



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF November 11, 2015

PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda*

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

WORK SESSION – *Discussion items only, no action taken*

Alice Claim aka Alice Lode Subdivision and Plat Amendment, Gully Site Plan Discussion	PL-08-00371 <i>Senior Planner</i> <i>Astorga</i>	45
8910 Empire Club Drive – One Empire Pass Conditional Use Permit for 27 residential units, one affordable unit and one ADA unit on Lot 15, The Village at Empire Pass MPD	PL-15-02983 <i>Senior Planner</i> <i>Whetstone</i>	57

CONTINUATIONS

152 Sandridge Road, Plat Amendment —Subdivision to create a legal lot of record from a metes and bounds parcel. <i>Public hearing and continuation to January 13, 2016</i>	PL-15-02952 <i>Planner</i> <i>Grahn</i>	127
2900 Deer Valley Drive, The Lodges at Deer Valley Phase 1, First Amended, Record of Survey Amendment – Proposal to change the 62 parking spaces from convertible space to common ownership. <i>Public hearing and continuation January 13, 2016</i>	PL-15-02943 <i>Planner</i> <i>Hawley</i>	128

CONSENT AGENDA – *All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.*

950 Empire Avenue, Steep Slope CUP — Construction of a new single-family dwelling on a vacant lot on a slope greater than 30%. <i>Public hearing and possible action</i>	PL-15-02842 <i>Planner</i> <i>Turpen</i>	129
347 Ontario Avenue, Steep Slope CUP — Addition to non-historic house on a slope greater than 30%. <i>Public hearing and possible action</i>	PL-15-02940 <i>Planner</i> <i>Grahn</i>	159

REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

823 Norfolk Avenue, Plat Amendment — Combining Lot 6 and parts of Lots 5 and 7, Snyder’s Addition to the Park City Survey. PL-15-02996 183
Planner
Grahn

Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated definitions in Chapter 15-15, Defined Terms. PL-15-02810 201
Senior Planner
Whetstone

Land Management Code Amendments in Chapter 15-2.6-3(D) — Main Street Balcony Enclosures to allow Main Street restaurant owners to construct winter enclosures on balconies of non-historic buildings from November 15th-April 15th which will allow winter dining on those enclosed decks. PL-15-03021 369
Planner
Grahn

WORK SESSION – Discussion items only, no action taken
Annual Legal Training on Public Meeting Act

Assistant City
Attorney
McLean

ADJOURN

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 11, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Doug Thimm, Nann Worel

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga Planner; Hannah Turpen, Planner; Anya Grahn, Planner; Makena Hawley, Planning Technician; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

PUBLIC INPUT

ADOPTION OF MINUTES

October 28, 2015

Commissioner Joyce referred to pages 21 and 22 of the Staff report, pages 19 and 20 of the Minutes and changed Director Eddington to correctly read Director **Erickson**.

Commissioner Joyce referred to Item 5 on page 21 of the Staff report, page 19 of the Minutes and changed gas stove installed to correctly read **gas fireplace installed**.

Commissioner Joyce referred to page 27 of the Staff report, page 25 of the Minutes, Finding of Fact #24 for the CUP, which “states that no signs and lighting are associated with this proposal”. He noted that signs and lighting were addressed and it was reflected in the Conditions of Approval for the CUP. He believed the Finding and Condition were conflicted. Chair Strachan recommended striking Finding #24 and renumbering the findings.

Commissioner Worel referred to page 4 of the Staff report, page 2 of the Minutes and noted that Alfred Knotts was the Transportation Director for the City and not a Consultant as stated in the Minutes.

Commissioner Phillips referred to page 18 of the Staff report, page 16 of the Minutes, first paragraph, second to the last sentence, "Mr. Phillips wanted to know where the occupants would park if the five proposed parking stall were not approved." He corrected the minutes to reflect that it was actually Commissioner Worel who had asked the question.

Chair Strachan referred to the gas fireplace and thought the Commissioners had required a gas fireplace for all units, not just the one unit. He understood that one chimney violated the height but he recalled a discussion about phasing out wood fireplaces due to health effects. Chair Strachan stated that his intention was to make all of the fireplaces gas and asked if the other Commissioners shared his recollection. Commissioner Joyce did not believe the Planning Commission actually came to that conclusion. He thought the discussion was focused on a condition of approval to address the chimney violation. Commissioner Joyce stated that he would support gas fireplaces as an LMC change but it was not a requirement for this particular application. Commissioner Band stated that she did not disagree with Chair Strachan's intention but it was not what the Planning Commission had discussed.

Planner Whetstone referred to page 52 of the Staff report, page 50 of the Minutes, the Motion to continue 900 Round Valley Drive, and corrected a typo in the date to correctly read, November 11, 2015.

MOTION: Commissioner Joyce moved to APPROVE the Minutes of October 28, 2015 as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director, Bruce Erickson, noted that it was Veterans Day. Being a Veteran himself he offered congratulations to Commissioner Worel for her veteran service, as well as all other Veterans.

Director Erickson announced that a joint meeting with the Snyderville Basin Planning Commission was scheduled for January 13, 2016. The meeting would be held in Park City and include presentations from both the County's Transportation Manager and Alfred Knotts, the City's Transportation Manager.

Director Erickson stated that if the discussion on the pending ordinance regarding historic preservation was productive this evening, the special meeting tentatively scheduled for November 17th would not be necessary. The Staff had no other items for the November 17th agenda. Unless there are unresolved issues with the pending ordinance that need further discussion the November 17th meeting would be cancelled.

Director Erickson reported that due to the holidays only one Planning Commission meeting was scheduled in December. December 9th would be the last meeting for 2015. He commented on the difficulty of parking during Sundance and unless they could avoid the parking issue the Planning Commission would only have one meeting in January.

Director Erickson commented on the pending ordinance and noted that the Historic Preservation Board had already reviewed the information that would be presented to the Planning Commission this evening. Also on the agenda were changes to the Sign Code that if approved would help during Sundance.

Commissioner Phillips congratulated Nann Worel on being elected to the City Council.

Commissioner Joyce asked if the regular meeting on January 27th could be held at a facility away from Sundance and scheduled as a working meeting. Instead of canceling the second meeting in January he thought it would be more productive to use that time to address some of the planning issues they talk about but never have time to discuss. Assistant City Attorney McLean stated that from a legal standpoint, every meeting must be noticed, it has to be recorded and there must be Minutes. However, the Commissioners could schedule a work session if they meet those requirements. Ms. McLean remarked that under State law they could hold a meeting at a different location as long as the entire meeting is conducted in that one location. The only exception is site visits. She commented on various locations where public meetings have been held outside of the Marsac Building.

Director Erickson stated that he would update the Planning Commission on December 9th on whether or not a meeting could be arranged for January 27th.

Commissioner Worel disclosed that her office is located on the IHC Medical Campus but that would not affect her decision regarding the IHC item on the agenda.

Commissioner Worel understood that the historic inventory that was being done by Vail was completed; however, she had concerns about the structures that were strapped to a tree making it through another winter. Director Erickson reported that the California Comstock building has been temporarily remediated to get it through the winter. The other structures had not moved and were still in the same condition. Mr. Erickson stated that the

Planning Department was comfortable with the structures at this point. He noted that the EPA is in Park City remediating soil and the City did not want to waste money starting remediation on mine structures in the event that it would have to be started over again. Mr. Erickson stated that the City has the money in escrow and they only pay for the work that is accomplished.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated definitions in Chapter 15-15, Defined Terms. (Application PL-15-02810)

Planner Whetstone requested that the Planning Commission continue this item to December 9, 2015 and not November 17th as shown on the agenda.

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

MOTION: Commissioner Worel moved to CONTINUE the LMC Amendments regarding vertical zoning regulations in storefronts in the HRC and HCB zoning districts to December 9, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1114 Park Avenue – 1114 Park Avenue Plat Amendment – proposal to remove interior lot lines to combine three (3) existing parcels into one (1) legal lot of record. (Application PL-15-02950)

Planner Turpen reviewed the application for a plat amendment at 1114 Park Avenue. The applicant intends to combine one parcel with two remnant parcels to create one legal lot of record. As proposed, Lot 1 would contain 3,615 square feet. A historic single-family home and a historic garage are located on the property and listed as Significant on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it would allow eliminate existing interior lot lines and create one legal lot of record. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive

recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 1114 Park Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact -1114 Park Avenue

1. The property is located at 1114 Park Avenue.
2. The property is in the Historic Residential Medium-Density (HR-M) District.
3. The subject property consists of three (3) parcels which include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; remnant parcels #2 and #3 including the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Park City Municipal Corporation property (Parcel No. SA-360-A-X).
4. Parcel #1 (the northerly half of Lot 3 and all of Lot 4) contains a historic house, built in 1901. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4, Block 56, Snyder's Addition.
5. The building footprint of the historic house is approximately 1,318 square feet.
6. The historic house is listed as "Significant" on the Historic Sites Inventory (HSI).
7. A historic single-car garage accessory structure is located on Parcel #2. The historic single-car garage accessory structure encroaches into Park City Municipal Sullivan Corporation property.
8. The building footprint of the historic single-car garage accessory structure is

approximately 312 square feet.

9. The single-car garage accessory structure is associated with the “Significant” site and is also considered historic (“Significant”) as it contributes to the historic context of the house and site as a whole.

10. The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet.

11. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District.

12. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1114 Park Avenue will be 3,615.23 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.

13. The combined lot does not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone.

14. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5’). The proposed lot is thirty-seven and one-half feet (37.5’) wide.

15. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City as approved by City Council for the encroachment into Park City Municipal Corporation property.

16. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City, as approved by City Council, and the property owner of 1108 Park Avenue.

17. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue.

18. The existing historic house does not meet the required side yard setback on the north. The side yard setback on the north side is 0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west). The existing historic house meets all requirements for front and rear setbacks and the south side yard setback. The front yard setback is 17 ft. to 16 ft. 7.2 in. (from north to south). The rear yard setback is 22 ft. 9.6 in. to 23 ft.

(from north to south).

19. The existing historic single-car garage accessory structure does not meet the required side yard setback on the south or the rear yard setback. The side yard setback on the south side is 0 ft. The rear yard setback is 0 ft. (the historic single-car garage accessory structure encroaches into Park City Municipal Corporation property). The existing historic single-car garage accessory structure meets all requirements for front and north side yard setbacks. The front yard setback is 79 ft. to 78 ft. (from north to south). The north side yard setback is 24 ft. 4.8 in. to 24 ft. (from east to west).

20. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

21. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.

22. The property is located within the Park City Soils Ordinance. A Certificate of Compliance will be required.

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

24. The proposed lot area of 3,615.23 square feet is a compatible lot combination as the entire Historic Residential Medium-Density (HR-M) District has abundant sites with similar dimensions.

25. On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015. The application was approved on October 30, 2015.

26. On October 1, 2015, the applicant applied for a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015.

27. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and existing material from the historic single-car garage accessory structure as a part of the HDDR application.

28. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1114 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 1114 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.
4. The historic single-car garage accessory structure cannot be removed; therefore, the property owner must enter into an encroachment agreement with the City, as approved by City Council, for the encroachment into Park City Municipal Corporation Property prior to recordation of the plat.
5. The vertical wood slat fence located on the east side of the property can either be removed, or the applicant must enter into an encroachment agreement with the City and the property owner of 1108 Park Avenue prior to recordation of the plat.
6. The applicant can either remove the vertical wood slat fence located on the south side of the property or enter into an encroachment agreement with the property owner of 1108 Park Avenue prior to recordation of the plat.

7. 13-D sprinklers are required for any new construction or significant renovation of existing and this shall be noted on the final plat.

2. 217-221 Park Avenue – 217-221 Park Avenue Plat Amendment – proposal to adjust existing interior lot line. Two (2) legal lots of record will remain (Application PL-15-02949)

Planner Turpen reviewed the application for 217 and 221 Park Avenue. The applicant intends to adjust the lot line common to Lot 5 and Lot 6 in Block 2 of the amended plat of Park City by moving it .17 feet to the south. The purpose of moving the common lot line is because Lot 6 is a substandard lot and moving the lot line will bring it into compliance with the minimum lot area for the HR-1 zone. As proposed, Lot 5R would contain 2,044 square feet and Lot 6R would contain 1,875 square feet.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Chair Worel asked if both lots were owned by the same owner. Planner Turpen answered yes, and noted that both lots were vacant.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce thought it was absurd that an owner is required to come before the Planning Commission and then to the City Council to obtain approval to adjust a lot line by two inches. It was a waste of time and money for the applicant and he found the process distasteful. Commissioner Joyce was dismayed that there was not an administrative process for this type of application.

Assistant City Attorney McLean was unsure of the specifics regarding this application, but she noted that there is an administrative process for lot line adjustments that is outlined in both the LMC and State Code. However, sometimes it is easier to go through this process because the administrative lot line process requires the consent of all the neighbors.

Commissioner Worel recalled in past applications the term “diminimus”. She asked what would constitute diminimus if it was not something as minor as this. Director Erickson

stated that the Staff was currently looking at three applications that were down to a hundredth of an inch of a fence encroaching on neighbors. He noted that the applicant had requested this process to avoid having to get neighbor approval.

Planner Turpen stated that because typically it is second home ownership the applicants find that it is faster to go through this process instead of having to find all of the owners and get their signatures.

Commissioner Joyce acknowledged that he has not looked at the details of the administrative process. However, if an owner wants to shift a lot line within his own lot by two inches with no one else involved, and he chooses to go before the Planning Commission and the City Council because it is easier than the administrative process, that is a clear indication that something is wrong with the process. Commissioner Joyce offered to look into the process to see if there was a way to make it easier. Director Erickson offered to help him.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 217 & 221 Park Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 217 & 212 Park Avenue

1. The property is located at 217 & 221 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey.
4. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location.
5. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District.
6. Lot 5 and Lot 6 are owned by the applicant and are vacant lots.

7. The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone.

8. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.

9. A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District.

10. The minimum lot area for a single-family dwelling is 1,875 square feet.

11. The lots alone do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.

12. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement.

13. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3'), six feet (6') total.

14. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #4.

15. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5.

16. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6.

17. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7.

18. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8.

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

20. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot dimensions as the entire Historic Residential-1 District has abundant sites with the similar dimensions.

21. Lot 5R will have a maximum building footprint of 911.4 square feet. Lot 6R will have a maximum footprint of 844 square feet.

22. Prior to redeveloping the lots, a Historic District Design Review (HDDR) application for each lot shall be reviewed and approved by the Planning Staff.

23. On September 28, 2015, the applicant applied for a Plat Amendment application for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 217 & 221 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

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 – 217 & 2212 Park Avenue

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

and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.
4. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, prior to plat recordation.
5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, prior to plat recordation.
6. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 225-235 Park Avenue, prior to plat recordation.
7. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, prior to plat recordation.
8. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, prior to plat recordation.
9. 13-D sprinklers are required for any new construction or significant renovation of existing. This shall be noted on the plat prior to recordation.

**3. 422 Ontario Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development
(Application PL-15-02920)**

Planner Francisco Astorga reviewed the application for a plat amendment at 422 Ontario, known as the Sorensen Plat Amendment. He referred to the survey on page 102 of the Staff report. Planner Astorga reported that the site consists of one full lot of record and five remnant substandard lots with three separate tax ID numbers. A historic site on the structure was built over the two property lines. There is common ownership of the three remnant parcels along the back.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the requested plat amendment at 422 Ontario Avenue.

Chair Strachan noted that Finding of Fact #11 talks about a duplex. Planner Astorga stated that the lot would qualify for a duplex and require a conditional use permit; however, he did not believe that was the owner's intent. Planner Astorga understood that the owner intends to build an addition towards the back of the existing structure. The owner was present and confirmed that they were not planning to build a duplex. Chair Strachan recommended striking Finding #11 since it was irrelevant.

Chair Strachan asked if the applicants would have to apply for a Steep Slope CUP for the addition. Planner Astorga stated that based on a very detailed slope analysis the applicants would have to come back for a Steep Slope CUP.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Phillips referred to the aerial view on page 105 of the Staff report. He thought the four houses shown all have a 10' feet setback that created a nice line. He noted that the setbacks for this project would set it further back from the neighboring homes. Planner Astorga noted that the current standard for a standard lot of record in Old Town is 10 feet front and back. If the lot is deeper than 75' the setback changes to 12' minimum on the front and rear with a 15' total setback. Planner Astorga stated that the existing house is historic and it currently does not meet the setbacks. Per the LMC it is considered a legal complying structure. Therefore, the setback on the rear property line

would be increased from 10' to 13'. Planner Astorga agreed that the setback would change the neighborhood pattern; but it would still be restricted by the maximum building footprint which does not allow maximizing the entire building pad. The owner would also have to meet the Design Guidelines for the addition. Planner Astorga was unclear whether a setback on the rear property line that did not follow the predominant pattern of the road would create a detrimental impact. He thought the Planning Commission could have that discussion when the applicant comes back for a Steep Slope CUP.

Chair Strachan stated that the large tree in front of the lot would definitely qualify as significant vegetation because its diameter is more than six inches at the trunk. If the setbacks would not allow preserving the tree the setbacks would have to be adjusted. The owner pointed out that the tree is in the City right-of-way and not on their property.

MOTION: Commissioner Worel moved to forward a POSITIVE recommendation to the for the Sorensen Plat Amendment located at 422 Ontario Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended to remove Finding of Fact #11. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 422 Ontario Avenue

1. The property is located at 422 Ontario Avenue.
2. The property is in the Historic Residential District.
3. The subject property consists of the north one-half of Lot 5, all of Lot 6, the south one-half (approx.) of Lot 7, and a portion of Lots 26, 27, and 28, Block 58 of the Park City Survey.
4. This site is listed on Park City's Historic Sites Inventory and is recognized as historically Significant.
5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) tax parcels.
6. The Plat Amendment removes two (2) lot lines going through the historic structure as well as one lot line towards the back of the property.
7. The proposed Plat Amendment combines the property into one (1) lot measuring 4,464 square feet.

8. A single-family dwelling is an allowed use in the District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lots meet the minimum lot area for single-family dwellings.
11. The proposed lot width is fifty feet (50').
12. The minimum lot width required is twenty-five feet (25').
13. The proposed lot meets the minimum lot width requirement.
14. The maximum building footprint allowed based on proposed lot size is 1,736 square feet.
15. The minimum front/rear yard setbacks are twelve feet (12').
16. The minimum total front/rear yard setbacks are twenty-five feet (25').
17. The minimum side yard setbacks are five feet (5').
18. The existing historic structure does not meet front yard setbacks as the structure was built 8.7 feet from that property line.
19. The existing historic structure does not meet the south side yard setback as the structure was built 2.9 feet from that property line.
20. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
21. The submitted survey reveals that the site contains a shed on the rear setback area which does not meet the minimum rear setback requirement of one foot (1'), per LMC § 15-2.2-3(G)(6), as the shed goes over that rear property line.
22. Staff recommends that the property owner shall resolve the rear property line shed encroachment by either removing relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.
23. The proposed Plat Amendment consolidates five (5) remnant parcels into the requested lot of record and public snow storage and utility easements are provided

on the lot.

24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 422 Ontario Avenue

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

Conditions of Approval – 422 Ontario Avenue

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 Planning Commission Packet November 11, 2015 Page 97 of 239 Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.
4. The property owner shall resolve the shed encroachment over the rear property line by either removing/relocating the shed or working out an easement agreement with the rear property owner prior to Plat recordation.
5. The site has a planter, retaining walls, and stairs located in the City Right-of-Way (ROW) along Ontario Avenue. The applicant shall either remove the planter, retaining walls, and stairs located on the City ROW along Ontario Avenue or work with the City Engineer to assure that these improvements are authorized in the form of an ROW encroachment agreement.
6. This Plat Amendment does not grant or dedicate this area for parking for exclusive

use of the subject site but rather for public general use.

7. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

**4. 1893 Prospector Avenue – Ratification of a Development Agreement for the Central Park City Condominiums Master Planned Development
(Application PL-15-02698)**

Planner Kirsten Whetstone requested that the Planning Commission review the Central Park City Condominiums Master Planned Development Agreement and consider ratifying this agreement to memorialize the MPD that was approved on July 8, 2015. The MPD was for 11 residential dwelling units within the 110,000 square foot building. The project is located at 1893 Prospector Avenue. Two affordable units are included in the total to meet the applicant's obligation under the Housing Resolution.

The Staff recommended that the Planning Commission approve the Development Agreement. The final form of the Development Agreement would be approved by the City Attorney.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to Ratify the Development Agreement to memorialize the MPD approval granted by the Planning Commission on July 8, 2015 for 1893 Prospector Avenue. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

**5. 900 Round Valley Drive-Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development
(Application PL-15-02695)**

Planner Whetstone stated that at the last meeting the Planning Commission made a motion to continue the discussion regarding the density issue of the pre-MPD. In a separate motion the Planning Commission found that the pre-MPD complied with the General Plan. However, the Findings of Fact, Conclusions of Law and Conditions of

Approval that the Staff had drafted for the last meeting also included the density. Planner Whetstone had revised the Findings, Conclusions and Conditions specific to the motion that the subdivision of Lot 8 was consistent with the General Plan.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report to memorialize the finding made at the October 28th meeting that the subdivision of Lot 8 was initially consistent with the General Plan and the CT Zone requirements as conditioned.

Director Erickson noted that the Staff was also requesting that the Planning Commission continue the discussion on the additional density to December 9th.

Morgan Bush, representing the applicant, stated that based on a request by the Planning Commission IHC had submitted the MPD application for the Peace House. He reported that IHC Management has approved delaying the MPD application for density until they work through the pre-MPD process.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Thimm recalled a lengthy discussion regarding the 2.64 units per acre that were granted with the overall project. However, the Staff report was now talking about 3.0 units per acre. He asked if there was a reason why it was not consistent.

Director Erickson stated that it was one reason for requesting a continuance. He explained that basically the underlying zone density with public benefits would allow up to three units per acre. The current applied MPD approval was for 2.64 units; however, the applicant has the right to try to provide additional public benefits to allow 3.0 units per acre. Mr. Erickson remarked that since the Staff was still reviewing that information the density issue was bifurcated from the Peace House, which does not require unit equivalents by resolution of the Housing Authority.

MOTION: Commissioner Joyce moved to Ratify the Findings of Fact, Conclusions of Law and Conditions of Approval that memorialize the motion made on October 28th, 2015 that the request to subdivide Lot 8 is in initial compliance with the General Plan and CT Zone requirements. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE to December 9, 2105 the Pre-Master Planned Development discussion and public hearing regarding a request to add 15 UEs of support medical office use to the Intermountain Healthcare Master Planned Development. Commissioner Phillips seconded the motion.

Commissioner Joyce recalled in the previous discussion talking about City uses of the potential UEs and IHC uses. He noted that their discussion did not include the Ski and Snowboard Association, the Summit County Health Building or other property owners who potentially may want to expand. Director Erickson stated that those facilities were included in the Staff discussions in terms of deciding whether or not unit equivalents are the correct currency of measure for that MPD; and if they are correct, whether to adjust the zoning to allow more unit equivalents in the CT zone or make some other adjustment to the LMC. Mr. Erickson pointed out that it was a complex process and it was one of three alternatives they were considering.

Findings of Fact - Subdivision of Lot 8

1. On September 21, 2015, the City received a revised application for a Pre-Master Planned Development application for amendments to the IHC Master Planned Development to subdivide Lot 8 into two lots, Lot 8 would become 3.6 acres to provide a separate lot for the Peace House and Lot 12, created from the remaining 6.33 acres, would be dedicated as an open space lot, preserving wetlands and open space within the MPD.
2. The property is zoned Community Transition- Master Planned Development (CTMPD).
3. There is no minimum lot size in the CT zone.
4. Access to the property and to Lot 8 is from Round Valley Drive, a public street.
5. The property is subject to the IHC/USSA/Burbidge Annexation plat and Annexation Agreement recorded at Summit County on January 23, 2007.
6. On May 23, 2007, the Planning Commission approved a Master Planned Development for the IHC aka Park City Medical Center as well as a Conditional Use Permit for Phase One construction.
7. On November 25, 2008, a final subdivision plat known as the Subdivision Plat (Amended) for the Intermountain Healthcare Park City Medical

Campus/USSA Headquarters and Training Facility was approved and recorded at Summit County.

8. On October 8, 2014, the Planning Commission approved MPD amendments for Phase 2 construction. These MPD Amendments transferred 50,000 sf of support medical office uses to Lot 1 from Lots 6 and 8 (25,000 sf each).

9. An amendment to the IHC Master Planned Development (MPD) requires a Pre-MPD application and review for initial compliance with the Park City General Plan and the purpose and uses of the CT Zoning District as described in Land Management Code (LMC 15-6-4(B)).

10. The CT zoning district, per LMC Section 15-2.23-2, allows for a variety of uses including conservation and agriculture activities; different types of housing and alternative living situations and quarters; trails and trailhead improvements; recreation and outdoor related uses; public, quasi-public, civic, municipal and institutional uses; hospital and other health related services; athlete training, testing, and related programs; group care facilities, ancillary support commercial uses; transit facilities and park and ride lots; small wind energy systems; etc.

11. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.

12. IHC is located in the Quinn's Junction neighborhood, as described in the Park City General Plan.

13. The Joint Planning Principles for the Quinn's Junction area recommend development patterns of clustered development balanced with preservation of open space. Public preserved open space and recreation is the predominant existing land use. Clustered development should be designed to enhance public access through interconnection of trails, preserve public use and enjoyment of these areas, and continue to advance these goals along with the preservation of identified view sheds and passive open space areas. New development should be set back in compliance with the Entry Corridor Protection Overlay. Sensitive Lands should be considered in design and protected. Sensitive wetland areas should be protected and taken into consideration in design of driveways, parking lots, and buildings, as well as protected from impacts of proposed

uses.

14. Uses contemplated in the Joint Planning Principles for this neighborhood include institutional development limited to hospital, educational facilities, recreation, sports training, arts, cultural heritage, etc.

15. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood as the development will be located on existing lots, setback from the Entry Corridor to preserve the open view from SR 248, and the impacts of parking and traffic can be mitigated per requirements of the CT zone, pedestrian connections can be maintained and enhanced by providing additional trails and open space, and the architectural character can be maintained with authentic materials and building design required to be compatible with the existing buildings.

16. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.

17. Quinn's Junction is identified as a Development Node. The proposed MPD amendments include uses to ensure that the Medical Campus can continue to serve the needs of the community into the future.

18. There is existing City bus service to the area on an as needed basis and additional uses will help to validate additional services as a benefit for all of the uses in the area. Studies of transit and transportation in the Quinn's area will be important in evaluating the merits of the MPD amendments and considerations for permanent bus routes in the area.

19. The Medical Campus is located on the City's trail system and adjacent to Round Valley open space.

20. Natural Setting Goals of the General Plan include conserving a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

21. Green building requirements are part of the existing Annexation Agreement.

22. On August 26, 2015, the Planning Commission conducted a public hearing and discussed the pre-MPD application and took action on the request to locate the Peace House on the eastern portion of Lot 8 as partial fulfillment of the affordable housing obligation for the Medical Campus.

23. On August 26, 2015, The Commission continued discussion on the proposed amendments regarding the subdivision of Lot 8 and the request for additional density.

24. On September 21, 2015, the applicant submitted a revised application regarding the subdivision of Lot 8, stating that Lot 12 would be an open space lot, and requested the 50 UE of density be restricted to Support Medical Uses to be located only on Lots 1 and 6.

25. On October 10, 2015, a legal notice of the public hearing was published in the Park Record and placed on the Utah public meeting website.

26. On October 14, 2015, the property was re-posted and letters were mailed to neighboring property owners per requirements of the Land Management Code.

27. On October 28, 2015, the Planning Commission found the proposal to subdivide Lot 8 per the revised application, to be in preliminary compliance with the General Plan. The Commission continued the density issue to November 11, 2015.

Conclusions of Law - Subdivision of Lot 8

1. The proposed MPD Amendments to the Intermountain Healthcare Hospital MPD initially comply with the intent of the Park City General Plan and general purposes of the Community Transition (CT) zone.
2. These findings are made prior to the Applicant filing a formal MPD Application.
3. The proposed MPD amendments are consistent with the intent of the Joint Planning Principles for the Quinn's Junction area and are a compatible use in this neighborhood.
4. Finding a Pre-MPD application consistent with the General Plan and general purposes of the zone, does not indicate approval of the full MPD or subsequent

Conditional Use Permits.

Conditions of Approval - Subdivision of Lot 8

1. The full MPD and Conditional Use Permit applications are required to be submitted for review and approval by the Planning Commission prior to issuance of any building permits for construction related to the Peace House on Lot 8.

2. The MPD will be reviewed for compliance with the MPD requirements as outlined in LMC Chapter 6, the Annexation Agreement, the CT zone requirements, as well as any additional items requested by the Planning Commission at the pre-MPD meeting.

3. The plat amendment to subdivide Lot 8 will include Lot 12 as a platted open space lot.

6. **Sign Code changes to increase clarity, bring the Code into compliance with recent US Supreme Court decisions and provide for developed recreation area freestanding signs.**

Planning Technician, Makena Hawley, reported that in July 2015 the Planning Department began research to make changes and clarifications to Title 12, the Park City Sign Code. Since then the US Supreme Court Decision with Reed v Gilbert presented the need for cities to amend their sign codes in order to bring them into compliance to support neutral content based regulations.

Ms. Hawley stated that the Planning Commission was tasked with three separate recommendations this evening. The first is a recommendation to amend Title 12 to bring it into compliance with the Supreme Court decision. The second is a recommendation for amendments Chapters 2 and 9 creating greater allowances for free-standing signs in developed recreation areas. The third is a recommendation for amendments through Title 12 making minor changes for clarity and style.

Ms. Hawley introduced Assistant City Attorney Tricia Lake and Law Clerk Aaron Benson who would be giving a presentation this evening. The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Aaron Benson stated that in general one of the purposes of sign codes is to place limits to avoid a proliferation of signs. In the past there has been uncertainty and gray area within the Supreme Court as to what kind of categories cities could draw in allowing some signs

but not others. Mr. Benson remarked that the Supreme Court took the case *Reed v Gilbert* to provide clarity on the rule with regards to regulating signs in cities by reference to their content. The general rule that the Court stated as the government regulation of speech is content based if it applies to particular speech because of the topic discussed or the idea or the message expressed.

Mr. Benson noted that the sign code in Gilbert, Arizona prompted the court case. The actual reason for the court case was outlined in the Staff report. Mr. Benson stated that the result from the court decision is that regulations that treat a sign differently than other signs based on the message conveyed or the content of the sign would not be allowed going forward, but with one caveat. The Supreme Court has historically treated commercial speech differently than non-commercial speech. The most familiar form of commercial speech is advertising and proposes some type of commercial transaction between parties. Mr. Benson remarked that the Court has been more lenient with regulations that restrict commercial speech. The decision in *Reed v Gilbert* did not address commercial speech at all. The Court only focused on categories related to non-commercial speech. Mr. Benson provided examples of non-commercial speech, including campaign signs. Currently, the Park City sign code treats campaign signs separately. The other two categories the Supreme Court looked at in the *Gilbert* case was 1) ideological signs, which is a catch-all non-commercial category, and 2) temporary directional signs, which direct people and provide information about events.

Mr. Benson stated that examples of commercial speech included a business name on a building and real estate signs. He noted that cities treat real estate signs differently because it proposes a commercial transaction. Mr. Benson stated that because the Supreme Court skirted the question of whether commercial speech could be addressed by reference to its content, it has been allowed to some extent in the past. Park City has taken the position that for the most part they could leave in the content based distinctions as they exist in the Code with regard to commercial speech.

Mr. Benson noted that the recommended changes this evening related to non-commercial speech. Tricia Lake remarked that the approach they have taken assumes that the City is willing to tolerate some level of legal risk in order to preserve the aesthetic character of the community and to further the safety interest of community members. If the City is unwilling to accept the risks associated with this more rigorous regulation of signs, it would be advisable to take a different approach that is less aesthetically effective.

Commissioner Band asked for an example of the safety interests of the community. Mr. Benson replied that a primary example is specific signage for traffic safety. There has been concern about other signage that obscures important safety signage or signage that

causes confusion because it may look similar to safety signs. A secondary safety concern is the sign structure and whether or not it creates a safety hazard.

Commissioner Band referred to the redlines in the Staff report and asked for clarification on which signs would or would not be allowed. Mr. Benson stated that over the years the sign code has been revised piece by piece which resulted in some inconsistencies, and there were definitions in Chapter 2 but also in other areas throughout the Code. The intent is to pull all the definitions together and place them in Chapter 2.

Director Erickson stated that the Staff worked hard to make sure that the Code would not reduce regulations on the signs that could be regulated. The goal was to make the sign code easier to read, easier to understand, and consistent. He personally thought they had accomplished that goal.

Chair Strachan agreed that it was better, but he believed sign Codes were inherently difficult to draft.

Director Erickson stated that after the Sign Code is finalized and approved by the City Council the Staff will review the Code to make sure nothing slipped through the cracks and nothing is left to interpretation.

Ms. Lake noted that other departments were consulted in revising the Code because they are the ones who will be interpreting the Sign Code for the public. Mr. Erickson stated that if some of the clarifications can be put in place prior to Sundance it would be easier to apply the Sign Code for that event and give the Planning Department a better Code to work with.

Commissioner Worel stated that driving to this meeting she saw on a major thoroughfare a large pole with a banner tied to it with the word Hardware written on it. She assumed that since banners were included under prohibited signs that they were talking about the banners tied to City light poles. Mr. Erickson replied that they were making a distinction between banners and flags. He noted that the banner Commissioner Worel had seen on the road was prohibited under both the old Code and the newly proposed Code. Commissioner Worel was trying to understand the difference between a banner and a flag. Mr. Erickson stated that whether it was intended to be a flag or a banner what she saw was too big and too high.

Director Erickson remarked that the broader issue is having the ability to do correct Code Enforcement. The Planning Department writes the rules and the Building Department is responsible for Code enforcement. He believed this rewrite would make it easier to read

the Sign Code and understand what they were telling people. Mr. Erickson clarified that anything that is not defined in the Code is prohibited.

Commissioner Joyce referred to page 161 of the Staff report, Item 9, Sign, Construction and noted that it was broken down into categories of construction signs: 1) marketing signs; 2) signs identifying the contractor or builder; 3) combined construction signs. Commissioner Joyce found nothing in his reading that necessitated a drill down between those three categories. Mr. Benson replied that those categories already exist in the Code and he had renamed them for clarity. He noted that there are specific restrictions for the three different types as it relates to a construction project. Commissioner Joyce clarified that there was a differentiation between the three. Mr. Benson replied that he was correct.

Chair Strachan referred to Chapter 7-Prohibited Signs, 12-7-1, and noted that some signs were not defined, such as a home occupation sign. Ms. Lake referred to an example on 12-7-1(A)(1) Animated Signs. She explained that they had moved the definitions to the definition section so everything is contained in one section and not disbursed throughout the entire sign code. Chair Strachan asked where he would find the definition of a home occupation sign. Mr. Benson replied that all of the definitions were under Chapter 2. A home occupation sign could be found under subparagraph 18 and defined as a sign that identifies home occupation as defined in the Land Management Code. Chair Strachan noted that 12-7-1(6) still contained language related to home occupation signs. He asked if that language should be stricken. Ms. Lake replied that the language was necessary because they were still prohibiting home occupation signs. The only change was to move the definition of a home occupation sign to Chapter 2. Chair Strachan thought the words home occupation should be capitalized. Mr. Benson stated that the Sign Code does not maintain the same style as the LMC. In the LMC all defined terms are capitalized, but that is not the case in the Sign Code. Chair Strachan recommended that they keep it as consistent as possible. Capitalizing the word alerts someone to check the Definition Section.

Commissioner Joyce asked if there was a reason for not being consistent with the rest of the LMC. Director Erickson believed the Planning Commission could make a recommendation moving forward that defined terms should be capitalized consistent with the LMC. He pointed out that a sign code has its own set of rules but if they make that recommendation the Staff could vet it when preparing the final ordinance. Chair Strachan stated that in most statutes defined terms are usually capitalized. He was willing to leave that decision to the City Council.

Chair Strachan had a question regarding the definitions in Chapter 2. He noted that some were stricken entirely such as "community or civic event" and "balcony". Mr. Benson stated that the Staff reviewed it closely for purposes of the court case. A handful of defined terms

were not used anywhere within the Sign Code. Balconies were one of those terms. Some of the definitions were stricken to eliminate redundancy. Others, such as “civic and community event”, were stricken because of the reference to the non-commercial speech.

Planning Tech Hawley commented on freestanding signs. She reported that in July the Deer Valley Ski Resort approached the Staff regarding the possibility of installing a large freestanding sign. However, the proposed sign was larger in size than what was currently allowed. The Staff recommended creating a definition for development recreation area, which would include major resort, and allow one larger free-standing sign for way-finding purposes for such areas. The Staff was proposing a 50 square foot sign addition similar in size to the Canyons Resort and what the County allows. Deer Valley had proposed a 70 square foot sign. Ms. Hawley stated that the Staff finds that the allowances would facilitate better resort signage.

Director Erickson stated that Deer Valley has agreed that a 50 square foot sign is appropriate and they would withdraw their application for the 70 square foot sign. The original sign that was discussed in July was 150 square feet. Mr. Erickson noted that 50 square feet is consistent with what is regulated in other jurisdictions they had researched. Mr. Erickson remarked that it was a long difficult negotiation with Deer Valley and that both developed recreation areas need to be regulated the same. PCMR has a number of different signs that he believed would be re-regulated under this new ordinance. Mr. Erickson stated that the key phrase is that a developed recreation area must be larger than 2,500 acres to allow a 50 square foot sign. Signs for the smaller master planned development areas would still be regulated at 20 square feet or 36 square feet.

Commissioner Joyce found the proposed change distasteful because it was clearly specific to Deer Valley and PCMR regardless of how it was worded. For a number of reasons he is opposed to large signs. He likes being able to drive around Park City without seeing “welcome” signs all over. Comparing this to Summit County and the Canyons was an interesting concept, but he pointed to the Kimball Junction area, which the County also allowed. Commissioner Joyce hoped they would not use what the County allows as the standard for what is good for Park City. He understood that Deer Valley was a large part of the town, but so are others such as the St. Regis, the Montage, the school district and other places that hire people and have a lot of traffic. Commissioner Joyce thought it was absurd to say that the Deer Valley sign is important for wayfinding because a sign at the roundabout points people to Deer Valley. The only wayfinding from that point is to keep people from driving into the condos. Otherwise, continuing on the road takes everyone to the base of Deer Valley.

Commissioner Joyce reiterated that in his opinion signs that large should never be allowed in Park City, and they should never zone around specific clients. He could find no reason to approve this.

Chair Strachan summarized that the Planning Commission was being asked to forward a recommendation on three items. He asked if it could be done in one motion or whether the Staff preferred three separate motions. Assistant City Attorney McLean replied that it was all part of one ordinance and three motions were not necessary. However, if a recommendation was different on one specific part the Commissioners could separate it from the rest.

Chair Strachan opened the public hearing on the amendments to the Sign Code Title 12 to make minor changes for clarity and style and for compliance with the Supreme Court decision; and the amendments to freestanding signs.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan preferred to address the items in separate motions.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Amendments throughout Title 12 in order to bring it into compliance with a recent U.S. Supreme Court decision, Reed v. Gilbert. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the Amendments throughout Title 12 in order to make minor changes for clarity and style. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Joyce moved to forward a NEGATIVE recommendation to the City Council for Amendments to Chapters 2 and 9 creating special regulations for freestanding signs in developed recreation areas. Commissioner Phillips seconded the motion.

Commissioner Band stated that she had agreed with Commissioner Joyce when this previously came before the Planning Commission. She recalled significant discussion

about the size of the two major resorts and the number of people they employ. She understood that they were limiting other large employers by the 2,500 acre number; but she questioned how secure they were with the restricted definition. Director Erickson explained that the phrase “developed recreation” comes from the Forest Service Regulations on how they regulate ski areas. Therefore, it is a defined term across all federal lands. The staff crafted the definition knowing that Park City would want to have something similar to what Deer Valley was requesting even though Deer Valley predicated the original concept. Mr. Erickson stated that in addition to the 2,500 acres, the requirement also includes substantial outdoor recreation, and that is balanced against other Codes that talk about ski areas and having to have lifts, ski runs and summer outdoor recreation within the 2,500 acres.

Director Erickson acknowledged that someone could fight the City on it, but there is a large distinction between an individual housing unit like the St. Regis or Montage that are inside an MPD. All of those things are encompassed by the overall developing recreation area; and they are not distinct in that term. Mr. Erickson commented on the zoning and noted that RD is the base zoning of Deer Valley which why it was included in the language. The base zone at PCMC is Resort Commercial.

Assistant City Attorney McLean addressed the question of how secure or safe is the definition. She pointed out that it was a defined term that could be changed by amending the sign code in the future. Commissioner Band was concerned with how they could stop anyone else from making the same request if they make exceptions for these two Resorts. Chair Strachan stated that there was nothing to stop others from making the same request, but it would have to comply with Code and the Planning Commission would have the ability to grant or deny the request.

Commissioner Band was curious to know the zoning for the other ski towns that the Staff had researched and whether they allowed larger signs. Mr. Erickson stated that all the other towns have some variant on “developed recreation area” and assign a larger sign to those who meet the definition.

Commissioner Joyce clarified that one of his issues is that Deer Valley is zoned residential and they were talking about putting up a 50 foot sign in a residential area. He noted that Deer Valley was proposing to place the sign in front of condos. Director Erickson explained that Deer Valley was zoned RD not to promote residential densities; but because when Deer Valley was approved in the early 1980s they did not want to assign the maximum volume of density that goes in at PCMR. They also wanted the ability to regulate height more stringently. Commissioner Joyce reiterated that he was bothered by the proposed location for the sign. The sign Deer Valley was requesting did not fit and there was nothing like it anywhere close by.

Commissioner Phillips agreed with Commissioner Joyce regarding the location. In talking about signage in other resorts, the ones he thought of had signage at the base. Commissioner Campbell remarked that placing the sign at the base would not be any guidance for those trying to find the resort. Commissioner Phillips thought it would be appropriate for Deer Valley to locate the sign a mile down the road. Commissioner Campbell thought they needed to think about people who were not local and familiar with the area because Deer Valley is difficult to find. He felt the City had an obligation to help guide people on a clear path. Oftentimes people think they are going the wrong way and turn around. Commissioner Campbell was unsure whether 50 square feet was the right size but he was not opposed to the intended location.

Commissioner Joyce agreed that people do get lost. He pointed out that Deer Valley could put up a 20 square foot wayfinding sign today without this Code amendment. It is a two lane road and he believed a 20 square foot sign would be sufficient. Commissioner Campbell understood that Commissioner Joyce was not opposed to placing the sign in the proposed location, but he was opposed to the 50 square foot size. Commissioner Joyce answered yes. It would be like having a billboard right in the middle of residential property.

Commissioner Worel agreed that wayfinding signs are needed to help people find Deer Valley, but she had a problem adjusting the size of the sign according to the perceived importance of the business or resort. That was her opinion when this was previously discussed and it had not changed.

Chair Strachan called for a vote on the motion to forward a negative recommendation to the City Council for Amendments to Chapters 2 and 9 creating special regulations for freestanding signs in developed recreation areas.

VOTE: The motion passed unanimously.

Commissioner Campbell thought it would be beneficial if someday signs in Park City could be a consistent size, color and shape that people would identify immediately as a municipal wayfinding sign.

7. **Consideration of an ordinance amending the Land Management Code Section 15, Chapter 11 and all Historic Zones to expand the Historic Sites Inventory and require review by the Historic Preservation Board of any demolition permit in a Historic District and associated definitions in Chapter 15-15. (Application PL-15-02895)**

Planner Grahn noted that the Staff report contained the redlines of the pending ordinance, which was broken into six categories: 1) Adding demolition review to the Historic Preservation Board's purposes; 2) Modifying the language for Significance Determination to expand the inventory to incorporate more historic structures; 3) Adding the Contributory designation; 4) Defining any conditions for relocations; 5) Requiring the HPB rather than the Planning Director and the Chief Building Official to make the determination on relocations, reorientations, panelizations and reconstructions; 6) Definitions.

Planner Grahn asked if there was any objection to adding demolition review to the purpose of the Historic Preservation Board. Director Erickson stated that this item was most in alignment with the current pending ordinance. Planner Grahn noted that the Item was outlined on page 207 of the Staff report and it was also stated under 15-11-5, Purposes.

Assistant City Attorney McLean stated that the pending ordinance that was attached to the Staff report as Exhibit A was the ordinance that was published initially when it was proposed by the Planning Department. It has continued to be part of the recommendation to the City Council; however, the Staff was looking for Planning Commission input on specific issues to provide a more detailed recommendation. Ms. McLean clarified that the items were not being codified as part of the pending ordinance at this point.

The Commissioners supported Item 1 regarding demolition review as a purpose of the HPB.

Planner Grahn asked for input on the second item regarding additional criteria for the determination of Significant. She noted that the primary change was removal of the criteria that it must retain its essential historical form. It was replaced with language that it demonstrates a historical form as outlined by the criteria on page 210 of the Staff report. Planner Grahn explained that the change was an effort to expand the HSI to include properties such as 569 Park Avenue which has a very historic looking form and contributes to the streetscape and the character and integrity of the District as a whole.

Commissioner Thimm asked if they were talking about all of the redlines on pages 210 and 211. Planner Grahn suggested that they first discuss Significant Sites and then move to Contributory. Commissioner Thimm stated that after reading through the Staff report and doing background research in terms of State and National Preservation he thought this was well-done.

Commissioner Joyce referred to page 210 of the Staff Report, 2(b) ii, which states, “It was previously listed on the Historic Sites Inventory”. The only reason he could see that a site was previously listed but no longer listed was because someone had made a conscious effort to re-evaluate the site and determine that it did not belong.

Planner Grahn explained that when the Reconnaissance Level Survey was completed in 2009 they did not find new information on some of the properties. For example, a roof form might have changed, which means it did not meet the criteria originally set in the LMC in terms of retaining the essential historical form. Under the 2009 criteria a gable house had to remain a gable house. Planner Grahn remarked that the proposed change would allow the Staff to relook at structures where the gable may have turned into a hip roof, which is still a historical form even if it is not the original form, but the structure still contributes to the streetscape and the integrity of the District.

Assistant City Attorney McLean stated that another distinction is that the sub (i's) are ways that the historical form may be demonstrated, but they are not enough by themselves. The sub (i's) are only intended to help make the determination.

Commissioner Joyce still had issues with placing a site back on the HSI when it was removed for good reason. Assistant City Attorney McLean stated that some historic houses have been on and off the Inventory and then put back on again because the criteria had changed and how they look at the structures had changed. She remarked that this was a mechanism to use the prior information as evidence to make a determination of whether or not the structure is Significant. Chair Strachan provided a scenario of when this would apply and why it would protect a historic structure.

Commissioner Joyce was comfortable with the explanation. He referred to Section 2c (ii), which states that it is visually compatible to the Mining Era Residences National Register District. He thought they were being very specific about comparing things in terms of historic = mining. However, at the same time they have the floating 40 year time-frame which would not be part of the mining era. He understood the distinction between the 50 year historic and the new 40 year floating time-frame; but it appeared that the primary focus was still on the mining era. He was unsure how the A-frame structures fit in.

Director Erickson stated that the strategy the Staff was putting forward was to cast a broad net for sites to look at and to make sure there was rigorous criteria for looking at those sites. There is a distinction between a broad net of which sites to look at and the specific review criteria to evaluate those sites. Director Erickson noted that there was different criteria for the Contributory buildings.

Assistant City Attorney McLean remarked that the Planning Department was suggesting that a site be visually compatible to the Mining Era Residence National Register District because it is the only National Register District. Commissioner Thimm clarified that it was identifying that District. Planner Grahn pointed out that Main Street was another District associated with the mining era but it was commercial buildings.

The Planning Commission was comfortable with Item 2 to modify the language for Significance Determination to expand the inventory to incorporate more historic structures.

Planner Grahn moved to the third item regarding Contributory structures as outlined on page 209 of the Staff report. The criteria for reviewing a Contributory site is 1) Assist in managing inventories of structures that contribute to neighborhood character; 2) Potentially allow structures 40 years to be eligible for the Historic District Grant program. Planner Grahn noted that the Staff was not proposing to automatically list the structures on the HSI. If an owner is awarded a Grant, a preservation easement that runs in perpetuity with the land would be required. The third criteria provides data and background for other historical eras in the City for future reference.

Planner Grahn stated that a Contributory structure is not required to go to the HPB for any type of demolition review. It would only require a Historic District Design Review. In talking internally, the Staff decided to treat it the same as they have prior to this pending ordinance. For example, if someone owning an A-frame came in, they would be asked to pull a Building Department demolition permit. As part of the Planning Department review the owner would only be asked to document the building and the Planning Department would sign off on the demolition permit. Planner Grahn clarified that a Contributory structure would only be placed on the HSI if it was a grant recipient. Commissioner Band agreed with the intent but she could not find where it was stated in the language. Planner Grahn replied that it is not specified in the language just like they do not specifically say Significant or Landmark. They just strongly discourage demolition. Director Erickson clarified that they did not want to be affirmative in the LMC. The intent is to know what is there and to conduct the same review under the current process. The only requirement is to document the building so in the future it can be identified as having been there. The City was not proposing to regulate a Contributory building. Planner Grahn noted that Item 4 on page 211 of the Staff report specifies that HPB only reviews a demolition permit if it is listed as Landmark or Significant on the HSI. If a structure is 50 years and it is not on the HSI, it would not be reviewed. Director Erickson stated that the only way for a structure to be placed on the HSI is to go through the Significant or Landmark process.

Commissioner Joyce asked how someone would know if their house was Contributory. Planner Grahn stated that a structure could be demolished after that determination is made through the HDDR review. The exception would be if the owner applies for Grant money to remodel the property. Ms. McLean clarified that all structures within the Historic District must go through a Historic District Design Review.

Commissioner Phillips pointed out that his house was currently in the middle of an HDDR process and his house was built in 1976. It was just part of the normal process.

Commissioner Worel understood that in order to be listed as a Contributory site a Grant has to be involved. Planner Grahn replied that she was correct. Commissioner Worel wanted to know why that was not stated in the language. Planner Grahn agreed that it was omitted and she would draft language to specify that fact.

Chair Strachan stated his preference for having the Code specifically reflect the rules.

Commissioner Thimm stated that when this was presented to the Planning Commission at a previous meeting he was in a quandary as to why it is logical to start identifying structures at 40 years. He still had that same question. Planner Grahn replied that it was a way for the Staff to start inventorying so if there are future historic eras that information is available even if parts or some of the inventory has been demolished. Commissioner Thimm thought they had gone to a great extent to say that nothing different was happening from 40 to 49 years. He could not understand the point of the 40 year designation.

Director Erickson stated that it was tiered to the upcoming neighborhood compatibility and neighborhood characterization portions of the design review. What they heard from the City Council after reviewing the house on Park Avenue was that these houses are not only good because they are historic in some form, but they also contribute to neighborhood character and designate what that neighborhood character is. Mr. Erickson explained that the intent is to preserve the integrity of the list of Significant and Landmarks sites, but they also want to know what is there when they review for neighborhood compatibility. This change allows for more regulatory precision. Mr. Erickson remarked that the 40 year number was chosen because it provided a ten year window in the time when neighborhoods were being developed between the historic mining eras and evolving into the ski era.

The Planning Commission had no further comments on Contributory structures.

Planner Grahn moved to the next item regarding relocating and reorienting historic buildings, as outlined on page 212 of the Staff report. She stated that the Planning

Department has been making that determination; however, under the new ordinance the HPB would make that determination. In working with the Legal Department they also noted that in the past the Chief Building Official and the Planning Director needed to determine unique conditions, but unique was never clearly defined. This ordinance provided the opportunity to give specific examples of a unique condition.

Commissioner Campbell wanted to know the process if a determination is made and the applicant did not like the decision. Assistant City Attorney McLean stated that once the HPB starts making the determination on panelizations an appeal would likely go to the Board of Adjustment, the same as the appeal of an HDDR. Ms. McLean clarified that an applicant is only allowed one appeal. If they were dissatisfied with the decision of the Board of Adjustment the applicant would have to take it to District Court. She thought Commissioner Campbell had raised a good point and she would double-check the process with the Code. Ms. McLean thought the appeal process should be specifically stated in the Ordinance. That language would be drafted once they confirm that an appeal would go to the Board of Adjustment.

The Planning Commission had no further comments regarding the process for relocation and reorientation.

Planner Grahn moved on to the next items regarding panelization as outlined on pages 212-213 of the Staff report. She noted that the process under the ordinance would remove the Planning Director and the Chief Building Official from making the determination to panelize, and instead ask that they make a recommendation to the Historic Preservation Board.

Planner Grahn stated that the only other change would be to require that a licensed structural engineer study the structure to make sure it can be moved intact. Under the current process the City requests that a licensed structural engineer possibly conduct that study.

Director Erickson stated that the City Council had difficulty understanding the prioritization of how to preserve a historic home. He asked Planner Grahn to give the Commissioners a brief update so they would have the same information that was given to the City Council.

Planner Grahn stated that the National Park Service and the Secretary of the Interior Standards are the “go to” for preservation and how to treat historic buildings. Panelization is seen as a form of reconstruction and not the most optimal solution. Planner Grahn explained that ideally the building should be lifted in place instead of taking it apart. When a building is taken apart historic materials are lost, the building

can be damaged, and in some cases it falls over. The intent is to keep the building intact unless a structural engineer determines that lifting the building would cause it to fall apart.

The Planning Commission had no further comments regarding panelization.

Planner Grahn noted that the last item was reconstruction, which means that the building is in such poor condition that only a handful of historic material could be salvaged and reapplied to new construction. She remarked that reconstruction is the bottom tier of preservation. Planner Grahn pointed out that the only change was taking it from a Planning Department determination to a Historic Preservation Board determination.

Planner Grahn reviewed the definitions on pages 214 and 215 of the Staff report. She noted that the Contributing Building definition references LMC 15-11, which was consistent with the definitions for Landmark and Significant. The Staff plans to modify all of the definitions so they refer to LMC 15-11-10, which is the specific portion of the Code that talks about Determination of Significance.

Commissioner Joyce understood that something as simple as cutting in a dryer vent in a historic house would be a modification. However, he wanted to know if tearing down a wall of a building would be deemed reconstruction or demolition. Planner Grahn replied that there were four tiers to demolition; restoration, reconstruction, rehabilitation, and renovation. Depending on whether you were looking at one wall or the whole building would determine which tier would be applied. She believed that removing one wall would become a partial reconstruction. Restoring a missing bracket on a porch would be considered restoration.

Planner Grahn commented on the noticing requirements. The Staff was proposing that any type of HPB review for demolition would require a 14 day noticing period and to property owners within 100 feet. The Commissioners supported the noticing requirement.

Planner Grahn noted that the Planning Commission previously talked about a demolition review checklist. The HPB had also requested checklist so they would have something to review against. The checklist was included on page 217 of the Staff report. Commissioner Thimm referred to Item 8 (f) and suggested changing "not Contribute" to "non-Contributory".

Chair Strachan opened the public hearing.

Justin Keyes, an attorney with Jones and Waldo, stated that he was representing a number of the homeowners on Park Avenue who have been involved in the process since the beginning with the City Council. Mr. Keyes thanked everyone involved for a great job in putting this ordinance together. He referred to a typo on page 212, Section A, subpoint 3, and changed “determine” to “determines”. Mr. Keyes liked the idea of a Contributory site. He understood that it could be confusing without being involved in the earlier discussions with the City Council in terms of its purpose. It addresses the concern to preserve homes that may not be eligible for Significant or Landmark designation, but still provide a richness to the District in general. Mr. Keyes remarked that the City Council wanted to get back to more of a window view of what looks historic when you are looking out the window at the street. He thought the Contributory designation achieves that goal without providing all the protections in place for a Significant or Landmark site. Mr. Keyes stated that the whole area needs to be historic. If they start tearing down historic homes because they do not meet specific criteria they would lose the sense and feel of the Historic District.

Mr. Keyes stated that the notice matrix was of primary interest to a lot of citizens. The noticing proposed was not the change he hoped to see to alleviate the fears he has heard from residents and second homeowners on Main Street who invested significant amounts of money into some of these properties. He recommended that they include de-listing in the subsection which covers noticing of a design review of a specific home. He also suggested mailing an actual notice in addition to posted and published notice, particular if a home is going to be de-listed and potentially demolished. He thought a mailed notice would alleviate some of the concern for second homeowners who are not here to read the Park Record or walk the streets. Mr. Keyes favored the new noticing requirements for demolitions because it would be very helpful.

Like Chair Strachan, Mr. Keyes also likes the rules and policies to be reflected in the actual Code language. He recalled a rule in the Staff report that says in the future the City would allow anyone to nominate a home for a Significant or Landmark designation. In the past only the City or the homeowner could make that nomination. He was pleased with that moving forward and asked if it was possible to include it in the Code itself.

Director Erickson noted that the discussion was in the Staff report but not the codification because the Staff was still trying to draft the language. Assistant City Attorney McLean recalled that the Staff was not recommending a change to the Code. Currently, the Staff or the homeowner can ask the HPB to review a designation, and anyone, including the Historical Society, can request a home to be listed or de-listed and the Staff will make that evaluation and determination.

Mr. Keyes understood that going forward any suggested nomination would have to go through the Staff and they would do the initial evaluation and determine whether it was

worth taking to the HPB for a determination of significance. Ms. McLean replied that this was correct. It was similar to the current process and, therefore, the Staff was not recommending a Code change.

Gary Bush was struggling with the idea of changing the list or adding another list. He recalled problems with having a list where a page was missing or the address was misplaced and the building was lost. Mr. Bush thought they should eliminate the list and make everything in the Historic District go through the same process. They could still maintain Significant, Landmark and Contributory designations. Mr. Bush stated that if they were trying to sustain the Historic District there was nothing that addresses the compatibility of new structures with the Landmark and Significant structures. Mr. Bush pointed out that everyone enjoys the Historic District but they place the burden of maintaining the historic structures on the owners of those buildings. He believed this pending ordinance came about because someone felt Park City was losing its historic fabric. In his opinion, this appeared to be a knee-jerk reaction. They were casting a broader net and adding additional layers of review, and he did not believe that was sustainable. If the appeal body is the Board of Adjustment and then the District Court, they would not be able to sustain this level of control. Mr. Bush reiterated his request to treat everything in the Historic District equally; both historic homeowners and non-historic homeowners. His concern was that if the Code changes are not sustainable it might do the opposite and make the historic fabric go away more quickly. Mr. Bush asked the Staff to be reasonable in imposing the extra levels of review on the historic homeowners.

Commissioner Campbell favored anything that would turn 10 pages of regulation into four pages. Director Erickson stated that he was also concerned about the levels of regulation. They were getting direction from the elected officials to make sure they were protecting the Districts with the least amount of redlines possible.

Chair Strachan closed the public hearing.

Commissioner Joyce referred to a comment from Mr. Keyes about de-listing. Planner Grahn stated that currently when doing a determination of significance, whether it is being determined to be historic or non-historic, the property is posted for seven days. She was willing to look at doing a courtesy mailing notice as well. Commissioner Joyce favored the idea of a courtesy notice. Assistant City Attorney McLean suggested removing the language "designation of sites" on the noticing matrix and replacing it with "determination of significance on the Historic Sites Inventory." Commissioner Joyce explained why he did not believe that language change addressed Mr. Keyes' concern. He understood that Mr. Keyes was suggesting that they include de-listing in the third row of the matrix and not the first row.

Assistant City Attorney McLean recommended that all determinations should be noticed the same. They have the same criteria review for structures being put on or taken off the list. She understood that Commissioner Joyce was suggesting that structures that would probably come off the list should have a longer noticing period. Commissioner Joyce thought it made sense, particularly for second homeowners, that de-listing should require a courtesy mailing.

Director Erickson was willing to make the recommendation as suggested by Commissioner Joyce. Ms. McLean asked for a head nod from the Planning Commission to see if there was consensus. All the Commissioners agreed with a courtesy mailing for anything that could be de-listed. Ms. McLean asked if the Commissioners wanted a courtesy mailing for items that would be listed. Chair Strachan answered yes. Ms. McLean asked if they wanted a greater notice for de-listing to match the HDDR noticing, which is longer than seven days. Commissioner Campbell answered yes. Chair Strachan suggested that they make the noticing consistent. It should be a courtesy mailing the same as for an HDDR review.

Assistant City Attorney McLean summarized that 1) it was a determination of significance and not just putting a structure on the HSI; 2) that the property will be posted 14 days prior; 3) a courtesy mailing to owners within a 100 feet; 4) the appeal is noticed for 7 days.

Commissioner Worel wanted to know how far in advance they do the courtesy mailing. Ms. McLean replied that it was 14 days.

Commissioner Campbell asked how the changes recommended by the Planning Commission would be presented to the City Council. Assistant City Attorney McLean stated that the text would be the initial pending ordinance with the redlined amendments.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council on the pending ordinance as shown in Exhibit A in the Staff report for the Land Management Code changes for the Historic Sites Inventory and demolition permits, and ask that the City Council consider the changes that were proposed by the Planning Commission during the discussion this evening. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: Alice Claim aka Alice Lode
Subdivision & Plat Amendment
Project #: PL-08-00371
Author: Francisco Astorga, AICP, Senior Planner
Bruce Erickson, AICP, Planning Director
Date: December 9, 2015
Type of Item: Work Session – Subdivision & Plat Amendment

Summary Recommendations

Staff recommends that the Planning Commission hold a work session discussion for the Alice Claim aka Alice Lode Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and provide input and discussion to Staff and the applicant on the proposed amended “Gully Site Plan”.

Topic

Applicant: King Development Group, LLC (“Applicant” or “King Development”)
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Planning Commission review and recommendation to City Council. There is also a separate pending appeal of a Conditional Use Permit or a wall- “the CUP Appeal”.

Proposal

The proposed project is a revised subdivision/plat amendment of nine (9) lots on 8.65 acres known as the “Gully Site Plan”, See Exhibit B – Proposed “Gully Site Plan”. The site is located south of the intersection of King Road, Ridge Avenue, Woodside Gulch, and Sampson Avenue (approximately), within the Historic residential (HR-1), Estate (E) and Sensitive Lands Overlay (SLO) zone districts. The property is a “metes and bounds” parcel with contiguous portions of platted lots. A City water tank and land owned by the City is adjacent to the subject property to the south. City water lines lies in a parcel of City owned property that bisects the subject property.

Background

Please refer to the Planning Commission Packet from August 12, 2015 by clicking the following [link](#) (packet page 117), which includes the Planning Commission Staff Report and Exhibits, for a detailed background of the project. In summary, the Planning Commission did not find that the proposal met the General Plan for the area, there was

no good cause for the subdivision as required by the Land Management Code, the site design did not meet the Land Management Code requirements for compact design and to minimize impacts to steep slopes. The Planning Commission also found that the roadways and intersections were substandard in the area. To read the August 12, 2015 Planning Commission meeting minutes click the following [link](#) (packet page 21).

After reviewing the project in various forms, the Planning Commission voted unanimously to forward a negative recommendation on the Subdivision and Plat Amendment on August 12, 2015. In addition, Planning Commission reviewed the Conditional Use Permit (CUP) for retaining walls greater than six feet (6') which would be needed for the entrance of to the subdivision on the plat and voted unanimously to deny the CUP. The Applicants have appealed the denial of the CUP, and the City and the Applicant have stipulated that the appeal of that decision will be brought back to the City Council after City Council has made a determination of this Plat Amendment/Subdivision application.

When the application was before City Council, the Applicant requested that City Council consider an amended "Gully Site Plan" which is different from what the Planning Commission based their recommendation on August 12, 2015, but similar to a plan previously reviewed by Planning Commission in 2009.

The City Council conducted a site visit on October 8, 2015, and held a work session discussion. They also took public input. To read the October 8, 2015 Planning Commission meeting minutes click the following [link](#) (packet page 2). On October 29, 2015, the City Council took action and remanded the new "Gully Sit Plan" back to the Planning Commission. See Exhibit F – October 29, 2015 City Council Draft Minutes.

Discussion

Planning Staff recommends that the Planning Commission review the information attached and conduct a work session discussion with Staff and the applicant. If the Planning Commission chooses, public comment may be taken at the work session. A courtesy letter was sent to property owners within 300 feet, the site was posted, and e-mail was sent to concerned residents who shared public comment on October 8, 2015 City Council meeting, all of which are not required for work session.

Based on Planning Department review, the "Gully Site Plan" concept is still nine (9) lots but has smaller, more compact lots; private road (i.e. driveways) has been moved off steep slopes and one (1) driveway has been removed, the lots are moved lower in elevation with the project site. No changes have been made to the intersection with King Road. This Gully Site Plan is laid out similarly to "Plan B" from the 2009 discussions. During those discussions, as well as more recently in 2015, several members of the Planning Commission expressed a preference for this "Gully Site Plan" concept. The proposed "Gully Site Plan" is much in line with Planning Commission comments.

The proposal consists of eight (8) lots within the HR-1 District consisting of 4,510 square feet (0.10 acres) each. The maximum building footprint of each lot would be 1,750 square feet based on the building footprint formula. The proposal also includes 1 (one) lot in the Estate District of 131,123 square feet (3.01 acres) with a maximum building footprint of 2,500 square feet. The Estate District does not contain building footprint limitations, and this restriction is self-imposed by the property owner. As written on the site plan the evergreen trees are to be preserved, however, the same site plan shows the removal of three (3) evergreens, one (1) located on the proposed footprint of Lot 1, and two (2) trees within the proposed road.

HR-1 Lots

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The minimum lot area for a duplex dwelling is 3,750 square feet subject to Conditional Use Permit (CUP) approval by the Planning Commission. The proposed lot area for all of the HR-1 Lots is 4,510 square feet, each. The proposed HR-1 lots meet the minimum lot area for single-family dwellings and duplex dwellings. The proposed lot widths range between forty two and sixty two feet (42-62'). The minimum lot width required in the HR-1 District is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement. Due to the zoning designation, any construction would require Historic District Design Review (HDDR) approval for compliance of the Design Guidelines for Historic Districts. Any construction over thirty percent (30%) would be subject to Planning Commission review and approval of the steep slope CUP criteria. Staff estimates at this time that four (4) of the eight (8) HR-1 lots would require steep slope CUP review.

Estate Lot

Single-family and duplex dwellings are allowed uses in the Estate District. The minimum lot area for all uses in the Estate District is three (3) acres (130,680 square feet). The proposed Estate District lot meets the minimum lot area as it is 3.01 acres (131,123 square feet). The proposed lot width is over three hundred feet (300'). The minimum lot width required in the Estate District is one hundred feet (100'). The proposed Estate District lot meets the minimum lot width requirement. Unlike the HR-1 district lots, the Estate District lot would not require the HDDR or steep slope CUP.

The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District and Estate District:

LMC Requirements	HR-1 District	Estate District
Building Footprint (based on lot size)	1,750 square feet, max.	2,500 square feet, max. Self-imposed restriction.
Front/Rear Yard Setbacks	Twelve feet (12'), min. Twenty-five feet (25'), total	Thirty feet (30), min.*
Side Yard Setbacks	Five feet (5'), min.	
Building (Zone) Height	No Structure shall be erected to a height greater	No Structure shall be erected to a height greater

	than twenty-seven feet (27') from Existing Grade.	than twenty-eight feet (28') from Existing Grade. Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].	Not applicable.
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].	
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].	
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	

* The Planning Commission may vary required yards in Subdivisions. In no case shall the Planning Commission reduce Side Yards to allow less than ten feet (10') between Structures.

Site Plan Alterations

Staff recommends spending time with the Planning Commission reviewing the updated version of the proposed “Gully Site Plan”, Exhibit B – Proposed “Gully Site Plan”. Staff finds the following alterations/similarities in the current “Gully Site Plan” from the 2009 gully plan, see Exhibit C:

- The layout of the current proposal follows a more uniform pattern of the eight (8) HR-1 District lots as there are four (4) lots on each side of the proposed private road. This is due to the layout change making all the lots smaller than the 2009 concept plan, specifically all the lots on the east side.
- The Estate District lot is not on the east side instead of the west side.
- The private road has been amended to include a turn-around and a softer curve following the less steep grades.
- The main access from the King Road/Sampson/ Ridge Avenue intersection is still the same.

Restrictions due to the Character of the Land

LMC § 15-7.3-1(D) indicates the following regarding conformance to applicable rules and regulations:

RESTRICTIONS DUE TO CHARACTER OF THE LAND. *Land which the Planning Commission finds to be unsuitable for Subdivision or Development due to flooding, improper drainage, Steep Slopes, rock formations, Physical Mine Hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.*

Recommendation

Staff recommends that the Planning Commission hold a work session discussion for the Alice Claim aka Alice Lode Subdivision and Plat Amendment located at approximately Alice Claim south of intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue and provide input and discussion to Staff and the applicant on the proposed amended "Gully Site Plan".

Exhibits

Exhibit A – Applicant's correspondence dated November 6, 2015

Exhibit B – Proposed "Gully Site Plan"

Exhibit C – 2009 Gully Plan

Exhibit D – Certified Topographical Boundary Survey

Exhibit E – Slope Analysis

Exhibit F – October 29, 2015 City Council Draft Minutes

DHM DESIGN

LANDSCAPE ARCHITECTURE | LAND PLANNING | ECOLOGICAL PLANNING | URBAN DESIGN

6 November 2015

Via email: bruce.erickson@parkcity.org

Mr. Bruce Erickson
Planning Director
Park City Planning Department
445 Marsac Ave
Park City, UT 84060

Re: *Alice Claim Applications for Subdivision, Plat Amendment, and Conditional Use Permit*

Dear Mr. Erickson:

I write on behalf of the applicant, King Development Group, LLC, to provide the attached “Gully Plan” as an amendment to our current subdivision and plat amendment applications for the Alice Claim development. City Staff and a majority of City Council members expressed support for this plan, and on October 29, 2015, the City Council remanded the applications back to the Planning Commission for its review.

In preparation for a Planning Commission hearing on December 9, 2015, we have further refined the Gully Plan for City Staff and Planning Commission consideration. This new plan moves the HR-1 lots that were previously shown further up the hillside to all front onto Alice Court in the bottom of the gully. Also, the lot sizes within the HR-1 Zone District (lots 2-9) have been reduced in size to 4,510 SF (0.10 ac.) which reduces the maximum home to a 1,750 SF building footprint per the formula in the LMC. We believe that this plan presents the more historic land use pattern suggested by the Planning Commission and City Staff in previous meetings, while also further reducing site disturbance and off-site visibility and increasing compatibility with the HR-1 Zone District.

The attached plans include a site plan illustrating proposed layout and preliminary grading for 9 single family home sites, 8 within the HR-1 Zone District and 1 within the Estate Zone District. The accompanying plan underlays the site plan with a slope analysis plan as the City Staff requested. Revised engineering plans and plat drawings will be submitted for review at a later date for a future Planning Commission hearing if City Staff and the Planning Commission believe that the “Gully Plan” is a development plan that meets their criteria for approval. Please consider that our engineers showed that water pressure met the City requirements on the previously proposed plan, and the new Gully Plan moves the higher home sites to an even lower elevation, further resolving water concerns. Sanitary sewer and storm water drainage will be handled in much the same way on this new plan as was proposed on the previous plan.

The new Gully Plan limits the proposed roadway to the location of the existing roadway except for an emergency vehicle turnaround shown between lots 1 and 2, and at the intersection with Sampson Avenue where the proposed roadway aligns with the Platted King Road R.O.W.

DHM DESIGN

Also, associated with the realigned entry from Sampson Ave are retaining walls greater than 6' in height as was shown in the previous plans. The Applicant appealed to City Council the Planning Commission's denial of the conditional use permit for these entry walls. The Applicant requests that the City Council postpone holding its hearing on this appeal. If possible, the Applicant respectfully requests that the Planning Commission reconsider its denial of the CUP for these walls as this is the only legal and practicable access to the property at this time. No additional walls over 6' height are anticipated with the development.

The new Gully Plan also proposes an additional Plat Amendment Application to include the currently platted lot 123, which is owned by the applicant. That lot is reconfigured for additional frontage onto Alice Court and provides additional land for proposed lots 8 and 9. This also allows for a more rectilinear development pattern seen frequently in the historic districts throughout the city and further clusters the lots at the bottom of the gully.

Lastly, Lot 1 in the Estate Zone District has been reconfigured to eliminate the need for a setback variance, although a disturbance envelope is still provided to define the location of a home within that 3.01 acre lot.

Please be advised that in amending its applications with the Gully Plan and presenting it to City Staff and the Planning Commission, King is not waiving or otherwise relinquishing any of its rights, claims, causes of action, defenses, or privileges relating to its "Current Plan" that on August 12, 2015 received a negative recommendation from the Planning Commission. In this respect, King acknowledges receipt of the email dated October 20, 2015 from Polly Samuels McLean of the City Legal Department stating that the "City agrees that you may amend your application back to the [Current] Plan so long as the application is pending."

Thank you for your consideration.

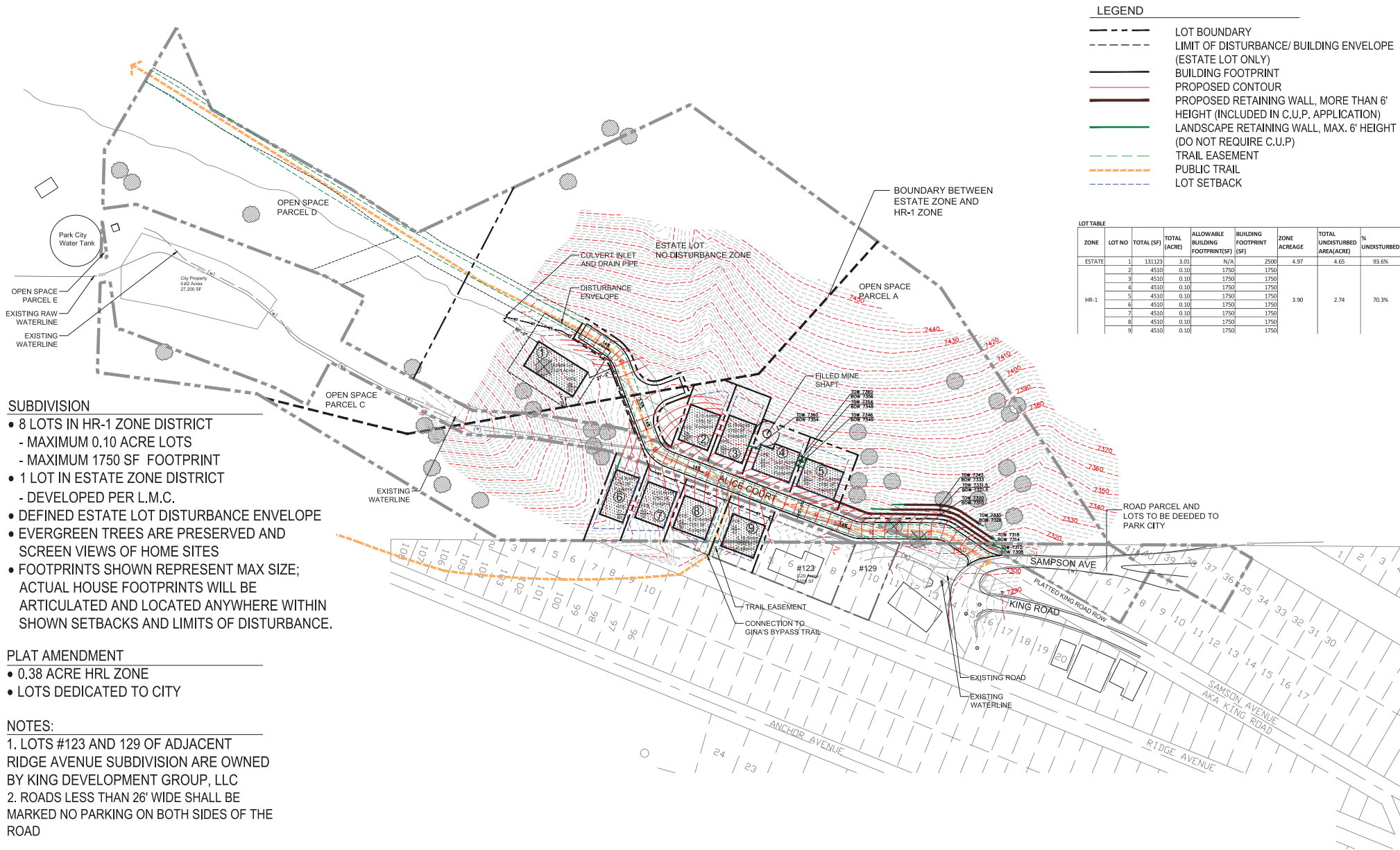
Sincerely,



DHM Design Corporation
Marc Diemer, Associate Principal

cc: King Development Group, LLC
Bradley R. Cahoon, Esq.

Exhibit B – Proposed “Gully Site Plan”



LEGEND

- LOT BOUNDARY
- - - LIMIT OF DISTURBANCE/ BUILDING ENVELOPE (ESTATE LOT ONLY)
- BUILDING FOOTPRINT
- PROPOSED CONTOUR
- PROPOSED RETAINING WALL, MORE THAN 6' HEIGHT (INCLUDED IN C.U.P. APPLICATION)
- LANDSCAPE RETAINING WALL, MAX. 6' HEIGHT (DO NOT REQUIRE C.U.P)
- TRAIL EASEMENT
- PUBLIC TRAIL
- LOT SETBACK

LOT TABLE

ZONE	LOT NO	TOTAL (SF)	TOTAL (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)	ZONE ACREAGE	TOTAL UNDISTURBED AREA(ACRE)	% UNDISTURBED
ESTATE	1	131123	3.01	N/A	2500	4.97	4.65	93.6%
	2	4510	0.10	1750	1750			
	3	4510	0.10	1750	1750			
HR-1	4	4510	0.10	1750	1750	3.90	2.74	70.3%
	5	4510	0.10	1750	1750			
	6	4510	0.10	1750	1750			
	7	4510	0.10	1750	1750			
	8	4510	0.10	1750	1750			
	9	4510	0.10	1750	1750			

- SUBDIVISION**
- 8 LOTS IN HR-1 ZONE DISTRICT
 - MAXIMUM 0.10 ACRE LOTS
 - MAXIMUM 1750 SF FOOTPRINT
 - 1 LOT IN ESTATE ZONE DISTRICT
 - DEVELOPED PER L.M.C.
 - DEFINED ESTATE LOT DISTURBANCE ENVELOPE
 - EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES
 - FOOTPRINTS SHOWN REPRESENT MAX SIZE; ACTUAL HOUSE FOOTPRINTS WILL BE ARTICULATED AND LOCATED ANYWHERE WITHIN SHOWN SETBACKS AND LIMITS OF DISTURBANCE.

- PLAT AMENDMENT**
- 0.38 ACRE HRL ZONE
 - LOTS DEDICATED TO CITY

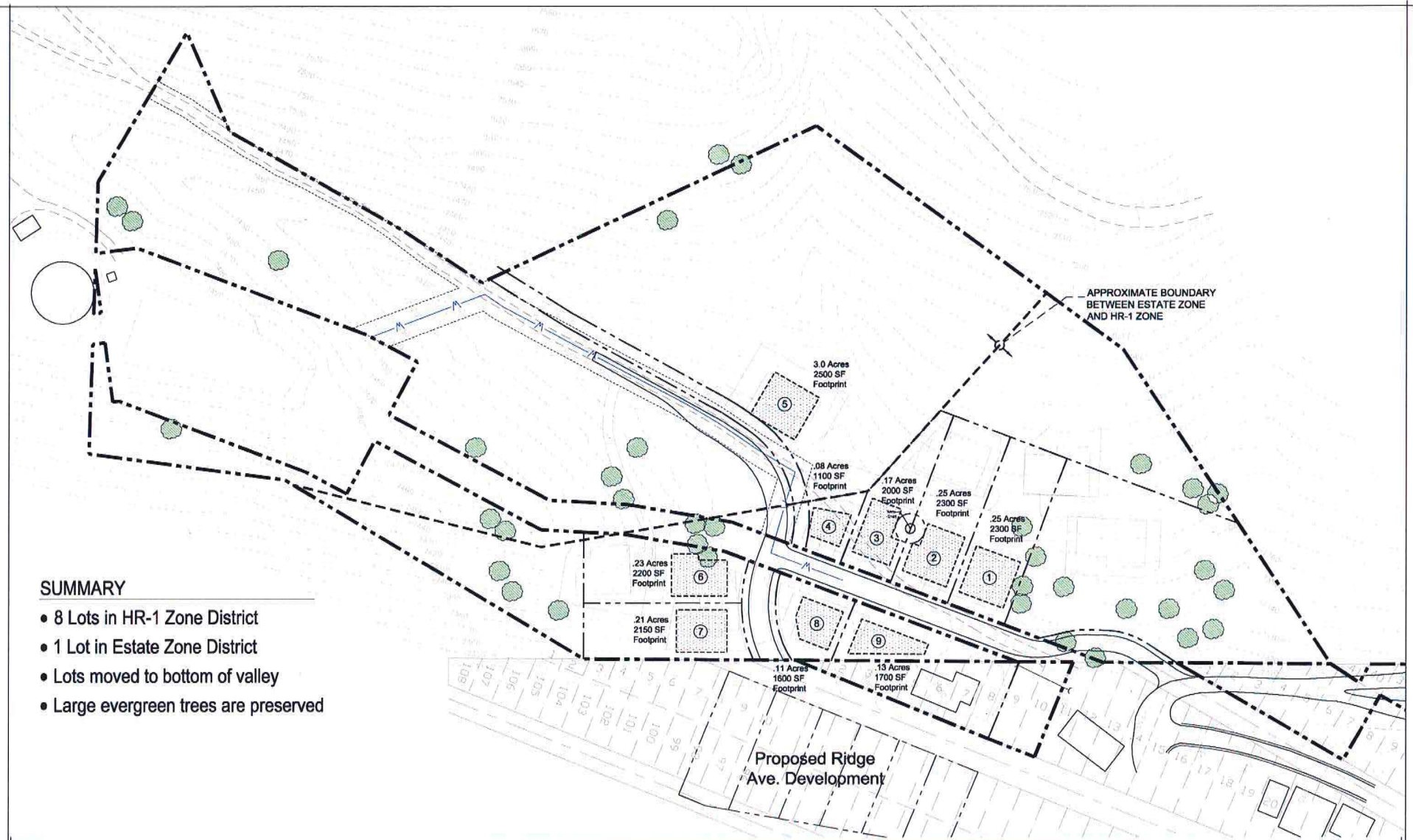
- NOTES:**
1. LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
 2. ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD

ALICE CLAIM GULLY SITE PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060

0 10 50
 1" = 50'-0"
 SCALE: P=50'-0"
 DATE: NOVEMBER 05 2015

DESIGN



SUMMARY

- 8 Lots in HR-1 Zone District
- 1 Lot in Estate Zone District
- Lots moved to bottom of valley
- Large evergreen trees are preserved

ALICE CLAIM

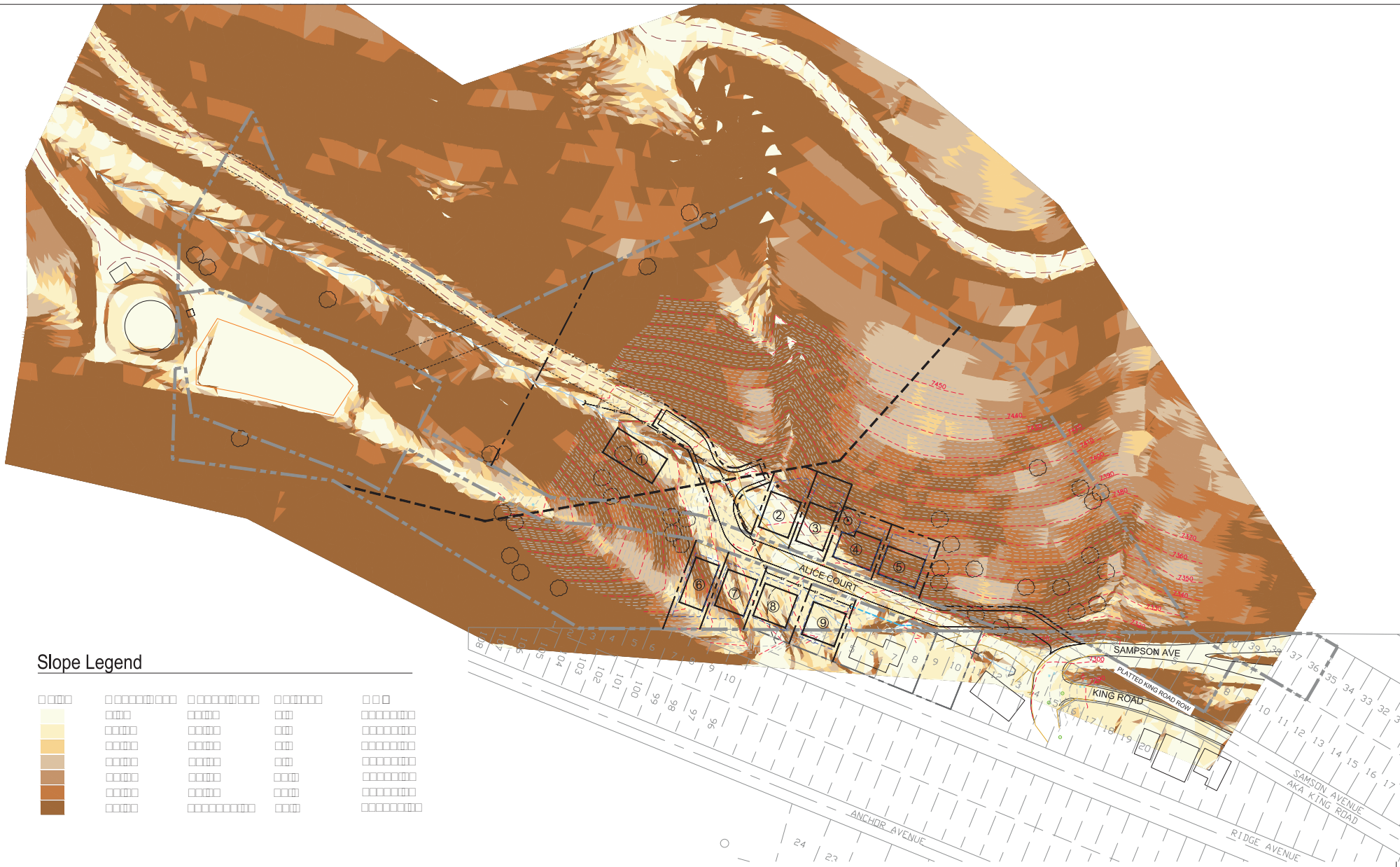
SITE PLAN B

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060

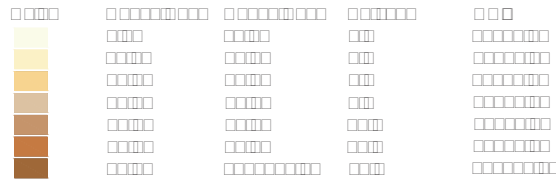


0 20 40 80
SCALE 1"=40'-0"
DATE: MARCH 11, 2009





Slope Legend



ALICE CLAIM

SLOPE ANALYSIS

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



0 10 50
 5 30 100
 SCALE: 1"=50'-0"
 DATE: NOVEMBER 06, 2015



**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
October 29, 2015**

Page | 10

1 Council Member Simpson moved to approve the above listed minutes with said
2 changes. Council Member Henney seconded the motion.

3
4 **Voting Aye: Council Members Simpson, Matsumoto, Beerman, and Henney.**
5 **Council Member Peek recused himself. Minutes were approved as amended.**
6

7
8 **V. CONSENT AGENDA**
9

10 1. Consideration of a Request to Establish a Blue Ribbon Citizen’s
11 Advisory Committee on Remote Parking Jointly with Summit County:

12
13 2. Consideration of a Resolution Authorizing the City Manager to Enter into
14 a two-year Cooperative Agreement, in a Form Approved by the City Attorney,
15 with Summit County, Utah, in an Amount Not to Exceed a Total of \$301,615 to
16 Create an Alternative Transportation Trip Marketing Program; the City Would
17 be Responsible for 50% of the \$301,615, or not more than \$150,807.50:

18
19 3. Consideration of a Request to Remand the Alice Claim Subdivision and Plat
20 Amendment back to the Planning Commission:

21
22 **Council Member Simpson moved to approve the Consent Agenda. Council**
23 **Member Beerman seconded the motion.**

24
25 **Voting Aye: Council Members Simpson, Matsumoto, Beerman, Peek and Henney.**
26

27 **VI. NEW BUSINESS**
28

29 1. Authorize the City Manager to Execute a Professional Services Agreement,
30 in a Form Approved by the City Attorney, with CH2M Hill Engineers, Inc., for
31 Quinn’s Junction Water Treatment Plant Process, Capacity, and Energy
32 Management Upgrades Engineering Services in an Amount of \$499,500:

33 Roger McClain, Michelle DeHaan, Kyle MacArthur and Chad Busch, Water Department,
34 along with Bina Skordis, and Brock Emersons with CH2 spoke to the Quinns Junction
35 WTP to improve reliability and energy efficiency.

36
37 McClain reports Quinn's Junction recognizes 30% of the city’s drinking water. They’ve
38 been looking at impacts on their treatment reliability at that plant since it handles such a
39 high volume of water.

40
41 DeHaan spoke to the challenges they had this year at Quinn’s. She says they're very
42 proud of this facility. She discussed Weber River water quality and how it impacts the
43 Quinn’s plant. They need to improve the reliability of this facility to be able to run on a
44 24/7 basis and provide water during high demand periods. DeHaan says there was
45 untreatable river water from the spring runoff this past year that contained manganese

Planning Commission Staff Report



Application #s: PL-15-02983
Subject: One Empire Pass
Author: Kirsten Whetstone, AICP, Senior Planner
Date: December 9, 2015
Type of Item: Conditional Use Permit- Work Session

Summary Recommendations

This is an introduction and work session discussion on the One Empire Pass Conditional Use Permit application. No action is requested. Staff recommends that the Planning Commission provide input and direction to Staff and the applicant.

Description

Applicant: Guardsman Lodge, LLC, represented by Bill Fiveash, managing partner
Location: 8910 Empire Club Drive- Pod A, Lot 15 Village at Empire Pass West Side Subdivision (Building 5)
Zoning: Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses: Deer Valley Resort, other potential development parcels of the Village at Empire Pass Pod A

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel. The Flagstaff Development Agreement was amended on March 2, 2007 (Exhibit H).

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A, known as the Village Master Planned Development (VMPD) (Exhibit F). As part of the 2004 Commission review of the VMPD, volumetrics for the buildings within the VMPD were approved. A height exception was granted for Building 5 per these volumetrics (Exhibit F). Five buildings have been built, namely Arrowleaf A and Arrowleaf B, Snowberry Lodge, Silver Strike Lodge, Shooting Star, and the tower portion of Talisker Club. Additionally, Larkspur East and Larkspur West (attached homes) have been constructed as well as Paintbrush PUD style homes. Four of the large lodge style buildings remain, including the proposed One Empire Pass building. There are also approximately 24 attached homes remaining to be approved

and constructed as part of the Village MPD (Exhibit I).

The Village Master Plan Development (VMPD) was the first step in the development process for Pod A. The purpose of the VMPD was to establish unit mix and density for the Mountain Village, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumes, density, and location. The VMPD allows up to 65,537 sf of residential floor area on this Lot. The total residential floor area, excluding the affordable and ADA units, is 63,612 sf (31.8 UE).

The subsequent CUPs required by the VMPD and subdivision plat, for each multi-family parcel and/or building are intended to provide final architectural review by the Park City Planning Department Staff and Planning Commission and to demonstrate compliance with the Village MPD and Large Scale MPD (LSMPD) documented in Flagstaff Annexation and Development Agreement (Exhibit H).

The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD. The One Empire Pass CUP is proposed to be located on Lot 15 of the Village at Empire Pass West Side Subdivision. Lot 15 consists of 50,999 square feet of lot area. The subdivision notes require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey prior to individual sale of units, requires membership of the owner in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

On October 26, 2015, the Planning Department received an application for a Conditional Use Permit for a twenty seven unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision (Exhibits A-E). The building is identified as Building 5 on the Village at Empire Pass MPD. The application was deemed complete on October 30, 2015.

The applicant will present the proposed project plans and review the approved building volumetrics, heights, and architectural character. The Commission can provide input regarding the proposed plans and express comments that they have regarding the proposed project. Approved volumetrics are attached as Exhibit F. A public hearing is scheduled for January 13, 2016.

Analysis

Conditional Use Permit applications are reviewed based on the following criteria (Staff's preliminary analysis is in *italics*):

(1) size and location of the Site;

One Empire Pass consists of a single multi-story building with 27 residential units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one

944 sf ADA unit. It is located north of the Silver Strike Lodge on Lot 15 of the Village at Empire Pass West Side Subdivision. The lot consists of approximately 1.17 acres (50,999 square feet). Excluding the affordable and ADA units, the total residential floor area is 63,612 sf, utilizing 31.8 unit equivalents (UE). The MPD allows up to 65,537 sf of residential floor area on this Lot. The site slopes up from the street and the design proposes a single level underground parking structure with six stories of residential units above. The garage entrance is at grade with the street and built into the slope of the lot so that the back of the garage is underground. The building pad is relatively level as it was graded and used during construction of surrounding buildings.

(2) traffic considerations including capacity of the existing Streets in the Area;
The site will be served by Empire Club Drive, a private road that connects to the public Marsac Avenue. A traffic management plan has been approved as part of the Technical Reports to reduce overall traffic generated from the development. A Construction Mitigation Plan is required at the time of Building Permit issuance in compliance with the Flagstaff Development Agreement that will reiterate that downhill truck traffic will use Royal Street. The Construction Mitigation Plan shall also address where excavated materials will be hauled if they are not used on this site. The Development Agreement requires excavated materials to remain within the Annexation Area.

(3) utility capacity;
A storm water plan is being reviewed by the City Engineer (Exhibit G). A final approved storm water plan, as well as a utility and grading plan, is required prior to issuance of a building permit. Adequate sewer, electric, gas, and phone service is available.

(4) emergency vehicle Access;
Primary emergency access is from Marsac Avenue and Empire Club Drive that winds through the Village area with two access points onto Marsac Avenue.

(5) location and amount of off-Street parking;
The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Fifty-five spaces would be required for the 27 units and one ADA unit. The 25% reduction is rounded to 42 spaces. The underground parking structure will have 38 spaces and 6 surface spaces will be provided near the front drop-off area.

(6) internal vehicular and pedestrian circulation system;
Access to One Empire is from Empire Club Drive, a private street. A drop-off area is located in the front of the building and a bus stop is located nearby on Marsac Avenue. A pedestrian path system is proposed consistent with the Village Master Plan of Trails.

(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;
A landscape plan that provides a buffer between buildings to the greatest extent possible is required as a condition precedent to Building Permit. Landscaping and irrigation will be water efficient, utilizing drought tolerant plantings, limited turf area, and drip irrigation.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

This building is one of nine buildings clustered within Pod A. One Empire Pass has six floors of residential units with a single level parking structure under the building. Twenty-seven (27) units are proposed with a total of 63,612 square feet, not including the 900 square foot deed restricted affordable housing unit and the ADA unit. All zone required setbacks will be maintained. To the south there are five existing buildings of a similar size, height, and volumetric, with four still to be constructed, for a total of nine similar lodge style buildings within the VMPD.

(9) usable Open Space;

Both passive and active Open Space is provided in excess of 88% within the annexation boundary. The individual lots were not required to provide open space.

(10) signs and lighting;

Signs and lighting must be in conformance with the Park City codes and the Flagstaff Mountain Resort Design Guidelines. Signs require a separate sign permit. Street lights must be approved by the City Engineer and will be privately maintained.

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

In the immediate area there are four existing similarly sized multi-story residential condominium buildings (Silver Strike, Flagstaff (aka Snowberry), Shooting Star, and Talisker Tower Club), as well as the two story Larkspur town homes and Paintbrush PUD style homes (single family detached homes). The master developer is coordinating design elements for all phases of the project and all developments require approval by the Flagstaff Architectural Design Review Board. Staff has reviewed the proposed building for compliance with the Volumetrics and will provide a detailed analysis at the next meeting.

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site; *All uses are inside the residential building and there are no expected impacts on people or Property Off-Site. Staff will recommend conditions of approval related to screening of mechanical equipment.*

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

Service and delivery will be minimal as there is no commercial or support commercial component in the building. It is anticipated that laundry/maid service will be needed on a weekly basis throughout the Village. Trash pickup will be in the parking garage.

(14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

The project will be platted as a condominium. Nightly rental is a permitted use within the RD zoning district. These units will primarily be second homes and it is unlikely that many will be full-time residences, although this possibility is not precluded.

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site. *There are no Environmentally Sensitive Lands within or adjoining the site. The building, as with most of the Village, is located on the flatter slopes within the pod. The site is currently vacant with little significant vegetation as it was used during construction of the surrounding buildings, ski lift, and ski run.*

Department Review

This project has gone through an interdepartmental review. Staff is working with the applicant to address storm water issues. No further issues were brought up at that time.

Notice

The work session was noticed on the agenda published prior to the meeting. The property will be posted and notices mailed to property owners within 300 feet by December 30, 2015 for the public hearing on January 13, 2016. A legal notice will be published at that time.

Future Process

The Conditional Use Permit will be heard as a public hearing at the regular meeting of January 13, 2016. Approval of a Conditional Use application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. A condominium record of survey plat is required to plat units for individual sale.

Summary Recommendations

This is an introduction and work session discussion on the One Empire Pass Conditional Use Permit application. No action is requested.

Exhibits

- Exhibit A – Project Description
- Exhibit B – Existing Conditions
- Exhibit C – Subdivision plat
- Exhibit D – Site and Landscape Plans and Floor Plans
- Exhibit E – Architectural Elevations and Materials
- Exhibit F – Village at Empire Pass MPD approval and Volumetrics
- Exhibit G – Utility Plans
- Exhibit H – Flagstaff Annexation Agreement (related sections)
- Exhibit I – Village Map

BUILDING 5 EMPIRE PASS east west partners

Guardsman Lodge - Park City, Utah

Architect:
IBI Group
10 Exchange Place, Suite 112
Salt Lake City, UT 84111
T: 801.532.4233
F: 801.532.4231
Contact: Joe Geroux, AIA



IBI Project # 38654

CONDITIONAL USE PERMIT

OCTOBER 26, 2015

OWNER:

Owner:
east west partners
126 Riverfront Lane,
5th Floor
Avon, CO 81620
T - 970.845.9200

CONSULTANTS:

Landscape Architect:
IBI Group
10 Exchange Place, Suite 112
Salt Lake City, Utah 84111
T - 801.532.4233
F - 801.532.4231

Civil Engineer:
Alliance Engineering Inc
323 Main Street
Park City, Utah 84060-2664
T - 435.649.9467
F - 435.649.9475

Structural Engineer:
Dunn Associates Inc
380 W 800 S, Suite 100
Salt Lake City, Utah 84101
T - 801.575.8877
F - 801.575.8875

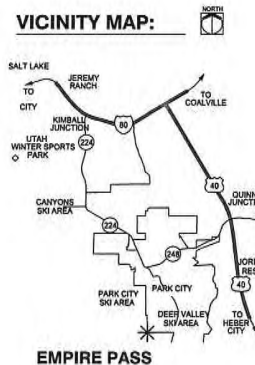
Mechanical Engineer:
CCI Mechanical
2345 CCI Way
Salt Lake City, Utah 84119
T - 801.973.9000
F - 801.975.7204

Electrical Engineer:
Envision Engineering
240 E Morris Ave, Suite 200
Salt Lake City, Utah 84115
T - 801.534.1130

SHEET INDEX:

GENERAL	
	COVER SHEET / SHEET INDEX
CIVIL	
1 OF 1	EXISTING CONDITION & TOPOGRAPHIC MAP
1 OF 1	ALTA / AS2M LAND TITLE SURVEY
G100	GRADING & UTILITIES PLAN
G101	DETAILS
LANDSCAPE	
L100	MASTER SITE PLAN
L101	ENLARGED SITE PLAN AUTOCOUNT
L102	ENLARGED SITE PLAN AMBIDEX DECK
L300	PLANTING PLAN
L301	ENLARGED SITE PLANTING PLAN
L302	ENLARGED SITE PLANTING PLAN
ARCHITECTURAL	
A200	PARKING LEVEL PLAN
A201	LEVEL 1 PLAN
A202	LEVEL 2 PLAN
A203	LEVEL 3 PLAN
A204	LEVEL 4 PLAN
A205	LEVEL 5 PLAN
A206	LEVEL 6 PLAN
A207	ROOF PLAN
A300	BUILDING ELEVATIONS
A301	BUILDING ELEVATIONS
A400	BUILDING SECTIONS
A401	BUILDING SECTIONS
A402	COLOR EXTERIOR ELEVATIONS
B01	CONCEPT RENDERINGS
B02	CONCEPT RENDERINGS

VICINITY MAP:



CONCEPTUAL RENDERING



RECEIVED
OCT 26 2015
PARK CITY
PLANNING DEPT.

Guardsman Lodge, LLC

PO Box 682023
Park City, Utah 84060
Phone: 435.714.0267
E-Mail: bfiveash@ewpartners.com

To: Park City Planning
From: Bill Fiveash OBO Guardsman Lodge, LLC
Date: October 21, 2015
Re: VEPWS - 15 - CUP Written Statement

Memo

Guardsman Lodge LLC is seeking a Conditional Use Permit for the development and construction of a residential building on VEPWS-15 at Empire Pass. The site is part of the land subject to the Amended and Restated Development Agreement for Flagstaff Mountain recorded in March 2007 which granted the Developer/Owner of the property a Large Scale Master Planned Development. This application seeks to move forward the approvals as required in the development agreement to the level considered a Small Scale Master Plan, for which, we believe a CUP is required.

Guardsman Lodge LLC is proposing to build a 109,479 SF structure consisting of 27 residential for sale properties (Not exceeding 65,537 SF), 1 Accessible Unit as required by town code (1 ADA Unit), 1 Employee Housing Unit (1 EHU Unit), 42 total parking spaces, and various Residential Accessory Uses as defined in the Development Agreement.

Below are answers to specific questions required in the CUP Application:

How will the proposed use "fit-in" with surrounding uses?

The development of a resort style condominium property was specifically contemplated for this site within the previously granted MPD. The proposed building fits the approved massing and square footage allowances per previous approvals.

What type of service will it provide to Park City?

The property is part of the resort residential development of Empire Pass Village.

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

The proposed development is consistent with the Development Agreement recorded in March 2007 for Flagstaff Mountain.

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

Yes, the proposed property has received preliminary approval from the Empire Pass HOA Design Review Board as being compliant with the expected design and use of the property.

Is the proposed use suitable for the proposed site?

Yes, the proposed property fits within the prescribed massing and maximum SF.

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

The proposed use is similar in design to the other condominium buildings in Empire Pass Village. There are no extraordinary uses or mechanical systems that one would expect to produce any emissions dissimilar to the other existing properties.



What will be the hour of operation, and how many people will be employed?

As a residential property, it is expected to be occupied during all hours of the day. The developer is proposing to have Deer Valley Lodging operate the HOA and thus will employ at least one FTE employee as a lodge keeper, plus other support employees from existing staff of DV Lodging.

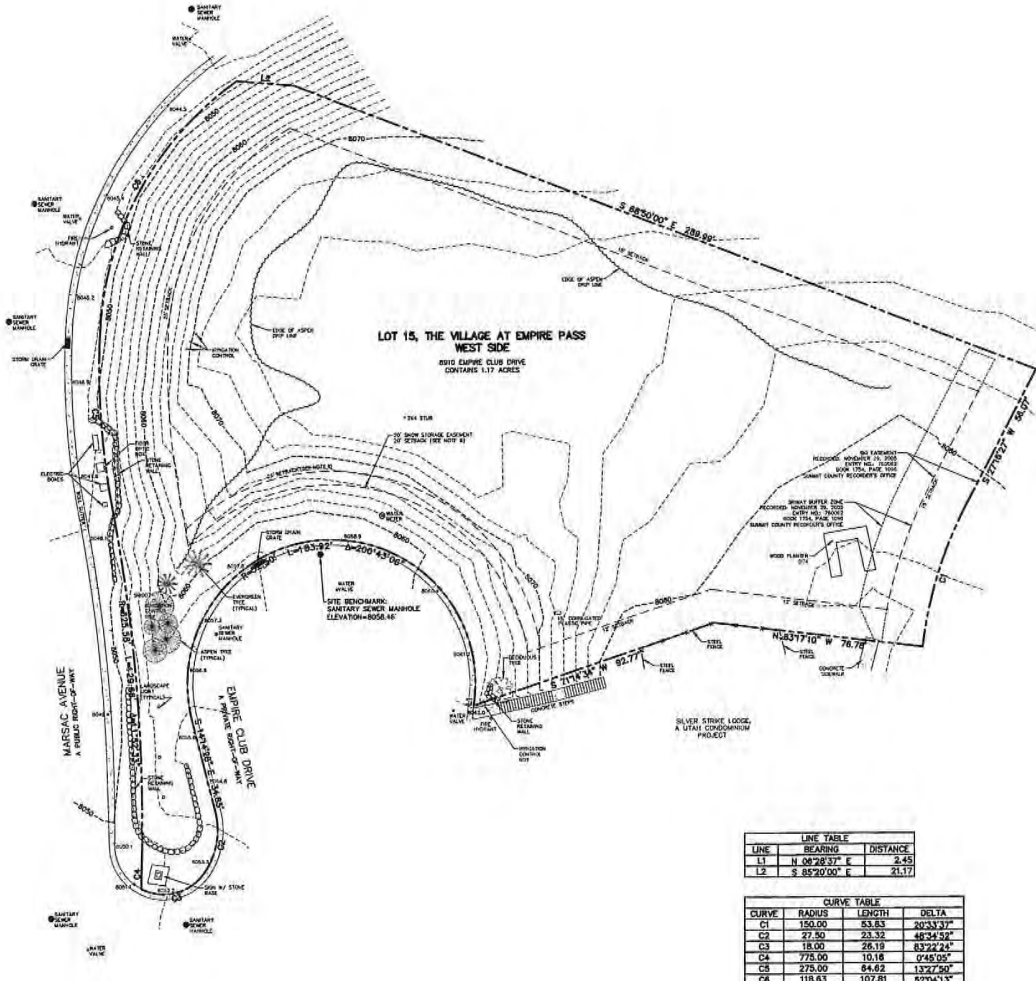
Are other special issues that need to be mitigated?

No.



EXHIBIT B

EXHIBIT B



SURVEYOR'S CERTIFICATE

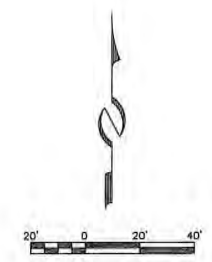
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

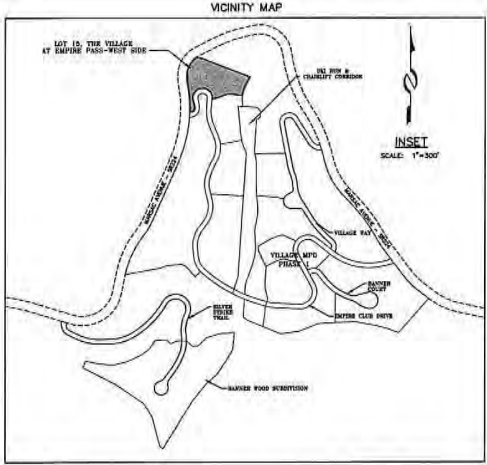
1. Site Benchmark Sanitary Sewer Manhole Elevation=808.4'
2. See record of survey plat for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey performed on June 19, 2015.
5. Property corners were set or found during a previous survey.
6. The required 25' setback for master planned developments is measured from the flagstaff annexation boundary. The internal setback lines shown herein are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 08°28'37" E	3.45
L2	S 85°20'00" E	21.17

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	150.00	53.83	20°33'37"
C2	27.50	23.32	48°34'52"
C3	18.00	25.19	53°22'24"
C4	775.00	10.16	0°45'05"
C5	275.00	84.62	13°27'50"
C6	118.63	107.81	82°04'37"



	(435) 644-9987 STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY	EXISTING CONDITIONS & TOPOGRAPHIC MAP LOT 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, 8910 EMPIRE CLUB DRIVE FOR: EAST WEST PARTNERS JOB NO.: 7-2-15 DATE: 6/26/15 FILE: \\X:\Empire\dwg\15\topo2015\070215.dwg	SHEET 1 OF 1
	CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 223 West Street, P.O. Box 2014, Park City, Utah 84060-2014		



INSET
SCALE: 1"=300'

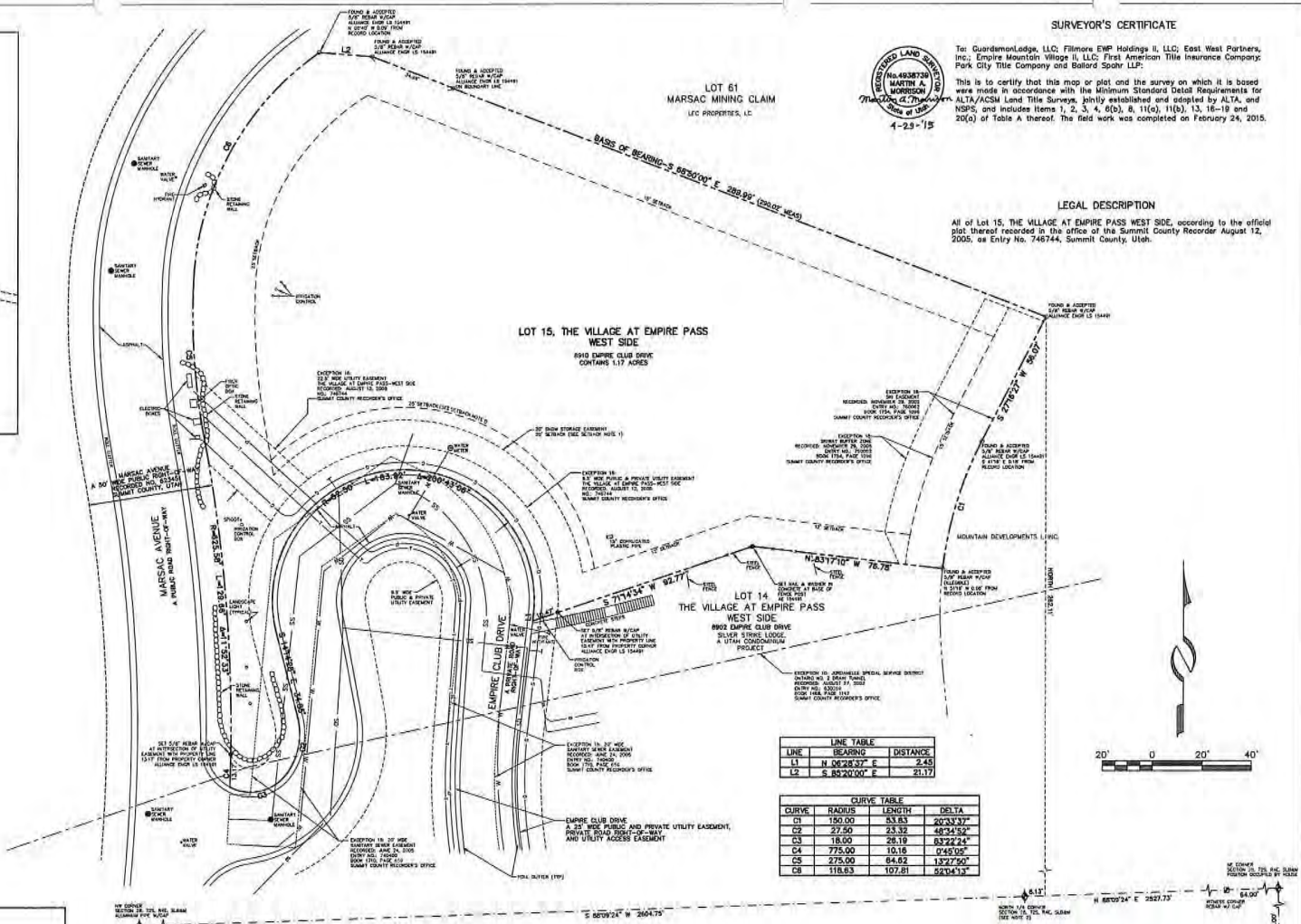
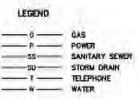
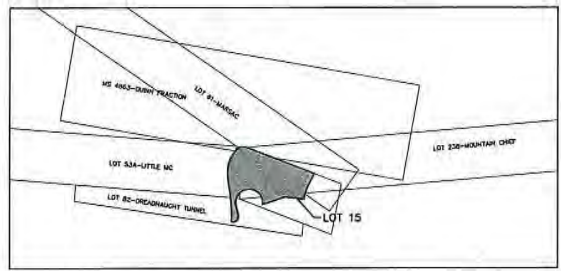
NARRATIVE

- The underground utilities shown on this survey are from construction drawings.
- This survey is performed in conjunction with a Commitment for Title Insurance issued by Park City Title Company dated February 10, 2015, as File No. 20594.
- The following exceptions in Schedule B, Section II of the Title commitment dated February 10, 2015, as File No. 20594 are not addressed by this survey: 1, 2, 5-8, 11-14, 15.
- A relocation survey of Sections 28, 29, 31, 32 and 33 was performed by RBB Land Surveyors. The section corners shown on this survey are based on the RBB surveys. See recorded survey no. 5-3819, Summit County, Utah and recorded survey no. 09C-024-028-0-1020, Wasatch County, Utah. The aluminum pipe w/cop set at the north 1/4 corner of Section 28 during the RBB survey no longer exists.
- The subject property is located in Flood Insurance Rate Map Panel 49043C1125C and is in Zone X, which is determined to be outside the 0.25% annual chance floodplain.
- The subject property is zoned RD and is part of a Master Planned Development (MPD) and may have building requirements specific to the approval of this MPD. See Park City Municipal Corporation for information regarding requirements and restrictions.
- The property was vacant at the time of the survey.
- There is no observed evidence of current earth moving work or building construction.
- There are no known proposed changes to street right-of-way lines nor is there any evidence of recent street or sidewalk construction or repairs.
- There is no observed evidence of the site being used as a solid waste dump, sump or sanitary landfill.
- There are no wetland areas on the property.

SETBACK NOTE

- (as approved by Park City Municipal Corporation Empire Pass Village Master Plan, July 21, 2004.)
- The required 25' setback for master planned developments is measured from the Right-of-Way connection boundary. The internal setback lines shown herein are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residence), 12' side yard, & 15' rear yard.

MINING CLAIM LOCATION



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 06°28'37" E	2.45
L2	S 82°20'00" E	21.17

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	150.00	53.83	26°33'37"
C2	27.50	23.32	48°34'52"
C3	18.00	26.10	83°22'24"
C4	775.00	10.16	0°45'02"
C5	275.00	64.52	132°27'50"
C6	116.63	107.81	62°04'13"



SURVEYOR'S CERTIFICATE



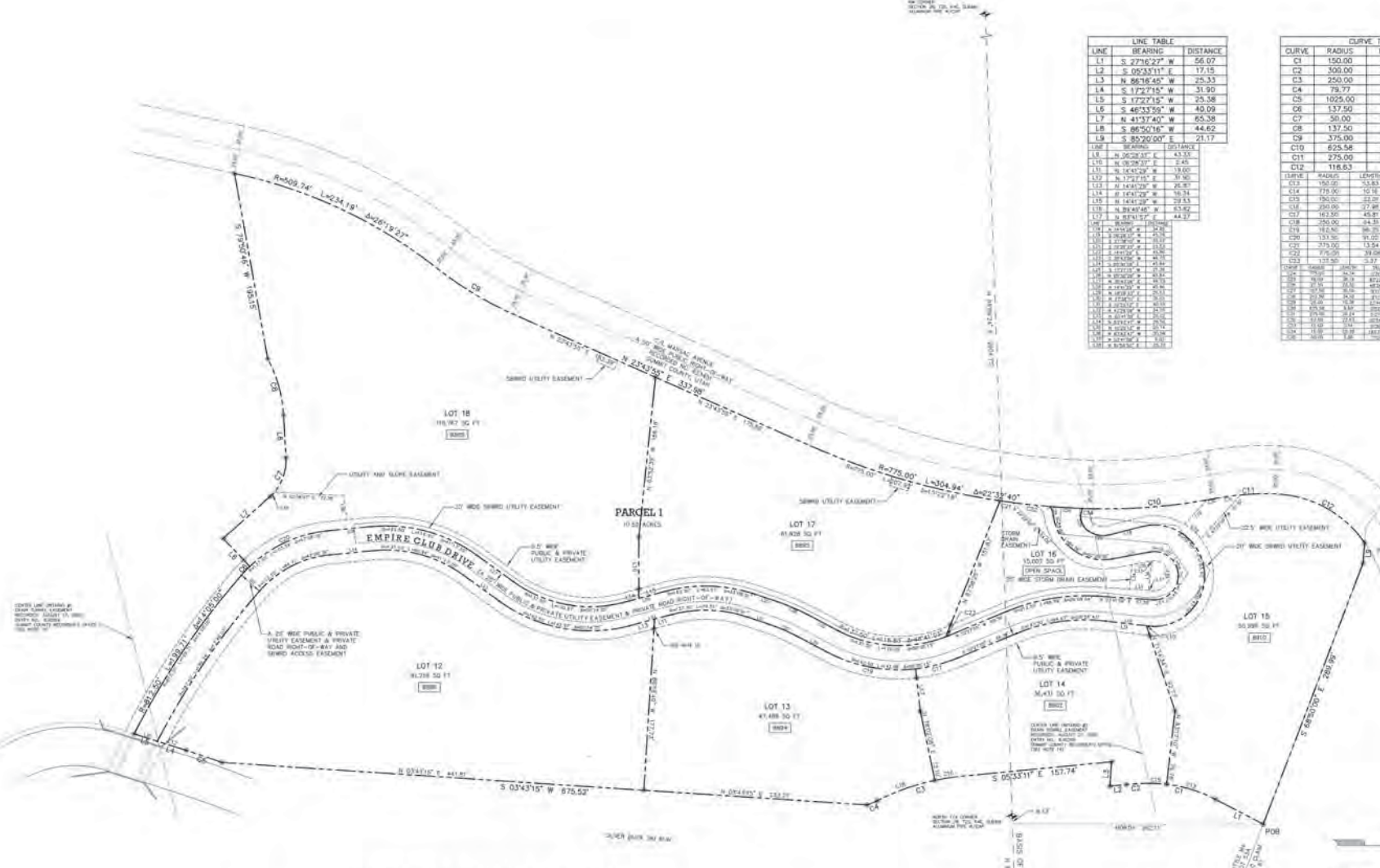
To: QuardemanLodge, LLC, Filmore EMP Holdings II, LLC, East West Partners, Inc., Empire Mountain Village II, LLC, First American Title Insurance Company, Park City Title Company and Ballard Spahr LLP.
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the Minimum Standards Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA, and NSPS, and include items 1, 2, 3, 4, 6(b), 8, 11(c), 11(b), 13, 16-19 and 20(a) of Table A thereof. The field work was completed on February 24, 2015.
 4-25-15

LEGAL DESCRIPTION

All of Lot 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, according to the official plat thereof recorded in the office of the Summit County Recorder August 12, 2006, as Entry No. 746744, Summit County Utah.



<p>(435) 644-8443 JOHN DEMKOWICZ MARSHALL KING MARTY MORRISON JEFF KITCHEN</p>	<p>ALTA/ACSM LAND TITLE SURVEY LOT 15 THE VILLAGE AT EMPIRE PASS--WEST SIDE FOR: EAST WEST PARTNERS JOB NO.: 7-15</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 4/25/15 FILE: X:\Empire\demj\marty\marty2015_070215.dwg</p>	



LINE	BEARING	DISTANCE
L1	S 27°16'27" W	56.07
L2	S 05°33'11" E	17.15
L3	N 86°36'45" W	25.53
L4	S 17°27'15" W	31.90
L5	S 17°27'15" W	25.58
L6	S 48°53'59" W	40.09
L7	N 41°37'40" W	65.58
L8	S 86°50'18" W	44.62
L9	S 85°20'00" E	21.17

CURVE	RADIUS	LENGTH	DELTA
C1	150.00	75.83	28°27'37"
C2	300.00	20.22	3°51'42"
C3	250.00	92.29	21°09'04"
C4	75.77	11.44	8°53'08"
C5	1025.00	38.87	2°10'21"
C6	137.50	12.52	5°13'08"
C7	50.00	44.97	51°32'04"
C8	137.50	60.72	23°18'01"
C9	375.00	93.78	14°10'44"
C10	625.56	129.66	11°52'33"
C11	275.00	64.62	13°27'50"
C12	318.63	107.81	5°20'41"

CURVE	RADIUS	LENGTH	DELTA
C13	190.00	53.83	30°31'27"
C14	175.00	10.16	2°03'05"
C15	190.00	22.20	8°24'20"
C16	200.00	73.86	12°45'40"
C17	163.50	45.81	15°00'00"
C18	200.00	24.35	14°04'20"
C19	162.56	36.25	32°03'11"
C20	151.36	91.02	37°03'21"
C21	375.00	133.84	18°00'00"
C22	75.25	38.08	25°21'21"
C23	121.50	23.77	12°18'15"

SUBDIVISION PLAT THE VILLAGE AT EMPIRE PASS WEST SIDE

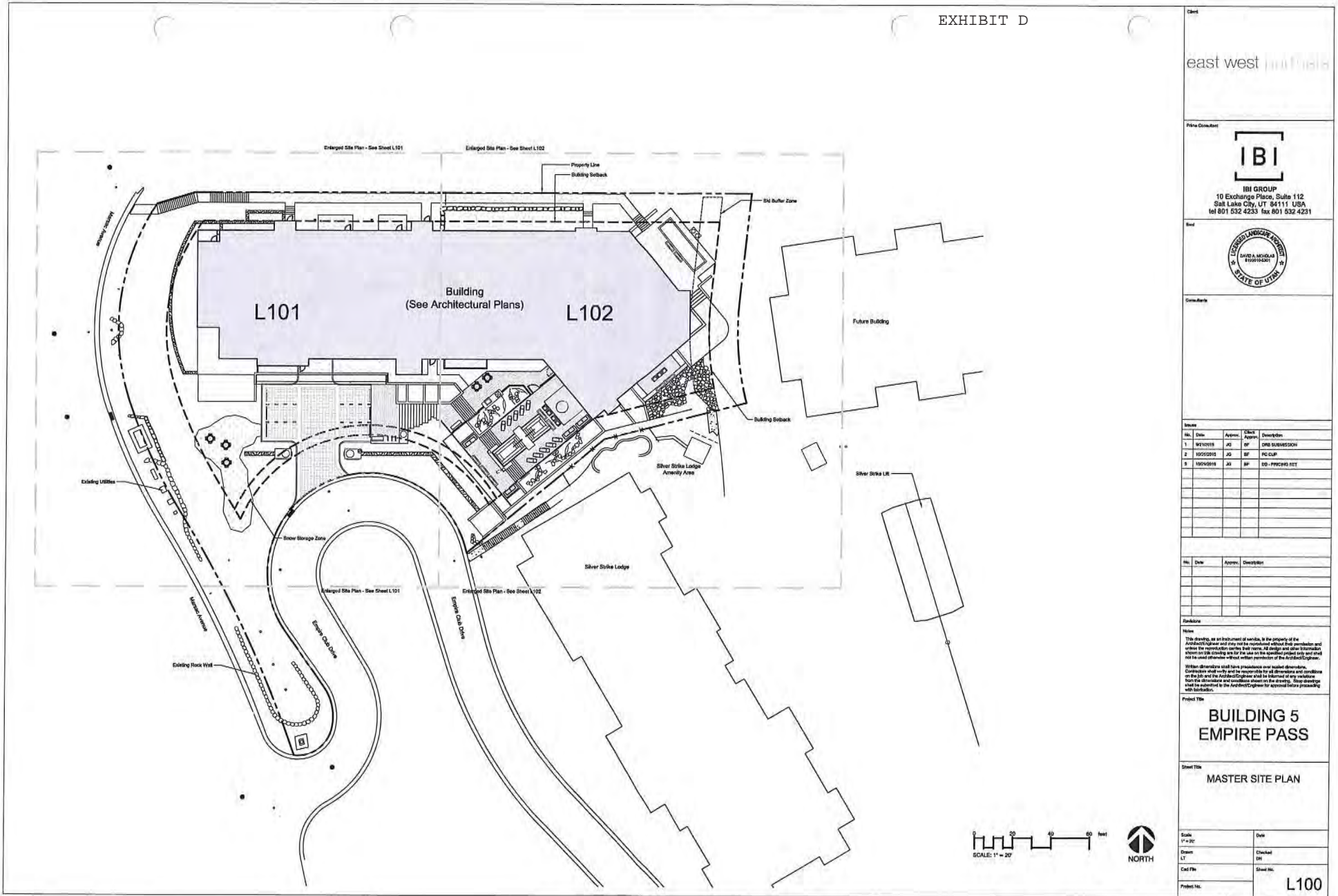
LOCATED IN SECTIONS 21 AND 25,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEGEND
 Street address on Empire Club Drive
 Proposed street to be set

JOB NO.: 1-1-01 FILE: 4 (1/1/2011 10:00:00 AM)
146744 RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF Park City Title
 DATE 6-12-05 TIME 4:02 PM BOOK PAGE
867.00
 FILE Denise Holloman, Deputy
 RECORDER

EXHIBIT D

EXHIBIT D



Client
east west

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Comments

No.	Date	Appr.	Check	Description
1	06/10/2015	JG	JP	CRS SUBMISSION
2	06/22/2015	JG	JP	PLC CLIP
3	06/22/2015	JG	JP	DD - FINCHD RET

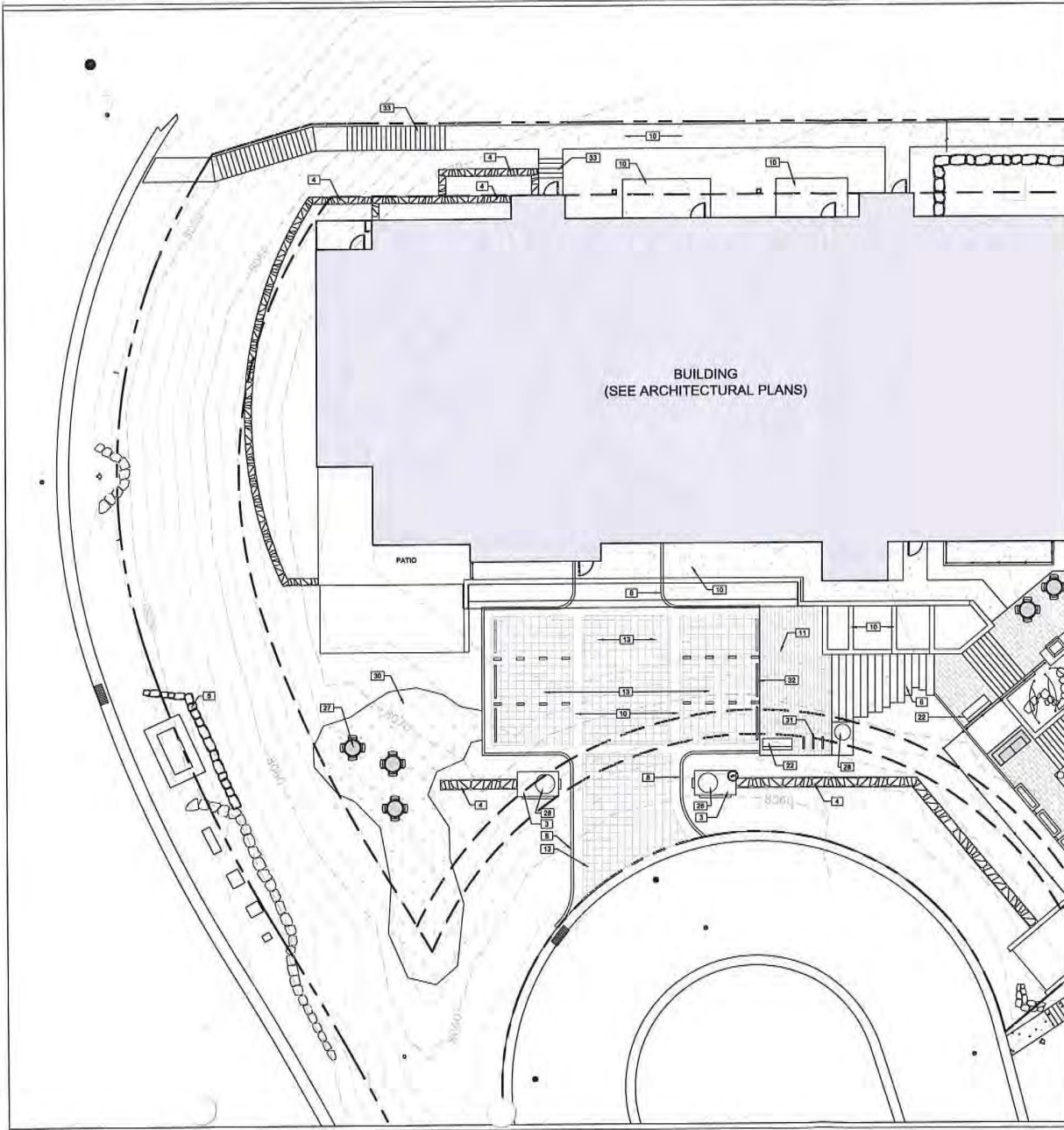
No.	Date	Appr.	Description

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Without otherwise shall have precedence over sealed drawings.
Contractors shall verify the responsibility of all dimensions and conditions on the job and the Architect/Engineer shall be relieved of any liability for any errors or omissions and conditions shown on the drawing. Their acceptance shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title
**BUILDING 5
EMPIRE PASS**

Sheet Title
MASTER SITE PLAN

Scale 1" = 20'	Date
Drawn LT	Checked DR
Cad File	Sheet No.
Project No.	L100



REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY	DETAIL
11	STONE VENEER RETAINING WALL - BENCH/ERRADES		
12	STONE VENEER RETAINING WALL - TALL		
13	STONE VENEER MONUMENT		
14	STACKED STONE RETAINING WALL		
15	BOULDER WALL		
16	STONE STAIR		
17	OUTDOOR KITCHEN		
18	CONCRETE CURB		
19	STONE CURB		
20	4" CONCRETE PAVING/SAND		
21	2" CONCRETE PAVERS OVER 4" CONCRETE BASE W/1" SAND SETTING BED WITH HYDROKING SNOW MELT		
22	2" CONCRETE PLANK PAVERS OVER 4" CONCRETE BASE W/1" SAND SETTING BED WITH HYDROKING SNOW MELT		
23	3 1/2" CONCRETE PAVERS OVER 4" CONCRETE BASE WITH 1" SAND SETTING BED WITH HYDROKING SNOW MELT		
24	FLAGSTONE		
25	HOT TUB		
26	HOT TUB FENCE - DECORATIVE		
27	HOT TUB FENCE - STANDARD		
28	HAMMOCK GARDEN COLUMNS		
29	FIRE TABLE		
30	BENCH		
31	CHAIR LOUNGE CHAIR		
32	OUTDOOR FURNITURE		
33	TABLE AND CHAIRS		
34	SAUCER PLANTER/FIRE BOWL		
35	SOCCER BALL COURT		
36	LAWN AREA		
37	BIKE RACKS		
38	CONCRETE WHISL STOPS		
39	CONCRETE STAIR WITH HANDRAILS		

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No.	Date	Apprv.	Check	Description
1	02/10/15	JG	BP	DRG SUBMISSION
2	10/05/15	JG	BP	PG CLIP
3	10/29/15	JG	BP	DD - PAVING SET

No.	Date	Apprv.	Description

Revisions

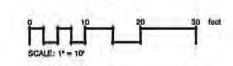
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Written instructions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be relieved of any liability from the dimensions and conditions shown on the drawing. Close drawings shall be submitted to the Architect/Engineer for approval before proceeding with installation.

Project Title
**BUILDING 5
EMPIRE PASS**

Sheet Title
**ENLARGED SITE PLAN -
AUTOCOURT**

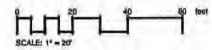


Scale: 1" = 10'	Date:
Drawn: ST	Checked: ST
Cell No.:	Sheet No.:
Project No.:	L101



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	QNTY	QTY
	ABI CON	ABIES CONCOLOR / WHITE FIR	6'-8" HT.	3
	ACE GH	ACER GRIMALDI 'FLAME' / FLAME AMBROS MAPLE	6'-8" HT.	2
	ACE GRA	ACER GRANDIDENTATUM / BISTOOTH MAPLE	6'-8" HT.	5
	PIN BR	PINUS ARISTATA / BRISTLEcone PINE	6'-8" HT.	3
	POP TRE	POPULUS TREMULOIDES / QUAKING ASPEN	1.5' CAL.	39
	PSE DOU	PSEUDOTSUGA MENZIESII / DOUGLASS FIR	7'-8" HT.	8
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	QNTY	QTY
	COR RES	CORNUS SERICEA / RED TWIG DOGWOOD	5 GAL.	24
	RHU GRO	RHUS AROMATICA 'GRO-LOW' / GRO-LOW FRAGRANT SUMAC	5 GAL.	3
	RIB ALZ	RIBES ALPINUM 'AUREUM' / DWARF GOLDEN ALPINE CURRANT	5 GAL.	29
	SAL PUR	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL.	26
	SAM CAE	SAMBUCUS CAEULEA / BLUE ELDERBERRY	5 GAL.	6
	MIX	SHRUBS / PERENNIAL MIX - TBD		
PERENNIAL/BIENNIALS	CODE	BOTANICAL NAME / COMMON NAME	QNTY	QTY
	PER ANN	PERENNIAL/BIENNIALS	1 GAL.	529 SF
SOFTSEED	CODE	BOTANICAL NAME / COMMON NAME	QNTY	QTY
	NAT GRA	NATIVE GRASSES / WILDFLOWERS	SEED	15,454 SF
	TUR GRA	TURF GRASS	800	1,877 SF



Client
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Prime Consultant
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Seal

Comments

Issues

No.	Date	Apprv.	Task	Description
1	05/05/15	JG	DP	DRG SUBMISSION
2	10/05/15	JG	MP	PG CLP
3	10/23/15	JG	BP	DD - PRELIM SET

No. Date Apprv. Description

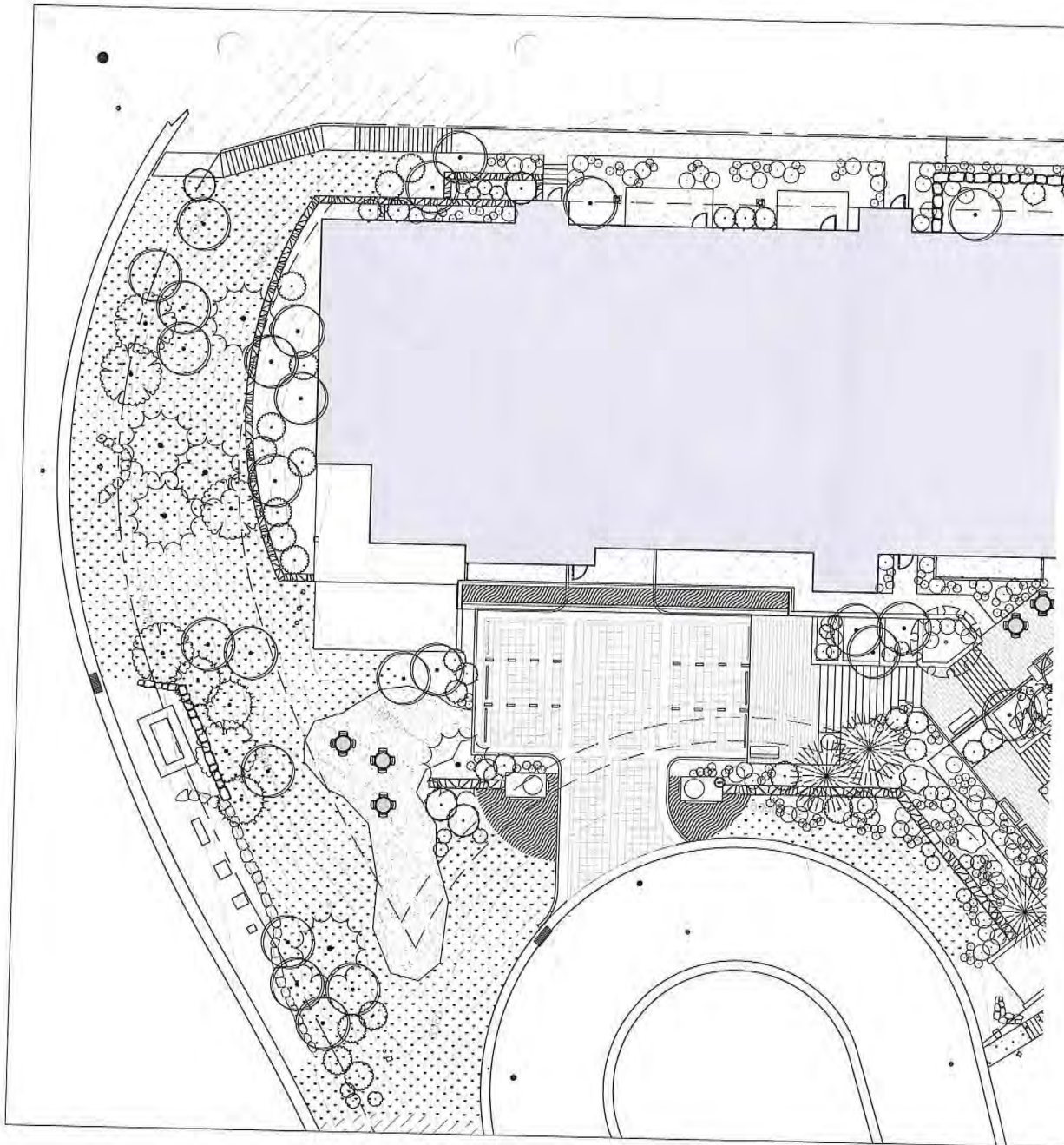
Revisions

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Written dimensions shall have precedence over printed dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be relieved of any responsibility for the structure and conditions shown on this drawing. They drawings and fees submitted to the Architect/Engineer for approval before proceeding with installation.

Project Title
**BUILDING 5
EMPIRE PASS**

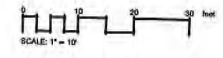
Sheet Title
PLANTING PLAN

Date 11/11/2015	Date
Drawn JG	Checked JG
Cost File	Sheet No.
Project No.	L300



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT.	QTY.
ARB CON		ARIES CONCOLOR / WHITE FIR	6'-8" HT.	3
ACE GRN		ACER GINNALA 'FLAME' / FLAME AMUR MAPLE	6'-8" HT.	2
ACE GRN		ACER GRANDIDENTATUM / BIGTOOTH MAPLE	6'-8" HT.	5
PNH BR		PNUS ARISTATA / BRISTLE CONE PINE	6'-8" HT.	3
POP TRE		POPULUS TREMULOIDES / QUAKING ASPEN	1.5' GAL.	38
PSE DOU		PSEUDOTSUGA MENDESII / DOUGLAS FIR	6'-8" HT.	6
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT.	QTY.
COR RES		CORNUS SERICEA / RED TWIG DOGWOOD	5 GAL.	24
RHS GRD		RHUS AROMATICA 'GOLD-LOW' / GOLD-LOW FRAGRANT SUMAC	5 GAL.	3
RB ALZ		RIBES ALPINA 'AUREUM' / DWARF GOLDEN CURRANT	3 GAL.	28
SAL PUR		SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	3 GAL.	28
SAM GAE		SAMBUCUS CAERULEA / BLUE ELDERBERRY	3 GAL.	8
MX		SHRUB / PERENNIAL MIX - TBD		
PERENNIAL/BIENNIALS	CODE	BOTANICAL NAME / COMMON NAME	CONT.	QTY.
PER ANH		PERENNIALS/BIENNIALS	1 GAL.	528 SF
SPONSEER	CODE	BOTANICAL NAME / COMMON NAME	CONT.	QTY.
NAT GRA		NATIVE GRASSES / WILDFLOWERS	SEED	16,424 SF
TUR GRA		TURF GRASS	SGD	1,077 SF



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LANDSCAPE ARCHITECT
BY STATE OF UTAH

REVISIONS

No.	Date	Appr.	Chg.	Description
1	05/10/15	JG	SP	TRD SUBMISSION
2	10/02/15	JG	SP	PC CLIP
3	10/02/15	JG	SP	DD - PROCEED SET

NOTES

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Written drawings shall have precedence over verbal directions. Contradictions shall void and be responsible to all directions and conditions from the Architect/Engineer shall be observed at all times. All drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title:
**BUILDING 5
EMPIRE PASS**

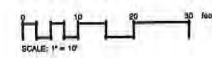
Sheet Title:
**ENLARGED
PLANTING PLAN**

Scale 1" = 10'	Date
Drawn LJ	Checked JG
Chief JG	Sheet No. L301



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	QDHT	QTY
	ABI COH	ABIES CONCOLOR / WHITE FIR	6'-8" HT.	3
	ACE GRN	ACER GINNALA 'FLAME' / FLAME AMAR MAPLE	6'-8" HT.	2
	ACE GRA	ACER GRANDIDENTATUM / REDTOOTH MAPLE	6'-8" HT.	6
	PH RR	PIRUS ARISTATA / BRISTLECOCK PINE	6'-8" HT.	3
	POP TRE	POPULUS TREMULOIDES / QUAKING ASPEN	1.5" CAL.	39
	PSE DOU	PSEUDOTSUGA MENZIESII / DOUGLAS FIR	6'-8" HT.	6
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	QDHT	QTY
	COR RES	CORNUS SERICEA / RED TWIG DOGWOOD	5 GAL	24
	RHU GRD	RHUS AROMATICA 'GRO-L-O-W' / GRO-LOW FRAGRANT SUMAC	5 GAL	3
	RIB AU2	RIBES ALPNUM 'AUREUM' / DWARF GOLDEN ALPINE CURRANT	5 GAL	28
	SAL PUR	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL	28
	SAM GBE	SAMBUCUS CAERULEA / BLUE ELDERBERRY	5 GAL	6
	MIX	SHRUB / PERENNIAL MIX - TBD		
PERENNIALS/ANNUALS	CODE	BOTANICAL NAME / COMMON NAME	QDHT	QTY
	PER ANN	PERENNIALS/ANNUALS	1 GAL	525 SF
SEEDS	CODE	BOTANICAL NAME / COMMON NAME	QDHT	QTY
	NAT GRA	NATIVE GRASSES / WILDFLOWERS	SEED	10,424 SF
	TUR GR	TURF GRASS	500	1,077 SF



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No.	Date	Appr.	Client Appr.	Description
1	08/20/15	JW	MF	10% SUBMITTAL
2	10/26/15	JW	MF	PC CLP
3	10/29/15	JW	MF	DD - PRELIM SET

No.	Date	Appr.	Description

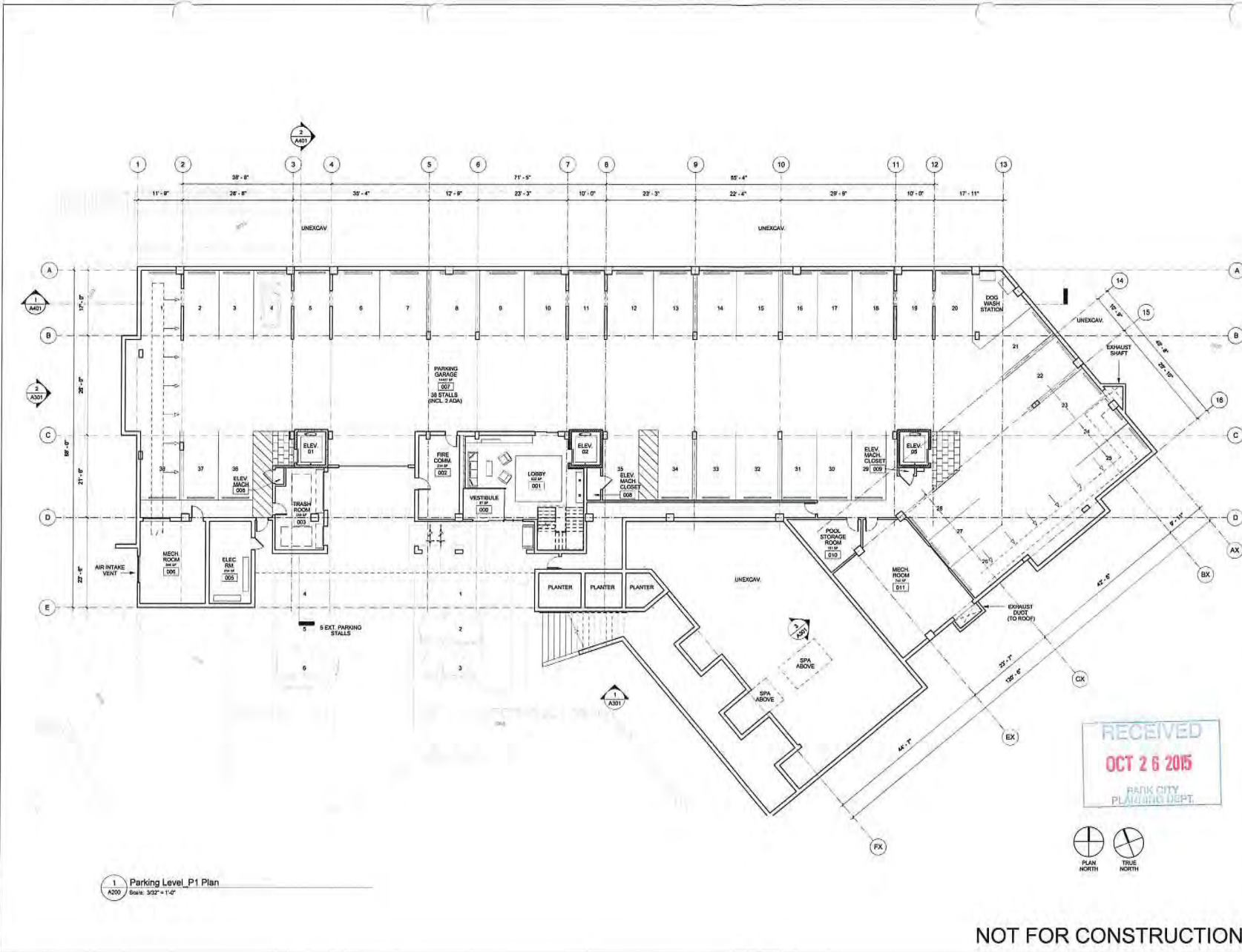
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 Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be relieved of any liability - both the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with installation.

Project Title
**BUILDING 5
 EMPIRE PASS**

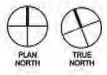
Sheet Title
**ENLARGED
 PLANTING PLAN**

Scale	Date
1" = 10'	
Drawn	Checked
LT	CH
Cell File	Sheet No.
Project No.	L302

10/25/2015 3:01:04 PM



1 Parking Level_P1 Plan
Scale: 3/32" = 1'-0"



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No.	Date	Appr.	Discipline
1	09/21/2015	JG	SR
2	10/20/2015	JG	SR

**BUILDING 5
EMPIRE PASS**

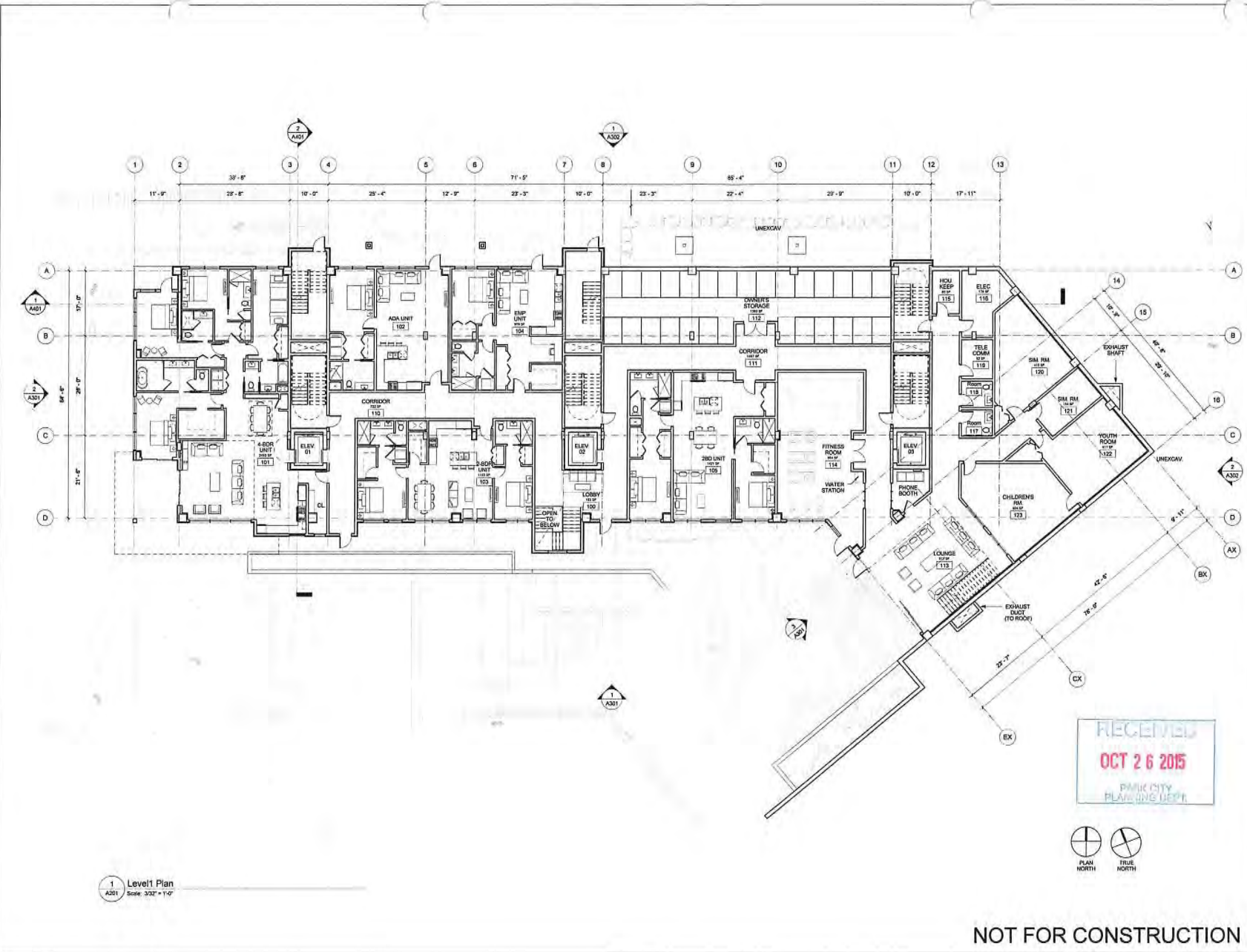
PARKING LEVEL PLAN

Scale	Date
3/32" = 1'-0"	10/26/15

Drawn	Checked
JMK	JMK

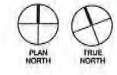
Project No: 38654 A200

10/23/2015 3:01:15 PM



1 Level1 Plan
A201
Scale: 3/32" = 1'-0"

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Revisions

No.	Date	Appr.	Issue	Description
1	08/21/2015	JG	MP	DRN SUBMISSION
2	10/21/2015	JG	MP	PC CLP

Revisions

No.	Date	Appr.	Description

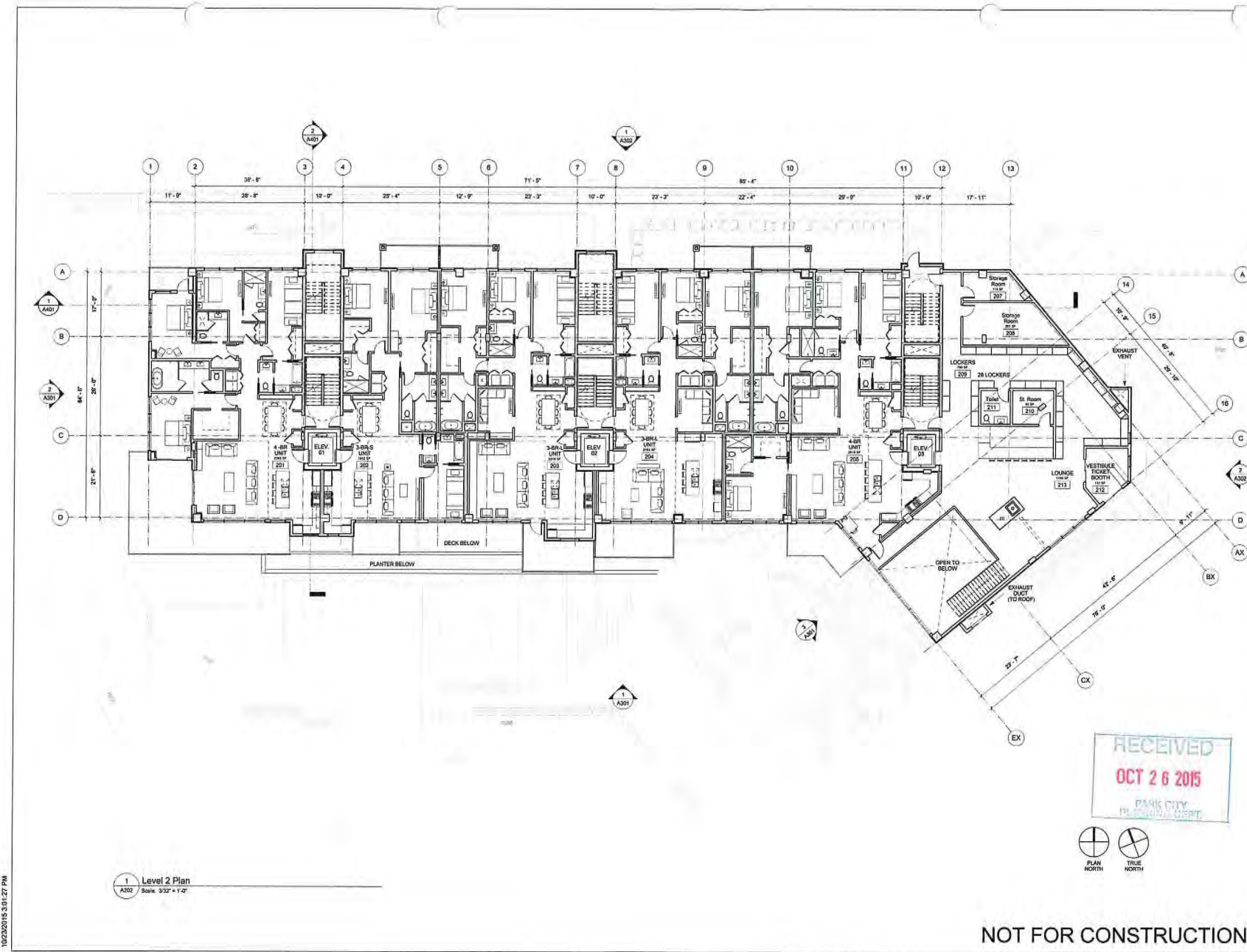
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Vertical dimensions shall have precedence over square dimensions.
Contractor shall verify all dimensions and conditions on the job and the Architect/Engineer shall be informed of any variances from the information and specifications shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

Project Title
**BUILDING 5
EMPIRE PASS**

Sheet Title
LEVEL 1 PLAN

Scale 3/32" = 1'-0"	Date 10/26/15
Drawn SM	Checked SM
Calc File	Sheet No.
Project No 38854	A201



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No.	Date	Appr.	By	Description
1	08/24/2015	JG	SP	DRS SUBMITTAL
2	10/26/2015	JG	BP	PC UP

No.	Date	Appr.	Description

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When dimensions shall have precedence over scaled dimensions, dimensions shall prevail and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be notified of any variations from the performance and conditions shown on the drawing. All dimensions shall be as shown in the Architect/Engineer for approval before proceeding with construction.

Project Title
**BUILDING 5
 EMPIRE PASS**

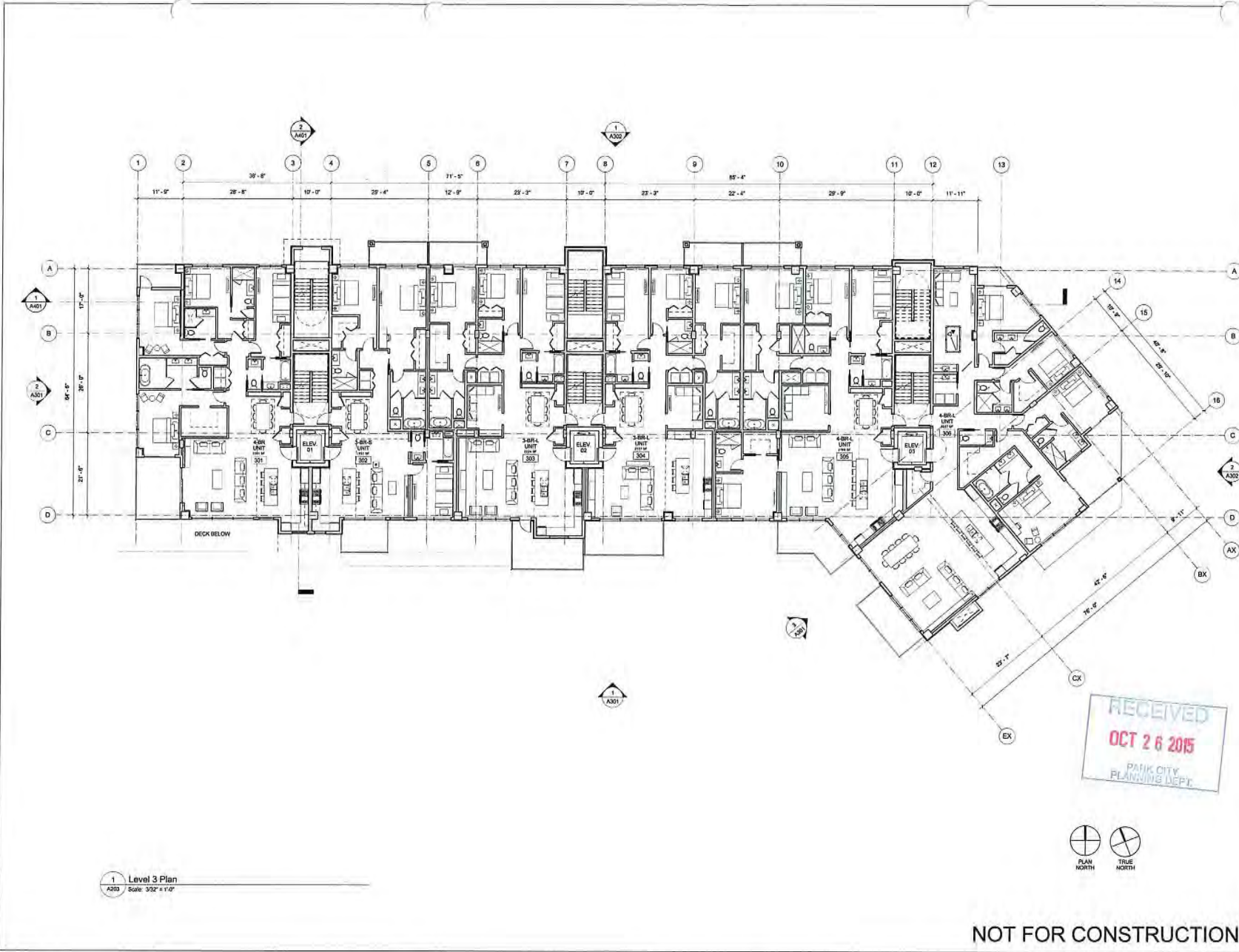
Sheet Title
LEVEL 2 PLAN

Scale 3/32" = 1'-0"	Date 10/26/15
Drawn JG	Checked JG
Client File	Sheet No.
Project No. 38654	A202

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10/26/2015 3:01:27 PM

1 Level 2 Plan
 A202 Scale: 3/32" = 1'-0"



1 Level 3 Plan
A203 Scale: 3/32" = 1'-0"

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No.	Date	Appr.	Scale	Description
1	09/21/2015	JG	3/8"	DRG SUBMITTAL
2	10/20/2015	JG	3/8"	PC DDP

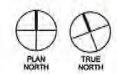
No.	Date	Appr.	Description

Revisions
None
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Vertical dimensions shall have precedence over horizontal dimensions. Corrections shall be in red and shall be made on all drawings and sections as the job and the Architect/Engineer shall be informed of any corrections for the drawings and sections shown on the drawing. Copy drawings shall be restricted to the Architect/Engineer for approval before proceeding with construction.

Project Title
**BUILDING 5
EMPIRE PASS**

Sheet Title
LEVEL 3 PLAN

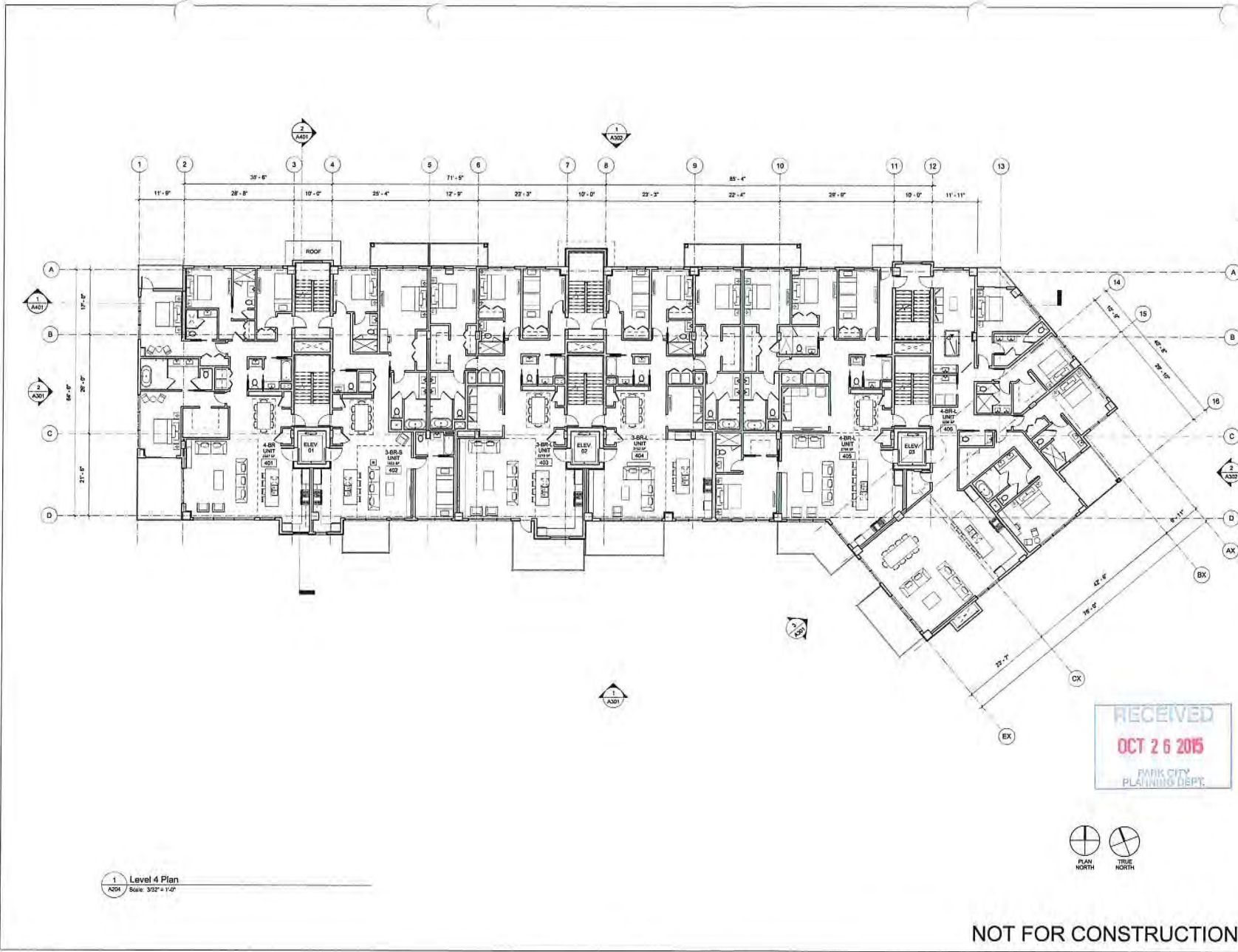
Scale 3/32" = 1'-0"	Date 10/20/15
Drawn JMK	Checked JMK
Get File	Sheet No.
Project No. 38654	A203



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10/20/2015 3:01:41 PM

10/20/2015 3:01:53 PM



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Revisions

No.	Date	Author	Scale	Description
1	09/21/2015	JG	3/8"	DRG SUBMISSION
2	10/20/2015	JG	3/8"	PC CLIP

Revisions

No.	Date	Author	Description

Revisions

No.	Date	Author	Description

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OCT 26 2015
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 PLANNING DEPT.

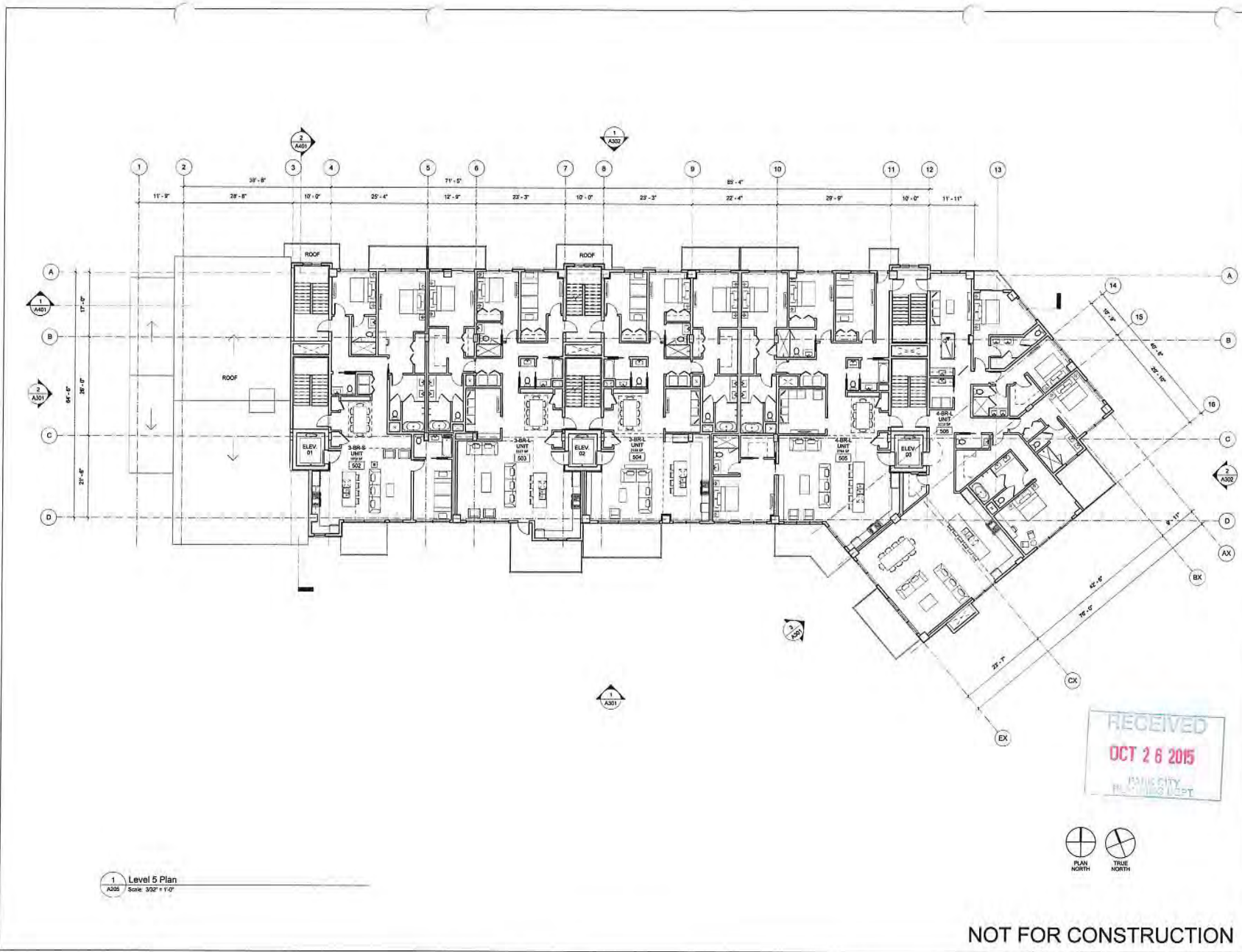
Project Title
**BUILDING 5
 EMPIRE PASS**

Sheet Title
LEVEL 4 PLAN

Scale 3/32" = 1'-0"	Date 10/20/15
Drawn JGK	Checked JGK
Clad File	Sheet No. A204
Project No. 38854	

NOT FOR CONSTRUCTION

10/20/2015 3:02:04 PM



1 Level 5 Plan
A205 Scale: 3/32" = 1'-0"

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Date

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Scale

Gridwork

No.	Date	Appr.	Description
1	10/21/2015	JG	DRB Submittal
2	10/19/2015	JG	PG CUP

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Project Title

**BUILDING 5
EMPIRE PASS**

Sheet Title

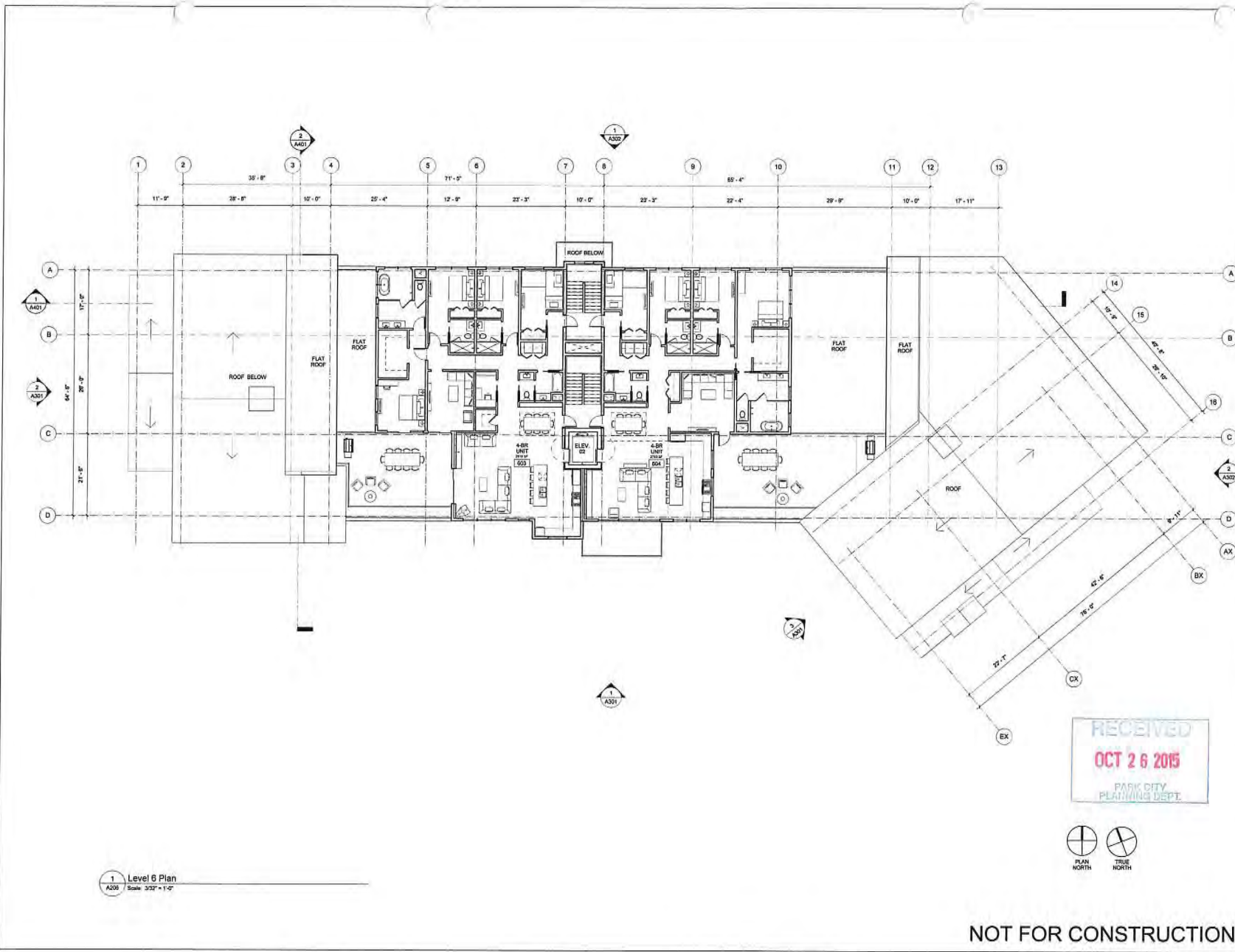
LEVEL 5 PLAN

Scale	Date
3/32" = 1'-0"	10/26/15

Drawn	Checked
JG	JG

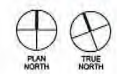
Client File	Sheet No.
	A205

Project No.	Sheet No.
38654	A205



1 Level 6 Plan
A206 Scale: 3/32" = 1'-0"

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Scale

Comments

No.	Date	Appr.	Descr.
1	09/21/2015	JG	005 SUBMISSION
2	10/26/2015	JG	006 PCLP

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Project Title
**BUILDING 5
EMPIRE PASS**

Sheet Title
LEVEL 6 PLAN

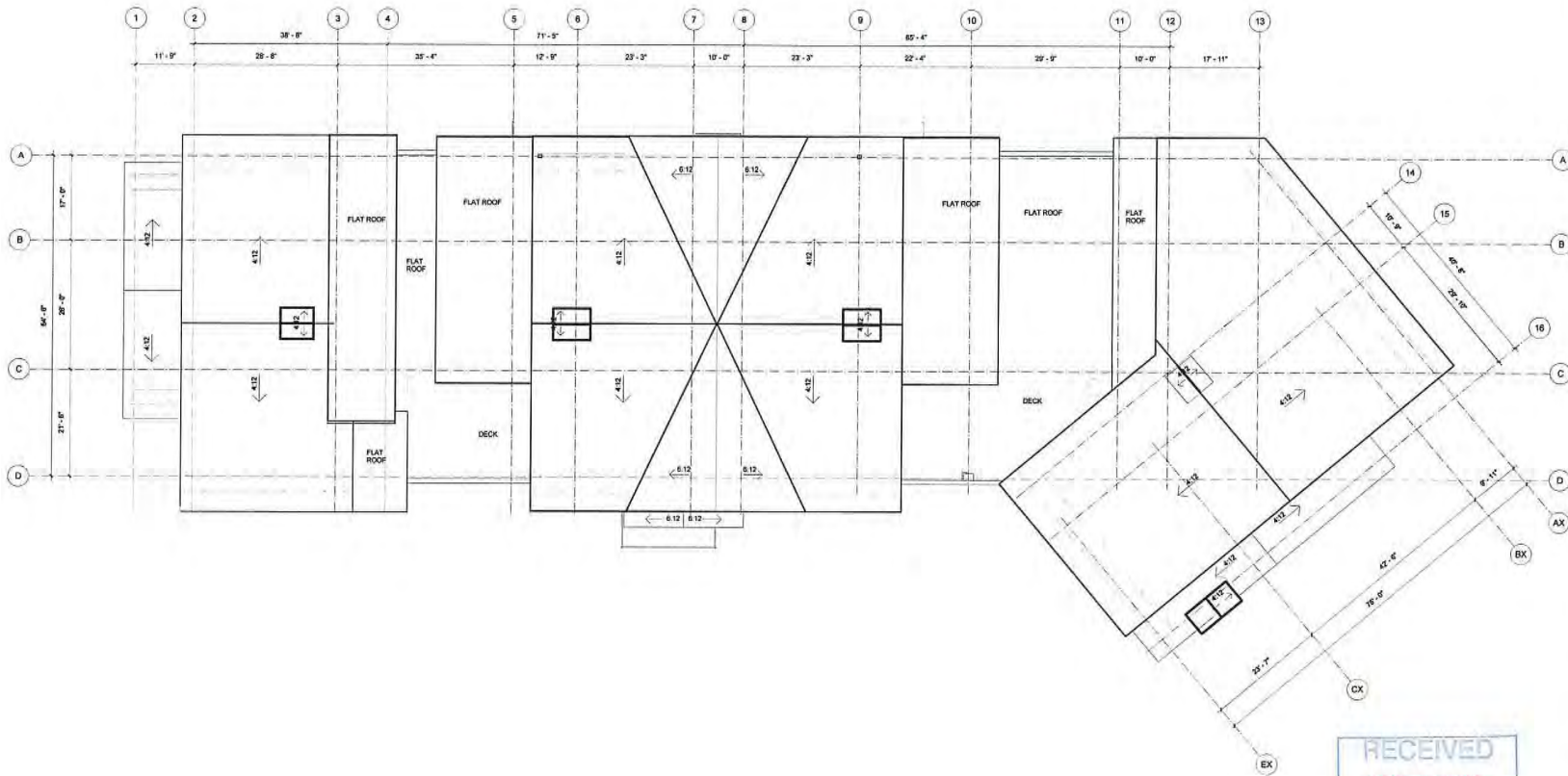
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Drawn	Checked
JGK	JGK

Sheet No.	Sheet Title
38854	A206

10/20/2015 3:02:29 PM


10/20/2015 2:35:46 PM



1 Roof Plan
A207 Scale: 3/32" = 1'-0"

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Prime Consultant

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Contractors

No	Date	Appr	Drawn	Description
1	09.21.2015	JG	BP	0010 SUBMISSION
2	10.08.2015	JG	BP	PERC UP

Revisions

No	Date	Appr	Description

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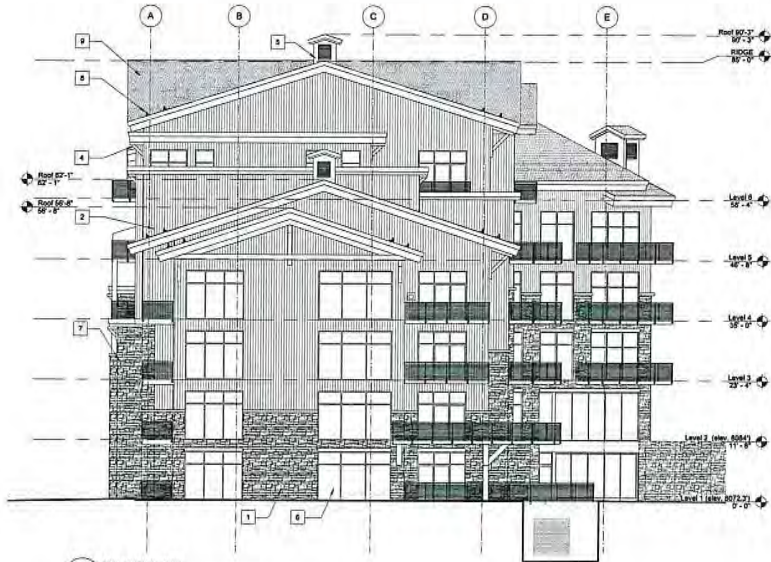
Project Title
**BUILDING 5
 EMPIRE PASS**

Sheet Title
ROOF PLAN

Scale	Size
3/32" = 1'-0"	10/16/15
Drawn	Checked
BP	JG
Client	Sheet No.
Project No. 38654	A207

EXHIBIT E

EXHIBIT E



2 West Elevation
A301 Scale: 3/32" = 1'-0"



3 Elevation 2 - a
A301 Scale: 3/32" = 1'-0"

- KEYNOTES - ELEVATIONS #
- 1- NATURAL STONE
 - 2- CEDAR SIDING - STAINED
 - 3- TIMBER LINTEL
 - 4- TIMBER BRACKET/TRUSS
 - 5- CORTEX PANEL
 - 6- LOW E GLASS WINDOWS/DOORS
 - 7- STEEL RAILING WITH WOOD ACCENT
 - 8- SNOW GUARD
 - 9- 40 YEAR ASPHALT SHINGLE



1 South Elevation
A301 Scale: 3/32" = 1'-0"



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No.	Date	Appr.	By	Description
1	08.21.2015	JG	BP	DRG BUILDING
2	10.20.2015	JG	BP	PC CUP

Revision

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Project Title

**BUILDING 5
EMPIRE PASS**

Sheet Title

BUILDING ELEVATIONS

Scale	Date
3/32" = 1'-0"	10/26/15

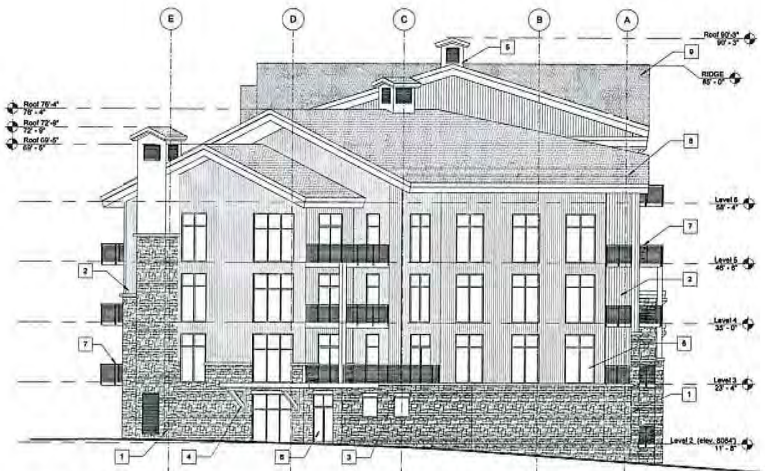
Drawn	Checked
SLB	SLB

Scale	Sheet No.
3/32" = 1'-0"	A301

Project No. 38654

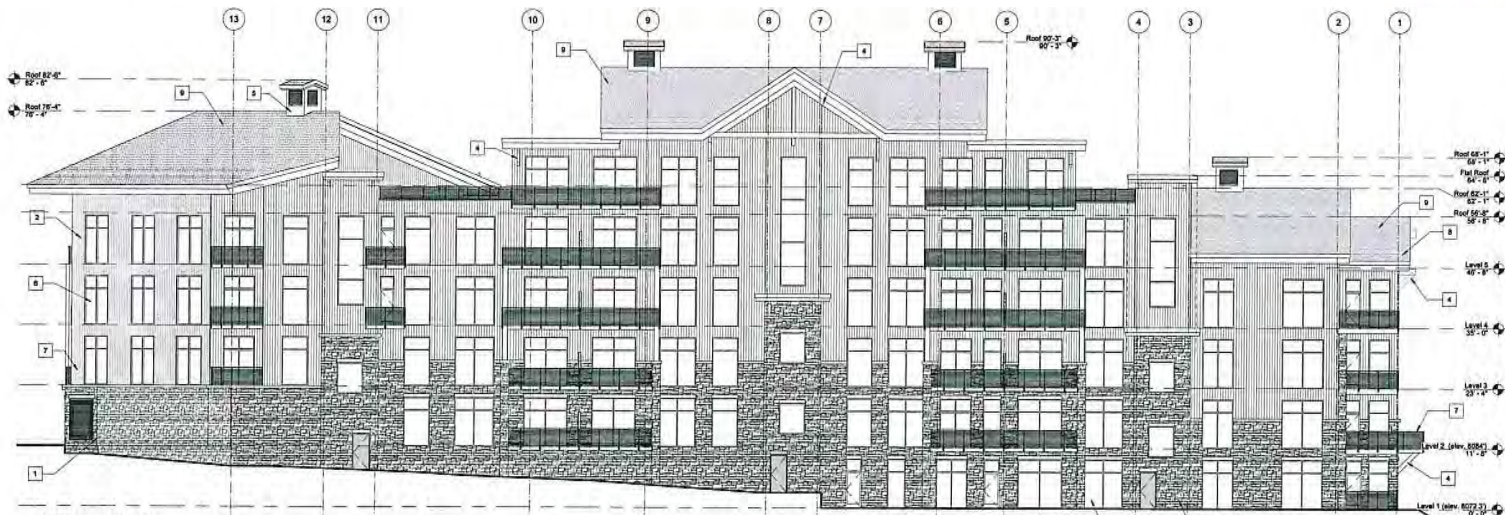
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2 East Elevation
AS02 Scale: 3/32" = 1'-0"

- KEYNOTES - ELEVATIONS**
- 1- NATURAL STONE
 - 2- CEDAR SIDING - STAINED
 - 3- TIMBER LINTEL
 - 4- TIMBER BRACKET/TRUSS
 - 5- CORTEN PANEL
 - 6- LOW E GLASS WINDOWS/DOORS
 - 7- STEEL RAILING WITH WOOD ACCENT
 - 8- SNOW GUARD
 - 9- 40 YEAR ASPHALT SHINGLE



1 North Elevation
AS02 Scale: 3/32" = 1'-0"

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Issues

No.	Date	Apprv.	Drawn	Description
1	09.23.2015	JG	BP	DRG SUBMISSION
2	10.26.2015	JG	BP	PC CLIP

Revisions

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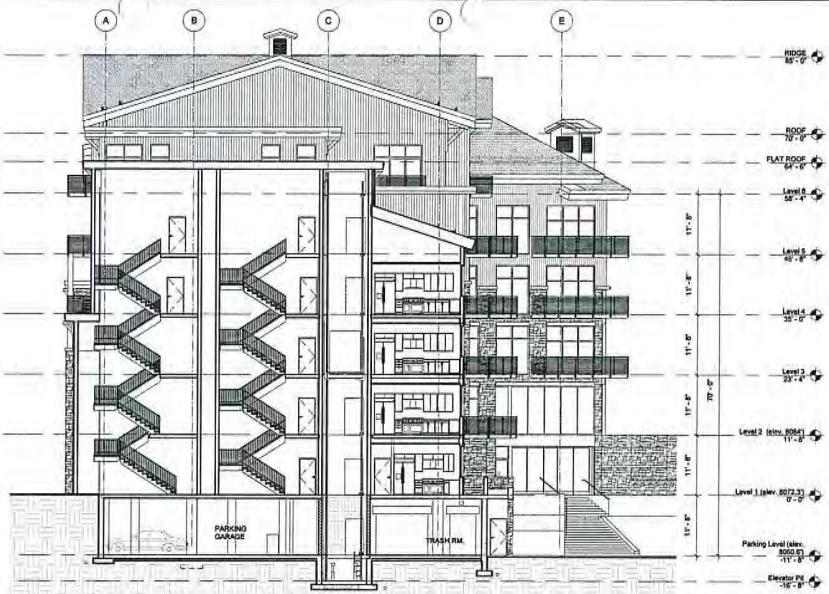
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Project Title
**BUILDING 5
EMPIRE PASS**

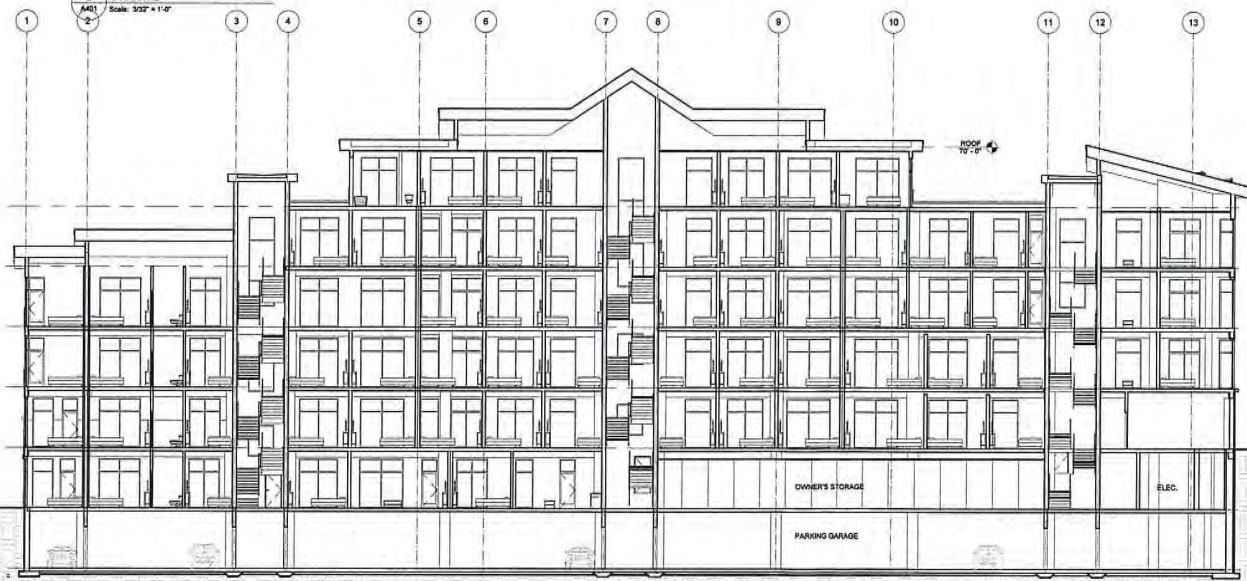
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BUILDING ELEVATIONS

Scale 3/32" = 1'-0"	Date 10/26/15
Drawn JGK	Checked JGK
Call File	Sheet No. A302
Project No. 38654	

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2 Section 2
A401 Scale: 3/32" = 1'-0"



1 Section 1
A401 Scale: 3/32" = 1'-0"



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No.	Date	Appr.	Disc.	Description
1	08.24.2015	JG	BP	DRG SUBMISSION
2	10.26.2015	JG	BP	PC CUP

No.	Date	Appr.	Description

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Project Title
**BUILDING 5
EMPIRE PASS**

Sheet Title
BUILDING SECTIONS

Scale 3/32" = 1'-0"	Date 10/29/15
Drawn GJK	Checked GJK
Cad File	Sheet No. A401
Project No. 38654	

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CONCEPT RENDERING OF POOL DECK

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No.	Date	Appr.	Chk. Appr.	Description
1	8/27/2015	JG	RF	DRG SUBMISSION
2	10/02/2015	JG	RF	PLC-UP

No.	Date	Appr.	Description

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Project Title
**BUILDING 5
 EMPIRE PASS**

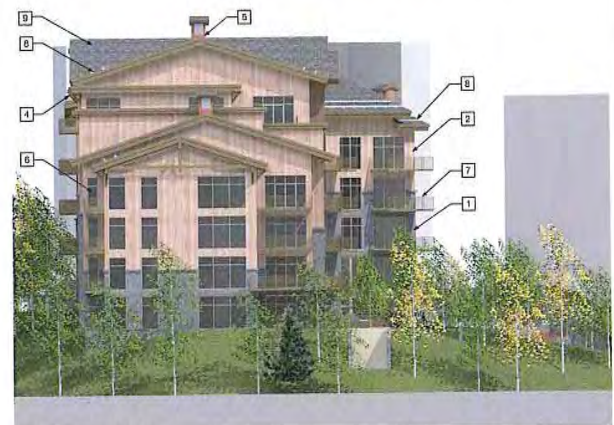
Sheet Title
**CONCEPT
 RENDERINGS**

Scale	Date
Drawn	Checked
DATE/PL	502
Project No	38654

- KEYNOTES - ELEVATIONS**
1. NATURAL STONE
 2. CEDAR SIDING - STAINED
 3. TIMBER LINTEL
 4. STEEL BRACKETS - ROUGH SAWN WOOD TRUSS
 5. ZINC PANEL - PATINA
 6. LOW E GLASS WINDOWS/DOORS
 7. STEEL RAILING WITH WOOD ACCENT
 8. SNOW GUARD
 9. 40 YEAR ASPHALT SHINGLE



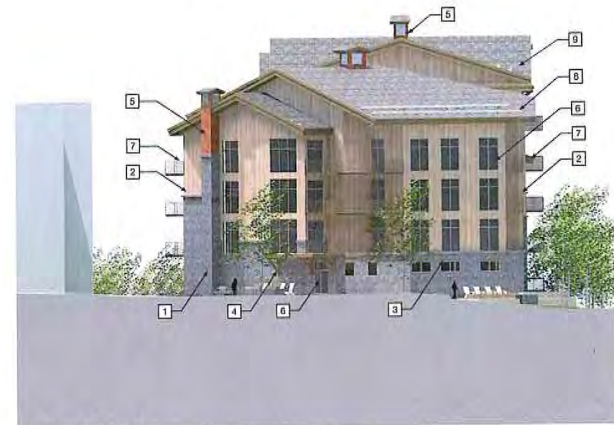
NORTH ELEVATION
SCALE 0 5 10 15 20 25



WEST ELEVATION
SCALE 0 5 10 15 20 25



SOUTH ELEVATION
SCALE 0 5 10 15 20 25



EAST ELEVATION
SCALE 0 5 10 15 20 25

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No.	Date	Appr'd	Drawn	Description
1	02/10/15	JCS	BP	DRG SUBMISSION
2	10/20/15	JCS	BP	PC CLIP

Revisions

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Project Title

**BUILDING 5
EMPIRE PASS**

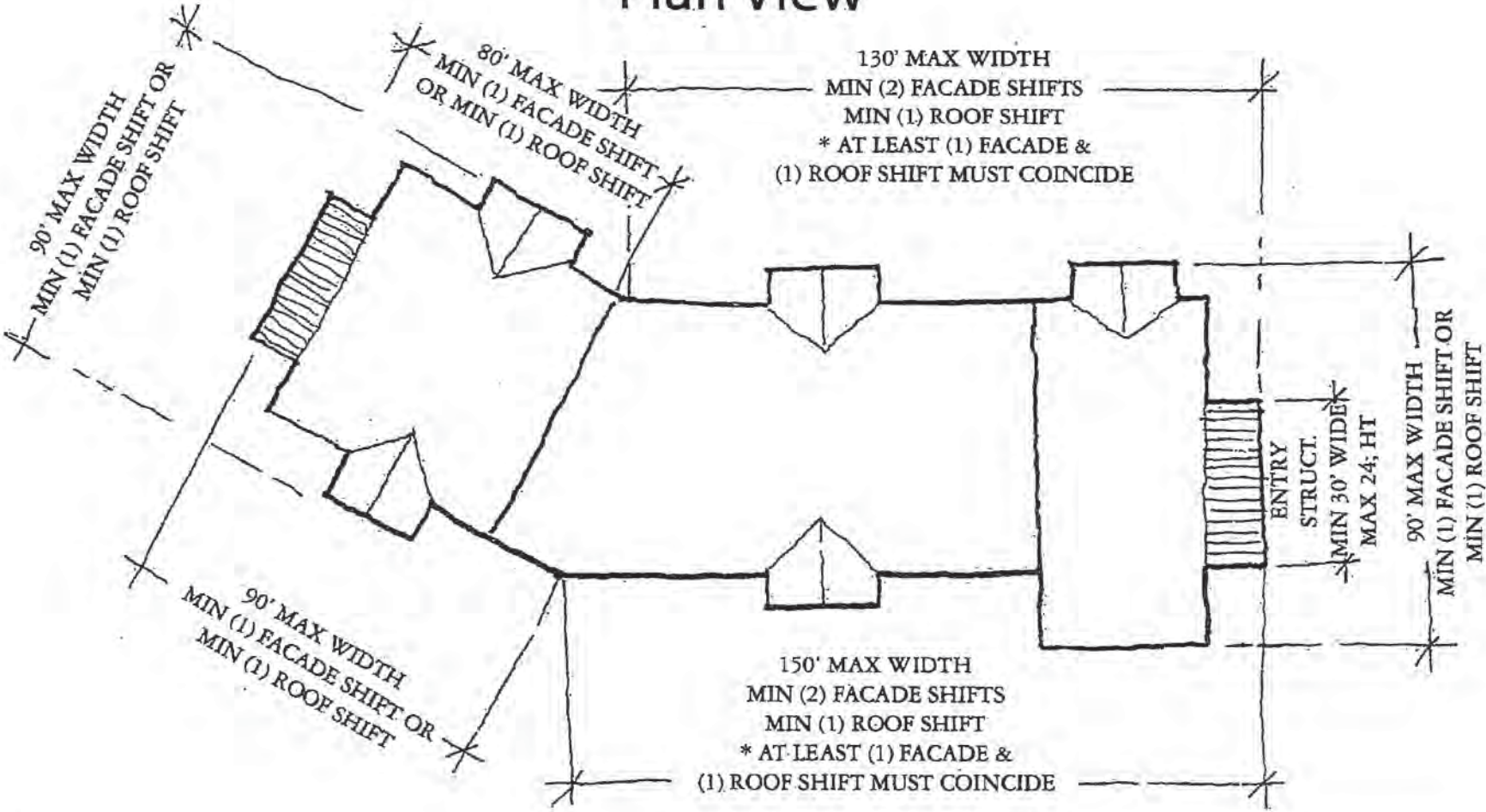
Sheet Title

**COLOR
EXTERIOR
ELEVATIONS**

Scale	Date
Drawn	02/10/15
CHK	Checked
JCS	JCS
Sheet No.	500
Project No.	38854

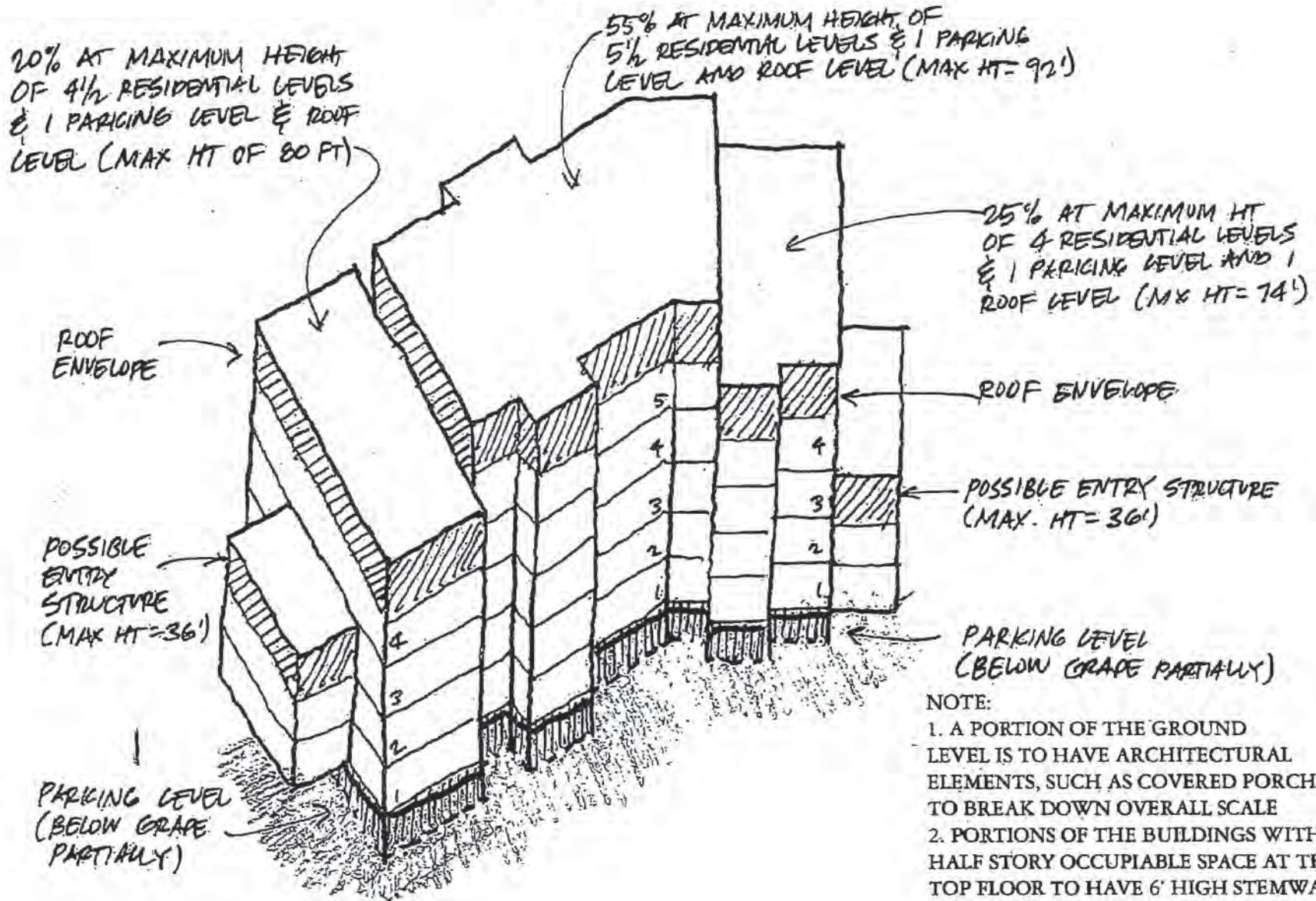
EXHIBIT F

Building 5 Volumetric Plan View



- NOTES:
1. WHERE (1) FACADE SHIFT IS REQUIRED IT MUST BE >10'
 2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
 3. WHEN BUILDING LENGTH EXCEEDS 120' AT LEAST (1) FACADE AND (1) ROOF SHIFT MUST COINCIDE
- JUNE 17, 2004

Building 5 Volumetrics Isometric View



JUNE 17, 2004

EXHIBIT F

Planning Commission Staff Report



Author: Brooks T. Robinson
Subject: Village at Empire Pass,
Master Planned Development
Date: July 28, 2004
Type of Item: Administrative

**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Village at Empire Pass (formerly known as Flagstaff Mountain Resort)
Zoning	Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, State Route 224

Background

On June 24, 1999, Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655 acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which the subject MPD and preliminary/final plat will be reviewed.

During the Olympic break a subcommittee consisting of the applicant's design team, staff, and Commissioners Chris Larson, Bruce Erickson, and Michael O'Hara focused on a review of the preliminary road layout for the mountain village (Pods A, B-1, and B-2) and a building height analysis for the project build-out using the base RD-zone 33 foot height limit. These items were reviewed at a work session and a public hearing on March 27, 2002. No public comment was received. The Commission concluded that:

1. The base RD-zone height analysis demonstrates that the maximum project densities set forth in Ord. 99-30 could potentially be constructed within the approved development pods without the necessity of a height increase above the 33-foot RD zone height limit; and
2. Building height increases for specific multi-family/resort-related buildings may be considered based on site-specific reviews and compliance with the standards set forth in the Master Planned Development section of the Land Management Code (LMC).

Proposal

The applicant seeks Master Planned Development (MPD) approval for the Mountain Village (Pods A, B-1, and B-2), now called the Village at Empire Pass. Pod B-1 was previously approved in May 2002. B-2 is not far enough along in the planning process to have a clear idea of that part of the development. However, residual units and unit equivalents remain for a future B-2 MPD.

The Development Agreement constrains the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- The Mountain Village is to be contained within 84 acres.
- No more than 705 Unit Equivalents (2,000 square feet each) in no more that 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
- 65% of the residential units (306) must be within Pod A.
- No more than 75,000 square feet of resort support commercial.
- A maximum 35,000 square foot day skier lodge in Pod B-2 with no public road access, no day skier parking, and limited parking to meet service and administrative requirements.

On May 22, 2002, the Planning Commission approved an MPD and final plats for portions of the Mountain Village including:

Lot	Unit Equivalents	Actual Units	Acres
Ten single family homes	Does not count towards 705 total		6.40 acres in Pod B-1

A: Empire Day Lodge	None currently. Commercial activities outside of Day Skier use may require use of Commercial UEs.		1.33 acres in Pod B-2
B: PUD-style homes	27 UEs	18	16.99 acres in Pod B-1
C: Ironwood Townhomes	37.5 UEs	25	3.63 acres in Pod B-1
D: Building H	33 UEs plus 1UE Support Commercial	22	1.34 acres in Pod A
Larkspur Townhomes (currently approved is a tri-plex and a duplex)	7.1 UEs or 14,052 sf	5	Pod A
Paintbrush PUD-style SFD	18.1 UEs or 36,139 sf	7	Pod A
TOTAL: 77 units (10 SFD homes do not count towards total)	123.7	77	28.35 acres outside of Pod A

Proposed Pod A Village (excludes Building H which is in Pod A; includes already approved Paintbrush and Larkspur units)

Lot	Unit Equivalent	Actual Units	Units as PUDs	Single Family
Buildings 1-9	225.6 UEs	217 Units		
PUD-style	85.4	30	30	
Townhomes	64	51	8	
Banner SFD				6
Total	375	298	38	6

Analysis

Master Planned Development Review

Staff has performed a final review of the proposed Master Planned Development per the Land Management Code Section 15-6-5: Master Planned Developments–MPD Requirements.

Length of Approval

Construction of the approved MPD will be required to commence within two (2) years of the approval date. After construction commences, the MPD remains valid as long as it is consistent with the approved MPD and any phasing plan.

MPD Modifications

Substantive changes to the MPD require a subsequent Planning Commission review and approval of the MPD and Development Agreement.

Site Specific Approvals

Conditional use permit approval including a specific density (square foot) allocation will be required prior to the construction of the PUD-style single-family units and the multi-family units. No conditional use permit is required for the proposed 6 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements is necessary prior to construction of the proposed subdivision.

Density

With the current approvals noted above, Pod A and the development parcel of Pod B-2 outside of the Empire Day Lodge is limited to 55.65 acres, 393 residential units and 563.3 Unit Equivalents. Pod A has 34 units (9 PUDs, 3 townhomes, and 22 condo-lodge units in Building H) already approved of the 306 residential units that are required to be in Pod A. Proposed for Pod A is 321.5 Units, which includes the 34 units, leaving up to 105.5 units unallotted. In addition, the remaining 6 single-family lots of the 16 allowed in the Village are proposed in Pod A.

Marsac Claim/Mayflower

Please refer to the July 14, 2004 report for discussion on the Marsac Claim and Mayflower holdings. The Court issued a ruling in the partition case between Mayflower and Unite Park. Staff will update the Commission as necessary, but it does not impact this application or approval.

Pod B-1

The density table allocates 90,000 square feet or 45 Unit Equivalents to Lot C. The previous MPD approval for these 18 PUD-style homes allocated 27 UEs to this lot, with each unit being up to 5,000 square feet. The footprints and sections that were reviewed by the Planning Commission were concepts of 5,000 square foot units. An amendment to the MPD will be required to adjust this number, however the density table recognizes that up to 90,000 square feet may be assigned to Lot C.

Pod B-2

The developer is unsure what this last development piece may look like. Several alternatives were presented in the Planning Commission binder. An MPD will be required when a UPK has a better idea of how this pod will develop. This MPD approval only applies to Pod A.

Setbacks

The LMC requires a minimum 25-foot setback around the exterior boundary of a master planned development. The proposed Village MPD complies with this standard. Within the Village, the Planning Commission may reduce the RD zone setbacks. Exhibit 10 (Setback Exhibit) shows potential areas for setback reductions based on the conceptual site plans. Specific setbacks will be considered during the Conditional Use Permit process.

Open Space

The Development Agreement limits the overall development to 147 acres out of the 1,655-acre project area. The 88% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Within each of the pods, Conservation Easements will be placed on several lots to restrict development on platted lots. Staff finds that this restriction is consistent with the development acreage restriction and will not count the Conservation Easement areas as part of the development acreage.

Off-Street Parking

The Parking and Transit Management Plans (adopted by the Planning Commission on October 24, 2001) establish specific parking requirements for the project area that include a 25% parking reduction from the normal LMC requirements for multi-family and commercial units. Parking for all single-family and PUD-style single-family units will meet or exceed the two-space/unit requirement. Specific parking requirements for the multi-family units and any commercial area will be subject to more specific analysis during the subsequent conditional use permit review process.

Building Height

The single-family (both PUD and non-PUD) and townhouse units will be constructed pursuant to the 33' RD-zone height limitation. Height exceptions are being requested for the nine stacked-flat condo-lodges including the Empire (Alpine) Club. The applicant's request and discussion of the four required findings for additional height are discussed in the Volumetrics Analysis section of the application binder. The Planning Commission gave a final review of the Visual Analysis and building heights at the July 14, 2004 hearing and preliminarily determined the proposed heights comply with these criteria.

The LMC grants the Planning Commission the authority to allow additional building height based upon site-specific analysis provided the Commission can make the following four findings. The findings are listed below with Staff comments.

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

Complies. In January 2002, a Planning Commission subcommittee and staff met with the applicant over the course of several meetings to review a base zone height analysis of the Flagstaff Mountain Resort (now Empire Pass) project. The

analysis was conducted to determine whether or not the density authorized in Development Agreement and Large-Scale MPD could be designed to meet the RD District 33-foot building height limits. Based on this analysis, it was determined that the Mountain Village area (Pods A, B-1, and B-2) could be designed utilizing 2-3 story, relatively-flat roof structures (4:12 roofs) and meet all necessary LMC height, setback, and facade shift requirements without the necessity of height exceptions. The result of such a design approach to the Mountain Village would be significantly greater site disturbance and loss of significant areas of vegetation. At the March 27, 2002 meeting, the Planning Commission reviewed the analysis and concluded that additional building height could be considered for multi-unit dwellings provided that proposal was consistent with the LMC.

Consistent with the base zone height analysis previously reviewed by Staff and the Planning Commission, the proposed buildings 1-9 volumetrics result in a unit count and overall square footage consistent with the density assigned to the Mountain Village area pursuant to the Development Agreement and Large-Scale MPD approval. Therefore, there is no increase in density or square footage as a result of the height increase. The additional height is also offset by increased setbacks that offer opportunities for greater landscape buffers to be established. The proposed roof design, including pitched roofs that step with grade, are consistent with LMC Architectural Design Guidelines, suggestive of pitched/sloping roofs found on historic mine structures originally located in the area, provide increased vertical breaks in the building mass, and increased architectural interest beyond that provided by a relatively flat roof building.

2. Buildings have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. No structures currently exist on the neighboring properties. Townhouses and Single Family/PUD-style units are proposed to the south, east and west of the nine building core. The conceptual site plan is designed to orient the multi-family units to the central ski run and to mountain views to the west and east.

3. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separations from adjacent projects are being proposed.

Complies. The proposed building exceeds the RD District setback requirements. The setback requirements of the RD District are 20 feet for front yards, 15 feet for rear yards, and 12 feet for side yards. The proposed setbacks are 25-55 feet for the front yard setback, 15-25 feet for the rear setback, and 15-30 feet for the side yard setback. Staff finds that sufficient building separation between each

structure is provided. A specific landscaping/buffer plan will be required as part of the conditional use permit review for each of the nine buildings.

4. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. The Mountain Village design clusters the majority of the Empire Pass density into Pods A, B-1, and B-2 in exchange for larger areas of project open space. The LMC requirement for MPD open space is 60%. Approximately 88% open space is provided pursuant to the Development Agreement. The bulk of the project open space is utilized for passive recreation areas, trails, ski terrain and improvements, wildlife areas, and sensitive terrain preservation.

In addition to the criteria outlined above, the Planning Commission subcommittee identified several vantage points during the Olympic break that are to be used during MPD and subsequent PUD reviews. The vantage points include views from King Road, two points from Stein Eriksen Lodge, the Marsac Building, Guardsman Road/Guardsman Road Connection intersection, the Daly West head frame, and American Flag Subdivision. A visual analysis of the Village from these vantage points has been included with this report as an attachment. As demonstrated by the visual analysis, the nine buildings are partially visible from the subcommittee's vantage points, but are mitigated by the current and potential tree canopy and the backdrop of the mountains behind. The buildings do not break any significant ridgelines.

Site Planning

The nine site planning criteria outlined in the LMC are intended to promote overall design that incorporates the development into the site's natural characteristics. Generally, the location of the proposed development parcels is consistent with the development pods approved as part of Development Agreement and Large-Scale MPD which clustered the development onto less-steep terrain and in the least visually sensitive areas. The open space areas designated in the Development Agreement are respected with this plan.

Roads

The roadway system has been reviewed by staff and is much preferable to the previous configurations. Three roads plus a frontage road on the north end townhouses serve Pod A. The previous configuration had dead-end cul de sacs serving the interior larger buildings. The present configuration allows for greater tree buffer along Marsac Avenue and reduced grading. However, a cul de sac in excess of 650 feet is created in the southwest quadrant. This is in conflict with the general policy and subdivision code of the City to limit the length of dead-end roads. The Chief Fire Marshall finds the plan to comply with the necessary standards for fire access and safety. The end of the cul de sac continues as an emergency access point as part of the Emergency Response Plan. The Commission reviewed this issue at the work session of April 14, 2004 and was

accepting of the Fire Marshall's recommendation. Approval of the proposed cul de sac will require a specific finding of the Planning Commission.

Trails

Existing and new trails are accommodated with the proposed plan. All "back-country" work is to be coordinated with the Mountain Trails Foundation. The proposed trail work is consistent with the Trails Master Plan adopted by the Planning Commission on October 24, 2001.

Overall pedestrian circulation is outlined in the applicant's packet. The internal pedestrian paths are intended to keep users off the roads as much as possible and to link the Empire Club with the outlying areas. There may be instances, particularly at the north and south ends, where sidewalks along the streets would be required in order to meet the subdivision regulations. The Planning Commission discussed this issue on April 14, 2004 and agreed to waive this requirement. Snow storage, landscaping, recycling, delivery access, and ADA access for multi-family units will also be analyzed during the subsequent conditional use permit process.

Landscape and Streetscape

Landscaping, streetscape, and lighting will be reviewed for the multi-family and PUD-style single-family lots during the subsequent conditional use permit process. The applicant will need to clarify the amount and type of street lighting proposed along the residential streets. The lighting must comply with the City Engineer's specifications, the Municipal Lighting Code, and the Design Guidelines adopted by the Planning Commission on October 24, 2001. All streetlights will be privately maintained. Staff has added a Condition of Approval that each CUP application include a preliminary landscape plan with water-efficient irrigation systems.

Sensitive Lands Compliance

The Sensitive Lands (overlay) Zone did not specifically apply to the Empire Pass Large-Scale MPD and annexation; however, the locations of the development pods are based on Sensitive Lands principles.

Employee/Affordable Housing

Pursuant to the Flagstaff Mountain Resort Employee/Affordable Housing Plan, 15 employee/affordable housing units are required to be constructed or in-lieu fees paid with the Certificate of Occupancy of 150 Unit Equivalents. Review of the employee housing units and specific conditions of approval will take place during the conditional use permit review process.

Recommendation: The Planning Department recommends the Planning Commission re-open the public hearing and take public comment. Staff has prepared Findings of Fact, Conclusions of Law and Conditions of Approval for the Village at Empire Pass as follows:

Findings of Fact

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites.
 - no more than 75,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.

7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 Unit Equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
9. The 14 technical reports/studies, along with the Land Management Code and the Development Agreement (99-30) form the standards which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B) Volumetric Analysis (dated July 5, 2004, Exhibit D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), and Supplemental Plans including Building Height Diagram, Vegetative Buffer, Trails, and Construction Sequencing (Exhibit H). Together with the Site Plans dated July 21, 2004 (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count towards the PUD limit of 60.
15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for Six (6) single-family homes.
16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count towards the development acreage.
17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.

18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over length cul de sac.
20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June June 15, 2004.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
23. The applicant has requested additional building height for the structures proposed as Buildings 1-9, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.
25. Proposed Buildings 1-9 has been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 on includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code;

2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code;
3. The MPD, as conditioned, is consistent with the Park City General Plan;
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City;
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
7. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility;
8. The MPD provides amenities to the community so that there is no net loss of community amenities;
9. The MPD, as conditioned is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most Developable Land and least visually obtrusive portions of the Site:
11. The MPD, as conditioned promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and,
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval

1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.

2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
4. If and when the realigned Guardsman road is dedicated to the City, the Developer will execute an encroachment agreement, in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
6. The proposed over-length cul de sac that ends in the six single family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot wide all-weather surface road.
7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended,

Exhibits

- A – Master Plan Development Project Description (8 pages)
- B – Supplemental Project Description and Conditions (3 pages)
- C - Conceptual Plans (10 pages)
- D – Volumetric Analysis (3 pages)
- E – Volumetrics, Buildings 1-9 (19 pages)
- F – Visual Analysis (5 pages)
- G – Architectural Character (6 pages)
- H – Supplemental Plans

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EXHIBIT F

Planning Commission Meeting
Minutes of July 28, 2004
Page 10

Findings of Fact - Marsac Avenue & Chambers Street Right-of-Way

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-20 on June 24, 1999, approving the annexation and development agreement for the 1,655-acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement Section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane, and runaway truck ramp.

Conclusions of Law

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

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

6. Empire Pass Master Planned Development

Planner Brooks Robinson commented on Pod A at Empire Pass and noted that the Planning Commission has discussed many details of his master planned development over several months. The public hearing was re-opened on July 14 and continued to this evening. The Staff has prepared findings of fact, conclusions of law, and conditions of approval for the master plan for Pod A. Pod B1 was previously approved. The Staff finds that this application complies with the Land Management Code and the Development Agreement, which are the controlling documents. There will be additional units and density left over from this approval, and Pod B2 will come in at a later date with its own master plan once the applicants are further along in planning development for that area. The applicant had prepared a number of exhibits and updates for the Commissioners' binders which will comprise this approval. These includes the project description and minor grammatical

error and language revisions. Planner Robinson outlined other updates distributed this evening. The Staff recommended that the Planning Commission re-open the public hearing, consider public input, and provide direction to the Staff and applicant.

Chair Barth referred to Pages 115-123 of the staff report, Summary of Compliance with the Technical Reports, and noted that he did not see in the draft findings any reference to incorporate those pages into a motion. Planner Robinson recalled that on July 14 Commissioner Erickson requested compliance with technical reports, and the decision was made to provide them as a separate document. He offered to add them as a finding.

Doug Clyde, representing the applicant, distributed to the Commissioners a visual simulation from King Road that was inadvertently left out of their package. He was uncertain which phasing plan is included in their packets and wanted to be sure the one they have shows the right units. He noted that town home units 16 and 17 and cluster home units 11 and 12 are in Phase I. He referred to page 6 of the recent handouts and corrected the number of Townhomes and PUD's from 28 to 23 units in the first phase.

Chair Barth re-opened the public hearing.

There was no comment.

Chair Barth closed the public hearing.

Commissioner Erickson read the conditions of approval relative to traffic circulation based on the development agreement and asked if they are part of the transportation mitigation plan and part of the 14 technical reports. Mr. Clyde replied that they are reflected in the existing construction mitigation plans currently on file with the City. Planner Robinson explained that every CUP that comes forward will need its own construction mitigation plan which will be reviewed by the Planning Commission.

The Planning Commission and Mr. Clyde discussed enforcement procedures for downhill traffic.

Planner Robinson revised Finding of Fact 10 by inserting a comma after A(Exhibit H)@ and adding Aand a compliance matrix with the technical reports (Exhibit I).@

Mr. Clyde referred to the density indicated on page 104 of the staff report and noted that 563 takes into account the additional 18 PUD units. This is not reflected in the table above, and he suggested adding the language Acounting the additional 18 PUD units noted below.@

MOTION: Commissioner Erickson moved to APPROVE the MPD in accordance with the findings of fact, conclusions of law, and conditions of approval with the following revisions:

- 1) The incorporation of the revised July 28, 2004, project description as presented by Staff.
2. The revision to Finding of Fact 10 incorporating the compliance report with the 14 technical reports, Exhibit I.
3. The revision to the phasing plan incorporating the town home Units 16 & 17 and the cluster home Units 11 & 12.
4. Correction to the staff report, page 104, with regard to the density incorporating the phrase that the 563.3 units includes the 18 unit equivalents referenced in Pod B1 below.
5. Incorporation of Condition of Approval 10 that they incorporate the technical report updates and clarifications as presented in the staff report

Mr. Clyde stated that the PUD's were originally intended to be 5,000 square feet each, but they had a problem with the Unit Equivalent calculation. He will return with a revised UE calculation which raises the number by 18 additional UE's. It will not change the plan, but it will make it correspond with the way they interpret UE's.

Planner Robinson referred to the density in the Pod B1 section on page 104 and noted that the last sentence should recognize that 90,000 square feet should be assigned to Lot B and not Lot C.

Commissioner Erickson incorporated the change to Page 104 as described by Planning Robinson into his motion. Commissioner Powers seconded the motion.

VOTE: The motion passed unanimously. Commissioner Thomas abstained from the vote, and Commissioner Zimney was not present for the vote.

Commissioner Volkman referred to the status of the technical reports regarding the mine soils hazard plan and the language which states, "A draft work plan for the clean up of Empire Canyon was approved by the EPA and reviewed by the Park City Municipal Corporation. Work will begin this summer." Mr. Clyde explained that the Empire Canyon work referred to is the clean up of the creek below the Deer Valley Day Lodge and the top of Daly Avenue. It has no relation to moving the mine dump.

Findings of Fact - Empire Pass

1. The Village at Empire Pass (Mountain Village) Master Planned Development is located in the RD-MPD and ROS-MPD Districts.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The

- Development agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
 4. The Development Agreement limits development in Pods A, B-1, B-2 to:
 - No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and no more than 16 single-family home sites;
 - no more than 85,000 square feet of resort support commercial; and
 - a maximum 35,000 square foot day skier lodge in Pod B-2.
 5. The Development Agreement required City review and approval of fourteen (14) technical reports/studies. The reports include details on the following information:
 - Mine/Soil Hazard Mitigation
 - Architectural Design Guidelines
 - Transit
 - Parking
 - Open Space Management
 - Historic Preservation
 - Emergency Response
 - Trails
 - Private Road Access Limitations
 - Construction Phasing
 - Infrastructure and Public Improvement Design
 - Utilities
 - Wildlife Management
 - Affordable Housing
 6. The Planning Commission completed the review and approval process for the technical reports/studies on December 12, 2001.
 7. This Master Plan for Pod A consists of a total of 321.5 units and 435.6 unit equivalents, including the previously approved Paintbrush, Larkspur, and Building H; the Transit Hub, ski lift and ski trails, and the location of the Alpine Club.
 8. Over 65% of the residential units (minimum 306) are within Pod A and within walking distance of the Transit Hub as required by the Development Agreement.
 9. The 14 technical reports/studies along with the Land Management Code and the Development Agreement (99-30) for the standard which the subject Master Planned Development and Phase 1 preliminary/final plat are reviewed.
 10. The applicant has provided supplemental materials including Master Plan Development Project Description (dated July 2004, Exhibit A), Supplemental Project Description and Conditions (dated July 5, 2004, Exhibit B), Volumetric Analysis (dated July 5, 2004, Exhibits D and E), Visual Analysis dated July 4, 2004 (Exhibit F), Architectural Character dated March 19, 2004 (Exhibit G), Supplemental Plans

- including Building Height Diagram, Vegetative Buffer, Trails, and construction Sequencing (Exhibit H), and a Compliance Matrix with the Technical Reports (Exhibit I). Together with the Site Plans dated July 21, 2004, (Exhibit C), these Exhibits and this report comprise the Village at Empire Pass MPD.
11. The Village at Empire Pass MPD illustrates conceptual access and street layouts that have not been specifically approved by the City Engineer and the City Fire Marshall. Final road layout will be subject to individual Subdivisions and Conditional Use Permits.
 12. Conditional Use Permit approval is required prior to any development within the Village at Empire Pass MPD area.
 13. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Thirty (30) detached single-family PUD-style units utilizing 85.4 Unit Equivalents.
 14. The proposed Village at Empire Pass Master Planned Development includes a maximum density assignment and conceptual site design for Fifty-One (51) Townhouse units utilizing 64 Unit Equivalents. Eight of these Townhouse units are in a duplex configuration and count toward the PUD limits of 60.
 15. The proposed Village at Empire Pass Master Planned Development includes a conceptual site design for six (6) single-family homes.
 16. Conservation Easements are proposed within platted lots. These Conservation Easement areas will not count toward the development acreage.
 17. The PUD-style cluster homes and the Townhomes are to be platted as condominiums and not as individual lots.
 18. Utility lines and ski trails will be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 19. The Emergency Response Plan has been reviewed by the Chief Fire Marshall and the Planning Commission in order to allow fire access and safety at the end of the over-length cul-de-sac.
 20. The Planning Commission may decrease setbacks within an MPD. Setback variance is shown on Sheet 10 of 10 of Exhibit A, dated June 15, 2004.
 21. The Maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof).
 22. The Land Management Code, Section 15-6-5(E) allows the Planning Commission to consider increased building height based upon a site specific analysis and determination.
 23. The applicant has requested additional building height for the structures proposed as Buildings 109, inclusive. The proposed building volumetrics are detailed on Exhibit D dated June 14, 2004.
 24. The proposed increase in building height for Buildings 1-9 does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

25. Proposed Buildings 1-9 have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated to the extent possible as defined by the Planning Commission.
26. The site plan for proposed Buildings 1-9 includes adequate landscaping and buffering from adjacent properties and uses.
27. The additional building height for proposed Buildings 1-9 has resulted in more minimum open space than required and has resulted in the open space being more usable.
28. An MPD for pod B-2 will be reviewed under a separate MPD application.

Conclusions of Law - Empire Pass

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale, and mass with adjacent properties and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place development on the most developable land and least visually obtrusive portions of the site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearings held in accordance with this Code.
13. The requirements necessary for the Planning Commission to grant additional building height within the MPD pursuant to the Land Management Code Section 15-6-5 have been met.

Conditions of Approval - Empire Pass

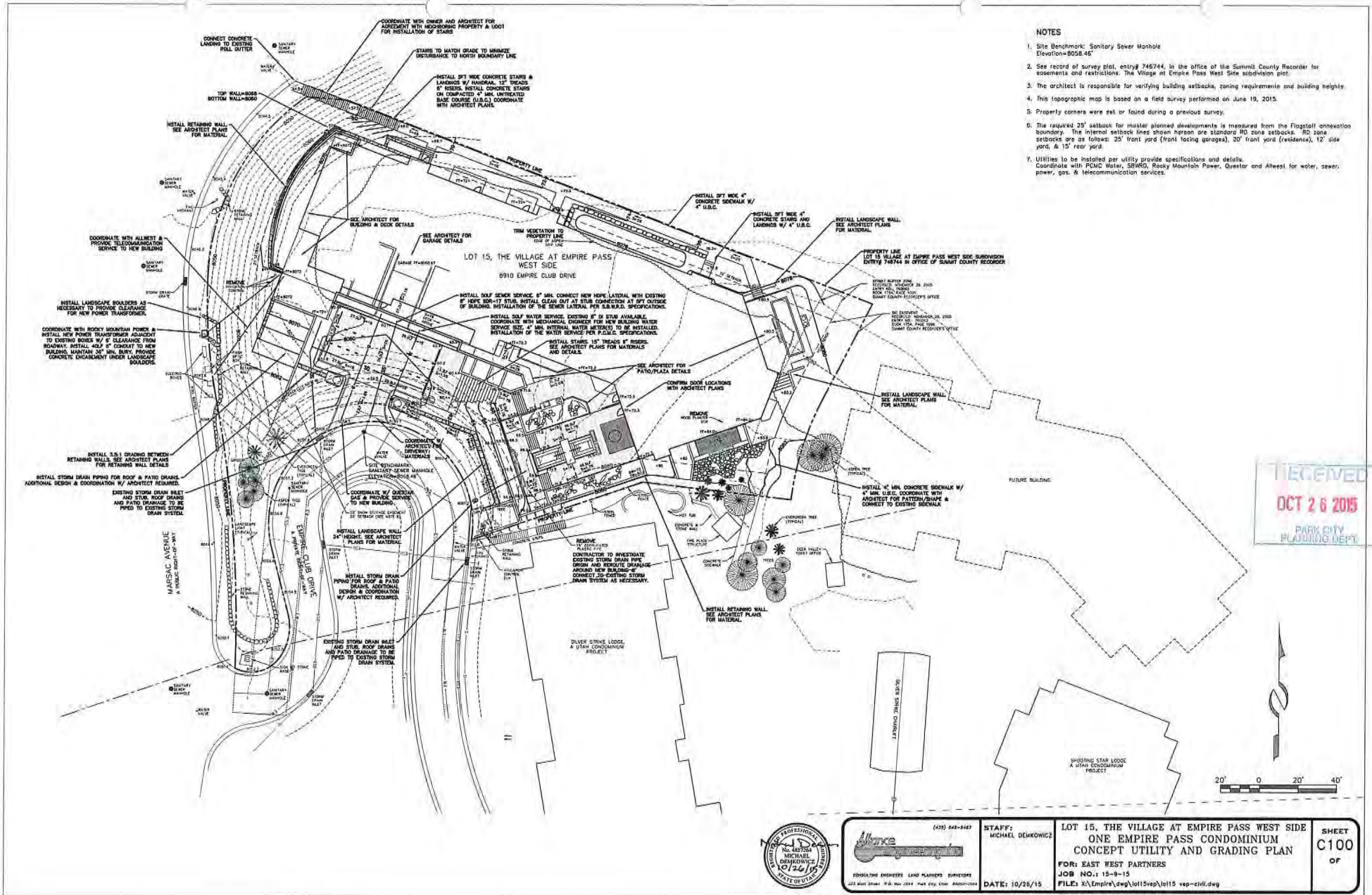
1. A Conditional Use Permit is required prior to any development within the Village at Empire Pass MPD area. As per the Phasing Plan, only the nine large multi-family

- buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
 3. Utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
 4. If and when the realigned Guardsman Road is dedicated to the City, the Developer will execute an encroachment agreement in a form acceptable to the City Attorney and City Engineer for the private improvements (ski bridges and/or tunnels) within the rights-of-way.
 5. All essential municipal public utility buildings associated with the utility plan for the subdivision require a conditional use permit.
 6. The proposed over-length cul de sac that ends in the six single-family lots will have a secondary emergency access from the end of the road to Marsac Avenue. The emergency access will continue as a minimum 20-foot-wide all-weather surface road.
 7. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Conditional Use Permit.
 8. A preliminary landscape plan, including provisions for water-efficient irrigation systems, shall be submitted with each CUP application.
 9. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
 10. The technical report updates and clarifications as presented in the staff report shall be incorporated in this approval.
7. Red Cloud Subdivision

Planner Robinson noted that Red Cloud, commonly called Pod D, is the third and final Empire Pass application. Thirty single-family lots are proposed on the land owned and controlled by Talisker and the United Park City Mine Company. At the July 14 work session, the Planning Commission discussed the Enchanted Forest and how to apply the statement in the development agreement that no development should occur in the Enchanted Forest. Planner Robinson understood there to be general consensus from the Commission that having a ski easement/conservation easement across an area to be determined would constitute adequate protection. The language will prohibit snowmobiles but will allow skiing in the winter for people coming off the Red Cloud lift. The other issue discussed on July 14 was whether to amend the development agreement and Exhibit A of the development agreement which shows the pod boundaries to move the boundaries further south and west. This would not change the density or average lot size. The Staff analyzed that proposal for separation from ski runs and a visual analysis, and it is the Staff's opinion that the development agreement would have to be amended to allow that to

EXHIBIT G

EXHIBIT G



NOTES

1. Site Benchmark: Sanitary Sewer Manhole Elevation=8058.46'
2. See record of survey plat, entry 746744, in the office of the Summit County Recorder for easements and restrictions. The Village at Empire Pass West Side subdivision plat.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey performed on June 19, 2015.
5. Property corners were set or found during a previous survey.
6. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown herein are standard RD zone setbacks. RD zone setbacks are as follows: 25' front yard (front facing garages), 20' front yard (residences), 12' side yard, & 15' rear yard.
7. Utilities to be installed per utility provide specifications and details. Coordinate with PUCM Water, SERMO, Rocky Mountain Power, Questar and Altwest for water, sewer, power, gas, & telecommunication services.

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OCT 26 2015
PARK CITY PLANNING DEPT.



WORK
ENGINEERING PROFESSIONAL LAND PLANNERS SURVEYORS
223 Main Street, P.O. Box 2044, Park City, Utah 84302-2044
(435) 649-9443

STAFF:
MICHAEL DEKOWICZ

LOT 15, THE VILLAGE AT EMPIRE PASS WEST SIDE
ONE EMPIRE PASS CONDOMINIUM
CONCEPT UTILITY AND GRADING PLAN
FOR: EAST WEST PARTNERS
JOB NO.: 15-9-15
FILE: K:\Empire.dwg\lot15exp\lot15_vap-chil.dwg

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**EMPIRE PASS STORM WATER MANAGEMENT
LOT 15 VILLAGE AT EMPIRE PASS**

THIS EXHIBIT ILLUSTRATES THE STORM WATER MANAGEMENT SYSTEM FOR EMPIRE PASS (FORMERLY KNOWN AS FLAGSTAFF MOUNTAIN). THE EXISTING DETENTION POND IN EMPIRE CANYON, SOUTH OF DALY AVENUE, WAS DESIGNED TO ACCOMMODATE INCREASE IN STORM WATER FOR THE ENTIRE DEVELOPMENT. THE DETENTION POND WAS CONSTRUCTED IN THE MID 2000'S. THE POND RECEIVES STORM WATER RUNOFF FROM THE ROCK-LINED STREAM CHANNEL SOUTH OF THE DETENTION POND AS WELL AS A PIPING SYSTEM ALONG THE EXISTING DIRT ROAD FROM EMPIRE CANYON TO THE ONTARIO MINE.

THE PROPOSED STORM WATER PLAN FOR ONE EMPIRE PASS CONDOMINIUMS IS TO COLLECT ALL BUILDING ROOF AREA, HEATED DRIVEWAY AND PLAZA AREAS AND DRAIN TO THE EXISTING INLET LOCATED AT THE PROPOSED DRIVEWAY CONNECTION TO EMPIRE CLUB DRIVE. SOME PLAZA AND SIDEWALK AREAS ON THE NORTH & EAST SIDE OF THE BUILDING WILL RUNOFF TO LANDSCAPE AREAS FOR STORM WATER RETENTION.

EMPIRE CANYON ROCK-LINED EPHEMERAL STREAM CHANNEL

STORM DRAIN INLET/MANHOLE (TYPICAL)

STORM DRAIN PIPE (TYPICAL)

SOUTH & WEST OF THE DELINEATION LINE SHOWN, THE STORM WATER MANAGEMENT IS A COMBINATION OF SITE SPECIFIC STORM WATER DETENTION FEATURES, NATURAL DRAINAGE, & STORM DRAIN PIPING THAT DRAINS TO EMPIRE CANYON ROCK-LINED EPHEMERAL STREAM

TO DALY AVENUE DETENTION POND

EXISTING EPHEMERAL STREAM CHANNELS

TO MARSAC AVENUE DETENTION PONDS

EXISTING EPHEMERAL STREAM CHANNELS

STORM DRAIN PIPE (TYPICAL)

EMPIRE CANYON DETENTION POND

EXISTING WATER TANK

PROPOSED ONE EMPIRE CONDOMINIUMS AT LOT 15 VILLAGE AT EMPIRE PASS.

ONTARIO MINE

STORM DRAIN INLET/MANHOLE (TYPICAL)

EMPIRE PASS & DEER VALLEY SKI RESORT

NORTH & EAST OF THE DELINEATION LINE, THE STORM WATER MANAGEMENT IS A COMBINATION OF NATURAL DRAINAGE & STORM DRAIN PIPING THAT DRAINS TO THE EMPIRE CANYON DETENTION POND

SUMMIT COUNTY
WASATCH COUNTY

1000'

(435) 649-9467-PHONE
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EXHIBIT H

Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060



Recorded this ___ day of
_____, 2007
at Book # ___ Page # ___

ENTRY NO. 00806100

03/02/2007 02:42:51 PM B: 1850 P: 1897

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



**AMENDED AND RESTATED DEVELOPMENT AGREEMENT
FOR FLAGSTAFF MOUNTAIN,
BONANZA FLATS, RICHARDSON FLATS,
THE 20-Acre QUINN'S JUNCTION PARCEL
AND IRON MOUNTAIN**

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2nd day of March, 2007, by and between UNITED PARK CITY MINES COMPANY, ("UPCM" or "DEVELOPER"), DEER VALLEY RESORT COMPANY, ("DEER VALLEY"), and PARK CITY MUNICIPAL CORPORATION, a third class city of the State of Utah ("City") (collectively, the "Parties").

RECITALS

A. WHEREAS, DEVELOPER and DEER VALLEY own approximately: 1,600 of 1,750 acres of patented mining claims located in the unincorporated Flagstaff Mountain area of Summit County, more particularly described and depicted in Exhibit A attached hereto (hereafter, "Flagstaff Mountain"); approximately 106 acres of patented mining claims located on Iron Mountain within an unincorporated area of Summit County more particularly described and depicted in Exhibit B attached hereto (hereafter, "the Iron Mountain Parcels"); approximately 1,500 acres of patented mining claims, constituting all of UPCM's land located in the unincorporated Bonanza Flats area of Wasatch County more particularly described and depicted in Exhibit C attached hereto (hereafter, "Bonanza Flats"); all of UPCM's land east of U.S. 40 and south of S.R. 248 constituting approximately 650 acres of real property owned in fee simple located immediately east of U.S. 40 and south of S.R. 248 within an unincorporated area

of Summit County more particularly described and depicted in Exhibit D attached hereto (hereafter, "Richardson Flats"); and approximately 20-Acres of real property owned in fee simple located west of U.S. 40 and south of S.R. 248 within an unincorporated area of Summit County more particularly described and depicted in Exhibit E attached hereto (hereafter, "the 20-Acre Quinn's Junction Parcel");

- B. WHEREAS, on May 17, 1994 DEVELOPER filed an application for annexation to Park City of Flagstaff Mountain, consisting of DEVELOPER's, DEER VALLEY's and Northside Neighborhood Property Owners' land, together totaling an area of approximately 1,750 acres;
- C. WHEREAS, on May 10, 1997 the Park City Council unanimously resolved by Resolution 10-97 to annex Flagstaff Mountain under certain Development Parameters;
- D. WHEREAS, on July 8, 1998 DEVELOPER requested reconsideration by the City of Resolution 10-97 and offered certain incentives for limiting development of the Bonanza Flats, Richardson Flats and the Iron Mountain Parcels;
- E. WHEREAS, on September 10, 1998 the Park City Council unanimously adopted a resolution to rescind Resolution No. 10-97 and to adopt new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats and the Iron Mountain Parcels, as set forth in this Agreement;
- F. WHEREAS, in the intervening months since the City Council adopted the September 10, 1998 development parameters, the DEVELOPER further refined its proposal by offering to move 16 single family homes from the sensitive Prospect Ridge area to the Mountain Village and to constrain development in the Northside Neighborhood to reduce site disturbance and to facilitate sale to a conservation buyer for a time certain;
- G. WHEREAS, the Parties intended to enter into the original Agreement to establish new development parameters for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and the Iron Mountain Parcels and to establish a time certain for annexation of Flagstaff Mountain (now referred to generally as Empire Pass) into the City;

- H. WHEREAS, the Parties in fact entered into the original Agreement on or about June 24, 1999; and
- I. WHEREAS, the Parties desire to amend and restate the original Agreement in connection with the development of a project known as the Montage Resort & Spa which is presently planned to include 192 hotel rooms and suites, with spa, restaurant and conference facilities, and a residential component that consists of resort condominiums.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants hereafter set forth, the sufficiency of which the Parties hereby acknowledge, the Parties agree as follows:

SECTION I. DEFINITIONS

Unless the context requires a different meaning, any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by the Park City Land Management Code (LMC) in effect on the date of a complete application or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.

- 1.1 **“Annexation Property”** means that approximately 1,750 acres of property known as Flagstaff Mountain, described and depicted on Exhibit A.
- 1.2 **“Bonanza Flats”** means that approximately 1,500 acres of UPCM property commonly referred to as Bonanza Flats, constituting all of UPCM’s holdings in Bonanza Flats and described and depicted on Exhibit C.
- 1.3 **“DEER VALLEY”** means the Deer Valley Resort Company, a Utah limited Partnership and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEER VALLEY shall cause its employees and agents to act in accordance with the terms of this Agreement.
- 1.4 **“DEVELOPER”** means United Park City Mines Company, a publicly traded Delaware corporation, and each of its assigns, joint venture partners, and successors in interest, whether in whole or in part. DEVELOPER shall cause its employees and agents to act in accordance

with the terms of this Agreement.

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

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

² This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

- 1.8 **“Northside Neighborhood”** means that 63-acre portion of Flagstaff Mountain described and depicted as the Northside Neighborhood in Exhibit A attached hereto and limited to the maximum density, unit equivalency, and configuration more fully described herein.
- 1.9 **“Northside Neighborhood Property Owners”** means, in addition to UPCM and DEER VALLEY, Park City Star Mining Company, Inc., a Utah corporation, Bransford Land Company, representing the interests of Anne Bransford Newhall, Mary Bransford Leader and Carolyn Bransford MacDonald, and Stichting Beheer Mayflower Project, a legal entity representing the interests of Stichting Mayflower Recreational Fonds and of Stichting Mayflower Mountain Fonds.
- 1.10 **“Pedestrian Village”** means an area configured within Pod A of the Mountain Village for the mixed use of residential, Residential Accessory, Resort Support Commercial, Resort Accessory, meeting and Meeting Accessory Uses within which at least fifty percent (50%) of the residential properties are clustered within walking distance (5 minutes) of a Transportation Hub for such residential properties, which can be directly accessed by pathways or sidewalks.
- 1.11 **“Planned Unit Development”** or **“PUD”** means a master planned development consisting of clustered, detached, single family or duplex units with common open space and coordinated architecture.
- 1.12 **“Pod Z”** means that area, depicted on Exhibit F that is limited for ski-related uses as further defined herein.
- 1.13 **“Project”** means the residential, recreational and commercial real estate development to be constructed within Flagstaff Mountain.
- 1.14 **“Residential Accessory Uses”** provisionally³ means uses that are for the benefit of the residents of a commercial residential use, such as a hotel or nightly rental condominium project. Residential Accessory Uses do not require the use of Unit Equivalents. Residential Accessory Uses include:

³ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superceded by an LMC definition of the term.

- 1.14.1 Common Ski Lockers
- 1.14.2 Common Lobbies
- 1.14.3 Registration
- 1.14.4 Concierge
- 1.14.5 Bell Stand/Luggage Storage
- 1.14.6 Common Maintenance Areas
- 1.14.7 Mechanical Rooms
- 1.14.8 Common Laundry Facilities and Common Storage Areas
- 1.14.9 Employee Facilities
- 1.14.10 Common Pools, Saunas and Hot Tubs
- 1.14.11 Public Telephone Areas
- 1.14.12 Public Restrooms
- 1.14.13 Administrative Offices
- 1.14.14 Public Hallways and Circulation Areas

1.15 **“Resort Accessory Uses”** provisionally⁴ means uses that are clearly incidental to and customarily found in connection with the principal resort building or use and are operated for the convenience of the owners, occupants, employees, customers or visitors to the principal resort use. Resort Accessory Uses do not require the use of Unit Equivalents. They include such uses as:

- 1.15.1 Information
- 1.15.2 Lost and Found
- 1.15.3 Mountain Patrol
- 1.15.4 Mountain Administration
- 1.15.5 Mountain Maintenance and Storage Facilities
- 1.15.6 Mountain Patrol and Emergency Medical Facilities
- 1.15.7 Public Lockers
- 1.15.8 Public Restrooms
- 1.15.9 Employee Lockers
- 1.15.10 Ski School/Day Care

⁴ This definition has been inserted in anticipation of its inclusion in a new revision of the Land Management Code. This definition will be superseded by an LMC definition of the term.

1.15.11 Ticket Sales Areas

1.15.12 Ski Check Areas

1.15.13 Public Circulation Areas and Hallways

1.16 **“Richardson Flats”** means all of UPCM’s property at the southeast corner of U.S. 40 and S.R. 248, more fully described and depicted on Exhibit D.

1.17 **“Transportation Hub”** means the terminus of a public and/or private transportation system that is located at a convenient location within the Mountain Village.

1.18 **“Unit Equivalent,”** with respect to commercial structures and multifamily and PUD structures, has the meaning set forth in the LMC.⁵ Each single family residential structure (excluding PUDs) approved by the City pursuant to this Agreement for construction within the Project shall have a Unit Equivalent of 1.00, regardless of the size or the location of the single family residential structure. Each commercial structure or portion thereof (as such may be determined in applicable MPD approvals) shall consume 1 Unit Equivalent for each 1000 square feet. Each multifamily and PUD residential structure shall consume 1 Unit Equivalent for each 2000 square feet.

SECTION II. LARGE SCALE MPD—FLAGSTAFF MOUNTAIN

2.1. DEVELOPER is hereby granted the equivalent of a Large Scale Master Planned Development (Large Scale MPD) for Flagstaff Mountain. This Large Scale MPD sets forth maximum densities, location of densities and DEVELOPER-offered amenities and is subject to all normally-applicable City processes, and in addition thereto, such processes defined below, including DEVELOPER’s responsibility, prior to or concurrent with the Small Scale MPD process, to submit and ultimately to obtain (upon modification, if necessary) City approval, of satisfactory plans detailed below:

⁵ Hotel rooms of 500 square feet or less constitute $\frac{1}{3}$ Unit Equivalent.

- 2.1.1. Mine/Soil Hazard Mitigation Plan--which plan shall include an inventory of all mine sites, potential sources of release of hazardous materials into the environment, and a plan and schedule for their remediation;
 - 2.1.2. Detailed Design Guidelines, with strong architectural themes, for the entire Flagstaff Mountain Project;
 - 2.1.3. Specific Transit Plan;
 - 2.1.4. Parking Management Plan;
 - 2.1.5. Detailed Open Space Management Plan;
 - 2.1.6. Historic Preservation Plan;
 - 2.1.7. Emergency Response Plan, including DEVELOPER's commitments to provide infrastructure necessary to serve the Project and Bonanza Flats and phasing therefor;
 - 2.1.8. Trails Master Plan setting forth trail locations, specifications, phasing and timing of public easements;
 - 2.1.9. Private Road Access Limitation Procedures;
 - 2.1.10. Construction Phasing Plan—including construction milestones for project amenities, including Richardson Flats development;
 - 2.1.11. General Infrastructure and Public Improvements Design and Phasing Plan, which calls for the efficient extension of services, concentrating initial infrastructure development in the Mountain Village, and secondarily in the Northside Neighborhood. Such plan shall allow for the construction of a variety of housing types in each phase;
 - 2.1.12. Utilities Master Plan—including the timing, alignment and service strategy for water and sewer service, as well as storm water management throughout the Project and Bonanza Flats;
 - 2.1.13. Wildlife Management Plan; and
 - 2.1.14. Affordable Housing Plan, including phasing.
- 2.2. **Maximum Development Parameters--Flagstaff Mountain.** Flagstaff Mountain is composed of the Mountain Village, the Northside

Neighborhood; various ski related improvements, and the Silver Mine Adventure. Upon annexation, Flagstaff Mountain will be zoned as shown on the zoning map attached hereto as Exhibit P. The following maximum development parameters apply to Flagstaff Mountain:

2.2.1 **Mountain Village:** The Mountain Village is constrained as follows:

- 2.2.1.1 **Small Scale MPD.** Site specific volumetrics and configuration will be established in the Small Scale MPD process.
- 2.2.1.2. **Maximum Development Area.** In the Small Scale MPD process, the entire Mountain Village development shall be constrained within a total of 87 acres.
- 2.2.1.3. **Maximum Density.** The maximum density within the Mountain Village is 785 Unit Equivalents configured in no more than 550 dwelling units.⁶ Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.
- 2.2.1.4. **Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B₁, and B₂) within the Mountain Village must be linked by transit.
- 2.2.1.5. **Commercial.** The Mountain Village may additionally include up to 75,000-sq. ft. of Resort Support Commercial uses, which shall include Neighborhood

⁶ Hotel rooms of 500 square feet or less constitute ¼ Unit Equivalent. In the case of the Montage, the 192 Montage hotel rooms shall count as Unit Equivalents at the rate of 1 Unit Equivalent per 2,000 square feet of hotel rooms, but such hotel rooms shall not have kitchens and shall not count as dwelling units.

Convenience Commercial uses for residents and visitors such as groceries and sundries.

- 2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim⁷ all mining and mining overburden sites within Flagstaff Mountain, in accordance with state and federal regulatory agency review.
- 2.2.1.7. **Public Trails.** DEVELOPER shall construct and dedicate public trails designated on an accepted Trails Master Plan. Many trails will be constructed on land ultimately owned by DEER VALLEY. In those areas, DEER VALLEY shall be responsible for trail maintenance and for enforcing reasonable rules and regulations for public trail use. Such rules may not exclude free public access to the public trail systems identified on the Trails Master Plan.
- 2.2.1.8. **Deed Restricted Open Space.** Within 30 days of issuance of a Small Scale MPD, DEVELOPER and/or DEER VALLEY shall execute for the benefit of the City perpetual covenants and restrictions with respect to all designated open space associated with the Small Scale MPD and which, at a minimum, shall prevent the construction thereon of residential, commercial and retail structures but shall provide for ski-related uses consistent with paragraph 2.5 herein.
- 2.2.1.9. **Parking.** Each Small Scale MPD submittal shall include a parking management plan with respect to the portion of the property covered by such Small Scale MPD submittal.

⁷ Reclamation shall include, at a minimum, revegetation of exposed areas.

The goal of the plan is to design the Mountain Village in such a way as to reduce parking demand by 25%. DEVELOPER shall plan and encourage within the Mountain Village portion of the Project programs such as parking management, paid parking for commercial uses, shuttles and other programs designed to reduce the demand for private vehicles and parking. DEVELOPER shall provide for shared parking in all commercial, short-term residential and mixed-use buildings. Assigned or reserved spaces within commercial, short-term residential and mixed-use buildings are prohibited except that in the case of the Montage, one parking space may be assigned for each dwelling unit (excluding the 192 hotel rooms). The majority of the required parking areas will be fully enclosed and/or constructed underground.

2.3 **Prospect Ridge.** DEVELOPER considers the Prospect Ridge area depicted in Exhibit K to be a critical viewshed area for Old Town.

2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

2.3.2 **Deed Restricted Open Space.** Within 30 days of issuance of the first Small Scale MPD, DEVELOPER shall cause to be recorded a document, approved by the City, which shall impose perpetual covenants and use restrictions for that portion of Prospect Ridge depicted as "Recreation Open Space Dedication" on Exhibit K which shall prevent the construction thereon of residential, commercial and/or retail structures, ski lifts, and developed alpine ski runs.

2.4. **Northside Neighborhood.** The Northside Neighborhood is composed of property owned by five separate Northside Neighborhood Property Owners and, upon their written acceptance of the terms of this Agreement,



THE VILLAGE AT EMPIRE PASS



This illustration is an artist's rendering based on East West Partners' current proposed development concepts, which continue to evolve and are subject to change without notice. No guarantee is made that the facilities and features depicted will be constructed or that the community will be developed in its entirety. Access to and use of certain areas may be restricted and subject to the payment of additional fees and restrictions. The common areas may undergo continuing growth and development, and conditions within sight may change. This illustration does not show the legal boundaries of the community; please refer to the recorded plats. Because East West Partners does not own or control the land outside the boundary of the community, East West Partners does not guarantee the accuracy of any matters or conditions shown on this illustration outside the boundary of the community and/or the current or future uses of those properties.