

# Planning Commission Staff Report



**Application #s:** PL-15-02983  
**Subject:** One Empire Pass  
**Author:** Kirsten Whetstone, AICP, Sr. Planner  
**Date:** January 13, 2016  
**Type of Item:** Administrative - Conditional Use Permit

## Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing, consider public input, and discuss the Conditional Use Permit for One Empire Pass (Building 5) of the Village at Empire Pass MPD. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## 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) District as part of the Flagstaff Annexation and Master Planned Development (MPD)  
**Adjacent Land Uses:** Deer Valley Resort, condominiums, townhouses, and vacant 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 MPD for the Village at Empire Pass (Pods A and B1), known as the Village Master Planned Development (VMPD) amended to include Pod B2 (Montage) (Exhibit F). As part of the 2004 Commission review of the VMPD, volumetric diagrams for the buildings within the VMPD Pod A were approved. A height exception was granted for Building 5 per these volumetric diagrams (Exhibit F).

Six buildings have been built, namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. Additionally, Larkspur East and Larkspur West and Ironwood Townhouses (attached homes) have been constructed. Paintbrush, Belles, and Nakoma PUD style homes, as well as 6 Bannerwood and 10 Northside single family homes have been platted and are

constructed. Four of the large lodge style buildings remain to be constructed, 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 (Exhibits I and J).

The 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 sale of this site by owner of 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 64,374 sf (32.2 UE).

The subsequent Conditional Use Permits (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 District zone setbacks, approval of a CUP 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 foot 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 CUP for a 27 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. An application for a condominium plat was submitted on November 13, 2015 for concurrent review.

At the Planning Commission work session on December 9, 2015, the applicant presented an over view of the project and reviewed the site plan, building plans, and volumetric. Approved volumetric and building height diagrams are attached as Exhibit F.

### **Purpose**

The purpose of the Residential Development (RD) Zoning District is to:

(A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

**Land Management Code (LMC) and Village MPD Analysis**

The proposal complies with lot and site requirements of the RD Zoning District as described below.

|  | <b>RD Zoning District and/or Village at Empire Pass MPD</b>   |
|--|---|
| Lot Size                                   | No minimum lot size. Lot is approximately 1.17 acres (50,999 square feet)   |
| Building Footprint- Floor Area Ratio (FAR) | Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Building 5 site was sold with up to 65,537 net residential square feet (32.8 UE).<br>The proposed CUP is for 27 units (64,374 sf, utilizing 32.2 unit equivalents (UE)).<br>Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff annexation and Development Agreement tracks both UEs (each 2,000 sf) as well as total number of units. The gross building is 113,293 sf, including the parking garage, mechanical, circulation, common areas, storage, and other areas that do not use UE. |
| Front yard setbacks                        | 25 feet to front facing garage, 20 feet to building. Minimum of 25 foot front setbacks are proposed.  |
| Rear yard setbacks                         | 15 feet. Minimum of 15 foot rear setbacks are proposed.   |
| Side yard setbacks                         | 12 feet. Minimum of 12 foot side setbacks are proposed.   |

|                             |  |
|-----------------------------|--|
| <p>Building Height</p>      | <p>Per Village MPD Volumetric and Height Exception Diagrams (Exhibit F)</p> <p>For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.</p>  |
| <p>Parking</p>              | <p>The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-five (55) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area.</p> |
| <p>Architectural Design</p> | <p>All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit. The building complies with the Village MPD volumetric, including articulation and height exceptions.</p>  |
| <p>Residential Units</p>    | <p>27 units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit.</p>  |
| <p>Commercial space</p>     | <p>No commercial space is proposed.</p>  |
| <p>Support space</p>        | <p>Common amenity areas are provided for the unit owners, including storage areas, locker rooms, fitness area, lounge and lobby areas, children's room, and small business center areas.</p>   |

|                        |   |
|------------------------|---|
| <p>Density Summary</p> | <p>The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.</p> <p>To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built within the Mountain Village.</p> <p>Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5.</p> <p>There is sufficient remaining density in the MPD (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.19 UE) as 27 units in a lodge style building. (see Exhibit J)</p> |
|------------------------|---|

**Analysis of Conditional Use Criteria**

Conditional Uses are subject to review according to the following criteria set forth in the LMC 15-1-10(E). Staff’s 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 64,374 sf, utilizing 32.19 unit equivalents (UE). The Village MPD identified a pool of 785 residential Unit Equivalents for the Mountain Village (Pods A, B1 and B2) for a maximum total of 550 units. A total of 65,537 sf of residential floor area (32.8 UE) was purchased by this applicant from the MPD (owner).*

*The site slopes up from the street and the design proposes a single level underground parking structure with up to 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 and first story is underground. The building pad is relatively level as it was graded and used during construction of surrounding buildings.*

*The building plan complies with setbacks, height, density, and parking. The building size and location are appropriate for the site and comply with parameters of the MPD. **No unmitigated impacts.***

(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 Marsac Avenue, a public Right-of-Way. A traffic management plan was approved as part of the Technical Reports for the Flagstaff Annexation and Development Agreement 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 reiterates that downhill truck traffic will use Royal Street, unless use of Marsac Avenue is approved by the City Engineer and Chief Building Official. 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. **No unmitigated impacts.***

(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. **No unmitigated impacts.***

(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. **No unmitigated impacts.***

(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 (55) 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 4-6 surface spaces will be provided near the front drop-off area. **No unmitigated impacts.***

(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. **No unmitigated impacts.***

(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. **No unmitigated impacts.***

(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 ten lodge buildings clustered within Pod A. One Empire Pass has four to six floors of residential units with a single level parking structure under the building. Gross building area, including parking and all common areas is 113,293 square feet. Twenty-seven (27) units are proposed with a total of 64,374 square feet, not including the 900 square foot deed restricted affordable housing unit and the 944 square foot 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 ten similar lodge style buildings within the VMPPD. The mass of the building steps across the lot and is well articulated both horizontally and vertically.*  
**No unmitigated impacts.**

(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. The proposal includes useable open space plaza areas in the front, as well as adjacent to the ski run/lift area.*  
**No unmitigated impacts.**

(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.*  
**No unmitigated impacts.**

(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 Volumetric Diagram and height exceptions and finds that the building complies. The building is 4 to 6 stories and is lower in height by 8' to 15' from the allowed height exceptions. The building also complies with required horizontal and vertical building articulation.*  
**No unmitigated impacts.**

(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 recommends condition of approval related to the location of dry facilities on the property to ensure that the location of transformers and other utility infrastructure on the property is shown and can be adequately screened. Showing dry utilities on the final plans allows verification from*

utility companies that the location shown on the plans is viable for their installation. Staff recommends conditions of approval related to screening of mechanical equipment. **No unmitigated impacts.**

(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. **No unmitigated impacts.***

(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;

*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. **No unmitigated impacts.***

(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. **No unmitigated impacts.***

### **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 property was posted and notices were mailed to property owners within 300 feet on December 23, 2015. A legal notice was published in the Park Record on December 26, 2015. No public input has been received at the time of this report.

### **Alternatives**

1. The Planning Commission may approve the Conditional Use Permit for One Empire Pass as conditioned or amended, or
2. The Planning Commission may deny the Conditional Use Permit for One Empire Pass and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Conditional Use Permit for One Empire Pass.



### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement and Master Planned Development conditions.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing, consider public input, and discuss the Conditional Use Permit for One Empire Pass (Building 5) of the Village at Empire Pass MPD. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

#### **Findings of Fact:**

1. The One Empire Pass Conditional Use Permit (CUP) is located in the RD-MPD zoning district, within Pod A of the Village at Empire Pass Master Planned Development.
2. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
3. 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 for the annexation area.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage). The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built.
5. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.19 UE) as 27 units in a lodge style building.
6. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.

7. One affordable AUE is proposed as part of the One Empire Pass condominium plat, as part of the sale agreement for the 32.8 UEs the applicant purchased from the owner.
8. 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.
9. The application was deemed complete on October 30, 2015.
10. Access to the property is from Empire Club Drive, a private street, via Marsac Avenue, a public street.
11. The property is also known as Lot 15 of the Village at Empire Pass West Side Subdivision, approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.
12. The property is subject to subdivision plat notes that 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 plat prior to individual sale of units, membership 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.
13. The proposed One Empire Pass CUP 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. The gross building area is 113,293 sf, including the parking garage, storage, mechanical, trash and recycling area, fire command closet, pool mechanical, and entry lobby, as well as circulation elevators and stairs, and common amenities on the upper floors that do not utilize UEs.
14. The building consists of 64,374 square feet of residential uses and utilizes 32.19 Unit Equivalents. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. are proposed at the south end of levels one and two. Common amenity areas do not require use of UEs.
15. No commercial uses are proposed.
16. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-five (55) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area.
17. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
18. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development. Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.

19. The proposed building complies with the granted height exceptions and percentages, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).
20. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.
21. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
22. The Construction Mitigation Plan for the Mountain Village reiterates downhill construction truck traffic for this Conditional Use Permit will use Royal Street, as opposed to Marsac Avenue.
23. Excavated soil will remain within the Flagstaff Annexation area as required by the Annexation Agreement.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.
2. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Departments.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. All exterior signs require a sign permit prior to installation.
5. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 13, 2016.
6. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof.

7. All utility facilities must be located on site. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and the utility boxes can be screened.
8. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 13, 2016.
9. The applicant shall record a condominium Record of Survey prior to selling individual units.
10. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.
11. Affordable housing provided with this Conditional Use Permit shall comply with all requirements and stipulations of the Flagstaff Development Agreement and the City's affordable housing resolution in effect at the time of the Development Agreement prior to issuance of a certificate of occupancy for the building.
12. All conditions of approval of the Village at Empire Pass MPD shall continue to apply.
13. All conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply, including the restrictions on solid wood burning fireplaces, removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of any required ADA and affordable housing units.

### **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 Volumetric Diagrams
- Exhibit G – Utility Plans
- Exhibit H – Flagstaff Annexation Agreement (related sections)
- Exhibit I – Village Map
- Exhibit J – Density Summary

# BUILDING 5 EMPIRE PASS east west partners

Guardsman Lodge - Park City, Utah

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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  
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T - 801.532.4233  
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Civil Engineer:  
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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:**

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**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.

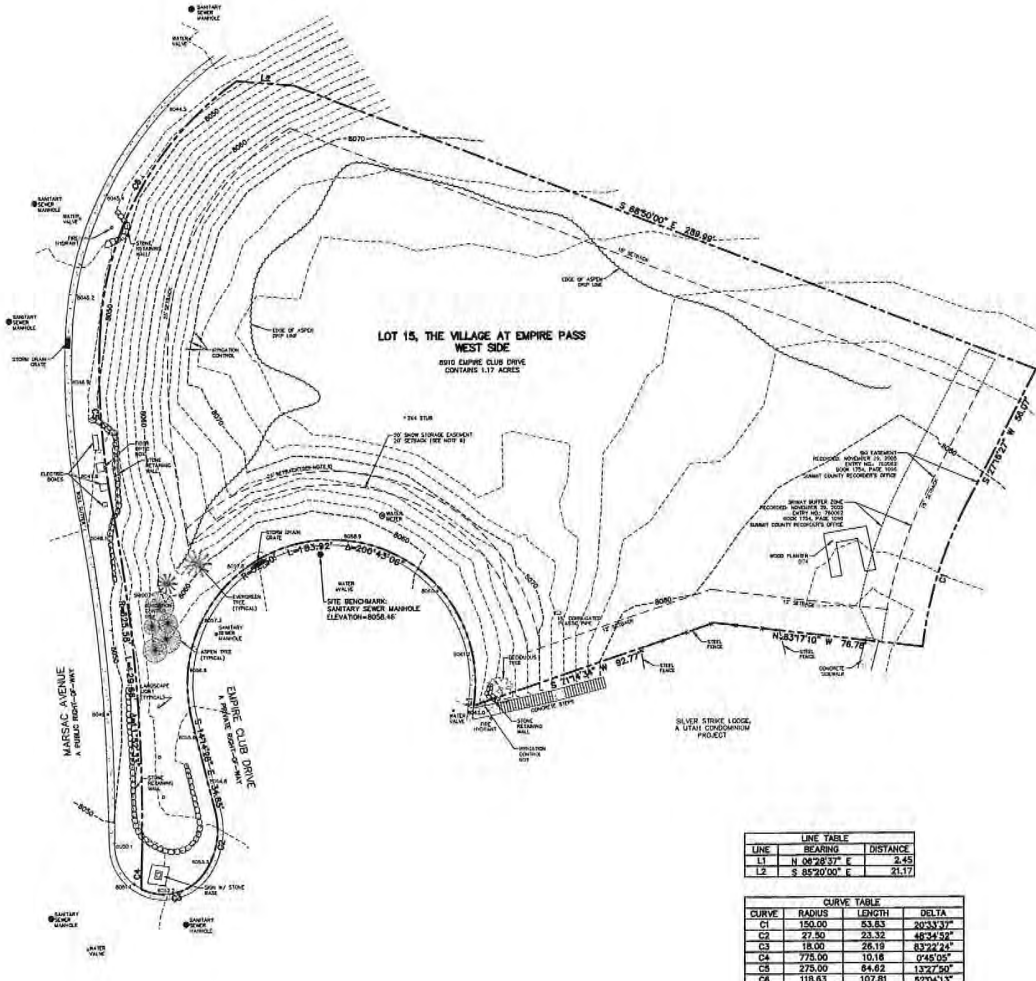
*Are other special issues that need to be mitigated?*

No.



# EXHIBIT B

EXHIBIT B



### SURVEYOR'S CERTIFICATE

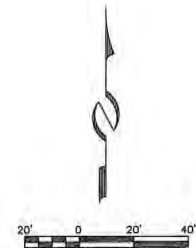
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify 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.

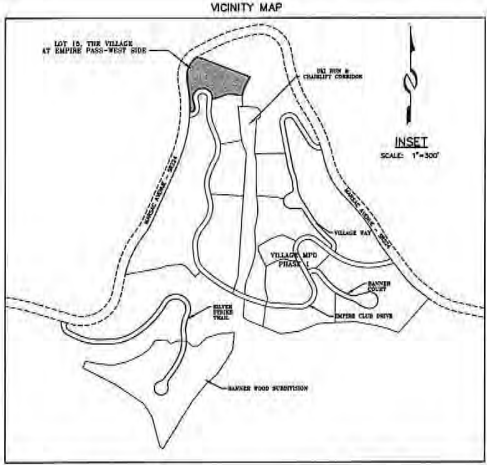
| LINE TABLE |               |          |
|------------|---------------|----------|
| LINE       | BEARING       | DISTANCE |
| L1         | N 08°28'37" E | 3.45     |
| L2         | S 85°20'00" E | 21.17    |

| 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" |



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





**SURVEYOR'S CERTIFICATE**

To: Quardem/Ledge, 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.

4-23-15

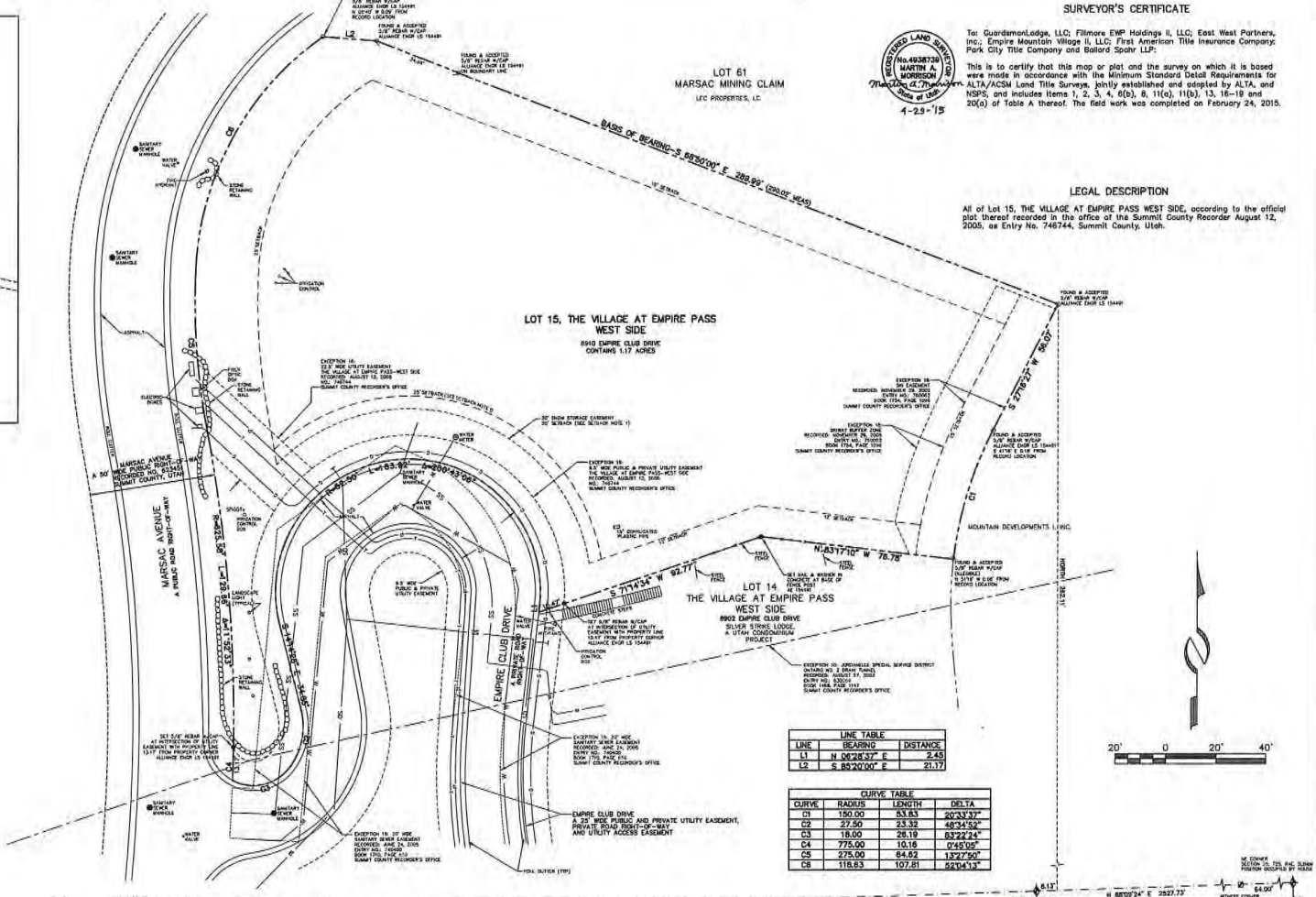


LOT 61  
MARSAC MINING CLAIM  
LFC PROPERTIES, LC

**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.

- 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. S-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 0.2% 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.

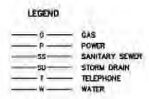
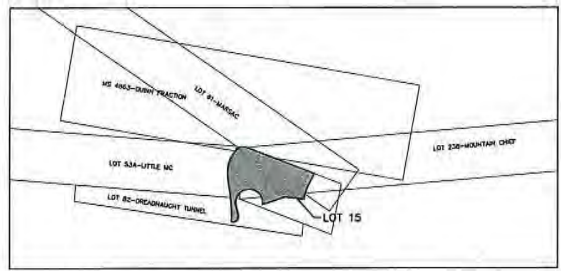


**LINE TABLE**

| 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  | 20°33'37"  |
| C2    | 27.50  | 23.32  | 48°24'52"  |
| C3    | 18.00  | 26.19  | 83°22'24"  |
| C4    | 775.00 | 10.16  | 0°45'02"   |
| C5    | 275.00 | 64.52  | 132°27'50" |
| C6    | 116.63 | 107.81 | 92°04'13"  |



|  |  |  |
|--|--|--|
| <p>(435) 644-9443</p> <p>ALTA/ACSM LAND TITLE SURVEY</p> <p>STAFF:<br/>JOHN DEMKOWICZ<br/>MARSHALL KING<br/>MARTY MORRISON<br/>JETT KITCHEN</p> <p>DATE: 4/25/15</p> | <p>ALTA/ACSM LAND TITLE SURVEY</p> <p>LOT 15</p> <p>THE VILLAGE AT EMPIRE PASS--WEST SIDE</p> <p>FOR: EAST WEST PARTNERS</p> <p>JOB NO.: 7-15</p> <p>FILE: X:\Empire\demj\marty\marty2015_070215.dwg</p> | <p>SHEET</p> <p>1</p> <p>OF</p> <p>1</p> |
|  | <p>ABSOLUTE DIRECTOR LAND PLANNING SURVEYORS<br/>222 Main Street, P.O. Box 2074, Park City, Utah 84050-2074</p>  |  |

# EXHIBIT C

### SURVEYOR'S CERTIFICATE



I, John Demkowicz, hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 15449, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, blocks, private right-of-way, and easements to be hereinafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE and that the same has been or will be correctly located on the ground as shown on this plat. I further certify that this accurately represents the surveyed property.

*John Demkowicz*  
Date: 1/15/05

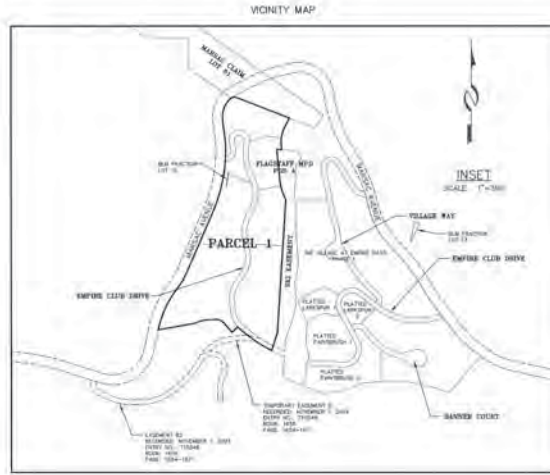
### BOUNDARY DESCRIPTION

### PARCEL 1

A parcel of land located to the south half of Section 21 and the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 81.3 feet along section line and North 262.11 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 27°16'27" West 56.07 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 62°43'33" East; thence along the arc of said curve 75.63 feet through a central angle of 28°37'37" to a point of compound curve to the left having a radius of 303.00 feet, of which the radius point bears North 88°18'50" East; thence southerly along the arc of said curve 20.22 feet through a central angle of 0°51'42"; thence South 05°33'11" East 17.15 feet; thence North 88°16'45" West 25.33 feet; thence South 02°33'11" East 187.74 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North 84°26'49" East; thence along the arc of said curve 52.28 feet through a central angle of 2°19'04" to a point of reverse curve to the right having a radius of 79.77 feet, of which the radius point bears South 43°14'44" West; thence southeasterly along the arc of said curve 11.44 feet through a central angle of 0°13'05"; thence South 03°42'15" West 676.52 feet to a point on a non-tangent curve to the left having a radius of 1025.00 feet, of which the radius point bears South 70°22'23" East; thence southerly along the arc of said curve 38.87 feet through a central angle of 0°21'02"; thence South 17°27'15" West 31.93 feet to a point on the westerly right-of-way of Empire Club Drive as shown and dedicated on The Village at Empire Pass, Phase 1, recorded November 24, 2004, on #718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence South 17°27'15" West 25.38 feet to a point on the southerly right-of-way of Empire Club Drive, said point also being on a non-tangent curve to the right having a radius of 812.50 feet, of which the radius point bears North 27°15'53" East; thence northeasterly along the arc of said curve 199.71 feet through a central angle of 14°55'00" to a point of compound curve to the right having a radius of 137.50 feet, of which the radius point bears North 44°20'53" East; thence northeasterly along the arc of said curve 115.52 feet through a central angle of 10°33'04"; thence South 48°33'59" West 40.09 feet; thence North 41°37'40" West 65.38 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 48°22'20" West; thence along the arc of said curve 44.97 feet through a central angle of 51°32'04"; thence South 86°50'15" West 44.82 feet to a point on a curve to the left having a radius of 137.50 feet, of which the radius point bears South 03°09'44" East; thence along the arc of said curve 60.72 feet through a central angle of 2°16'01"; thence South 79°50'45" West 195.15 feet to a point on a non-tangent curve to the right having a radius of 509.74 feet, of which the radius point bears South 79°19'48" East; said point also being on the westerly boundary of Marsden Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded #623424; thence along the easterly boundary of Marsden Avenue Right-of-Way the following seven (7) courses: 1) northeasterly along the arc of said curve 234.19 feet through a central angle of 28°19'17" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 51°58'21" West; thence 2) northeasterly along the arc of said curve 93.79 feet through a central angle of 14°19'44"; thence 3) North 23°43'50" East 337.26 feet to a point on a curve to the left having a radius of 775.00 feet, of which the radius point bears North 68°16'05" West; thence 4) along the arc of said curve 304.94 feet through a central angle of 2°33'40" to a point of compound curve to the left having a radius of 820.58 feet, of which the radius point bears North 88°45'45" West; thence 5) northerly along the arc of said curve 129.65 feet through a central angle of 11°32'33" to a point of reverse curve to the right having a radius of 275.00 feet, of which the radius point bears North 79°18'42" East; thence 6) northerly along the arc of said curve 84.92 feet through a central angle of 13°27'30" to a point of compound curve to the right having a radius of 118.53 feet, of which the radius point bears South 87°13'28" East; thence 7) northeasterly along the arc of said curve 167.81 feet through a central angle of 5°21'13" to a point on the easterly side of the Little Mc Mining claim, Lot 53A in the Union Mining District; thence along the northerly side of the Little Mc Mining claim the following two (2) courses: 1) South 45°20'00" East 31.19 feet; thence 2) South 68°50'00" East 289.99 feet to the point of beginning.

Description contains 19.85 acres, more or less



### NOTES:

- All building setbacks from property lines are to be the minimum development size (MDS) minimum unless otherwise indicated by the Village at Empire Pass Master Plan Development.
- Conditional use permit approval will be required prior to construction on each of the development site shown herein.
- A description of subdivision and its record of survey shall be prepared for the purpose of the purpose of the plat as indicated on the development site shown herein.
- All utility and other easements shown on or adjoining the lots, be shown hereon, and all public use easements shall be shown to the extent that they would affect existing, pending, or future easements with existing utility.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass (Phase 1) ("Master Declaration") require the membership of each lot owner. Members are subject to the terms of all articles of incorporation, the Master Declaration, and the rules and regulations that may be established from time to time by the master association, including amendments and thereafter as is provided therein.
- The operator, and maintenance responsibilities for the public lot, flag, and flag flag, may be established across the lots shown hereon and all lots in the Master Declaration.
- Public safety access and public utility easements are hereby dedicated for all public and private emergency, emergency access roads, and private driveway.
- The property is located within a state source protection zone. All water construction must comply with the State of Utah drinking water regulations.
- A 20' wide storage easement is hereby dedicated along the boundary of Parcel 1.
- A 20' wide exterior easement (SEI) will be required to be filed with Summit State Water Reclamation District (SSWRD) with the subdivision of each lot.
- Empire Club Drive is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass of Deer Valley in accordance with the Master Declaration. Empire Club Drive is not a public road or right-of-way. The Board of Survey has not been asked to grant any rights to the public to use Empire Club Drive or create any obligations on the part of Park City Municipal Corporation to maintain or repair Empire Club Drive. All such use and maintenance shall be governed by the rules and provisions of the Master Declaration and the Maintenance Agreement dated March 15, 2004 and as amended from time to time between Park City Municipal Corporation, United Park City Water Company, and Flag Corporation and the Master Association.
- In the event of any reworking of Empire Club Drive, the Master Association is responsible to adjust watermeter locations to comply with Summit State Water Reclamation District Standards. Maintenance obligations of residents within private subdivision subject to park of specific improvements shall be the responsibility of the homeowner or owners of such improvements.
- The Master Association shall be responsible for the maintenance and improvement of all sanitary sewer lines located within Empire Club Drive or the SSWRD easement area hereon. The Master Association shall have the right to assess the cost of such maintenance and repair to parcel(s) served, or conditional easements served by such services, in accordance with the Master Declaration.
- The easement is a part of the domestic Special District created by the state of Utah which is located approximately 300 feet from the parcel on the property.
- All property owners to be met along Empire Club Drive will be met at the intersection of the SEI area public and street utility easement and the lot line or other easement.
- Any landscaping shall follow the guidelines in the master declaration, subject to all local and national ordinances.
- The jurisdiction of the Justice System in the master declaration is the Empire Pass North Homeowners Association.
- The title of the State of Utah Fire Flow Work shall be owned by a Common Utility Utility Waterworks Law. The Owners own some easements that are responsible for planning, operation and maintenance of all common utility waterworks lines.

## SUBDIVISION PLAT THE VILLAGE AT EMPIRE PASS WEST SIDE

LOCATED IN SECTIONS 21 AND 28,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land hereinafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, and hereby consents to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 2.5 foot wide portion of property situated on either side of Empire Club Drive as shown hereon.

I, witness whereof the undersigned has executed this certificate and declaration this 15th day of January, 2005.

EMPIRE MOUNTAIN VILLAGE, LLC  
A Delaware limited liability company  
By: *Michael C. Robinson*  
Its Manager

### ACKNOWLEDGMENT

This is a true and correct copy of the original as recorded before me this 15th day of January, 2005 at Park City, Utah. My commission expires on 1/15/06.

My commission expires on 1/15/06.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT LARSEN PARK CITY MDS COMPANY, a Delaware corporation, the owner of a portion of the tract of land hereinafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, and hereby consents to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 2.5 foot wide portion of property situated on either side of Empire Club Drive as shown hereon.

I, witness whereof the undersigned has executed this certificate and declaration this 15th day of January, 2005.

LARSEN PARK CITY MDS COMPANY  
A Delaware corporation  
By: *Michael C. Robinson*  
Its Manager

### ACKNOWLEDGMENT

This is a true and correct copy of the original as recorded before me this 15th day of January, 2005 at Park City, Utah. My commission expires on 1/15/06.

My commission expires on 1/15/06.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS, INC., a Delaware corporation, the owner of a portion of the tract of land hereinafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, and hereby consents to the recording of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 2.5 foot wide portion of property situated on either side of Empire Club Drive as shown hereon.

I, witness whereof the undersigned has executed this certificate and declaration this 15th day of January, 2005.

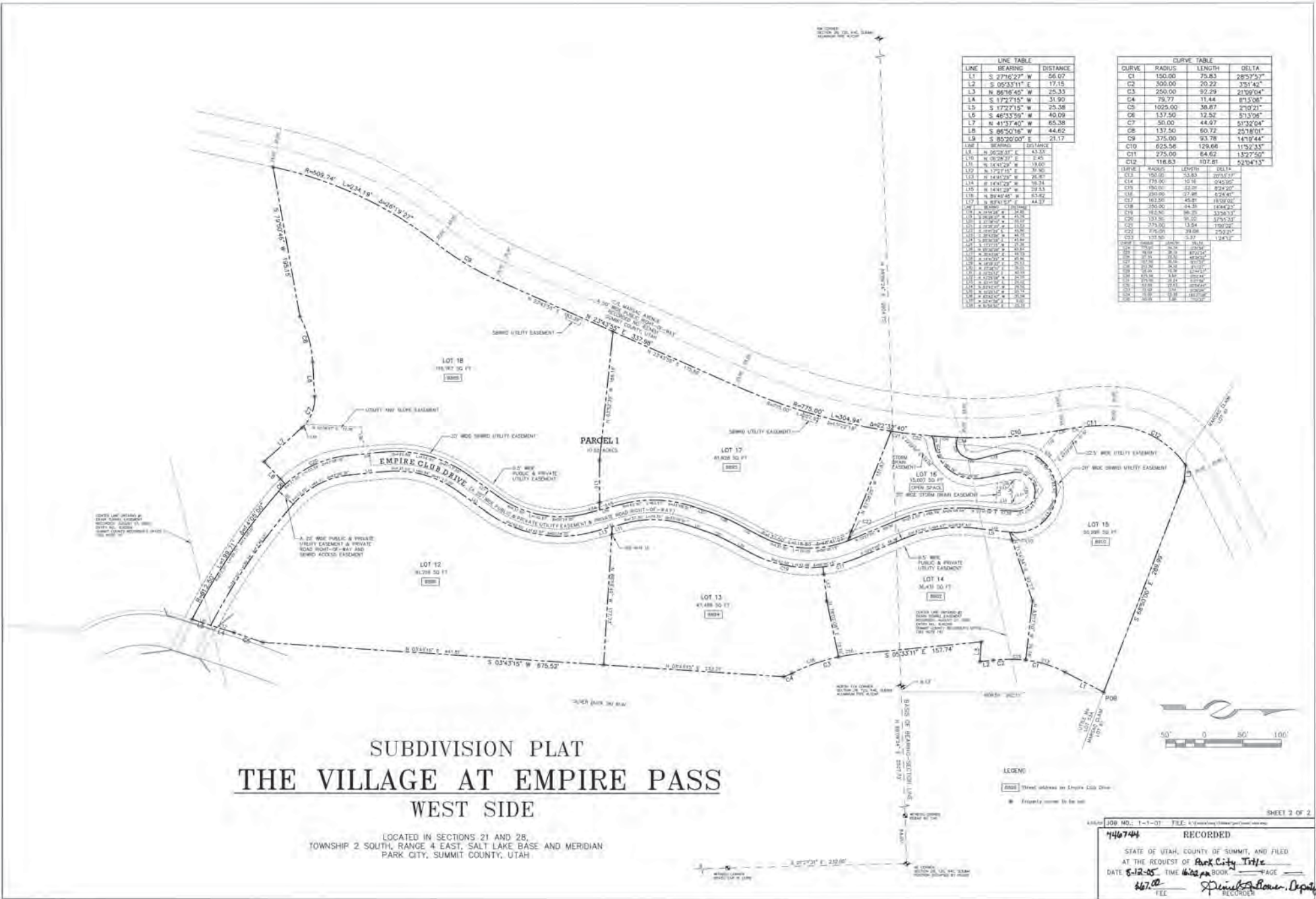
MOUNTAIN DEVELOPMENTS, INC.  
A Delaware corporation  
By: *Michael C. Robinson*  
Its Manager

### ACKNOWLEDGMENT

This is a true and correct copy of the original as recorded before me this 15th day of January, 2005 at Park City, Utah. My commission expires on 1/15/06.

My commission expires on 1/15/06.

|  |   |  |  |  |  |  |   |
|--|---|--|--|--|--|--|---|
|  | <b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b><br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 10th DAY OF August, 2005 A.D.<br>BY: <i>[Signature]</i><br>S.B.W.R.D. | <b>PLANNING COMMISSION</b><br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 10th DAY OF August, 2005 A.D.<br>BY: <i>[Signature]</i><br>CHAIRMAN | <b>ENGINEER'S CERTIFICATE</b><br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22nd DAY OF August, 2005 A.D.<br>BY: <i>[Signature]</i><br>PARK CITY ENGINEER | <b>APPROVAL AS TO FORM</b><br>APPROVED AS TO FORM THIS 11th DAY OF August, 2005 A.D.<br>BY: <i>[Signature]</i><br>PARK CITY ATTORNEY | <b>CERTIFICATE OF ATTEST</b><br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 20th DAY OF August, 2005 A.D.<br>BY: <i>[Signature]</i><br>PARK CITY RECORDER | <b>COUNCIL APPROVAL AND ACCEPTANCE</b><br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 20th DAY OF August, 2005 A.D.<br>BY: <i>[Signature]</i><br>MAYOR | 7467944 RECORDED<br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Title DATE 8-18-05 TIME 16:02:00 PAGES 2/2 FEE <i>[Amount]</i> RECORDER <i>[Signature]</i> |
|--|---|--|--|--|--|--|---|



| LINE | BEARING      | DISTANCE |
|------|--------------|----------|
| L1   | S 27°16'27\" | 56.07    |
| L2   | S 05°33'11\" | 17.15    |
| L3   | N 86°36'45\" | 25.53    |
| L4   | S 17°27'15\" | 31.90    |
| L5   | S 17°27'15\" | 25.58    |
| L6   | S 48°53'59\" | 40.09    |
| L7   | N 41°37'40\" | 65.58    |
| L8   | S 86°50'18\" | 44.62    |
| L9   | S 85°20'00\" | 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  | 25°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 | 50.78  | 28°03'02\" |
| C15   | 190.00 | 52.20  | 28°24'20\" |
| C16   | 200.00 | 73.48  | 12°45'40\" |
| C17   | 163.50 | 45.81  | 15°00'00\" |
| C18   | 200.00 | 44.35  | 14°04'23\" |
| C19   | 162.86 | 36.25  | 32°03'11\" |
| C20   | 151.36 | 31.02  | 37°03'21\" |
| C21   | 375.00 | 133.84 | 10°02'02\" |
| C22   | 75.25  | 38.08  | 25°21'21\" |
| C23   | 131.50 | 57.7   | 12°13'12\" |

**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

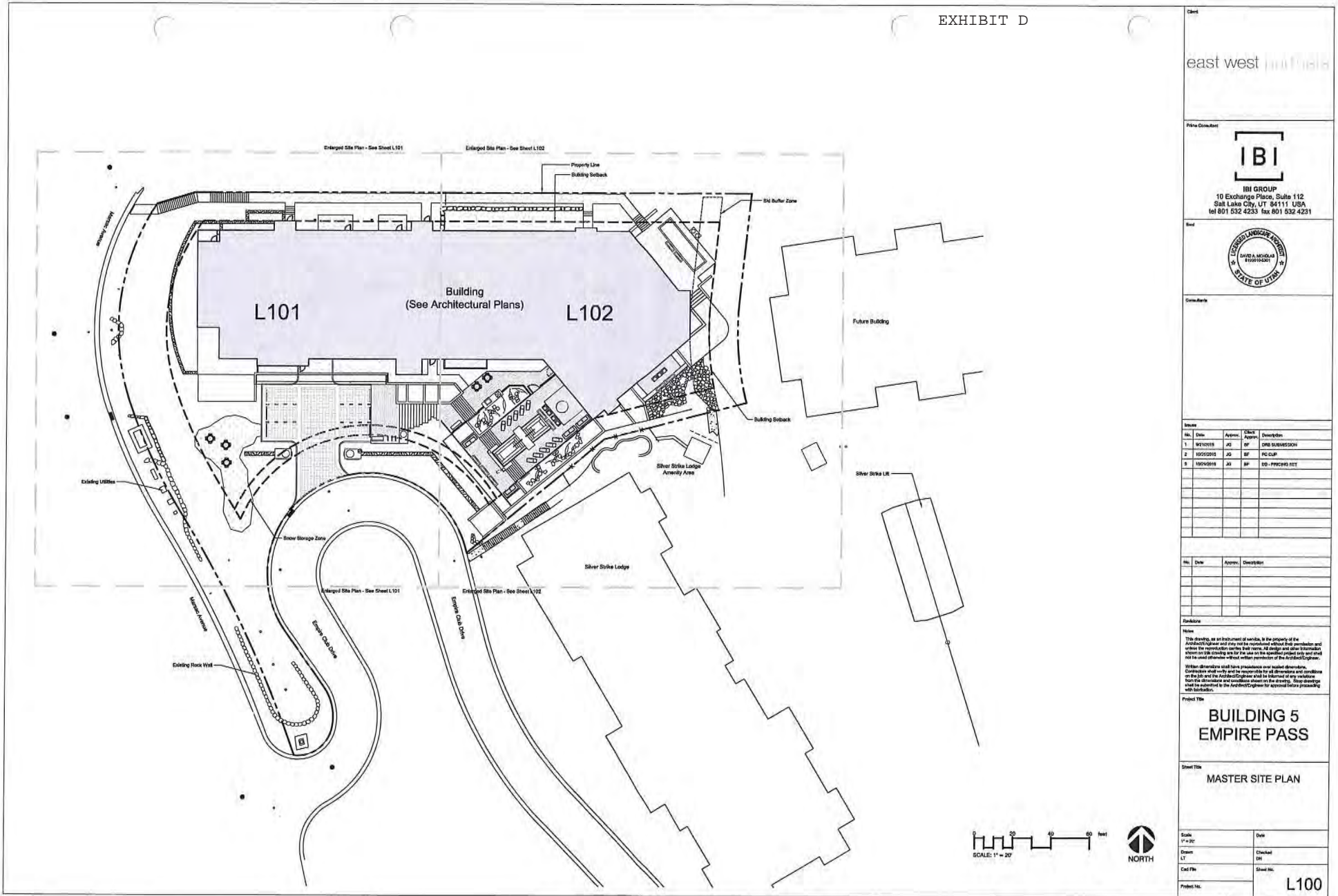


LEGEND  
 [Symbol] Street address on Empire Club Drive  
 [Symbol] Easement to be set

SHEET 2 OF 2  
 JOB NO.: 1-1-01 FILE: 4 (Summit) (1000) (2016) (1000) (1000)  
**146744** RECORDED  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 AT THE REQUEST OF **Park City Title**  
 DATE **6-12-15** TIME **4:20 pm** BOOK **1** PAGE **1**  
**867.00**  
 FILE **Denise A. Lomen, Deputy** RECORDER

# EXHIBIT D

EXHIBIT D



Client  
east west

IBI GROUP  
10 Exchange Place, Suite 112  
Salt Lake City, UT 84111 USA  
tel 801 532 4233 fax 801 532 4231



Consultants

| No. | Date       | Appr. | Check | Description     |
|-----|------------|-------|-------|-----------------|
| 1   | 06/10/2016 | JG    | DF    | CHG SUBMISSION  |
| 2   | 06/20/2016 | JG    | DF    | PLC CLIP        |
| 3   | 06/20/2016 | JG    | DF    | DD - FINCHD RET |

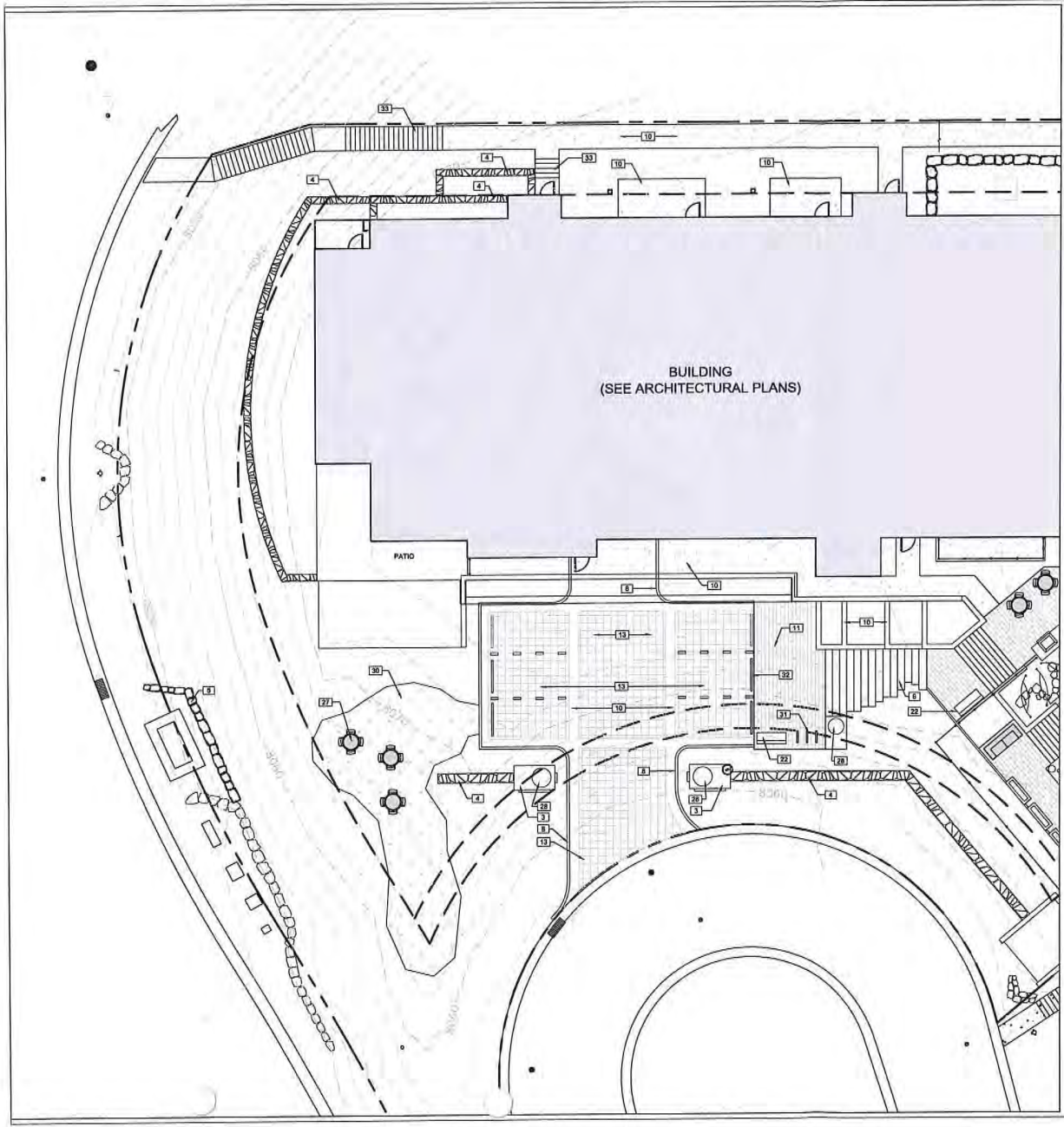
| No. | Date | Appr. | Description |
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Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**MASTER SITE PLAN**

|                   |               |
|-------------------|---------------|
| Scale<br>1" = 20' | Date          |
| Drawn<br>LT       | Checked<br>DF |
| Cad File          | Sheet No.     |
| Project No.       | <b>L100</b>   |



REFERENCE NOTES SCHEDULE

| SYMBOL | DESCRIPTION  | QTY | DETAIL |
|--------|--|-----|--------|
| 11     | STONE VENEER RETAINING WALL - BUILT/TERRADES   |     |        |
| 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 WHEEL STOPS   |     |        |
| 39     | CONCRETE STAIR WITH HANDRAILS  |     |        |

east west



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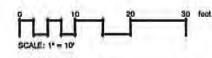
| No. | Date     | Appr. | Rev. | Description     |
|-----|----------|-------|------|-----------------|
| 1   | 02/10/15 | JG    | 01   | DRG SUBMISSION  |
| 2   | 10/05/15 | JG    | 01   | PG CLIP         |
| 3   | 10/29/15 | JG    | 01   | DD - PAVING SET |

| No. | Date | Appr. | Description |
|-----|------|-------|-------------|
|     |      |       |             |
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|     |      |       |             |

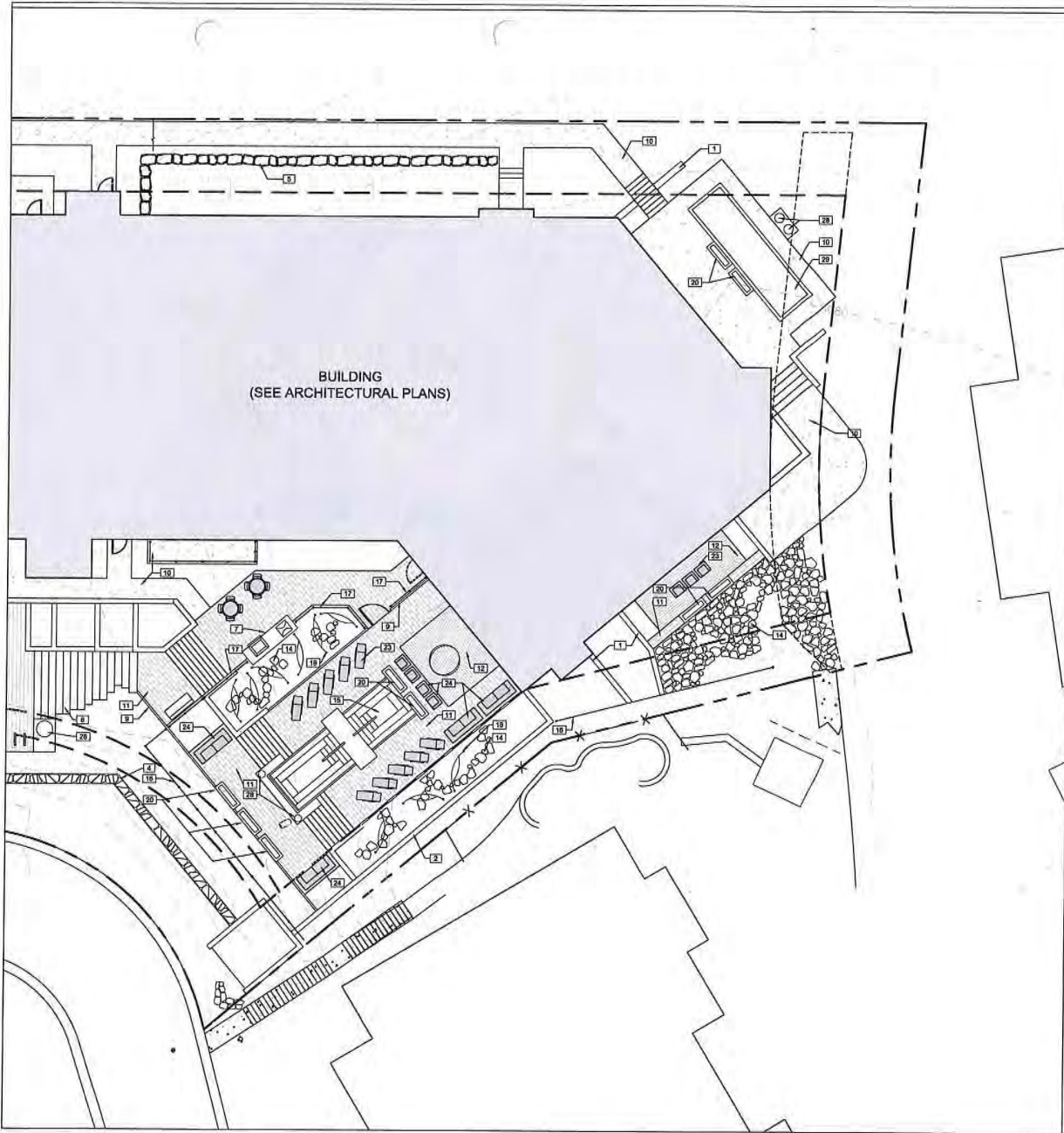
**Revisions**  
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When dimensions shall have precedence over scaled dimensions.  
Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be relieved of any liability from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

**BUILDING 5  
EMPIRE PASS**

**ENLARGED SITE PLAN -  
AUTOCOURT**



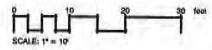
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| Scale:<br>1" = 10' | Date:          |
| Drawn:<br>ST       | Checked:<br>ST |
| Call File:         | Sheet No.:     |
| Project No.:       | <b>L101</b>    |



BUILDING  
(SEE ARCHITECTURAL PLANS)

REFERENCE NOTES SCHEDULE

| SYMBOL | DESCRIPTION   | QTY | DETAIL |
|--------|---|-----|--------|
| [1]    | STONE VENEER RETAINING WALL - SHORT/RECESSES  |     |        |
| [2]    | STONE VENEER RETAINING WALL - TALL  |     |        |
| [3]    | STONE VENEER MONUMENT   |     |        |
| [4]    | STACKED STONE RETAINING WALL  |     |        |
| [5]    | BOLDER WALL   |     |        |
| [6]    | STONE STAIR   |     |        |
| [7]    | OUTDOOR KITCHEN   |     |        |
| [8]    | CONCRETE CURB   |     |        |
| [9]    | STONE CURB  |     |        |
| [10]   | 4" CONCRETE PAVINGSAND  |     |        |
| [11]   | 2" CONCRETE PAVERS OVER 4" CONCRETE BASE WITH 1" SAND SETTING BED WITH HYDRONIC SNOW MELT       |     |        |
| [12]   | 2" CONCRETE PLANK PAVERS OVER 4" CONCRETE BASE WITH 1" SAND SETTING BED WITH HYDRONIC SNOW MELT |     |        |
| [13]   | 3 1/2" CONCRETE PAVERS OVER 4" CONCRETE BASE WITH 1" SAND SETTING BED WITH HYDRONIC SNOW MELT   |     |        |
| [14]   | FLAGSTONE   |     |        |
| [15]   | HOT TUB   |     |        |
| [16]   | HOT TUB FENCE - DECORATIVE  |     |        |
| [17]   | HOT TUB FENCE - STANDARD  |     |        |
| [18]   | HAMMOCK GARDEN COLUMNS  |     |        |
| [19]   | FIRE TABLE  |     |        |
| [20]   | BENCH   |     |        |
| [21]   | CHAISE LOUNGE CHAIR   |     |        |
| [22]   | OUTDOOR FURNITURE   |     |        |
| [23]   | TABLE AND CHAIRS  |     |        |
| [24]   | SAUCER PLANTER/FIRE BOWL  |     |        |
| [25]   | BOCCIA BALL COURT   |     |        |
| [26]   | LAWN AREA   |     |        |
| [27]   | EDGE FINISH   |     |        |
| [28]   | CONCRETE WHEEL STOPS  |     |        |
| [29]   | CONCRETE STAIR WITH HANDRAILS   |     |        |



Client  
east west

Prime Consultant  
**IBI**  
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| No. | Date       | Author | Check | Description      |
|-----|------------|--------|-------|------------------|
| 1   | 02/12/15   | JD     | DF    | 20% SUBMITTAL    |
| 2   | 10/05/2015 | JD     | DF    | PG CUP           |
| 3   | 10/05/2015 | JD     | DF    | 05 - DRIVING SET |

| No. | Date | Author | Description |
|-----|------|--------|-------------|
|     |      |        |             |
|     |      |        |             |

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Project Title  
**BUILDING 5  
EMPIRE PASS**

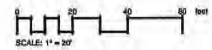
Sheet Title  
**ENLARGED SITE PLAN -  
AMENITY DECK**

|                    |                |
|--------------------|----------------|
| Scale:<br>1" = 10' | Date:          |
| Drawn:<br>LT       | Checked:<br>DK |
| Calc. Pk:          | Sheet No.:     |
| Project No.:       | L102           |



**PLANT SCHEDULE**

| TREES               | CODE    | BOTANICAL NAME / COMMON NAME                         | CONT.     | QTY       |
|---------------------|---------|--|-----------|-----------|
|                     | ABI CON | ABIES CONCOLOR / WHITE FIR                           | 6'-8" HT. | 2         |
|                     | ACE OH  | ACER GRINALE 'FLAME' / FLAME AMBUSH MAPLE            | 6'-8" HT. | 2         |
|                     | ACE ORA | 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                         | CONT.     | 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                         | CONT.     | QTY       |
|                     | PER ANN | PERENNIAL/BIENNIALS                                  | 1 GAL.    | 529 SF    |
| SEED/SEED           | CODE    | BOTANICAL NAME / COMMON NAME                         | CONT.     | QTY       |
|                     | NAT GRA | NATIVE GRASSES / WILDFLOWERS                         | SEED      | 15,454 SF |
|                     | TUR GRA | TURF GRASS   | 800       | 1,977 SF  |



Client  
east west

Prime Consultant  
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Seal

Comments

Revisions

| No. | Date       | Apprv. | Desc. | Description     |
|-----|------------|--------|-------|-----------------|
| 1   | 05/08/15   | JG     | DP    | DRG SUBMISSION  |
| 2   | 10/06/2015 | JG     | BP    | PG CLP          |
| 3   | 10/29/2015 | JG     | BP    | DP - PRELIM SET |

No. Date Apprv. Description

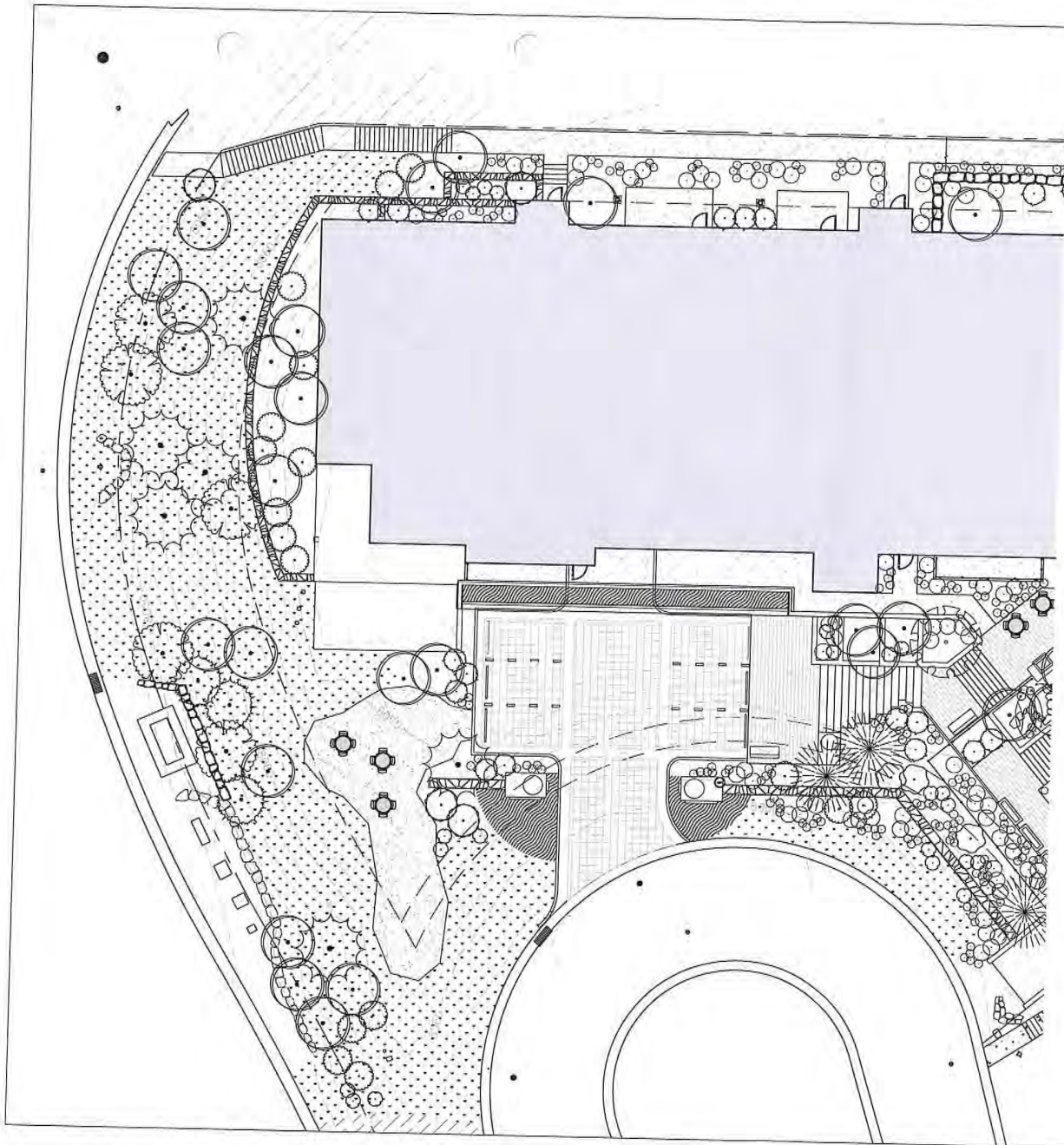
Revision

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Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**PLANTING PLAN**

|              |             |
|--------------|-------------|
| Date<br>1/7  | Date        |
| Drawn<br>JTB | Checked     |
| Cost File    | Sheet No.   |
| Project No.  | <b>L300</b> |



**PLANT SCHEDULE**

| TREES               | CODE | BOTANICAL NAME / COMMON NAME                        | QNTY      | 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. | 3         |
| PNH BR              |      | PNUS ARISTATA / BRISTLE CONE PINE                   | 6'-8" HT. | 3         |
| POP TRE             |      | POPULUS TREMULOIDES / QUAKING ASPEN                 | 1.5' GAL. | 38        |
| PSE DOU             |      | PSEUDOTSUGA MENZIESII / DOUGLAS FIR                 | 6'-8" HT. | 6         |
| SHRUBS              | CODE | BOTANICAL NAME / COMMON NAME                        | QNTY      | QTY       |
| COR RES             |      | CORNUS SERICEA / RED TWIG DOGWOOD                   | 5 GAL     | 24        |
| WEG 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                        | QNTY      | QTY       |
| PER ANH             |      | PERENNIALS/BIENNIALS                                | 1 GAL.    | 528 SF    |
| SPONSEER            | CODE | BOTANICAL NAME / COMMON NAME                        | QNTY      | QTY       |
| NAT GRA             |      | NATIVE GRASSES / WILDFLOWERS                        | SEED      | 16,424 SF |
| TUR GRA             |      | TURF GRASS  | SGD       | 1,077 SF  |

Client  
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Project Consultant  
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State of Utah  
LANDSCAPE ARCHITECT  
DAVID A. MOULDER  
PROFESSIONAL  
STATE OF UTAH

Consultants

Notes

| No. | Date     | Appr. | Chg. | Description      |
|-----|----------|-------|------|------------------|
| 1   | 05/10/16 | JM    | SP   | TRD SUBMISSION   |
| 2   | 10/01/15 | JM    | SP   | PC CLIP          |
| 3   | 10/02/15 | JM    | SP   | DD - PROCEED SET |

Revisions

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Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**ENLARGED  
PLANTING PLAN**

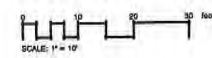
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| Scale<br>1" = 10' | Date          |
| Drawn<br>LJ       | Checked<br>JL |
| Chief<br>LJ       | Sheet No.     |
| Project No.       | <b>L301</b>   |





**PLANT SCHEDULE**

| TREES              | CODE    | BOTANICAL NAME / COMMON NAME                        | QTY  | SIZE        |
|--------------------|---------|---|------|-------------|
|                    | ABI COH | ABIES CONCOLOR / WHITE FIR                          | 6"   | HT. 3       |
|                    | ACE GRN | ACER GINNALA 'FLAME' / FLAME AMAR MAPLE             | 6"   | HT. 2       |
|                    | ACE GRA | ACER GRANDIDENTATUM / REDTOOTH MAPLE                | 6"   | HT. 6       |
|                    | PH RR   | PIRUS ARISTATA / BRISTLECOCK PINE                   | 6"   | HT. 3       |
|                    | POP TRE | POPULUS TREMULOIDES / QUAKING ASPEN                 | 1.5" | CAL. 30     |
|                    | PSE DOU | PSEUDOTSUGA MENZIESII / DOUGLAS FIR                 | 6"   | HT. 6       |
| SHRUBS             | CODE    | BOTANICAL NAME / COMMON NAME                        | QTY  | SIZE        |
|                    | 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. 20     |
|                    | SAL PUR | SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW         | 5    | GAL. 20     |
|                    | SAM GBE | SAMBUCUS CAERULEA / BLUE ELDERBERRY                 | 5    | GAL. 6      |
|                    | MIX     | SHRUB / PERENNIAL MIX - TBD                         |      |             |
| PERENNIALS/ANNUALS | CODE    | BOTANICAL NAME / COMMON NAME                        | QTY  | SIZE        |
|                    | PER ANN | PERENNIALS/ANNUALS                                  | 1    | GAL. 320 SF |
| SEEDS              | CODE    | BOTANICAL NAME / COMMON NAME                        | QTY  | SIZE        |
|                    | NAT GRA | NATIVE GRASSES / WILDFLOWERS                        | SEED | 10,424 SF   |
|                    | TUR GR  | TURF GRASS  | SOO  | 1,077 SF    |



east west | architecture

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tel 801 532 4235 fax 801 532 4231



| No. | Date     | Appr. | Client Appr. | Description       |
|-----|----------|-------|--------------|-------------------|
| 1   | 08/20/18 | JW    | WF           | 10% BUSINESS PLAN |
| 2   | 10/26/18 | JW    | WF           | PC CLP            |
| 3   | 10/22/18 | JW    | WF           | DD - PRELIM SET   |

| No. | Date | Appr. | Description |
|-----|------|-------|-------------|
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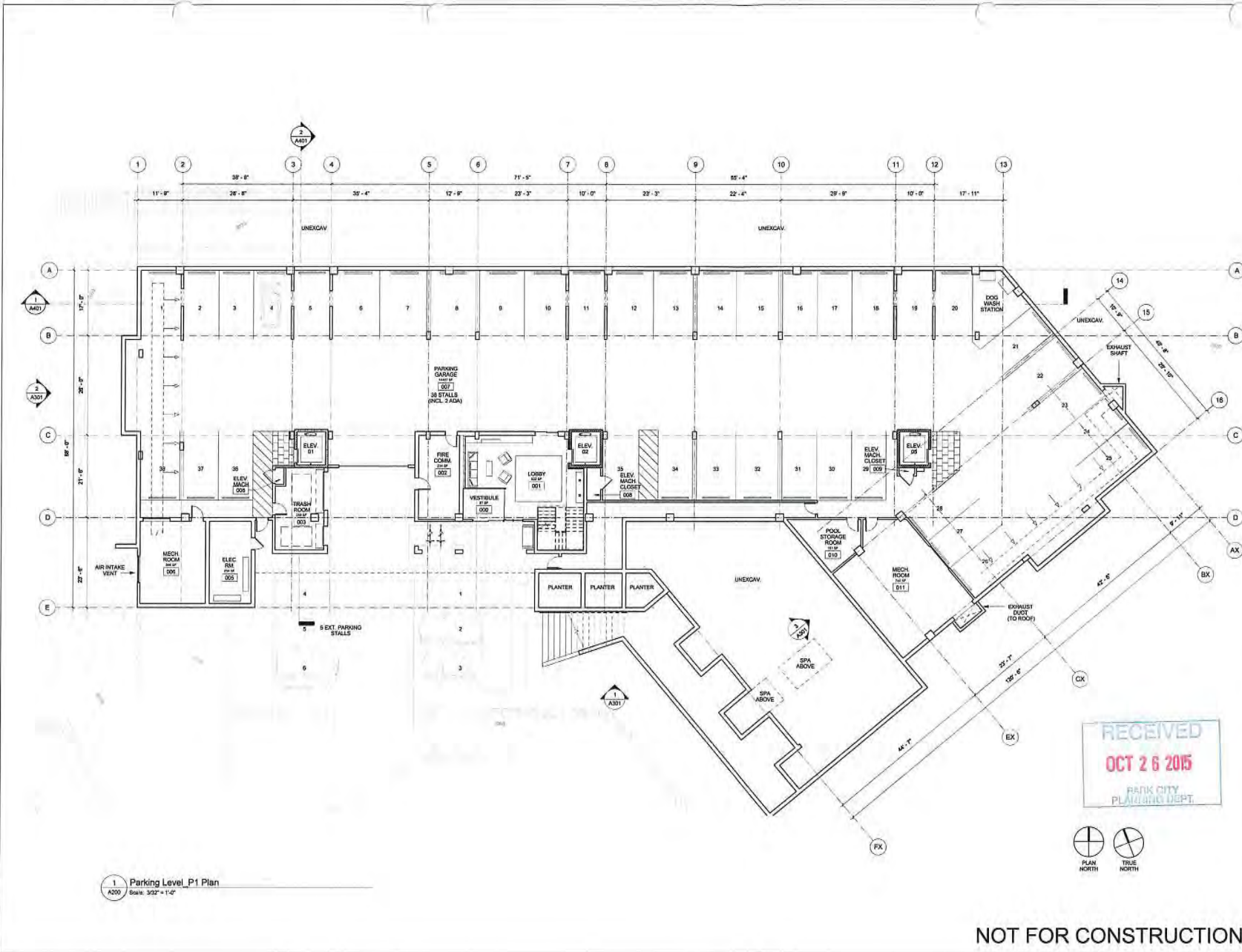
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Project Title  
**BUILDING 5  
EMPIRE PASS**

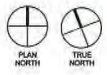
Sheet Title  
**ENLARGED  
PLANTING PLAN**

| Scale       | Date        |
|-------------|-------------|
| 1" = 10'    |             |
| Drawn       | Checked     |
| LT          | DN          |
| Cell File   | Sheet No.   |
| Project No. | <b>L302</b> |

10/25/2015 3:01:04 PM



1 Parking Level\_P1 Plan  
Scale: 3/32" = 1'-0"



NOT FOR CONSTRUCTION

east west partners

IBI GROUP  
10 Exchange Place, Suite 112  
Salt Lake City, UT 84111 USA  
tel 801 532 4233 fax 801 532 4231

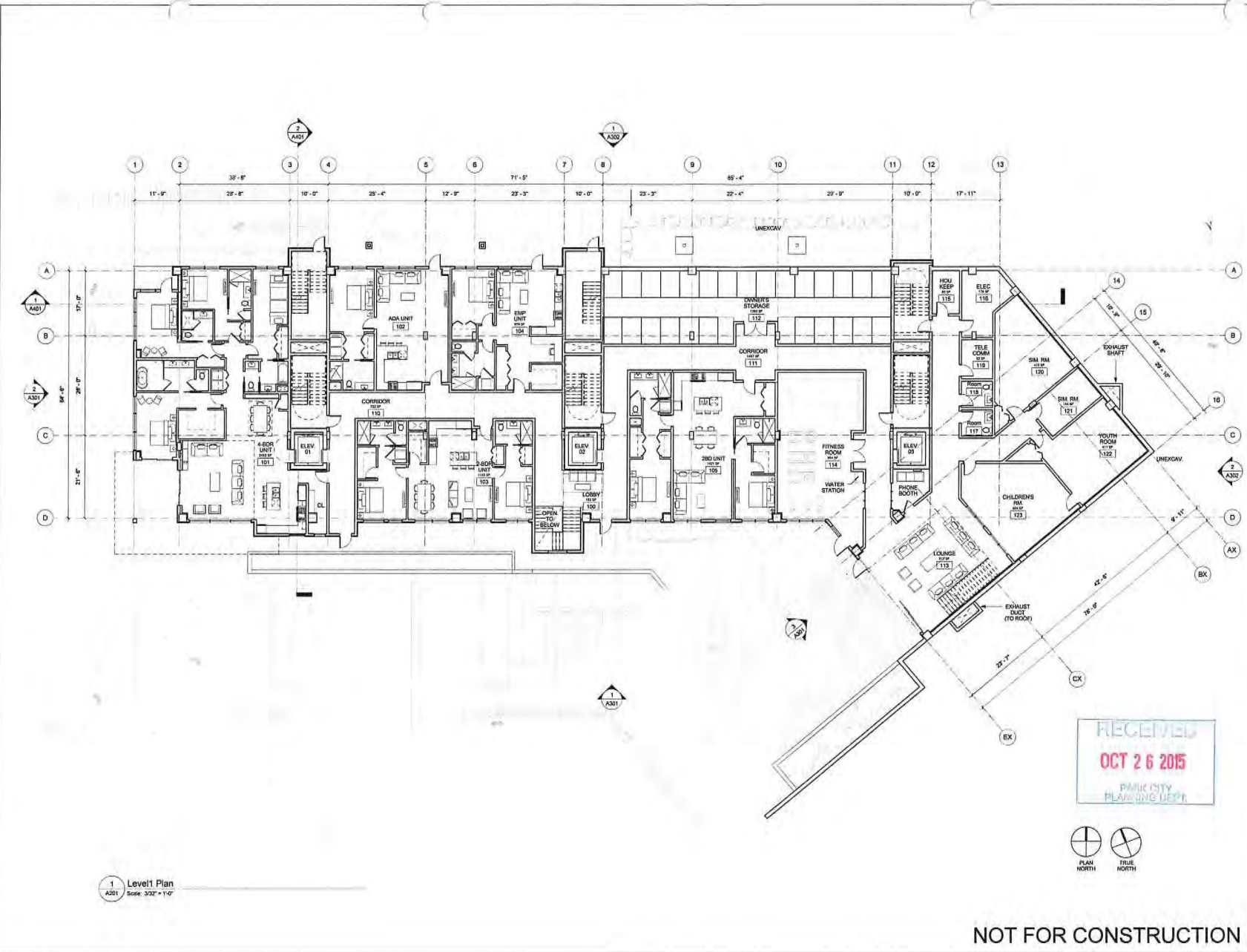
| No. | Date       | Appr. | Discipline |
|-----|------------|-------|------------|
| 1   | 09/21/2015 | JL    | SR         |
| 2   | 10/20/2015 | JG    | SR         |

PROJECT TITLE: BUILDING 5 EMPIRE PASS

SHEET TITLE: PARKING LEVEL PLAN

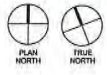
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|----------------------|----------------|
| Scale: 3/32" = 1'-0" | Date: 10/26/15 |
| Drawn: JM            | Checked: JJK   |
| Case File:           | Drawn By:      |
| Project No: 38654    | A200           |

10/20/2015 3:01:15 PM



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

RECEIVED  
OCT 26 2015  
PARK CITY PLANNING DEPT.



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tel 801 532 4233 fax 801 532 4231

Revisions

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

Revisions

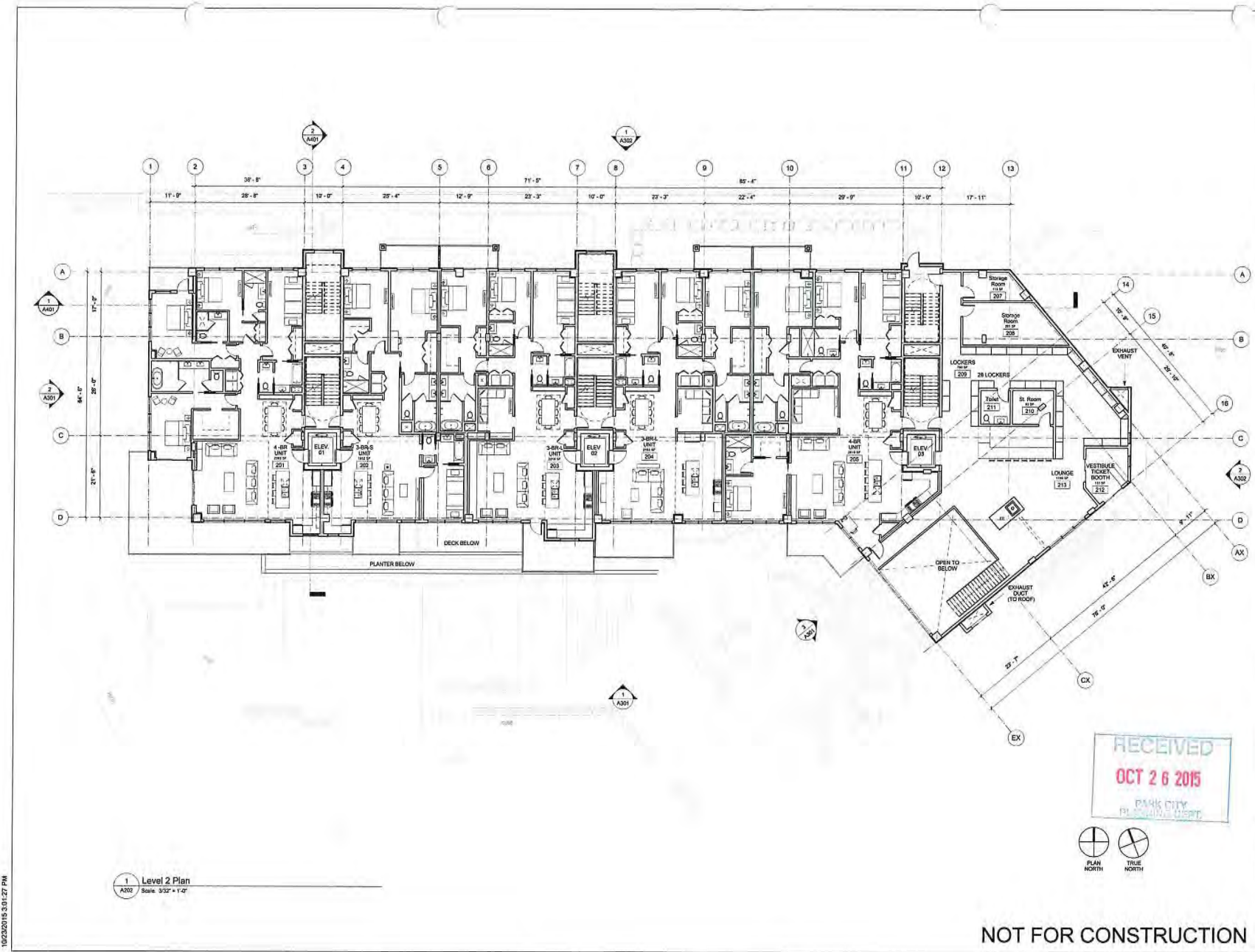
| No. | Date | Appr. | Description |
|-----|------|-------|-------------|
|     |      |       |             |
|     |      |       |             |
|     |      |       |             |

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Coordinates shall apply and the dimensions shall be dimensions and locations on the grid and the Architect/Engineer shall be informed of any variances from the coordinates and grid lines shown on the drawing. Good 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<br>3/32" = 1'-0" | Date<br>10/26/15 |
| Drawn<br>SM            | Checked<br>SM    |
| Clad File              | Sheet No.        |
| Project No<br>38854    | <b>A201</b>      |



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| No. | Date       | Appr. | Drawn | Description    |
|-----|------------|-------|-------|----------------|
| 1   | 02/24/2015 | JG    | SP    | DRS SUBMISSION |
| 2   | 10/29/2015 | JG    | BP    | PC UP          |

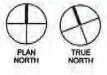
| No. | Date | Appr. | Description |
|-----|------|-------|-------------|
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Project Title  
**BUILDING 5  
 EMPIRE PASS**

Sheet Title  
**LEVEL 2 PLAN**

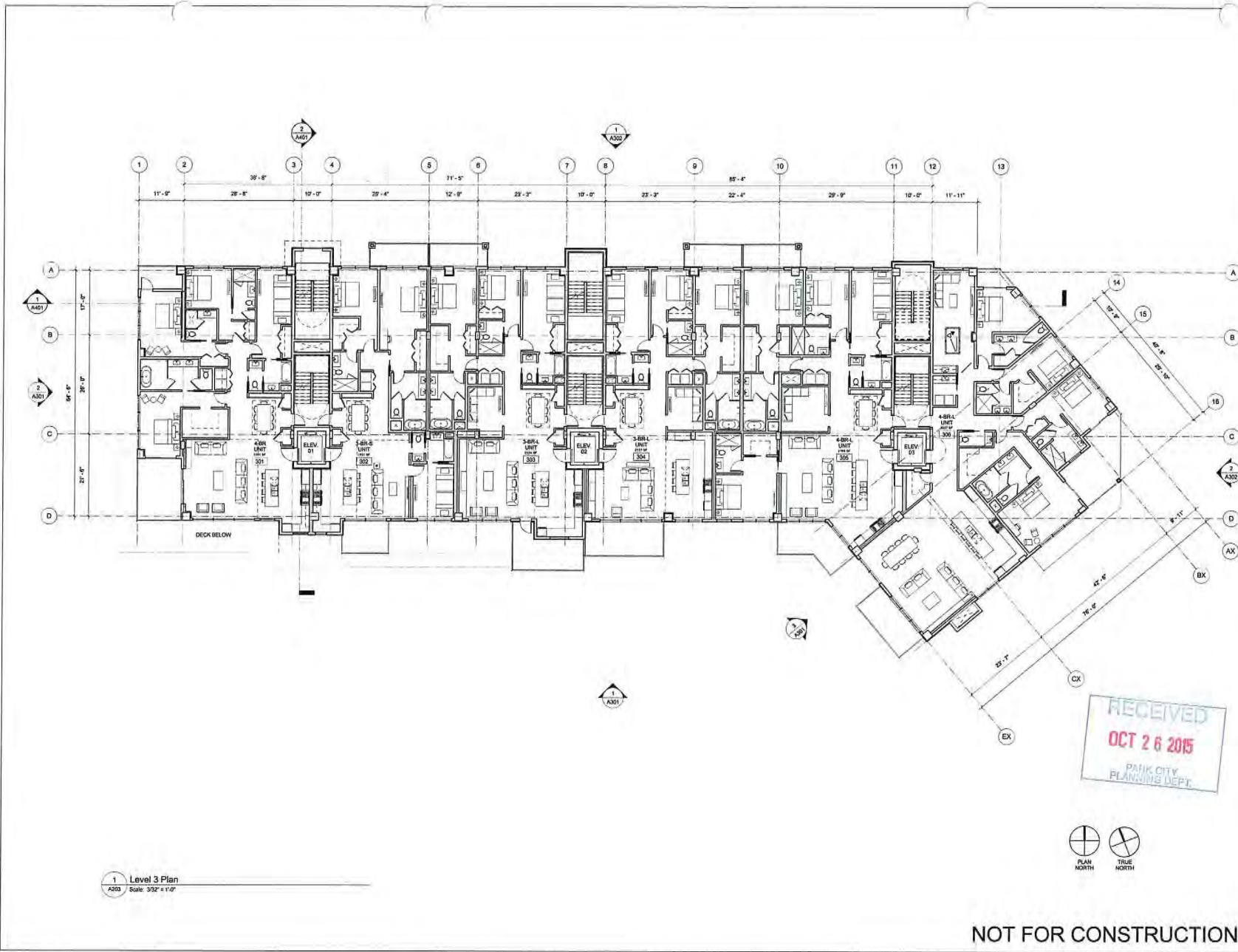
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|------------------------|-----------------------|
| Scale<br>3/32" = 1'-0" | Scale<br>1/8" = 1'-0" |
| Drawn<br>JG            | Checked<br>JG         |
| Client File            | Sheet No.             |
| Project No.<br>38654   | A202                  |



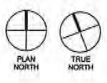
NOT FOR CONSTRUCTION

10/29/2015 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    | 3/32" | DRG SUBMITTAL |
| 2   | 10/20/2015 | JG    | 3/32" | PC DDP        |

| No. | Date | Appr. | Description |
|-----|------|-------|-------------|
|     |      |       |             |
|     |      |       |             |

**Revisions**  
None  
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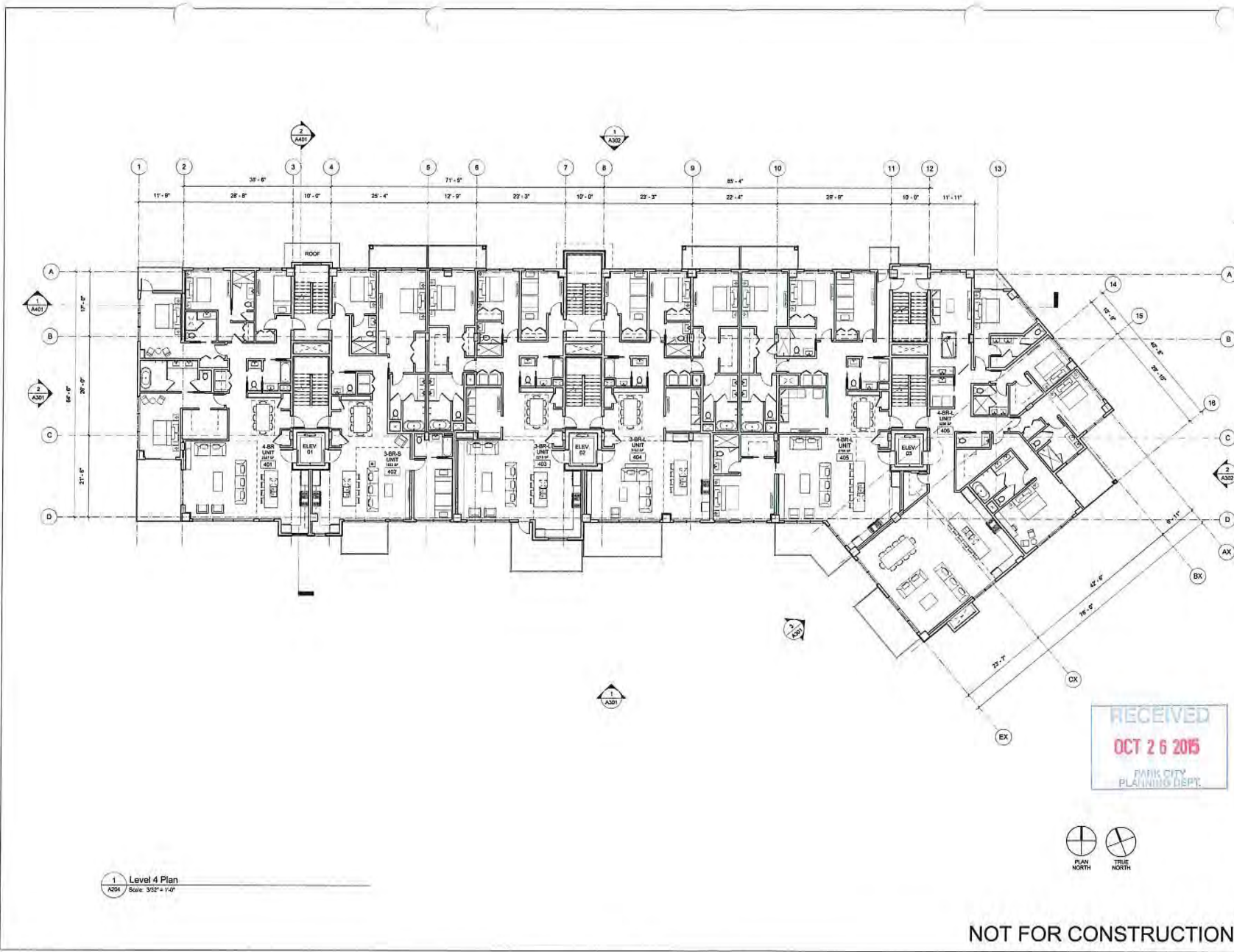
Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**LEVEL 3 PLAN**

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

10/20/2015 3:01:41 PM

10/20/2015 3:01:53 PM



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Series  
No. Date Appr. Scale Description  
1 09/21/2015 JG SP 3/8\"/>

Revisions  
No. Date Appr. Description  
1 10/20/2015 JG SP PC CLIP

Project Title  
**BUILDING 5  
EMPIRE PASS**

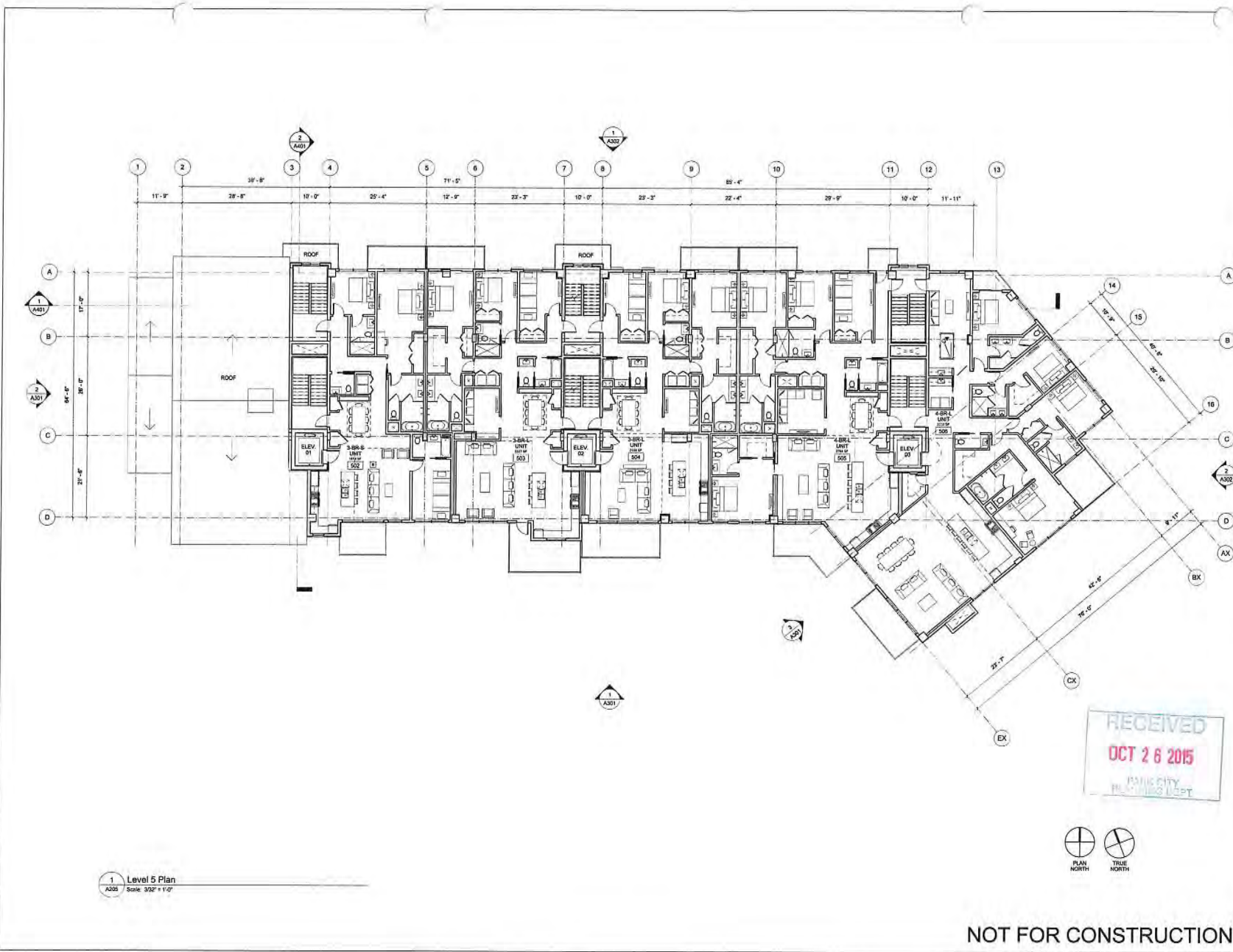
Sheet Title  
**LEVEL 4 PLAN**

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

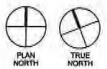
PLAN NORTH  
TRUE NORTH

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10/20/2015 3:02:04 PM



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



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| No. | Date       | Appr'd | CDR | Description   |
|-----|------------|--------|-----|---------------|
| 1   | 10/21/2015 | JG     | SP  | DRB Submittal |
| 2   | 10/19/2015 | JG     | SP  | PG CUP        |

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Vertical dimensions shall have precedence over scaled dimensions. Corrections shall be made and responsibility for all dimensions and conditions on the job and the Architect/Engineer shall be retained by the Architect/Engineer until the drawings and conditions shown on the drawing. All drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title

**BUILDING 5  
EMPIRE PASS**

Sheet Title

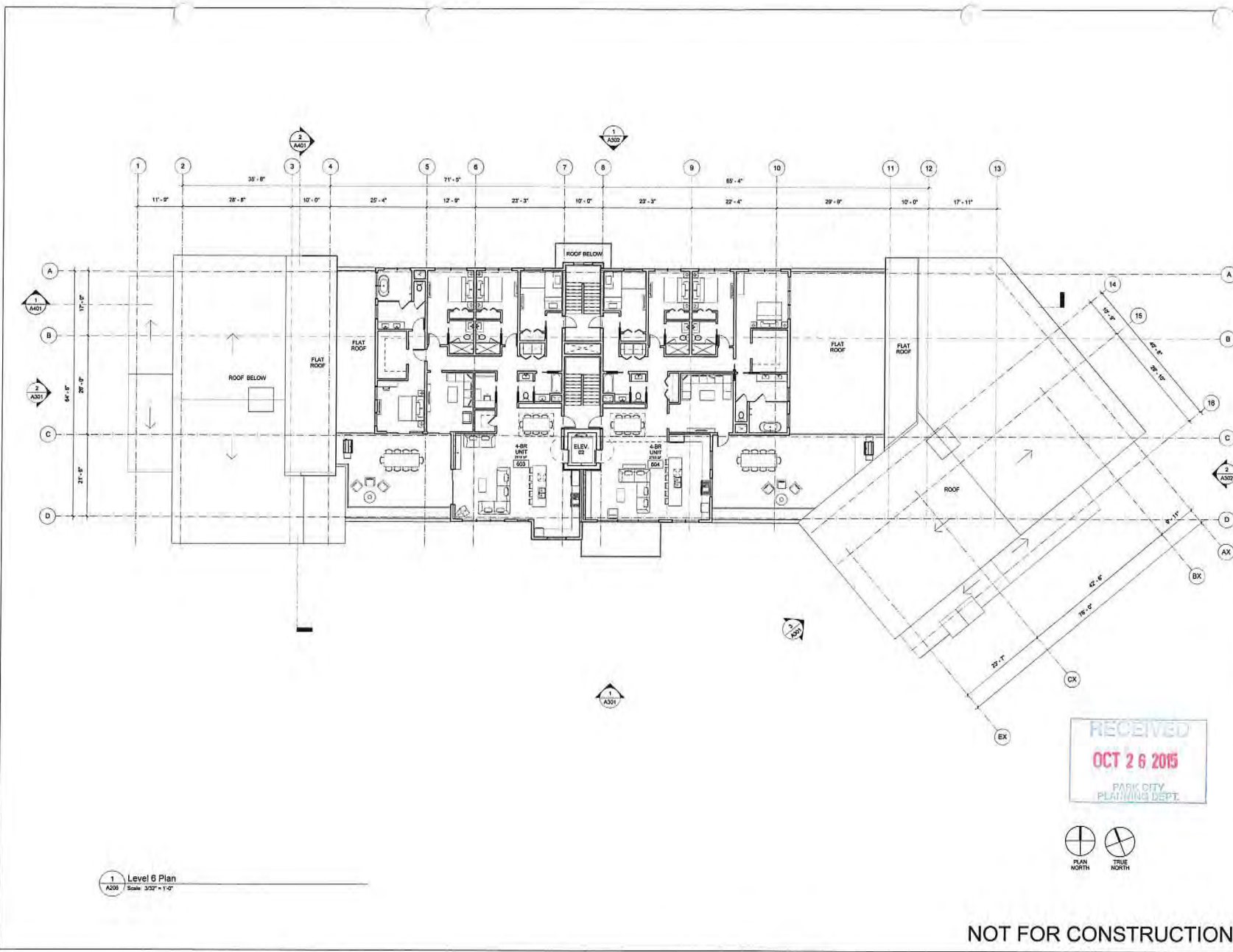
**LEVEL 5 PLAN**

| 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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| No. | Date       | Appr. | Description    |
|-----|------------|-------|----------------|
| 1   | 09/21/2015 | JG    | 005 SUBMISSION |
| 2   | 10/26/2015 | JG    | PLC SUB        |

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PLAN NORTH TRUE NORTH

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Project Title  
**BUILDING 5  
EMPIRE PASS**

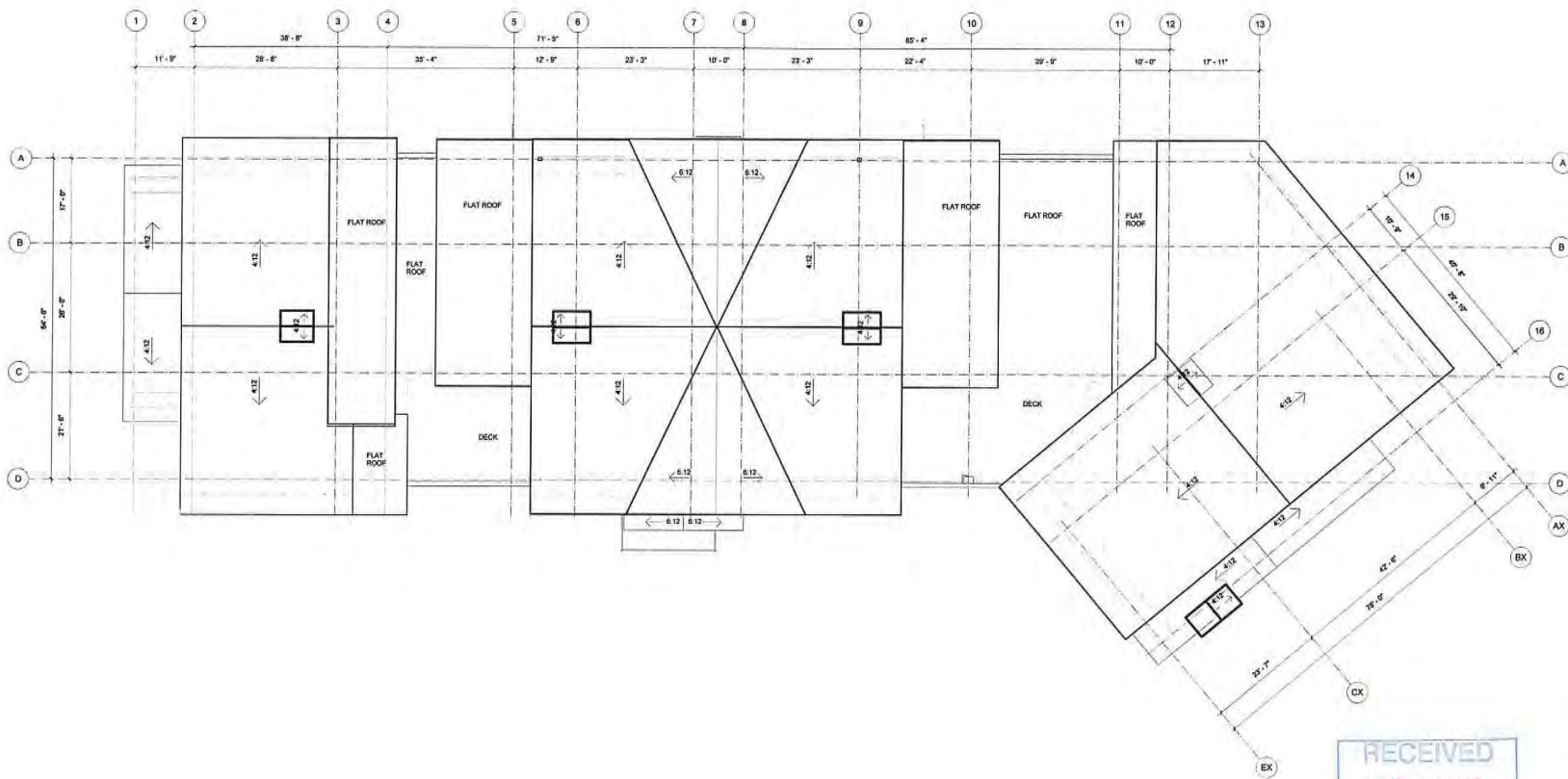
Sheet Title  
**LEVEL 6 PLAN**

|                        |                  |
|------------------------|------------------|
| Scale<br>3/32" = 1'-0" | Date<br>10/20/15 |
| Drawn<br>JGK           | Checked<br>JGK   |
| Client File            | Sheet No.        |
| Project No.<br>38854   | <b>A206</b>      |

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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| No | Date       | Appr | Drawn | Description     |
|----|------------|------|-------|-----------------|
| 1  | 09.23.2015 | JG   | BP    | 0010 SUBMISSION |
| 2  | 10.08.2015 | JG   | BP    | PERCUP          |

| No | Date | Appr | Description |
|----|------|------|-------------|
|    |      |      |             |
|    |      |      |             |

| No | Date | Appr | Description |
|----|------|------|-------------|
|    |      |      |             |
|    |      |      |             |

**Revisions**

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Unless otherwise noted, all dimensions shall have precedence over spatial dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the ground. The Architect/Engineer shall be notified of any conditions that do not conform to the conditions shown on the drawing. Once drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

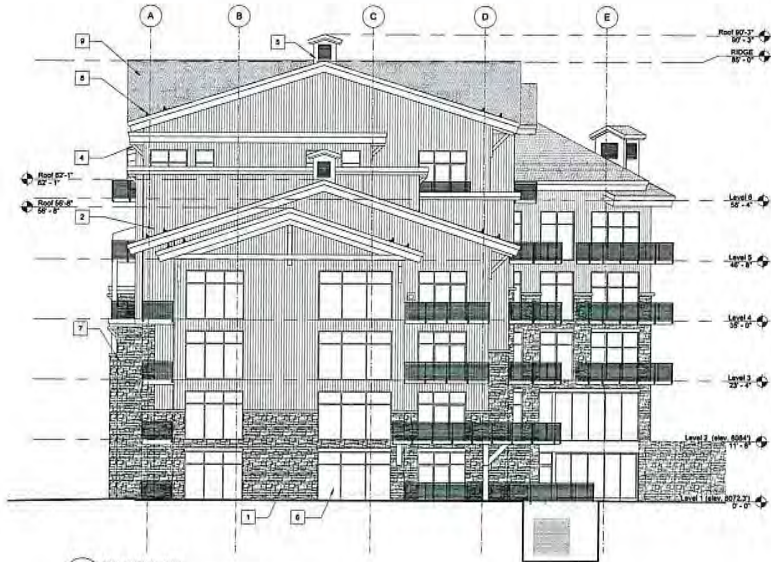
Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**ROOF PLAN**

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

# 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. | CHKD | DESCRIPTION  |
|-----|------------|-------|------|--------------|
| 1   | 08.21.2015 | JG    | BP   | DRG BUILDING |
| 2   | 10.20.2015 | JG    | BP   | PC CLIP      |

NO. DATE APPR. DESCRIPTION

Revision

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Vertical dimensions shall have precedence over scaled dimensions.

Dimensions shall apply to the structure as shown, unless otherwise specified on the job and the Architect/Engineer shall be responsible for any variations from the information and conditions shown on the drawing. Such variations shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

Project Title

**BUILDING 5  
EMPIRE PASS**

Sheet Title

**BUILDING ELEVATIONS**

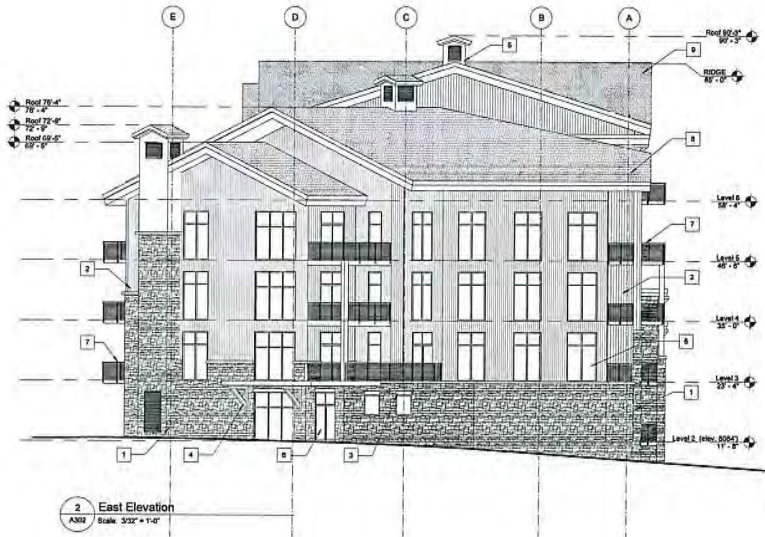
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Drawn: [Name] Checked: [Name]

Cad File: [Name] Sheet No.: [Number]

Project No.: 38654 A301

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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

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1 North Elevation  
AS01 Scale: 3/32" = 1'-0"

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Issues

| No. | Date       | Author | Check | Description    |
|-----|------------|--------|-------|----------------|
| 1   | 08.23.2015 | JG     | BP    | DNA SUBMISSION |
| 2   | 10.26.2015 | JG     | BP    | PC CLIP        |

Revisions

| No. | Date | Author | Description |
|-----|------|--------|-------------|
|-----|------|--------|-------------|

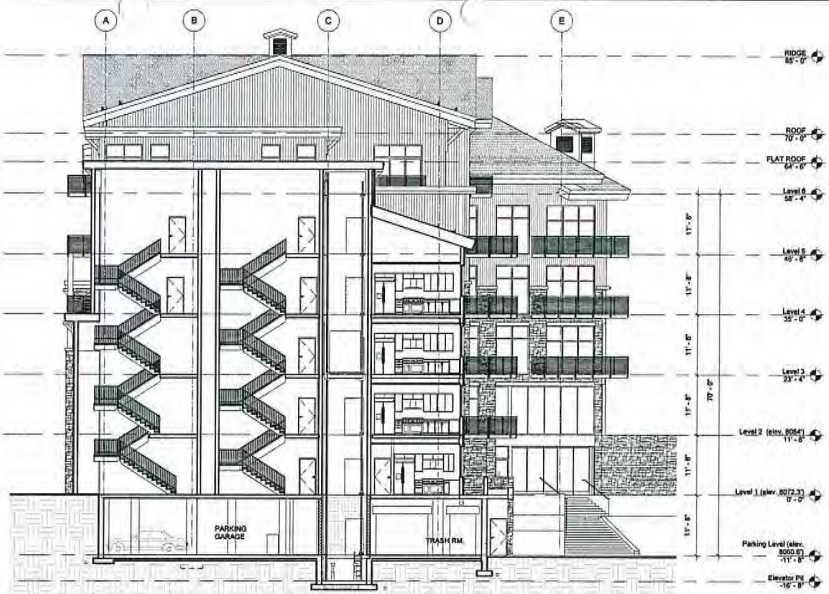
Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**BUILDING ELEVATIONS**

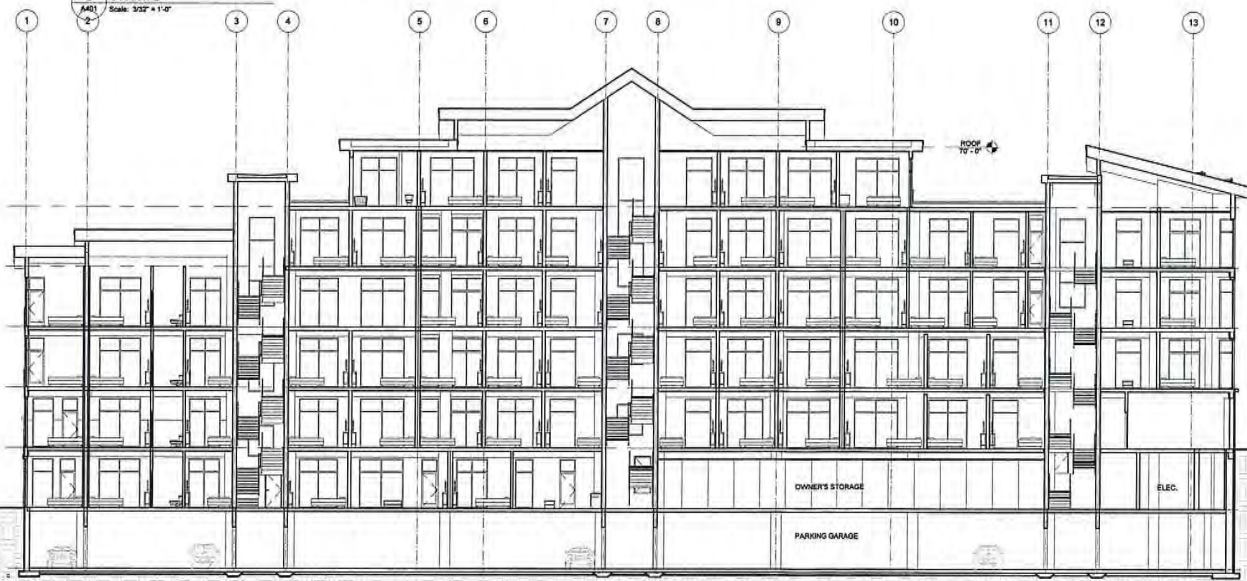
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| Call File              | Sheet No.<br>A302 |
| Project No.<br>38854   |                   |

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10/23/2015 3:08:57 PM



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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Written dimensions shall take precedence over scaled dimensions.  
Contractors shall verify and be responsible for all dimensions and locations on the job and the Architect/Engineer shall be informed of any variances from the dimensions and conditions shown on the drawings. Copy drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**BUILDING SECTIONS**

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

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NORTH ELEVATION  
SCALE 0 5 10 20 25



WEST ELEVATION  
SCALE 0 5 10 15 20 25




SOUTH ELEVATION  
SCALE 0 5 10 20 25



EAST ELEVATION  
SCALE 0 5 10 15 20 25

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| No. | Date       | Appr. | Check | Description   |
|-----|------------|-------|-------|---------------|
| 1   | 8/21/2014  | JJK   | SP    | DRG SUBMITTAL |
| 2   | 10/28/2015 | JJK   | SP    | PC UP         |
|     |            |       |       |               |
|     |            |       |       |               |
|     |            |       |       |               |

| No. | Date | Appr. | Description |
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Special dimensions shall have precedence over general dimensions.  
 Contractor shall verify and be responsible for all dimensions and conditions on field and the Architect/Engineer shall be relieved of any responsibility for the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**COLOR  
EXTERIOR  
ELEVATIONS**

|             |            |
|-------------|------------|
| Scale       | Date       |
| Drawn       | Checked    |
| Check File  | Sheet No.  |
| Project No. | 38854      |
|             | <b>500</b> |



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CONCEPT RENDERING STREET VIEW

Notes

| No | Date     | Appr'd | Drawn | Description     |
|----|----------|--------|-------|-----------------|
| 1  | 10/21/15 | JAC    | MP    | DATE SUBMISSION |
| 2  | 10/26/15 | JAC    | MP    | PC CUP          |
|    |          |        |       |                 |
|    |          |        |       |                 |
|    |          |        |       |                 |
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|    |          |        |       |                 |

| No | Err | Appr'd | Description |
|----|-----|--------|-------------|
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 Minor discrepancies shall have precedence over stated dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the site and the Architect/Engineer shall be informed of any variances from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title

**BUILDING 5  
 EMPIRE PASS**

Sheet Title

**CONCEPT  
 RENDERINGS**

|             |            |
|-------------|------------|
| Scale       | Date       |
| Drawn       | Checked    |
| SAI         | JAC        |
| Client File | Sheet No.  |
|             | <b>501</b> |
| Project No. | 38654      |





CONCEPT RENDERING OF POOL DECK

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Revisions

| No | Date       | Apprv | Description |
|----|------------|-------|-------------|
| 1  | 8/27/2015  | JG    | RF          |
| 2  | 10/02/2015 | JG    | RF          |

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Written alterations shall have provisions over signed 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 for all dimensions and conditions shown on this drawing. Other drawings shall be submitted to the Architect/Engineer for approval before proceeding with construction.

Project Title  
**BUILDING 5  
 EMPIRE PASS**

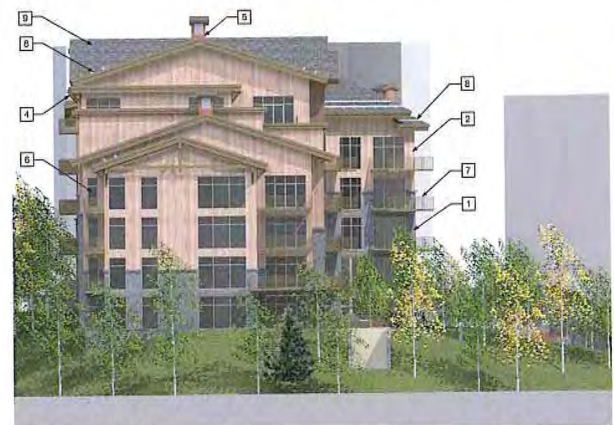
Sheet Title  
**CONCEPT  
 RENDERINGS**

|            |         |
|------------|---------|
| Scale      | Date    |
| Drawn      | Checked |
| Design     | 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



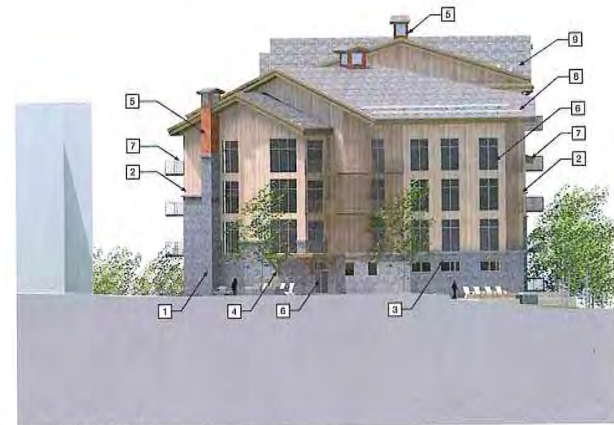
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SCALE 0 5 10 15 20 25



**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   | 02/10/16 | JCS    | BP    | DRG SUBMISSION |
| 2   | 10/20/16 | JCS    | BP    | PC CLIP        |

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Vision dimensions shall have precedence over applied dimensions.  
Construction shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be informed of any variations from the dimensions and conditions shown on the drawing. Close drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

Project Title  
**BUILDING 5  
EMPIRE PASS**

Sheet Title  
**COLOR  
EXTERIOR  
ELEVATIONS**

|             |           |
|-------------|-----------|
| Scale       | Date      |
| Drawn       | Checked   |
| Cell File   | Sheet No. |
| Project No. | 38854     |

**500**

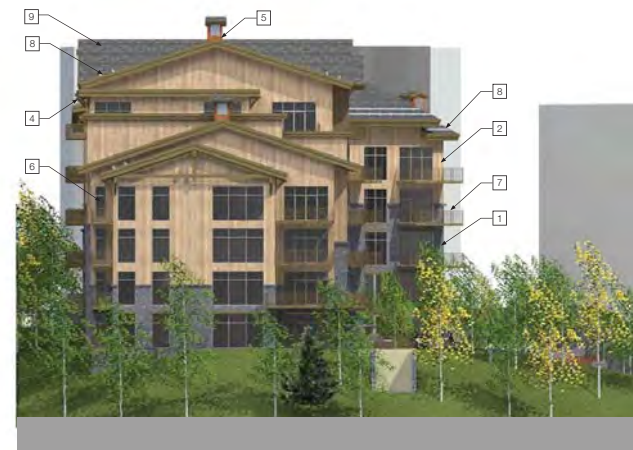




**NORTH ELEVATION**  
SCALE



**SOUTH ELEVATION**  
SCALE



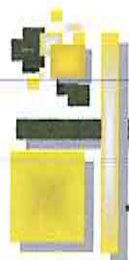
**WEST ELEVATION**  
SCALE



**EAST ELEVATION**  
SCALE

|    |  |
|----|--|
| 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                |

|   |            |   |                |
|---|------------|---|----------------|
| Client  |            | east west partners  |                |
| Prime Consultant  |            | <br><b>IBI GROUP</b><br>10 Exchange Place, Suite 112<br>Salt Lake City, UT 84111 USA<br>tel 801 532 4233 fax 801 532 4231 |                |
| Seal  |            |   |                |
| Consultants   |            |   |                |
| Issues  |            |   |                |
| No.   | Date       | Apprv   | Decript        |
| 1   | 9/21/2015  | JG  | DRB SUBMISSION |
| 2   | 10/26/2015 | JG  | PC ClpP        |
| Revisions   |            |   |                |
| No.   | Date       | Apprv   | Description    |
|   |            |   |                |
| Notes   |            |   |                |
| <p>This drawing, as an instrument of service, is the property of the Architect/Engineer and may not be reproduced without their permission and unless the reproduction carries their name, all design and other information shown on this drawing are for the use on the specified project only and shall not be used otherwise without written permission of the Architect/Engineer.</p> <p>Written dimensions 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 informed of any variations from the dimensions and conditions shown on the drawings. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.</p> |            |   |                |
| Project Title   |            |   |                |
| <b>BUILDING 5</b>   |            |   |                |
| <b>EMPIRE PASS</b>  |            |   |                |
| Sheet Title   |            |   |                |
| <b>COLOR</b>  |            |   |                |
| <b>EXTERIOR</b>   |            |   |                |
| <b>ELEVATIONS</b>   |            |   |                |
| Scale   | Date       | 10/26/15  |                |
| Drawn   | Checked    | JCL   |                |
| DM  |            |   |                |
| Clis File   | Sheet No.  | 500   |                |
| Project No.   | 38654      |   |                |



DOUGLAS CLYDE  
Mountain Resort Consulting Services, LLC

P.O. Box 561  
5258 N. New Lane  
Oakley, UT 84055

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## MEMO

To: Kirsten Whetstone

Re: Building 5 Volumetric Analysis

Date: 12/15/15

Kirsten, following up on our meeting of last week, I have attached some drawings that detail the façade and roof shifts in building number 5 of Empire Pass. The data in these drawings correspond to the volumetric analysis in that MPD approval. In short, the building meets or exceeds those design elements that were contemplated in the MPD. The volumetric analysis is essentially broken down into building height and façade shifts the dimensions of which are called out on the attached drawings. Beyond the volumetrics, the project square footage is controlled by the unit equivalent formula (UE) and the total unit count, which is a unique requirement of the Empire Pass approval. UEs and units float within the Village MPD approval and are not specific to any building. In short, every building can have as many units and UEs as can be contained in the volumetrics.

### Building Height:

Maximum building height was detailed for each building and further broken down within each building to provide stepping of the building at each end. The height of the building was determined from existing grade and corresponded to visual analysis that was presented during the MPD approval. As can be seen in the attached drawing, the building is substantially under the maximum heights in all reaches of the building.

### Volumetrics:

Each building (1-9) within the Village was associated with a specific volumetric drawing and subject to the Supplemental Project Description. The drawings themselves are representative of the anticipated forms and are sometimes repeated from one to another, albeit that no two buildings were meant to be identical.

Mountain Resort Consulting Services, LLC  
Douglas Clyde its Managing Member  
Phone: 435-333-8001 - Fax: 435-333-8002 - email: dcllyde@allwest.net

The Volumetric section of the Supplemental Project Description noted, among other things:

*“The intent of the volumetric analysis is to define the architectural massing of a building and insure that the mass of the building is broken up by significant façade and roofline shifts.... ”*

*“The volumetrics generally depicts the location and heights modeled in the attached visual analysis, however there has been, and will continue to be, some changes in the shapes and approximate locations of the buildings as the plans evolve through the design process.”*

With respect to Building 5, the architecture in the CUP closely follows the volumetric diagram, so no extrapolation is required to interpret the building mass per se. The building has several façade and roof shifts that meet or exceed the expectations of the MPD approval and its overall height as a percentage of length is likewise compliant. Further, while the overall height of the building is lower than the total allowance, the mass of the building shifts as specified. See attached drawings.

There has been some specific questions about the roof zone (the “1/2 story”) and what its utility is in the overall approval. The purpose of defining this zone was to prevent penthouse units from having large vaulted ceilings with associated glazing. In short, glazing and ceiling height were limited by the restriction on stem wall height or physical limitations on the size of dormers. If dwelling units were in the roof zone, this would drive roof forms that were consistent with “mountain” architecture. In addition, and for the same purpose, the floor to floor height restriction was also incorporated, again primarily to avoid excessive glazing and forms that were not in the vernacular of traditional mountain architecture. By and large, this restriction has caused the typical building in Empire Pass to avoid residential units in the “roof zone”. Such is the case with this CUP.

Attachments:

Building 5 façade shift and height analysis  
Flagstaff MPD with attachments (Supplemental Project Description)

Village MPD  
Supplemental Project Description and Conditions

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**Site Plan**

The site plan for the project shows the location of the nine condo-lodge buildings that have received additional height as established in the volumetrics. The shape and location of these buildings on the site plan are approximate and are more fully described in the attached volumetric analysis. The building locations for the nine condo lodges are controlled by the preliminary parcel map. Within the parcels on that map areas have been identified where reduced setbacks will be allowed. Final dimensions of these setback reductions will be determined at CUP approval for the individual buildings. Building location within the parcel is subject only to the zoned setbacks and the approved reductions, and general compliance with preservation of significant vegetation as shown on the MPD Limits of Disturbance exhibit.

**Volumetrics**

The intent of the volumetric analysis is to define the architectural massing of a building and insure that the mass of the building is broken up by significant façade and roofline shifts, as well as introducing architectural elements at the base of the building. The volumetrics define three distinct zones within the building: a parking zone, the intermediate floor plates and a roof zone. The roof zone is a region in which the roof shapes and architectural elements that appear in the project design guidelines are required to be employed in order to break up the building massing and provide architectural character. The roof zones are allowed as residential or mechanical space.

The volumetrics generally depicts the location and heights modeled in the attached visual analysis, however there has been, and will continue to be, some changes in the shapes and approximate locations of the buildings as the plans evolve through the design process.

The volumetrics will be used in conjunction with the approved project Design Guidelines to control final architecture that will be reviewed by the Planning Commission at a subsequent CUP.

## **Building Height**

Building height is measured continuously from the highest point of the building to the existing grade directly below that point. The isometric diagrams establish maximum heights at various areas of the building. This height allow for three separate elements above existing grade as follows:

1. Height to accommodate the roof and residential units within the roof zone.
2. Height for the intervening full floors of residential below the roof zone, and
3. Height for a varying amount of parking structure above the existing grade depending on where you draw the section through the building.

The sum of these three elements cannot exceed the maximum heights and are further restricted as follows:

### **Floor to Floor Height**

The isometric diagram shows numbered full height floors that are sandwiched between the garage and roof zone. The floor to floor height of these floors is limited to 12'. The remaining height up to the maximum height of the building is available only for roof elements, garage, and the provision for residential units in the roof zone as described below.

### **The Roof Zone**

In addition to the numbered floors that are between the roof zone and the garage, there is a provision for units in the roof. Residential units are encouraged within the roof to the extent that they add architectural interest by providing for dormers and window elements in the roof. Out of the maximum height allowed within each area of a building, up to 6' of that height can be allocated for a stem wall in order to accommodate a functional residential unit in the roof. The height of the stem wall is measured from the floor of the unit to where the units ceiling intersect the wall on the inside of the unit. The floor of the Roof Zone unit cannot be more then 12' above the floor of the lower unit. Acceptable roof forms are found in the approved Design Guidelines.

### **Ground Floor Architectural Elements**

The volumetrics denote "entry structures" at possible locations that are intended to break down the mass of the structure at the entry points. In addition, a portion of the ground floor will have architectural elements such as covered balconies that will project out from the façade above in order to break down overall building scale.

### **Building Appurtenances and Exceptions**

Beyond the height and massing shown in the volumetrics, some appurtenances are allowed outside of this envelope. Acceptable appurtenances include but are not limited to:

1. Dormer with ridge heights not exceeding the ridge height of the roof to which they are attached
2. Chimneys and chimney roof forms used for HVAC equipment and mechanical penthouses provided that they do not extend more the 5' above the top of the roof. Elevator penthouses may exceed the ridge height by 8'.
3. Skylights not exceeding 3' above the ridgeline of the roof that it is on
4. Code required parapet walls
5. Roof overhangs, brackets and bracing
6. Awnings
7. Covered and uncovered balconies
8. Grade level arcades not to exceed 15' in height
9. Kiosks, pool and spa pavilions, outdoor food service not exceeding 15' in height
10. Bay windows not exceeding 5' in depth measured perpendicular to the building
11. Screened and covered HVAC equipment
12. Porte Cochere structures not to exceed 28' in height
13. Accessory buildings and other structures and appurtenances as allowed in the zone by the LMC

Appurtenances that fall outside of the building envelope must not remove significant vegetation as preserved in the Limits of Disturbance plan and are subject to Planning Commission approval through a CUP. All appurtenances are subject to the projects approved Design Guidelines.

### **Conservation Easements and Conservation Parcels**

Conservation Easements and Conservation Parcels are to remain as open space. Their purpose is to maintain a vegetative buffer between the project and Marsac Avenue. No structures, accessory building or appurtenances are allowed in any Conservation Easement or Conservation Parcel. Only those utilities as approved by the MPD or as revised in subsequent CUPs are allowed. Signs, as allowed by the Land Management Code, which are adjacent to the road, are allowed provided they do not cause the removal of Significant Vegetation as defined by the LMC.



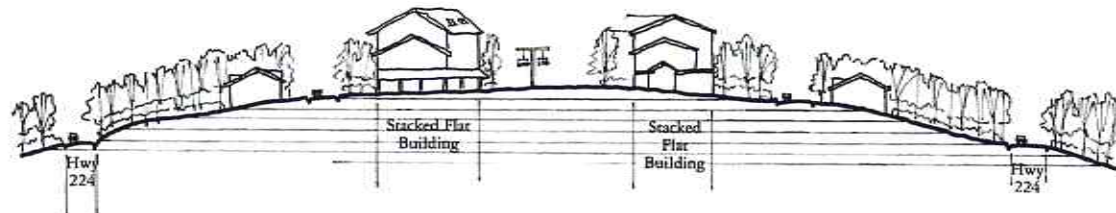
May 6, 2004

HART HOWERTON  
 PLANNING ARCHITECTURE  
 1175 W. 1000 S. SUITE 100  
 PARK CITY, UT 84302

**THE VILLAGE AT EMPIRE PASS**  
 Park City, Utah

**Building Height Diagram**

\* Revised Building Height Diagram as requested by the Park City Planning Commission.



SECTION AA



SECTION BB



SECTION CC



May 6, 2004

United Park City Mines Company

HART HOWERTON  
PLANNING ARCHITECTURE  
 ENGINEERING ENVIRONMENTAL  
 LANDSCAPE ARCHITECTURE

THE VILLAGE AT EMPIRE PASS  
 Park City, Utah

*Pod A Preliminary Sections  
 Volume Analysis*



20% PERMITTED TO 80'-0"

55% PERMITTED TO 92'-0"

25% PERMITTED TO 74'-0" (AS PER VOLUMETRICS)

92'-0" ABOVE EXISTING GRADE

80'-0" ABOVE EXISTING GRADE

74'-0" ABOVE EXISTING GRADE



(AS PER VOLUMETRICS)

(AS PER VOLUMETRICS)

20% PERMITTED TO 80'-0"

55% PERMITTED TO 92'-0"

25% PERMITTED TO 74'-0"



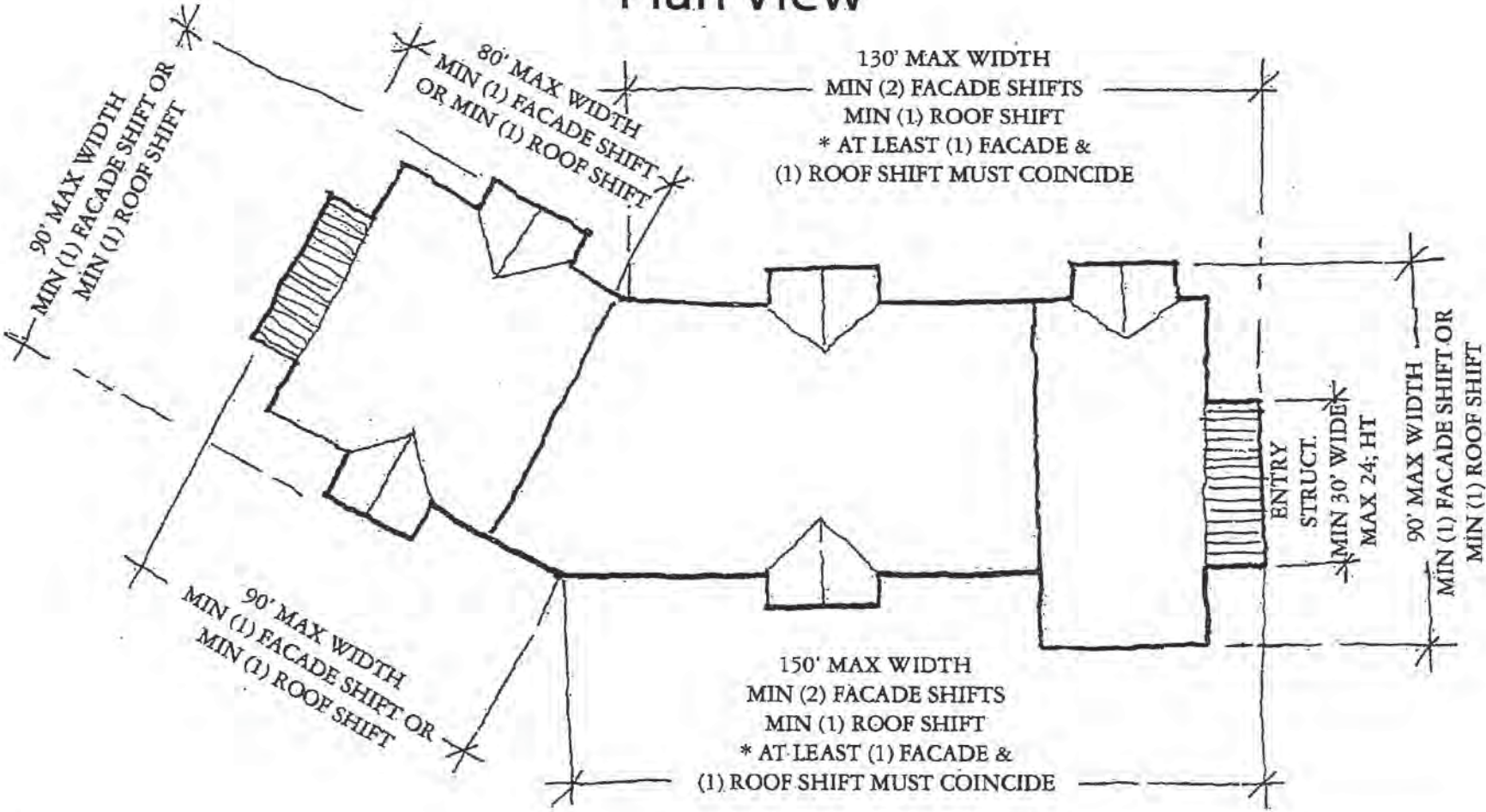
25% PERMITTED TO 74'-0"

55% PERMITTED TO 92'-0"

20% PERMITTED TO 80'-0"

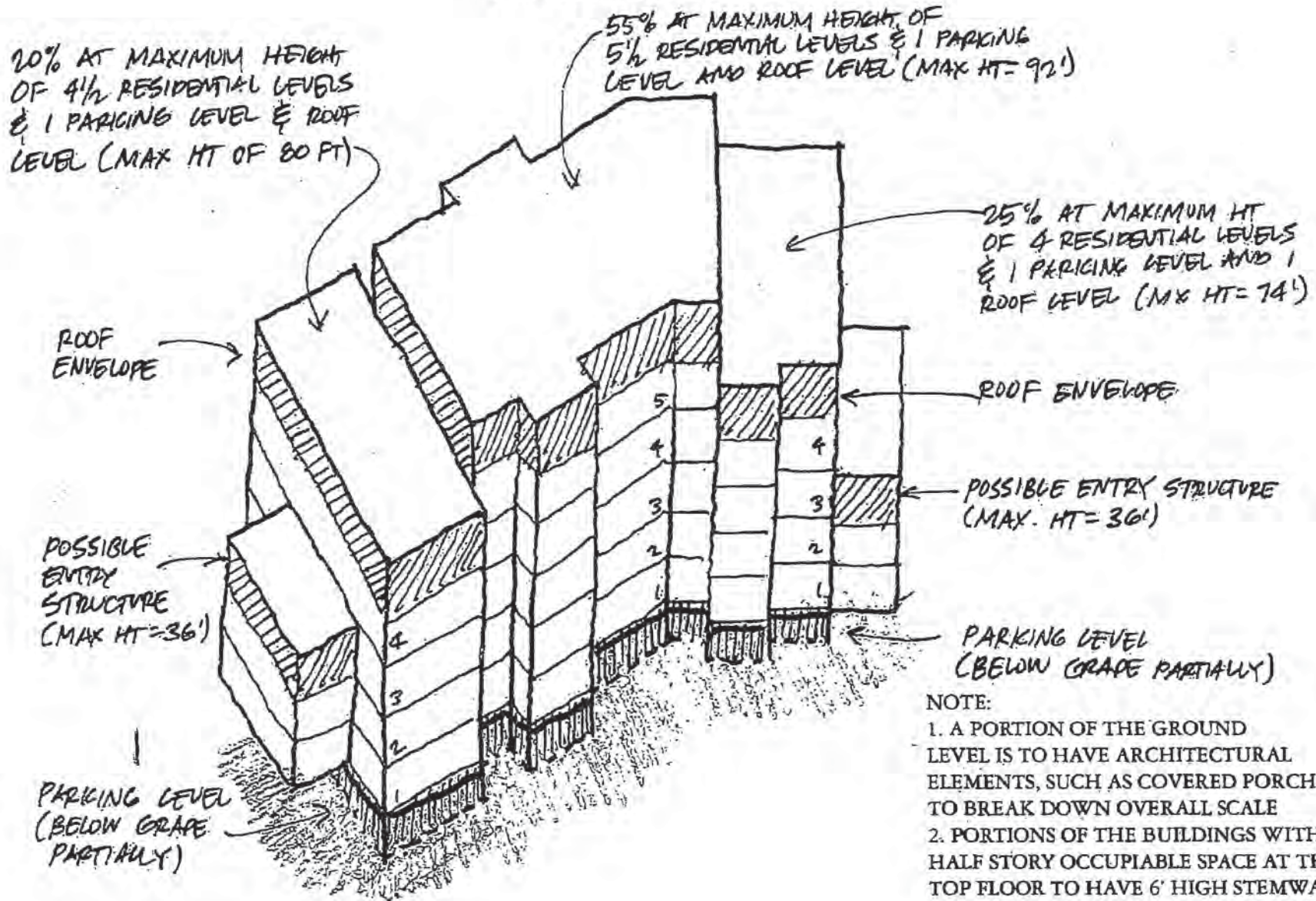


# Building 5 Volumetric Plan View



- 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**

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

### **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:

| <b>Lot</b>              | <b>Unit Equivalents</b>          | <b>Actual Units</b> | <b>Acres</b>          |
|-------------------------|----------------------------------|---------------------|-----------------------|
| 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                               |
| <b>TOTAL: 77 units (10 SFD homes do not count towards total)</b>   | <b>123.7</b>  | <b>77</b> | <b>28.35 acres outside of Pod A</b> |

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             |
| <b>Total</b>  | <b>375</b>      | <b>298</b>   | <b>38</b>     | <b>6</b>      |

## 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

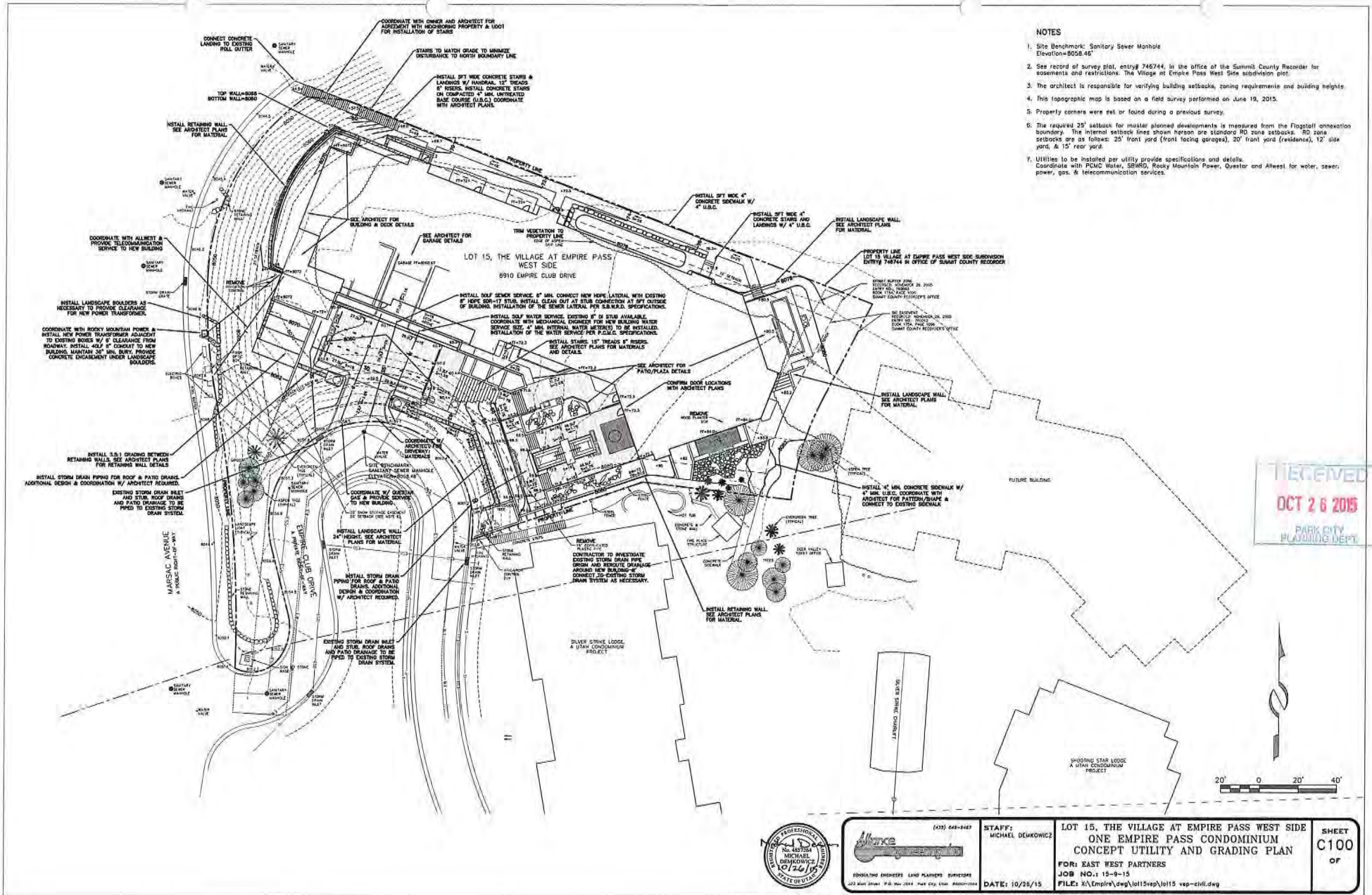


- buildings require a CUP review by the Planning Commission. All other units are to be reviewed at a Staff level.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the issuance of any building permits within the Village Master Planned Development area.
  3. Utility 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, SERMCO, Rocky Mountain Power, Questar and Altwest for water, sewer, power, gas, & telecommunication services.

RECEIVED  
OCT 26 2015  
PARK CITY PLANNING DEPT.



**WORK ENGINEERS**  
ENGINEERING PROFESSIONALS  
225 Main Street, P.O. Box 2044, Park City, Utah 84302-2044  
(435) 649-9443

STAFF:  
MICHAEL DEHKWICZ

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

SHEET  
**C100**  
OF



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

12/10/15

Mr. Cassel  
Park City Engineer  
Po Box 1480  
Park City Utah, 84060

RE: One Empire Pass storm water management

Dear Mr. Cassel:

As a follow up to our meeting on December 3, 2015, the purpose of this letter is to address the storm water management for the One Empire Pass lodge located on Lot 15, the Village at Empire Pass west side subdivision.

The master plan approval of Empire Pass and the subsequent infrastructure, including roads, utilities and a storm water detention pond occurred more or less between 2000 and 2007. The design for the detention pond located just south of the water tank in Empire Canyon (Daly Avenue) was to contain the increase runoff for the 100 year storm event due to the entire Empire Pass Development, which includes all of Village at Empire Pass, the development adjacent to the Northside chairlift at Deer Valley as well as the Montage and the Red Cloud Subdivision. The detention pond accounted for all hardscape areas of the development. The detention pond and the storm drain piping and inlets have been installed and the system is currently operating.

The proposed plan for One Empire Pass is to utilize the existing storm drain system for the driveway and south plaza area for storm water runoff as originally intended for the development. Portions of the building area, such as the north, east and west side of the building is proposed for on-site storm water detention and infiltration within the landscape areas outside of the building that is consistent with current Park City storm water management requirements.

The storm water management of One Empire Pass is consistent with the original and current Park City storm water management requirements and will utilize the storm drain and detention pond system as well as isolate areas of the new development for on-site detention and infiltration within the landscape areas.

Sincerely,

ALLIANCE ENGINEERING, INC.

Michael Demkowicz, PE

**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

Planning Commission Packet January 13, 2016

1000'

(435) 649-9467-PHONE  
(435) 649-9475-FAX

**Alliance Engineering Inc.**

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

Page 362 of 406

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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

EMPIRE CANYON  
DETENTION POND

EXISTING  
WATER  
TANK

EXISTING EPHEMERAL  
STREAM CHANNELS

TO DALY AVENUE  
DETENTION POND

TO MARSAC AVENUE  
DETENTION PONDS

EXISTING EPHEMERAL  
STREAM CHANNELS

STORM DRAIN PIPE  
(TYPICAL)

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

STORM DRAIN  
INLET/MANHOLE  
(TYPICAL)

EMPIRE PASS &  
DEER VALLEY  
SKI RESORT

DELINEATION LINE

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

Planning Commission Packet January 13, 2016

1000'

(435) 649-9467-PHONE  
(435) 649-9475-FAX

**Alliance  
Engineering Inc.**

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2684 Park City, Utah 84060-2684  
Page 363 of 406

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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

Agreement PAGE 1 / 49

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



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

THIS AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement") is entered into as of the 2<sup>nd</sup> 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"** provisionally<sup>1</sup> means (a) DEVELOPER's failure to pursue a sequential permit (i.e. Small Scale MPD permit, conditional use permit, subdivision application, or building permit) by failing to submit a complete application for such a permit or by failing to respond to the City's written requests for information which the City deems is necessary to process the application; or (b) DEVELOPER's failure to sustain permitted construction such that the permit under which construction is allowed, expires or is otherwise suspended or revoked.
- 1.6 **"Meeting Accessory Uses"** provisionally<sup>2</sup> means uses normally associated and necessary to serve meeting and banquet space. Meeting Accessory Uses do not require the use of Unit Equivalents and include:
- 1.6.1 Administrative and Banquet Offices
  - 1.6.2 Banquet Storage Areas
  - 1.6.3 Banquet Prep Areas Storage Areas
  - 1.6.4 Common A/V Storage Areas
  - 1.6.5 Coat Check Areas
  - 1.6.6 Public Restrooms
  - 1.6.7 Public Telephone Areas
  - 1.6.8 Public Hallways
  - 1.6.9 Public Circulation Areas.
- 1.7 **"Mountain Village"** means that mixed-use portion of Flagstaff Mountain described and depicted as the Mountain Village in Exhibit A attached hereto and limited to a total of 87 acres, within three development Pods (A, B<sub>1</sub>, and B<sub>2</sub>) and maximum densities, unit equivalencies and configuration more fully described herein.

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<sup>1</sup> 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.

<sup>2</sup> 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”** provisionally<sup>3</sup> 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:

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

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

1.15 **“Resort Accessory Uses”** provisionally<sup>4</sup> 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

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<sup>4</sup> 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.<sup>5</sup> 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:

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<sup>5</sup> Hotel rooms of 500 square feet or less constitute  $\frac{1}{4}$  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.<sup>6</sup> Such density shall be configured as multi-family, hotel, or PUD units, provided the PUD units do not exceed 60. PUD units consume Unit Equivalents in the same respect as multifamily units. Additionally, the Mountain Village may contain up to 16 detached single family home sites.
- 2.2.1.4. **Pedestrian Village.** At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A), and must be located within a five-minute walk of the Transportation Hub. All three development pods (Pods A, B<sub>1</sub>, and B<sub>2</sub>) 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

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

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

- 2.2.1.6. **Mine Site Reclamation.** To the greatest extent possible, DEVELOPER shall locate density in disturbed areas. This provision applies primarily to potential density at the Daly West site. Additionally, DEVELOPER shall reclaim<sup>7</sup> 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.

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<sup>7</sup> 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 the manner shown. Access to and use of certain areas may be restricted and subject to the payment of additional fees and restrictions. The common areas shown 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.



May 6, 2004

HART HOWERTON  
ARCHITECTS

THE VILLAGE AT EMPIRE PASS  
Park City, Utah

*Master Plan - Summer*

Empire Pass within Flagstaff Development Agreement Density Summary

12/22/15

1. Residential

| Location Pod   | Building or lot   | Desc.                                     | Average Sq Ft per Unit | Type  | MF Total Net sq ft | MF Unit Equivalent total per proj | Total MF Units Lodge, PUD, TH | Total MF Units as PUDs | Total Single Family | Notes   |
|--|---|---|------------------------|-------|--------------------|-----------------------------------|-------------------------------|------------------------|---------------------|---|
| <b>PLATTED / COMPLETED / UNDER CONSTRUCTION/SOLD</b> |   |   |                        |       |                    |                                   |                               |                        |                     |   |
| A  | 2   | Shooting Star                             | 1,719                  | Lodge | 36,109             | 18.1                              | 21                            | 0                      | 0                   |   |
| A  | 5*  | East West One Empire Pass (aka Snowberry) | 2,427                  | Lodge | 65,537             | 32.8                              | 27                            | 0                      | 0                   | Plus 1 ADA unit plus 1 EHU (Employee Housing U                        |
| A  | 6   | Silver Strike (Koson)                     | 2,097                  | Lodge | 71,305             | 35.7                              | 34                            | 0                      | 0                   | Plus 1 ADA unit plus 2 EHU.   |
| A  | 7   | Flagstaff Lodge                           | 1,987                  | Lodge | 73,506             | 36.8                              | 37                            | 0                      | 0                   | Plus 1 EHU.   |
| A  | 8   | Arrowleaf A                               | 1,659                  | Lodge | 46,458             | 23.3                              | 28                            | 0                      | 0                   | Plus 3 EHU  |
| A  | 9   | Arrowleaf B                               | 1,741                  | Lodge | 48,746             | 24.4                              | 28                            | 0                      | 0                   | Plus 2 ADA  |
| A  | H   | Grand Lodge                               | 2,420                  | Lodge | 65,344             | 32.7                              | 27                            | 0                      | 0                   | Plus 1 ADA unit   |
| A  | 13-30   | Belles (aka Friends of Bannerwood) PUD    | 5,294                  | PUD   | 90,000             | 45.0                              | 17                            | 17                     | 0                   | Max SF per PSA. 17 homes platted.                                     |
| A  | 1-12  | Paintbrush PUD style                      | 5,256                  | PUD   | 63,074             | 31.6                              | 12                            | 12                     | 0                   | Includes garages over 600 sf  |
| A  | 1-15  | Larkspur East Townhouses                  | 3,246                  | TH    | 48,696             | 24.4                              | 15                            | 6                      | 0                   | Duplex TH use two PUDs.   |
| A  | 21-32   | Larkspur West Townhouses                  | 3,439                  | TH    | 41,273             | 20.7                              | 12                            | 0                      | 0                   |   |
| A  | SF  | Bannerwood- Single Family                 | 10,000                 | SF    |                    |                                   | 0                             | 0                      | 6                   | 1 SF = 1 UE   |
| B1   | Lot B   | Nakoma (aka Spagot) PUD style             | 5,294                  | PUD   | 90,000             | 45.0                              | 17                            | 17                     | 0                   | Max SF per PSA. 17 homes platted.                                     |
| B1   | Lot C   | Ironwood Townhouses                       | 3,223                  | TH    | 74,130             | 37.1                              | 23                            | 0                      | 0                   | Plus 1 EHU. Platted as 24 units, but two combined.                    |
| B1   |   | Northside Village- Single Family          |                        | SF    |                    |                                   | 0                             | 0                      | 10                  | 1 SF = 1 UE   |
| <b>Empire Village Subtotal (Pods A and B1)</b>       |   |   |                        |       | <b>814,178</b>     | <b>407.6</b>                      | <b>298</b>                    | <b>52</b>              | <b>16</b>           |   |
| D  | <b>Red Cloud Subdivision all Single Family (not part of the MV)</b> |   | 10,000                 | SF    |                    |                                   |                               |                        | 30                  | 1 SF = 1 UE<br>All platted, 8 built/being built (6 COs)- double check |
| B2   | West  | Montage Hotel 174 rooms                   | 809                    |       | 139,150            | 69.6                              |                               | 0                      | 0                   | Counts as 1 CO  |
| B2   | West  | Montage 81 Condos                         | 2,812                  |       | 227,800            | 113.9                             | 81                            | 0                      | 0                   | As built stats from condo map.  |
| <b>B2 Subtotal</b>                                   |   |   |                        |       | <b>366,950</b>     | <b>183.5</b>                      | <b>81</b>                     | <b>0</b>               | <b>0</b>            | All built and platted   |
| <b>Mountain Village (Pods A, B1 and B2)</b>          |   |   |                        |       |                    |                                   | all MF                        | PUD MF                 | SF                  |   |
| <b>Totals</b>  | <b>Density Platted or Sold (includes One Empire Pass)</b>           |   |                        |       | <b>1,181,128</b>   | <b>591.1</b>                      | <b>379</b>                    | <b>52</b>              | <b>16</b>           |   |
| MV only  | <b>Development Agreement Limits</b>                                 |   |                        |       | 1,570,000          | 785.0                             | 550                           | 60                     | 16                  |   |
|  | <b>Remaining Density = 179 units</b>                                |   |                        |       | <b>388,873</b>     | <b>193.9</b>                      | <b>171</b>                    | <b>8</b>               | <b>0</b>            |   |

**Totals Certificates of Occupancy with One Empire Pass (without One Empire Pass) = 395 (368) MF= 346 SF= 22 Total Units Pods A, B1, B2, (minus 3 Belles, 4 Nak Plus 6 CO issued in Pod D)**

Notes: 1. The remaining unplatted and/or unbuilt buildings are Empire Village Sites 1 (Tower Residence), 3, 4, and 5 (One Empire Pass); Nakoma (4 left); Belles (3 left); Marsac Horseshoe (TH); VEMP-1-1 and VEMP-1-2 (TH); and POD B2 East (MF). Larkspur "18-20" will not be built by EWP as EW used density elsewhere and recorded no-build restriction on land. Ironwood was originally platted as 24 units but 2 were combined. Nakoma and Belles each platted as 17 units (45 UE).

2. Net Square Footage refers to the interior square footage of a condominium (that which is privately owned) and excludes exterior hallways, and other common and limited common space within the building.

3. Total UE (built/platted) in Pods A, B1 and B2 = 607.1 Total UE (built/platted) in Pod A (includes One Empire Pass) = 331.5 (>50%)



# Planning Commission Staff Report



**Application #s:** PL-15-03003  
**Subject:** One Empire Pass  
**Author:** Kirsten Whetstone, AICP, Sr. Planner  
**Date:** January 13, 2016  
**Type of Item:** Legislative - Condominium Record of Survey Plat

## Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing, consider public input, and forward a positive recommendation to the City Council for the One Empire Pass Condominiums record of survey plat. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

## 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) District as part of the Flagstaff Annexation and Master Planned Development  
**Adjacent Land Uses:** Deer Valley Resort, condominiums, townhouses, and other 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.

On July 28, 2004, the Planning Commission approved a MPD for the Village at Empire Pass (Pods A and B1), known as the Village Master Planned Development (VMPD) amended to include Pod B2 (Montage). As part of the 2004 Commission review of the VMPD, volumetric diagrams for the buildings within the VMPD Pod A were approved. A height exception was granted for Building 5 per these volumetric diagrams. (See CUP report for these Exhibits).

Six buildings have been built, namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. Additionally, Larkspur East and Larkspur West and Ironwood Townhouses (attached homes) have been constructed. Paintbrush, Belles, and Nakoma PUD style homes, as well as 6 Bannerwood and 10 Northside single-family homes have been platted and are constructed. 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 VMPD.

The 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 64,374 sf (32.19 UE).

The subsequent Conditional Use Permits (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.

The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005 (Exhibit C). 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 Village at Empire West Side Subdivision notes require compliance with RD zone setbacks, approval of a CUP 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 Home Owner’s Association (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 November 13, 2015, the Planning Department received an application for a Condominium Record of Survey plat (Exhibit A) for a twenty seven unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision (Exhibit C). The building is identified as Building 5 on the Village at Empire Pass MPD. The application was deemed complete on November 20, 2015. An application for a CUP was submitted on October 26, 2015, and is being reviewed concurrent with the record of survey plat. An existing conditions survey, aerial photo, and photos of the site were also submitted with the application (Exhibits B and D).

**Purpose**

The purpose of the Residential Development (RD) Zoning District is to:

- (A) allow a variety of Residential Uses that are Compatible with the City’s Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,

- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

**Land Management Code (LMC) and Village MPD Analysis**

The proposal complies with lot and site requirements of the RD Zoning District as described below.

|  | <b>RD Zoning District and/or Village at Empire Pass MPD</b>   |
|--|---|
| Lot Size                                   | No minimum lot size. Lot 15 is 1.17 acres (50,999 square feet)  |
| Building Footprint- Floor Area Ratio (FAR) | <p>Density is per the Flagstaff Annexation and Development Agreement and Village and Empire Pass MPD. Building 5 site was sold with up to 65,537 net residential square feet (32.8 UE).</p> <p>The proposed CUP is for 27 units (64,374 sf, utilizing 32.19 unit equivalents (UE). Density is based on 1 UE is equivalent to 2,000 sf of residential floor area. The Flagstaff Annexation and Development Agreement tracks both UEs (each 2,000 sf) as well as total number of units.</p> <p>The gross building is 113,293 sf, including the parking garage, mechanical, circulation, common areas, storage, and other common areas that do not use UE.</p> |
| Front yard setbacks                        | 25 feet to front facing garage, 20 feet to building. Minimum of 25 foot front setbacks are proposed.  |
| Rear yard setbacks                         | 15 feet. Minimum of 15 foot rear setbacks are proposed.   |
| Side yard setbacks                         | 12 feet. Minimum of 12 foot side setbacks are proposed.   |

|                             |  |
|-----------------------------|--|
| <p>Building Height</p>      | <p>Per Village MPD Volumetric and Height Exception Diagrams (See CUP report)</p> <p>For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.</p>                                     |
| <p>Parking</p>              | <p>The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-five (55) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area.</p> |
| <p>Architectural Design</p> | <p>All construction is subject to Village at Empire Pass Design Review Board approval and LMC Chapter 15-5-Architectural Design Guidelines with final review conducted at the time of the Building Permit.</p>   |
| <p>Residential Units</p>    | <p>27 units ranging in size from 1,140 sf to 3,164 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit.</p>  |
| <p>Commercial space</p>     | <p>No commercial space is proposed.</p>  |
| <p>Support space</p>        | <p>Common amenity areas are provided for the unit owners, including storage areas, locker rooms, fitness area, lounge and lobby areas, children's room, and small business center areas.</p>   |



|                        |   |
|------------------------|---|
| <p>Density Summary</p> | <p>The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.</p> <p>To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built.</p> <p>Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, aka Building 5.</p> <p>There is sufficient remaining density in the MPD (226.7 UE), or 198 units, to accommodate the density of Building 5 (31.8 UE) as 27 units in a lodge style building.</p> |
|------------------------|---|

This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code and is consistent with the CUP application for One Empire Pass Lodge.

The total residential square footage is 64,374 sf, utilizing 32.2 Unit Equivalentents (UEs). In addition, an Employee Housing Unit (EHU) of 900 square feet (Unit #104) and one ADA accessible unit of 944 square feet (Unit #103) are provided. The applicant requests that the EHU unit be platted as private space so that the unit can be managed and rented out by the project owners/applicant rather than turn it over to the 27 members of the future HOA. The applicant has had good success leasing the affordable units in their other buildings, typically to a manager of the property or to someone employed in the Empire Pass area. A deed restriction for the EHU unit, acceptable to the City, is a Condition of Approval prior to plat recordation. The deed restriction should outline and resolve concerns that may have come up on other affordable units platted as private. The ADA unit is platted as Common Area.

Parking is provided at 75% of the Code requirement consistent with the Development Agreement that requires a 25% reduction in parking.

**Staff finds good cause for this record of survey as this condominium plat is consistent with the development pattern envisioned in the MPD and the 14**

**Technical Reports.**

### **Department Review**

This application has gone through an interdepartmental review. Issues raised at the review have been addressed with revisions to the application and conditions of approval.

### **Notice**

The property was posted and notices were mailed to property owners within 300 feet on December 23, 2015. A legal notice was published in the Park Record on December 26, 2015. No public input has been received at the time of this report.

### **Alternatives**

1. The Planning Commission may forward a positive recommendation to City Council to approve the Condominium Record of Survey plat for One Empire Pass Condominiums, as conditioned or amended, or
2. The Planning Commission may forward a negative recommendation to deny the Condominium Record of Survey plat and direct staff to make Findings for this decision, or
3. The Planning Commission may continue the discussion on the Condominium Record of Survey plat One Empire Pass Condominiums to a date certain and provide Staff and the applicant with direction regarding additional information needed in order to make a recommendation to City Council.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application that have not been mitigated with the Flagstaff Agreement and Master Planned Development conditions and recommended conditions of approval.

### **Consequences of not taking the Suggested Recommendation**

The units could not be separately sold.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing, consider public input, and forward a positive recommendation to the City Council regarding the One Empire Pass Condominiums record of survey plat. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

### **Exhibits**

Ordinance

Exhibit A – Proposed record of survey plat

Exhibit B – Existing Conditions

Exhibit C – Subdivision plat

Exhibit D – Photos of the Site

Note- for other Exhibits please refer to the Staff Report and Exhibits for the One Empire Pass Conditional Use Permit in this same packet.

**Ordinance 16-**

**AN ORDINANCE APPROVING THE ONE EMPIRE PASS CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 8910 EMPIRE CLUB DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the One Empire Pass, located at 8910 Empire Club Drive, Lot 15 of the Village at Empire Pass West Side Subdivision, have petitioned the City Council for approval of the One Empire Pass Condominiums record of survey; and

WHEREAS, the property was noticed on December 26, 2015 and posted on December 23, 2015, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on December 23, 2015; and

WHEREAS, the Planning Commission held a public hearing on January 13, 2016, to receive input on the One Empire Pass Condominiums record of survey;

WHEREAS, the Planning Commission, on January 13, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on February 10, 2016, the City Council held a public hearing on the One Empire Pass Condominiums record of survey; and

WHEREAS, it is in the best interest of Park City, Utah to approve the One Empire Pass Condominiums record of survey.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The One Empire Pass Condominiums record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The One Empire Pass Condominiums are proposed on Lot 15 of the Village at Empire Pass West Side Subdivision, within Pod A of the Village at Empire Pass Master Planned Development.
2. The property is located at 8910 Empire Club Drive.
3. The property is in the Residential Development (RD) Zoning District.
4. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 as amended on March 2, 2007.

5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage).
6. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multi-family units) and 16 single-family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
7. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built within the Mountain Village.
8. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Condominium record of survey plats have been approved and recorded for these buildings.
9. Still to be approved as Conditional Use Permits are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5.
10. A Conditional Use Permit application for One Empire Pass, aka Building 5 was received on October 26, 2015 and is being reviewed concurrently with this application.
11. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (31.8 UE) as 27 units in a lodge style building.
12. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.
13. On November 13, 2015, the Planning Department received an application for a Condominium Record of Survey plat for the 27 unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision.
14. The application was deemed complete on November 20, 2015.
15. The Village at Empire Pass West Side Subdivision was approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.
16. The property is subject to subdivision plat notes that require compliance with RD District 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 plat prior to individual sale of units, membership 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.
17. The proposed One Empire Pass Lodge building is a 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. The ADA unit is platted as Common Area. The affordable unit is platted as Private Area and a deed restriction acceptable to the City will be recorded prior to recordation of the plat.

18. The proposed gross building area, including parking and all common areas is 113,293 square feet. The total residential area subject to Unit Equivalents is 64,374 square feet utilizing 32.19 Unit Equivalents. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. are proposed at the south end of levels one and two. No commercial uses are proposed.
19. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, 55 spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-6 surface spaces will be provided near the front drop-off area.
20. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.
21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development. Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.
22. The proposed building complies with the granted height exceptions and percentages, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).
23. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.
24. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
25. Staff finds good cause for this record of survey plat as the proposed condominium building and development is consistent with the development pattern envisioned in the MPD and the 14 Technical Reports.

#### Conclusions of Law:

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed record of survey.
4. Approval of the record of survey, 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 record of survey 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 record of survey 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 for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. The record of survey plat will note that all conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass West Side subdivision plat, and the One Empire Pass Conditional Use Permit shall continue to apply.
4. A deed restriction for the Employee Housing Unit acceptable to the City is required prior to plat recordation. The plat will note that the EHU is subject to a deed restriction. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
5. The plat will note the Employee Housing Unit and the ADA accessible unit.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of February, 2016.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

**Exhibits**

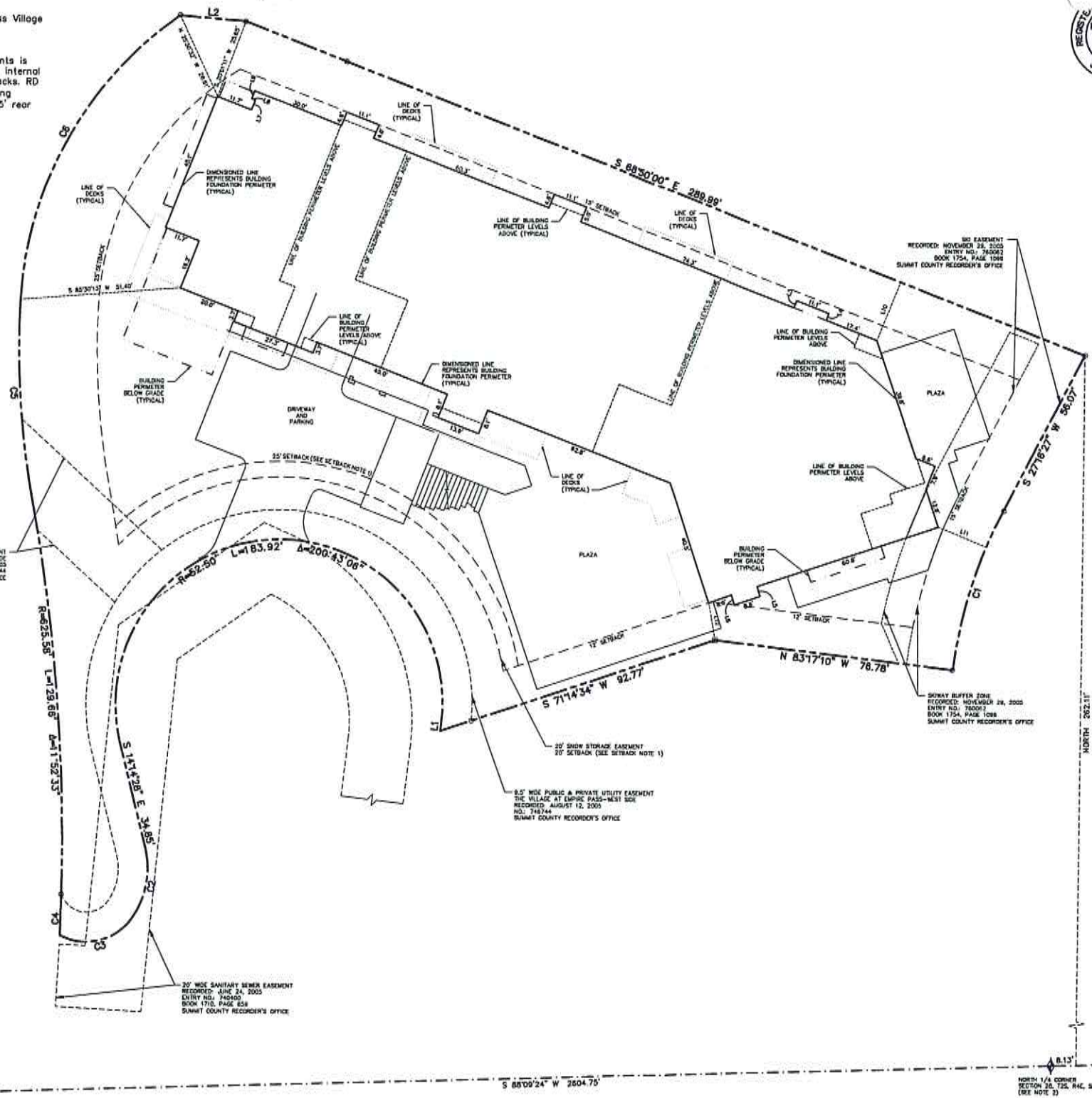
Exhibit A – Proposed record of survey plat



**SETBACK NOTE**

(as approved by Park City Municipal Corporation Empire Pass Village Master Plan, July 21, 2004.)

- 1. The required 25' setback for master planned developments is measured from the Flagstaff annexation boundary. The internal setback lines shown hereon 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 | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 08°28'37" E | 2.45     |
| L2   | S 85°20'00" E | 21.17    |
| L3   | N 21°20'00" E | 2.50     |
| L4   | S 21°20'00" E | 2.50     |
| L5   | S 18°42'24" E | 3.92     |
| L6   | N 18°42'24" W | 3.92     |
| L7   | N 21°20'00" E | 1.52     |
| L8   | N 88°20'00" E | 1.28     |
| L9   | N 21°20'00" E | 2.84     |
| L10  | N 21°20'00" E | 25.00    |
| L11  | S 87°40'07" E | 18.85    |
| L12  | S 10°28'12" E | 15.33    |

| CURVE | RADIUS | LENGTH | DELTA     |
|-------|--------|--------|-----------|
| C1    | 150.00 | 63.83  | 20°33'37" |
| C2    | 27.50  | 23.32  | 48°34'52" |
| C3    | 18.00  | 26.19  | 83°22'24" |
| C4    | 775.00 | 10.16  | 0°45'05"  |
| C5    | 275.00 | 64.82  | 13°27'50" |
| C6    | 118.63 | 107.81 | 82°04'13" |

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of ONE EMPIRE PASS CONDOMINIUMS has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plot. I further certify that the information on this plot is accurate.

**LEGAL DESCRIPTION**

LOT 15, THE VILLAGE AT EMPIRE PASS WEST SIDE, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that (Company Name) LLC, a limited liability company, the undersigned of the herein described tract of land, to be known hereafter as \_\_\_\_\_ does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his/her hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_, Manager  
 \_\_\_\_\_ LLC, a \_\_\_\_\_ limited liability company

**ACKNOWLEDGMENT**

State of \_\_\_\_\_, County of \_\_\_\_\_, ss.  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, \_\_\_\_\_ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, \_\_\_\_\_ acknowledged to me that he/she is the managing member of \_\_\_\_\_ LLC, a \_\_\_\_\_ limited liability company, and that he/she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

**NOTE**

- The dimensions of the private spaces and square footage calculations are based on drawings supplied by IBI Group. The square footages shown on this plot are calculated in accordance with the Utah Condominium Act and the Declaration of Condominium for One Empire Pass, a Utah Condominium Project. Such calculations typically differ somewhat from the square footages determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the units will be as constructed.
- All common structural elements are designated as Common Areas and Facilities, as described in the Declaration of Condominium.
- Building ties on this sheet are from the property line to the building foundation as shown.
- All Common Area and Facilities is dedicated as non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Service District, and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
- Access to the units is by private roads and is not warranted by Park City.
- The units of One Empire Pass Condominium Development are served by a Common Private Lateral Wastewater Line. The Empire Pass Master Owners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of said Private Lateral Wastewater Line serving One Empire Pass. The cost of such maintenance and replacement shall be paid by the One Empire Pass Owners Association, Inc. as part of the common expenses.
- The property corners at Empire Club Drive are set at the intersection of the 9.5' wide public and private utility easement and the lot line or as shown hereon.
- Unit 104: Deed Restricted Employee/Affordable Housing Unit (EHU).
- All conditions of approval of the Village at Empire Pass (Pod A) Master Planned Development, the Village at Empire Pass West Side Subdivision Plat, and the One Empire Pass Conditional Use Permit shall continue to apply.
- At the time of resurfacing of Empire Club Drive, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- The Ski Easement and Skiway Buffer Zone shown on this plot identifies certain portion of the Common Area that may be used for summer and winter access to trails, ski runs, and other adjacent recreation areas. The Ski Easement and Skiway Buffer Zone may be used by all owners of The Village at Empire Pass development, and as otherwise permitted in the Declaration of Condominium for One Empire Pass.

NW CORNER SECTION 28, T2S, R4E, S36M ALUMINUM PIPE W/CAP

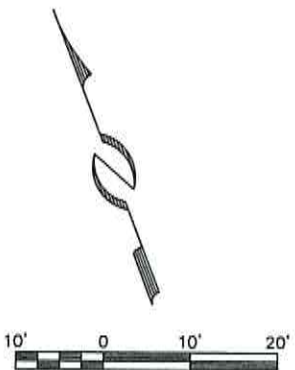
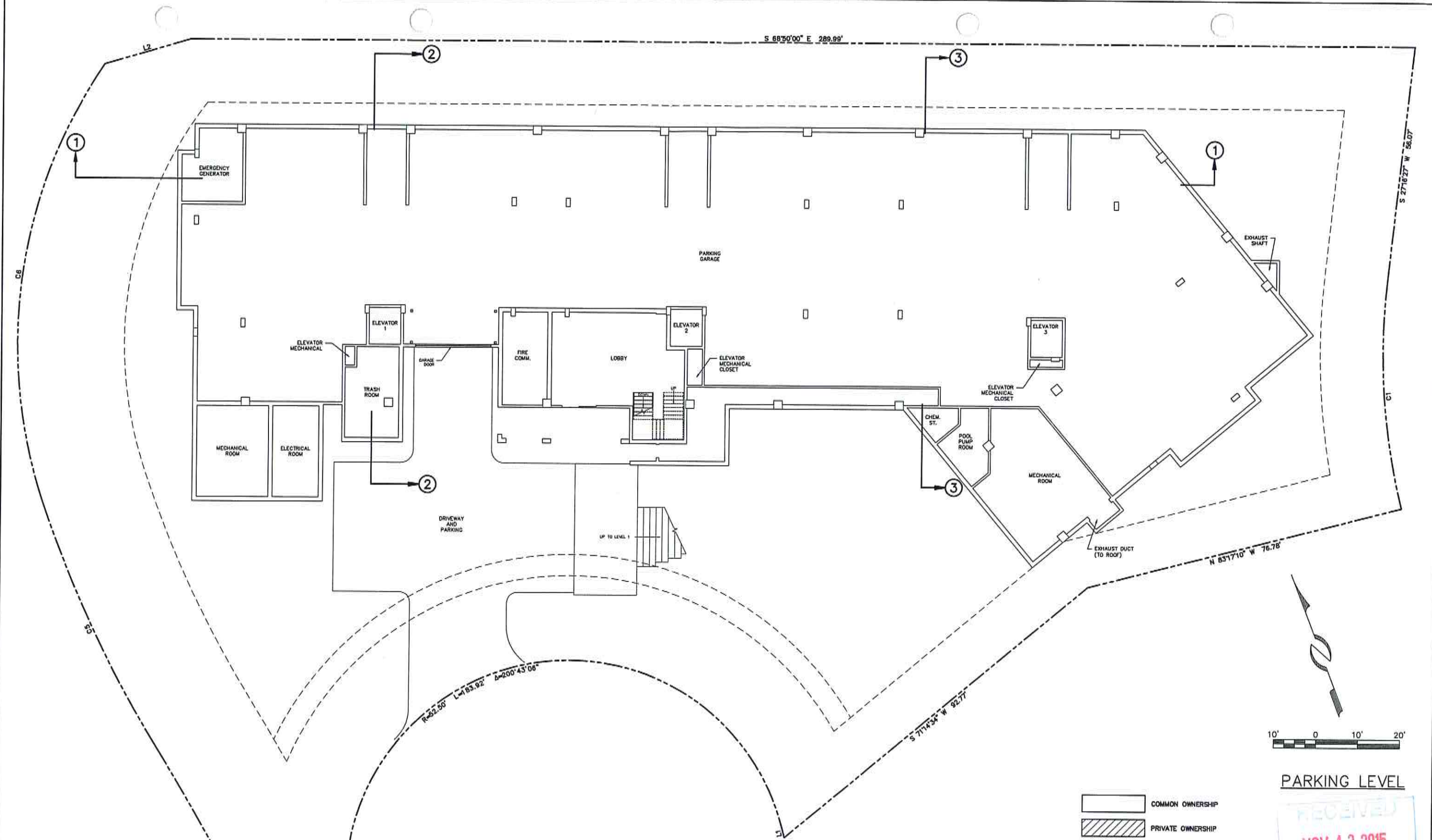
- LEGEND**
- Set nail and washer, AE 154491
  - Set 5/8" rebar w/cap, ALLIANCE ENOR/LS 154491

# CONDOMINIUM PLAT FOR ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTH HALF OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH



|   |  |  |   |   |   |   |  |
|---|--|--|---|---|---|---|--|
| <br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>323 Main Street, P.O. Box 2664, Park City, Utah 84060-2664<br>Planning Commission Packet January 13, 2016 | (435) 640-2487<br>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016<br>BY _____ S.B.W.R.D. | PLANNING COMMISSION<br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016<br>BY _____ CHAIR | ENGINEER'S CERTIFICATE<br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016<br>BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM<br>APPROVED AS TO FORM THIS _____ DAY OF _____, 2016<br>BY _____ PARK CITY ATTORNEY | COUNCIL APPROVAL AND ACCEPTANCE<br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016<br>BY _____ MAYOR | CERTIFICATE OF ATTEST<br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016<br>BY _____ PARK CITY RECORDER | RECORDED<br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ |
|   | 11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\ar\plat2015\150915.dwg   |  |   |   |   |   |  |



- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

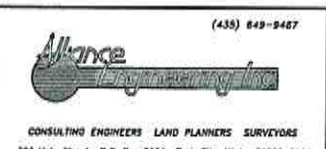
**PARKING LEVEL**

RECEIVED  
NOV 13 2015

PARK CITY  
PLANNING DEPARTMENT  
SHEET 2 OF 10

## CONDOMINIUM PLAT ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT  
LOCATED IN THE SOUTH HALF OF SECTION 21  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plat2015\150915.dwg

**RECORDED**

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_

FEE \_\_\_\_\_ Page 390 of 406  
RECORDER \_\_\_\_\_



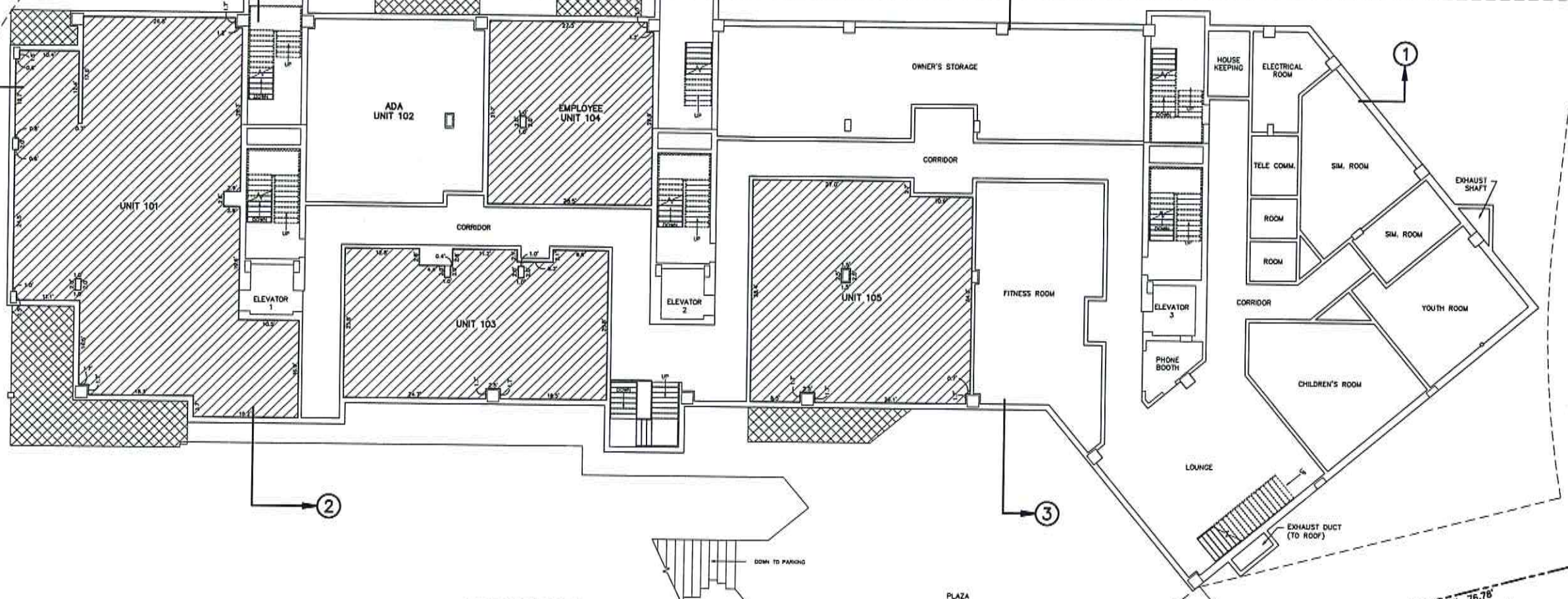
S 68°50'00" E 289.89'

1

2

3

S 27°16'27" W 56.07'



N 83°17'10" W 76.78'




R=62.50' L=183.92' Δ=200°43'06"

S 71°14'34" W 92.77'

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LEVEL 1

-  COMMON OWNERSHIP
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP

| UNIT NUMBER   | SQUARE FOOTAGE | ELEVATION |
|---------------|----------------|-----------|
| UNIT 101      | 2,494          | 8072.3'   |
| UNIT 102 ADA* | 944            | 8072.3'   |
| UNIT 103      | 1,140          | 8072.3'   |
| UNIT 104 EHU* | 900            | 8072.3'   |
| UNIT 105      | 1,417          | 8072.3'   |

\*EHU=EMPLOYEE HOUSING UNIT  
 (SEE NOTE 8 ON SHEET 1)  
 \*ADA=AMERICAN DISABILITY ACT

CONDOMINIUM PLAT  
**ONE EMPIRE PASS CONDOMINIUMS**

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTH HALF OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plat2015\150915.dwg SHEET 3 OF 10

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 AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_  
 Page 391 of 406  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_



(435) 649-9487

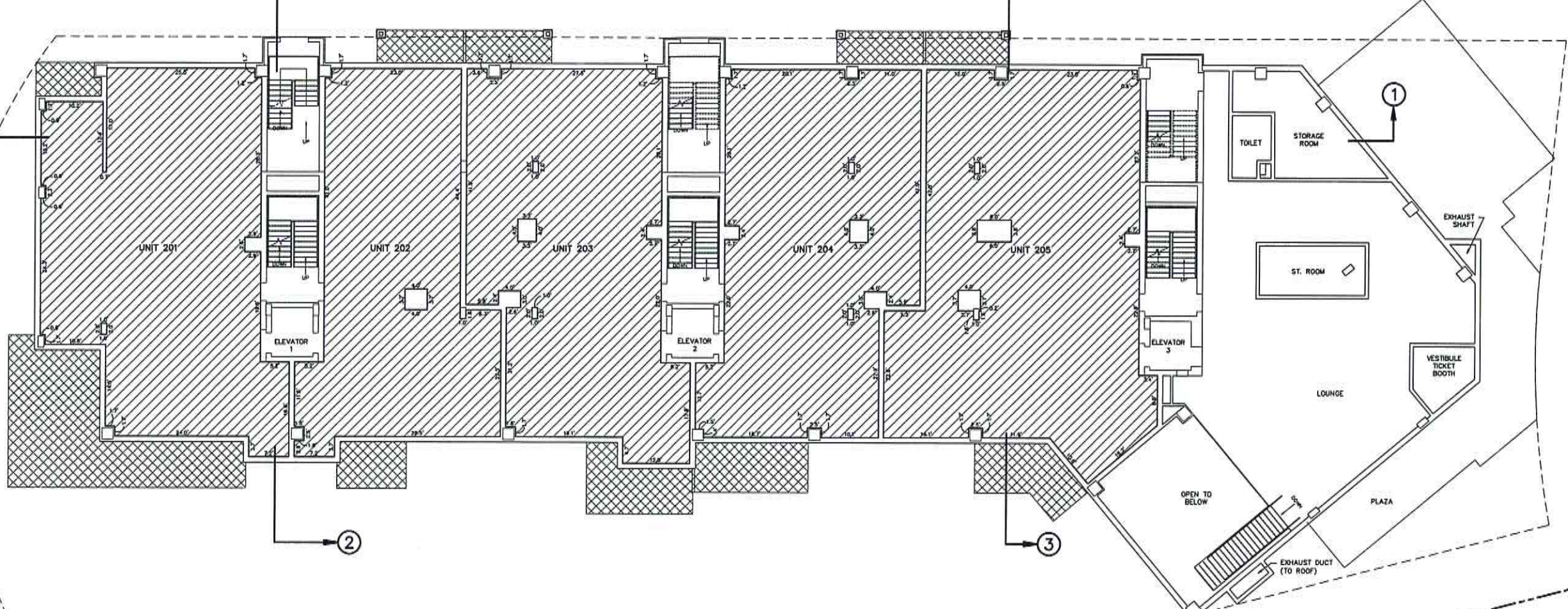
S 88°50'00" E 289.99'

S 27°18'27" W 96.07'

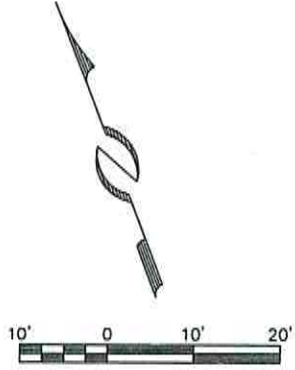
N 83°17'10" W 76.78'




S 71°14'53" W 92.77'

R=22.56' L=183.92' b=200'43'06"



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-  COMMON OWNERSHIP
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP

| UNIT SQUARE FOOTAGE |                |           |
|---------------------|----------------|-----------|
| UNIT NUMBER         | SQUARE FOOTAGE | ELEVATION |
| UNIT 201            | 2,382          | 8084'     |
| UNIT 202            | 1,818          | 8084'     |
| UNIT 203            | 2,190          | 8084'     |
| UNIT 204            | 2,132          | 8084'     |
| UNIT 205            | 2,708          | 8084'     |

# CONDOMINIUM PLAT ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTH HALF OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

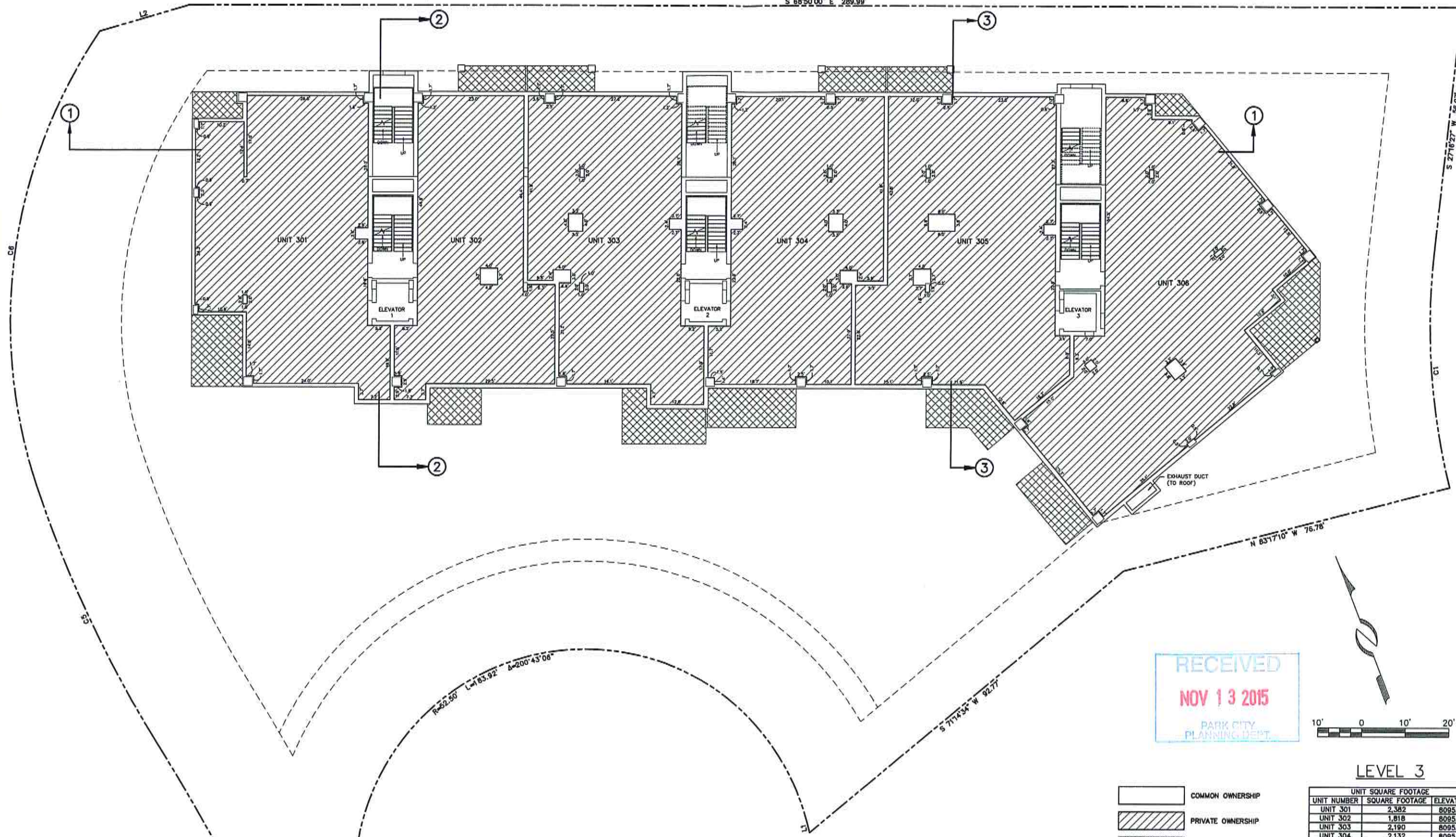
SHEET 4 OF 10  
 11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plot\2015\150915.dwg

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 AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_  
 Page 392 of 406  
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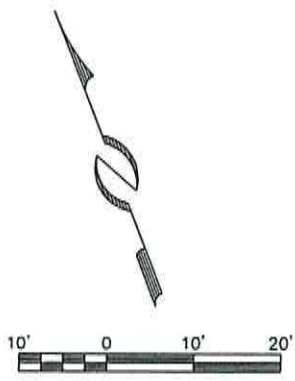


S 88°50'00" E 289.99'




S 27°16'27" W 96.07'



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 PLANNING DEPT



LEVEL 3

-  COMMON OWNERSHIP
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP

| UNIT NUMBER | SQUARE FOOTAGE | ELEVATION |
|-------------|----------------|-----------|
| UNIT 301    | 2,382          | 8095.7    |
| UNIT 302    | 1,818          | 8095.7    |
| UNIT 303    | 2,190          | 8095.7    |
| UNIT 304    | 2,132          | 8095.7    |
| UNIT 305    | 2,706          | 8095.7    |
| UNIT 306    | 3,184          | 8095.7    |

CONDOMINIUM PLAT  
**ONE EMPIRE PASS CONDOMINIUMS**

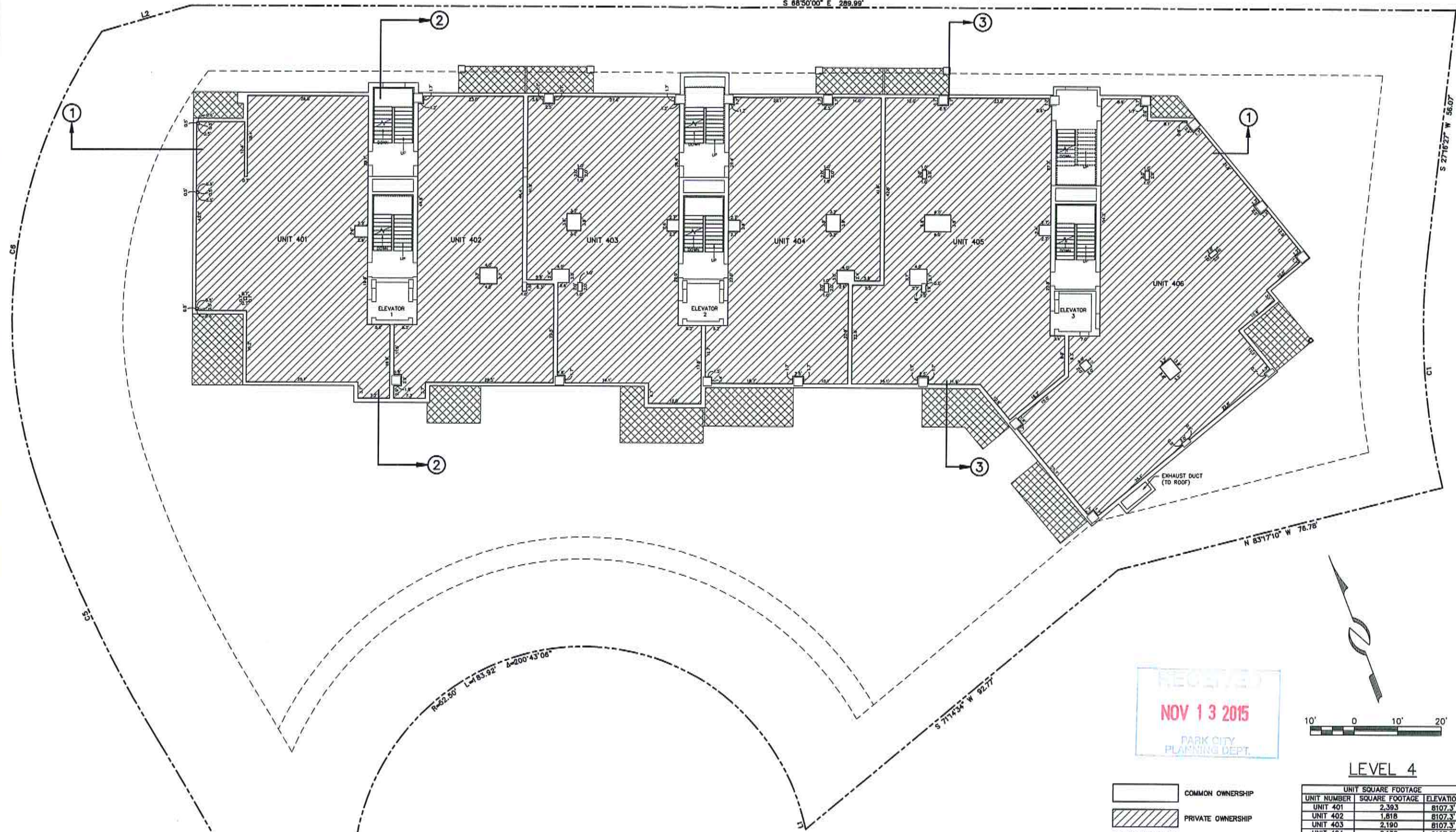
A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTH HALF OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH



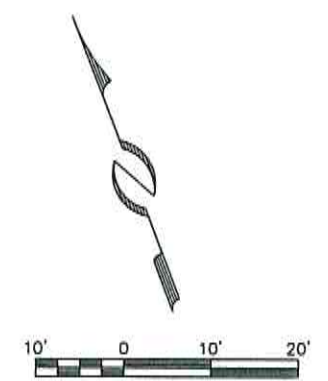
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 DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_  
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S 88°50'00" E 289.99'




S 27°16'27" W 56.07'



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LEVEL 4

-  COMMON OWNERSHIP
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP

| UNIT NUMBER | SQUARE FOOTAGE | ELEVATION |
|-------------|----------------|-----------|
| UNIT 401    | 2,393          | 8107.3'   |
| UNIT 402    | 1,818          | 8107.3'   |
| UNIT 403    | 2,190          | 8107.3'   |
| UNIT 404    | 2,132          | 8107.3'   |
| UNIT 405    | 2,706          | 8107.3'   |
| UNIT 406    | 3,184          | 8107.3'   |

CONDOMINIUM PLAT  
**ONE EMPIRE PASS CONDOMINIUMS**

A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTH HALF OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

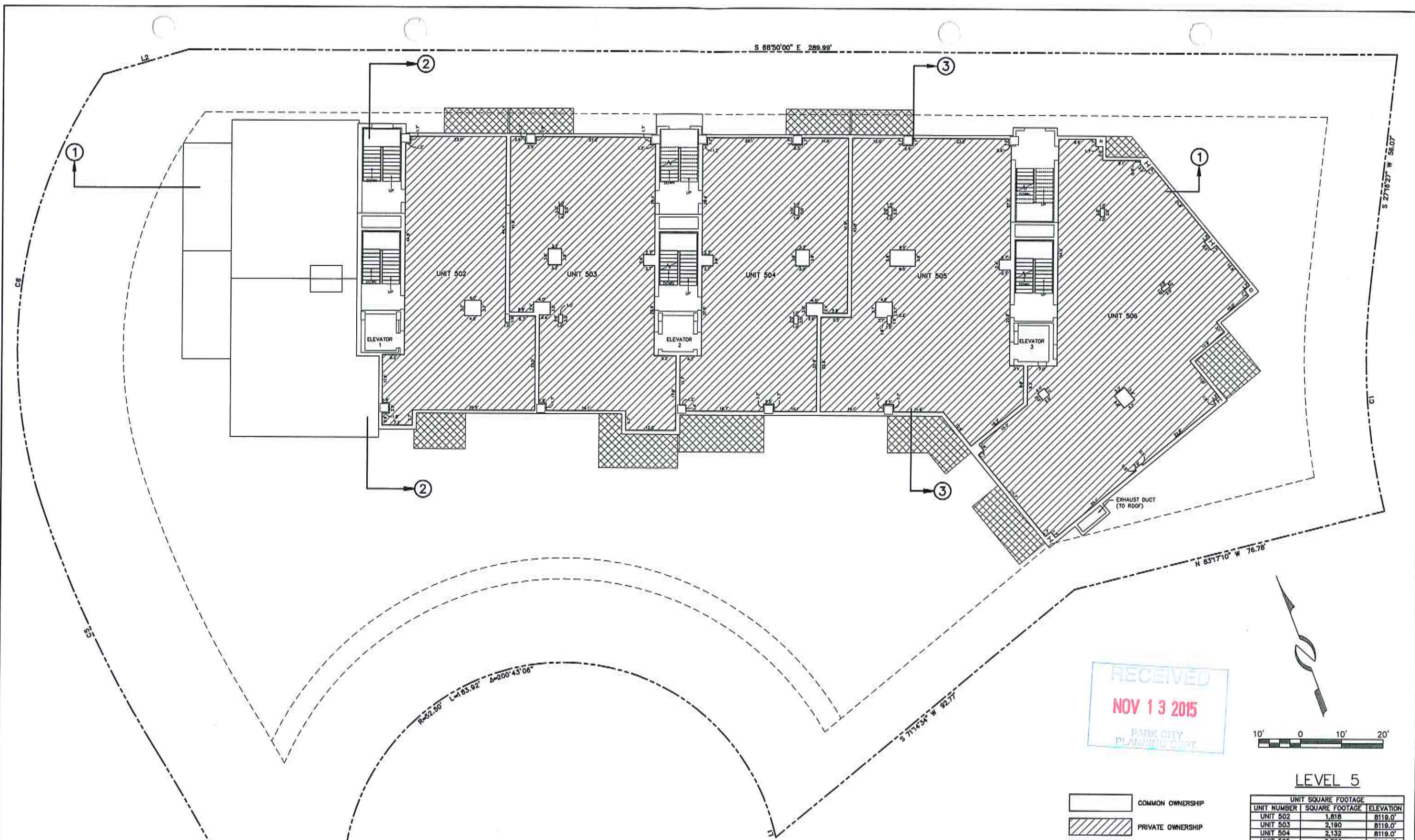
SHEET 6 OF 10

JOB NO.: 15-9-15 FILE: X:\Empire\dwg\sr\plat2015\150915.dwg

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**LEVEL 5**

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

| UNIT SQUARE FOOTAGE |                |           |
|---------------------|----------------|-----------|
| UNIT NUMBER         | SQUARE FOOTAGE | ELEVATION |
| UNIT 502            | 1,818          | 8119.0'   |
| UNIT 503            | 2,190          | 8119.0'   |
| UNIT 504            | 2,132          | 8119.0'   |
| UNIT 505            | 2,708          | 8119.0'   |
| UNIT 506            | 3,184          | 8119.0'   |

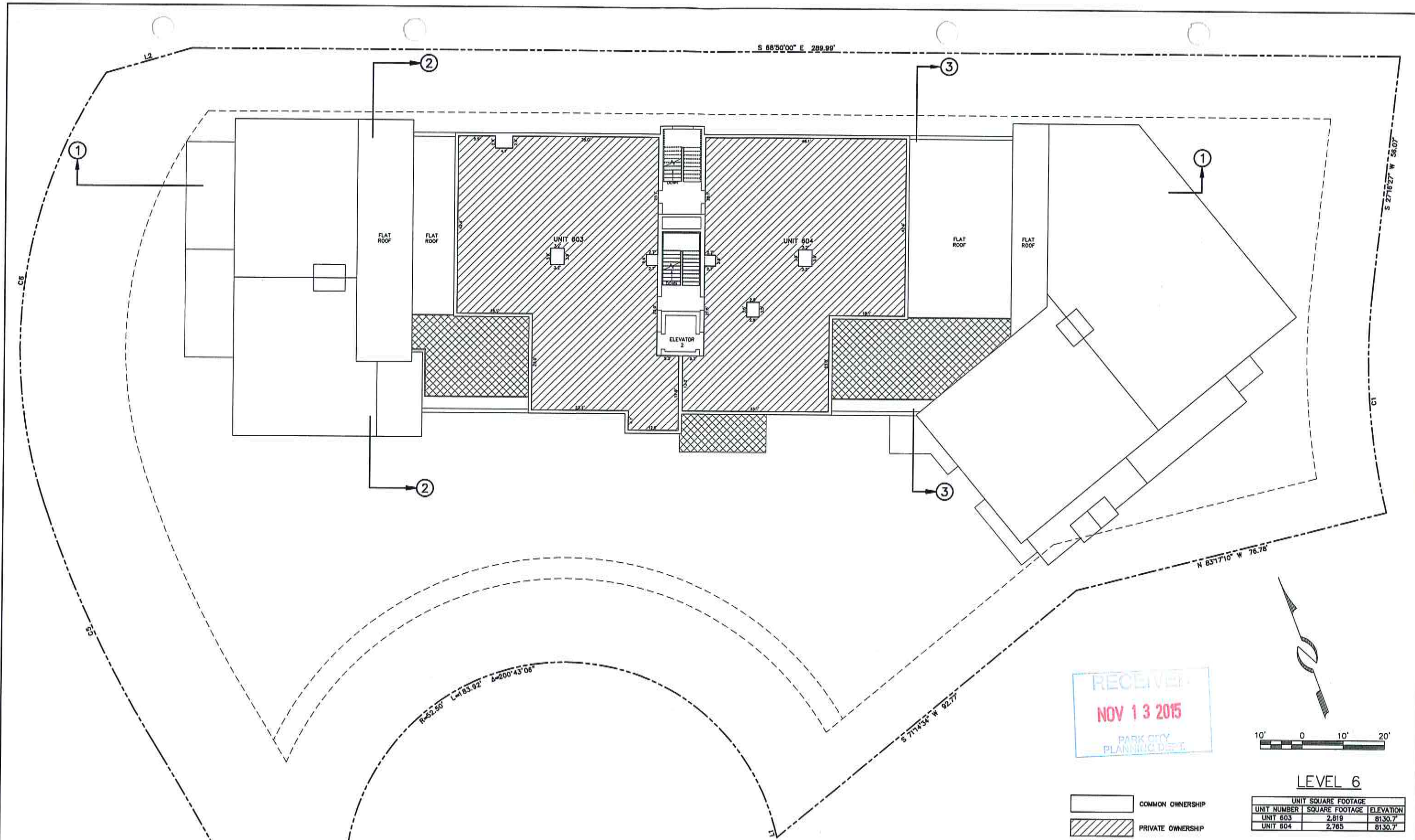
CONDOMINIUM PLAT  
**ONE EMPIRE PASS CONDOMINIUMS**

A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTH HALF OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\sr\pl012015\150915.dwg SHEET 7 OF 10

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LEVEL 6

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

| UNIT NUMBER | SQUARE FOOTAGE | ELEVATION |
|-------------|----------------|-----------|
| UNIT 603    | 2,819          | 8130.7'   |
| UNIT 604    | 2,765          | 8130.7'   |

# CONDOMINIUM PLAT ONE EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTH HALF OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

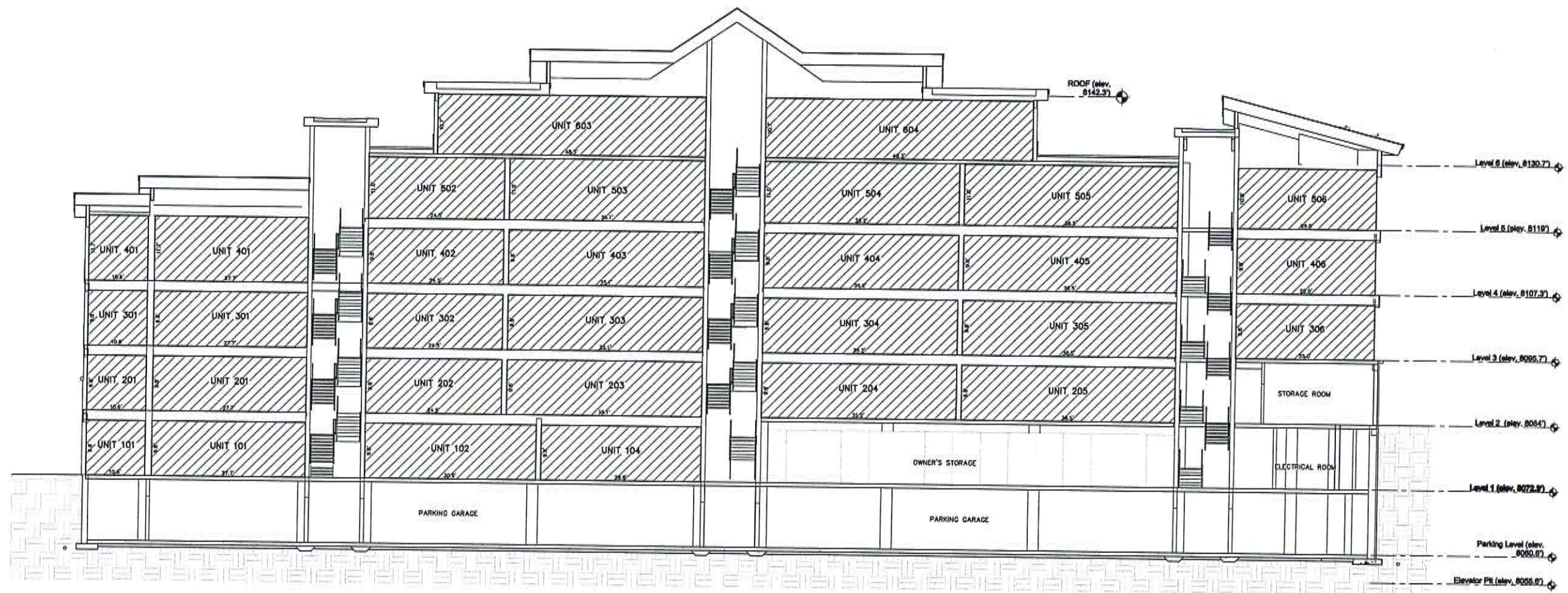
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**RECORDED**  
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 AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_  
 Page 396 of 406  
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(435) 648-9487

ALLIANCE  
 ENGINEERING

1000 S. MAIN ST. SUITE 2000 PARK CITY, UTAH 84301-3504



1 SECTION  
SCALE: 1"=10'

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|  |                          |
|--|--------------------------|
|  | COMMON OWNERSHIP         |
|  | PRIVATE OWNERSHIP        |
|  | LIMITED COMMON OWNERSHIP |

10' 0 10' 20'

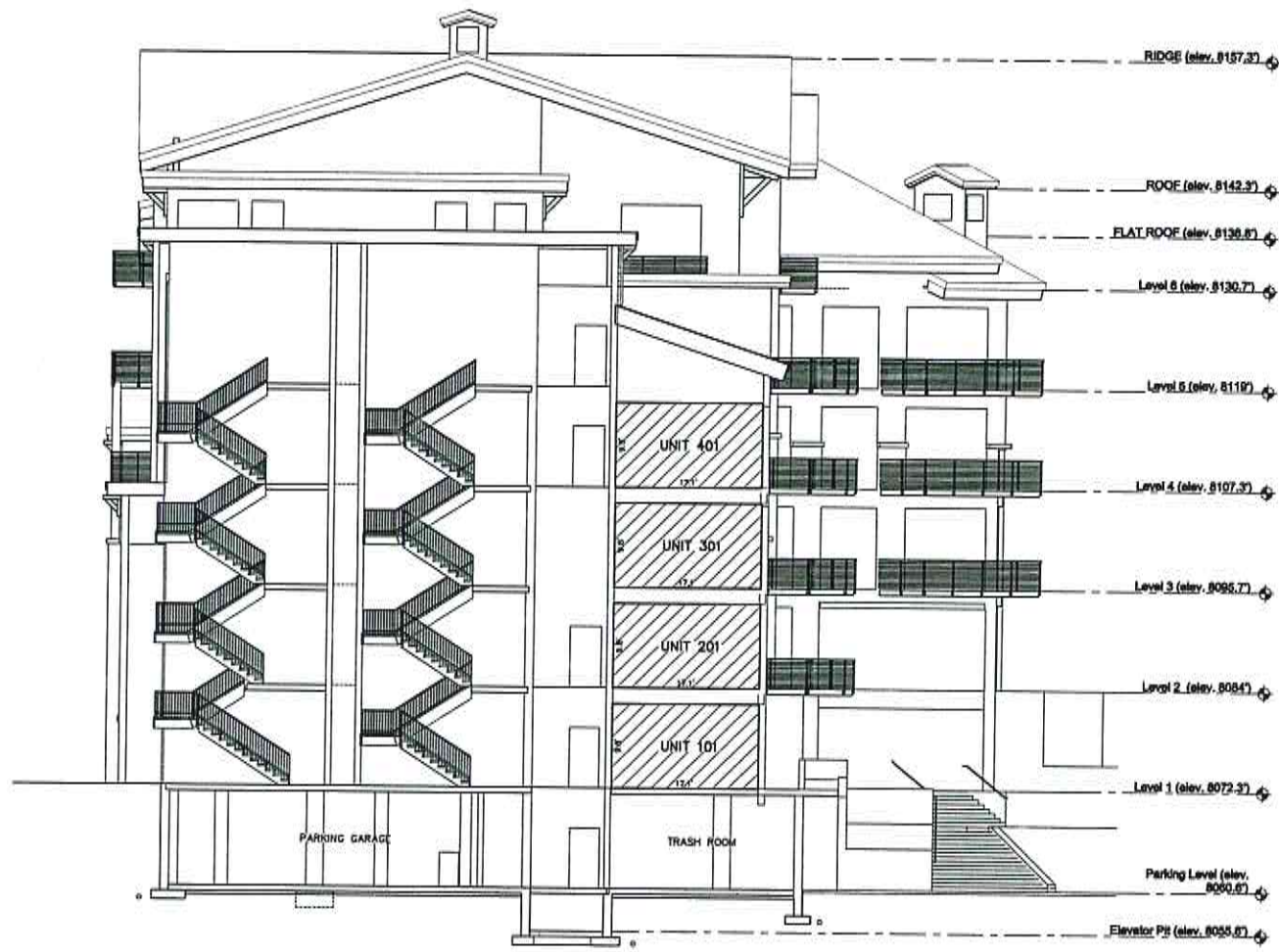
CONDOMINIUM PLAT  
**ONE EMPIRE PASS CONDOMINIUMS**  
A UTAH CONDOMINIUM PROJECT  
LOCATED IN THE SOUTH HALF OF SECTION 21  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

(435) 649-9487  
**Alliance**  
*Engineering*  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
Planning Commission Packet, January 13, 2016

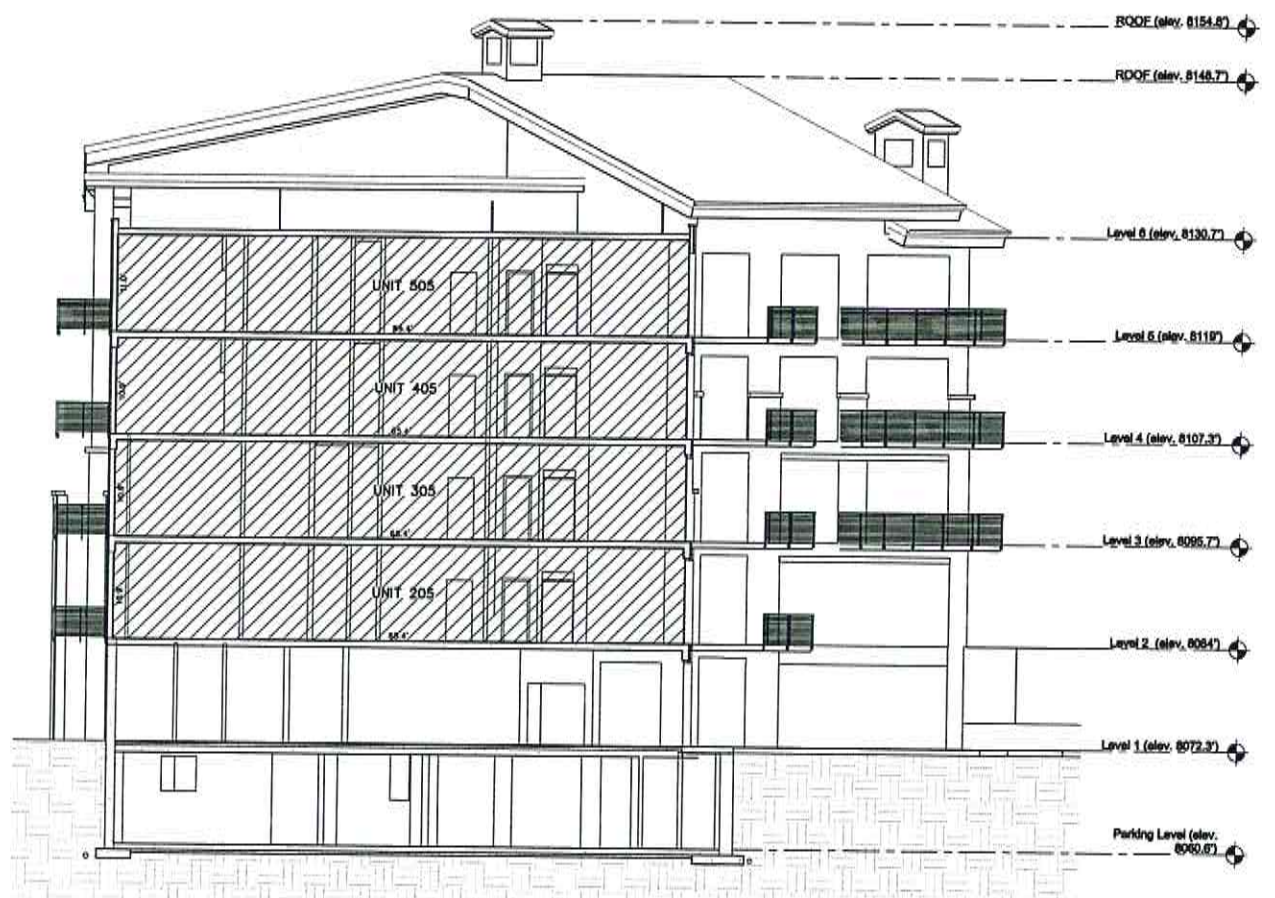
SHEET 9 OF 10

11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\sr\plat2015\150915.dwg

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DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. 406  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_



2 SECTION  
SCALE: 1"=10'



3 SECTION  
SCALE: 1"=10'



COMMON OWNERSHIP  
 PRIVATE OWNERSHIP  
 LIMITED COMMON OWNERSHIP

10' 0 10' 20'

CONDOMINIUM PLAT  
**ONE EMPIRE PASS CONDOMINIUMS**  
 A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTH HALF OF SECTION 21  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH



Planning Commission Packet January 13, 2016

11/13/15 JOB NO.: 15-9-15 FILE: X:\Empire\dwg\arv\plat2015\150915.dwg SHEET 10 OF 10

RECORDED  
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 AT THE REQUEST OF \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTER NO. 406  
 FEE \_\_\_\_\_ RECORDER \_\_\_\_\_







SUBJECT PROPERTY

1-3-2015

60' 0 60' 120'

|   |  |   |                                   |
|---|--|---|-----------------------------------|
|    | <p>(435) 849-8487<br/> <b>STAFF:</b><br/>         MICHAEL DEMKOWICZ<br/>         MARSHALL KING</p> | <p>ONE EMPIRE PASS CONDOMINIUM<br/> <b>AERIAL PHOTOGRAPH</b><br/> <b>8910 EMPIRE CLUB DRIVE</b></p>                                 | <p><b>SHEET</b><br/> <b>1</b></p> |
| <p><small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br/>         123 Main Street, P.O. Box 2064 Park City, Utah 84002-2064</small></p> | <p><b>DATE:</b> 11/13/15</p>   | <p><small>FOR: EAST WEST PARTNERS<br/>         JOB NO.: 15-0-15<br/>         FILE: x:\empire\dwg\er\plat2015\150915.dwg</small></p> |                                   |

JURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as THE VILLAGE AT EMPIRE PASS, WEST SIDE and that the same has been or will be correctly located on the ground as shown on this plat. I further certify this plat accurately represents the surveyed property.

*John Demkowicz*  
John Demkowicz  
6/15/05  
Date



BOUNDARY DESCRIPTION

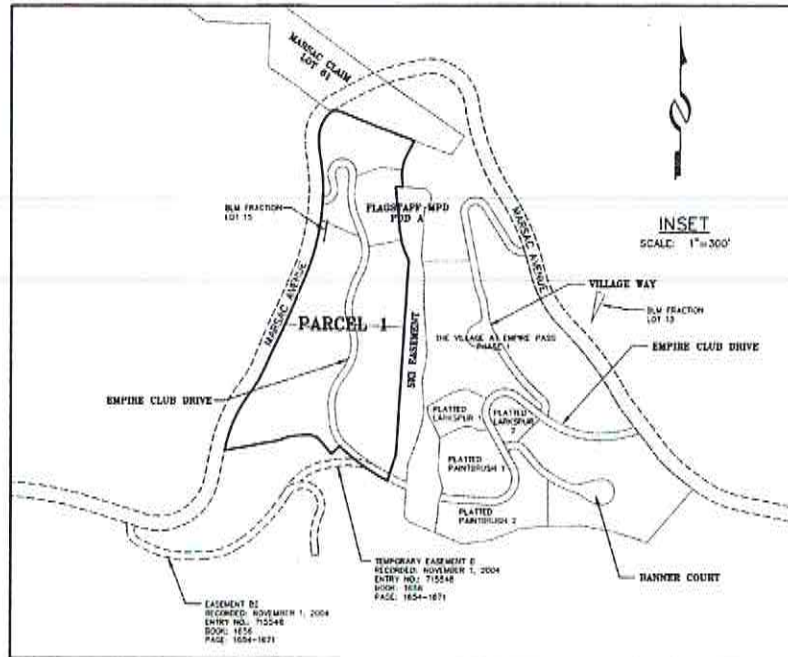
PARCEL 1

A parcel of land located in the south half of Section 21 and the northwest quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 8.13 feet along section line and North 262.11 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 27°16'27" West 58.07 feet to a point on a curve to the left having a radius of 150.00 feet, of which the radius point bears South 62°43'33" East; thence along the arc of said curve 75.83 feet through a central angle of 28°57'57" to a point of compound curve to the left having a radius of 300.00 feet, of which the radius point bears North 88°18'30" East; thence southerly along the arc of said curve 20.22 feet through a central angle of 03°51'42"; thence South 05°33'11" East 17.15 feet; thence North 86°16'45" West 25.33 feet; thence South 05°33'11" East 157.74 feet to a point on a curve to the left having a radius of 250.00 feet, of which the radius point bears North 84°26'49" East; thence along the arc of said curve 92.29 feet through a central angle of 21°09'04" to a point of reverse curve to the right having a radius of 79.77 feet, of which the radius point bears South 63°17'44" West; thence southeasterly along the arc of said curve 11.44 feet through a central angle of 08°13'06"; thence South 03°43'15" West 675.52 feet to a point on a non tangent curve to the left having a radius of 1025.00 feet, of which the radius point bears South 70°22'23" East; thence southerly along the arc of said curve 38.87 feet through a central angle of 02°10'21"; thence South 17°27'15" West 31.90 feet to a point on the northerly right-of-way of Empire Club Drive as shown and dedicated on The Village at Empire Pass, Phase 1, recorded November 24, 2004, as #718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence South 17°27'15" West 25.38 feet to a point on the southerly right-of-way of Empire Club Drive, said point also being on a non tangent curve to the right having a radius of 812.50 feet, of which the radius point bears North 27°15'53" East; thence northwesterly along the arc of said curve 199.71 feet through a central angle of 14°05'00" to a point of compound curve to the right having a radius of 137.50 feet, of which the radius point bears North 41°20'53" East; thence northwesterly along the arc of said curve 12.52 feet through a central angle of 05°13'06"; thence South 46°33'59" West 40.09 feet; thence North 41°37'40" West 65.38 feet to a point on a curve to the left having a radius of 50.00 feet, of which the radius point bears South 48°22'20" West; thence along the arc of said curve 44.97 feet through a central angle of 51°32'04"; thence South 86°50'16" West 44.62 feet to a point on a curve to the left having a radius of 137.50 feet, of which the radius point bears South 03°09'44" East; thence along the arc of said curve 60.72 feet through a central angle of 25°18'01"; thence South 79°50'46" West 195.15 feet to a point on a non tangent curve to the right having a radius of 509.74 feet, of which the radius point bears South 78°16'48" East, said point also being on the easterly boundary of Marsoc Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded #62345; thence along the easterly boundary of Marsoc Avenue Right-of-Way the following seven (7) courses: 1) northeasterly along the arc of said curve 234.19 feet through a central angle of 26°19'27" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 51°26'21" West; thence 2) northeasterly along the arc of said curve 93.78 feet through a central angle of 14°19'44"; thence 3) North 23°43'55" East 337.98 feet to a point on a curve to the left having a radius of 775.00 feet, of which the radius point bears North 66°16'05" West; thence 4) along the arc of said curve 304.94 feet through a central angle of 22°32'40" to a point of compound curve to the left having a radius of 625.58 feet, of which the radius point bears North 88°48'45" West; thence 5) northerly along the arc of said curve 129.66 feet through a central angle of 11°52'33" to a point of reverse curve to the right having a radius of 275.00 feet, of which the radius point bears North 79°18'42" East; thence 6) northerly along the arc of said curve 64.62 feet through a central angle of 13°27'50" to a point of compound curve to the right having a radius of 118.63 feet, of which the radius point bears South 87°13'28" East; thence 7) northeasterly along the arc of said curve 107.81 feet through a central angle of 52°04'13" to a point on the northerly sideline of the Little Mc mining claim, Lot 53A in the Union Mining District; thence along the northerly sideline of the Little Mc mining claim the following two (2) courses: 1) South 85°20'00" East 21.17 feet; thence 2) South 68°50'00" East 289.99 feet to the point of beginning.

Description contains 10.52 acres, more or less.

VICINITY MAP



NOTES:

- All building setbacks from property lines are to be the residential development zone (RD) minimums unless approved otherwise by the Village of Empire Pass Master Plan Development.
- Conditional use permit approval will be required prior to construction on each of the development lots shown hereon.
- A declaration of condominium and a record of survey of condominium will be required for the purpose of the sale of individual units within the development lots shown hereon.
- All utility and trail easements adjacent to or traversing across the lots, as shown hereon, are for public use. No improvements may be made to these public ways that would hinder passage, endanger the users, or interfere with existing utilities.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass ("Master Declaration") requires the membership of each lot owner. Members are subject to the terms of its articles of incorporation, its bylaws, and the rules and regulations that may be established from time to time by the master association, including assessments and transfer fees as provided therein.
- The operation and maintenance responsibilities for the public sidewalk, and other things that may be established across the lots shown hereon are set forth in the Master Declaration.
- Public safety access and public utility easements are hereby dedicated for all public and private roadways, emergency access roads, and private driveways.
- The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
- A 20' snow storage easement is hereby dedicated along the frontage of all lots.
- A line extension agreement (LEA) will be required to be filed with Snyderville Basin Water Reclamation District (SDWRD) with the development of each lot.
- Empire Club Drive is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Empire Club Drive is not a public road or right-of-way. This Record of Survey Map shall not be deemed to grant any rights in the public to use Empire Club Drive or create any obligations on the part of Park City Municipal Corporation to maintain or repair Empire Club Drive. All such use and maintenance shall be governed by the terms and provisions of the Master Declaration and the Maintenance Agreement dated March 17, 2004 (and as amended from time to time) between Park City Municipal Corporation, United Park City Mines Company, Blue Ledge Corporation and the Master Association.
- At the time of any re-surfacing of Empire Club Drive, the Master Association is responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards. Maintenance adjustment of manholes within private roadways included as part of specific developments shall be the responsibility of the homeowners association for such development.
- The Master Association shall be responsible for the maintenance and replacement of all sanitary sewer laterals situated within Empire Club Drive or the SDWRD easement shown hereon. The Master Association shall have the right to assess the cost of such maintenance and repair to parcel(s), unit(s), or condominium associations served by such laterals, in accordance with the Master Declaration.
- The easement in favor of the Jordanian Special Service District is for a water drain tunnel situated approximately 900 feet below the surface of the property.
- All property corners to be set along Empire Club Drive will be set at the intersection of the 9.5' wide public and private utility easement and the lot line or up shown hereon.
- Any landscaping shall utilize either no irrigation or water efficient irrigation, limited turf, and limited disturbance.
- The maintenance of the water system is the private responsibility of the Empire Pass Master Homeowners Association.
- The units of The Village at Empire Pass West Side are served by a Common Private Lateral Wastewater Line. The Empire Pass Master Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.

SUBDIVISION PLAT  
THE VILLAGE AT EMPIRE PASS  
WEST SIDE

LOCATED IN SECTIONS 21 AND 28,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 14<sup>th</sup> day of June, 2005.

EMPIRE MOUNTAIN VILLAGE, LLC,  
A Delaware limited liability company  
By: *Jim Haggan*  
A Colorado corporation,  
Its Manager  
Title: *Jim Haggan*

ACKNOWLEDGMENT

State of Utah  
County of Summit  
This instrument was acknowledged before me this 14<sup>th</sup> day of June, 2005 by Jim Haggan the Manager of EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company.  
*Josephine Haggan*  
A Notary Public commissioned in Utah  
Printed Name: Josephine Haggan  
Residing in: Ordley, Utah  
My commission expires: 10/16/07

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT UNITED PARK CITY MINES COMPANY, a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 14<sup>th</sup> day of June, 2005.

UNITED PARK CITY MINES COMPANY  
A Delaware corporation  
By: *Tom Federal*  
Title: Vice President

ACKNOWLEDGMENT

State of Utah  
County of Summit  
This instrument was acknowledged before me this 14<sup>th</sup> day of June, 2005 by Tom Federal, the Vice President of UNITED PARK CITY MINES COMPANY, a Delaware corporation.  
*Josephine Haggan*  
A Notary Public commissioned in Utah  
Printed Name: Josephine Haggan  
Residing in: Ordley, Utah  
My commission expires: 10/16/07

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, WEST SIDE, including a 25 foot wide Public & Private Utility Easement & Private Road Right-of-Way to be known as EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 14<sup>th</sup> day of June, 2005.

MOUNTAIN DEVELOPMENTS I, INC.  
A Delaware corporation  
By: *Mark Williams*  
Title: Vice President

ACKNOWLEDGMENT

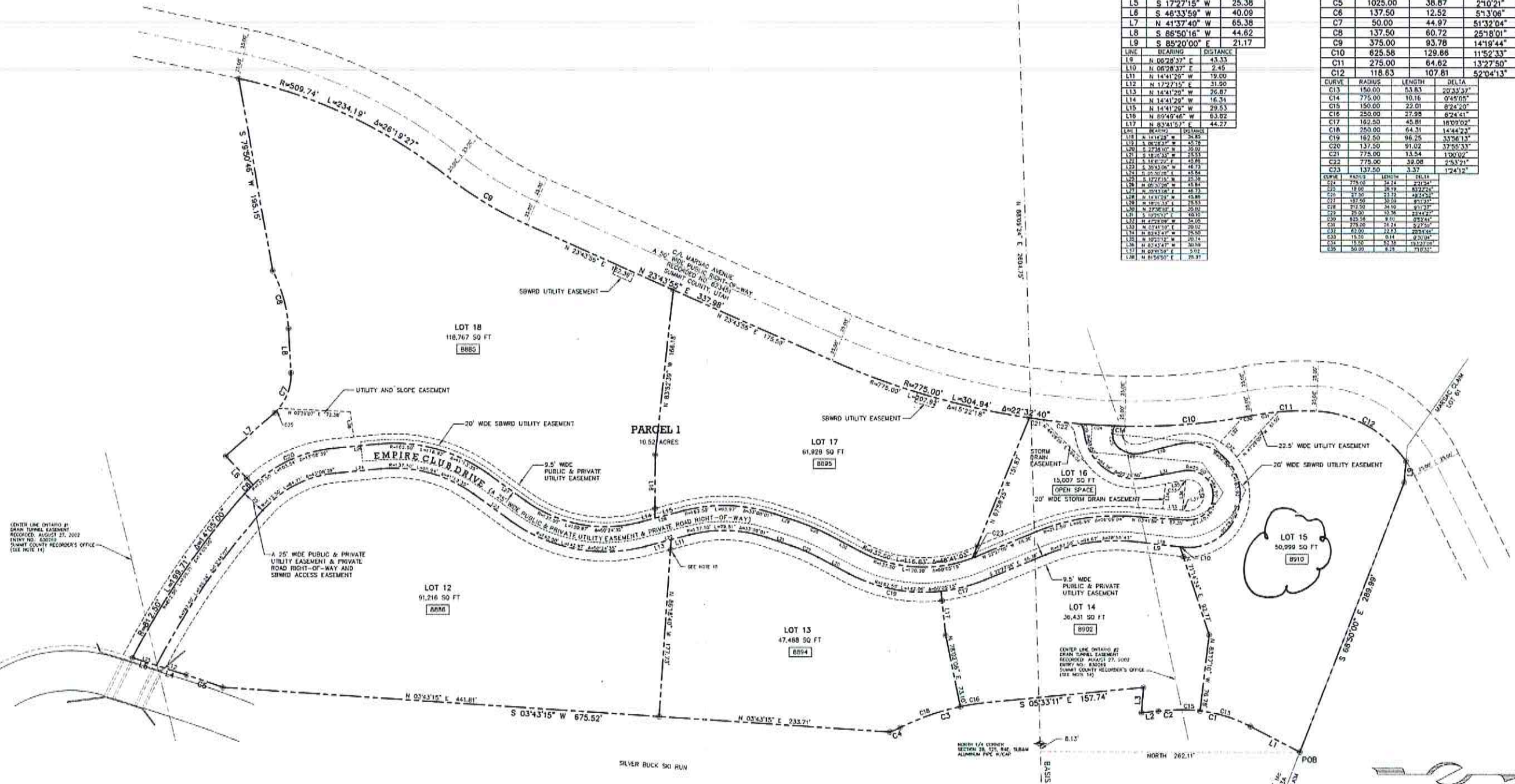
State of Utah  
County of Summit  
This instrument was acknowledged before me this 14<sup>th</sup> day of June, 2005 by Mark Williams, the Vice President of MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation.  
*Josephine Haggan*  
A Notary Public commissioned in Utah  
Printed Name: Josephine Haggan  
Residing in: Ordley, Utah  
My commission expires: 10/16/07

|   |  |   |   |   |   |   |   |
|---|--|---|---|---|---|---|---|
| <br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>221 West 1000 South, Suite 200, Salt Lake City, UT 84119<br>Phone: (435) 649-9487 | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>22<sup>nd</sup></u> DAY OF <u>June</u> , 2005 A.D.<br>BY: <i>[Signature]</i><br>S.B.W.R.D. | PLANNING COMMISSION<br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>16</u> DAY OF <u>August</u> , 2005 A.D.<br>CHAIRMAN: <i>[Signature]</i> (Beth) | ENGINEER'S CERTIFICATE<br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>22<sup>nd</sup></u> DAY OF <u>JULY</u> , 2005 A.D.<br>BY: <i>[Signature]</i><br>PARK CITY ENGINEER | APPROVAL AS TO FORM<br>APPROVED AS TO FORM THIS <u>11<sup>th</sup></u> DAY OF <u>August</u> , 2005 A.D.<br>BY: <i>[Signature]</i><br>PARK CITY ATTORNEY | CERTIFICATE OF ATTEST<br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>22<sup>nd</sup></u> DAY OF <u>June</u> , 2005 A.D.<br>BY: <i>[Signature]</i><br>PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE<br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>22<sup>nd</sup></u> DAY OF <u>June</u> , 2005 A.D.<br>BY: <i>[Signature]</i><br>MAYOR | 746744 RECORDED<br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Park City Title</u><br>DATE <u>8-12-05</u> TIME <u>11:02 AM</u> BOOK <u>164</u> PAGE <u>1</u><br>FEE <u>164.00</u> |
|   | Planning Commission Packet January 13, 2016  |   |   |   |   |   |   |

NW CORNER SECTION 28 T2S R4E S18M ALABAMA PIPE W/CAP

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 27°16'27" W | 56.07    |
| L2   | S 05°33'11" E | 17.15    |
| L3   | N 88°16'45" W | 25.33    |
| L4   | S 17°27'15" W | 31.90    |
| L5   | S 17°27'15" W | 25.38    |
| L6   | S 48°33'59" W | 40.09    |
| L7   | N 41°37'40" W | 68.38    |
| L8   | S 88°50'16" W | 44.62    |
| L9   | S 85°20'00" E | 21.17    |
| L10  | N 06°28'37" E | 45.33    |
| L11  | N 14°41'26" W | 2.45     |
| L12  | N 12°27'15" E | 31.90    |
| L13  | N 14°41'26" W | 26.87    |
| L14  | N 14°41'26" W | 16.34    |
| L15  | N 14°41'26" W | 29.53    |
| L16  | N 89°49'46" W | 63.02    |
| L17  | N 89°49'46" W | 44.27    |
| L18  | N 14°41'26" W | 26.87    |
| L19  | N 14°41'26" W | 16.34    |
| L20  | N 14°41'26" W | 29.53    |
| L21  | N 89°49'46" W | 63.02    |
| L22  | N 89°49'46" W | 44.27    |
| L23  | N 14°41'26" W | 26.87    |
| L24  | N 14°41'26" W | 16.34    |
| L25  | N 14°41'26" W | 29.53    |
| L26  | N 89°49'46" W | 63.02    |
| L27  | N 89°49'46" W | 44.27    |
| L28  | N 14°41'26" W | 26.87    |
| L29  | N 14°41'26" W | 16.34    |
| L30  | N 14°41'26" W | 29.53    |
| L31  | N 89°49'46" W | 63.02    |
| L32  | N 89°49'46" W | 44.27    |
| L33  | N 14°41'26" W | 26.87    |
| L34  | N 14°41'26" W | 16.34    |
| L35  | N 14°41'26" W | 29.53    |
| L36  | N 89°49'46" W | 63.02    |
| L37  | N 89°49'46" W | 44.27    |
| L38  | N 14°41'26" W | 26.87    |
| L39  | N 14°41'26" W | 16.34    |
| L40  | N 14°41'26" W | 29.53    |
| L41  | N 89°49'46" W | 63.02    |
| L42  | N 89°49'46" W | 44.27    |
| L43  | N 14°41'26" W | 26.87    |
| L44  | N 14°41'26" W | 16.34    |
| L45  | N 14°41'26" W | 29.53    |
| L46  | N 89°49'46" W | 63.02    |
| L47  | N 89°49'46" W | 44.27    |
| L48  | N 14°41'26" W | 26.87    |
| L49  | N 14°41'26" W | 16.34    |
| L50  | N 14°41'26" W | 29.53    |
| L51  | N 89°49'46" W | 63.02    |
| L52  | N 89°49'46" W | 44.27    |
| L53  | N 14°41'26" W | 26.87    |
| L54  | N 14°41'26" W | 16.34    |
| L55  | N 14°41'26" W | 29.53    |
| L56  | N 89°49'46" W | 63.02    |
| L57  | N 89°49'46" W | 44.27    |
| L58  | N 14°41'26" W | 26.87    |
| L59  | N 14°41'26" W | 16.34    |
| L60  | N 14°41'26" W | 29.53    |
| L61  | N 89°49'46" W | 63.02    |
| L62  | N 89°49'46" W | 44.27    |
| L63  | N 14°41'26" W | 26.87    |
| L64  | N 14°41'26" W | 16.34    |
| L65  | N 14°41'26" W | 29.53    |
| L66  | N 89°49'46" W | 63.02    |
| L67  | N 89°49'46" W | 44.27    |
| L68  | N 14°41'26" W | 26.87    |
| L69  | N 14°41'26" W | 16.34    |
| L70  | N 14°41'26" W | 29.53    |
| L71  | N 89°49'46" W | 63.02    |
| L72  | N 89°49'46" W | 44.27    |
| L73  | N 14°41'26" W | 26.87    |
| L74  | N 14°41'26" W | 16.34    |
| L75  | N 14°41'26" W | 29.53    |
| L76  | N 89°49'46" W | 63.02    |
| L77  | N 89°49'46" W | 44.27    |
| L78  | N 14°41'26" W | 26.87    |
| L79  | N 14°41'26" W | 16.34    |
| L80  | N 14°41'26" W | 29.53    |
| L81  | N 89°49'46" W | 63.02    |
| L82  | N 89°49'46" W | 44.27    |
| L83  | N 14°41'26" W | 26.87    |
| L84  | N 14°41'26" W | 16.34    |
| L85  | N 14°41'26" W | 29.53    |
| L86  | N 89°49'46" W | 63.02    |
| L87  | N 89°49'46" W | 44.27    |
| L88  | N 14°41'26" W | 26.87    |
| L89  | N 14°41'26" W | 16.34    |
| L90  | N 14°41'26" W | 29.53    |
| L91  | N 89°49'46" W | 63.02    |
| L92  | N 89°49'46" W | 44.27    |
| L93  | N 14°41'26" W | 26.87    |
| L94  | N 14°41'26" W | 16.34    |
| L95  | N 14°41'26" W | 29.53    |
| L96  | N 89°49'46" W | 63.02    |
| L97  | N 89°49'46" W | 44.27    |
| L98  | N 14°41'26" W | 26.87    |
| L99  | N 14°41'26" W | 16.34    |
| L100 | N 14°41'26" W | 29.53    |

| CURVE | RADIUS  | LENGTH | DELTA     |
|-------|---------|--------|-----------|
| C1    | 150.00  | 75.83  | 28°57'57" |
| C2    | 300.00  | 20.22  | 3°51'42"  |
| C3    | 250.00  | 92.28  | 21°09'04" |
| C4    | 79.77   | 11.44  | 8°13'06"  |
| 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  | 25°18'01" |
| C9    | 375.00  | 93.78  | 14°19'44" |
| C10   | 625.58  | 129.86 | 11°52'33" |
| C11   | 275.00  | 64.62  | 13°27'50" |
| C12   | 118.83  | 107.81 | 52°04'13" |
| C13   | 150.00  | 53.83  | 20°33'37" |
| C14   | 775.00  | 10.16  | 0°45'05"  |
| C15   | 150.00  | 22.01  | 8°24'20"  |
| C16   | 220.00  | 27.98  | 6°24'41"  |
| C17   | 162.50  | 45.81  | 18°02'02" |
| C18   | 250.00  | 64.31  | 14°44'24" |
| C19   | 162.50  | 96.25  | 33°56'13" |
| C20   | 137.50  | 91.02  | 37°55'33" |
| C21   | 775.00  | 13.54  | 1°00'02"  |
| C22   | 775.00  | 39.00  | 2°53'21"  |
| C23   | 137.50  | 3.37   | 1°24'12"  |
| C24   | 775.00  | 14.34  | 2°11'34"  |
| C25   | 150.00  | 18.19  | 8°22'25"  |
| C26   | 220.00  | 27.98  | 6°24'41"  |
| C27   | 162.50  | 45.81  | 18°02'02" |
| C28   | 250.00  | 64.31  | 14°44'24" |
| C29   | 162.50  | 96.25  | 33°56'13" |
| C30   | 137.50  | 91.02  | 37°55'33" |
| C31   | 775.00  | 13.54  | 1°00'02"  |
| C32   | 775.00  | 39.00  | 2°53'21"  |
| C33   | 137.50  | 3.37   | 1°24'12"  |
| C34   | 775.00  | 14.34  | 2°11'34"  |
| C35   | 150.00  | 18.19  | 8°22'25"  |



# SUBDIVISION PLAT THE VILLAGE AT EMPIRE PASS WEST SIDE

LOCATED IN SECTIONS 21 AND 28,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 2 OF 2

JOB NO.: 1-1-01 FILE: 6/15/05/1446744/1446744.swg

**446744** RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF Bank City Title

DATE 6-12-05 TIME 4:02 PM BOOK          PAGE         

FEE 367.00 REC'D



The Village at Empire Pass – West Side, Lot 15 looking northerly



The Village at Empire Pass – West Side, Lot 15 looking southeasterly



The Village at Empire Pass – West Side, Lot 15 looking easterly



The Village at Empire Pass – West Side, Lot 15 looking westerly