

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



Recorded this \_\_\_ day of  
 \_\_\_\_\_, 2007  
 at Book # \_\_\_ Page # \_\_\_

**ENTRY NO. 00806100**

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE \$ 0.00 BY PARK CITY MUNICIPAL CORP



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

**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 ¼ 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

<sup>6</sup> Hotel rooms of 500 square feet or less constitute 1/4 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.

---

<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.

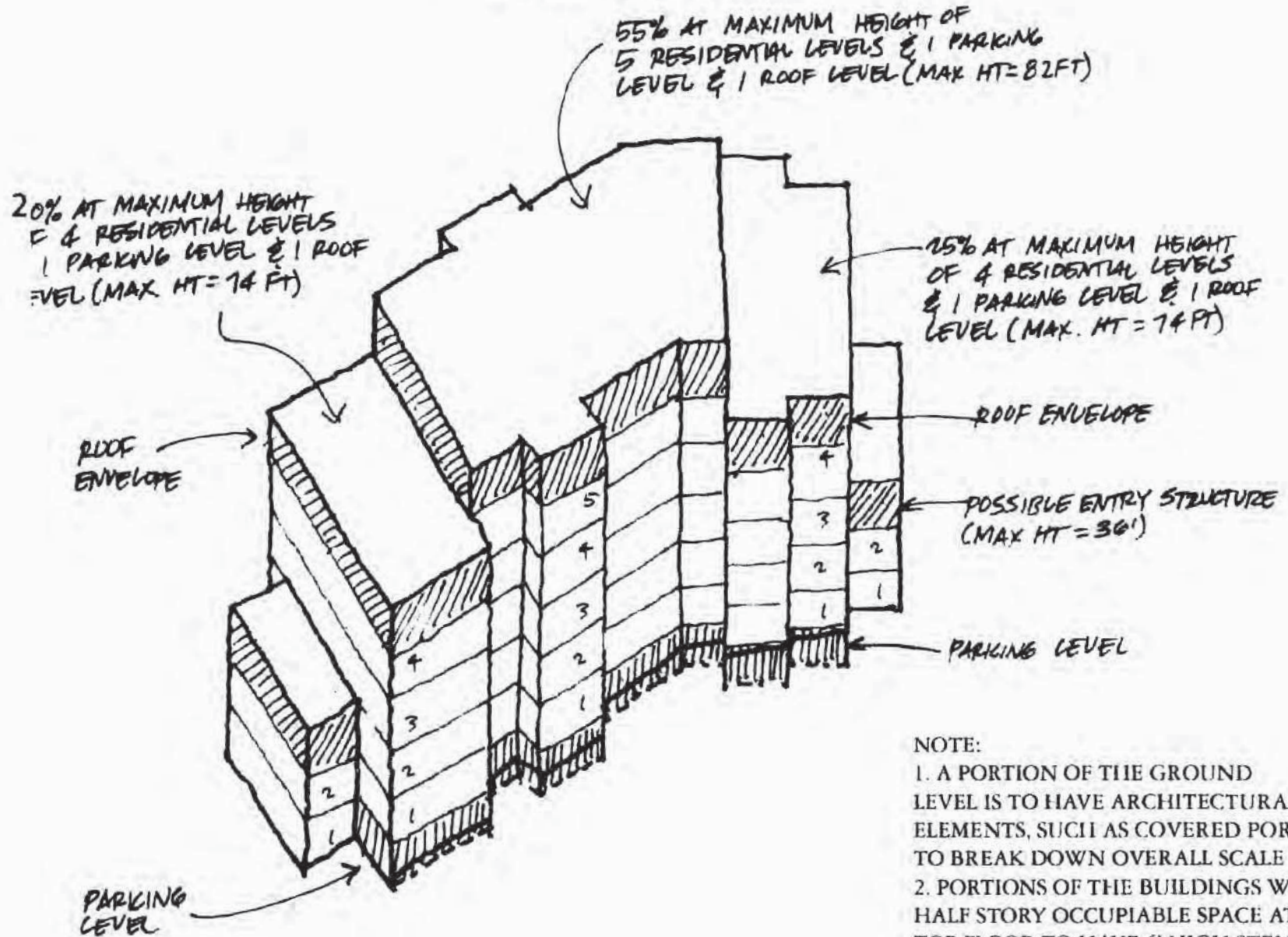
2.3.1 **Public Trails.** Consistent with the Trails Master Plan, DEVELOPER shall construct and dedicate to the City public trails designated within the Prospect Ridge area.

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,



# Building 3 Volumetrics Isometric View



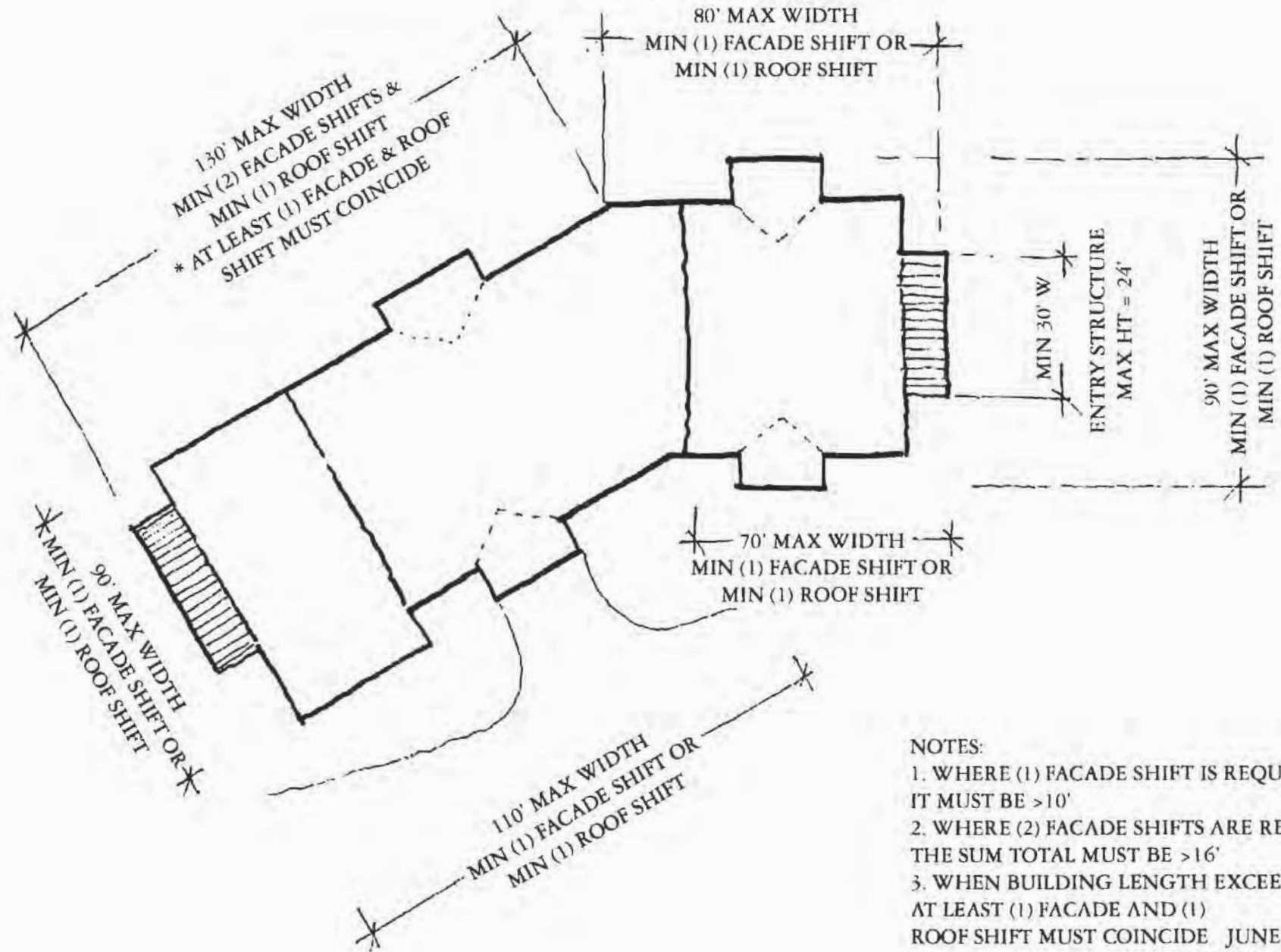
NOTE:

1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE
2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004

# Building 3 Volumetrics Plan View

EXHIBIT G

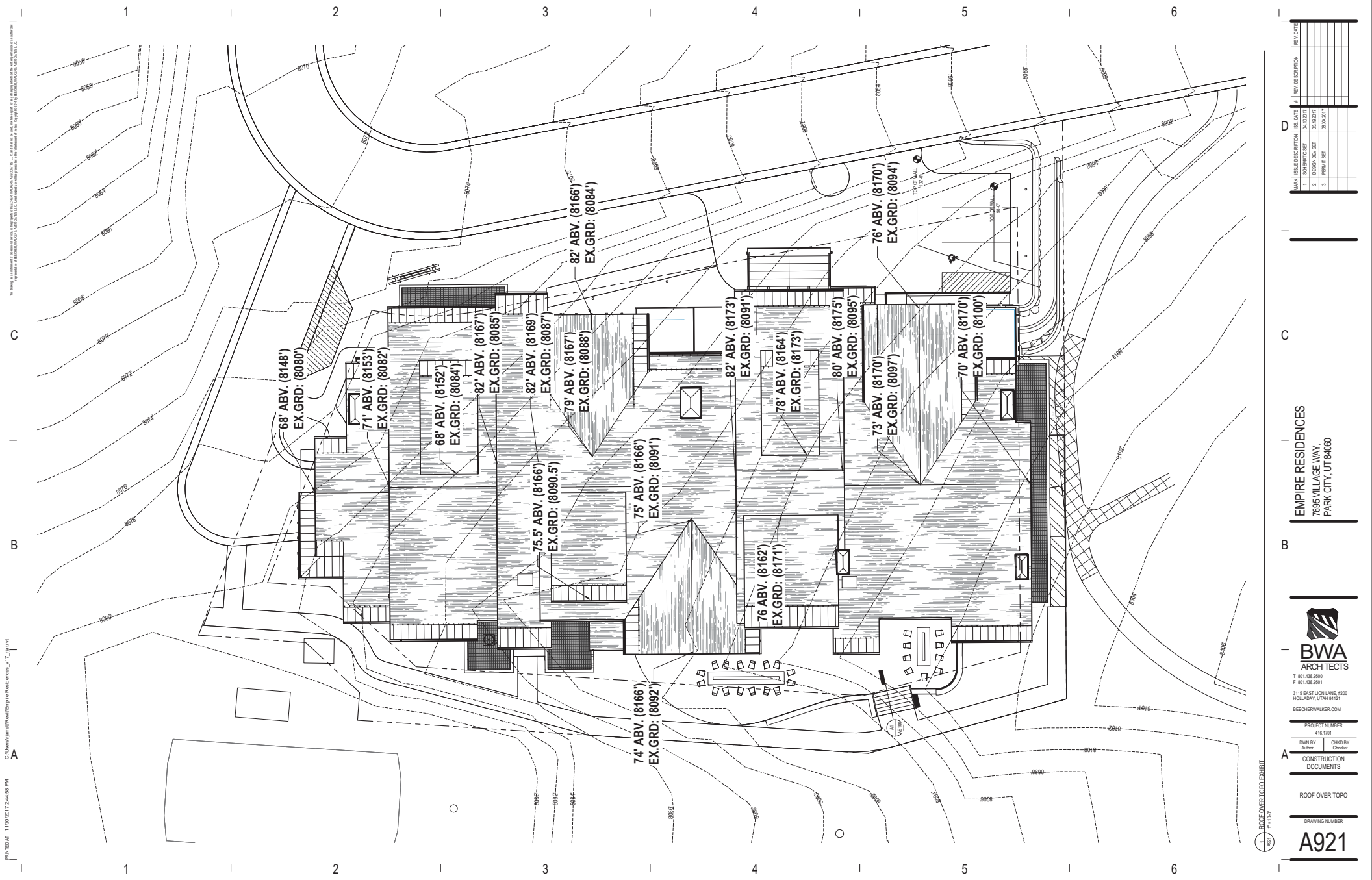


**NOTES:**

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



# EXHIBIT H



1 | 2 | 3 | 4 | 5 | 6

A | B | C

A | B | C

A | B | C

1 | 2 | 3 | 4 | 5 | 6

NO.	ISSUE DESCRIPTION	ISS. DATE	REV. DATE	REV. DESCRIPTION	REV. DATE
1	SCHEDULING SET	24.9.2017			
2	UTILITY AND SET	25.9.2017			
3	PERMIT SET	26.9.2017			

**EMPIRE RESIDENCES**  
7695 VILLAGE WAY,  
PARK CITY, UT 84060

**BWA ARCHITECTS**  
T: 801.438.9500  
F: 801.438.9501  
3115 EAST LYON LANE, #200  
MOLLAHAW, UTAH 84041  
BWA@BWAARCHITECTS.COM

PROJECT NUMBER  
416.1101

DRAWN BY: Author | CHECK BY: Checker

CONSTRUCTION DOCUMENTS

ROOF OVER TOPO

DRAWING NUMBER  
**A921**

1 - ROOF OVER TOPO EXHIBIT  
1" = 10'

PRINTED AT: 11/20/2017 2:44:05 PM  
C:\Users\james@BWA\Documents\Empire Residences\_v12.dwg

1 | 2 | 3 | 4 | 5 | 6

25% AT MAXIMUM HEIGHT OF 74'  
4 STORIES + MEZZ.  
(20% ALLOWED)

50% AT MAXIMUM HEIGHT OF 82'  
6 STORIES + MEZZ.  
(55% ALLOWED)

25% AT MAXIMUM HEIGHT OF 74'  
5 STORIES + MEZZ.  
(25% ALLOWED)



3 WEST VOLUMETRIC ELEVATION  
1/8" = 1'-0"

1 | 2 | 3 | 4 | 5 | 6

#	REV. DESCRIPTION	REV. DATE
1	ISSUE DESCRIPTION	ISS. DATE
2	ISSUE DESCRIPTION	ISS. DATE
3	ISSUE DESCRIPTION	ISS. DATE

EMPIRE RESIDENCES  
7695 VILLAGE WAY,  
PARK CITY, UT 84060

**BWA**  
ARCHITECTS  
T: 801.438.9500  
F: 801.438.9501  
3115 EAST LYON LANE, #200  
MOLLAHAW, UT 84041  
BWA@BWAARCHITECTS.COM

PROJECT NUMBER  
416.1101  
DRAWN BY  
Author  
CHECK BY  
Checker  
CONSTRUCTION DOCUMENTS

HEIGHT ANALYSIS  
DRAWING NUMBER  
**A920**

PRINTED AT: 11/20/2017 3:12:47 PM  
 C:\Users\jgarett\OneDrive\Empire Residences\_V11.dwg  
 The information on this drawing was prepared by BWA Architects, Inc. and is the property of BWA Architects, Inc. It is to be used only for the project and location specified. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of BWA Architects, Inc.



1 | | 2 | | 3 | | 4 | | 5 | | 6



1  
A922 VOLUMETRICS ISOMETRIC Copy 1

1 | | 2 | | 3 | | 4 | | 5 | | 6

#	REV. DESCRIPTION	REV. DATE
1	ISSUE DESCRIPTION <td>ISS. DATE</td>	ISS. DATE
2	ISSUE DESCRIPTION <td>ISS. DATE</td>	ISS. DATE
3	ISSUE DESCRIPTION <td>ISS. DATE</td>	ISS. DATE

ISS. DATE	ISS. DESCRIPTION
14.10.2017	ISSUE DESCRIPTION
15.10.2017	ISSUE DESCRIPTION
16.10.2017	ISSUE DESCRIPTION

C

EMPIRE RESIDENCES  
7695 VILLAGE WAY,  
PARK CITY, UT 84060

B

**BWA**  
ARCHITECTS

T: 801.438.9500  
F: 801.438.9501

3115 EAST LYON LANE, #200  
MOLLAHAWK, UT 84051

REC@BWAARCHITECTS.COM

PROJECT NUMBER 416.1701	
DRAWN BY Author	CHECKED BY Checker

3D NE SIDE

DRAWING NUMBER  
**A922**

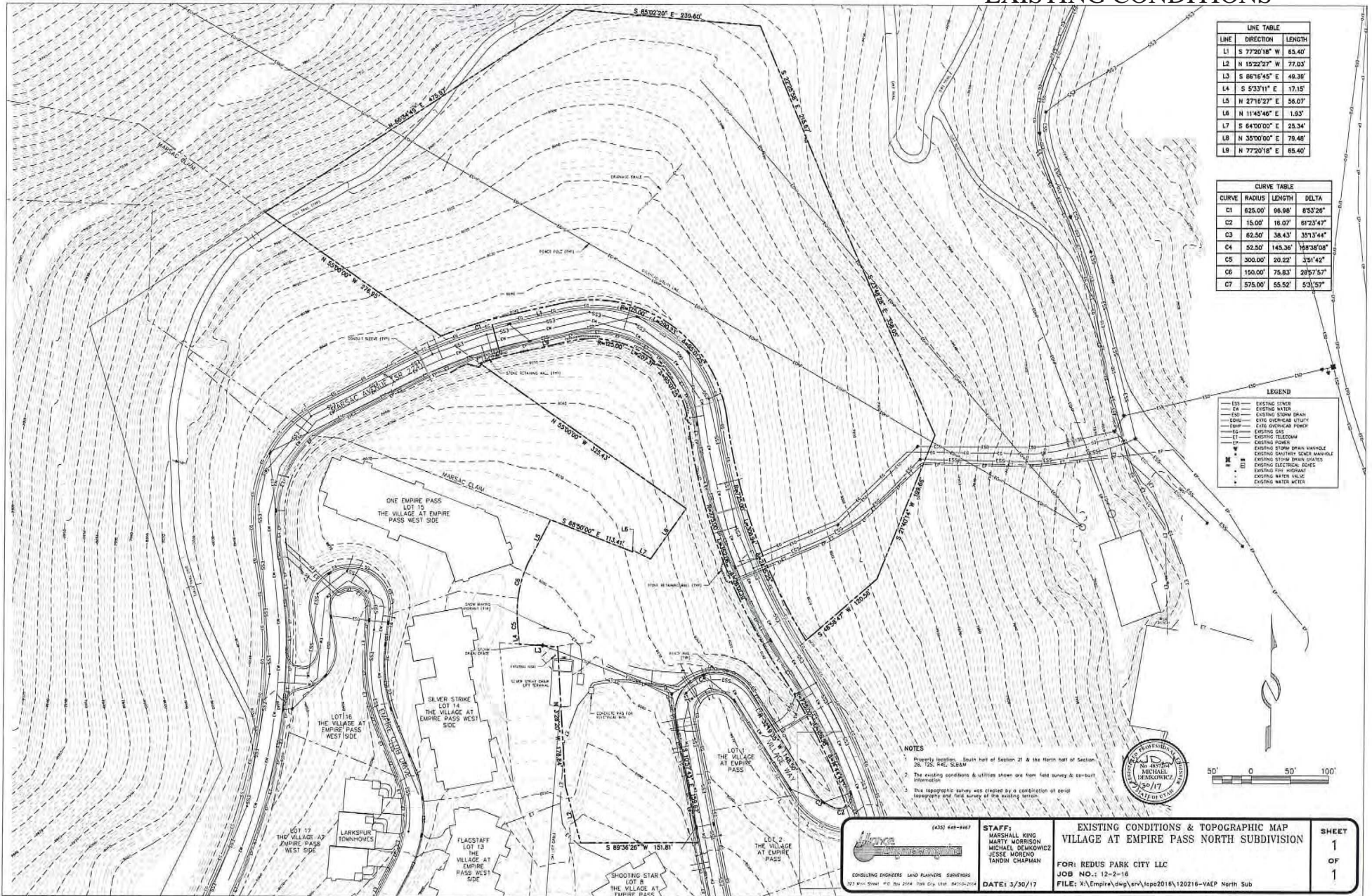
CONSTRUCTION DOCUMENTS

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The firm and its employees shall not be held responsible for any errors or omissions in this drawing. The user of this drawing shall be responsible for its use and for any consequences thereof.



# EXHIBIT I EXISTING CONDITIONS



LINE	DIRECTION	LENGTH
L1	S 77°20'18" W	65.40'
L2	N 15°22'27" W	77.03'
L3	S 86°16'45" E	49.30'
L4	S 9°37'11" E	17.15'
L5	N 27°16'27" E	58.07'
L6	N 11°45'46" E	1.93'
L7	S 64°00'00" E	23.34'
L8	N 35°00'00" E	78.48'
L9	N 77°20'18" E	65.40'

CURVE	RADIUS	LENGTH	DELTA
C1	625.00'	96.98'	8°53'26"
C2	15.00'	16.07'	81°23'47"
C3	62.50'	38.43'	35°13'44"
C4	52.50'	145.36'	1°58'38"08"
C5	300.00'	20.22'	3°51'42"
C6	150.00'	75.83'	20°57'57"
C7	575.00'	55.52'	5°15'57"

LEGEND	
---	EXISTING CENTER
---	EXISTING WATER
---	EXISTING SHOW BRAN
---	EXISTING OVERHEAD UTILITY
---	EXISTING GAS
---	EXISTING TELEPHONE
---	EXISTING POWER
---	EXISTING SHOW BRAN MANHOLE
---	EXISTING SANITARY SINKER MANHOLE
---	EXISTING SHOW BRAN STAKE
---	EXISTING ELECTRICAL STAKE
---	EXISTING WATER VALVE
---	EXISTING WATER METER

**NOTES**

- Property location, South half of Section 27 & the North half of Section 28, T2S, R4E, S18&M.
- The existing conditions & utilities shown are from field survey & as-built information.
- This topographic survey was created by a combination of aerial topographic and field survey of the existing terrain.



<p>(415) 448-9467</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</p> <p>1200 W. Street #10, San Jose, CA 95128, 415.448.9467</p>	<p><b>STAFF:</b> MARSHALL KING MARTY MORRISON MICHAEL DEMKOWICZ JESSE MORENO TANSON CHAPMAN</p>	<p><b>EXISTING CONDITIONS &amp; TOPOGRAPHIC MAP</b> <b>VILLAGE AT EMPIRE PASS NORTH SUBDIVISION</b></p>	<p><b>SHEET</b> <b>1</b> <b>OF</b> <b>1</b></p>
	<p><b>DATE:</b> 3/30/17</p>	<p><b>FOR:</b> REDUS PARK CITY LLC</p> <p><b>JOB NO.:</b> 17-27-18</p> <p><b>FILE:</b> X:\Empire.dwg\vr\lope2018\120216-VACP North Sub</p>	




# EXHIBIT J- AERIAL PHOTO



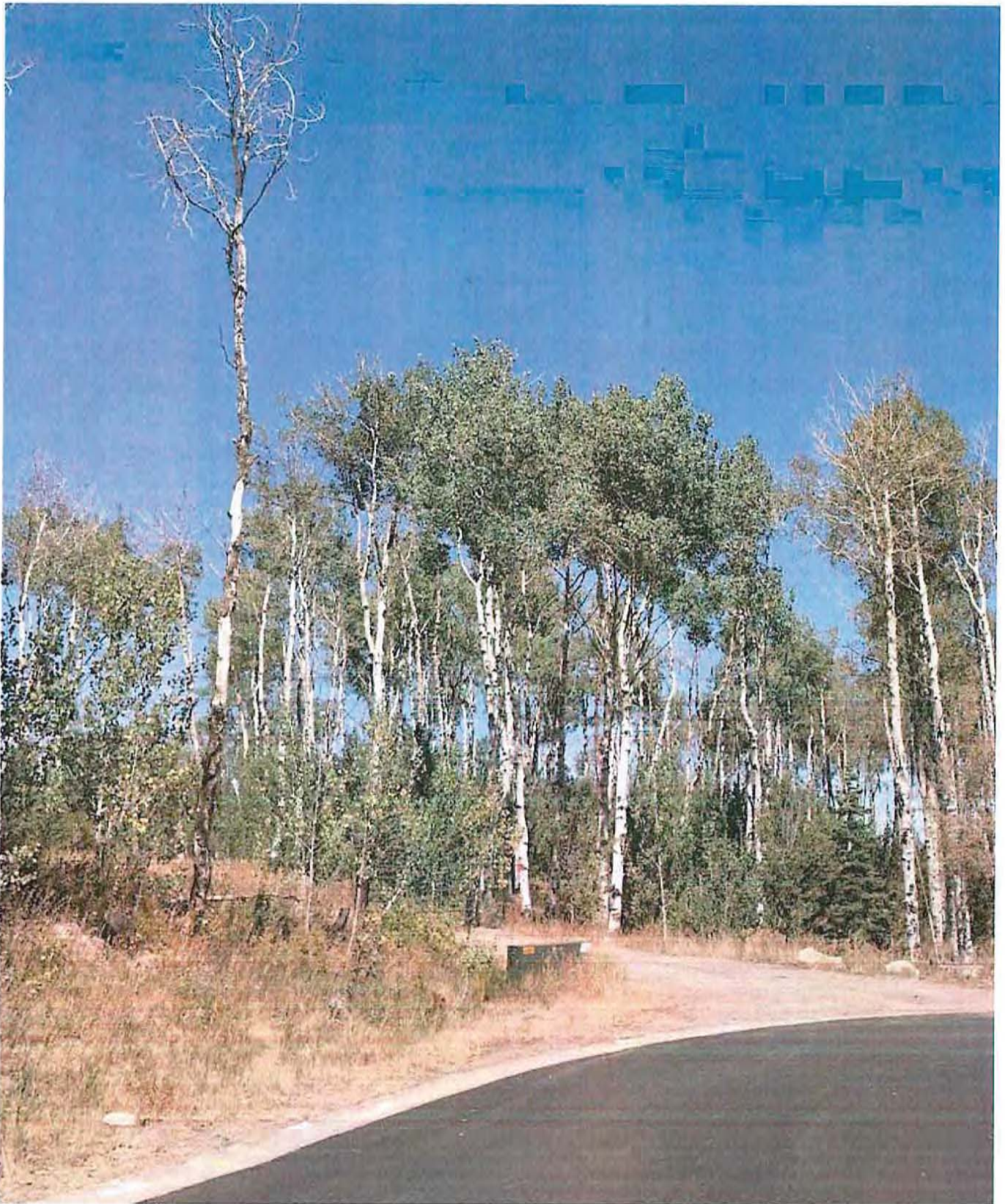
SUBJECT PROPERTY

RECEIVED  
AUG 30 2016  
EDT

100' 0 100' 200'

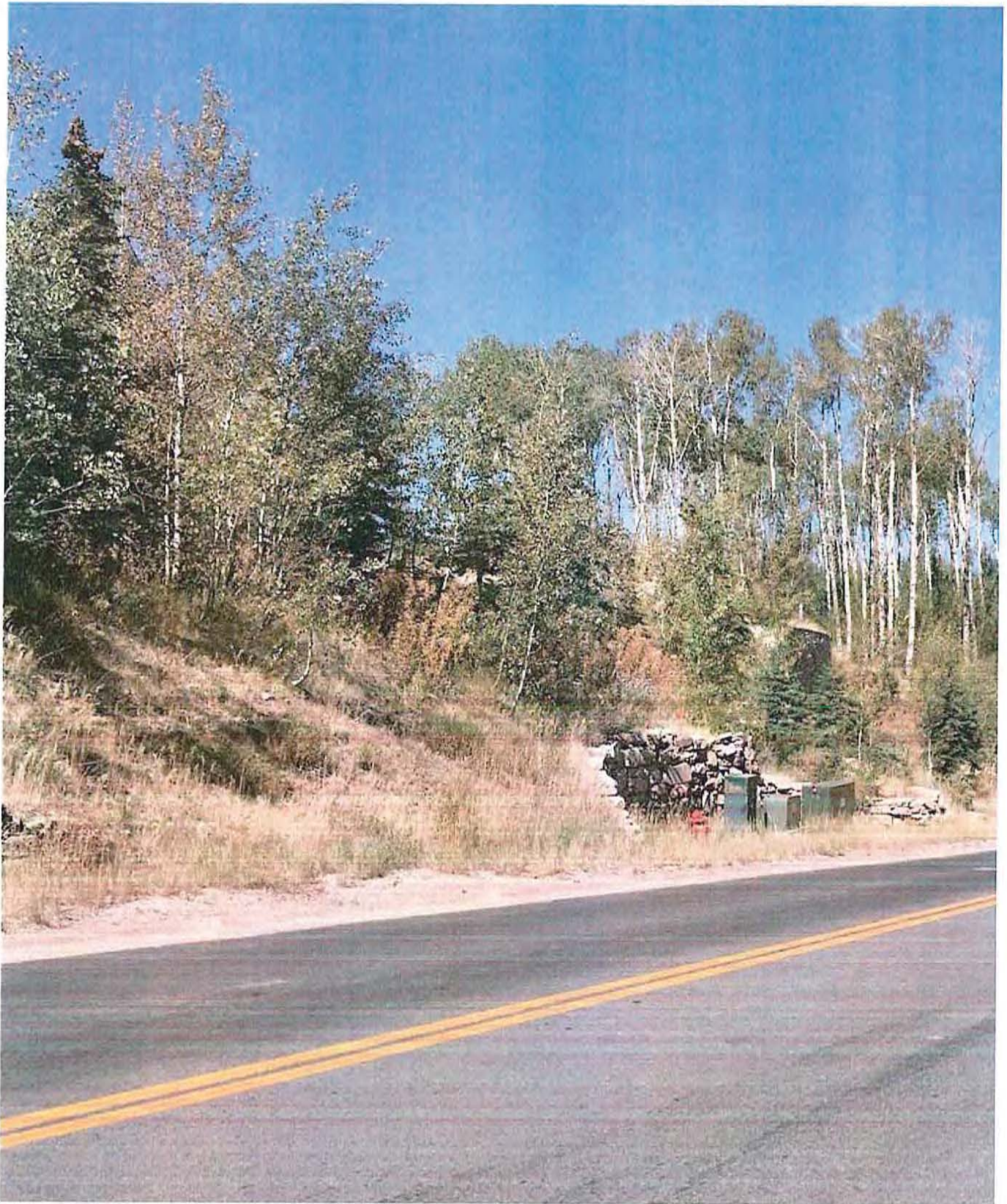
 <p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street, P.O. Box 2054 Park City, Utah 84050-2054</p>	<p>STAFF: MARSHALL KING MARTY MORRISON MICHAEL DEMKOWICZ JESSE MORENO</p>	<p>AERIAL PHOTOGRAPH VILLAGE AT EMPIRE PASS NORTH SUBDIVISION</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 8/25/16</p>	<p>FOR: REDUS PARK CITY LLC JOB NO.: 12-2-16 FILE: K:\Empire\dwg\Exhibit\VAEP North Sub-artha.dwg</p>	





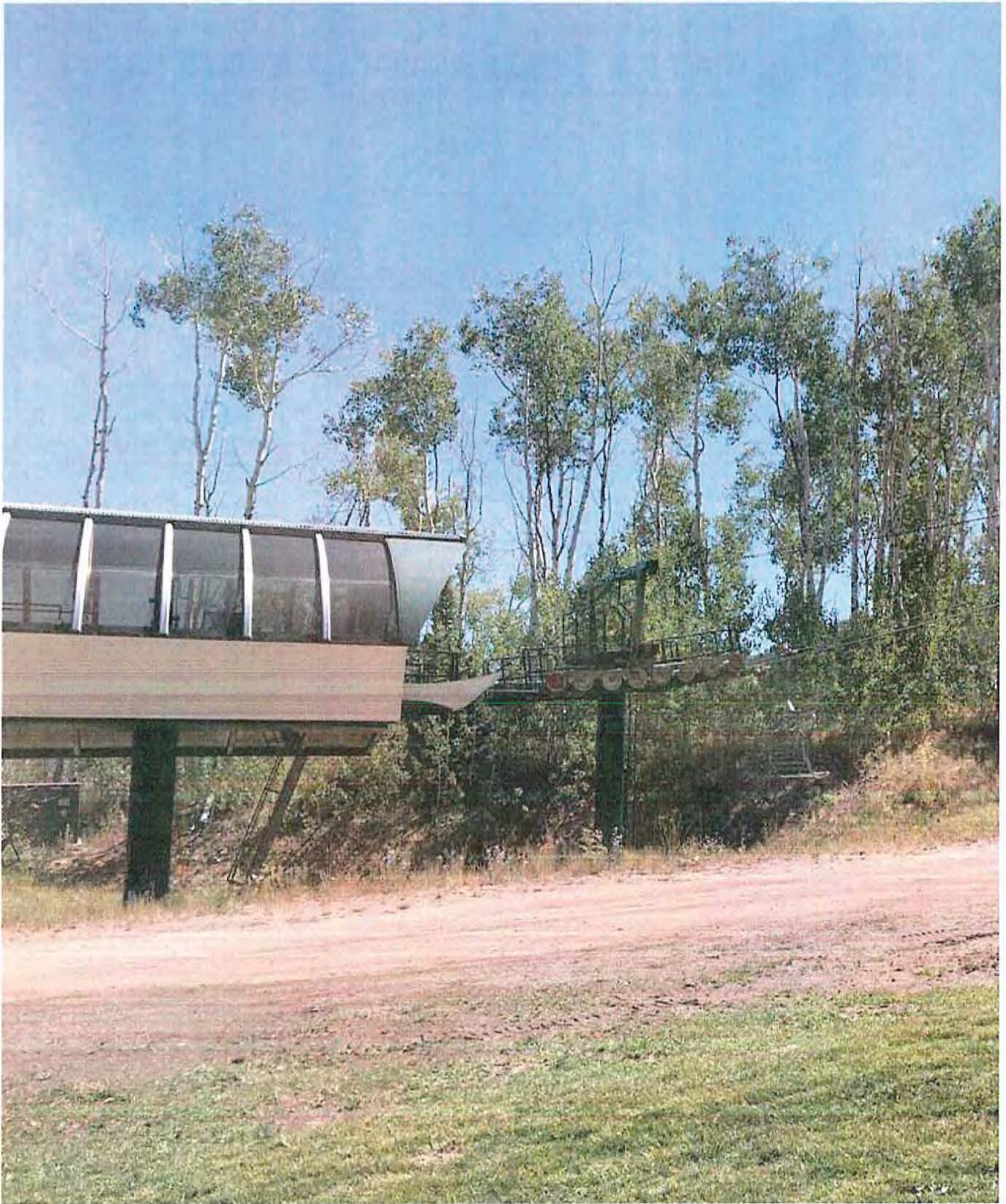
Looking northwest to Lots 2 and 3 from Village Way.





Looking west from Marsac to Lot 2





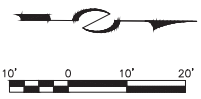
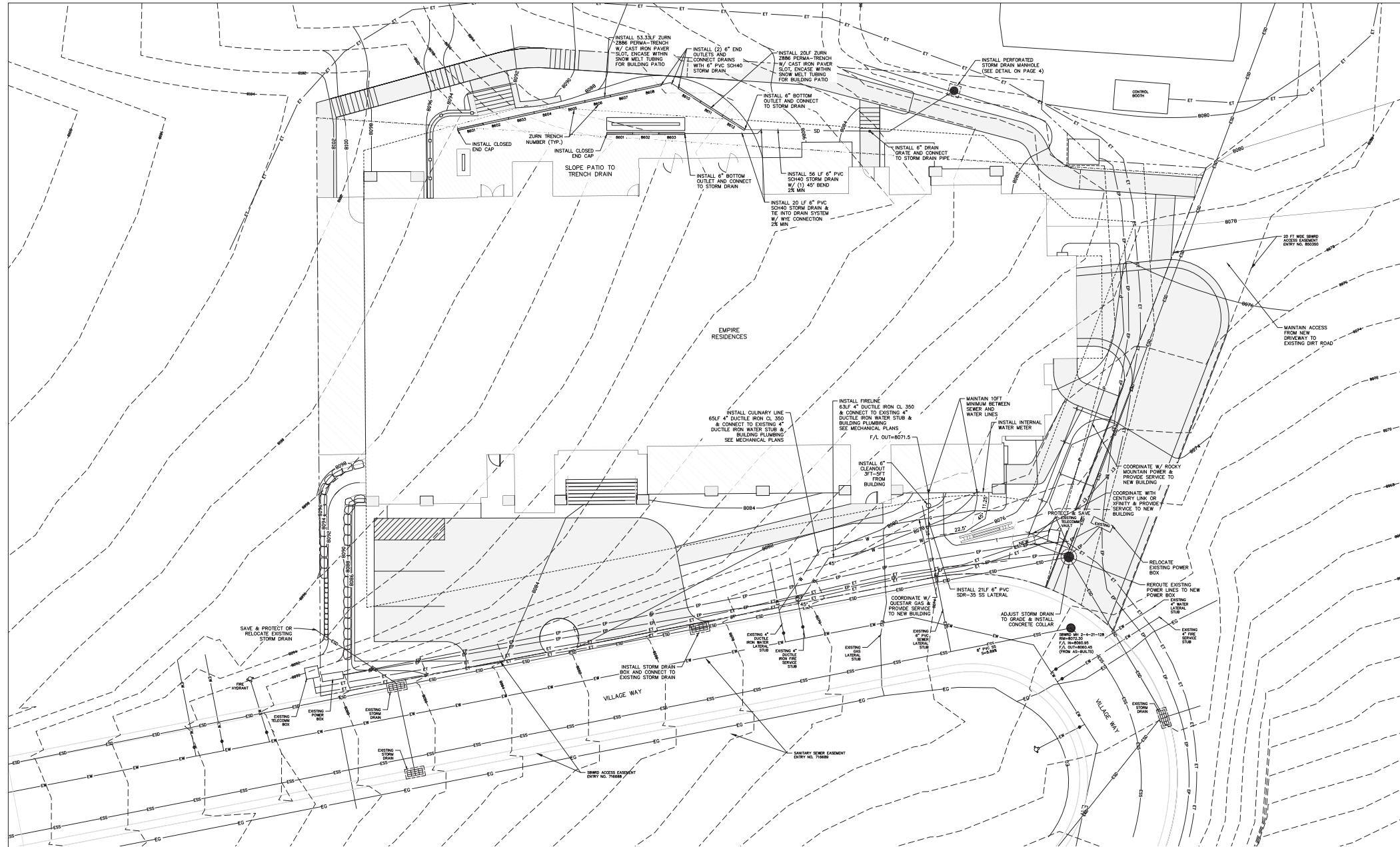
Looking west from Lots 2 and 3 to Silver Strike Lift







# EXHIBIT K- UTILITY PLANS



**Alvance**  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 322 Main Street P.O. Box 2054 Park City, Utah 84302-0554  
 (435) 649-9447

**STAFF:**  
 MICHAEL DEMKOWICZ  
 JUAN CARRASCO  
 TANDIN CHAPMAN

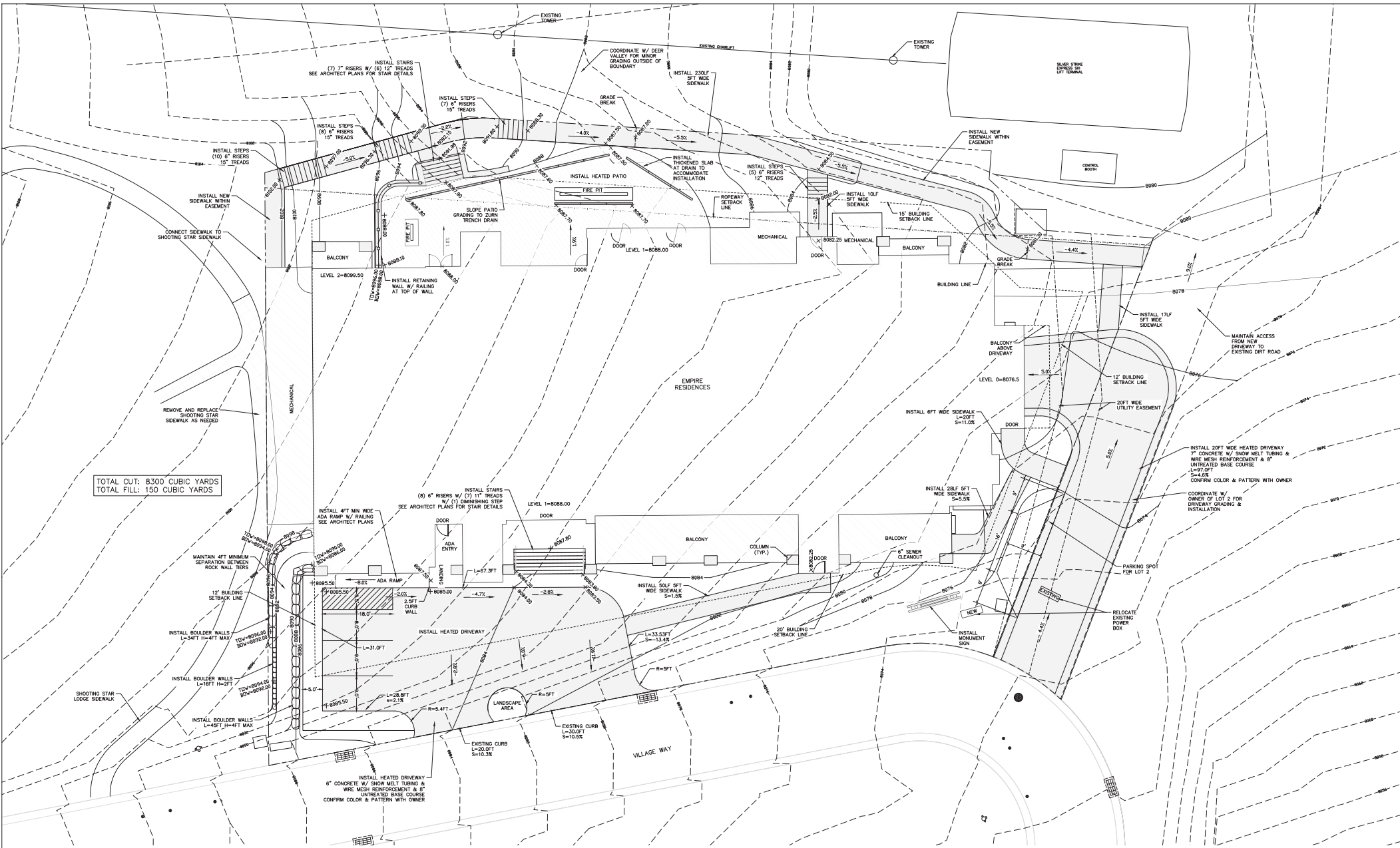
**EMPIRE RESIDENCES**  
 LOT 3 VILLAGE AT EMPIRE PASS NORTH SUBDIVISION  
**UTILITY PLAN**

FOR: EMPIRE RESIDENCES LLC.  
 JOB NO.: 14-09-16  
 DATE: 6/29/17  
 FILE: X:\Empire.dwg\Empire Residences-L3\_VEPN\140916-L3VEPN-Civ3d2018\_topo.dwg

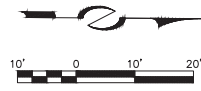
SHEET  
 2  
 OF  
 4



# SITE AND GRADING



TOTAL CUT: 8300 CUBIC YARDS  
TOTAL FILL: 150 CUBIC YARDS



(435) 649-9487  
  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 323 Main Street P.O. Box 2694 Park City, Utah 84099-2694

EMPIRE RESIDENCES  
 LOT 3 VILLAGE AT EMPIRE PASS NORTH SUBDIVISION  
**SITE & GRADING PLAN**

STAFF:  
 MICHAEL DEMKOWICZ  
 JUAN CARABASO  
 TANDIN CHAPMAN

FOR: EMPIRE RESIDENCES LLC.  
 JOB NO.: 14-09-16  
 DATE: 6/29/17

FILE: X:\Empire\dwg\Empire Residences-L3\_VEPN\140916-L3VEPN-Civ3d2018\_topo.dwg

SHEET  
 1  
 OF  
 4





SNYDERVILLE BASIN

**WATER RECLAMATION DISTRICT**

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

October 4, 2017

Harrison Horn  
Empire Residences LLC  
2520 N. University Ave. #50  
Provo, UT 84604

Subject: Empire Residences/Village at Empire Pass Lot 3  
Service Provider Letter

Dear Mr. Horn,

This is to respond to your request regarding wastewater service for the referenced project in the Snyderville Basin.

The proposed project is within the Snyderville Basin Water Reclamation District (SBWRD). The SBWRD can provide wastewater service to the project provided the established procedures for obtaining said wastewater service are followed as outlined SBWRD standards. The Developer is encouraged to contact our office to begin the SBWRD development process.

Wastewater service is not committed by SBWRD until SBWRD receives full payment of all required fees including SBWRD impact fees.

Please contact me with any questions.

Sincerely,

*for BDA*  
Bryan D. Atwood, P.E.  
District Engineer

Cc: Riley Jarrett, Beecher Walker Architects  
Project File





Subject Property

Development Site per MPD



*Master Plan - Summer*

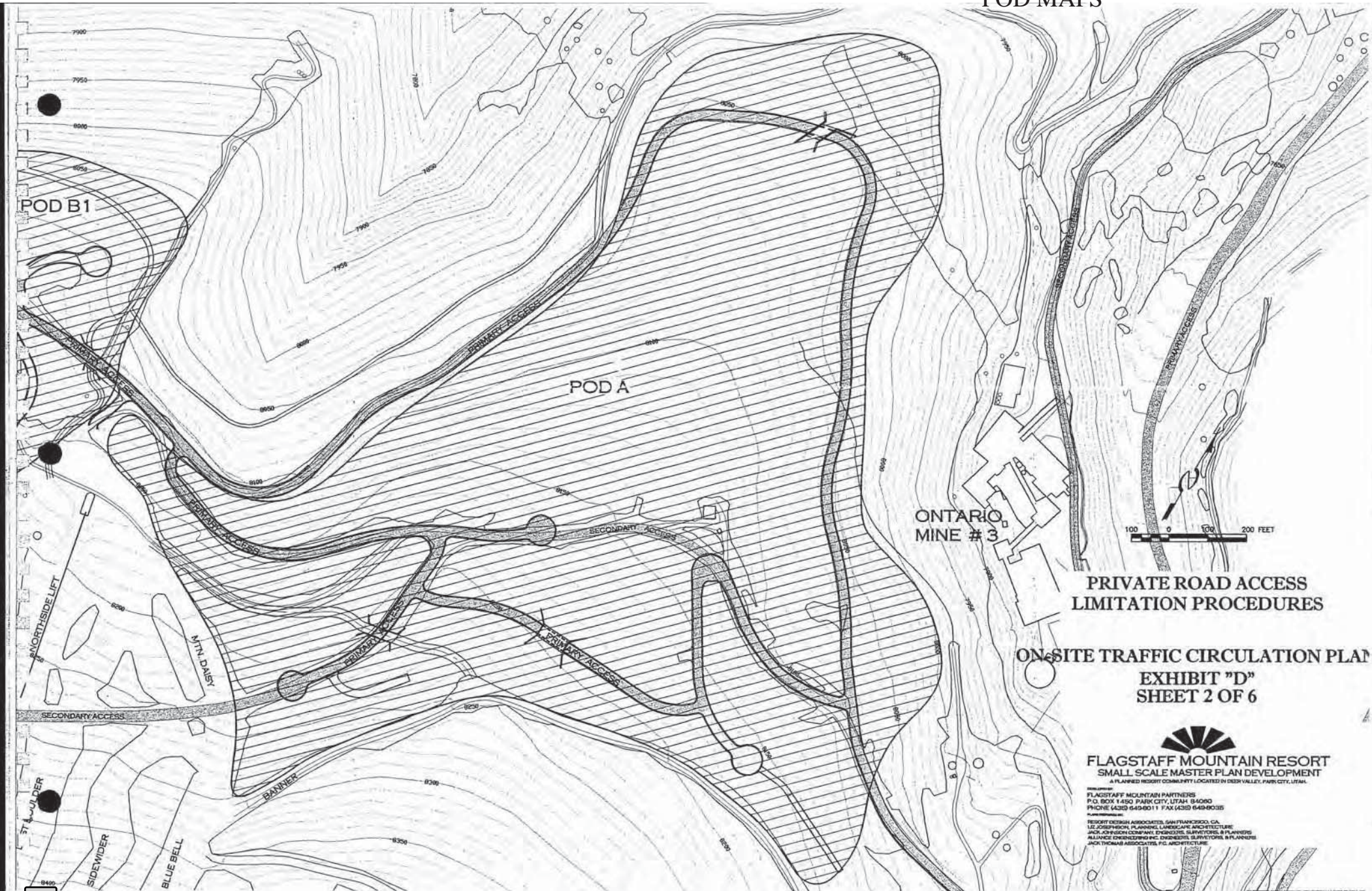
May 6, 2004

HART HOWERTON  
PLANNING ARCHITECTURE  
LANDSCAPE ARCHITECTURE

THE VILLAGE AT EMPIRE PASS  
Park City, Utah



EXHIBIT M  
POD MAPS



PRIVATE ROAD ACCESS  
LIMITATION PROCEDURES

ON-SITE TRAFFIC CIRCULATION PLAN  
EXHIBIT "D"  
SHEET 2 OF 6

  
**FLAGSTAFF MOUNTAIN RESORT**  
SMALL SCALE MASTER PLAN DEVELOPMENT  
A PLANNED RESORT COMMUNITY LOCATED IN DEER VALLEY, PARK CITY, UTAH

FLAGSTAFF MOUNTAIN PARTNERS  
P.O. BOX 1450 PARK CITY, UTAH 84080  
PHONE (435) 649-8011 FAX (435) 649-8035

RESORT DESIGN ASSOCIATES, SAN FRANCISCO, CA  
LIZ JOSEPHSON, PLANNER, LANDSCAPE ARCHITECTURE  
AND JOSEPHSON COMPANY, ENGINEERS, SURVEYORS, & PLANNERS  
ALLIANCE ENGINEERING INC. ENGINEERS, SURVEYORS & PLANNERS  
ARCHITONAL ASSOCIATES, P.C. ARCHITECTURE



# EXHIBIT N

## Flagstaff Annexation and Empire Pass Units and Unit Equivalents Updated for 5.24.17

POD	Single Family	Allowed SF lots	SF Permits	SF CO #'s
A	Banner Wood-platted	6	4	4
B1	Northside-platted	10	10	10
D	Red Cloud-platted	30	12	11
<b>Totals</b>	<b>(Single Family only)</b>	<b>46</b>	<b>26</b>	<b>25</b>

POD	Multi-family	Square Feet		Units		UE		MF Units	ADA	EHU	On Mtn AUE	CO	Status
		Units Approved/Proposed	Platted w/ condo	Platted w/ condo	Approved/Proposed w/ condo or sub	UE Platted with condo	Platted as PUDs	provided/r equired	provided	provided/ proposed	CO UE's	Units	
A	Horseshoe Townhouses on Lot 1 VEPN plat TDB	0		0		0		0			0	0	0 Sub Plat under review
A	Lot 3 VEPN plat-(Bldg 3) Proposed	21		0	24.50	0		0	1		1.1 AUE	0	0 Sub Plat under review
A	Lot 2 VEPN plat-(Bldg 4) TBD	0		0		0		0	2		2.0 AUE	0	0 Sub Plat under review
A	Tower Residential- platted lot/no condo plat (Bldg 1)	25		0	38.90	0		0	1		0.75 AUE	0	0 CUP expired/not platted
A	Shooting Star-platted lot and condo (Bldg 2)	21	36,109	21	18.30	18,055		0	1	0	0	18.1	21 Completed
A	One Empire Pass-platted lot and condo (Bldg 5)	27	65,026	27	32.80	32,513		0	1	1	1.125 AUE	0	0 27 Under Construction
A	Silver Strike-platted lot and condo (Bldg 6)	34	71,305	34	35.60	35,653		0	2	1	1.1 AUE	35.7	34 Completed
A	Flagstaff -platted lot and condo (Bldg 7)	37	73,506	37	35.90	36,753		0	2	2	1.6 AUE	36.8	37 Completed
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	46,458	28	24.50	23,229		0	2	3	2.85 AUE	23.3	28 Completed
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	48,746	28	25.70	24,373		0	2	0	0	24.4	28 Completed
A	Grand Lodge-platted lot and condo (Bldg H)	27	65,344	27	33.00	32,672		0	2	1	1.2 AUE	32.7	27 Completed
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	48,693	15	24.40	24,347	6	0	0	0	0	24.4	15 Completed
A	Larkspur West Townhouses-all platted/condo	12	41,273	12	20.70	20,637		0	0	0	0	20.7	12 Completed
A	Paintbrush PUDs- all platted/condo	12	63,076	12	31.90	31,538	12	0	0	0	0	32	12 Completed
A	Belles PUDs- all platted/condo	17	90,000	17	45.00	45	17	0	0	0	0	37.85	14 14 Completed
B1	Nakoma PUDs- phase 1 platted/condo	17	90,000	17	45.00	45	17	0	0	0	0	35	13 13 Completed
B1	Ironwood- all platted/condo	24	73,944	23	37.40	36,972		0	1	1	1 AUE	37.1	23 Completed
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	24		23	69.60	72,665		0	0	0	0	72.4	1 Completed -see note
B2	B2 West Montage condos- platted (apprvd 94)	94	218,669	84	114.00	109,335		0	5	10	7.8 AUE	109.3	84 Completed
B2	B2 East- B2East Subdivision approved/No condo plat yet	70		0	81.00	0		0	2		4.2 AUE	0	0 Sub plat approved
<b>Totals (Multi-family only)</b>		<b>509</b>	<b>1032149</b>	<b>382</b>	<b>738.20</b>	<b>588.742</b>	<b>52</b>	<b>24</b>	<b>19</b>	<b>24.725 AUE 16.675 AUE built to date (on mtn)</b>		<b>539.75</b>	<b>349</b>
<b>Maximum Allowed by Flagstaff Development Agreement</b>		<b>550</b>		<b>550</b>	<b>785.00</b>	<b>785</b>	<b>60</b>	<b>n/a</b>					
<b>Remaining UE/Units/AUE</b>		<b>41</b>		<b>168</b>	<b>46.80</b>	<b>196.258</b>	<b>8</b>	<b>n/a</b>					

### Affordable Housing

MF Totals by POD only aprvrd or platted (not SF lots)	Units Approved	Units Platted	UE Approved	UE Platted	MF Units as PUD	Total MPD Total off		Total on Mtn AUE required	Total off		Total on Mtn AUE built	Total AUE owed
						AUE required	Mtn AUE required		Mtn AUE built			
A (not including Lot 3 and Tower CUP)	258	258	327.8	324.77	35	118.9	94.175	24.725	89	16.675	13.225	
B1	41	40	82.4	81.972	17							
B2 (plus 174 hotel rooms) not including B2East	94	84	183.6	182	0							
<b>A, B1, B2</b>	<b>393</b>	<b>382</b>	<b>593.8</b>	<b>588.742</b>	<b>52</b>							

% of MF units total in Pods A, B1 and B2 that are in POD A (MPD requires minimum of 50%)

67.54%

SF- Single family lot/house

EHU- Employee Housing Unit (no min number)

ADA- American Disability Act required units

MF- Multi-family/condominium units

AUE- Affordable Unit Equivalent (1 AUE = 800 sf)

VEPN- Village Empire Pass North Subdivision plat

PUD- Planned Unit Development Style MF

UE- Unit Equivalent (1 UE = 2,000 sf residential)

CO- Certificate of Occupancy (hotel rooms counted as 1 CO total)

## EXHIBIT O

Technical Reports

See Link in Exhibit list.





November 21 ,2017

Kirsten Whetstone  
Senior Planner  
Park City Municipal Corporation

**RE: Empire Residences CUP Application**

Dear Kirsten:

We are writing you to provide clarification on our building's compliance with the Volumetric Design included in the Flagstaff Development Agreement.

**Background Information**

The Village at Empire MPD includes a map of potential future development based on a loose concept proposal of building shapes, topography, orientation, road placement, walkways, building square footage, size, and envelope.

During the course of development and approvals the Development Review Board closely followed design guidelines in building materials and aesthetic appeal for building architecture and feel, massing, windows, landscaping, fencing, walkways, etc.

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 façade and roofline shifts, as well as introducing architectural elements at the base of the building.

The volumetrics generally depicts the location and heights modeled in the visual analysis, however there has been, and will continue to be, some changes in the shapes, and locations of the buildings as well as design in levels and effects of individual topography on the buildings.

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.”*

A closer inspection of both the map and concept of the volumetrics will show that all of the buildings in Empire Pass are shown to have 5 levels, including the 4 level Talisker Club building. They also show bends in the building and roof shifts and entrances and other development possibilities that were never actually designed, planned, or engineered, but merely conceptual. The buildings are also out of proportion relative to what square footage and unit equivalents are assigned to each building so once those are assigned, the buildings can be designed and approved with input from the DRB and the square footages and EUs are assigned.

### **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 allows 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 and does not exceed the maximum heights allowed in the MPD.

See the attached document from Beecher Walker Architects and Alliance Engineering. A certified topographical survey was completed by Alliance Engineering and used by Beecher Walker Architects to confirm the building heights above existing grade, and the percentages, as required by the volumetric diagram.



Per the attached exhibit from Beecher Walker Architects, our building heights are as follows:

The volumetrics state that 55% of the building may be at the maximum height of 82' above existing grade. Only 50% of our building is at the maximum height allowed.

The volumetrics state that 20% of the south end of the building must be below 74'. 25% of the south end of our building is below 74'. The south end could be higher per the volumetrics.

The volumetrics state that 25% of the north end of the building must be below 74'. We meet this requirement.

### **Building Appurtenances and Exceptions**

Beyond the height and massing shown in the volumetrics, some appurtenances are allowed outside of this envelope. They 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 they do not extend more than 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

### **Building Levels**

With regard to building 3, the developer closely followed the requirement for the breakup of roofline and façade percentages that meet or exceed the expectations of the MPD approval and its overall height as a percentage of length is likewise compliant. Further, while overall height of the building is difficult given the 20 foot drop in topography, the developer was able to attain roofline and façade shifts and stay under the height limits given in the MPD study.

As mentioned before, both the DRB and Planning Commission have approved buildings in Empire pass that exceed the levels contemplated in the MPD concept plan.

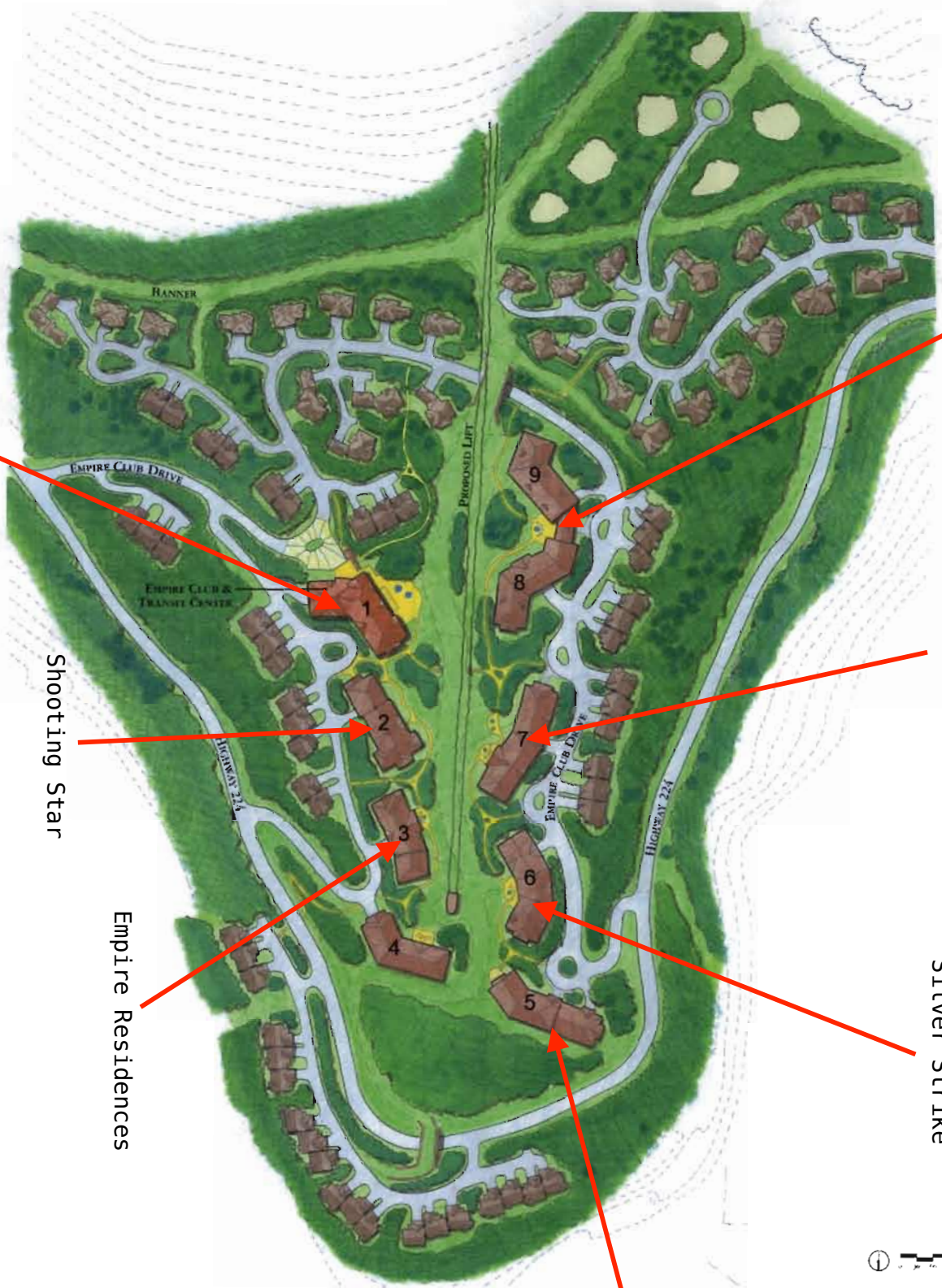
The Design Review Board for Empire Village has thoroughly reviewed our plans. Their representative, Douglas Ogilvy, stated in the public hearing on October 25, 2017, that the levels and configuration of our building comply with their interpretation of the volumetric diagram, and our building overall complies with the intent. Specifically they have taken the position on all prior approvals that the examples, and references to 5 levels, are an example of just one of many possible designs, and that it would not be practical to provide examples of all possible configurations, rather the maximum height is the limiting factor. We believe the planning staff and Commission have also taken this position in prior approvals in the Village, following the DRB's lead on this issue.

Silver Strike, Flagstaff, and One Empire have all received approvals for 6 platted levels, (some with lofts, see attached), while meeting their height restrictions so long as they meet the other aesthetic and volumetric requirements. Empire Residences has met or exceeded the volumetric and height restrictions and has requested approval for a 6 level building (with lofts) similar to the 3 other buildings built and standing in Empire Pass. Our building does not have an elevator or stairwell access to a 7th level, nor a 7th level corridor, etc. Our design would properly be referred to as 6 levels with a loft.

Best Regards,

Lynn Padan  
Harrison Horn  
Empire Residences, LLC





Talisker Club

Arrowleaf

Flagstaff

Shooting Star

Empire Residences

Silver Strike

One Empire Pass

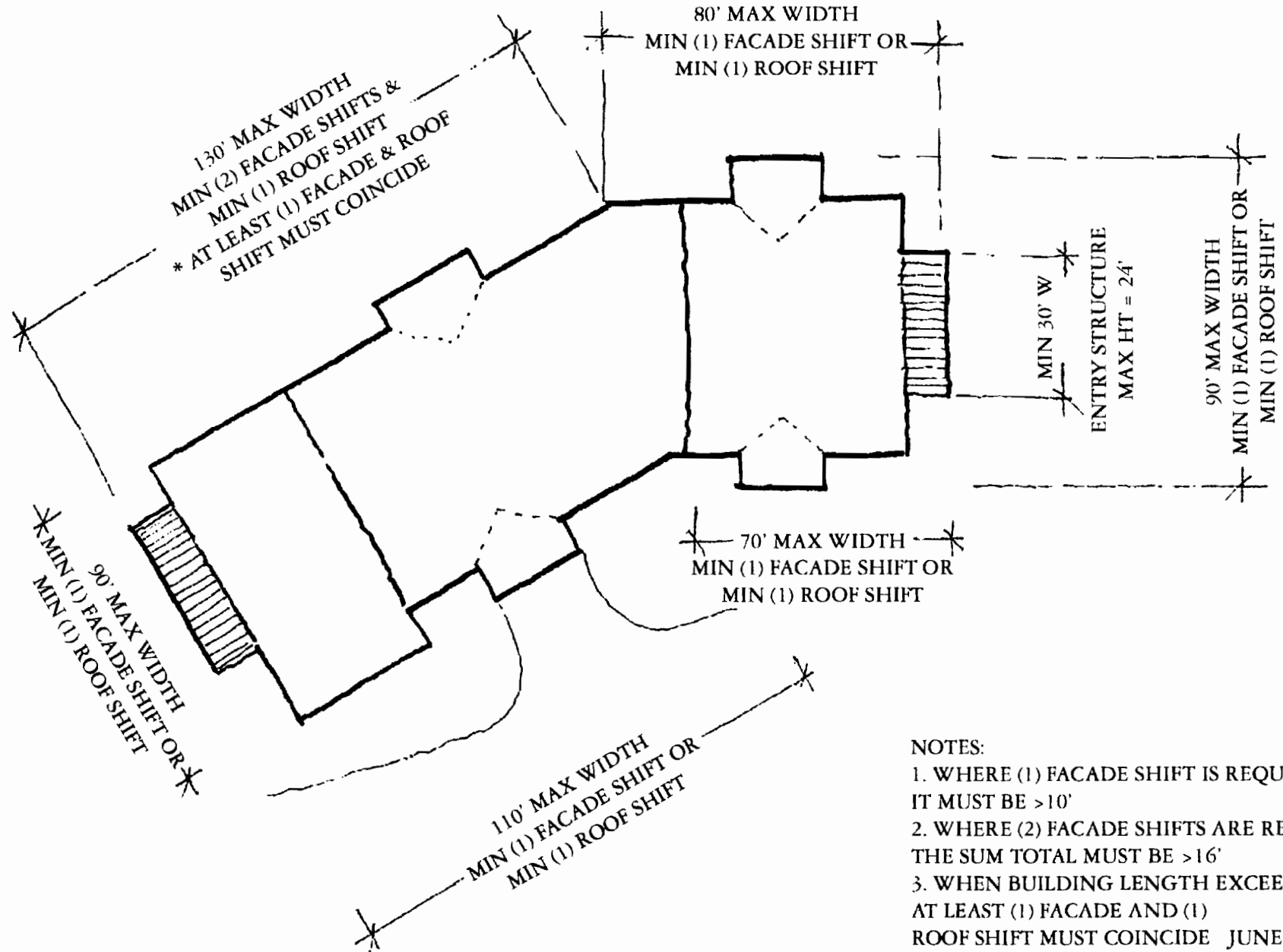


Master Plan - Summer

May 6, 2004  
HART HOWERTON  
LANDSCAPE ARCHITECTS

THE VILLAGE AT EMPIRE PASS  
Park City, Utah

# Building 3 Volumetrics Plan View



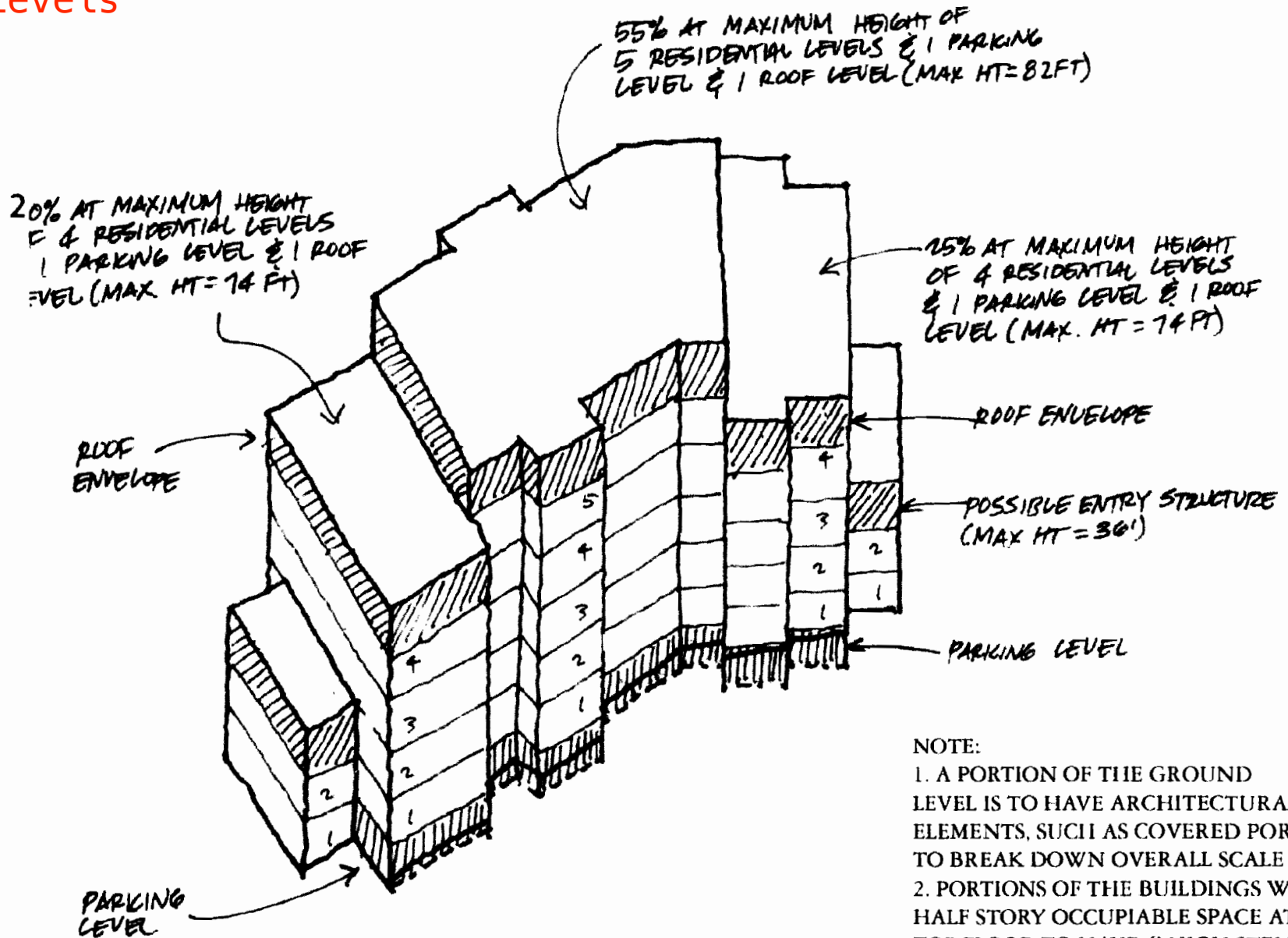
NOTES:

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



Empire Residences  
Max Height: 82 Feet  
6 Levels

# Building 3 Volumetrics Isometric View

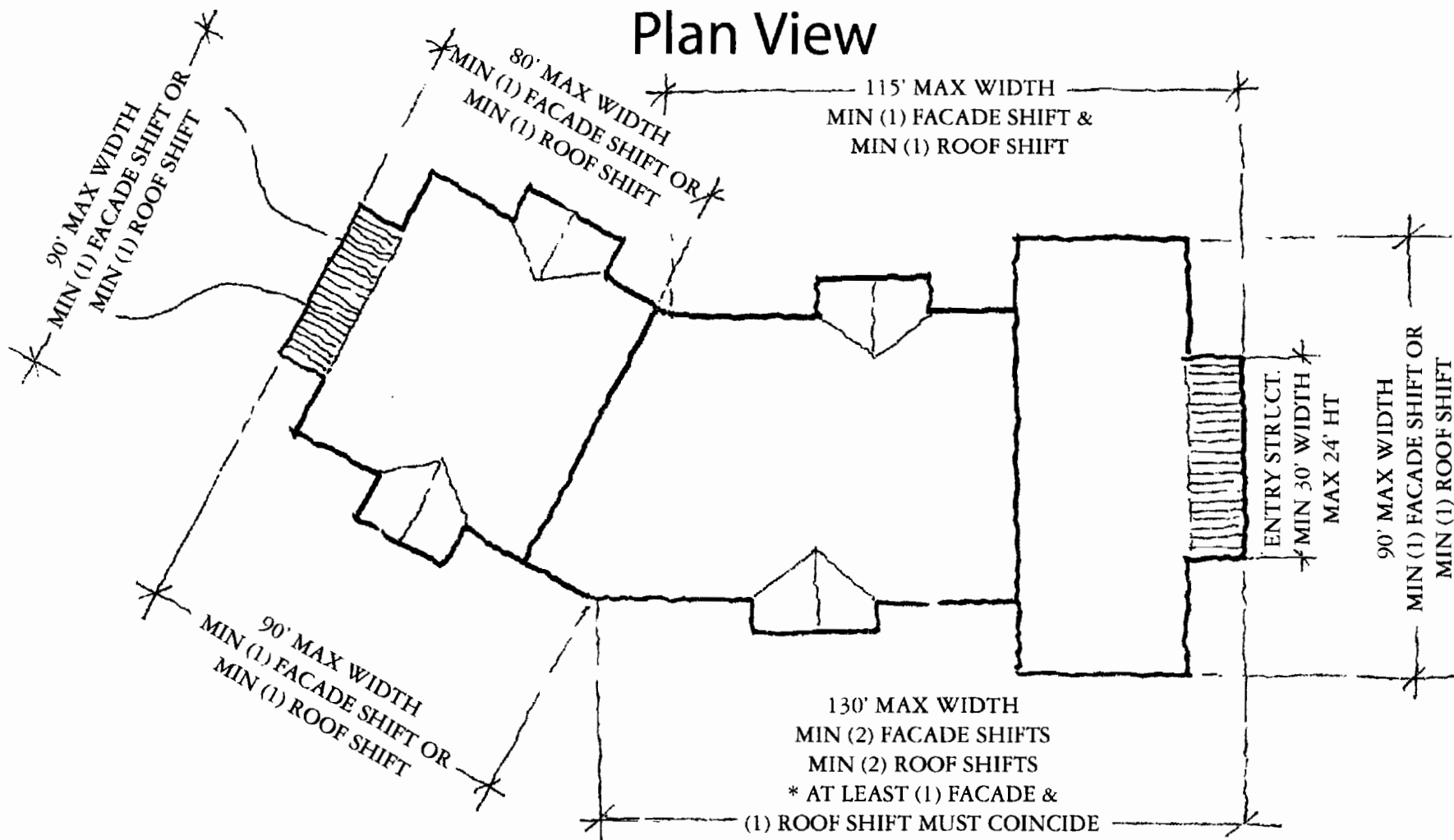


NOTE:

1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE
2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004

# Building 4 Volumetrics Plan View



NOTES:

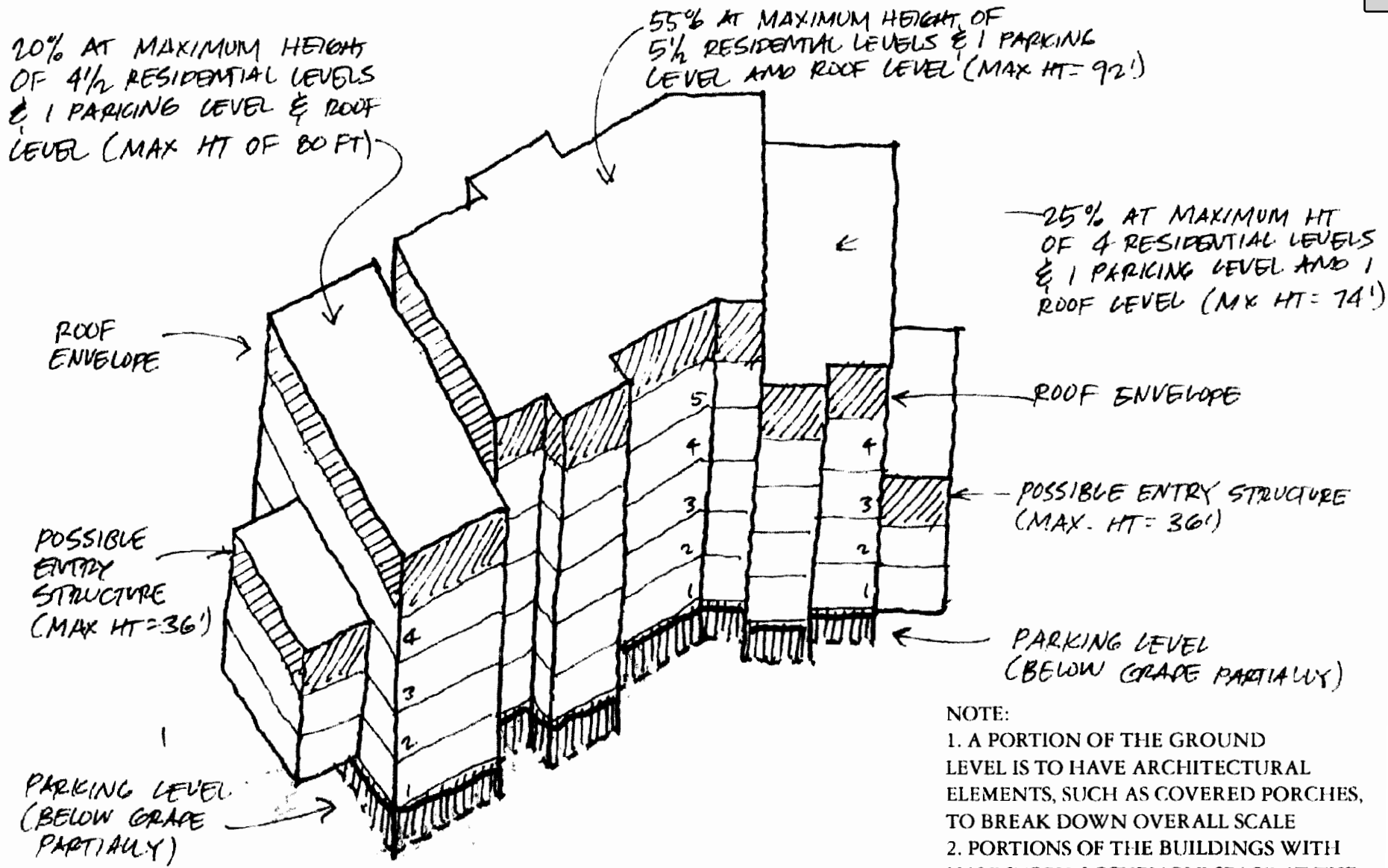
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JUNE 17, 2004



Future Development  
Max Height: 92 feet

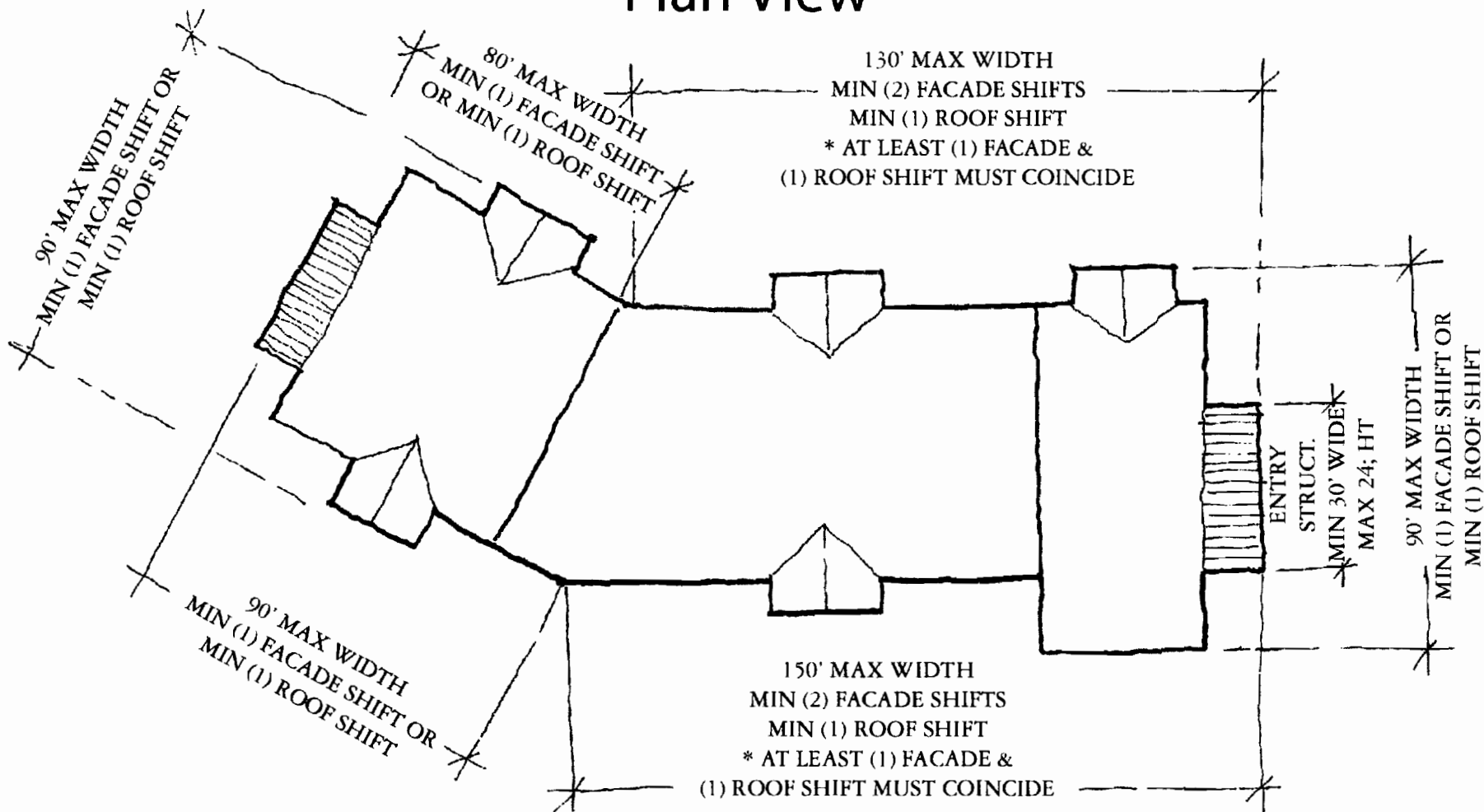
# Building 4 Volumetrics Isometric View



NOTE:  
1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE  
2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004

# Building 5 Volumetric Plan View

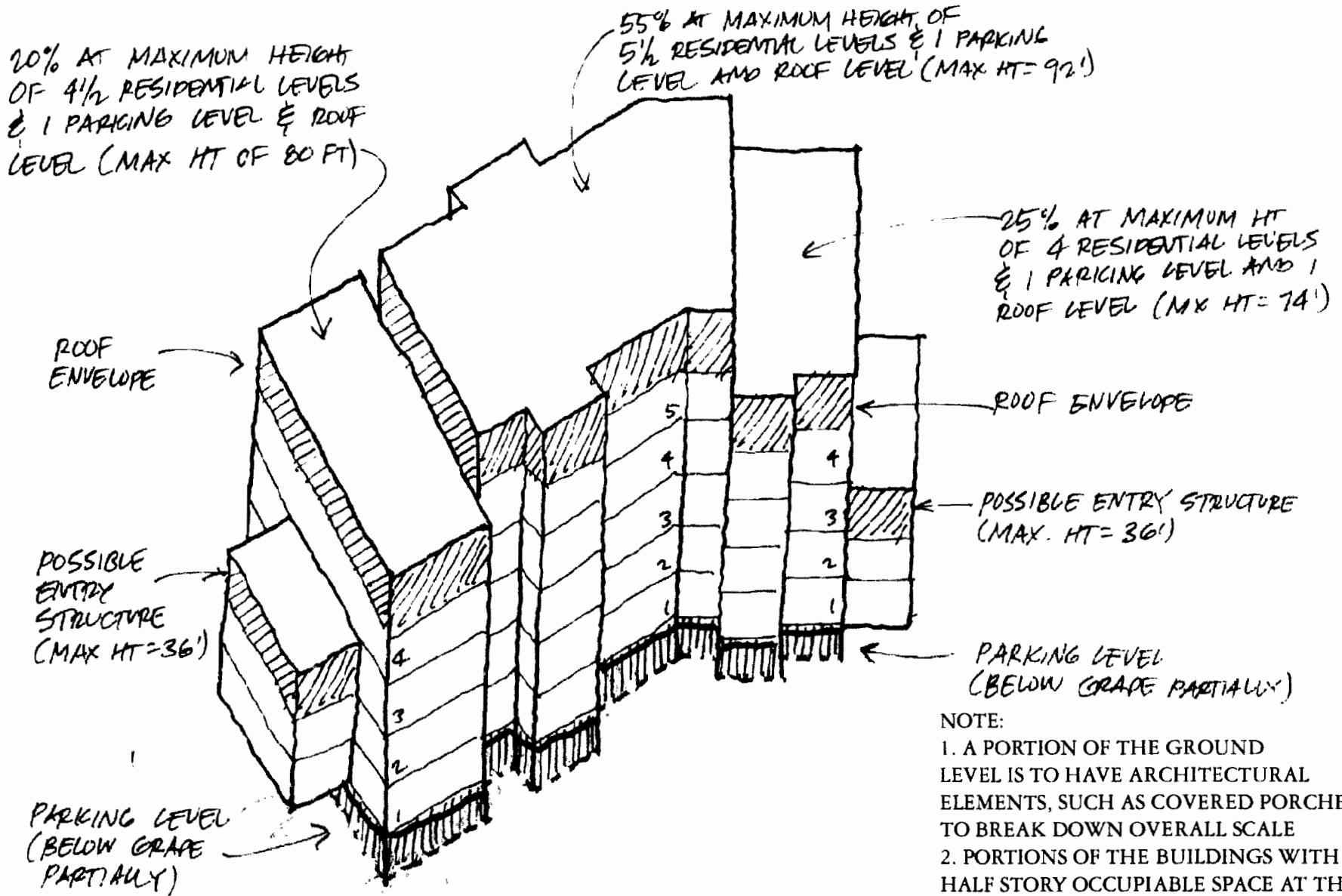


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  2. WHERE (2) FACADE SHIFTS ARE REQUIRED THE SUM TOTAL MUST BE >16'
  3. WHEN BUILDING LENGTH EXCEEDS 120' AT LEAST (1) FACADE AND (1) ROOF SHIFT MUST COINCIDE
- JUNE 17, 2004

One Empire Pass  
 Max Height: 92 Feet  
 6 Levels

# Building 5 Volumetrics Isometric View

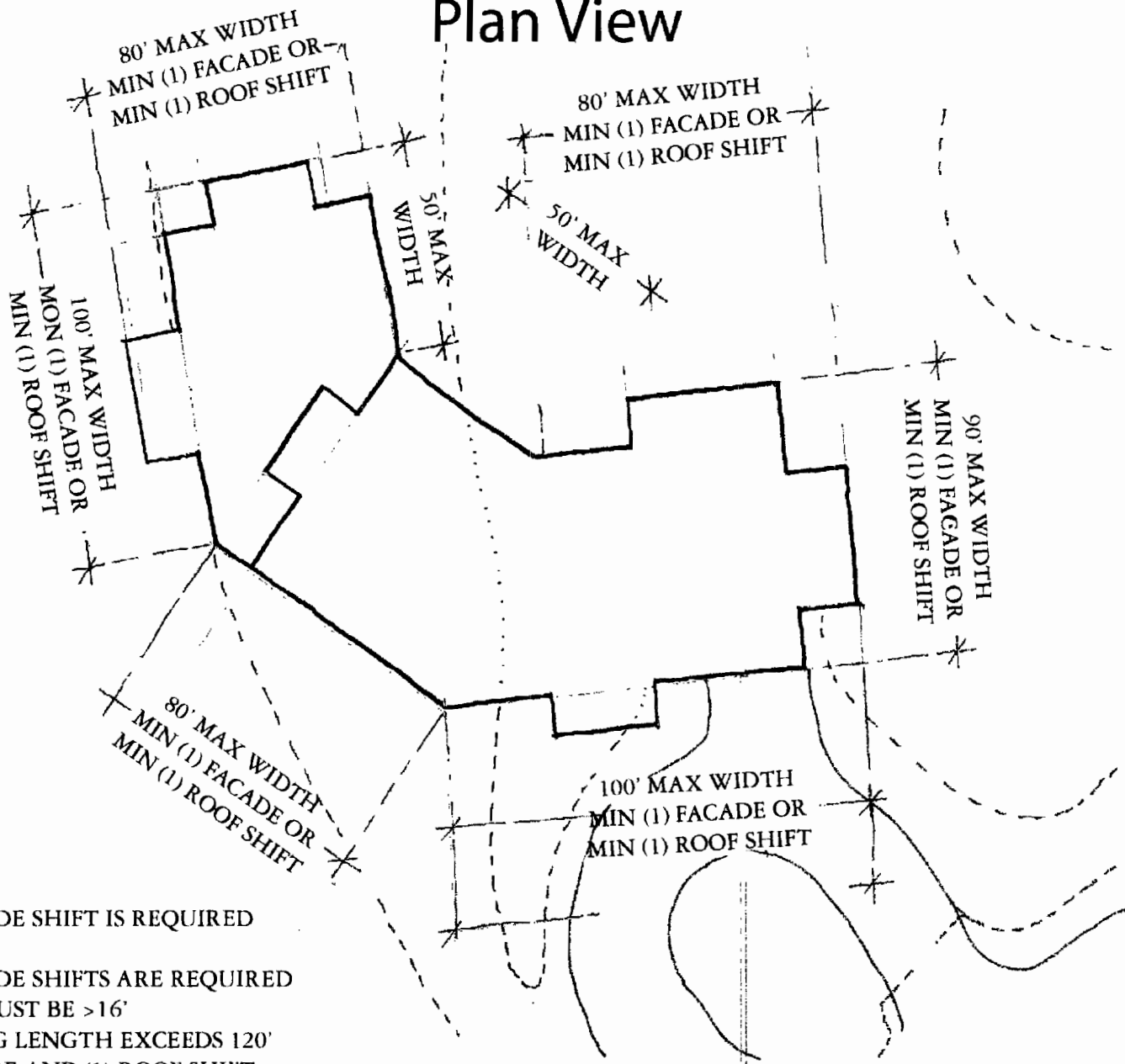


- NOTE:
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JUNE 17, 2004



# Building 6 Volumetric Plan View

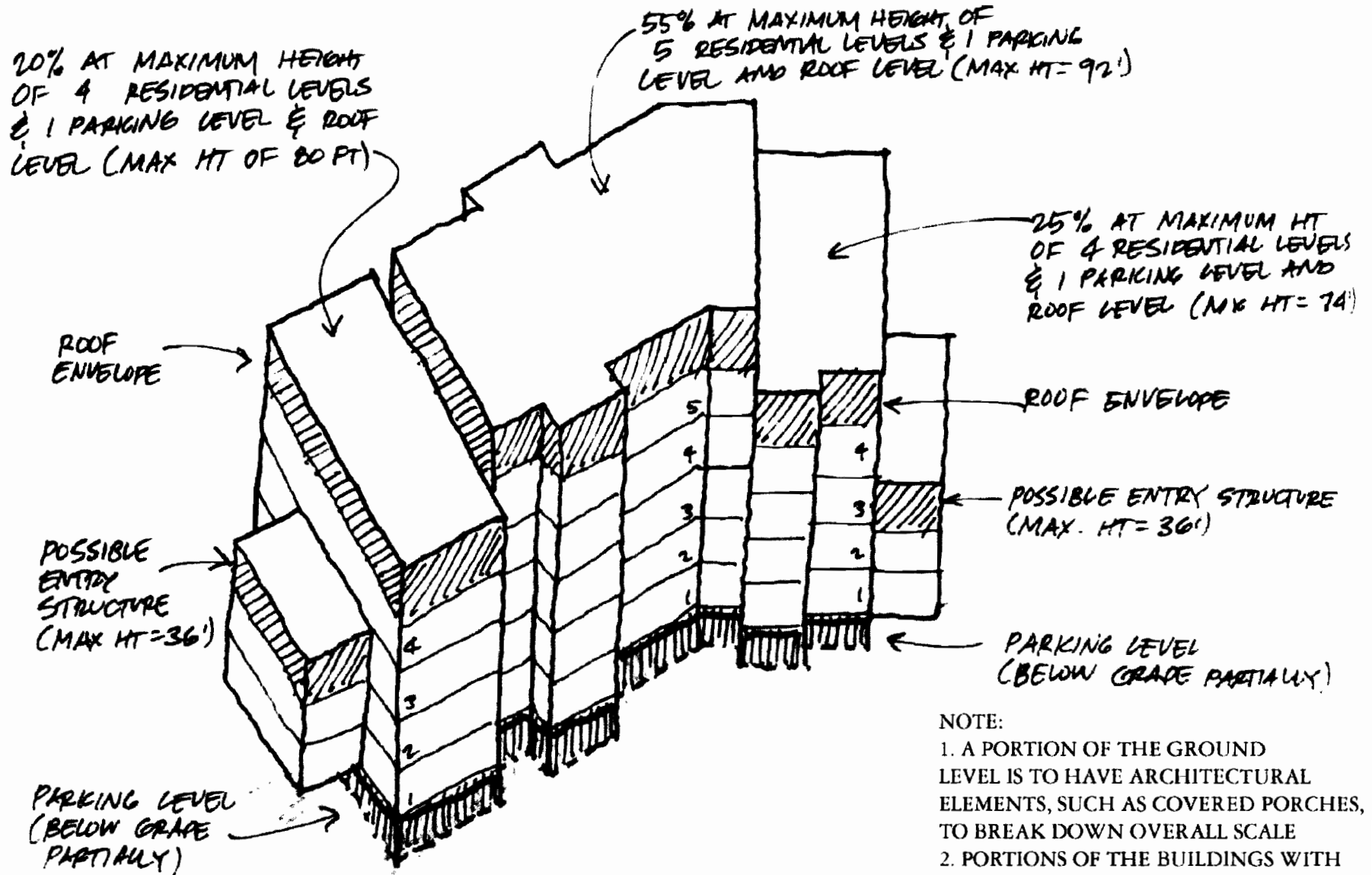


**NOTES:**

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- 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

Silver Strike  
 Max Height 92 feet  
 6 Levels

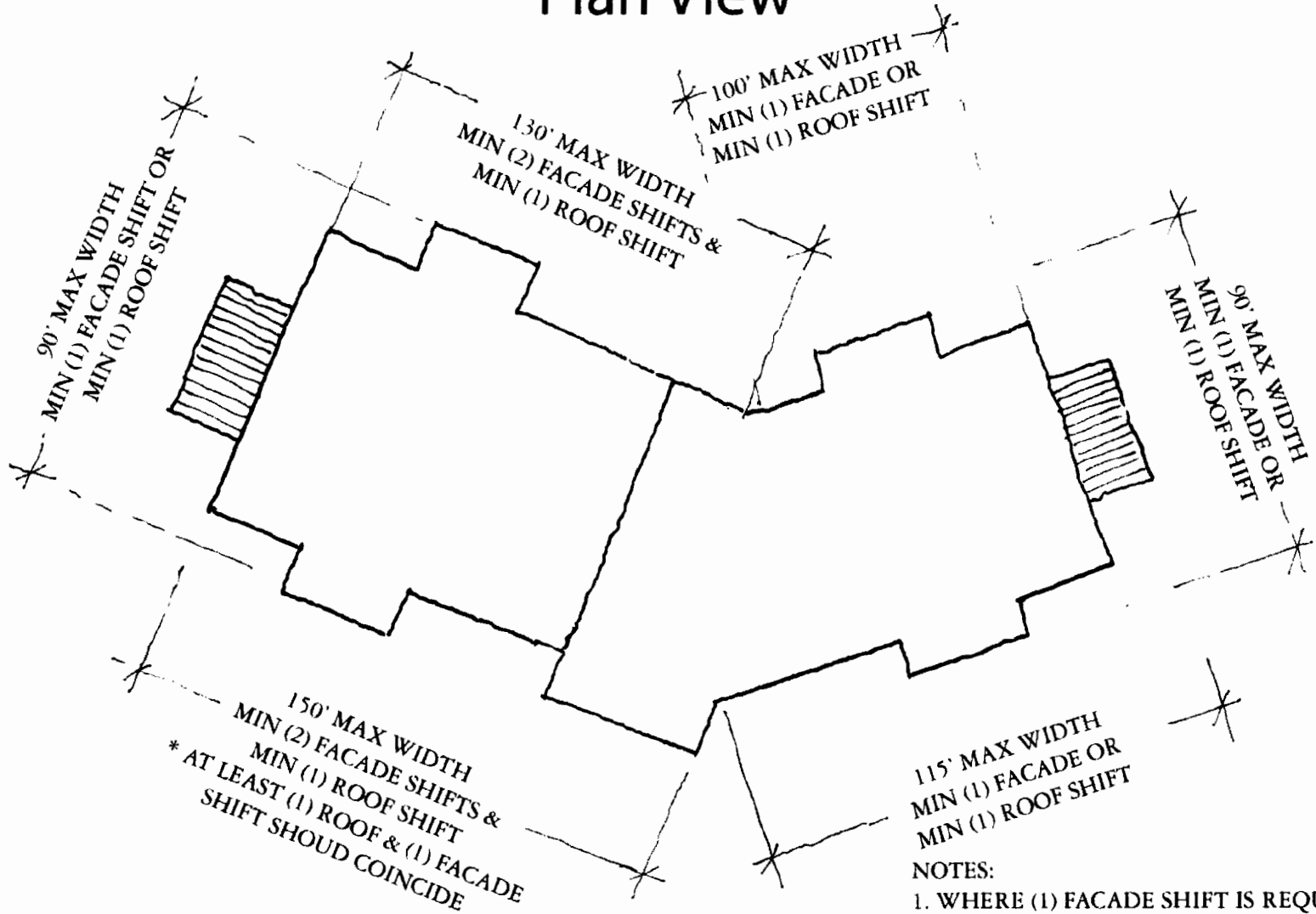
# Building 6 Volumetrics Isometric View



- NOTE:
1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE
  2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004

# Building 7 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



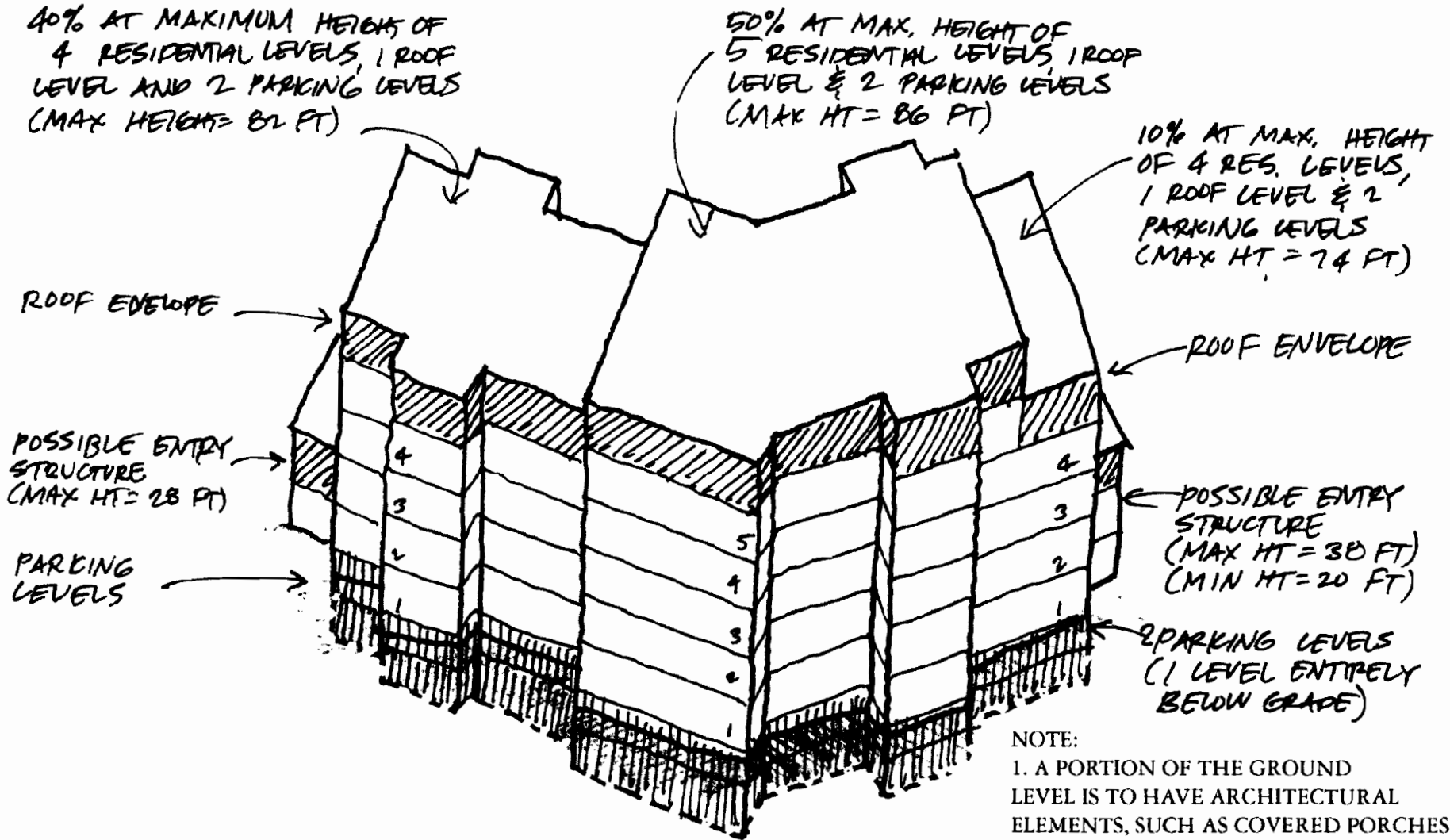
Flagstaff

Max Height: 86 Feet

6 Levels

# Building 7 Volumetrics

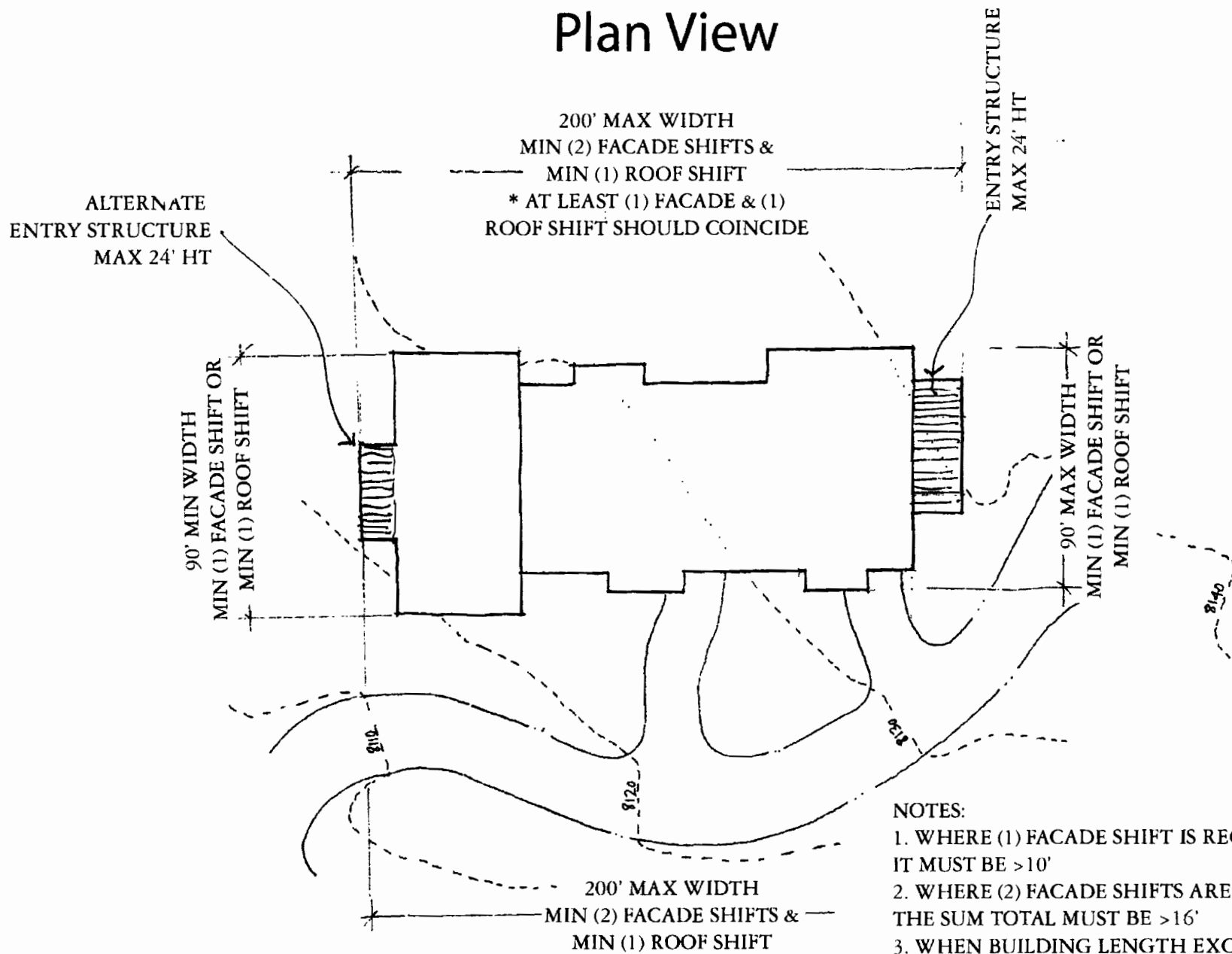
## Isometric View



- NOTE:
- 1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE
  - 2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004

# Building 8 Volumetrics 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

Arrowleaf  
Max Height: 86 Feet

# Building 8 Volumetrics Isometric View

25% AT MAX HEIGHT OF  
4 RESIDENTIAL LEVELS,  
ROOF LEVEL AND PARKING  
LEVEL (MAX HEIGHT  
= 80 FT)

60% AT MAXIMUM HEIGHT OF  
5 RESIDENTIAL LEVELS, ROOF  
LEVEL, 1 PARKING LEVEL  
(MAX HT = 86 FT)

15% AT MAXIMUM HEIGHT OF  
4 RESIDENTIAL LEVELS, ROOF  
LEVEL, 1 PARKING LEVEL  
(MAX HT = 74 FT)

ROOF  
ENVELOPE

ROOF ENVELOPE

ENTRY STRUCTURE  
(MAX HEIGHT = 28 FT)

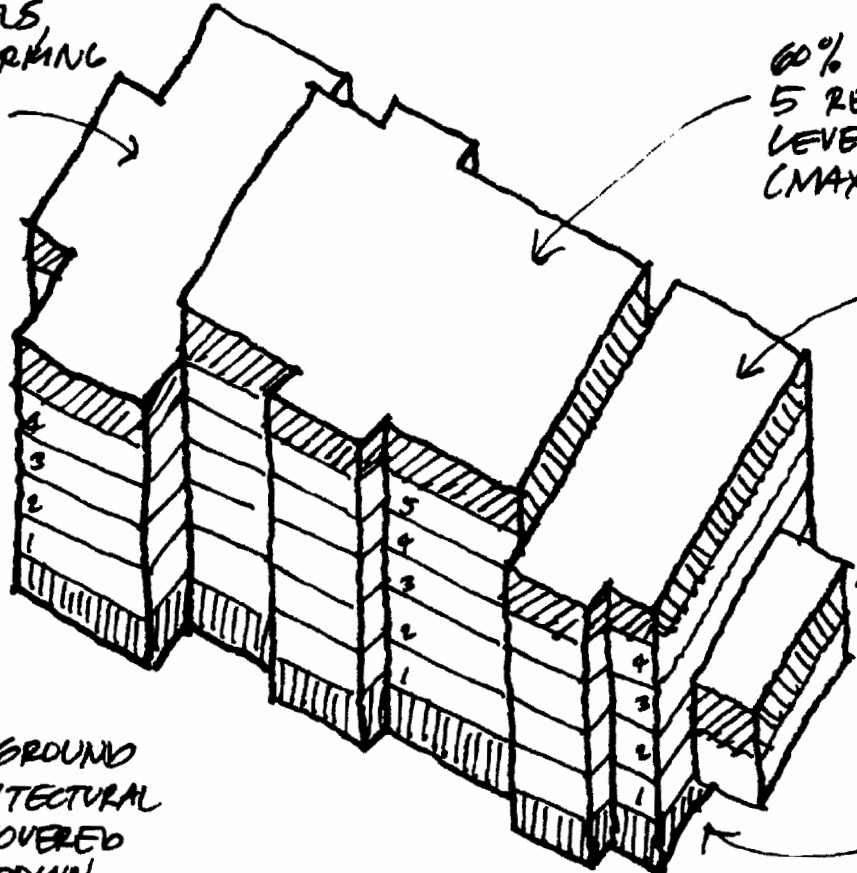
PARKING LEVEL

A PORTION OF THE GROUND  
LEVEL TO HAVE ARCHITECTURAL  
ELEMENTS SUCH AS COVERED  
PORCHES TO BREAK DOWN  
OVERALL SCALE

NOTE:

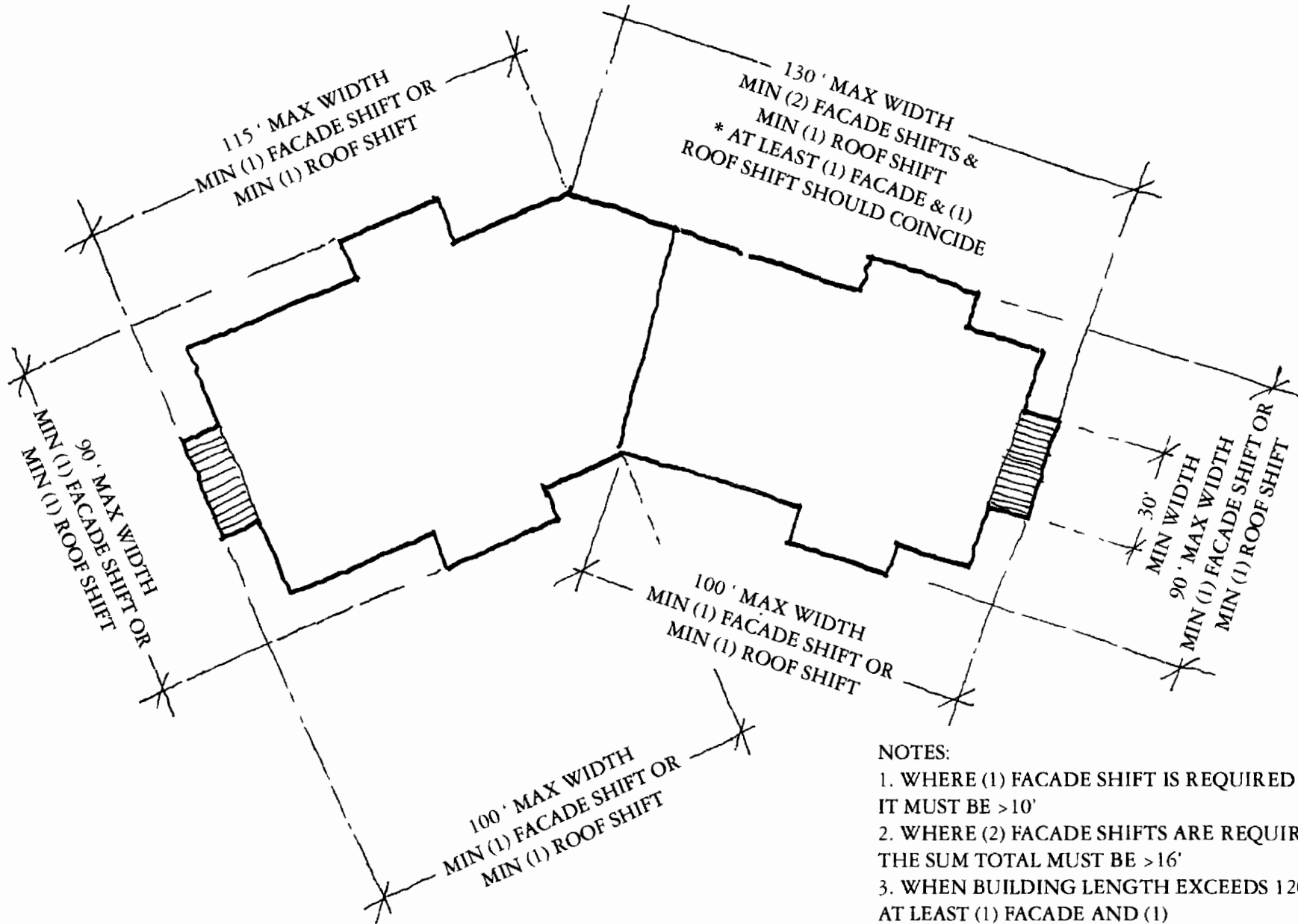
1. A PORTION OF THE GROUND LEVEL IS TO HAVE ARCHITECTURAL ELEMENTS, SUCH AS COVERED PORCHES, TO BREAK DOWN OVERALL SCALE
2. PORTIONS OF THE BUILDINGS WITH HALF STORY OCCUPIABLE SPACE AT THE TOP FLOOR TO HAVE 6' HIGH STEMWALL

JUNE 17, 2004





# Building 9 Volumetrics 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



Planning Commission Meeting  
October 25, 2017  
Page 60

5. **7695 Village Way – Empire Residences Conditional Use Permit for a 20-unit lodge building subject to requirements of the Village at Empire Pass Master Planned Development for Building 3, with one employee housing unit and one ADA unit.** (Application PL-17-03526)

Planner Whetstone reviewed the conditional use permit application for Lodge Building 3 at the Village at Empire Pass Master Planned Development, located at 7695 Village Way, just north of Shooting Star, which is Lodge Building 2. The project sits within Pod A of the Village at Empire Pass, subject to the Flagstaff Annexation and Development Agreement. It is also subject to the Village at Empire Pass and associated plat notes, as well as the LMC. The property is located in the RD zone. The proposal is for 21 residential units in one building; in addition to providing one ADA unit and one affordable housing deed restricted unit. The requirement for Empire Pass was 1.1. The applicant is providing 880 square feet for the deed restricted unit. A single parking garage at approximately 12,000 square feet provides most of the required parking. She believed two spaces were outside the garage. Planner Whetstone noted that this included the 25% reduction as required by the Development Agreement.

The Staff analysis of the project was included in the Staff report. The project was also reviewed against the LMC conditional use permit criteria.

Planner Whetstone clarified that the Planning Department was not looking for final action this evening. The Staff report outlined items for the Planning Commission to discuss and provide feedback. The Staff would like discussion regarding the side setback reductions for the balconies on the north side. Since this is a Master Plan the requirement is 12'. The balconies are not at ground level and the Planning Commission has the purview to grant a setback reduction. The Staff also requested discussion and review regarding compliance with the volumetrics. It meets the height but there are issues with the volumetrics in terms of stories.

Planner Whetstone stated that she had been working with the applicant most of the summer on this project and it is much better. The applicant also worked with the Design Review Board and the Planning Department had received the signed letter of approval today. It would be included in the Staff report for the next meeting. Planner Whetstone noted that the Design Review Board had reviewed the project in extensive detail because there is an architectural theme that they try to protect.

Planner Whetstone requested that the Planning Commission discuss the two items outlined in the Staff report, conduct a public hearing, and continue this item to November 29, 2017. She had included draft findings of fact and conditions of approval



in the Staff report to give the Commissioners the opportunity to review them before the next meeting.

Brady Deucher, representing Empire Residences LLC, stated that the main question with volumetrics that was discussed extensively over the past year with the Design Review Board at Deer Valley and with Planner Whetstone, was that every existing building is five stories. The proposed concept of their building is also five stories. Mr. Deucher believed the height limit was the issue. They have 82' but it can only be certain percentages, and it has to step down in spite of the slope. It took a lot of time and work but they were able to get under 82' and it steps down on both levels. Mr. Deucher stated that all the buildings at 1 Empire are all six stories plus. The Design Review Board said that because a precedent was already set, they were less concerned about the stories and more concerned about meeting the building height, hitting the percentages, and stepping down the building. Mr. Deucher noted that with the number of UEs, the amount of square footage, and the building height, they were at six stories, which is the same as the surrounding buildings.

Mr. Deucher asked Riley Jarrett, the project architect, to comment on the issue with the balconies. Mr. Jarrett stated that the balconies are on the north side and a setback line cuts a sharp diagonal. They were proposing to offer a usable balcony, but overhanging them without any support below. They would cantilever out from the buildings and consequently encroach slightly into the setbacks. That was the first variance in the setback. Mr. Jarrett stated that mechanical equipment was another issue for discussion.

Lynne Padan, with Empire Residences, commented on the setback issue. He noted that they have a large 20' access that Deer Valley uses to reach the base of the Silver Strike Express Chair Lift. The property line was chosen to be on the south side of that easement as opposed to the north side or the middle and, therefore, it ended up being platted on the south side. He thought it was important to note that there was another 20 feet between their building and the next property. A corner of the balconies encroaches, but it does not encroach onto someone else's property. He thought it was important to understand that the property line was arbitrarily determined and because of how it ended up, a corner of the decks intersect the setback.

Chair Strachan asked for the size of the encroachment. Mr. Padan used a rendering to show the driveway access to the lift, and how the corner of each balcony comes into what would be a required setback. He indicated their property line and its proximity to the next property. The balconies encroach in a triangular configuration at approximately 5 feet.

Commissioner Suesser asked if the encroachments were only on the north side. Mr. Padan answered yes. The corner of the deck encroaches into the 20' easement to access the ski lift. Commissioner Phillips assumed the encroachment was approximately 20 square feet. Mr. Jarrett replied that it was less than ten feet.

Commissioner Campbell asked if the access road was a dirt road. Mr. Padan replied that it was dirt currently, but it would be paved and heated as part of the project.

Mr. Jarrett remarked that the condensers on the south side also encroach into the setback. The condensers are completely underground and four feet away from the property line. There will be a metal grate over the top for air circulation. Mr. Padan stated that the building itself is entirely within the setback. He understood that the Code allows mechanical equipment to encroach into the side yard setback if it is above grade in a screened enclosure. They put the mechanical equipment below grade and it is not visible at all. Planner Whetstone explained that mechanical equipment is allowed to encroach 5' into the 12' setback. The Staff believes that because the condensers are underground they are considered screened, as long as the Fire District can move over the top of the grates.

Planner Whetstone clarified that the building itself meets the 12' setback on the south side. The mechanical equipment is screened with a big retaining wall all the way down to the parking garage. The mechanical equipment themselves are 8' from the property line. Mr. Padan emphasized that the mechanical equipment is 100% below grade.

Commissioner Thimm understood that if the condensers were at grade with a retaining wall to screen it, it would be LMC compliant. Planner Whetstone answered yes. However, the wall in the side setback could only be 6' tall. Mr. Padan believed that putting the mechanical equipment underground was a better solution than what was otherwise allowed.

Commissioner Band asked if they need an exception because the equipment is below grade. Planner Whetstone explained that the Code states that mechanical equipment can be in the side yard setback and it can encroach 5' into the side yard setback.

Director Erickson asked if the Planning Commissioner needed to make a decision on the mechanical equipment, or whether it was just information. Planner Whetstone replied that it was only information. The Planning Commission was being asked to address the setbacks for the balconies. Director Erickson clarified that the deck setback was affected by the building volumetrics, plus the property line on the north that is outside the Deer Valley ski lift access road. The discussion should focus on compliance with the bulk, mass and scale. In giving direction to the Staff and applicant,

the first step would be to determine whether the proposal meets the height, bulk and mass requirement of the Empire MPD. After that, they can work through the setbacks.

Chair Strachan asked if the applicant was seeking a height exception. He was told they were not.

Planner Whetstone reviewed the elevations and the Building 3 volumetrics. She believed the design meets the requirements for articulation. In looking at Elevation C, she counted the garage level and six stories, and a unit in the roof.

Commissioner Joyce understood that there were height restrictions of 25% at 74' on the north end; 55% at 82'; and 20% at 74' on the south end. The applicant added a story based on those restrictions. However, in another packet they were given, the numbers were 25% at 74'; 50% at 82' instead of the 55% they are allowed; and 25% instead of the 20% allowed. Even with the added floor, he believed the height was smaller than the 25%, 55% and 20% allowed.

Director Erickson stated that if the Commissioners were comfortable with Commissioner Joyce's analysis, the Staff could make a finding to that effect.

Commissioner Campbell asked for clarification as to why one graphic said 50% at maximum height of 82', six stories plus mezzanine, but another graphic said 5 stories plus mezzanine. Planner Whetstone explained that one was the applicant's building, and the second one was a volumetric that was approved back when the Master Plan was approved. She believed it still met the volumetric, but not the other language of the volumetric of the additional stories.

Commissioner Campbell referred to a note that talks about half stories at the top floor. Mr. Padan explained that there are three units at the top floor, which are mezzanines of the units below. He clarified that they were not individual units. The requirement is to have 5 stories plus a mezzanine. Mezzanine meaning a partial floor of the unit beneath it. Commissioner Campbell asked for the ceiling height in that space. He was told it was 8'; however, the ceiling slopes and it is vaulted up to 9' in some areas.

Commissioner Thimm noted that the mezzanine is part of the sixth floor but it is a seventh level. Planner Whetstone stated that she was able to tell that the building met the volumetric and the heights, but she thought the Planning Commission should make a decision on the details. Commissioner Campbell asked if the LMC speaks to the number of floors. Planner Whetstone answered no. Commissioner Campbell pointed out that the exception has nothing to do with the LMC. Chair Strachan clarified that it was specific to Empire Pass as part of the development agreement.



Commissioner Campbell asked if the Planning Commission had the right to make this type of change to an MPD. He felt that granting the exception would allow the applicant to violate the rules of the MPD. Assistant City Attorney McLean replied that they needed to abide by the requirements of the MPD. Commissioner Campbell questioned how the Planning Commission could approve it. Ms. McLean replied that the Staff had that same issue.

Mr. Padan stated that the last three buildings that were approved in Empire Village all have the same volumetrics that was approved as part of the Master Plan and the Flagstaff Development Agreement. Each of the nine buildings were approved. They all say five stories and they all have maximum heights. The last three buildings that were approved and built have six stories and a mezzanine. The applicant's interpretation, and he believed the interpretation of the Design Review Board, was that the diagram says five stories, but it also has a maximum height. That was interpreted as an example. It is roughly a box and they need to fit the building within that box. The architect who theoretically drew that at the time had a theoretical building in all nine cases, and showed five levels. However, the standard has been six and they complied with what the last three buildings have done.

Planner Whetstone stated that she was only the Planner on the last building which is currently under construction. That building has four stories with the fifth story in the roof level, and five stories in the middle. She agreed with the applicant that some of the other buildings appear to have additional stories.

Mr. Padan reviewed a rendering of the Flagstaff building that showed six stories plus an additional level. He noted that the Flagstaff building complies with the maximum height; and that this applicant complies with all the volumetric designs as well in terms of height. Mr. Padan stated that 1 Empire, the building under construction, is six stories. Planner Whetstone clarified that 1 Empire does not have a mezzanine. Mr. Padan agreed, but there are six levels, and the volumetric design says five. He noted that Silver Strike has six levels well, and their volumetric design says five. He pointed out that all of the buildings mentioned meet the height requirement.

Chair Strachan believed the Planning Commission understood the issue.

Chair Strachan opened the public hearing.

Doug Ogilvy, stated that he was representing Redus Park City, the owner of the site to the north, and he was also President of the Design Review Board. Mr. Ogilvy stated that the DRB reviewed this application and focused on the height. He concurred with

Mr. Padan's analysis that all of the buildings have worked to the six story height limitation, as opposed to the five story shown in the volumetric. He believed the case could be made for six stories and the DRB was comfortable with it. With respect to the encroachment in the north setback, Mr. Oglivy concurred with Mr. Padan that with the 20' driveway they were probably 25' from the next building, plus 12'. The driveway creates an additional buffer; therefore, the 5' encroachment into that 12' zone is not a concern to the DRB, or to the adjacent property owner. Mr. Oglivy reported that the applicant has been working with the DRB for months and have responded to their suggestions and concerns by massaging the building massing and architectural detailing. Mr. Oglivy noted that the Design Review Board had sent a letter of support to the Planning Department.

Chair Strachan noted that the letter contained a number of conditions of approval. He asked if the applicant disputed any of those conditions. Mr. Deucher replied that the applicant was comfortable with the conditions.

Chair Strachan noted that the encroachment is into Deer Valley's right-of-way. If the Planning Commission decides to grant the exception, they would require an encroachment agreement between the two parties as a condition of approval. It was noted that the encroachment is into the setback and not into the right-of-way.

Chair Strachan closed the public hearing.

Commissioner Joyce understood that for the affordable housing they counted storage units downstairs to achieve the 880 square feet required. He has never known the City to claim detached closet storage as part of living space to meet affordable units. Planner Whetstone agreed that it was unusual. The applicant was having a difficult time reaching the 880 square feet, and she spoke with Rhoda Stauffer, the City Housing Specialist, who said if they could provide storage it would be counted because storage is always a premium for the smaller units. Planner Whetstone emphasized that the decision was made by the City Housing Specialist.

Commissioner Joyce questioned whether Ms. Stauffer had the authority to make that decision because it goes against the LMC, which requires 880 square feet of living space. He stated that if the City intends to count storage, then all of the storage units should be added to all of the square footages in the entire project in relation to the UEs provided. They either all count or they do not. He has never seen detached storage counted. Planner Whetstone explained that affordable units do not use UEs. It is in the Housing Resolution and not in the LMC. She asked Ms. Stauffer specifically if the storage units could be counted and she had said yes.

Assistant City Attorney McLean agreed with Commissioner Joyce. Either the Housing resolution needs to say it specifically, or they have to go back to the Housing Authority to make that determination. Ms. McLean recommended that Planner Whetstone verify it with Ms. Stauffer before the November 29<sup>th</sup> meeting.

Commissioner Joyce thought there were two questions. If they answer is to reduce the requirement for affordable housing for this particular unit, that is one issue. However, he did not understand how anyone outside of the Code could arbitrarily decide to include detached storage on another floor when calculating the square footage of any residence. If that is the intention, he believed every storage unit on ground floor should be added into the space above. Commissioner Joyce wanted to make sure the Housing Authority was not telling them to count square footage inconsistently inside a building, because he would not sign off on that. If they come back and say they are willing to take less than 880 square feet, that is a different issue.

Chair Strachan stated that the Housing Authority applies different standards. They apply the Housing Resolution and not the LMC. He agreed with Planner Whetstone that the LMC does not allocate UEs to affordable units. Commissioner Joyce pointed out that the LMC has a square footage requirement.

Assistant City Attorney McLean understood Commissioner Joyce's concern and she thought the Staff should come back with a more complete analysis. She remarked that while UEs are not calculated in terms of overall UEs going to affordable housing, it is generally private area and not common area. Planner Whetstone understood that the unit would be common area. It would not be private and for sale. Ms. McLean clarified that it could not be a for-sale unit if it is common area. Planner Whetstone stated that it would be common area held by the HOA. Ms. McLean remarked that generally storage areas are also common. She suggested that they table this discussion until the Staff has the opportunity to look into it further. Ms. McLean agreed that one set of storage units could not be treated differently than other sets of storage.

Director Erickson requested that the Planning Commission focus on whether the project meets the height limits with variation, but does not directly respond to the conceptual diagram in the MPD. Planner Whetstone reiterated that her concern was with the mezzanine level in the sixth floor, as opposed to a mezzanine level in a fifth story.

Chair Strachan thought this was an example of why precedent is important. If they set precedent with other buildings, it sets the precedent for the buildings to come. That is why decisions made by previous Planning Commissions are important. Chair Strachan agreed with Commissioner Joyce's analysis. The heights are met. There is a



precedent for having more floors that are indicated in the volumetrics drawings, but precedent exists and they can follow it as long as they meet the height requirements. Commissioner Band concurred.

Commissioner Thimm asked if the other buildings went through the same CUP process. Director Erickson answered yes. Commissioner Thimm asked if it was determined that they were seven levels. Chair Strachan asked Mr. Ogilvy if he could answer that question.

Doug Ogilvy stated that 1 Empire was definitely six levels. He would have to look at the plans to see if it might be 6-1/2. Chair Strachan stated that if it was six stories it already met the deviation. However, he recalled going through the same analysis and he was relying on Mr. Ogilvy's memory as the applicant's representative at the time.

Assistant City Attorney McLean suggested that the Staff look at the other approvals and the findings. They need to look at exactly what happened, because if they made a mistake with one building, they do not have to make the same mistake again. However, if they made the same decision they were leaning towards this evening, they could rely on it. She reiterated her preference to wait until the Staff researches exactly what was done with other approval. Commissioner Thimm thought that knowing the background of the precedence was important.

Chair Strachan asked the Commissioners to comment on the setback exception. Commissioner Band was uncomfortable with the exception. The applicant has a blank lot and they were able to design whatever they wanted to put on that lot. They were not able to fit the square footage of one affordable unit and made a closet to meet the square footage requirement, but the building is large enough that they needed five feet off of the corner to add a deck. Commissioner Band clarified that she was not saying no at this point, but she believed they could have designed around all of the problems. If there is a precedent, she would probably not make it an issue. Commissioner Band had no issues with the six floors and a mezzanine because several building up there have six stories plus.

Chair Strachan concurred. He recalled that one of the hot button issues was the amount of affordable housing in the Flagstaff annexation agreement. Much of the governmental decision around that agreement many years ago was whether to put affordable housing up there, and if so, how much. He thought the guidance was to put in as much as possible. Chair Strachan stated that if the affordable units were getting squeezed so the non-affordable units could have bigger decks, that was not in line with the original intent of the Flagstaff Annexation Agreement. He believed there was room to work it out as they resolve the problem of counting storage space as affordable

square footage. Chair Strachan thought it was good that the Planning Commission was being asked for a continuation rather than approval.

Commissioner Campbell suggested that Commissioner Band read LMC 15-2.13-3 to help with the issues she had with the deck. It had lot and size requirements and there were areas where the applicant could request items that could go into the side and back yards. She read from Item 8, "The Planning Commission may vary side yards in subdivisions and MPDs. In no case shall the Planning Commission reduce side yards to less than 10 feet between structures", which they were not doing. Commissioner Campbell believed the Planning Commission clearly have the ability to allow this request.

Commissioner Campbell recommended that the applicant check with the manufacturers of the condensing units, because he could not imagine they would work underground without enough air flow. Mr. Jarrett stated that he has been working with the manufacturers. They cannot double stack or stagger the condensers, but keeping them single should not be an issue.

Commissioner Joyce stated that normally when they talk about doing exceptions, there is a reason behind it such as an extenuating circumstance or an unusual lot, etc. He agreed with Commissioner Band that they had a clear open lot, and they designed the building too large to accommodate the setbacks. He believed there needed to be something more substantial to justify the exception.

Commissioner Campbell asked if it was fair to ask the applicant for a mock-up of what the decks would look like if the corner was pushed back without the exception. Mr. Padan was willing to do a mock-up. He stated that it was initially designed with the corner clipped off, but they thought it would have more architectural appeal if it was rectangular. Commissioner Campbell asked if Commissioner Joyce would be more inclined to support the exception if they put the square footage for the affordable housing back upstairs. Commissioner Joyce thought the two issues were unrelated.

Director Erickson noted that the Staff report was written for a continuance to November 29<sup>th</sup>; however, that date is contingent on Planner Whetstone having enough time to do the research and the applicant having enough time to respond. The Planning Commission should continue to November 29<sup>th</sup>, and if they are not ready with all the information, it could be continued to another meeting. Ms. McLean pointed out that the agenda was already heavy on November 29<sup>th</sup>. Chair Strachan recommended that they keep the November 29<sup>th</sup> date as scheduled.

Planning Commission Meeting  
October 25, 2017  
Page 69

MOTION: Commissioner Joyce moved to CONTINUE 7695 Village Way, Empire Residence Conditional Use Permit to November 29, 2017. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:20 p.m.

Approved by Planning Commission: \_\_\_\_\_

APPROVED





## CONSTRUCTION MITIGATION PLAN

**PERMIT #: TBD**

**Subject to Change**

CMP prepared by Brady

**ADDRESS: 7695 Village Way**

**CONTRACTOR: Rimrock Construction**

In the Large Scale Master Plan approval for the Flagstaff development (attached) there are series of detailed of a Site-Specific Construction Mitigation Plans. This LSMPD established some guidelines as well specific action items that are addressed in this CMP.

1. **Hours of Operation** are 7:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sundays. Construction activity is not permitted to occur on dates that would have a negative impact on Special Events and/or Holidays. Other work hour limitations may be placed on Main St and Old Town area Construction sites.

During Events you will be required to comply with any requests from the Special Events Coordinator. Work hour extensions may be approved by the Park City Building Official when needed. In order to be approved, a written request for the extension must be received a minimum of 48 hours in advance and must include the dates and times for the extension and a description of any of the anticipated impacts, (deliveries, outdoor lighting, noise, etc.). The request will not be automatically approved once submitted. It must be considered, and a determination will be made. Comments: Work restricted dates.

Memorial Day, Monday May 28<sup>th</sup>.

Fourth of July, Wednesday July 4<sup>th</sup>.

Pioneer Day, Tuesday July 25<sup>th</sup>.

Tour of Utah, Sunday August 5<sup>th</sup>.

Park City Arts Festival, Friday August 12<sup>th</sup> through August 14<sup>th</sup>.

Miners Day (Memorial Day), Wednesday September 5<sup>th</sup>.

Thanksgiving, Thursday November 22<sup>nd</sup> through Sunday November 25<sup>th</sup>.

Christmas, Sunday December 23<sup>rd</sup> through Wednesday December 26<sup>th</sup>.

New Years, Saturday December 30<sup>th</sup> through Wednesday January 2<sup>nd</sup>.

Work during the above dates requires approval from the Chief Building Official. If you plan on working during any of these dates you need to schedule a meeting with Chad Root by calling 435-615-5100. Bring with you a written plan detailing the type of work you intend to do.

Loud work, deliveries and any type of work that disrupts traffic or impacts sidewalks is discouraged during holidays.

2. **Parking** will not block reasonable public and safety vehicle access; will remain on same side of street and on pavement. An approved parking plan is required from the Public Works Department for parking in fee areas, permit parking areas, municipal parking lots and City property. The building permit is not a

permit to park in these areas. Construction equipment, (fork lifts, cranes, backhoes, etc.) is not permitted to be driven or parked on public parking lots, city streets or private property unless otherwise approved. **Comments:** All construction workers shall park off site and be bused to and from construction site. Parking is not allowed on Marsac Avenue or Empire Club Drive. Rimrock Construction will submit a separate parking plan to the Park City Building Department for approval. No construction traffic is allowed on Royal Street. All construction traffic is to use Marsac Avenue.

**3. Deliveries** will be during hours of operation only. Contractor will get the appropriate Partial Road Closure Permits approved for Deliveries that take over one hour.

**Comments:** Unloading, loading or picking loads is not allowed on Marsac Avenue. Construction traffic is not allowed on Royal Street. All construction traffic is required to use Marsac Avenue. Staging of concrete trucks is not allowed on Marsac Ave. Concrete deliveries before 7:00 a.m. requires approval from the Chief Building Official.

**4. Stockpiling & Staging** will be on site and within the approved limits of disturbance fence. A separate Right Of Way Permit is required if materials, dumpsters or toilets are to be placed in the Public Right Of Way. Any additional stockpiling or staging site must be approved by the building department including an LOD fence, erosion control and bond by PCMC. Any soil that is stockpiled on site or off site is required to be covered, fenced and surrounded by erosion control measures.

**Comments:** All terms and agreement for all storage locations needs to be finalized and signed with all involved.

1. 5,000+CY of permanent storage on site 4 of VAEP N Subdivision to be placed and stabilized by contractor according to existing UPCMC guidelines and inspected by AGEC and Stormwater inspectors.
2. Temporary Storage 6,000CY at Site 4- The permanent storage has been filled up so this will be a temporary use until an approval from Park City Municipal has been given to relocate the storage to Richardson Flats.
3. Temporary Storage – 8,000CY on Ontario Mine Bench to be managed by contractor according to all BMP for temporary storage. 6,000CY to be moved back to Empire Residences site for back fill. 2,000CY to be worked out with Deer Valley as needed.

**5. Construction Phasing** requires approval from the Chief Building Official.

**Comments:** All Construction Phasing must be maintained within the approved LOD area unless otherwise approved.

**6. Trash Management & Recycling** - Construction site will provide adequate storage and program for trash removal and will keep site clean daily. Recycling is encouraged.

**Comments:** Dumpsters must be placed within the approved LOD. Dumpsters or trash trailers on the Public Right of Way require a permit from the City Engineer. A construction material recycling program will be developed with Recycle Utah that will deal with those materials and must be available for inspection by PCMC. This work will be overseen by UPK and the MHA representative and will comply with approved EPA and PCMC work plans.

**7. Control of Dust & Mud:** Mud and dust will be controlled daily. Gravel will be placed in the ingress and egress areas to prevent mud and dirt from being tracked on streets. Water will be on site to prevent dust.

**Comments:** A Storm Water Management plan will be in place to control dust and mud. This process is in the Large Scale Master Plan approval for the Flagstaff development.

1. Truck Wash
2. Street Cleaning
3. A Storm Water Pollution Prevention Plan in place and with Notice of Intent number from State of Utah and access to requires Stormwater Inspectors.

8. **Noise** will not be above 65 decibels which violates the noise ordinance and will not be made outside the hours of operation.

9. **Grading & Excavation** will be during hours of operation and trucking routes may be restricted to prevent adverse impacts. Grading on site may occur during regular hours of operation.

Excavated materials generated from the project will be processed and reused or disposed of within the annexation area. Materials will be processed by sorting the material into structural fill and top soil.

All regulated soil removal trucks will have a current vehicle inspection by the Utah Highway Patrol prior to being used on the project.

All trucks have emission control per State requirements.

Truck drivers will adhere to posted speed limits.

Regulate soil removal trucks are required to carry current documentation certifying completion of safety training and vehicle inspection reports.

All loaded or unloaded trucks will be covered with a tarp to prevent loss of dust, gravel, and dirt materials.

All loads will be inspected before leaving the site to insure that all loose material is removed from the underside of the vehicle, tires, wheels and mud flaps of the vehicle.

Each truck will be uniquely identified by the use of a numbering system or a label that is clearly displayed.

Engine brakes will not be used per Park City Municipal Ordinance.

All vehicles will be required to stop at the brake check area location just above the steep grade on the mine road.

10. **Temporary Lighting** if used will be approved by the Park City Planning Department.

Lighting is required in construction related boardwalks.

11. **Construction Sign** will be posted on site and in a location that is readable from the street. The sign will not exceed 12 square feet in size and 6 feet in height. The lettering will not exceed 4 inches in height and will include the following information: Contractor name, address, phone number and emergency contact information.

12. **Other Issues: Dogs** will be prohibited from construction site. Information will be provided to neighboring property owners to help inform them of the project and to keep the lines of communication open.

13. **Erosion Control: Storm Water Management Plan - Attachment A** - will be reviewed, signed and attached to this construction mitigation plan.

**Comments:** Proper erosion control must be installed and maintained on this site. Any drainage on this site must be addressed and controlled. The gutter and storm drain system must be protected from soil and construction debris during this project. Contractor / builder will monitor job site entry to ensure that mud or debris does not enter the gutter or street. Street and gutter must be cleaned daily.

Concrete truck washout area must be identified and erosion control protection must be placed around this area.

14. **Toilet Facilities:** All construction sites shall have permanent toilets with authorization in writing, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees = two toilets and so on). Portable toilets must be screened with black or dark green material on three sides if visible to the public right of way. The door must face away from the public right of way / street. Toilets



placed on the public right of way require a right of way permit from the City Engineer. Written permission is required from private property owners if toilet facilities on private property are to be utilized.

**15. Soils Ordinance:** All properties located within the soils ordinance boundary shall comply with PCMC Title 11, Chapter 15, including but not limited to dust control, covering soil and approved soil disposal

**16. Partial Road Closures:** Partial road closures are required if one lane of travel is partially blocked by construction traffic or deliveries. Partial Road Closures require 48 hours' notice. Partial road closures may be obtained at the Building Department or online at [www.parkcity.org](http://www.parkcity.org) Click on Departments next click on Community Development next click on Building and Fire Safety next click on Applications then click on Street Closure Application. The Partial Road Closure form can be printed and emailed or delivered to the Building Department. Partial Road Closure applications can be emailed to [building\\_mail@parkcity.org](mailto:building_mail@parkcity.org).

**17. Full Road Closures:** Full road closures require approval from the Chief Building Official. Full Road Closures require 48 hours' notice. Full road closures applications must be filled out at the Building Department.

**18. Right Of Way Permits:** Right of way permits are required from the City Engineers Office for any work, damage or reconstruction in the Public Right OF Way. A separate Right OF Way Permit is required if materials, dumpsters or toilets are to be placed in the Public Right Of Way.

#### **11-14- 2. FENCING OF PUBLIC**

**RIGHT-OF-WAY.** In those zones, which permit construction of buildings up to property lines or within five feet (5') of property lines, leaving a very limited or no setback area, the building official may permit construction fences to be built across sidewalk area where there are sidewalks, or into the parking lane of the street where there is no sidewalk. Where street width will permit, in the judgment of the building official, the construction fence shall also provide a temporary sidewalk area, which may be built in the parking lane of the street. Any sidewalk built as a part of a construction site fence must be covered with a structural roof, which complies with Section 3306 of the International Building Code. The International Building Code requirements for construction of a temporary sidewalk may be reduced or waived by the Building Official where conditions will not permit the full four foot (4') width. The location of fencing within the public way and the determination of whether to require sidewalk shall be made by the Building Official, subject to review by the City Manager. In the event that changes in parking regulations are required by the construction of such a fence, the Police Chief is authorized to post signs prohibiting or otherwise regulating parking in the area adjoining the construction site.

**19. Cranes:** All cranes must be preapproved by the Chief Building Official. Contractor will provide a site plan showing the radius of the boom over neighboring properties and streets. Airspace and trespass agreements are required to be in place in the file before the crane can be installed on the property. The crane is prohibited from swinging over neighboring properties and streets loaded or unloaded without prior approval. Flaggers are required when approval is granted.

**20. Limits of Disturbance Fence: Chain link fencing is required on sites with excavations deeper than 4 feet. Dark green or black fencing is acceptable on sites that are not being excavated.**

**Comments: Six foot chain-link fence will be used on this site.**

**21. Boardwalks: Boardwalks may be required on some projects per the International Building Code. When boardwalks are required they will have a mining theme and be equipped with lights and reflectors. Sidewalks and streets beneath the boardwalk will be repaired or replaced before the certificate of occupancy is issued. A monetary bond may be required by the City Engineers for sidewalks and streets beneath the boardwalk. Specifications are available at the Park City Building Department.**

**Park City Municipal Corporation reserves the right to abate any inactive or abandoned construction site.**

**\*\* Special Instructions may be given at any time \*\***

**Validity of Permit: The issuance or approval of plans, specifications and computations shall not be a permit for, or an approval of any violation to any of the provisions of the Building Code, Fire Code or any of the city Ordinances. Permit presuming to give authority to violate or cancel provisions of the Codes and Ordinances of the Park City Municipal Corporation shall not be valid.**

**All plans approved are subject to field inspection and interpretation of the field inspectors or the Building Official.**

**Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

**Approved By: \_\_\_\_\_ Date: \_\_\_\_\_**

**SURVEYOR'S CERTIFICATE**

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, EMPIRE RESIDENCES, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown herein is correct.



**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
 County of \_\_\_\_\_  
 This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018  
 by \_\_\_\_\_ the \_\_\_\_\_ of Empire Residences LLC, a Utah limited liability company.  
 Notary Public: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Reading In: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

**LEGAL DESCRIPTION**

A parcel of land located in the southeast quarter of Section 21 and the northeast 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 S 89°02'24" E 201.22 feet along section line and South 159.30 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the northeasterly corner of Shooting Star Lodge, recorded November 24, 2004, as Entry No. 716854 in the Office of the Summit County Recorder and on the westerly boundary of Village Way right-of-way, The Village At Empire Pass, Phase I, recorded November 24, 2004, as Entry No. 716854, and running thence along the northerly boundary of said Shooting Star Lodge, South 89°02'24" East 15.89 feet; thence North 15°22'27" West 54.00 feet; thence North 03°31'15" East 134.23 feet; thence North 85°48'47" East 7.34 feet; thence North 42°44'41" East 19.25 feet; thence North 03°52'31" East 28.19 feet; thence South 89°02'24" East 114.41 feet to a non-tangent curve to the left having a radius of 52.50 feet, of which the radius point bears South 69°33'47" East, said point being on the westerly boundary of Village Way; thence along the westerly boundary of Village Way the following two (2) courses: (1) southerly along the arc of said curve 29.23 feet along a central angle of 31°53'59"; thence 2) South 10°57'43" East 159.62 feet to the point of beginning.

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

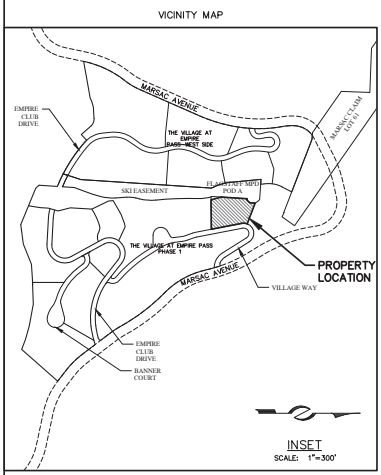
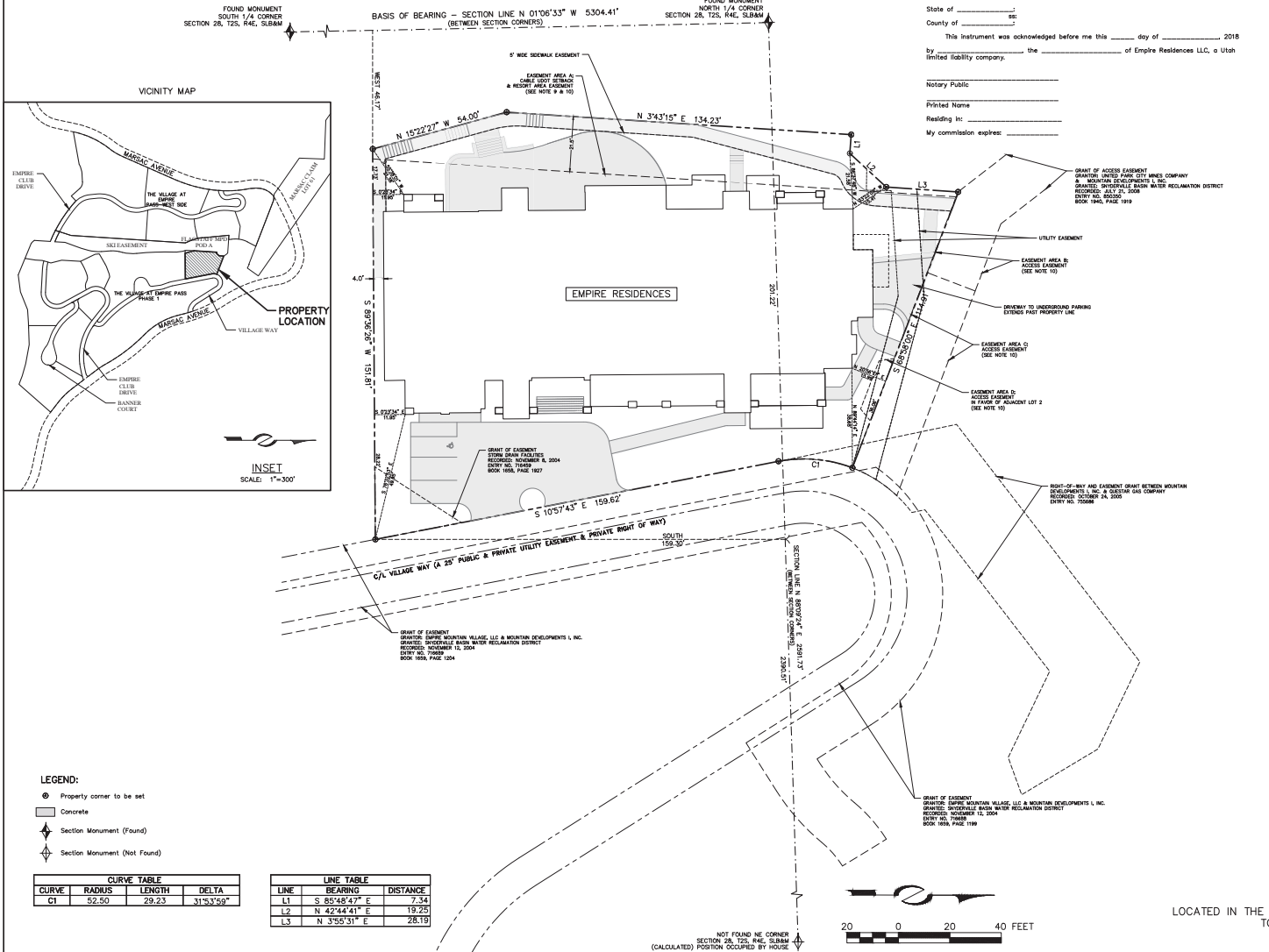
KNOW ALL MEN BY THESE PRESENTS THAT, EMPIRE RESIDENCES, LLC, a Utah limited liability company, the owner of the tract of land described herein as EMPIRE RESIDENCES, a Utah Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of six (6) sheets to be prepared, and does hereby consent to the recording of this Plat and submit this property to the Utah Condominium Ownership Act.  
 The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, when completed in accordance with the approved Master Planned Development, Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.  
 In witness whereof, the undersigned has executed this certificate and dedication this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

EMPIRE RESIDENCES, a Utah limited liability company  
 By: \_\_\_\_\_  
 Title: \_\_\_\_\_

**NOTES:**

- The dimensions of the private spaces and square footage calculations are based on drawings supplied by Beecher Walker Architects. The square footage are calculated in accordance with the Utah Condominium Act and the Declaration of Condominium for Empire Residences, a Utah Condominium Project. Such calculations typically differ somewhat from the square footage determined by the architect or other qualified method of determining unit size. It is the intent that the private ownership area of the units will be as constructed.
- The position of the north 1/4 corner of Section 28, Township 2 South, Range 4 East SLM, as shown on this survey, is from the independent re-survey of Section 28, 29, 31, 22 & 33 performed by Robinson Blinn & Blinn Inc. in 2000 (Rec'd 5-3819, Summit County Recorder's Office).
- All common structural elements are designated as Common Areas and Facilities, as described in the Declaration of Condominium.
- Building lies on this sheet are from the property line to the building foundation as shown.
- All Common Areas and Facilities are dedicated as non-exclusive easements 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, and other purposes.
- Access to the units is by private roads and is not restricted by Park City.
- The Empire Pass Master Owners Association, Inc. (the Master Association) together with the Master Declaration of Condominium, Conditions, and Restrictions of Empire Pass, as amended (Master Declaration), requires the membership of each lot or unit owner as subject to the terms of its articles of Incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reimbursement fees as provided therein.
- The units of the Empire Residences 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 operation and replacement of said Private Lateral Wastewater Line serving Empire Residences. The cost of such maintenance and replacement shall be paid by the Empire Residences Owners Association, Inc. as part of the common expenses.
- The owner of Lot 3 hereby grants a non-exclusive resort and access easement over the approximately west twenty feet (20') of Lot 3, as depicted on this plat as the "Cable LIFT Section" for the benefit of adjacent Lot 4 to allow said lift maintenance access and the right to conduct resort activities, including to locate movable safety fences.
- This plat also depicts the following easements, each of which may be amended, relocated or revised, without amendment hereto, in accordance with each such easement's terms:  
 a. Agreement and Consent of Dedication (Soil Access/Storm Drainage), Entry No. 865956, Summit County Recorder's Office which affects Lot 2 and Lot 3 of this plat.  
 b. Right-Of-Way and Easement Grant (Gas Utility), Entry No. 755886, Summit County Recorder's Office.  
 c. Grant of Access Easement (Sewer Utility), Entry No. 850350, Summit County Recorder's Office.  
 d. Grant of Easement (Sewer Utility), Entry No. 716858, Summit County Recorder's Office.  
 e. Grant of Easement (Storm Drain Facilities), Entry No. 716459, Summit County Recorder's Office.  
 f. Recreational Easement (Resort and Access), Entry No. 1072154, Summit County Recorder's Office, describes the use of Easement Area A, Easement Area B, Easement Area C and Easement Area D.
- Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads.
- The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.
- A ten foot (10') wide snow storage easement is hereby dedicated to the Master Association along the public and private road frontage.
- Village Way 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. Village Way is not a public road or right-of-way.
- At the time of reurfacing of Village Way, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards. Prior notification of the adjustments and inspection by SSWRD is required.
- Fire sprinklers will be required within the dwelling.  
 ADA/AFF Unit: Deed Restricted Employee/Affordable Housing Unit (DRU).  
 ADA UNIT on Level One is designed as an ADA unit.  
 AFF UNIT on Level One is designed as an Affordable Housing unit.
- All conditions of approval of the Village at Empire Pass (Pod A) Master Planned Development, the Village at Empire Pass Phase I, the Empire Residences Conditions Use Permit, and Park City Ordinance 16-08 shall continue to apply.
- All conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass Phase I Plat, recorded November 24, 2004 as Entry Number 716854, Village at Empire Pass North Subdivision recorded \_\_\_\_\_, and the Empire Residences Conditions Use Permit, which shall continue to apply.
- Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on this property.
- This plat records a total of 48968 sq ft of residential unit area that is subject to the Unit Equivalent (UE) representing 24.5 UE.

FOUND MONUMENT SOUTH 1/4 CORNER SECTION 28, T2S, R4E, S18&M  
 BASIS OF BEARING - SECTION LINE N 01°06'33" W 5304.41'  
 (BETWEEN SECTION CORNERS)  
 FOUND MONUMENT NORTH 1/4 CORNER SECTION 28, T2S, R4E, S18&M



- LEGEND:**
- Property corner to be set
  - Concrete
  - Section Monument (Found)
  - Section Monument (Not Found)

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	52.50	29.23	31°53'59"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 85°48'47" E	7.34
L2	N 42°44'41" E	19.25
L3	N 3°55'31" E	28.19

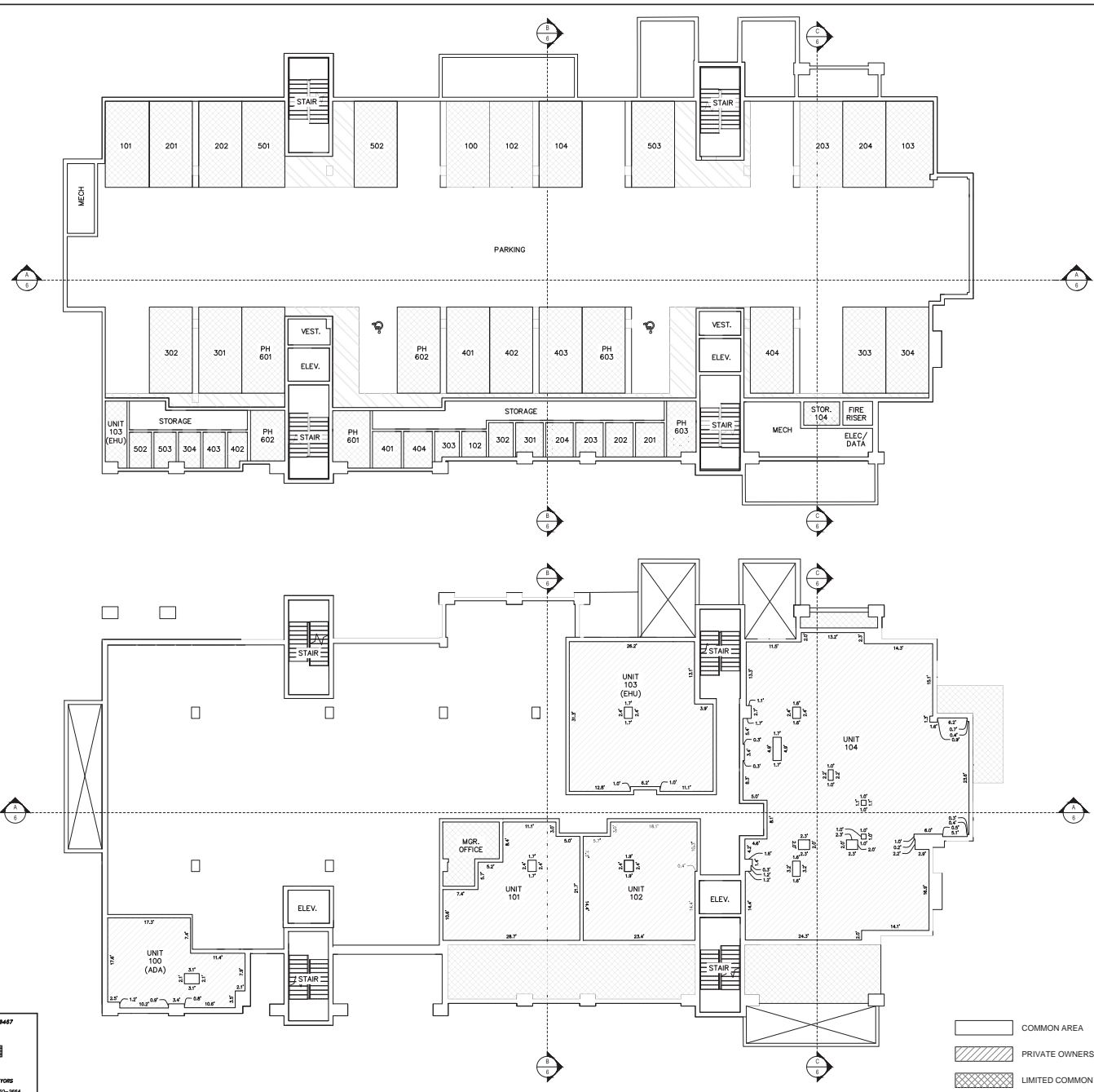


NOT FOUND NE CORNER SECTION 28, T2S, R4E, S18&M (CALCULATED) POSITION OCCUPIED BY HOUSE

**EMPIRE RESIDENCES**  
 A UTAH CONDOMINIUM PROJECT  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21 & THE NORTHEAST QUARTER OF SECTION 28  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

<p>(435) 640-3487                  SNYDERVILLE BASIN WATER RECLAMATION DISTRICT                  REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018                  BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION                  APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017                  BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE                  FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018                  BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM                  APPROVED AS TO FORM THIS _____ DAY OF _____, 2018                  BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE                  APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017                  BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST                  CERTIFY THIS CONDOMINIUM PLAT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017                  BY _____ PARK CITY RECORDER</p>	<p>11/29/17 JOB NO.: 14-9-16 FILE: 32\Utopia\dwg\un\p1210\140915-Emp Rec.dwg                  RECORDED</p>
						<p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____                  FEE _____ RECORDER _____                  TIME _____ DATE _____ ENTRY NO. _____</p>





LEVEL P1  
SCALE: 1" = 10'

LEVEL 1  
SCALE: 1" = 10'

LEVEL 1 SQUARE FOOTAGE TABLE

UNIT	SQUARE FOOTAGE
UNIT 100 (ADA)	436 SF
UNIT 101	542 SF
UNIT 102	561 SF
UNIT 103 (EHU)	880 SF
UNIT 104	2521 SF

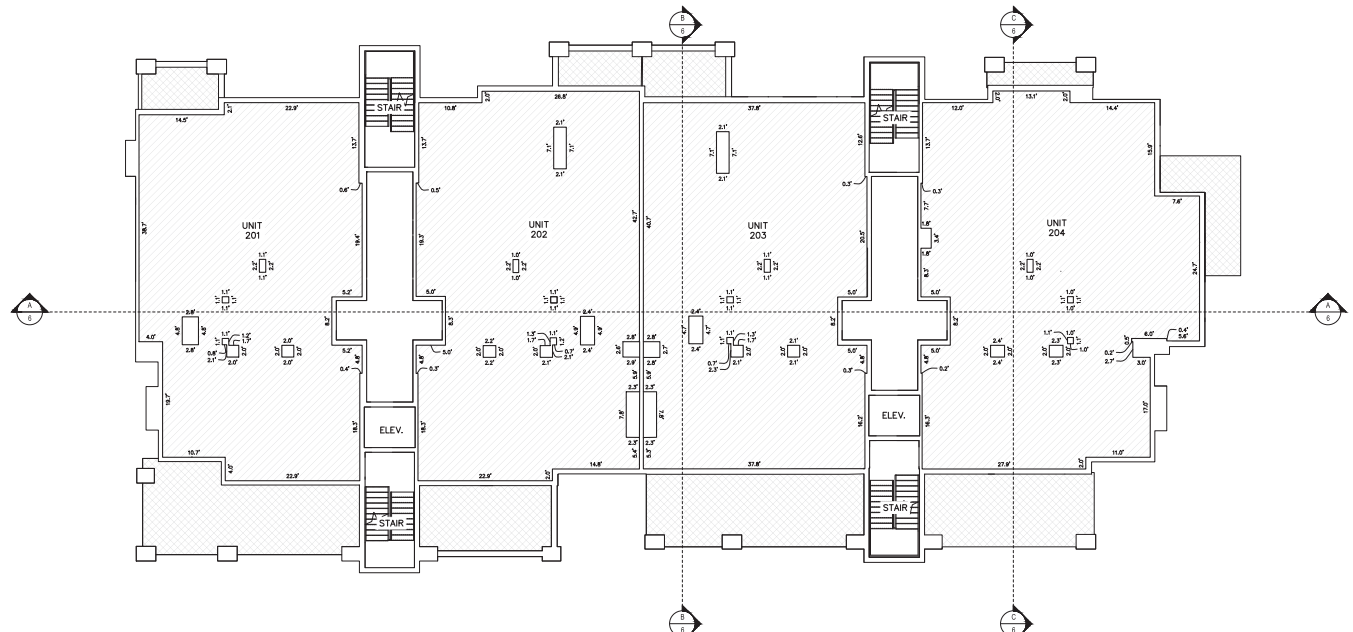


- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

**Alliance**  
Engineering & Surveying  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84002-2664  
(435) 649-0467

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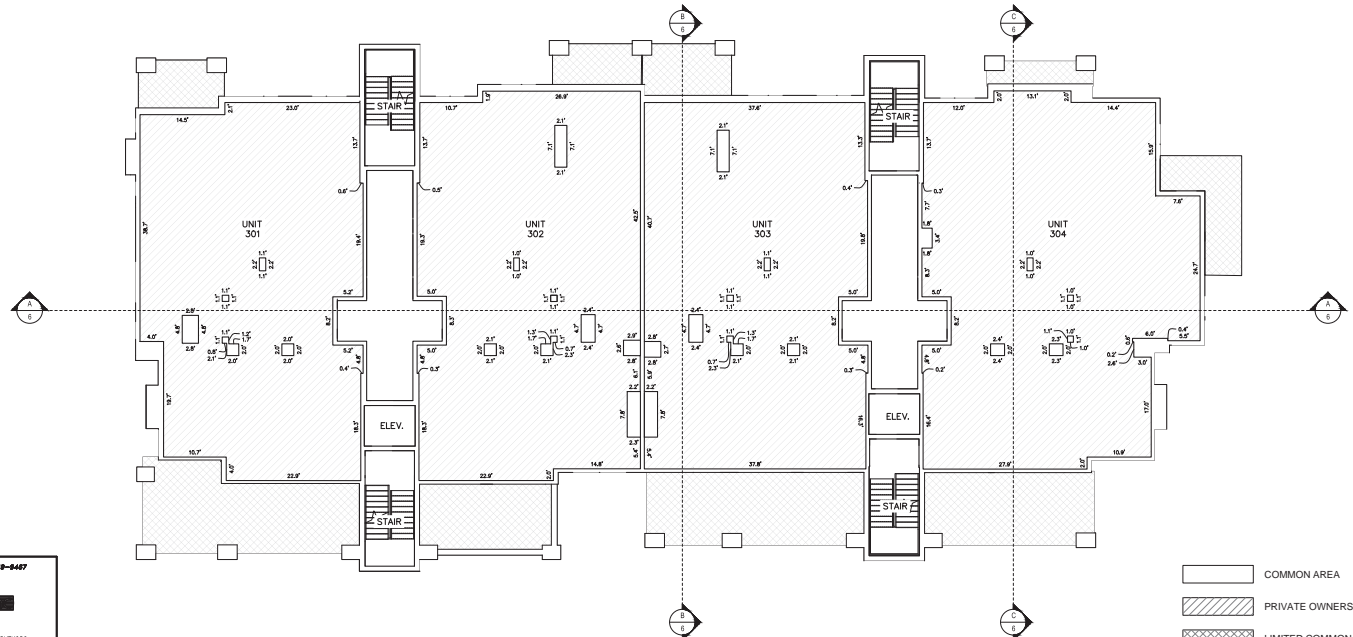
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LEVEL 2  
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LEVEL 2 SQUARE FOOTAGE TABLE

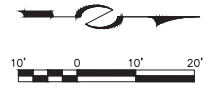
LEVELS	SQUARE FOOTAGE
UNIT 201	2199 SF
UNIT 202	2357 SF
UNIT 203	2263 SF
UNIT 204	2585 SF



LEVEL 3  
SCALE: 1" = 10'

LEVEL 3 SQUARE FOOTAGE TABLE

LEVELS	SQUARE FOOTAGE
UNIT 301	2190 SF
UNIT 302	2357 SF
UNIT 303	2263 SF
UNIT 304	2585 SF

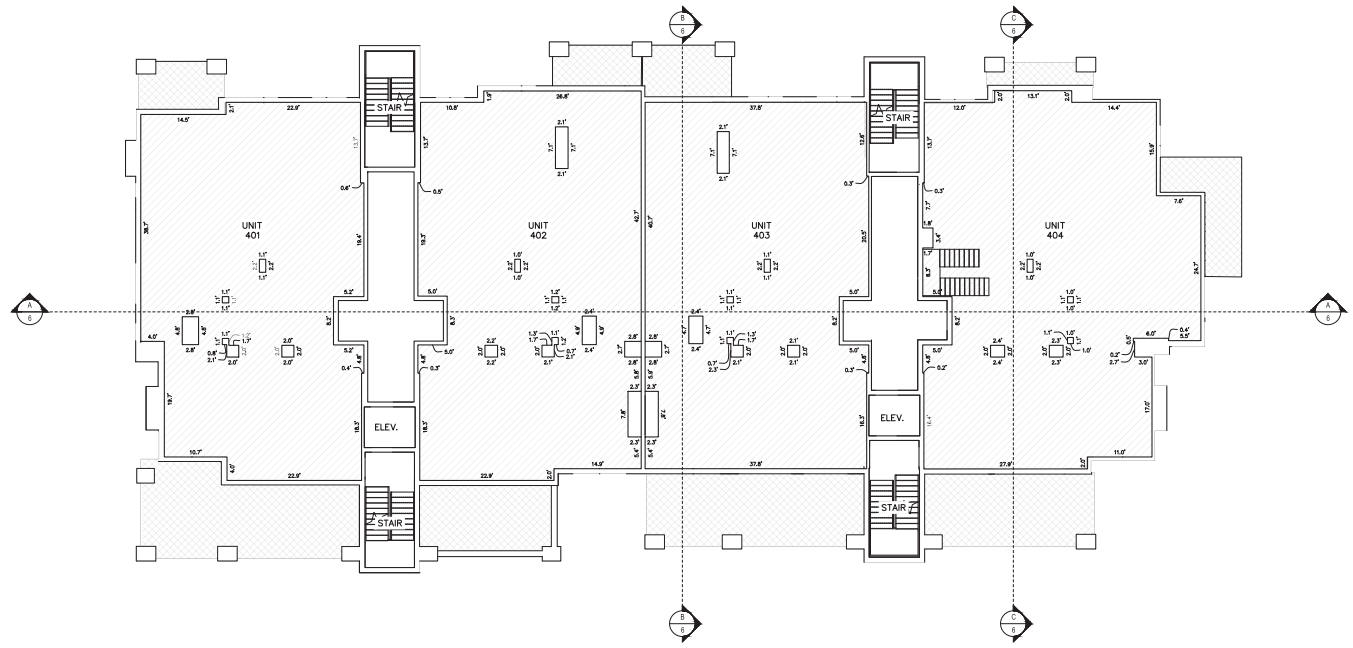


-  COMMON AREA
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP

**Alliance**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2064 Park City Utah 84050-2064  
(435) 640-0447

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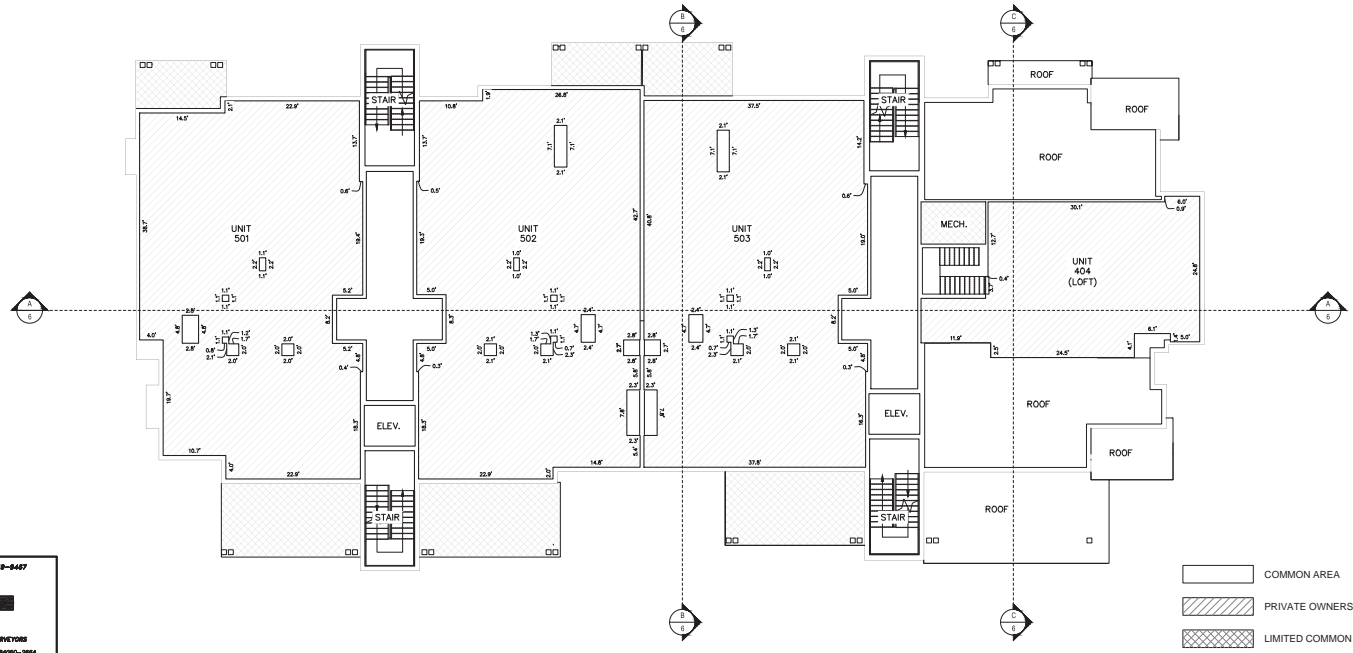
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FEE \_\_\_\_\_ RECORDER \_\_\_\_\_  
TIME \_\_\_\_\_ DATE \_\_\_\_\_ ENTRY NO. \_\_\_\_\_



LEVEL 4  
SCALE: 1" = 10'

LEVEL 4 SQUARE FOOTAGE TABLE

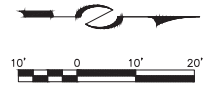
LEVELS	SQUARE FOOTAGE
UNIT 401	2199 SF
UNIT 402	2357 SF
UNIT 403	2263 SF
UNIT 404	2584 SF



LEVEL 5  
SCALE: 1" = 10'

LEVEL 5 SQUARE FOOTAGE TABLE

LEVELS	SQUARE FOOTAGE
UNIT 501	2199 SF
UNIT 502	2357 SF
UNIT 503	2263 SF
UNIT 404 (LOFT)	1012 SF

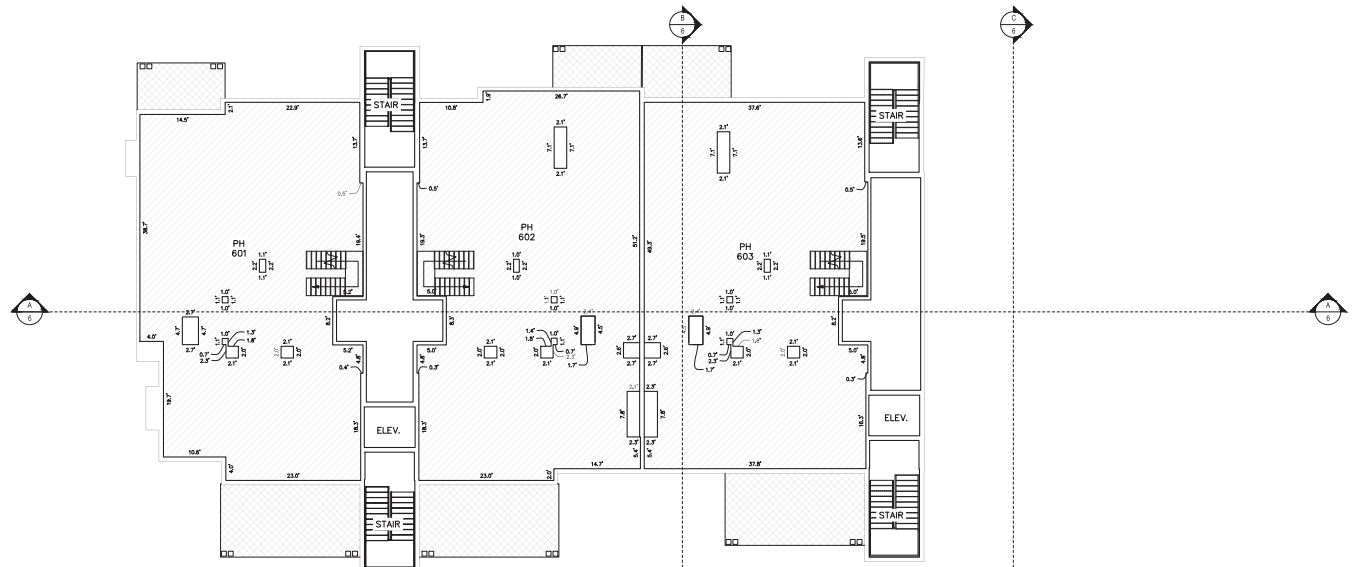


-  COMMON AREA
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP

**Alliance**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2064 Park City Utah 84060-2064  
(435) 640-0447

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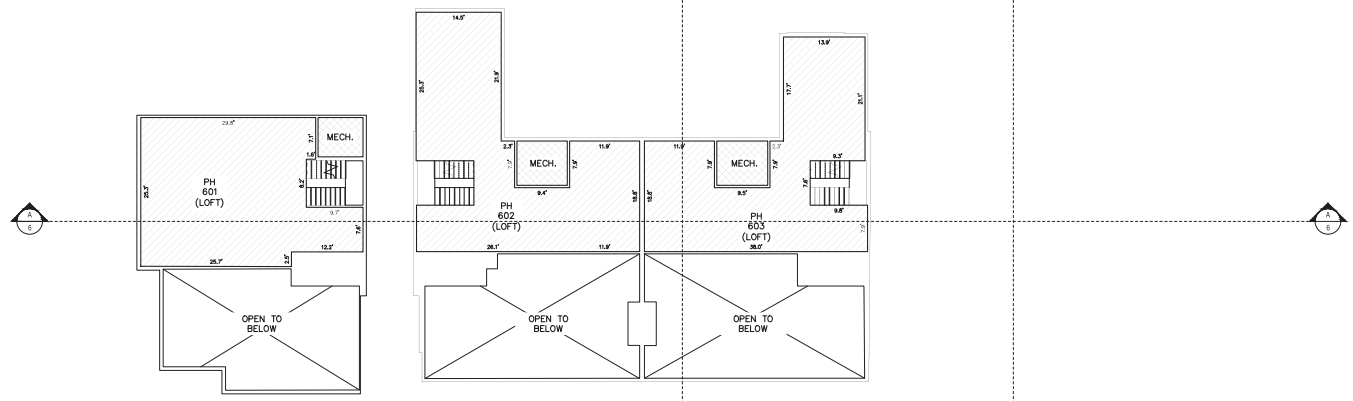
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AT THE REQUEST OF \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_  
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LEVEL 6  
SCALE: 1" = 10'

LEVEL 6 SQUARE FOOTAGE TABLE

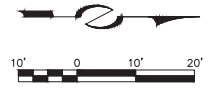
LEVELS	SQUARE FOOTAGE
PH 601	2199 SF
PH 602	2357 SF
PH 603	2262 SF





LEVEL 7  
SCALE: 1" = 10'

LEVEL 7 SQUARE FOOTAGE TABLE

LEVELS	SQUARE FOOTAGE
PH 601 (LOFT)	794 SF
PH 602 (LOFT)	887 SF
PH 603 (LOFT)	812 SF



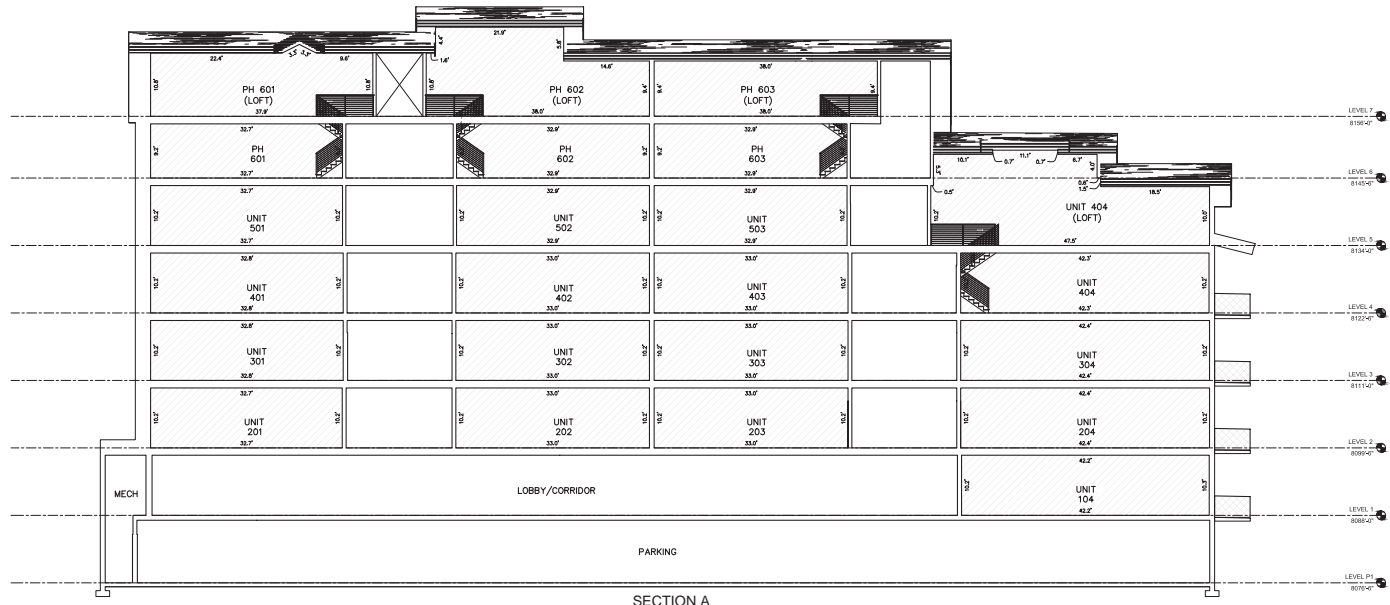
**Alliance**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2064 Park City Utah 84060-2064  
(435) 640-0447

-  COMMON AREA
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP

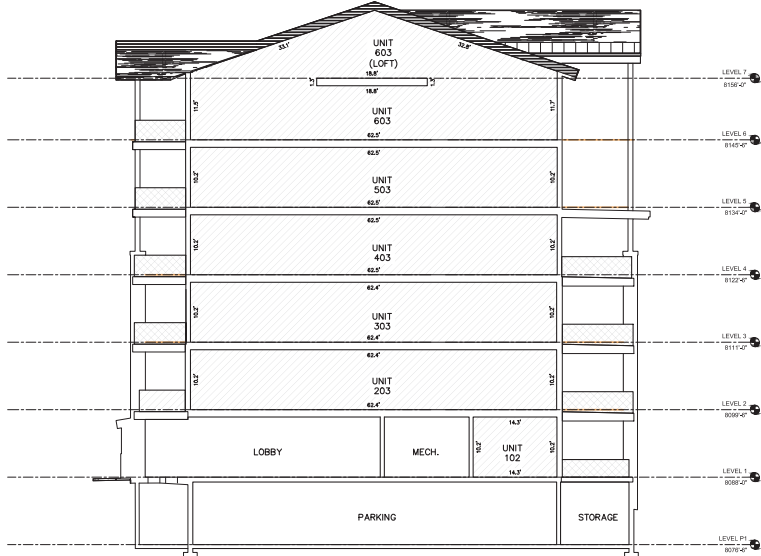
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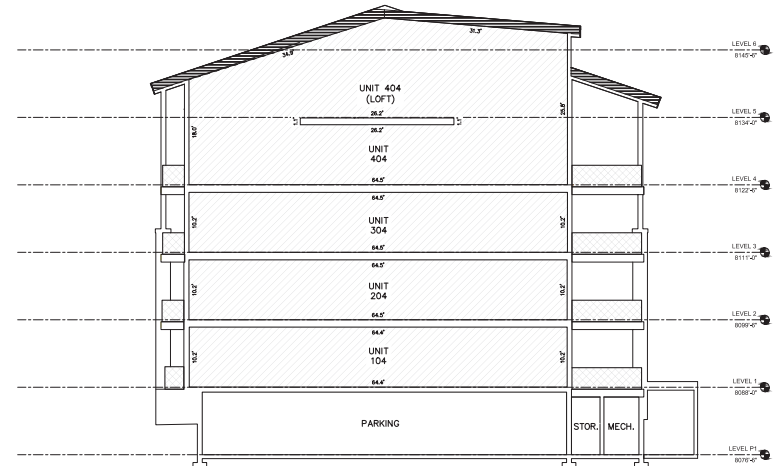




SECTION A



SECTION B



SECTION C

**Alliance**  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 323 Main Street P.O. Box 2064 Park City, Utah 84302-2064  
 (435) 640-8447

- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

PAGE 6 OF 6

**JOB NO.:** 14-9-16    **FILE:** c:\Empire\Drawings\140916-Emp\_Res.dwg  
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 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 AT THE REQUEST OF \_\_\_\_\_

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

Empire Residences  
Project Intent  
November 20, 2017

Empire Residences is a 23 unit ski in/ski out, for sale condominium project located in the Empire Pass Subdivision in Upper Deer Valley. The parcel is the proposed Lot 3, Village at Empire Pass North Subdivision plat, which is currently in the approval process. (21 Market rate units, one ADA and one EHU)

Also within the building is an Affordable Unit as well as an Employee Housing Unit, both built to spec and standard of the code for Park City.

The project is at 7695 Village Way, Park City, Utah and adjacent to (30 ft. from) the Silver Strike chairlift at Deer Valley Resort.

The building is just under 82' tall and stands at 6 stories in height. There is an underground parking garage as well as individual storage units for each resident. There are two elevators that service the building and open into the penthouse units. The units are mostly 2 bedroom 2 bath with the Penthouses being larger at 3 bedroom 3 bath.

Amenities are located mostly within the first floor and entry level of the building. They include a pub with bar and games, a gym, après ski area, indoor and outdoor fireplaces for community gathering as well as ski lockers, the before mentioned storage in the garage, and each unit with more than one dedicated parking stall underground. A unique amenity included at Empire Residences is that each unit has a personal hot tub on the porch that is recessed into the floor hiding it from viewshed outside of the project but lending a private place for each unit to relax.

Finishes of the project are highly luxurious, even for upper Deer Valley. The exterior of the building is mountain contemporary and includes metal railings on the porches/balconies and metal panels on the stair towers. Siding being used is a natural wood board on board siding with natural stone on lower levels. Windows are aluminum clad, solid core doors throughout with 10' ceilings, including drop downs finished in wood. Kitchens are finished with the highest-grade appliances and built in's, giving a custom and high-end feel to each unit. Floor plans are open and the units are "through" units meaning they have views out both sides of the building and are arguably the best view in Deer Valley.

Projections put the completion time of the construction of the building at 15 months from commencement. Sales push will begin this season and ramp up as we get closer to condo plat recordation.

**Ordinance 2017-30****AN ORDINANCE APPROVING THE VILLAGE AT EMPIRE PASS NORTH  
SUBDIVISION, LOCATED WITHIN POD A OF THE VILLAGE AT EMPIRE PASS  
MASTER PLANNED DEVELOPMENT, PARK CITY, UTAH**

WHEREAS, owners of the property known as PCA-S-98-BB, PCA-S-98-DD, and PCA-S-98-DD-EE, PCA-S-98 EE, PCA-S-384 and adjacent remnant parcels located to the north and east of the Village at Empire Pass Phase I Subdivision at Marsac Avenue and Village Way in Park City, Utah, have petitioned the City Council for approval of a subdivision plat; and

WHEREAS, these parcels include a total of 9.54 acres that were not included with any of the previous subdivisions of the Village at Empire Pass Pod A Master Planned Development. The subdivision consists of a 6.77 acre Lot 1 for future townhouse units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge Building 3, and a 0.1 acre Lot 4 for ski area related uses; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on November 26<sup>th</sup> and December 28<sup>th</sup>, 2016, and on April 12<sup>th</sup> and 26<sup>th</sup>, 2017 for the revised plat, and the property was posted on November 30<sup>th</sup>, 2016 and on April 10<sup>th</sup> 2017, according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to surrounding property owners on November 30, 2016 and resent on April 10, 2017 for the revised plat, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2016 and January 11<sup>th</sup> and February 8<sup>th</sup> 2017, to receive input on the subdivision plat; and

WHEREAS, the Planning Commission, on February 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 1, 2017, the applicant requested a continuation in order to amend the plat to add property to Lots 1 and 2 that had recently been acquired; and

WHEREAS, on March 9, 2017, City Council held a public hearing on the subdivision plat and continued the item to a date uncertain; and

WHEREAS, on March 31, 2017, the applicant submitted revisions to the proposed plat adding 0.43 acres of property recently acquired to Lot 2 and 3.77 acres to Lot 1; and

WHEREAS, the Planning Commission held public hearings on April 26<sup>th</sup> and



May 24<sup>th</sup>, 2017, to receive public input on the subdivision plat; and

WHEREAS, the Planning Commission, on May 24, 2017, voted unanimously to forward a positive recommendation to the City Council; and,

WHEREAS, on June 15, 2017, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass North subdivision.

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 subdivision plat 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 property is located at Marsac Avenue and Village Way within Pod A of the Master Planned Development for the Village at Empire Pass. Addresses will be assigned prior to plat recordation.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and Village at Empire Pass MPD area (RD-MPD). Lot 1 is partially within the Recreation Open Space (ROS) District.
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. 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.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units do not exceed 60. The Mountain Village is also allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).
8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).



9. Based on a review of all UE and units constructed and platted to date within the Flagstaff Annexation Development area, there are sufficient remaining UE and units for these three lots.
10. The applicant requests a plat note referring to a recorded covenant identifying the maximum density allowed on Lot 3 as 24.5 UE configured in no more than twenty one (21) individual units, subject to final Conditional Use Permit review. Maximum density for lots within this subdivision is subject to the remaining density of the Flagstaff Annexation Development Agreement and final Conditional Use Permit review to be determined during future Conditional Use Permit review. No density is assigned to Lot 4 as it is to be used in connection with Deer Valley Resort and similar activities.
11. The applicant is not requesting allocation of any MPD Resort Support Commercial for this subdivision at this time. There exist a total of 3,687 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2. This includes the 3.600 sf allocated to the B2East Subdivision.
12. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permits and memorialized with final condominium plat approval.
13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A.
14. The purpose of the VMPD was to establish unit mix and density for the Village Master Plan, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location.
15. 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 (west side).
16. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.
17. Six lodge buildings have been built to date within Pod A namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units remain to be permitted and constructed. Additionally 4 PUD units within Nakoma in Pod B1 remain to be permitted and constructed.
18. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as additional townhouse and PUD style units remain to be constructed within the Village MPD Pod A.
19. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 6.77 acre Lot 1, for future townhouse and PUD units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge



- Building 3, and a 0.10 acre Lot 4. The property consists of a total of 9.54 acres.
20. Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Lot 4 has access to Village via a proposed access easement across Lot 2.
  21. Lots 2 and 3 will take access off Village Way. Location of access off Marsac Avenue requires review and approval by UDOT and the City Engineer, as Marsac Avenue is currently a state highway.
  22. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings, PUD style units, and townhouses.
  23. Utilities are available to the lots. SBWRD recommended conditions and plat notes to address their concerns.
  24. All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets.
  25. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.
  26. There is no minimum or maximum lot size or lot width in the RD District.
  27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and the Village at Empire Pass MPD.
  28. A height exception and building volumetric were approved with the Village at Empire Pass Pod A Master Planned Development for the Lodge Buildings (Lots 2 and 3).
  29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
  30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
  31. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 2.0 AUE for Lot 2 and 1.1 AUE for Lot 3 (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into MPD Lodge Building 3 (on Lot 3) and Building 4 (on Lot 2) and noted on the plat. Also 0.84 AUE are an outstanding requirement of the Tower Residences to be constructed in MPD Lodge Building 1 (on Lot 9 of the Village at Empire Pass Subdivision). No AUE are planned or identified for Lot 1 of this Village at Empire Pass North Subdivision.
  32. Requirements of the Flagstaff Agreement will be reviewed and verified for compliance during the Conditional Use Permit applications reviewed for development on Lots 1, 2 and 3. This transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.
  33. The property consists of more than 1.0 acres and shall is subject to requirements of the MS4 Storm Water Permit program.



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

#### Conclusions of Law

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

#### Conditions of Approval

1. The City 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 plat at Summit 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. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. A ten foot (10') wide snow storage easement is required along the private street frontages of the lots and a ten (10') wide public snow storage easement is required along public street frontages.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. Prior to building permit issuance, documentation from UDOT showing approval of access to Lot 1 off Marsac Avenue is required. If documentation does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.



11. Any proposed curb cuts for access directly to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
12. A Conditional Use Permit approval is required prior to issuance of building permits on Lots 1, 2 and 3.
13. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permits for development on Lots 1, 2 and 3, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
14. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
15. All requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 2 has an on-site affordable housing requirement of 2.0 AUE and Lot 3 has an on-site affordable housing obligation of 1.1 AUE. All AUEs shall be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. Lot 1 has no on-site obligation.
16. All deed restricted units shall be identified on the final condominium plats prior to recordation of such plats. Phasing and certificates of occupancy for the affordable housing units shall be commensurate with the certificates of occupancy for the market rate units. Affordable units shall comply with all requirements of the Flagstaff Affordable Housing Mitigation Plan, as amended, and Park City Housing Resolution 17-99. Affordable units shall have prorated and reduced HOA fees, to be described in the CCRs.
17. Wastewater service to Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lot 1. If a line extension is necessary, it shall be the responsibility of the Owner to extend the public wastewater system within Lot 1 according to the requirements of the Line Extension Agreement.
18. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
19. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
20. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
21. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lots 1, 2, and 3, unless otherwise conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.
22. A Construction Mitigation Plan shall be submitted with Conditional Use Permit



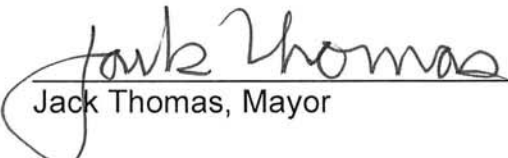
- applications and in advance of issuing building permits.
23. The ROS zoning line shall be indicated on plans submitted with the Conditional Use Permit application and all construction of units shall be restricted to the RD zoned portion. Construction disturbances within ROS portions of the Flagstaff Annexation area are subject to the Development Agreement and associated technical reports (e.g. for trails, ski runs and lifts, utilities, access roads, etc.). Construction on Lot 1 shall conform to all applicable Land Management Code requirements in effect at the time of submittal of application.
  24. Each parcel developed within this common development shall meet the requirements of the MS4 Storm Water Permit program.
  25. A skier and pedestrian access easement shall be provided on Lot 2 for the benefit of the One Empire Pass property (Lot 15 of the Village at Empire Pass West Side Subdivision plat) consistent with the Village at Empire Pass MPD and recorded ski access agreements.
  26. At the request of the applicant, a plat note referencing a recorded development covenant, identifying a maximum allowable density on Lot 3, shall be provided on the plat prior to recordation.

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

PASSED AND ADOPTED this 15<sup>th</sup> day of June, 2017.

PARK CITY MUNICIPAL CORPORATION



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

ATTEST:

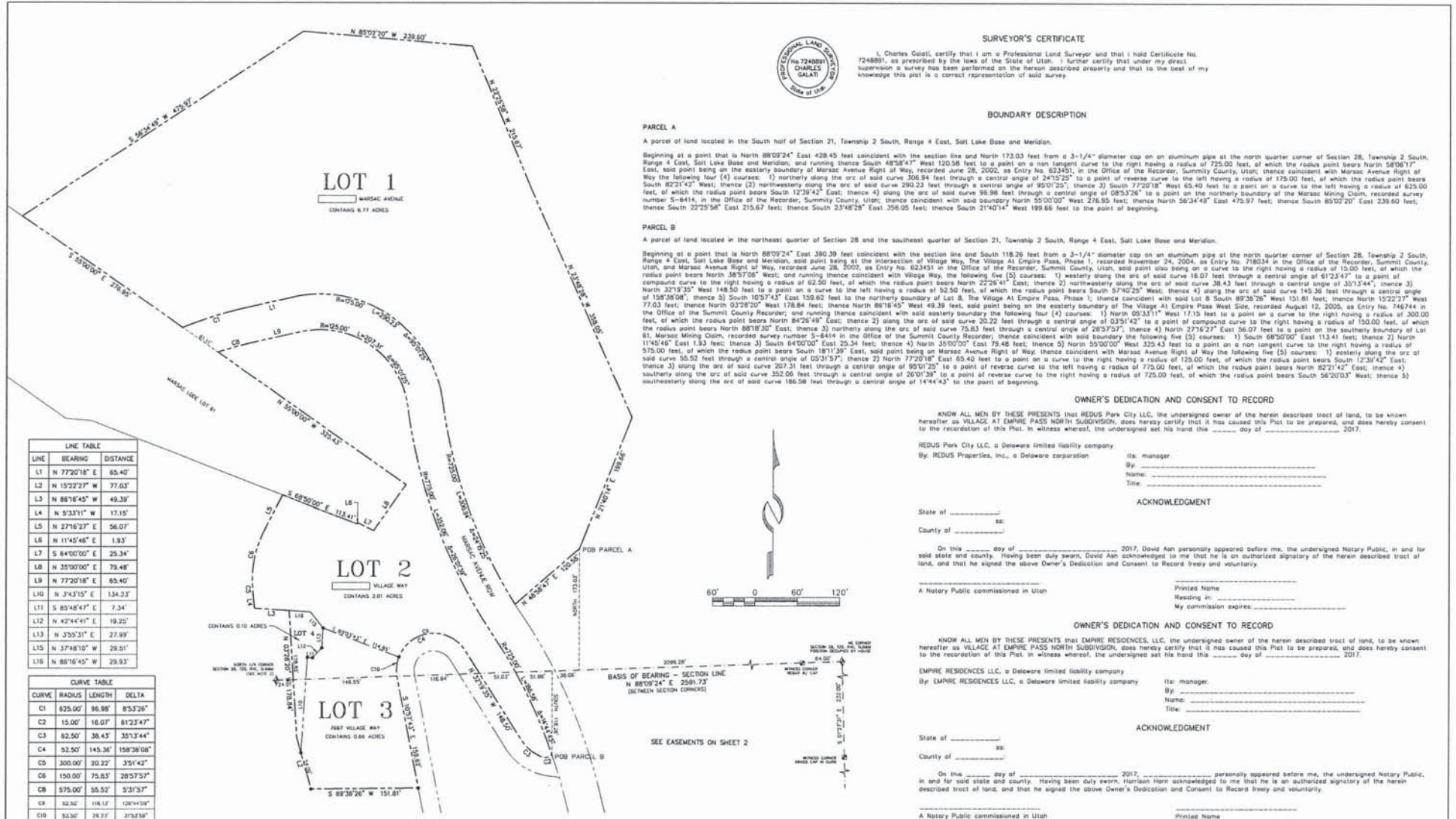
  
\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

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

**Exhibits**

Exhibit A – Proposed subdivision plat



# VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 21 & THE NORTH HALF OF SECTION 28  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 2

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 West Street P.O. Box 2884 Park City, Utah 84060-2884 (435) 648-4447	<b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2017 BY _____ S.B.W.R.D.	<b>PLANNING COMMISSION</b> APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017 BY _____ CHAIR	<b>ENGINEER'S CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ENGINEER	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ATTORNEY	<b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ MAYOR	<b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ PARK CITY RECORDER	<b>RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	MAP# JOB NO. 12-2-16 FILE: K:\Empire.dwg\lan\plot2016\120216-VAFP North Sub						

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TES: This plat is subject to the Conditions of Approval in Ordinance 2017-\_\_\_\_\_

The position of the north ¼ corner of Section 28, Township 2 South Range 4 East SLBM, as shown on this survey, is from the dependent re-survey of Section 28, 29, 31, 32 & 33 performed by Robinson, Brien & Brien Inc. in 2008 (Rec. # 5-3810, Summit County Recorder's Office).

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 condominium map will be required for the purpose of the sale of individual units within the development lots shown hereon.

The lots described on this plat are subject to the Restated Development Agreement for Flagstaff Mountain, Bonanza Flat, Richardson Flat, the 20-Acre Quinn's Junction Parcel and Iron Mountain dated as of May 2, 2007, and recorded on March 2, 2007, as Entry No. 00386100 in Book 1850, Page 1897 (the "Development Agreement"). By separate Declaration of Payment and Development Covenants, recorded October 4, 2016, as Entry No. 01003133 in the official records of the Summit County Recorder, as amended, Lot 3 has been allocated the right to develop 24.5 Unit Equivalents within no more than 21 dwelling units and the obligation to locate 1.1 Affordable Unit Equivalents thereon, as each of those capitalized terms is defined in the Development Agreement. Lot 2 has been allocated the obligation to locate 2.0 Affordable Unit Equivalents thereon and Lot 1 has no on-site affordable housing obligations. The allocation of Unit Equivalents to Lot 2 and Lot 1 may be done at a future date by a separate recorded document. No Unit Equivalents will be allocated to Lot 4, which is to be used in connection with resort and similar activities. No lot within this plat has been allocated any commercial Unit Equivalents.

The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinstatement fees as provided therein.

Owners and potential buyers of any unit or lots within the lots depicted on this plat are given notice that they own or are buying property in a resort area in which all-resort resort activities are conducted on where certain risks are present, including, without limitation, damage to property and personal injury and death caused by errant skiers, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow loads, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.

The owner of Lot 3 hereby grants a non-exclusive resort and access easement over the approximately west twenty feet (20') of Lot 3, as depicted on this plat as the "Cable LODOT Setback" for the benefit of Lot 4 to allow ski lift maintenance access and the right to conduct resort activities, including to locate movable safety fences.

This plat also depicts the following easements, each of which may be amended, relocated or revised, without amendment hereto, in accordance with each such easement's terms:

- a. Agreement and Covenant of Cooperation (Ski Access/Storm Drainage), Entry No. 665956, Summit County Recorder's Office which affects Lot 2 and Lot 3 of this plat.
- b. Right-Of-Way and Easement Grant (Gas Utility), Entry No. 755686, Summit County Recorder's Office, potentially affects Lot 2 and Lot 3.
- c. Grant of Access Easement (Sewer Utility), Entry No. 850350, Summit County Recorder's Office, affects Lot 2.
- d. Grant of Easement (Sewer Utility), Entry No. 716688, Summit County Recorder's Office, affects Lot 2.
- e. Grant of Easement (Storm Drain Facilities), Entry No. 716459, Summit County Recorder's Office, affects Lot 3.
- f. Reciprocal Easement Agreement (Resort and Access) to be recorded in advance of or contemporaneously with this plat in the Summit County Recorder's Office, affects Lot 2, Lot 3 and Lot 4, and describes the use of Easement Area A, Easement Area B, Easement Area C and Easement Area D.

Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads.

The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.

A ten foot (10') wide snow storage easement is hereby dedicated to the Master Association along the frontage of all lots.

Wastewater service to the Village at Empire Pass North Subdivision shall be provided by the Spaywater Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lots 1 & 2. It shall be the responsibility of the Owner of each lot to extend the public wastewater system within the lot being developed according to the requirements of the Line Extension Agreement.

Village Way 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. Village Way is not a public road or right-of-way.

A LODOT Conditional Access Permit or city permit, depending upon the ownership of Marsac Avenue, will be required prior to construction on Lot 1 and for vehicle access to Lot 2 directly from Marsac Avenue.

Fire sprinklers will be required within all dwellings constructed on the lots.

Ski Easement Note: 5' Ski and Pedestrian Easement in favor of Lot 4 for resort operations and trail maintenance and for purpose of providing property owners, invitees and guests of One Empire Pass Condominium with ski and pedestrian access to and from adjoining skiways.

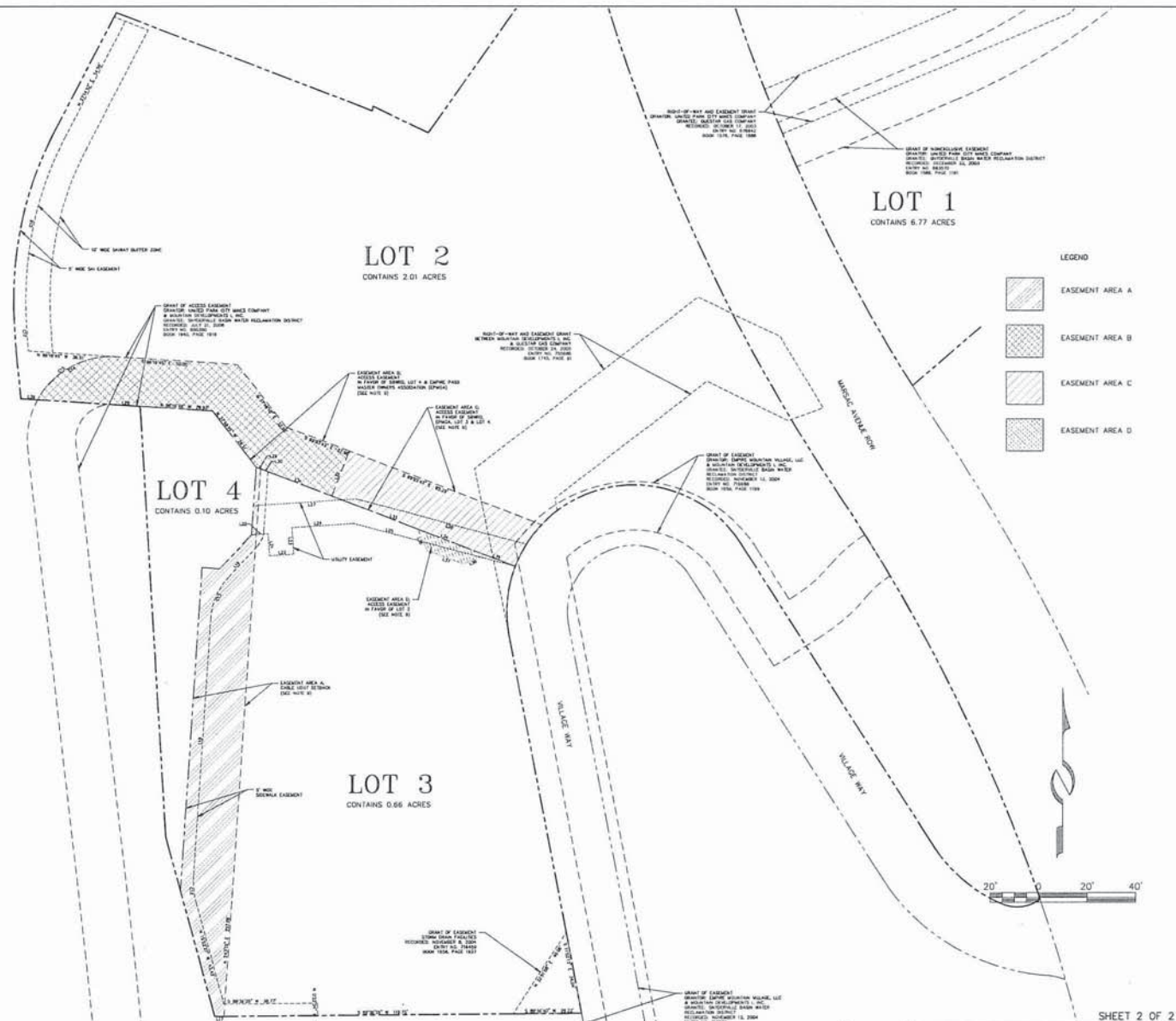
Ski Buffer Note: 10' Skiway Buffer Zone in favor of Lot 4 providing that without prior written consent of owner of Lot 4:

- a. no above-ground building or landscaping obstructions may be constructed in the Skiway Buffer Zone.
- b. no trees or other above-ground landscaping obstructions may be maintained in the Skiway Buffer Zone.

The owner of Lot 2 hereby grants a non-exclusive resort and access easement over the western edge of the property as depicted on this plat as the "5' Wide Ski Easement". This easement is for the benefit of Lot 4 for resort operations and trail maintenance and for the benefit of VEPWS Lot 10 property owners, invitees and guests for purposes of ski and pedestrian access.

The owner of Lot 2 hereby grants a non-exclusive easement near the western edge of the property as depicted on this plat as the "10' Skiway Buffer Zone". This easement is for the benefit of Lot 4 providing that without prior written consent of owner of Lot 4 no above-ground building, trees or other landscaping obstructions may be constructed or maintained in the Skiway Buffer Zone.

At the time of plat recording, Lot 1 includes lands within the Empire Village MPO in the RD Zone and additional lands within the RDC Zone. Future land uses on Lot 1 shall conform to requirements of applicable zoning regulations for the different portions on the property.



(435) 848-8447

2025 LAND PLANNERS' DIRECTORY  
100 2000 Park City Way, #400-1004

# VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 21 & THE NORTH HALF OF SECTION 28  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

SHEET 2 OF 2

JOB NO.: 12-2-16 FILE: X:\Empire\dwg\plat2016\120216-VAEP North Sub

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EXHIBIT D - See link in Exhibits list

EXHIBIT E - See link in Exhibits list

EXHIBIT □ F

Technical Reports

See Link in Exhibit list.



# EMPIRE PASS

October 20, 2017

DESIGN REVIEW BOARD

Harrison Horn  
Empire Residences  
2520 N. University Ave., Ste 50  
Provo, UT 84604

RE: Empire Residences, 7695 Village Way  
Final DRB Approval

Dear Mr. Horn,

Thank you for your recent application regarding Empire Residences to the Empire Pass Design Review Board (the DRB) requesting Final Design Approval of the proposed condominium lodge project. The DRB previously reviewed Conceptual plans on December 20, 2016 and February 22, 2017. The Preliminary Approval was granted by the DRB on March 29, 2017. The DRB reviewed the applicants first Final Submittal on June 6, 2017 and September 5, 2017 and did not make a motion for approval and requested more information. At the September 29, 2017 meeting the DRB reviewed the applicant's Final submittal and granted Final Approval with the following conditions:

1. The review was based on plans dated 08.xx.2017 and printed 9.21.17 prepared by BWA Architects and now on file except for:
  - Site Plan Sheet AS100 printed 10.18.17 now on file;
  - Floor Plans Sheet A100 – A107 printed 10.18.17 now on file
2. The applicant has staked the building corners and centerline of both driveways; the DRB had no issues with the lot staking;
3. The applicant has shown on the site plan the designated surface parking spot for the adjacent lot on the north driveway; the parking stall should meet city requirements for stall size and dimensions should be shown on the site plan for location and size.
4. The applicant will not move the Silver Strike Chair transformer located in the northwest corner of the lot; approval of location for transformer located in the northeast corner of the lot to be coordinated with Rocky Mountain Power. Location screened behind monument sign is preferred by the DRB.
5. The north driveway grade of the first 20 feet is at 4.8% maximum and the improved paved driveway width has been reduced from 20 feet wide to 16 feet wide with 2' driveable "curbs" on each side. Applicant to submit curb profile that satisfies requirement for driveability and drainage management. The DRB required both the driveway on the North and the parking lot/driveway on the East to be heated. Driveway grades and widths/dimensions are shown on civil plans dated 06.29.17.

4188 SR248 PO Box 99 Kamas UT 84036 tel 435.333.3700 fax 435.333.3716

6. The front entry driveway has a maximum grade of 12% in the middle section and grades vary for the rest of the driveway; the applicant has verified the driveway grades on the civil plans;
7. Plans now show easement for Deer Valley shallow utilities from Village Way to Silver Strike Chair; easement will also be shown on VEPN Plat when recorded
8. Unit square footages have been adjusted to remove residential accessory space and the affordable housing unit from overall building allowable square footages;
9. The site is required to include 1.1 Affordable Housing Units ("AHUs"). Current plans show 1.0 AHUs. Applicant has included a 736 sf affordable unit on Level One along with two Owner Storage Lockers for the Affordable Units on Level 0 with total storage area of 144 sf. Applicant has represented that City will accept the total 880 sf as satisfying the On-Site Affordable Housing requirement.
10. Site 3 is now restricted by covenant to 24.5 ERUs. Applicant to ensure the correct number of parking stalls for both market units, affordable unit and ADA unit are shown on the plans to the satisfaction of the City; Applicant to show unit square footages on the plans to the satisfaction of the City;
11. The updated plans show a stone pony wall around chiller units located outside the 20' front yard setback at the NE corner of the building; The pony wall shall be limited to 4' in height. The DRB reviewed and approved the chiller units in this location, provided appropriate landscape screening planted in front.
12. The mechanical units outside of the South building setback are below grade and screened with a stone pony wall and grate top. This portion of the building structure is still shown outside of the building setbacks and this will need to be reviewed and approved through the City. The DRB accepts the setback reduction from 12' to 4' for the below grade mechanical equipment.
13. Applicant has revised the plans to show the generator underground. The mechanical equipment outside of the affordable unit has been relocated to the sides of the building to maintain a clear deck. Revised location of condensers is shown on elevation sheet A201.
14. The DRB previously requested the 12 chillers shown adjacent the front entry of the building be removed; The chillers have been removed from the front entry.
15. Applicant to ensure materials used for decorative panels on stair towers on the exterior of the building will not be a reflective material; A materials board was reviewed and approved by the DRB. All exterior materials are subject to approval of an onsite mockup of materials to be provided as required for final material, color and detailing approval. Materials on stair towers will not be reflective and are as submitted to DRB in 9/29/2017.
16. Building matrix has been corrected to match the building unit counts, including affordable unit and accessible unit.
17. The porte cochere roof materials will be wood and metal;
18. Applicant to grant an easement to the Empire Pass MOA and show on the plans and plat the sidewalk extending from Shooting Star to VEPN Lot 2. Easement will be shown on VEPN plat when recorded. Applicant responsible for construction of sidewalk connection to sidewalk on Shooting Star property;

19. The applicant will rebuild or repair, at its cost, any construction related damage to the Empire Pass sidewalk on the Shooting Star property.;
20. Applicant shall make reasonable efforts to receive approval from the Shooting Star HOA to construct a sidewalk on a preferred alignment closer to the ski trail.;
21. Railing design has been reviewed and meets design requirements.
22. Applicant verified height of landscaped stone faced concrete walls will not exceed 4 feet.
23. Applicant provided cut and fill calculations on Civil 1 of 4 Site & Grading Plan.
24. The applicant will not install any permanent fencing around the site.
25. The square footage for this building is 71,785 square feet; 85,789 gross sf including parking level.
26. Chimneys cap designs have been reviewed and meet design requirements.
27. The applicant plans show proposed height at 82 feet with a maximum of 82 feet for this lot, and other height limits consistent with approved volumetric for site; Approval subject to PCMC confirmation of height compliance with approved volumetric. In order to meet the 82 foot height restriction the application has modified the roof form and has revised the roof stepping. This additional stepping provides greater interest and compliance with the intent of the building massing. See revised roof on A201-A202
  - a. The DRB approved the building massing as proposed with an accepted roof stepping and variation in roof forms.
  - b. The DRB approved the building façade stepping and variation in the vertical planes.
  - c. The DRB reviewed and approved the height of the building.
29. The primary roof pitches of 4:12 are in compliance with the guidelines; lower sloped roof pitches for shed dormers are allowed.
  - a. The DRB approved the proposed roof pitches.
30. Windows are found to follow the design guidelines.
31. Window headers and trim proposed on sheet A511 and exterior elevations comply with the intent of the design guidelines.
32. Exterior entry door, garage door on A201 and A202 follows the intent of the design guidelines.
33. Applicant to submit color and texture sample for concrete drive areas for DRB approval prior to installation;
34. All boulder materials must match closely the DRB approved stone for the building;
35. Applicants understand that except for cementitious siding approved by DRB no faux or manufactured materials may be used as finished exterior product, this would include glu-lam beams, faux stone, bare concrete, vinyl siding, etc.;
36. The DRB reviewed the proposed cedar vertical board siding for exterior wall material; applicant understands all exterior materials are subject to mockup review.
37. Applicant has provided exterior lighting plan, including cut sheets for wall packs, wall sconce, and bollard fixtures.



38. Applicant has provided complete landscape plan, including counts, planting specs and detailed grading, for DRB review; the DRB will reserve the right to request additional plantings from any DRB approved landscape plan;
39. Construction management plan will be submitted and reviewed/approved prior to commencement
40. The entry monument specs and pics have been submitted and approved prior and are shown on Detail B2 Sheet AS100.
41. applicant understands that the building is subject to City approvals beyond any approval of the DRB;
42. Applicant understands the requirement to provide an on-site mock-up of exterior materials, colors and construction techniques for further DRB review and approval prior to installation of the same.
43. Applicant to submit an Improvement Location Certificate (ILC) prepared by a licensed surveyor to confirm the height and location of the foundation are consistent with the DRB approval;
44. In order to maintain the integrity of the Guidelines and encourage the continuity of a cohesive design aesthetic at Empire Pass, when Final approval is granted the approval will expire one year from the date of DRB approval; if no construction activity has occurred or progressed the applicant will be required to return to the DRB for a renewed approval of Final plans.
45. Upon DRB approval of the Working Drawing submittal and prior to start of construction activity, the applicant shall submit a compliance deposit and schedule a pre-construction conference.
46. Applicant has amended plans to show detail and design to express the structure at the roof gables, shed roofs and roofs over decks.
47. Stone walls have been revised to show a thickened stone base and a detail is provided on A4/ A502.
48. Entry porte cochere view meets the intent of the design guidelines.

Again, we thank you for your Final Design submittal and look forward to working with you and your team as the process continues. Feel free to contact our office at 435-333-3700 with any questions regarding the Design Review process.

Respectfully,

Douglas Ogilvy,  
On behalf of the Empire Pass Design Review Board

# PROPOSED LOT 3 VILLAGE AT EMPIRE NORTH SUBDIVISION EXISTING CONDITIONS & TOPOGRAPHIC MAP



**SURVEYOR'S CERTIFICATE**

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision an existing conditions and topographic survey has been performed on the herein described property and that to the best of my knowledge this plot is a correct representation of said survey.

**GENERAL NOTES**

1. Field work for this survey was performed in June 16, 2017 and is in compliance with generally accepted industry standards for accuracy.
2. Site Benchmark: Sanitary Sewer Manhole Elevation=8072.3' as shown.
3. A boundary survey was not performed on this property as part of this existing conditions and topography map. Boundary lines shown are per proposed plat.
4. The architect is responsible for verifying building setbacks, zoning requirements, and building heights.
5. Utility location is from record information, As-Built drawings as well as above ground evidence. Call Blue Stakes before excavating.

**LEGEND**

- E30— EXISTING SEWER
- E4— EXISTING WATER
- E50— EXISTING STORM DRAIN
- E40— EXISTING OVERHEAD UTILITY
- E20— EXISTING OVERHEAD POWER
- E10— EXISTING GAS
- E1— EXISTING TELECOM
- E1— EXISTING POWER
- E1— EXISTING STORM DRAIN MANHOLE
- E1— EXISTING SANITARY SEWER MANHOLE
- E1— EXISTING STORM DRAIN GRATES
- E1— EXISTING ELECTRICAL BOXES
- E1— EXISTING FIRE HYDRANT
- E1— EXISTING WATER VALVE
- E1— EXISTING WATER METER
- E1— EXISTING
- E1— PROPERTY CORNER FOUND MONUMENT
- E1— "ALLIANCE ENGINEERING" BEAR & CAP
- E1— SITE BENCHMARK

LINE	BEARING	DISTANCE
L1	S 85°48'47" E	7.34
L2	N 42°44'41" E	19.25
L3	N 3°55'31" E	28.19

CURVE	RADIUS	LENGTH	DELTA
C1	52.50	29.23	31°53'59"

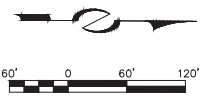



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 (435) 649-8487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 West Street, P.O. Box 2864, Park City, Utah 84060-2864	<b>STAFF:</b> MICHAEL DEMKOWICZ JUAN CARRASCO TANDIN CHAPMAN CHARLES GALATI	EXISTING CONDITIONS & TOPOGRAPHIC MAP  <b>EMPIRE RESIDENCES</b>	SHEET <b>1</b> OF <b>1</b>
	DATE: 9/22/17	FOR: EMPIRE RESIDENCES LLC JOB NO.: 14-9-16 FILE: X:\Empire.dwg\srn\plat2016\140916-15VEPN-Existing Conditions.dwg	



EXHIBIT I



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 122 Main Street P.O. Box 2064 Park City, Utah 84060-2064</small>	<small>(435) 649-9467</small>	<b>STAFF:</b> MICHAEL DEMKOWICZ JUAN CARRASCO TANDIN CHAPMAN	<b>AERIAL PHOTOGRAPHY EXHIBIT</b>	<b>SHEET</b> 1 <b>OF</b> 1
	<b>DATE:</b> 9/19/17	<b>EMPIRE RESIDENCES</b>	<b>FOR:</b> EMPIRE RESIDENCES LLC. <b>JOB NO.:</b> 14-9-16 <b>FILE:</b> X:\Empire\dwg\Empire_Residences-L3_VEPN\140916-L3VEPN-Civ3d2018.dwg	





SNYDERVILLE BASIN

**WATER RECLAMATION DISTRICT**

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

December 8, 2017

Kirsten Whetstone  
Park City Municipal Corp.  
445 Marsac Avenue  
P.O. Box 1480  
Park City, UT 84060

RE: Empire Residences  
Plat Approval

Dear Ms. Whetstone:

The Snyderville Basin Water Reclamation District has reviewed the referenced plat and has determined that it conforms to District regulations. We are therefore prepared to sign the plat.

The developer should contact me to schedule a time for plat signing after the Owner's Dedication has been signed.

Sincerely,

Bryan D. Atwood, P.E.  
District Engineer

cc: Michael Demkowicz, Alliance Engineering  
Project File

EXHIBIT K

**Flagstaff Annexation and Empire Pass Units and Unit Equivalents Updated 11.10.17 (VEMP Phase 1 Lots 1 and 2 combined into Lot A approved by CC)**

POD	Single Family	Allowed SF lots	SF Permits	SF CO #'s
A	Banner Wood-platted	6	4	4
B1	Northside-platted	10	10	10
D	Red Cloud-platted	30	12	11
<b>Totals</b>	<b>(Single Family only)</b>	<b>46</b>	<b>26</b>	<b>25</b>

POD	Multi-family	Units Approved/Proposed	Square Feet Platted w/ condo	Units Platted w/ condo	UE Approved/Proposed w/ condo or sub	UE Platted with condo	MF Units Platted as PUDs	ADA provided/r equired	EHU provided	On Mtn AUE provided/proposed	CO UE's	CO Units	Status
A	Horseshoe Townhouses on Lot 1 VEPN plat TDB	not yet identified								0	0	0	0 Sub Plat under review
A	Lot 3 VEPN plat-(Bldg 3) Proposed	21		0	24.50	0		1		1.1 AUE	0	0	0 Sub Plat under review
A	Lot 2 VEPN plat-(Bldg 4) TBD	not yet identified						2		2.0 AUE	0	0	0 Sub Plat under review
A	Lot A VEMP1 (combo of Lots 1 and 2 VEMP1)	not yet identified									0	0	
A	Tower Residential- platted lot/no condo plat (Bldg 1)	25		0	38.90	0	0	1		0.75 AUE	0	0	0 CUP expired/not platted
A	Shooting Star-platted lot and condo (Bldg 2)	21	36,109	21	18.30	18.055	0	1	0	0	18.1	21	21 Completed
A	One Empire Pass-platted lot and condo (Bldg 5)	27	65,026	27	32.80	32.513	0	1	1	1.125 AUE	0	0	0 27 Under Construction
A	Silver Strike-platted lot and condo (Bldg 6)	34	71,305	34	35.60	35.653	0	2	1	1.1 AUE	35.7	34	34 Completed
A	Flagstaff -platted lot and condo (Bldg 7)	37	73,506	37	35.90	36.753	0	2	2	1.6 AUE	36.8	37	37 Completed
A	Arrow Leaf A-platted lot and condo (Bldg 8)	28	46,458	28	24.50	23.229	0	2	3	2.85 AUE	23.3	28	28 Completed
A	Arrow Leaf B- platted lot and condo (Bldg 9)	28	48,746	28	25.70	24.373	0	2	0	0	24.4	28	28 Completed
A	Grand Lodge-platted lot and condo (Bldg H)	27	65,344	27	33.00	32.672	0	2	1	1.2 AUE	32.7	27	27 Completed
A	Larkspur East Townhouses-all platted/condo (3 duplex = 6 PUD)	15	48,693	15	24.40	24.347	6	0	0	0	24.4	15	15 Completed
A	Larkspur West Townhouses-all platted/condo	12	41,273	12	20.70	20.637	0	0	0	0	20.7	12	12 Completed
A	Paintbrush PUDs- all platted/condo	12	63,076	12	31.90	31.538	12	0	0	0	32	12	12 Completed
A	Belles PUDs- all platted/condo	17	90,000	17	45.00	45	17	0	0	0	37.85	14	14 Completed
B1	Nakoma PUDs- all 17 are platted condo but 5 unbuilt	17	90,000	17	45.00	45	17	0	0	0	35	12	12 Completed
B1	Ironwood- all platted/condo	24	73,944	23	37.40	36.972	0	1	1	1 AUE	37.1	23	23 Completed
B2	B2 West Montage- 174 hotel rooms platted(apprvd 192)	hotel rooms		hotel rooms	69.60	72.665	0			0	72.4	1	1 Completed -see note
B2	B2 West Montage condos- platted (apprvd 94)	94	218,669	84	114.00	109.335	0	5	10	7.8 AUE	109.3	84	84 Completed
B2	B2 East- B2East Subdivision approved/No condo plat yet	70		0	81.00	0	0	2		4.2 AUE	0	0	0 Sub plat approved
<b>Totals (Multi-family only)</b>		<b>509</b>	<b>1032149</b>	<b>382</b>	<b>738.20</b>	<b>588.742</b>	<b>52</b>	<b>24</b>	<b>19</b>	<b>24.725 AUE</b> <b>16.675 AUE</b> <b>built to date (on mtn)</b>	<b>539.75</b>	<b>348</b>	
<b>Maximum Allowed by Flagstaff Development Agreement</b>		<b>550</b>		<b>550</b>	<b>785.00</b>	<b>785</b>	<b>60</b>	<b>n/a</b>					
<b>Remaining UE/Units/AUE (for Lots 1 and 2 VEPM and Lot A VEMP)</b>		<b>41</b>		<b>168</b>	<b>46.80</b>	<b>196.258</b>	<b>8</b>	<b>n/a</b>					

**Affordable Housing**

MF Totals by POD only aprvrd or platted (not SF lots)	Units Approved	Units Platted	UE Approved	UE Platted	MF Units as PUD	Total MPD AUE required	Total off Mtn AUE required	Total on Mtn AUE required	Total off Mtn AUE built	Total on Mtn AUE built	Total AUE owed
A (not including Lot 3 and Tower CUP)	258	258	327.8	324.77	35						
B1	41	40	82.4	81.972	17						
B2 (plus 174 hotel rooms) not including B2East	94	84	183.6	182	0						
<b>A, B1, B2</b>	<b>393</b>	<b>382</b>	<b>593.8</b>	<b>588.742</b>	<b>52</b>	<b>118.9</b>	<b>94.175</b>	<b>24.725</b>	<b>89</b>	<b>16.675</b>	<b>13.225</b>

% of MF units total in Pods A, B1 and B2 that are in POD A (MPD requires minimum of 50%)

67.54%

SF- Single family lot/house  
MF- Multi-family/condominium units  
PUD- Planned Unit Development Style MF

EHU- Employee Housing Unit (no min number)  
AUE- Affordable Unit Equivalent (1 AUE = 800 sf)  
UE- Unit Equivalent (1 UE = 2,000 sf residential)  
ADA- American Disability Act required units  
VEPN- Village Empire Pass North Subdivision plat  
CO- Certificate of Occupancy (hotel rooms counted as 1 CO total)

# Planning Commission Staff Report



**Subject:** Empire Residences Condominiums  
**Author:** Kirsten Whetstone, MS, AICP- Sr. Planner  
**Project #:** PL-17-03721  
**Date:** January 10, 2018  
**Type of Item:** Legislative – Condominium Plat

## Summary Recommendation

Staff recommends the Planning Commission holds a public hearing for the Empire Residences condominium plat, for twenty-one market rate residential units within one building, and considers forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance. A staff report for Planning Commission review and possible action on the Empire Residences CUP is included in this January 10<sup>th</sup> packet. If the CUP is not approved, then this condominium plat shall be continued to a future date, following the public hearing.

## Description

**Applicant:** Empire Residences LLC- Brady Deucher  
**Location:** 7695 Village Way  
**Zoning:** Residential Development (RD) District as part of the Flagstaff Annexation and Village at Empire Pass Master Planned Development (MPD)  
**Adjacent Land Uses:** Deer Valley Resort, Empire Club, condominiums, townhouses, vacant development parcels of the Village at Empire Pass Pod A and open space  
**Reasons for Review:** Condominium plats require Planning Commission review and recommendation with final action by City Council.

## Proposal

This is a request for approval of the Empire Residences condominium plat (Exhibit A) for 21 residential units, one American with Disability Act (ADA) unit and one deed restricted employee housing unit (EHU) within one building proposed to be constructed at 7695 Village Way. This condominium plat memorializes density, uses and configuration of units, and identifies areas of private and common ownership. Construction of these units is subject to approval of the Empire Residences Conditional Use Permit and subsequent building permits. Application is further described in the applicant's letter (Exhibit B).

## Background

The property at 7695 Village Way is located within the Residential Development (RD) zoning district on a 0.66 acre Lot 3 of the Village at Empire Pass North Subdivision (Exhibit C). The property is subject to the Village at Empire Pass Master Planned Development (VEP MPD), approved by the Planning Commission on July 28, 2004



([Exhibit D- link to VEP MPD approval](#)). A Conditional Use Permit (CUP) for these units is under concurrent review by the Planning Commission. Approval of the CUP is a condition of plat approval and recordation.

### Flagstaff Annexation

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 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, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement was amended and recorded in March 2007 (Amended Agreement) and is the current controlling document for development on this lot ([Exhibit E- Link to Flagstaff Development Agreement](#)).

The 2007 Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, townhouse or PUD units. The number of PUD units is restricted to sixty units (60). The MPD also allowed 16 single family home sites within the Mountain Village. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A). The development pods are to be linked by transit. A fourth pod, Pod D, is allowed 30 single family lots (this area was platted as the Red Cloud Subdivision for 30 single family home sites). Subject property is located within Pod A. See Exhibit K for density summary of the MPD.

There are also 14 technical reports associated with the Empire Pass development area. The 14 technical reports, along with the Land Management Code and the Amended Agreement, form the standards under which the developments in the area are reviewed (Exhibit F – [Link to Technical Reports](#)).

### Village at Empire Pass Master Planned Development

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (Pod A), known as the Village at Empire Pass Master Planned Development (VEP MPD) ([Exhibit D- Link to VEP MPD approval](#)). The VEP MPD was the first step in the development process for Pod A.

The purpose of the VEP MPD was to establish unit mix and density for the Mountain Village as well as addressing overall project infrastructure throughout the Annexation Area. The VEP MPD established building volumetric diagrams, including specific height exceptions, density and development location. The VEP MPD requires Conditional Use Permit approval for the lodge buildings and administrative Conditional Use Permit approval for the townhouses and PUD style units, prior to building permit issuance for construction.

### Subdivision Approvals

Village at Empire Pass North Subdivision plat, approved by Council on June 15, 2017,

plats metes and bounds parcels within the VEP MPD area for the purpose of creating platted lots of record for Buildings 3 and 4, as well as townhouse units on Lot 1 (Exhibit C). Recordation of the approved plat is pending final review by the City. Plat recordation is a condition of issuance of a building permit for construction of Building 3. The plat identifies a requirement for affordable housing to be constructed within the buildings on Lots 2 and 3 to be completed prior to issuance of a certificate of occupancy for each building and in compliance with the housing plan.

### Conditional Use Permit

On April 12, 2017, the Planning Department received an application for a Conditional Use Permit known as the Empire Residences CUP for a 21 unit residential lodge building to be located on Lot 3 of the Village at Empire Pass North Subdivision utilizing a maximum of 24.5 Unit Equivalents (UE). The building is identified as Building 3 within the VEP MPD, approved on July 28, 2004. An ADA unit and a deed restricted employee unit (EHU) are also proposed within the lodge building. Final approval by the Empire Pass Design Review Board was provided on October 20, 2017 (Exhibit G).

The Empire Residences CUP includes a total of 50,284 square feet (sf) of residential uses, including the ADA and EHU units. Approximately 4,500 sf of residential accessory uses (guest amenities such as owner lounge, locker rooms, and breakfast/après ski area, guest fitness, restrooms, kid's recreation areas, business center, etc.) are platted as common area within the building. These areas are for owners and guests of owners only. There are no commercial or support commercial uses within this building where non-owners/guests purchase items or services. This residential building is not a hotel and there is not a commercial kitchen. Support commercial uses for the Village are located at the Tower Club (aka Empire Club) a short walk to the south. Parking, mechanical and storage areas in the garage account for 12,944 sf. Circulation, janitor closets, and other mechanical areas/vent shafts, etc. not in the garage, account for 18,029 sf. Gross building area is approximately 85,757 sf and includes all residential units, circulation and lobby, guest amenities, parking, mechanical and vents, storage, and other (office, housekeeping, etc.).

A staff report for Planning Commission review and possible action on the Empire Residences CUP is included in this January 10th packet. If the CUP is not approved, then this condominium plat shall be continued to a future date, following the public hearing, to ensure that the plat conforms to the CUP plans.

### Submittal

On October 30, 2017, the City received an application for the Empire Residences condominium plat. The application was deemed complete on November 27, 2017. The proposed condominium plat memorializes density, size and configuration of proposed units and identifies areas of private and common ownership. See Exhibits H, I and J for existing conditions survey, aerial photo and SBWRD letter.

### Purpose of the RD Zone

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.

**Analysis**

The zoning for the plat is Residential Development (RD) subject to the VEP MPD and Empire Residences CUP. The proposal complies with LMC lot and site requirements of the RD Zoning District and the VEP MPD as described below.

	<b>RD Zoning District and/or VEP MPD</b>
<b>Lot Size</b>	No minimum lot size. Lot 3 is approximately 0.66 acres (28,750 square feet).
<b>Front yard setbacks</b>	Minimum 25 feet to front facing garage, 20 feet to building. Proposed front setback is 20' (garage is on side). <u>Complies.</u>
<b>Rear yard setbacks</b>	Minimum 15 feet rear setbacks. Proposed minimum rear setback is 15'. <u>Complies.</u>
<b>Side yard setbacks</b> Roof eaves are allowed to extend 3' into the side, rear and front setbacks. Shared driveway is permitted across the property line within the platted access easement per plat. Sidewalks that provide circulation within the Village are permitted as shown within platted access easements. Screened mechanical equipment may extend 5' into the side setback area.	Minimum 12 feet side setbacks. North side- proposed minimum setback is 12'. <b>(North side balconies have been re-designed to maintain a 12' setback).</b> South side- proposed minimum setback is 12'. The mechanical equipment has setback of 5' and is entirely below final grade and screened. <u>Complies.</u>
<b>Building Height</b> Per Village MPD: 25% of the building is permitted to reach 74' above existing grade (north end), 55% of the building to reach 82' above existing grade, and 20% of the building (south end) to reach 74' above existing grade.	Proposed building has 50% of the building at 82', 25% (north) is less than 74', and 25% (south) is less than 74'. The plat is consistent with the allowed building heights and the proposed Conditional Use Permit. <u>Complies.</u>
<b>Parking</b> The <u>Flagstaff Transit and Parking Management Plan</u> approved with the MPD requires a 25% reduction in parking from what would be normally required by the LMC and the Empire Pass HOA is required to provide shuttle service.	Per LMC, based on unit sizes, forty-two (42) spaces are required for the 21 units, one ADA and one EHU. With the 25% reduction, 32 spaces are required. The underground parking structure has 30 spaces (including 2 ADA). There are 3 surface spaces for total of 33 spaces. Each unit is assigned one space as limited common and the remaining spaces are common. <u>Complies.</u>



<p><b>Architectural Design</b> All construction is subject to Village at Empire Pass Design Review Board (DRB) approval and LMC Chapter 15-5 Architectural Design Guidelines with final review conducted at the time of the Building Permit.</p>	<p>The building as presented was reviewed by the Village at Empire Pass DRB including site and architectural design, materials and colors, articulation, volumetric, height allowances, and setbacks. A final approval letter was provided on October 20<sup>th</sup> (See Exhibit G). <u>Complies.</u></p>
<p><b>Residential Units</b></p>	<p>21 market rate units are proposed, ranging in area from 542 sf to 3,596 sf (total of 48,968 sf) (24.484 UE). Deed restricted unit is 880 sf. ADA unit is 436 sf. Total all residential is 50,284 sf. <u>Complies.</u></p>
<p><b>Commercial space</b></p>	<p>No commercial uses are proposed in this phase.</p>
<p><b>Residential Accessory uses (Guest amenities)</b></p>	<p>Common residential amenity areas are provided on level one, including locker rooms, fitness area, lounge/après ski area, and lobby areas for the use of the residents and guests. Total guest amenity area is approximately 4,500 sf.</p>
<p><b>Density Summary</b> Density is per Development Agreement and VEP MPD. Up to 21 units (49,000 square feet, utilizing 24.5 UE) was allocated to this lot by the Developer.</p> <p>Proposed market rate residential – 48,968 sf (24.48 UE). Gross building area is approximately 85,757 sf and includes all residential units, circulation and lobby, guest amenities, parking, mechanical, storage, manager office, housekeeping, etc.). All residential- 50,284 sf (58.64% of gross building area) Circulation/mechanical/vents/housekeeping - 18,029 sf (21%) Guest Amenities- 4,500 sf (5.25%) Parking/mech/storage in garage- 12,944 sf (15.1%)</p>	<p>The Mountain Village (Pods A, B1 and B2) was approved with a maximum of 785 UE (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 382 multi-family units (588.742 UE) have been platted and/or built within the Mountain Village, including One Empire Pass. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. One Empire Pass is under construction.</p> <p>There is sufficient remaining density for the proposal (see Exhibit K- Density Summary). Density summary includes One Empire Pass, all Belles units and all Nakoma units as the condominium plats for these projects are recorded. <u>Complies.</u></p>
<p><b>Affordable Housing</b> Approximately 540 UE certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 104 AUE affordable units are completed and have certificates of occupancy (89 AUE are off-mountain and 15 AUE are on-mountain).</p>	<p>The plat identifies one 880 sf deed restricted affordable unit, or EHU as they are called in Flagstaff, within the building consisting of 1.1 AUE. <u>Complies.</u></p>

The platted units include:

Unit #	Total Floor Area (sf)	Parking required
<b>Private Units</b>		
Unit 101	542	1
Unit 102	561	1
Unit 104	2521	2
Unit 201	2199	2
Unit 202	2357	2
Unit 203	2263	2
Unit 204	2585	2
Unit 301	2190	2
Unit 302	2357	2
Unit 303	2263	2
Unit 304	2585	2
Unit 401	2199	2
Unit 402	2357	2
Unit 403	2263	2
Unit 404	3596	2
Unit 501	2199	2
Unit 502	2357	2
Unit 503	2263	2
Unit 601	2993	2
Unit 602	3244	2
Unit 603	3074	2
21 Total Private Residential Units	48,968	40
Unit 103 (EHU)	880	1
Unit 100 (ADA)	436	1
Common residential/guest accessory amenity uses.	4,500	n/a
Common circulation, vents, mechanical, housekeeping closets, etc.	18,029	n/a
Parking garage area (includes storage, mechanical, in the garage)	12,944	n/a
Gross building area, including all residential, guest accessory, circulation, storage, mechanical, and parking garage.	85,757	n/a

The condominium plat identifies 21 private residential units totaling 48,968 sf, and 24.484 UE. The units range in area from 542 sf to 3596 sf with an average unit area of

2,331.8 sf.

One EHU is identified as private area. 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 rather than turn it over to the 21 members of the future HOA. This is consistent with the Grand Lodge, Flagstaff, One Empire Pass, and Arrowleaf Lodges. These projects maintain ownership of the EHU and lease to a manager of the property or to someone employed in the Empire Pass area. These EHU are occupied by a qualified employee. Shooting Star does not have an EHU in the building and the EHU at Silver Strike is designated as common. The Silver Strike unit is controlled by the HOA and is vacant. 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 required to be platted as Common Area.

An underground parking structure provides 30 parking spaces, including 2 ADA spaces, as well as limited common storage areas for each unit. Three surface spaces are provided at the drop off area in the front. Parking is identified as limited common and common, with one space assigned to each unit. Total building area is 85,757 sf.

Staff finds good cause for this condominium plat as it is consistent with density and uses identified in the approved Master Planned Development and proposed Empire Residences CUP. The condominium plat allows for the sale of individual units and provides one affordable housing unit on site.

### **Department Review**

This project has gone through an interdepartmental review. Issues brought up at that time, including utility easements and ownership designations have been added and/or revised. As conditioned, no further issues remain.

### **Notice**

On December 22, 2017, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and on the Utah Public Notice website on December 23, 2017.

### **Public Input**

Staff has not received public input on the condominium plat at the time of this report.

### **Alternatives**

- Planning Commission may forward a positive recommendation to City Council for the Empire Residences condominium plat as conditioned or amended, or
- Planning Commission may forward a negative recommendation to City Council for the Empire Residences condominium plat and direct staff to make Findings for this decision, or
- Planning Commission may continue the item to a date certain. If the Empire Residences CUP is not approved at this meeting then this condominium plat application should also be continued to a future date.



### **Significant Impacts**

There are no significant fiscal or environmental impacts that result from this application. Platting the condominium units allows individual units to be sold.

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

Individual units could not be sold.

### **Good Cause**

There is good cause for this condominium plat to memorialize the size and configuration of these units as approved by the Conditional Use Permit in order to describe the private, common and limited common areas.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Empire Residences Condominiums plat, for twenty-one market rate residential units, one ADA unit and one deed restricted EHU within one building, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### **Exhibits**

Ordinance

Exhibit A – Proposed plat

Exhibit B – Applicant's letter

Exhibit C – Village at Empire Pass North Subdivision and Ord. (approved, not recorded)

[Exhibit D – Village at Empire Pass Planned Development \(VEP MPD\) approval \(link\)](#)

[Exhibit E – Flagstaff Development Agreement \(link\)](#)

[Exhibit F – Technical reports \(link\)](#)

Exhibit G – Empire Pass Design Review Board letter

Exhibit H – Topographical Survey (existing conditions)

Exhibit I – Aerial photo

Exhibit J – SBWRD letter

Exhibit K – Density Summary

**Draft Ordinance No. 2018-XX**

**AN ORDINANCE APPROVING THE EMPIRE RESIDENCES CONDOMINIUM PLAT  
LOCATED AT 7695 VILLAGE WAY, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Empire Residences Condominiums, located at 7695 Village Way, petitioned the City Council for approval of the Empire Residences Condominiums plat; and

WHEREAS, on December 22, 2017, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on December 23, 2017, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 10, 2018, to receive input on the Empire Residences Condominium plat;

WHEREAS, the Planning Commission, on January 10, 2018, forwarded a recommendation to the City Council; and,

WHEREAS, the City Council on February 1, 2018, held a public hearing and took final action on the condominium plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Empire Residences Condominium plat consistent with the Village at Empire Pass Master Planned Development Agreement and the Empire Residences Conditional Use Permit.

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 Empire Residences Condominium plat 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 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.
2. 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.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (also known as the Mountain Village) was later amended to include Pod B2 (Montage and B2 East).

4. 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.
5. To date approximately 382 multi-family units (588.742 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built (including the One Empire Pass units currently under construction) within Pods A, B1 and B2.
6. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Building 5 is under construction as One Empire Pass. Lodge buildings still to be approved within Pod A are: Tower Residences (Building 1), Building 3 (subject property) and Building 4.
7. There is sufficient density remaining within the VE MPD for the proposed 21 units (24.5 UE).
8. Approximately 540 certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 104 affordable units are completed and have certificates of occupancy (89 units are off-mountain and 15 units are on-mountain).
9. As part of the Empire Residences CUP 1.1 AUE (880 sf) is required by the subdivision plat for this lot. The affordable unit consists of 880 sf (not including dedicated storage areas) and is designated as private area and can be sold as an affordable unit or used for long term rental to qualified workers consistent with the Flagstaff Housing Mitigation Plan and applicable housing resolutions.
10. On April 12, 2017, the Planning Department received an application for a Conditional Use Permit for a twenty-one (21) unit residential building to be located on Lot 3 of the Village at Empire Pass North Subdivision. The application was deemed complete on July 17, 2017 and is currently under review by the Planning Commission.
11. The Village at Empire Pass North Subdivision was approved by Council on June 15, 2017 and is currently under final review by the City as required prior to recordation.
12. The property is located at 7695 Village Way.
13. Access to the property is from Village Way, a private street.
14. Lot 3 consists of 28,750 square feet and is currently developed with a temporary sales building and small parking area.
15. The property is subject to subdivision plat notes that require compliance with the Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge 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, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
16. On November 21, 2017, the City received an application for the Empire Residences Condominium plat. The application was considered complete on November 27, 2017.
17. In December of 2016, a building permit for a temporary sales office building was issued for this site. Building permits for the condominiums cannot be issued until the



Conditional Use Permit is approved by the Planning Commission and the Subdivision plat is recorded.

18. The proposed condominium plat memorializes the density, size and configuration of units to be construction in one phase and identifies areas of private, common and limited common ownership.
19. The condominium plat identifies 21 private residential units totaling 48,968 sf, utilizing 24.484 UE. The units range in size from 542 sf to 3,596 sf with an average unit size of 2,331.8 sf. The 436 sf ADA unit is required to be identified as common area. The 880 sf EHU is identified as private area.
20. No commercial uses are proposed.
21. Based on the unit sizes, a minimum of 32 parking spaces are required when taking into consideration the 25% parking reduction required by the Flagstaff Development Agreement and MPD.
22. An underground parking structure provides 30 parking spaces, including 2 ADA spaces, as well as limited common storage areas for each unit. Three surface spaces are provided for a total of 33 parking spaces.
23. Each unit has one assigned limited common parking space and the remaining spaces are common.
24. The plat is consistent with the approved Village at Empire Pass Master Planned Development and the Empire Residences Conditional Use Permit in terms of density, height, uses, setbacks, and parking.
25. 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.
26. The condominium plat allows for the sale of individual units.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat 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 condominium plat.
4. Approval of the condominium 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 amended condominium 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 amended condominium 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 request for an extension is submitted in writing and approved by the City Council.
3. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD) and the Empire Residences Conditional Use Permit (CUP) apply to this plat and a note shall be added to the plat prior to recordation referencing that conditions

of approval of the Village at Empire Pass MPD, Village at Empire Pass North Subdivision, and the Empire Residences CUP continue to apply to this condominium plat.

4. All applicable recorded public utility and access easements shall be indicated on this condominium plat prior to recordation.
5. The Village at Empire Pass North Subdivision plat shall be recorded prior to issuance of building permits for the condominiums and prior to recordation of this condominium plat.
6. The deed restricted employee housing unit (EHU) shall be a minimum of 880 sf, exclusive of additional storage area to be dedicated to this unit, to meet the plat note requirement of 1.1 AUE for this lot. One AUE is equivalent to 800 sf according to the Development Agreement. The ADA unit shall be platted as common area.
7. A deed restriction for the EHU unit, acceptable to the City, shall be recorded prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns that may have come up on other affordable units platted as private. The plat shall note that the EHU is subject to a deed restriction.
8. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. 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. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
9. The ADA unit shall be platted as Common Area.

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

PASSED AND ADOPTED this \_\_\_\_ day of February, 2018.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Andy Beerman, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

**Exhibits**

Exhibit A – Condominium plat