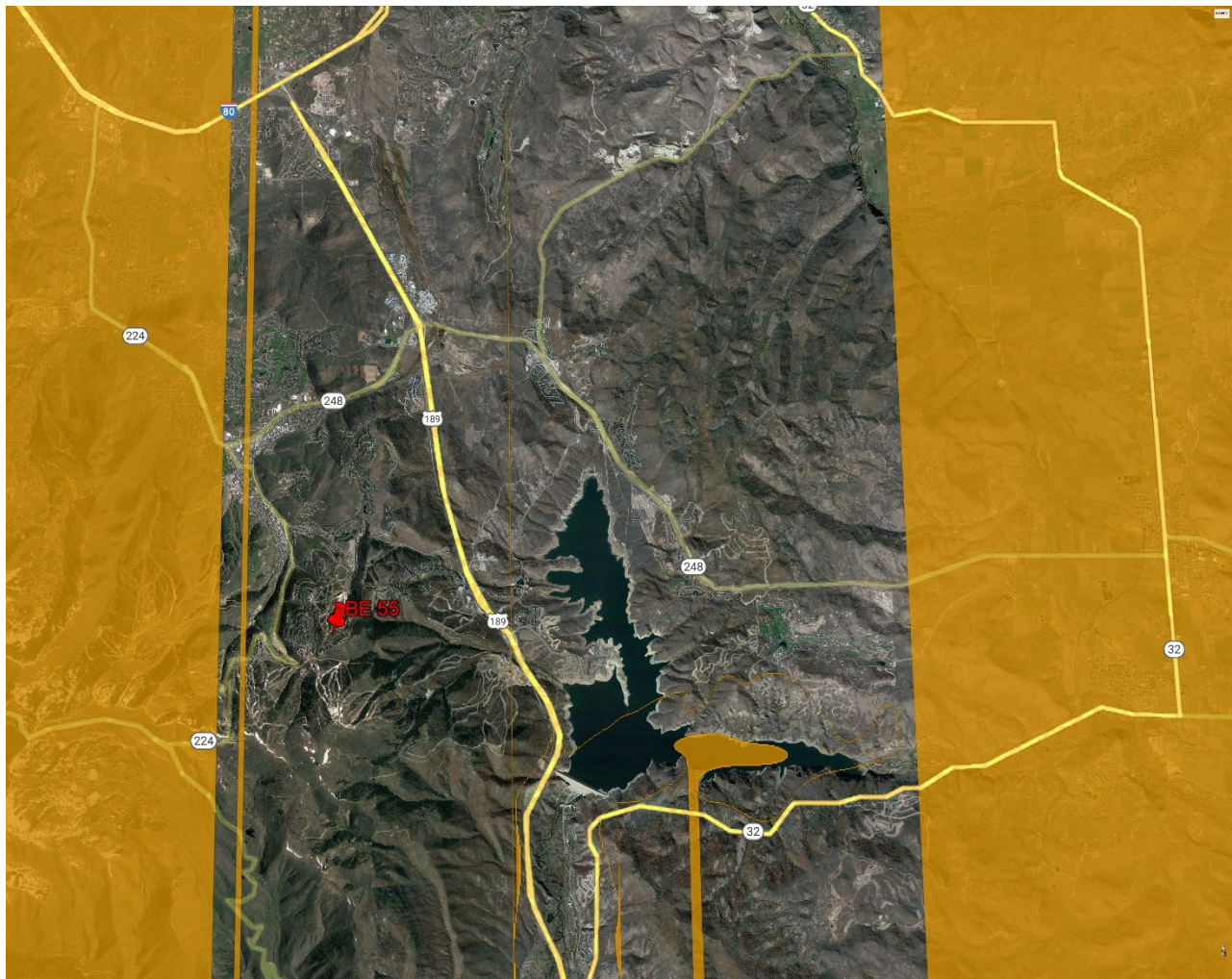


7.3 BLACK BEAR HABITAT

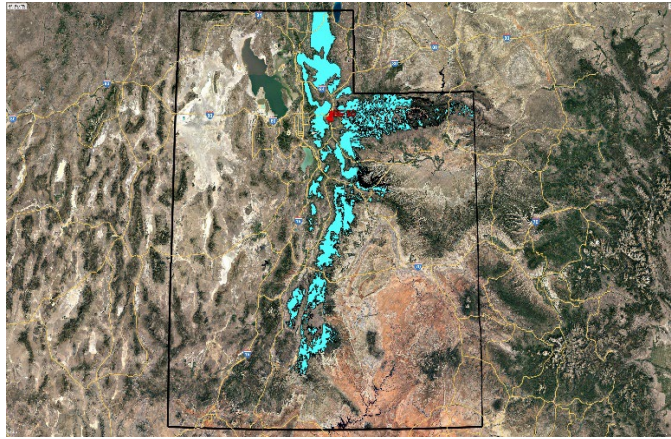


A representation of black bear current distribution, season of habitat use, and habitat value. This feature class has been simplified for web services.

Black bear distribution, season of habitat use, and habitat values are determined by local wildlife biologist relying on observations, surveys, and radio/satellite data. For use in large-scale planning and reporting.

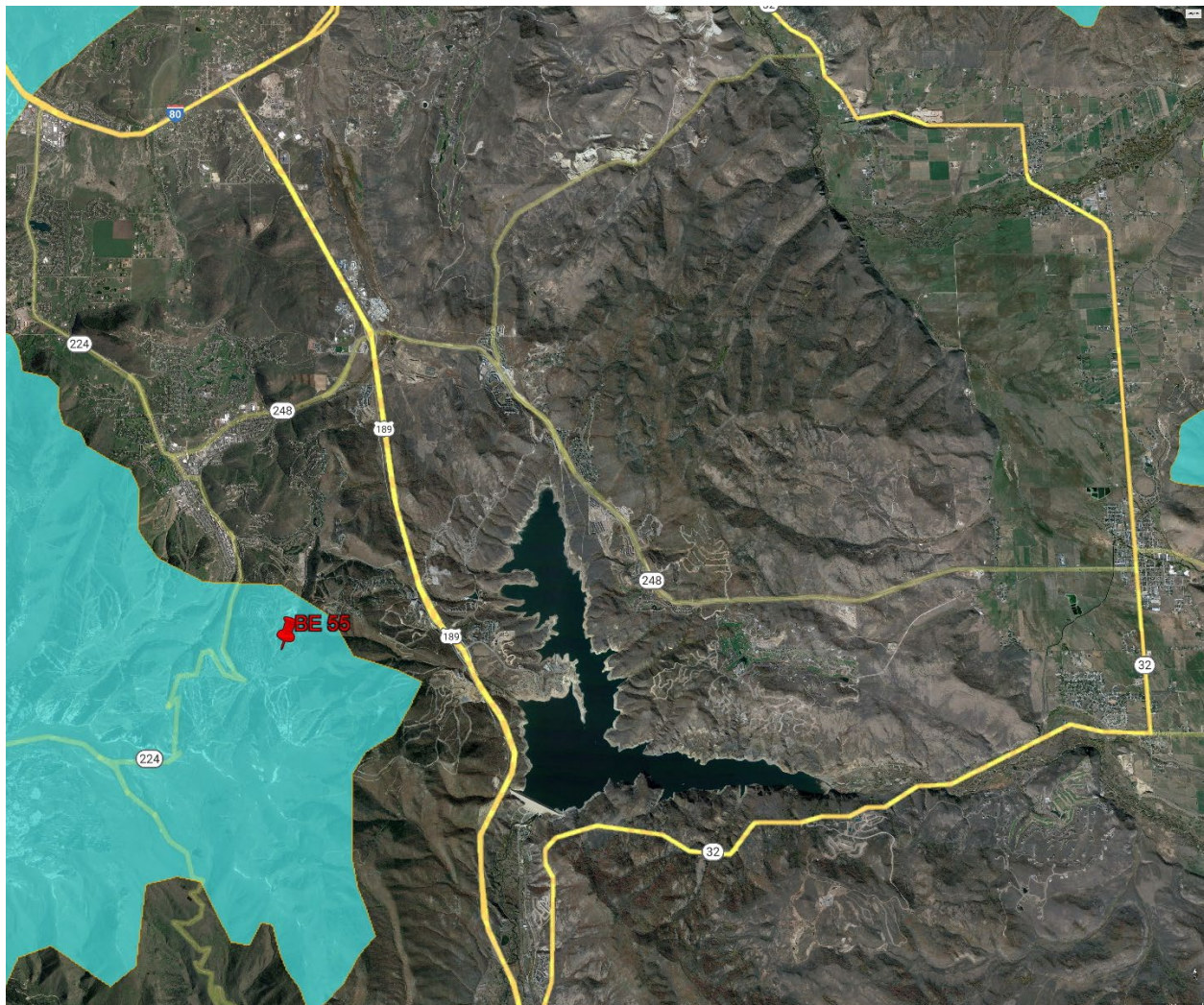


7.4 SNOWSHOE HARE HABITAT

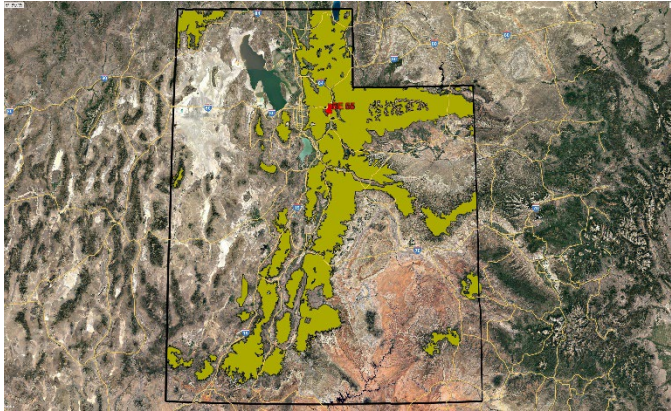


A representation of snowshoe hare current distribution, season of habitat use, and habitat value. This feature class has been simplified for web services.

Snowshoe hare distribution, season of habitat use, and habitat values are determined by local wildlife biologist relying on observations, surveys, and radio/satellite data. For use in large-scale planning and reporting.

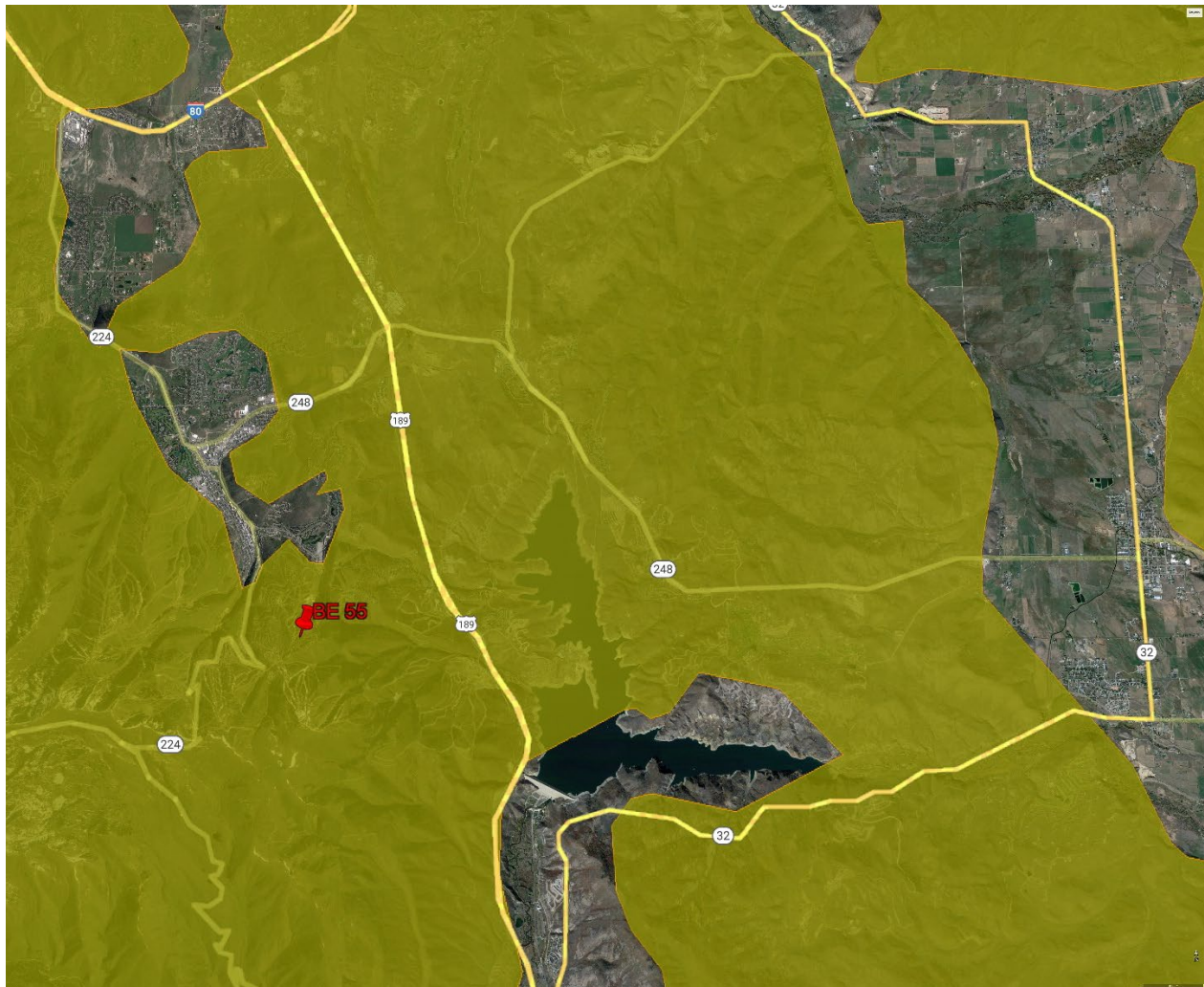


7.5 DUSKY GROUSE HABITAT

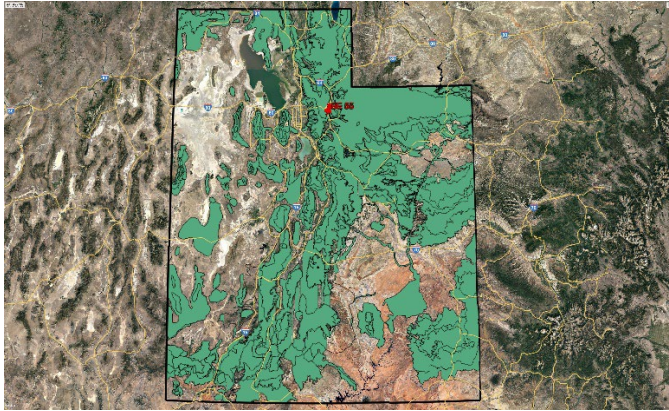


A representation of dusky grouse current distribution, season of habitat use, and habitat value. This feature class has been simplified for web services.

Dusky grouse distribution, season of habitat use, and habitat values are determined by local wildlife biologist relying on observations, surveys, and radio/satellite data. For use in large-scale planning and reporting.

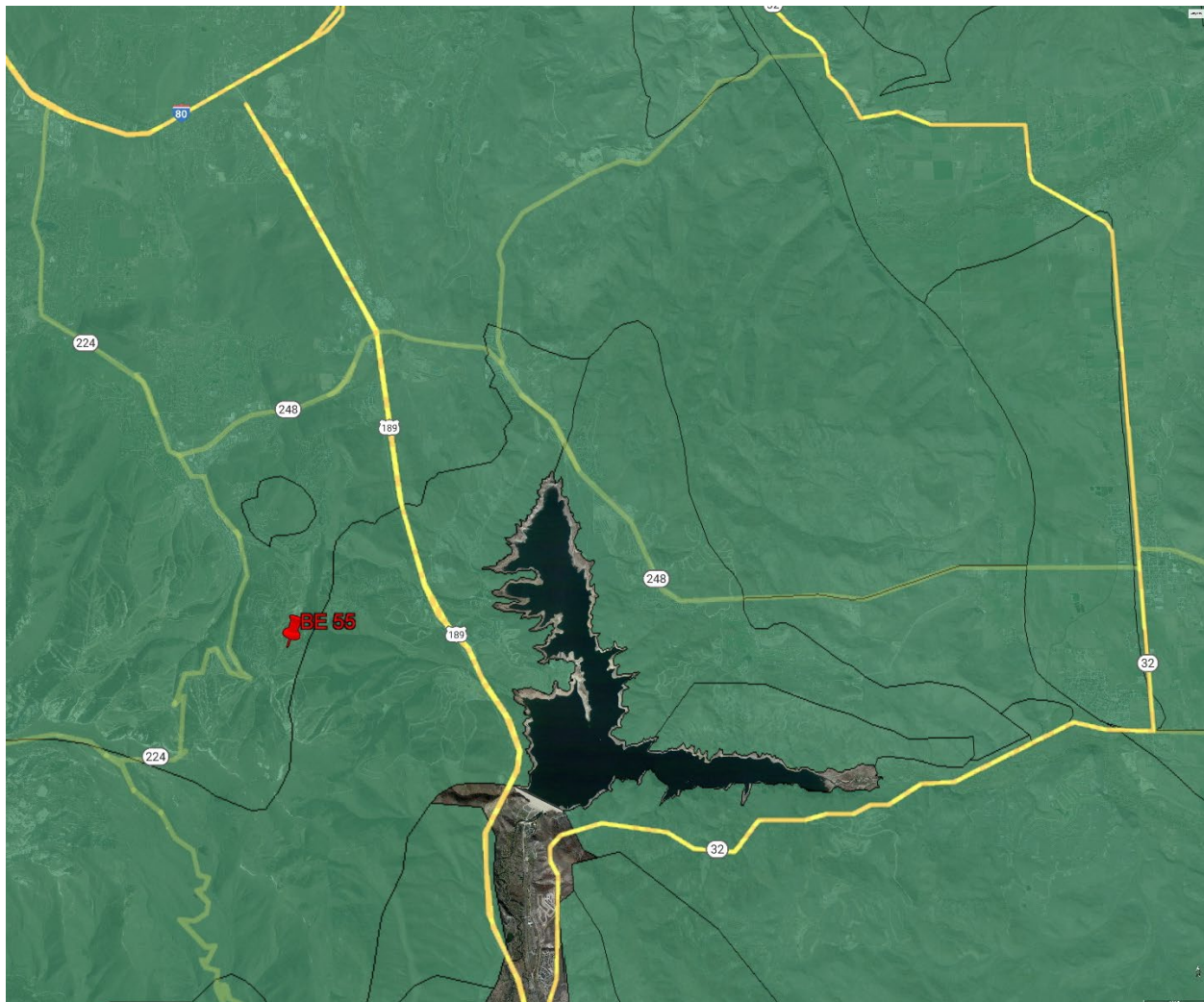


7.6 MULE DEER HABITAT

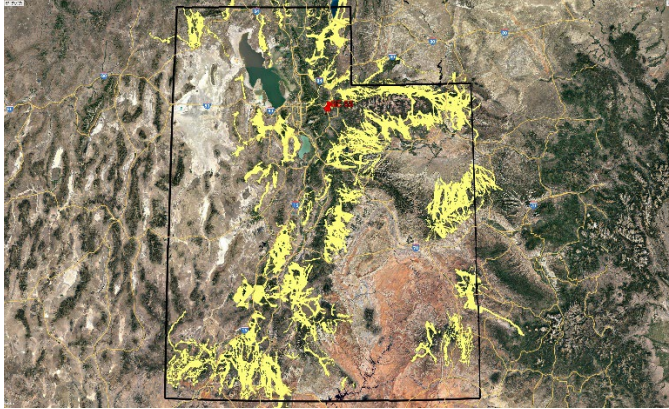


A representation of mule deer current distribution, season of habitat use, and habitat value. This feature class has been simplified for web services.

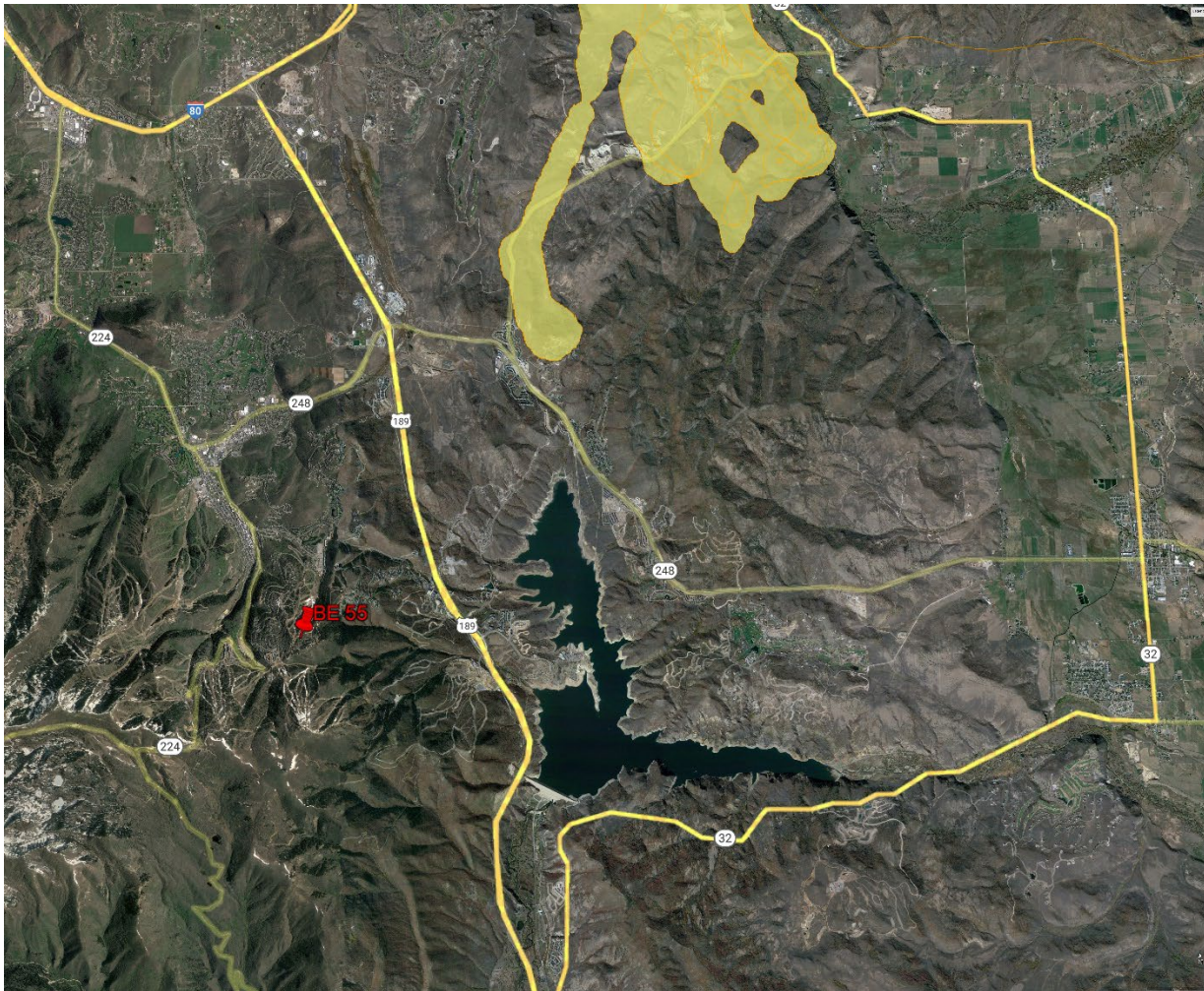
Mule deer distribution, season of habitat use, and habitat values are determined by local wildlife biologist relying on observations, surveys, and radio/satellite data. For use in large-scale planning and reporting.



7.7 MIGRATION CORRIDORS



These data represent the DWR edited version of statistically based polygons derived from GPS collared data on animals migrating in Utah from 2016 - 2021. The GPS data were analyzed using the Brownian Bridge Movement Model (BBMM), which produced polygons based on an animal's movement path from data recorded at brief intervals. This model understands that location points are connected to each other in time.



Low Stump Tree Service
3560 Beaver Creek Rd
Kamas, UT 84036

Patricia Xavier
Certified Arborist UT-4670A
Certified in Tree Risk Assessment



LOW STUMP
TREE SERVICE

Bald Eagle Lot 55
7855 Bald Eagle Dr
Park City, UT 84060

Arborist Consultation: Sensitive Lands Overlay

Assignment: To provide notes in regards to the current and future health of trees on requested property to coincide with Sensitive Lands Overlay (SLO) required for permitting process. This will include the following:

- Species present
- Percentage of species and maturity levels
- Present pest and disease
- Future potential pest and disease
- Future stressors on tree landscape based on construction
- Any other requested information on a case by case basis

Species of Trees on Property

Deciduous

1. Quaking Aspen (*Populus tremuloides*)

Conifer

2. White Fir (*Abies concolor*) *Pseudotsuga menziesii* Franco)
3. Douglas Fir (*Pseudotsuga menziesii* Franco)
4. Colorado Spruce (*Picea pungens*)

Percentage Breakdown and Maturity Levels (116 Marked Trees in LOD)

(this is approximate and can change overtime based on germination and new growth)

1. Conifer: 79%
 - a. Most mature trees present are douglas fir and white fir. Located on all aspects of property.
 - b. Colorado spruce appear to be planted trees under 20 years old.
 - c. Oldest trees 100+ years old
2. Deciduous: 21% (90/114)
 - a. Aspens are notorious for a short life span
 - b. Most mature trees present in north west aspect of lot
 - c. Oldest trees approximately 40-50 years old

Pest and Disease

1. Present

- a. It is important to note that the stand of trees located on this property are showing signs of great health and no abnormal pest and disease is present.
- b. Cytospora canker is a fungal disease that affects aspens and it is rare if this is not present. There are small signs of cytospora canker, but below average.
- c. No signs of pest and disease present to the naked eye on any conifer.

2. Future

- a. It is important to note that under the perfect conditions and growing environment, any tree has the ability to fight off pests and disease. It is when a tree is under stress, whether it be drought or caused by human disturbance, that pest and disease has the ability to enter and diminish the health of the tree.
- b. Deciduous:
 - i. Cytospora canker: can increase if trees are damaged as it likes to infect open wounds
 - ii. Leaf scorch: if water sources are cut off to trees during construction may affect the trees levels of water intake, affecting the leaves
 - iii. Other pests and disease that aspen are at risk of are: leaf miners, twig gall, oystershell scale, aspen borer, iron chlorosis, tent caterpillar, aspen leaf spot, and truck/root rot.
- c. Conifer:
 - i. Bark beetles can be treated annually or biannually depending on treatment route and can be done as a preventative treatment for any conifer as they all can be affected.
 - ii. White fir:
 - 1. Balsam Woolly adelgid: this is a pest presenting problem in our subalpine fir tree stands and it is said that white fir can be a host as well, but more tolerant. This is not a major concern.
 - iii. Colorado Spruce:
 - 1. Abiotic (environmental) issues: underwatering and drought stress. This is the main cause for the decline in spruce trees in our areas.
 - 2. Ips Beetle- attacks trees already under stress. Can do preventative sprays annually for this.
 - 3. Cooley spruce gall adelgid: causes unattractive brown galls, but does not affect trees unless very high infestation.
 - 4. Tip weevil: can be treated annually.
 - iv. Douglas Fir
 - 1. Douglas Fir Beetle: most common beetle to be found and can be preventively treated.

Construction Stress

** Trees can take 5-10 years to show signs of previous construction stress, so immediate reaction may not be a factor here as much as long term issues.

1. Soil Compaction:
 - a. As construction works throughout the property, the foot traffic, equipment and anything else that is used will pose a risk to causing some significant soil compaction within the drip lines of the trees.
 - b. Best way to avoid soil compaction is to create a critical root zone for the most important trees and limit any entrance into that area through fencing
2. Physical Damage
 - a. As equipment is carried throughout the property there is risk to trunk damage to any tree. This is not guaranteed to happen, but in the case it does, it allows an entryway for pests and disease at the site of damage.
 - b. Root damage as roots are not as deep as people assume (within the top 4-8" of soil) and can easily be damaged with construction equipment, compromising the tree.

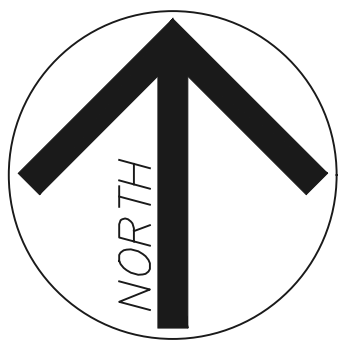
Signed:

A handwritten signature in black ink, appearing to be 'P. Khan' or similar, written in a cursive style.

Date: 09/07/2023

BOUNDARY SURVEY & EXISTING CONDITIONS MAP

UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF SURVEY
MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD
EAGLE CLUB AT DEER VALLEY" SUBDIVISION
LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

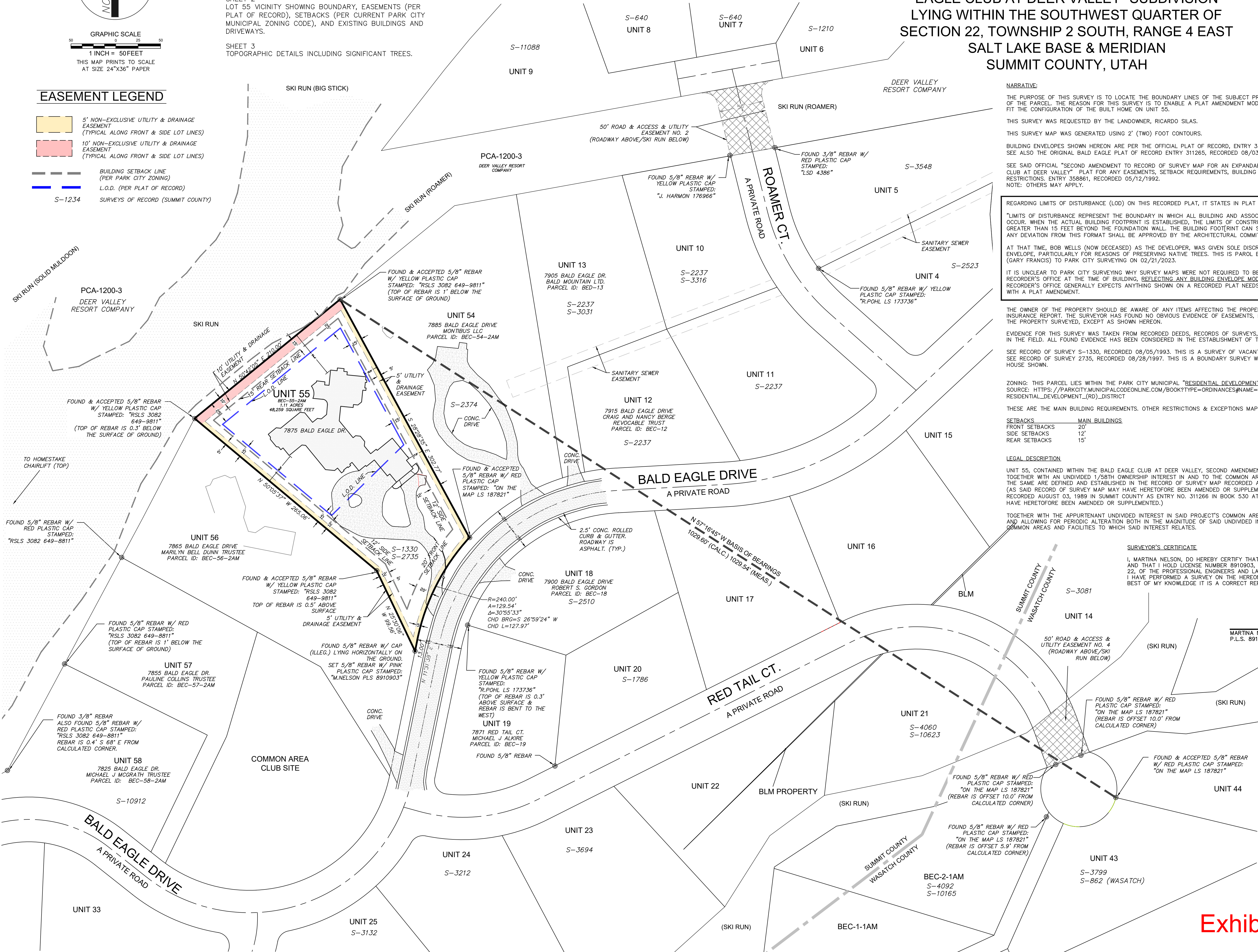


GRAPHIC SCALE
1 INCH = 50 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

EASEMENT LEGEND

- 5' NON-EXCLUSIVE UTILITY & DRAINAGE EASEMENT (TYPICAL ALONG FRONT & SIDE LOT LINES)
- 10' NON-EXCLUSIVE UTILITY & DRAINAGE EASEMENT (TYPICAL ALONG FRONT & SIDE LOT LINES)
- BUILDING SETBACK LINE (PER PARK CITY ZONING)
- L.O.D. (PER PLAT OF RECORD)
- S-1234 SURVEYS OF RECORD (SUMMIT COUNTY)

SHEET INDEX
SHEET 1
OVERALL BOUNDARY SEARCH AREA AND FINDINGS.
SHEET 2
LOT 55 VICINITY SHOWING BOUNDARY, EASEMENTS (PER PLAT OF RECORD), SETBACKS (PER CURRENT PARK CITY MUNICIPAL ZONING CODE), AND EXISTING BUILDINGS AND DRIVEWAYS.
SHEET 3
TOPOGRAPHIC DETAILS INCLUDING SIGNIFICANT TREES.



NARRATIVE:
THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY & TO SHOW EXISTING CONDITIONS OF THE PARCEL. THE REASON FOR THIS SURVEY IS TO ENABLE A PLAT AMENDMENT MODIFYING THE BUILDING ENVELOPE TO BETTER FIT THE CONFIGURATION OF THE BUILT HOME ON UNIT 55.

THIS SURVEY WAS REQUESTED BY THE LANDOWNER, RICARDO SALAS.
THIS SURVEY MAP WAS GENERATED USING 2' (TWO) FOOT CONTOURS.

BUILDING ENVELOPES SHOWN HEREON ARE PER THE OFFICIAL PLAT OF RECORD, ENTRY 358861, RECORDED 05/12/0992.
SEE ALSO THE ORIGINAL BALD EAGLE PLAT OF RECORD ENTRY 311265, RECORDED 08/03/1989.

SEE SAID OFFICIAL "SECOND AMENDMENT TO RECORD OF SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD EAGLE CLUB AT DEER VALLEY" PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS. ENTRY 358861, RECORDED 05/12/1992.
NOTE: OTHERS MAY APPLY.

REGARDING LIMITS OF DISTURBANCE (LOD) ON THIS RECORDED PLAT, IT STATES IN PLAT NOTE 6:

"LIMITS OF DISTURBANCE REPRESENT THE BOUNDARY IN WHICH ALL BUILDING AND ASSOCIATED CONSTRUCTION DISTURBANCE SHALL OCCUR. WHEN THE ACTUAL BUILDING FOOTPRINT IS ESTABLISHED, THE LIMITS OF CONSTRUCTION DISTURBANCE SHALL BE NO GREATER THAN 15 FEET BEYOND THE FOUNDATION WALL. THE BUILDING FOOTPRINT CAN SHIFT WITHIN THE LIMITS OF DISTURBANCE. ANY DEVIATION FROM THIS FORMAT SHALL BE APPROVED BY THE ARCHITECTURAL COMMITTEE"

AT THAT TIME, BOB WELLS (NOW DECEASED) AS THE DEVELOPER, WAS GIVEN SOLE DISCRETION FOR SHIFTING THE BUILDING ENVELOPE, PARTICULARLY FOR REASONS OF PRESERVING NATIVE TREES. THIS IS PAROL EVIDENCE FROM THE ARCHITECT OF RECORD (GARY FRANCOIS) TO PARK CITY SURVEYING ON 02/21/2023.

IT IS UNCLEAR TO PARK CITY SURVEYING WHY SURVEY MAPS WERE NOT REQUIRED TO BE RECORDED AT THE SUMMIT COUNTY RECORDER'S OFFICE AT THE TIME OF BUILDING, REFLECTING ANY BUILDING ENVELOPE MODIFICATION. (IN SUMMIT COUNTY, THE RECORDER'S OFFICE GENERALLY EXPECTS ANYTHING SHOWN ON A RECORDED PLAT NEEDS TO BE CHANGED, IT BE MEMORIALIZED WITH A PLAT AMENDMENT.

THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL FOUND EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

SEE RECORD OF SURVEY S-1330, RECORDED 08/05/1993. THIS IS A SURVEY OF VACANT UNIT 55.
SEE RECORD OF SURVEY 2735, RECORDED 08/28/1997. THIS IS A BOUNDARY SURVEY WITH THE ROOF LINE OF THE CONSTRUCTED HOUSE SHOWN.

ZONING: THIS PARCEL LIES WITHIN THE PARK CITY MUNICIPAL "RESIDENTIAL DEVELOPMENT" ZONE.
SOURCE: <https://parkcity.municipalcodeonline.com/book?type=ordinances&name=15-2.13...>
RESIDENTIAL_DEVELOPMENT_(RD)_DISTRICT

THESE ARE THE MAIN BUILDING REQUIREMENTS. OTHER RESTRICTIONS & EXCEPTIONS MAP APPLY.

SETBACKS	MAIN BUILDINGS
FRONT SETBACKS	20'
SIDE SETBACKS	12'
REAR SETBACKS	15'

LEGAL DESCRIPTION

UNIT 55, CONTAINED WITHIN THE BALD EAGLE CLUB AT DEER VALLEY, SECOND AMENDMENT, A UTAH CONDOMINIUM PROJECT, TOGETHER WITH AN UNDIVIDED 1/56TH OWNERSHIP INTEREST IN AND TO THE COMMON AREAS AND FACILITIES OF THE PROJECT AS THE SAME ARE DEFINED AND ESTABLISHED IN THE RECORD OF SURVEY MAP RECORDED AUGUST 03, 1989 AS ENTRY NO. 311265 (AS SAID RECORD OF SURVEY MAP MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED) AND IN THE DECLARATION RECORDED AUGUST 03, 1989 IN SUMMIT COUNTY AS ENTRY NO. 311266 IN BOOK 530 AT PAGE 295 (AS SAID DECLARATION MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED).

TOGETHER WITH THE APPURTENANT UNDIVIDED INTEREST IN SAID PROJECT'S COMMON AREAS AS ESTABLISHED IN SAID DECLARATION AND ALLOWING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED INTEREST AND IN THE COMPOSITION OF THE COMMON AREAS AND FACILITIES TO WHICH SAID INTEREST RELATES.

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 8910903, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



MARTINA NELSON
P.L.S. 8910903

Exhibit 1a

BOUNDARY SURVEY & EXISTING CONDITIONS MAP
UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF
SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED
THE BALD EAGLE CLUB AT DEER VALLEY"

SURVEYED BY:
MN
DRAFTED BY:
MN
CHECKED BY:
KR
DATE:
AUGUST 28, 2023

THIS DRAWING SHALL REMAIN THE PROPERTY OF PARK CITY SURVEYING. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OR PROJECT FOR ANY PURPOSE OTHER THAN FOR THE SPECIFIC PROJECT FOR WHICH THIS MAP HAS BEEN PREPARED.

THE INFORMATION CONTAINED HEREON CANNOT BE COPIED, DUPLICATED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN PERMISSION OF PARK CITY SURVEYING.

Park City
Surveying
PO Box 682983
Park City, UT 84088
435-649-2918
WWW.PARKCITYSURVEYING.COM

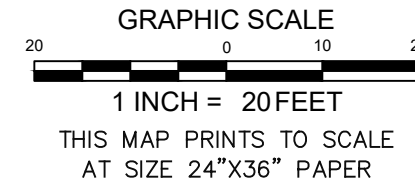
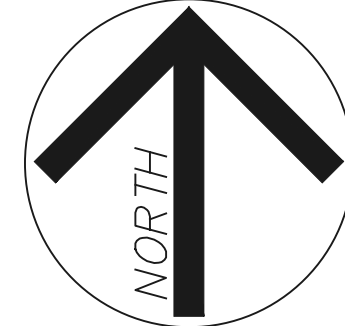
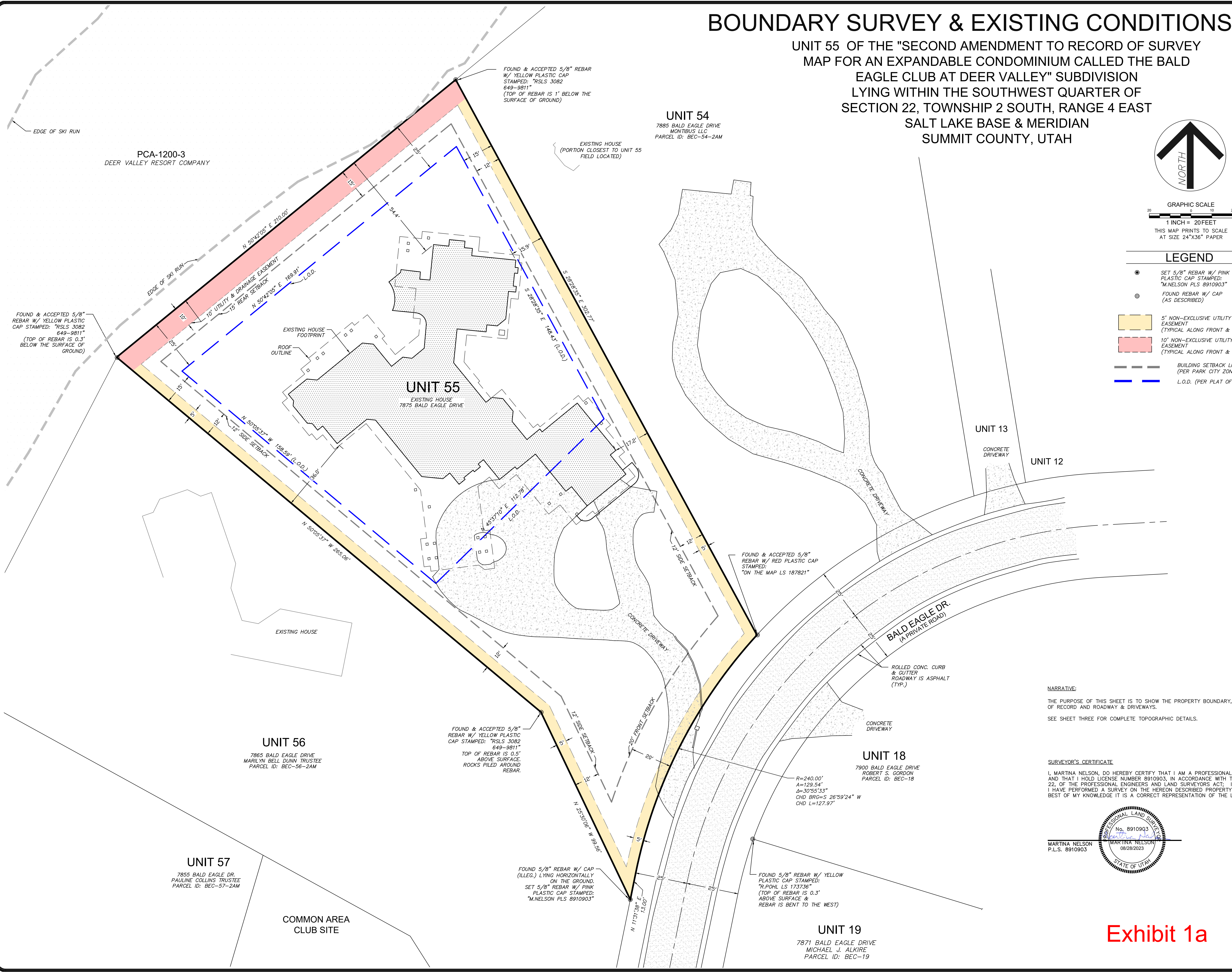
SHEET 1 OF 3

FOR: RICARDO SALAS

DWG: BALD EAGLE 55 ROS-ASB.DWG

BOUNDARY SURVEY & EXISTING CONDITIONS MAP

UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF SURVEY
MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD
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LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



LEGEND

- SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED: "M.NELSON PLS 8910903"
- ⊙ FOUND REBAR W/ CAP (AS DESCRIBED)
- 5' NON-EXCLUSIVE UTILITY & DRAINAGE EASEMENT (TYPICAL ALONG FRONT & SIDE LOT LINES)
- 10' NON-EXCLUSIVE UTILITY & DRAINAGE EASEMENT (TYPICAL ALONG FRONT & SIDE LOT LINES)
- BUILDING SETBACK LINE (PER PARK CITY ZONING)
- L.O.D. (PER PLAT OF RECORD)

NARRATIVE:
THE PURPOSE OF THIS SHEET IS TO SHOW THE PROPERTY BOUNDARY, EASEMENTS OF RECORD AND ROADWAY & DRIVEWAYS.
SEE SHEET THREE FOR COMPLETE TOPOGRAPHIC DETAILS.

SURVEYOR'S CERTIFICATE
I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 8910903, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.



Exhibit 1a

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UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF
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435-649-2918
WWW.PARKCITYSURVEY.COM

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DRAFTED BY:
MN
CHECKED BY:
KR
DATE:
AUGUST 28, 2023

SHEET 2 OF 3

FOR: RICARDO SALAS
DWG: BALD EAGLE 55 ROS-ASB.DWG

BOUNDARY SURVEY & EXISTING CONDITIONS MAP

UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF SURVEY
MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD
EAGLE CLUB AT DEER VALLEY" SUBDIVISION
LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

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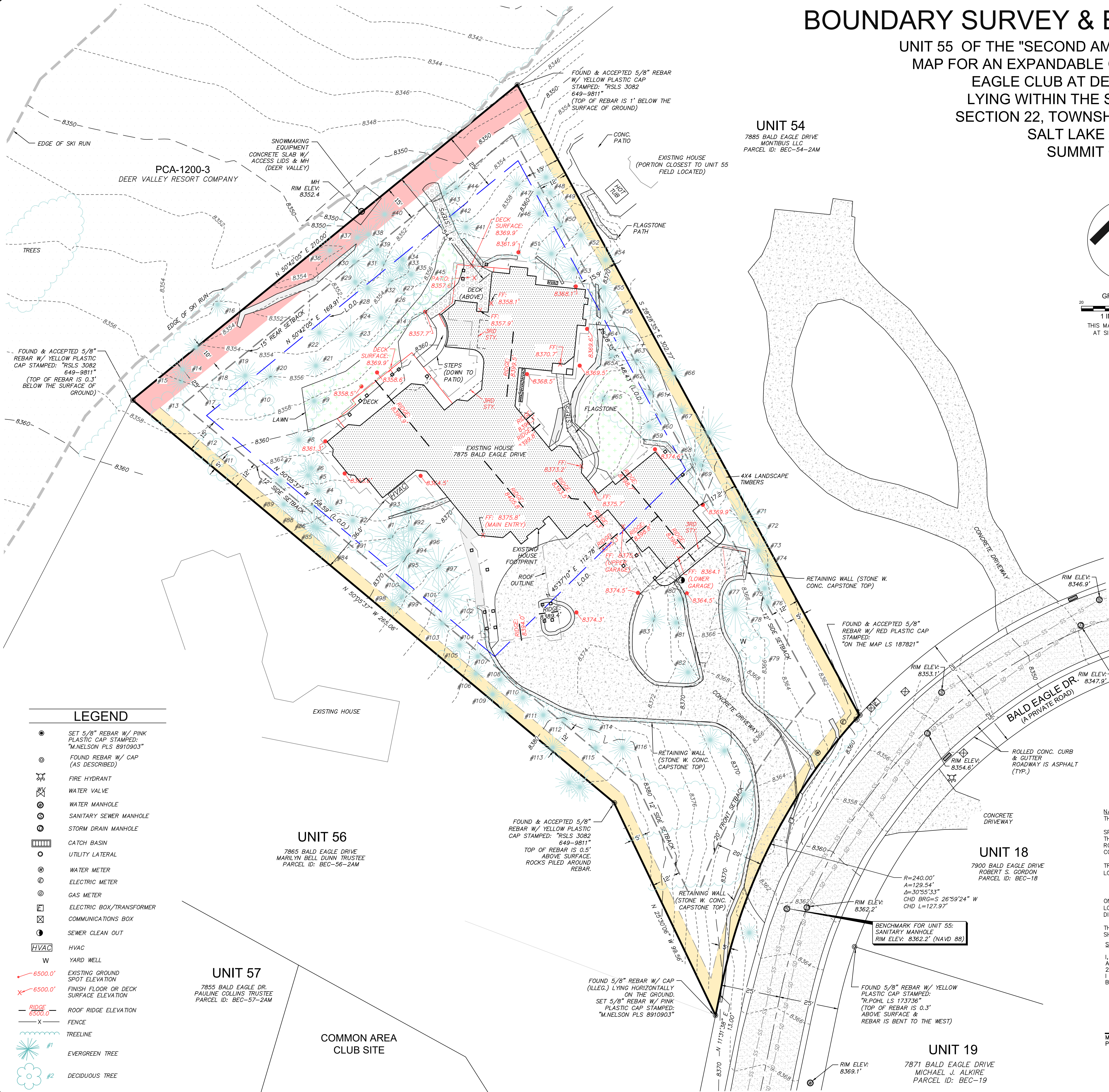
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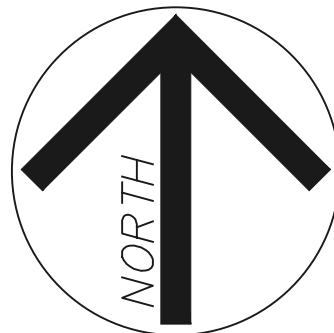
BOUNDARY SURVEY & EXISTING CONDITIONS MAP
UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF
SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED
THE BALD EAGLE CLUB AT DEER VALLEY"
FOR: RICARDO SALAS
DWG: BALD EAGLE 55 ROS-ASB.DWG

SHEET 3 OF 3



EASEMENT LEGEND

- 5' NON-EXCLUSIVE UTILITY & DRAINAGE EASEMENT (TYPICAL ALONG FRONT & SIDE LOT LINES)
- 10' NON-EXCLUSIVE UTILITY & DRAINAGE EASEMENT (TYPICAL ALONG FRONT & SIDE LOT LINES)
- BUILDING SETBACK LINE (PER PARK CITY ZONING)
- L.O.D. (PER PLAT OF RECORD)



GRAPHIC SCALE
1 INCH = 20 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"X36" PAPER

TREE TABLE

TREE ID NUMBER	TRUNK DIA. (INCHES)	CIRCUMFERENCE (INCHES)	CANOPY (FEET)	TREE ID NUMBER	TRUNK DIA. (INCHES)	CIRCUMFERENCE (INCHES)	CANOPY (FEET)
TRC1	12	36	20	TRC59	12	35	12
TRC2	8	26	12	TRC60	12	36	12
TRC3	6	24	10	TRC61	14	40	12
TRC4	8	26	12	TRC62	10	28	10
TRD5	12	40	12	TRC63	14	42	12
TRD6	8	28	10	TRC64	12	37	12
TRD7	12	36	10	TRC65	6	14	6
TRC8	12	38	10	TRC66	8	25	10
TRC9	8	28	10	TRC67	3	9	6
TRD10	12	36	12	TRC68	30	94	30
TRD11	16	42	12	TRC69	8	24	8
TRD12	14	44	12	TRD70	8	24	12
TRD13	14	46	14	TRC71	18	56	20
TRC14	14	44	12	TRD72	12	37	12
TRC15	14	44	12	TRC73	6	18	10
TRC16	8	20	10	TRC74	8	18	10
TRD17	14	42	12	TRC76	8	24	8
TRD18	16	48	14	TRC77	24	72	20
TRD19	14	44	14	TRD78	8	24	8
TRC20	8	28	10	TRD78	6	24	8
TRC21	8	24	10	TRC80	6	16	10
TRC22	8	24	10	TRC81	6	16	8
TRC23	10	28	16	TRC82	10	28	12
TRC24	8	24	14	TRC83	6	16	10
TRD25	16	42	14	TRC84	12	35	12
TRD26	14	42	12	TRC85	12	37	10
TRD27	14	40	12	TRC86	16	48	16
TRC28	16	44	12	TRC87	10	30	10
TRD29	12	36	12	TRC88	8	24	12
TRD30	14	48	16	TRC89	8	26	10
TRD31	14	42	14	TRC90	8	20	10
TRC32	10	32	12	TRD91	10	30	10
TRD33	8	28	12	TRC92	18	64	14
TRC34	6	19	10	TRC93	11	31	12
TRC35	12	42	12	TRC94	24	68	30
TRC36	10	26	14	TRC95	20	60	25
TRC37	8	24	10	TRC96	8	24	8
TRC38	10	28	12	TRC97	36	120	24
TRC39	10	28	12	TRC98	8	24	10
TRC40	12	34	14	TRC99	8	26	10
TRC41	10	32	12	TRC100	6	22	8
TRC42	4	14	6	TRC101	18	62	20
TRC43	4	14	8	TRD102	8	20	10
TRC44	12	36	12	TRC103	10	28	12
TRD45	14	40	20	TRC104	8	24	8
TRC46	10	28	10	TRD105	8	24	10
TRC47	8	24	8	TRC106	8	24	8
TRC48	6	21	6	TRC107	8	26	10
TRC49	10	30	12	TRC108	8	24	8
TRC50	10	28	10	TRC109	8	24	8
TRC51	18	58	20	TRC110	6	18	8
TRC52	18	56	12	TRC111	8	24	8
TRC53	18	56	12	TRC112	8	24	8
TRC54	8	27	12	TRC113	14	40	12
TRC55	10	28	12	TRC114	6	20	10
TRC56	20	58	20	TRC115	8	26	6
TRC57	8	20	10	TRC116	8	24	12

NARRATIVE:
THIS SURVEY MAP WAS GENERATED USING 2 (TWO) FOOT CONTOURS.

SPOT ELEVATIONS: WHILE SPECIFIC SPOT ELEVATIONS ARE NOTED, THERE WERE MANY MORE DATA POINTS IN THE COURSE OF THIS SURVEY. THESE SPOT GROUND ELEVATIONS SHOWN HEREON ARE USEFUL IN DETERMINING ROOF RIDGE HEIGHT ABOVE EXISTING GROUND. CONTOUR LINE DATA ILLUSTRATE THE COMPLETE EXISTING CONDITIONS OF THE PROPERTY TOPOGRAPHY.

TREES: SOME TREES WERE INDIVIDUALLY FIELD LOCATED USING PARK CITY MUNICIPAL'S STANDARD FOR FIELD LOCATING TREES IN A "SENSITIVE LANDS OVERLAY" ZONE (SLO).

TREES WITH A 6" DIAMETER TRUNK 4 1/2" ABOVE THE GROUND.

ONLY TREES WITHIN AND NEARLY ADJACENT TO THE LIMIT OF DISTURBANCE (LOD) WERE INDIVIDUALLY FIELD LOCATED. DECIDUOUS TREE TRUNKS ARE SHOWN FOR REFERENCE. THE TRUNKS ARE NOT TO SCALE FOR DIAMETER OR CIRCUMFERENCE. SEE TREE TABLE FOR THOSE MEASUREMENTS.

THERE ARE OTHER DECIDUOUS & CONIFEROUS TREES ON THIS PROPERTY OUTSIDE THE LOD. THESE ARE SHOWN BY THE TREELINE LINENWORK SYMBOLOGY.

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 8910903, IN ACCORDANCE WITH TITLE 56, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

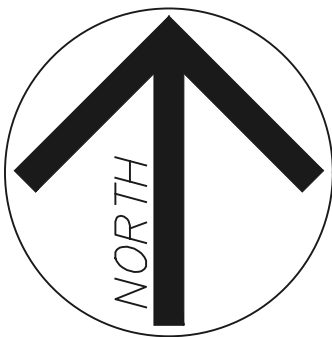
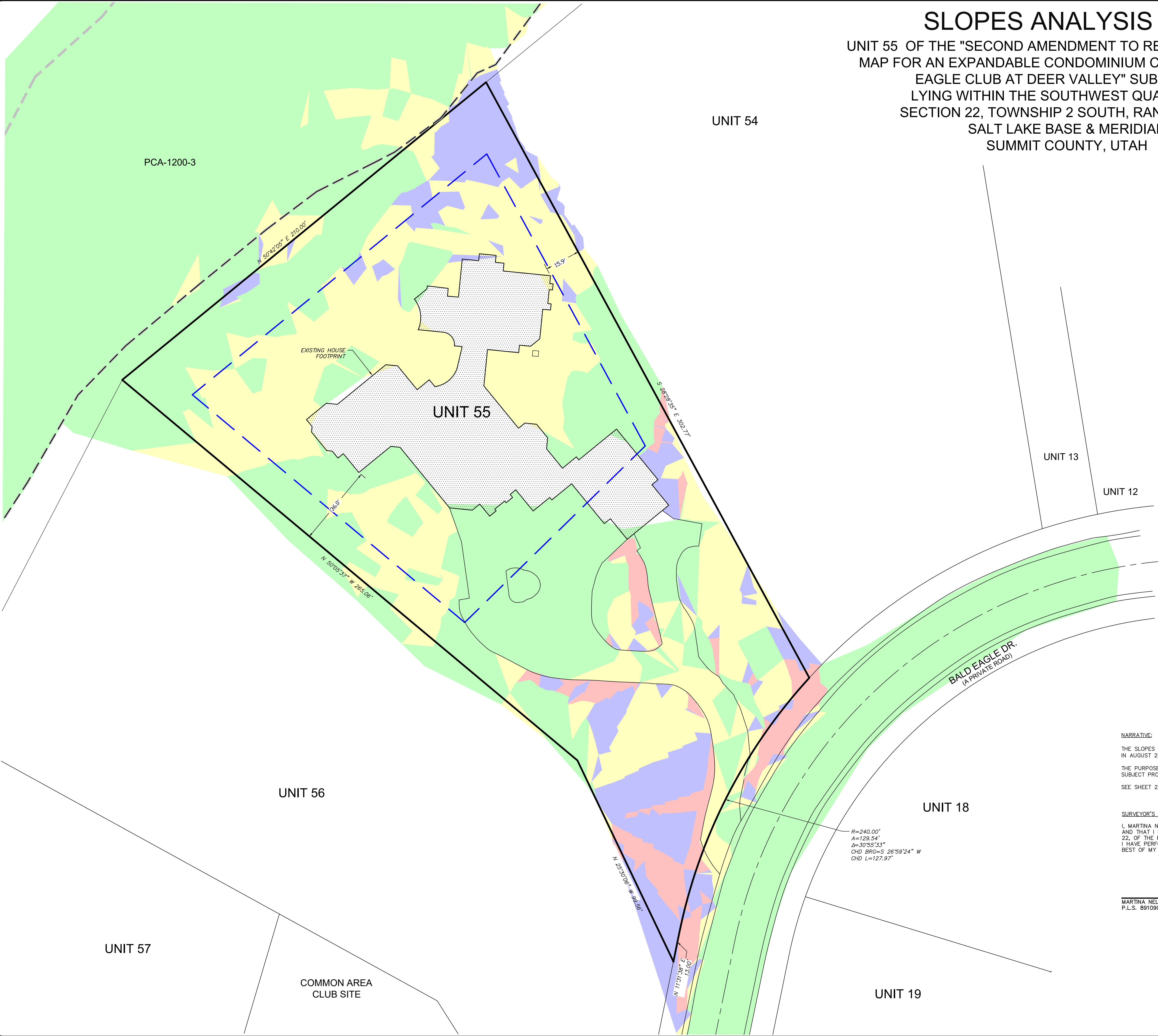
MARTINA NELSON
P.L.S. 8910903



Exhibit 1a

SLOPES ANALYSIS MAP

UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF SURVEY
MAP FOR AN EXPANDABLE CONDOMINIUM CALLED THE BALD
EAGLE CLUB AT DEER VALLEY" SUBDIVISION
LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



GRAPHIC SCALE
1 INCH = 20 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

LEGEND

- SLOPE PERCENTAGES
- 0-15%
 - 15-30%
 - 30-40%
 - 40% OR GREATER
- L.O.D. (PER PLAT OF RECORD)

NARRATIVE:

THE SLOPES SHOWN HERE ON ARE FROM CONTOURS DERIVED FROM A FIELD SURVEY IN AUGUST 2023. THE CONTOURS ARE IN 2' (TWO FOOT) INTERVALS.

THE PURPOSE OF THIS SHEET IS TO SHOW THE STEEPNESS OF THE GROUND ON THE SUBJECT PROPERTY.

SEE SHEET 2 FOR THE SLOPES AND TOPOGRAPHIC DETAILS.

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 8910903, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

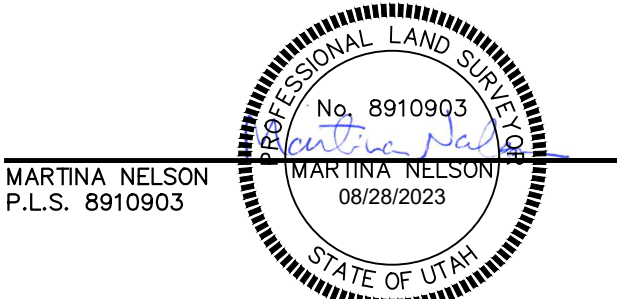


Exhibit 1b

Park City
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Park City, UT 84088
435-649-2918
WWW.PARKCITYSURVEY.COM

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SURVEYED BY:
MN
DRAFTED BY:
MN
CHECKED BY:
KR
DATE:
AUGUST 28, 2023

BOUNDARY SURVEY & EXISTING CONDITIONS MAP
UNIT 55 OF THE "SECOND AMENDMENT TO RECORD OF
SURVEY MAP FOR AN EXPANDABLE CONDOMINIUM CALLED
THE BALD EAGLE CLUB AT DEER VALLEY"

DWG: BALD EAGLE 55 ROS-ASB.DWG

FOR: RICARDO SALAS

SHEET 1 OF 2

BOUNDARY SURVEY & EXISTING CONDITIONS MAP

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SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

UNIT 54

PCA-1200-3

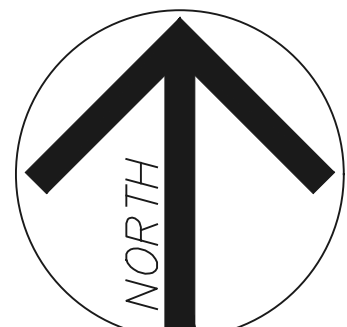
UNIT 56

UNIT 18

UNIT 57

COMMON AREA
CLUB SITE

UNIT 19



GRAPHIC SCALE
1 INCH = 20 FEET
THIS MAP PRINTS TO SCALE
AT SIZE 24"x36" PAPER

LEGEND

- SLOPE PERCENTAGES
- 0-15%
 - 15-30%
 - 30-40%
 - 40% OR GREATER

LEGEND

- SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED "M NELSON PLS 8910903"
- FOUND REBAR W/ CAP (AS DESCRIBED)
- FIRE HYDRANT
- WATER VALVE
- WATER MANHOLE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CATCH BASIN
- UTILITY LATERAL
- WATER METER
- ELECTRIC METER
- GAS METER
- ELECTRIC BOX/TRANSFORMER
- COMMUNICATIONS BOX
- SEWER CLEAN OUT
- HVAC
- W
- YARD WELL
- FENCE
- TREELINE
- #1 EVERGREEN TREE
- #2 DECIDUOUS TREE

NARRATIVE:
THIS SURVEY MAP WAS GENERATED USING 2 (TWO) FOOT CONTOURS.
THE PURPOSE OF THIS SHEET IS TO SHOW THE SLOPE GRADIENTS PLUS TOPOGRAPHIC DETAILS.

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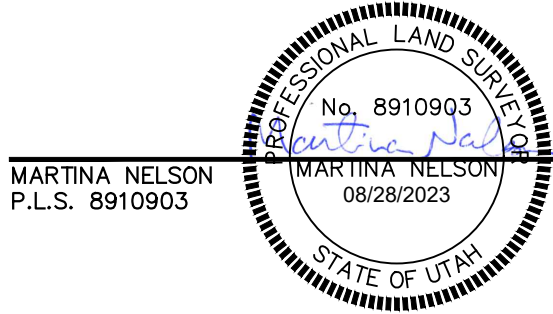
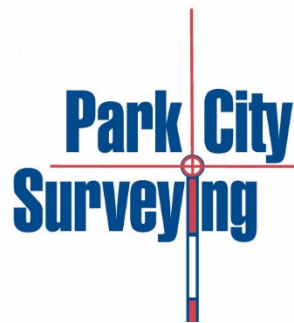


Exhibit 1b



P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 fax

PLAT AMENDMENT

7875 Bald Eagle Drive

Park City, UT 84060

Unit (Lot) 55 of the "Second Amendment to record of survey map for an Expandable Condominium called the Bald Eagle Club at Deer Valley."

03/30/2023

Useful short videos. Note the presence of significant fir trees on the left, right & rear of house.

1. Shows the top-down view of the house in relation to the Deer Valley Ski Run.

https://www.dropbox.com/s/cpgj6w0jp3e61zf/DJI_0145.MP4?dl=0

2. Shows the adjacent properties.

https://www.dropbox.com/s/zu1pcds2p94qppk/DJI_0150.MP4?dl=0

Site Photos



Looking at the front entry of house



Above the porte cochere, looking down the driveway toward roadway.



The Bald Eagle Drive roadway is behind you: looking up driveway toward the house.



Where driveway diverges. The Bald Eagle Drive roadway is behind you: lower garage is to right & upper garage to the left.



From above. House entry & porte cochere is at bottom-left of photo. Deer Valley ski run is near top of this photo.



Top-down view of the house.



Bald Eagle

C L U B



Bald Eagle Club
7711 Bald Eagle Drive
PO Box 894
Park City, UT 84060

October 19, 2023

TO: The Park City Planning Commission
FROM: The Bald Eagle Club
RE: Plat Amendment 7875 Bald Eagle Drive

To Whom It May Concern:

This letter will confirm The Bald Eagle Club HOA is aware that the LOD line has been surpassed for 7875 The Bald Eagle Club. This happened decades ago. There is no reason why a new plat amendment should not be approved to make the records up to date.

Please feel free to contact me if you have any questions.

Thank you!

Mike Vertner
The Bald Eagle Club
Association Manager
435-649-1751
mike@baldeagleclub.org

Planning Commission Staff Report



Subject: Affordable Master Planned Development Amendments
Authors: Erik Daenitz, Director of Economic Development and Data Analytics
Jason Glidden, Affordable Housing Manager
Rebecca Ward, Assistant Planning Director
Date: October 25, 2023
Type of Item: Work Session

Recommendation

Review potential amendments to Land Management Code Chapter 15-6.1 *Affordable Master Planned Developments*.

Summary

On February 8, 2023, the Planning Commission identified topics for AMPD amendment discussion:

- Average occupancy rates for affordable units
- Updates to Cascadia Partner's [Affordable Master Planned Development Code Audit Report: Identifying Zoning and Housing Development Barriers](#) completed to support the development of the AMPD code in order to reflect current market conditions and to evaluate the financial implications of additional commercial uses and potential market-rate nightly rentals¹
- Modifications to building height, allowable roof forms, side and rear setbacks, and rooftop mechanical equipment regulations to reduce visual impacts
- Potential for market-rate nightly rentals when a project offers units affordable to those at 30 – 40% Area Median Income (AMI)
- Possible increase in allowable commercial square footage ([Staff Report](#); [Minutes](#), p. 29)

On August 9, 2023, the Planning Commission provided the following input:

- Evaluate the 45-foot height and whether the height density should be based on the maximum height for the zone.
- Consider removing the 10-foot setback on project interior facades.
- Ensure protection of the Frontage Protection Zone.
- Establish a rooftop setback for mechanical equipment ([Staff Report](#); [Minutes](#), p. 20).

¹ The Planning Commission originally requested Cascadia Partners complete this request. However, Cascadia Partners was unavailable to do so. The City's Director of Economic Development and Data Analytics provided the updated information. Cascadia Partners is working with Lisa Wise Consultants to complete broader Land Management Code amendments to incentivize affordable housing beyond AMPDs.

Additionally, the Commission requested information on:

- Modular construction of affordable projects to decrease construction timeframes.
- Whether increasing commercial uses or nightly rentals allows for deeper affordability.
- Whether code amendments could incentivize upper-story infill.
- Park City specific occupancy rates.

Background

Please see the August 9, 2023 Staff Report for additional background information ([Staff Report](#)).

The LMC implements the goals and policies of the General Plan. Goal 7 of the General Plan is to “[c]reate a diversity of primary housing opportunities to address the changing needs of residents.” Goal 8 of the General Plan is to “[i]ncrease affordable housing opportunities and associated services for the workforce of Park City” and Community Planning Strategy 8.4 is to “[u]pdate incentives for density bonuses for affordable housing developments to include moderate and mixed-income housing.”

As a result of a [2016 Housing Policy Study](#), the City Council established a community goal of 800 new affordable units by 2026 to maintain 15 percent of the workforce in town. In 2021, James Wood with the University of Utah completed an updated [Park City Housing Market Assessment](#), finding the 800-unit goal is no longer sufficient and the need for affordable rental units has increased significantly.

Park City’s 2021 Housing Needs Assessment concludes, “[t]here would be no affordable housing development in Park City without the city’s aggressive affordable housing policies and public-private partnerships.” Park City is the only Utah city where workers (11,000) outnumber the population (8,500). Over 8,000 workers with an average wage of less than \$40,000 commute daily from homes out of Summit County to jobs in Park City. “The lack of affordable housing contributes to the local labor shortage, the high cost of local services, and reduced air quality.”

In 2021, the City Council adopted the Affordable Master Planned Development (AMPD) code to incentivize affordable housing development through increased height, reduced setbacks and open space, and potential for reduced parking. The purposes of the Affordable Master Planned Development (AMPD) code are to:

- Incentivize public, private, and public-private development of affordable units for the workforce of Park City,
- Create developments that include market-rate and affordable units and increase housing opportunities affordable to a wide range of incomes,
- Increase building height and density and decrease parking for affordable units if impacts to the community are mitigated,
- Ensure neighborhood compatibility, and
- Encourage mixed-use walkable, and sustainable development and redevelopment that provides innovative and energy-efficient design and innovative alternatives to reduce the impacts of the automobile on the

community.²

At least 50% of the square footage must be deed restricted affordable units. The remaining 50% may be market-rate. There is also an allowance for 10,000 square feet of commercial space.

Since City Council's adoption of the AMPD amendments, the Planning Commission approved the following AMPDs with future construction totaling 416 affordable units:

- The Engine House AMPD with 99 affordable units and 24 market-rate units (formerly known as The Homestake AMPD) ([October 26, 2022 Staff Report; Minutes](#), p. 29)
- The HOPA AMPD with 317 affordable units ([June 28, 2023 Staff Report; Audio](#))

Through the review process, the Commission identified opportunities to modify and improve the AMPD code. This staff report outlines the Commission requests from the August 9, 2023 work session.

Analysis

The incentives required for development of affordable units under the current market conditions are provided below for Commission review:

Updates to Cascadia Partner's 2019 Audit Report to reflect current market conditions and to evaluate the financial implications of additional commercial uses and potential market-rate nightly rentals

To evaluate the factors mentioned above, staff has maintained a hypothetical AMPD financial pro-forma. This model was utilized to demonstrate and analyze the financial feasibility of a general AMPD project under the code considerations approved in 2021.

This model has now been updated to include information on latest building cost estimates, debt financing costs as of August 2023, and now includes parameters to analyze additional tools such as commercial units and associated parking, and the potential addition of nightly rentals to a project.

The key information from staff's most recent analysis and the 2023 model is that only two scenarios are financially feasible as of 2023, and both require direct or indirect subsidy such that a developer's land acquisition costs are essentially erased.

Assumptions and key inputs into the model are described below:

- **Building Cost/SF** – is set at \$600/SF which is consistent with bids and prices the City has received for multi-unit construction costs in 2023. This is an increase of \$80/SF from the 2020 analysis and is a 15% increase since 2020.

² LMC [Section 15-6.1-1](#)

- **Construction Management** – is assumed at 5% of raw construction costs, again consistent with recent projects the City staff reviewed in 2023.
- **Design Costs** – also assumed at 5% of raw construction costs.
- **Contingency** – is set at 9% of raw costs.
- **Assumed Construction Loan Term** – configured as a 2-year term consistent with an expected building cycle.
- **Assumed Construction Loan Rate** – set at 7.50% based on 2023 Commercial Mortgage Backed Securities (CMBS) indices.
- **Assumed Long Term Mortgage Rate and Term** – is assumed as a 30-year term at 6.95%, up from an interest rate of 3.25% in the 2020 analysis.
- **Tax Credit Financing** – is a Yes/No parameter. This parameter assumes that the developer has access and is granted 4% Low Income Housing Tax Credits (LIHTC) through the Utah Housing Corporation. This parameter has not changed since the 2020 analysis.
- **Density Bonus** – is a Yes/No parameter and considers the additional potential density from reduced setbacks and additional height offered in the 2021 adopted AMPD code. Turning on this parameter has the effect of adding the equivalent square footage and economic effect of an additional floor. This parameter has not changed since the 2020 analysis.
- **Parking Reduction** – is a Yes/No parameter and considers the discretionary parking reduction in the 2021 adopted AMPD code. Turning on this parameter has the effect of reducing a project's parking requirements and the economic effect of upfront cost savings and reduced long term financing costs. This parameter has not changed since the 2020 analysis.
- **Nightly Rental Bonus** – is a Yes/No parameter and would allow a project to take 5 units from any non-affordable rate units in the project and convert them to nightly rentals. As nightly rentals are generally higher revenue generators in Park City than similarly sized long-term rental assets, this has the effect of boosting gross revenue and net income. This assumes that a market rate is charged for the nightly rentals. This is a new parameter for the 2023 model. Please note that it does not increase total unit count in a project as the parameter just allows for an alternative use for several units.
- **Commercial Units** – is a Yes/No parameter and would allow a project to build up to 10,000 SF of commercial space and would allow the developer to charge market rate rents for the space. This also requires the development of significantly more parking under the current code. This is a new parameter for the 2023 model. Please note that it does not increase total residential unit count in a project and assumes buildable space exists for the commercial component.
- **City Land/Equity Contribution** – is a parameter based on a percentage of total project costs, but can be seen as a method of reducing capital expense for a developer by allowing for either a below market ground lease to land at nominal cost or a direct grant into a project. This parameter was analyzed in the 2020 model and is not new for the 2023 analysis.

Considering that there are six parameters we wish to investigate using in a feasibility analysis, (tax credits, density bonus, parking reduction, nightly rentals, commercial

units, city land/equity contribution), there are 64 possible combinations of possible scenarios to analyze. Staff has reduced these to 11 primary scenarios associated with affordable project parameters and has included one per market rate, no AMPD project, in order to demonstrate the rents a developer is required to charge in order to make a multi-family residential project in Park City, is financially feasible. The model parameters combinations, Area Median Income (AMI) levels, and financial metrics associated with each scenario are outlined below.

							Two Feasible Scenarios					
	Non-AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 10	Scenario 11	Scenario 12
Tax Credit Financing	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Density Bonus	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Parking Reduction	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Nightly Rental Bonus	N	N	N	N	Y	Y	Y	Y	N	N	N	N
Commercial Units	N	N	N	N	N	Y	Y	N	N	N	N	N
City Land/Equity Contribution	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y

Table 1. 2023 AMPD Pro-Forma Key Scenario Configurations. Y= Parameter Turned On, N = Parameter Turned Off. Source: PCMC as of August 2023.

							Two Feasible Scenarios					
	Non-AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD	AMPD
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 10	Scenario 11	Scenario 12
AMI Mix Required for Project Feasibility	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%	AMI,%
Studio - Type 1	120%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Studio - Type 2	120%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
1 Bedroom - Type 1	150%	55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	55%
1 Bedroom - Type 2	150%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
2 Bedroom - Type 1	150%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%
2 Bedroom - Type 2	175%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2 Bedroom - Nightly Rental Units	100%	N/A	N/A	N/A	100%	100%	100%	100%	N/A	N/A	N/A	N/A
Commercial Unit	100%	N/A	N/A	N/A	N/A	100%	100%	N/A	N/A	N/A	N/A	N/A

Table 2. 2023 2023 AMPD Pro-Forma AMI% Configurations Required for Financial and/or Legal Feasibility. Source: PCMC as of August 2023.

Project Financial and Housing Metrics	Non-AMPD						Two Feasible Scenarios		AMPD			
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 10	Scenario 11	Scenario 12
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 10	Scenario 11	Scenario 12
Total Housing Unit Count	72	72	88	88	88	88	88	88	88	88	72	88
Total Count of Affordable Spaces	0	58	74	74	74	74	74	74	74	74	58	74
Total Parking Spaces	72	72	88	60	60	90	90	60	60	88	72	88
Total Tenants Served	160	160	176	176	161	161	161	161	176	176	160	176
% of Sq. Footage <= 80% AML	0%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%	60%
Weighted Average of AMLs as Configured	140%	66%	63%	63%	63%	63%	63%	63%	65%	65%	68%	63%
Operating Year 1 Net Income, \$	\$3,171	(\$1,079,415)	(\$1,154,260)	(\$1,064,023)	(\$829,574)	(\$922,204)	(\$200,348)	(\$187,924)	(\$386,150)	(\$476,387)	(\$481,748)	(\$512,608)
Operating Year 1 Margin, %	0%	-61%	-57%	-53%	-34%	-34%	-7%	-8%	-19%	-23%	-27%	-25%
Annualized Return on Equity, %	2.75%	-4.82%	-4.62%	-4.25%	-2.67%	-2.56%	0.62%	0.55%	-0.53%	-0.92%	-1.21%	-1.12%
Average Cap Rate, %	2.03%	-0.63%	-0.55%	-0.44%	0.04%	0.08%	0.93%	0.90%	0.49%	0.35%	0.24%	0.28%
Years to Operating Break Even	2	24	23	22	17	16	6	6	11	12	14	15
Initial Equity From Developer, % of Project	35%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
Initial Equity from City, % of Project	0%	0%	0%	0%	0%	0%	15%	15%	15%	15%	15%	15%
Is Project Feasible?	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No

Table 3. 2023 2023 AMPD Pro-Forma Financial Metrics. Source: PCMC as of August 2023.

Based on the pro-forma, as of 2023, an AMPD project would require all parameters to be turned on except for the development of commercial space.

Our primary test for project feasibility is that it can reach zero to positive net income by year six of its operations. The second test for feasibility is to check that the project can obtain a positive annualized return on equity over a 30-year period, even if it is a sub 1% return.

Commercial space does not have as material an impact as one might expect given that

it requires significant parking expense and investment, which raises the total project construction and financing costs and provides only a marginal revenue benefit relative to its costs.

Lastly, to aid in interpretation of the above grid, the definition of key statistics is provided below:

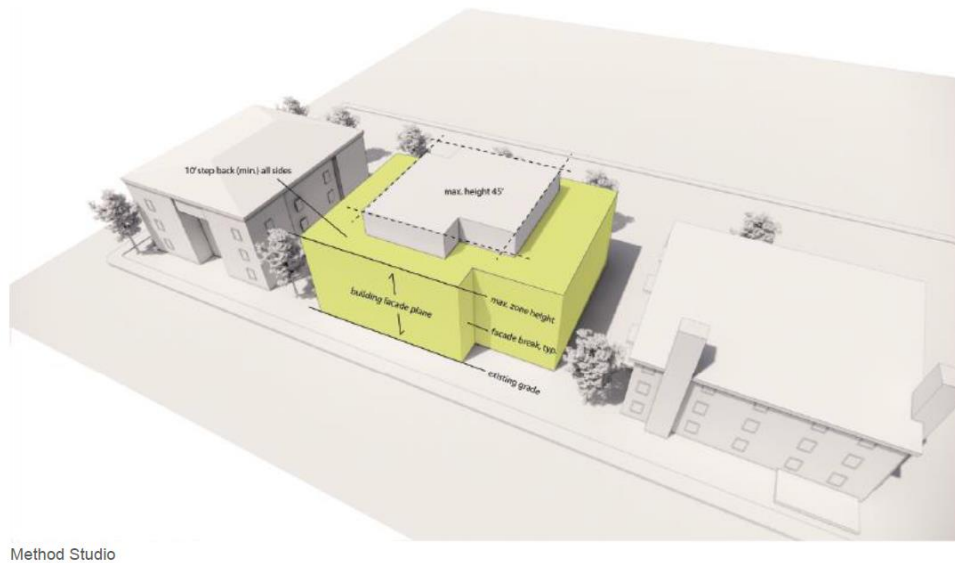
- **Weighted Average of AMIs Configured** – is a square footage weighted average of the AMIs charged by unit type.
- **Operating Year 1 Net Income, \$** – is Annual Gross Revenue less Annual Operations & Maintenance Costs less Annual Debt Service Principal & Interest less Property Tax expenses
- **Operating Year 1 Margin, %** – is Operating Margin/Gross Revenue
- **Annualized Return on Equity, %** – is the annual average of Net Operating Income/Owner's Equity assuming a mark-to-market equity valuation
- **Average Cap Rate, %** – is the annual average of Net Operating Income/Project Market Value assuming a mark-to-market property valuation
- **Years to Operating Break Even** – is the count of the number of years required for total revenues to exceed total expenses.

Is the Commission interested in allowing additional commercial square footage or nightly rentals to achieve deeper affordability in AMPDs?

(I) Evaluate the 45-foot height and whether the height density should be based on the maximum height for the zone.

Cascadia Partner's [Best Practice Research](#) recommended a height increase to incentivize development of affordable units with a top-story stepback "to reduce the perceived scale and height of larger buildings, and to provide a more gradual transition from adjacent sites with lower buildings." The AMPD code establishes an allowable building height of 45 feet if the project achieves a ten-foot stepback along the building façade perimeters, shown in the illustration below:³

³ LMC [Section 15-6.1-8\(A\)](#)



Method Studio

For comparison, AMPDs are allowed in the Zoning Districts included in the table below, showing the Zoning District height and AMPD density height:

Zoning District	District Height	AMPD Density Height
Residential Development	28 feet	17 feet
Residential Development Medium	28 feet	17 feet
Recreation Commercial	35 feet	10 feet
General Commercial	35 feet	10 feet
Light Industrial	30 feet	15 feet
Community Transition	28 feet	17 feet
Historic Commercial Business	Up to 45 feet	zero
Historic Recreation Commercial, east of Park Avenue	32 feet	13 feet

As demonstrated above, a density bonus is needed to reduce the financing gap for AMPDs. Staff finds the ten-foot stepback mitigates height to achieve compatible infill. For example, Ketchum recently approved [Bluebird Village](#) with 51 deed-restricted

affordable units and ground floor office and commercial spaces, 45 on-site parking spaces, and a height 51 feet with a stepback. The stepback creates the appearance of a three-story façade at the pedestrian scale but allows for additional density.



Bluebird Village

Would the Commission like to modify the maximum 45-foot height in any of the Zoning Districts that allow AMPDs?

(II) Consider removing the 10-foot stepback on project interior facades.

The AMPD code requires a ten-foot stepback on the top story of all building facade perimeters when the building reaches the 45-foot maximum height to mitigate impacts of the increased height. However, for larger sites, there may be an opportunity to remove the stepback requirement for the interior building facades.

If the code was amended to require only perimeter facades to include a ten-foot stepback, the buildable area on the top story within the project would be increased while still decreasing impacts to adjacent properties. As an example of what this could mean for larger sites, staff highlighted the perimeter facades for the HOPA AMPD in green in the image below taken from the HOPA Applicant's site plan. If the code were amended, all interior building perimeters could achieve the maximum 45-foot building height, creating additional square footage for units.



Another possibility is removing the stepback altogether. One of the case studies presented by Cascadia was Ketchum, Idaho, which establishes a building height increase of ten or more feet with a maximum 52-foot building height for projects that offer 100% affordable units.⁴ Originally, Ketchum required a ten-foot stepback on the top story for projects achieving the bonus height increase. However, in 2021, the city adopted [Ordinance No. 1226](#), amending the code to remove the ten-foot stepback and allow for full build-out at the stop level. Staff finds the stepback supports compatible infill and recommends consideration of removing the requirement for the interior building facades, but retaining the project perimeter building facades.

Is the Commission supportive of removing the 10-foot stepback from the interior facades of an AMPD?

Is the Commission interested in considering no stepbacks within limited Zoning Districts?

⁴ Market-rate units may reach a maximum building height of 42 feet.

(III) Ensure Protection of the Frontage Protection Zone

LMC [Section 15-2.20-1](#) outlines the purpose of the Frontage Protection Zone (FPZ):

- Preserve Park City's scenic view corridors
- Preserve and enhance the rural resort character of Park City's entry corridor
- Provide a significant landscaped buffer between Development and highway uses
- Minimize curb cuts, driveways and access points to highways
- Allow for future pedestrian and vehicular improvements along the highway corridors

The FPZ establishes a 100-foot setback from certain rights-of-way, including Park Avenue, Kearns Boulevard, and portions of Deer Valley Drive and Marsac Avenue. LMC [Section 15-2.20-2](#). Construction is prohibited within 30 feet of the 100-foot setback from the rights-of-way. LMC [Section 15-2.20-4\(A\)](#). Construction between 30 feet and 100 feet requires a Conditional Use Permit and Planning Commission review. LMC [Section 15-2.20-4\(B\)](#).

LMC [Section 15-6.1-12](#) requires AMPDs to comply with the Land Management Code. To call attention to the FPZ, LMC Section 15-6.1-12 could be amended to include:

P. If applicable, complies with the requirements of the Frontage Protection Zone.

Would the Commission like to call attention to the FPZ as part of the AMPD review criteria?

(IV) Establish a rooftop setback for mechanical equipment

When reviewing AMPDs, the Planning Commission identified an opportunity to mitigate the impacts of rooftop mechanical equipment for future projects through rooftop setbacks. While the height of some building elements like elevator penthouses cannot be mitigated for four-story buildings, these features could be encouraged to be located where it has the least impact on adjacent properties.

However, with condenser units and HVAC systems, there is flexibility in the rooftop location and some communities establish rooftop setback requirements. An example of this is outlined in Ketchum's amended code. When Ketchum removed the top-story setback through [Ordinance No. 1226](#), the city established a ten-foot rooftop setback for all mechanical equipment, fixed amenities, and solar equipment.

LMC [Section 15-6.1-8\(B\)](#) could be amended as follows:

EXCEPTIONS. The following may exceed the Building Height:

1. Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code requirements;
2. Water towers, mechanical equipment, and Solar Energy Systems, when enclosed or Screened, may extend up to five feet (5') above the forty-five foot (45') Building Height **and shall be set back a minimum of ten feet from the rooftop perimeter**; and
3. Elevator Penthouses may extend up to eight feet (8') above the forty-five foot (45') Building Height.

Does the Commission have additional edits?

(V) The LMC does not prohibit modular construction

As discussed in the August 9, 2023 work session, there are [modular](#) and prefabricated construction companies that manufacture materials in a factory and then deliver and assemble development on site. This type of construction can reduce the timeline to build and as a result may decrease costs in some circumstances.

Modular construction—self-contained units—is mostly completed in a factory and once transported to a site is put together like building blocks. Prefabricated construction is produced in a factory and then assembled on site. The LMC does not prohibit either and the affordable Woodside Park Phase 1 project was constructed with a prefabrication model.

(VI) The LMC does not prohibit upper-story infill.

The Commission identified potential commercial sites that do not maximize density or height and could accommodate additional upper-story development. Nothing in the LMC prohibits this, but as discussed in the August 9, 2023 work session, the parking requirements may be prohibitive unless reduced. As part of the LMC evaluation to identify additional opportunities to incentivize affordable and missing middle housing, as well as to reduce single occupancy vehicles, Lisa Wise Consulting, Inc., Cascadia Partners, and Fehr and Peers are evaluating the LMC to identify barriers to housing and potential modifications to parking requirements. The consultants are scheduled to conduct a work session with the Planning Commission on November 8, 2023.

Additional considerations:

(VII) Requiring Child Care Centers may inhibit affordable housing development.

Land Management Code (LMC) [§ 15-15-1](#) defines Child Care as “the provision, day or night, of supplemental parental care, instruction and supervision for non-related child or children, on a regular basis, and for less than 24 hours a day. The term does not include babysitting services on a casual, non-recurring nature or in the child’s own home nor cooperative, reciprocate Child Care by a group of parents in their respective domiciles.”

LMC [§ 15-4-9](#) *Child Care and Child Care Facilities* establishes land use regulations for the four types of Child Care:

- In-Home Babysitting
- Family Child Care
- Family Group Child Care
- Child Care Centers

and outlines the following purpose:

It is the intent of Park City to encourage the provision of child care, which meets the fluctuating needs and demands of the City's residents, employees, and employers. Health and safety, convenience, compatibility, affordability, and adaptability are of primary importance in the regulation of child care facilities. Accordingly, the City has adopted the following definitions and regulations that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

Overall, the regulations for Child Care Facilities are permissive in most Zoning Districts (See the City Council [June 12, 2023 Staff Communication](#) for more information).

When the Planning Commission reviews Master Planned Developments (MPD), LMC [Section 15-6-5\(K\)](#) establishes Planning Commission discretion to require a Child Care Center for new residential uses "if the Planning Commission determines that the project will create additional demands for Child Care." The AMPD reflects the MPD code and also establishes this discretion as part of the Commission's review (LMC [Section 15-6.1-11\(K\)](#)). This potential requirement adds uncertainty and potential costs to AMPDs. As a result, staff recommends this discretion be removed. However, there may be opportunities to amend the code to incentivize a Child Care Center on an AMPD site through additional density bonuses.

***How would the Commission like to address
Child Care Centers in the AMPD review?***

Next Steps:

If the Commission reaches consensus on the proposed amendments, staff will notice the amendments for a public hearing on December 13, 2023, with a possible recommendation for City Council's consideration on January 4, 2023.

***Are there additional considerations the Planning Commission
recommends staff consider?***